National Parks Air Tour Management Act of 2000

Hawai’i Volcanoes National Park
Open House Public Meetings
Comment on Preliminary Alternatives
April 18 - 20, 2011
The National Parks Air Tour Management Act requires the Federal Aviation Administration, in cooperation with the National Park Service, to develop an Air Tour Management Plan (ATMP) for each park or tribal land where air tour operations occur or are proposed.
Objective of an ATMP: “develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands.”
Agency roles and responsibilities from the Act:

The Federal Aviation Administration (FAA) has sole authority to control airspace over the United States and FAA has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of overflights on public and tribal lands.
Agency roles and responsibilities from the Act:

NPS has the responsibility of conserving the scenery, natural and historic objects, and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations.
The Act applies to:

- Air tours within ½ mile of park
- Over tribal lands within or abutting a park
- 5,000 feet altitude or less above ground level (AGL)

Exceptions:

- Alaska
- Grand Canyon National Park
- Rocky Mountain National Park
- Flights over Lake Mead NRA when used solely as Grand Canyon National Park transportation route
ATMP must comply with the *National Environmental Policy Act* – NEPA

- FAA – Lead NEPA Agency
- NPS – Cooperating NEPA Agency
- Tribe – If abutting tribal lands, tribe must be solicited as cooperating agency
- Act requires FAA and NPS to sign the final environmental decision document for each park
National Parks Air Tour Management Program

- 85 National Park Units
- 23 Tribal Lands
- 71 Air Tour Operators
- 302,601 Annual Interim Operations Authorized
FAA and NPS are currently working on the following ATMPs:

- Mount Rushmore National Monument
- Badlands National Park
- Hawai’i Volcanoes National Park
- Haleakala National Park
- Death Valley National Park
- Mount Rainier National Park
- Petrified Forest National Park
ATMP/NEPA Process – Planning and Environmental Analysis

- Public Scoping
- Alternatives
- Section 106 of the National Historic Preservation Act and tribal matters
- Section 7 consultation with US Fish & Wildlife Service
- Environmental analysis
  - FAA Order 1050.1E
  - NPS Director’s Order #12
- Draft and Final NEPA document
- Decision
Public involvement opportunities

- Scoping
- Public comment period
- Act specifies at least one public meeting
- Contact lists

Agencies and other opportunities

- Endangered species consultations
- Participation of tribal communities
- Agency meeting
Alternatives Development per the Act

Potential Alternatives and other ATMP Elements

An ATMP:

a. May prohibit commercial air tour operations in whole or in part

b. May establish conditions for the conduct of air tour operations including routes, altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights, etc

c. Shall apply to all commercial air tour operations within ½ mile outside the boundary of a national park
Potential Alternatives and other ATMP Elements

An ATMP (cont.):

d. Shall include incentives for the adoption of quiet aircraft technology

e. Shall provide for the allocation of opportunities to conduct air tours when the ATMP limits the number of operations

f. Shall justify and document the need for measures taken pursuant to items (a) through (e), above, and include such justifications in the record of decision”
Each ATMP will require a federal rulemaking action

ATMP rulemaking completed by FAA
Definition of Interim Operating Authority

Existing Commercial Air Tour Operator- A commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on April 5, 2000.

Annual authorization (interim operating authority – IOA) will be given for the greater of the number of flights used within the 12 month period prior to April 5, 2000

Or

The average number of flights per 12 month period used within the 36 month period prior to April 5, 2000, and for seasonal flights the number of flights used during the season or seasons covered by that 12 month period

Existing Commercial Air Tour Operator- A commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on April 5, 2000.

Annual authorization (interim operating authority – IOA) will be given for the greater of the number of flights used within the 12 month period prior to April 5, 2000

Or

The average number of flights per 12 month period used within the 36 month period prior to April 5, 2000, and for seasonal flights the number of flights used during the season or seasons covered by that 12 month period
Interim Operating Authority – as granted by FAA
(Federal Register, Vol. 70, No. 194, October 7, 2005, page 59778)

14 operators: 28,441 operations
Above It All = 3878
Big Island Air, Inc. = 1643
Call Air, Inc. = 102
Hawaii Helicopters, Inc. = 141
Blue Hawaiian Helicopters = 12413
Tropical Helicopters = 1684
Volcano Heli-Tours, Volcano Helicopters, Inc. = 800
Maui Air, Volcano Air Tours = 611
Mokulele Flight Service, Inc. = 60
Paragon Air, Inc. = 1019
Magnum Helicopters (Rainbow Pacific) = 45
Safari Helicopter Tours = 3920
Makani Kai helicopters (Schuman Aviation Company) = 25
Sunshine Helicopters, Inc. = 2100
Background

Red Lava = Air Tours


2000 NPATMA IOA: 28,441 flights

During peak periods, the park experiences up to 60 flights per day.

Air tours are lava bound or in search of an eruption view.

Flights circle multiple times at viewing areas and fly above neighboring communities.
Hawai‘i Volcanoes ATMP History

2004 NOI for EA/Public Scoping

2005 Internal Alts Development (12 Alts)
- Sensitivity Modeling/Acoustic Modeling/Maps
- EA to EIS/Alts. Development

2007 Internal Alts Workshops

FALL 2009 FAA/NPS Internal Reviews

FALL 2010 NPS Completes Internal Review of Draft Alts. Approved by PWR Acting Regional Director

December 2010 FAA Approves Draft Alts
**Issues**

**Cultural**

- Kīlauea Volcano is the home of Pelehonuamea, deity of Hawaiian Volcanoes (Ka Piko O Ka Honua)
- Red lava represents the birth of Pele

Traditional use includes chants and dance that depend upon natural sounds and unobstructed vistas; skies are a layered extension of a sacred landscape.
Issues

Designated Wilderness 130,950 acres (GIS)
Visitor Experience and Soundscapes

- No commercial flight paths
- HAVO has locations with very quiet soundscapes (10-15 dbl.)

- Concentrations of visitors and air tours.
- Visitors exposed to unexpected, multiple air tours in quiet soundscapes.
Widespread Endangered Bird Species

Year-round/Overlapping Nesting Seasons (7 T&E birds)

Concentrated Recovery Areas Vary Year to Year

Active Recovery Sites for Hawaiian Goose (Nene) Year 2000=1000 individuals Critically Endangered Forest Birds
Safety

Routine Weather

- Prevailing trade winds create constant and routine inversion.

Altitude Deviations

- Hawaii FAA safety regs allow pilot discretion to drop to 200’-500’ above ground level for safety reasons.
Kīlauea and Mauna Loa are Active Volcanoes

2008 Kīlauea Summit Eruption
Alternative Elements

• Maximum and minimum altitudes
• Caps on numbers of overflights
• Weather routes
• Competitive bidding – must bid if set caps on numbers
• Quiet Technology
• Curfews
• Reporting requirements for fee payments
• Adaptive Management
• Pilot Education
Alternative 1  No Action /IOA

Objective: Required by NEPA  CEQ

- No Action: What is legally-allowed and would continue under existing law: 28,441
- Current condition baseline: What is actually being flown? 12,000-18,000
- Routes? Kilauea TFR may be analyzed in current condition routes, otherwise no mandatory flight routes or zones.
Alternative 2

Objective: Examines impacts of no air tours in the ATMP planning area

- Greatest protection for park resources, visitors and safety
- Overflights continue outside of planning jurisdiction: ½ mile outside of park boundary; above 5,000 ft AGL if over park.
- Viewing of lava flows on Kīlauea’s SE rift zone and ocean lava flows possible. Insures continued economic viability of air tour operators but may concentrate community noise issues.
Alternative 3

Objective: Examines impacts of providing multiple air tour access to the most volcanically active areas of the park, with mitigation and adaptive management for future change.

- Adaptive mgmt for routes and species
- Caps on numbers of flights and daily caps
- Time limit on loitering / circling
- Sunday curfews/event restrictions
- Quiet Technology: Incentives on caps, altitude, time of day, day of week subject to analysis
- Mandatory pilot education
Alternative 4
Objective: Examines impacts of providing air tour access to SE Rift zone; west side access across Kahuku. Heart of park free of air tours

- Adaptive mgmt for routes and species
- Caps on numbers of flights and weekly caps
- Loitering / circling *not allowed*
- Sunday curfew and *voluntary* event restrictions (10-4pm)
- Potential quiet technology relief for time of day etc. subject to impacts analysis
- *Voluntary* pilot training/ education
Alternative 5

Objective: Examines impacts of providing multiple air tour access to historically active volcanic areas of the park with no mitigations

- Adaptive mgmt for routes and species
- Caps on numbers of flights *annually but no daily or weekly caps*
- Loitering / circling restrictions TBD
- Curfews and event restrictions - *none*
- Quiet technology – *minimal incentives*
- Training, pilot education - *none*
Next Steps

2011

• Public Review of Preliminary Draft Alternatives
• Revision of Draft Alternatives

2012

• Impacts Analysis
• Draft EIS to public
Questions??

Please let us know if you have any questions about the National Parks Air Tour Management Act.

Mahalo for your interest in the Hawai‘i Volcanoes National Park Air Tour Management planning process.