

JAN 23 2026

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## A BILL FOR AN ACT

RELATING TO AIRCRAFT OPERATIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. This Act shall be known as the "Helicopter Tour  
2 Safety and Community Protection Act of 2026".

3 SECTION 2. The legislature finds that commercial  
4 helicopter tours over state land create noise pollution, disturb  
5 state wildlife, degrade the quality of life of state residents,  
6 and deaden visitors' experience of the State's natural beauty.  
7 Current regulations provide insufficient protection and relief  
8 from the detrimental effects of commercial helicopter tours.

9 The legislature further finds that Grand Canyon National  
10 Park and other jurisdictions have successfully implemented  
11 flight restrictions on commercial helicopter tours that balance  
12 tourism with conservation of natural soundscapes and wildlife.

13 Accordingly, the purpose of this Act is to establish  
14 reasonable restrictions on the operation of commercial  
15 helicopter tours over areas of the State designated as  
16 environmentally or culturally sensitive areas so that state



1 soundscapes, wildlife, and communities may be preserved while  
2 promoting legitimate tourism interests.

3 SECTION 3. The Hawaii Revised Statutes is amended by  
4 adding a new chapter to be appropriately designated and to read  
5 as follows:

6 **"CHAPTER"**

7 **HELIICOPTER TOUR SAFETY AND COMMUNITY PROTECTION**

8 **§ -1 Definitions.** As used in this chapter:

9 "Commercial helicopter tour" means a business operation  
10 that offers a helicopter for hire by passengers for the purpose  
11 of aerial observation of landmarks and other manmade or natural  
12 sites within an island of the State and for the purpose of  
13 transporting passengers for tourist-related activities.

14 "Department" means the department of transportation.

15 "Flight-free zone" means an area where a commercial  
16 helicopter tour is prohibited.

17 "Sensitive area" means a geographic area designated by the  
18 department as requiring special protection.

19 **§ -2 Sensitive areas.** (a) Within one hundred and  
20 eighty days of enactment, the department shall designate certain  
21 areas of the State as sensitive areas pursuant to criteria set



1 forth in subsection (b) of this section, including but not  
2 limited to:

3 (1) Na Pali Coast state wilderness park;  
4 (2) Haleakala National Park;  
5 (3) Hawaii Volcanoes National Park;  
6 (4) Waimea canyon;  
7 (5) Kaaawa valley; and  
8 (6) North shore residential areas.

9 (b) The department shall use the following criteria when  
10 choosing to designate a sensitive area:

11 (1) Documented noise complaints from residents of or near  
12 the area under consideration;  
13 (2) Value of the natural soundscape;  
14 (3) Cultural significance to the Native Hawaiian  
15 community;  
16 (4) Presence of one or more endangered species;  
17 (5) Wildlife disturbance reports; and  
18 (6) Visitor experience survey data.

19 (c) The designation by the department of a sensitive area,  
20 including those found in paragraphs (a)(1) through (a)(6), shall



1 occur only pursuant a public process that includes but is not  
2 limited to:

3 (1) A sixty-day period for public comment and a public  
4 notice that explicitly states the start and end dates  
5 of the public comment period;

6 (2) At least one public hearing during the sixty-day  
7 period to be held on the island that contains the area  
8 under consideration for sensitive area designation;

9 (3) Consultation with communities within or near the area  
10 under consideration for sensitive area designation;

11 (4) Input from Native Hawaiian organizations;

12 (5) An environmental impact assessment; and

13 (6) A final public statement, to include responses to all  
14 public comments submitted during the public comment  
15 period, regarding the decision to designate or not  
16 designate the area under consideration as a sensitive  
17 area.

18 (d) The department shall review and update sensitive area  
19 designations every five years.



1           **§ -3 Restrictions on commercial helicopter tours.** (a)

2   A commercial helicopter tour permitted to operate in a sensitive  
3   area shall:

4           (1) Maintain:

5           (A) A minimum of one thousand five hundred feet above  
6           ground level over wilderness and natural areas;

7           (B) A minimum of two thousand feet above ground level  
8           over residential areas; and

9           (C) Higher altitudes where the department has judged  
10           it necessary to protect wildlife or reduce noise  
11           impact;

12           (2) Follow only routes that are approved by the  
13           department, that shall:

14           (A) Minimize overflight of residential areas;

15           (B) Avoid the critical habitat of wildlife during  
16           sensitive periods, such as nesting or breeding  
17           times;

18           (C) Distribute air traffic between commercial  
19           helicopter tour operators to prevent  
20           concentration over a portion of the sensitive  
21           area; and



