



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 EAST CLAY STREET
VICKSBURG, MISSISSIPPI 39183

CEMVK-RD

September 24, 2025

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023),¹ MVK-2024-661

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.² AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.³ For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),⁴ the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of “waters of the United States” found in the pre-2015 regulatory regime and consistent with the Supreme Court’s decision in *Sackett*. This AJD did not rely on the 2023 “Revised Definition of ‘Waters of the United States,’” as amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in Mississippi due to litigation.

¹ While the Supreme Court’s decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² 33 CFR 331.2.

³ Regulatory Guidance Letter 05-02.

⁴ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

CEMVK-RD

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVK-2024-661

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States

Waters_Name	State	Cowardin_Code	Meas_Type	Amount	Units	Waters_Type	Latitude	Longitude
W10	MISSISSIPPI	PFO	Area	1.605192	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99585800	-89.69771900
W11	MISSISSIPPI	PSS	Area	2.602848	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99748300	-89.70025100
W12	MISSISSIPPI	PSS	Area	10.38478	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99857500	-89.69860100
W15	MISSISSIPPI	PFO	Area	2.112648	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99576900	-89.68941400
W16	MISSISSIPPI	PEM	Area	0.060706	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99897800	-89.68786200
W17	MISSISSIPPI	PEM	Area	0.436532	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99790800	-89.68352200
W20	MISSISSIPPI	PEM	Area	0.086761	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99780300	-89.67828600
W21	MISSISSIPPI	PEM	Area	0.094451	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99804600	-89.67855000
W22	MISSISSIPPI	PEM	Area	0.212612	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99852800	-89.67863500
W25	MISSISSIPPI	PEM	Area	0.444051	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99636400	-89.67681000
W29	MISSISSIPPI	PEM	Area	1.342615	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99432900	-89.67551000
W3	MISSISSIPPI	PEM	Area	0.168767	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99772000	-89.68121300
W30	MISSISSIPPI	PEM	Area	1.367937	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99211600	-89.67572200
W31	MISSISSIPPI	PEM	Area	0.858568	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99102700	-89.67436100
W32	MISSISSIPPI	PEM	Area	2.362596	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.98799000	-89.67386600
W33	MISSISSIPPI	PEM	Area	4.3362	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.98721900	-89.67312900
W4	MISSISSIPPI	PFO	Area	2.537638	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99781500	-89.70425700
W40	MISSISSIPPI	PFO	Area	0.066635	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99962700	-89.66029300
W41	MISSISSIPPI	PFO	Area	3.341808	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99476000	-89.65390800
W42	MISSISSIPPI	PEM	Area	0.724452	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99239700	-89.67445500
W43	MISSISSIPPI	PEM	Area	0.34659	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99334200	-89.67435500
W44	MISSISSIPPI	PFO	Area	0.32131	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	33.01144800	-89.69081700
W45	MISSISSIPPI	PSS	Area	3.211635	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99971500	-89.70415200
W5	MISSISSIPPI	PFO	Area	0.667507	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99020400	-89.70426700
W6	MISSISSIPPI	PFO	Area	4.097396	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99047300	-89.69860400
W7	MISSISSIPPI	PFO	Area	1.109892	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99308500	-89.69770900
W8	MISSISSIPPI	PFO	Area	1.677123	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99390000	-89.69496100
W9	MISSISSIPPI	PEM	Area	3.718864	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99584400	-89.69565400
OW1	MISSISSIPPI	L1	Area	0.84415	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	32.99951100	-89.70329200
UP1	MISSISSIPPI	L1	Area	1.863969	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.00113400	-89.71738900
UP10	MISSISSIPPI	L1	Area	0.119584	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	32.99487600	-89.68710800
UP11	MISSISSIPPI	L1	Area	0.006703	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	32.99144300	-89.68229500

