

**Haleakala National Park
Air Tour Management Plan
EIS Scoping Document**

November 06, 2006

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DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

Notice of Intent to Prepare an Environmental Impact Statement (EIS)

AGENCY: Federal Aviation Administration, DOT

ACTION: Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Initiation of Public and Agency Scoping for the Haleakala National Park Air Tour Management Plan

SUMMARY: The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS), began development of an Air Tour Management Plan (ATMP) and associated Environmental Assessment (EA) for Haleakala National Park in February 2003. The ATMP is being established pursuant to the National Parks Air Tour Management Act of 2000 (Public Law 106-181) and its implementing regulations contained in Title 14, Code of Federal Regulations, Part 136, *National Parks Air Tour Management*. The objective of the ATMP is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural resources, cultural resources, and visitor experiences of Haleakala National Park.

The FAA and NPS have now decided to proceed with development of an Environmental Impact Statement (EIS) for this project. This decision is based on information received through the EA scoping process, the environmental analysis completed by the Agencies to date, the consideration of preliminary ATMP alternatives, and through consultations conducted pursuant to Section 106 of the National Historic Preservation Act.

By this notice the FAA and NPS are initiating a 60-day scoping period for this EIS. This timeframe is provided due to the major holidays occurring during this public review period.

The FAA and NPS are now inviting the public, agencies, and other interested parties to provide written comments, suggestions, and input regarding the scope of issues and the identification of significant issues to be addressed in the EIS. Comments previously submitted in response to the EA scoping will not need to be re-submitted, as they will be considered as part of the EIS process and record. No additional scoping meetings are scheduled.

DATES: The 60-day scoping comment period will commence upon publication of this Notice. Please submit any written response you may have within 60 days from the date of this Notice or no later than January 16, 2007.

ADDRESSES: Please address your written comments to:

Docket Management System
Doc No. FAA-2006-26113
U.S. Department of Transportation
Room Plaza 401, 400 Seventh Street, SW
Washington, DC 20590-0001

You must identify the docket number FAA-2006-26113 at the beginning of your comments. If you wish to receive confirmation that your comments were received, include a self-addressed, stamped postcard. You may review the public docket containing comments in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address.

You may also submit comments and review the public docket on the Internet at <http://dms.dot.gov> by using the above docket number. Comments that were previously received in response to the EA scoping may also be reviewed at this website under Docket No. FAA-2004-17174.

FOR FURTHER INFORMATION CONTACT: Peter F. Ciesla, Air Tour Management Plan Program Manager, Executive Resource Staff, AWP-4, Federal Aviation Administration, Western-Pacific Region. Mailing address: P.O. Box 92007, Los Angeles, California 90009-2007. Telephone: (310) 725-3818. Street address: 15000 Aviation Boulevard, Lawndale, California 90261. Email: Pete.Ciesla@faa.gov. Park specific information can be obtained from Marilyn Parris,

Superintendent, Haleakala National Park, Mile Marker 11, Crater Road, Kula, HI 96790. Telephone: (808) 572-4401.
Email: Marilyn_H_Parris@nps.gov.

SUPPLEMENTARY INFORMATION: In developing an ATMP and any associated rulemaking actions, the FAA is required to comply with the National Environmental Policy Act of 1969 (NEPA), which calls on Federal agencies to consider environmental issues as part of their decision making process. For the purposes of compliance with NEPA on this project, the FAA is the Lead Agency and the NPS is a Cooperating Agency. The FAA ATMP Program Office and the NPS Natural Sounds Program Office are responsible for the overall implementation of the ATMP Program. Pete Ciesla is the FAA's principal program manager responsible for all parts of the EIS and performance of required consultation regarding cultural resources and endangered and threatened species. For the park, Superintendent Marilyn Parris is responsible for park operations and management and for recommending the draft and final EIS and Record of Decision to the NPS Pacific West Regional Director.

The EIS is being prepared in accordance with FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures*, NPS Director's Order # 12: *Conservation Planning, Environmental Impact Analysis, and Decision-making*, and NPS Management Policies. The FAA is now inviting the public, agencies, and other interested parties to provide written comments, suggestions, and input regarding: (1) the scope, issues, and concerns related to the development of the ATMP for Haleakala National Park; (2) the scope of issues and the identification of significant issues regarding commercial air tours and their potential impacts to be addressed in the NEPA process; (3) the potential effects of commercial air tours on natural resources, congressionally designated wilderness, cultural resources, and the visitor experience; (4) preliminary ATMP alternatives; and, (5) past, present, and reasonably foreseeable future actions which, when considered with ATMP alternatives, may result in significant cumulative impacts. The FAA requests that comments be as specific as possible in response to actions that are being proposed under this notice.

Scoping documents that describe the Haleakala National Park ATMP project in greater detail and the preliminary ATMP alternatives under consideration are available at the following locations:

- FAA Air Tour Management Plan Program Website, http://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/
- Haleakala National Park, Mile Marker 11, Crater Road, Kula, HI 96790
- National Park Service, Pacific West Region – Honolulu Office, 300 Ala Moana Boulevard, Box 50165, Honolulu, HI 96850
- Hawai'i State Library, Hawai'i Documents Center, 478 South King Street, Honolulu, HI 96813
- Hana Public and School Library, 4111 Hana Highway, Hana, HI 96713
- Makawao Public Library, 1159 Makawao Avenue, Makawao, HI 96768
- Kahului Public Library, 90 School Street, Kahului, HI 96732
- Maui Community College Library, 310 Ka'ahumanu Avenue, Kahului, HI 96732
- Kihei Public Library, 35 Waimahaihai Street, Kihei, HI 96753
- Lahaina Public Library, 680 Wharf Street, Lahaina, HI 96761
- Wailuku Public Library, 251 High Street, Wailuku, HI 96793

Issued in Los Angeles, CA on November 06, 2006.

