A CRH COMPANY

APAC - Mississippi, Inc.
A CRH Company

Post Office Box 24508
Jackson, MS 39225-4508
Tel: (601) 376 -4000
Fax: (601) 376-4099

October 18, 2024

Chief, Environmental Permits Division
Mississippi Department of Environmental Quality
Office of Pollution Control
P. O. Box 2261
Jackson, MS 39225

RE: APAC-Mississippi, Inc.
BACCO Mine, Lowndes County
Permit MSR320539

Please find enclosed the Major Modification Form for expansion/modification for the above referenced facility. I have also included with this Major Modification Form a Jurisdictional Determination from the Mobile District for the site. All documents associated with this Major Modification Form depict how future mining will occur at the site.

If you have any questions concerning the submitted information, please call me at (601) 376-4000.

Sincerely,
APAC-Mississippi, Inc.

Brian Moore
Environmental Manager

AI: 10277

Rec'd via hard copy: 10/22/2024

MAJOR MODIFICATION FORM FOR MINING GENERAL PERMIT

Coverage No. MSR32 0 5 3 9 **County** Lowndes

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

INSTRUCTIONS

Coverage recipients shall notify the Mississippi Department of Environmental Quality of plans to expand the acreage or "footprint" of an existing mining activity or modify the existing mining operation. This form must be submitted when (check all that apply):

- ☐ **SWPPP details have been developed and are ready for MDEQ review for subsequent phases of an existing, covered mining activity**
- ☑ **"Footprint" identified in the original MNOI is proposed to be enlarged (a modified SWPPP and an updated USGS topographic map must be submitted)**
- ☑ **Mine dewatering is proposed**
- ☐ **Mine dewatering has been discontinued**
- ☑ **Closed loop wash operations are proposed**
- ☐ **Closed loop wash operations have been discontinued**

This form must be signed by the original coverage recipient under Mississippi's Mining General Permit. A different operator must have general permit coverage transferred prior to coverage being modified. Coverage recipients are authorized to discharge storm water associated with proposed expansions of dewater pits or operate a recirculation system with no discharge, under the conditions of the General Permit, only upon receipt of written notification of approval by the MDEQ. If mining activities change which will incorporate a hydraulic dredging operation or a discharge of process wastewaters to State waters additional permitting actions shall be required.

COVERAGE RECIPIENT INFORMATION

COVERAGE RECIPIENT CONTACT PERSON: Brian Moore

COMPANY NAME: APAC-Mississippi, Inc. BACCO Mine

STREET OR P.O. BOX: PO Box 24508

CITY: Jackson STATE: MS ZIP: 39225

PHONE NUMBER : 601-376-4000 EMAIL ADDRESS: brian.moore@apac.com

PROJECT INFORMATION

FORMER ACREAGE: 447 ADDITIONAL ACREAGE TO BE DISTURBED: 392 acres total modification minus stream & wetland buffers as depicted on General Site Maps attached

TOTAL ACREAGE: 839 MINE NAME: APAC-Mississippi, Inc. BACCO Mine

GEOLOGY APPLICATION/PERMIT NO. P96-070AAT CITY: Columbus COUNTY: Lowndes

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Brian Moore
Signature (must be signed by coverage recipient)

10/15/2024
Date

Brian Moore
Printed Name

Environmental Manager
Title

Please submit this form to:

Chief, Environmental Permits Division
MS Department of Environmental Quality, Office of Pollution Control
P.O. Box 2261
Jackson, Mississippi 39225

O.C

Worksheet #1

APAC-MISSISSIPPI, INC.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

BACCO Mine
1033 Fellows Road
Columbus, MS 39705

Under Mississippi's

Mining Storm Water, Dewatering, and No Discharge General NPDES Permit

Coverage No. MSR320539

SWPPP Manager: Robert Holley
Title: Site Manager **Cell Phone # (769) 990-6659**

SWPPP Committee Members (list), if applicable:

Michael Blain Jr., David Farrish, Brian Glusenkamp, Bobby Bogue, Nathan Killingsworth, Brian Moore, Ray Kinslow, Colin Agostinelli, David Barton

I certify under penalty of law that the information submitted is, to the best of my knowledge, true, accurate and complete.

Brian Moore — **Signature**

10/15/24 — **Date Signed**

Brian Moore — **Printed Name**

Environmental Manager — **Title**

Act 5 (Mining) Storm Water Pollution Prevention Plan (SWPPP) Development and Content:

Condition Number

See Worksheet #1 for the Pollution Prevention Manager/Committee-Responsible for Mining Storm Water General Permit Compliance

T-1 **Potential Pollutant Sources**

A description of the potential pollutant sources and exposed material is contained in Worksheet #2

The sand and gravel stockpiles, fuel/oil storage locations, equipment parking, and plant processing area will all remain within the existing permit boundary of 447 acres in their existing locations. Only clearing, overburden removal and mining will take place within the requested modified acreage of 392 acres. The mined material within the additional 392 acres will be transported to the wash plant processing area via haul trucks and/or overland conveyor. The modified total acres for this mine will be 839.

T-3 **Erosion and Sediment Controls**

The Erosion and Sediment Controls appropriate for this mining activity will:

- Control storm water volume and velocity within the site to minimize soil erosion
- Control storm water discharges to minimize erosion at outlets and to minimize downstream channel and stream bank erosion
- Limit the exposure of disturbed areas to the shortest amount of time as possible
- Minimize the amount of soil exposed during mining activity
- Minimize the disturbance of steep slopes
- Minimize sediment discharges from the site
- Preserve topsoil where possible
- Remove sediment from storm water before it leaves the mine site
- Preserve existing vegetation where possible
- Preserve vegetated buffer zones around any creek, drain, lake, pond, or wetland
- Avoid disturbing sensitive areas such as steep or unstable slopes or land upslope of surface waters
- Revegetate disturbed areas as soon as possible
- Filter runoff by using natural vegetation, brush barriers, silt fence, and rock check dams
- Minimize off site vehicle tracking of sediment by establishing a stabilized site entrance/exit

T-4 **Minimum Erosion Controls**

Erosion and sediment controls for this site will consist of:

Vegetative and Structural Best Management Practices (BMP's) as listed inT-4(2) and T-4(3)

T-4(1) **Site Map**

A scaled site map showing property layout with site boundaries is included with the SWPPP meeting the requirements of the Mining Storm Water, Dewatering, and No Discharge General Permit. Site maps included with this SWPPP include a pre-mining and post-mining map, topo map, mining and reclamation schedule maps and a permit corner map with GPS coordinates.

T-4(2) **Vegetative Practices**

These practices will be designed to preserve existing vegetation where possible and revegetate disturbed areas as soon as practicable after clearing, stripping, excavating or other land disturbing activities.

These practices will consist of

- Topsoil preservation
- Permanent grassing
- Temporary grassing
- Mechanical mulching for grassing cover with crimping
- Vegetative buffer zones around streams and wetlands

When a disturbed area not actively being mined will be left undisturbed for 30 days or more with the potential for sediment to leave the site, the appropriate temporary or permanent vegetative practices shall be implemented within 7 calendar days.

T-4(3) **Structural Practices**

These practices shall divert flows of exposed soils, store flows, limit and filter run off from disturbed areas.

These practices will consist of

- Vegetative earthen berm around active mining areas

Once mining commences, if additional BMPs are needed, appropriate BMPs will be implemented from the list below:

- Silt fence
- Rock check dams
- Temporary sediment traps
- Brush barrier
- Stabilized outlet protection
- Stabilized mine site entrance and exit

A list of site-specific BMP's is contained in Worksheet #3.

T-4(4) **Construction Exits**

The construction exit from this mine will move directly onto our existing gravel entrance road and then to Fellows Road which is an existing paved road. This transition area will be evaluated for excessive sediment tracking. Additional

measures will be implemented if necessary. No additional construction exits will be established from the mining for this requested modified acreage.

T-4(6) **Post Mining Control Measures**

These measures will be implemented after reclamation activities have been performed in previously mined areas for final stabilization of the area. These measures will include all needed vegetative and structural practices to control sediment in stormwater runoff from the site after mining is complete. Existing contours for this site and proposed modified acreage are flat in nature. Mining has been and will continue to be incised at this location which will reduce the stormwater being discharged from the site. Post mining ponds will be established as depicted within the site maps.

T-4(7) **Implementation Sequence**

Land clearing and mining will begin in 2025 on the eastern area of the requested modified permit boundary. The time frame for mining activities is listed in each pit boundary on the Mining Schedule map. Once mining in the pit boundary is complete, reclamation will begin. Fill material from the next mining phase will be relocated to the previously mined area. The last pit boundary will be mined in 2045.

T-5 **Non-Storm Water Discharge Management**

As identified in ACT 2, T-3(5), non-storm water discharges from this mining site will consist of:

- Water line flushing
- Dust suppression water
- External building or vehicle wash downs which do not use detergents
- Uncontaminated air conditioning or air compressor condensate
- Uncontaminated pumped ground water

These non-stormwater discharges are to be addressed by using the appropriate BMPs within this SWPPP. Non-storm water discharges will be eliminated or reduced to the extent feasible. The mine site will be evaluated for any non-stormwater discharges during monthly site inspections. A non-stormwater discharge evaluation is included in Worksheet #5.

T-6 **Implementation of Controls**

When disturbing an area in mining preparation, erosion and sediment controls will be implemented as needed to prevent erosion and adverse impacts to down-slope, off-site areas and receiving streams. All appropriate vegetative and structural best management practices will be installed upon commencement of the mining operation and as mining activity progresses and is completed.

