



**STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

April 26, 2024

Mr. Jeremy M. LaDart
U.S. Army Corps of Engineers
Mobile District
P.O. Box 2288
Mobile, Alabama 36628-0001

Dear Mr. LaDart:

Re: US Army COE, Mobile District
Dredging Cadet Bayou
Hancock County
COE No. FP24-CB01-11
WQC No. WQC2024009

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:

U.S. Army Corps of Engineers, Mobile District, Dredging Cadet Bayou: The project provides for an 8-foot deep by 100-foot-wide entrance channel extending from the 8-foot depth contour in Mississippi Sound for approximately 7,800 feet to the mouth of the bayou. The channel would be maintained via hydraulic pipeline dredge. The proposed dredging action would be performed with a tolerance of up to 2 feet advanced maintenance and 2 feet of allowable over-depth dredging. An additional 3 feet of sediment below the 2-foot allowable dredging cut may be disturbed in the dredging process with minor amounts of the material being removed.

Approximately 175,000 cubic yards of material would be removed from the channel each dredging cycle with average cycles occurring every 5 to 6 years. However, the actual time between dredging cycles and uses of the placement area may vary due to the variable rates of shoaling and availability of funding. The material would be disposed of in a previously authorized and utilized 250-acre open-water disposal site and/or beneficial use site. Placement of dredged material at the open-water site is conducted via thin-layer dispersal, as much as practicable. Water depths in the site would not be allowed to become less than -4

feet mean lower low water (MLLW). Dredging and placement of materials could occur at any time of the year. In addition, a beneficial use area established along the western shore of the bayou can also be used as a dredged material placement area [FP24-CB01-11, WQC2024009].

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 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, R. 1.1.1.B.)
2. Best management practices should be used at all times during construction to minimize turbidity at both the dredge and spoil disposal site. The disposal sites shall be constructed and maintained in a manner that minimizes the discharge of turbid waters into waters of the State. Best management practices should include, but not limited to, the use of staged construction and the installation of turbidity screens around the immediate project site. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
3. 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.(3))
4. 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 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,



Becky Simonson
Chief, Environmental Permits Division

BS:chb:mb

cc: Valerie Powe, U.S. Army Corps of Engineers, Mobile District
Willa Brantley, Department of Marine Resources
Jamie Becker, Environmental Protection Agency