

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 26, 2011.

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Honolulu District, Milburn E. Loch Pearl Harbor Unauthorized Discharges, POH-2010-00343

Name of water being evaluated on this JD form: Pearl Harbor, East Loch

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State/Territory: Hawaii County: Honolulu City: Aiea

Center coordinates of site (lat/long in degree decimal format): Lat: 21.3871 N, Long: 157.9540 W

Universal Transverse Mercator: 4.

Name of nearest waterbody: Pearl Harbor, E. Loch.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Pacific Ocean.

Name of watershed or Hydrologic Unit Code (HUC): 20060000.

Check if map/diagram of review area and/or potential jurisdictional areas is/are 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. List other JDs: _____

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

Office (Desk) Determination. Date: July 26, 2011.

Field Determination. Date(s): July 25, 2011.

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: The Pacific Ocean has been documented, since pre-historic times, as being used for subsistence, recreational, and commercial navigation between international ports.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 500 linear feet _____ width (ft) and/or _____ acres.

Wetlands: _____ acres.

c. Limits (boundaries) of jurisdiction based on: Established by mean (average) high waters. and Pick List

Elevation of established OHWM (if known): _____.

2. Non-regulated waters/wetlands (check if applicable):³

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: _____.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

1. TNW

Identify TNW: Pacific Ocean.

Summarize rationale supporting determination: The Pacific Ocean has been documented, since pre-historic times, as being used for subsistence, recreational and commercial navigation between international ports.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": _____.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS - Not applicable

C. SIGNIFICANT NEXUS DETERMINATION - Not applicable

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE:

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

- TNWs: 500 linear feet _____ width (ft), or _____ acres.
 Wetlands adjacent to TNWs: _____ acres.

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS – NOT APPLICABLE

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY): Not applicable

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD:

- 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: _____.
 Corps navigable waters' study: The waterbody is on the Section 10 Navigable Waterway List for Seattle District. The list is available at www.nws.usace.army.mil click on Regulatory – Regulatory/Permits – Wetlands and Waters of the US – Navigable Waters.
 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 Geodetic Vertical Datum of 1929)
 Photographs: Aerial (Name & Date): Google Earth 2010
or Other (Name & Date): Site photographs from 25 July 2010.
 Previous determination(s). File no. and date of response letter: _____.
 Applicable/supporting case law: _____.
 Applicable/supporting scientific literature: _____.
 Other information (please specify): Site visit of July 25, 2011.

B. ADDITIONAL COMMENTS TO SUPPORT JD: _____.