Peter F. Ciesla
FAA, Air Tour Management Plan Program Manager

Part 1 - Introduction to the Project

A. Introduction

The Federal action associated with this project is the establishment of an Air Tour Management Plan (ATMP) for Haleakala National Park in accordance with the National Parks Air Tour Management Act of 2000 (Public Law 106-181) and its implementing regulations contained in Title 14, Code of Federal Regulations (CFR), Part 136, *National Parks Air Tour Management*. In the National Parks Air Tour Management Act, the U.S. Congress directed the Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS), to establish an ATMP for any national park or tribal lands 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. Twelve persons (ten existing operators and two new operators) have applied to the FAA for operating authority to conduct commercial air tour operations over Haleakala National Park (hereafter referred to as Haleakala). Therefore, the FAA, in cooperation with the NPS, initiated the development of an ATMP for Haleakala in February 2003. The objective of the ATMP, in accordance with the National Parks Air Tour Management Act, is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural resources, cultural resources (including Native Hawaiian traditional practices), and visitor experiences of Haleakala.

A commercial air tour operation is defined as a 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 a minimum altitude of 5,000 feet above ground level (AGL) (except for the purposes of takeoff or landing, or as necessary for the safe operation of the aircraft), or less than 1 mile laterally from any geographic feature within the park unless more than ½ mile outside the boundary. A commercial air tour operator is any person who conducts a commercial air tour operation.

In accordance with the National Parks Air Tour Management Act, the Haleakala ATMP may: prohibit commercial air tour operations in whole or in part; may establish conditions for the conduct of commercial air tour operations; shall apply to all commercial air tour operations within ½ mile outside the boundary of the national park; shall include incentives for the adoption of quiet aircraft technology; and shall provide for the initial allocation of opportunities to conduct commercial air tour operations if the plan limits the number of such operations. The need for implementation of any of these measures must be justified and documented in the ATMP and within the Record of Decision. Federal rulemaking will be required prior to implementation of the selected ATMP alternative.

B. Air Tour Management Plan (ATMP) Development Process

In developing the ATMP and any associated rulemaking actions, the FAA and NPS are required to comply with the National Environmental Policy Act of 1969 (National Environmental Policy Act) and its implementing Council on Environmental Quality (CEQ) regulations contained in 40 CFR Parts 1500-1508 (hereafter referred to as “the regulations”). The regulations mandate that the FAA and NPS shall, to the fullest extent possible, interpret and administer the policies, regulations and public laws of the United States in accordance to the policies set forth in the National Environmental Policy Act and these CEQ regulations (1500.2(a)). The regulations also mandate that the FAA and NPS shall, to the fullest extent possible, use the National Environmental Policy Act process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment and use all practical means, consistent with the requirements of the National Environmental Policy Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment (1500.2(e) and 1500.2(f)). For the purposes of complying with sections 1501.3 and 1501.5 through 1501.8 of CEQ regulations, the FAA is the lead agency and the NPS is a cooperating agency.

In Section 802 of the National Parks Air Tour Management Act of 2000, Congress found, in relevant part, that (1) the FAA has sole authority to control airspace over the United States; (2) the FAA has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on public and tribal lands; and, (3) the NPS has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations.

The relevant FAA legislative, regulatory, and policy mandates are primarily defined by the Federal Aviation Act of 1958 (49 United States Code (USC) 40103(b)), the National Parks Air Tour Management Act of 2000 (49 USC 40128), and the Department of Transportation Act of 1966 (49 USC 303(c)). The relevant NPS legislative, regulatory, and policy mandates

are primarily defined by the Organic Act of 1916 (16 USC 1, 2-4), the General Authorities Act of 1970 (16 USC 1a-1 through 1a-8), the Redwoods Act of 1978 (P.L. 95-250, 92 Stat. 163, 16 USC 1a-1), and the enabling legislation specific to Haleakala. The determination of significant adverse impacts, if any, for this ATMP will be made by the FAA and the NPS, based on the National Parks Air Tour Management Act of 2000 as well as the aforementioned legislative, regulatory, and policy mandates of the FAA and the NPS, other pertinent environmental laws, and the purposes and values of Haleakala. The NPS alone will determine impairment of park resources and values per NPS policy.

The National Parks Air Tour Management Act of 2000 specifies that the ATMP be developed by means of a public process. On February 27, 2004, the FAA, in cooperation with the NPS, initiated the scoping process for an Environmental Assessment (EA) for the Haleakala ATMP, in accordance with FAA Order 1050.1E. The FAA and NPS have now decided to proceed with development of an Environmental Impact Statement (EIS) for this project. This decision is based on information received through the EA scoping process, the environmental analysis completed by the Agencies to date, the consideration of preliminary ATMP alternatives, and through consultations conducted pursuant to Section 106 of the National Historic Preservation Act.

The EIS is being prepared in accordance with FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures* (www.aee.faa.gov/aee-200/1050-1E/1050-1E.htm), and NPS *Director's Order # 12: Conservation Planning, Environmental Impact Analysis, and Decision-making* (<http://www.nps.gov/policy/DOrders/RM12.pdf>), and NPS Management Policies.

Additional information on the ATMP Program is available on the FAA's ATMP website located at www.atmp.faa.gov. Interested parties may register for information regarding the development of an ATMP for Haleakala, as well as for other parks, on this website. Interested parties that have already registered at the site for Haleakala do not need to register again.

C. Relationship to other Air Tour Management Plan Projects

The FAA and NPS are also developing an ATMP and EIS for Hawai'i Volcanoes National Park as well as an ATMP and EA for Kalaupapa National Historical Park. The preparation of an EIS for the Haleakala National Park Air Tour Management Plan project is being conducted separately from the NEPA process for the Hawai'i Volcanoes and Kalaupapa ATMP projects.

In February 2003, the FAA and NPS also initiated the development of Air Tour Management Plans for Pu'uuhonua O Honaunau National Historical Park, Pu'ukohola Heiau National Historic Site, and Kaloko-Honokohau National Historical Park, all located on the west coast of the island of Hawai'i. In 2005, all of the existing commercial air tour operators withdrew their applications for air tour operating authority over these park units, which indicates their intent not to conduct commercial air tours below 5,000 feet AGL over or within ½ mile of these parks. Since there are no applications for air tour operating authority currently on file, the purpose and need for development of ATMPs for these park units no longer exists. As a result, the FAA and NPS have stopped work on the ATMP projects and associated EAs for these park units. Action to establish ATMPs for these park units may be required in the future if any applications are received from a new entrant or if any operator who qualifies as an existing air tour operator for these park units reapplies.

***** End Part 1 *****

Part 2 – Setting

A. Introduction

The discussion below summarizes the setting for the Haleakala ATMP project. A description of the park’s natural resources, wilderness, cultural resources, visitor experiences, and commercial air tour activity is provided to assist the public and agencies in making comments. Useful comments are those that address the scope of analysis, present significant issues, and suggest reasonable alternatives with the greatest specificity possible.

The Haleakala ATMP project planning area is depicted on Figure 1. The area encompasses Haleakala and the area within ½ mile outside its boundary. The National Parks Air Tour Management Act limits the applicability of the ATMP to operations conducted within this area. Although the scope of authority is limited, the FAA and NPS recognize their responsibility under applicable environmental laws to consider impacts on potentially affected resources located in the vicinity of Haleakala, but in excess of ½ mile outside the boundary of the park.

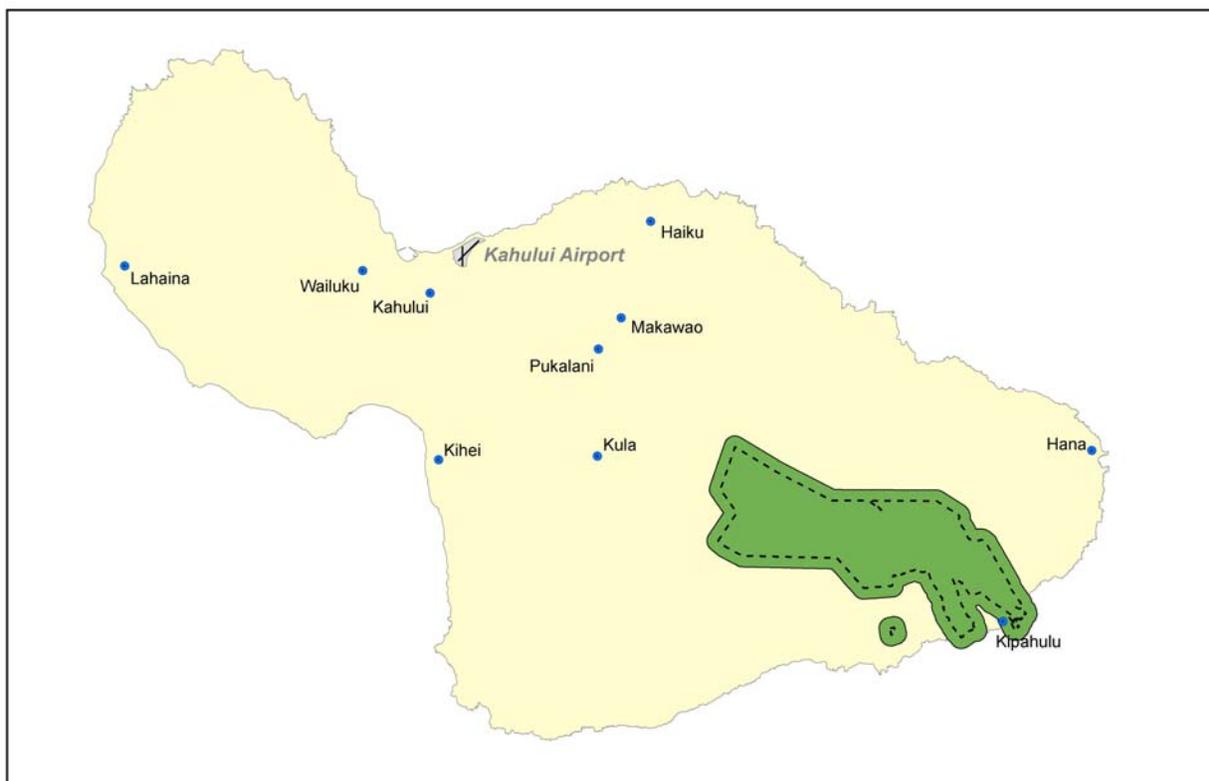


Figure 1. Island of Maui showing the ATMP planning area (in green) for Haleakala National Park

