

104TH CONGRESS
1ST SESSION

H. R. 1954

To amend the National Park Service Concessions Policy Act to enable the Secretary of the Interior to authorize scenic commercial overflights at units of the National Park System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29 (legislative day, JUNE 28), 1995

Mr. SKAGGS introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the National Park Service Concessions Policy Act to enable the Secretary of the Interior to authorize scenic commercial overflights at units of the National Park System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Park Scenic
5 Overflight Concessions Act of 1995”.

1 **SEC. 2. PURPOSE AND FINDINGS.**

2 (a) PURPOSE.—The purpose of this Act is to require
3 all operators of commercial air tours at National Park
4 System units to hold a concessions contract, and to pro-
5 vide the National Park Service the authority to determine
6 the appropriate level of commercial scenic tour overflight
7 activity at such units.

8 (b) FINDINGS.—The Congress finds that:

9 (1) The National Park Service manages units
10 of the National Park System to conserve the sce-
11 nery; natural, cultural and historic values; wilderness
12 values, including natural quiet; and wildlife re-
13 sources while providing for the enjoyment of the
14 same in such manner and by such means as will
15 leave them unimpaired for the enjoyment of future
16 generations. In recognition of these values, many
17 such units are recognized as internationally signifi-
18 cant International Biosphere Reserves and World
19 Heritage Sites.

20 (2) In order to manage National Park System
21 units to achieve the purposes for which they were es-
22 tablished by Congress, there is a need for National
23 Park Service authority to regulate commercial scenic
24 overflight enterprises operating over units of the
25 National Park System.

1 (3) It is the function of the Federal Aviation
2 Administration to manage the safe and efficient use
3 of the navigable airspace of the United States, as
4 provided for in the Federal Aviation Act of 1958 (49
5 U.S.C. App. 1391, et seq.); and to protect the envi-
6 ronment from adverse impacts in accord with sec-
7 tions 307(c) and 611 of such Act and section 4(f)
8 of the Department of Transportation Act (49 U.S.C.
9 1653(f)).

10 (4) The auditory and visual intrusion of aircraft
11 flying at low altitudes can be incompatible with the
12 preservation and management of natural or cultural
13 resources, the natural quiet, scenery, and/or the
14 public's enjoyment of the resources on lands man-
15 aged by the public land management agencies, nota-
16 bly such sensitive areas as National Parks, National
17 Wildlife Refuges, and wilderness areas.

18 (5) It is the joint responsibility of relevant
19 agencies to resolve these incompatible situations or
20 to mitigate them to the fullest extent possible in
21 order to maintain these public lands for the pur-
22 poses for which they were established while recogniz-
23 ing the public's and the Government's need to tran-
24 sit navigable airspace.

1 (6) In recognition of the values for which Na-
2 tional Park System units are managed, the Federal
3 Aviation Administration and the National Park
4 Service shall act cooperatively to reduce the inci-
5 dence of low-flying aircraft impacts from commercial
6 scenic tour overflights by helicopters, fixed-wing air-
7 craft, blimps, and balloons over sensitive lands man-
8 aged by the National Park Service and to make
9 these overflights compatible with the purposes for
10 which such lands are managed.

11 **SEC. 3. COMMERCIAL AIR TOURS.**

12 The Act of October 9, 1965 (16 U.S.C. 20-20g),
13 commonly known as the National Park Service Conces-
14 sions Policy Act, is amended by adding the following new
15 section at the end thereof:

16 **“SEC. 10. COMMERCIAL AIR TOURS CONCESSIONS.**

17 “(a) COMMERCIAL AIR TOURS.—(1) No person may
18 fly an individual for compensation over any unit of the
19 National Park System for the purpose of viewing any por-
20 tion of such unit unless such person has in effect a valid
21 commercial air tour concession contract issued by the
22 Secretary.

23 “(2) The Secretary may issue or deny a commercial
24 air tour concession contract upon application of any per-
25 son, subject to such conditions and restrictions as the Sec-

1 retary deems necessary to protect the resources of the rel-
2 evant unit and to protect and enhance visitor enjoyment.

