

Testimony of

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**on behalf of
united states air tour association**

**Committee on Commerce, Science &
Transportation
United States Senate**

Honorable john d. rockefeller, chairman

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Mr. Chairman and members of the Committee, I am Alan R. Stephen, vice president of Grand Canyon Airlines, an air tour operator at Grand Canyon National park. I also serve as chief executive officer of Twin Otter International, Las Vegas, NV, a leasing company that produces deHavilland Twin Otter aircraft in "Vistaliner" configuration used widely for aerial sightseeing, particularly at Grand Canyon. The Vistaliner employs quiet aircraft technology that we developed in making the Vistaliner among the quietest air tour aircraft flying today.

This hearing seeks testimony on the current rules and restrictions governing overflight of national parks and public lands. I would like to address that by speaking specifically first to the status of the rules at Grand Canyon and what impact these rules have had on the air tour business. Then I will address our thoughts on the process that is in place to manage air tours over national parks nationwide.

Grand Canyon Overflight Regulations

I have spent the better part of the past two decades seeking to preserve a meaningful air tour experience at Grand Canyon while I have staunchly advocated air tour regulations that reasonably protect Grand Canyon ground visitors from aircraft sounds. It is in that context I speak today in total frustration about how our government has long ago lost its way in developing fair air tour management rules.

I first became involved in Grand Canyon overflight issues in the mid-1980's. There was no special use airspace designated then by which air tour operators were regulated. Therefore individual operators were free to fly whatever routes at whatever altitudes they desired regardless of how those routes impacted sensitive visitor rim, trail, and river activities and the historical and cultural sites within and around Grand Canyon. The debate between the Park Service, environmental and native-American interests and

the air tour industry on how to deal with overflights at the time was heated, unfocused and unending. That controversy was not good for air tour business because we were not perceived as good neighbors yet many in our industry felt that the flight restrictions that were being proposed would soon put them out of business.

Despite that debate, some of us in the air tour business recognized that something had to be done. The companies with whom I am associated were the first in the industry to seek creation of a special use airspace over Grand Canyon. We recognized that it was necessary for air safety reasons to restrict the number of, and to provide for, separate routes for fixed wing and helicopter operators, and to establish minimum operating altitudes and aircraft position reporting protocols. Importantly we felt that all air tours over Grand Canyon had to be regulated under the commercial aviation rules of Part 135 so operators would comply with commercial aviation standards for flight crew qualification and training. Under Part 135 and its power to bring certificate action, FAA could also enforce strict compliance with the Grand Canyon overflight regulations.

Our companies recognized that there needed to be finality in the debate over aircraft sound impact. We actively supported the passage of legislation that had as its objective substantial restoration of natural quiet and visitor experience at Grand Canyon. I so testified before this Senate Committee then and it became law as the National Parks Overflights Act of 1987.

The resulting air tour regulations at Grand Canyon are known today as special use airspace, "SFAR 50-2." This rule has resulted in air tours being conducted for the past decade and a half in a safe and efficient manner for the confidence of the flying public. The route restrictions and establishment of flight-free zones have resulted in a stunning decline in visitor complaints over aircraft sound, from over 1,000 annually to about two dozen per year and that decline in noise complaints comes even as park visitation has doubled

from 2.5 to about 5 million persons annually. Vast stretches of Grand Canyon are free today from air tour overflight and for the vast majority of Grand Canyon National Park visitors, air tour aircraft are inaudible.

Unfortunately, that result has not satisfied the critics of air tours at Grand Canyon and debate over “substantial restoration” and “natural quiet” has

raged on. Over the years there have been numerous public hearings, congressional inquiries, sound studies, policy determinations and rulemakings and I have participated actively in virtually all of them. Unfortunately these actions have resulted in ever more severe and I believe largely unwarranted air tour flight restrictions. Let me cite a few examples:

- The most popular air tour route, Las Vegas to the Grand Canyon-South Rim, has been eliminated affecting 400,000 air tour passengers annually.
- Curfews have been imposed on South Rim-originating air tours that are neither tied to the hours of sunrise and sunset or dates for observing daylight savings; meanwhile motorized raft trips are free to operate during periods of the day air tours cannot.
- NPS would have the North Rim of Grand Canyon off-limits to air tours even though the North Rim is closed to ground visitors seven months per year because it is impassible due to snow.
- Caps on operations have been imposed unrelated to historical levels of activity leaving my company, Grand Canyon Airlines, limited to less than half the number of air tour flights than it conducted a decade earlier and despite our use of quiet aircraft.

Quiet aircraft technology to us has always been a key in permitting quality air tours over Grand Canyon to continue, while reducing air tour aircraft audibility to an acceptable level for most ground visitors. Quiet aircraft technology does not render any aircraft absolutely quiet and some of our critics are fond of saying so in opposition to quiet aircraft incentives. Yet, the flaw in such thinking is that the whole air tour regulatory scheme at Grand Canyon since 1987 has been that air tour restrictions have been applied without regard to how noisy or how quiet any particular air tour aircraft may be.

We were particularly pleased...and hopeful...when this Senate Committee initiated legislation in 1999 to require NPS and FAA to define quiet aircraft and provide meaningful incentives for air tour operators of conventional aircraft to retrofit them with quiet aircraft technology. I am sure you are as acutely aware, as we are, that two and one half years after the President signed that legislation into law, all we have to show for quiet aircraft technology is a report to Congress from FAA that it cannot comply with your directive.

