



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
2488 EAST 81ST STREET
TULSA, OK 74137-4290

February 8, 2024

Regulatory Office



This is in reference to your request for a jurisdictional determination (JD) on property located at Latitude 35.189392 North, Longitude 97.540820 West, in McClain County, Oklahoma. The area marked in red on the enclosed map denotes the limits of the review area examined under this request. We have reviewed the submitted data relative to Section 404 of the Clean Water Act (CWA).

We have examined the review area and concluded that the 0.18 acre impoundment and the 0.12 acre impoundment are waters of the United States subject to Section 404 CWA. The placement of dredged or fill material in the impoundments of the unnamed tributary of the Canadian River will require prior authorization from this office pursuant to Section 404 CWA.

The basis for this determination is the 0.18 acre and 0.12 acre impoundments were created by the placement of dredge or fill material within the unnamed tributary of the Canadian River, and therefore meet the definition of an (a)(4) water per 33 CFR 328.3(a)(4) – "Impoundments". The flow from the impoundments, flow to an additional impoundment, then through the remaining reach of the unnamed tributary of the Canadian River, then through another unnamed tributary of the Canadian River, then to the Canadian River. The Canadian River is a Navigable Waters subject to Section 10 Jurisdiction in the Tulsa District.

We believe this determination to be an accurate assessment of the presence of jurisdictional wetlands and other waters on the site which are subject to Section 404 CWA. This is a final determination of federal jurisdiction on the property pursuant to Section 404 CWA. This determination is valid for 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date.

This determination has been conducted to identify the limits of the Corps CWA jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

This final determination constitutes an approved JD subject to the optional Corps Administrative Appeal Process. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed is a copy of the Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the Southwestern Division Office at the following address:

[REDACTED]
Administrative Appeals Review Officer
Southwestern Division (CESWD-PD-O)
U.S. Army Corps of Engineers
1100 Commerce Street, Suite 831
Dallas, TX 75242-1317
[REDACTED]

In order for a RFA form to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit a RFA form, it must be received at the above address by April 6, 2024. It is not necessary to submit a RFA form to the Division Office if you do not object to the determination in this letter.

If you desire to complete a "Customer Service Survey" on your experience with the Corps Regulatory Program, visit <https://regulatory.ops.usace.army.mil/customer-service-survey/> on the internet at your convenience and submit your comments.

This case has been assigned Identification No. SWT-2020-00437. Please refer to this number during future correspondence. If you have any questions, please contact [REDACTED]
[REDACTED]

