



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, AL 36628-0001

August 30, 2023

South Mississippi Branch
Regulatory Division

SUBJECT: Department of the Army Permit, File Number SAM-2022-00174-MJF,
Mississippi Department of Environmental Quality, Hancock County, Mississippi

Mississippi Department of Environmental Quality
Attention: Mr. Chris Wells
Email Address: cwells@mdeq.ms.gov
P.O. Box 2261
Jackson, Mississippi 39225

Dear Mr. Wells:

**PLEASE READ THIS LETTER CAREFULLY AND COMPLY
WITH ITS PROVISIONS**

There is included with this letter a Department of the Army permit authorizing you to perform the work specified therein in accordance with the plans shown on the drawings attached thereto. This permit is issued under provision of the Federal laws for the protection and preservation of the navigable waters of the United States. These laws provide that after the proposed work has been approved by issuance of a Department of the Army permit,

**IT SHALL NOT BE LAWFUL TO DEVIATE FROM SUCH PLANS EITHER
BEFORE OR AFTER COMPLETION OF THE WORK,**

unless modification of said plans has previously been submitted to and received the approval of the Department of the Army.

You and your contractors should study and carefully adhere to all the terms and conditions of the permit. The District must be notified of the commencement and completion of the permitted work. The attached Commencement and Completion Certification forms may be used for that purpose. Also attached is a yellow "NOTICE OF AUTHORIZATION" sign which must be conspicuously displayed at the site during construction of the permitted work.

If for any reason it becomes necessary to make a material change in the location, plans, or mitigation for this work, revised plans should be submitted promptly to the District Engineer in order that the revised plans may receive the approval required by law before work is begun. Compliance with this and other conditions of the permit is essential. Failure to submit the requested notices may result in permit revocation.

You are receiving an electronic copy of this permit. Please notify the project manager listed below if you wish to receive a paper copy of the permit. Electronic copies of this letter and permit are being provided to your agent, Mr. Jeremy Smith, FC&E Engineering, LLC at jsmith@fce-engineering.com, the Mississippi Department of Marine Resources, Attention: Ms. Willa Brantley at willa.brantley@dmr.ms.gov and the Mississippi Department of Environmental Quality, Ms. Carrie Barefoot at CBarefoot@mdaq.ms.gov.

Please contact Ms. Maryellen Farmer at (251)509-6240 or e-mail at maryellen.j.farmer@usace.army.mil, should you have any questions. For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx. Also, please take a moment to complete our customer satisfaction survey located near the bottom of the webpage. Your responses are appreciated and will help us improve our services.

Sincerely,

Munther N. Sahawneh
Team Leader
South Mississippi Branch
Regulatory Division

Attachments

DEPARTMENT OF THE ARMY PERMIT

Permittee: MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No.: SAM-2022-00174-MJF

Issuing Office: MOBILE DISTRICT

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The permittee is authorized to place clean fill material for the construction of 1.7 miles of living shoreline breakwater structures. The total footprint of the breakwater structure is approximately 17 acres. The living shoreline breakwater structure would have a 15-foot crest width with heights varying from 3.5 to 8.5 feet based on existing contours. Base widths would range from 55 feet to 95 feet. The maximum design crest elevation is +2.5 feet.

ATTACHED:

1. Locations and Plan Drawings
2. Mississippi Department of Marine Resources (DMR) Coastal Program Consistency dated June 27, 2022 (DMR22-000087).
3. Mississippi Department of Environmental Quality (MDEQ) Section 401 Water Quality Waiver dated July 25, 2022 (WQC No. WQC2022034).

Project Location: The project is located in the Mississippi Sound from Bayou Bolan to Bayou Caddy, Sections 20, 29, 30, and 31, Township 9 South, Range 14 West, Hancock County, Mississippi. This area is depicted on the Mississippi-Grand Island Pass Quadrangle, United States Geological Survey Topographic Map, Hydrologic Unit Code 031700091402.

Permit Conditions

General Conditions:

1. The time limit for completing the work authorized ends on June 7, 2028. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

a: The permittee shall comply with all requirements of the Mississippi Department of Environmental Quality 401 Water Quality Waiver (WQC2022034) dated July 25, 2022.

b: All conditions of the Coastal Zone Consistency Determination issued by the Department of Marine Resources (June 27, 2022; DMR22-000087) are incorporated as conditions of this DOA permit.

c: Should artifacts or archaeological features be encountered during project activities, all heavy equipment operations within a 35-foot buffer surrounding the potentially significant artifact(s) or the observation will cease and the USACE and the State Historic Preservation Officer at the Mississippi Department of Archives and History (MDAH) shall be consulted immediately.

U.S. Army Corps of Engineers (USACE), Mobile District, Attention: Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628-0001; 251-690-2658

MDAH, Post Office Box 571, Jackson, Mississippi 39205; 601-576-6850

d: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

e: Only suitable material, specifically crushed concrete, limestone or oyster shell, free of waste, metal, organic trash, unsightly debris, etc., may be used as fill, and material discharged must be free from toxic pollutants in toxic amounts.

f: If any evidence of the presence of Endangered/Threatened Species is found during construction, all activities in the immediate vicinity must cease, and the permittee shall notify the USACE, Mobile District and the U.S. Fish and Wildlife Service (USFWS) immediately.

USACE, Mobile District, Attention: Regulatory Division, Post Office Box 2288, Mobile, Alabama 36628-0001; 251-690-2658

USFWS, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213; 228-493-6631.

g: This Department of Army (DA) permit does not authorize you to take an endangered species, in particular the West Indian Manatee, the Gulf sturgeon, the Giant Manta Ray, and sea turtles (leatherback, Kemp's ridley, hawksbill, green and loggerhead) If a take occurs the permittee shall report the take to NMFS SERO PRD via the NMFS SERO Endangered Species Take Report Form (<https://forms.gle/85fP2da4Ds9jEL829>) and to this office via telephone at 251-690-2658. In addition, if new information reveals effects of the action not previously considered, or the identified action is subsequently modified in a manner that causes an effect to listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat designated that may be affected by the identified action reinitiation of consultation with NMFS-PRD and/or USFWS must take place. Therefore, within 24 hours of any of the above-mentioned actions taking place the permittee shall notify this office of the event and/or finding via telephone at 251-690-2658.

h: The permittee shall comply with all of the mandatory terms and conditions associated with the enclosed USFWS *Guidelines for Activities in Proximity to Manatees and Their Habitat*, the NOAA Fisheries Southeast Regional Office *Protected Species Construction Conditions* dated May 2021, *Vessel Strike Avoidance Measures*

dated May 2021, and Measures for Reducing Entrapment Risk to Protected Species, May 2012. Lack of compliance with the enclosed conditions would constitute non-compliance with your DA permit.

i: The permittee shall directly contact the U.S. Coast Guard office to request a Private Aids to Navigation marking determination. The permittee shall email a copy of the Department of Army permit along with their request for determination to D8oanPATON@uscg.mil.

j: Best management practices shall be implemented to minimize erosion, siltation damage to adjacent wetlands and waters of the United States and submerged aquatic vegetation. Appropriate erosion and siltation control measures must be used and maintained in effective operating condition during construction. All temporary erosion control features shall remain in place until permanent stabilization measures have been completed and have become fully effective.

