



**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT**  
2488 EAST 81ST STREET  
TULSA, OKLAHOMA 74137-4290

January 5, 2024

Regulatory Office

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Please reference correspondence dated December 4, 2023, concerning a request for an Approved Jurisdictional Determination (AJD) for 11 acres adjacent to the 316-acre 3 SUN USA, LLC site. The proposed project is located in Section 13, Township 19 North, Range 16 East, in Rogers County, Oklahoma. The area marked in red on the enclosed map denotes the limits of the property examined under this request. We have reviewed the submitted data relative to Section 404 of the Clean Water Act (CWA).

We have examined the property (map enclosed) and concluded that the referenced property contains one non-jurisdictional ditch (PW-3, 0.36 acre). We have concluded that this feature (depicted on the enclosed map) is not a jurisdictional water of the United States. Therefore, a discharge of dredge and/or fill material within this aquatic resource is not subject to regulation pursuant to Section 404 of the CWA, and a Department of the Army (DA) permit would not be required. The basis for this determination is documented on the attached memorandum.

This final determination constitutes an approved JD subject to the optional Corps Administrative Appeal Process. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed is a copy of the "Notification of Administrative Appeal Options and Process and Request for Appeal (RFA)" form. If you request to appeal this determination you must submit a completed RFA form to the Southwestern Division Office at the following address:

[REDACTED]  
Administrative Appeals Review Officer,  
Southwestern Division (CESWD-PD-O)  
U.S. Army Corps of Engineers  
1100 Commerce Street, Suite 831  
Dallas, Texas 75242-1317  
[REDACTED]  
[REDACTED]

In order for a RFA form to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it

has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit a RFA form, it must be received at the above address by March 5, 2024. It is not necessary to submit a RFA form to the Division Office if you do not object to the determination in this letter.

We believe this determination to be an accurate assessment of the presence of jurisdictional wetlands and other waters on the site which are subject to Section 404 of the CWA. This is a final determination of federal jurisdiction on the property pursuant to Section 404 of the CWA. This determination is valid for 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date.

This determination has been conducted to identify the limits of the Corps CWA jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

Your project has been assigned Identification Number SWT-2022-00582-3. Please refer to this number during future correspondence. If further assistance is required, contact [REDACTED] at [REDACTED].

Sincerely,

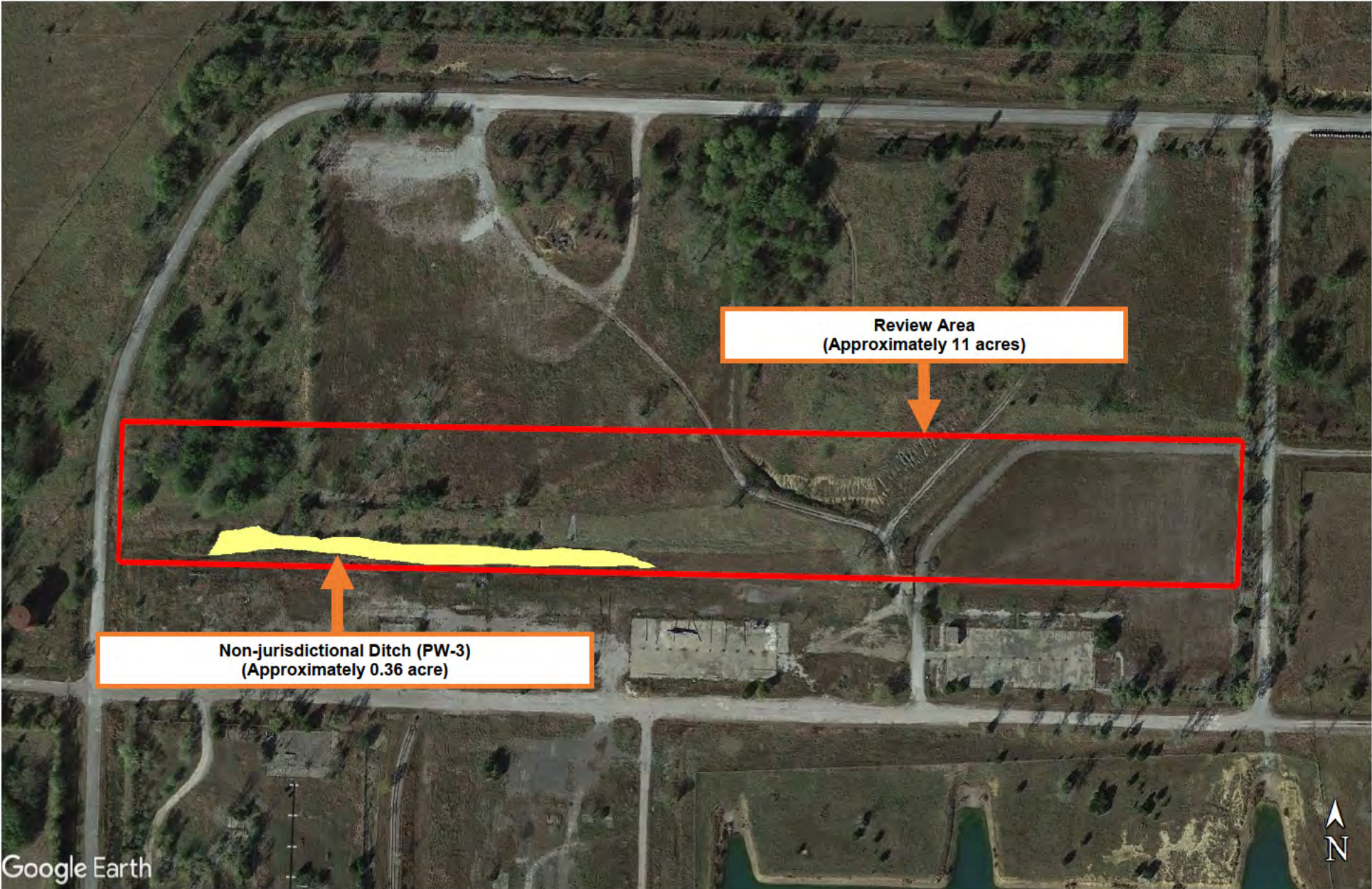
[REDACTED]  
[REDACTED]

Enclosures





**SWT-2022-00582-3**  
**Approved Jurisdictional Determination**



Google Earth

Project Coordinates: Latitude: 36.1190, Longitude: -95.5526, Rogers County, Oklahoma