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): 7/9/2021
ORM Number: SWT-2014-00848
Associated JDs: SWT-2014-00848 – Under Rapanos Regulations, expired
Review Area Location[1]: State/Territory: Oklahoma City: Inola County/Parish/Borough: Rogers
Center Coordinates of Review Area: Latitude 36.1253 Longitude -95.5519

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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
UNT-1	7,500	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Unnamed Tributary 1 is an intermittent stream channel that conveys flow directly to the Verdigris River, a Traditional Navigable Water.
UNT-2	2,700	linear feet	(a)(2) Intermittent tributary contributes	UNT-2 conveys intermittent flow through UNT-1 into the Verdigris River, a Traditional Navigable 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.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	
UNT-3	3,000	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	UNT-3 is an intermittent stream channel that conveys flow directly to the Verdigris River, a Traditional Navigable Water.
UNT-4	1,050	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	UNT-4 contribute intermittent flow through a jurisdictional, forested wetland and a jurisdictional impoundment before entering the Verdigris River, a Traditional Navigable Water.

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
I-1	4	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	I-1 is a jurisdictional impoundment that contributes downstream flow through UNT-2 to the Verdigris River in a typical year.
I-2	10.1	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	I-2 is a jurisdictional impoundment that contributes downstream flow through an unnamed tributary to the Verdigris River in a typical year.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
PEM-1	1.5	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	PEM-1 is directly abutting Impoundment 1 which contributes downstream flow to the Verdigris River through an unnamed, intermittent tributary.
PEM-2	5	acre(s)	(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.	PEM-2 is connected to a jurisdictional impoundment which flows through an unnamed tributary to the Verdigris River. PEM-2 is connected through culverts constructed as part of road and railway construction. A direct hydrologic connection remains constant.
PFO-1	5.3	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	PFO-1 is directly abutting Impoundment 2 which contributes downstream flow to the Verdigris River through an unnamed, intermittent tributary.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
PFO-2	0.80	acre(s)	(b)(1) Non-adjacent wetland.	PFO-2 is a forested wetland with no connectivity to an (a)(1)-(3) water.
P-1	0.20	acre(s)	(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).	Artificial pond constructed entirely in the uplands.
P-2	0.40	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in	Artificial pond constructed entirely in the uplands.

[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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			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).	
P-3	0.81	acre(s)	(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).	Artificial pond constructed entirely in the uplands.
P-4	0.42	acre(s)	(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).	Artificial pond constructed entirely in the uplands.
P-5	0.39	acre(s)	(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).	Artificial pond constructed entirely in the uplands.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
P-6	0.10	acre(s)	(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).	Artificial pond constructed entirely in the uplands.
P-7	0.13	acre(s)	(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).	Artificial pond constructed entirely in the uplands.
P-8	0.07	acre(s)	(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).	Artificial pond constructed entirely in the uplands.
P-9	0.04	acre(s)	(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	Artificial pond constructed entirely in the uplands.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			impoundment of a jurisdictional water that meets (c)(6).	
P-10	0.75	acre(s)	(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).	Artificial pond constructed entirely in the uplands.
P-11	0.52	acre(s)	(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).	Artificial pond constructed entirely in the uplands.
P-12	0.43	acre(s)	(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).	Artificial pond constructed entirely in the uplands.
P-13	0.67	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-	Artificial pond constructed entirely in the uplands.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	
P-14	0.60	acre(s)	(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).	Artificial pond constructed entirely in the uplands.
P-15	0.16	acre(s)	(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).	Artificial pond constructed entirely in the uplands.
P-16	1.75	acre(s)	(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).	Artificial pond constructed entirely in the uplands.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
P-17	0.85	acre(s)	(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).	Artificial pond constructed entirely in the uplands.
P-18	0.51	acre(s)	(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).	Artificial pond constructed entirely in the uplands.
P-19	0.37	acre(s)	(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).	Artificial pond constructed entirely in the uplands.
P-20	0.19	acre(s)	(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	Artificial pond constructed entirely in the uplands.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			impoundment of a jurisdictional water that meets (c)(6).	
ES-1	2,000	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ES-1 is an ephemeral stream channel that does not convey intermittent or perennial flow to an (a)(1)-(3) water.
ES-2	3,000	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ES-2 is an ephemeral stream channel that does not convey intermittent or perennial flow to an (a)(1)-(3) water.
ES-3	3,500	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ES-3 is an ephemeral stream channel that does not convey intermittent or perennial flow to an (a)(1)-(3) water.
ES-4	2,500	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ES-4 is an ephemeral stream channel that does not convey intermittent or perennial flow to an (a)(1)-(3) water.
ES-5	1,200	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ES-5 is an ephemeral stream channel that does not convey intermittent or perennial flow to an (a)(1)-(3) water.
ES-6	1,650	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ES-6 is an ephemeral stream channel that does not convey intermittent or perennial flow to an (a)(1)-(3) water.
ES-7	1,450	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ES-7 is an ephemeral stream channel that does not convey intermittent or perennial flow to an (a)(1)-(3) water.
ES-8	2,150	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ES-8 is an ephemeral stream channel that does not convey intermittent or perennial flow to an (a)(1)-(3) water.
ES-9	890	linear feet	(b)(3) Ephemeral feature, including an ephemeral	ES-9 is an ephemeral stream channel that does not convey intermittent or perennial flow to an (a)(1)-(3) water.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			stream, swale, gully, rill, or pool.	
ES-10	1,420	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ES-10 is an ephemeral stream channel that does not convey intermittent or perennial flow to an (a)(1)-(3) water.
ES-11	1,150	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ES-11 is an ephemeral stream channel that does not convey intermittent or perennial flow to an (a)(1)-(3) water.

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: Preliminary Waters of the U.S. Delineation, Terracon, November 11, 2014

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 & Digital Globe 1995-2021, Site Visit July 1, 2021
☒ Corps site visit(s) conducted on: July 1, 2021
☒ Previous Jurisdictional Determinations (AJDs or PJDs): SWT-2014-00848, 2014
☐ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.
☒ USDA NRCS Soil Survey: Web Soil Survey, July 6, 2021
☒ USFWS NWI maps: NWI Wetlands Mapper, July 6, 2021
☒ USGS topographic maps: USGS 7.5 Minute Catoosa SE Quadrangle

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS 8, 10, 12 digit HUC maps	110701050306, 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: An AJD of this project site was conducted in 2014 under Rapanos. The applicant has requested an updated AJD under the Navigable Waters Protection Rule.