DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM[1]
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): April 29, 2020

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: DHHL Waiokeola Channel Improvements, Waimanalo, Oahu POH-2020-00030

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Hawaii County/parish/borough: Oahu City: Waimanalo
Center coordinates of site (lat/long in degree decimal format): Lat. 21.325328 °, Long. -157.696564 °
Universal Transverse Mercator: UTM Zone 4 N
Name of nearest waterbody: Waiokeola Stream
Name of watershed or Hydrologic Unit Code (HUC): 200600000207

☑ Check if map/diagram of review area is available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☑ Office (Desk) Determination. Date: February 21, 2020

☑ Field Determination. Date(s): February 4, 2020

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are no** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☑ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Project Location Map
- ☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps:
- ☐ U.S. Geological Survey Hydrologic Atlas:
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☐ U.S. Geological Survey map(s). Cite scale & quad name:
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☐ National wetlands inventory map(s). Cite name:
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- ☑ Photographs: ☑ Aerial (Name & Date): provided with February 2020 submittal
  - ☐ or ☑ Other (Name & Date): provided with February 2020 submittal
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: The Corps, the property owner representative, and the agent walked the full length of the approximately 2200 foot long Area of Review (AOR) Waiokeola Draingage Channel during a site visit on 4 February 2020. According to Mr. Richard Speer of Department of Hawaiian Homelands (the property owner), the Waiokeola Drainage Channel had been constructed in uplands in the 1970s or earlier, simultaneously with or prior to the construction of the Waiokeola Street bridge (makai of the intersection of Waiokeola Street and Manawaiola Street). The Corps observed that no water was flowing down-gradient of the bridge nor within the AOR upgradient of the bridge.

[1] This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

According to Mr. Speer, the 2018 April heavy rains was the last time water had flowed in the channel, but the DHHL is proposing grading in the channel to encourage positive drainage in preparation for a similarly large rain event (e.g. 100 year storm). Mr. Speer stated that flow from the 2018 April rains had flooded neighboring properties due to in-channel blockages from living trees and logs in the channel. Mr. Speer stated that, following the 2018 April rains, the DHHL had cut all trees and removed all logs from within the channel and top of banks and had mulched whatever woody debris remained, leaving the mulch in the channel bed. The Corps observed that while the bed and banks of the channel within the AOR were well defined (approximately 10 feet wide and 5 feet deep to top of bank), there did not appear to be any evidence in the channel that would indicate even occasional flow. The Corps observed that the upper portion of the channel (850 - 2200 feet above the bridge) contained a 3 to 5-inch deep layer of mulch. There was no disruption of the mulch cover (e.g. a low-flow channel), nor were any marks (e.g. erosion shelving, staining) observed along the banks. Similarly, in the majority of the remainder of the channel with short herbaceous vegetation cover, thick mixed vegetation cover, and all dead and/or mowed vegetation cover (at 800 feet to 700 feet, 700 feet to 550 feet, 550 feet to bridge, respectively) typical indicators of flow (e.g. low flow channel erosion, shelving, absence of vegetation, wrack lines) were not observed. Aerial photos show that although Waiokeola Drainage Channel continues beyond the AOR for 0.72 miles as a concrete-lined channel before reaching the Pacific Ocean, only the lower approximately 0.13 miles (up to the bridge at Huli Road) routinely shows the presence of water. Since the channel within the entirety of the AOR did not display any characteristics indicative of routine flow, the Corps determined that the Waiokeola Drainage Channel in the AOR lacks an Ordinary High Water Mark and is therefore not a water of the U.S.

During the 4 February 2020 site visit, at 700 feet above the bridge in the AOR, the Corps observed an approximately 628 square foot area overgrown (100% or more cover) with vegetation. The vegetative cover area of this area was observed to be a stark contrast to the rest of the AOR which was either sparsely vegetated or unvegetated. The dominant species in the area appeared to be Guinea grass (Panicum maximum or Megathrysus maximus, FAC) with other unidentified species found closer to the ground surface. The Corps also observed that the ground was saturated with some small areas of ponding. The Corps attempted to conduct a soil investigation, but shovel refusal occurred at the eastern edge of the area at 2 to 4 inches below the surface. The Corps evaluated the upper 2 to four inches and found that the soil colors were 10 YR 2/1 matrix; greater than 5 % of 2.5YR 3/3 concentrations (prominent, according to the Hawaii and Pacific Islands Regional Supplement. In the context of the area within the depressional channel, the soil concentration percentage and depth meet the description of Hydric Soil Indicator F8: Redox Depressions. The area also meets A1 - Surface Water, a primary wetland hydrology indicator, and meets the dominance test. However, the area is located within a portion of the Waiokeola Channel that does not meet the definition of a water of the U.S. and the portion of Waiokeola Channel that routinely has flow is located approximately 0.52 miles down-gradient. Since the area is not abutting a RPW and is not adjacent to the nearest TNW, the Pacific Ocean, the area is isolated and is not a water of the U.S.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

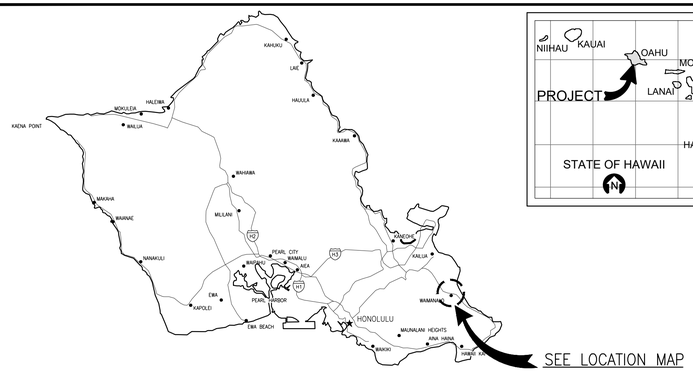
WAIOKEOLA STREAM AND DRAINAGE CHANNEL IMPROVEMENTS

IFB-20-HHL-020

WAIMANALO, KOOLAUPOKO, OAHU, HAWAII
T.M.K.: (1) 4-1-008:001

Isolated feature

Area of Review



GENERAL NOTES

1. THE INFORMATION CONTAINED HEREIN IS BASED UPON LIMITED FIELD INVESTIGATIONS AND AVAILABLE RECORD DRAWINGS.
2. DRAWINGS ARE INTENDED TO PROVIDE A GRAPHIC ILLUSTRATION OF DESIGN CONCEPT, ONLY, AND DEPICT THE GENERAL PLACEMENT OF CERTAIN COMPONENTS IN RELATION TO EACH OTHER.
3. FOR CLARITY, DETAIL DRAWINGS DO NOT SHOW ALL COMPONENTS OR ILLUSTRATE ALL FIELD CONDITIONS THAT MAY BE PRESENT.
4. CONTRACTOR SHALL TAKE MEASUREMENTS AND FIELD-VERIFY ALL CONDITIONS AND DIMENSIONS PRIOR TO CONSTRUCTION AND/OR FABRICATION.
5. ALL CONSTRUCTION SHALL CONFORM TO THE FOLLOWING BUILDING CODES:

   2006 IBC
   2012 NFPA 1, UFC
   2006 UPC WITH STATE AMENDMENTS
   2006 IECC
   2014 NEC
   TITLE 11 CHAPTER 39

PREPARED FOR

DEPARTMENT OF HAWAIIAN HOME LANDS, STATE OF HAWAII

LAND DEVELOPMENT DIVISION
91-5420 KAPOLEI PARKWAY
KAPOLEI, HAWAII 96707

CONTACT:
WILLIAM J. AILA JR.
CHAIRMAN, HAWAIIAN HOMES COMMISSION

PREPARED BY

CIVIL ENGINEER

HAWAII ENGINEERING GROUP, INC.
1088 BISHOP STREET, SUITE 2506
HONOLULU, HAWAII 96813

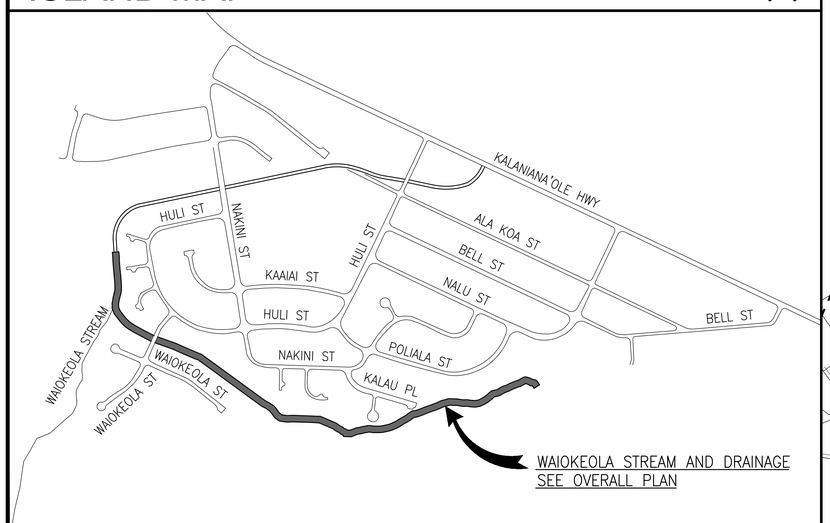
CONTACT:
GREGORY D. SANTORO, P.E.

