



**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): 6/21/2021
 ORM Number: SWT-2021-00204
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Oklahoma City: Bixby County/Parish/Borough: Tulsa
 Center Coordinates of Review Area: Latitude 35.91021 Longitude -95.91904

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
S1	2,235	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S1 is mapped on the USGS topographic map as an intermittent stream. S1 is documented in the delineation report as having a very well-defined bed and bank and several other indications of OHWM. Since S1 is mapped as an intermittent stream with a well-defined bed and bank and other indication of OHWM, S1 has been determined to provide no less than intermittent flow to downstream a(1) waters.

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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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
W1	0.01	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	W1 has been observed and delineated to be separated from S1 by a natural berm, per the submitted delineation report, dated April 2021.
W2	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W2 has been observed and delineated to directly abut S1, per the submitted delineation report, dated April 2021.
W3	0.04	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W3 has been observed and delineated to directly abut S1, per the submitted delineation report, dated April 2021.
W4	0.06	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W4 has been observed and delineated to directly abut S1, per the submitted delineation report, dated April 2021.
W5	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W5 has been observed and delineated to directly abut S1, per the submitted delineation report, dated April 2021.
W6	0.05	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W6 has been observed and delineated to directly abut S1, per the submitted delineation report, dated April 2021.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
P1	0.001	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	P1 is not mapped on a USGS topographic map. The on-site observations, documented in the submitted delineation report, dated April 2021, did not identify any downstream connectivity. Additionally, P1 is located approximately 150 linear feet from S1. Since P1 is not mapped, does not contribute downstream flow, and is not located within an area frequently inundated by S1, which is supported by on-site observations, P1 was determined to have been excavated in the uplands.
P2	0.001	acre(s)	(b)(1) Lake/pond or impoundment	P2 is not mapped on a USGS topographic map. The on-site observations, documented in the

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
			that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	submitted delineation report, dated April 2021, did not identify any downstream connectivity. Additionally, P2 is located approximately 25 linear feet from S1. Since P2 is not mapped, does not contribute downstream flow, and is not located within an area frequently inundated by S1, which is supported by on-site observations, P2 was determined to have been excavated in the uplands.
P3	1.18	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).	P3 is mapped on a USGS topographic map as an off channel pond. The on-site observations, documented in the submitted delineation report, dated April 2021, did not identify any downstream connectivity. Additionally, P3 is located approximately 185 linear feet from S1. Since P3 is mapped as an off channel pond, does not contribute downstream flow, and is not located within an area frequently inundated by S1, which is supported by on-site observations, P3 was determined to have been excavated in the uplands.
W7	0.28	acre(s)	(b)(1) Non-adjacent wetland.	W7 is not mapped on National Wetland Inventory map. W7 has been delineated as exhibiting all three parameters of a wetland with no direct or indirect connectivity to a(1-3) waters, documented in the submitted delineation report, dated April 2021. Therefore, W8 was determined meet the definition of adjacency.
W8	0.02	acre(s)	(b)(1) Non-adjacent wetland.	W8 is not mapped on National Wetland Inventory map. W8 has been delineated as exhibiting all three parameters of a wetland with no direct or indirect connectivity to a(1-3) waters, documented in the submitted delineation report, dated April 2021. Therefore, W8 was determined meet the definition of adjacency.
ES1	215	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ES1 is not mapped on a USGS topographic map. The on-site observations, documented in the submitted delineation report, dated April 2021, identified a slight bed and bank, but no other indications of OHWM. Additionally, no downstream connectivity was identified from ES1. Since ES1 is not mapped on a topographic map and does not contribute downstream flow, which is supported by on-site observations, ES1 has been determined to contain no more than ephemeral flow.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
ES2	40	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ES2 is not mapped on a USGS topographic map. The on-site observations, documented in the submitted delineation report, dated April 2021, identified a slight bed and bank, but no other indications of OHWM. Additionally, no downstream connectivity was identified from ES2. Since ES2 is not mapped on a topographic map and does not contribute downstream flow, which is supported by on-site observations, ES2 has been determined to contain no more than ephemeral flow.
ES3	540	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ES3 is not mapped on a USGS topographic map. The on-site observations, documented in the submitted delineation report, dated April 2021, identified a slight bed and bank, but no other indications of OHWM. Additionally, no downstream connectivity was identified from ES3. Since ES3 is not mapped on a topographic map and does not contribute downstream flow, which is supported by on-site observations, ES3 has been determined to contain no more than ephemeral flow.
ES4	210	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ES4 is not mapped on a USGS topographic map. The on-site observations, documented in the submitted delineation report, dated April 2021, identified a slight bed and bank, but no other indications of OHWM. Additionally, no downstream connectivity was identified from ES4. Since ES4 is not mapped on a topographic map and does not contribute downstream flow, which is supported by on-site observations, ES4 has been determined to contain no more than ephemeral flow.
ES5	45	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ES5 is not mapped on a USGS topographic map. The on-site observations, documented in the submitted delineation report, dated April 2021, identified a slight bed and bank, but no other indications of OHWM. Additionally, no downstream connectivity was identified from ES5. Since ES5 is not mapped on a topographic map and does not contribute downstream flow, which is supported by on-site observations, ES5 has been determined to contain no more than ephemeral flow.



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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: *“Waters of the US Delineation, Magnolia Village Residential Development, Bixby, Tulsa County, Oklahoma”, date April 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: *Select. Title(s) and/or date(s)*.
- 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: *Title(s) and/or date(s)*.
- USFWS NWI maps: *ORM II*
- USGS topographic maps: *ORM II*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
<i>USGS Sources</i>	<i>N/A.</i>
<i>USDA Sources</i>	<i>N/A.</i>
<i>NOAA Sources</i>	<i>N/A.</i>
<i>USACE Sources</i>	<i>N/A.</i>
<i>State/Local/Tribal Sources</i>	<i>N/A.</i>
<i>Other Sources</i>	<i>N/A.</i>

B. Typical year assessment(s): *N/A*

C. Additional comments to support AJD: *N/A*