



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

May 12, 2016

Certified Mail No. 7010 1870 0003 4946 8862

Dr. Christopher Williams
13341 River Rapid Drive
Biloxi, Mississippi 39532

Dear Dr. Williams:

Re: Toscana Subdivision Lots 4 & 5
Jackson County
COE No. SAM-2015-00712-PAH
WQC No. WQC2016008

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, Dr. Christopher Williams, an applicant for a Federal License or permit to conduct the following activity:

Toscana Subdivision: to fill 0.154 acres of palustrine forested wetlands for lots 4 and 5 of Toscana Subdivision in Ocean Springs, Jackson County, Mississippi. [SAM-2015-007012-PAH, WQC2016008].

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:

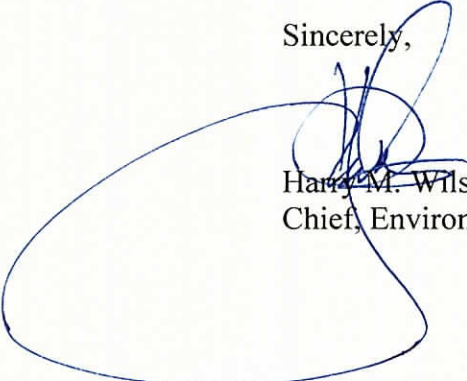
1. All fill material and excavation areas shall have side slopes of at least 3:1 (horizontal: vertical) and shall be immediately seeded, stabilized and maintained.
2. Appropriate best management practices (BMPs) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas. Special care shall be taken prior to and during construction to prevent the movement of sediment into adjacent avoided wetland areas. In the event of any BMP failure, corrective actions shall be taken immediately.

3. Mitigation for the impact of 0.154 acres of wetlands shall be provided by the purchase of mitigation credits from an approved mitigation bank. **Written verification of the final purchase must be provided to the Office of Pollution Control prior to the commencement of any work in the wetland areas.**
4. Prior to or concurrent with project construction, the un-impacted wetlands shall be placed in a restrictive covenant. The covenants shall be properly recorded in the Miscellaneous Document Book, with the Registrar of Deeds, or with another appropriate official charged with the responsibility of maintaining records of title to and interest in real property within six months of the effective date of the authorization. **A certified copy of the covenants must be furnished to the Office of Pollution Control within 30 days of the recording.** The covenant shall contain:
 - a. There should be no removal, destruction, cutting, mowing, application of biocides, or disturbance or other change in the vegetation in the conservation zone other than practices outlined in the management plans.
 - b. There shall be no agricultural, commercial, or industrial activities allowed in the conservation zone.
 - c. There shall be no construction or placement of buildings, or other structures in the mitigation area other than structures for wildlife enhancement, viewing, or scientific study.
 - d. There shall be no construction of roads in the conservation zone. This does not include foot trails for recreational use. No motorized vehicles (to include off-road and four-wheel drive vehicles) shall be allowed on said site.
5. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

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 we can be of further assistance, please contact us.

Sincerely,



Harry M. Wilson, P.E., DEE
Chief, Environmental Permits Division

HMW: LD

cc: Ms. Amiee Smith, U.S. Army Corps of Engineers, Mobile District
Department of Marine Resources
Mr. Paul Necaie, U.S. Fish and Wildlife Service
Ms. Callista Mills, Environmental Protection Agency
Mr. Joe Gill, Joe Gill Consulting, LLC