Stephen K. Yamashiro
Mayor

County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL
Z 095 323 842

APR 0 4 1997

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

Dear Mr. Okita:

Use Permit (USE 21)
Applicant: ManuIwa Airways, Inc.
Request: Deletion of Condition No. 4 (Life of Permit Or Extension of Time for Ten Years)
Tax Map Key: 9-9-6:Portion of 7

The Planning Commission at its duly held public hearing on March 20, 1997, voted to approve the above-referenced request for an amendment to Condition No. 4 (life of permit) of Use Permit No. 21, which allowed the establishment of the Volcano heliport. Specifically, the amendment is the deletion of Condition No. 4 or an extension of time for 10 years. The site is located within the Volcano Golf and Country Club property in the vicinity of the 18th Fairway at Keauhou, Ka'u, Hawaii.

Approval of this request is based on the following:

In review, the applicant was originally granted a Use Permit in 1984 to operate the heliport for one year based on the findings that the heliport facility could be properly integrated with the existing golf course, residential community and the Hawaii Volcanoes National Park. The operations commenced on August 15, 1985, for one year until August 15, 1986, and the applicant requested a renewal of the permit to allow a permanent establishment of the request. The Planning Commission extended the permit for five years to August 15, 1991, with a new condition requiring submittal of a written report on the impact of the operations on Nene activity. The Commission felt that one year was not sufficient time to fully assess impacts and needed more time to monitor the use in order to protect the public welfare and Nene activity. An interim 90-day extension of time to continue operations beyond August 15, 1991 was approved by the Planning Commission. Subsequently on February 27, 1992, the Planning Commission approved another five-year time extension until March 12, 1997, along with additional conditions to limit hours of operation, number of landings and avoidance of noise sensitive areas within the Hawaii Volcanoes National Park. As the permit would have expired on

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March 12, 1997, the Planning Commission, at its last Hilo meeting held on February 7, 1997, extended the permit until March 20, 1997, the date of the Kona scheduled public hearing. The Volcano heliport has been in operation at its present location for about 11 years.

In considering a Use Permit for any proposed use, the Hawaii County Zoning Code, Section 25-2-65, relating to Criteria for granting a use permit, requires that such action conform to the following guidelines:

(1) The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of this chapter, and the General Plan;

(2) The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character, to surrounding properties; and

(3) The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

The granting of this time extension is consistent with the original reasons for the granting of the Use Permit. The request was originally approved under the premise that the heliport operation could be established and properly integrated within the community. Extensions were granted on the basis that the continued use of the heliport operation did not cause substantial adverse impact to surrounding properties. Previously provided testimony and submittal of an acoustic study by the applicant at the public hearing for the last five-year extension, indicated that the heliport was sufficiently separated from the surrounding residential areas to avoid excessive noise impacts. In addition, the heliport operation is subject to conditions of the existing Use Permit as well as to the Rules and Regulations which were created to minimize impacts to surrounding areas. A "Prohibited Residential Zone" and "Noise Abatement Buffer Zone" over the existing residential areas in the vicinity as well as sensitive areas within the Hawaii Volcanoes National Park have been defined as avoidance areas within the existing permit. The heliport operation must also follow strict compliance with Federal Aviation Regulations. In regards to impacts on the Nene population, annual reports continue to be provided by the applicant indicating no evidence that the Nene population has been negatively impacted by the operations.

The continuation of the heliport operation shall be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan. Although the present County Zoning Code allows heliports to be established in the Limited or General Industrial zoned districts, the subject operation was originally approved in 1984 when helicopter pads or heliports could be established in all districts through a use permit. As the use was originally approved by meeting the criteria for Use Permits, it is considered non-conforming and an extension of time to continue operations would be in keeping with the original intent for approving this use.

