



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): 28-JUL-2020

ORM Number: SWT-2020-00215

Associated JDs: N/A

Review Area Location¹:

State/Territory: OK City: Watts County/Parish/Borough: Adair County

Center Coordinates of Review Area: Latitude 36.135016 Longitude -94.575881

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)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
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

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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
2020-00215, FS-1	605 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	FS-1 is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.
2020-00215, FS-2	1387 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	FS-2 is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.
2020-00215, FS-3	691 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	FS-3 is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.

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: *Blackshare Environmental Solutions, Wetland and Waterway Delineation, Associated with the Tri-Star Mine, Parts of the SE/4-SW/4 and SW/4-SE/4 in Section 7, Township 19N, Range 26E Adair County, Oklahoma, June 2019*

This information is sufficient for purposes of this AJD.

_____ Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

Photographs: *Google Earth Aerial Images, various dates (1994-2018)*

_____ Corps Site visit(s) conducted on: *Date(s)*.

_____ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.

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

USDA NRCS Soil Survey: *Web Soil Survey, accessed 28 Jul 2020*

USFWS NWI maps: *Wetlands Mapper, accessed 28 Jul 2020*

USGS topographic maps: *topoView, accessed 28 Jul 2020*

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 12 Jun 2019 and 13 Jun 2019, which are the dates Blackshare Environmental Solutions visited the site to conduct the delineation of wetlands and other waters, detailed within *Blackshare Environmental Solutions, Wetland and Waterway*

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Delineation, Associated with the Tri-Star Mine, Parts of the SE/4-SW/4 and SW/4-SE/4 in Section 7, Township 19N, Range 26E Adair County, Oklahoma, dated June 2019. The APT result for 12 Jun 2019 was a wetter than normal value of 17; and, the APT result for 13 Jun 2019 was a wetter than normal value of 18.

C. Additional comments to support AJD: *The Blackshare Environmental Solutions, Wetland and Waterway Delineation, Associated with the Tri-Star Mine, Parts of the SE/4-SW/4 and SW/4-SE/4 in Section 7, Township 19N, Range 26E Adair County, Oklahoma, dated June 2019, identifies the ephemeral flow regime of FS-1, FS-2, and FS-3.*

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