



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT  
600 VESTAVIA PARKWAY, SUITE 203  
THE SHELBY BUILDING  
VESTAVIA HILLS, AL 35216

January 26, 2024

North Branch  
Regulatory Division

SUBJECT: Department of the Army File Number SAM-2023-01051-MH9, Sand Creek  
Wastewater Authority - Sewer System Capacity Expansion, Lee County, Mississippi

[REDACTED]

Dear [REDACTED]:

This is in response to your request, submitted on your behalf by your agent Headwaters, Inc., for a Department of the Army (DA) jurisdictional determination on an approximately 26-acre parcel in Saltillo, Lee County, Mississippi. More specifically, the site is in Section 21, Township 8 South, Range 6 East, and is centered at 34.36919°, -88.680921°.

Based on information obtained during our review of the information and wetland determination data forms your agent furnished, and other desktop information available to our office, we have completed a jurisdictional determination for the site. For regulatory purposes, the Corps 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 this determination reflects current policy and regulation.

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). 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. Please be advised that land clearing operations involving removal of vegetation with mechanized equipment such as front-end loaders, backhoes, or bulldozers with shear blades, rakes, or discs; windrowing vegetation; land leveling; or other soil disturbance in areas subject

to U.S. Army Corps of Engineers (USACE) jurisdiction are considered a discharge of dredged and/or fill material under our permitting jurisdiction.

Based on our review of the information submitted, potential aquatic resources were identified in your review area; however, the proposed project activities will not involve a discharge into those aquatic resources as depicted on the attached figures. Therefore, a DA permit is not required for your project as proposed.

Attached to this letter is a copy of the Preliminary Jurisdictional Determination (PJD) form for the wetlands and/or tributaries identified within the review area. This PJD treats the wetlands and waters of the U.S. on the site as jurisdictional for the purposes of determining impacts and mitigation requirements. The PJD is a non-binding action and shall remain in effect unless new information or a request for an approved jurisdictional determination supporting a revision is provided to this office. Please note that since this jurisdictional determination is preliminary, it is subject to change and therefore is not an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR 331.

The supporting documentation also confirmed the presence of an area that is not a water of the U.S. and is not subject to our Federal permitting authority. The attached approved JD (AJD) Memorandum for Record (MFR) describes this area, identified as Sewage Lagoon, a non-jurisdictional wastewater treatment pond. Please be advised that this AJD 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 Corps, it shall automatically expire. If the information you have submitted, and on which the Corps has based its determination is later found to be in error, this decision may be revoked.

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 to the USACE, South Atlantic Division Office at the following mailing address and e-mail address: [REDACTED]

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 wetland assessment 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 wetland assessment 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).

An electronic copy of this letter is being provided to your agent, [REDACTED]

We appreciate your cooperation with the Corps of Engineers' Regulatory Program. Please refer to file number **SAM-2023-01051-MH9** in all future correspondence regarding this project or if you have any questions concerning this determination.

Please contact [REDACTED] by telephone at [REDACTED] or by e-mail at [REDACTED] 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,

[REDACTED]

Attachments

Legend

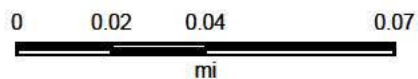
Review Area  
for AJD



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



**SAM-2023-01051-MH9**  
**Review Area Map for AJD**  
**Sand Creek WWTP**



Map Center: 88.681398°W 34.36851°N

Map Created by: Courtney Shea  
Date: 1/25/2024

Coordinate System: WGS 1984 Web  
Mercator Auxiliary Sphere