



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

November 25, 2024

Ms. Kristi Hall
U.S. Army Corps of Engineers, Vicksburg District
Regulatory Division
4155 Clay Street
Vicksburg, Mississippi 39183-3435

Dear Ms. Hall:

Re: U.S. Army Corps of Engineers
Vicksburg District
General Permit 16
Warren County
COE No. MVK2019204
WQC No. WQC2024018

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Mississippi Department of Environmental Quality (Department) issues this Certification, after public notice and opportunity for public hearing, to the U.S. Army Corps of Engineers, Vicksburg District, an applicant for a Federal License or permit to conduct the following activity:

U.S. Army Corps of Engineers, Vicksburg District, General Permit 16: Reissuance of a Department of the Army General Permit General Permit 16 for the removal of silt accumulations around existing docks, under existing barge fleeting and mooring areas, and within associated access channels and port basins; and the discharge of dredged material. Dredged material may be discharged in an upland contained area (non-jurisdictional area) or discharged as a hydraulic suspension into "swift water" of the main channel of the river.

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 final decision regarding a determination that the proposed activities comply with the requirements for issuance of General Permits

was made using information that is available for inspection at the offices of the Vicksburg District's Regulatory Division at 4155 Clay Street, Vicksburg, Mississippi.

This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Construction activities which include regulated work and/or discharges of dredged or fill material into Section 10/404 of Section 404 regulated Waters of the United States (collectively hereafter referred to as WOTUS) which are not specifically authorized by this General Permit are prohibited unless specifically approved by the District Engineer via separate authorization. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, an application for an individual permit will be required.

The following information must be provided by the applicant in writing in request for authorization under this General Permit:

1. State the number of the General Permit under which the work will be conducted. (General Permit 16) (GP 16).
2. Statement that the work will be conducted in compliance with the terms and conditions of GP 16 and will not adversely impact adjoining properties.
3. Map showing the location of the project area to be dredged and the location of the dredged material discharge site(s). The map should include accurate coordinates (latitude/longitude), River Mile, Section, Township, Range, County or Parish, and State.
4. Drawings and/or aerial photographs labeled to illustrate the configuration of the port, access channel(s), fleeting area(s), terminal(s) and mooring stations, etc. When the dredged material is to be discharged on land, the drawings shall also identify the location and design dimensions for dredged material discharge site(s).
5. Plan view illustration(s) of the work area(s) to include the results of a hydrographic survey depicting the "pre-dredge" bottom contours in the area(s) to be dredged, and those areas immediately adjacent to the area(s) to be dredged. The area(s) to be dredged shall be clearly delineated and labeled on this plan view illustration. Additionally, the dredged material discharge site(s) shall be delineated on the illustration(s). For emergency situations, this requirement can be waived. However, any waiver would need preapproved by the DE.

6. A brief description of the proposed activity, including an estimate of the area to be dredged and the cubic yards of material to be dredged. The description shall also state the type(s) of dredging operation (e.g. "clam shell" excavation, hydraulic, etc.), and the type of discharge. If dredged material will be discharged at an upland site, the application must describe any containment measures and explain if there will be "return water" discharged back into waters of the U.S. (NOTE: a separate Department of the Army permit would be required for return water from an upland contained area (See Nationwide Permit No. 16.).
7. Estimated starting and completion dates of the project.
8. Name, mailing address, email address, and telephone number of the party (person/agency) applying for authorization.

Upon receipt of this information, the District Engineer will evaluate the proposal and advise the inquiring party, in writing, that the work could be authorized under General Permit 16; or will require an individual permit (if it exceeds the authoritative capacity of the General Permit) and/or additional separate authorizations.

Special Conditions:

1. The permit shall authorize maintenance dredging for the removal of sediment in order to maintain a nine-foot navigation channel.
2. The permittee shall submit a hydrographic survey depicting the depth and bottom configuration of the site after completion of dredging activities, and provide revised estimates of the area dredged, and the cubic yards of material dredged. This information shall be submitted with the completed and signed certification of compliance.
3. The permit shall be limited to maintenance dredging activities required for operation of existing commercial and municipal ports and terminals along the Mississippi River within the Vicksburg District, U.S. Army Corps of Engineers.
4. Material dredged by hydraulic dredging shall be discharged in the "swift water" of the main channel of the river, or in an upland contained area. Material excavated by clam-shell or other excavation equipment would be disposed in upland areas, unless the excavated material is first processed as a slurry with river water to a consistency similar to hydraulic dredged material and then disposed in the "swift water" of the main channel of the river.

