



STATE OF MISSISSIPPI  
TATE REEVES  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

February 25, 2025

Mr. John Clancy  
Lemoyne Landing Development, LLC  
4503 Marburg Avenue  
Cincinnati, Ohio 45209  
[john@planetgyms.com](mailto:john@planetgyms.com)

Dear Mr. Clancy:

Re: Lemoyne Landing Development, LLC  
Jackson County  
COE No. SAM202400273CSP  
WQC No. WQC2024054

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 Lemoyne Landing Development, LLC, an applicant for a Federal License or permit to conduct the following activity:

Lemoyne Landing Development, LLC: Project to fill 32.96 acres of wetlands and 0.53-acres of other waters (streams) associated with the construction of a commercial retail development off Mallett Road in Jackson County, Mississippi. The total project site is approximately 59.80 acres in size of which 35.97 acres have been identified as wetlands and 0.59 acre (3,403 linear feet (lf)) of stream (1,125 lf of perennial, 1,615 lf of intermittent and 663 lf of ephemeral streams). Impacts include clearing and filling 32.96 acres of wetlands and filling and piping approximately 3,088 linear feet of stream. The applicant proposes to provide in-kind compensatory mitigation through a mitigation bank [SAM-2024-00478-APS, WQC2024052].

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 development shall connect to an MDEQ approved wastewater collection and treatment system. All wastewater, including process wastewater, shall be properly

treated and disposed in accordance with 11 Mississippi Administrative Code Part 6, Chapter 1. (Statement G) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)

2. 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 into adjacent avoided wetland 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.)
3. For construction projects five (5) acres or greater 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)
4. The final post-construction stormwater management plan submitted by MP Design Group on December 2, 2024, with subsequent revisions, shall be implemented concurrent with project construction and maintained as proposed. (Statement F) (11 Miss. Admin. Code Pt. 6, R.1.3.4.A (9))
5. Mitigation for the impacts of 32.96 acres of wetlands and 0.53-acres of other waters (streams) shall be provided by the purchase of mitigation credits from an approved mitigation bank. The number of credits must be in accordance with banking prospectus and be based upon that required for impacting 32.96 acres of wetlands and 0.53-acres of other waters (streams). Written verification of credit purchase must be provided to MDEQ prior to the commencement of any work in the wetland or stream areas. (Statement E) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
6. 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))
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 MDEQ 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

BS:chb

cc: Chris Pickering, U.S. Army Corps of Engineers, Mobile District  
Alyssa Timbs, Department of Marine Resources  
Paul Necaise, U.S. Fish and Wildlife Service  
Jamie Becker, Environmental Protection Agency  
Mitch Tinsley, Ecological Asset Management, LLC  
Jack Schmidt, MP Design Group