



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): 14-JUL-2020

ORM Number: SWT-2019-00470

Associated JDs: N/A

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

State/Territory: OK City: Cushing County/Parish/Borough: Payne County

Center Coordinates of Review Area: Latitude 35.943859 Longitude -96.753049

**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.
- 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 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 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
2019-00470, opyz023	0.19 acres	(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)	Historic aerial imagery (1954) indicates that this site was previously developed as a tank farm. The pond, which is present today, is a result of man-made disturbance within an upland area. The pond is surrounded by uplands, restricting downstream connectivity to non-channelized sheetflow.
2019-00470, spyz034e	183 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Historic aerial imagery (1954) indicates that this site was previously developed as a tank farm. The ephemeral feature, which is present today, is a result of man-made disturbance and erosion within an upland area. The ephemeral feature flows into a wetland; however, while USGS topographic imagery indicates that sufficient precipitation could result in water leaving the wetland and flowing to the south, a review of multiple years of aerial imagery (Google Earth) indicates that flow within this upland area would be via non-channelized sheetflow.
2019-00470, wpyw001e	0.03 acres	(b)(1) Non-adjacent wetland	Historic aerial imagery (1954) indicates that this site was previously developed as a tank farm. The wetland, which is present today, is a result of man-made disturbance within an upland area. The wetland feature joins another wetland feature, and these features are in turn surrounded by uplands, restricting downstream connectivity to non-channelized sheetflow.
2019-00470, wpyw001s	0.31 acres	(b)(1) Non-adjacent wetland	Historic aerial imagery (1954) indicates that this site was previously developed as a tank farm. The wetland, which is present today, is a result of man-made disturbance within an upland area. The wetland feature joins another wetland feature, and these features are in turn surrounded by uplands, restricting downstream connectivity to non-channelized sheetflow.
2019-00470, wpyz022e	0.46 acres	(b)(1) Non-adjacent wetland	Historic aerial imagery (1954) indicates that this site was previously developed as a tank farm. The wetland, which is present today, is a result of man-made disturbance within an upland area. The wetland is surrounded by uplands, restricting downstream connectivity to non-channelized sheetflow.
2019-00470, wpyz023e	0.18 acres	(b)(1) Non-adjacent wetland	Historic aerial imagery (1954) indicates that this site was previously developed as a tank farm. The wetland, which is present today, is a result of man-made disturbance within an upland area. USGS topographic imagery indicates that sufficient precipitation could result in water leaving the wetland and flowing to the south; however, a review of multiple years of aerial imagery (Google Earth) indicates that flow within this upland area would be via non-channelized sheetflow.
2019-00470,	0.34 acres	(b)(1) Non-adjacent wetland	Historic aerial imagery (1954) indicates that this site

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wpyz023f		was previously developed as a tank farm. The wetland, which is present today, is a result of man-made disturbance within an upland area. USGS topographic imagery indicates that sufficient precipitation could result in water leaving the wetland and flowing to the south; however, a review of multiple years of aerial imagery (Google Earth) indicates that flow within this upland area would be via non-channelized sheetflow.
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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: *Request for Approved Jurisdictional Determination, December 11, 2019.*
- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: *Google Earth Aerial Images, multiple dates (1995-2019)*
- 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: *Title(s) and/or date(s).*
- USFWS NWI maps: *Title(s) and/or date(s).*
- USGS topographic maps: *Title(s) and/or date(s).*

**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:** The ephemeral feature resulting from man-made disturbance and erosion within an upland area, discussed above, conveys water only during precipitation events.

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