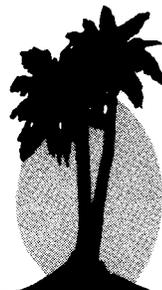


265436

island seaplane service inc.



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Mailing Address: P.O. Box 30685, Honolulu, HI 96820 • E-mail: seaplaneservice@aol.com • www.islandseaplane.com

January 8, 2004

The Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street S.W.
Washington D.C. 20590-0001

2004 JAN 16 AM 11:15

DEPT OF TRANSPORTATION
FAA/ASST

Re: Docket # FAA - 1998-4521 - 1190

Gentlemen,

I have been a working pilot for most of my life and have accumulated well over 36,000 accident free hours of flight time with almost 30,000 hours in seaplanes. I hold a commercial certificate, single and multi engine sea, single and multi engine land, instrument rating, CFI-A, CFI-II and CFI-MEI. I have operated seaplane businesses continually since 1960 in northern Minnesota, Florida, California, Alaska and now Hawaii and have owned almost 500 aircraft in my life. I have flown many, many thousands of passengers in my operations and have never had a customer so much as cut a finger. My wife and I moved to Hawaii in late 1996 and invested almost \$1,000,000 in starting a FAR Part 91 sightseeing operation. We got operating during 1998 and started making a profit in the first eight months of 2001 and then the events of September 11, 2001 saw us shut down by the FAA for 100 days. We were allowed to fly again at 4:00 p.m. December 19, 2001 - just about the last Part 91 operator in the U.S. to resume work and we were never re-imbursed for our enforced down time.

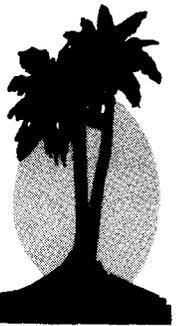
We are operating a two airplane Part 91 tour business with two owner pilots and my wife manning the office and van shuttle. This means we cannot operate as a single pilot FAR Part 135 operation. I have spent almost 25 years in FAR Part 135 operations, but not in the past 20 years. This means I do not meet the required three years of Part 135 experience during the past six years. Now we would have to hire a Director of Operations, a Chief Pilot and a Director of Maintenance. Only in the government could a three person operation financially sustain three overseers. There is no mention in the



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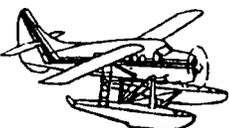
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FAA projections of increased insurance costs for existing Part 91 operators to switch to Part 135. The insurance companies see everyone landing in strange places and trying to navigate longer flights under varying weather conditions as definitely riskier than flights that depart and arrive from their home base and can usually even see their main base by staying within the 25 mile radius. Our insurance broker told us we could expect a 25% to 30% increase in insurance rates operating with a FAR Part 135 Certificate and we are already paying over six figures. The insurance companies today have a larger influence on safety than the FAA. Under Part 135 regulations a pilot flying for us must have a minimum of 250 hours flight time to obtain a commercial pilot certificate, an instrument rating and the usual five or six hours of seaplane time to get a seaplane rating. Our insurance company wants a minimum of 2000 hours total time and at least 500 hours in seaplanes. Anything less than that requires individual negotiation and a rate increase.

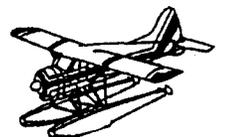
It is hard to comprehend the FAA's thoughts in this Notice of Proposed Rule Making. The data used in this NPRM all shows that Part 135 operations are definitely more dangerous than Part 91 ops. They state that in the eight year period from 1993 to 2000 that the 1670 Part 91 operators (number drawn from thin air) had 75 accidents with only 38 fatalities while the supposedly safer Part 135 operators killed 72 persons in 53 accidents. They pass over the fact that there supposedly are almost four times the number of Part 91 operators compared to Part 135 operators. In reality there might be over 3,000 operations in the U.S. that would provide a sightseeing flight if they have the opportunity. No one knows!

Twelve aircraft accidents were listed in the NPRM (two aircraft under #6) and of these accidents, nine were FAR Part 135, one happened in a foreign nation and two were Part 91 accidents and one of these two was not really a sightseeing tour, but a thrill ride instead. Or possibly this was aerobatic instruction which would be exempted under the NPRM anyway.

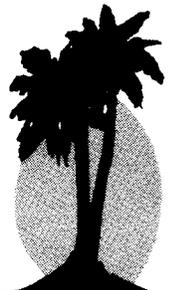
We currently operate with a FAA approved drug testing program, provide life jackets for everyone, give a very complete preflight briefing as well as operate under SFAR 71. The SFAR 71 in Hawaii rule is a farce as we daily see helicopters flying into narrow canyons to view waterfalls - some even flying inside of Diamond Head Crater. The FAA



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even encourages operators here to apply for a waiver of the 1500 foot altitude restrictions and operate at lower altitudes. We actually fly over half of our tour at 2000 agl or higher. Safety is first.

Researching the NTSB records on the internet shows a total of exactly 100 aircraft accidents in Hawaii between 2/12/94 and 9/9/03 in all categories. These break down as follows:

- 29% of these accidents were FAR Part 135 operators*
- * 24% of these accidents were FAR Part 135 Air tours*
- * 8% of these accidents were FAR Part 135 Fatal tours*
- 3% of these accidents were FAR Part 137 Agricultural*
- 5% of these accidents were FAR Part 133 External load*
- 12% of these accidents were FAR Part 121 Scheduled Airline*
- 2% of these accidents were FAR Part 129 Foreign Airline*
- 49% of these accidents were FAR Part 91 Operations*
- 31% of these accidents were FAR Part 91 Personal Transportation*
- 12% of these accidents were FAR Part 91 Flight Training*
- 3% of these accidents were FAR Part 91 Gliders*
- * 3% of these accidents were FAR Part 91 Air tours*
- * 1% of these accidents were FAR Part 91 Fatal Air Tours*
- 45% of these accidents were Helicopters*

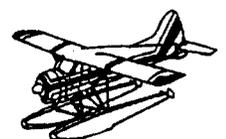
Undoubtedly more lives would be saved by banning helicopters than worrying about FAR Part 91 air tour operators.

Another search of NTSB records for the entire U.S. for the years 2001, 2002 and 2003 shows 54 fatal FAR Part 135 accidents and only two fatal FAR Part 91 air tour accidents -- and both of these were hot air balloons!

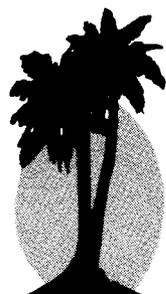
Who ever drafted the NPRM certainly did not do their homework. The facts provided definitely show safer operations by FAR Part 91 tour operators than Part 135 operators. Probably because a much larger share of the Part 91 operations are owner flown. Surprisingly there have been more scheduled airlines FAR Part 121 showing up in the



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NTSB records that FAR Part 91 air tour operators here in Hawaii.

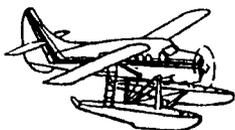
The FAA predicts that probably 700 or so Part 91 tour operators would simply go out of business and disappear if this NPRM were implemented. I personally think it would be much higher. Why do we need a government that is not concerned about putting hundreds of people out of business? Why should the taxpayers have to support a government that operates under that basis? A little exploration on the internet also shows that over 150 persons drown in their bathtub at home annually -- does that mean we need Federal intervention? That is a considerably larger number of deaths compared to FAR Part 91 air tour operators!

The records show that if the FAA is really going to bring FAR Part 91 operators up to the commercial standards, the Part 91 operators are going to have to start practicing crashing. Part of this proposed NPRM makes sense - passenger briefing and helicopter floats operating over water -- but the expenses to comply in the entire proposed rule do not make sense for the current rate of accidents. To my knowledge, former Vice President Al Gore is the only person who said he could legislate a zero accident rate in aviation (he was the same fellow who invented the internet).

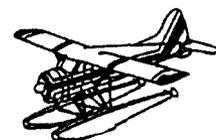
Sincerely Yours,

A handwritten signature in black ink that reads "Pat Magie".