k: All excavation and fill activities shall be performed in a manner that minimizes disturbance and turbidity increases in "waters of the United States", wetlands, and submerged aquatic vegetation; and shall be retained in a manner to preclude its erosion into any adjacent wetlands, submerged aquatic vegetation, or waterway.

l: It is the permittee's responsibility to ensure that the contractors working on this project are aware of all general and special permit conditions associated with this permit verification.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

(X) Section 10 of the Rivers and Harbors Act 1899 (33 U.S.C. 403).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances

warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit. Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


(PERMITTEE) **MR. CHRIS WELLS**, Executive Director
P.O. Box 2261
Jackson, Mississippi 39225
MDE Q. by

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

JEREMY J. CHAPMAN
COLONEL, U.S. ARMY
DISTRICT COMMANDER

BY: _____

MUNTER N. SAHAWNEH
TEAM LEADER
SOUTH MISSISSIPPI BRANCH
REGULATORY DIVISION

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

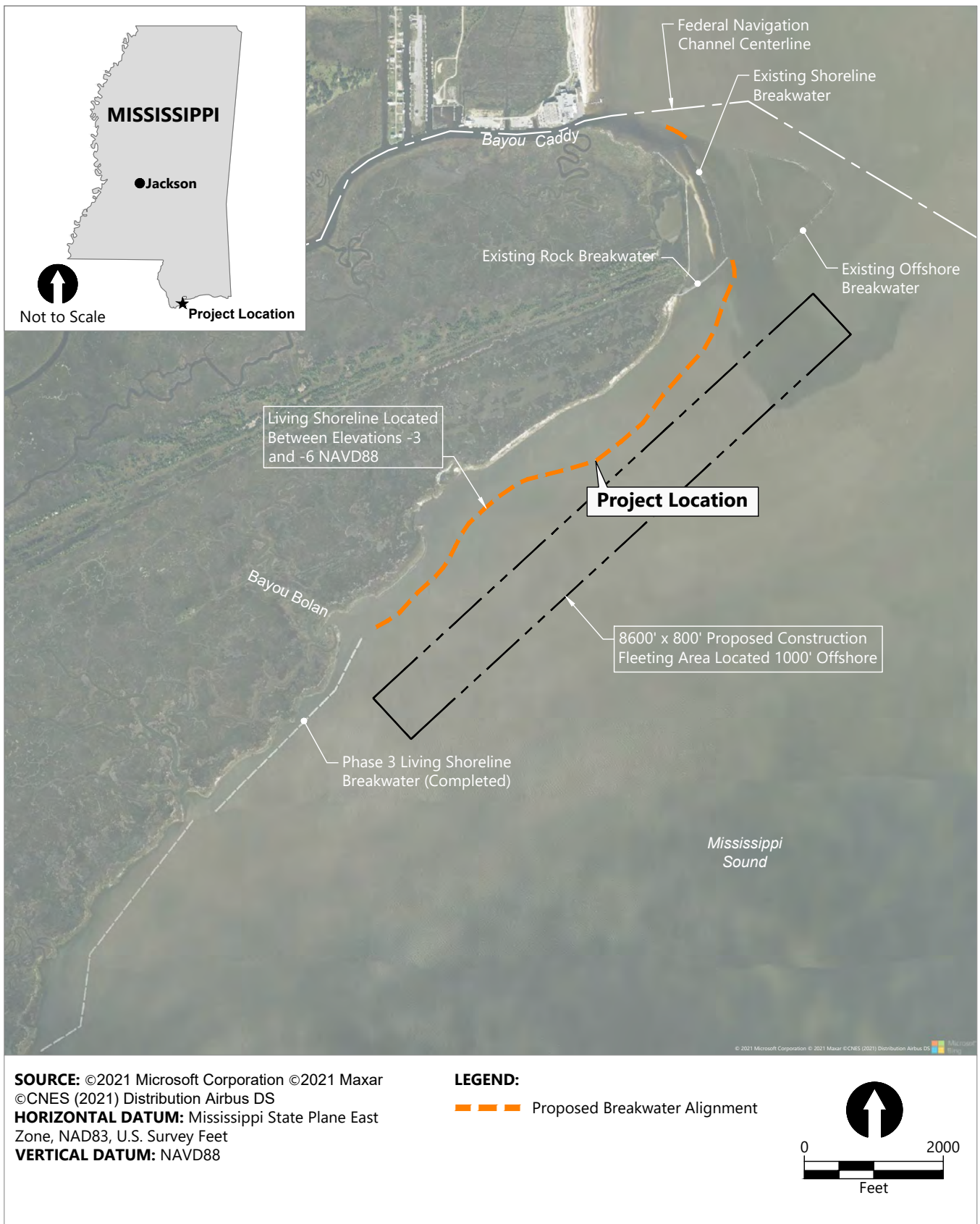
(TRANSFeree)

(DATE)

Hancock County Marsh Living Shoreline Phase 6
Joint Application and Notification Form



