



# State of Mississippi

TATE REEVES  
Governor

## MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

April 29, 2026

Ms. Kaaren Neumann  
U.S. Army Corps of Engineers, Mobile District  
P.O. Box 2288  
Mobile, Alabama 36628-0001

Dear Ms. Neumann:

Re: U.S. Army Corps of Engineers, Mobile and  
Vicksburg Districts  
LOP – Dredging Activities with Disposal  
into Beneficial Use Sites  
Hancock, Harrison, and Jackson Counties  
COE No. SAM-2023-00297-KMN  
WQC No. WQC2024014

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

U.S. Army Corps of Engineers, Mobile and Vicksburg Districts: The U.S. Army Corps of Engineers, Mobile and Vicksburg Districts have applied for Section 401 Water Quality Certification for a Section 404 Letter of Permission (404 LOP) for dredging activities meeting the criteria and conditions described below. Permits issued under this 404 LOP process will be effective for a 10-year period from date of issuance. If the proposed activity does not meet 404 LOP criteria as outlined, or the applicant chooses not to use this process, the activity may be authorized under a different permit procedure (Nationwide Permit, General Permit, or Standard Permit). This Section 401 Water Quality Certification is authorized for activities, meeting the criteria and conditions below, and located within Section 10 waters of Hancock, Harrison, and Jackson Counties, Mississippi, within Mobile District and Vicksburg District's Regulatory Boundaries.

OFFICE OF POLLUTION CONTROL  
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**PROPOSED CATEGORIES OF ACTIVITIES:** The categories of activities to be authorized by the 404 LOP include dredging activities which will have an overall minimal impact, individually and cumulatively, on aquatic resources and the human environment. Activities to be authorized will involve dredging, transport, and disposal of dredged material into permitted MDMR Beneficial Use Sites.

A 404 LOP will be issued only for those activities which meet all the criteria identified below, including the general conditions, and which have only minor impacts on the aquatic environment. Applications for the 404 LOP must clearly demonstrate impacts to aquatic resources will be avoided and minimized to the maximum extent practicable. The Districts reserve the use of discretionary authority to determine that an activity may be authorized under this 404 LOP; that an activity may be authorized under this 404 LOP with the addition of special conditions; or that an activity may not be authorized by this 404 LOP and will instead require authorization under another permit type.

To qualify for the proposed 404 LOP under this procedure, activities must meet the following criteria:

- A. The dredged material must meet or exceed Mississippi Department of Marine Resources Dredged Sediment Evaluation, September 2025 or newer versions, if revised.
- B. The dredged material will be placed into a permitted Mississippi Department of Marine Resources Beneficial Use Site and follow all special conditions associated with the permit for the Beneficial Use Site(s).

#### LOP PROCEDURE:

##### A. Application Submittal

To be considered for authorization by this 404 LOP, the application must include all information required for a standard permit application, pursuant to 33 CFR 325.1. The application packet must be submitted to the Mississippi Department of Marine Resources, Wetland Permitting at <https://dmr.ms.gov/joint-application-form/>. All submitted documents must be suitable for electronic transmittal.

##### B. Processing

1. The Mississippi Department of Marine Resources, Bureau of Wetland Permitting will forward the applicant's submittal to the appropriate district for review.
2. The District will review the applicant's submittal for completeness within approximately fifteen (15) calendar days of receipt. If the application is incomplete, the District will notify the applicant and request the additional information necessary to complete the application for continued processing.

3. If the District determines the application is complete but the activity cannot be authorized by this 404 LOP, the District will notify the applicant within 15 calendar days of that determination and proceed to an alternate permitting process (Nationwide Permit, General Permit, or Standard Permit).
4. If the application is determined to be complete and appears to meet 404 LOP criteria, the District will notify the applicant that the proposed activity is being evaluated for 404 LOP authorization and prepare a 404 LOP Notice to include the complete application and all appropriate supporting documents for review to the appropriate agencies (i.e., U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Coast Guard, National Marine Fisheries Service; Protected Resource Division and Habitat Conservation Division, Mississippi Environmental Protection Agency, Mississippi Department of Marine Resources: Wetland Permitting and Beneficial Use Coordinator, Mississippi Department of Archives and History) and adjacent property owners for a 15 day review and comment period.
5. The District will review the comments received and, if otherwise complete, make a determination within 30 calendar days after the close of the comment period as to whether 404 LOP authorization is warranted, and whether special case-specific conditions are needed. If the activity meets the criteria for the 404 LOP authorization and will have an overall minimal effect on aquatic resources and the human environment, a 404 LOP would be issued for up to a 10-year period.
6. If at any time during the process the District determines the activity may not be authorized by a 404 LOP, the District will notify the applicant, terminate the 404 LOP process, and proceed to an alternate permitting process (Nationwide Permit, General Permit, or Standard Permit).
7. A 404 LOP will not be issued until and unless all necessary certifications, consultations and/or authorizations have been completed and/or issued.

