



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

August 28, 2024

Mr. Matthew Hosey
Jackson County Board of Supervisors
2915 Canty Street
Biloxi, Mississippi 39532

Dear Mr. Hosey:

Re: Jackson County Board of Supervisors
Saint Martin Bayou Dredging
Lorraine Circle
Jackson County
COE No. SAM202301095RCV
WQC No. WQC2024003

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 the Jackson County Board of Supervisors, an applicant for a Federal License or permit to conduct the following activity:

Jackson County Board of Supervisors, Saint Martin Bayou Dredging, Lorraine Circle: Proposed project includes the mechanical dredging of silt and sandy silt from Lorraine Circle Bayou at the following alignment:

- Alignment = 1,779 LF Long, Sta 0+00 – 17+79 x 15' Wide @ -5' MLLW Depth with 3:1 Side Slopes with an estimate of 5,600 CY of dredge material

The channel width is 15' subject to the existing width of bayous. The current depths range from approximately -2' MLLW to -6' MLLW. Areas of alignments deeper than -5' MLW will not be dredged.

Dredging will be performed via mechanical equipment and barged to an approved disposal site. If required, a Sediment Testing Plan of the proposed dredge material will be prepared and submitted to the Mississippi Department of Marine Resources for review and approval. Upon approval, sediment testing will be

completed for determination of suitability for disposal in the proposed Deer Island site MDMR Beneficial Use Disposal Site. If this site is not available at the time of permitting, material will be disposed of at the Harrison County Development Commission Disposal Area C-1 located in the Industrial Seaway (DMR Permit #070158 MDEQ #24320 & WQC20120001) or at an approved upland Class I or Class II Rubbish Disposal Site or other site deemed acceptable to receive such dredge spoils. If an upland site is used, the dredge material, mostly silt and sandy silt, will require dewatering and said location will be identified at such time contractor has been awarded the project. No dredge material will be deposited into the waterway or along the shoreline. The permitting agencies will be notified of disposal location prior to work commencing [SAM202301095RCV, WQC2024003].

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. Slopes of canal banks shall be one vertical to three horizontal or flatter to promote colonization by littoral vegetation, which provides nutrient uptake, habitat and bank stabilization. Any bulkheading shall be done above ordinary high water. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.C.(1) Exhibit A)
2. 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. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
3. Best Management practices should be used at all times during construction to minimize turbidity at both the dredge and spoil disposal sites. The disposal sites shall be constructed and maintained in a manner that minimizes the discharge of turbid waters into waters of the State. Best management practices should include, but not be limited to, the use of staged construction and the installation of turbidity screens around the immediate project site. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
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.(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: po

cc: Rudolph C. Villarreal, U.S. Army Corps of Engineers, Mobile District
Jody Spires, Seymore Engineering
Katie Nelson Department of Marine Resources
Jamie Becker, Environmental Protection Agency