



STATE OF MISSISSIPPI

PHIL BRYANT  
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

GARY C. RIKARD, EXECUTIVE DIRECTOR

April 19, 2018

Certified Mail No. 7010 1670 0000 1400 3956  
Mr. Craig Litteken  
Chief, Regulatory Division  
U.S. Army Corp. of Engineers, Mobile District  
PO Box 2288  
Mobile, Alabama 36628

Dear Mr. Litteken:

Re: US Army COE, Mobile District  
Mississippi General Permits  
MSGP-02-Docks, Piers, Wharves,  
Boat Shelters  
COE No. SAM-2016-01233-MJF  
WQC No. 2017084

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 U.S. Army Corp. of Engineers, Mobile District, an applicant for a Federal License or permit to conduct the following activity:

**US Army COE, Mobile District, Mississippi General Permit MSGP-02 – DOCKS, PIERS, WHARVES, BOAT SHELTERS:** The U.S. Army Corps of Engineers, Mobile District proposes revision and issuance of the following Mississippi General Permit (MSGP) for a period of 5 years. In an effort to eliminate unnecessary duplication of efforts among agencies and to streamline the permitting process for routine projects with only minimal impact, the Mobile District will regulate minor structures and activities in waters of the U.S., in the state of Mississippi and outer continental shelf waters off the coast of Mississippi, within the Regulatory boundaries of the Mobile District under Regional General Permits identified herein. These permits will supersede Mississippi General Permits issued April 12, 2013.

**MSGP-02 – DOCKS, PIERS, WHARVES, BOAT SHELTERS:**

This permit authorizes the construction and modification of piers, wharves, and boat shelters; their normal appurtenances such as stairways, walkways, and railings; and, small

enclosed storage areas. This permit also authorizes the repair, replacement and maintenance of previously permitted, currently serviceable structures.

**Construction and Size Limits:**

- The square footage covered by fixed or floating structures, including docks, platforms, boat shelters, and associated structures, excluding access piers, shall not exceed a total of 2,000 square feet. This size limit is to include the square footage of the berthing areas.
- A limit of 5 boat berthing areas, including berthing for personal watercraft, can be authorized under this permit.
- Covered boat shelters and hoists shall be open-sided, limited to a 25-foot height above mean high tide or ordinary high water with a length not to exceed 50 feet. Boat shelters and/or hoists shall not be constructed over wetlands or submerged vegetation.
- Enclosed storage areas shall not exceed 100 square feet in total.
- Platforms, boat berths, etc. shall not be constructed over wetlands, shellfish beds, or submerged grasses.
- The addition of a single-story roof or covering structure on an existing open-deck pier that does not require the installation of additional pilings is authorized by this permit.

**Waterward Construction Limits:** The finished structures shall not pose a hazard to navigation or extend more than 25 percent of the distance across the waterbody. Structures may be constructed at a location sufficient to obtain navigable depth and should be consistent with surrounding, nearby structures.

**Access Piers:** For the purposes of this document, access piers are considered to be those structures, typically perpendicular to the shoreline, necessary to link docks, platforms, boathouses, and similar structures to land.

- The maximum width of access piers constructed over open water shall be limited to 6 feet unless otherwise authorized by the District.
- An access pier over emergent non-forested wetlands or water with submerged aquatic vegetation shall be no more than 6 feet wide and the height of the structure above the ground surface or mean high tide must be at least as high as it is wide (i.e., a 6-foot wide walkway/pier would be constructed at least 6 feet above mud level or line of mean high water).
- Special construction methods may be required for the installation of pilings in areas of wetlands or submerged grass beds. Pile driving during high tide to facilitate use of shallow draft barges is the preferred method of installation, but jetting with a low pressure pump may be used. Pilings shall be installed in a manner that will not result in the formation of sedimentary deposits ('donuts' or 'halos') around the newly installed pilings.

**Existing Marinas:**

- Altering pier configuration or adding berthing spaces within existing marina boundaries may be permitted.
- If construction results in additional boats being berthed, a wastewater pump out facility may be required.
- New marinas and expansions of existing marinas beyond existing boundaries may not be permitted under this Permit.

**Excluded Structures:** This permit does not authorize the following: (1) public-use or community-use piers, (2) structures for the permanent mooring of houseboats, (3) fueling facilities, (4) toilets, and/or habitable structures, and activities that produce "gray water" (5) new marinas, (6) expansion of an existing marina beyond the existing authorized footprint, (7) the mechanical clearing or filling of wetlands, or (8) impacts to wetlands, submerged aquatic vegetation (SAV) or shellfish beds.  
[SAM-2016-01233-MJF, WQC2017084].

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 permittee shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of construction activities.
2. For projects greater than five acres of total ground disturbances including clearing, grading, excavating or other construction activities, the applicant shall obtain the necessary coverage under the State of Mississippi's Large Construction Storm Water General NPDES Permit. For projects greater than one to less than five acres of total ground disturbances including clearing, grading, excavating or other construction activities, the applicant shall follow the conditions and limitations of the State of Mississippi's Small Construction Storm Water General NPDES Permit. No construction activities shall begin until the necessary approvals and/or permits have been obtained.
3. Pilings and/or bulkhead material shall be steel, concrete, plastic, vinyl, or timber treated to meet appropriate marine conditions. No creosote materials shall be used.
4. Best management practices (BMPs) should be used at all times during construction to minimize turbidity at the site. The site shall be operated and maintained in a manner that minimizes the discharge of turbid waters into waters of the State. These BMPs include, but are not limited to, the use of staked hay bales; staked filter cloth; sodding, seeding and mulching;

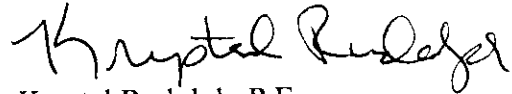
staged construction; and the installation of turbidity screens around the immediate project site.

1. A wastewater pumpout facility shall be provided for the following:
  - a) Marinas that are located within one tidal cycle of open shellfish harvesting waters,
  - b) Marinas that berth more than twenty-five (25) boats,
  - c) Marinas that berth any boats used in a live-aboard status,
  - d) Marinas that berth a majority of commercial boats,
  - e) Marinas that are in close proximity to a public water supply intake, or
  - f) Marinas that are in close proximity to a swimming area.
2. For marinas where a wastewater pumpout facility is required:
  - a) The marina shall prominently display a sign showing the location of the pump-out facility as well as other appropriate waste disposal information.
  - b) The pump-out facility shall be tied into a collection and treatment system approved by the Office of Pollution Control.
  - c) All docked vessels with Type I and Type II marine sanitation devices shall be notified of and comply with a "locked head" policy. There shall be no discharge of either gray or black water from a docked vessel.
5. No persons shall live on boats moored at the marina unless the boats are equipped with a Type III (non-discharging) marine sanitation device (MSD).
6. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
7. 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.  
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Sincerely,



Krystal Rudolph, P.E.  
Chief, Environmental Permits Division

HMW: mhg

cc: Allison F. Monroe, U.S. Army Corps of Engineers, Mobile District  
Willa Brantley, Department of Marine Resources  
Paul Necasie, U.S. Fish and Wildlife Service  
Bill Ainslie, Environmental Protection Agency