



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

February 25, 2025

Special Projects Branch  
Regulatory Division

SUBJECT: Department of the Army Jurisdictional Determination, File Number SAM-2023-01049-PMH, Kaliber Management, AJD Request, Summerdale, Baldwin County, Alabama

Kaliber Management  
Attention: Owen Gates  
11601 Privet Dr  
Spanish Fort, AL 36527  
Email Address: oweng@kalibermanagement.com

Dear Mr. Gates:

Reference is made to your recent request for a Department of the Army (DA) Approved Jurisdictional Determination (AJD) for a 78.7-acre review area in Summerdale, Alabama. This project has been assigned file number SAM-2023-01049-PMH, which should be referred to in all future correspondence with this office concerning this project. This project is located along Highway 59 on Couch Plant Rd in Summerdale, Alabama within Section 26, Township 6 South, Range 3 East, Baldwin County Parcel ID 63324, with geographic coordinates near 30.51116 North and 87.72114 West.

Based on information obtained during our February 27, 2024 and October 25, 2024 site visits, our review of the information furnished in your request, and our review of other 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 not subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE).

The features identified as Grandy #1, Grady #2, and Grady #3, as depicted on the attached exhibits, 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.

This site was reviewed pursuant to Section 404 of the Clean Water Act which requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material

into waters of the United States, including wetlands, prior to conducting the work (33 U.S.C. § 1344). For regulatory purposes, the U.S. Army Corps of Engineers (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.

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 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 at the following address and e-mail address: USACE, Regulatory Appeals Review Office, Attention: Krista Sabin, Administrative Appeals Review Officer, 60 Forsyth Street Southwest, Floor 9M, Atlanta, Georgia 30303-8803; Email Address: 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. Should you decide to submit an RFA form, it must be received at the above address within 60 days of the date of this letter. 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 they be construed as excusing you from compliance with other federal, state, or local statutes, ordinances, or regulations that may affect work proposed 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.

You are receiving an electronic copy only of this letter. If you wish to receive a paper copy, you should send a written request to this office at the following address:

U.S. Army Corps of Engineers  
Mobile District, Regulatory Division,  
Post Office Box 2288, Mobile, Alabama 36628

An electronic copy of this letter is also being sent to: Thompson Engineering, Attention: David Knowles [dknowles@thompsonengineering.com](mailto:dknowles@thompsonengineering.com); the Alabama Department of Environmental Management, Attention: Mr. Scott Brown, at [coastal@adem.alabama.gov](mailto:coastal@adem.alabama.gov).

We appreciate your cooperation with the USACE Regulatory Program. Please refer to file number SAM-2023-01049-PMH in all future correspondence regarding this project or if you have any questions concerning this determination. If the project location or scope of work changes, you are urged to contact this office for a verification of this determination. You may contact the project manager, Paige Harvey, at (251) 386-6081, or by email at [paige.m.harvey@usace.army.mil](mailto:paige.m.harvey@usace.army.mil), should you have any questions concerning this matter. You can visit our website at [www.sam.usace.army.mil/Missions/Regulatory.aspx](http://www.sam.usace.army.mil/Missions/Regulatory.aspx) for additional information about our Regulatory Program. Also, please take a moment to complete our customer satisfaction survey located near the bottom of the webpage. Your responses are appreciated and will allow us to improve our services.

Sincerely,

Elizabeth Hamilton  
Acting Chief  
Special Projects Branch  
Regulatory Division

Attachments



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

Special Projects Branch  
Mobile District, Regulatory Division

February 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*, 598 U.S. 651 (2023),<sup>1</sup>  
SAM-2023-01049-PMH, 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

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<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-SP

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 598 U.S. 651 (2023), SAM-2023-01049-PMH

amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in Alabama 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).

Waters Name	Waters Size	Type Of Aquatic Resource	Geographic Authority
Wetland 1	1.5 acres	Non-WOTUS-WETL.NEGATIVE-A7	None
Wetland 2	3.4 acres	Non-WOTUS-WETL.NEGATIVE-A7	None
Wetland 3	0.5 acres	Non-WOTUS-WETL.NEGATIVE-A7	None
Swale	1,020 feet	Non-WOTUS-NEGATIVE-A-5	None
Ditch	1,032 feet	Non-WOTUS-NEGATIVE-A-5	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 (2023)

3. REVIEW AREA. The review area is an approximately 78.7-acre tract of land containing approximately 5.4 acres of wetlands, along Highway 59 on Couch Plant Rd in Summerdale, Alabama within Section 26, Township 6 South, Range 3 East, Baldwin County Parcel ID 63324, with geographic coordinates near 30.51116 North

and 87.72114 West. The site features 3 wetlands: Wetland 1, Wetland 2, and Wetland 3. These features contain grady soils within a cleared, previously disturbed agricultural field. A swale adjacent to Wetland 1's easternmost boundary and runs East-West parallel to the northernmost parcel boundary. A manmade ditch runs North-South from Wetland 3 to the northern border of the parcel. Site conditions of adjacent lots to the south, east, and west mimic these conditions. A portion of the adjacent property to the north remains forested.

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED.<sup>6</sup> The nearest TNW is Fish River located approximately 5 miles southwest of the review area. Fish River is on the Mobile District's Section 10 waters list. Section 10 waters are a subset of TNWs.
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS. The potential flow path from Wetland 1 to the nearest TNW (Fish River) is via a 1,020 linear feet swale running east along the northern border of the property to an area of wetlands north of the review area, which are adjacent to Halls Branch. Halls Branch curves to the west, flowing into Silver Creek after approximately 1.32 miles, then travels another 5.3 miles south west to Fish River. The potential flow path from Wetland 2 to an RPW is via culvert located on the southern border of the property on Couch Plant Rd, where it would potentially flow under Couch Plant Rd, connecting to another culvert on the parcel south of the review area. This would then flow into a ditch running North-South approximately 733 feet long before turning east and stretching another 734 feet to a relatively permanent waterbody as seen on topography maps. This relatively permanent waterbody eventually flows South-East to Negro Creek via manmade agricultural and roadside ditches. The potential flow path from Wetland 3 to a TNW is via a manmade ditch approximately 1,032 feet long connecting to the presumed wetlands north of the review area, which are adjacent to Halls Branch. Halls Branch flows to Fish River as described in the flow path discussion for Wetland 1.

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<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.

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
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): N/A
  - f. The territorial seas (a)(6): N/A
  - g. Adjacent wetlands (a)(7): N/A

## 8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

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<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.

- 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 non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

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



**Swale:** A swale, approximately 1,020 feet long, runs west to east along the northern review area boundary from Wetland 1 and exits the review area near the northeastern corner of the review area. This swale lacks physical indicators of flow: there is no ordinary high water mark, lacks hydric soil indicators, contains upland vegetation, contains leaf litter, and lacks bed and banks. For these reasons, the swale was determined to have non-relatively permanent flow and is therefore non-jurisdictional.

**Wetland 1:**

Wetland 1 is a 1.5-acre wetland. The subject wetland is part of a forested area on the north side of the parcel. The non-relatively permanent swale described above begins at Wetland 1 and extends eastward for approximately 1,020 feet along the northern review area boundary. The swale exits the review area near the northeastern corner of the review area and extends to the wetlands north of the subject property outside of the review area (this area is assumed to be wetlands based on a review of desktop resources. The Corps was not granted access to this parcel).

According to a review of desktop resources, the off-site wetlands appear to extend a distance of approximately 500 feet to abut Halls Branch, a relatively permanent tributary of Fish River.

The 1,020-foot-long swale, based on the factual context, does not provide a continuous surface connection from Wetland 1 to Halls Branch due to the lack of physical indicators of flow observed in the swale and relatively long distance to Halls Branch (approximately 1,520 feet), the closest requisite water. The swale is not providing a continuous surface connection from Wetland 1 to a requisite water; therefore Wetland 1 is not jurisdictional.

**Wetland 2 Analysis:**

Wetland 2 is a 3.4-acre wetland. The subject wetland is surrounded by cleared, disturbed agricultural fields. The right-of-way for Couch Plant Road borders the southern boundary of Wetland 2. A culvert is present under Couch Plant Rd to the south.

Wetland 2 is a depressional wetland and water would have to rise in elevation to discharge to the culvert under Couch Plant Road (see Elevation Profile WET 2). There is no wetland vegetation, hydrology or hydric soil indicators between Wetland 2 and the culvert and no evidence of water flow based on no observations of scour, lack of vegetation, and no ordinary high water mark. The closest requisite water is a relatively permanent tributary, the headwaters of Negro Creek, located on the property directly south of the review area. This

relatively permanent tributary begins approximately 1,500 feet from the outlet of the culvert on the south side of Couch Plant Rd. Due to the presence of uplands between Wetland 2 and the culvert, the lack of evidence of flow from Wetland 2 to the culvert and the distance to the closest RPW (>1,500 feet), Wetland 2 does not have a continuous surface connection to a requisite water and is therefore not jurisdictional.

**Ditch:**

An approximately 1,032-foot-long manmade ditch extends from Wetland 3 to a forested area on the northern border of the review area. No scour, ordinary high water mark, or hydric soils were noted within the manmade ditch. Nonhydric vegetation was observed rooted in the ditch. All of these physical characteristics observed in the ditch indicate that it has non-relatively permanent flow and is therefore not jurisdictional.

**Wetland 3:**

Wetland 3 is a 0.5-acre wetland containing grady soils. The subject wetland is surrounded by cleared, disturbed agricultural fields. The ditch described above connects Wetland 3 to a forested area on the northern border of the property. The ditch conveys sheetflow along its 1,032-foot length to a depression within the forested area. Presumably, this depression connects to wetlands outside the review area adjacent to Halls Branch. The ditch from Wetland 3 rises in elevation heading north, then drops before reaching the depressional area adjoining Halls Branch (see Elevation Profile WET 3). A berm (approximately 1 foot high) lies between the ditch and the presumed wetlands based on Elevation Profile WET 3. The berm included stable vegetation, indicating flow would only overtop the berm during heavy rain events. The potential flowpath from Wetland 3 to the RPW (Halls Branch, tributary of Fish River) is approximately 1,532 feet long through the non-relatively permanent ditch and adjacent wetlands (outside the review area) to Halls Branch. As discussed above the ditch has weak indicators of flow, frequency and duration, which indicates there is no continuous surface connection from Wetland 3 to Halls Branch. Wetland 3 does not have a continuous surface connection to a requisite water and is therefore non-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.

CESAM-RD-SP

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 598 U.S. 651 (2023), SAM-2023-01049-PMH

- a. Field visit conducted February 27, 2024. Desktop review of delineation conducted February 26, 2024.
- b. Wetland Delineation from Thompson Engineering
- c. Review of soils, LIDAR, and DEM Imagery from National Regulatory Viewer Accessed February 26, 2024 and October 16, 2024.
- d. Field visit conducted October 25, 2024.

10. OTHER SUPPORTING INFORMATION.

- a. EPA and Army *Memorandum on NWK-2024-00392*, November 21, 2024.
- b. EPA and Army *Memorandum on NWK-2022-00809*, June 25, 2024.

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: Kaliber Management	File Number: SAM-2023-01049-PMH	Date: 02/25/2025
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:

Paige Harvey  
Regulatory Project Manager  
U.S. Army Corps of Engineers  
CESAM-RD-SP  
Post Office Box 2288  
MOBILE, ALABAMA 36628-0001  
Phone: 251-386-6081  
Email: Paige.M.Harvey@usace.army.mil

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:

Krista Sabin  
Regulatory Review Officer  
South Atlantic Division  
60 Forsyth St SW, Floor M9  
Atlanta, Georgia 30303-8803  
Krista.D.Sabin@usace.army.mil  
904-314-9631

**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:



Legend

 AJD Site



Esri, HERE, Garmin, Earthstar Geographics, Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS



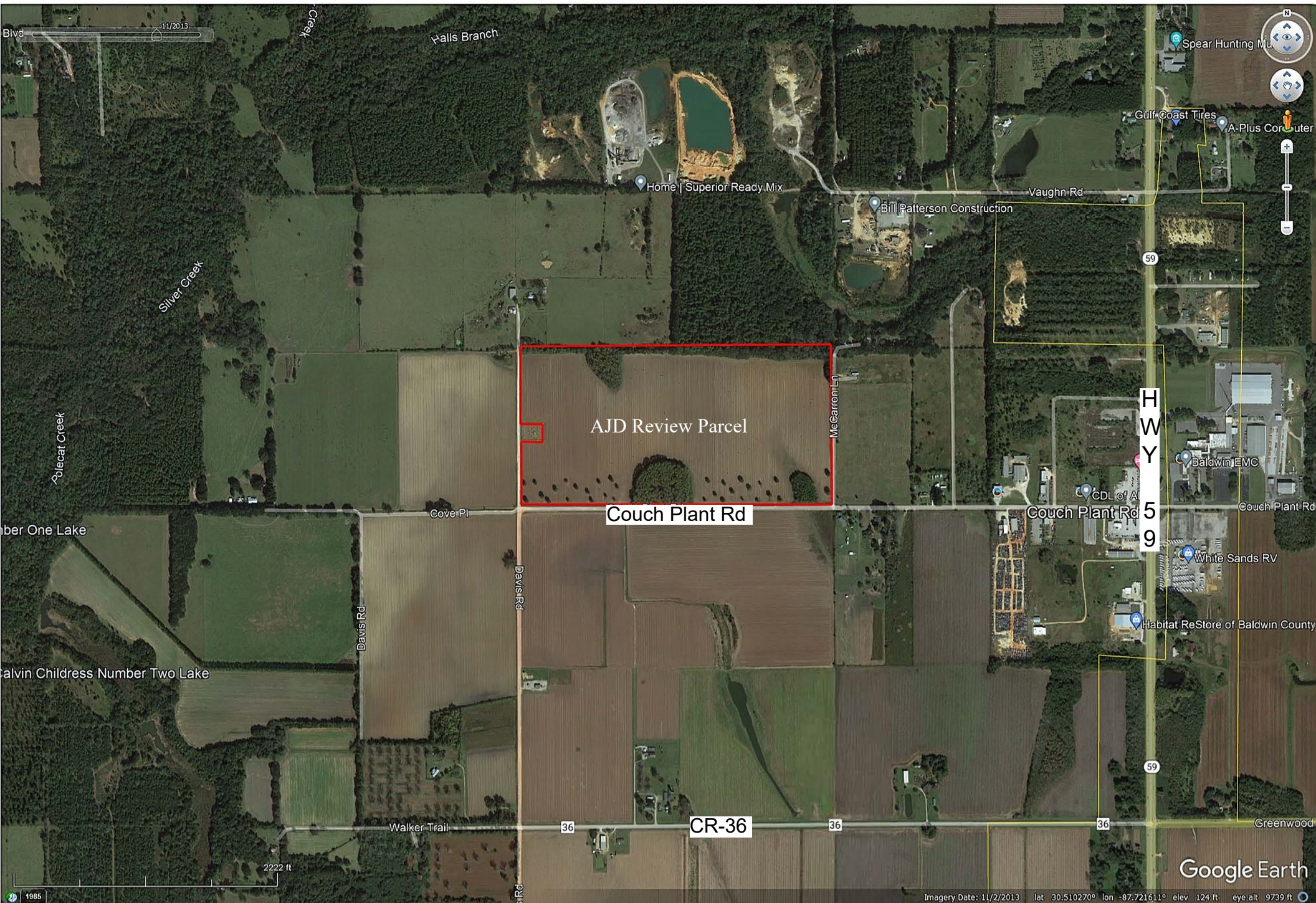
Vicinity Map

0 4.75 9.5 19  
mi

Map Center: 87.795787°W 30.495926°N

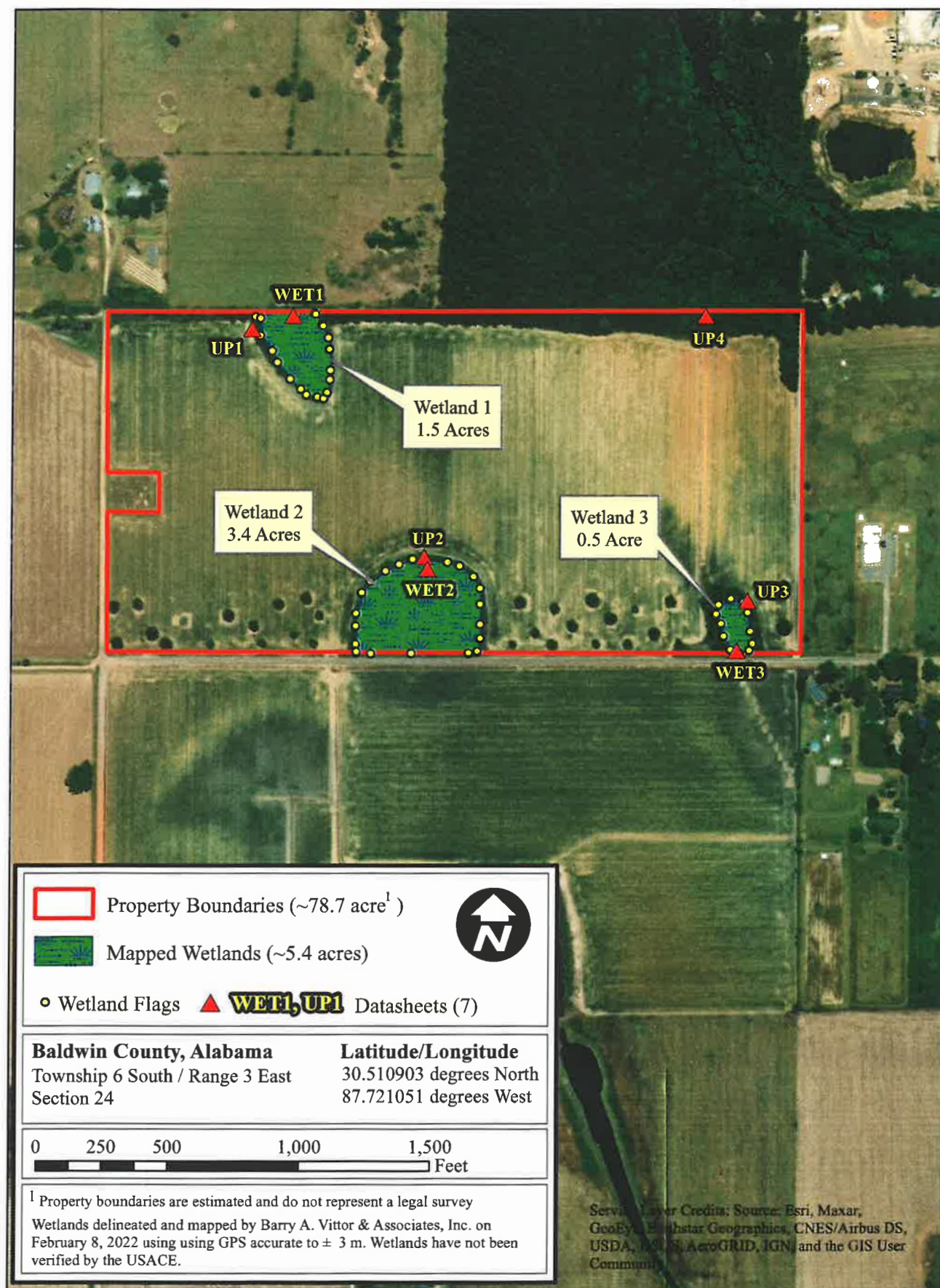
Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere





SAM-2023-01039-PMH // DEPT. OF THE ARMY





Delineation Map with Wetland Boundaries