

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1696

To provide for the regulation of the airspace over National Park System lands in the State of Hawaii by the Federal Aviation Administration and the National Park Service, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 1993

Mrs. MINK introduced the following bill; which was referred jointly to the Committees on Natural Resources and Public Works and Transportation

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## A BILL

To provide for the regulation of the airspace over National Park System lands in the State of Hawaii by the Federal Aviation Administration and the National Park Service, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. FINDINGS.**

4        The Congress finds the following:

5            (1) The National Park Service administers Fed-  
6        eral parks, monuments, and reservations, to conserve  
7        the scenery, the natural and historic objects, and  
8        wildlife therein, and provides for the enjoyment of

1 the same in such manner and by such means as will  
2 leave them unimpaired for the enjoyment of future  
3 generations.

4 (2) It is the function of the Federal Aviation  
5 Administration to manage the safe and efficient use  
6 of the navigable airspace of the United States, as  
7 provided for in the Federal Aviation Act of 1958 (49  
8 U.S.C. App. 1301 et seq.).

9 (3) The National Park Service lands in the  
10 State of Hawaii, consisting of Kaloko-Honokohau  
11 National Historical Park, Kalaupapa National His-  
12 torical Park, Pu'u honua o Honaunau National His-  
13 torical Park, Pu'u Kohola Heiau National Historic  
14 Site, Haleakala National Park, and Hawaii Volca-  
15 noes National Park, are managed for the purposes  
16 of wilderness preservation, protecting natural, cul-  
17 tural, historical, and wildlife resources, and for pro-  
18 motion of the public enjoyment and use of these re-  
19 sources.

20 (4) Haleakala and Hawaii Volcanoes National  
21 Parks are designated by the United Nations as  
22 International Biosphere Reserves because of their  
23 internationally significant scenery and plant and ani-  
24 mal communities, and furthermore that Hawaii Vol-  
25 canoes National Park is designated by the United

1 Nations as a World Heritage Site because of the sig-  
2 nificance of Mauna Loa and Kilauea Volcanoes.

3 (5) In recognition of the values for which Na-  
4 tional Park Service lands are managed, an above  
5 ground level (AGL) minimum altitude of 2,000 feet  
6 shall be established for aircraft flying in airspace  
7 over certain lands administered by the National  
8 Park Service.

9 (6) The auditory and visual intrusion of aircraft  
10 flying at low altitudes is the source of public com-  
11 plaint in certain areas administered by the National  
12 Park Service.

13 (7) Aircraft flying at low altitudes may pose a  
14 potential hazard to wildlife in certain areas adminis-  
15 tered by the National Park Service.

16 (8) Aircraft flying at low altitudes over large  
17 concentrations of migratory birds may pose a poten-  
18 tial safety hazard to pilots and passengers in certain  
19 areas administered by the National Park Service.

20 (9) The Federal Aviation Administration and  
21 National Park Service shall act in cooperation to re-  
22 duce the incidence of low-flying aircraft, including  
23 fixed-wing aircraft, helicopters, ultralight vehicles,  
24 balloons, and gliders over National Park Service ad-  
25 ministered land by complying with the 2,000 feet

1 AGL minimum altitude requirement, and to avoid  
2 flying over areas which the National Park Service  
3 designates as noise-sensitive, and to respect standoff  
4 distances away from areas which the National Park  
5 Service designates as primary visitor use areas.

6 **SEC. 2. NATIONAL PARK SERVICE RESPONSIBILITIES.**

7 The Director of the National Park Service shall be  
8 responsible for the following:

9 (1) IDENTIFICATION OF SPECIFIC AREAS.—  
10 Identifying specific areas where low-flying aircraft  
11 may constitute an adverse impact on resources and  
12 conveying specific information, including annotated  
13 maps, which indicate designated flight-free areas  
14 and primary visitor use areas, to the Federal Avia-  
15 tion Administration for appropriate action as de-  
16 scribed in section 3.

17 (2) LOW-FLYING REPORTING SYSTEM.—Devel-  
18 oping and implementing a standardized reporting  
19 system acceptable to the Federal Aviation Adminis-  
20 tration to document instances of low-flying aircraft  
21 over National Park Service administered lands. This  
22 reporting system shall provide for transmittal of  
23 such documentation in a timely manner to the Hon-  
24 olulu Federal Aviation Administration Flight Stand-  
25 ards district office.

