

**From:** Debbie Ward  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] M-7 BLNR 1.8.21 Paradise helicopter testimony  
**Date:** Thursday, January 7, 2021 8:33:13 AM

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To: BLNR Chair and members

From : Deborah Ward, [cordylinicolor@gmail.com](mailto:cordylinicolor@gmail.com) P. O. Box 918 Kurtistown HI 96760

Re: Opposition to Item M-7

Aloha Board members,

M-7 Issuance of a Revocable Permit for Ticket Counter and Office Space, K & S Helicopters, Inc. dba Paradise Helicopters, Waimea-Kohala Airport, Tax Map Key: (3) 6-7-001: Portion of 08  
Please require an updated Environmental Assessment (EA) for this permit.

I live under the flight path of helicopters flying visitors to view eruptive activity on Kilauea volcano. I can attest to the conditions under which some flights take place—they are low, intrusive and disruptive, to say the least. I am a farmer, forty-five year resident in Mountain View, and a member of Sierra Club, Hawaii Island Group.

Since the 20 year old airport EA was written, there have been 38 tour helicopter accidents, killing 45 people. Ten of the crashes involved Paradise Helicopters. (2)

U.S. Senate Committee on Commerce, Science, and Transportation, just last month, issued a report outlining serious safety violations leading to numerous accidents and deaths due to improper oversight; see [Fact Sheets: Whistleblower Allegations of Misconduct at the FAA Flight Standards District Office in Honolulu, Hawai'i](#). January 31, 2020.

The previous EA for the airport permit is over 20 years old, and circumstances have changed. As you know, in 2010 the Hawai'i Supreme Court required Turtle Bay Resort to do a new environmental study, since the original study was 25 years old, and circumstances had changed. (1)

In 2019, over 400 people answered “yes” when asked “Should tighter rules be imposed on tour copters and charter aircraft?” in a Star-Advertiser online poll. Only 77 said “no”. (3)

Last month, the O'ahu Tour Helicopter Safety and Noise Inter-Action Group stated that tour helicopters inappropriately operate under CFR 14-I-F-91 regulations instead of more stringent CFR 14-I-G-136 regulations. (4)

Since the EA was written, tour helicopter trips have increased—about 8,000 in March 2019, compared to 6,000 in March 2005. The number of reported tour operators is more than twice what it was ten years ago. (5)

With this sharp increase in flights, noise and vibration from helicopters have increasingly bedeviled residents. But repeated and widespread concerns voiced by beleaguered communities have largely been ignored. The noise terrifies children and animals, sets off PTSD in war veterans, intrudes on sleep, interrupts conversations, and causes inescapable stress. On Hawai'i Island, during the eruption, tour helicopters never let up—they kept flying, over people who were losing their homes, their neighborhoods, and their livelihoods.

The 1999 EA measures noise with the Day-Night Sound Level, which averages out sound over a 24-hour period. With this metric, any intermittent noise is supposedly not a problem. For mitigation, the EA feebly recommends that “aircraft operators should avoid, if possible, overflight of noise sensitive areas.” (6)

The EA assumed that implementation would be completed about 2020—last year. (7)

Circumstances have changed. For safety and noise relief, I urge you to require an updated EA. Mahalo.

#### NOTES

(1). <https://www.staradvertiser.com/2010/07/20/breaking-news/supreme-court-affirms-ruling-for-a-new-eis-for-turtle-bay-resort/>

(2). *Tour Helicopter Crashes — And Flights — Have Escalated In Recent Years*, by *Allan Parachini*, *Civil Beat*, January 23, 2020, <https://www.civilbeat.org/2020/01/tour-helicopter-crashes-and-flights-have-escalated-in-recent-years>

(3). <https://www.staradvertiser.com/staradvertiser-poll/tighter-rules-imposed-tour-copters-charter-aircraft/>

(4). *December 30, 2020 O’ahu Tour Helicopter Safety and Noise Inter-Action Group comments to Hawai’i Air Noise and Safety Task Force*

(5). *Tour Helicopter Crashes... op cit.*

(6). *Final Environmental Assessment for Waimea-Kohala Airport*, October 1999, [http://oeqc2.doh.hawaii.gov/EA\\_EIS\\_Library/1999-11-08-HA-FEA-Waimea-Kohala-Airport.pdf](http://oeqc2.doh.hawaii.gov/EA_EIS_Library/1999-11-08-HA-FEA-Waimea-Kohala-Airport.pdf), pp. 34-35

