



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): 19-JULY-2021  
 ORM Number: SWT-2017-00141  
 Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)  
 Review Area Location<sup>1</sup>:  
 State/Territory: OK City: County/Parish/Borough: Canadian County  
 Center Coordinates of Review Area: Latitude 35.569376 Longitude -97.736819

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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-2017-141-05	620 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This tributary is depicted on the USGS Topographic map as an intermittent unnamed tributary of Spring Creek. This tributary is a second order stream within the review area. This tributary flows into Spring Creek, flows into Deer Creek, flows into Cottonwood Creek, flows into the Cimarron River. The drainage area is approximately 130 acres, comprised primarily of terraced, agricultural land. The soils are best characterized as non-hydric, well drained, loam, soils in the review area. The stream has a narrow riparian buffer. Based on the best available data, this stream is characterized as intermittent flow during a typical year

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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.



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

			of rainfall.
--	--	--	--------------

**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-2017-141-04	7.3 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	This on-channel pond is an impoundment of the unnamed tributary of Spring Creek. This pond is illustrated on the USGS Topographic map as well as other resource maps. This pond is can be seen on aerial imagery dating back to 1991, based on review of Google Earth aerial imagery and water is present in many of these historic images. The pond meets the criteria of an a(3) water.

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
SWT-2017-141-06	0.5 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This palustrine forested wetland was identified as part of the agent's field observations and is supported by a wetland data sheet confirming the three criteria are present within the feature. This wetland is not illustrated on any resource maps, including the National Wetland Inventory map. Based on this wetland being immediately abutting an a(2) water, this feature meets the criteria of an abutting wetland.
SWT-2017-141-10	0.14 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This palustrine emergent wetland was identified as part of the agent's field observations and is supported by a wetland data sheet confirming the three criteria are present within the feature. This wetland is not illustrated on any resource maps, including the National Wetland Inventory map. Based on this wetland being immediately abutting an a(3) water, this feature meets the criteria of an abutting wetland.

**D. Excluded Waters or Features**

**Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:**

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
SWT-2017-141-02	1200 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This stream is depicted on the USGS Topographic map as an intermittent unnamed tributary of Spring Creek. This stream reach is a first order headwater within the review area. The stream has a narrow riparian buffer along the stream in the review area. Based on review of several aerial images, the stream has a discontinuous bed/bank and is approximately 2 feet wide on average. Soils associated with this headwater are best described as non-hydric, well drained, upland soils. The drainage area for this headwater is approximately 50 acres. The stream is surrounded by agricultural terraced land and undeveloped land within the drainage area and review area. This stream is best characterized as having ephemeral flow during a typical year of rainfall.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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.



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

SWT-2017-141-03	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	This open water (pond) feature is not depicted on any resource maps, however, is clearly visible on aerial imagery dating back to 2002, however was likely constructed during the 1990's. This feature is part of the headwater ephemeral stream (aquatic resource 02) documented above as non-jurisdictional. This feature meets the definition of an excluded feature.
SWT-2017-141-07	0.5 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	This pond is depicted as being an off-channel open water feature on the USGS Topographic map. The pond was likely constructed in the uplands for livestock watering. Based on the agent's report, this pond is associated with an agricultural terrace constructed in the uplands. This pond meets the definition of an excluded water.
SWT-2017-141-08	0.289 acres	(b)(1) Non-adjacent wetland	This emergent wetland is a buffer along the edge of the upland pond (07) referenced above. This feature is not depicted. This wetland habitat was identified in the agent's report and meets the three criteria for being a wetland. The wetland is not adjacent to a jurisdictional water and meets the definition of an excluded water.
SWT-2017-141-09	0.054 acres	(b)(1) Non-adjacent wetland	This emergent wetland is not depicted on any resource maps. This feature appears to be associated with an upland agricultural terrace. This wetland habitat was identified in the agent's report and meets the three criteria for being a wetland. The wetland is not adjacent to a jurisdictional water and meets the definition of an excluded 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: Redstone Ranch PCN submittal dated March 7, 2021.

This information is and is not sufficient for purposes of this AJD.

Rationale: The agent identified an ephemeral stream as a forested wetland, however, the Corps finding of this resource, the feature is being documented as an ephemeral stream.

Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

Photographs: Google Earth aerial imagery dated 2002-2020, agent photos dated March 7, 2021.

Corps Site visit(s) conducted on: *Date(s)*.

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: ORM Data accessed July 15, 2021.

USFWS NWI maps: ORM Data accessed July 15, 2021.

USGS topographic maps: ORM Data accessed July 15, 2021.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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.



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

**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):** I ran the Antecedent Precipitation Calculator tool with the date of March 7, 2021, which resulted in the site exhibiting wetter than normal conditions. The site was mostly experiencing normal conditions from the last 6 months. The report illustrated that the drought index for this site is mild wetness, and the WIMP for March is the Wet season.
- C. Additional comments to support AJD:** The review area for this site is approximately 160 acres.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide and 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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.