

By Mr. CRAPO (for himself, Mr. BAUCUS, Mr. CRAIG, Mr. INHOFE, Mr. MURKOWSKI, Mr. BENNETT, Mr. ENZI, Mr. STEVENS, and Mr. BURNS):

S. 681. A bill to help ensure general aviation aircraft access to Federal land and to the airspace over that land ; to the Committee on Energy and Natural Resources.

Mr. CRAPO. Mr. President, I am pleased to introduce today the Backcountry Landing Strip Access Act of 2001. Last year, Senators CRAIG and BURNS, and I introduced similar legislation. Although the legislation did not pass, we were able to successfully attach a modified one-year version of our bill to the Interior Appropriations Conference Report for FY 2001, prohibiting federal funds from being used to close any airstrips on lands administered by the Department of the Interior. The legislation I introduce today represents a comprehensive, long-term solution to the problem of backcountry airstrips being temporarily or permanently closed. This bill will preserve our nation's backcountry airstrips and require a public review and comment period before closure of these airstrips.

Idaho is home to more than fifty backcountry airstrips and the state is known nationwide for its air access to wilderness and primitive areas. Unfortunately, many backcountry airstrips have been closed or rendered unserviceable through neglect by federal agencies responsible for land management. These closures occur without providing the public with a justification for such action or an opportunity to comment on them.

Our bill would address this situation by preventing the Secretary of Interior and the Secretary of Agriculture from permanently closing airstrips without first consulting with state aviation agencies and users. The legislation would also require that proposed closures would be published in the Federal Register with a ninety-day public comment period. The bill directs the Secretary of Interior and the Secretary of Agriculture, after consultation with the FAA, to adopt a nationwide policy governing backcountry aviation. I would like to mention that Congressmen C.L. "BUTCH" OTTER and JIM HANSEN are also promoting backcountry aviation access in the other body.

This bill and its House companion include a finding of fact that acknowledges the role of backcountry airstrips in supporting aerial firefighters. This finding was not included in the versions introduced last year but it pays tribute to those who joined in last summer's firefighting and disaster relief efforts.

For aerial firefighters backcountry airstrips are analogous to fire engines in a firehouse. In addition, other general aviation craft depend on backcountry strips to provide a safe haven in the case of emergency. Without the airstrips, these pilots would have little chance of survival while attempting an emergency landing . Furthermore, access to the strips ensures a fundamental American service--universal postal delivery. Without access to backcountry airstrips, citizens who live and work in remote areas would not receive their mail.

Pilots often discover that an airstrip has been closed only when they attempt to use it. This represents a grave danger to those who have not been made aware of an airstrip's closure. This bill would ensure that everyone with an interest in backcountry aviation remains informed of a proposed closure and is allowed to comment on it.

This bill is simply about safety and general aviation access. It does not reopen airstrips that have already been closed, nor does it burden federal officials with the responsibility to operate and maintain these sites. In fact, pilots themselves regularly maintain backcountry strips .

The Backcountry Landing Strip Access Act does not harm our forests or our wilderness areas. In fact, backcountry airstrips are regularly used by forest officials to maintain forests and trails, conduct ecological management projects, and produce aerial mapping. Airstrips are located in remote, rugged areas of the west

where there are few visitors. Many landing strips have no more than 3-6 takeoffs and landings in a year, and are mainly used for emergency landings .

When the Frank Church Wilderness Act was established in Idaho, it incorporated a provision that existing landing strips cannot be closed permanently or rendered unserviceable without the written consent of the State of Idaho. This bill extends the success of the Frank Church Wilderness Act provision nationwide to preserve airstrips in Idaho as well as other states. In Idaho, we have evolved into a cooperative relationship with federal land managers. I believe the rest of the country can benefit from this philosophy of cooperation.

I urge my colleagues to join with us in our efforts to preserve the remaining backcountry strips .

I ask unanimous consent that the text of the bill be printed in the **RECORD**.

There being no objection, the bill was ordered to be printed in the **RECORD**, as follows:

S. 681

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE.**

This Act may be cited as the ``Backcountry Landing Strip Access Act".

