



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

January 17, 2024

South Mississippi Branch
Regulatory Division

SUBJECT: Department of the Army File Number SAM-2021-00832-AMR, Autumn Lake
Subdivision, Harrison County, MS

Ecological Asset Management, LLC

Attention: [REDACTED]

[REDACTED]

[REDACTED]

Transmitted electronically: [REDACTED]

Dear [REDACTED]:

This is in response to your request for a Department of the Army (DA) Approved Jurisdictional Determination (AJD) on a 1.5-acre review area in Gulfport, Harrison County, MS. More specifically, the site is located at 13535 McMurtry Road; within Section 26, Township 6S, Range 11W; Latitude 30.488445 N and Longitude -89.06588 W; HUC-03170009 – Mississippi Coastal.

Based on information obtained during our site visit on November 28, 2023, our review of the information and wetland determination data forms you 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 feature identified within the review area is 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 W-2 (approximately 1.10 acres), as depicted on the attached exhibit entitled "Jurisdictional Determination Supplement Map", is not a water of the United States and therefore is not subject to DA jurisdiction. The attached AJD MFR further describes this area. 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. Please be advised that land clearing operations involving removal of vegetation with mechanized equipment such as front-end loaders, backhoes, or bulldozers with sheer blades, rakes, or discs; windrowing vegetation; land leveling; or other soil disturbance in areas subject to USACE jurisdiction are considered a discharge of dredged and/or fill material under our permitting jurisdiction. 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 for to the USACE, South Atlantic Division Office at the following mailing address and e-mail address: Krista Sabin, Regulatory Review Officer, 60 Forsyth Street Southwest, Floor M9, Atlanta, Georgia 30303; Krista.D.Sabin@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).

We appreciate your cooperation with the Corps of Engineers' Regulatory Program. Please refer to file number **SAM-2021-00832-AMR** in all future correspondence regarding this project or if you have any questions concerning this determination.

Please contact me by telephone at (251) 455-8627 or by e-mail at christopher.s.pickering@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,

