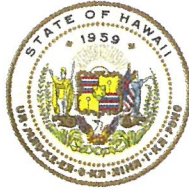


DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 28, 2021

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Mr. Steve Dickson, Administrator
Federal Aviation Administration
800 Independence Ave. S.W.
Washington, DC 20591

Re: Hawai'i Board of Land and Natural Resources Action, April 23, 2021, regarding
1) Concern regarding disruptions of tour helicopters from unregulated flight paths
2) Authority of the State to regulate tour helicopter flight paths

Dear Administrator Dickson:

I write as Chair and on behalf of the State of Hawai'i Board of Land and Natural Resources (BLNR), by motion of the full Board dated April 23, 2021, with regard to regulation of flight paths of tour helicopters throughout Hawai'i.

The BLNR has jurisdiction over management of State of Hawai'i lands and natural and cultural areas, forests and coastlines, and state parks. The BLNR also has jurisdiction over dispositions and uses of state lands, including for staging and operation of aircraft in Hawai'i airports, including commercial tour helicopters.

For many years now, matters before the BLNR for revocable permits for operations for tour helicopters at state airports have brought heated public testimony and robust discussion over ground disruptions and safety issues caused by tour helicopters, on a daily basis at high volume, due to flight paths overflying neighborhoods, as well as over state parks and sensitive natural and cultural areas.

Noise, low flying helicopters, safety issues over neighborhoods, lack of compliance with flight tracking/following requirements, disruption of the public's enjoyment of the sanctity of the outdoors, and disturbance to endangered birds and other species in sensitive natural areas and critical habitat are significant concerns.

This issue has only increased in recent years, and has reverberated as well in the state legislature, county councils, and many of the local neighborhood boards.

A sampling of BLNR submittals and written testimony regarding this significant community concern, as well as 2021 Hawai'i State Legislature resolutions on this matter, are attached for your reference.

The Hawai'i Department of Transportation, Airports Division, acknowledges this ongoing issue, but states that regulation of flight paths is the sole jurisdiction of the FAA.

The BLNR to date understands its jurisdiction as limited to the land disposition itself, notwithstanding community requests that the BLNR condition its approval of airport leases and revocable permits for helicopter operations at airports on helicopter tour companies adjusting flight paths and operations to address these concerns.

We are writing for two purposes:

1. To relay to you these serious, long-standing, and accelerating community concerns regarding the significant noise disruption and safety issues to the residents of neighborhoods and to natural and cultural areas over which tour helicopters fly regularly, on a daily basis, and to ask you promptly to address these concerns through meaningful regulation to avoid and mitigate these impacts, with community input.
2. To confirm the FAA's position as to the permissible scope of state regulation over helicopter flight operations. Specifically, does the BLNR have the authority to condition its approval of leases and revocable permits in state airports for helicopter operations, on required adjustments by helicopter operators to flight paths and limits such as on altitude, frequency and time of operation, to minimize widespread disruption in neighborhoods, state parks and natural and cultural areas? What specific requirements can the BLNR or other state agencies impose on commercial tour helicopter operations as a condition of use of state lands?

We thank you for your attention to the matter of concern to the residents of Hawai'i, and look forward to your expedited reply.

Sincerely,



Suzanne D. Case
Chair, Hawai'i Board of Land and Natural Resources

On behalf of all BLNR members:

Suzanne D. Case, Chair
Vernon Char, O'ahu
James Gomes, Maui
Dr. Samuel M. Gon, O'ahu
Thomas Oi, Kaua'i
Wesley Kaiwi Yoon, O'ahu
Chris Yuen, Hawai'i

cc: Jade Butay, Director, Hawai'i Department of Transportation
Ford Fuchigami, Administrative Services, Hawai'i Dept of Transportation/Airports
Hawai'i Congressional Delegation:
Senator Brian Schatz
Senator Mazie Hirono
Congressman Ed Case
Congressman Kai Kahele

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A. S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:

Board of Land and
Natural Resources
State of Hawai'i
Honolulu, Hawai'i

ISSUANCE OF A REVOCABLE PERMIT FOR OFFICE
SPACE AND CHECK-IN COUNTERS
K & S HELICOPTERS, INC.
HILO INTERNATIONAL AIRPORT
TAX MAP KEY: (3) 2-1-12; PORTION OF 09

HAWAII

LEGAL REFERENCE:

Section 171-55, Hawai'i Revised Statutes.

APPLICANT:

K & S Helicopters, Inc. (KSH), a Hawai'i corporation, whose mailing address is
P.O. Box 5371, Kailua-Kona, Hawai'i 96745.

LOCATION AND TAX MAP KEY:

Portion of Hilo International Airport (ITO), Hilo, Island of Hawai'i, identified by
Tax Map Key: 3rd Division, 2-1-12; Portion of 09.

AREA:

Building/Room No. 307-111A, containing an area of approximately 87 square feet,
Building/Room No. 307-111B, containing an area of approximately 137 square feet, and
Building/Room No. 307-112, containing an area of approximately 533 square feet, as
shown and delineated on the attached map labeled Exhibit "A".

ZONING:

State Land Use District: Urban
City and County of Honolulu: Industrial (ML-20)

ITEM M-10

BLNR – ISSUANCE OF A REVOCABLE PERMIT FOR OFFICE SPACE AND TICKET COUNTERS, K & S HELICOPTERS, INC.

Page 2

LAND TITLE STATUS:

Section 5(a) lands of the Hawai'i Admission Act: Ceded

DHHL 30% entitlement lands pursuant to the Hawai'i Admission Act: YES ☐ NO ☒

CURRENT USE STATUS:

Land presently encumbered by Governor's Executive Order No. 2653, setting aside a portion of General Lyman Field under the control and management of the State of Hawai'i, Department of Transportation, Airports Division for Airport Purposes.

CHARACTER OF USE:

KSH will use the spaces as an office and ticket counters in support of its commercial helicopter tour operations at ITO.

COMMENCEMENT DATE:

Upon execution of the revocable permit.

MONTHLY RENTAL:

\$3,267.71 (as determined from the Airports Division Non-Signatory Carrier Rates and Charges Hawai'i Airports System, effective July 1, 2019).

The Airports Division Non-Signatory Carriers Rates and Charges, Hawai'i Airports System for Fiscal Year 2020 is \$51.80 per square foot, per annum.

SECURITY DEPOSIT:

\$9,803.13, or three times the monthly rental in effect

DCCA VERIFICATION:

Place of business registration confirmed:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Registered business name confirmed:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Good standing confirmed:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

CHAPTER 343, HRS - ENVIRONMENTAL ASSESSMENT:

The State of Hawaii, Department of Transportation, Airports Division (DOTA), has determined that the subject land use is covered by the Final Environmental Impact

BLNR – ISSUANCE OF A REVOCABLE PERMIT FOR OFFICE SPACE AND TICKET COUNTERS, K & S HELICOPTERS, INC.

Page 3

Statement (EIS), New Passenger Terminal, General Lyman Field, Hilo, Hawaii, published by the Office of Environmental Quality Control (OEQC) in the October 17, 1973, issue of The EIS Newsletter. Accordingly, all relevant mitigation from the EIS and best management practices will be implemented to address the minimum impacts of this action. On July 1, 1989, General Lyman Field was renamed Hilo International Airport.

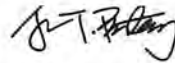
REMARKS:

In accordance with Section 171-55 HRS, relating to Permits, the Department of Transportation proposes to issue a month-to-month revocable permit to KSH for office space and ticket counters in support of its commercial helicopter tour operations at ITO.

RECOMMENDATION:

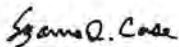
That the Board authorize the Department of Transportation to issue a month-to-month revocable permit to KSH, subject to: (1) terms and conditions herein outlined, which are by reference incorporated herein; and (2) such additional terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of the State.

Respectfully submitted,

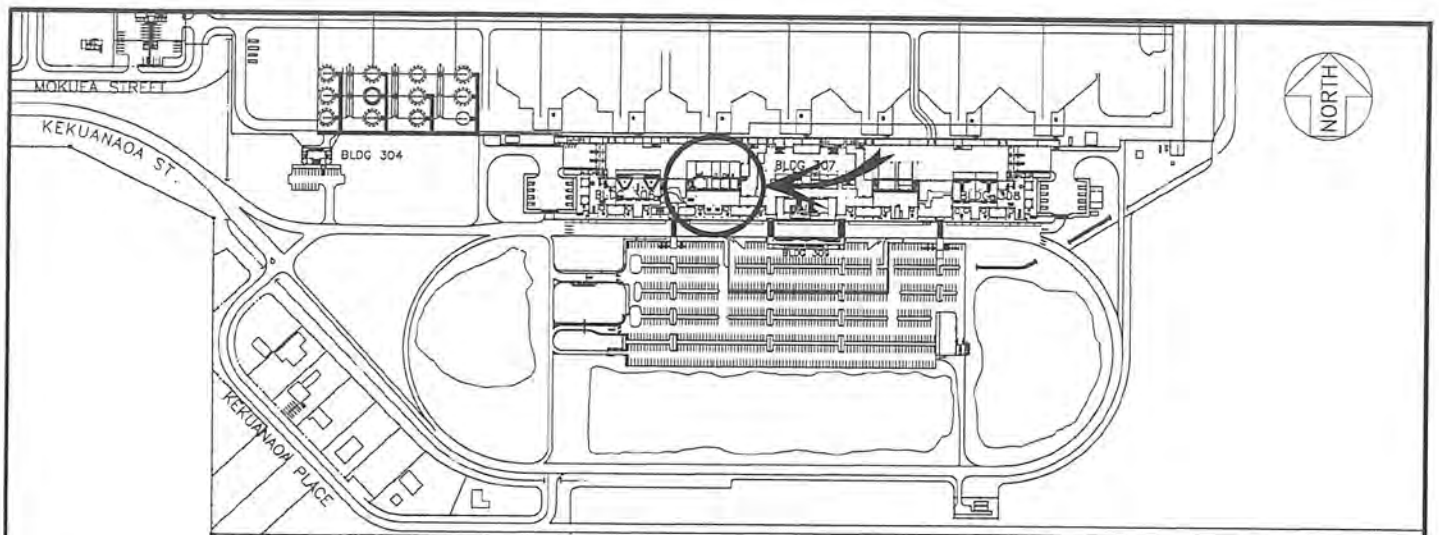


JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



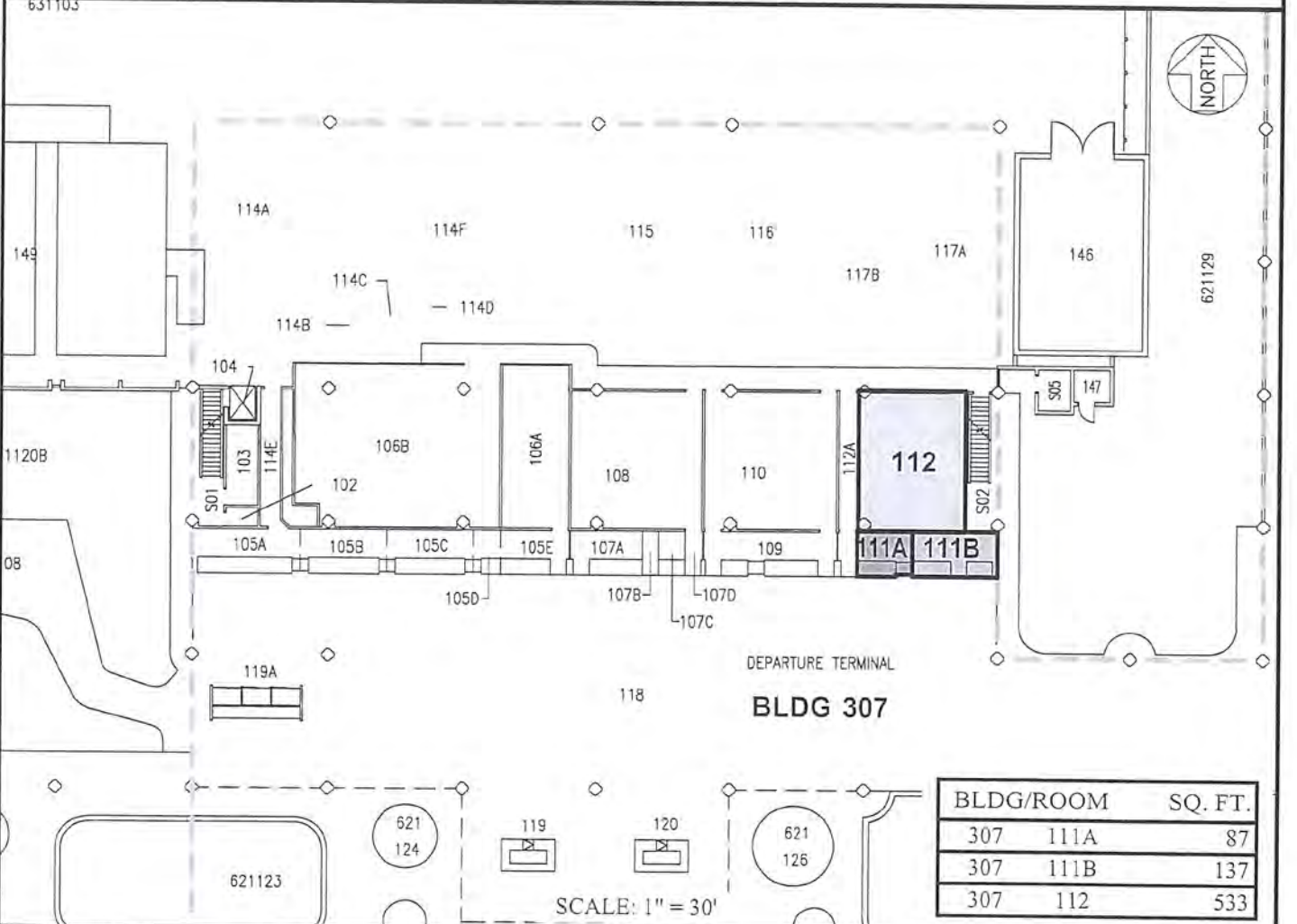
SUZANNE D. CASE
Chairperson and Member



LOCATION PLAN

500:1

631103



RP-9061

DATE : MARCH 2021

EXHIBIT: **A**



Airports Division

K & S HELICOPERS, INC.

BUILDING 307
DEPARTURE TERMINAL
GROUND LEVEL

307111A&B
307112

PLAT G1, 32

HILO INTERNATIONAL AIRPORT

N:\AIRPORTS\ITO_Hilo\CAD\PM\to_307111A-01.dwg

From: sbbiz@yahoo.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] M 10 K & S helicopters April 23
Date: Tuesday, April 20, 2021 8:25:16 AM

Aloha Board members,

I am writing to you as a person who's home is constantly flown over instead of the flight path they are required to use! It's terrifying and like living in Viet Nam when they evacuated Hanoi!!

Please, PLEASE, PLEASE require a Supplemental Environmental Impact Statement (EIS) for this permit. Of course, staff recommends using the original Hilo airport EIS—but it's almost 50 years old!

Since then the island population has doubled, the number of tour helicopters has increased exponentially, and there are mounting concerns about multiple crashes and incessant noise, especially over our homes! This is common sense!

Please also obtain written guidance from the Federal Aviation Administration on State responsibility for reducing aircraft noise.

Mahalo,

Kahankapuhonuaokalani Susan Bambara
Kurtistown

From: [Mark Gordon](#)
To: rce.dslextreme.com
Cc: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Re: BOARD OF LAND AND NATURAL RESOURCES DATE: APRIL 23, 2021 AGENDA ITEM M 10
Date: Wednesday, April 21, 2021 8:10:45 AM

Hi All

Isn't this the same company that has the potential lawsuits against them?

Thanks

Mark

On Apr 21, 2021, at 05:26, rce.dslextreme.com <rce@dslextreme.com> wrote:

**BOARD OF LAND AND NATURAL RESOURCES DATE: APRIL 23,
2021 AGENDA ITEM M 10**

Aloha BLNR Chair Case,
Aloha BLNR Board Members Yuen, Gomes, Oi, Gon, Char and Yoon,

**Agenda M10. Issuance of a Revocable Permit for Office Space and
Check-in Counters, K & S Helicopters, Inc., Hilo International Airport,
Tax Map Key: (3) 2 1-12: Portion of 09.**

Please do not approve the issuance of this permit.

BLNR can not operate in a vacuum, a bubble, like the three wise monkeys, since you are the stewards of the Peoples' Land and the Peoples' Land can not be used for activities that negatively impact the People such as described below.

HDOT Butay and Airport Division Higashi are both well aware of the tour copter noise nuisance pollution torture and are well aware of the "fly neighborly" guidelines.

Before you as the Hawaii Land Stewards allow a use of the Peoples Land you must be assured that there will not be a use that will negatively impact the people.

Therefore you must require HDOT Airports Division to assure you that the operations of their tenant will not negatively impact the people by assuring you that the lease holder will not cause the noise from their operations to enter occupied properties and if the lease holder fails to comply that

HDOT will cancel the lease.

Protect the Peoples' Land, protect the people from negative impacts from users of the Peoples' Land, you can not operate in a bubble, you are responsible to the People.

HICoP agrees with, applauds, supports the testimony submitted by Debbie Ward, Chair, Sierra Club, Hawai'i Island Group, attached below.

Mahalo,

Bob
For the HICoP Board

Board of Land and Natural Resources
20, 2021
P O Box 621
Honolulu HI 96809

April

Re: BLNR meeting, [April 23](#), 2021, Agenda Item M.10, Issuance of a Revocable Permit for Office Space and Check-in Counters, K & S Helicopters, Inc., Hilo International Airport, Tax Map Key: (3) 2 1-12: Portion of 09.

Aloha,

The Sierra Club, Hawai'i Island Group is asking the Board of Land and Natural Resources to:

1. require a Supplemental Environmental Impact Statement (SEIS) for this permit, and
2. obtain written guidance from the Federal Aviation Administration (FAA) on the state's responsibilities for reducing noise impacts.

Require a SEIS

The Final Environmental Impact Statement (FEIS) accepted by the Department of Transportation (DOT) in 1973 referred to actions that related solely to construction and operations of passenger and freight aircraft activity. The word "helicopter" does not appear in the FEIS. The direct, indirect, and/or cumulative effects of any action associated with helicopter activity at or around are not mentioned, described, considered, or analyzed in the FEIS.

We used the following HAR to determine whether or not ticket sales is a single action or a component action of a larger action:

11-200.1-10 Multiple or phased actions. A group of actions shall be treated as a single action when:

- (1) The component actions are phases or increments of a larger total program;
- (2) An individual action is a necessary precedent to a larger action;
- (3) An individual action represents a commitment to a larger action...

Ticket sales of helicopter tours at a ticket counter is a component action of a larger total program, that is helicopter tours. Ticket sales are a necessary precedent to a larger action (helicopter tours), and represents a commitment to a larger action. Therefore, ticket sales is only of a number of phases of a single action, helicopter tours operating in and around

the Hilo International Airport (HIA).

Please consider the following Hawai'i Administrative Rules (HAR).

11-200.1-11 Use of prior exemptions, findings of no significant impact, or accepted environmental impact statements to satisfy chapter 343, HRS, for proposed actions.

(a) When an agency is considering whether a prior...accepted EIS satisfies chapter 343, HRS, for a proposed action, the agency may determine that additional environmental review is not required because:

(1) The proposed action was a component of, or is substantially similar to, an action that received an exemption, FONSI, or an accepted EIS...

(2) The proposed action is anticipated to have direct, indirect, and cumulative effects similar to those analyzed in a prior exemption, final EA, or accepted EIS; and

(3) In the case of a final EA or an accepted EIS, the proposed action was analyzed within the range of alternatives....

(d) Agencies shall not, without careful examination and comparison, use past determinations and previous EISs to apply to the action at hand. The action for which a determination is sought shall be thoroughly reviewed prior to the use of previous determinations and previously accepted EISs...

Relative to (1) above, the proposed action is not a component of, or substantially similar to the actions addressed in the FEIS, if only because the word "helicopter" does not appear in the EIS.

Relative to (2) above, the proposed action does not have direct, indirect, and/or cumulative effects similar to those analyzed in the FEIS.

Relative to (3) above, the proposed helicopter action was not analyzed within the range of alternatives (*Final EIS, New Passenger Terminal, General Lyman Field, May 1973, attachments 9 – 13, p. A-1*).

Relative to (d) above, it's been almost 50 years since the General Lyman Field FEIS was accepted. The airport is now the Hilo International Airport. The FEIS cites outdated sources, such as a 1967 State General Plan (p. 21). Yet DOT says it applies to this permit application (*Staff submittal, p. 3*). The BLNR has not been provided with any documentation or evidence that the DOT has thoroughly reviewed the helicopter action or performed a careful examination and comparison of the action with the FEIS. Until the DOT has provided documentation of a careful examination and comparison of the FEIS to the action at hand, the BLNR cannot rely upon the DOT's use of and reliance upon the 1973 EIS for this permit application.

