



REPLY TO
ATTENTION OF:

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

July 11, 2016

South Mississippi Branch
Regulatory Division

SUBJECT: Transfer of Ownership, Department of the Army Permit Number
SAM-2014-00275-TMZ from Mississippi Department of Environmental Quality to City of
Biloxi

City of Biloxi
Attention: Mr. Robert Smith
Post Office Box 429
Biloxi, Mississippi 39533

Dear Mr. Smith:

In accordance with the permit transfer signed by Ms. Christy LeBatard on April 25, 2016, subject permit has been transferred from Mississippi Department of Environmental Quality to City of Biloxi as of June 7, 2016.

A copy of this transfer letter has been furnished to Mississippi Department of Environmental Quality, Attention: Mr. Richard Harrell, Post Office Box 2261, Jackson, Mississippi 39225.

If I can be of further assistance, please contact me at (251) 690-3228.

Sincerely,

A handwritten signature in cursive script that reads "Allison Monroe".

Allison Monroe
South Mississippi Branch
Regulatory Division



REPLY TO
ATTENTION OF:

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

April 21, 2015

RECEIVED
APR 28 2015
Dept of Environmental Quality

South Mississippi Branch
Regulatory Division

SUBJECT: Department of the Army Final Permit Number SAM-2014-00275-TMZ,
Mississippi Department of Environmental Quality

Mississippi Department of
Environmental Quality
Attention: Mr. Richard Harrell
Post Office Box 2261
Jackson, Mississippi 39225

Dear Mr. Harrell:

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

There is enclosed 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.

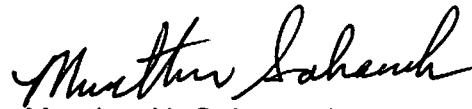
You should study and carefully adhere to all the terms and conditions of the permit. The District must be notified of the commencement and completion of the permitted work. The enclosed cards may be used for that purpose. Also enclosed is a "NOTICE OF AUTHORIZATION" which must be conspicuously displayed at the site during construction of the permitted work. Any inquiries relating to this permit should be directed to the Regulatory Division, phone number (251) 690-2658.

If for any reason it becomes necessary to make a material change in location or plans for this work, revised plans should be submitted promptly to the District Commander in order 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 notices requested may result in its revocation.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Regulatory.aspx, and please take a moment to complete our customer satisfaction survey while you are there. Your responses are appreciated and will allow us to improve our services.

Sincerely,

A handwritten signature in black ink, appearing to read "Munther Sahawneh". The signature is fluid and cursive, written in a professional style.

Munther N. Sahawneh
Chief, Mississippi Branch
Regulatory Division

Enclosures

DEPARTMENT OF THE ARMY

Permittee: MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No.: SAM-2014-00275-TMZ

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 (USACE) 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 project would upgrade the existing site and amenities by creating the Popp's Ferry Causeway Park, an interactive location where the public would continue to fish, crab, and walk through a system of boardwalks and nature trails that would allow viewing of the waterfront and marshes. The preferred site plan includes roadway repair and lighting, construction of a concession and bait stand, continuation of an 8-foot-wide concrete walkway/wooden boardwalk on the west side of the site, additional riprap shoreline stabilization, construction of new fishing piers, picnic areas, nature trails, visitor parking and construction of a new Interpretive Center. Impacts are confined largely to shading effects from pile-supported structures built over marsh and open water. Some minor impacts to discontinuous marsh wetland vegetation will also occur as a result of the discharge of new riprap replacing existing eroded riprap along the shoreline. Other than these listed impacts, Palustrine emergent and forested wetlands existing in the vicinity will be avoided during project construction.

- ATTACHED:**
1. Vicinity Map
 2. Project Drawings
 3. Mississippi Department of Marine Resources (DMR) Coastal Zone Management Consistency Determination (DMR-03400) dated 22 July 2014
 4. Mississippi Department of Environment Quality (DEQ) Water Quality Certification (WQC2014018) dated 15 December 2014

Project Location: Back Bay of Biloxi, Popp's Ferry Road Causeway, Section 22, Township 7 South, Range 10 West, Biloxi, Harrison County, Mississippi

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 08 APRIL 2020. 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 understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures 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 USACE, 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.

