

Exhibit 3 – Invitation to March 11, 2022, Consulting Party Meeting; March 8, 2022, Scoping Letter; and Responses

Initial APE Development and Historic Property Identification



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 2, 2022

Re: Consultation under Section 106 of the National Historic Preservation Act for the Development of an Air Tour Management Plan at Hawai'i Volcanoes National Park

Aloha kākou,

The Federal Aviation Administration and the National Park Service would like to invite you to a meeting with the Hawai'i Volcanoes National Park Kūpuna and consulting parties regarding the draft Air Tour Management Plan (ATMP) being developed for the Park. This virtual meeting will be held on March 11, 2022, from 10:00am to 12:00pm HST.

The intent of this meeting is to request your feedback regarding the proposed alternatives being considered for analysis in the Environmental Assessment and draft ATMP for Hawai'i Volcanoes National Park. In advance of the meeting, you will receive a newsletter in the mail describing the potential alternatives that are being considered for analysis and instructions for submitting your comments. Any comments you submit during the meeting will be carried forward and included in the National Environmental Policy Act (NEPA) process for the Environmental Assessment.

We propose the following agenda for the meeting and welcome any other suggested topics:

- Potential ATMP Alternatives
- Question and Answer Session
- Listening Session

This meeting will be held virtually on Zoom via the meeting link or call-in information shown below. If you have any questions regarding meeting logistics, please contact Charone O'Neil-Naeole at [REDACTED] (808) 985-6152, available M-F from 8:00am-4:30pm. We will make every effort to facilitate your participation.

Should you wish to discuss the project with me in person, I will be at Hawai'i Volcanoes National Park on March 10 and 11, 2022. I would be happy to meet with you at either the park or your suggested meeting place on either day. I can be reached by cell at 240-446-5086 should you wish to set up a meeting time and place.

You can also email me at Catherine.L.Nadals@faa.gov; please also copy the ATMP team at ATMPTeam@dot.gov. [REDACTED]

Thank you for your participation in the ATMP development process. We highly value your input and comments. I look forward to being in Hawai'i to listen to your concerns.

Should you have any questions, concerns, or suggestions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to be 'Cathy Nadals', with a long horizontal flourish extending to the right.

Cathy Nadals
Cultural Resources Specialist
Federal Aviation Administration

Attachments: Slides and meeting minutes from consultation meeting held on December 10, 2021.

Please use the following Zoom information to join the meeting:

<https://usdot.zoomgov.com/j/16059428218>

Meeting ID: 160 5942 8218

One tap mobile

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161.199.138.10 (US West)

161.199.136.10 (US East)

Meeting ID: 160 5942 8218

FAA/NPS Section 106 Listening Session for Hawai'i Volcanoes National Park Air Tour Management Plan (ATMP)

Friday December 10, 2021, 10am - 12pm HST

Meeting Minutes

Attendees:

FAA/NPS/U.S. DOT: Kait Rimol, Cathy Nadals, Keith Lusk, Vicki Ward, Cat Sullivan, Charone O'Neil-Naeole, Danielle Foster, Rhonda Loh, Summer Roper Todd, Jen Papazian, Keith Lusk, Shelby Hanchera, Derek Manning, Denise Louie

Consulting Parties: Nona and Herb Wilson, Elizabeth Bell, Kalena Blakemore (Office of Hawaiian Affairs), Anne Nelson, Nāmaka Whitehead (Kamehameha Schools), Kamuela Plunkett (County of Hawai'i Planning Department), Kamakana Ferreira (Office of Hawaiian Affairs), Keiko Mercado (County of Hawai'i Planning Department), Greg Herbst, Bobby Camara, Colleen Cole (Three Mountain Alliance), Kauilani Almeida, Pualani Kanahele (Edith Kanaka'ole Foundation), Kiersten Faulkner (Historic Hawai'i Foundation), Betsey Merritt (National Trust for Historic Preservation)

Meeting Minutes

- Charone welcomed the group and facilitated introductions. Rhonda provided introductory remarks.
- Summer shared a summary of past concerns submitted to the agencies during past ATMP processes. The NPS reassured the consulting parties (CPs) that any comments that were submitted in the past will be considered during this process.
- Vicki shared an overview of current air tour activities and flight tracking areas at the park. Most air tours are concentrated near the crater and out to Pu'u'ō'ō.
- Kalena said it would be important to note air tour patterns outside the park. Flights come in from Hilo and Kona to get to the volcano. It was said at last meeting that FAA's jurisdiction only extends ½-mile from the park boundary but the whole island is impacted. Where are they hovering? How low are they flying? Maybe by time the helicopters get to the park they're in compliance but rest of the time they are flying low near neighborhoods.
 - Vicki responded that the agencies are continuing to collect data, estimate aircraft elevations, and refine the methods used for aircraft tracking.
- Bobby was concerned about the number of flights over designated wilderness in the park. This needs to be addressed or discussed in findings.
 - Vicki confirmed that this is one of the factors the agencies are considering.
- Pua asked, what are the elevations that aircraft are expected to maintain around the park area?

- Vicki responded that from data the agencies have collected, over Kīlauea aircraft come in above 1,500-2,000 ft above ground level (AGL) over the crater, but towards Pu‘u‘ō‘ō they fly lower. There’s a pretty large spread among operators, but they are mainly concentrated below 2,000 ft AGL.
 - Pua replied and asked, can you require them to go higher? Vicki replied that yes, this is one of the things that the ATMP would do is to set minimum altitudes. Right now, there are no requirements.
 - Pua replied and noted that her biggest concern is the number of aircraft and the possibility of more aircraft if there’s not stiffer requirements. She wants requirements that push back on the number of aircraft in a particular area.
- Summer shared a map of historic properties/sacred sites at the park.
- Kamakana asked about potentially using the park boundary as the TCP boundary. OHA would support this. He asked if in addition to the boundaries on ground, could the agencies explore vertical buffers for the designation?
 - Summer confirmed that yes, the agencies could work with the Kūpuna council to explore this.
 - Kamakana replied that what goes into the TCP designation is very impacted by these air tours
- Kamuela asked, are there any statistics on how much of the public gets to visit the sacred or traditional use areas?
 - Summer replied that she is not sure, but the park does have overall visitor use numbers.
 - Kamuela asked if, when we enter the park through the gate, we and the public can access those sacred areas?
 - Rhonda replied that yes, the park is open, but there are some area closures primarily for safety hazards. The park does allow people to go off-trail and allows for cultural practitioners to go off-trail, but off-trail use is very low within the park. Overall park visitation is increasing to over 2 million visitors annually.
- Bobby commented that, in looking at historic property map it is important to repeat that Summer said that these are formally documented sites. There are many other sites not yet buried by lava flows that have not been formally documented. The same holds true for the rest of park. Even though it looks like there’s a lot of open space on the map, it was all utilized in some way by Native Hawaiian people over the centuries. When people come into the park, such as cultural practitioners, they don’t say what they are coming to the park to do. Since there are no permissions needed from the park, the park doesn’t keep statistics about these types of uses. There’s a lot of use within the park that the park does not have a record of.
 - Rhonda confirmed that Bobby’s statement was correct.
- Pua asked if the agencies were talking about flights over Mauna Loa, or only Mauna Kea? The agencies confirmed the ATMP would be looking at everywhere within the park (which would be Mauna Loa, not Mauna Kea). Pua replied that a sacred buffer over Kīlauea needs to extend at least 9,000 ft above Kīlauea because of how far the idea of Kīlauea can move as well as during an eruption.

- Kamuela thanked the agencies for the presentation and documents. When it comes to cultural landscapes, there is no separation between cultural and natural resources. It's not just about what's on the ground but also the associations that the experienter draws from a place such as the audio environment. It's good to know where the different types of resources are and that people are going to make associations and reconnect. The audio quality makes a difference in how people experience a place and how those associations are being drawn from the interaction with natural and cultural resources. Eleven thousand flights a year is a huge impact. It's not just about ensuring that the resources on the ground remain intact, but also protecting how the current generation interacts with them and the quality of that interaction. Kamuela shared the following quotes from an NPR article (interview with Kurt Fristrup – link in chat below):
 - "It's becoming harder by the year for those of us who visit wilderness areas, much less seek tranquility in urban areas, to hear natural sounds. The constant thrum of noise in our daily environments causes us to tune out many sounds we hear, so that, in effect, we are undergoing a process of "learned deafness."
 - "This learned deafness is a real issue. We are conditioning ourselves to ignore the information coming into our ears."
 - "This gift that we are born with — to reach out and hear things hundreds of meters away, all these incredible sounds — is in danger of being lost through a generational amnesia."
 - "There is a real danger, both of loss of auditory acuity, where we are exposed to noise for so long that we stop listening, but also a loss of listening habits, where we lose the ability to engage with the environment the way we were built to. As you raise background sound levels it has the same effect on your hearing that fog would have on your vision."
- In regards to protecting wilderness and keeping these areas free of noise pollution, Kamuela shared another quote (from Gordon Hempton report on the topic of silence in wilderness – link in chat below):
 - "Protecting wilderness, they argue, means more than guarding against development and industry, but also keeping spaces free of noise pollution — including the sound of aircraft far overhead — that can affect the people who visit these places and the wildlife that calls them home." A naturally quiet place is one where there are 15 minutes of non-human-made sound. He estimates that there are fewer than 10 such places in the U.S.
 - When considering the quality of a place and being connected to 'Āina, the effects of these impacts are multiplied.
 - He finished by noting that the Cultural Resources Commission is able to comment on Section 106 projects if the agencies would be willing to give their presentation to them.
- Kamakana thanked Kamuela for his words and supported his insights behind cultural landscapes and audio quality. Regarding audio quality, he observed that the 2020 Conservation Outlook Assessment of the park being done in collaboration with UNESCO categorized helicopter operations as a low threat (link in chat below). He asked, what data is this going off of? People on this call have been consistent since early 2000s. It's concerning that this data is being

communicated to UNESCO as a low threat. The report did recommend doing a thesis on the data.

- Rhonda replied that the agencies would look at where the data was coming from and follow up with him. (Follow up note: The threat assessment is specific to the geology and biodiversity of native plants and animals which were key criteria identified at the time of the parks nomination for World Heritage Status. Impacts of commercial air tours on the geologic features and processes, and native species biodiversity were categorized as indirect (low threat). A direct threat such as habitat destruction would be considered a high threat. There is no moderate threat category. This assessment does not address the impacts to cultural resources and values.)
 - Kamakana replied that this presents a false impression to the international community.
- Kamakana made other points, including that OHA would support a TCP being explored for the park. There would be lots of work and ethnography that would go into doing so. He asked if there was any timeline for the process.
 - Cathy replied that the agencies have documentation that the park is eligible for a TCP and that would suffice enough as long as there is documented continued use. Kamakana replied that the group wants to establish vertical buffers as well and doesn't want to skimp on that process since it relates to FAA.
 - Summer replied that those types of sentiments, such as that the airspace is being impacted, can be included in the comments. It would be good to incorporate those comments into this process and then they would be incorporated into the official TCP later.
 - Kamakana asked if concerns about the safety of aircraft over parks could be mitigation for the Section 106 process, such as to ban them over the park. It's also very costly to maintain a helicopter and they should be required to desalinate their engines after every flight.
 - Keith replied that the local FSDO will be an integral part of the development of the ATMP as it relates to safety. The agencies are very interested in creative suggestions for mitigation such as what Kamakana suggested. Kamakana replied that OHA will generate a formal comment letter.
- Colleen Cole works in the area of the park and her son's first word was helicopter. Her work includes surveying native forest birds on adjacent land. Helicopters interfere every year with the ability to hear the birds, leading to having to stop the surveys. Noticeable changes in vocalizations of forest birds are well-documented and there was a paper published on this earlier this year. It's hard to know the long-term impacts from this. Helicopters fly so low outside the park that you can read tail numbers. The park is surrounded by forest lands that support endangered forest bird species but the impact of activities on those lands has not been studied yet. Those lands are where she encounters the most professional impacts from overflights.
- Pua commented, TCP is what I hear over and over. For me, a TCP is something people track and hope to be able to maintain. TCPs are where we live and where our ancestors live.

- The first line of our chant, Kumulipo, talks about when the earth is hot and active, the making of land. The second line covers everything above us, which is what I was referring to when I said there should be at least 9,000 ft. provided between aircraft and the top of the volcano. Being above 9,000 ft. is not a problem to me but it has to be at least 9,000 ft. above ground. That airspace to us is a cultural property. Cultural properties are not just shrines or volcanoes, but also the natural phenomenon of the volcanoes, and the space above us. These are all part of the TCP. We would like the federal people to consider that part of the TCP is not just the shrine and the volcano but also the airspace above it that will be affected by the making of land. Our island is still being made and we have to be conscious of the space above us.
- Kaulani thanked Auntie Pua, and that she couldn't have said it any better herself.
 - Kaulani added, this is the second conversation we have had on ATMP. Looking at the old newsletter, alternative 1 is no action, and alternative 2 is no park air tours. Those short descriptions say it all. The Kūpuna aren't asking for anything different now, they want no park air tours and no flying over Kīlauea. Alternatives 3 and 4 makes accommodations for air tours to see certain spots that have not been listed as sacred. I'm not going to come to another meeting and say that I want no air tours over Kīlauea. For some reason we are still talking about the same things from 9 years ago, but we are not changing our minds.
 - Remember that we are the people who determine the TCP definition. We are here to protect these sites; we have no place else to go. The Native Hawaiians are experts and should be the ones determining the definitions of things required for this report, but we're still overlooked because the agencies are trying to make the purpose of Volcano National Park happen.
 - Federal staff retire, and we have been through so many administrations, but the Native Hawaiians don't go anywhere. We continue to attend these meetings and hope that one superintendent will hear what we say and listen to us. We are here to protect these resources too. If we believe that the TCP is where we live and where our ancestors live, and our connection to this āina, there should be no alternatives beyond number 2.
 - Last meeting, we discussed parks with no-fly zones and were told that it was accomplished through congressional legislation. Why don't we have information on how we can work with our delegation to put our stance into a congressional act so we can have a no-fly zone over our mauna? This is where the Kūpuna need to work together to make that happen. The park is not seeing the same thing that we are. Our national park needs to be treated differently than other parks.
 - During Makahiki, we asked the park to shut down because that is the time that our island is replenishing, including the ocean and sky. There is no break for our island to do what it's supposed to do with the help of the Kanaka. That request has gone nowhere. While us and the park may have different opinions about things, for this issue, we need to find a way to ban flights by getting the support of our congressional delegation.

- Bobby added, many of us are very frustrated because we keep talking about this. We end up talking to different people, the new people don't read the old letters and want comments again, which gets really irritating. When is something going to be decided?
 - I agree with everything that's been said to date. I offered to write a letter to FAA stating that, "We Kūpuna advisors to the leadership of HI Volcanoes National Park remain steadfast in our unequivocal opposition to any commercial air tours over any of the land above the national park". Period.
 - The TCP includes the airspace over the park and areas below the ground, the lava tubes, and passageway. Enough already! We asked for no tours, now it's on the agencies to figure it out. I suggest having the FAA come over and experience what we experience. If you are going to make a decision you need to come out here.
- Kaulani added, during the last meeting we asked FAA how they handle the flight patterns over Kīlauea from Hilo, but I don't see anything in this report about enforcement. We can make all the rules we want but FAA must enforce those rules. People have told us to call FAA for enforcement; the local police will send a car to your house and observe. People have video evidence. Enforcement is key. If we secure a no-fly zone, what will enforcement look like? I didn't get an answer on this but enforcement is key.
- Kamakana noted that there seems to be an opportunity for the park to work with the Kūpuna counsel and congressional delegation and create no-fly zone over the park. Is there a reason why the park hasn't done that? Why the park would support the air tours?
 - Rhonda replied that the park can't lobby for legislation. It would be up to the Kūpuna to do so.
 - Danielle added that the current law (NPATMA) requires the park and the FAA to do the process we are currently doing [the air tour management plan process]. Vicki also added that NPATMA tells the agencies what they can do. The ATMP can include a full or partial ban on air tours or can also limit routes and altitudes. Under those regulations we do need to evaluate a range of alternatives. There would need to be an agreement between the two agencies on how to manage air tours.
 - Furthermore, the no air tours option just allows no air tours over park and ½-mile boundary which is all the legislation allows the agencies to do. The Section 106 process is being used to develop alternatives.
 - Cathy added that the next steps in the Section 106 process is to identify cultural resources and landscapes. The agencies will be evaluating this based on what's being said both now and during past processes. It's important for the agencies to hear these things so that they can evaluate these effects.
- Greg commented that he supports a total prohibition of air tours over all of the park. As a wildland firefighter responding to incidents, crashes, and fatalities, he can attest that helicopters are an absolute necessary tool for search and rescue, but helicopter air tours have no business flying over the park. There are very few places left on the planet that are refuges of quiet. The park should be one of them.

- Bobby commented to the group that if the Kūpuna wanted to send a group statement, that they should send it to the park and FAA jointly. Any Kūpuna that want to add their names as signatories to this statement should let Bobby know.
 - Kaulani would prefer to write letters straight to the congressional staff as that's where the letters are going to go eventually, and as a group, focus on putting energy into achieving no-fly.
- Kamakana asked if there is a deadline for comments. The agencies responded that there is no real deadline at this time, there is plenty of time to submit comments.
- Herb agreed with Bobby and encouraged the group to co-sign Bobby's letter, as it would show that the Kūpuna stand solidly behind this message. The group should not give up on this consultation process yet but should also simultaneously start pursuing other avenues.
- Pua asked about the altitudes of the no-fly zone at Rocky Mountain National Park. Keith responded that there are no air tours below 5,000 ft. AGL. Pua reiterated that she wants there to be at least 9,000 ft. of space between aircraft and Kīlauea.
- Rhonda asked the Kūpuna if they see the need for a meeting with FAA in the near future.
- Kalena responded that she feels the frustration among group, yet the agencies are asking about a next meeting rather than hearing that the agencies will work to address the concerns of this group. Those concerns aren't feeling heard. What do these discussions actually lead to? It feels like the agencies are checking a box. It might be good for Cathy from FAA to come out and actually hear the helicopter noise, but the Kūpuna need to meet together and solidify their thinking, then invite the FAA back to the table. Pua agreed, adding that the Kūpuna need to be able to understand the Section 106 process and what the TCP consists of, particularly the airspace.
- Kaulani added that congressional members are likely to be home with their families this time of year for holidays, so it might be a good time to request a meeting with them.
- The Kūpuna would like to meet as a group earlier than the regularly scheduled January meeting.

Chat Log:

14:53:53 From rhonda loh to Everyone:

just stepping out for a couple minutes be right back

15:03:21 From Kamuela to Everyone:

Aloha Kalena - Land Agent :-)

15:05:47 From Nona to Everyone:

herb and i are here.

15:06:50 From Cat Sullivan HAVO to Everyone:

Aloha Kalena, Nona and Herb! If anyone wants to say hello on chat to introduce yourself please feel free. Mahalo for joining today

15:07:18 From Kalena Blakemore - Land Agent to Everyone:

Aloha Kamu & Keiko

15:07:32 From Keiko Mercado to Everyone:

Aloha!

15:07:35 From Kamuela to Everyone:

Aloha Everyone. Kamuela Plunkett from Hawaii County Planning Dept.

15:21:17 From Colleen Cole (TMA) to Everyone:

Oops sorry I'm here, had to take a call!

15:33:18 From Nāmaka Whitehead to Everyone:

I agree with Kalena and Bobby. Kamehameha Schools is very concerned about the volume of air tour flights over our Keauhou, Ka'ū lands and the impacts this has to cultural resources and endangered species on our lands.

15:36:18 From Colleen Cole (TMA) to Everyone:

Agreed Nāmaka, there is a large volume of air traffic over Keauhou, often flying quite low.

15:39:26 From Charone O'Neil-Naeole-HAVO to Everyone:

Mahalo Namaka and Colleen for your comments.

15:45:30 From Kalena Blakemore - Land Agent to Everyone:

YES PLEASE!

15:45:56 From Kalena Blakemore - Land Agent to Everyone:

Vertical Buffers

15:47:19 From Danielle Foster to Everyone:

The intent of this meeting is for you to educate us (the agencies) about historic or sacred areas within the park and any additional information you would like to provide regarding past and current concerns of Consulting Parties about the ATMP for Hawai'i Volcanoes National Park.

15:47:37 From Danielle Foster to Everyone:

For when we get to the next slide

15:47:44 From Kiersten Faulkner - Historic Hawaii Foundation to Everyone:

Re TCP boundaries: the study area should not be limited to the HAVO park boundaries. There may be contributing context, setting, cultural practices and features that transcend the park boundaries. The assessment should include vertical dimensions/elevations/altitudes as well, especially for feeling and association that includes sounds, vibration, visual corridors, etc.

15:48:47 From kamakanaf (OHA) to Everyone:

Mahalo for that clarification Kiersten

15:49:22 From Kiersten Faulkner - Historic Hawaii Foundation to Everyone:

Re TCP assessment: also need to differentiate features and areas and not have a "one size fits all" blanket description. For example, areas associated with cultural practices are different than those that are used for roads or visitor facilities or more mundane uses that are more widely accessible, even if both are within the TCP boundary.

15:50:05 From Danielle Foster to Everyone:

Thank you Kiersten!

15:51:03 From Summer Roper Todd-HAVO to Everyone:

Yes, thank you Kiersten!

15:53:21 From Kamuela to Everyone:

Thanks Uncle Bobby

16:04:29 From Colleen Cole (TMA) to Everyone:

Mahalo Kamuela. That is a great piece on losing our ability to engage in our environment through the "thrum" of daily life.

16:05:08 From Keiko Mercado to Everyone:

eō

16:08:34 From Kamuela to Everyone:

NPR w/ Kurt Fristrup - <https://www.npr.org/sections/13.7/2015/02/19/387462855/can-you-hear-nature-s-sounds>

16:09:21 From Nāmaka Whitehead to Everyone:

Mahalo Kamuela!

16:09:38 From Kamuela to Everyone:

NPR w/ Matt Mikkelsen and audio ecologist Gordon Hempton - <https://www.npr.org/2018/08/10/633201540/are-you-listening-hear-what-uninterrupted-silence-sounds-like>

16:09:55 From Kalena Blakemore - Land Agent to Everyone:

Mahalo Kamu

16:10:02 From Kamuela to Everyone:

'Ae, Aloha :-)

16:12:40 From Kiersten Faulkner - Historic Hawaii Foundation to Everyone:

Please clarify Catherine Nadals' comment that FAA/NPS has sent a letter to SHPD requesting concurrence that HAVO has been determined eligible for listing on the National Register of Historic Places as a Traditional Cultural Property. Was that letter shared with the consulting parties? Can we get a copy, please? Are you accepting CP comments on the determination of eligibility?

16:13:13 From Danielle Foster to Everyone:

We can share that letter that the park sent to SHPD.

16:14:10 From Danielle Foster to Everyone:

If consulting parties have comments on the determination of eligibility, we are happy to accept them.

16:14:44 From Kiersten Faulkner - Historic Hawaii Foundation to Everyone:

Did NPS include a boundary and justification? Has SHPD concurred with NPS determination of eligibility/description for the TCP?

16:15:11 From Danielle Foster to Everyone:

We did not recommend a boundary at that time, SHPD did not reply at that time.

16:15:57 From Kiersten Faulkner - Historic Hawaii Foundation to Everyone:

What was the date of the letter? Is this recent correspondence or from an earlier period or project?

16:16:56 From Danielle Foster to Everyone:

It was a letter the park had sent to Hawaii State Historic Preservation Division in 2013, we'll send it out after the call

16:17:03 From kamakanaf (OHA) to Everyone:

<file:///C:/Users/kamakanaf/Downloads/Hawaii%20Volcanoes%20National%20Park%20-%202020%20COA%20-%20en.pdf>

16:17:22 From kamakanaf (OHA) to Everyone:

Link to 2020 Conservation Outlook Assessment

16:17:43 From kamakanaf (OHA) to Everyone:

<https://worldheritageoutlook.iucn.org/explore-sites/wdpaid/18337>

16:18:32 From Danielle Foster to Everyone:

Thank you for the link!

16:18:42 From Kalena Blakemore - Land Agent to Everyone:

Mahalo Colleen

16:19:00 From Catherine Nadals to Everyone:

There is just a letter from April 26, 2013 sent by the Superintendent at the time at HAVO to the SHPOD asking for concurrence on the TCP. The SHPD did not provide a response at the time. They do state that they received the letter. It includes details about why the park should be considered a TCP and that it likely extends outside the boundaries of the park. Please send us any comments you may have regarding the above including vertical considerations and that the TCP is still being use my practitioners.

16:19:13 From Nāmaka Whitehead to Everyone:

Mahalo Colleen!

16:19:41 From Kamuela to Everyone:

Kauilani had a hand raised earlier.

16:45:50 From Keiko Mercado to Everyone:

Just to clarify then, one alternative could be "no fly"?

16:47:23 From Keith Lusk FAA to Everyone:

yes an alternative could be no air tours over the park

16:54:04 From kamakanaf (OHA) to Everyone:

is there a comment deadline for Section 106 written comments?

16:54:55 From Colleen Cole (TMA) to Everyone:

If there is a no fly zone over the Park, would air tours still try to get as close as possible and then result in more air traffic on neighboring lands?

16:57:44 From Nāmaka Whitehead to Everyone:

Or would the no fly zone in the Park benefit neighboring lands by cutting down on traffic to/from the park?

16:58:02 From Colleen Cole (TMA) to Everyone:

That would be ideal Nāmaka!

16:59:00 From Nāmaka Whitehead to Everyone:

Hopefully the impacts to neighboring lands and resource can be evaluated as a part of the assessment.

17:00:37 From Catherine Nadals to Everyone:

Anyone can call me as well at 240-446-5086.

17:04:27 From kamakanaf (OHA) to Everyone:

would be very questionable to fly 1 foot above the no fly ceiling... especially considering that altitude can change with barometric pressure

17:13:57 From Colleen Cole (TMA) to Everyone:

Mahalo everyone! I need to jump on another meeting. Thanks to Charone for some excellent facilitating. Hope to be able to continue to participate in this process.

17:14:45 From Kamuela to Everyone:
Mahalo Everyone



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 8, 2022

Re: Invitation to Comment on Potential Draft Alternatives for Air Tour Management Plan at Hawai'i Volcanoes National Park (HICRIS 2021.00353)

Dr. Alan Downer
Administrator and Deputy State Historic Preservation Officer
Department of Land and Natural Resources
State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, HI 96707

Dear Dr. Downer:

Pursuant to the National Environmental Policy Act (NEPA), the Federal Aviation Administration (FAA), in coordination with the National Park Service (NPS), initiated the public scoping process for the Hawai'i Volcanoes National Park Air Tour Management Plan (ATMP) on February 28, 2022. We invite the Hawai'i State Historic Preservation Division to review and comment on potential draft alternatives that have been developed for the ATMP during the public comment period for the NEPA scoping process, which closes on April 1, 2022.

The FAA and the NPS are integrating their compliance with NEPA with their responsibilities under Section 106 of the National Historic Preservation Act (NHPA); however, please note that we are not substituting the NEPA process for Section 106 review pursuant to 36 CFR § 800.8(c) and there will be additional opportunities for you to provide input through Section 106 consultation. We are providing this letter as a courtesy to alert your office that it can participate in the scoping process, in addition to the Section 106 process.

Background and Preliminary Historic Identification Efforts

By way of background and for context, the FAA, as the lead federal agency overseeing compliance with Section 106 of the NHPA, initiated consultation with your office in a letter dated March 29, 2021. In that

letter, the FAA identified the development of an ATMP for Hawai'i Volcanoes National Park as an undertaking subject to Section 106 and NEPA. The ATMP is being developed in accordance with the National Parks Air Tour Management Act (NPATMA). Pursuant to NPATMA, an ATMP shall regulate commercial air tours over a national park or within ½-mile outside the park's boundary during which the aircraft flies below 5,000 feet above ground level (AGL).

While we will send your office specific correspondence about historic property identification efforts through the Section 106 process, we wanted to share some information about this topic at this time. Notably, the FAA, in cooperation with the NPS, has undertaken preliminary efforts to identify historic properties within Hawai'i Volcanoes National Park. The FAA is also considering whether air tours could affect Native Hawaiian Traditional Cultural Properties (TCPs) within the park that are associated with natural and cultural resources, Native Hawaiian sacred sites, and ceremonial areas.

The FAA, in cooperation with the NPS, coordinated with staff at Hawai'i Volcanoes National Park to identify 24 historic properties within Hawai'i Volcanoes National Park that are listed in or eligible for listing in the National Register of Historic Places (NRHP). These properties are related to the many layers of history associated with the lands located within the park boundary and include pre- and post-contact era archeological sites; TCPs and sacred sites, areas of ethnographic significance, decades of scientific and recreational geological exploration; early park development; and ranching and military history. Hawai'i Volcanoes National Park in its entirety is an important cultural place due to the diversity of cultural resources found within the park boundary that expand across the entire park landscape, and the many sacred areas that continue to be actively used by cultural practitioners. Historic districts and National Register eligible sites include the Crater Rim Historic District, the Kīlauea Crater, the 1790 Footprints, the Puna- Ka'ū Historic District, the Kīlauea Administration and Employee Housing Historic District, the Kīlauea Military Camp Historic District, the Lithic Block Quarry, the Nāhuku Cultural Landscape, amongst many others. Staff at Hawai'i Volcanoes National Park have indicated the entire park is considered a TCP. The preliminary list of historic properties within the park is enclosed as **Attachment A**. Overview maps prepared by the NPS and showing the location of certain historic properties within the park are enclosed as **Attachment B**. The FAA and NPS are still seeking information on additional historic properties within the park or historic properties that occur within ½-mile of the park boundary (the planning area for the ATMP).

Invitation to Submit Comments through the NEPA Scoping Process

The FAA and the NPS invite your input on potential alternatives currently under consideration. Input from the Section 106 consulting parties, public, and stakeholders will be used to further refine or dismiss alternatives and potentially consider new alternatives in the NEPA process. This combined input will also be used to inform Section 106 consultation. A detailed description of the proposed alternatives, and alternatives previously considered but dismissed, can be found in the newsletter enclosed as **Attachment C** and on the project website at: <https://parkplanning.nps.gov/HawaiiVolcanoesATMP>.

Comments will be accepted on the potential alternatives through April 1, 2022 at 8:00 pm HST. There are two ways to provide feedback:

- Visit <https://parkplanning.nps.gov/HawaiiVolcanoesATMP> for project information and to submit your comments.

- Mail hard copy comments to the following address:

Volpe National Transportation Systems Center
Kaitlyn Rimol, V-326
Attn: Hawai'i Volcanoes National Park ATMP
55 Broadway Cambridge, MA 02142

The FAA and the NPS plan to hold a virtual meeting with the Hawai'i Volcanoes National Park Kūpuna and consulting parties at which the agencies will present the draft alternatives currently under consideration. This virtual meeting will be held on March 11, 2022, from 10:00am to 12:00pm HST. I will be traveling to Hawai'i Volcanoes National Park to attend the meeting and to view locations in the park subject to air tours.

While the FAA and NPS respectfully request comments on the potential alternatives to be submitted as directed above, we will additionally accept comments from your office at any time through continuing Section 106 consultation. Should you wish to receive additional information regarding any of the above, please contact me at 240-446-5086 or Catherine.L.Nadals@FAA.gov and copy the ATMP team at ATMPTeam@dot.gov.

