

Exhibit 3 – March 7, 2022, Scoping Letter and Responses

Initial APE Development and Historic Property Identification



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 7, 2022

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

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

Dear Dr. Downer:

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

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

Background and Preliminary Historic Identification Efforts

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

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

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

The FAA, in cooperation with NPS, coordinated with staff at Haleakalā National Park to identify 12 historic properties within the park that are listed in or eligible for listing in the National Register of Historic Places (NRHP), including TCPs. These properties are generally related to the management of the park, visitation to the park or early settlement of the area but also include TCPs. Haleakalā in its entirety is an important cultural place with many archaeological sites representing the broad range of traditional Native Hawaiian and other historic activities. In addition, the summit of Haleakalā, including the crater and Kaupō Gap, is an NRHP-listed historic district containing significant archeological sites and sensitive cultural resources. The summit of Haleakalā, including Kīpahulu Valley and Kaupō Gap, is also eligible for the NRHP as a TCP. The preliminary list of historic properties within the park is enclosed as **Attachment A**. An overview map prepared by the NPS and showing the location of certain historic properties within the park is enclosed as **Attachment B**. The FAA and NPS are still seeking information on any additional historic properties that may be located within the park or historic properties that occur within ½-mile of the park boundary (the planning area for the ATMP).

Invitation to Submit Comments through the NEPA Scoping Process

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

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

- Visit <https://parkplanning.nps.gov/HaleakalaATMP> for project information and to submit your comments.
- Mail hard copy comments to the following address:

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

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

Sincerely,

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

Cathy Nadals

Cultural Resource Specialist
Federal Aviation Administration

Attachments

- A. Preliminary List of Historic Properties in Haleakalā National Park
- B. Overview Map of Historic Properties in Haleakalā National Park
- C. ATMP Newsletter for Haleakalā National Park

ATTACHMENT A
PRELIMINARY LIST OF HISTORIC PROPERTIES IN HALEAKALĀ NATIONAL PARK

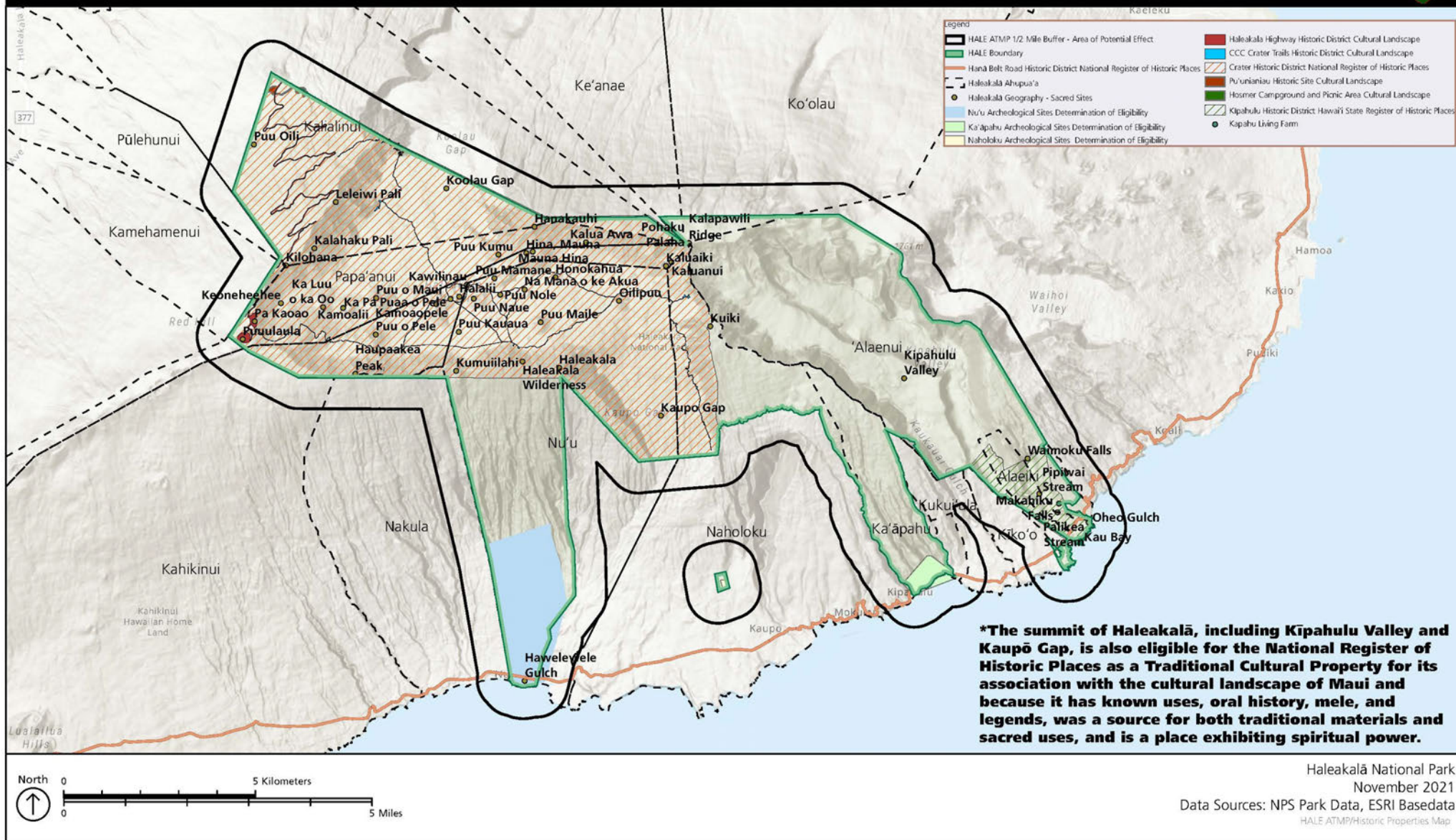
Historic Property	NRHP Status
Civilian Conservation Corps Haleakalā Crater Trails Historic District Cultural Landscape	Eligible
Crater Historic District	Listed
Haleakalā Headquarters Historic District Cultural Landscape	Eligible
Haleakalā Highway Historic District Cultural Landscape	Eligible
Haleakalā National Park (TCP)	Eligible
Hāna Belt Road	Listed
Hosmer Campground and Picnic Area Cultural Landscape	Eligible
Ka'āpahu Archeological Sites ¹	Eligible
Kīpahulu Historic District	Eligible
Naholoku Archeological Sites ¹	Eligible
Nu'u Archeological Sites ¹	Eligible
Pu'uniauniau Historic Site Cultural Landscape	Eligible

¹ The location of this historic property is restricted.

ATTACHMENT B
OVERVIEW MAP OF HISTORIC PROPERTIES WITHIN HALEAKALĀ NATIONAL PARK

Haleakalā National Park - Overview Map of Historic Properties

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



ATTACHMENT C
HALEAKALĀ NATIONAL PARK
AIR TOUR MANAGEMENT PLAN NEWSLETTER
FEBRUARY 2022



Haleakalā National Park

FEB 2022
Newsletter



Air Tour Management Plan
Potential Alternatives for Public Comment

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

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

Project Introduction

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

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

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



View of Kukui Bay, Kīpahulu District

Purpose and Need for the Project

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

Purpose

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

Need

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

Resources for Consideration in the EA

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

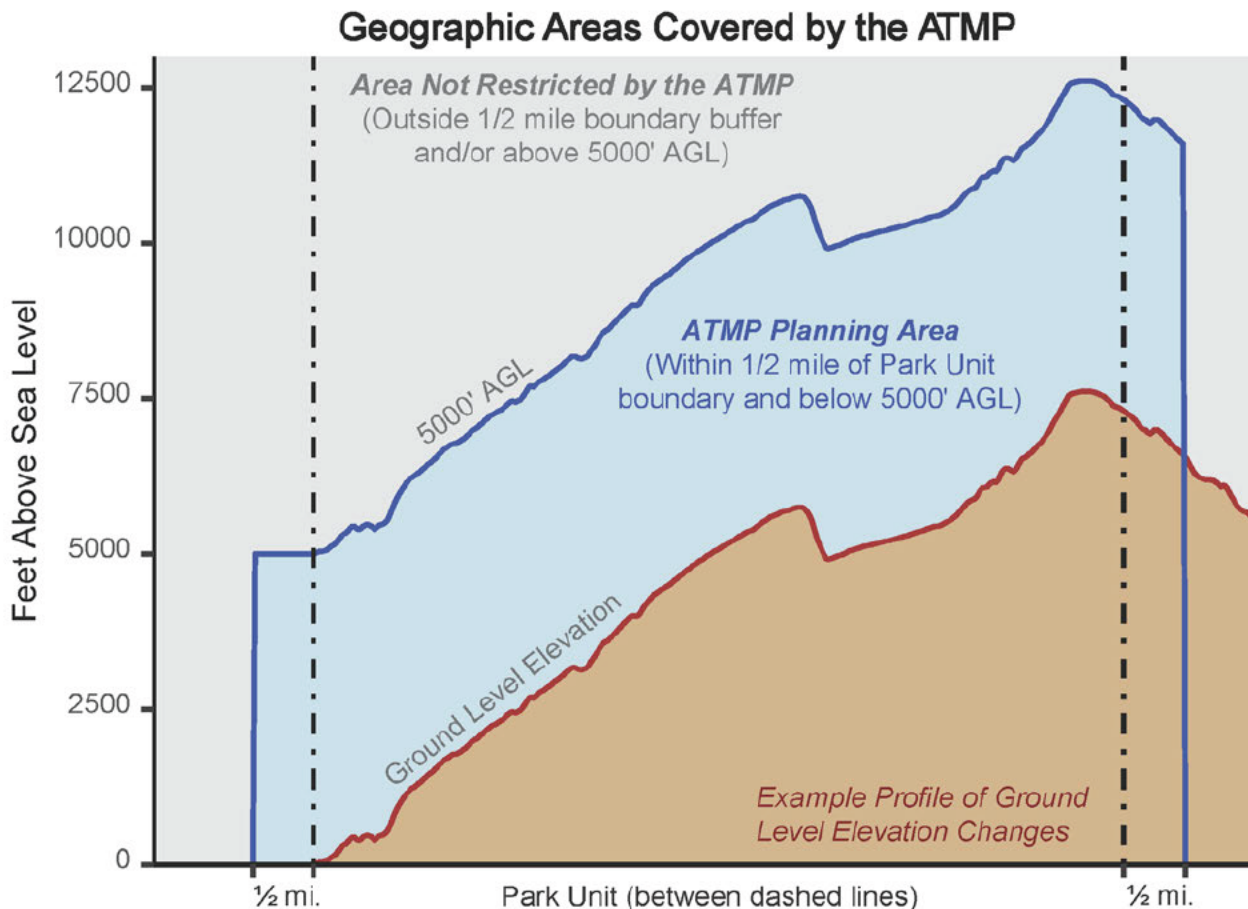
- Air quality
- Biological resources (e.g., fish, plants, and wildlife including mammals, avian species, and special status species)
- Climate (climate change and greenhouse gas emissions)
- Coastal resources
- Cultural resources (historic buildings, historic districts, archeological resources, sacred sites, Traditional Cultural Properties, cultural landscapes, ethnographic resources)
- Department of Transportation Act, Section 4(f)
- Farmlands (e.g., Kapahu Living Farm)
- Noise and compatible land use (acoustic environment and Park soundscape)
- Park visitors and visitor uses
- Socioeconomics, Children's Environmental Health and Safety Risk, and Environmental Justice
- Visual effects (light emissions, visual resources, visual character)
- Water resources
- Wilderness

Elements Common to All Alternatives for the Haleakalā National Park ATMP

All alternatives being considered for the Haleakalā National Park ATMP will incorporate the following:

ATMP Planning Area

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



Monitoring and Enforcement

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



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

The NPS will continue to maintain its Automatic Dependent Surveillance-Broadcast (ADS-B) flight tracking system to monitor commercial air tour activity within the ATMP planning area. The ADS-B data documenting unauthorized commercial air tours and any additional visual observations will be submitted to the FAA through the Honolulu FSDO for FAA enforcement and/or disciplinary actions. The NPS will use all available flight tracking data to monitor air tour activity.

Flight Route and In-flight Deviations

The map included in the potential alternative show a flight route where air tours could occur within the ATMP planning area. The flight route within the ATMP planning area is represented by a line with a buffer on either side of the route that indicates the acceptable range of deviation that would not trigger enforcement action. The flight line will be used for noise modeling purposes in the impact analysis. If pilots are entering or on the route in the ATMP planning area and weather conditions do not allow them to follow the route at the prescribed altitude they must not proceed further on the route. Pilots must safely exit the route and leave the ATMP planning area boundary. Weather deviations to the flight route would be reported to the Park, the FAA, and the NPS as part of bi-annual reporting requirements.



FAA Airspace Authority

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



Minimum Altitudes

The range of altitudes examined in the alternatives will be from 1,500 to 5,000 feet AGL. None of the alternatives would supersede laws protecting humpback whales and monk seals under the Endangered Species Act, the Marine Mammal Protection Act, and State of Hawai‘i law, including 50 CFR Part 216 which states that it is unlawful to operate any aircraft within 1,000 feet AGL of any humpback whale or monk seal in the vicinity of the Hawaiian Islands.



Fee Collection

Under the Omnibus Budget Reconciliation Act of 1993 (54 U.S.C. § 100904), commercial air tour operators currently conducting air tours over the Park are required to pay a fee (currently \$25 for each aircraft with 25 passengers or less) for each air tour conducted. This requirement will remain in force when this ATMP becomes effective.

