



STATE OF MISSISSIPPI

TATE REEVES

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, INTERIM EXECUTIVE DIRECTOR

October 16, 2020

Sun States Development
c/o Craig Bounds
723 Howard Avenue
Biloxi, Mississippi 39530

Dear Mr. Bounds:

Re: Fox Ridge
Jackson County
COE No. SAM200601649MFM
WQC No. WQC2019047

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, Sun States Development, an applicant for a Federal License or permit to conduct the following activity:

Fox Ridge: The applicant proposes to fill 15.3 acres of wetlands for the construction of a mixed use development containing one commercial/office site, two multi-family sites comprising of 500+/- units, and one retirement community site. The proposed work involves clearing, grading, excavating, and filling the wetland and forested area to construct the development complex. [SAM200601649MFM, WQC2019047].

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. 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.
3. The final post-construction Storm Water Pollution Prevention Plan (SWPPP) submitted by Kyle Associates, LLC dated January 7, 2020 and revised August 11, 2020, and received by MDEQ on August 11, 2020 shall be implemented concurrent with project constructed and maintained as proposed.
4. It is acknowledged that the applicant purchased 47.07 mitigation credits to offset wetland impacts of 15.3 acres. Written verification of the final purchase must be provided to the Office of Pollution Control prior to the commencement of any work in the wetland areas.
5. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
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 Daniel Anderson.

Sincerely,



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

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cc: Mr. Philip A. Hegji, U.S. Army Corps of Engineers -Mobile District
Mr. Greg Christodoulou, Department of Marine Resources
Mr. Paul Necaise, U.S. Fish and Wildlife Service
Mrs. Molly Martin, Environmental Protection Agency
Mr. Franklin Kyle, III, Agent