



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS

4155 CLAY STREET

VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO
ATTENTION OF:

December 10, 2012

Operations Division

SUBJECT: Authorization under General Permit No. 53

Mr. David K. Lorance
Environmental Officer
National Aeronautics and
Space Administration
John C. Stennis Space Center
Stennis Space Center, Mississippi 39529-6000

Dear Mr. Lorance:

Based upon information furnished on October 31, 2012, you are hereby authorized under the provisions of General Permit No. 53 to discharge dredged and/or fill material into waters of the United States associated with the proposed clearing and filling of jurisdictional wetlands at the Infinity Science Center located in Sections 28 and 33, T8S-R16W, Hancock County, Mississippi. Please note, the time limit for completing the work authorized by this General Permit expires 3 years from the date of this letter.

The site location and construction details are shown on the enclosed maps and drawings (enclosure 1). A copy of the General Permit is enclosed for your information (enclosure 2). It is your responsibility to read and become familiar with the Special and General Conditions of the General Permit in order for you to ensure that the activity authorized herein complies with these conditions.

This authorization is contingent upon the execution and successful completion of the compensatory mitigation measures detailed in your mitigation plan for Stennis Space Center's Pearlinton Phase III mitigation site. Specifically, the enhancement/restoration of 10.75 acres due to the unavoidable impacts to 3.59 acres of jurisdictional wetlands associated with the proposed activity at the Infinity Science Center.

Upon completion of the activities authorized by this permit, please fill out the enclosed Certification of Compliance form (enclosure 3) and return it to our office.

This verification was based upon a preliminary determination that there appear to be jurisdictional areas on the property subject to regulation pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. For your information, I have enclosed a copy of the appeals form for your review (enclosure 4).

This authorization of Department of the Army regulatory requirements does not convey any property rights, either in real estate or material or any exclusive privileges, and does not authorize any injury to property or invasion of rights or local laws or regulations, or obviate the requirement to obtain State or local assent required by law for the activity discussed herein.

The Vicksburg District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the Customer Service Survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>. If it is more convenient for you, please complete and return the enclosed postage-paid post card (enclosure 5).

Thank you for advising us of your plans. If you change your plans for the proposed work or if the proposed work does not comply with the conditions of the General Permit, please contact Ms. Cori Shiers, telephone (601) 631-5369 or fax (601)631-5459. In any future correspondence concerning this project, please refer to identification no. MVK-2012-1131.

Sincerely,



David Lofton *for*
Chief, Permit Section

Enclosures

National Aeronautics and
Space Administration
John C. Stennis Space Center
Stennis Space Center, MS 39529-6000



October 26, 2012

Reply to the Attn: **RA02**

Ms. Cori Shiers
Permit Section Regulatory Branch
U.S. Army Corps of Engineers
Vicksburg District, CEMVK-OD-FP
4155 Clay Street, Rm. 233
Vicksburg, MS 39183-3435

Dear Ms. Shiers,

In accordance with the provisions of General Permit CELMK-OD-FE 14-GPD (Vicksburg District)-53, the National Aeronautics and Space Administration/John C. Stennis Space Center (SSC) is requesting authorization under the permit to clear and fill a jurisdictional wetland of 3.59 acres for the development of a safe outdoor environment for visitors at the new Infinity Science Center which shall henceforth be referred to as Infinity.

The fill for the area immediately adjacent to Infinity is estimated to be 43,076 cubic yards of MDOT class 3 sandy clay soil, with 17,375 cubic yards of that amount filling the delineated wetlands. The Charleston Method mitigation sheets for the project are included in the attachments. Approximately 3.59 acres of low and high quality wetlands will be impacted, totaling 38.6 credits.

