



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): 12-AUG-2021

ORM Number: SWT-2021-00153

Associated JDs: N/A

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

State/Territory: OK City: Altus County/Parish/Borough: Jackson County

Center Coordinates of Review Area: Latitude 34.65493 Longitude -99.32496

**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
PEM1-2, Concrete Trickle Channel, PEM1-3 (below OHWM)	2750 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Evaluation of APT results, the Blackbird Environmental delineation report, and USGS topographic maps, supports that PEM1-2, Concrete Trickle Channel, PEM1-3 (below OHWM) is intermittent and contributes surface water flow to the Red River in a typical year. The tributary flows to Stinking Creek, which flows to the North Fork of the Red River. South of Burneyville, Oklahoma, the Red River becomes a navigable water subject to Section 10 of the Rivers and Harbors Act of 1899.

<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 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.

<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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R4SB-1, PEM1-4, PSS1-2, PFO1-1	5075 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Evaluation of APT results, the Blackbird Environmental delineation report, and USGS topographic maps, supports that R4SB-1, PEM1-4, PSS1-2, PFO1-1 is intermittent and contributes surface water flow to the Red River in a typical year. The tributary flows to Stinking Creek, which flows to the North Fork of the Red River. South of Burneyville, Oklahoma, the Red River becomes a navigable water subject to Section 10 of the Rivers and Harbors Act of 1899.
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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
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
PEM1-3 (abutting)	0.23 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Evaluation of APT results, the Blackbird Environmental delineation report, and USGS topographic maps supports that PEM1-3 (abutting) meets the definition of "adjacent wetlands", abutting PEM1-2, Concrete Trickle Channel, PEM1-3 (below OHWM).
PSS1-1 (abutting)	0.161 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Evaluation of APT results, the Blackbird Environmental delineation report, and USGS topographic maps supports that PSS1-1 (abutting) meets the definition of "adjacent wetlands", abutting R4SB-1, PEM1-4, PSS1-2, PFO1-1.

**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
Altus Canal	2549 feet	(b)(7) Artificially irrigated area, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease	Evaluation of Bureau of Reclamation data, APT results, the Blackbird Environmental delineation report, and USGS topographic maps, supports that Altus Canal is perennial and is artificially irrigated and would revert to upland in the absence of the artificial irrigation.
L1OW-1	113.2999 acres	(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)	Evaluation of APT results, the Blackbird Environmental delineation report, and USGS topographic maps supports that L1OW-1, which was constructed in uplands, is not an impoundment of a jurisdictional water.
L1OW-2	27.06 acres	(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)	Evaluation of APT results, the Blackbird Environmental delineation report, and USGS topographic maps supports that L1OW-2, which was constructed in uplands, is not an impoundment of a jurisdictional water.
PEM1-1 (roadside ditch)	0.696 acres	(b)(10) Stormwater control feature constructed or excavated in upland	Evaluation of APT results, the Blackbird Environmental delineation report, jurisdictional determination field

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		or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	review, and USGS topographic maps supports that PEM1-1 (roadside ditch), which was constructed in uplands, conveys stormwater runoff as a roadside ditch.
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**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: Blackbird Environmental, LLC, *Lentic and Lotic Waterbody and Wetland Delineation Study for Altus Reservoir Improvement Project*, March 8, 2021.  
This information is sufficient for purposes of this AJD.
- Data sheets prepared by the Corps:
- Photographs: *Photographs of Project Site, July 8, 2021.*
- Corps Site visit(s) conducted on: *July 8, 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:
- USFWS NWI maps:
- USGS topographic maps: U.S. Topo series and earlier Historical Topographic Map Collection

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<a href="https://nqmdb.usgs.gov/topoview/">https://nqmdb.usgs.gov/topoview/</a>
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
USBR Sources	<a href="https://www.usbr.gov/projects/index.php?id=406">https://www.usbr.gov/projects/index.php?id=406</a>

**B. Typical year assessment(s):** APT results were obtained for June 14, 2018, coinciding with the Blackbird Environmental delineation report; the results indicate that conditions were drier than normal during this time. APT results were also obtained for July 8, 2021, coinciding with the Corps site visit; the results indicate that conditions were normal during this time.

**C. Additional comments to support AJD:** Per the Bureau of Reclamation, “The W. C. Austin (formerly Altus) Project is in southwestern Oklahoma. The project is designed to provide water for irrigation to approximately 48,000 acres of privately owned land in southwestern Oklahoma, flood control on the North Fork of the Red River, an augmented municipal water supply for the city of Altus, fish and wildlife conservation benefits, and recreation facilities. Project features include Altus Dam, the Main, Altus, West, and Ozark Canals, a 221-mile lateral distribution system, and 26 miles of drains.”

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