

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**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): May 24, 2018**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: UA 100 Kio Loop POH-2018-00114**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Hawaii County/parish/borough: Maui City: Kihei  
Center coordinates of site (lat/long in degree decimal format): Lat. 20.74333°, Long. -156.45215°  
Universal Transverse Mercator: UTM Zone 4 N  
Name of nearest waterbody: Pacific Ocean  
Name of watershed or Hydrologic Unit Code (HUC): 200200000602 Kulanihakoī Gulch

- 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 recorded on a different form.

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

- Office (Desk) Determination. Date:  
 Field Determination. Date(s): May 24, 2018

**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 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 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:  
 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: Site visit May 10, 2018  
 U.S. Geological Survey Hydrologic Atlas: 200200000602 Kulanihakoī Gulch  
 USGS NHD data. (Site contains no NHD layers; SimSuite: accessed May 1, 2018)  
 12 digit HUC map.  
 U.S. Geological Survey map(s). Cite scale & quad name: 1:24K; PUU O KALI  
 USDA Natural Resources Conservation Service Soil Survey. Citation: WebSoilSurvey: Puuone sand (PZUE) (accessed May 14, 2018)  
 National wetlands inventory map(s). Cite name: USFWS Wetland Mapper: no wetlands mapped at site (accessed May 3, 2018) State/  
 Local wetland inventory map(s):  
 FEMA/FIRM maps: FIRM: 1500030586G (Nov 4, 2015); Flood Zone AE; FEMA Flood Map Service Center (accessed May 24, 2018)  
 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)  
 Photographs:  Aerial (Name & Date): Digital Globe: 28 Nov 2012, 03 Sep 2013, 16 Oct 2014, 27 Mar 2016, 31 Jan 2017, 16 Nov 2017; Google Earth Pro: 10 Feb 2000, 05 Dec 2004, 23 Mar 2011, 12 Jan 2013, 25 Feb 2016, 17 Mar 2017 (accessed May 3, 2018)  
 or  Other (Name & Date): Person filing alleged complaint, County of Maui: late 2017, early 2018  
 Previous determination(s). File no. and date of response letter:  
 Applicable/supporting case law:  
 Applicable/supporting scientific literature:  
 Other information (please specify):

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:** Project is in all uplands. This approved JD encompasses approximately 1.8 acres. This includes all of the cleared area directly behind the Norrie Construction, LLC property at 100 Kio Loop. Older aerial imagery and observations of large tree trunks piled along the west side of the cleared area are evidence that prior to clearing the site was covered by a closed canopy mature kiawe forest. Forested areas immediately adjacent to the cleared area do not support vegetation, soils, or hydrology wetland indicators. The cleared area did not contain wetland indicators for soils or hydrology, and the water table was at 34 inches (unknown depth of topsoil removed).

<sup>1</sup> This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

An obvious wetland located approximately 90 feet to the northwest of the cleared area is not mapped in NWI. This obvious wetland is lower in elevation than the surrounding area and supports a distinctly different emergent vegetation layer than the plants in the dense kiawe forest adjacent to the cleared area. The vegetation outside the cleared area supports more scattered, shorter or dead kiawe trees, often with an extensive ground cover of *Batis maritima* and salt deposits

A nearby completed jurisdictional determination for POH-2017-00216 on the makai side of South Kihei directly west of the cleared area does support wetlands; however, that wetland site is several feet lower in elevation. The vegetation, soils, and hydrology are much different at the POH-2017-00216 site than in the dense kiawe forest immediately adjacent to the cleared area. The POH-2017-00216 site is 800 feet from the ocean compared to over 1,900 feet to the site of this alleged unauthorized activity, so the hydrology of the wetland site is much more influenced by the Pacific Ocean tides.



Delineation Area

TMK 39002016

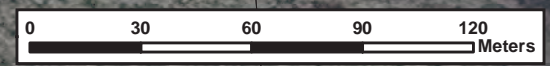
Wesco Properties

Imagery: November 28, 2012

TMK 39002016

**LEGEND**

- Sample Points
- ⋯ Upland Area
- Maui TMKs
- ▭ WESCO Property



For planning purposes only.