



**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil



Public Notice

APPLICATION NO.:	MVK-2017-312 (General Permit 53)
EVALUATOR:	Bryan Williamson
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E-MAIL:	regulatory@usace.army.mil
DATE:	May 8, 2017
EXPIRATION DATE:	June 7, 2017

FOR: MINOR CONSTRUCTION ACTIVITIES AT THE JOHN C. STENNIS
SPACE CENTER, HANCOCK COUNTY, MISSISSIPPI

WHERE: REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT

BY WHOM: DISTRICT ENGINEER, VICKSBURG DISTRICT, ON BEHALF OF THE
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Mississippi Department of Environmental Quality are considering the reissuance of a General Permit and State Water Quality Certification for activities described herein. Comments should be forwarded to: USACE, Vicksburg District, Attention: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435 (or via email to: regulatory@usace.army.mil) and the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 2261, Jackson, Mississippi 39225-2261. Comments must reach these offices by the expiration date cited above.

The Vicksburg District is proposing reissuance of a General Permit for regulated activities including the discharge of dredged and fill material into waters of the United States (U.S.) associated with projects consisting of, but not limited to: demolition, construction, repair and/or expansion of buildings, parking lots, access roads, pilings, docks, piers, retaining walls, and other appurtenant facilities necessary for the infrastructure and operation of the John C. Stennis Space Center (SSC), located in Hancock County, Mississippi. A general location map of the SSC is provided as Enclosure 1.

The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S. to the maximum extent practicable at the project site (i.e., on site). Mitigation in all its forms (avoiding,

minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

NASA proposes to continue to mitigate the unavoidable losses of wetland functions and values associated with these projects through creation, restoration, or enhancement and continued management of wetlands on property owned by NASA in the SSC's buffer area (Enclosure 1). The proposed mitigation plan is available for inspection at the Vicksburg District, Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi. A summary of the proposed mitigation plan is provided as Enclosure 2.

The principal types of wetlands that might be impacted by future construction at SSC are pine-flatwoods and pitcher plant (Sarracenia sp.) bogs. These wetlands contain marginal wildlife habitat due to timber management practices which include monotypic pine plantations and fire suppression. The mitigation plan calls for active management of mitigation areas including plantings, burning, and monitoring to achieve the objectives of the mitigation strategies for the pine savannah restoration and enhancement areas. The mitigation plan would replace unavoidably lost functions either before or concurrent with construction of projects.

The Vicksburg District authorized 4 projects by this General Permit since it was last issued in 2012. These authorized projects included impacts to a total of 6.13 acres of predominately pine-flatwood wetlands. To compensate for these authorized impacts, NASA utilized a total of 14.95 acres from the remaining available acres at the Pearlington Phase II, Phase III, and Energetic Materials Testing Facility (EMTF) mitigation properties. Currently, the Phase II, Phase III, and EMTF mitigation properties have balances of 1.6 acres, 315 acres, and 120 acres respectively, for compensation for future projects authorized by this proposed General Permit.

According to the NASA/SSC Master Plan, no large-scale construction projects are planned for the 5-year period, 2017 through 2022. However, the NASA/SSC Master Plan does include demolition, renovation, and maintenance activity projects during the 5-year period. Additionally, it is possible that NASA may receive authorization and funding for new projects between 2017 and 2022 that may be authorized by this proposed General Permit and that may require compensatory mitigation. As stated in the above paragraph, acreage is available at the Pearlington Phase II, Phase III, and EMTF properties to provide on-site, in-kind mitigation for projects that would likely be authorized by this General Permit over the proposed 5-year period.

This proposed 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, applications will be required for individual permits.

Regulated construction, dredging, or fill operations not specifically authorized by this General Permit are prohibited unless authorized by a separate permit from the Vicksburg District.

