



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): 16-NOV-2020
ORM Number: SWT-2011-00169
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)
Review Area Location¹:
State/Territory: OK City: County/Parish/Borough: Grady County
Center Coordinates of Review Area: Latitude 35.021291 Longitude -97.96878

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 or describe rationale.
- 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 |
|---|-------------|--|---|
| SWT-2011-169 S-5 Intermittent Stream | 480 feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | The channel is associated with waters of the US |
| SWT-2011-169 S9a Stream | 668 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | The channel is associated with waters of the US |
| SWT-2011-169 S9b Stream | 248 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | The channel is associated with waters of the US |

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| SWT-2011-169 S9c Stream | 19 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | The channel is associated with waters of the US. |
|----------------------------|---------|--|--|

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 |
|-----------------------------------|-------------|---|---|
| SWT-2011-169 OW-20 NJD Pond | 0.26 acres | (a)(3) Lake/pond or impoundment of a jurisdictional water inundated by flooding from an (a)(1)-(a)(3) water in a typical year | The pond is associated with waters of the US. |

Adjacent wetlands ((a)(4) waters):

| (a)(4) Name | (a)(4) Size | (a)(4) Criteria | Rationale for (a)(4) Determination |
|------------------------------------|-------------|--|--|
| SWT-2011-169 W-2 Wetland | 0.02 acres | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature | The wetland is connected to channel is associated with waters of the US. |
| SWT-2011-169 W-3 Wetlands | 0.02 acres | (a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year | The wetland is connected to channel is associated with waters of the US. |
| SWT-2011-169 W-8 NJD Wetland | 0.01 acres | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature | The wetland is connected to channel is associated with waters of the US. |
| SWT-2011-169 W10 Wetland | 0.01 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | The wetland is connected to channel is associated with waters of the US. |
| SWT-2011-169 W5 NJD Wetland | 0.01 acres | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature | The wetland is connected to channel is associated with waters of the US. |
| SWT-2011-169 W6 NJD Wetland | 0.01 acres | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year | The wetland is connected to channel is associated with waters of the US. |
| SWT-2011-169 W7 NJD Wetland | 0.1 acres | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature | The wetland is connected to channel is associated with waters of the US. |

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
|---------------------------------|----------------|--|--|
| SWT-2011-169 Ditch NJD 13 | 0.08 acres | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 NJD 10 Drainage | 500 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 NJD 11 Drainage | 100 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |

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| | | rill, or pool | |
| SWT-2011-169 NJD 12 Drainage | 100 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 NJD 14 Stream | 100 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 NJD 6 Drainage (Ephemeral) | 210 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 NJD 7 Ephemeral Stream | 10000 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 NJD 8 Drainage | 0.0046 acres | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 NJD 9 Drainage | 0.0023 acres | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 NJD Drainage 4 | 200 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 OW-1 NJD Pond | 0.8 acres | (b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel | The pond was excavated in the uplands used for cattle. |
| SWT-2011-169 OW-10 NJD Pond | 0.18 acres | (b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year | The pond is not associated with a waters of the US. There is a berm with a pipe. Water on discharges into the stream channel during and after a rain event. |
| SWT-2011-169 OW-11 NJD Pond | 0.01 acres | (b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year | The pond is not associated with a waters of the US. There is a berm with a pipe. Water on discharges into the stream channel during and after a rain event. |
| SWT-2011-169 OW-12 NJD Pond | 0.04 acres | (b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year | The pond is not associated with a waters of the US. There is a berm with a pipe. Water on discharges into the stream channel during and after a rain event. |
| SWT-2011-169 OW-13 NJD Pond | 1.52 acres | (b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by | The pond is not associated with a waters of the US. There is a berm with a pipe. Water on discharges into the stream channel during and after a rain event. |

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| | | flooding from an (a)(1)-(a)(3) water in a typical year | |
| SWT-2011-169 OW-15 NJD Pond | 0.76 acres | (b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year | The pond is not associated with a waters of the US. There is a berm with a pipe. Water on discharges into the stream channel during and after a rain event. |
| SWT-2011-169 OW-16 NJD Pond | 1.59 acres | (b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6) | The pond is not associated with a waters of the US. There is a berm with a pipe. Water on discharges into the stream channel during and after a rain event. |
| SWT-2011-169 OW-17 NJD Pond | 3.2 acres | (b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year | The pond is not associated with a waters of the US. There is a berm with a pipe. Water on discharges into the stream channel during and after a rain event. |
| SWT-2011-169 OW-2 NJD | 0.2 acres | (b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel | The pond is not associated with a waters of the US. There is a berm with a pipe. Water on discharges into the stream channel during and after a rain event. |
| SWT-2011-169 OW-6 Pond | 0.15 acres | (b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel | The pond is not associated with a waters of the US. There is a berm with a pipe. Water on discharges into the stream channel during and after a rain event. |
| SWT-2011-169 OW-7 NJD Pond | 0.01 acres | (b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year | The pond is not associated with a waters of the US. There is a berm with a pipe. Water on discharges into the stream channel during and after a rain event. |
| SWT-2011-169 OW-8 NJD Pond | 0.23 acres | (b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year | The pond is not associated with a waters of the US. There is a berm with a pipe. Water on discharges into the stream channel during and after a rain event. |
| SWT-2011-169 OW-9 NJD Pond | 0.15 acres | (b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year | The pond is not associated with a waters of the US. There is a berm with a pipe. Water on discharges into the stream channel during and after a rain event. |

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| SWT-2011-169 S-3 Ephemeral Stream | 0.001 acres | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 S-4 Intermittent Stream | 200 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 S10a Stream | 1015 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 S10b Stream | 0.01 acres | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 S6a Intermittent Stream | 200 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 S6b Ephemeral Stream | 200 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 S7a Intermittent Stream | 200 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 S7b NJD Intermittent Stream | 200 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 S8 Intermittent Stream | 0.33 acres | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool | The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral. |
| SWT-2011-169 W4 NJD Wetland | 0.01 acres | (b)(1) Non-adjacent wetland | The wetland is not associated with waters of the US and potential pond. |
| SWT-2011-169 W9 NJD Wetlands | 0.03 acres | (b)(1) Non-adjacent wetland | The wetland is not associated with waters of the US and potential pond. |

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: Mr. Richard Wilson, HDR 11-20-21.

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: *(NA, aerial, other, aerial and other) Mr. Marcus Ware, Tulsa District. November 30, 2020.*

Corps Site visit(s) conducted on: November 16, 2021.

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

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- USDA NRCS Soil Survey: *Title(s) and/or date(s)*.
 USFWS NWI maps: *USFWS Mapper*
 USGS topographic maps: *Google Earth*.

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|----------------------------|---|
| USGS Sources | N/A. |
| 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 or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

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