



STATE OF MISSISSIPPI

PHIL BRYANT

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

GARY C. RIKARD, EXECUTIVE DIRECTOR

July 3, 2019

Certified Mail No. 7017 0530 0000 5971 6896

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 32  
Warren County  
COE No. MVK-2019-263  
WQC No. WQC2019016

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 32: Re-issuance of a Department of the Army General permit for the construction of drainage structures and the associated discharge of dredged and/or fill material into waters of the United States. Widely used drainage structures include, but are not limited to, cantilever overfall pipes, drop inlet structures, water level control structures, and grade and erosion control structures.

This General Permit contains certain limitations intended to protect the environment and 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 for an individual permit will be required. Construction, dredging, or fill operations not specifically authorized by this General Permit are 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 individual and cumulative environmental impacts; or (2) the General

Permit would 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 32) (GP 32)
- b. Statement that the work will be conducted in compliance with the terms and conditions of GP 32 and will not adversely impact adjoining properties.
- c. A location description including: latitude and longitude; Section, Township, Range; County or Parish, and State; a plan-view (including a digital aerial overlay), and location map showing the proposed worksite.
- d. Estimated starting and completion dates of the project.
- e. Name, mailing address, telephone number, and e-mail address of the party (person and agency) applying for authorization.
- f. A description of the proposed activity and its purpose, including:
  - drawings (plan and profile) of the proposed structure with elevations,
  - indication of the ordinary high water mark (when available),
  - dimensions (in feet), total area impacted (in acres for wetlands; in both acres and linear feet for streams), and
  - amounts of excavated and fill material (in cubic yards).
- g. A delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The applicant may ask the Corps to delineate the special aquatic sites, including wetlands, and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the application evaluation period will not start until the delineation has been submitted by the applicant or completed by the Corps, as applicable.
- h. An informational narrative and/or list detailing:
  - individual aquatic resource impacts (in acres for wetlands; in acres and linear feet for streams),

- total quantity of impacts for each resource type (e.g. emergent wetland, forested wetland, intermittent stream, etc.),
- all impact activities (discharge of dredged and/or fill material, conversion, etc.), impact duration (temporary or permanent),
- the latitude/longitude (approximate centerpoint) for each impact, and,
- current site photos representative of the WOTUS to be impacted.

[NOTE: An Aquatic Resources Identification and Impacts Spreadsheet is available for use on the Vicksburg District's Regulatory Web Page]:

<https://www.mvk.usace.army.mil/Missions/Regulatory/Permits/>

- i. A narrative describing how impacts to WOTUS were minimized to the maximum extent practicable. For projects that include adverse impacts to WOTUS, the complete application will include information on mitigation in all forms (i.e. avoidance, minimization, and compensation).

For projects with unavoidable adverse functional impacts greater than 0.10 acre to wetlands or greater than 300 linear feet of streams, the complete application will include a statement describing: how, if required, the compensatory mitigation requirement will be satisfied (either through purchase of mitigation credits from an approved mitigation bank or "in lieu fee" provider, or through permittee responsible mitigation); or explaining why the project-specific adverse effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan. If the applicant proposes permittee responsible mitigation, the application will not be considered complete until the Corps receives an acceptable permittee responsible mitigation plan.

[NOTE: Information on the Vicksburg District's current mitigation requirements is available on the MVK Regulatory Web Page]:

<https://www.mvk.usace.army.mil/Missions/Regulatory/Mitigation/>

- j. If another Federal agency is involved in the project through technical assistance, funding/grants, or other means: identify the agency; briefly describe the involvement of the agency; and provide a point of contact (name, phone number and email address).
- k. A description of the Best Management Practices that will be used to minimize movement of disturbed soil(s) from the construction into adjacent WOTUS.
- l. For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the

activity is located in designated critical habitat, the application must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act.

- m. For non-Federal permittees, if the activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the application must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act.
- n. For work proposed: on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System; on a property/area owned or managed by a State or Federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.), the applicant must submit with their request for authorization under this General Permit, the agency point of contact (including phone number, mailing address, and email address) and proof of initiation of the applicant's request for approval from the managing agency.
- o. For activities affecting structures of works built by the United States: If a GP 32 activity also requires 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, the application must include a statement (and any associate documents) confirming that the project applicant has submitted a written request for Section 408 permission to the Vicksburg District office having jurisdiction over that USACE project.

Upon receipt of this information, the District Engineer will evaluate the proposal and advise the inquiring party, in writing, that the work could be authorized under General Permit 32; or would require an individual permit (if it exceeds the authoritative capacity of the General Permit) and/or additional separate authorizations.

Special Conditions:

- 1. The authorized structures would not extend into the channel of the receiving stream so as to interfere with navigation (including

recreational boating) or adversely affect the flow-carrying capacity of the receiving stream.

2. The pipe structure would be covered with at least 1.5 feet of fill material.
3. The amount of material used for fill would not exceed 1,000 cubic yards.
4. Best management practices would be used to prevent off-site movement of disturbed soils. The fill material would be compacted upon completion of construction. The site would be revegetated by sod, seed, or another acceptable method, as necessary, to restore cover and prevent erosion. In areas subject to currents, riprap could be used for slope protection.
5. Material used for fill would be obtained from onsite and/or offsite upland sources. Additional material would not be obtained from WOTUS or any area which would affect an adjacent WOTUS.
6. No activity that has the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, or a site that has previously been unevaluated, could be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Additional fill material could not be taken from a known historical or archaeological site within or outside of regulated areas. If the permittee, during prosecution of work authorized herein, inadvertently discovers or accidentally destroys a cultural resource such as a cemetery, shipwreck, mound, historic structure, or archaeological site, within the area subject to Department of the Army jurisdiction, they would cease work in the immediate area and notify the District Engineer within 24 hours. The District Engineer, in consultation with the appropriate State Historic Preservation Officer and the Federally recognized Tribe, would comply with the procedures set forth in 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).
7. Authorized structures would not increase the frequency, duration, or elevation of floodwaters on adjoining property. This General Permit would not authorize the construction of greentree reservoirs.
8. If damage to a revetment were to occur as a result of work in accordance with this General Permit, the permittee would be required

to make necessary repairs at their own expense. These repairs must meet specifications designated by the District Engineer.

9. Activities would not be authorized for work proposed on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System, without the appropriate Federal or State authorization.
10. The regulated activity would not occur in a Coastal Zone Management Area without the appropriate State authorization indicating concurrence that the activity would be consistent with the State's Coastal Program (as per the provisions of the Coastal Zone Management Act). The coastal zone concurrence would be submitted with the request for authorization under this General Permit. Therefore, in order to be authorized by this General Permit for work in Hancock County, Mississippi, or St. Tammany Parish, Louisiana, persons planning work in these coastal areas would first send complete plans to the appropriate State agency at the applicable address below:

Mississippi Department of Marine Resources  
1141 Bayview Avenue  
Suite 101  
Biloxi, Mississippi 39530

Louisiana Department of Natural Resources  
Office of Coastal Management  
Post Office Box 44487  
Baton Rouge, Louisiana 70804-4487

11. Dredged, excavated, or fill material used for construction would be nonpolluting material in accordance with the Environmental Protection Agency Guidelines for the Discharge of Dredged or Fill Material found in 40 CFR 230.
12. All construction activities would be performed in a manner that would minimize increased suspended sediment/turbidity of the water in the work area and downstream, and otherwise avoid adverse effects on water quality and aquatic life, especially during fish spawning seasons.
13. All excavated material not used as backfill would be placed in a non-jurisdictional area (i.e., upland) unless specifically approved via separate authorization. If dredged material would be placed in an upland contained disposal area and return water discharged back into

waters of the United States, a separate Department of the Army authorization would be required (See Nationwide Permit No. 16).

14. The discharge would not be located so as to adversely affect a public water supply intake or a national fish hatchery intake.
15. The discharge would not contain unacceptable levels of pathogenic organisms in areas used for activities involving physical contact with the water.
16. The discharge shall not occur in areas of concentrated shellfish production.
17. No activity shall be authorized under this General Permit which would 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 would directly or indirectly destroy or adversely modify the critical habitat of such species. No activity would 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.
18. Activities in WOTUS that would impact known wading bird rookeries would be avoided to the maximum extent practicable. The permittee would be responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee would be advised to contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for the activity.
19. The construction activity would not result in the relocation or blockage of a natural stream or river channel or adversely impact or drain wetlands. Weirs and/or water control structures would be constructed in a manner that the overfall (full width or notched) is fixed at a minimum of 6 inches below the ordinary high water mark of the waterbody. On a case-specific basis, a secondary outlet source could be required. When required, the secondary outlet source would be constructed within the flowline of the waterbody, remain open during non-operational periods, and be constructed in a manner that allows free flow at low water stages.

20. No activity would substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water.
21. No sewage, oil, refuse, or other pollutants shall be discharged into the waterbody.
22. Projects located on property encumbered by a Natural resources Conservation Service (NRCS) Wetlands Reserve Program (WRP) easement would not be authorized without written release/approval from the NRCS. Under such situations, the application would not be considered complete until the Corps is provided written documentation of release/approval from the agreement by the NRCS.
23. Activities would not be authorized on a property/area managed by a State or Federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.) without documented approval (e.g. special use permit, waiver, etc.) by the managing agency.
24. Authorizations for this General Permit would not be granted to an applicant who is in noncompliance with a Department of the Army permit until such noncompliance has been resolved.
25. Conditions on the water quality certifications issued from the State in which the work is proposed shall be incorporated by reference. Enforcement actions resulting from noncompliance with these conditions could be initiated by the State or the Environmental Protection Agency.
26. The permittee would return a Certification of Compliance after completing construction of the authorized activity.

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. 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.



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2. The Department of Environmental Quality (Department) shall be provided a copy of the final permit and associated enclosures and attachments.
3. The permittee obtaining authorization under General Permit- 32 shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of construction activities.
4. Prior to the start of any water withdrawal activities, the permittee obtaining authorization under General Permit-32 shall obtain the appropriate water withdrawal permits from the Office of Land and Water Resources within MDEQ.
5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
6. 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

KR: bgw

cc: Mr. Brian Williamson/Mr. Jerry Bourne, U.S. Army Corps of Engineers,  
Vicksburg District  
Mr. David Felder, U.S. Fish and Wildlife Service  
Ms. Molly Martin, Environmental Protection Agency