

**Exhibit 7 – February 10, 2023, Response to Comments Letter**

*APE Expansion, Updated Historic Property Identification, and Potential Effects*



**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**

February 10, 2023

Re: Response to Comments and Request for Assistance on the Identification of Cultural Resources within the Revised Area of Potential Effects on the Development of an Air Tour Management Plan for Haleakalā National Park Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations at 36 CFR Part 800 (HICRIS Project 2022PR00396)

Kiersten Faulkner  
Executive Director  
Historic Hawai'i Foundation  
The Dole Cannery  
680 Iwilei Rd., Dole Office Bldg. Tower, Suite 690  
Honolulu, HI 96817

Dear Kiersten Faulkner:

The Federal Aviation Administration (FAA), in coordination with the National Park Service (NPS), seeks to continue consultation with your office under Section 106 of the National Historic Preservation Act (NHPA) regarding the development of an Air Tour Management Plan (ATMP) for Haleakalā National Park (the Park). The FAA hosted a consulting party meeting on November 10, 2022, for the development of an ATMP for the Park, pursuant to Section 106 of the NHPA and its implementing regulations at 36 CFR Part 800. The purposes of the meeting were to discuss the identification of historic properties that may be affected by the implementation of the ATMP, identify the area of potential effects (APE), and explain how the agency would assess effects on historic properties within the proposed APE (**Attachment 1**). At the meeting, and via email on November 14, 2022, the FAA requested consulting parties provide written comments for the agency's consideration regarding the APE, the identification of cultural resources, and the potential effects of the undertaking on cultural resources. This letter serves as the FAA's response to comments it received from consulting parties and provides recent revisions to the APE and requests assistance identifying cultural resources within the revised APE.

The FAA received and reviewed comments from four consulting parties, including the State of Hawai'i's Office of Hawaiian Affairs, the Historic Hawai'i Foundation, the Friends of Haleakalā National Park, and the Kīpahulu Kupuna Council. The FAA considered the comments from the consulting parties in revising the APE and also sought input from the Hawai'i State Historic Preservation Division (SHPD). On January 26, 2023 the SHPD offered no objections to the revised APE, but noted that their office looked forward to receiving and reviewing the agencies' responses to the consulting parties' comments. **Attachment 2** summarizes consulting parties' comments and provides FAA's responses to those comments.

## Description of the Undertaking

Consistent with the National Parks Air Tour Management Act of 2000 (Act), the proposed ATMP for the Park would regulate commercial air tours over the Park up to 5,000 ft. above ground level (AGL) or within ½ mile outside the boundary of the Park, referred to as the ATMP planning area. Further background information regarding the history of commercial air tours over the Park, the authority under which they are currently conducted, and the area to be regulated under the ATMP is available in the February 2022 Scoping Newsletter, prepared by the FAA and the NPS (together, the agencies) is available at the following link:

- Haleakalā National Park: <https://parkplanning.nps.gov/HaleakalaATMP>

The proposed ATMP would authorize or prohibit commercial air tour operations over the Park in accordance with the conditions included in the preferred alternative. The agencies are working to select the preferred alternative for the ATMP. The preferred alternative selected will be the undertaking for the Park. The current draft action alternatives are shown in the table below, and a summary of the elements in each alternative being considered can be found in **Attachment 3**. Maps of the alternatives under consideration were previously provided in the invitations to the November 10, 2022, consulting party meeting.

### Potential Undertakings for Haleakalā National Park

Alternative 2 – No Air Tours in the Planning Area
Alternative 3 – Reduction of Air Tours

## Revised Area of Potential Effects

The APE, as defined at 36 CFR 800.16(d), is the geographic area or areas within which the undertaking may directly or indirectly cause alterations in the character or use of any historic properties, if any such properties exist. The proposed FAA and NPS establishment of the ATMP does not require land acquisition, construction, or ground disturbance, and the FAA anticipates no physical effects to historic properties. The FAA is therefore focusing its assessment on the potential introduction of visual or audible elements resulting from the undertaking that could diminish the integrity of any identified historic properties.

In establishing the APE, the FAA sought to include areas where any historic property present could be affected by introduction of noise from or sight of commercial air tours as a result of the implementation of the ATMP. The FAA will consider the number and altitude of commercial air tours over historic properties in these areas to further assess the potential for visual effects and any incremental change in noise levels that may result in alteration of the characteristics of historic properties qualifying them for listing in the National Register of Historic Places (NRHP).

Under the no air tour alternative (Alternative 2) it is reasonably foreseeable that operators would continue to fly to points of interest on the island outside of the ATMP planning area where they already fly and fly routes over or around the Park similar to existing flight paths but outside of the ATMP planning area. Under Alternative 3 (reduced air tours), it is reasonably foreseeable that operators would fly the proposed flight path at a minimum of 2,000 feet (ft.) AGL or fly close to their existing flight paths

above 5,000 ft. AGL or outside the ATMP planning area. Alternative 3 proposes a flight path through the Park that varies from currently reported routes. The proposed flight path connects to existing flight paths at the easternmost and westernmost bounds of the ATMP planning area (based on automatic dependent surveillance-broadcast (ADS-B) systems<sup>1</sup> data of flight paths) but shifts to the south at the Kaupō Denman parcel as well as the Kīpahulu and Kaʻāpahu areas. While the flights may not follow a straight line connecting the route outside the ATMP planning area, it is reasonably foreseeable that some flights would follow the entire Alternative 3 proposed flight path and maintain a direct connection to the path outside of the ATMP planning area some of the time.

Therefore, the APE includes the Park and areas outside the Park but within ½ mile of its boundary. The APE also includes areas outside of the ATMP planning area between the Nuʻu and Kaʻāpahu regions of the Park, bounded to the south by the southern limits of the ½ mile buffer around the Kaupō Denman parcel, and the overland area between the Kaʻāpahu and Kīpahulu regions of the park. The inclusion of areas outside the ATMP planning area addresses the most direct path operators may fly to connect to the proposed flight path, allowing for deviation in the route and new visual and audible impacts that may result from such deviations. The APE extends vertically from ground level to encompass areas where the operators may fly above the ATMP planning area (i.e., more than 5,000 ft. AGL). In the event that operators choose to fly above the ATMP planning area, they would likely keep to an altitude close to but just above 5,000 ft. AGL, as higher flights would provide limited value to a sightseeing operation. As the ground level varies throughout the park, the vertical limits extend to just above 5,000 ft. mean sea level (MSL) at the coastline to no more than 10,000 ft. MSL near the summit.<sup>2</sup> It is unlikely that air tours would fly higher than 5,000 ft. AGL over the higher elevation areas of the park as supplemental oxygen use is required in unpressurized aircraft flying over 10,000 ft. MSL (14 CFR § 135.89, § 135.157).

This APE encompasses the reasonably foreseeable areas where operators may fly given the implementation of the ATMP and therefore the areas within which the undertaking may directly or indirectly cause alterations in the character or use of historical properties within the APE if any such properties exist. The revised APE is depicted in the map included in **Attachment 4**. A revised list of historic properties, including properties in the expanded APE areas, is included in **Attachment 5**.

### **Review Request**

The FAA requests assistance in identifying cultural resources within the revised APE by February 28, 2023. Specifically, please provide any additional information you may have on historic properties that may exist within the revised APE that have not yet been identified for which setting or feeling are significant characteristics. Please send information responsive to this request to Judith.Walker@faa.gov, copying the ATMP team at ATMPTeam@dot.gov.

Should you have any questions regarding this letter or its attachments, please contact me at 202-267-4185 or Judith.Walker@faa.gov and copy the ATMP team at ATMPTeam@dot.gov.

Sincerely,

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<sup>1</sup> ADS-B systems periodically transmits aircraft location data in real-time.



