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): 8/11/2020
ORM Number: SWT-2020-00407
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE).
Review Area Location[1]: State/Territory: Oklahoma City: Catoosa County/Parish/Borough: Wagoner
Center Coordinates of Review Area: Latitude 36.154928° Longitude -95.708555°

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
WW-7	1670	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	WW-7 contributes direct surface flow to Salt Creek which flows into the Verdigris River an (a)(1) water in a typical year.
WW-11	1700	linear feet	(a)(2) Intermittent tributary contributes	WW-11 contributes direct surface flow through (WM-1), an emergent wetland, to Salt Creek which flows

[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.

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.	into the Verdigris River an (a)(1) water in a typical year.
WW-12	1510	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	WW-12 is an unnamed tributary of Salt Creek that contributes indirect flow to the Verdigris River an (a)(1) water.
WW-13	3960	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	WW-13 is an unnamed tributary of Salt Creek that contributes indirect flow to the Verdigris River an (a)(1) water.
WW-15	2305	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	WW-15 is an unnamed tributary of Salt Creek that contributes indirect flow to the Verdigris River an (a)(1) water.

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
I-6	0.65	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.	I-6 receives flow from WW-7, an intermittent (a)(2) stream channel and contributes flow downstream to Salt Creek off site.
I-8	0.53	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or	I-8 receives flow from WW-7, an intermittent (a)(2) stream channel and contributes flow downstream to Salt Creek off site.

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
			indirectly to an (a)(1) water in a typical year.	
I-9	0.29	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.	I-9 receives flow from WW-7, an intermittent (a)(2) stream channel and contributes flow downstream to Salt Creek off site.
I-11	0.50	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.	I-11 is located on channel of WW-15, an intermittent (a)(2) stream channel and contributes flow downstream through an unnamed tributary to Salt Creek off site.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
WM-1	18.1	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WW-1 flows through WM-1 which directly abuts an intermittent stream channel that contributes direct flow to Salt Creek which flows into the Verdigris River, an (a)(1) water.
W-2	0.10	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W-2 is located on channel of WW-13, an intermittent stream channel.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
WW-1	300	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	WW-1 does not contribute surface water flow directly or indirectly to an (a)(1) water and only flows in direct response to precipitation into a non-jurisdictional impoundment (I-1).

[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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
WW-2	1100	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WW-2 is an upland gulley that contributes surface water flow to MP-3, a non-jurisdictional mining pit only in direct response to precipitation.
WW-3	605	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	WW-3 does not contribute surface water flow directly or indirectly to an (a)(1) water and only flows in direct response to precipitation into a non-jurisdictional impoundment (I-2).
WW-4	1580	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	WW-4 does not contribute surface water flow directly or indirectly to an (a)(1) water. WW-4 flows in direct response from precipitation from impoundment (I-2) into mining pit (MP-2).
WW-5	980	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	WW-5 does not contribute surface water flow directly or indirectly to an (a)(1) water. WW-5 flows into a WW-4, a (b)(1) surface water channel.
WW-6	1580	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WW-6 is a deep valley that contributes surface water flow downstream only in direct response to precipitation.
WW-8	1280	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).	WW-8 is a roadside ditch.
WW-9	1000	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and	WW-9 is a roadside ditch.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	
WW-10	570	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	WW-10 is a surface water channel that contributes flow to impoundment (I-10) which does not contribute flow directly or indirectly to an (a)(1) water in a typical year. The downstream bank of the impoundment is topographically higher with no outflow which in turn discontinues flow.
WW-14	1310	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	WW-14 is an upland drainage channel that lacks connectivity to a jurisdictional water of the U.S.
W-1	0.24	acre(s)	(b)(1) Non-adjacent wetland.	W-1 is an isolated feature with no connectivity to a jurisdictional water of the U.S.
I-1	0.21	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This impoundment is located entirely in the uplands and lacks a direct or indirect surface connection to a downstream (a)(1) water.
I-2	2.37	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3)	This impoundment is located entirely in the uplands and lacks a direct or indirect surface connection to a downstream (a)(1) water.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			water in a typical year.	
I-3	4.26	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This impoundment is located entirely in the uplands and lacks a direct or indirect surface connection to a downstream (a)(1) water.
I-4	0.67	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This impoundment exhibited connectivity to I-5, but lacks a direct or indirect surface connection to a downstream (a)(1) water.
I-5	0.44	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	I-5 lacks a direct or indirect surface water connection to a downstream (a)(1) water.
I-7	0.21	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3)	I-7 lacks a direct or indirect surface water connection to a downstream (a)(1) water.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			water in a typical year.	
I-10	0.48	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	I-10 lacks a direct or indirect surface water connection to a downstream (a)(1) water.
MP-1	15.50	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.	MP-1 is a mining pit excavated in the uplands not located on channel of a jurisdictional water.
MP-2	6.83	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.	MP-2 is a mining pit excavated in the uplands not located on channel of a jurisdictional water.
MP-3	10.40	acre(s)	(b)(9) Water-filled depression constructed/excavated in	MP-3 is a mining pit excavated in the uplands not located on channel of a jurisdictional water.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	
MP-4	10.80	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.	MP-4 is a mining pit excavated in the uplands not located on channel of a jurisdictional water.
MP-5	1.27	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.	MP-5 is a mining pit excavated in the uplands not located on channel of a jurisdictional water.

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: Beacon Environmental Wetland and Waterway Investigation – June 2020

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 1995-2020 & Wetland Delineation
- ☒ Corps site visit(s) conducted on: 21 July, 2020
- ☐ 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: USDA Web Soil Survey, 13 July 2020
- ☒ USFWS NWI maps: USFWS NWI Map, 27 July 2020
- ☒ USGS topographic maps: USGS 7.5 Minute Catoosa, OK Quadrangle

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS 8, 10, 12 digit HUC maps	110701050301; Newt-Graham Lake – Verdigris River
USDA Sources	Web Soil Survey
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: N/A