(7). *Op. cit.*, p. 11

**From:** Lynn Nakkim  
**To:** [DLNR.BLNR.Testimony](#)  
**Subject:** [EXTERNAL] Helicopter Rules and Paradise Helicopters  
**Date:** Thursday, January 7, 2021 9:04:52 AM

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Gentlemen, and gentle women:

There is evidence that Paradise Helicopters is not a safe operation. Please keep that in mind as you decide on permits for them and rules for their operation.

These islands are lovely, and there is need for some sightseeing tours, but until the long promised QUIET HELICOPTERS are developed and used, there must be strict limitations on areas over Flow, and on hour of operation. This is an activity that intrudes on the space and enjoyment of folks who take the time and effort to hike into the back country.

Helicopters have buzzed my house because I complained about them. Helicopters have intentionally flown low over me while riding a skittish horse in the area near Hawaii National Park, causing the horse to spin and buck and freak out, endangering my life---motivated by big tips from the passengers I guess, at the expense of endangering my life.

Go easy on making it easier for helicopters to harass people by their noise in overflights while someone is forced by covid to stay home.

Be sure as you make rules, to offer leniency if the outfitters can show that they are operating quiet helicopters. Something must be done. We should not have our lives endangered by helicopter overflights and crashes in residential areas. Ahualoa is subject to unnecessary overflights now, and Waimea is a growing community, so be careful what you allow. Have a citizen advisory group with actual NON EMPLOYEES OF HELICOPTER COMPANIES, to help regulate.

Sincerely,

Lynn Nakkim, Pepeekeo, Hawaii

Sent from [Mail](#) for Windows 10

**Board of Land and Natural Resources Meeting  
Friday, January 8, 2021**

**Issuance of a Revocable Permit for Ticket Counter and Office Space,  
K & S Helicopters, Inc. dba Paradise Helicopters,  
Waimea-Kohala Airport, Tax Map Key: (3) 6-7-001: Portion of 08**

Aloha Chairperson Case, First Deputy Masuda, and BLNR Members Yuen, Gomes, Oi, Gon Char and Yoon:

The State Department of Land and Natural Resources is responsible the protection and preservation of Hawai'i's natural resources, inclusive of natural area reserves, state parks and historical sites, forest reserves and wildlife sanctuaries. This is a mission and purpose that we support and applaud as an important legacy for present and future generations.

