



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): 14-JUL-2021

ORM Number: SWT-2021-00326

Associated JDs: N/A

Review Area Location¹:

State/Territory: OK City: County/Parish/Borough: Cleveland County

Center Coordinates of Review Area: Latitude 35.316022 Longitude -97.454626

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-2021-326 R2UB-1	1,600 linear feet (lf)	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This waterbody is indicated as the perennial tributary named the North Fork of Little River on the USGS Topographic Map and NHD. Several fish species were observed in the stream channel according to the requestor’s delineation. Riparian area parallels both banks of the stream channel within the review area.
SWT-2021-326 R2UB-2	4,722 lf	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This waterbody is indicated as the unnamed tributary of the North Fork of Little River on the USGS Topographic Map and NHD. Several fish species were observed in the stream channel according to the requestor’s delineation. Riparian area parallels both banks of the stream channel within the review area. USGS

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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			StreamStats indicated 2.34 square mile contributing drainage area and 0.698 ft ³ /s average daily streamflow.
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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
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-2021-326 EDF-1	256 lf	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This feature is not indicated as a tributary on the USGS Topographic Map or NHD and appears to convey flow only during storm events between upland ponds.
SWT-2021-326 EDF-2	627 lf	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This feature is not indicated as a tributary on the USGS Topographic Map or NHD and appears to convey flow only during storm events between upland ponds.
SWT-2021-326 EDF-3	109 lf	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This feature is not indicated as a tributary on the USGS Topographic Map or NHD and appears to convey flow only during storm events between upland ponds.
SWT-2021-326 PUB-1	0.891 acre (ac)	(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)	This feature is indicated as an upland lentic waterbody on the USGS Topographic Map and NHD that is not an impoundment of a jurisdictional waterbody according to these data sources, the requestors delineation, and available satellite imagery.
SWT-2021-326 PUB-2	0.545 ac	(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)	This feature is indicated as an upland lentic waterbody on the USGS Topographic Map and NHD that is not an impoundment of a jurisdictional waterbody according to these data sources, the requestors delineation, and available satellite imagery.
SWT-2021-326 PUB-3	0.030 ac	(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)	This feature is indicated as an upland lentic waterbody on the USGS Topographic Map and NHD that is not an impoundment of a jurisdictional waterbody according to these data sources, the requestors delineation, and available satellite imagery.
SWT-2021-326 PUB-4	1.284 ac	(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)	This feature is indicated as an upland lentic waterbody on the USGS Topographic Map and NHD that is not an impoundment of a jurisdictional waterbody according to these data sources, the requestors delineation, and available satellite imagery.
SWT-2021-326	2.368 ac	(b)(8) Artificial lake/pond	This feature is indicated as an upland lentic waterbody

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PUB-5		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)	on the USGS Topographic Map and NHD that is not an impoundment of a jurisdictional waterbody according to these data sources, the requestors delineation, and available satellite imagery.
SWT-2021-326 PUB-6	0.377 ac	(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)	This feature is indicated as an upland lentic waterbody on the USGS Topographic Map and NHD that is not an impoundment of a jurisdictional waterbody according to these data sources, the requestors delineation, and available satellite imagery.

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 May 7, 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, Referenced requestor delineation report photographs*

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: *Included in requestors delineation report*

USFWS NWI maps: *Included in requestors delineation report*

USGS topographic maps: *Included in requestors delineation report*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NHD; StreamStats
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): For the observation date of 5 May 2021, the Drought Index indicated “not available,” the Water Balance indicated “Wet Season,” and “Drier than Normal” wetness condition.

C. Additional comments to support AJD: The review area is approximately 160 acres.

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