



**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): 6/2/2021

ORM Number: SWT-2020-00223

Associated JDs: N/A

Review Area Location¹: State/Territory: Oklahoma City: Broken Arrow County/Parish/Borough: Wagoner

Center Coordinates of Review Area: Latitude 36.0274 Longitude -95.7105

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
FS-3a	129	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	FS-3a is an intermittent, unnamed tributary to Adams Creek. FS-3a has been altered by prior earthwork.
FS-3b	126	linear feet	(a)(2) Intermittent tributary contributes	FS-3b is an intermittent, unnamed tributary to Adams Creek. FS-3b has been altered by prior

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
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	earthwork and channelized along the southern project boundary.
FS-3c	97	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	FS-3c is an intermittent, unnamed tributary to Adams Creek. FS-3b has been altered by prior earthwork and channelized along the southern project boundary.
N/A.	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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
FS-4	0.70	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	FS-4 is an emergent wetland inundated by flows from FS-3, intermittent stream, and receives stormwater runoff from ephemeral streams FS-1, FS-2, and FS-8. FS-4 was created during prior, unauthorized redistribution of fill within WOTUS.
FS-6	0.02	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	FS-6 is a scrub-shrub wetland inundated by flows from FS-3, an intermittent stream, and receives stormwater runoff from ephemeral streams FS-1, FS-2, and FS-8. FS-4 was created during prior, unauthorized redistribution of fill within WOTUS.
FS-11	1.49	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	FS-11 is an emergent/scrub-shrub wetland inundated by flows from FS-3, an intermittent stream, and receives stormwater runoff from ephemeral streams FS-9, and FS-10. FS-4 was created during prior, unauthorized redistribution of fill within WOTUS.

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
FS-1	169	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	FS-1 is an erosional feature exhibiting ephemeral flow.
FS-2	103	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	FS-2 is an erosional feature exhibiting ephemeral flow.
FS-5	0.06	acre(s)	(b)(1) Non-adjacent wetland.	FS-5 exhibits all characteristics of a forested wetland but lacks a hydrologic connection to a jurisdictional feature.
FS-7	0.01	acre(s)	(b)(1) Non-adjacent wetland.	FS-7 exhibits all characteristics of a forested wetland, but lacks a hydrologic connection to a jurisdictional feature.
FS-8	338	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	FS-8 is an ephemeral stream channel that contributes flow to FS-4 (emergent wetland) during and immediately following precipitation events.
FS-9	137	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	FS-9 is an ephemeral stream that contributes flow to FS-11 (emergent/scrub-shrub wetland) during and immediately following precipitation events.
FS-10	110	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	FS-10 is an ephemeral stream that contributes flow to FS-11 (emergent/scrub-shrub wetland) during and immediately following precipitation events.

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: [Wetland and Waterway Delineation Associated with the Ashbrook III Development](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other: Google Earth/Digital Globe 1995-2021 & Delineation](#)

Corps site visit(s) conducted on: [26 May 2021](#)

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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- 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, 1 June 2021](#)
- USFWS NWI maps: [NWI Wetlands Mapper, 1 June 2021](#)
- USGS topographic maps: [USGS 7.5 Minute Oneta, OK Quadrangle](#)

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: [This site has been heavily modified by unauthorized grading and excavation. Aerial imagery appears to show that this work took place in 2007/2008.](#)