



**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): 11/10/2020

ORM Number: SWT-2019-171

Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE).

Review Area Location¹: State/Territory: Oklahoma City: Edmond County/Parish/Borough: Oklahoma

Center Coordinates of Review Area: Latitude 35.67126 Longitude -97.57839

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
N/A.	N/A.	N/A.	N/A.

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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
SWT-2019-171-06	700	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This evaluation includes two previous site visits, review of aerial imagery, National Wetland Inventory data, USGS topographic mapping, and soil data. The stream channel is depicted on the USGS Topographic map as an intermittent unnamed tributary to Deer Creek and is depicted as an upper headwater of the unnamed tributary to Deer Creek which it drains through. There is the presence of a visible bed and bank. The channel is braided and contained within a forested riparian habitat. A bypass channel was excavated around the existing pond dam and now represents the normal connection for the pond and this channel. The drainage area for this feature is approximately 93 acres. Oklahoma County rainfall averages 36 inches a year. It appears to only flow/pool during and/or immediately after precipitation events according to satellite imagery, the landscape position, and the information included in this evaluation during a typical year (see supporting information section). This flow regime meets the definition of ephemeral flow as defined in 33 CFR Part 328.3(c)(3).
SWT-2019-171-07	3.77	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).	This on-channel pond is an impoundment of an ephemeral stream, which is an excluded (non-jurisdictional) feature. The ephemeral stream serves as the only hydrologic connection between the pond and downstream waters.
SWT-2019-171-08	1.1	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-	This on-channel pond is an impoundment of an ephemeral stream, which is an excluded (non-jurisdictional) feature. The ephemeral stream serves as the only hydrologic connection between the pond and downstream waters.

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
		jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	
SWT-2019-171-09	500	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. The stream channel is depicted on the USGS Topographic map as an intermittent unnamed tributary to Deer Creek. This stream is a segment of the same mapped blue line tributary separated by the on-channel ponds. It appears to only flow/pool during and/or immediately after precipitation events according to satellite imagery, the landscape position, and the information included in this evaluation during a typical year (see supporting information section). This flow regime meets the definition of ephemeral flow as defined in 33 CFR Part 328.3(c)(3).
SWT-2019-171-10	800	linear feet	(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 stream channel is depicted on the USGS Topographic map as an intermittent unnamed tributary to Deer Creek. This stream is a segment of the same mapped blue line tributary separated by the on-channel ponds. It appears to only flow/pool during and/or immediately after precipitation events according to satellite imagery, the landscape position, and the information included in this evaluation during a typical year (see supporting information section). This flow regime meets the definition of ephemeral flow as defined in 33 CFR Part 328.3(c)(3).
SWT-2019-171-11	0.98	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). This on-channel pond is an impoundment of an ephemeral stream, which is an excluded (non-jurisdictional) feature. The ephemeral stream serves as the only hydrologic connection between the pond and downstream waters.



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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\(s\)](#)
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 and Other: Google Earth Aerial Imagery, Dated 2013-2018, and Site Photos September 17, 2020](#)
- Corps site visit(s) conducted on: [April 10, 2019, and July 09, 2019](#)
- 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 November 9, 2020](#)
- USFWS NWI maps: [ORM Data accessed November 9, 2020](#)
- USGS topographic maps: [ORM Data accessed November 9, 2020](#)

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.](#)

C. Additional comments to support AJD: [Based on the information available, including previous site visits, aerial imagery, various resource maps, and rainfall data for this site, the three ephemeral streams and the three on-channel ponds have been determined above to meet the definitions as non-jurisdictional \(excluded\) waters. This review area was part of a previous unauthorized activity, which was resolved and followed by several Nationwide Permit verified impacts on-site during 2019.](#)