



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,
MS General Permit 2
Harrison County
COE No. SAM202200077CSP
WQC No. WQC2022039

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-02 Docks, Piers, Wharves, and Boat Shelters: This permit authorizes the construction and modification of fixed or floating piers, wharves, and boat shelters; their normal appurtenances such as stairways, walkways, railings, and fish cleaning stations for single-family residential structures; and, small enclosed storage areas. 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.

Construction and Size Limits:

- The square footage covered by fixed or floating structures, including docks, platforms, boat shelters, and associated structures, excluding access piers, shall not exceed a total of 2,000 square feet.
- A limit of five (5) boat berthing areas, including berthing for personal watercraft, can be authorized under this permit.

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- Covered boat shelters and hoists shall be open-sided and limited to a 25-foot height above mean high water (MHW) or ordinary high water (OHW) with a length not to exceed fifty (50) feet. Boat shelters and/or hoists shall not be constructed over wetlands or submerged vegetation.
- Enclosed storage areas shall not exceed 100 square feet in total.
- Platforms, boat berths, etc. shall not be constructed over wetlands, shellfish beds, or submerged grasses.
- The addition of a roof or covering structure is limited to a 25-foot height above MHW or OHW.
- The addition of a single-story roof, covering structure, or boat hoist on an existing open-deck or boat slip does not require a pre-construction notification prior to commencing the activity, provided the work does not require installation of additional in-water pilings, increase the number of boat slips, or exceed the general footprint of the existing structures. All other conditions of this permit apply to the activity.

Waterward Construction Limits: The finished structures shall not pose a hazard to navigation or extend more than 25 percent of the distance across the waterbody, as measured from the MHW or OHW line, or from the waterward limits of emergent vegetation. Structures may be constructed at a location sufficient to obtain navigable depth, but no more than 1,000 feet from the MHW or OHW line, and must be consistent with surrounding, nearby structures.

Access Piers: For the purposes of this document, access piers are considered to be those structures, typically perpendicular to the shoreline, necessary to link docks, platforms, boathouses, and similar structures to land.

- The maximum width of access piers constructed over open water shall be limited to six (6) feet unless otherwise authorized by the Mobile District or Vicksburg District.
- An access pier over emergent non-forested wetlands or water with SAV shall be no more than six (6) feet wide and the height of the structure above the ground surface or MHW must be at least as high as it is wide (i.e., a 6-foot-wide walkway/pier would be constructed at least six (6) feet above mud level or line of mean high water).
- Special construction methods may be required for the installation of pilings in areas of wetlands or submerged grass beds. Pile driving during high tide to facilitate use of shallow draft barges is the preferred method of installation, but jetting with a low pressure pump may be used.

Existing Marinas and Commercial/Industrial Waterfront Facilities:

- Altering pier configuration or adding berthing spaces within existing marina/facility boundaries may be permitted.
- If construction results in additional boats being berthed, a wastewater pump out facility may be required.

- New marinas/facilities and expansions of existing marinas/facilities beyond existing boundaries are not authorized under this permit.

Excluded Structures: This permit does not authorize the following: (1) structures for the permanent mooring of houseboats; (2) fueling facilities; (3) toilets, and/or habitable structures, and activities that produce “gray water”; unless specifically authorized above; (4) new marinas; (5) expansion of an existing marina or existing commercial/industrial waterfront facility beyond the existing authorized footprint; (6) the mechanical clearing or filling of wetlands; or (7) impacts to wetlands, SAV or shellfish beds.

[SAM202200077CSP,WQC2022039].

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