

STATEMENT OF BARRY L. VALENTINE, ASSISTANT ADMINISTRATOR FOR POLICY, PLANNING, & INTERNATIONAL AVIATION, FEDERAL AVIATION ADMINISTRATION, BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, SUBCOMMITTEE ON AVIATION, CONCERNING COMMERCIAL AIR TOUR OPERATIONS OVER NATIONAL PARKS. JULY 27, 1994.

Mr. Chairman and Members of the Subcommittee:

I am pleased to have the opportunity to appear before you today to discuss the FAA's actions to reduce the impact of aircraft overflights, including those of commercial air tour operators, on our national parks.

As you know, this is an issue Secretary Peña cares deeply about. That is why he and Interior Secretary Babbitt have established an interagency working group whose mission is to work cooperatively to seek positive solutions to the problem. And I can assure you that we will settle on appropriate solutions, and act to adopt them. For too long, our respective agencies spent energy debating these issues--instead of using that energy to seek creative solutions. That's the spirit in which the working group was created. That's what reinventing government is about.

Before discussing the steps we are taking to address the overflights issue, let me take a moment to briefly describe the air tour industry in the United States. Air tour operators have been providing park visitors with aerial tours since 1926. Today, approximately 127 operators conduct tours over 25 of our most popular national parks. Another 60 air tour companies operate around the remainder of the country.

During the past ten years, the industry has experienced significant growth. Since 1985, the number of air tour operations conducted over the Grand Canyon has more than doubled. Other popular parks, such as Hawaii Volcanoes National Park and Glacier

National Park, have experienced a similar increase in air tour activity. The largest of these operators has approximately 30 aircraft that can seat up to 20 passengers. Most are smaller, however, with some operating just one aircraft. In addition to operators whose sole business is air tours, the industry includes fixed based operators and flight schools that offer sightseeing tours in their local communities.

The air tour industry is an important element of the economy in many areas of the United States, infusing hundreds of millions of dollars into communities. Last year, for example, Grand Canyon air tour operators alone generated well in excess of \$100,000,000 in revenues and employed approximately 1200 people. Despite its obvious positive economic benefit, the growth of the air tour industry has also caused legitimate concern about the impact of overflights on park resources and management.

And that's where our challenge lies--to recognize the interest of the air tour industry and its clientele while fulfilling a statutory responsibility to protect and preserve our Nation's parks. That is the mission of the working group established by Secretaries Peña and Babbitt. The working group consists of representatives from the Departments of the Interior and Transportation and the NPS and FAA. Secretaries Peña and Babbitt have clearly stated their interest in achieving appropriate, concrete results, and, as a member of that working group, I can assure you that we intend to produce those results. Together, the FAA and NPS will develop a foundation that will ensure a safe operating environment for air tour service, protect wildlife and other natural and cultural resources, and enhance the experience of park visitors.

The first major result of the group's efforts was a joint NPS/FAA Advance Notice of Proposed Rulemaking (ANPRM). I believe it is the first time in history that our agencies have issued a joint rulemaking announcement. In the ANPRM, NPS and FAA have

requested public comment on a range of options that could be employed to reduce the impact of overflights on the park system. By permitting all interested parties to comment on possible FAA actions at this early stage, we can better understand everyone's concerns and can create a framework that considers and balances everyone's needs. And, if I may, I would really like to emphasize that we have chosen this approach because we are seeking public participation. All parties had and will continue to have an opportunity to help shape our policy at every stage in the process.

We have outlined in the ANPRM several potential strategies/options that could be considered, either individually or in combination, to address the park overflights issue. They include: 1) voluntary measures, such as advisory circulars and interagency/industry agreements, that would recommend minimum altitudes and other operational procedures designed to mitigate noise impacts; 2) the Grand Canyon regulatory model that would provide for the extensive regulation of airspace, routes, and minimum altitudes; 3) flight-free times that would establish time periods when aircraft would be prohibited from flying over all or some portions of a park; 4) altitude restrictions that would specify a minimum altitude for flights over parks; 5) flight-free zones and flight corridors that would prohibit any aircraft from operating in a flight-free zone below 14,500 feet mean sea level and would create flight corridors where all air tour and general aviation operations would be conducted; 6) allocation of aircraft noise equivalencies and creation of a noise budget by assigning each air tour operator an individual limit on noise; and 7) incentives to encourage use of quiet aircraft, such as limiting the use of the most scenic flight corridors to those air tour operators who meet certain noise emission standards.

In addition to these specific regulatory proposals, the ANPRM also outlined a number of broad policy questions. Our intent in developing these questions was to engage the public in a broader debate on whether the overflight issues should continue to be handled on a

park-by-park regulatory basis, or whether a broader national policy is needed. Our intent was not--as some have suggested--to indicate that we are considering a ban on overflights of national parks. We are not considering such a ban. To date we have received approximately 2000 comments.

The FAA and the NPS are currently reviewing the comments received. For Grand Canyon National Park, we expect to have specific recommendations from the NPS by October, and we will be better able at that time to determine whether an amendment of the existing SFAR 50-2 is warranted. For Hawaii, the FAA has accelerated its current rulemaking activities. We will issue a Special Federal Aviation Regulation (SFAR) in August that will increase the safety of air tour operations in the State of Hawaii. We have also requested that all air tour operators in Hawaii immediately conduct a "stand down safety review" of their operational and maintenance practices, with a summary of this voluntary review to be provided the FAA by August 15. Further, on July 18, we began in depth inspections of the operations and maintenance practices of 50 percent of the Hawaii air tour operators, including all operators with any accident or serious incident history in the past 3 years. The remaining operators will also receive inspections, but in less depth. This review will be completed by September 30. In addition to the Grand Canyon and Hawaii projects, the FAA and the NPS will use the public comments in considering the need for a more general rulemaking project to address national park overflight issues at all other locations.

As you know, the NPS is currently preparing a report to Congress required by Public Law 100-91 that is a necessary tool for us to determine the actual impacts of aircraft noise on park resources and park visitors. The report will be based on a series of studies the NPS conducted to assess the impacts on park resources and park visitors in Grand Canyon, Haleakala, and Hawaii Volcanoes National Parks. The FAA and NPS can use the results of these studies, together with data from ongoing joint studies by the two agencies, to

develop additional assessment criteria. We can then, as appropriate, adopt the necessary regulations or administrative approaches consistent with those criteria. The criteria will also permit us to measure and monitor the results of our actions. The results from the study, in conjunction with comments and input obtained from the ANPRM, will provide the basis for reasoned, constructive, and fair solutions for reducing impacts over national parks.

With respect to pending legislation, it is the Administration's view that we should be afforded the opportunity within the Administration to address these challenging issues through established administrative processes. I think we have demonstrated an ability and desire to do so. Legislative action at this time would not only be premature, but could result in Congress mandating actions that FAA and NPS ultimately find to be unsafe, inappropriate, or ineffective solutions. We believe that we have all of the legislative authority necessary to address this issue, and for that reason, do not support any of the pending legislative proposals. However, we welcome the continued interest and oversight of the Congress and this Subcommittee.

In closing, Mr. Chairman, I can assure you that this cooperative interagency process has top level support within the Administration. We are committed to achieving balanced results that are good for aviation and good for our parks. I have every confidence that our efforts will be successful. We look forward to working with the Subcommittee on this important issue.

That completes my prepared statement, Mr. Chairman. I would be pleased to answer any questions you may have at this time.