

AI: 89446

MSR109633



Rec'd via hard copy:  
08/12/2025

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)

*AL*

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 <sup>1</sup>: 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 Community

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](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 BOUNDARY 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 POLYACRYLAMIDE (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.

<sup>1</sup> Acreage for subdivision development includes areas disturbed by construction of roads, utilities and drainage. Additionally, a housesite of at least 10,000 ft<sup>2</sup> 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?

YES ☐

NO ☒

(If yes, provide appropriate approval documentation from MDEQ Office of Land and Water, Dam Safety.)

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<sup>1</sup> (owner or prime contractor)

28 Jan 2025

Date Signed

Bart Williams

Printed Name<sup>1</sup>

Managing Partner

Title

<sup>1</sup>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/>

# BAGGETT Engineering

P.O. Box 1798 Starkville, MS 39760 Ph. 662-229-8177

E-mail, [HAL@BAGGETTENGINEERING.COM](mailto:HAL@BAGGETTENGINEERING.COM)

[DORRIS@BAGGETTENGINEERING.COM](mailto:DORRIS@BAGGETTENGINEERING.COM)

To: Mr. Bart Williams

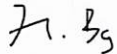
From: Hal Baggett

Date: 1.27.2025

Mr. Williams,

Regarding the use of IOWDS on your proposed Wright Drive Subdivision development on Buckner Street in Longview, Mississippi, there are no preclusions in the MSDH regulations or the characteristics of the proposed site. I have tentatively laid out systems for each lot (1 acre plus lots) on the site. All setbacks required by the MSHD can be met.

Sincerely,



Hal Baggett, P.E.

# **STORM WATER POLLUTION PREVENTION PLAN FOR WRIGHT DRIVE SUBDIVISION**

## **SITE INFORMATION**

The construction of a 21-home subdivision will disturb 25 acres. The entire 25 acres site has a low erosion hazard with a 0 to 2 percent 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. The Talking Warrior Creek is 841 feet from the boundary of the proposed site. The measures included in the SWPPP, in my opinion, will prevent further impairment, as a result of the proposed project.

## **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.

### **HOUSEKEEPING 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.

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

All inspection documents will be recorded on forms developed and by the MDEQ.





**Michael Watson**  
SECRETARY OF STATE

**Invoice Number:** 15609586

**Invoice Date:** 01/28/2025

**Customer Information**

Thomas Barton Williams  
901 Lynn Lanw  
Starkville, MS 39759

Description	Tracking Number Qty	Item Cost	Amount Paid
LLC - Online	2025057650	\$ 50.00	\$ 50.00
MSI Transaction Fee		\$ 3.14	\$ 3.14
<b>Payment Details</b>			
Invoice Total:			\$ 53.14
Payment Total:			\$ 53.14
Amount Due:			\$ 0.00
<b>Payment Method</b>			
Payment Type: Credit Card			

**Include invoice number on all correspondence and send to:**

Mississippi Secretary of State's Office  
P.O. Box 136  
Jackson, MS 39205

To discuss payment for Corporation items  
call:  
(601) 359-1633

**F0100**  
**Fee: \$ 50**



**Michael Watson**  
SECRETARY OF STATE

**2025057650**

Business ID: 1474021  
Filed: 01/28/2025 08:57 AM  
Michael Watson  
Secretary of State

P.O. BOX 136  
JACKSON, MS 39205-0136  
TELEPHONE: (601) 359-1633

**Mississippi Limited Liability Company Certificate of Formation**

**Business Information**

**Business Type:** Limited Liability Company  
**Business Name:** WRIGHT WAY INVESTMENTS, LLC  
**Business Email:** bartwilliams2020@gmail.com  
**Future Effective Date:** 01/29/2025

**NAICS Code/Nature of Business**

237210 - Land Subdivision

**Registered Agent**

**Name:** Thomas B Williams  
**Address:** 508 New Hope Church Road  
Starkville, MS 39759

**Signature**

The undersigned certifies that:

- 1) he/she has notified the above-named registered agent of this appointment;
- 2) he/she has provided the agent an address for the company, and;
- 3) the agent has agreed to serve as registered agent for this company

By entering my name in the space provided, I certify that I am authorized to file this document on behalf of this entity, have examined the document and, to the best of my knowledge and belief, it is true, correct and complete as of this day **01/28/2025**.

**Name:**  
Thomas B Williams  
*Manager*

**Address:**  
508 New Hope Church Road  
Starkville, MS 39759

# State of Mississippi

## Certificate of Formation

Acting under the authority vested in me as Secretary of State by the Constitution and Laws of this State,  
I do hereby certify the following has satisfied all conditions precedent for formation in this State.

WRIGHT WAY INVESTMENTS, LLC



Given this the 28th day of January, Two Thousand and  
Twenty-Five, in the Capital City of Jackson, Mississippi  
under my Hand and Seal,

*Michael Watson*



# BAGGETT Engineering

P.O. Box 1798 Starkville, MS 39760 Ph. 662-229-8177  
E-mail, [HAL@BAGGETTENGINEERING.COM](mailto:HAL@BAGGETTENGINEERING.COM)  
[DORRIS@BAGGETTENGINEERING.COM](mailto:DORRIS@BAGGETTENGINEERING.COM)

BAGGET ENGINEERING, INC  
1411 Fire Station Road  
Starkville, Mississippi 39759  
662.229.8177  
[hal@baggettengineering.com](mailto:hal@baggettengineering.com)

**Mississippi Department of Environmental Quality**  
Office of Pollution Control – Environmental Permits Division  
P.O. Box 2261  
Jackson, MS 39225

RECEIVED  
AUG 12 2025  
Dept. of Environmental Quality

**Attn:** Environmental Permits Division

**Subject:** Transmittal of Large Construction Notice of Intent (LCNOI) Application  
**Project:** Wright Way Subdivision – Buckner Street, Longview Mississippi

Dear Sir or Madam:

Baggett Engineering, Inc. is submitting the enclosed Large Construction Notice of Intent (LCNOI) application for the **Wright Way Subdivision**, located in section 22, Township 18 North, Range 13 East, centered at Latitude 33.40838, Longitude -88.93003.

The proposed project involves **the development of a 21-lot residential subdivision.**

Upon completion, the property will be used for **single-family residential housing.**

Wastewater from the development will be managed using **individual onsite wastewater treatment systems.**

The nearest receiving water is **Talking Warrior Creek**, located approximately **500 feet** from the project site. **Talking Warrior Creek** is listed on the **MDEQ 303(d)**. Based on site conditions, it is **not a recreational stream that could be affected by this project.**

The Storm Water Pollution Prevention Plan (SWPPP) for this project includes a series

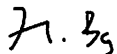
of best management practices and erosion/sediment control measures designed to prevent sediment-laden runoff from entering nearby water bodies, thereby minimizing any potential impacts to receiving waters.

In accordance with MDEQ requirements, we are submitting the following supporting documentation along with the LCNOI application:

- Signed LCNOI certification statement
- Storm Water Pollution Prevention Plan (SWPPP)
- USGS 7.5-minute quadrangle map showing the project location
- Proof of business registration with the Mississippi Secretary of State
- **Wetlands delineation**

We appreciate MDEQ's time and attention to this submittal and look forward to your review. Should you require additional information or have any questions regarding the project, please do not hesitate to contact our office at **662.229.8177** or via email at **hal@baggettengineering.com**.

Sincerely,

A handwritten signature in black ink, appearing to read "H. B.", is positioned above the printed name.

**Hal Baggett, P.E.**

Baggett Engineering, Inc.





REPLY TO  
ATTENTION OF:

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

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](mailto: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,



Digitally signed by  
Courtney Shea  
Date: 2025.07.25  
12:00:23 -05'00'

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

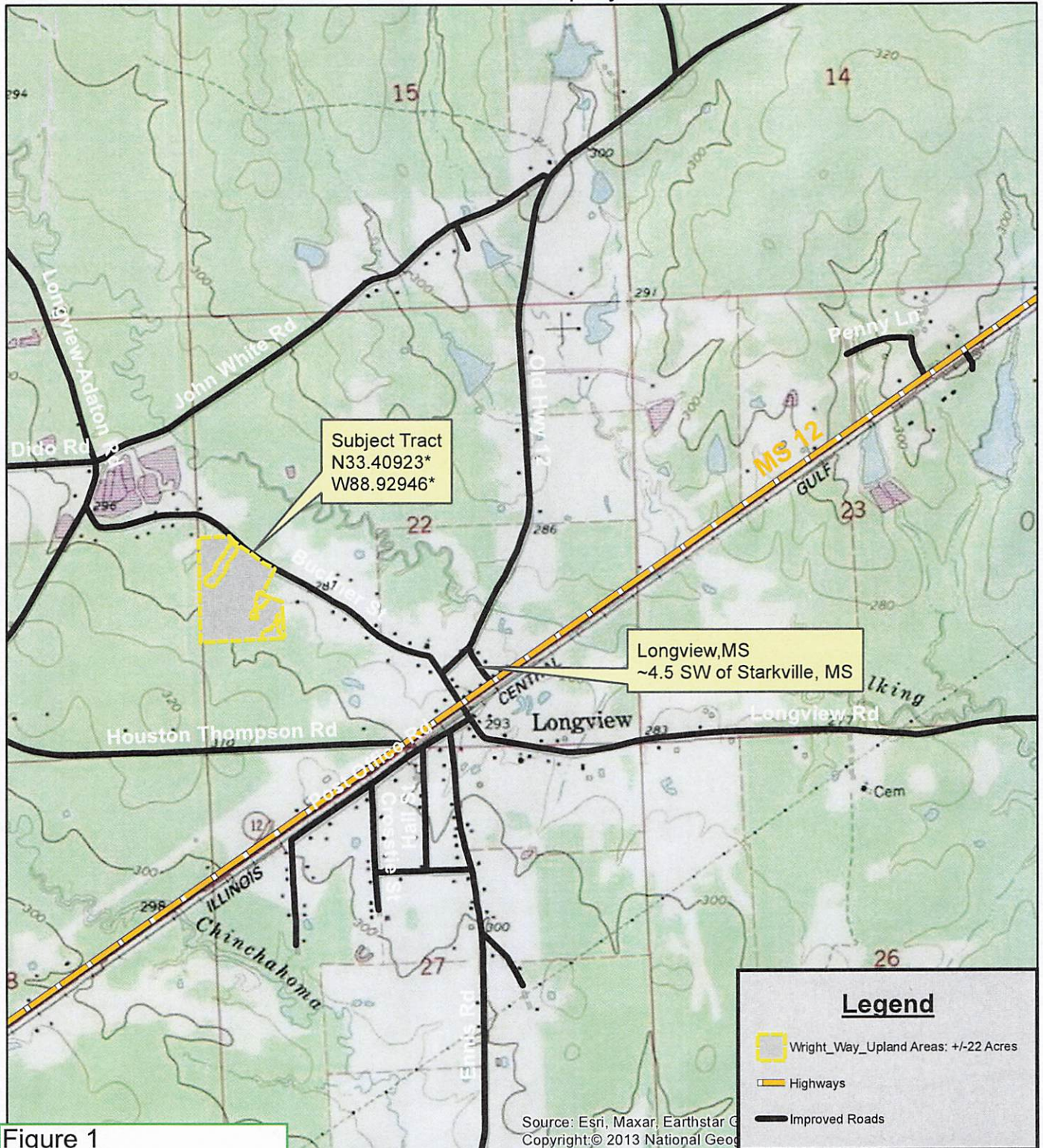


Figure 1  
Site Locator  
SAM-2025-0072-CMS

Note: Boundaries & Acreages are Approximate

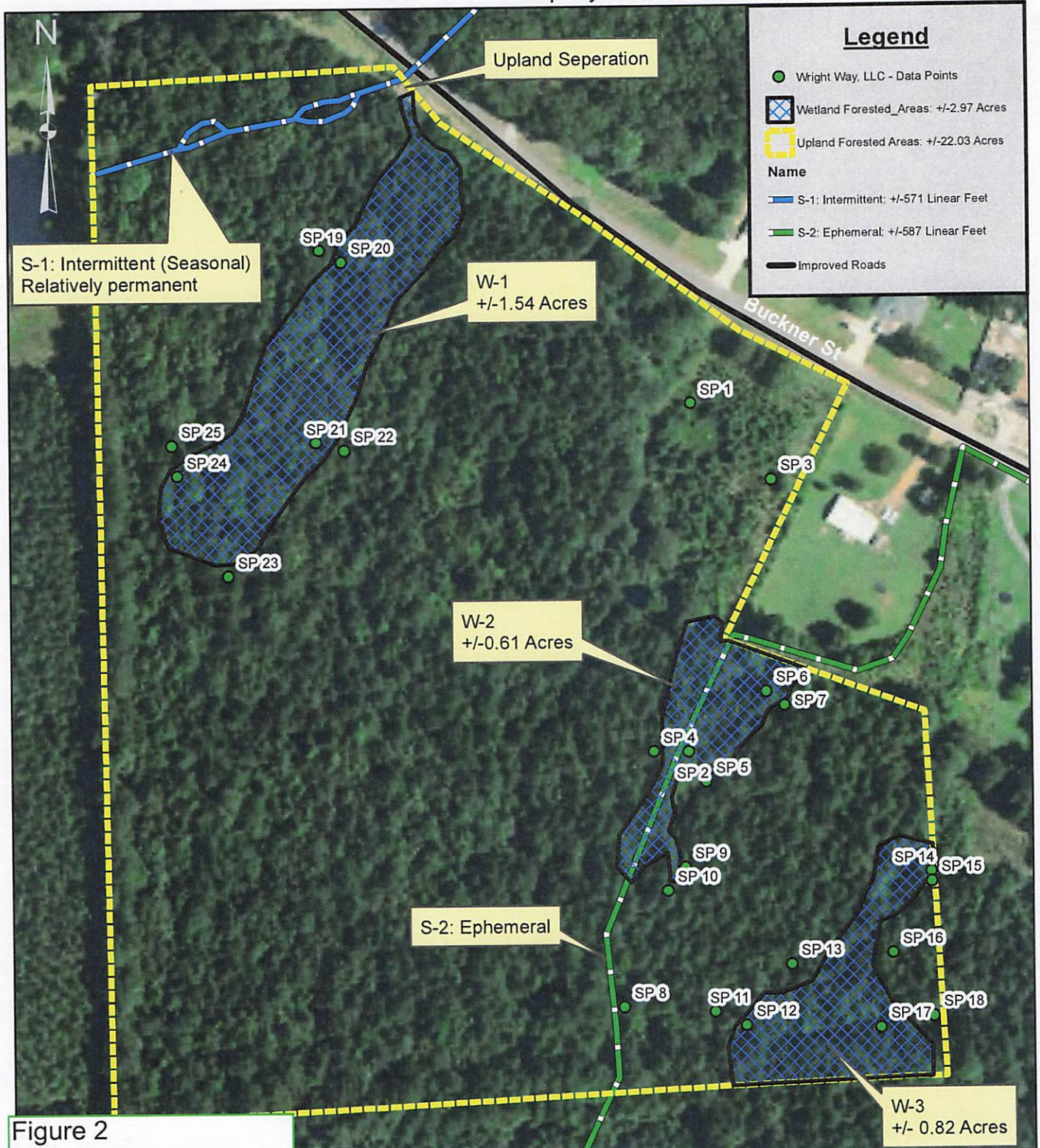
1 inch = 1,683 feet  
5/13/2025





## WRIGHT WAY, LLC. PROPERTY

Situating 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

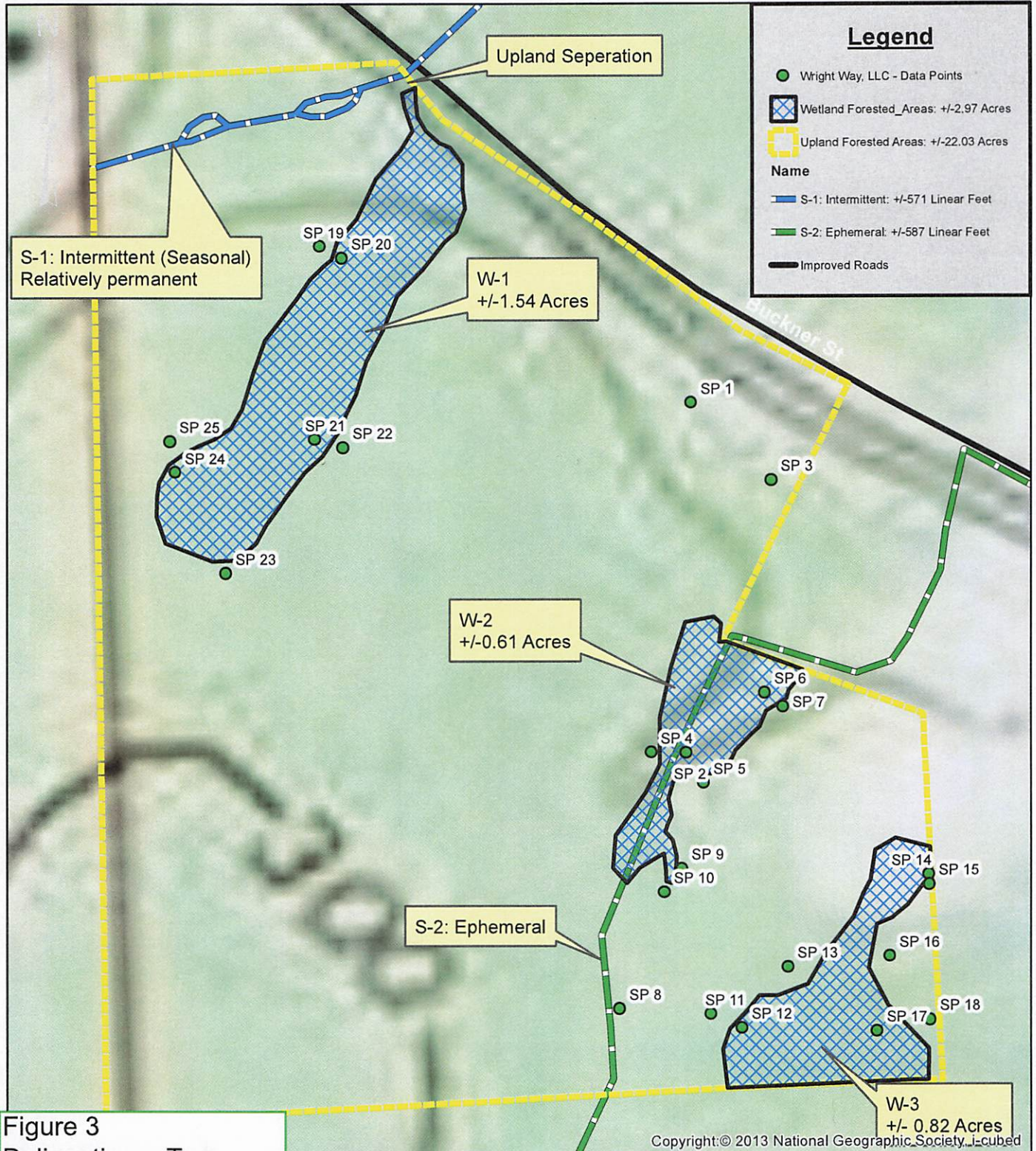
1 inch = 167 feet  
6/9/2025





# 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





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),<sup>1</sup> SAM-2025-0072-CMS, MFR #1 of #1<sup>2</sup>

**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.<sup>3</sup> 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.<sup>4</sup> For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),<sup>5</sup> 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

---

<sup>1</sup> 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.

<sup>2</sup> 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.).

<sup>3</sup> 33 CFR 331.2.

<sup>4</sup> Regulatory Guidance Letter 05-02.

<sup>5</sup> 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.



**CESAM-RD-N**

**SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SAM-2025-0072-CMS**

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).

<b>Waters Name</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Waters Size</b>	<b>Type Of Aquatic Resource</b>	<b>Geographic Authority</b>
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,

CESAM-RD-N

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SAM-2025-0072-CMS

approximately 2 miles before crossing the Mississippi-Alabama state line. Section 10 waters are a subset of TNWs.<sup>6</sup>

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<sup>7</sup>: 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.<sup>8</sup> N/A

---

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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.

CESAM-RD-N

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SAM-2025-0072-CMS

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



CESAM-RD-N

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SAM-2025-0072-CMS

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”).<sup>9</sup> 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

---

<sup>9</sup> 51 FR 41217, November 13, 1986.

**CESAM-RD-N**

**SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SAM-2025-0072-CMS**

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.

**CESAM-RD-N**

**SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SAM-2025-0072-CMS**

- 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: