JOINT HEARING ON H.R. 3661, TO HELP ENSURE GENERAL AVIATION AIRCRAFT ACCESS TO FEDERAL LAND AND TO THE AIRSPACE OVER THAT LAND

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS

AND

SUBCOMMITTEE ON FOREST AND FOREST HEALTH

OF THE

COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

AND

SUBCOMMITTEE ON AVIATION

OF THE

COMMITTEE ON TRANSPORTATION

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

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JOINT HEARING ON: H.R. 3661, TO HELP ENSURE GENERAL AVIATION AIRCRAFT ACCESS TO FEDERAL LAND AND TO THE AIRSPACE OVER THAT LAND

THURSDAY, APRIL 6, 2000

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS,
COMMITTEE ON RESOURCES, JOINT WITH THE
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH,
COMMITTEE ON RESOURCES, JOINT WITH THE
SUBCOMMITTEE ON AVIATION COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room 1324, Longworth House Office Building, Washington, DC., Hon. James V. Hansen (chairman of the Subcommittee on National Parks and Public Lands) presiding.

Mr. HANSEN. The Subcommittee on National Parks and Public Lands is the committee that I chair, and with me is the gentleman from Tennessee who sits on this committee, but also chairs the Committee on FAA, and we are grateful to be together. We expect the Chairman from the Forests and Forest Health will be with us and also the Chairman from Agriculture. They have both indicated a willingness to be here in support of this piece of legislation.

Today we will hear testimony on H.R. 3661. This is a bill I introduced, which ensures general aviation access to back country airstrips by establishing a nationwide policy for governing airstrips on Federal land and assuring that they cannot be closed until a public process has been completed and approval given by the FAA and State Aviation Boards.

Without question, back country airstrips serve the public in a variety of beneficial ways. One of these is the role they play in public safety. Pilots across the country feel more at ease and breathe easier knowing that these airstrips are out there in case of an emergency. Furthermore, back country airstrips are also used in search and rescue activities and firefighting efforts, as well as provide areas for disabled aircraft to land. These airstrips also have general aviation purposes which allow those who otherwise would be physically unable to enjoy and recreate on our vast public lands.

Currently, many of our back country airstrips are being closed or becoming unserviceable. This is mainly due to the unilateral action of Federal agencies. H.R. 3661 would change this by requiring the Secretary of the Interior and the Secretary of Agriculture to consult

with the FAA, to adopt a binding nationwide policy to govern aviation on Federal lands. This bill contains provisions to prevent action or inaction that would close or leave an airstrip unserviceable without giving notice to the Federal Register, to the FAA, and to the public.

I want to add that there seems to be some concern over who is to maintain the strips. The Federal agencies think that this maintenance would add a significant burden on them. However, the bill specifies that the Interior and Agriculture Departments only must consult with the State Board of Aviation and other interested parties to ensure landing strips are maintained. Many of the pilot associations that I have talked to made it clear they will volunteer to maintain and make small necessary improvements to these back country airstrips. I do, and the Federal Government should also, thank them for this volunteer offer and the effort that they have put forth.

Before we begin the hearing, I need to say one more thing, and I want to be very clear. The committee rules calls for all testimony, including that of the Administration, to be delivered 48 hours in advance of a hearing, not 48 minutes. This situation is getting the Administration's testimony at the last minute is simply intolerable, and I have already canceled a number of hearings because of this tardiness, and that is the rule of the House. And therefore, I will take this first panel, rather than the Administration, and bring them on second.

Having said that, I would like to turn to the gentleman from Tennessee, the Chairman of the FAA Subcommittee, and then I will turn to the gentlelady from Idaho for their opening comments, and then Mr. Sweeney.

[Prepared statement of Mr. Hansen follows:]

Opening Statement -H.R. 3661

JAMES V. HANSEN,
Subcommittee on National Parks and Public Lands

April 6, 2000

Good morning everyone. The Subcommittee on National Parks and Public Lands will come to order. I would first like to welcome the Subcommittee on Forest and Forest Health and the Subcommittee on Aviation to this joint hearing. Today we will hear testimony on H.R. 3661. This is a bill I introduced, which ensures general aviation access to backcountry airstrips by establishing a nationwide policy for governing airstrips on Federal land and assuring that they cannot be closed until a public process has been completed and approval given by the FAA and State Aviation Boards.

Without question, backcountry airstrips serve the public in a variety of beneficial ways. One of the most important roles they play is in public safety. Pilots across the country feel more at ease and breath easier knowing that these airstrips are out there in case of an emergency. Furthermore, backcountry airstrips are also used in search and rescue activities and firefighting efforts, as well as provide areas for disabled aircraft to land. These airstrips also have general aviation purposes which allow those who otherwise would be physically unable to enjoy and recreate on our vast public lands.

Currently many of our backcountry airstrips are being closed or becoming unserviceable. This is mainly due to the unilateral action of Federal agencies. H.R. 3661 would change this by requiring the Secretary of the Interior and the Secretary of Agriculture to consult with the FAA, to adopt a binding, nationwide policy to govern aviation on Federal lands. This bill contains provisions to prevent action or inaction that would close or leave an airstrip unserviceable without giving notice in the Federal Register, to the FAA, and to the public.

I want to add that there seems to be some concern over who is to maintain the airstrips. The federal agencies think that this maintenance will add a significant burden to them. However, the bill specifies that the Interior and Agricultural Departments only must consult with the State Boards of Aviation and other interested parties to ensure landing strips are maintained. Many of the pilot's associations that I have talked to have made it clear to me that they will volunteer to maintain and make small necessary improvements to these backcountry airstrips. I do, and the federal government should also, thank them for this volunteer offer and effort.

I would like to thank all the witnesses for being here to testify this morning, especially my fellow Utahns Bob Barrett and Steve Durtschi. My thanks also goes to the Aviation and Forest and Forest Health Subcommittee for their participation in this hearing.

Mr. DUNCAN. Thank you very much, Chairman Hansen. It is a great honor and privilege for me, as the Chairman of the Aviation Subcommittee of the Transportation and Infrastructure Committee, to participate with you and my good friend, Ms. Chenoweth-Hage, in this hearing today. I am fortunate to have the opportunity to serve on both the Resources Committee and as Chairman of the Aviation Subcommittee. This gives me an opportunity to see this issue from several different perspectives.

This is not the first time that our two committees, Chairman Hansen, have held a joint hearing. In November 1997, Chairman Hansen and I conducted a joint hearing in St. George, Utah, on the issue of the National Park Overflights, particularly, flights over the Grand Canyon. That hearing led to the introduction of the National Parks Air Management Act, which was passed by the House and was put in our FAA Reauthorization Bill, which the President signed into law yesterday.

On the Aviation Subcommittee, we have been concerned about general aviation airports for several years. In 1998, we asked the General Accounting Office to look into what the FAA was doing to preserve the general aviation access, and some people felt that they were not doing nearly enough at that time. As a result, we held a hearing last June on the need to preserve general aviation airports. We learned at that hearing that general aviation airports have been closing over the last 25 years at a disturbing rate of one a week. It is hard to imagine, but that is what the statistics show, that over the last 25 years, general aviation airports have been closing at the rate of one a week.

In the recently passed Air 21 legislation, we included a section requiring the FAA to give pilots advanced notice before airports are allowed to close down or to sell off their land. This will give airport users an opportunity to comment before they lose such a valuable resource. Of course, Air 21 applies only to airports owned and operated by state or local agencies. It does not cover airstrips that are owned by the Federal Government and located on Federal land.

The General Aviation Access Act, which Chairman Hansen introduced, and which I co-sponsored, is basically designed to do for Federal airstrips what Air 21 does for state and local airfields. It would give pilots and other users an opportunity to be heard before the landing site is closed or taken away from them. And I should emphasize that. This does not prohibit action being taken by a Federal agency, it simply gives pilots and other users an opportunity to be heard and to have some input before such action can be taken.

These landing strips serve several important functions. They can be used as a base of operations for search and rescue missions, firefighting, and aerial landing. More important, they can provide a safe landing site for pilots in times of trouble. I am aware that the Interior Department and the FAA may have some concerns about this bill. I am certainly willing to hear them out and support any modifications to the legislation and would approve it.

And I want to thank Chairman Hansen for taking the initiative on this issue and for allowing the Aviation Subcommittee to participate, and say that Chairman Hansen may not be the most famous Member of Congress, although he is well known. But I will tell you

that I, personally, do not believe I know of any member of the House of Representatives who is more highly respected than my good friend, Chairman Hansen, and it is a pleasure to follow your lead on this and many other things. And I thank you very much for allowing me to be here today.

Mr. HANSEN. Well, I thank you for those kinds words. We appreciate your testimony. We will turn to the gentlelady from Idaho, the Chairman of the Committee on Forests and Forest Health.

Ms. CHENOWETH-HAGE. I want to thank the Chairman, and I also agree with Mr. Duncan. I think probably Mr. Hansen is one of the more famous members of the House. I love to embarrass him.

But I do want to say that ensuring access to our back country airstrips is of real extreme importance to me. Two years ago, I held an oversight hearing on the Forest Service management of back country airstrips; primarily, those in and around the Frank Church River of No Return Wilderness Area in Idaho. The Frank Church Wilderness Area was and is a good case study on the back country airstrip issue that we are addressing today.

When the Frank Church Wilderness Area was created, Congress included language in the legislation that required the Forest Service to keep open and maintain the airstrips within the wilderness. To quote Senator Frank Church, "Because of the vastness of the River of No Return area, without continued access by air, very few people could see and enjoy the remote and less accessible parts of the region."

Unfortunately, a few years ago, the Forest Service began moving in a direction contrary to this legislation and the intent of Congress, which was and is to maintain the established uses of airstrips. Various Forest Service proposals would have led to a decrease in the maintenance of the airstrips, and as a result, a reduction in the total number of functioning airstrips. Since the hearing, I have been told that the Forest Service has proceeded with a more heightened sensitivity concerning the intent of Congress. And although a number of issues still remain unresolved, I really appreciate Congress Hansen's bill, H.R. 3661, which will help to further ensure that the back country airstrips in the Frank Church Wilderness and across the country will remain open and functioning.

This issue is such an important one to me, as so many in the west, recreationalists, pilots, disabled people, search and rescue teams, firefighters, and others. Two days ago, I held a hearing on the effects of new Forest Service rulemaking and policies on recreation in the National Forest. From mountain bikers, horsemen, snowmobilers, alike, we heard the same story. This Administration is locking the public out of our public lands. Hopefully, efforts such as Mr. Hansen's will help keep back country airstrips from just being another pod in the Administration's plans to lock up the Federal lands.

Mr. Chairman, I want to welcome Mr. Dave Alexander. I am very pleased that he is here and part of the witnesses. In checking his testimony which we just got in, I notice that Mr. Alexander constantly referred to the need to allow managers the flexibility to make decisions locally, and I agree with this very strongly. The problem is, as we have recently uncovered, is that this Administra-

tion is already making local decisions from Washington, DC. with the guidance and assistance of national environmental groups.

Now, I would prefer not to move legislation that would give more authority on the national level, and leave it on the local level. But if this is the only way to keep the Administration from shutting off access to Federal lands, then I must support this bill. Thank you, Mr. Chairman.

Mr. HANSEN. I thank the Chairlady from Idaho. The gentleman from Puerto Rico.

Mr. ROMERO-BARCELO. Thank you, Mr. Chairman. I would like to begin by welcoming our colleagues from the Forest and Aviation Subcommittees, and we look forward to the protectives regarding the legislation that we are going to consider today. The only matter before us today is this legislation introduced by Chairman Hansen, H.R. 3661. As we understand it, the intent of the legislation is to ensure access for private planes for back country areas owned and managed by the National Parks Service, Forest Service, and the Bureau of Land Management.

The legislation attempts to accomplish this by passing these Federal land management agencies with undertaking maintenance on all airstrips located on Federal lands. In addition, the bill prohibits these agencies from taking steps to close an airstrip without FAA and state approval, as well as the 90-day notice and comment period. Presently, the bill prohibits these agencies from allowing these airstrips to become unserviceable through inaction or neglect.

And finally, the bill contemplates development of a national policy which would govern not just airstrips, but all general aviation issues regarding public lands. While we surely agree that access to back country areas is vital, the need for this specific measure is unclear. We are unaware of any evidence of appropriate access to Federal lands as being denied to private pilots, nor are we aware of any evidence that the search and rescue, firefighting, or other emergency services are being hampered by current practices.

Furthermore, we have serious concerns regarding the implementation of this legislation. No inventory of landing strips on Federal land exists. This legislation does not define the term, the scope of the bill is difficult to modify. In addition, the bill provides no clear standards for maintenance to guide the agencies in their new role. Will they be required to keep these strips to FAA standards or does some lesser standard exist?

It is also unclear how the agencies might comply with the bill's prohibition of inaction or neglect. For example, how could an agency provide 90 days notice on a common field before failing to act? Finally, it is unclear how this legislation, including the new national policy of mandates, would match with existing policies governing land management and related general aviation issues.

I will look forward to the testimony of our witnesses today, and it is our hope that their insight might clear up some of the concerns that we have expressed.

Mr. HANSEN. I thank the gentleman for his comment. Is there any member of the three committees that are involved in this particular piece of legislation that have an opening comment or a burning in your bosom, you have just got to get it out? If not, why do not we go ahead with this hearing.

Our panel that we have with us, our first panel, Mr. Robert Barrett, Director of UDOT, Utah Department of Transportation Aeronautical Operations; Mr. Barton W. Welsh, Aeronautics Administrator, Division of Aeronautics, Idaho Transportation Department; Mr. Phil Boyer, President of the Aircraft Owners and Pilots Association—and incidentally, Mr. Boyer was the driving force of the tort liability issue which I think has kind of salvaged things like general aviation—and my good friend and neighbor, Mr. Steve Durtschi, President of the Utah Back Country Pilots Association, which is a good group of individuals who have done an outstanding job for aviation in the State of Utah.

Mr. Barrett, we will start with you, sir.

STATEMENTS OF ROBERT BARRETT, DIRECTOR, UDOT AERONAUTICAL OPERATIONS; ACCOMPANIED BY BARTON W. WELSH, AERONAUTICS ADMINISTRATOR, DIVISION OF AERONAUTICS, IDAHO TRANSPORTATION DEPARTMENT; PHIL BOYER, PRESIDENT, AIRCRAFT OWNERS AND PILOTS ASSOCIATION; STEVE DURTSCHI, PRESIDENT, UTAH BACK COUNTRY PILOTS ASSOCIATION

STATEMENT OF ROBERT BARRETT

Mr. BARRETT. Mr. Chairman and members of the subcommittee, my name is Robert Barrett. I am the Director of the Utah Division of Aeronautics, a division of the Utah Department of Transportation. I have come to testify before this subcommittee and to present a printed statement for inclusion in the congressional record in behalf of H.R. 3661, the General Aviation Access Act.

My division administers all Federal and state funding for public-use airports in Utah. We are responsible for all aviation-based transportation issues. In addition, we operate three airplanes to provide air transportation to state government officials and employees who travel on the state's business. We frequently take our passengers over the most spectacular scenery that exists anywhere in this great country of ours and, in fact, in the entire world.

The frequent oohs and aahs of our passengers remind us of the beauty and drive home to us how truly fortunate we are to fly in such an area. John Gillespie Magee's beloved poem entitled, High Flight, comes to mind, for there is no other place in my experience where one can so readily reach out and "touch the face of God."

The General Aviation Access Act is very important to all who fly over Utah and other western states where vast areas are designated as mountainous terrain, where airports are few and population is sparse. In Utah, the uranium boom days of the 1950's and 1960's left their mark in numerous landing strips bladed out in the canyons and river bottoms and on remote mesa tops which were there to resupply prospectors. These are unimproved dirt strips, 1,000 to 2,000 feet long, with no associated roads, no instrument approaches, no runway lights, no services, no based airplanes and no people.

On the Utah Aeronautical Charts, which I have provided as Exhibit 1, you will find many of these strips designated by a small circle or by an R with a circle around it. These airstrips are very important. They represent a safe haven to a pilot faced with a sud-

den engine failure in a single engine aircraft or an emergency that requires getting the airplane on the ground right now. Our last revision to the State Aeronautical Chart and the airport directory on the reverse side began to identify some of these landing strips so the pilots will have enough information to land safely in emergencies. Such emergencies do not happen often, but when they do, the pilot needs a place to get down. These back country strips serve an essential safety role as emergency landing areas.

These strips serve a recreational purpose as well. You will hear others testify how these back country strips make accessible to the disabled and others the unparalleled beauties of the remote wilderness that I described.

I will now address two specific issues that have been raised by environmental interest groups opposed to passage of H.R. 3661. First, the allegation has been made that these landing strips would become the regular destinations of the aircraft of the drug cartels and their deadly cargo. Not so. These landing strips so welcome to a pilot in distress are not suitable for the largely multi-engine and turboprop aircraft which are the preference of drug runners. While they have shown a penchant for throwing away an expensive aircraft on a one-way trip, they have not extended this to throwing away pilots. Taking a twin-engine turboprop into a 1,200 foot sand and sagebrush runway in a box canyon at night would be a recipe for a serious crash landing at best, and more likely, a sure fatality for all aboard. And since most of these strips are many miles from the nearest road, transporting any significant volume of drugs would be difficult.

Secondly, those opposed to any use of these landing strips have alleged that each would become a busy weekend destination for hordes of private pilots who would turn the wilderness into vast public campgrounds. This is not going to happen. These strips will never be the destination of more than a handful of skilled and experienced pilots who own aircraft designed and built to fly into unimproved strips and rough terrain. The average recreational flyer has neither the training nor the skill, nor access to the right aircraft, to fly into these strips. Each strip would likely see no more than one or two aircraft in any given week.

Now, the actions that my division would propose if H.R. 3661 becomes law: First, I would pledge to work with the BLM and the Forest Service, and with the FAA, the Utah Back Country Pilots Association, and various environmental interest groups, and other potential users to decide which back country strips are essential to the safety of general aviation and other appropriate recreation and utilitarian needs. We would develop a plan to release those that are not needed and allow them to be returned to natural wilderness.

No use of Federal AIP funds nor state appropriated airport construction and maintenance funds would be used for the restoration or preservation of back country airstrips. We would enlist the aid of the back country pilots and other private citizen groups to adopt an airstrip and to take responsibility for the restoration and upkeep of those which are designated for preservation.

