



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

November 14, 2022

Re: Continuing Consultation under Section 106 of the National Historic Preservation Act for the development of an Air Tour Management Plan at Haleakalā National Park (HICRIS Project 2022PR00396)

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

Dear Dr. Alan Downer:

The Federal Aviation Administration (FAA) and the National Park Service (NPS) held a virtual Section 106 consulting party meeting for the development of an Air Tour Management Plan (ATMP) at Haleakalā National Park on Thursday, November 10, 2022. The FAA sent invitations with a proposed APE map, preliminary historic properties list, and maps of the alternatives under consideration to all consulting parties on October 31, 2022.

We are sending this letter as a request to provide any comments you may have regarding the area of potential effects, the identification of cultural resources, and potential effects of the undertaking on cultural resources within the APE by this Friday, November 18th, 2022, so we can consider your comments as we move forward with the Section 106 process. Please send comments to judith.walker@faa.gov, copying ATMPTeam@dot.gov, or (202) 267-4185.

Thank you for your participation in the ATMP development process. We highly value your input and comments and look forward to receiving your feedback.

Sincerely,

A handwritten signature in black ink, appearing to read 'Judith Walker', with a long horizontal flourish extending to the right.

Judith Walker
Federal Preservation Officer
Senior Environmental Policy Analyst
Environmental Policy Division (AEE-400)
Federal Aviation Administration

cc: Suzanne Case, State Historic Preservation Officer & DLNR Chairperson

From: [REDACTED]
To: [ATMPTeam](#); [Walker, Judith <FAA>](#)
Subject: Section 106 Consulting Regarding the Development of an ATMP at Haleakala National Park
Date: Thursday, November 10, 2022 5:44:48 PM

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

Judith, ATMPTeam,

In your analysis of the ATMP at Haleakala National Park, please consider the historic property and cultural feature that can be identified as the Kaupo Gap trail. This trail lies both within the Park boundary, and outside of the Park boundary, within the 1/2 mile area surrounding the Park. This occurs in two places. The trail itself goes roughly north to south in the Kaupo gap. The northern terminus is inside the Park near the "Kaupo Gap" label in the map that was included in the email sent describing this meeting. The southern terminus is also in the Park, but in the small section of the Park that is known as the "Denman Property" that is located to the southwest of the State Kipahulu Forest Reserve. In your proposed Alternative 3, the air tour route would cross over this trail, within 1/2 mile of the Park Boundary. This would have a negative impact on users of this historic trail both inside the park and within a 1/2 mile boundary outside of the park. In my opinion, a route that would better protect the Park and its users would go south of the Denman property.

Thank you for your consideration.

Matt Wordeman, Friends of Haleakala National Park.

HISTORIC HAWAII FOUNDATION

680 Iwilei Road Suite 690, Honolulu HI 96817 • (808) 523-2900 • preservation@historichawaii.org • www.historichawaii.org

November 18, 2022

Ms. Judith Walker
Federal Preservation Officer
Federal Aviation Administration
U.S. Department of Transportation
Office of Environment and Eenergy
800 Independence Ave.
Washington D.C. 20591

Via email: Judith.walker@faa.gov

Re: **National Historic Preservation Act (NHPA) Section 106 Review
Haleakalā National Park (HALE) Air Tour Management Plan**

Dear Ms. Walker,

Historic Hawai'i Foundation (HHF) received Federal Aviation Administration (FAA) notice of Section 106 consultation for the development of an Air Tour Management Plan (ATMP) at Haleakalā National Park (HALE) via email on October 31, 2022. The email included notice of a consulting party meeting on November 10, 2022 and an attachment with Area of Potential Effects map, list of historic properties within the APE and maps of three ATMP alternatives.

FAA requested written comments within five working days of the consultation meeting on the issues presented in the meeting, including the APE, historic properties, the alternatives being analyzed and potential adverse effects, including the visual and audible elements of air tours.

Interests of Historic Hawai'i Foundation

Historic Hawai'i Foundation is a statewide nonprofit organization established in 1974 to encourage the preservation of sites, buildings, structures, objects and districts that are significant to the history of Hawai'i. HHF is a consulting party to federal agencies pursuant to the implementing regulations of the NHPA at 36 Part 800.2(c)(5) as an organization with a demonstrated interest in the undertaking and a concern for the effects on historic properties.

Continuation of Consultation

This is a continuation of consultation, which was initiated via letter dated October 1, 2021 for both Haleakalā (HALE) and Hawai'i Volcanoes (HAVO) National Parks. HHF attended a general information

meeting for the nationwide ATMP program on April 28, 2021, a Section 106 Kickoff Meeting on May 4, 2021 and a consultation meeting on October 28, 2021 for both HALE and HAVO.

Undertaking

FAA and National Park Service (NPS) propose to develop an Air Tour Management Plan to apply to commercial air tours flown at or below 5,000 feet above ground level and within a half-mile of the park boundaries. The purpose is to comply with the National Parks Air Tour Management Act of 2000, consistent with other applicable laws and with the court order 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 Mālama Pono*.

The Act requires an ATMP or voluntary agreement for the park that includes effective measures to mitigate or prevent significant adverse effects, 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 sacred landscapes, sites and ceremonial areas.

Area of Potential Effect (APE):

FAA has proposed an Area of Potential Effect – in which it will identify historic properties and evaluate potential effects – to be contiguous with the ATMP Planning Area. This is the area over which the federal agencies have jurisdiction for regulating commercial air tours; that is, the park boundary plus half-mile up to 5,000 feet Above Ground Level (AGL).

Historic Hawai'i Foundation does not agree with the proposed APE.

While we understand that the decision-making authority and the applicability of the ATMP is constrained to the subject area, the Area of Potential Effect is not necessarily the same geographic area as the project boundary. The Section 106 regulations (36 CFR 800.16(d)) state that the APE is “the geographic area or areas in which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist” (emphasis added), including those that may be removed in time or distance.

Therefore, the APE should include additional areas that would be potentially affected by the commercial air tours, including areas in which tours either are currently operating or in which they may begin to fly over if the ATMP is changed from the current conditions. In particular, HHF recommends including the southern (makai) parcels from Kalepa Point to Pua‘alu‘u Gulch (including the non-federal lands) from the current planning area boundary down to the shoreline. On the north (inland), the Ko‘olau Gap and Halemau‘u Trail area should be included.

Identification of Historic Properties

FAA and NPS have identified the following historic properties within the initial APE:

- Civilian Conservation Corps (CCC) Haleakalā Crater Trails Historic District Cultural Landscape
- Crater Historic District

- Haleakalā Headquarters Historic District Cultural Landscape
- Haleakalā Highway Historic District Cultural Landscape
- Summit of Haleakalā, including Kaupō Gap and Kīpahulu Valley, Traditional Cultural Property
- Hāna Belt Road
- Hosmer Campground and Picnic Area Cultural Landscape
- Ka‘āpahu Archeological Sites
- Kīpahulu Historic District
- Naholoku Archeological Sites
- Nu‘u Archeological Sites
- Puhilele Archaeological Sites
- Pu‘uniauniau Historic Site Cultural Landscape

The summary table includes a field titled “Significant Characteristics.” However, for the most part, the descriptions for each of the identified resources includes a summary of the historic or cultural significance, but not a description of the character-defining features or those tangible components that convey the significance of the property.

HHF recommends that FAA and NPS include a summary of the character-defining features for the properties, with particular attention to those that may be affected by the air tours through visual, audible or atmospheric elements.

In particular, HHF calls out the Crater for attention. Called “the quietest place on Earth,” the Crater’s stillness and serenity is fundamental to its significance as a Traditional Cultural Property. Other areas could also potentially be adversely affected by air tour noise, vibration, visual effects and heat; resources with particular sensitivity to these effects should be noted.

HHF also requests that the identification of historic properties be updated with any additional historic properties and cultural resources that may be present in the areas we recommend for inclusion in the APE.

Alternatives

FAA has identified three alternatives to be considered:

1. No Action, which provides a basis for comparison but is not a viable course of action as it is inconsistent with the Act and the court order.
2. Prohibition of All Air Tours in the ATMP Area (within a half-mile of the Park boundary and below 5,000 feet above ground level).

3. Managed Air Tours, in which the total number of flights, days and hours of operation, and flight paths would be controlled in the ATMP Area (within a half-mile of the Park boundary and below 5,000 feet above ground level), as detailed on the maps and descriptions.

During the consultation meeting on November 10, 2022, another consulting party (an air tour operator) provided information about the current conditions under which air tours operate. He stated that Haleakalā National Park entered into a Letter of Agreement with the Maui Air Tour Operators in 1998. This agreement includes information about and restrictions for flyovers at sensitive locations. These include such things as:

- prohibitions on flights over all parts of the park boundary (except for safety exceptions) at any altitude;
- a two-mile radius standoff distance from Sliding Sands Trail;
- staying outside the park boundary on the South Rim;
- restricted operations at the Notch (which has views and noise transmission into the Crater but is not within the park boundary) to prohibit circling, hovering and turns that would increase noise;
- no flights in the Kaupō Gap corridor (which has views and noise transmission into the Crater but is not within the park boundary);
- allowing crossing but not circling the Kīpahulu District Coastline;
- prohibitions on overflights at the Hanawī Natural Area Reserve; and
- routes that are offset from the Halemau‘u Trail (which has views and noise transmission into the park but is not within the park boundary).

During the meeting, NPS explained that the Letter of Agreement that is currently in effect does not provide regulatory protections and does not satisfy the current requirements.

HHF requests additional information. According to the Purpose and Need Statement, the Act may be satisfied by either an ATMP or a voluntary agreement. Would either the current or a replacement Letter of Agreement meet the purpose and need? What are the pros and cons of an ATMP vs a Voluntary Agreement? Could a new Voluntary Agreement address direct and indirect impacts on historic properties and cultural resources that have a source from outside the ATMP boundary but that are transmitted into the park? Would a combination of ATMP and Voluntary Agreement be appropriate?

Even if the Letter of Agreement itself is not a mechanism for addressing the current situation, HHF recommends that the Alternatives include a fourth potential course of action that mirrors the flight path restrictions in the current Letter of Agreement, with any additional refinements for days, hours, flight routes and operations, noise management, etc.

Assessing Adverse Effects

In assessing potential adverse effects from each of the alternatives, HHF is most concerned that either of the action alternatives would allow for flights over the Crater, as long as they are higher than 5,000 feet above ground level (i.e. the altitude at which the ATMP applies). Even Alternative 2, which would nominally prohibit all flights, would in fact not do so at all; it would just change the altitude at which those flights could occur.

HHF is also concerned that certain areas in which flights are currently prohibited by the Letter of Agreement, such as the Notch and Ko'olau Gap, would be newly opened to flights since they are not located in the area controlled by the ATMP. This could be both a direct and an indirect effect on historic properties. For example, while the aircraft may remain outside the boundary, the noise transmission would not. The sound waves would continue into the Crafter or other sensitive areas, causing an adverse effect.

During the consultation meeting, other consulting parties raised additional concerns. HHF also requests information about these issues, including:

1. Once approved, how would the ATMP be affected if the park boundaries change? For example, if new areas are acquired and added to the park, does the ATMP shift automatically to include the new area or would it need to be amended?
2. If Alternative 3 for managed air tours dictates specific routes and altitudes, will all aircraft be moving in the same direction (e.g. similar to a road lane with divided traffic) or will they potentially be moving in opposite directions? Is this a safety concern that could lead to collisions or near misses? The Alternative 3 map only shows direction of flight in the ATMP Area and then a blank spot until the route again crosses the park boundary, with no information on what the aircraft is doing in between those points. Is hovering or circling allowed or would the tours be in flyover mode only? Could the aircraft move into the notches closer to the Crater, Kaupō Gap, Ko'olau Gap, Kīpahulu Valley, etc. then reverse course or circle out of the area? Does this create additional noise or safety concerns? With the proposed limited hours and days of operation, would more flights occur in the other areas during the restricted hours?
3. In Alternative 3, what is the rationale for the proposed altitudes at different locations? Does the altitude relate to noise transmission or impacts? Do higher or lower altitudes change the noise levels at the ground level or have different effects on related historic resources and cultural properties? Are there safety considerations that relate to the proposed altitudes? For example, a consulting party mentioned the cloud level at certain locations would conflict with the minimum altitude, which could increase chances of collision if the aircraft are flying with little visibility.

FAA and NPS offered to hold additional consultation meetings to discuss development of an ATMP and ways to avoid or minimize any adverse effects that could result from air tours. HHF strongly supports the idea of holding working meetings with both consulting parties with information about and concern for historic properties and with the air tour operators so we can have a better understanding of ways to craft an alternative that actually protects the historic, cultural and natural resources and not merely displace the cause of the effect to another jurisdiction.

Thank you for the opportunity to comment and we look forward to continuing to address the outstanding issues.

Very truly yours,



Kiersten Faulkner
Executive Director

Copies via email:

ATMPTeam@dot.gov

NPS/HALE:

Natalie Gates, Superintendent

Rachel Hodara, Cultural Resources Program Manager

Honeygirl Duman, Hawaiian Community Liaison

ACHP: Christopher Wilson

SHPD:

Susan Lebo, Archaeology Branch Chief

Jessica Puff, Architecture Branch Chief

NTHP: Betsy Merritt

OHA: Kamakana Ferreira

Judith Walker

Judith.walker@faa.gov

ATMPTTeam@dot.gov

Glenna-Ann Tweetie Lind



Aloha Judith Walker, ATMP, NPS,

My name is Tweetie Lind and I'm a Native Hawaiian and a longtime resident of Kipahulu Valley for over 46 years. The Lind Ohana (family) have always respected and given their service in good faith in conservation and preservation.

In 1995 when KOI (Kipahulu Ohana Inc) signed a cooperative agreement with the Haleakala National Park, we concentrated and made plans for the Kipahulu District. We went full on in 1991-2022 and more especially to open Kapahu Living Farm (5 acres) a taro or kalo wet land pond farming.

Years later, the Kupuna Council (Elder Council) was formed to give outsiders our advice and stories of interpretation under superintendent Donald Reeser and then park Archeologist Liz Gordon. We agreed on the alternatives then and now and it's been stated in records and stand by their/our statements. That,

- No helicopter tours within 2 miles or so away from the crater
- Helicopter tours should be cut down because
 1. Too much noise/noise pollution
 2. Air pollution
 3. Crossing over sacred sites (Haleakala Crater)
 4. Going over Private residences
 5. Shoreline limit coming near residences, especially in Kipahulu
 6. Going over the NPS (Lelekea-Kalepa-Kaapahu) loosen rocks whole mountains.

We have been asked over and over the years and the tour companies still want more. What about us the people, who are not benefitting. There is no give back to the community by the big money intrusions. Everyone has not been honest to the help, always planning to do more.