B. Haleakala National Park - Natural Resources, Wilderness, Cultural Resources, and Ground-Based Visitor Experience

Haleakala National Park is located in the eastern portion of the island of Maui in the State of Hawai‘i. Haleakala comprises approximately 29,100 acres, of which over three-quarters (24,719 acres) is Congressionally-designated wilderness. Haleakala was initially established as a unit of Hawaii National Park in 1916 “for the benefit and enjoyment of the people of the United States...and [to] provide for the preservation from injury of all timber, birds, mineral deposits, and natural curiosities or wonders within said park, and their retention in their natural condition as nearly as possible.” Haleakala National Park was established in 1960 as a separate unit of the National Park System to be administered in accordance with the NPS Organic Act. Thus, the purpose of the park is reflected in a key provision of the Organic Act – “to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

The significance of the park can be summarized as follows (NPS 1997):

- Containing unique and rare native vegetation, birds and insects, and highly diverse geological and biological habitat ranging from sea level to over 10,000 feet (ft)

- Containing areas and sites of religious and cultural importance to Native Hawaiians who have been traditionally using them from ancient times up to the present
- Possessing clean air and water
- Providing scenic qualities, natural sounds and solitude
- Providing varied outdoor recreational, educational and research opportunities
- Having Congressionally-designated wilderness and other internationally and nationally recognized biological reserves and historic sites, structures and districts because of the natural and cultural conditions that make them suitable for these designations.

Natural Resources

Haleakala volcano dominates the park's topography. The volcano is a *shield volcano* (a gently sloping volcano in the shape of a flattened dome and built almost exclusively of lava flows) that is the result of two million years of many volcanic eruptions. The volcano is scientifically classified as an "active" volcano, as the last volcanic eruption took place between 1480 and 1790 (depending on dating source) (USGS 2005). The western and central portion of the park is characterized by the 3000 ft deep summit depression, known as Haleakala Crater, which is located on top of the summit of Haleakala volcano (10,023 ft). Haleakala Crater contains some of the most important geologic features of the park, including 15 *cinder cones* (a mound of loose, fragmented volcanic material that was ejected ballistically), *lava tubes*, lava flows, *volcanic bombs*, Pele's Pig Pen and Pele's Paint Pot. *Lava tubes* are caves formed when the surface of a narrow flow of lava cools and solidifies while the inside remains viscous and continues to move, eventually draining out and leaving a hollow tube. *Volcanic bombs* are products of explosive volcanic activity and are formed when fragments of molten lava were forcefully flung from an eruption vent. Ka Pa Pua`ao Pele (Pele's Pig Pen) is a small spatter event located near the center of the valley that resembles a holding pen for livestock. Pele's Paint Pot is an area where the spectrum of colors reflects the variety of minerals present in the lava.

Haleakala has a diverse range of ecosystems within its many natural landscapes. The upper Kipahulu Valley and the upper portion of Ka`apahu lands contain some of the best examples of native rain forest to *mesic forest* (forests which receive a moderate or well-balanced moisture supply, usually less than 75 inches per year) vegetation in Hawai`i. The upper reaches of the Hana rain forest contain many fragile high elevation bogs and two lakes. Along the Kipahulu shoreline, a small community of native coastal strand vegetation continues to survive amongst the introduced non-native vegetation.

The different ecosystems within the park are home to hundreds of native flora and fauna, some of which are not found anywhere else in the world, and many of which are classified as threatened or endangered. *Endangered species* are plants and animals that are in immediate danger of becoming extinct and need protection to survive; *threatened species* are those species that are declining in numbers and might become endangered if conservation efforts are not immediately taken (USFWS 2003). More than 30 plants and animals within Haleakala are Federally-listed as threatened, endangered, candidate or species of concern. The park's signature plant, the `ahinahina (*Argyroxiphium sandwicense ssp. macrocephalum*), or Haleakala silversword, is a threatened species. The nene (*Branta (=Nesochen) sandwicensis*), or Hawaiian goose, and `ua`u, *Pterodroma sandwichensis*), or Hawaiian petrel, are some of the endangered birds found within the park. The endangered `ope`pape`a (*Lasiurus cinereus*), or Hawaiian hoary bat, Hawai`i's only indigenous terrestrial mammal, also occurs within the park. The endangered `ilio holo i kauaua (*Monachus schauinslandi*), or Hawaiian monk seal, and threatened honu (*Chelonia mydas*), or green sea turtle, are occasionally seen offshore and along the beaches of Kipahulu and Ka`apahu.

Wilderness

Of the parks 29,100 acres, 24,719 acres are Congressionally-designated wilderness, managed by the NPS to take into account wilderness characteristics and values such as: the wilderness's primeval character and influence of the wilderness; the preservation of natural conditions (including the lack of human-made noise); cultural resource values; the assurance of outstanding opportunities for solitude, the assurance that the public would be provided with a primitive and unconfined type of recreational experience, and the assurance that wilderness would be preserved and used in an unimpaired condition (NPS Management Policies 2006).

Cultural Resources

Haleakala is culturally and spiritually important to Native Hawaiians (individuals who are lineal descendants of the aboriginal, indigenous, native people who, prior to January 1, 1893, occupied and exercised sovereignty in the area that now constitutes the State of Hawai`i). Native Hawaiians use Haleakala to conduct traditional practices. Native Hawaiians consider the lands, airspace, and cultural resources within Haleakala sacred. These areas include: Haleakala Crater and Pu`u (hills) within its boundaries; Kipahulu Valley; the top of the mountain, the ocean, features associated with the myths

and legends of Pele and Maui, and cultural features such as *heiau*, fishing shrines and other ceremonial sites, burial places, habitation and agricultural sites.

Haleakala also has a history of use by non-Hawaiians and Federal agencies. Therefore, there are an extensive variety of archeological resources, ethnographic resources, historic structures and cultural landscapes located within and adjacent to the park boundaries. Some of these cultural resources have been listed in the National Register of Historic Places as part of the Crater Historic District and the Hana Belt Road.

Ground-Based Visitor Experience

Haleakala is one of the most popular parks within the U.S. National Park System. In the past 10 years, the annual number of ground-based visitors to Haleakala has ranged from 1.4 and 2.0 million people (NPS 2005). Visitors come to this park to see unique native species, to experience Hawaiian culture, and to view geologic formations. Overnight use has averaged 4,654 camper nights per year over the last 10 years, but this has been steadily declining since 1995.

The park offers a wide range of recreational opportunities for the ground-based visitor including day hikes as well as backpacking of several days' duration, nature walks, auto touring with scenic overlooks, wildlife viewing, camping, stargazing, and swimming. The most common activities at Haleakala are sightseeing and taking a scenic drive (Littlejohn et al. 2001). Other popular activities are horseback riding and bicycling down the mountain, available through commercial vendors or by private individuals with their own stock or bicycles.

C. Commercial Air Tour Activity and Visitor Experience

Number of Operators and Operations

There are currently ten existing operators providing commercial air tours over and within one-half mile outside the boundary of Haleakala. These 10 existing operators have Interim Operating Authority (IOA) to conduct a maximum of 26,325 commercial air tour operations annually. This figure is based on the operator's applications for Air Tour Operating Authority submitted pursuant to Title 14 CFR Part 136. In the applications, each existing operator was required to report the greater of the number of commercial air tour operations conducted during the twelve-month period preceding April 5, 2000, or the average number of commercial air tour operations conducted by the operator during the three-year period preceding April 5, 2000. In accordance with the National Parks Air Tour Management Act and Title 14, CFR, Part 136, the annual air tour operations over and within ½ mile outside the boundary of the Haleakala are currently capped at the number of operations reported in the operator's application, unless otherwise authorized by the FAA and NPS, or until the ATMP is implemented.

It should be noted that the level of operations authorized by the IOA (26,325) is not the level of operations currently being conducted annually. Some operators are conducting less than the maximum number of operations than they are authorized, based on data submitted by operators in response to a July 2003 FAA request for detailed operational data and the number of operations recorded and observed by the NPS staff at Haleakala. Therefore the FAA, in cooperation with the NPS, will jointly determine present-day conditions for the EIS.

Operating Parameters

All existing commercial air tour operations at Haleakala are certificated by the FAA in accordance with the requirements of Title 14 CFR Part 135. Special Federal Aviation Regulation, Part 71 applies to all fixed-wing and rotor-wing air tour flights conducted under Visual Flight Rule conditions within the State of Hawai'i. Special Federal Aviation Regulation, Part 71 provides procedural, operational, and equipment requirements, including the specification of minimum flight altitudes, beyond those required under CFR Parts 91 and 135.

The majority of commercial air tour operations currently conducted over Haleakala originate at Kahului Airport. Currently, aside from existing applicable Federal Aviation Regulations including Special Federal Aviation Regulation Part 71, there are no mandatory operating parameters governing the activity of air tour operations over Haleakala. The lack of formal regulations notwithstanding, in 1998 and again in 2002, Haleakala National Park and the Hawaii Air Tour Association, Maui member operators (HATA) who conduct helicopter air tour flights in the vicinity of Haleakala entered into an informal Letter of Agreement (LOA) that provided guidelines for commercial air tour operations that were mutually satisfactory to all signatories. While the operating parameters delineated in the LOA are voluntary, apply only to the commercial air tour operators who are signatories of the LOA, and refer only to helicopter (rotor wing) operations, most commercial air tour operations over Haleakala do abide by the LOA.

