



**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): 6/1/2021
 ORM Number: SWT-2020-00296
 Associated JDs: N/A
 Review Area Location¹: State/Territory: OK City: Bixby County/Parish/Borough: Tulsa
 Center Coordinates of Review Area: Latitude 35.923114 Longitude -95.948581

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: The review areas are located on a concrete parking area and a maintained grassed area, adjacent to the Arkansas River.
- 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
S4	2,500 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S4 is mapped as an intermittent stream on a topographic map. Additionally, S4 contains a well-defined OHMW and is evident in aerial photography. Therefore, S4 has been determined to contain no more than intermittent flow.

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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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
P3a	0.61	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	P3a is located approximately 50 linear feet from S4 and within the sinuosity of S4 and contains direct hydrologic connectivity to S4. Therefore, S3a has been determined to be an impoundment, which is inundated by S4 in a typical year.
P3b	0.25	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	P3b is within the same aquatic resource complex as P3a. Since P3a is located less than 100 linear feet from S4 and within the sinuosity of S4 and contains direct hydrologic connectivity to S4. Therefore, S3b has been determined to be an impoundment, which is inundated by S4 in a typical year.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
W7	0.007	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	W7 is located approximately 15 linear feet from S4. Therefore, W7 has been determined to be frequently flooded by an a(1)-a(3) water in a typical year.
W8	0.004	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	W8 is located approximately 15 linear feet from S4. Therefore, W8 has been determined to be frequently flooded by an a(1)-a(3) water in a typical year.
W9	0.013	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	W9 is located approximately 15 linear feet from S4. Therefore, W9 has been determined to be frequently flooded by an a(1)-a(3) water in a typical year.
W10	0.018	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	W10 is located approximately 5 linear feet from S4. Therefore, W10 has been determined to be frequently flooded by an a(1)-a(3) water in a typical year.
W11	0.433	acre(s)	(a)(4) Wetland inundated by flooding from an	W11 is located approximately 50 linear feet from S4. Therefore, W11 has been determined to be



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
			(a)(1)-(a)(3) water in a typical year.	frequently flooded by an a(1)-a(3) water in a typical year.
W12	0.154	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	W12 is located approximately 5 linear feet from S4. Therefore, W12 has been determined to be frequently flooded by an a(1)-a(3) water in a typical year.
W14	0.15	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	W14 is located approximately 10 linear feet from S4. Therefore, W14 has been determined to be frequently flooded by an a(1)-a(3) water in a typical year.
W15	3.14	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	W15 is located approximately 50 linear feet from S4. Therefore, W15 has been determined to be frequently flooded by an a(1)-a(3) water in a typical year.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
S1	487	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S1 is not mapped on a topographic map and is not evident on aerial photography. Therefore, S1 has been determined to contain no more than ephemeral flow.
W1	0.087	acre(s)	(b)(1) Non-adjacent wetland.	W1 is located near S1. Since S1 is an ephemeral stream and W1 is not inundated by or abutting an a(1)-a(3) waters, W1 has been determined to not meet the definition of adjacent.
W2	0.037	acre(s)	(b)(1) Non-adjacent wetland.	W2 directly abuts S1. However, S1 is an ephemeral stream and W2 is not inundated by or abutting an a(1)-a(3) waters, W2 has been determined to not meet the definition of adjacent.
S3a	184	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S3a is mapped as an intermittent stream on a topographic map. However, during the site visit, the OHWM of S3a was observed to be not well defined and was often absent. Therefore,

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
				S3a was determined to contain no more than ephemeral flow.
P1	0.001	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	P1 is mapped on a topographic map as an impoundment of S3a. However, since S3a has a discontinuous OHWM contains no more than ephemeral flow, P1 has been determined to have been constructed on an ephemeral stream, which is not a jurisdictional water.
W4	0.02	acre(s)	(b)(1) Non-adjacent wetland.	W4 is located near S3 and P1. Since S3 and P1 are not jurisdictional waters. W4 has been determined not to meet the definition of adjacent.
S3	2,325	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S3 and the wetlands within the channel are mapped as an intermittent stream on a topographic map. However, during the site visit, the OHWM of S3 was observed to be not be well defined and was often absent. Therefore, S3 was determined to contain no more than ephemeral flow.
S2	111	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S2 is not mapped on a topographic map and is not evident on aerial photography. Therefore, S2 has been determined to contain no more than ephemeral flow.
P2	0.845	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).	P2 is mapped on a topographic map as pond that is not an impoundment of an aquatic resource. Therefore, P2 has been determined to have been constructed in the uplands.
S5	116	linear feet	(b)(3) Ephemeral feature, including an ephemeral	S5 is not mapped on a topographic map and is not evident on aerial photography. Therefore, S5



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		stream, swale, gully, rill, or pool.	has been determined to contain no more than ephemeral flow.
S6	52	linear feet (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S6 is not mapped on a topographic map and is not evident on aerial photography. Therefore, S6 has been determined to contain no more than ephemeral flow.
S7	61	linear feet (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S7 is not mapped on a topographic map and is not evident on aerial photography. Therefore, S7 has been determined to contain no more than ephemeral flow.
S8	156	linear feet (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S8 is not mapped on a topographic map and is not evident on aerial photography. Therefore, S8 has been determined to contain no more than ephemeral flow.
S9	17	linear feet (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S9 is not mapped on a topographic map and is not evident on aerial photography. Therefore, S9 has been determined to contain no more than ephemeral flow.
S10	28	linear feet (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S10 is not mapped on a topographic map and is not evident on aerial photography. Therefore, S10 has been determined to contain no more than ephemeral flow.
S11	22	linear feet (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S11 is not mapped on a topographic map and is not evident on aerial photography. Therefore, S11 has been determined to contain no more than ephemeral flow.
S12	738	linear feet (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S12 is not mapped on a topographic map and is not evident on aerial photography. Therefore, S12 has been determined to contain no more than ephemeral flow.
S13	777	linear feet (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S13 is not mapped on a topographic map and is not evident on aerial photography. Therefore, S13 has been determined to contain no more than ephemeral flow.
W17	0.022	acre(s) (b)(1) Non-adjacent wetland.	W17 is located near S12. Since S12 is an ephemeral stream and W17 is not inundated by or abutting an a(1)-a(3) waters, W17 has been determined to not meet the definition of adjacent.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
W18	0.16	acre(s)	(b)(1) Non-adjacent wetland.	W18 directly abuts S13. Since S13 is an ephemeral stream and W18 is not inundated by or abutting an a(1)-a(3) waters, W1 has been determined to not meet the definition of adjacent.
S14	468	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S14 is not mapped on a topographic map and is not evident on aerial photography. Therefore, S14 has been determined to contain no more than ephemeral flow.
W19a	519	acre(s)	(b)(1) Non-adjacent wetland.	W19a directly abuts S13. Since S13 is an ephemeral stream and W19a is not inundated by or abutting an a(1)-a(3) waters, W19a has been determined to not meet the definition of adjacent.
W19b	0.032	acre(s)	(b)(1) Non-adjacent wetland.	W19b is located near S13 and W19a. Since W19b does is not inundated by or abutting an a(1)-a(3) waters, W19b has been determined to not meet the definition of adjacent.
W20	0.011	acre(s)	(b)(1) Non-adjacent wetland.	Since W20 does not have any connectivity to downstream aquatic resources and is not inundated by or abutting an a(1)-a(3) waters, W20 has been determined to not meet the definition of adjacent.
W21	0.078	acre(s)	(b)(1) Non-adjacent wetland.	W21 is located near P4 with no hydrologic connection to downstream waters and is not inundated by or abutting an a(1) -a(3) waters, W21 has been determined to not meet the definition of adjacent.
W22	0.040	acre(s)	(b)(1) Non-adjacent wetland.	W22 is located near P4 with no hydrologic connection to downstream waters and is not inundated by or abutting an a(1)-a(3) waters, W22 has been determined to not meet the definition of adjacent.
P4	0388	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).	P4 is mapped on a topographic map as pond. Although P4 is directly hydrologically connected to S15, S15 is not mapped on topographic map and has been determined to contain no more than ephemeral flow. Therefore, P4 has been determined to be constructed in the uplands.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
S15	515	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S15 is not mapped on a topographic map and is not evident on aerial photography. Therefore, S15 has been determined to contain no more than ephemeral flow.
W25	0.038	acre(s)	(b)(1) Non-adjacent wetland.	W25 directly abuts S16. Since S16 is an ephemeral stream and W25 is not inundated by or abutting an a(1)-a(3) waters, W25 has been determined to not meet the definition of adjacent.
S16	589	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S16 is not mapped on a topographic map and is not evident on aerial photography. Therefore, S16 has been determined to contain no more than ephemeral flow.
P5	0.686	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).	P5 is mapped on a topographic map as pond that is not an impoundment of an aquatic resource. Therefore, P5 has been determined to have been constructed in the uplands.
W27	0.054	acre(s)	(b)(1) Non-adjacent wetland.	W27 is not located near other aquatic resources, with no hydrologic connection to downstream waters. W27 is not inundated by or abutting an a(1) -a(3) waters. Therefore, W27 has been determined to not meet the definition of adjacent.

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: ["Section 404 Delineaton, Easton Estates Development, Tulsa County"](#), Oklahoma, dated July 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: [Aerial: Google Earth November 2020](#)

Corps site visit(s) conducted on:

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\(s\)](#).



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- USFWS NWI maps: [ORM II](#)
- USGS topographic maps: [ORM II](#)

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): [The APT shows that the site was within drier than normal conditions on June 30, 2020, during the field work.](#)

C. Additional comments to support AJD: [Since the APT shows that the site was in the dry season within drier than normal conditions and S4 contained water and indications of OHWM, S4 is determined to contain no less than intermittent flow. P3a and P3b contained water, evidence for OHWM, and directly abuts W15. Since W15 contained all three indicators of a wetland and was located 50 linear feet from S4, an a\(3\) water, W15 has been determined to be an adjacent wetland to S4 via inundation by flooding from S4 in a typical year. Since W7, W8, W9, W10, W11, W12, and W14 contained all three indicators of wetlands and are located as close as 5 feet from S4, an a\(3\) water, W7, W8, W9, W10, W11, W12, and W14 have been determined to be an adjacent wetland to S4 via inundation by flooding from S4 in a typical year.](#)