



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

December 9, 2022

Mr. Chip Pickering
Chute Investments, LLC
1018 Highland Colony Pkwy, Suite 700
Ridgeland, Mississippi 39157

Dear Mr. Pickering:

Re: Chute Investments, LLC
Creekmore Green Tree Reservoir
Warren County
COE No. MVK2022630
WQC No. WQC2022057

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 Chute Investments, LLC, an applicant for a Federal License or permit to conduct the following activity:

Chute Investments, LLC – Creekmore Green Tree Reservoir: This project is for the construction of a greentree reservoir. The applicant will create an 11-acre greentree reservoir by constructing a 1,215 feet long earthen levee with a flashboard riser and drainpipe water control structure. The purpose of the project is to establish water depths that are favorable for waterfowl species during the winter migration. The 1,215 feet long levee would be 10 feet wide at the base and 4 feet wide at the crest. The fill material for the levee will be sourced by excavating adjacent land alongside the levee footprint. The regulated discharge of fill totals 0.37 acres in waters of the U.S., including wetlands. Approximately 10.72 acres of forested wetlands would be seasonally inundated through the operation of the water management plan [MVK2022630, WQC2022057].

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. 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.)
2. Mitigation for the impacts to 0.37 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 0.37 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. (Statement A & C) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
3. 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.)
4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse. (Statement A) (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) 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) 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.

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 Ms. Morgan White.

Sincerely,



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

KR: MW

cc: Jennifer Brown, U.S. Army Corps of Engineers, Mobile District
Jamie Becker, Environmental Protection Agency
Elliot Smith, Headwaters, Inc.