



State of Mississippi

TATE REEVES
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

November 10, 2021

Rankin County Development Group
Robbie Pierce
160 Rodeo Drive
Brandon, Mississippi 39047

Re: Arbor Landing
Rankin County
COE No. MVK-2007-704
WQC No. WQC2021029

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, Rankin County Development Group, an applicant for a Federal License or permit to conduct the following activity:

Arbor Landing: The proposed expansion of Arbor Landing, phases III B and IV. Phases I and IA were authorized under Nationwide Permit No. 39, and Phases II and III were covered under WQC No. WQC2008018, and the same COE permit number. This phase will fill approximately 2.0 acres of wetlands for the remaining housing lots, walking trails and utilities. Riprap will be placed along the fill line [MVK2007704, WQC2021029].

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 development shall be required to connect to an MDEQ Office of Pollution Control approved wastewater collection and treatment system. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
2. All fill material and excavation areas shall have side slopes of at least 3:1 (horizontal: vertical) and shall be immediately seeded, stabilized, and maintained. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)

3. Appropriate best management practices (BMPs) 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 avoided wetland areas. In the event of any BMP failure, corrective actions shall be taken immediately. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
4. The final post-construction Storm Water Management Plan completed by Guest Consultants, Inc. and transmitted by Wildlife Technical Services, Inc. on October 2, 2008, shall be implemented concurrently with the project construction and maintained as proposed.
5. Mitigation shall be implemented as proposed. Prior to or concurrent with project construction, the 2.0 acres of open field degraded wetlands on the George Whitten and J.P. Culpepper Mitigation Property site shall be placed in a conservation easement. The covenants 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:
 - 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 recreational use. No motorized vehicles (to include off-road and four-wheel drive vehicles) shall be allowed on said site. (Statement C) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
6. The mitigation plan shall be implemented prior to or concurrent with construction as proposed. The included species shall be planted on

approximately 12' x 12' spacing, yielding approximately 302 free-to-grow seedling per acre. The site shall be monitored to ensure the survival of an average of 150 trees per acre following the first growing season. Monitoring wells shall be installed to demonstrate that wetland hydrology is established within the created wetland areas. Annual monitoring reports shall be submitted to this office for a period of five years. Annual monitoring reports shall be received by this office no later than January 10 following the growing season. If the created wetland area does not meet the vegetation requirements as well as the establishment of wetland hydrology within five years, additional mitigation shall be implemented to ensure that the impacted wetland functions are adequately replaced. (Statement C) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))

7. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units. (Statement D) (11 Miss. Admin. Code Pt. 6, R. 2.2.A.)
8. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse. (Statement D) (11 Miss. Admin. Code Pt. 6, R. 2.2.A.(3))

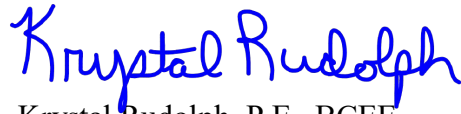
As part of the Scope of Review for Application Decisions, 11 Mississippi Administrative Code Part 6, Rule 1.3.4(B), the above conditions are necessary for the Department to ensure that appropriate measures will be taken to eliminate unreasonable degradation and irreparable harm to waters of the State, such that the activity will not meet the criteria for denial:

- (A) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.
- (B) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.
- (C) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.
- (D) The proposed activity permanently alters the aquatic ecosystem such that water quality criteria are violated and/or it no longer supports its existing or classified uses. An example is the channelization of streams

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 you have any questions, please contact Leah Drinnon.

Sincerely,



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

KR: ld

cc: Samantha Thompson, U.S. Army Corps of Engineers, Vicksburg District
David Felder, U.S. Fish and Wildlife Service
Bill Ainsley, Environmental Protection Agency
Clay Cromwell, Headwaters, Inc.