



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): 05-MAR-2021

ORM Number: SWT-2019-00584

Associated JDs: N/A

Review Area Location¹:

State/Territory: OK City: Ravia County/Parish/Borough: Johnston County

Center Coordinates of Review Area: Latitude 34.275808 Longitude -96.805507

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
FS-01	5886.3 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-01 is intermittent and contributes surface water flow to the Washita River in a typical year. FS-01 flows to Mill Creek. Mill Creek is a tributary to the Washita River. South of Ravia, Oklahoma, the Washita River becomes a navigable water subject to Section 10 of the Rivers and Harbors Act of 1899.

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 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.

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FS-09	442.6 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-09 is intermittent and contributes surface water flow to the Washita River in a typical year. FS-09 is a tributary of FS-01, which flows to Mill Creek. Mill Creek is a tributary to the Washita River. South of Ravia, Oklahoma, the Washita River becomes a navigable water subject to Section 10 of the Rivers and Harbors Act of 1899.
FS-11(a)	2486.5 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-11(a) is intermittent and contributes surface water flow to the Washita River in a typical year. FS-11(a) flows to Mill Creek. Mill Creek is a tributary to the Washita River. South of Ravia, Oklahoma, the Washita River becomes a navigable water subject to Section 10 of the Rivers and Harbors Act of 1899.
FS-14	2699.6 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-14 is intermittent and contributes surface water flow to the Washita River in a typical year. FS-14 flows to Mill Creek. Mill Creek is a tributary to the Washita River. South of Ravia, Oklahoma, the Washita River becomes a navigable water subject to Section 10 of the Rivers and Harbors Act of 1899.
FS-24	4515.2 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-24 (Mill Creek) is perennial and contributes surface water flow to the Washita River in a typical year. Mill Creek is a tributary to the Washita River. South of Ravia, Oklahoma, the Washita River becomes a navigable water subject to Section 10 of the Rivers and Harbors Act of 1899.
FS-25	536 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-25 is intermittent and contributes surface water flow to the Washita River in a typical year. FS-25 flows, via FS-14, to Mill Creek. Mill Creek is a tributary to the Washita River. South of Ravia, Oklahoma, the Washita River becomes a navigable water subject to Section 10 of the Rivers and Harbors Act of 1899.

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

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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
FS-08(d)	0.006 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-08(d) meets the definition of "adjacent wetlands", abutting FS-01.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
FS-02(a)	0.005 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-02(a) does not meet the definition of "adjacent wetlands". FS-02(a) has no direct (abutting) hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-02(b)	0.005 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-02(b) does not meet the definition of "adjacent wetlands". FS-02(b) has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-02(c)	0.024 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-02(c) does not meet the definition of "adjacent wetlands". FS-02(c) has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-03(a)	0.014 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-03(a) does not meet the definition of "adjacent wetlands". FS-03(a) has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.

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FS-03(b)	0.028 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-03(b) does not meet the definition of "adjacent wetlands". FS-03(b) has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-04	552.4 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-04 is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.
FS-05	302.6 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-05 is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.
FS-06	113.8 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-06 is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.
FS-07(a)	0.009 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-07(a) does not meet the definition of "adjacent wetlands". FS-07(a) has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-07(b)	0.156 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-07(b) does not meet the definition of "adjacent wetlands". FS-07(b) has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-08(a)	0.108 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-08(a) does not meet the definition of "adjacent wetlands". FS-08(a) has no direct hydrologic surface

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			connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-08(b)	0.006 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-08(b) does not meet the definition of "adjacent wetlands". FS-08(b) has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-08(c)	0.006 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-08(c) does not meet the definition of "adjacent wetlands". FS-08(c) has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-08(e)	0.008 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-08(e) does not meet the definition of "adjacent wetlands". FS-08(e) has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-10(a)	0.034 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-10(a) does not meet the definition of "adjacent wetlands". FS-10(a) has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-10(b)	0.003 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-10(b) does not meet the definition of "adjacent wetlands". FS-10(b) has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due

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			to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-11(b)	1200 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Evaluation of APT results, the Eagle Environmental Consulting delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-11(b), upstream of FS-11(a), is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.
FS-12	629.6 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-12 is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.
FS-13	0.01 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-13 does not meet the definition of "adjacent wetlands". FS-13 has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-15	2955.7 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Evaluation of APT results, the Eagle Environmental Consulting delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-15 is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.
FS-16	164.4 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-16 is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.
FS-17	2117.6 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-17 is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.
FS-18	548.6 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-18 is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.

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FS-19	1577.1 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-19 is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.
FS-20	0.003 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-20 does not meet the definition of "adjacent wetlands". FS-20 has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-21	0.001 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-21 does not meet the definition of "adjacent wetlands". FS-21 has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-22	0.01 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-22 does not meet the definition of "adjacent wetlands". FS-22 has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-23	0.011 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-23 does not meet the definition of "adjacent wetlands". FS-23 has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-26	0.143 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-26 does not meet the definition of "adjacent wetlands". FS-26 has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a

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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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			typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
FS-27	0.27 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)	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-27, which was constructed on the upper end of FS-17, is not an impoundment of a jurisdictional water.
FS-28	0.06 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)	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-28, which was constructed in uplands, is not an impoundment of a jurisdictional water.

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: Eagle Environmental Consulting, *Waters of the United States Delineations, Proposed Blue Sky Rock Quarry Project, Johnston County, Oklahoma*, dated December 2019
This information *is* sufficient for purposes of this AJD.
- Data sheets prepared by the Corps:
- Photographs: Google Earth aerial imagery (1995-2019)
- Corps Site visit(s) conducted on: August 21, 2020
- 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:
- USFWS NWI maps:
- USGS topographic maps: 1:24,000, Troy, Oklahoma (1963)

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): APT results were obtained for October and November 2019, coinciding with the Eagle Environmental Consulting delineation report; the results indicate that conditions were primarily wetter than normal during this time. APT results were also obtained for August 21, 2020,

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.

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coinciding with the Corps site visit; the results indicate that conditions were normal during this time. Evaluation of these APT results and the Eagle Environmental Consulting delineation report, supports that the ephemeral conditions, described by Eagle Environmental Consulting, were not the result of abnormally dry conditions.

- C. Additional comments to support AJD:** A portion of FS-11, referenced as FS-11(b) on this form, and FS-15 were determined to be ephemeral after evaluation of the resources referenced above. Otherwise, this jurisdictional determination is, in general, a concurrence with the referenced Eagle Environmental Consulting delineation report.

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.

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