

To Whom It May Concern:

These comments are made in support of the permanent enforcement of the SFAR 71 provisions and also include additional suggestions to be added to SFAR 71.

I was born and raised on the Island of Kauai and have lived the majority of my life in the Kalaheo and Lawai district. I left the island for a period of approximately 5 years as I enlisted in the United States Air Force. My family and I have lived on the mountain side of Kalaheo for 5 years. Since moving here I have noticed a heavy amount of helicopter traffic over and near to our home even on the most cloudy and foggy days.

According to SFAR 71 aren't pilots required to do a visual of the flight pattern they are taking? If so, they would see the heavy cloud cover and try to avoid the area for visual safety reasons. It seems the pilots don't want to divert their course in order to stay at a lower altitude so the visitors will have a better view of the island and not fly low over the residential areas as this is not what the passengers want to see. Though this is speculation I have also heard of pilots receiving larger tips for closer views. In the SFAR 71 it states that pilots should keep a minimum of 1500 ft. above ground clearance (AGC). According to the SFAR 71 document, pilots should also keep a 300 ft. clearance from clouds. This is why I question how pilots can fly over this area as cloud covering is frequent and I suspect that they are flying much lower than the distance they are supposed to be flying or flying through the clouds.

I would also like to point out that when there is inclement weather, pilots should be doing a visual pre-flight (according to the regulations) and perhaps should not even be flying. In SFAR 71 it also states that the tour helicopters are required to maintain a 1500 ft. horizontal separation from person, structure, vehicle or vessel. It is during these inclement weather conditions that they tend to fly over our house at a very low altitude.

When pilots are flying over the valleys they are most likely abiding by altitude regulations. However, it seems that the majority of the crashes that occur in Hawaii and Grand Canyon are helicopters slamming into valley walls or crater walls. It also seems that when I watch the helicopters in Kalaheo go from the valley over the ridge, they appear to be flying much lower than the 1500 ft. altitude AGC. This worries me as I live on one of the ridges and it frequently fogs here. I would think these conditions would increase the chances of one of the helicopters crashing near or around our area. Also, since access to the upper ridges and the valley that surrounds us is difficult, I would think this would also pose a safety issue.

I have hiked the higher ridges helicopters pass over in the Kalaheo and Koke'e area and I know that they are not flying at 1500 ft. AGC. Do pilots consider where they are when they fly lower (less densely populated areas)? Is it safer or are they doing it because they think there would be less of a complaint?

I really don't mind the tour helicopters flying the tour routes as I have often suggested to my friends and visitors to these islands that this is one of the best ways to see our Hawaii.

I also personally love the excitement of flying in a helicopter. But on the other hand when one the first words my baby said after “daddy” and “mommy” was “chug, chug, chug, chug” (mimicking the helicopters) and later “helicopter” this was not one of the reasons we moved to this location. I wanted my daughter to be raised near nature and to enjoy and learn some of the beauties of living on the Garden Island and not worry that one day a helicopter might crash in this area.

I also remember when I was a little boy that there used to be a golden eagle living in the Waimea Canyon - Koke`e area. That was until one of the helicopter flew too close to its nest and the eagle tried to defend its home and got struck by one of the blades and died. Though it was not a native bird to the islands it sad not to see it anymore because I looked forward to spotting it whenever I made the trip to Koke`e.

The helicopter tour industry should take some notes from the charter boating industry and the County Beaches for it seems that the boating industry does not go out when there is inclement weather such as high winds or high surf and the County Life Guards follow suit as well as they close county beaches when surf is too high. Sometimes nature does not cooperate with visitors in the activities that they would want to do that particular day. Kauai’s weather is for the most part very sunny though sometimes during the year you have rain and bad weather. I guess that’s one of the prices we pay to live or visit Hawaii. And it’s not a bad thing for the economy in Hawaii if they can’t take a tour or swim at one of our lovely beaches because of bad weather. They still seem to find their way to one of our malls to inject monies into our economy still. So it might not be going to the helicopter industry but it will make its way into other retail or service industries.

I have also read some of the concerns voiced by the opposition to the SFAR 71 regulation. One topic I keep seeing is midair collisions. Not to make light of the subject but midair collisions with what? Other helicopters? If so, by watching them fly in inclement weather now collisions could very well happen at any altitude. At this point, they seem to fly into fog and cloud coverings anyway. If they fly any lower they might as well call themselves “air land tours” because they would be driving over Kaua`i instead of flying. I am far more concerned about collisions with mountains and trees than with other helicopters – it’s simply a more common occurrence. If it’s mid air collisions with fixed wing aircrafts (smaller planes) that pilots are concerned about, I don’t see any fixed wing aircraft as low as the helicopters. Only commercial and Military aircrafts seem to fly (very high) over our area and Koke`e. Most of the fixed wing aircraft that I see are over the ocean and lower elevation areas. Since the implementation of SFAR 71 I have not heard of any midair collisions involving helicopters or fixed wing aircrafts but I have read of helicopters crashing into crater walls.

Helicopters do play a vital role in our community. They help save the lives of people and animals, put out fires and preserve the environment. On the flip side, if the industry is full of good Samaritans why would they want to put passengers at risk and also risk the lives of the people who would have to go in to do a rescue if any thing bad happens? Would they stop being good Samaritans if SFAR 71 regulations are upheld?

In closing, if setting regulations helps to save lives and our environment which seemed to have helped since the implementation of SFAR 71 then I fully support the permanent enforcement of SFAR 71 and would like to see added an increase in set distance from valley walls and crater walls as this seems to be where crashes have been happening in recent years. If turbulence is an issue while flying 1500 ft. AGC over valleys then I would suggest that the AGC be raised also to accommodate the pilots while they are flying over valleys. I would also like to see that identification numbers be put on the helicopter bellies that could be read if the pilots do fly beneath the 1500 ft. ceiling and not on the sides where no one can see them except other pilots flying or when they're on the ground. Also I would like to see stricter enforcements and penalties if pilots do not conform to these regulations.

Aloha,
C.J Fujita
Address