



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

June 17, 2022

Mr. Mark Smith  
Environmental Section Chief  
U.S. Army Corps of Engineers, Memphis District  
167 N. Main Street, Room B-202  
Memphis, Tennessee 38103

Dear Mr. Smith:

Re: U.S. Army Corps of Engineers  
Memphis District  
MS River Levee Seepage Control  
Sherard, MS – Coahoma County  
WQC No. WQC2022028

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, Memphis District, an applicant for a Federal License or permit to conduct the following activity:

U.S. Army Corps of Engineers, Memphis District, Seepage Control Measures – Sherard:  
The proposed action is to control seepage under the MRL that occurs during flood conditions on the Mississippi River to ensure that the levee system does not fail in a flood event. The proposed project will involve constructing three earthen berms adjacent to the landside levee slope with approximately 45,100 cubic yards of excavated material from an agricultural field riverside of the MRL. Conventional earth moving equipment (e.g., bulldozers and excavators) will be used to construct the seepage berms. Compensatory mitigation for unavoidable impacts to 2.2 acres of wetlands associated with the action will be required and will consist of restoring approximately 3.27 acres of cleared agricultural lands to bottomland hardwood forest. The project is located along the Mississippi River Mainline Levee (MRL) between MRL mile posts 85/86 and 93/94, along the left descending bank of the Mississippi River, west of the town of Sherard, in Coahoma County, Mississippi [WQC2022028].

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. 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.)

80983 WQC20220001

2. Appropriate best management practices (BMPs) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas and/or waters. Special care shall be taken prior to and during construction to prevent the movement of sediment into adjacent 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.)
3. 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.)
4. Compensatory mitigation for unavoidable impacts to 2.2 acres of wetlands shall be provided by restoration of approximately 3.27 acres of prior converted cropland to bottomland hardwood forest. (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
5. Prior to or concurrent with project construction, the on-site mitigation area shall be placed in a restrictive covenant. The covenant 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 this certification. **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.

(11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))

6. 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.)
7. 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: Josh Koontz, U.S. Army Corps of Engineers, Memphis District  
Bill Ainslie, Environmental Protection Agency