Figure 1: Project Location Map

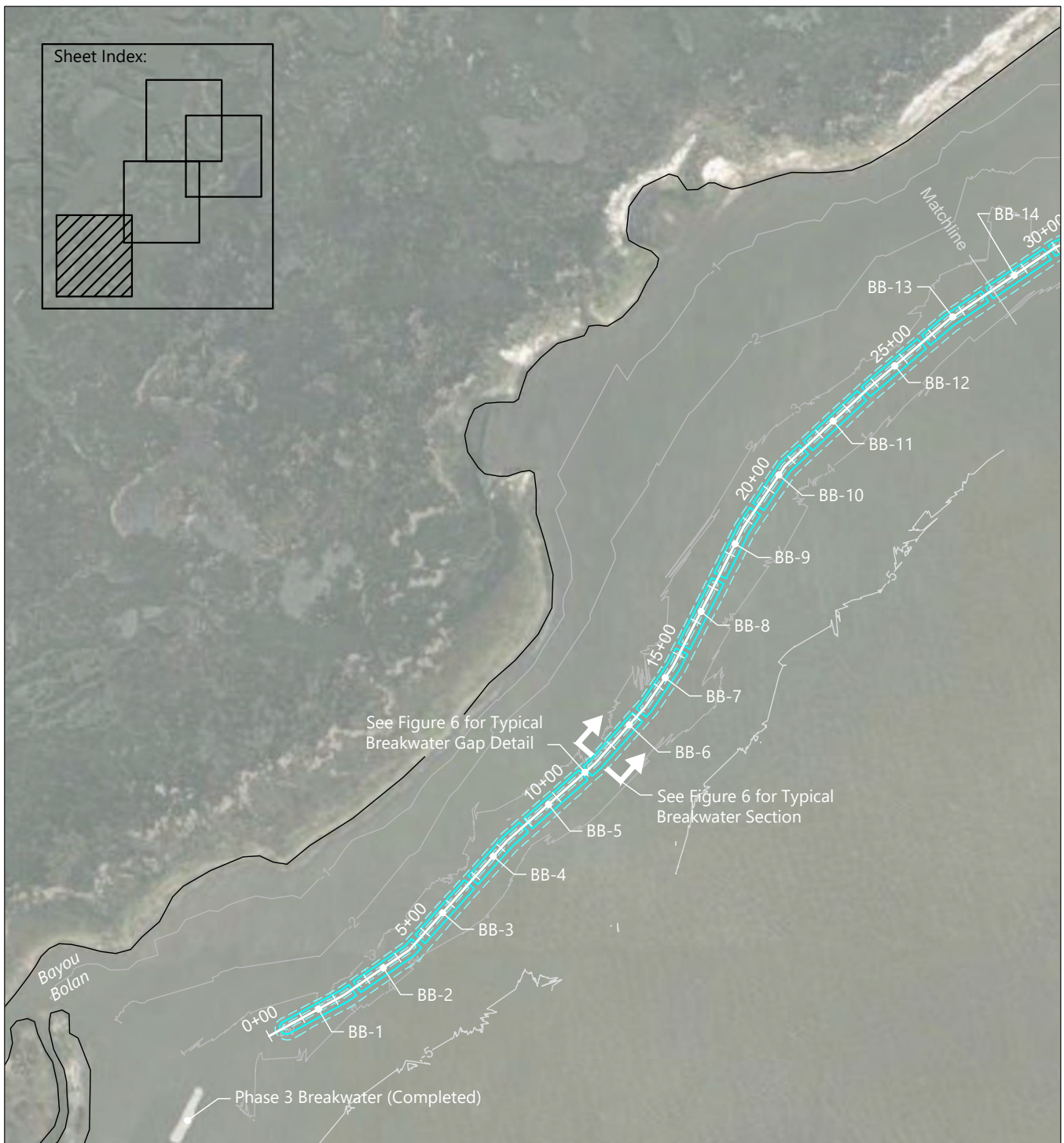


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Figure 1
Vicinity Map

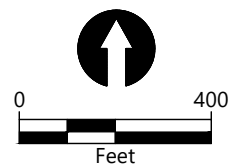
MDEQ Hancock County Marsh Living Shoreline
Bayou Bolan to Bayou Caddy Segment



SOURCE: ©2021 Microsoft Corporation ©2021 Maxar
 ©CNES (2021) Distribution Airbus DS
HORIZONTAL DATUM: Mississippi State Plane East
 Zone, NAD83, U.S. Survey Feet
VERTICAL DATUM: NAVD88

LEGEND:

- Bathymetric Contours (1' Interval)
- Project Alignment and Station
- Proposed Breakwater Contours
- BB-1 Breakwater Segment Designation



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Figure 2
Proposed Phase 6 Living Shoreline Breakwater (Plan 1 of 4)

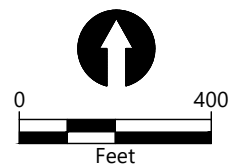
MDEQ Hancock County Marsh Living Shoreline
 Bayou Bolan to Bayou Caddy Segment



SOURCE: ©2021 Microsoft Corporation ©2021 Maxar
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HORIZONTAL DATUM: Mississippi State Plane East
 Zone, NAD83, U.S. Survey Feet
VERTICAL DATUM: NAVD88

LEGEND:

- Bathymetric Contours (1' Interval)
- Project Alignment and Station
- Proposed Breakwater Contours
- BB-1 Breakwater Segment Designation



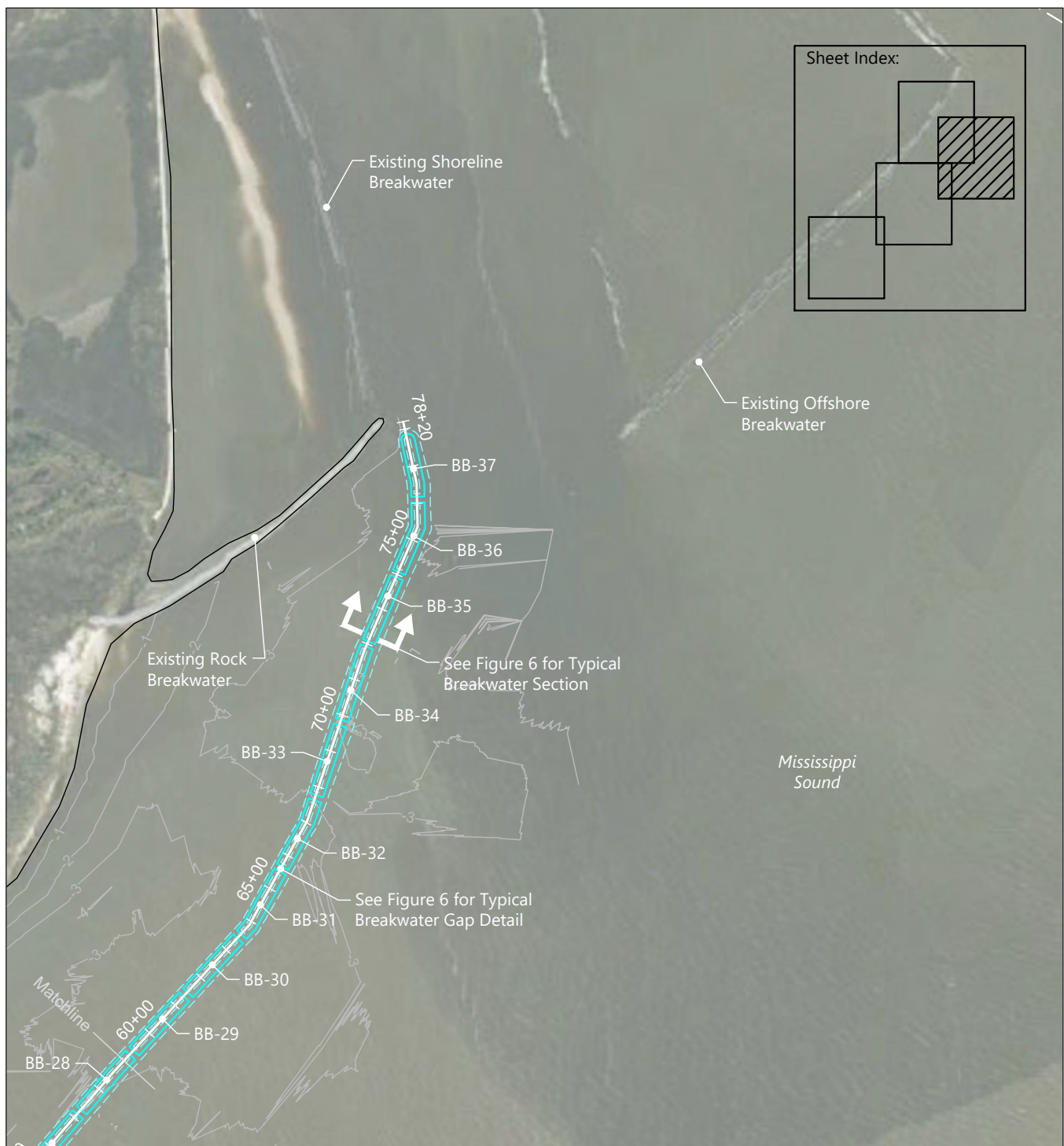
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Filepath: K:\Projects\1275-FC & E Engineering, LLC\West Hancock Co. Living Shoreline\MDEQ Hancock County Living Shoreline\1275-Permit-2.dwg Figure 3



