



DEPARTMENT OF THE ARMY
HONOLULU DISTRICT, U.S. ARMY CORPS OF ENGINEERS
FORT SHAFTER, HAWAII 96858-5440

January 10, 2024

SUBJECT: Approved Jurisdictional Determination and Determination of No Permit Required, [REDACTED] Wind Farm & Battery Energy Storage Facility, Geotechnical Testing Added Site, A'oloau, Island of Tutuila, American Samoa, DA File No. POH-2021-00221



Dear [REDACTED]:

The Honolulu District, U.S. Army Corps of Engineers (Corps), Regulatory Branch has received your December 18, 2023, request for a jurisdictional determination and clarification whether a Department of the Army (DA) permit is required for certain pre-development activities at a new location for one of the boring sites for a proposed Wind Farm & Battery Energy Storage Facility located near A'oloau, Island of Tutuila, American Samoa (-14.31003°, -170.79315°). Your request has been assigned DA file POH-2021-00221. Please reference this number in all future correspondence with our office relating to this action.

We have reviewed your submittal pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344; "Section 404") and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403; "Section 10"). Section 404 requires DA authorization for the discharge (placement) of dredged and/or fill material into waters of the U.S., including wetlands. Section 10 requires DA authorization for the placement of structures or work in, under or over navigable waters of the U.S. and/or other work affecting the course, location, condition or navigable capacity of such waters. To determine if a DA permit is required for a proposed action, the Corps must first determine whether the proposed project is located within the Corps' geographic jurisdiction (i.e., whether the activity is located within a water of the U.S.). If the activity is within a water of the U.S., the Corps must then determine whether the proposed activity is regulated under Section 10 and/or Section 404 or if the activity is exempt.

Based on our review of the information you provided, we have determined the new geotechnical investigation site does not contain waters of the United States (U.S.) as defined by 33 CFR Part 328 or navigable waters of the U.S. as defined by 33 CFR Part 329. The new site is not within Corps of Engineers (Corps) jurisdiction. Additionally, we have determined that the proposed activities to access and supply the new geotechnical investigation site described in your request would not involve a discharge of dredged or

fill material within the limits of Corps' jurisdiction. Accordingly, the activities along the access route to the new boring site would not be regulated by the Corps. A DA permit is not required for pre-development activities at the new boring site. A copy of the Approved Jurisdictional Determination form will be made available under the above file number at: www.poh.usace.army.mil/Missions/Regulatory/JurisdictionalDeterminations.

This AJD is valid for a period of five (5) years from the date of the AJD form, unless new information supporting a revision is provided to us before the expiration date.

Enclosed is a Notification of Administrative Appeal Options and Process and Request for Appeal form regarding this approved jurisdictional determination (see section labeled "Approved Jurisdictional Determination").

While a DA permit is not required for your proposed project, you are responsible for obtaining all other applicable Federal, state, or local authorizations required by law. Be advised, a DA permit may be required if you alter the method, scope, or location of your proposed work. You should contact our office if you are considering modifying your project.

Thank you for your cooperation with the Honolulu District Regulatory Program. If you have any questions related to this determination, please contact me at [REDACTED]. For additional information about our Regulatory Program, visit: <http://www.poh.usace.army.mil/Missions/Regulatory.aspx>.

Sincerely,

[REDACTED]

cc:

[REDACTED]