Pat Magie, President
ISLAND SEAPLANE SERVICE INC.



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The **ONLY AIR TOUR** in **ALL** of Hawaii
RECOMMENDED by both **Frommers's Travel**
Guide and the **National Geographic Traveler.**

Exciting Adventure



海から空へ
TAKE OFF!

The fun, exciting and affordable way to really see and experience the Island beauty. Relive the romance of Pan Am's famous "China Clipper" flying boats when they departed and landed on historic Keehi Lagoon. A very comfortable and unobstructed view from a high wing aircraft moving at the right speed and altitude for taking photos. A high wing means you can see the ground and colorful waters below you.

Island Seaplane Service Inc.

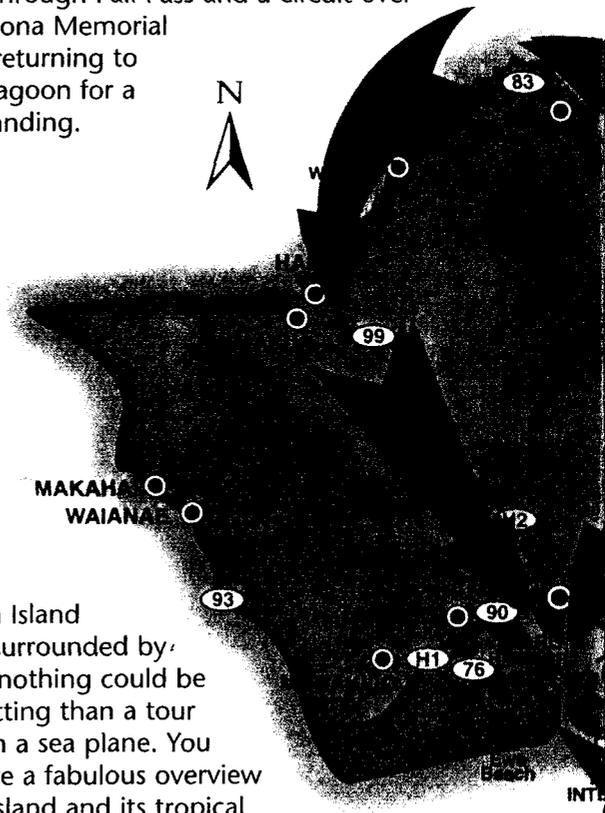


836-6273

Aloha Flight

**1/2 Hour Flight - \$99.⁰⁰
per person**

On arrival at our floating office you will be welcomed and briefed on a map of the flight and the sights you will see. After you take-off from the water we will climb out alongside Honolulu Harbor and Aloha Tower, then pass offshore of Waikiki Beach followed by a look down into Diamond Head Crater, the prestigious Kahala area, Koko Head Crater, Hanauma Bay, Sealife Park, Kaneohe Bay and return through Pali Pass and a circuit over the Arizona Memorial before returning to Keehi Lagoon for a water landing.



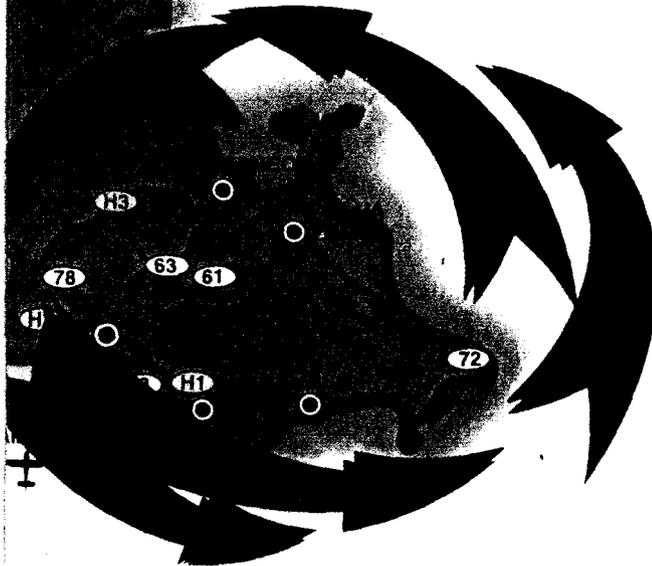
With an Island totally surrounded by water...nothing could be more fitting than a tour by air in a sea plane. You will have a fabulous overview of the island and its tropical scenery—even whales in season.

