



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

April 27, 2023

Mr. Robert Stumm
WPS Development, LLC
Post Office Box 15317
Gulfport, Mississippi 39205

Dear Mr. Stumm:

Re: WPS Development, LLC, West
Pass Station
Harrison County
COE No. SAM202200724MJF
WQC No. WQC2022069

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 WPS Development, LLC, an applicant for a Federal License or permit to conduct the following activity:

WPS Development, LLC, West Pass Station: Proposed impact to 4.24 acres of jurisdictional wetland for construction of a mixed use development. The development includes a hotel, condominium, apartments, restaurants and retail space. The site is 4.28 acres of which 4.24 acres are wetlands. Mitigation will include the purchase of credits from an approved mitigation bank. This development is located in Pass Christian, Harrison County. [SAM202200724MJF, WQC2022069].

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. The development shall connect to an Office of Pollution Control approved wastewater collection and treatment system. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)

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2. Coverage under a Small Stormwater Construction General NPDES Permit shall be obtained prior to the start of construction activities. No construction activities shall begin until such approvals are obtained. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
3. 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 into adjacent avoided wetland areas. In the event of any BMP failure, corrective actions shall be taken immediately. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
4. The post-construction stormwater management plan submitted on June 15, 2022 by Machado Patano Design Group shall be implemented concurrent with project construction and maintained as proposed. (Statement B) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (9))
5. All fill material and excavation areas shall have side slopes of 3:1 (horizontal:vertical) or flatter and shall be immediately seeded, stabilized and maintained. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
6. Mitigation for the impacts of 4.24 acres of forested wetlands shall be provided by the purchase of mitigation credits from an approved mitigation bank. The number of credits must be in accordance with banking prospectus and be based upon that required for impacting the waters on the site. Written verification of credit purchase must be provided to the Office of Pollution Control prior to the commencement of any work in the wetland or stream areas. (Statement C) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
7. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units. (Statement D) (11 Miss. Admin. Code Pt. 6, R. 2.2.A.)
8. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse. (Statement D) (11 Miss. Admin. Code Pt. 6, R. 2.2.A.(3))

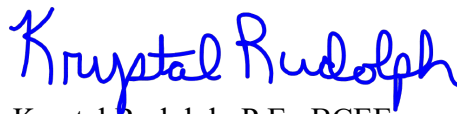
As part of the Scope of Review for Application Decisions, 11 Mississippi Administrative Code Part 6, Rule 1.3.4(B), the above conditions are necessary for the Department to ensure that appropriate measures will be taken to eliminate unreasonable degradation and irreparable harm to waters of the State, such that the activity will not meet the criteria for denial:

- (A) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.
- (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 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: Maryellen Farmer, U.S. Army Corps of Engineers, Mobile District
Willa Brantley, Department of Marine Resources
Jamie Becker, Environmental Protection Agency
Jack Schmidt, Machado Patano
Mitch Tinsley, Ecological Asset Management, LLC