Fee collection will not be considered in the decision-making process for analyzing and selecting a potential alternative. The decisions will be based solely on the environmental impact analysis and public input.



Initial Allocation and Competitive Bidding

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



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

Potential Alternatives

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

Alternatives Considered and Dismissed

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

The NPS determined the current level of air tours is inconsistent with the Park's purpose and values. Existing air tour operations result in frequent and loud noise disruptions in many areas of the Park. Noise from air tours adversely impacts existing Native Hawaiian sacred sites and landscapes. The NPS is required to avoid adverse impacts to sacred sites to the extent possible (NPS Management Policy 5.3.5.3.2). Native Hawaiians have consistently noted the persistent air tours over the Park unreasonably interfere with ceremonies conducted by Native Hawaiian practitioners at these sacred sites.

Current air tours over the Park also directly interfere with resource management activities (such as the execution of acoustic based bird surveys) which impedes the NPS's ability to fully meet the Park's purpose of perpetuating endemic Hawaiian ecosystems and does not support the perpetuation of biological diversity and ecological integrity which are fundamental resources and values of the Park (see Foundation Document). A recent study in Hawai'i documents that loud, frequent helicopter noise results in changes in avian vocalization (Gallardo Cruz et al 2021). Helicopter noise could detrimentally affect physiology, pairing and breeding success, and territory size of birds by limiting communication between individuals (Habib et al. 2007; Nemeth and Brumm 2010; Halfwerk et al. 2011; Kleist et al. 2018). These effects could have a greater impact on Hawaiian endemics, which already face a number of stressors (Atkinson and Lapointe 2009; Pratt et al. 2009; LaPointe et al. 2010), than on introduced species. The current level of air tours also diminishes visitor opportunities to learn about and be inspired by Park resources and values and unreasonably interferes with Park programs, activities, the atmosphere of peace and tranquility and the natural soundscapes in Wilderness (see NPS Management Policies 1.4.7.1). Existing air tours repeatedly interrupt and unreasonably

interfere with interpretive programs and visitor activities at the Summit, in Kīpahulu and in the Haleakalā Crater, which may significantly impede visitors from enjoying and learning about existing Park resources. Natural quiet is a foundational resource for the Park and a primary reason for visitation. Air tours currently disrupt natural quiet throughout the Park. Additionally, existing air tour operations unreasonably interfere with the natural soundscape maintained within the Haleakalā Wilderness.

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



Hikers in Haleakalā Crater; View towards Halemau‘u Trail “Switchbacks”

Alternative 1 (No Action)

Objective

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

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

Description

The no action alternative is what happens if the agencies do not adopt an ATMP. The no action alternative would allow a continuation of air tours under interim operating authority (IOA) without implementation of an ATMP or voluntary agreement. Under the no action alternative, air tours numbers would be expected to vary from year to year, likely consistent with reported numbers over the past three to five years. Air tour numbers from 2017 to 2019 are listed below. Under the no action alternative operators could fly up to IOA, 25,827 air tours per year. Air tour operators may fly where they choose. Currently, altitudes are flown in accordance with the Hawai'i Air Tour Common Procedures Manual (HI Manual). Minimum altitudes range from 500-1,500 ft. AGL, weather dependent, depending on location on the island.

Number of Flights Each Year

Alternative 1 represents a continuation of what currently exists and is allowed under existing law including each company's IOA as granted by the FAA (70 Federal Register 36456 (June 23, 2005)), applicable regulations that govern aviation safety (Title 14 Code of Federal Regulations Part 136, Appendix A (formerly Special Federal Aviation Regulation 71)), and any FAA exceptions issued to individual operators as outlined by the HI Manual. Six commercial air tour operators currently hold IOA to fly up to a combined total of 25,827 annual flights at the Park authorized under IOA (see table on page 11).

Under the no action alternative, operators could fly up to IOA. The operators may not exceed their respective IOA limitation in any given year. Under the no action alternative, air tours numbers would be expected to vary from year to year, likely consistent with reported numbers over the past three to five years. The average annual number of commercial air tours conducted over the Park from 2017-2019 for all operators is 4,824. The agencies consider the 2017-2019, three-year average, to be the existing baseline for the purposes of understanding the existing number of commercial air tour flights over the Park.

Alternative 1 (No Action)

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

Routes and Altitudes

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

Minimum altitudes for commercial air tours within the ATMP planning area are flown in accordance with the HI Manual, from 500-1,500 ft. AGL, weather dependent and contingent on location on the island. In most locations within the Park, the HI Manual requires helicopters to fly at a minimum 500 ft. AGL. See the figure for this alternative for details. Operators have been granted exemptions 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.

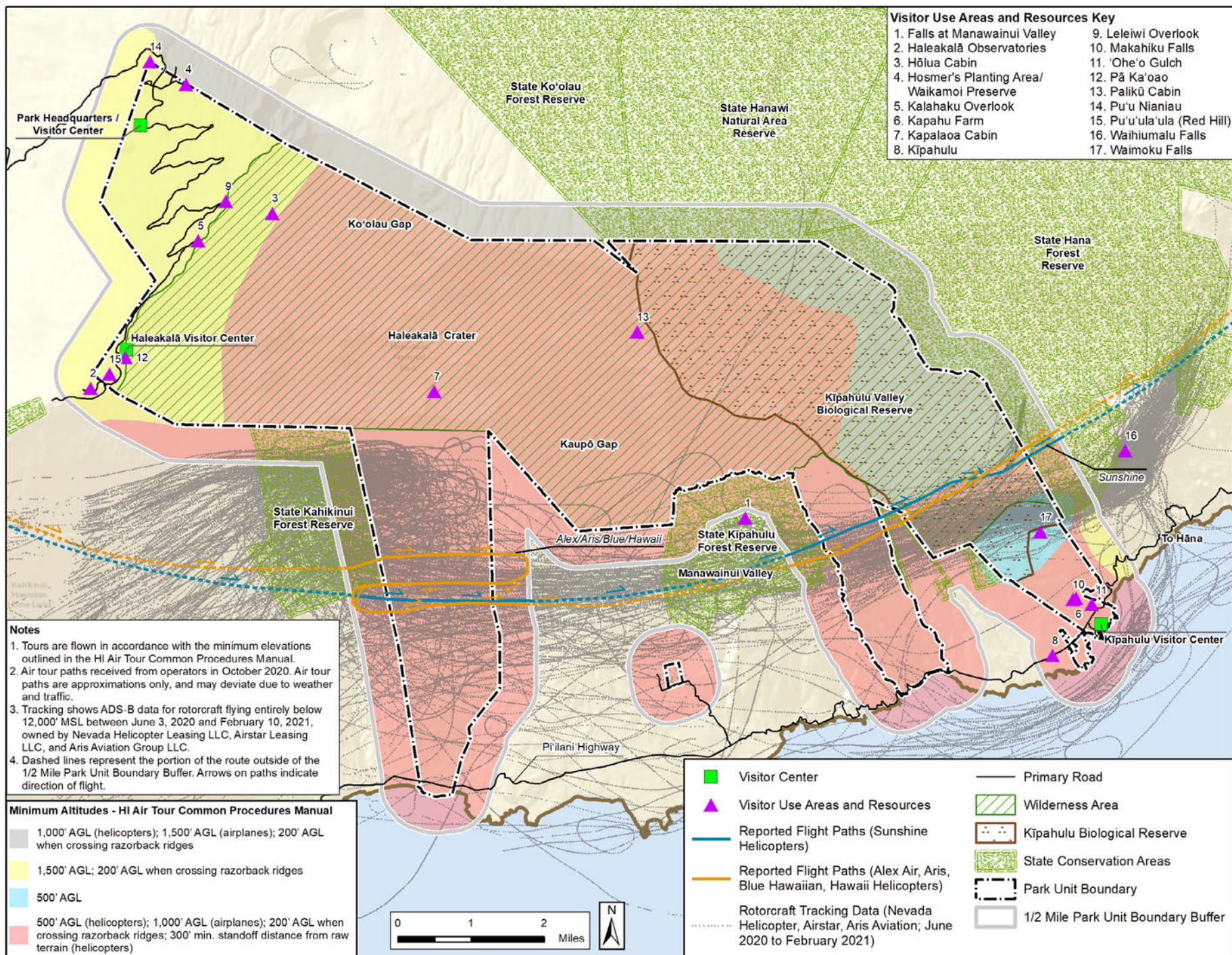
Operators, Aircraft Types, Interim Operating Authority