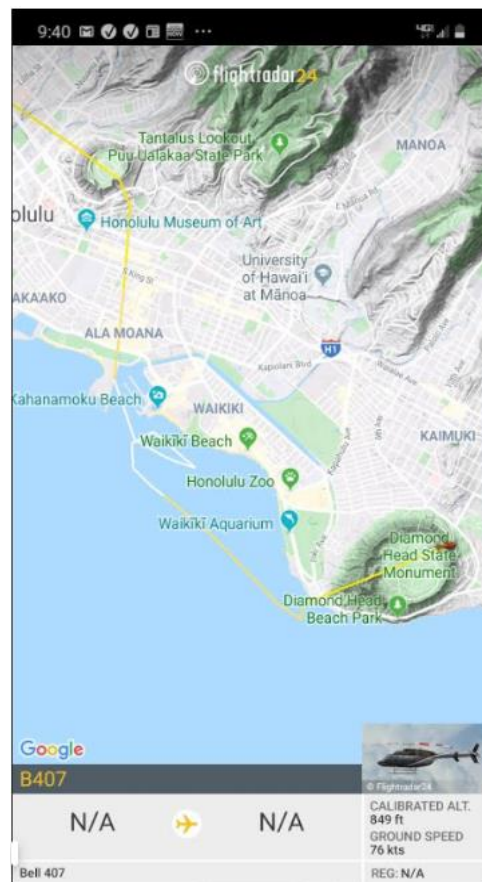
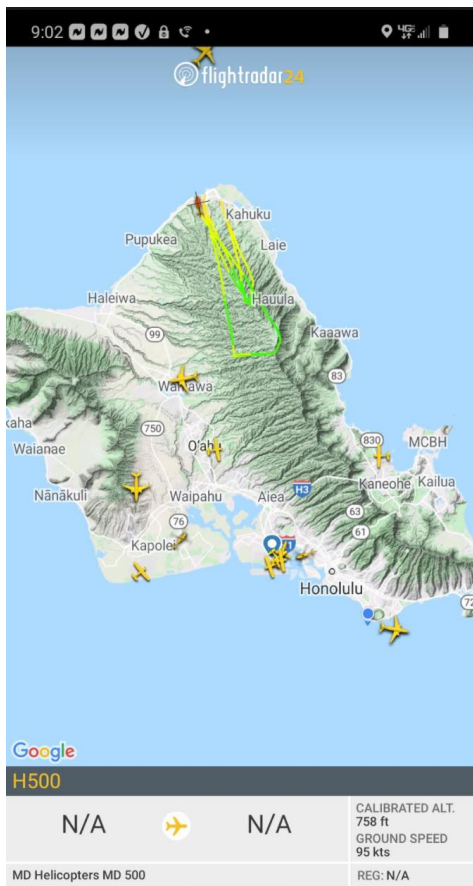
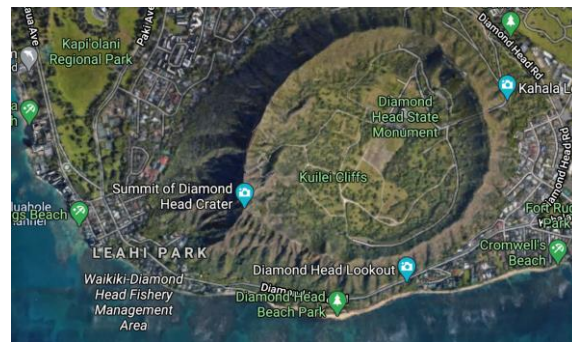
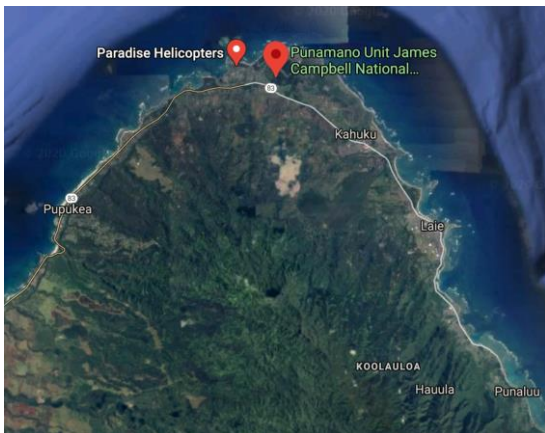
As a member of the DLNR Diamond Head Citizens Advisory Committee and the Diamond Head State Monument Foundation, I have been engaged with the protection and preservation of the Diamond Head State Historic Monument. One of the State's protective policies for the Diamond Head State Monument is *"That no civilian aircraft be permitted to fly less than 2,000 feet over the Diamond Head State Monument or land anywhere in the Monument, and that no mechanical device create a noise or dust nuisance or endanger people within the Diamond Head State Monument semi-wilderness crater park."*<sup>1</sup>

Comes now K&S Helicopters, dba "Paradise Helicopters," seeking permission to set up shop at the Waimea-Kohala Airport to expand their harmful low-flying cacophonous operations adjacent to surrounding residential communities and the Pu'u O Umi Natural Area Reserve and Kohala Forest Reserve.



<sup>1</sup> Diamond Head State Monument Master Plan Update FEIS, 2000

As may be reflected in other testimonies, K&S “Paradise” stands out as one of the most irreverent tour helicopter operators in the State of Hawaii. The “Paradise” Bell 407 and Hughes 369D tour helicopters on O’ahu are repeatedly operated with complete disregard for the Island’s communities on the ground and their residential neighborhoods, schools, parks and beaches; and have caused direct adverse noise impacts on the semi-wilderness environment of the protected Diamond Head State Historic Monument and Crater Park, as well as the surrounding Diamond Head, Kahala and Kaimuki communities. The Punamano Wildlife Refuge on O’ahu’s North Shore is equally impacted by “Paradise.”<sup>2</sup>



<sup>2</sup> See <https://www.audubon.org/important-bird-areas/james-campbell-national-wildlife-refuge>

Notably, according to DLNR testimony provided by State Parks Administrator Cottrell during a State Senate hearing on January 6, 2021,<sup>3</sup> the Diamond Head State Monument Visitor count returned to 3,000 on January 2, 2021, with visitors hiking to the 761-ft. Summit to experience the panoramic views – only to be greeted overhead by cacophonous tour helicopters flying in the face of the State’s adopted protective policies for the Diamond Head State Monument semi-wilderness park and its visitors.