Currently, flight tracks for commercial air tours over the western portion of Haleakala skirt the northern and southern boundaries, and do not actually enter the airspace above this western portion of the park (Figure 2). Flight tracks do continue along the southern boundary of Haleakala, and cross over into the airspace above the easternmost portion of the park. Along these flight tracks or elsewhere, commercial air tour operators may apply for authorization to fly below the 1500 feet AGL minimum altitude prescribed by Special Federal Aviation Regulation, Part 71. To do so, commercial air tour operators must submit to the FAA Special Federal Aviation Regulation documents depicting routes and sites below 1500 feet. The FAA may authorize fixed-wing aircraft to fly no lower than 1000 feet AGL and helicopters no lower than 500 feet AGL, in order to maintain 500 feet of separation between helicopters and fixed-wing aircraft.

Commercial air tour operations conducted over Haleakala are assessed a fee by the NPS under authority provided in 16 U.S.C. 4601-6a (n)(5)(B). The fee assessed per entry is \$25.00 per aircraft with a passenger capacity of 25 persons or less and \$50.00 per aircraft with a passenger capacity of more than 25 persons. As per the Congressionally-approved Federal Lands Recreation Enhancement Act Fee Program, 80% of the revenues can be used by Haleakala for: facility maintenance and improvement related directly to visitor enjoyment, access, and health and safety; interpretation, visitor information, service, needs assessment and signs; and law enforcement related to public use and recreation. The fee is only assessed on air tour operations that enter the airspace above the park. Commercial air tour operations that are conducted in the vicinity of the park but that do not cross the park's boundary are not assessed this fee. The FAA is not a party to this fee collection and is not granted any authority by the National Parks Air Tour Management Act to impose, increase, decrease, modify, or otherwise alter or enforce the fees assessed pursuant to 16 U.S.C. 4601-6a (n)(5)(B).

Air Tour Visitor Experience

Air tours offer visitors unique views of the park and access to areas that they would not otherwise be able to experience. Although their experience of the park resources and values is quite different in most cases from that of the ground-based visitor, those who experience the park solely by means of a commercial air tour are considered, in the ATMP, as legitimate park visitors. The air tour visitor experience often varies depending on weather conditions and the desires of the air tour client/visitor (i.e., length of flight, geographic features of special interest, etc.). Viewing Haleakala is usually only a portion of the typical air tour around east Maui.

Currently, commercial air tour operations normally approach Haleakala from the west and south as they climb to altitude. This provides the air tour visitor with a view of the western and southwestern slopes of the Haleakala volcano, Haleakala summit and Haleakala Crater from a distance through and over a notch in the south crater rim. Aircraft often maneuver in this area to provide the best possible viewing for all those on board. From the south crater rim, commercial air tour operations typically proceed across the Kaupo Gap boundary fence, across Ka`apahu to the Kipahulu area. The air tour visitor is provided an opportunity for viewing several waterfalls and dense vegetation in the Kipahulu area. Alternate routes provide opportunities to view the Kipahulu coastline. From the Kipahulu area, commercial air tour operations normally proceed around the eastern part of the island, remaining outside the park boundary and outside the Hanawi Natural Area Reserve that neighbors Haleakala to the north.

Commercial air tour operations may approach the park along its northern boundary. Here the eastern slope of Haleakala summit and Haleakala Crater are again viewed from a distance of about one mile through Ko`olau Gap or from just outside the park at Hanakauhi Peak. Again, aircraft often maneuver in this area to provide the best possible viewing for all on board. From the Ko`olau Gap area, air tours typically proceed directly to the Kahului Airport or to other destinations.

***** **End Part 2** *****

Part 3 - Range of Alternatives

A. Range of Alternatives

An Alternatives Development Team, consisting of FAA, NPS, and other specialized staff, will develop a range of ATMP Alternatives that will consider public and agency comments received during EA and EIS scoping, impact analysis, and consultations during the EA and EIS process. Thus, this scoping document presents only the No-Action Alternative as well as some information on the range of possible other alternatives.

1. No-Action Alternative

The environmental impacts of the No-Action Alternative must be considered for comparative purposes in accordance with the National Environmental Policy Act and its implementing regulations. This is required even in situations such as this where the FAA and NPS are under legislative command to develop an ATMP. The No-Action Alternative assumes the continuation of the present course of action: continued operations by existing operators who have been granted IOA, with no operating authority granted to new entrants. It is also assumed that the voluntary agreements specified in the NPS-HATA LOA would remain in effect. Commercial air tour operations over Haleakala would be required to comply only with existing applicable Federal Aviation Regulations, including Special Federal Aviation Regulation Part 71.

2. Other Alternatives

Other alternatives representing the range of possible alternatives are presented in this scoping document for comment. These include two bounding alternatives – no commercial air tours and unrestricted commercial air tours. Under the Unrestricted Air Tours Alternative, there would be no caps, limitations, restrictions, or Federally-specified routes for commercial air tour operations over Haleakala, other than those specified in existing Federal safety regulations. Under the No Air Tours Alternative, commercial air tour operators would be banned in the airspace below 5,000 ft AGL over Haleakala and within ½ mile outside of park boundaries.

While the alternatives development process is primarily issue-driven, the Alternatives Development Team will also check that alternatives are practicable and meet the following four basic reasonableness criteria: (1) that they are safe, (2) that they satisfy the Purpose and Need for Federal action (to be described in the EIS), (3) that they are technically and economically feasible, and (4) that repetition of similar alternatives is avoided. Alternatives that are determined not practicable or otherwise found not to satisfy the purpose and need for the project will not be carried forward for detailed analysis within the EIS. If any alternatives are not carried forward for detailed analysis, the reasons for it not being carried forward will be described in the EIS. A reasonable number of alternatives and the No-Action Alternative will be carried forward for detailed analysis.

B. Elements That Would Be Common to All Alternatives

Applicability

The requirements specified by the ATMP would apply to all commercial air tour operations conducted over or within ½ mile of the boundary of Haleakala National Park.

Commercial air tour operations are defined in the Section 803 of the National Parks Air Tour Management Act of 2000 as “any flight, conducted for compensation or hire in a powered aircraft where a 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 (i) below [5,000 feet AGL] (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft...), or (ii) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).”

Therefore, the ATMP would only apply to the airspace below 5,000 ft AGL and above the area encompassed by the park and the ½ mile buffer zone outside of the park boundary. The ATMP would apply to all commercial air tour operations in this airspace, unless, for the purposes of safe operation of an aircraft as determined under the rules and regulations of the FAA, the pilot-in-command is required to take action to ensure the safe operation of the aircraft.

Relationship to Other Federal Aviation Regulations

Commercial air tour operators would be required to continue to comply with all applicable requirements of Special Federal Aviation Regulation Part 71 and all other applicable Federal Aviation Regulations. However, the ATMP may alter the minimum altitude requirements of Special Federal Aviation Regulation Part 71 for specific areas of the park. For example, the ATMP may provide authorization for operations below 1,500 ft AGL or may require minimum altitudes in excess of 1,500 feet AGL.

As mentioned above, any actions the pilot-in-command of a commercial air tour aircraft takes to ensure the safe operation of the aircraft would be allowed, as safety supersedes any restrictions placed by the ATMP.

Enforcement of the ATMP

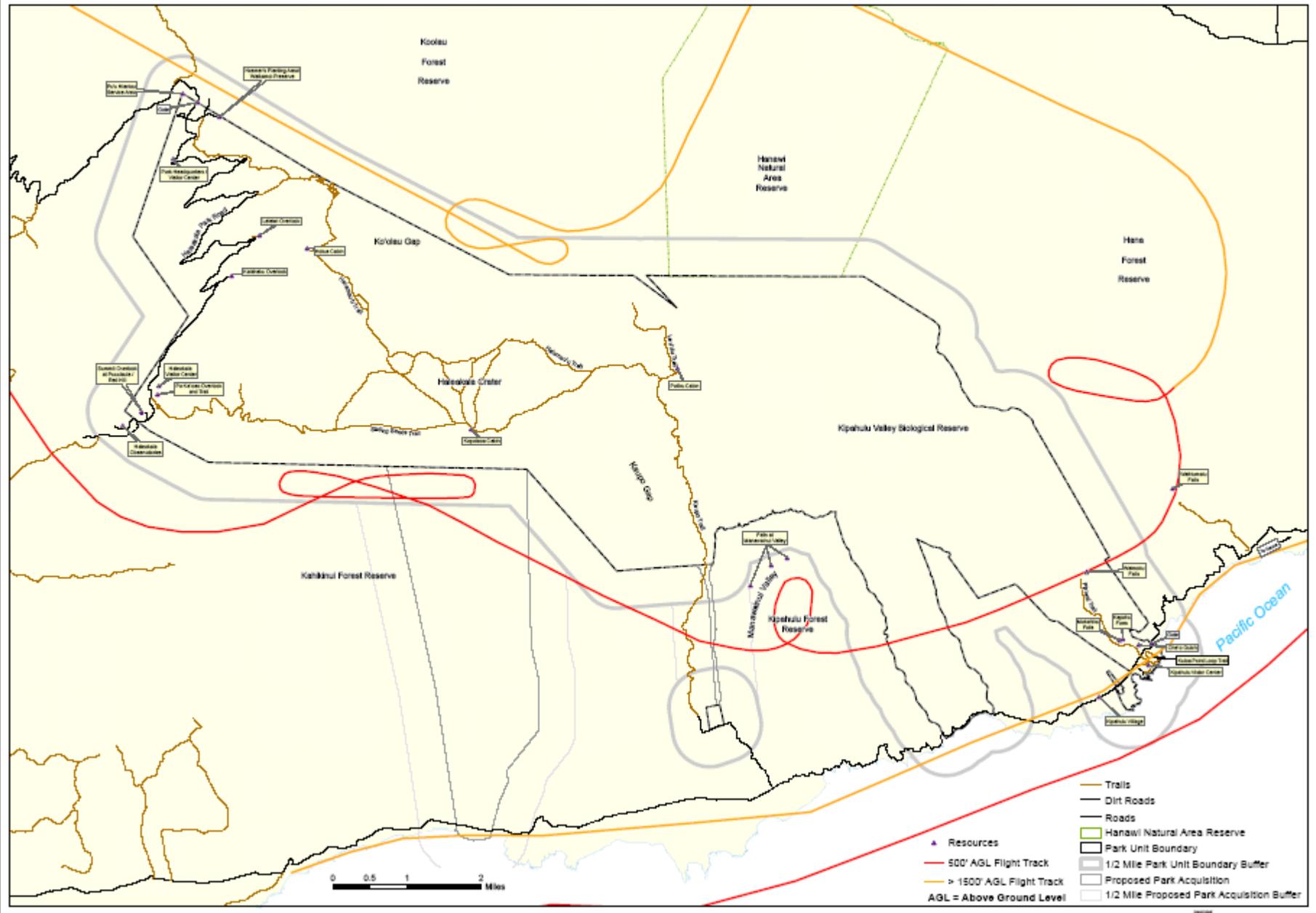
Once completed the ATMP would be incorporated either directly or by reference into Title 14, Code of Federal Regulations, Part 136, National Park Air Tour Management.

The FAA's authority and responsibility for enforcement of Part 136 and the ATMP stems from its authority established under the Federal Aviation Act of 1958, as amended by the National Parks Air Tour Management Act of 2000. The FAA will monitor air tour operator compliance with an ATMP through issuance and management of Part 136 Operating Authority, through periodic and random surveillance of air tour operators, and through appropriate investigation of credible reports of suspected noncompliance.

Suspected noncompliance with Part 136 or the ATMP would be reported to the appropriate personnel of the local FAA Flight Standards District Office or the park Superintendent's Office. Any credible reports received or generated by the National Park Service would be forwarded to the local FAA Flight Standards District Office. The FAA, in accordance with current FAA protocols, would conduct all monitoring, investigation, and enforcement of the ATMP.

Haleakala National Park

Figure 2. Existing Conditions as Outlined in the Voluntary Letter of Agreement Between Haleakala and the Hawaii Air Tour Association, Maui Member Operators



Part 4 - Initial List of Environmental Issues

A. Introduction

The FAA and NPS have executed a Memorandum of Understanding regarding implementation of the Air Tour Management Act and development of ATMPs. The Agencies have agreed, among other things, that the development of ATMPs and associated environmental document(s) under the National Environmental Policy Act will be a fully cooperative process recognizing and complying, to the greatest extent possible consistent with the FAA's responsibility as lead agency, with the existing legislative, regulatory, and policy mandates of both agencies. The National Parks Air Tour Management Act specifically requires that "...the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 USC 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement, and the record of decision for the air tour management plan."

B. Initial Issues Identified in EA Scoping

Alternatives to be carried forward as "practicable" must address fundamental issues surrounding commercial air tour operations at Haleakala. One objective of the scoping process is to assist the FAA and NPS in determining the scope and significant issues to be analyzed in depth in the Environmental Impact Statement. As a result, the FAA and NPS may identify and eliminate from detailed study the issues which are not relevant thereby narrowing the discussion of these issues in the Environmental Impact Statement. Scoping comments on potential environmental issues and alternatives have previously been received during meetings with the public for the EA for the project. Given the comments received during these scoping meetings, the FAA and NPS are initially considering the following environmental issues related to park commercial air tours to be particularly important:

- Noise associated with air tours and its potential impact on "natural" sounds of the park.
- Potential impact of commercial air tour operations on wildlife and the ability to study and census wildlife.
- Potential impact of commercial air tour operations on areas of cultural and spiritual importance and on Native Hawaiian uses of park resources.
- Potential impact commercial air tour operations may have on the ground-based park visitor experience.
- Potential socioeconomic impact to air tour operators.
- Potential safety impacts on resident communities in the vicinity of the park.
- The appropriateness of commercial air tour operations over Congressionally-designated wilderness areas, as well as those areas managed by the NPS as wilderness.
- Air tour visitor experience provided by commercial air tour operators over Haleakala.
- ATMP monitoring and enforcement.
- Actual number of current air tour operations in comparison to what was authorized in the IOAs granted after the passage of the National Parks Air Tour Management Act.

C. Environmental Impact Topics

FAA Order 1050.1E establishes requirements and procedures to be used in environmental impact analysis according to specific impact categories or topics. These impact topics are:

- | | |
|---|--|
| 1. Air Quality (including potential visibility impairment) | 10. Secondary (Induced) Impacts |
| 2. Historical, Architectural, Archeological, & Cultural Resources | 11. Farmlands |
| 3. Coastal Resources | 12. Socioeconomic Impacts (including Environmental Justice) |
| 4. Light Emissions and Visual Impacts | 13. Fish, Wildlife, and Plants (including Threatened and Endangered Species) |
| 5. Compatible Land Use Impacts | 14. Water Quality |
| 6. Natural Resources and Energy Supply (consumable) | 15. Floodplains |
| 7. Construction Impacts | 16. Wetlands |
| 8. Noise Impacts | 17. Hazardous Materials and Solid Waste |
| 9. Impacts on properties protected under 49 U.S.C. 303 (DOT Act 4(f)) | 18. Wild and Scenic Rivers |

Visitor Experience is not an impact category that FAA traditionally examines. However, the National Parks Air Tour Management Act specifically references the mitigation or prevention of significant impacts, if any, of commercial air tour operations on visitor experience as a key element of the Air Tour Management Plan objective.

In addition, the NPS customarily assesses impacts on visitors and visitor experience from a proposed action and alternatives. For these reasons, visitor experience will be added to the list of environmental impact topics to be addressed in the EIS.

******* End Part 4 *******

Part 5 – References

Littlejohn et al. 2001. M. Littlejohn, C. VanOrmer, and W. Morse. Haleakala National Park Visitor Study, Spring 2000. Visitor Services Project, Cooperative Park Studies Unit. Report 118. University of Idaho. March 2001.

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***** End Part 5 *****

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