



Public Notice

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

Public Notice No.
POH-2007-00226

Date:
August 31, 2007

Reply to:
U.S. Army Engineer District, Honolulu
Regulatory Branch, CEPOH-EC-R
Building 230
Fort Shafter, Hawaii 96858-5440

Respond by: October 1, 2007

APPLICATION FOR INDIVIDUAL PERMIT

PUBLIC NOTICE DATE: August 31, 2007

EXPIRATION DATE: October 1, 2007

REFERENCE NUMBER: POH-2007-00226

WATERWAY NAME: Pacific Ocean, Kaneohe Bay

Interested parties are hereby notified that an application has been received for a Department of the Army (DA) permit for certain work in waters of the United States as described below and shown on the attached figure.

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:** Section 10 of the Rivers and Harbors Act (33 U.S.C. 403)
4. **LOCATION OF THE PROPOSED ACTIVITY:** The waters within a sector extending seaward a distance of 3.8 nautical miles between radial lines bearing 001° true and 129° true, respectively, from a point on Mokapu Peninsula at latitude 21° 27' 10" N, longitude 157° 43' 45" W, exclusive of the existing 500-yard wide prohibited area. The interface between the existing 500-yard prohibited area and this danger zone is defined by five points having the following coordinates:

Point A: Latitude 21° 29' 53" N, Longitude 157° 43' 37" W
Point B: Latitude 21° 30' 39" N, Longitude 157° 42' 30" W
Point C: Latitude 21° 28' 34" N, Longitude 157° 40' 04" W
Point D: Latitude 21° 28' 10" N, Longitude 157° 41' 05" W
Point E: Latitude 21° 35' 31" N, Longitude 157° 41' 23" 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 weapons improvements over the years and the global war on terrorism (GWOT), the danger zones associated with weapons training have increased their lateral limits, or size, of the area affected by range operations. Therefore, there is a need to expand the danger zone in accordance with the coordinates specified above to more accurately delineate the danger zone. 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 11:00 p.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:

The area of potential effect (APE) for the proposed activity consists of the expanded area of the danger zone, as depicted in the attached figure/map. The Hawaii and National Register of Historic Places do not list any historic properties within the APE for the undertaking. Therefore, the Corps has determined that the areas of direct and indirect impact from the expansion of the danger zone will not impact any historic properties listed, or eligible for listing, on the Hawaii and National Registers of Historic Places.

This notice has been sent to the State Historic Preservation Officer and the State Office of Hawaiian Affairs. Any comments they have regarding historic properties and cultural resources will be meaningfully considered before a final decision is made on the DA permit.

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. 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.

This notice has been transmitted to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they have on endangered or threatened species, or designated critical habitat, will be meaningfully considered before a final decision is made on the DA permit.

9. 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.

10. EVALUATION FACTORS:

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof. Among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, (40 CFR Part 230).

11. COMMENTS AND INQUIRIES:

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public, Federal, State and local agencies and officials, native Hawaiian groups and individuals and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Interested parties may submit in writing any comments that they have on issuance of a permit for the proposed activity. Comments on the described work, with the reference number, 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 Susan A. Meyer at 808-438-2137 if further information is desired concerning this notice. Electronic comments by e-mail can be posted at CEPOH-EC-R@usace.army.mil. Facsimile comments can be sent to 808-438-4060.

It is Corps' policy that any objections will be forwarded to the applicant for comment or rebuttal before the objection is resolved. If the objecting party so requests, all personal information will be deleted from the forwarded letter, or the objections will be sent in paraphrased, summary form.

12. REQUEST FOR PUBLIC HEARING:

Any person may request, in writing, within 30 days from the date of this notice that a public hearing be held to consider issuance of a permit for the proposed project. Requests for public hearing must specifically state the reasons for holding a public hearing.

Attachment:

Figure 1-- General Location Map and Specific Site Location

BLUE REPRESENTS OLD CFA

RED REPRESENTS NEW CFA

