

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

*Consultation Initiation*



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



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

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

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

March 29, 2021

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

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

Dear Ms. Case:

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

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

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

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

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

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

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

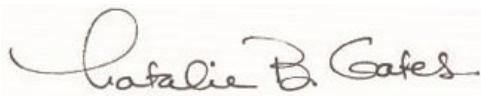
Sincerely,



Raquel Girvin  
Regional Administrator  
Western-Pacific Region  
Federal Aviation Administration



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



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

cc: Dr. Alan S. Downer via HICRIS

Attachment A: List of Consulting Parties

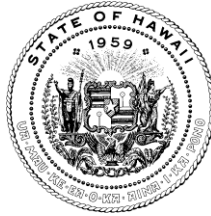
**ATTACHMENT A**  
**CONSULTING PARTIES LIST**

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

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

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

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



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

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

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

ROBERT K. MASUDA  
FIRST DEPUTY

M. KALEO MANUEL  
DEPUTY DIRECTOR - WATER

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

April 26, 2021

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

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

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

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

Dear Rhonda Loh, Natalie Gates, and Raquel Girvin:

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

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

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

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

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

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

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

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

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

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

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

Aloha,

*Alan Downer*

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

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

**From:** [Brent Armenta](#)  
**To:** [ATMPTeam](#)  
**Subject:** RE: Section 106 Consultation for Air Tours at Haleakalā National Park\_AlexAir, Inc  
**Date:** Friday, August 6, 2021 12:06:26 PM

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**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.

Dear Cathy,

Yes, please include me in any of the correspondence and we will be part of the consulting process.

Thank you,

Brent Armenta  
Director of Operations  
AlexAir Inc. DbA Maverick Helicopters  
626-252-5647  
[barmenta@flymaverick.com](mailto:barmenta@flymaverick.com)

**From:** ATMPTeam [mailto:ATMPTeam@dot.gov]  
**Sent:** Friday, August 6, 2021 4:59 AM  
**To:** Brent Armenta <BArmenta@flymaverick.com>  
**Cc:** Papazian, Jennifer (Volpe) <Jennifer.Papazian@dot.gov>; [REDACTED] Nadals,  
Catherine L <FAA> <catherine.l.nadals@faa.gov>; Manning, Derek (Volpe)  
<Derek.Manning@dot.gov>; [REDACTED]  
**Subject:** Section 106 Consultation for Air Tours at Haleakalā National Park\_AlexAir, Inc

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Brent Armenta:

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

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

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

Best Regards,  
Cathy Nadals

**From:** [Nadals, Catherine L \(FAA\)](#)  
**To:** [parks dept](#)  
**Cc:** [ATMPTeam](#); [Manning, Derek \(Volpe\)](#)  
**Subject:** RE: Section 106 Consultation for Air Tours at Haleakalā National Park\_City of Kaupo  
**Date:** Monday, August 16, 2021 6:23:06 AM

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Dear Director Karla Peters,

Thank you for letting us know that you will not be participating as a consulting party in the ATMP development process for Haleakalā National Park.

Regards,

Catherine Nadals

Office of Environment and Energy  
Federal Aviation Administration  
800 Independence Ave. SW, Washington, DC 20591  
[Catherine.L.Nadals@faa.gov](mailto:Catherine.L.Nadals@faa.gov)  
(202) 267-0746  
cell: [REDACTED]

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**From:** parks dept <parks.dept@co.maui.hi.us>  
**Sent:** Monday, August 16, 2021 2:07 AM  
**To:** Nadals, Catherine L (FAA) <Catherine.L.Nadals@faa.gov>  
**Subject:** Section 106 Consultation for Air Tours at Haleakalā National Park\_City of Kaupo

Aloha Catherine Nadals,

Thank you for your email. After reviewing the document, the Parks Department will not need to participate as a consulting party..

Please let me know if you have any questions.

Take care!  
Karla Peters  
Director