



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

February 5, 2024



Dear [REDACTED]

This is in response to your request for an approved jurisdictional determination (AJD) and a preliminary jurisdictional determination (PJD) for aquatic resources located on 487.36-acres of land located in Byhalia, Marshall County, Mississippi. The location of the property is shown on the enclosed map. Based on the information submitted to our office it is our AJD that Wetland 1, Pond 1, Stream (S) 1, S2, S3, S4, S5, S18, S19, and S23 located in the area of proposed impact are not considered waters of the United States and therefore are not subject to regulation under Section 404 of the Clean Water Act; a Section 404 permit is not required for the discharge of dredge or fill material into these features. Additionally, it is our PJD that S27 may be considered waters of the United States; if you wish to provide additional information, an AJD may be requested for this feature. The location and aerial extent of each of the jurisdictional and non-jurisdictional waters is shown on the enclosed map.

This determination was completed in accordance with the pre-2015 Regulatory Regime following the Sackett decision. 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. 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 enclosed Notification of Appeal Process and Process and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form within 60 days from the date of this letter April 5, 2024 to the Mississippi Valley Division at the following address:

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

In order for an RFA to be accepted by the Administrative Appeals Officer must first determine that it was received by the deadline, 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 PJD is also included for your concurrence. If you agree with this PJD please sign the form and return it to the address listed above. If the PJD is not returned within 30 days of the date of this letter, we will assume your concurrence. A PJD cannot be appealed. If you object to this PJD, please see Section I.E., of the attached RFA, on how to proceed or call the Memphis District, Regulatory Division for assistance at the number listed below.

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 State Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of an Natural Resources Conservation Service 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 [REDACTED] at [REDACTED] and refer to File No. MVM-2021-301.

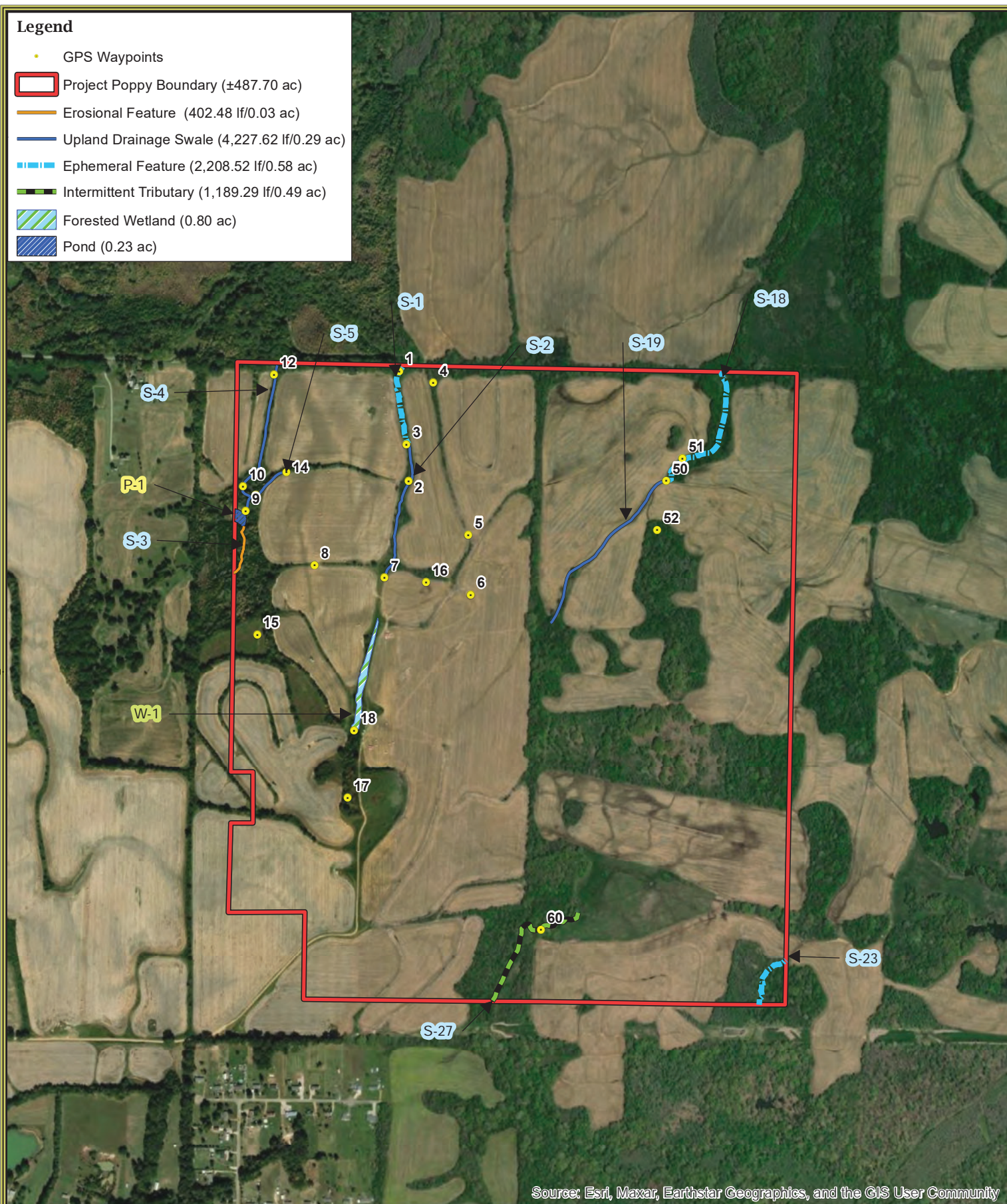
Sincerely,

[REDACTED]
Deputy Chief
Regulatory Division

Enclosures

Legend

- GPS Waypoints
- Project Poppy Boundary (±487.70 ac)
- Erosional Feature (402.48 lf/0.03 ac)
- Upland Drainage Swale (4,227.62 lf/0.29 ac)
- Ephemeral Feature (2,208.52 lf/0.58 ac)
- Intermittent Tributary (1,189.29 lf/0.49 ac)
- Forested Wetland (0.80 ac)
- Pond (0.23 ac)



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Project Poppy

Sections 19 & 20, Township 1 S, Range 3 W
Marshall County, Mississippi

[GPS/Wetland Location Map](#)

0 350,000 700,000 Feet
1:12,000

NAD 1983 StatePlane Mississippi East FIPS 2302 Feet

ESRI World Imagery Basemap

