

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 9, 2026

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Ref: 25OD-085

OAHU

Issuance of Right-of-Entry Permit to the Department of the Navy for Access Purpose; Halawa, Ewa, Oahu; TMK: (1) 9-9-010: portion of 058.

APPLICANTS:

Department of the Navy (Navy).

LEGAL REFERENCE:

Sections 171-13, and -55 Hawaii Revised Statutes (“HRS”), as amended.

LOCATION:

Portion of Government land in Halawa, Ewa, Oahu; TMK: (1) 9-9-010: portion of 058 as shown on **Exhibit A1** and **A2**.

AREA:

Not applicable.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: I-2

TRUST LAND STATUS:

Acquired after Statehood, i.e. non-ceded
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Department of Land and Natural Resources, Land Maintenance Crew baseyard.

CHARACTER OF USE:

Access purpose

COMMENCEMENT DATE:

To be determined by the Chairperson

MONTHLY RENTAL:

Gratis. Government agency.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("HAR") § 11-200.1-15 and -16 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, Staff believes the subject request is exempt from the preparation of an environmental assessment pursuant to the following:

General Exemption Type 1: Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing

Part 1, Item 44: Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.

The subject request is an administrative action that allows access for the Applicant's contractor for the construction of a monitoring well at the back of the subject State land. The project has also previously been exempted by the Hawaii Department of Transportation (HDOT) who thoroughly considered impacts from the construction of the monitoring well as well as associated staging area. Pursuant to the DOT Exemption Notice (**Exhibit B1**), impacts associated with project are anticipated to minimal and further environmental analysis is not warranted.

Regarding the Applicants request to use of the baseyard as ingress and egress for the DOT site, ground is anticipated to be minimal and any disturbance would be due to movement of large vehicles and equipment through the site. The Applicant will be required to restore the site at the completion of the project. No construction or any form of installation activities are planned within the baseyard property.

Therefore, staff believes the subject request will have minimal or no significant effects and thus should be declared exempt from the preparation of an EA (**Exhibit B2**).

Staff consulted with the DOT and DAB who concurred with the exemption.

DCCA VERIFICATION:

Government agency. Not applicable.

BACKGROUND:

By its letter dated July 18, 2025 (**Exhibit C**), the Navy, through its Naval Facilities Engineering System Command in Hawaii, requests access rights over a portion of State land currently used as the baseyard for the Department's land maintenance crew in Halawa, underneath H-3 Freeway.

As part of the environmental investigations of Red Hill groundwater monitoring related to the 2021 fuel release at the Red Hill underground tank farm, the Navy plans to construct, install, and maintain a monitoring well at the back of the baseyard. The proposed area for the well is under jurisdiction of the State DOT.

To facilitate the construction activities, an access through the baseyard would provide the most direct route to the site. Map attached in Exhibit C shows the relative locations of the access route and the proposed well site.

Staff received concurrence, via emails, from DOT and the DAB on the request.

Upon completion of construction, the Navy or its contractor will communicate with the responsible parties for any access arrangement for monitoring the well site.

Applicant has not had a lease, permit, easement, or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions. There are no other pertinent issues or concerns regarding the subject request.

PUBLIC LAND TRUST ANALYSIS FOR CEDED LAND DISPOSITIONS:

Pursuant to Section 5(f) of Admission Act, ceded lands shall be held by said State as a public trust "*...for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use*".

The Navy is planning to construct a monitor well near the requested site which is related to the 2021 fuel release at the Red Hill underground tank farm. To ensure the timely completion of the construction activities, Navy requests the use of the subject area for access to the construction site.

There is no monetary compensation payable by the applicant. Therefore, the typical 20% share of any revenue by the Office of Hawaiian Affairs is a moot issue.

Staff believes that the public interest will be served by allowing the request. Therefore, staff would recommend the Board authorize the subject request as articulated in the Recommendation section.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and section 11-200.1-16, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment as a de minimis activity.
2. Authorize the issuance of a right-of-entry permit to the Department of the Navy covering the subject area for access purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - B. Applicant shall provide security on nights and weekends during construction; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Barry Cheung

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:

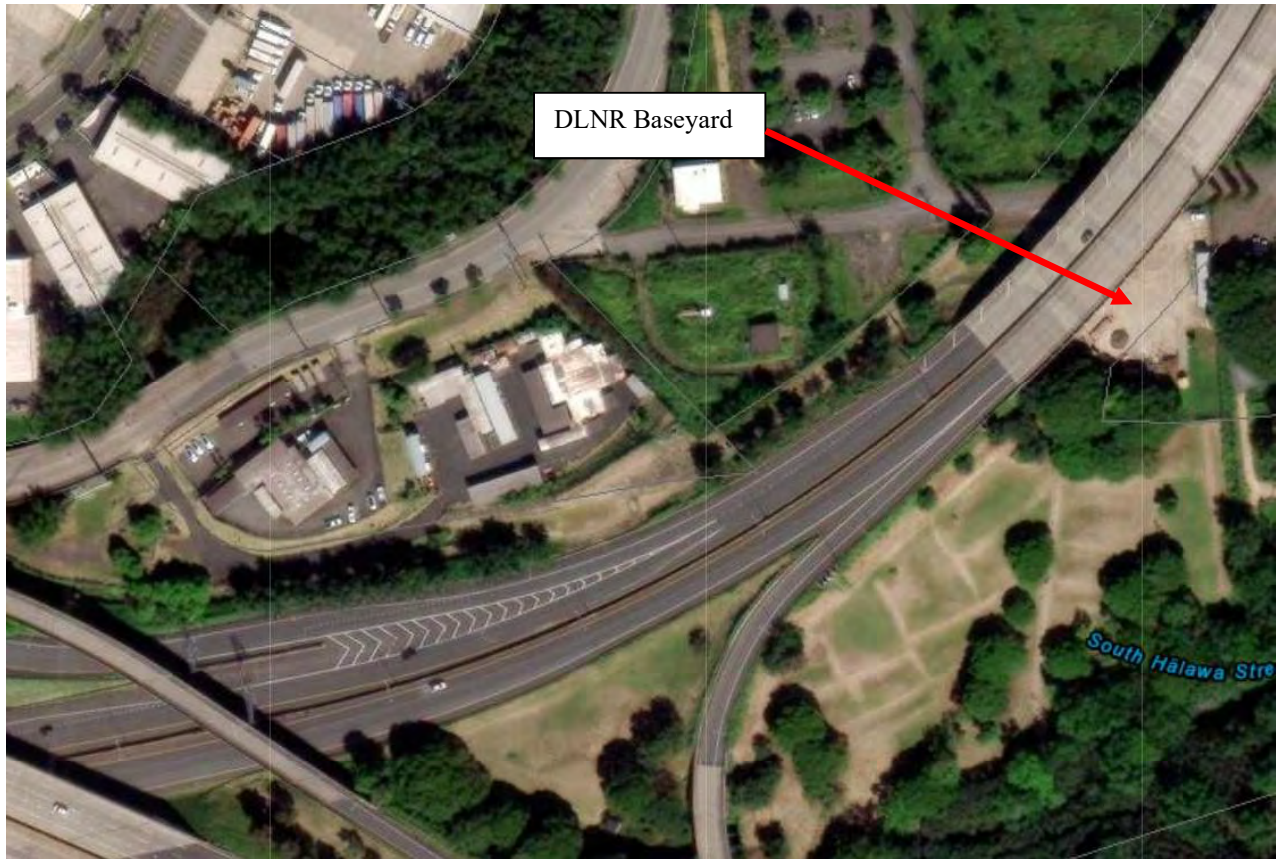


Dawn N. S. Chang, Chairperson



TMK (1) 9-9-010: portion of 058

EXHIBIT A1



TMK (1) 9-9-010: portion of 058



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

July 24, 2025

**(P-716) RED HILL WATER TREATMENT FACILITY
JOINT BASE PEARL HARBOR HICKAM**

EXEMPTION NOTICE

Pursuant to Hawaii Revised Statutes (HRS) § 343, and
Hawaii Administrative Rules (HAR) § 11-200.1

AGENCY OR APPLICANT ACTION

- This exempted action is an agency action as defined by HRS § 343-5(b), and HAR § 11-200.1-8.
- This exempted action is an applicant action as defined by HRS § 343-5(e), and HAR § 11-200.1-9.

EXEMPTION TYPE

The Exemption Notice for the action described below is based on the general types enumerated in HAR § 11-200.1-15(c), Exemption Type **8**.

As applicable, the exemption for the action described below is also supported by the Exemption List for the State of Hawaii Department of Transportation (HDOT), reviewed and concurred to by the Environmental Council on February 1, 2022.

- Exemption List Class **TYPE 8, PART 1**.
- Item Number **8.f.**
- Applicable language from the exemption list: Execute and administer rights-of-entry agreements, use and occupancy contracts.

DESCRIPTION OF ACTION

Proposing Agency, Division or Applicant: United States Navy, Naval Facilities Engineering Systems Command (NAVFAC) Hawaii.

EXHIBIT B1

Project Name & Address/Location: (P-716) Red Hill Water Treatment Facility
Red Hill, Oahu, Hawaii

Anticipated Start Date: 2025

Anticipated End Date: Ongoing access for maintenance

Island and District: Oahu, Honolulu

Tax Map Key (TMK) and other geolocation means: HDOT owned right-of-way (ROW) in the vicinity of the H-201/H-3 interchange adjacent to TMK (1) 9-9-010: 050, and a portion of TMK (1) 9-9-010: 054.

All Necessary Permits and Approvals:

Finding of No Significant Impact (National Environmental Policy Act) (NEPA) – United States Navy (Navy).

National Pollutant Discharge Elimination System (NPDES) General Permit – State of Hawaii, Department Of Health.

Endangered Species Act Section 7 Consultation – U.S. Fish and Wildlife Service (USFWS).

National Historic Preservation Act Section 106 and Hawaii Revised Statutes Chapter 6E Approvals – State of Hawaii, Department of Land and Natural Resources, State Historic Preservation Division (SHPD).

NARRATIVE

Describe the action and why it qualifies for the exemption: HDOT proposes to enter into real estate agreements with the Navy to allow the Navy access, use, and occupancy rights in support of the Navy's project to construct and operate a water treatment facility at the former Red Hill Bulk Fuel Storage Facility (RHBFSF) (Attachment 1). The agreements will cover four primary actions:

1) Access and use of the HDOT ROW for the Navy to operate a temporary staging area within the HDOT ROW during the construction of the proposed water treatment facility. [EXEMPTION TYPE 1, PART 1, B.2.]

2) Installation of a new permanent underground utility connection corridor through the HDOT ROW to an existing Hawaiian Electric Company (HECO) manhole. [EXEMPTION TYPE 3, PART 1, 16.]

3) Access for the maintenance of a proposed retaining wall along the property boundary between the Navy owned parcel (TMK (1) 9-9-010: 050) and the HDOT ROW. [EXEMPTION TYPE 1, PART 1, A.1.]

4) Access for the maintenance of a perimeter fence clear zone along the boundary of the HDOT ROW and the adjacent Navy owned parcel (TMK (1) 9-9-010: 050).
[EXEMPTION TYPE 1, PART 1, A.1.]

The State of Hawaii Department of Agriculture (HDOA) also proposes to enter into a real estate agreement with the Navy to grant the Navy temporary access through HDOA's property (TMK (1) 9-9-010: 054) as a means to access the proposed staging area (within the HDOT ROW) during the construction process. [EXEMPTION TYPE 8, PART 1, 8.f.]

These actions qualify for an exemption because they will allow the Navy to conduct minor, ancillary actions within HDOT owned property to support their construction and operation of a new water treatment facility within Navy property. All actions within HDOT owned property are considered exempt under HAR § 11.200.1-15 and the HDOT Comprehensive Exemption List (dated February 1, 2022).

The Navy's proposed construction and operation of a water treatment facility on federal land at the former RHBFSF is undergoing an environmental assessment in compliance with NEPA. The portion of the project within federal land is not subject to compliance with HRS § 343.

RECEIVING ENVIRONMENT

Describe the site, including any impacts on the receiving environment:

The project area within HDOT property includes an approximately 3.2-acre construction staging area within HDOT ROW located due east of the H-3 and H-201 interchange in Halawa (Attachment 2). The existing conditions of the HDOT ROW are characterized by relatively flat, landscaped grassy areas with peripheral trees and a paved access road. It is bounded to the north and west by the H-3 Interstate and an exit ramp from H-201 to H-3. The southern border is delineated by the channelized run of Halawa Stream. Finally, the eastern boundary of the staging area is the property line between the ROW and the adjacent HDOA owned Animal Quarantine Facility.

The construction staging area would be accessed by an existing HDOA-owned driveway off Halawa Valley Street serving the Animal Quarantine Facility and a connection to an existing roadway serving the HDOT ROW. These existing roadways are paved, and the Navy would return them to their current condition following the completion of construction.

The project area within HDOT property also includes an area around the perimeter of the adjacent Navy property, where the Navy would maintain a perimeter fence clear zone and access to proposed retaining wall on Navy property. This clear zone includes grassy

areas along the H-201 shoulder and some areas of scrub vegetation (primarily kiawe and koa haole).

Finally, the project area within HDOT property includes a utility connection corridor between the Navy property and an existing HECO manhole located on a grassy shoulder along the north side of H-201.

ENVIRONMENTAL ANALYSIS

We have considered the potential effects of the proposed project actions within HDOT property and all related activities to the environmental resources checked below:

	Not Applicable
<input type="checkbox"/> Land Use and Zoning Conformance	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Traffic (Vehicles, Bicycles, Pedestrian)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Infrastructure (Roads, Buildings, Utilities)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Air Quality Pollutant Emissions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Noise Emissions	<input type="checkbox"/>
<input type="checkbox"/> Solid, Hazardous, and Liquid Waste Management	<input checked="" type="checkbox"/>
<input type="checkbox"/> Social	<input checked="" type="checkbox"/>
<input type="checkbox"/> Economic	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Health and Safety	<input type="checkbox"/>
<input type="checkbox"/> Recreation	<input checked="" type="checkbox"/>
<input type="checkbox"/> Public Beach Access	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Historic, Cultural and Archaeological Resources and Practices	<input type="checkbox"/>
<input checked="" type="checkbox"/> Visual/Aesthetic	<input type="checkbox"/>
<input type="checkbox"/> Environmental Justice	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Rare, Threatened, and/or Endangered Species	<input type="checkbox"/>
<input checked="" type="checkbox"/> Surface and Ground Water Resources	<input type="checkbox"/>
<input type="checkbox"/> Wetlands	<input checked="" type="checkbox"/>
<input type="checkbox"/> Floodplains	<input checked="" type="checkbox"/>
<input type="checkbox"/> Riparian/Coastal Resources	<input checked="" type="checkbox"/>
<input type="checkbox"/> Other	<input checked="" type="checkbox"/>

Summary of impact analysis

The project actions within HDOT property were evaluated with respect to a number of environmental resource areas and potential risks, detailed below.

Traffic:

Construction activities associated with the project would generate temporary increases in vehicular traffic to the HDOT site. This would include construction vehicles as well as commuting trips for construction workers. These increases would not exceed roadway capacities, and the types of vehicles would be consistent with existing vehicle traffic along Halawa Valley Street which serves a range of industrial uses. Additionally, the Navy would notify area residents, businesses, and schools prior to the start of construction to inform them of the ingress/egress of construction vehicles along Halawa Valley Street. During the operational period, the Navy would retain access to conduct maintenance on the retaining wall and within the perimeter fence clear zone. These maintenance activities would be infrequent and would have a negligible impact on traffic.

Infrastructure:

The proposed staging area would utilize existing access roads, including an approximately 300-foot section of the HDOA-owned Animal Quarantine Facility driveway from Halawa Valley Street, and the existing HDOT ROW access road. Following the completion of construction, the Navy would repair/improve all roads to return them to their pre-construction condition or better. The project will also include trenching within the H-201 ROW to accommodate a 550-foot underground electrical utility connection from the Navy property to the HECO point of connection. Trenching would occur within the grassy shoulder area on the north side of the ROW. Consultation with HDOT during the trenching permit process would mitigate impacts to H-201 resulting from trenching activities.

Air Quality:

The project actions within HDOT property are anticipated to result in short-term, temporary, and indirect impacts to air quality at the project site, its immediate environs, and potentially nearby downwind areas. The construction phase of the project is expected to last three years. Impacts during the construction phase could include fugitive dust, exhaust emissions from equipment and vehicles, increased local traffic from construction crew transiting to the site, and the transportation of equipment to, on, and from the project site. Best management practices (BMP) implemented during the construction phase would mitigate adverse impacts to air quality. The only location of ground disturbance within HDOT- or HDOA-owned property would be at the proposed underground utility connection corridor. The construction contractor will be required to prepare and adhere to a dust control plan to avoid or minimize offsite impacts from fugitive dust emissions.

During the operational phase of the project, there would be infrequent maintenance trips to access the proposed retaining wall, and perimeter fence clear zone. Vehicle emissions associated maintenance trips would have a negligible impact on air quality.

Noise:

The project sites within HDOT property are located near to a number of noise-generating activities, including the ROWs of the H-3/H-201 Halawa interchange, the Halawa Quarry operated by Hawaiian Cement, and other nearby industrial uses.

The project actions within HDOT property would result in short-term, temporary noise impacts in the vicinity of the HDOT project area associated with the use of the construction staging area, access roads, and installation of the new, underground electrical utility connection. The dominant noise sources during construction would be from the operation of construction equipment, which would be conducted during normal daytime working hours. The construction contractor would implement noise mitigation practices to minimize potential impacts.

Health and Safety:

Standard site security measures will be employed at the project site and staging areas to secure equipment and prevent public access to construction areas. During construction, the potential for workplace incidents that could increase demand for emergency services may occur. Compliance with the Navy's safety program, as well as occupational safety and health regulations, standards, and instructions would minimize the potential for these accidents.

Historic, Cultural and Archaeological Resources and Practices:

The Navy completed an archaeological inventory survey (AIS) for the Proposed Action area of potential effect (APE), including the portions of the project located within HDOT and HDOA property. The Navy submitted the Draft AIS to SHPD. No response was received from SHPD during the Draft AIS review period. The AIS included a pedestrian surface survey of the entire APE, including project areas within HDOT property, and four mechanical test trenches within the proposed utility connection corridor in the HDOT ROW. No archaeological material or cultural deposits were identified within HDOT property.

Visual/Aesthetic:

The HDOT ROW parcel will be utilized as a construction staging area during the construction phase of the project. Temporary stockpiling of construction materials and equipment, as well as temporary construction offices, will occur within the staging area. These will result in a temporary impact to the visual and aesthetic quality of the area, as viewed from the H-3 and H-201 Interstate Highways and surrounding ridges. Upon project completion, the staging area will be restored to its existing condition.

Rare, Threatened, and/or Endangered Species:

The use of the staging area would not involve ground disturbance and buffers would be established around the existing trees in the HDOT staging area to prevent damage. The project would involve the removal of primarily non-native scrub forest within the perimeter fence clear zone in the HDOT ROW. The project location does not include critical habitat, but BMPs would be implemented to avoid or minimize potential impacts to protected species. In accordance with Section 7 of the Endangered Species Act, the Navy has consulted with the USFWS regarding the project, including the portions of the project within HDOT property. In a letter to the USFWS dated January 7, 2025, the Navy determined that the Preferred Alternative may affect, but is not likely to adversely affect the Hawaiian Stilt, Band-rumped Storm-Petrel, Hawaiian Petrel, Newell's Shearwater, and Hawaiian hoary bat, or jeopardize the continued existence of these species. USFWS concurred with the Navy's determination in a letter dated February 27, 2025 (Attachment 3).

Surface and Ground Water Resources:

South Halawa Stream is a dry, intermittent channelized stream approximately 100 feet southwest of the proposed HDOT construction staging area. The use of the staging area would not involve ground disturbance and buffers would be established around the existing trees in the staging area to prevent damage. There would be ground disturbance in the grassed shoulder of the H-201 ROW for the proposed utility connection corridor (approximately 500 feet south of South Halawa Stream). The project would be subject to compliance with a NPDES permit. Potential construction impacts would be mitigated through the implementation of a construction

Stormwater Pollution Prevention Plan and associated erosion control measures such as protection of erodible soils; control of storm water runoff from the construction site; use of silt fencing and barriers around excavated and cleared areas; and fugitive dust control measures. A spill kit would be kept on site in case of any fuel or hydraulic spills.

MITIGATION

Describe all mitigation measures and best management practices planned to address impacts during the project activities within HDOT property and after project completion:

A number of best management practices will be utilized to mitigate adverse impacts to relevant environmental resources.

Traffic:

The Navy would notify area residents, businesses, and schools prior to the start of construction to inform them of the ingress/egress of construction vehicles along Halawa Valley Street.

Infrastructure:

No BMP proposed.

Air Quality:

Exhaust emissions would be mitigated by limiting the idling of diesel-powered equipment and vehicles.

Noise:

The construction contractor would implement noise mitigation practices during construction including ensuring correctly installed mufflers are functioning on all construction equipment and locating stationary noise generating equipment as far as practical from existing noise-sensitive land uses.

Health and Safety:

Standard security measures protecting the staging area and construction site will be employed to inhibit public access to the areas.

Historic, Cultural and Archaeological Resources and Practices:

In the unexpected event of a potential find, all work in the vicinity of the find will cease until appropriate mitigation can be accessed by the archaeologists, Navy, and State Historic Preservation Officer.

Visual/Aesthetic:

No mitigation proposed.

Rare, Threatened, and/or Endangered Species:

The Navy would conduct nest surveys for protected bird species before construction activities involving clearing of vegetation. If an active nest is found, it would be left in place, a 100-foot buffer would be established, and the nest would remain undisturbed until chicks have fledged. A qualified biologist would be present on the project site during all construction or earth moving activities until the chicks fledge to ensure that the birds and nests are not adversely impacted.

Any trees 15 feet in height or taller will not be trimmed or cleared during the Hawaiian hoary bat pupping season (June 1 through September 15). If any bat pups were to be discovered in the construction zone, outside of this season, vegetation clearing would immediately stop, NAVFAC Hawaii would contact the USFWS within 24 hours, and operations would be moved to a minimum of 300 feet away. Construction would not resume until the bat pups have departed the area on their own accord and/or the USFWS gives additional guidance.

Surface and Ground Water Resources:

The Navy would implement BMPs to comply with the general permit conditions for the NPDES permit to avoid/minimize potential soil erosion and stormwater discharge to South Halawa Stream. These BMPs could include the protection of erodible soils; control of storm water runoff from the construction site; use of silt fencing and barriers around excavated and cleared areas; and fugitive dust control measures. A spill kit will be kept on site in the event of any fuel or hydraulic spills.

CONSULTATION

The following parties have been consulted about this declaration exemption (Name, affiliation, consultation date):

Table

Affiliation	Name & Title	Consultation Date
State Historic Preservation Officer	Susan A. Lebo, PhD Archaeology Branch Chief	April 9, 2025
U.S. Fish and Wildlife Service	Lorena Wada Planning and Consultation Team Manager	February 27, 2025

EXEMPTION DECLARATION

The primary, secondary and cumulative impacts of the action described above have been considered pursuant to HRS § 343 and HAR § 11-200.1. HDOT declares that the action described above will have minimal or no significant impact on the environment and is therefore exempt from the requirement to prepare an environmental assessment.

This document (File No. HWY-RM 3.99570) is on file in our Department and is available for public review.



EDWIN H. SNIFFEN
Director of Transportation

07/22/2025

Date

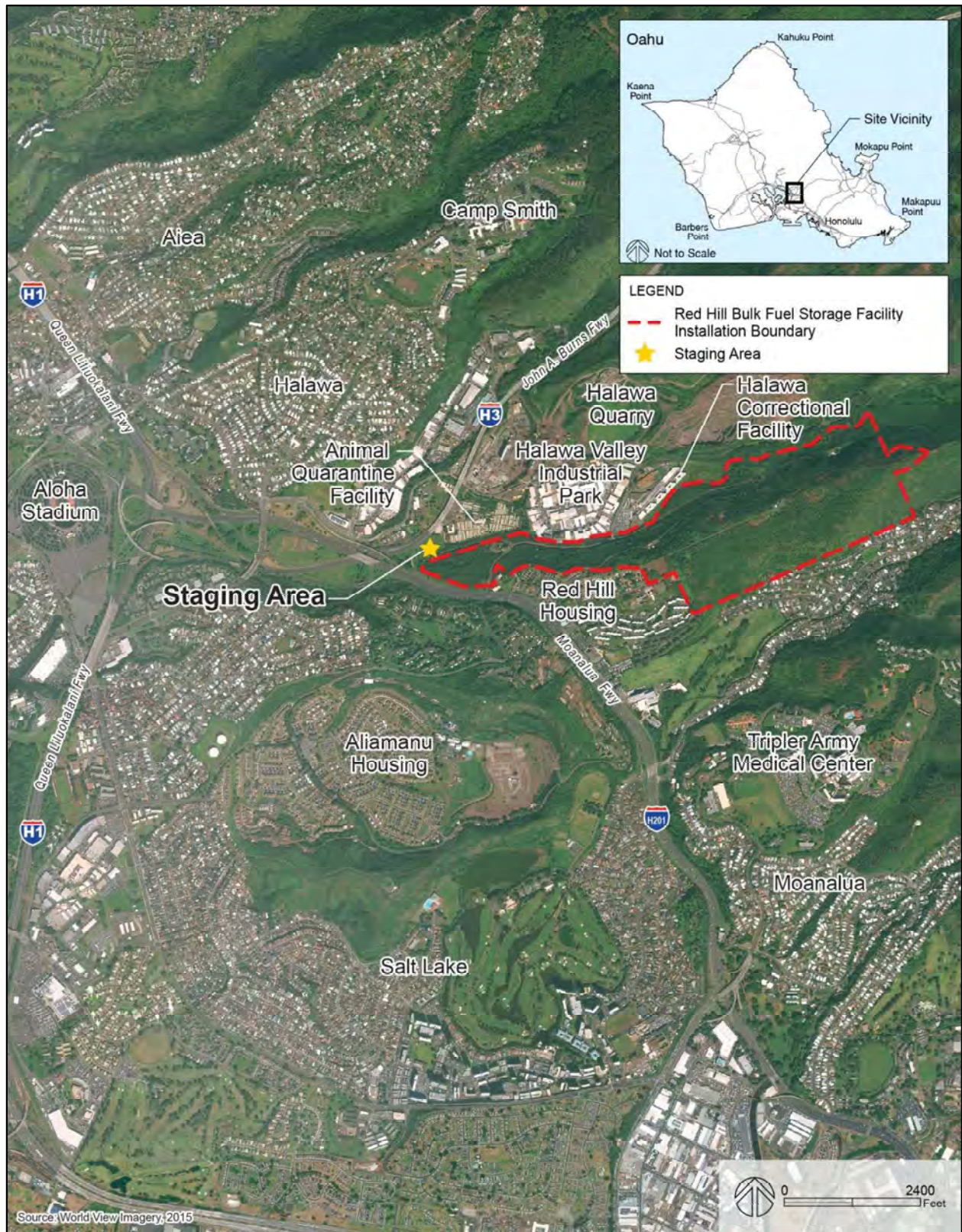
Attachments

Attachment 1: Vicinity Map

Attachment 2: Site Map

Attachment 3: Endangered Species Act Documentation

Attachment 1: Project Vicinity Map



Attachment 3
Endangered Species Act Documentation



DEPARTMENT OF THE NAVY
JOINT BASE PEARL HARBOR-HICKAM
850 TICONDEROGA ST STE 100
PEARL HARBOR HI 96860-5102

5090
Ser JB4/465
January 7, 2025

Mr. Ryan Pe'a
Project Leader
U.S. Fish and Wildlife Service
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard
Room 3-122, Box 50088
Honolulu, HI 96850

Dear Mr. Pe'a:

SUBJECT: BIOLOGICAL ASSESSMENT FOR THE RED HILL WATER TREATMENT FACILITY AT JOINT BASE PEARL HARBOR-HICKAM, OAHU

Pursuant to Section 7(a)(2) of the Endangered Species Act (ESA), Joint Base Pearl Harbor-Hickam (JBPHH) requests informal consultation related to construction and operation of a permanent water treatment facility at the Red Hill Shaft in Halawa, Oahu.

JBPHH has developed this Biological Assessment to assess the potential impacts to threatened and endangered species from the proposed water treatment facility. Based on the impacts analyzed, JBPHH has made a determination the action may affect, but is not likely to adversely affect the Hawaiian hoary bat, Newell's shearwater, Hawaiian petrel, band-rumped storm-petrel, and Hawaiian stilt. Our determination is based on construction and operations phase conservation measures. JBPHH requests your concurrence with our finding based on the provided Biological Assessment.

Thank you for your consideration of our request for your review and concurrence. Should you have any questions or concerns about the consultation documents, please contact JBPHH Terrestrial Natural Resources Specialist Amanda Snow at amanda.r.snow6.civ@us.navy.mil.

Sincerely,

R. D. KLEINMAN
CAPT, CEC, USN
By direction

Enclosures: 1. Biological Assessment for the Red Hill Water Treatment Facility at Joint Base Pearl Harbor-Hickam, Oahu

BIOLOGICAL ASSESSMENT
for
Red Hill Water Treatment Facility
at
Joint Base Pearl Harbor-Hickam, Oahu

December 2024



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Acronyms and Abbreviations

ATFP	Anti-Terrorism/Force Protection
DNLR	Hawaii Department of Land and Natural Resources
DoD	Department of Defense
ESA	Endangered Species Act of 1973
GAC	granular activated carbon
HDOA	State of Hawaii Department of Agriculture
HDOH	State of Hawaii Department of Health
HDOT	State of Hawaii Department of Transportation
HECO	Hawaiian Electric Company
JBPHH	Joint Base Pearl Harbor-Hickam
LID	Low Impact Development
MW	megawatt
MGD	million gallons per day
NA	not applicable
NAVFAC	Naval Facilities Engineering Systems Command
NLAA	not likely to adversely affect
NPDWR	National Primary Drinking Water Regulations
RHBFSF	Red Hill Bulk Fuel Storage Facility
ROW	Right-of-Way
UFC	Unified Facilities Criteria
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service

1 Introduction

The Proposed Action is to construct and operate a permanent water treatment facility capable of treating up to 10 million gallons per day (MGD) at the Red Hill Shaft in Halawa, Oahu. The Proposed Action would include the construction of new facilities, utilities, infrastructure, and associated site improvements to support the permanent water treatment facility and the Red Hill Shaft Pump Station, as well as the connection of the modified granular activated carbon (GAC) water treatment facility that is currently under construction at Red Hill to the Navy drinking water system.

The purpose of the Proposed Action is to restore the Red Hill Shaft as a valuable drinking water source for the Navy drinking water system, in compliance with National Primary Drinking Water Regulations (NPDWR) and Hawaii Department of Health (HDOH) Safe Drinking Water Standards, and to discontinue discharge of the resource into Halawa Stream. The Proposed Action is needed because potable water from the Red Hill Shaft has been unavailable to support users and activities on the Navy's drinking water system since November 2021 due to the risks to public health posed by consuming water that has become contaminated.

JBPHH has developed this Biological Assessment to assess the potential impacts to threatened and endangered species from the proposed water treatment facility. Based on the impacts analyzed, JBPHH has made a determination the action may affect, but is not likely to adversely affect the Hawaiian hoary bat, Newell's shearwater, Hawaiian petrel, band-rumped storm-petrel, and Hawaiian stilt. Our determination is based on construction and operations phase conservation measures.

1.1 Action Location

The Red Hill Bulk Fuel Storage Facility (RHBFSF) installation consists of 226 acres on the ridge which separates the Halawa and Moanalua Valleys of the island of Oahu, Hawaii, located 1.3 miles to the east of Aloha Stadium (Figure 1). The RHBFSF installation is a part of Joint Base Pearl Harbor-Hickam (JBPHH). The Proposed Action would encompass a project area of approximately 25.6 acres on a triangular-shaped portion of the RHBFSF installation, located at the base of a ridge of volcanic rock known as Red Hill. The site is bounded by Interstates H-201 and H-3 to the south and west, the Hawaii Department of Agriculture Animal Quarantine Facility to the north, and the U.S. Army Garrison Hawaii Red Hill Family Housing to the east.

The proposed facilities would be located at three locations within the RHBFSF installation boundary. The proposed permanent water treatment facility would be located at the lower site to the west of the existing emergency GAC water treatment facility and the Lower Access Road. Additional support facilities are proposed at the upper site, located to the east across the Lower Access Road on the uphill side of the road adjacent to the Red Hill Shaft Pump Station (approximately 500 feet east of the proposed treatment facility). An aboveground fire protection water storage tank would be constructed at an uphill location approximately 2,500 feet east of the upper site. Construction staging would be provided on an adjacent State of Hawaii Department of

Transportation (HDOT) Right of Way (ROW). Access to this staging area would utilize an existing State of Hawaii Department of Agriculture (HDOA)-owned driveway off Halawa Valley Street and a new connection to an existing roadway serving the HDOT ROW. Additional construction access would be provided through the existing RHBFSF Gate. Figure 2 shows the location of the proposed features as well as land ownership and Figure 3 shows the action area.

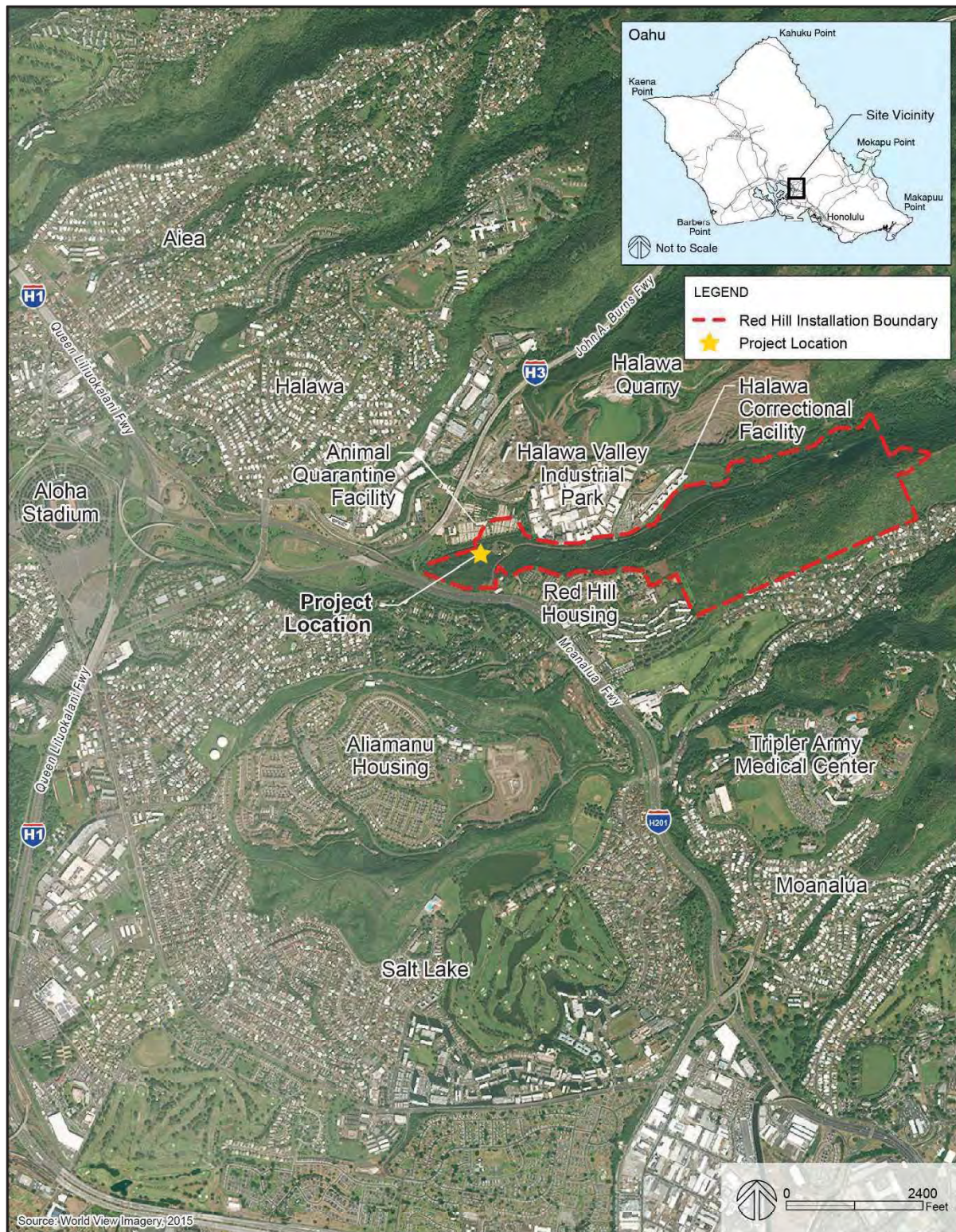


Figure 1. Project Location

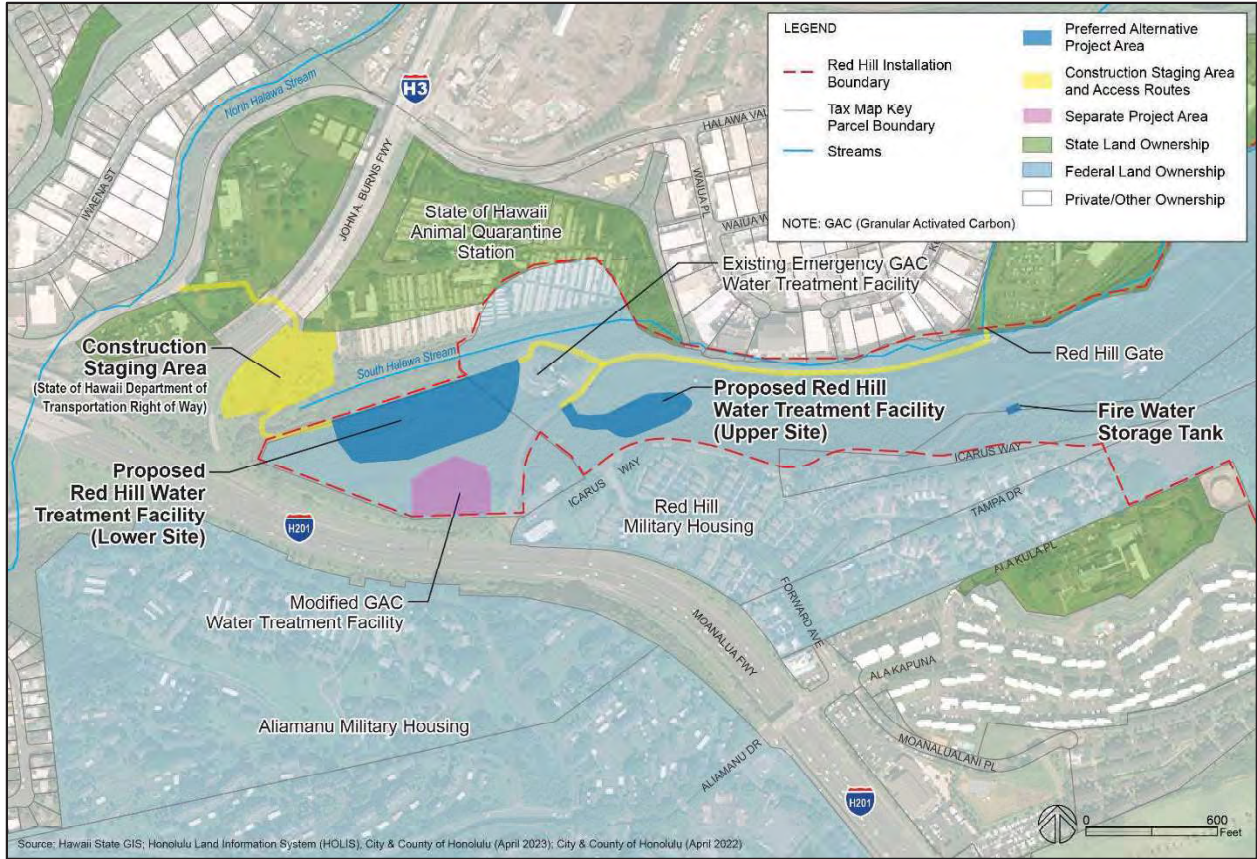


Figure 2. Proposed Action Features and Land Ownership

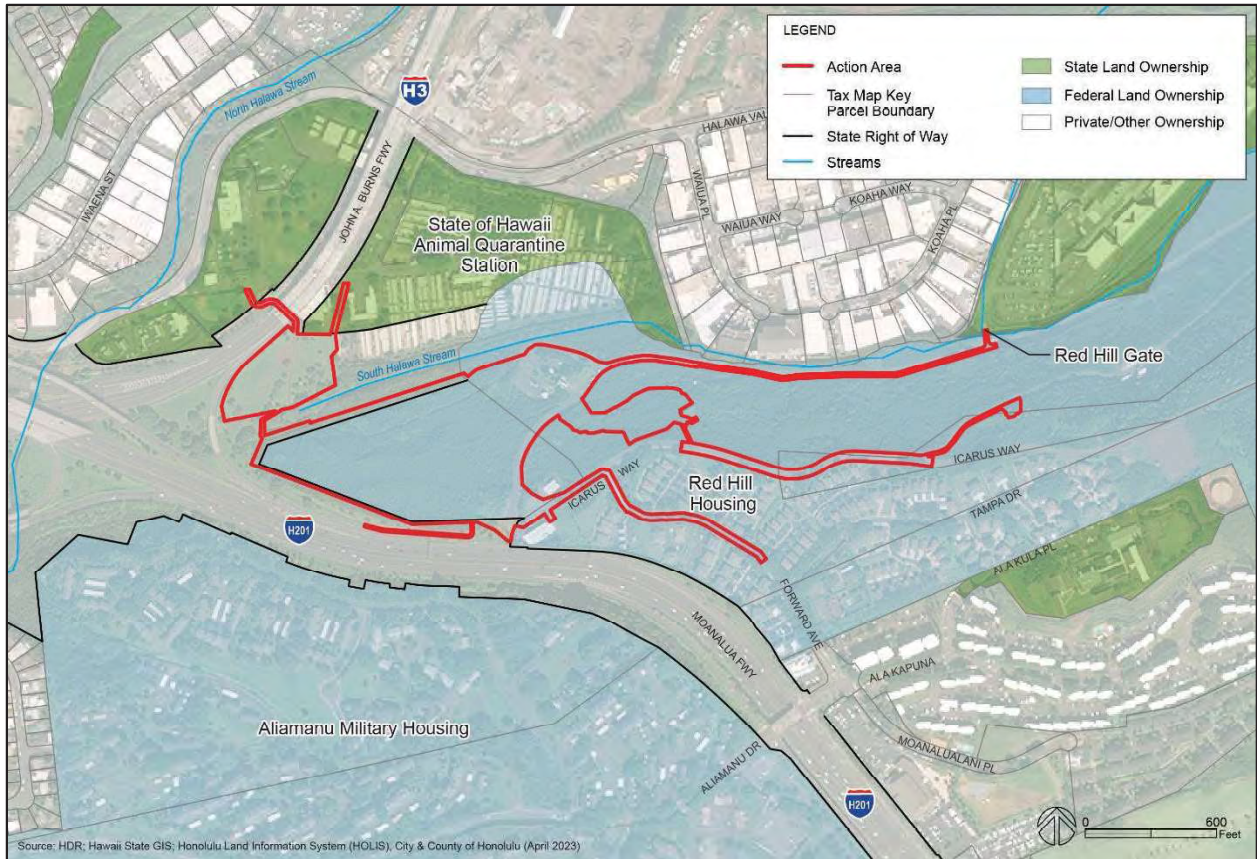


Figure 3. Action Area

1.2 Species Addressed in this Biological Assessment

The Endangered Species Act of 1973 (ESA)-listed species potentially occurring within the action area and their associated critical habitat are listed in Table 1. There is no critical habitat designated in the RHBSF. This Biological Assessment is being prepared as a requirement of Section 7 of the ESA for interagency informal consultation purposes.

Table 1. Species Covered Under This Informal Consultation

Common Name	Scientific Name	ESA Status	Critical Habitat
Hawaiian hoary bat	<i>Lasiurus cinereus semotus</i>	Endangered	N/A
Hawaiian petrel	<i>Pterodroma sandwichensis</i>	Endangered	N/A
Band-rumped storm-petrel	<i>Hydrobates castro</i>	Endangered	N/A
Newell's shearwater	<i>Puffinus auricularis newelli</i>	Threatened	N/A
Hawaiian stilt	<i>Himantopus mexicanus knudseni</i>	Endangered	N/A
Notes: ESA = Endangered Species Act of 1973 N/A = not applicable			

2 Details of the Proposed Action

The Proposed Action would encompass an area of 25.6 acres including project areas within RHBFSF, adjacent State of Hawaii-owned properties, and the Army’s Red Hill Housing (Figure 3). The Proposed Action would involve the construction of approximately 26,300 square feet of new facilities. Descriptions of the proposed facilities are provided in Table 2.

Table 2. Proposed Action Facilities

Site	Facility	Description
Lower Site	GAC Vessels and Canopy	24 GAC Pressure Vessels in a lead-lag configuration (12 paired groups) and ancillary equipment would be installed as part of the water treatment facility. The GAC vessels would be housed under a canopy—an open-air steel structure with metal roofing—to protect them from the elements. The GAC canopy footprint is approximately 30,000 square feet and its height is estimated at 41 feet.
Lower Site	Wash Water Transfer Tank	The wash water transfer tank is proposed to receive and attenuate wash water from backwashing the GAC media prior to discharge into the sanitary sewer system. The tank would have capacity to hold approximately 200,000 gallons. The wash water transfer tank footprint is approximately 2,500 square feet.
Lower Site	Chemical Feed Building	A reinforced concrete building is proposed for the housing of chemical feed systems for the sodium hypochlorite and fluoridization plants, electrical distribution equipment, telecommunications, storage of GAC media, and for general operations at the water treatment facility. The building footprint is estimated at 5,800 square feet and its height is estimated at 23 feet.
Lower Site	Neutralization Building	A reinforced concrete structure would house chemicals and equipment to neutralize flush water and wash water waste generated during flushing and media change-out activities. The building footprint is estimated at 400 square feet and its height is estimated at 15 feet.
Lower Site	Generator Building 1	A reinforced concrete structure would house an emergency generator to power water treatment facilities at the lower site in the case of power outages. The generator building would be paired with an adjacent above ground fuel tank. The building footprint is estimated at 850 square feet and its height is estimated at 18 feet.
Upper Site	Switchgear Building	A reinforced concrete structure would house new electrical switchgear to support electrical service to the permanent water treatment facility. The building footprint is estimated at 1,500 square feet and height is estimated at 14 feet.

Table 2. Proposed Action Facilities

Site	Facility	Description
Upper Site	Generator Building 2	A reinforced concrete structure would house an emergency generator to power the Red Hill Shaft Pump Station in case of power outages. The generator building would be paired with an adjacent above ground fuel tank. The building footprint is estimated at 950 square feet and height is estimated at 18 feet.
Fire Protection Water Storage Tank Site	Non-potable fire protection water storage tank	A 250,000-gallon concrete, non-potable fire water storage tank would be constructed at an uphill location within the RHBFSF installation approximately 2,500 feet east of the upper site. The height of the water storage tank is estimated at 26 feet. Fire protection for the upper and lower sites would be provided by a 12-inch pipeline. Four hydrants would be installed at the lower site and two hydrants installed at the upper site. Fire sprinklers for the proposed buildings would also be fed from the fire protection water system.
Upper and Lower Site	Security Fencing	The Proposed Action would comply with Unified Facilities Criteria (UFC) 4-022-03 Security Fences and Gates. Security fencing (4,200 feet) would be installed along the perimeter of the proposed water treatment facility site sites and adjacent to the H-201 ROW (Figure 4). The perimeter fence would be approximately eight feet tall, including a three-strand barbed wire top guard. In compliance with UFC requirements, the Navy would clear vegetation and maintain a 30-foot-wide clear zone on the exterior of the perimeter fence.
Upper and Lower Site	Site and Security Lighting	The Proposed Action would include the installation of site lighting at the permanent water treatment facility (upper and lower sites) as well as security lighting along the perimeter security fence. All lighting would be shielded to reduce light pollution and potential impacts to wildlife.
<p>Notes: GAC = granular activated carbon RHBFSF = Red Hill Bulk Fuel Storage Facility</p>		

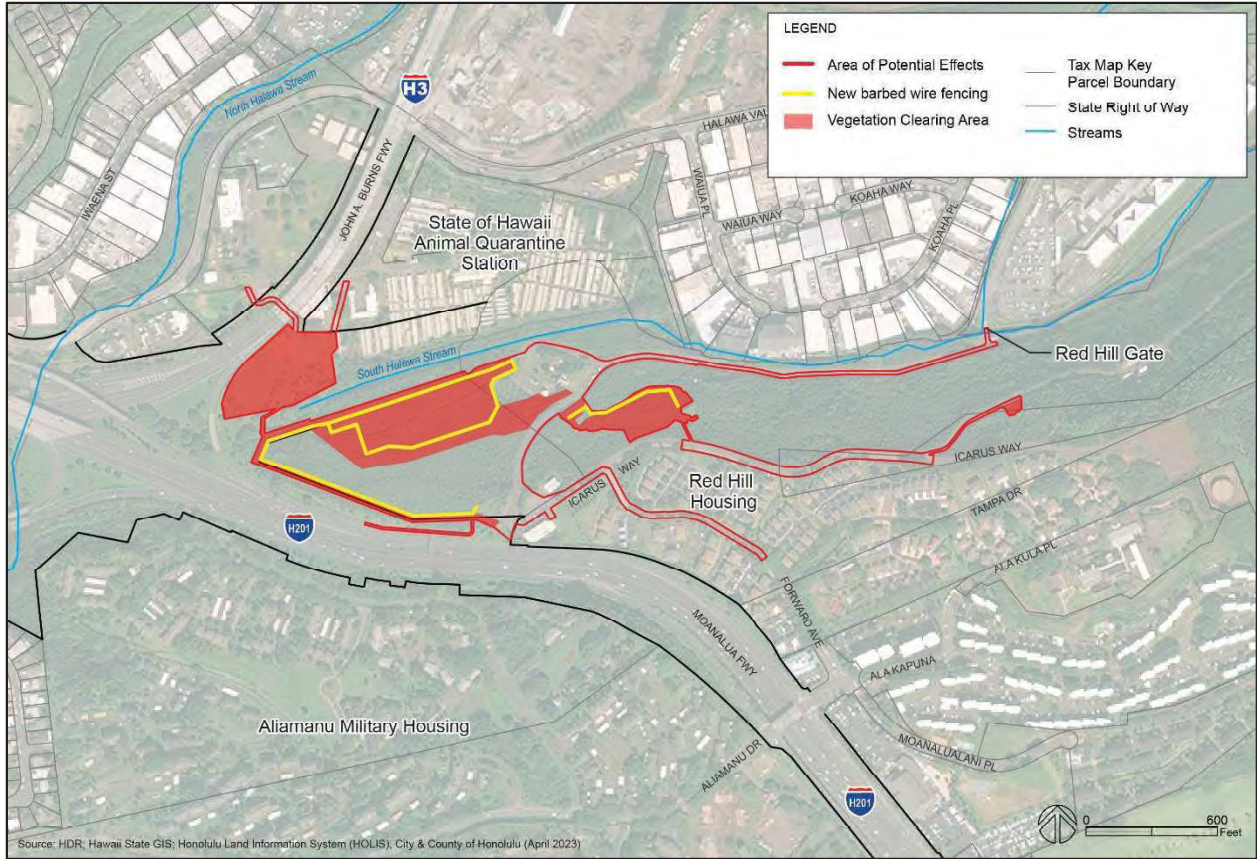


Figure 4. Proposed Action New Barbed Wire Fencing and Vegetation Clearing Area

The Proposed Action would include utilities improvements for electrical, telecommunications, water, fire protection, sanitary sewer, and stormwater infrastructure to support the permanent water treatment facility. These improvements are described in Table 3. Specific utility line locations and points of connection are not shown in Figure 2 due to Operational Security guidelines but are included in the action area indicated in Figure 3.

Table 3. Proposed Action Utilities and Infrastructure

Improvement	Description
Electrical	The Proposed Action would harden electrical infrastructure at the site to ensure a more resilient and reliable electrical service to RHBFSF, including the proposed permanent water treatment facility. A new underground Hawaiian Electric Company (HECO) electrical service point of connection would be constructed along the H201 ROW, and new underground duct lines would be constructed to provide electrical distribution to and within the project sites. To provide backup to HECO power, the Proposed Action would provide diesel emergency generators for the permanent water treatment facility (1.5 megawatt [MW] generator) and Red Hill Shaft Pump Station (2.0 MW generator).
Telecommunications	The Proposed Action would connect the proposed permanent water treatment facility to the Navy's existing telecommunications system. Within the site, the Proposed Action would provide a new, underground telecommunications distribution system to serve the permanent water treatment facility and Red Hill Pump Station. New telecommunications rooms would be provided in the Switchgear Building (upper site) and Chemical Feed Building (lower site).
Water	The Proposed Action would construct a new 24-inch raw water transmission line to convey water from the Red Hill Shaft Pump Station to the permanent water treatment facility. A new 24-inch finished water line would convey the treated water from the permanent water treatment facility to the Navy's existing drinking water distribution main. Additional ancillary water lines would be constructed as necessary to support operations at the water treatment facility and to connect the modified GAC water treatment facility to the Navy drinking water system.

Table 3. Proposed Action Utilities and Infrastructure

Improvement	Description
Sanitary Sewer	The Proposed Action would construct a new domestic wastewater pump station (located at the lower site) and a new sanitary sewage force main. Domestic wastewater from the facility would be pumped to a point of connection within the Red Hill Army Family Housing sewer system. The Proposed Action would also construct a new wash water waste pump station (located at the lower site) and a new wash water waste force main. The wash water waste generated during backwash activities would be pumped to one of two potential points of connection: 1) connect to the Red Hill Army Family Housing sewer system, or 2) connect to the City and County of Honolulu’s sewer system within Forward Avenue near Ala Kupuna Street. These connections would require agreements with the Army and a sewer connection permit from the City and County of Honolulu Department of Planning and Permitting Wastewater Branch
Stormwater	The proposed facilities would increase impervious surfaces within the project site. Stormwater at the site would be managed according to guidelines in Unified Facilities Criteria 3-210-10 Low Impact Development (LID). LID features would be implemented to provide in-ground infiltration areas within the site that would prevent ponding or standing water on the surface. There would be no increase in peak stormwater discharge rates to offsite areas. The existing drainage patterns would be maintained to the maximum extent possible.

2.1 Construction

The water treatment facility footprint would be located in a generally undeveloped area of the RHBFSF. The lower site would be grubbed and graded and revetted with mechanically stabilized retaining walls ranging up to 33 feet in height. The upper site would be grubbed, graded, and revetted with concrete retaining walls. Approximately 14.1 acres of vegetation would be cleared during the construction period (Figure 4). This includes 8.9 acres of vegetation to be permanently cleared at the upper site, lower site, fire storage tank, and along the security fencing for the Proposed Action which is scrub forest and consists of non-native shrubs (primarily kiawe [*Prosopis pallida*] and koa haole [*Leucaena leucocephala*]) and non-native grasses. Additionally, the Proposed Action includes the use of a 5.2-acre construction staging area within HDOT ROW adjacent to the H-201 to H-3 off-ramp. The staging area is mowed grass with scattered trees. The trees would not be cut. Any areas temporarily cleared for access or staging areas would be re-vegetated. All green waste generated at the project area will be chipped with excess soil removed and processed according to current JBPHH Green Waste Policy.

Rock fall mitigation measures would also be installed at the sites (e.g., scaling of cut surfaces and anchored wire mesh). Extant utilities would be relocated, removed and/or demolished to accommodate the new facility. Construction would use standard

construction equipment such as backhoes, excavators, bulldozers, and compactors. Construction activities would be restricted to daylight hours and would not occur at night.

Construction access to the Proposed Action site would be provided via two approaches: (1) an existing HDOA-owned driveway off of Halawa Valley Street serving the Animal Quarantine Facility and a new connection to an existing roadway serving the HDOT ROW that continues across Halawa Stream to the permanent water treatment facility site and (2) through the existing RHBFSF Gate via the Lower Access Road. Parking for construction personnel would be provided within the proposed HDOT staging area to the north of the project site. Improvements to the existing access roads are not needed prior to construction and once construction is complete, the roads would be restored to their pre-construction condition.

2.2 Operations

The water treatment facility would utilize GAC for treatment. It is anticipated that the facility would have a capacity of 10 MGD but be limited to an annualized average daily volume of approximately 5 MGD (i.e., within currently permitted groundwater withdrawal rates). The water treatment facility would be designed to meet NPDWR and HDOH Safe Drinking Water Standards. The water treatment facility would be operated by Navy personnel based at the Navy's Waiawa Pump Station (approximately seven miles away to the northwest). More complicated maintenance will be performed by third-party contractors on an as-needed basis.

During typical operations, low-level noises would be emitted from the facility and shielded lights would be activated at night. As described above, no personnel would be on-site on a daily basis. Maintained vegetation around the facilities and within the perimeter fence clear zones would be cut on a regular basis. Chemical storage for the water treatment plant operations would be contained inside a facility building; operator training for the storage and use of the chemicals, as well as the use of spill response materials (spill kits) would be used to mitigate the potential risk from a spill.

Stormwater would drain to covered infiltration basins or be directed offsite following existing drainages resulting in no standing water at the surface and no increase in discharge rates to offsite areas. Stormwater facilities would be maintained as needed to ensure continued function.

2.3 Baseline Conditions of the Action Area

The vegetation community in the study area consists of non-native scrub forest dominated by koa haole up to 20-30 feet tall with an understory of Guinea grass (*Urochloa maxima*) or Chinese violet (*Asystasia gangetica*) (Figure 5). Other conspicuous grasses are rat tail (*Sporobolus cf. indicus*), molasses grass (*Melinis minutiflora*), and Bermuda grass (*Cynodon dactylon*) (AECOS 2016). The South Halawa stream channel is lined with dense kiawe shrubs (Navy, HDOH, and U.S. Environmental Protection Agency [USEPA] 2022). Almost no native species occur in the study area.

The 5.2-acre construction staging area within consists of maintained grass with scattered trees.

South Halawa stream is located on the north side of the study area (Figure 6). The stream is intermittent and flows in a concrete u-shaped channel with no permanent aquatic vegetation or observed aquatic species in the study area. The channel continues for 1.67 miles downstream and has ledges (vertical drops in the channel) downstream of the study area that may restrict upstream movement of aquatic species (Navy, HDOH, and USEPA 2022). The emergency water treatment facility has been discharging up to 5 MGD of treated water into the South Halawa stream since January 2022 and will cease when the new permanent facility becomes operational. There are no other natural ponds, wetlands, standing water, or waterbodies in the study area that host aquatic communities or provide habitat for water birds.



Figure 5. Overview of the Project Area



Figure 6. South Halawa Stream in the Project Area Showing Discharge from the Emergency Water Treatment Facility

2.4 Conservation Measures

The following Conservation Measures in Table 4 would be incorporated into the Proposed Action to avoid impacts to minimize potential effects on federally listed threatened and endangered species.

Table 4. Conservation Measures

Conservation Measure	Target Species/ Critical Habitat
Construction, Operations, and Maintenance	
<p>Any trees 15 feet in height or taller will not be trimmed or cleared during the Hawaiian hoary bat pupping season (June 1 through September 15). If any bat pups were to be discovered in the construction zone, outside of this season, vegetation clearing would immediately stop, Navy Facilities Engineering Systems Command (NAVFAC) Hawaii would contact the USFWS within 24 hours, and operations would be moved to a minimum of 300 feet away. Construction would not resume until the bat pups have departed the area on their own accord and/or the USFWS gives additional guidance.</p>	Hawaiian hoary bat
<p>NAVFAC Hawaii will perform spot checks of the site throughout the project and site construction and maintenance staff will be informed of Hawaiian waterbirds/stilts. In the highly unlikely event a Hawaiian waterbird/stilt is seen or a nest is found, the following will be carried out:</p> <ul style="list-style-type: none"> • Project personnel and contractors shall be informed about the presence of endangered species. • In areas where waterbirds are known to be present, post and implement reduced speed limits. • Incorporate water quality best management practices (BMPs) to reduce sedimentation and erosion in aquatic environments into the project design. BMPs may include: silt containment; no trash/debris contamination; keeping fuel vehicles away from the water; preparing a contingency plan for fuel spills; and protecting exposed soil from erosion. • Standing water has the potential to attract Hawaiian waterbirds to the site which could then be impacted by everyday activities at the site. The site is designed to prevent standing water and to reduce the total standing water at the site, and minimize presence of standing water for more than 48 hours. • If an individual, nest, or active brood is found, contact the JBPHH Natural Resources Duty Phone (808-404-1558) who will in turn contact the Service within 48 hours for further guidance. 	Hawaiian stilt

Conservation Measure	Target Species/ Critical Habitat
<ul style="list-style-type: none"> • If an individual is observed within the project site, or flies into the site while construction is occurring, the biological monitor will halt all activities within 100 feet of the individual(s). Work will not resume until the Hawaiian waterbird(s) leave the area on their own accord. • Establish and maintain a 100-foot buffer around all active nests and/or broods until the chicks have fledged. No potentially disruptive activities or habitat alteration will occur within this buffer. • A biological monitor that is familiar with the species' biology will be present on the project site during all construction or earth moving activities until the chicks fledge to ensure that Hawaiian waterbirds and nests are not adversely impacted. 	<p>Hawaiian stilt (continued)</p>
<p>Navy policy (COMNAVREG Hawai'i Instruction 5090.9) is to avoid all night lighting, and to install only full cutoff exterior down-lighting fixtures for all new construction whenever possible. Exterior lights shall be LED lights with full cut-off fixtures. Lights that are International Dark-sky Association (IDA http://www.darksky.org) certified are preferred.</p> <p>The Navy will implement the following avoidance and minimization measures for listed seabird species:</p> <ul style="list-style-type: none"> • Fully shield all outdoor lights so the bulb can only be seen from below. • Install automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area. • Initial construction and/or future site maintenance night work is not anticipated. <p>Shearwater Fallout Season Response Guidelines for JBPHH flyers will be placed on the construction site note/safety board.</p>	<p>Newell's shearwater, Hawaiian petrel, band-rumped storm-petrel</p>

3 Description of Species

3.1 Hawaiian Hoary Bat

The Hawaiian hoary bat was listed as federally endangered on 13 October 1970 and a recovery plan for the species was completed in 1998 (U.S. Fish and Wildlife Service [USFWS] 1998). Critical habitat for this species has not been designated. The Hawaiian hoary bat is a solitary species that has been recorded on all of the main Hawaiian Islands, with the largest populations thought to be on Kauai and Hawaii Island (Amlin and Siddiqi 2015). Accurate estimates of the population are not available but estimates for all islands have ranged from hundreds to a few thousand (USFWS 1998). Most observations of bats have been made between sea level and 7,500 feet in elevation, but their presence has been documented up to 13,198 feet in elevation (Gon et al. 1993).

The preliminary findings from an island-wide study, conducted in 2018 with 83 randomly placed acoustical detectors across Oahu, resulted in 5,135 Hawaiian hoary bat detections between 8 June 2017 and 29 June 2018 (Starcevich et al. 2019 in USFWS 2021a). At least 1 detection was recorded at 61 percent of the 83 sites. The level of detections recorded at each site ranged from 0 to 1,703, suggesting site usage by bats is highly variable. The highest number of detections occurred during the lactation period. Detections occurred across the island though the highest concentrations of detections were in the northern Koolau and Waianae Mountain ranges (Starcevich *et al.* 2019 in USFWS 2021a).

3.1.1 Habitat Use and Ecology

The Hawaiian hoary bat uses a wide variety of habitats including native, non-native, and agricultural areas. Vegetation cover and structure appear to be more important than a particular vegetation species. Hawaiian hoary bats have been known to use eucalyptus (*Eucalyptus globulus*), albizia (*Albizia falcataria*), ironwood (*Casuarina equisetifolia*), ohia (*Metrosieros polymorpha*), koa (*Acacia koa*), and mamane-naio forest (*Sophora chrysophylla* – *Myoporum sandwicense*) for foraging and roosting (Koob 2012).

Rangelands near forest edges, rural yards, agriculture windbreaks, and croplands may also be used for foraging. Transition areas or forest breaks are generally considered good hoary bat habitats (Koob 2012). Hoary bats forage at night on native and non-native insects such as moths, beetles, termites, leafhoppers, and flies (USFWS 1998).

Breeding has been documented on all islands except for Niihau and Kahoolawe (Pacific Rim Conservation 2013). Breeding occurs in the autumn when adults congregate in the lowlands and prepare for mating in what is termed “fall swarming” (Bonaccorso et al. 2012). In mid-June, females give birth to two pups or occasionally one, and the pups are typically dependent on their mother and are unable to fly until late August/early September (USFWS 1998). Roosting primarily occurs in woody vegetation exceeding 15 feet in height (Amlin and Siddiqi 2015).

3.1.2 Detection within RHBFSF

The Red Hill Storage Facility was studied using acoustic detectors from January to December 2014 for a total of 190 recording nights. Bat detections were recorded on two nights, 10 August at 21:39 and 26 August at 21:48, for a detection rate of 0.011 (Bonaccorso et al. 2014). More recently, an island wide study included an acoustic sampling site at the Red Hill location and detected bats twice between June 2017 and October 2019 from 574 nights of data collection resulting in a mean detection rate of 0.0035 detections for each night with data (West 2020).

3.1.3 Threats to the Species

Because accurate population estimates of Hawaiian hoary bats are limited and historical distribution information is lacking, the decline of the species has largely been inferred (USFWS 1998). Observations and species records suggest that bats are absent from historically occupied ranges (USFWS 1998). Because little research has been conducted on this species, factors threatening this species are assumed to be similar to those threatening bat species found in North America (USFWS 1998). The primary factors associated with Hawaiian hoary bat declines are thought to be habitat loss, collision with structures, and possibly pesticide use (USFWS 2010). New threats identified in the 2021 5-year review include wind turbines (collisions), timber harvest (harvest of trees greater than 15 feet during pupping season, mainly on Hawaii and Kauai), coqui frogs (competition for invertebrate food), changes in habitat, and coqui frog range expansion into higher elevations (USFWS 2021).

Roost disturbance is a common threat for all bats worldwide (Koob 2012). For the Hawaiian hoary bat, this could be clearing or pruning trees where bats roost. The availability of roosting sites and suitable roosting habitat are important to pregnant lactating females and fledging bats (USFWS 2010). Disturbing roosting sites when juvenile bats are fledging (July to September) has the highest potential for mortality because young bats are not able to evade disturbance. Bat numbers on Oahu are thought to have decreased significantly, perhaps due to deforestation that occurred in the early nineteenth century (USFWS 1998). Mortality of breeding adults and females may also limit the recovery of the species. Current loss of forests and land conversions from agriculture contribute to habitat loss (USFWS 2010).

The most recent 5-year review for the Hawaiian hoary bat (USFWS 2021) stated that mortality from snagging on barbed wire has been documented, although it is difficult to quantify the impact. One study cited estimated annual rates of 0 to 1.3 fatalities per 100 miles of barbed wire (Zimpfer and Bonaccorso 2010 in USFWS 2021).

3.2 Newell's shearwater, Hawaiian petrel, band-rumped storm-petrel

The Newell's shearwater is a medium sized black and white pelagic seabird that nests in burrows, primarily on Kauai (USFWS 2024). It was listed as threatened in October 1975 with a final recovery plan approved in 1983 and amended in 2019 with updated recovery criteria (USFWS 2024).

The Hawaiian petrel is a medium sized seabird with a dark gray head, wings, and tail with a white forehead and belly. It was listed in March 1967 with a recovery plan approved in 1983 that was amended in August 2019 with updated recovery criteria (USFWS 2024).

The Hawaii distinct population segment of the band-rumped storm-petrel is recognized as a single population that breeds within the Hawaiian Islands primarily on the islands of Kauai and Hawaii (USFWS 2021). It was listed as endangered in October 2016 and a recovery plan for 50 Hawaiian archipelago species was approved in December 2022 that included the band-rumped storm-petrel (USFWS 2024).

Critical habitat has not been designated for these species.

While Newell's shearwater, Hawaiian petrel, and band-rumped storm-petrel do not nest at JBPHH Main Base or Surrounding Areas, they may fly over the study area when moving between suitable nesting habitat in the Waianae and Koolau Mountains and the ocean (NAVFAC 2022).

3.2.1 Habitat use and Ecology

Newell's shearwaters are primarily pelagic, feeding on fish and squid in equatorial regions. They breed on steep mountainous terrain in areas with dense ferns, that may provide cover from weather and predators. Over 90 percent of the population breeds on Kauai, with some additional nesting sites identified on the islands of Hawaii, Maui, Lanai, and possibly Molokai and Oahu. No burrows have been located on Oahu yet, but acoustic monitors have detected occasional calls at high elevations (USFWS 2017).

The Hawaiian petrel feeds mainly on squid and supplements its diet with fish, crustaceans, and plankton and can range over 6,000 miles to forage during the non-breeding season. They were abundant on all main Hawaiian Islands, but now only breed in remote or high elevation areas on the islands of Hawaii, Maui, Lanai, Oahu, and Kauai (USFWS 2024). Hawaiian petrels nest in burrows at high elevations, typically over 7,200 feet where vegetation can be sparse and consists primarily of grass and ferns (USFWS 1983).

The band-rumped storm-petrel is a small seabird that ranges throughout the Pacific Ocean while foraging for fish and squid from the surface of the water. The Hawaiian population nests on cliffs or high elevation rocky lava fields primarily on the islands of Kauai, Lehua, Lanai, and Hawaii (USFWS 2024).

3.2.2 Detection within RHBFSF

Habitat modeling and acoustic verification detected Newell's shearwater on Mt. Kaala and Poamoho (Young et al. 2019). Newell's shearwater may fly over the action area to reach nesting habitats, but birds have not been documented at JBPHH installations and the potential to occur in the action area is very low to unlikely.

There are no known breeding locations of the Hawaiian petrel on Oahu. However, grounded birds have been recovered on Oahu and recently detected via acoustic monitoring in the lower Kaala region, likely attracted by low frequency sound of a satellite communication facility (Young et al. 2019). The Hawaiian petrel has not been documented at JBPHH installations and the potential to occur in the action area is very low to unlikely.

There are no known breeding locations of the band-rumped storm-petrel on Oahu. The band-rumped storm-petrel has not been documented at JBPHH installations and the potential to occur in the action area is very low to unlikely.

3.2.3 Threats to Species

Threats to the Newell's shearwater include nighttime lighting, collisions with power lines, and predation by introduced predators. Populations declined 94% between 1993 and 2017 and little progress has been made towards addressing the main threats (USFWS 2017).

Threats to the Hawaiian petrel include powerline collisions, light attraction and fallout, predation by introduced predators and newly identified threats include invasive plant species, plastic ingestion, and fisheries issues. The Kauai population declined by 73% between 1993 and 2020 indicating that threats persist, and recovery efforts have made little progress in meeting recovery criteria (USFWS 2022).

Threats to the band-rumped storm-petrel include invasive species, habitat modification, predation, stochastic events, light attraction and fallout, wind farms, fisheries interactions, and inadequate protection (USFWS 2021).

These species are particularly vulnerable to fallout – when fledglings or occasional migrating adult birds are disoriented by artificial light and become grounded. Due to the occasional flyovers and groundings observed on Oahu, they have a low but possible potential to occur in the action area (NAVFAC 2022).

3.3 Hawaiian Stilt

The Hawaiian stilt was listed in October 1970 and is covered by a Recovery Plan published in 2011 (2nd revision, USFWS 2011). Critical habitat for this species has not been designated. Hawaiian stilt has a moderate threat rating and a high potential for recovery (USFWS 2011). The 2020 5-year review suggested that most of the criteria for downlisting the Hawaiian stilt from endangered to threatened had been met, and in

March 2021 the USFWS proposed reclassifying the stilt from endangered to threatened (USFWS 2020, USFWS 2024).

3.3.1 Habitat Use and Ecology

The Hawaiian stilt is a wading bird that nests on exposed mudflats with minimal vegetation that conceals predators. They forage in shallow water on invertebrates and are dependent on early successional wetlands that tend to be located just inland of narrow coastal strand and that are fed by natural or pumped groundwater (USFWS 2020). They are observed around shoreline, estuarine, and freshwater habitats of Pearl Harbor and JBPHH (NAVFAC 2022).

3.3.2 Detection within RHBFSF

The Hawaiian stilt has not been observed at the RHBFSF.

3.3.3 Threats to the Species

Threats to the Hawaiian stilt include loss and degradation of wetland habitat from modifications to local hydrology, change in wetland vegetation due to invasive species, loss of riparian vegetation, and water quality degradation. Predation by introduced species is potentially the greatest threat (USFWS 2011). The 5-year review in 2020 stated that the main threats continued to be predation by nonnative predators and loss of shallow wetland habitat. New threats included uncertainty from sea level rise that could impact nearshore habitats and shift wetland habitats inland. Predator control programs at wetlands where breeding occurs appears to have helped the population stabilize or increase over several decades (USFWS 2020). Other threats include pollution, particularly from urban development, and avian botulism.

4 Effects Analysis

This section presents an analysis of direct and indirect effects on federally protected species due to implementation of the action. Direct effects are the immediate effects of the project on the species or its habitat. Indirect effects are those that are caused by the Proposed Action and are later in time but are reasonably certain to occur.

4.1 Hawaiian Hoary Bat

The primary effects on the Hawaiian hoary bat are expected to occur during the construction phase when vegetation is cleared and during operation from the required security fencing. Other potential effects from operations such as grass cutting, routine maintenance at the facility, and night lighting are not anticipated to have significant effects.

4.1.1 Vegetation Clearing

The action area contains non-native trees (primarily kiawe and koa haole) forming a canopy at heights greater than 15 feet which may provide suitable habitat for bats to roost. Clearing of 14.1 acres of vegetation may impact bats through the loss of potential roosting habitat. The removal of vegetation during bat pupping season could result in

the mortality of flightless bat pups. Direct harm is unlikely, however, because the clearing or trimming of vegetation taller than 15 feet would only occur outside of the bat pupping season that lasts from 1 June through 15 September (Table 4). If vegetation removal cannot be avoided during this period, thermal infrared surveys may be required, and consultation with the USFWS would be required prior to removal. Once vegetation clearing is finished, bats would be able to occupy surrounding vegetation on the installation that is similar to the project site. Considering the action, biology of the bats, and this avoidance measure to be implemented, the Navy has determined that vegetation clearing associated with this action may affect the Hawaiian hoary bat but is not likely to adversely affect individuals or populations of this species.

4.1.2 Collision with Barbed Wire

Hawaiian hoary bats forage for insects from as low as 3 feet above the ground. At these lower levels, foraging bats are not able to detect barbed wire fences which can cause injury or mortality. The U.S. Geological Survey has estimated a mortality rate of bats colliding with barbed wire fencing at 0.013 bats killed per mile of barbed wire per year (USFWS 2014).

The project proposes 4,200 feet (0.8 miles) of security fencing topped with 3 strands of barbed wire. The estimated bat mortality is calculated using the following formula: 0.013 (mortality rate per mile of barbed wire per year) \times 0.8 miles of barbed wire \times 3 strands = 0.0312 bat mortalities per year, or 0.624 bat mortalities over a 20-year period.

Although bat occupancy is estimated to be low or infrequent in the action area based on nearby acoustic monitoring (Bonaccorso et al. 2014, West 2020), the length of barbed wire required is estimated to cause approximately 0.0312 bat mortalities per year. Therefore, the Navy has determined that the barbed wire associated with the project may affect but is not likely to adversely affect the Hawaiian hoary bat, or jeopardize the continued existence of the species.

4.2 Hawaiian Seabirds

Under the Proposed Action, the greatest potential impact to Newell's shearwater, Hawaiian petrel, and band-rumped storm-petrel would be from fallout/disorientation from associated night-lighting during construction and operations. However, the likelihood of the species occurring in the action area is low, and with the conservation measures listed in Table 4, including fully shielded lighting and avoidance of nighttime construction during the seabird fledging period (September through December), the likelihood of potential impacts would be so low as to be negligible. Furthermore, under the Proposed Action, no seabird breeding or foraging habitat would be impacted. Due to the species' unlikely occurrence in the action area, construction and operations activities are not likely to disturb individuals. Therefore, the Proposed Action may affect but is not likely to adversely affect the Newell's shearwater, Hawaiian petrel, and band-rumped storm-petrel.

4.3 Hawaiian Stilt

Habitats where Hawaiian stilts have been observed do not occur in the action area. Drainage from the Proposed Action would leave the site following existing drainages or be discharged to covered infiltration basins. No stormwater would be allowed to pond during construction or during operations.

South Halawa stream, which is a concrete channel in the project area, is intermittent (only tends to flow after storm events). Discharge from the emergency water treatment facility into the channel has occurred since January 2022, but will cease when the proposed permanent water treatment facility becomes operational and the flows downstream from the site revert to natural intermittent flows. There are no proposed changes to the South Halawa stream or channel from the project and no addition or removal of aquatic habitats or standing water from either construction or operation of the Proposed Action. The probability of occurrence of Hawaiian stilts on the site is low due to lack of habitat. With implementation of the conservation measures described in Table 4 including ensuring that no temporary or permanent standing water occurs at the site during construction or operations, spot surveys, avoidance of nests, and halting construction activities if a waterbird is observed at the project site, the likelihood of potential impacts would be so low as to be negligible. Therefore, the Proposed Action may affect but is not likely to adversely affect the Hawaiian stilt.

5 Determination and Conclusion

For this biological assessment, the Navy examined the potential impacts of constructing the Red Hill Water Treatment Facility on the Hawaiian hoary bat, Newell’s shearwater, Hawaiian petrel, and the band-rumped storm-petrel, and Hawaiian stilt. Based on conservation measures that would be implemented and an analysis of potential impacts, the Navy’s determinations of effects on these species from the Proposed Action are provided in Table 5. The Navy requests the Service’s concurrence with these determinations since any potential for adverse effects to the species are insignificant/discountable.

Table 5. Effects Determination

Common Name	Scientific Name	ESA Status	Effects Determination
Hawaiian hoary bat	<i>Lasiurus cinereus semotus</i>	Endangered	NLAA
Hawaiian petrel	<i>Pterodroma sandwichensis</i>	Endangered	NLAA
Band-rumped storm-petrel	<i>Hydrobates castro</i>	Endangered	NLAA
Newell’s shearwater	<i>Puffinus auricularis newelli</i>	Threatened	NLAA
Hawaiian stilt	<i>Himantopus mexicanus knudseni</i>	Endangered	NLAA
Notes: NLAA = not likely to adversely affect			

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United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawai'i 96850

In Reply Refer To:
2025-0054874

February 27, 2025

R. D. KLEINMAN
CAPT, CEC, USN
Joint Base Pearl Harbor-Hickam
850 Ticonderoga St Ste 100
Pearl Harbor, HI 96860-5102

Subject: Informal Consultation for the Red Hill Water Treatment Facility at Joint Base Pearl Harbor-Hickam, O'ahu

Dear Captain Kleinman,

The U.S. Fish and Wildlife Service (Service) received your letter on January 8, 2025 requesting our concurrence with your determination that the proposed Red Hill Water Treatment Facility at Joint Base Pearl Harbor-Hickam (JBPHH), O'ahu may affect, but is not likely to adversely affect the Hawaiian hoary bat or 'ōpe'ape'a (*Lasiurus cinereus semotus*); the endangered Hawaiian stilt or ae'o (*Himantopus mexicanus knudseni*); and the endangered Hawaiian petrel or 'ua'u (*Pterodroma sandwichensis*), the threatened Newell's Townsend's shearwater or 'a'o (*Puffinus auricularis newelli*), and the endangered Hawai'i distinct population segment (DPS) of band-rumped storm petrel or 'akē'akē (*Hydrobates castro*) (hereafter collectively referred to as Hawaiian seabirds). The Service considered all information related to the proposed project received on January 8, 2025, initiating consultation.

The findings and recommendations in this consultation are based on (1) your biological assessment; and (2) other information available to us. A complete administrative record is on file in our Pacific Islands Fish and Wildlife Office in Honolulu, Hawai'i. This response is in accordance with section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et seq.).

Project Description

The proposed action is to construct and operate a permanent water treatment facility capable of treating up to 10 million gallons per day (MGD) at the Red Hill Shaft in Halawa, O'ahu. The proposed action would include the construction of new facilities, utilities, infrastructure, and

PACIFIC REGION 1

IDAHO, OREGON*, WASHINGTON,
AMERICAN SĀMOA, GUAM, HAWAI'I, NORTHERN MARIANA ISLANDS

*PARTIAL

associated site improvements to support the permanent water treatment facility and the Red Hill Shaft Pump Station, as well as the connection of the modified granular activated carbon (GAC) water treatment facility that is currently under construction at Red Hill to the Navy drinking water system. In addition to this, 4,200 feet of security barbed wire fencing would be installed along the perimeter of the proposed water treatment facility sites and adjacent to the H-201 ROW.

The purpose of the proposed action is to restore the Red Hill Shaft as a valuable drinking water source for the Navy drinking water system, in compliance with National Primary Drinking Water Regulations (NPDWR) and Hawai'i Department of Health (HDOH) Safe Drinking Water Standards, and to discontinue discharge of the resource into Halawa Stream. The proposed action is needed because potable water from the Red Hill Shaft has been unavailable to support users and activities on the Navy's drinking water system since November 2021 due to the risks to public health posed by consuming water that has become contaminated.

The proposed action would encompass an area of 25.6 acres including project areas within the Red Hill Bulk Fuel Storage Facility (RHBFSF), adjacent State of Hawaii-owned properties, and the Army's Red Hill Housing (Figure 1). The proposed action would involve the construction of approximately 26,300 square feet of new facilities.



Figure 1. Proposed Action Area within Red Hill Installation Boundary.

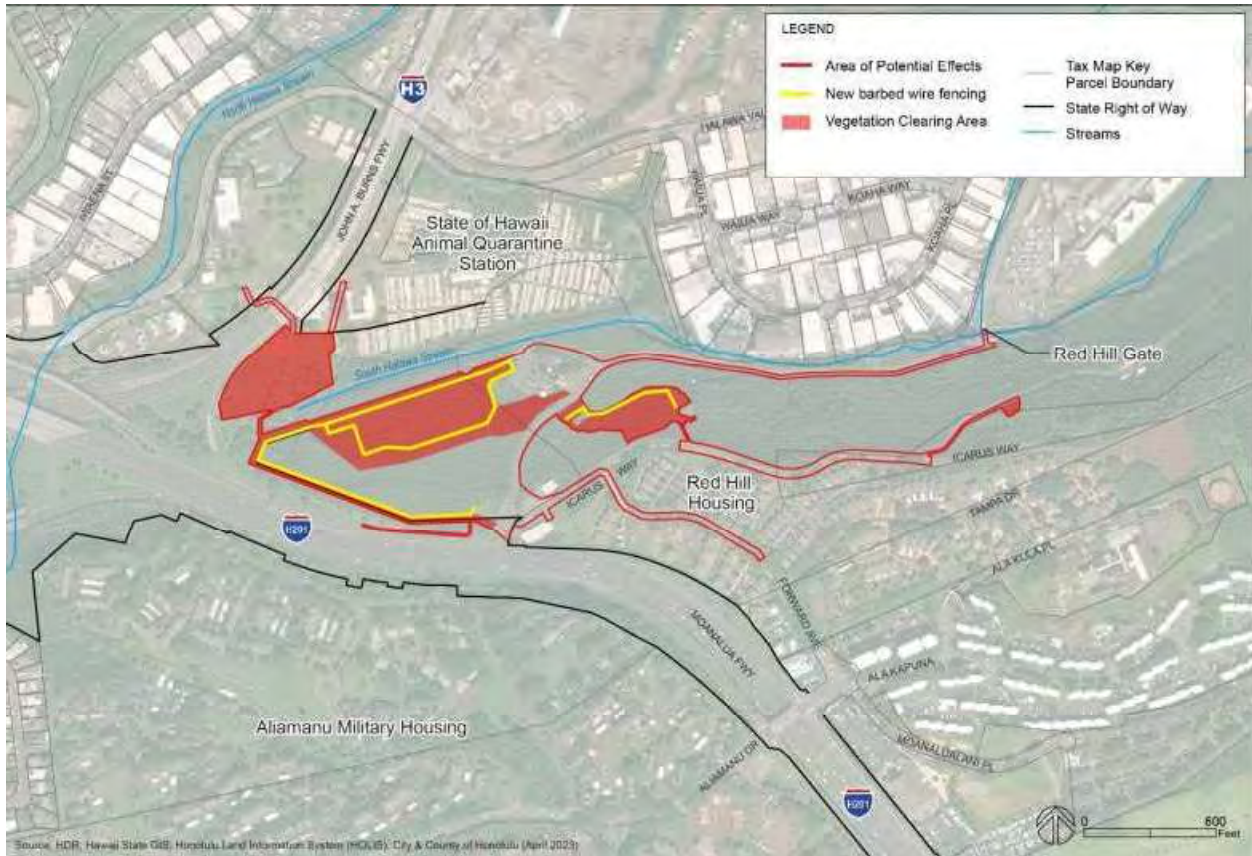


Figure 2. Proposed Action New Barbed Wire Fencing and Vegetation Clearing Area.

