



**STATE OF MISSISSIPPI**  
TATE REEVES  
GOVERNOR

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**  
CHRIS WELLS, EXECUTIVE DIRECTOR

March 14, 2023

Mr. Keith O'Keefe  
Warren County Port Commission  
1622 Washington Street, Suite 201  
Vicksburg, Mississippi 39180

Dear Mr. O'Keefe:

Re: Warren County Port Commission  
Project Snowball  
Warren County  
COE No. MVK2022124  
WQC No. WQC2022017

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Mississippi Department of Environmental Quality (Department) issues this Certification, after public notice and opportunity for public hearing, to Warren County Port Commission (WCPC), an applicant for a Federal License or permit to conduct the following activity:

Warren County Port Commission, Project Snowball: On March 28, 2022, the Department received the application for a WQC to conduct regulated activities in waters of the State on an approximately 2,180-acre site situated east of the Mississippi River, west of U.S. Highway 61, and south of Kemp Bottom Road in Vicksburg, Warren County, Mississippi.

The proposed project included the construction and development of a port for public utilization for the purpose of increasing regional access to domestic and international commerce. The port facility would include a leveed area suitable for future commercial/industrial development opportunities, water and sewer infrastructure, and integrated railway lines and access roads to facilitate future multimodal transportation and commercial growth for the region.

The WCPC indicated that the proposed project would fulfill a need for regional port access to the Mississippi River for domestic and international commerce. Further, the WCPC indicated that the proposed project would provide additional public benefits through opportunities for job creation and economic development opportunities normally associated with port infrastructure projects. The proposed project would consist of:

- Rerouting Hennesseys Bayou;

- Construction of a maritime/land transportation interface (barge loading/unloading facility): including 7 internal barge mooring docks, and 1 external mooring dock (which would extend approximately 100 feet waterward towards the channel of the Mississippi River);
- Dredging of the Mississippi River (to obtain fill material, approximately 1.25 million cubic yards of sediment are proposed to be dredged);
- Filling and grading for the construction of an approximately 34,500 linear feet long flood protection ring levee and building pads for the future construction of multiple commercial/industrial buildings;
- Construction of approximately 38,500 linear feet of associated access roads;
- Construction of two railroad line extensions (totaling approximately 33,500 linear feet);
- Construction of water and sewer infrastructure;
- Relocating existing utility (electricity) lines towards the eastern perimeter of the proposed site.
- Construction of a new electricity substation; and
- Construction of two stormwater detention basins with integrated box culverts with sluice gate pumping systems.

To accomplish the construction of the proposed project, the WCPC proposed the following:

- Filling 7,600 linear feet of the current alignment of Hennesseys Bayou and constructing a new 3,000 linear foot long channel to the north;
- Filling of approximately 455 acres of forested wetlands, 26 acres of scrub-shrub wetlands, and 81 acres of emergent wetlands;
- Filling of approximately 9.8 acres of open water sloughs;
- Filling of approximately 20,300 linear feet of ephemeral streams (including agricultural ditches);
- Filling of approximately 6,100 linear feet of intermittent streams; and
- Filling of approximately 10.7 acres of open water.

As proposed, the project would avoid impacts to 132 acres of forested wetlands, 5 acres of scrub-shrub wetlands and 6.5 acres of emergent wetlands. To compensate for the loss of wetland and stream functions, the applicant proposed to provide a combination of wetland and stream credits from an approved mitigation bank and permittee responsible mitigation (PRM).

As a result of public and agency review and comment, the WCPC revised the proposed project. On February 15, 2023, the WCPC provided an updated request for WQC to conduct regulated activities in waters of the State. The revised project includes the construction of a new public port and industrial space to construct a steel mini mill. The project also includes a flood control levee, related access

roads, rail line extension, water/sewer/gas infrastructure, and the development of adequate sites for necessary cargo, trade, and industrial facilities at the public port. The project, situated along the east bank of the Mississippi River, will also provide multimodal transportation assets capable of supporting a steel manufacturing industry.

