



**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): 7/8/2021

ORM Number: SAM-2020-00867-AMR

Associated JDs: N/A

Review Area Location¹: State/Territory: MS City: Gulfport County/Parish/Borough: Harrison

Center Coordinates of Review Area: Latitude 30.4353 Longitude -89.0705

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	
Ditch 1	0.18	acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Ditch1 was created in wetland1 and flows south to intermittent/wetland ditches along Seaway Road at least seasonally. These intermittent/wetland ditches {(a)(2)/((a)(4))} along Seaway Road maintain seasonal to perennial flow to Turkey Creek, an (a)(2) tributary which connects to Bernard Bayou, an (a)(1) Tributary; and also maintains hydrologic connection to the east via the (a)(2)/(a)(4) ditches along Seaway Road which veer to the south connecting to a perennial ditch, an (a)(2) tributary, which flows into Bernard Bayou, an (a)(1) tributary.

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 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.



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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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 1	15.8	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	Wetland 1 is part of a larger wet pine savannah wetland, is connected to intermittent/wetland ditches {(a)(2)/((a)(4))} to the south along Seaway Road. These ditches maintain seasonal to perennial flow to Turkey Creek, an (a)(2) tributary which connects to Bernard Bayou, an (a)(1) Tributary. Wetland 1 also maintains hydrologic connection to the east via the (a)(2)/(a)(4) ditches along Seaway Road which veer to the south connecting to a perennial ditch, an (a)(2) tributary, which flows into Bernard Bayou, an (a)(1) tributary.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A.	N/A.	N/A.	N/A

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: **Dana Sanders**

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: **Other: Site Photos by Dana Sanders September 2018**

☐ Corps site visit(s) conducted on: **Date(s).**

☐ 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: **Harrison Co Soils Survey, Web Soil**

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

☒ USGS topographic maps: **ESRI provided**

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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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): N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

C. Additional comments to support AJD: Ditch1 was created in wetland 1 and flows south at least seasonally. This ditch abuts wetland 1 which, both are part of a large wet pine savannah wetland that was bisected by the railroad and by Seaway Road to the south. Both Ditch 1 and Wetland 1 maintain hydrologic connection via culverts to intermittent/wetland ditches along Seaway Road. Hydrology flows west to Turkey Creek, and east to a very large perennial ditch that runs south depending on how full of water the system is. Both perennial tributaries that Ditch 1 and Wetland 1 connect to flow into Bernard Bayou, a TNW.