



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR  
June 13, 2019

Certified Mail 7018 0360 0000 7112 4824

Ms. Lucia W. Crenshaw  
Janie V. Pain Residuary Family Trust  
P.O. Box 772898  
Memphis, Tennessee 38177

Dear Ms. Crenshaw:

Re: Jaine V Paine Residuary Family Trust, Car  
Dealership Development  
Desoto County  
COE No. MVM2017306  
WQC No. WQC2017106

The Department of Environmental Quality understands the need for a Section 401 Water Quality Certification - Modification to the above referenced project. This modification would include a change to the previously proposed wetland mitigation plan for the loss 5.05 acres of wetlands. The applicant is proposing to modify the mitigation plan from a Delta Wetland Mitigation Bank to a Permittee Responsible Mitigation (PRM) site. The mitigation site is located 4 miles from the construction site, which are both located in the same watershed of Horn Lake Creek. The mitigation site is located east of US Highway 61 and north of Goodman. The proposed site is 10.1 acres of non-wooded, wet pasture land within a total of 16.03 acres. It will be considered wetland restoration after it is planted with wetland tree species. Please be advised Condition 6 of the Section 401 Water Quality Certification has been modified to read as follows:

6. The mitigation plan shall be implemented as proposed. The mitigation area shall be placed in a conservation easement or restrictive covenant. The covenant 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:

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- 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 educational use. No motorized vehicles (to include off-road and four-wheel drive vehicles) shall be allowed on said site.

Please be advised the remaining conditions of the Section 401 Water Quality Certification are unchanged. If we can be of further assistance, please contact Graham Watson of my staff at (601) 961-5148.

Sincerely,



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

KR: bgw

cc: Mr. James Elcan, U.S. Army Corps of Engineers, Memphis District