The revised proposed project would consist of the following:

- Rerouting Hennesseys Bayou – 2,850 linear feet of rerouted channel;
- Construction of a maritime/land transportation interface (barge loading/unloading facility) including 7 internal barge mooring docks and 1 external mooring dock (which would extend approximately 100 feet waterward towards the channel of Mississippi River; external mooring dock is temporary and will be removed once port basin is installed);
- Filling and grading for the construction of an approximate 33,300 linear feet long flood protection levee;
- Construction of approximately 38,500 linear feet of associated access roads;
- Construction of railroad line extensions totaling approximately 33,500 linear feet of rail loop and an additional 25,000 linear feet of on-site railyards;
- Construction of water and sewer infrastructure;
- Relocating existing utility (electricity) lines towards the eastern perimeter of the proposed site;
- Construction of a new electricity substation; and
- Construction of two stormwater detention basins with integrated box culverts with sluice gate pumping systems.

To accomplish the construction of the proposed project, the WCPC proposed the following:

- Filling 7,597.83 linear feet of the current alignment of Hennesseys Bayou and constructing a new 2,850 linear foot long channel to the north;
- Filling of approximately 405.43 acres of forested wetlands, 20.43 acres of scrub-shrub wetlands, and 73.69 acres of emergent wetlands;
- Filling of approximately 2,310.88 linear feet of ephemeral streams;
- Filling of approximately 3,959.87 linear feet of intermittent streams;
- Filling of 16,716.98 linear feet of agricultural ditches;
- Filling of approximately 10.69 acres of open water; and
- Filling of approximately 8.28 acres of open water sloughs.

As a result of the applicant's efforts to avoid and minimize impacts, the revised project will avoid impacts to 180.25 acres of forested wetlands, 10.55 acres of scrub-shrub wetlands, 15.26 acres of emergent wetlands, and 12.59 acres of open

water. To compensate for the loss of wetland and stream functions, the applicant proposed to provide a combination of wetland and stream credits from an approved mitigation bank and PRM [MVK2022124, WQC2022017].

The Department 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. The development shall connect to a Department approved wastewater collection and treatment system. All wastewater, including process wastewater, shall be properly treated and disposed in accordance with 11 Mississippi Administrative code Part 6, Chapter 1. (Statement G) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
2. For construction activities, 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 offsite and into adjacent avoided wetland areas and adjacent waters. In the event of any BMP failure, corrective actions shall be taken immediately. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
3. For dredging activities, appropriate BMPs shall be used at all times to minimize turbidity at both the dredge and dredged material disposal sites. The disposal sites shall be constructed and maintained in a manner that minimizes the discharge or turbid waters into waters of the State. Best management practices may include, but not limited to, the use of straw wattles, staked filter cloth; sodding, seeding and mulching; staged construction; and the installation of turbidity screens around the immediate project site. Any effluent from the disposal area should be routed through a return swale system and filtered through a series of hay bales and silt fences so as to reduce the turbidity of the effluent. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
4. For construction projects five (5) acres or greater of total ground disturbances including clearing, grading, excavating, or other construction activities shall follow the conditions and limitations of the Large Construction General Permit. No construction activities shall begin until the necessary approvals and/or permits have been obtained. Construction activities include a disturbance to the land that results in the change in topography, existing soil cover (both vegetative and non-vegetative), or the existing topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. (Statement E) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
5. The applicant shall implement an adaptive management strategy to ensure compliance with all requirements provided in this certification. The applicant

shall provide the implementation strategies to the Department with a corrective action plan within a reasonable period of time, not to exceed 30 days after identification of non-compliance parameters and conditions. Prior to implementation of such strategies, the applicant shall coordinate with the Department to determine if additional approvals are necessary for the proposal. (Statement A) (11 Miss. Admin. Code Pt.6, R.1.1.1.A(55))

6. The applicant shall comply with established Total Maximum Daily Loads (TMDLs) for stormwater discharges. All drainage channels shall be constructed to minimize the potential for erosivity within the site. Shallow concentrated flow of stormwater shall be avoided to comply with the TMDL and minimize discharge of sediments containing DDT and toxaphene. (Statement A) (11 Miss. Admin. Code Pt.6, R.1.1.1.A(55))
7. WCPC personnel or an assigned subcontractor, having the authority to stop work on the project, shall visit the site daily on each day that work is occurring to observe work activity and permit compliance. Should a violation of certification conditions occur, the Department shall immediately be notified, and corrective actions should be outlined as required in Condition 6. (Statement A) (11 Miss. Admin. Code Pt.6, R.1.1.1.A(55))
8. Other approvals from the Department may be necessary for the construction and operation of the proposed facilities. All necessary permits and authorizations as required by the Department prior to the start of the specific regulated activity must be obtained. This certification does not alleviate the need for other permit requirements and/or responsibilities. (Statement G) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
9. Additional permits may be required from the Department for the construction and operation of individual facilities/projects. Each individual facility/project shall provide all necessary information to the Department to determine if additional permits are needed prior to the start of construction activities. If additional permits are needed, each individual facility/project shall comply with the terms and conditions set forth in these permits. Each individual facility/project shall contact the Department for further information. **No construction shall begin at any proposed facility location until all necessary approvals are obtained from the Department.** (Statement E) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
10. 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. (Statement A) (11 Miss. Admin. Code Pt.6, R.1.1.1.A(55))
11. The channel depth shall gradually increase toward open water and shall not exceed the controlling navigational depth. No “sumps” shall be created by

proposed dredging. (Statement A) (11 Miss. Admin. Code Pt. 6, Rule 1.3, Exhibit B.I.E.4)

12. The final mitigation plan, as approved by the Department and the U.S. Army Corps of Engineers, shall be implemented with project development and operation within waters of the state. The applicant shall coordinate with the Department the final approved plan from the U.S. Army Corps of Engineers to rectify any differences and incorporate any modifications into the mitigation plan as provided to the Department on December 1, 2022, and subsequent approved revisions through February 28, 2023. Mitigation for the project shall be accomplished through the purchase of mitigation credits and permittee responsible mitigation (PRM). Prior to the beginning of any phase of construction, the permittee shall provide the Department with proof of purchase of mitigation credits from an approved mitigation bank or a copy of a restrictive covenant demonstrating a mechanism of protection for the PRM area. No construction within waters of the state shall begin in any phase until such documentation is provided to the Department. (Statement E) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
13. The mitigation areas shall be placed in a restrictive covenant. Prior to any land disturbing activities within state waters, the applicant shall record the covenant in the Miscellaneous Document Book, with the Registrar of Deeds, or with another appropriate official charged with the responsibility of maintaining records of title to and interest in real property. A certified copy of the covenants must be furnished to the Department within 30 days of the recording. The covenant shall contain:
  - a. There shall be no clearing, burning, cutting or destroying of trees or vegetation, except as expressly authorized in the Reserved Rights; there shall be no planting or introduction of non-native or exotic species of trees or vegetation except as specifically provided for in the mitigation plan.
  - b. No agricultural, industrial, or commercial activity shall be undertaken or allowed.
  - c. There shall be no construction or placement of buildings, or other structures in the mitigation area other than structures for wildlife enhancement, viewing, or scientific study.
  - d. There shall be no use of off road vehicles, 4 wheel drive vehicles, all terrain vehicles or similar vehicles except on existing or approved roads and trails and except as necessary to manage the Property and implement the mitigation plan.

(Statement E) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))

14. 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.)
15. 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))

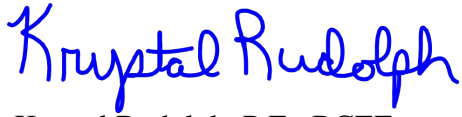
As part of the Scope of Review for Application Decisions, 11 Mississippi Administrative Code Part 6, Rule 1.3.4(B), the above conditions are necessary for the Department to ensure that appropriate measures will be taken to eliminate unreasonable degradation and irreparable harm to waters of the State, 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) There is a feasible alternative to the activity which reduces adverse consequences on water quality and classified or existing uses of waters of the State.
- (C) The proposed activity adversely impacts waters containing State or federally recognized threatened or endangered species.
- (D) The proposed activity adversely impacts a special or unique aquatic habitat, such as National or State Wild and Scenic Rivers and/or State Outstanding Resource Waters.
- (E) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.
- (F) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.
- (G) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.
- (H) The proposed activity results in significant environmental impacts which may adversely impact water quality.

The Department 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: chb

cc: Jennifer Brown, U.S. Army Corps of Engineers, Vicksburg District  
Jamie Becker, Environmental Protection Agency  
Walt Dinkelacker, Headwaters, Inc.  
Trudy Fisher, Butler Snow