

STATEMENT OF LOUISE E. MAILLETT, ACTING ASSISTANT ADMINISTRATOR FOR POLICY, PLANNING, AND INTERNATIONAL AVIATION, FEDERAL AVIATION ADMINISTRATION, BEFORE THE SENATE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION, CONCERNING NATIONAL PARKS OVERFLIGHTS. JULY 31, 1997.

Mr. Chairman and Members of the Committee:

It is a pleasure to appear before you today to discuss the Federal Aviation Administration's commitment and continuing efforts to promulgate a national parks overflights rule and also to address Chairman McCain's bill, S. 268, the "National Parks Overflights Act of 1997." I would like to express our appreciation for your continued leadership concerning National Park overflights and support for our efforts to date.

This Administration has committed significant time and effort to addressing the complex issues before us. There are numerous groups with much at stake that are affected by rules concerning overflights. Many park visitors and those charged with preservation of park resources are disturbed by air traffic over park lands. Those who provide access to park resources from the air, and have done so for years, believe that they have a legitimate stake in continuing their operations, while offering a unique and unparalleled way to view the parks. And, in the case of western parks especially, Native Americans often have a direct stake in the impact that flights can have over park land or when diverted to adjacent areas. In fact, anyone who values the unique and substantial National Park system has a valid interest in an appropriate balancing of the interests that arise with park overflights.

We are fortunate in several factors that have developed over the last decade. First there has been the Chairman's continued attention and commitment to this issue, as reflected in the legislation you sponsored in 1987-- the National Parks Overflights Act of 1987. Your focus on Grand Canyon National Park and other national parks has brought the issues to maturity.

Second, the President has played a direct role in ensuring timely and comprehensive action. On Earth Day last year (April 22, 1996), the President issued a Memorandum for the Heads of Executive Departments and Agencies directing the continuation and completion of rules for the GCNP, the Rocky Mountain National Park, and other national park overflight issues, including the development of a national parks overflights rule.

Third, and also highly significant, has been the strong new partnership that has developed during this Administration between the FAA and the National Park Service (NPS). The FAA is charged with the efficient and safe management of the nation's airspace, while the Park Service is charged with preserving the environment of our National Parks. These two agencies have worked together to develop airspace plans for several national parks and monuments such as Grand Canyon National Park, Rocky Mountain National Park, and the Statute of Liberty. These efforts have laid the foundation on which we can build a process for addressing other national parks and monuments. I would like to briefly summarize some of the steps we have taken and our most recent efforts now underway.

In 1993, Secretary of Interior Babbitt and then Secretary of Transportation

Peña established an interagency working group to work and resolve the many difficult issues involved in protecting our National Park resources. The interagency working group remains very active today in addressing and resolving GCNP and national parks overflight issues. Based on the work of the interagency group and following direction of the President's April 1996 Memorandum, the FAA published three documents on December 31 that we believe will make major progress toward accomplishing the goal of reducing aviation noise in the GCNP.

The three documents are part of an overall strategy to reduce further the impact of aircraft noise on the park environment and to assist the NPS in achieving substantial restoration of natural quiet in the GCNP. The first consists of a final rule changing special flight rules over GCNP and includes procedures for establishing an overall cap on the number of aircraft involved in park overflights, as well as a curfew on operations. It's in the early stages of implementation but will, we are sure, have a significant effect.

The second document contains proposals for new air tour route structures, a particularly complex subject that has brought to light the conflicting interests of the parties. In addition, the FAA is advocating special precautions to ensure that the new route structures fully protect aviation safety and to assure ample opportunity for achieving training and proficiency before final implementation.

The third rule proposes noise limitations for aircraft operations, and constitutes a long-term solution. It provides for the wide use of quieter air craft and expansion of use of quiet aircraft technology, which is an approach we know

you strongly advocate. The notice proposes to establish additional noise limitations to further reduce the impact of aircraft noise on the park. Noise reduction would be achieved by using a combination of requirements that would limit future use of noisier aircraft and provide incentives for the use of quieter aircraft. For example, if an air tour operator invests in a new Category C aircraft, which is the quietest aircraft available, that operator would not be subject to a cap on operations, thereby rewarding the air tour operator for making the investment in quiet technology.

Mr. Chairman, this brings us to our current initiative with the Park Service to address National Parks nation-wide. We are attempting and, at this point, I would say we are succeeding, in extending the "partnership" approach on rulemaking to the affected parties. On May 19, Secretary Rodney Slater and Secretary of the Interior Bruce Babbitt announced the creation of a National Parks Overflights Working Group to recommend the structure of a proposed rule to ensure the preservation of the natural quiet in our nation's parks.

In announcing the nine member national working group, Secretary Slater stated that he was confident that "the working group will produce a rulemaking document in a fair and reasonable manner that strikes a balance for all entities involved -- the national park system, air tour operators and visitors to our national parks." The national group is specifically tasked to "define the process to reduce or prevent the adverse effects of commercial sightseeing flights over units of the national park system. Factors for consideration in the process may include voluntary, negotiated solutions and an appeal process."

The national working group is composed of nine members representing a balance of air tour operators, both fixed and rotary wing; general aviation users, other commercial aviation interests, national tour associations; environmental groups; and Native Americans. The group has 100 days from its initial meeting to develop a recommended Notice of Proposed Rulemaking (NPRM) that would define a process for reducing or preventing the adverse effects of commercial air tour operations over units of the National Park system.

To date, the working group has held three meetings, May 20-21; June 11-13; and

July 8-9. An August meeting is scheduled to be held in Denver next week. The group will make its recommendations to the FAA's Aviation Rulemaking Advisory Committee (ARAC) and the NPS Advisory Board in September. The ARAC and NPS Advisory Board will review the working group recommendations and report to the FAA and NPS. The final report of the working group will be made available to the public when it is reported to the ARAC and the Advisory Board. We also envision public meetings to be held following publication of the NPRM in the Federal Register.

Mr. Chairman, we believe that the National Park Overflights Working Group captures both the spirit and intent of your bill--S. 268, as well as Senator Akaka's bill--S. 291, which calls for sufficient opportunity for public comment by air tour operators, environmental organizations and other concerned parties in the development of airspace management plans. Therefore, we agree with the National Park Service that any action on S. 268 or S. 291 should await the outcome of the working group process now underway.

When you introduced your bill in February, you stated that you intended to begin a dialogue on how we can best promote safety and quiet in our National Parks and that

S. 268 was a starting point toward meeting this goal. You also stated that you expected the Administration to meet with interested groups and affected communities before implementing any regulations so that difficult and important issues could be thoroughly considered and addressed to ensure that any actions taken are appropriate and necessary. Mr. Chairman, you could not have been more correct. We only have to look at the current litigation over the Grand Canyon rules, in which seemingly each group is pitted against the other and all three against the government, to see how critical consensus is when dealing with this difficult issue.

We believe that the national working group is building just that consensus. The partnership approach developed by Secretaries Slater and Babbitt is the most promising and rational approach for dealing with this issue. While it would be premature to speculate on what the working group's final recommendation will be, we do fully expect that the proposal should be process oriented and applicable to any unit of the National Park system where commercial sightseeing air tour operations are identified as having or potentially having adverse effects on park resources or the visitor experience. In addition, the proposal should provide for appropriate public participation at the park level in the process.

We believe that together the National Park Service (NPS) and the Federal Aviation Administration are well on the way to achieving a national overflights

rule which will continue to provide access by air while maintaining the beauty and unique experience that national parks afford. In doing so, we are relying upon the lessons learned and our shared experiences resulting in a final rule for the GCNP. It remains our policy in managing the navigable airspace over these natural treasures to exercise leadership in achieving an appropriate balance between efficiency, technological practicability, and environmental concerns, while maintaining the highest level of safety.

This completes my prepared statement Mr. Chairman, and I would be pleased to respond to any questions you and members of the committee may have at this time.