

Appendix A: Relevant Legislation, National Park Service Management Policies, and Federal Aviation Administration Orders

A. Legislation

1. Air Tour Management Act of 2000

Public Law 106-181 (114 Stat. 61 - 197) Title VIII, Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, enacted Apr. 5, 2000. Title VIII is also known as the National Parks Air Tour Management Act of 2000. Amends Title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and enacts other related provisions of law.

Title VIII: National Parks Air Tour Management Act of 2000

Prohibits a commercial air tour operator from conducting commercial air tour operations over a national park or tribal lands, except in accordance with this Act, conditions prescribed for that operator by the FAA Administrator, and any commercial air tour management plan for the park or tribal lands.

(Sec. 803) Sets specified requirements with respect to: (1) the granting of authority to commercial air tour operators to conduct air tour operations over national parks or tribal lands, with specified exceptions; and (2) establishment of commercial air tour management plans.

Exempts from the requirements of this Act: (1) the Grand Canyon National Park, or any Indian country within or abutting such park; (2) any land or waters located in Alaska; and (3) the Lake Mead National Recreation Area (but solely as a transportation route for an air tour of the Grand Canyon).

(Sec. 804) Directs the FAA Administrator and the Director of the National Park Service (Director) to establish, jointly, an advisory group to provide continuing advice and counsel with respect to the operation of commercial air tours over and near national parks.

(Sec. 805) Directs the FAA Administrator to report to Congress on the effects proposed overflight fees are likely to have on the commercial air tour industry.

Directs the FAA Administrator and the Director to report jointly to Congress on the effectiveness of this Act in providing incentives for the development and use of quiet aircraft technology.

2. National Park Service Organic Act of 1916

The National Park Service Organic Act (16 U.S.C. 1 2 3, and 4), as set forth herein, consists of the Act of Aug. 25 1916 (39 Stat. 535) and amendments thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created in the Department of the Interior a service to

be called the National Park Service, which shall be under the charge of a director, who shall be appointed by the Secretary and who shall receive a salary of \$4,500 per annum. There shall also be appointed by the Secretary the following assistants and other employees at the salaries designated: One assistant director, at \$2,500 per annum, one chief clerk, at \$2,000 per annum; one draftsman, at \$1,800 per annum; one messenger, at \$600 per annum; and, in addition thereto, such other employees as the Secretary of the Interior shall deem necessary: Provided, That not more than \$8,100 annually shall be expended for salaries of experts, assistants, and employees within the District of Columbia not herein specifically enumerated unless previously authorized by law. The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

SEC. 2. That the director shall, under the direction of the Secretary of the Interior, have the supervision, management, and control of the several national parks and national monuments which are now under the jurisdiction of the Department of the Interior, and of the Hot Springs Reservation in the State of Arkansas, and of such other national parks and reservations of like character as may be hereafter created by Congress: Provided, That in the supervision, management, and control of national monuments contiguous to national forests the Secretary of Agriculture may cooperate with said National Park Service to such extent as may be requested by the Secretary of the Interior.

SEC. 3. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service, and any violations of any of the rules and regulations authorized by this Act shall be punished as provided for in section fifty of the Act entitled "An Act to codify and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, as amended by section six of the Act of June twenty-fifth, nineteen hundred and ten (Thirty-sixth United States Statutes at Large, page eight hundred and fifty-seven). He may also, upon terms and conditions to be fixed by him, sell or dispose of timber in those cases where in his judgment the cutting of such timber is required in order to control the attacks of insects or diseases or otherwise conserve the scenery or the natural or historic objects in any such park, monument, or reservation. He may also provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations. He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations herein provided for, but for periods not exceeding thirty years; and no natural curiosities, wonders, or objects of interest shall be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public: Provided, however, That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze live stock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created, except that this provision shall not apply to the Yellowstone National Park: And provided further, That the Secretary of the

Interior may grant said privileges, leases, and permits and enter into contracts relating to the same with responsible persons, firms, or corporations without advertising and without securing competitive bids: And provided further, That no contract, lease, permit, or privilege granted shall be assigned or transferred by such grantees, permittees, or licensees, without the approval of the Secretary of the Interior first obtained in writing: And provided further, That the Secretary may, in his discretion, authorize such grantees, permittees, or licensees to execute mortgages and issue bonds, shares of stock, and other evidences of interest in or indebtedness upon their rights, properties, and franchises, for the purposes of installing, enlarging or improving plant and equipment and extending facilities for the accommodation of the public within such national parks and monuments.

Sac. 4. That nothing in this Act contained shall affect or modify the provisions of the Act approved February fifteenth, nineteen hundred and one, entitled "An Act relating to rights of way through certain parks, reservations, and other public lands."

