



**STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

May 25, 2022

Mr. Richard Baudry
1460 Beach Boulevard
Biloxi, Mississippi 39530

Dear Mr. Baudry:

Re: Bayou Hill Subdivision
(a.k.a. Osprey Landing)
Jackson County
COE No. SAM202100783MJF
WQC No. WQC2022009

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 Richard Baudry – Bayou Hill Subdivision (a.k.a. Osprey Landing), an applicant for a Federal License or permit to conduct the following activity:

Richard Baudry – Bayou Hill Subdivision (aka Osprey Landing): Project to place fill material in 9.20 acres of jurisdictional wetlands to construct a 72-lot, single-family residential subdivision. The fill would be for the home lots, roadways, and culverted road crossings. The subject property is an approximately 40-acre parcel containing approximately 22.44 acres of jurisdictional wetlands. The jurisdictional wetlands are comprised of approximately 1.38 acres of bottomland hardwood and approximately 21.06-acres of low-quality pine savannah. The proposed work would avoid 13.24 acres of jurisdictional wetlands to include all of the bottomland hardwood wetlands. The applicant is proposing mitigation through the purchase of mitigation credits from an approved mitigation bank. The proposed project is located west of Fort Bayou Road in Vancleave, Jackson County, Mississippi [SAM202100783MJF, WQC2022009].

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:

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1. The development shall be required to connect to an MDEQ Office of Pollution Control approved wastewater collection and treatment system. (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. (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. (11 Miss. Admin Code Pt. 6, R. 1.1.1.B.)
4. For projects greater than five acres of total ground disturbances including clearing, grading, excavating, or other construction activities, the applicant shall obtain the necessary coverage under the State of Mississippi's Large Construction Storm Water General NPDES Permit. For projects greater than one, to less the five acres of total ground disturbances including clearing, grading, excavating, or other construction activities, the applicant shall follow the conditions and limitations of the State of Mississippi's Small Construction Storm Water General NPDES Permit. No construction activities shall begin until the necessary approvals and/or permits have been obtained. (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
5. The Post Construction Water Quality Plan dated April 2, 2022, by Dennis Stieffel & Associates, P.A., Inc., shall be implemented concurrent with project construction and maintained as proposed. (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (9))
6. Mitigation for the impacts of 9.20 acres of wetlands shall be provided by the purchase of mitigation credits from an approved mitigation bank. The number of credits must be in accordance with banking prospectus and should be based upon that required for impacting 9.20 acres of wetlands. Written verification of credit purchase must be provided to the Office of Pollution Control prior to the commencement of any work in the wetland or stream areas. (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. (11 Miss. Admin. Code Pt. 6, R. 2.2.A.)
8. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse. (11 Miss. Admin. Code Pt. 6, R. 2.2.A.(3))

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 Florance Bass.

Sincerely,



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

KR: chb

cc: Maryellen Farmer, U. S. Army Corps of Engineers, Mobile District
Matt Murphy, Department of Marine Resources
Paul Necaie, U.S. Fish and Wildlife Service
Bill Ainslie, Environmental Protection Agency
Dana Sanders, Jr., Sanders Environmental, LLC
Dennis Stieffel, Dennis Stieffel & Associates, P.A., Inc.