T-8 **Maintenance and Monthly Inspections**

The following procedures will be used to maintain the site erosion and sediment controls:

All sediment and erosion control measures will be inspected at least once every month, within 24 hours after commencement of a rainfall event greater than or equal to a 2-year, 24-hour storm event (approximately 6 inches on the Gulf Coast to 4 inches at the MS/TN State line), and as often as necessary to ensure that the appropriate controls have been constructed, maintained, and function adequately to satisfy the requirements of the mining stormwater permit and to ensure that pollutants are not leaving the site.

All accumulated sediment will be removed from the structural control when the sediment reaches 1/3 to 1/2 the controls height.

All accumulated sediment will be removed from any temporary sediment trap when its capacity has been reduced by 50%.

Any non-functioning controls shall be repaired, replaced, or supplemented with functional controls within 24 hours of discovery or as soon as field conditions allow.

Monthly inspections shall be performed upon initial land disturbance and until permit coverage is terminated by MDEQ.

T-9 **Housekeeping Practices**

Good housekeeping practices will be implemented at this mining site and evaluated during each required monthly inspection. They will include:

- Designated areas for equipment maintenance and repair
- Scheduled preventive maintenance on mobile and processing equipment
- Minimize the exposure of mining/construction materials and equipment
- Implement spill and leak prevention practices and response procedures if spills and leaks do occur

Information on significant spills and leaks of hazardous pollutants will be documented on the monthly site inspection form and the spill log (Worksheet #4) if spills and leaks have occurred. Appropriate emergency procedures are listed within the site SPCC plan and will be implemented in the event of a significant spill or leak.

Act 6 (Mining) Storm Water Pollution Prevention Plan (SWPPP) Implementation Requirements:

Condition Number

S-1 **SWPPP Implementation Requirements**

S-1(1) This SWPPP will be implemented as such, and a copy maintained at the Mining Site. The SWPPP will be made available to MDEQ Inspectors upon request.

S-1(4) The SWPPP will be appropriately amended whenever there is a change design, construction, operation, or maintenance, which may potentially affect the discharge of pollutants to waters of the State or through inspection, the SWPPP proves to be ineffective in controlling stormwater pollutants. Any such amendment will be submitted to MDEQ within 30 days of the amendment.

S-3 The boundary of this permitted mining site shall be marked with durable posts. These posts will be readily visible during the life of the operation.

Act 8 (Mining) Reporting and Recordkeeping Requirements

Condition Number

R-1 **Records Retention**

Monthly Storm Water Inspections shall be documented on copies of the Annual Storm Water Site Inspection Report Form and shall be kept on site with the SWPPP. All records, reports, forms, and information resulting from activities required by the Mining Storm Water General Permit and this SWPPP shall be retained for a period of three (3) years.

Act 9 (Mining) Water Quality and Buffer Zone Requirements

Condition Number

L-1 **Storm Water Discharge Non-Numeric Limitation**

Storm water discharge shall be free from:

- Debris, oil, scum, and other floating materials other than in trace amounts
- Eroded soils and other materials that will settle to form objectionable deposits in receiving waters
- Suspended solids, turbidity, and color at levels inconsistent with receiving water
- Chemicals in concentrations that would cause violation of the State Water Quality Criteria in the receiving waters.

L-2 **Buffer Zone Requirements**

When mining activity is adjacent to a stream, a buffer zone (undisturbed area) shall be maintained between the edge of the mining activity and the highest point of the top bank of stream. The buffer zone shall not be disturbed by any mining activities. The buffer zone requirements for mining activity adjacent to streams are:

L-2(1) Intermittent Stream: 50-foot buffer zone between stream and mining activity (indicated by broken blue line on Topo map)

L-2(2) Perennial Stream: 150-foot buffer zone between stream and mining activity (indicated by solid blue line on a Topo map)

Wetlands: 50-foot buffer zone between wetlands and mining activity

All buffer zones around stream and wetlands are depicted on the site map within this SWPPP. The streams and wetlands located within this site were delineated

by Wetland Consulting Services, Inc. and concurred with by the United States Corps of Engineers, Mobile District. A copy of the Jurisdictional Determination showing the stream and wetland locations is included with this SWPPP. An application for a Nationwide Permit 44 for two proposed stream crossings is being prepared to request access to these future mining areas as part of this modification. The location of the stream crossings is depicted within the site maps within this SWPPP.

Act 11 (Mining) Wastewater Recirculation Systems with No Discharge to Surface Waters

Condition Number

T-1	**Eligibility**
T-1(1)	Wash operations at this facility are closed loop recirculation systems and have no discharge of wash wastewater. Wash water is transferred back to the freshwater pond by a pump or gravity flow system to be recycled for wash plant use. We will continue to use the existing wastewater pond system located in the current permit and depicted within the site map.
T-2	**Removed Substances**
	Solids, sludges, or other residuals removed in the course of treatment or control of wastewater will be disposed of as fill material within previously mined areas.
T-4	**Structural Integrity of Ponds and Wastewater System**
T-4(1)	Emergency discharge structures installed on sedimentation ponds shall be installed at least twenty-four inches above normal operating fluid level, with said discharge structure being twenty-four inches below the lowest point on top of the containment dike.
T-4(2)	Levees and any other structures must be constructed utilizing good engineering designs, standards, methodologies, and materials.
T-4(3)	Levees will be maintained in good working conditions. There should be no leaks within levees and repairs will be made immediately upon discovery of any deficiency. All exterior levees will have adequate vegetative cover to prevent erosion.
T-4(5)	A levee inspection for this site will be developed and implemented. See Levee Inspection Form located in binder at the facility.

Act 12 (Mining) Mine Dewatering

Condition Number

S-1	**Reporting for Mine Dewatering**
	Results of monitoring should mine dewatering occur will be conducted according to the provisions within the Mining Stormwater Permit and will be submitted annually on a Discharge Monitoring Report Form through the MDEQ Net DMR system no later than the 28th day of January for the preceding year.

T-2 **Erosion and Sediment Controls for Mine Dewatering**

APAC will make every effort to dewater any active mining area back into an existing impoundment or pond for water recycling. If dewatering into a previous impoundment or pond is not possible, all water shall be discharged through a filter fabric dewatering bag to a well vegetated or stabilized area prior to discharge to any site outfall. This will prevent erosion of materials and soils into surface waters. The intake of dewatering devices should draw from the upper third of the water column to minimize solids in the discharge.

Monitoring Requirements for Mine Dewatering

If mine dewatering does occur, a grab sample of the dewatering effluent will be collected at least once every 12 months and evaluated for pH. The sample should be collected at the nearest point after discharge, but prior to mixing with any non-mine water or mixing with the receiving stream. Effluent limitations for Mine Dewatering should be between 6.0 and 9.0 SU.

R-1 **Recordkeeping Requirements for Mine Dewatering**

Recording results for each measurement or sample taken pursuant to the requirements of this permit, the coverage recipient shall retain records for a minimum of three (3) years of all information obtained from such monitoring including:

(1) The exact place, date, and time of sampling
(2) The person(s) who performed the analyses
(3) The analytical techniques, procedures, or methods
(4) The results of all required analyses

Act 13 (Mining) Personnel Training Requirements

Condition Number

S-1 **Training Documentation**

Employee training will be documented as required by the Mining Stormwater General Permit and retained at the mining site for a period of three (3) years.

S-2 **Training program Requirements**

APAC-Mississippi, Inc. will properly train personnel responsible for implementing and complying with the requirements of the Mining Storm Water General Permit and this SWPPP. Periodic refresher training will take place at the mine site.

Act 14 (Mine) Termination of Coverage

Condition Number	
S-1	**Permit Termination of Coverage** Mining Storm Water General Permit coverage will be terminated only after mining activities have permanently stopped, vegetation has been successfully established, and any permanent controls are stable. Inspections must continue until such time the coverage recipient has received written notice of coverage termination by MDEQ. To request termination, a completed Request for Termination (RFT) of Coverage Form and a copy of the Permit Board Order, authorizing 90% of final release of the mining performance bond shall be submitted to DEQ.

DESCRIPTION OF EXPOSED SIGNIFICANT MATERIAL

Worksheet #2

Instructions: Describe the significant materials that were exposed to stormwater during the past three (3) years and/or is currently exposed.

Description of Exposed Significant Material	Period of Exposure	Quantity Exposed (Units)	Location (as indicated on the site map)	Method Storage /Disposal (e.g. pile, drum, tank)	Description of Material Management Practice (e.g. pile covered, drum sealed)
Gravel	3 years	20,000 tons	Stockpile Area	Stockpile	Earthen Berms, Silt Fence, Sediment Traps, Rock Checks, Periodic Inspections
Sand	3 years	25,000 tons	Stockpile Area	Stockpile	Earthen Berms, Silt Fence, Sediment Traps, Rock Checks, Periodic Inspections
Diesel Fuel	3 years	10,000 gallons	Aboveground	Tank	SPCC Plan, Secondary Containment, Monthly Inspections
Miscellaneous Oils	3 years	750 gallons	Covered Storage	Tank	SPCC Plan, Secondary Containment, Monthly Inspections
Used Oils	3 years	250 gallons	Aboveground	Tank	SPCC Plan, Secondary Containment, Monthly Inspections
Plant Processing Area	3 years	5 acres	Plant Site		Earthen Berms, Freshwater Ponds, Monthly Inspections
Active Mining Area	3 years	15-30 acres	Area Stripped		Earthen Berms, Brush Barriers, Silt Fence, Sediment Traps, Rock Checks, monthly Inspections

Existing and Proposed BMPs

Worksheet #3

Instructions: List all identified actual and potential storm water pollution sources and describe existing management proposed BMPs with implementation schedule