This continuing debate over substantial restoration of natural quiet at Grand Canyon rages because each time the National Park Service sets out its definition, NPS inevitably changes that definition to ever lower thresholds of air tour sound detection. Even now, the noise modeling used by NPS at Grand Canyon has not been validated (by NPS's own admission in the Federal Register Notice that established minus 8 dB below ambient for measuring natural quiet) nor are the regulations for air tour restrictions final. Instead the latest round of flight restrictions we have fought so hard over these past four years would be only interim measures until a final “Comprehensive Noise Management Plan” for Grand Canyon is developed. I am no expert in the science of sound. As a layman I suspect that as long as our aircraft are audible, no matter how quiet and far removed from the sites ground visitors frequent at Grand Canyon, we will NEVER satisfy the National Park Service and our environmental critics until air tours are eliminated entirely at Grand Canyon.

This is particularly troubling to me because I remember my discussions with Senate and House committee chairs, Senator Dale Bumpers and Representative Bruce Vento regarding passage of the National Parks Overflight Act. I was assured that the legislation in no way was intended to put air tour operators at Grand Canyon out of business but that Congress had serious concerns over air tour flight safety and air tour aircraft sound it wanted FAA and NPS to address. Those problems were largely resolved by SFAR 50-2. Thus, its time to bring this matter to an end by adopting a set of reasonable and final air regulations based on real-world measurement of air tour aircraft sound and incentives for air tour operators to employ only

quiet aircraft.

National Parks Overflight Management

President Clinton in 1996 signed an Executive Order directing the Departments of Interior and Transportation to develop a framework for regulating air tour activity over national parks nationwide. Wisely, these agencies recognized that the best chance for enacting such rules in a timely manner was to bring NPS and FAA together with aviation, environmental and native-American interests in developing such national air tour regulations. Thus the National Parks Overflight Working Group (NPOWG) was commissioned and I am proud that I was asked to serve as a member of that federal advisory committee.

NPOWG worked because we all had a stake in the outcome of that process. Aviation members proposed that air tours nationwide be regulated using the Grand Canyon model: that air tours would be flown under FAA Part 135 rules and Operations Specifications that would prescribe tour routes, altitudes, and frequencies. Environmental and native-American interests brought to the table expertise regarding the mandate of the NPS to preserve and protect national park resources and sensitive historical and cultural sites within or adjacent to our national Parks. We all recognized that air tour regulation had to be developed in accordance with the National Environmental Protection Act (NEPA). We argued, but resolved, the matter of lead authority and cooperating authority of the Federal Agencies and what objectives were to be achieved in regulating national park air tours. Our sessions were fractious, but productive. We finally agreed that air tours over National Parks should be permitted, but not in all circumstances, and that air tours should be conducted in accordance with the reasons our national parks were established; to protect for future generations unimpaired their unique resources whether geological, biological, historical or cultural.

The product of NPOWG, the “Air Tour Management Plan” (ATMP) process was not perfect, but we felt it was workable. We recommended that it become a matter of federal law and that the same interests, aviation, environmental and native-American, continue to have an advisory role in its implementation. Once again, this Senate Committee led the way in introducing that legislation and it too was signed into law two and one half years ago in the same legislation that provided for revitalizing our aviation infrastructure and directed FAA to adopt quiet aircraft incentives at Grand Canyon. Like we have proposed for so long as a solution in mitigating air tour sounds at Grand Canyon, NPOWG adopted strong language in support of quiet aircraft incentives as good public policy.

Unfortunately, the Air Tour Management Plan process has yet to be implemented at any national park and we await publication of the final rules that will define what types of operations over National Parks will come under it. FAA and NPS have established the advisory group as Congress directed, the National Park Overflight Advisory Group (NPOAG), of which I am a member. In fact, I am leaving here immediately today to return to Grand Canyon to attend the second meeting of NPOAG being held tomorrow at which time I expect to learn what progress FAA and NPS have made in implementing the ATMP process.

Throughout the nearly two decades I have spent representing the air tour industry, I have always felt that aerial sightseeing was an environmentally sensitive and appropriate manner for national park visitation. Air touring permits visitors to appreciate the unique reasons our national parks have been established by seeing often remote and/or inaccessible sites and features. Air tours are consistent with the NPS mandate to protect and preserve park resources impaired for future generations since air tour passengers impose no long lasting impact on, or demand for, park resources. Air tourists require no roads or trails, campsites or sanitation services, leave no garbage, pick no flowers and take no souvenirs. Although aircraft sound is the sole short-coming of air visitation, air tour sound is temporary and can be mitigated by choosing appropriate routes and altitudes so any associated sound impact is brief, if not virtually inaudible, for the vast majority of park ground visitors.

That said, I recognize that there are times and places where air touring may not always be appropriate over

national parks and public lands. I will continue to represent our industry's interests but with a keen appreciation for the concerns of others over how air tours can have adversely affects if not regulated properly. You have my word that I will continue to be committed to seeing through those objectives for Grand Canyon and as we apply the ATMP process to other national park locations.

Thank you for your interest in our testimony. I am pleased to answer any questions you may have.