I would conclude by saying that H.R. 3661 is a good bill and that its passage would provide long-term benefits to our citizens and

visitors from other countries. The cost and detrimental effects of its passage would be so small as to be immeasurable. I recommend to the subcommittee its favorable recommendation to the House and its strong support for passage by the Senate and the President.

I thank you for the opportunity you have given me to come and speak.

[Prepared statement of Mr. Barrett follows:]

Testimony Provided By

Robert P. Barrett, Director
Utah Department of Transportation
Division of Aeronautics

before the

U.S. House of Representatives
Committee on Resources
Subcommittee on National Parks and Public Lands

Hearing on H.R. 3661, The General Aviation Access Act
6 April 2000
Room 1324, Longworth House Office Building

Statement

Mr. Chairman and members of the subcommittee. My name is Robert Barrett. I am currently serving as the Director of the Utah Division of Aeronautics, a division of the Utah Department of Transportation. I have come to testify before this subcommittee and to present a printed statement for inclusion in the Congressional Record in behalf of H.R. 3661, the General Aviation Access Act.

My division is responsible for administering all federal and state funding for public-use airports in the state of Utah. We conduct safety and compliance, pavement condition, and FAA 5010 inspections and we license all public-use airports in the state. We redistribute, in accordance with state law, portions of the state aviation fuel taxes collected throughout Utah back to the airports for use by sponsors in conjunction with locally budgeted funds for meeting airport operating and maintenance costs and local matching shares for federal and state construction and maintenance grants.

In addition to our responsibilities with Utah's public-use airports, we operate a small fleet of airplanes to provide air transportation services to elected and appointed officials and state government employees who must travel in pursuit of the state's business. As such, I am indeed fortunate to be able to continue using my past military and civilian pilot experience to participate in flying our passengers over some of the most spectacular scenery that exists anywhere in this great country of ours and, in fact, in the entire world. Our other pilots and I may tend to take for granted the beauty of the Utah wilderness areas, since we experience them so often, but the frequent oohs and ahhs of our passengers bring back the reality of that beauty, and drive home to each of us how truly fortunate we are to be able to fly in such a place. John Gillespie Magee's epic poem of flight, entitled *High Flight,* comes to mind, for there is no other place in my experience where a flyer can so readily reach out and "touch the face of God."

The General Aviation Access Act is very important to all who fly over the wilderness areas of Utah and many other states, particularly the western states, where large parcels of land are administered by the federal government, where vast areas exist completely within FAA designated mountainous terrain, where airports are few and far between and population densities are low. In Utah, the uranium boom days of the 1950s and 1960s left a mark on the wilderness in the form of numerous back country landing strips which were bladed out in the canyons and river bottoms and on the remote mesa tops to support and resupply the prospectors. Most of these are unimproved dirt strips, 1000 to 2000 feet long, with no associated roads, no services, no based airplanes and no people. On the Utah Aeronautical Charts which I have provided as Exhibit 1, you will find many of these landing strips designated by a small circle or by an "R" with a circle around it. You will see other areas of the state where there are no marked airfields of any kind. But they are there, in most of those remote areas, in the form of back country airstrips.

These airstrips are important to general aviation pilots because they represent a safe haven in the wilderness when faced with a sudden engine failure in a single engine aircraft, or some other emergency situation that requires getting a small airplane on the ground right now. In our last revision to the state aeronautical chart and the airport directory on the reverse side, we began to identify some of these landing strips, so that pilots will know where they are located and will have sufficient information to be able to reach one of them in an emergency and make a safe landing. Such emergencies do not happen often, but when they do, the pilot of a small single-engine aircraft flying over mountainous terrain needs to have a place to land, or he and his passengers will likely become accident statistics. These back country strips serve an essential safety role as emergency landing areas.

These back country landing strips serve a great recreational purpose, as well. You will hear testimony from Mr. Steven Durtschi, the President of the Utah Back Country Pilots Association, about how these back country strips make available to the physically disabled and others who cannot hike in, the unparalleled beauties of the

remote wilderness of Utah and other states that I have described. You will learn from his first-hand experiences what it means to those who are able to enjoy the wilderness only because of aviation. I will leave this to Mr. Durtschi's capable narration.

These back country landing strips can also serve important functions in the areas of search and rescue, firefighting, forest and ecological management, wildlife management and research and aerial mapping. I am not an expert in these areas, so I will leave the details of this utility to those who are.

I would now like to address two specific issues that have been raised by various environmental interest groups in opposition to the passage of H.R. 3661. First, the allegation has been made that these landing strips would become the regular and frequent destinations of aircraft of the drug cartels transporting their popular and deadly recreational drugs into Utah for distribution throughout the state and into nearby states. Nothing could be further from reality. These landing strips, while a welcome sight for a pilot of a small single engine airplane in distress, are not suitable, either in length or in the strength and surface smoothness of the runways, for the larger multi-engine and turboprop aircraft which have the speed and range necessary to transport drugs from outside the country or even outside the state. While the drug runners have shown that they don't mind throwing away expensive aircraft on a one-way trip to their desired destinations, I don't believe that they have expressed any desire to throw away their pilots in the process. Taking a Super King Air B200 or other turboprop aircraft into a 1200 foot long sand and sagebrush runway in a box canyon would be a recipe for a serious crash landing at best, and more likely a sure fatality for all aboard. Furthermore, since most of these landing strips are many miles from the nearest roads, even if drug runners could get their cargo safely on the ground, transporting any significant volume of drugs would pose enormous logistical problems.

Secondly, those opposed to any use of these landing strips have alleged that each of them would become busy weekend destinations for hordes of private pilots who would turn the wilderness into vast public campgrounds. That, also, is simply not going to happen. Again, while back country landing strips could represent a life-saving option for a pilot of a small single engine aircraft in distress facing as his or her only alternative a crash in unforgiving mountainous terrain, for the most part they will never be the preferred destination of more than a relative handful of highly skilled and highly experienced back country pilots who own the specific types of aircraft which are properly designed and built to fly into and out of unimproved strips in rough terrain. The average recreational flyer or low-experience private pilot has neither the training nor the skills nor would he likely have access to the equipment that he would need to routinely fly into these wilderness landing strips. Any given landing strip would likely see, on average, no more than one or two landings and takeoffs in any one week period. Those few minutes of noise over a very limited distance from the strip would be the only environmental impact that would occur.

Now, I would like to discuss for a moment the steps that my division, as the state aviation authority in Utah, would propose to take if H.R. 3661 becomes law. First of all, I would pledge to work with the Bureau of Land Management and the National Forest Service, who administer the lands where most of Utah's back country strips are located, and with the FAA, the Utah Back Country Pilots Association, various environmental interest groups and other potential users to determine which back country strips are most essential to the safety of general aviation and other appropriate recreational and utilitarian needs. I do not believe that all of the existing back country strips need to be preserved, and so we would develop a plan to eliminate those that are not needed and to allow them to be returned to natural wilderness.

No use of federal Airport Improvement Program funds nor state appropriated airport construction and maintenance funds would be used for the restoration or preservation of back country airstrips. We would enlist the aid of the back country pilots and other private citizen groups who love the wilderness to "adopt an airstrip" and to take responsibility for the restoration and upkeep of those back country strips which would be designated for preservation. The back country pilots have already assumed this responsibility for several of these strips

in Utah, with the blessing of the BLM, and have done an admirable job of restoring a number of them to safe useability with no adverse impact upon the environment. Pilots, in general, and pilots who love to fly into the back country specifically, are very sensitive to the environment and its preservation. These people love the tremendous natural beauty of the environment and want to preserve it for the enjoyment of many, as opposed to the environmental interest groups who seem to be interested in preserving it only for those who have the time, resources and inclination to visit the wilderness on foot. Maintenance of these landing strips would consist primarily of clearing away brush, filling ditches on the runway resulting from the previous Spring's erosion and removing boulders, trees or other obstacles which may have fallen, rolled or been blown across the landing area. Only those tools that could be transported in a small aircraft would be available for use.

In summary, let me emphasize once again that the preservation of and access to some of the back country or wilderness area landing strips in Utah and many other states is in the best interest of all of the citizens of this great country, and especially to those who fly single engine aircraft or who have a love of and a desire to view the scenic beauty of our country's great natural wonders. Preservation is also essential to such utilitarian purposes as search and rescue, firefighting and wildlife management. These landing strips can be maintained without expense to taxpayers and with no environmental impact beyond a very few minutes of aircraft engine noise which could be heard over a very limited distance.

I would conclude that H.R. 3661 is a good bill, and that its passage would provide long term benefits to the citizens of the United States and to visitors from other countries. The cost and detrimental effects of its passage would be so small as to be virtually immeasurable. I recommend to the subcommittee its passage with a favorable recommendation to the House of Representatives, and strong support of passage in the Senate and by the President. Thank you for giving me the opportunity to contribute to your deliberations and for your attention to my testimony. I would be happy to address any questions that you may have at this time.

Exhibits

1. Utah Aeronautical Chart
2. Utah Airport Directory (located on the reverse side of the Aeronautical Chart)

The following back country landing strips are shown on the current issue of the Aeronautical Chart and in the Airport Directory. Other strips will be added in future revisions to the Airport Directory as they are brought to a more suitable condition for emergency use.

Cedar Mountain
Fry Canyon
Needles Outpost
Sand Wash

Mr. HANSEN. Thank you, Mr. Barrett. Mr. Welsh, we will turn to you, sir. If you would pull that mike up close to you, we would appreciate it.

STATEMENT OF BARTON W. WELSH

Mr. WELSH. Thank you. Ladies and gentlemen, thank you so much for the opportunity to comment on H.R. 3661, the bill to help ensure general aviation aircraft access to Federal lands and the airspace over that land.

The State of Idaho has a number of state and federally owned aircraft landing strips. Idaho is known nationwide for its air access to wilderness and primitive areas. Each of these strips is considered by us to be an irreplaceable state and national treasure. The reality today is that if any of these strips were lost, they could not be replaced because of the language of existing wilderness legislation.

When the Frank Church Wilderness was established in Idaho, it incorporated a provision to provide for the continued operation of all existing landing strips. The provision states that existing landing strips may not be closed permanently or rendered unserviceable without the written consent of the State of Idaho. Over the years, this stipulation has proved a very satisfactory working relationship between the personnel from the Forest Service and incorporated their staff with the Division of Aeronautics and other interested parties to work out solutions that would have been very difficult.

I would like to share two of these with you today. One is a landing strip known as Wilson Bar. This strip is on the Salmon River and has been a landing strip for many years. It was originally built by a miner some time in the late 1930's or early 1940's. The first airplane to ever land there landed in a meadow as a true emergency when the aircraft had engine difficulties. Realizing the value of this, the owner of the mining claim improved the strip and made it available to other pilots to conduct business with him and access that particular area. There was at the time no other airstrip along that portion of the river.

Over time the strip became somewhat overgrown with trees and shrubbery and was being used less and less. In 1994, the local pilots in Idaho began to use the landing strip for recreational purposes for access to that area and wished to improve it for potential emergency. Some Forest Service representatives felt that since the airport had seen infrequent use for many years, it might be best left closed. Because of the language in the Frank Church Wilderness Act, the situation was looked at with legal interpretations and it was felt that the airport was protected by the Act and should remain open to all aircraft operations.

With that, there was a cooperative effort between the Forest Service and the local pilots to remove the necessary trees, put the airstrip back into a usable condition. The airstrip is open today and is used by a number of people, and is an example of my opinion of the type of cooperation that this Act brought about.

The second example is a landing strip on Big Creek, known as Cabin Creek airstrip. This strip was badly damaged by a flood in 1997. A small tributary known as Cow Creek, just above the airstrip, overran its bank in the spring runoff and the water traveled

virtually the length of the dirt strip, doing a large amount of damage. Again, the Forest Service and the local pilots association, along with the Idaho Aviation Division, met to deal with the situation. This was unique in that it was wilderness where there was an agreement no mechanized equipment may be used. Although the Act does not allow for mechanized equipment, it does allow for mechanized equipment to be used in extreme situations.

It was felt that bringing tractors and bulldozers in the area might be viewed by some individuals as compromising the wilderness values. It was agreed the airstrip should be repaired with mules and drawbars. The financial needs were addressed by the Forest Service and the project did take place and the strip is now open.

I point these two examples as opportunities that without restriction to the Act, these two strips would surely have been lost forever. The language in H.R. 3661 is virtually the same as we have found successful in the Frank Church Act, protecting all landing strips in the wilderness area.

I would be remiss if I did not mention one particular person that works for the Forest Service, who was mentioned already today, Mr. Dave Alexander, the Forest Supervisor for the Payette National Forest. Mr. Alexander has consistently taken a cooperative position where areas that we work together. We have seen the value of aviation and realize the importance of the back country strips. These strips allow people to have access to areas that would not be otherwise possible. The aircraft do not damage in any way the terrain, they do not wander off the given path in the woods, there is no damage to the process of getting there. They do not break down the trails and cut across small corners to cause erosion. The aircraft simply go to one place. It is an essential part of the Wilderness Act.

Aircraft for the State of Idaho are a very important economic consideration. We have a number of air taxis that provide access for recreation and administrative purposes. Examples of people accessing the wilderness by air are hunters, fishermen, rafters, forest service, law enforcement. I would like to repeat again that all back country wilderness strips in Idaho or any other state in the Nation are an irreplaceable asset, that it would be irresponsible for us not to protect them. This Act does exactly that.

I would strongly support your supporting this act and I would be happy and delighted to any questions the committee might have. Thank you.

[Prepared statement of Mr. Welsh follows:]

STATEMENT BY:

Bart Welsh
Aeronautics Administrator
Idaho Transportation Department

Given to the U.S. House of Representatives
Subcommittee on National Parks and Public Lands

Regarding: HR 3661, Known as the
"General Aviation Access Act"

Presented April 6, 2000
Washington, D.C.

U.S. HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON NATIONAL PARKS
AND PUBLIC LANDS
TESTIMONY BY BART WELSH
AERONAUTICS ADMINISTRATOR
STATE OF IDAHO

Ladies and Gentlemen, thank you so much for an opportunity to comment on HR 3661, the bill to help insure general aviation aircraft access to federal lands and to air space over that land.

In the state of Idaho we have a number of state and federally owned aircraft landing strips. Idaho is known nationwide for its air access to wilderness and primitive areas. Each of these strips is considered by us to be an **irreplaceable state and national treasure**. The reality today is that if any of these strips were lost they could not be replaced because of the language of existing wilderness legislation. When the Frank Church Wilderness was established in Idaho, it incorporated a provision to provide for the continued operation of all existing landing strips. The provision states that existing landing strips may not be closed permanently or rendered unserviceable without the written consent of the State of Idaho. Over the years this stipulation has provided a very satisfactory working relationship. Personnel from the Forest Service have cooperated with the staff from the Division of Aeronautics and other interested parties to work out solutions to what could be a very difficult situation. I would like to share two of those with you today.

One is at a landing strip known as Wilson Bar. This strip is on the Salmon River and had been a landing strip for many years. It was originally built by a miner some time in the late 1930's or early 1940's. The first airplane to ever land there landed in a meadow as a true emergency when the aircraft had engine difficulties. Realizing the value of this, the owner of the mining claim improved the strip and made it available to other pilots to conduct business with him or access to that particular area. There was at the time no other airstrip along that portion of the river. Over time the strip became somewhat overgrown with trees and shubbery and was being used less and less. In 1994 the local pilots in Idaho began to use the landing strip for recreational purposes and for access to that area and

wished to improve it for potential emergency. Some Forest Service representatives felt that since the airport had seen infrequent use for many years, it might be best left closed Because of the language in the Frank Church Wilderness Act, the situation was looked at with legal interpretation and it was felt the airport was protected by the Act and should be remain open to aircraft operations. With that, there was a cooperative effort between the Forest Service and local pilots to remove the necessary trees and put the airstrip back into a useable condition. That airstrip is open today, is used by a number of people and is an example, in my opinion, of the type of cooperation that this act brought about.

The second example is a landing strip on the Big Creek known as Cabin Creek airstrip. This strip was badly damaged by a flood in the spring of 1997. As small tributary, known as Cow Creek, just above the airstrip, overran its bank in the spring runoff and the water traveled virtually the length of the dirt strip doing a large amount of damage, with washouts approximately 2 feet wide and 2 feet deep. Again, the Forest Service and the local pilots association, along with the Idaho Division of Aeronautics, met to deal with the situation. This was unique because it is in a wilderness area where there is agreement no mechanized equipment may be used. Although the Act does allow for mechanized equipment to be used in extreme situations, it was felt that bringing tractors and bulldozers into this area might be viewed by some individuals and groups as compromising the wilderness values and directives. It was agreed the airstrip should be repaired using mules and drawbars. There were financial needs that needed to be addressed and the Forest Service did address those. Although there were unforeseen setbacks, the project did take place and the strip is now open.

I point out these two examples as opportunities where without the restrictions of the Act these two strips would surely have been lost forever. The language in HR 3661 is virtually the same as we have found to be successful in the Frank Church Act protecting all the landing strips in our wilderness area.

I would also be remiss if I did not mention one particular person that works for the Forest Service. That person is Mr. David Alexander, the Forest Supervisor for the Payette National Forest. Mr. Alexander has consistently taken a cooperative position in areas where we have worked together; he

has seen the value of aviation and realizes the importance to the backcountry. These strips allow people to have access to areas that would not be possible otherwise. The aircraft do not damage in any way the terrain, they do not wander off their given path into the woods, they do not do damage in their process of getting there, they do not break down the trails or cut across small corners and cause erosion. Aircraft simply go to one place. It is an essential part of wilderness access means.

Aircraft for the state of Idaho are a very important economic consideration. We have a number of air taxi operators that provide access for recreation and administrative purposes. Examples of people accessing the wilderness by air are hunters, fishermen, rafters, forest service, law enforcement, etc. Other flights include emergency medi-vac, transporting mail and supplies to people that live or work in these wilderness areas. I would repeat again that all backcountry wilderness strips in Idaho or any other state in the nation are an **irreplaceable asset** and it would be irresponsible for us to not protect them. This Act does exactly that.

I would strongly support this proposed legislation and would be delighted to respond to any questions the Committee might have of me.

Mr. HANSEN. Thank you, Mr. Welsh. Mr. Boyer.