Figure 3 Proposed Phase 6 Living Shoreline Breakwater (Plan 2 of 4)

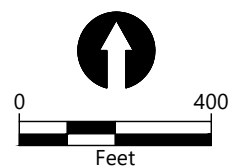
MDEQ Hancock County Marsh Living Shoreline
 Bayou Bolan to Bayou Caddy Segment



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HORIZONTAL DATUM: Mississippi State Plane East
 Zone, NAD83, U.S. Survey Feet
VERTICAL DATUM: NAVD88

LEGEND:

- Bathymetric Contours (1' Interval)
- Project Alignment and Station
- Proposed Breakwater Contours
- BB-1 Breakwater Segment Designation

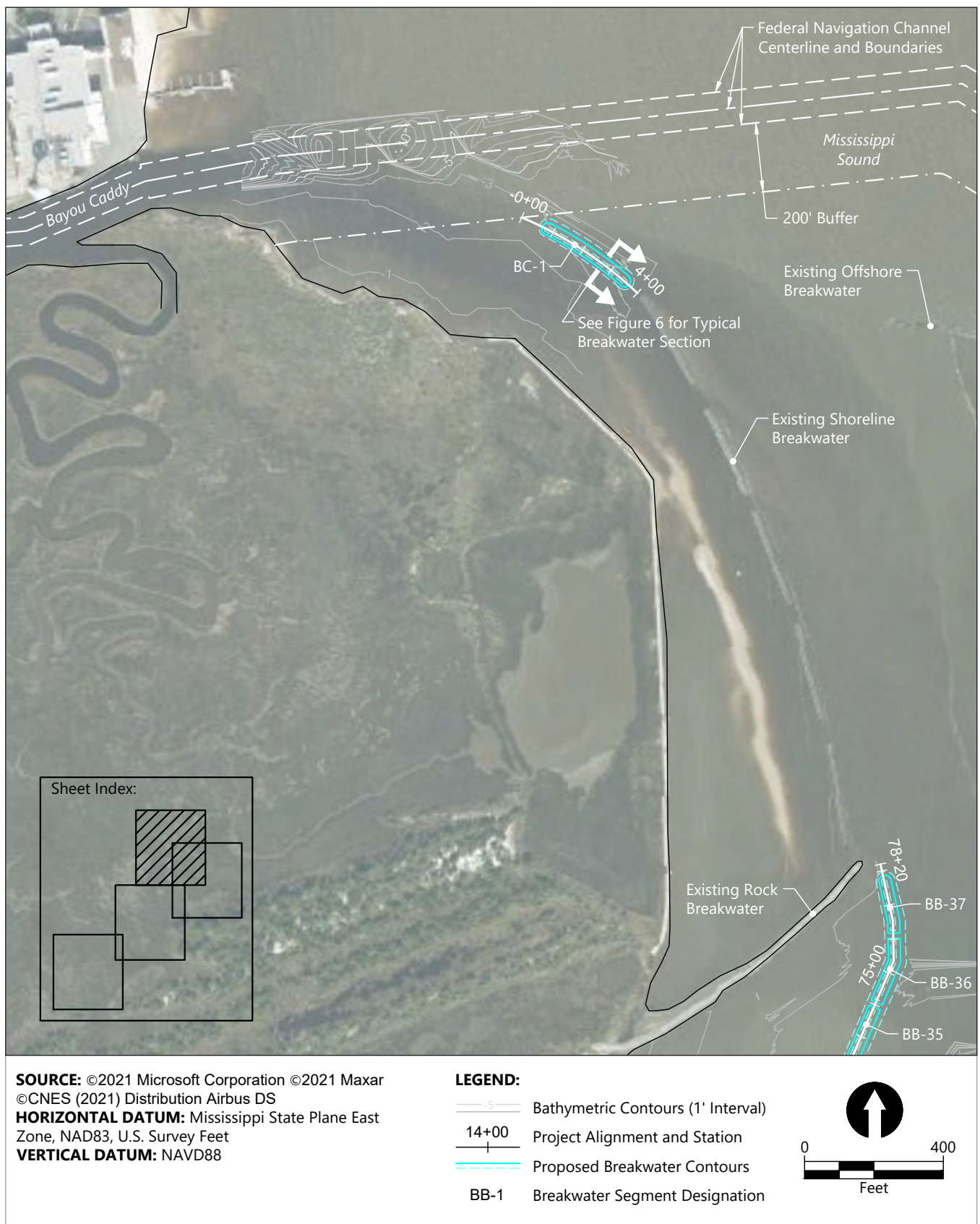


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Figure 4
Proposed Phase 6 Living Shoreline Breakwater (Plan 3 of 4)

