



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

February 6, 2023

Mr. Jared Harris
Mississippi Department of Marine Resources
1141 Bayview Avenue
Biloxi, Mississippi 39530

Dear Mr. Harris:

Re: Mississippi Department of Marine
Resources
Pelican Key Beneficial Use Site
Harrison County
COE No. SAM202200145KMN
WQC No. WQC2022050

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 Mississippi Department of Marine Resources, an applicant for a Federal License or permit to conduct the following activity:

Mississippi Department of Marine Resources, Pelican Key Beneficial Use Site: Project to construct a beneficial use site for the placement of dredged material in the open waters of the Mississippi Sound. The site will be located on a remnant island named Pelican Key. The site will be located approximately 5.5 miles west of the western tip of Cat Island and approximately 7 miles south of Pass Christian, Mississippi. The site will be approximately 900 acres (80 acres of containment berm and 820 acres to be used for the placement of dredged material for construction of marsh habitat). The northwestern portion of the containment berm will be located approximately 1,870 feet southeast of the centerline of the Gulf Intracoastal Waterway. The proposed containment berm would be approximately 28,000 linear feet and constructed of approximately 917,000 cubic yards of sediment dredged from the surrounding area immediately adjacent to the site and approximately 528,000 cubic yards of rip rap/armor stone material will be placed over the sediment berm once it has settled. The containment berm crest elevation will be approximately +5.0 mean low low water (MLLW), crest width: 5 feet; exterior (waterside) slope: 5 foot horizontal to 1 foot vertical (5H:1V); interior slope 3H:1V. The planned gaps on the containment berm will allow for tidal flushing of the site and movement of water in and out of the site. The interior

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containment area will hold approximately 13.4 million cubic yards of dredged material. Depths currently at the proposed site range from -5 to -12 MLLW [SAM202200145KMN, WQC2022050].

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. No sumps shall be created in open waters by proposed placement of dredge spoil material. The water bottom elevations shall gradually decrease to open water. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
2. The permittee shall contact the Department for further consultation regarding testing protocols for dredged material obtained from waterways with a completed Total Daily Maximum Load for toxics, phenols, mercury, and PCBs-Dixon; and from waterways listed on the 303(d) list for biological impairment. Further information may be obtained from the chief of the Water Quality Modeling Branch with the Surface Water Division of the Office of Pollution Control. (Statement C & D) (11 Miss. Admin. Code Pt. 6, R. 1.1.1 B.)
3. The permittee shall contact the Department for further consultation regarding testing protocols for dredged material obtained from waterways affected by a CERCLA/Uncontrolled Site identified by the Groundwater Assessment and Remediation Division. Further information may be obtained from the chief of the Brownsfield Branch within the Groundwater Assessment and Remediation Division of the Office of Pollution Control. (Statement C & D) (11 Miss. Admin. Code Pt. 6, R. 1.1.1 B.)
4. Best management practices should be used at all times during construction to minimize turbidity at the restoration sites. The restoration sites shall be constructed and maintained in a manner that minimizes the discharge of turbid waters into waters of the Mississippi Sound and surrounding waters. Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
5. Sediment testing for approval of material placement shall be done in accordance with protocols established by the Beneficial Use Group as part of the Beneficial Use Program within the Department of Marine Resources. (Statement C & D) (11 Miss. Admin. Code Pt. 6, R. 1.1.1 B.)
6. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units. The turbidity within the beneficial use restoration project areas may reasonably exceed this turbidity standard for temporary periods of time and shall not result in permanent environmental harm. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 2.2.A)

7. 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.
- D. The proposed activity results in significant environmental impacts which may adversely impact water quality.

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 Mr. Thomas Schaub.

Sincerely,



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

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cc: Ms. Kaaren Neumann, U.S. Army Corps of Engineers, Mobile District
Mr. Paul Necaie, U.S. Fish and Wildlife Service
Ms. Jamie Becker, Environmental Protection Agency