



STATE OF MISSISSIPPI

PHIL BRYANT

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

GARY C. RIKARD, EXECUTIVE DIRECTOR

August 7, 2019

Certified Mail No. 7017 1450 4592 4825

Mr. Jared Harris

Mississippi Department of Marine Resources

1141 Bayview Avenue

Biloxi, Mississippi 39530

Dear Mr. Harris:

Re: Mississippi Department of
Marine Resources, Deer Island
Habitat Restoration
Harrison County
COE No. SAM201800434KMN
WQC No. WQC2018042

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 Mississippi Department of Marine Resources, an applicant for a Federal License or permit to conduct the following activity:

Mississippi Department of Marine Resources, Deer Island Habitat Restoration: The project will fill 70 acres of open water on the north central shore of Deer Island as a Beneficial Use (BU) for Dredged Material Disposal. The project will include creation of approximately 1,975 linear feet of a coastal Chenier (upland ridge) along the existing coastline and the southern boundary of the project site, and an outer berm, 4,520 feet in length, will be constructed along the proposed northern boundary of the project site and will run parallel to the north shoreline of Deer Island then curve south on the western most end to connect back to the Island. Sand dredged from the Black Warrior-Tombigbee Rivers will then be placed hydraulically to reinforce the outside of the berm. The outer berm will be constructed on the -4 feet MLLW contour and will be raised to an elevation of +6 feet MLLW. The interior coastal Chenier will be raised to an elevation of +4 feet MLLW. Dredged material from various local dredging projects in Harrison and Jackson Counties will be placed within the 70-acre bermed site over the 10-year period. Within the disposal area, the dredged material will be pumped to a height of +3 to +5 MLLW initially, with final grade after dewatering and consolidation ranging from -0.5 to +1.5 MLLW. Two access channels located

OFFICE OF POLLUTION CONTROL

POST OFFICE BOX 2261 • JACKSON, MISSISSIPPI 39225-2261 • TEL: (601) 961-5171 • FAX: (601) 354-6612 • www.deq.state.ms.us

74346 WQC20180001

AN EQUAL OPPORTUNITY EMPLOYER

on the eastern and western side of the proposed site, will be dredged to -9 feet MLLW if needed for access. The channels will extend to a depth sufficient to allow barge access and not exceed 2,500 linear feet in length. Both access channels will need to be maintained for the 10-year life of the permit, or until capacity is reached. The material removed during the initial channel dredging will be side cast to the immediate west side of the channel in order to renourish the island. Any material removed during maintenance dredging over the 10-year life of the project, will be pumped into the BU site. Depending on the composition of the material placed into the site, the anticipated capacity will be between 470,000 and 575,000 cubic yards. The outside berm and interior marsh will be planted with appropriate marsh and dune species when construction and dewatering are complete. Mitigation will not be required for this project. The site is located in Biloxi, Harrison County, Mississippi. [SAM201800434KMN, WQC2018042].

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 material placement and access channel dredging shall be conducted in such a manner that no sumps are created within the areas.
2. All fill material and excavated areas shall have side slopes of 3:1 (horizontal:vertical) or flatter and shall be immediately seeded, stabilized, and maintained.
3. 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-Dioxin; and from waterways listed on the 303(d) list for biological impairment. Further information may be obtained from the branch manager of the Modeling and TMDL Branch within the Surface Water Division of the Office of Pollution Control.
4. 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. Further information may be obtained from the branch manager of the Assessment/Remediation (I or II still to be determined) within the Groundwater Assessment and Remediation Division of the Office of Pollution Control.

5. Best management practices should be used at all times during construction to minimize turbidity at the restoration sites. The restoration sites shall be constructed and maintained in a manner that minimizes the discharge of turbid waters into waters of the Mississippi Sound and surrounding waters. Best management practices should include, but not limited to, staked filter cloth; sodding, seeding and mulching; staged construction; and the installation of turbidity screens around the immediate project site.
6. Sediment testing for approval of material placement shall be done in accordance with protocols established by the Beneficial Use Group as part of the Beneficial Use Program within the Department of Marine Resources.
7. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
8. 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: Mary Ellen Farmer, U.S. Army Corps of Engineers, Mobile District
Greg Christdoulou, Department of Marine Resources
Paul Necaise, U.S. Fish and Wildlife Service
Molly Martin, Environmental Protection Agency