CEMVK-RD

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVK-2024-661

UP12	MISSISSIPPI	L1	Area	0.483345	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	32.99218700	-89.68069100
UP13	MISSISSIPPI	L1	Area	0.192463	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.00297600	-89.69034400
UP14	MISSISSIPPI	L1	Area	0.453671	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.01269700	-89.68820900
UP15	MISSISSIPPI	L1	Area	0.241647	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.01465600	-89.68644500
UP16	MISSISSIPPI	L1	Area	0.093583	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	32.99361700	-89.66175600
UP2	MISSISSIPPI	L1	Area	0.379458	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.00493900	-89.71396500
UP3	MISSISSIPPI	L1	Area	0.227449	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.00120900	-89.70953700
UP4	MISSISSIPPI	L1	Area	0.204068	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.00101800	-89.69535800
UP5	MISSISSIPPI	L1	Area	0.922095	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	32.99572800	-89.69664800
UP6	MISSISSIPPI	L1	Area	0.048441	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.00607900	-89.69567100
UP7	MISSISSIPPI	L1	Area	0.533941	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.00539800	-89.69127200
UP8	MISSISSIPPI	L1	Area	0.094151	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.00232900	-89.69163500
UP9	MISSISSIPPI	L1	Area	4.530173	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	32.99917100	-89.68932800
MVK-2024-661 OW 1	MISSISSIPPI	R6	Linear	619.318988	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00100000	-89.68620000
MVK-2024-661 OW 2	MISSISSIPPI	R6	Linear	50.624795	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00080000	-89.68560000
MVK-2024-661 OW 3	MISSISSIPPI	R6	Linear	102.922332	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00090000	-89.68600000
MVK-2024-661 OW 4	MISSISSIPPI	R6	Linear	114.691406	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00080000	-89.68700000
MVK-2024-661 OW 5	MISSISSIPPI	R6	Linear	35.905441	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99910000	-89.68420000
MVK-2024-661 OW 6	MISSISSIPPI	R6	Linear	1934.308917	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99040000	-89.67940000
MVK-2024-661 OW 7	MISSISSIPPI	R6	Linear	1622.750841	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00240000	-89.65940000
MVK-2024-661 OW 8	MISSISSIPPI	R6	Linear	50.954342	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00120000	-89.65960000
MVK-2024-661 OW 9	MISSISSIPPI	R6	Linear	298.014641	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00310000	-89.66040000
MVK-2024-661 OW 10	MISSISSIPPI	R6	Linear	148.776136	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00280000	-89.66050000
MVK-2024-661 OW 11	MISSISSIPPI	R6	Linear	53.497903	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00280000	-89.66060000
MVK-2024-661 OW 12	MISSISSIPPI	R6	Linear	37.7393	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00270000	-89.66050000
MVK-2024-661 OW 13	MISSISSIPPI	R6	Linear	217.815373	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00100000	-89.66070000
MVK-2024-661 OW 14	MISSISSIPPI	R6	Linear	71.832877	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00090000	-89.66060000
MVK-2024-661 OW 15	MISSISSIPPI	R6	Linear	160.262473	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00080000	-89.66060000
MVK-2024-661 OW 16	MISSISSIPPI	R6	Linear	671.045151	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00010000	-89.66110000
MVK-2024-661 OW 17	MISSISSIPPI	R6	Linear	110.207187	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00010000	-89.66160000
MVK-2024-661 OW 18	MISSISSIPPI	R6	Linear	991.169182	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99890000	-89.66120000
MVK-2024-661 OW 19	MISSISSIPPI	R6	Linear	107.366243	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99870000	-89.66120000
MVK-2024-661 OW 20	MISSISSIPPI	R6	Linear	339.68574	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99840000	-89.66170000
MVK-2024-661 OW 21	MISSISSIPPI	R6	Linear	93.749832	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99850000	-89.66150000
MVK-2024-661 OW 22	MISSISSIPPI	R6	Linear	136.551214	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99550000	-89.69470000
MVK-2024-661 OW 23	MISSISSIPPI	R6	Linear	1330.290041	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99100000	-89.69710000
MVK-2024-661 OW 24	MISSISSIPPI	R6	Linear	317.732299	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00020000	-89.69020000
MVK-2024-661 OW 25	MISSISSIPPI	R6	Linear	1168.11368	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99510000	-89.65110000
MVK-2024-661 OW 26	MISSISSIPPI	R6	Linear	1662.824485	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99570000	-89.66030000