Kipahulu, Kupuna Council
Tweetie Lind



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

November 28, 2022

Judith Walker
Federal Preservation Officer
Federal Aviation Administration
800 Independence Ave.
Washington, DC 20591

Re: National Historic Preservation Act, Section 106 Consultation
National Parks Air Tour Management Plan for Haleakalā National Park
Papaulana, 'Aleiki, 'Alaenui and Kakalehale Ahupua'a; Kīpahulu Moku; Maui
Mokupuni
Tax Map Keys: (2) 1-6-002:001-004, 007, 008, 011, 012; 1-6-03:001, 002, 008,
015, 017, 021, 022, 023, 025, 028, 029; 1-6-004:001, 002; 1-6-005:013, 016, 024;
and 1-6-006:001, 002, 003, 004, 006, 020

Aloha e Ms. Walker:

The Office of Hawaiian Affairs (OHA) is in receipt of your October 31, 2022, email inviting us to participate in National Historic Preservation Act (NHPA) Section 106 consultations for the proposed Haleakalā National Park (HALE) Air Tour Management Plan (ATMP). The Federal Aviation Administration (FAA) is preparing this ATMP in cooperation with the National Park Service (NPS). The ATMP will apply to commercial air tours flown at or below 5,000 feet above ground and within a half mile of the park boundaries. The letter further indicates that ATMPs are subject to environmental review, and that the FAA intends to coordinate the Section 106 and National Environmental Policy Act (NEPA) processes.

Since issuance of your email, a virtual consultation session was held online via Zoom on November 10. OHA staff was present at this meeting as well as members of the Kīpahulu and Lind 'Ohana, Historic Hawai'i Foundation, the National Trust for Historic Preservation, and representatives of the Ulupalakua Ranch and Blue Hawaiian Helicopters. Notably, a member of the Kīpahulu and Lind 'Ohana had indicated that the Kīpahulu Kupuna Council, originally formed in cooperation with NPS,¹ has adamantly been against helicopter tours in the area since 1998. The Kīpahulu Kupuna Council has argued that all

¹ The Kīpahulu Ohana has had a partnership agreement with Haleakalā NPS for the operation of Kapahu Living Farm and has helped coordinate Kupuna Council meetings.

of Haleakalā is sacred and that there are significant adverse effects caused by low flying commercial flights impacting the use and serenity of the vast cultural landscape of Kīpahulu.

While concerns were verbally expressed at the meeting and subsequently captured by the FAA, attendees were further encouraged to provide comments in writing. As such, OHA offers the following comments regarding the interpretation of HALE as a traditional cultural property, the need for adequate vertical boundaries and buffers, flight safety concerns, and flight altitude monitoring.

Interpretation of HALE as a Traditional Cultural Property

During the November 10th meeting, a representative from the Kīpahulu and Lind ‘Ohana expressed concern over helicopter related impacts (i.e., noise, visual intrusion) to the cultural landscape of Kīpahulu. Through follow up conversations with OHA, the Lind ‘Ohana has expressed that all of Haleakalā is sacred and that passing helicopters flying over their lands are causing the area to shake and disturb their farming subsistence activities. Per the FAA’s provided Powerpoint presentation materials, OHA observes that the FAA has already acknowledged that the summit of Haleakalā is eligible as a traditional cultural property (TCP) and the presence of various surrounding cultural landscapes (i.e., Pu‘uniauniau, Haleakala Crater Trails), burials, and historic districts (i.e., Hāna Belt Road, Kīpahulu Historic District) within the HALE boundaries.

Considering these factors, OHA believes that a TCP approach should be applied to HALE as a whole to properly capture ongoing cultural practices and beliefs occurring over what appears to be a vast cultural landscape. Per NPS’s National Register Bulletin No. 38, a TCP is defined as,

“A property that is eligible for inclusion in the National Register of Historic Places because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identify of the community.”

In guidance provided by NPS, a TCP listing on the National Register of Historic Places can help to preserve physical properties with often-intangible aspects of a local community’s cultural history.² It provides a mechanism to document cultural practices, beliefs, and traditions through extensive consultation and ethnographic research. Further, a TCP listing mandates a review process for any Federal, federally licensed, or federally assisted projects that might affect the property as well as requiring consultation with the affected cultural practitioners.

² See NPS’s “National Register of Historic Places – Traditional Cultural Properties: A Quick Guide for Preserving Native American Cultural Resources” - <https://www.nps.gov/history/tribes/Documents/TCP.pdf>.

The same TCP approach is currently being applied to the Hawai'i Volcanoes National Park (HAVO) as a whole as their respective Kupuna Council has indicated during HAVO's ATMP Section 106 consultations that Kīlauea is sacred and frequently utilized by cultural practitioners. In response, fortunately, a TCP study has recently been drafted for HAVO in which the entire HAVO boundary was utilized for the TCP scope. It would seem incongruent to OHA for HAVO to have a TCP study completed, but not HALE.

