



**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): 6/30/2021
 ORM Number: SWT-2021-00223
 Associated JDs: N/A
 Review Area Location¹: State/Territory: OK City: Guthrie County/Parish/Borough: Logan
 Center Coordinates of Review Area: Latitude 35.794058 Longitude -97.445173

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
- 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
FS-06	860	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	During a site visit conducted on 6/23/2021, FS-06 was observed to display intermittent flow that was supplied by a seep/spring that is located at the toe of the embankment of FS-03, a jurisdictional (a)(3) water. FS-06 is an unnamed tributary that is mapped on USGS topographic maps, USFWS NWI Maps, and NHD maps as an intermittent stream that contributes flow to Liberty Lake, which contributes flow to Cottonwood Creek, which contributes flow to the Cimarron River, which contributes flow to the Arkansas River an (a)(1) water.

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
FS-03	1.24	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	FS-03 is a man-made impoundment that was constructed on channel of a stream that is mapped by USGS topographic maps, USFWS NWI Maps, and NHD maps as an intermittent stream that contributes flow to Liberty Lake, which contributes flow to Cottonwood Creek, which contributes flow to the Cimarron River, which contributes flow to the Arkansas River, an (a)(1) water. In addition to desktop tools showing that FS-03 is an impoundment of a jurisdictional feature, the flow regime that can be observed immediately downstream from FS-03, most likely due to a seep in the embankment, also supports this rationale. Therefore, FS-03 is a jurisdictional (a)(3) pond.

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
FS-01	0.03	acre(s)	(b)(1) Non-adjacent wetland.	FS-01 is a non-adjacent emergent wetland. FS-01 was observed to have hydrology, vegetation, and soils consistent with those of a wetland. However, FS-01 is a depressional feature that is isolated in the uplands without a direct hydrological connection to an (a)(1)-(a)(3) water within a typical year. Hydrology to FS-01 is supplied by sheet run-off from the surrounding uplands. In addition, FS-01 is not mapped on USGS topographic maps, USFWS NWI Maps, or NHD maps. Therefore, FS-01 is a non-jurisdictional non-adjacent 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
FS-02	0.17	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).	FS-02 is a man-made pond that was constructed entirely in the uplands that receives hydrology from overland sheet flow from the surrounding uplands. The feature is isolated within the uplands and does not contribute flow to an (a)(1)-(a)(3) water within a typical year. Therefore, FS-02 is a non-jurisdictional pond.
FS-04	0.18	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).	FS-04 is a man-made pond that was constructed by the impoundment of a non-jurisdictional water (FS-05). Upon a Waters and Wetland Delineation provided by the applicant and a site visit conducted on 6/23/2021, it was determined that FS-05 was an ephemeral drainage feature having no discernable bed and bank with all contributing flow being directional overland sheet flow that follows the topography of the landscape. Therefore, because FS-04 is an impoundment of a non-jurisdictional feature, FS-04 is a non-jurisdictional pond.
FS-05	340	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	FS-05 is an ephemeral drainage feature that receives its hydrology from stormwater runoff from the adjacent Coltrane Road and overflow water from an artificial pond on the adjacent property. Upon a Waters and Wetland Delineation provided by the applicant and a site visit conducted on 6/23/2021, it was determined that FS-05 was an ephemeral drainage feature, only contributing flow in direct response to rain events, having no discernable bed and bank with all contributing flow being directional overland sheet flow that follows the topography of the landscape. Therefore, FS-05 is a non-jurisdictional ephemeral feature.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
FS-07	325	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.
NDF-1	410	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.

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: [AJD Request-Logan County Sec7_T15N_R2W, 4/8/2021; 2021-05-24 AJD Letter to USACE \(004\), 5/25/2021](#)

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 1991-2020; Site Visit Photos, 6/23/2021](#)
- Corps site visit(s) conducted on: [6/23/2021](#)
- 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: [Title\(s\) and/or date\(s\)](#).
- USFWS NWI maps: [USFWS Wetland Inventory Map](#)
- USGS topographic maps: [USGS 7.5 Minute Guthrie South 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, USGS 7.5 Minute Guthrie South Quadrangle
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.



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Data Source (select)	Name and/or date and other relevant information
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