

Exhibit 2 – Invitation to December 9, 2021, Listening Session

Initial APE Development and Historic Property Identification

From: [ATMPTeam](#)
To: [REDACTED]
Cc: [Papazian, Jennifer \(Volpe\)](#); [REDACTED] [Nadals, Catherine L <FAA>](#); [REDACTED] [Rimol, Kaitlyn \(Volpe\)](#)
Subject: RE: Listening session regarding ATMP for Haleakalā National Park
Date: Wednesday, December 8, 2021 2:27:29 PM
Attachments: [ATMP Listening Session HALE Dec 9 2021 Final.pdf](#)

Please find attached, copies on the slides for consultation meeting tomorrow.

From: ATMPTeam <ATMPTeam@dot.gov>
Sent: Thursday, December 2, 2021 2:29 PM
To: ATMPTeam <ATMPTeam@dot.gov>; [REDACTED]
Cc: Papazian, Jennifer (Volpe) <Jennifer.Papazian@dot.gov>; [REDACTED] Nadals, Catherine L <FAA> <catherine.l.nadals@faa.gov>; [REDACTED] Rimol, Kaitlyn (Volpe) <Kaitlyn.Rimol@dot.gov>
Subject: RE: Listening session regarding ATMP for Haleakalā National Park

Dear Kahu Lyons Naone:

Last week we sent you an email (see below) inviting you to participate in a virtual listening session being hosted by the Federal Aviation Administration (FAA) and National Park Service (NPS). The purpose of this virtual gathering is to seek your input in the development of an Air Tour Management Plan (ATMP) at Haleakalā National Park. Kawailehua Domingo, Haleakalā National Park Community Liaison, will facilitate the listening session which will be held over Zoom on December 9th from 9:00-11:00 (Hawaii Time).

We seek to learn from you about historic or sacred areas within the park that you believe could be affected by air tours. We also hope to get your input about any other concerns you may have as we develop an ATMP for Haleakalā National Park.

We have attached the following materials in preparation for the meeting:

- a. Draft Agenda for the December 9th discussion,
- b. Map of existing air tour operations over the park,
- c. A copy of draft alternatives developed in 2011,
- d. Summary of comments received through compliance activities in 2004, 2005, 2011, and 2021,
- e. Copy of the presentation made to consulting parties on October 28, 2021,
- f. Meeting summary from the October 28, 2021 meeting,
- g. Map and list of historic and cultural properties identified to date that may be affected by air tour operations.

We look forward to hearing from you as we develop an ATMP at Haleakalā National Park.

From: ATMPTeam <ATMPTeam@dot.gov>
Sent: Tuesday, November 23, 2021 3:53 PM

To: [REDACTED]

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

[REDACTED] Rimol, Kaitlyn (Volpe) <Kaitlyn.Rimol@dot.gov>

Subject: Listening session regarding ATMP for Haleakalā National Park

Dear Kahu Lyons Naone:

The Federal Aviation Administration (FAA) and National Park Service (NPS) will be holding a virtual listening session regarding the draft Air Tour Management Plan (ATMP) for Haleakalā National Park on December 9, 2021, at 9:00 AM Hawaii Standard Time.

The intent of this meeting is to ensure the two agencies have a full understanding of the community concerns raised during ATMP consultations in 2004, 2005, and 2011. We also want to provide you with the opportunity to identify any additional or more current concerns that may have arisen over the past 10+ years since the ATMP process was interrupted.

We are proposing the following agenda for the listening session:

- 2011 Proposed Action – Summary of Comments Received
- Current Air Tour Activities
- Historic Property/Sacred Site Summary
- Listening Session

We welcome any edits to the above agenda.

Our primary objective for the listening session is to hear from you - as individuals with familial and traditional relationship to the lands comprised by Haleakalā National Park. We value your input and consequently will keep presentations to a minimum to allow time for discussion.

In a follow-up email to this one, you will receive a number of background materials you may find helpful. These include: a map showing existing tour operations, a map and list of historic properties and significant cultural sites, copies of the 2011 National Environmental Policy Act (NEPA) alternatives, and slides/meeting minutes from the October 28, 2021 meeting. (If you don't receive a follow-up email with the attachments listed above please let us know).

Kawailehua Domingo, Haleakalā National Park Community Liaison, will facilitate the listening session.

The meeting will be held via Zoom and the meeting link is provided below. If you would like to participate in the virtual listening session but do not have adequate internet/computer capability, please contact Kawai. We will make every effort to facilitate your participation.

Join ZoomGov Meeting

<https://usdot.zoomgov.com/j/1603112611?pwd=cmJ4OXBxTkRjRldXRGNYdllmSHFtZz09>

Meeting ID: 160 311 2611

Passcode: 123456

One tap mobile

+16692545252,,1603112611#,,,,*123456# US (San Jose)

+16468287666,,1603112611#,,,,*123456# US (New York)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

+1 669 216 1590 US (San Jose)

+1 551 285 1373 US

Meeting ID: 160 311 2611

Passcode: 123456

Find your local number: <https://usdot.zoomgov.com/join/1603112611>

Join by SIP

1603112611@usdot.zoomgov.com

Join by H.323

161.199.138.10 (US West)

161.199.136.10 (US East)

Meeting ID: 160 311 2611

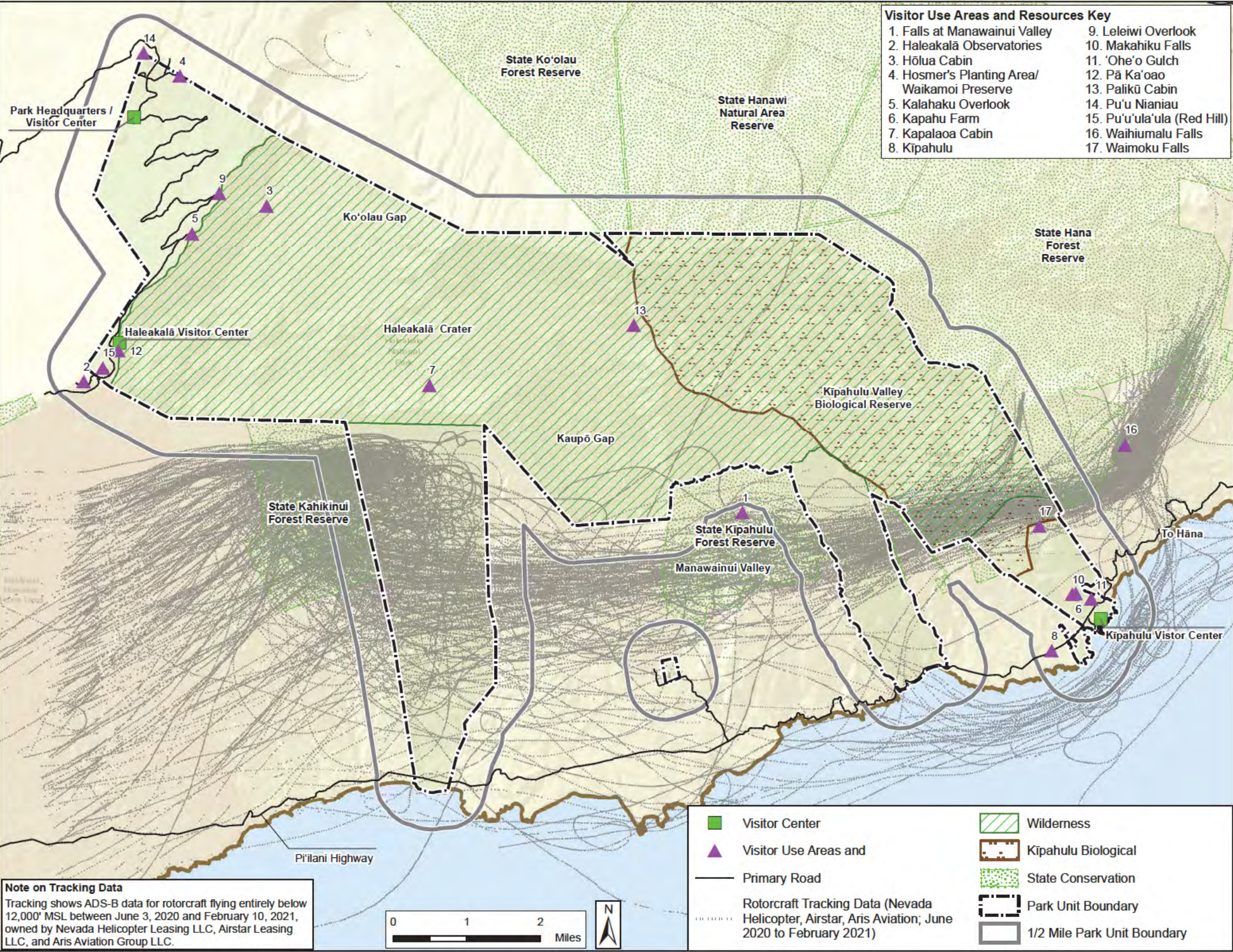
Passcode: 123456

Haleakala Air Tour Management Plan Development
Listening Session Agenda
December 09, 2021
9:00 – 11:00

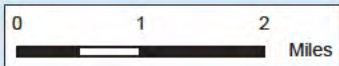
- *Current Air Tour Activities*
- *2011 Proposed Action – Summary of Comments Received*
- *Historic Property/Sacred Site Summary*
- *Listening Session*

Visitor Use Areas and Resources Key

- | | |
|---|-----------------------------|
| 1. Falls at Manawainui Valley | 9. Leleiwi Overlook |
| 2. Haleakalā Observatories | 10. Makahiku Falls |
| 3. Hōlua Cabin | 11. 'Ohe'o Gulch |
| 4. Hosmer's Planting Area/ Waikamoi Preserve | 12. Pā Ka'ao |
| 5. Kalahaku Overlook | 13. Palikū Cabin |
| 6. Kapahu Farm | 14. Pu'u Niania |
| 7. Kapalaoa Cabin | 15. Pu'u'ula'ula (Red Hill) |
| 8. Kipahulu | 16. Waihiimalu Falls |
| | 17. Waimoku Falls |



Note on Tracking Data
Tracking shows ADS-B data for rotorcraft flying entirely below 12,000' MSL between June 3, 2020 and February 10, 2021, owned by Nevada Helicopter Leasing LLC, Airstar Leasing LLC, and Aris Aviation Group LLC.



- | | |
|--|-----------------------------|
| Visitor Center | Wilderness |
| Visitor Use Areas and | Kipahulu Biological |
| Primary Road | State Conservation |
| Rotorcraft Tracking Data (Nevada Helicopter, Airstar, Aris Aviation; June 2020 to February 2021) | Park Unit Boundary |
| | 1/2 Mile Park Unit Boundary |



Haleakalā National Park Air Tour Management Plan

Environmental Impact Statement Newsletter

Preliminary Alternatives for Public Comments

April 2011

Meeting Times and Locations

Tuesday, April 12, 2011

5:00 – 7:00 PM

Maui Arts and Cultural Center
(MACC), Alexa Higaski
Meeting Room
One Cameron Way
Kahului, HI 96732

Wednesday, April 13, 2011

5:00 – 7:00 PM

Kula Community Center
3690 Lower Kula Road
Kula, HI 96790

Thursday, April 14, 2011

5:00 PM – 7:00 PM

Helene Community Center
(Hana)
150 Keawa Place
Hana, HI 96713

Haleakala National Park Air Tour Management Plan Update

In 2004, the Federal Aviation Administration (FAA) and National Park Service (NPS) invited your comments on an Air Tour Management Plan Environmental Assessment (EA) related to managing commercial air tour overflights at Haleakalā National Park. In 2006, the project was upgraded to an Environmental Impact Statement (EIS). Since 2007, a planning team composed of FAA, NPS and Volpe National Transportation Systems Center staff has been working on preliminary alternatives.

Why has it taken so long?

The planning process was delayed due to differences in FAA and NPS policy and analysis of how to best integrate the environmental compliance guidance of both agencies into the air tour management planning process.

Many of you commented during public meetings and in correspondence for both the EA and the EIS scoping efforts. We would like to share our progress on this project over the past several years and encourage your renewed involvement. This newsletter contains a summary of the preliminary alternatives for the Haleakalā Air Tour Management Plan (ATMP) for your review and comment. This newsletter also includes a description of expected tasks during the coming months, including additional opportunities for you to provide input. Thank you for your continued interest and involvement.

The purpose of this document is to present preliminary alternatives for the Haleakalā National Park ATMP EIS for public and stakeholder input. It is important to emphasize that final decisions have not been made on any of the alternatives and elements of the alternatives, and no detailed analysis of environmental impacts has been performed yet. After public and stakeholder input are received, the alternatives and elements of the alternatives may be refined, dismissed from further consideration, or new alternatives may be considered. Alternatives carried forward will be analyzed in the Draft EIS. As required by the Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA), the Draft EIS will be circulated for public comment.

Under NEPA, alternatives must meet the purpose (i.e., objective) and need for the action. Under the National Parks Air Tour Management Act (NPATMA), an ATMP needs to be established “for any national park or tribal land for which such a plan is not in effect whenever a person applies for authority to conduct commercial air tour operation over the park.” The objective of an ATMP as defined by NPATMA “shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands.” Commercial air tour operations are defined as any flight conducted for compensation or hire in a powered aircraft, where a purpose of the flight is sightseeing over a national park, within a ½-mile outside the boundary of any national park, or over tribal lands during which the aircraft flies below 5,000 feet above ground level (AGL).

An ATMP will incorporate the following:

- **Reporting requirements** - There will be a requirement for commercial air tour operators to provide regular reporting of air tour flights approved under the ATMP.
- **FAA airspace authority** - The FAA has authority for all airspace matters, including any enforcement actions for violations under the ATMP, which will be processed in accordance with existing FAA procedures and regulations.
- **Competitive bidding** - NPATMA states whenever an ATMP limits the number of commercial air tour operations during a specified time frame, a competitive bidding process is triggered. Since the number of flights would be limited for Alternatives 3, 4, 5, and 6 (see below), competitive bidding would be required.
- **Minimum altitudes** - It is unlawful to operate any aircraft within 1,000 feet AGL of any humpback whale in the vicinity of the Hawaiian Islands. All altitudes below 1,500 feet AGL for fixed wing aircraft must be 500 feet above the altitudes listed for helicopters.
- **In-flight deviations** - In-flight deviations from routes and corridors may occur when necessary due to weather or other safety issues.

INSTRUCTIONS FOR PUBLIC COMMENT:

Please comment on any alternative and/or alternative element described below. Comments that describe why something will or will not work, or provide new ideas or factual information to correct or adjust assumptions made, as opposed to just expressing like or dislike, are particularly helpful.

Alternative 1: No Action, Interim Operating Authority (IOA)

Objective: Required by the CEQ and NEPA regulations.

Description: The No Action Alternative is a continuation of what is currently flown and allowed under existing law including, but not limited to, each company's IOA as granted by the FAA (Federal Register, Vol. 70, No. 194, October 7, 2005, page 58778), applicable regulations that govern air safety found at Title 14 Code of Federal Regulations Part 136, Appendix A (formerly Special Federal Aviation Regulation 71), and any FAA deviations issued to individual operators as outlined by the Hawai'i Air

Tour Common Procedures Manual (HI Manual). Seven helicopter operators (Aris doing business as Air Maui Helicopter Tours, Alexair Helicopters, Blue Hawaiian Helicopters, Hawai'i Helicopters, Makani Kai Helicopters, Rainbow Pacific Helicopters, and Sunshine Helicopters) and three fixed wing operators (Call Air doing business as Eco Air Tours, Maui Island Air doing business as Volcano Air Tours, and Paragon Airlines) have IOA to fly a total of 26,325 (25,872 helicopter and 453 fixed wing) air tours annually over Haleakalā National Park and within a ½-mile buffer below 5,000 feet AGL. The actual number of air tours annually may fluctuate dependent upon demand, but cannot exceed the IOA amount authorized. Based on acoustical monitoring data gathered in 2008, the NPS believes that 12,796 helicopter and 0 fixed wing air tours are currently flown annually by operators that have IOA over the park and within a ½-mile buffer below 5,000 feet AGL. Air tours originate at the Kahului Airport/Heliport and Kapalua Airport on Maui and the Honolulu Airport on Oahu.

There are no mandatory flight routes or no fly-zones. The actual flight path of air tours can vary due to operator preference, safety considerations, and weather conditions at the time of the tour. There are flight routes and a fly zone that helicopter operators currently follow on a voluntary basis under 1998 and 2002 letters of agreement between Haleakalā National Park and the Hawai'i Air Tour Association, Maui. There are also temporary, voluntary no-fly periods for cultural events which occur occasionally. The attached map for this alternative shows where commercial air tour operations are generally being or have historically been flown by operators that have IOA over the park and within a ½-mile buffer below 5,000 feet AGL.

Operators have been granted deviations to fly below 1,500 feet AGL over Haleakalā National Park and within a ½-mile buffer provided they meet certain requirements and limitations set forth by the FAA in the HI Manual. Areas where operators are allowed to fly below 1,500 feet AGL are shown on the maps in the HI Manual.

Alternative 2: No Park Air Tours

Objective: This alternative seeks the greatest protection for the purpose, resources, and values of the park including: the summit of Haleakalā (meaning rim and crater) as a Traditional Cultural Property with spiritual and cultural significance to Native Hawaiians; threatened and endangered species and other wildlife sensitive to noise; Congressionally-designated Wilderness; ground-based visitor experience; Hawaiian traditional cultural practices; scenic qualities, and natural sounds.

Description: Commercial air tour operations would not be allowed over Haleakalā National Park and within a ½-mile buffer below 5,000 feet AGL. An unlimited number of air tours originating from the Kahului Airport/Heliport and Kapalua Airport on Maui and the Honolulu Airport on Oahu, would still continue to fly outside of the park and within a ½-mile buffer below 1,500 feet AGL in accordance with the HI Manual. Aircraft will also probably fly above 5,000 feet AGL over certain areas of the park. The actual flight path of air tours would vary due to operator preference and weather conditions at the time of the tour. There would be no mandatory flight routes or no fly-zones. The attached map for this

alternative shows where commercial air tour operations would most likely fly based on current air tour activity.

Alternative 3: Southern Route

Objective: This alternative examines the impacts of limiting helicopter air tours to the south side of the park on a popular current air tour route. This route, which provides a view into Haleakalā Crater, is part of a commonly booked, hour-long air tour around East Maui.

Description: Commercial helicopter air tour operations would fly at 500 feet AGL on the existing southern route that helicopter operators currently follow on a voluntary basis under 1998 and 2002 letters of agreement between Haleakalā National Park and the Hawai'i Air Tour Association, Maui. This route includes a 1-mile wide fly zone through the Waimoku Falls area at Kīpahulu. Consistent with current conditions, no fixed wing commercial air tour operations would be allowed over the park and within the ½-mile buffer below 5,000 ft AGL. The attached map for this alternative shows where commercial helicopter air tour operations would fly.

Caps on numbers of flights allowed annually: This alternative would analyze a range of numbers of flights between 75% (9,597) and 25% (3,199) of the current condition of 12,796 air tours.

Time of day and day of week restrictions: Flights would be allowed Monday through Friday (exception for quiet technology helicopters noted below) from approximately 1 hour after sunrise to approximately 1 hour before sunset (that is, 7:00 – 18:00 from April to September and 8:00 – 17:00 from October to March). Only quiet technology flights would be allowed on Saturdays. No flights would be allowed on Sundays over the park and within the ½-mile buffer below 5,000 ft AGL.

Quiet technology incentives: NPATMA requires that the ATMP include incentives for the adoption of quiet technology by air tour operators. This alternative would lessen day of week restrictions for quiet technology helicopters by allowing them to fly on Saturdays from approximately 1 hour after sunrise to approximately 1 hour before sunset (that is, 7:00 – 18:00 from April to September and 8:00 – 17:00 from October to March). Use of quiet technology helicopters would also be one of the factors evaluated in the competitive bidding process.

Interpretive training and education: Air tour operators would need to attend a NPS provided or approved mandatory training highlighting the purpose, resources, and values of the park. NPS believes this would provide operators with accurate and current information about the park, as well as explanations as to why flights are limited to some park areas. Training would include: 1) an annual ½-day class for pilots; and 2) distribution of educational NPS guidebooks/brochures to air tour clients.

Restrictions for particular events: Mandatory temporary no-fly periods for cultural and other special events when scheduled, or with no less than two weeks notice, including:

- Ceremonies associated with Makahiki, the Hawaiian New Year, from October through March (up to 5 non-consecutive days at the summit of Haleakala and up to 5 non-consecutive days at Kīpahulu from sunrise to sunset);
- Annual bird surveys (up to 3 consecutive days in August in Haleakalā Crater from sunrise to sunset for nēnē and up to 4 consecutive weeks between March and April in Kīpahulu and other rainforest areas from sunrise until noon for forest birds); and
- Other events to be identified (typically once or twice a year).

Adaptive Management: Adaptive management is a systematic approach for achieving identified outcomes through time (see Department of Interior, Departmental Manual 516 DM 4.16). It sets desired conditions, develops monitoring criteria, and identifies thresholds for action when desired conditions are not met. This alternative would use an adaptive management strategy for adjusting the number of flights allocated annually for an air tour operator, so that overall desired conditions are not exceeded.

Alternative 4: Letters of Agreement Routes

Objective: This alternative examines the impacts of helicopter air tours based on the 1998 and 2002 letters of agreement between Haleakalā National Park and the Hawai‘i Air Tour Association, Maui, and fixed wing air tours.

Description: Commercial helicopter air tour operations would fly at 500 feet AGL on the existing northern and southern routes that helicopter operators currently follow on a voluntary basis under 1998 and 2002 letters of agreement between Haleakalā National Park and the Hawai‘i Air Tour Association, Maui. This includes along the southern route, a 1-mile wide fly zone through the Waimoku Falls area at Kīpahulu. Commercial fixed wing air tour operations would fly at 1,000 feet AGL on the southern route flown by fixed wing operators. The attached map for this alternative shows where commercial air tour operations would fly.

Caps on numbers of flights allowed annually: This alternative would analyze a range of numbers of helicopter flights between current condition of 12,796 air tours and 50% (6,398) of the current condition. This alternative would also analyze a range of numbers of fixed wing flights between IOA (453) and 50% of IOA (227).

Time of day and day of week restrictions: Flights would be allowed Monday through Friday (exception for quiet technology helicopters noted below) from approximately ½ hour after sunrise to approximately ½ hour before sunset (that is, 6:30 – 18:30 from April to September and 7:30 – 17:30 from October to March). Only quiet technology flights would be allowed on Saturdays and Sundays.

Quiet technology incentives: There would be no day of week restrictions for quiet technology aircraft. Quiet technology aircraft would be allowed to fly Monday through Sunday from approximately ½ hour after sunrise to approximately ½ hour before sunset (that is, 6:30 – 18:30 from April to September and

7:30 – 17:30 from October to March). Use of quiet technology aircraft would also be one of the factors evaluated in the competitive bidding process.

Interpretive training and education: Mandatory and as described in Alternative 3 above.

Restrictions for particular events: Mandatory and as described in Alternative 3 above.

Adaptive Management: As described in Alternative 3 above.

Alternative 5: Southern and Coastal Routes

Objective: This alternative examines the impacts of placing quiet technology helicopter air tours on the south side of the park on a popular current air tour route, and limiting non-quiet technology helicopters to coastal areas of the park.

Description: Commercial quiet technology helicopter air tour operations would fly at 500 feet AGL on the existing southern route that helicopter operators currently follow on a voluntary basis under 1998 and 2002 letters of agreement between Haleakalā National Park and the Hawai‘i Air Tour Association, Maui. This route includes a 1-mile wide fly zone through the Waimoku Falls area at Kīpahulu. Commercial non-quiet technology helicopter air tour operations would fly at 500 feet AGL on the existing coastal route flown by helicopter operators based on current air tour activity. Consistent with current conditions, no fixed wing commercial air tour operations would be allowed over the park and within the ½-mile buffer below 5,000 ft AGL. The attached map for this alternative shows where commercial helicopter air tour operations would fly.

Caps on numbers of flights allowed annually: This alternative would analyze a range of numbers of flights between 125% (15,995) and 75% (9,597) of the current condition of 12,796 air tours.

Time of day and day of week restrictions: There would be no time of day restrictions other than those imposed by existing FAA regulations. There would be no day of week restrictions.

Quiet technology incentives: Quiet technology helicopters would be allowed to fly a popular current air tour route. Use of quiet technology helicopters would also be one of the factors evaluated in the competitive bidding process.

Interpretive training and education: Voluntary and as described in Alternative 3 above. While the training is voluntary, participation by air tour operators would be one of the factors evaluated in the competitive bidding process.

Restrictions for particular events: Voluntary and as described in Alternative 3 above. While the no-fly periods would be voluntary, participation by air tour operators would be one of the factors evaluated in the competitive bidding process.

Adaptive Management: None.

Alternative 6: Southern Route, Interim Operating Authority

NPS preliminary acoustic assessment indicates that noise from commercial air tours at levels currently being flown at Haleakalā National Park, which is approximately 50% less than IOA being analyzed here, may be at or approaching NPS-determined significant adverse impacts in some situations. The FAA has not performed any assessment of this alternative.

Objective: This alternative examines the impacts of limiting helicopter air tours to the south side of the park on a popular current air tour route at IOA levels.

Description: Commercial helicopter air tour operations would fly at 500 feet AGL on the existing southern route that helicopter operators currently follow on a voluntary basis under 1998 and 2002 letters of agreement between Haleakalā National Park and the Hawai'i Air Tour Association, Maui. This route includes a 1-mile wide fly zone through the Waimoku Falls area at Kīpahulu. Consistent with current conditions, no fixed wing commercial air tour operations would be allowed over the park and within the ½-mile buffer below 5,000 ft AGL. The attached map for this alternative shows where commercial helicopter air tour operations would fly.

Caps on numbers of flights allowed annually: Operations would be allowed up to 25,872, the IOA number for helicopters as granted by the FAA.

Time of day and day of week restrictions: There would be no time of day restrictions other than those imposed by existing FAA regulations. There would be no day of week restrictions.

Quiet technology incentives: NPATMA requires that the ATMP include incentives for the adoption of quiet technology by air tour operators. Use of quiet technology helicopters would also be one of the preferential weighting factors evaluated in the competitive bidding process.

Interpretive training and education: Voluntary and as described in Alternative 3 above. While the training is voluntary, participation by air tour operators would be one of the factors evaluated in the competitive bidding process.

Restrictions for particular events: Voluntary and as described in Alternative 3 above. While the no-fly periods would be voluntary, participation by air tour operators would be one of the factors evaluated in the competitive bidding process.

Adaptive Management: None.

NEXT STEPS

The planning team expects to complete the following tasks in the coming months:

- Hold open-house public meetings to solicit comments on preliminary alternatives; these meetings will be at the following times and locations:

| Tuesday, April 12, 2011 | Wednesday, April 13, 2011 | Thursday, April 14, 2011 |
|--|---|--|
| 5:00 PM – 7:00 PM | 5:00 PM – 7:00 PM | 5:00 PM – 7:00 PM |
| Maui Arts and Cultural Center (MACC), Maui Arts & Cultural Center Alexa Higashi Meeting Room One Cameron Way Kahului, HI 96732 | Kula Community Center 3690 Lower Kula Road Kula, HI 96790 | Helene Community Center (Hana) 150 Keawa Place Hana, HI 96713 |

- Collect comments by June 6, 2011
- Revise alternatives as needed
- Complete noise impacts modeling
- Complete and distribute Draft Environmental Impact Statement (DEIS) for public and agency comment
- Hold public meetings/hearings to solicit comments on the DEIS

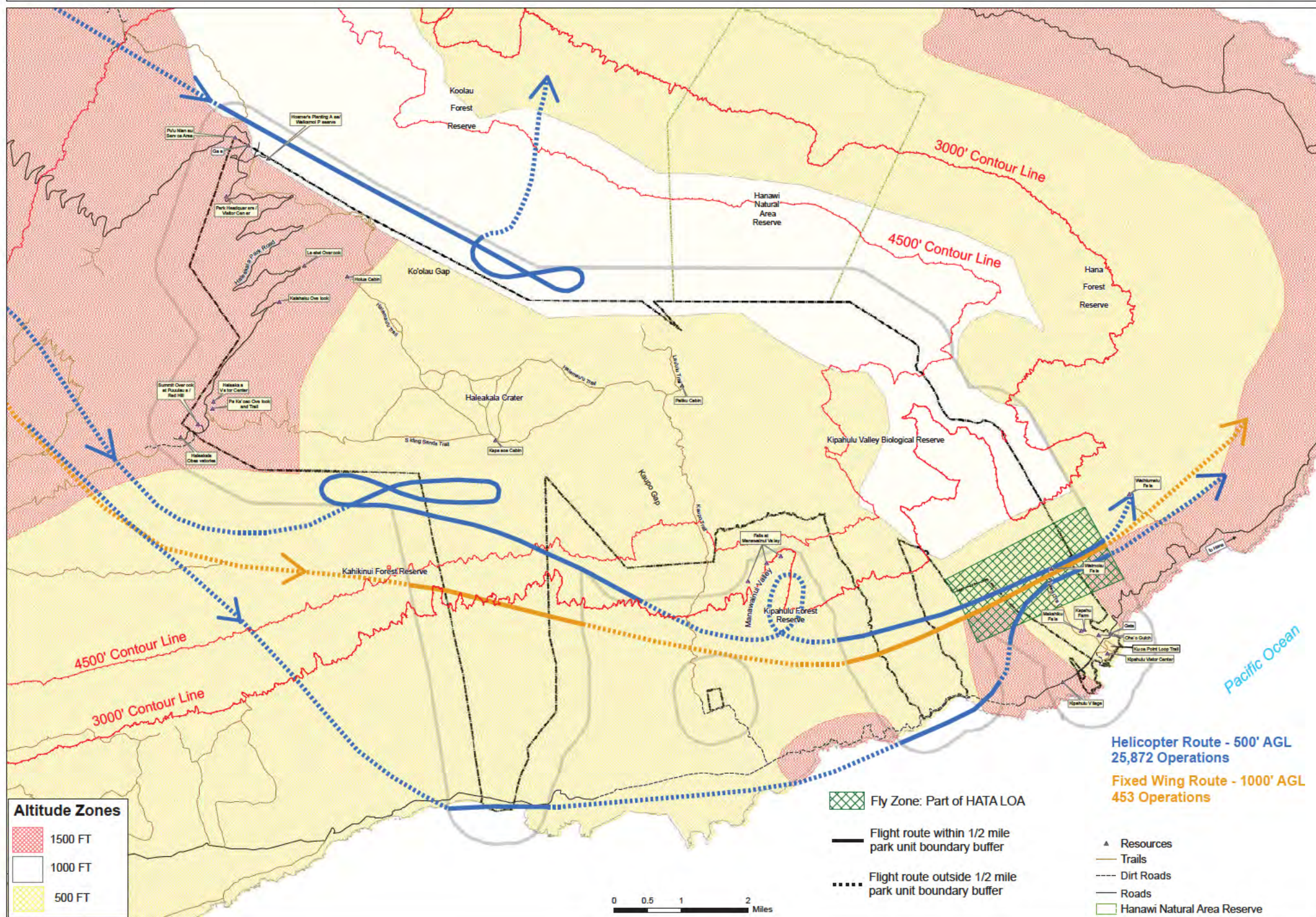
Draft Alternatives Summary Matrix

| Alternative | 1 – No Action | 2 – No Park Air Tours | 3 – Southern Route | 4 – Letters of Agreement Routes | 5 – Southern and Coastal Routes | 6 - Southern Route IOA |
|--|---|---|---|---|--|--|
| General Description | What is currently flown and allowed under existing law | No air tours within ATMP planning area | Helicopter air tours on south side of park only | Makes permanent existing voluntary agreements and allows fixed wing air tours | Provides preferred route for QT helicopters | Helicopter air tours on south side of park only at IOA |
| Objective | Required by the Council on Environmental Quality and NEPA | Examines impacts of no air tours below 5,000' AGL within the ATMP planning area | Examines impacts of flights south of crater rim | Examines impacts of 1998 and 2002 Letters of Agreement and fixed wing flights | Examines impacts of QT flights south of crater rim and non-QT flight along coast | Differentiates between Alternative 1 and Alternative 3 |
| Annual Number of Flights | IOA: 25,872 helicopter, 453 fixed wing Current condition within ATMP planning area: 12,796 helicopter and 0 fixed wing | Unlimited outside ATMP planning area | Helicopter Range: Between 75% (9,597) and 25% (3,199) of current condition within ATMP planning area | Helicopter Range: Between current condition (12,796) and 50% (6,398) of current of condition ATMP planning area Fixed wing range: Between IOA (453) and 50% (227) of IOA | Helicopter Range: Between 125% (15,995) and 75% (9,597) of current condition within the ATMP planning area | IOA: 25,872 helicopter |
| Number of Operators | IOA: 7 Helicopter, 3 Fixed wing | Unlimited | Based on competitive bidding process | Based on competitive bidding process | Based on competitive bidding process | Based on competitive bidding process |
| Routes | Northern helicopter route, Southern helicopter route, Coastal helicopter route, Southern fixed wing route | | Southern helicopter route | Northern and Southern helicopter routes and Southern fixed wing route | Southern helicopter route and Coastal helicopter route | Southern helicopter route |
| Minimum Altitudes | Per FAA HI Manual | 5,000' AGL within park and 1/2-mile buffer | 500' AGL | 500' AGL helicopters and 1000' AGL fixed wing | 500' AGL | 500' AGL |
| Time of Day | Per existing FAA regulations | Per existing FAA regulations | 7:00 - 18:00 April to Sept, 8:00 - 17:00 Oct to March (approx. 1 hour after sunrise to approx. 1 hour before sunset) | 6:30 - 18:30 April to Sept, 7:30 - 17:30 Oct to March (approx. 1/2 hour after sunrise to approx. 1/2 hour before sunset) | Per existing FAA regulations | Per existing FAA regulations |
| Day of Week | Monday-Sunday: all aircraft | Monday-Sunday: no fly within ATMP planning area | Monday-Friday: all helicopters Saturday: QT helicopters only within ATMP planning area Sunday: no fly within ATMP planning area | Monday-Friday: all aircraft Saturday-Sunday: QT aircraft only within ATMP planning area | Monday-Sunday: all helicopters | Monday - Sunday: all helicopters |
| Quiet Technology Incentives | | | Relief from day of week restrictions | Can fly all days of week | Can fly popular existing southern route | Preferential weighting factor for competitive bidding |
| Interpretative Training and Education | | | Mandatory | Mandatory | Voluntary | Voluntary |
| Restrictions for Particular Events | Voluntary temporary no-fly periods for cultural events | | Mandatory temporary no-fly periods for cultural and other special events | Mandatory temporary no-fly periods for cultural and other special events | Voluntary temporary no-fly periods for cultural and other special events | Voluntary temporary no-fly periods for cultural and other special events |
| Adaptive Management | | | Adjustment of number of flights allocated annually, so that overall desired conditions are not exceeded | Adjustment of number of flights allocated annually, so that overall desired conditions are not exceeded | | |

April, 2011

Haleakala National Park

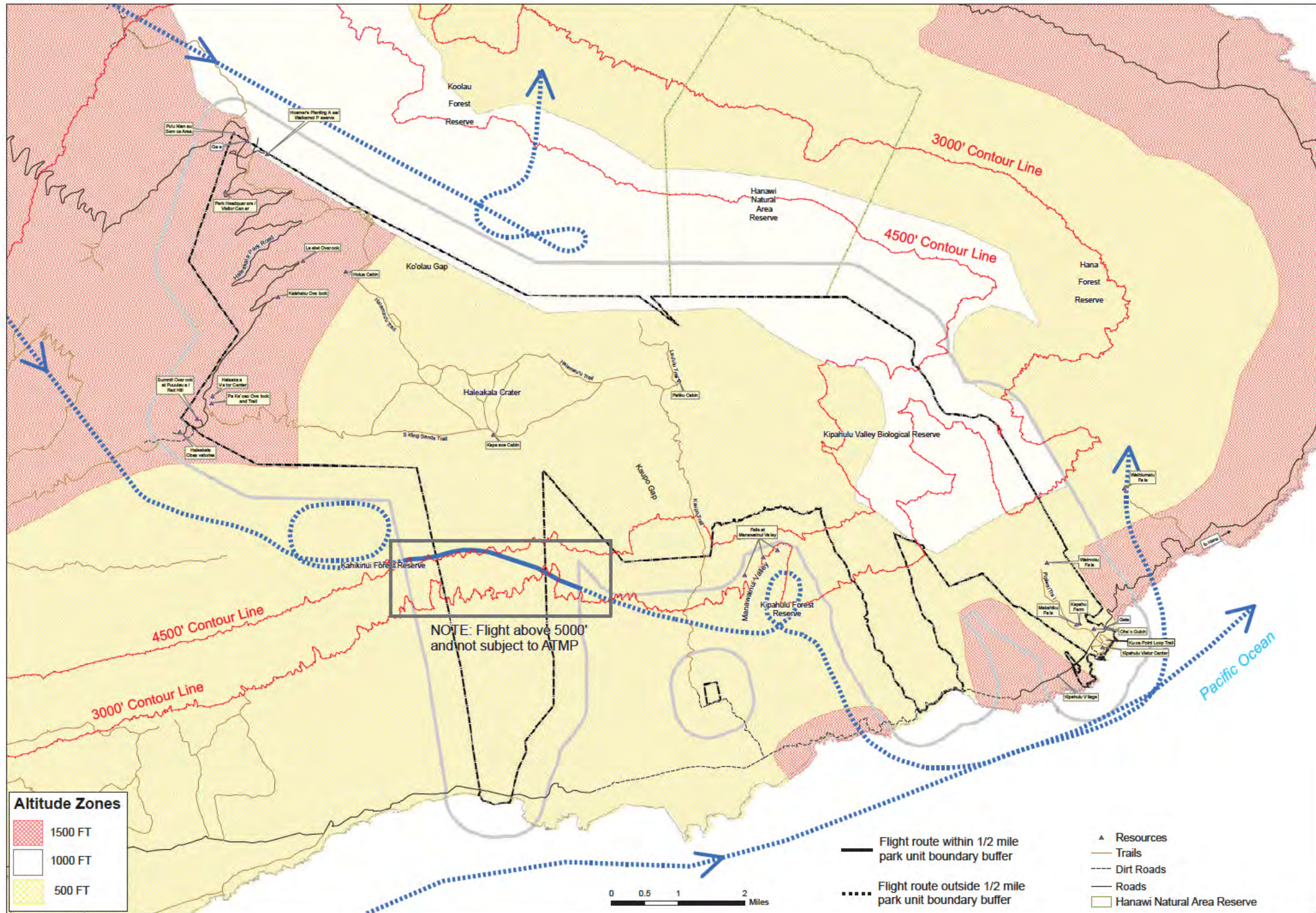
Alternative 1 - No-Action (IOA)



April, 2011

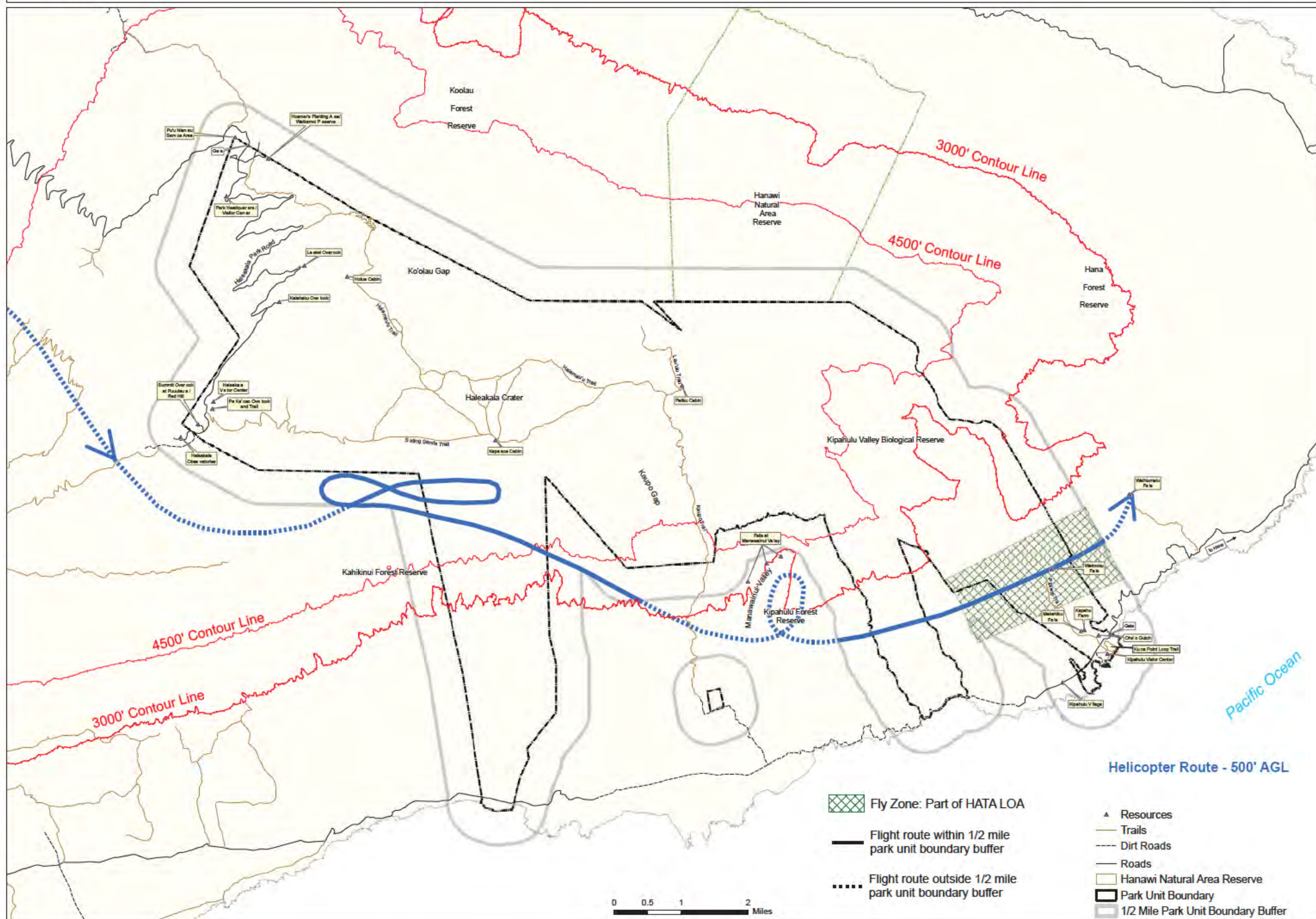
Haleakala National Park

Alternative 2 - No Park Air Tours



April, 2011

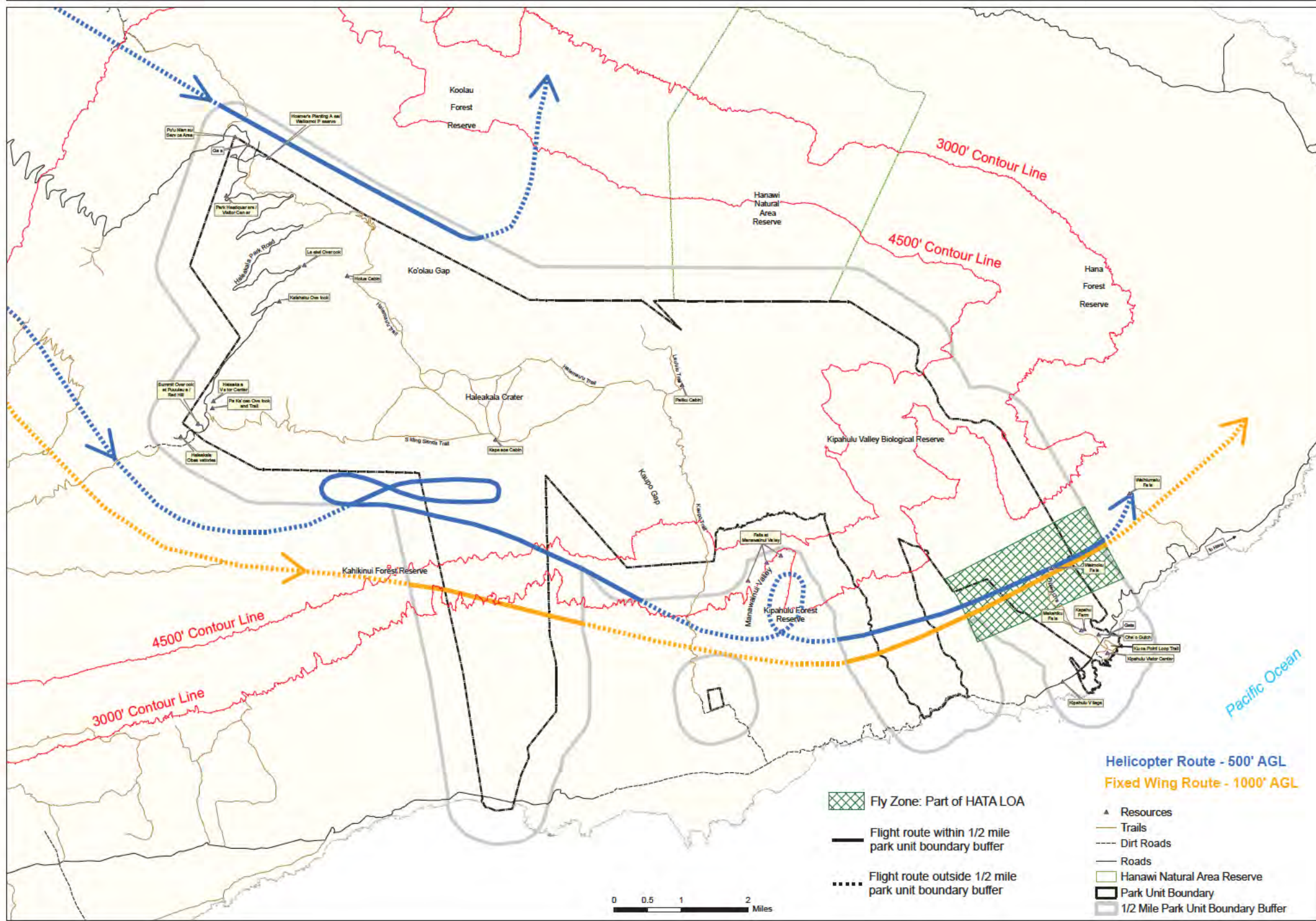
Haleakala National Park Alternative 3 - Southern Route



April, 2011

Haleakala National Park

Alternative 4 - Letters of Agreement Routes



This map illustrates the Kīpahulu National Park area, highlighting various geographical features and flight routes. Key locations include Koolau Forest Reserve, Hanawi Natural Area Reserve, Hana Forest Reserve, Kīpahulu Valley Biological Reserve, Kahikinui Forest Reserve, and Kīpahulu Forest Reserve. The map also shows the Haleakala Crater, Kīpahulu Gap, and Kīpahulu Valley. Contour lines for 3000' and 4500' are marked. The Pacific Ocean is visible on the right side.











Legend:

- Fly Zone: Part of HATA LOA
- Flight route within 1/2 mile park unit boundary buffer
- Flight route outside 1/2 mile park unit boundary buffer
- ▲ Resources
- Trails
- Dirt Roads
- Roads
- Hanawi Natural Area Reserve
- Park Unit Boundary
- 1/2 Mile Park Unit Boundary Buffer

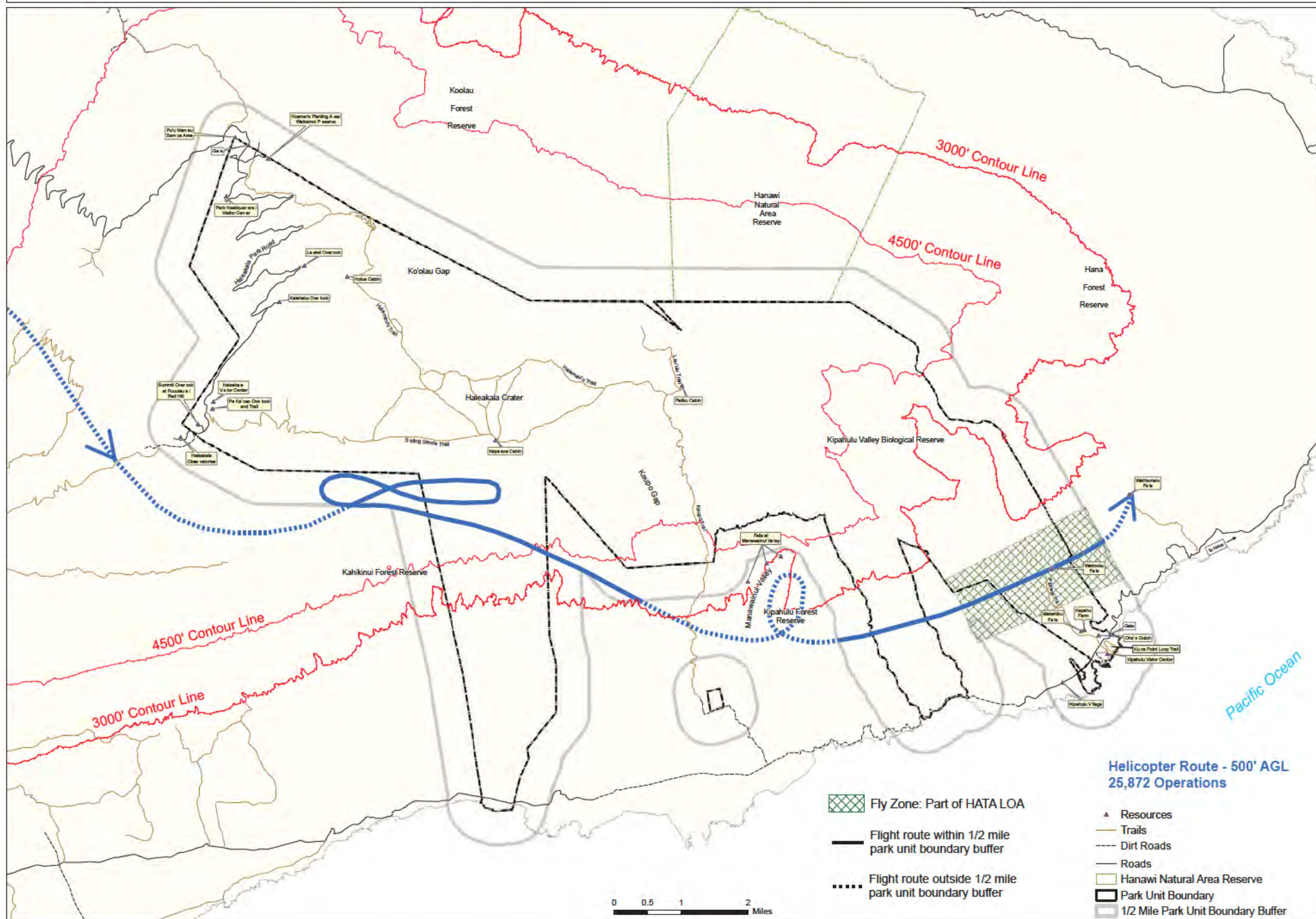
Helicopter Route - 500' AGL
Quiet Technology Only
Helicopter Route - 500' AGL

Scale: 0 0.5 1 2 Miles

Quiet Technology Only
Helicopter Route - 500' AGL

-  Fly Zone: Part of HATA LOA
 Flight route within 1/2 mile park unit boundary buffer
 Flight route outside 1/2 mile park unit boundary buffer
 Resources
 Trails
 Dirt Roads
 Roads
 Hanawi Natural Area Reserve
 Park Unit Boundary
 1/2 Mile Park Unit Boundary Buffer

Haleakala National Park
Alternative 6 - Southern Route (IOA- Helicopters)





Comment Form

We would like to have your thoughts on this issue. After completing your comments, please fold this form in the middle and tape it closed (please no staples).

You may also respond at <http://parkplanning.nps.gov/parkHome.cfm?parkID=306>

Your comments would be most helpful if received no later than **JUNE 6, 2011**. Thank you.

Volpe National Transportation Systems Center RVT 43
55 Broadway
Cambridge MA 02142

Affix
Postage
Here

Frank Smigelski
Volpe National Transportation Systems Center RVT 43
55 Broadway
Cambridge MA 02142

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

We will send you future newsletters and information concerning the general management planning.

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 to your wishes.

Thank you for your assistance.

- ☐ The name or address you have is incorrect; (please change it as indicated below).
- ☐ Please add my name to the mailing list.
- ☐ Please remove my name from the mailing list.
- ☐ Please send me information only by e-mail.

Name: _____

Organization, if any: _____

Mailing Address: _____

City/State/Zip: _____

Please fold this form in half, showing the preprinted address on the outside, tape it closed (no staples please), and drop in the mail.

Section 106 Consultations Comment Summary (as of November 30, 2021):

This document includes a summary of comments received via formal Section 106 consultation during HALE Summit and Kīpahulu Kūpuna Meetings in 2004 and 2005, as well as comments received via mail in 2004, 2006, 2007, and 2008. This document also includes comments pertaining to cultural resources received during public scoping on the proposed alternatives in 2011. Finally, this document also includes a summary of comments received since the re-initiation of Section 106 consultation for the Air Tour Management Plan in 2021.

2004 Summary of Issues Raised By Kūpuna During Discussion

- Generally speaking, all of Haleakalā is sacred. Silence on Haleakalā is sacred. Kīpahulu Valley was specifically mentioned as an area of concern.
- No air tour over flights should be allowed. Would like the park to also restrict its use of helicopters. Noise from helicopters disturbs wildlife (birds specifically mentioned) and cultural practices where you need quiet.
- Commercial air tours need to be restricted. Preferred tour routes over the ocean instead of the land. Concerned about the monitoring of commercial air tours (i.e., how air tour restrictions are going to be enforced).
- Hawaiians don't benefit from commercial air tours; however, they inherit the impacts of commercial air tours (e.g., noise). The local community should also be included in the discussion of the impacts of commercial air tours.
- The group wants to see more information specific to the project and have an opportunity to review the reports as early in the process as possible, with adequate review deadlines. The group would like to meet with the helicopter operators.
- The group is not comfortable with the FAA as the lead agency.
- Concerned about how much of the decision about the plan will come down to the money tourism brings in.
- Concerned that the FAA won't enforce the plan.
- The group wants to go on record under Section 106 about their views, if it counts.
- A cultural assessment, in addition to the Environmental Assessment, needs to be conducted.
- Wanted concerns shared with the Summit Kūpuna Group and vice versa.

2004 Comments Submitted via mail

- Suggests that it is not in the best interest of the residents of Maui that helicopter tour operations be allowed to continue in any form.
- Safety concerns about helicopter fuel, fuel burns and results in pollutants that spread over the entire island. It is also dispersed by winds, which can land on plants, wildlife and residents.
- Safety concerns about possible ground fatalities from off field hard landings or other types of accidents due to pilot error or mechanical failure.

- Noise impact concerns on residents and wildlife of East Maui. NPS Natural Sounds Office studies show no bearing on the noise to wildlife and human residents of a normally quiet area.

2005 Summary of Issues Raised By Kūpuna During Discussion

- Commercial air tours affect everyone, not just Haleakalā National Park. Would like air tours banned from Haleakalā National Park and over Hāna. Also concerned about private planes flying over these areas.
If this is not possible, would like to see minimal fly zones and a cap on tour operations. Like temporary flight restrictions/bans in fly zones for cultural events
- Feel caught between a rock and a hard place with the air tour management plan; particularly the proposed fly zone in Kīpahulu.
Concerned about existing and future effects of air tours on wildlife, particularly birds. Concerned that no baseline data was gathered before air tours started in order to be able to determine effects. Concerned about the adequacy of methods and technology used to determine noise effects.
 - Concerned about enforcement of air tour management plan. Want to be involved in the monitoring of whether the plan is working or not.
 - Glad to see that some of their concerns have been heard by the FAA so far.
 - Want to see more of the information that has been gathered for the project.
 - Concerned about the adequacy of studies and technology used to determine noise effects.
 - Concerned about enforcement of air tour management plan.
 - Would like permanent noise monitoring stations set-up in the park.
 - Interested in what the Kīpahulu Kūpuna Group had to say.
 - Would like specific wording changes made in the Haleakalā Alternatives Development Report.
 - Want to meet face-to-face with the Hawaii State Historic Preservation Officer and air tour operators
 - Concerned about the level of input they are going to have as the process continues to move forward

2006 Comments Summited via mail

- Appreciates use of EIS, rather than an Enivornmental Assessment
- Haleakalā has extreme cultural importance for the Hawaiian people.
- Haleakalā is not only considered *wahi kapu*, or a sacred place, it is the place of origin of many Hawaiian legends. Native Hawaiians still travel to the summit to engage in cultural and religious practices.

2007 Comments Submitted via mail

- Interested in maintaining involvement throughout the process.

- Haleakalā represents a Traditional Cultural Property. It is a sacred place exhibiting spiritual power, a place of reflection and rejuvenation, is mentioned in many stories and chants, the summit possesses therapeutic qualities, and provides an experience of place which few people are likely to forget once having been there.
- Agrees that a Cultural Impact Assessment and Environmental Impact Statement should be conducted.
- The cumulative effects & impacts of an ATMP must be clearly determined and must be adequately addressed during the Environmental Impact Statement process. Impacts should include visuals and noise concerns from flyovers that can interfere with traditional cultural activities.
- Formal consultation regarding any proposed mitigation for the cumulative impacts by the ATMP must occur prior to preparation of a draft EIS and/or Memorandum of Agreement of adverse effect.

2008 Comments Submitted via mail

- Aware that the park has obtained interviews and oral histories with kupuna, cultural practitioners, kamaʻaina and native Hawaiian fishermen, hunters, and farmers to learn about traditional uses of the Haleakalā area.
- Aware that NPS has solicited mitigation measures during the interviews
 - Agree with study's conclusion that continuation of air tour operations at Haleakala will have negative impacts on cultural resources, beliefs, practices, and values of native Hawaiians and some kamaʻaina residents. Impacts include noise and sight of air tours, as well as presence of air tours on Haleakala.
- Commend thoroughness, cultural sensitivity and approach of the study.