MDEQ Hancock County Marsh Living Shoreline
 Bayou Bolan to Bayou Caddy Segment

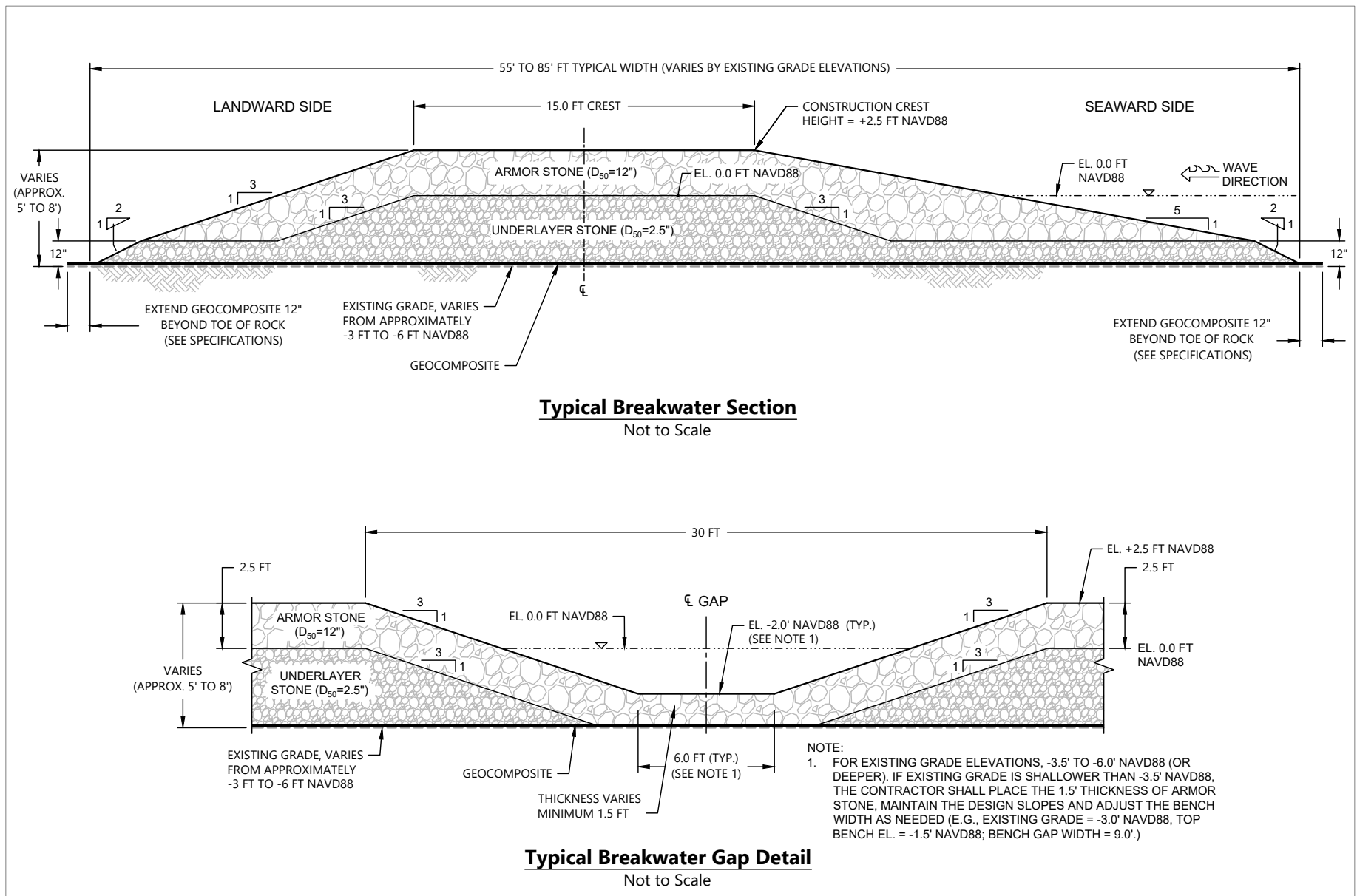


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Figure 5 Proposed Phase 6 Living Shoreline Breakwater (Plan 4 of 4)

MDEQ Hancock County Marsh Living Shoreline
 Bayou Bolan to Bayou Caddy Segment



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Figure 6
Typical Phase 6 Living Shoreline Breakwater Section and Detail

MDEQ Hancock County Marsh Living Shoreline
 Bayou Bolan to Bayou Caddy Segment

PERMIT GENERAL CONDITIONS/INFORMATION

SAM-2022-00174-MJF GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends **June 7, 2028**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
2. Limits of this authorization:
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Guidelines for Activities in Proximity to Manatees and Their Habitat

- A. All personnel associated with the activity or project should be informed of the potential presence of manatees, manatee speed zones, and the need to avoid collisions with and injury to manatees. Such personnel instruction should also include a discussion of the civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973.
- B. All contract and/or construction personnel are responsible for observing water-related activities for the presence of manatee(s).
- C. Temporary signs should be posted prior to and during all construction/dredging activities to remind personnel to be observant for manatees during active construction/dredging operations or within vessel movement zones (i.e., work area), and at least one sign should be placed where it is visible to the vessel operator.
- D. Siltation barriers, if used, should be made of material in which manatees could not become entangled, and should be properly secured and regularly monitored. Barriers should not impede manatee movement.
- E. If a manatee is sighted within 100 yards of the active work zone, special operating conditions should be implemented, including: no operation of moving equipment within 50 ft of a manatee; all vessels should operate at no wake/idle speeds within 100 yards of the work area; and siltation barriers, if used, should be re-secured and monitored. Once the manatee has left the 100-yard buffer zone around the work area on its own accord, special operating conditions are no longer necessary, but careful observations would be resumed.
- F. Any manatee sighting should be immediately reported to the Dolphin Island Sea Lab's Manatee Sighting Network Hotline at (866-493-5803) or at manatee.disl.org and the U.S. Fish and Wildlife Service's Jackson MS Field Office (228-493-6631).



PROTECTED SPECIES CONSTRUCTION CONDITIONS, NOAA FISHERIES SOUTHEAST REGIONAL OFFICE

The action agency and any permittee shall comply with the following construction conditions for protected species under the jurisdiction of NOAA Fisheries Southeast Regional Office (SERO) Protected Resources Division (PRD):¹

Protected Species Sightings—The action agency and any permittee shall ensure that all personnel associated with the project are instructed about the potential presence of species protected under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing listed species and all marine mammals. To determine which protected species and critical habitat may be found in the transit area, please review the relevant [marine mammal](https://www.fisheries.noaa.gov/find-species) and [ESA-listed species](https://www.fisheries.noaa.gov/find-species) at Find A Species (<https://www.fisheries.noaa.gov/find-species>) and the consultation documents that have been completed for the project.

1. **Equipment**—Turbidity curtains, if used, shall be made of material in which protected species cannot become entangled and be regularly monitored to avoid protected species entrapment. All turbidity curtains and other in-water equipment shall be properly secured with materials that reduce the risk of protected species entanglement and entrapment.
 - a. In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) shall be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, shall be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line shall be allowed in the water. All anchoring shall be in areas free from hardbottom and seagrass.
 - b. Turbidity curtains and other in-water equipment shall be placed in a manner that does not entrap protected species within the project area and minimizes the extent and duration of their exclusion from the project area.
 - c. Turbidity barriers shall be positioned in a way that minimizes the extent and duration of protected species exclusion from important habitat (e.g. critical habitat, hardbottom, seagrass) in the project area.
2. **Operations**—For construction work that is generally stationary (e.g., barge-mounted equipment dredging a berth or section of river, or shore-based equipment extending into the water):
 - a. Operations of moving equipment shall cease if a protected species is observed within 150 feet of operations.

¹ Manatees are managed under the jurisdiction of the U.S. Fish and Wildlife Service.

- b. Activities shall not resume until the protected species has departed the project area of its own volition (e.g., species was observed departing or 20 minutes have passed since the animal was last seen in the area).
3. **Vessels**—For projects requiring vessels, the action agency, and any permittee shall ensure conditions in the [Vessel Strike Avoidance Measures](#) are implemented as part of the project/permit issuance (<https://www.fisheries.noaa.gov/southeast/consultations/regulations-policies-and-guidance>).
4. **Consultation Reporting Requirements**—Any interaction with a protected species shall be reported immediately to NOAA Fisheries SERO PRD and the local authorized stranding/rescue organization.

To report to NOAA Fisheries SERO PRD, send an email to takereport.nmfsser@noaa.gov. Please include the species involved, the circumstances of the interaction, the fate and disposition of the species involved, photos (if available), and contact information for the person who can provide additional details if requested. Please include the project's Environmental Consultation Organizer (ECO) number and project title in the subject line of email reports.

To report the interaction to the local stranding/rescue organization, please see the following website for the most up to date information for reporting sick, injured, or dead protected species:

Reporting Violations—To report an ESA or MMPA violation, call the NOAA Fisheries Enforcement Hotline. This hotline is available 24 hours a day, 7 days week for anyone in the United States.

NOAA Fisheries Enforcement Hotline (800) 853-1964

5. **Additional Conditions**—Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the project consultation and must also be complied with.