B. National Park Service Management Policies

Section 4.9 Soundscape Management

Park natural soundscape resources encompass all the natural sounds that occur in parks, including the physical capacity for transmitting those natural sounds and the interrelationships among park natural sounds of different frequencies and volumes. Natural sounds occur within and beyond the range of sounds that humans can perceive, and they can be transmitted through air, water, or solid materials. The National Park Service will preserve, to the greatest extent possible, the natural soundscapes of parks.

Some natural sounds in the natural soundscape are also part of the biological or other physical resource components of the park. Examples of such natural sounds include:

- sounds produced by birds, frogs, or katydids to define territories or aid in attracting mates
- sounds produced by bats or porpoises to locate prey or navigate
- sounds received by mice or deer to detect and avoid predators or other danger
- sounds produced by physical processes, such as wind in the trees, claps of thunder, or falling water.

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.

Using appropriate management planning, superintendents will identify what levels and types of unnatural sound constitute acceptable impacts on park natural soundscapes. The frequencies, magnitudes, and durations of acceptable levels of unnatural sound will vary throughout a park, being generally greater in developed areas. In and adjacent to parks, the Service will monitor human activities that generate noise that adversely affects park soundscapes, including noise

caused by mechanical or electronic devices. The Service will take action to prevent or minimize all noise that through frequency, magnitude, or duration adversely affects the natural soundscape or other park resources or values, or that exceeds levels that have been identified through monitoring as being acceptable to or appropriate for visitor uses at the sites being monitored.

Section 8.4 Overflights and Aviation Uses

A variety of aircraft, including military, commercial, general aviation, and aircraft used for NPS administrative purposes, fly in the airspace over national parks. 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.

Because the nation's airspace is managed by the Federal Aviation Administration (FAA), the Service will work constructively and cooperatively with the Federal Aviation Administration and national defense and other agencies to ensure that authorized aviation activities affecting units of the national park system occur in a safe manner and do not cause unacceptable impacts on park resources and values and visitor experiences. The Service will build and maintain a cooperative and problem-solving relationship with national defense agencies to address the congressionally mandated mission of each agency and prevent or mitigate unacceptable impacts of military training or operational flights on park resources, values and the visitor experience. Cooperation is essential because the other agencies involved have statutory authorities and responsibilities that must be recognized by the Service.

Section 8.11 Social Science Studies

8.11.1 General

Understanding the changing demographics of our nation is critical to the future of the National Park Service. The Park Service will actively seek to better understand the values and connections the changing U.S. population has, or does not have, for our natural and cultural heritage so that the Service can be responsive and relevant to public needs and desires. This includes understanding why people do or do not visit national parks.

The National Park Service will facilitate social science studies that support the NPS mission by providing an understanding of park visitors, the nonvisiting public, gateway communities and regions, and human interactions with park resources. This approach will provide a scientific basis for park planning, development, operations, management, education, and interpretive activities. Investigators will be encouraged to use the parks for scientific studies whenever such use is consistent with NPS policies that recognize the scientific value of parks as laboratories. Specific guidance is provided in Director's Orders #75A: Civic Engagement and Public Involvement, and #78: Social Science.

Studies include short- or long-term scientific investigations in NPS areas that may involve social science surveys and research. The data and information acquired through scientific activities conducted in the parks will be made broadly available to park managers, the scientific

community, and the public, except where legal restrictions apply. Studies may include both internally and externally conducted projects by researchers and scholars with universities; foundations and other nongovernmental organizations; federal, state and local agencies; chambers of commerce; industry organizations; and NPS staff. The Park Service will promote cooperative relationships with educational and scientific institutions and qualified individuals (1) when specialized expertise exists that can be of significant assistance to the Service in obtaining information, and (2) when the opportunity for research and study in the parks offers institutions a significant benefit to their programs. NPS facilities and assistance may be made available to qualified researchers conducting NPS-authorized studies. NPS or other federally funded studies that rely on survey instruments or focus groups are strictly regulated and must be approved by the Park Service, the Department of the Interior, and the Office of Management and Budget before they can be used to gather information directly from visitors or the general public.

C. FAA Order 1050.1E

FAA Order 1050.1E *Environmental Impacts: Policies and Procedures* provides policies and procedures to ensure agency compliance with the requirements set forth in the Council on Environmental Quality (CEQ) regulations for implementing the provisions of the National Environmental Policy Act (NEPA). Appendix A of this Order summarizes the requirements and procedures to be used in environmental impact analysis by resource category. Under the resource categories of Department of Transportation Section 4(f) and Noise, it is noted that special consideration needs to be given to the evaluation of the significance of noise impacts on noise sensitive areas within national parks or other designated properties.