



**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): 12/8/2020

ORM Number: SWT-2020-00550

Associated JDs: N/A

Review Area Location¹: State/Territory: OK City: Tecumseh County/Parish/Borough: Pottawatomie

Center Coordinates of Review Area: Latitude 35.297153 Longitude -96.929483

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	N/A.	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			Stream 1 is mapped on NWI and NHD maps, and on USGS topographic maps as an intermittent stream. The stream exhibits defined boundaries on all years of available aerial photography and water within the channel has been identified on aerial photography dated March 9, 2014, March 16, 2019, April 1, 2019, and April 21, 2020.

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	
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	
N/A	N/A.	N/A.	N/A.	N/A.

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 **Select.** 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: Digital Globe (4-1-2019 and 4-21-2020) and Google Earth (3-29-2014, 3-1-2017)**
- Corps site visit(s) conducted on: **December 1, 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 USGA topographic map, 1:24,000, Shawnee, 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.
Other Sources	N/A.

B. Typical year assessment(s): The APT indicates that the site conditions were within the 30 year normal range during the site visit on December 1, 2020 and on the dates of the aerials, which show water within the stream channel (March 29, 2014, March 1, 2017, April 1, 2019, and April 21, 2020).

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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- C. Additional comments to support AJD:** During the site visit on December 1, 2020, Stream 1 was found to have a defined bed and banks, indications of OHWM, and standing water within the onsite, upstream, and downstream channels. Additionally, Stream 1 was found to have been previously cleared of trees and is currently being maintained through mowing. The tree removal and maintenance was found to have caused bank erosion, resulting in portions of the stream banks to slough off and cause blockages, restricting stream flow. Further, upstream portions of the stream were found not to have had tree removal, resulting in stable and well defined stream bed and banks. Water was present during the site visit and is identifiable in aerials dated on March 29, 2014, March 1, 2017, April 1, 2019, and April 21, 2020, which indicates seasonal and predictable flow.
- Since Stream 1 is mapped on NWI, NHD, USGS topographic maps (identified as an intermittent stream), is identifiable on aerial photographs with predictable presence of water and defined boundaries, and was found to contain water during the site visit and within a normal 30 year period, Stream 1 has been determined to be an intermittent stream and jurisdictional pursuant to Section 404 of the Clean Water Act.