



**STATE OF MISSISSIPPI**  
TATE REEVES  
GOVERNOR

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**  
CHRIS WELLS, EXECUTIVE DIRECTOR

June 5, 2024

Noelle Garrity  
A1 Development, LLC  
406 Wulff Drive  
Ocean Springs, Mississippi 39564

Dear Ms. Garrity:

Re: A1 Development, LLC  
Old Hwy 67 Commercial  
Development, Woolmarket  
Harrison County  
COE No. SAM201900726MGS  
WQC No. WQC2021020

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, A1 Development, LLC, an applicant for a Federal License or permit to conduct the following activity:

A1 Development, LLC – Old Highway 67 Commercial Development: Proposed project to fill 2.71 acres of wetlands associated with the construction of a mixed-use commercial development at the intersection of Woolmarket Road and Old Highway 67, in Biloxi, Harrison County, Mississippi. The total project site is approximately 18.35 acres in size of which 16.5 acres have been identified as wetlands. The applicant proposes to provide in-kind compensatory mitigation through an accredited mitigation bank [SAM201900726MGS, WQC2021020].

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 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. 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 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. A site-specific Stormwater Pollution Prevention Plan (SWPPP) shall be developed and implemented as required under the Small Stormwater Construction NPDES General Permit prior to the start of construction activities. A copy of the site-specific SWPPP and Notice of Intent shall be kept on-site and available for inspection upon request. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
4. The final post-construction Stormwater Management Plan submitted by Dennis Stieffel & Associates, P.A. on April 7, 2023, shall be implemented concurrent with project construction and maintained as proposed. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
5. Mitigation for the impacts to 2.71 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 2.71 acres of wetlands. **Written verification of credit purchase must be provided to the Department prior to the commencement of any work in the wetland or stream areas.** (Statement E) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
6. 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.)
7. 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 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,



Becky Simonson  
Chief, Environmental Permits Division

BS: chb

cc: Maryellen Farmer, U.S. Army Corps of Engineers, Mobile District  
Willa Brantley, Department of Marine Resources  
Jamie Becker, Environmental Protection Agency  
Dana Sanders, Jr., Sanders Environmental, LLC  
Dennis Stieffel, Dennis Stieffel & Associates, P.A.