

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): July 21, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: POH-2017-00159 (Oahu Community Correctional Center Replacement Project, Island of Oahu, Hawaii) – OCCC review area

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Hawaii County/parish/borough: Oahu City: Kalihi (2109 Kamehameha Highway)

Center coordinates of site (lat/long in degree decimal format): Lat. 21.329667 °, Long. -157.883613 °

Universal Transverse Mercator: UTM Zone 4 N

Name of nearest waterbody: Pacific Ocean

Name of watershed or Hydrologic Unit Code (HUC): 20060000 (Oahu); 33011 (DLNR HUC for Kalihi)

- 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: September 8, 2017

Field Determination. Date(s):

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 attached
- 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: ESRI BING Imagery service - provided with July 21, 2017 Wetland Report
- USDA Natural Resources Conservation Service Soil Survey. Citation: ESRI BING Imagery service - - provided with July 21, 2017 Wetland Report; Hydrologic Rating from NRCS' Web Soil Survey website, accessed September 6, 2017, websoilsurvey.nrcs.usda.gov/
- National wetlands inventory map(s). Cite name: ESRI BING Imagery service - - provided with July 21, 2017 Wetland Report
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): ESRI BING Imagery service - provided with July 21, 2017 Wetland Report, Google Earth Pro
- or Other (Name & Date): ESRI BING Imagery service - provided with July 21, 2017 Wetland Report
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): field survey notes provided by the agent in an email dated September 7, 2017: “The site located within a highly developed urban area and is surrounded by major roadways and industrial and commercial properties. The majority (approximately 85%) of the site is developed and consists of pavement, concrete, and buildings. Undeveloped areas are limited to mowed lawn interspersed between buildings with occasional landscape plantings. The largest undeveloped area is approximately two-acre recreation field consisting of dirt and mowed lawn. No wetland signatures were identified upon review of aerial photos of the site;

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no wetlands or hydric soils are mapped on-site; and there were no observations of wetland hydrology, hydrophytic vegetation, or any wetland indicators during the field investigation.”

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: Project is in all uplands. No water features are on the parcel of land.

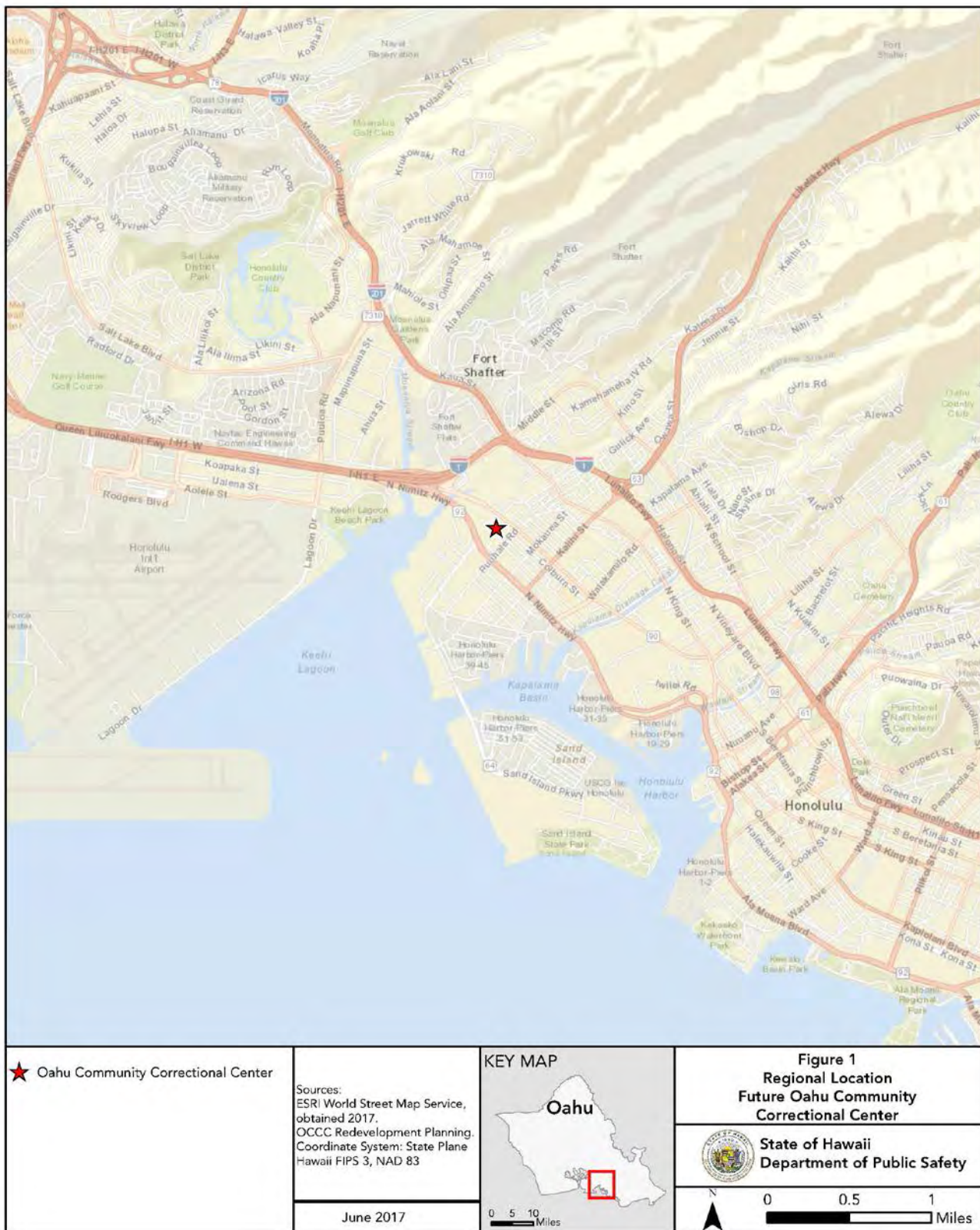


Figure 1: Regional location.



Figure 2: Aerial view.

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SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 21, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: POH-2017-00159 (Oahu Community Correctional Center Replacement Project, Island of Oahu, Hawaii) – Hawaii Department of Agriculture (HDOA) Animal Quarantine Facility review area

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Hawaii County/parish/borough: Oahu City: Aiea (99-951 Halawa Valley Street)

Center coordinates of site (lat/long in degree decimal format): Lat. 21.371749 °, Long. -157.912328 °

Universal Transverse Mercator: UTM Zone 4 N

Name of nearest waterbody: North Halawa Stream

Name of watershed or Hydrologic Unit Code (HUC): 20060000 (Oahu); lower Halawa drainage basin

- 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: September 8, 2017

Field Determination. Date(s):

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 attached
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Office concurs with data sheets/delineation report.
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- Data sheets prepared by the Corps:
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- USDA Natural Resources Conservation Service Soil Survey. Citation: ESRI BING Imagery service - - provided with July 21, 2017 Wetland Report; Hydrologic Rating from NRCS’ Web Soil Survey website, accessed September 6, 2017, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>, note: although the Web Soil Survey shows the South Halawa Stream running through the southeast portion of the site, that area is already occupied by structures on that portion of the site, indicating that the stream is either incorrectly mapped or has already been piped beneath or diverted away from the project site.
- National wetlands inventory map(s). Cite name: ESRI BING Imagery service - - provided with July 21, 2017 Wetland Report
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): ESRI BING Imagery service - provided with July 21, 2017 Wetland Report, Google Earth Pro
- or Other (Name & Date): ESRI BING Imagery service - provided with July 21, 2017 Wetland Report
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): field survey notes provided by the agent in an email dated September 7, 2017: “The site is surrounded by commercial and industrial buildings, a cement plant and adjoining mining operation, and major roadways. The majority (approximately 75%) of the site is developed and consists of pavement, concrete, kennels, and buildings. Undeveloped land consists of narrow mowed grassed areas interspersed between actively-used kennels areas and narrow strips of unmaintained vegetation interspersed

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between abandoned kennels, mowed lawns between buildings, and the cattle pasture. No hydrophytic vegetation, water-stained leaves, seeps, topographic depressions, swales, or drainage patterns were observed in any of the undeveloped areas. One soil pit (approximately 12" deep) dug in the cattle pasture showed no soil saturation or water table present in the pit. Inspection of the soils did not identify any oxidized rhizospheres, redoximorphic features, hydrogen sulfide odor, or other hydric soil indicators. A concrete-lined channel is present off-site, adjacent to the eastern site boundary. The concrete feature was dry at the time of inspection and no hydrologic connection to the site was evident. No wetland signatures were identified upon review of aerial photos of the site; no wetlands or hydric soils are mapped on-site; and there were no observations of wetland hydrology, hydric soils, or hydrophytic vegetation during the field investigation."

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: Project is in all uplands. No water features are on the parcel of land.

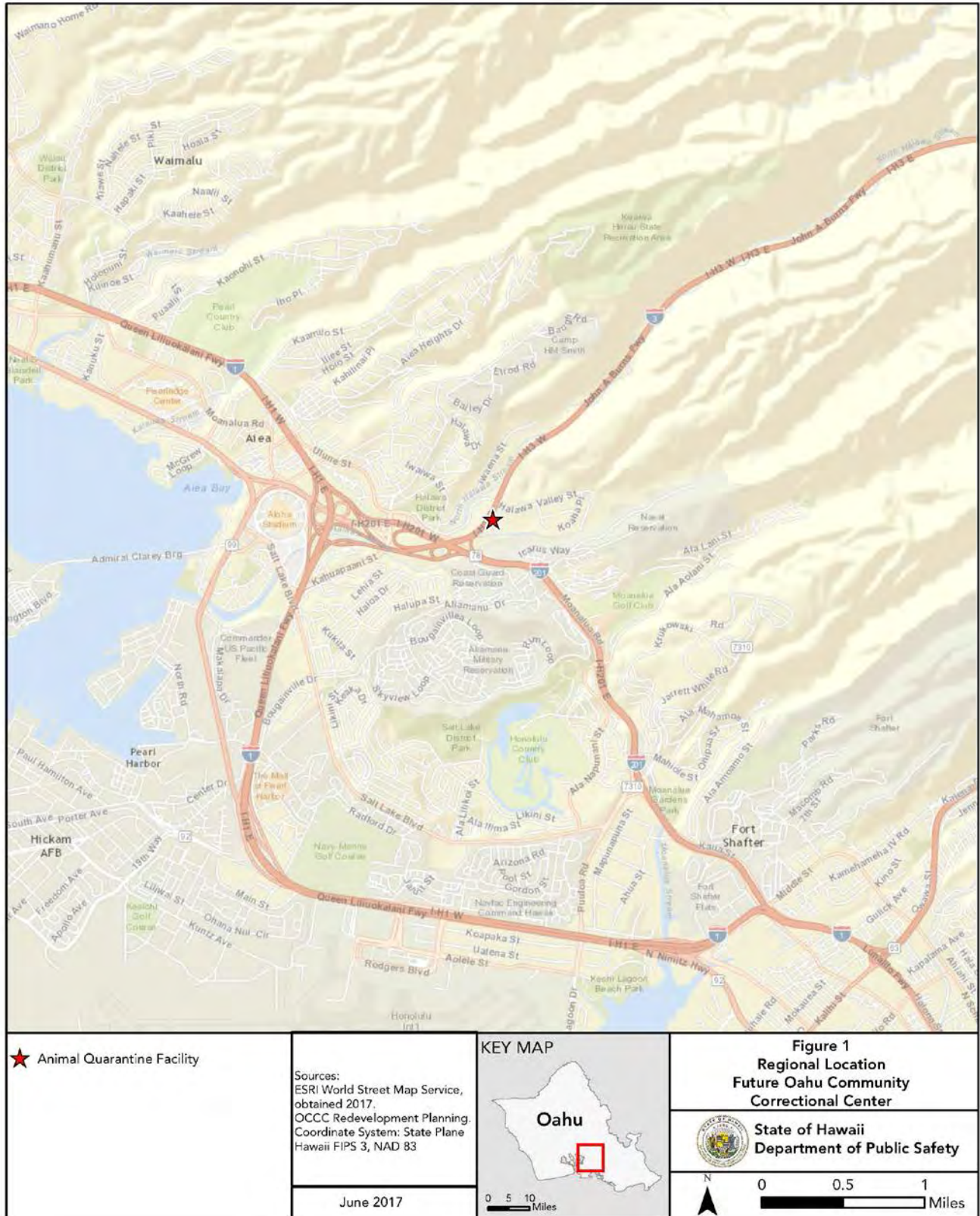


Figure 1: Regional location.



<p> Animal Quarantine Facility</p> <p> Photo Location</p>	<p>Sources: ESRI BING Imagery Service, obtained 2017.</p> <p>July 2017</p>	<p>KEY MAP</p> <p>Oahu</p> <p>0 5 10 Miles</p>	<p>Photo Key Map Future Oahu Community Correctional Center</p> <p> State of Hawaii Department of Public Safety</p> <p>N</p> <p>0 200 400 Feet</p>
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Photo Key Map

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SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 21, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: POH-2017-00159 (Oahu Community Correctional Center Replacement Project, Island of Oahu, Hawaii) – Mililani Technological Park Lot 17 review area

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Hawaii County/parish/borough: Oahu City: Mililani (along the H-2 corridor off of Kahelu Avenue)

Center coordinates of site (lat/long in degree decimal format): Lat. 21.480199 °, Long. -157.013390 °

Universal Transverse Mercator: UTM Zone 4 N

Name of nearest waterbody: Waikele Stream

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

- 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: September 8, 2017

Field Determination. Date(s):

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):

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- or Other (Name & Date): ESRI BING Imagery service - provided with July 21, 2017 Wetland Report
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): field survey notes provided by the agent in an email dated September 7, 2017: “The site consists of 40 acres of undeveloped, vegetated land within a suburban business park. Due to topography, only approximately 19 acres are suitable for OCCC development and were the focus of our investigations. The 19-acre area proposed for development is a level plateau surrounded by gulches. The plateau is a former pineapple field that is now densely vegetated by a mix of mostly non-native trees, shrubs, and an understory of weedy grasses and vines. There was no significant change in vegetation community or structure throughout the plateau, and

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the topography remained level throughout. No hydrophytic vegetation, water-stained leaves, seeps, topographic depressions, swales, or drainage patterns were observed. Four soil pits (approximately 12" deep) were dug in various locations across the plateau. No soil saturation or water table was evident in any pit. Inspection of the soils did not identify any oxidized rhizospheres, redoximorphic features, hydrogen sulfide odor, or other hydric soil indicators. No wetland signatures were identified upon review of aerial photos; no wetlands or hydric soils are mapped within the development area; and there were no observations of wetland hydrology, hydric soils, or hydrophytic vegetation during the field investigation.”

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: Project is in all uplands. No water features are on the parcel of land.

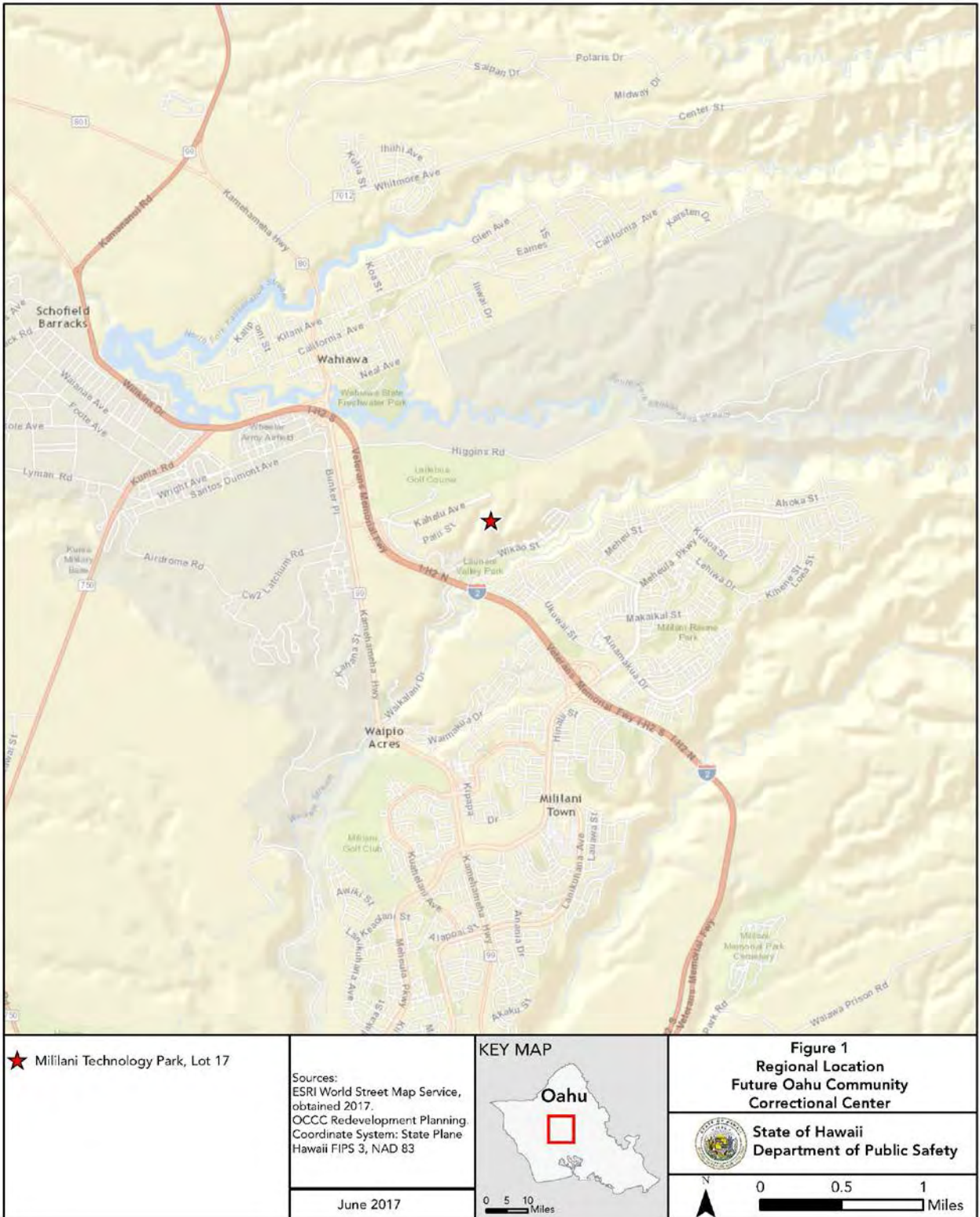


Figure 1: Regional location.

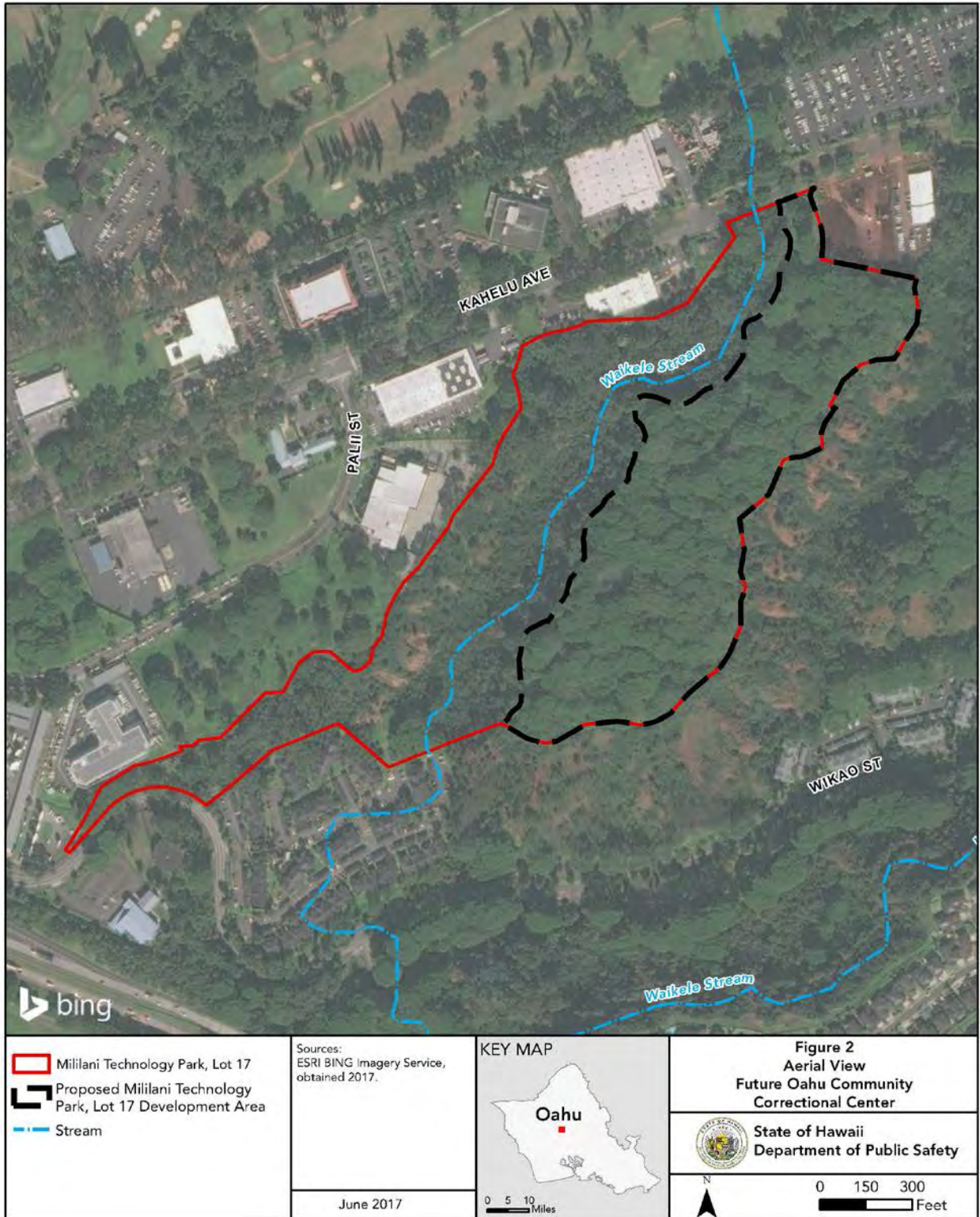


Figure 2: Aerial view.

