



**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): 8/16/2021
 ORM Number: POH-2010-00338
 Associated JDs: POH-2010-00338 Date: 2015
 Review Area Location¹: State/Territory: Hawaii City: Kailua County/Parish/Borough: Honolulu
 Center Coordinates of Review Area: Latitude 21.37455 Longitude -157.7371

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: N/A
- 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.

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

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.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Kaelepulu Wetland	1	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Kaelepulu Wetland is a 1-acre natural depression that abuts an (a)(1), (2), or (3) water. The area is dominantly vegetated by a mat of <i>Urochloa mutica</i> (FACW) with sections of <i>Megathyrus maximus</i> (FAC). Sample point 5 was dominated by <i>Leucaena leucocephala</i> (UPL) and did not pass dominance test or prevalence test for hydrophytic vegetation along with no hydrology indicators, therefore determining this area to be upland and defining the boundary of wetland that abuts to the Kaelepulu pond and stream. Primary indicators of hydric soil (Redox dark surface) prominent redox concentrations were present throughout the parcel. Primary indicators for hydric soil were not present on the data forms provided by the applicant when cross referenced by USACE. Primary indicators for hydrology (Oxidized rhizospheres on living roots) were present in all sampled points that were identified as wetland. Primary indicators for hydrology were not present on the data forms provided by the applicant when cross referenced by USACE. The wetland boundary and upland begin just beyond sampling point 12 to the east as the geomorphic position begins to change in elevation. The Corps has determined this is a jurisdictional wetland.

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.	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: [Wetland Delineation for a Parcel in Enchanted Lake, Kailua, Oahu Island, Hawaii, TMK: \(1\) 4-2-083:074, January 22, 2021](#)

This information is not sufficient for purposes of this AJD.

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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Rationale: The information collected on the Wetland Determination Data Forms was not in concurrence with data collected by the Corps delineation verification site visit.

- Data sheets prepared by the Corps: Wetland Determination Data Forms-1221 Akumu Street, Kailua, July 1, 2021
- Photographs: Aerial and Other: 2010-00338 MFR Enchanted Lake Site Report August 9, 2021 and Wetland Determination Forms-1221 Akumu Street, Kailua July 1, 2021
- Corps site visit(s) conducted on: July 1, 2021, July 6, 2020 and January 16, 2020
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: SSURGO data layer for Google Earth Pro
- USFWS NWI maps: Data layer for Google Earth Pro
- USGS topographic maps: Earth Point Topo Map data layer for Google Earth Pro

Other data sources used to aid in this determination:

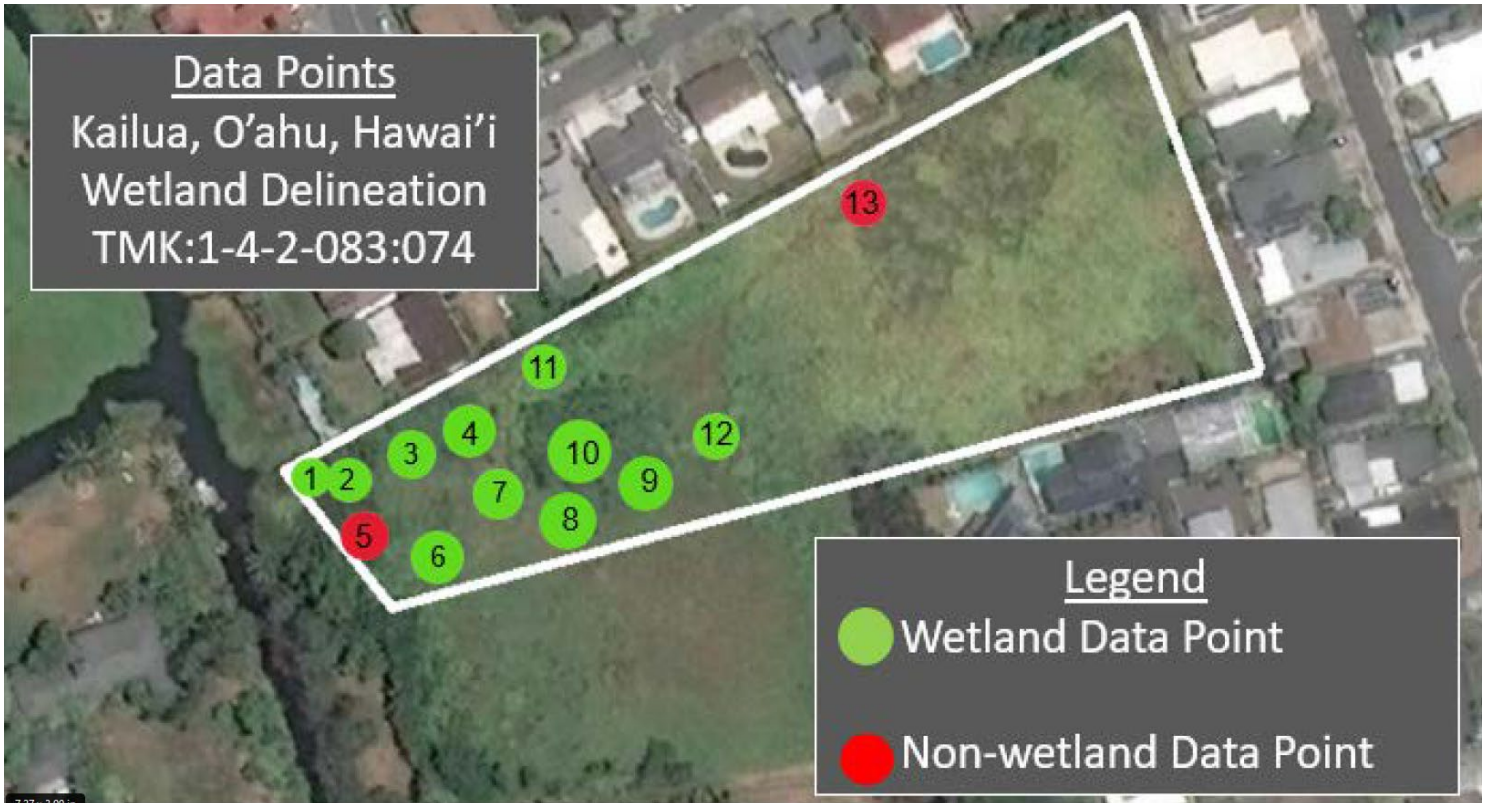
Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The Corps used the APT to evaluate whether precipitation was normal for the AOR during the delineation report site visit date of July 1, 2021. The APT reports indicate that the precipitation level was drier than normal conditions.

C. Additional comments to support AJD: The wetland verification was based on data collected from vegetation, soil, and hydrology. Data was analyzed according to the 1987 Wetland Delineation Manual and the Corps of Engineers Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Hawaii and Pacific Islands Region Version 2.0. The wetland abuts the Kaelepulu Pond which connects to the Kaelepulu Stream and then flows directly into the Pacific Ocean

Data Points

Kailua, O'ahu, Hawai'i
Wetland Delineation
TMK:1-4-2-083:074



Legend

- Wetland Data Point
- Non-wetland Data Point

Wetland Delineation Map
Kailua, O'ahu, Hawai'i
TMK:1-4-2-083:074



Legend

- Wetland 
- Parcel Boundary 