- b. The permittee shall comply with all requirements of DEQ's 401 Water Quality Certification, WQC20140018, dated 15 December 2014.**
- c. The permittee shall comply with all requirements of the DMR's Permit, DMR-03400 dated 22 July 2014.**
- d. If any evidence of the presence of Endangered/Threatened Species is found during construction, the permittee shall notify the USACE, Mobile District and the National Marine Fisheries Service, immediately.**
- e. Should artifacts or archaeological features be encountered during project activities, all 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 shall be consulted immediately.**
- f. Project construction shall be conducted in such a manner that the passage of normal and expected tidal flushing is not restricted or otherwise altered.**
- g. Best management practices shall be implemented to contain and minimize the movement or spillage of fill material into waters of the United States.**
- h. In the event the permit is transferred, proof of delivery of a copy of the notification of permit transfer must be provided to the USACE.**
- i. Construction activities shall not infringe upon navigation on the waterway. These activities shall be in compliance with 33 CFR 163, which states in part: "A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and tows normally using the various waterways."**

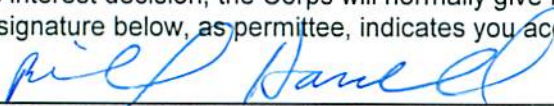
Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - Section 404 of the Clean Water Act (33 U.S.C. 1344)**
 - Section 10 of the Rivers and Harbors Act (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 you accept and agree to comply with the terms and conditions of this permit.




 (PERMITTEE) MISSISSIPPI DEPARTMENT OF
 ENVIRONMENTAL QUALITY
 POST OFFICE BOX 2261
 JACKSON, MISSISSIPPI 39225

04/13/2015

 (DATE)

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

JON J. CHYTKA
Colonel, Corps of Engineers
 District Engineer

BY: 

 MUNTNER N. SAHAWNEH (DATE) 4/21/2015
 Chief, Mississippi Branch
 Regulatory Division

When the structures or work authorized by this permit (SAM-2014-00275-TMZ) 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.

(TRANSFEEE)

(DATE)

Applicant: Mississippi Department of Environmental Quality		File Number: SAM-2014-00276-TMZ	Date: 1/20/2015
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

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.

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.