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

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SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 21, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Honolulu District, POH- 2017 – 00159 (Oahu Community Correctional Center Replacement Project, Island of Oahu, Hawaii) – Halawa Correctional Facility review area

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Hawaii County: Oahu City: Aiea (99-902 Moanalua Road)
Center coordinates of site (lat/long in degree decimal format): Lat. 21.373727 ° N, Long. -157.899190 °W
Universal Transverse Mercator: UTM Zone 4 N
Name of nearest waterbody: South Halawa Stream
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Pacific Ocean
Name of watershed or Hydrologic Unit Code (HUC): 200600000

- 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

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

- Office (Desk) Determination. Date: September 8, 2017
- Field Determination. Date(s): [Click here to enter a date.](#), [Click here to enter a date.](#)

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. [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: [Click here to enter text.](#)

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: 2291 linear feet South Halawa Stream, 119 linear feet unnamed tributary of South Halawa Stream
Wetlands: 0.63 acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual and Hawaii and Pacific Islands Regional Supplement
Elevation of established OHWM (if known): [Click here to enter text.](#)

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

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: [Click here to enter text.](#)

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.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: [Click here to enter text.](#)

Summarize rationale supporting determination: [Click here to enter text.](#)

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: [Click here to enter text.](#)

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 597 square miles

Drainage area: 8.90 square miles (lower Halawa drainage basin)

Average annual rainfall: 58.74 inches in Aiea

Average annual snowfall: none

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through 2 tributaries before entering TNW.

Project waters are 2-5 river miles from TNW.

Project waters are 1 (or less) river miles from RPW.

Project waters are 2-5 aerial (straight) miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: No, N/A

Identify flow route to TNW⁵: the unnamed tributary flows into South Halawa Stream flows into Halawa Stream, which flows into the East Lock of Pearl Harbor, a TNW that drains directly into the Pacific Ocean
Tributary stream order, if known: 2nd – South Halawa Stream, 1st – unnamed tributary

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural

Artificial (man-made). Explain: [Click here to enter text.](#)

Manipulated (man-altered). Explain: South Halawa Stream and a portion of an unnamed tributary of South Halawa Stream within the project area are concrete lined

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary properties with respect to top of bank (estimate): dimensions and geometry of the channel were not provided

Average width: # feet

Average depth: # feet

Average side slopes: *Choose an item.*

Primary tributary substrate composition (check all that apply):

- | | | |
|--|--|--|
| <input type="checkbox"/> Silts | <input type="checkbox"/> Sands | <input checked="" type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles | <input type="checkbox"/> Gravel | <input type="checkbox"/> Muck |
| <input type="checkbox"/> Bedrock | <input type="checkbox"/> Vegetation. Type/% cover: | |
| <input type="checkbox"/> Other. Explain: | | |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: The channel has vertical banks and is a stable concrete-lined channel.

Presence of run/riffle/pool complexes. Explain: There are no run/riffle/pool complexes in the armored portion of the channel.

Tributary geometry: Relatively Straight

Tributary gradient (approximate average slope): not provided in Wetland Report

(c) **Flow:**

Tributary provides for: Seasonal Flow

Estimate average number of flow events in review area/year: number of flow events, flow regime, duration, and volume information was not provided in Wetland Report

Describe flow regime: *Click here to enter text.*

Other information on duration and volume: *Click here to enter text.*

Surface flow is: Discrete and Confined Characteristics: *Click here to enter text.*

Subsurface flow: Unknown Explain findings: *Click here to enter text.*

Dye (or other) test performed: *Click here to enter text.*

Tributary has (check all that apply):

- Bed and banks
 - OHWM⁶ (check all indicators that apply):
 - clear, natural line impressed on the bank
 - changes in the character of soil
 - shelving
 - vegetation matted down, bent, or absent
 - leaf litter disturbed or washed away
 - sediment deposition
 - water staining
 - other (list):
 - the presence of litter and debris
 - destruction of terrestrial vegetation
 - the presence of wrack line
 - sediment sorting
 - scour
 - multiple observed or predicted flow events
 - abrupt change in plant community *Click here to enter text.*
- Discontinuous OHWM.⁷ Explain: *Click here to enter text.*

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> High Tide Line indicated by: <ul style="list-style-type: none"><input type="checkbox"/> oil or scum line along shore objects<input type="checkbox"/> fine shell or debris deposits (foreshore)<input type="checkbox"/> physical markings/characteristics<input type="checkbox"/> tidal gauges<input type="checkbox"/> other (list): <i>Click here to enter text.</i> | <input type="checkbox"/> Mean High Water Mark indicated by: <ul style="list-style-type: none"><input type="checkbox"/> survey to available datum;<input type="checkbox"/> physical markings;<input type="checkbox"/> vegetation lines/changes in vegetation types. |
|---|--|

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: information not provided in Wetland Report

Identify specific pollutants, if known: none known

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width): [Click here to enter text.](#)
- Wetland fringe. Characteristics: PEM wetland dominated by Urochloa maxima
- Habitat for:
 - Federally Listed species. Explain findings: In a letter dated December 23, 2016, USFWS stated that the Hawaiian hoary bat could use trees on the property for pupping. However the stream and abutting PEM wetland area do not contain any trees.
 - Fish/spawn areas. Explain findings: it is possible for small fish to survive in the streams during times of flow
 - Other environmentally-sensitive species. Explain findings: [Click here to enter text.](#)
 - Aquatic/wildlife diversity. Explain findings: [Click here to enter text.](#)

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: 0.63 acres

Wetland type. Explain: PEM dominated by Urochloa maxima

Wetland quality. Explain: Studies to determine the functional or conditional quality of the wetland were not conducted.

However, given the location of the wetland in a highly urbanized setting and the regular mowing that occurs on the wetland, one may infer that the wetland is of poor quality.

Project wetlands cross or serve as state boundaries. Explain: [Click here to enter text.](#)

(b) General Flow Relationship with Non-TNW:

Flow is: Ephemeral Flow Explain: the South Halawa Stream is concrete lined and is therefore cut-off by a man-made barrier from base-flow from the surrounding ground and wetland and would only receive overland sheet flow from the wetland during and shortly following a storm

Surface flow is: unknown, but due to lack of observed discrete and/or confined flow, surface flow is assumed to be overland sheet flow

Characteristics: [Click here to enter text.](#)

Subsurface flow: Unknown Explain findings: [Click here to enter text.](#)

Dye (or other) test performed: [Click here to enter text.](#)

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: [Click here to enter text.](#)

Ecological connection. Explain: [Click here to enter text.](#)

Separated by berm/barrier. Explain: [Click here to enter text.](#)

(d) Proximity (Relationship) to TNW

Project wetlands are 2-5 river miles from TNW.

Project waters are 2-5 aerial (straight) miles from TNW.

Flow is from: Wetland to Navigable Waters

Estimate approximate location of wetland as within the [Choose an item.](#) floodplain. Due to concrete lining, straightening, and incising of the channel, the abutting wetland may get flooded less frequently than they likely had prior to the stream being manipulated.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: Flow in the wetland was not observed during the agent's site visit.

Identify specific pollutants, if known: information not provided in Wetland Report

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

Riparian buffer. Characteristics (type, average width): PEM abutting South Halawa Stream

Vegetation type/percent cover. Explain: PEM dominated (100%) by Urochloa maxima

Habitat for:

Federally Listed species. Explain findings: see explanation in non-TNW stream section above

Fish/spawn areas. Explain findings: [Click here to enter text.](#)

Other environmentally-sensitive species. Explain findings: [Click here to enter text.](#)

Aquatic/wildlife diversity. Explain findings: [Click here to enter text.](#)

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: 1

Approximately (0.63) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Yes

Size (in acres)

0.63

Directly abuts? (Y/N)

Y/N

Size (in acres)

#

Y/N
Y/N
Y/N

#

Y/N
Y/N
Y/N

#

Summarize overall biological, chemical and physical functions being performed: the primary functions of the wetland relative to downstream benefits is assisting in providing overland sheetflow to the stream during and shortly following a storm and purifying the water that is transferred to the stream.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: [Click here to enter text.](#)
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: [Click here to enter text.](#)
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: [Click here to enter text.](#)

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 - TNWs: # linear feet # width (ft), Or, # acres.
 - Wetlands adjacent to TNWs: # acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 - Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: [Click here to enter text.](#)
 - Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Photographs taken during the agent’s site visit on June 7, 2017 show flow in both the South Halawa Stream and in the unnamed tributary. Given that the summer is the dry part of the year in Aiea and that the area, flow in the two streams indicates that the stream flows at least seasonally, if not more frequently.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: 2291 linear feet South Halawa Stream, 119 linear feet unnamed tributary of South Halawa Stream
- Other non-wetland waters: # acres.