STATEMENT OF PHIL BOYER

Mr. BOYER. Thank you, Mr. Chairman. As you know, I represent the Aircraft Owners and Pilots Association, almost 360,000 of our nation's pilots and about 110,000 owners of general aviation airplanes who use these particular strips for both recreation and/or business use. Primarily, our members, well trained, as you heard earlier, fly in the western states at many of these airports. But as a national organization, I would like to describe just a bit the fact that it is not isolated to just the states represented at this table. There are airport closures or airports under threat of closure in the back country area in states like Oregon, California. And in my written testimony, I have given you a list of those airports that we are currently trying to save.

At the same time, let me take you to the 49th state, up in Alaska, where Mt. McKinley Airport, a critical airport in terms of safety, in terms of a single-engine plane losing an engine, has been under threat of attack for about the last two to 3 years. Though every case is different, we at AOPA feel that proposals to restrict aviation access to federally managed lands are generally inappropriate.

General aviation pilots, my members, do not seek to hinder the experience of anyone taking advantage of the recreational opportunities in these parks, in these forests, or these wilderness areas. As a matter of fact, most GA pilots fly over or land in these areas because they share this same appreciation for the environment. As part of our members' efforts to preserve the experience of ground visitors, we have encouraged and we know that our members successfully use a voluntary overflight minimum of 2,000 feet whenever going over any of these federally or state-managed lands.

General aviation contributes positively to the recreational experience. You know, our pilots do not leave behind clutter, clogged roads, or physical damage at the area. As a matter of fact, you will hear that pilots actually help to improve these areas. And compared to other sources of noise and disturbance that visitors may experience in national parks, forests, and wilderness area, aviation brings very little noise. But we do need these strips also for emergency use as you have already heard.

We also do not create the noise that recreational vehicles, buses, motorcycles and others use. If I could take just a moment and give you a little home video that I shot when I was in one of our national parks just last September. Enjoy the serenity, the beauty of Yellowstone National Park, for instance. By the way, I drove. And looking at scenes like this, once again, airplanes flying 2,000 feet or more above the airport not being heard; but suddenly, in the parking lot, just steps away from that scene I was showing you—I could not help but say, "and they worry about airplane noise over national parks." At any rate, aviation provides those physically unable, as you heard, to enjoy the pleasures of our national parks.

You know, as with any restrictions, limits on access by aircraft should be justified by hard data, such as a record of frequent complaints by wilderness users, not simply the perceptions of a few activists. I have testified in Chairman Duncan's committee about

many calls that are received at our domestic, regular urban airports. Most of these calls boil down to three or four people who are complaining, even though they may log 100 or so calls each. Studies, and they are in my written testimony, have shown that airplanes do not impair the national park visitors, affect the quality of their experience.

And once again, back country airports are so vital for the emergency use of airplanes. There are about 195,000 active civil aviation airplanes in the U.S.; 135,000 fly with a single engine. Now, if the single engine fails, those of us who are pilots all know, we become a glider pilot. And generally, in states like this, or anywhere in the eastern part of the country, in much of the country, we can glide the landing in a field or find an airstrip nearby. But that is not the case, as a matter of fact, when you are over states represented here like Idaho and Utah, or some of the other states where these back country airports exist.

I would like to demonstrate for you a trip that I took to Idaho, as a matter of fact, just a few years ago; a wonderful trip in which we were going to use a single-engine airplane to fly around in this kind of rugged terrain. I think it might be good for the committee to also look at the kind of airstrip we are talking about here. This is not one with a huge terminal, with large facilities, with parking facilities, et cetera. This is truly an approach to Thomas Creek, one of the back country airstrips we are talking about.

Well, when we landed, we suddenly discovered that a group of people down at the far end of that runway were going to need our help. Why? Because one of these charter aircraft that we described earlier, that carries passengers for hire, lost its engine over that rugged terrain with passengers on board. Just about an hour before our arrival, it had glided to a safe landing—wonderful pilot skills, I might say—and actually went off the road that abuts to that small airport. And this is a picture of us pushing that airplane out. All the passengers, the pilot, and everyone walked away from that accident. What would have happened had that back country airport not been there to use when this plane had actually one of its cylinders go through the side of the engine?

I would like you to refer to my written testimony for the remainder, but I would like to say that we encourage support of this general aviation access bill. You have correctly identified that there is an agency in this country that is responsible for our airspace, that is the Federal Aviation Administration. This bill does not take away from their authority over airspace, but it also involves local community, states, to participate in the process, and we support that in a big way. We believe this is a reasonable approach to a problem that continues to exist with our nation's back country airports.

Thank you, Mr. Chairman.

[Prepared statement of Mr. Boyer follows:]

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Statement of Phil Boyer

President

AOPA Legislative Action

before the

COMMITTEE ON RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS
U.S. HOUSE OF REPRESENTATIVES

The Honorable James V. Hansen, Chairman

concerning

General Aviation Access to Backcountry Airstrips

April 6, 2000

Good morning, my name is Phil Boyer, and I am President of the Aircraft Owners and Pilots Association.

AOPA enjoys the financial support of over 350,000 dues paying members. Our objective as an association is to promote the interests of those who contribute to our economy by taking advantage of general aviation aircraft to fulfill their business and personal transportation needs. More than half of all pilots in the United States are members of AOPA, making it the world's largest pilot organization.

I am very pleased to be here today to discuss the importance of general aviation access to backcountry airstrips.

Throughout the country, especially in western states, those who use aircraft for personal or business transportation are coming under increasing pressure whenever they fly in, near, or over national parks, forests, or other federally-owned and managed lands. The source of pressure is usually groups who want to place new restrictions on use of or access to parks or wilderness areas. These groups claim that aircraft landing and taking off in these areas, or even flying overhead, have an adverse effect on the recreational experience of visitors on the ground due to aircraft noise.

These groups often use the management plans and Environmental Impact Statements (EIS) for these lands to press for restrictions on aircraft use in or near these areas. In several cases, they have succeeded in placing restrictive language in these statements. AOPA is also involved in the drafting of these policies and statements, and our organization frequently submits comments to represent the interests of general aviation.

Recently, we have observed a startling increase in restrictions or attempts to restrict aviation access to federally-managed lands. Proposed restrictions are rolling in left and right, some having been tentatively adopted by the Forest Service, Bureau of Land Management, and other land management agencies.

In the past we have confronted proposals to restrict or ban aviation activity at Hell's Canyon National Recreation Area in Oregon, Desolation Wilderness Area in California, Glacier National Park in Montana, Grand Canyon National Park in Arizona, Rocky Mountain National Park in Colorado, and Sedona National Forest area in Arizona, to name a few. We also faced the closure of the Crofoot Ranch Airport, located in the Main Salmon River in Idaho, Gates Park Airstrip in the North Fork of the Sun River in Montana, and Red's Horse Ranch in Wallowa County, Oregon. In addition, we are dealing with access issues surrounding Mt. McKinley Airport in Alaska, a state that relies extensively on

general aviation for basic transportation. Many Alaskans cannot imagine life without general aviation and the wilderness airports and airstrips on which it depends.

Though every case is different, proposals to restrict aviation access to federally-managed lands are generally inappropriate.

General aviation pilots do not seek to hinder the experience of anyone taking advantage of recreational opportunities in these parks, forests, or wilderness areas. Most GA pilots fly over, or land in, these areas because they share an appreciation for outdoor recreation. Cooperation between the land management agencies has always been a cornerstone of aviation's efforts to preserve the park and wilderness experience for ground visitors. As part of our effort to preserve the experience of ground visitors and respect the natural quiet that visitors and wildlife enjoy, general aviation pilots currently observe a voluntary overflight minimum altitude of 2,000 feet above ground level.

General aviation contributes positively to the recreational experience. Aircraft overflights do not leave litter behind, clog roads, or physically damage wilderness areas. Compared to other sources of noise and disturbance that visitors may experience in national parks, forests and wilderness areas, aviation brings very little noise. Aviation provides access to those physically unable to enjoy this often rough terrain from the ground. Aviation serves an essential purpose in search and rescue, firefighting, and forest and ecological management and research. In fact, the U.S. Forest Service has its own fleet of aircraft and it uses these backcountry airstrips extensively in its management efforts.

Like forests and other wilderness areas, airspace is a treasured national resource, and like forests and wilderness, airspace and the landing facilities necessary to take advantage of it are shrinking due to pressure from other interests.

As with any access restrictions, limits on access by aircraft should be justified by hard data, such as a record of frequent complaints by wilderness users, *not simply the perceptions of a few activists.* Yet rarely have any real complaints or evidence of real harm been cited to justify restrictions on aircraft.

A study by the Forest Service entitled "Potential Impacts of Aircraft Overflights of National Forest Service System Wilderness," which was mandated by the National Parks Overflights Act of 1987 (P.L. 100-91), found little impact of aircraft overflights on visitor's experience. The study said that "aircraft noise intrusions did not appreciably impair surveyed wilderness users' overall enjoyment of their visits to wilderness nor reduce their reported likelihood of repeat visits." Further, a visitor's survey at Hell's

Canyon revealed that 72% of respondents felt that airplanes overhead had little or no effect on the quality of their experience.

Congressional intent has always encouraged public access to this wilderness area, *including access by aircraft.* In fact, Congress has mandated or encouraged access to most natural resources set aside for preservation and public enjoyment. Any restrictions on access must be consistent with the will of Congress.

Even if adequate justifications for flight restrictions exists and are consistent with congressional intent, the *Federal Aviation Administration is by law the sole authority on aviation and airspace.* Any restrictions or alterations of aircraft procedures or airspace use must not be considered without the close cooperation of the FAA.

Without a national airspace policy and a national agency to make and enforce it, airspace would be reduced to a patchwork of confusing and inconsistent regulations, and aviation safety would be severely compromised.

For example, a minimum altitude restriction — a requirement that aircraft fly a certain level above ground level — has important safety implications. The majority of general aviation aircraft fly under visual flight rules (VFR). Weather at higher altitudes often reduces visibility, creating an unsafe condition for VFR flight. General aviation aircraft, which typically have a much shorter range and lower ceiling than the jets most people are familiar with, often have little choice but to follow air routes over a park or wilderness.

Backcountry airstrips serve an essential safety role for transient aircraft as emergency landing areas. Most general aviation aircraft have only one engine. Of the 195,000 active civil aircraft in the U.S., 135,000 (70%) are single-engine piston aircraft. If the engine fails, an immediate landing is required, which is why gliding to a safe landing is a part of basic general aviation pilot training. In flat populated areas, there are a multitude of airports, airstrips, and even fields that offer ample emergency landing opportunities. In mountainous terrain, however, a pilot of a single-engine aircraft experiencing engine trouble has few choices for an emergency landing. An airstrip could be the difference between life and death for a pilot and passengers.

Backcountry airstrips are also an important asset in the ability to conduct search and rescue missions. Dale R. Evans, an AOPA member from Bend, Oregon, described the importance of Red's

Horse Ranch in the southern Eagle Cap Wilderness Area to one such mission in a letter he wrote to his Congressman, Greg Walden. Mr. Evans describes a mission flown by the Civil Air Patrol for a pair of overdue hikers in the Minam River Valley. Mr. Evans says that the hikers were found in good condition, but had an extended ground search been necessary in that isolated and rough country, air support from the nearby Red's Horse Ranch would have been invaluable.

These are only a few of the many complex technical considerations that must be taken into account when designing airspace. Only a technical agency like the FAA is qualified to accomplish it safely.

Keeping airstrips safe and usable requires maintenance of the facilities. The maintenance needed is not expensive, but it must be performed on a regular basis. If the Forest Service or other agency were unable to properly maintain these airstrips due to budgetary constraints, considering the use of the airport maintenance funds available from the Airport and Airway Trust Fund would make sense. AOPA would be happy to work with the Forest Service and other land management agencies, the FAA, and Congress to facilitate the use of Airport Improvement Program (AIP) funds for maintaining backcountry airstrips.

We believe proposals to restrict aviation access to federally-managed lands will increase, and disputes will intensify. However, these disputes can be resolved cooperatively and to the satisfaction of all interests.

To help address many of these issues Chairman Hansen has recently introduced the "General Aviation Access Act" in an attempt to end the confusion over the regulation of airspace use over federal lands.

While the Federal Aviation Administration has sole legal authority over aviation and airspace, including airspace in and over federally owned and managed land, federal agencies with land management responsibilities should adopt a nationwide policy for dealing with aviation issues related to land management. Furthermore, regional managers should be required to adhere to this policy because without a national airspace policy, airspace would be reduced to patchwork of confusing and inconsistent regulations. Most importantly, aviation safety would be compromised as well.

The "General Aviation Access Act" creates guidelines for the development of local land management polices related to general aviation overflights and access to backcountry airstrips. In order to accomplish this, the bill reiterates that new local land management policies recognize the FAA has

sole authority over airspace, thus ensuring general aviation aircraft a right to transit through navigable airspace.

Furthermore, such policies would have to be written in consultation with the FAA, state aviation departments and local and national aviation interest groups so the impact on the national and state aviation systems can be properly assessed. Finally, the FAA would retain the right to approve all land management policies related to transient general aviation over-flights and access to backcountry airstrips.

We believe this is a reasonable approach to this problem that would protect the interests of pilots, tour operators, air tourists, environmentalists, native Americans, outdoor recreation enthusiasts, and future generations. It would replace the current patchwork and ad hoc policies with a reasonable and balanced approach to this important issue can lead to a satisfactory solution for everyone, whether in the air or on the ground.

Mr. Chairman, this concludes our comments. Thank you again for the opportunity to present our views. I will be happy to respond to any questions.

* * *

Mr. HANSEN. Thank you, Mr. Boyer. We have a lot of folks standing. We are not going to use this bottom tier. If you want to come up and sit in it, you are welcome to do it. If you do not find that too intimidating, come on up.

Ms. NORTON. Thank you, Mr. Chairman. These are students from Calvin Coolidge High School in the District of Columbia, here to learn about the Congress of the United States.

Mr. HANSEN. Well, I am glad they could be with us today, Ms. Norton, and we are happy to have them join us.

Our last witness on this panel is Mr. Steve Durtschi from Centerville, Utah, an adjoining town of my town of Farmington. Mr. Durtschi, it is a pleasure to see you again, sir, and we will turn the time to you.

STATEMENT OF STEVE DURTSCHI

Mr. DURTSCHI. Good morning. I appreciate the opportunity to address this committee. My name is Steve Durtschi. I work as a Process Engineer on solid rocket propellants for a defense contractor in Salt Lake City. I am also a commercial and instrument-rated pilot.

I am here today representing the Utah Back Country Pilots Association. The UBCP has a membership of 325 pilots and enthusiasts in Utah and surrounding states. Our mission statement is to firstly promote air safety. We also serve as a volunteer group in maintaining and enhancing the safety at more remote airports. Many of the thoughts which I present here today are those suggested as I canvassed our group in preparing this testimony.

I wish I could convey in just a few minutes, the time allotted to me, the passion for and enjoyment my family and I have realized over the years in being able to access some of the scenic beauty of the west in our airplane. If we won a trip to Disneyland today, we would most certainly trade it for one night in our tent under the wing after burnt hamburger and semi-raw potatoes cooked in tin foil. We have been most fortunate in being able to roll our wheels from manicured grass strips in the mountains to dusty runways in red rock canyons.

Idaho has some two dozen of these landing strips in wilderness areas alone. The Frank Church River of No Return and the Selway-Bitterroot Wilderness areas both contain public landing strips open to private airplanes. Many of these are maintained in safe operating condition by public volunteers. This area of Idaho has become a show place for the nation, demonstrating how some of the most sensitive lands in the west can be managed in pristine condition for hundreds of generations and yet still allow public access.

The deserts and canyon country of Utah also contain a handful of airports that beckon the back country aviator. Our Director of state Aeronautics, Mr. Barrett, has spoken of their obvious value for search and rescue efforts and the peace of mind the cross-country traveler feels as they quietly slide under the wing during a long trip in otherwise very unfriendly airplane terrain. To me and many other pilots, they are a treasure; a resource to our state, and deserve defending.

Unfortunately, these landing strips are under attack. As an example, many of my friends and I used the landing strip at Taylor

Flat on the Green River. There were no complaints concerning its use. In 1997, a sign was posted at the entrance to the strip that said, in part, "Due to lack of interest and a qualified applicant to maintain the strip, the Taylor Flat Landing Strip is closed." Daggett County officials notified the BLM they would immediately perform any required maintenance on the landing strip and would maintain any required liability insurance. The Utah pilots group supplied data to show there was hardly a lack of interest in this strip and that it was being used and had been used by many people.

The BLM conducted an Environmental Impact Statement and found no significant impacts. During the public comment period, to my knowledge, not one dissenting letter was registered with the BLM, while dozens were sent desiring to keep the strip open. The BLM supervisor denied all requests to use the airfield, citing his desire to not sacrifice five acres os sage brush. A grader was dispatched and several deep gouges cut, rendering the strip useless.

With slight variation, the story has been the same at other Utah locations. With no advance notice, the BLM used heavy equipment to drag logs across the landing field at Dolores Point. The Mexican Mountain Landing Strip, now inside the Mexican Mountain Wilderness Study Area, has been continuously used by pilots since it was constructed in 1960. The U.S. Department of Interior's own pamphlet, entitled, Protecting Your Wilderness Study Areas, says that any activities conducted prior to the passage of the Federal land Policy Management Act of 1976 are grandfathered and allowed to continue. But the BLM has indicated they will cite any pilot now using the landing strip. I should mention, I have no axe to grind with the BLM. I believe they are responding to a few vocal environmentalist groups, and I emphasize that point.

Attacks on Utah landing strips come from other camps. In 1999, after resolving every potential issue over a period of almost 2 years, the BLM Environmental Impact Statements found no significant impact and issued a right of way lease for the landing strip at Mineral Canyon. Extremist groups immediately filed lawsuits, which persist from every legal angle to this day, even though the airport is not on what even they consider to be lands with wilderness character. I could cite similar attacks on airport closures in California and Idaho.

I mentioned earlier my passion for flight and what a great privilege it is to combine this with my love of the outdoors. Aviation has been a source of national pride for nearly a century. Aviation has been the currency with which we purchased our technological dominance. My heroes are Jimmy Dolittle, Neil Armstrong and Roscoe Turner. My love for aviation is interwoven with the basic desire all share to be in open space. The freedom to move about unencumbered is irresistible, and I treasure it equally. I recently read that after a 10-year review, a man in Shanghai, the People's Republic of China, was issued a private pilot's license. This brings the total private pilots in China to 41. It is little wonder there is a difference between our two countries.