- 1 (D) Provide adequate separation between tours; and
- 2 (3) Not operate:
  - 3 (A) Between 5:00 p.m. and 8:00 a.m.;
  - 4 (B) On Sundays or state holidays; and
  - 5 (C) During cultural events or ceremonies held in the
  - 6 same sensitive area in which the commercial
  - 7 helicopter tour is to operate.
- 8 (b) The department shall establish caps on:
  - 9 (1) The total number of permits issued to businesses
  - 10 offering commercial helicopter tours over any
  - 11 sensitive area;
  - 12 (2) The daily number of commercial helicopter tours over
  - 13 each sensitive area; and
  - 14 (3) The number of businesses offering commercial
  - 15 helicopter tours allowed to operate per sensitive
  - 16 area.
- 17 (c) The department may establish a flight-free zone within
- 18 any sensitive area where relief from the impact of commercial
- 19 helicopter tours is sought for any or all of the following:
- 20 (1) Cultural resources;
- 21 (2) Endangered species;



- 1       (3) Residential communities; and
- 2       (4) The natural soundscape.
- 3       (d) The restrictions in this section do not apply to:
- 4       (1) Emergency medical services;
- 5       (2) Search and rescue operations;
- 6       (3) Military operations;
- 7       (4) Law enforcement operations;
- 8       (5) Firefighting operations; and
- 9       (6) Scientific research with special permits.

§ -4 Permit requirements and enforcement. (a) No

11 business shall operate a commercial helicopter tour over a  
12 sensitive area without a permit from the department.

13 (b) The department shall require all applications for a  
14 permit for operating a commercial helicopter tour over a  
15 sensitive area to include the following:

16 (1) Proposed routes and altitude profiles;

17 (2) Expected flight frequency and schedules;

18 (3) Aircraft type and noise characteristics;

19 (4) Safety and training procedures;

20 (5) Environmental mitigation measures;

21 (6) Community outreach plans; and



1 (7) Any prior history of permit suspension or revocation.

2 (c) The department may impose further conditions on the  
3 issuance of a permit for operating a commercial helicopter tour  
4 over a sensitive area including:

5 (1) The required use of quieter helicopter models;

6 (2) Mandatory training on the awareness of sensitive areas  
7 for pilots of commercial helicopter tours;

**8** (3) Seasonal restrictions for wildlife protection;

**9** (4) Submission of real-time flight tracking data; and

**10** (5) Noise monitoring requirements.

11 (d) Any person who violates this c

11 (d) Any person who violates this chapter or any rule  
12 adopted by the department pursuant to this chapter shall be  
13 fined not more than \$10,000 for each separate offense. Each day  
14 of violation shall constitute a separate offense. Any action  
15 taken to impose or collect the penalty provided for in this  
16 subsection shall be considered a civil action. The department  
17 may suspend or revoke any permit issued under this section for  
18 repeated violations of the rules of this chapter or for a single  
19 violation of the prohibition on commercial helicopter tours in a  
20 flight-free zone.



1           **§ -5 Monitoring; reporting.** (a) The department shall  
2    track each commercial helicopter tour conducted in a sensitive  
3    area in real time, including through the use of global  
4    positioning data, and shall conduct noise monitoring of each  
5    sensitive area.

6           (b) The department shall establish a dedicated United  
7    States phone number for use by residents and community members  
8    to submit anonymous complaints of suspected violations of this  
9    chapter. Any complaint submitted in this manner shall be  
10    investigated by the department within forty-eight hours.

11          (c) The department shall submit an annual report that  
12    includes but is not limited to:

13           (1) The current list of designated sensitive areas,  
14            including flight-free zones, and public comments  
15            surrounding each designation;  
16           (2) The number of permits issued to operate commercial  
17            helicopter tours over a sensitive area;  
18           (3) The number of daily commercial helicopter tours and  
19            the number of businesses offering commercial  
20            helicopter tours per sensitive area for each sensitive  
21            area;



1 (4) The number of violations, civil penalties awarded; and  
2 permit suspensions or revocations;

3 (5) The number, nature, and resolution of anonymous  
4 complaints submitted using the hotline established  
5 pursuant to subsection (b) of this section;

6 (6) Any proposed changes to the list of designated  
7 sensitive areas; and

8 (7) Any recommendations for policy change, including  
9 proposed legislation, concerning commercial helicopter  
10 tours over sensitive areas;

11 to the legislature no later than twenty days prior to the  
12 convening of each regular session."

13 SECTION 4. If any provision of this Act, or the  
14 application thereof to any person or circumstance, is held  
15 invalid, the invalidity does not affect other provisions or  
16 applications of the Act that can be given effect without the  
17 invalid provision or application, and to this end the provisions  
18 of this Act are severable.

19 SECTION 5. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.



1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

Mike Gabbard



# S.B. NO. 2889

**Report Title:**

DOT; Commercial Helicopter Tour; Sensitive Area; Restriction; Permits; Public Process; Civil Penalty; Report

**Description:**

Restricts commercial helicopter tour operations over sensitive areas designated by the Department of Transportation through public process. Requires the Department of Transportation to enforce restrictions through a permit process, flight tracking, noise monitoring, complaint investigation, and the issuance of a civil penalty for each violation. Requires an annual report to the Legislature by the Department of Transportation.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