Sincerely,



Cathy Nadals
Cultural Resource Specialist
Federal Aviation Administration

Attachments

- A. Preliminary List of Historic Properties in Hawai'i Volcanoes National Park
- B. Overview Maps of Historic Properties in Hawai'i Volcanoes National Park
- C. ATMP Newsletter for Hawai'i Volcanoes National Park

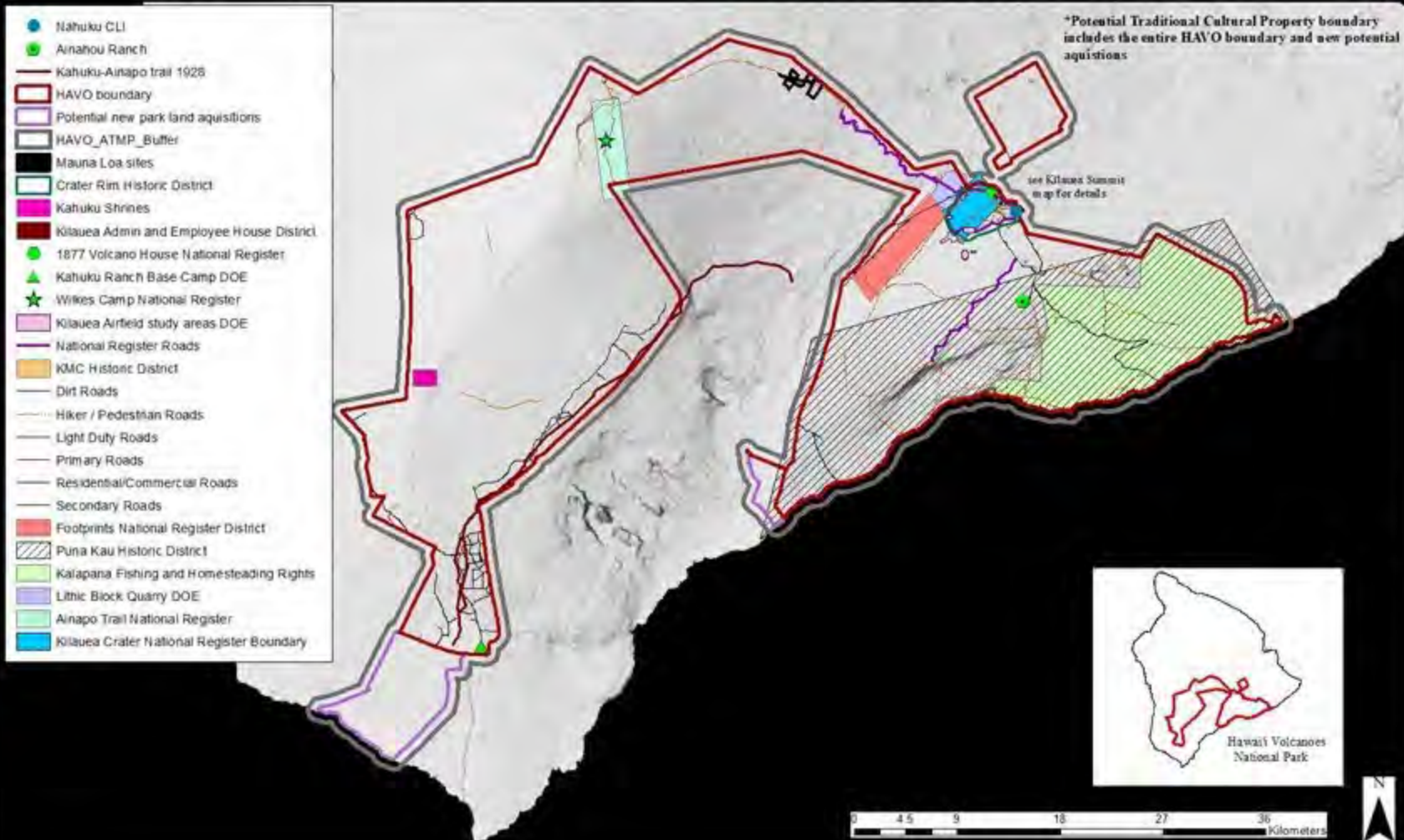
ATTACHMENT A
PRELIMINARY LIST OF HISTORIC PROPERTIES IN HAWAI'I VOLCANOES NATIONAL PARK

Property Name	NRHP Status	Date of DOE/ NR Listing
1790 Footprints	Listed	8/7/1974
Ainahou Ranch	Listed	2/8/1995
Ainapo Trail	Listed	8/30/1974
Boles Field	Eligible	1/25/2010
Crater Rim Drive Historic District	Listed	2005
Crater Rim Historic District (Cultural Landscape)	Listed	7/1/2007
Hawai'i Volcanoes National Park (TCP)	Eligible	2013
Hilina Pali Road	Listed	1/14/2015
Historical Corral and Chute	Eligible	10/21/2008
Kahuku Ranch Base Camp Historic Site	Eligible	1/24/2012
Kahuku Shrines	Eligible	N/A
Kahuku-Ainapo Trail	Eligible	2004
Kalapana Fishing and Homesteading Rights (TCP)	Eligible	1938 ¹
Kilauea Administration and Employee Housing Historic District	Eligible	2006
Kīlauea Crater	Listed	7/24/1974
Kīlauea Landing Field	Eligible	1/25/2010
Kīlauea Military Camp Historic District	Eligible	2012
Lithic Block Quarry	Eligible	1/25/2010
Mauna Loa Road	Listed	1/14/2015
Nāhuku Cultural Landscape	Eligible	2011
Old Volcano House No. 42	Listed	7/24/1974
Puna-Ka'ū Historic District	Listed	7/1/1974
Wilkes Campsite	Listed	7/24/1974
World War II Scrape Mounds	Eligible	1/25/2010

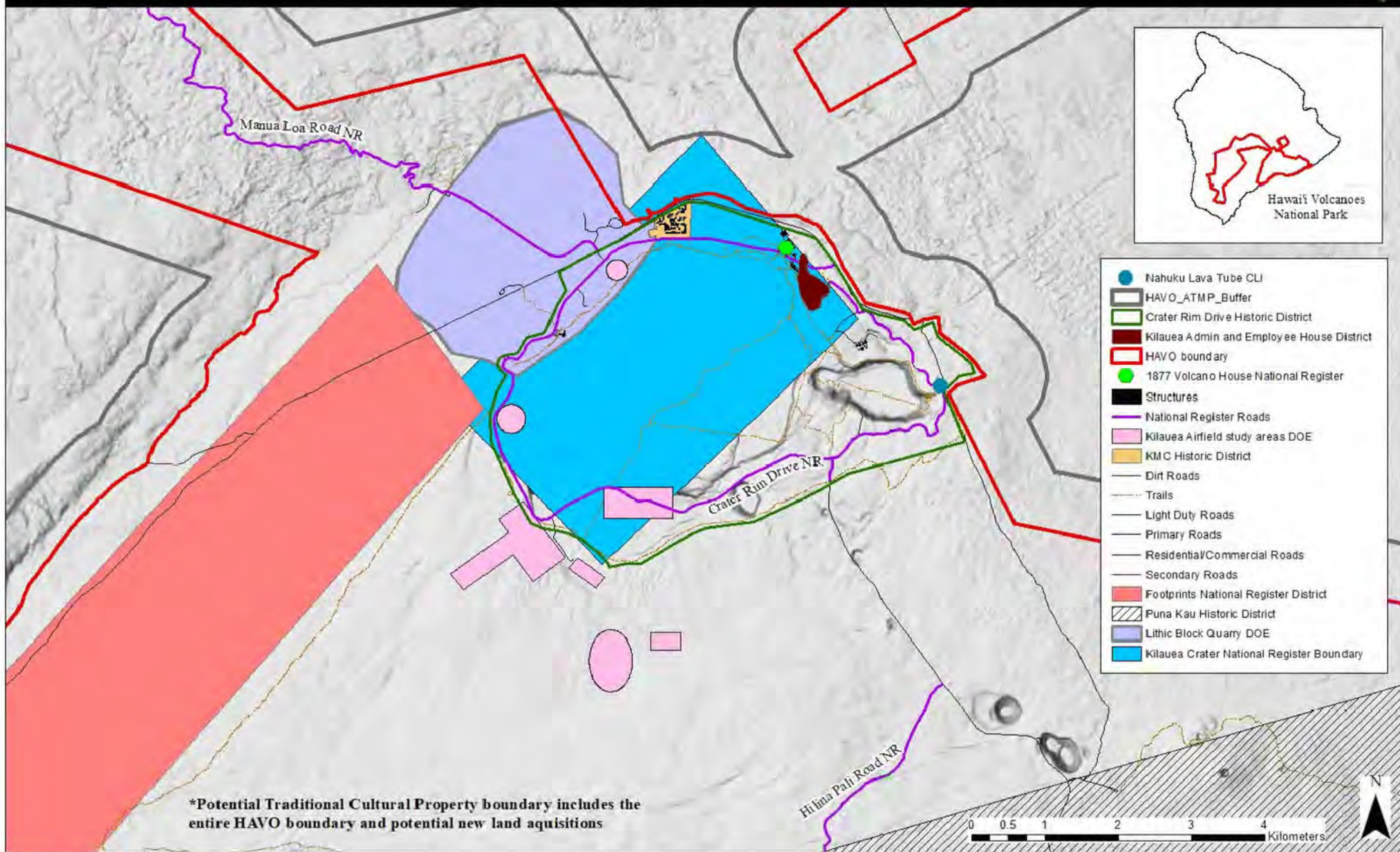
¹ Pursuant to the act of June 20, 1938 ([52 Stat. 781](#); [16 U.S.C. 391b](#) and [396a](#)) Native Hawaiian residents of the villages adjacent to the Kalapana extension area added to the park by the above act and visitors under their guidance are granted the exclusive privileges of [fishing](#) or gathering seafood from parklands (above the high waterline) along the coastline of such extension area. These [persons](#) may engage in commercial [fishing](#) under proper [State permit](#).

ATTACHMENT B
OVERVIEW MAPS OF HISTORIC PROPERTIES WITHIN HAWAI'I VOLCANOES NATIONAL PARK

Hawai'i Volcanoes National Park- Historic resources, National Register of Historic Places boundaries and DOE's overview map



Hawai'i Volcanoes National Park- National Register of Historic Places boundaries and DOE's, map 2, summit detail



ATTACHMENT C

**HAWAI'I VOLCANOES NATIONAL PARK
AIR TOUR MANAGEMENT PLAN NEWSLETTER
FEBRUARY 2022**



Hawai‘i Volcanoes National Park

FEB 2022
Newsletter



Air Tour Management Plan
Potential Alternatives for Public Comment

The Federal Aviation Administration (FAA) and the National Park Service (NPS) are working together to present potential alternatives for an Air Tour Management Plan for Hawai‘i Volcanoes National Park. Public and stakeholder feedback during this phase is critical. This document will explain:

- Commercial air tour operations
- Requirements for a plan at the Park
- Potential alternatives being considered for the plan
- How the public and stakeholders can provide feedback

Project Introduction

This document presents potential alternatives for the Hawai‘i Volcanoes National Park Air Tour Management Plan (ATMP) Environmental Assessment (EA) for public and stakeholder input. As applied to Hawai‘i Volcanoes National Park (Park), the term commercial air tour operation is defined as any flight conducted for compensation or hire in a powered aircraft, where a purpose of the flight is sightseeing over the Park or within ½-mile outside the Park’s boundary during which the aircraft flies below 5,000 feet above ground level.

The National Parks Air Tour Management Act (the Act) of 2000 requires the FAA, in cooperation with the NPS, to develop an ATMP for parks and tribal lands where operators have applied to conduct commercial air tours. The objective of this ATMP, under the Act, is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts of commercial air tour operations on the Park’s natural and cultural resources, Native Hawaiian sacred sites and ceremonial areas, wilderness character, and visitor experience.

As part of the public scoping process pursuant to the National Environmental Policy Act (NEPA), the FAA and the NPS invite public input on potential alternatives. Many of you have commented on the FAA and the NPS’s past efforts to complete an ATMP for Hawai‘i Volcanoes National Park which have been considered in the development of these potential alternatives. Public and stakeholder input will be used to further refine or dismiss alternatives and potentially to consider new alternatives. Public input will also be used to inform the environmental analysis. Alternatives that are carried forward and analyzed in the EA are expected to be available for public review and comment later this year.

Hōlei Cliffs



Purpose and Need for the Project

Under NEPA, alternatives must meet the Purpose (i.e., objective) and Need for the project.

Purpose

To comply with the *National Parks Air Tour Management Act of 2000 (the Act)* and other applicable laws, consistent with the *Plan and Schedule for Completion of Air Tour Management Plans at Twenty-Three Parks* approved by the U.S. Court of Appeals for the District of Columbia Circuit on November 20, 2020, in Case No. 19-1044, *In Re Public Employees for Environmental Responsibility and Hawai'i Coalition Malama Pono*.

Need

The Act requires an ATMP or voluntary agreement for the Park. Air tours have the potential to impact natural and cultural resources, wilderness character, and visitor experience. The Act requires that the FAA and the NPS develop acceptable and effective measures to mitigate or prevent significant adverse impacts, if any, of commercial air tour operations on natural and cultural resources, wilderness character, visitor experience, and Native Hawaiian Traditional Cultural Properties including Native Hawaiian sacred sites and ceremonial areas. In order to address potential impacts from commercial air tours the agencies have decided to prepare an ATMP for the Park.

Resources for Consideration in the EA

The agencies propose to analyze the potential impacts of each alternative on the following resources:

- Air quality
- Biological resources (wildlife including special status species)
- Climate (climate change and greenhouse gas emissions)
- Coastal resources
- Cultural resources (historic buildings, historic districts, archeological resources, sacred sites, Traditional Cultural Properties, cultural landscapes, ethnographic resources)
- Department of Transportation Act, Section 4(f)
- Noise and compatible land use (acoustic environment and Park soundscape)
- Park visitors and visitor uses
- Socioeconomics, Children's Environmental Health and Safety Risk, and Environmental Justice (children's environmental health and safety risks, environmental justice and resident communities, socioeconomics)
- Visual effects (visual resources and visual character)
- Water resources
- Wilderness

Elements Common to All Alternatives for the Hawai‘i Volcanoes National Park ATMP

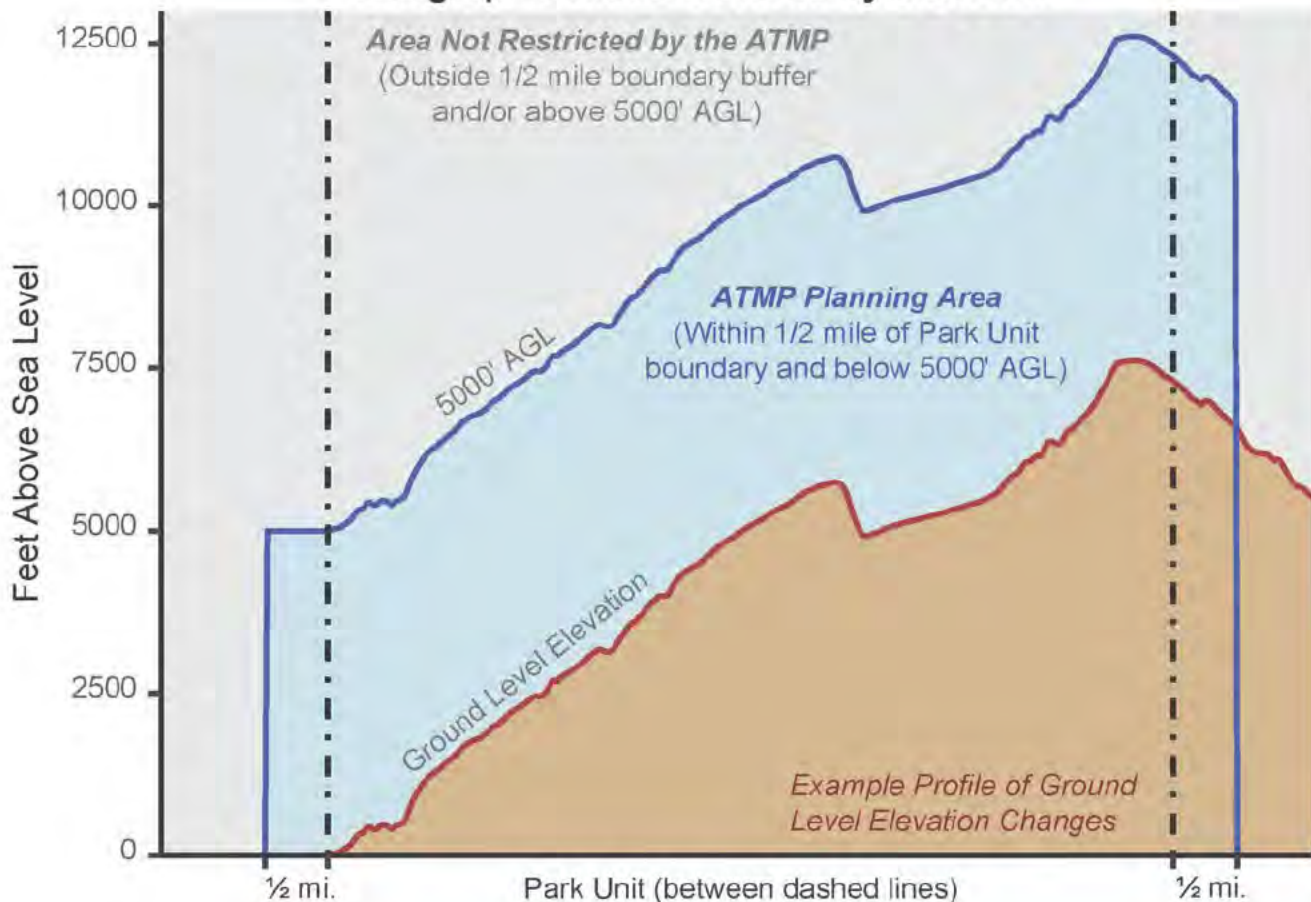
All alternatives being considered for the Hawai‘i Volcanoes National Park ATMP will incorporate the following:

ATMP Planning Area

According to the Act, an ATMP shall regulate commercial air tours over a national park or within ½-mile outside the park’s boundary during which the aircraft flies below 5,000 feet above ground level (AGL). This is referred to as the ATMP planning area. Air tours outside of the ATMP planning area are not subject to the Act and are therefore not regulated under the ATMP. As air tours outside the boundaries of the ATMP planning area are outside the jurisdiction of the ATMP, there would be no limitations on the annual number of air tours or routes that could occur outside the ATMP planning area under any alternative. Refer to the figure below for a geographic depiction of the ATMP planning area. Although they may occur within the ATMP planning area, general aviation flights, overflights by commercial airlines, and military flights would not be regulated by the ATMP because they are not commercial air tours subject to regulation under the Act.



Geographic Areas Covered by the ATMP



Monitoring and Enforcement

All air tour operators are required to report to the FAA and the NPS, on a semi-annual basis, the number of commercial air tour operations they have conducted within the ATMP planning area. The operators must provide the date and time each tour occurred, the make/model of aircraft used, and the route on which the tour was conducted.



Aircraft monitoring and enforcement would occur to ensure that commercial air tour operators are complying with the terms and conditions of the ATMP. The NPS and the FAA are both responsible for the monitoring and oversight of the ATMP. If the NPS identifies instances of non-compliance, the NPS will report such findings to the FAA's Honolulu Flight Standards District Office (FSDO). The FSDO will investigate all substantiated reports of noncompliance. The public may also report allegations of non-compliance with the ATMP to the FSDO, which may result in an FAA investigation.

Minimum Altitudes

The range of altitudes examined in the alternatives will be from 1,500 to 5,000 feet AGL. On two-way routes, aircraft will utilize vertical separation to allow aircraft to maintain a safe distance from each other. Vertical separation of aircraft only applies to aircraft traveling in opposite directions, and vertical stacking of aircraft going the same direction along a route would be prohibited.



Flight Routes and In-flight Deviations

The maps included in the potential alternatives show flight routes where air tours could occur within the ATMP planning area.

Flight routes within the ATMP planning area are represented by a line with a buffer on either side of the route that indicates the acceptable range of deviation that would not trigger enforcement action. The flight lines will be used for noise modeling purposes in the impact analysis. If pilots are entering a route in the ATMP planning area but weather conditions do not allow them to follow that route at the prescribed altitude they may not proceed further on the route. They would either be required to follow another ATMP route where weather conditions allow or to leave the ATMP planning area boundary. If pilots are on a route and encounter weather that does not allow them to proceed further along the route at prescribed altitude, they must safely exit the route and either follow another ATMP route where weather conditions allow or leave the ATMP planning area boundary.



FAA Airspace Authority

The FAA has authority for all airspace matters, including any enforcement actions for violations under the ATMP, which the agency would process in accordance with existing FAA procedures and regulations.



Fee Collection

Under the Omnibus Budget Reconciliation Act of 1993 (54 U.S.C. § 100904), commercial air tour operators currently conducting air tours over the Park are required to pay a fee (currently \$25 for each aircraft with 25 passengers or less) for each air tour conducted. This requirement will remain in force when this ATMP becomes effective. Fee collection will not be considered in the decision-making process for analyzing and selecting a potential alternative. The decisions will be based solely on the environmental impact analysis and public input.



Initial Allocation and Competitive Bidding

The Act states whenever an ATMP limits the number of commercial air tour operations during a specified time frame, a competitive bidding process must occur pursuant to the criteria set forth in 49 U.S.C. § 40128(a)(2)(B) and other criteria developed by the agencies. Since the number of flights would be limited for Alternatives 3 and 4, competitive bidding would be required. In the time period between the finalization of an ATMP and the completion of the competitive bidding process, commercial air tour operators would be allocated a certain number of commercial air tours over the Park, referred to as the initial allocation.



Competitive bidding may also be appropriate to address: a new entrant application; a request by an existing operator for additional operating authority; consideration by the agencies of Park-specific resources, impacts, or safety concerns; or for other reasons. The Act directs the agencies to consider various factors during the comp bidding process including known resource issues, reporting, and compliance concerns.

Potential Alternatives

The agencies have considered a range of reasonable alternatives that are technically and economically feasible, meet the purpose and need for the project, and the goals of the agencies.

Alternatives Considered and Dismissed

The agencies considered but dismissed alternatives that would allow air tour operations at or above existing numbers. These alternatives were dismissed from further consideration because the NPS determined they would result in unacceptable impacts to Park natural and cultural resources, wilderness character, and visitor enjoyment under the NPS Management Policies 2006 1.4.7.1. and do not meet the purpose and need for the plan.

The NPS determined the current level of air tours is inconsistent with the Park's purpose and values. The Park's purpose includes perpetuating the traditional Hawaiian cultural connections to the Park's landscapes (see Foundation Document). Noise from the current level of air tours inhibits the Park's ability to meet this purpose. Noise from air tours negatively impacts existing sacred sites within the Park associated with Native Hawaiian people. The NPS is required to avoid such impacts to sacred sites to the extent possible (NPS Management Policies 2006 5.3.5.3.2). Native Hawaiians have consistently noted that persistent air tours over the Park unreasonably interfere with Native Hawaiian connections to the Park's sacred areas.

Additionally, existing air tour operations result in frequent and loud noise disruptions in many areas of the Park. Current air tours over the Park impede the NPS's ability to fully meet the Park's purpose of perpetuating

endemic Hawaiian ecosystems and does not support the perpetuation of biological diversity and ecological integrity which are fundamental resources and values of the park (see Foundation Document). A recent Park study documents that loud, frequent helicopter noise results in changes in avian vocalization (Gallardo Cruz et al 2021). Helicopter noise could detrimentally affect physiology, pairing and breeding success, and territory size of birds by limiting communication between individuals (Habib et al. 2007; Nemeth and Brumm 2010; Halfwerk et al. 2011; Kleist et al. 2018). These effects could have a greater impact on Hawaiian endemics, which already face a number of stressors (Atkinson and Lapointe 2009; Pratt et al. 2009; LaPointe et al. 2010), than on introduced species.

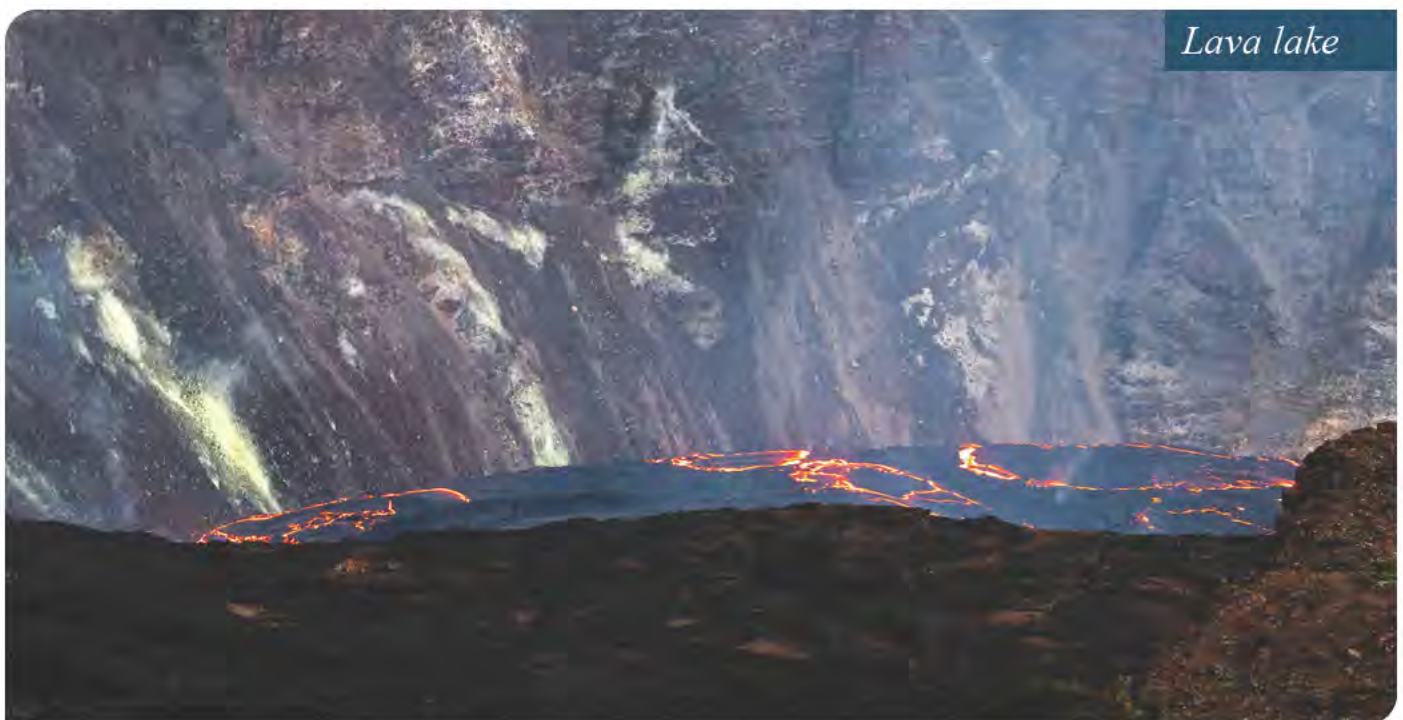
Current air tours over the Park also directly interfere with resource management activities (such as the execution of acoustic based bird surveys), which impedes the NPS's ability to fully meet the Park's purpose of perpetuating endemic Hawaiian ecosystems and does not support the perpetuation of biological diversity and ecological integrity which are fundamental resources and values of the Park (see Foundation Document).



The current level of air tours diminishes visitor opportunities to learn about and be inspired by Park resources and values and unreasonably interferes with the atmosphere of peace and tranquility and the natural soundscapes in wilderness. Existing air tours repeatedly interrupt and unreasonably interfere with interpretive programs and visitor activities at many sites, including Uēkahuna Bluff, Kīlauea Overlook, Steam Vents, Volcano House, Kīlauea Visitor Center, Kūpina‘i Pali, Kīlauea Iki, Devastation, Pu‘upua‘i, Keanakāko‘i, Maunaulu, Puhimau, Kīpukapua‘ulu, and Maunaloa (lookout and trail). Regular visitor complaints and staff observations indicate that noise from air tours impedes visitors from enjoying and learning about existing Park resources in these and other areas of the Park.

Existing air tour operations also unreasonably interfere with the natural soundscape maintained within the Hawai‘i Volcanoes National Park’s four designated Wilderness areas, Maunaloa, ‘Ōla‘a, East Rift, and Ka‘ū Desert, as well as the eligible (Upper Kahuku) and potential (Great Crack) Wilderness areas (see NPS Management Policies 1.4.7.1). Persistent noise within Wilderness interferes with the opportunity for solitude and detracts from the natural quality of Wilderness.

Therefore, authorizing commercial air tours at or above the existing level of operations would not meet the objective of an ATMP under the Act. The NPS has determined that the current level of air tours cannot be mitigated to avoid or prevent unacceptable impacts and therefore any alternative that would maintain or increase the current number of air tours over the Park does not meet the purpose and need for the plan. For all of these reasons, the agencies have considered but dismissed alternatives that would continue air tours at or above existing air tour numbers.



Lava lake

Alternative 1 (No Action)

Objective

A no action alternative is required by the Council on Environmental Quality and NEPA regulations.

The no action alternative provides a basis for comparison but is not a selectable alternative because it does not meet the purpose and need for the ATMP and is not in compliance with the Act. The agencies have decided to comply with the Act by developing an ATMP for the Park.

Description

The no action alternative is what happens if the agencies do not adopt an ATMP. The no action alternative would allow a continuation of air tours under Interim Operating Authority (IOA) without implementation of an ATMP or voluntary agreement. Under the no action alternative, air tour numbers would be expected to vary from year to year, likely consistent with reported numbers over the past three to five years. Air tour numbers from 2017 to 2019 are listed below. Under the no action alternative operators could fly up to IOA, 26,664 air tours per year. Air tour operators may fly where they choose. Currently, altitudes are flown in accordance with the Hawai'i Air Tour Common Procedures Manual (HI Manual). Minimum altitudes range from 500-1,500 ft. AGL, weather dependent, depending on location on the island.

Number of Flights Each Year

Alternative 1 represents a continuation of what is currently flown and allowed under existing law including each company's IOA as granted by the FAA (70 Federal Register 36456 (June 23, 2005)), applicable regulations that govern aviation safety (Title 14 Code of Federal Regulations Part 136, Appendix A (formerly Special Federal Aviation Regulation 71)), and any FAA exceptions issued to individual operators as outlined by the HI Manual. Ten commercial air tour operators currently hold IOA to fly up to a combined total of 26,664 annual commercial air tours over the Park (see table on page 11).

Since reporting began in 2013, the total number of annual commercial air tours reported over the Park ranges from 8,333 (reported in 2018) to 16,520 (reported in 2017). Under the no action alternative, operators could fly up to IOA. The operators may not exceed their respective IOA limitation in any given year. Under the no action alternative, air tours numbers would be expected to vary from year to year, likely consistent with reported numbers over the past three to five years.

Alternative 1 (No Action)

The average annual number of commercial air tours conducted over the Park from 2017-2019 for all operators is 11,376. The agencies consider the 2017-2019, three-year average, the existing baseline for the purposes of understanding the existing number of commercial air tour flights over the Park. The requirement for commercial air tour operators to report actual commercial air tours to the FAA and the NPS was implemented in 2013. Reporting data from 2013 and 2014 are considered incomplete as reporting protocols were not fully in place at that time and likely do not reflect actual flights. Flight numbers from a single year were not chosen as the existing baseline because the three-year average accounts for both variation across years and takes into account the most recent pre-pandemic years. Reporting data from 2020 was not used because the 2020 COVID-19 pandemic resulted in lower than normal commercial air tour operations due to travel restrictions and closures in the State of Hawai‘i, which does not represent the conditions in a typical year.

