



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

November 13, 2019

Certified Mail No. 7019 1120 0000 4788 7043

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

Dear Mr. Harris:

Re: Mississippi Department of
Marine Resources, Beardslee
Lake Beneficial Use
Jackson County
COE No. SAM201900237JRO
WQC No. WQC2019064

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, Beardslee Lake Beneficial Use: The applicant, Mississippi Department of Marine Resources, is proposing to fill 18 acres of open water. The purpose of this project is to construct a Beneficial Use (BU) site that will develop into a 18 acre coastal marsh habitat. The BU site will serve the three coastal counties as a location to place dredged material. The proposed BU site is located in Beardslee Lake in Jackson County. For this project to be completed, an earthen berm and a rip rap containment berm, which will be 1,200 linear feet and 280 linear feet, respectively, will be constructed. The earthen berm will consists of sand material that is raised to an elevation of +5.9 feet MLLW, and the rip rap containment berm will be raised to an elevation of +7.7 feet MLLW. [SAM201900237JRO, WQC2019064].

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.
2. All fill material and excavated areas shall have side slopes of 3:1 (horizontal:vertical) or flatter and shall be immediately seeded, stabilized, and maintained.
3. 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.
4. 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. Further information may be obtained from the chief of the Brownfields Branch within the Groundwater Assessment and Remediation Division of the Office of Pollution Control.
5. 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. Best management practices should include, but not limited to, staked filter cloth; sodding, seeding and mulching; staged construction; and the installation of turbidity screens around the immediate project site.
6. 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.
7. 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.

8. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

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 Graham Watson at (601) 961-5148.

Sincerely,



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

KR: bgw

cc: Mr. Jeremy Overstreet, U.S. Army Corps of Engineers
Mr. Greg Christodoulou, Department of Marine Resources
Mr. Paul Necaie, U.S. Fish and Wildlife Service
Mrs. Molly Martin, Environmental Protection Agency