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): 5/20/2021
ORM Number: SWT-2021-00175
Associated JDs: SWT-2014-00571
Review Area Location[1]: State/Territory: Oklahoma City: Enter. County/Parish/Borough: Canadian
Center Coordinates of Review Area: Latitude 35.4428 Longitude -97.70125

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
R2UB-1; R2UB-3	1,023; 2,290	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The delineation study by the requestor and Corps site visit determined this tributary as a perennial stream flowing through the review area. Additionally, these delineated stream identifiers within the review area are indicated on the USGS Topographic map and NHD as the perennial tributary Mustang Creek which flows to the North Canadian River, an (a)(1) water on the Tulsa District Rivers and Harbors Act Section 10 navigable waters list.

[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
R2UB-2	55	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The Lentic and Lotic Waterbody and Wetland Delineation Study and Corps site visit determined this tributary as an intermittent stream flowing through the review area. Additionally, the delineated stream identifier within the review area is indicated on the USGS Topographic map and NHD as part of a 3rd order (Strahler 1952), intermittent, unnamed tributary of Mustang Creek, which flows to Mustang Creek, which then flows to the North Canadian River, an (a)(1) water on the Tulsa District Rivers and Harbors Act Section 10 navigable waters list.
R4SB-1	979	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The delineated stream within the review area is indicated on the USGS Topographic Map and NHD as associated with the perennial tributary of Mustang Creek. However, it appears to be what remains of a remanent channel of Mustang Creek that has changed alignment within the landscape in the past. This remnant reach of Mustang Creek, contributes intermittent flow to Mustang Creek, which then flows to the North Canadian River, an (a)(1) water on the Tulsa District Rivers and Harbors Act Section 10 navigable waters list.

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
PFO1-1	0.119	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	The forested wetland exhibited hydric soils, hydrology, and hydrophytic vegetation in the delineation report submitted by the requestor. The wetland is separated by a broken, former concrete golf course crossing that allows for direct hydrological surface connection between the wetland to the unnamed tributary of Mustang Creek denoted as R4SB-1. Woody debris drift deposits were observed at the concrete crossing location during the Corps site visit.
PEM1-1	0.066	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The emergent wetland exhibited hydric soils, hydrology, and hydrophytic vegetation in the delineation report submitted by the requestor. The wetland directly abuts the upper reach of the

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
				remnant reach of Mustang Creek denoted as R4SB-1.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
EDF-1a; EDF-1b; EDF-1c;	897; 260; 3,288	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	These delineated stream identifiers within the review area are indicated on the USGS Topographic Map and NHD as associated with the perennial tributary Mustang Creek. However, it appears to be what remains of a remanent channel of Mustang Creek that has changed alignment within the landscape in the past. These features appear to only support hydrology immediately following precipitation events according to the requestor's delineation, available satellite imagery, and the Corps site visit. EDF-2 and EDF-1c are not connected to the OHWM of Mustang Creek where they originate.
EDF-2	748	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This delineated stream identifiers within the review area is also indicated on the USGS Topographic Map and NHD as associated with the perennial tributary Mustang Creek. However, it appears to be what remains of a remanent channel of Mustang Creek that has changed alignment and within the landscape in the past. This feature appears to only support hydrology immediately following precipitation events according to the requestor's delineation and available satellite imagery.
PUB-1 2014-571	2.788	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	This artificial pond was previously determined not jurisdictional under SWT-2014-00571 as an upland golf course irrigation pond fed by water well with overflow pipe to Mustang Creek. The jurisdictional status remains unchanged.

[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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			water that meets (c)(6).	

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 12 March 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: Aerial and Other: Google Earth and provided delineation study photographs

☒ Corps site visit(s) conducted on: 9 June 2021

☒ Previous Jurisdictional Determinations (AJDs or PJDs): SWT-2014-00857 (PUB-1 only within this requests review area)

☐ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.

☒ USDA NRCS Soil Survey: Reference provided in the delineation study report

☒ USFWS NWI maps: Reference provided in delineation study report)

☒ USGS topographic maps: 1:24k Mustang, OK

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 provided in the delineation study
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	ORM2 Database
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): Provided in the delination study report for 10 March 2021, the drought index indicated “moderate wetness” and “normal conditions” with a score of 10. The drought index indicated “moderate wetness”, water balance indicated “dry season”, and 30 year range within “normal conditions” for the 9 June 2021 Corps site visit.

C. Additional comments to support AJD: The review area is approximately 64 acres.