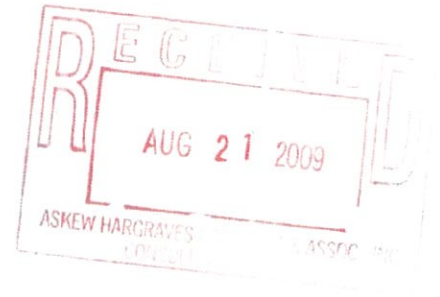




REPLY TO
ATTENTION OF

Operations Division
Regulatory Branch

DEPARTMENT OF THE ARMY
MEMPHIS DISTRICT, CORPS OF ENGINEERS
167 NORTH MAIN STREET B-202
MEMPHIS, TENNESSEE 38103-1894
August 20, 2009



Mr. Tim Gibson, P.E.
A2H & Associates, Inc.
3009 Davies Plantation Rd.
Lakeland, Tennessee 38002-8215

Dear Mr. Gibson:

This is in response to your request for a Department of the Army jurisdictional determination and a pre-application consultation. Your project consists of a new 76.24-acre medical complex development located along the north side of Highway 49 in Jonesboro, Arkansas (as shown on the attached map).

Based on a review of recent maps, aerial photography, soil survey maps, and a site visit conducted on August 12, 2009, our preliminary jurisdictional determination (PJD) is that there are waters of the United States present on the project site. These waters consist of an unnamed tributary of Murray Creek that flows along the eastern border of the project site, Murray Creek which flows along the western border, and wetlands associated with a pond and a remnant creek channel within the boundaries of the site. Therefore, this project is subject to jurisdiction under Section 404 of the Clean Water Act. Should you wish to proceed with your project you will need to provide a delineation map outlining the wetlands and identifying the total wetland acreage within the project site that will be impacted by the proposed development as well as any impacts to Murray Creek and its tributary within the project site.

The type of permit your project may require depends on the amount of wetland acres and linear feet of stream bed impacted by the proposed project. Your project may qualify for Nationwide Permit 39, Commercial and Institutional Developments, if impacts to wetlands are not greater than 0.5-acre or impacts to stream beds do not exceed 300 linear foot. If impacts are greater than these parameters, the project must be evaluated with an Individual Permit. If impacts exceed 0.1-acre, a mitigation plan is required detailing how you will offset those impacts. If the project is to be processed as an Individual Permit, your application must include a statement on how you may or may not have avoided impacts, how you may minimize impacts and for those unavoidable impacts, a brief statement on how you will mitigate those impacts.

To assist you with your project, we are sending you a list of qualified individuals who have asked to have their name added to our list. The list is provided for information purposes only and is not intended to serve as an endorsement or as certification of the qualifications of those listed. A consultant can assist you with the delineation of the site, submission of a Department of the Army

permit application, and a mitigation plan including a suitable site, site preparation, management, and submission of the required monitoring reports to the Corps of Engineers, Memphis District. I am also sending you a typical mitigation example, which addresses issues concerning the success of the mitigation site. Please review it as a means to help you assess your specific project.

A PJD cannot be appealed. If you object to this PJD, please contact us for information about receiving an approved jurisdictional determination and the administrative appeals process. The PJD is included for your concurrence. If you agree with this PJD please sign the form and return it to the address listed above. If the PJD is not returned within 30 days of the date of this letter we will assume your concurrence.

This PJD determination is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date, or unless the 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.

The Memphis 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 enclosed survey post card and return it or go to our customer service survey found on our website at <http://per2.nwp.usace.army.mil/survey.html>. Your comments, positive or negative, will not affect any current or future dealing with the Corps of Engineers.

If you have questions, please contact Damon McDermott at (901) 544-0732 or robert.d.mcdermott@usace.army.mil and refer to File No. MVM-2009-356.

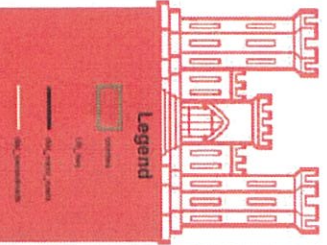
Sincerely,



for Timothy Davis
Western Section Chief
Regulatory Branch

Enclosures

MVM-2009-356



Legend

- Project Site
- Proposed
- Existing
- Water
- Topography

