



**U.S. Army Corps
of Engineers®**
Honolulu District

Special Public Notice

Public Notice No.
POH-2007-00226

Date:
December 07, 2023

Reply to:
U.S. Army Engineer District, Honolulu
Regulatory Branch, CEPOH-RO
Building 252
Fort Shafter, Hawaii 96858-5440

Respond by: **January 08, 2024**

PUBLIC NOTICE DATE: December 07, 2023

EXPIRATION DATE: January 08, 2024

REFERENCE NUMBER: POH-2007-00226

WATERWAY NAME: Pacific Ocean, Kaneohe Bay

Interested parties are hereby notified that an application has been received from the United States Marine Corps for the Department of the Army (DA) to amend an established danger zone (33 CFR 334.1380) within Kaneohe Bay on U.S. Marine Corps Base Hawaii.

1. **APPLICANT:** U.S. Marine Corps Base Hawaii (MCBH), Commanding Officer Marine Corps Base Hawaii, Attn: G-3T Dan Geltmacher, Bldg. 216/RM 33, Box 63002, Kaneohe Bay, Hawaii 96863-3002
2. **AGENT:** Not applicable
3. **APPLICABLE STATUTORY AUTHORITIES:** This request is being considered pursuant to authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3). Regulations the U.S. Army Corps of Engineers is proposing to amend are at 33 CFR 334.1380.
4. **LOCATION OF THE PROPOSED ACTIVITY:** The waters within a sector extending seaward a distance of 3.8 nautical miles between radial lines bearing 357.1° true and 124.9° true, respectively, from a point on Mokapu Peninsula at latitude 21° 27' 11.84" N, longitude 157° 43' 53.83" W. The three seaward points are as follows:

Point A: Latitude 21° 30' 59.66" N, Longitude 157° 44' 05.97" W
Point B: Latitude 21° 29' 16.58" N, Longitude 157° 40' 30.19" W
Point C: Latitude 21° 25' 01.79" N, Longitude 157° 40' 33.70" W
5. **PROJECT PURPOSE AND DESCRIPTION:**

The U.S. Marine Corps (USMC) has requested amendments to the regulations in 33 CFR 334.1380 for the existing danger zone in waters of the United States in the vicinity of Kaneohe Bay. Due to modern training requirements in low light conditions for the operation of weapon

systems used in conjunction with night optic devices, the danger zones associated with weapons training have increased the hours of operation into the night. Therefore, there is a need to amend the danger zones hours of use to satisfy training requirements. The proposed amendment is described below and will reflect the current operational and safety procedures at the Marine Corps Air Station, (MCAS) Kaneohe Bay, Island of Oahu, Hawaii—Ulupau Crater Weapons Training Range danger zone and will highlight a change in the hours that weapons firing may occur.

33 CFR 334.1380 would be revised as follows.

(1) Weapons firing at the Ulupau Crater Weapons Training Range may occur at any time between **6:00 a.m. and 2:00 a.m.**, Monday through Sunday. Specific dates and hours for weapons firing, along with information regarding onshore warning signals, will be promulgated by the U.S. Coast Guard's Local Notice to Mariners. Information on weapons firing schedules may also be obtained by calling the MCBH Range Manager, AC/S G-3 [telephone number 808-257-8816/17].

(2) Whenever live firing is in progress during daylight hours, two large red triangular warning pennants will be flown at each of two highly visible and widely separated locations on the shore at Ulupau Crater.

(3) Whenever any weapons firing is scheduled and in progress during periods of darkness, flashing red warning beacons will be displayed on the shore at Ulupau Crater.

(4) Boaters will have complete access to the danger zone whenever there is no weapons firing scheduled, which will be indicated by the absence of any warning flags, pennants, or beacons displayed ashore.