Five of the six operators that hold IOA for the Park reported flying commercial air tours over the Park between 2013 and 2019. All five operators that have reported flying over the Park during this period fly helicopters (not fixed wing aircraft). The following table summarizes each operator’s aircraft type, IOA for the Park, and average number of reported air tours over the Park from 2017-2019:

Alternative 1 (No Action)

Operator	Aircraft Type	2017 Reported Tours	2018 Reported Tours	2019 Reported Tours	3-year Reported Average No. of Air Tours (2017-2019)	Interim Operating Authority (IOA)
Aris, Inc. (Air Maui Helicopter Tours)	AS350BA	905	863	735	834	3,996
Hawai'i Helicopters, Inc.	AS350B2	516	328	283	376	5,682
Helicopter Consultants of Maui, Inc. (Blue Hawaiian Helicopters)	AS350B2, EC130 T2, EC130 B4	2,100	2,503	2,740	2,448	8,348
Schuman / Makani Kai	No Data	0	0	0	0	25
Sunshine Helicopters, Inc.	AS350BA	881	703	775	786	4,853
Alika Aviation, Inc. (Alexair, Maverick)	EC130B4	437	360	342	380	2,923
		4,839	4,757	4,875	4,824	25,827





Alternative 2

Objective

Alternative 2 seeks the greatest protection for the purposes, resources, and values of the Park. This includes: the summit of Haleakalā (meaning rim and crater), a Traditional Cultural Property which holds spiritual and cultural significance to Native Hawaiians; threatened and endangered species and other wildlife sensitive to noise; Congressionally designated Wilderness and visitor opportunities for solitude; ground-based visitor experience; Native Hawaiian traditional cultural practices; scenic qualities, and natural sounds.

Description

Alternative 2 would prohibit air tours within the ATMP planning area. The ATMP planning area includes areas below 5,000 feet AGL and within 1/2-mile of the Park boundary. The Park itself would be designated as an area to remain free of commercial air tours under 5,000 feet AGL. Air tours outside of the ATMP planning area (i.e., above 5,000 feet

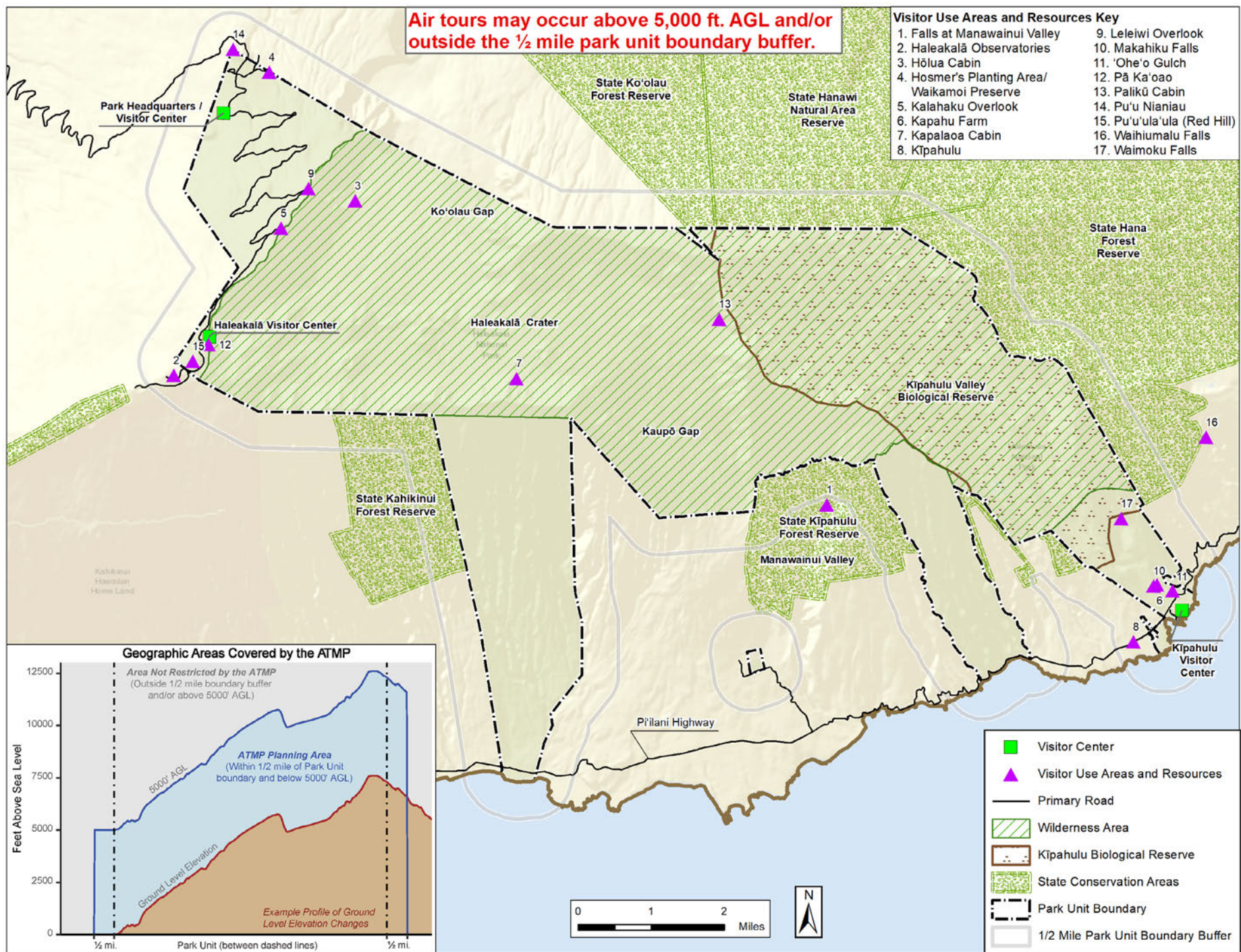
AGL or more than 1/2-mile outside of the Park's boundary) are not subject to the Act and are therefore not regulated under the ATMP. Thus, there would be no limitations on the annual number of air tours that could occur outside the ATMP planning area.