Further, there is the question of safety. K&S “Paradise Helicopters” has a record of ten (10) helicopter crashes since 2000, with 4 fatalities in a 2003 crash,<sup>4</sup> culminating in their most recent crashes:

- February 21, 2019 - K&S “Paradise” Hughes-369E crash in Waipio Valley, Hawai’i Island



<https://www.hawaiitribune-herald.com/2019/02/21/hawaii-news/helicopter-crashes-near-waipio-valley/>  
<https://www.staradvertiser.com/2019/02/21/breaking-news/pilot-hospitalized-after-helicopter-makes-hard-landing-on-big-isle/>

- April 16, 2019 - K&S “Paradise” Hughes-369E in Sacred Falls State Park, O’ahu



<https://www.hawaiinewsnow.com/2019/04/16/firefighters-responding-downed-chopper-oahus-north-shore/>  
<https://www.thegardenisland.com/2019/04/17/hawaii-news/helicopter-crashes-in-sacred-falls-state-park>  
<https://www.khon2.com/news/minor-injuries-in-helicopter-crash-near-sacred-falls/#:~:text=The%20crash%20happened%20around%2011,broke%20off%20from%20the%20frame./>

<sup>3</sup> [https://www.capitol.hawaii.gov/session2021/testimony/Info\\_Testimony\\_WAM-WTL\\_01-06-21\\_LNR.pdf](https://www.capitol.hawaii.gov/session2021/testimony/Info_Testimony_WAM-WTL_01-06-21_LNR.pdf)

<sup>4</sup> <https://www.civilbeat.org/2020/01/tour-helicopter-crashes-and-flights-have-escalated-in-recent-years/>

Additionally, K&S “Paradise” has demonstrated total disregard for the regulatory “Special Operating Rules for Air Tour Operators in Hawai’i” FAR 14 CFR Part 136, Appendix A,<sup>5</sup> Section 6:

*Section 6. Minimum flight altitudes.* Except when necessary for takeoff and landing, or operating in compliance with an air traffic control clearance, or as otherwise authorized by the Administrator, no person may conduct an air tour in Hawaii:

- (a) Below an altitude of 1,500 feet above the surface over all areas of the State of Hawaii, and,
- (b) Closer than 1,500 feet to any person or property; or,
- (c) Below any altitude prescribed by federal statute or regulation.

Escalating loud noise impacts of low-flying tour helicopters cause jarring, intrusive, incessant and exhausting disruptions and unbearable living conditions for thousands of Island residents, and the continuing significant adverse effects constitute helicopter harassment that places the health and well-being of entire communities at stake, humans and wildlife alike.

Tour helicopter activity exponentially increased in Hawai’i from 2014 through early 2020,<sup>6</sup> rendering the referenced 1999 EA outdated, as well as “all relevant mitigation from the EA ... to address the minimum impacts of this action.”<sup>7</sup> Therefore, since the applicant is relying on this outdated EA, an updated EA with current studies and reports should be required prior to any authorization and approval of the subject permit.

The cumulative tour helicopter noise impacts must be eliminated by effectively-enforced distance requirements maintained equally away from designated protected species preserves and habitats, populated communities with residential neighborhoods, and Hawaiian cultural grounds and places of worship. Needless to add, the protection of these areas from tour helicopter crash impacts is equally paramount.

#### Month-to-Month Revocable Permit

The subject application for BLNR authorization states that “The Department of Transportation proposes to issue a month-to-month revocable permit to KSH for a ticket counter and office space to support their commercial helicopter operations.” As we have all experienced, “temporary” and “month-to-month” revocable permits have a long history of becoming permanent in Hawai’i.

Therefore, it is the State DOT Airports Division that must *first* develop the ground permitting conditions and procedure for ensuring the protection of the communities and natural reserves in this vicinity from low-flying tour choppers flying wherever, whenever and however their commercial tour operators choose.

Further, some may question why the State DOT, a public agency, is making this request before the BLNR on behalf of the private tour helicopter operator seeking the business space amenities on State land for its commercial operations, and not the subject private operator; and dually recommending that the BLNR authorize the DOT to issue the subject permit.

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<sup>5</sup> See [https://www.law.cornell.edu/cfr/text/14/appendix-A\\_to\\_part\\_136](https://www.law.cornell.edu/cfr/text/14/appendix-A_to_part_136)

<sup>6</sup> See <https://www.civilbeat.org/2020/01/tour-helicopter-crashes-and-flights-have-escalated-in-recent-years/>

<sup>7</sup> Source: <https://dlnr.hawaii.gov/meetings/blnr-meetings-2021/land-board-submittals-01-08-21/>

### Permit to be Subject to Necessary Conditions

Significantly the DOT Director does recommend that any such permit be subject to “such additional terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of the State.”<sup>8</sup>

Clearly such State interests would be in the larger public interest of the public’s safety, health and welfare, with protections centered on the surrounding communities and natural preserves. Such conditions should include, but not be limited to, minimum altitudes and distances to ensure that the generated sound level not exceed 30 decibels within and around populated and protected areas, and equipment safety requirements to include instrument flight rated (IFR) tour helicopters and IFR-certified pilots for encountering visibility limitations and sudden inclement weather, as well as attached flotation devices for the ability to fly well offshore during sight-seeing in order to ensure the necessary protection of surrounding communities and natural reserves from the incessant low-flying cacophony of indulging tour chopper operators flying wherever, whenever and however they choose.

Thus before any commercial operations rental space permit might be issued, the detrimental activity of such tour helicopter operations must be addressed by more stringent ground permitting procedures for both the safety and noise protection of the communities on the ground.

In conclusion, to be effective in protecting Hawai’i’s public and environmental safety, health and welfare in the greater public interest, the State must directly address and cure the tour helicopter noise levels that cause significant adverse community and environmental impacts. And given the inherently significant adverse impacts caused by tour chopper operators, it is the DOT that should *first* determine the terms and conditions for any such commercial use permit with full public hearing, before any BLNR authorization for such use of State public land is issued for this purpose.

Therefore, the BLNR is respectfully urged to deny this application and authorization until such time as these protections can be accomplished.

Respectfully,

Michelle Spalding Matson

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<sup>8</sup> Source: <https://dlnr.hawaii.gov/meetings/blnr-meetings-2021/land-board-submittals-01-08-21/>



Opposition to Item M-7

Issuance of a Revocable Permit for Ticket Counter and Office Space, K & S Helicopters, Inc.  
dba Paradise Helicopters, Waimea-Kohala Airport, Tax Map Key: (3) 6-7-001: Portion of 08

for 9 AM Friday, January 8, 2021 Board of Land and Natural Resources meeting

sent to [blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov)

by Cory Harden, Hilo [333cory@gmail.com](mailto:333cory@gmail.com)

Aloha Board members,

Thank you for your volunteer service.

Please require an updated Environmental Assessment (EA) for this permit.

As you know, in 2010 the Hawai'i Supreme Court required Turtle Bay Resort to do a new environmental study, since the original study was 25 years old, and circumstances had changed. (1)

For the airport EA related to this permit, the EA is over 20 years old, and circumstances have also changed.

Since the airport EA was written, there have been 38 tour helicopter accidents, killing 45 people. Ten of the crashes involved Paradise Helicopters. (2)

In 2019, over 400 people answered "yes" when asked "Should tighter rules be imposed on tour copters and charter aircraft?" in a Star-Advertiser online poll. Only 77 said "no". (3)

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With this sharp increase in flights, noise and vibration from helicopters have increasingly bedeviled residents. But repeated and widespread concerns voiced by beleaguered communities have largely been ignored. The noise terrifies children and animals, sets off PTSD in war veterans, intrudes on sleep, interrupts conversations, and causes inescapable stress. On Hawai'i Island, during the eruption, tour helicopters never let up—they kept flying, over people who were losing their homes, their neighborhoods, and their livelihoods.

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