



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

July 5, 2023

Mr. Jared Harris
Mississippi Department of Marine Resources
1141 Bayview Avenue
Biloxi, Mississippi, 39530

Dear Mr. Harris:

Re: Mississippi Department of Marine
Resources
Cat Island Beneficial Use Site
Harrison County
COE No. SAM20220356KMN
WQC No. WQC2023010

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Office of Pollution Control (OPC) issues this Certification, after public notice and opportunity for public hearing, to Mississippi Department of Marine Resources, an applicant for a Federal License or permit to conduct the following activity:

Mississippi Department of Marine Resources, Cat Island Beneficial Use Site: Project to restore and create sand dune and marsh habitat at the southeastern tip of Cat Island that is similar to existing littoral habitats located on the southern and eastern shore of Cat Island, while also providing beneficial use (BU) capacity for dredged material from future dredging projects. The site will be located within the Mississippi Sound at the southeast end of Cat Island and approximately 9 miles southeast of Pass Christian, Mississippi. The U.S. Army Corps of Engineers (USACE) performed a beach and dune fill project on the eastern shore of Cat Island in 2017. The State-owned water bottoms were filled to an elevation above the mean high waterline which remain State-owned. The National Park Service (NPS) owns the land adjacent to state lands. The 660-acre restoration project would not tie into NPS lands and will only tie into the previous USACE restoration project. The 660-acre project site will be created in two phases and dredged material for construction of all portions of the project will be obtained from off-site locations. [SAM20220356KMN, WQC2023010].

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The Office of Pollution Control 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. No sumps shall be created in open waters by proposed placement of dredge spoil material. The water bottom elevations shall gradually decrease to open water. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
2. 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. Further information may be obtained from the chief of the Water Quality Modeling Branch with the Surface Water Division of the Office of Pollution Control. (Statement C & D) (11 Miss. Admin. Code Pt. 6, R. 1.1.1 B.)
3. The permittee shall contact the Department for further consultation regarding testing protocols for dredged material obtained from waterways affected by a CERCLA/Uncontrolled Site identified by the Groundwater Assessment and Remediation Division. Further information may be obtained from the chief of the Brownsfield Branch within the Groundwater Assessment and Remediation Division of the Office of Pollution Control. (Statement C & D) (11 Miss. Admin. Code Pt. 6, R. 1.1.1 B.)
4. Best management practices should be used at all times during construction to minimize turbidity at the restoration sites. The restoration sites shall be constructed and maintained in a manner that minimizes the discharge of turbid waters into waters of the Mississippi Sound and surrounding waters. Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
5. Sediment testing for approval of material placement shall be done in accordance with protocols established by the Beneficial Use Group as part of the Beneficial Use Program within the Department of Marine Resources. (Statement C & D) (11 Miss. Admin. Code Pt. 6, R. 1.1.1 B.)
6. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units. The turbidity within the beneficial use restoration project areas may reasonably exceed this turbidity standard for temporary periods of time and shall not result in permanent environmental harm. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 2.2.A)
7. 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))

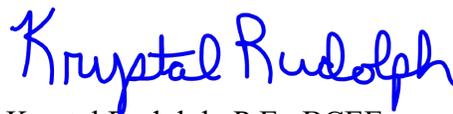
As part of the Scope of Review for Application Decisions, 11 Mississippi Administrative Code Part 6, Rule 1.3.4(B), the above conditions are necessary for the Department to ensure that appropriate measures will be taken to eliminate unreasonable degradation and irreparable harm to waters of the State, 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. Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.
- C. The proposed activity in conjunction with other activities may result in adverse cumulative impacts.
- D. The proposed activity results in significant environmental impacts which may adversely impact water quality.

The Office of Pollution Control 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 Mr. Thomas Schaub.

Sincerely,



Krystal Rudolph, P.E., BCEE
Chief, Environmental Permits Division

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cc: Ms. Kaaren Neumann, U.S. Army Corps of Engineers, Mobile District
Ms. Willa Brantley, Department of Marine Resources
Mr. Paul Necaise, U.S. Fish and Wildlife Service
Ms. Jamie Becker, Environmental Protection Agency
Ms. Renee Roberston, Anchor QEA