



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

REPLY TO  
ATTENTION OF:

October 26, 2009

Regulatory Branch

File Number POH-2009-00270

John Sakaguchi, Senior Planner  
Wilson Okamoto Corporation  
1907 South Beretania St.  
Artesian Plaza, Suite 400  
Honolulu, Hawaii 96826

RECEIVED  
OCT 29 2009

WILSON OKAMOTO CORPORATION

Dear Mr. Sakaguchi:

This letter is in response to your request, dated August 24, 2009 for a jurisdictional determination (JD) of an unnamed intermittent stream located near Waipahoeohoe Bridge on Keaau Bypass Road, Keaau, Puna District, Island of Hawai'i, Hawai'i.

Based on our review of the information you submitted we have determined that the unnamed intermittent stream located near Waipahoeohoe Bridge is not a water of the U.S. under Department of Army (DA) jurisdiction. The water is isolated and does not have a significant nexus to traditional navigable waters. The information you provided was reviewed pursuant to Section 10 of the Rivers and Harbors Act (Section 10), Section 404 of the Clean Water Act (Section 404), and the June 5, 2007 *Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in Rapanos v. United States & Carabell v. United States*.

This letter contains an approved JD for the unnamed intermittent stream located near Waipahoeohoe Bridge. This JD is valid for a period of five (5) years from the date of this letter unless new information warrants revision of the determination before the expiration date.

If you have any questions, please contact Ms. Meris Bantilan-Smith, of my Regulatory staff at 808-438-7023 (FAX: 808-438-4060) or by electronic mail at [Meris.Bantilan-Smith@usace.army.mil](mailto:Meris.Bantilan-Smith@usace.army.mil). Please include file number POH-2009-00270 in any future correspondence regarding this project. Please be advised you can provide comments on your experience with the Corps' Honolulu District Regulatory Branch by accessing our web-based customer survey form at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

George P. Young, P.E.  
Chief, Regulatory Branch

Enclosure  
Approved Jurisdictional Determination

6615-10  
10/31/09  
BL  
FILE

cc: REC'D  
LITONLY