



National Park Service
U.S. Department of the Interior

Grand Canyon National Park

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Grand Canyon News Release

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National Park Service to clarify the definition of “substantial restoration of natural quiet” at Grand Canyon National Park

Grand Canyon, Ariz. – The National Park Service (NPS) issued a notice in the Federal Register today clarifying the definition of “substantial restoration of natural quiet” at Grand Canyon National Park.

The notice clarifies the definition used by Grand Canyon National Park for achieving substantial restoration of natural quiet as mandated by The National Parks Overflight Act of 1987 (Public Law 100-91).

In a 1995 Report to Congress entitled “*Report on Effects of Aircraft Overflights on the National Park System*”, the NPS defined substantial restoration of natural quiet at Grand Canyon National Park to mean, “50 % or more of the park achieve ‘natural quiet’ (i.e., no aircraft audible) for 75-100 percent of the day.” The NPS is proposing the following clarification to the definition of substantial restoration of natural quiet:

“a) Substantial restoration of natural quiet at Grand Canyon National Park will be achieved when the reduction of noise from aircraft operations at or below 17,999 feet Mean Sea Level (MSL) results in 50% or more of the park achieving restoration of the natural quiet (i.e., no aircraft audible) for 75% to 100% of the day, each and every day; and b) The NPS defines the substantial restoration of natural quiet from all aircraft above 17,999 feet MSL, to mean that there will be an overall reduction in aviation noise generated above 17,999 feet MSL above the park over time through the implementation of measures in accordance with FAA commitments.”

The NPS also clarifies that 50% of Grand Canyon National Park is a minimum in the restoration goal. This includes not only the impacts of aircraft noise on the soundscape but the impact of noise on the visitor experience and natural, cultural and historic resources for the entire park.

This clarification of the definition is necessary to address current acoustic conditions, to comply with the intent of recommendations provided in the 1995 Report to Congress, and respond to a 2002 U.S. Court of Appeals decision in which the Court declared that “...the Park Service is

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entitled to deference for its interpretation of its own definitions.” The Court concluded “...the FAA’s use of an ‘average annual day’ for measuring ‘substantial restoration of natural quiet’ appears inconsistent with both the Park Service’s definition of the term and with the premise upon which that definition was based... We must therefore remand this issue for further consideration”. In response to the Court decision, the term “the day” was clarified by the NPS in a November 7, 2003 Federal Register Notice (68 FR 63129-63130) to mean “each and every day”.

The provisions of the Special Flight Aviation Regulation (SFAR) 50-2 have not resulted in substantial restoration of natural quiet of Grand Canyon National Park. Given the volume of high altitude commercial jet and general aviation traffic overflying the Grand Canyon above 17,999 feet MSL and the 2002 Court decision, the substantial restoration goal as currently defined cannot be attained. This clarification of the restoration definition, while focusing on air tour and air tour related and general aviation aircraft that are conducting overflights of Grand Canyon National Park at altitudes at or below 17,999 MSL, also incorporates measures to address noise from all aircraft. The 1995 definition of substantial restoration of natural quiet is being clarified to distinguish between aircraft noise generated above and below 17,999 MSL.

The NPS and the FAA (Federal Aviation Administration) are currently engaged in the preparation of an environmental impact statement (EIS) entitled “*Special Flight Rules Area in the Vicinity of Grand Canyon National Park*”. A draft EIS is expected to be released in late 2008 or early 2009. The NPS, in consultation with the FAA, has determined in the noise methodology section of the EIS that aviation noise above 17,999 feet MSL will be considered as a cumulative impact for purposes of the EIS, and aircraft noise generated at or below 17,999 MSL, within the Special Flight Rules Area will be managed to attain the NPS recommendations and meet restoration management objectives consistent with Grand Canyon National Park management direction, the 2006 National Park Service Management Policies, and the 1995 Report to Congress.

“The clarification of the definition of substantial restoration of natural quiet establishes an opportunity to complete the EIS, and continue to reduce the noise from all overflights above the Grand Canyon,” stated Steve Martin, Superintendent of Grand Canyon National Park.

Public comment will be accepted on the notice for a period of 30 days with comments due on May 9, 2008. Comments may be mailed or hand delivered to Ken McMullen, Overflights and Natural Soundscape Program Manager, Grand Canyon National Park, 823 N. San Francisco St., Suite B, Flagstaff, Arizona 86001. Comments can also be made online at <http://parkplanning.nps.gov/grca> (select “Substantial Restoration Clarification”).

In addition to the Federal Register, the clarification notice will also be available at <http://www.nps.gov/grca/naturescience/soundscape.htm>.

For further information contact Ken McMullen at (928) 779-2095.

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