



**STATE OF MISSISSIPPI  
TATE REEVES  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

September 11, 2024

Ms. Marybeth Bergin  
City of Hattiesburg  
Director of Transportation & Engineering  
212 W. Front St.  
Hattiesburg, MS 39401

Dear Ms. Bergin:

Re: City of Hattiesburg  
Lincoln Road Stormwater Detention Facility  
COE No. SAM-2023-00710-CSP  
WQC No. WQC2024044

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 the City of Hattiesburg, an applicant for a Federal License or permit to conduct the following activity:

City of Hattiesburg: Applicant proposes to impact 7.91 acres of wetlands associated with the construction of a storm water retention facility located at the intersection of S. 28th Avenue and Lincoln Road in Hattiesburg, Forrest County, Mississippi. The project is proposed to alleviate flooding downstream and potentially remove 85 and 120 structures from the 100-year flood plain. The project site is approximately 47 acres in size of which 15.09 acres have been identified as wetlands. The retention basin is proposed to encompass approximately 15 acres in area and have a depth of 10 feet. Storm water retained on the site would return to Gordon's Creek via two 48-inch pipes after flood flows recede. Impacts include filling 0.084 acre of bottomland hardwood wetlands for the construction of an access road and excavation/grading of 7.82 acres of bottomland hardwood wetlands for construction of the retention basin. Construction of the facility would involve excavation of approximately 250,000 cubic yards of soil. The basin is proposed to inundate for brief periods and would be allowed to re-vegetate and still provide some wetland functions. Approximately 7.18 acres of wetlands, 711 linear feet of perennial stream, 0.89-acre of other waters, and two intermittent stream segments totaling 365 linear feet have been avoided. The applicant proposes to provide in-kind compensatory mitigation through a mitigation bank [SAM-2023-00710-CSP, WQC2024044].

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. Appropriate best management practices (BMPs) 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 offsite and into adjacent waters. 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.)
2. For construction projects five (5) acres or greater or less than five (5) acres if part of a "larger common plan of development or sale" of total ground disturbances including clearing, grading, excavating, or other construction activities shall follow the conditions and limitations of the Large Construction General Permit. No construction activities shall begin until the necessary approvals and/or permits have been obtained. Construction activities include a disturbance to the land that results in the change in topography, existing soil cover (both vegetative and non-vegetative), or the existing topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
3. Mitigation for the impacts of excavating 7.82 and filling 0.1 acres of freshwater emergent wetlands on the site shall be provided by the purchase of mitigation credits from an approved mitigation bank within the State of Mississippi. The number of credits must be in accordance with banking prospectus and be based upon that required for impacting 7.92 acres of freshwater emergent wetlands. Written verification of credit purchase must be provided to the Office of Pollution Control prior to the commencement of any work in the wetland areas. (Statement E) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
4. 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))
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 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 Carrie Barefoot.

Sincerely,



Becky Simonson  
Environmental Permits Division

BS: mb: po

cc: Christopher Pickering, U.S. Army Corps of Engineers, Mobile District  
Bart Pittman, Pittman Environmental Services, LLC  
Shea McNease, Engineer, Shows Dearman & Waits Inc