



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): 20-MAY-2021

ORM Number: SWT-2019-00041

Associated JDs: SWT-2018-630

Review Area Location<sup>1</sup>:

State/Territory: OK City: Oklahoma City County/Parish/Borough: Canadian County

Center Coordinates of Review Area: Latitude 35.489191 Longitude -97.715528

**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
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

<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.



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**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-2019-041-01	2.9 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 borrow pit is not depicted on the USGS Topographic map. The pit was determined as being excavated in the uplands associated with the construction of the Kilpatrick Turnpike during approximately 2001. Based on review of aerial imagery, this timeline is accurate. This borrow pit is part of a group of 7 pits within the review area adjacent to the turnpike.
SWT-2019-041-02	5.5 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 borrow pit is not depicted on the USGS Topographic map. The pit was determined as being excavated in the uplands associated with the construction of the Kilpatrick Turnpike during approximately 2001. Based on review of aerial imagery, this timeline is accurate. This borrow pit is part of a group of 7 pits within the review area adjacent to the turnpike.
SWT-2019-041-03	2.1 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 borrow pit is not depicted on the USGS Topographic map. The pit was determined as being excavated in the uplands associated with the construction of the Kilpatrick Turnpike during approximately 2001. Based on review of aerial imagery, this timeline is accurate. This borrow pit is part of a group of 7 pits within the review area adjacent to the turnpike.
SWT-2019-041-04	2.5 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 borrow pit is not depicted on the USGS Topographic map. The pit was determined as being excavated in the uplands associated with the construction of the Kilpatrick Turnpike during approximately 2001. Based on review of aerial imagery, this timeline is accurate. This borrow pit is part of a group of 7 pits within the review area adjacent to the turnpike.
SWT-2019-041-05	3.4 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 borrow pit is not depicted on the USGS Topographic map. The pit was determined as being excavated in the uplands associated with the construction of the Kilpatrick Turnpike during approximately 2001. Based on review of aerial imagery, this timeline is accurate. This borrow pit is part of a group of 7 pits within the review area adjacent to the turnpike.
SWT-2019-041-06	2.4 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 borrow pit is not depicted on the USGS Topographic map. The pit was determined as being excavated in the uplands associated with the construction of the Kilpatrick Turnpike during approximately 2001. Based on review of aerial imagery, this timeline is accurate. This borrow pit is part of a group of 7 pits within the review area adjacent to the turnpike.

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<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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SWT-2019-041-07	2.2 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 borrow pit is not depicted on the USGS Topographic map. The pit was determined as being excavated in the uplands associated with the construction of the Kilpatrick Turnpike during approximately 2001. Based on review of aerial imagery, this timeline is accurate. This borrow pit is part of a group of 7 pits within the review area adjacent to the turnpike.
SWT-2019-041-08	1870 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 tributary of the North Canadian River. This stream is a first order stream. Review of aerial imagery of the review area, this stream was determined to have a bed and bank and is approximately 6 feet wide. Based on a site visit associated with a project (SWT-2018-630) immediately upstream of the current review area, the stream is approximately 2 feet deep, also the stream was classified as ephemeral in nature. This stream has an approximately 100-acre drainage area. The soils are best characterized as non-hydric, well drained, frequently flooded, upland and bottomland soils in the review area. The stream has a riparian buffer and is surrounded by undeveloped pastureland and residential development. Based on the best available data, this stream is characterized as ephemeral in nature during a typical year of rainfall.

**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: AJD request dated March 10, 2021.

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: Google Earth Pro Dated 2010-2020, Site Visit Photos Dated September 4, 2020

Corps Site visit(s) conducted on: Compliance (SWT-2018-630) September 4, 2020.

Previous Jurisdictional Determinations (AJDs or PJDs): *SWT-2018-630*

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: ORM Data accessed May 20, 2021.

USFWS NWI maps: ORM Data accessed May 20, 2021.

USGS topographic maps: ORM Data accessed May 20, 2021.

**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.

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NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The Antecedent Precipitation Calculator tool resulted in the site exhibiting drier than normal rainfall conditions dated May 19, 2021. The site was mostly experiencing normal conditions in the 6 months leading up to this evaluation.
- C. Additional comments to support AJD:** The review area contains an ephemeral unnamed tributary to the North Canadian River, as well as 7 borrow pits. This determination is based on review of aerial imagery, resources maps, soils data, landscape position, as well as a site visit upstream of the review area for the same ephemeral tributary.

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