



State of Mississippi

TATE REEVES
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

September 29, 2025

Mr. Mike Cure
Cure Land Company, LLC
P.O. Box 44
Lakeshore, Mississippi 39558
mikecure123@gmail.com

Dear Mr. Cure:

Re: Cure Land Company, LLC
Bayou Caddy Boat Yard Expansion
Hancock County
COE No. SAM202200495APS
WQC No. WQC2022047

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

Cure Land Company, LLC – Bayou Caddy Boat Yard Expansion: Project to fill 4.98 acres of wetland habitat with 12,400 cubic yards of sandy clay material from a state-certified location to expand an existing boat yard. Of the 4.98 acres, 0.25 acres is scrub-shrub wetland habitat, and 4.72 acres is high marsh wetland habitat. This quantity of fill material is required to bring the elevation of the proposed expansion area to that of the existing dry dock yard. The size of the existing boat yard is inadequate to meet the facility's demand for dry-docking large vessels. This facility operates the largest boat lift in Hancock County. A boat lift of this magnitude is required for moving large commercial and private vessels ashore for routine inspections, maintenance, emergency repairs, protection from severe weather, and/or land-based transit. The size of the proposed expansion area is the minimum necessary to provide an adequate turning radius for semi-trucks. These trucks are used to transport large vessels and deliver materials and equipment.

Mitigation for impacts to 4.72 acres of high marsh will be accomplished through on-site creation of +/- 1.68 acres of tidal marsh and the off-site creation of +/-

2.69 acres of tidal marsh. The proposed acreages for marsh creation have been determined using the USACE Hydrogeomorphic Approach and will ensure “no-net-loss” of wetland function requirements. Additionally, the applicant will purchase mitigation credits through an approved mitigation bank to offset impacts to the +/- 0.25 scrub/shrub wetlands.

This project is located at an existing boat yard on Bayou Caddy in Bay St. Louis, Hancock County, Mississippi [SAM-2022-00495-APS, WQC2022047].

MDEQ 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. All fill material and excavation areas shall have side slopes of at least 3:1 (horizontal: vertical) and shall be immediately seeded, stabilized, and maintained. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
2. 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 F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
3. For construction projects from one (1) to less than five (5) acres of total ground disturbances including clearing, grading, excavating or other construction activities shall follow the conditions and limitations of the MDEQ’s Storm Water Small Construction General NPDES Permit. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
4. Mitigation for impacts to 4.72 acres of high marsh habitat shall be accomplished through on-site creation of +/- 1.68 acres of tidal marsh and the off-site creation of +/- 2.69 acres of tidal marsh. Prior to project construction, the mitigation areas shall be placed in a conservation easement. The easement shall be properly recorded 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 within six months of the effective date of the authorization. **A certified copy of the easement must be furnished to MDEQ within 30 days of the recording.** The easement 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, four-wheel drive vehicles, all-terrain vehicles or similar vehicles except on existing or approved roads and trails and except as necessary to implement the mitigation plan.

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

- 5. Mitigation for the impacts to 0.25 acres of scrub shrub 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 0.25 acres of scrub shrub wetlands. **Written verification of credit purchase must be provided to the Department prior to the commencement of any work in the wetland or stream areas.** (Statement E) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
- 6. 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))
- 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 MDEQ 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.

MDEQ 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

cc: Amiee Smith, U.S. Army Corps of Engineers, Mobile District
Jamie Becker, U.S. Environmental Protection Agency, Region 4
Paul Necaise, U.S. Fish and Wildlife Service
Willa Brantley, Mississippi Department of Marine Resources
Randy Ellis, Ecological Asset Management, LLC