



**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): 1/26/2021
 ORM Number: SWT-2019-219
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Oklahoma City: Oklahoma City
 County/Parish/Borough: Oklahoma
 Center Coordinates of Review Area: Latitude 35.6183 Longitude -97.6220

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-2019-219-01	750	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This evaluation includes the review of aerial imagery, and USGS topographic mapping. The stream channel is depicted on the USGS Topographic map as a blue line stream. There is the presence of a channel in aerial imagery, with an average width of 5 feet. Site photos provided show that the stream has herbaceous vegetation throughout the review area, supporting that this stream experiences ephemeral flow. The drainage area for this feature is approximately 63 acres. Oklahoma County rainfall averages 36 inches a year. This feature is unlikely to have a localized water table associated due to its limited access to surface water. Based on the information included in this evaluation, this stream has been determined to have surface water flowing/pooling only in direct response to precipitation. This flow regime meets the definition of ephemeral flow as defined in 33 CFR Part 328.3(c)(3).

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: [Site Photos/Map/Drawings, Dated October 14, 2020](#)

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 2015-2018, and Site Photos September 17, 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: [ORM Data accessed January 21, 2021](#)

USFWS NWI maps: [ORM Data accessed January 21, 2021](#)

USGS topographic maps: [ORM Data accessed January 21, 2021](#)

Other data sources used to aid in this determination:

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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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):** The APT tool was ran for September 17, 2020, which corresponds with this evaluation. The results of this report concluded that the site conditions are wetter than normal with a value of 16. The graph depicts conditions for approximately 9 months of the year, and the 30 year rolling average. Based on the comparison of the average rainfall in 2020 compared to the typical year average, the site is likely to have received higher than average rainfall in the month of September, which would result in site conditions that are wetter than normal. The graph shows that major rain events likely occurred within the week leading up to September 17, 2020, which would support that the stream exhibits ephemeral flow based on no observed flowing water in the site photos provided by the agent corresponding with that date.
- C. Additional comments to support AJD:** Based on the information available, including site photos, aerial imagery, various resource maps, and rainfall data for this site, the ephemeral stream has been determined above to meet the definition as a non-jurisdictional (excluded) water. Aerial imagery shows that the site was modified during fall of 2019, which resulted in all trees being removed and grading work within the review area for this stream. The site appears dry in several aerial imagery during periods of no rainfall.