



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): 25-JUN-2021  
ORM Number: SWT-2021-00176  
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)  
Review Area Location<sup>1</sup>:  
State/Territory: OK City: County/Parish/Borough: Canadian County  
Center Coordinates of Review Area: Latitude 35.501456 Longitude -97.704222

**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
SWT-2021-176-01	1600 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This stream is depicted on the USGS Topographic map as an intermittent tributary of the North Canadian River. This stream is a first order stream, however, is influenced by several ditches which route stormwater from several residential developments in its drainage area. This stream flows into another unnamed tributary, which flows into the North Canadian River. Site photos depict this stream as having a very shallow bed and bank, approximately 5 feet wide and 2 feet deep on average. This stream has an approximately 100-acre drainage area, comprised primarily of residential developments. The soils are best

<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 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.

<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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			characterized as non-hydric, well drained, silt-loam, upland soils in the review area. The stream has a narrow riparian buffer and is surrounded by Eastern Red Cedars near the Eastern region of the review area. Based on the best available data, this stream is characterized as intermittent flow during a typical year of rainfall.
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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

**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))<sup>4</sup>:**

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
SWT-2021-176-02	1420 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This stream is not depicted on the USGS Topographic map or other resource maps as a blue line feature. This stream is a first order headwater drainage. The agent's delineation photos depict this stream as having a very shallow bed and bank, approximately 4 feet wide and 1 foot deep on average. This stream appears excavated from the existing landscape and is mostly straight, aerial imagery dated March 2007 shows site grading which further supports this feature being constructed in the uplands. This stream has an approximately 20-acre drainage area, comprised primarily of forested uplands. The soils are best characterized as non-hydric, well drained, silt-loam, upland soils in the review area. Based on the best available data, this stream is characterized as <b>ephemeral in nature during a typical year of rainfall.</b>
SWT-2021-176-03	380 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This stream is not depicted on the USGS Topographic map or other resource maps as a blue line feature. The agent's delineation depicts this ephemeral drainage as having a very shallow bed and bank, approximately 5 feet wide and 2 feet deep on average. The agent states that this feature was likely due to beaver activity redirecting flow in the review area across the flat drainage area. This stream is a segment of channel resulting in aquatic resource 01 and 02 being connected in the review area in a non-typical configuration due to beavers. The soils are best characterized as non-hydric, well drained, silt-loam, upland soils in the review area. Based on the best available data, this stream is characterized as <b>ephemeral in nature during a typical year of rainfall.</b>

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SWT-2021-176-04	0.018 acres	(b)(1) Non-adjacent wetland	This emergent wetland was determined by the agent to satisfy the three parameters for being classified as a wetland. This emergent wetland is not depicted on any resource maps due to its small size; it was identified by the agent during the site delineation. The agent depicts the feature as a depressional area created as a result of diverted storm water due to the beaver activity within the review area directing water from aquatic resource 01 into 02. This feature is does not directly connect to a jurisdictional water, thus it is considered an excluded water.
SWT-2021-176-05	210 feet	(b)(4) Diffuse stormwater run-off over upland or directional sheet flow over upland	This feature is not depicted on any resource maps as being a blue line tributary. The agent delineated this feature as being overland sheet flow. There is no evident bed and bank based on review of aerial imagery. This feature is ephemeral in nature, thus meets the criteria of an excluded water.

**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: Jurisdictional determination request for 20 acres, dated March 11, 2021.  
This information *is and is not* sufficient for purposes of this AJD.  
Rationale: *With regard to the stream the Corps determined as intermittent, this contradicts the findings of the aquatic resource report provided by the agent.*
- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: Google Earth Pro aerial imagery dated 2006-2020, agent site photos dated March 9, 2021, Corps site photos dated June 17, 2021.
- Corps Site visit(s) conducted on: June 17, 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: ORM Data accessed June 1, 2021.
- USFWS NWI maps: ORM Data accessed June 1, 2021.
- USGS topographic maps: ORM Data accessed June 1, 2021.

**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.

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- B. Typical year assessment(s):** The agent provided results from the Antecedent Precipitation Calculator tool. The results for the site exhibited normal rainfall conditions associated with the agents site visit dated March 9, 2021. The site was mostly experiencing normal conditions in the 6 months leading up to this date. I ran a second report based on my site visit dated June 17, 2021, which resulted in the site exhibited drier than normal conditions based on 3 month comparison prior to the site visit. The report also illustrates that a few minor rain events occurred within the last two weeks before the site visit.
- C. Additional comments to support AJD:** The review area contains an unnamed ephemeral headwater stream, a short ephemeral stream segment connecting both streams, a non-jurisdictional emergent wetland, and an area with unconfined sheet flow. The review area also contains an intermittent (jurisdictional) stream which flows into the North Canadian River. This determination is based on review of aerial imagery, resources maps, soils data, landscape position, as well as site photos and data provided by the agent.

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