



**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): 3/5/2021

ORM Number: SWT-2018-00583

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Oklahoma City: Broken Arrow County/Parish/Borough: Tulsa

Center Coordinates of Review Area: Latitude 36.077270 Longitude -95.781257

**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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
S1	N/A.	N/A.	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S1 is mapped as an intermittent stream on USGS topographic map. Additionally, S1 is evident in all years of aerial photography and flowing water and evidence of bed and banks and OHWM were observed during the site visit on February 26, 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 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
S2	N/A.	N/A.	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S2 is not mapped a USGS topographic map. Previous construction (2004 and 2010) in the area resulted in the straightening and relocation of S1. S2 is located in the original path of S1. Previous construction also reduced the watershed of the review area. S2 is evident on 2014, 2015, 2017, 2018, and 2019 aerial photographs, but does not appear to have evidence of OHWM. S2 was observed to have no evidence of OHWM and contained a grass lined channel throughout.
S3	N/A.	N/A.	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S3 is not mapped a USGS topographic map. Previous construction (2004 and 2010) in the area reduced the watershed of the review area. S3 is evident on 1995, 2004, 2010, 2015, and 2019 aerial photographs. OHWM was observed with no flowing water during the site visit on February 26, 2021. Therefore, S3 has been determined to be an ephemeral stream.
S4	N/A.	N/A.	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S4 is mapped as an intermittent stream on a USGS topographic map. Previous construction (2004 and 2010) in the area resulted in the reduction of the watershed of the review area and the reach of S4. S4 is evident on 2017 and 2019 aerial photographs. OHWM was observed with no flowing water during the site visit on February 26, 2021. Therefore, S4 has been determined to be an ephemeral stream.

**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: [Title\(s\) and date\(s\)](#)

<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.



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This information [Select](#). sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\)](#).

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial: Google Earth: 1995, 2004, 2010, 2010, 2014, 2015, 2017, 2018, 2019, 2020; Digital Globe aerial: 2020](#)
- Corps site visit(s) conducted on: [February 26, 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: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [ORM II](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [The APT shows that normal conditions were present during the site visit on February 26, 2021, that the site was in the wet season.](#)

**C. Additional comments to support AJD:** [Based on the rational above and the APT, S1 has been determined to be jurisdictional and S2, S3, and S4 have been determined not to be jurisdictional pursuant to Section 404 of the Clean Water Act.](#)