



**STATE OF MISSISSIPPI  
TATE REEVES  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

May 5, 2023

Mr. Ryan Goldin  
Florence Gardens, LLC  
12321 Preservation Drive  
Gulfport, Mississippi 39507

Dear Mr. Goldin:

Re: Florence Gardens Subdivision  
Harrison County  
COE No. SAM202200608RCV  
WQC No. WQC20220053

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 Florence Gardens, LLC, an applicant for a Federal License or permit to conduct the following activity:

Forest Ridge, Phase 2: Proposed fill of 1.35 acres of wetlands for a new phase of a residential subdivision. The impacts are needed for construction of roadways, residential lots, and other development features. The receiving stream for the project is Fritz Creek. Mitigation would include the purchase of credits from an approved mitigation bank. [SAM202200608RCV, WQC20220053].

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 development/facility shall connect to an Office of Pollution Control approved wastewater collection and treatment system. No construction shall begin until all wastewater approvals are obtained (Statement C)(11 Miss. Admin Code Pt. 6, R. 1.1.1.B.)

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2. 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.)
3. 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, 6 1.1.1.B.)
4. Coverage under a Stormwater Construction General NPDES Permit shall be obtained prior to the start of construction activities. No construction activities shall begin until such approvals are obtained (Statement B) (11 Miss Admin. Code Pt. 6, R. 1.1.1.B.)
5. The Post-Construction Stormwater Quality Management Plan for the project shall be implemented and maintained as proposed, received April 3, 2023 from BMA Brown, Mitchell, and Alexander, Incorporated. (Statement B) (11 Miss. Admin Code Pt. 6, R. 1.1.1.B.)
6. Mitigation for the impact of 1.35 acres of wetlands associated with the project shall be provided through the purchase of mitigation credits from an approved mitigation bank. (Statement C) (11 Miss. Admin Code Pt. 6, R. 1.1.1.B.)
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 D) (11 Miss Admin Code Pt 6, R. 1.3.4 A(2))
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) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.
- (B) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.

- (C) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.
- (D) 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 of 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: Rudy Villarreal, U.S. Army Corps of Engineers, Mobile District  
Willa Brantley, Department of Marine Resources  
Jamie Becker, Environmental Protection Agency  
Nick Gant, BMA Brown, Mitchell and Alexander, LLC