



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): 04-MAY-2021

ORM Number: SAM-2021-00026-CMS

Associated JDs: N/A

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

State/Territory: MS City: Shuqualak County/Parish/Borough: Noxubee County

Center Coordinates of Review Area: Latitude 32.986195 Longitude -88.792975

**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
SFA	193.73 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	SFA flows to an unnamed tributary of Hamilton Branch, which flows to Sucarnoochee River, which flows into the Tombigbee River in Sumter County, AL
SFB	129.5 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	SFB flows to an unnamed tributary of Hamilton Branch, which flows to Sucarnoochee River, which flows into the Tombigbee River in Sumter County, AL
SFCi	436.2 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	SFCi flows into SFCp, which flows to an unnamed tributary of Hamilton Branch, which flows to Sucarnoochee River, which flows into the Tombigbee River in Sumter County, AL

<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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SFCp	614.93 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	to an unnamed tributary of Hamilton Branch, which flows to Sucarnoochee River, which flow into the Tombigbee River in Sumter County, AL
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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))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
EFB	141.72 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	EFB exhibits weak bed and bank indicators, dry stream bed, and a lack of evidence of high water table.
EFC	200.6 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	EFC exhibits weak bed and bank indicators, dry stream bed, and a lack evidence of high water table.
Pond 1	1.47 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Pond1 is a NPDES stormwater pond designed to treat stormwater runoff from across the mine site.
Pond 2	0.24 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Pond 2 is a NPDES stormwater pond designed to treat stormwater runoff from across the mine site

**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: *Information in HHNT's submittal dated Dec. 11, 2020 and revised maps received 4/30/2021: vicinity map, USGS topo, soil survey, NWI, FEMA, delineation map*

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 Photos 9/21/2020; Aerial .*

Corps Site visit(s) conducted on *April 22, 2021*

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

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- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: NRCS websoil survey
- USFWS NWI maps: USFWS NWI map
- USGS topographic maps: Preston Quad.

**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):** The APT for 9/21/2020, the date of the agent’s site visit, indicates it was the dry season and the area was experiencing wetter than normal conditions, which helps justify the ephemeral flow regime for EFB and EFC, which were dry during the site visit. The APT for 4/22/2021, the date of the Corps project manager’s site visit, indicates it was the wet season and drier than normal conditions. This helps justify the intermittent flow regime of the upper reach of SFCi, which had some flow in the channel and pooling along the reach.

**C. Additional comments to support AJD:** N/A.

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