



REPLY TO
ATTENTION OF:

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

April 28, 2022

South Mississippi Branch
Regulatory Division

SUBJECT: Department of the Army Permit Application Number SAM-2022-00222-CSP,
Proposed Stone County CTE Building, Wiggins, Stone County, Mississippi

Pittman Environmental Services, LLC
Attn: Bart Pittman
Post Office Box 320278
P.O. Box 1926
Purvis, Mississippi 39475
Transmitted electronically to bartpittman@gmail.com

Mr. Pittman:

Reference is made to your jurisdictional determination request dated March 28, 2022, on behalf of the Stone County School District regarding the proposed Stone County CTE Building. The project would be located on a 16.7-acre site near Woodland Drive in Wiggins, Stone County, Mississippi at Latitude 30.837650 North, and Longitude -89.143347 West. The proposed project has been assigned file number SAM-2022-00222-CSP which should be referred to in all future correspondence with this office.

Based on our review of the information furnished and information available to our office, we have determined the 16.7-acre parcel does not contain jurisdictional waters of the U.S. Based upon criteria contained in the USACE 1987 Wetland Delineation Manual and the Regional Supplement to the Corps Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0), the parcel is comprised entirely of non-wetlands. Therefore, Department of the Army authorization pursuant to Section 404 of the Clean Water Act of 1977 (33 U.S.C. 1344) is not required for construction of the CTE Building at the location listed in the above paragraph and detailed in the attached letter/maps/drawings in Wiggins, Stone County, Mississippi. You should obtain a separate jurisdictional determination prior to conducting work in any areas outside the 16.7-acre subject parcel.

This letter contains an Approved JD for your subject site. If you object to this determination, you may request an administrative appeal under USACE regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the South Atlantic Division Office, Regulatory Appeals Review Officer, South Atlantic Division, 60 Forsyth Street Southwest, Room 10M15, Atlanta, Georgia 30303-8801, (404) 562-5137, Fax (404) 562-5138.

In order for an RFA form to be accepted by the USACE, 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 District Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by June 27, 2022.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This Approved JD is based on current policy and regulation and is valid for a period of five years from the date of this letter. If after the five-year period this JD has not been specifically revalidated by the U.S. Army Corps of Engineers (USACE), it shall automatically expire.

Nothing in this letter shall be construed as excusing you from compliance with other federal, state, or local statutes, ordinances, or regulations which may affect this work. Revisions to your proposal may invalidate this authorization. In the event changes to this project are contemplated, it is recommended that you coordinate with us prior to proceeding with the work.

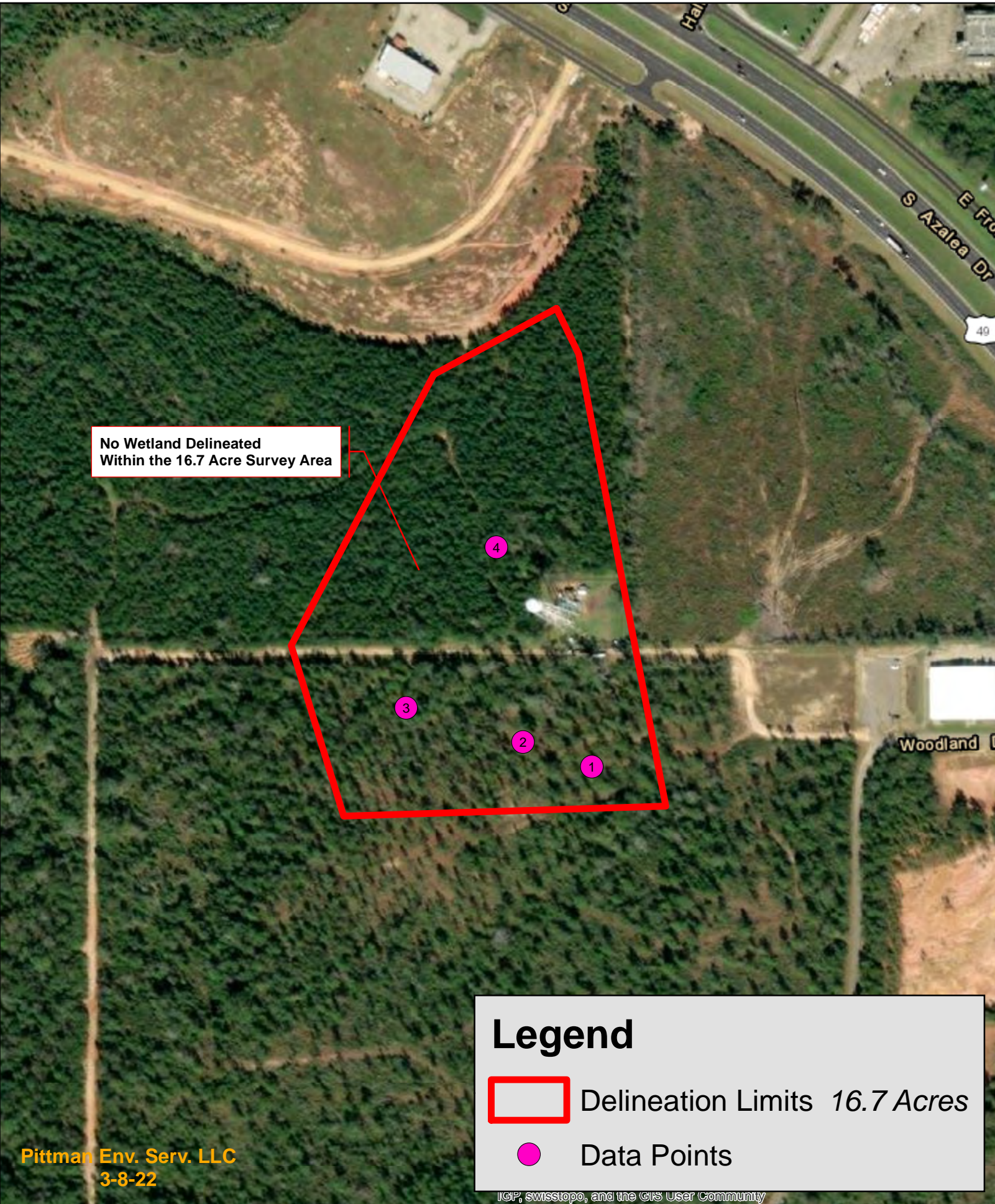
If the scope of work or project location changes, as of the date of this letter, you are urged to contact this office for a verification of this determination. Thank you for your cooperation with our permit program.

Please reference the above file number when requesting a jurisdictional determination and/or permit for the proposed work. If you have any questions concerning this matter, 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, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx. Also, please take a moment to complete our customer satisfaction survey located near the bottom of the webpage. Your responses will help us improve our services.

Sincerely,



Christopher S. Pickering
Project Manager, South Mississippi Branch
Regulatory Division

Enclosures



No Wetland Delineated
Within the 16.7 Acre Survey Area

Legend

-  Delineation Limits 16.7 Acres
-  Data Points



No Wetland Delineated
Within the 16.7 Acre Survey Area



Legend



Delineation Limits 16.7 Acres



Data Points

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): April 19, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Proposed Stone County CTE Building, SAM-2022-00222

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Mississippi County/parish/borough: Harrison County City: Wiggins
Center coordinates of site (lat/long in degree decimal format): Lat. 30.837650 °, Long. -89.143347 °
Universal Transverse Mercator: Section 25 & 36, Township 2S, Range 12W
Name of nearest waterbody: Fourmile Creek
Name of watershed or Hydrologic Unit Code (HUC): HUC 8, HUC, 10 and HUC 12

- Check if map/diagram of review area is available upon request.
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: April 19, 2022
 Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: An aerial map and topo map was submitted by the consultant.
 Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 Office concurs with data sheets/delineation report.
 Office does not concur with data sheets/delineation report.
 Data sheets prepared by the Corps:
 U.S. Geological Survey Hydrologic Atlas:
 USGS NHD data.
 USGS 8 and 12 digit HUC maps.
 U.S. Geological Survey map(s). Cite scale & quad name: 7.5 Minute Index USGS Topo
 USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey provided by consultant and verified on the National Regulatory Viewer
 National wetlands inventory map(s). Cite name: National Regulatory Viewer
 State/Local wetland inventory map(s):
 FEMA/FIRM maps: FEMA Flood Map Service Center
 100-year Floodplain Elevation is: N/A (National Geodetic Vertical Datum of 1929)
 Photographs: Aerial (Name & Date): Google Earth Imagery from January 1997 – January 2022
 or Other (Name & Date): Photographs of data points, February 2022
 Previous determination(s). File no. and date of response letter:
 Applicable/supporting case law:
 Applicable/supporting scientific literature:
 Other information (please specify):

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA

ONLY INCLUDES DRY LAND: There are no aquatic resources or potential aquatic resources in the 16.7-acre review area that would warrant the application of a wetland delineation, significant nexus analysis, navigability determination, and/or delineation of the ebb and flow of the tides. There are no features that have lateral limits of jurisdiction (e.g., OHWM).

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Stone County School District	File Number: SAM-2022-00222-CSP	Date: 04/28/2022
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	C
xx	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> 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. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. 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: 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.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **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.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: 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.

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. 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.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

**MR. CHRISTOPHER PICKERING
CESAM-RD-M
USACE BILOXI FIELD OFFICE
1141 BAYVIEW AVENUE, SUITE 203
BILOXI, MISSISSIPPI 39530
(251) 455-8627**

If you only have questions regarding the appeal process you may also contact:

**MR. PHILIP SHANNIN
ADMINISTRATIVE APPEALS REVIEW
OFFICER
60 FORSYTH STREET, SW (ROOM 9M10)
ATLANTA, GA 30303-8801
TELEPHONE: 404-562-5137, FACSIMILE: 404-562-5138**

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:

Telephone number: