

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide standards for determining whether the substantial restoration of the natural quiet and experience of the Grand Canyon National Park has been achieved and to clarify regulatory authority with respect to commercial air tours operating over the Park.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

H. R. 1586

To impose an additional tax on bonuses received from certain TARP recipients.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MCCAIN (for himself, Mr. REID, Mr. KYL, and Mr. ENSIGN) to the amendment (No. 3452) proposed by Mr. ROCKEFELLER

Viz:

- 1 At the end of title VII, add the following:
- 2 **SEC. 723. OVERFLIGHTS IN GRAND CANYON NATIONAL**
- 3 **PARK.**
- 4 (a) DETERMINATIONS WITH RESPECT TO SUBSTAN-
- 5 TIAL RESTORATION OF NATURAL QUIET AND EXPERI-
- 6 ENCE.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, for purposes of section 3(b)(1) of
3 Public Law 100–91 (16 U.S.C. 1a–1 note), the sub-
4 stantial restoration of the natural quiet and experi-
5 ence of the Grand Canyon National Park (in this
6 subsection referred to as the “Park”) shall be con-
7 sidered to be achieved in the Park if, for at least 75
8 percent of each day, 50 percent of the Park is free
9 of sound produced by commercial air tour operations
10 that have an allocation to conduct commercial air
11 tours in the Park as of the date of the enactment
12 of this Act.

13 (2) CONSIDERATIONS.—

14 (A) IN GENERAL.—For purposes of deter-
15 mining whether substantial restoration of the
16 natural quiet and experience of the Park has
17 been achieved in accordance with paragraph
18 (1), the Secretary of the Interior (in this sec-
19 tion referred to as the “Secretary”) shall use—

20 (i) the 2–zone system for the Park in
21 effect on the date of the enactment of this
22 Act to assess impacts relating to subsec-
23 tional restoration of natural quiet at the
24 Park, including—

1 (I) the thresholds for
2 noticeability and audibility; and

3 (II) the distribution of land be-
4 tween the 2 zones; and

5 (ii) noise modeling science that is—

6 (I) developed for use at the Park,
7 specifically Integrated Noise Model
8 Version 6.2;

9 (II) validated by reasonable
10 standards for conducting field obser-
11 vations of model results; and

12 (III) accepted and validated by
13 the Federal Interagency Committee
14 on Aviation Noise.

15 (B) SOUND FROM OTHER SOURCES.—The
16 Secretary shall not consider sound produced by
17 sources other than commercial air tour oper-
18 ations, including sound emitted by other types
19 of aircraft operations or other noise sources, for
20 purposes of—

21 (i) making recommendations, devel-
22 oping a final plan, or issuing regulations
23 relating to commercial air tour operations
24 in the Park; or

1 (i) at 6:00 p.m. on April 16 through
2 August 31;

3 (ii) at 5:30 p.m. on September 1
4 through September 15;

5 (iii) at 5:00 p.m. on September 16
6 through September 30;

7 (iv) at 4:30 p.m. on October 1
8 through October 31; and

9 (v) at 4:00 p.m. on November 1
10 through April 15.

11 (B) TERMINATION OF CURFEW.—The cur-
12 few shall terminate—

13 (i) at 8:00 a.m. on March 16 through
14 October 15; and

15 (ii) at 9:00 a.m. on October 16
16 through March 15.

17 (2) MODIFICATIONS OF AIR TOUR ROUTES.—

18 (A) DRAGON CORRIDOR.—Commercial air
19 tour routes for the Dragon Corridor (Black 1A
20 and Green 2 routes) shall be modified to in-
21 clude a western “dogleg” for the lower $\frac{1}{3}$ of the
22 Corridor to reduce air tour noise for west rim
23 visitors in the vicinity of Hermits Rest and
24 Dripping Springs.

1 (B) ZUNI POINT CORRIDOR.—Commercial
2 air tour routes for the Zuni Point Corridor
3 (Black 1 and Green 1 routes) shall be modi-
4 fied—

5 (i) to eliminate crossing over
6 Nankoweap Basin; and

7 (ii) to limit the commercial air tour
8 routes commonly known as “Snoopy’s
9 Nose” to extend not farther east than the
10 Grand Canyon National Park boundary.

11 (C) PERMANENCE OF BLACK 2 AND GREEN
12 4 AIR TOUR ROUTES.—The locations of the
13 Black 2 and Green 4 commercial air tour routes
14 shall not be modified unless the Administrator
15 of the Federal Aviation Administration deter-
16 mines that such a modification is necessary for
17 safety reasons.

18 (3) SPECIAL RULES FOR MARBLE CANYON SEC-
19 TOR.—

20 (A) FLIGHT ALLOCATION.—The flight allo-
21 cation cap for commercial air tour operations in
22 Marble Canyon (Black 4 route) shall be modi-
23 fied to not more than 5 flights a day to pre-
24 serve permanently the high level of natural
25 quiet that has been achieved in Marble Canyon.

1 (B) CURFEW.—Commercial air tour oper-
2 ations in Marble Canyon (Black 4 route) shall
3 be subject to a year-round curfew that enters
4 into effect one hour before sunset and termi-
5 nates one hour after sunrise.

6 (C) ELIMINATION OF COMMERCIAL AIR
7 TOUR ROUTE.—The Black 5 commercial air
8 tour route for Marble Canyon shall be elimi-
9 nated.