Routes and Altitudes

There are no designated flight routes or no-fly zones under the no action alternative. The figure for this alternative depicts both general route information provided by current commercial air tour operators and Automatic Dependent Surveillance-Broadcast (ADS-B) flight tracking data of actual commercial air tour operations over and adjacent to the Park. Actual commercial air tour operations are dispersed around the generalized routes provided by operators depicted on the figure. The ADS-B tracking data is more reflective of existing operations for various reasons including deviations that may occur due to weather.

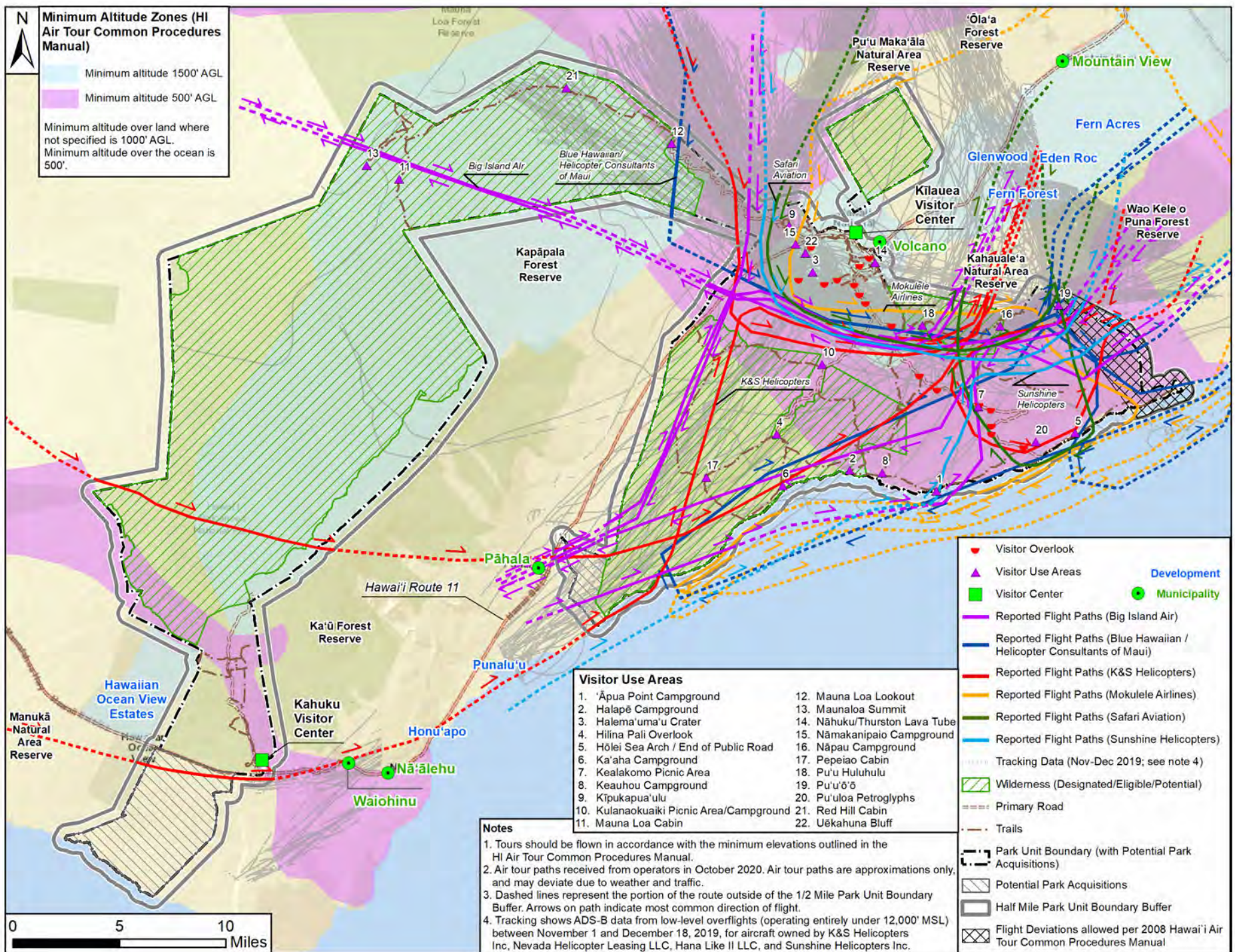
Minimum altitudes for commercial air tours within the ATMP planning area are flown in accordance with the HI Manual, from 500-1,500 ft. AGL, weather dependent and contingent on location on the island. In addition, operators holding a B048 Operations Specification are authorized to conduct commercial air tour operations at altitudes less than 1,500 feet above the surface, within the state of Hawai‘i, in accordance with the provisions and limitations of the HI Manual. See the figure for this alternative for details.

Operators, Aircraft Types, Interim Operating Authority

Seven of the ten operators that hold IOA for the Park reported flying commercial air tours over the Park between 2013 and 2019. Five operators fly helicopters, and two operators fly fixed-wing aircraft. The following table summarizes each operator’s aircraft type, IOA for the Park, and average number of reported air tours over the Park from 2017-2019:

Alternative 1 (No Action)

Operator	Aircraft Type	2017 Reported Tours	2018 Reported Tours	2019 Reported Tours	3-year Reported Average No. of Air Tours (2017-2019)	Interim Operating Authority (IOA)
Above it All Inc. (Sporty's Academy Hawai'i, Hawai'i Island Hoppers, Hawai'i Airventures, Benchmark Flight Center)	no data	0	0	0	0	3,878
Big Island Air Inc.	fixed wing	102	7	0	36	1,643
Hawai'i Helicopters Inc. (Helicopter Consultants of Maui, Inc.)	helicopter	139	50	67	85	141
Helicopter Consultants of Maui Inc. (Hawai'i Helicopter, Blue Hawaiian Helicopters)	helicopter	12,300	6,059	7,325	8561	12,413
K&S Helicopters (Paradise Helicopters)	helicopter	877	552	248	559	1,684
Manuiwa Airways Inc. (Volcano Helicopters, Volcano Heli-Tours)	no data	0	0	0	0	800
Mokulele Flight Service Inc. (Mokulele Airlines)	fixed wing	0	15	0	5	60
Safari Aviation Inc. (Safari Helicopter Tours)	helicopter	1,977	1,050	995	1341	3,920
Schuman Aviation Company, Ltd. (Makani Kai Helicopters)	no data	0	0	0	0	25
Sunshine Helicopters Inc.	helicopter	1,125	600	641	789	2,100
		16,520	8,333	9,276	11,376	26,664



Alternative 2

Objective

Alternative 2 seeks the greatest protection for the purposes, resources, and values of the Park. These include the summits of Kīlauea and Maunaloa which hold spiritual and cultural significance to Native Hawaiians; threatened and endangered species and other wildlife sensitive to noise; Congressionally designated wilderness and visitor opportunities for solitude; ground-based visitor experience; Native Hawaiian traditional cultural practices; scenic qualities, and natural sounds.

Description

Alternative 2 would prohibit air tours within the ATMP planning area. The ATMP planning area includes areas below 5,000 feet AGL and within ½-mile of the Park boundary. The Park itself would be designated as an area to remain free of commercial air tours under 5,000 feet AGL regardless of future eruptions or lava flows. Air tours outside of the ATMP planning area (i.e., above 5,000 feet AGL or more than ½-mile outside the Park boundary) are not subject to the Act and are therefore not regulated under the ATMP. Thus, there would be no limitations on the number of air tours that could occur outside the ATMP planning area.

Routes and Altitudes

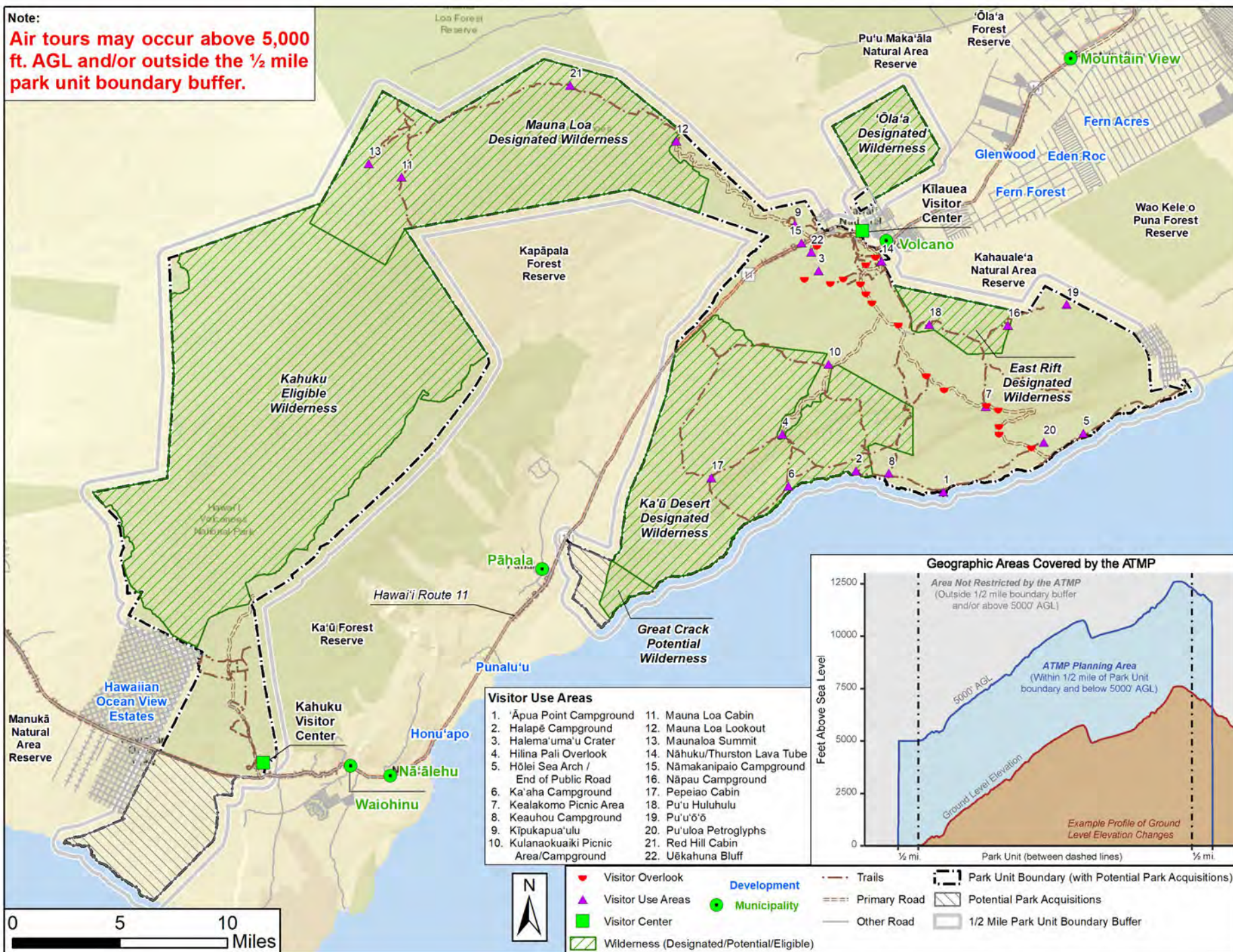
Air tours could be conducted only outside the ATMP planning area. Based on current air tour activity, routes outside of the ATMP planning area would be expected to be similar to existing routes. An unknown number of air tours originating on Hawai‘i Island from Hilo, Kailua-Kona, Hāpuna and Waikoloa, and airports on Maui and O‘ahu would still continue to fly more than ½-mile outside of the Park’s boundary at or below 1,500 feet AGL in accordance with the HI Manual. The actual flight path of air tours outside the ATMP planning area would vary due to operator preference, volcanic activity, and weather conditions at the time of the air tour.



Rainforest trail

Note:

Air tours may occur above 5,000 ft. AGL and/or outside the ½ mile park unit boundary buffer.



Alternative 3

Objective

The NPS developed Alternative 3 to provide multiple air tour routes for access to historically active volcanic areas of the Park with mitigations to avoid or minimize unacceptable impacts to soundscapes based on Park management zones. The FAA reviewed the alternative to ensure it meets safety parameters.

Description

Commercial air tour operations would only fly along two main routes, one fly zone, and one adaptive management route providing access to active volcanic areas, coastal areas, and other volcanic landscapes.

Caps on Numbers of Flights Allowed Annually and Daily

Soundscape modeling for Alternative 3 will consider and evaluate various numbers of annual commercial air tours over the Park, ranging between 1 flight per year to below current condition (the average number of commercial air tours conducted over the Park each year from 2017-2019, in this case 11,376). The number of flights allowed over the Park on an annual basis will be selected to avoid or minimize unacceptable impacts to soundscapes based on Park management zones. This alternative would not consider a daily cap on the number of commercial air tours that each operator could fly.

Routes and Altitudes

Alternative 3 includes two main routes, one fly zone, and one adaptive management route where commercial air tour operators could fly. Refer to the figure for this Alternative for a depiction of each:

- Northern Route: Commercial air tour operations would fly along Highway 11 for viewing of Kīlauea and Halema‘ūma‘u Craters. The northern route would be flown at minimum 1,500 ft. AGL altitude, and minimum 2,000 ft. AGL altitude over wilderness areas and sensitive sites.
- Coastal Route: Commercial air tour operators would fly offshore along the edge of the Park boundary, but within ½-mile of the Park boundary. The route runs offshore along the edge of the ATMP planning area boundary in order to protect wilderness areas and backcountry campgrounds within the Park. This route would be flown at minimum 2,000 ft. AGL. The coastal route would be available for use only if commercial air tour operators could safely adhere to the required altitudes and distances to the shore. If an operator is not able to safely fly offshore in accordance with the prescribed altitude and distance requirements, the operator shall not utilize that route.

Alternative 3

- Pu‘u‘ō‘ō Viewing Area: The Pu‘u‘ō‘ō viewing area is a fly zone along the east rift of Kīlauea to the Pu‘u‘ō‘ō area. Commercial air tour access would be permitted to the east rift of Kīlauea within the Pu‘u‘ō‘ō viewing area. Quiet Technology (QT) aircraft would be permitted to use an expanded fly zone in the western portion of this area near Pu‘u‘ō‘ō. Commercial air tours conducted within this area would be flown at minimum 1,500 ft. AGL.
- Southwest Rift Zone Route: The Kīlauea Southwest Rift Zone would be viewable from the Southwest Rift Zone route outside the Park boundary but within ½-mile of the boundary under adaptive management only (e.g., if lava emerges, the adaptive management process would be implemented to determine if/when the route is approved for use). The offset from the Park boundary would provide protection to wilderness areas. This route would be flown at minimum 2,000 ft. AGL.

Other than the routes described above, under Alternative 3, no air tours could occur below 5,000 feet AGL within the rest of the Park or within ½-mile of the Park boundary. Refer to the map for this alternative for a depiction of flight corridors and altitudes.

Loitering/Circling

This alternative would prohibit loitering or circling because it could negatively impact visitors, cultural, and natural resources, including sensitive sites.

Time of Day/Day of Week

Flights would be permitted between the hours of 10:00 a.m. – 2:00 p.m. Flights would be permitted on all days of the week except Wednesday and Sunday. Exceptions to these parameters for QT aircraft are noted below, which allows QT aircraft to fly over the Park on Wednesdays. One no-fly day provides opportunities for visitor enjoyment, particularly bird watching. Sunday was selected as a no-fly day for consistency with the Park’s Mission Critical Administrative Aviation Plan and Environmental Assessment and allows for one weekend flight-free day at the Park.

Quiet Technology (QT) Incentives

The Act requires that the ATMP include incentives for the adoption of QT by commercial air tour operators. Alternative 3 includes the following incentives for operators conducting commercial air tours using QT aircraft:

- Relax the day of week restriction to allow flights on Wednesdays for QT aircraft
- Relax the time-of-day restrictions to allow QT aircraft to fly from 10:00 a.m. - 4:00 p.m.
- Allow QT aircraft to conduct commercial air tours in additional locations in the Pu‘u‘ō‘ō viewing area (see map for a depiction of these areas).

