



United States Department of the Interior

NATIONAL PARK SERVICE
Hawai'i Volcanoes National Park
Post Office Box 52
Hawaii National Park, Hawai'i 96718



IN REPLY REFER TO:
HAVO I.D. (L7621)

November 30, 2012

Ms. Bobby Jean Leithead-Todd
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, HI 96720

Dear Ms. Leithead-Todd,

We are in receipt of special permit application SPP 12-000143, received on November 8, 2012, regarding the proposed helicopter landing site on a property directly adjacent to Hawai'i Volcanoes National Park. As a neighboring land owner to the subject property, and an agency charged with the protection of natural and cultural resources for enjoyment by future generations, we submit these comments.

We have strong concerns regarding the precedent this special permit may set, as well as the impact on the park and park visitors. Hawai'i Volcanoes National Park (HVNP) is designated as a National Park, as well as a World Heritage Site and International Biosphere Reserve, due to its volcanic, ecological and cultural significance. Visitors come to their national parks to experience the natural quiet and solitude. Park managers are charged with protecting critically endangered species, wilderness, and park soundscapes as well as limiting activities that cause unnecessary noise or threaten the natural quiet. The proposed landing site adjacent to the park boundary will potentially have direct impacts to the national park's resources and visitors.

Congressional and National Park Service (NPS) concerns regarding the impacts of over flights on the national parks led to passage of the National Parks Air Tour Management Act (NPATMA) in 2000. The National Park Service has been working with the Federal Aviation Administration (FAA) to develop an Air Tour Management Plan and Environmental Impact Statement (ATMP/EIS) for commercial air tour activities within the airspace of Hawaii Volcanoes National Park for 5,000' above ground level (agl) and below including a ½ mile buffer zone beyond park boundaries, in order to mitigate or prevent the significant impacts of commercial air tour operations over the park. Under NPATMA, we have the authority to regulate air tours within the park and including the ½ mile buffer outside the park boundary. During our public comment process for the ATMP/EIS, a range of alternatives was developed with public input. A landing site on the park boundary is not a component of any of the alternatives developed. Throughout the special permit application, it is stated that the landing and take-off at the subject property are *a part of* a volcano/eruption air tour. We are concerned about the precedent of allowing an air tour helicopter landing pad within 300 feet of the park boundary and within the ½ mile buffer zone prior to the completion of the ATMP.

The NPS recognizes that the commercial air tour industry is important to the economy of Hawai'i. In addition to air tours, helicopter companies on the island fly trips for media coverage and work as contractors for local jurisdictions and private parties. However, the tourism industry benefits from the continued protection of the superlative resources of its national parks, unimpaired (Federal Register Vol. 59, No. 52). In 2010, 1,304,667 visitors spent \$88,258,000 while visiting Hawai'i Volcanoes National Park and communities near the park. That spending supported 1,162 jobs in the local area. Most of the 2010 spending/jobs are related to lodging, food, and beverage service (52 percent) followed by other retail (29 percent), entertainment/amusements (10 percent), gas and local transportation (7 percent) and groceries (2 percent). HVNP is an economic engine for Hawai'i County.

The National Park Service manages park soundscapes or "natural quiet" as a park resource, which is based on public law and is defined in NPS policy. In 2007, park studies revealed nearly two-thirds of surveyed visitors rank the ability to hear natural sounds as important to their enjoyment and appreciation of the park and three-quarters of these visitors equate annoyance and negative feelings with human-caused sounds including aircraft and vehicle noise (2007. Social Science Research to Inform Soundscape Management, Steve Lawson, Department of Forestry, Virginia Polytechnic Institute and State University).

The park's large expanses of lava produce landscapes that offer little sound shielding, creating long "time audibles" for human or mechanized sounds. From preliminary acoustic modeling (USDOT, Volpe National Transportation Center 2008), air tours on the Pu'u 'Ō'ō boundary are audible for 10-15 minutes for 5-10 miles on either side of the flight track. In these areas, noise has the potential for creating an acoustic impact on humans and wildlife.

