



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

ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 12 February 2021

ORM Number: MVK-2020-00876-KB

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

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 34.908086 Longitude -90.009839

I. 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
N/A	N/A	N/A	N/A

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

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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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
MVK-2020-876 PEM 9	0.02 acres	(b)(1) Non-adjacent wetland	Non-adjacent, isolated wetland with no direct or indirect connection to (a)(1)-(a)(3) jurisdictional waters. Isolated.
MVK-2020-876 Eph 1	475.58 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information contained in delineation report from Agent, APT analysis of Agent site visit date and photos from that date, and a small drainage area of approximately 64 acres. The feature appears to originate in an area now occupied by an active surface mine with altered hydrology. No stream is indicated in this area on topo maps.
MVK-2020-876 eph 10	190.3 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information contained in delineation report from Agent and APT analysis of Agent site visit date and photos from that date. The feature appears to originate from a (b)(8) pond constructed in an upland. No stream is indicated in this area on topo maps.
MVK-2020-876 eph 11	562.11 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information contained in delineation report from Agent and APT analysis of Agent site visit date and photos from that date. Feature appears to be a manmade ditch across an agricultural field. No stream is indicated in this area on topo maps.
MVK-2020-876 eph 12	105 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information contained in delineation report from Agent and APT analysis of Agent site visit date and photos from that date. Feature appears to be a manmade ditch along the edge of an agricultural field. No stream is indicated in this area on topo maps.
MVK-2020-876 eph 2	1642.85 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information contained in delineation report from Agent and APT analysis of Agent site visit date and photos from that date. No stream is indicated in this area on topo maps.
MVK-2020-876 eph 3	458.71 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information contained in delineation report from Agent, APT analysis of Agent site visit date and photos from that date, and a small drainage area of approximately 24 acres. No stream is indicated in this area on topo maps.
MVK-2020-876 eph 4	227.9 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information contained in delineation report from Agent and APT analysis of Agent site visit date and photos from that date. Feature conveys water during and after rain events to eph 3. No stream is indicated in this area on topo maps.
MVK-2020-876 eph 5	1449.32 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information contained in delineation report from Agent and APT analysis of Agent site visit date and photos from that date. The feature appears to originate from a (b)(8) pond constructed in an upland. No stream is indicated in this area on topo maps.
MVK-2020-876 eph 6	530.18 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information contained in delineation report from Agent and APT analysis of Agent site visit date and photos from that date. Feature appears to be a

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			manmade ditch between PEM wetlands. No stream is indicated in this area on topo maps.
MVK-2020-876 eph 7	1422.29 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information contained in delineation report from Agent, APT analysis of Agent site visit date and photos from that date, and a small drainage area of approximately 30 acres. The channel carries overflow water from two (b)(8) ponds constructed in uplands and no stream is indicated in this area on topo maps.
MVK-2020-876 eph 8	127.15 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information contained in delineation report from Agent and APT analysis of Agent site visit date and photos from that date. The feature appears to originate from a (b)(8) pond constructed in an upland. No stream is indicated in this area on topo maps.
MVK-2020-876 eph 9	668.85 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information contained in delineation report from Agent and APT analysis of Agent site visit date and photos from that date. The feature appears to originate from a (b)(8) pond constructed in an upland. No stream is indicated in this area on topo maps.
MVK-2020-876 OW 1	0.16 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 appears to have been a mining area constructed in uplands with no direct or indirect connection to jurisdictional waters.
MVK-2020-876 OW 2	0.07 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 appears to have been a mining area constructed in uplands with no direct or indirect connection to jurisdictional waters.
MVK-2020-876 OW 3	0.14 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 appears to have been a mining area constructed in uplands with no direct or indirect connection to jurisdictional waters.
MVK-2020-876 OW 4	1.23 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 appears to have been a mining area constructed in uplands with no direct or indirect connection to jurisdictional waters.
MVK-2020-876 OW 5	0.5 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 appears to have been constructed in uplands as part of an historical mining operation.
MVK-2020-876 OW 6	0.56 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	Pond appears to have been constructed in uplands as part of an historical mining operation.

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		an impoundment of a jurisdictional water that meets (c)(6)	
MVK-2020-876 OW 7	0.02 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 appears to have been a mining area constructed in uplands with no direct or indirect connection to jurisdictional waters.
MVK-2020-876 PEM 1	1.23 acres	(b)(1) Non-adjacent wetland	Wetland abutting an ephemeral stream, an excluded water, therefore the wetlands are not waters of the U.S.
MVK-2020-876 PEM 2	0.68 acres	(b)(1) Non-adjacent wetland	Wetland abutting an ephemeral stream, an excluded water, therefore the wetlands are not waters of the U.S.
MVK-2020-876 PEM 3	0.08 acres	(b)(1) Non-adjacent wetland	Non-adjacent, isolated wetland with no direct or indirect connection to (a)(1)-(a)(3) jurisdictional waters. Isolated.
MVK-2020-876 PEM 4	0.11 acres	(b)(1) Non-adjacent wetland	Non-adjacent, isolated wetland with no direct or indirect connection to (a)(1)-(a)(3) jurisdictional waters. Isolated
MVK-2020-876 PEM 5	0.1 acres	(b)(1) Non-adjacent wetland	Non-adjacent, isolated wetland with no direct or indirect connection to (a)(1)-(a)(3) jurisdictional waters. Isolated
MVK-2020-876 PEM 6	0.02 acres	(b)(1) Non-adjacent wetland	Non-adjacent, isolated wetland with no direct or indirect connection to (a)(1)-(a)(3) jurisdictional waters. Isolated
MVK-2020-876 PEM 7	0.37 acres	(b)(1) Non-adjacent wetland	Non-adjacent, isolated wetland with no direct or indirect connection to (a)(1)-(a)(3) jurisdictional waters. Isolated
MVK-2020-876 PEM 8	0.06 acres	(b)(1) Non-adjacent wetland	Non-adjacent, isolated wetland with no direct or indirect connection to (a)(1)-(a)(3) jurisdictional waters. Isolated
MVK-2020-876 PFO 1	0.16 acres	(b)(1) Non-adjacent wetland	Non-adjacent, isolated wetland with no direct or indirect connection to (a)(1)-(a)(3) jurisdictional waters. Isolated
MVK-2020-876 PFO 3	0.3 acres	(b)(1) Non-adjacent wetland	Non-adjacent, isolated wetland with no direct or indirect connection to (a)(1)-(a)(3) jurisdictional waters. Isolated

II. 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.

 x Information submitted by, or on behalf of, the applicant/consultant: *Delineation report from Headwaters, Inc. dated 6 November 2020 and additional data provided 21 January 2021.*

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

Rationale: *Report provided by Headwaters, Inc. 6 November 2020.*

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

 x Photographs: (*NA, aerial, other, aerial and other*): *Provided in delineation report listed above.*

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

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

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

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

 x USFWS NWI maps: *Title(s) and/or date(s).*

 x USGS topographic maps: *Title(s) and/or date(s).*

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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):** Agent site visit was conducted during normal conditions based on APT
- C. Additional comments to support AJD:** The topo map confirms old mining activities in certain areas of the property, mainly in the hilly area along east side of property. In addition, the only blue line stream on topo map is the main regulated stream. The remaining stream features appear to be man-made that help drain some of the excavated pits.

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