



Hawai'i State Legislature

STATE CAPITOL
415 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813

September 28, 2016

The Honorable Brian E. Schatz
United States Senate
Prince Kuhio Federal Building
300 Ala Moana Blvd., Rm. 7-212
Honolulu, HI 96850

The Honorable Tulsi Gabbard
United States House of Representatives
Prince Kuhio Federal Building
300 Ala Moana Blvd., Rm. 5-104
Honolulu, HI 96850

The Honorable Mazie K. Hirono
United States Senate
Prince Kuhio Federal Building
300 Ala Moana Blvd., Rm. 3-106
Honolulu, HI 96850

Re: Commercial Air Tour Noise Issues in East Hawai'i

Dear Senator Schatz, Senator Hirono and Representative Gabbard,

Helicopter noise as a result of commercial air tour flights over residential areas in the East Hawai'i region of Hawai'i Island has reached an unprecedented level in recent years. Residents in Hāmākua, Hilo, Mountain View, Puna, Volcano and Ka'ū have continued to raise issues of overflights, noise complaints and safety issues with the State of Hawai'i Department of Transportation, the Honolulu Flight Standards District Office (FSDO) of the Federal Aviation Administration (FAA) and the air tour helicopter industry and operators. Without a doubt, the #1 helicopter tour destination on Hawai'i Island is the Hawai'i Volcanoes National Park (HAVO). Established by Congress as a National Park in 1916, it is also an International Biosphere Reserve (1980) and a UNESCO World Heritage Site (1987). Today, it is one of only 59 National Parks in the Nation and celebrated its 100th anniversary this year.

An agency of the Department of Interior and managed by the Director of the National Park Service (NPS), the HAVO has more non-essential tour helicopter overflights than any other individual park in the Nation. In 2015, 14,630 flights were reported by the helicopter industry. This reporting was mandated by Congress in Federal Legislation in 2012. If both entry and exit into the park are taken into account, that would total 29,260 total flights, more than 80 flights per day in a calendar year. Currently, up to 14 helicopter tour companies operate under Interim Operating Authority (IOA), as defined by Title 14 CFR Part 136, within HAVO. In 2014, the NPS collected \$356,850 in overflight fees at HAVO. HAVO is one of only three National Parks

in the Nation that collects a fee. The National Parks Overflight Act of 1987 requires a minimum of 5,000 feet above ground level (AGL) altitude, over any National Park in the Nation. This is not the case at the HAVO. Due to the absence of a congressionally mandated Air Tour Management Plan (ATMP), tour operators continue to operate under the IOA and in some areas of HAVO, are allowed to descend to 500 feet AGL and as low as 200 feet AGL over razorback ridges. This is not just a noise issue; it is also a safety of flight issue. The FAA has jurisdiction over all airspace in the country and as the national aviation authority has the power to regulate all aspects of civil aviation.

In 2000, the National Environmental Policy Act in conjunction with the National Parks Air Tour Management Act of 2000 (NPATMA) enacted on April 5th requires an ATMP to be implemented at various national parks throughout the country. Currently the FAA and NPS has agreed to initiate the development of an ATMP for 13 national parks in the nation, HAVO and Haleakala National Park are on that list. The Act specifically outlined the establishment “for any national park or tribal land for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park.” The objective of an ATMP as defined by NPATMA shall be “to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences and tribal lands.” According to NPATMA, commercial air tour operations are defined as any flight conducted for compensation or hire in a powered aircraft where the purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands during which the aircraft flies below 5,000 feet AGL. The rules codifying the NPATMA may be found in Title 14 CFR Part 136.

In 2002, the FAA published the final rule for Title 14 CFR Part 136, National Parks Air Tour Management 967 FR 65662. The rule became effective on January 23, 2003.

In 2004, the FAA and NPS asked for comments on an ATMP Environmental Assessment relating to managing commercial air tour overflights at HAVO.