CEMVK-RD

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVK-2024-661

MVK-2024-661 OW 27	MISSISSIPPI	R6	Linear	474.982668	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99720000	-89.65940000
MVK-2024-661 OW 28	MISSISSIPPI	R6	Linear	466.957849	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99770000	-89.65970000
MVK-2024-661 OW 29	MISSISSIPPI	R6	Linear	1404.513225	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00580000	-89.69940000
MVK-2024-661 OW 30	MISSISSIPPI	R6	Linear	651.797091	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00650000	-89.69910000
MVK-2024-661 OW 31	MISSISSIPPI	R6	Linear	432.180199	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00670000	-89.69880000
MVK-2024-661 OW 32	MISSISSIPPI	R6	Linear	972.780812	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.01480000	-89.69210000
MVK-2024-661 OW 33	MISSISSIPPI	R6	Linear	330.93201	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99990000	-89.65090000
MVK-2024-661 OW 34	MISSISSIPPI	R6	Linear	779.421557	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99940000	-89.65290000
MVK-2024-661 OW 35	MISSISSIPPI	R6	Linear	767.895957	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00040000	-89.65270000
MVK-2024-661 OW 36	MISSISSIPPI	R6	Linear	4424.019422	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00410000	-89.69890000
MVK-2024-661 OW 37	MISSISSIPPI	R6	Linear	1263.998633	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00250000	-89.69540000
MVK-2024-661 OW 38	MISSISSIPPI	R6	Linear	2284.487197	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00140000	-89.70130000
MVK-2024-661 OW 39	MISSISSIPPI	R6	Linear	620.343944	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00270000	-89.69240000
MVK-2024-661 OW 41	MISSISSIPPI	R6	Linear	506.491771	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00530000	-89.71170000
MVK-2024-661 OW 42	MISSISSIPPI	R6	Linear	402.952887	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00730000	-89.71290000
MVK-2024-661 OW 43	MISSISSIPPI	R6	Linear	342.090847	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00730000	-89.71140000
MVK-2024-661 OW 44	MISSISSIPPI	R6	Linear	1447.844495	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00550000	-89.71690000
MVK-2024-661 OW 45	MISSISSIPPI	R6	Linear	42.163262	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00520000	-89.71390000
MVK-2024-661 OW 47	MISSISSIPPI	R6	Linear	315.844719	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00170000	-89.72090000
MVK-2024-661 OW 48	MISSISSIPPI	R6	Linear	148.370547	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00080000	-89.71820000
MVK-2024-661 OW 49	MISSISSIPPI	R6	Linear	123.087595	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00140000	-89.71950000
MVK-2024-661 OW 50	MISSISSIPPI	R6	Linear	931.506575	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99910000	-89.68270000
MVK-2024-661 OW 54	MISSISSIPPI	R6	Linear	1995.124257	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99410000	-89.68210000
MVK-2024-661 OW 55	MISSISSIPPI	R6	Linear	1081.478522	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99060000	-89.67440000
MVK-2024-661 OW 62	MISSISSIPPI	R6	Linear	296.746844	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99040000	-89.67050000
MVK-2024-661 OW 69	MISSISSIPPI	R6	Linear	754.813461	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99040000	-89.68260000
MVK-2024-661 OW 70	MISSISSIPPI	R6	Linear	50.41198	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00210000	-89.66260000
MVK-2024-661 OW 74	MISSISSIPPI	R6	Linear	344.438297	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99370000	-89.65490000
MVK-2024-661 OW 75	MISSISSIPPI	R6	Linear	170.097178	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00410000	-89.69270000
MVK-2024-661 OW 80	MISSISSIPPI	R6	Linear	978.530734	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.01580000	-89.69250000
MVK-2024-661 OW 82	MISSISSIPPI	R6	Linear	523.578406	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.01330000	-89.68930000
MVK-2024-661 OW 87	MISSISSIPPI	R6	Linear	262.064207	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00040000	-89.65660000
MVK-2024-661 OW 88	MISSISSIPPI	R6	Linear	236.719502	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00020000	-89.65690000
MVK-2024-661 OW 89	MISSISSIPPI	R6	Linear	636.995718	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99990000	-89.65150000
MVK-2024-661 OW 90	MISSISSIPPI	R6	Linear	189.597764	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00050000	-89.64130000
MVK-2024-661 OW 91	MISSISSIPPI	R6	Linear	95.157458	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00050000	-89.64140000

CEMVK-RD

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVK-2024-661

2. REFERENCES.

- a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).
- b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).
- c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)
- d. *Sackett v. EPA*, 598 U.S. ___, 143 S. Ct. 1322 (2023)

3. REVIEW AREA.

The proposed Attala Solar project located on approximately 2,228 acres of undeveloped land located in Attala County, Mississippi (site or study area). The site is located south of Sallis McAdams Road and is intersected by County Road 4167. The study area appears to consist mainly of undeveloped forested land and pasture.

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. The Nearest downstream Section 10 TNW is the Big Black River (Section 10 TNW)
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS: The subject site drains in a north/northwesterly direction primarily through the Long Creek watershed. In the Northwestern portion of the property, aquatic resources, UP1, UP2, W2, MVK-2024-661 OW 40, 41, 42, 43, 44, 46, 47, and 49 flow offsite via an unnamed tributary of Long Creek for 3.4 KM before converging with Long Creek offsite. In the west central portion of the property aquatic resources OW, UP3, UP5, UP7, UP9, W10, W13, W14, W15, W16, W4, W45, W5, W6, W7, W8, W9, MVK-2024-661 OW 22, MVK-2024-661 OW 23, MVK-2024-661 OW 24, MVK-2024-661 OW 29, MVK-, 024-661 OW 30 ,MVK-2024-661 OW 31, MVK-2024-661 OW 36, MVK-2024-661 OW 37, MVK-2024-, 61 OW 38, MVK-2024-661 OW 39, MVK-2024-661 OW 71, MVK-2024-661 OW 73, MVK-2024-661 OW 75, and MVK-2024-661 OW 76 flow north and converge with Log Creek just offsite. In the eastern and east central portions of the project aquatic resources MVK-2024-661 OW 1, MVK-2024-661 OW 10, MVK-2024-661 OW 11, MVK-2024-661 OW 12, MVK-, 024-661 OW 13, MVK-2024-661 OW 14,

CEMVK-RD

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVK-2024-661

MVK-2024-661 OW 15, MVK-2024-661 OW 6, MVK-2024-661 OW 17, MVK-2024-661 OW 18, MVK-2024-661 OW 19, MVK-2024-661 OW 2, MVK-2024-661 OW 20, MVK-2024-661 OW 21, MVK-2024-661 OW 25, MVK-2024-661 OW 26, MVK-2024-661 OW 27, MVK-2024-661 OW 28, MVK-2024-661 W 3, MVK-2024-661 OW 33, MVK-2024-661 OW 34, MVK-2024-661 OW 35, MVK-2024-661 OW 4, MVK-2024-661 OW 5, MVK-2024-661 OW 50, MVK-2024-661 OW 51, MVK-2024-661 OW 52, MVK-2024-661 OW 53, MVK-2024-661 OW 54, MVK-2024-661 OW 55, MVK-2024-661 OW 56, MVK-2024-661 OW 57, MVK-2024-661 OW 58, MVK-2024-661 OW 59, MVK-2024-661 OW 6, MVK-2024-661 OW 60, MVK-2024-661 OW 61, MVK-2024-661 OW 62, MVK-2024-661 OW 63, MVK-2024-661 OW 64, MVK-2024-661 OW 65, MVK-2024-661 OW 66, MVK-2024-661 OW 67, MVK-2024-661 OW 68, MVK-2024-661 OW 69, MVK-2024-661 OW 7, MVK-2024-661 OW 70, MVK-2024-661 OW 74, MVK-2024-661 OW 8, MVK-2024-661 OW 87, MVK-2024-661 OW 88, MVK-2024-661 OW 89, MVK-2024-661 OW 9, MVK-2024-661 OW 90, MVK-2024-661 OW 91, UP10, UP11, UP12, UP16, W17, W18, W19, W20, W21, W22, W23, W24, W25, W26, W27, W28, W29, W3, W30, W31, W32, W33, W34, W35, W36, W37, W38, W39, W40, W41, W42, W43, W46, W47, W48, W49, W50, W51, W52, and W53 drain via Long Creek to the north where the previously described flowpaths continue down Long Creek for 28.8 KM before converging with the Big Black River. It then continues down the Big Black River for 194.5 KM before reaching the upper limit of the Big Black River Section 10 Authority.

6. SECTION 10 JURISDICTIONAL WATERS⁵: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant

⁵ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

CEMVK-RD

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVK-2024-661

category of “waters of the United States” in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

- a. TNWs (a)(1):
- b. Interstate Waters (a)(2):
- c. Other Waters (a)(3):
- d. Impoundments (a)(4):
- e. Tributaries (a)(5):
- f. The territorial seas (a)(6):
- g. Adjacent wetlands (a)(7):

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified as “generally non-jurisdictional” in the preamble to the 1986 regulations (referred to as “preamble waters”).⁶ Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water.

Based on the information submitted and obtained the following Aquatic Resources have been determined to be Non-Jurisdictional under the Preamble.

Waters_Name	State	Cowardin_Code	Meas_Type	Amount	Units	Waters_Type	Latitude	Longitude
OW1	MISSISSIPPI	L1	Area	0.84415	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	32.99951100	-89.70329200
UP1	MISSISSIPPI	L1	Area	1.863969	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.00113400	-89.71738900
UP10	MISSISSIPPI	L1	Area	0.119584	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	32.99487600	-89.68710800
UP11	MISSISSIPPI	L1	Area	0.006703	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	32.99144300	-89.68229500

⁶ 51 FR 41217, November 13, 1986.

CEMVK-RD

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVK-2024-661

UP12	MISSISSIPPI	L1	Area	0.483345	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	32.99218700	-89.68069100
UP13	MISSISSIPPI	L1	Area	0.192463	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.00297600	-89.69034400
UP14	MISSISSIPPI	L1	Area	0.453671	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.01269700	-89.68820900
UP15	MISSISSIPPI	L1	Area	0.241647	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.01465600	-89.68644500
UP16	MISSISSIPPI	L1	Area	0.093583	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	32.99361700	-89.66175600
UP2	MISSISSIPPI	L1	Area	0.379458	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.00493900	-89.71396500
UP3	MISSISSIPPI	L1	Area	0.227449	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.00120900	-89.70953700
UP4	MISSISSIPPI	L1	Area	0.204068	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.00101800	-89.69535800
UP5	MISSISSIPPI	L1	Area	0.922095	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	32.99572800	-89.69664800
UP6	MISSISSIPPI	L1	Area	0.048441	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.00607900	-89.69567100
UP7	MISSISSIPPI	L1	Area	0.533941	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.00539800	-89.69127200
UP8	MISSISSIPPI	L1	Area	0.094151	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	33.00232900	-89.69163500
UP9	MISSISSIPPI	L1	Area	4.530173	ACRE	NON-JD - PREAMBLE - ART.LAKE.POND	32.99917100	-89.68932800

- b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance.
- c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system.
- d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland.
- e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in “*SWANCC*,” would have been jurisdictional based solely on the “Migratory Bird Rule.” Include the size of the aquatic resource or feature, and how it was determined to be an “isolated water” in accordance with *SWANCC*. [N/A or enter rationale/discussion here.]
- f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more

CEMVK-RD

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVK-2024-661

categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court’s decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

Based on the consultant’s delineation it has been determined the following aquatic resources are not adjacent to and do not abut a requisite water and are considered non-jurisdictional.

Waters_Name	State	Cowardin_Code	Meas_Type	Amount	Units	Waters_Type	Latitude	Longitude
W10	MISSISSIPPI	PFO	Area	1.605192	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99585800	-89.69771900
W11	MISSISSIPPI	PSS	Area	2.602848	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99748300	-89.70025100
W12	MISSISSIPPI	PSS	Area	10.38478	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99857500	-89.69860100
W15	MISSISSIPPI	PFO	Area	2.112648	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99576900	-89.68941400
W16	MISSISSIPPI	PEM	Area	0.060706	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99897800	-89.68786200
W17	MISSISSIPPI	PEM	Area	0.436532	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99790800	-89.68352200
W20	MISSISSIPPI	PEM	Area	0.086761	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99780300	-89.67828600
W21	MISSISSIPPI	PEM	Area	0.094451	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99804600	-89.67855000
W22	MISSISSIPPI	PEM	Area	0.212612	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99852800	-89.67863500
W25	MISSISSIPPI	PEM	Area	0.444051	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99636400	-89.67681000
W29	MISSISSIPPI	PEM	Area	1.342615	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99432900	-89.67551000
W3	MISSISSIPPI	PEM	Area	0.168767	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99772000	-89.68121300
W30	MISSISSIPPI	PEM	Area	1.367937	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99211600	-89.67572200
W31	MISSISSIPPI	PEM	Area	0.858568	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99102700	-89.67436100
W32	MISSISSIPPI	PEM	Area	2.362596	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.98799000	-89.67386600
W33	MISSISSIPPI	PEM	Area	4.3362	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.98721900	-89.67312900
W4	MISSISSIPPI	PFO	Area	2.537638	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99781500	-89.70425700
W40	MISSISSIPPI	PFO	Area	0.066635	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99962700	-89.66029300
W41	MISSISSIPPI	PFO	Area	3.341808	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99476000	-89.65390800
W42	MISSISSIPPI	PEM	Area	0.724452	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99239700	-89.67445500
W43	MISSISSIPPI	PEM	Area	0.34659	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99334200	-89.67435500
W44	MISSISSIPPI	PFO	Area	0.32131	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	33.01144800	-89.69081700
W45	MISSISSIPPI	PSS	Area	3.211635	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99971500	-89.70415200
W5	MISSISSIPPI	PFO	Area	0.667507	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99020400	-89.70426700
W6	MISSISSIPPI	PFO	Area	4.097396	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99047300	-89.69860400
W7	MISSISSIPPI	PFO	Area	1.109892	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99308500	-89.69770900
W8	MISSISSIPPI	PFO	Area	1.677123	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99390000	-89.69496100
W9	MISSISSIPPI	PEM	Area	3.718864	ACRE	NON-WOTUS-WETL.NEGATIVE-A7	32.99584400	-89.69565400

CEMVK-RD

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVK-2024-661

Based on the consultant’s delineation the following aquatic resources have been determined to not satisfy the relatively permanent standard and are considered non-jurisdictional NRPW’s

Waters_Name	State	Cowardin_Code	Meas_Type	Amount	Units	Waters_Type	Latitude	Longitude
MVK-2024-661 OW 1	MISSISSIPPI	R6	Linear	619.319	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00100000	-89.68620000
MVK-2024-661 OW 2	MISSISSIPPI	R6	Linear	50.6248	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00080000	-89.68560000
MVK-2024-661 OW 3	MISSISSIPPI	R6	Linear	102.9223	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00090000	-89.68600000
MVK-2024-661 OW 4	MISSISSIPPI	R6	Linear	114.6914	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00080000	-89.68700000
MVK-2024-661 OW 5	MISSISSIPPI	R6	Linear	35.90544	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99910000	-89.68420000
MVK-2024-661 OW 6	MISSISSIPPI	R6	Linear	1934.308917	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99040000	-89.67940000
MVK-2024-661 OW 7	MISSISSIPPI	R6	Linear	1622.751	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00240000	-89.65940000
MVK-2024-661 OW 8	MISSISSIPPI	R6	Linear	50.95434	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00120000	-89.65960000
MVK-2024-661 OW 9	MISSISSIPPI	R6	Linear	298.0146	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00310000	-89.66040000
MVK-2024-661 OW 10	MISSISSIPPI	R6	Linear	148.7761	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00280000	-89.66050000
MVK-2024-661 OW 11	MISSISSIPPI	R6	Linear	53.4979	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00280000	-89.66060000
MVK-2024-661 OW 12	MISSISSIPPI	R6	Linear	37.7393	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00270000	-89.66050000
MVK-2024-661 OW 13	MISSISSIPPI	R6	Linear	217.8154	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00100000	-89.66070000
MVK-2024-661 OW 14	MISSISSIPPI	R6	Linear	71.83288	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00090000	-89.66060000
MVK-2024-661 OW 15	MISSISSIPPI	R6	Linear	160.2625	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00080000	-89.66060000
MVK-2024-661 OW 16	MISSISSIPPI	R6	Linear	671.0452	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00010000	-89.66110000
MVK-2024-661 OW 17	MISSISSIPPI	R6	Linear	110.2072	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00010000	-89.66160000
MVK-2024-661 OW 18	MISSISSIPPI	R6	Linear	991.1692	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99890000	-89.66120000
MVK-2024-661 OW 19	MISSISSIPPI	R6	Linear	107.3662	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99870000	-89.66120000
MVK-2024-661 OW 20	MISSISSIPPI	R6	Linear	339.6857	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99840000	-89.66170000
MVK-2024-661 OW 21	MISSISSIPPI	R6	Linear	93.74983	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99850000	-89.66150000
MVK-2024-661 OW 22	MISSISSIPPI	R6	Linear	136.5512	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99550000	-89.69470000
MVK-2024-661 OW 23	MISSISSIPPI	R6	Linear	1330.29	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99100000	-89.69710000
MVK-2024-661 OW 24	MISSISSIPPI	R6	Linear	317.7323	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00020000	-89.69020000
MVK-2024-661 OW 25	MISSISSIPPI	R6	Linear	1168.114	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99510000	-89.65110000
MVK-2024-661 OW 26	MISSISSIPPI	R6	Linear	1662.824	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99570000	-89.66030000
MVK-2024-661 OW 27	MISSISSIPPI	R6	Linear	474.9827	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99720000	-89.65940000
MVK-2024-661 OW 28	MISSISSIPPI	R6	Linear	466.9578	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99770000	-89.65970000
MVK-2024-661 OW 29	MISSISSIPPI	R6	Linear	1404.513	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00580000	-89.69940000
MVK-2024-661 OW 30	MISSISSIPPI	R6	Linear	651.7971	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00650000	-89.69910000
MVK-2024-661 OW 31	MISSISSIPPI	R6	Linear	432.1802	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00670000	-89.69880000
MVK-2024-661 OW 32	MISSISSIPPI	R6	Linear	972.7808	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.01480000	-89.69210000
MVK-2024-661 OW 33	MISSISSIPPI	R6	Linear	330.932	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99990000	-89.65090000
MVK-2024-661 OW 34	MISSISSIPPI	R6	Linear	779.4216	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99940000	-89.65290000

CEMVK-RD

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVK-2024-661

MVK-2024-661 OW 35	MISSISSIPPI	R6	Linear	767.896	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00040000	-89.65270000
MVK-2024-661 OW 36	MISSISSIPPI	R6	Linear	4424.019	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00410000	-89.69890000
MVK-2024-661 OW 37	MISSISSIPPI	R6	Linear	1263.999	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00250000	-89.69540000
MVK-2024-661 OW 38	MISSISSIPPI	R6	Linear	2284.487	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00140000	-89.70130000
MVK-2024-661 OW 39	MISSISSIPPI	R6	Linear	620.3439	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00270000	-89.69240000
MVK-2024-661 OW 41	MISSISSIPPI	R6	Linear	506.4918	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00530000	-89.71170000
MVK-2024-661 OW 42	MISSISSIPPI	R6	Linear	402.9529	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00730000	-89.71290000
MVK-2024-661 OW 43	MISSISSIPPI	R6	Linear	342.0908	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00730000	-89.71140000
MVK-2024-661 OW 44	MISSISSIPPI	R6	Linear	1447.844	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00550000	-89.71690000
MVK-2024-661 OW 45	MISSISSIPPI	R6	Linear	42.16326	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00520000	-89.71390000
MVK-2024-661 OW 47	MISSISSIPPI	R6	Linear	315.8447	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00170000	-89.72090000
MVK-2024-661 OW 48	MISSISSIPPI	R6	Linear	148.3705	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00080000	-89.71820000
MVK-2024-661 OW 49	MISSISSIPPI	R6	Linear	123.0876	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00140000	-89.71950000
MVK-2024-661 OW 50	MISSISSIPPI	R6	Linear	931.5066	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99910000	-89.68270000
MVK-2024-661 OW 54	MISSISSIPPI	R6	Linear	1995.124	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99410000	-89.68210000
MVK-2024-661 OW 55	MISSISSIPPI	R6	Linear	1081.479	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99060000	-89.67440000
MVK-2024-661 OW 62	MISSISSIPPI	R6	Linear	296.7468	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99040000	-89.67050000
MVK-2024-661 OW 69	MISSISSIPPI	R6	Linear	754.8135	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99040000	-89.68260000
MVK-2024-661 OW 70	MISSISSIPPI	R6	Linear	50.41198	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00210000	-89.66260000
MVK-2024-661 OW 74	MISSISSIPPI	R6	Linear	344.4383	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99370000	-89.65490000
MVK-2024-661 OW 75	MISSISSIPPI	R6	Linear	170.0972	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00410000	-89.69270000
MVK-2024-661 OW 80	MISSISSIPPI	R6	Linear	978.5307	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.01580000	-89.69250000
MVK-2024-661 OW 82	MISSISSIPPI	R6	Linear	523.5784	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.01330000	-89.68930000
MVK-2024-661 OW 87	MISSISSIPPI	R6	Linear	262.0642	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00040000	-89.65660000
MVK-2024-661 OW 88	MISSISSIPPI	R6	Linear	236.7195	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00020000	-89.65690000
MVK-2024-661 OW 89	MISSISSIPPI	R6	Linear	636.9957	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	32.99990000	-89.65150000
MVK-2024-661 OW 90	MISSISSIPPI	R6	Linear	189.5978	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00050000	-89.64130000
MVK-2024-661 OW 91	MISSISSIPPI	R6	Linear	95.15746	FOOT	NON-WOTUS-TRIB.NEGATIVE-A5	33.00050000	-89.64140000

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

a. Office determination based on consultant delineation, (Kimley-Horn)

b. GIS Data (Locally created GIS Database consisting of multiple years of AJD's/PJD's)

CEMVK-RD

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), MVK-2024-661

- c. Aerial Photos (Multiple years)
- d. NHD (National Hydrography Dataset)
- e. LiDAR (Light imaging, detection, and ranging)
- f. NWI (National Wetland Inventory)
- g. ORM Data (OMBIL Regulatory Module)
- h. Google Earth Pro (multiple years of aerial photos)
- i. USGS Quadrangle Maps

10. OTHER SUPPORTING INFORMATION.

Concur with consultant delineation. There are numerous other aquatic resources being considered within the property boundary; however the remaining aquatic resources are being addressed via a Preliminary JD and are being considered jurisdictional. All aquatic resources are identified in section 5 when describing the flowpath to the TNW.

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.