



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 18-SEP-2020

ORM Number: MVK-2020-00329-KB

Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)

Review Area Location<sup>1</sup>:

State/Territory: MS City: County/Parish/Borough: DeSoto County

Center Coordinates of Review Area: Latitude 34.93966 Longitude -89.827476

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- ☒ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)<sup>3</sup>

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Perennial 1	934.57 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary flows continuously and contributes flow in a typical year.
Perennial 2	932.43 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary flows continuously and contributes flow in a typical year.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
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<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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N/A	N/A	N/A	N/A
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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

#### D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Emergent 0	0.09 acres	(b)(1) Non-adjacent wetland	Wetlands do not abut a jurisdictional water, is separated from such by a natural or artificial berm, nor is it inundated by flooding from a jurisdictional water.
Ephemeral 0	581.03 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature only flows in direct response to rainfall. Small Drainage area.
Ephemeral 1	466.47 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature only flows in direct response to rainfall. Small Drainage area.
Ephemeral 2	244.64 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature only flows in direct response to rainfall. Small Drainage area.
Ephemeral 3	147.52 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature only flows in direct response to rainfall. Small Drainage area.
Ephemeral 4	239.86 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature only flows in direct response to rainfall. Small Drainage area.
Ephemeral 5	323.11 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature only flows in direct response to rainfall. Small Drainage area.
Ephemeral 6	176.04 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature only flows in direct response to rainfall. Small Drainage area.
Ephemeral 7	435.46 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature only flows in direct response to rainfall. Small Drainage area.
Ephemeral 8	103.2 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature only flows in direct response to rainfall. Small Drainage area.
Ephemeral 9	849.4 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature only flows in direct response to rainfall. Small Drainage area.
Forested 0	0.86 acres	(b)(1) Non-adjacent wetland	Wetlands do not abut a jurisdictional water, is separated from such by a natural or artificial berm, nor is it inundated by flooding from a jurisdictional water. It is isolated in nature.
Forested 1	0.34 acres	(b)(1) Non-adjacent wetland	Wetlands do not abut a jurisdictional water, is separated from such by a natural or artificial berm, nor is it inundated by flooding from a jurisdictional water. Only connection to a jurisdictional stream is non-

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<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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			jurisdictional ephemeral feature, which cannot be used to establish wetland jurisdiction.
Forested 2	1.05 acres	(b)(1) Non-adjacent wetland	Wetlands do not abut a jurisdictional water, is separated from such by a natural or artificial berm, nor is it inundated by flooding from a jurisdictional water. Only connection to a jurisdictional stream is non-jurisdictional ephemeral feature, which cannot be used to establish wetland jurisdiction.
Pond 0	2.05 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Pond was created in uplands; its only connection to jurisdictional waters is a series of ephemeral features and non jurisdictional wetlands. B(8) exclusion applies even with surface water connection.
Pond 1	0.13 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Pond connects to a non-jurisdictional ephemeral feature that terminates via sheet flow (not regulated); therefore, it does not contribute surface water. Nor, is it inundated in a typical year.
Pond 2	0.35 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Pond is isolated in nature, does not contribute flow, nor is inundated in a typical year.
Pond 3	0.09 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Pond is isolated in nature, does not contribute flow, nor is inundated in a typical year.
Pond 4	0.05 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Pond connects to a non-jurisdictional ephemeral feature that terminates via sheet flow (not regulated); therefore, it does not contribute surface water. Nor, is it inundated in a typical year.
Pond 5	0.52 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Pond is an impoundment of a non-jurisdictional water. It is not inundated in a typical year.
Pond 6	0.08 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Pond is isolated in nature, does not contribute flow, nor is inundated in a typical year.
Pond 7	0.01 acres	(b)(1) Lake/pond or impoundment that does not contribute surface	Pond is isolated in nature, does not contribute flow, nor is inundated in a typical year.

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		water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	
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**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: *The Cascades PCN Reduced (May 2020)*

This information *(is)* sufficient for purposes of this AJD.

Rationale: *N/A*

☐ Data sheets prepared by the Corps: *Title(s) and/or date(s).*

☐ Photographs: *(NA, aerial, other, aerial and other) Title(s) and/or date(s).*

☒ Corps Site visit(s) conducted on: *8/24/20*

☐ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

☐ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

☐ USDA NRCS Soil Survey: *Title(s) and/or date(s).*

☒ USFWS NWI maps: *Various*

☒ USGS topographic maps: *2013*

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** *N/A.*

**C. Additional comments to support AJD:** *N/A*

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