3 “(3) Issuance or denial of a commercial air tour con-
4 cession contract shall be consistent with the legislation es-
5 tablishing the relevant unit, the guidelines under sub-
6 section (b), any applicable provisions of any general man-
7 agement plan in effect for the relevant unit, and the provi-
8 sions of law generally applicable to units of the National
9 Park System, including the Act of August 25, 1916 (39
10 Stat. 535; 16 U.S.C. 1, 2, 3, and 4) and the Act of August
11 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

12 “(4) Any person who flies one or more persons for
13 compensation over any unit of the National Park System
14 for the purpose of viewing any portion of such unit shall
15 be treated as entering such unit and providing a service
16 within such unit for purposes of this Act.

17 “(b) GUIDELINES AND PLANNING.—(1) Not later
18 than 12 months after the enactment of this Act, the Sec-
19 retary shall publish guidelines applicable to commercial air
20 tour flights over National Park System units, providing
21 for such flights where appropriate and restricting or pro-
22 hibiting such flights where necessary in accordance with
23 the provisions of law referred to in subsection (a).

24 “(2) Each commercial air tour concession contract
25 under subsection (a) for flights at any unit of the National

1 Park System shall be based on and consistent with such
2 guidelines.

3 “(3) Guidelines proposed by the Secretary pursuant
4 to this subsection shall be submitted to the Administrator
5 of the Federal Aviation Administration for review prior
6 to adoption. Within 60 days after receipt of such proposed
7 guidelines, the Administrator shall provide comments and
8 recommendations to the Secretary regarding any effects
9 such guidelines may have on aircraft safety. The Secretary
10 shall incorporate the Administrator’s recommendations re-
11 garding aircraft safety in the final guidelines.

12 “(c) GENERAL MANAGEMENT PLANS.—The Sec-
13 retary may amend the general management plan for any
14 national park system unit to establish air concessions re-
15 quirements applicable to flights subject to the require-
16 ments of subsection (a). Such amendments shall be con-
17 sistent with the provisions of law referred to in subsection
18 (a) and the guidelines published under subsection (b). The
19 amendments shall—

20 “(1) document the degree to which commercial
21 scenic overflights may affect the natural resources of
22 the park unit concerned;

23 “(2) document the effects of such overflights on
24 the park visitor’s experience; and

1 “(3) propose measures necessary to protect
2 park resources and the visitors experience from the
3 adverse effects of commercial scenic overflights.

4 Each concession contract issued under subsection (a) for
5 flights over any National Park System unit after the effec-
6 tive date of general management plan amendments adopt-
7 ed under this subsection shall be consistent with such
8 amendments.

9 “(d) PENALTY.—Any person who knowingly or will-
10 fully violates any requirement of this section or of any rule
11 or regulation promulgated by the Secretary under this sec-
12 tion shall be fined not more than \$5,000 or imprisoned
13 for not more than 5 years or both.”.

14 **SEC. 4. FEDERAL AVIATION ADMINISTRATION.**

15 (a) REPORTING AND TRAINING.—The Administrator
16 of the Federal Aviation Administration (hereinafter in this
17 section referred to as the “Administrator”), in cooperation
18 with the Secretary of the Interior, shall—

19 (1) develop standardized reporting systems for
20 the documentation of low flying aircraft incidents in
21 air space over National Park System units; and

22 (2) develop training programs and instructional
23 materials for National Park Service personnel to en-
24 able them to recognize and report instance of low

1 flying aircraft incidents in air space over national
2 park system units.

3 (b) AIRCRAFT NOISE.—The Administrator shall
4 amend the regulations of the Federal Aviation Administra-
5 tion to treat aircraft noise abatement at national park sys-
6 tem units as in the public interest.

7 (c) REPORTS.—The Administrator and the Secretary
8 of the Interior shall submit a joint report to the Congress
9 within 3 years after the enactment of this Act containing
10 a description of the progress made under this Act and
11 other authority of law in mitigating the adverse effects of
12 overflights at National Park System units.

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