Identify type(s) of waters: [Click here to enter text.](#)

3. Non-RPW⁸ that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: # linear feet # width (ft).
 Other non-wetland waters: # acres.

Identify type(s) of waters: [Click here to enter text.](#)

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: [Click here to enter text.](#)
 Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: the wetland is located directly next to South Halawa Stream

Provide acreage estimates for jurisdictional wetlands in the review area: 0.63 acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: # acres.

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

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: # acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

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 (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 which are or could be used for industrial purposes by industries in interstate commerce.
 Interstate isolated waters. Explain: [Click here to enter text.](#)
 Other factors. Explain: [Click here to enter text.](#)

Identify water body and summarize rationale supporting determination: [Click here to enter text.](#)

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: # linear feet # width (ft).
 Other non-wetland waters: # acres.

Identify type(s) of waters: [Click here to enter text.](#)

- Wetlands: # acres.

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: [Click here to enter text.](#)
- Other: (explain, if not covered above): [Click here to enter text.](#)

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- Lakes/ponds: # acres.
- Other non-wetland waters: # acres. List type of aquatic resource: [Click here to enter text.](#)
- Wetlands: # acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- Lakes/ponds: # acres.
- Other non-wetland waters: # acres. List type of aquatic resource: [Click here to enter text.](#)
- Wetlands: # acres.

SECTION IV: 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: provided with July 21, 2017 Wetland Report
- 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: [Click here to enter text.](#)
- Corps navigable waters' study: [Click here to enter text.](#)
- U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: ESRI BING Imagery service - provided with July 21, 2017 Wetland Report
- USDA Natural Resources Conservation Service Soil Survey. Citation: ESRI BING Imagery service - - provided with July 21, 2017 Wetland Report; Hydrologic Rating from NRCS' Web Soil Survey website, accessed September 6, 2017, websoilsurvey.nrcs.usda.gov (note: The hydric rating layer in the Web Soil Survey indicates the approximate percentage of hydric soils in a mapping unit based on characteristics of the mapping unit (e.g. depth to water table). Mapping units describe large areas of soils which means that the lateral variability of a soil can still have differences from its mapped unit, i.e. although the hydric rating based on mapping units indicated that the entire Halawa Correctional Facility parcel has zero percent wetlands, it is possible for site-specific characteristics to have resulted in a wetland area within the mapping unit, as is the case for this review area.)
- National wetlands inventory map(s). Cite name: ESRI BING Imagery service - provided with July 21, 2017 Wetland Report
 - State/Local wetland inventory map(s): [Click here to enter text.](#)
 - FEMA/FIRM maps: [Click here to enter text.](#)
 - 100-year Floodplain Elevation is: [Click here to enter text.](#) (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): ESRI BING Imagery service - provided with July 21, 2017 Wetland Report, Google Earth Pro
 - or Other (Name & Date): ESRI BING Imagery service - provided with July 21, 2017 Wetland Report
- Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
- Applicable/supporting case law: [Click here to enter text.](#)
- Applicable/supporting scientific literature: [Click here to enter text.](#)
- Other information (please specify): [Click here to enter text.](#)

B. ADDITIONAL COMMENTS TO SUPPORT JD: [Click here to enter text.](#)

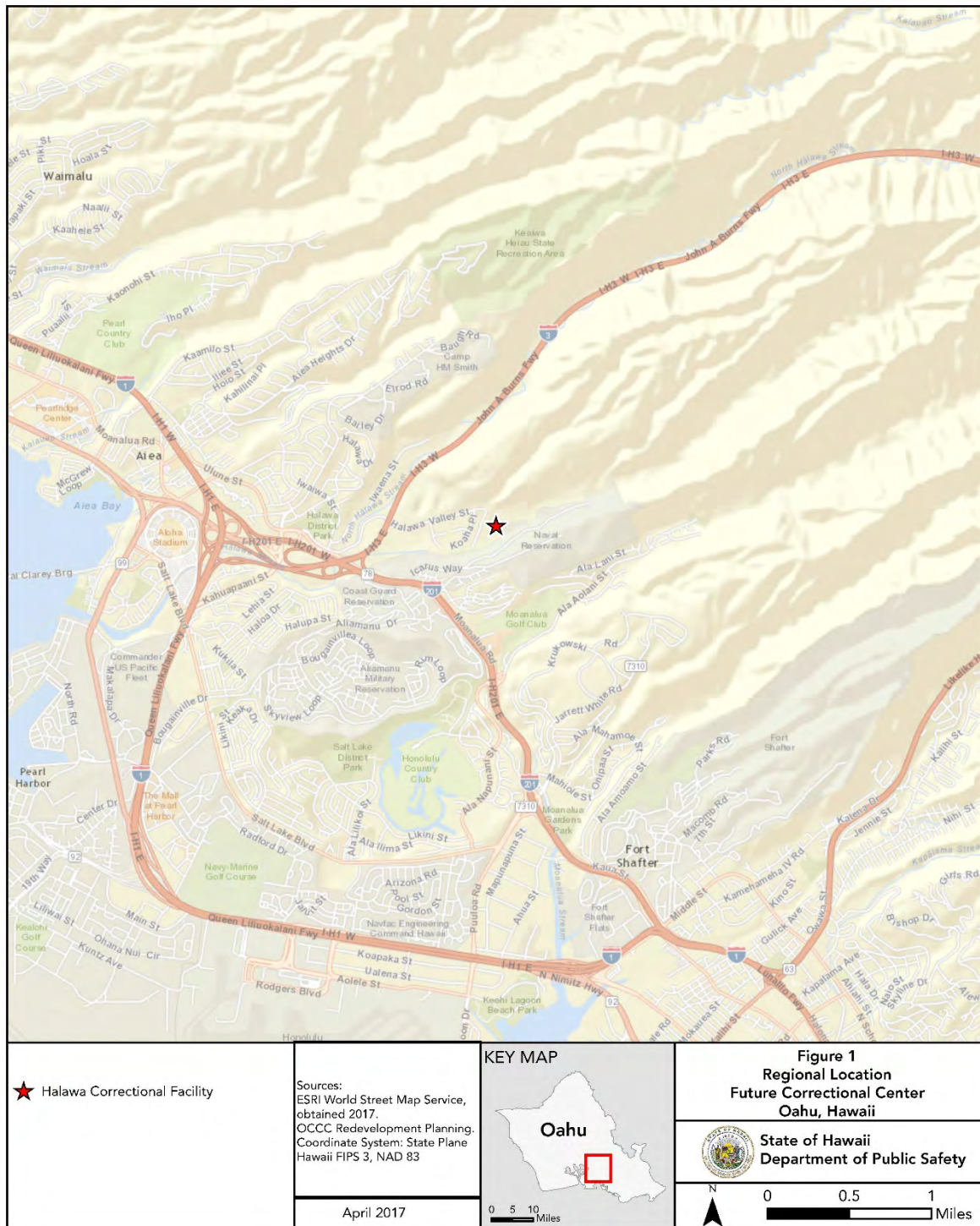


Figure 1: Regional location.