In order to qualify for QT incentives, operators will be required to follow a process to be defined by the agencies.

Alternative 3

Restrictions for Special Events

This alternative would include a mandatory 5-mile standoff for special events that could be impacted by commercial air tours, limited to the day of the event. Special events could include Native Hawaiian events or other natural and cultural resource programs. Two months' notice would be provided to commercial air tour operators prior to the event. The standoff would not extend outside the ATMP planning area.

Adaptive Management

Adaptive management is a systematic approach for improving resource management and ensuring that the continued effectiveness of the ATMP over time through the monitoring of park conditions and by learning from management actions or choices. Adaptive management is also used to address changed conditions such as a new lava flow occurs in the Park or if the breeding habitat of a sensitive species moves to a new area. This alternative will analyze an adaptive management route, the Southwest Rift Zone route, for use during an eruptive event along the Southwest Rift Zone of Kīlauea. See "Routes and Altitudes" section for a description of this route.

Interpretive Training and Education

The NPS would provide mandatory training for air tour pilots regarding Park resources. The training would include the Park information that operators could use to further their own understanding of Park priorities, cultural and natural resources protection and management objectives as well as enhance the interpretive narrative for air tour clients and increase

understanding of the Park by air tour clients.

Operators would also be required to complete the FAA Fly Neighborly training for their aircraft type. Fly Neighborly is a noise reduction program that seeks to create better relationships between communities and helicopter operators by establishing noise mitigation techniques and increasing effective communication.

Annual Meeting

An annual meeting between the agencies and commercial air tour operators would occur under this alternative. The ATMP will describe the details of the annual meeting.

Operators, Initial Allocation of Air Tours, and Aircraft Types

Upon finalization of the ATMP, the number of flights authorized to occur each year would be proportionally allocated to each of the seven operators that have reported operations over the Park in the period from 2017-2019. Each operator's initial allocation will reflect the proportion of its average number of reported flights from 2017-2019 as compared to all operators that have reported flying over the Park during this period. Each operator's aircraft types would reflect those reported in the period from 2017-2019. The initial allocation would be used until a competitive bidding process could occur. Under the Act, IOA terminates 180 days after the date of establishment of the ATMP, however, if the FAA updates an operator's Operations Specifications before that time, IOA will be terminated when the Operations Specifications are updated.

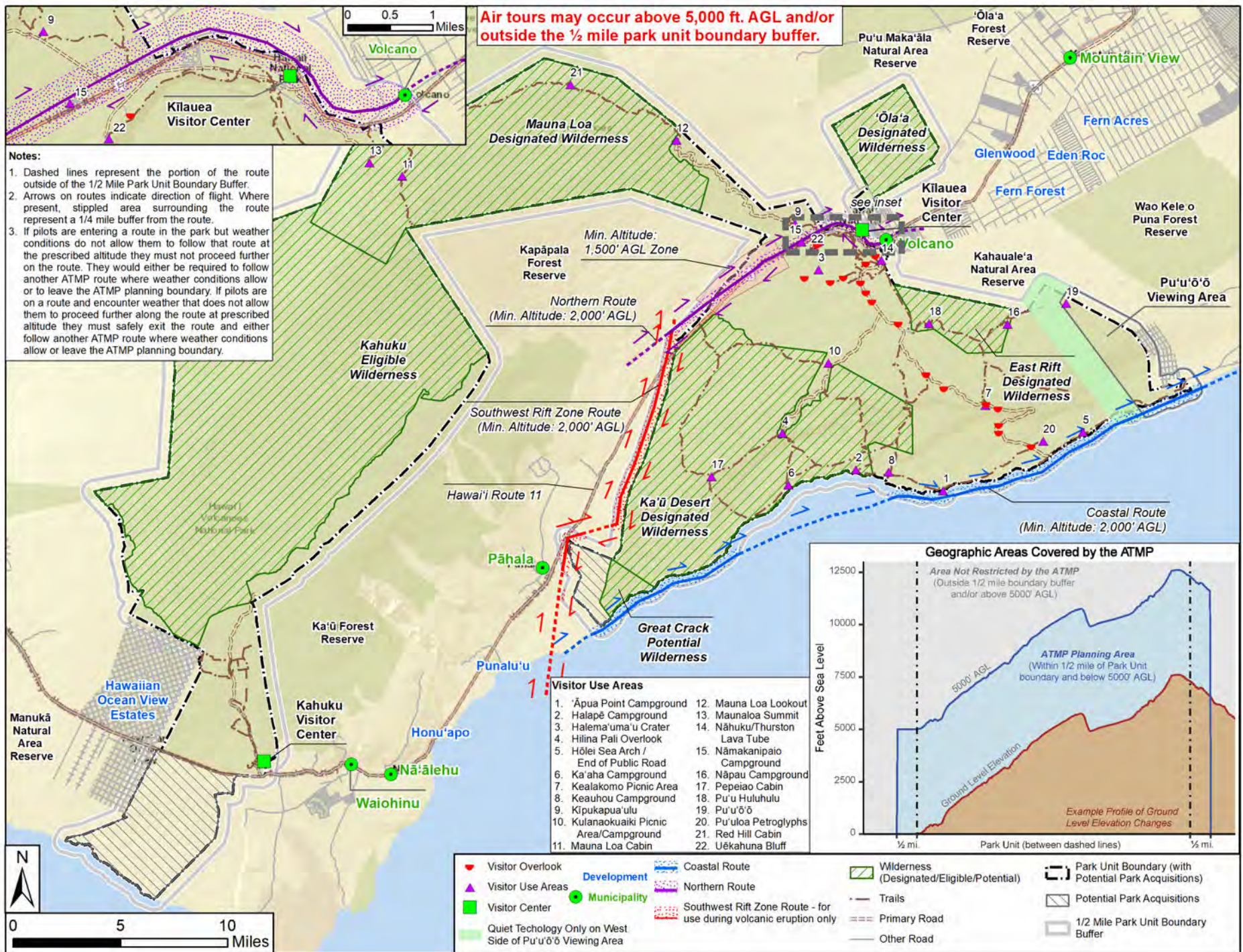
Alternative 3

Monitoring and Enforcement

Upon finalization of the ATMP, the operators would be required to equip all aircraft used for air tours with flight monitoring technology, use flight monitoring technology during all air tours under the ATMP, and to report flight monitoring data as an attachment to the operator's semi-annual reports. Soundscape monitoring would also occur to ensure that the terms and conditions of the ATMP are consistent with Park management objectives.



Maunaulu



Alternative 4

Objective

The NPS developed Alternative 4 to provide an air tour route for access to the historically active east rift zone of Kīlauea, an additional route for air tour transit across the lower southern edge of Kahuku, and an offshore coastal flight corridor that would protect wilderness areas and backcountry campgrounds. The heart of the Park, including designated wilderness areas and key cultural and visitor use areas, would be free of commercial air tours. This alternative would avoid or minimize unacceptable impacts to Park soundscapes based on Park management zones. The FAA reviewed the alternative to ensure it meets safety parameters.

Description

This alternative includes three flight corridors for commercial air tours within the ATMP planning area and does not consider any adaptive management routes.

Caps on Numbers of Flights Allowed Annually and Daily

Soundscape modeling for Alternative 4 will consider and evaluate various numbers of annual commercial air tours over the Park, ranging between 1 flight per year to below current condition (the average number of annual commercial air tours conducted over the Park from 2017-2019, in this case 11,376). The number of flights allowed over the Park on an annual basis will be selected

to avoid or minimize unacceptable impacts to soundscapes based on Park management zones. This alternative would consider the use of daily caps by operator due to the historical frequency of air tours that have occurred during eruptive events at the Park.

Routes and Altitudes

This alternative includes three flight corridors where commercial air tour operators would be permitted to fly:

- Pu‘u‘ō‘ō Route: The Pu‘u‘ō‘ō route consists of a route on the east rift of Kīlauea in the Pu‘u‘ō‘ō area with a single entry and exit over the ocean. Only QT aircraft would be permitted to use an expanded fly zone directly west of this route near Pu‘u‘ō‘ō. The flight path on the west side would avoid the designated wilderness boundary at Nāpau, and an impact analysis would be used to determine the boundary line of the west side flight zone. Commercial air tours conducted within this area would be flown at minimum 1,500 ft. AGL.
- Coastal Route: Commercial air tour operators would fly offshore along the edge of the Park boundary, but within ½-mile of the boundary. The route runs offshore along the edge of the ATMP planning area boundary in order to protect wilderness areas and backcountry campgrounds within the Park. This route would be flown at minimum 2,000 ft. AGL. The coastal route would be

Alternative 4

available for use only if commercial air tour operators could safely adhere to the required altitudes and distances to the shore. If an operator is not able to safely fly offshore in accordance with the prescribed altitude and distance requirements, the operator shall not utilize that route.

- Kahuku Route: This route provides access for Kailua-Kona flights and circle island tours across the lower southern edge of Kahuku along Highway 11 to provide views of the southwest rift of Maunaloa and many past eruptions. This route would be flown at minimum 1,500 ft. AGL.

Other than the routes described above, under Alternative 4, no air tours could occur below 5,000 feet AGL over the rest of the Park or within ½-mile of its boundary. Refer to the map for this alternative for a depiction of flight corridors and altitudes.

Loitering/Circling

This alternative would allow loitering and circling along the Pu'u'ō'ō route and viewing area. Impact analyses would be used to set mandatory time limits for loitering within the Pu'u'ō'ō viewing area. Circling aircraft must turn away from the advancing blade as much as possible in order to minimize noise.

Time of Day/Day of Week

Flights would be permitted between the hours of 9:00 a.m. – 5:00 p.m. Flights would be permitted on all days of the week except Sunday. Exceptions to these parameters for QT aircraft are noted below. One no-fly day provides opportunities for visitor enjoyment, particularly bird watching. Sunday was

selected as a no-fly day for consistency with the Park's Mission Critical Administrative Aviation Plan and Environmental Assessment and allows for one weekend flight-free day at the Park.

Quiet Technology (QT) Incentives

The Act requires that the ATMP include incentives for the adoption of QT by commercial air tour operators. Alternative 4 includes the following incentives for operators conducting commercial air tours using QT aircraft:

- Relax the time-of-day restrictions to allow QT aircraft to fly from 8:00 a.m. - 5:00 p.m.
- Allow QT aircraft to conduct commercial air tours in additional locations in the Pu'u'ō'ō viewing area (see map for a depiction of these areas).

In order to qualify for QT incentives, operators will be required to follow a process to be defined by the agencies.

Restrictions for Special Events

This alternative would include a voluntary 3-mile standoff for special events that could be impacted by overflights, limited to the day of the event. Special events could include Native Hawaiian events or other natural and cultural resource programs. Two months' notice would be provided to commercial air tour operators prior to the event. The standoff would not extend outside the boundary of the ATMP planning area.

Alternative 4

Interpretive Training and Education

NPS would provide voluntary training for air tour pilots regarding Park resources. The training would include the Park information that operators could use to further their own understanding of Park priorities and management objectives as well as enhance the interpretive narrative for air tour clients and increase understanding of the Park by air tour clients.

Operators would also be required to complete the FAA Fly Neighborly training for their aircraft type. Fly Neighborly is a noise reduction program that seeks to create better relationships between communities and helicopter operators by establishing noise mitigation techniques and increasing effective communication.

Annual Meeting

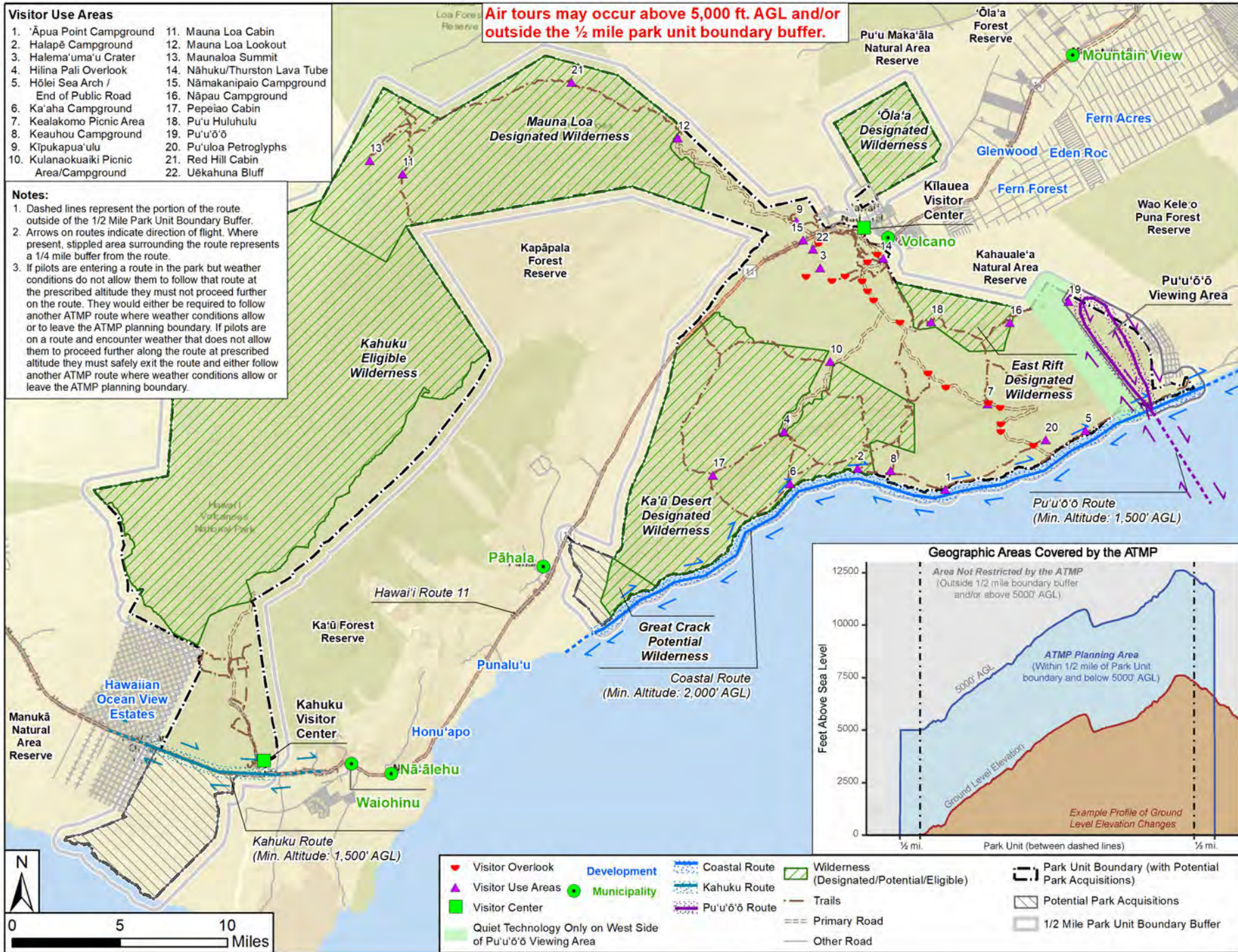
An annual meeting between the agencies and commercial air tour operators would occur under this alternative. The ATMP will describe the details of the annual meeting.

Operators, Initial Allocation of Air Tours, and Aircraft Types

Upon finalization of the ATMP, the number of flights authorized to occur each year would be proportionally allocated to each of the seven operators that have reported operations over the Park in the period from 2017-2019. Each operator's initial allocation will reflect the proportion of their average number of reported flights from 2017-2019 as compared to all operators that have reported flying over the Park during this period. Each operator's aircraft types would reflect those reported in the period from 2017-2019. The initial allocation would be used until a competitive bidding process could occur. Under the Act, IOA terminates 180 days after the date of establishment of the ATMP. However, if FAA updates an operator's Operations Specifications before that time, the IOA will be terminated when the Operations Specifications are updated.

