



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): 03-AUG-2020
ORM Number: MVM-2017-00087-JME
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: Tippah County
Center Coordinates of Review Area: Latitude 34.94334 Longitude -88.94022

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
STR1 NWPR	602.89 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This watercourse has a distinct stream bed and bank and readily distinguishable ordinary high water mark indicators as observed during a site visit made by the Corps.
STR3 NWPR	1181.2 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This watercourse has a distinct stream bed and bank and readily distinguishable ordinary high water mark indicators as observed during a site visit made by the Corps.

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
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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 and 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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N/A	N/A	N/A	N/A
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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
STR2 NWPR	868.61 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This watercourse is a small, shallow feature without a distinct stream bed and bank or indicators of ordinary high water as observed during a site visit made by the Corps. Observations in the field indicate that the section of watercourse does not receive groundwater inputs and would only flow in response to direct rain events.
STR4 NWPR	300.76 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This watercourse is a small, shallow feature without a distinct stream bed and bank or indicators of ordinary high water as observed during a site visit made by the Corps. Observations in the field indicate that the section of watercourse does not receive groundwater inputs and would only flow in response to direct rain events.
STR5 NWPR	634.07 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This watercourse is a small, shallow feature without a distinct stream bed and bank or indicators of ordinary high water as observed during a site visit made by the Corps. Observations in the field indicate that the section of watercourse does not receive groundwater inputs and would only flow in response to direct rain events.
WTL1 NWPR	0.064 acres	(b)(1) Non-adjacent wetland	This wetland consists of emergent habitat and its primary source of hydrology is from a shallow water table as observed during a site visit by the Corps. This wetland is not connected to an a(1)-a(4) water and is not inundated by nearby a(1)-a(4) waters. This wetland is a non-adjacent wetland.
WTL2 NWPR	0.0095 acres	(b)(1) Non-adjacent wetland	This wetland consists of emergent habitat and its primary source of hydrology is from a shallow water table as observed during a site visit by the Corps. This wetland is not connected to an a(1)-a(4) water and is not inundated by nearby a(1)-a(4) waters. This wetland is a non-adjacent wetland.
WTL3 NWPR	0.0095 acres	(b)(1) Non-adjacent wetland	This wetland consists of emergent habitat and its primary source of hydrology is from a shallow water table as observed during a site visit by the Corps. This wetland is not connected to an a(1)-a(4) water and is not inundated by nearby a(1)-a(4) waters. This wetland is a non-adjacent wetland.
WTL4 NWPR	0.017 acres	(b)(1) Non-adjacent wetland	This wetland consists of emergent habitat and its primary source of hydrology is from a shallow water

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			table as observed during a site visit by the Corps. This wetland is not connected to an a(1)-a(4) water and is not inundated by nearby a(1)-a(4) waters. This wetland is a non-adjacent wetland.
WTL5 NWPR	0.0022 acres	(b)(1) Non-adjacent wetland	This wetland consists of emergent habitat and its primary source of hydrology is from a shallow water table as observed during a site visit by the Corps. This wetland is not connected to an a(1)-a(4) water and is not inundated by nearby a(1)-a(4) waters. This wetland is a non-adjacent wetland.
WTL6 NWPR	0.0015 acres	(b)(1) Non-adjacent wetland	This wetland consists of emergent habitat and its primary source of hydrology is from a shallow water table as observed during a site visit by the Corps. This wetland is not connected to an a(1)-a(4) water and is not inundated by nearby a(1)-a(4) waters. This wetland is a non-adjacent wetland.
WTL7 NWPR	0.029 acres	(b)(1) Non-adjacent wetland	This wetland consists of emergent habitat and its primary source of hydrology is from a shallow water table as observed during a site visit by the Corps. This wetland is not connected to an a(1)-a(4) water and is not inundated by nearby a(1)-a(4) waters. This wetland is a non-adjacent wetland.

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: *Headwaters Natural Resource Consulting, July 20, 2020*
This information is sufficient for purposes of this AJD.
Rationale: *N/A*
- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: *Site photographs provided in report titled, "Request for Regulatory Review and Pre-application Meeting, Northeast Regional Landfill", Terracon, Feb. 16, 2017*
- Corps Site visit(s) conducted on: *March 30, 2017*
- Previous Jurisdictional Determinations (AJDs or PJDs): *MVM-2017-087, Feb, 20, 2018*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Tippah County*
- USFWS NWI maps: *ORM2 digitized*
- USGS topographic maps: *Walnut, MS 7.5' Topographic Quadrangle*

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.

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USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** N/A
- C. Additional comments to support AJD:** N/A

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