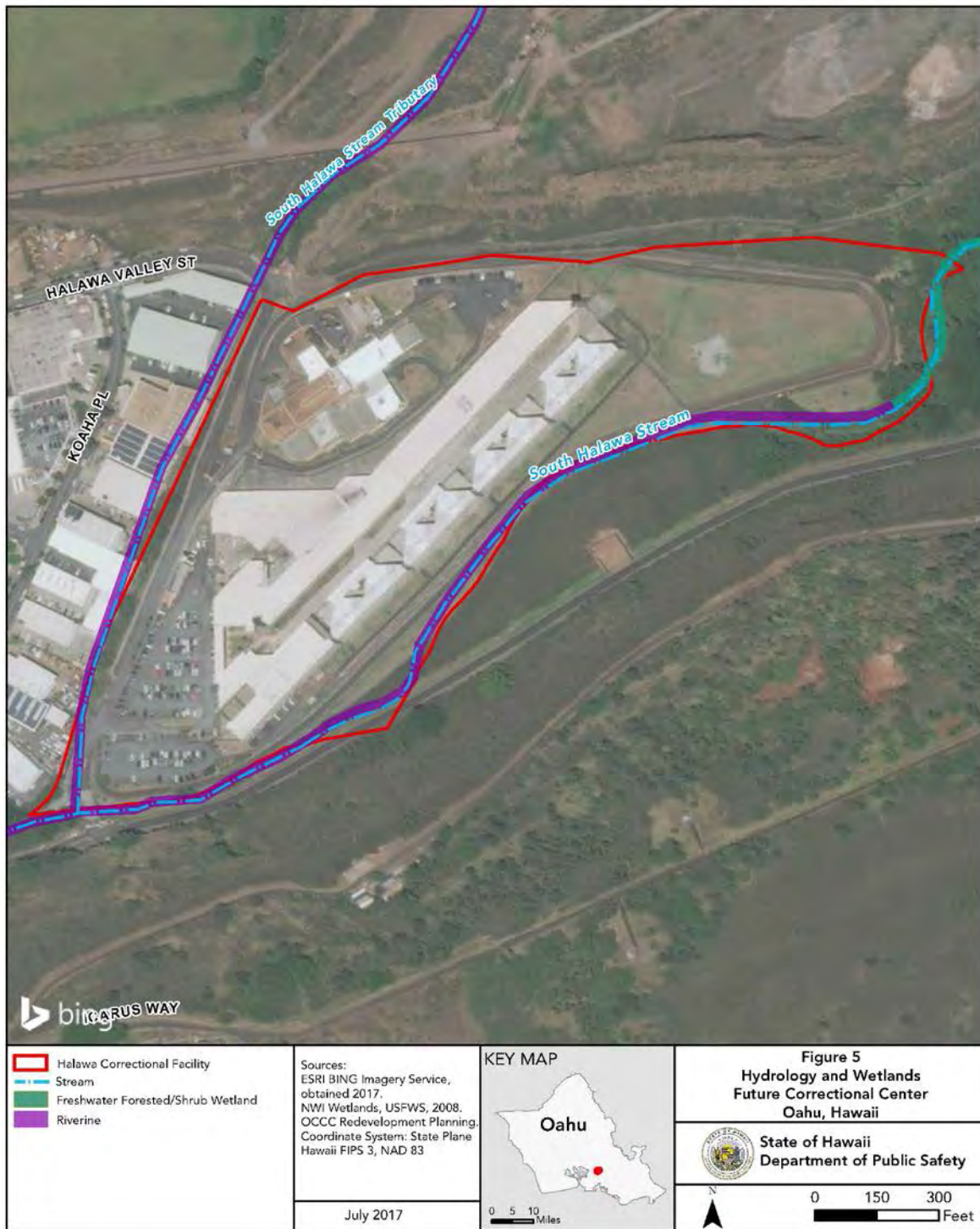


Figure 5: Hydrology and wetlands map.



Figure 6a: Delineated wetlands.



Figure 6b: Delineated wetlands.

**APPROVED JURISDICTIONAL DETERMINATION FORM
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): July 21, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Honolulu District, POH- 2017 – 00159 (Oahu Community Correctional Center Replacement Project, Island of Oahu, Hawaii) – Women’s Community Correctional Center (WCCC) review area

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Hawaii County: Oahu City: Kailua (42-477 Kalaniana’ole Highway)
Center coordinates of site (lat/long in degree decimal format): Lat. 21.377507 ° N, Long. -157.748755 °W
Universal Transverse Mercator: UTM Zone 4 N
Name of nearest waterbody: Kailua Ditch
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Pacific Ocean
Name of watershed or Hydrologic Unit Code (HUC): 200600000

- 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

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

- Office (Desk) Determination. Date: September 8, 2017
- Field Determination. Date(s): [Click here to enter a date.](#), [Click here to enter a date.](#)

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. [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: [Click here to enter text.](#)

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: 1637 linear feet
Wetlands: 0.07 acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual and Hawaii and Pacific Islands Regional Supplement

Elevation of established OHWM (if known): [Click here to enter text.](#)

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

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: [Click here to enter text.](#)

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.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: [Click here to enter text.](#)

Summarize rationale supporting determination: [Click here to enter text.](#)

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: [Click here to enter text.](#)

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 597 square miles (Oahu)

Drainage area: 4.6 square miles (Kaelepu watershed)

Average annual rainfall: 58.74 inches in Aiea

Average annual snowfall: none

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through 1 tributaries before entering TNW.

Project waters are 2-5 river miles from TNW.

Project waters are 1 (or less) river miles from RPW.

Project waters are 2-5 aerial (straight) miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: No, N/A

Identify flow route to TNW⁵: Kailua Ditch flows north offsite to Maunawili Stream, which flows directly into the Pacific Ocean

Tributary stream order, if known: 1st

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural

Artificial (man-made). Explain: [Click here to enter text.](#)

Manipulated (man-altered). Explain:

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary properties with respect to top of bank (estimate): dimensions and geometry of the channel were not provided

Average width: # feet

Average depth: # feet

Average side slopes: [Choose an item.](#)

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete

Cobbles Gravel Muck

Bedrock Vegetation. Type/% cover:

Other. Explain: the nature of the substrate in Kailua Ditch was not provided. The brown color of the water in the photographs provided with the Wetland Report may indicate the presence of silt in the substrate.

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Based on photographs provided with the Wetland Report, the channel appears to be narrow, but with vegetated banks, meandering pattern, and overall stable character.

Presence of run/riffle/pool complexes. Explain: While the presence of run/riffle/pool complexes in the stream was not mentioned in the Wetland Report, the photographs provided with the Wetland Report indicate the absence of run/riffle/pool complexes in Kailua Ditch.

Tributary geometry: Meandering

Tributary gradient (approximate average slope): not provided in Wetland Report

(c) Flow:

Tributary provides for: Perennial Flow

Estimate average number of flow events in review area/year: as stated in the Wetland Report, Kailua Ditch has a Cowardin Classification of R5UBFx (Riverine, Unknown Perennial, Unconsolidated Bottom, Semi-permanently Flooded, Excavated)

Describe flow regime: [Click here to enter text.](#)

Other information on duration and volume: flow regime and volume were not provided in the Wetland Report. Given that the stream is perennial, flow duration would be constant.

Surface flow is: Discrete and Confined Characteristics: [Click here to enter text.](#)

Subsurface flow: Unknown Explain findings: Given that the stream is perennial, it is assumed that there is some subsurface flow contributing to baseflow.