2011 Summary of Comments Received via letter, website, or email on the proposed alternatives

- Alternative 2 – No Park Air Tours:
 - "I believe protecting the summit of Haleakala (meaning rim and crater) as a Traditional Cultural Property with spiritual and cultural significance to Native Hawaiians; threatened and endangered species and other wildlife sensitive to noise; Congressionally-designated Wilderness; ground-based visitor experience; Hawaiian traditional cultural practices; scenic qualities and natural sounds should take precedence over commercial air tours."
- Alternative 5 – Southern and Coastal Routes:
 - "We join in with the Kapuna Groups [Section 106 of the National Historic Preservation Act consultation groups composed of Native Hawaiian elders, cultural practitioners and representatives of various organizations] in rejecting Alternatives 5 and 6."
- Alternative 6 – Southern Route, Interim Operating Authority:
 - "We join in with the Kapuna Groups in rejecting Alternatives 5 and 6."

- Cultural Resource Issues:
 - “Due to the important role Haleakalā plays in Hawaiian culture, the ATMP needs to include and [analyze]...the effect air tours will have on the cultural landscape of Haleakalā.”
 - “I don’t agree with the helicopter because it doesn’t agree with our lifestyle. The animals in the mountains, they are our food – the pig, goat and sheep. For the ocean, the helicopter disturbs the fishes. They are our food and we can’t survive without them. I’m saying this for the next generation as well. In the country, we survive off the land.”

2021 Comments gathered by HALE Community Liaison through direct phone calls

- Would like the least amount of air traffic, especially in the Kahikinui area. To give courtesy to those who live a farming and ranching lifestyle. Often times cattle get spooked by air traffic and get stuck in fence.
- Agrees with the current six dates that the park already has set aside for no commercial tours in the park to be added to the no fly days list. These dates are generated by following the Hawaiian Moon Calendar and Makahiki Season and currently are:
 1. January 16, 2021 (Makahiki ends on the Akua moon (14th day) in the month of Kā’elo)
 2. May 23, 2021 12:22pm (Zenith Noon for Haleakalā)
 3. June 20, 2021 (Summer Solstice)
 4. July 19, 2021 12:30pm (Zenith Noon for Haleakalā)
 5. October 18, 2021 (Makahiki begins on the Hua moon (13th day) in the month of ‘Ikuā)
 6. December 21, 2021 (Winter Solstice)
- Requests that the entire Makahiki period (from beginning to end) be a time where no commercial tours are allowed to fly (September through February).

2021 comment made during initial October Hawai’i ATMP Consulting Party Informational Call

- There was too much information/overwhelming today. I was last involved in 2003. Haleakalā is a very special place, a perfect pyramid as seen from Kaho’olawe. Tours so far have been good, have kept away from park. If people want to experience park, they should walk it. Too much tours is not good for pigs, cows, goats, deer in East Maui, tours cause disruption. We are getting same info as 20 years ago.

National Parks Air Tour Management Program



Federal Aviation
Administration



National Park
Service

WELCOME – WE WILL BEGIN SHORTLY

October 28, 2021



National Parks Air Tour Management Program



Federal Aviation
Administration



National Park
Service

**Air Tour Management Plans
for Hawai'i Volcanoes and
Haleakalā National Parks:
Introductory Overview**



Agenda

- Opening Remarks - Hawai'i Volcanoes Superintendent Rhonda Loh
Haleakalā Superintendent Natalie Gates – 5 minutes
- Agency Participant Introductions – 5 minutes
- Meeting Purpose and Audience for today's meeting
(Cathy Nadals, FAA – 10 minutes)
- Introduction to Air Tour Management Plans
(Keith Lusk, FAA and Vicki Ward, NPS – 25 minutes)
- Section 106 Consultation - Primer
(Cathy Nadals – 10 minutes)
- Next Steps
(Cathy Nadals – 5 minutes)
- Questions - 20 minutes





Welcome

Opening and Introductions of Superintendents

Opening Remarks:

- Hawai'i Volcanoes Superintendent Rhonda Loh
- Haleakalā Superintendent Natalie Gates



Agency Participant Introductions

Presenters:

- Cathy Nadals, FAA Cultural Resources Specialist
- Keith Lusk, FAA Program Manager
- Vicki Ward, NPS Overflights Program Manager
- Derek Manning, Volpe Cultural Resources Specialist

FAA Section 106 Team Members:

- Katherine Andrus, FAA Federal Preservation Officer
- Catherine Basic, FAA Attorney

NPS Section 106 Team Members:

- Jeffrey Durbin, NPS Deputy Federal Preservation Officer
- Sara Porsia, DOI Attorney
- Dorothy FireCloud, NPS

Hawai'i Volcanoes Section 106 Team Members:

- Summer Roper Todd, Section 106 Coordinator
- Charone O'neil-Nae'ole, Native Hawaiian Community Liaison

Haleakalā Section 106 Team Members:

- Rachel Hodara Nelson, Section 106 Coordinator
- Kawai Domingo, Community Liaison

Meeting Purpose and Intended Audience

- Provide an introduction to the National Parks Air Tour Management Act (NPATMA) and current efforts to develop Air Tour Management Plans (ATMPs) for Hawai'i Volcanoes and Haleakalā National Parks for participating Native Hawaiian Organizations and other Section 106 consulting parties including individuals with a demonstrated interest in the undertaking.
- Provide an introductory overview of NPATMA and history of ATMP development in Hawai'i.
- Provide an introductory overview of Section 106 of the National Historic Preservation Act
- Provide a general review of NEPA and Section 106 and NEPA compliance activities and explain how these are being integrated.



Agency Roles

(Keith Lusk)

- The FAA and the NPS are working together to develop ATMPs
 - The FAA is acting as the lead agency overseeing compliance with NEPA and Section 106 Consultation
 - The NPS is a cooperating agency for NEPA and Section 106
- General agency roles:
 - The FAA has sole authority to control airspace over the U.S. and has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of overflights on public lands.
 - The NPS has responsibility for conserving the scenery, natural and historic objects, and wildlife in national parks and ensuring they remain unimpaired for the enjoyment of future generations.



NPATMA Overview

- Enacted April 5, 2000
- Requires the FAA, in cooperation with the NPS, to develop an ATMP for those parks where operators have applied to conduct commercial air tours
- Both the FAA and NPS must prepare the environmental documentation and sign the decision document for the ATMP
- The objective of any ATMP is to develop acceptable and effective measures to mitigate or prevent significant adverse impacts, if any, of commercial air tour operations upon natural and cultural resources as well as visitor experiences.



NPATMA Overview cont.

- Act applies to commercial air tours:
 - Locations within a NPS park unit
 - Within ½ mile outside of park boundary
 - 5,000 feet altitude or less above ground level (AGL)
- Parks not covered by NPATMA include:
 - Alaska parks
 - Grand Canyon National Park
 - Rocky Mountain National Park
 - Parks with fewer than 50 reported flights per year, unless this exemption is withdrawn



NPATMA Overview cont.

- Requires commercial air tour operators to apply for FAA Operating Authority in order to operate over National Park System units
- Commercial air tour operators fall into two categories:
 - Existing commercial air tour operator
 - Actively engaged in the business of providing commercial air tour operations over the park during the period 12 months prior to NPATMA
 - Those operators who provided tours prior to passage of NPATMA and have continued to fly air tours under interim operating authority
 - New entrant commercial air tour operator
 - Applies for operating authority over a park and has not been engaged in the business of providing commercial air tour operations over the park
 - May not fly air tours until granted approval by FAA and NPS



NPATMA Overview cont.

- Established Interim Operating Authority (IOA) for existing commercial air tour operations
 - Based on the number of flights conducted in the 12-month period prior to enactment of NPATMA (or average of three prior years)
 - Granted 26,664 IOA to 10 operators for Hawai'i Volcanoes
 - Granted 25,827 IOA to 6 operators for Haleakalā
 - IOA was published in the Federal Register in 2005
- Established the National Parks Overflights Advisory Group (NPOAG) to provide advice and guidance to the agencies from personnel with aviation and environmental interests.



Commercial Air Tours

- Commercial air tours, as defined in NPATMA are:
 - Conducted for compensation or hire;
 - Flown In a powered aircraft for the purpose of sightseeing over a national park, within ½ mile outside the boundary of any national park; and,
 - Flown below 5,000 feet AGL (except for takeoff/landing or as necessary for safe operation) or < 1 mile laterally from any geographic feature (unless more than ½ mile outside the park boundary)
- Does not include general aviation, commercial airline aircrafts, or military flights



Operator Reports

(Vicki Ward)

- Since 2013, each operator providing a commercial air tour over a national park under IOA authority or in accordance with an ATMP has been required to submit a report to the FAA and NPS regarding the number of operations and other required information
- The FAA and NPS use this reporting to know the number of flights conducted over the parks in recent years
- The operator reports between 2013 and 2019 are available at the NPS Air Tours website under “Air Tour Reports”:
<https://www.nps.gov/subjects/sound/airtours.htm>
- Reported annual air tours for HAVO range from 8,333 (2018) to 16,520 (2017). 2017-2019 average is 11,376
- Reported annual air tour for HALE range from 4,543 (2105) to 4,932 (2014). 2017-2019 average is 4,824



Air Tour Management Plans

- The objective of any ATMP is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, resulting from commercial air tour operations upon natural and cultural resources and visitor experiences.
- An ATMP:
 - A. May prohibit commercial air tour operations in whole or in part
 - B. May establish conditions for the conduct of air tour operations including routes, altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights, etc.
 - C. Shall apply to all commercial air tour operations within ½ mile outside the boundary of a national park
 - D. Shall include incentives for the adoption of quiet aircraft technology
 - E. Shall provide for the allocation of opportunities to conduct air tours when the ATMP limits the number of operations
 - F. Shall justify and document the need for measures taken pursuant to items (A) through (E), above, and include such justifications in the record of decision



Recent Developments: 2019 – Present

- **February 14, 2019:**
 - Public Employees for Environmental Responsibility and the Hawai'i Coalition Malama Pono filed a petition in the U.S. Court of Appeals for the D.C. Circuit to require the FAA and the NPS to complete ATMPs or VAs for seven parks (including Hawai'i Volcanoes and Haleakalā)
- **May 1, 2020:**
 - The Court granted the petition and ordered the FAA and the NPS to file a proposed plan within 120 days to bring all 23 eligible parks (based on reported air tour data from 2018) into compliance with NPATMA within two years
- **August 31, 2020:** The FAA and NPS submitted the Proposed Plan and Schedule to the Court
- **November 20, 2020:** The Court approved the [Proposed Plan and Schedule](#)
- **November 30, 2020 – September 1, 2021:** The FAA and NPS submitted four quarterly status reports to the Court



History of ATMP Development for Hawai'i Volcanoes and Haleakalā National Parks

- April 2000: NPATMA enacted
- 2003 – FAA grants IOA
- 2003 - 2006: ATMP NEPA process begins at both parks (Notices of Intent, public scoping, EAs transition to EISs)
- 2011 – public comment and meetings for preliminary alternatives for both parks
- 2012: NPATMA amended, ATMP NEPA processes at 12 parks put on hold by FAA and NPS
- 2013: Air tour reporting begins, voluntary agreement development begins at two parks in Florida



Section 106 of the National Historic Preservation

(Cathy Nadals)

- Federal agencies must consider the effect of any proposed **“undertaking”** on historic properties.
- Historic Properties include buildings, structures, objects, or sites (including landscapes, TCPs and archeological sites) listed in *or eligible for listing* in the National Register of Historic Places.
- For an undertaking in Hawai‘i, agencies must seek out the expertise of Native Hawaiian Organizations (NHOs) and other Consulting Parties (CPs) regarding an undertaking that might affect resources of religious and cultural significance within the **area of potential effects**.
- Certain individuals and organizations with a demonstrated interest in the undertaking may also participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.



What is an Undertaking?

Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.

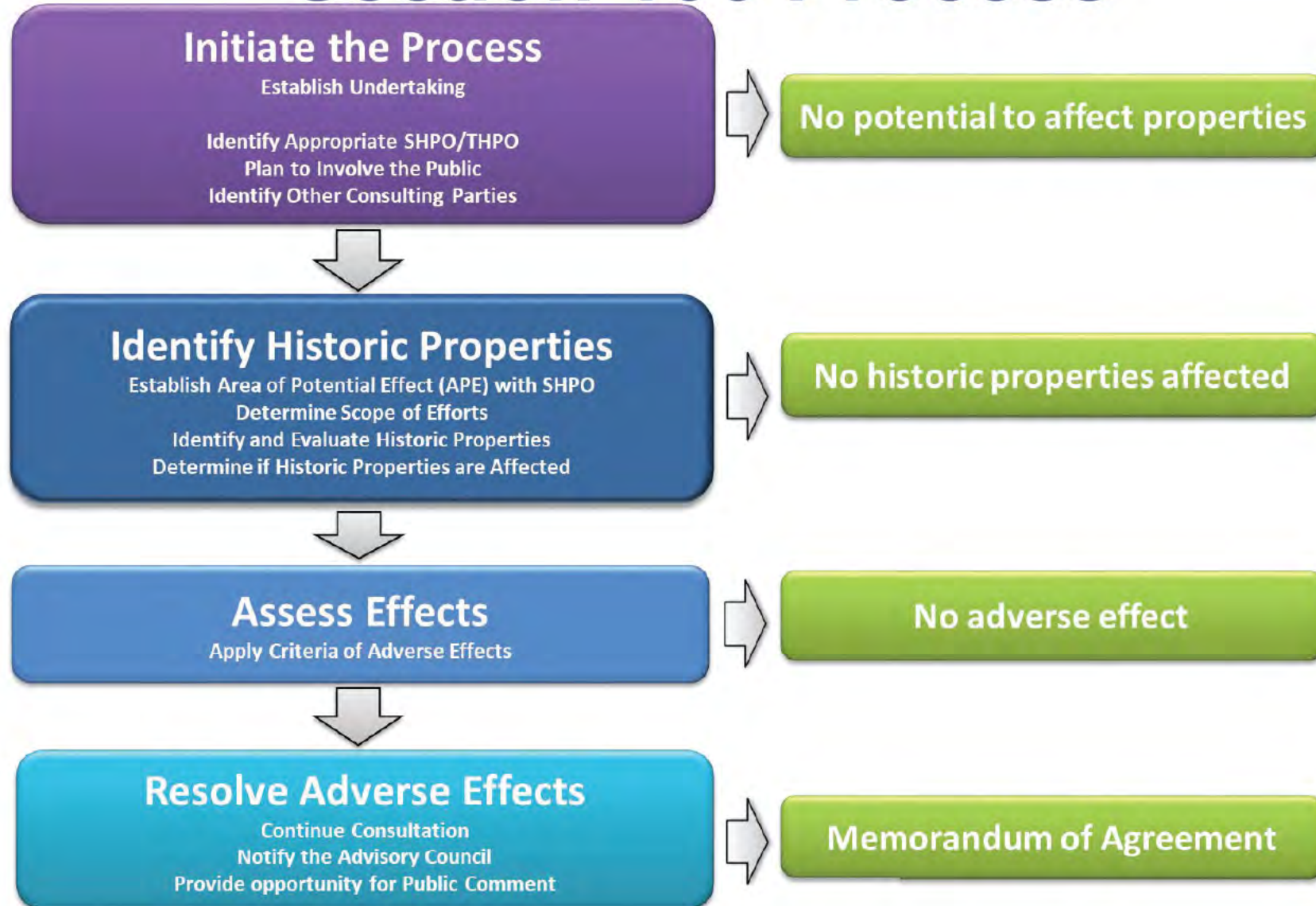


What are the APEs?

