



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

April 30, 2019

Certified Mail No.7017 0530 0000 5971 7107

Colonel Michael C. Derosier  
U.S. Army Corps of Engineers  
Vicksburg District  
4155 Clay Street  
Vicksburg, Mississippi 39183-3435

Dear Colonel Derosier:

Re: US Army COE, Vicksburg  
District, General Permit 16  
Warren County  
COE No. MVK2019204  
WQC No. WQC2019014

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

US Army COE, Vicksburg District, General Permit 16:

This General Permit contains certain limitations intended to protect the environment including natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, an application will be required for an individual permit. Construction, dredging, or fill operations not specifically authorized by this General Permit will be prohibited unless authorized by a separate permit.

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal net adverse environmental effects on the aquatic environment, both individually and cumulatively, after consideration of compensatory

mitigation; or (2) the General Permit will result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal.

The following must be provided by the applicant in writing in request for authorization under the General Permit:

- a. State the number of the General Permit under which the work will be conducted. (General Permit – 16)
- b. Statement that the work will be conducted in compliance with the terms and conditions of the General Permit and will not adversely impact adjoining properties.
- c. Map showing the location of the project area to be dredged. The map should include accurate coordinates (latitude/longitude), River Mile, Section, Township, Range, County or Parish, and State.
- d. Drawings and/or aerial photographs labeled to illustrate the configuration of the port, access channel(s), fleeting area(s), terminal(s) and mooring stations, etc. The drawings shall also identify the location for dredged material disposal site(s).
- e. Plan view illustration(s) of the work area(s) to include the results of a hydrographic survey depicting the “pre-dredge” bottom contours in the area(s) to be dredged, and those areas immediately adjacent to the area(s) to be dredged. The area(s) to be dredged shall be clearly delineated and labeled on this plan view illustration. Additionally, the dredged material disposal site(s) shall be delineated on this illustration.
- f. A brief description of the proposed activity, including an estimate of the area to be dredged and the cubic yards of material to be dredged. The description shall also state the type(s) of dredging operation (e.g. “clamshell” excavation, hydraulic, etc.), and the location of the disposal site. If excavated material will be discharged at an upland disposal site, the application must describe any containment measures and explain if there will be “return water” discharged back into waters of the U.S. (NOTE: a separate Department of the Army permit will be required for return water from an upland contained disposal area (See Nationwide Permit No. 16).)
- g. Estimated starting and completion dates of the dredging operation.

April 30, 2019

- h. Name, mailing address, and telephone number of the party (person/agency) applying for authorization.

Upon receipt of this information, the District Engineer will evaluate the proposal and notify the inquiring party, in writing, that either the work will be authorized under the General Permit; will require additional information or will advise the inquiring party that the proposed activity will require an individual permit.

Special Conditions of the General Permit:

1. The permit shall authorize maintenance dredging for the removal of silt in order to maintain a nine-foot navigation channel.
2. The permittee shall submit a hydrographic survey depicting the depth and bottom configuration of the site after completion of dredging activities, and provide revised estimates of the area dredged and the cubic yards of material dredged. This information shall be submitted with the completed and signed certification of compliance form.
3. The permit shall be limited to maintenance dredging activities required for operation of existing commercial and municipal ports and terminals along the Mississippi River within the Vicksburg District, U.S. Army Corps of Engineers.
4. Material dredged by hydraulic dredging shall be disposed in the "swift water" of the main channel of the river, or in an upland contained disposal area. Material excavated by clamshell or other excavation equipment shall be disposed at upland disposal areas, unless the excavated material is first processed as a slurry with river water to a consistency similar to hydraulic dredged material and then disposed in the "swift water" of the main channel of the river.
5. Material shall not be placed in Corps dredged and maintained navigation channels if the Corps determines such disposal will require later removal of the material by the federal government to maintain the navigation channel.
6. Dredge and disposal operations shall be conducted in such a manner as to avoid interference with navigation to the maximum extent practicable. Dredging equipment, including discharge lines, shall be marked and lighted in accordance with U.S. Coast Guard regulations. Additionally, the permittee shall be required to provide notice to the U.S. Coast Guard in sufficient advance of initiating work to allow required posting of a "Notice to Mariners."

7. No activity that may adversely affect a site listed in or eligible for listing in the National Register of Historic Places shall be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Additional material shall not be taken from a known historical or archaeological site. If the permittee discovers any previously unknown historic, cultural or archaeological remains and artifacts while accomplishing the activity authorized by this permit, they must immediately notify the District Engineer of the discovery, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The District Engineer will initiate the Federal, Tribal, and State coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
8. All construction activity shall be performed in a manner that will minimize increased suspended sediment concentrations (and associated turbidity) of the water in the work area and otherwise avoid adverse effects on water quality and aquatic life especially during fish spawning seasons.
9. The discharge shall not be located so as to adversely affect a public water supply intake or a national fish hatchery intake.
10. If the water quality certification requires testing of sediments for possible toxic substances or other "contaminants" (e.g. unacceptable levels of pathogenic organisms) prior to initiating dredging or discharge activities at a site, authorization under this general permit shall be contingent upon on proof that the testing has been completed and the issuing State agency has granted approval based on test results.
11. Compliance with conditions of the water quality certification and any testing shall be the responsibility of the permittee and the state Department of Environmental Quality.
12. The discharge shall not occur in areas of concentrated shellfish production.
13. No activity shall be authorized under this General Permit which is likely to directly or indirectly jeopardize the continued existence of a Federally listed threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity shall be authorized under this General Permit which "may affect" a listed species or critical habitat,

unless Section 7 consultation addressing the effects of the proposed activity has been completed.

14. The activity shall not result in the relocation or blockage of a natural stream or river channel or adversely impact or drain wetlands.
15. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
16. An activity that requires section 408 permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a USACE federally authorized Civil Works project (a "USACE project") is not authorized by GP 16 until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written GP 16 authorization.

[General Permit – 16, WQC2019014].

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 contact the Department for further consultation regarding testing protocols for dredged material obtained from waterways with a completed Total Daily Maximum Load for toxics, phenols, mercury, and PCBs-Dixon; and from waterways listed on the 303(d) list for biological impairment.
2. The permittee shall contact the Department for further consultation regarding testing protocols for dredged material obtained from waterways affected by a CERCLA/Uncontrolled Site as identified by the Groundwater Assessment and Remediation Division.
3. Appropriate best management practices (BMP's) 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 drainage areas. In the event of any BMP failure, corrective actions shall be taken immediately.
4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

April 30, 2019

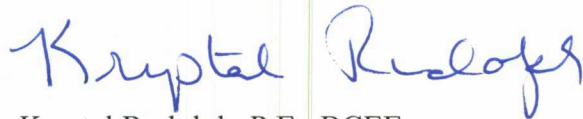
5. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

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,



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

HMW: JP

cc: Mr. Bryan Williamson, U.S. Army Corps of Engineers, Vicksburg District  
Mr. David Felder U.S. Fish and Wildlife Service  
Mrs. Molly Martin, Environmental Protection Agency