



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): 06-Jan-2021  
ORM Number: SWT-2020-00536  
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)  
Review Area Location<sup>1</sup>:  
State/Territory: OK City: near Nicoma Park County/Parish/Borough: Oklahoma County  
Center Coordinates of Review Area: Latitude 35.441082 Longitude -97.292688

**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

<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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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

**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-2020-00536-02	700 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 Choctaw Creek. This stream is the uppermost headwater portion within the review area, which is shown on provided photographs as not having a bed, bank or ordinary high water mark (OHWM) in this area. Upon review of several years of aerial imagery, no visible stream channel and water can be seen. Therefore, this unnamed tributary within the review area has been determined to exhibit ephemeral flow.
SWT-2020-536-01	2.38 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional	This on-channel pond is an impoundment of the ephemeral headwater stream within the review area. The pond was recently modified

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		water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	in aerial imagery dated January 2018, upon review of Google Earth Aerial Imagery. With the pond dam repaired, there is water visible in the pond, however, this feature is at the uppermost extent of the drainage area.
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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: *Clean Water Act, Section 404, Nationwide Permits #29 and #43, Preconstruction Notification (PCN), dated June 30, 2020.*

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, 2010-2018, site photos from agent, dated May 28, 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: *Title(s) and/or date(s).*

\_\_\_ USFWS NWI maps: *Title(s) and/or date(s).*

USGS topographic maps: *ORM Data accessed December 22, 2020.*

**Other data sources used to aid in this determination:**

<b>Data Source (select)</b>	<b>Name and/or date and other relevant information</b>
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.

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- B. Typical year assessment(s):** Based on the results of the tool, the site conditions were likely experiencing normal conditions leading up to the date of the site visit by the agent, which supports the lack of indicators visible in the site photos for flow greater than ephemeral hydrology.
- C. Additional comments to support AJD:** Within the review area contains a non-jurisdictional stream and an associated non-jurisdictional pond.

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