1           (3) TRAINING.—Developing training programs  
2           and instructional materials for National Park Serv-  
3           ice personnel to enable them to recognize and report  
4           instances of low-flying aircraft in a competent and  
5           professional manner. The appropriate training pro-  
6           grams of the National Park Service shall expand to  
7           incorporate the subject matter into in-service train-  
8           ing requirements. The Director of the National Park  
9           Service shall seek the assistance of the Federal Avia-  
10          tion Administration to help develop training cur-  
11          ricula.

12          (4) QUARTERLY MEETING.—Making personnel  
13          available from the National Park Service to meet  
14          quarterly with the Federal Aviation Administration  
15          and affected pilots to discuss resources management  
16          objectives and issues associated with low-flying air-  
17          craft.

18 **SEC. 3. FEDERAL AVIATION RESPONSIBILITIES.**

19          The Administrator of the Federal Aviation Adminis-  
20          tration shall be responsible for the following:

21               (1) COMMUNICATION WITH PILOTS.—Commu-  
22               nicating to pilots the concerns and objectives of the  
23               National Park Service about low-flying aircraft in  
24               specified areas, using advisories, bulletins, the Fed-  
25               eral Aviation Administration publication The Fed-

1 eral Aviation News, the ongoing “Accident Preven-  
2 tion Program” for routine pilots’ contact, and other  
3 means of communications with pilots, and to impress  
4 upon pilots that pilot participation is strongly en-  
5 couraged to ensure protection of resources and the  
6 enjoyment of natural areas by the public.

7 (2) INVESTIGATIONS.—Investigating instances  
8 of pilot deviations from the Federal Aviation Admin-  
9 istration requested minimum altitude over areas,  
10 and National Park Service-designated flight-free and  
11 primary visitor use areas in lands administered by  
12 the National Park Service, and taking action to dis-  
13 courage deviations with the objectives of reducing or  
14 eliminating such incidents in these areas.

15 (3) MILITARY AIRCRAFT.—Assisting the Na-  
16 tional Park Service in communicating with the var-  
17 ious agencies of the Department of Defense with re-  
18 gard to military aircraft operations over National  
19 Park Service administered areas.

20 (4) AVAILABILITY OF STATUS AND RESULTS OF  
21 INVESTIGATIONS.—Making available to the National  
22 Park Service, at the Federal Aviation Administra-  
23 tion Flight Standards district office, the status and  
24 results of the Federal Aviation Administration’s in-

1 investigation of instances reported by the National  
2 Park Service.

3 (5) SUPPORT OF AVIATION GROUPS.—Enlisting  
4 the support of all aviation groups and organizations  
5 by requesting they disseminate information about  
6 problems associated with aircraft operating at low  
7 altitudes over areas administered by the National  
8 Park Service.

9 (6) MEETINGS WITH NATIONAL PARK SERV-  
10 ICE.—Assisting the National Park Service in com-  
11 bating problems associated with low-flying aircraft  
12 by participating in appropriate meetings at field and  
13 regional levels.

14 **SEC. 4. FLIGHT RESTRICTION DESIGNATIONS.**

15 (a) KALOKO HONOKOHAU, PU’U HONUA O  
16 HONAUNAU, PU’U KOHOLA HEIAU, AND KALAUPAPA NA-  
17 TIONAL HISTORICAL PARKS.—Inasmuch as Kaloko  
18 Honokohau, Pu’u honua o Honaunau, Pu’u kohola Heiau,  
19 and Kalaupapa National Historical Parks are mandated  
20 to protect historical, cultural, and religious values, and  
21 other resources considered sacred to Hawaiian people, all,  
22 in their entirety are considered noise-sensitive and shall  
23 not be overflowed by commercial tour aircraft. Commercial  
24 fixed-wing aircraft which are not on scenic tours may  
25 overfly Kaloko Honokohau when it is unsafe to use

1 alternative approaches to Keahole Airport. Furthermore,  
2 inasmuch as those areas are small and are entirely pri-  
3 mary visitor use areas, scenic tour aircraft shall maintain  
4 a 2-mile standoff distance.

