



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): 16-JUL-2021

ORM Number: MVK-2020-00059-TB

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: Rankin County

Center Coordinates of Review Area: Latitude 32.320651 Longitude -90.043851

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-2020-59 OW 6	1112 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream channel contributes surface water flow to an (a)(1) water in a typical year. Water flows intermittently throughout the year and channel displays high sinuosity, undercut banks, scour marks, and small point bars. Drainage area of approximately 0.54 square miles (346 acres).
MVK-2020-59 OW 7	414 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream channel contributes surface water flow to an (a)(1) water in a typical year. Water flows intermittently throughout the year and channel displays undercut banks, scour marks, exposed roots.

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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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
MVK-2020-59 OW 1	171 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral channel that only flows during and immediately after a rain event. Small drainage area.
MVK-2020-59 OW 2	487 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral channel that only flows during and immediately after a rain event. Small drainage area.
MVK-2020-59 OW 3	505 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral channel that only flows during and immediately after a rain event. Small drainage area.
MVK-2020-59 OW 4	678 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral channel that only flows during and immediately after a rain event. Small drainage area.
MVK-2020-59 OW 5	16 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral channel that only flows during and immediately after a rain event. Channel connects non-jurisdictional wetlands to (a)(2) intermittent stream.
MVK-2020-59 PFO 1	0.02 acres	(b)(1) Non-adjacent wetland	Forested wetland that does not abut an (a)(1) through (a)(4) water. Wetland area fed by ephemeral (b)(3) streams.
MVK-2020-59 PFO 2	0.18 acres	(b)(1) Non-adjacent wetland	Forested wetland that does not abut an (a)(1) through (a)(4) water. Wetland area fed by ephemeral (b)(3) streams and only connection to jurisdictional (a)(2) water is through a non-jurisdictional (b)(3) ephemeral channel.
MVK-2020-59 PFO 3	0.02 acres	(b)(1) Non-adjacent wetland	Forested wetland that does not abut an (a)(1) through (a)(4) water. Wetland area fed by ephemeral (b)(3) streams.

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.

 x Information submitted by, or on behalf of, the applicant/consultant: *AJD request email along with previously submitted wetlands report.*

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

Rationale: *Required site visit to clarify/correct stream assessment.*

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

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- ☒ Photographs: *Google satellite imagery and photos taken during site visits.*
- ☒ Corps Site visit(s) conducted on: *Date(s). 6/17/2021 and 7/9/2021.*
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): *MVK-2020-59; 4/8/2020*
- ☒ 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: *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):** Site was wetter than normal during Agent's 2020 visit and both visits conducted by USACE in 2021.
- C. Additional comments to support AJD:** N/A

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