AI 89446

Revised NOI

Rec'd via email:
01/16/2026

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

LARGE CONSTRUCTION NOTICE OF INTENT (LCNOI) FOR COVERAGE UNDER THE LARGE CONSTRUCTION STORM WATER GENERAL NPDES PERMIT

INSTRUCTIONS

The Large Construction Notice of Intent (LCNOI) is for coverage under the Large Construction General Permit for land disturbing activities of five (5) acres or greater; or for land disturbing activities, which are part of a larger common plan of development or sale that are initially less than five (5) acres but will ultimately disturb five (5) or more acres. Applicant must be the owner or operator. For construction activities, the operator is typically the prime contractor. The owner(s) of the property and the prime contractor associated with regulated construction activity on the property have joint and severable responsibility for compliance with the Large Construction Storm Water General Permit MSR10.

If the company seeking coverage is a corporation, a limited liability company, a partnership, or a business trust, attach proof of its registration with the Mississippi Secretary of State and/or its Certificate of Good Standing. This registration or Certificate of Good Standing must be dated within twelve (12) months of the date of the submittal of this coverage form. Coverage will be issued in the company name as it is registered with the Mississippi Secretary of State.

Completed LCNOIs should be filed at least thirty (30) days prior to the commencement of construction. Discharge of storm water from large construction activities without written notification of coverage is a violation of state law.

Submittals with this LCNOI must include:
- **A site-specific Storm Water Pollution Prevention Plan (SWPPP) developed in accordance with ACT5 of the General Permit**
- **A detailed site-specific scaled drawing showing the property layout and the features outlined in ACT5 of the General Permit**
- **A United States Geological Survey (USGS) quadrangle map or photocopy, extending at least one-half mile beyond the facility property boundaries with the site location and outfalls outlined or highlighted. The name of the quadrangle map must be shown on all copies. Quadrangle maps can be obtained from the MDEQ, Office of Geology at 601-961-5523.**

Additional submittals may include the following, if applicable:
- **Appropriate Section 404 documentation from U.S. Army Corps of Engineers**
- **Appropriate documentation concerning future disposal of sanitary sewage and sewage collection system construction**
- **Appropriate documentation from the MDEQ Office of Land & Water concerning dam construction and low flow requirements**
- **Approval from County Utility Authority in Hancock, Harrison, Jackson, Pearl River and Stone Counties**
- **Antidegradation report for disturbance within Waters of the State**

ALL QUESTIONS MUST BE ANSWERED (Answer "NA" if the question is not applicable)

MSR10 __ __ __ __

(NUMBER TO BE ASSIGNED BY STATE)

APPLICANT IS THE: ☑ **OWNER** ☐ **PRIME CONTRACTOR**

OWNER CONTACT INFORMATION

OWNER CONTACT PERSON: Bart Williams

OWNER COMPANY LEGAL NAME: Wright Way Investments, LLC

OWNER STREET OR P.O. BOX: 3111 Old Highway 12

OWNER CITY: Starkville **STATE:** Mississippi **ZIP:** 39759

OWNER PHONE #: (662) 769-1928 **OWNER EMAIL:** bartwilliams2020@gmail.com

PREPARER CONTACT INFORMATION

IF NOI WAS PREPARED BY SOMEONE OTHER THAN THE APPLICANT

CONTACT PERSON: Hal Baggett

COMPANY LEGAL NAME: Baggett Engineering, Inc.

STREET OR P.O. BOX: 1411-B Fire Station Road

CITY: Starkville **STATE:** Mississippi **ZIP:** 39759

PHONE # (**)** 662-229-8177 **EMAIL:** hal@baggettengineering.com

PRIME CONTRACTOR CONTACT INFORMATION

PRIME CONTRACTOR CONTACT PERSON: Frank Brewer

PRIME CONTRACTOR COMPANY LEGAL NAME: Brewer Companies

PRIME CONTRACTOR STREET OR P.O. BOX: 455 Longview Adaton Road

PRIME CONTRACTOR CITY: Starkville **STATE:** Mississippi **ZIP:** 39759

PRIME CONTRACTOR PHONE #: (662) 418-1794 **PRIME CONTRACTOR EMAIL:** frankbrewer07@bellsouth.net

FACILITY SITE INFORMATION

FACILITY SITE NAME: Wright Way Drive

FACILITY SITE ADDRESS (If the physical address is not available, please indicate the nearest named road. For linear projects indicate the beginning of the project and identify all counties the project traverses.)

STREET: Buckner Street

CITY: Longview STATE: Mississippi COUNTY: Oktibbeha ZIP: 39759

FACILITY SITE TRIBAL LAND ID (N/A If not applicable): N/A

LATITUDE: 33 **degrees** 24 **minutes** 33 **seconds** **LONGITUDE:** 88 **degrees** 55 **minutes** 46. **seconds**

LAT & LONG DATA SOURCE (GPS *(Please GPS Project Entrance/Start Point)* or Map Interpolation): Map Interpolation

TOTAL ACREAGE THAT WILL BE DISTURBED [1]: 10.02

IS THIS PART OF A LARGER COMMON PLAN OF DEVELOPMENT? YES ☐ NO ☑

IF YES, NAME OF LARGER COMMON PLAN OF DEVELOPMENT: _____
AND PERMIT COVERAGE NUMBER: MSR10_ _ _ _

ESTIMATED CONSTRUCTION PROJECT START DATE: 2025-05-17 (YYYY-MM-DD)

ESTIMATED CONSTRUCTION PROJECT END DATE: 2027-05-29 (YYYY-MM-DD)

DESCRIPTION OF CONSTRUCTION ACTIVITY: _s_____

PROPOSED DESCRIPTION OF PROPERTY USE AFTER CONSTRUCTION HAS BEEN COMPLETED:
Housing Comunnity

SIC Code: 6 5 5 2 **NAICS Code** 2 3 7 2 1 0

NEAREST NAMED RECEIVING STREAM: Talking Warrior Creek

IS RECEIVING STREAM ON MISSISSIPPI'S 303(d) LIST OF IMPAIRED WATER BODIES? (The 303(d) list of impaired waters and TMDL stream segments may be found on MDEQ's web site: http://www.deq.state.ms.us/MDEQ.nsf/page/TWB_Total_Maximum_Daily_Load_Section**)** YES ☑ NO ☐

HAS A TMDL BEEN ESTABLISHED FOR THE RECEIVING STREAM SEGMENT? YES ☐ NO ☑

FOR WHICH POLLUTANT:

ARE THERE RECREATIONAL STREAMS, PRIVATE/PUBLIC PONDS OR LAKES WITHIN ½ MILE DOWNSTREAM OF PROJECT BOUNDRY THAT MAY BE IMPACTED BY THE CONSTRUCTION ACTIVITY? YES ☐ NO ☑

EXISTING DATA DESCRIBING THE SOIL (for linear projects please describe in SWPPP):
Longview Silt Loam 0 2 Percent slope

WILL FLOCCULANTS BE USED TO TREAT TURBIDITY IN STORM WATER? YES ☐ NO ☑

IF YES, INDICATE THE TYPE OF FLOCCULANT. ☐ **ANIONIC POLYACRYLIMIDE (PAM)**
☐ **OTHER** _____

IF YES, DOES THE SWPPP DESCRIBE THE METHOD OF INTRODUCTION, THE LOCATION OF INTRODUCTION AND THE LOCATION OF WHERE FLOCCULATED MATERIAL WILL SETTLE?

IS A SDS SHEET INCLUDED FOR THE FLOCCULATE? YES ☐ NO ☐

WILL THERE BE A 50 FT BUFFER BETWEEN THE PROJECT DISTURBANCE AND THE WATERS OF THE STATE? YES ☑ NO ☐

IF NOT, PROVIDE EQUIVALENT CONTROL MEASURES IN THE SWPPP.

[1]Acreage for subdivision development includes areas disturbed by construction of roads, utilities and drainage. Additionally, a housesite of at least 10,000 ft^2 per lot (entire lot, if smaller) shall be included in calculating acreage disturbed.

DOCUMENTATION OF COMPLIANCE WITH OTHER REGULATIONS/REQUIREMENTS

COVERAGE UNDER THIS PERMIT WILL NOT BE GRANTED UNTIL ALL OTHER REQUIRED MDEQ PERMITS AND APPROVALS ARE SATISFACTORILY ADDRESSED

IS LCNOI FOR A FACILITY THAT WILL REQUIRE OTHER PERMITS? YES ☐ NO ☑

IF YES, CHECK ALL THAT APPLY: ☐ AIR ☐ HAZARDOUS WASTE ☐ PRETREATMENT

☐ WATER STATE OPERATING ☐ INDIVIDUAL NPDES ☐ OTHER: _____

IS THE PROJECT REROUTING, FILLING OR CROSSING A WATER CONVEYANCE OF ANY KIND? (If yes, contact the U.S. Army Corps of Engineers' Regulatory Branch for permitting requirements.) YES ☐ NO ☑

IF THE PROJECT REQUIRES A CORPS OF ENGINEER SECTION 404 PERMIT, PROVIDE APPROPRIATE DOCUMENTATION THAT:

-The project has been approved by individual permit, or
-The work will be covered by a nationwide permit and NO NOTIFICATION to the Corps is required, or
-The work will be covered by a nationwide or general permit and NOTIFICATION to the Corps is required

IS THE PROJECT REROUTING, FILLING OR CROSSING A STATE WATER CONVEYANCE OF ANY KIND? (If yes, please provide an antidegradation report.) YES ☐ NO ☑

IS A LAKE REQUIRING THE CONSTRUCTION OF A DAM BEING PROPOSED? (If yes, provide appropriate approval documentation from MDEQ Office of Land and Water, Dam Safety.) YES ☐ NO ☑

IF THE PROJECT IS A SUBDIVISION OR A COMMERCIAL DEVELOPMENT, HOW WILL SANITARY SEWAGE BE DISPOSED? Check one of the following and attach the pertinent documents.