Dye (or other) test performed: [Click here to enter text.](#)

Tributary has (check all that apply):

Bed and banks

OHWM⁶ (check all indicators that apply):

clear, natural line impressed on the bank the presence of litter and debris

changes in the character of soil destruction of terrestrial vegetation

shelving the presence of wrack line

vegetation matted down, bent, or absent sediment sorting

leaf litter disturbed or washed away scour

sediment deposition multiple observed or predicted flow events

water staining abrupt change in plant community [Click here to enter text.](#)

other (list):

Discontinuous OHWM.⁷ Explain: [Click here to enter text.](#)

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by: Mean High Water Mark indicated by:

oil or scum line along shore objects survey to available datum;

fine shell or debris deposits (foreshore) physical markings;

physical markings/characteristics vegetation lines/changes in vegetation types.

tidal gauges

other (list): [Click here to enter text.](#)

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: The photographs provided with the Wetland Report show the brown color of the water in Kailua Ditch.

Identify specific pollutants, if known: none known

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) Biological Characteristics. Channel supports (check all that apply):

- Riparian corridor. Characteristics (type, average width): [Click here to enter text.](#)
- Wetland fringe. Characteristics: PEM wetland dominated by Urochloa mutica (FACW) with Colocasia esculenta (OBL), Urochloa maxima, Ricinus communis, Musa spp. and Bambusa vulgaris.
- Habitat for:
 - Federally Listed species. Explain findings: In a letter dated December 23, 2016, USFWS stated that the Hawaiian hoary bat could use trees on the property for pupping. However the stream and abutting PEM wetland area do not contain any trees.
 - Fish/spawn areas. Explain findings: it is possible for small fish to survive in the streams during times of flow
 - Other environmentally-sensitive species. Explain findings: [Click here to enter text.](#)
 - Aquatic/wildlife diversity. Explain findings: [Click here to enter text.](#)

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: 0.07 acres

Wetland type. Explain: PEM dominated by Urochloa mutica

Wetland quality. Explain: Studies to determine the functional or conditional quality of the wetland were not conducted.

However, given the location of the wetland in an undeveloped area and the hydrologic exchange likely between the stream and wetland since the stream is small and runs through the wetland, one may infer that the wetland is of at least moderate quality.

Project wetlands cross or serve as state boundaries. Explain: [Click here to enter text.](#)

(b) General Flow Relationship with Non-TNW:

Flow is: Perennial Flow Explain: Given that the Kailua Ditch is a perennial stream, the abutting wetland likely provides regular flow to the stream.

Surface flow is: Overland Sheetflow

Characteristics: [Click here to enter text.](#)

Subsurface flow: Unknown Explain findings: Although studies have not been conducted to quantify subsurface flow from the wetland to the stream, given that the stream has perennial flow, the wetland likely provides baseflow for the stream through subsurface conveyance.

Dye (or other) test performed: [Click here to enter text.](#)

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: [Click here to enter text.](#)

Ecological connection. Explain: [Click here to enter text.](#)

Separated by berm/barrier. Explain: [Click here to enter text.](#)

(d) Proximity (Relationship) to TNW

Project wetlands are 2-5 river miles from TNW.

Project waters are 2-5 aerial (straight) miles from TNW.

Flow is from: Wetland to Navigable Waters

Estimate approximate location of wetland as within the 2-year or less floodplain. The wetlands are immediately abutting what appears to be a small channel without any barriers between the wetland and stream, so any storm flow would be expected to expand on to the wetland.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: information not provided in Wetland Report

Identify specific pollutants, if known: information not provided in Wetland Report

(iii) Biological Characteristics. Wetland supports (check all that apply):

Riparian buffer. Characteristics (type, average width): PEM abutting Kailua Ditch

Vegetation type/percent cover. Explain: PEM dominated (60%) by Urochloa mutica

Habitat for:

Federally Listed species. Explain findings: see explanation in non-TNW stream section above

Fish/spawn areas. Explain findings: In times of high flow, it is possible that fauna could migrate from the stream into the immediately abutting areas of the wetland for reproduction and growth of fast-growing species.

Other environmentally-sensitive species. Explain findings: [Click here to enter text.](#)

Aquatic/wildlife diversity. Explain findings: [Click here to enter text.](#)

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: 1

Approximately (0.07) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Yes	0.07	Y/N	#
Y/N	#	Y/N	#
Y/N	#	Y/N	#
Y/N	#	Y/N	#

Summarize overall biological, chemical and physical functions being performed: The wetland purifies water, contributes baseflow to the stream, and provides habitat to aquatic fauna over short time frames.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: [Click here to enter text.](#)
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: [Click here to enter text.](#)
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: [Click here to enter text.](#)

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 - TNWs: # linear feet # width (ft), Or, # acres.
 - Wetlands adjacent to TNWs: # acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 - Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: [Click here to enter text.](#)
 - Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Photographs taken during the agent’s site visit on June 7, 2017 show flow in both the South Halawa Stream and in the unnamed tributary. Given that the summer is the dry part of the year in Aiea and that the area, flow in the two streams indicates that the stream flows at least seasonally, if not more frequently.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: 1637 linear feet
 - Other non-wetland waters: # acres.
- Identify type(s) of waters: [Click here to enter text.](#)

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: # linear feet # width (ft).
 Other non-wetland waters: # acres.

Identify type(s) of waters: [Click here to enter text.](#)

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: [Click here to enter text.](#)
 Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: the wetland is located directly next to Kailua Ditch

Provide acreage estimates for jurisdictional wetlands in the review area: 0.07 acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: # acres.

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

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: # acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

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 (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 which are or could be used for industrial purposes by industries in interstate commerce.
 Interstate isolated waters. Explain: [Click here to enter text.](#)
 Other factors. Explain: [Click here to enter text.](#)

Identify water body and summarize rationale supporting determination: [Click here to enter text.](#)

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: # linear feet # width (ft).
 Other non-wetland waters: # acres.

Identify type(s) of waters: [Click here to enter text.](#)

- Wetlands: # acres.

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in “SWANCC,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain: [Click here to enter text.](#)
- Other: (explain, if not covered above): [Click here to enter text.](#)

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- Lakes/ponds: # acres.
- Other non-wetland waters: # acres. List type of aquatic resource: [Click here to enter text.](#)
- Wetlands: # acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).
- Lakes/ponds: # acres.
- Other non-wetland waters: # acres. List type of aquatic resource: [Click here to enter text.](#)
- Wetlands: # acres.

SECTION IV: 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: provided with July 21, 2017 Wetland Report
- 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: [Click here to enter text.](#)
- Corps navigable waters’ study: [Click here to enter text.](#)
- U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: ESRI BING Imagery service - provided with July 21, 2017 Wetland Report
- USDA Natural Resources Conservation Service Soil Survey. Citation: ESRI BING Imagery service - - provided with July 21, 2017 Wetland Report; Hydrologic Rating from NRCS’ Web Soil Survey website, accessed September 6, 2017, websoilsurvey.nrcs.usda.gov
- National wetlands inventory map(s). Cite name: ESRI BING Imagery service - provided with July 21, 2017 Wetland Report
- State/Local wetland inventory map(s): [Click here to enter text.](#)
- FEMA/FIRM maps: [Click here to enter text.](#)
- 100-year Floodplain Elevation is: [Click here to enter text.](#) (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): ESRI BING Imagery service - provided with July 21, 2017 Wetland Report, Google Earth Pro
 - or Other (Name & Date): ESRI BING Imagery service - provided with July 21, 2017 Wetland Report
- Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
- Applicable/supporting case law: [Click here to enter text.](#)
- Applicable/supporting scientific literature: [Click here to enter text.](#)
- Other information (please specify): [Click here to enter text.](#)

