



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): [12/28/2020](#)

ORM Number: [POH-2020-00143](#)

Associated JDs: [N/A](#)

Review Area Location¹: State/Territory: [HI](#) City: [Ewa District](#) County/Parish/Borough: [Honolulu](#)

Center Coordinates of Review Area: Latitude [21.334252°](#) Longitude [-157.999569°](#)

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale:

The Kuponu Solar Project (Project) involves activities located on approximately 167 acres of land owned by U.S. Department of the Navy and is within Residential and Agricultural Districts.

The Corps reviewed the Project site using the Draft Delineation of Wetlands and Other Waters of the United States report and maps of the site provided on November 20, 2020. Additionally, desktop references including aerial photographs, streamstats.usgs.gov, and USFWS NWI, NRCS SSURGO, EPA Waters and USGS topographic quad data layers in Google Earth were used to determine if jurisdictional waters existed on the Project site.

The study area is within the Honouliuli watershed. Honouliuli Stream, which terminates 2.2 miles north of the study area, is the only stream identified in this watershed. The report provided by the planning agency depicts water resources mapped within the study area and vicinity by the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) data, the U.S. Geological Survey (USGS) topographic and National Hydrography Dataset (NHD), and the State of Hawai'i Division of Aquatic Resources (DAR) dataset. According to NHD, a canal/ditch runs along the northwest boundary of the study area, continues through the central portion of the study area, and turns northeast along the fields. The National Wetland Inventory identifies the same feature as riverine, unknown perennial, unconsolidated bottom, semipermanently flooded, excavated.

The Corps did not observe any streams, wetlands, or ditches in the study area. The features identified by NWI and NHD are currently paved or gravel roads. Based on historical mapping, a cane field in this approximate configuration was present, and an irrigation ditch may have historically been present. However, no evidence of a water conveyance structures were found.

The study area is degraded land that has been highly disturbed and is dominated by nonnative plant species. Pieces of concrete and debris are scattered throughout the southeastern forested section. The forested southeastern section is dominated kiawe trees (*Prosopis pallida*-FACU) and koa haole (*Leucaena leucocephala*-UPL) trees. Dense thickets of these trees are common in some areas, and patches of zulu giant (*Stapelia gigantea*-UPL) is abundant in the understory. In areas where the koa haole trees are more open, buffelgrass (*Cenchrus ciliaris*-FACU) is abundant. The Corps determined the Project site did not contain hydrophytic vegetation.

The terrain of the study area is relatively flat and dry. In the southeast portion, the topography is more varied due to natural karst and coral reef substrate and anthropogenic disturbances (e.g., debris, borrow pit, military activities). Natural Resources Conservation Service (NRCS) identifies the following three soil types in the study area—Coral outcrop (CR), Fill land (Fd), and Mamala cobbly silty clay loam, 0 to 12 percent slopes (MnC). The NRCS National List of Hydric Soils for Oahu Island includes 13 hydric soils for the island. The soil units mapped by NRCS in the study area are not listed as hydric soils. The Corps determined there were no hydric soils present on the project site.

The Corps determined the Kuponu Solar Project site consists entirely of dry land.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.



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- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

| § 10 Name | § 10 Size | § 10 Criteria | Rationale for § 10 Determination |
|-----------|-----------|---------------|----------------------------------|
| N/A. | N/A. | N/A. | N/A. |

C. Clean Water Act Section 404

| Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³ | | | |
|---|-------------|-----------------|------------------------------------|
| (a)(1) Name | (a)(1) Size | (a)(1) Criteria | Rationale for (a)(1) Determination |
| N/A. | N/A. | N/A. | N/A. |

| Tributaries ((a)(2) waters): | | | |
|------------------------------|-------------|-----------------|------------------------------------|
| (a)(2) Name | (a)(2) Size | (a)(2) Criteria | Rationale for (a)(2) Determination |
| N/A. | N/A. | N/A. | N/A. |

| Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters): | | | |
|---|-------------|-----------------|------------------------------------|
| (a)(3) Name | (a)(3) Size | (a)(3) Criteria | Rationale for (a)(3) Determination |
| N/A. | N/A. | N/A. | N/A. |

| Adjacent wetlands ((a)(4) waters): | | | |
|------------------------------------|-------------|-----------------|------------------------------------|
| (a)(4) Name | (a)(4) Size | (a)(4) Criteria | Rationale for (a)(4) Determination |
| N/A. | N/A. | N/A. | N/A. |

D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | |
|--|----------------|------------------------|---------------------------------------|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
| N/A. | N/A. | N/A. | N/A. |

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: [Draft Delineation of Wetlands and Other Waters of the United States Report \(Tetra Tech, Inc., September 2020\)](#)

² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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This information **is** sufficient for purposes of this AJD.

Rationale: **N/A**

- Data sheets prepared by the Corps: **Title(s) and/or date(s).**
- Photographs: **Aerial and Other: Aerial, Google Earth Pro (06/10/2019) Photos 1-8 August 27, 2020 (Draft Delineation of Wetlands and Other Waters of the United States (Tetra Tech, Inc., September 2020)**
- Corps site visit(s) conducted on: **November 20, 2020**
- Previous Jurisdictional Determinations (AJDs or PJDs): **N/A**
- Antecedent Precipitation Tool: **provide detailed discussion in Section III.B.**
- USDA NRCS Soil Survey: **SoilWeb Layer for Google Earth Pro (USDA, 2019)**
- USFWS NWI maps: **FWS Wetlands and Riparian Layer for Google Earth Pro (USFWS, 2019)**
- USGS topographic maps: **Earth Point Topo Layer for Google Earth Pro (USGS, 2020)**

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|--|--|
| USGS Sources | Streamstats.usgs.gov |
| USDA Sources | NHD (National Hydrology Dataset) Datagateway.nrcs.usda.gov |
| NOAA Sources | N/A. |
| USACE Sources | N/A. |
| State/Local/Tribal Sources | N/A. |
| Other Sources | N/A. |

B. Typical year assessment(s): **The Anticident Precipitation Tool (APT) was used on December 23,2020 for the November 20, 2020 site visit which showed the review area was “normal conditions” when compared to a Typical Year as defined in 33CFR328(c)(13).**

C. Additional comments to support AJD: **N/A**