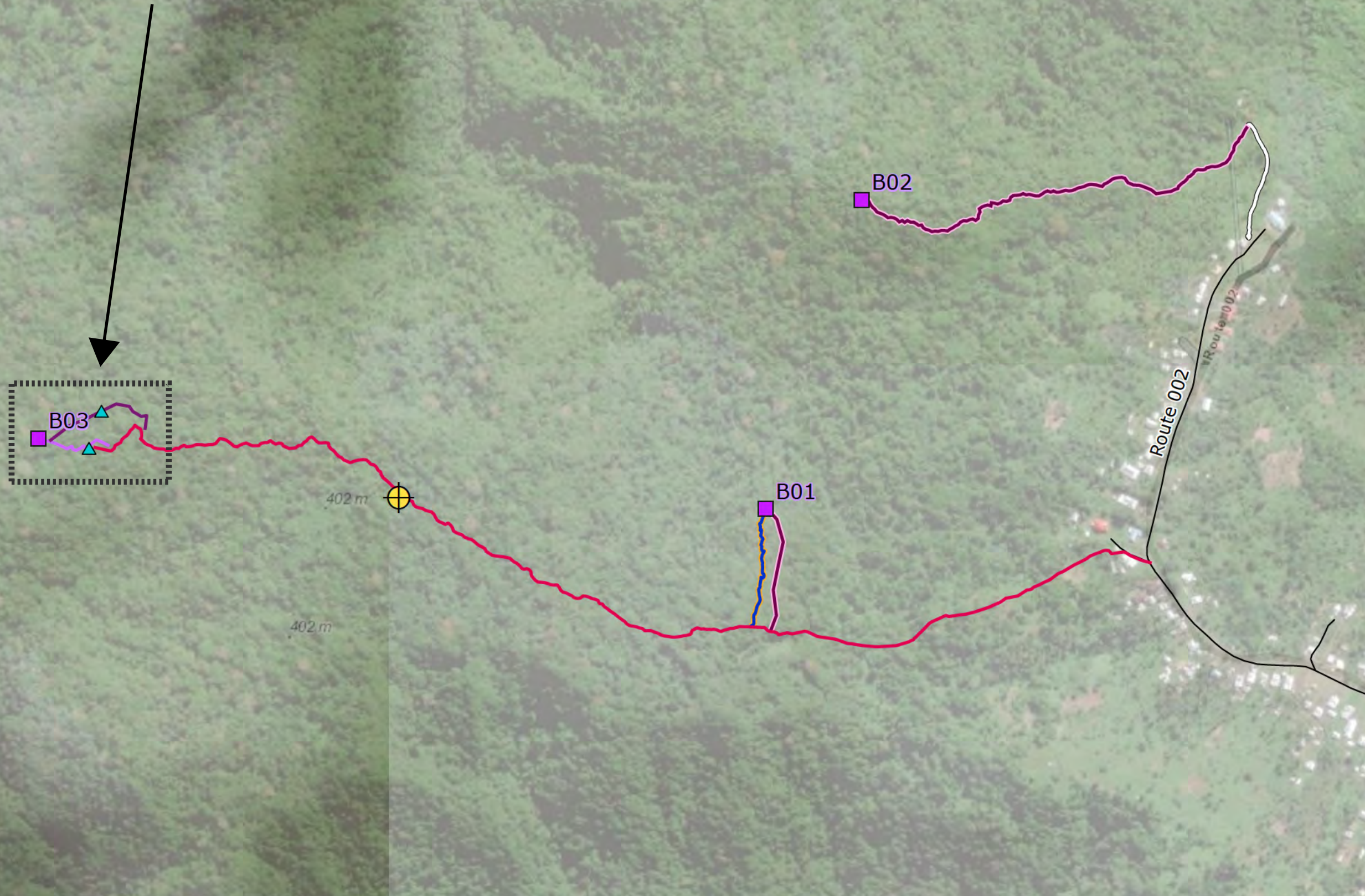
FIGURE EXCERPTED FROM JD REQUEST MATERIALS

This AJD (UPLANDS ONLY) is solely for the new B03 location and short access routes shown below

American Samoa Wind and Battery Storage Project

Figure 1
Layout Update

AMERICAN SAMOA



- LiDAR Yard
- Boring Location
- Access Trail (Existing)
- Boring Location Access Trail (New, Alternative)
- Boring Location Access Trail (New)
- Primary B03 Access Trail (New)
- Secondary B03 Access Trail (New)
- Driveway to Access Trail
- Ground Snail Survey Station
- Local Roads



Reference Map



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WGS 1984 UTM Zone 2S



NOT FOR CONSTRUCTION