



**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): 6/29/2021  
 ORM Number: SWT-2021-00248  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Oklahoma City: Oklahoma City  
 County/Parish/Borough: Oklahoma  
 Center Coordinates of Review Area: Latitude 35.59178 Longitude -97.54004

**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
Intermittent #1	313 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This stream is not indicated on the USGS Topographic map or NHD, however, this stream reach originates southeast of the subject area and flows to the northwest. It has an OHWM which averages five feet in width and banks averaging three feet tall and seven feet wide. The substrate predominantly consists of sediment and gravel. It has a drainage area of approximately 125 acres. Within the assessed site, the stream lacks a riparian corridor and is primarily surrounded by

<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 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
			Bermudagrass ( <i>Cynodon dactylon</i> ). But based upon the sizeable drainage area, as well as observable pooling and flow during the requestor's site delineation, this stream reach maintains intermittent flow at least seasonally.

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
N/A.	N/A.	N/A.	N/A.

**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
Wetland 1	0.44	acre(s)	(b)(1) Non-adjacent wetland.	Wetland #1 is an approximately 0.44 acre palustrine scrub shrub wetland located along the fringe of Pond #1 and is not adjacent to Intermittent #1.
Wetland 2	0.26	acre(s)	(b)(1) Non-adjacent wetland.	Wetland #2 is an approximately 0.26 acre palustrine emergent wetland located between Pond #1 and Pond #2 and not adjacent to Intermittent #1.
Ephemeral #1	44	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is not indicated on the USGS Topographic map or NHD. Ephemeral #1 is a stream feature which originates within the subject area at the outlet of a stormwater pipe just northeast of Pond #1. It has an OHWM which averages two feet in width and banks averaging one foot tall and three feet wide. The substrate predominantly consists of sediment. It has a drainage area of approximately 5 acres. There was pooling at the time of requestor's site visit with no observable flow. The pooling likely resulted from a 1.23 inch rainfall event that occurred just three days prior to the site visit. Based on the small drainage area and lack of flow after recent precipitation event, the feature has been determined to be ephemeral.

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Ephemeral #2	489	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is not indicated on the USGS Topographic map or NHD. Ephemeral #2 is a stream feature which originates within the subject area from drainage leaving Wetland #2, just west of Pond #1. It has an OHWM which averages three feet in width and banks averaging two feet tall and four feet wide. The substrate predominantly consists of sediment. It extends at stream centerline approximately 489 lineal feet within the subject area and has a drainage area of approximately 32 acres. The channel enters a stormwater pipe passing underneath Alumni Drive and reemerges from a stormwater outlet on the west side of Alumni Drive. Within the assessed site, the stream lacks a riparian corridor and is primarily surrounded by Bermudagrass. It functions primarily as an ephemeral grass swale rather than a defined stream channel.
Pond #1	3.39	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).	Pond #1 is 3.39-acres and is located in the eastern portion of the subject area. This pond was likely built for agricultural and recreational purposes. This pond was not built in the location of a historic intermittent or perennial stream according to the USGS Topographic Map and NHD.
Pond #2	0.46	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).	Pond #2 is 0.46-acre and is located in the southern portion of the subject area. This pond was likely built for aesthetic and recreational purposes. This pond was not built in the location of a historic intermittent or perennial stream according to the USGS Topographic Map and NHD.

**III. SUPPORTING INFORMATION**



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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: [Wetland Delineation and Jurisdictional Assessment, dated 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: [Aerial and Other: Google Earth and requestor's delineation](#)

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: [Provided with the requestor's delineation](#)

USFWS NWI maps: [Provided with the requestor's delineation](#)

USGS topographic maps: [1:24K, Britton, OK](#)

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">NFHL provided in the requestor's delineation</a>

**B. Typical year assessment(s):** [The requestor's delineation field visit for 26 March 2021, "mild wetness" for the drought index, "wet season" for water balance, and within the 30 year normal range.](#)

**C. Additional comments to support AJD:** [The review area is approximately 8.35 acres.](#)