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Superintendent
Grand Canyon National Park
Attention: Office of Planning and Compliance
P.O. Box 129,
Grand Canyon, Arizona 86023

Dear Superintendent,

Grand Canyon River Guides, Inc., (GCRG) founded in 1988, is unique in that it provides a unified voice for river guides and river runners in defense of the Colorado River corridor through Grand Canyon. Our non-profit educational and environmental 501(c)(3) organization is comprised of over 1,700 individuals who are passionately dedicated to the continuing preservation of this national icon. Consequently, Grand Canyon River Guides' goals are to:

Protect the Grand Canyon,
Set the highest standards for the river profession,
Celebrate the unique spirit of the river community and
Provide the best possible river experience

GCRG's early involvement with the Grand Canyon overflights issue demonstrates our great measure of concern about an industry that continued to expand exponentially despite the Overflights Act of 1987, President Clinton's 1996 Earth Day mandate, and frequent legal challenges. In her 1995 testimony at a FAA Public Hearing, past GCRG president Jeri Ledbetter crystallized the critical importance of a resource at risk – natural quiet, the absence of manmade sound:

“In a world that is so oppressed by the clamor of technology, there are few sanctuaries. Only a tiny fraction of the earth’s surface is set aside for wilderness values. Those small remnants of wilderness, although protected on the ground, are increasingly subjected to an onslaught of mechanized sound from the air. Areas free from manmade noise are truly our most endangered habitats.”

The National Park Service codifies this sentiment in the following sections of the 2006 NPS Management Policies:

Section 4.9 “The Service will restore to the natural condition wherever possible those park soundscapes that have become degraded by unnatural sounds (noise), and will protect natural soundscapes from unacceptable impacts.”

Section 8.4 “Although there are many legitimate aviation uses, overflights can adversely affect park resources and values and interfere with visitor enjoyment. The Service will take all necessary steps to avoid or mitigate unacceptable impacts from aircraft overflights.”

These policies also make it abundantly clear that the importance of natural soundscapes is deemed as critical as all other natural values and therefore worthy of equal protection. Use levels, access, and impacts are all carefully examined in light of the of the Park’s conservation mandate where resource protection must remain the top priority. It is now time for the conservation mandate to be strictly applied to the “onslaught of mechanized sound from the air.”

Grand Canyon River Guides views the proliferation of overflights as a primary example of a mode of access that negatively impacts the experience of other visitors as well the environment itself. Our members experience this firsthand as they boat and hike the canyon, exploring the majesty of this crown jewel of the national park system.

In order to protect and preserve the physical and social resources in Grand Canyon National Park, virtually all forms of visitation and commercial activities are carefully regulated: from river trips, to backcountry hiking, to mule rides, and even hotel rooms. It is now time for the commercial air tour industry to be similarly scrutinized and constrained. As expressed by the United States Court of Appeals for the District of Columbia Circuit in the 2002 lawsuit (United States Air Tour Association v. FAA, with Grand Canyon Trust, Intervenor), *“Limiting the number of visitors at a given time in a national park is a standard measure used to protect park resources, see Limitations Rule, 65 Fed. Reg. at 17,716, and its application to the resource of ‘natural quiet’ is not unreasonable.”*

With the current air tour allocation of over 93,000 flights (not including non-tour or commercial jet traffic), Grand Canyon River Guides' overriding concern centers on the degradation of natural quiet as a profoundly important Park resource.

Furthermore, we contend that natural quiet, which is so rare in our daily lives, is also a *prime value* which has essentially vanished in the heart of Grand Canyon National Park, necessitating definitive action for its restoration.

In light of these grave concerns, Grand Canyon River Guides offers the following comments on the Draft Environmental Impact Statement for the Special Flight Rules Area in the vicinity of Grand Canyon National Park:

Set the bar high

The Preferred Alternative is only a slight improvement over the status quo and does not go far enough to protect and substantially restore natural quiet. Alternative E is actually the strongest environmental choice and the quietest option, substantially restoring natural quiet in 84% of Grand Canyon National Park during Alternative E's peak season and 86% in Alternative E's off-peak season, per the Ten Year Forecast – a “major beneficial change” from current conditions as indicated in the Impacts Determination Comparison in the DEIS (Chapter 2, Table 2.7). This is in direct comparison to the Ten Year Forecast for the Preferred Alternative which indicates figures of 67% peak and 77% off-peak, only a moderate beneficial change from Alternative A (the no action alternative).

Alternative E also has the least adverse impact of all of the alternatives (including the Preferred Alternative) on soundscape, wildlife, and ethnographic resources (DEIS, Chapter 2, Page 56, Table 2.5).

GCRG contends that it is the responsibility and prerogative of Grand Canyon National Park to *set the bar high*, because there will always be strong forces working to erode that protection.

Reduce the number of air tours

The Overflights Act of 1987 (Public Law 100-91) was passed by Congress because the number of flights in 1986 was deemed inappropriate. The Overflights Act, Section 3(a) specifically warns that “*noise associated with aircraft overflights at the Grand Canyon National Park is causing a significant adverse effect on the natural quiet and experience of the park....*”

Yet, that number of flights *more than doubled* in the ensuing ten years and now accounts for approximately one quarter of all air tours nationwide. Going back even further, Section 8 of the 1975 Grand Canyon Enlargement Act (Public Law 93-620) acknowledged the impacts of aircraft and helicopter activity and included the first legal use of the phrase “natural quiet.” Public Law 93-620 also established that where aviation

impacts occur, natural quiet should be protected *as both a resource and a value* of the park.

GCRG finds it simply unacceptable that this DEIS dismisses from further consideration the reduction of overflight numbers to pre-1987 levels with the excuse that “*the NPS and FAA could not provide sufficient data to quantify number of flights and flight types prior to 1987.*” (DEIS Chapter 2, page 49, lines 27-30).

Per the NPS website, “*Tour overflights in the Grand Canyon increased from 40,000 in 1987 (Kanamine 1997) to approximately 55,000 in 2005 (Elrod and Joly 2006)*” (<http://www.nature.nps.gov/parkscience/index.cfm?ArticleID=349>).

Additionally, those 1987 air tour numbers are corroborated in the following Federal Register article which states: “*In response to the operator’s economic concerns, Senator McCain reminded them that they had unanimously opposed his bill, which became 100, in 1987, claiming that it would put the entire industry out of business. Instead, he noted, the number of air tour overflights of Grand Canyon had increased from approximately 40,000 per annum in 1987 to the 95,000 reported by the Arizona Republic newspaper during the 12-month period which ended in September 30, 1996.*” (<http://www.federalregister.gov/articles/1996/12/31/96-33146/special-flight-rules-in-the-vicinity-of-grand-canyon-national-park>)

Alternatives E and F show the same annual allocation of 93,971 air tour flights as the status quo (Alternative A, the “No-Action Alternative”). Only the NPS Preferred Alternative reduces this number to 65,000 which is still substantially higher than the 1987 level (and 8,000 more flights above what was reported by air tour operators, per the NPS Press Release regarding this DEIS). *If the NPS and the FAA cannot provide sufficient data to quantify the number of flights prior to 1987, it certainly seems logical that annual allocation of air tour and air-tour related flights should be reduced to LESS THAN 40,000 per year which is the level that prompted Congressional concern and action.*

Therefore, Grand Canyon River Guides insists that restoration should proceed from the point that pre-dates where Congress first indicated there was a problem and should not be based on an assumption that current air tour numbers (or even 1987 levels of 40,000 overflights) are remotely acceptable.

Reliable data & fee collection procedures are needed

The commercial river concessioners pay fees and have very stringent recording and reporting requirements with stiff penalties for non-compliance. Accordingly, GCRG would like the NPS to address the reticence of the air tour operators to fully report their air tour numbers, which are the basis of the fees that they pay to the NPS. Per a 2009 article in the Arizona Daily Sun, “*There were about 56,000 air tours over the Grand Canyon reported to the FAA last year, and almost 94,000 that would have been allowed if*

all the trips had been sold. But the Park Service—which collects fees on these flights—received reports of only 43,000 flights, according to the data it compiled. That gap has existed for a few years, suggesting a practice of underreporting of air tour flights and not paying fees on them, according to the Park Service.” (http://www.azdailysun.com/news/article_747cce73-5690-5284-b9b5-695f40121a0c.html)

Why is there a discrepancy between flight numbers as they are reported to the FAA and to the NPS? Why is it so difficult to get flight number information and compare apples to apples? If numbers and reporting methodologies are not clear to the NPS, then they are certainly not clear to the public at large, which is an untenable situation that must not continue. **Therefore, GCRG believes that the NPS must be able to demand and receive accurate flight numbers from all air tour operators and receive all the fees that they are owed.**

Adjust seasonal route closing dates

Please address the following inconsistency between the corridor use dates for the Zuni and Dragon Corridors as they are presented in the Preferred Alternative and Alternative E:

Zuni Corridor use dates: November 1 to April 30 (Preferred Alternative)

Zuni Corridor use dates: July 1 to September 15 (Alternative E)

Dragon Corridor use dates: May 1 to October 31 (Preferred Alternative)

Dragon Corridor use dates: September 16 to June 30 (Alternative E)

GCRG believes that:

- 1) The special North Rim sites like the iconic Point Sublime should be quiet when they are more easily accessible in the warmer spring/summer/fall season, and
- 2) The East end areas like the Tanner and Beamer Trails should be quiet in the winter when they are best hiked.
- 3) Ultimately, the “respite seasons” should match the seasonal use patterns of backcountry visitation.

Quiet technology

One hundred percent of aircraft (both fixed wing and helicopters) should be required to transition to the best available “quiet technology” within a firm, yet reasonable timeframe. Although quiet technology does not greatly reduce decibel levels (i.e. quiet technology is not really quiet, just a bit less noisy), it is a useful tool in aviation noise reduction and one that should be *mandatory*. The July 2009 report of the FAA/NPS Quiet Technology Team concluded that “even a small change to operations or fleet can alter noise” (such as Percent Time Audible or the Average Sound Level).

GCRG also contends that the definition of Quiet Technology aircraft should be redefined and strengthened so that it leads to *truly quieter aircraft*. In the Code of Federal Regulations (14 CFR Part 93) the classification of quiet technology is based on a formula that takes into consideration the noise certification level and the number of seats. **Measuring noise per seat simply encourages larger and potentially noisier aircraft.**

GCRG further suggests that this QT standard should apply not just to air tours, but also to the approximately 1,400 annual river-related flights used for the Whitmore exchanges allowed by the 1987 Overflights Act. Air tour operators in Haleakala National Park and Hawaii Volcanoes National Park for example, are currently using helicopters that are 50% quieter while just cruising in the air, compared with other helicopters at the same cruising speed. The point should be made that the “best available quiet technology” is continually evolving as new technology becomes commercially available.

However, we stress that transitioning to quiet technology should not allow air tours to increase under the assumption that if it’s quieter, it’s somehow acceptable and we can have more of it. An air tour industry website discusses the money air tour companies have invested in the quiet technology aircraft in use today and states: “It’s money well spent, unless new rules are implemented that effectively punish the air tour operators by restricting the number of flights over the Grand Canyon even further.”

(<http://experiencethecanyon.com/post/4830038379/what-does-quiet-technology-mean-industry-wide>)

In contrast, fourteen years ago the Grand Canyon river outfitter concessioners voluntarily transitioned from the two stroke engines that had been used in the canyon for decades to the newly available four-stroke engines. Their significant investment in this low emission and low noise alternative stemmed from their desire to protect Grand Canyon and the quality of the visitor experience. The river outfitters continue to pursue environmentally friendly business practices today through their Alternative Motorboat Project. Program goals include “...the development and implementation of proven, environmentally-sensitive non-fossil fuel based motorboat propulsion systems with low noise and low or zero emission operating characteristics suitable for sustained commercial river operations.” (www.gcroa.org)

Grand Canyon River Guides contends that the use of the best available quiet technology by the air tour industry is *not* a punishment. Rather, it should be considered the cost of doing business in Grand Canyon, and a strict requirement integral to *operating responsibly* in one of the natural wonders of the world. In keeping with the Park’s conservation mandate, the Final EIS should reflect this ethic.

Expand the list of interrelated plans

Clearly the revision of Grand Canyon National Park's Backcountry Management Plan currently undergoing public scoping, should be included in the "Relationship with Other Rules, Plans, or Documents" section of this DEIS (see Chapter 1/Introduction, pages 12-13). The protection of the Grand Canyon backcountry, the preservation of its wilderness resources, and the quality of the visitor experience in the backcountry are intimately tied to the overflights issue. Both plans should fully reference, inform, and relate to one other.

Revise DEIS objectives

NPS objectives for this plan include Objective #9: *Maintain an economically viable and safe air tour industry* (DEIS, Chapter 1, page 3, line 45). GCRG would like to point out that in the Colorado River Management Plan (CRMP) the NPS did not include a similar objective vis à vis the Grand Canyon commercial river outfitters. Instead, the CRMP's management objective for the "socioeconomic environment" was to *"provide a diverse range of recreational opportunities while minimizing the impacts of actions to resources, user groups and park neighbors"* (DEIS of the CRMP, Chapter 1, Page 13). Furthermore, it is the responsibility of the FAA to ensure a safe air tour industry, and NPS Objective #2 addresses safety adequately for the purpose of this DEIS. We suggest changing Objective #9 to something that captures the sentiment of that expressed in the CRMP.