Hawaii's only seaplane operation brings 45 years of experience in water flying in Alaska, Canada, the Arctic and the Caribbean Islands. You can now experience the thrill of taking off and landing on the protected waters of Keehi Lagoon. The company founder and president has almost 37,000 hours of accident free flight time with 30,000 hours in seaplanes

Islander Flight

**1 Hour Flight - \$169.⁰⁰
per person**

This flight will take in all of the spectacular sights of the 1/2 hour flight and continue over sparkling Kaneohe Bay and along the Windward coast of O'ahu and show you Chinaman's Hat, the movie sites of "Jurassic Park" and "Godzilla," Kahana Bay, Sacred Falls, the Polynesian Cultural Center, the Mormon Temple, BYU Hawaii Campus, the old Kahuku Sugar Mill, the Windmill Farm and the Turtle Bay Hotel. We will also view the world famous surfing areas of Sunset Beach, the Banzai Pipeline, Waimea Bay and Haleiwa as well as the cascading Waimea water falls. Then we will proceed south-bound over awesome pineapple fields and the remains of the old sugar cane fields, past Schofield Barracks, Wheeler Army Air Field and finally Pearl Harbor, the Arizona Memorial, the Battleship "Missouri" and Hickam Air Force Base before touching down at Keehi Lagoon for a picture perfect landing.



Complimentary van service is available from the Waikiki hotels.

All flights are pilot-narrated with a two way intercom that allows you to converse as we go.

Meal Deal

\$129.⁰⁰ - per person
Minimum of 20 people

How about combining a fantastic seaplane tour of South Oahu, a great Polynesian meal on a floating dock that looks at Honolulu and Diamond Head across the sparkling waters of Keehi Lagoon. Feast on Huli-Huli chicken, pasta salad, rice, hot rolls, scrumptious dessert and Mai Tai punch served buffet style complete with Hawaiian music piped over the dock. The entire facility will be reserved for your group's private gathering. You can relax on the dock and watch the seaplanes take-off and land right in front of you. This activity is normally done in the late afternoon and will often offer great sunsets.



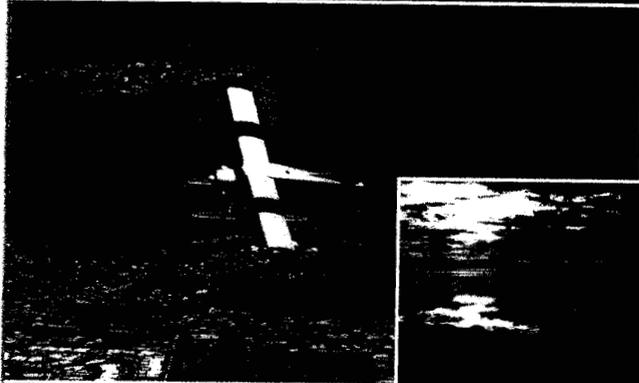
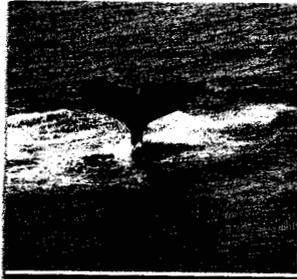
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Pupu Party

\$99.⁰⁰ - per person
Minimum of 12 people

Another option that many groups enjoy is our last flight of the day mixed with an assortment of Pupus and our famed Mai Tai punch. This includes the flight of the southern section of Oahu Island along with a very relaxing time sitting on the floating dock munching Pupus, listening to Hawaiian music and watching the seaplanes come and go. We sometimes even see Manta Rays, Sea Turtles and the occasional Mermaid swim by. Pupus will include a variety of sausages, cheese, egg rolls, pot stickers along with chips, veggies and dips. This function is very popular as a pre-boarding party for the cruise ship passengers.





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