



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

February 6, 2023

Regulatory Office



Please reference your correspondence dated December 10, 2022, requesting a No Permit Required Letter for the construction of a proposed communication tower. The proposed project is located at Latitude 36.3651, Longitude -96.0282 in Skiatook, Tulsa County, Oklahoma. We have reviewed the submitted data relative to Section 404 of the Clean Water Act (CWA).

We have examined the property and concluded that the referenced property below does not contain jurisdictional waters of the United States subject to Section 404 of the CWA and is composed entirely of dry land. Therefore, your proposal is not subject to regulation pursuant to Section 404 of the CWA, and a Department of the Army (DA) permit will not be required.

Should your method of construction necessitate such a discharge into an aquatic area or tributary stream, we suggest that you resubmit that portion of your project so that we may determine whether an individual DA permit will be required. Although Section 404 of the CWA authorization is not required, this does not preclude the possibility that a real estate interest or other Federal, State, or local permits may be required.

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]
Appeals Review Officer
U.S. Army Corps of Engineers
1100 Commerce Street, Suite 831
Dallas, TX 75242-1317
[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 RFA form. Should you decide to submit a RFA form, it must be received at the above address by April 6, 2023. 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 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.

If you desire to complete a "Customer Service Survey" on your experience with the Corps Regulatory Program, visit <https://regulatory.ops.usace.army.mil/customer-service-survey/> on the internet at your convenience and submit your comments.

This case has been assigned Identification Number SWT-2022-00587. Please refer to this number during any future correspondence. If you have any questions, please contact [REDACTED] at [REDACTED].

Sincerely,

For: [REDACTED]

Enclosures



SWT-2022-00587
Dry Land Approved Jurisdictional Determination
Proposed Communication Tower
[REDACTED]

