



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

January 30, 2023

Chris Pickering
U.S. Army Corps of Engineers, Mobile District
P.O. Box 2288
Mobile, Alabama 36628

Dear Mr. Pickering:

Re: US Army COE, Mobile District,
MSGP-04
Harrison County
COE No. SAM202200079CSP
WQC No. WQC2022040

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 U.S. Army Corps of Engineers, Mobile District, an applicant for a Federal License or permit to conduct the following activity:

US Army COE, Mobile District, MSGP-04-Mooring Pilings and Single Pile Structures: This permit authorizes mooring pilings (i.e. dolphins or single piles), and single-pile structures (i.e. wood duck box, osprey platform) within residential and commercial/industrial areas. All structures shall be limited to no more than twenty-five (25) feet in height above mean high water (MHW) or ordinary high water (OHW) and may not extend more than 25 percent of the distances across the waterway, as measured from the MHW or OHW line, or from the waterward limits of emergent vegetation. This permit also authorizes the repair, replacement, and maintenance of previously permitted, currently serviceable structures. Currently serviceable structures are defined as usable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Berthing Limits:

- A limit of five (5) single-family, residential-use boat berthing areas, to include berthing for personal watercraft, can be authorized under this permit.

- Structures for the permanent mooring of houseboats are not authorized by this permit.
- Berthing areas may not be created within existing wetlands, SAV, or natural shellfish beds.

Single-Pile Structures:

- Single-pile structures may include posts for wood duck nests, osprey platforms, etc.

Dolphins:

- Should dolphin construction (i.e., cluster pilings) require any material other than pilings or similar solid, pile-like structures being placed in waters of the U.S., all project details must be submitted to the authorizing agency.

[SAM202200079CSP,WQC2022040].

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. Pilings and/or bulkhead material shall be steel, concrete, plastic, vinyl, or timber treated to meet appropriate marine conditions. No creosote materials shall be used. (11 Miss. Admin. Code Pt. 6, R.1.1.1(A)(55)) (Statement A)
2. 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.) (Statement A)
3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse. (11 Miss. Admin. Code Pt. 6, R. 2.2.A.(3)) (Statement 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.

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 Carrie Barefoot.

Sincerely,



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

KR: fb

cc: Dylan Hendrix, U.S. Army Corps of Engineers, Mobile District
Willa Brantley, Department of Marine Resources
Jamie Becker, Environmental Protection Agency