



**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): [7/29/2021](#)
 ORM Number: [SWT-2021-00345](#)
 Associated JDs: [N/A](#)
 Review Area Location¹: State/Territory: [OK](#) City: [Bethany](#) County/Parish/Borough: [Canadian](#)
 Center Coordinates of Review Area: Latitude 35.588731 Longitude -97.696336

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

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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
PUB-1	1.07	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).	PUB-1 is a man-made pond that was constructed by the impoundment of a non-jurisdictional water (EDF-1). PUB-1 did not display an outgoing drainage feature and likely contributes overland sheet flow during wet periods. Therefore, PUB-1 is a non-jurisdictional artificial pond.
EDF-1	56	Linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EDF-1 is a headwater that displays ephemeral drainage features. Upon a Waters and Wetland Delineation provided by the applicant, it was determined that EDF-1 was an ephemeral drainage feature, only contributing flow in direct response to rain events, lacking significant silt accumulation within the channel. EDF-1 contributes flow to PUB-1, having no channelized connectivity to other aquatic features. Therefore, EDF-1 is a non-jurisdictional ephemeral feature.
EDF-2	505	Linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EDF-2 is a headwater feature that displays the characteristics of a braided ephemeral drainage feature. Upon review of the Waters and Wetland Delineation provided by the applicant, it was determined that EDF-2 is an ephemeral feature, only contributing flow in direct response to rain events. On the day of the delineation, EDF-2 did not exhibit standing or flowing water. The APT for the study area showed wetter than normal conditions with a score of 15 being calculated. Therefore, EDF-2 is a non-jurisdictional ephemeral feature.

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
EDF-3	970	Linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EDF-3 is a topographical low that displays characteristics of an ephemeral drainage feature. Upon reviewing the Wetlands and Waters Delineation provided by the applicant, it was determined that EDF-3 was primarily a topographic low lacking a discernible bed and bank and a distinct change in vegetation. However, it is likely that EDF-3 does contribute downstream flow during and immediately following rain events. Therefore, EDF-3 is a non-jurisdictional ephemeral feature.
PEM1-1	0.146	acre(s)	(b)(1) Non-adjacent wetland.	PEM1-1 consist of two non-adjacent emergent wetlands that are isolated within the uplands. PEM1-1 is associated with former conservation terraces that were created in the uplands. PEM1-1 receives its hydrology from rain run-off from the surrounding uplands. PEM1-1 is isolated within the uplands and not adjacent to an (a)(1)-(a)(3) water. Therefore, PEM1-1 is a non-adjacent non-jurisdictional wetland.
PEM1-2	0.057	acre(s)	(b)(1) Non-adjacent wetland.	PEM1-2 is a non-adjacent emergent wetland that is isolated within the uplands. PEM1-2 is associated with former conservation terraces that were created in the uplands. PEM1-2 receives its hydrology from rain run-off from the surrounding uplands. PEM1-2 is isolated within the uplands and not adjacent to an (a)(1)-(a)(3) water. Therefore, PEM1-2 is a non-adjacent non-jurisdictional wetland.

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: [Undeveloped 50 Acres MOL Delineation Report \(003\), 7/13/2021](#)

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: Digital Globe and Google Earth 1995-2020 and Photos Provided by applicant](#)

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: [USFWS National Wetlands Inventory Mapper](#)



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USGS topographic maps: [USGS 7.5 Minute Bethany Quadrangle](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	NHD Maps, USGS 7.5 Minute Bethany Quadrangle
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): [Antecedent Precipitation Tool](#) data was provided by the applicant for the date that the [Wetlands and Waters Delineation](#) was performed. The tool showed that the delineation was performed in wetter than normal conditions with a calculated score of 15 being calculated by the tool.

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