

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
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): October 12, 2023

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: POH-2020-00084

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Guam County/parish/borough: City: Hagåtña

Center coordinates of site (lat/long in degree decimal format): Lat. 13.47838°, Long. 144.72762°

Name of nearest waterbody: Asan Bay

Name of watershed or Hydrologic Unit Code (HUC): 2201000003 (La Sa Fua River-Frontal Philippine Sea, HUC 10)

- ☒ 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: October 12, 2023
- ☐ Field Determination. Date(s): N/A

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:
- ☐ 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: 1:24,000; Hagåtña
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Websoil Survey last accessed Oct 12, 2023
- ☒ National wetlands inventory map(s). Cite name: USFWS National Wetlands Inventory Mapper 2.0 last accessed Oct 12, 2023
- ☐ State/Local wetland inventory map(s):
- ☒ FEMA/FIRM maps: Panel 6600010087D eff. 9/28/2007
- ☐ 100-year Floodplain Elevation is: N/A (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Digital Globe, June 27, 2023 (not downloaded); numerous GE images available
- ☐ or ☒ Other (Name & Date): Taken by Corps Oct 12, 2023; also, Project File photos (10) from 2020 alleged violation
- ☒ Previous determination(s). File no. and date of response letter: Same file number. Corps visited this site in 2020 to follow-up on an alleged violation. In 2020, the Corps determined the work done was in uplands (site visit, topo quad, NWI, Soils, aerial imager).
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

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.

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: The Lot and surrounding area were visited by the Corps in 2020 to follow-up on a report of an alleged violation. A memo added to the file (POH-2020-00084) at that time indicated the fill used to construct/develop the site for residential development had not been placed at or below the high tide line. The memo noted the Corps, in addition to the site visit, also reviewed aerial imagery, NWI, Soils information, and the topographic quad map covering this area, which supported there were not waters on the lot. Ten photographs taken by the Corps at points around the Lot support the determination the fill was not placed at or below the high tide line.

A site visit on October 12, 2023, reconfirmed the property development was still well above the high tide line, and there were still no other wetlands/waters on the Lot. No delineation was attempted during the visit, because the work was obviously occurring well above the high tide line. Photos from the October 12, 2023, site visit showing the property in relation to the high tide line and some of the storm damages are available in the administrative record for this project.



October 12, 2023

Date