The Area of Potential Effects is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking (i.e. visual or sound).



Section 106 Process

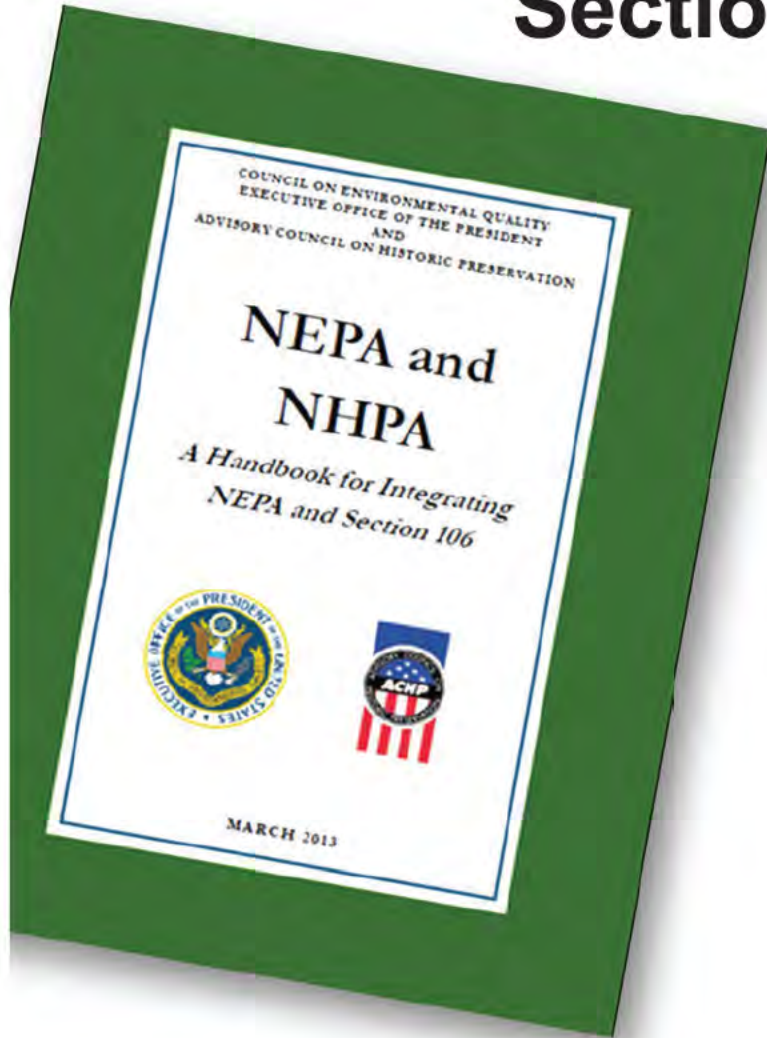


Integrating 106 and NEPA

The Section 106 regulations encourage agencies to coordinate NEPA and Section 106 compliance. NEPA regulations likewise encourage integration with other planning and environmental reviews, such as Section 106. In 2013, the Council on Environmental Quality (CEQ) and the ACHP issued joint guidance on integrating NEPA and Section 106. Coordinating efforts under NEPA and Section 106 can make both reviews more efficient. See 36 CFR § 800.8.



Section 106 and NEPA



- The FAA and the NPS are integrating Section 106 review into the NEPA process for ATMPs
- The Section 106 process must be concluded before a finding can be made under NEPA.

Different terms used in Section 106 and NEPA

Section 106

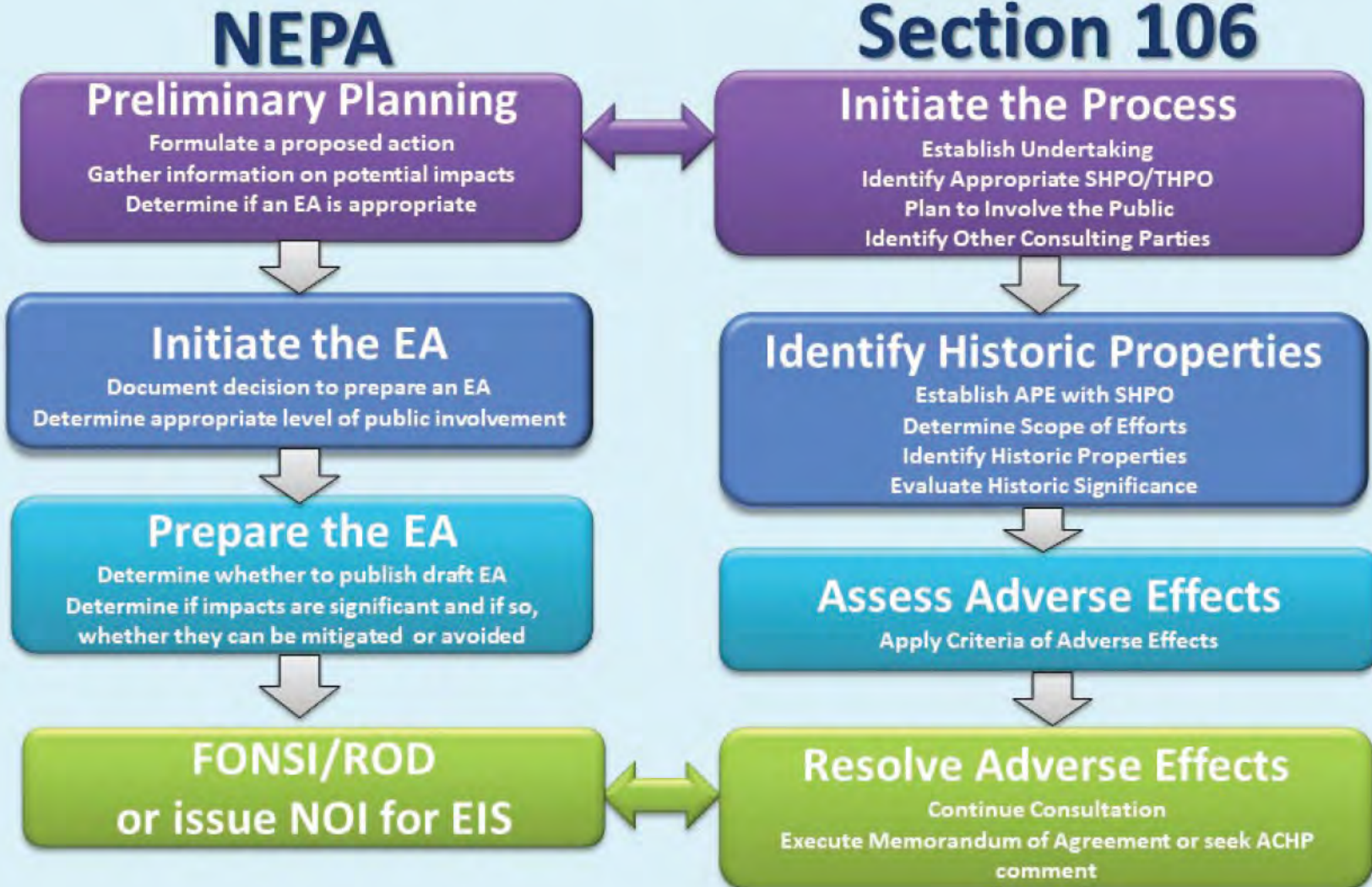
- Undertaking
- Area of Potential Effects
- Historic Properties
- Adverse Effect

NEPA

- Federal Action
- Affected Environment
- Cultural Resources
- Significant Impacts



NEPA and Section 106 Compared



NEPA Schedule Overview

(Vicki Ward)

- Public Scoping – Early 2022
- Draft ATMP/Draft EA Public Review – Spring/Summer 2022
- *Section 7 consultation ongoing*



Next Steps: Cathy Nadals

Beginning in December:

- Consult with SHPO, NHOs and other CPs to discuss the development of ATMPs and the Area of Potential Effects (APEs).
- Work with SHPO, NHOs and CPs to identify National Register-eligible or listed historic properties (including traditional cultural properties and sacred sites) within the APEs.

Early 2022

- Consult with the SHPO, NHOs, and CPs to assess effects of air tours on any identified historic properties.
- Identify ways, as needed, to modify the undertaking to avoid, minimize or mitigate any adverse effects.

Questions?

For More Information:

https://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/

<https://www.nps.gov/subjects/sound/airtours.htm>

Section 106 Points of Contact:

- Catherine Nadals, FAA: Catherine.L.Nadals@faa.gov
- Charone O'neil-Nae'ole, Hawai'i Volcanoes: [REDACTED]
[REDACTED] 808 985-6152
- Kawai Domingo,
Haleakalā: [REDACTED] 808-572-4487
- ATMPTeam@dot.gov



FAA/NPS Section 106 Webinar for HI ATMP

Thursday, October 28, 2021

Meeting Minutes

Attendees:

Kait Rimol, Cathy Nadals, Derek Manning, Nona, Rachel Hodara Nelson, Paulette Ke (Tutu), Kawai Domingo, Olena Alec, Keith Lusk, Puas, Rhonda Loh, Kalena Blakemore (Land Agent), Melissa Cady, Vicki Ward, Tweetie Lind (Kipahulu), Natalie Gates, Matt Wordeman, Brian Wallace, Denise Louie, Krystyna Bednarczyk, Danielle Foster, Paul Hosten, Charone O'Neil-Naeole, Kiersten Faulkner (Historic Hawaii), Cat Sullivan, Christina Richardson, Reid Loo, Christopher Cody, Alison Cohan, Antionette Almeida

Introduction and Overview Presentation

- Paulette led the Hawaiian elders in an opening chant.
- Rhonda provided introductory remarks on behalf of HAVO, and Natalie provided the same on behalf of HALE. Natalie noted that past cultural comments from previous ATMP processes will be considered and reviewed as part of this effort.
- Keith provided an overview of agency roles, NPATMA applicability, and IOA at each park.
- Vicki provided an overview of reported air tours at each park, objectives of an ATMP, background on the present lawsuit, and ATMP history in HI.
- Cathy provided an overview of Section 106 compliance and integrating NEPA and NHPA.
- Vicki provided an update on the ATMP schedule. Cathy provided information on next steps for Section 106 and contact information.

Discussion/Q&A

- Melissa Cady asked who would be leading the Section 7 process. Keith replied that NPS is leading the Section 7 consultation process, but that Shawna Barry is the FAA point of contact for Section 7. Keith can provide her contact info if necessary.
- Puas asked why NPATMA didn't apply to Alaska. Keith replied that commercial air tours and aviation in Alaska were specifically excluded at the request of the congressional delegation. Vicki also noted that air travel in Alaska is an essential mode of travel and is therefore managed under separate permitting processes.
- Puas asked why NPATMA didn't apply to Rocky Mountain National Park. Keith replied that the public encouraged their Colorado congressional delegation to handle this under separate legislation, as no air tours were occurring at the time.
- Puas wondered how the agencies could keep airplanes from flying over the volcano. Puas noted that there are many nature laws in HI (Kānāwai) and wondered if those could be discussed in relation to the FAA. Charone replied that they could.
- Puas requested more explanation about what was presented at this meeting so the Hawaiian elders understand what they have a right to object to. Puas noted that a lot of the content went over her head.
- Tweetie agreed that the presentation was overwhelming. The last time that she was involved with air tours was 2003 and expressed that there has not been much education provided when

the agencies say they have consulted the Hawaiian groups. When speaking about the significance of Haleakalā Crater, the agencies should remember that Haleakalā Crater is a very special place. If tours were to look out at Haleakalā Crater they see a perfect pyramid, a special place. If tour goers were interested in the crater and mountain, they would walk it. The air tours will affect animals, such as pigs and deer that are running like crazy, especially in the East Maui end, which will cause a disruption in nature.

- Tweetie also expressed that what is being said now is not more significant than what was said before during past ATMP processes. She expressed that this was too much information and is the same words the elders heard 20 years ago. Tweetie thanked others for their input and wanted to see more communication to know what's happening.
- Cathy reassured the CPs they can always contact any team members with questions and apologized for amount of information shared during the presentation.
- Kalena introduced herself from the Office of Hawaiian Affairs. Her concerns for her property are the nesting sites for shearwater in the Nu'u area, noting that she is planning to update site observations for nesting habitat. Their land also serves as habitat for Hawaiian hoary bat and tours over the forest and natural resources affect the continued existence of these species.
- Kalena also noted that last year there was a helicopter crash at the site of the school that could have endangered the children that use the school, though none were there on that day due to the pandemic.
- Kalena didn't realize that this meeting was going to be so detailed. She asked about the point of having these conversations if agencies have so much power, and asked how the park benefits from this, as she still pays the \$30 entrance fee each time she visits the park. Kalena was under the impression that she and others would be talked to as NHOs but felt that they were being presented at and didn't get to speak and share their thoughts. Kalena intends to issue a formal comment.
- Cathy reassured the CPs that the agencies want to hear their concerns. Rhonda noted that the purpose of this meeting was an introduction to Section 106 and ATMP and that there will be another meeting in December to continue to hear concerns.
- Nona recalled that there was a composite of the elders' concerns written by Puas many years ago and asked if anyone had a copy. Danielle replied that the park has the coastal assessment, all the meeting notes, the letter that the Kupuna wrote to Senator Akaka and FAA administrator during previous ATMP processes, all of which have been provided to the planning team.
- Puas expressed that what is important now is that the NHOs are aware of what's going to happen, including what the meetings entail, so they are prepared to respond to the information. The details are very overwhelming since much of it is already in place and occurring. The NHOs want to be able to put something in place before the FAA decides what should happen over their volcanoes.
- Rhonda asked if the NHO's past concerns are still present concerns. Puas replied that 2012 was a long time ago. Danielle will find copies of past NHO concerns. Natalie put in the chat that past comments will be considered regardless.
- Antionette expressed that her take on these meetings is that the info from 2012 is 9 years ago. She wanted this meeting to consist of revisiting some of the past work that was done, what

difference it made in the rules and regulations at the park, what was able to be complied with, which was not the subject of this meeting. Antionette is most interested in what information the Kupuna have given the agencies since 2000 and how helpful it has been in supporting no-fly over the park, as the Kupuna have given a lot of themselves since that time.