Routes and Altitudes

Air tours could be conducted only outside the ATMP planning area. Based on current air tour activity, routes outside of the ATMP planning area would be expected to be similar to existing routes. An unknown number of air tours originating on Maui Island would still continue to fly more than 1/2-mile outside of the Park's boundary at minimum altitudes ranging from 500 to 1,500 ft. AGL, depending on location on the island, in accordance with the HI Manual. The actual flight path of air tours outside the ATMP planning area would vary due to operator preference and weather conditions at the time of the air tour.



'Iwi in māmane



Alternative 3

Objective

Alternative 3 is intended to improve and protect Wilderness values, cultural resources, natural soundscapes, wildlife, and to provide enjoyment of the Park (visitor use). The following objectives were considered by the NPS in the development of this alternative.

- Protect sensitive cultural properties. The flight path avoids culturally significant areas, including those used by cultural practitioners, the Kīpahulu Historic District, Crater Historic District, the Kapahu Living Farm, and coastal areas for cultural fishing access and use (Prasad, U.K. and Tomonari-Tuggle, M.J. 2008).
- Protect biological resources. The flight path avoids bioreserves and protects forest birds, nēnē and ‘ua‘u by maintaining mid-slope (i.e., staying below 4,000 ft contour line elevations). The flight path also protects cliff-nesting seabirds and forest birds of the Manawainui plateau by avoiding flights in the deep valley/bowl area immediately west of Kaupō.
- Protect visitor experience and Wilderness values. The singular flight path avoids the Keonehe‘ehe‘e (Sliding Sands) Trailhead at the visitor center parking lot, Waimoku Falls and Kīpahulu area including the Visitor Center, and the Halemau‘u Trail switchback areas for improved Wilderness and visitor use and experience conditions and protection.
- Avoid or minimize unacceptable impacts to Wilderness values, cultural resources, natural soundscapes, wildlife, and visitor use by reducing the annual number of commercial air tours over the Park as compared to existing conditions.

The FAA reviewed the alternative to ensure it meets safety parameters.

Description

Alternative 3 provides a singular flight path within the ATMP planning area and a reduction in the number of commercial air tours authorized to fly over the Park in order to protect Park resources, values, and visitor experience.

Alternative 3

Caps on Numbers of Flights Allowed Annually and Daily

Noise modeling will be used to consider and evaluate various numbers of annual commercial air tours over the Park, ranging between 1 flight per year to below current condition (the average number of commercial air tours conducted over the Park each year from 2017-2019, in this case 4,824). The number of flights allowed over the Park on an annual basis will be selected to avoid or minimize unacceptable impacts to Wilderness values, cultural resources, natural soundscapes, wildlife, and visitor experience.

Daily caps will be determined by noise modeling in order to protect biological resources, sensitive cultural areas, and visitor use and experience.

Annual and daily caps on the numbers of flights allowed will be outlined in the EA and draft ATMP for public review.

Route and Altitudes

Alternative 3 includes a singular flight path with altitudes ranging from 1,500 – 2,000 ft. AGL, depending on location over the Park. This route has one ingress point into the ATMP planning area, entering from the west over the State Kahikinui Forest Reserve at a minimum altitude of 2,000 ft AGL. The flight crosses the Park's Nu'u Parcel at 2,000 ft. AGL, then descends to the edge of the ATMP planning area near the Park's Denman Parcel. The route continues in an easterly direction over a coastal portion of the ATMP planning area at a minimum of 1,000 ft. mean sea level (MSL). The altitude restrictions protect

marine threatened and endangered species by maintaining at least 1,000 feet above MSL over the ocean. Vertical separation of aircraft along the route would be prohibited.

Other than the route described above, under Alternative 3, no air tours could occur below 5,000 feet AGL within the rest of the ATMP planning area. Refer to the map for this alternative for a depiction of the flight corridor and altitudes.

Hovering/Circling

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

Time of Day/Day of Week

Flights would be permitted between the hours of 11:00 a.m. and 2:00 p.m. Exceptions to this parameter for Quiet Technology (QT) aircraft are noted below, which allow QT aircraft to fly at the Park from 11:00 a.m. until 4:00 p.m.

Flights would be permitted on all days of the week except Wednesday and Sunday. Selecting non-consecutive days comprising one weekend day and one weekday may offer access to the renowned quiet of the Haleakalā Crater to a broad range of visitors. Air tour operators will also be required to observe the Park's six existing commercial free days as no-fly days (see section on restrictions for special events).

Alternative 3

Quiet Technology (QT) Incentives

The Act requires that the ATMP include incentives for the adoption of QT by commercial air tour operators. Alternative 3 incentivizes the use of QT aircraft by relaxing time-of-day restrictions to allow QT aircraft to fly from 11:00 a.m. - 4:00 p.m.

In order to qualify for QT incentives, operators will be required to follow a process to be defined by the agencies outside of the planning process for the Haleakalā National Park ATMP.

Restrictions for Special Events

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

In addition to the weekly no fly days of Wednesday and Sunday, the Park has set aside six no-fly days for commercial tours over the Park. These dates are generated by following the Hawaiian Moon Calendar and Makahiki Season and currently are:

1. January 6 - end of Makahiki
2. May 26 - Zenith Noon
3. June 20 - Summer Solstice
4. July 15 - Zenith Noon
5. October 7 - start of Makahiki
6. December 21 - Winter Solstice

One year notice of the six no-fly dates will be provided to air tour operators by the Park.

Adaptive Management

Adaptive management is a systematic approach for improving resource management and ensuring that the continued effectiveness of the ATMP over time through the monitoring of park conditions and by learning from management actions or choices. Adaptive management is also used to address changed conditions such as if the breeding habitat of a sensitive species moves to a new area. Adaptive management of the route, frequency, and timing will be considered, analyzed, and included in this alternative for the protection of the biological reserves, forest and ground bird migratory patterns and habitat shifts over time due to climate change, Wilderness, and cultural resource quality and visitor experience impacted by air tours.

