



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 August 2021

ORM Number: SWT-2021-00316

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: OK City: County/Parish/Borough: Cleveland County

Center Coordinates of Review Area: Latitude 35.2946 Longitude -97.50543

**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
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
SWT-2021-316 PEM1-2	0.101 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The emergent wetland abuts an on-channel pond of an unnamed tributary of the Little River and continues east

<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 and 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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			outside of the review area to where a former pond was located on USGS Topo and NHD.
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**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-2021-316 EDF1	898 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This feature is indicated as an intermittent stream on the USGS Topo and NHD (unnamed tributary of the Little River). However, the requestor's delineation and Corps site visit didn't indicate flowing water likely due to geographic position on the landscape.
SWT-2021-316 PEM1-1	0.107 acres	(b)(1) Non-adjacent wetland	This feature is indicated as a former pond on the USGS Topo and NHD. It is indicated as an emergent wetland area on the USFWS NWI. The former pond was breached sometime around the year 2010. It is separated by an EDF-1 ephemeral feature from PFO1-1
SWT-2021-316 PFO1-1	0.059 acres	(b)(1) Non-adjacent wetland	This feature is indicated in an area of a former pond on USGS Topo, NHD, and USFWS NWI. Truckloads of fill material was placed in this area observable in 2012 aerial imagery. The former pond was breached sometime around the year 2010. This feature is separated from PEM1-2 by an EDF-1 ephemeral feature.

**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: *Lentic and Lotic Waterbody and Wetland Delineation Study, dated 28 April 2021*

This information (*is/is not/is and is not*) 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: *Google Earth, Digital Globe, requestor's photos, Corps Photos*

Corps Site visit(s) conducted on: *6 August 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: *Provided with the requestor's delineation*

USFWS NWI maps: *Provided with the requestor's delineation*

USGS topographic maps: *Provided with the requestor's delineation*

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NHD & StreamStats
USDA Sources	N/A.

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NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The observation date of 26 April 2021, provided with the requestor's delineation, indicated the water balance as "wet season" and normal conditions. The observation date for 6 August 2021, indicated the water balance as "dry season" and wetter than normal conditions.
- C. Additional comments to support AJD:** The review area is approximately 80 acres.

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