



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

January 19, 2024

Regulatory Office



Dear [REDACTED]:

Please reference your request for an approved Jurisdictional Determination (JD) on January 5, 2024. The property is located in the Southeast ¼, Southeast ¼ of Section 20, Township 18 North, Range 15 East, Latitude 36.01762 and Longitude -95.72657, in Wagoner County, Oklahoma. [REDACTED] intends to dispose 4,000 to 5,000 cubic yards of soil into a low-lying area at this location in the uplands on your property associated with [REDACTED]. 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 and concluded that the referenced property contains no jurisdictional wetlands. However, the unnamed tributary of Broken Arrow Creek located in the portion of the property (shown blue on the enclosed map) is a regulated waterway. The adjacent on-channel pond was not evaluated during the review of the approved JD; however, this on-channel pond is a jurisdictional water of the United States.

The provided information does not indicate that a placement of dredged or fill material will be required, permanently or temporarily, into any "waters of the United States," including jurisdictional wetlands. Therefore, your proposal is not subject to regulation pursuant to Section 404 CWA, and a Department of the Army (DA) permit will not be required. Should your method of construction necessitate such a discharge into the unnamed tributary of Broken Arrow Creek, jurisdictional waters, we suggest that you resubmit that portion of your project so that we may determine whether an individual DA permit will be required.

Although DA authorization is not required, this does not preclude the possibility that other federal, state, or local permits may be required.

The basis for this determination is the unnamed tributary of Broken Arrow Creek a(5) meets the definition per 33 CFR 328.3(a)(1). The a(5) discharges into Broken Arrow Creek and flows into the Arkansas River (a)(1) water.

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. This is a final determination of federal jurisdiction on the property pursuant to Section 404. 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.

The delineation included herein has been conducted to identify the location and extent of the aquatic resources for purposes of the CWA 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 discuss the applicability of an NRCS Certified Wetland Determination with the local USDA service center, prior to starting work.

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 (NAP) 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]
[REDACTED]
Southwest Division (CESWD-PD-O)
U.S. Army Corps of Engineers
1100 Commerce Street, Suite 831
Dallas, TX 75242 1317
Tel: [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 18, 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.

This case has been assigned Identification No. SWT-2023-00493. Please refer to this number during future correspondence. If you have any questions, contact [REDACTED] at [REDACTED].

Sincerely,

[REDACTED]
Chief, Regulatory Office

Enclosure

cc:

[REDACTED]



SWT-2023-00493 Aerial Imagery (Approved Jurisdictional Determination - [REDACTED])