



**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): 8/2/2021

ORM Number: SWT-2021-00391

Associated JDs: N/A

Review Area Location¹: State/Territory: Oklahoma City: Oklahoma City County/Parish/Borough: Canadian

Center Coordinates of Review Area: Latitude 35.423942 Longitude -97.694173

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.

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
R4SB-1	588	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	R4SB-1 is an unnamed tributary to Mustang Creek, a tributary to the North Canadian River, an (a)(1) Traditionally Navigable Water. Upon review of the applicant provided Wetlands and Waters delineation and a site visit conducted on 7/19/2021, it was determined that R4SB-1 is best described as an intermittent tributary. During the site visit, standing water and debris deposits consistent with an intermittent flow regime were apparent. The stream channel also displayed a discernable bed and bank. In addition, R4SB-1 is mapped as an intermittent stream on USGS topographic quadrangles, USFWS Wetland Inventory, and NHD maps. Therefore, R4SB-1 is a jurisdictional (a)(2) intermittent tributary.
R4SB-2	2,118	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	R4SB-2 is an unnamed tributary to Mustang Creek, a tributary to the North Canadian River, an (a)(1) Traditionally Navigable Water. Upon review of the applicant provided Wetlands and Waters delineation and a site visit conducted on 7/19/2021, it was determined that R4SB-2 is best described as an intermittent tributary. Photos provided by the applicant showed a significant channelized stream channel with flowing water. In addition, R4SB-2 is mapped as an intermittent stream on USGS topographic quadrangles, USFWS Wetland Inventory, and NHD maps. Therefore, R4SB-2 is a jurisdictional (a)(2) intermittent tributary.

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

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
EDF-1	1,965	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EDF-1 is a feature that displays the characteristics of an ephemeral stream. Upon review of the Wetlands and Waters Delineation provided by the applicant and a site visit conducted on 7/19/2021, it was determined that EDF-1 is an ephemeral stream, only contributing flow in direct response to rain events. During the site visit, EDF-1 exhibited few areas of standing water, and was entirely absent of flowing water. EDF-1 displayed a defined channel, however it was grass lined throughout its entirety before converting into overland sheet flow along the adjacent agricultural field. Therefore, EDF-1 is a non-jurisdictional ephemeral stream.
EDF-2	310	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 an ephemeral stream. Upon review of the Wetlands and Waters Delineation provided by the applicant and a site visit conducted on 7/19/2021, it was determined that EDF-2 is an ephemeral stream, only contributing flow in direct response to rain events. During the site visit, EDF-2 displayed a bed and bank but did not display standing or flowing water. Standing herbaceous vegetation was present within the stream channel. As the EDF-2 reach neared R4SB-1, herbaceous vegetation within the stream channel began to become sparser and the channel became more incised and defined, eventually transitioning to the intermittent R4SB-1 reach. Therefore, EDF-2 is a non-jurisdictional ephemeral stream.

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 77 Acres MOL PJD & AJD Request Report, 6/24/2021](#)

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 1995-2020 and Site Visit Photos 7/19/2021](#)
- Corps site visit(s) conducted on: [7/19/2021](#)

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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- 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 Wetlands Mapper](#)
- USGS topographic maps: [USGS 7.5 Minute Mustang 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 normal conditions with a calculated score of 10 being calculated by the tool.](#)

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