



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHRIS WELLS, EXECUTIVE DIRECTOR

November 14, 2023

Mr. Johnny McBride
South Cherry Tree Development, LLC
1361 Nesbit Drive
Nesbit, Mississippi 38651

Dear Mr. McBride:

Re: South Cherry Tree Development, LLC
Delta Landing Subdivision
Desoto County
COE No. MVK-2023-482
WQC No. WQC2023046

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Mississippi Department of Environmental Quality (Department) issues this Certification, after public notice and opportunity for public hearing, to South Cherry Tree Development, LLC – Delta Landing Subdivision, an applicant for a Federal License or permit to conduct the following activity:

South Cherry Tree Development, LLC – Delta Landing Subdivision: Project to construct a combination residential/retail development on a 251-acre parcel to be located on the west side of McIngvale Road and south of Pleasant Hill Road within Hernando, Desoto County, Mississippi. The project will be a Planned Unit Development (PUD) with residential home sites, mixed-use buildings with lofts and ground-floor retail, and other types of buildings along with green space and other amenities included. Home sites will range from 6,000 to 12,000 square feet in size and green spaces will account for about 20 percent of the gross residential areas. The applicant's stated purpose of the project is to accommodate the increased consumer demand for mixed-use properties.

On-site activities will consist of clearing and grubbing, curb and gutter roadway installation, drainage pipe installation, and utility installation for residential and commercial buildings. The 251-acre site contains 2,302.42 linear feet of perennial streams, 2,989.19 linear feet of intermittent streams, and 6,346.81 linear feet of ephemeral streams, 1.27 acres of forested wetlands, and 0.09 acre of other waters. Construction of the project will result in the filling of 4,755.99 feet of ephemeral streams, piping of 234.29 feet of ephemeral streams, piping of 554.78 linear feet

of intermittent streams, and filling of 0.06 acre of pond [MVK-2023-482, WQC2023046].

The Department 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 shall connect to a Department approved wastewater collection and treatment system. All wastewater, including process wastewater, shall be properly treated and disposed in accordance with 11 Mississippi Administrative code Part 6, Chapter 1. (Statement G) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
2. For construction activities, 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 offsite and into adjacent avoided wetland areas and adjacent waters. In the event of any BMP failure, corrective actions shall be taken immediately. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
3. For construction projects five (5) acres or greater of total ground disturbances including clearing, grading, excavating, or other construction activities shall follow the conditions and limitations of the Large Construction General Permit. No construction activities shall begin until the necessary approvals and/or permits have been obtained. Construction activities include a disturbance to the land that results in the change in topography, existing soil cover (both vegetative and non-vegetative), or the existing topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
4. Personnel or an assigned subcontractor, having the authority to stop work on the project, shall visit the site daily on each day that work is occurring to observe work activity and permit compliance. Should a violation of certification conditions occur, the Department shall immediately be notified, and corrective actions should be outlined as required. (Statement A) (11 Miss. Admin. Code Pt. 6, R.1.1.1.A(55))
5. The final post-construction Stormwater Management Plan submitted by Headwaters, Inc. via Civil-Link, LLC dated November 6, 2023, shall be implemented concurrent with project construction and maintained as proposed. or

sedimentation basins that are to be converted to be utilized as a part of the post-construction stormwater management plan, basin volumes shall be checked, and excess sediment removed from the basins prior to termination of Large Construction Stormwater General Permit. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)

6. Mitigation for impacts will be accomplished along the relocated ephemeral streams where vegetative buffers will be maintained. These buffers shall be planted with native hardwood species that are found in the affected ecoregions. (Statement E) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
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) There is a feasible alternative to the activity which reduces adverse consequences on water quality and classified or existing uses of waters of the State.
- (C) The proposed activity adversely impacts waters containing State or federally recognized threatened or endangered species.
- (D) The proposed activity adversely impacts a special or unique aquatic habitat, such as National or State Wild and Scenic Rivers and/or State Outstanding Resource Waters.
- (E) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.
- (F) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.

(G) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.

(H) The proposed activity results in significant environmental impacts which may adversely impact water quality.

The Department 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: chb

cc: Emily Sullivan, U.S. Army Corps of Engineers, Vicksburg District
Jamie Becker, Environmental Protection Agency
Cullen Dendy, Headwaters, Inc.
Nick Kreunen, Civil-Link, LLC