☐ **Existing Municipal or Commercial System. Please attach plans and specifications for the collection system and the associated "Information Regarding Proposed Wastewater Projects" form or approval from County Utility Authority in Hancock, Harrison, Jackson, Pearl River and Stone Counties. If the plans and specifications can not be provided at the time of LCNOI submittal, MDEQ will accept written acknowledgement from official(s) responsible for wastewater collection and treatment that the flows generated from the proposed project can and will be transported and treated properly. The letter must include the estimated flow.**

☐ **Collection and Treatment System will be Constructed. Please attach a copy of the cover of the NPDES discharge permit from MDEQ or indicate the date the application was submitted to MDEQ (Date: _____.)**

☑ **Individual Onsite Wastewater Disposal Systems for Subdivisions Less than 35 Lots. Please attach a copy of the Letter of General Acceptance from the Mississippi State Department of Health or certification from a registered professional engineer that the platted lots should support individual onsite wastewater disposal systems.**

☐ **Individual Onsite Wastewater Disposal Systems for Subdivisions Greater than 35 Lots. A determination of the feasibility of installing a central sewage collection and treatment system must be made by MDEQ. A copy of the response from MDEQ concerning the feasibility study must be attached. If a central collection and wastewater system is not feasible, then please attach a copy of the Letter of General Acceptance from the State Department of Health or certification from a registered professional engineer that the platted lots should support individual onsite wastewater disposal systems.**

INDICATE ANY LOCAL STORM WATER ORDINANCE (I.E. MS4)WITH WHICH THE PROJECT MUST COMPLY:

N/A

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Applicant[1] (owner or prime contractor)

28 JAN 2025
Date Signed

BART WILLIAMS
Printed Name[1]

MANAGING PARTNER
Title

[1]**This application shall be signed as follows:**

- **For a corporation, by a responsible corporate officer.**
- **For a partnership, by a general partner.**
- **For a sole proprietorship, by the proprietor.**

For a municipal, state or other public facility, by principal executive officer, mayor, or ranking elected official

Please submit the LCNOI form to: **Chief, Environmental Permits Division**
MS Department of Environmental Quality, Office of Pollution Control
P.O. Box 2261
Jackson, Mississippi 39225

Electronically: **https://www.mdeq.ms.gov/construction-stormwater/**

Polaczyk, Amy <AMY.POLACZYK@tetratech.com> Tue, Sep 16, 12:47 PM

to me, frankbrewer07@bellsouth.net, bartwilliams2020@gmail.com, Carrie

Hello Ms. Polaczyk,

This is the response to your comments of Tuesday, Septem 16, 2025.

Thank you,
Amy Polaczyk

1. Please submit an electronic copy of your application packet using MDEQ's eNOI submission portal.

2. The NOI indicates 10.02 acres of land disturbance while the SWPPP states 25 acres. Please be sure the acreage of disturbance is accurate and consistent throughout the application package.
   *This is corrected.

3. The NOI packet does not contain a site-specific, scaled site map as required by the Large Construction Storm Water Permit Act 5, T-13. Please provide site maps that:
   a. show the boundaries of the property and proposed construction activities, noting any phasing of construction activities

      *The project is estimated to take 36 months. This includes the construction and selling all units. There will be no phasing of the project.

   b. clearly indicate both the original and proposed contours (if feasible)

      *Original contours were estimated from topo maps. Final contours were developed using Civil 3D based on proposed site grading and final foundation elevation of the proposed homes.

   c. clearly identify steep slopes (before and after construction)
      - **"The site exhibits a generally uniform slope of approximately 5% across the developable area."**
      - **"Topography across the site is characterized by a relatively consistent grade of approximately 5%, sloping in a single predominant direction."**
      - **"Ground surface slopes continuously at an average grade of approximately 5%, with no significant breaks in slope observed."**

   d. include drainage pattern arrows
      *Drainage pattern arrows are added.

e. identify the location of sensitive areas, such as wetlands, perennial streams, and adjacent receiving water bodies (if the receiving waterbody is not depicted on the map, the name and direction must be listed in text form on the map);
*Areas of sensitive areas have been added to the site map as identified by the wetlands assessment.

f. identify all erosion and sediment controls (vegetative and structural)
*Erosion and sediment controls have been identified on the map.

g. identify any post-construction control measures
*Post BMP controls have been identified on the map.

h. indicate the location of housekeeping practices including areas for equipment maintenance and repair; areas for concrete chute wash off; waste receptacles for regular collection of waste; adequately maintained sanitary facilities; protected storage areas for chemicals, paints, solvents, fertilizers, pesticides, herbicides, detergents and other potentially toxic materials—*Note that planned areas should be indicated on the site map, but the applicant may include text indicating that the locations are subject to change*
*All items stated above have been added.

i. show the location of construction entrance and laydown area where tools, materials, equipment, and vehicles are stored temporarily when they are not in use
*These items have been added to the site map.

j. show the location and size of buffer zones around waterbodies
*The entrance has been added to the site location.

2. The project area includes 571 feet of federally jurisdictional intermitted stream, as well as areas that have been determined to be non-jurisdictional by the USACE. Although that assessment determined these waterbodies are not Waters of the US, they are Waters of the State (WOTS.)

WATERS OF THE STATE means all waters within the jurisdiction of this State, including all streams, lakes, ponds, wetlands, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, situated wholly or partly within or bordering upon the State, and such coastal waters as are within the jurisdiction of the State, except lakes, ponds, or other surface waters which are wholly landlocked and privately owned, and which are not regulated under the Federal Clean Water Act. Under this definition, MDEQ interprets that the ephemeral streams and the wetlands on this site are waters of the state.

a. MDEQ requests that the applicant direct storm water to vegetated areas and maximize storm water infiltration to reduce pollutant discharges.

*This will be accomplished by constructing and maintaining two detention basins during construction. One basin will be constructed on the east side of Wright Way Drive and the other on the west side of Wright Way Drive. In addition, the storage basins disturbed area will be promptly seeded.

b. MDEQ requests that the applicant demonstrate how post-construction stormwater controls will comply with the following requirement of ACT5 T-9 (4): Post-construction control measures should be installed, as necessary, to control pollutants in stormwater after construction is complete. These controls include, but are not limited to, one or more of the following: on-site infiltration of runoff, flow attenuation using open vegetated swales, exfiltration trenches and natural depressions, constructed wetlands and retention/detention structures. Where needed, velocity dissipation devices shall be placed at detention or retention pond outfalls and along the outfall channel to provide for a non-erosive flow.

*Post-construction stormwater controls will consist of two bio-infiltration swales. One swale will be constructed on the East side of Wright Way Drive and one on the West side of Wright Way Drive.

c. At minimum, the first ½ inch of runoff from impervious surfaces (e.g., roads, sidewalks, etc.) must be treated by infiltration, evaporation, or other approved method prior to discharge into state waters. **Enclosed are recommended design criteria to meet these requirements**. Pertinent plans and specifications will be needed to evaluate the plan including the following:

   i. Runoff calculations
   ii. Detention volume calculations
   iii. Post-construction contours
   iv. Flow rate and velocity calculations
   v. Any outfall structure details
   vi. Building requirements/placement
   vii. Drainage area details
   viii. Maintenance plan

* This requirement will be satisfied through application of the recommended design criteria in the development of plans and specifications for biofiltration swales.

MDEQ requests that the applicant demonstrates in the SWPPP how the proposed project will comply with the requirement of LCGP ACT5 T-2 which states controls must be designed, installed, and maintained to:

   i. Control storm water volume and velocity within the site to minimize soil erosion;

ii. Control storm water discharges, including both peak flow rates and total storm water volume, to minimize channel and stream bank erosion and scour in the immediate vicinity of discharge points;

Refer to the section on CONTROLS in the SWPPP

e. Under 11 Miss. Admin. Code Pt. 6 Ch. 1. Subchapter 1 Rule 1.1.1 (C) (3) Exhibit E MDEQ requires an analysis of alternatives to ensure that the applicant has considered alternatives that would reduce impacts to state surface waters. The analysis should include a description of each alternative in terms of both technical and economic feasibility. Please revise your previous application for Water Quality Certification to address Waters of the State to meet this requirement.

f. MDEQ requests that the applicant demonstrates in the SWPPP how the project will meet the requirements of ACT7 L-1, stating storm water discharges shall be free from:

iii. Debris, oil, scum, and other floating materials other than in trace amounts
iv. Eroded soils and other materials that will settle to form objectionable deposits in receiving waters,
v. Suspended solids, turbidity, and color at levels inconsistent with the receiving waters,
vi. Chemicals in concentrations that would cause violation of State Water Quality Criteria in the receiving waters.