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

CC: Dr. Alan Downer, Deputy State Historic Preservation Officer, Hawai'i SHPD  
Stephanie Hacker, Archaeologist, Hawai'i SHPD

Enclosures:

Attachment 1 – November 10, 2022, Section 106 Consulting Party Meeting Presentation  
Regarding the Development of an ATMP for Haleakalā National Park

Attachment 2 – Response to Comments on the Development of an ATMP for Haleakalā National  
Park

Attachment 3 – Summary of Alternatives for an ATMP for Haleakalā National Park

Attachment 4 – Revised APE Map for an ATMP for Haleakalā National Park

Attachment 5 – Revised Historic Property Identification List for Haleakalā National Park

**ATTACHMENT 1**

**NOVEMBER 10, 2022, SECTION 106 CONSULTING PARTY MEETING PRESENTATION REGARDING THE  
DEVELOPMENT OF AN ATMP AT HALEAKALĀ NATIONAL PARK**



A photograph of a volcanic crater, likely Haleakalā, showing steep, reddish-brown slopes. A person is standing on a path in the distance, providing a sense of scale. The sky is overcast with grey clouds. A semi-transparent grey box with white text is overlaid at the top.

# Section 106 Consulting Party Meeting for Haleakalā National Park Air Tour Management Plan

**November 10, 2022**



# Agenda

- Introductions
- Oli/‘ōlelo no‘eau
- Provide Project Overview
- Development of Area of Potential Effects
- Identification of Historic Properties
- Review Proposed Alternatives
- Discuss Agencies’ Assessment of Effects
- Next Steps
- Request Input from Consulting Parties





# Introductions – Federal Agencies

## **Federal Aviation Administration**

- Judith Walker – Federal Preservation Officer
- Eric Elmore – FAA Senior Policy Advisor

## **National Park Service, Haleakalā National Park**

- Natalie Gates - Superintendent
- Lindsay Moore - Environmental Protection Specialist
- Rachel Hodara Nelson - Archeologist & Cultural Resources Program Manager
- Honeygirl Duman – Education Specialist & Hawaiian Community Liaison



# Introductions – Consulting Parties

- Native Hawaiian Organizations
- Kūpuna
- Hawai'i State Historic Preservation Division (SHPD)
- Property Owners
- Operators



# Oli and 'ōlelo no'eau



# NPATMA Overview

- Enacted April 5, 2000
- Requires an ATMP or Voluntary Agreement
- The agencies have chosen to develop an ATMP for this park
- Required FAA to grant Interim Operating Authority (IOA) for existing commercial air tour operations
  - Based on the number of flights conducted in the 12-month period prior to enactment of NPATMA (or average of three prior years)
  - Granted 25,827 IOA to 6 operators for Haleakalā
  - IOA was published in the Federal Register in 2005
- Established the National Parks Overflights Advisory Group (NPOAG) to provide advice and guidance to the agencies from personnel with aviation, environmental, and tribal interests.



# Project Overview

- Purpose of the Project – to comply with National Parks Air Tour Management Act (NPATMA) and other applicable laws, consistent with the Plan and Schedule for Completion of Air Tour Management Plans (ATMPs) at 23 Parks under Court Order
- Need for the Project – NPATMA requires the FAA, in cooperation with the NPS, to develop an ATMP for Parks with applications to conduct commercial air tours.
- Objective of the ATMP, under NPATMA, is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations on the natural and cultural resources, traditional cultural properties (TCPs), sacred sites and ceremonial areas, wilderness character, and visitor experiences





# Project Overview

- Undertaking is the development of an ATMP for the Park
- ATMP would regulate commercial air tours over the Park or within a half-mile buffer during which the aircraft flies below 5,000 ft. AGL
- Three alternatives are being considered for the ATMP at the Park
- Consultation under Section 106 was initiated in Spring of 2021 and is ongoing
- Both the FAA and NPS must prepare National Environmental Policy Act (NEPA) documentation and sign the decision document for the ATMP
  - The FAA is acting as the lead agency overseeing compliance with NEPA and Section 106 consultation under the National Historic Preservation Act (NHPA), with the NPS serving as a cooperating agency
  - An Environmental Assessment (EA) will be prepared for the Park

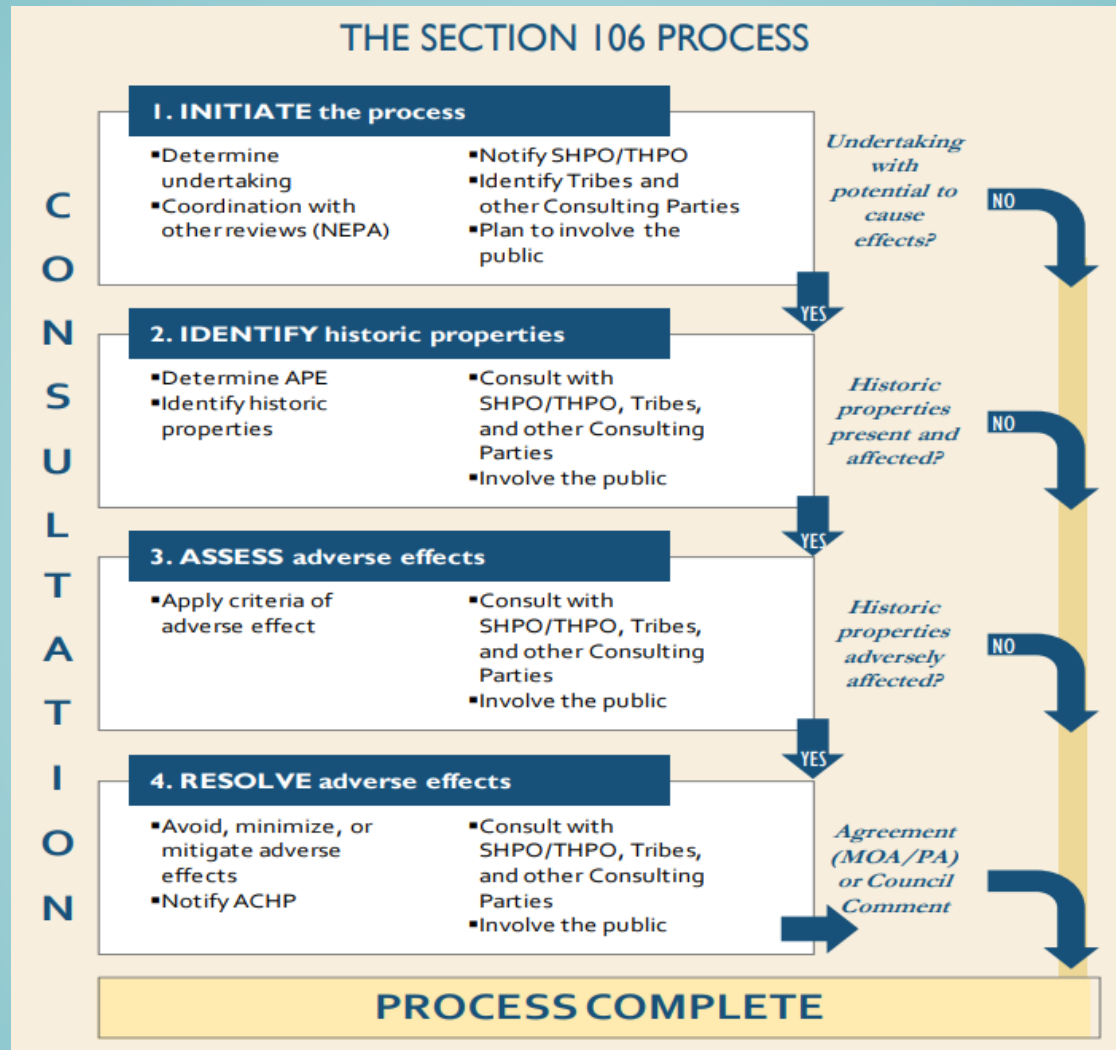


# Consulting Party Roles under Section 106

- By-right consulting parties include the applicants, State Historic Preservation Offices (SHPOs)/Tribal Historic Preservation Offices (THPOs), NHOs, and local governments
- Invited consulting parties include others with a demonstrated interest, such as the operators
- Consulting parties are entitled to share their views, receive and review pertinent information, offer ideas, and consider possible solutions
- Views of the public are also important and considered in the Section 106 process and NEPA