The continuation of the heliport operation shall not be materially detrimental to the public welfare and cause substantial, adverse impact to the community's character or

to surrounding properties. The helipad is located on the Volcano Golf Course property within the vicinity of the 18th fairway. The heliport operations are situated on a small strip along the southern boundary of the parcel. This portion of the parcel is vacant with the exception of the helipad and a small reservations office. The entire parcel is approximately 57 acres in size and used as a golf course. Hours of operation are limited to between 8:00 a.m. and 5:30 p.m. and a maximum of eight (8) landings per day, with the exception of emergency helicopter support. Although, the helipad is within 2,000 feet of the nearest residence in Volcano Golf Course subdivision and within 1,100 feet of the Volcano Golf Course lots, the applicant is bound by restricted flight paths and prohibited from flying over these lots as they fall within the "Residential Zone" and "Noise Abatement Buffer Zone." Since the granting of the last extension of time in 1992, neither the applicant nor the Planning Director has received any specific noise complaints regarding the heliport's operations. Although a complaint was filed in regards to deviation from flight patterns and permit requirements, the applicant is on record in confirming that the particular incident was related to emergency support service. All other deviations from permit requirements have been confirmed in writing by the applicant to be related to emergency support and monitoring services and are a part of the file. In regards to the present request, community comments both in support and opposition to the request were received from residents and businesses within the Golf and Country Club subdivision, the nearby Volcano Village and the National Park. Citizens Against Noise expressed their firm opposition to the request as part of their position against noise, the helicopter tour industry and its impact on the Hawaii Volcanoes National Park. The board members of the Volcano Community Association were equally divided on the permit and recommended a limited life on the permit. The Hawaii Volcanoes National Park opposed the presence of the heliport for scheduled tour operations and scenic flights and supported the heliport's presence for County, State and Federal missions. They expressed concerns on adverse impacts to the Park and recommended that a limited life be placed on the permit for periodic reviews.

The applicant has continued to comply with conditions of approval and has reported all emergency landings or services outside of the permit requirements. As explained by the applicant, more than two-thirds of the flights flown by Manulwa Airways, Inc. are for government, industrial and institutional (non tour) organizations. Emergency support services and monitoring missions are also provided for the Hawaii Volcanoes National Park. In regards to impacts of the Manulwa helicopter, once it is in the air, particularly within the national park, it is believed that appropriate federal legislation should address impacts the helicopter tour industry has as a whole on the national park system. However, the surrounding community expressed some opposition to the location of the facility. In addition, the Volcano Golf and County Club subdivision has plans for expansion. Subsequent to the Use Permit's approval, additional lands were rezoned by the County Council in 1994 to RS-15 for a 40-lot subdivision, as a proposed Increment V within the Volcano Golf and Country Club subdivision. As such, it is not recommended that a permanent heliport facility be established. Instead, extending the life of the permit for ten years would allow Manulwa Airways, Inc. to continue its operations and allow the Planning Commission opportunity to further review and reassess the appropriateness of its location. Should it be determined that this facility poses substantial adverse impacts to the community's character or surrounding properties, the use permit could be revoked.

The continuation of the heliport operation will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure. The heliport facility does not require any services or related infrastructure to support their operations. In case of an emergency, fire protection services are available from the Kilauea Military Camp. The presence of the heliport operation in this location has been, in fact, a benefit to the community and the Volcanoes National Park by providing emergency support services and monitoring missions.

Based on the above, the applicant's request to extend the life of the permit is approved for ten years.

Condition No. 4 is amended accordingly, with deletion of "with no requirement to renew." A review of the background report and minutes in the file make no references to support or clarify this particular statement. All other conditions remain in effect. For ease in understanding the conditions of the permit, all conditions related Rules and Regulations and maps are included and attached.

1. The petitioner shall be responsible for complying with all conditions of approval. This permit shall be valid only for the current applicant, Manulwa Airways, Inc.

2. The rules and regulations submitted for the Volcano Heliport, dated July 31, 1984 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.

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 situated 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.

4. This permit shall be effective for a ten year period starting from the effective date of this amendment.

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. 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.

8. The petitioner shall be responsible for operating the heliport facility in the manner prescribed by the rules and regulations incorporated in condition "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.

9. All other applicable laws, rules, regulations and requirements shall be complied with.

10. Should the Planning Director determine that any of the above conditions have not been met, or substantially complied with in a timely manner, the Director shall initiate procedures to revoke the permit.

11. The applicant shall submit a letter to the Planning Department that the heliport will be used for emergency and governmental uses, in addition to commercial tours.

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.

Should you have any questions, please feel free to contact Alice Kawaha and Susan Gagorik of the Planning Department at 961-8288.