5 (b) HALEAKALA NATIONAL PARK.—Inasmuch as  
6 Haleakala National Park is mandated to protect natural  
7 and cultural resources, and especially rare and endangered  
8 plant and animal species, magnificent scenery, and tran-  
9 quil and unique wilderness, the Crater District and  
10 Kipahulu Valley, including adjacent rain forest areas with-  
11 in the Park, in their entirety, are considered noise-sen-  
12 sitive and shall not be overflowed. Furthermore, inasmuch  
13 as the overlook near the Sliding Sands trailhead is a pri-  
14 mary visitor use area where people often are assembled  
15 on the ground, a two-mile stand-off distance shall be main-  
16 tained.

17 (c) HAWAII VOLCANOES NATIONAL PARK.—Inas-  
18 much as Hawaii Volcanoes National Park is mandated to  
19 protect natural and cultural resources, and especially rare  
20 and endangered plant and animal species, magnificent sce-  
21 nery, and tranquil and unique wilderness, the designated  
22 wilderness areas, in their entirety, consisting of Mauna  
23 Loa, Ola's Forest, East Rift, and Kau Desert, and the  
24 summit of Kilauea, and the coastal area between Ka'aha  
25 and Kamoamoia are considered noise-sensitive and shall

1 not be overflowed. Furthermore, inasmuch as the Kilauea  
2 summit, the Chain of Craters corridor, and the Kamoamoa  
3 village sites are primary visitor use areas where people  
4 often are assembled on the ground, a 2-mile standoff dis-  
5 tance shall be maintained.

6 (d) MINIMUM ALTITUDE RESTRICTION.—It shall be  
7 unlawful for any fixed wing aircraft or helicopter flying  
8 under visual flight rules to fly at an altitude of less than  
9 2,000 feet over the surface of any National Park System  
10 lands in the State of Hawaii not subject to subsections  
11 (a) through (c) of this section. For purposes of this para-  
12 graph, the term “surface” refers to the highest terrain  
13 within such lands which is within 2,000 feet laterally of  
14 the route of flight. For purposes of enforcement, the pro-  
15 hibition pursuant to this subsection shall be treated as a  
16 requirement established pursuant to section 307 of the  
17 Federal Aviation Act of 1958. To provide information to  
18 pilots regarding the restrictions established under this  
19 subsection, the Administrator of the Federal Aviation Ad-  
20 ministration shall provide public notice of such restrictions  
21 in appropriate Federal Aviation Administration publica-  
22 tions as soon as practicable after the enactment of this  
23 Act.

1 **SEC. 5. FEDERAL AVIATION ADMINISTRATION AND NA-**  
2 **TIONAL PARK SERVICE JOINT RESPONSIBIL-**  
3 **ITY.**

4 The Administrator of the Federal Aviation Adminis-  
5 tration and the Director of the National Park Service shall  
6 jointly be responsible for the following:

7 (1) **ADDITIONAL ASSESSMENTS.**—Assess situa-  
8 tions in addition to those specified in section 4  
9 where impacts of aircraft operations upon human,  
10 cultural, or natural resources are sufficiently serious  
11 to warrant consideration of site-specific action by  
12 the Federal Aviation Administration to minimize or  
13 eliminate the causes of such problems.

14 (2) **INFORMATIONAL MATERIALS AND SCI-**  
15 **ENTIFIC STUDIES.**—Prepare public informational  
16 materials, including printed matter and audio-visual  
17 programs, for communication to pilots using existing  
18 Federal Aviation Administration pilot-contact meet-  
19 ings and programs, aviation periodicals, and other  
20 means of generating pilot understanding of National  
21 Park Service resources management objectives.  
22 Where appropriate, the Federal Aviation Adminis-  
23 tration and the National Park Service will share in-  
24 formation on techniques of conducting scientific  
25 studies and data collection to facilitate understand-

1 ing of the impact of aircraft operations on affected  
2 resources.

3 (3) PROCEDURES.—Work together to define  
4 procedures for use at national headquarters and  
5 field office levels to address overflight issues over  
6 public land areas.

7 **SEC. 6. APPLICABILITY OF CERTAIN REGULATIONS TO CER-**  
8 **TAIN SIGHTSEEING FLIGHTS.**

9 Parts 91 and 135 of title 14 of the Code of Federal  
10 Regulations, relating to general operating and flight rules  
11 and to air taxi operators and commercial operators, re-  
12 spectively, shall apply to nonstop sightseeing flights that  
13 begin and end at the same airport and are conducted with-  
14 in a 25 statute mile radius of the airport.

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