- Antionette commented that the Kupuna should work with their delegations to get flights banned over the park as Rocky Mountain National Park did, noting that they have valid reasons. She expressed that their concerns don't feel validated when the same situation exists in terms of flights over sacred places. She asked if there was still a no-fly zone over the crater. Danielle replied that tours can fly over the crater again. Keith added that there was a TFR at one point but has since been lifted.
- Antionette wants towers staffed 24/7 to monitor air traffic usage so all parties can have more accurate reporting on how effective air traffic management is. At the Hilo airport meeting she attended, a major question was how FAA enforces violations, and she was told that the FAA doesn't enforce anything. She asked about the park's process for enforcement, noting the need for NPS to continuously monitor the tours and more concrete data.
- Keith responded about enforcement, noting that FAA has limited resources for enforcement, and that much of it relies on firsthand accounts of what aircraft were doing as there is often not much evidence. Moving forward, the ATMP is going to require flight tracking data which will help hold air tours accountable. Puas thanked Keith for this monitoring data.
- Puas asked if the FAA really pays attention to what they have to say. Cathy reassured all of the NHOs and CPs that they are being listened to.
- Nona was disappointed to hear that flights are going over the crater again. She assumed that past meetings conveyed to the agencies that the place is sacred, but the temporary restrictions are gone. She finds it offensive that they are flying over the crater and feels upset about this process, as the Kupuna tell the agencies how they feel, and nothing happens.
- Nona's husband asked if anyone has the power to enforce this and see it through. All those on the call seem very sincere, but there is no power in the room. The agencies need to ensure that they can follow through and enforce these policies.
- Vicki replied that the agencies have been working on ATMPs for over 15 years, and that there were studies done in HI as far back as in the 1990s. She noted that staff at the park have taken a hard look at what was said in past and will use that to put together a range of alternatives. Tracking would assist the FAA in enforcement, which is a new aspect of this conversation as compared to what was possible in the past.
- Rhonda reminded everyone of the court order, noting that the onus is on the FAA and NPS to get these plans completed, again pointing out the differences now as compared to before.
- Antionette replied that the monitoring would be better if the NHOs could also monitor the flight tracking themselves. She commented that the park needs a staff person to monitor the data themselves rather than just leaving it to the FAA so they can contribute to protecting these sacred places and hold people accountable. She expressed that they can't keep passing this onto their next generations.
- Puas commented that Pohakuloa has an air restriction, in that those that come into the airspace have to announce themselves. She asked if a similar air restriction could occur at the park. Keith

confirmed this and replied that there are ways to restrict certain areas of the park with an ATMP. Puas replied that she wants a person to be able to take the requests when an aircraft wants to enter the restricted area, so they can keep track of who's coming, why they're coming, and what altitude they're coming in at. Keith replied that this ATMP is about restricting aircraft over the park, under 5,000 ft. AGL that are air tours, but that it can't restrict commercial air traffic. The ATMP can look at areas where operators can/can't fly. Cathy noted that it would be helpful to know areas that are sacred so we can avoid them.

- Puas commented that they want a restriction that tours can't fly over the volcano.
- Rhonda noted that tracking would give us a better handle on enforcement.
- Antionette asked who removed the restriction on flights over the crater, also asking, who has that kind of power over the Kupuna's sacred places? Who thought that was the right amount of time? She commented that the Kupuna have to go through an act of congress to do the same.
- Keith replied that TFRs are in place for temporary restrictions, such as presidential flights or hazardous conditions, which is within the FAA's realm of control. Since the hazardous conditions aren't as hazardous anymore, the TFR was lifted. Resource protection isn't within the FAA's realm of control, though it is still important. That's what an ATMP provides.
- Antionette expressed her dissatisfaction with that answer, commenting that they are always left out of this process. There concerns don't seem "valid" enough to impose a restriction. In the past they have asked for "no fly", not selecting places where flights could or couldn't fly. They have supplied nine years of information, but yet the government does not recognize them as the body of people that should be making the rules.
- Cathy reassured the CPs that they are committed to developing an ATMP that addresses their concerns.
- Rhonda thanked participants for their input.
- Natalie reminded the group that past comments will still be considered and commented that people submit comments in different ways.
- Cathy noted that the agencies will follow up with everyone that put questions into the chat.

Chat Transcript:

16:14:35 From Rachel Hodara Nelson to Everyone:

Kawai, Summer and Charone are all here too.

16:50:35 From Melissa Cady to Everyone:

Who is the FAA point of contact for the Section 7 consultation?

16:50:52 From rhonda loh to Everyone:

pua has her hand up

16:51:27 From Melissa Cady to Everyone:

Ok thank you

16:59:20 From Nona to Everyone:

how are the boundaries of the park specifically HVNP defined?

17:01:34 From CONeil-Naeole to Everyone:

Kalena has her hand up as well.

17:02:06 From MLane-Kamahele to Everyone:

Please consider sending out the information and PPT ahead of the calls so folks have time to review and digest a bit.

17:04:35 From Kiersten Faulkner - Historic Hawaii Foundation to Everyone:

The federal agencies (and anyone else with interest) could benefit from some of the training available for Section 106 consultation with Native Hawaiian Organizations. See <https://www.achp.gov/node/11080> and https://www.doi.gov/sites/doi.gov/files/20201022-consultation-appendices-sop-onhr_0.pdf

17:08:28 From Kalena Blakemore - Land Agent to Everyone:

Okay, I understand, thank you Rhonda

17:09:19 From Kiersten Faulkner - Historic Hawaii Foundation to Everyone:

For the next meeting, please prepare and present: identification of the historic properties affected and the contributing features and elements that are significant for historic and cultural values (including intangible components such as sound, vibration, visual) and elements of traditional cultural significance (such as practices, access, gathering, sacredness, etc.). Please also summarize comments received previously with concerns or recommendations. Superintendent Gates said the previous comments would be assessed and considered. Please summarize what that input was.

17:14:29 From Reid Loo to Everyone:

Aloha kākou, Kamehameha Schools will stay engaged through this process. We will await the draft flight path/plan. KS manages numerous endangered species adjacent to HAVO and is also engaged in a Safe Harbor Agreement with the USFWS and State DLNR. Our main concern is potential impact to these resources.

17:14:46 From NGates to Everyone:

My understanding is that the past public comments are going to be reviewed again - even if you do not confirm they are still valid.

17:15:19 From rhonda loh to Everyone:

antoinette has her hand up

17:31:32 From Kiersten Faulkner - Historic Hawaii Foundation to Kait Rimol (Volpe Center)(Direct Message):

can you stop screen share so we can have a better view of the speakers, please? Thank you.

17:31:38 From NGates to Everyone:

Nona has her hand up!

17:52:41 From Danielle Foster to Everyone:

Nona - the ATMP for Hawai'i Volcanoes will include the entire park boundary (think we are about 335,000 acres now, but if we add more land, that would also be included). Plus the 1/2 mile buffer outside the park.

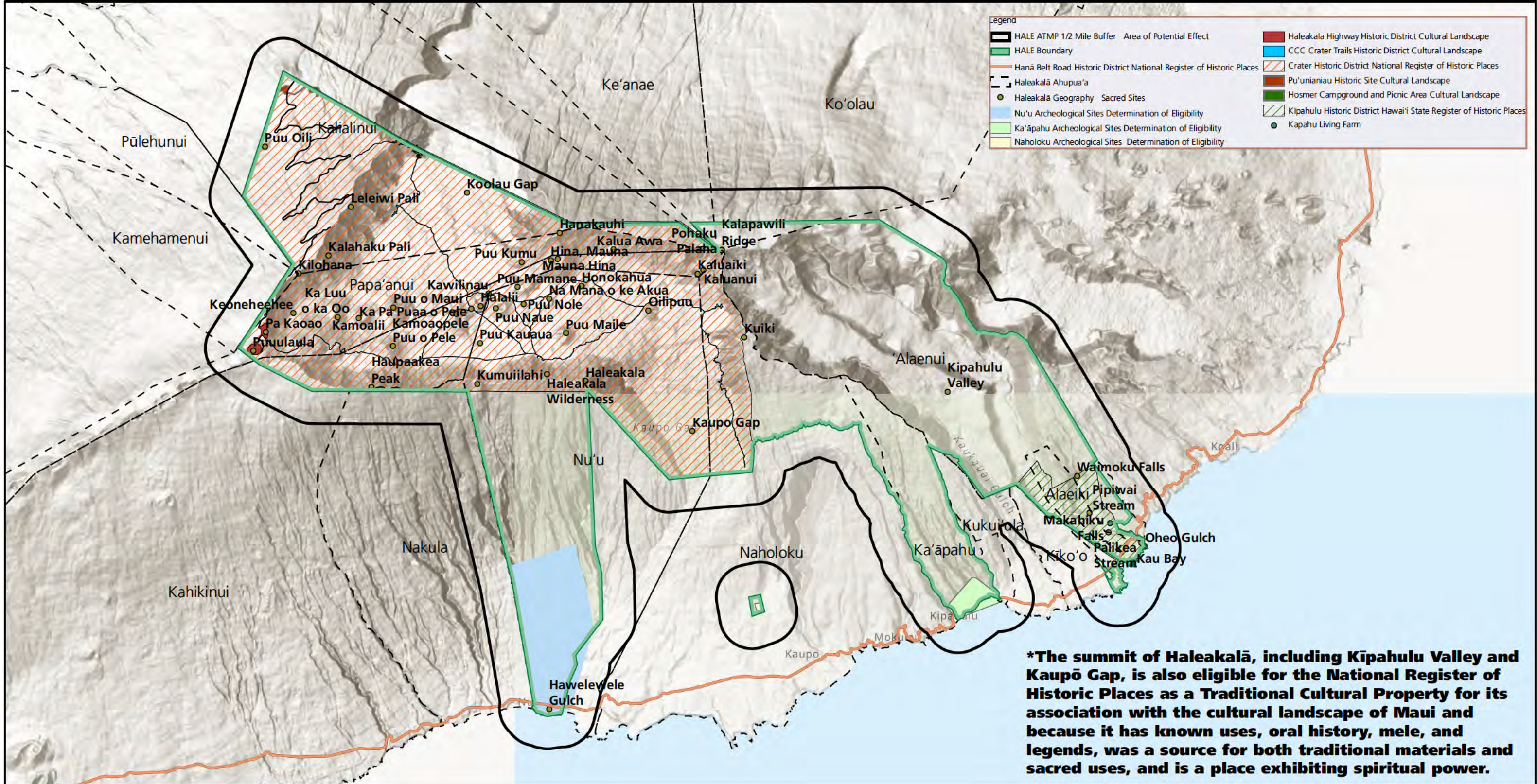
18:02:11 From Olena Alec to Everyone:

Aloha, my questions are miniscule compared to this discussion, so just adding them here for future discussion. Q to Keith/FAA re the parameters of the ATMP restrictions, regarding the quiet aircraft technology that was mentioned as being in use by some tour providers, is there a potential to create a mandate for the use of this tech (if any flight paths are allowed of course)? And more for NPS, while accessibility is a factor in the availability in these tours, to Kalena's earlier question, what is the benefit to the parks?

Haleakalā National Park (HALE) Historic Properties Map

Air Tour Management Plan (ATMP) Area of Potential Effect (APE)

**Interior Region 12
National Park Service
U.S. Department of the Interior**



***The summit of Haleakalā, including Kīpahulu Valley and Kaupō Gap, is also eligible for the National Register of Historic Places as a Traditional Cultural Property for its association with the cultural landscape of Maui and because it has known uses, oral history, mele, and legends, was a source for both traditional materials and sacred uses, and is a place exhibiting spiritual power.**



Haleakalā National Park
November 2021
Data Sources: NPS Park Data, ESRI Basedata
HALE ATMP/Historic Properties Map

| State | County | City | Resource Name | Address | Listed Date | Nomination Form | SIHP Number | TMK | Notes |
|--------|--------|-----------------------------------|--|---|-------------|--|----------------|--------------------------|-------------------------------------|
| HAWAII | MAUI | Haleakala National Park | Crater Historic District | Haleakala National Park | 11/1/1974 | Restricted | 50-50-12-01739 | (2) 1-8-001:007 | |
| HAWAII | MAUI | Makawao District to Hana District | Hana Belt Road | Hana Highway (State Route 360), Pi'ilani Highway (Route 31) | 6/15/2001 | 01000615.pdf (nps.gov) | 50-50-va-01638 | (2) Various | |
| HAWAII | MAUI | Haleakala National Park | Traditional Cultural Property | Haleakala National Park | N/A | Eligible -SHPD Consensus Determination | | boundary is undetermined | Hawaii SHPO concurred on 10/23/2006 |
| HAWAII | MAUI | Haleakala National Park | Civilian Conservation Corps Haleakala Crater Trails Historic District Cultural Landscape | Haleakala National Park | N/A | Eligible -SHPD Consensus Determination | | | Hawaii SHPO concurred 9/14/2009 |
| HAWAII | MAUI | Haleakala National Park | Pu"uniauniau Historic Site Cultural Landscape | Haleakala National Park | N/A | Eligible -SHPD Consensus Determination | | | Hawaii SHPO concurred 3/23/2020 |
| HAWAII | MAUI | Haleakala National Park | Haleakala Highway Historic District Cultural Landscape | Haleakala National Park | N/A | Eligible -SHPD Consensus Determination | | | Hawaii SHPO concurred 9/8/2008 |
| HAWAII | MAUI | Haleakala National Park | Hosmer Campground and Picnic Area Cultural Landscape | Haleakala National Park | N/A | Eligible | | | Awaiting Hawaii SHPO concurrence |
| HAWAII | MAUI | Haleakala National Park | Haleakala Headquarters Historic District | Haleakala National Park | N/A | Eligible | | | draft Determination of Eligibility |

| | | | | | | | | | |
|--------|------|-------------------------|------------------------------|--|-----|--|---|--|------------------------------------|
| | | | Cultural Landscape | | | | | | |
| HAWAII | MAUI | Haleakala National Park | Kipahulu Historic District | Haleakala National Park - about nine miles southwest of Hana (town), Maui Island on Route 31 | N/A | Eligible -SHPD Consensus Determination | 50-50-17-299 | TMK (2) 1-6-various | Hawaii SHPO concurred 2/27/1976 |
| HAWAII | MAUI | Haleakala National Park | Nu'u Archeological Sites | Haleakala National Park | N/A | Eligible | 50-50-16-8145 to 50-50-16-8220 (76 archeological sites) | (2) 1-8-001:002 | Awaiting Hawaii SHPO concurrence |
| HAWAII | MAUI | Haleakala National Park | Ka'apahu Archeological Sites | Haleakala National Park | N/A | Eligible | 50-50-16-7608 to 50-50-16-7620, 50-50-16-1129, 50-50-16-1492, 50-50-17-3147, 50-50-17-7621 (18 archeological sites) | (2) 1-6-010:001, 006-008 (Portions, all) | Awaiting Hawaii SHPO concurrence |
| HAWAII | MAUI | Haleakala National Park | Naholoku Archeological Sites | Haleakala National Park | N/A | Eligible | no state site numbers yet | (2) 1-7-002: 77 (Por.) | draft Determination of Eligibility |