Potential Pollution Source	Existing BMPs	Proposed BMPs	Implementation Schedule
Diesel Fueling Area Miscellaneous Oils Storage Fueling/Unloading Area	• Impervious Secondary Containment • Covered Storage of Oils • Oil booms and/or pads, dry clean up methods • SPCC Plan and Procedures • Monthly Inspections • Tank Inventory Gauges • Good Housekeeping	• As deemed necessary found through monthly inspections • Annual Employee Training	• As necessary • Employee training is continuous
Plant Processing /Stockpile Area	• Earthen Berm • Drainage to Freshwater Ponds • Monthly Inspections • Good Housekeeping	• As deemed necessary found through monthly inspections • Employee Training	• As necessary • Employee training is continuous
Equipment Parking Area	• Equipment Preventative Maintenance Program • Monthly Inspections • Sediment control BMPs	• As deemed necessary found through monthly inspections • Annual Employee Training	• As necessary • Employee training is continuous
Equipment Maintenance Area/Shop	• Waste minimization program (used oil, filters, antifreeze, etc.) • Daily checks for leaks • Good Housekeeping • Monthly Inspections	• As deemed necessary found through monthly inspections • Annual Employee Training	• As necessary • Employee training is continuous
Equipment Wash Bay Oil Water Separator	• Serviced and maintained regularly • Monthly Inspections	• As deemed necessary found through monthly inspections • Annual Employee Training	• As necessary • Employee training is continuous
Active Mining Area (Clearing/Grubbing/Stripping)	• Brush Barrier • Rock Check Dams • Sediment Traps • Monthly Inspections	• As deemed necessary found through monthly inspections • Employee Training	• As necessary • Employee training is continuous

LIST OF SIGNIFICANT SPILLS AND LEAKS

Directions: Record below all significant spills and significant leaks of toxic or hazardous pollutants that have occurred at the facility in the three (3) years prior to coverage of the permit.

Worksheet #4

			Description	Response Procedure		
					Material Exposed to	
Date	Spill or	Location	Type of	Amount of	Stormwater	Preventive Measures
Mo/Day/Yr	Leak		Material	Material Recovered	(Y/N)	Taken

NON-STORMWATER DISCHARGE EVALUATION/ILLICIT CONNECTIONS CERTIFICATION

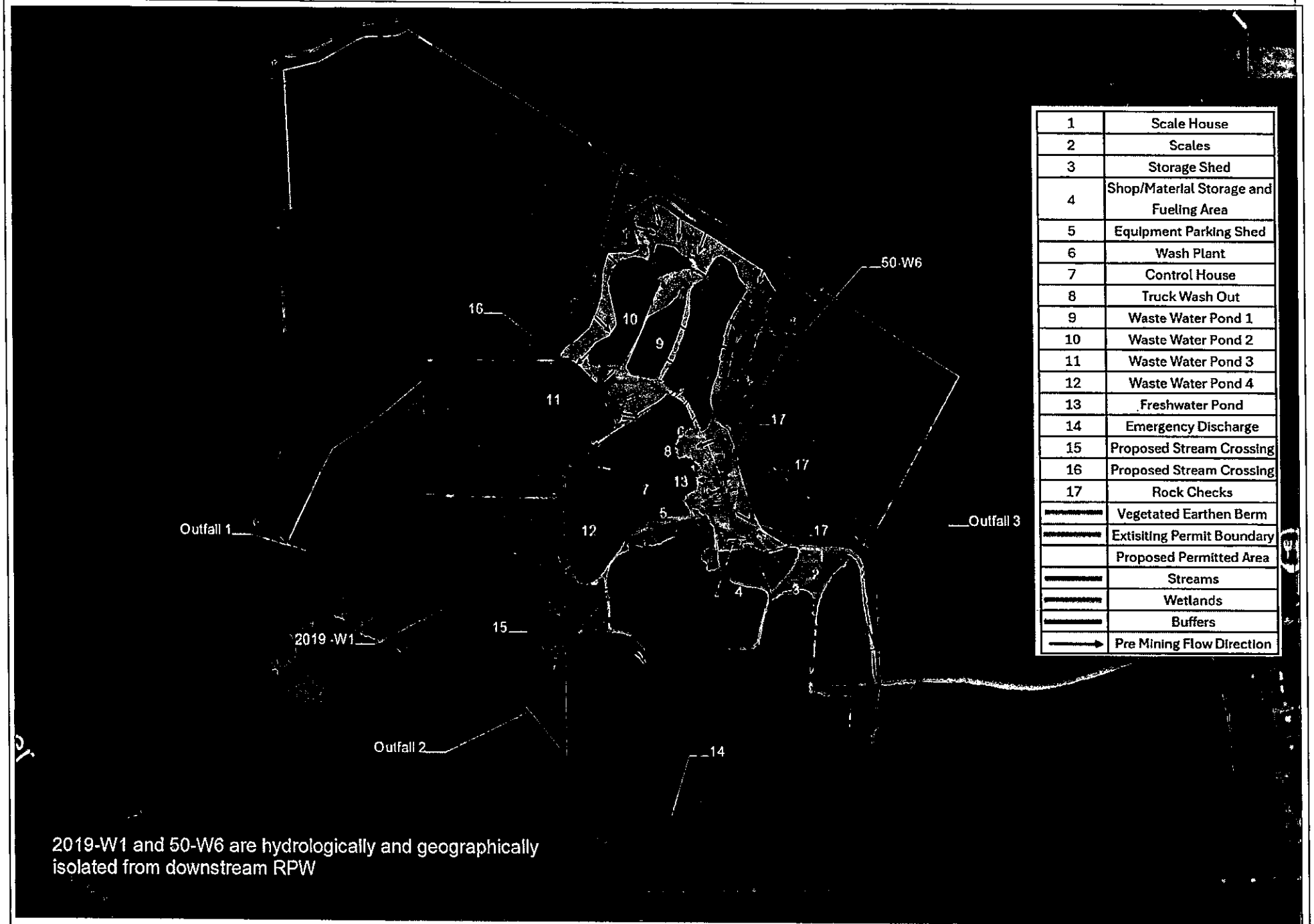
Worksheet #5

Outfall Number	Date of Evaluation	Method used to Test or Evaluate Discharge	If Evaluation is Impossible Give Reason	Is Non-Stormwater being discharged (yes/no)	List likely sources of Non-Stormwater Discharges	Person(s) Who Conducted the Test or Evaluation
1	10/11/2024	Visual Inspection		No		Brian Moore
2	10/11/2024	Visual Inspection		No		Brian Moore
3	10/11/2024	Visual Inspection		No		Brian Moore

CERTIFICATION

I CERTIFY UNDER PENALTY OF LAW THAT THIS, TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE, ACCURATE AND COMPLETE

A. Name & Official Title (type or print)	B. Area Code and Telephone Number
Brian Moore Environmental Representative	(601) 376-4000
C. Signature Brian Moore	D. Date Signed 10/15/24



1	Scale House
2	Scales
3	Storage Shed
4	Shop/Material Storage and Fueling Area
5	Equipment Parking Shed
6	Wash Plant
7	Control House
8	Truck Wash Out
9	Waste Water Pond 1
10	Waste Water Pond 2
11	Waste Water Pond 3
12	Waste Water Pond 4
13	Freshwater Pond
14	Emergency Discharge
15	Proposed Stream Crossing
16	Proposed Stream Crossing
17	Rock Checks
	Vegetated Earthen Berm
	Extisiting Permit Boundary
	Proposed Permitted Area
	Streams
	Wetlands
	Buffers
	Pre Mining Flow Direction

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0 1843 3687 ft

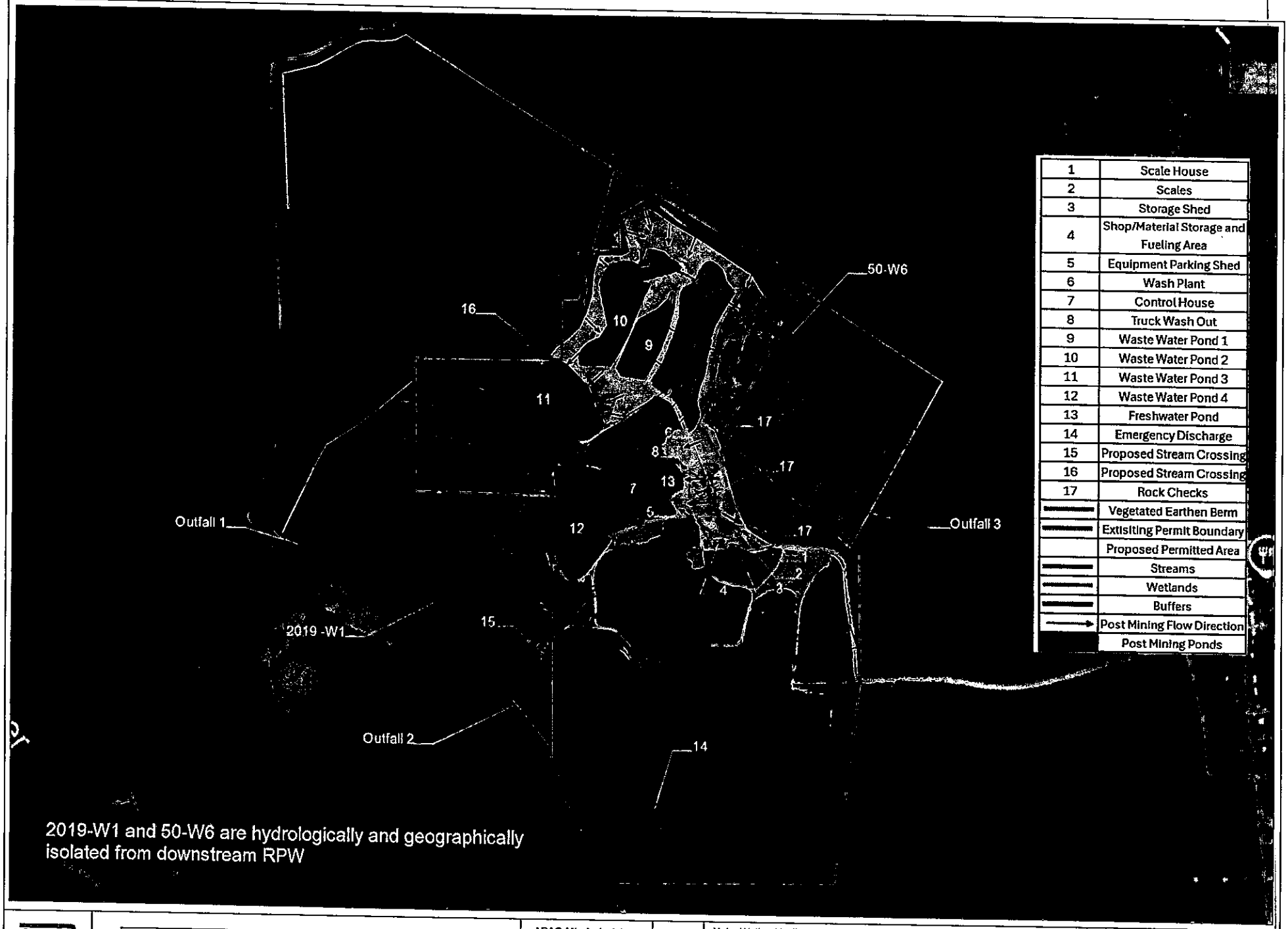
APAC-Mississippi, Inc.
BACCO Mine
1033 Fellows Road
Columbus, MS 39705

N

Note: Wetland buffers are 50ft. Public Road buffers are 100ft. Perennial buffers are 150ft. Intermittent Stream buffers are 50ft

Date Drawn: 10/09/24

General Site Plan
Pre-Mining



1	Scale House
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9	Waste Water Pond 1
10	Waste Water Pond 2
11	Waste Water Pond 3
12	Waste Water Pond 4
13	Freshwater Pond
14	Emergency Discharge
15	Proposed Stream Crossing
16	Proposed Stream Crossing
17	Rock Checks
	Vegetated Earthen Berm
	Extisiting Permit Boundary
	Proposed Permitted Area
	Streams
	Wetlands
	Buffers
	Post Mining Flow Direction
	Post Mining Ponds

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0 1843 3687 ft

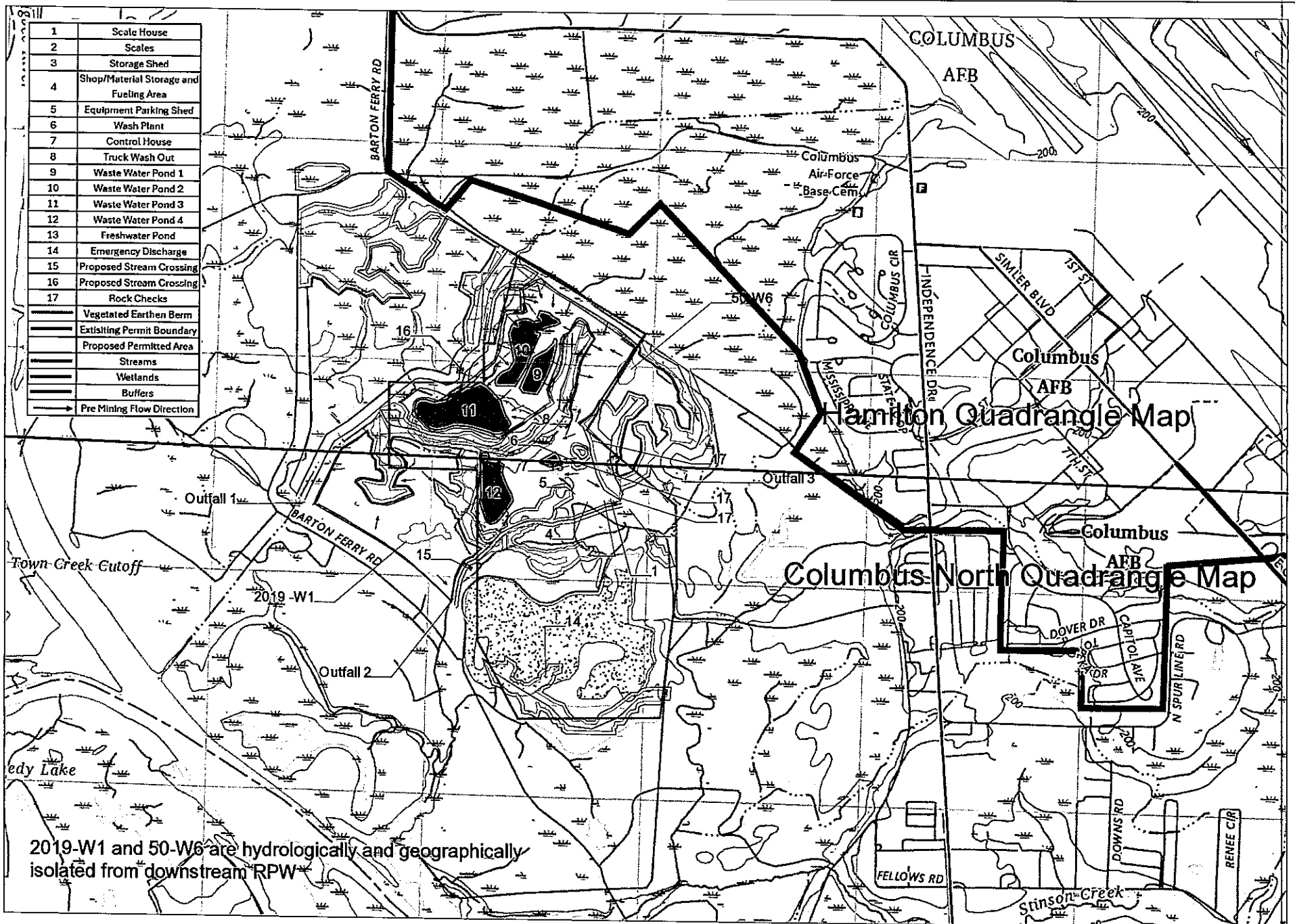
APAC-Mississippi, Inc.
BACCO Mine
1033 Fellows Road
Columbus, MS 39705

N

Note: Wetland buffers are 50ft. Public Road buffers are 100ft. Perennial buffers are 150ft. Intermittent Stream buffers are 50ft

Date Drawn: 10/09/24

General Site Plan
Post Mining



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0 2938 5876 ft

APAC-Mississippi, Inc.
BACCO Mine
1033 Fellows Road
Columbus, MS 39705

N

Note: Wetland buffers are 50ft. Public Road Buffers are 100ft. Perennial Stream buffers are 150ft. Intermittent Stream buffers are 50ft.