Monitoring and Enforcement

Operators would be required to equip all aircraft used for air tours with flight monitoring technology, use flight monitoring technology during all air tours under the ATMP, and to report flight monitoring data as an attachment to the operator's semi-annual reports. Soundscape monitoring would also occur to ensure that the terms and conditions of the ATMP are consistent with Park management objectives.



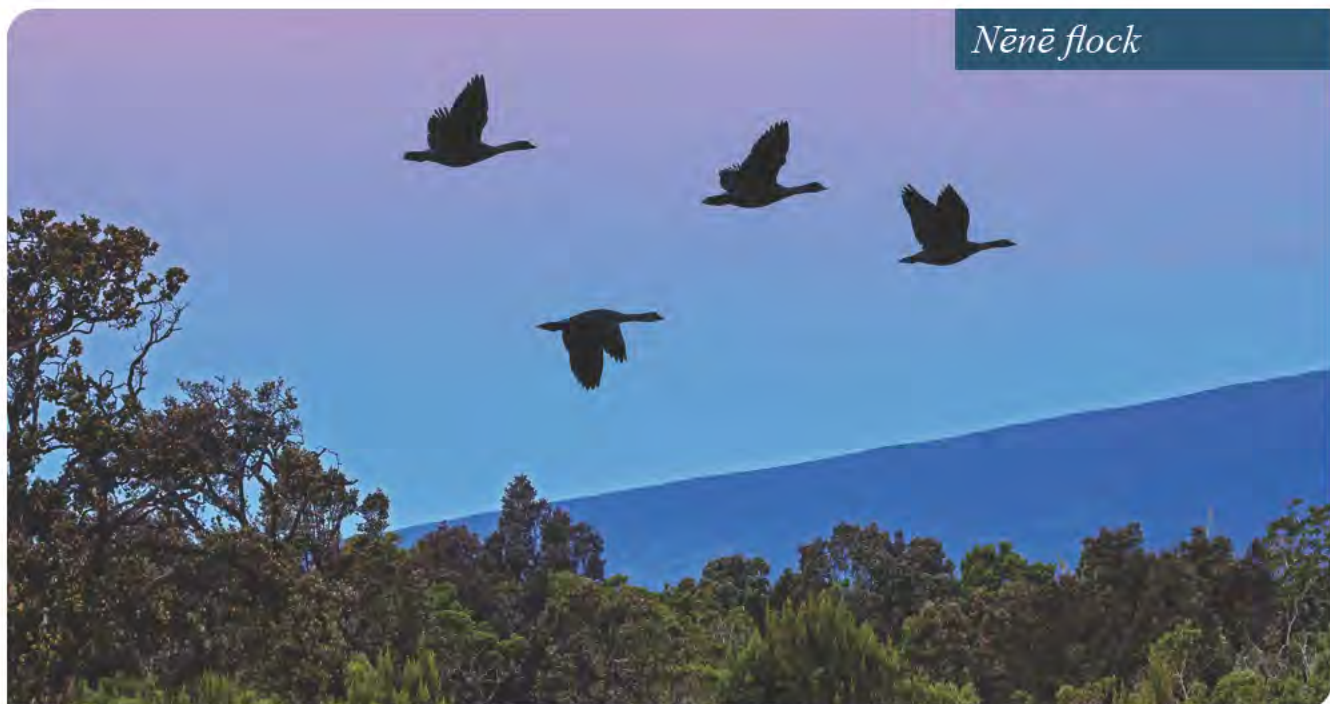
Summary of Alternative Elements

Alternative Attributes	Alternative 1 (No Action)	Alternative 2	Alternative 3	Alternative 4
General Description and Objectives	What happens if the agencies do not adopt an ATMP. Allows a continuation of air tours under IOA without implementation of an ATMP or voluntary agreement. Does not comply with the Act.	Prohibits air tours within the ATMP planning area to maximize Park resource protection. Air tours could still continue to fly outside the ATMP planning area (i.e., above 5,000 feet AGL or more than ½-mile outside of the Park's boundary).	Two main air tour routes, one fly zone, and one adaptive management route provide access to historically active volcanic areas of the Park with soundscape mitigations.	Three routes provide air tour access over the Park with soundscape mitigations, while keeping the heart of the Park free of air tours.
Annual/Daily Number of Flights	Leaves IOA in place, allowing the potential for up to 26,664 commercial air tours each year. Actual number of tours has historically ranged from 8,333 to 16,520 flights per year, or an average of 11,376 flights (based on 2017-2019 reporting).	None in ATMP planning area.	Above 1 and below 11,376 flights per year, dependent on modeling. No daily caps.	Above 1 and below 11,376 flights per year, dependent on modeling. Daily caps will be considered.
Routes	No mandatory routes or no-fly zones. See map for depiction of reported routes and actual operations.	None in ATMP planning area.	Two main routes (coastal route and northern route) and one fly zone (Pu'u'ō'ō viewing area). Also includes an adaptive management route (Southwest Rift Zone route) for use during a volcanic eruption only.	Three routes (Kahuku route, coastal route, Pu'u'ō'ō route). Does not include adaptive management routes.
Minimum Altitudes	Flown in accordance with the HI Manual, generally between 500-1,500 ft. AGL.	No minimum altitude would be set. However, flights over the Park that are above 5,000 feet AGL could occur as they are outside the ATMP planning area. Flights more than ½-mile outside the Park boundary are similarly outside the ATMP planning area and are subject to the altitude restrictions of the HI Manual.	Minimum 1,500 ft. AGL; minimum 2,000 ft. AGL over wilderness areas and sensitive sites. Flights more than ½-mile outside the Park boundary are similarly outside the ATMP planning area and are subject to the altitude restrictions of the HI Manual.	Minimum 1,500 ft. AGL; minimum 2,000 ft. AGL over wilderness areas and sensitive sites. Flights more than ½-mile outside the Park boundary are similarly outside the ATMP planning area and are subject to the altitude restrictions of the HI Manual.
Time of Day	No Restrictions.	N/A	10 AM – 2 PM for non-QT flights. 10 AM – 4 PM for QT flights.	9 AM – 5 PM for non-QT flights. 8 AM – 5 PM for QT flights.

Continuation of Alternative Attributes	Alternative 1 (No Action)	Alternative 2	Alternative 3	Alternative 4
Day of Week	No Restrictions.	N/A	No-fly day on Sunday Only QT flights may fly on Wednesday.	No-fly day on Sunday.
Loitering/ Circling	None.	N/A	Not permitted.	Permits loitering/circling from the Pu'u'ō'ō route.
Quiet Technology (QT) Incentives	None.	N/A	QT flights may fly 10AM - 4PM QT flights may fly on Wednesdays Additional fly locations in the Pu'u'ō'ō viewing area for QT flights.	QT flights may fly 8AM - 5PM Additional fly locations in the Pu'u'ō'ō viewing area for QT flights.
Interpretative Training and Education	None.	N/A	Mandatory.	Voluntary.
Annual Meeting	None.	N/A	Included.	Included.
Restrictions for Particular Events	None.	N/A	Mandatory 5-mile standoff distance. Two months' notice provided to operators.	Voluntary 3-mile standoff distance. Two months' notice provided to operators.
Adaptive Management	None.	N/A	Includes adaptive management route for new eruption along Southwest Rift Zone.	None.
Operators, Initial Allocation of Air Tours, and Aircraft Types	Reflects IOA (26,664 IOA issued to ten operators (five helicopter operators, two fixed-wing operators, and three with unknown aircraft).	N/A	The initial allocation would reflect the proportional number of air tours reported over the Park and the existing aircraft types of each of the seven operators that have reported operating in the period from 2017-2019. Then it would move to competitive bidding.	The initial allocation would reflect the proportional number of air tours reported over the Park and the existing aircraft types of each of the seven operators that have reported operating in the period from 2017-2019. Then it would move to competitive bidding.

Glossary

The Act	National Parks Air Tour Management Act of 2000
ADS-B	Automatic Dependent Surveillance-Broadcast
AGL	Above Ground Level
ATMP	Air Tour Management Plan
EA	Environmental Assessment
FAA	Federal Aviation Administration
FSDO	Flight Standards District Office
HI Manual	Hawai‘i Air Tour Common Procedures Manual
IOA	Interim Operating Authority
NEPA	National Environmental Policy Act
NPS	National Park Service
Park	Hawai‘i Volcanoes National Park
PEPC	Planning, Environment & Public Comment System
QT	Quiet Technology



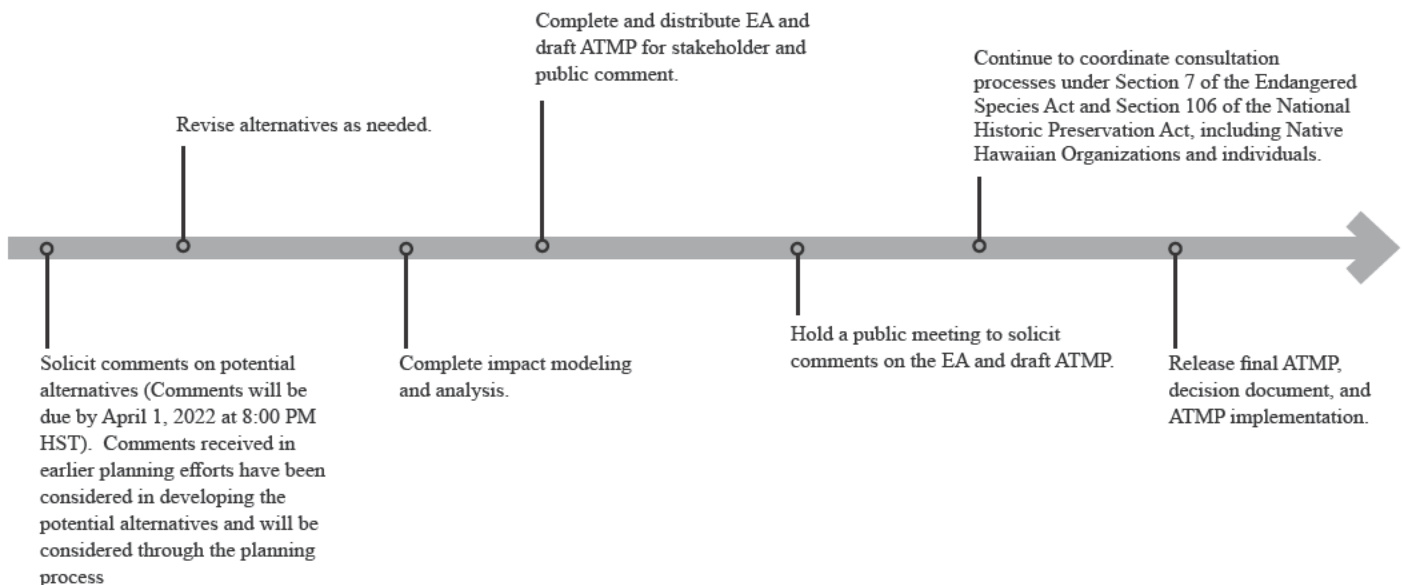
Next Steps

This public scoping period represents the first opportunity to be involved in the current planning process. During this scoping period, the project planning team would like to receive comments on the potential alternatives. After this public scoping process has concluded, the agencies will prepare an EA to comply with NEPA and a draft ATMP. Important steps in the planning process are in the graphic below.

The FAA and the NPS are also identifying resources that are listed in or eligible for listing in the National Register of Historic Places that could be affected by air tours operating under the proposed ATMP. This includes any historic districts, sites, buildings, structures, objects or landscapes, including traditional cultural properties. If members of the public have any information on historic properties that they believe would be helpful in this effort, including properties outside of the Park, we welcome that assistance.

The FAA and the NPS are also seeking to identify additional individuals or organizations that may be interested in participating in Section 106 consultations for the ATMP as consulting parties. We want to ensure that we include anyone that may have information or expertise to share.

Should you have information you wish to provide regarding historic properties or are interested in participating in the Section 106 review process as a consulting party, please contact Cathy Nadals at 240-446-5086 or Catherine.L.Nadals@FAA.gov and copy the ATMP Team at ATMPTeam@dot.gov. Please note that this contact information is only for correspondence related to the Section 106 process and comments not related to the Section 106 process will not be accepted or relayed via email. Instructions for general public comment on the potential alternatives described in this newsletter are provided below.



Instructions for Public Comment

Please comment on any alternative and/or alternative element described above. The agencies are seeking substantive comments that describe why something will or will not work, provide new ideas or factual information to correct or adjust assumptions made, or present reasonable alternatives other than those described. Comments that merely support or oppose the proposals are not considered substantive. Commenters may wish to consider the following questions:

- What elements of the alternatives do you think are most important? Why?
- What other information should the planning team consider when analyzing the alternatives?
- Are there other elements or ideas that should be considered and analyzed that are not already presented? What is missing, and why should it be considered?
- Are there other resources or impact topics that should be considered in the analysis?
- What other comments and suggestions do you have?

Comment submission using the Planning, Environment & Public Comment (PEPC) system is preferred, although written comments sent via postal mail will also be accepted. If you do not have access to a computer, use the attached comment form, following directions on the form. Comments will not be accepted via email.

Comments may be submitted using the [PEPC system](https://parkplanning.nps.gov/HawaiiVolcanoesATMP) (<https://parkplanning.nps.gov/HawaiiVolcanoesATMP>) by **April 1, 2022 at 8:00 PM HST**.

Written comments may be sent via postal mail to the following address:

Volpe National Transportation Systems Center
Kaitlyn Rimol, V-326
Attn: Hawai'i Volcanoes National Park ATMP
55 Broadway
Cambridge, MA 02142

Send Us Your Comments!

PLEASE SUBMIT YOUR COMMENTS BY APRIL 1, 2022 AT 8:00 PM HST.

Please submit comments electronically by visiting: <https://parkplanning.nps.gov/HawaiiVolcanoesATMP>. Once on the website, select “Open for Comment” to provide your thoughts on these preliminary alternatives. If you do not have access to a computer, you can send us your comments on this comment form.

Do you wish to remain on the mailing list for the Air Tour Management Plan ? YES___ NO___

Please print your name and address in the space provided. If the mailing label we used is incorrect, please indicate any corrections in the space below. To keep our mailing list accurate, please check the boxes below that apply.

- ☐ Change my address.
- ☐ Add my name to the mailing list.
- ☐ Remove my name from the mailing list.
- ☐ Send me information by e-mail.