For additional information, please contact NOAA Fisheries SERO PRD at:

NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701
Tel: (727) 824-5312

Visit us on the web at [Protected Marine Life in the Southeast](#)
(<https://www.fisheries.noaa.gov/region/southeast#protected-marine-life>)

Revised: May 2021



VESSEL STRIKE AVOIDANCE MEASURES, NOAA FISHERIES SOUTHEAST REGIONAL OFFICE

Background

Vessel strikes can injure or kill species protected under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). NOAA Fisheries Southeast Regional Office (SERO) Protected Resources Division (PRD) recommends implementing the following identification and avoidance measures to reduce the risk of vessel strikes and disturbance from vessels to protected species under our jurisdiction.¹

Protected Species Sightings

All vessel operators and crews should be informed about the potential presence of species protected under the ESA and the MMPA and any critical habitat in a vessel transit area. All vessels should have personnel onboard responsible for observing for the presence of protected species. All personnel should be advised that there are civil and criminal penalties for harming, harassing, or killing listed species and all marine mammals. To determine which protected species and critical habitat may be found in the transit area, please review the relevant [marine mammal](https://www.fisheries.noaa.gov/find-species) and [ESA-listed species](https://www.fisheries.noaa.gov/find-species) at Find A Species (<https://www.fisheries.noaa.gov/find-species>) and any ESA Section 7 consultation documents if applicable.

Vessel Strike Avoidance

The following measures should be taken when they are consistent with safe navigation to avoid causing injury or death of a protected species:

1. Operate at the minimum safe speed when transiting and maintain a vigilant watch for protected species to avoid striking them. Even with a vigilant watch, most marine protected species are extremely difficult to see from a boat or ship, and you cannot rely on detecting them visually and then taking evasive action. The most effective way to avoid vessel strikes is to travel at a slow, safe speed. Whenever possible, assign a designated individual to observe for protected species and limit vessel operation to only daylight hours.
2. Follow deep-water routes (e.g., marked channels) whenever possible.
3. Operate at “Idle/No Wake” speeds in the following circumstances:
 - a. while in any project construction areas
 - b. while in water depths where the draft of the vessel provides less than four feet of clearance from the bottom, or
 - c. in all depths after a protected species has been observed in and has recently departed the area.

¹ Manatees are managed under the jurisdiction of the U.S. Fish and Wildlife Service.

4. When a protected species is sighted, attempt to maintain a distance of 150 feet or greater between the animal and the vessel. Reduce speed and avoid abrupt changes in direction until the animal(s) has left the area.
5. When dolphins are bow- or wake-riding, maintain course and speed as long as it is safe to do so or until the animal(s) leave the vicinity of the vessel.
6. If a whale is sighted in the vessel's path or within 300 feet from the vessel, reduce speed and shift the engine to neutral. Do not engage the engines until the animals are clear of the area. *Please see below for additional requirements for North Atlantic right whales.*
7. If a whale is sighted farther than 300 feet from the vessel, maintain a distance of 300 feet or greater between the whale and the vessel and reduce speed to 10 knots or less. *Please see below for additional requirements for North Atlantic right whales.*

Injured or Dead Protected Species Reporting

Vessel crews should report sightings of any injured or dead protected species immediately regardless of whether the injury or death is caused by your vessel. Please see [How to Report a Stranded or Injured Marine Animal](https://www.fisheries.noaa.gov/report) (<https://www.fisheries.noaa.gov/report>) for the most up to date information for reporting injured or dead protected species.

If the injury or death is caused by your vessel, also report the interaction to NOAA Fisheries SERO PRD at takereport.nmfsser@noaa.gov. Please include the species involved, the circumstances of the interaction, the fate and disposition of the animal involved, photos (if available), and contact information for the person who can provide additional details if requested. Please include the project's Environmental Consultation Organizer (ECO) number and project title in the subject line of email reports if a consultation has been completed.

Reporting Violations

To report any suspected ESA or MMPA violation, call the NOAA Fisheries Enforcement Hotline. This hotline is available 24 hours a day, 7 days week for anyone in the United States.

NOAA Fisheries Enforcement Hotline: (800) 853-1964

Additional Transit and Reporting Requirements for North Atlantic Right Whales

1. Federal regulation prohibits approaching or remaining within 500 yards of a North Atlantic right whale (50 CFR 224.103 (c)). All whales sighted within North Atlantic right whale critical habitat should be assumed to be right whales. Please be aware and follow restrictions for all Seasonal Management Areas along the U.S. east coast. These areas have vessel speed restrictions to reduce vessel strikes risks to migrating or feeding whales. More information can be found at [Reducing Vessel Strikes to North Atlantic Right Whales](https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales) (<https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales>).
2. Ships greater than 300 gross tons entering the WHALESOUTH reporting area are required to report to a shore-based station. For more information on reporting procedures consult 33 CFR Part 169, the Coast Pilot, or at [Reducing Vessel Strikes to North Atlantic](https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales)

[Right Whales](https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales) (<https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales>).

3. From November through April, vessels approaching/departing Florida ports of Jacksonville and Fernandina Beach as well as Brunswick Harbor, Georgia are **STRONGLY RECOMMENDED** to use Two-Way Routes displayed on nautical charts. More information on [Compliance with the Right Whale Ship Strike Reduction Rule](https://media.fisheries.noaa.gov/2021-06/compliance_guide_for_right_whale_ship_strike_reduction.pdf) can be found at (https://media.fisheries.noaa.gov/2021-06/compliance_guide_for_right_whale_ship_strike_reduction.pdf)
4. Mariners shall check with various communication media for general information regarding avoiding vessel strikes and specific information regarding North Atlantic right whale sighting locations. These include NOAA weather radio, U.S. Coast Guard Broadcast to Mariners, Local Notice to Mariners, and NAVTEX. Commercial mariners calling on United States ports should view the most recent version of the NOAA/USCG produced training CD entitled “A Prudent Mariner’s Guide to Right Whale Protection” (contact the NOAA Fisheries SERO, Protected Resources Division for more information regarding the CD).
5. Injured, dead, or entangled right whales should be immediately reported to the U.S. Coast Guard via VHF Channel 16 and the NOAA Fisheries Southeast Marine Mammal Stranding Hotline at (877) WHALE HELP (877-942-5343).

For additional information, please contact NOAA Fisheries SERO PRD at:

NOAA Fisheries Service

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701

Visit us on the web at [Protected Marine Life in the Southeast](https://www.fisheries.noaa.gov/region/southeast#protected-marine-life)

(<https://www.fisheries.noaa.gov/region/southeast#protected-marine-life>)

Revised: May 2021



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
(727) 824-5312; FAX (727) 824-5309
<http://sero.nmfs.noaa.gov>

Measures for Reducing Entrapment Risk to Protected Species

Bottlenose dolphins, sea turtles, and Gulf sturgeon (protected species) are known to inhabit coastal waters of the northern Gulf of Mexico. Bottlenose dolphins are protected under the Marine Mammal Protection Act (MMPA) and sea turtles and Gulf sturgeon are protected under the Endangered Species Act (ESA). Because of the potential for these protected species to become entrapped within coastal waters of construction sites along the northern Gulf coast, projects that enclose shallow open water areas for wetland creation or nourishment will use the following measures to minimize the potential for entrapment:

- 1. Pre-construction planning.** During project design, the Federal Action Agency or project proponents must incorporate at least one escape route into the proposed retention structure(s) to allow any protected species to exit the area(s) to be enclosed. Escape routes must lead directly to open water outside the construction site and must have a minimum width of 100 feet. Escape routes should also have a depth as deep as the deepest natural entrance into the enclosure site and must remain open until a thorough survey of the area, conducted immediately prior to complete enclosure, determines no Protected Species are present within the confines of the structure (see item 5 below for details).
- 2. Pre-construction compliance meeting.** Prior to construction, the Federal Action Agency, project proponents, the contracting officer representative, and construction personnel should conduct a site visit and meeting to develop a project-specific approach to implementing these preventative measures.
- 3. Responsible parties.** The Federal Action Agency will instruct all personnel associated with the project of the potential presence of protected species in the area and the need to prevent entrapment of these animals. All construction personnel will be advised that there are civil and criminal penalties for harming, harassing, or killing protected species. Construction personnel will be held responsible for any protected species harassed or killed as a result of construction activities. All costs associated with monitoring and final clearance surveys are the responsibility of project proponents and must be incorporated in the construction plan.
- 4. Monitoring during retention structure construction.** It is the responsibility of construction personnel to monitor the area for protected species during dike or levee construction. If protected species are regularly sighted over a 2 or 3 day period within the enclosure area during retention structure assembly, construction personnel must notify the Federal Action Agency. It is the responsibility of the Federal Action Agency



to then coordinate with the National Marine Fisheries Service (NMFS) Marine Mammal Health and Stranding Response team (1-877-WHALE HELP [1-877-942-5343]) or the appropriate State Coordinator for the Sea Turtle Stranding and Salvage Network (see http://www.sefsc.noaa.gov/species/turtles/stranding_coordinators.htm) to determine what further actions may be required. Construction personnel may not attempt to scare, herd, disturb, or harass the protected species to encourage them to leave the area.

- 5. Pre-closure final clearance.** Prior to completing any retention structure by closing the escape route, the Federal Action Agency will insure that the area to be enclosed is observed for protected species. Surveys must be conducted by experienced marine observers during daylight hours beginning the day prior to closure and continuing during closure. This is best accomplished by small vessel or aerial surveys with 2-3 experienced marine observers per vehicle (vessel/helicopter) scanning for protected species. Large areas (e.g. >300 acres) will likely require the use of more than one vessel or aerial survey to insure full coverage of the area. These surveys will occur in a Beaufort sea state (BSS) of 3 feet or less, as protected species are difficult to sight in choppy water. Escape routes may not be closed until the final clearance determines the absence of protected species within the enclosure sight.
- 6. Post closure sightings.** If protected species become entrapped in an enclosed area, the Federal Action Agency and NMFS must be immediately notified. If observers note entrapped animals are visually disturbed, stressed, or their health is compromised then the Action Agency may require any pumping activity to cease and the breaching of retention structures so that the animals can either leave on their own or be moved under the direction of NMFS.
 - a. In coordination with the local stranding networks and other experts, NMFS will conduct an initial assessment to determine the number of animals, their size, age (in the case of dolphins), body condition, behavior, habitat, environmental parameters, prey availability and overall risk.
 - b. If the animal(s) is/are not in imminent danger they will need to be monitored by the Stranding Network for any significant changes in the above variables.
 - c. Construction personnel may not attempt to scare, herd, disturb, or harass the protected species to encourage them to leave the area. Coordination by the Federal Action Agency with the NMFS SER Stranding Coordinator may result in authorization for these actions.
 - d. NMFS may intervene (catch and release and/or rehabilitate) if the protected species are in a situation that is life threatening and evidence suggests the animal is unlikely to survive in its immediate surroundings.
 - e. Surveys will be conducted throughout the area at least twice or more in calm surface conditions (BSS 3 feet or less), with experienced marine observers, to determine whether protected species are no longer present in the area.

Revised: May 22, 2012

While NMFS recommends these best management practices to prevent the future takes of marine mammals by entrapment, use of these measures cannot guarantee a take will not occur. Following these measures does not constitute compliance with the MMPA's Incidental Take requirements and take is not authorized.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: MDEQ		File Number: SAM-2022-00174-MJF	Date: 6/7/2023
Attached is:			See Section below
XX	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

**U.S. ARMY CORPS OF ENGINEERS
CESAM-RD-M
ATTENTION: MS. MARYELLEN J. FARMER
POST OFFICE BOX 2288
MOBILE, ALABAMA 36628-0001
(228) 523-4116**

If you only have questions regarding the appeal process you may also contact:

**MR. PHILIP SHANNIN
ADMINISTRATIVE APPEAL REVIEW OFFICER
ROOM 9M10
60 FORSYTH STREET SOUTHWEST
ATLANTA, GEORGIA 30303-8801
(404) 562-5137 FAX (404) 562-5138**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:



US Army Corps
of Engineers®

A permit to perform work authorized by statutes and regulations of the Department of the Army at

Has been issued to _____ on _____

Address of Permittee _____

PERMIT NUMBER

Maryellen J. Farmer

For the District Commander

COMMENCEMENT CERTIFICATION



**U.S. Army Corps of Engineers
Mobile District**

Permit Number: **SAM-2022-00174-MJF**

Name of Permittee: **MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

Date of Issuance: **JUNE 7, 2023**

Upon commencement of the activity authorized by this permit and any mitigation required by the permit, please sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Mobile District
Regulatory Division
Post Office Box 2288
Mobile, Alabama 36628-0001

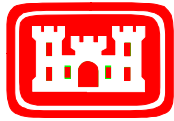
Please note that your permitted activity is subject to a commencement inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit, the permit is subject to permit suspension, modification, or revocation and you are subject to an enforcement action by this office.

I hereby certify that the work authorized by the above-referenced permit has commenced in accordance with the terms and conditions of the said permit, and the required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

COMPLETION CERTIFICATION



**U.S. Army Corps of Engineers
Mobile District**

Permit Number: **SAM-2022-00174-MJF**

Name of Permittee: **MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

Date of Issuance: **JUNE 7, 2023**

Upon completion of the activity authorized by this permit and any mitigation required by the permit, please sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Mobile District
Regulatory Division
Post Office Box 2288
Mobile, Alabama 36628-0001

Please note that your permitted activity is subject to a completion inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit, the permit is subject to permit suspension, modification, or revocation and you are subject to an enforcement action by this office.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and the required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date



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

July 25, 2022

Mississippi Department of Environmental Quality
Attention: Mr. Chris Wells
P.O. Box 2261
Jackson, Mississippi 39225

Dear Mr. Wells:

Re: MDEQ, NRDA, Hancock County Marsh
Living Shoreline
Hancock County
COE No. SAM202200174MJF
WQC No. WQC2022034

The Department of Environmental Quality, Water Quality Certification Branch has reviewed the above referenced project and hereby waives the certification request provided the project complies with the conditions of the current Water Quality Certification, WQC2022034:

1. Material shall be clean and non-polluting, free of trash, debris, asphalt, etc.
2. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

If you have any questions, please contact Carrie Barefoot of my staff at (601) 961-5249.

Sincerely,

A handwritten signature in blue ink that reads "Krystal Rudolph".