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

MR. TAD M. ZEBRYK
CESAM-RD-M
U.S. ARMY CORPS OF ENGINEERS
POST OFFICE BOX 2288
MOBILE, ALABAMA 36601-2228
(251) 690-2658

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

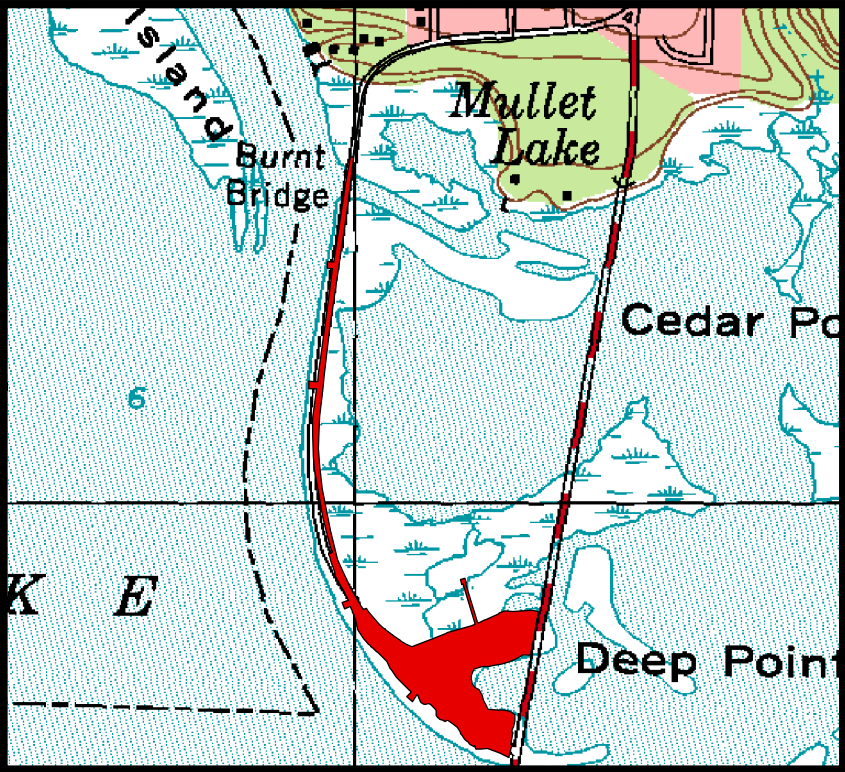
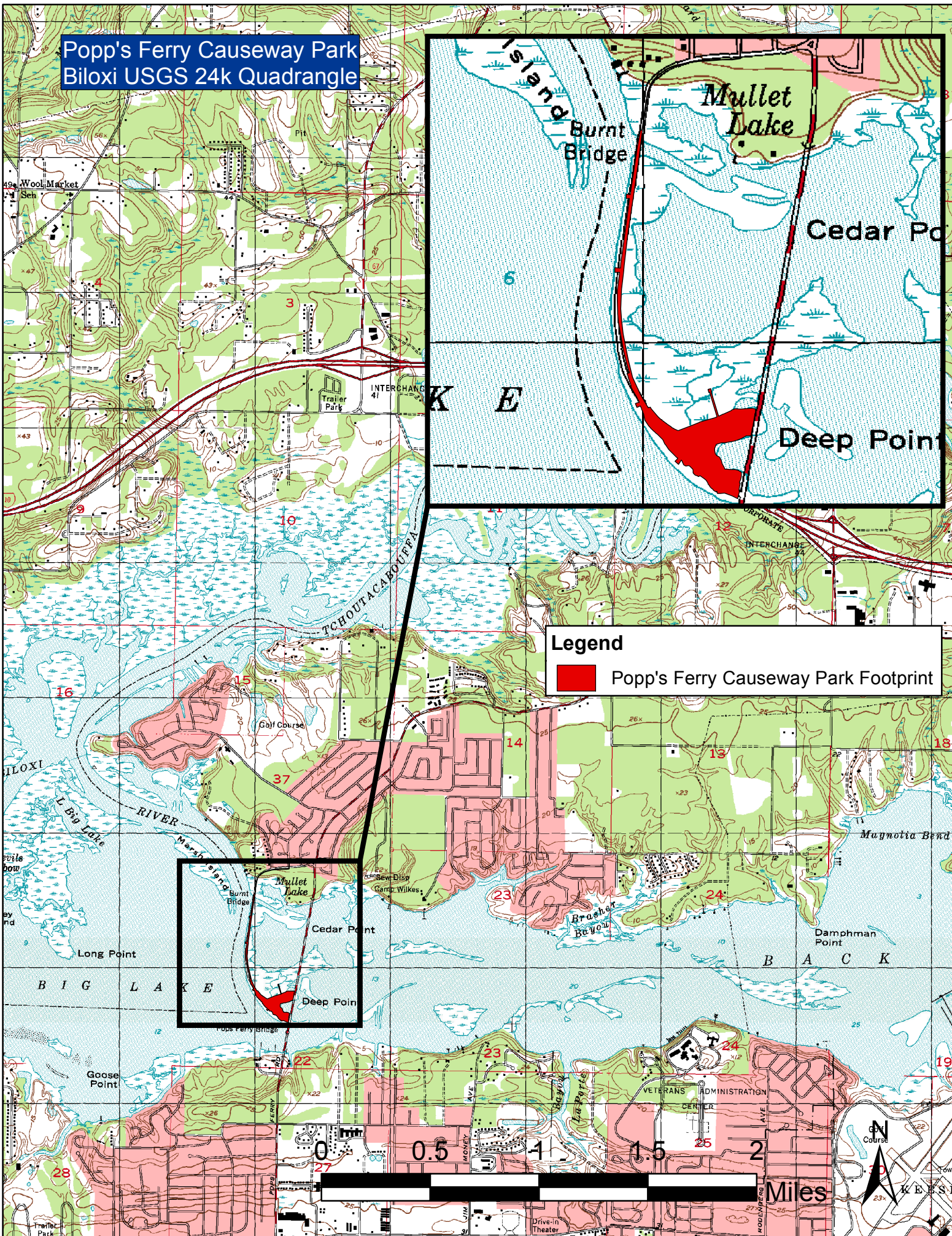
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity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

Signature of appellant or agent.


Date:

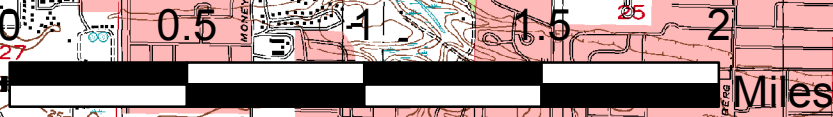
Telephone number:

Popp's Ferry Causeway Park
Biloxi USGS 24k Quadrangle



Legend

 Popp's Ferry Causeway Park Footprint



Popp's Ferry Causeway Park
Preferred Alternative Plan View

1 Type A, and 1 Type B
Fishing Pier to the north

Marsh Overlook Pier

Fishing Pier Type A

Pier Walkway

Interpretive Center

Boardwalk











Parking

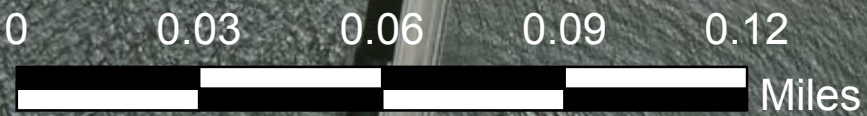
Fishing Pier Type B

Kayak Rental/Bait Stand

Shoreline Stabilization

Legend

-  Boardwalk
-  Pier Walkway
-  Nature Trails
-  Shoreline Stabilization
-  Boardwalk Landing
-  Interpretive Center
-  Bait Shop/Concession Stand/Kayak Rental
-  Parking
-  Marsh Overlook Pier
-  Fishing Pier



**Popp's Ferry Causeway Park
Preferred Alternative Design
Work in Jurisdictional Waters/Wetlands**

**Shading Scrub-shrub/Emergent Wetland
(Delineated)
Shoreline Walkway and Landings
0.25 acres**

**Shading Open Water
0.02 acres**

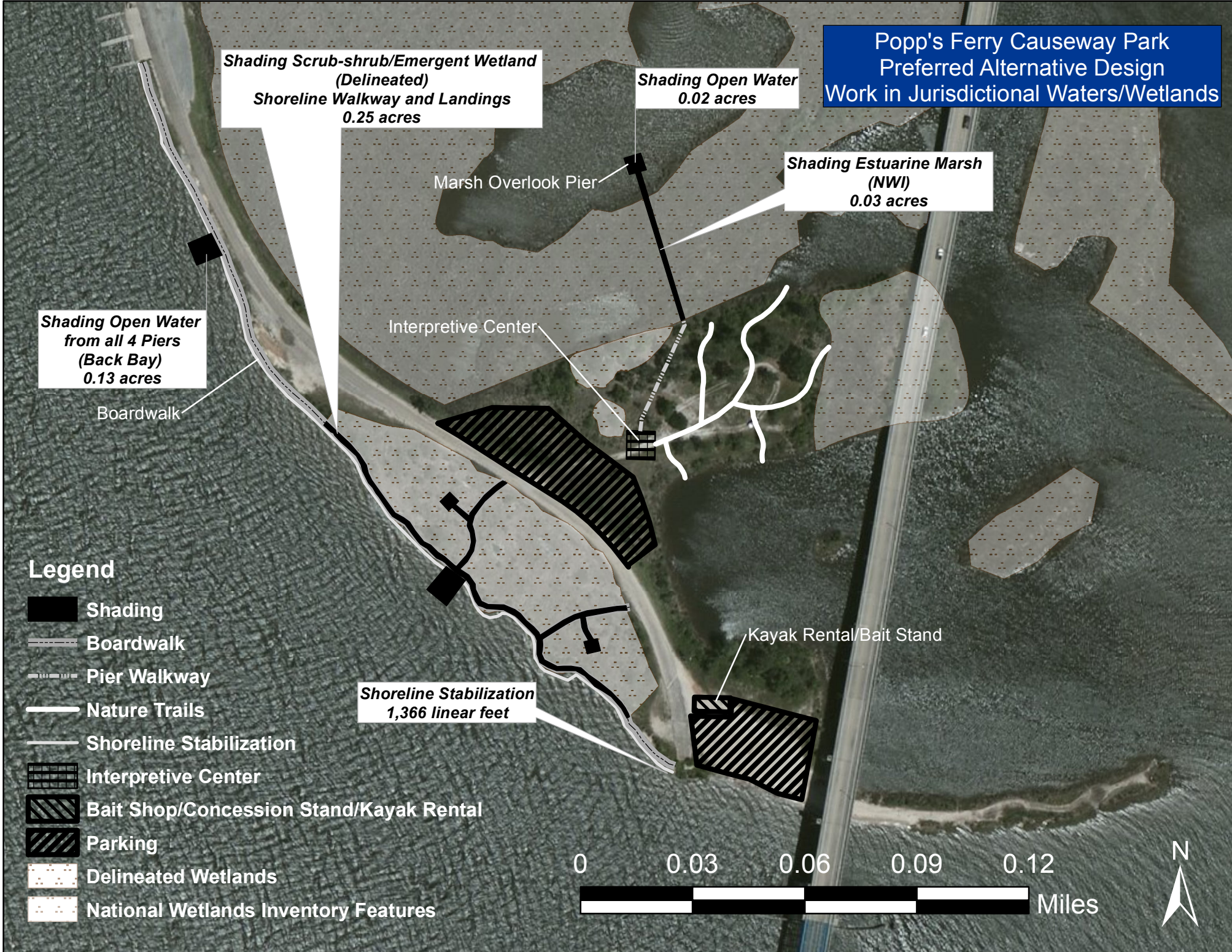
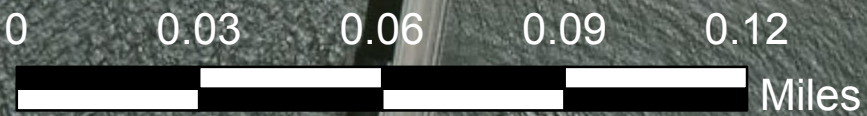
**Shading Estuarine Marsh
(NWI)
0.03 acres**

**Shading Open Water
from all 4 Piers
(Back Bay)
0.13 acres**

**Shoreline Stabilization
1,366 linear feet**

Legend

-  Shading
-  Boardwalk
-  Pier Walkway
-  Nature Trails
-  Shoreline Stabilization
-  Interpretive Center
-  Bait Shop/Concession Stand/Kayak Rental
-  Parking
-  Delineated Wetlands
-  National Wetlands Inventory Features





STATE OF MISSISSIPPI

Phil Bryant
Governor

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Jamie M. Miller, Executive Director

June 30, 2016

Mayor Andrew M. Gilich, Jr.
City of Biloxi
P.O. Box 429
Biloxi, MS 39533

Mr. Marc E. Wyatt
Director of the Office of Oil Spill Restoration
P.O. Box 2261
Jackson, MS 39225

RE: DMR-03400; Permit Modification

Dear Mayor Gilich and Mr. Wyatt:

In accordance with your requests received May 25, 2016 the above-referenced permit has been modified to transfer ownership of the permit to the City of Biloxi.

Issuance of this addendum by DMR and acceptance by the permit holder does not release the permit holder from other legal requirements including but not limited to other applicable federal, state or local laws, ordinances, zoning codes or other regulations.

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.

All other provisions of DMR-03400 (enclosed) shall remain in full force and effect.

Sincerely,

Jamie M. Miller
Executive Director
Mississippi Department of Marine Resources

JMM/csp

cc: MS Team Leader, USACE
Ms. Florance Watson, OPC
Mr. Raymond Carter, SOS

Enclosure



STATE OF MISSISSIPPI

Phil Bryant
Governor

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Jamie M. Miller, Executive Director

July 22, 2014

Mississippi Department of Environmental Quality
Attn: Richard Harrell
P.O. Box 2261
Jackson, MS 39225

RE: Permit DMR-03400

Dear Mr. Harrell:

Please find enclosed the original and one copy of the Permit issued to you by the Mississippi Commission on Marine Resources on July 15, 2014.

Please execute this Permit by signing both documents and returning the copy to the Department of Marine Resources.

The Department of Marine Resources 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.

If you have any questions regarding the Permit or this correspondence, please contact James Davis with the Bureau of Wetlands Permitting at 228-523-4115.

Sincerely,

A handwritten signature in blue ink that reads "Jamie M. Miller".

Jamie M. Miller
Executive Director
Mississippi Department of Marine Resources

JMM/jdd

Enclosures

cc: Ms. Allison Monroe, USACE
Ms. Florance Bass, OPC
Mr. Raymond Carter, SOS

Permit No.: DMR-03400
Type: Permit
Date: July 22, 2014

WHEREAS, application by: The Mississippi Department of Environmental Quality for a Permit under the provisions of Chapter 27, Mississippi Code of 1972, as amended, to perform certain works affecting the coastal wetlands of the State of Mississippi at the Popp's Ferry Causeway on the Back Bay of Biloxi in Biloxi, Harrison County, Mississippi, was approved by said State of Mississippi Commission on Marine Resources on July 15, 2014.

NOW THEREFORE, this Permit authorizes the above named applicant hereinafter called Permittee, to perform such works in adherence to the following conditions contained herein:

1. Two (2) piers, each 30 feet in length, 20 feet in width, and 3 feet above mean high tide in height, shall be constructed over open water as indicated on the attached diagram;
2. Two (2) piers, each 40 feet in length, 40 feet in width, and 3 feet above mean high tide in height, shall be constructed over open water as indicated on the attached diagram;
3. A pier 25 feet in length, 25 feet in width, and 3 feet above mean high tide in height shall be constructed over open water as indicated on the attached diagram;
4. A concrete boardwalk 500 feet in length and 8 feet in width shall be constructed landward of mean high tide as indicated on the attached diagram;
5. A wooden boardwalk 813 feet in length and 8 feet in width shall be constructed landward of mean high tide as indicated on the attached diagram;
6. An access pier 390 feet in length, 6 feet in width, and a minimum of 6 feet above mean high tide in height shall be constructed over vegetated wetlands as indicated on the attached diagram;
7. Access piers constructed over vegetated wetlands or submerged aquatic vegetation shall adhere to the following conditions:
 - a. Shall be constructed such that the height of the structure above the ground surface or mean high tide must be at least equal to its width;
 - b. Shall require the use of special construction methods for the installation of pilings. Pilings shall be installed in a manner that will not result in the formation of sedimentary deposits ('donuts' or 'halos') around the newly installed pilings. Pile driving during high tide to facilitate use of shallow draft barges is the preferred method of installation, but jetting with a low pressure pump may be used. No heavy machinery shall be allowed in wetlands;
 - c. Shall be no more than five (6) feet in width.
8. An area of riprap measuring 1,366 linear feet shall be placed at the mean high tide line or landward as shown on the attached diagram. Riprap shall not extend farther than 3-6 feet into the waterway from the mean high tide line or the plane of ordinary high water;

9. Riprap placed below the plane of ordinary high water or the plane of mean high tide may not exceed an average of one (1) cubic yard per foot of shoreline being protected;
10. No riprap shall be placed in emergent vegetation or pocket beaches;
11. Only clean riprap material, free of exposed rebar, asphalt, plastic, soil, etc., may be used;
12. No construction debris or unauthorized fill material shall be allowed to enter coastal wetlands or waters;
13. Structures shall be marked with reflectors and/or lights to avoid navigational hazards;
14. Prior to the commencement of construction, permittee must submit to the DMR a copy of the Tidelands Lease as required by the Secretary of State and as filed in the subject County Land Records, or a statement from the Secretary of State that the permitted activity does not require a Tidelands Lease;
15. No construction debris or unauthorized fill material shall be allowed to enter coastal wetlands or waters;
16. Best Management Practices shall be used at all times during construction;
17. Vegetated wetlands shall not be impacted; and,
18. No creosote material shall be used in construction.

This authorization is contingent on Water Quality Certification from the Mississippi Department of Environmental Quality (DEQ) and the Permittee shall maintain all water quality standards, regulations, and restrictions as set forth by the DEQ.

Any deviations beyond the restrictive conditions as set forth in your permit shall 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 conducting unauthorized work. A modification to these conditions may be requested by submitting a written request along with a revised project diagram to DMR. Proposed modifications to dimensions, project footprint, and/or procedures must be approved in writing prior to commencement of work.

Issuance of this certification by DMR and acceptance by the applicant 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.

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.

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

This certification shall become effective upon acceptance by the applicant and receipt of the executed copy by the Director.

Please execute this certification by signing both documents and returning the copy to the Department of Marine Resources.

Work authorized by this certification must be completed on or before July 15, 2019.

Enclosed is a "Notice of Compliance" which must be conspicuously displayed at the site during construction of the permitted work.

The Department of Marine Resources 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.

THE PERMITTEE BY ACCEPTANCE OF THIS PERMIT AGREES TO ABIDE BY THE STIPULATIONS AND CONDITIONS CONTAINED HEREIN AND AS DESCRIBED BY THE PLANS AND SPECIFICATIONS SUBMITTED AS PART OF THE COMPLETED APPLICATION.

STATE OF MISSISSIPPI
DEPARTMENT OF MARINE RESOURCES

BY: Jamie M. Miller
Jamie M. Miller
Executive Director
Mississippi Department of Marine Resources

Accepted this the 9 day of April, 20 15.

BY: Phil Havel

MISSISSIPPI



Department of Marine Resources

NOTICE OF COMPLIANCE
DMR- 03400 PERMIT
THIS NOTICE ACKNOWLEDGES THAT:

DATE: July 22, 2014

Mississippi Department of Environmental Quality
Attn: Richard Harrell
P.O. Box 2261
Jackson, MS 39225

HAS, THROUGH APPLICATION TO THIS DEPARTMENT, DULY COMPLIED WITH THE MISSISSIPPI COASTAL WETLANDS PROTECTION LAW TO:

1. Two (2) piers, each 30 feet in length, 20 feet in width, and 3 feet above mean high tide in height, shall be constructed over open water as indicated on the attached diagram;
2. Two (2) piers, each 40 feet in length, 40 feet in width, and 3 feet above mean high tide in height, shall be constructed over open water as indicated on the attached diagram;
3. A pier 25 feet in length, 25 feet in width, and 3 feet above mean high tide in height shall be constructed over open water as indicated on the attached diagram;
4. A concrete boardwalk 500 feet in length and 8 feet in width shall be constructed landward of mean high tide as indicated on the attached diagram;
5. A wooden boardwalk 813 feet in length and 8 feet in width shall be constructed landward of mean high tide as indicated on the attached diagram;
6. An access pier 390 feet in length, 6 feet in width, and a minimum of 6 feet above mean high tide in height shall be constructed over vegetated wetlands as indicated on the attached diagram;
7. Access piers constructed over vegetated wetlands or submerged aquatic vegetation shall adhere to the following conditions:
 - a. Shall be constructed such that the height of the structure above the ground surface or mean high tide must be at least equal to its width;
 - b. Shall require the use of special construction methods for the installation of pilings. Pilings shall be installed in a manner that will not result in the formation of sedimentary deposits ('donuts' or 'halos') around the newly installed pilings. Pile driving during high tide to facilitate use of shallow draft barges is the preferred method of installation, but jetting with a low pressure pump may be used. No heavy machinery shall be allowed in wetlands;
 - c. Shall be no more than five (5) feet in width.
8. An area of riprap measuring 1,366 linear feet shall be placed at the mean high tide line or landward as shown on the attached diagram. Riprap shall not extend farther than 3-6 feet into the waterway from the mean high tide line or the plane of ordinary high water;
9. Riprap placed below the plane of ordinary high water or the plane of mean high tide may not exceed an average of one (1) cubic yard per foot of shoreline being protected;
10. No riprap shall be placed in emergent vegetation or pocket beaches;
11. Only clean riprap material, free of exposed rebar, asphalt, plastic, soil, etc., may be used;
12. No construction debris or unauthorized fill material shall be allowed to enter coastal wetlands or waters;
13. Structures shall be marked with reflectors and/or lights to avoid navigational hazards;
14. Prior to the commencement of construction, permittee must submit to the DMR a copy of the Tidelands Lease as required by the Secretary of State and as filed in the subject County Land Records, or a statement from the Secretary of State that the permitted activity does not require a Tidelands Lease;
15. No construction debris or unauthorized fill material shall be allowed to enter coastal wetlands or waters;
16. Best Management Practices shall be used at all times during construction;
17. Vegetated wetlands shall not be impacted; and,
18. No creosote material shall be used in construction.

On the Back Bay of Biloxi at the Poppo Ferry Causeway in Biloxi, Harrison County, Mississippi.

No construction debris or unauthorized fill material shall be allowed to enter coastal wetlands or waters.

FURTHERMORE, THIS PROJECT AS PROPOSED HAS BEEN FOUND TO BE CONSISTENT WITH ALL GUIDELINES FOR CONDUCT OF REGULATED ACTIVITIES IN COASTAL WETLANDS AS SET FORTH IN THE MISSISSIPPI COASTAL PROGRAM.