This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the U.S. These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in or affecting waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

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 determination that the proposed activities comply with the requirements for issuance of General Permits was made using information which is available for inspection at the offices of the Vicksburg District's Regulatory Branch at 4155 Clay Street, Vicksburg, Mississippi.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District will obtain water quality certification from the Mississippi Department of Environmental Quality stating that the work authorized by the proposed General Permit will not violate applicable provisions of Sections 301, 302, 306, and 307 of the Act.

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, NASA IS REQUIRED TO SUBMIT TO THE DISTRICT ENGINEER, IN WRITING, THE FOLLOWING INFORMATION AT LEAST 30 DAYS PRIOR TO CONDUCTING THE WORK:

- a. Statement that the work will be conducted in compliance with the terms and conditions of General Permit 53 and will not adversely impact adjoining property.
- b. A statement of the purpose for the proposed activity.
- c. A brief description of the present condition of the site, including a delineation and characterization of all jurisdictional waters of the U.S. at the site.
- d. For the selected site, a full set of construction plans (including quantities and types of any fill and quantities of any excavation), maps, and engineering drawings for the proposed activity at that site. These shall include a map of sufficient scale that illustrates an "overlay" of the proposed construction/development activity (e.g. roads, ditches, parking lots, building pads, retention ponds, landscaped/mowed areas, temporary work areas, remaining natural areas, etc.) on jurisdictional waters of the U.S.

e. A discussion of how adverse impacts to waters of the U.S. from the proposed activity will be avoided and minimized to the maximum extent practicable at the construction site.

f. A description, including quantity and quality, of "unavoidable" adverse impacts to waters of the United States that will result from the proposed activity; and a proposed compensatory mitigation plan for those "unavoidable" impacts. These quantifications shall include a calculation of credits/debits for functional losses/replacements using an approved functional assessment method.

g. Statements that the selected site(s) has been surveyed for threatened and endangered species and their critical habitat(s), essential fish habitat, and for cultural resources; and that documented findings indicate that the proposed activities will not have adverse effects to these type resources.

h. The estimated starting and completion dates of the proposed construction.

Upon receipt of this information, the District Engineer will: advise NASA, in writing, either that the work will be evaluated for authorization under the General Permit 53; will request additional information, if needed; or will advise NASA that the proposed activity will be evaluated as an individual permit.

Special Conditions:

a. Wetland impacts associated with regulated activities authorized under this General Permit shall be limited to a maximum of 7 acres for all work. All proposals shall reduce the area of impact to the minimum area absolutely necessary for construction. Unavoidable impacts exceeding 0.1 acre will require compensatory mitigation.

b. The authorized structure(s) shall not extend into the channel of a receiving stream to the extent that it would interfere with navigation (including recreational boating) or adversely affect the flow-carrying capacity of the receiving stream.

c. Side slopes of levees, ditches, and other earthen structures shall be 1 vertical to 3 horizontal, or flatter, to increase stability.

d. Areas excavated for utility lines shall be covered with fill or dredged material and stabilized with vegetative cover.

e. Any fill material shall be compacted upon completion of construction. Any areas disturbed by construction activities shall be revegetated, seeded, or sodded as necessary to restore cover and prevent erosion. In areas subject to currents, riprap may be required for slope protection.

f. Material used for fill may be obtained from site preparation or if additional material is required, it shall be obtained from an area which will provide nonpolluting material. Additional material shall not be obtained from any wooded wetland or from any area which will affect an adjacent wetland.

g. All excess dredged and fill material not used in construction shall be deposited in an area that has no waters of the U.S., unless otherwise specifically approved by the U.S. Army Corp of Engineers, Vicksburg District, Regulatory Branch.

h. The construction activity shall not prolong the inundation of surrounding wetlands to the point of adverse impacts.

i. No activity that may adversely affect a site listed in or eligible for listing in the National Register of Historic Places would be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Additional material would not be taken from a known historical or archaeological site. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, 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.

j. Authorized structures shall not increase frequency, duration, or elevation of floodwaters on areas outside the project site.

k. All construction activities shall be performed in a manner that will minimize increased turbidity of the water in the work area and otherwise minimize adverse effects on water quality and aquatic life.

l. No activity shall be authorized under this General Permit which would likely 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 likely 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. No activity shall be authorized under this General Permit which "may affect" essential fish habitat as identified under Magnuson-Stevens Fishery Conservation and Management Act, unless essential fish habitat consultation addressing the effects of the proposed activity has been completed.

m. NASA shall implement the features of the mitigation plan either prior to or concurrent with the discharge of dredged and/or fill material in wetlands to ensure equal replacement of habitat units lost as a result of that project.

n. NASA will be responsible for the long-term success of the mitigation sites, as outlined in the mitigation plan. The mitigation sites shall result in a successful pine savannah ecosystem.

o. NASA shall be responsible for the administration of the mitigation features of the special area management plan including accounting of credit/debit transactions and reporting of monitoring results.

p. If an authorized project is abandoned, NASA must restore the affected areas to pre-project conditions and will bear the expense of the restoration.

General Conditions:

a. You must maintain the activity authorized by this General Permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition b. below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this authorization from this office, which may require restoration of the area.

b. If you sell the property associated with the authorization under this General Permit, you must contact this office so that the authorization can be transferred to the new owner.

c. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

d. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

e. This permit does not grant any property rights or exclusive privileges.

f. This permit does not authorize any injury to the property or rights of others.

g. This permit does not authorize interference with any existing or proposed Federal project.

h. In issuing this permit, the Federal Government does not assume any liability for the following:

(1) Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.

(2) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

(4) Design or construction deficiencies associated with the permitted work.

(5) Damage claims associated with any future modification, suspension, or revocation of this permit.

i. In issuing individual authorization under this General Permit, the Government will rely on the information and data which the permittee provides in connection with his permit application. If, subsequent to the authorization, such information and data prove to be false, incomplete, or inaccurate, this authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

j. This office may re-evaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to, the following:

(1) You fail to comply with the terms and conditions of this permit.

(2) The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see i. above).

(3) Significant new information surfaces which this office did not consider in reaching the original public interest decision.

k. The General Permit is valid for 5 years. At the end of that time, the cumulative environmental effects of completed work will be reviewed and reissuance of the permit may be considered. However, if unforeseen adverse environmental effects result from the issuance of this General Permit, it may be modified or terminated at any time.

l. Authorization under this General Permit is valid until the General Permit expires. Activities authorized under this General Permit which are under construction,

or that are under contract to commence by the expiration of this General Permit, will remain authorized provided the activity is completed within 12 months of the date of expiration.

Further Information:

a. Additional copies of this Public Notice are available upon request from this office. Requests may be addressed to: USACE, Vicksburg District, Attention: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