HALE is also noted as being the National Park with the most endangered species. Haleakalā currently hosts a total of 103 endangered species, consisting of flowering plants (i.e., silversword), birds (i.e., Maui parrotbill, nēnē goose), insects (i.e., Blackburn's sphinx moth), mammals (i.e., Hawaiian hoary bat), and one reptile (i.e., green sea turtle).³ Through follow up discussions with the Lind 'Ohana, concern was expressed that helicopter tours were in fact disturbing fauna within HALE. While the Section 106 process is specific to historic properties, many of these endangered species are important from a cultural perspective and used in traditional times for various purposes. These cultural resources and respective cultural functions could be better understood through a full TCP study.

Typically, for NHPA Section 106 purposes, it is only necessary to determine if a historic property is eligible to be recognized as a TCP. While OHA does support the summit of Haleakalā being identified as eligible for a TCP designation, OHA believes that appropriately assessing any kind of adverse effect from commercial air tours cannot meaningfully occur in this case unless the TCP eligible historic property is fully understood via an appropriate TCP study. Further, the scope of study may prove that the TCP boundaries should extend beyond that of the summit to include other parts of the cultural landscape. OHA argues that mitigations developed pursuant to the NHPA Section 106 process would potentially be inaccurate and premature if a TCP study is not completed first as part of the identification phase of the Section 106 process.

Further, a TCP study would require an extensive consultation component. Through follow up conversations with the Lind 'Ohana, there was a concern over "poor consultation" conducted by NPS under current leadership. They generally feel as if they are not being listened to and that prior HALE Superintendents were more involved in NPS related consultation efforts. OHA believes that a proper TCP study with an extensive consultation component has the potential to help mend any fractured relationships with cultural practitioners and re-establish some level of trust with them. Notably, NPS Bulletin 38 indicates that a reasonable effort to identify a TCP must include consultation with those who may ascribe cultural significance to locations within the study area.

³ See: <https://www.npca.org/articles/1900-the-national-park-with-the-most-endangered-species>

Need for Adequate Vertical Boundaries and Buffers

During the November 10th meeting, a representative from the Kīpahulu and Lind ‘Ohana specifically requested that helicopters not fly over the Kīpahulu Village. While the FAA may have noted the concern, no suggestion was made to establish any kind of vertical buffers or boundaries for identified historic properties. Rather, the FAA appeared to be solely focused on ascertaining information to identify ground surface level historic properties and respective horizontal boundaries. So far, the FAA has identified a total of 13 surface level historic properties within HALE. However, it is currently unclear to OHA if the FAA will consider the vertical domain for site boundaries and respective vertical buffers for every identified historic property at HALE as opposed to strictly the horizontal domain on the ground.

NPS Bulletin 38 does acknowledge that defining TCP boundaries can be difficult in that Native Americans ascribe significance to expansive viewsheds and even the quietness of an area. Practically speaking, TCP boundaries can include all locations where cultural practices physically take place, associated access routes, and immediate viewsheds (vertical and horizontal). As sanctity of an area can be affected by quietness and the viewshed, the vertical domain must be taken into consideration at HALE since helicopters have an impact on airspace from a visual and audio perspective. Further, even the ground stands to be impacted in the event that helicopters fly below minimum altitudes or crash.

OHA observed similar no-fly requests and a specific recommendation for a vertical buffer of 9,000 feet above ground for the HAVO TCP area during HAVO ATMP Section 106 consultations. However, OHA acknowledged that a 9,000 feet vertical buffer request would be unenforceable as the ATMP only has jurisdiction up to 5,000 feet. As such, OHA has advocated for Alternative 2, which would restrict air tours up to 5,000 feet. Alternative 2 for the HALE ATMP appears to be the same in that it would also restrict air tours up to 5,000 feet. Based on the input provided by the Lind ‘Ohana so far, it would appear that Alternative 2 may indeed be preferential from a cultural standpoint. However, again, OHA does recommend the completion of a TCP study to ascertain more information about the cultural landscape from cultural practitioners. In turn, OHA believes the TCP study will better inform proper vertical buffers and site boundaries for all identified historic properties.

Flight Safety Related Concerns

OHA notes that in 2020, the National Transportation Safety Board (NTSB) provided a “Most Wanted List of Transportation Safety Improvements” that included numerous recommendations for the FAA. Many of the recommendations were prompted by repeated helicopter air tour crashes that were occurring on the U.S. Continent and in Hawai‘i. In particular, the NTSB had recommended that a cue-based training program for commercial air tour pilots in Hawai‘i be developed to address hazardous aspects of local weather phenomena and in-flight decision-making.

In response, the FAA revised their Operations Specification (OPSS) B048 and Letter of Authorization (LOA) B548 to require cue-based training for air tour operations. The Hawai‘i air tour industry participants must now demonstrate location-specific training products for each island where air tour operations are conducted. Further, all newly hired pilots and transferred pilots flying air tours for the first time on any island are now required to receive cue-based weather training for the pertinent island/site prior to initiating flight operations on each island. Recurrent air tour safety trainings need to be verified every 12 calendar months, with a requirement to notify the Honolulu Flight Standards District Office (FSDO) so that the FAA has an opportunity to participate.