Sincerely,

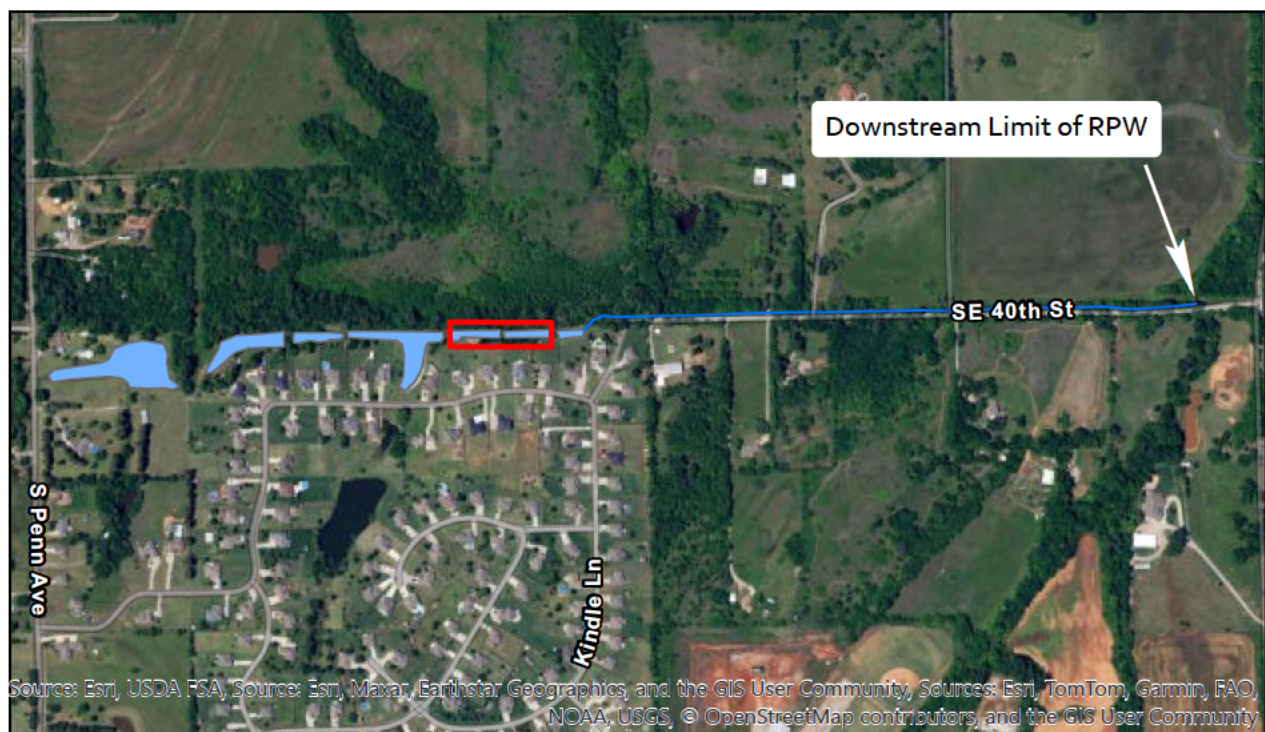
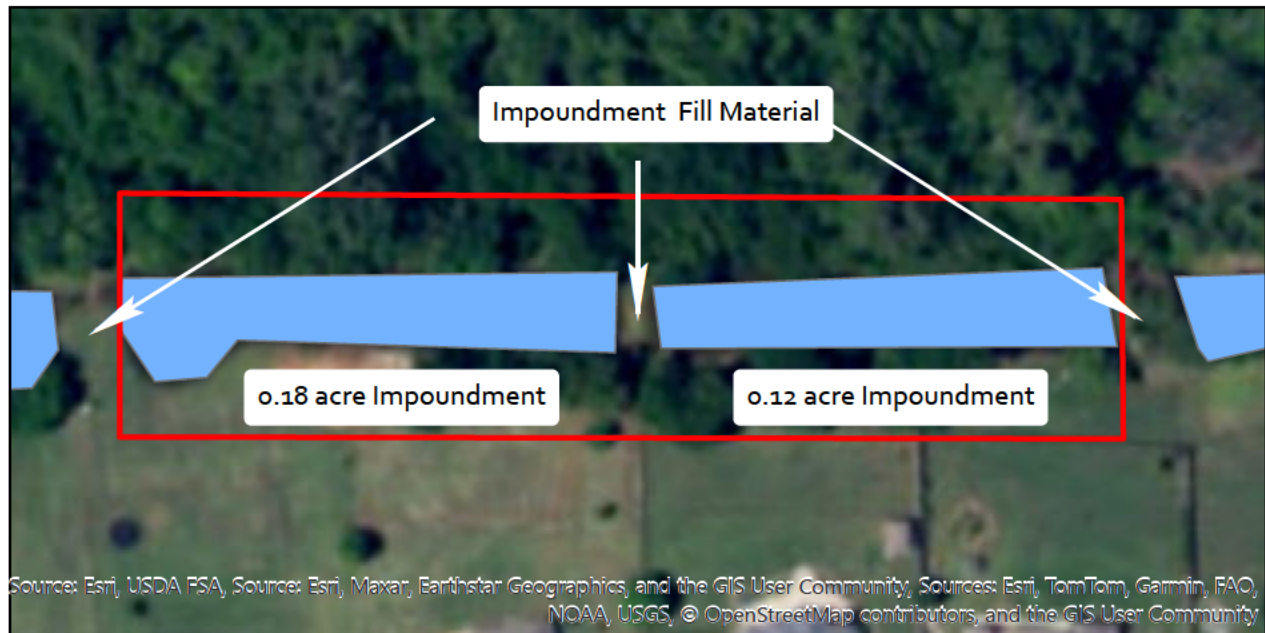
[REDACTED]
Andrew R. Commer
Chief, Regulatory Office

Enclosures



US Army Corps
of Engineers®
Tulsa District

Approved Jurisdictional Determination



Legend

SWT-2020-00437

- Relatively Permanent Water (RPW)
- Impoundments of RPW
- Review Area

0 0.01 0.01 0.03 Miles