We considered the following HAR to provide further guidance:

11-200.1 – 30 Supplemental environmental impact statements.

(a) ...no supplemental EIS for that proposed action shall be required, to the extent that the action has not changed substantively in size, scope, intensity, use, location, or timing, among other things. If there is any change in any of these characteristics which may have a significant effect, the original EIS that was changed shall no longer be valid because an essentially different action would be under consideration and a supplemental EIS shall be prepared and reviewed as provided by this chapter....

(b) The accepting authority or approving agency in coordination with the original accepting authority shall be responsible for determining whether a supplemental EIS is required. This determination will be submitted to the office for publication in the periodic bulletin. Proposing agencies or applicants shall prepare for public review supplemental EISs whenever the proposed action for which an EIS was accepted has been modified to the extent that new or different environmental impacts are anticipated. A supplemental EIS shall be warranted when the scope of an action has been substantially increased, when the intensity of environmental impacts will be increased, when the mitigating measures originally planned will not be implemented, or where new circumstances or evidence have brought to light different or likely increased environmental impacts not previously dealt with....

Relative to (a) above, our research yielded no results for tour helicopters until the year 1977. It is likely helicopter tours were minimal to non-existent in 1973. Therefore, there is no question the tour helicopter action has changed substantially in size, scope, and intensity, use, location, etc. More importantly, the FEIS is not valid for any aspect of helicopter tours because it is not only an essentially different action than any considered in the FEIS, but the FEIS contains no statement of the environmental impact description of the helicopter tour action or consideration of its component, ticket sales at a ticket counter in the passenger terminal..

Relative to (b) above, in just the past ten years, the number of reported tour helicopter operators has doubled. Safety concerns have increased as well. In the past year, twenty-one people died in three tour helicopter/small aircraft crashes--Kailua, Dillingham Field, and Kaua'i. The number of complaints about noise from tour helicopters has increased dramatically.

While the FEIS uses population projections for 1985, the population of Hawai'i Island more than doubled in the past 50 years, rising from 63,000 to 200,000. More helicopters are flying over more homes.

(<https://hawaii.reaproject.org/analysis/comparative-trends-analysis/population/tools/150001/150000/>
(1969 to 2019).

Given the aforementioned information, the BLNR should deny the permit application or defer action on agenda item M.10. until the DOT has provided the BLNR with a SEIS for the helicopter tour operations in and around the HIA to address the numerous impacts of the proposed action.

Obtain Written Guidance from the FAA

Please request the state attorney general (AG) to provide any written guidance that the state has received from the FAA as to the State's specific responsibilities for reducing noise impacts from aircraft using State-owned airports.

If there is no guidance, please ask the AG to request it.

Noise from Aircraft Operations at Your Community Airport

... airport sponsors (i.e., owners/operators) also share the responsibility for reducing incompatible land uses and noise impacts on residents of the surrounding area.

https://www.faa.gov/about/office_org/headquarters_offices/arc/western_pacific/noise_complaint/

Mahalo,

Debbie Ward, chair
Sierra Club, Hawai'i Island Group

From: [Elizabeth Hansen](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] M20 K& S helicopters April 23
Date: Tuesday, April 20, 2021 7:33:17 AM

Aloha Board members,

Please require a Supplemental Environmental Impact Statement (EIS) for this permit. Currently there is a recommendation to just use the original Hilo airport EIS—but it's almost 50 years old! Since then the island population has doubled, the number of tour helicopters has increased exponentially, and there are mounting concerns about multiple crashes and incessant noise.

Please also obtain written guidance from the Federal Aviation Administration on State responsibility for reducing aircraft noise.

Mahalo,
Elizabeth Hansen
Hakalau HI 96710

From: [Rodger Hansen](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] M20 K& S helicopters April 23
Date: Tuesday, April 20, 2021 7:35:32 AM

Aloha Board members,

Please require a Supplemental Environmental Impact Statement (EIS) for this permit. Currently there is a recommendation to just use the original Hilo airport EIS—but it's almost 50 years old! Since then the island population has doubled, the number of tour helicopters has increased exponentially, and there are mounting concerns about multiple crashes and incessant noise.

Please also obtain written guidance from the Federal Aviation Administration on State responsibility for reducing aircraft noise.

Mahalo for your consideration,

Rodger Hansen

Hakalau HI 96710

From: rce.dslextreme.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BOARD OF LAND AND NATURAL RESOURCES DATE: APRIL 23, 2021 AGENDA ITEM M 10
Date: Wednesday, April 21, 2021 5:26:18 AM

BOARD OF LAND AND NATURAL RESOURCES DATE: APRIL 23, 2021 AGENDA ITEM M 10

Aloha BLNR Chair Case,
Aloha BLNR Board Members Yuen, Gomes, Oi, Gon, Char and Yoon,

Agenda M10. Issuance of a Revocable Permit for Office Space and Check-in Counters, K & S Helicopters, Inc., Hilo International Airport, Tax Map Key: (3) 2 1-12: Portion of 09.

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Mahalo,

Bob
For the HICoP Board

Board of Land and Natural Resources
P O Box 621
Honolulu HI 96809

[April 20, 2021](#)

Re: BLNR meeting, [April 23, 2021](#), Agenda Item M.10, Issuance of a Revocable Permit for Office Space

and Check-in Counters, K & S Helicopters, Inc., Hilo International Airport, Tax Map Key: (3) 2 1-12: Portion of 09.

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If there is no guidance, please ask the AG to request it.

Noise from Aircraft Operations at Your Community Airport

... airport sponsors (i.e., owners/operators) also share the responsibility for reducing incompatible land uses and noise impacts on residents of the surrounding area.

https://www.faa.gov/about/office_org/headquarters_offices/arc/western_pacific/noise_complaint/

Mahalo,

Debbie Ward, chair
Sierra Club, Hawai'i Island Group

From: [David Hunt](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] M 10, K & S helicopters, April 23
Date: Tuesday, April 20, 2021 5:35:09 AM

Testimony for 4/23/21, M 10 (K & S helicopters)

Dear Board members,

Please, at a minimum, require a Supplemental Environmental Impact Statement (EIS) for this permit.

Re-using the original (50 year old) Hilo airport EIS is not appropriate. Times have changed, issues and concerns have changed. The population of the island has doubled and the number of tour helicopters has increased exponentially. Finally helicopter crashes (and deaths) in Hawaii is telling you (us all) that status-quo is NOT working.

Please also obtain written guidance from the Federal Aviation Administration on State responsibility for reducing aircraft noise.

Thank you,
David Hunt, Honoka'a, HI

From: mak221@aol.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] M10 K & S HELICOPTERS TESTIMONY IN FAVOR OR SEIS
Date: Tuesday, April 20, 2021 7:11:49 AM

TESTIMONY IN FAVOR OF SUPPLEMENTAL EIS FOR K & S HELICOPTERS M 10

MARK KOPPEL
UMAUMA, HI

Aloha Honorable Board Members,

Given the many changes in Puna since the last EIS, a new supplemental one should be required.

Furthermore, in spite of promises, helicopters continue to fly day and night over residents' houses instead of over the water.

The noise becomes unbearable. This must stop.

Mahalo

Mark Koppel

From: [Brent Magstadt](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [HICoP: Brent Magstadt](#)
Subject: [EXTERNAL] M 10 K & S helicopters April 23, 2021
Date: Wednesday, April 21, 2021 8:53:57 AM

Aloha Board members,

Please **require** a Supplemental Environmental Impact Statement (EIS) for this permit. How in the world can the staff recommend using the original EIS when it's almost 50 years old!?

Not to point out the obvious elephant in the room (but someone has to): the world - and our island! - have changed significantly. The island population has doubled, the number of tour helicopters has increased exponentially, and there are mounting concerns about multiple crashes and incessant noise

Please also obtain written guidance from the Federal Aviation Administration on State responsibility for reducing aircraft noise.

As we know, Hawai'i can be an amazingly beautiful and peaceful place. The calm serenity that we've all come to associate with this mid-Pacific archipelago, whether from magazine photographs, television, or personal experience, is under attack from above. Air tour companies are taking advantage of travel routes to and from their private airfields, and crossing residential subdivisions throughout the Islands, enroute to the next scenic destination, resulting in excessive noise pollution for those who live here.

Not only does the noise pollution from overhead helicopters significantly reduce the level of enjoyment residents may otherwise experience in their own backyards, it also has wide ranging health effects that are just now coming to public light. Exposure to noise causes physiological activation such as increased heart rate and blood pressure, peripheral vasoconstriction and increased peripheral vascular resistance. Studies have found higher blood pressure in kids due to the impact of aircraft noise. A 1995 German study found a link between chronic noise exposure and elevated nervous system activity and cardiovascular levels in children. And a 2005 study published in the prestigious British medical journal, The Lancet, found that kids living near airports in Britain, Holland and Spain lagged behind their classmates in reading by two months for every five decibel increase above average noise levels in their surroundings. The study also associated aircraft noise with lowered reading comprehension, even after socio-economic differences were considered.

As a lifetime nature lover who tries to appreciate and share the many bounties our world has to offer whenever possible, I rejoice when Nature reaps a rare victory, such as the ban of Helicopters over Machu Picchu, where the noise of the propellers affected local wildlife. (Hats off to the regional government, who stated: "When a country accepts that one of its areas is declared a cultural or natural heritage site it assumes the responsibility to preserve it, that's why commercial flights to Machu Picchu should be prohibited." Take note, Hawai'i.)

Crater Lake, one of the scenic wonders of the world, has recently implemented a ban on tour helicopters. To quote: "...a first step in keeping our national parks free of noise pollution that can ruin visitors' experience".

Further, witness this attempt on a ban on Brooklyn tourist flights (as always, the issue is noise...): "It's time to stop the never-ending parade of tourist flights from the Downtown Manhattan Heliport. Chopper tours can't come at the expense of our neighborhoods' quality of life."

In nearly every instance of resistance to air tours, noise is the issue. If we can ban helicopters over National Parks, over Cities, over scenic wonders of the world, why should we suffer through this debilitating audio barrage **in our own residences**???

In the case of Hawai'i there are now a multitude of air tour companies (including small airplanes) all vying for airspace over our houses. A quick google search on 'Hawaii tour helicopters' will bring up the top listings, with all of those companies in regular violation of the Federal Aviation Administration laws for air

tours in the area. These laws are outlined specifically in the Hawai'i Air tour Common Procedures Manual. I'm going to *hope* that you have read this document, prior to any voting you are considering, at least out of respect for your neighbors, if nothing else.

Over residential areas (in East Hawai'i on the Big Island, for example), Above Ground Level (AGL) is often violated, sometimes to the extreme, and despite the FAA implementation of a "no fly" areas, that rule is also rarely followed. In addition, if a helicopter should ever crash (yes, it does happen) in a residential area, the potential loss of human life far outweighs the price of respectful flying.

We residents of Hawai'i need to make a stand.

Our peaceful lifestyle and well being are at stake. With so much pollution of every type worldwide, everywhere we go, the least we can do as residents is demand that our homes not be invaded by the constant thunder of another tourist helicopter heading somewhere. If these air tour companies really care about the Aina and the people who live here, they could take a different approach to sharing aloha with visitors, instead of defaulting to the bottom line - the almighty dollar - at the cost of peace, privacy, and health among the local population.

So ask yourself, who do you represent? The people who live next door to you? Or the faceless corporations continually pressuring you to be lax with the rules, always requesting yet *another* favor to increase the bottom line.

Which person are you?

We Must Demand:

-- **A Supplemental Environmental Impact Statement (EIS) for this permit**

-- Removal of ALL aircraft flight paths from above ALL sub-division Communities, including (but not limited to) Hawaiian Paradise Park, Hawaiian Beaches, Hawaiian Acres, Orchidland Estates, and everything in the geographic proximity to Hawaii Volcano National Park.

-- Demand that Weather Enhanced crossing violations over non-community areas be strictly enforced **immediately** over East Hawai'i, and all other Islands.

-- Demand that Air Tour Companies that have WAIVERS on the above laws have such waivers **revoked** immediately, for all Islands.

And obviously, let's get the dangling noise pollution study COMPLETED, as at least a starting point to gaining back peace and quiet in our own backyards...

Regards,

— Brent Magstadt, Puna District Resident

From: [Debbie Ward](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] M10 Helicopter--update EIS
Date: Tuesday, April 20, 2021 8:01:17 AM

SUBJECT

M 10 K & S helicopters April 23

Aloha Board members,

Those of us on the Big Island's flight path to volcanoes, waterfalls, and coastline have been buffeted by the vibration, ear-thumping, visual intrusion, terrified animals, and PTSD responses for way too many years. We need to address the unintended impacts of tourist helicopter flights on the residents of these islands. It is simply not right for the companies to make lives miserable for residents while making profits with no mitigation. Firefighting and rescues are useful and necessary helicopter flights we need to care for our residents. Pleasure rides are a whole other story.

Please require a Supplemental Environmental Impact Statement (EIS) for this permit. Staff recommends using the original Hilo airport EIS—but it's almost 50 years old! Since then the island population has doubled, the number of tour helicopters has increased exponentially, and there are mounting concerns about multiple crashes and incessant noise.

Please also obtain written guidance from the Federal Aviation Administration on State responsibility for reducing aircraft noise.

Mahalo,

Deborah Ward
P.O. Box 918 Kurtistown HI 96760

From: [Mark Gordon](#)
To: rce.dslextreme.com
Cc: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Re: BOARD OF LAND AND NATURAL RESOURCES DATE: APRIL 23, 2021 AGENDA ITEM M 10
Date: Wednesday, April 21, 2021 8:10:45 AM

Hi All

Isn't this the same company that has the potential lawsuits against them?

Thanks

Mark

On Apr 21, 2021, at 05:26, rce.dslextreme.com <rce@dslextreme.com> wrote:

**BOARD OF LAND AND NATURAL RESOURCES DATE: APRIL 23,
2021 AGENDA ITEM M 10**

Aloha BLNR Chair Case,
Aloha BLNR Board Members Yuen, Gomes, Oi, Gon, Char and Yoon,

**Agenda M10. Issuance of a Revocable Permit for Office Space and
Check-in Counters, K & S Helicopters, Inc., Hilo International Airport,
Tax Map Key: (3) 2 1-12: Portion of 09.**

Please do not approve the issuance of this permit.

BLNR can not operate in a vacuum, a bubble, like the three wise monkeys, since you are the stewards of the Peoples' Land and the Peoples' Land can not be used for activities that negatively impact the People such as described below.

HDOT Butay and Airport Division Higashi are both well aware of the tour copter noise nuisance pollution torture and are well aware of the "fly neighborly" guidelines.

Before you as the Hawaii Land Stewards allow a use of the Peoples Land you must be assured that there will not be a use that will negatively impact the people.

Therefore you must require HDOT Airports Division to assure you that the operations of their tenant will not negatively impact the people by assuring you that the lease holder will not cause the noise from their operations to enter occupied properties and if the lease holder fails to comply that

HDOT will cancel the lease.

Protect the Peoples' Land, protect the people from negative impacts from users of the Peoples' Land, you can not operate in a bubble, you are responsible to the People.

HICoP agrees with, applauds, supports the testimony submitted by Debbie Ward, Chair, Sierra Club, Hawai'i Island Group, attached below.

Mahalo,

Bob
For the HICoP Board

Board of Land and Natural Resources
20, 2021
P O Box 621
Honolulu HI 96809

April

Re: BLNR meeting, [April 23](#), 2021, Agenda Item M.10, Issuance of a Revocable Permit for Office Space and Check-in Counters, K & S Helicopters, Inc., Hilo International Airport, Tax Map Key: (3) 2 1-12: Portion of 09.

Aloha,

The Sierra Club, Hawai'i Island Group is asking the Board of Land and Natural Resources to:

1. require a Supplemental Environmental Impact Statement (SEIS) for this permit, and
2. obtain written guidance from the Federal Aviation Administration (FAA) on the state's responsibilities for reducing noise impacts.

Require a SEIS

The Final Environmental Impact Statement (FEIS) accepted by the Department of Transportation (DOT) in 1973 referred to actions that related solely to construction and operations of passenger and freight aircraft activity. The word "helicopter" does not appear in the FEIS. The direct, indirect, and/or cumulative effects of any action associated with helicopter activity at or around are not mentioned, described, considered, or analyzed in the FEIS.

We used the following HAR to determine whether or not ticket sales is a single action or a component action of a larger action:

11-200.1-10 Multiple or phased actions. A group of actions shall be treated as a single action when:

- (1) The component actions are phases or increments of a larger total program;
- (2) An individual action is a necessary precedent to a larger action;
- (3) An individual action represents a commitment to a larger action...

Ticket sales of helicopter tours at a ticket counter is a component action of a larger total program, that is helicopter tours. Ticket sales are a necessary precedent to a larger action (helicopter tours), and represents a commitment to a larger action. Therefore, ticket sales is only of a number of phases of a single action, helicopter tours operating in and around

the Hilo International Airport (HIA).

Please consider the following Hawai'i Administrative Rules (HAR).

11-200.1-11 Use of prior exemptions, findings of no significant impact, or accepted environmental impact statements to satisfy chapter 343, HRS, for proposed actions.

(a) When an agency is considering whether a prior...accepted EIS satisfies chapter 343, HRS, for a proposed action, the agency may determine that additional environmental review is not required because:

(1) The proposed action was a component of, or is substantially similar to, an action that received an exemption, FONSI, or an accepted EIS...

(2) The proposed action is anticipated to have direct, indirect, and cumulative effects similar to those analyzed in a prior exemption, final EA, or accepted EIS; and

(3) In the case of a final EA or an accepted EIS, the proposed action was analyzed within the range of alternatives....

(d) Agencies shall not, without careful examination and comparison, use past determinations and previous EISs to apply to the action at hand. The action for which a determination is sought shall be thoroughly reviewed prior to the use of previous determinations and previously accepted EISs...

Relative to (1) above, the proposed action is not a component of, or substantially similar to the actions addressed in the FEIS, if only because the word "helicopter" does not appear in the EIS.

Relative to (2) above, the proposed action does not have direct, indirect, and/or cumulative effects similar to those analyzed in the FEIS.

Relative to (3) above, the proposed helicopter action was not analyzed within the range of alternatives (*Final EIS, New Passenger Terminal, General Lyman Field, May 1973, attachments 9 – 13, p. A-1*).

Relative to (d) above, it's been almost 50 years since the General Lyman Field FEIS was accepted. The airport is now the Hilo International Airport. The FEIS cites outdated sources, such as a 1967 State General Plan (p. 21). Yet DOT says it applies to this permit application (*Staff submittal, p. 3*). The BLNR has not been provided with any documentation or evidence that the DOT has thoroughly reviewed the helicopter action or performed a careful examination and comparison of the action with the FEIS. Until the DOT has provided documentation of a careful examination and comparison of the FEIS to the action at hand, the BLNR cannot rely upon the DOT's use of and reliance upon the 1973 EIS for this permit application.

We considered the following HAR to provide further guidance:

11-200.1 – 30 Supplemental environmental impact statements.

(a) ...no supplemental EIS for that proposed action shall be required, to the extent that the action has not changed substantively in size, scope, intensity, use, location, or timing, among other things. If there is any change in any of these characteristics which may have a significant effect, the original EIS that was changed shall no longer be valid because an essentially different action would be under consideration and a supplemental EIS shall be prepared and reviewed as provided by this chapter....

(b) The accepting authority or approving agency in coordination with the original accepting authority shall be responsible for determining whether a supplemental EIS is required. This determination will be submitted to the office for publication in the periodic bulletin. Proposing agencies or applicants shall prepare for public review supplemental EISs whenever the proposed action for which an EIS was accepted has been modified to the extent that new or different environmental impacts are anticipated. A supplemental EIS shall be warranted when the scope of an action has been substantially increased, when the intensity of environmental impacts will be increased, when the mitigating measures originally planned will not be implemented, or where new circumstances or evidence have brought to light different or likely increased environmental impacts not previously dealt with....

Relative to (a) above, our research yielded no results for tour helicopters until the year 1977. It is likely helicopter tours were minimal to non-existent in 1973. Therefore, there is no question the tour helicopter action has changed substantially in size, scope, and intensity, use, location, etc. More importantly, the FEIS is not valid for any aspect of helicopter tours because it is not only an essentially different action than any considered in the FEIS, but the FEIS contains no statement of the environmental impact description of the helicopter tour action or consideration of its component, ticket sales at a ticket counter in the passenger terminal..

Relative to (b) above, in just the past ten years, the number of reported tour helicopter operators has doubled. Safety concerns have increased as well. In the past year, twenty-one people died in three tour helicopter/small aircraft crashes--Kailua, Dillingham Field, and Kaua'i. The number of complaints about noise from tour helicopters has increased dramatically.

