



**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): 7/22/2021  
 ORM Number: SWT-2021-00342  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Oklahoma City: Owasso County/Parish/Borough: Tulsa  
 Center Coordinates of Review Area: Latitude 36.302185 Longitude -95.789384

**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
- 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
S1	2,195 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 and delineated within the submitted information as an intermittent stream. S1 is mapped on topographic maps as an unnamed tributary to Elm Creek, which flows into Bird Creek, which flows into the Verdigris River. Based on the topographic maps and supported by the submitted delineation, dated April 23, 2020, S1 has been determined to be an a(2) water.
S2	370 linear feet	(a)(2) Intermittent tributary	S2 is delineated within the submitted information as an intermittent stream. S2 is expressed on

<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
			contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	topographic maps with contour lines indicating a lower area where water will flow. The contour lines and presence of flow is supported by the submitted information. S2 is mapped on topographic maps as an unnamed tributary to Elm Creek, which flows into Bird Creek, which flows into the Verdigris River. Based on the topographic maps and supported by the submitted delineation, dated April 23, 2020, S1 has been determined to be an a(2) water.

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
P1	0.161	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	P1 has been identified on aerial photography and delineated to be located within the flow path of S2, an a(2) water, which flow indirectly into the Verdigris River. Based on aerial photography and supported by the submitted delineation, dated April 23, 2020, P1 has been determined to be an a(3) water

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
W1	0.720	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W1 surrounds P1, which are indicated on aerial photography. W1 is delineated as containing all three indicators of a wetland and directly abut P1, an a(3) water. Based on aerial photography and supported by the submitted delineation, dated April 23, 2020, W1 has been determined to be an a(4) water.
W2	0.185	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	W2 is located within the 100 year floodplain of S1, less than 70 feet from S1. W2 is within contour lines of a USGS topographic map, indicating a hydrologic flow connection. W2 is described in the submitted delineation, dated April 23, 2020, as a small depression, supporting periodic inundation, Based on aerial photography, topographic map, and supported by the submitted delineation, dated April 23, 2020, W1 has been determined to be an a(4) water.

**D. Excluded Waters or Features**



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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
S3	80	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. S3 flows from P3, a b(8) water to S1, an a(2) water. S3 is not mapped on USGS topographic map or aerial photography. Based on topographic map, aerial photography, supported by the submitted delineation, dated April 23, 2020, S3 has been determined to have been excavated in the upland and to be an b(3) water.
P3	0.096	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 not mapped on USGS topographic map. P3 is mapped on current and historic aerial photography. Based on topographic map, aerial photography, supported by the submitted delineation, dated April 23, 2020, P3 has been determined to be an b(8) water.

**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 for Undeveloped 80 Acres MOL, Northwest ¼ of Section 14, Township 21 North, Range 14 East, Rogers County, Oklahoma”, dated April 23,2021

This information is sufficient for purposes of this AJD.

Rationale: N/A or describe rationale for insufficiency (including partial insufficiency).

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial: Google Earth, 1995, 2011, 2020
- 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:**

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

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

**C. Additional comments to support AJD:** [N/A](#)