# Steps of the Section 106 Process



Graphic from *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106*

# Development of Area of Potential Effects

**Area of Potential Effects (APE)** is defined as *“the geographic area or areas within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.”*  
36 CFR 800.16(d)

- The APE is based on the undertaking and its potential impacts to cultural resources in accordance with 36 CFR 800.
- Potential impacts include the introduction of audible or visual elements





# Haleakalā National Park Proposed APE – Park plus ½ mile outside the Park boundary

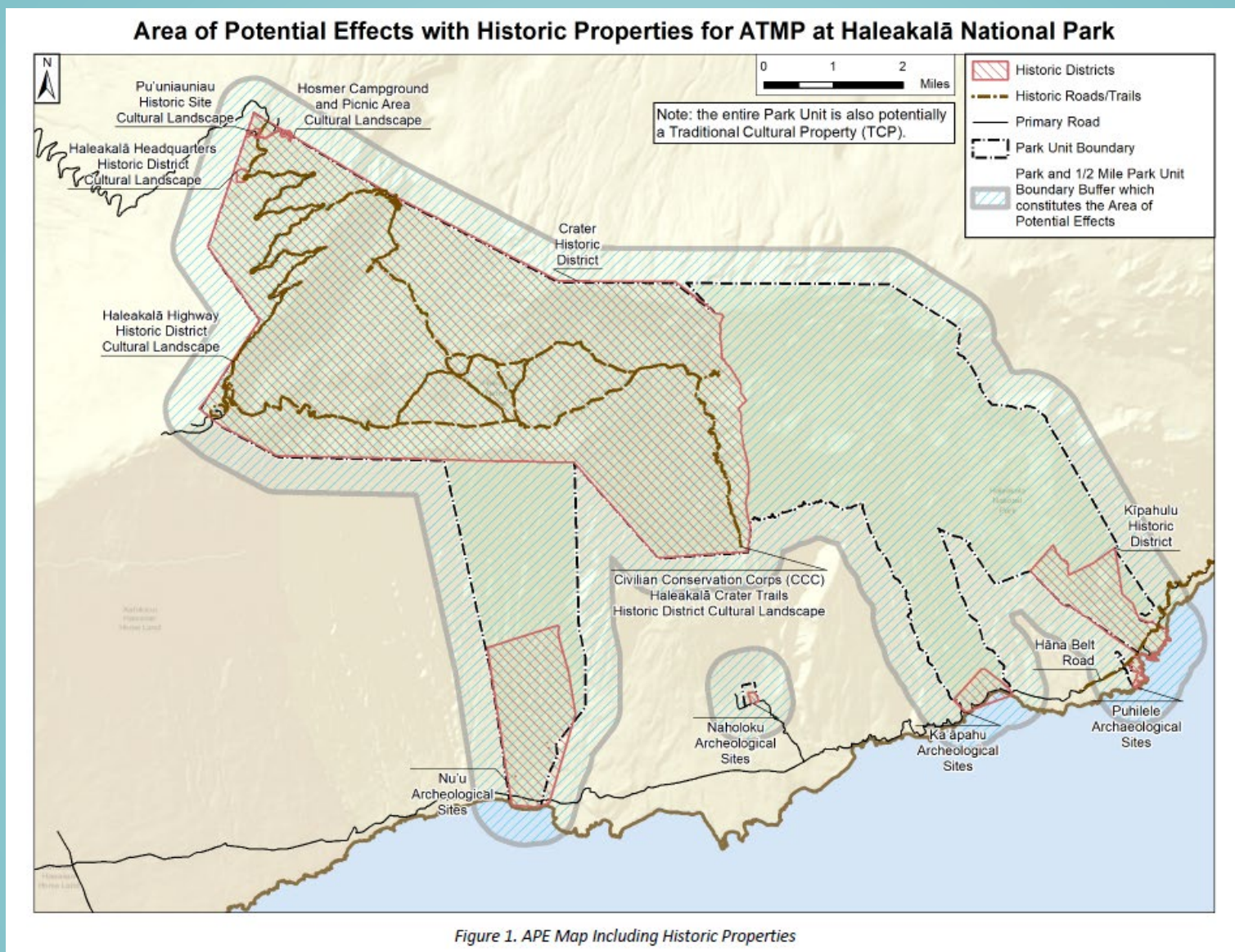


Figure 1. APE Map Including Historic Properties



# Preliminary Identification of Historic Properties

**For identifying historic properties within the APE, the FAA and NPS consider the:**

- views of consulting parties, planning, research, and studies
- the magnitude and nature of the undertaking
- the nature and extent of potential effects on historic properties, and the use of traditional cultural properties associated with cultural practices, customs or beliefs that continue to be practiced today

**Current Identification Efforts include:**

- data pulled from NPS and the Hawai'i State Historic Preservation Division's (SHPD) Hawai'i Cultural Resource Information System identified 13 above-ground historic properties within the APE, which includes a TCP, the Summit of Haleakalā, and several cultural landscapes

# Preliminary Identification of Historic Properties

- Traditional Cultural Property (TCP) defined as Summit of Haleakalā including Kīpahulu Valley and Kaupō Gap
- Civilian Conservation Corps Haleakalā Crater Trails Historic District Cultural Landscape
- Crater Historic District
- Haleakalā Headquarters Historic District Cultural Landscape
- Haleakalā Highway Historic District Cultural Landscape
- 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



# Questions or Comments?



# Existing Air Tour Operations – Haleakalā National Park

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
		<b>4,839</b>	<b>4,757</b>	<b>4,875</b>	<b>4,824</b>	<b>25,827</b>

# Existing Air Tour Operations – Haleakalā National Park

- 6 helicopter operators
- 4,824 flights per year on average.
- Interim operating authority (IOA) for up to 25,827 flights, all helicopter operations
- No time-of-day restrictions
- No provisions for NPS to establish temporary no-fly periods.
- Tours occur year-round on most days of the year.
- January or July is the peak operation month with a 3-year average of 551 flights or about 18 flights per day during the peak month.





# Project Alternatives for Haleakalā National Park

- ~~Alternative 1~~

- No Action – Continuation of current conditions up to IOA limits
- Not selectable as NPATMA requires implementation of ATMP or Voluntary Agreement

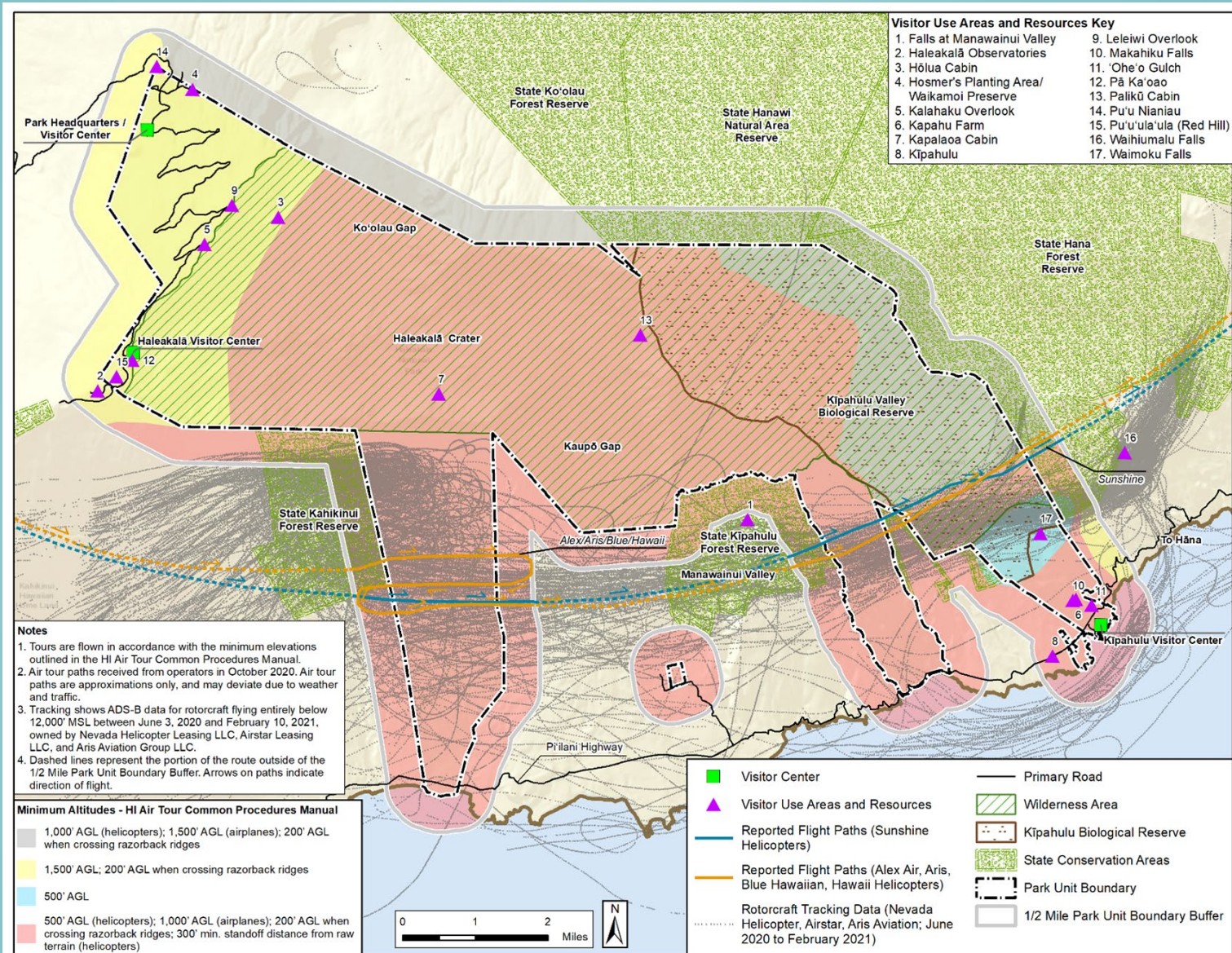
- **Alternative 2**

- No air tours within 5,000ft AGL over or within ½ mile of the Park
- Air tours could still occur outside of this area and around the Park

- **Alternative 3**

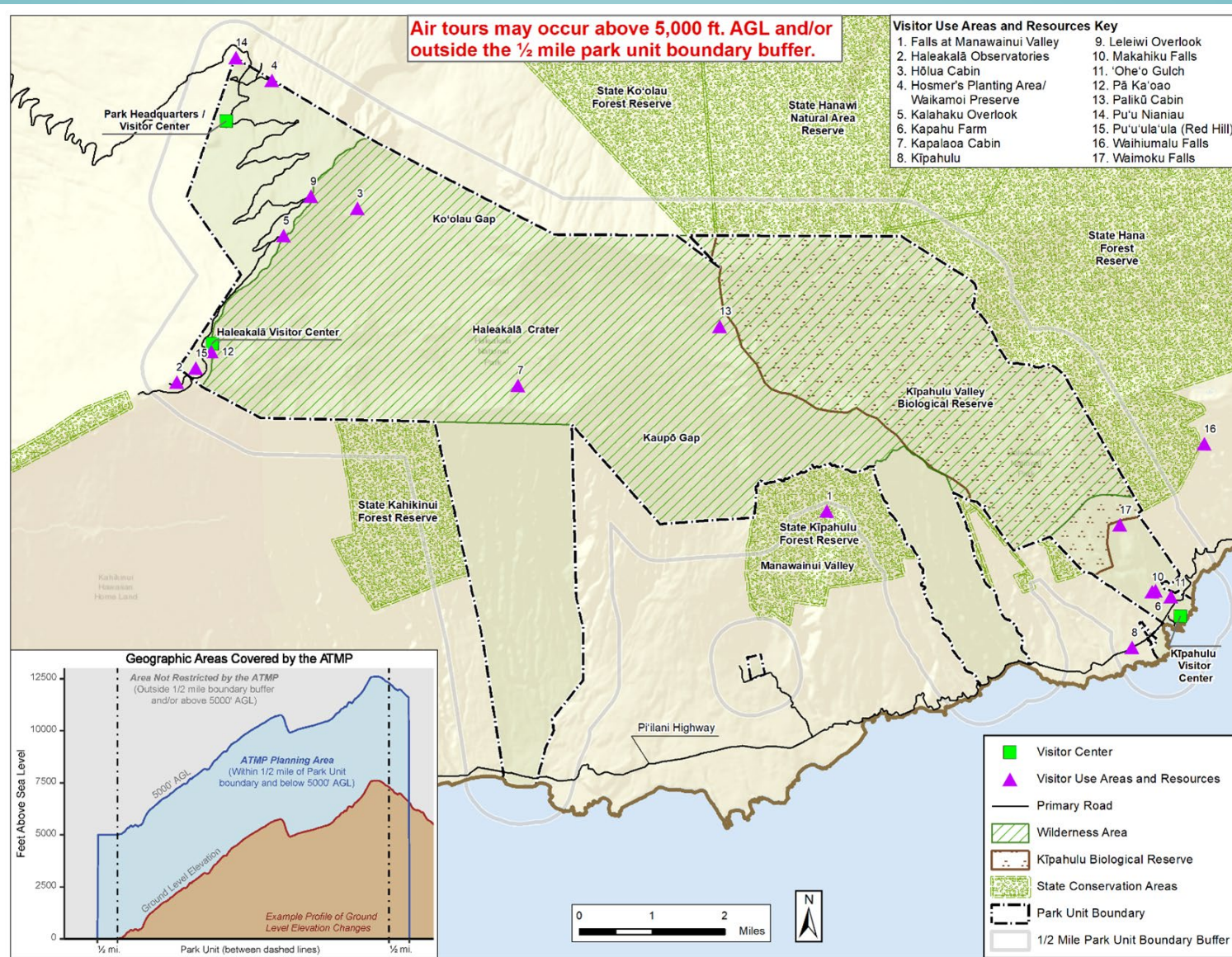
- Reduction in annual number of commercial air tours over the Park
- A singular flight path with altitudes ranging from 1,500 – 2,000ft AGL
- Flights permitted between 11AM-2PM (with Quiet Technology allowed from 11AM-4PM), except for Wednesday and Sunday
- Hovering/circling prohibited

