

**Exhibit 1 – March 29, 2021, Consultation Initiation Letter  
and Responses**

*Consultation Initiation*



**United States Department of the Interior**  
**NATIONAL PARK SERVICE**  
Natural Resource Stewardship & Science  
Natural Sounds and Night Skies Division



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

**United States Department of Transportation**  
**FEDERAL AVIATION ADMINISTRATION**  
Office of Policy, International Affairs & Environment  
Office of Environment and Energy

## **NATIONAL PARKS AIR TOUR MANAGEMENT PROGRAM**

March 29, 2021

Re: Initiation of consultation under Section 106 of the National Historic Preservation Act for the development of Air Tour Management Plans at Hawai'i Volcanoes and Haleakalā National Parks

Suzanne Case  
Chairperson and State Historic Preservation Officer  
State Historic Preservation Division  
1151 Punchbowl Street, Suite 555  
Honolulu, HI 96813

Dear Ms. Case:

The Federal Aviation Administration (FAA) and the National Park Service (NPS) (collectively, the agencies) are developing Air Tour Management Plans (ATMPs) for 23 parks including Hawai'i Volcanoes and Haleakalā National Parks. ATMPs apply to commercial air tours flown at or below 5,000 feet above ground level in and within ½ mile of a park boundary. The agencies have determined that development of an ATMP qualifies as an "undertaking" subject to Section 106 of the National Historic Preservation Act (NHPA). The purpose of this letter is to initiate Section 106 consultation with your office in accordance with 36 CFR 800.3(c), and solicit any initial comments you may have about the proposed undertaking.

In response to a May 1, 2020 court order, the agencies are working to complete all of the ATMPs by August 31, 2022.<sup>1</sup> The ATMPs are being developed in accordance with the National Parks Air Tour Management Act (NPATMA). NPATMA directs the agencies to either enter into voluntary agreements with air tour operators or establish ATMPs for national parks and adjacent tribal lands where commercial air tour operations are conducted or proposed, subject to certain exceptions not relevant here.

The FAA is acting as the lead federal agency overseeing compliance with Section 106 of the NHPA for this undertaking. The FAA will be coordinating its review under Section 106 with its compliance with the National Environmental Policy Act (NEPA). Each ATMP will be unique and therefore, each ATMP will be assessed individually under Section 106 and NEPA. We look forward to meaningful consultation on the air tours and their overall effect on historic properties.

---

<sup>1</sup> For more information about the court order and proposed plan, see:  
[https://www.faa.gov/about/office\\_org/headquarters\\_offices/arc/programs/air\\_tour\\_management\\_plan/](https://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/)

There will be no ground disturbance, construction or demolition associated with this undertaking. Air tours have been operating in Hawai'i Volcanoes and Haleakalā National Parks for over 20 years. Since 2005, these air tours have been conducted pursuant to interim operating authorizations (IOAs) as provided in NPATMA. The agencies are creating ATMPs to replace IOAs.

In accordance with 36 CFR 800.3 and NPATMA, the agencies have identified and initiated consultation with Native Hawaiian organizations, individuals, and other consulting parties who have an interest or ancestral connections to one or more of the parks (See Attachment A). We would welcome your assistance in identifying additional consulting parties along with meaningful ways to engage the public. Information regarding ATMPs is available through a dedicated web site located at: [https://www.faa.gov/about/office\\_org/headquarters\\_offices/arc/programs/air\\_tour\\_management\\_plan/](https://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/). During the next phase of consultation, we will seek your input regarding the Area of Potential Effect and the identification of historic properties.

We will follow up with you in the next month. Should you wish to receive additional information regarding this undertaking, please contact Cathy Nadals at [ATMPTeams@dot.gov](mailto:ATMPTeams@dot.gov) or (202) 267-0746.

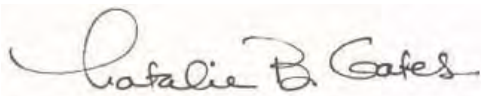
Sincerely,



Raquel Girvin  
Regional Administrator  
Western-Pacific Region  
Federal Aviation Administration



Rhonda K. Loh  
Park Superintendent  
Hawai'i Volcanoes National Park  
National Park Service



Natalie B. Gates  
Park Superintendent  
Haleakalā National Park  
National Park Service

cc: Dr. Alan S. Downer via HICRIS

Attachment A: List of Consulting Parties

**ATTACHMENT A**  
**CONSULTING PARTIES LIST**

<b>Organizations</b>
Office of Hawaiian Affairs
O Ka'u Kakou
Department of Land and Natural Resources
Office of Native Hawaiian Relations, US Department of Interior
Historic Hawai'i Foundation
Na Kupuna Moku O Keawe
The Nature Conservancy of Hawai'i
Kalapana Fishing Council
Kalauonaone O Puna Association
Edith Kanaka'ole Foundation
Kamehameha Schools
Kalapana 'Ohana Association
Maku'u Farmers Association
Kona Hawaiian Civic Club
National Trust for Historic Preservation
Naki'i Ke Aho
Na Ohana O Kalapana
Royal Hawaiian Academy of Traditional Arts
The Mary Kawena Pūku'i Cultural Preservation Society
Advisory Council on Historic Preservation
The Nature Conservancy
Department of Hawaiian Home Lands
County of Hawaii
Kalapana Community Organization
Aha Moku o Kahikinui
Aha Moku o Kaupo
Aha Moku o Maui Inc.
Ali'i 'Ai Moku O Kahekili
Royal Order of Kamehameha I
Brian Kaniela Nae'ole Na'auao
George K. Cypher 'Ohana
Na Koa Ikaika Ka Lahui Hawai'i
Nekaifes 'Ohana
Waiehu Kou Phase 3 Assoc.
Kaupo Community Association
Kipahulu 'Ohana

Kumu A`o
Wananalua Congregational Church
Friends of Haleakalā National Park
Leeward Haleakalā Watershed Restoration Partnership

Individuals
Kauilani Almeida
Gladys Brigham
Bobby Camara
Greg Herbst
Leialoha Ilae-Kaleimamahu
Piilani Kaawaloa
Mr. Sam Kahookaulana
Mr. Brian Kaniela Nae'ole Naauao
Kekuhi Keliikanakaole
Gladys Konanui
Larry Kuamo'o
Julie Leialoha
Earl Louis
Violet Makuakane
JoniMae Makuakane-Jarrell
Demetrius Olivera
John Replogle
Mabel Wilson
Nona and Herb Wilson
Paulette K. Ke
Jessie Ke
Clifford Hashimoto
Daisy Lind
Tweetie Lind
Kahu Dane Maxwell
Kahu Lyons Naone
Terry Poaipuni
Angela Tavares
Ma'ano Smith
Dana Hall
Ki'ope Raymond
Jade Alohalani Smith
Donna Sterling

**From:** [ATMPTeam](#)  
**To:** [Nadals, Catherine L <FAA>](#)  
**Subject:** FW: Hawai'i Volcanoes NP ATMP  
**Date:** Monday, April 12, 2021 6:29:09 AM  
**Attachments:** [bc FINAL 060120 Respecting and Honoring Place.pdf](#)

---

FYI

---

**From:** Bobby Camara [REDACTED]  
**Sent:** Friday, April 9, 2021 10:35 PM  
**To:** ATMPTeam <ATMPTeam@dot.gov>  
**Subject:** Fwd: Hawai'i Volcanoes NP ATMP

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

<https://dispatchesfromvolcano.blogspot.com/>

"noho i waho • a maliu"  
"be outside • pay attention"  
me ka mahalo: hiilei kawelo: hpr: 012918

Begin forwarded message:

**From:** Bobby Camara [REDACTED]  
**Subject:** Hawai'i Volcanoes NP ATMP  
**Date:** April 9, 2021 at 7:39:14 AM HST  
**To:** [ATMPTeams@dot.gov](mailto:ATMPTeams@dot.gov)

Finally! We've suffered disruptive helicopter noise for decades. It was excellent to have peace and quiet during 2020, providing time for contemplation at Kaluapele and other places in HAVO.

Many forget that Kaluapele is a church, and must be treated as such.

Mahalo piha for your work.

Bobby Camara  
Volcano HI  
[REDACTED]

<https://dispatchesfromvolcano.blogspot.com/>

## **Respecting and Honoring Place Aloha ‘Āina and Centering Culture at Kaluapele**

Simply put, **Aloha** (love), and **‘Āina** (the land that sustains us) is a traditional practice of intimately understanding and managing our shared and collective resources for the benefit of all. The centerpiece of Hawai‘i Volcanoes National Park is Kaluapele, the caldera of Kīlauea. This site is the traditional home of elemental Pelehonuamea, deity of volcanism in Hawai‘i. Voyagers first made landfall in Hawai‘i in about 1000AD, after sailing from other islands to the south. Pele too made her way here, journeying with her family from Kahiki. Versions of the story of Pele’s travels down our island chain vary. Pele eventually settled in Halema‘uma‘u and continued her wondrous works on our active volcanoes of Kīlauea and Maunaloa. Her activities elevated her to the realm of ‘aumakua, a deified ancestor. The summit region of Kīlauea was presided over by various kāhuna, and at least one heiau was located on the rim. The crater filled, overflowed, drained, filled again, subsided, exploded, erupted with high fiery fountains, and evolved over centuries. Some Native Hawaiians tracing their genealogy to Pele travel to Kaluapele to pay homage to the elemental, sometimes bringing bones of their deceased, giving them to her fires. Today, many in Hawai‘i, both Native Hawaiians and non-Hawaiians, revere Pele and have a great deal of respect for her works. This respect, and deep cultural ties to place spanning centuries, are reflected in the phrase Aloha ‘Āina: feeling and practicing love of our lands. Aloha ‘Āina exemplifies, guides, and even demands behaviors benefitting all resources; pele (lava), plants and animals of the land and sky, the ocean and its life, and all people, require healthy environments so they can prosper.

Hawai‘i National Park was established in 1916, set aside to celebrate the geology of Kīlauea, Maunaloa, and Haleakalā. In 1961, the park was split, and became Hawai‘i Volcanoes National Park and Haleakalā National Park. Scientific studies of geology, biology, and archeology of Park resources are ongoing, and must be guided by Aloha ‘Āina.

A wide view of “Culture” includes the aloha people have for place, their relationships to all park resources, both tangible and intangible, networks of trails, villages, growing and gathering food, the manufacture of various products, and the importance of place names and geography. Evidence of centuries of Native Hawaiian occupation (archeological sites) are found throughout the Park, many seemingly insignificant or hidden in plain sight. Other areas, with Pelehonuamea and her dwelling Kaluapele at the fore, are wahi kapu, sacred places. Native Hawaiian heiau, where various aspects of Native Hawaiian religion in Hawai‘i are practiced, often lack walls and a roof seen in religious “churches” of other cultures. Heiau are presided over in the outdoors by various elementals. They may be deep in a forest, at the shore, in the midst of fields of lava, or at or near the summits of our mountains, and these many sites include the air space above and ground beneath. Their importance and sanctity must be acknowledged, preserved, and perpetuated by all who work on or visit these lands. Practicing reciprocity (exchange) is an important element of honoring place. Ask permission in your own way, wait to see if a response is given, then make an offering, even simply the sound of your voice, for what you are taking.

We must always remember to celebrate Native Hawaiian culture in planning and programming, with sensitivity, on a level commensurate with the high cultural standing Kaluapele and other Park areas hold in many Native Hawaiian communities. It is critically important to foster and encourage deep, intimate connections to place, local geographies, and cultural practices throughout the Park. Those who practice Aloha ‘Āina treat the land and every thing on it as one would a cherished family member. The acts of acknowledging place, as well as conducting ritual prior to and after gathering resources, all serve to demonstrate understanding our interconnectiveness and interdependence, as we all strive to learn about, respect, and honor place. These practices are ongoing and encourage mindfulness whether we conduct research, or visit for ritual or recreation. We remind and trust all Park employees and visitors, kama‘āina and malihini alike, to do all we can to properly respect and honor these lands.

**From:** [REDACTED]  
**To:** [ATMPTeam](#)  
**Subject:** RE: Section 106 Consultation for Air Tours at National Parks  
**Date:** Friday, April 16, 2021 2:49:31 PM

---

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thank you-I look forward to hearing updates for the introductory webinars.

Kalena

---

**From:** ATMPTeam <ATMPTeam@dot.gov>

**Sent:** Friday, April 16, 2021 6:39 AM

**To:** [REDACTED]

**Cc:** Papazian, Jennifer (Volpe) <Jennifer.Papazian@dot.gov>; [REDACTED] Nadals, Catherine L <FAA> <catherine.l.nadals@faa.gov>; Manning, Derek (Volpe) <Derek.Manning@dot.gov>; [REDACTED] [REDACTED]  
[REDACTED]

**Subject:** Section 106 Consultation for Air Tours at National Parks

Dear Kalena Blakemore:

The Federal Aviation Administration (FAA) and the National Park Service (NPS) are developing an Air Tour Management Plan (ATMP) for Hawai'i Volcanoes National Park (See attached letter). The ATMP is being developed in accordance with the National Parks Air Tour Management Act (NPATMA). In addition to the requirements of NPTAMA, we have determined that this action is subject to the National Environmental Policy Act and qualifies as an "undertaking" subject to Section 106 of the National Historic Preservation Act.

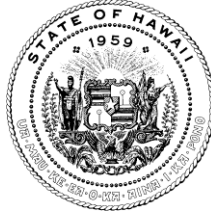
The FAA is acting as the lead federal agency for purposes of complying with Section 106, including the requirement that we consult with groups and individuals that have a demonstrated interest in undertakings at the park. Pursuant to Section 106, we have identified you or your organization as having potential interests in the project area and are therefore requesting your participation as a consulting party.

Pursuant to 36 CFR 800.3, we are inviting you to participate in this project as a consulting party. As noted in an earlier email, on April 28<sup>th</sup>, May 4<sup>th</sup>, and May 6<sup>th</sup>, 2021 we will hold introductory webinars to provide background information on the purpose and process for developing ATMPs. We understand that the Covid-19 public health emergency may have created challenges to you in responding to these types of requests. I will thus be following up with you in the next month to determine your interest in participating in the project. If you would like additional information, please contact me at [ATMPTeam@dot.gov](mailto:ATMPTeam@dot.gov) or (202) 267-0746. Thank you for your time and consideration.

Best Regards,  
Cathy Nadals



DAVID Y. IGE  
GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD., STE 555  
KAPOLEI, HI 96707

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
FIRST DEPUTY

M. KALEO MANUEL  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

April 26, 2021

Rhonda K. Loh  
Park Superintendent  
Hawai'i Volcanoes National Park  
National Park Service  
Post Office Box 52  
Hawai'i National Park, Hawai'i 96718  
Email Reply Only to: [REDACTED]

IN REPLY REFER TO:  
Project No.: 2021PR00353  
Submission No.: 2021PR00353.001  
Doc No.: 2104SH14  
Archaeology

Natalie B. Gates  
Park Superintendent  
Haleakalā National Park  
National Park Service  
P.O. Box 369  
Makawao, Hawai'i 96768  
Email Reply Only to: [REDACTED]

Raquel Girvin  
Regional Administrator  
Western-Pacific Region  
Federal Aviation Administration  
Email Reply c/o: ATMPTeams@dot.gov

Dear Rhonda Loh, Natalie Gates, and Raquel Girvin:

**SUBJECT: National Historic Preservation Act (NHPA) Section 106 Review –  
Initiation of Consultation  
Development of Air Tour Management Plans at Hawai'i Volcanoes  
Island of Hawai'i  
TMK: (3) various**

The State Historic Preservation Division (SHPD) received a letter dated March 29, 2021 from the National Park Service and the Federal Aviation Administration to initiate Section 106 consultation with the the State Historic Preservation Officer (SHPO) for a project to Develop Air Tour Management Plans at Hawai'i Volcanoes National Park on the island of Hawai'i. The SHPD received this submittal on March 30, 2021.

According to the subject letter, the Federal Aviation Administration (FAA) and the National Park Service (NPS) (collectively, the agencies) are developing Air Tour Management Plans(ATMPs) for 23 parks including Hawai'i Volcanoes and Haleakalā National Parks in Hawai'i. ATMPs apply to commercial air tours flown at or below 5,000 feet above ground level in and within ½ mile of a park boundary. The ATMPs are being developed in accordance with the National Parks Air Tour Management Act (NPATMA). NPATMA directs the agencies to either enter into voluntary agreements with air tour operators or establish ATMPs for national parks and adjacent tribal lands where commercial air tour operations are conducted or proposed, subject to certain exceptions not relevant here.

The agencies have determined the proposed project is a federal undertaking as defined in 36 CFR 800.16(y). The FAA is acting as the lead federal agency overseeing compliance with Section 106 of the NHPA for this undertaking. The FAA will be coordinating its review under Section 106 with its compliance with the National Environmental Policy Act (NEPA). Each ATMP will be unique and therefore, each ATMP will be assessed individually under Section 106 and NEPA.

The subject letter states there will be no ground disturbance, construction, or demolition associated with this undertaking. Air tours have been operating in Hawai'i Volcanoes and Haleakalā National Parks for over 20 years. Since 2005, these air tours have been conducted pursuant to interim operating authorizations (IOAs) as provided in NPATMA. The agencies are creating ATMPs to replace IOAs.

The agencies have provided the list of potential consulting parties for which they have identified for this undertaking. The agencies are seeking assistance in identifying additional consulting parties along with meaningful ways to engage the public.

In response, the SHPD recommends the agencies refer to the Native Hawaiian Organization Notification List provided by the U.S. Department of the Interior and maintained by the Office of Native Hawaiian Relations. Additionally, we recommend expanding consultation to interested parties such as civic clubs and historic preservation interest groups.

The agencies state that during the next phase of consultation, they will seek input regarding the Area of Potential Effects and the identification of historic properties. The SHPD looks forward to continuing the Section 106 process for the proposed project.

**Please submit** all forthcoming information and correspondence related to the subject project to the SHPD HICRIS system under Project 2021PR00353 using the Project Supplement option.

The FAA and NPS are the offices of record for this undertaking. Please maintain a copy of this letter with your environmental review record for this undertaking.

Please contact Stephanie Hacker, Historic Preservation Archaeologist IV, at [Stephanie.Hacker@hawaii.gov](mailto:Stephanie.Hacker@hawaii.gov) or at (808) 692-8046 for matters regarding archaeological resources or this letter.

Aloha,

*Alan Downer*

Alan S. Downer, PhD  
Administrator, State Historic Preservation Division  
Deputy State Historic Preservation Officer

cc: Derek Manning, US Department of Transportation ([derek.manning@dot.gov](mailto:derek.manning@dot.gov))

**From:** [Morrison, Bethany](#)  
**To:** [ATMPTeam](#)  
**Subject:** Section 106 Consultation for Air Tours at National Parks  
**Date:** Monday, May 3, 2021 2:35:29 PM

---

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Aloha Cathy,

I am in receipt of your invitation to participate as a consulting party in the subject project. I understand you will be holding introductory webinars. Please let me know how I can register.

