



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): 18-MAY-2021

ORM Number: SWT-2021-00167

Associated JDs: N/A.

Review Area Location¹:

State/Territory: OK City: Oklahoma City County/Parish/Borough: Canadian County

Center Coordinates of Review Area: Latitude 35.431697 Longitude -97.735142

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
SWT-2021-167-01	1300 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Mustang Creek is depicted as a perennial tributary of the North Canadian River, which flows into the Arkansas River (Section 10). This feature is well documented as a perennial waterway and has extensive riparian buffers and several intermittent tributaries which support its constant flow regime.

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

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 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.

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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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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
SWT-2021-167-02	0.41 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)	The pond is depicted on the USGS Topographic map as an on-channel pond of an intermittent tributary to Mustang Creek. This pond is associated with the ephemeral stream in the review area. This pond is not directly connected to Mustang Creek based on the delineation report.
SWT-2021-167-03	1380 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This stream channel is depicted on the USGS Topographic map as an intermittent tributary of Mustang Creek. This stream is a first order headwater. The agent's delineation results in there being no visible channel downstream of the associated pond, resulting in this feature not being directly connected to Mustang Creek. Site photos show no well-formed bed and bank. This stream has an approximately 38-acre drainage area. The soils are best characterized as non-hydric, well drained, loamy, upland soils in the review area. The stream has a riparian buffer and is surrounded by a mowed pasture. Based on the best available data, this stream is characterized as ephemeral in nature during a typical year of rainfall.

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: Jurisdictional Determination Request dated March 12, 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: Google Earth Pro dated September 2020, Site photos from Agent dated March 12, 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: ORM Data accessed May 18, 2021.
- USFWS NWI maps: ORM Data accessed May 18, 2021.

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USGS topographic maps: ORM Data accessed May 18, 2021.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
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 Calculator tool resulted in the site exhibiting normal rainfall conditions associated with the agents site visit dated March 12, 2021. The site was mostly experiencing normal conditions in the 6 months leading up to this date.
- C. Additional comments to support AJD:** The review area contains Mustang Creek (perennial), an ephemeral headwater stream, and an associated pond. This determination is based on review of aerial imagery, resources maps, soils data, landscape position, as well as site photos and data provided by the agent.

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