



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

January 6, 2020

Certified Mail No. 7019 1120 0000 4789 1934  
Ms. Sandy Feathers  
Jackson County Port Authority  
P.O. Box 70  
Pascagoula, Mississippi 39568

Dear Ms. Sandy Feathers:

Re: Jackson County Port Authority,  
MPITC Rail Line  
Jackson County  
COE No. SAM201801204RCV  
WQC No. WQC2019028

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 Jackson County Port Authority, an applicant for a Federal License or permit to conduct the following activity:

Jackson County Port Authority, MPITC Rail Line: New rail connection to connect to the existing rail line just south of the Escatawpa River and the rail line is located within the MPITC. The total wetland impact for the project would be 4.89 acres. Approximately 20,589 cubic yards of fill material will be used during construction of the rail line through the estuarine wetlands and forested wetlands. Mitigation will be provided through the purchase of credits from an approved mitigation bank for unavoidable impacts to 1.16 acres of forested wetland. A permittee responsible mitigation plan has been developed for the impacts to tidal estuarine wetlands (3.73 acres). The project is located in Moss Point, Jackson County, Mississippi. [SAM201801204RCV, WQC2019028].

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. All fill material and excavation areas shall have side slopes of at least 3:1 (horizontal: vertical) and shall be immediately seeded, stabilized and maintained.

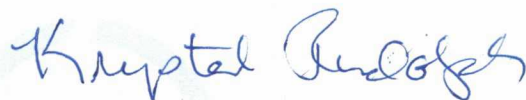
2. Appropriate best management practices (BMPs) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas and/or waters. Special care shall be taken to prevent the movement of sediment into adjacent wetland areas. In the event of any BMP failure, corrective actions shall be taken immediately.
3. For projects with ground disturbances that total five acres or more including clearing, grading, excavating or other construction activities, the applicant shall obtain the necessary coverage under the State of Mississippi's Large Construction Storm Water General NPDES Permit. No construction activities shall begin until the necessary approvals and/or permits have been obtained.
4. Mitigation for the impacts of 1.16 acres of wetlands, 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 should be based upon that required for impacting 1.16 acres of wetland. **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.**
5. The approved mitigation plan submitted by Compton Engineering, Inc. on behalf of Jackson County Port Authority for the unavoidable impacts to the waters of the State shall be implemented as proposed. The mitigation area shall be placed in a conservation easement or restrictive covenant. The covenant shall be properly recorded in the Miscellaneous Document Book, with the Registrar of Deeds, or with another appropriate official charged with the responsibility of maintaining records of title to and interest in real property within six months of the effective date of the authorization. A certified copy of the covenants must be furnished to the Office of Pollution control within 30 days of the recording. The covenant shall contain:
  - a. There should be no removal, destruction, cutting, mowing, application of biocides, or disturbance or other change in the vegetation in the conservation zone other than practices outlined in the management plans.
  - b. There shall be no agricultural, commercial, or industrial activities allowed in the conservation zone.
  - c. There shall be no construction or placement of buildings, or other structures in the mitigation area other than structures for wildlife enhancement, viewing, or scientific study.

- d. There shall be no construction of roads in the conservation zone. This does not include foot trails for educational use. No motorized vehicles (to include off-road and four-wheel drive vehicles) shall be allowed on said site.
6. 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 Joseph Paige.

Sincerely,



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

KR: JP

cc: Rudolph C. Villarreal, U.S. Army Corps of Engineers, Mobile District  
Greg Christodoulou, Department of Marine Resources  
David Felder, U.S. Fish and Wildlife Service  
Molly Martin, Environmental Protection Agency  
Lisa Morrison, Compton Engineering