

JAN 23 2026

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 **HELICOPTER 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.



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

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

(1) Maintain:

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

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

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

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

(A) Minimize overflight of residential areas;

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

(C) Distribute air traffic between commercial helicopter tour operators to prevent concentration over a portion of the sensitive 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;



(3) Residential communities; and

(4) The natural soundscape.

(d) The restrictions in this section do not apply to:

(1) Emergency medical services;

(2) Search and rescue operations;

(3) Military operations;

(4) Law enforcement operations;

(5) Firefighting operations; and

(6) Scientific research with special permits.

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

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

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

(1) Proposed routes and altitude profiles;

(2) Expected flight frequency and schedules;

(3) Aircraft type and noise characteristics;

(4) Safety and training procedures;

(5) Environmental mitigation measures;

(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 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.



S.B. NO. 2889

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

2

INTRODUCED BY: Mike Hubbard



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.