While the FEIS uses population projections for 1985, the population of Hawai'i Island more than doubled in the past 50 years, rising from 63,000 to 200,000. More helicopters are flying over more homes.

(<https://hawaii.reaproject.org/analysis/comparative-trends-analysis/population/tools/150001/150000/>
(1969 to 2019).

Given the aforementioned information, the BLNR should deny the permit application or defer action on agenda item M.10. until the DOT has provided the BLNR with a SEIS for the helicopter tour operations in and around the HIA to address the numerous impacts of the proposed action.

Obtain Written Guidance from the FAA

Please request the state attorney general (AG) to provide any written guidance that the state has received from the FAA as to the State's specific responsibilities for reducing noise impacts from aircraft using State-owned airports.

If there is no guidance, please ask the AG to request it.

Noise from Aircraft Operations at Your Community Airport

... airport sponsors (i.e., owners/operators) also share the responsibility for reducing incompatible land uses and noise impacts on residents of the surrounding area.

https://www.faa.gov/about/office_org/headquarters_offices/arc/western_pacific/noise_complaint/

Mahalo,

Debbie Ward, chair
Sierra Club, Hawai'i Island Group

From: [Brent Magstadt](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [HICoP: Brent Magstadt](#)
Subject: [EXTERNAL] M 10 K & S helicopters April 23, 2021
Date: Wednesday, April 21, 2021 8:53:57 AM

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Please **require** a Supplemental Environmental Impact Statement (EIS) for this permit. How in the world can the staff recommend using the original EIS when it's almost 50 years old!?

Not to point out the obvious elephant in the room (but someone has to): the world - and our island! - have changed significantly. The island population has doubled, the number of tour helicopters has increased exponentially, and there are mounting concerns about multiple crashes and incessant noise

Please also obtain written guidance from the Federal Aviation Administration on State responsibility for reducing aircraft noise.

As we know, Hawai'i can be an amazingly beautiful and peaceful place. The calm serenity that we've all come to associate with this mid-Pacific archipelago, whether from magazine photographs, television, or personal experience, is under attack from above. Air tour companies are taking advantage of travel routes to and from their private airfields, and crossing residential subdivisions throughout the Islands, enroute to the next scenic destination, resulting in excessive noise pollution for those who live here.

Not only does the noise pollution from overhead helicopters significantly reduce the level of enjoyment residents may otherwise experience in their own backyards, it also has wide ranging health effects that are just now coming to public light. Exposure to noise causes physiological activation such as increased heart rate and blood pressure, peripheral vasoconstriction and increased peripheral vascular resistance. Studies have found higher blood pressure in kids due to the impact of aircraft noise. A 1995 German study found a link between chronic noise exposure and elevated nervous system activity and cardiovascular levels in children. And a 2005 study published in the prestigious British medical journal, The Lancet, found that kids living near airports in Britain, Holland and Spain lagged behind their classmates in reading by two months for every five decibel increase above average noise levels in their surroundings. The study also associated aircraft noise with lowered reading comprehension, even after socio-economic differences were considered.

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tours in the area. These laws are outlined specifically in the Hawai'i Air tour Common Procedures Manual. I'm going to *hope* that you have read this document, prior to any voting you are considering, at least out of respect for your neighbors, if nothing else.

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-- Demand that Air Tour Companies that have WAIVERS on the above laws have such waivers **revoked** immediately, for all Islands.

And obviously, let's get the dangling noise pollution study COMPLETED, as at least a starting point to gaining back peace and quiet in our own backyards...

Regards,

— Brent Magstadt, Puna District Resident

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:

Board of Land and
Natural Resources
State of Hawai'i
Honolulu, Hawai'i

ISSUANCE OF A REVOCABLE PERMIT FOR COMMERCIAL USE OF A
T-HANGAR FOR STORAGE AND MAINTENANCE OF AIRCRAFT AND
AN OFFICE TO SUPPORT COMMERCIAL HELICOPTER TOUR OPERATIONS
K & S HELICOPTERS, INC.

ELLISON ONIZUKA KONA INTERNATIONAL AIRPORT AT KEĀHOLE
TAX MAP KEY: (3) 7-3-43: PORTION OF 03

HAWAII

LEGAL REFERENCE:

Section 171-55, Hawai'i Revised Statutes (HRS).

APPLICANT:

K & S Helicopters, Inc. (KSH) whose business address is 73-341 U'u Street,
Kailua-Kona, Hawai'i 96740.

LOCATION AND TAX MAP KEY:

Portion of Ellison Onizuka Kona International Airport at Keāhole (KOA), Kailua-Kona,
Island of Hawai'i, identified by Tax Map Key: 3rd Division, 7-3-43: Portion of 03.

AREA:

Building/Room No. 421-105, containing an area of approximately 1,466 square feet,
Building/Room No. 421-106, containing an area of approximately 1,466 square feet, and
Building/Room No. 421-115, containing an area of approximately 515 square feet, as
shown and delineated on the attached Exhibit A.

ZONING:

State Land Use District:
County of Hawai'i:

Urban & Conservation
Industrial (MG-1a) and Open

ITEM M-6

BLNR – ISSUANCE OF A REVOCABLE PERMIT FOR COMMERCIAL USE OF
T-HANGARS FOR STORAGE AND MAINTENANCE OF AIRCRAFT AND AN OFFICE
TO SUPPORT COMMERCIAL HELICOPTER TOUR OPERATIONS
K & S HELICOPTERS, INC.

Page 2

LAND TITLE STATUS:

Section 5(a) lands of the Hawai'i Admission Act: Ceded
DHHL 30% entitlement lands pursuant to Hawai'i Admission Act YES ___ NO X

CURRENT USE STATUS:

Airport and aeronautical purposes.

CHARACTER OF USE:

KSH will use the spaces for storage and maintenance of aircraft (Bell Helicopter Textron
Canada Model 407, N807PH & N808PH) and an office to support its commercial
helicopter tour operations.

COMMENCEMENT DATE:

Upon execution of the revocable permit.

MONTHLY RENTAL:

DOTA is in the process of determining the annual fair market lease rental values and
commercial use rental values for new T-hangars at KOA.

SECURITY DEPOSIT:

Three times the monthly rental in effect.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO ___
Registered business name confirmed:	YES <u>X</u>	NO ___
Good standing confirmed:	YES <u>X</u>	NO ___

CHAPTER 343, HRS - ENVIRONMENTAL ASSESSMENT:

The State of Hawai'i, Department of Transportation, Airports Division (DOTA), has
determined the subject land areas are covered by the Final Environmental Assessment
(EA)/Finding of No Significant Impact (FONSI), Airfield, Terminal, and Facility
Improvements for the Kona International Airport at Keāhole, published by the Office of
Environmental Quality Control (OEQC) in the March 23, 2013, issue of The

BLNR – ISSUANCE OF A REVOCABLE PERMIT FOR COMMERCIAL USE OF
T-HANGARS FOR STORAGE AND MAINTENANCE OF AIRCRAFT AND AN OFFICE
TO SUPPORT COMMERCIAL HELICOPTER TOUR OPERATIONS
K & S HELICOPTERS, INC.

Page 3

Environmental Notice. Accordingly, all relevant mitigation from the EA and best management practices will be implemented to address the minimum impacts of this action.

REMARKS:

In accordance with Section 171-55 HRS, relating to Permits, the Department of Transportation proposes to issue a month-to-month revocable permit to KSH for T-hangars for the storage and maintenance of aircraft and an office for commercial purposes to support its commercial helicopter tour operations.

The DOTA is constructing new T-hangars at KOA under State Project No. AH2023-16, furnish and deliver new T-hangars, KOA at Ellison Onizuka Kona International Airport at Keāhole, Kailua-Kona (Project). The Project is nearly completed, and DOTA has solicited for appraisal services to determine the fair market lease rental values and commercial use rental values for the new T-hangars at KOA. While DOTA waits for the appraisal report to determine the monthly rental, DOTA is requesting Land Board approval to issue a month-to-month revocable permit to KSH.

RECOMMENDATION:

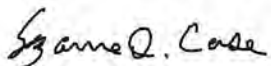
That the Board authorize the Department of Transportation to issue a month-to-month revocable permit to KSH, subject to: (1) terms and conditions herein outlined, which are by reference incorporated herein; and (2) such additional terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of the State.

Respectfully submitted,

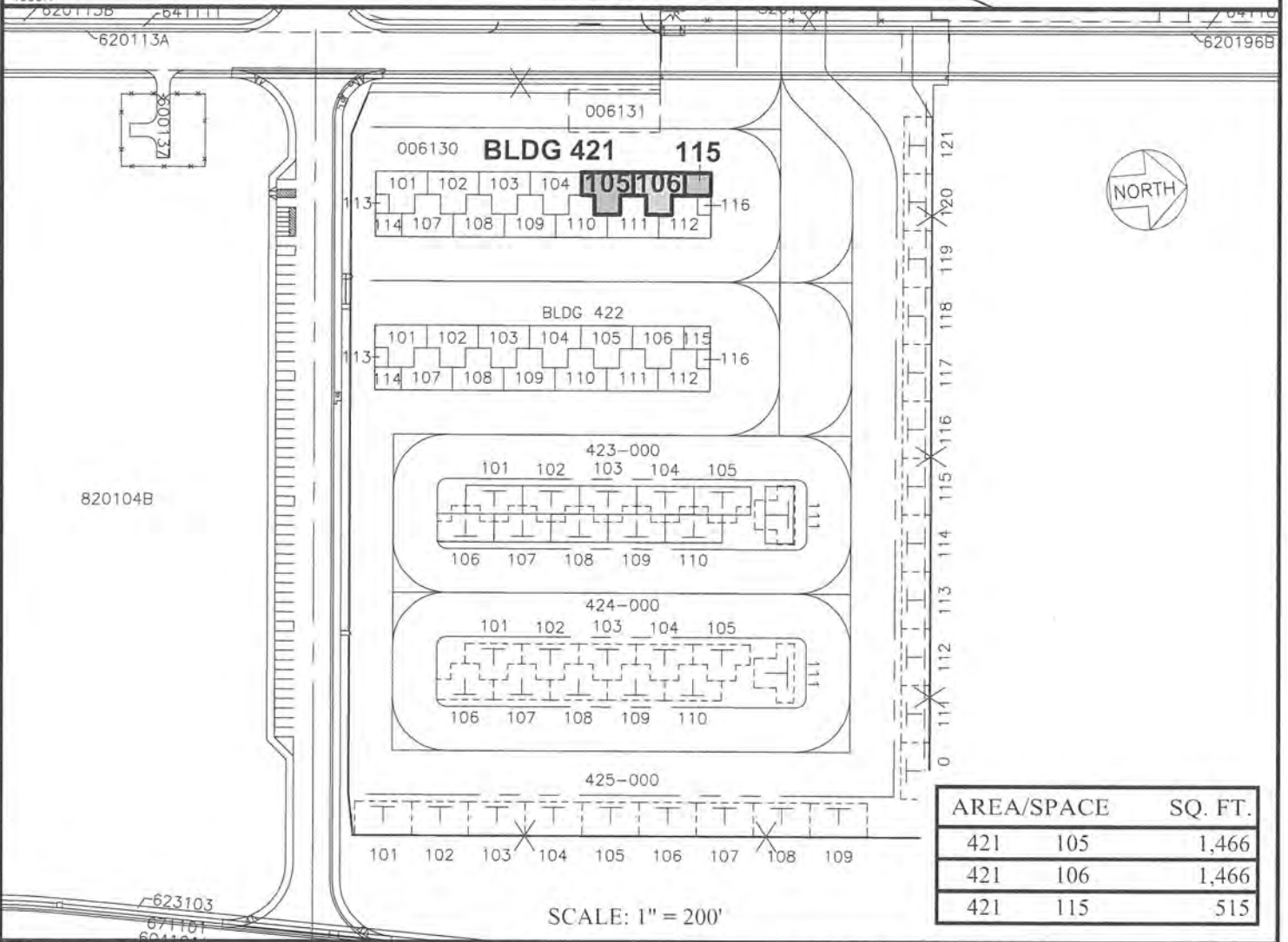
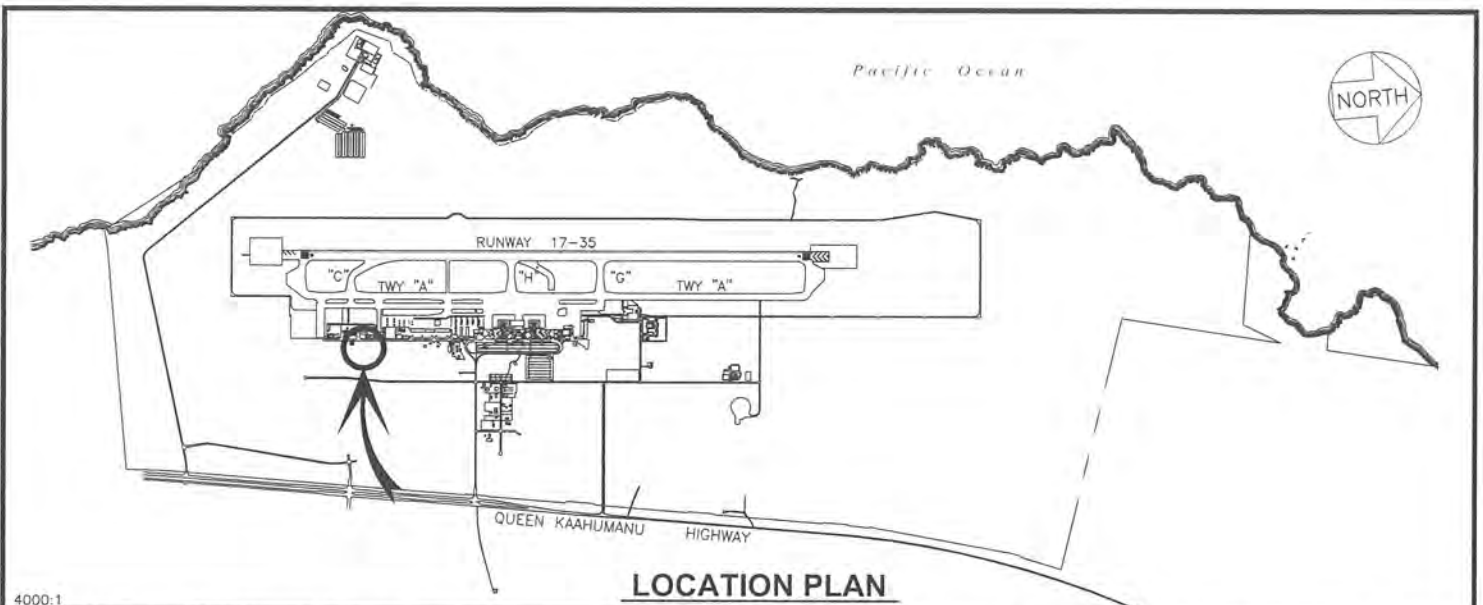


JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson and Member



RP-9057

DATE : DECEMBER 2020

EXHIBIT: A



Airports Division

K & S HELICOPTERS, INC.

T-HANGARS

421105
421106
421115
PLAT 40

Adobe Sign Transaction Number: CBJCHBCAABAAypuBhe-TG_A2k3FzbYPC9l0yUaEpBjq_

N:\AIRPORTS\KOA_Kona\CAD\PM\koa_421105-01_draft.dwg

ELLISON ONIZUKA KONA INTERNATIONAL AIRPORT AT KEAHOLE

From: rce.dslextreme.com
To: [DLNR.BLNR.Testimony](#)
Cc: [Senator Dru Mamo Kanuha](#); [Representative Nicole E. Lowen](#); [Representative David A. Tarnas](#); [rebecca villegas](#); [maile david](#)
Subject: [EXTERNAL] MARCH 12, 2021 BLNR MEETING AGENDA ITEM M6
Date: Tuesday, March 9, 2021 2:13:09 AM

Aloha BLNR Chair Case,
Aloha BLNR Board Members Yuen, Gomes, Oi, Gon, Char and Yoon,

Agenda M6, 6. [Issuance of a Revocable Permit for commercial use of a T-Hangar for storage and maintenance of Aircraft and an office to support commercial Helicopter Tour Operations. K & S Helicopters, Inc., Ellison Onizuka Kona International Airport. Tax Map Key: \(3\) 7-3-43: 003 \(Portion\).](#)

Please do not approve the issuance of this permit since it is incomplete and untimely, HDOT has not completed the monthly rental or deposit sections of the application.

BLNR can not operate in a vacuum, a bubble, you are the stewards of the Peoples' Land and the Peoples' Land can not be used for activities that negatively impact the People such as described below;

Name Ben Duke Email:bennyjduke@gmail.comAddressPhone8087560461 Message
*Aloha, I am a teacher at West Hawaii Explorations Academy, a public charter school at NELHA south of the airport. Many of classrooms and science projects are outdoors and **helicopter noise is a major issue**. The flight pattern for all helicopters seems to go **directly over the school** and an **interrupt instruction** sometimes **more than ten times a day**. The noise is such that teaching and learning stop for a minute which doesn't sound like much once. But when you total it up, it is a lot. I'm hoping to mobilize staff and families behind an effort to curb helicopter noise and have flight patterns changed. Please keep me informed of county and statewide efforts. Mahalo!Map My Location 4500 Kahilihili St., Kailua-Kona*

HDOT Butay and Airport Division Higashi are both well aware of the tour copter noise nuisance pollution torture and are well aware of the "fly neighborly" guidelines.

Before you as the Hawaii Land Stewards allow a use of the Peoples Land you must be assured that there will not be a use that will negatively impact the people.

Therefore you must require HDOT Airports Division to assure you that the operations of their tenant will not negatively impact the people by assuring you that the lease holder will not cause the noise from their operations to enter occupied properties and if the lease holder fails to comply that HDOT will cancel the lease.

Protect the Peoples' Land, protect the people from negative impacts from users of the Peoples' Land, you can not operate in a bubble, you are responsible to the People.

HICoP agrees with the testimony submitted by Cory Harden and Michelle Matson.

Mahalo,

Bob
For the HICoP Board

From: [Janice Glennie](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [sen dru kanuha](#); [jeanne kapela](#); [Representative Nicole E. Lowen](#)
Subject: [EXTERNAL] Limit invasive helicopter noiseAgenda item M 6, K & S
Date: Tuesday, March 9, 2021 10:21:54 AM

Aloha Board members,

Your job is to protect and represent the public by standing up for our state constitution which includes protecting the rights of Hawaii's people. That's why I'm writing to demand that you require an Environmental Assessment (EA) before approving facilities at Kona Airport for Paradise Helicopters (K & S).

Neighborhoods and special places around our island are increasingly inundated with unnecessary, intrusive, and dangerous noise; and that's not to mention the dangers helicopters pose to lives and property while flying over these areas with crashes being all too frequent.

People on the Big Island have been fighting against helicopter overflights since I moved here in the late 70s with no resolution or promise that they won't have to keep fighting for what should be their right to live without those dangers and intrusions. People and dwindling native bird populations are still threatened by that noise, and a lack of solid protections, including the staff recommendation of a revocable permit, loom. That — again! — means no in-depth review of impacts -- an abdication of BLNR's responsibility to protect public lands. The lease amount is unknown, DOT can add whatever it wants to the permit, and there is no requirement for DOT to ever come back to BLNR for review of the permit. Staff say the permit is covered under the 2013 Kona Airport EA, but the EA does not evaluate hazards or noise away from the airport.

As other testimony has duly noted, the noise specifically 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 were a constant, insensitive nuisance, flying over people whose homes and neighborhoods were being destroyed.

There are no solid, fair reasons why Paradise Helicopters shouldn't have to go through a rigorous vetting process to prove that they won't add to this noise. That's why you must do the pono thing and require Paradise Helicopters to go through the public EA process.

Mahalo and sincerely.

Janice Palma-Glennie

P.O. Box 4849
Kailua-Kona, Hawai'i 96745

comments on agenda item M-6: K & S Helicopters
for Board of Land and Natural Resources (BLNR) 9 AM Friday, March 12, 2021
blnr.testimony@hawaii.gov
from Cory Harden, Hilo 33cory@gmail.com

Please require an Environmental Assessment to evaluate and mitigate hazards and noise from K & S tour helicopters before approving this permit.

It is frustrating and disheartening to see staff again recommend that BLNR do absolutely nothing to give the public relief from helicopter hazards and noise—as was done for this same helicopter company at your January 8, 2021 meeting.

The staff recommendation of a revocable permit means no in-depth review of impacts—an abdication of BLNR's responsibility to protect public lands. Furthermore, the lease amount is unknown, DOT can add whatever it wants to the permit, and there is no requirement for DOT to ever come back to BLNR for review of the permit.

"[staff] RECOMMENDATION: That the Board authorize the Department of Transportation to issue a month-to-month revocable permit to KSH, subject to...such additional terms and conditions as may be prescribed by the Department of Transportation to best serve the interests of the State."

Staff should not just take DOT's word for it that the Final Environmental Assessment/ Finding Of No Significant Impact (FEA/FONSI) covers this action.

The number of reported tour operators is more than twice what it was ten years ago.

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>

Twenty-one people died, just in the past year, in three tour helicopter/ small aircraft crashes--Kailua, Dillingham Field, and Kaua'i.

Over the years, 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.

Mayor Harry Kim of Hawai'i County called helicopter noise issue "one of the most vexing that we face".
https://www.capitol.hawaii.gov/session2018/testimony/SB2474_TESTIMONY_AEN-CPH_02-12-18.PDF

In August 2018, a meeting in Hilo on helicopter noise drew 200 people, including residents who were so irate they were talking about shooting down helicopters.

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".

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

Science demonstrates the significant negative impacts of aircraft noise.

"Studies on chronic exposure to road traffic and/or railway or aircraft noise have reported a relationship with elevated blood pressure, arterial hypertension or the use of antihypertensive medications."

Noise Pollution and Arterial Hypertension, *European Cardiology Review*, summer 2017,
<https://www.ecrijournal.com/articles/noise-pollution-and-arterial-hypertension>

The Lancet, a medical journal, reported in 2005: “Our findings indicate that a chronic environmental stressor—aircraft noise—could impair cognitive development in children, specifically reading comprehension.” They studied schools, but the findings are worrisome for noise exposure at home.

Aircraft and Road Traffic Noise and Children's Cognition and Health: A Cross-National Study, The Lancet, Volume 365, Issue 9475, P1942-1949, June 04, 2005,

<https://www.thelancet.com/journals/lancet/article/piiS0140673605666603/abstract>

Helicopter overflights must be revealed on some real estate disclosure forms. The noise may reduce property values.

Recently, 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.

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

Other localities have controlled helicopter noise.

“In response to continued concerns from a large number of local residents who are disturbed by the level of noise from helicopters operating over Long Island, the FAA adopts this final rule, as proposed, to require helicopter pilots whose route of flight takes them over the north shore of Long Island to fly the North Shore Helicopter Route.”

Federal Register, July 6, 2012, p. 39911

http://download.aopa.org/epilot/2012/120711ny_helicopter.pdf?_ga=2.193668452.850725824.1615268579-1637729000.1615268579

“Helicopters have been banned from the Inca citadel of Machu Picchu in an effort to protect wildlife. Cusco province has published regulations banning helicopters at Machu Picchu and the surrounding 125 square miles.”

<https://www.theguardian.com/world/2010/jun/21/helicopter-ban-at-machu-picchu>

But in the FEA, the noise exposure map only covers a small area around the airport—not all the homes that tour helicopters fly over. PDF p. 75

FEA / FONSI, Airfield, Terminal, And Facility Improvements for the Kona International Airport At Keāhole, March 2013,

http://oegc2.doh.hawaii.gov/EA_EIS_Library/2013-03-23-HA-FEA-Kona-Airport-at-Keahole-Airfield-Terminal-and-Facility-Improvements.pdf

The FEA does not evaluate noise from low-flying tour helicopters over residences far from the airport.

“Based on the current federal criteria for identifying aircraft noise impacts, the proposed improvements should not result in adverse noise impacts within the KOA [Kona Airport] environs. New land use incompatibilities beyond the airport boundaries should not occur as a result of the increases in airport noise levels with or without the proposed improvements. The primary reason is that adequate buffer distances exist between the airport runways and the nearest noise sensitive properties beyond the airport boundaries. Therefore, even with increasing aircraft operations at KOA, the resulting noise contours at the airport and not expected to result in new land use incompatibilities.” p. 3-41

FEA / FONSI, Airfield, Terminal, And Facility Improvements for the Kona International Airport At Keāhole, March 2013,

http://oegc2.doh.hawaii.gov/EA_EIS_Library/2013-03-23-HA-FEA-Kona-Airport-at-Keahole-Airfield-Terminal-and-Facility-Improvements.pdf

BLNR should determine whether required permits were obtained, and what conditions were included.

CDUP or LUDBA

"The new Helicopter Facility, the ARFF Regional Training Center, and the DOA Inspection Facility Site "A" are all located within the General subzone. The northern makai portion of the KATR expansion is partially located in the Resource subzone and the southern makai portion borders the General subzone...

The proposed improvements that lie within the Conservation District will require a CDUP pursuant to the State DLNR Administrative Rules, Title 13, Chapter 5 for lands designated in the Conservation District. Alternatively, DOT-A could petition the LUC to place the project sites located in the Conservation District into the Urban District through a Land Use District Boundary Amendment (LUDBA)." p. 4-11

FEA/ FONSI, Airfield, Terminal, And Facility Improvements for the Kona International Airport At Keāhole, March 2013,

http://oegc2.doh.hawaii.gov/EA_EIS_Library/2013-03-23-HA-FEA-Kona-Airport-at-Keahole-Airfield-Terminal-and-Facility-Improvements.pdf

SMA

"...the new Helicopter Facility, Road M, and the temporary DOA Inspection Facility Site A are not approved uses and would, therefore, require an amendment to the current SMA No. 325 to accommodate these specific projects." p. 4-34

FEA/ FONSI, Airfield, Terminal, And Facility Improvements for the Kona International Airport At Keāhole, March 2013,

http://oegc2.doh.hawaii.gov/EA_EIS_Library/2013-03-23-HA-FEA-Kona-Airport-at-Keahole-Airfield-Terminal-and-Facility-Improvements.pdf

I am re-sending Michelle Matson's testimony from January 8, which is still relevant.

Please require an EA for this action. Mahalo.

**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.

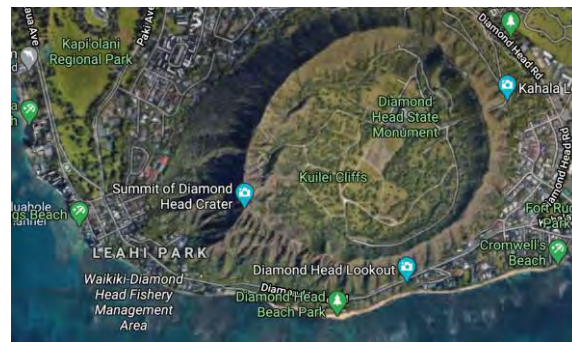
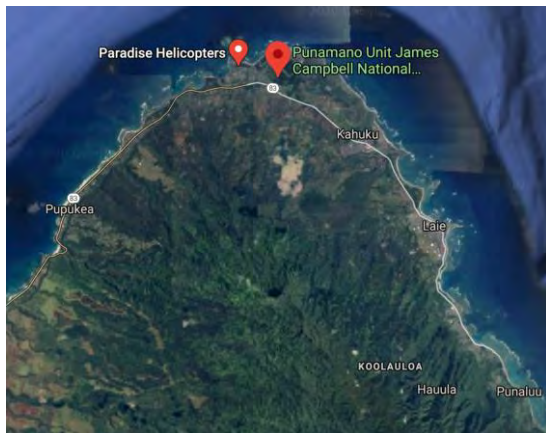
As a member of the DLNR Diamond Head Citizens Advisory Committee and the Diamond Head State Monument Foundation, I have been engaged with the protection and preservation of the Diamond Head State Historic Monument. One of the State's protective policies for the Diamond Head State Monument is *"That no 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."*¹

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.



¹ 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.” ²



² 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, 2021,³ 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,⁴ 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%202011,broke%20off%20from%20the%20frame./>

³ https://www.capitol.hawaii.gov/session2021/testimony/Info_Testimony_WAM-WTL_01-06-21_LNR.pdf

⁴ <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,⁵ 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 2020,⁶ rendering the referenced 1999 EA outdated, as well as “all relevant mitigation from the EA ... to address the minimum impacts of this action.”⁷ 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.

⁵ See https://www.law.cornell.edu/cfr/text/14/appendix-A_to_part_136

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

⁷ 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.”⁸

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

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

From: mak221@aol.com
To: [DLNR.BLNR.Testimony](#); [DLNR.CW.DLNR.CWRM](#); [DLNR.CO.PublicDLNR](#)
Subject: [EXTERNAL] No more helicopters
Date: Tuesday, March 9, 2021 6:53:11 AM

Aloha DLNR members,

Helicopters over Hawaii are already out-of-control.

We hear them far too often and far too loudly. They are terrible sources of pollution.

The last thing we need to expand facilities for more of them.

Mahalo,

Mark Koppel
Umauma

From: [Shannon Matson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] agenda item M 6, K & S Helicopters, March 12
Date: Tuesday, March 9, 2021 8:32:38 AM

Aloha Board members,

There are lots of tiny little good things that have happened over the past year, we call them "Covid blessings" in our household. One such blessing was that for most of the last year we had SILENT skies. Now that the lava has started back up AND COVID restrictions are being lowered we are hearing that familiar hum in the sky again. It always seems to pass by at the most inopportune moments; right as we are getting the toddler settled down for a nap, right as I am stepping outside for an important phone call and trying to find a quiet space, and every time (even when it's multiple times a day) the dogs get all worked up. We are lucky to not have any PTSD in our household, or any major hearing loss issues, so we are not being effected as strongly as some of our neighbors, but it is definitely an annoyance and disruption of our peace. The noise is especially startling as we had gotten so accustomed to NOT hearing it over the last nine months. One wish for many of us in this post-COVID world is that we don't just return to business as usual, and that our "new normal" is something much better than what we had in the past. Noise reduction and better regulation of private entities effecting the mental and physical safety of the public should be one of those things we figure out how to improve moving forward.

Please require an Environmental Assessment (EA) to evaluate and mitigate hazards and noise from Paradise (K & S) tour helicopters before approving this permit.

It is frustrating and disheartening to see staff again recommend that BLNR do absolutely nothing to give the public relief from helicopter hazards and noise—as was done for this same helicopter company at your January 8, 2021 meeting.

The staff recommendation of a revocable permit means no in-depth review of impacts—an abdication of BLNR's responsibility to protect public lands. Furthermore, the lease amount is unknown, DOT can add whatever it wants to the permit, and there is no requirement for DOT to ever come back to BLNR for review of the permit.

Twenty-one people died, just in the past year, in three tour helicopter/ small aircraft crashes--Kailua, Dillingham Field, and Kaua'i.

Over the years, 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.

Staff say the permit is covered under the 2013 Kona Aiport EA, but the EA does not evaluate hazards or noise away from the airport.

Mahalo,
Shannon Matson
Hawaiian Acres Resident, Big Island
(808)937-3037

Sent from my iPhone

From: [Tlaloc Tokuda](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] agenda item M 6, K & S Helicopters need EA!!!, March 12
Date: Tuesday, March 9, 2021 10:50:12 AM

Aloha Board members,

Please require an Environmental Assessment (EA) to evaluate and mitigate hazards and noise from Paradise (K & S) tour helicopters before approving this permit.

It is frustrating and disheartening to see staff again recommend that BLNR do absolutely nothing to give the public relief from helicopter hazards and noise—as was done for this same helicopter company at your January 8, 2021 meeting.

The staff recommendation of a revocable permit means no in-depth review of impacts—an abdication of BLNR's responsibility to protect public lands. Furthermore, the lease amount is unknown, DOT can add whatever it wants to the permit, and there is no requirement for DOT to ever come back to BLNR for review of the permit.

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Staff say the permit is covered under the 2013 Kona Airport EA, but the EA does not evaluate hazards or noise away from the airport.

Mahalo. for your consideration
Tlaloc Tokuda
Kailua Kona, 96740 HI

From: [Debbie Ward](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] agenda item M 6, K & S Helicopters, March 12
Date: Tuesday, March 9, 2021 9:51:13 AM

From Deborah Ward P. O Box Kurtistown HI 96760

Aloha Chair Case and Board members,

I am a farmer in East Hawaii. I have lived on this land since 1982, and over the years, we have been plagued with the noise, vibration, and disturbance of helicopters. Back in the days of Green Harvest, the machines would circle around, over and over, searching for illicit crops, despite the complete lack of those crops in our neighborhood. Then during times of volcanic activity, we would get what seemed like a flyover every minute or two, beginning at 6:30 am. Then COVID stopped the intrusions, and it was a blessed relief! Just yesterday, I was remarking that the familiar, ominous and unpleasant vibration was getting more frequent, and then there it was, a chopper right over my house! Why aren't these flights over water instead of over land?

Please require an Environmental Assessment (EA) to evaluate and mitigate hazards and noise from Paradise (K & S) tour helicopters before approving this permit. Staff say the permit is covered under the 2013 Kona Airport EA, but the EA does not evaluate hazards or noise away from the airport. It is frustrating and disheartening to see staff again recommend that BLNR do absolutely nothing to give the public relief from helicopter hazards and noise—as was done for this same helicopter company at your January 8, 2021 meeting. The staff recommendation of a revocable permit means no in-depth review of impacts—an abdication of BLNR's responsibility to protect public lands. Furthermore, the lease amount is unknown, DOT can add whatever it wants to the permit, and there is no requirement for DOT to ever come back to BLNR for review of the permit.

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Mahalo,

Deborah Ward

From: [Jeanne | Wheeler](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] M6, K&S Helicopters, 3/12/21
Date: Tuesday, March 9, 2021 10:02:51 AM

Aloha Board Members:

I'm writing to ask that you please require an Environmental Assessment for the evaluation/mitigation of noise & potential hazards from operation of Paradise (K&S) tour helicopters - before approving this permit. It was disturbing to note that these issues weren't fully addressed at your 1/8/21 meeting - but now you've a chance to re-focus on the situation :) The 2013 Kona Airport EA doesn't consider noise or hazards away from the airport, but clearly problems can occur anywhere in a flight path - please require a full/complete EA!

Mahalo for your attention, Jeanne Wheeler

From: [sharon willeford / Live Peace Hawaii](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Keep Kona Quite and Safe
Date: Tuesday, March 9, 2021 10:25:29 AM

Please ~ for the keiki's future!

..."The staff recommendation of a revocable permit means no in-depth review of impacts—an abdication of BLNR's responsibility to protect public lands. Furthermore, the lease amount is unknown, DOT can add whatever it wants to the permit, and there is no requirement for DOT to ever come back to BLNR for review of the permit.

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Staff say the permit is covered under the 2013 Kona Airport EA, but the EA does not evaluate hazards or noise away from the airport."

Mahalo
Sharon Willeford
Retired teacher ~ Kona 35 yrs.

From: rce.dslextreme.com
To: [DLNR.BLNR.Testimony](#)
Cc: [Senator Dru Mamo Kanuha](#); [Representative Nicole E. Lowen](#); [Representative David A. Tarnas](#); [rebecca villegas](#); [maile david](#)
Subject: [EXTERNAL] MARCH 12, 2021 BLNR MEETING AGENDA ITEM M6
Date: Tuesday, March 9, 2021 2:13:09 AM

Aloha BLNR Chair Case,
Aloha BLNR Board Members Yuen, Gomes, Oi, Gon, Char and Yoon,

Agenda M6, 6. [Issuance of a Revocable Permit for commercial use of a T-Hangar for storage and maintenance of Aircraft and an office to support commercial Helicopter Tour Operations. K & S Helicopters, Inc., Ellison Onizuka Kona International Airport. Tax Map Key: \(3\) 7-3-43: 003 \(Portion\).](#)

Please do not approve the issuance of this permit since it is incomplete and untimely, HDOT has not completed the monthly rental or deposit sections of the application.

BLNR can not operate in a vacuum, a bubble, you are the stewards of the Peoples' Land and the Peoples' Land can not be used for activities that negatively impact the People such as described below;

Name Ben Duke Email:bennyjduke@gmail.comAddressPhone8087560461 Message
*Aloha, I am a teacher at West Hawaii Explorations Academy, a public charter school at NELHA south of the airport. Many of classrooms and science projects are outdoors and **helicopter noise is a major issue**. The flight pattern for all helicopters seems to go **directly over the school** and an **interrupt instruction** sometimes **more than ten times a day**. The noise is such that teaching and learning stop for a minute which doesn't sound like much once. But when you total it up, it is a lot. I'm hoping to mobilize staff and families behind an effort to curb helicopter noise and have flight patterns changed. Please keep me informed of county and statewide efforts. Mahalo!Map My Location 4500 Kahilihili St., Kailua-Kona*

HDOT Butay and Airport Division Higashi are both well aware of the tour copter noise nuisance pollution torture and are well aware of the "fly neighborly" guidelines.

Before you as the Hawaii Land Stewards allow a use of the Peoples Land you must be assured that there will not be a use that will negatively impact the people.

Therefore you must require HDOT Airports Division to assure you that the operations of their tenant will not negatively impact the people by assuring you that the lease holder will not cause the noise from their operations to enter occupied properties and if the lease holder fails to comply that HDOT will cancel the lease.

Protect the Peoples' Land, protect the people from negative impacts from users of the Peoples' Land, you can not operate in a bubble, you are responsible to the People.

HICoP agrees with the testimony submitted by Cory Harden and Michelle Matson.

Mahalo,

Bob
For the HICoP Board

From: [Janice Glennie](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [sen dru kanuha](#); [jeanne kapela](#); [Representative Nicole E. Lowen](#)
Subject: [EXTERNAL] Limit invasive helicopter noiseAgenda item M 6, K & S
Date: Tuesday, March 9, 2021 10:21:54 AM

Aloha Board members,

Your job is to protect and represent the public by standing up for our state constitution which includes protecting the rights of Hawaii's people. That's why I'm writing to demand that you require an Environmental Assessment (EA) before approving facilities at Kona Airport for Paradise Helicopters (K & S).

Neighborhoods and special places around our island are increasingly inundated with unnecessary, intrusive, and dangerous noise; and that's not to mention the dangers helicopters pose to lives and property while flying over these areas with crashes being all too frequent.

People on the Big Island have been fighting against helicopter overflights since I moved here in the late 70s with no resolution or promise that they won't have to keep fighting for what should be their right to live without those dangers and intrusions. People and dwindling native bird populations are still threatened by that noise, and a lack of solid protections, including the staff recommendation of a revocable permit, loom. That — again! — means no in-depth review of impacts -- an abdication of BLNR's responsibility to protect public lands. The lease amount is unknown, DOT can add whatever it wants to the permit, and there is no requirement for DOT to ever come back to BLNR for review of the permit. Staff say the permit is covered under the 2013 Kona Airport EA, but the EA does not evaluate hazards or noise away from the airport.

As other testimony has duly noted, the noise specifically 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 were a constant, insensitive nuisance, flying over people whose homes and neighborhoods were being destroyed.

There are no solid, fair reasons why Paradise Helicopters shouldn't have to go through a rigorous vetting process to prove that they won't add to this noise. That's why you must do the pono thing and require Paradise Helicopters to go through the public EA process.

Mahalo and sincerely.

Janice Palma-Glennie

P.O. Box 4849
Kailua-Kona, Hawai'i 96745

comments on agenda item M-6: K & S Helicopters
for Board of Land and Natural Resources (BLNR) 9 AM Friday, March 12, 2021
blnr.testimony@hawaii.gov
from Cory Harden, Hilo 33cory@gmail.com

Please require an Environmental Assessment to evaluate and mitigate hazards and noise from K & S tour helicopters before approving this permit.

It is frustrating and disheartening to see staff again recommend that BLNR do absolutely nothing to give the public relief from helicopter hazards and noise—as was done for this same helicopter company at your January 8, 2021 meeting.

The staff recommendation of a revocable permit means no in-depth review of impacts—an abdication of BLNR's responsibility to protect public lands. Furthermore, the lease amount is unknown, DOT can add whatever it wants to the permit, and there is no requirement for DOT to ever come back to BLNR for review of the permit.

"[staff] RECOMMENDATION: That the Board authorize the Department of Transportation to issue a month-to-month revocable permit to KSH, subject to...such additional terms and conditions as may be prescribed by the Department of Transportation to best serve the interests of the State."

Staff should not just take DOT's word for it that the Final Environmental Assessment/ Finding Of No Significant Impact (FEA/FONSI) covers this action.

The number of reported tour operators is more than twice what it was ten years ago.

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>

Twenty-one people died, just in the past year, in three tour helicopter/ small aircraft crashes--Kailua, Dillingham Field, and Kaua'i.

Over the years, 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.

Mayor Harry Kim of Hawai'i County called helicopter noise issue "one of the most vexing that we face".
https://www.capitol.hawaii.gov/session2018/testimony/SB2474_TESTIMONY_AEN-CPH_02-12-18.PDF

In August 2018, a meeting in Hilo on helicopter noise drew 200 people, including residents who were so irate they were talking about shooting down helicopters.

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".

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

Science demonstrates the significant negative impacts of aircraft noise.

"Studies on chronic exposure to road traffic and/or railway or aircraft noise have reported a relationship with elevated blood pressure, arterial hypertension or the use of antihypertensive medications."

Noise Pollution and Arterial Hypertension, *European Cardiology Review*, summer 2017,
<https://www.ecrijournal.com/articles/noise-pollution-and-arterial-hypertension>

The Lancet, a medical journal, reported in 2005: “Our findings indicate that a chronic environmental stressor—aircraft noise—could impair cognitive development in children, specifically reading comprehension.” They studied schools, but the findings are worrisome for noise exposure at home.

Aircraft and Road Traffic Noise and Children's Cognition and Health: A Cross-National Study, The Lancet, Volume 365, Issue 9475, P1942-1949, June 04, 2005,
<https://www.thelancet.com/journals/lancet/article/piiS0140673605666603/abstract>

Helicopter overflights must be revealed on some real estate disclosure forms. The noise may reduce property values.

Recently, 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.

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

Other localities have controlled helicopter noise.

“In response to continued concerns from a large number of local residents who are disturbed by the level of noise from helicopters operating over Long Island, the FAA adopts this final rule, as proposed, to require helicopter pilots whose route of flight takes them over the north shore of Long Island to fly the North Shore Helicopter Route.”

Federal Register, July 6, 2012, p. 39911

http://download.aopa.org/epilot/2012/120711ny_helicopter.pdf?_ga=2.193668452.850725824.1615268579-1637729000.1615268579

“Helicopters have been banned from the Inca citadel of Machu Picchu in an effort to protect wildlife. Cusco province has published regulations banning helicopters at Machu Picchu and the surrounding 125 square miles.”

<https://www.theguardian.com/world/2010/jun/21/helicopter-ban-at-machu-picchu>

But in the FEA, the noise exposure map only covers a small area around the airport—not all the homes that tour helicopters fly over. PDF p. 75

FEA / FONSI, Airfield, Terminal, And Facility Improvements for the Kona International Airport At Keāhole, March 2013,

http://oegc2.doh.hawaii.gov/EA_EIS_Library/2013-03-23-HA-FEA-Kona-Airport-at-Keahole-Airfield-Terminal-and-Facility-Improvements.pdf

The FEA does not evaluate noise from low-flying tour helicopters over residences far from the airport.

“Based on the current federal criteria for identifying aircraft noise impacts, the proposed improvements should not result in adverse noise impacts within the KOA [Kona Airport] environs. New land use incompatibilities beyond the airport boundaries should not occur as a result of the increases in airport noise levels with or without the proposed improvements. The primary reason is that adequate buffer distances exist between the airport runways and the nearest noise sensitive properties beyond the airport boundaries. Therefore, even with increasing aircraft operations at KOA, the resulting noise contours at the airport and not expected to result in new land use incompatibilities.” p. 3-41

FEA / FONSI, Airfield, Terminal, And Facility Improvements for the Kona International Airport At Keāhole, March 2013,

http://oegc2.doh.hawaii.gov/EA_EIS_Library/2013-03-23-HA-FEA-Kona-Airport-at-Keahole-Airfield-Terminal-and-Facility-Improvements.pdf

BLNR should determine whether required permits were obtained, and what conditions were included.

CDUP or LUDBA

"The new Helicopter Facility, the ARFF Regional Training Center, and the DOA Inspection Facility Site "A" are all located within the General subzone. The northern makai portion of the KATR expansion is partially located in the Resource subzone and the southern makai portion borders the General subzone...

The proposed improvements that lie within the Conservation District will require a CDUP pursuant to the State DLNR Administrative Rules, Title 13, Chapter 5 for lands designated in the Conservation District. Alternatively, DOT-A could petition the LUC to place the project sites located in the Conservation District into the Urban District through a Land Use District Boundary Amendment (LUDBA)." p. 4-11

FEA/ FONSI, Airfield, Terminal, And Facility Improvements for the Kona International Airport At Keāhole, March 2013,

http://oegc2.doh.hawaii.gov/EA_EIS_Library/2013-03-23-HA-FEA-Kona-Airport-at-Keahole-Airfield-Terminal-and-Facility-Improvements.pdf

SMA

"...the new Helicopter Facility, Road M, and the temporary DOA Inspection Facility Site A are not approved uses and would, therefore, require an amendment to the current SMA No. 325 to accommodate these specific projects." p. 4-34

FEA/ FONSI, Airfield, Terminal, And Facility Improvements for the Kona International Airport At Keāhole, March 2013,

http://oegc2.doh.hawaii.gov/EA_EIS_Library/2013-03-23-HA-FEA-Kona-Airport-at-Keahole-Airfield-Terminal-and-Facility-Improvements.pdf

I am re-sending Michelle Matson's testimony from January 8, which is still relevant.

Please require an EA for this action. Mahalo.

**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.

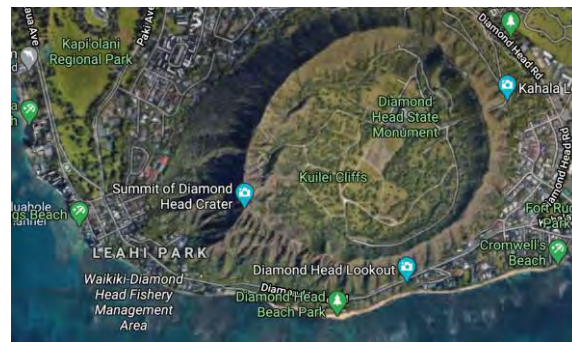
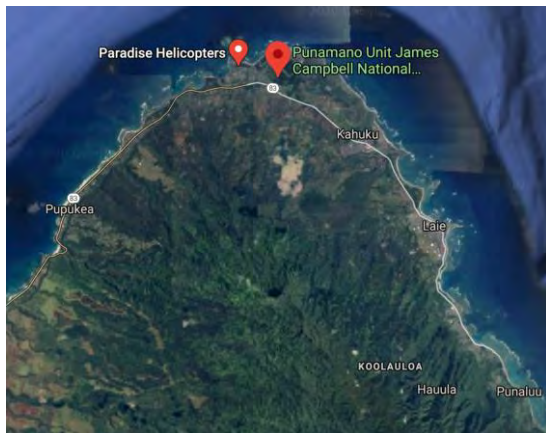
As a member of the DLNR Diamond Head Citizens Advisory Committee and the Diamond Head State Monument Foundation, I have been engaged with the protection and preservation of the Diamond Head State Historic Monument. One of the State's protective policies for the Diamond Head State Monument is *"That no 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."*¹

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.



¹ 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.” ²



² 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, 2021,³ 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,⁴ 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%202011,broke%20off%20from%20the%20frame./>

³ https://www.capitol.hawaii.gov/session2021/testimony/Info_Testimony_WAM-WTL_01-06-21_LNR.pdf

⁴ <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,⁵ 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 2020,⁶ rendering the referenced 1999 EA outdated, as well as “all relevant mitigation from the EA ... to address the minimum impacts of this action.”⁷ 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.

⁵ See https://www.law.cornell.edu/cfr/text/14/appendix-A_to_part_136

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

⁷ 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.”⁸

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

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

From: mak221@aol.com
To: [DLNR.BLNR.Testimony](#); [DLNR.CW.DLNR.CWRM](#); [DLNR.CO.PublicDLNR](#)
Subject: [EXTERNAL] No more helicopters
Date: Tuesday, March 9, 2021 6:53:11 AM

Aloha DLNR members,

Helicopters over Hawaii are already out-of-control.

We hear them far too often and far too loudly. They are terrible sources of pollution.

The last thing we need to expand facilities for more of them.

Mahalo,

Mark Koppel
Umauma

From: [Shannon Matson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] agenda item M 6, K & S Helicopters, March 12
Date: Tuesday, March 9, 2021 8:32:38 AM

Aloha Board members,

There are lots of tiny little good things that have happened over the past year, we call them "Covid blessings" in our household. One such blessing was that for most of the last year we had SILENT skies. Now that the lava has started back up AND COVID restrictions are being lowered we are hearing that familiar hum in the sky again. It always seems to pass by at the most inopportune moments; right as we are getting the toddler settled down for a nap, right as I am stepping outside for an important phone call and trying to find a quiet space, and every time (even when it's multiple times a day) the dogs get all worked up. We are lucky to not have any PTSD in our household, or any major hearing loss issues, so we are not being effected as strongly as some of our neighbors, but it is definitely an annoyance and disruption of our peace. The noise is especially startling as we had gotten so accustomed to NOT hearing it over the last nine months. One wish for many of us in this post-COVID world is that we don't just return to business as usual, and that our "new normal" is something much better than what we had in the past. Noise reduction and better regulation of private entities effecting the mental and physical safety of the public should be one of those things we figure out how to improve moving forward.

Please require an Environmental Assessment (EA) to evaluate and mitigate hazards and noise from Paradise (K & S) tour helicopters before approving this permit.

It is frustrating and disheartening to see staff again recommend that BLNR do absolutely nothing to give the public relief from helicopter hazards and noise—as was done for this same helicopter company at your January 8, 2021 meeting.

The staff recommendation of a revocable permit means no in-depth review of impacts—an abdication of BLNR's responsibility to protect public lands. Furthermore, the lease amount is unknown, DOT can add whatever it wants to the permit, and there is no requirement for DOT to ever come back to BLNR for review of the permit.

Twenty-one people died, just in the past year, in three tour helicopter/ small aircraft crashes--Kailua, Dillingham Field, and Kaua'i.

Over the years, 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.

Staff say the permit is covered under the 2013 Kona Aiport EA, but the EA does not evaluate hazards or noise away from the airport.

Mahalo,
Shannon Matson
Hawaiian Acres Resident, Big Island
(808)937-3037

Sent from my iPhone

From: [Tlaloc Tokuda](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] agenda item M 6, K & S Helicopters need EA!!!, March 12
Date: Tuesday, March 9, 2021 10:50:12 AM

Aloha Board members,

Please require an Environmental Assessment (EA) to evaluate and mitigate hazards and noise from Paradise (K & S) tour helicopters before approving this permit.

It is frustrating and disheartening to see staff again recommend that BLNR do absolutely nothing to give the public relief from helicopter hazards and noise—as was done for this same helicopter company at your January 8, 2021 meeting.

The staff recommendation of a revocable permit means no in-depth review of impacts—an abdication of BLNR's responsibility to protect public lands. Furthermore, the lease amount is unknown, DOT can add whatever it wants to the permit, and there is no requirement for DOT to ever come back to BLNR for review of the permit.

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Staff say the permit is covered under the 2013 Kona Airport EA, but the EA does not evaluate hazards or noise away from the airport.

Mahalo. for your consideration
Tlaloc Tokuda
Kailua Kona, 96740 HI

From: [Debbie Ward](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] agenda item M 6, K & S Helicopters, March 12
Date: Tuesday, March 9, 2021 9:51:13 AM

From Deborah Ward P. O Box Kurtistown HI 96760

Aloha Chair Case and Board members,

I am a farmer in East Hawaii. I have lived on this land since 1982, and over the years, we have been plagued with the noise, vibration, and disturbance of helicopters. Back in the days of Green Harvest, the machines would circle around, over and over, searching for illicit crops, despite the complete lack of those crops in our neighborhood. Then during times of volcanic activity, we would get what seemed like a flyover every minute or two, beginning at 6:30 am. Then COVID stopped the intrusions, and it was a blessed relief! Just yesterday, I was remarking that the familiar, ominous and unpleasant vibration was getting more frequent, and then there it was, a chopper right over my house! Why aren't these flights over water instead of over land?

Please require an Environmental Assessment (EA) to evaluate and mitigate hazards and noise from Paradise (K & S) tour helicopters before approving this permit. Staff say the permit is covered under the 2013 Kona Airport EA, but the EA does not evaluate hazards or noise away from the airport. It is frustrating and disheartening to see staff again recommend that BLNR do absolutely nothing to give the public relief from helicopter hazards and noise—as was done for this same helicopter company at your January 8, 2021 meeting. The staff recommendation of a revocable permit means no in-depth review of impacts—an abdication of BLNR's responsibility to protect public lands. Furthermore, the lease amount is unknown, DOT can add whatever it wants to the permit, and there is no requirement for DOT to ever come back to BLNR for review of the permit.

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Mahalo,

Deborah Ward

From: [Jeanne | Wheeler](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] M6, K&S Helicopters, 3/12/21
Date: Tuesday, March 9, 2021 10:02:51 AM

Aloha Board Members:

I'm writing to ask that you please require an Environmental Assessment for the evaluation/mitigation of noise & potential hazards from operation of Paradise (K&S) tour helicopters - before approving this permit. It was disturbing to note that these issues weren't fully addressed at your 1/8/21 meeting - but now you've a chance to re-focus on the situation :) The 2013 Kona Airport EA doesn't consider noise or hazards away from the airport, but clearly problems can occur anywhere in a flight path - please require a full/complete EA!

Mahalo for your attention, Jeanne Wheeler

From: [sharon willeford / Live Peace Hawaii](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Keep Kona Quite and Safe
Date: Tuesday, March 9, 2021 10:25:29 AM

Please ~ for the keiki's future!

..."The staff recommendation of a revocable permit means no in-depth review of impacts—an abdication of BLNR's responsibility to protect public lands. Furthermore, the lease amount is unknown, DOT can add whatever it wants to the permit, and there is no requirement for DOT to ever come back to BLNR for review of the permit.

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Staff say the permit is covered under the 2013 Kona Airport EA, but the EA does not evaluate hazards or noise away from the airport."

Mahalo
Sharon Willeford
Retired teacher ~ Kona 35 yrs.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:

Board of Land and
Natural Resources
State of Hawai'i
Honolulu, Hawai'i

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

HAWAII

LEGAL REFERENCE:

Section 171-55, Hawai'i Revised Statutes (HRS).

APPLICANT:

K & S Helicopters, Inc. dba Paradise Helicopters (KSH), whose business address
P.O. Box 5371, Kailua-Kona, Hawai'i 96745.

LOCATION AND TAX MAP KEY:

Portion of Waimea-Kohala Airport, Kamuela, Island of Hawai'i, identified by
Tax Map Key: (3) 6-7-001: Portion of 08.

AREA:

Area/Space No. 103-102, containing an area of approximately 84 square feet, as shown and
delineated on the attached Exhibit A; and,
Area/Space No. 300-111B, containing an area of approximately 105 square feet, as shown
and delineated on the attached Exhibit B.

ZONING:

State Land Use District:
County of Hawai'i:

Agricultural District
A-40A Agriculture

BLNR – ISSUANCE OF A REVOCABLE PERMIT FOR THE PURPOSE OF A TICKET COUNTER AND OFFICE SPACE, K & S HELICOPTERS, INC.
WAIMEA-KOHALA AIRPORT

Page 2

LAND TITLE STATUS:

Section 5(a) lands of the Hawai'i Admission Act: Non-Ceded
DHHL 30% entitlement lands pursuant to Hawai'i Admission Act YES___ NO X

CURRENT USE STATUS:

Airport and aeronautical purposes.

CHARACTER OF USE:

KSH will use the spaces for a ticket counter and an office as part of its commercial helicopter operations.

COMMENCEMENT DATE:

Upon execution of the revocable permit.

MONTHLY RENTAL:

\$138.55 (25% of comparable space at Ellison Onizuka Kona International Airport at Keahole per 2016 Airport appraisal plus \$73.71 for electricity).

SECURITY DEPOSIT:

\$415.65 or three times the monthly rental in effect.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO ___
Registered business name confirmed:	YES <u>X</u>	NO ___
Good standing confirmed:	YES <u>X</u>	NO ___

CHAPTER 343. HRS - ENVIRONMENTAL ASSESSMENT:

The State of Hawaii, Department of Transportation, Airports Division (DOTA), has determined that the subject land use is covered by the Waimea-Kohala Airport Final Environmental Assessment (EA), published by the Office of Environmental Quality Control (OEQC) in the November 8, 1999, issue of The Environmental Notice. Accordingly, all relevant mitigation from the EA and best management practices will be implemented to address the minimum impacts of this action.

BLNR – ISSUANCE OF A REVOCABLE PERMIT FOR THE PURPOSE OF A TICKET
COUNTER AND OFFICE SPACE, K & S HELICOPTERS, INC.
WAIMEA-KOHALA AIRPORT

Page 3

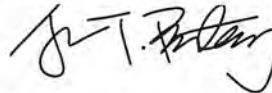
REMARKS:

In accordance with Section 171-55 HRS, relating to Permits, 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.

RECOMMENDATION:

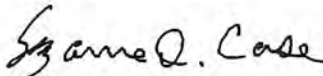
That the Board authorize the Department of Transportation to issue a month-to-month revocable permit to KSH, subject to: (1) terms and conditions herein outlined, which are by reference incorporated herein; and (2) such additional terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of the State.

Respectfully submitted,

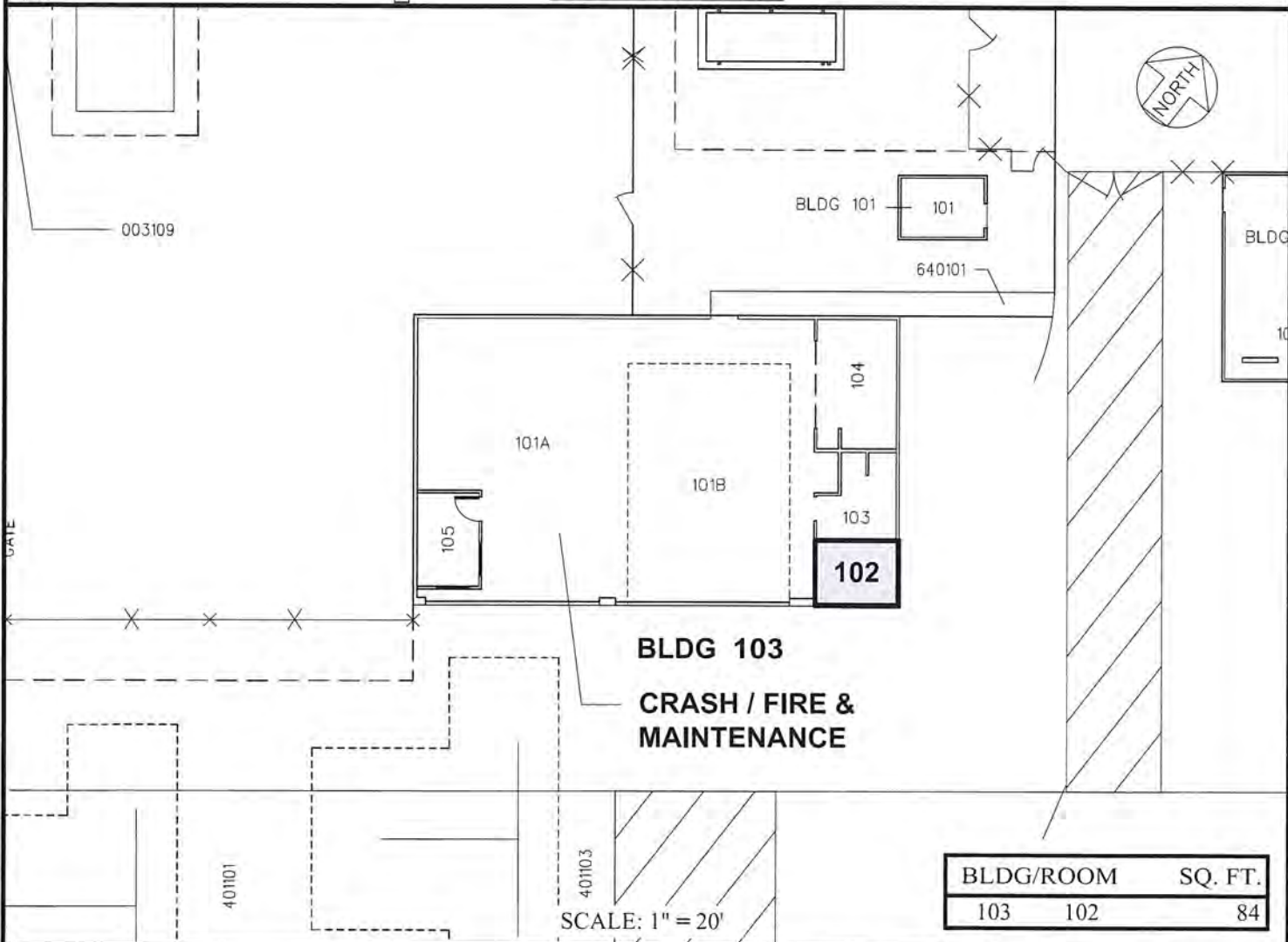
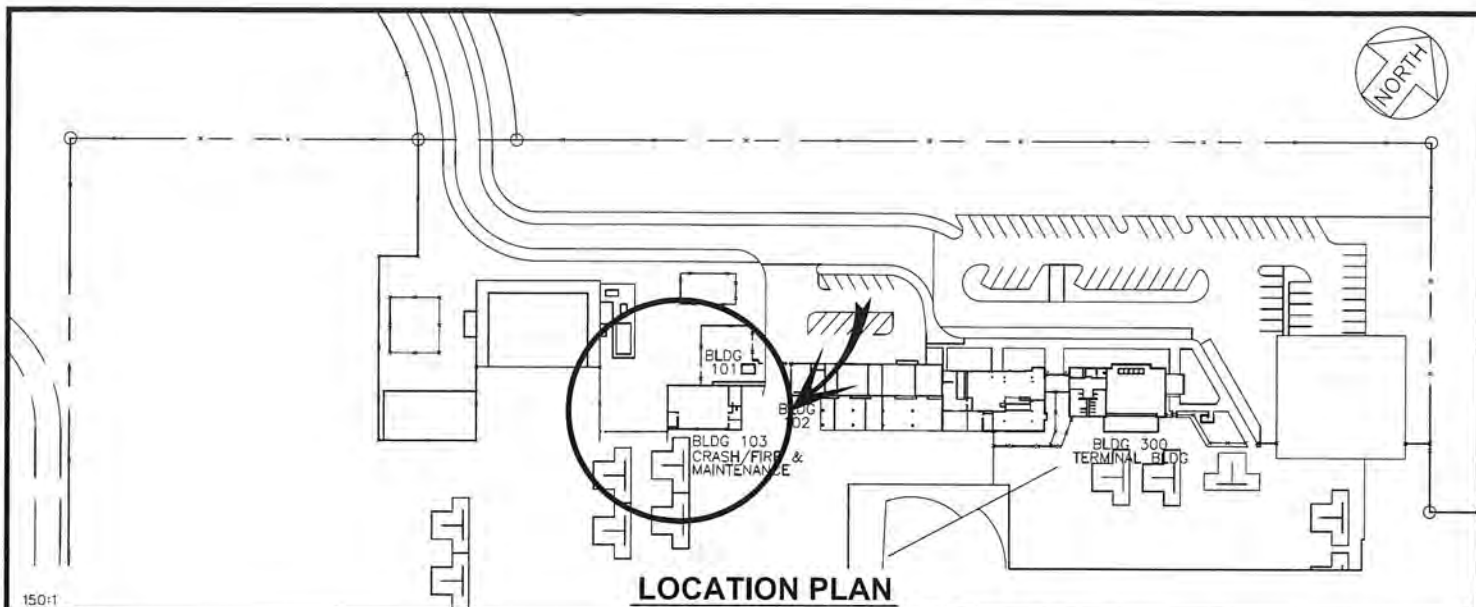