While helicopter tours do provide visitors with a unique experience, the acoustic footprint or noise impact is very different between an air tour traveling overhead at altitude compared to a helicopter landing that occurs multiple times per day. Noise levels of a single air tour can range from 50 to 87 decibels, depending on height above ground level, while the noise of landing and take-off is up to 120 decibels. Sound levels above 60 decibels begin to interfere with close range conversational speech. It should be noted that the decibel scale is logarithmic, so an increase of only 3 decibels is equivalent to a doubling of sound energy. The natural soundscapes in this area, without the presence of air tours, are known to have very low levels of natural ambient sounds (such as wind and insects) and have been measured at 10-35 decibels.

The Helicopter Landing Area at Royal Gardens Final EA and related special permit application do not adequately address the cumulative impact of noise/impacts to the soundscape from helicopter tours, which include not just Paradise Helicopters but other companies as well. Paradise Helicopter tours do contribute to the cumulative noise impact. In addition, the increased noise and rotor wash from repeated take-off and landings will further increase the impact of noise on area soundscapes.

There may also be impacts to adjacent park resources from the noise and rotor wash associated with repeated take-off and landings near relic forested areas that still exist in the area. The relic forested areas frequently harbor bird species such as the federally endangered i'o (Hawaiian hawk), as well as other more common species.

Park visitors hike long distances to view active lava flows and the creation of a landing site adjacent to the park boundary, in a very active lava flow area, has the potential to negatively impact the park visitor experience.

The final environmental assessment indicated that this area of the park is closed to visitors, but that is not accurate. The park boundaries near the proposed landing area are not closed to the public, and hikers to the East Rift Zone within park boundaries are not in violation of park policy. The only closure to hikers in this area is further upslope from the proposed landing area: from Nāpau Crater to Pu'u 'Ō'ō, including the slopes of Pu'u 'Ō'ō cone itself. The pali and coastal plain are open to the public. This area is accessible from the end of the Chain of Craters Road and the park has information at the trailhead regarding the features and hazards to watch out for in the area.

The proposed landing site is located adjacent to the Puna-Ka'ū Historic District of the park, which is on the National Register of Historic Places. The Southeast Rift Zone is associated with the birth of Pelehonuamea and creation of Hawaiian culture, as the sites of new lava flows are felt to be some of the most sacred places. Our Kupuna have stated that they feel the sight and presence of these low-flying aircraft to be culturally inappropriate, the airspace is sacred. The area within the park that borders the proposed landing site is a section of 42,000 acres of parklands known as the Kalapana Extension. This section of the park is governed by specific 1938 legislation regarding its use by Native Hawaiians for fishing and homesteading. We encourage you to consult with the organized community groups in Kalapana regarding any potential for cultural impacts.

In regards to safety, over a nearly 30 year period, the park has experienced concentrations of visitors, geologists, and NPS personnel on the ground at lava viewing and monitoring sites and in areas offering access to the lava. Crowds of visitors on trails, at parking areas, and at viewing areas average up to 5,000 visitors per day when lava is present. Scientific equipment that is essential for volcanic monitoring is also located in these areas. Current noise issues include aircraft noise interference with scientific equipment data collection, interference with on-the-ground conversation and radio use, and interference with hearing sounds associated with volcanic activity, essential for visitor and staff safety. In 2011, low-flying aircraft (helicopters) jeopardized the safety of US Geological Survey Hawaiian Volcano Observatory scientists on the ground during an active eruption.

As you are aware, Mr. Thompson's home and property have been covered by lava. The data, maps, and photographs are outdated and inaccurate in many locations of the special permit application. If this application is to be considered for approval, we feel this should be corrected first to ensure all parties receive accurate information prior to making a decision regarding the special permit application. Some examples of the inaccuracies follow.

On pages 16 and 17, the description regarding the setting is inaccurate. Mr. Thompson's home is no longer there as it was covered by lava in March 2012. Other corrections are related to the ATMP and NPATMA. FAA is the lead on the ATMP process, the NPS is a cooperating agency. The FAA and NPS developed the alternatives cooperatively and with public input. The map included on page 4 was provided to the public by the FAA and NPS during the draft alternatives review period as a part of the ATMP process. It is not a final or official map and should not be used for consideration of this special permit application. There is no official designation as a 'Pu'u 'Ō'ō Concentrated Flight Zone' and this information has been taken out of context in this permit application.

The park currently has four fixed wing and ten helicopter air tour companies that have been granted legal operating authority by the FAA to fly over Hawai'i Volcanoes National Park, referred to as an Interim Operating Authority (IOA).

Currently there are approximately 12,442 flights annually by the IOA holders (based on 2008-2011 data), but the IOA granted in 2003 allows up to 28,441 flights annually until the ATMP is completed, at which time the ATMP replaces the IOA. Paradise Helicopters is allotted 1,684 flights per year under the IOA of NPATMA. At this time, no other air tour companies are authorized to fly below 5,000' agl over the park or within the ½ mile buffer of air space beyond the boundary, other than the IOA holders. In addition, the IOA does not currently restrict the routes used by the air tour operators that have IOA. Any current restrictions are related to Temporary Flight Restrictions placed by the FAA (for example, Kilauea TFR/NOTAM FDC 8/9697) and any restrictions that are part of the Hawaii Common Procedures Manual (FAA Document Number AWP13-136A). Does Hawai'i County have restrictions on helicopters landing in remote areas other than for emergencies?

On page 13 the application states that the creation of the landing site can help sustain tourism in Puna. We question how this can be as the helicopter air tour flights originate out of Hilo, not out of Puna. From the information provided, it does not appear that the landing site will generate any revenue or tourism in Puna.

On page 13 the application states that the proposed use will provide the landowner with a reasonable method of access to his property that previously did not exist. This is not accurate – the landowner was previously accessing his property by helicopter. Additionally, this special permit application is not for landowner access, it is for use during a commercial activity (air tours). We are concerned that if this particular company is granted a special permit for a landing site, other air tour companies will request similar permits adjacent or in close proximity to the park, creating an even greater impact on the park's resources and visitors.

On page 18 we have a concern with the statements. Paragraph 3 quotes the Puna Community Development Plan (PCDP) describing noise and low-flying aircraft as being critically disturbing to residents. The statement by the applicant in paragraph 4 begins by saying that the PCDP is 'silent on the issue of helicopters'. It is common knowledge that helicopters are considered a 'low-flying aircraft', particularly as proposed in this special permit application. From the language quoted from the PCDP, it appears that the landing site is not in line with goals of the PCDP.

Should the county issue a special permit we request a survey should be completed by the landowner or applicant to ensure that the landing area is correctly sited on the subject property since boundaries will now be hard to distinguish. In addition, a survey will need to be completed to ensure that the passengers do not come into the park if Paradise Helicopters is not applying for a Commercial Use Authorization (as described in detail in the 11/21/2011 letter).

As previously stated, visitors come to their national parks to experience the natural quiet and solitude. Park managers are charged with protecting natural and cultural resources, including park soundscapes as well as limiting activities that cause unnecessary noise or threaten the natural quiet. We are concerned that the noise associated with repeated landing and take-offs of helicopters will negatively impact the natural quiet of the park and is a significant impact to the area. We do not support this special permit application due to the direct and cumulative impacts of noise on recreational users, wildlife, cultural practitioners, and soundscapes; as well as the precedent this special permit will set if approved.

Should this permit be considered for approval, please advise us of the scheduled hearing date so that we may prepare the Petition for Standing in Contested Case Hearing within the designated time frame.

If you have any questions regarding our comments and concerns, please call Danielle Foster, the park's Environmental Protection Specialist at 808-985-6073. Please ensure we are notified of all future actions related to the proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Orlando". The signature is written in a cursive style with a large initial "C".

Cindy Orlando
Superintendent

cc:

State Historic Preservation Division, William J. Aila, Jr.
State Historic Preservation Division, Theresa K. Donham