



**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): 12/3/2020

ORM Number: SWT-2017-00430

Associated JDs: N/A

Review Area Location¹: State/Territory: Oklahoma City: Broken Arrow County/Parish/Borough: Wagoner

Center Coordinates of Review Area: Latitude 36.082274° Longitude -95.748787°

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
Adams Creek	1,086 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Adams Creek is a perennial stream that contributes surface water flow to the Verdigris River an (a)(1) water in a typical year. Adams Creek meets the confluence of the Verdigris River approximately 20.5 river miles down stream.
Unnamed Tributary to Adams Creek	758 linear feet	(a)(2) Intermittent tributary contributes	The unnamed tributary to Adams Creek is an intermittent stream that contributes surface water flow to Adams Creek which flows into the Verdigris

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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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.	River an (a)(1) water in a typical year. Adams Creek meets the confluence of the Verdigris River approximately 20.5 river miles downstream.

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
Wetland 2A	0.554 acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Wetland 2A is a forested wetland separated from Adams Creek, a jurisdictional (a)(2) water by a single natural barrier in the form of the stream bank.
Wetland 4	0.517 acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Wetland 4 is a forested wetland separated from Adams Creek, a jurisdictional (a)(2) water by a single natural barrier. The wetland is separated due to the construction of a sewer line with a maintained right of way between Wetland 4 and Adams Creek.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ephemeral Stream-1	684 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Evaluation of USGS topographic maps, Soil Survey information, National Wetlands Inventory data, and Google Earth aerial imagery (1995-2019), supports that Ephemeral Stream-1 is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.
Ephemeral Stream-2	241 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Evaluation of USGS topographic maps, Soil Survey information, National Wetlands Inventory data, and Google Earth aerial imagery (1995-2019), supports that Ephemeral Stream-2 is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation. Ephemeral Stream-2 is not identified on USGS Topographic Maps.

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 2B	0.086 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2B does not exhibit a hydrologic connection to jurisdictional, downstream waters. This wetland does not abut an a(1)-a(2) water, or contribute flow to an a(1)-a(2) 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: [Wetland and Stream Delineation Report, Broken Arrow 37th Street Regional Detention, March 8, 2017](#)

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: Wetland Delineation – March 2017, Google Earth & Digital Globe 1995-2020.](#)

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: [Wagoner County, OK, Web Soil Survey, accessed Nov. 30, 2020](#)

USFWS NWI maps: [Wetlands Mapper, accessed Nov. 30, 2020](#)

USGS topographic maps: [USGS 1:24K Oneta, OK 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: [N/A](#)