



**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): 8/10/2021

ORM Number: POH-2021-00084

Associated JDs: N/A

Review Area Location¹: State/Territory: HI City: Kihei County/Parish/Borough: Maui

Center Coordinates of Review Area: Latitude 20.754706 Longitude -156.455978

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 following information provides the supporting documentation in regard to the Corps determination:](#)

[USACE's 21 APR 2021 site visit data indicated that no wetlands were present on the AOR.](#)

[The USGS 2017 Puu O Kali Topographic Quadrangle does not indicate the presence of wetlands on the AOR.](#)

[The NRCS Soil Survey does not indicate that any hydric soil series occur on the AOR.](#)

[The Google Earth Pro aerial images that were reviewed for the AOR do not depict dark signatures indicative of surface waters on the AOR.](#)

[The NWI does not depict any wetlands on the AOR.](#)

[The EPA Water Features GeoViewer layer on Google Earth does not show any aquatic features on the AOR.](#)

[The APT indicated that the data collected on the AOR was collected when climatic conditions were normal, meaning that conditions were not wetter or drier than usual.](#)

[The Corps has determined that the AOR does not contain waters of the U.S. in accordance with 33 CFR 328 \(a\) based on the information above.](#)

- 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

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.



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§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	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.	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.	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.	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.	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.	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 Survey Report” by Maui Environmental Consulting, LLC \(MEC\), dated 24 MAR 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Wetland Determination Data Forms – Hawai’i and Pacific Islands Region for SP 1 and SP 2, both dated 21 APR 2021.](#)

Photographs: [Aerial: Google Earth, dated MAR 2011, JAN 2013, JUL 2014, FEB 2016, and JUN 2019.](#)

Corps site visit(s) conducted on: [21 APR 2021](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

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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- USDA NRCS Soil Survey: [Google Earth NRCS Soil Survey layer, 2021.](#)
- USFWS NWI maps: [Google Earth USFWS NWI layer, 2021.](#)
- USGS topographic maps: [USGS 2017 Puu O Kali Quadrangle](#)

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	EPA Water Features Layer, Google Earth (updated FEB 2017).

B. Typical year assessment(s): The USACE Antecedent Precipitation Tool, which evaluates whether precipitation was normal for the AOR indicates that the precipitation conditions were normal.

C. Additional comments to support AJD: [N/A](#)