Interpretive Training and Education

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

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

Alternative 3

Annual Meeting

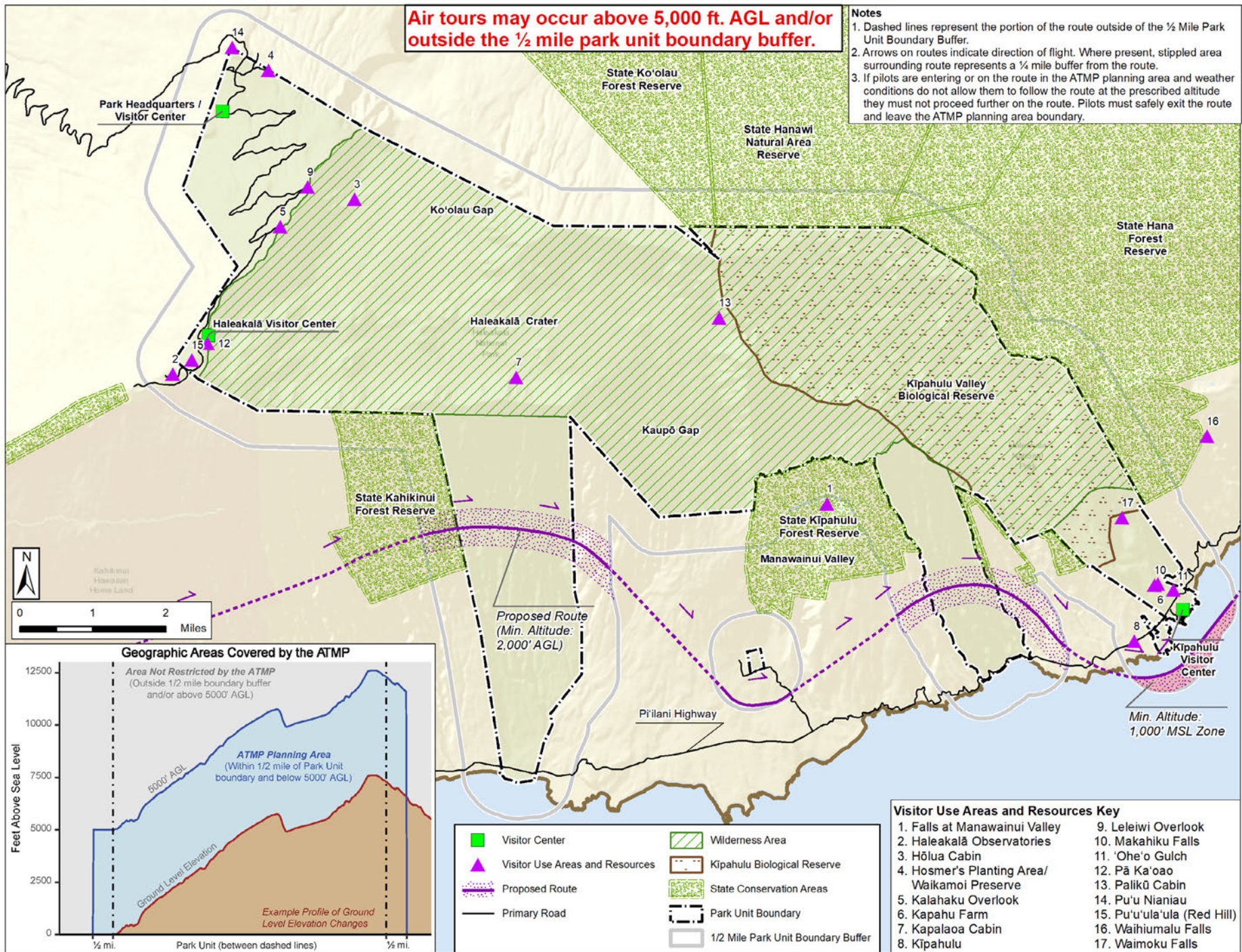
An annual meeting between the agencies and air tour operators would occur under this alternative. The ATMP will describe the details of the annual meeting.

Operators, Initial Allocation of Air Tours, and Aircraft Types

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

Monitoring and Enforcement

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



Summary of Alternative Elements

Alternative Attributes	Alternative 1 (No Action)	Alternative 2	Alternative 3
General Description and Objectives	What happens if the agencies do not adopt an ATMP. Allows a continuation of air tours under IOA without implementation of an ATMP or voluntary agreement. Does not comply with the Act.	Prohibits air tours within the ATMP planning area to maximize Park resource protection. Air tours could still continue to fly outside the ATMP planning area (i.e., above 5,000 feet AGL or more than ½-mile outside of the Park's boundary).	Provides a singular flight path within the ATMP planning area and a reduction in the annual number of commercial air tours over the Park.
Annual/Daily Number of Flights	Leaves IOA in place allowing the potential to fly up to 25,827 commercial air tours each year. Actual number of tours has historically ranged from 4,839 (in 2017) to 4,757 (in 2018) flights per year, or an average of 4,824 flights (based on 2017-2019 reporting).	None in ATMP planning area.	Between 1 and below the current condition (4,824) flights per year, dependent on modeling. Will consider the use of daily caps by operator.
Routes	No mandatory routes or no-fly zones. See map for depiction of reported routes and actual operations.	None in ATMP planning area.	One air tour route, entering the Park on the west near the State Kahikinui Forest Reserve and exiting the Park near the Kīpahulu area and Visitor Center. This route allows operators to fly in one direction.
Minimum Altitudes	Flown in accordance with the HI Manual, generally between 500-1,500 ft. AGL.	No minimum altitude would be set. However, flights over the Park that are above 5,000 feet AGL could occur as they are outside the ATMP planning area. Flights more than ½-mile outside the Park boundary are similarly outside the ATMP planning area and are subject to the altitude restrictions of the HI Manual.	Minimum 1,500 – 2,000 ft. AGL. Flights more than ½-mile outside the Park boundary are similarly outside the ATMP planning area and are subject to the altitude restrictions of the HI Manual.
Time of Day	No restrictions.	N/A	11 AM – 2 PM for non-QT flights. 11 AM – 4 PM for QT flights.

Continuation of Alternative Attributes	Alternative 1 (No Action)	Alternative 2	Alternative 3
Day of Week	No restrictions.	N/A	No-fly day on Wednesday and Sunday.
Hovering/ Circling	No restrictions.	N/A	Not permitted.
Quiet Technology (QT) Incentives	None.	N/A	QT flights may fly 11AM - 4PM.
Interpretative Training and Education	None.	N/A	Mandatory.
Annual Meeting	None.	N/A	Included.
Restrictions for Particular Events	None.	N/A	Six no-fly days generated by following the Hawaiian Moon Calendar and Makahiki Season with one year notice provided to operators. Mandatory 5-mile standoff distance for other special events, with two months' notice provided to operators.
Adaptive Management	None.	N/A	To be considered/analyzed.
Operators, Initial Allocation of Air Tours, and Aircraft Types	Reflects IOA (25,827 IOA issued to six operators).	N/A	The initial allocation would reflect the proportional number of air tours reported over the Park and the existing aircraft types of each of the five operators that have reported operating in the period from 2017-2019. Then it would move to competitive bidding.