Curfews

Early morning and early evening curfews are crucial to the ability of river and backcountry visitors to experience the awe-inspiring stillness of a Grand Canyon morning or the magnificent quiet of the early evening hours. Alternative E ensures a far superior visitor experience for river runners and backcountry users alike at these important times of day (150 minutes of quiet time after sunrise and 100 minutes of quiet time before sunset, compared to only 60 minutes quiet time at the beginning and end of the day offered by the Preferred Alternative). We also support the 60 minute mid-day curfew mentioned in Alternative E (DEIS, Chapter 2, Page 38, line 14).

Close Marble Canyon to air tours

As GCRG has previously expressed, *"the first two or three days of a river trip through Marble Canyon are essential to establish that sense of solitude as visitors experience the immensity and grandeur of the canyon for the first time."* (Correspondence from Lynn Hamilton to Superintendent Steve Martin, August 11, 2009). **Alternative E makes this beneficial change which we support.**

Blue Routes

We support the changes to the Blue Routes as shown in Alternative E. It makes sense that transportation flights should be routed outside the park. These are not air tours.

Flight Ceilings

GCRG appreciates that the flight-free zone ceilings were raised to 17,999 feet in both the NPS Preferred Alternative and Alternative E.

In closing, we question the goal of achieving “balance” that this DEIS and the Preferred Alternative in particular seem to espouse, namely the assertion that: *“The NPS Preferred Alternative represents the Environmentally Preferred Alternative because it provides the best balance between resource protection and a wide range of beneficial uses...”* (DEIS, Executive Summary, page v, lines 35-36). When the National Park Service was revising their NPS Management Policies in 2006, the NPS resisted the fundamental philosophical shift of the Draft plan which would have attempted to balance conservation and public use as equally held management goals. Ultimately, *the NPS rejected the concept of balancing those goals and retained their firm conservation mandate* in keeping with the legal foundation of the Organic Act and subsequent court decisions. The current language reads,

*“Congress, recognizing that the enjoyment by future generations of the national parks can be ensured only if the superb quality of park resources and values is left unimpaired, has provided that **when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant.** This is how courts have consistently interpreted the Organic Act.”* (emphasis ours) (NPS Management Policies, 2006, Section 1.4.3)

Certainly, the overflights issue in Grand Canyon epitomizes that conflict. This battle has been waging for far too long – legal challenges, riders on congressional bills, and stalling tactics have been standard fare over the last twenty years while the air tour industry has continued to expand relatively unchecked in the interim. At long last, we have the opportunity to make meaningful progress with this issue through this Environmental Impact Statement and NEPA process.

Both the FAA and the National Park Service should now focus on what they do best, respectively: maintaining the safety of America’s airspace, and protecting the core values for which our national parks were established. Demand should always take a back seat to resource protection, lest we lose those very values for which these parks were set aside as our national heritage.

Many of our members spend a good portion of their lives in the depths of Grand Canyon and we have been deeply privileged to experience, appreciate, and contemplate natural quiet on an intimate level. Having that experience, and knowing how much that precious resource is at risk of disappearing altogether, prompts us to defend natural quiet’s continued existence as a defining characteristic of Grand Canyon. Therefore, in the spirit of cooperative conservation, GCRG offers our observations and suggestions as we endeavor to assist the NPS in formulating as *strong* a plan as possible. GCRG also

commends the NPS for the tremendous amount of work they put into this Draft EIS for Special Flight Rules in the Vicinity of Grand Canyon National Park, and indeed for all of their tireless efforts and perseverance over the years on this very challenging and frustrating issue. This day has indeed been a long time coming.

History teaches us that natural quiet and the natural soundscape in Grand Canyon have been both highly valued and cherished since the park was formed. References can be found throughout writings in the early 1900s -- three quarters of a century before the term “natural quiet” was even coined. Recalling his impression of a day spent tracking sheep across the upper terraces of the Muav Gorge, Charles Sheldon wrote simply yet eloquently,

Besides the magnificent views of perpendicularly walled canyons and cliffs, I was most impressed with the profound silence – not a breath of wind today, not a sound, not a rustle of grass or weeds, not an insect murmur, not a falling rock. Silence absolute. (Carmony & Brown, 1993:11)

“Silence absolute”, an essential element of the feeling of solitude, provides special perspective on the vastness of Grand Canyon where we can leave the trappings of civilization behind us and experience wilderness on its most basic level. This is part of what makes the Grand Canyon experience profoundly life altering and life affirming. As caretakers of this experience and as passionate stewards of Grand Canyon’s natural resources, the members of Grand Canyon River Guides recognize that it is our distinct obligation to vigorously defend the continued existence of natural quiet for the generations that follow.

Sincerely,

Grand Canyon River Guides, Inc.

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Nikki Cooley	Vice President
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