



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

March 17, 2022

Regulatory Office

Mr. Jesse Fulcher
Tulsa L Dev., LLC
4058 N College Ave., Ste 300, Box 9
Fayetteville, AR 72703

Dear Mr. Fulcher:

Please reference your request for an approved jurisdictional determination for a proposed residential development located at latitude 36.02319, longitude -95.77454, in Broken Arrow, Tulsa County, Oklahoma. 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 0.043 acre of jurisdictional open water (PUB-2), 0.039 acre of jurisdictional emergent wetland (PEM1-1), and 3.913 acres of non-jurisdictional stock pond (PUB-1). The jurisdictional open water and abutting wetland have a significant nexus to the Arkansas River, a navigable water of the United States subject to the CWA. The placement of dredged or fill material in these jurisdictional waters would require prior authorization from the U.S. Army Corps of Engineers (Corps) pursuant to Section 404 of the CWA.

The basis for this determination is documented on the enclosed approved jurisdictional determination form.

This final determination constitutes an approved jurisdictional determination 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:

Mr. Jamie Hyslop
Administrative Appeals Review Officer,
Southwestern Division (CESWD-PD-O)
U.S. Army Corps of Engineers
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317
Phone: 469-216-8324
Email: jamie.r.hyslop@usace.army.mil

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 May 15, 2022. 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.

This case has been assigned Identification No. SWT-2021-00551. Please refer to this number during any future correspondence. If you have any questions, please contact Mr. David Carraway via email at david.w.carraway@usace.army.mil or via phone at 918-669-7618.

Sincerely,

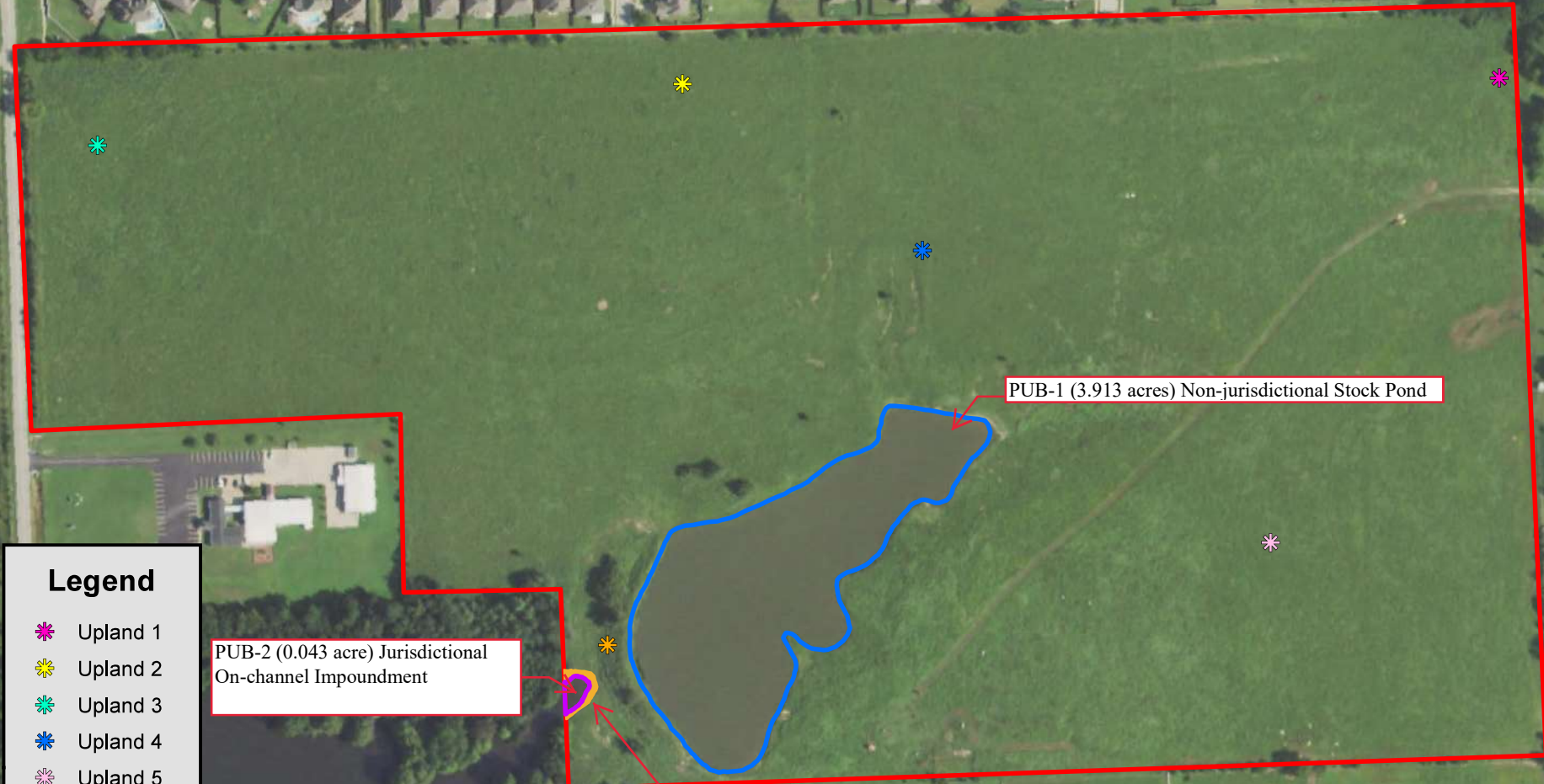
Ed Parisotto

For Andrew R. Commer
Chief, Regulatory Office

Enclosures

cc:
Mr. Clint M. Porter, Blackbird Environmental, LLC
Mr. Justin Morgan, Tanner Consulting, LLC

Figure 5: Delineation Site Map



PUB-1 (3.913 acres) Non-jurisdictional Stock Pond

PUB-2 (0.043 acre) Jurisdictional On-channel Impoundment

PEM1-1 (0.039 acre) Jurisdictional Emergent Wetland

Legend

- ✱ Upland 1
- ✱ Upland 2
- ✱ Upland 3
- ✱ Upland 4
- ✱ Upland 5
- ✱ Upland 6
- ▭ PUB-1
- ▭ PUB-2
- ▭ PEM1-1
- ▭ Study Area

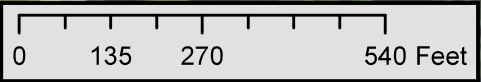
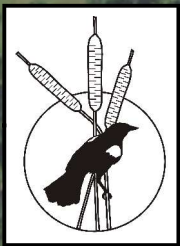


Figure 5: Delineation Site Map
Source: USDA NAIP Aerial Photograph (2019)
Undeveloped 68 Acres MOL
SW 1/4 of Section 24, T18N, R14E
Tulsa County, Oklahoma