



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: DMR200009-1

Date: May 12, 2021

Issued to: Mississippi Department of Environmental Quality
Attn: Valerie Alley
P.O. Box 2261
Jackson, MS 39225

Project Description: Breakwaters

Project Location: Biloxi Back Bay
South shoreline of Big Island

DMR Project Manager: Willa J. Brantley
228-523-4108
willa.brantley@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 April 20, 2021 and approved by the MDMR Executive Director on May 10, 2021.

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.

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

1. Permanent fill of approximately 0.5 acres of unvegetated Coastal Wetlands for the construction of a breakwater 2,800 feet in length in accordance with the parameters outlined in the attached table of Breakwater Design Criteria; Additional materials may be added to the breakwater as needed during the life of this Permit to maintain the authorized design parameters; The DMR Bureau of Wetlands Permitting

must receive written notice of any maintenance activities at least 30 days prior to commencement

2. Permanent fill of approximately 3 acres of unvegetated Coastal Wetlands for the construction of a breakwater 5,200 feet in length in accordance with the parameters outlined in the attached table of Breakwater Design Criteria; Additional materials may be added to the breakwater as needed during the life of this Permit to maintain the authorized design parameters; The DMR Bureau of Wetlands Permitting must receive written notice of any maintenance activities at least 30 days prior to commencement

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. Breakwaters must:
 - a. Use only clean material free of waste, metal and organic trash, unsightly debris, petroleum products (asphalt), etc.
 - b. Not result in fill of or adverse impacts to wetlands, submerged aquatic vegetation, or shellfish beds
 - c. Be marked by safety lights, signs, and/or signals as prescribed by the U.S. Coast Guard through regulations or otherwise; Marking of the breakwaters and the plan for maintaining the markings must be approved by MDMR prior to completion of the project
 - d. Be constructed in a manner that allows water flow and wildlife movement
 - e. Not result in fill of or adverse impacts to submerged aquatic vegetation or shellfish beds
 - f. Not pose a hazard to navigation
2. The project area must be surveyed for the presence of submerged aquatic vegetation (SAV) during the growing season prior to implementation of the project; The results of this survey must be submitted to the DMR Bureau of Wetlands Permitting at least 30 days prior to commencement of construction; If SAV is found within the project area, an additional review by and written approval from DMR staff will be required prior to commencement of construction
3. 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

4. Completion of the above-authorized activities and impacts must be reported to the MDMR through one of the methods listed below within 30 days of completion so that compliance checks may be conducted by MDMR staff:
- By visiting your account at citizenserve.com
 - By calling or emailing the MDMR Project Manager listed on the first page of this authorization

Work authorized by this certification must be completed on or before: May 12, 2031

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 \(05/12/2021 10:25 CDT\)](#)

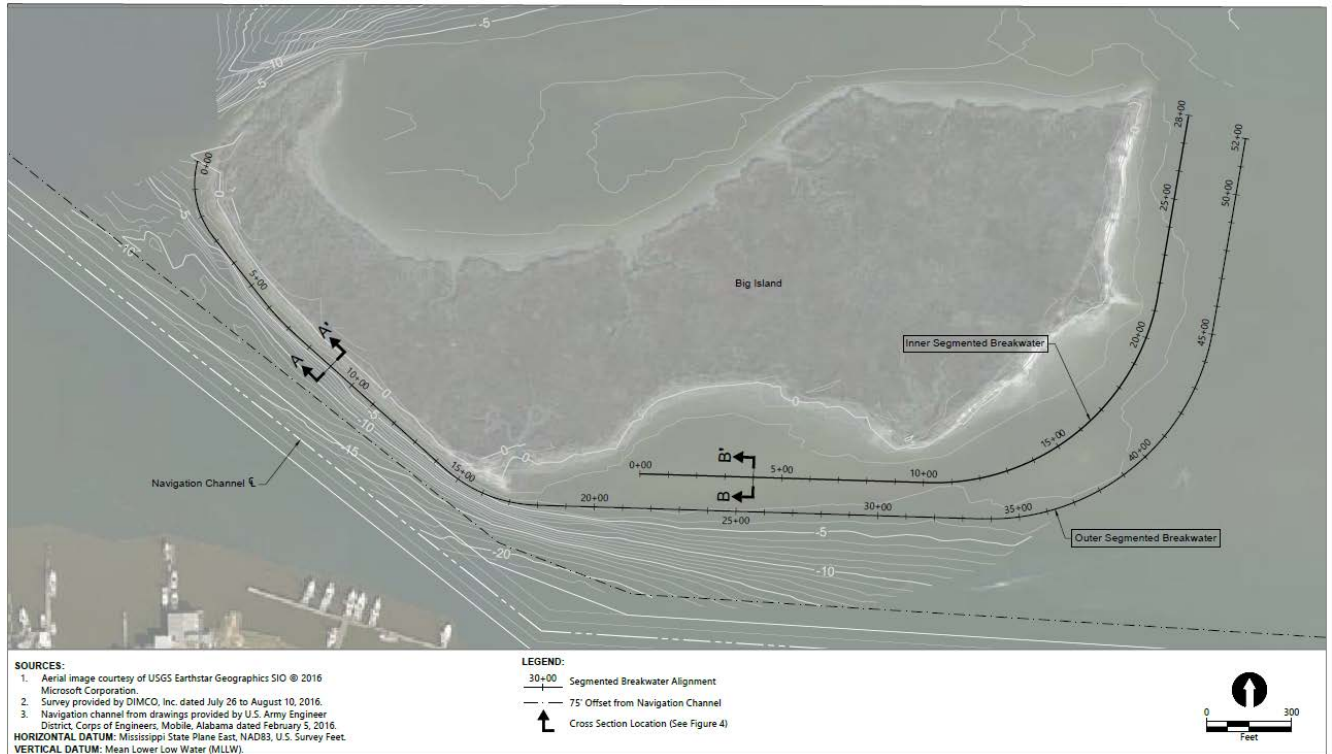
Joe Spraggins
Executive Director
MS Department of Marine Resources

JS/wjb

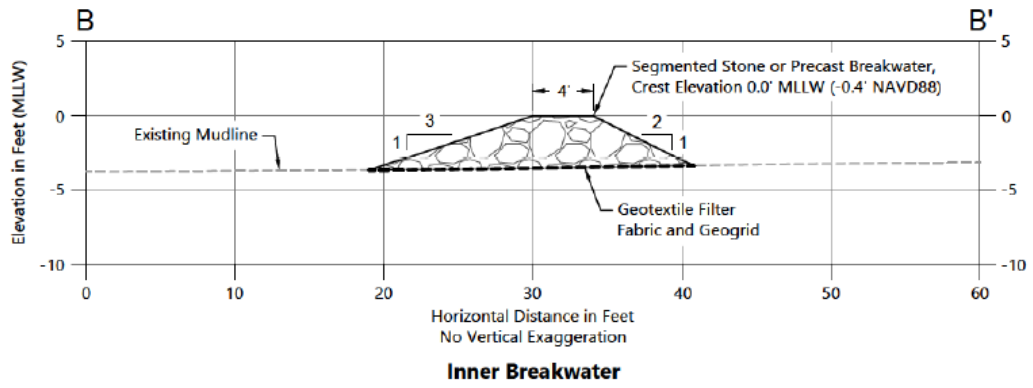
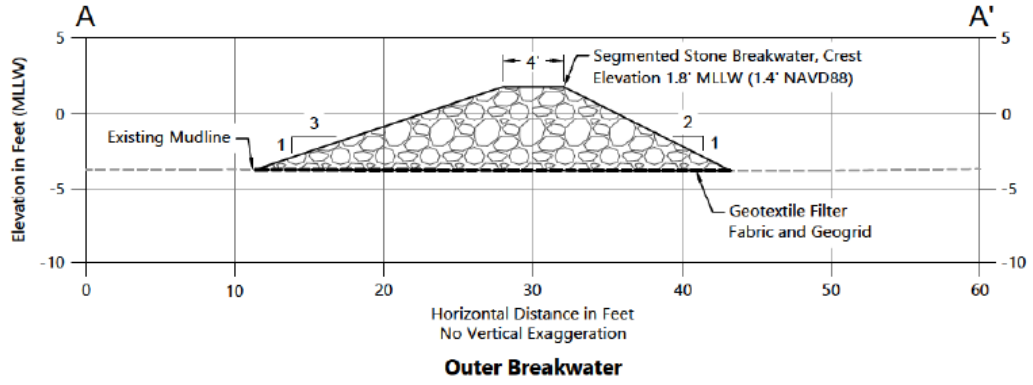
Attachments:
Approved Diagrams
MS Code Annotated - 49-15-9

CC:
MS Team Leader USACE
Ms. Florance Bass, OPC
Mr. Raymond Carter, SOS

Breakwater Design Criteria	Outer Breakwater	Inner Breakwater
Total project length	5,200 feet	2,800 feet
Total project acreage	3 acres	0.5 acres
Crest width	4 feet	4 feet
Base width	Approximately 30 feet depending on contour	Approximately 20 feet depending on contour
Assumed bottom elevation	-2.5 to -3.5 feet MLLW	-1.5 to -2.5 feet MLLW
Total structure height	3.0 to 5.0 feet	2.0 to 3.0 feet
Breakwater materials	Riprap	OysterBreaks; WADs; riprap or other comparable engineered structures/materials as approved by the permitting agencies
Riprap volume	Approximately 9,500 cubic yards	Approximately 1,900 cubic yards
Thickness of material (riprap)	0.5 to 5.0 feet	0.5 to 2.0 feet
Estimated initial settlement	0.0 to 0.5 feet	0.0 to 0.5 feet
Design side slopes (island-facing slopes)	2H:1V or vertical, depending on technology	2H:1V or vertical, depending on technology
Design slide slopes (bay-facing slopes)	3H:1V to vertical, depending on technology	3H:1V to vertical, depending on technology
Breakwater distance from shoreline	50 to 550 feet	130 to 200 feet
Maximum design crest elevation	1.8 feet MLLW	0.0 MLLW



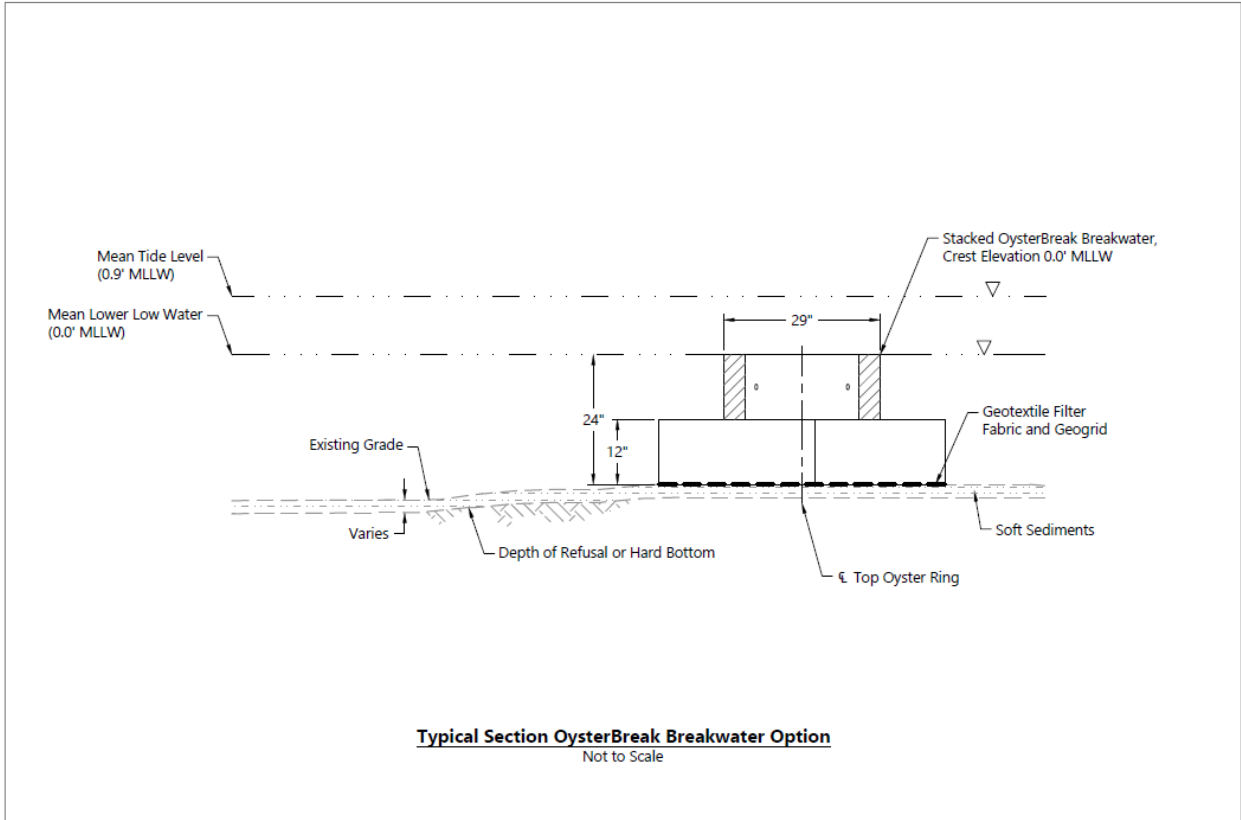
Big Island Proposed Breakwater Alignment



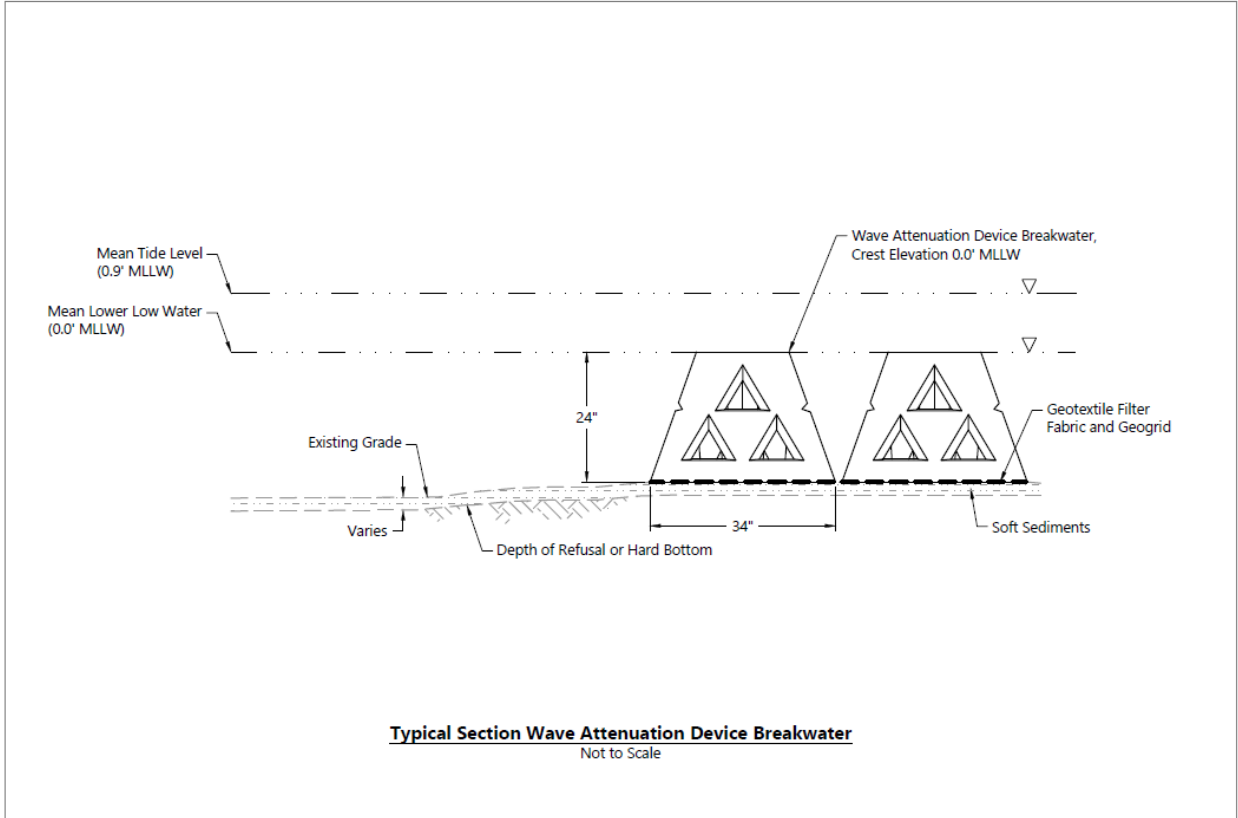
NOTES:

1. Inner breakwater to be constructed at bed elevations between -1.5 and -2.5 feet MLLW.
2. Outer breakwater to be constructed at bed elevations between -2.5 and -3.5 feet MLLW.

Typical Section Riprap Breakwaters



Typical Section OysterBreak Inner Breakwater Option



Typical Section Wave Attenuation Device Inner Breakwater Option

Miss. Code Ann. § 49-15-9

Copy Citation

Current through the 2019 Regular Session.

[Mississippi Code 1972 Annotated](#) [Title 49. Conservation and Ecology \(Chs. 1 — 37\)](#) [Chapter 15. Seafood \(Arts. 1 — 7\)](#) [Article 1. General Provisions. \(§§ 49-15-1 — 49-15-100.3\)](#)

§ 49-15-9. Rights of riparian owners on Gulf Coast defined.

The sole right of planting, cultivating in racks or other structures, and gathering oysters and erecting bathhouses and other structures in front of any land bordering on the Gulf of Mexico or Mississippi Sound or waters tributary thereto belongs to the riparian owner and extends not more than seven hundred fifty (750) yards from the shore, measuring from the average low water mark, but where the distance from shore to shore is less than fifteen hundred (1500) yards, the owners of either shore may plant and gather to a line equidistant between the two (2) shores, but no person shall plant in any natural channel so as to interfere with navigation, and such riparian rights shall not include any reef or natural oyster bed and does not extend beyond any channel. A riparian owner shall comply with the Coastal Wetlands Protection Act in exercising the use of these riparian rights. Stakes of such frail materials as will not injure any watercraft may be set up to designate the bounds of the plantation, but navigation shall not be impeded thereby. The riparian owner shall clearly mark such cultivation racks and other structures. The commission may adopt regulations to require that the racks are adequately marked to ensure the safety of users of public waters. Any oysters planted by such riparian owner are the private property of such riparian owner, subject to the right of the commission to adopt reasonable rules and regulations as to the planting and gathering of such oysters. All bathhouses, piers, wharfs, docks and pavilions, or other structures owned by riparian owner are likewise the private property of such owner, who shall be entitled to the exclusive use, occupancy and possession thereof, and may abate any private or public nuisance committed by any person or persons in the area of his riparian ownership and may, for such purposes, resort to any remedial action authorized by law. The governing authorities of any municipality and the board of supervisors of any county are authorized to adopt reasonable rules and regulations to protect riparian owners in the enjoyment of their riparian rights, and for such purposes may regulate the use of beaches, landings, and riparian areas abutting or fronting on roads, streets or highways.

History

Codes, 1942, § 6047-10; Laws, 1960, ch. 173, § 10; Laws, 1962, ch. 193, § 10; Laws, 1991, ch. 438 § 1, eff from and after passage (approved March 21, 1991).

Mississippi Code 1972 Annotated

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Content Type:

CHECK BEFORE YOU BUILD

YOU MAY NEED ANOTHER PERMIT FROM YOUR CITY OR COUNTY:

Jackson County

Building Department -Pascagoula Office: (228) 769-3056

Building Department -Ocean Springs Office: (228) 818-1890

Building Permits: (228) 769-3057

City of Pascagoula

Planning and Building Department: (228) 938-6620

City of Moss Point

Building Inspections Department: (228) 474-0170

City of Gautier

Planning & Building Department: (228) 497-1878

City of Ocean Springs

Planning Department: (228) 875-6712

Harrison County

Engineering Department: (228) 832-4891

City of Biloxi

Engineering Department: (228) 435-6269

City of D'Iberville

Building Department: (228) 392-7966 ext. 6001

City of Gulfport

Building Code Services: (228) 868-5715

City of Long Beach

Building Department: (228) 863-1554

City of Pass Christian

Building Code & Code Enforcement Department: (228) 452-3316 or (228) 452-3324

Hancock County

Planning and Zoning Department: (228) 467-4157

City of Bay St. Louis

Planning and Zoning Department: (228) 466-5516

City of Waveland

Building/ Planning & Zoning / Blighted and Abandoned Properties Department: (228) 466-2549

City of Diamondhead

City Hall: (228) 222-4626

MS Secretary of State's Office

(228) 432-0541






DMR200009-1

Final Audit Report

2021-05-12

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