Haleakalā National Park Listening Session

For Air Tour Management
Plan Development

December 9, 2021



**Federal Aviation
Administration**



**National Park
Service**



Agenda

- Welcome – Kawai Domingo
 - Oli -
- Opening Remarks - Haleakalā Superintendent Natalie Gates
- Introductions
- Current Air Tour Activities – Paul Hosten
- Summary of Comments Received to Date – Rachel Hodara Nelson
- Historic Property/Sacred Site Summary – Rachel Hodara Nelson
- Listening Session – Kawai Domingo



Welcome

Welcome:

- Kawai Domingo

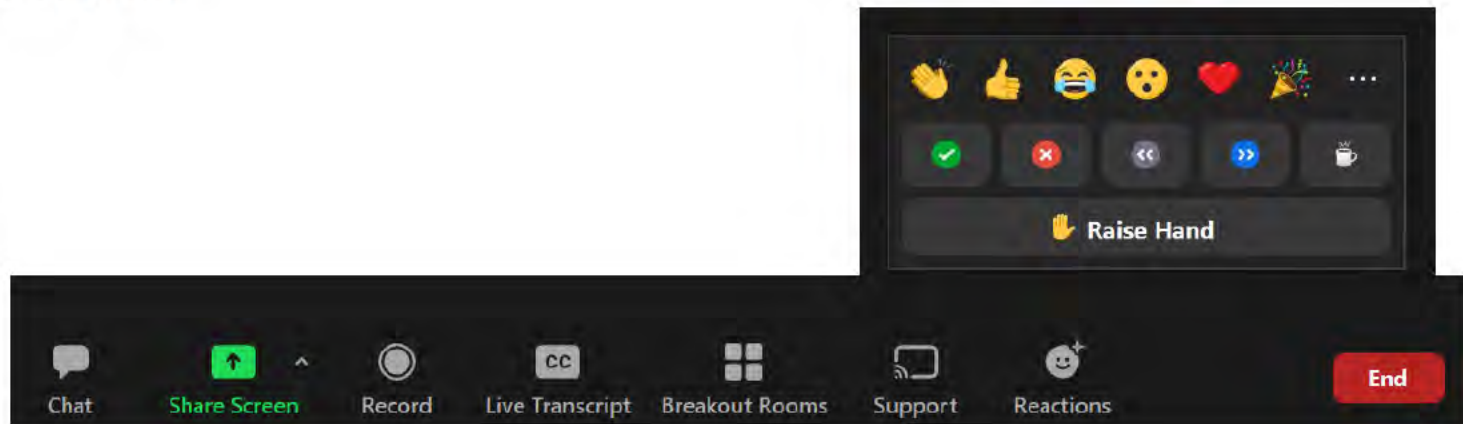
Opening Remarks:

- Haleakalā Superintendent Natalie Gates



Housekeeping

- Please **mute your mic** except when talking, this improves the sound quality for all.
- If you have any questions/comments please use the "Raise Hand" icon or submit your comment in the chat box.
 - The raise your hand icon can found under "Reactions" on the tool bar.



Introductions

Haleakalā National Park:

- Natalie Gates, Superintendent
- Kawai Domingo, Community Liaison
- Rachel Hodara Nelson, Section 106 Coordinator
- Paul Hosten, Integrated Resources Manager

FAA

- Cathy Nadals, FAA Cultural Resources Specialist
- Keith Lusk, FAA Program Manager

NPS

- Vicki Ward, NPS Overflights Program Manager

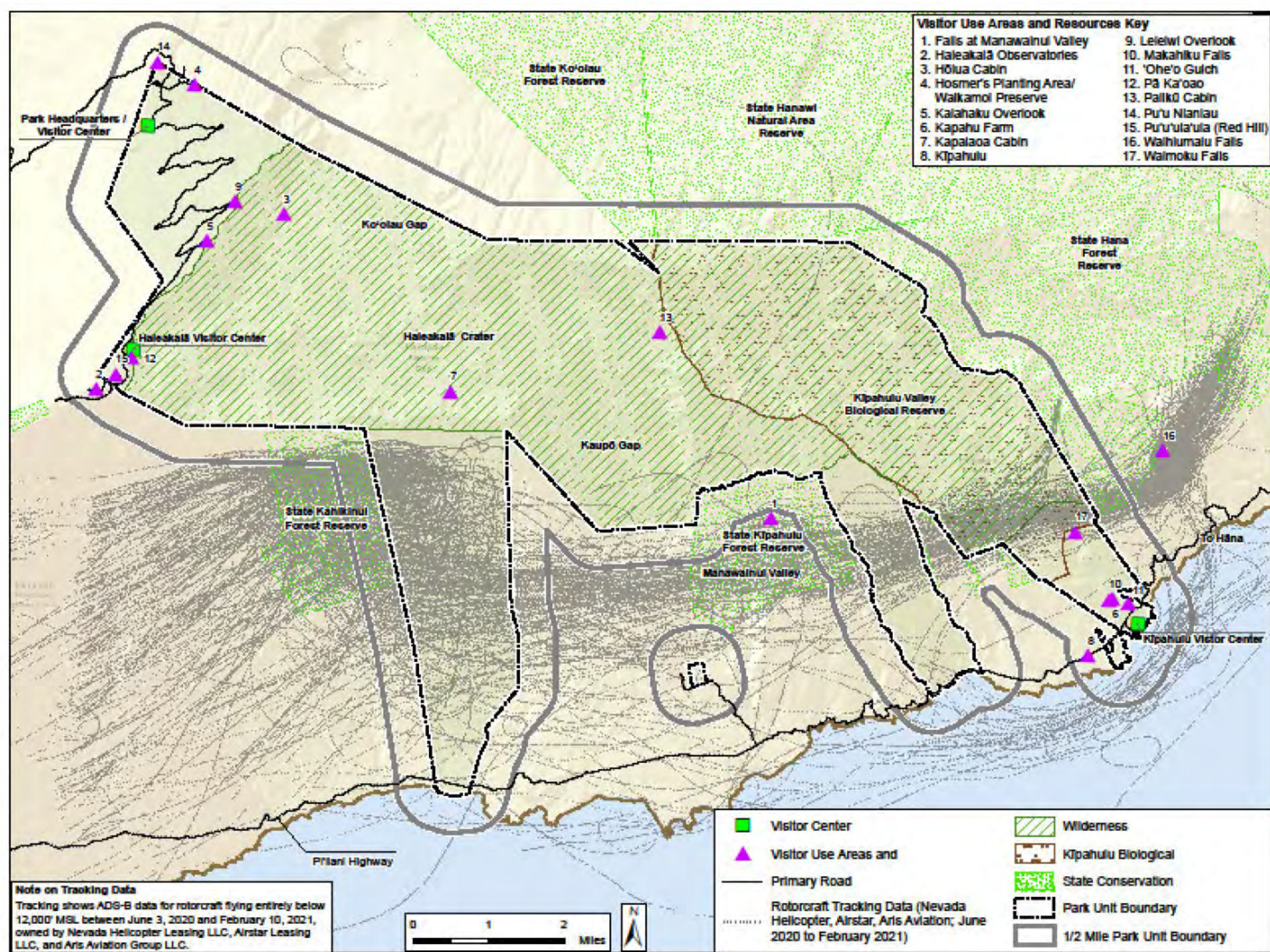
DOT

- Kaitlyn Rimol, Environmental Protection Specialist

Consulting Parties

Visitor Use Areas and Resources Key

- | | |
|---|-----------------------------|
| 1. Falls at Manawainui Valley | 9. Lelelwi Overlook |
| 2. Haleakalā Observatories | 10. Makahiku Falls |
| 3. Hōlua Cabin | 11. 'Ohe'o Gulch |
| 4. Hosmer's Planting Area/ Waikamoi Preserve | 12. Pā Ka'oao |
| 5. Kalahaku Overlook | 13. Pali'ō Cabin |
| 6. Kapahu Farm | 14. Pu'u Nianiau |
| 7. Kapalaoa Cabin | 15. Pu'u'ula'ula (Red Hill) |
| 8. Kīpahulu | 16. Waihiu'ula Falls |
| | 17. Waimoku Falls |



Summary of Comments Received

- Generally speaking, all of Haleakalā is sacred. Silence on Haleakalā is sacred. Kīpahulu Valley was specifically mentioned as an area of concern.
- No air tour overflights should be allowed. Would like the park to also restrict its use of helicopters. Noise from helicopters disturbs wildlife (birds specifically mentioned) and cultural practices where you need quiet.
- Commercial air tours need to be restricted. Preferred tour routes over the ocean instead of the land. Concerned about the monitoring of commercial air tours (i.e., how air tour restrictions are going to be enforced).



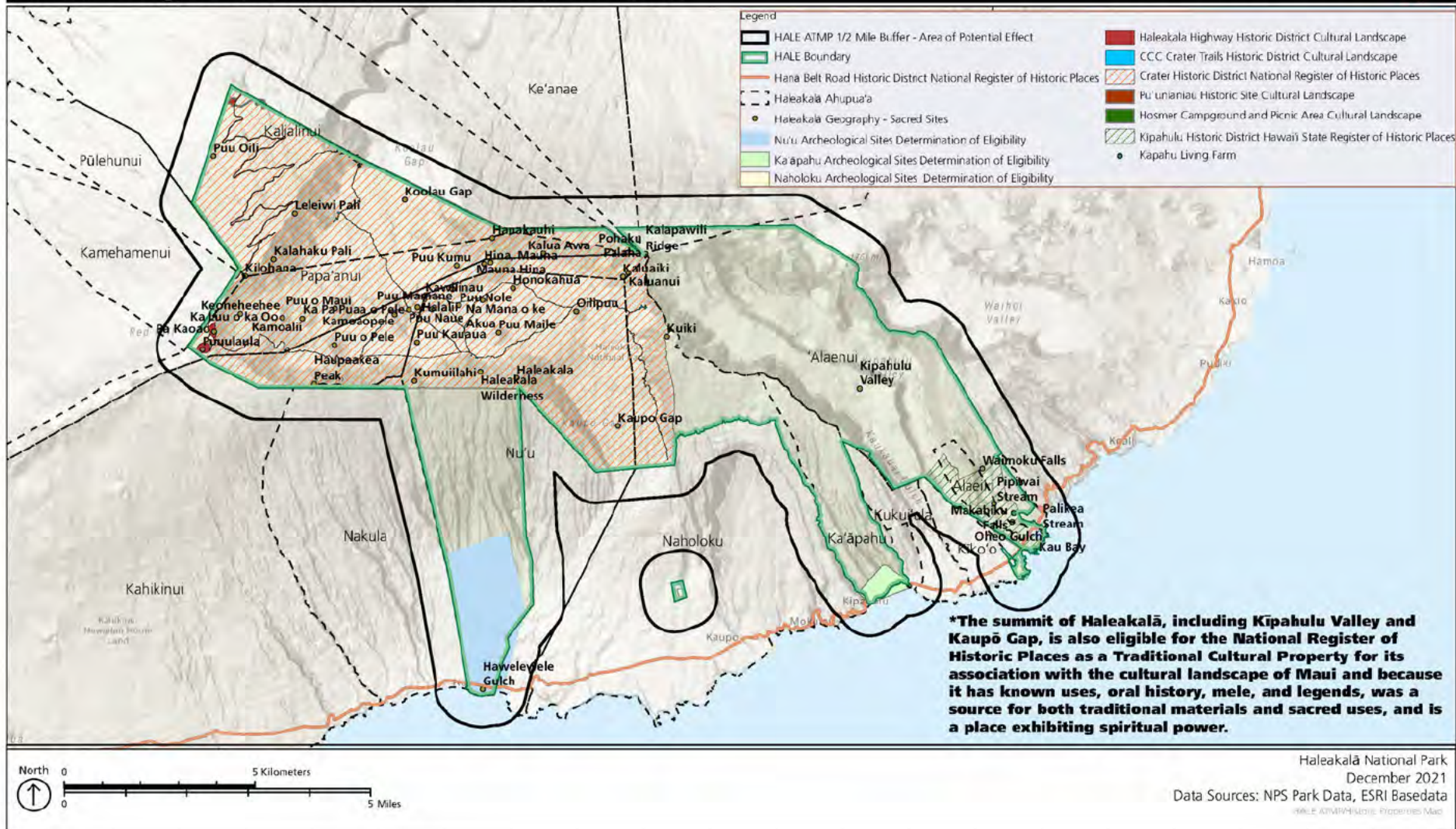
Summary of Comments Received Cont.

- Commercial air tours affect everyone, not just Haleakalā National Park. Would like air tours banned from Haleakalā National Park and over Hāna. Also concerned about private planes flying over these areas.
 - If this is not possible, would like to see minimal fly zones and a cap on tour operations. Like temporary flight restrictions/bans in fly zones for cultural events.
- Feel caught between a rock and a hard place with the air tour management plan; particularly the proposed fly zone in Kīpahulu.
- Concerned about existing and future effects of air tours on wildlife, particularly birds. Concerned that no baseline data was gathered before air tours started in order to be able to determine effects. Concerned about the adequacy of methods and technology used to determine noise effects.

Historic Properties/Sacred Sites

Haleakalā National Park (HALE) Historic Properties Map Air Tour Management Plan (ATMP) Area of Potential Effect (APE)

Interior Region 12
National Park Service
U.S. Department of the Interior



Listening Session

Next Steps:

- Next meeting?

For More Information:

https://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/

<https://www.nps.gov/subjects/sound/airtours.htm>

Section 106 Points of Contact:

- Catherine Nadals, FAA: Catherine.L.Nadals@faa.gov
- Kawai Domingo,
Haleakalā: [REDACTED] 808-572-4487
- ATMPTeam@dot.gov