Conservation Measures

The following conservation measures will be implemented as a part of the proposed project to avoid and minimize impacts to listed species and their habitats.

Ōpe‘ape‘a

- Woody plants greater than 15 feet (ft) tall (which can be used by bats as roosting habitat) will not be disturbed, removed, or trimmed during the bat pupping season (June 1 through September 15).
- If any bat pups were to be discovered in the construction zone, outside of this season, vegetation clearing would immediately stop, Navy Facilities Engineering Systems Command (NAVFAC) Hawai‘i would contact the Service within 24 hours, and operations would be moved to a minimum of 300 feet away. Construction would not resume until the bat pups have departed the area on their own accord and/or the Service gives additional guidance.

Ae‘o

- NAVFAC Hawai‘i will perform spot checks of the site throughout the project and site construction, and maintenance staff will be informed of any ae‘o spotted. In the highly unlikely event an ae‘o is seen or a nest is found, the following will be carried out:

- Project personnel and contractors shall be informed about the presence of endangered species.
- In areas where ae‘o are known to be present, post and implement reduced speed limits.
- Incorporate water quality best management practices (BMPs) to reduce sedimentation and erosion in aquatic environments into the project design. BMPs may include silt containment, no trash/debris contamination, keeping fuel vehicles away from the water, preparing a contingency plan for fuel spills, and protecting exposed soil from erosion.
- Standing water has the potential to attract ae‘o to the site which could then be impacted by everyday activities at the site. The site is designed to prevent standing water and to reduce the total standing water at the site and minimize presence of standing water for more than 48 hours.
- If an individual, nest, or active brood is found, contact the JBPHH Natural Resources Duty Phone (808-404-1558) who will in turn contact the Service within 48 hours for further guidance

Hawaiian seabirds

- No night work is planned, and all night lighting will be avoided. Full cutoff exterior down-lighting fixtures for all new construction will be installed for all new construction whenever possible. Exterior lights shall be LED lights with full cut-off fixtures. Lights that are International Dark-sky Association certified are preferred.
- The Navy will implement the following avoidance and minimization measures for listed seabird species:
 - Fully shield all outdoor lights so the bulb can only be seen from below.
 - Install automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area.
 - Initial construction and/or future site maintenance night work is not anticipated.
- Shearwater Fallout Season Response Guidelines for JBPHH flyers will be placed on the construction site note/safety board.

Analysis of Effects on Listed Species

Ōpe‘ape‘a

‘Ōpe‘ape‘a forage for insects from as low as three feet to higher than 500 feet above the ground and can become entangled in barbed wire used for fencing. When bats forage and consume invertebrates, their sonar is disrupted while they are masticating, making them more prone to colliding with obstacles when flying. Thin strands of barbed wire may be difficult for bats to detect. The project proposes 4,200 feet (0.8 mi.) of security fencing topped with three strands of barbed wire. Although it is possible for bats to collide with the barbed wire fence as their sonar may be disrupted while foraging, no suitable foraging habitat is found nearby the action area for this project. Moreover, ‘ōpe‘ape‘a have been monitored within the Red Hill Storage Facility using acoustic detectors from January to December 2014 for a total of 190 recording nights. However, bat detections were only recorded on two nights, with a low detection rate of 0.011. In addition to this, a recent island wide study included an acoustic sampling site at the Red Hill

location and detected bats twice between June 2017 and October 2019, with a mean detection rate of 0.0035. These extremely low detection rates indicate that bat occurrence in the area is minimal at best. Therefore, considering the lack of suitable foraging habitat and the low density of bats in the area, it is highly unlikely bats would collide with the proposed barbed wire fencing.

‘Ōpe‘ape‘a roosts in both native and non-native woody vegetation across all major Hawaiian Islands and will leave young unattended in trees and shrubs when they forage. Proposed vegetation clearing may impact bats through the loss of potential roosting habitat. When trees or shrubs, 15 ft or taller, are cleared during the pupping season (June 1 through September 15), there is a risk that young bats could inadvertently be harmed or killed since they are too young to move away from their roost tree. However, conservation measures include no clearing of vegetation taller than 15 feet during the bat pupping season. Therefore, with the implementation of vegetation clearing avoidance measures, it is highly unlikely the ‘Ōpe‘ape‘a would be impacted by vegetation clearing. Because impacts to the ‘Ōpe‘ape‘a from the barbed wire fencing and vegetation clearing are highly unlikely to occur, effects are therefore considered discountable.

Ae‘o

Ae‘o are currently found in a variety of wetland habitats including freshwater marshes, coastal estuaries, ponds, irrigation ditches, and sewage treatment ponds. At Pearl Harbor and JBPHH, ae‘o have been observed around the shoreline, estuarine, and freshwater habitats. However, at RHBFSF, suitable habitat for the ae‘o does not occur within this action area. South Halawa stream, which is a concrete channel near the project area is intermittent and only tends to flow after storm events. There are no proposed changes to the South Halawa stream or channel from the project, and no addition or removal of aquatic habitats from either construction or operation of the proposed action. This project includes conservation measures, such as performing routine spot checks throughout the project site, implementing reduced speed limits in areas where waterbirds are known to be present, and minimizing the potential to attract ae‘o by reducing the amount of standing water. Due to the lack of ae‘o habitat and the implementation of these conservation measures, impacts to ae‘o associated with this project are highly unlikely to occur. Because impacts to the ae‘o are highly unlikely to occur, effects are therefore considered discountable.

Hawaiian seabirds

Hawaiian seabirds may traverse the project area at night during the breeding, nesting and fledging seasons (March 1 to December 15). Outdoor lighting could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights they may become exhausted and collide with nearby wires, buildings, or other structures or they may land on the ground. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable to light attraction. The Newell’s Townsend’s shearwater and the Hawaiian petrel have been detected via acoustic monitoring nearby on Mount Ka‘ala and within the lower Ka‘ala region. While no

Hawaiian seabirds have been documented at JBPHH installations, they may fly over the proposed action area when moving between suitable nesting habitat in the Wai‘anae and Ko‘olau Mountains. Based on the conservation measures listed above, no night work is planned for this project, and any new lighting installations will follow minimization measures (e.g., shielded, controlled, timers, etc.). Considering the low presence of Hawaiian seabirds within the project area, and the implementation of the conservation measures above, impacts from lighting associated with this project are highly unlikely to occur. Therefore, by implementing the conservation measures listed above, adverse effects to Hawaiian seabirds are highly unlikely to occur and are considered discountable.

Summary

We have reviewed our data and conducted an effects analysis of your project. Based on the project actions as described above, effects to listed species are extremely unlikely to occur and are considered discountable. Therefore, because impacts from the proposed project are considered discountable, we concur with your determination that the proposed action may affect but is not likely to adversely affect the ‘ōpe‘ape‘a, ae‘o , and Hawaiian seabirds.

We appreciate your efforts to conserve endangered species. If you have any questions regarding this letter, please contact Nikki Imamura, Fish and Wildlife Biologist at 808-792-9400 or email: nikki_imamura@fws.gov. When referring to this project, please include the reference number: 2025-0054874.

Sincerely,

**LORENA
WADA**

Lorena Wada
Planning and Consultation Team Manager



Digitally signed by LORENA WADA
Date: 2025.02.27 09:05:35 -10'00'

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR.

Issuance of Right-of-Entry to the Department of the Navy for Access Purpose onto State Lands located in Halawa, Ewa, Oahu

Project: Issuance of right-of-entry permit onto State lands for access purpose.

Location: State Lands in Halawa, Ewa, Oahu, Tax Map Key: (1) 9-9-010: portion of 058

Description: Issuance of an ROE to allow the access for the Department of the Navy and its contractor to construct a monitoring well at the back of the baseyard.

The proposed monitoring well is part of the environmental investigations of the Red Hill groundwater monitoring related to the 2021 fuel release at the Red Hill underground tank farm.

Chap. 343 Trigger(s): Use of State Lands

Exemption Class No.: In accordance with Hawaii Administrative Rules (HAR) 11-200.1-15 and -16 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to:

General Exemption Type 1: Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing

Part 1, Item 44: Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.

Cumulative Impact of
Planned Successive
Action in Same Place
Significant?:

No. The temporary use of the unencumbered land is for access to the construction site for the monitoring well in connection with the environmental investigation of the 2021 fuel release at Red Hill incident. Any disturbance of the ground by exercising access right under subject request is anticipated to be minimal as no construction or any form of installation activities are planned.

EXHIBIT B2

Particularly Sensitive
Environment?:

In the past, permits were issued for similar types of use, which have resulted in no known significant adverse impacts to the natural and cultural resources in the area.

The proposed action is for ingress and egress across an already developed site that has been previously disturbed. Minimal ground disturbance is anticipated due to large equipment being driven over landscaped areas (i.e. grass), however, the sight will be restored to existing conditions once construction activities have been completed.

Analysis:

Staff consulted with the Department of Transportation (DOT) and Department of Agriculture and Biosecurity (DAB) who concurred with the exemption.

In addition, DOT exempted the project as it pertains to the use of the DOT property for the construction of the monitoring well and associated staging area. The DOT Exemption Notice is attached for reference and has thoroughly considered the impacts of the proposed project. The Proposed Action, as related to the Land Division, is an administrative action that would allow the Applicant to access the DOT project site for construction and staging activities.

Recommendation:

Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1 HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND, HAWAII
400 MARSHALL ROAD
JBPBH, HAWAII 96860-3139

11011
Ser RE/00269
July 18, 2025

Ms. Dawn Chang, Chairperson
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Dear Ms. Chang:

SUBJECT: RIGHT OF ENTRY (ROE) TO ACCESS DEPARTMENT OF LAND AND NATURAL RESOURCES BASEYARD, HALAWA, OAHU, HAWAII

The Department of Navy represented by the Naval Facilities Engineering Systems Command, Hawaii respectfully requests real estate rights for a Right of Entry (ROE) or other document as deemed appropriate for Navy, its contractor, and/or assignee(s) use of the State of Hawaii, Department of Land and Natural Resources (DLNR) base yard for the purpose of ingress and egress as shown on Enclosure (1) as the entry point onto State of Hawaii, Department of Transportation property for the construction, installation, and maintenance of a monitoring well in support of environmental investigations of Red Hill groundwater monitoring related to the 2021 fuel release at the Red Hill underground tank farm. A sample template was drafted based on an agreement we had with another State department and had been provided to DLNR as a baseline to work from, as attached Enclosure (2).

The commencement date for the project would depend on when the location becomes fully permitted, which could be as early as October 2025, but more realistically, early 2026. The work may include the use of a drill rig, foundation rig, vacuum truck, guzzler (super sucker) truck, a truck to transport a roll off bin, and frac tank. There would not be any significant impact to the DLNR base yard, however, the ground surface would be restored to the existing condition, as needed. If insurance liability is required as part of this agreement, Navy will work with its Contractor and/or assignees to provide insurance liability coverage.

In an effort to expedite the process, request review and completion of the ROE through email correspondence. Please contact Ms. Diane Yukumoto, Realty Specialist, by email at diane.a.yukumoto.civ@us.navy.mil or by phone at (808) 603-7323.

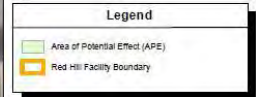
Sincerely,
SATO.CRAIG.T.127359997
1
Craig T. Sato
Real Estate Contracting Officer
By direction of the Commanding Officer

Digitally signed by
SATO.CRAIG.T.1273599971
Date: 2025.07.18 16:09:45 -10'00'

Enclosures:

1. Location map for access route
2. Draft State ROE – DLNR 06122025

EXHIBIT C



Notes
1. Map Projection: NAD 1983 Hawaii State Plane 23 ft.
2. Base Map: Esri, Vector, EsriMap, Geographic, and the GIS User Community.



Access to DLNR Base Yard for Sentinel Wells NMW38 & NMW38A Red Hill Bulk Fuel Storage Facility JBPHH, Oahu, Hawaii