[SAM-2023-00297-KMN; WQC2024014].

MDEQ 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 channel depth shall gradually increase toward open water and shall not exceed the controlling navigational depth. No “sumps” shall be created by proposed dredging. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)

2. Best management practices should be used at all times during construction to minimize turbidity at both the dredge and spoil disposal site. The disposal sites shall be constructed and maintained in a manner that minimizes the discharge of turbid waters into waters of the State. Best management practices should include, but not limited to, the use of staged construction and the installation of turbidity screens around the immediate project site. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
3. The permittee must obtain all other required permits from the Permit Board prior to commencing work on the project, unless the activity is exempted from permit requirements by a regulation promulgated by the Commission in accordance with Miss. Code Ann. 49-17-29 (2)(b). (Statement A, E, & H) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
4. All material placed for beneficial use shall be properly tested and analyzed as required in the attached, "Requirements for Beneficial Use Testing and Suitability Determination." (Statement A) (11 Miss. Admin. Code Pt. 6, Chapter 2)
5. 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.(3))
6. 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 MEQ 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.

MDEQ 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

cc: Kaaren Neumann, U.S. Army Corps of Engineers, Mobile District  
Jamie Becker, Environmental Protection Agency, Region 4  
Jared Harris, Mississippi Department of Marine Resources  
Willa Brantley, Mississippi Department of Marine Resources  
Paul Necaise, U.S. Fish and Wildlife Service

## Requirements for Beneficial Use Testing and Suitability Determination\*

Analyte (Testing Method)	General Use Districts		Commercial Fishing and Recreational Marina Districts	Industrial Use Districts
	"G" Districts		"C" Districts	"I" Districts
	Outside Escatawpa River Drainage Area	Within Escatapwa River Drainage Area <sup>1</sup>		
Mercury (EPA 7000 Series Method)	No Testing Required		X	X
Metals (EPA 6000 Series Method)			X	X
Dioxins and Furans (EPA Method 8290) <sup>2</sup>		X	X	X
10-Day Sediment Toxicity Testing (EPA/600/R-94/025) <sup>3</sup>		X	X	X

\*Suitability for beneficial use will be determined by the laboratory results of the analytes in this table.

<sup>1</sup>See attached maps of area where additional testing is required.

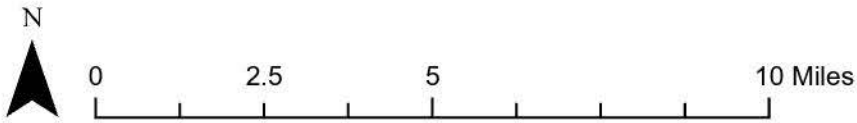
<sup>2</sup>Dioxins and Furans must be less than or equal to 22.23 ng/kg to be suitable for Beneficial Use (TEQ; EPA/100/R-10/005 December 2010).

<sup>3</sup>Methods for Assessing the Toxicity of Sediment-associated Contaminants with Estuarine and Marine Amphipods (*Leptocheirus plumulosus*; mortality more than 10% greater in test treatments versus the control are not suitable for Beneficial Use).



# Hancock County

- C
- G
- I
- P-1



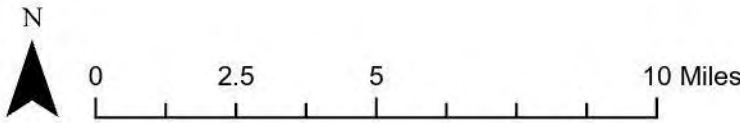
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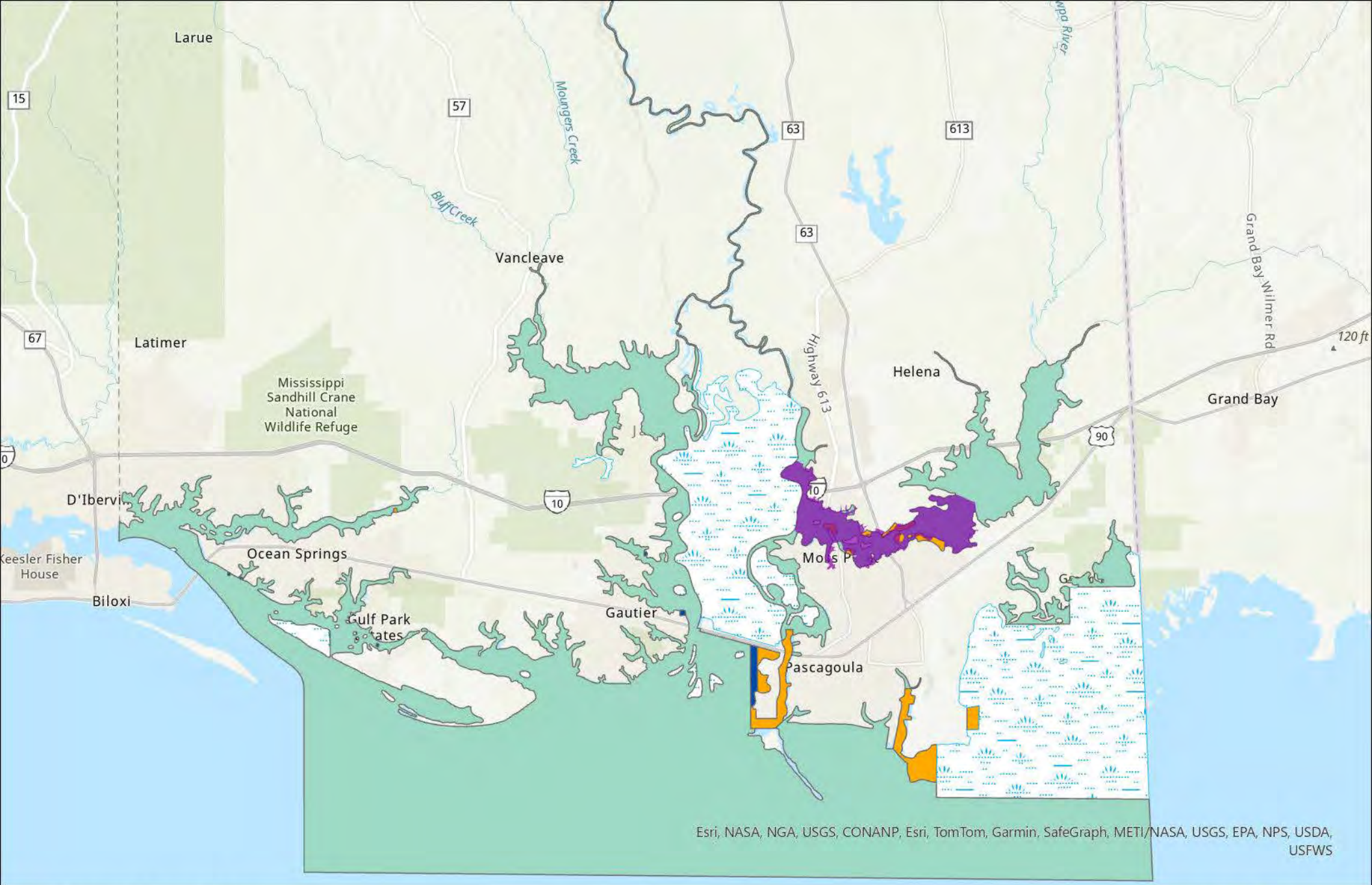
Esri, NASA, NGA, USGS, FEMA, CONANP, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA, USFWS

# Harrison County

- C
- G
- I
- P-1








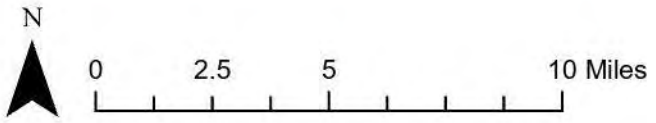
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Esri, NASA, NGA, USGS, CONANP, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA, USFWS

### Jackson County

-  Additional\_Testing
-  C
-  G
-  I
-  P-1



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