



**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): 6/02/2021
 ORM Number: SWT-0-15283
 Associated JDs: N/A
 Review Area Location¹: State/Territory: OK City: Oklahoma City County/Parish/Borough: OK
 Center Coordinates of Review Area: Latitude 35.467849 Longitude -97.458614

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: N/A
- 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

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
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.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
S-1	221	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			S-1 is a named tributary (Crooked Oak Creek) that is mapped on USGS topographic maps, USFWS NWI Wetlands Mapper, and NHD maps as a perennial stream that contributes flow to the North Canadian River, an (a)(1) water.

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.

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.



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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.	

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.	

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
W-1	0.12 acre(s)	(b)(1) Non-adjacent wetland.	W-1 is a forested wetland that exhibits the hydrophytic vegetation, hydric soil, and hydrology of a wetland, but lacks connectivity to jurisdictional waters of the U.S. within a typical year through an (a)(1)-(a)(3) water. In addition, W-1 is not inundated by jurisdictional waters of the U.S. within a typical year and is separated from waters of the U.S. by an ephemeral feature and an artificial feature (corrugated metal pipe).	
EF-1	85 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EF-1 is an ephemeral swale that lacked a clear bed and bank and is not mapped on USGS topographic maps, NWI Wetlands Mapper, or NHD maps. The feature was also absent of flow in Google Earth aerial imagery (2002-2020). An on-site wetland delineation concluded the feature to be ephemeral, only contributing flow in response to rain events.	
EF-2	60 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EF-2 is an ephemeral swale that lacked a bed and bank and is not mapped on USGS topographic maps, NWI Wetlands Mapper, or NHD maps. The ephemeral swale was also absent of flow in Google Earth aerial imagery (2002-2020). An on-site wetland delineation concluded the feature to be ephemeral, only contributing flow to the North Canadian River in direct response to rain events.	

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:

[Final_BNSF_OKC_Delineation_and_Proposed_JD_Report_Complete_Package: 4/9/2021, SWT-0-15283_BNSF_DELINEATION_DP-4: 4/29/2021, SWT-0-15283_BNSF_DELINEATION_DP-5: 4/29/2021](#)

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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This information is sufficient for purposes of this AJD.

Rationale: N/A

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial and Other: Google Earth Aerial 2002-2020; Wetland Delineation Photos provided by Consultant, 4/9/2021
- Corps site visit(s) conducted on: April 15, 2021
- Previous Jurisdictional Determinations (AJDs or PJDs): ORM Number(s) and date(s).
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Title(s) and/or date(s).
- USFWS NWI maps: USFWS NWI Wetlands Mapper
- USGS topographic maps: USGS 7.5 Minute Midwest City Quadrangle

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	NHD
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: W-1 is a wetland that is not inundated by waters of the U.S. within a typical year and is separated from an (a)(1)-(a3) water by an ephemeral feature (EF-2) and an artificial structure (corrugated metal pipe), making it a non-jurisdictional non-adjacent wetland.