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

KR: chb

65644 WQC20220001

cc: Maryellen Farmer, U.S. Army Corps of Engineers, Mobile District
Willa Brantley, Department of Marine Resources
Val Alley, MDEQ Office of Restoration



STATE OF MISSISSIPPI

Tate Reeves
Governor

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Joe Spraggins, Executive Director

NOTICE OF DEPARTMENT OF MARINE RESOURCES ORDER PERMIT TO CONDUCT REGULATED ACTIVITIES

Certification Number: DMR22-000087

Date: June 27, 2022

Issued to: Mississippi Department of Environmental Quality (MDEQ)
Attn: Chris Wells
P.O. Box 2261
Jackson, MS 39225

Project Description: Segmented Riprap Breakwater/Living Shoreline

Project Location: Mississippi Sound
Between Bayou Bolan and Bayou Caddy
Hancock County, MS

DMR Project Manager: Greg Christodoulou
228-523-4109
greg.christodoulou@dmr.ms.gov

NOTICE: Read this document carefully. Failure to follow the listed conditions can result in substantial fines and penalties.

This document serves as certification that the subject activity has been reviewed by the Mississippi Department of Marine Resources (MDMR). The application was presented to the Mississippi Advisory Commission on Marine Resources (MACMR) and recommended for approval on June 21, 2022 and approved by the MDMR Executive Director on June 21, 2022.

In accordance with the provisions of the Mississippi Coastal Wetlands Protection Act and the findings made in compliance with the Mississippi Coastal Program (MCP), a Permit to conduct Regulated Activities is issued to you this day by the Executive Director. The activities herein authorized shall be conducted in a manner resulting in the least damaging impacts to wetlands and the coastal environment. **This certification does not relieve you of other federal, state, or local authorizations that may be required.**

The following activities and impacts are authorized by this certification as indicated on the attached approved diagram:

1. Fill of approximately 17 acres of unvegetated waterbottoms for the construction of a breakwater/high profile reef structure approximately 1.7 miles in length from Bayou Bolan to Bayou Caddy; This breakwater shall conform to the design criteria listed in the table below:

Table 1: Breakwater Specifications

Breakwater Design Criteria	Outer Breakwater
Total project length	9,000 feet*
Total project acreage	17 acres*
Crest Width	15 feet
Base Width	Approximately 55 to 95 feet depending on contour
Assumed bottom elevation	-3.0 to -6.0 feet NAVD88
Total structure height	3.5 to 8.5 feet
Breakwater materials	Riprap
Riprap volume	Approximately 175,000 cubic yards*
Thickness of material (riprap)	0.5 to 8.5 feet
Estimated initial settlement	0.25 to 0.75 feet
Design side (marsh-facing) slopes	3H:1V to vertical
Design side (seaward-facing) slopes	5 to 6H:1V to vertical
Breakwater distance from shoreline	50 to 1,500 feet
Maximum design crest elevation	+2.5 feet NAVD88

2. A variance to Chapter 8, Section 2, Part III.O.1. of the Mississippi Coastal Program is hereby granted
3. A change to the Coastal Wetlands Use Plan from a General Use District and a Preservation Use District to an S6 Special Use – Restoration District is hereby granted; The change covers the footprint of the project as indicated on the attached approved diagrams

The applicant must abide by specific conditions as listed below.

Any deviations beyond the above-authorized dimensions, the project footprint as shown on the attached approved diagram, or the specific conditions as set forth below will be considered a violation and may result in the revocation of the permit. Violations of these conditions may be subject to fines, project modifications, and/or site restoration. Both the permittee and the contractor may be held liable for such violations or for conducting unauthorized work. A modification to the project dimensions or footprint or to these conditions may be requested by submitting a written request along with a revised project diagram to the MDMR. Proposed modifications to project dimensions, footprint, or conditions must be approved in writing prior to commencement of work.

The specific conditions of this certification are as follows:

1. All authorized activities must:
 - a. Use Best Management Practices (BMPs) at all times during construction, including, but not limited to, the use of staked hay bales; staked filter cloth; sodding, seeding, and mulching; staged construction; and the installation

of turbidity screens around the immediate project site

b. Be conducted in a manner that minimizes the discharge of turbid waters into Waters of the State (Turbidity outside the limits of a 750-foot mixing zone must not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units)

c. Have appropriate wastewater permits and/or approvals for the proposed activity in place prior to the commencement of construction activities

d. Have appropriate stormwater permits, approvals, and/or measures in place prior to the commencement of construction activities (For projects greater than five acres of total ground disturbances including clearing, grading, excavating, or other construction activities, the applicant shall obtain the necessary coverage under the State of Mississippi's Large Construction Storm Water General NPDES Permit; For projects greater than one to less than five acres of total ground disturbance including clearing, grading, excavating or other construction activities, the applicant shall follow the conditions and limitations of the State of Mississippi's Small Construction Storm Water General NPDES Permit)

e. Not result in construction debris, sewage, oil, refuse, other pollutants, or unauthorized fill material entering Coastal Wetlands or Waters of the State

f. Not impact wetlands, submerged aquatic vegetation, or shellfish beds unless specifically authorized above

Work authorized by this certification must be completed on or before: June 27, 2032

This certification is contingent on clearance from the Mississippi Department of Environmental Quality (MDEQ) and the Mississippi Department of Archives and History (MDAH). The Permittee shall maintain all standards, regulations, and restrictions as set forth by the MDEQ and the MDAH under MS state law with regards to protection of water quality and cultural resources and conservation of water resources.

Issuance of this certification by MDMR does not release the applicant from other legal requirements including but not limited to other applicable federal, state, or local laws, ordinances, zoning codes, or other regulations, including a possible Tidelands Lease from the MS Secretary of State's Office, required City or County construction setbacks, or building permits from the City or County where the project is located. A list of contacts has been provided for your assistance in determining whether any further certifications are required.

This certification conveys no title to land and water, does not constitute authority for reclamation of coastal wetlands and does not authorize invasion of private property or rights in property.

It is the responsibility of the applicant or property owner and their contractors and authorized agents to construct all authorized structures in a manner that does not impede access to riparian/littoral zones of adjacent property owners or other property owners in the vicinity (see MS Code Annotated § 49-15-9, enclosed). Failure to adhere to this could result in legal action by the affected parties. The MDMR does not make property or riparian/littoral boundary determinations.

The MDMR has also coordinated a review of your project through the Coastal Program review procedures and determined that the project referenced above is consistent with the Mississippi Coastal Program, provided that you comply with the noted conditions and reviewing Coastal Program Agencies do not disagree with said plans. By copy of this certification, we are notifying the U.S. Army Corps of Engineers of this determination.

Please notify this Department upon completion of the permitted project so that compliance checks may be conducted by MDMR staff.

THIS CERTIFICATION IS EFFECTIVE IMMEDIATELY.


Joe Spraggins (June 20, 2022 12:51 CDT)

Joe Spraggins
Executive Director
MS Department of Marine Resources

JS/gc

Attachments:

Approved Diagrams
MS Code Annotated - 49-15-9

CC:

Ms. Maryellen Farmer, USACE
Ms. Florance Bass, OPC
Mr. Raymond Carter, SOS
Mr. Jeremy Smith, FC&E Engineering
