



**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): 1/6/2021

ORM Number: SWT-2020-00693

Associated JDs: N/A

Review Area Location¹: State/Territory: Oklahoma City: Broken Arrow County/Parish/Borough: Wagoner

Center Coordinates of Review Area: Latitude 36.06906 Longitude -95.62487

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
R4SB-1	1,195 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The unnamed tributary of Adams Creek 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.

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
PUB-1	0.183	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).	PUB-1 is an artificial pond constructed wholly in the uplands that is not an impoundment of a jurisdictional water of the U.S.
PUB-2	0.096	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).	PUB-2 is an artificial pond constructed wholly in the uplands as part of a golf course that is not an impoundment of a jurisdictional water of the U.S. PUB-2 is surrounded by the fringe wetland identified as PEM1-1, a non-adjacent, non-jurisdictional emergent wetland.
PUB-3	0.197	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake	PUB-3 is an artificial pond constructed wholly in the uplands as part of a golf course that is not an impoundment of a jurisdictional water of the U.S. PUB-3 is surrounded by the fringe wetland identified as PEM1-1, a non-adjacent, non-jurisdictional emergent wetland.

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
		or pond is not an impoundment of a jurisdictional water that meets (c)(6).	
PUB-4	0.184	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).
PUB-5	0.385	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).
EDF-1	859	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.
EDF-2	365	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.
PEM1-1	0.736	acre(s)	(b)(1) Non-adjacent wetland.
			PUB-4 is an artificial pond constructed wholly in the uplands as part of a golf course that is not an impoundment of a jurisdictional water of the U.S. PUB-4 is surrounded by the fringe wetland identified as PEM1-1, a non-adjacent, non-jurisdictional emergent wetland.
			PUB-5 is an artificial pond constructed wholly in the uplands that is not an impoundment of a jurisdictional water of the U.S.
			EDF-1 is an artificially excavated ephemeral drainage feature located along the southern boundary of the review area.
			EDF-2 is an ephemeral stream channel.
			PEM1-1 is directly abutting PUB-2, PUB-3, and PUB-4, artificial ponds constructed wholly in the uplands as part of the construction of a golf course. PEM1-1 is not adjacent to any jurisdictional waters of the U.S.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
PEM1-2	0.058 acre(s)	(b)(1) Non-adjacent wetland.	PEM1-2 is a non-adjacent wetland surrounded entirely by upland with no connectivity to jurisdictional waters of the U.S.
PEM1-3	0.018 acre(s)	(b)(1) Non-adjacent wetland.	PEM1-3 is a non-adjacent wetland surrounded entirely by upland with no connectivity to jurisdictional waters of the U.S.
PEM1-4	0.019 acre(s)	(b)(1) Non-adjacent wetland.	PEM1-4 adjoins PEM1-1 and is a non-adjacent wetland with no connectivity to jurisdictional waters of the U.S.

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: [Wetland Delineation Study For Undeveloped 50 Acres Emerald Falls Residential Development, 14 Dec 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 & Digital Globe: 1995-2020, Photos from delineation: December 2020.](#)

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: [USFWS NWI Map, 28 Dec 2020](#)

USGS topographic maps: [USGS 7.5 Minute Oneta, OK Quadrangle](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	NHD & 12 Digit HUC (Newt Graham Lake – Verdigris River 110701050303)
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): [N/A](#)

C. Additional comments to support AJD: [N/A](#)