Sincerely,

Kevin M. Balog, Chairman
Planning Commission

AK:syw
LManui02.PC
Enclosure
cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Kazu Hayashida, Director/DOT-Highways, Honolulu
Mr. David Okita
Sandra Schutte, Esq.

RULES AND REGULATIONS

VOLCANO HELIPORT

VOLCANO, HAWAII

July 31, 1984

1. PURPOSE: The helicopter is a valued means of transportation but its utilization must include responsible use of air space and needs of the community. The Rules and Regulations contained herein shall be strictly observed at the Volcano Heliport to ensure responsible use of the helicopter and the Heliport.

2. HELIPORT TERMINAL AREA: The land area and air space within three (3) miles distance of the Heliport shall be designated the Heliport Terminal Area (HTA). The HTA is shown on the map, which is a part of these Rules and Regulations and titled "Heliport Terminal Area, Volcano Heliport". The HTA is a controlled area in which the Heliport and the helicopter must be operated strictly according to the Rules and Regulations.

3. PROHIBITED RESIDENTIAL ZONE: Part of the HTA is zoned Prohibited Residential Zone and is shown on the map titled "Heliport Terminal Area, Volcano Heliport". The zone contains lands that are used as residential or zoned for future use as residential. The helicopters using the Volcano Heliport shall not for any reason enter the Prohibited Residential Zone.

4. NOISE ABATEMENT BUFFER ZONE: Part of the HTA is zoned Noise Abatement Zone which is land and air space 1,000 feet wide along the boundary of the Prohibited Residential Zone. The helicopters using the Volcano Heliport shall not, for any reason, enter the Noise Abatement Buffer Zone.

5. LIMITATION OF AUTHORITY: These Rules and Regulations are to be taken as complementary to those of the Federal Aviation Administration, National Park Service, the State of Hawaii, the County of Hawaii, and all other applicable laws and ordinances. The intention of these Rules and Regulations is to provide local requirements and conditions for use of a particular airspace and heliport.

   The HTA is established only for the purpose of controlling helicopters using the Volcano Heliport. These Rules and Regulations have no authority to control other helicopters and aircrafts that use the airspace.

6. HELIPORT: The Volcano Heliport is private and not open for public use. The Volcano Heliport is designed for normal operation by one (1) helicopter. Accordingly, the Heliport shall be used by one (1) helicopter designated by the owner, hereafter called the Designated Helicopter. A second helicopter may be allowed use of the Volcano Heliport for emergencies and special conditions only as provided herein. The second helicopter may be allowed for the following reasons:

a. Emergency Medical Service (EMS).

b. Fire and Rescue.

c. Offical Government use.

d. The replacement of the Designated Helicopter by a replacement unit for maintenance.

7. DESIGNATED HELICOPTER: The designated helicopter shall be a light, single engine turbine helicopter. The helicopter shall be equipped as required by the FAA in the FAR Part 135 Rules and Regulations.

8. QUALIFICATION OF OPERATION: The Designated Helicopter shall be operated by an operator that is certificated by the FAA under FAR Part 135, Certification of Air Taxi and Charter Operator.

9. PILOT QUALIFICATION: Pilots operting the Designated Helicopter shall be properly certificated by the FAA and thoroughly knowledgeable about these Rules and Regulations.

10. AVAILABILITY OF RULES AND REGULATIONS: These Rules and Regulations shall be published and a copy kept at the Heliport and another in the Designated Helicopter at all times.

11. LIMITATION TO OPERATIONS: The Heliport shall not be used for instrument approach or departure. Only flights meeting the FAA requirement for Visual Flight Rules (VFR) and Special Visual Flight Rules (SVFR) shall be permitted.

12. HOURS OF OPERATIONS: The Heliport shall be open for operation strictly according to the following schedule:

Winter Schedule:	8:00 a.m. to 5:00 p.m.
Spring/Summer/Fall Schedule:	7:30 a.m. to 6:00 p.m.

Emergency medical service and fire/rescue will be exempted from the scheduled hours of operation. However, under no circumstances, will there be any operation before sunrise and after sunset.

13. AUTHORIZED USE OF HTA: Flights into the HTA shall be for the sole purpose of making an approach or departure to or from the Heliport for landing or takeoff.