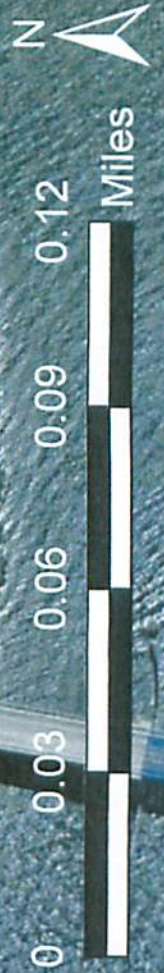
Handwritten signature of Jamie M. Miller in black ink.
Executive Director

POST THIS NOTICE CONSPICUOUSLY AT SITE OF WORK

1 Type A, and 1 Type B Fishing Pier to the north

Legend

- Marsh Grass
- Pocket Beach
- Shoreline Stabilization
- Concrete Walkway
- Wooden Boardwalk
- Boardwalk
- Pier Walkway
- Nature Trails
- Boardwalk Landing
- Interpretive Center
- Bait Shop/Concession Stand/Kayak Rental
- Parking
- Fishing Pier



Proposed shoreline stabilization will avoid to the maximum extent practicable marsh grasses and pocket beach.



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

December 15, 2014

Mr. Richard Harrell
Mississippi Department of Environmental Quality
Post Office Box 2261
Jackson, Mississippi 39225

Dear Mr. Harrell:

Re: MDEQ, NRDA, Popp's Ferry
Causeway Park
Harrison County
COE No. SAM201400275TMZ
WQC No. WQC2014018

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 Mississippi Department of Environmental Quality, an applicant for a Federal License or permit to conduct the following activity:

MDEQ, NRDA, Popp's Ferry Causeway Park: Upgrade of the Popp's Ferry Causeway Park and amenities including opportunities to fish, crab, and walk through a system of boardwalks and nature trails to allow viewing of waterfront and marshes. The project will include roadway repair and lighting, construction of a concession and bait stand, continuation of an 8-foot-wide concrete walkway/wooden boardwalk on the west side of the site, additional riprap shoreline stabilization, construction of new fishing piers, picnic areas, nature trails, visitor parking, and construction of a new Interpretive Center. Impacts to wetlands include shading from pile supporting structures over marsh and open water. Some minor impacts to discontinuous marsh wetland vegetation will occur with the placement of new riprap along existing eroded areas of the shoreline. All other wetland areas will be avoided. [SAM201400275TMZ, WQC2014018].

RECEIVED

JAN 05 2015

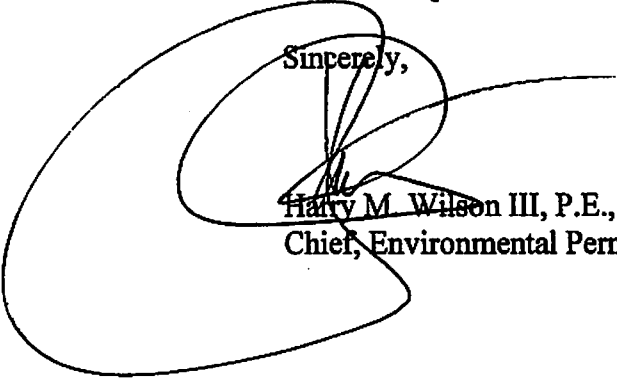
The Office of Pollution Control certifies that the above-described activity will be in compliance with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act and Section 49-17-29 of the Mississippi Code of 1972, if the applicant complies with the following conditions:

1. Shoreline stabilization fill material shall be clean of trash, debris, asphalt or other pollutants.
2. Materials for boardwalks, piers, and pilings shall be constructed of materials suitable for use in an aquatic environment. No creosote materials shall be used for project construction.
3. The facility shall connect to an Office of Pollution Control approved wastewater collection and treatment system.
4. 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.
5. 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.
6. For construction projects from one to less than five acres of total ground disturbances including clearing, grading, excavating or other construction activities shall follow the conditions and limitations of the Stormwater Small Construction NPDES General Permit.
7. The final post construction storm water management plan shall be submitted 60 days prior to the start of construction activities for review and approval. The final post construction storm water management plan shall be consistent with the plan received on November 17, 2014 from Covington Civil & Environmental, LLC. No construction shall begin until approvals are obtained from the Department.
8. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
9. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

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 we can be of further assistance, please contact us.

Sincerely,



Harry M. Wilson III, P.E., DEE
Chief, Environmental Permits Division

HMW: fb

cc: Mr. Tad M. Zebryk , U.S. Army Corps of Engineers, Mobile District
Mr. James Davis, Department of Marine Resources
Mr. Bill Ainslie, Environmental Protection Agency
Mr. Stephen Parker, Adaptive Management Services, LLC