



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

November 8, 2023

Regulatory Office



Dear [REDACTED]:

Please reference your correspondence concerning an industrial development (40 Acres) approved jurisdictional determination request. The review area is located at Latitude 35.41690, Longitude -96.92225, in Pottawatomie County, Oklahoma. The area marked in red on the enclosed map denotes the approximate 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 review area (depicted in red) and concluded that the site contains five non-jurisdictional waters (AR1 - AR5). Therefore, your proposal is not subject to regulation pursuant to Section 404 of the CWA, and a Department of the Army (DA) permit is not 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 January 7, 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 delineation has been conducted to identify the limits of the Corps CWA jurisdiction for the particular site identified in this request. This delineation 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 [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey) on the internet at your convenience and submit your comments.

This case has been assigned Identification No. SWT-2023-0325. Please refer to this number during any future correspondence. If you have any questions, please contact. [REDACTED] at [REDACTED].

Sincerely,

[REDACTED]  
Chief, Regulatory Office

Enclosures

**SWT-2023-325**

**AJD MAP**