b. The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

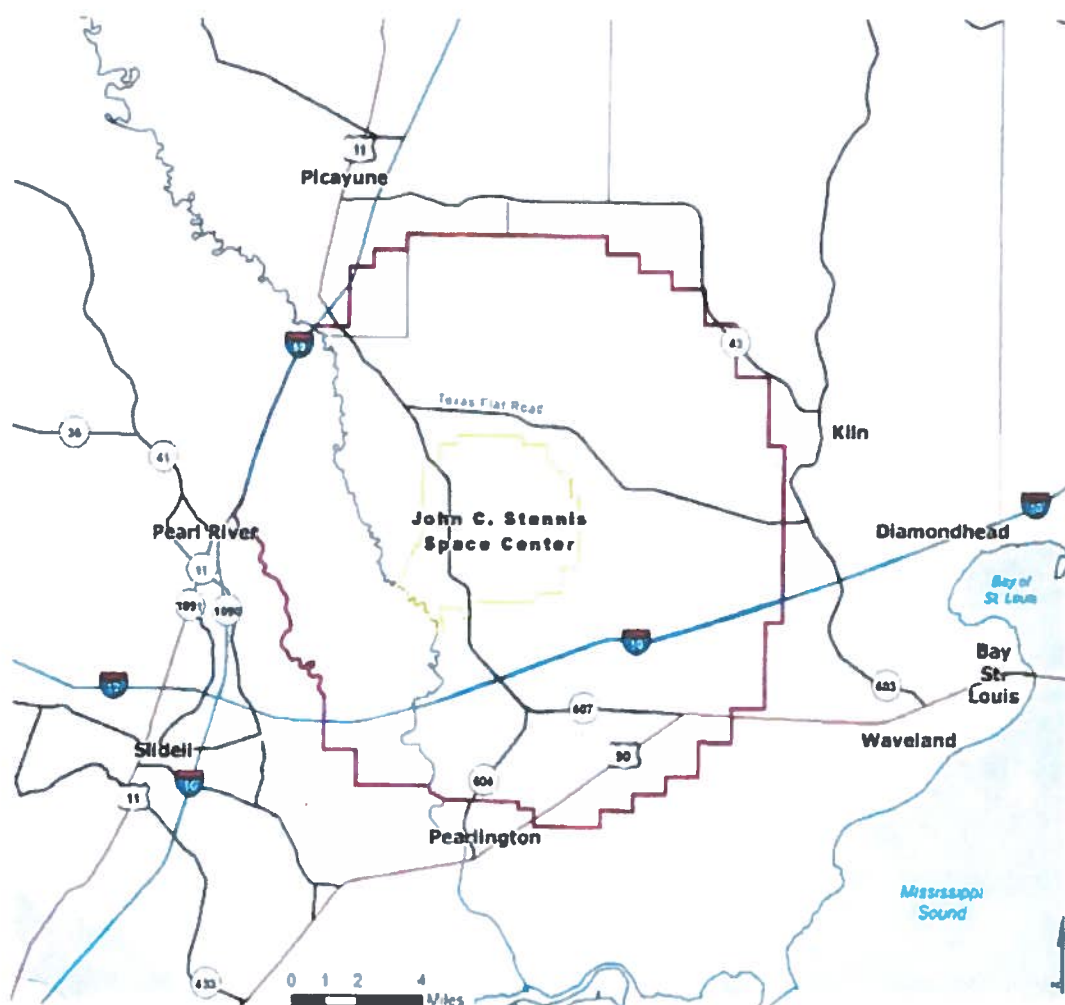
c. The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

d. Any person may make a written request for a public hearing to consider this proposed General Permit. This request must be made by the expiration date of this public notice and must clearly state why a hearing is necessary. Any individual or agency may comment on the proposal described in this notice; however, failure to comment will be interpreted to mean that there is no objection to the proposed General Permit. All comments received will be evaluated during the review process of this proposed General Permit.

e. Please bring this announcement to the attention of anyone you know who might be interested in this matter. Comments can be submitted by e-mail to: regulatory@usace.army.mil; or by standard mail to: Vicksburg District, U.S. Army Corps of Engineers, Attention: Regulatory Branch, Ms. Cori Carraway, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.



Jennifer A. Mallard
Chief, Regulatory Branch



General location of John C. Stennis Space Center in Hancock, County, Mississippi.

Fee Area ———

Buffer Zone ———

Enclosure 1

JOHN C. STENNIS SPACE CENTER MITIGATION PROGRAM SUMMARY

John C. Stennis Space Center (SSC) is a U. S. government owned and managed facility situated on the outer coastal plain, straddling the Pearl and Jourdan River drainages. It is composed of 22 square miles of federally owned "Fee Area" originally developed for the testing of large rocket propulsion systems for the space industry. Surrounding the Fee Area is a 200 square mile restrictive easement that excludes development of habitable structures, which is commonly referred to as the "Buffer Zone". The Buffer Zone is owned by NASA, the State of Mississippi, various commercial interests (timber and paper) and private individuals. See Enclosure 1 for a general location map of SSC.