PARCEL DATA

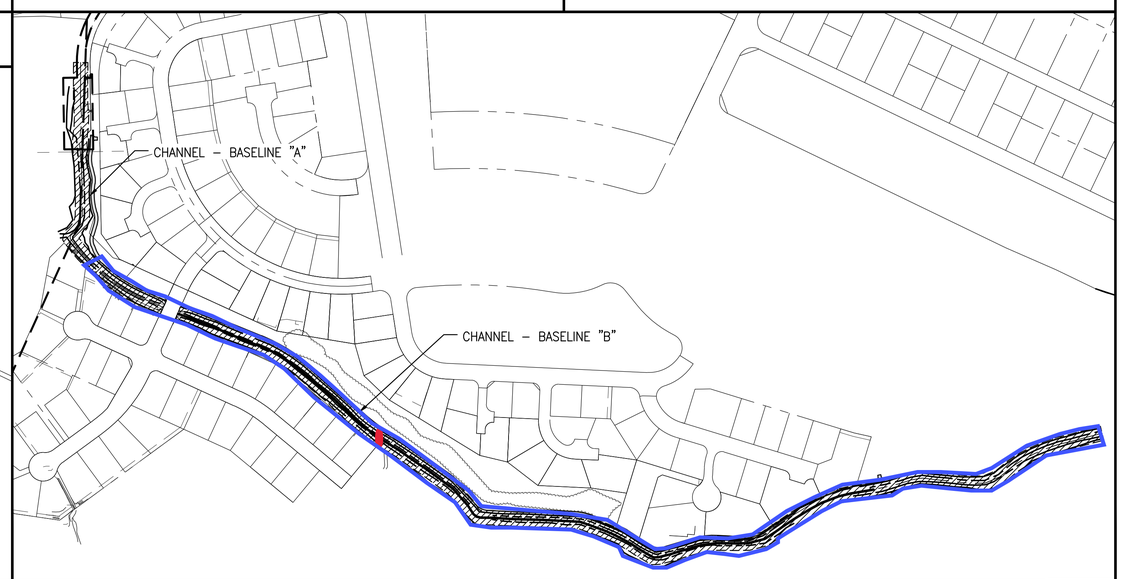
PARCEL NUMBER:	410080010000
TOTAL LAND AREA:	1,498,377 SF (34.3980 AC)
PROPERTY CLASS:	AGRICULTURAL

INDEX TO DRAWINGS

ISLAND MAP



LOCATION MAP



OVERALL PLAN

0 40'100' 200' 400' 600'
SCALE: 1"=200'

REVISION NO.	DATE	REVISIONS	BY

GREGORY D. SANTORO
LICENSED PROFESSIONAL ENGINEER
14472-C
HAWAII, U.S.A.
Exp. Date: 4-30-20

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION

DEPARTMENT OF HAWAIIAN HOME LANDS

WAIOKEOLA STREAM AND DRAINAGE CHANNEL IMPROVEMENTS
WAIMANALO, KOOLAUPOKO, OAHU, HAWAII
T.M.K.: (1) 4-1-008:001

TITLE SHEET

DESIGNED BY:	GS
DRAWN BY:	DL, TS
CHECKED BY:	GS, AD
SUPV:	
DATE:	01/17/2020

HAWAII ENGINEERING GROUP, Inc.
Civil & Structural Engineers
1088 BISHOP STREET #2506
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Tel: 808-533-2065

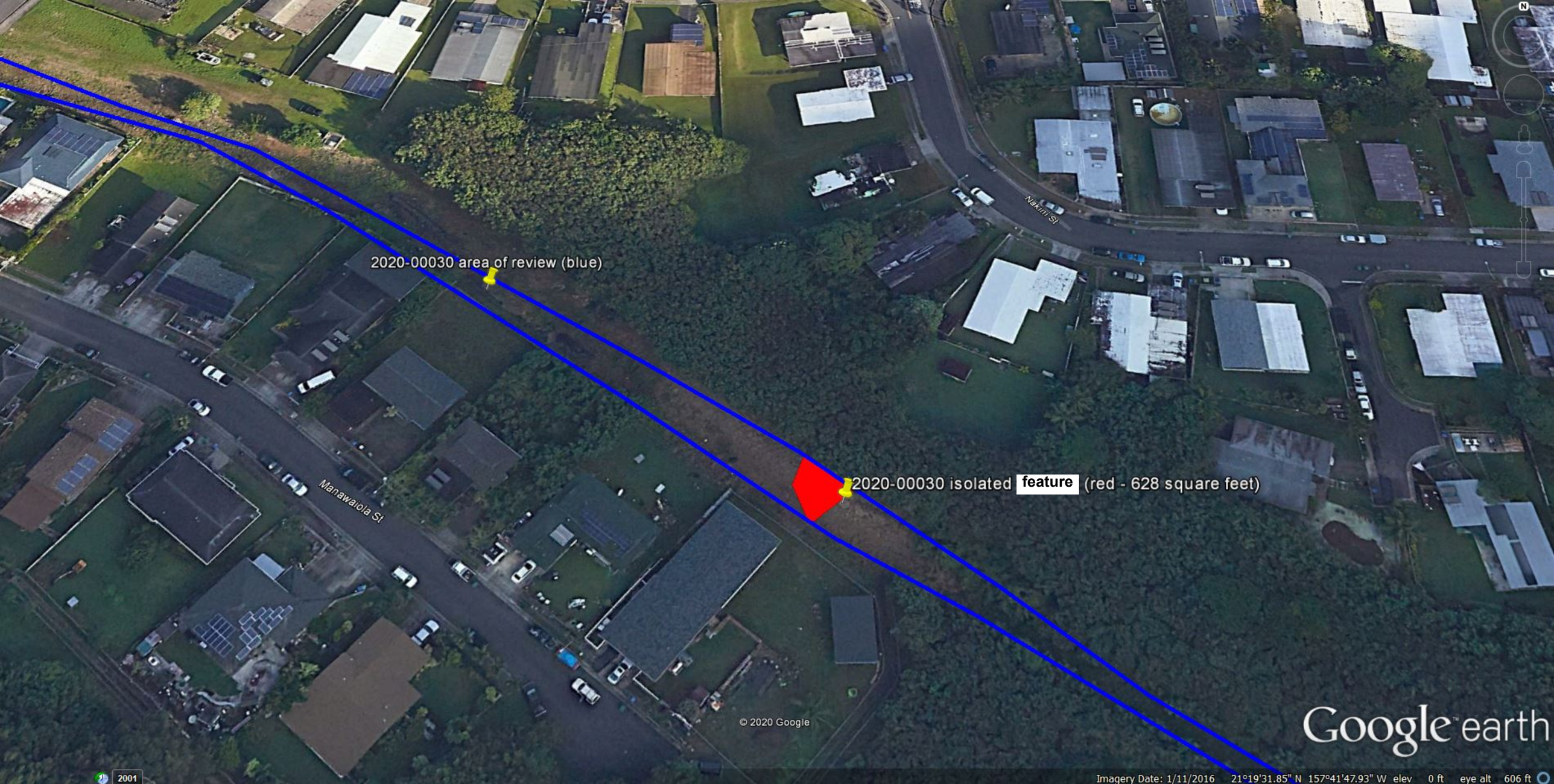
JOB NO.

SHEET
C001
1 OF 8 SHTS

J:\2018 Projects\18-167 T03 DHHL Emergency Debris Removal of the Waimanalo Flood Earth Drainage Swale\Area 3 – Manawaiola Street Drainage Swale\Drawings\Civil\Autocad\18-167 Waimanalo Drainage Channel_20200117.dwg

FILE . . . . . DRAWER . . . . . FOLDER . . . . . .


2020-00030 area of review (blue)
2020-00030 isolated feature (red)
Kaaiai St
Nalu St
Poliala St
Kalau Pl
Bell St
Nakini Pl
Huli St
Kawamine Pl
Kalanianaole Hwy
72
© 2020 Google
Google earth
2001
Imagery Date: 1/11/2016 21°19'28.20" N 157°41'58.12" W elev 0 ft eye alt 2800 ft


2020-00030 area of review (blue)
2020-00030 isolated feature (red - 628 square feet)
Nakini St
Manawaiola St
© 2020 Google
Google earth
2001
Imagery Date: 1/11/2016 21°19'31.85" N 157°41'47.93" W elev 0 ft eye alt 606 ft