

Resolution

No. _____

URGING THE FEDERAL AVIATION ADMINISTRATION TO REGULATE
THE AIRSPACE TO ADHERE TO STATE OF HAWAII PUBLISHED NOISE
ABATEMENT ZONES OVER MAUI COUNTY
URGING THE STATE CONGRESSIONAL
DELEGATION TO URGE THE FEDERAL
AVIATION ADMINISTRATION TO ESTABLISH A
COMMUNITY ROUNDTABLE ON AIRCRAFT
NOISE WITH THE STATE DEPARTMENT OF
TRANSPORTATION AND THE MAYOR

WHEREAS, the Council has heard from residents across the County, including South Maui, Pāʻia, Haʻiku, West 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, Senator Brian Schatz and Hawaii Department of Transportation established Hawaii's Noise Abatement Zones, which were subsequently published in Hawaii's Airports and Safety Guide, 5th addition in 2012-13, where the congressman stated January 15, 2021 that "these procedures were implemented to require pilots to minimize the noise of their operations and direct pilots to avoid flying over populated areas."

WHEREAS, in response letter to Quite Skies Caucus Co chair Congressman Steven Lynch, D-MA on May 10, 2021, FAA Administrator, Steve Dickson, confirmed that the recent FAA Neighborhood Environmental Study, (NES), proved that a greater proportion of people are highly annoyedextremely distressed by aircraft noise, across all levels of DNL (day/night average sound level) than previously thought, and the FAA concession that "they are going to review current aircraft noise metric" acknowledges that it is flawed when used to determine noise policy.

WHEREAS, section 176 of FAA Reauthorization Act of 2018 to review FAA's community involvement practices for NextGen program as input was based on survey of the Air Traffic Control (ATO) and did not include input

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(by Cheryl Hendrickson)

Resolution No. _____

from key community stakeholders such as the local governments, the public and grassroots advocates

WHEREAS, communities away from airports are most impacted due to low ambient noise, concentrated flight corridors and frequency of flights because acoustics spread far and wide due to the steep, gullied Hawaiian topography, producing an echo effect where reasonable expectation of environmental peace has been ignored would be assumed.

r. WHEREAS, changes to historic flight routes have been made that had been in place for decades without considering of which that past Hawaii's local governments bodies had relied upon previous flight plans when setting zoning policy, and that the public also relied upon the information when buying purchasing affected homes.

WHEREAS, the FAA Modernization and Reform Act, PubL. No 112-95, 213 (c)(1), 126 Stat. 11,49., the FAA claims of Categorical Exclusion (CATEX) allows the FAA to forego customary environmental assessments, yet the FAA may not categorically exclude an action from environmental review if the administrator determines that extraordinary circumstances would council otherwise and under FAA own regulations, extraordinary circumstances exist when an action effects "are likely to be highly controversial on environmental grounds."

WHEREAS, in 2017 City of Phoenix vs FAA, the US Court of Appeals finds for Phoenix because FAA determination was arbitrary and capricious in that by keeping people in the dark, the FAA made it impossible for the state, local government or public to submit views on the NextGen potential effects, views the FAA is required to consider despite the FAA stance that no extraordinary circumstances existed and the new routes were "not likely to be highly controversial on environmental grounds."

WHEREAS, in 2019 State of Maryland vs FAA, dismissal under statute of limitations, the DC Court of Appeals reprimanded the FAA display of a pattern of serial promises that the agency is considering community noise concerns where citizens work in good faith with the FAA to fix problems resulting in several years and tens of thousands of meeting hours eventually becoming clear the FAA will do nothing and the citizens were forced to file litigation not to mention the FAA's lack of environmental analysis appears to have "given short shrift to required environmental analysis."

Resolution No. _____

WHEREAS, the FAA publishes procedural changes on their Instrument Flight Procedures (IFP) Information Gateway page which local governments and the public have 60 days from published date to mobilize a recourse for change in decision where the procedures are in aviation code and the public is unable to understand implications and descriptions, further the paths are not flown until the statute of limitations period has closed with the scope of interpretation being limited by how much the FAA shares and to figure out which procedures matter confirms Jeffrey Starin, President and Principal NextgenNoise.org

WHEREAS, Neil Okuna, Honolulu Control Facility 7/27/21 confirms required altitudes will vary when vectored for sequencing (lateral move to fit in with other flights) or when given a visual approach which means moving more mauka, bringing airlines lower over homes, causing disruption and degradation of Hawaii's forest reserves, public recreation and parklands.

WHEREAS, Mathias Basner, President of International Commission on Biological Effects of Noise confirms "noise and emissions over communities have environmental and public health impacts" and the FAA has admitted that emissions are harmful by stating one of the goals of NextGen is to reduce harmful toxic emissions by flying more efficient flight paths, allowing these harmful emissions over the same people hundreds of times a day, at lower altitudes that likely will result in cardiovascular stresses such as fetal health, high blood pressure, heart attacks, strokes as well as oxidative stress, inflamed lining of arteries and blood vessels.

WHEREAS, Dirk Schreckenberg, Zeus GmbH, Center for Applied Psychology, Environmental and Social Research, Germany indicates Non Acoustical Factors, (NAF) contribute to annoyance, WHO recognizes annoyance as a critical health issue in that repeated noise related disturbance provokes an underlying stress response in human beings bringing on emotional and attitudinal response to sound and its disturbing impact where trust and annoyance are reciprocally related to psychological stress response in that perception of trust and fairness are eroded by the distressful insight that one cannot do much against a noise situation, a perceived loss of control.

Resolution No. _____

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 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~~

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

WHEREAS, ~~airports are under the jurisdiction of the State Department of Transportation; and~~

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

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

1. That it asks for the assistance of Hawaii's Congressional delegation to have the FAA observe the State of Hawaii published Noise Abatement Zones~~FAA hear the citizens' concerns and work to address the noise complaints;~~
2. That it urges the State Department of Transportation and the Mayor to independently or jointly establish a community roundtable on aircraft noise with the Federal Aviation Administration;
23. That it recognizes the concerns raised by the community and agrees that aircraft noise is an issue that needs to be

Resolution No. _____

addressed at all levels of government with relevant authority;
and

34. That certified copies of this Resolution be transmitted to 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, State Department of Transportation; Ross Higashi, Deputy Director, State Department of Transportation; Marvin Moniz, Maui District Airports Manager, State Department of Transportation, Airports Division; and the Honorable Michael P. Victorino, Mayor, County of Maui.

IT Committee

From: cheryl hendrickson <chermcmaui@gmail.com>
Sent: Tuesday, March 22, 2022 1:35 PM
To: IT Committee
Subject: Resolution 22-74
Attachments: Reso 22-74 changes.pdf

You don't often get email from chermcmaui@gmail.com. [Learn why this is important](#)

Aloha-
Please share my suggested changes to Reso 22-74
Mahalo,
Cheryl Hendrickson