I consider the airplane to be well-suited to visit sensitive lands. Consider that it does not leave a rutted landscape, nor does it graze its way from place to place. Only footprints leave the airfield.

A few years ago, we were camped at Chamberlain Basin near the Salmon River in Idaho. The early morning silence was broken by a Cessna 206, followed by another, and then another. As I watched curiously, about 12 young people were unloaded and helped into wheelchairs. For perhaps an hour, they had their own wilderness experience, some blowing into tubes to maneuver their chairs on the runway. These youngsters could have visited this wilderness in no other way. I later learned the airplanes were flown by volunteers.

H.R. 3661 will preserve this privilege to visit the back country. We are bound as pilots by Federal Air Regulations any time we operate an airplane at these fields. Why not give these airports the Federal protection they deserve?

A key ingredient to this bill is the public involvement it fosters. As a recently initiated couple to the political process, my wife and I are proud to represent our neighbors at the county convention in April. Our party platform reads in part, "We believe that citizens' needs are best met through private initiative and volunteerism."

The Utah Back Country Pilots could not agree more. We do not believe in entitlements. As pilots who love the outdoors, the government does not owe us a thing. We simply ask that they mandate some guidelines and then politely step aside. Many groups such as ours ask only for the opportunity to roll up their sleeves, put their talents and wallets where their hearts are. This bill will allow just that. The public is at the ready to adopt these landing strips and maintain them in safe operating condition. The State of Idaho has a program similar to this that has operated for years.

The Utah Back Country Pilots Association supports H.R. 3661. As I have shown, the laws governing these landing strips at present are inadequate and open to individual interpretation by many agencies. This bill will bring these strips all under one management team. It is a rational and sensible way to manage airports on public lands. I sincerely hope this committee will thoughtfully consider this matter and expedite signing it into law. Thank you.

[Prepared statement of Mr. Durtschi follows:]

UTAH BACK COUNTRY PILOTS ASSOCIATION

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Good morning. I appreciate the opportunity to address this committee. My name is Steve Durtschi. I work as a Process Engineer on solid rocket propellants for a defense contractor in Salt Lake City. I am also a commercial and instrument-rated private pilot. I have come a long way at personal expense for the privilege of voicing an opinion on the merits of H.R. 3661. I figure my testimony is costing roughly one hundred and fifty dollars per minute. I believe in standing for something and so it is worth every penny.

I am here today representing the Utah Back Country Pilots Association. The UBCP has a membership of 325 pilots and enthusiasts in Utah and surrounding states. Our Mission Statement is to firstly promote air safety. In support of this goal, we assemble and disseminate available information on what might be termed "back country" landing strips. These are the airports located in the more remote areas of the western states. We also serve as a volunteer group in maintaining and enhancing the safety at many of these locations. Many of the thoughts which I present today are those suggested as I canvassed our group in preparing this testimony.

I wish I could convey in the few minutes allotted to me my passion for and enjoyment my family and I have realized over the years in being able to access some of the scenic beauty of the west in our airplane. If we won a trip to Disneyland today, we would most certainly trade it for one night in our tent under the wing after burnt hamburger and semi-raw potatoes cooked in tin foil. We have been most fortunate in being able to roll our wheels from manicured grass strips in the mountains to the dusty runways in red rock canyons.

Idaho has some two dozen of these landing strips in wilderness areas alone. The Frank Church River of No Return and the Selway-Bitterroot Wilderness areas both contain public landing strips open to private airplanes. Many of these are maintained in safe operating condition by public volunteers. This area of Idaho has become a show place for the nation, demonstrating how some of the most sensitive lands in the west can be managed in pristine condition for a hundred generations and yet still allow the public reasonable access. I recently browsed a Swiss aviation publication and while I could not read the words, there was a beautiful full-page photograph of the Big Creek Landing Strip, east of McCall, Idaho with the Invitation Title: "Fly Idaho!".

The deserts and canyon country of Utah also contain a handful of airports that beckon the back country aviator. Our director of State Aeronautics, Bob Barrett, has already spoken of their obvious value for search and rescue efforts and the peace of mind the cross country traveler feels as they quietly slide under the wings during a long trip in otherwise very airplane un-friendly terrain. To me and many other pilots they are a treasure; a resource to our state that deserves defending.

Unfortunately, these landing strips are under attack. There are folks working night and day with the sole purpose of seeing these strips obliterated forever. As an example, many of my friends and I used the landing strip at Taylor Flat on the Green River 10 miles downstream from the Flaming Gorge Dam. The strip was located on BLM land next to private recreational housing development. There were no complaints concerning its use. In 1997 a sign was posted at the entrance to the strip that said in part, "...due to lack of interest and a qualified applicant to maintain the strip, the Taylor Flat Landing Strip is closed." Daggett County officials notified the BLM that they would immediately perform any required maintenance on the landing strip and would maintain any required liability insurance. The UBCP supplied data to show that there was hardly a lack of interest in the strip and that it was being and had been used by many people. The BLM conducted an Environmental Impact Statement (EIS), and found no significant impacts. In fact, while the EIS was in progress, the BLM was constructing a camp ground complete with paved RV hook-ups a few miles from the landing strip. During the public comment period, to my knowledge, not one dissenting letter was registered with the BLM while dozens wrote desiring to keep the landing strip intact. The BLM Supervisor denied all requests to use the air field,

citing his desire to not sacrifice 5 acres of sage brush. A grader was dispatched and several deep gouges cut, rendering the strip useless.

With slight variation, the story has been the same at other Utah locations. With no advance notice, the BLM used heavy equipment to drag logs across the landing field at Dolores Point on the border of Utah and Colorado. The Mexican Mountain Landing Strip now inside the Mexican Mountain Wilderness Study Area (WSA) has been continuously used by pilots since it was constructed in the 1960s. The US Department of Interior pamphlet entitled *Protecting Your Wilderness Study Areas* says that any activities conducted prior to the passage of the Federal Land Policy Management Act of 1976 creating the WSAs are "grandfathered" and allowed to continue, but the BLM has indicated they will cite any pilot now using the landing strip. (I should mention that I have no ax to grind with the BLM. I believe that they are responding to a few vocal extremist groups).

Attacks on Utah landing strips come from other camps, too. In 1999, after resolving every potential issue over an almost two year period, the BLM EIS found no significant impact and issued a right of way lease for the landing strip at Mineral Bottom north of Canyonlands National Park. Extremist groups immediately filed law suits which persist from every legal angle to this day, even though the airport is not on what even they consider to be lands with wilderness character. I could cite similar attacks and airport closures in California and Idaho.

I mentioned earlier my personal passion for flight and what a great privilege it is to combine this with my love of the out doors. Aviation has been a source of national pride for nearly a century. The Wright brothers invented controlled flight. Aviation has been the currency with which we purchased our technological dominance. My heroes are Jimmy Dolittle, Neil Armstrong, and Roscoe Turner. My love of aviation is interwoven with the basic desire all share to be in open space. The freedom to move about unencumbered is irresistible, and I treasure it deeply. I recently read that after a ten year review, a man in Shanghai, the People's Republic of China was issued a private pilots license. This brings the total private pilots in China to 41. It is little wonder there is a difference between our two countries.

I consider the airplane to be well-suited to visit sensitive lands. Consider that it does not leave a rutted landscape, nor does it graze its way from place to place. Only foot prints leave the air field. The UBCP avocates "leave no trace" camping - a practice rigorously followed in the Idaho Wilderness. The noise is transitory - a short hike from the air field and it cannot be heard at all. I do not believe that there should be a landing strip in every canyon; Utah is still a very large place with enough open space for every desire.

A few years ago we were camped at Chamberlain Basin, near the Salmon River in Idaho. The early morning silence was broken by a Cessna 206, followed by another , then another. As I watched curiously, about 12 young people were un-loaded and helped into wheel chairs. For perhaps an hour they had their own wilderness experience, some blowing into tubes to maneuver. These youngsters could have visited the wilderness in no other way. (The far-sighted Senator Frank Church was right when he said. "It was never the intent of Congress that wilderness be managed in so pure a fashion as to needlessly restrict customary use and enjoyment. On the contrary, wilderness should be managed to allow its use by a wide spectrum of Americans".) I later learned the airplanes were flown by volunteers. Needless to say, the noise - gone as fast as it came - was not objectionable.

H.R. 3661 will preserve this privilege to visit the back country. We are bound by the Federal Air Regulations any time we operate an airplane at these fields. Why not give these airports the Federal protection they deserve?

A key ingredient of this bill is the public involvement it fosters. As a recently initiated couple to the political process, my wife and I are proud to be representing our neighbors at the county convention in April. Our party platform reads in part, "We believe that citizens needs are best met through private initiative and volunteerism". The Utah Back Country Pilots Association could not agree more. We do not believe in "entitlements". As pilots who love the out doors, the government does not owe us a thing. We simply ask that they mandate some guidelines and then politely step aside. Many groups such as ours ask only for the opportunity to roll up their sleeves and put their talents and wallets where their hearts are. This bill will allow just that. The public is at the ready to adopt these landing strips and maintain them in safe operating condition. The state of Idaho has had a similar program for years. This will allow us the

experience of the stewardship of a valuable resource and pass the freedom of flight to our children in one civic gesture.

The Utah Back Country Pilots Association supports H.R. 3661. It contains no hidden agenda. As I have shown, the laws governing these landing strips at present are inadequate and open to individual interpretation by many agencies. This bill will bring these strips all under one management team. It is a rational and sensible way to manage airports on public lands. I sincerely hope this committee will thoughtfully consider this matter and expedite signing it into law. Thank you.

Mr. HANSEN. Thank you, Mr. Durtschi. Questions for this panel, the Chairman of the Aviation Committee, Mr. Duncan.

Mr. DUNCAN. Thank you very much, Mr. Chairman. Let me just first ask the panel, one of government witnesses later implies or testifies that a great deal of confusion, almost near chaos, will result because the words, landing strip, or what the landing strip is, is not defined in this bill. He spends a great deal of time in his testimony concerning that. Although I know the Park Service currently uses the words, landing sites, are in its management policy, and the aircraft landing strips in its regulations.

Do any of you feel there is uncertainty or confusion about what we are talking about here or what the words, landing strip, means in this legislation?

Mr. BARRETT. Mr. Duncan, there certainly is no confusion among pilots as to what it means. Those pilots who would use the back country strips, either for emergencies or for recreation, have no doubt in their minds what is implied by the words, landing strip. They are unimproved and there are no services available. There are usually no roads available, and it is a safe place to put their plane down in an emergency.

Mr. DUNCAN. I guess I would not have been as concerned about that if there was not so much of his testimony spent on that point. Mr. Durtschi, do you think there is any confusion?

Mr. DURTSCHI. No, not at all. In fact, our pilots group over the last 3 years has inventoried what we consider to be all of the landing strips in Utah. We have data on these, we have photographs, we have mapped them and charted them, measured their length, and described their condition. I believe they are all inventoried. I think one of the key ingredients of the bill will be it involves the public in deciding which ones now do we manage, which ones do we save.

Mr. DUNCAN. I might suggest, if you have not done so, that you provide that to the government agencies involved. But let me ask you this, the witness from the Forest Service also will testify later that there has been a very active—there is a formal decision process with full public involvement when closing airstrips. Has there been and do your pilots feel there has been adequate public involvement in these decisions?

Mr. DURTSCHI. No, not at all. As I mentioned, the logs were drug with heavy equipment at the Dolores Point Strip with absolutely no notice, no public involvement whatsoever.

Mr. DUNCAN. You say there is no public involvement whatsoever?

Mr. DURTSCHI. Not on that particular case. There was an EIS and a full-blown Environmental Impact Statement at the Taylor Landing Strip. That EIS found no significant impact and then the supervisor at the BLM office mandated this strip was closed with no other rational other than he did not want to sacrifice the sage brush, so that there was some public involvement there.

Mr. DUNCAN. Well, let me ask the panel this. The Administration tells us that these landing strips are primarily intended for the agency's use and not for the public's use. If an agency no longer needs these strips, do you think it is fair to ask them to pay to maintain them or does anyone on the panel feel that it would be fair to ask the general aviation pilot community or the state avia-

tion agencies involved to pay fees or some of the cost to help the government defray the cost of upkeep on these strips? What do you say in that regard, Mr. Boyer?

Mr. BOYER. Well, Mr. Chairman, the pilots are already, as you have heard, doing a lot to maintain these strips. I think we should, based on the videotaped example, remind everyone that the maintenance of these strips is certainly not like the maintenance of normal concrete/asphalt runways. Getting these ready at the beginning of the season, keeping them clean is just an ongoing effort that pilots do when they use them, and then perhaps a shut down at the beginning of the fall or winter season is all that is required on these airports. And in many cases, volunteer organizations are doing it now.

In addition, I think that with the passage of this Act, a lot more attention could be brought to assisting in that manner. In terms of any fees to use these airports, the same way that when we drove to Yellowstone, we paid a fairly substantial fee to enter the park, probably could be done, and there are those of us, as you have heard, with the passion to use them. But the efficiency of collecting such fees probably would not amount to the few aircraft that are going to use them, and we would have another government program collecting money, and it would cost more to collect it. But there are a lot of local solutions to the maintenance problem that you bring up.

And then in terms of our national transportation system, where these airports do provide—and I would cite Mt. McKinley as a good example, a safe harbor for an airplane that is in trouble—there may be a way to look at the use of AIP funding in terms of keeping a certain number of these up and our association would lobby heavily in that regard.

Mr. DUNCAN. My time is up, but let me just—I may have missed this, but let me very quickly ask you. Mr. Boyer mentioned that California and other states are involved in this also in addition to Utah, Idaho and several others. Maybe I missed this, but did somebody say how many back country airstrips we are talking about in total? Does anybody know the exact number?

Mr. WELSH. Mr. Chairman, I can answer your question as no, I do not believe we do. But in Idaho, we have some fifty different strips, and they arrange in a variety of skilled and aircraft needed to get into some of them and so forth, but the maintenance is in few cases not a problem. We typically cooperate with the Forest Service and set up a work party on a particular weekend. And they have their staff there that can direct and lead, and we can get, easily, volunteer pilots to come in and do the physical labor. That is a cooperative system that has been in place for years, and years, and years, working very well.

As Mr. Boyer points out, these are not strips that need to be asphalted every 2 years or something, and the users of them all have the best interest of the airstrip in mind. And so when I go in with my aircraft into one of these strips, I generally walk the strip, and look for rocks, and if there are little bushes or something that are in the way, and every other pilot does the same thing. So these are strips that periodically do need major maintenance, and

we schedule that kind of work. We do it, but it is not something that is an ongoing financial crisis.

Mr. DUNCAN. Well, that is a good system. I wish we had more cooperation between the private sector and government agencies throughout the Federal Government. Thank you very much.

Mr. HANSEN. The gentleman from Iowa, Mr. Boswell.

Mr. BOSWELL. Thank you, Mr. Chairman. I suppose in fairness, I should tell you that maybe I should be sitting at the other table, because I associate myself with the remarks and so on. I confess I am an airplane owner/operator and a member of the AOPA. But I just want to emphasize some points.

We spend a lot of money, those of us that fly and people we fly with. At least, I feel like we do every time I pull up to the gas pump, and the taxes are involved, and we are willing to do that for the maintenance of things of this nature. I do not know if any of you have ever been a small aircraft flying situation. We all understand if the engine fails, you have got to get on the ground. They are going to become gliders, as was already said. But you know, you get a kind of a funny feeling when you have got a little rough engine, too.

And one thing that we train pilots from the beginning is you are always conscious of where you go in case you have a problem. And if you do not have access to these strips, and we all understand what the strips are in areas like this. It would be taking a lot away in the sense of safety and just good old common sense, it seems to me. So I associate myself with the remarks of our panel and would hope that we would begin using a liberal application of common sense here, and I think we will do the right thing.

Mr. HANSEN. I appreciate the gentleman's comments. The gentleman from Iowa, Mr, Simpson.

Mr. SIMPSON. Thank you, Mr. Chairman. I appreciate the panel's comments, too, and I appreciate the fact that these back country strips are there for safety purposes as much as anything. And when I took my flying lessons, I knew that when you flew across Idaho, you, generally, were not flying across very much flat ground. And so I knew where every piece of flat land was plus everyone of these back country airstrips, and it provided a great deal of satisfaction to me to know that they were there.

I guess the one question I would have is that you mentioned that sometimes the airline pilot association or groups, these people will take over the maintenance of some of these airports. Who takes over in that situation, who is responsible for the liability if something were to happen, if an accident or something were to happen in that case? Would it be the Federal Government whose land this is on or the private people who have taken over the maintenance of them, or the state, or who? I will ask that of anyone who would like to answer.

Mr. WELSH. Mr. Simpson, I am not sure I have the answer to it either. I know the State of Idaho, as you know, we own 30 airports, and I do not think there is any way to get out of the liability when you are the owner. Although, we do not have lawsuits. It just does not happen. Now, I suppose it could happen. I think only of one incident where we had an aircraft damaged that the owner felt that it was our fault. We had a chuckhole in the area and his airplane

fell in that chuckhole and damaged it rather substantially. Fortunately, he was taxiing, he was not landing or taking off. We agreed with him and we paid for it. But it is simply these—it does not seem to be any kind of a groundswell effort to sue people over back country airstrips.

Mr. SIMPSON. Would it be true to say that most of the people who fly into these back country airstrips realize that sometimes these are not going to be in the greatest of shape and, therefore, they take precautions to make sure when they have been maintained and so forth?

Mr. WELSH. I think that is absolutely right. We do run as a state activity, training programs for people, on how to fly safely in the back country. We encourage anyone to come back in there to go through those training programs. The records that we have kept is that we have an outstanding safety record of those people that have done that. The unfortunate part is that people who have some difficulties back there, tend to be people coming from other states, have not had the training, and will get into difficulties.

Mr. SIMPSON. Mr. Boyer.

Mr. BOYER. Well, I was going to mention that I was not flying the plane that I had in that videotape, because I am not trained for that, and it is a unique experience, as you well know, going into some of these airports. As a pilot of almost 5,000 hours, I will hold my breath on that approach to that airport.

Your question about lability is a good one, so I think we are dealing with very trained pilots, mainly, going into these places. The second thing is, in cases of emergency, let us say, in a liability, the only other place is, as you mentioned, probably the road that you spotted down there. And there is going to be a question there if somebody gets a lawyer and wants to really go to work on the owner there, too.

Mr. SIMPSON. Thank you.

Mr. DURTSCHI. Could I address how we handled that on one airstrip in Utah?

Mr. SIMPSON. Yes.

Mr. DURTSCHI. The BLM issued a commercial right of way on the landing field at Mineral Canyon to two operators, Redtail Aviation out of Moab and Mountain Flying Service out of Monticello. These operators jointly maintain a liability insurance policy in order to use that strip commercially. The back country group is named as the airport manager, and we are responsible for the ongoing maintenance and upkeep of the landing strip. But those two entities that wish to use the strip commercially to haul rafters in, maintain a liability insurance policy that names the Federal Government as the insured.

Mr. SIMPSON. Thank you.

Mr. HANSEN. The gentleman from Illinois, Mr. Lipinski.

Mr. LIPINSKI. Thank you very much. Well, Phil, as soon as I saw that videobox there, I knew you had another video to show us. Your testimony at a hearing would not be complete without your monitor. It is amazing the places you manage to be at just the appropriate time.

Can anybody on the panel answer a question for me, what standards do you expect these strips to be kept up to? In reading over

the bill, I cannot really ascertain what standards we are going to, you know, expect these fields to be in. Can anybody answer that question for me?

Mr. BARRETT. I think that the standard that these airstrips need to be maintained to is whatever it takes for the pilot to be able to land safely and take off safely. And in most cases, it does not mean meeting a particular length and breadth of runway or safety areas, that it simply is up to the pilot to decide whether that airstrip is up to the standards that meet his aircraft, and his experience and skills. In Utah, we mark these strips on the chart as for emergency use. But that does not prohibit people from using them on a more frequent basis, or intentional basis, if they have the skills and the right kind of equipment to do so.

Mr. LIPINSKI. But do not you think with, now, passing the bill and formalizing this, and putting the Forest Service—I will not say, in charge, but at least having the ultimate responsibility for these strips, do not you think that we are going to have to set some kind of standards at least? You are shaking your head no.

Mr. DURTSCHI. No. Each of these landing strips stands on its own merits, just as Bob said. A fellow by the name of Gayland Hassleman wrote and published the bible on the idea of back country landing strips. In that book, he has a photograph of each strip, what he calls an RHI, Runway Hazard Index. He talks about egress, go around potential length of the strip, and has a little formula. Each landing strip has a number that he has come up with. That is his subjective—that is how he has it.

Mr. LIPINSKI. You are saying that he has written a book on all of these landing strips?

Mr. DURTSCHI. The ones in Idaho, yes.

Mr. LIPINSKI. Oh, the ones in Idaho. OK. Because I thought maybe you might be the man to ask the question, how many strips does this legislation cover, because no one seems to be able to give us an answer on that.

Mr. DURTSCHI. I can tell you what that is in Utah. We have identified about a dozen.

Mr. LIPINSKI. There is a dozen in Utah. How many in Idaho?

Mr. WELSH. We believe there are around 50, and the reason I am a little vague with you is there are strips back there that are owned by private individuals that we do not have anything to do with, but they exist back there. But there are around 50 strips that can be accessed this way.

I might add on the maintenance, that there are often times we think of an airport, the maintenance has to do with the landing surface. But in back country strips, there is another hazard, and that is the shrubbery and greenery growing up around it. And so we work to keep that clear so the approach can be safe and so forth on that. So it is a little more than just the dirt. Obviously, there is winter erosion that needs to be taken care of and that kind of stuff.

Mr. LIPINSKI. Philip, you were going to say something?

Mr. BOYER. Yes. I think we will take that as an IOU, Congressman. We will provide you, from our national data base, the number of airports that are covered by this legislation.

Mr. LIPINSKI. Now, Phil, wait a second. These are airstrips, they are not airports. Correct?

Mr. BOYER. This is the back country airstrips that, we will provide you a number that matches the 50 in Idaho, the ones that were mentioned by others, but we will do it on a national basis.

Mr. LIPINSKI. That would really be very helpful, and I think everyone needs to know exactly what this legislation is going to cover as far as strips. I understand that in Idaho you have similar state legislation to 3661. Is that correct?

Mr. WELSH. That is correct.

Mr. LIPINSKI. How do you determine, because there was testimony here earlier about a strip that existed in the 1930's, and maybe into the 1940's, and that it was overgrown. And then in the 1990's, you decided to, you know, reclaim it from the wilderness. How do you make a determination on, you know, what you are going to reclaim, what you are going to stop and be throwing back to the wilderness, and what you are going to allow to go back in the wilderness. Do you have any criteria for that?

Mr. WELSH. There is no specific criteria on that, but when the Act came in, it specified that the existing strips would remain in place, and that is what we use, were they in existence when the Act came in. And the Wilson Bar Strip that I mentioned earlier was in existence. And so therefore, when we got down into working with the Forest Service, it became obvious, it existed before even though it had had some difficulties in terms of overgrowth; it was not being used as often. It did qualify, therefore, we cooperated, we straightened it out, we put it back in service. There are no strips coming back in that were not in service at the time of the Act coming in. This Act, as proposed, is the same language we have and is to preserve what exists today.

Mr. LIPINSKI. Mr. Chairman, would you indulge me just for 30 seconds more? I see my time is——

Mr. HANSEN. The gentleman is recognized.

Mr. LIPINSKI. Are there situations where if the plane lands in an area one time, that you wind up designating that, you know, as an official airstrip and you keep it in operation after that? I mean, it seems like in reading the bill, the potential exists that if Phil is out there flying around with his video camera and he sees an area that could be a good spot for an airstrip, he will decide to go down there and land there so he can go back and say this is an airstrip, we have got to keep it open. I mean, how many times do you have to land, or how many times does it have to be an airstrip before, you know, this legislation is going to cause it to be kept in perpetuity?

Mr. WELSH. I happen to be one of the trained pilots, and I train people how to do this and so forth. And I can say pretty safely, in the State of Idaho, all the appropriate places to land aircraft are now strips. There are not a lot of other places. And as I taken my students around, I make sure that they have the mark on their chart right where they are. There are some riverbanks and so forth, you can do as we call one landing, but we kind of like to use the airplane again and so I do not believe that is an ongoing problem at this point.

Mr. LIPINSKI. All right. Thank you very much. Mr. Chairman, thank you for the time.

Mr. HANSEN. Thank you. The gentleman from Pennsylvania, Mr. Sherwood.

Mr. SHERWOOD. Listening to this discussion, it sounds to me that you are asking us to help you preserve the status quo. You are not asking for any new strips, you are not asking for any exotic maintenance, and the liability deal is a little bit like if I decide I am going rafting on a river, the Federal Government owns the river, but I have to use my own good judgment. They are not certifying it is safe. So what I would think is what you said about you will give us an IOU on an inventory. I would think that would be pretty important because if there is an inventory, then you know what the status quo is to preserve. And it would eliminate the issue that was just raised about using this as an excuse to create new strips.

And the issues that we are trying to balance are your rights to aviation and your rights to enjoy the back country with what other people think might be a little intrusive. And so it seems to me the policy of the country is not to build more use, but you are asking us to institutionalize what you have had, and that seems sort of reasonable to me.

Mr. WELSH. I think it is reasonable to us, too.

Mr. HANSEN. The gentlelady from California.

Ms. NAPOLITANO. Thank you, Mr. Chairman. Mr. Boyer, how many landing strips does H.R. 3661 cover?

Mr. BOYER. Well, I think we just talked about that. I do not think we have an accurate number, and that is the IOU I promised the committees.

Ms. NAPOLITANO. I am sorry. I must have stepped out a minute.

Mr. BOYER. That, I would provide, yes. I think that is a good—we have it by some of the states represented here, probably Idaho being the most robust in terms of these strips, but we will provide the committee with those.

Ms. NAPOLITANO. Have you had any problems identified with any illegal operations?

Mr. WELSH. We have not in Idaho. Again, these are very, very rural remote areas, and it does not lend itself to a drop-off place to pick up anything, something like that. You can only get in there one way and get back out the same way. So it does not lend itself—we have not had, to my knowledge, any difficulty like that.

Ms. NAPOLITANO. Is there a specific reason why the environmentalists or the activists want them closed other than the noise factor?

Mr. WELSH. I have to simply share my opinion, and I think that as we work with them, there is a general tendency to want to keep out any mechanized piece of equipment, and aircraft is obviously mechanized, that the feeling is that there is something more pure, or more kosher, or more something if one walks in there, looks at the beauty of our state, it is better than if one flies in there, that sort of thing. It is a general feeling that this is intrusive in that way.

Ms. NAPOLITANO. But the intrusion is limited to the airfield, the landing strip. You are not necessarily making new roads or trying to encroach further into the pristine area. Is that right?

Mr. WELSH. No. We have done some observation with pilots over the years, and to be absolutely honest, pilots are kind of lazy, and

they tend to camp right next to the airplane. They do not tend to march five miles into the woods. And so we find that there is very little movement away from the airstrip itself. It just is there, it is just a place to go. There are some of our strips, we have developed with campgrounds around them and fire rings, those kinds of things. Some are in areas that is not permitted, and they are not there. But it does not seem to be any movement from there beyond, nor do we have any interest to build roads or make them.

We have one strip that we are quite proud of, and I have never actually measured this, but I am told it is 50 miles from the nearest four-wheel drive road, and that is a very remote strip, and we are very glad it is remote. And you can believe me there, and you can even watch game and moose and walk through the area in total silence. It is very, very nice. And the only way you get there is a long, long walk or by aircraft.

Ms. NAPOLITANO. Now, given the inaccessible areas maybe even the seasons, would you say that a lot of these are not available during the winter, or the rains, or—I guess what I am trying to get is the usage versus the perceived, or at least what I can read, encroachment.

Mr. BOYER. I would definitely say you are absolutely correct. There are no snow plowing facilities and most of these are in areas that there is snow. They are really late spring and, obviously, damp weather is going to prohibit the use of those strips that are not paved. So in many cases these are fair weather operations during late spring, summer, early fall.

Mr. BARRETT. And strictly daylight operations for the most part also. It would be impossible to get in and out with no lighting facilities.

Ms. NAPOLITANO. So there is no way that you can put any jeopardy on the landing strip by attaching fire to the brush around it?

Mr. WELSH. No. There is no big fire danger with them at all. I would be remiss if I did not add one program that we are very proud of, and we call that Access to Wilderness, where we fly in physically handicapped adults and children back into some of our strips. We have volunteer pilots that do that and it is an exciting day. They pick up people in wheelchairs and put them in airplanes and take them some place that there is simply no other way they could get there. So we are delighted with that program.

Ms. NAPOLITANO. Do you have any capping on the number of flights that any particular airfield might have during a given day?

Mr. WELSH. This is something that we in the State of Idaho are working on very hard to try to identify. We are working with a person developing a piece of equipment to try to do that, because we would like to know the answer to that also. Some of the strips are real obvious, and we have four of our strips that, state-owned strips, that we have staff there during the summertime to help people and so forth. And they, obviously, can count the number of airplanes that come in and out.

We have one particular strip we do not own, but it will be—that is used a lot for access for floaters, and there are people there, and we have pretty good numbers on that one. The other strips, we do not. And we do a lot of estimates on that, and most of our esti-

mates run anywhere from one to two flights a week to one to two flights a day. These are not heavily used strips.

Ms. NAPOLITANO. Would you kindly just when you make a report to this committee in regard to the number of airfields, would you make some notes of some of the more used strips?

Mr. WELSH. I would be glad to provide that, but with the recognition that we are struggling with that ourselves.

Mrs. NAPOLITANO. Right. Thank you.

Mr. HANSEN. The gentleman from Nevada, Mr. Gibbons.

Mr. GIBBONS. Thank you very much, Mr. Chairman, and let me say that I certainly applaud you at this effort on this legislation. And I join these gentlemen here at the table as well in their support of this legislation.

As someone who probably has as much time in an airplane as anyone here with nearly 22,000 hours flying time, both as a private pilot instructor, as a commercial pilot, as a military pilot, I truly find the significance and the importance of these small unimproved landing airstrips in the district that I represent to be incredibly important. The Second Congressional District of Nevada is about 600 miles wide by about 800 miles long. It is very difficult to access by car without taking several days to reverse it. And often times we have used airplanes and found very comforting the fact that there are emergency landing strips, little areas that we would have access to.

And most of the time we focus on the fact that these are emergency landing strips for airplanes that are in distress when, in fact, often times in the district that I have the great fortune to represent, these strips are access for emergency services to be provided to the communities or to the residents within the local area. It is not unusual to find a ranch or a homestead somewhere in these rural areas that may be four or 5 hours by vehicle from the nearest medical center; in other words, a car. An injury to someone on one of these rural ranches often times requires either someone to fly there to provide a medical service or for them to fly out if they are going to even save the life of that individual. So the small rural strips can be "lifesaving" to the people on the ground who depend upon them as well as to pilots in the air who may inadvertently have the unfortunate problem of having something go wrong with the aircraft.

My question probably is—my concern is going to go more to the next panel—but I wanted to talk to somebody about—and maybe you can talk to me here—about the Dolores Point Landing Strip. Now, is that in Utah?

Mr. DURTSCHI. No. It is actually in Colorado. It is along—it overlooks the Dolores River, about a half-mile inside Colorado.

Mr. GIBBONS. OK. My concern is that it is a longstanding, long used rural airstrip, that without warning the Bureau of Land Management used heavy machinery to drag logs onto the strip. Now, if I were a pilot who may have realized or not realized that I was going to need that strip, and had relied on the fact, not knowing that the BLM had intentionally destroyed access to that strip, had an emergency and eventually chose that strip from the air, being unable to make any other determination or fly anywhere else—after all, in some of these places you have to be in outer space if

you want to go between paved runways, if you have got a glide ratio that will permit.

But if I had used this strip without adequate notice, without a note being placed by the government that they dragged logs across it and closed it, let me say that I do believe the liability would go to the Federal Government for intentionally destroying access to one of these strips. I would ask any of you gentlemen if you would feel the same way, or if notice should have been published, and if this is something that is going to be a continual problem with the government in their arrogance even to the laws that we have passed, mandating some of these airports remain open.

Mr. BOYER. Well, I think once again, the Act providing some Federal aviation administration oversight, which is where this belonged, is critical. We have a charting process of every 6 months or sectional charge, the state's publish charts on them, some of the states on an annual basis, others infrequently. And the problem is some of these things that you are talking about occur in between the charting cycles and, therefore, even with a chart in hand that shows an emergency strip, the actual thing that you talked about could have happened.

And I provided in my written testimony, we have a letter from a member in Bend, Oregon, who cited support of the bill for the very reason you said. He is a member of the Civil Air Patrol, Search and Rescue. Two hikers were lost. Now, yes, they could have gone some distance away, obtained a helicopter, gotten into the strip, but that would have been a very time-consuming situation. With the airstrip handy, these people which, fortunately, were found, was a critical factor in rescuing somebody who had nothing to do with the aviation recreation or business part.

Mr. GIBBONS. Thank you very much, Mr. Chairman.

Mr. HANSEN. I thank the gentleman. The gentleman from Minnesota, the ranking member of the full Transportation Committee, Mr. Oberstar.

Mr. OBERSTAR. Thank you very much, Mr. Chairman. It is good to join you on the podium here to participate with you an issue of this significance. I have a few brief questions. Are all these landing strips approved by the Federal land manager?

Mr. WELSH. No, they are not.

Mr. OBERSTAR. Are any of them in trespass?

Mr. WELSH. I am sorry. Say again?

Mr. OBERSTAR. Are any of them in trespass; that is, they are not approved, then they are potentially in trespass on Federal lands.

Mr. WELSH. Their location is approved in that case, but what I was using, a term or close to it, the approval, they do not meet the standards——

Mr. OBERSTAR. I am not talking about standards. I am talking about the existence of the strip.

Mr. WELSH. The existence of the strip is approved, yes.

Mr. OBERSTAR. In each case?

Mr. WELSH. In each case.

Mr. OBERSTAR. Again, do you know of any where there is a strip that is used, that it has just been a customary strip used by aviators but not necessarily approved by Federal land managers?

Mr. DURTSCHI. My understanding of the rules and regulations, at least in Utah, are that the BLM treats the airplane as any other off-road vehicle. As such, it has the right to use any road, any landing strip, be it little used or not, with impunity. In order to operate commercially from that strip; in other words, to bring people in and out for hire during tourist season, the BLM would request that the airplane owner acquire a right of way or a commercial lease on the landing strip.

Mr. OBERSTAR. OK. I infer from previous exchange that there is no standard for determining, verifying, certifying the condition of those airstrips. Is that correct?

Mr. WELSH. That is correct.

Mr. OBERSTAR. How does an aviator know it is safe to land on any one of those? Just because it has been used?

Mr. WELSH. I think it behooves an aviator in these strips, as any other airport in the nation, that I, as a pilot, have limitations on my skills and abilities. My aircraft has limitations on its abilities.

Mr. OBERSTAR. Well, but that does not apply when you are flying into a paved general aviation airport or into a general aviation grass strip that has met the FAA standards or that is part of NPIAS use. None of these are part of the NPIAS use.

Mr. BOYER. I think, Congressman, the FAR's cover that in terms of being a pilot. Familiarize yourself with all aspects of the flight you are embarking on. And an aspect of that flight is the airport that you are going to depart or land from, along with the weather and the other regulations. And so a pilot has to brief himself or herself on the particular parameters around that airport. I know the book that was referred to earlier with the pictures and the——

Mr. OBERSTAR. But Phil, do aviators who are not residents—I can understand that of natives of the state who are familiar with and use with some frequency those facilities. But if you are not from the state, if you are flying in, you have the understanding that there are grass strips, you can use them, how do you know? For you to familiarize—what do you use? What source of information do you use to know that this is a safe place to land?

Mr. BOYER. Hundreds of these books are sold each year, normally, to people outside of the state. Normally, people who want to——

Mr. OBERSTAR. These are all listed, all these strips are listed in this book?

Mr. BOYER. They are listed, yes. And usually, parameters that are made up, and the Internet is providing us with——

Mr. OBERSTAR. Can you give me one of those?

Mr. BOYER. Yes, I would. I would love to give you the one from Idaho, which is a fantastic book.

Mr. OBERSTAR. All of these strips are on Federal lands. Is that correct?

Mr. DURTSCHI. No. Some are on state land.

Mr. OBERSTAR. All of the strips covered by this pending legislation are on Federal lands?

Mr. DURTSCHI. No. That is not correct. Some are on state, school trust lands in Utah.

