



**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): 3/19/2021

ORM Number: SWT-2019-00689

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 35.41322 Longitude -94.74164

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.	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.	N/A.

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
R4SB-1a	0.095	acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This segment of Wolf Creek is an intermittent stream channel with flowing water observed during the delineation. Wolf Creek flows into Big Skin Bayou approximately 5.30 river miles downstream which flows into the Arkansas River, a Traditionally Navigable Water, approximately 22 river miles downstream. R4SB-1a and R4SB-1b are the same stream channel, but were characterized individually by change in substrate.
R4SB-1b	0.175	acre(s)	(a)(2) Intermittent tributary	This segment of Wolf Creek is an intermittent stream channel with flowing water observed during the

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	delineation. Wolf Creek flows into Big Skin Bayou approximately 5.30 river miles downstream which flows into the Arkansas River, a Traditionally Navigable Water, approximately 22 river miles downstream. R4SB-1a and R4SB-1b are the same stream channel, but were delineated as individual segments characterized by change in substrate.
R4SB-2a	0.056	acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	R4SB-2a is an intermittent stream channel exhibiting seasonal flow with small pools spread throughout. R4SB-2a and R4SB-2b are the same stream channel, but were delineated as individual segments characterized by change in substrate. The unnamed tributary flows into Wolf Creek which flows into Big Skin Bayou which flows into the Arkansas River, a Traditionally Navigable Water.
R4SB-2b	0.055	acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	R4SB-2b is an intermittent stream channel exhibiting seasonal flow with small pools spread throughout. R4SB-2a and R4SB-2b are the same stream channel, but were delineated as individual segments characterized by change in substrate. The unnamed tributary flows into Wolf Creek which flows into Big Skin Bayou which flows into the Arkansas River, a Traditionally Navigable Water.

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.	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.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
EDF-1	0.011	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EDF-1 is a non-jurisdictional ephemeral drainage that contributes surface runoff into PUB-1, a non-jurisdictional pond excavated wholly in the uplands with no downstream connection to a jurisdictional feature.

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
EDF-2	0.038	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EDF-2 is a non-jurisdictional ephemeral drainage that contributes surface runoff into PUB-2, a non-jurisdictional, pond excavated wholly in the uplands with no downstream connection to a jurisdictional feature.
EDF-3	0.019	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EDF-3 is a non-jurisdictional ephemeral drainage that collects surface runoff from the surrounding uplands.
PSS1-1	0.110	acre(s)	(b)(1) Non-adjacent wetland.	PSS1-1 exhibits wetland characteristics, but lacks a hydrologic connection to jurisdictional waters of the U.S.
PUB-1	0.710	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).	PUB-1 is an artificially constructed pond likely utilized for cattle. PUB-1 is located entirely in the uplands with no downstream conveyance to jurisdictional waters of the U.S.
PUB-2	0.284	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).	PUB-2 is an artificially constructed pond likely utilized for cattle. PUB-1 is located entirely in the uplands with no downstream conveyance to jurisdictional waters of the U.S.

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: [Lentic and Lotic Waterbody and Wetland Delineation Study for Undeveloped 62 Acres MOL, Sequoyah County, OK](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)



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- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Wetland Delineation 5 March 2021, Google Earth & Digital Globe 1995-2020.](#)
- 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: [Web Soil Survey](#)
- USFWS NWI maps: [USFWS NWI Wetlands Mapper](#)
- USGS topographic maps: [USGS 7.5 Minute Gans, OK Quadrangle](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NHD
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: [N/A](#)