To facilitate proper management of the natural resources at SSC in regards to anticipated development of the site, SSC developed a Special Area Management Plan (SAMP) for the facility that identified areas for future development as well as areas for environmental restoration, enhancement, and protection. It was recognized that planned development at the site would lead to unavoidable impacts to two types of wetland systems; bottomland hardwood wetlands that occurred along streams; and to a much greater extent, pine-flatwood wetlands that occurred throughout the site. To provide onsite compensatory mitigation for unavoidable impacts to these wetland types, the SAMP originally included a 15-acre bottomland hardwood mitigation site (Figure E2.1) and a 115-acre pine-flatwood mitigation site (Figure E2.2; identified as Phase I). Construction activities at SSC soon exhausted the Phase I pine-flatwood mitigation site. In 2000, a 272-acre Phase II pine-flatwoods mitigation area was added (Figure E2.2) that shares almost identical topography, flora and fauna with the Phase I area. In 2002, in anticipation of further development at SSC, an additional 3 tracts of land totaling 325 acres of restorable pine-flatwoods were added under Phase III of the overall mitigation plan. Of the Phase III acreage, three separate tracts totaling 217 acres are located adjacent to the Phase I and Phase II tracts (Figure E2.2), while the remaining 108 acre tract is located in an area southeast of these tracts (Figure E2.3). In 2008, a 185-acre tract was also added in the mitigation plan for Stennis Space Center's Special Area Management Plan. (Figure E2.4)



Figure E2.1. General layout of the 15-acre hardwood enhancement site included in the mitigation plan for Stennis Space Center's Special Area Management Plan.

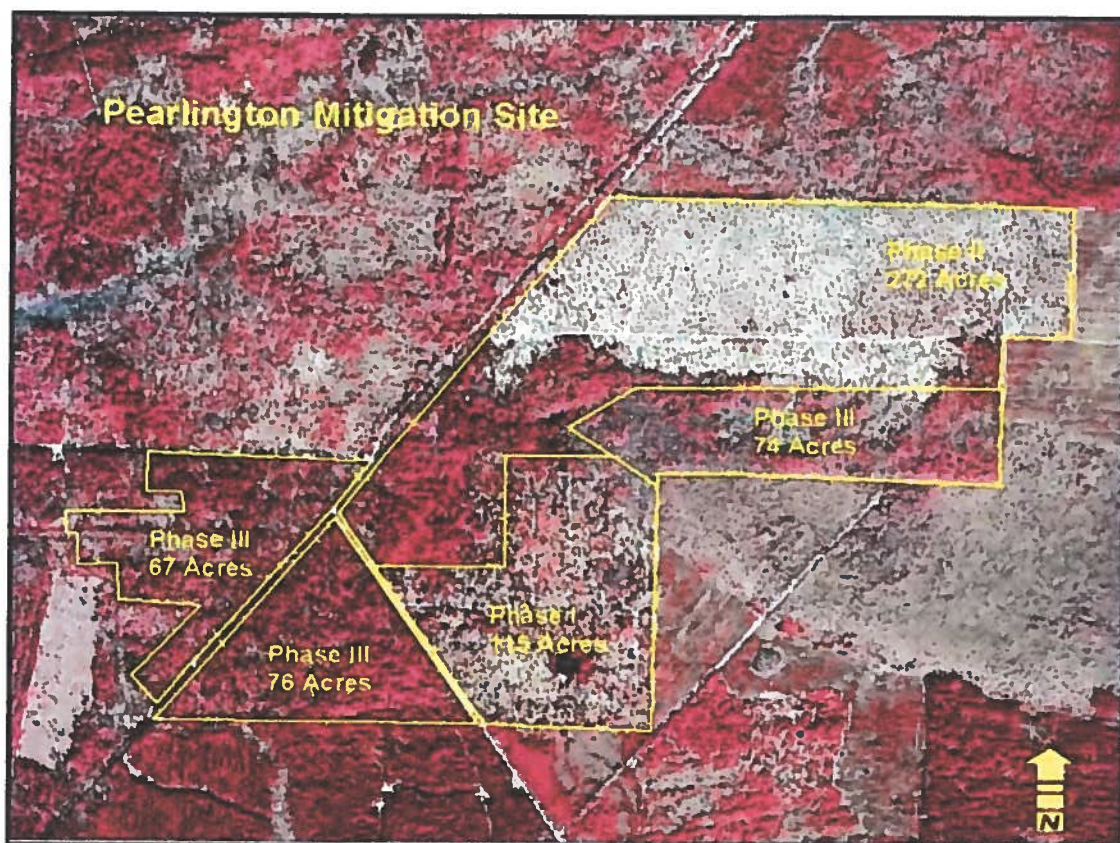


Figure E2.2. General layout of pine-savannah restoration sites included in Phases I, II, and III (partial) of the overall mitigation plan for Stennis Space Center's Special Area Management Plan.

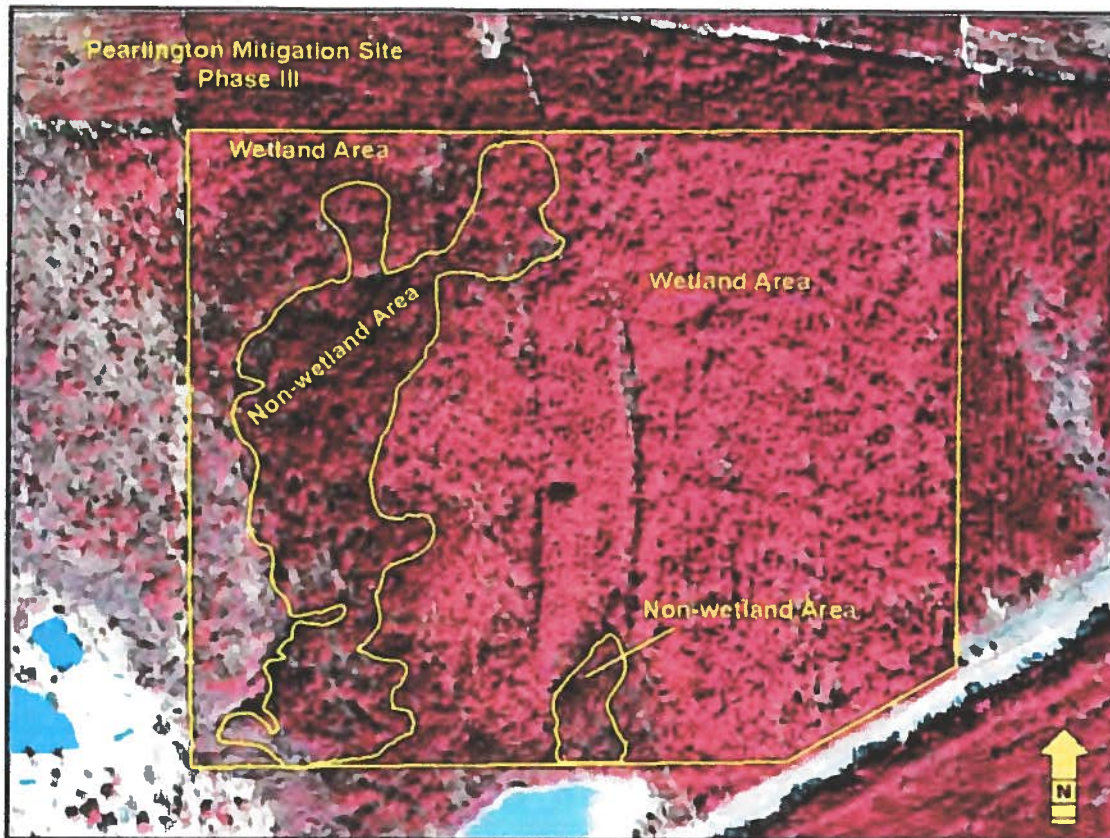


Figure E2.3. General layout of the additional 108-acre tract of pine-savannah restoration sites added under Phase III of the overall mitigation plan for Stennis Space Center's Special Area Management Plan.



Figure E2.4. General layout of the additional 185-acre tract added to the overall mitigation plan for Stennis Space Center's Special Area Management Plan.