Given the real possibility of impacts to cultural resources and practitioners from air tour crashes and downwash generated by helicopters flying under the permissible flight altitude, OHA recommends that records verifying air tour pilots cue-based training specific to Maui island and up to date annual safety trainings be made available to NPS HALE staff and the Kīpahulu/Lind ‘Ōhana and/or the Kīpahulu Kupuna Council⁴ upon request as part of the ATMP. This will allow for a second set of eyes to verify that the necessary trainings and annual safety meetings are completed. A viewable online portal that is easily accessible may be best to meet this purpose.

Currently, based on information provided by the FAA at the November 10th meeting, the FAA is only looking at visual and audio impacts. However, this limited and myopic view ignores the possibility of physical impacts from helicopter crashes and downwash effects of helicopters flying below the minimum altitude. While the ATMP itself does not cover crashes and illegal low-flying helicopters as part of typical operations, OHA argues that the possibility of such occurrences are inherently tied to helicopter flight operations. Thus, cue-based pilot training would help to mitigate the introduction of such a possibility introduced by the enabling of helicopter flights at HALE via the ATMP.

Aside from the inclusion of cue-based flight trainings for pilots, in-flight safety may be better maintained through the implementation of a “sterile cockpit rule” that restricts the pilot from also serving as a tour guide. Hawai‘i Congressman Ed Case actually proposed this rule, as well as a ban on air tours over all National parks, as part of the Safe and Quiet Skies Act in January 2021. Notably, Ed Case put the legislation forward due to an uptick in fatal helicopter crashes within Hawai‘i as well as repeated complaints from residents about helicopter operations in residential areas. While the fate of the measure is yet to be determined, OHA believes the sterile cockpit rule has merit as it would allow the pilot to better focus on flying the aircraft and to limit distractions. As such, air tour operators that fly over HALE should adopt this protocol as part of the ATMP.

From an aircraft maintenance perspective, volcanic ash, sulfur, and even high concentrations of salt greatly affect the longevity and performance of aircraft engines and other mechanical components. See FAA Order 8900.1 Volume 3, Chapter 26, Section 7,

⁴ Currently, it is unclear to OHA if the Kīpahulu Kupuna Council still convenes.

regarding volcanic ash safety related concerns for aircraft and flight crews. Notably, Maui is neighbor to Hawai‘i Island, an island with active explosive volcanic eruptions and high volcanic ash content. Circulating volcanic ash from a nearby island coupled with the natural salt air environment create a less than optimal situation for aircraft engines and mechanical components. Fortunately, more frequent checks for corrosion, daily desalination rinses for aircraft turbine engines, and engine borescope inspections during every fuel nozzle change have proven to be beneficial to aircraft performance and longevity in these situations.⁵

While these maintenance practices are not mandated by the FAA for air tour operators in salt air environments, OHA recommends that any air tour operators flying over HALE be required to perform daily desalination rinses, post flight checks after every flight that includes a visual corrosion inspection of the airframe, and engine borescope inspections at every fuel nozzle change. It is OHA’s understanding that such a request is not overly onerous as many air carrier operators in Hawai‘i already carry out these maintenance measures as a proactive safety measure to protect their flight crews and assets. Records of these maintenance actions should be made accessible to NPS HALE staff, the Kīpahulu/Lind ‘Ohana, and/or the Kīpahulu Kupuna Advisory Council upon request as part of the ATMP. A viewable online portal that is easily accessible may be best to meet this purpose.

Limited Flight Altitude Monitoring

During the November 10th meeting, the NPS shared that on average, 4,824 helicopter flights are occurring per year, with 18 flights occurring per day during the peak seasons of January and July. Most of this data appears to have been generated from the following air carriers: Aris, Inc., Hawaii Helicopters Inc., Helicopter Consultants of Maui Inc., Sunshine Helicopters Inc., and Alikā Aviation Inc. While Schuman/Makani Kai is also listed as a helicopter operator at HALE, 0 flights were recorded. It is unknown to OHA whether the exclusion of this data was due to economic reasons or a lack of flight tracking data.

As part of the November 10th meeting, the Kīpahulu and Lind ‘Ohana representative alleged that illegal flights were occurring over Waimoku. Assuming proper flight tracking equipment is installed on all aircraft, it would seem to OHA that such equipment would help investigate these types of claims and ensure enforcement actions are brought against offenders. As part of HAVO ATMP Section 106 consultations, it was revealed to OHA and consulting parties that not all helicopters are equipped with flight monitoring data. Thus, total flights in the area were likely being under-reported and enforcement actions against offenders for breach of minimum flight altitudes were not possible. Several individuals brought up concerns about helicopters that were flying below

⁵ See aircraft engine manufacturer Pratt & Whitney’s “4 Maintenance Best Practices for Preventing Salt Air Corrosion” - <https://www.pwc.ca/en/airtime-blog/articles/technical-tips/4-maintenance-best-practices-for-preventing-salt-air-corrosion>

1,000 feet in residential areas and within HAVO. Frustration was expressed over a failure to enforce these kind of flight violations and who to report the occurrences to. In response, the FAA indicated that they have limited resources for enforcement and that ATMPs will now require flight tracking data which will allow flight data to be recorded and utilized for enforcement in the future.

OHA would expect that the HALE ATMP would have similar or the same language to require flight data recording for all helicopters flying within HALE boundaries. This would better help monitor flights and more accurately represent collected data. Most importantly, it would aid in the ability for cultural practitioners to report low-flying helicopters disturbing their cultural practices and ceremony. To further this action, OHA recommends additionally including protocols for concerned individuals to report possible flight violations and clear follow up actions for the FAA to follow and acquire the needed flight information for enforcement.

Additionally, better flight tracking could further aid in development of a fully accurate fee system for helicopters conducting commercial operations over HALE airspace. In follow up discussions with the Lind 'Ohana, concern was expressed regarding whether or not HALE was benefiting at all from the introduction of helicopters and if fees were being imposed for the benefit of HALE. As similar concerns were raised with the HAVO ATMP, OHA inquired as to whether a fee system was in place and if proper flight tracking was enabling proper accounting.

Closing Remarks

Mahalo for the opportunity to comment. OHA looks forward to seeing our comments regarding the interpretation of the area as a TCP, vertical boundaries and buffers, flight safety related concerns, and flight altitude monitoring addressed in some way. Should you have any questions, please contact OHA's Lead Compliance Specialist, Kamakana C. Ferreira at (808) 594-0227 or by email at kamakanaf@oha.org.

'O wau iho nō me ka 'oia 'i'o,



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

SH:kf

CC: Natalie Gates, Superintendent, Haleakalā National Park
Carmen Hulu Lindsey, OHA BOT Chairperson and Maui Island Trustee
Kīpahulu and Lind 'Ohana

From: [Betsy Merritt](#)
To: [Kiersten Faulkner](#); [ATMPTeam](#); [Walker, Judith <FAA>](#)
Cc: [REDACTED]; [Papazian, Jennifer \(Volpe\)](#); [Haas, Shauna \(Volpe\)](#); [Hootman, Amy \(Volpe\)](#); [Rimol, Kaitlyn \(Volpe\)](#); [REDACTED]; ["Susan Lebo \(Susan.A.Lebo@hawaii.gov\)"](#); [Jessica Puff \(jessica.puff@hawaii.gov\)](#); [Kamakana Ferreira \(kamakanaf@oha.org\)](#); [Virginia Murison](#); [Christopher Wilson \(cwilson@achp.gov\)](#)
Subject: RE: HHF Comments to FAA & NPS re Sec 106 ATMP at Haleakalā National Park
Date: Monday, December 19, 2022 8:23:51 PM

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

Ms. Walker,

We were not able to participate in the Section 106 consultation meeting on November 10, 2022 for the Haleakala ATMP, but the National Trust for Historic Preservation strongly supports and endorses the comments submitted by the Historic Hawaii Foundation on November 18, 2022.

Sincerely,
Betsy Merritt

Elizabeth S. Merritt, Deputy General Counsel
National Trust for Historic Preservation
emerritt@savingplaces.org
202-297-4133

From: Kiersten Faulkner <Kiersten@historichawaii.org>
Sent: Friday, November 18, 2022 9:18 PM
To: ATMPTeam <ATMPTeam@dot.gov>; Walker, Judith <FAA> <judith.walker@faa.gov>
Cc: [REDACTED]
[REDACTED]
[Papazian, Jennifer \(Volpe\)](#) <Jennifer.Papazian@dot.gov>; [Haas, Shauna \(Volpe\)](#) <shauna.haas@dot.gov>; [Hootman, Amy \(Volpe\)](#) <Amy.Hootman@dot.gov>; [Rimol, Kaitlyn \(Volpe\)](#) <Kaitlyn.Rimol@dot.gov>; [REDACTED]; [REDACTED] 'Susan Lebo (Susan.A.Lebo@hawaii.gov)' <Susan.A.Lebo@hawaii.gov>; [Jessica Puff \(jessica.puff@hawaii.gov\)](#) <jessica.puff@hawaii.gov>; [Betsy Merritt](#) <emerritt@savingplaces.org>; [Kamakana Ferreira \(kamakanaf@oha.org\)](#) <kamakanaf@oha.org>; [Virginia Murison](#) <Virginia@historichawaii.org>; [Kiersten Faulkner](#) <Kiersten@historichawaii.org>; [Christopher Wilson \(cwilson@achp.gov\)](#) <cwilson@achp.gov>
Subject: HHF Comments to FAA & NPS re Sec 106 ATMP at Haleakalā National Park

Ms. Walker,
Please see attached comments from Historic Hawai'i Foundation for the development of an air tour management plan at Haleakalā National Park.

Please let me know if you have any trouble with the file or if you would like us to send a hard copy.

We look forward to continuing consultation to address the questions and concerns.

Thank you,
Kiersten Faulkner

Kiersten Faulkner, FAICP
Executive Director
Historic Hawai'i Foundation
680 Iwilei Rd. Ste. 690
Honolulu, HI 96817
Email: Kiersten@historichawaii.org
Phone: 808-523-2900
WEB: www.historichawaii.org

From: ATMPTeam <ATMPTeam@dot.gov>

Sent: Monday, November 14, 2022 6:36 AM

To: Walker, Judith <FAA> <judith.walker@faa.gov>

Cc: [REDACTED]
[REDACTED]

Papazian, Jennifer (Volpe) <Jennifer.Papazian@dot.gov>; Haas, Shauna (Volpe) <shauna.haas@dot.gov>; Hootman, Amy (Volpe) <Amy.Hootman@dot.gov>; Rimol, Kaitlyn (Volpe) <Kaitlyn.Rimol@dot.gov>; [REDACTED]

Subject: RE: Section 106 Consulting Party Meeting Regarding the Development of an ATMP at Haleakalā National Park

Hello,

Thank you to everyone who was able to attend last week's consulting party meeting regarding the development of an Air Tour Management Plan (ATMP) at Haleakalā National Park. We are sending this email as a request to provide any comments you may have regarding the area of potential effects, the identification of cultural resources, and potential effects of the undertaking on cultural resources within the APE by this Friday, November 18th, 2022, so we can consider your comments as we move forward with the Section 106 process. Please send comments to judith.walker@faa.gov, copying ATMPTeam@dot.gov, or (202) 267-4185.

Thank you for your participation in the ATMP development process. We highly value your input and comments and look forward to receiving your feedback.

Regards,
Judith Walker

From: ATMPTeam <ATMPTeam@dot.gov>

Sent: Wednesday, November 9, 2022 2:22 PM

To: Walker, Judith <FAA> <judith.walker@faa.gov>

Cc: [REDACTED]
[REDACTED]

Papazian, Jennifer (Volpe) <Jennifer.Papazian@dot.gov>; Haas, Shauna (Volpe) <shauna.haas@dot.gov>; Hootman, Amy (Volpe) <Amy.Hootman@dot.gov>; Rimol, Kaitlyn (Volpe) <Kaitlyn.Rimol@dot.gov>; [REDACTED]

Subject: RE: Section 106 Consulting Party Meeting Regarding the Development of an ATMP at Haleakalā National Park

Greetings,

Last week we sent you an email (see below) inviting you to participate in a virtual consulting party meeting being hosted by the Federal Aviation Administration (FAA) and National Park Service (NPS). The purpose of this virtual gathering is to discuss the identification of historic properties that may be affected by the implementation of the ATMP at Haleakalā National Park, the area of potential effects, and a preliminary discussion of potential effects.

We are sending this email as a reminder that the consulting party meeting will be held tomorrow, Thursday, November 10th from 11:00 a.m. to 12:30 p.m. HST over Zoom and have attached a copy of the slides for the meeting.

Best Regards,
Judith Walker

From: ATMPTeam <ATMPTeam@dot.gov>

Sent: Monday, October 31, 2022 3:48 PM

To: Walker, Judith <FAA> <judith.walker@faa.gov>

Cc: [REDACTED]
[REDACTED]

Papazian, Jennifer (Volpe) <Jennifer.Papazian@dot.gov>; Haas, Shauna (Volpe) <shauna.haas@dot.gov>; Hootman, Amy (Volpe) <Amy.Hootman@dot.gov>; Rimol, Kaitlyn (Volpe) <Kaitlyn.Rimol@dot.gov>

Subject: Section 106 Consulting Party Meeting Regarding the Development of an ATMP at Haleakalā National Park

Greetings,

The Federal Aviation Administration (FAA) and the National Park Service (NPS) are inviting you to a virtual Section 106 consulting party meeting for the development of an Air Tour Management Plan (ATMP) at Haleakalā National Park. The purpose of this meeting is to discuss the identification of historic properties that may be affected by the implementation of the ATMP and a preliminary discussion of potential effects.

The meeting will be held on Thursday, November 10th at 11:00 a.m. to 12:30 p.m. HST over Zoom and can be accessed at:

<https://usdot.zoomgov.com/j/1614528465?pwd=RW9acG0yWVVQZFBDblpXK2xYWfY2Zz09>

Meeting ID: 161 452 8465

Passcode: 143081

The call-in numbers are:

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: 161 452 8465

Passcode: 143081

In preparation for the meeting, the FAA is providing the enclosed proposed APE map, preliminary historic properties list, and maps of the alternatives under consideration for your review.

Should you wish to receive additional information about any of the above, please contact me at (202) 267-4185 or at judith.walker@faa.gov, copying ATMPTeam@dot.gov. You may also reach out to the Haleakalā National Park Point of Contact, Bennadette K. "Honeygirl" Duman, at (808) 264-7701 [REDACTED]

Best Regards,

Judith Walker