B. ADDITIONAL COMMENTS TO SUPPORT JD: [Click here to enter text.](#)

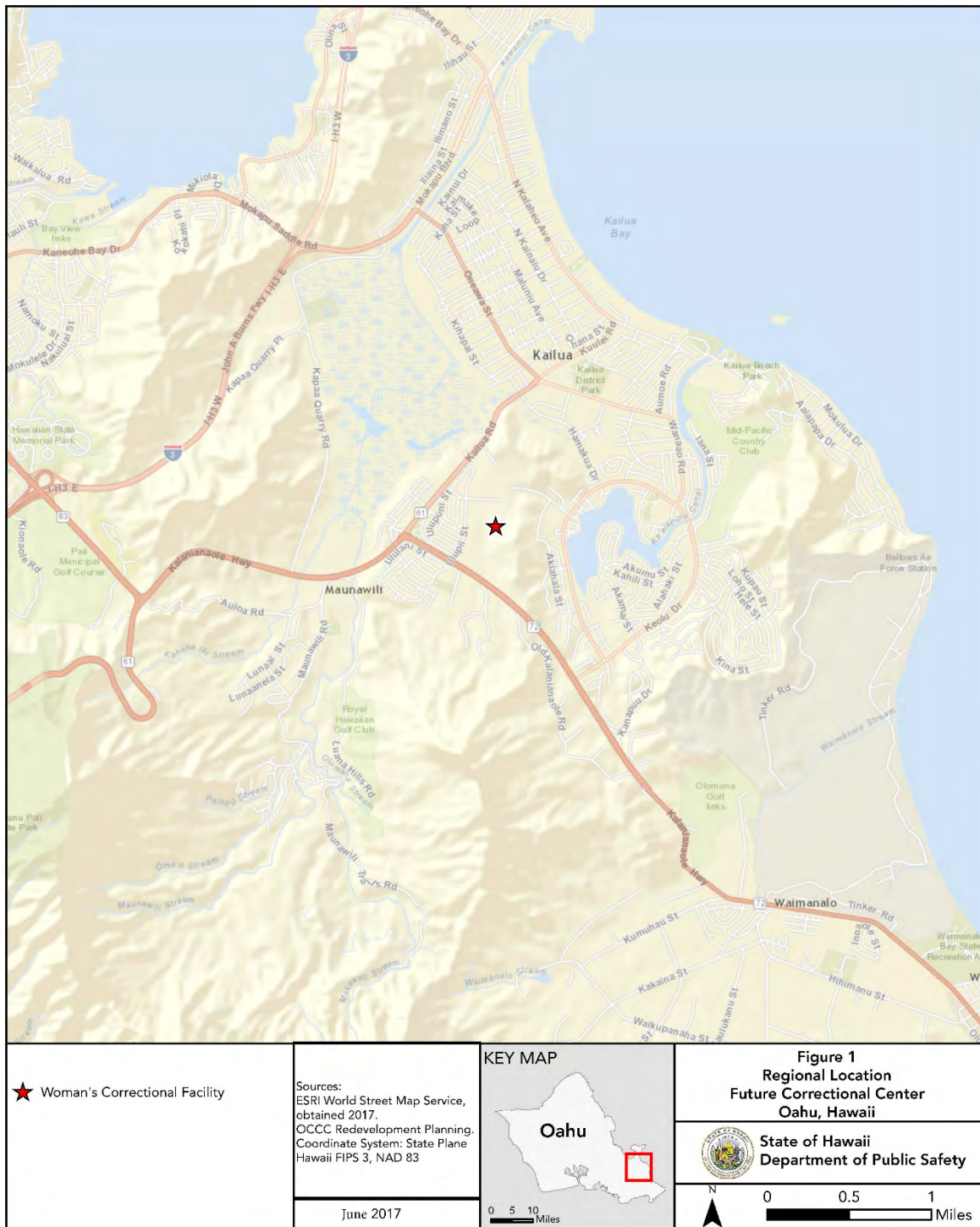


Figure 1: Regional location.



Figure 5: Hydrology and wetlands map.

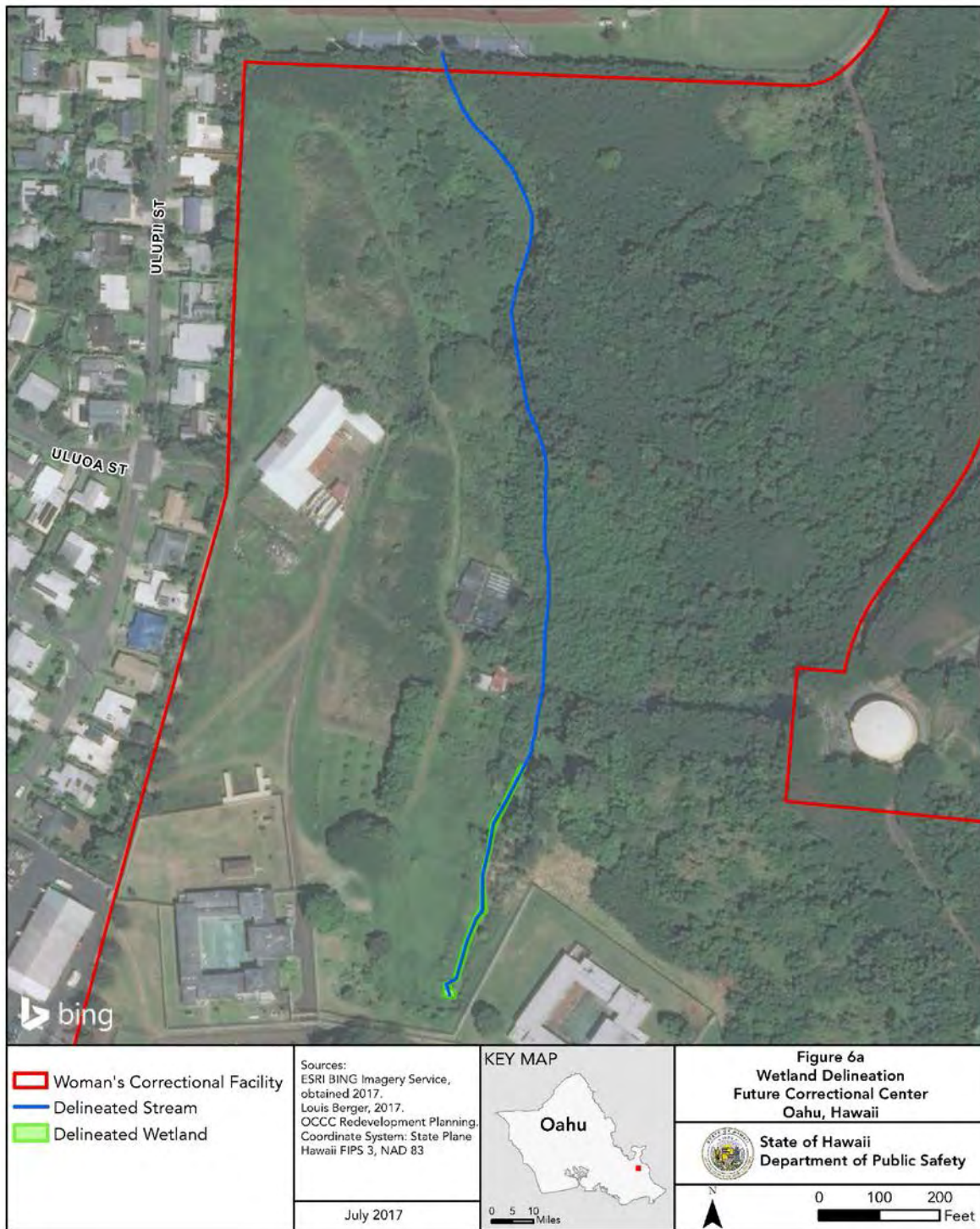


Figure 6a: Delineated wetlands.



Figure 6b: Delineated wetlands.