



**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): 6/24/2021

ORM Number: SWT-2021-00148

Associated JDs: N/A

Review Area Location¹: State/Territory: Oklahoma City: Enter. County/Parish/Borough: Canadian

Center Coordinates of Review Area: Latitude 35.59222 Longitude -97.74116

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.	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
EDF-1	3,269	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Indicated as an intermittent tributary of Spring Creek on the USGS Topographic Map. This tributary flows to Spring Creek within the review area, then flows to Deer Creek, which then flows to Cottonwood Creek, which flows to the Cimarron River, then to Keystone Lake, which flows to the Arkansas River, a navigable water on the Tulsa District’s list of Rivers and Harbors Act Section 10 navigable waters. Hydrology was observed in the requestor’s delineation and by the Corps site visit. Additionally, aquatic invertebrates were observed

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
				when overturning stones within the stream channel and a riparian area exists adjacent to the stream channel on both descending banks within the review area. USGS Streamtats indicated an average daily streamflow of 0.366 ft ³ /s.
R4SB-1	1,201	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Indicated as Spring Creek, an intermittent tributary of Deer Creek on the USGS Topographic Map. Spring Creek flows to Deer Creek, which then flows to Cottonwood Creek, which flows to the Cimarron River, then to Keystone Lake, which flows to the Arkansas River, a navigable water on the Tulsa District's list of Rivers and Harbors Act Section 10 navigable waters. Hydrology observed in the requestor's delineation and by multiple years of aerial imagery.
EDF-2 with Seep Connection	585	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Indicated as intermittent tributary of Spring Creek on the USGS Topographic Map. The unnamed tributary flows to Spring Creek, which flows to Deer Creek, which then flows to Cottonwood Creek, which flows to the Cimarron River, then to Keystone Lake, which flows to the Arkansas River, a navigable water on the Tulsa District's list of Rivers and Harbors Act Section 10 navigable waters. Hydrology observed in the requestor's supplemental delineation on 14 June 2020 and by the Corps site visit. Aquatic invertebrates were observed when overturning stones in the stream channel and a narrow riparian area is located along this reach. USGS StreamStats indicated an average daily streamflow of 0.101 ft ³ /s.

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



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
EDF-2	2,345	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Is indicated on the USGS Topo map and NHD as an intermittent tributary of Spring Creek. However, the portion of the reach of this tributary was located upstream of an intermittent seep and exhibits ephemeral characteristics on the landscape according to the requestor's delineation, Corps site visit, and aerial imagery.
EDF-3	749	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Is not indicated on the USGS Topo map and NHD as an intermittent tributary of Spring Creek. This feature exhibits ephemeral characteristics on the landscape according to the requestor's delineation, Corps site visit, and aerial imagery.
EDF-4	791	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Is not indicated on the USGS Topo map and NHD as an intermittent tributary of Spring Creek. This feature exhibits ephemeral characteristics on the landscape according to the requestor's delineation, Corps site visit, and aerial imagery.
EDF-5	1,855	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Is not indicated on the USGS Topo map and NHD as an intermittent tributary of Spring Creek. This feature exhibits ephemeral characteristics on the landscape according to the requestor's delineation, Corps site visit, and aerial imagery.
PUB-1	0.893	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).	The pond is indicated as stand alone feature on the USGS Topographic Map and NHD. The pond did not exhibit open waters during the Corps site visit or an impoundment of a jurisdictional water. Additional information submitted by the requestor indicated the feature also didn't meet the criteria for being classified as a wetland.

III. SUPPORTING INFORMATION

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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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 1 March 2021. Supplemental report information provided 14 June 2021.](#)

This information is 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: [Aerial and Other: Google Earth, requester’s delineation reports, Corps photos](#)
- Corps site visit(s) conducted on: [9 June 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 and StreamStats
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): [Provided with the requestor’s delineation report indicated for 25 February 2021, Drought Index as “moderate wetness,” water balance as “wet season,” and for the 30 year normal range as normal conditions. For the Corps site visit indicated the Drought Index as “moderate wetness,” water balance as “dry season,” and for the 30 year normal range as normal conditions.](#)

C. Additional comments to support AJD: [The review area is approximately 100 acres.](#)