



**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): 6/26/2020
 ORM Number: SWT-2020-382
 Associated JDs: SWT-2020-382
 Review Area Location¹: State/Territory: Oklahoma City: Pawhuska County/Parish/Borough: Osage Co.
 Center Coordinates of Review Area: Latitude 36.6765 Longitude -96.3195

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 man-made upland drainage ditch is currently present on site which appears to convey sheet flow through the property. No natural stream channels are identified on the 7.5 min USGS topographic map. The aerial imagery of the site indicates a man-made trapezoidal ditch was constructed in the uplands around August 2003. Google Earth Pro did not indicate wetland features and also shows a grass lined ditch.
- 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

| FA§ 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 |
| N/A. | 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 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 | |
| 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)): ⁴ | | | | |
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination | |
| Man-made (ditch) drainage channel | 592 linear feet | (b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1). | Channel not associated with waters of the US, is a grass-lined ditch, and is ephemeral. | |

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: [Figures 1-5, Eagle Environmental Consulting.](#)

This information [Select.](#) 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: [Select. Title\(s\) and/or date\(s\).](#)

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: [2018 overlay](#)

USGS topographic maps: [Google Earth Pro and ORM Database Mapping Features](#)

Other data sources used to aid in this determination:

| | |
|------------------------------|--|
| Data Source (select) | Name and/or date and other relevant information |
| USGS Sources | Pawhuska 7.5 min topographic map |
| USDA Sources | N/A. |

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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| Data Source (select) | Name and/or date and other relevant information |
|---|---|
| NOAA Sources | N/A. |
| USACE Sources | ORM Databases Mapping tools |
| State/Local/Tribal Sources | N/A. |
| Other information (specify) | Google Earth Pro - Aerial Imagery |

B. Typical year assessment(s): [Mesonet and Oklahoma Climatological Survey](#) the annual rainfall is approximately 45 inches. [Mesonet](#) indicates current rainfall for the year is approximately 20 inches at the location. Rainfall appears to be a normal to semi dry year.

C. Additional comments to support AJD: [N/A](#) or provide additional discussion as appropriate.