



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MEMPHIS DISTRICT
167 NORTH MAIN STREET B-202
MEMPHIS, TENNESSEE 38103-1894

November 21, 2023

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]:

This is in response to your request on behalf of the [REDACTED] for an approved jurisdictional determination (AJD) for the wetland located east of the mainline Mississippi River levee in the northwestern corner of the port expansion property in New Madrid County, Missouri, as shown on the attached map. Based on the information submitted to our office and a review of other information available to us, it is our AJD that the subject wetland is not considered a water of the United States and therefore is not subject to regulation under Section 404 of the Clean Water Act. The location and approximate extent of this non-jurisdictional area is shown on the enclosed map.

The basis for our AJD is attached. This AJD is valid for five years from the date of this letter, unless new information warrants a revision of the determination before the expiration date or the 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.

This letter contains an approved jurisdictional determination for part of your subject site. If you object to this determination, you may request an administrative appeal under Corps of Engineers regulations at 33 CFR Part 331 as described in Section I.D. of the attached Notification of Appeal Process and Process and Request for Appeal (RFA) form. If you request to appeal this AJD, the completed RFA form must be submitted to the Mississippi Valley Division at the following address within 60 days from the date of this letter, January 19, 2024:

Appeals Review Officer
Mississippi Valley Division
P.O. Box 80
Vicksburg, Mississippi 39181-0080

In order for an RFA to be accepted by the Corps of Engineers, the Corps of Engineers must determine that it was received by the deadline, it is complete, and that it meets the criteria for appeal under 33 CFR Part 331.5. Please review and carefully consider this information. 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 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 United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of an Natural Resources Conservation Services Certified Wetland Determination with the local USDA service center, prior to starting work.

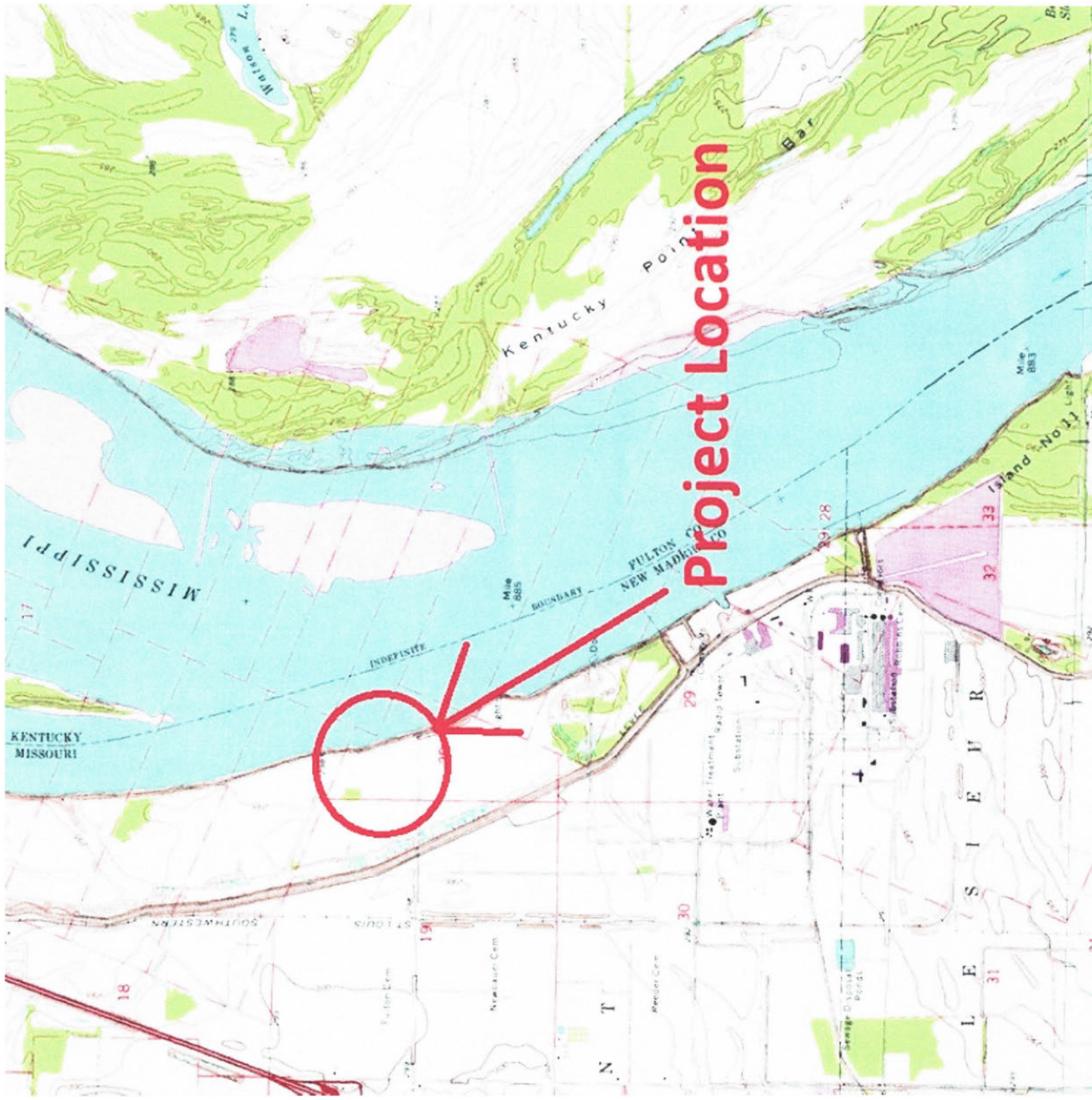
The Memphis District, Regulatory Division is committed to providing quality and timely service to our customers. In an effort to improve customer service, we invite you to complete a Customer Service Survey found at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. Your comments, positive or negative, will not affect any current or future dealings with the Corps of Engineers.

If you have questions, please contact me at [REDACTED] and refer to File No. MVM-2019-089.

Sincerely,

[REDACTED]
Deputy Chief
Regulatory Division

Enclosures



Project Location

Mississippi River

Mississippi

Mississippi