Mr. OBERSTAR. Why is there no differentiation in the legislation then?

Mr. DURTSCHI. I do not see that there needs to be.

Mr. OBERSTAR. Well, why should the state have a role in determining the status of an airstrip on Federal land?

Mr. BARRETT. Because the interest of the state in support of the flying public in that state is that those strips ought to be accessible by those pilots. If the BLM or the Forest Service wants to without warning——

Mr. OBERSTAR. Does the state have any regulatory authority over those strips?

Mr. BARRETT. No, they do not.

Mr. OBERSTAR. OK. Thank you.

Mr. HANSEN. The gentleman from Kansas, Mr. Moran.

Mr. MORAN. Mr. Chairman, thank you. I appreciate the opportunity of joining your committee. Are these airstrips, back country airstrips, shown on charts that pilots use. If you are flying across the country, you have got the chart that shows these airstrips as in existence?

Mr. WELSH. Yes, they are.

Mr. MORAN. And is it generally local traffic that is utilizing these airstrips or would it be more likely that it is people who are flying cross-country—is there a differentiation?

Mr. BARRETT. Mostly, it is local, but we get requests frequently from people from out of state who want us to send a copy of our state aeronautical chart so that they can see where these landing strips are, whether it is because of emergency preparation or because they intend to land there, we do not know. But mostly, it is local people who use them, you know, from our state or a surrounding state.

Mr. MORAN. But does a pilot access the chart in what way? How do you get a chart if I am flying across Utah, I am a pilot, and I want to know where the strips are?

Mr. BARRETT. We get a lot of requests by e-mail, by telephone for them. We also distribute them through all of the airports, the public use airports in the state, and we make them available to anyone who wants one free of charge.

Mr. MORAN. Does the chart differentiate the quality of these airstrips? Is there some designation on the chart that describes the condition?

Mr. BARRETT. In Utah, the chart designates that they are primarily for emergency use, however, we have taken a number of them which have been specifically upgraded by the Back Country Pilots and brought up to a safer condition, we have indicated those in our airport directory and put considerably more detail.

Mr. MORAN. And are the efforts by Federal agencies to restrict or prohibit the use of these airstrips, is this a national policy that is being implemented or is it simply decisions made by Federal officials locally within their jurisdiction?

Mr. WELSH. Our experience in Idaho has been local, that we have found some of the Forest Service personnel are pilots and they are simply on board with us right off the bat. There are others that simply take a total hard line on things and so our experience in Idaho has been a local thing.

Mr. BARRETT. Same thing in Utah. There seems to be a great deal of dissimilarity in the way that they administer from region to region.

Mr. MORAN. So the differentiation is based somewhat on the attitude of the local official in regard to this issue?

Mr. BARRETT. It may be that. It may be a condition upon the kind of resistance he is getting from others in that area as well.

Mr. MORAN. And the explanation by local officials as to why these strips should be closed is generally what?

Mr. BARRETT. Either disuse or environmental pressure are probably the two biggest ones that we experience.

Mr. MORAN. Mr. Chairman, thank you very much.

Mr. HANSEN. Thank you. The gentleman from Louisiana, Mr. Cooksey.

Mr. COOKSEY. Thank you, Mr. Chairman. I want to try to get back to determining exactly where this problem exists. Are most of these trips in the northwest states or the mountain states like Idaho? Could you give me a ballpark figure about how many strips are involved, you know, just a wild guess?

Mr. WELSH. That request was asked earlier, and we have given you an IOU on that, but the number that we use in Idaho is 50. And that is not a hard number, because that is very difficult, and as silly as it sounds—what do you mean, you do not know how many there are—because there are privately owned ones and so forth, and what do you include?

Mr. COOKSEY. Does this problem exist elsewhere in the United States or is it just a problem that is unique to these states, because most of your state is owned by the Federal Government, Federal lands?

Mr. BOYER. No. As I said, and I do not think you were here, Congressman Cooksey, from a national perspective, we see this mainly centered in the western states. Let us say seven western states to give you a ballpark, knowing that their number is probably most robust in any state. Let us say there are on average 25 times 7. But I cite an example in Alaska where this is beginning to occur. Once again, it tends to occur against some environmental pressure brought against the local management of the Federal agency. And then once again, we get into these knee-jerk reactions rather than an overall policy.

Mr. COOKSEY. OK. I am an environmentalist. I like to go into these areas. I have been in the wilderness areas where you can go in by foot or horseback, and I understand the argument for that. Fishing, that is my preoccupation. It is really better in Louisiana on the coast, but I like to go up in the mountains occasionally. But when people go in that are also environmentally concerned about it, when they get lost or have an injury, do most of them like to walk out, ride a horse out of there, or would they rather have a plane get them out, after they have been out of food for two or 3 days?

Mr. BOYER. I think you answered that with the question.

Mr. COOKSEY. Another question. How do you get around most of the time, fixed wing or helicopter?

Mr. DURTSCHI. In this case we are talking about fixed wing.

Mr. COOKSEY. But my question is what is the availability of helicopters? The availability of helicopters is small compared to fixed wing?

Mr. DURTSCHI. Correct. And that is said in our testimony as a letter from a member that indicates to get a helicopter to this strip in Oregon would have been very difficult, time-consuming—not to land the helicopter, but to locate one and get it there, plus the expense. There is a great deal of expense for that.

Mr. COOKSEY. As a Hughes wing pilot, I still do not trust helicopters because they have too many moving parts going in all directions.

Mr. DURTSCHI. I have flown the Idaho wilderness for eight or 9 years, and I have yet to see a helicopter ever land.

Mr. COOKSEY. OK. Another personal question. There is a strip somewhere in Idaho that is off the middle fork of the Salmon that is actually a hunting place, and I went there 10 years ago or more. And I know there was a big—the wreckage would be about halfway down, because on one side there was a 210. On the other far end, there had just been a crash the previous year. Do you have any idea what the name of that ranch is? It is a pretty well known place.

Mr. DURTSCHI. Thomas Creek, Pistol Creek, Mahoney Sulfur Creek, Flying B.

Mr. COOKSEY. That is it, that is all I need, Flying B.

Mr. DURTSCHI. We would be glad to take you there.

Mr. COOKSEY. I have been there.

Mr. DURTSCHI. We are leaving this afternoon.

Mr. COOKSEY. What kind of condition—why were those planes crashed there?

Mr. DURTSCHI. Excuse me?

Mr. COOKSEY. Why were the planes crashed there? I know that you either flew in or you had a two-and-a-half day horseback ride. And I raise quarter horses, but it was still—flying was the better option. We insisted in going in a Beaver, which is a very good plane for that. Why were those planes crashed there?

Mr. DURTSCHI. I would defer to Mr. Welsh on that.

Mr. WELSH. I am not quite sure the particular incident you are talking about, but Flying B is an airport. It is on the middle fork of Salmon, and it is really accessible only by air, and it is a challenging strip. If the aircraft, or the pilot, or the weather conditions are not right, it is not something that I recommend to my students they fly into. It is simply challenging, and all of these strips have that limitation, and things do happen.

Mr. COOKSEY. Well, you have beautiful country up there and I really think we should do everything to preserve it, but aviation is not, you know, the 21st century. It is 20th century and it is here to stay. It saves lives and saves people that get lost.

Mr. WELSH. In the first place, it involves flying people out of the B float trip, where the water got so dangerous that it was not safe, and the guy who pulled off at the B and said, who can fly these people out of here. So it can be a real lifesaver from another way.

Mr. COOKSEY. You can either save lives or save trees and animals. Thank you, Mr. Chairman. I am a physician so I would save lives.

Mr. HANSEN. I thank the gentleman. I hope the committee realizes, and as you look at this particular piece of legislation, you know, we cannot guarantee safety anywhere. Someone who is going to run a river, he has to take that risk. If someone is going to drive a four-wheeler out or an ATV, he takes a risk. The good pilot will pretty well figure out if it is safe before he lands.

And I know I am not in the category like my friend with 22,000 hours against my 500, but you take a few looks at a place before you put down, you know what you are getting into. And so I am just somewhat amazed that sometimes we worry about that. I mean, this is a certain responsibility comes to every person in American when they go on public ground or anywhere else.

I would like to bring up this idea of maintenance. It seemed to be an issue with BLM and the Forest Service. I have been given to understand by talking to a lot of groups that they are more than happy to go in and do the maintenance that is necessary. I believe Mr. Durtschi brought that up at one time, as far as maybe cleaning up the airstrip, new tie-downs, windsock, things such as that to keep it going. And I complement you for doing that, and that is what we should have in America is this public participation. And I think, Mr. Boyer, your people are more than interested in doing things such as that.

I really want to compliment this committee. I do not know of a better committee we could have with two people representing both Utah and Idaho, and Mr. Boyer, representing the AOPA, and Mr. Durtschi, who is a back country pilot. That is a good cross-section of experience.

Now, let me respectfully just say something, no disrespect to anybody here, but do not worry, the Administration will oppose this bill. I mean, that is to be expected. I have served as the Chair of this committee for 6 years now, and I was counting up the other day, and I think there has only been five that they have not opposed. Most of them, we have a way of working it out, and bless their hearts, the BLM and the Forest Service, eventually, we come to a meeting of the minds. And so I do not mean to—do not be shocked when the next two gentlemen coming up vigorously oppose your bill and what you are interested in. That is to always be expected from this Administration.

Because we have an access philosophy going on, whether it is ATV's, whether it is four-wheelers, whether it is river runners, whether it is pilots, or regardless of what it is, there are some people that have the opinion that access to the public grounds should be extremely, extremely curtailed. That does not seem to be the opinion of the American public, but I am just giving you mine. I am sure my colleagues here could debate that, but seeing as I have the mike and I am the last speaker here, I will say it anyway.

With that, let me thank you for being here. We welcome you to stay. Thank you for your excellent presentation. This has been one of the more interesting hearings that we have had. And with that said, we will excuse you gentlemen and turn to the next one, which is Mr. Pat Shea, Deputy Assistant Secretary, Land and Minerals Management, Department of the Interior; Mr. David Alexander, Forest Supervisor of the Payette National Forest, Department of Agriculture.

Thank you, gentlemen. We surely appreciate your attendance with us. You know the rules, you have been here before. Mr. Shea, we will turn to you, sir. Is your mike on?

Mr. SHEA. I would be happy to have Mr. Alexander, since he is more familiar with the forest and has been referred to several times, to give his specific testimony and then give the overview, if that would be all right with the Chair.

Mr. HANSEN. All of the testimony in its entirety will be included in the record without objection, and whatever you gentlemen want to say, we are more than interested in your testimony.

STATEMENTS OF PAT SHEA, DEPUTY ASSISTANT SECRETARY, LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY DAVID ALEXANDER, FOREST SUPERVISOR OF THE PAYETTE NATIONAL FOREST, DEPARTMENT OF AGRICULTURE

STATEMENT OF DAVID ALEXANDER

Mr. ALEXANDER. Mr. Chairman, I appreciate the opportunity to come here today and speak to you about H.R. 3661. I am David Alexander, the Forest Supervisor of Payette National Forest, and I am one of the four supervisors that are responsible for the management of the Frank Church River of No Return Wilderness. I have submitted, and I believe you have my full written testimony, so I am going to try and just summarize that briefly.

Mr. HANSEN. That will be fine.

Mr. ALEXANDER. The Forest Service is involved in many aspects of aviation, everything from our district people being out on airstrips working with volunteers from the aviation community to do maintenance through working with the Department of Defense to develop low level jet routes across the national forest for training. We work an awful lot with the outfitting and guiding association in Oregon and in other states, trying to make sure we are facilitating their businesses.

I, personally, use back country airstrips a great deal myself, both for business and for recreation. I am not a pilot, but it is very reasonable to rent a plane, or to rent a pilot, go in and recreate, and I have done that a number of times. A lot of the back country airstrips in our national forest were developed, really, to service emergency landing points for early aviators, but they have evolved now to a point that primary users today are recreational pilots, outfitters and their planes, state and local governments; particularly, in regard to search and rescue organizations and, of course, land managers. We use those strips ourselves for administrative use.

As has been made known earlier, we really do not know how many back country airstrips there are. It is very difficult to categorize it across the country. We know maybe a little bit more about it in forests like the Payette or in Idaho because of the management issues that we have had, but I have no idea how many there are nationwide on the national forest. But a lot of those airstrips are in the wilderness and, of course, the Forest Service has followed the Wilderness Act of 1964 in many cases, and a lot of airstrips in the wilderness, or designated wilderness, have been closed. There have been, however, some very notable exceptions,

and one of those is the establishment of the Frank Church River of No Return Wilderness, where aviation use is specified as a valid use and where we manage those airstrips very carefully under the law, trying to follow congressional direction and intent.

But the Administration does strongly oppose this bill, and to summarize, the main issues of opposition is, first of all, it takes the rules that are applied in the Frank Church River of No Return and somewhat expands those, and then applies them nationwide. My concern and the concern, I think, of the Forest Service is that a national policy is counter to our belief that these decisions can and should be made by professional land managers based on applicable laws and regulations, current resources, social conditions, and with full public involvement and the involvement of other agencies that are involved.

We are concerned that this bill could result in mandating priorities for maintenance on airstrips in a very limited budget situation. We have very difficult problems with the budgets that we use to handle our facilities, and we are a little bit concerned that the bill could have us into a situation where we are mandated as to what we have to do. We are not arguing about the fact that we need to do maintenance, but to be mandated how much of that budget has got to go that way.

The bill has some potential to effect land exchanges, and that is a concern to us. But I think, in summary, we recognize the importance of aviation in the back country. I do not think that is the issue here; at least, I hope not. I think we fully understand the importance of providing opportunities for those people who, physically, could not otherwise visit the back country. I think that we understand the importance, economically, if the air traffic or the air taxi business, and of the need for outfitters and guides, river rafters, hunters, hunting outfitters, to get their clients into the back country using these airstrips. I think that we realize that these airstrips are extremely important from emergency use by pilots and also for the health and safety of other wilderness and back country users.

However, for some of the reasons that I mentioned above, the Administration strongly opposes the enactment of H.R. 3661. We believe our current policies provide adequate aircraft access with the appropriate local flexibility and public input. I would be pleased to answer any questions.

[Prepared statement of Mr. Alexander follows:]

STATEMENT OF

DAVID ALEXANDER

FOREST SUPERVISOR, PAYETTE NATIONAL FOREST

U.S.D.A FOREST SERVICE

April 6, 2000

Before the

Committee on Transportation, Subcommittee on Aviation
Committee on Resources, Subcommittee on Forests and Forest Health
and
Committee on Resources, Subcommittee on National Parks and Public Lands

Hearing on H.R. 3661: A Bill To Help Ensure General Aviation Aircraft Access to Federal Land and to the Airspace Over That Land

MADAM CHAIRMAN, CHAIRMEN AND MEMBERS OF THE SUBCOMMITTEES:

Thank you for the opportunity to speak with you today on H.R. 3661. I am David Alexander, Forest Supervisor on the Payette National Forest, and one of the supervisors responsible for the Frank Church River of No Return Wilderness in Idaho. Although the Forest Service recognizes the need to provide back country access, including airstrips, we strongly oppose H.R. 3661 as unnecessary and, potentially, damaging to local land and resource decision making by Forest Service managers. We believe these types of decisions should be based on local conditions and made by natural resource managers.

Aviation and the Forest Service

The Forest Service is involved at every level of aviation activity from meeting at ranger districts with local flying clubs and discussing back country airstrips to assisting the Department of Defense in designing low level, high speed jet fighter training routes. Through special use permits, we authorize national production companies to film movies and commercials. Often this

filming is done by aircraft. We also provide for civilian seaplane use on national forest lakes throughout the U.S.

Many of the back country airfields on national forests were originally constructed to serve as emergency landing points for early aviators. As aircraft became more reliable, these strips became "working" airports for people involved in logging, guided hunts, and scientific expeditions. Forest development and new road construction were also supported by air deliveries of bridge parts, machinery, and vehicles. In the 1950s, the Forest Service began to use aircraft to fight fires and more airfields were added. Today, the primary users of the backcountry airstrips are recreational pilots, state and local government search and rescue organizations, and land managers. Aviation ground based facilities, built under special use permits, are located throughout the national forest system. They include the Federal Aviation Administration's communication antenna, radar sites, and variable omni range (VOR) stations, key components in the national airspace system.

Airstrips and the Wilderness Act

The Forest Service has hundreds of backcountry airstrips in national forests; some of these are located in congressionally designated wilderness areas. The Forest Service is guided by the Wilderness Act in the management of all forms of mechanized and motorized equipment. Specifically the Wilderness Act states in part in Section 4 (c):

"... except as necessary to meet minimum requirements for the administration of the area... there shall be... no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport and no structure or installation within any such area."

In section 4(d)(1), Congress further addressed the issue of aircraft use in wilderness areas, providing, in relevant part, as follows:

"Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable..."

The Secretary of Agriculture has used this discretionary authority sparingly. Absent Congressional direction to the contrary, in general, backcountry airstrips in wilderness have been closed unless the agency has determined the continued use is necessary to meet minimum requirements for administration of the wilderness or it is necessary for health and safety reasons. The closure of several airstrips in the Bob Marshall Wilderness in Montana, following its designation in 1964, exemplifies Forest Service policy to minimize motorized activities in wilderness consistent with Section 4 (c) of the Act.

However, when Congress directs the Forest Service to allow the continued use of an airstrip following wilderness designation, the agency allows that use to continue. One example of Congress providing for the continued public use of airstrips was contained in the Central Idaho Wilderness Act of 1980 (P.L. 96-312) which designated certain lands in central Idaho as the River of No Return Wilderness (renamed by Congress in 1984 as the Frank Church-River of No Return Wilderness). With regard to aircraft use, Section 7(a)(1) of P.L. 96-312 states:

"the landing of aircraft, where this use has become established prior to the date of enactment of this Act shall be permitted to continue subject to such restrictions as the Secretary deems desirable: provided, That the Secretary shall not permanently close or render unserviceable any aircraft landing strip in regular use on national forest lands on the date of enactment of this Act for reasons other than extreme danger to aircraft, and in any case not without the express written concurrence of the agency of the State of Idaho charged with evaluating the safety of backcountry airstrips."

H.R. 3661

This bill takes one basic requirement of the Central Idaho Wilderness Act of 1980 (approval required from the affected state's aviation agency), adds to it and expands it to cover the whole United States. H.R. 3661 essentially provides for five changes in the process and substance of Forest Service and Department of the Interior land management agency decision making

regarding airstrips on federal land, including congressionally designated wilderness areas. I will briefly describe these changes and discuss our concerns.