(5) The danger zone is not considered safe for boaters whenever weapons firing is in progress. Boaters shall expeditiously vacate the danger zone at best speed and by the most direct route whenever weapons firing is scheduled. Passage of vessels through the danger zone when weapons firing is in progress will be permitted, but boaters shall proceed directly through the area at best speed. Weapons firing will be suspended as long as there is a vessel in the danger zone. Whenever a boater disregards the publicized warning signals that hazardous weapons firing is scheduled, the boater will be personally requested to expeditiously vacate the danger zone by MCBH Kaneohe Bay military personnel utilizing a bull-horn from a Marine helicopter, hailing the vessel via VHF channel 16 or U.S. Navy surface craft.

(6) Observation posts will be manned whenever any weapons firing is scheduled and in progress. Visibility will be sufficient to maintain visual surveillance of the entire danger zone and for an additional distance of five (5) miles in all directions whenever weapons firing is in progress.

The foregoing regulations shall be enforced by the Commanding General, MCBH Kaneohe Bay and such agencies as he/she may designate.

6. IMPACTS OF PROPOSED ACTIVITIES IF AUTHORIZED:

The operations and safety procedures will essentially remain unchanged. Nearly all projectiles and bullets fired in the Ulupau Crater during the weapons training operations will be

contained within the crater itself due to the crater's terrain and geomorphological characteristics (i.e., surrounding cliffs), which generally prohibit dispersion of the projectiles into the waters of the danger zone. Therefore, the incremental effects associated with the amended danger zone are considered negligible and are not expected to adversely or permanently impact existing benthic fauna and other marine species that utilize or colonize the surrounding waters and substrate in Kaneohe Bay. Other adverse impacts will be minimal, including the temporary disruption of boating traffic in the area.

7. IMPACT ON HISTORIC PROPERTIES:

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), the Corps has determined that the proposed action does not have the potential to cause effects to historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. Therefore, no further consultation will be conducted.

8. IMPACT ON ENDANGERED SPECIES:

Pursuant to Section 7 of the Endangered Species Act (ESA), the Corps has determined that the proposed activity to expand the existing danger zone will result in no effect on federally listed species. The amendment of the established danger zone is an administrative procedure necessary to ensure public safety. Nearly all projectiles and bullets fired in the Ulupau Crater will be contained within the crater and therefore, will not disperse into the waters within the danger zone. The threatened green sea turtle (*Chelonia mydas*), endangered hawksbill turtle (*Eretmochelys imbricata*), humpback whale (*Megaptera novaengliae*), and Hawaiian monk seal (*Monachus schauinslandi*) may transit through or near the area but are not expected to be indirectly or directly impacted as this procedure will not require any in-water activity or work.

9. IMPACT ON ESSENTIAL FISH HABITAT:

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). There is designated EFH within the previously established limits of the danger zone.

The amendment of an established danger zone is an administrative procedure necessary to ensure public safety. This procedure will not require any in-water activity or work that may result in any direct or indirect impacts to EFH. The Corps has determined that amending an established danger zone will have no effect on EFH and therefore consultation is not required.

10. OTHER GOVERNMENT AUTHORIZATIONS/CERTIFICATIONS:

Prior to the issuance of the Department of Army permit, the applicant is required to obtain a Coastal Zone Management (CZM) Program consistency determination, or waiver from the Office of Planning before the DA permit is valid. Other State and local approvals may be required.

11. COMMENTS AND INQUIRIES:

Interested parties may submit in writing any comments that they have on the amendment of the established danger zone. Comments on the described work, with the reference number **POH-2007-00226**, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact the Regulatory Office at 808-835-4307 if further information is desired concerning this notice. Electronic comments by e-mail can be posted at CEPOH-RO@usace.army.mil.

12. REQUEST FOR PUBLIC HEARING:

Comments are used to determine the need for a public hearing and to determine the overall public interest of the amendment of the established danger zone. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state clearly and concisely, the reasons and rationale for holding a public hearing. The District Commander will then decide if a hearing should be held.

Attachment:

Figure 1-- General Location Map and Specific Site Location