No activities will be performed within 50 feet of the jurisdictional stream,

g. Please describe what impacts there will be to the federally jurisdictional stream and if a 404 permit from the USACE will be required.

h. The LCNOI indicates the project is not "rerouting, filling, or crossing a water conveyance of any kind". Unless the development plans are to avoid all waters on the site (both federally and non-federally jurisdictional), you will need to indicate 'YES' to this question.

Upon receiving the above information, MDEQ may request additional information or documents to complete our review.

3. The NOI submitted indicates the project will use " Individual onsite wastewater disposal systems for subdivisions greater than 35 lots." However, a letter from the Department of Health indicating the site is suitable for onsite treatment is required.

Refer to MSDH authorization included.

4. The site-specific Storm Water Pollution Prevention Plan (SWPPP) must be revised to include the following:

   Items in this section were added.

   a. A Housekeeping plan that addresses sweeping or removal of sediment and other debris that has been tracked from the site or deposited from the site onto streets and other paved surfaces.
   b. Stabilization timelines and final stabilization of 70% of the site after construction is complete, as required by ACT 5, T-4 of the LCGP.
   c. Inspection language needs to be aligned with permit, including that all controls will be inspected after rain events that produce a discharge and at least weekly for a minimum of four inspections per month (see requirements in LCGP ACT 5, T-16).
   d. A description of how the applicant will meet the training requirements in the permit (ACT 5, T-20)

5. Please provide information on the use of sediment basins during construction. This should include the locations of the basins on the erosion control plan, acreage draining to the basins, capacity, and diagram of the outflow structure. We recommend the use of skimmers.

   Refer to Notes on Site Plan.

6. Please provide the size of the buffer zones on the plan around waters that will not be impacted. If the buffer zone is less than 50 ft., additional controls are required.
7. The buffer zone will be a minimum of 50 feet. Refer to dimensions on plans.

Upon receipt of this information, the Environmental Permits Division will continue the permitting process for your project. Please be advised the discharge of storm water without written notification of coverage or issuance of an individual National Pollutant Discharge Elimination System (NPDES) Storm Water Permit is a violation of state law.

Amy Polaczyk, PhD | Environmental Scientist
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STORM WATER POLLUTION PREVENTION PLAN FOR WRIGHT WAY DRIVE SUBDIVISION

SITE INFORMATION
The construction of a 21-home subdivision will disturb 10.02 acres. The entire 25 acres site has a low erosion hazard with a 5% slope. An intermittent drain on the west side of the property drains the site to “Talking Warrior” Creek. “Talking Warrior” Creek stream is on the 303(d) list for biological impairment but does not have a TDML. The Talking Warrior Creek is approximately 841 feet from the north-east boundary of the proposed site (refer to the location map).

Compliance with LCGP ACT5 T-2 — Stormwater Volume and Velocity Control

To comply with the requirements of LGP ACT5 T-2, erosion and sediment control measures will be designed, installed, and maintained to reduce stormwater velocity, promote sediment deposition, and limit the volume and rate of runoff leaving the disturbed areas of the site.

Silt fence will be installed along downslope perimeters and at the limits of disturbance to intercept sheet flow, reduce runoff velocity, and capture sediment prior to discharge from the site. These controls will function to temporarily detain runoff, thereby reducing peak flow rates and minimizing the transport of sediment off-site.

Temporary diversion measures, including berms and swales, will be used to redirect runoff away from disturbed areas where practicable and to convey stormwater along stabilized flow paths. These diversions will reduce the length of slope over which runoff can accelerate, thereby limiting erosive velocities and reducing the potential for rill and sheet erosion.

Check dams will be installed within temporary channels and diversion swales to interrupt concentrated flow paths, decrease flow velocity, and promote infiltration and sediment settling. By segmenting flow into shorter reaches, check dams reduce erosive energy and minimize downstream channel and bank scour near discharge locations.

Together, these measures will function to control both stormwater volume and velocity within the site, and to regulate discharge rates at site outlets, thereby minimizing erosion within disturbed areas and reducing the potential for channel and stream bank erosion in the immediate vicinity of discharge points, in accordance with LGP ACT5 T-2 requirements.

Inspection and Maintenance of Erosion and Sediment Controls

All erosion and sediment control measures, including silt fence, diversion berms and swales, and check dams, will be inspected at a minimum of once every seven (7) calendar days and within 24 hours following a rainfall event of 0.5 inches or greater, in accordance with permit requirements. Inspections will evaluate the integrity, placement, and performance of each control measure.

Any damaged, undermined, displaced, or ineffective BMPs will be repaired, replaced, or supplemented as soon as practicable following identification of deficiencies. Accumulated sediment will be removed when it reaches approximately one-half the height of the control measure or when sediment accumulation reduces the functional capacity of the BMP.

Diversion channels and swales will be checked for signs of erosion, sediment buildup, or obstruction to flow, and corrective grading or stabilization will be performed as needed to maintain positive drainage and stable conveyance. Check dams will be maintained to ensure proper spacing, anchorage, and crest elevation to prevent bypassing and channelization.

Inspection and maintenance activities will continue until final stabilization has been achieved and all temporary erosion and sediment control measures are removed or converted to permanent controls, as appropriate. Records of inspections and corrective actions will be maintained on site as part of the SWPPP documentation.

Qualified Personnel Responsible for Inspections

Inspections will be conducted by a qualified person knowledgeable in erosion and sediment control practices and familiar with the requirements of the LCGP/MSR10 permit. The qualified person may be the site contractor, construction manager, or an authorized representative designated by the permittee.

When necessary, Baggett Engineering, Inc., or another licensed professional, may provide additional evaluation or recommendations related to BMP performance; however, routine compliance inspections and maintenance remain the responsibility of the permittee and site operator.

✅ Inspection Documentation and Recordkeeping

Inspection findings will be documented on inspection reports or log forms and will include, at a minimum, the date and time of inspection, name of the inspector, weather conditions, rainfall amounts since the previous inspection, observed deficiencies, and corrective actions taken or required.

All inspection records and maintenance logs will be retained on site or made readily available for review by regulatory agencies in accordance with permit requirements. Corrective actions will be initiated as soon as practicable following identification of deficiencies and will be tracked until resolved.

Records will be maintained for the duration of construction activity and until final stabilization has been achieved and permit termination is approved.

✅ Final Stabilization and Permit Close-Out Criteria

Final stabilization will be considered achieved when all soil-disturbing activities are complete and either permanent vegetation has been established with a uniform perennial vegetative cover of at least 70 percent of the native background density, or equivalent permanent stabilization measures (such as pavement, buildings, or riprap) are in place.

All temporary erosion and sediment control measures will be removed once final stabilization is achieved, and any areas disturbed by BMP removal will be permanently stabilized. Permanent stormwater controls will be inspected to confirm proper function prior to permit termination.

A Notice of Termination (NOT) will be submitted in accordance with MDEQ requirements after final stabilization is verified and all permit conditions have been satisfied.

Alternatives Analysis to Minimize Impacts to Waters of the State

(11 Miss. Admin. Code Pt. 6 Ch. 1 Subch. 1 Rule 1.1.1(C)(3), Exhibit E)

In accordance with 11 Miss. Admin. Code Pt. 6 Ch. 1 Subchapter 1 Rule 1.1.1(C)(3), Exhibit E, an evaluation of practicable alternatives was performed to ensure that impacts to Waters of the State are avoided and minimized to the maximum extent practicable, while maintaining technical and economic feasibility of the proposed project. The following alternatives were considered:

Alternative 1 — No Action / No Discharge Alternative

Under this alternative, the project would not be constructed and no stormwater discharges or temporary impacts to Waters of the State would occur. While this alternative would eliminate impacts to surface waters, it would not meet the project purpose and need, which is to develop the property for its intended and permitted land use. Therefore, this alternative is not considered practicable.

Alternative 2 — Relocation or Redesign to Avoid Waters of the State

This alternative considered reconfiguring site layout and grading to avoid proximity to Waters of the State and to shift stormwater discharge locations farther from sensitive areas. While minor adjustments to grading and BMP placement were incorporated into the final design to reduce runoff velocity and sediment transport, complete avoidance was not technically feasible due to existing site topography, drainage patterns, and property boundary constraints. Significant redesign would require extensive additional grading, longer conveyance systems, and increased disturbance, which could result in greater overall impacts and substantially higher construction costs.

Alternative 3 — Enhanced Structural Controls and Treatment BMPs (Selected Alternative)

The selected alternative utilizes enhanced erosion and sediment controls and post-construction stormwater management practices, including biofiltration swales, diversion measures, check dams, and perimeter sediment controls, to treat stormwater prior to discharge and to reduce peak flow rates and pollutant loading to receiving waters. This approach is technically feasible, consistent with site drainage patterns, and can be implemented within reasonable construction

and maintenance costs. This alternative minimizes impacts to Waters of the State while allowing the project to proceed as designed.

Technical and Economic Feasibility Summary

Alternatives involving complete avoidance of drainage pathways or relocation of discharge points were determined to be technically impracticable due to topographic constraints and the need to maintain positive drainage across the site. Alternatives requiring extensive additional grading, underground stormwater infrastructure, or off-site conveyance improvements were determined to be economically infeasible relative to the scale of the project and would increase both construction cost and long-term maintenance burdens without providing proportional environmental benefit.