An Environmental Assessment (EA) was completed on the site in August 2006, and a Finding of No Significant Impact (FONSI) was issued also in August 2006 (Enclosure VII)

The Enclosures for this package are inclusive of the following:

- **Enclosure I/Regional Map for SSC and Map of the Proposed Worksite**
- **Enclosure II/ United States Geological Survey/Hasswood Quadrangle map of the proposed worksite,**
- **Enclosure III/Proposed/ Infinity Wetland Mitigation Worksheets (Charleston Method)**
- **Enclosure IV/ Wetland Specialist Preliminary Findings (Wetlands, T & E and Cultural Resources)**
- **Enclosure V/ Cultural Resources Survey/Letter from Mississippi Department of Archives & History & U. S. COE/Mobile District Summary of 1989 Survey**
- **Enclosure VI/ T & E Evaluation/Letter from the U.S. Fish & Wildlife Service**
- **Enclosure VII/ Environmental Assessment and FONSI documents,**

General Site Information:

The area to be filled is located between Infinity and Interstate 10 at Township 8S, Range 16W and Sections 28 & 33, see Enclosure II.

Enclosure 1

The proposed area for development is comprised of 8.9 acres of hydric and/or hydric-inclusive soils of which 3.59 acres are considered a mixture of low and high quality wetlands. A wetland delineation was performed by Jim Wiseman, Corps of Engineers (COE)/Vicksburg office, on May 9, 2005 (Enclosure IV), and the Charleston Method was used to determine the needed credits for the areas which are classified as wetlands.

Project Requirements:

Originally, NASA was planning on developing this area into an ecological exhibit at the front of Infinity facing Interstate 10, but the costs of developing such an exhibit would have required funding that neither NASA nor Infinity has. Also, NASA and Infinity did not anticipate the safety issue that has come about concerning such an exhibit, as the current low areas are full of snakes, unacceptable for Infinity since it is frequented by people of all ages, including young children that may have a tendency to explore the ponded areas. In addition, the water present is a breeding ground for mosquitoes, and with the West Nile Virus spreading across the area, this could be a health issue for the children and adults that will frequent the Science Center on a daily basis. Therefore, instead of going forth with an ecological exhibit, we now feel that the best use of this area would be to fill it in to provide for adequate drainage and to provide grassy areas that will allow children to use the area for model rocket firings, weather balloon launches, etc. It will also provide better roadside appeal to the public.

A Description of Wetland Avoidance or Minimization of Impacts to Jurisdictional Waters of US:

The proposed site was a mixed pine/hardwood forest that was salvaged after Hurricane Katrina, and later cleared of all commercial timber so that Infinity could be viewed from Interstate 10. It consists partially of low and high quality wetlands and some non-wetlands as delineated by Jim Wiseman of the COE/Vicksburg (Enclosure IV). This area is not a construction site, and no alternative areas are to be considered.

Alternative Site Consideration:

The location of this area to be filled was not considered to have any feasible alternatives other than the "No Action Alternative", since this area is the area in proximity to Infinity that needs to be filled in for the safety and aesthetic reasons that have been cited under the Project Requirements paragraph.

Mitigation for Proposed Site:

The Charleston Method was used to determine the mitigation credits that will be required for this project. The SSC mitigation bank currently has 1,795.98 credits of which 38.6 credits will be required to mitigate the area to be filled. The mitigation worksheets are shown in Enclosure III.

Description of Planned Construction Activities, Type & Quantity of Fill Material:

There will be no construction activities at this area. The filling of these low areas will encompass approximately 8.9 acres with 3.59 acres delineated as a mixture of low and high quality wetlands being mitigated as noted in the *General Site Information* section.

There is no timber harvesting required for the project but the clearing and grubbing will use heavy equipment to remove any existing trees and stumps, stumps from past harvest operations, brush and other vegetative debris.

This project will require 43,076 cubic yards of sandy clay soil, with 17,375 cubic yards impacting the delineated wetlands. The clear and fill effort for this project will be conducted in compliance with the terms and conditions of the SSC General Permit 53 and will not adversely impact adjoining property.

Anticipated Start and Completion Dates:

The contractor would like to begin filling of the area in February 2013, with clearing and grubbing beginning prior to that date. The proposed completion date is June 2013.