14. HTA FLIGHT RULES: While in the HTA, helicopter flight shall comply to the following Rules and Regulations:

a. Standard Routes. Except as provided herein, approach and departures shall be made only on the four (4) Standard Approach/Departure Routes shown on the map titled "Heliport Terminal Area, Volcano Heliport". Deviation from the Standard Approach/Departure Routes shall be permitted only for the following reasons:

(1) Aircraft emergency.

(2) Collision avoidance when the airspace is used by another aircraft.

(3) Passenger Emergency.

The allowed deviation shall not enter the Prohibited Residential and Noise Abatement Buffer Zones.

b. Final Approach/Initial Departure. The final 4,000 feet of ground track in making an approach is termed the FINAL APPROACH. The First 4,000 feet of ground track after take off is termed the INITIAL DEPARTURE. The Final Approach/Initial Departure flight path shall be made as shown on the map titled "Heliport Terminal Area, Volcano Heliport" and more particularly as described by the plan marked "Final Approach/Initial Departure Plan and Profile". The map and plan show the path of the flight by check points, altitude profile, and heights above ground level (AGL) at the pertinent check points.

c. Noise-Abatement Final Approach Procedures.

(1) When commencing Final Approach, follow one of these two procedures:

- Establish a rate-of-descent of at least 500 fpm <u>before</u> reducing airspeed, then reduce airspeed while increasing rate-of-descent to at least 800 fpm, or

- Hold rate-of-descent to less than 200 fpm while reducing airspeed to about 65 mph, then increase rate-of-descent to at least 800 fpm.

(2) At a convenient airspeed between 60 and 90 mph, set up approach glide slope while maintaining the 800-fpm or more rate-of-descent.

(3) Increase rate-of-descent if the main rotor tends to slap, or if you want a steeper glide slope.

(4) Approaching the flare, reduce airspeed to below 70 mph befdore decreasing rate-of-descent.

(5) Execute normal flare and landing, decreasing rate-of-descent and airspeed appropriately.

The basic difference between this approach technique and a normal one is that this method avoids the slap regime. See Figures 1 & 2. Both procedures give approximately the same airspeed during the approach, with the quieter technique using a glide slope which is a few degrees steeper. Once the pilot has transitioned from cruise to the approach glide slope, he can tailor his airspeed and rate of descent to fit local conditions, avoid unsafe regimes, and still guarantee minimum noise.

d. Initial Departure. Takeoffs are reasonably quiet operations, but the total ground area exposed to helicopter sound can be limited by using a high rate-of-climb and making a very smooth transition to foward flight.

e. Airspeed. Before final approach and after initial departure, airspeeds shall be the normal maneuvering speed of the helicopter according to FAA Catefory A. Approach and Departure Flights, while in the HTA, shall be flown at appropriate speeds of making an approach and departure. There shall be no intentional attempt to delay, prolong, or circle during any portion of the flight while in the HTA.

f. Altitude. Before final approach and after initial departure, altitude shall be 500 feet above ground level (AGL) or as regulated by the FAA or National Park Service.

g. Communication. The Designated Helicopter shall be equipped with a transceiver radio, VHF/COM, operating in the range of 118-135 MHZ. Before entering the HTA or before departing from the Heliport, pilot shall declare his intentions in the manner prescribed by the FAA on UNICOM frequency 122.90 or any other frequency determined to be appropriate in cooperation with the FAA, the National Park Service and the Kilauea Military Camp.

Figure 1

NOISY FLIGHT OPERATIONS--LIGHT HELICOPTERS

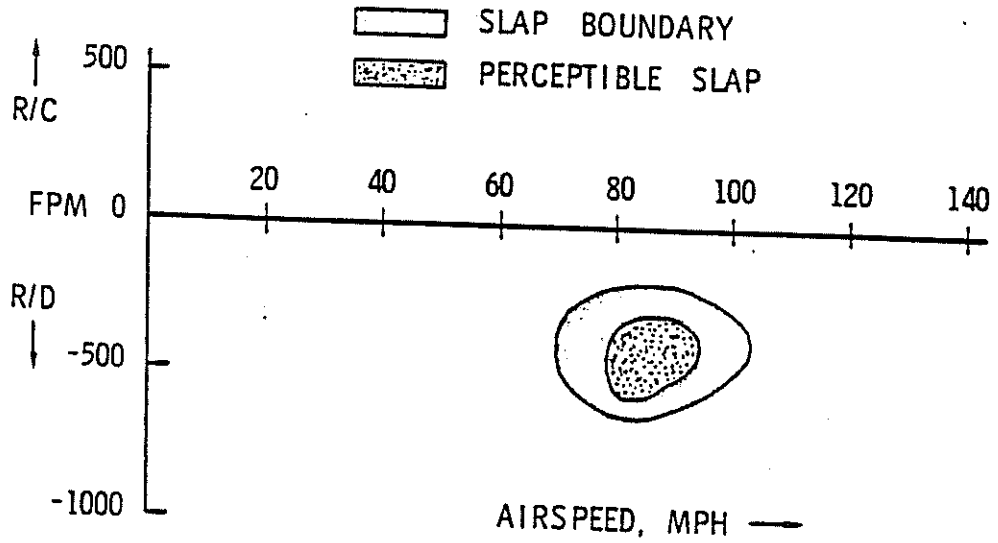


Figure 2