Date Drawn: 10/09/24

Topo Map

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0 1912 3823 ft

APAC-Mississippi, Inc.
BACCO Mine
1033 Fellows Road
Columbus, MS 39705

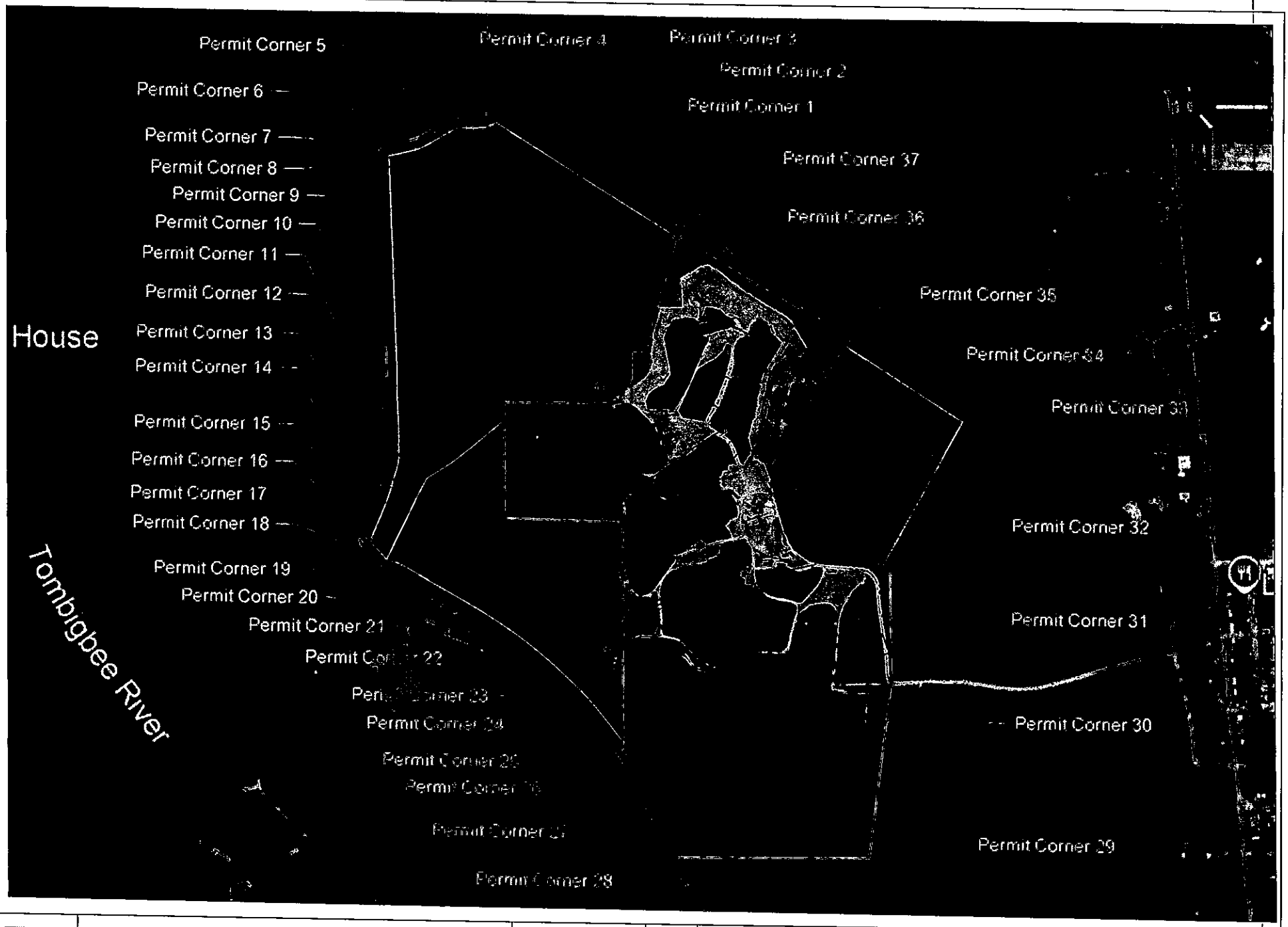
N

Note: Wetland buffers are 50ft. Public Road Buffers are 100ft. Perennial Stream buffers are 150ft. Intermittent Stream buffers are 50ft.

Date Drawn: 10/09/24

Mining Schedule

apac A CRH COMPANY	0 — 1912 — 3823 ft	APAC-Mississippi, Inc. BACCO Mine 1033 Fellows Road Columbus, MS 39705	N	Note: Wetland buffers are 50ft. Public Road Buffers are 100ft. Perennial Stream buffers are 150ft. Intermittent Stream buffers are 50ft.		Date Drawn: 10/09/24 Reclamation Schedule



apac
A CRH COMPANY

0 2148 4296 ft

APAC-Mississippi, Inc.
BACCO Mine
1033 Fellows Road
Columbus, MS 39705

N

Note: Wetland buffers are 50ft. Public Road Buffers are 100ft. Perennial Stream buffers are 150ft. Intermittent Stream buffers are 50ft.

Date Drawn: 10/09/24

Permit Corner Map

Name	Latitude	Longitude
Permit Corner 1	33.63651	-88.47976
Permit Corner 2	33.63636	-88.48012
Permit Corner 3	33.63633	-88.48076
Permit Corner 4	33.63631	-88.4812
Permit Corner 5	33.63625	-88.4814
Permit Corner 6	33.6361	-88.48173
Permit Corner 7	33.63564	-88.4827
Permit Corner 8	33.63539	-88.48386
Permit Corner 9	33.62601	-88.48347
Permit Corner 10	33.6258	-88.48346
Permit Corner 11	33.62558	-88.48348
Permit Corner 12	33.62491	-88.4837
Permit Corner 13	33.62456	-88.48383
Permit Corner 14	33.62314	-88.48452
Permit Corner 15	33.62299	-88.48452
Permit Corner 16	33.62281	-88.48433
Permit Corner 17	33.62256	-88.48405
Permit Corner 18	33.62241	-88.48377
Permit Corner 19	33.62227	-88.48331
Permit Corner 20	33.62157	-88.48184
Permit Corner 21	33.62095	-88.48055
Permit Corner 22	33.61963	-88.47823
Permit Corner 23	33.61876	-88.47706
Permit Corner 24	33.61837	-88.47659
Permit Corner 25	33.61733	-88.47551
Permit Corner 26	33.61665	-88.47489
Permit Corner 27	33.61641	-88.47489
Permit Corner 28	33.61301	-88.4728
Permit Corner 29	33.61306	-88.46549
Permit Corner 30	33.61869	-88.46463
Permit Corner 31	33.62222	-88.46469
Permit Corner 32	33.62243	-88.46497
Permit Corner 33	33.62703	-88.46193
Permit Corner 34	33.62943	-88.46639
Permit Corner 35	33.62962	-88.46625
Permit Corner 36	33.63292	-88.47284
Permit Corner 37	33.63288	-88.47285

A.4. Location of Operation (to nearest quarter-quarter section)

Section 36
Part of E ½ of NW ¼
Part of S ½ of NE ¼
Part of NW ¼ of NE ¼
Part of NE ¼ of NE ¼
All of E ½ of SW ¼
Part of SW ¼ of SW ¼
All of SE ¼

Section 31
Part of SW ¼ of NW ¼
Part of SE ¼ of NW ¼
All of W ½ of SW ¼
Part of NE ¼ of SW ¼
Part of SE ¼ of SW ¼
Part of NW ¼ of SE ¼

Section 1
Part of NE ¼ of NW ¼
All of NE ¼ of NE ¼
Part of NW ¼ of NE ¼
Part of SE ¼ of NE ¼
Part of SW ¼ of NE ¼
Part of NE ¼ of SE ¼

Section 6
All of W ½ of NW ¼
Part of NE ¼ of NW ¼
Part of SE ¼ of NW ¼
Part of NW ¼ of SW ¼
Part of NE ¼ of SW ¼

Michael Watson
SECRETARY OF STATE

Office of the Secretary of State
Jackson, Mississippi

Certificate of Good Standing

I, MICHAEL WATSON, Secretary of State of the State of Mississippi, and as such, the legal custodian of the records as required by the laws of Mississippi, to be filed in my office, do hereby certify:

That on the 17th day of June, 1980, the State of Mississippi issued a Charter/ Certificate of Authority to:

APAC-MISSISSIPPI, INC.

That the state of incorporation is Delaware.

That the period of duration is perpetual.

That according to the records of this office, Articles of Dissolution or a Certificate of Withdrawal have not been filed.

That according to the records of this office, a current Annual Report has been delivered to the Office of the Secretary of State.

I further certify that all fees, taxes and penalties owed to this state, as reflected in the records of the Secretary of State, have been paid and that the corporation is in existence or has authority to transact business in Mississippi.

That insofar as the records of this office are concerned, the said APAC-MISSISSIPPI, INC. is in good standing at this time.

Given under my hand and seal of office
the 22nd day of April, 2024

Michael Watson

Certificate Number: CN24187601
Verify this certificate online at http://corp.sos.ms.gov/corpconv/verifycertificate.aspx

Moore, Brian L (APAC)

From: Shea, Courtney M CIV USARMY CESAM (USA) <Courtney.M.Shea@usace.army.mil>
Sent: Tuesday, February 21, 2023 12:57 PM
To: Moore, Brian L (APAC)
Cc: robert anderson
Subject: [EXT] JD Letter, SAM-2022-00806-CMS, Columbus APAC Mine Site
Attachments: 20230221_JD_2022-00806_JD Letter_AJD PJD.pdf

Good afternoon,
I have attached the JD for the Columbus APAC Mine site. I apologize for the delay.

Thank you,

Courtney Shea
Team Leader
U.S. Army Corps of Engineers – Mobile District
Regulatory Division, North Branch
600 Vestavia Parkway, Suite 203
The Shelby Building
Vestavia Hills, Alabama 35216
205-381-8108 (cell phone)

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

REPLY TO
ATTENTION OF:

February 21, 2023

North Branch
Regulatory Division

SUBJECT: Department of the Army File Number SAM-2022-00806-CMS, APAC Columbus Mine Site, Lowndes County, Mississippi

APAC MS, LLC
Attention: Brian Moore
101 Riverview Drive
Richland, Mississippi 39218
Brian.Moore@apac.com

Dear Mr. Moore:

This is in response to a request, submitted on your behalf by Wetland Consulting Services, Inc. (consultant), for a Department of the Army (DA) jurisdictional determination on a 570-acre parcel in Columbus, Lowndes County, Mississippi. The site is centered at Latitude 33.6250, Longitude -88.4753.

Based on information obtained during our site visit on November 3, 2022, our review of information provided by your consultant, as well as other desktop resources, we have determined the boundary of waters of the United States (U.S.) to be accurate as shown on the attached delineation boundary figures. 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. 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). Please be advised that land clearing operations involving vegetation removal 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 placement of dredged and/or fill material under our 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.

Attached to this letter is a copy of the Preliminary Jurisdictional Determination (PJD) form for the wetlands and/or tributaries identified on the project site. 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 a preliminary, it is subject to change and therefore is not an appealable action under the USACE administrative appeal procedures defined at 33 CFR 331.

Included in our review are features that are not waters of the U.S. and therefore not subject to our Federal permitting authority. The attached approved JD form describes these areas. Please be advised that this approved jurisdictional determination 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 letter contains an Approved Jurisdictional Determination form. 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: Philip A. Shannin, Administrative Appeals Review Officer, CESAD-PDS-O, 60 Forsyth Street Southwest, Floor M9, Atlanta, Georgia 30303-8801; Philip.A.Shannin@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 or obviate the requirements to obtain other local, State, or Federal assent required by law for the activities discussed above.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination 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 a certified wetland determination with the local USDA service center, prior to starting work.

If the scope of work or project location changes, you are urged to contact this office for a verification of this determination.

An electronic copy of this letter with attachments is being provided to your consultant, Mr. Robert Anderson at wetlandcs@comcast.net.

We appreciate your cooperation with the USACE Regulatory Program. Please refer to file number SAM-2022-00806-CMS in all future correspondence regarding this project or if you have any questions concerning this determination.

