



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): 25-MAY-2021

ORM Number: MVK-2021-00222-AEL

Associated JDs: N/A or ORM numbers and identifiers: N/A

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

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

Center Coordinates of Review Area: Latitude 34.746667 Longitude -90.036944

**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
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

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

<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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**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
P-1	0.04 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)	Based on the applicant's delineation report and our internal review, topo, Reg Viewer, NWI, etc., this is a pond constructed in upland and is not an impoundment of a jurisdictional water. Non-jurisdictional per the Navigable Waters Protection Rule (NWPR).
P-2	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)	Based on the applicant's delineation report and our internal review, topo, Reg Viewer, NWI, etc., this is a pond constructed in upland and is not an impoundment of a jurisdictional water. Non-jurisdictional per the Navigable Waters Protection Rule (NWPR).
S-1	358.18 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on the applicant's delineation report and our internal review, topo, Reg Viewer, NWI, etc. this is an ephemeral feature. Non-Jurisdictional per the Navigable Waters Protection Rule (NWPR).
S-5	148.74 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on the applicant's delineation report and our internal review, topo, Reg Viewer, NWI, etc. this is an ephemeral feature. Non-Jurisdictional per the Navigable Waters Protection Rule (NWPR).
S-6	165.23 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on the applicant's delineation report and our internal review, topo, Reg Viewer, NWI, etc. this is an ephemeral feature. Non-Jurisdictional per the Navigable Waters Protection Rule (NWPR).
S-7	1179.33 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Based on the applicant's delineation report and our internal review, topo, Reg Viewer, NWI, etc. this is an ephemeral feature. Non-Jurisdictional per the Navigable Waters Protection Rule (NWPR).
W-1	0.31 acres	(b)(1) Non-adjacent wetland	Based on the applicant's delineation report and our internal review, topo, Reg Viewer, NWI, site visit, etc., this is PEM wetland with no (a)(1)-(a)(4) connection. Non-jurisdictional per the Navigable Waters Protection Rule (NWPR).
W-2	0.14 acres	(b)(1) Non-adjacent wetland	Based on the applicant's delineation report and our internal review, topo, Reg Viewer, NWI, site visit, etc., this is PEM wetland with no (a)(1)-(a)(4) connection. Non-jurisdictional per the Navigable Waters Protection Rule (NWPR).
W-3	0.16 acres	(b)(1) Non-adjacent wetland	Based on the applicant's delineation report and our internal review, topo, Reg Viewer, NWI, site visit, etc., this is PEM wetland with no (a)(1)-(a)(4) connection. Non-jurisdictional per the Navigable Waters Protection Rule (NWPR).
W-4	0.36 acres	(b)(1) Non-adjacent wetland	Based on the applicant's delineation report and our internal review, topo, Reg Viewer, NWI, site visit, etc., this is PSS wetland with no (a)(1)-(a)(4) connection. Non-jurisdictional per the Navigable Waters Protection Rule (NWPR).

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<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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			Rule (NWPR).
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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: **Sutter's View Subdivision Development Project; PCN dated 14 April 2021.**

This information **is** 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: *(NA, aerial, other, aerial and other) Title(s) and/or date(s).*

☒ Corps Site visit(s) conducted on: **5 May 2021**

☐ 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: *Title(s) and/or date(s).*

☒ USGS topographic maps: **1:24,000 Arkabutla East**

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	<b>Vicksburg District Regulatory Viewer</b>
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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

C. Additional comments to support AJD: **Based on the information furnished and our internal review, PM (Dixon) concurs with the delineation provided by the agent.**

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MVK-2021-222 Approved Jurisdictional  
Determination Completed by Spencer Dixon  
of USACE Vicksburg District on 25 May 2021.