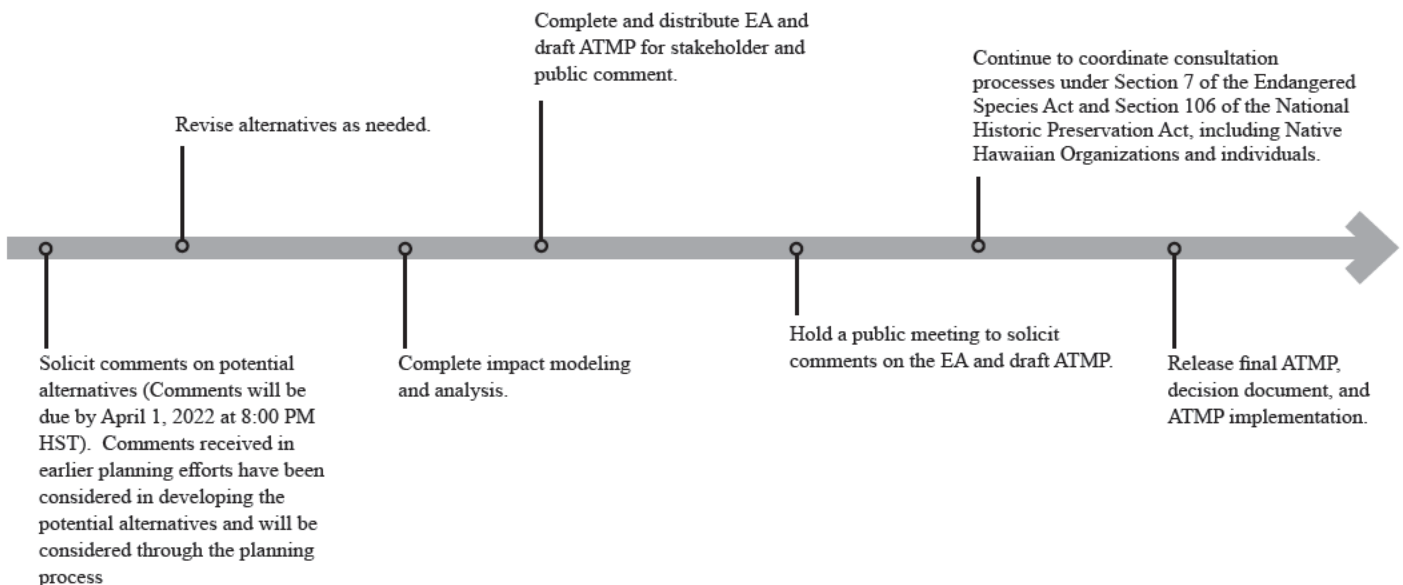
Next Steps

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

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

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

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



Glossary

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



Kalahaku view

Instructions for Public Comment

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

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

Comment submission using the Planning, Environment & Public Comment (PEPC) system is preferred, although written comments sent via postal mail will also be accepted. If you do not have access to a computer, use the attached comment form, following directions on the form. Comments will not be accepted via email. Please send comments by **April 1, 2022 at 8:00 PM HST**.

Comments may be submitted using the PEPC system at:

<https://parkplanning.nps.gov/HaleakalaATMP>

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

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

Send Us Your Comments!

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

Please submit comments electronically by visiting:

<https://parkplanning.nps.gov/HaleakalaATMP>

Once on the website, select “Open for Comment” to provide your thoughts on these preliminary alternatives. If you do not have access to a computer, you can send us your comments on this comment form.

Please print your name and address in the space provided.