The selected design represents the least environmentally damaging practicable alternative (LEDPA) that achieves project objectives while minimizing impacts to Waters of the State through appropriate treatment, flow control, and stabilization measures.

Compliance with ACT7 L-1 — Stormwater Discharge Quality Requirements

To comply with ACT7 L-1 requirements, the project's erosion, sediment, and pollution prevention measures are designed, installed, and maintained to prevent the discharge of debris, petroleum products, sediment, excessive turbidity, and chemical pollutants to receiving waters, except in trace amounts. The following controls will be implemented to address each applicable criterion:

iii. Debris, Oil, Scum, and Floating Materials

Construction site housekeeping practices will be implemented to prevent the accumulation of trash, construction debris, and loose materials. Waste containers will be covered and emptied regularly. Material storage areas will be located away from drainage paths and protected from stormwater contact. Equipment fueling, maintenance, and storage will occur in designated areas away from stormwater conveyances, with spill prevention and response materials maintained on site. These measures will minimize the potential for oil, scum, and floating materials to enter stormwater discharges.

iv. Eroded Soils and Settleable Materials

Erosion and sediment controls, including silt fence, diversion swales, and check dams, will be installed to intercept runoff, reduce flow velocity, and promote sediment deposition prior to discharge from the site. Disturbed areas will be stabilized as soon as practicable using temporary and permanent stabilization measures. Accumulated sediment will be removed from BMPs before capacity is reduced, thereby preventing eroded soils and settleable materials from being transported to receiving waters.

v. Suspended Solids, Turbidity, and Color

Runoff velocity will be controlled through slope length reduction, flow path diversion, and the use of check dams within conveyance features to minimize sediment entrainment. Biofiltration swales and vegetated buffers will provide additional filtration and settling of fine particulates prior to discharge. These practices are intended to reduce suspended solids, turbidity, and discoloration to levels consistent with receiving water conditions.

vi. Chemical Pollutants

Potential sources of chemical pollutants, including fuels, oils, lubricants, concrete washout, and construction chemicals, will be managed through designated storage areas, secondary containment where appropriate, and controlled handling procedures. Concrete washout will be conducted only in approved, contained locations. No process wastewater or unauthorized non-stormwater discharges will be permitted. Spill response procedures will be

implemented immediately in the event of a release to prevent migration of pollutants to stormwater conveyances or receiving waters.

Overall Compliance Statement

Through implementation of erosion control, sediment containment, stormwater treatment BMPs, and good housekeeping and spill prevention practices, stormwater discharges from the site are expected to remain free of objectionable debris, petroleum products, sediment deposits, excessive turbidity, and chemical contaminants, in accordance with ACT7 L-1 requirements and Mississippi Water Quality Standards.

CONTROLS

VEGETATIVE CONTROLS:

A 15-foot undisturbed vegetative buffer zone will be maintained around the perimeter of the site. Sixty four percent of the site will be undisturbed, preserving a large portion of existing vegetation that will further serve to mitigate possible pollution to the water body. Roadside drainage ditches will be seeded immediately following construction. The roadside drainage ditches will serve as conveyance for storm water to sediment basins. Disturbed areas used for the main road will be covered with stabilizing aggregate upon being shaped and compacted. All areas exposed during constructions of house pads, concrete foundations and driveways that are not covered with the structural portion of the construction will be seeded and sodded immediately following the placing of concrete. Topsoil will be stockpiled for use in permanent landscaping. Any disturbed areas that will be left undisturbed for 14 or more days will be temporarily seeded immediately (within 24 hours).

STRUCTURAL CONTROLS:

Silt fence will be erected on the east side of the site for the purpose of diverting runoff away from disturbed areas. Sediment basins will be constructed on either side of the road at the north end of the site. Each basin will have a surface discharge and a drainage area of 5 acres. Storm water will leave the property from both basins and flow to Talking Warrior Creek. Storm water will be conveyed to the basin by the grassed roadside ditches. Check dams will be placed in the side ditches to control velocities and collect sediment. All cut slopes will be at or below 3:1 grade. Construction entrances will be constructed and any accumulation of mud on vehicle tires will be washed, if needed, during muddy conditions. A silt fence will be constructed around all stockpiles. Riprap will be placed at the sediment basins and all culvert outlet aprons. A sediment pit will be excavated for concrete trucks to wash mixer chutes. The concrete supplier will be instructed to use a minimal amount of water in the concrete mix. Drivers will be instructed to return any unused concrete to the concrete batch plant and complete final washing procedures at that location.

HOUSE-KEEPING PRACTICES:

All equipment maintenance and repair will be done offsite. Trash cans will be placed at convenient locations throughout the site. Paints, solvents, fertilizers, and any potentially toxic materials will not be stored onsite. Portable sanitary facilities will be provided for construction workers. Portable sanitary facilities will be maintained by suppliers. There will be a marked and designated area for concrete trucks to wash off at the place used for concrete Shute cleaning. Wash water and solvents from painting clean-up operations will be collected in sealed containers and taken to designated hazardous waste disposal facility.

POST CONSTRUCTION/STORM WATER MANAGEMENT MEASURES:

Temporary sediment basins will be backfilled and grassed after construction. Riprap will be placed at concentrated storm water discharge points to prevent erosion from high runoff velocities.

IMPLEMENTATION SEQUENCE:

1. Build construction entrance/exit.
2. Install sediment basins with needed riprap.
3. Rough grade site and construct roadside ditches. Stockpile topsoil and install silt fence around stockpile.
4. Plant temporary vegetation on disturbed areas.
5. Construct houses and driveways.
6. Finish slopes around homes, lay sod and seed exposed areas.
7. After the site is stabilized, remove all temporary measures and vegetate these areas.
8. Backfill and seed sediment basins.

MAINTENANCE

Check all disturbed areas and erosion and sediment controls after each significant rainfall, but not less than once per week. Make necessary repairs within 24 hours. Remove sediment from sediment basin, check dams and silt fences when accumulated sediment has reached 50 percent capacity. Replace non-functional silt fence. Maintain all vegetated areas to provide proper ground cover. Re-seed, fertilize, and mulch all areas as needed.

INSPECTION SCHEDULES

The minimum frequency of inspections will be weekly and after each rainfall event exceeding one half inches.

In addition to the minimum frequency, the inspection schedule will include the following inspection activities and will be performed daily if necessary.

- S*pot* inspections.
- Areas around construction site entrances.
- Check nearby streets for excess dirt or mud.

All inspection documents will be recorded on forms developed by the MDEQ found on their website.

BAGGETT ENGINEERING, Inc.
1411-B Fire Station Road Starkville, Mississippi
Hal Baggett P.E. (PH. 662.229.8177)
Email: hal@baggettengineering.com
Dorris Baggett (Ph. 662.312.0582)
Email: dorris@baggettengineering.com

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

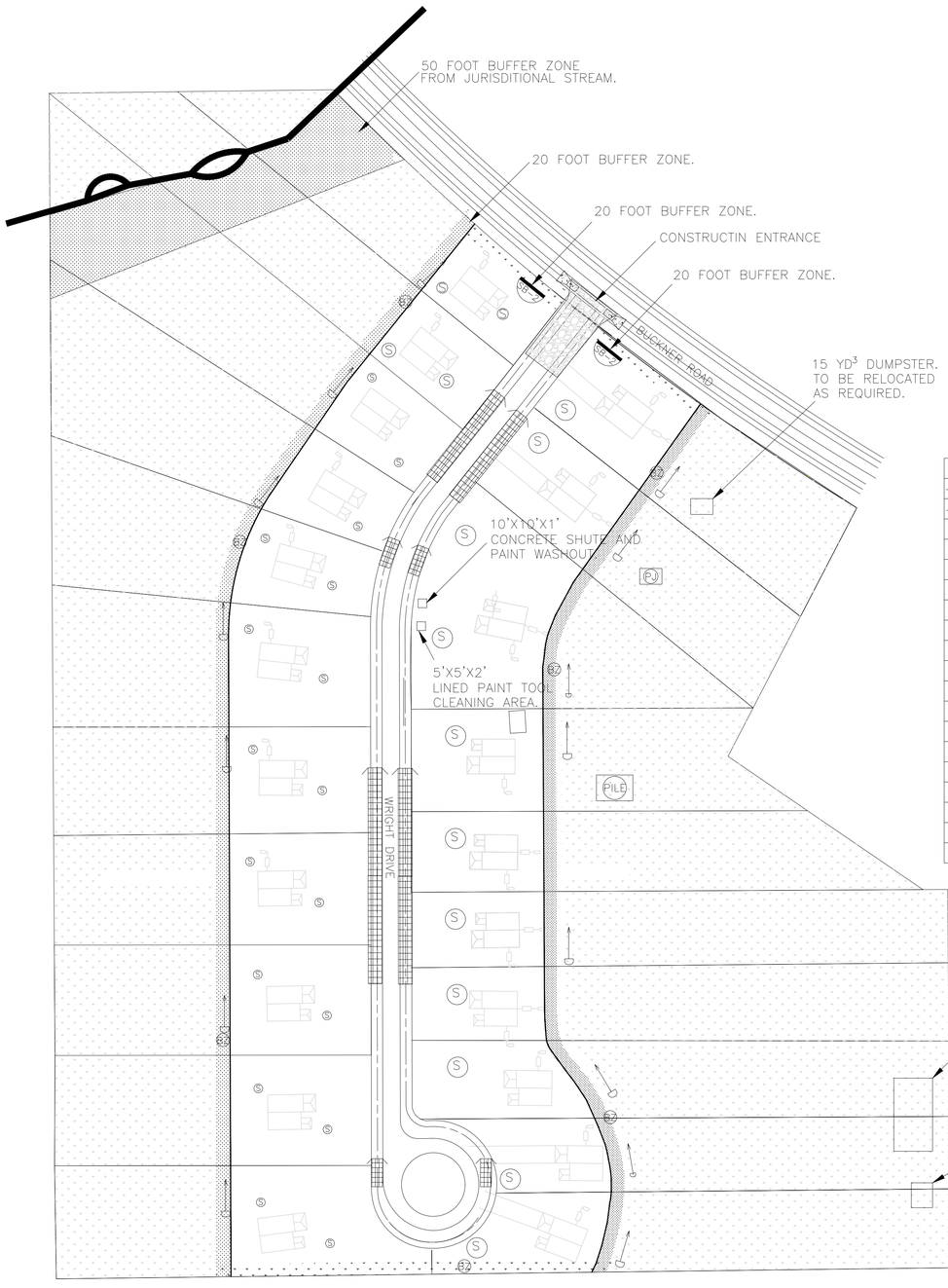
SITE MAP

CONTOURS,WOTS,FLOW ARROWS

DATE: 1/2026

SCALE : 1:80

SWPPP SHEET-1



Natural Contours
Finish Grade
Drainage
Limits Of Grading
Diversion
Silt Fence
Undisturbed Vegetation
Top Soil
Sediment Basin
Grass Waterway
Constr Entrance
Rock Outlet Protection
Buffer Zone
Mulch
Perm. Seeding (native grass)
Sodding
Runoff Direction
Silt Fence
PORTA JOHN
LIMITS OF GRADING

SEDIMENT BASIN
Sediment basins shall be constructed and maintained at 2 runoff points from a common drainage area serving five (5) acres of disturbed land discharges from the site, in accordance with the Mississippi Department of Environmental Quality (MDEQ) Large Construction General Permit (LCGP), Act 5.

Installation
Sediment basins shall be installed prior to or concurrent with mass grading activities within the contributing drainage area and shall remain functional until final stabilization of all contributing disturbed areas has been achieved.

Design and Construction Requirements
Sediment basins shall be constructed to provide adequate temporary storage and detention to promote sediment settling prior to discharge. Basin embankments, inlets, and outlets shall be stabilized to prevent erosion, short-circuiting, and uncontrolled releases. Outlets shall include stabilized or energy-dissipating features to prevent downstream erosion.

Maintenance and Sediment Removal
The Contractor shall maintain the sediment basin in a functional condition at all times. Accumulated sediment shall be removed when sediment storage capacity is reduced to a level that impairs basin performance or as otherwise required by the SWPPP. Removed sediment shall be placed in a stabilized area on site or disposed of in accordance with permit requirements.

Inspection
Sediment basins shall be inspected at least once every seven (7) calendar days and within twenty-four (24) hours following any rainfall event that produces a discharge, in accordance with LCGP inspection requirements. Identified deficiencies shall be corrected as soon as practicable.

Space-Constrained or Infeasible Conditions
Where site constraints such as limited space, topography, utilities, or phased development render a sediment basin infeasible, the Contractor shall implement equivalent sediment control measures (e.g., multiple sediment traps, enhanced perimeter controls, staged stabilization, or other approved BMPs) as documented in the SWPPP. Justification for infeasibility and alternative measures shall be maintained with the SWPPP and made available upon request.

Phased Construction Allowance
For phased construction, sediment basin requirements shall apply to each construction phase independently. A sediment basin is required where any individual phase creates a disturbed drainage area of ten (10) or more acres at a single discharge point. Temporary or phased basins may be used provided continuous compliance is maintained.

Final Stabilization and Basin Removal
Sediment basins shall remain in service until contributing disturbed areas have achieved final stabilization, defined as a minimum of 70% uniform vegetative cover or equivalent permanent stabilization, in accordance with the LCGP. Removal or conversion of the basin shall not occur without approval from the Permittee and documentation in the SWPPP.

Contractor Compliance and Enforcement
Failure to install, maintain, or repair sediment basins or approved equivalent controls in accordance with these plans and the SWPPP shall constitute noncompliance. The Permittee reserves the right to suspend earth-disturbing activities or issue a stop-work directive until deficiencies are corrected and compliance is restored. All corrective actions shall be documented.

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

BAGGETT ENGINEERING, Inc.
1411-B Fire Station Road Starkville, Mississippi
Hal Baggett P.E. (PH. 662.229.8177)
Email: hal@baggettengineering.com
Dorris Baggett (Ph. 662.312.0582)
Email: dorris@baggettengineering.com

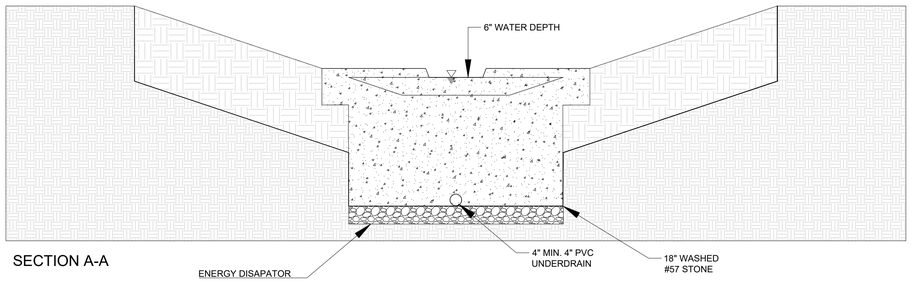
SITE MAP

BEST MANAGEMENT PRACTICES

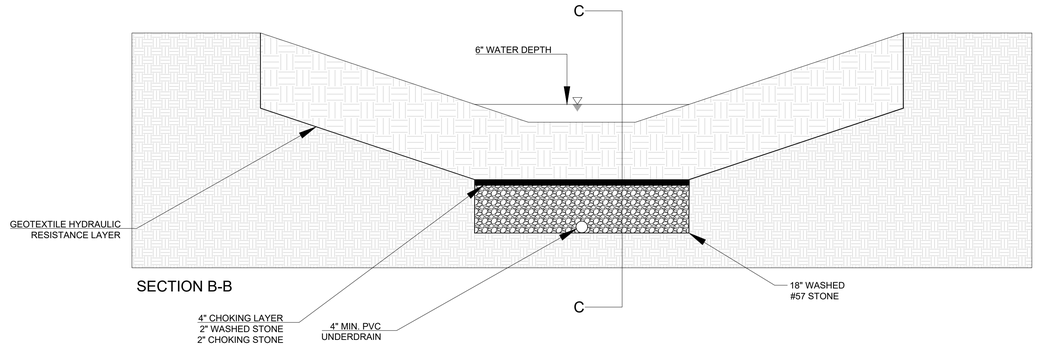
DATE: 1/2026

SCALE : 1:80

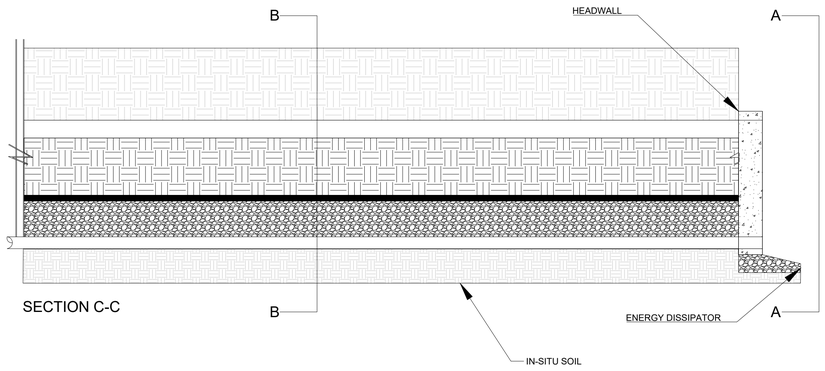
SWPPP SHEET-2



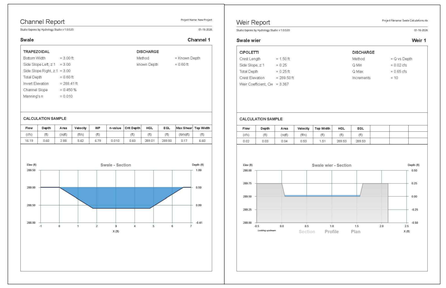
SECTION A-A



SECTION B-B



SECTION C-C



The soil media shall be an engineered mix, 60–70% coarse sand and 30–40% compost.
Properties:
low clay/silt content (<3%), a pH of 6.0–8.0, and organic matter content to support robust plant growth.

HEADWALL TO BE CONSTRUCTED OF 3000 PSI CONCRETE WITH #5 REBAR PLACED @ 9" EACH WAY.

THE ENERGY DISSIPATOR TO BE CONSTRUCTION OF 50# RIP RAP AND STABILIZED WITH CLASS S CONCRETE POURED OVER THE RIPRAP AND ALLOWED TO FILL THE VOIDS. CONTRACTOR SHALL TAKE CARE NOT TO TO ALLOW EXCESS CONCRETE TO REMAIN IN THE DITCH.

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

BAGGETT ENGINEERING, Inc.
1411-B Fire Station Road Starkville, Mississippi
Hal Baggett P.E. (PH. 662.229.8177)
Email: hal@baggettengineering.com
Dorris Baggett (Ph. 662.312.0582)
Email: dorris@baggettengineering.com

SWALE DRAWING

BEST MANAGEMENT PRACTICES

DATE: 1/2026

SCALE : 1:2

SWPPP SHEET-3

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
600 VESTAVIA PARKWAY, SUITE 203
THE SHELBY BUILDING
VESTAVIA HILLS, AL 35216

REPLY TO
ATTENTION OF:

July 25, 2025

North Branch
Regulatory Division

SUBJECT: Department of the Army File Number SAM-2025-0072-CMS, Wright Way, LLC, Oktibbeha County, Mississippi

Wright Way, LLC
Attention: Mr. Thomas Williams
3111 Old Highway 12
Starkville, Mississippi 39759
Email: bartwilliams2020@gmail.com

Dear Mr. Williams:

This is in response to your request, submitted on your behalf by your agent Sustainable Resource Managers, LLC, for a Department of the Army (DA) Approved Jurisdictional Determination (AJD) on a 25-acre parcel in Starkville, Oktibbeha County, Mississippi. More specifically, the site is located in Section 22, Township 18 North, Range 13 East and is centered at Latitude 33.40838, Longitude -88.93003 as depicted on the attached figure.

Based on information obtained during our site visit on June 4, 2025, our review of the information and wetland determination data forms your agent furnished, and other desktop information available to our office, we have completed an AJD for the site. Attached is an AJD Memorandum for Record (MFR) that describes the features identified on the site that are and are not subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE). Please be advised that this determination reflects current policy and regulation.

The feature identified as S-1, as depicted on the attached exhibits entitled “Figure 2 Delineation – Aerial” and “Figure 3 – Delineation Topo”, is a water of the United States and therefore is subject to DA jurisdiction. The features identified as S-2, W-1, W-2, and W-3 are not waters of the United States and therefore are not subject to DA jurisdiction. The attached AJD MFR further describes these areas. Please be advised that this AJD MFR is based on current policy and regulation and is valid for a period of five (5) years from the date of this letter. If after the 5-year period this jurisdictional determination has not been specifically revalidated by the USACE, it shall automatically expire. If the information you have submitted, and on which the USACE has based its determination is later found to be in error, this decision may be revoked.

Your delineation site was reviewed pursuant to Section 404 of the Clean Water Act. Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including streams and wetlands, prior to conducting the work (33 U.S.C. 1344). For regulatory purposes, the USACE defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. If future work proposed at this site includes a discharge or placement of dredged and/or fill material into waters of the U.S., a DA permit is required prior to initiating work.

This letter contains an AJD MFR. If you object to this determination, you may request an administrative appeal under USACE regulations at 33 CFR Part 331. Attached you will find a Notification of Administrative Appeal (NAP) Options and Process and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA to the USACE, South Atlantic Division Office at the following mailing address and e-mail address: Jessica Comeaux, Acting Regulatory Review Officer, 60 Forsyth Street Southwest, Floor M9, Atlanta, Georgia 30303; Jessica.C.Comeaux@usace.army.mil.

In order for an RFA to be accepted, the USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

The statements contained herein do not convey any property rights, or any exclusive privileges and do not authorize any injury to property, nor shall it be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations that may affect proposed work at this site.

The delineation included herein has been conducted to identify the location and extent of the aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of an NRCS Certified Wetland Determination with the local USDA service center, prior to starting work.

If you intend to sell property that is part of a project that requires DA authorization, it may be subject to the Interstate Land Sales Full Disclosure Act. The Property Report, required by Housing and Urban Development Regulation, must state whether or not a permit for the development has been applied for, issued, or denied by the USACE (Part 320.3(h) of Title 33 of the Code of Federal Regulations).

An electronic copy of this letter is being provided to your agent, Sustainable Resource Managers, LLC, Attention: Matt Walters, walters4stree@yahoo.com.

We appreciate your cooperation with the Corps of Engineers' Regulatory Program. Please refer to file number **SAM-2025-0072-CMS** in all future correspondence regarding this project or if you have any questions concerning this determination.

Please contact me by telephone at 205-296-4974 or by e-mail at courtney.m.shea@usace.army.mil should you have any questions. For additional information about our Regulatory Program, visit our web site at http://www.sam.usace.army.mil/Missions/Regulatory.aspx. Please take a moment to complete our customer satisfaction survey located under the menu header on the right side of the webpage. Your responses are appreciated and will allow us to improve our services.

Sincerely,

Courtney Shea
Team Leader

Attachments

WRIGHT WAY, LLC. PROPERTY

Situated in: NW1/4 of the SW 1/4 of Section 22 of
Township 18 North, Range 13 East, Town of Longview, Oktibbeha County, Mississippi
+/-25 Total Property Acres

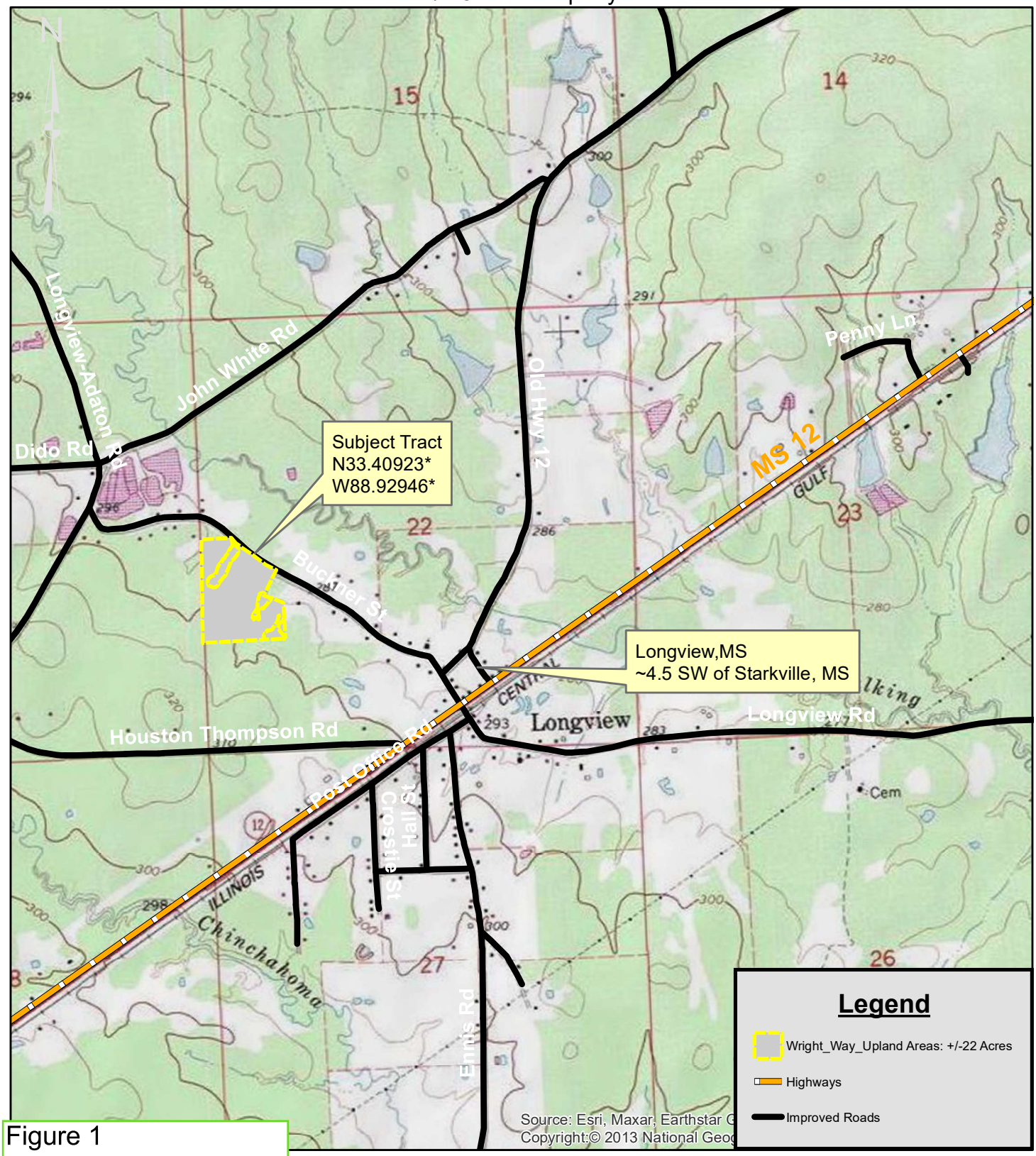


Figure 1
Site Locator
SAM-2025-0072-CMS

Note: Boundaries & Acreages are Approximate

1 inch = 1,683 feet
5/13/2025

WRIGHT WAY, LLC. PROPERTY

Situated in: NW1/4 of the SW 1/4 of Section 22 of Township 18 North, Range 13 East,
Town of Longview, Oktibbeha County, Mississippi
+/-25 Total Property Acres

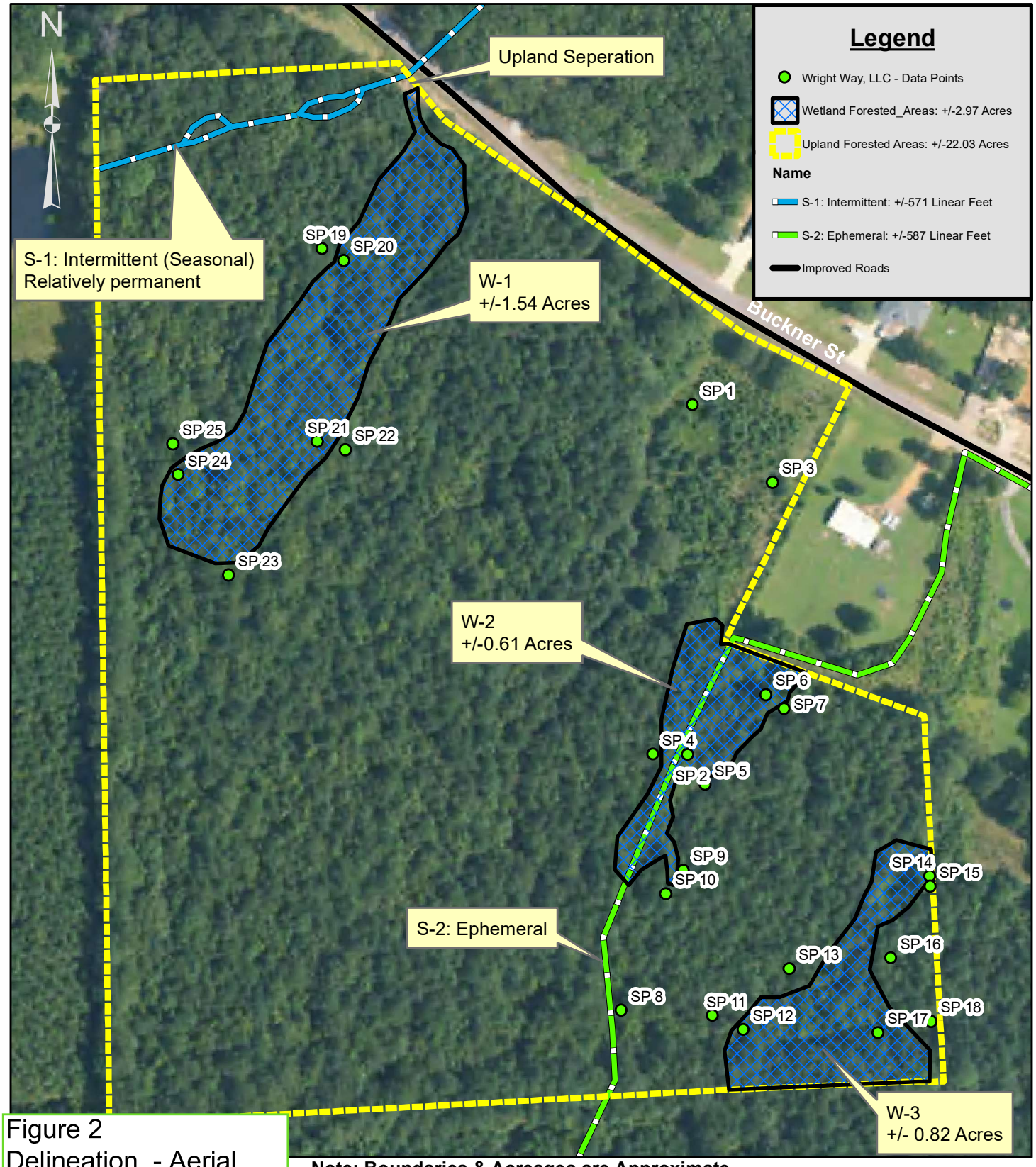


Figure 2
Delineation - Aerial
SAM-2025-0072-CMS

Note: Boundaries & Acreages are Approximate

1 inch = 167 feet
6/9/2025

WRIGHT WAY, LLC. PROPERTY

Situated in: NW1/4 of the SW 1/4 of Section 22 of Township 18 North, Range 13 East,
Town of Longview, Oktibbeha County, Mississippi
+/-25 Total Property Acres

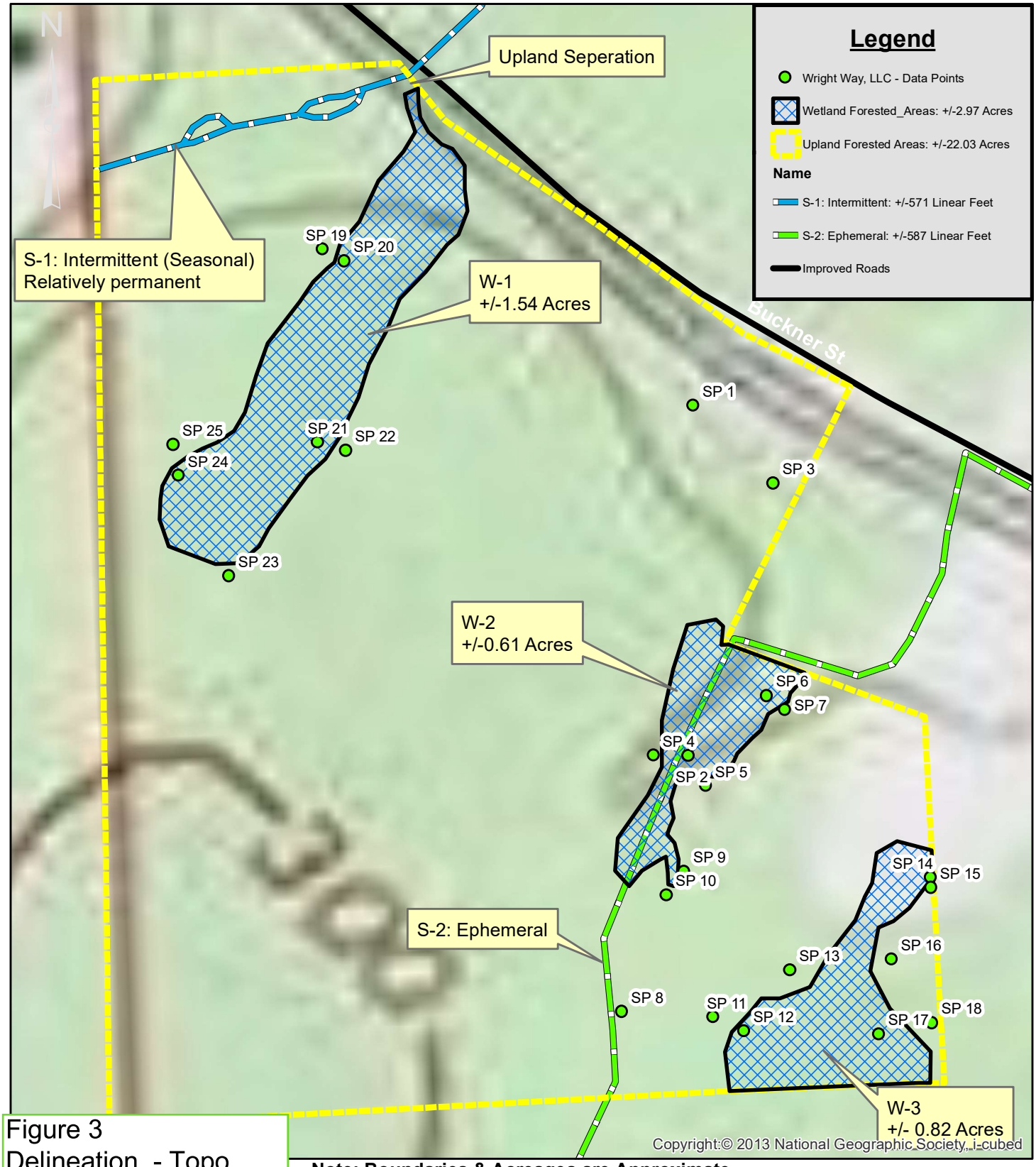


Figure 3
Delineation - Topo
SAM-2025-0072-CMS

Note: Boundaries & Acreages are Approximate

1 inch = 167 feet
6/9/2025

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
600 VESTAVIA PARKWAY SUITE 203
VESTAVIA HILLS, ALABAMA 35216

CESAM-RD-N July 25, 2025

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023) ,[1] SAM-2025-0072-CMS, MFR #1 of #1[2]

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.[3] AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.[4] For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),[5] the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of "waters of the United States" found in the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. This AJD did not rely on the 2023 "Revised Definition of 'Waters of the United States,'" as

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[1] While the Supreme Court's decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

[2] When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, interstate water, or territorial seas that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

[3] 33 CFR 331.2.

[4] Regulatory Guidance Letter 05-02.

[5] USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in Mississippi due to litigation.

1. SUMMARY OF CONCLUSIONS.

   a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

Waters Name	Latitude	Longitude	Waters Size	Type Of Aquatic Resource	Geographic Authority
S-1	33.41001	-88.93075	571 FEET	A5.TRIB-404	Section 404
S-2	33.40756	-88.92925	587 FEET	NON-WOTUS-TRIB.NEGATIVE-A5	None
W-1	33.40882	-88.9307	1.54 ACRES	NON-WOTUS-WETL.NEGATIVE-A7	None
W-2	33.40785	-88.92906	.61 ACRES	NON-WOTUS-WETL.NEGATIVE-A7	None
W-3	33.40711	-88.92837	.82 ACRES	NON-WOTUS-WETL.NEGATIVE-A7	None

2. REFERENCES.

   a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).

   b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).

   c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)

   d. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)

3. REVIEW AREA. The review area is a 25-acre parcel located at 20998 Buckner Street, Starkville, Oktibbeha County, Mississippi. The center coordinates are latitude 33.40838, longitude -88.93003.

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. The closest TNW to which the aquatic resources are connected is the Noxubee River, which becomes Section 10 (TNW) at river mile 26,

approximately 2 miles before crossing the Mississippi-Alabama state line. Section 10 waters are a subset of TNWs.[6]

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS

   S-1 flows into a culvert under Buckner Street where it exits the review area and flows into Talking Warrior Creek, which meanders approximately 13 miles to Hollis Creek, which flows approximately 0.5 mile to the Noxubee River (secondary channel) which meanders approximately 10 miles to converge with the main stem of the Noxubee River at river mile 97. The Noxubee River becomes a TNW at river mile 26.

   Water from W-1 has the potential to sheetflow into S-1, which takes the flowpath to the TNW described for S-1 above.

   S-2 and W-2 exit the review area and flows approximately 450 feet to a culvert under Buckner Street and continues approximately 1000 feet to intersect with Talking Warrior Creek, which takes the flowpath described above for S-1.

   W-3 is a depressional area surrounded by uplands and does not have a flowpath to a TNW, interstate water or territorial seas.

6. SECTION 10 JURISDICTIONAL WATERS[7]: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.[8] N/A

[6] This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) 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.

[7] 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

[8] This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

   a. TNWs (a)(1): N/A

   b. Interstate Waters (a)(2): N/A

   c. Other Waters (a)(3): N/A

   d. Impoundments (a)(4): N/A

   e. Tributaries (a)(5): S-1 originates from the outfall of a pond on adjacent property to the west of the review area. S-1 exits the pond outlet and meanders through the review area for approximately 571 linear feet before exiting the review area in a culvert under Buckner Street. At the time of the Corps' site visit on June 4, 2025, a few pools were observed through the reach in the review area. S-1 also exhibits strong, continuous bed and banks, hydric soils indicators (F3), sediment deposition and sorting, wrack lines, and iron oxidizing bacteria. These characteristics indicate S-1 experiences flow at least seasonally. According to the Antecedent Precipitation Tool (APT), the area was experiencing normal conditions at the time of the site visit on June 4, 2025, which was during the dry season. The stream scored 26.5 using the "North Carolina Division of Water Quality Methodology for Identification of Intermittent and Perennial Streams and Their Origins", v. 4.11 (NC Stream Assessment Method), performed during the site visit on June 4, 2025. Using this method, streams that score between 19 and 29.5 are rated intermittent. At the time the agent conducted a site visit on March 3, 2025, the area was experiencing moderate drought during the wet season; however, the photographs depict the presence of water throughout the entire reach within the review area. All of these indicators lead to the conclusion that S-1 is a relatively permanent tributary with at least seasonal flow.

   f. The territorial seas (a)(6): N/A

g. Adjacent wetlands (a)(7): N/A

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

a. Describe aquatic resources and other features within the review area identified as "generally non-jurisdictional" in the preamble to the 1986 regulations (referred to as "preamble waters").[9] Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water. N/A

b. Describe aquatic resources and features within the review area identified as "generally not jurisdictional" in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance. N/A

c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system. N/A

d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. N/A

e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in "*SWANCC*," would have been jurisdictional based solely on the "Migratory Bird Rule." Include the size of the aquatic resource or feature, and how it was determined to be an "isolated water" in accordance with *SWANCC*. N/A

f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court's decision in *Sackett* (e.g., tributaries that are

[9] 51 FR 41217, November 13, 1986.

non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

S-2 is a tributary that enters the review area along the southern boundary and continues 587 linear feet within the review area. On June 4, 2025, there was no water in S-2 and it lacked strong geomorphic characteristics such as continuous bed and banks, evidence of sediment deposition and sorting, and wrack lines, although a soil sample from the channel did exhibit hydric soil indicators. S-2 scored 11.5 using the North Carolina Stream Assessment Method, which indicates ephemeral flow because it is less than 19. Due to the lack of strong geomorphological, hydrologic, and biological characteristics observed in S-2, it was determined to be a non-relatively permanent tributary and is therefore not jurisdictional.

W-1 is a 1.54-acre palustrine forested wetland situated in the northwestern portion of the review area, the northern extent of which is near S-1. The northern boundary of W-1 closest to S-1 stops at an upland area that separates the wetland boundary from the bank of S-1. Because uplands are present between W-1 and S-1, W-1 is not jurisdictional because it lacks a continuous surface connection to a requisite water (TNW, interstate water, territorial seas, relatively permanent tributary or jurisdictional impoundment).

W-2 is a 0.61-acre palustrine forested wetland that abuts S-2, a non-relatively permanent tributary. W-2 does not abut a requisite water and therefore does not have a continuous surface connection to a requisite water and is not jurisdictional.

W-3 is a 0.82-acre palustrine forested wetland located in the southeastern corner of the review area. W-3 is a depressional area and is surrounded by uplands on all sides. W-3 does not abut a requisite water and therefore does not have a continuous surface connection to a requisite water and is not jurisdictional.

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

a. Corps site visit June 4, 2025

b. Sustainable Resource Managers updated delineation report dated July 23, 2025.

c. National Regulatory Viewer accessed multiple times during the evaluation reviewing layers including National Hydrography Dataset, Lidar, USGS quad map, and Mobile District's Section 10 waters layer.

d. Google Earth Pro Streetview.

e. U.S. Army Corps of Engineers Antecedent Precipitation Tool.

10. OTHER SUPPORTING INFORMATION.

a. North Carolina Division of Water Quality Methodology for Identification of Intermittent and Perennial Streams and Their Origins", v. 4.11.

b. "Memorandum to the Field Between the U.S. Department of the Army, U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency Concerning the Proper Implementation of 'Continuous Surface Connection' Under the Definition of 'Waters of the United States' Under the Clean Water Act", March 12, 2025.

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Wright Way, LLC	File Number: SAM-2025-0072-CMS	Date: 7/25/2025
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL WITHOUT PREJUDICE	C
	PERMIT DENIAL WITH PREJUDICE	D
X	APPROVED JURISDICTIONAL DETERMINATION	E
	PRELIMINARY JURISDICTIONAL DETERMINATION	F

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/ or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable
You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial
You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.

- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

- RECONSIDERATION: You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable
You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact: U.S. Army Corps of Engineers, Mobile District Regulatory Division, North Branch Attention: Courtney Shea 600 Vestavia Parkway Suite 203 Vestavia Hills, Alabama 35216 Courtney.m.shea@usace.army.mil 205-381-8108	If you have questions regarding the appeal process, or to submit your request for appeal, you may contact: Jessica Comeaux Acting Regulatory Review Officer South Atlantic Division 60 Forsyth St SW, Floor M9 Atlanta, Georgia 30303-8803 Jessica.C.Comeaux@usace.army.mil

SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:
Email address of appellant and/or agent:	Telephone number:

MISSISSIPPI STATE DEPARTMENT OF HEALTH

December 1, 2025

Frank Brewer
4558 Longview Adaton Rd.
Starkville, MS 39759

RE: S/D Review Complete – Wright Way S/D (Lots 1-20), Buckner St., Oktibbeha County

Mr. Brewer:

The Mississippi Department of Health, Division of On-site Wastewater has completed the review of your proposed subdivision. This review satisfies the requirement of Mississippi Code of 1972, Annotated, Section 41 – 67- 4 (2) and authorizes the Mississippi State Department of Health to accept Notices of Intent. This does not imply or guarantee that each lot will support an individual on-site wastewater disposal system, but that the area is generally suitable for the use of individual on-site wastewater disposal systems as platted for single family residences with one residence per lot.

No owner, lessee or developer shall construct or place any mobile, modular or permanently constructed residence, building or facility, which may require the installation of an individual on-site wastewater disposal system, without having first submitting a Notice of Intent to the Mississippi State Department of Health. The developer, owner, or their agent must provide a plot plan, legal description, and fee to the Mississippi State Department of Health for a soil and site evaluation. A soil and site evaluation shall be conducted with the results returned to the applicant as each Notice of Intent is filed.

As the developer, you must ensure that all local, county or state requirements are met with regard to this development. This includes but is not limited to Mississippi State Department of Health, Bureau of Water Supply and Mississippi State Department of Environmental Quality regulations.

Please be aware that should this development be reconfigured in any way, the Department may require additional review prior to acceptance of Notices of Intent for this development.

If you have any questions, please contact the Division of On-site Wastewater at (601) 576 – 7150.

Respectfully,

Noah Killebrew

Noah Killebrew, E.I.

cc: Les Herrington
Randy Jones
Kevin Browning
Harry Lockhart
Brent Johns
Traci McQuary