Name: _____

Organization, if any: _____

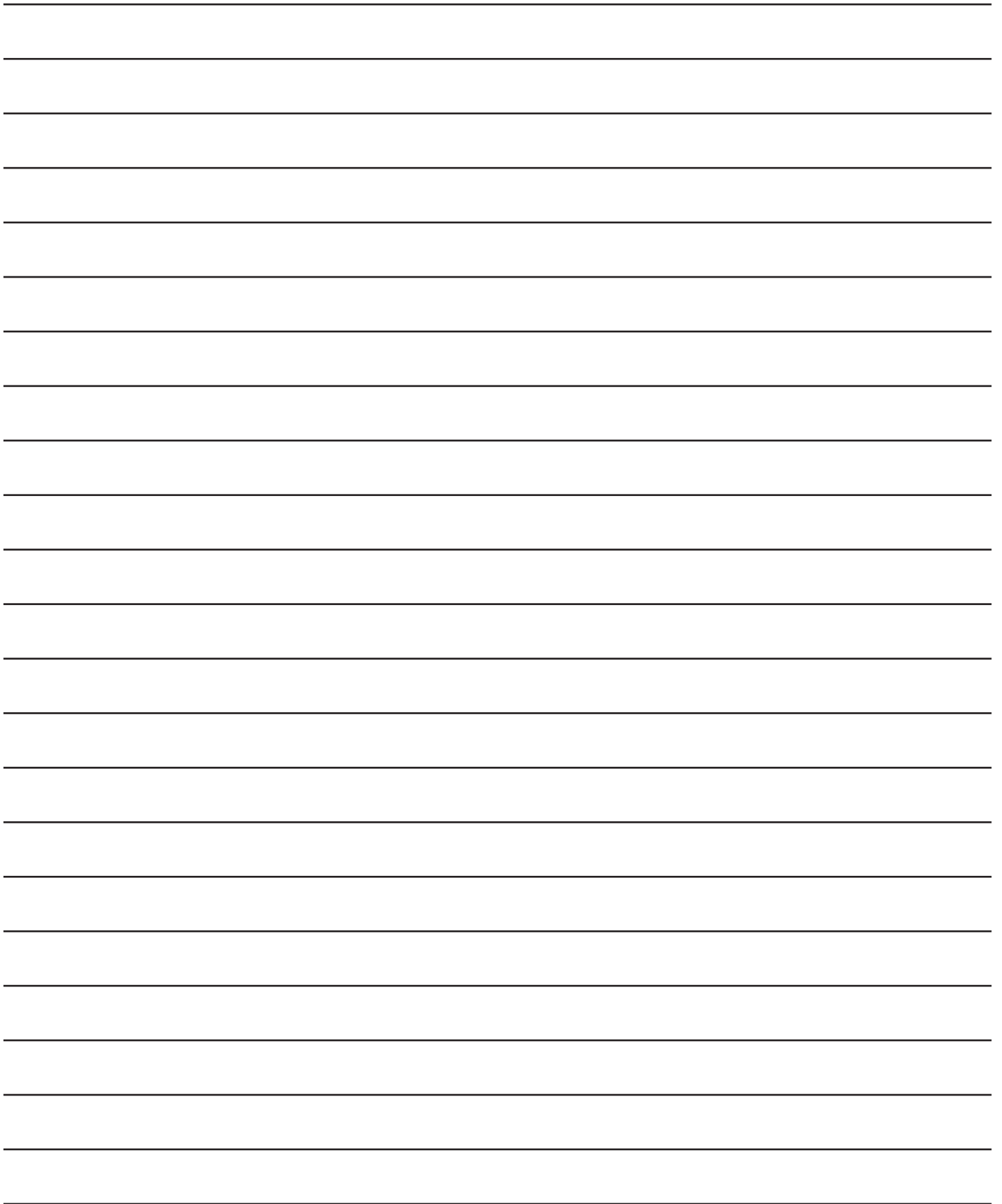
Mailing Address: _____

City/State/Zip: _____

Email: _____

Below, please write any comments or feedback related to information provided in this newsletter. Please include additional sheets of paper as necessary. When complete, please fold this form in half, showing the preprinted address on the outside, tape it closed (no staples please), add postage, and drop in the mail.

Comments will not be accepted by fax, e-mail, or any other way than those specified above. Bulk comments in any format (hard copy or electronic) submitted on behalf of others will not be accepted. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.



Name: _____

Address: _____

ADD
POSTAGE
HERE

Volpe National Transportation Systems Center
Kaitlyn Rimol, V-326
Attn: Hawai'i Volcanoes National Park ATMP
55 Broadway
Cambridge, MA 02142

From: [REDACTED]
To: [Nadals, Catherine L <FAA>](#)
Cc: [Andrus, Katherine <FAA>](#); [Lusk, Keith <FAA>](#); [Rimol, Kaitlyn \(Volpe\)](#); [REDACTED]; [Papazian, Jennifer \(Volpe\)](#); [Basic, Catherine <FAA>](#); [Elmore, Eric <FAA>](#); [McAlear, Zoe \(VOLPE\)](#); [Hanchera, Shelby \(Volpe\)](#); [REDACTED]; [Giraldo, Katherine CTR Volpe](#); [REDACTED]; [Lionell, Brent \(Volpe\)](#); [REDACTED]; [ATMPTeam](#)
Subject: Re: Follow up to Saturday meeting on March 12, 2022 - Bobby Camara Comments
Date: Thursday, March 17, 2022 12:40:01 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.

FYI. Published today.
bc

<https://www.civilbeat.org/2022/03/nps-what-do-you-think-about-helicopter-tours-in-hawaiiis-national-parks/>

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

On Mar 17, 2022, at 3:58 AM, Nadals, Catherine L (FAA)
<Catherine.L.Nadals@faa.gov> wrote:

Dear Bobby,

Thank you for submitting comments regarding the development of an air tour management plan (ATMP) at Hawai'i Volcanoes National Park (HAVO).

I greatly appreciate you taking the time last Saturday (March 12, 2022) to accompany me to the slopes of Maunaloa at 6,500 ft. Once there, I noted that helicopters could be heard for at least five minutes as they fly over the ENE portions of Maunaloa to access Kilauea Volcano.

The previous Thursday, I accompanied Danielle Foster to Devastation Trail and other lookout locations along Kilauea to observe and listen to helicopter tours. I will be developing a summary of my observations while there for the record.

Per your request, we will develop a timeline of milestones for the HAVO ATMP to provide to you and other members of the Kūpuna Advisory Group and other consulting parties with a general estimate for the completion of the HAVO ATMP.

Regards,

-Cathy

Catherine Nadals
Cultural Resources Specialist
Office of Environment and Energy

Federal Aviation Administration
800 Independence Ave. SW, Washington, DC 20591
Catherine.L.Nadals@faa.gov
(202) 267-0746
[REDACTED]

From: Bobby Camara [REDACTED]
Sent: Wednesday, March 16, 2022 4:41 PM
To: Nadals, Catherine L (FAA) <Catherine.L.Nadals@faa.gov>
Subject: Followup to Saturday meeting on March 12, 2022

Dear Cathy,

I deeply appreciate your making/taking the time to meet with me and discuss helicopters flying over Hawai'i Volcanoes National Park (HAVO).

Much of our focus has been deeply intrusive helicopter presence and their noise over Kaluapele (the summit caldera of Kīlauea volcano), but other areas of the Park are severely impacted too. These include the East Rift Zone (Makaopuhi, Maunaulu, etc.), as well as Maunaloa. On a clear day, as it was last Saturday, we saw (and heard!) several helicopters approach from the ENE of the Maunaloa lookout and watched them fly down to the summit. Voices of native birds faded in the noise, the sound of breezes were obscured, and the peace and quiet of that remote location was shattered.

I remain steadfast in my unequivocal opposition to any commercial air tours over the lands of Hawai'i Volcanoes National Park, no matter on-ground visitation counts at various locations. The top of the Maunaloa Strip Road at 6,500', is remote, but no less important than the summit of Kīlauea. Your taking time to experience and understand air tour noise impacts is gratefully acknowledged.

We would appreciate a timeline of ATMP milestones. Many of us have been involved in the effort to ban commercial air tours at HAVO for fifteen and more years. We're frustrated, disappointed, and perplexed at the slowness of the project. WHEN will it be finalized???

Many thanks for listening to our deep and passionate concerns.

Aloha,

Bobby Camara
Volcano HI
member, HAVO Kūpuna Advisory Group

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

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

From: [REDACTED]

Sent: Thursday, March 24, 2022 9:50 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: HAVO ATMP Kupuna Comment - Joni Mae Makuakane-Jarrell

Aloha,

Joni Mae has asked me to submit her comments for the HAVO ATMP. Spoke with her over phone on Monday, March 14 at 12:55pm.

"Out of all the alternatives presented, I feel alternative 2 is the best option. I would like to see air tours as far away and as high up as legally possible from the park. Air tours negatively impacts and destroys all the work to protect and preserve all park resources. This includes the soundscapes for cultural practices, locals, visitors alike who come to experience one of the most magnificent landscape and ecosystems in the world. Mahalo."

Charone

--

Charone O'Neil-Naeole
Hawai'i Volcanoes National Park
Revenue & Fee Business Manager
808-985-6152 (Office)
808-985-6009 (Fax)



**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS**
560 N. NIMITZ HWY., SUITE 200
HONOLULU, HAWAII 96817

April 1, 2022

Cathy Nadals
Cultural Resource Specialist
Federal Aviation Administration
819 Taylor St., Rm 14A02
Fort Worth, TX 76102

Re: National Parks Air Tour Management Plan for Hawai'i Volcanoes National Park
Public Scoping – Proposed Alternatives
Kapāpala and Keahou Ahupua'a, Ka'u Moku, Hawai'i Moku
Tax Map Keys: (3) 9-9-001:001; 9-8-001:001; 1-1-004:003, 020, 034; and, 1-1-001:012

Aloha e Ms. Nadals:

The Office of Hawaiian Affairs (OHA) is in receipt of your February 2022 newsletter inviting us to comment on the proposed alternatives for the Hawai'i Volcanoes National Park (HAVO) Air Tour Management Plan (ATMP). The Federal Aviation Administration (FAA) is preparing this ATMP in cooperation with the National Park Service (NPS). The ATMP will apply to commercial air tours flown at or below 5,000 feet above ground and within a half mile of the park boundaries. The newsletter further indicates that ATMPs are subject to environmental review, and that any comments provided at this time in regards to the alternatives would be used to inform and refine the draft environmental assessment as part of the public scoping process. A preferred alternative has not yet been selected.

The newsletter first presents Alternative 1 as a no action alternative. Under this alternative, commercial flights would still continue under a FAA Interim Operating Authority with no flight path restrictions or limits to altitude or agreement with HAVO. Notably, the National Parks Air Tour Management Act was created to enable the development of ATMPs between the FAA and NPS so that controls over air tours, such as routes, altitudes, time of day restrictions, and/or maximum number of flights for a given period could be established. Aside from the no action alternative, three other alternatives are provided in the newsletter: 1) Alternative 2 – prohibits air tours within the ATMP planning area (up to 5,000 ft) to maximize park resource protection; 2) Alternative 3 – two main flight routes (coastal and northern route) with set flight times between 10AM and 2PM for non-quiet tech¹ flights and 10AM to 4PM for quiet tech flights; and, 3) Alternative 4 – three main flight routes (Kahuku, Coastal, Pu'u 'ō'ō) with set flight times between 9AM to 5PM for non-quiet tech flights and 8AM to 5PM for quiet-tech flights..

Previously, OHA participated in National Historic Preservation Act Section 106 consultations for the ATMP and did submit formal comments on January 5, 2022. As should be

¹ Quiet Technology Flights: While not explicitly defined in the newsletter, it is implied to mean commercial aircraft with lower fly over noise levels.

apparent, many park visitors, Native Hawaiian beneficiaries, and the Kupuna Council (cultural advisors to HAVO) consistently advocated against commercial air tours due to adverse effects caused by low flying commercial flights on the use and serenity of the vast cultural landscape present within HAVO boundaries. Further, the Kupuna Council believes that Kīlauea is sacred and has requested a no-fly zone for decades. OHA maintains that a traditional cultural property study be done and appropriate vertical buffers be established given the abundance of cultural concerns presented.

While the set of alternatives provided in the newsletter does not create an absolute no-fly zone, OHA does acknowledge that Alternative 2 does in fact restrict all commercial air operators within the airspace under the ATMP's jurisdiction. **As such, OHA believes Alternative 2 should be the preferred option at this time.** Beyond the current environmental review process, OHA is aware that members of the Kupuna Council intend to reach out to the Hawai'i Congressional delegation to work towards establishing a no-fly zone up to at least 9,000 feet. As such, OHA will maintain contact with the Kupuna Council and offer support where we can.

OHA does acknowledge that Alternatives 3 and 4 will still be retained as part of the environmental assessment for analysis purposes. To improve these options, OHA recommends that Alternatives 3 and 4 further add no fly days on Sundays, mandatory interpretive training requirements for pilots, restricting flights during cultural events (with mandatory standoff distance), daily caps on flights, and explicit noise thresholds and monitoring methods for quiet technology flights. Further, comments received during the NHPA Section 106 process should be meaningfully integrated into the environmental assessment. As presented in our January 5 letter, a copy of which is attached for immediate reference, OHA maintains that improved flight monitoring methods, cue-based pilot training, and stricter aircraft maintenance requirements must be adopted within the ATMP.

Mahalo for the opportunity to comment. OHA looks forward to continuing consultation and reviewing the forthcoming draft environmental assessment. Should you have any questions, please contact OHA's Lead Compliance Specialist, Kamakana C. Ferreira at (808) 594-0227 or by email at kamakanaf@oha.org.

‘O wau iho nō me ka ‘oia ‘i‘o,



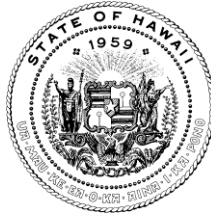
Sylvia M. Hussey, Ed.D.
Ka Pouhana, Chief Executive Officer

SH:kf

Attachment: January 5, 2022 letter

cc: Rhonda Loh, Superintendent, Hawai'i Volcanoes National Park
Mililani Trask, OHA Hawai'i Island Trustee

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

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M. KALEO MANUEL
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

April 18, 2022

Raquel Girvin
Regional Administrator, Western-Pacific Region
Federal Aviation Administration
U.S. Department of Transportation, Federal Aviation Administration
Email Reply to: Jonathan.Schmidt@dot.gov

IN REPLY REFER TO:
Project No.: 2022PR00396
Doc No.: 2204SH02
Archaeology
History and Culture

Rhonda K. Loh
Park Superintendent, Hawai'i Volcanoes National Park
National Park Service
Email Reply to: [REDACTED]

Natalie B. Gates
Park Superintendent, Haleakalā National Park
National Park Service
Email Reply to: [REDACTED]
Electronic Transmittal Only, No Hard Copy to Follow

Dear Raquel Girvin, Rhonda Loh, and Natalie Gates:

SUBJECT: **National Historic Preservation Act (NHPA) Section 106 Review –
Initiation of Consultation
National Parks Air Tour Management Program
Multiple Ahupua'a, Islands of Maui and Hawai'i
TMK: (2) and (3)**

The State Historic Preservation Division (SHPD) received a joint letter dated March 29, 2022 from the U.S. Department of the Interior, National Park Service and the U.S. Department of Transportation, Federal Aviation Administration to initiate the NHPA Section 106 process with the State Historic Preservation Officer (SHPO) for the National Parks Air Tour Management Program project on the islands of Maui and Hawai'i. The SHPD received this submittal on March 22, 2022.

According to the letter received, 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 a federal undertaking as defined in 36 CFR 800.16(y) and therefore the project is subject to compliance with Section 106 of the NHPA. The FAA is acting as the lead federal agency overseeing compliance with Section 106 for this undertaking. The FAA will be coordinating its review under Section 106 with its compliance with the National Environmental Policy Act (NEPA).

The FAA and NPS state each ATMP will be unique and therefore, each ATMP will be assessed individually under Section 106 and NEPA. The agencies are working to complete all of the ATMPs by August 31, 2022. 1 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.

The subject letter asserts 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, the air tours have been conducted pursuant to interim operating authorizations (IOAs) as provided in NPATMA. The agencies are creating ATMPs to replace IOAs.

The FAA and NPS have requested the SHPO's 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. This can be referenced online at: <https://www.doi.gov/hawaiian/NHOL>. Additionally, SHPD recommends expanding consultation to interested parties such as civic clubs and historic preservation interest groups such as Historic Hawai'i Foundation and the National Trust for Historic Preservation.

The SHPD looks forward to continuing the Section 106 process for the proposed project and to receiving next, as indicated, the agencies' proposed Area of Potential Effects (APE) and information regarding the identification of historic properties. **The SHPD requests** future correspondence include a comprehensive list of the ahupua'a, districts, and Tax Map Keys within the APE.

Please submit all forthcoming information and correspondence related to the subject project to the SHPD HICRIS system under Project 2022PR00396 using the Project Supplement option. **Please note**, per the FAA and NPS's above statement that each ATMP will be unique and therefore, each ATMP will be assessed individually under Section 106 and NEPA, each individual undertaking, as it is defined, should be submitted to SHPD's HICRIS system under a unique Project Number.

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 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: Kathering Giraldo, Department of Transportation (K.Giraldo.CTR@dot.gov)