



**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): 4/14/2021
 ORM Number: SWT-2021-00123
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Oklahoma City: Oklahoma City
 County/Parish/Borough: Oklahoma
 Center Coordinates of Review Area: Latitude 35.549193 Longitude -97.523254

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
Stream 1	2,696 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Downstream of Stream 1a and where Stream 1 intersects, is indicated as an unnamed intermittent stream of the Deep Fork River on the USGS Topo and NHD mapping. The hydrology of Stream 1 is evident in multiple years of satellite imagery and the photos provided in the ECS wetland delineation indicates that the tributary contributes surface water indirectly to an (a)(1) water in a typical year.

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Stream 1a	1,064	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 1a is indicated as an unnamed intermittent stream of the Deep Fork River on the USGS Topo and NHD mapping. Hydrology is evident in multiple years of satellite imagery and the photos provided in the ECS wetland delineation indicate that the tributary contributes surface water indirectly to an (a)(1) water in a typical year.

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
Feature 1	344	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Feature 1 appears to have been formed by earth moving activities prior to 2002. It is a straightened, localized low area between two elevated areas where any hydrology within the feature dissipates into overland sheet flow approximately 100 feet south of Stream 1. Based on the lack of bed and bank and ephemeral drainage after recent precipitation observed in the ECS Wetland Delineation, and evident on multiple years of satellite imagery, this feature is an excluded water.
Wetland 1	1.43	acre(s)	(b)(1) Non-adjacent wetland.	The wetland doesn't touch at least one point or a side of a tributary, it doesn't appear to be inundated by flooding from a tributary of a water onsite in a typical year, or physically separated by a natural or artificial feature. According the requester's report, this wetland appears to be result of a beaver dam located on the eastern portion of the wetland, from which Feature 1, a localized low area at the meeting point of two elevated areas, drains north towards Stream 1.

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
			Approximately, 100 feet south of Stream 1, Feature 1 loses any topographical difference with the surrounding land, returns to sheet flow, and dissipates. It appears that Wetland 1 is fed via overland sheet flow from higher land to the south and southwest in periods of high precipitation according to USGS Topo, satellite imagery, and photos provided in the ECS Wetland Delineation.

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: [ECS Wetland Delineation dated 5 Feb 2021](#)

This information is sufficient for purposes of this AJD.

Rationale: [NA](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial and Other: Google Earth and requester provided photos](#)

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: [Provided in requestors report](#)

USFWS NWI maps: [Accessed 14 April 2021](#)

USGS topographic maps: [1:24k Britton, OK](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NHD
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): [The Antecedent Precipitation Tool indicated for 21 Jan 2021, when the delineation was conducted by the requester, that WebWIMP H2O balance indicated wet season and rainfall was wetter than the 30 year normal range.](#)

C. Additional comments to support AJD: [The review area is approximately 34.30 acres.](#)