



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

January 30, 2023

Chris Pickering
U.S. Army Corps of Engineers, Mobile District
P.O. Box 2288
Mobile, Alabama 36628

Dear Mr. Pickering:

Re: US Army COE, Mobile District,
MS General Permit 8
Harrison County
COE No. SAM202200083CSP
WQC No. WQC2022044

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 U.S. Army Corps of Engineers, Mobile District, an applicant for a Federal License or permit to conduct the following activity:

US Army COE, Mobile District, MSGP-08-New Work Channel

Dredging: This permit authorizes new work dredging of open water channels for navigation access.

Dredging Limits:

- All dredging authorized shall not exceed 1,000 cubic yards of material removed below the plane of mean high water (MHW) or ordinary high water (OHW). Authorization under this permit is limited to open water channels for navigation access and must be a single and complete project.
- Dredging depth must be no greater than that of the controlling navigational depth of the adjacent waters and dredge depths shall not exceed six (6) feet below mean low water or ordinary low water.

Best Management Practices: Best management practices must be used at all times during construction to minimize turbidity at both the dredge and spoil sites. Methods should include, but not be limited to, the use of staked hay bales; staked filter cloth; sodding, seeding and mulching; staged construction;

and the installation of turbidity screens around the immediate project site. Any effluent from the disposal area should be routed through a return swale system and filtered through a series of hay bales and silt fences so as to reduce the turbidity of the effluent. Additional best management practices, as required by Mississippi Department of Environmental Quality, will apply regarding the return water from the disposal area.

Disposal Area:

- All dredged material must be properly confined in a specified upland area or an approved Beneficial Use for Dredged Material project site, unless otherwise authorized by the Mobile District. For a list of Beneficial Use project sites, please contact MDMR, Office of Coastal Resource Management.
- Spoil disposal areas shall be immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.
- Disposal on sand beaches is prohibited.

Hydrographic Survey: Pre- and post-dredging hydrographic surveys, SAV surveys, and/or shellfish surveys may be required based on site-specific conditions and the likelihood that important aquatic resources or special aquatic sites could be present.

Fill Material: Dredging for the purposes of obtaining fill material is not authorized under this permit; however, use of dredged material as fill is not prohibited.

Special Aquatic Sites:

- No dredging of wetlands, submerged grassbeds, or shellfish beds is authorized (exceptions may be made for noxious, invasive, or exotic vegetation, as determined or verified by staff, in man-made waterbodies).
- A minimum 10-foot buffer must be maintained between the proposed work area and wetlands and a 3:1 (horizontal: vertical) side slope or flatter must be maintained unless protected by separately authorized low-profile, flow-through, or solid bulkhead structures.

Prohibited Activities: This permit does not authorize the connection of canals or other artificial waterways to navigable waters of the United States.

[SAM202200083CSP,WQC2022044].

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. The channel depth shall gradually increase toward open water and shall not exceed the controlling navigational depth. No “sumps” shall be created by proposed dredging. (11 Miss. Admin. Code Pt. 6, Rule 1.3, Exhibit B.I.E.4) (Statement A)
2. 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. (11 Miss. Admin. Code Pt. 6, R. 1.3.1.B(7)) (Statement A)
3. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units. (11 Miss. Admin. Code Pt. 6, R. 2.2.A.) (Statement A)
4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse. (11 Miss. Admin. Code Pt. 6, R. 2.2.A.(3)) (Statement 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.

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 Carrie Barefoot.

Sincerely,



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

KR: fb

cc: Dylan Hendrix , U.S. Army Corps of Engineers, Mobile District
Willa Brantley, Department of Marine Resources
Jamie Becker, Environmental Protection Agency