Cultural Resource Concerns:

There are no cultural resource issues associated with this project based on the findings of the survey that was conducted on October 19, 2012, which is Enclosure IV. We also reviewed the survey that was completed by the COE/Mobile District archeologists dated May 1989. Please see Enclosure V for the 1989 COE/Mobile District Summary.

Threatened and Endangered (T&E) Species Survey:

Based on the findings of surveys conducted on January 27, 2010, and October 19, 2012, there was no evidence of past, present, or the likelihood of future nesting sites or activity of any recognized T&E on the proposed site. See Enclosure IV. The specific species of interest were the Louisiana black bear, gopher tortoise, black pine snake, Louisiana quillwort, ringed map turtle, Gulf sturgeon, piping plover, inflated heelsplitter mussel, and bald eagle. A T&E fauna and flora assessment for the Buffer Zone and Fee Area was completed in 2008 by Mississippi State University School of Wildlife & Fisheries. A letter from the U. S. Department of the Interior/Fish and Wildlife Service is attached in Enclosure VI and concurs with the findings of the 2008 study.

Thank you for your consideration of this request under General Permit 53. If you have any questions, please contact me at (228) 688-1516, Ms. Jenette Gordon at (228) 688-1416 or Mr. Hugh Carr at (228) 688-2466.

Sincerely,



David K. Lorance
Environmental Officer

Enclosure

cc:

AGT/Dave Golden w/o attachments
Jacobs/Wendy Robinson w/o attachments

ENCLOSURE I
Regional Map for SSC and Map of the Proposed Worksite



John C. Stennis Space Center





**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil

General Permit

FILE NO. General Permit - 53
DATE: September 25, 2012
EXPIRES: September 25, 2017

FOR: MINOR CONSTRUCTION ACTIVITIES AT THE JOHN C. STENNIS
SPACE CENTER, HANCOCK COUNTY, MISSISSIPPI

WHERE: REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT

BY WHOM: DISTRICT COMMANDER, VICKSBURG DISTRICT, ON BEHALF OF
THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The Vicksburg District is hereby reissuing a Department of the Army General Permit for regulated activities including the deposition of dredged and fill material into waters of the United States associated with projects consisting of but not limited to: construction, repair, and/or expansion of buildings, parking lots, access roads, pilings, docks, piers, retaining walls, and other appurtenant facilities necessary for the infrastructure and operation of the John C. Stennis Space Center (SSC), Hancock County, Mississippi. The location of the SSC is attached (enclosure 1).

The National Aeronautics and Space Administration (NASA) and other agencies plan to expand operations at SSC and anticipate unavoidable impacts to wetlands. Therefore, NASA has proposed to mitigate the unavoidable losses of wetland functions and values associated with these projects through restoration or enhancement and continued management of wetlands on property owned by NASA in the SSC's buffer area. The proposed mitigation plan is available for inspection at the Vicksburg District, Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi.

The principal types of wetlands which would be impacted by future construction at SSC are pine-flatwoods and pitcher plant (*Sarracenia* sp.) bogs. These wetlands contain marginal wildlife habitat due to timber management practices which include monotypic pine plantations and fire suppression. The mitigation plan calls for active management of mitigation areas including planting, burning, and monitoring to achieve the objectives of the mitigation strategies for the pine savannah restoration and enhancement areas. The mitigation plan would replace unavoidably lost values either before or concurrent with construction of projects.

Enclosure 2

This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Commander considers it necessary, application will be required for individual permits. Construction, dredging, or fill operations not specifically covered by this General Permit are prohibited unless authorized by a separate permit.

This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the United States. These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in or affecting waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. The determination that the proposed activities comply with the requirements for issuance of General Permits was made using information which is available for inspection at the offices of the Vicksburg District's Regulatory Branch at 4155 Clay Street, Vicksburg, Mississippi.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District has obtained water quality certification from the Mississippi Department of Environmental Quality stating that the work authorized by the General Permit will not violate applicable provisions of Sections 301, 302, 306, and 307 of the Act. A copy of the certification with required condition(s) is attached (enclosure 2).

