

**Hawaii Volcanoes National Park  
Air Tour Management Plan  
Planning and NEPA Scoping Document**

March 3, 2004

Prepared by  
Volpe National Transportation Systems Center  
U.S. Department of Transportation

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[4910-13]

**DEPARTMENT OF TRANSPORTATION  
Federal Aviation Administration**

**Environmental Assessments for the Air Tour Management Plan Program at Haleakala National Park, Hawaii Volcanoes National Park, Puukohola Heiau National Historic Site, Kaloko-Honokohau National Historical Park, Kalaupapa National Historical Park, and Pu'uhonua O Honaunau National Historical Park**

**AGENCY:** Federal Aviation Administration, DOT

**ACTION:** Notice of Intent to Prepare Environmental Assessments and Notice of Initiation of Public Scoping

**SUMMARY:** The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS), has initiated the development of Air Tour Management Plans (ATMPs) for Haleakala National Park, Hawaii Volcanoes National Park, Puukohola Heiau National Historic Site, Kaloko-Honokohau National Historical Park, Kalaupapa National Historical Park, and Pu'uhonua O Honaunau National Historical Park, 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 each 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 the subject national park unit.

**DATES:**

*Scoping Period:* The 45-day scoping period will be initiated upon publication of this notice. Please submit any written response you may have within 45 days from the date of this Notice, or no later than Monday, April 12, 2004.

*Scoping Meetings:* Public scoping meetings have been scheduled for these projects as follows:

<b>Subject Park</b>	<b>Date</b>	<b>Time</b>	<b>Location</b>
Puukohola Heiau National Historic Site	Wednesday, March 24, 2004	4:30 PM to 7:00 PM	Waimea Civic Center Conference Room 67-5189 Kamamalu Street Kamuela, Hawaii
Hawaii Volcanoes National Park	Thursday, March 25, 2004	6:00 PM to 8:30 PM	King Kamehameha's Hotel, Kamakahonu Ballroom 75-5660 Palani Road Kailua-Kona, Hawaii
Hawaii Volcanoes National Park	Friday, March 26, 2004	6:00 PM to 8:30 PM	University of Hawaii at Hilo University Classroom Building 301 Room 100 200 West Kawili St. Hilo, Hawaii

Pu'uhonua O Honaunau National Historical Park	Thursday, March 25, 2004	6:00 PM to 8:30 PM	King Kamehameha's Hotel, Kamakahonu Ballroom 75-5660 Palani Road Kailua-Kona, Hawaii
Kaloko-Honokohau National Historical Park	Thursday, March 25, 2004	6:00 PM to 8:30 PM	King Kamehameha's Hotel, Kamakahonu Ballroom 75-5660 Palani Road Kailua-Kona, Hawaii
Kalaupapa National Historical Park	Saturday, March 27, 2004	6:00 PM to 8:30 PM	Kaunakakai Elementary School 30 Ailo Street Kaunakakai, Molokai
Kalaupapa National Historical Park	Monday, March 29, 2004	12:00 PM to 2:30 PM	Mc Veigh Social Hall Kalaupapa National Park Kalaupapa, Molokai
Haleakala National Park	Tuesday, March 30, 2004	6:00 PM to 8:30 PM	Hana Community Center (Old Hana School Cafeteria) 150 Uakea Road Hana, Maui
Haleakala National Park	Wednesday, March 31, 2004	6:00 PM to 9:30 PM	Mayor Hannibal Tavares Community Center 91 Pukalani Street Pukalani, Maui

**ADDRESSES:** Please submit any written response you may have within 45 days from the date of this Notice, or no later than Monday, April 12, 2004. Address your comments to:

Docket Management System  
Doc No. FAA-2004-17174  
U.S. Department of Transportation  
Room Plaza 401, 400 Seventh Street, SW.  
Washington, DC 20590-0001

You must identify the docket number FAA-2004-17174 at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard. You may also submit comments through the Internet to <http://dms.dot.gov>. 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. Also, you may review public dockets on the Internet at <http://dms.dot.gov>. Additionally, comments will be received and recorded at the public scoping meetings.

**FOR FURTHER INFORMATION CONTACT:** Steve May, 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) 725-3808. Street address: 15000 Aviation Boulevard, Lawndale, California 90261. Email: [Steve.May@faa.gov](mailto:Steve.May@faa.gov)

**SUPPLEMENTARY INFORMATION:** In developing each ATMP and any associated rulemaking actions, the FAA is required to comply with the National Environmental Policy Act of 1969, which calls on Federal agencies to consider environmental issues as part of their decision making process. For the purposes of compliance with the National Environmental Policy Act, the FAA is the Lead Agency and the NPS is a Cooperating Agency. The FAA Air Tour Management Plan Program Office and the NPS Natural Sounds Program Office are responsible for the overall implementation of the ATMP Program.

Environmental Assessments are being prepared in accordance with FAA Order 1050.1D, *Policies and Procedures for Considering Environmental Impacts*. The FAA is now inviting the public, agencies, and other interested parties to provide comments, suggestions, and input regarding: (1) the scope, issues, and concerns related to the development of each ATMP; (2) the scope of issues and the identification of significant issues regarding commercial air tours and their potential impacts to be addressed in the environmental process; (3) the potential effects of commercial air tours on cultural and historic resources; (4) past, present, and reasonably foreseeable future actions which, when considered with ATMP alternatives, may result in significant cumulative impacts; and (5) potential ATMP alternatives. The FAA requests that comments be as specific as possible in response to actions that are being proposed under this notice.

Public scoping meetings have been scheduled for this project. The purpose of these scoping meetings is to describe the ATMP development and environmental processes, obtain public input regarding the ATMP and potential environmental concerns that may be appropriate for consideration in the Environmental Assessment, and to identify alternatives to be considered. Both oral and written comments will be accepted during these meetings. Agency personnel will be available to record your spoken comments. All recorded and written comments become part of the official record. The public scoping meetings will consist of a presentation in which the National Parks Air Tour Management Act of 2000 is introduced, existing conditions at Haleakala National Park, Hawaii Volcanoes National Park, Puukohola Heiau National Historic Site, Kaloko-Honokohau National Historical Park, and Pu'uhonua O Honaunau National Historical Park are described and the ATMP development process at each park unit is explained. Following the presentation, the floor will be opened for public comments to be received.

Park-specific scoping documents that describe the project in greater detail are available at the following locations:

- Kalaupapa National Park Headquarters, Kalaupapa, Molokai
- Molokai Public Library, 15 Ala Malama, Kaunakakai, Molokai
- Haleakala National Park Headquarters, Mile Marker 11, Crater Road, Kula, Maui
- Hana Public and School Library, Hana, Maui
- Makawao Public Library, 1159 Makawao Avenue, Makawao, Maui
- Kahului Public Library in 90 School Street, Kahului, Maui
- Kalaupapa National Historic Park, P.O. Box 2222, Kalaupapa, Hawaii
- Kihei Public Library, 35 Waimahaihai Street, Kihei, Maui
- Lahaina Public Library, 680 Wharf Street, Lahaina, Maui
- Lana'i Public and School Library, 555 Fraser Avenue, Lana'i City, Maui
- Wailuku Public Library, 251 High Street, Wailuku, Maui

- Hawaii Volcanoes National Park Headquarters, 1 Crater Rim Drive, Hawaii Volcanoes, Hawaii
- Puukohola Heiau National Historic Site Headquarters, 62-3601 Kawaihai Road, Kawaihai, Hawaii
- Kaloko-Honokohau National Historical Park Headquarters, 73-4786 Kanalani Street, #14, Kailua-Kona, Hawaii
- Pu'uhonua O Honaunau National Historical Park, Highway 160, Honaunau, Hawaii
- Hilo Public Library, 300 Waianuenue Avenue, Hilo, Hawaii
- Kailua-Kona Public Library, 75-138 Hualalai Road, Kailua-Kona, Hawaii
- Naalehu Public Library, 95-5669 Mamalahoa Highway, Naalehu, Hawaii
- Pahala Public and School Library, 96-3150 Pikake Street, Pahala, Hawaii
- Hawaii State Library, 478 South King Street, Honolulu, Oahu
- FAA Air Tour Management Plan Program Website, <http://www.atmp.faa.gov/>
- FAA Docket Management System Website, <http://dms.dot.gov>

Issued in Washington, DC on February 23, 2004

Ruth Leverenz  
Assistant Administrator for  
Region and Center Operations

## **Part 1 - Introduction to the Project**

### **A. Introduction**

The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS), has initiated the development of an Air Tour Management Plan (ATMP) for Hawaii Volcanoes National Park 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 Hawaii Volcanoes National Park.

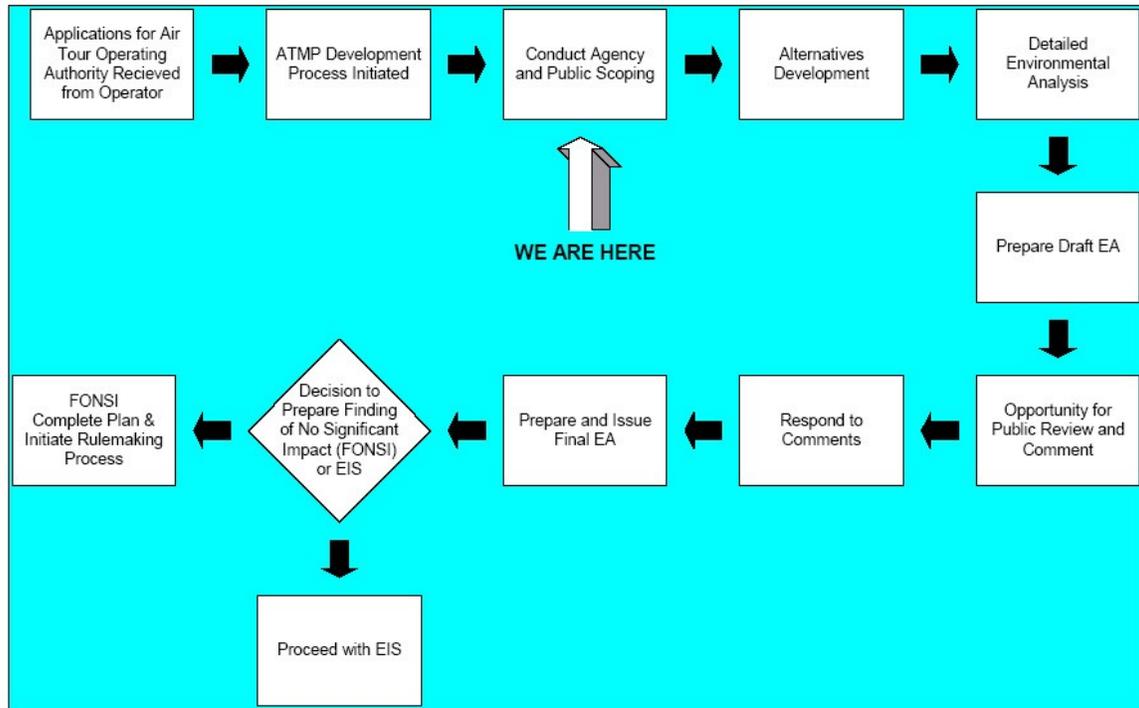
A commercial air tour operation is defined as a flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park or over tribal lands, during which the aircraft flies below a minimum altitude of 5,000 feet (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 Hawaii Volcanoes National Park 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.

### **B. Air Tour Management Plan (ATMP) Development Process**

The process is initiated in a particular location following the receipt of an Application for Air Tour Operating Authority from an existing or new entrant commercial air tour operator. The FAA has received applications for Commercial Air Tour Operating Authority from ten existing operators and one new entrant for Hawaii Volcanoes National Park. The ATMP Planning and Environmental Assessment process is summarized in Figure 1. The scoping process has been initiated early in ATMP planning to ensure an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to commercial air tour operations over and within ½ mile of the national park. Following completion of the planning and environmental process, appropriate implementation actions will be taken for the selected ATMP alternative. This may include Federal Rulemaking (see Figure 1).

In developing the ATMP and any associated rulemaking actions, the FAA is required to comply with the National Environmental Policy Act of 1969 (National Environmental Policy Act), and its implementing 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 the policies set forth in the National Environmental Policy Act and these 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.



**Figure 1 - ATMP Planning and Environmental Assessment Process**

The FAA will, in cooperation with the National Park Service, prepare an Environmental Assessment (EA) in accordance with FAA Order 1050.1D. The FAA may decide to proceed with the development of an Environmental Impact Statement (EIS) at anytime during the development of the Environmental Assessment. This notwithstanding, following the planned development of the environmental assessment, either a Finding of No Significant Impact (FONSI) or environmental impact statement will be prepared. Prior to implementation of the ATMP and following any Federal rulemaking actions, a Record of Decision will be prepared.

Additional information on the ATMP Program is available on the FAA’s ATMP Website located at [www.atmp.faa.gov](http://www.atmp.faa.gov). Interested parties may request information regarding the development of this and other ATMPs through this website.

## **Part 2 – Setting**

### **A. Introduction**

The discussion below summarily describes the setting for the Hawaii Volcanoes National Park ATMP project. A description of the Park’s natural resources, cultural resources, visitor experiences, and commercial air tour activity are provided to assist the public and agencies in the preparation of meaningful comments. The most useful comments are those that address the scope of analysis, present significant issues, and suggest reasonable alternatives to the proposed action with the greatest specificity possible.

The planning area for the Hawaii Volcanoes National Park ATMP project is depicted on Figure 2. The area encompasses the Hawaii Volcanoes National Park and the area within ½ mile outside the boundary of the Park. The National Parks Air Tour Management Act limits the applicability of the Air Tour Management Plan to operations conducted within this area. Although the scope of authority is limited, the FAA recognizes its responsibility under applicable environmental laws to consider impacts on potentially affected resources located in the vicinity of the Hawaii Volcanoes National Park but in excess of a ½ mile outside the boundary of the Park.

## **B. Hawaii Volcanoes National Park - Natural Resources, Cultural Resources and Visitor Experience**

Hawaii Volcanoes National Park is located in the southeastern portion of the Big Island of Hawaii in the State of Hawaii. The Park has an area of approximately 330,000 acres, of which over one-third is designated wilderness. Hawaii Volcanoes National Park was established with the purpose to preserve and to provide for the sustainable study and enjoyment of the following resources and values:

- ❖ Unique and geologically recent volcanic landscapes, sculpted by natural erosional processes
- ❖ Fragile ecological processes, represented by unique and varied native vegetation and rare endemic birds and insects and the environmental conditions that sustain them
- ❖ Clean, clear air and water resources
- ❖ Highly important structures, sites, and areas associated with the unique traditional Hawaiian culture and continuing use and reverence of these resources by native Hawaiians
- ❖ Congressionally-designated wilderness, and other nationally recognized biological preserves and historic districts, and the cultural and environmental conditions that make them suitable for these designations
- ❖ Scenic qualities, solitude, and varied recreation and research opportunities

Hawaii Volcanoes National Park encompasses a diversity of environments and displays the results of 70 million years of volcanism, migration, and evolution. Hawaii Volcanoes National Park is also rich in cultural and historic resources.

The summit and gentle slopes of Mauna Loa and Kilauea dominate Hawaii Volcanoes National Park. These two shield volcanoes present a unique example of island building through ongoing volcanic processes, and represent recent activity in the continuing process of the geological origin and change of the Hawaiian Archipelago. Mauna Loa and Kilauea Volcanoes are also among the world's most active volcanoes, and exhibit constantly changing features.

Mauna Loa Volcano, at 13,679 ft, is the world's largest volcano. The collapse of Mauna Loa's summit left behind a three-mile long basin-shaped depression called a caldera as well as smaller craters located within and surrounding the caldera. Two prominent zones of fracturing (rift zones) are the source of many of the thousands of thin lava flows which built up the Volcano. At 40 miles long (28 miles of which are in the Park), the southwest rift zone of Mauna Loa is the largest fissure eruptive zone above sea level on Earth, and the most extensive rift zone in the alpine. From the beginning of the written record of eruptions, 1843, until 1984, eruptions occurred on Mauna Loa every few years. Though Mauna Loa does not currently have active lava flows, the U.S. Geological Survey has noted signs of renewed activity beginning in spring of 2002.

Kilauea Volcano (summit elevation, 4,000 ft) is the world's most active volcano. Kilauea caldera, at the summit of the Volcano, is 2.5 by 3.2 miles, and is covered by nearly 2,600 acres of lava flows. The crater Halema'uma'u is located near the southern edge of Kilauea caldera, and is the primary vent for Kilauea. Like Mauna Loa, Kilauea is built almost entirely by the accumulation of thousands of thin lava flows, primarily originating from two rift zones. The southwest rift zone, in the Ka'u Desert area to the southwest of Kilauea Caldera, is distinguished by the presence of several volcanic features such as cinder cones, and the last lava flow from this rift zone occurred in 1982. The east rift zone on the southeastern slopes of Kilauea Volcano, extends from the area near Chain of Craters Road in a northeasterly direction, and is lined with a number of large craters. Eruptive activity along the east rift zone has been nearly continuous since 1983, and lava is currently flowing from the Pu'u 'O'o and Kupaianaha vents along the east rift zone into the ocean. On the southern side of Kilauea are a number of fault scarps known as the Hilina fault system.

Because of great differences in elevation and climate zones, Hawaii Volcanoes National Park contains great ecological diversity, with seven distinct ecological zones, each represented by distinct plant and animal communities. These vary from coastal strand beach communities to aeolian-alpine deserts without plants. The Park's ecological zones and major vegetation types are coastal strand, coastal lowlands, lowland woodlands, and shrublands, montane rain forest, montane forests, and subalpine shrublands.

Many threatened and endangered species of plants and animals are known to occur within and in the vicinity of Hawaii Volcanoes National Park, including 25 plants and 7 vertebrates, representing nearly 10%

of the native vascular plant flora of the Park and nearly half of the resident native vertebrate species. Hawaii Volcanoes National Park provides habitat and/or nesting ground for a number of rare, threatened and endangered species of native birds, including the nene, or Hawaiian goose (*Nesochen sandvicensis*), the 'ua'u, or Hawaiian dark-rumped petrel (*Pterodroma phaeopygia sandwichensis*), and 'a'o, or Newell's Townsend's shearwater (*Puffinus auricularis newelli*). The endangered Hawksbill turtle (*Erptomochelys imbricata*) next regularly on Park beaches, and Hawaii's only indigenous terrestrial mammal, the endangered Hawaiian hoary bat (*Lasiurus cinereus*), has been observed in the Park by NPS staff.

The range of cultural resources associated with the park encompasses archeological and ethnographic resources, historic structures, and cultural landscapes. These cultural resource types may be found from sea level up to the summit of Mauna Loa. Other cultural resource types found in the park are the museum and archival collections. These collections contain objects representing the rich natural and cultural history of the park. Some of the objects are on display in places like the Kilauea Visitor Center or the 1941 Volcano House, while others are in the park's curatorial and archival facilities.

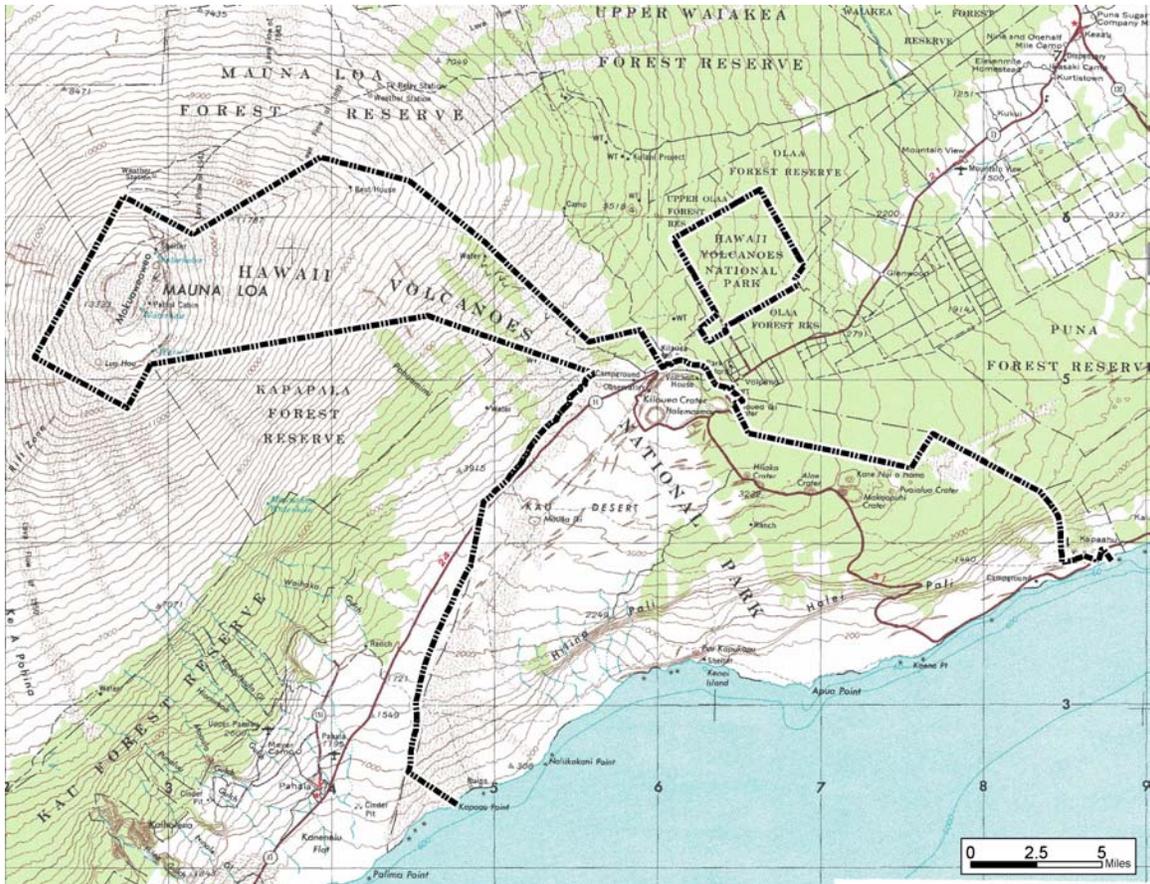
Hawaii Volcanoes National Park encompasses a vast landscape of past and recent volcanism from sea level to the summit of Mauna Loa at 13,677 feet. On that landscape, diverse ecosystems developed, which in combination with the ongoing volcanism, influenced unique Native Hawaiian cultural adaptations.

The Native Hawaiian archeological resources within the Park range from large coastal settlements to scattered subalpine resource procurement areas. A partial list of resource types include habitation; agriculture; animal husbandry; resource procurement such as fishing, bird collecting, quarries, and water collection; petroglyphs; trails; and religious uses. Evidence of Native Hawaiians living on an active lava landscape can be found literally everywhere in the park; over 14,000 archeological features have been recorded.

Native Hawaiians continue to have an intimate association with Hawaii Volcanoes National Park. It is easy to focus on Kilauea as being of importance, and it is listed on the National Register of Historic Places for its association with Native Hawaiians, in addition to its association with science. However, the Native Hawaiian association doesn't end with the Kilauea Caldera—the Caldera is just one component, albeit a very important one. The Native Hawaiian relationship extends throughout the Park. For example, in Hawaiian thinking the sacredness of a place is not just the ground on which you walk, but it also includes the heavens above. Air space is important to Hawaiians; they have nine specific terms designating the divisions of space. Hawaiians are not only very aware of air space but they are also aware of the sounds of nature. Natural sounds of the ocean, winds, birds, rain, trees, etc., play a very important part in Hawaiian poetry, chants, and contemporary music. The serenity or peacefulness of the rainforest and the caldera is one of the attributes that make those places special.

The early historic period was a particularly active time for Kilauea; numerous eruptions and lava flows drew explorers, visitors, and scientists to the caldera rim. Remnants of these early visits can be found in the trails and historic roads that cross the park, as well as in historic archeological features. The historic 1877 Volcano House, which overlooks the Kilauea Caldera, was one of the early guesthouses in the park. The 1941 Volcano House, perched on the Caldera rim, continues to provide lodging for park visitors. The United States Geological Survey's Hawaiian Volcano Observatory (HVO), founded in 1912, preceded the establishment of the park by four years. The Whitney Seismograph Vault, part of the 1912 HVO facility, still remains. The current HVO administrative facility continues to be a center for the research of active volcanism and volcanic processes, with research occurring throughout the park. Kilauea Military Camp, which preceded the park establishment by only a few months, was developed as a rest and relaxation camp for military personnel and this use continues today. During World War II, it served various roles including the housing of Prisoners of War.

A cultural landscape is the interface between the natural environment and human adaptation. This interface may result in physical modifications to the landscape or it may result in something more intangible. Cultural landscapes are found in the park, with some more readily observable than others. Master plans were developed for the Park that carefully considered where facilities should be placed in relation to their use, other facilities, surrounding resources, and the landscape setting.



**Figure 2 – Hawaii Volcanoes National Park Map**

Hawaii Volcanoes National Park is the largest single visitor attraction on Hawaii Island. The Park offers a wide range of recreational opportunities for the ground based visitor including day hikes as well as wilderness trips/backpacking of several days duration, nature walks, auto touring with scenic overlooks, picnicking, wildlife viewing, camping, stargazing, and cycling. Approximately 1.2 million visitors participated in these activities in Fiscal Year 2002. In addition to the features already mentioned, some popular tourist attractions include: Kilauea Visitor Center, which contains numerous educational and interpretive exhibits and programs; the Volcano Art Center, a gallery for local artists and craftspeople; the Jaggar Museum, with geological and cultural educational displays; Thurston Lava Tube, a cave formed within a lava flow that is accessed via a trail which passes through a small, jungle-filled crater; and volcanic features such as the Kilauea Caldera, Sulphur Bank, and Steam Vents. Additionally, scenic drives and lookouts abound, especially along Crater Rim Drive, a scenic drive located along the rim of Kilauea Caldera, and Chain of Craters Road, a scenic drive that extends from Crater Rim Drive in a southeasterly direction to the coast, and then in a north-easterly direction along the coast until it terminates where it has been covered by recent lava flows. The Park also contains an extensive system of hiking trails, the longest of which are the Ka'u Desert Trail, Crater Rim Trail, Mauna Loa Trail, and the 'Ainapo Trail.

### **C. Commercial Air Tour Activity and Visitor Experience**

There are currently twelve existing operators who provide commercial air tours over and within ½ mile outside the boundary of the Hawaii Volcanoes National Park. Approximately 24,583 commercial air tour operations are conducted per year. This figure is based on the operator's applications for Air Tour Operating Authority submitted pursuant to 14 Code of Federal Regulations Part 136. In the applications, each 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, Code of Federal Regulations, Part 136, the

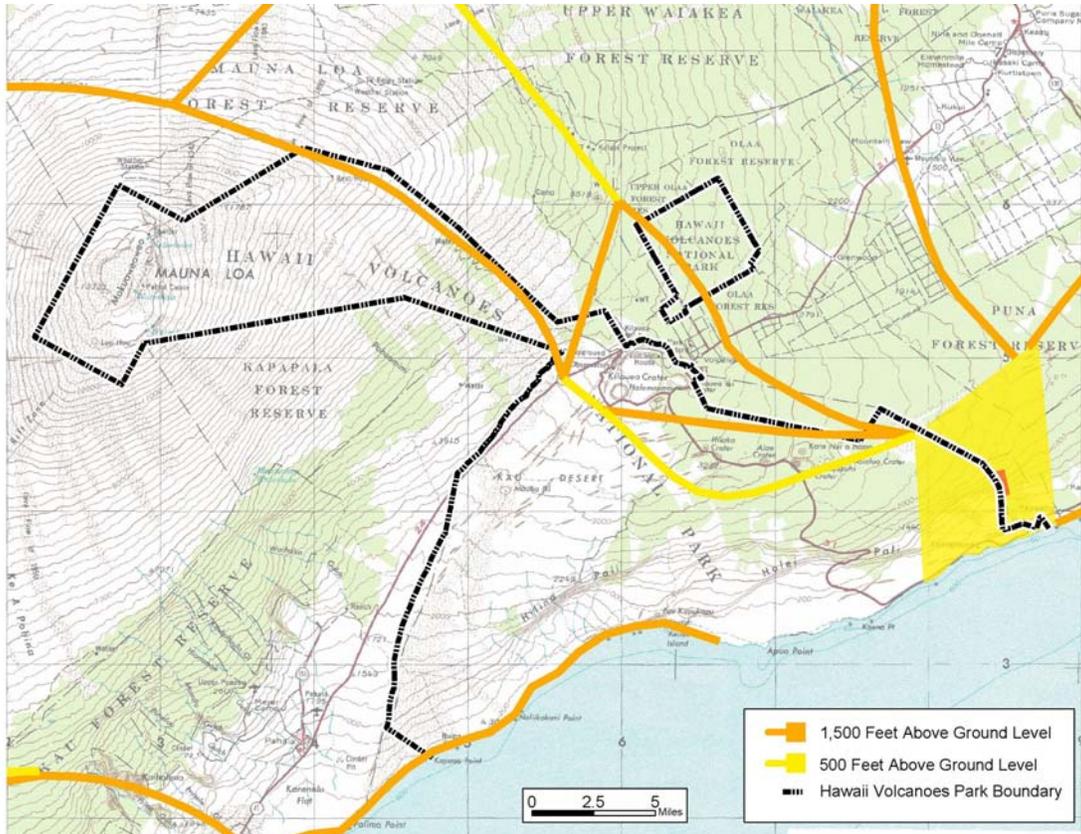
annual air tour operations over and within ½ mile outside the boundary of the Hawaii Volcanoes National Park are currently capped at the number of operations reported in the operator's application, unless otherwise authorized by the FAA and NPS, or until the ATMP is implemented.

All existing commercial air tour operations at Hawaii Volcanoes National Park are certificated by the FAA in accordance with the requirements of Title 14 Code of Federal Regulations Parts 91 and 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 Hawaii. Special Federal Aviation Regulation, Part 71 provides procedural, operational, and equipment requirements, including the specification of minimum flight altitudes, beyond those required under Code of Federal Regulations Parts 91 and 135. The FAA has proposed national safety standards to govern commercial air tours (Docket No. FAA-1988-4521; Notice No. 03-10) (See Federal Register 60572, October 22, 2003). If this proposed rule is adopted the rule will replace the requirements of Special Federal Aviation Regulation, Part 71 in Hawaii and apply throughout the country.

Currently, commercial air tour operators may apply for authorization to fly below the 1500 feet above ground level minimum altitude prescribed by Special Federal Aviation Regulation, Part 71, by submitting to the FAA Special Federal Aviation Regulation procedures documents depicting routes and sites below 1500 feet. The FAA may authorize fixed-wing aircraft to fly no lower than 1000 feet above ground level and helicopters no lower than 500 feet above ground level, in order to maintain a 500 feet separation between helicopters and fixed-wing aircraft.

Those who experience the National Park solely by means of a commercial air tour are considered legitimate visitors to the park although their experience of the park resources and values is quite different in most cases from that of the ground based visitor. 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.). The majority of commercial air tour operations that fly over Hawaii Volcanoes National Park currently originate at Kona International and Hilo International Airports. Current commercial air tour flight tracks over Hawaii Volcanoes (Figure 3) are concentrated along the northeast border of the park; these include flights over Kilauea crater. Additionally, commercial air tours fly along the southeast coastal border of the park. Helicopter air tours are allowed to fly 500 ft above ground level along one flight track beginning at the HVO and moving along and southwest of the Chain of Craters Road before crossing to the east of the Road into an area around the southeast border of the Park. Along all other flight tracks over the park, air tour operators must maintain an altitude of 1500 ft above ground level.

Commercial air tour operations conducted over Hawaii Volcanoes National Park 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 Recreational Fee Demonstration Program, 80% of the revenues are used for facility improvement and ecosystem enhancement projects within Hawaii Volcanoes National Park. It is important to note that the fee is only assessed on air tour operations that enter the airspace above the park (within the park boundary). Commercial air tour operations that are conducted in the vicinity of the park but which do not cross the boundary of the Park 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).



**Figure 3 – Approximate Commercial Air Tour Routes over Hawaii Volcanoes National Park**

### **Part 3 - Federal Action and Range of Alternatives**

#### **A. Federal Action**

The Federal action associated with this project is the establishment of an Air Tour Management Plan (ATMP) for Hawaii Volcanoes National Park, which accomplishes the objective set forth in the Air Tour Management Act of 2000, which is to establish 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, and visitor experiences. The purpose and need for this project stem from the enactment of the Air Tour Management Act of 2000, wherein the U.S. Congress directed the FAA, in cooperation with the 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. Eleven persons have applied to the FAA for operating authority to conduct commercial air tour operations over Hawaii Volcanoes National Park, which triggers the need to develop an ATMP at this park. Following completion of the ATMP planning and environmental process, appropriate implementation actions will be taken for the selected ATMP alternative. This may include Federal Rulemaking. The FAA and NPS are actively preparing to make a decision on one or more alternative means of meeting the Air Tour Management Plan objective while also complying with the existing legislative, regulatory, and, to the greatest extent possible, the policy mandates of both agencies.

In Section 802 of the National Parks Air Tour Management Act of 2000, Congress found, in relevant part, that (1) the Federal Aviation Administration has sole authority to control airspace over the United States; (2) the Federal Aviation Administration 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 National Park Service 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 U.S.C.

40103(b)), the Air Tour Management Act of 2000 (49 U.S.C. 40128), and the Department of Transportation Act of 1966 (49 U.S.C. 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 1976 (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 Hawaii Volcanoes National Park. 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 Hawaii Volcanoes National Park.

The Air Tour Management Act of 2000 specifies that the ATMP be developed by means of a public process. This scoping process is one of the early elements of that public process. As a result, a specific “preferred alternative” for the ATMP has not yet been identified. No determination has yet been made on the justification or need for any limitations or restrictions on commercial air tour operations over and in the vicinity of Hawaii Volcanoes National Park with the exception of those specified in existing Federal Regulations. The FAA and NPS preferred ATMP alternative will be identified following scoping and following the conduct of a complete environmental analysis. The FAA and NPS may identify a preferred alternative in the Draft Environmental Assessment, which will be made available for public review and comment.

## **B. Range of 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 the implementing regulation of the Council on Environmental Quality Regulations (40, CFR Parts 1500-1508). This consideration is required even in situations such as this Program, 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 as can be expected if an ATMP is not developed for Hawaii Volcanoes National Park. Existing caps on the number of commercial air tour operations and the limitations on new entrants imposed under Code of Federal Regulations Part 136 will also be assumed to continue in effect under this No Action Alternative. The No Action Alternative will be more fully described and will be carried forward for detailed analysis in the Environmental Assessment.

### **2. No Prohibitions, Conditions, Restrictions, or Limitations Alternative**

An ATMP alternative that assumes no prohibitions, conditions, restrictions or limitations on commercial air tour operations will be analyzed. The Air Tour Management Act requires any prohibition, condition, restriction, or limitation on commercial air tour operations to be justified. Under this alternative, there would be no caps, limitations, restrictions, or federally specified routes for commercial air tour operations over the Park other than those specified in existing Federal safety regulations.

### **3. Other Alternatives**

The FAA will determine if any mitigation measures are justified and develop other alternatives that will incorporate such mitigation measures as deemed appropriate.

If mitigation measures are justified, a range of potential mitigation measures will be screened for possible use at Hawaii Volcanoes National Park. Table 1 provides a list of potential mitigation measures, which may be utilized either individually or in combination. The Air Tour Management Act specifically authorizes the use of these measures when their use is justified and the need is documented. Additional mitigation measures and alternatives might be suggested by the NPS, as a cooperating agency, and by the public or by other agencies. Such alternatives could be carried through analysis in response to specific issues about the effects of commercial air tour operations on park resources and visitor experiences. Consideration of the impacts of such alternatives may also provide a basis or justification for mitigation.

