



**STATE OF MISSISSIPPI**  
**TATE REEVES**  
**GOVERNOR**  
**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**CHRIS WELLS, EXECUTIVE DIRECTOR**

March 12, 2021

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. SAM202100025RCV  
WQC No. WQC2021002

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

Jackson County Port Authority, MPITC Rail Line: The proposed work is a new rail connection that will connect the existing rail line just south of the Escatawpa River and the rail line that is located within the MPITC. The proposed construction length of new rail is over approximately 2,852 feet of estuarine wetlands and 807 feet of uplands. By using elevated construction methods, the impact to the marsh wetland is greatly reduced with fill going in only at the abutments to the elevated sections and short section of marsh (approximately 413 linear feet). The total impact for the revised footprint is approximately 39,261 square feet (0.9 acres) and will require 2,649 net cubic yards of fill. [SAM202100025RCV, WQC2021002].

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:

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1. The development shall connect to an Office of Pollution Control approved wastewater collection and treatment system. (Statement C) (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 B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
3. All fill material and excavation areas shall have side slopes of 3:1 (horizontal:vertical) or flatter and shall be immediately seeded, stabilized and maintained. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
4. The Post Construction Water Quality Plan submitted on December 14, 2020, shall be implemented concurrent with project construction and maintained as proposed. (Statement D) (11 Miss. Admin. Code Pt. 6, R. 1.3.4 A (9))
5. Mitigation for the impacts of 0.90 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 0.90 acres of 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 or stream areas. (Statement D) (11 Miss. Admin. Code Pt. 6, R. 1.3.4 A (2))
  - a. MDEQ acknowledges that JCPA has already purchased 3.48 credits from Wetland Solutions mitigation bank for mitigation for impacts to the original footprint, which impacted 1.16 acres of wetlands. JCPA can use those purchased credits for this revised footprint.

6. 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:  
(Statement D) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
  - 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.
7. 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.)
8. 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))

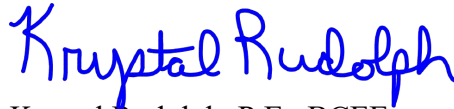
As part of the Scope of Review for Application Decisions, 11 Mississippi Administrative Code Part 6, Rule 1.3.4(B), the above conditions are necessary for the Department to ensure that appropriate measures will be taken to eliminate unreasonable degradation and irreparable harm to waters of the State, 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) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.
- (C) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.
- (D) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.

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 Cevion Span.

Sincerely,



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

KR: cs

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