10 (4) CONVERSION TO QUIET AIRCRAFT TECH-
11 NOLOGY.—

12 (A) IN GENERAL.—All commercial air tour
13 aircraft operating in the Grand Canyon Na-
14 tional Park Special Flight Rules Area shall be
15 required to fully convert to quiet aircraft tech-
16 nology (as determined in accordance with ap-
17 pendix A to subpart U of part 93 of title 14,
18 Code of Federal Regulations (as in effect on the
19 day before the date of the enactment of this
20 Act)) by not later than the date that is 15
21 years after the date of the enactment of this
22 Act.

23 (B) INCENTIVES FOR CONVERSION.—The
24 Secretary and the Administrator of the Federal
25 Aviation Administration shall provide incentives

1 for commercial air tour operators that convert
2 to quiet aircraft technology before the date
3 specified in subparagraph (A), such as—

4 (i) reducing overflight fees for those
5 operators; and

6 (ii) increasing the flight allocations
7 for those operators.

8 (5) HUALAPAI ECONOMIC DEVELOPMENT EX-
9 EMPTION.—The exception for commercial air tour
10 operators operating under contracts with the
11 Hualapai Indian Nation under section 93.319(f) of
12 title 14, Code of Federal Regulations (as in effect on
13 the day before the date of the enactment of this Act)
14 may not be terminated, unless the Administrator of
15 the Federal Aviation Administration determines that
16 terminating the exception is necessary for safety rea-
17 sons.

18 (c) FLIGHT ALLOCATION CAP.—

19 (1) PROHIBITION ON REDUCTION OF FLIGHT
20 ALLOCATION CAP.—Notwithstanding any other pro-
21 vision of law, the allocation cap for commercial air
22 tours operating in the Grand Canyon National Park
23 Special Flight Rules Area in effect on the day before
24 the date of the enactment of this Act may not be re-
25 duced.

1 (2) RULEMAKING TO INCREASE FLIGHT ALLO-
2 CATION CAP.—Not later than 180 days after the
3 date of the enactment of this Act, the Administrator
4 of the Federal Aviation Administration shall issue a
5 notice of proposed rulemaking that—

6 (A) reassesses the allocations for commer-
7 cial air tours operating in the Grand Canyon
8 National Park Special Flight Rules Area in
9 light of gains with respect to the restoration of
10 natural quiet and experience in the Park;

11 (B) makes equitable adjustments to those
12 allocations, subject to continued monitoring
13 under subsection (a)(3); and

14 (C) facilitates the use of new quieter air-
15 craft technology by allowing commercial air
16 tour operators using such technology to petition
17 the Federal Aviation Administration to adjust
18 allocations in accordance with improvements
19 with respect to the restoration of natural quiet
20 and experience in the Park resulting from such
21 technology.

22 (3) INTERIM FLIGHT ALLOCATIONS.—

23 (A) IN GENERAL.—Until the Administrator
24 issues a final rule pursuant to paragraph (2)
25 and subject to subparagraph (B), for purposes

1 of the allocation cap for commercial air tours
2 operating in the Grand Canyon National Park
3 Special Flight Rules Area—

4 (i) from November 1 through March
5 15, a flight operated by a commercial air
6 tour operator described in subparagraph
7 (C) shall count as $\frac{1}{2}$ of 1 allocation; and

8 (ii) from March 16 through October
9 31, a flight operated by a commercial air
10 tour operator described in subparagraph
11 (C) shall count as $\frac{3}{4}$ of 1 allocation.

12 (B) LIMITATION ON TOTAL OPERATIONS.—
13 Not more than 364 flights may be operated on
14 any day in the Grand Canyon National Park
15 Special Flight Rules Area.

16 (C) COMMERCIAL AIR TOUR OPERATOR DE-
17 SCRIBED.—A commercial air tour operator de-
18 scribed in this subparagraph is a commercial
19 air tour operator that—

20 (i) operated in the Grand Canyon Na-
21 tional Park Special Flight Rules Area be-
22 fore the date of the enactment of this Act;
23 and

24 (ii) operates aircraft that use quiet
25 aircraft technology (as determined in ac-

1 cordance with appendix A to subpart U of
2 part 93 of title 14, Code of Federal Regu-
3 lations (as in effect on the day before the
4 date of the enactment of this Act)).

5 (d) AIR TOUR MANAGEMENT PLAN.—

6 (1) IN GENERAL.—The Secretary shall develop
7 and maintain an air tour management plan for com-
8 mercial air tours operating in the Grand Canyon
9 National Park Special Flight Rules Area.

10 (2) COMMERCIAL AIR TOUR USER FEES.—Not-
11 withstanding section 4(n)(2)(A) of the Land and
12 Water Conservation Fund Act of 1965 (16 U.S.C.
13 460l–6a(n)(1)(2)(A)), the Secretary—

14 (A) may establish a commercial tour use
15 fee in excess of \$25 for each commercial air
16 tour aircraft with a passenger capacity of 25 or
17 less for air tours operating in the Grand Can-
18 yon National Park Special Flight Rules Area to
19 cover the cost of developing and maintaining
20 the air tour management plan required by para-
21 graph (1); and

22 (B) shall develop a method for providing a
23 discount in the amount of the commercial tour
24 use fee established under subparagraph (A) for
25 air tours that operate aircraft that use quiet

1 aircraft technology (as determined in accord-
2 ance with appendix A to subpart U of part 93
3 of title 14, Code of Federal Regulations (as in
4 effect on the day before the date of the enact-
5 ment of this Act)).