



**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): 11/16/2020

ORM Number: SWT-2020-00531

Associated JDs: N/A

Review Area Location¹: State/Territory: OK City: Welch County/Parish/Borough: Craig

Center Coordinates of Review Area: Latitude 36.970379 Longitude -95.354523

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
Stream 1	827.7	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
Stream 2	141.3	linear feet	(a)(2) Intermittent tributary contributes

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

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.	photographs. Therefore, the stream has been determined to be a jurisdictional intermittent stream.
Stream 3	1,129.3	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The unnamed stream is mapped as an intermittent stream on USGS topographic maps. Additionally, the stream exhibits flow on all available aerial photographs. Therefore, the stream has been determined to be a jurisdictional intermittent stream.
Stream 4	326.5	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The unnamed stream is mapped as an intermittent stream on USGS topographic maps. Additionally, the stream exhibits flow on all available aerial photographs. Therefore, the stream has been determined to be a jurisdictional intermittent stream.
Stream 5	674.3	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The unnamed stream is mapped as an intermittent stream on USGS topographic maps. Additionally, the stream exhibits flow on all available aerial photographs. Therefore, the stream has been determined to be a jurisdictional intermittent stream.

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
Wetland 1	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 1 directly butts Stream 5 (jurisdictional intermittent stream). Therefore, Wetland 1 has been determined to be a jurisdictional wetland.

D. Excluded Waters or Features



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Pond 1	N/A.	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.
			Pond 1 was not found to have a hydrologic connection to downstream waters and, due to the bank height of the nearby streams and Pond 1, inundation by flooding was found not to occur within a typical year.

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: [Waters and Wetlands Evaluation Report for J/P Number 28530\(04\), NS-429 Road, Big Creek, Dated September 3, 2014 and SWT-2020531 NS-429 over Big Creek, August 2020 Field Verification.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The requestor submitted a delineation dated September 3, 2014 and reverification dated August 14, 2020. Both the delineation and verification contain reflect the information found using desktop tools and appears to be sufficient to complete an AJD.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial: Google Earth Full Color Aerials \(2003, 2005, 2006, 2008, 2010, 2011, 2013, 2015\).](#)
- Corps site visit(s) conducted on: [November 12, 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: [Title\(s\) and/or date\(s\).](#)
- USFWS NWI maps: <https://www.fws.gov/wetlands/data/mapper.html>
- USGS topographic maps: [7.5-minute USGS topographic map, Vinita, OK](#)

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.

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Data Source (select)	Name and/or date and other relevant information
Other Sources	N/A

B. Typical year assessment(s): The APT shows that the site conditions were normal for site visits on 9-3-2014, 8-4-2020, and 11-12-2020. In photos from the site visits, the streams are shown to exhibit flow or a lack of flow that would be expected of the site during normal conditions. Streams 1, 2, 3, 4, and 5 have been determined to exhibit intermittent flow and are jurisdictional. Streams 1, 2, 3, 4, and 5 have been determined to exhibit intermittent flow and are jurisdictional. Additionally, the delineation did not identify a hydrologic connection between Pond 1 and Stream 3. During the site visit on 11-12-2020, the lack of hydrologic connection was confirmed. Additionally, banks of Pond 1 and Stream 3 were found to have been too high for Pond 1 to be inundated by flooding during a typical year. Pond 1 is determined not to be jurisdictional.

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