5. Material shall not be placed in Corps maintained navigation channels if the Corps determines such discharge will require later removal of the material by the Federal Government to maintain the navigation channel.
6. Dredge and discharge operations shall be conducted in such a manner as to avoid interference with navigation to the maximum extent practicable. Dredging equipment, including discharge lines, shall be marked and lighted in accordance with U.S. Coast Guard regulations. Additionally, the permittee shall be required to provide notice to the U.S. Coast Guard in sufficient advance of initiating work to allow required posting of a "Notice to Mariners."
7. No activity that may affect a site listed in or eligible for listing in the National Register of Historic Places shall be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Additional material shall not be taken from a known historical or archaeological site. If the permittee discovers any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, they must immediately notify the District Engineer of the discovery, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The District Engineer will initiate the Federal, Tribal, and State coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
8. All construction activities shall be performed in a manner that will minimize increased suspended sediment concentrations (and associated turbidity) of the water in the work area and otherwise avoid adverse effects on water quality and aquatic life especially during fish spawning seasons.
9. The discharge shall not be located to adversely affect a public water supply intake or a national fish hatchery intake.
10. If the Water Quality Certification requires testing of sediments for possible toxic substances or other "contaminants" (e.g., unacceptable levels of pathogenic organisms) prior to initiating dredging or discharge activities at a site, authorization under this permit shall be contingent upon proof that the testing has been completed and the issuing State agency has granted approval based on test results.
11. The discharge shall not occur in areas of concentrated shellfish production.
12. No activity is authorized under this General Permit which is likely to directly or indirectly jeopardize the continued existence of a Federally listed threatened or endangered species or a species proposed for such designation,

- as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity shall be authorized under this General Permit which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.
13. The activity shall not result in the relocation or blockage of a natural stream or river channel or adversely impact or drain wetlands.
 14. No sewage, oil, refuse, or other pollutants would be discharged into the watercourse.
 15. An activity that requires Section 408 permission because it would alter or temporarily or permanently occupy or use a USACE federally authorized Civil Works project (Activities Affecting Structures or Works Built by the United States, 33 U.S.C. 408) shall not be authorized by GP 16 until the appropriate Corps office issues the Section 408 permission to alter, occupy, or use the USACE Civil Works project, and the District Engineer issues a written GP 16 authorization.

[MVK2019204, WQC2024018]

The Department certifies that the above-described activity will be in compliance with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act and Section 49-17-29 of the Mississippi Code of 1972, if the applicant complies with the following conditions:

1. The permittee shall contact the Department for further consultation regarding testing protocols for dredged material obtained from waterways with a completed Total Daily Maximum Load for toxics, phenols, mercury, and PCBs-Dixon; and from waterways listed on the 303(d) list for biological impairment. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.B(1))
2. The permittee shall contact the Department for further consultation regarding testing protocols for dredged material obtained from waterways affected by a CERCLA/Uncontrolled Site as identified by the Groundwater Assessment and Remediation Division. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.B(1))
3. Appropriate best management practices (BMP's) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas. Special care shall be taken prior to and during construction to prevent the movement of sediment into adjacent drainage

- areas. In the event of any BMP failure, corrective actions shall be taken immediately. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 2.2.A)
 5. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 2.2.A.(3))

As part of the Scope of Review for Application Decisions, 11 Mississippi Administrative Code Part 6, Rule 1.3.4(B), the above conditions are necessary for the Department to ensure that appropriate measures will be taken to eliminate unreasonable degradation and irreparable harm to waters of the State, such that the activity will not meet the criteria for denial:

- (A) The proposed activity permanently alters the aquatic ecosystem such that water quality criteria are violated and/or it no longer supports its existing or classified uses. An example is the channelization of streams.
- (B) There is a feasible alternative to the activity which reduces adverse consequences on water quality and classified or existing uses of waters of the State.
- (C) The proposed activity adversely impacts waters containing State or federally recognized threatened or endangered species.
- (D) The proposed activity adversely impacts a special or unique aquatic habitat, such as National or State Wild and Scenic Rivers and/or State Outstanding Resource Waters.
- (E) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.
- (F) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.
- (G) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.
- (H) The proposed activity results in significant environmental impacts which may adversely impact water quality.

The Department also certifies that there are no limitations under Section 302 nor standards under Sections 306 and 307 of the Federal Water Pollution Control Act which are applicable to the applicant's above-described activity.

This certification is valid for the project as proposed. Any deviations without proper modifications and/or approvals may result in a violation of the 401 Water Quality Certification. If you have any questions, please contact Carrie Barefoot.

Sincerely,



Becky Simonson
Chief, Environmental Permits Division

BS: po

cc: Bryan Williamson, U.S. Army Corps of Engineers, Vicksburg District
Willa Brantley, Department of Marine Resources
David Felder, U.S. Fish and Wildlife Service
Jamie Becker, Environmental Protection Agency