



**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): 6/15/2021
 ORM Number: SWT-2021-00227
 Associated JDs: N/A
 Review Area Location¹: State/Territory: OK City: Enterprise County/Parish/Borough: Haskell
 Center Coordinates of Review Area: Latitude 35.229172 Longitude -95.380795

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.

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
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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
FS-1	.007	acre(s)	(b)(1) Non-adjacent wetland.	FS-1 is a depressional forested wetland that is geographically located in the uplands. FS-1 exhibits hydrologic vegetation and wetland hydrology with problematic soils due to previous disturbance. FS-1 is isolated in the uplands without a hydrological connection to an (a)(1)-(a)(3) water within a typical year. Therefore, FS-1 is a Non-adjacent wetland.
FS-2	100	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	FS-2 is an ephemeral feature that originates within the uplands of the property that was most likely formed due to the shaping of the landscape when the highway was built along the property. The feature does not have a discernible bed and bank and only contributes flow to FS-4 in direct response to rain events. FS-1 is not mapped on USGS topographic maps, NHD maps, or USFWS Wetlands Inventory. Therefore, FS-2 is a non-jurisdictional ephemeral feature.
FS-3	80	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	FS-3 is an ephemeral feature that flows from the southwest corner of the property and drains into FS-4. The feature is not mapped on USGS topographic maps, NHD maps, or USFW Wetlands Inventory. FS-3 only contributes flow during and immediately following rain events. Therefore, FS-3 is a non-jurisdictional ephemeral feature.

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-4	0.1 acre(s)	(b)(1) Non-adjacent wetland	FS-4 is a forested wetland that receives hydrology from FS-2 and FS-3 that is retained within the wetland due to the highway running along the northern boundary of the property. FS-4 exhibits hydrologic vegetation and wetland hydrology with problematic soils due to previous disturbance. FS-4 is neither adjacent to an (a)(1)-(a)(3) water or inundated by an (a)(1)-(a)(3) water within a typical year. The only potential connection FS-4 has to waters of the U.S. is through a culvert to a non-jurisdictional road-side ditch on the opposite side of the highway that was created during the construction of the highway. Therefore, FS-4 is a non-jurisdictional non-adjacent wetland.

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 and Waterway Delineation Services, 5/24/2021](#)

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 Aerial 1995-2018; Wetland Delineation Photos Provided by Consultant, 5/24/2021](#)

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 Wetland Inventory Map](#)

USGS topographic maps: [USGS 7.5 Minute Enterprise 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 Enterprise Quadrangle
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](#)



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