# Alternative 1



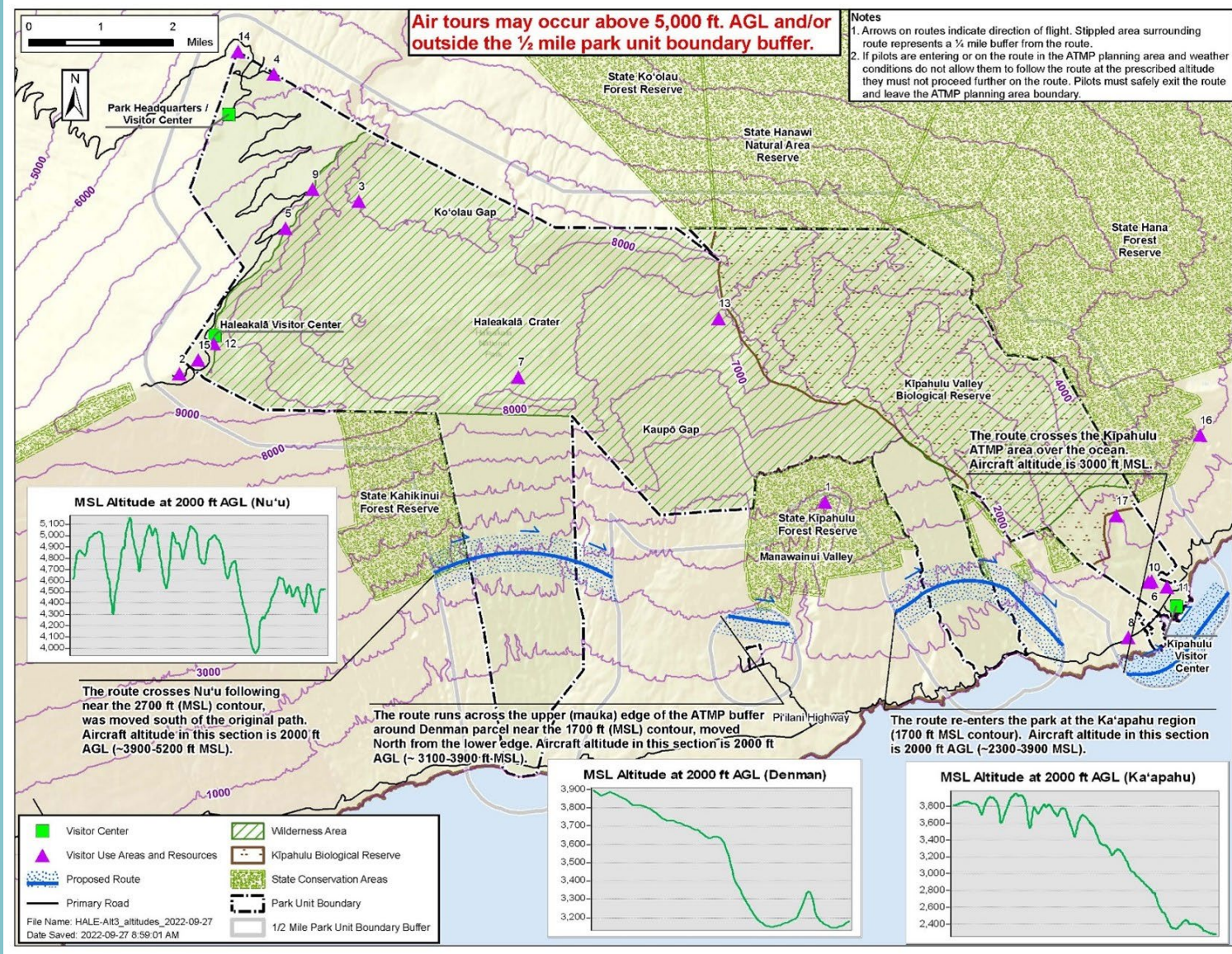


# Alternative 2





# Alternative 3



# Assessment of Effects

- **The proposed ATMP draft alternatives would not require land acquisition, construction, or ground disturbance**
  - No physical effects to historic properties anticipated
- **Focus of the assessment – new introduction of visual or audible elements beyond current effects that could diminish the integrity of any identified significant historic property**
  - The FAA and NPS will consider consulting parties' input on potential adverse effects
  - Analyze visual and audible elements of air tours





# Questions or Comments?



# Next Steps – Section 106 Consultations

## **The FAA and the NPS will:**

- Revise alternatives as needed based on the comments received during consultation
- Continue to consult on the APE and identification of historic properties (including TCPs or sacred sites) within the APE
- Complete impact modeling and analysis
- Complete and distribute EA and Draft ATMP for comment
- Be open to holding additional consultation meetings to discuss development of an ATMP and ways to avoid or minimize any adverse effects that could result from air tours in the APE
- Send a consolidated consultation letter summarizing the FAA's steps in the Section 106 process and the effects to historic properties for consulting party input this winter
- Complete and distribute EA and Draft ATMP for comment and hold a public meeting

**The findings reached during the Section 106 consultation process will inform decision on the final ATMP.**

# THANK YOU

- **Should you wish to provide further input on cultural property identification and/or the area of potential effects, please contact:**
  - Judith Walker at (202) 267–4185 or at [judith.walker@faa.gov](mailto:judith.walker@faa.gov), copying [ATMPTeam@dot.gov](mailto:ATMPTeam@dot.gov)



## ATTACHMENT 2

### RESPONSE TO COMMENTS ON THE DEVELOPMENT OF AN ATMP FOR HALEAKALĀ NATIONAL PARK

The following table provides an overview of consulting parties' comments on the development of an Air Tour Management Plan (ATMP) for Haleakalā National Park (the Park) and the Federal Aviation Administration's (FAA) responses to those comments.

Commenter	Correspondence	Summary of Comments	Response
Sylvia M. Hussey, Office of Hawaiian Affairs	11/28/22 Letter	<p>Requests consideration of the Park as a whole as a Traditional Cultural Property (TCP) and to require a TCP study as part of the Section 106 process and acknowledgement of natural resources as cultural resources.</p> <p>Shares concerns about vertical buffers for historic properties, recommends buffer of 9,000 feet above ground (though ATMP has only jurisdiction up to 5,000 feet), and believes a TCP study will better inform vertical buffers for historic properties.</p>	<p>For the purposes of the Section 106 assessment, the entire Park is being considered a TCP. However, due to the time needed to conduct a TCP study and the agencies' December 31, 2023 deadline to complete an ATMP or voluntary agreement for the Park, a TCP study will not be accomplished.</p> <p>The revised APE extends vertically from the ground level to encompass areas where operators may fly above the ATMP planning area (i.e., higher than 5,000 ft. AGL).</p>
Sylvia M. Hussey, Office of Hawaiian Affairs	11/28/22 Letter	<p>Shares safety concerns, particularly on crashes and the effects of flights on historic properties. 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 National Park Service (NPS) staff, the Kīpahulu/Lind 'Ohana, and/or the Kīpahulu Kūpuna Council upon request as part of the ATMP.</p>	<p>This comment is beyond the scope of the Section 106 assessment. However, this comment has been provided to agency personnel for consideration</p>

Commenter	Correspondence	Summary of Comments	Response
Sylvia M. Hussey, Office of Hawaiian Affairs	11/28/22 Letter	Shares safety concerns, particularly on crashes and the effects of flights on historic properties. Recommends a "sterile cockpit rule" (in which the pilot cannot act as a tour guide).	This comment is beyond the scope of the Section 106 assessment. However, this comment has been provided to agency personnel for consideration
Sylvia M. Hussey, Office of Hawaiian Affairs	11/28/22 Letter	Shares safety concerns, particularly on crashes and the effects of flights on historic properties. Recommends any air tour operators flying over the Park be required to perform daily desalination rinses and post flight checks related to upkeep from volcanic ash exposure and records of these maintenance actions be made accessible to NPS staff, the Kīpahulu/Lind 'Ohana, and/or the Kīpahulu Kūpuna Advisory Council upon request as part of the ATMP.	This comment is beyond the scope of the Section 106 assessment. However, this comment has been provided to agency personnel for consideration.
Sylvia M. Hussey, Office of Hawaiian Affairs	11/28/22 Letter	Shares concerns about the limited monitoring of air tours. Recommends the ATMP requires flight tracking data for enforcement of flight routes and altitudes and includes protocols for concerned individuals to report possible flight violations and clear follow up actions for the FAA regarding data gathering and enforcement.	This comment is beyond the scope of the Section 106 process. However, as stated in the Park's February 2022 Newsletter, aircraft monitoring and enforcement will occur under the ATMP and NPS will continue to maintain its ADS-B flight tracking system to monitor commercial air tour activity within the National Parks Air Tour Management Act of 2000's (Act) jurisdictional boundaries.



Commenter	Correspondence	Summary of Comments	Response
Sylvia M. Hussey, Office of Hawaiian Affairs	11/28/22 Letter	Shares concerns about the fee system. Proper flight tracking will enable proper accounting and for fees imposed to benefit the Park.	This comment is beyond the scope of the Section 106 process.
Matt Wordeman, Friends of Haleakala National Park	11/10/22 Email	Requests consideration of Kaupo Gap trail as a historic property, since Alternative 3 crosses over the trail. Recommends the route goes south of the Denman property instead.	The Kaupo Gap trail is a contributing resource to the Civilian Conservation Corps Haleakalā Crater Trails Historic District Cultural Landscape and as such is being considered and included in the revised area of potential effects (APE). No changes to the proposed route were made.
Kiersten Faulkner, Historic Hawai'i Foundation	11/18/22 Letter	Disagrees with the proposed APE. 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.	These parcels are included in the revised APE.
Kiersten Faulkner, Historic Hawai'i Foundation	11/18/22 Letter	Recommends the summary table of historic properties include a summary of the properties' character-defining features, with attention to those that may be affected by the air tours through visual, audible, or atmospheric elements.	The agencies include a summary of character defining features for the list of historic properties identified within the APE.

Commenter	Correspondence	Summary of Comments	Response
Kiersten Faulkner, Historic Hawai'i Foundation	11/18/22 Letter	Requests information on the pros and cons of an ATMP versus a Voluntary Agreement (such as replacement of the current Letter of Agreement NPS has with Maui Air Tour Operators) and possible use of a Voluntary Agreement for properties outside of the ATMP boundary.	This request is outside the scope of the Section 106 assessment.
Kiersten Faulkner, Historic Hawai'i Foundation	11/18/22 Letter	Requests a fourth Alternative similar to the Letter of Agreement. Shares concerns that areas currently prohibited by the Letter of Agreement (such as Notch and Ko'olau Gap) would be opened to flights since they are not located within the ATMP area.	This request is outside the scope of the Section 106 assessment. However, this comment has been referred to the agencies' National Environmental Policy Act (NEPA) team to review and address as appropriate.

Commenter	Correspondence	Summary of Comments	Response
Kiersten Faulkner, Historic Hawai'i Foundation	11/18/22 Letter	Shares concerns that Alternatives would allow for flights over the Crater higher than 5,000 feet above ground.	The ATMP for this park is being implemented pursuant to the Act and its implementing regulations. The regulations define a commercial air tour as: "[A]ny flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands during which the aircraft flies: (i) Below 5,000 feet above ground level [AGL] (except for the purpose of takeoff or landing, or as necessary for the safe operation of an aircraft as determined under the rules and regulations of the [FAA] requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); [or] (ii) Less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary)." Therefore, the agencies do not have authority to regulate air tours above 5000 ft AGL.
Kiersten Faulkner, Historic Hawai'i Foundation	11/18/22 Letter	Requests information on how the ATMP would be affected if the Park's boundaries change.	The ATMPs may be amended or modified through adaptive management to address boundary changes.
Kiersten Faulkner, Historic Hawai'i Foundation	11/18/22 Letter	Requests information on Alternative 3 regarding managed air tours' specific routes and altitudes and rationale for the proposed altitudes at different locations.	The description and rationale for Alternative 3 is found in the February 2022 Scoping Newsletter available at this link <a href="https://parkplanning.nps.gov/HaleakalaATMP">https://parkplanning.nps.gov/HaleakalaATMP</a> and in Attachment 1.

<b>Commenter</b>	<b>Correspondence</b>	<b>Summary of Comments</b>	<b>Response</b>
Kiersten Faulkner, Historic Hawai'i Foundation	11/18/22 Letter	Supports working meetings with consulting parties (including air tour operators) about historic properties to craft another alternative.	This request is outside the scope of the Section 106 process. The agencies have considered input from the public and stakeholders including the consulting parties in the development of the alternatives included in the draft Environmental Assessment and the alternatives presented at the Nov. 10, 2022 consulting party meeting.
Tweetie Lind, Kīpahulu, Kūpuna Council	11/22/22 Letter	States that Kūpuna Council worked with NPS staff on alternatives that allow no helicopter tours within two miles or so away from the Crater.	Comment noted.
Tweetie Lind, Kīpahulu, Kūpuna Council	11/22/22 Letter	States that helicopter tours should be cut down due to: noise pollution, air pollution, crossing over sacred sites, flights going over private residences, shoreline limit coming near residences (especially in Kīpahulu), and going over the NPS (Lelekea-Kalepa-Kaapahu) loosen rocks on whole mountain.	Comment noted.

**ATTACHMENT 3**

**SUMMARY OF PROJECT ALTERNATIVES FOR AN ATMP FOR HALEAKALĀ NATIONAL PARK**



**Table 1. Summary Comparison of the ATMP Action Alternatives for Haleakalā National Park**

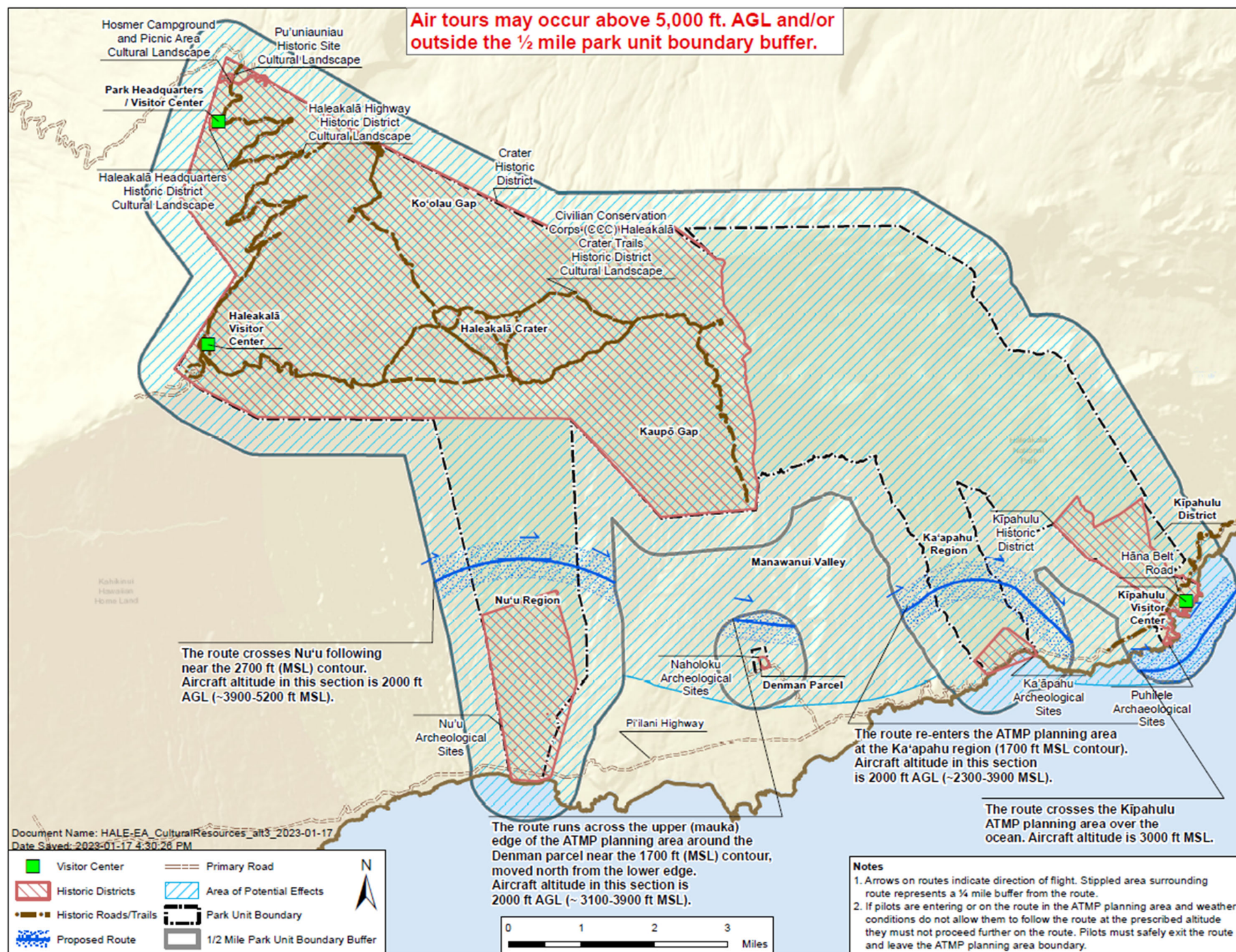
<b>Alternative Attributes</b>	<b>Alternative 2 (No Air Tours)</b>	<b>Alternative 3 (Reduction of Air Tours)</b>
General Description and Objectives	Prohibits air tours within the ATMP planning area to maximize Park resource protection. Air tours could still continue to fly outside the ATMP planning area (i.e., above 5,000 ft. 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. Air tours could still continue to fly outside the ATMP planning area (i.e., above 5,000 ft. AGL or more than ½-mile outside of the Park’s boundary).
Routes	None in ATMP planning area.	One air tour route, entering the Park from the west, south of the State Kahikinui Forest Reserve and exiting the ATMP planning area approximately 1.25km from the Kīpahulu area and Visitor Center. This route allows operators to fly in one direction.
Minimum Altitudes	No minimum altitude would be set. However, flights over the Park that are above 5,000 ft. AGL could occur as they are outside the ATMP planning area. The minimum altitude for air tour operations conducted more than ½ mile outside the Park boundary would be 1,500 ft. AGL unless the operator has OpSpecs B048 (air tour operations below 1,500 ft. AGL in the State of Hawaii), in which case the operator must comply with the requirements and procedures of the Hawaii Air Tour Common Procedures Manual (HI Manual) for conducting commercial air tour operations below 1,500 ft. AGL.	Minimum 2,000 ft. AGL over land; minimum 3,000 ft. MSL over the ocean. Flights more than ½-mile outside the Park boundary are similarly outside the ATMP planning area and are subject to the altitude requirements and procedures of the HI Manual.
Time of Day	N/A	On days where air tours are permitted: 11 AM – 2 PM for non-quiet technology flights. 11 AM – 4 PM for quiet technology flights.
Day of Week	N/A	No-fly days on Sunday and Wednesday.
Hovering/ Circling	N/A	Not permitted.
Quiet Technology (quiet technology) Incentives	N/A	Quiet technology flights may fly 11AM – 4PM. All commercial air tours within the ATMP planning area must utilize quiet technology aircraft by 2033.
Interpretative Training and Education	N/A	Mandatory.

<b>Alternative Attributes</b>	<b>Alternative 2 (No Air Tours)</b>	<b>Alternative 3 (Reduction of Air Tours)</b>
Annual Meeting	N/A	Mandatory.
Restrictions for Particular Events	N/A	Six no-fly days generated by following the Hawaiian Moon Calendar and Makahiki Season; two no-fly days on Hawaiian State holidays of historical importance with one year notice provided to operators.
Adaptive Management	N/A	To be considered/analyzed.
Operators, Initial Allocation of Air Tours, and Aircraft Types	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. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced.

**ATTACHMENT 4**

**REVISED APE MAP FOR AN ATMP FOR HALEAKALĀ NATIONAL PARK**





## ATTACHMENT 5

### REVISED HISTORIC PROPERTY IDENTIFICATION LIST FOR HALEAKALĀ NATIONAL PARK

Property Name	Property Type	Eligibility Status	Significant Characteristics
Civilian Conservation Corps (CCC) Haleakalā Crater Trails Historic District Cultural Landscape	Cultural Landscape	Eligible	The Civilian Conservation Corps (CCC) Haleakalā Crater Trails Historic District Cultural Landscape was designed by NPS landscape architects and constructed by CCC enrollees between 1930 and 1941. It is significant for its association with early park planning and the CCC and for its embodiment of NPS Rustic Style architecture. The Kaupō Gap Trail is a contributing resource to the district. Significant characteristics of the district include its rustic design, historic trail system, the human manipulated topography to accommodate the trails, the viewshed from the trails of the crater and the ocean, and its continued use as a tourist circulation system.
Crater Historic District	District	Listed	Crater Historic District consists of 56 pre-contact archeological sites, including temples and burials. It is accessed for traditional uses by Native Hawaiians. Extant prehistoric stone structures, remains of workshop sites, other archeological remains, and the surrounding landscape are all significant characteristics of the district.
C-Shaped Wall (SHPD ID 50-50-16-03979)	Site, Structure	Eligible	This site is located east of Pāhihi Gulch and consists of a C-shape wall that is two inches in diameter. Significant characteristics of the site include the wall's C-shaped design and stone materials.
Enclosures (SHPD ID 50-50-16-03980)	Site, Structure	Eligible	This site consists of the remains of a large enclosing wall and an attached rectangular enclosure. Significant characteristics of the site include its configuration and stone materials.
Haleakalā Headquarters Historic District Cultural Landscape	Cultural Landscape	Eligible	The Haleakalā Headquarters Historic District Cultural Landscape is significant for its association with early park planning and as an example of Mission 66-era development. It is also significant for its NPS Rustic Style design. The rustic design, building configuration, and surrounding landscape are all significant characteristics of the district.
Haleakalā Highway Historic District Cultural Landscape	Cultural Landscape	Eligible	The Haleakalā Highway Historic District Cultural Landscape includes a portion of the highway within the Park, which was designed by the Bureau of Public Roads (BPR) with input from the Park and NPS landscape architects, as well as several developments along the route. It is significant for its association with NPS master planning from the 1930s and Mission 66 eras and for its minimally intrusive design. In order to be



Property Name	Property Type	Eligibility Status	Significant Characteristics
			minimally intrusive, the district's road, buildings, and structures were designed to decrease the visual and physical impact on the landscape; this design and the surrounding landscape are significant characteristics of the district.
Traditional Cultural Property	TCP	Eligible	The Summit of Haleakalā, including Kaupō Gap and Kīpahulu Valley, is significant as a Traditional Cultural Property (TCP) for its association with native Hawaiian culture, traditions, and sacred uses. The exceptional stillness and serenity of the Summit of Haleakalā are significant characteristics of the TCP that allow Native Hawaiians to continue conducting traditional ceremonies, which require a quiet setting.
Hāna Belt Road	District	Listed	Hāna Belt Road includes a road and bridges to Hāna that were built between 1900 and 1947. It is significant as an engineering achievement and for its association with the development of the area that opened East Maui to further settlement, agricultural enterprises, and tourism. The road's winding and narrow alignment; surrounding scenery featuring waterfalls, small villages, valleys, and sea cliffs; and stylistically consistent, one-lane bridges with sharp approaches are all significant characteristics of the district.
Hāwelewele Complex (Kailiili Heiau)	Site, Structure	Unevaluated	The Hāwelewele Complex, also called the Kailiili Heiau, is located a quarter of a mile from the shore on top of a small hill in the center of a valley. The large heiau measures approximately 50 by 124 feet with walls that are 6 feet thick and around 4-5 feet high. Potential significant characteristics of the site include its materials and configuration.
Hosmer Campground and Picnic Area Cultural Landscape	Cultural Landscape	Eligible	The Hosmer Campground and Picnic Area Cultural Landscape is located just below the 7,000-foot elevation in the summit area of the Park and is the only drive-in campground in the area. It is significant as an example of a Mission 66-era development and for its experimental forestry plots that were planted by Ralph S. Hosmer in the early-twentieth century. Significant characteristics of the cultural landscape include the campground layout and design and surrounding landscape.
Ka'āpahu Archeological Sites	Site	Eligible	Ka'āpahu Archeological Sites consist of archeological sites recorded within Kālepa, 'Alelele, Lelekēa, and Kukui'ula Valleys, including traditional Native Hawaiian dryland agriculture terraces and clearings, larger irrigated pondfield complexes for the production of kalo (taro, <i>Colocasia esculenta</i> ), and habitation and ceremonial sites. 19 <sup>th</sup> century enclosures representing mixed residences and agriculture (including animal husbandry) are also present. Significant characteristics of the sites include the

Property Name	Property Type	Eligibility Status	Significant Characteristics
			extant remains of structures and complexes, their materials and configurations, extant material culture remains, the surrounding landscape, and quiet setting.
Keakalauae Heiau	Site, Structure	Unevaluated	The Keakalauae Heiau is one of the largest of the Kaupō heiaus and is credited to Kekaulike from c.1730. Its greatest dimensions are approximately 168 by 330 feet. The interior of the platform has been utilized for a pig pen with walls built around it. Potential significant characteristics of the site include the heiau's configuration, materials, and quiet setting.
Kīpahulu Historic District	District	Eligible	The Kīpahulu Historic District is comprised of fragmentary structural remains of Hawaiian use of the Kīpahulu land in the pre-contact period through 1900 that indicate a substantial resident population engaged in horticulture and fishing in an isolated wet-valley Polynesian community. The archeological study of the remains may reveal the vicinity may have played a significant role in the colonization of the Hawaiian Islands by early Polynesian voyagers and settlers. The few Hawaiian families who continued to live along 'Ohe'o Gulch and stream after 1900 perpetuated traditional irrigated and dry-land horticulture and fishing activities. The people of Kīpahulu perhaps experienced a minor lifestyle change when organized Christianity invaded east Maui ca. 1850, and certainly did so after 1900 when Kīpahulu plantation imported laborers from overseas and began to clear and plow the steeply sloping lower flanks of Haleakala volcano on both sides of 'Ohe'o Gulch to grow sugar cane. The historical themes of Hawaiian land use, Hawaiian placenames, engineering for sugar cultivation on marginal lands, and overland transportation are represented by structures or their remnants. Significant characteristics of the district include extant material culture and structural remains, physical evidence of historic and prehistoric land use, association with the ocean, and the landscape.
Lonoaea Heiau	Site, Structure	Unevaluated	The Lonoaea Heiau is a walled heiau located on top of a hill overlooking Waiuha to the west. Potential significant characteristics include the heiau's materials, viewshed, and quiet setting.
Lono'o'ai'a Heiau (Hale O Kane Heiau)	Site, Structure	Unevaluated	The Lono'o'ai'a Heiau, also called the Hale O Kane Heiau, is an open platform that is 10 to 12 feet above the ground. Potential significant characteristics include the heiau's materials and quiet setting.

Property Name	Property Type	Eligibility Status	Significant Characteristics
Mound (SHPD ID 50-50-16-08665)	Site, Structure	Eligible	This site consists of a partially-faced mound that was constructed of stacked stones and may have served as a historic cattle ramp. Significant characteristics of the site include its stacked configuration and stone materials.
Naholoku Archeological Sites	Site	Eligible	The complex of 18 archeological sites at 1,000 ft elevation in dryland Naholoku Ahupua'a dates as early as the 15th to 17th centuries and is significant for its potential to yield information, with at least three sites eligible for architecture/design. These latter sites represent structures that embody the characteristics of pre-Contact and late pre-Contact/early historical residential compounds and smaller agricultural heiau. Significant characteristics include the extant remains of buildings and structures; their materials, configurations, and design; extant material culture remains; physical evidence of historic and prehistoric land use, quiet setting, and the landscape.
Naku'ula Complex	Site, Structure	Unevaluated	The Naku'ula Complex consists of three rectangular terraced platforms that may be heiau sites. Potential significant characteristics include the site's physical materials and quiet setting.
Nu'u Archeological Sites	Site	Eligible	Nu'u Archeological Sites consist of archeological sites, composed of pocket terraces, terraces, enclosures, cleared areas, modified outcrops, and mounds that represent an extensive traditional dryland agricultural complex for primarily sweet potato production, temporary shelters associated with agricultural activity, multiple permanent residential complexes, most of which date to the 19 <sup>th</sup> century, specialized features/use areas for ceremony and lithic production. Significant characteristics of the sites include the extant remains of structures and residential complexes, their materials and configurations, mounds, extant material culture remains including evidence of ceremony and lithic production, physical evidence of historic and prehistoric land use, and the landscape.
Nu'u Petroglyph Complex	Site	Unevaluated	The Nu'u Petroglyph Complex is a site covering 117 meters that is located on the beach at Nu'u Bay. It consists of 157 petroglyphs: 92 human forms, 3 animal forms, 3 names, and 59 undetermined images. Potential significant characteristics of the site include the petroglyph designs and configurations.
Nu'u Pictograph Complex	Site	Unevaluated	The Nu'u Petroglyph and Pictograph Complex is a site covering 117 meters that is located on the beach at Nu'u Bay. It consists of 40 pictographs: 16 human forms, 3

Property Name	Property Type	Eligibility Status	Significant Characteristics
			animal forms, and 21 undetermined images. Potential significant characteristics of the site include the pictograph designs and the materials used to create them.
Nu'u-Waiu Complex, Hana	Site, Structure	Unevaluated	The Nu'u-Waiu Complex consists of several archeological sites composed of enclosures, partial enclosures, terraces and platforms, pits, pavements, house lots, walls, ko'a, trails, cairn, petroglyphs, a fishpond, rockshelters, and graves. Potential significant characteristics of the complex includes the extant remains of structures, their materials and configurations, other extant material culture remains, prehistoric and historic trail alignments, and physical evidence of prehistoric and historic land use.
Pictograph and Rock Shelter (Marciel's Pictograph)	Site, Structure	Unevaluated	This site consists of a human figure painted with alaea (red salt) on a boulder that is located next to a rock shelter that once contained a burial. Potential significant characteristics of the site include the pictograph form and design, the use of alaea to create it, the rock shelter's materials, and any other extant cultural remains.
Puhilele Archaeological Sites	Site	Eligible	Puhilele Archaeological Sites consist of archeological sites, composed of terraces, platforms, alignments, and mounds used for agricultural, residential, ceremonial as well as temporary shelter for fishing. Significant characteristics of the site includes the extant remains of structures, their materials and configurations, other extant material culture remains, association with the ocean, and physical evidence of prehistoric and historic land use.
Pu'umaka'a Heiau	Site, Structure	Unevaluated	The Pu'umaka'a Heiau is an open platform type of heiau that consists of a series of rough terraced pavements. Potential significant characteristics include the heiau's materials and quiet setting.
Pu'unianiau Historic Site Cultural Landscape	Cultural Landscape	Eligible	The Pu'unianiau Historic Site Cultural Landscape is significant as a base camp used by the U.S. Army for the administration of the Red Hill Aircraft Warning Service Station at the summit of Haleakalā between 1941 and 1946. It consists of five historic buildings and structures and a south access road. The spatial organization of the site, which reflects the traditional conventions for military cantonments, and the 1940s military one-story buildings and structures are significant characteristics of the cultural landscape.
Terraces (SHPD ID 50-50-16-01133)	Site, Structure	Unevaluated	These terraces are located on the west side of the Kalepa Stream. They consist of the remains of two rectangular enclosures, each with two end walls and one connecting

Property Name	Property Type	Eligibility Status	Significant Characteristics
			wall about 50 feet in length. Potential significant characteristics of the site include its configuration and materials.
Wall (SHPD ID 50-50-16-08663)	Site, Structure	Eligible	This site consists of a low wall near Kukui'ula Gulch that was built along the side of a steep stream channel. The wall is constructed of stacked and piled stones that terminates in an "L" on its inland end. Significant characteristics of the site include its configuration, stone materials, and location next to the stream.
Wall (SHPD ID 50-50-16-08664)	Site, Structure	Eligible	This site consists of a bi-facial wall near Kukui'ula Gulch that was likely constructed for drainage during the historic period. Significant characteristics of the site include its configuration and materials.
Wall (SHPD ID 50-50-16-03978)	Site, Structure	Eligible	This site consists of a single stacked boulder wall approximately 5.5 meters in length and 60 centimeters high. It is oriented north-to-south and likely served as a windbreak for a structure located in its lee. Significant characteristics of the site include its configuration, stone materials, and north-to-south orientation.
Wall (SHPD ID 50-50-17-08883)	Site, Structure	Unevaluated	This site consists of a dry-stacked, core-filled rock wall that was likely constructed to mark the boundaries of a neighboring grant parcel to the west sometime after the sale of the parcel in 1854. Potential significant characteristics of the site include its configuration, stone materials, and location.
Walls (SHPD ID 50-50-16-01132)	Site, Structure	Unevaluated	This site consists of the remains of walls, one parallel to the shore and another parallel to the Kalepa Stream, which may be the remains of a house site. Potential significant characteristics of the site include its configuration, stone materials, and location next to the stream.