



**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): 11/5/2020

ORM Number: SWT-2020-00431

Associated JDs: N/A

Review Area Location¹: State/Territory: Oklahoma City: Enter. County/Parish/Borough: Oklahoma

Center Coordinates of Review Area: Latitude 35.37965 Longitude -97.48776

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
- 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
R4SB-1	119 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Indicated on USGS Topographic Map as an intermittent stream. The unnamed tributary of Crooked Oak Creek flows into Crooked Oak Creek, which is a tributary of the North Canadian River (navigable water). R4SB-1 has been altered in the past from its original alignment from previous anthropogenic activities. Information provided by the applicant’s consultant indicated the stream channel within the review area was dry during site delineation but covered by hydrophytic vegetation.

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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
PEM1-1	0.074 acre(s)		a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Exhibited hydric soils, hydrophytic vegetation, and indicators of hydrology according to the USACE 1987 Wetland Delineation Manual and associated Great Plains Regional Supplement. The wetland abuts the headwater of the unnamed tributary of Crooked Oak Creek (R4SB-1).
PEM1-2	0.105 acre(s)		a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Exhibited hydric soils, hydrophytic vegetation, and indicators of hydrology according to the USACE 1987 Wetland Delineation Manual and associated Great Plains Regional Supplement. The wetland abuts the headwater of the unnamed tributary of Crooked Oak Creek (R4SB-1).
PFO1-1	0.065 acre(s)		(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Exhibited hydric soils, hydrophytic vegetation, and indicators of hydrology according to the USACE 1987 Wetland Delineation Manual and associated Great Plains Regional Supplement. The wetland abuts the headwater of the unnamed tributary of Crooked Oak Creek (R4SB-1).
N/A.	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
EDF-1	969	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is indicated as intermittent on the USGS Topographic Map and depicted as the immediate upper headwater of the unnamed tributary of Crooked Oak Creek. It has been altered from the original alignment by past anthropogenic activities according to satellite imagery. It appears to only flow during and/or immediately after precipitation events according to satellite imagery, the landscape position, and the information documentation submitted on behalf of the applicant during a typical year (see supporting information section).

III. SUPPORTING INFORMATION

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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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: [Lentic and Lotic Waterbody and Wetland Delineation Study, dated August 4, 2020.](#)

This information **is** sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other: Google Earth and photographs in the referenced delineation study](#)

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: [Online mapper accessed November 2, 2020](#)

USGS topographic maps: [1:24K Quad Midwest City](#)

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): [The Antecedent Precipitation Tool indicated the season as dry and antecedent condition calculation within normal conditions for the observation date of 23 July 2019. This date corresponds with the field investigation date in the report submitted by the applicant's consultant. Additionally, the drought index indicated extreme wetness and the observation date was below 30 year normal range for rainfall in inches with June and May 2019 above this range.](#)

C. Additional comments to support AJD: [The review area is approximately 27 acres and the surrounding landuse is primarily commercial and industrial development.](#)