First Change: Section 3(a) requires that land management agencies not permanently close or declare or render unserviceable any aircraft landing strip (either by action or inaction), unless 3 steps are first completed. These steps include approval of the action by the Federal Aviation Administration (FAA) and the head of the appropriate state aviation department. Notice of the action must also be published in the Federal Register followed by a 90 day public comment period. Comments must be taken into consideration by FAA, the state aviation department, and the appropriate Secretary of Agriculture or the Interior.

We oppose this change because it could be read as taking land management decision making out of the hands of the professional land managers by giving the FAA and state aviation departments additional authority to veto land management decisions. Our current process for considering airstrip closures provides ample opportunity for public involvement, and the additional notice and comment requirements under H.R. 3661 would not substantially enhance the public's participation, but could lead to significant delays in the process.

When there is a reason to close an existing airstrip, the Forest Service uses a formal decision making process that includes public involvement and environmental analysis under the National Environmental Policy Act (NEPA) before the decision is made. We look at the environmental effects of the proposed action as well as alternative actions and a "no action" alternative. The NEPA process also requires scoping and public involvement, including coordination with other agencies and opportunities for local and other individuals and interest groups to offer their input. After the NEPA decision has been made, it is subject to administrative appeal. We believe the existing NEPA and administrative appeals processes provide interested parties, such as the FAA, the state, and the public, ample involvement in Forest Service decisions on airstrips. There is no need established by H.R. 3661. Additionally, Section 3(a) could be read as requiring notice and comment for temporary closures, including those necessary for public health and safety reasons or resulting from natural disasters.

Second Change: Section 3(b) mandates that the land management agencies, in consultation with the FAA, adopt a nationwide policy governing general aviation issues related to their land management. Agencies must require their regional managers to adhere to the national policy.

We oppose this change because it could also remove the ability of local and regional land managers to make decisions that respond to the unique conditions that exist on the lands they are responsible for managing. We believe our current policy of allowing local and regional decisions, with appropriate FAA review, works well and is more efficient.

Local units need the flexibility to manage the 53 forest system airstrips found on National Oceanic and Atmospheric Administration (NOAA) aeronautical charts and the, perhaps, hundreds additional uncharted airstrips on national forest system lands. Because the type of aviation use and natural resource conditions and terrain vary from area to area of the country, this local discretion is critical. On a case-by-case basis, the district ranger needs to continue to determine what type of aviation activity will be authorized, whether it will be partnered with another agency or civic group, and if the airstrip will be open to the public. For example, on Roosevelt Lake in Arizona a forest order restricts recreational seaplane activity to certain times of the day and prohibits it weekends and holidays due to the large number of boaters on the lake. Yet on other national forests there are no restrictions on seaplane activity as the number of boats on the river or lake are smaller and do not interfere with the aviation activity. Because of these regional and local differences the Forest Service does not have a national policy on the types of aviation activity that may be authorized on back country airstrips and water landing zones.

Third Change: Section 3(c) requires that any policy of the land management agencies affecting access to an aircraft landing strip on federal land will not take effect unless the policy is approved by the FAA; states that the FAA has sole authority to control aviation and airspace over the U.S; and seeks and considers comments from state governments and the public. We oppose this change because it would take away the Forest Service's authority to make decisions on access to airstrips. Although H.R. 3661 does not define "access", the term would appear to apply to overland access as well as access by aircraft. These are decisions currently made at a forest-wide level, in forest plans, and on a project-by-project basis by district rangers using the NEPA process. The NEPA

process seeks and considers comments from state governments and the public. This change would make such land management decisions subject to approval by the FAA.

Similarly, section 3(c) could be read as requiring FAA approval of land management decisions relating to the landing of aircraft on landing strips on federal lands. We also oppose this provision because it could significantly restrict the Forest Service's decision making authority.

Fourth Change: Section 3(d) requires that the land management agencies "consult" with the head of each state's aviation department and other interested parties to ensure that strips are maintained consistent with resource values of the adjacent area. Currently, decisions on maintenance of airstrips are made by land managers, based on available funds and land management priorities. Back country airstrips have been funded through recreation or fire aviation and other (FA&O) administrative facilities funding, depending on the primary purpose that the airstrip serves. The Forest Service has a total FA&O deferred maintenance backlog of $678 million dollars. For FY 2000 the FA&O maintenance budget is about $26 million. The backlog continues to grow. H.R. 3661 would reorder Forest Service priorities by requiring that airstrips be maintained before other facilities, even those visited daily by thousands of the general public we serve.

Fifth Change: Section 3(e) prohibits making closure or rendering any airstrip unserviceable a condition of the federal exchange or acquisition involving private property containing an airstrip.

Like the other provisions of H.R. 3661 this section withdraws from federal land managers the ability to make decisions on airstrips that reflect local, site specific land management priorities. Under this section, airstrips which had existed on private land for solely private use would have to be retained and maintained on public land, even if there was no public need for them. For private lands being considered for addition to the national forests, this provision would make exchanges or acquisitions less likely if the past use of an area is unknown and there is a possibility of the additional obligation and liability of maintaining an airstrip which serves no national forest purpose. Likewise, it is possible that this provision could prohibit an exchange of federal land that may have been used at some time as an airstrip, unless the exchange proponent

agrees to provide for its maintenance and use as an airstrip once the land becomes private. We do not believe that either of these possible results of H.R. 3661 would be in the public interest.

Other Considerations

Backcountry landing strips do provide emergency landing areas which increase the safety of those who enjoy our national forests, parks, and BLM administered lands by air. However, H.R. 3661 does not define the terms it uses: "backcountry aircraft land strips", "aircraft landing strips" or "airstrips". Thus, the bill could be read to apply to any open area that ever was or ever could have been used as an airstrip. The broad scope of the bill goes beyond addressing any safety issue and hampers rational land management decision making.

General aviation does provide access to people who would otherwise not be physically able to enjoy our national forests. In recognition of this fact, we often do maintain airstrips in backcountry areas. For example, in the Frank Church River of No Return Wilderness, we have several airstrips that groups such as Wilderness Within Reach utilize. The Forest Service directs such groups to the specific airstrips within wilderness that have accessible cabins and campgrounds. This meets public needs without attempting to maintain all existing backcountry airstrips in the area.

Conclusion

For all of the reasons set out above, the Administration strongly opposes the enactment of H.R. 3661. We believe our current policies provide adequate aircraft access with appropriate local flexibility and public input. I would be pleased to answer any questions you may have.

Mr. HANSEN. Thank you, Mr. Alexander. Mr. Shea.

STATEMENT OF PAT SHEA

Mr. SHEA. Thank you, Mr. Chairman. As you know, over the last 30 years that you and I have been involved in politics, we have always found ways of working out solutions. Indeed, it was a couple of years ago that I was here on another hearing you chaired on the fair appraisal question for land exchanges. And I am pleased to announce to you, as you know, that we have established a very good working private/public partnership. I think that kind of dialog has been in the past quite constructive.

I do have to say with 3661, however, we would be unalterably opposed to it because in an ironic way, it takes the local decisionmaking process that I would suggest, even with the testimony here today, has been working. It is not broken, it does not need to be fixed.

To answer Congressman Gibbons question about the Dolores situation, we have made a call to the MOAB office. Their understanding is that that airstrip was not on BLM land, it was on private land. We are checking that further and we will submit something for the record that will give an answer. But there is a clear public process mentioned by the Utah pilot of the EIS requirement in Vernal, or out of the Vernal District office, reflects the ability of the public to participate in these decisionmaking questions.

Now, I do think the questions related to conflicting uses, and one, Mr. Chairman, that I am sure you are very sympathetic to is the air borders that are essential for national defense in the desert of Utah. You begin encouraging the public to think that there are airstrips that they can use for recreational purposes, and you begin to have conflicts between the needed military use, or in Idaho, around Mountain Home, that is something that I think would be an unintended consequence of this legislation.

Utah has had several instances where there have been drug planes that have landed on these strips, and even though they are remote, drug dealers are very creative in the ways they find transporting things. So I think having an unlimited sense of these airstrips can be put anyplace that the public provides they need to be would be in certain conflict.

Where the conflict has arisen, in my judgment, has been where increased recreational use on the ground has begun to move into areas that, traditionally, could only be accessed either by horseback, by backpacking, or by air. And I will tell a personal experience on the Selway, the River of No Return Wilderness Area, where we floated for 5 days, Moose Creek, it is a major recreational airstrip. And I have to tell you, that it is very disconcerting to be floating down the river and all of a sudden have five or ten aircraft land in the middle of the area in an unanticipated way. It is not to say that it should not be there, but I think the BLM process and the Forest Service process which has been described allows for those conflicting uses to be resolved on the ground in the local area.

And I would suggest to you in very strong terms that 3661 is going to yank that decisionmaking out of the local area and impose a national standard. And given the number of times that I, as an

Administration witness, or other witnesses for the Administration have been admonished by the Congress to keep decisionmaking at the local area, I think 3661 creates a certain conflict with that admonition.

So just to leave the subject, we are concerned about how budgetary sources would be generated. California has estimated that we would have to spend $2,000 to $5,000 a year to maintain these strips. I think the uninformed flyer from the east coast, coming west, might assume that there was some type of Federal standard and decide to try to place their plane in a place that she was not trained to place it. And the accident that would result, the ranch in Idaho is a good example of how hazardous this type of flying is. And by allowing the kind of unlimited right to establish airstrips that I believe 3661 does, you are inviting future problems.

So my final statement is I hope that we can keep a constructive dialog going on, that we maintain the kind of local or regional decisionmaking that FLIPNA requires be allowed to do or the National Forest Act requires the Forest Service to do, and not have some sort of Federal legislation that is one size fits all.

[Prepared statement of Mr. Shea follows:]

STATEMENT OF PAT SHEA,
DEPUTY ASSISTANT SECRETARY, LAND AND MINERALS MANAGEMENT,
DEPARTMENT OF THE INTERIOR.
before the HOUSE RESOURCES COMMITTEE,
SUBCOMMITTEES ON NATIONAL PARKS AND PUBLIC LANDS
and FORESTS AND FOREST HEALTH, and
HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE,
SUBCOMMITTEE ON AVIATION.
on H.R. 3661

April 6, 2000

Members of the three Subcommittees, I appreciate the opportunity to appear here today to discuss H.R. 3661, a bill "to help ensure general aviation aircraft access to Federal land and to the airspace over that land."

The Department of the Interior strongly opposes enactment of H.R. 3661. H.R. 3661 would interfere with current well-established land management practices and policies for airports and landing strips on public lands. It would impose new, unanticipated and extensive management and financial burdens on the land management agencies. It could legitimize landings and other uses that are currently in trespass on the public lands. H.R. 3661 could also dramatically impair the capacity of Interior's land management agencies to carry out their resource protection, public safety, and law enforcement functions in areas that attract general aviation.

The bill would impose significant new requirements for agency decisionmaking for landing strips on federal lands managed by the Departments of Agriculture and Interior. It would require that for any agency to close or render unserviceable any airstrip it would have to obtain the approval of the FAA and the state where the strip is located, and complete a 90-day public comment period. The bill requires that for any policy of the land management agency affecting access to landing strips must be approved by the FAA and be subject to comments from the public and State governments. H.R. 3661 would require agencies to consult with each state and other interested parties to assure that strips are maintained consistent with resource values of the adjacent area. The bill would prohibit making closure or rendering an airstrip unserviceable a condition of an exchange or acquisition involving private property with an airstrip.

The effect of the bill is to remove essential decisionmaking involving airstrips from the hands of the managing agencies. While some of the requirements may appear reasonable on the surface in appropriate cases, similar procedures are already followed in many land management decisions affecting landing strips, and this bill would be an additional overlay which is not appropriate for uniform application to the many types of landing areas and management situations faced by the agencies. They would unnecessarily expand the jurisdiction of the FAA and the state aviation offices in the lands decisions of Federal agencies and they would seriously and impair management, planning, and budget decisions and in many cases, public safety.

Impact of H.R. 3661 on the Bureau of Land Management (BLM)
Many airports in the western states are located on public land. BLM has statutory authority in the Airport Act of 1928 to lease up to 2,560 acres of public lands for use as a public airport and in the Airport and Airway Improvement Act of 1982 to convey, subject to a reverter, lands to a public agency for an airport. The BLM has 84 active airport leases and has made 33 airport grants. These leases are located near small towns, mining operations, ranches, etc. Many of these leases are held by local governments. There is FAA involvement in the approval of these leases and conveyances. BLM believes that its current airport authorities are adequate.

H.R. 3661 does not define aircraft landing strips. Under this bill landing strip could include any area that has been used for landing purposes and could require continuation of that use regardless of its purpose or origin. There are a number of strips or landing areas that have been used for special management purposes such as fire control, research and surveys, and other agency management uses, which may be temporary or occasional.

Some mining plans of operations, which require BLM approval, include landing strips as part of "reasonable access" to the facility. Other commercial activities, such as ranching and outfitter operations, use landing strips. Not all of these are authorized. Outfitters do not receive authorizations for landing strips pursuant to their recreation use permits. BLM-Idaho has identified 26 aircraft landing strips used for ranch or outfitter operations. Many of the locations appeared to be in the southern half of the state along or adjacent to the Snake and Salmon Rivers or their watersheds.

Many lakes and waterways within public lands in Alaska and elsewhere are used for landings. Are these "landing strips?" BLM-Alaska estimates 74 landing strips with some amount of improvement and upwards of 1,000 landing "strips" ranging from sandbars to simple bush clearings. Moreover, many landing strips in Alaska are closed for 6 or more months a year due to weather, and many change over time with changing landscapes and river flows. This bill might be interpreted to either impose further management requirements on the managing agencies to protect these areas and uses, at great cost, or to restrict their ability to change this use.

Unfortunately there are a large number of unauthorized landing strips or areas. The deficiencies of unauthorized strips are many. Unauthorized sites may be used for illegal activities, such as drug drops and illegal alien entries, may contain hazardous materials such as fertilizer and gasoline, and may not involve any known or responsible parties or any level of state or federal control. Under H.R. 3661, every dirt road or dry lake bed may be a potential "landing strip," subject to legitimization by the bill.

The budget impacts on BLM of H.R. 3661 would be large. Section 3(d) would apparently impose on the land management agencies an obligation for some degree of maintenance on all landing strips. These direct maintenance costs would vary from a preliminary estimate of $2,000 to $5,000 per site in the deserts of California to substantially higher amounts in Alaska and other areas. Furthermore, section 3(d) could lead to the imposition of a Federal liability on BLM under the Federal Tort Claims Act, even where we have little knowledge or means of control. In

Alaska for example, there are sandbars that are used by hunters to land and access remote areas. We have no record of when and where these people land. If someone gets injured or killed during landing or takeoff, evidence might be presented of other hunters having used the same landing site. This could be a "landing strip" under H.R. 3661, possibly forming the basis for Federal liability.

Other provisions of H.R. 3661 are also of concern to BLM.

- BLM's existing airport authorities employ a public consultative process, including the FAA, which parallels the requirement of section 3(a). We strongly object to the blanket application of section 3(a) to any "landing strips" - thus including those outside of current BLM authorizations or indeed outside BLM's awareness. Perversely, section 3(a) might require an extended consultative process for the BLM to shut down a known drug smuggling landing strip.
- While the Department of the Interior does not dispute FAA jurisdiction over air space of the United States, we do not feel a restatement of this policy through the "national policy" of section 3(b) and through the procedural and consultative requirements of section 3(c) are needed or useful.
- The new provisions of section 3(c) of H.R. 3661 might considerably extend the jurisdiction of the FAA and other authorities into the management decisions of BLM and the land managing agencies affecting access.
- Section 3(e) provides that a landing strip will not be closed as part of an exchange or acquisition of private land. BLM's ability to exchange lands to obtain inholdings within wilderness or other special areas could be severely diminished if we were unable to close a landing strip whose existence was contrary to the resource values of the surrounding area. We need the management flexibility to blend the newly acquired lands with the nature of the larger area.

Impact of H.R. 3661 on National Park Service.

H.R. 3661 would dramatically impair the capacity of the National Park Service to carry out its resource protection, public safety, and law enforcement functions in parks that attract general aviation.

H.R. 3661 would do this by restricting the ability of the Secretary to deny public access to aircraft landing strips in parks, and by requiring the Secretary to maintain an "aircraft landing strip", unless the FAA and the state in which the landing strip is located, agree that the landing strip should not be maintained.

These provisions would open up national parks to multitudes of aircraft. As noted above, the bill does not define the terms "landing strip," or "aircraft". Thus, any area that has ever been used as a landing strip by a plane or helicopter in a national park could fall under this definition and be entitled to perpetual maintenance and upkeep. Aside from the fact that it would be almost impossible to ascertain every site on which planes or helicopters have landed in parks, this requirement would place an enormous administrative and fiscal burden on the National Park Service, as aircraft have landed, legally, and illegally, in hundreds, if not thousands, of places throughout the National Park System. Although we have never taken an inventory of all the

sites throughout the 80 million acre park system that have been used as air strips, our cursory review indicates that there are many strips throughout the system that were in use prior to areas attaining park status. Many of these strips were used to support mining, fishing, and other activities.

The policy ramifications of requiring the NPS to maintain every site that has ever been used as a landing strip are profound. To maintain strips we may have to grade and pave runways, among other things. If the condition of a strip has severely decayed, and needs to be rehabilitated, we might have to build roads to facilitate the transportation of equipment necessary to do the job. We might also have to develop infrastructure such as storage facilities and other structures.

Section 3(c) of H.R. 3661 would open up these improved strips to the public, as it would significantly restrict the ability of NPS to implement a policy that restricts access to an aircraft landing strip. Presently, it is NPS policy, as expressed through its Management Policies and regulations, to prohibit general aviation aircraft access to a unit of the National Park system outside of Alaska unless it is allowed through special regulations. Although aircraft access to Alaskan parks is generally allowed under the Alaska National Interest Lands Conservation Act, (ANILCA), only a small number of parks outside of Alaska, such as Lake Mead National Recreation Area, Glen Canyon National Recreation Area, and Death Valley National Park, among others, have special regulations that allow public access to park units by aircraft. Even in these situations, public access is limited to a small number of strips that can be monitored and maintained. Section 3(c) would require the NPS to allow public access to an air strip unless it obtained approval for the denial of access from the FAA, and sought and considered comments on the access denial from state governments and the public. By its terms, section 3(c) would restrict our policy making with respect to all aircraft, including commercial, not just general aviation.