In 2005, the project was upgraded to an Environmental Impact Statement. In addition, the FAA published a notice of opportunity for commercial air tour operators granted IOA under the NPATMA to review and self-correct annual authorizations (70 FR 3972).

In 2007, a planning team composed of staff from the FAA, NPS and the Volpe National Transportation Systems Center began work on preliminary alternatives for air tour operations over the park.

In 2008, FAA and NPS staff meet with Hawai‘i air tour operators. In addition, acoustic monitoring of three sites at HAVO for current conditions were conducted.

In 2011, a preliminary draft ATMP for HAVO was published which identified five alternatives for public comment. Three open house public meetings were held in April 2011 in Volcano, Pahoa and Na‘alehu with comments due by June 6, 2011. The Newsletter for HAVO Air Tour

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Management Plan April 2011 with the preliminary alternatives for the HAVO ATMP EIS can be found at:

<https://parkplanning.nps.gov/document.cfm?parkID=307&projectID=36002&documentID=40060>

Five years later, in 2016, there is still no final ATMP for the HAVO. What is even more disturbing is that after more than 16 years, no ATMP for any national park in the nation has been completed. As a consequence, neither the safety of air tour operations, nor the opportunity for park visitors to experience the unimpaired sounds of nature, has improved.

Currently the ONLY rules that govern helicopter and fixed wing air tours over the airspace of the Hawaiian Islands is the Hawai'i Air Tour Common Procedures Manual, FAA Document Number: AWP13-136A, Date of Original Issuance: August 15, 2008. This manual is only for the State of Hawai'i and covers rules over all islands and air tour operators that have been granted IOA. In absence of a completed ATMP for the HAVO, the Common Procedures Manual is what outlines altitudes and rules in the park as well as altitudes flown over land. This manual is nearly 10 years old and its rules and prescribed altitudes for overflights over land are confusing. In addition, the Island of Hawai'i map (Page 13) maintained by the Honolulu FSDO appears to have been gerrymandered for the air tour industry with no thought or consideration given to the residents on the ground. The Common Procedures Manual can be found at the following link:

https://www.faa.gov/about/office_org/field_offices/fsdo/hnl/local_more/media/hawaii_air_tour_common_proc.pdf

In 2010, the annual census for the State showed that Hawai'i Island and in particular East Hawai'i, was the fastest growing region in the State. The population of Puna has reached 45,000 residents and the majority of air tour overflights transit these residential areas on their way to the HAVO on a daily basis. In addition, when those tours depart the HAVO they typically fly a route towards the waterfall attractions in North Hilo (Boiling Pots, Rainbow Falls, Akaka Falls and Waipi'o Valley) and those routes transit Volcano, Mountain View, Waiākea-Uka, Kaumana, North Hilo, Hāmākua and Honoka'a.

Given longstanding concerns about helicopter and aircraft noise expressed by our East Hawai'i constituents, we are writing to respectfully request that our congressional delegation send formal letters to the Secretary of Transportation, Secretary of the Interior, Director of the FAA and the Director of the NPS urging them to begin the formal process of soliciting local stakeholder views on the helicopter noise in East Hawai'i and the HAVO in order to more quickly develop solutions to this ongoing noise and overflight problem. In addition, we would like to formally request the FAA begin the process of updating the Hawai'i Air Tour Common Procedures Manual, specifically Appendix A – Island of Hawai'i as well as the completion of the congressionally mandated ATMP for the HAVO by the NPS and the FAA.

