



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): 19-NOV-2020

ORM Number: SWT-2020-00409

Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)

Review Area Location¹:

State/Territory: OK City: Hulbert County/Parish/Borough: Cherokee County
Center Coordinates of Review Area: Latitude 35.929918 Longitude -95.154105

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
SWT-2020-409 Stream 10	1.7 acres	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The channel is associated with waters of the US.
SWT-2020-409 Stream 9	0.262 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The channel is associated with waters of the US.
SWT-2020-409 Stream FS-1	0.259 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The channel is associated with waters of the US.

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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SWT-2020-409 Stream FS-2	0.413 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The channel is associated with waters of the US.
SWT-2020-409 Stream FS-4	0.032 acres	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The channel is associated with waters of the US.

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
SWT-2020-409 Wetland 4 (FS-11)	0.146 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is associated with waters of the US.
SWT-2020-409 Wetland FS-3	0.016 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland is connected to channel is associated with waters of the US.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
SWT-2020-409 Stream 12	0.104 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral.
SWT-2020-409 Stream 13	0.104 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral.
SWT-2020-409 Stream 8	0.03 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral.
SWT-2020-409 Stream FS-6	0.032 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The channel is associated with not waters of the US, is a grass-lined ditch, and is ephemeral.
SWT-2020-409 Wetland 2 (FS-5)	0.03 acres	(b)(1) Non-adjacent wetland	The wetland area is not associated with waters of the US, and separate upland not associated with a grass-lined ditch.
SWT-2020-409 Wetland 3 (FS-7) Wastewater Treatment	0.94 acres	(b)(11) Groundwater recharge, water reuse, or a wastewater recycling structure constructed or excavated in upland or in a non-jurisdictional water	There is a berm around the wastewater treatment facility. The wetlands are only here because the wastewater facility has closed and been abandoned. The facility has been constructed in the upland but in the floodplain of the Double Spring Creek.
SWT-2020-409 Wetland 5 (FS-14)	1.18 acres	(b)(1) Non-adjacent wetland	The wetland area is not associated with waters of the US, and separate upland not associated with a grass-lined ditch.

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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: *Title(s) and date(s)*.
 This information (*is/is not/is and is not*) 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: (*NA, aerial, other, aerial and other*) *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: *Title(s) and/or date(s)*.
- USGS topographic maps: *Title(s) and/or date(s)*.

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): N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.

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