



**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): 4/28/2021

ORM Number: SWT-2020-00643

Associated JDs: N/A

Review Area Location¹: State/Territory: Oklahoma City: Pryor Creek County/Parish/Borough: Mayes

Center Coordinates of Review Area: Latitude 36.220746 Longitude -95.322802

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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
IS1	2,475	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	IS1 is mapped on USGS topographic map and contained a bed and bank and other evidence of OHWM (vegetation type difference, shelving, sorting).
IS2	470	linear feet	(a)(2) Intermittent tributary contributes	IS2 is mapped on USGS topographic map and contained a bed and bank and other evidence of

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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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.	OHWM (vegetation type difference, shelving, sorting).

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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
OW1	0.337 acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	OW1 is mapped on USGS topographic maps as a pond with no upstream or downstream flow. Additionally, the site has historically been used for cattle. Therefore, OW1 has been determined to be an upland stock tank.
OW2	0.81 acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional	OW2 is mapped on USGS topographic maps as a pond with no upstream flow, but with an ephemeral downstream flow. On-site observation resulted in identification of a dam on the downstream portion of OW2. Additionally, the site has historically been used for cattle. Therefore, OW2 has been determined to be an upland stock tank.

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		water that meets (c)(6).	
S1	15	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. S1 is mapped on USGS topographic map and is located within the headwaters of the stream system, which exhibits flow only after rain events. See APT information below.
S2	2,042	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. S2 is mapped on USGS topographic map and is located within the headwaters of the stream system, which exhibits flow only after rain events. See APT information below.
S3	3,134	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. S3 is not mapped on USGS topographic map. S3 contains flow only after rain events. See APT information below.
S4	4,301	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. S4 is not mapped on USGS topographic map. S4 contains flow only after rain events. See APT information below.
S5	292	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. S5 is not mapped on USGS topographic map. S5 contains flow only after rain events. See APT information below.
S6	134	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. S6 is not mapped on USGS topographic map. S6 contains flow only after rain events. See APT information below.
S7	1,907	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. S7 is mapped on USGS topographic map and is located within the headwaters of the stream system, which exhibits flow only after rain events. See APT information below.
S8	1,313	linear 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). S8 is not mapped on USGS topographic map. S8 is an excavated ditch, which exhibits flow only after rain events. See APT information below.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
S9	528	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S9 is not mapped on USGS topographic map. S9 contains flow only after rain events. See APT information below.
S10	870	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S10 is not mapped on USGS topographic map. S10 contains flow only after rain events. See APT information below.
S11	2,113	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S11 is not mapped on USGS topographic map. S11 contains flow only after rain events. See APT information below.
S12	242	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S12 is not mapped on USGS topographic map. S12 contains flow only after rain events. See APT information below.
S13	358	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S13 is not mapped on USGS topographic map. S13 contains flow only after rain events. See APT information below.
S14	561	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S14 is not mapped on USGS topographic map. S14 contains flow only after rain events. See APT information below.
S15	110	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S15 is not mapped on USGS topographic map. S15 contains flow only after rain events. See APT information below.
S16	1,500	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S16 is not mapped on USGS topographic map. S16 contains flow only after rain events. See APT information below.
S17	296	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S17 is mapped on USGS topographic map and is located within the headwaters of the stream system, which exhibits flow only after rain events. See APT information below.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
S18	797	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S18 is not mapped on USGS topographic map. S18 contains flow only after rain events. See APT information below.
W1	0.324	acre(s)	(b)(1) Non-adjacent wetland.	W1 is located on the channel of S1 and S2 (ephemeral streams). Since S1 and S2 are not jurisdictional waters, W1 is not located in an area that would be inundated in a typical year by an a1-3 water, and W1 is not separated by an a1-a3 water by a natural or artificial berm, W1 has been determined not to meet the definition of adjacent.
W2	0.039	acre(s)	(b)(1) Non-adjacent wetland.	W2 is located within a depressional area without any downstream flow. Additionally, W2 is not located in an area that would be inundated in a typical year by an a1-3 water, and W2 is not separated by an a1-a3 water by a natural or artificial berm, W3 has been determined not to meet the definition of adjacent
W3	0.055	acre(s)	(b)(1) Non-adjacent wetland.	W3 is located within a depressional area without any downstream flow. Additionally, W3 is not located in an area that would be inundated in a typical year by an a1-3 water, and W3 is not separated by an a1-a3 water by a natural or artificial berm, W3 has been determined not to meet the definition of adjacent
W4	0.026	acre(s)	(b)(1) Non-adjacent wetland.	W4 is located on in the headwaters of S13 (ephemeral stream). Since S13 is not a jurisdictional water, W4 is not located in an area that would be inundated in a typical year by an a1-3 water, and W4 is not separated by an a1-a3 water by a natural or artificial berm, W4 has been determined not to meet the definition of adjacent

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 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: **Select. 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).**



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- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Title(s) and/or date(s).
- USFWS NWI maps: ORM II
- USGS topographic maps: ORM II

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): While the APT shows normal conditions during the dry season, the site received rainfall the day of the August 2020 site visit. Additionally, the site received rainfall the day before and the morning of the site site visit on March 16, 2021 and the APT notes the site as within normal conditions during the wet season. . Both APT results support the ephemeral and intermittent flow regime determinations for the streams.

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