It is our hope that the FAA through the local Honolulu FSDO and the HAVO, will lead a collaborative effort to (1) identify specific concerns with helicopter operations including noise,

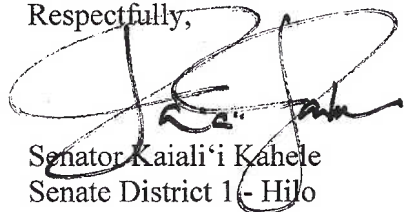
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(2) evaluate options that would respond to identified concerns including but not limited to routes, operating altitudes and hovering practices, and (3) develop solutions to the identified issues consistent with FAA's statutory responsibilities. It is our firm belief that while consultations and reporting requirements are an important step forward, they are no replacement for meaningful action by the FAA and NPS to address the legitimate concerns expressed by our constituents in East Hawai'i. While we understand the complexities involved in developing solutions to the problem of helicopter noise in East Hawai'i, we note there have been successful efforts in New York City and Los Angeles to address helicopter noise that were championed by their respective congressional delegations.

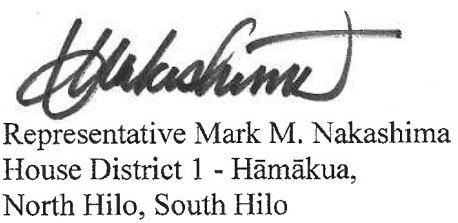
In closing, we would also like to express our support for the air tour industry in East Hawai'i and the vital role it plays in our tourist industry. What we are hoping to achieve is a balance between our constituents and the tour industry that respects the quiet peace and serenity that all of our residents in East Hawai'i should be able to enjoy. In addition, visitors that come to HAVO from around the world should be able to also enjoy that same peace and tranquility as well as the precious ecosystems and wildlife that exist in this National Park.

We look forward to working with you, the FAA and the NPS to develop a more detailed outline and scope for these consultations.

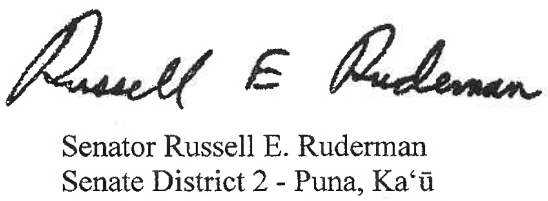
Respectfully,



Senator Kaiiali'i Kahele
Senate District 1 - Hilo



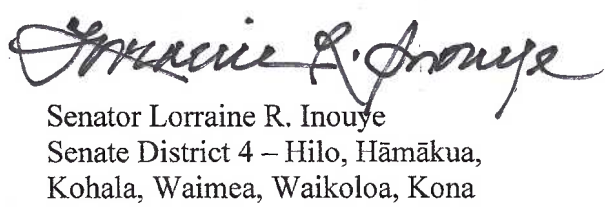
Representative Mark M. Nakashima
House District 1 - Hāmākua,
North Hilo, South Hilo



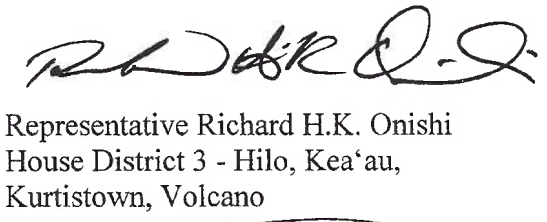
Senator Russell E. Ruderman
Senate District 2 - Puna, Ka'ū



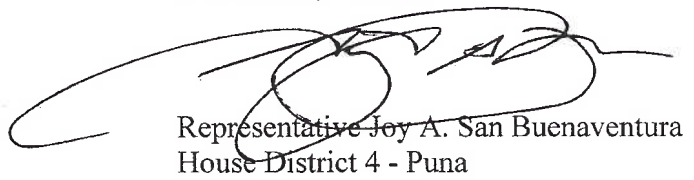
Representative Clift Tsuji
House District 2 - Keaukaha, parts of Hilo,
Pana'ewa, Waiākea



Senator Lorraine R. Inouye
Senate District 4 - Hilo, Hāmākua,
Kohala, Waimea, Waikoloa, Kona



Representative Richard H.K. Onishi
House District 3 - Hilo, Kea'au,
Kurtistown, Volcano



Representative Joy A. San Buenaventura
House District 4 - Puna