**Table 1 - Potential Mitigation Measures**

#### **POTENTIAL MITIGATION MEASURES – PROHIBITIONS and CONDITIONS**

- ❖ In-Whole Prohibition on Commercial Air Tour Operations
- ❖ In-Part Prohibition on Commercial Air Tour Operations

- ❖ Establishment of Commercial Air Tour Routes
- ❖ Establishment of Maximum and/or Minimum Commercial Air Tour Altitudes
- ❖ Time-of-Day Restrictions for Commercial Air Tour Operations (Including Curfews)
- ❖ Restrictions on Commercial Air Tour Operations for Particular Events
- ❖ Maximum Number of Commercial Air Tour Flights Per Unit of Time (Capacity Limits)
- ❖ Conditions Necessary for Mitigation of Intrusions on Privacy on Tribal Lands.
- ❖ Other Prohibitions or Conditions Necessary for Mitigation of Noise, Visual, or Other Impacts

Alternatives that are not practicable or otherwise do not satisfy the Purpose and Need for the project would not be carried forward for detailed analysis within the Environmental Assessment. A reasonable number of alternatives and the no action alternative will be carried forward for detailed analysis. A discussion of each of the initial alternatives not carried forward and the reasons for it not being carried forward will be included in the Environmental Assessment. The public will have an opportunity to view the alternatives analysis when the Draft Environmental Assessment is distributed for public review and comment.

### **C. Provisions Common to All Alternatives**

Commercial air tour operators must continue to comply with all applicable requirements of Special Federal Aviation Regulation Part 71 when operating over and within ½ mile outside the boundary of the Hawaii Volcanoes National Park unless otherwise specifically authorized in the ATMP or by the Administrator. This continuing requirement will be assumed for all ATMP alternatives.

As required by the Air Tour Management Act, any ATMP alternative that establishes commercial air tour routes, minimum or maximum altitudes, caps, or curfews shall also include incentives for the adoption of quiet aircraft technology. This requirement will be satisfied for any alternative for which it is applicable. The incentives may include:

- Preferred Routes (if any routes are proposed)
- Preferred Altitudes (if any maximum or minimum altitudes are proposed)
- Partial or Total Relief from Caps (if any caps are imposed)
- Partial or Total Relief from Curfews (if any curfews are imposed)
- Other Appropriate Incentives

## **Part 4 - Initial List of Environmental Issues**

### **A. Introduction**

For the purposes of preparing environmental documents under the National Environmental Policy Act, the FAA is the lead agency and the NPS is a cooperating agency. 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 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 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 U.S.C. 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."

FAA Order 1050.1D, *Policies and Procedures for Considering Environmental Impacts*, sets forth specific environmental analysis procedures to be used in preparing Environmental Assessments and Environmental Impact Statements. A copy of the Order is available via the FAA's Website at [www.aee.faa.gov/e3/1050pt1d](http://www.aee.faa.gov/e3/1050pt1d). In accordance with this Order, the impacts (including cumulative impacts) of existing commercial air tour operations and any ATMP alternatives carried forward for detailed study will be evaluated in each of the 18 environmental impact categories listed below.

## **B. Environmental Impact Categories**

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

## **C. Initial Issues**

One objective of this scoping process is to assist the FAA in determining the scope and the significant issues to be analyzed in depth in the Environmental Assessment. As a result the FAA may identify and eliminate from detailed study the issues which are not relevant thereby narrowing the discussion of these issues in the Environmental Assessment. At this early stage in the planning process, the FAA and NPS are considering the following environmental issues to be particularly important:

- Potential noise impacts
- Potential impacts on visitor experience
- Potential impacts on native Hawaiian culture

The FAA is now inviting the public, agencies, and other interested parties to provide comments, suggestions, and input regarding the scope, issues, and concerns regarding commercial air tours and their potential impacts to be addressed in the environmental process and related to the development of the ATMP for Hawaii Volcanoes National Park.

## **Part 5 - Sources Consulted.**

Babb 2001. Hawaii Volcanoes: The Story Behind the Scenery. KC Publications. 2001.

HVO 2003. Hawaiian Volcano Observatory, U.S. Geological Survey. Website: <http://hvo.wr.usgs.gov/>. 2003.

Macdonald, Gordon and Douglass Hubbard. 2001. Volcanoes of the National Parks in Hawaii. Hawaii Natural History Association. 2001.

NPS 1975. Final Environmental Statement (FES 75-55): Wilderness Areas, Hawaii Volcanoes National Park, Hawaii. Western Region National Park Service. 1975.

NPS 1985a. Cultural Resource Management Plan and Environmental Assessment: Hawaii Volcanoes National Park, Hawaii. National Park Service, US Department of Interior. July 1985.

NPS 1985b. Statement for Management: Hawaii Volcanoes National Park, Hawaii. National Park Service, US Department of the Interior. November 1985.

NPS 1986. Land Protection Plan: Hawaii Volcanoes National Park. US Department of the Interior, National Park Service. Island of Hawaii, Hawaii. July 1986.

NPS 2000. A Study Plan to Inventory Vascular Plants and Vertebrates: Pacific Islands Network, National Park Service. National Park Service, US Department of Interior. December 2000.

NPS 2001. Hawaii Volcanoes National Park: Annual Report, FY-2001. National Park Service, US Department of Interior. 2001.

NPS 2003. Personal communication with the National Park Service staff at Hawaii Volcanoes National Park during the ATMP Kickoff Meeting on February 24, 2003, and subsequent correspondence.

USFWS 2003. U.S. Fish and Wildlife Service, Pacific Islands. Website: <http://pacificislands.fws.gov/default.htm>. 2003.