### **SEC. 2. FINDINGS.**

The Congress finds as follows:

- (1) Aircraft landing strips serve an essential safety role as emergency landing areas.
- (2) Aircraft landing strips provide access to people who would otherwise be physically unable to enjoy national parks, national forests, and other Federal lands .
- (3) Aircraft landing strips serve an essential purpose in search and rescue, forest and ecological management, research, and aerial mapping.
- (4) Aircraft landing strips serve an essential role in firefighting and disaster relief.
- (5) The Secretary of the Interior and the Secretary of Agriculture should adopt a nationwide policy for governing backcountry aviation issues related to the management of Federal land under the jurisdiction of those Secretaries and should require regional managers to adhere to that policy.

### **SEC. 3. PROCEDURE FOR CONSIDERATION OF ACTIONS AFFECTING AIRCRAFT LANDING STRIPS .**

(a) **IN GENERAL.**--Neither the Secretary of the Interior nor the Secretary of Agriculture shall take any action which would permanently close or render or declare as unserviceable any aircraft landing strip located on Federal land under the administrative jurisdiction of either Secretary unless--

- (1) the head of the aviation department of each State in which the aircraft landing strip is located has approved the action;
- (2) notice of the proposed action and the fact that the action would permanently close or render or declare as unserviceable the aircraft landing strip has been published in the Federal Register;

(3) a 90-day public comment period on the action has been provided after the publication under paragraph (2); and

(4) any comments received during the comment period provided under paragraph (3) have been taken into consideration by the Secretary of the Interior or the Secretary of Agriculture, as the case may be, and the head of the aviation department of each State in which the affected aircraft **landing strip** is located.

(b) **NATIONAL POLICY.**--Not later than 2 years after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall--

(1) adopt a nationwide policy that is in accordance with this Act for governing **backcountry** aviation issues related to the management of Federal **land** under the jurisdiction of those Secretaries; and

(2) require regional managers to adhere to that policy.

(c) **REQUIREMENTS FOR POLICIES.**--A policy affecting air access to an aircraft **landing strip** located on Federal **land** under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, including the policy required by subsection (b), shall not take effect unless the policy--

(1) states that the Federal Aviation Administration has the sole authority to control aviation and airspace over the United States; and

(2) seeks and considers comments from State governments and the public.

(d) **MAINTENANCE OF AIRSTRIPS.**--

(1) **IN GENERAL.**--The Secretary of the Interior and the Secretary of Agriculture shall consult with--

(A) the head of the aviation department of each State in which an aircraft **landing strip** on Federal **land** under the jurisdiction of that Secretary is located; and

(B) other interested parties,

to ensure that such aircraft **landing strips** are maintained in a manner that is consistent with the resource values of the adjacent area.

(2) **COOPERATIVE AGREEMENTS.**--The Secretary of the Interior and the Secretary of Agriculture may enter into cooperative agreements with interested parties for the

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maintenance of aircraft **landing strips** located on Federal **land** .

(e) **EXCHANGES OR ACQUISITIONS.**--Closure or purposeful neglect of any aircraft **landing strip** , or any other action which would render any aircraft **landing strip** unserviceable, shall not be a condition of any Federal acquisition of or exchange involving private property upon which the aircraft **landing strip** is located.

(f) **NEW AIRCRAFT LANDING STRIPS NOT CREATED.**--Nothing in this Act shall be construed to create or authorize additional aircraft **landing strips** .

(g) **PERMANENTLY CLOSE.**--For the purposes of this Act, the term ``permanently close" means any closure the duration of which is more than 180 days in any calendar year.

(h) **APPLICABILITY.**--

(1) **AIRCRAFT LANDING STRIPS** .--This Act shall apply only to established aircraft landing strips on Federal lands administered by the Secretary of the Interior or the Secretary of Agriculture that are commonly known and have been or are consistently used for aircraft landing and departure activities.

(2) **ACTIONS, POLICIES, EXCHANGES, AND ACQUISITIONS**.--Subsections (a), (c), and (e) shall apply to any action, policy, exchange, or acquisition, respectively, that is not final on the date of the enactment of this Act.

(i) **FAA AUTHORITY NOT AFFECTED**.--Nothing in this Act shall be construed to affect the authority of the Federal Aviation Administration over aviation or airspace.