Thank you,

**Bethany Morrison**

**Planner VI, Long Range Planning Division**

**County of Hawaii**

**Planning Department**

**101 Pauahi Street, Suite 3**

**Hilo, Hawaii 96720**

**Fax (808) 961-8742**

**Phone (808) 961-8138**

**[Bethany.Morrison@hawaiicounty.gov](mailto:Bethany.Morrison@hawaiicounty.gov)**

**From:** [Calvin Dorn](#)  
**To:** [ATMPTeam](#); [Nadals, Catherine L <FAA>](#)  
**Cc:** [Darren Hamilton](#); [Daniel Malakie](#)  
**Subject:** Re: Section 106 Consultation for Air Tours at Hawai'i Volcanoes National Park\_K&S Helicopters  
**Date:** Monday, August 9, 2021 5:22:59 PM

---

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Aloha Cathy,

K&S Helicopters, Inc. has been operating on the Island of Hawaii since 1998 and are very interested in participating in the planning process.

Please keep me informed on events and information as it comes available.

Calvin Dorn

On Fri, Aug 6, 2021 at 1:58 AM ATMPTeam <[ATMPTeam@dot.gov](mailto:ATMPTeam@dot.gov)> wrote:

Dear Calvin Dorn:

The Federal Aviation Administration (FAA) and the National Park Service (NPS) are developing an Air Tour Management Plan (ATMP) for Hawai'i Volcanoes National Park (See attached letter). The ATMP is being developed in accordance with the National Parks Air Tour Management Act (NPATMA). In addition to the requirements of NPATMA, we have determined that this action is subject to the National Environmental Policy Act and qualifies as an "undertaking" subject to Section 106 of the National Historic Preservation Act.

The FAA is acting as the lead federal agency for purposes of complying with Section 106, including the requirement that we consult with groups and individuals that have a demonstrated interest in undertakings at the park. Pursuant to Section 106, we have identified you or your organization as having potential interests in the project area and are therefore requesting your participation as a consulting party.

Should you would wish additional information about any of the above, please contact me at [catherine.l.nadals@faa.gov](mailto:catherine.l.nadals@faa.gov) or (202) 267-0746 and [ATMPTeams@dot.gov](mailto:ATMPTeams@dot.gov)..

Best Regards,  
Cathy Nadals

**From:** [Daniel Malakie](#)  
**To:** [ATMPTeam](#); [Nadals, Catherine L <FAA>](#)  
**Cc:** [Calvin Dorn](#)  
**Subject:** Re: Section 106 Consultation for Air Tours at Hawai'i Volcanoes National Park\_Above it All  
**Date:** Wednesday, August 11, 2021 8:53:25 PM

---

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Cathy,  
As the Director of Operations from Above it All I would like to be involved with the ATMP discussion for the National Park Service. Thank you for the informative email.

Respectfully,  
Dan Malakie  
Director of Operations  
Above it All

On Fri, Aug 6, 2021 at 1:58 AM ATMPTeam <[ATMPTeam@dot.gov](mailto:ATMPTeam@dot.gov)> wrote:

Dear Daniel Malakie:

The Federal Aviation Administration (FAA) and the National Park Service (NPS) are developing an Air Tour Management Plan (ATMP) for Hawai'i Volcanoes National Park (See attached letter). The ATMP is being developed in accordance with the National Parks Air Tour Management Act (NPATMA). In addition to the requirements of NPATMA, we have determined that this action is subject to the National Environmental Policy Act and qualifies as an "undertaking" subject to Section 106 of the National Historic Preservation Act.

The FAA is acting as the lead federal agency for purposes of complying with Section 106, including the requirement that we consult with groups and individuals that have a demonstrated interest in undertakings at the park. Pursuant to Section 106, we have identified you or your organization as having potential interests in the project area and are therefore requesting your participation as a consulting party.

Should you would wish additional information about any of the above, please contact me at [catherine.l.nadals@faa.gov](mailto:catherine.l.nadals@faa.gov) or (202) 267-0746 and [ATMPTeams@dot.gov](mailto:ATMPTeams@dot.gov)..

Best Regards,  
Cathy Nadals