NOISE - ABATEMENT FLIGHT TECHNIQUE--LIGHT HELICOPTER

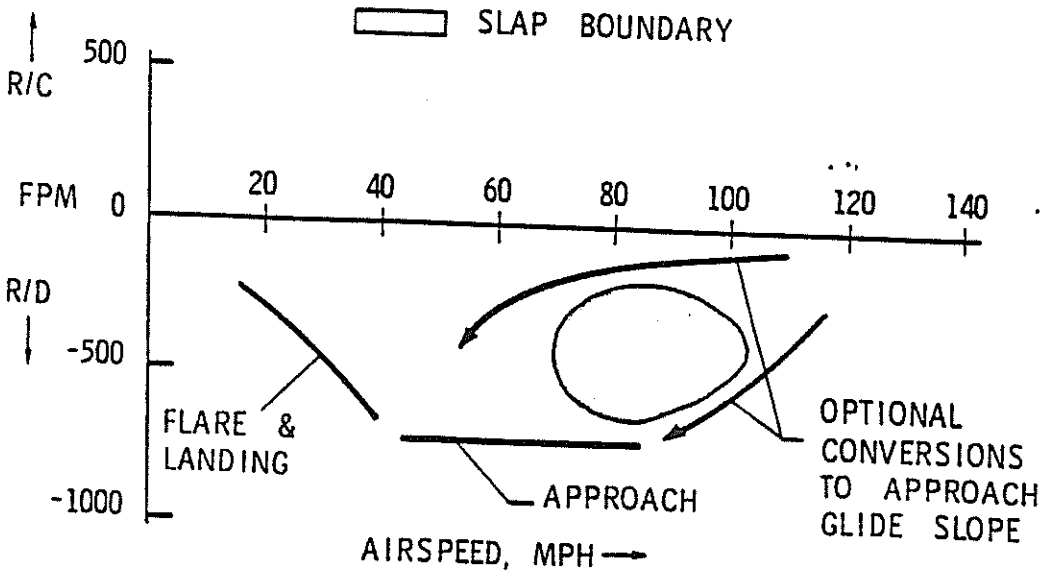
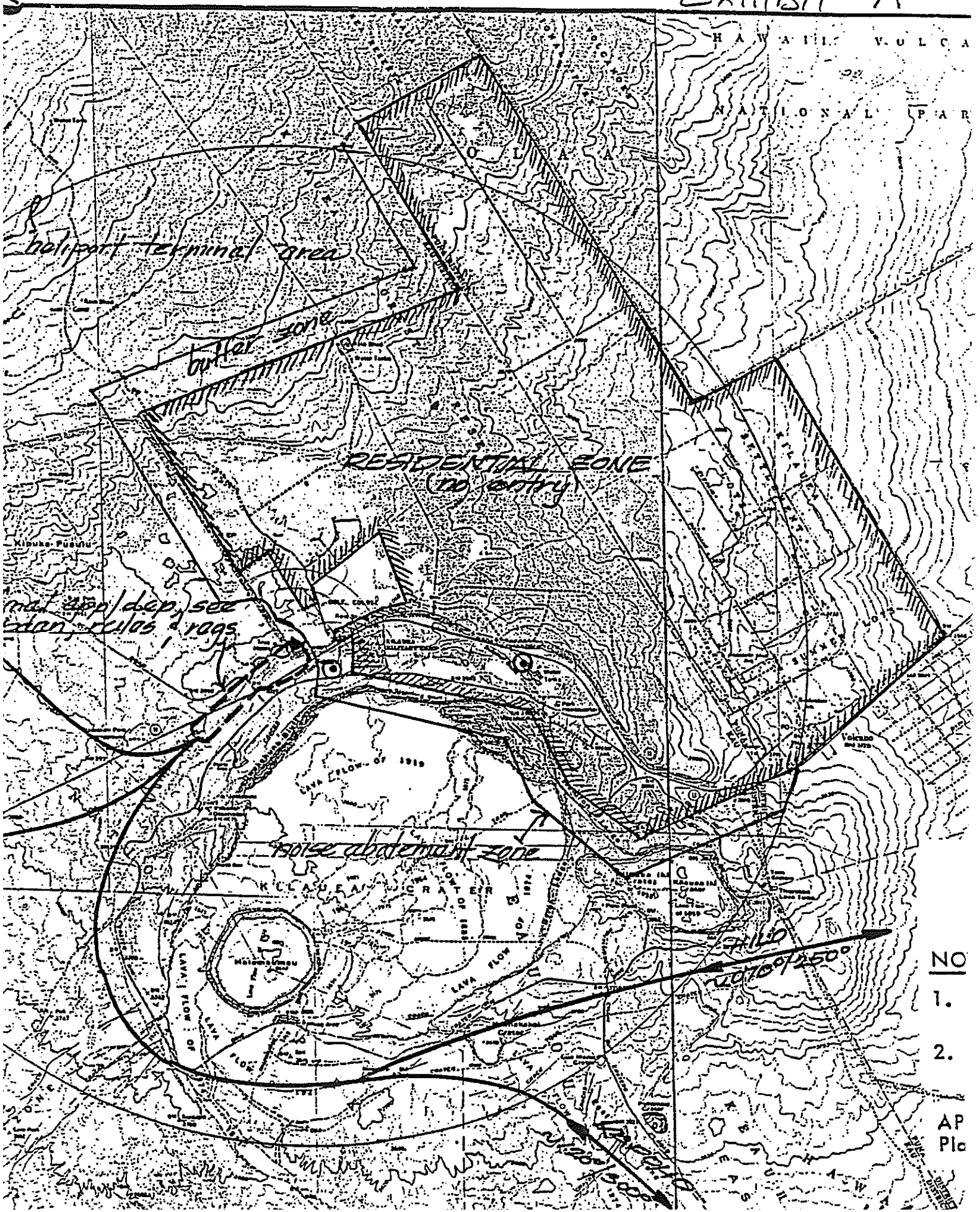


EXHIBIT "A"



NO

1.

2.

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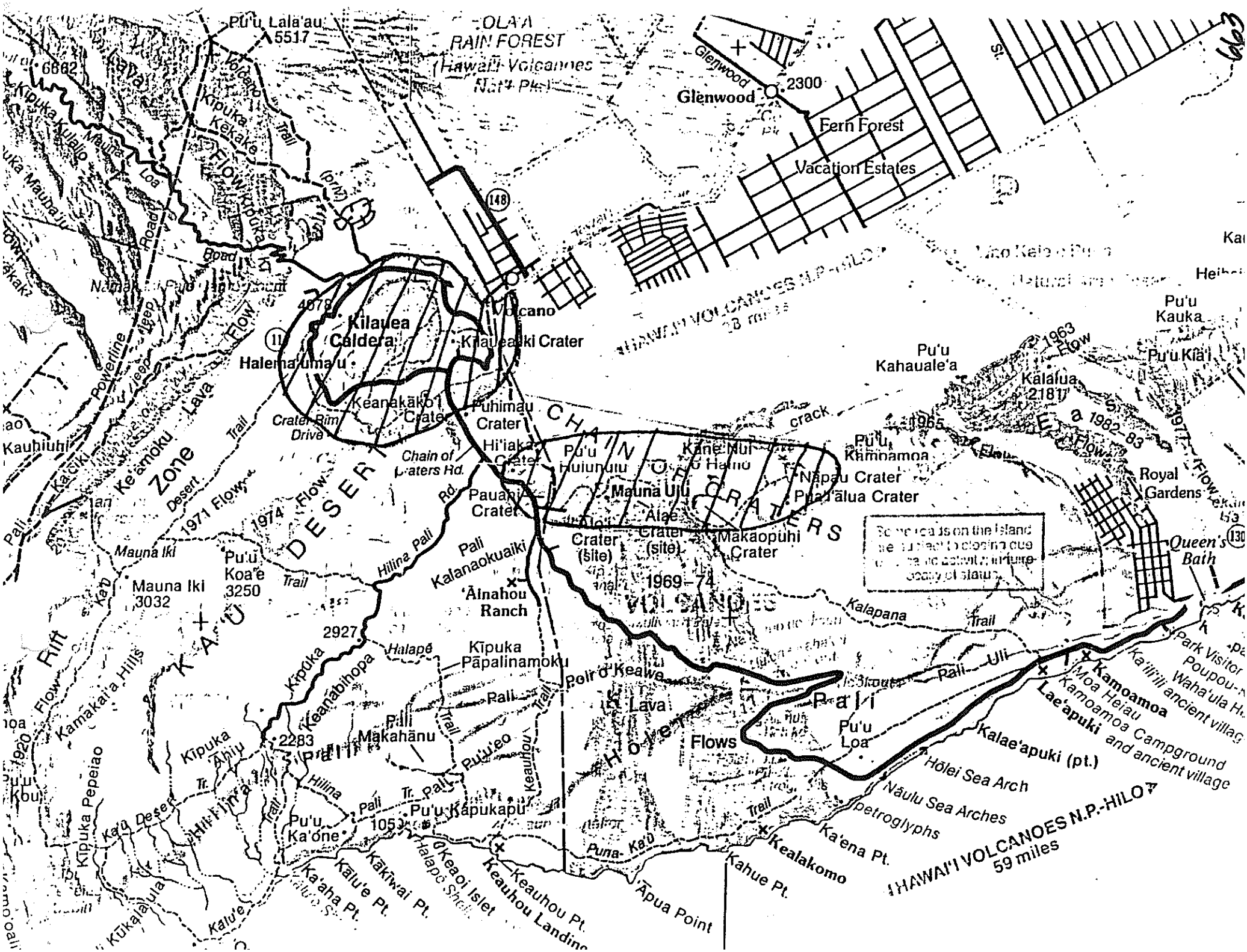
Pla


