

NORTH COUNTRY NOTEBOOK/George Vukelich

Canceled Flight?

The collision of a sightseeing plane and helicopter that killed 25 people over the Grand Canyon emphasizes a debate that has gone on for years about the National Park Service's number-one problem at the sprawling Arizona park: What to do about the air traffic above—and through—the canyon?

As more and more hikers come to the isolated reaches of the park to search for solitude and quiet, more air-tour helicopters have taken to the skies, bringing in tourists for a fee.

"To get the picture," Steady Eddy says, "it's what the Wisconsin Dells would be like if those metal 'ducks' could fly."

The canyon hikers have complained that the silence of millennia has been shattered by air-tour choppers hovering over the Colorado River, fixed-wing aircraft passing through the canyon's airspace, and Air Force jet fighter pilots joy-riding through the twisting maze of the canyon.

Even transcontinental jets obtain permission from air controllers to deviate from their flight paths so passengers can get a panoramic view of the canyon—but that, at least, is done from 35,000 feet up.

The aerial abuses the hikers complain about take place "down on the deck." The recent collision may have occurred below the canyon's rim.

The Federal Aviation Administration issued an advisory to pilots in January 1984 suggesting that aircraft stay "2,000 feet above the highest land form" when flying over national parks and wildlife refuges, but air-tour operators routinely ignore that request.

"The natural values of solitude and quiet that the park is supposed to be protecting are being ruined by these air raids," says Dan Daggett, one of the leaders in the fight against aircraft in the park.

The park authorities are concluding a three-year study of the aircraft problem and will be making recommendations to the Interior Department and the FAA in August.

One hopes that they will propose that all flights over the Grand Canyon be banned.

"Damn right," Steady says. "Do what they did in the Boundary Waters Canoe Area. No aircraft. Period. Except for emergencies or rescues."

As our attorney friend says at the American Legion Bar (until he's disbarred, that bar is his bar): "It's a precedent."



Sigurd Olson told me up in Ely, Minn., one year that when all the pilots came home from World War II, they discovered that the north country lakes around Ely were perfect landing fields for float planes. The pilots advertised throughout the Midwest: *Fly-In Fishing! Weekend Limits Guaranteed!*

The fishermen flocked in from Chicago, Milwaukee, St. Louis, the Twin Cities, Detroit, Cleveland.

"We had to stop this thing," Sigurd Olson said, "or there wouldn't have been any lakes left with fish in them. The country would have been destroyed. The wilderness absolutely

gone. We worked with the Department of Justice, and there seemed to be no way to keep the airplanes out legally. Then we went through the Airplane Law of 1926—and we found a way.

"In that law was a paragraph stating that 'the president has the right to establish airspace reservations over military installations, government buildings, post offices, hospitals, defense installations, and for other governmental purposes.'

"That was the key," Sigurd said. "By this time, our groups were working with the Department of Justice, the Department of Commerce and with other agencies. We discovered that the president could create, by executive order, an airspace reservation over the north country lake area because 'a governmental purpose' was:

- A purpose that the government had spent money on.
- A purpose that had wide, popular acclaim throughout the United States.
- A purpose that worked for the general good, the popular interest and so forth.

"Well, as Congress had already spent money on buying up lands in the area in the public interest, and there was popular acclaim for that action, we became convinced that this was probably the answer.

"So, the Department of the Interior and the Department of Agriculture drafted an executive order, and after further research, President Harry S. Truman signed it.

"Of course, the airplane operators violated the order immediately to make a test case. They appealed to the District

Court, then to the Circuit Court of Appeals and finally to the United States Supreme Court. All the courts upheld the president's executive order. Airplanes were banned in the Boundary Waters Canoe Area. Canada followed suit immediately and declared an airspace over the Quetico, which of course, is contiguous to the Boundary Waters."



We need a Sigurd Olson now, especially when the Sierra Club, the Wilderness Society and the National Parks and Conservation Association all agree that no aircraft should be allowed to fly lower than 11,000 feet above the canyon rim—but the park's superintendent thinks that limitation is unworkable and unfair.

"It is true," says Park Superintendent Richard Marks, "that the role of the National Park Service is to protect natural resources, but it also exists to provide for the enjoyment of those resources. We suggest that enjoyment includes seeing the parks from as many different ways as possible; a flight tour is one of those ways."

"The forests, the mountains, the desert canyons," Edward Abbey wrote in *Desert Solitaire*, "are holier than our churches. Let us behave accordingly." ■

George Vukelich reads selections from *North Country Notebook* Sunday night at 8 on Wisconsin Public Radio, WERN (88.7 FM).