



State of Mississippi

TATE REEVES
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

June 25, 2025

Mr. Billy Porter
D.R. Horton, Inc.
1641 Poppo's Ferry Road, Suite B
Biloxi, MS 39532
WJPorter@drhorton.com

Dear Mr. Porter:

Re: D.R. Horton, Inc.
Byrdsong Subdivision
Jackson County
COE No. SAM-2024-00934-CSP
WQC No. WQC2024079

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Mississippi Department of Environmental Quality (MDEQ) issues this Certification, after public notice and opportunity for public hearing, to D.R. Horton, Inc., an applicant for a Federal License or permit to conduct the following activity:

D.R. Horton, Inc., Byrdsong Subdivision: Project will result in the filling of 16.964 acres of wet pine savannah wetlands, 0.31-acre of other surface water ponds, and 135 linear feet of stream for the construction of an 80-lot residential subdivision adjacent to Parker Road in Jackson County, Mississippi. The total project site is approximately 61.67 acres in size of which 29.44 acres have been identified as wetlands or other surface waters, and approximately 1,495 linear feet of identified stream. The applicant will provide in-kind compensatory mitigation through a mitigation bank [SAM-2024-00934-CSP; WQC2024079].

MDEQ 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:

OFFICE OF POLLUTION CONTROL
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WQC2024079

1. The development shall connect to an MDEQ approved wastewater collection and treatment system. All wastewater, including process wastewater, shall be properly treated and disposed of 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. All fill material and excavation areas shall have side slopes of 3:1 (horizontal: vertical) or flatter and shall be immediately seeded, stabilized and maintained. (Statement F) (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 F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
4. Coverage under a Large 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 F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
5. The final post-construction stormwater management plan submitted by Phelan Engineering, LLC, dated January 2025, shall be implemented concurrent with project construction and maintained as proposed. (Statement F) (11 Miss. Admin. Code Pt. 6, R.1.3.4.A (9))
6. Mitigation for the impacts 16.964 acres of wet pine savannah wetlands, 0.31-acre of other surface water ponds, and 135 linear feet of stream 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 be based upon that required for impacting 16.964 acres of wet pine savannah wetlands, 0.31-acre of other surface water ponds, and 135 linear feet of stream. Written verification of credit purchase must be provided to MDEQ 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))
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.(3))
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 MDEQ 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.

MDEQ 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

cc: Willa Brantley, Department of Marine Resources
Keith Johnson, Wetland Sciences, Inc.
Kenneth Jones, Gulf Coast Development & Design, LLC
Andy Phelan, Phelan Engineering, LLC
Christopher Pickering, U.S. Army Corps of Engineers, Mobile District
Jamie Becker, U.S. Environmental Protection Agency, Region 4