



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): 29-JAN-2021

ORM Number: MVK-2020-00949-TB

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 33.516202 Longitude -89.729044

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)²

§ 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)³

(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
MVK-2020-949_IS 1	393.02 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Based on the consultant's report, drainage area and additional drainage from abutting wetland, the feature flows more than just in response of rainfall events.
MVK-2020-949_IS 2	4109.16 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Based on the consultant's report and drainage area, the feature flows more than just in response of rainfall events.
MVK-2020-949_IS 3	1239.89 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Based on the consultant's report and drainage area, the feature flows more than just in response of rainfall events.

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² 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.

³ 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.

⁴ 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.

⁵ 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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MVK-2020-949_PS 1	5499.94 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Based on the consultant's report, drainage area and multiple features draining into stream, the feature flows more than just in response to rainfall events.
MVK-2020-949_PS 2	3553.85 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Based on the consultant's report, drainage area and multiple features draining into stream, the feature flows more than just in response to rainfall events.

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
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
MVK-2020-949_PFO	0.89 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	abuts an a2 water, therefore based on the rule the site is jurisdictional.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
MVK-2020-949_ES 1	922 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The ephemeral feature is based on the consultant's report and small drainage basin. Based on the information furnished, the feature only flows in response to rainfall events.
MVK-2020-949_ES 2	1334 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The ephemeral feature is based on the consultant's report and small drainage basin. Based on the information furnished, the feature only flows in response to rainfall events.
MVK-2020-949_ES 3	501.8 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The ephemeral feature is based on the consultant's report and small drainage basin. Based on the information furnished, the feature only flows in response to rainfall events.
MVK-2020-949_ES 4	367.1 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The ephemeral feature is based on the consultant's report and small drainage basin. Based on the information furnished, the feature only flows in response to rainfall events.
MVK-2020-949_ES 5	710.2 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The ephemeral feature is based on the consultant's report and small drainage basin. Based on the information furnished, the feature only flows in response to rainfall events.
MVK-2020-949_ES 6	1113.6 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The ephemeral feature is based on the consultant's report and small drainage basin. Based on the information furnished, the feature only flows in response to rainfall events.
MVK-2020-949_ES 7	837.4 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The ephemeral feature is based on the consultant's report and small drainage basin. Based on the information furnished, the feature only flows in response to rainfall events.

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MVK-2020-949_Pond 1	0.66 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)	The pond has no outlet to any nearby streams. Based upon the consultant's report, the pond was used for agricultural purposes. There are no wetlands surrounding the pond, indicating they were likely constructed in uplands. Additionally, no streams flow into or out of the pond.
MVK-2020-949_Pond 2	0.39 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)	The pond has no outlet to any nearby streams. Based upon the consultant's report, the pond was used for agricultural purposes. There are no wetlands surrounding the pond, indicating they were likely constructed in uplands. Additionally, no streams flow into or out of the pond.
MVK-2020-949_Pond 3	0.75 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)	The pond has no outlet to any nearby streams. Based upon the consultant's report, the pond was used for agricultural purposes. There are no wetlands surrounding the pond, indicating they were likely constructed in uplands. Additionally, no streams flow into or out of the pond.
MVK-2020-949_Pond 4	0.28 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)	The pond has no outlet to any nearby streams. Based upon the consultant's report, the pond was used for agricultural purposes. There are no wetlands surrounding the pond, indicating they were likely constructed in uplands. Additionally, no streams flow into or out of the pond.
MVK-2020-949_Pond 5	0.48 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)	The pond has no outlet to any nearby streams. Based upon the consultant's report, the pond was used for agricultural purposes. There are no wetlands surrounding the pond, indicating they were likely constructed in uplands. Additionally, no streams flow into or out of the pond.
MVK-2020-949_Pond 6	0.12 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)	The pond has no outlet to any nearby streams. Based upon the consultant's report, the pond was used for agricultural purposes. There are no wetlands surrounding the pond, indicating they were likely constructed in uplands. Additionally, no streams flow into or out of the pond.
MVK-2020-949_Pond 7	0.32 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)	The pond has no outlet to any nearby streams. Based upon the consultant's report, the pond was used for agricultural purposes. There are no wetlands surrounding the pond, indicating they were likely constructed in uplands. Additionally, no streams flow into or out of the pond.
MVK-2020-949_Pond 8	0.36 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)	The pond has no outlet to any nearby streams. Based upon the consultant's report, the pond was used for agricultural purposes. There are no wetlands surrounding the pond, indicating they were likely constructed in uplands. Additionally, no streams flow into or out of the pond.

III. SUPPORTING INFORMATION

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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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: *Delineation report dated 12 DEC 2020*

This information ☒ is/is not/is and is not) sufficient for purposes of this AJD.

Rationale: *N/A*

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

☒ Photographs: *Aerials and ground photos in delineation report*

☐ Corps Site visit(s) conducted on: *Date(s).*

☐ 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: *Accessed via Regulatory Viewer on 1/27/2021*

☒ USFWS NWI maps: *Accessed via Regulatory Viewer on 1/27/2021*

☒ USGS topographic maps: *Submitted with delineation report*

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* or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

C. Additional comments to support AJD: The requester was required to gather additional data points in low areas and in existing ag fields. All additional data points were upland.

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