



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 1
Harrison County
COE No. SAM202200076CSP
WQC No. WQC2022038

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

US Army COE, Mobile District, MSGP-01 – Shoreline Stabilization:

This permit authorizes the placement of bulkheads, armoring systems (e.g., riprap), bioengineering, living shorelines/alternative bulkhead designs (ABD), and other standard shoreline protection/stabilization devices roughly paralleling, and at, the shoreline or bank for new construction. 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.

Placement of Structure(s):

- Standard protection structures such as bulkheads and riprap must be along the existing shoreline at the mean high water (MHW) line in tidal waterbodies, ordinary high water (OHW) line in non-tidal waterbodies, or landward of all jurisdictional wetlands (including bottomland hardwoods).

- Living shoreline/ABD structures are authorized by this general permit to discharge dredge or fill material into Waters of the U.S. to protect banks and shorelines. Protection locations may extend waterward from the existing shoreline at MHW.

Armament Length and Bank Dressing Limitations:

- New bulkheads, riprap, living shoreline/ABD structures, or other shoreline stabilization structures are limited to a total project length of 500 feet for residential and commercial properties.
- There is no limit to the length that may be authorized for repair of previously authorized, currently serviceable structures, provided the structure is not to be put to uses differing from those uses specified or contemplated for in the original permit or most recently authorized modification.
- Riprap material placed below the plane of MHW or OHW may not exceed an average of one (1) cubic yard per linear foot of shoreline being protected. Riprap shall not extend farther than six (6) feet into the waterway from the MHW line or OHW line. Living Shoreline/ABD structures are excluded from this requirement.

Protection Fronting Wetlands: This general permit does not authorize the filling of wetlands or special aquatic sites (i.e. wetlands, sanctuaries and refuges, mud flats, vegetated shallows, coral reefs, and riffle and pool complexes) but may be used for protection of wetlands and other special aquatic sites.

- Fill may not be placed in wetland areas or special aquatic sites for Living shoreline/ABD structures.
- Structures must be designed as to allow the normal hydrological regime to be maintained to wetland areas and allow for normal passage of aquatic organisms between the waterbody and the shoreline.
- Areas historically known to contain submerged aquatic vegetation (SAV) may require a survey to ensure structures will not impact SAV.
- No projects will be authorized along high energy beaches or in known sea turtle nesting areas.
- Structural components should be properly secured and anchored so that dislocation of said components and materials from normal wave action or normal water flow does not occur.
- Flow-through bulkheads/wave attenuators designed to dissipate wave energy in wetland areas may be constructed waterward of the wetlands and placed below the plane of MHW or OHW if they are designed to allow for the normal hydrologic regime to be maintained in the wetland areas and they do not pose a hazard to navigation.

- Flow-through/Low-profile bulkheads must:
 - Be constructed in a way that allows for the normal hydrologic regime to be maintained in the wetland area;
 - (For flow-through bulkheads) Leave six (6) out of every twelve (12) inches of structure length open or be constructed in a 'shadow-box' or 'board-on-board' configuration with staggered rows of facing boards on either side of the stringers, which should be at least four (4) inches in width; Other configurations may be allowed with prior approval from the authorizing agency;
 - (For low-profile bulkheads) Extend no higher than the existing mud line;
 - Not pose a hazard to navigation; and
 - Not result in fill entering any wetlands.

Construction Limitations (bulkheads, armoring systems (e.g., riprap), living shoreline/ABD, bioengineering):

- For maintenance purposes, vertical face structures intended to replace failing structures may be placed waterward of the failing structure at the minimum distance necessary to facilitate construction, but no more than twenty-four (24) inches waterward from the base of the failing structure.
- Upon structural failure or loss due to a discrete storm event, reconstruction of the failed structure shall occur at the base, within the original footprint, of the previous structure.
- Structures must be constructed in a manner designed to avoid creating areas of still or stagnant water.
- Living shoreline/ABD structures and fill areas should be constructed the minimum distance necessary to protect the shoreline and facilitate construction, but may not extend into the waterbody more than thirty (35) feet from the MHW line or OHW line, or more than 25 percent of the distance across the waterbody, as measured from the MHW line or OHW line, or from the waterward limits of emergent vegetation.

Construction Material Requirements (bulkheads, armoring systems (e.g., riprap), bioengineering):

- Filter Fabric: Use of the appropriate filter fabric is required.
- Backfill Material: Only clean material free of waste, metal and organic trash, unsightly debris, petroleum products (such as asphalt), etc., may be used as backfill.
- Riprap Material: Only clean riprap material (i.e. free of exposed rebar, asphalt, plastic, soil, etc.), may be used. Riprap may be used to augment other protection methods.

- Living shoreline/ABD: Structures must have a significant biological component including use of native vegetation or plantings and/or native materials (i.e. mussel, clam, and oyster shell). Structures must be of minimal size to provide adequate protection required in higher energy environments, properly secured/anchored, and not create a navigational hazard. Structures shall be monitored for invasive or noxious species. All plantings and materials (coir logs, coir mats, root wads, etc.) utilized with the structure should be composed of native vegetation.

Prohibited Activities: This permit does not authorize: (1) placement of fill in wetlands or shellfish beds; (2) adverse impacts to wetlands, submerged grass beds or shellfish beds; or (3) ancillary structures, such as groins and jetties, roughly perpendicular to the shoreline. This permit may not be used to regain land lost due to erosion, or otherwise accrete land; however, consideration will be given to land lost during discrete storm events on a case-by-case basis.

[SAM202200076CSP,WQC2022038].

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. 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.) (Statement A & B)
2. 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 C)
3. 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 C)

4. 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 C)

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) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.

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

(C) 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