JADE T. BUTAY
Director of Transportation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson and Member



RP-9021

DATE : OCTOBER 2019

EXHIBIT: **A**

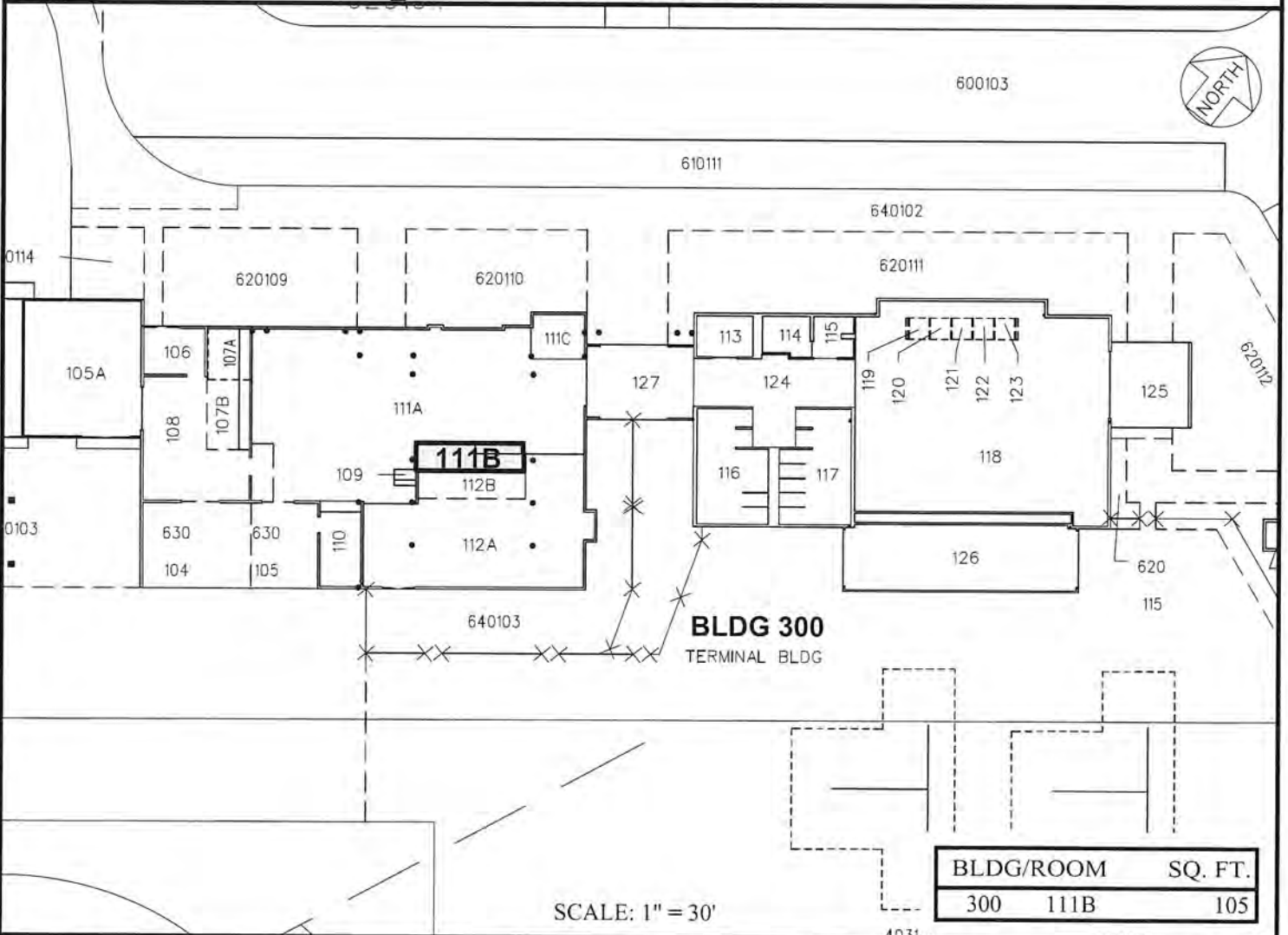
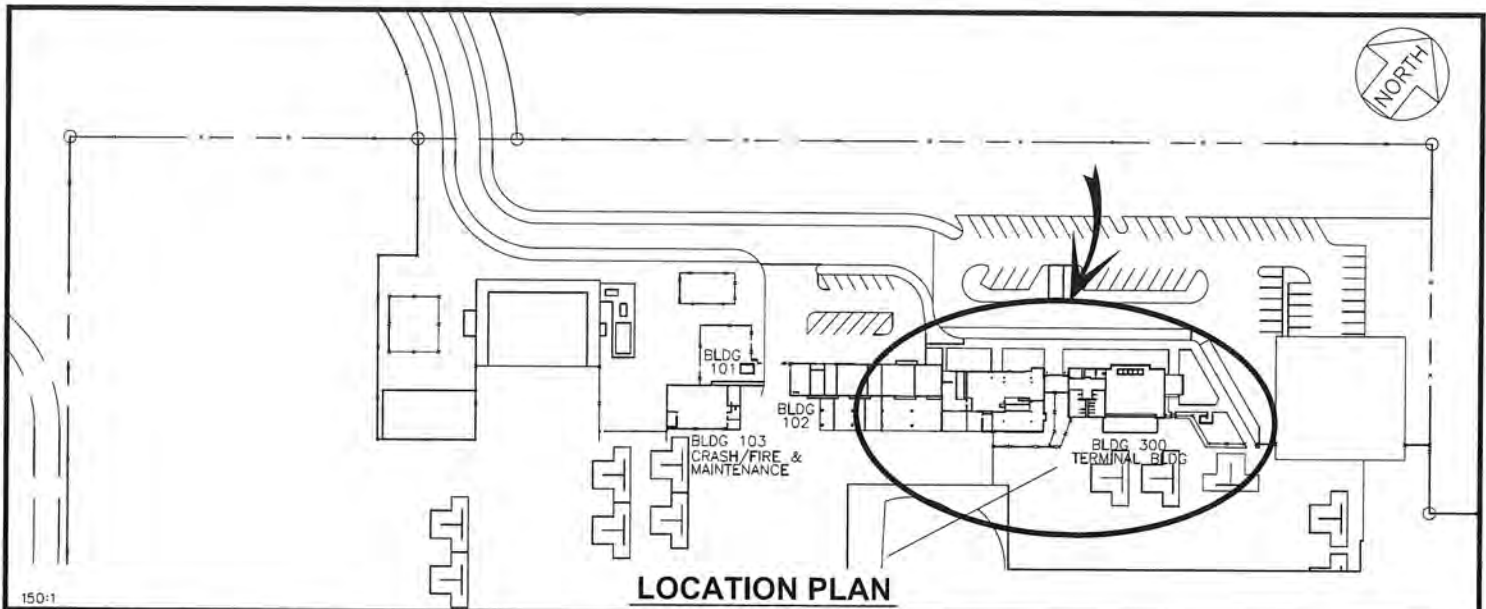


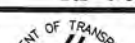
Airports Division

K & S HELICOPTERS, INC.

**BUILDING 103
CRASH FIRE & MAINTENANCE
GROUND LEVEL**

**103102
PLAT A1, 41**



RP-9021		DATE : FEBUARY 2020		EXHIBIT: B	
 <u>Airports Division</u>	K & S HELICOPTERS, INC.	BUILDING 300 TERMINAL BUILDING GROUND LEVEL	300111B PLAT A1, 41		

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

To: BLNR Chair and members

From : Deborah Ward, cordylincolor@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, 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

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.

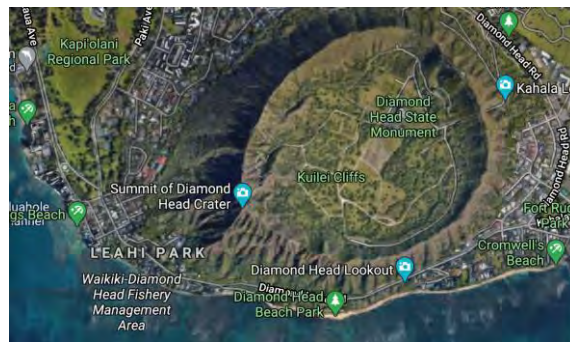
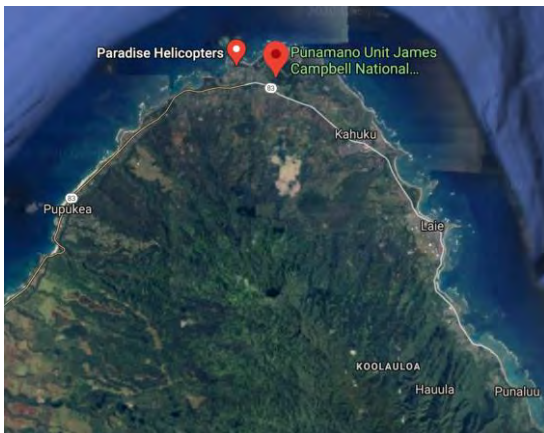
As a member of the DLNR Diamond Head Citizens Advisory Committee and the Diamond Head State Monument Foundation, I have been engaged with the protection and preservation of the Diamond Head State Historic Monument. One of the State's protective policies for the Diamond Head State Monument is *"That no 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."*¹

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.



¹ 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.” ²



² 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, 2021,³ 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,⁴ 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-parkhttps://www.khon2.com/news/minor-injuries-in-helicopter-crash-near-sacred-falls/#:~:text=The%20crash%20happened%20around%202011,broke%20off%20from%20the%20frame./>

³ https://www.capitol.hawaii.gov/session2021/testimony/Info_Testimony_WAM-WTL_01-06-21_LNR.pdf

⁴ <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,⁵ 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 2020,⁶ rendering the referenced 1999 EA outdated, as well as “all relevant mitigation from the EA ... to address the minimum impacts of this action.”⁷ 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.

⁵ See https://www.law.cornell.edu/cfr/text/14/appendix-A_to_part_136

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

⁷ 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.”⁸

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

⁸ 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

by Cory Harden, Hilo 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)

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://oegc2.doh.hawaii.gov/EA_EIS_Library/1999-11-08-HA-FEA-Waimea-Kohala-Airport.pdf, pp. 34-35

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

From: Bryon Lee
To: [DLNR.BLNR.Testimony](#)
Cc: [Higashi, Ross](#); [Onishi, Dennis M](#); [Senator Lorraine R. Inouye](#); [Senator Dru Mamo Kanuha](#); [Representative David A. Tarnas](#); [Representative Chris Todd](#); [Representative Nicole E. Lowen](#); [Rep. Mark Nakashima](#); [Bob Ernst](#); [Michelle Matson](#); [Malia Nolan](#); [Rep. Ed Case](#); [Garcia, Nestor](#)
Subject: [EXTERNAL] AGENDA M OTHERS 7 - DO NOT ISSUE Revocable Permit for Ticket Counter and Office Space, K & S Helicopters, Inc. dba Paradise Helicopters, Waimea-Kohala Airport,
Date: Tuesday, January 5, 2021 9:37:16 AM

Aloha BLNR Board Members,

PLEASE DO NOT ISSUE

The Revocable Permit for a Ticket Counter and Office Space, K & S Helicopters, Inc. dba Paradise Helicopters, at the Waimea-Kohala Airport.

Paradise Helicopters have shown a **total disregard** for safety, mental & physical health, privacy and quality of life issues of **Hawaii residential communities** by constantly and consistently flying unnecessarily low with intolerable loud, offensive, privacy invading, pollution excreting helicopters.

Paradise has clearly demonstrated that they **cannot and will not "Fly neighborly"** or show **ALOHA** by disrespecting island families and communities flying tourists over our homes during a global pandemic.

There is no place in Hawaii for such disrespect to the frail, elderly, sick and immune compromised population that has no voice and are silenced and forced to live harassed by unrelenting tour flights disrupting their lives and homes.

Please Do Not Issue the Revocable Permit for Ticket Counter and Office Space for Paradise Helicopters.

E Ola Pono Me ka 'aina a me ke kai

Submitted with respect,
Bryon Lee

From: Mark Gordon
To: [DLNR.BLNR.Testimony](#)
Cc: [Representative David A. Tarnas](#); [Senator Lorraine R. Inouye](#); [Richards, Tim](#)
Subject: [EXTERNAL] Comments on Agenda 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.
Date: Tuesday, January 5, 2021 9:07:50 PM

Aloha

I request that the proposed permit be Denied until more research is done and more public comment received.

As a safety engineer, as well as a member of the Waikoloa Leadership Group and the South Kohala Community Development Plan (CDP) Committee, I wanted to share my comments and observations on Agenda Item M 7:

- The FAA Rule 14 CFR Part 93 prohibits helicopters from transiting over an island for the sole purpose of protecting those on the ground from the incessant copter noise pollution. Waimea-Kohala Airport is a landlocked airport and any tour copter operations there would have to transit over occupied properties, homes, communities and thereby significantly impact those on the ground and negatively degrade their quality of life.
- By having a helicopter tour operation operating out of the Waimea airport, besides the noise disturbance, the increase possibility of crashes or similar over a very occupied area could occur
- The Waimea-Kohala Airport Environmental Assessment (EA) was dated November, 1999. It is suggested that an updated EA be done since many things have changed since that point in time
- Has any environmental assessment been done for the proposed Paradise helicopter operation at the airport ? If not, it should be done before considering issuing this permit.
- With the very recent fatal helicopter crashes on Oahu and Kauai, do we want to increase helicopter tour operations, especially over populated areas such as Waimea and others ?

Again, please Deny the proposed Permit for a ticket counter and office space for Paradise at the Waimea-Kohala airport.

Appreciate the opportunity to comment on this important issue.

Thanks,

Mark Gordon
Waikoloa, HI.

From: rce dslextre.me.com
To: [DLNR.BLNR.Testimony](#)
Cc: [Higashi, Ross](#); [Onishi, Dennis M](#); [Senator Lorraine R. Inouye](#); [Senator Dru Mamo Kanuha](#); [Representative David A. Tarnas](#); [Representative Chris Todd](#); [Representative Nicole E. Lowen](#); [Rep. Mark Nakashima](#)
Subject: [EXTERNAL] AGENDA M OTHERS 7 - DO NOT ISSUE Revocable Permit for Ticket Counter and Office Space, K & S Helicopters, Inc. dba Paradise Helicopters, Waimea-Kohala Airport,
Date: Tuesday, January 5, 2021 3:02:59 AM

DO NOT ISSUE Revocable Permit for Ticket Counter and Office Space, K & S Helicopters, Inc. dba Paradise Helicopters, Waimea-Kohala Airport

Aloha BLNR Board Members,
Aloha [Suzanne D. Case](#), Chairperson
Aloha [Christopher Yuen](#),
Aloha [James A. Gomes](#),
Aloha [Thomas Oi](#),
Aloha [Samuel "Olu" Gon III](#),
Aloha Vernon Char,
Aloha Wesley "Kaiwi" Yoon,

HICoP represented by founding board member Bob Ernst is appearing before you exercising our First Amendment Right to petition our government and express our opinion.

AGENDA: M OTHERS 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.

The FAA Rule 14 CFR Part 93 is the rule that prohibits copters from transiting over an island for the sole purpose of protecting those on the ground from the incessant copter noise nuisance pollution torture. Paradise currently operates from the Hawaii Airports at Kona and Hilo, both airports situated directly on open water so Paradise copter tours may access the copter offshore route and thereby not impact occupied properties, homes, communities with their incessant tour copter noise nuisance pollution torture.

Waimea-Kohala Airport is a landlocked airport and any tour copter operations there would have to transit over occupied properties, homes, communities thereby totally unnecessarily impacting those on the ground and negatively degrading their quality of life.

PARADISE HELICOPTERS IS A BAD NEIGHBOR AND HAS NO ALOHA, The HICoP Board met with Paradise Helicopters Calvin Dorn **October 4, 2016**. At that meeting the HICoP Board described in detail verbally and with videos how Paradise totally unnecessarily negatively impacts the lives of those on the ground in Hawaii by flying the loudest copters, flying them low and transiting over occupied properties, homes communities.

TO DATE Paradise continues business as usual torturing those on the ground,

Paradise does not care, Paradise has no Aloha!

SHAME ON HDOT Director **Butay** and Airports Division Deputy Director **Higashi** for requesting this lease when they both know well the negative impacts of tour copter noise nuisance pollution. Currently HDOTA is sponsoring HANSTF which you may access at hanstf.org and read all the testimony from the public regarding the impacts of tour copter operations on their daily lives, testimony that was recently presented at numerous public hearings held on the major Islands.

The HICoP Board met with Airports Division Deputy Director Ross **Higashi** August 9, **2016**, over 4 years ago and at that meeting described in detail the unbearable tour copter noise nuisance pollution. HICoP has been in contact with **Higashi** since that date and **Higashi** has taken no meaningful action to address this totally unnecessary tour copter noise nuisance pollution.

Hawaii Volcanoes is the most tour copter impacted National Park in the Nation, by far.

Hawaii Island is the most tour copter impacted County in the Nation.

The State of Hawaii is the most tour copter impacted State in the Nation.

A VOTE FOR THIS LEASE IS A VOTE AGAINST THE PEOPLE OF HAWAII

Mahalo,

Bob Ernst
For the HICoP Board

,

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

To: BLNR Chair and members

From : Deborah Ward, cordylincolor@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, 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

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.

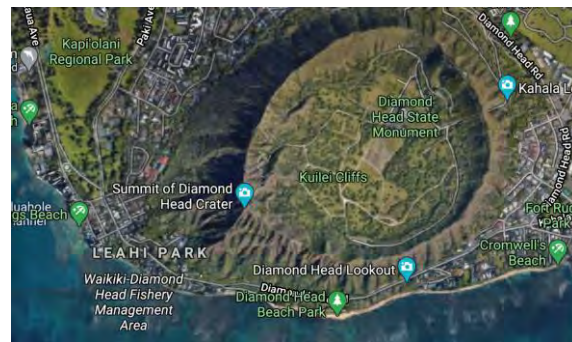
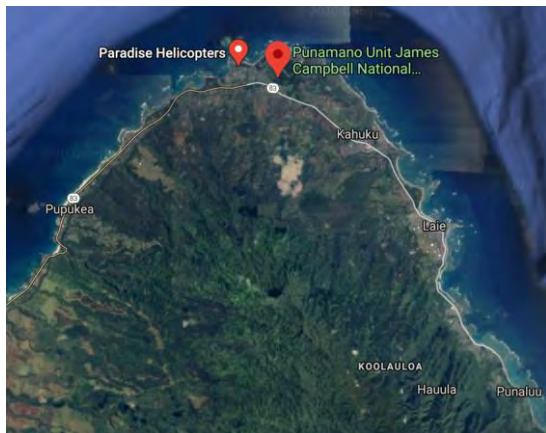
As a member of the DLNR Diamond Head Citizens Advisory Committee and the Diamond Head State Monument Foundation, I have been engaged with the protection and preservation of the Diamond Head State Historic Monument. One of the State's protective policies for the Diamond Head State Monument is *"That no 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."*¹

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.



¹ 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.” ²



² 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, 2021,³ 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,⁴ 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%202011,broke%20off%20from%20the%20frame./>

³ https://www.capitol.hawaii.gov/session2021/testimony/Info_Testimony_WAM-WTL_01-06-21_LNR.pdf

⁴ <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,⁵ 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 2020,⁶ rendering the referenced 1999 EA outdated, as well as “all relevant mitigation from the EA ... to address the minimum impacts of this action.”⁷ 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.

⁵ See https://www.law.cornell.edu/cfr/text/14/appendix-A_to_part_136

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

⁷ 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.”⁸

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

⁸ 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

by Cory Harden, Hilo 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)

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

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(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://oegc2.doh.hawaii.gov/EA_EIS_Library/1999-11-08-HA-FEA-Waimea-Kohala-Airport.pdf, pp. 34-35

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

From: Ted Kawahinehelelani Blake
To: tkblake@mac.com
Subject: Hawaiians with class fighting to preserve a wahi pana
Date: Wednesday, June 26, 2019 8:45:00 AM
Attachments: [Pa'akai Planning Hearing.pdf](#)

Aloha mai kakou,

The Kaua'i Planning Commission, yesterday, heard a request from Smokey Mountain Helicopters to grant five "after the fact permits" for non-permitted construction and also for four new permits at Port Allen Airport. There has been controversy between the Hawaiian Pa'akai Hui and the State and County for not protecting the adjacent salt beds of Waimaka o Hi'iaka in Hanapepe.

The hearing began at 9:00AM and continued until 2:30PM. The Commissioners didn't take a lunch break until 2:30PM. Over 110 individuals from 7 yrs ages to kupuna in their 80's provided testimony. All testifying spoke unanimously against improvements that could harm the environment and salt beds of Waimaka o Hi'iaka (Salt Pond). All were not for granting "after the fact permits" and additional permits. Proud moment to see a large courteous crowd of Hawaiiansthat answered the kahea and conducted themselves with dignity, respect and class.

Reminded me of E Alu Pu/KUA hearing etiquette.

This is the largest group of Hawaiians I have seen gather at the County Building ever!

Inside the hearing room. No standing allowed due to Fire regulations. All seats taken.



Outside the Hearing Room with a large screen TV showing the live testimony for the overflow crowd. As the testifiers exited the Hearing Room where the overflow crowd was seated, they were greeted each with resounding cheers and applause.



Hundreds rally for salt ponds

By [Caleb Loehrer The Garden Island](#) | Wednesday, June 26, 2019, 12:05 a.m.

Share this story



Dennis Fujimoto/The Garden Island

An overflow audience at the Planning Commission meeting use closed circuit television to view testimony, during the meeting centered around Maverick Helicopters and the surrounding Salt Pond area. About 250 people filled the overflow seating in the morning session at the Pi'ikoi Building where about 80 people offered testimony.

Kuulei Santos and Malia Nobrega-Olivera are president and vice-president of Hui Hana Pa'akai o Hanapepe, an organization made up of representatives from Native Hawaiian families. They feel that Maverick Helicopters, and the other commercial enterprises that operate out of Burns Field airport in Hanapepe, are infringing on their sacred lands by contributing to air and noise pollution and drawing excess vehicle traffic to the area. They submitted a petition for intervention to the planning commission, asking that the commissioners hold a contested case hearing before deciding whether to grant the permit. They were granted that right at the end of Tuesday's public hearing.

Meanwhile, Maverick Helicopters has already completed the work it is now requesting a permit for — modifications and additions have been made to structures on the property at Burns Field — and as the commission works toward resolving the issue, the company continues to operate as usual.

Below are some notable quotes from the nearly five hours of testimony provided in three-minute intervals:

- Loui Cabebe — “It is a sacred area. It is a living museum.” “You know, I no go in your house, and go walk inside there, ‘Hey. I like use your bathroom.’”
- Pi’ilani Kali — “I’m not here to repeat what other people have already said about the dust control, the cesspool, the tourist traffic, the sand and erosion. I am here to talk about the cultural genocide you folks have been allowing to happen for so long. Everywhere.”
- Janet Kahalikomo — “We are the only culture who continue to farm the salt in the whole Pacific archipelago. And I’m still here! And as long as I’m still here, I will keep fighting.”
- Mel Rapozo — “The bottom line is this — these people are building without a permit.”
- Bryan Kroten, a spokesperson for Maverick Helicopters, sent the following statement via email Tuesday afternoon.

“The permits in question with the County of Kauai will not increase the number of flights operated. The permits will allow us to repair, maintain and improve items associated with our lease agreement with the State of Hawaii. We are not attempting business expansion despite public perception.

“Flight operations have been in place for nearly a century at Port Allen Airport with commercial flight services beginning in 1929. Airplane and helicopter operations occur daily at the federally funded and public Port Allen Airport. Maverick Helicopters is one of several operators who conduct tourism-based flights over Kauai and also depart from Port Allen Airport.”

The hearing was called to a close at around 2 p.m., almost five hours after public testimony began. The planning commissioners had listened to nearly 80 people speak against the helicopter company and its request for a permit. About 50 people still crowded into the small meeting room, and a dozen or so more waited outside.

Planning Director Kaina Hull addressed the group, saying that in light of the overwhelming public turnout opposing the permit and the “several hundred pieces of testimony” the department had received in the past few hours alone, he was in “strong agreement” with the petitioners’ request to intervene.

The planning commission voted unanimously to approve the petitioners’ intervenor status and elected not to send the matter to a hearing officer.

“We heard what you guys said,” Commissioner Kimo Keawe told the crowd. “That’s why we’re doing this.”

The commission now has to schedule further hearings to resolve the dispute, a process that is almost certain to take months, if not years, to complete. In the mean time, one commissioner wanted to know how the planning department will handle ongoing operations at Maverick Helicopters.

Hull said because the requested permit is for work that has already been completed, the matter will need to be addressed by officials in the planning department charged with enforcing the county zoning ordinances.

“Given what has occurred today,” Hull said, “that is something I will be returning to with the enforcement team, essentially as soon as this meeting is over.”



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:
AIR-EP
19.0070

July 22, 2019

TO: THE HONORABLE SUZANNE D. CASE, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

FROM: JADE T. BUTAY
DIRECTOR OF TRANSPORTATION

SUBJECT: HANAPEPE SALT PANS, ISLAND OF KAUAI

RECEIVED
2019 JUL 25 AM 10:17
DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

Your memo dated September 19, 2018, regarding Hanapepe Salt Pans, Island of Kauai was forwarded to the State of Hawaii, Department of Transportation (HDOT) for review and response.

The Department of Transportation, Airports Division's (DOTA) appearance before the land Board meeting of August 10, 2018, was the outcome of a site visit meeting between Airports Deputy Director Ross Higashi, DOTA staff, Governor's Kauai Liaison Carrice Gardner, County of Kauai (COK) Honorable Mayor Bernard Carvalho, Jr., COK Attorney Mauna Kea Trask, COK Department of Planning Deputy Director Kaaina Hull, and COK Department of Public Works (DPW) Engineer Lyle Tabata, Department of Land and Natural Resources (DLNR) Kauai Land Division Manager Wes Matsunaga, and three representatives from the Hui Hana Paakai o Hanapepe (including Kuulei Santos), on November 21, 2017.

The sole purpose of the meeting was to investigate Hui Hana Paakai o Hanapepe concerns about the impacts of activities immediately surrounding the Salt Pond, on the water quality of the salt pans. Ms. Santos expressed concerns about runoff from the parking lot, the high volume of tour buses, tourist rentals, and local traffic using Kaalani Road, and vehicles parking on the beach strip between the Salt Pond and ocean.

To address and resolve the Hui Hana Paakai o Hanapepe concerns, it was decided at the site visit meeting, that the COK DPW (Lyle Tabata) will take the lead in implementing the following mitigation: (a) Install a gate at both ends of Kaalani Road; and (b) Position/move boulders to block off vehicular access to the strip of sand between the Salt Pond and the ocean. Prior to conducting the mitigation work, the COK requires permission to enter and conduct work on state property. The DOTA must request that permission from the Land Board.

The issue about the Smoky Mountain lease and Maverick Helicopters is a legal business transaction; HDOT or the State had no legal standing to intervene or stop the stock sale. Nonetheless, DOTA followed-up with Maverick Helicopters regarding Ms. Santos' complaints about the direct flights of helicopters over the Salt Pond.

Maverick Helicopters revealed that their pilots are given instructions to fly over the ocean and away from the Salt Pond and salt pans. When asked about direct flights over the Salt Pond, Maverick Helicopters informed DOTA that other companies that operate out of Port Allen Airport (PAK) and Lihue Airport (LIH) are responsible for the direct flights over the Salt Pond. DOTA will follow up with the other operators at PAK and LIH to inform them about the Salt Pond fly-over concern during operations and to be "good neighbors."

The memo also mentions that DLNR staff contacted the Federal Aviation Administration (FAA) Manager of Environmental Policy and Operations, Office of Environmental and Energy, Ms. Katherine Andrus, regarding the regulation of helicopter flights. As noted in the memo, the special operating rules for air tour operators in Hawaii, specifically requires that the helicopters "fly their tours at a minimum of 1,500 feet above ground level, but FAA does not prescribe routes." The memo further mentions that "research suggests that HDOT may have some say over flight paths."

The DOTA wishes to set the record straight regarding helicopter flights, impacts, and noise.

The helicopter industry experienced rapid growth in the 1980's, prompting increasing concern by residents in communities along tour routes and uses of remote wildland areas. In 1988, the HDOT and the FAA conducted a comprehensive system plan to address helicopter issues and concerns, and to seek ways to improve the compatibility of helicopter operations and facilities.

The 1989 State Helicopter System Plan (SHSP), identified five major recommendations for HDOT implementation: 1) Noise Abatement; 2) Continuation of the Voluntary Noise Abatement Program; 3) State Tour Aircraft Operators Permit; 4) Special Federal Aviation Regulation; and 5) Heliport Siting and Development.

The following are the actions taken and status:

1. Noise Abatement

The SHSP cited Federal preemption of regulating navigable air space, but DOTA went ahead and identified and mapped recommended avoidance areas and weather contingency routes which seek to avoid overflights of existing and planned residential areas and noise-sensitive wilderness and wildland areas. There was substantial concurrence from the committees with mapped recommended avoidance and noise abatement areas in the SHSP. The noise abatement maps were subsequently used to evaluate routes used by the

tour helicopters as part of their initial application submittal for the Tour Aircraft Operators permit.

The helicopter operators; however, chose to submit non-specific routes which negated the potential benefits of comparison with the noise abatement maps. The operators also filed a suit in circuit court placing a temporary injunction on HDOT from enforcing the provisions of the Tour Aircraft Operators permit. In a settlement, HDOT agreed that information supplied relating to routes and altitudes would not be enforced.

2. Continuation of the Voluntary Noise Abatement Program

In 1992, the Hawaii Helicopter Operators Association implemented a mandatory Fly Neighborly Program, which is referenced in the DLNR memo dated September 10, 2018. However, this recommendation was not implemented because of a FAA legal opinion that State regulations or a State regulatory board cannot be used to regulate aircraft operations and flight patterns. Thus, the HDOT has decided against implementing this recommendation.

3. State Tour Aircraft Operators Permit

Although this permit has been in place since May 1990, it has limited effectiveness as a regulatory tool, because helicopter operators have legally challenged the permit's restrictions and the FAA has cautioned that there can be no enforcement relating to the routes and altitudes of aircraft in flight. The regulation was revised to indicate that failure of a permittee to comply with the routes and altitudes as defined by the State shall not be a basis to revoke or renew a permit.

4. Special Federal Aviation Regulation (SFAR)

The SHSP recommended a Special Federal Aviation Regulation patterned after the Grand Canyon National Park. Although FAA initially indicated that the SFAR was not feasible in Hawaii because of the broad geographic scope of impact areas, an increasing number of tour aircraft accidents prompted the FAA to promulgate SFAR 71. Safety concerns was the initial reason for the SFAR, but it was expanded to include potential noise and natural areas of avoidance. The SFAR also specified higher minimum altitudes and imposed more stringent operating and safety equipment requirements for flightseeing. However, the SFAR did not provide for flight-free areas and is not site-specific to routes and altitudes. Moreover, SFAR 71 is no longer in effect because of a sunset clause.

5. Heliport Siting and Development

The SHSP provided recommendations for siting heliports to minimize the potential for conflicts with noise-sensitive or incompatible uses. However, FAA ruled that the regulation of noise at private, non-State-owned airports would be invalid. This

restriction effectively limited the State's control over helipad siting in off-airport areas where there may be noise-sensitive uses.

The common factor in the SHSP is that the State of Hawaii does not have jurisdiction nor the legal authority to regulate air space. Despite good intentions and practical solutions identified, the FAA feels the actions intrude into its authority and has restricted State regulation and enforcement over helicopter companies.

The HDOT supports the cultural practices of Hui Hana Paakai o Hanapepe and shares DLNR concerns about helicopter tours over sensitive areas including endangered bird habitat. The HDOT will continue to inform and remind all helicopter operators to observe FAA flight requirements and avoid direct flights over the Salt Pond.

Finally, HDOT will appraise DLNR of any new developments at Port Allen Airport, with respect to the Salt Pond, as issues arise.

Please feel free to contact Mr. Herman Tuiolosega at (808) 838-8810, if there are any questions.

c: Mr. Gordon K. Wong, Federal Aviation Administration



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

May 10, 2021

RECEIVED
2021 MAY 13 AM 7:55
DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

Ms. Suzanne Case
Chairperson
Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, HI 96813

Dear Ms. Case:

At the request of Representative Aaron Ling Johanson, I transmit herewith two copies of House Concurrent Resolution No. 81, H.D. 1, S.D. 1, which was adopted by both the Senate and the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.

Sincerely,

Brian L. Takeshita
Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION

URGING THE UNITED STATES CONGRESS, FEDERAL AVIATION
ADMINISTRATION, AND HAWAII DEPARTMENT OF TRANSPORTATION
TO TAKE EVERY ACTION NECESSARY TO ADDRESS RAPIDLY
INCREASING SAFETY RISKS AND COMMUNITY DISRUPTION
RESULTING FROM INSUFFICIENT REGULATION OF TOUR HELICOPTER
AND SMALL AIRCRAFT OPERATIONS THROUGHOUT HAWAII SKIES.

1 WHEREAS, the volume and extent of tour helicopter and small
2 aircraft operations throughout Hawaii's skies have rapidly
3 increased in the past decade; and
4

5 WHEREAS, with such increases, the safety risks to
6 helicopter and small aircraft passengers, and to the Hawaii
7 residents and visitors that the helicopters and small aircraft
8 fly over daily, have rapidly increased; and
9

10 WHEREAS, tour helicopters and small aircraft in Hawaii's
11 skies, through noise, vibration, and visual impacts, have
12 increasingly disrupted residential, business, and industrial
13 communities; state and national parks, such as Hawaii Volcanoes
14 National Park and Haleakala National Park; defense areas, such
15 as Joint Base Pearl Harbor-Hickam; cemeteries and areas of
16 solemnity, such as the National Memorial Cemetery of the Pacific
17 and Pearl Harbor National Memorial; and areas of critical
18 infrastructure; and
19

20 WHEREAS, the National Transportation Safety Board (NTSB),
21 which is the federal agency responsible for investigating
22 aircraft collisions and making recommendations on improving the
23 safety of aircraft operations, found that Hawaii tour helicopter
24 and small aircraft operations accounted for nearly seventeen
25 percent of the nationwide accidents that prompted investigations
26 by the NTSB over the last five years; and
27

I do hereby certify that the within document
is a full, true and correct copy of the original
on file in this office.

M. L. [Signature]
Chief Clerk
House of Representatives
State of Hawaii



1 WHEREAS, within a ten-month period alone, twenty-three
2 lives were lost through the following tour helicopter and small
3 aircraft collisions in the State:

- 4
- 5 (1) On April 29, 2019, a tour helicopter crashed into a
6 residential neighborhood in Kailua, Oahu, killing
7 three people;
- 8
- 9 (2) On June 21, 2019, a commercial small aircraft crashed
10 at Mokuleia, Oahu, killing eleven people;
- 11
- 12 (3) On December 27, 2019, a tour helicopter crashed on
13 Kauai, killing seven people; and
- 14
- 15 (4) On February 22, 2020, a commercial small aircraft
16 crashed at Mokuleia, Oahu, killing two people; and
17

18 WHEREAS, over the past decade, tour helicopters and small
19 aircraft have been involved in several other incidents that,
20 while not fatal, nevertheless constituted severe risks to the
21 passengers, residents, and visitors on the ground; and
22

23 WHEREAS, these disruptions and crashes are largely the
24 result of a lack of effective federal regulations and a lack of
25 self-regulation in the tour helicopter and small aircraft
26 industry; and
27

28 WHEREAS, effective regulations to eliminate or mitigate
29 ground disruptions would place restrictions on the time, routes,
30 altitude, and frequency of helicopter and small aircraft
31 operations; and
32

33 WHEREAS, communities would be safer and would face fewer
34 disruptions from tour helicopter and small aircraft operations
35 if existing federal acts and regulations, including the
36 following, were used to their full extent:
37

- 38 (1) The National Park Air Tour Management Act of 2000, as
39 amended, which requires operators conducting
40 commercial air tours over national parks to operate
41 pursuant to an air tour management plan issued by the
42 Federal Aviation Administration (FAA) and National
43 Park Service, or in lieu of such a plan, pursuant to a
44 voluntary agreement with the agencies;



(2) The Airport Noise and Capacity Act of 1990, which establishes the FAA's authority over airport owners' noise restrictions; and

(3) Title 14 Code of Federal Regulations part 50, which regulates the FAA's airport noise compatibility planning programs; and

WHEREAS, the United States Court of Appeals for the District of Columbia Circuit, in the case of *In Re: Public Employees for Environmental Responsibility and Hawaii Coalition Malama Pono* in May 2020, ordered the FAA and National Park Service to bring all required national parks into compliance with the National Park Air Tour Management Act of 2000, including Hawaii Volcanoes National Park and Haleakala National Park, within two years; and

WHEREAS, the FAA largely asserts that it has exclusive jurisdiction over regulating the nation's airspace and aircraft operations, which means that the FAA, not the State, has the sole power and responsibility to establish and enforce restrictions that would prevent tour helicopter and small aircraft operations from disrupting communities; and

WHEREAS, although the NTSB has made various safety recommendations to the FAA that would apply to tour helicopter and small aircraft operations, the board is still waiting for an acceptable response from the FAA on a number of the recommendations; and

WHEREAS, following the April 29, 2019, crash in Kailua, the Chair of the NTSB stated that "each crash underscores the urgency of improving the safety of charter flights by implementing existing [NTSB] safety recommendations", and called for small aircraft flight safety improvements; and

WHEREAS, the FAA is currently in the process of archiving the Hawaii Air Tour Common Procedures Manual and replacing it with a new regulatory process for determining when and how tour flights can deviate below fifteen hundred feet in altitude, which they are otherwise required to be above; and



1 WHEREAS, the FAA, Hawaii Department of Transportation, some
2 Hawaii tour helicopter companies, and other interested
3 stakeholders have formed the Hawaii Air Noise and Safety Task
4 Force with the stated intent of addressing increasing safety and
5 community disruption concerns, but are not fully engaging and
6 responding to public concerns in determining regulatory or
7 voluntary changes in operations; and
8

9 WHEREAS, an increasing number of elected officials and
10 community organizations have expressed growing concern with
11 safety risks and community disruption arising from tour
12 helicopter and small aircraft operations; and
13

14 WHEREAS, Ed Case, Representative for the First
15 Congressional District of Hawaii, has introduced legislation in
16 the United States House of Representatives, H.R. No. 389, 117th
17 Congress (First Session 2021) with a short title of the "Safe
18 and Quiet Skies Act"; and
19

