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): 11-JAN-2021
ORM Number: SWT-2020-00391
Associated JDs: SWT-2011-00125
Review Area Location[1]:
State/Territory: Oklahoma City: Mill Creek County/Parish/Borough: Johnston County
Center Coordinates of Review Area: Latitude 34.454288 Longitude -96.840853

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
FS-01b	3324 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-01b is intermittent and contributes surface water flow to the Washita River in a typical year. FS-01b is a tributary of FS-03; FS-03 flows via an unnamed tributary and Mill Creek Watershed Site 15 Reservoir to Mill Creek. Mill Creek is a tributary to the Washita River. South of Ravia, Oklahoma, the Washita River becomes a navigable water subject to Section 10 of the Rivers and Harbors Act of 1899.

[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.

FS-02b	1299 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-02b is intermittent and contributes surface water flow to the Washita River in a typical year. FS-02b is a tributary of FS-03; FS-03 flows via an unnamed tributary and Mill Creek Watershed Site 15 Reservoir to Mill Creek. Mill Creek is a tributary to the Washita River. South of Ravia, Oklahoma, the Washita River becomes a navigable water subject to Section 10 of the Rivers and Harbors Act of 1899.
FS-03	4351 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-03 is intermittent and contributes surface water flow to the Washita River in a typical year. FS-03 flows via an unnamed tributary and Mill Creek Watershed Site 15 Reservoir to Mill Creek. Mill Creek is a tributary to the Washita River. South of Ravia, Oklahoma, the Washita River becomes a navigable water subject to Section 10 of the Rivers and Harbors Act of 1899.
FS-06	1020 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-06 is intermittent and contributes surface water flow to the Washita River in a typical year. FS-06 flows via an unnamed tributary and Mill Creek Watershed Site 15 Reservoir to Mill Creek. Mill Creek is a tributary to the Washita River. South of Ravia, Oklahoma, the Washita River becomes a navigable water subject to Section 10 of the Rivers and Harbors Act of 1899.

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
PUBHh-3	0.17 acres	(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	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUBHh-3 is intermittent (spring-fed) and contributes surface water flow to the Washita River in a typical year. PUBHh-3 flows to FS-01b, which is a tributary of FS-03; FS-03 flows via an unnamed tributary and Mill Creek Watershed Site 15 Reservoir to Mill Creek. Mill Creek is a tributary to the Washita River. South of Ravia, Oklahoma, the Washita River becomes a navigable water subject to Section 10 of the Rivers and Harbors Act of 1899.

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PUBHh-7	0.1 acres	(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	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUBHh-7 was excavated within intermittent stream channel (FS-06) and contributes surface water flow to the Washita River in a typical year. FS-06 flows via an unnamed tributary and Mill Creek Watershed Site 15 Reservoir to Mill Creek. Mill Creek is a tributary to the Washita River. South of Ravia, Oklahoma, the Washita River becomes a navigable water subject to Section 10 of the Rivers and Harbors Act of 1899.

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
PFO1A-1	1.37 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PFO1A-1 is separated from intermittent stream FS-01b by a natural, small topographic rise; and, FS-01b contributes surface water flow to the Washita River in a typical year. FS-01b is a tributary of FS-03; FS-03 flows via an unnamed tributary and Mill Creek Watershed Site 15 Reservoir to Mill Creek. Mill Creek is a tributary to the Washita River. South of Ravia, Oklahoma, the Washita River becomes a navigable water subject to Section 10 of the Rivers and Harbors Act of 1899.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))[4]:

Exclusion Name	Exclusion Size	Exclusion[5]	Rationale for Exclusion Determination
FS-01a	929 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-01a is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.
FS-02a	2278 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-02a is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.
FS-04	2671 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports

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			that FS-04 is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.
FS-05	1375 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that FS-05 is an ephemeral feature which experiences surface water flowing or pooling only in direct response to precipitation.
PUBHh-1	0.44 acres	(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)	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUBHh-1 is not an impoundment of a jurisdictional water.
PUBHh-10	0.19 acres	(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)	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUBHh-10 is not an impoundment of a jurisdictional water.
PUBHh-11	0.12 acres	(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)	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUBHh-11 is not an impoundment of a jurisdictional water.
PUBHh-12	0.1 acres	(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)	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUBHh-12 is not an impoundment of a jurisdictional water.
PUBHh-13	0.19 acres	(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)	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUBHh-13 is not an impoundment of a jurisdictional water.
PUBHh-14	0.67 acres	(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)	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUBHh-14 is not an impoundment of a jurisdictional water.
PUBHh-15	0.11 acres	(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)	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUBHh-15 is not an impoundment of a jurisdictional water.

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PUBHh-16	0.1 acres	(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)	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUBHh-16 is not an impoundment of a jurisdictional water.
PUBHh-2	0.2 acres	(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)	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUBHh-2 is not an impoundment of a jurisdictional water.
PUBHh-4	0.17 acres	(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)	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUBHh-4 is not an impoundment of a jurisdictional water.
PUBHh-5	0.29 acres	(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)	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUBHh-5 is not an impoundment of a jurisdictional water.
PUBHh-6	0.1 acres	(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)	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUBHh-6 is not an impoundment of a jurisdictional water.
PUBHh-8	0.31 acres	(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)	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUBHh-8 is not an impoundment of a jurisdictional water.
PUBHh-9	0.46 acres	(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)	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUBHh-9 is not an impoundment of a jurisdictional water.
PUSCh-1	0.1 acres	(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)	Evaluation of APT results, the CC Environmental, LLC, wetland and waterway delineation report, jurisdictional determination field review, USGS topographic maps, and Google Earth aerial imagery (1995-2019), supports that PUSCh-1 is not an impoundment of a jurisdictional water.

III. SUPPORTING INFORMATION

[1] Map(s)/Figure(s) are attached to the AJD provided to the requestor.
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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.

_x_ Information submitted by, or on behalf of, the applicant/consultant: CC Environmental, LLC, *Potential Jurisdictional Waters and Wetlands Evaluation*, dated June 2020; CC Environmental, LLC, *Jurisdictional Determination Field Review Summary*, dated September 16, 2020.
This information *is* sufficient for purposes of this AJD.
___ Data sheets prepared by the Corps:
_x_ Photographs: Google Earth aerial imagery (1995-2019)
_x_ Corps Site visit(s) conducted on: August 28, 2020
_x_ Previous Jurisdictional Determinations (AJDs or PJDs): SWT-2011-00125
_x_ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
___ USDA NRCS Soil Survey:
___ USFWS NWI maps:
_x_ USGS topographic maps: 1:24,000, Mill Creek, Oklahoma (1963)

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 August 28, 2020, coinciding with the jurisdictional determination field review; the result was a normal value of 11. This APT result supports that the observations of the jurisdictional determination field review occurred during normal conditions and that the conclusions discussed above are characteristic of a typical year.

C. Additional comments to support AJD: The waters discussed above are depicted on the Field Reconnaissance Map included within the Jurisdictional Determination Field Review Summary.

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