Pu'u Lala'au
5517
OLA'A
RAIN FOREST
(Hawaii Volcanoes
Nat'l Pk.)
6862
Kipuka Kulalio
Mauna Loa
Kipuka Kekaka
Volcano
Trail
Flow
Glenwood
2300
Glenwood
Fern Forest
Vacation Estates
148
Road
Powerline
Jeep
Lava
Flow
4078
Kilauea
Caldera
Volcano
Kilauea Iki Crater
Halema'uma'u
Keanakāko'i
Crater
Crater Rim
Drive
Puhimau
Crater
Hi'iaka
Crater
Chain of
Craters Rd.
Pu'u
Huluhulu
Kane Nui
o Hamo
Mauna Ulu
Pauahi
Crater
Ke'amoku
Zone
Desert
1971 Flow
1974
Flow
Mauna Iki
Pu'u
Koa'e
3250
Mauna Iki
3032
Hilina Pali
Pali
Kalanaokuaiki
'Ainahou
Ranch
Crater
(site)
Ala'e
Crater
(site)
Makaopuhi
Crater
1969–74
VOLCANOES
Some roads on the Island
are subject to closing due
to hazards associated with future
activity of Kilauea
Kalapana
Trail
Pu'u
Kahauale'a
1963
Flow
Kalalua
2181
crack
1965
Flow
Pu'u
Kamoamoa
Nāpau Crater
Pu'u'Ālua Crater
1982–83
Flow
Pu'u
Kauka
Pu'u Kia'i
Royal
Gardens
Queen's
Bath
Rift
Flow
Kamakai'a Hills
Kīpuka
Keanabihopa
2927
Halapē
Kīpuka
Pāpalinamoku
Pali
Pali
Makahānu
Pu'u'eo
Pali
Uli
Pali
Lava
Flows
Pu'u
Loa
Kamoamoa
Moa Heiau
Kamoamoa Campground
and ancient village
Lae'apuki
Kalae'apuki (pt.)
Hōlei Sea Arch
Nāulu Sea Arches
petroglyphs
Ka'ena Pt.
Kealakomo
Kahue Pt.
Āpua Point
Keauhou Pt.
Keauhou Landing
Keaoi Islet
Kīpuka
Āhiu
2283
Pali
Hilina
Pali
Pu'u
Ka'one
Pali
1055
Pu'u Kapukapu
Kīpuka Pepeiao
Kaa Desert
Kālu'e Pt.
Kākīwai Pt.
Ka'aha Pt.
Kālu'e
Puna-Ka'ū
Pali
Trail
Tr.
Keauhou
Poli o Kealiu
Ka'ū
Desert
Hilina Pali
Kīpuka
Kīpuka
Kekaka
Flow
Kipuka
Kulalio
Mauna
Loa
Road
Jeep
Powerline
Lava
Flow
Kau
Desert
Pali
Kaa
Desert
Kīpuka
Kūkala'ula
Kālu'e
Pali
Kaa
Desert
Kīpuka
Pepeiao
Kīpuka
Āhiu
Tr.
Hilina
Pali
Trail
Pali
Tr.
Pali
Pu'u
Ka'one
Pu'u Kapukapu
Kālu'e Pt.
Kākīwai Pt.
Ka'aha Pt.
Halapē Shelter
Keaoi Islet
Keauhou Landing
Keauhou Pt.
Āpua Point
Puna-Ka'ū
Kahue Pt.
Kealakomo
Ka'ena Pt.
petroglyphs
Nāulu Sea Arches
Hōlei Sea Arch
Kalae'apuki (pt.)
Lae'apuki
Kamoamoa
Moa Heiau
Kamoamoa Campground
and ancient village
Ka'ili'ili ancient village
Waha'ula He
Poupou-
Park Visitor
Trail
Kalapana
Pali
Uli
Pali
Pu'u
Loa
Lava
Flows
Poli o Kealiu
Pali
Trail
Pu'u'eo
Keauhou
Pali
Makahānu
Kīpuka
Pāpalinamoku
Halapē
2927
Keanabihopa
Kīpuka
Kamakai'a Hills
Flow
Rift
Ke'amoku
Zone
Desert
1971 Flow
1974
Flow
Mauna Iki
Pu'u
Koa'e
3250
Mauna Iki
3032
Hilina Pali
Pali
Kalanaokuaiki
'Ainahou
Ranch
Crater
(site)
Ala'e
Crater
(site)
Makaopuhi
Crater
1969–74
VOLCANOES
Kalapana
Trail
Pu'u
Kahauale'a
1963
Flow
Kalalua
2181
crack
1965
Flow
Pu'u
Kamoamoa
Nāpau Crater
Pu'u'Ālua Crater
1982–83
Flow
Pu'u
Kauka
Pu'u Kia'i
Royal
Gardens
Queen's
Bath
Rift
Flow
Kamakai'a Hills
Kīpuka
Keanabihopa
2927
Halapē
Kīpuka
Pāpalinamoku
Pali
Pali
Makahānu
Pu'u'eo
Pali
Uli
Pali
Lava
Flows
Pu'u
Loa
Kamoamoa
Moa Heiau
Kamoamoa Campground
and ancient village
Lae'apuki
Kalae'apuki (pt.)
Hōlei Sea Arch
Nāulu Sea Arches
petroglyphs
Ka'ena Pt.
Kealakomo
Kahue Pt.
Āpua Point
Keauhou Pt.
Keauhou Landing
Keaoi Islet
Kīpuka
Āhiu
2283
Pali
Hilina
Pali
Pu'u
Ka'one
Pali
1055
Pu'u Kapukapu
Kīpuka Pepeiao
Kaa Desert
Kālu'e Pt.
Kākīwai Pt.
Ka'aha Pt.
Kālu'e
Puna-Ka'ū
Pali
Trail
Tr.
Keauhou
Poli o Kealiu
Ka'ū
Desert
Hilina Pali
Kīpuka
Kīpuka
Kekaka
Flow
Kipuka
Kulalio
Mauna
Loa
Road
Jeep
Powerline
Lava
Flow
Kau
Desert
Pali
Kaa
Desert
Kīpuka
Kūkala'ula
Kālu'e
HAWAI'I VOLCANOES N.P.-HILO
59 miles