By increasing public access to these strips, H.R. 3661 would place at risk fragile park resources. It would also lead to safety and law enforcement problems. These formerly used strips are in areas that have been included in national parks by Acts of Congress because of their unique natural or cultural attributes. The introduction of general and possibly other forms of aviation to these sites would subject them to pollutants and would also increase the levels of noise in these areas. This would be an unfortunate and ironic consequence, considering that Congress recently passed H.R. 1000, which contains a provision that allows the Federal Aviation Administration, in conjunction with the National Park Service, to regulate air tours over national parks and thus protect the natural soundscapes of parks. Thus, under H.R. 3661 the National Park Service could have less authority over planes that actually land in parks than it would have over planes that fly over them.

In addition, the increase in access and development would undoubtedly lead to safety problems, as the NPS would be unable to regulate the quantity of traffic to these sites. Many of these airstrips are in terrain that requires demanding approaches and full performance takeoffs, with very little room for error. Landing a plane on these strips requires a level of expertise that is beyond the expertise of many general aviators. The accidents that could ensue from attracting inexperienced aviators to difficult landing sites would endanger the lives of individuals, and

increase the exposure of the taxpayer to legal liability. Furthermore, the existence of thousands of developed and regularly maintained back country landing areas could facilitate resource-impacting criminal activity in parks, such as the theft of cultural artifacts, the cultivation and extraction of illegal plants, or illegal hunting. It could also facilitate other criminal activity, such as drug smuggling.

We also disagree with several of the premises underlying this bill. The findings section of the bill states that general aviation serves an essential purpose in search and rescue and fire fighting activities. We believe that this bill would impair, rather than enhance, our ability to carry out these functions. These functions are carried out almost exclusively by governmental entities. By attracting general aviation to landing strips that must be used by the government to carry out these functions, the bill in effect would restrict governmental access to these strips, as general aviators would be taking up space that could be needed by governmental aircraft to carry out these missions.

We also question whether this bill serves any legitimate needs with respect to national parks. Most of our parks are adjoined by gateway communities that have airports to service the general aviation community. Indeed, by requiring the maintenance of backcountry airstrips, H.R. 3661 would take away business from these gateway airports.

The bill would also impair our resource-conservation mission by giving state agencies a veto power over NPS actions taken with respect to these strips, as it would require the Secretary to consult with State agencies to ensure that 'landing strips are maintained in a manner that is consistent with the resource values of the adjacent area."

For all these reasons, we strongly oppose H.R. 3661. We also note and concur in the comments and analysis of the National Forest Service. This concludes my testimony. I would be happy to answer any of your questions.

Mr. HANSEN. Thank you, Mr. Shea. Questions for the Administration, the gentleman from Nevada, Mr. Gibbons.

Mr. GIBBONS. Thank you very much, Mr. Chairman. I am somewhat perplexed by Mr. Shea's comments with regard to not wanting to establish a national policy on this area when, in fact, every time the Administration comes in here, they want a uniform standard national policy affecting the national forest. I would prefer that all decisions with regard to the treatment of our national forest or public lands be local. I appreciate your understanding and your concern about that. My confusion, of course, is that you believe this bill is going to create new airports. It does not; it merely establishes a process for the closure determination.

And when it comes to terms of military conflicts, I, having spent twenty-some years in the military using low altitude corridors, know that those are fully published, they are identified, they are restricted in certain areas, both in terms of altitude and airspace. And in that publication, private pilots are very well aware of where they are, know what they are in use for. I do not find even at Mountain Home there to be a conflict as you may state.

Now, my question to you, Mr. Shea, with regard to the Dolores Point Landing Strip, you said there was a consideration that it may have been private property. Did BLM spend any money for any resources or any time using machinery to drag logs onto the runway or any other item that would have been used to close the runway?

Mr. SHEA. Congressman, I will have to find that answer out for you and submit it to the committee.

Mr. GIBBONS. Would not they have had to come to you to use an expenditure to do that?

Mr. SHEA. They certainly would have had as part of their innovated land management plan to publish the action, and then had public comment on it as to how that particular land use was fitting into their new land management plan under FLIPNA.

Mr. GIBBONS. The Mexican Mountain Landing Strip, there is another one that has been used often times by the private sector, noncommercial sector. It is in a wilderness study area which was established after the runway was established there and used. You and your agencies are attempting to close it even though it has a preexisting and are required by law to leave it open. The law says to leave it open. Why are you pursuing action to close that strip?

Mr. SHEA. Again, Congressman, I will have to have the particular facts as relates to that airport. I would observe two things: Before an area can be a wilderness area, Congress has to act on it, and as they did with the Frank Church——

Mr. GIBBONS. Well, this is a wilderness study area, so you and I both know that that has no congressional requirement in it, although you treat it, defacto, as a wilderness area.

Mr. SHEA. And there is disagreement as to how we should handle that. The Administration, in my judgment, has quite correctly attempted to manage these as if they were wilderness areas so no damage would be done.

Mr. GIBBONS. But even though the law says that this runway should remain open, you want to close it.

Mr. SHEA. Well, again, I will have to find out the facts and get a letter to you on that.

Mr. GIBBONS. All right. Just for each of you, I want you to answer this question, if you will. Would you describe for me the environmental groups that have come to your agency asking for these airstrips to be closed and tell me what their rationale is when they approach you—you or your agency?

Mr. SHEA. To my knowledge, we have not received any requests from any environmental groups for a national act. I do think in the instances of——

Mr. GIBBONS. Would you check with your agency to find out——

Mr. SHEA. I will.

Mr. GIBBONS.—so that it is an agency approach as well?

Mr. SHEA. Fine. I will do that.

Mr. GIBBONS. How about the Forest Service?

Mr. ALEXANDER. I am not personally aware of requests to close airstrips, but I would need to get back to you on that. I can tell you that from the area that I manage, I have had no request of that type.

Mr. GIBBONS. OK. And if you would just make an inquiry into your agency and then report back to us the groups and the rationale for their request to you to close these airstrips?

Mr. ALEXANDER. All right, sir.

Mr. GIBBONS. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you. The gentleman from Illinois, Mr. Lipinski.

Mr. LIPINSKI. Thank you, Mr. Chairman. Mr. Shea, Mr. Alexander, a state or a group of general aviation pilots want to keep an airstrip open at the present time. What is the process that they go through?

Mr. ALEXANDER. The process to keep an area open?

Mr. LIPINSKI. Well, yes. I guess what I am saying is, if the Forest Service wants to close down one of these strips, not allow planes to land there, let it grow over, let it go back to the wilderness, what is the present course of action for a state or general aviation pilots?

Mr. ALEXANDER. Well, if the Forest Service were to do this, it is going to require a decision under the National Environmental Policy Act, which means that we are going to have to publicly state our intention, we are going to have to gather input from the public and from other interested agencies. So it is going to be well known what our intention is. We would have to consider a number of alternatives, including a no action alternative, which is to keep it open. By law, we need to do that.

That is not, however, an issue that I deal with very much because for the most part, the airstrips that I deal with in Idaho are mandated by law to stay open. And so the discussions that we have are generally of a different nature there, concerning to what degree do we need to maintain and things of that nature.

Mr. LIPINSKI. So there is a process available now that is a very public process?

Mr. ALEXANDER. Yes, sir.

Mr. LIPINSKI. Do you have any idea what the cost would be if we were to enact this legislation on your various bureaus, departments?

Mr. ALEXANDER. I do not have, because it is in my mind a bit difficult to interpret. In other words, at this point in time, we do not have a maintenance requirement or a standard established on these airstrips that we are keeping open. We do try to work with various interest groups. We have great, great cooperation from voluntary workmen, like pilot associations and things of that nature. They do a tremendous amount of work.

However, our maintenance needs are increasing, primarily, because these airstrips were designated about 20 years ago, and vegetation has been growing, and it is not just brush, it is timber. And we need to get in and start to do some things for approach and take-off needs to make those areas safe. Those may be significant in some cases. We are at the current time at the stage of having a drafted Environmental Impact Statement out as to how we want to manage the airstrips in Frank Church.

And one of the things that we are proposing is the possibility of a group of individuals from the FAA, from the State of Idaho, from private pilot associations, along with the Forest Service, helping us to understand from each of those perspectives what needs to be done on each of those airstrips. We would like to prioritize those and apply our limited funds. We would like to have the latitude to do that on a local basis, taking all the factors into account, rather than having that specified as to what must be done every year.

Mr. LIPINSKI. Do you have any idea how many strips this legislation would cover?

Mr. ALEXANDER. I do not, sir. I think Mr. Welsh gave you about as good an idea of Idaho and some of the areas as I could. I know that I manage 12 or 13 of them, and I would assume that, nationally, it may be in the hundreds. I would assume that, but I cannot substantiate that. I would be very interested, myself, in learning when the pilot's association comes forward with that number, I am going to be very interested.

Mr. LIPINSKI. I am sure Phil will come up with the number, too. Is Mr. Bennett here from the FAA to answer some questions?

Mr. SHEA. We have a technical person here, yes.

Mr. HANSEN. Will you state your name for the record, please.

Mr. BENNETT. My name is David Bennett, Director of Airport Safety and Standards for the FAA.

Mr. LIPINSKI. Mr. Bennett, do you have any idea how many strips we are talking about here?

Mr. BENNETT. No, I do not. These are completely outside of our system of airports.

Mr. LIPINSKI. OK. Can you tell me what impact this legislation would have on the FAA?

Mr. BENNETT. The bill is a little vague. It involves us in the planning process for developing a national policy for approvals of either opening or closing strips. It is really not consistent with the program that we administer now. We are directed by law to provide a national plan of airports, a national system of airports that meet certain criteria that is published every year, entitled the "National Plan on Integrated Airport Systems". There are about 3,300 airports nation wide that are included .

Mr. LIPINSKI. Now, those are airports that the FAA is responsible for?

Mr. BENNETT. Yes. We found that they have a significant importance to the system to make sure that we serve communities nationwide. Generally, if they are general aviation airports, they have at least ten based aircraft and they serve some community. So that is about 3,300 airports. There are a total of 18,000 airports in the U.S. Many of these are outside of that national system, being small private-owned airports. And from our point of view, these are considered privately owned airports.

Mr. LIPINSKI. Now, would you run that by me just once again. I did not quite get all those numbers, or understand all those numbers. Would you start with what the FAA is responsible for and go through—I think you mentioned 18,000, was it?

Mr. BENNETT. Yes. Let me work from the 18,000 number back.

Mr. LIPINSKI. I would appreciate that.

Mr. BENNETT. We think there is 18,000 airports.

Mr. LIPINSKI. Or airstrips?

Mr. BENNETT. Yes, there are airstrips and airports of every kind in the U.S.

Mr. LIPINSKI. OK.

Mr. BENNETT. Of those, a little over 5,000 are public use facilities. Some of them may be publicly owned, some of them may be privately owned, but they are open to public use. And they may include some of these strips which are now shown on the charts as open for public use. Within that number, about 3,300 are in the FAA's National Plan of Integrated Airport Systems, and those are the only ones that we participate in the planning of or provide any Federal support to.

Mr. LIPINSKI. Do you know if the FAA has a position on this piece of legislation?

Mr. BENNETT. We do not. We have not reviewed it or taken a position.

Mr. LIPINSKI. You have not reviewed it at all?

Mr. BENNETT. Well, very briefly. We do not have an agency position on it.

Mr. LIPINSKI. OK. Mr. Chairman, thank you.

Mr. HANSEN. I thank the gentleman. The gentleman from New Hampshire, Mr. Bass.

Mr. BASS. Thank you very much, Mr. Chairman. I do apologize for being late, a minute or two late for this hearing, and I regret having missed some of the earlier testimony.

It is my understanding that all this bill says is that if the Interior Agriculture Department considers the closure of an airstrip on Federal land, that they have to consult the FAA. Now, the FAA controls airspace, and they are charged with our nation's air system, and this bill in no way restricts your ability to close it. It just says you have to consult them. You do not even want to consult with anybody. Is that right?

Mr. SHEA. Well, I think the bill does not clearly articulate that consultative nature that you are now articulating. If you want to narrow it to that perspective, then, certainly, we would take a second look at it. But as it presently stands, there is no definition of landing strip, there is no definition of maintenance.

Mr. BASS. But does not the BLM have a definition of landing strip? You guys know what a landing strip is. Do you not?

Mr. SHEA. No. We do not. Under FLIPNA, we do defer to local and regional plans for the integrated land management of that area as to whether or not they will allow that type of use in that area.

Mr. BASS. Your regulations do not anywhere say the word, aircraft landing strip? Are you saying that?

Mr. SHEA. No. There are, certainly.

Mr. BASS. And it is not defined anywhere, and BLM does not have any idea what a landing strip is or whether it is defined?

Mr. SHEA. I do not think I said that. I said there are regulations, they are interpreted by local district managers, generally after public consultation, as to appropriate local use for those areas.

Mr. BASS. Are there any circumstances in which you would support a bill that would allow the FAA to play any role in the determination as to whether an airstrip even properly defined would remain open or closed?

Mr. SHEA. We presently consult with the FAA. In fact, in Idaho at Mountain Home, as we were going through 99606, which Congressman Gibbons is very familiar with, we had extensive consultations on an ongoing basis about keeping up an FAA airport that was in the middle of a military reservation.

Mr. BASS. But you do not think there should be any——

Mr. SHEA. If I could finish? The record is very clear that the consultation with FAA goes on.

Mr. BASS. On an Ad Hoc basis whenever the Interior Department or Agriculture Department wants to, but not——

Mr. SHEA. Or when the public says this is somebody we should consult.

Mr. BASS. So your point is then that we do not need the legislation because the problem is taken care of anyway on an Ad Hoc basis?

Mr. SHEA. I said at the beginning of my statement, I think before you came in, that I was interested in finding a way to maintain the local decisionmaking process. And that often involves consultation with state aeronautic agencies, with Federal aviation agency, or the military reservations in nearby areas.

Mr. BASS. The gentleman from the FAA, I take it the FAA is opposed to this bill?

Mr. BENNETT. We have taken no position on it.

Mr. BASS. Are you willing to?

Mr. BENNETT. I do not think we have any plan to take a position on this legislation.

Mr. BASS. It would be appreciative if you might be willing to bring this to the attention of Jane Garvey, Administrator Garvey, and ask her if she would be willing to write me a letter and tell me what she thinks about it.

Mr. BENNETT. I will do that.

Mr. BASS. Thank you. Thank you, Mr. Chairman.

Mr. HANSEN. I thank the gentleman from New Hampshire. The gentleman from Nevada, do you have further questions?

Mr. GIBBONS. Well, only one. I would address Mr. Alexander with this. When the Forest Service has gone through this public process about determining closure of an airport, and there is a finding of no significant impact, or whatever, how many times has the Forest

Service gone forward and closed an airport when there was a finding of no significant impact?

Mr. ALEXANDER. I am not aware of that on an national scale. I can localize it a bit, though. When we went through the process on Frank Church and developed a new plan, and it was under NEPA, there was language in the first draft that said that we think we ought to allow four of these airstrips to gradually close themselves because they are of marginal safety. That was an area of quite a bit of controversy in the aviation community. Their input has been noted and we have withdrawn that proposal.

We have taken a step back and said that is not going to be the appropriate thing to do. The question now is, at what level are we going to keep them open and how much maintenance are we going to be doing? And that is an ongoing dialog. But we have taken the idea of either closing or allowing those strips to close through neglect, off the table, it is not appropriate.

Mr. GIBBONS. So how many times would you say the Forest Service has taken a no action?

Mr. ALEXANDER. I could not tell you that on a national scale, sir.

Mr. GIBBONS. The bill itself does not require you to create or actually maintain an airport without consideration for the existing surroundings. At what level of expense would you think that would take?

Mr. ALEXANDER. Well, the difficulties that we have in the language of the bill is assessing that. Now, understand that in my area, I am already required to involve the State of Idaho by law in any decisions we make regarding the wilderness. So the addition of the FAA in this Act increases that. But at this point, we are working on a very low-key level in determining that. We intend to raise the level of determination of what needs to be done at these airports. They are in Idaho—airstrips, I should say—but I cannot project under the bill, under the language of the bill, what the cost might be.

It appears that there is an opportunity there for the priority and the designation of maintenance work to be done in the consultation process, although, the cost would be ours. And ultimately, I think the liability of the airstrip is ours.

Mr. GIBBONS. At what level does safety play a role in your decision process?

Mr. ALEXANDER. A tremendous amount.

Mr. GIBBONS. Would you say it is the No. 1 considering factor?

Mr. ALEXANDER. I believe it is.

Mr. GIBBONS. All right. Now, if safety required that the runway be paved in your forest versus a dirt or gravel strip, would you dictate then that the runway be paved?

Mr. ALEXANDER. Experience has not shown that to be a consideration. We have been using these strips for probably 60 years, maybe more.

Mr. GIBBONS. And 60 years has shown that many of these strips can be used safely. There is an incident or two on almost every airport, whether it is Chicago O'Hare or the Flying B, or whatever it is.

Mr. ALEXANDER. That is correct. I do not believe we are talking about being concerned with the fact that the maintenance levels

would be dictated to be above and beyond what is reasonable. We have fatalities almost every year on my forest in aviation. I know Mr. Welsh could probably give you facts and figures about that more than I can. I have lost some close friends who were pilots back there, but it has not been from the safety of the airstrip. Generally, flying in mountainous conditions is just a hazardous business.

Mr. GIBBONS. Right. And in most of those occasions, the determination of air is rested with the pilot rather than the Forest Service.

Mr. ALEXANDER. Yes.

Mr. GIBBONS. If not every one of those occurrences. Is that——

Mr. ALEXANDER. Exactly. We fully understand that we do not have the responsibility of the determination of airspace. That is the FAA's business. What we are concerned with is providing for a safe landing strip that in and of itself does not provide a hazard to the aviation user.

Mr. GIBBONS. Some of those airports have been there for 60 years, so there is a presumption that they have been used safely in the past and could be used safely in the future. Thank you, Mr. Chairman.

Mr. HANSEN. I thank the gentleman from New Hampshire, and I thank Mr. Shea and Mr. Alexander for being with us today and sharing your thoughts with us. And with that, we will stand adjourned.

[Whereupon, at 12:01 p.m., the subcommittee was adjourned.]