



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): 17-MAR-2021

ORM Number: MVK-2019-888

Associated JDs: PJD 2019-888 (November 22, 2019)

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 34.895469° Longitude -89.817669°

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
Intermittent stream1_NWPR	252.89 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Based on information obtained from the delineation report, topo, and drainage area. On site photos indicate intermittent flow.
Intermittent stream2_NWPR	2695.54 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Based on information obtained from the delineation report, topo, and drainage area. On site photos indicate intermittent flow.
Intermittent stream3_NWPR	313.76 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Based on information obtained from the delineation report, topo, and drainage area. On site photos indicate intermittent flow.

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

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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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Intermittent stream4_NWPR	1047.42 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Based on information obtained from the delineation report, topo, and drainage area. On site photos indicate intermittent flow.
Intermittent stream5_NWPR	476.69 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Based on information obtained from the delineation report, topo, and drainage area. On site photos indicate intermittent flow.
Perennial stream_NWPR	738.59 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Based on information obtained from the delineation report, topo, and drainage area. On site photos indicate perennial flow.

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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Artificial pond1_NWPR	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)	Pond constructed in uplands for stock watering and potential recreational. Pond was not constructed in a WOTUS, only in uplands. Used delineation report, desktop information, very small drainage area and Lidar to make determination.
Artificial pond2_NWPR	0.52 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 constructed in uplands for stock watering and potential recreational. Pond was not constructed in a WOTUS, only in uplands. Used delineation report, desktop information, very small drainage area and Lidar to make determination
Artificial pond3_NWPR	0.41 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 constructed in uplands for stock watering and potential recreational. Pond was not constructed in a WOTUS, only in uplands. Used delineation report, desktop information, very small drainage area and Lidar to make determination
Artificial pond4_NWPR	0.93 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 constructed in uplands for stock watering and potential recreational. Pond was not constructed in a WOTUS, only in uplands. Used delineation report, desktop information, very small drainage area and Lidar to make determination
Ephemeral	256.38 feet	(b)(3) Ephemeral feature, including	Based on information obtained from the delineation

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stream1_NWPR		an ephemeral stream, swale, gully, rill, or pool	report, topo, and drainage area. On site photos indicate ephemeral flow. APT also shows area was wetter than normal. No water in the channel.
Ephemeral stream2_NWPR	134.41 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information obtained from the delineation report, topo, and drainage area. On site photos indicate ephemeral flow. APT also shows area was wetter than normal. No water in the channel.
Ephemeral stream3_NWPR	510.98 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information obtained from the delineation report, topo, and drainage area. On site photos indicate ephemeral flow. APT also shows area was wetter than normal. No water in the channel.
Ephemeral stream4_NWPR	250.74 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information obtained from the delineation report, topo, and drainage area. On site photos indicate ephemeral flow. APT also shows area was wetter than normal. No water in the channel.
Ephemeral stream5_NWPR	123.13 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information obtained from the delineation report, topo, and drainage area. On site photos indicate ephemeral flow. APT also shows area was wetter than normal. No water in the channel.
Ephemeral stream6_NWPR	150.48 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information obtained from the delineation report, topo, and drainage area. On site photos indicate ephemeral flow. APT also shows area was wetter than normal. No water in the channel.
Ephemeral stream7_NWPR	104.57 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information obtained from the delineation report, topo, and drainage area. On site photos indicate ephemeral flow. APT also shows area was wetter than normal. No water in the channel.
Ephemeral stream8_NWPR	401.92 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information obtained from the delineation report, topo, and drainage area. On site photos indicate ephemeral flow. APT also shows area was wetter than normal. No water in the channel.
Ephemeral stream9_NWPR	206.65 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on information obtained from the delineation report, topo, and drainage area. On site photos indicate ephemeral flow. APT also shows area was wetter than normal. No water in the channel.

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: JD Report from Headwaters, Inc. dated November 7, 2019.

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

Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*

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

☒ Photographs: *Google Earth Pro, Wetland Delineation Report dated 11/7/2019.*

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

☒ Previous Jurisdictional Determinations (AJDs or PJDs): *2019-888 (PJD on 11/22/19).*

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

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- ☒ USDA NRCS Soil Survey: *Title(s) and/or date(s)*.
☒ USFWS NWI maps: *Title(s) and/or date(s)*.
☒ USGS topographic maps: *Title(s) and/or date(s)*.

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):** APT shows area was wetter than normal during field visit in May 22, 2019. During the visit there was no water in the ephemeral channels.
- C. Additional comments to support AJD:** N/A.

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