Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

March 11, 1992

Mr. Richard Okita
Manuiwa Airways, Inc.
1655 Makaloa Street, Suite 2701
Honolulu, HI 96814

Dear Mr. Okita:

Five-year Time Extension to Use Permit No. 21
Applicant: Manuiwa Airways, Inc.
Tax Map Key: 9-9-06:Portion of 7

The Planning Commission at its duly held public hearing on February 27, 1992, voted to approve your five-year time extension to Condition F (life of permit) of Use Permit No. 21, which allowed the establishment of the Volcano heliport. The site is within the Volcano Golf and Country Club property in the vicinity of the 18th Fairway, Keauhou, Ka'u, Hawaii.

Approval of this request is based on the following:

The granting of a time extension is consistent with the original reasons for the granting of the Use Permit. The continued use will not cause substantial adverse impact to the surrounding properties. The applicant's acoustic study indicated that the heliport is sufficiently separated from surrounding residential areas to avoid excessive noise impacts. The study states that the "ambient less 5 Ldn" complaint criteria can be met at an average of 8 tour flights per day as long as the indicated ingress and egress routes are followed and as long as static operations (ground idle, flight idle, and hover) are not excessive. No evidence has been submitted to indicate that the heliport use has negatively impacted the nene population.

The Superintendent of the National Park and some neighboring property owners have stated that the use of the heliport has resulted in negative noise and visual impacts. The helipad is situated approximately 50 feet away from the Volcanoes National Park Boundary and approximately 2,300 feet

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away from a single-family residential subdivision. The Superintendent of the National Park has recommended that the time extension request be denied. He has stated that the applicant's flight path over forest areas with high populations of native birds may cause harm to native bird populations within the park.

It is, therefore, recommended that additional conditions be included to mitigate impacts to surrounding properties and the National Park. It is recommended that hours of operation be limited to between 8:00 a.m. and 5:30 p.m. to minimize disturbance to neighboring residents. In regard to the disturbance of forest birds, it is recommended that flight avoidance areas be established in the vicinity of the park's most intact forests where high native bird populations are found.

This recommendation is to allow temporary use of the site in order to allow the applicant time to work toward relocation of his operation to an approved heliport. It should be noted that the applicant has been diligent in complying with the stated conditions of approval of the permit and has attempted to limit negative impacts of his operations. The applicant's participation in emergency helicopter support services to the community is also recognized. For these reasons, it is recommended that the heliport be restricted to use by only ManuIwa Airways, Inc. except in the case of emergency.

It is, therefore, recommended that the request for a five-year time extension to the life of the permit be approved. It is further recommended that additional conditions be imposed to limit the hours of operation and the number of landings and to avoid noise sensitive areas within the National Park pending further regulations affecting park overflights.

Approval of this request is subject to the following conditions (material to be deleted is bracketed and material to be added is underlined):

[a] <u>1</u>. The petitioner[, its successors or assigns] shall be responsible for complying with all conditions of approval. <u>This permit shall be valid only for the current applicant, ManuIwa Airways, Inc.</u>

[b Plans for plan approval shall be submitted within one year from the effective date of approval of the Use Permit. Final plan approval will not be issued, however, until written authorization from the Kamehameha Schools/Bernice Pauahi Bishop Estate is provided for the construction of the proposed facilities.]

[c] 2. The rules and regulations submitted for the Volcano Heliport, dated July 31, 1984, [is] are hereby incorporated by reference (see attached) and shall be binding on the operator of the heliport as a condition of approval. These rules and regulations may be amended only after review and concurrence of the Federal Aviation Administration and the County Planning Commission with the exception that hours of operation shall be further limited to between 8:00 a.m. and 5:30 p.m.

[d. Construction of the proposed facility shall commence within one year from the date of receipt of final plan approval and be completed within one year thereafter.]

[e] 3. The helipad shall consist of a maximum area of 95' x 95' that is leveled and grassed. Within this area there will be a maximum of two concrete pads approximately 20' x 20' in size. This 95' x 95' area shall be surrounded by a bordering hedge. The helipad shall be situated within the southwest tip of the golf course property and sitated a minimum of 100' from the western boundary of the National Park. The exact siting of the helipad area, however, shall take into consideration the safety of the golfers, visitors to the tree mold viewing area and the clients of the petitioner.

[f] 4. This permit shall be effective for a [one] five-year period starting from the effective date of [commencing operations] this amendment with no requirement to renew. [The petitioner shall notify the Planning Department of the date of commencement within 30 days of that date. The permit may be extended by the Planning Commission at its discretion.]

5. Flight operations shall be limited to a maximum of eight landings per day, with the exception of landings involving emergency helicopter support.

6. Flights using the heliport shall observe sound abatement procedures as recommended by the Hawaii Helicopter Operators Association Helicopter Sound Abatement Procedures Manual. Flights using the heliport shall maintain a minimum 500 foot above ground level (AGL) flight path over the Volcanoes National Park and shall avoid areas shown on the attached map labelled as Exhibit "B" in addition to existing avoidance areas shown in Exhibit "A".

7. The applicant shall be responsible for the prevention of fires arising from the helicopter use of the property.

8. [The petitioner shall be responsible to initiate consultation with federal (Department of Interior, Fish and Wildlife Division) and state (Department of Land and Natural Resources, Fish and Wildlife Division) endangered species agencies at least once a year to discuss his operation and its impact on the nene. Written reports of consultation with these agencies shall be filed with the Planning Department no later than August 15 of each year. The Planning Commission shall terminate the permit if it finds that the heliport use is a nuisance to either the nene population or to surrounding property owners.] An annual monitoring report shall be submitted to the Planning Director prior to the anniversary date of this amendment. The report shall include but not be limited to complaints received, disposition of complaints, and a log of flights deviating from the "Rules and Regulations for the Volcano Heliport". The annual report shall include an impact analysis on the Nene population which shall be reviewed by the Department of the Interior and the Department of Land and Natural Resources. If the heliport is found to be negatively impacting surrounding properties or the Nene population, the Planning Director shall initiate revocation of the Use Permit.

[g] 9. The petitioner shall be responsible for operating the heliport facility in the manner prescribed by the rules and regulations incorporated in condition [(c)] "2" above. Alleged violations of these rules may cause the Planning Director to schedule a public hearing before the Planning Commission to determine whether a violation has in fact occurred.

[h] 10. All other applicable laws, rules, regulations and requirements shall be complied with.

[i] 11. Should the Planning Director determine that any of the above conditions have not been met, or substantially complied with in a timely fashion, [the Use Permit shall be void] the Director shall initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

Mike Luce

Mike Luce, Chairman
Planning Commission

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jdk

xc: Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
DLNR-Fish & Wildlife
Dept. of Interior-Fish & Wildlife Service
Federal Aviation Administration
Kamehameha Schools/Bernice Pauahi Bishop Estate
Plan Approval Section