Name: _____

Organization, if any: _____

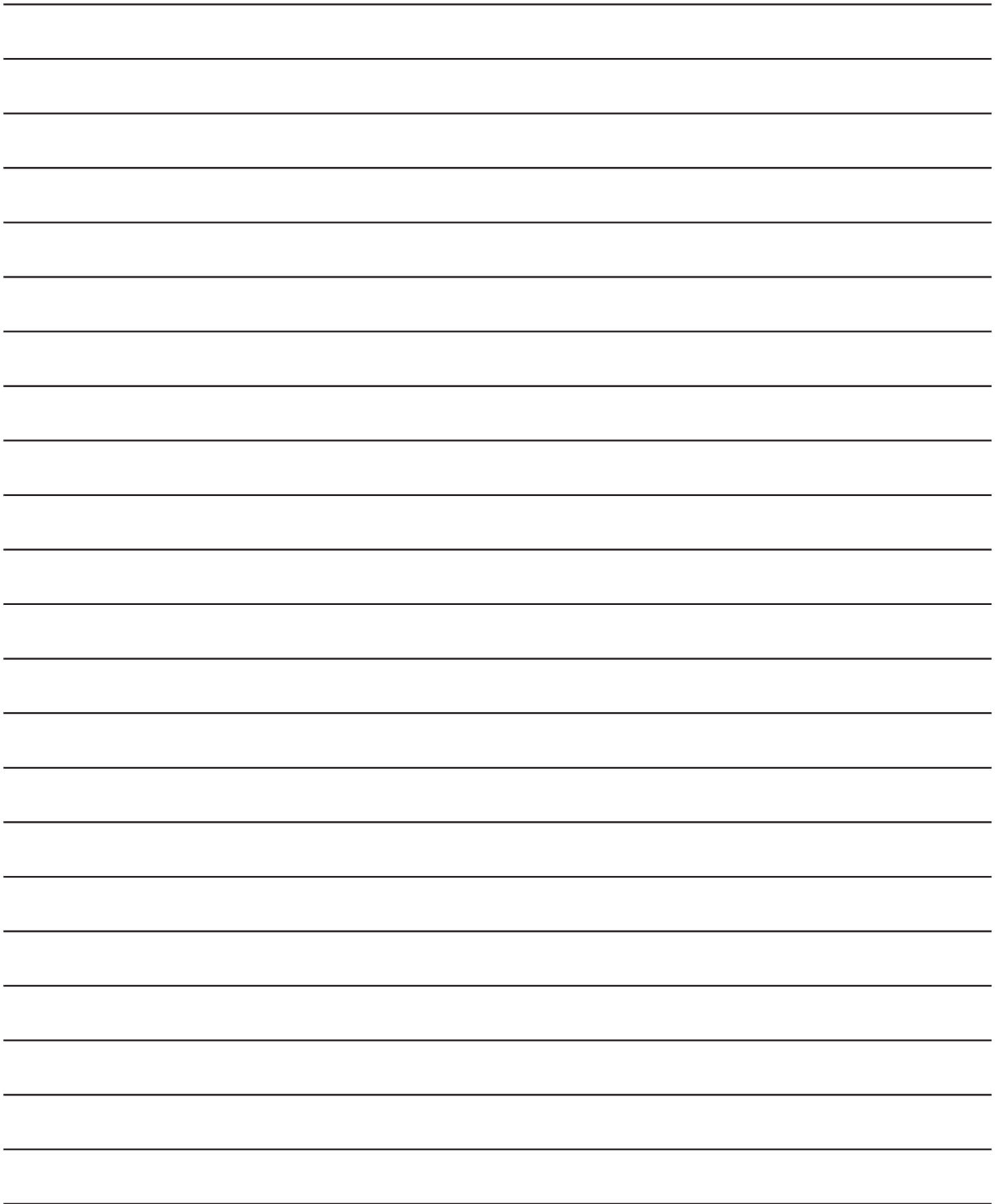
Mailing Address: _____

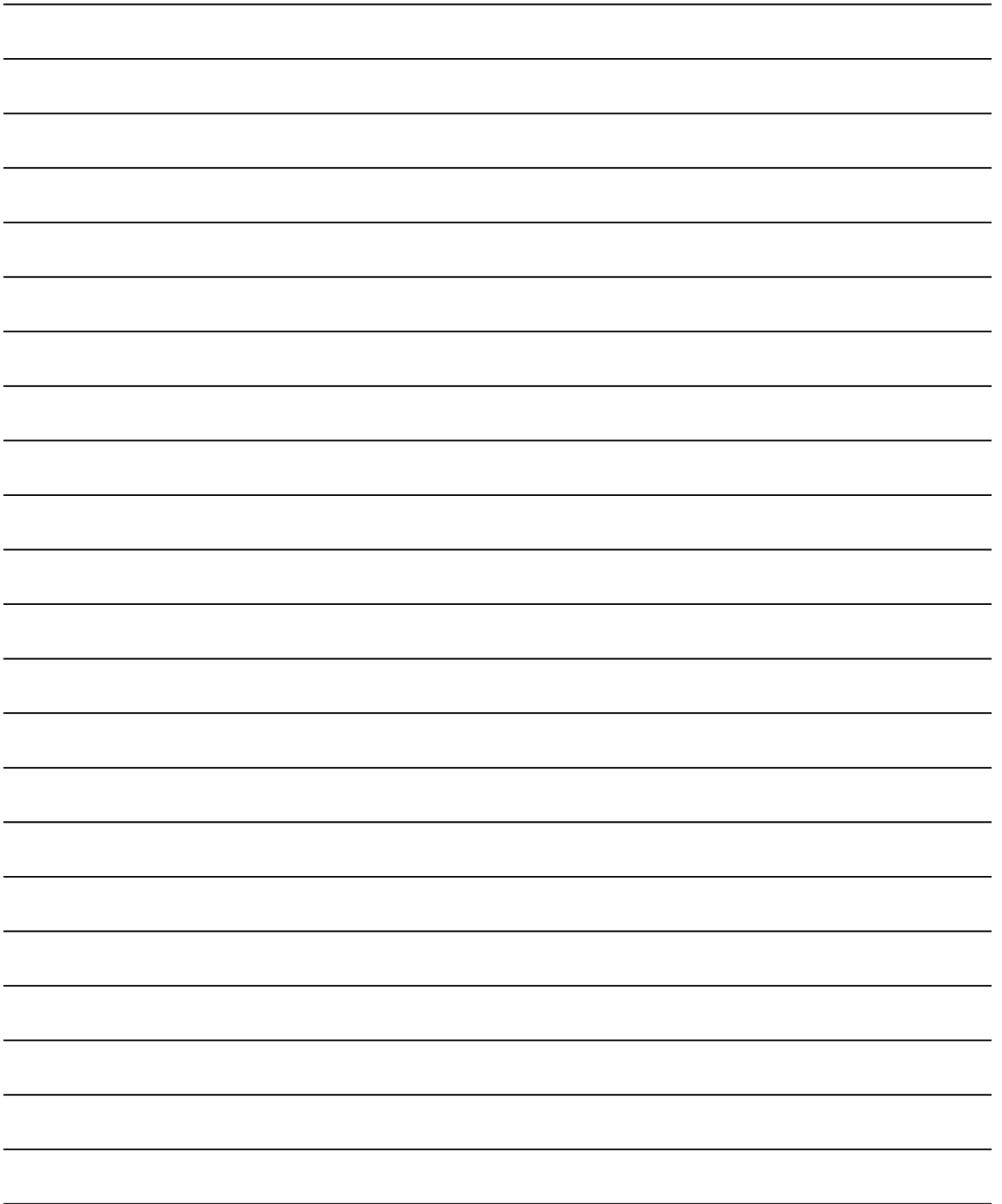
City/State/Zip: _____

Email: _____

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

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





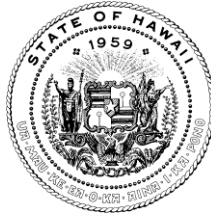
Name: _____

Address: _____

ADD
POSTAGE
HERE

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

DAVID Y. IGE
GOVERNOR OF
HAWAII



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

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
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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 18, 2022

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

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

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

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

Dear Raquel Girvin, Rhonda Loh, and Natalie Gates:

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

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

According to the letter received, the Federal Aviation Administration (FAA) and the National Park Service (NPS) (collectively, the agencies) are developing Air Tour Management Plans (ATMPs) for 23 parks including Hawai'i Volcanoes and Haleakalā National Parks. ATMPs apply to commercial air tours flown at or below 5,000 feet above ground level in and within ½ mile of a park boundary. The agencies have determined that development of an ATMP qualifies as a federal undertaking as defined in 36 CFR 800.16(y) and therefore the project is subject to compliance with Section 106 of the NHPA. The FAA is acting as the lead federal agency overseeing compliance with Section 106 for this undertaking. The FAA will be coordinating its review under Section 106 with its compliance with the National Environmental Policy Act (NEPA).

The FAA and NPS state each ATMP will be unique and therefore, each ATMP will be assessed individually under Section 106 and NEPA. The agencies are working to complete all of the ATMPs by August 31, 2022. 1 The ATMPs are being developed in accordance with the National Parks Air Tour Management Act (NPATMA). NPATMA

directs the agencies to either enter into voluntary agreements with air tour operators or establish ATMPs for national parks and adjacent tribal lands where commercial air tour operations are conducted or proposed.

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

The FAA and NPS have requested the SHPO's assistance in identifying additional consulting parties along with meaningful ways to engage the public. In response, the SHPD recommends the agencies refer to the Native Hawaiian Organization Notification List provided by the U.S. Department of the Interior and maintained by the Office of Native Hawaiian Relations. This can be referenced online at: <https://www.doi.gov/hawaiian/NHOL>. Additionally, SHPD recommends expanding consultation to interested parties such as civic clubs and historic preservation interest groups such as Historic Hawai'i Foundation and the National Trust for Historic Preservation.

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

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

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

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

Aloha,

Alan Downer

Alan S. Downer, PhD

Administrator, State Historic Preservation Division

Deputy State Historic Preservation Officer

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