Please contact me by telephone at 205-381-8108 or by e-mail at courtney.m.shea@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 near the bottom of the webpage. Your responses are appreciated and will allow us to improve our services.

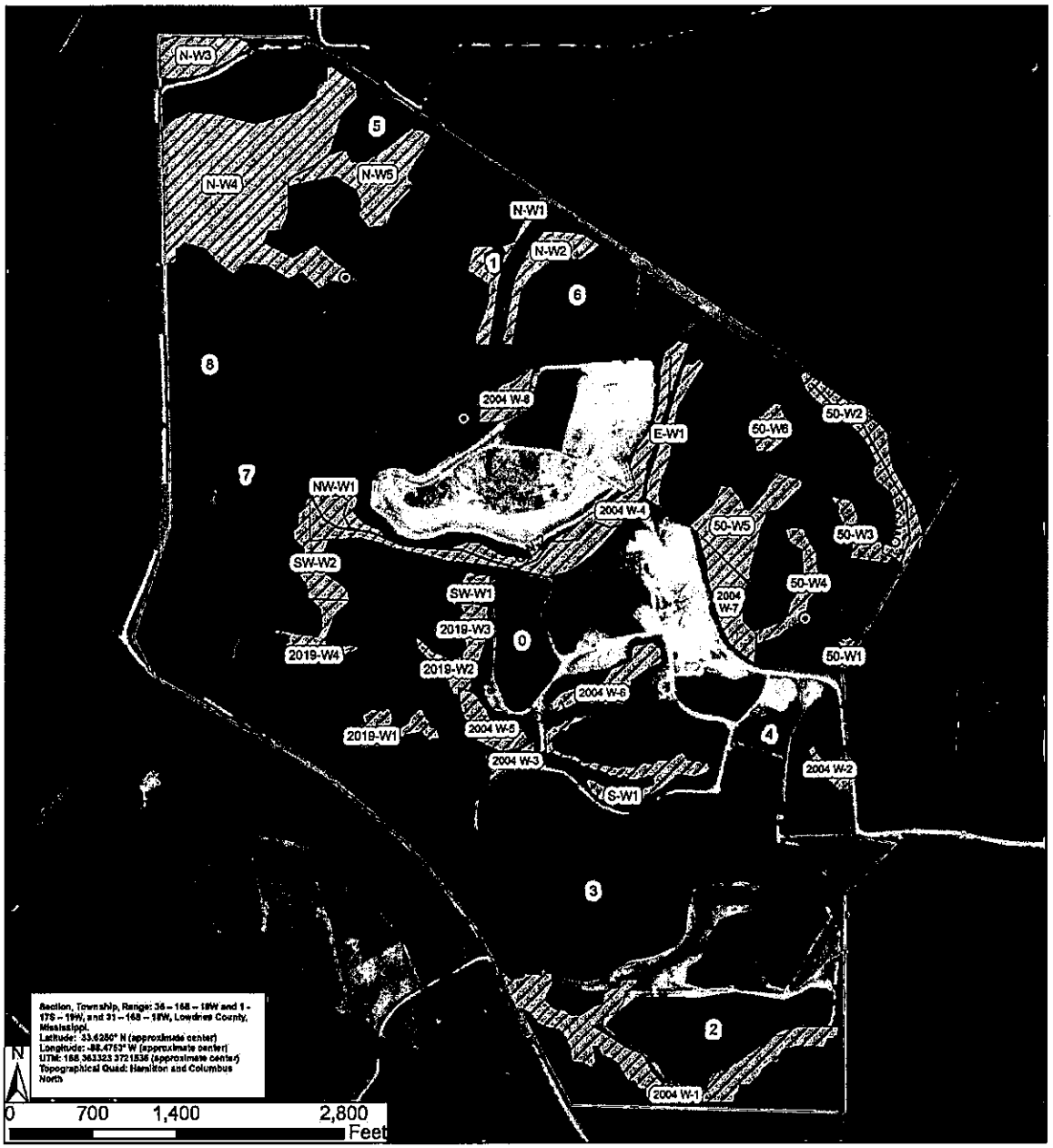
Sincerely,

Courtney Shea

Digitally signed by Courtney Shea
Date: 2023.02.21 12:48:55 -06'00'

Courtney Shea
Team Leader

Attachments



Legend

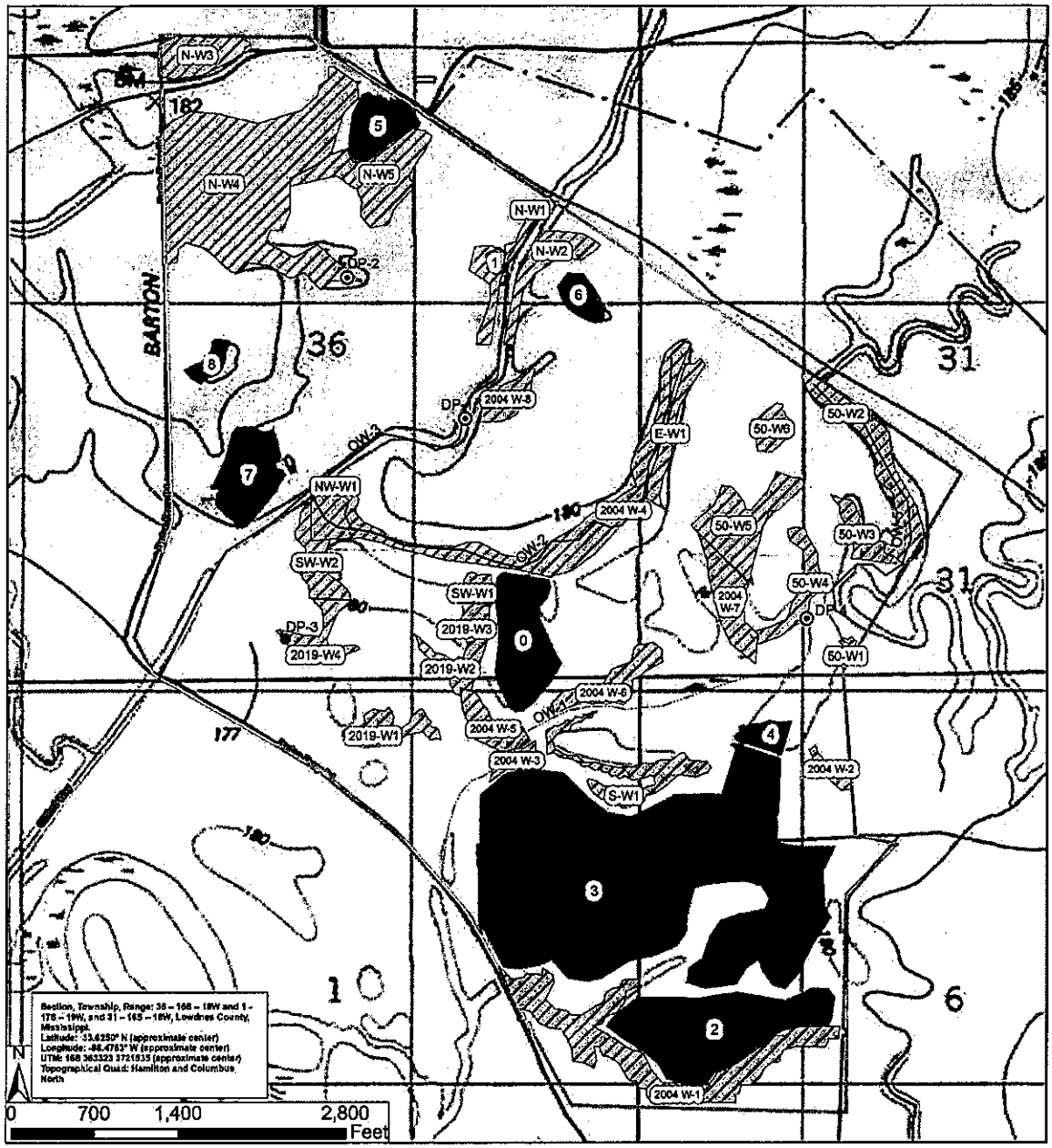
- Project Area
- Streams
- Pond Areas
- Wetland Delineation 2022
- Data Points

APAC Mine Site
Lowndes County, MS

Arcmap APAC

05/15/2022

Wetland Consulting Services, Inc.



Legend

- Project Area
- Streams
- Pond Areas
- Wetland Delineation 2022
- Data Points

APAC Mine Site
Lowndes County, MS

Arcmap APAC
05/15/2022

Wetland Consulting Services, Inc.

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. **REPORT COMPLETION DATE FOR PJD:**

B. **NAME AND ADDRESS OF PERSON REQUESTING PJD:**

APAC Mississippi, Inc. (Columbus Branch)
Post Office Box 1388
462 Lake Norris Road, Columbus, 39701 (Physical)
Columbus, MS 39703

C. **DISTRICT OFFICE, FILE NAME, AND NUMBER:**
CESAM-RD-N, APAC Mississippi Inc - Mining Expansion in Columbus, MS, SAM-2022-00806-CMS

D. **PROJECT LOCATION(S) AND BACKGROUND INFORMATION: (USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)**

State: MS County/parish/borough: Lowndes County City: Columbus
Center coordinates of site (lat/long in degree decimal format):
Lat.: 33.625° Long.: -88.4753°
Universal Transverse Mercator: 16
Name of nearest waterbody: Tombigbee River

E. **REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**
☐ Office (Desk) Determination. Date: 2/21/23
☐ Field Determination. Date(s): 11/3/2022

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
2004 W-1	33.6139	-88.4701	15.72 acres	Wetland	Section 404
2004 W-2	33.6202	-88.4655	1.05 acres	Wetland	Section 404
2004 W-3	33.6203	-88.4742	0.94 acres	Wetland	Section 404
2004 W-4	33.6266	-88.4743	15.59 acres	Wetland	Section 404
2004 W-5	33.6212	-88.4748	2.92 acres	Wetland	Section 404
2004 W-6	33.6222	-88.4716	4.13 acres	Wetland	Section 404
2004 W-7	33.6241	-88.4683	4.77 acres	Wetland	Section 404
2004 W-8	33.6286	-88.4745	2.38 acres	Wetland	Section 404
2019-W2	33.622	-88.4758	1.88 acres	Wetland	Section 404
2019-W3	33.623	-88.4753	2.59 acres	Wetland	Section 404
2019-W4	33.6231	-88.4794	3.24 acres	Wetland	Section 404
50-W1	33.6229	-88.4651	0.55 acres	Wetland	Section 404
50-W2	33.6271	-88.4647	7.46 acres	Wetland	Section 404
50-W3	33.6256	-88.4647	2.23 acres	Wetland	Section 404
50-W4	33.6243	-88.4664	3.51 acres	Wetland	Section 404

[1] Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

50-W5	33.6259	-88.468	7.54 acres	Wetland	Section 404
E-W1	33.6288	-88.4697	2.78 acres	Wetland	Section 404
N-W1	33.6314	-88.4749	3.39 acres	Wetland	Section 404
N-W2	33.6317	-88.4735	4.68 acres	Wetland	Section 404
N-W3	33.6364	-88.4832	4.7 acres	Wetland	Section 404
N-W4	33.6335	-88.4818	37.53 acres	Wetland	Section 404
N-W5	33.6337	-88.4783	8.52 acres	Wetland	Section 404
NW-W1	33.6257	-88.4789	1.4 acres	Wetland	Section 404
OW-1	33.6213	-88.473	3598 feet x 10 feet	Riverine intermittent	Section 404
OW-2	33.6251	-88.4765	4452 feet x 8 feet	Riverine perennial	Section 404
OW-3	33.6287	-88.4746	5727 feet x 10 feet	Riverine perennial	Section 404
OW-4	33.6127	-88.4697	3234 feet x 10 feet	Riverine perennial	Section 404
OW-5	33.6249	-88.4649	4144 feet x 8 feet	Riverine perennial	Section 404
S-W1	33.6201	-88.4701	5.33 acres	Wetland	Section 404
SW-W1	33.6239	-88.4752	1.35 acres	Wetland	Section 404
SW-W2	33.6248	-88.4797	2.16 acres	Wetland	Section 404

1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the.JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

[1] Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

_X_ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: Figures in Wetland Consulting Services, Inc. delineation report dated May 18, 2022 - soil survey, USGS quad map, NWI map, and Wetland Consulting Services, Inc. letter dated November 7, 2022: revised delineation maps - aerial and USGS quad.

_X_ Data sheets prepared/submitted by or on behalf of the PJD requestor.
- _X_ Office concurs with data sheets/delineation report.
- ___ Office does not concur with data sheets/delineation report. Rationale: _____.

___ Data sheets prepared by the Corps: _____.

___ Corps navigable waters' study: _____.

___ U.S. Geological Survey Hydrologic Atlas: _____.
- ___ USGS NHD data.
- ___ USGS 8 and 12 digit HUC maps.

_X_ U.S. Geological Survey map(s). Cite scale & quad name: USGS Columbus North quad.

_X_ Natural Resources Conservation Service Soil Survey. Citation: _USDA Websoil survey.

_X_ National wetlands inventory map(s). Cite name: USFWS NWI map.

___ State/local wetland inventory map(s): _____.

___ FEMA/FIRM maps: _____

___ 100-year Floodplain Elevation is: _____. (National Geodetic Vertical Datum of 1929)

__X_ Photographs: _X__ Aerial (Name & Date): __Google Earth 2022.
___ or ___ Other (Name & Date): _____.

___ Previous determination(s). File no. and date of response letter: _____.

___ Other information (please specify): _____.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

_____
Signature and date of Regulatory staff member completing PJD

_____
Signature and date of person requesting PJD (REQUIRED, unless obtaining the signature is impracticable)[1]

[1] Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

APPROVED JURISDICTIONAL DETERMINATION FORM
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): 2/21/23

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CESAM-RD-N, APAC Mississippi - Columbus, SAM-2022-00806-CMS

C. PROJECT LOCATION AND BACKGROUND INFORMATION: This AJD only includes the areas identified as P0, P1, P2, P3, P4, P5, P6, P7, and P8.

State:MS County/parish/borough: Lowndes City: Columbus

Center coordinates of site (lat/long in degree decimal format): Lat. 33.625° Pick List, Long. -88.4753° Pick List.

Universal Transverse Mercator:

Name of nearest waterbody: Tennessee Tombigbee Waterwa;y

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows:

Name of watershed or Hydrologic Unit Code (HUC): Upper Tombigbee

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are 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: 2/21/23

☒ Field Determination. Date(s): 11/3/22

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. [*Required*]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: .

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. [*Required*]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply): [1]

- ☐ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☐ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: Pick List

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):[3]

☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: **The following man-made ponds were identified that were created during surface mining at the site:**

Pond 0 33.6231 -88.474 10.7 ACRES
Pond 1 33.6317 -88.475 .44 ACRES
Pond 2 33.6142 -88.4686 20.06 ACRES

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.

[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

[3] Supporting documentation is presented in Section III.F.

Pond 3	**33.6177**	**-88.4705**	**92.37 ACRES**
Pond 4	**33.6209**	**-88.4673**	**2.04 ACRES**
Pond 5	**33.6349**	**-88.4782**	**4.98 ACRES**
Pond 6	**33.631**	**-88.4726**	**2.35 ACRES**
Pond 7	**33.6268**	**-88.4817**	**7.55 ACRES**
Pond 8	**33.6294**	**-88.4827**	**1.57 ACRES**

The 9 ponds identified above were created in uplands during surface mining activities at the site. The mine is currently active. **There is no downstream connection from these areas to waters of the U.S. Pursuant to the preamble to the Final 33 CFR Part 328 (51 FR 41206 November 13, 1986) these types of waters are not considered to be waters of the US. See preamble 328.3 Definitions (e), which states the Corps generally does not consider the following water to be waters of the U.S. : "Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States (see 33 CFR 328.3(a))." These waterbodies do not support a link to interstate or foreign commerce. They are not known to be used by interstate or foreign travelers for recreation or other purposes. They do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce, and are not known to be used for industrial purposes by industries in interstate commerce. For all of these reasons, these features do not meet the definition of waters of the U.S. as defined by 33 CFR Part 328.3(a).**

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW
   Identify TNW: .

   Summarize rationale supporting determination: .

2. **Wetland adjacent to TNW**
   Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**

   (i) **General Area Conditions:**
   Watershed size: **Pick List**
   Drainage area: **Pick List**
   Average annual rainfall: inches
   Average annual snowfall: inches

   (ii) **Physical Characteristics:**
   (a) Relationship with TNW:
   ☐ Tributary flows directly into TNW.
   ☐ Tributary flows through **Pick List** tributaries before entering TNW.

   Project waters are **Pick List** river miles from TNW.
   Project waters are **Pick List** river miles from RPW.
   Project waters are **Pick List** aerial (straight) miles from TNW.
   Project waters are **Pick List** aerial (straight) miles from RPW.
   Project waters cross or serve as state boundaries. Explain: .

   Identify flow route to TNW[5]: .
   Tributary stream order, if known: .

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is:
- ☐ Natural
- ☐ Artificial (man-made). Explain: .
- ☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):
- Average width: feet
- Average depth: feet
- Average side slopes: **Pick List.**

Primary tributary substrate composition (check all that apply):
- ☐ Silts
- ☐ Sands
- ☐ Concrete
- ☐ Cobbles
- ☐ Gravel
- ☐ Muck
- ☐ Bedrock
- ☐ Vegetation. Type/% cover:
- ☐ Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .
Presence of run/riffle/pool complexes. Explain: .
Tributary geometry: **Pick List**
Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**
Estimate average number of flow events in review area/year: **Pick List**
Describe flow regime: .
Other information on duration and volume: .

Surface flow is: **Pick List.** Characteristics: .

Subsurface flow: **Pick List.** Explain findings: .
- ☐ Dye (or other) test performed: .

Tributary has (check all that apply):
- ☐ Bed and banks
- ☐ OHWM[6] (check all indicators that apply):
  - ☐ clear, natural line impressed on the bank
  - ☐ changes in the character of soil
  - ☐ shelving
  - ☐ vegetation matted down, bent, or absent
  - ☐ leaf litter disturbed or washed away
  - ☐ sediment deposition
  - ☐ water staining
  - ☐ other (list):
  - ☐ the presence of litter and debris
  - ☐ destruction of terrestrial vegetation
  - ☐ the presence of wrack line
  - ☐ sediment sorting
  - ☐ scour
  - ☐ multiple observed or predicted flow events
  - ☐ abrupt change in plant community
- ☐ Discontinuous OHWM.[7] Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):
- ☐ High Tide Line indicated by:
  - ☐ oil or scum line along shore objects
  - ☐ fine shell or debris deposits (foreshore)
  - ☐ physical markings/characteristics
  - ☐ tidal gauges
  - ☐ other (list):
- ☐ Mean High Water Mark indicated by:
  - ☐ survey to available datum;
  - ☐ physical markings;
  - ☐ vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: .
Identify specific pollutants, if known: .