The Vicksburg District has obtained coastal zone consistency from the Mississippi Department of Marine Resources in accordance with the State Coastal Zone Management Program stating the activity has been determined to be consistent to the maximum extent practicable with the Mississippi Coastal Program provided the applicant adheres to the required conditions attached (enclosure 3).

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, NASA IS REQUIRED TO SUBMIT TO THE DISTRICT COMMANDER, IN WRITING, THE FOLLOWING INFORMATION AT LEAST 30 DAYS PRIOR TO CONDUCTING THE WORK:

a. Statement that the work will be conducted in compliance with the terms and conditions of General Permit 53 and will not adversely impact adjoining property.

b. A presentation of the Purpose and Need for the proposed activity.

c. A presentation of the Alternatives Analysis leading to the selection of the preferred site location, including:

1. A generalized location map of the overall test facility indicating locations of all alternative sites considered for the proposed activity.

2. A brief description of the present condition of each of the alternative sites, including a delineation and characterization of all jurisdictional waters of the United States on each site.

3. An estimate of how the proposed activity would impact jurisdictional waters of the United States on each of the alternative sites. (Note: For this purpose, it is understood that it may not be possible to determine exact impacts at each alternate site since, at this stage of planning, it may not be practicable to develop final construction plans and engineering drawings for each alternate site).

4. A summarization of the outcome of the Alternatives Analysis leading to the selection of the proposed site. IF NOT the least damaging to waters of the United States, why is the selected site the most practicable alternative in light of the fact that it would not be the least damaging alternative?

d. For the selected site, a full set of construction plans (including quantities and types of any fill and quantities of any excavation), maps, and engineering drawings for the proposed activity at that site. These shall include a map of sufficient scale that illustrates an "overlay" of the proposed construction/development activity (e.g. roads, ditches, parking lots, building pads, retention ponds, landscaped/mowed areas, temporary work areas, remaining natural areas, etc.) on jurisdictional waters of the United States.

f. A description, including quantity and quality, of "unavoidable" adverse impacts to waters of the United States that will result from the proposed activity; and a proposed compensatory mitigation plan for those "unavoidable" impacts. These quantifications shall include a calculation of credits/debits for functional losses/replacements using an approved functional assessment method.

g. Statements that the selected sites have been surveyed for threatened and endangered species and their critical habitat(s) and for cultural resources; and that documented findings indicate that the proposed activities will not have adverse impacts to these type resources.

h. The estimated starting and completion dates of the proposed construction.

Upon receipt of this information, the District Commander will advise NASA, in writing, either that the work will be evaluated for authorization under the General Permit 53; will request additional information, if needed; or will advise NASA that the proposed activity will be evaluated as an individual permit.

Special Conditions:

a. The authorized structure(s) shall not extend into the channel of a receiving stream to the extent that it would interfere with navigation (including recreational boating) or adversely affect the flow-carrying capacity of the receiving stream.

b. Side slopes of levees, ditches, and other earthen structures shall be 1 vertical to 3 horizontal, or flatter, to increase stability.

c. Areas excavated for utility lines shall be covered with fill material and the fill stabilized with vegetative cover.

d. Any fill material shall be compacted upon completion of construction. Any areas disturbed by construction activities shall be naturally revegetated, seeded, or sodded as necessary to restore cover and prevent erosion. In areas subject to currents, riprap may be required for slope protection.

e. Material used for fill may be obtained from site preparation or if additional material is required, it shall be obtained from an area which will provide nonpolluting material. Additional material shall not be obtained from any wooded wetland or from any area which will affect an adjacent wetland.

f. All excess dredged and/or fill material not used in construction shall be placed in an upland disposal area.

g. The construction activity shall not prolong the inundation of surrounding wetlands to the point of adverse impacts.

h. No activity which may adversely impact a site listed in, or eligible for listing in, the National Register of Historic Places will be allowed by this General Permit. Additional material shall not be taken from a known historical or archaeological site such as an Indian mound. If the permittee, during prosecution of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Department of Army jurisdiction, the permittee shall immediately notify the District Commander. The District Commander, in consultation with the appropriate State Historic Preservation Officer and the Tribal Archaeologists, will comply with 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

i. Authorized structures shall not increase frequency, duration, or elevation of floodwaters on areas outside the project site.

j. All construction activities shall be performed in a manner that will minimize increased turbidity of the water in the work area and otherwise minimize adverse effects on water quality and aquatic life.

k. The discharge shall not destroy or adversely affect threatened or endangered species or their critical habitat as identified under the Endangered Species Act.

l. The National Aeronautics and Space Administration shall implement the features of the mitigation plan either prior to or concurrent with the discharge of dredged and/or fill material in wetlands to ensure no net loss as a result of the project.

m. The National Aeronautics and Space Administration shall be responsible for the long-term success of the special area management mitigation. Long-term success is defined in the site specific mitigation plan.

n. The National Aeronautics and Space Administration shall be responsible for the administration of the mitigation features of the special area management plan including accounting of acreage impacted, planted, and monitoring reports.

o. Authorization under this General Permit is valid for 3 years from the date of the authorizing letter.

p. If an authorized project is abandoned, NASA must restore the affected areas to pre-project conditions and will bear the

expense of the restoration.

General Conditions:

a. You must maintain the activity authorized by this General Permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition b. below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this authorization from this office, which may require restoration of the area.

b. If you sell the property associated with the authorization under this General Permit, you must contact this office so that the authorization can be transferred to the new owner.

c. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

d. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

e. This permit does not grant any property rights or exclusive privileges.

f. This permit does not authorize any injury to the property or rights of others.

g. This permit does not authorize interference with any existing or proposed Federal project.

h. In issuing this permit, the Federal Government does not assume any liability for the following:

1. Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.

2. Damages to the permitted project, or uses thereof, as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.

3. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

4. Design or construction deficiencies associated with the permitted work.

5. Damage claims associated with any future modification, suspension, or revocation of this permit.

i. In issuing individual authorization under this General Permit, the Government will rely on the information and data which the permittee provides in connection with the permit application. If, subsequent to the authorization, such information and data prove to be false, incomplete, or inaccurate, this authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

j. This office may re-evaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to, the following:

1. You fail to comply with the terms and conditions of this permit.

2. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see i. above).

3. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

This General Permit is valid for 5 years. At the end of that time, the cumulative environmental effects of completed work will be reviewed and reissuance of the permit may be considered. However, if unforeseen adverse environmental effects result from the issuance of this General Permit, it may be modified or terminated at any time.

Additional copies of this notice are available upon request from this office. Requests may be addressed to the Vicksburg District, Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

for Michael E. McNeil
JEFFREY R. ECKSTEIN
Colonel, Corps of Engineers
District Commander

Enclosures

Certification of Compliance
With Department of the Army Permit

Nationwide Permit Number: GP-53
Identification Number: MVK-2012-1131
Name of Permittee: NASA, John C. Stennis Space Center
Issued Date: December 10, 2012
Expiration Date: December 10, 2015
Evaluator name: Ms. Cori Shiers

Upon completion of the activity authorized by this permit, sign this certification and return it to the following address:

USACE, Vicksburg District
ATTN: Regulatory Branch
4155 Clay Street
Vicksburg, Mississippi 39183-3435

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit modification, suspension, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit including any required mitigation.

Date work was completed: _____

Signature of Permittee

Date Signed

Enclosure 3

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: NASA/John C. Stennis Space Center		File Number: MVK-2012-1131	Date: 12/10/2012
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
	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/ceerw/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.

Enclosure 4

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:

Ms. Cori Shiers
U.S. Army Corps of Engineers, Regulatory Branch
4155 Clay Street
Vicksburg, MS 39183-3435
(601) 631-5369

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

Ms. Tonya Acuff
Administrative Appeals Review Officer
USACE – Mississippi Valley Division
P.O. Box 80
Vicksburg, MS 39181-0080
(601) 634-5821

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: