



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

July 22, 2021

Mr. Thomas Stewart  
15020 Haven Cove  
Gulfport, Mississippi 39503

Dear Mr. Stewart:

Re: Stewart, Thomas, Private Access  
Road Gulf Haven Subdivision  
Harrison County  
COE No. SAM202100322  
WQC No. WQC2021017

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, Thomas Stewart, an applicant for a Federal License or permit to conduct the following activity:

Thomas Steward Private Access Road Gulf Haven Subdivision: Discharge of dredge and/or fill material into jurisdictional wetlands for the construction of a driveway. The applicant is proposing to construct a 100 feet by 14 feet driveway to access the back of their lot from Longwood Lane. The construction would involve the fill of 0.032 acres of forested wetlands. The impacts to these wetlands will add to the 0.498 acres of wetland impacts in Gulf Haven Subdivision permitted under SAM-2006-02220-TMZ. Approximately 50 cubic yards of clay fill material would be placed within the wetlands. The applicant proposes to mitigate for the unavoidable loss of jurisdictional impacts through the purchase of credits from an approved mitigation bank. The site is located in Gulfport, Harrison County, Mississippi. [SAM202100322, WQC2021017].

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. 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. (Statement B) (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. 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., 11 Miss. Admin. Code Pt. 6, R. 1.3.4.B(7))
  
3. Mitigation for the impacts of 0.032 acres of wetlands shall be provided by the purchase of mitigation credits jurisdictional wetlands shall be provided from an approved mitigation bank. The number of credits purchased must be in accordance with the banking prospectus and should be based upon that required for permanently impacting approximately 0.032 acres of jurisdictional 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 areas. (Statement C) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
  
4. 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))
  
5. 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)

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) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.
- (C) The proposed activity results in significant environmental impacts which may adversely impact water quality.

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 Montie Hardaway Glenn at (601) 961-5596.

Sincerely,



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

KR: mhg

cc: Angela Rangel, U.S. Army Corps of Engineers, Mobile District  
Jennifer Wilder, Department of Marine Resources  
Paul Necaie, U.S. Fish and Wildlife Service  
Molly Martin, Environmental Protection Agency