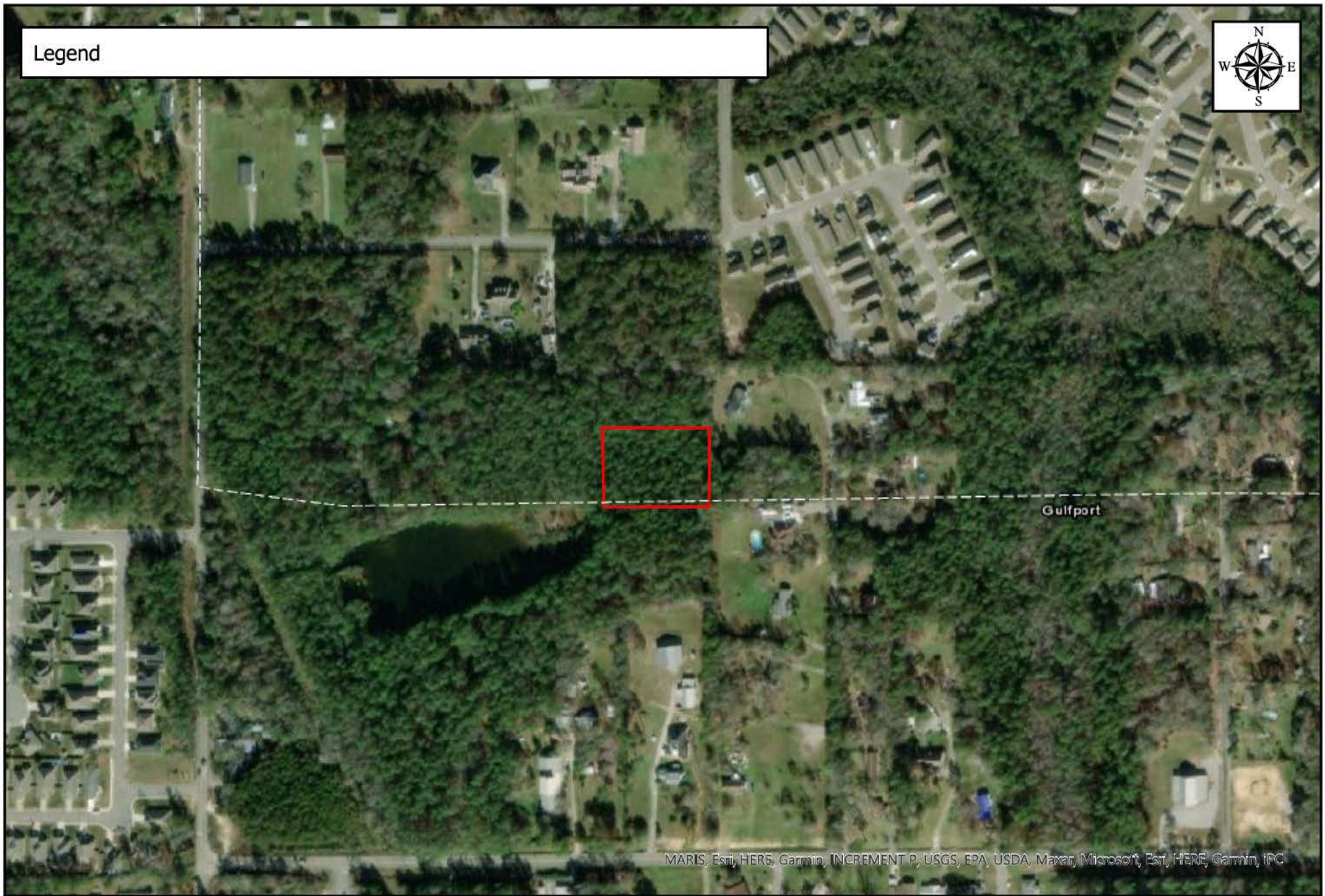
**Christopher S
Pickering**

Digitally signed
by Christopher S
Pickering
Date: 2024.01.17
12:50:48 -06'00'

Christopher S. Pickering
Project Manager
South Mississippi Branch
Regulatory Division

Attachments

Legend



MARIS, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Maxar, Microsoft, Esri, HERE, Garmin, IPC



SAM-2021-00832-AMR

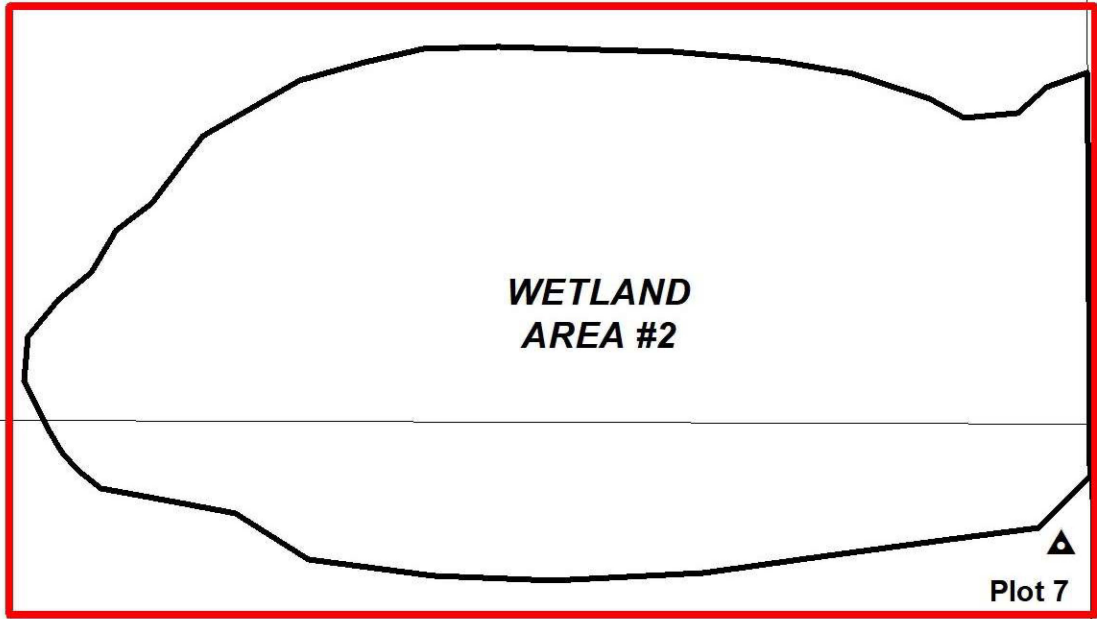


Map Center: 89.065788°W 30.488616°N

Map Created by: Chris Pickering

Date: 1/9/2024

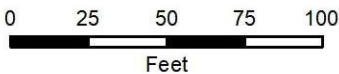
Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere



REVIEW AREA = +/- 1.5 AC



Base Map: Harrison County Parcels
 Source: Harrison County, MS, &
 EAM Field Data
 Map Date: December 26, 2023



**ECOLOGICAL
 ASSET
 MANAGEMENT, LLC**

**JURISDICTIONAL
 DETERMINATION
 SUPPLEMENT MAP**

**Wetland Delineation for
 +/- 1.5 ac Review Area
 on South Swan Road**

Location: Gulfport MS
 Portion of Section 26;
 Township-6-South; Range-11-West
 County: Harrison County, MS