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OFFICE OF THE
COUNTY COUNCIL

MEMO TO: IT-72 File

F R O M: Yuki Lei K. Sugimura, Chair *Yuki Lei K. Sugimura*
Infrastructure and Transportation Committee

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSALS RELATING TO
RESOLUTION 22-71 AND RESOLUTION 22-74, AIRCRAFT NOISE
AND FLIGHT PATHS OVER MAUI COUNTY** (IT-72)

The attached legislative proposals pertain to Item 72 on the Committee's agenda.

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Attachments

Resolution

No. 22-71, CD1

URGING THE FEDERAL AVIATION ADMINISTRATION TO MORE EFFECTIVELY REGULATE AIR TOUR HELICOPTER OPERATIONS IN MAUI COUNTY

WHEREAS, air tour helicopters operating over Maui County pose safety risks to local communities and have increasingly disrupted the lives of residents in neighborhoods across the County; and

WHEREAS, excess aircraft noise can lead to increased stress levels, disrupted sleep, and widespread community annoyance; and

WHEREAS, noise from helicopters is a countywide issue, with noise complaints coming from West Maui to East Molokai and Pā'ia to 'Ulupalakua; and

WHEREAS, residents have reported low-flying helicopters over agricultural land, which frightens livestock animals and causes them to encroach on residential lands; and

WHEREAS, the Federal government has exclusive jurisdiction over all airspace in the United States, and Congress has placed exclusive authority for regulating such airspace with the Federal Aviation Administration ("FAA"), as expressed in Title 49 United States Code Section 40103;

WHEREAS, the FAA has the authority to adopt regulations "on the flight of aircraft . . . for navigating, protecting, and identifying aircraft" and "protecting individuals and property on the ground," as stated in Federal law; and

WHEREAS, for instance, the FAA has issued the New York North Shore Helicopter Route rule, which requires helicopter pilots to use a route one mile off the north shore of Long Island, reducing helicopter overflights and attendant noise disturbance over nearby communities; and

WHEREAS, Maui County deserve the same level of protection; and

Resolution No. 22-71, CD1

WHEREAS, the Council has long been concerned about helicopter noise and adopted Resolution 98-13, entitled "SUPPORTING THE AVIATION RULE-MAKING ADVISORY COMMITTEE'S EFFORTS TO CONTROL HELICOPTER NOISE," on February 6, 1998; and

WHEREAS, the quiet of Haleakalā National Park is both a local and national treasure, and air tour helicopter operations there should be discontinued; and

WHEREAS, it is essential to achieve a balance between the interests of residents and those of the air tour helicopter and small commercial aircraft industry that respects the peace, safety, and serenity that all residents in Maui County should be able to enjoy; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it urges the Federal Aviation Administration to more effectively regulate air tour helicopter operations in Maui County;
2. That it urges the Federal Aviation Administration to issue a rule to protect Maui County residents, similar to the New York North Shore Helicopter Route rule that protects Long Island residents;
3. That it urges the Federal Aviation Administration and the National Park Service to discontinue air tour helicopter operations at Haleakalā National Park;
4. That certified copies of this Resolution be transmitted to Steve Dickson, Administrator, Federal Aviation Administration; Raquel Girvin, Regional Administrator, Federal Aviation Administration; the Honorable Brian E. Schatz, United States Senator; the Honorable Mazie Hirono, United States Senator; the Honorable Kaiali'i Kahele, United States Representative; the Honorable Ed Case, United States Representative; the Honorable David Y. Ige, Governor, State of Hawai'i; Jade T. Butay, Director, Hawai'i State Department of Transportation; Ross Higashi, Deputy Director, Hawai'i State Department of Transportation; Marvin A. Moniz, Maui District Airports Manager, Airports Division, Hawai'i State Department of Transportation; Cade Clark, Co-Chair, Hawai'i Air Tour Noise and Safety Task Force; Alex Tamoria, Co-Chair, Hawai'i Air Tour Noise and

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Safety Task Force; Casey Riemer, Hawai'i Helicopter Association; Dr. Natalie Gates, Superintendent, Haleakalā National Park Service; Ka'i'ini Kimo Kaloi, Director, Office of Native Hawaiian Relations, United States Department of the Interior; Tiffany Chitwood, Manager, Honolulu Flight Standards District Office; John Shea IV, Director of Government Affairs, Helicopter Association International; Melissa McCaffrey, Western Pacific Regional Manager, Aircraft Owners and Pilots Association; Christopher Young, Executive Director, Tour Operators Program of Safety; and the Honorable Michael P. Victorino, Mayor, County of Maui.

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INTRODUCED BY:



Resolution

No. 22-74, CD1

URGING THE FEDERAL AVIATION ADMINISTRATION TO ADHERE TO THE NOISE ABATEMENT AREAS OVER MAUI COUNTY

WHEREAS, the Council has heard from residents across the County, including South Maui, Central Maui, North Shore Maui, West Maui, East Maui, and East Molokai, about the increase in aircraft noise above their properties in recent years; and

WHEREAS, these residents have raised concerns regarding property values, the ability to quietly enjoy their properties, and health and environmental impacts; and

WHEREAS, the Hawaii Airports and Flying Safety Guide, published by the Hawai'i State Department of Transportation in 2013, maps out noise abatement areas for the Island of Maui; and

WHEREAS, many documented flight paths cross these noise abatement areas; and

WHEREAS, changing flight procedures is a lengthy and complex process involving baseline analysis and feasibility studies, coordination with stakeholders to design a safe procedure that meets project objectives, environmental review, quality control, and if required, flight validation; and

WHEREAS, the Federal Aviation Administration ("FAA") publishes their proposed procedural changes on the Instrument Flight Procedures Information Gateway website, but the site is not intended to fulfill obligations under the National Environmental Policy Act, which includes the impacts of aircraft noise; and

WHEREAS, in correspondence transmitted to the Maui County Council's Infrastructure and Transportation Committee, the FAA stated that to avoid the appearance of giving an advantage to one party, they do not meet with local communities, but only engage in roundtables, task forces, or other similar forums with broad stakeholder representation; and

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WHEREAS, these discussions need to be sponsored by the local airport or the local government; and

WHEREAS, airports are under the jurisdiction of the Hawai'i State Department of Transportation; and

WHEREAS, the Mayor is the Chief Executive Officer of the County of Maui; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it urges the FAA adhere to the mapped noise abatement areas over Maui County and to hear citizens' concerns and work to address noise complaints;
2. That it urges the Hawai'i Congressional Delegation to convene a roundtable with the FAA to immediately address Maui County residents' concerns;
3. That it urges the Hawai'i State Department of Transportation and the Mayor to independently or jointly establish a community roundtable or task force on aircraft noise with the FAA;
4. That it recognizes the concerns raised by the community and agrees that aircraft noise is an issue that must be addressed at all levels of government with relevant authority; and
5. That certified copies of this Resolution be transmitted to Keeaumoku Kapu, Chair, Aha Moku O Maui; Po'o Karen Kamalu Poepoe, Molokai Aha Kiole; Raquel Girvin, Regional Administrator, Federal Aviation Administration; the Honorable Brian E. Schatz, United States Senator; the Honorable Mazie Hirono, United States Senator; the Honorable Kaiali'i Kahele, United States Representative; the Honorable Ed Case, United States Representative; Jade T. Butay, Director, Hawai'i State Department of Transportation; Ross Higashi, Deputy Director, Hawai'i State Department of Transportation; Marvin Moniz, Maui District Airports Manager, Airports Division, Hawai'i State Department of Transportation; Mr. Ka'ini Kimo Kaloi, Director, Office of

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Native Hawaiian Relations, U.S. Department of the Interior;
and the Honorable Michael P. Victorino, Mayor, County of
Maui.

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INTRODUCED BY:

Yuki Sei K. Sugimura