



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): 06-APR-2021

ORM Number: SWT-2020-00630

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: OK City: Oklahoma City County/Parish/Borough: Canadian County

Center Coordinates of Review Area: Latitude 35.576646 Longitude -97.740541

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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
N/A	N/A	N/A	N/A

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
N/A	N/A	N/A	N/A

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide and 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
SWT-2020-630-01	2322 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This stream channel is depicted on the USGS Topographic map as an intermittent tributary of Spring Creek. This stream is the headwater within the review area of this tributary. This stream is the uppermost headwater within the review area, which is shown on site photographs as having a bed, bank and ordinary high water mark, and water was present within the channel but was not flowing. This stream has an approximately 65-acre drainage area. The soils are best characterized as silt loam and well drained soils, no hydric soils are in the review area. Based on the best available data and an on-site visit, this stream is best characterized as ephemeral in nature during a typical year of rainfall.
SWT-2020-630-02	1140 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)	The ditch was constructed in the uplands and drains into the ephemeral stream within the review area. This ditch is at the upper extent of the drainage area of the review area. This feature exhibits ephemeral flow.
SWT-2020-630-03	1000 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)	The ditch was constructed in the uplands and drains into the ephemeral stream within the review area. This ditch was dry during the site visit. This feature exhibits ephemeral flow.

**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: Request for Jurisdictional Determination, dated November 2, 2020.

This information *is and is not* sufficient for purposes of this AJD.

Rationale: *The only issue is that I do not concur with the report that the USGS Topographic mapped stream exhibits intermittent flow, I have stated above that it was determined as having ephemeral flow.*

Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: Google Earth Data, September 24, 2020. Site photos dated March 31, 2021.

Corps Site visit(s) conducted on: March 31, 2021.

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: Agent provided data, November 2, 2020.

USFWS NWI maps: Agent provided data, November 2, 2020.

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\_\_\_ 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):** Based on the Antecedent Precipitation tool, the site was exhibiting dryer than normal conditions during the site visit. Based on the average rainfall data compared to recent recorded rainfall data, the site has been somewhat normal in the last 6 months. The site may be experiencing slightly dryer conditions in the few weeks leading up to the site visit.
- C. Additional comments to support AJD:** The site visit resulted in findings that the stream channel in question is best characterized as ephemeral due to factors stated above. During the site visit, an adjacent drainage area with a larger drainage catchment had flowing water in a similarly mapped feature, however, the stream in this review area had no flowing water within the review area. Observations made during the site visit confirmed that all the waters within the review area are ephemeral in nature.

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