



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): 20-MAY-2021

ORM Number: SWT-2020-00331

Associated JDs: N/A

Review Area Location¹:

State/Territory: OK City: Bixby County/Parish/Borough: Tulsa County

Center Coordinates of Review Area: Latitude 35.90416 Longitude -95.925163

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

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
2020-00331, FS-1.1	0.1 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2020), supports that FS-1.1 does not meet the definition of "adjacent wetlands". FS-1.1 has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
2020-00331, FS-1.2	0.0014 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2020), supports that FS-1.2 does not meet the definition of "adjacent wetlands". FS-1.2 has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
2020-00331, FS-1.3	0.03 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2020), supports that FS-1.3 does not meet the definition of "adjacent wetlands". FS-1.3 has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
2020-00331, FS-2.1	0.02 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2020), supports that FS-2.1 does not meet the definition of "adjacent wetlands". FS-2.1 has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
2020-00331, FS-2.2	0.05 acres	(b)(1) Non-adjacent wetland	Evaluation of APT results, the Eagle Environmental Consulting delineation report, USGS topographic maps, and Google Earth aerial imagery (1995-2020), supports that FS-2.2 does not meet the definition of "adjacent wetlands". FS-2.2 has no direct hydrologic surface connection to any jurisdictional waters. The wetland is not inundated by flooding from a jurisdictional water in a typical year. The lack of surface connection is not due

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			to a natural barrier (e.g. natural berm or bank) or by an artificial structure.
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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: Eagle Environmental Consulting, *Waters of the United States Delineation, Magnolia Heights Residential Development, Bixby, Tulsa County, Oklahoma*

This information is sufficient for purposes of this AJD.

_____ Data sheets prepared by the Corps:

Photographs: Google Earth aerial imagery (1995-2020)

_____ Corps Site visit(s) conducted on:

_____ Previous Jurisdictional Determinations (AJDs or PJDs):

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

_____ USDA NRCS Soil Survey:

USFWS NWI maps: Wetlands Mapper

USGS topographic maps: Bixby, OK, 1:24,000 (1957); Bixby, OK, 1:24,000 (2018)

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 July 13, 2020, coinciding with the Eagle Environmental Consulting delineation report site visit; the results indicate that conditions were normal during this time. Evaluation of these APT results and the Eagle Environmental Consulting delineation report, supports that the conditions, described by Eagle Environmental Consulting, were not the result of abnormally dry conditions.

C. Additional comments to support AJD: This approved jurisdictional determination is in concurrence with the referenced Eagle Environmental Consulting delineation report.

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