20 WHEREAS, if enacted, H.R. No. 389 would, in pertinent part:

- 21
- 22 (1) Prohibit commercial air tours from operating over or
23 within a half mile of especially sensitive locations;
24
 - 25 (2) Require the FAA to require the use of automatic
26 dependent surveillance-broadcast out equipment during
27 the entire operation of a commercial air tour;
28
 - 29 (3) Require the FAA to prohibit pilots from undertaking
30 any activities other than flying the aircraft,
31 including monitoring video equipment or narrating,
32 during the operation of a commercial air tour;
33
 - 34 (4) Impose minimum altitude requirements and noise
35 restrictions on commercial air tours;
36
 - 37 (5) Authorize state and local jurisdictions to impose
38 additional requirements on commercial air tours;
39
 - 40 (6) Require the FAA to implement any recommendations
41 issued by the NTSB concerning operators of commercial
42 aircraft on which the FAA has not provided an
43 acceptable response to the board; and
44



(7) Require the FAA to subject commercial air tour operators to certain regulations relating to commercial aircraft operators, instead of regulations relating to non-commercial aircraft operators; and

WHEREAS, on January 31, 2020, the United States Senate Committee on Commerce, Science, and Transportation released a report entitled, "Whistleblower Allegations of Misconduct at the FAA Flight Standards District Office in Honolulu, Hawaii", outlining multiple whistleblower claims of inadequate safety regulation of tour helicopters, specifically including those involved in the fatal crashes in Kailua on April 29, 2019, and on Kauai on December 27, 2019; and

WHEREAS, the Honolulu City Council and nineteen of Oahu's neighborhood boards have taken official actions to urge the federal government to act to address the disruptions and dangers posed by tour helicopter and small aircraft operations; and

WHEREAS, the lack of effective federal regulations and the lack of effective self-regulation by the tour helicopter and small aircraft industry pose a significant and growing threat to the safety, health, and well-being of the nation and the State; now, therefore,

BE IT RESOLVED by the House of Representatives of the Thirty-first Legislature of the State of Hawaii, Regular Session of 2021, the Senate concurring, that the United States Congress, FAA, and Hawaii Department of Transportation are urged to take every action necessary to address rapidly increasing safety risks and community disruption resulting from insufficient regulation of rapidly increasing operations of tour helicopters and small aircraft throughout Hawaii skies; and

BE IT FURTHER RESOLVED that the United State Congress is urged to promptly enact the proposed Safe and Quiet Skies Act; and

BE IT FURTHER RESOLVED that the Hawaii Department of Transportation and FAA are urged to pursue existing remedies to limit community disruption through the Airport Noise and Capacity Act of 1990 and title 14 Code of Federal Regulations part 150; and



1 BE IT FURTHER RESOLVED that the FAA is urged to:

- 2
- 3 (1) Implement any recommendations issued by the NTSB
4 concerning operators of commercial aircraft on which
5 the FAA has not provided an acceptable response to the
6 Board;
- 7
- 8 (2) Fully implement, in concert with the National Park
9 Service, the requirements of the National Park Air
10 Tour Management Act of 2000 with respect to all
11 applicable Hawaii parks and other relevant areas as
12 required by the United States Court of Appeals for the
13 District of Columbia Circuit; and
- 14
- 15 (3) Immediately and fully investigate whistleblowers'
16 claims with respect to the Honolulu Flight Standards
17 District Office's implementation of safety
18 requirements; and
- 19

20 BE IT FURTHER RESOLVED that the Hawaii Air Noise and Safety
21 Task Force is urged to immediately respond substantively to
22 public safety and community disruption concerns with clear
23 changes to operations to reduce time, place, and manner of
24 operations; and

25

26 BE IT FURTHER RESOLVED that federal, state, and county
27 elected and administration officials are urged to pursue these
28 actions, the enactment of legislation to authorize state and
29 local governments to regulate helicopter and small aircraft
30 operations, and all other actions that will enhance safety and
31 prevent community disruption by Hawaii tour helicopter and small
32 aircraft operations; and

33

34 BE IT FURTHER RESOLVED that certified copies of this
35 Concurrent Resolution be transmitted to the Speaker of the House
36 of the United States House of Representatives; Majority Leader
37 of the United States Senate; members of Hawaii's congressional
38 delegation; United States Secretary of Transportation;
39 Administrator of the Federal Aviation Administration; Manager of
40 the Honolulu Flight Standards District Office of the Federal
41 Aviation Administration; Chair of the National Transportation
42 Safety Board; Director of the National Park Service; Governor;
43 Hawaii Director of Transportation; mayor of each county; chair



- 1 of each neighborhood board; and co-chairs of the Hawaii Air
- 2 Noise and Safety Task Force.



HOUSE CONCURRENT RESOLUTION

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ADMINISTRATION, AND HAWAII DEPARTMENT OF TRANSPORTATION
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Ms. L. T. T. T.
Chief Clerk
House of Representatives
State of Hawaii



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33

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37 of the United States Senate; members of Hawaii's congressional
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39 Administrator of the Federal Aviation Administration; Manager of
40 the Honolulu Flight Standards District Office of the Federal
41 Aviation Administration; Chair of the National Transportation
42 Safety Board; Director of the National Park Service; Governor;
43 Hawaii Director of Transportation; mayor of each county; chair



- 1 of each neighborhood board; and co-chairs of the Hawaii Air
- 2 Noise and Safety Task Force.





HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

May 10, 2021

Ms. Suzanne Case
Chairperson
Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, HI 96813

RECEIVED
2021 MAY 13 AM 7:55
DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

Dear Ms. Case:

At the request of Representative Scot Z. Matayoshi, I transmit herewith two copies of House Concurrent Resolution No. 95, which was adopted by both the Senate and the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.

Sincerely,

Brian L. Takeshita
Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION

URGING HAWAII HELICOPTER COMPANIES TO AVOID CONDUCTING
NON-EMERGENCY FLIGHTS OVER RESIDENTIAL NEIGHBORHOODS.

1 WHEREAS, commercial helicopter flights are a popular
2 activity in Hawaii that have been economically successful for
3 some private companies; and
4

5 WHEREAS, commercial helicopter flights, however, have
6 become a nuisance and danger to many state residents, as the
7 helicopters often fly over their neighborhoods; and
8

9 WHEREAS, commercial helicopter flights over residential
10 areas bring noise pollution, create safety hazards, and can end
11 in tragedy, such as the recent deadly crash on a street in
12 Kailua on Oahu; and
13

14 WHEREAS, there is no valid reason for helicopters to fly
15 over residential neighborhoods, except in emergency situations;
16 and
17

18 WHEREAS, the Hawaii Helicopter Association represents the
19 helicopter industry in the State; now, therefore,
20

21 BE IT RESOLVED by the House of Representatives of the
22 Thirty-first Legislature of the State of Hawaii, Regular Session
23 of 2021, the Senate concurring, that helicopter companies
24 operating in Hawaii are urged to avoid flying over residential
25 neighborhoods except in emergency situations; and
26


27 BE IT FURTHER RESOLVED that helicopter companies operating
28 in Hawaii are urged to take disciplinary action against pilots
29 who violate the foregoing requested restriction; and
30



H.C.R. NO. 95

1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the President of the
3 Hawaii Helicopter Association, who is requested to forward
4 copies of this Concurrent Resolution to the Association's
5 members; Administrator of the Federal Aviation Administration;
6 Director of the state Department of Transportation; and each
7 member of Hawaii's congressional delegation.
8
9
10

OFFERED BY:


MAR 11 2021

HOUSE CONCURRENT RESOLUTION

URGING HAWAII HELICOPTER COMPANIES TO AVOID CONDUCTING
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30



[Signature]

H.C.R. NO. 95

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3 Hawaii Helicopter Association, who is requested to forward
4 copies of this Concurrent Resolution to the Association's
5 members; Administrator of the Federal Aviation Administration;
6 Director of the state Department of Transportation; and each
7 member of Hawaii's congressional delegation.
8
9
10

OFFERED BY:



MAR 11 2021





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Hawai'i's Endangered Forest Birds Face Further Harm from Helicopters

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Like 11

Amid the furor and controversies generated by the recent marked increase in tour helicopter traffic on the Big Island, Harry Kim, the county's Civil Defense administrator, voiced his usual good sense and fresh perspective:

“We need someone to speak for the birds.” Kim’s observation was made at an at-times rancorous meeting March 1, 1993, of members of the public with representatives of the Federal Aviation Administration, the agency that claims complete, unbreachable jurisdiction over every cubic inch of navigable airspace in the United States. Delegates of community organizations in the heavily impacted Puna and Ka’u districts of the island told the FAA representatives their concerns about the unbearable levels of noise generated by the tour helicopters. It was left largely to Harry Kim and Dan Taylor, chief of resources management at Hawai’i Volcanoes National Park, to raise the point that the helicopters noisy presence is more than a nuisance to humans; for Hawai’i’s surviving native forest birds, many species of which already are perilously close to extinction, the helicopters may present stresses sufficient to cause further population declines.

Stressed Out

As with many other threats to natural resources, tour helicopter traffic in the state has been allowed to develop without regulation to the point that, today, it has reached a size and scope that defies belated attempts at control. Because of this lack of regulation, the studies that might indicate the ways in which this industry harms Hawai’i’s environment- natural and social – have not been done. No environmental impact statement has been prepared; no mitigating measures have been identified. Perhaps understandably, federal regulators have taken their mandate to supervise industry safety to refer only to the health and welfare of humans.

In any event, for whatever reason, there are no studies of the impact of helicopter traffic on Hawai’i’s forest birds.

To say that, however, is not to say that there is no impact on the state’s birds. Far from it. In one of the earliest known incidents, a golden eagle living in Kaua’i’s Waimea Canyon was “turned into mincemeat through a fatal encounter with a chopper.” as the late noted biologist Wayne Gagne put it in a letter to the *Honolulu Advertiser* in August 1987. (Just how the golden eagle came to reside in Waimea Canyon in the first place remains a mystery.)

Such encounters may be rare. But other types of disturbance, short of direct hits, can be just as serious and life-threatening.

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Taylor, the resources chief at Volcanoes National Park, says that although hard data may be lacking, enough evidence is at hand already to support restrictions on helicopter over flights of areas inhabited by native birds. “Birds have a very tight energy budget,” he said in a recent interview. In this budget, there’s no room for extraneous activity, according to Taylor. “If something alarms them or causes them to depart from their routine, the birds have to rely on their energy buffer- if they have one.”

Helicopters can and do disturb the birds’ behavior, Taylor says. “The overhead noise is especially disruptive. It is something that is totally new; the birds have not evolved with it. It causes them to lose contact with other birds. It disrupts their sense of territoriality since they cannot hear other birds calling. It interrupts courtship and mating activities, and nest-building.

“The birds’ search for food is disturbed, since they cannot hear other birds signaling to them. When low-flying helicopters cause them to abandon their nests, their young can be left vulnerable to predators or starvation.”

And should they survive all that, Taylor says, the very stress of dealing with the helicopter noise can leave birds more susceptible to avian pox and avian malaria – scourges that already have decimated Hawai’i’s forest bird populations. “Birds aren’t all that different from humans in their reaction to stress,” Taylor says. “Their immune systems can be weakened by stress, just like ours.”

Observed Behavior

To observe the effects of helicopters on birds, Taylor has had to do no more than lookout the window of his office in the park. “I had been watching an apapane build its nest,” he says. “It would perch on a branch of that young koa tree, then drop to the ground, have a look around, pick up a straw, hop about with it a few seconds, then return with it to the branch where it was building its nest.”

Taylor says he watched the bird, and its growing nest, for several days. Although his office is not in an area of the park that is regularly overflowed by helicopters, one day a low-flying helicopter passed overhead. The apapane took flight immediately and never returned to complete its nest.

Hawai’i’s state bird is the nene, an endangered species of goose that, if it were allowed to continue uninterrupted on its evolutionary course, would probably be flightless in a few millennia. The nene today is a heavy bird and reluctant enough to take to the air that many people consider it incapable of flight.

The slowness of the nene to resort to flight may have led some to think that these birds are more tolerant of helicopters. Testimony to this effect was given, for example, when Hawai’i County was considering allowing a helipad near a golf course in Volcano known to be frequented by nene. (Installation of the helipad was approved, by the way.)

Taylor, however, reports that park staff have seen even nene take flight. “A flock of them were subjected to three quick overflights in a tow,” he says. “After the first one, they did nothing. After the second one, they scattered. After the third one, they flew out of the area.” Taylor says that park staff reported that the nene never did return to that site.

‘Common Sense’

Richard Wass, manager of the U.S. Fish and Wildlife Service’s Hakalau Forest National Wildlife Refuge, acknowledges that there have been no rigorous scientific studies of the impact of helicopter traffic on birds. Still, he says, it’s just “common sense” to think that the helicopters have a detrimental effect.

“We know birds react to loud noises and stimuli that are startling,” he said in a recent telephone interview. “We’re concerned about helicopter traffic for that reason, particularly during nesting season, when birds are on their nests, either incubating eggs or protecting or feeding their young. When startled, they can jump up quickly, causing eggs or young to fall out of the nest and to break or be lost.

“Also, the loud noise can be a stress and can affect their normal behavior. I don’t want to be anthropomorphic, but what you can call the birds’ maternal instincts can get disrupted by stress. They forget to feed their young, to come back to nest. Some of this is speculation, of course. It’s difficult to prove.

Helicopter flights over the Hakalau refuge do not occur as frequently as they do over areas in the national park, Wass noted. The refuge is frequently clouded in. “There are no spectacular waterfalls or other scenery- just acres and acres of green forest,” he said. Even so, Wass believes that the helicopters are disturbing to the endangered birds of the refuge.

“There’s a couple of things about helicopters. First, there’s the noise. The wop-a-wop-a-wop-a is unnatural and alarming.”

Second, Wass said, “the fact of any object flying over the birds brings on what he described as the predator stimulus.”

“Hawaiian forest birds have been preyed on in the past by hawks and owls,” Wass said. “As the predators fly over, they create a shadow. This, too, is disruptive to the forest birds.”

For these reasons, Wass said, he is “leaning towards asking for helicopter overflights to be excluded from the refuge or limited to flying at least 2,000 or more feet above the refuge.”

Studies Elsewhere

Assessments of the impact of aircraft noise on wildlife anywhere are relatively uncommon. One of the consultants who has done them on the mainland is Douglas Gladwin, whose firm, Sterna fuscata, is based in Colorado.

In a recent telephone interview Gladwin said studies had found three basic types of impacts on birds: physiological, behavioral, and reproductive, with all of them somewhat related.

Noise from overflights can trigger such physiological changes as quickened respiratory and heart rates, changes in body chemistry and damage to hearing. The hearing damage – changes in the threshold levels at which birds can detect noise – may be temporary but so long as it lasts, can have severe impacts on the affected animal. Mating behavior can be changed, as well as predator-prey relationships.

In the area of behavioral changes, noises have been known to drive birds from their habitat, Gladwin said. “If overflights are frequent enough, they could preclude the birds’ use of prime habitat.” Birds driven from their habitat are also more likely to be killed or injured while dislocated, he said.

Finally, the impacts of noise on breeding can lead to diminished fertility rates and eventual declines in population, Gladwin said. While there is not a lot of evidence that noise itself kills, “there is evidence that on being disturbed, parents will be driven from their nests and leave their young exposed to predators,” he added.

The Hit List

On the Big Island and on Maui, helicopters regularly carry tourists at virtually treetop level over areas that are home to rare and endangered birds. Wilderness areas in two national parks – Hawai’i Volcanoes, on the Big Island, and Haleakala, on Maui – are not the only affected areas. Other sensitive areas on the Big Island include the 15,000-acre Hakalau Refuge, the Waimanu Valley National Estuarine Research Reserve, the state’s Natural Area Reserves at Pu’u Maka’ala (12,100 acres adjoining Volcanoes National Park) and Pu’u o Umi (10,100 acres), and the new Pu’u Wa’awa’a wildlife sanctuary, where the state hopes eventually to be able to reintroduce to the wild captive-raised endangered birds.

On Maui, besides Haleakala National Park, there are the Nature Conservancy’s Waikamoi Preserve, adjoining the park, and the lands on West Maui, at Pu’u Kukui, that the Conservancy manages under the state’s Natural Area Partnership program for Maui Land and Pineapple Company. The state’s 7,500-acre Hanawi Natural Area

Reserve is in East Maui, also abutting the national park The state’s West Maui Natural Area Reserve consists of four parcels totaling 6,700 acres.

Among the endangered species of birds found in these areas are the ‘akepa, the ‘akiapola’au, the Hawai’i creeper, the Maui creeper, the ‘io (Hawaiian hawk), the ‘o’u, the nene, and the palila (depicted on page 1.) On the Big Island, some of the same areas are inhabited by the endangered Hawaiian hoary bat, the state’s only native land mammal.

All of these areas also contain native plants, including many that are federally listed as endangered or threatened. Plants cannot, of course, respond to noise in the same fashion as animals, but they nonetheless can be affected. If native birds disappear; the plants can lose their natural pollinators – and thus their ability to reproduce.

According to Wass, manager of the Hakalau Forest National Wildlife Refuge, “It’s quite likely that there’s a relation between forest birds and endangered plants. In many cases, birds are their normal pollinators. Birds also spread seeds in their droppings.”

“There’s speculation that the decline of birds is one of the reasons for the decline of plants,” Wass added.

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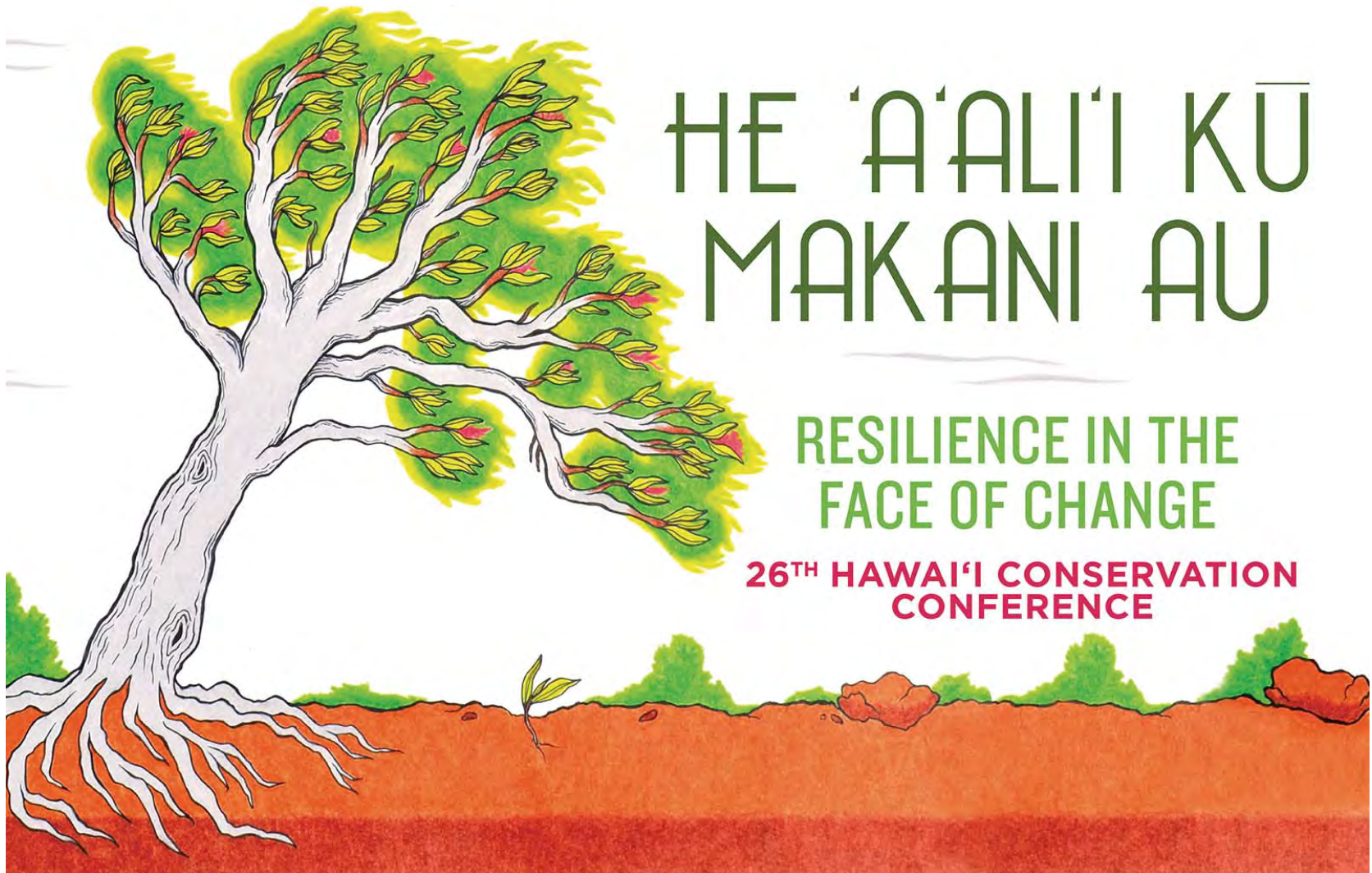
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Abstract Book

Examining the Effect of Helicopter Noise on Bird Assemblages in Hawai'i's Protected Natural Areas

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