---

[6]A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7]Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width): .
- ☐ Wetland fringe. Characteristics: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
  - ☐ Discrete wetland hydrologic connection. Explain: .
  - ☐ Ecological connection. Explain: .
  - ☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width): .
- ☐ Vegetation type/percent cover. Explain: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately ( ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   - ☐ TNWs: linear feet width (ft), Or, acres.
   - ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   - ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .
   - ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.[9]**
As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]
☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

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[8]See Footnote # 3.
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.***

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):
☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☒ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☒ Lakes/ponds: Pond 0 10.7 ACRES; Pond 1 0.44 ACRES; Pond 2 20.06 ACRES; Pond 3 92.37 ACRES; Pond 4 2.04 ACRES; Pond 5 4.98 ACRES; Pond 6 2.35 ACRES; Pond 7 7.55 ACRES; Pond 8 1.57 acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

SECTION IV: 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:Figures in Wetland Consulting Services, Inc. delineation report dated May 18, 2022 - soil survey, USGS quad map, NWI map, and Wetland Consulting Services, Inc. letter dated November 7, 2022: revised delineation maps - aerial and USGS quad.
☒ 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: .
☐ Corps navigable waters' study: .
☐ 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:Columbus North Quad.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation:USDA soil survey.
☒ National wetlands inventory map(s). Cite name:USFWS NWI map.
☐ State/Local wetland inventory map(s): .
☐ FEMA/FIRM maps: .
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date):Google Earth May 2022.
or ☐ Other (Name & Date): .
☐ Previous determination(s). File no. and date of response letter: .
☐ Applicable/supporting case law: .
☐ Applicable/supporting scientific literature: .
☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

APPROVED JURISDICTIONAL DETERMINATION FORM
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): 2/21/2023

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CESAM-RD-N, APAC Mine Columbus, SAM-2022-00806-CMS

C. PROJECT LOCATION AND BACKGROUND INFORMATION: The review area for this AJD only includes those areas identified as 2019-W1 and 50-W6.

State:MS County/parish/borough: Lowndes City: Columbus
Center coordinates of site (lat/long in degree decimal format): Lat. 33.6250° Pick List, Long. -88.4753° Pick List.
Universal Transverse Mercator:
Name of nearest waterbody: unnamed tributary to Tennessee-Tombigbee River
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows:
Name of watershed or Hydrologic Unit Code (HUC): Upper Tombigbee
☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are 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: 12/6/2022, 2/21/2023
☒ Field Determination. Date(s): 11/3/2022

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. [*Required*]
☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

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. [*Required*]

1. Waters of the U.S.
   a. Indicate presence of waters of U.S. in review area (check all that apply): [1]
      ☐ TNWs, including territorial seas
      ☐ Wetlands adjacent to TNWs
      ☐ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
      ☐ Non-RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
      ☐ Impoundments of jurisdictional waters
      ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. Identify (estimate) size of waters of the U.S. in the review area:
      Non-wetland waters: linear feet: width (ft) and/or acres.
      Wetlands: acres.

   c. Limits (boundaries) of jurisdiction based on: Pick List
      Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):[3]
   ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **Wetland 2019-W1 is a 3.3-acre forested wetland located at latitude 33.6210 longitude -88.4780. Wetland 2019-W1 is hydrologically and geographically isolated from a downstream RPW. This wetland is a depresssional area and has no evidence of drainage from the wetland to a downstream water.**

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

Wetland 50-W6 is a 1.96-acre forested wetland located at latitude 33.6280 longitude -88.4672. Wetland 50-W6 is hydrologically and geographically isolated from a downstream RPW. It is located in a depressional area in an area of planted pines. There is no evidence of draingage or connection from the wetland to a downstream water.

Wetland 2019-W1 and Wetland 50-W6 do not support a link to interstate or foreign commerce. Wetland 2019-W1 and Wetland 50-W6 are not known to support interstate or foreign commerce. They are not known to be used by interstate or foreign travelers for recreation or other purposes. Wetland 2019-W1 and Wetland 50-W6 do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce, or used for industrial purposes by industries in interstate commerce. For all of these reasons, Wetland 2019-W1 and Wetland 50-W6 do not meet the definition of waters of the U.S. as defined by 33 CFR Part 328.3(a) and are not jurisdictional under the Clean Water Act.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW
   Identify TNW: .

   Summarize rationale supporting determination: .

2. **Wetland adjacent to TNW**
   Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**

   (i) **General Area Conditions:**
   Watershed size: **Pick List**
   Drainage area: **Pick List**
   Average annual rainfall: inches
   Average annual snowfall: inches

   (ii) **Physical Characteristics:**
   (a) Relationship with TNW:
   ☐ Tributary flows directly into TNW.
   ☐ Tributary flows through **Pick List** tributaries before entering TNW.

   Project waters are **Pick List** river miles from TNW.
   Project waters are **Pick List** river miles from RPW.
   Project waters are **Pick List** aerial (straight) miles from TNW.
   Project waters are **Pick List** aerial (straight) miles from RPW.
   Project waters cross or serve as state boundaries. Explain: .

   Identify flow route to TNW[5]: .
   Tributary stream order, if known: .

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain: .
☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):
Average width: feet
Average depth: feet
Average side slopes: **Pick List.**

Primary tributary substrate composition (check all that apply):

☐ Silts	☐ Sands	☐ Concrete
☐ Cobbles	☐ Gravel	☐ Muck
☐ Bedrock	☐ Vegetation. Type/% cover:	
☐ Other. Explain: .		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .
Presence of run/riffle/pool complexes. Explain: .
Tributary geometry: **Pick List**
Tributary gradient (approximate average slope): %

(c) Flow:
Tributary provides for: **Pick List**
Estimate average number of flow events in review area/year: **Pick List**
Describe flow regime: .
Other information on duration and volume: .

Surface flow is: **Pick List**. Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .
☐ Dye (or other) test performed: .

Tributary has (check all that apply):
☐ Bed and banks
☐ OHWM[6] (check all indicators that apply):

☐ clear, natural line impressed on the bank	☐ the presence of litter and debris
☐ changes in the character of soil	☐ destruction of terrestrial vegetation
☐ shelving	☐ the presence of wrack line
☐ vegetation matted down, bent, or absent	☐ sediment sorting
☐ leaf litter disturbed or washed away	☐ scour
☐ sediment deposition	☐ multiple observed or predicted flow events
☐ water staining	☐ abrupt change in plant community
☐ other (list):	

☐ Discontinuous OHWM.[7] Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by:	☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects	☐ survey to available datum;
☐ fine shell or debris deposits (foreshore)	☐ physical markings;
☐ physical markings/characteristics	☐ vegetation lines/changes in vegetation types.
☐ tidal gauges	
☐ other (list):	

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: .
Identify specific pollutants, if known: .

---

[6]A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7]Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width): .
- ☐ Wetland fringe. Characteristics: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

- ☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
  - ☐ Discrete wetland hydrologic connection. Explain: .
  - ☐ Ecological connection. Explain: .
  - ☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width): .
- ☐ Vegetation type/percent cover. Explain: .
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings: .
  - ☐ Fish/spawn areas. Explain findings: .
  - ☐ Other environmentally-sensitive species. Explain findings: .
  - ☐ Aquatic/wildlife diversity. Explain findings: .

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately ( ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   - ☐ TNWs: linear feet width (ft), Or, acres.
   - ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   - ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .
   - ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):
- ☐ Tributary waters: linear feet width (ft).
- ☐ Other non-wetland waters: acres.
  Identify type(s) of waters: .

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
   ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional waters within the review area (check all that apply):
   - ☐ Tributary waters: linear feet width (ft).
   - ☐ Other non-wetland waters: acres.
     Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
   ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
   ☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

   ☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

   Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
   ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

   Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
   ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.[9]**
   As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
   - ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
   - ☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
   - ☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]
- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
- ☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- ☐ which are or could be used for industrial purposes by industries in interstate commerce.
- ☐ Interstate isolated waters. Explain: .
- ☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

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[8]See Footnote # 3.
[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.***

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):
☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☒ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☒ Wetlands: Wetland 2019-W1 (3.3 acres) and Wetland 50-W6 (1.96 acres) for a total of 5.26 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

SECTION IV: 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:Figures in Wetland Consulting Services, Inc. delineation report dated May 18, 2022 - soil survey, USGS quad map, NWI map, and Wetland Consulting Services, Inc. letter dated November 7, 2022: revised delineation maps - aerial and USGS quad.
☒ 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: .
☐ Corps navigable waters' study: .
☐ 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:Columbus North Quad.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation:USDA websoil survey.
☒ National wetlands inventory map(s). Cite name:USFWS NWI map.
☐ State/Local wetland inventory map(s): .
☐ FEMA/FIRM maps: .
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date):Google Earth May 2022.
or ☐ Other (Name & Date): .
☐ Previous determination(s). File no. and date of response letter: .
☐ Applicable/supporting case law: .
☐ Applicable/supporting scientific literature: .
☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: APAC Mississippi, Inc.	File Number: SAM-2022-00806-CMS	Date: 2/21/2022
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
X	APPROVED JURISDICTIONAL DETERMINATION	D
X	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://www.usace.army.mil/CECW/Pages/reg_materials.aspx 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: Courtney Shea USACE Mobile District North Branch Regulatory Division 600 Vestavia Parkway, Suite 203 The Shelby Building Vestavia Hills, Alabama 35216 Courtney.M.Shea@usace.army.mil	If you only have questions regarding the appeal process you may also contact: Philip A. Shannin Administrative Appeal Review Officer CESAD-PDS-O 60 Forsyth Street Southwest, Floor M9 Atlanta, Georgia 30303-8803 Philip.A.Shannin@usace.army.mil

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: