



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

November 25, 2024

Ms. Kristi Hall
U.S. Army Corps of Engineers, Vicksburg District
Regulatory Division
4155 Clay Street
Vicksburg, MS 39183-3435

Dear Ms. Hall:

Re: U.S. Army Corps of Engineers
Vicksburg District
General Permit 19
Warren County
COE No. MVK20180683
WQC No. WQC2024017

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Mississippi Department of Environmental Quality (Department) issues this Certification, after public notice and opportunity for public hearing, to the U.S. Army Corps of Engineers, Vicksburg District, an applicant for a Federal License or permit to conduct the following activity:

U.S. Army Corps of Engineers, Vicksburg District, General Permit 19: Reissuance of a Department of the Army General Permit 19, with modifications, for structures or work affecting navigable waters of the United States and discharges of dredged and/or fill material in waters of the United States, which are associated with the exploration for and subsequent production of hydrocarbons. These activities include the construction of related items such as access roads, initial flowlines, mud and reserve pits, and associated levees; the construction of earthen mounds (pads) for the pump, treater, and tank battery; and for the construction of a firewall around the tank battery.

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

This General Permit may be used for activities regulated under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) (Section 10) provided there are also activities regulated under Section 404 of the Clean Water Act (33 U.S.C. 1344) (Section 404). This General Permit does not apply to activities that are regulated only through Section 10 (e.g. directional drilling under a designated Section 10 navigable water). Activities regulated only through Section 10 will require separate authorization by the District Engineer.

This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Wetland impacts associated with regulated activities authorized under this General Permit will be limited to a maximum of 5.0 acres for all work (including all portions of access roads, well pads, utility lines, etc.) that requires a Department of the Army authorization. This General Permit will not be used to authorize water withdrawals, the construction of ponds for the storage of hydraulic fracturing water, or the construction of brine disposal wells.

Construction activities which include regulated work and/or discharges of dredged or fill material into Section 10/404 or Section 404 regulated Waters of the United States (collectively hereafter referred to as: WOTUS) which are not specifically authorized by this General Permit are prohibited unless specifically approved by the District Engineer via separate authorization. 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, an application for an individual permit will be required.

The following must be provided by the applicant in writing in request for authorization under the General Permit:

1. State the number of the General Permit under which the work would be conducted. (General Permit - 19) (GP-19)
2. Statement that the work would be conducted in compliance with the terms and conditions of GP-19 and would not adversely impact adjoining properties.
3. A location description including: latitude and longitude, Section, Township, Range, County or Parish, and State; a plan-view (including a digital aerial overlay) location map showing the proposed worksite, existing wells, roads, and streams within 1,500 feet of the proposed site; a USGS quadrangle map

- depicting the area of potential development; a map showing FEMA flood zone ratings for project area and the location of the proposed well(s), flowline, and proposed access road(s).
4. Any application associated with a well site that was previously authorized by a Department of the Army permit would reference the Vicksburg District permit identification number (MVK-Year-XXXX) for that well site authorization.
 5. Estimated starting date, and estimated time duration to completion of the drilling phase (when applicable), or other construction activity in/affecting WOTUS.
 6. Name, mailing address, telephone number, and email address of the party (person and agency) applying for authorization, the operator of the well and the well number (please name and/or number any offset sites included in each application).
 7. A drawing of the proposed structures (tank batteries, wells, access roads, etc.) including elevations (when available), dimensions (in feet), total area impacted (in acres for wetlands; in both acres and linear feet for streams), amounts of excavated and fill material (in cubic yards).
 8. A delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations would be prepared in accordance with the current method required by the Corps. The applicant may ask the Corps to delineate the special aquatic sites, including wetlands, and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the application evaluation period would not start until the delineation has been submitted by the applicant or completed by the Corps, as appropriate.
 9. An informational narrative and/or list detailing the individual aquatic resource impacts (in acres for wetlands; in acres and linear feet for streams), and the total impacts for each resource type (e.g. emergent wetland, forested wetland, intermittent stream, etc.), all impact activities (discharge of dredged and/or fill material, conversion, etc.), impact duration (temporary or permanent), and the latitude/longitude (approximate centerpoint) for each impact. In addition, current site photos of the WOTUS to be impacted should be provided.
 10. [NOTE: An Aquatic Resources Identification and Impacts Spreadsheet is available for use on the Vicksburg District's Regulatory Web Page]: <https://www.mvk.usace.army.mil/Missions/Regulatory/Permits/>

A narrative describing how impacts to WOTUS were minimized to the maximum extent practicable. For projects that include adverse impacts to WOTUS, the complete application would include information on mitigation in all forms (i.e. avoidance, minimization, and compensation) to minimize overall adverse impacts to WOTUS.

11. For projects with unavoidable adverse functional impacts greater than 0.10 acre to wetlands or greater than 0.03 acre of streams, the complete application would include a statement describing: how, if required, the compensatory mitigation requirement would be satisfied (either through purchase of mitigation credits from an approved mitigation bank or “in lieu fee” provider, or through permittee responsible mitigation); or explaining why the project-specific adverse effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan. If the applicant proposes permittee responsible mitigation, the application would not be considered complete until the Corps receives an acceptable permittee responsible mitigation plan.

[NOTE: Information on the Vicksburg District’s current mitigation requirements is available on the MVK Regulatory Web Page]: <https://www.mvk.usace.army.mil/Missions/Regulatory/Mitigation/>

12. If any ESA-listed species (or species proposed for listing) or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the application must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity.
13. For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the application must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.
14. For work proposed: on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System; on a property/area owned or managed by a State or Federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.), the applicant must submit with their request for authorization under this General Permit, the agency point of contact (including phone number, mailing address, and email address) and

- proof of initiation of the applicant's request for approval from the managing agency.
15. A description of the BMP's that would be used to minimize the movement of disturbed soil(s) from the construction into adjacent WOTUS>
 16. For enhanced oil recovery (EOR) projects, the application would include a map showing the land area beneath which the target formation would be pressurized. This map would also identify locations of existing wells that penetrate the affected formation. For these operations, the application would also include an affirmative statement that the identified existing wells have been inspected and determined to be capable of withstanding expected pressures.
 17. For activities affecting structures or works built by the United States: If a GP-19 activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it would alter or temporarily or permanently occupy or use a USACE federally authorized Civil Works project, the application must include a statement (and any associate documents) confirming that the project proponent has submitted a written request for Section 408 permission to the Vicksburg District office having jurisdiction over that USACE project.

Special Conditions:

1. All proposals for hydrocarbon exploration/production activities would reduce the area of impact to the minimum area absolutely necessary for construction. Unavoidable functional loss impacts greater than 0.1 acre for wetlands or greater than 0.03 acres or streams, may require compensatory mitigation. See Application Requirements 'i.' and 'j.' (above) for information requirements that must be supplied to inform the District Engineer's determination of mitigation requirements.
2. No regulation activity may cause the permanent loss, or conversion, of greater than 0.5 acre of cypress swamp and/or cypress-tupelo swamp.
3. Projects would not be authorized in areas included within the Louisiana or Mississippi Coastal Management Zones.
4. Perennial streams would not be filled/relocated for construction of well pads, tank battery pads, or other similar structures.
5. No more than 300 linear feet of intermittent streams would be filled/relocated for construction of well pads, tank battery pads, or other similar structures.

6. Streams would be suitably culverted or bridged at all crossings. Each crossing would be designed and constructed to maintain low flows to sustain the movement of aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements. Adverse impacts to perennial and intermittent stream bottom habitats would be mitigated on-site to the maximum extent practicable.
7. When constructing access roads through wetlands or floodplains, one, at least 24-inch diameter culvert would be installed every 500 feet, at a minimum, to minimize disruption of normal hydrologic flow through the affected wetlands and floodplains.
8. All flowlines/pipelines from well sites would be placed within the existing rights-of-way where practical; otherwise, adverse impacts from construction/maintenance of flowlines/pipelines would be minimized to the maximum extent practical.
9. The right-of-way for access roads through all jurisdictional waters of the United States would be limited to a maximum width of 40 feet for all exploration and production sites. Access roads would follow the existing rights-of-way whenever possible to minimize environmental impacts. Clearing of vegetation would be kept to a minimum.
10. Best management practices (BMPs), such as those developed by NRCS or USFS for gravel and unimproved roads, would be used in the construction of access roads.

[NOTE: Best Management Practice resources can be found on the Vicksburg District's Regulatory Web Page, under "Resources"]:
<http://www.mvk.usace.army.mil/Missions/Regulatory/Permits.aspx>

11. For wells located within a 100-year floodplain or adjacent to a natural waterway, a closed-loop drilling fluid system would be used when drilling the well.
12. The applicant and associated operator, would have in place sufficient plans and procedures to prevent and control adjacent spills of oil and similar substances at the site. Containment basin dikes around the pump, treater, and tank battery would be constructed and maintained in accordance with applicable State and Federal regulations including 40 CFR 112 (Spill Prevention Control and Counter Measures Plan) USACE would be notified of any accidental spill by contact to the Vicksburg District Regulatory office within 48 hours of discovery (601-631-5540; Regulatory@usace.army.mil).

- Applicable State environmental protection agencies would be contacted according to State response plan requirements.
13. The permittee would construct and operate the facility in a manner that would not interfere with navigation. The permitted structure would be marked and/or lighted according to U.S. Coast Guard regulations.
 14. No activity would be authorized under this General Permit which is likely to 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 directly or indirectly destroy or adversely modify the critical habitat of such species. No activity would be authorized under this General Permit which “may affect” a listed species or critical habitat, unless Endangered Species Act, Section 7 consultation addressing the effects of the proposed activity has been completed.
 15. Activities in WOTUS that serve as breeding areas for migratory birds would be avoided to the maximum extent practicable. The permittee would be responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with the Migratory Bird Treaty Act of the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
 16. No activity that has the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, or a site that has previously been unevaluated, would be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Additional fill material would not be taken from a known historical or archaeological site within or outside of regulated areas. If the permittee, during prosecution of work authorized herein, inadvertently discovers or accidentally destroys a cultural resource such as a cemetery, shipwreck, mound, historic structure, or archaeological site, within the area subject to Department of the Army jurisdiction, they would cease work in the immediate area and notify the District Engineer within 24 hours. The District Engineer, in consultation with the appropriate State Historic Preservation Office and the Federally recognized Tribe, would comply with the procedures set forth in 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).
 17. Projects located on property encumbered by an NRCS Wetlands Reserve Program (WRP) easement would not be authorized without written release/approval from the NRCS. Under such situations, the application would

not be considered complete until the Corps is provided written documentation of release/approval from the agreement by the NRCS.

18. Activities would not be authorized on a property/area owned or managed by a State or Federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.) without documented approval (e.g. special use permit, waiver, etc.) by the managing agency.
19. Activities would not be authorized for work proposed on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System, without the appropriate Federal or State authorization.
20. Site restoration after completion of Construction and Exploration (drilling) activities would be as follows: Within 60 days after construction, and removal of the drilling rig (when applicable), all areas not needed for testing and production facilities would be restored to original contours. Drilling mud would be removed and disposed of according to State and Federal Regulations.

The District Engineer may extend the 60-day period, when justified, and where appropriate, after consultation with any applicable State or Federal land-managing agency (i.e. WMAs, NWRs, etc.)

21. The permittee/operator would return a separate Certification of Compliance after completing construction of the authorized activity; and after completing exploration activities and site restoration (See Condition 20, above)
22. Any conditions on the water quality certifications issued from the State in which the work is proposed that satisfy the requirements of 40 CFR Part 121.7(d) would be incorporated into the permit by reference. Enforcement actions resulting from noncompliance with these conditions may be initiated by the State or the Environmental Protection Agency.
23. Proper procedures, in accordance with Federal, State and local regulations, would be used to manage and dispose of waste generated at the site.
24. Authorizations for this General Permit would not be granted to an applicant who is in noncompliance with a Department of the Army permit until such noncompliance has been resolved.

[MVK20180683, WQC2024017]

The Department 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 permittee obtaining authorization under General Permit-19 shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of construction activities. (Statement G) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.B(7))
2. Prior to the start of any water withdrawal activities, the permittee obtaining authorization under General Permit-19 shall obtain the appropriate water withdrawal permits from the Office of Land and Water Resources within MDEQ. (Statement G) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.B(7))
3. All stream impacts shall be mitigated in kind with stream mitigation elements. In the event that stream mitigation is not available and alternate mitigation proposals are provided, a pre-construction notification shall be provided to MDEQ and 10 working days shall be allowed to provide comments. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.B(1))
4. A pre-construction notification shall be provided to MDEQ for projects that include channel work within waterways found on the latest version of the State of Mississippi's Section 303(d) List of Impaired Water Bodies for sediment or biological impairment or waterways with a completed Total Maximum Daily Load (TMDL) for sediment or biological impairment. This notification shall include the following:
 - a. Justification of why the impacts cannot be avoided;
 - b. Proposed best management practices that would minimize the impacts to receiving sensitive waters; and
 - c. Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.(Statement A) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.B(1))
5. Discharges of cuttings, drilling mud, hydrostatic testing water, or any other waste material are prohibited unless approved in writing or permitted by the MDEQ. (Statement G) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.B(7))
6. A pre-construction notification shall be provided to MDEQ for projects associated with hydraulic fracturing and enhanced oil recovery using carbon dioxide for oil and gas exploration. Unless verification is provided that the proposed activities have been previously reviewed and approved through a master planning process, MDEQ shall be allowed 10 working days to provide comments for the proposed activities. For activities not previously included in

an approved master planning process, the pre-construction notification to MDEQ shall include the following:

- a. Impacts resulting from authorizations for oil and gas exploration shall be minimized to the maximum extent practicable;
- b. A mitigation plan for unavoidable impacts shall be provided and should be within the same watershed as practicable;
- c. All fill shall be removed in the event that production is not achieved; and
- d. A plan for restoring the sites in the event production is not achieved.

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

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

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) 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.
- (B) There is a feasible alternative to the activity which reduces adverse consequences on water quality and classified or existing uses of waters of the State.
- (C) The proposed activity adversely impacts waters containing State or federally recognized threatened or endangered species.
- (D) The proposed activity adversely impacts a special or unique aquatic habitat, such as National or State Wild and Scenic Rivers and/or State Outstanding Resource Waters.
- (E) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.
- (F) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.

(G) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.

(H) The proposed activity results in significant environmental impacts which may adversely impact water quality.

The Department 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 Carrie Barefoot.

Sincerely,



Becky Simonson
Chief, Environmental Permits Division

BS: po

cc: Bryan Williamson, U.S. Army Corps of Engineers, Vicksburg District
Willa Brantley, Department of Marine Resources
David Felder, U.S. Fish and Wildlife Service
Jamie Becker, Environmental Protection Agency