



**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil

General Permit

FILE NO. General Permit - 53
DATE: September 25, 2012
EXPIRES: September 25, 2017

FOR: MINOR CONSTRUCTION ACTIVITIES AT THE JOHN C. STENNIS
SPACE CENTER, HANCOCK COUNTY, MISSISSIPPI

WHERE: REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT

BY WHOM: DISTRICT COMMANDER, VICKSBURG DISTRICT, ON BEHALF OF
THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The Vicksburg District is hereby reissuing a Department of the Army General Permit for regulated activities including the deposition of dredged and fill material into waters of the United States associated with projects consisting of but not limited to: construction, repair, and/or expansion of buildings, parking lots, access roads, pilings, docks, piers, retaining walls, and other appurtenant facilities necessary for the infrastructure and operation of the John C. Stennis Space Center (SSC), Hancock County, Mississippi. The location of the SSC is attached (enclosure 1).

The National Aeronautics and Space Administration (NASA) and other agencies plan to expand operations at SSC and anticipate unavoidable impacts to wetlands. Therefore, NASA has proposed to mitigate the unavoidable losses of wetland functions and values associated with these projects through restoration or enhancement and continued management of wetlands on property owned by NASA in the SSC's buffer area. The proposed mitigation plan is available for inspection at the Vicksburg District, Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi.

The principal types of wetlands which would be impacted by future construction at SSC are pine-flatwoods and pitcher plant (*Sarracenia* sp.) bogs. These wetlands contain marginal wildlife habitat due to timber management practices which include monotypic pine plantations and fire suppression. The mitigation plan calls for active management of mitigation areas including planting, burning, and monitoring to achieve the objectives of the mitigation strategies for the pine savannah restoration and enhancement areas. The mitigation plan would replace unavoidably lost values either before or concurrent with construction of projects.

This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Commander considers it necessary, application will be required for individual permits. Construction, dredging, or fill operations not specifically covered by this General Permit are prohibited unless authorized by a separate permit.

This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the United States. These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in or affecting waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. The determination that the proposed activities comply with the requirements for issuance of General Permits was made using information which is available for inspection at the offices of the Vicksburg District's Regulatory Branch at 4155 Clay Street, Vicksburg, Mississippi.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District has obtained water quality certification from the Mississippi Department of Environmental Quality stating that the work authorized by the General Permit will not violate applicable provisions of Sections 301, 302, 306, and 307 of the Act. A copy of the certification with required condition(s) is attached (enclosure 2).

The Vicksburg District has obtained coastal zone consistency from the Mississippi Department of Marine Resources in accordance with the State Coastal Zone Management Program stating the activity has been determined to be consistent to the maximum extent practicable with the Mississippi Coastal Program provided the applicant adheres to the required conditions attached (enclosure 3).

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, NASA IS REQUIRED TO SUBMIT TO THE DISTRICT COMMANDER, IN WRITING, THE FOLLOWING INFORMATION AT LEAST 30 DAYS PRIOR TO CONDUCTING THE WORK:

a. Statement that the work will be conducted in compliance with the terms and conditions of General Permit 53 and will not adversely impact adjoining property.

b. A presentation of the Purpose and Need for the proposed activity.

c. A presentation of the Alternatives Analysis leading to the selection of the preferred site location, including:

1. A generalized location map of the overall test facility indicating locations of all alternative sites considered for the proposed activity.

2. A brief description of the present condition of each of the alternative sites, including a delineation and characterization of all jurisdictional waters of the United States on each site.

3. An estimate of how the proposed activity would impact jurisdictional waters of the United States on each of the alternative sites. (Note: For this purpose, it is understood that it may not be possible to determine exact impacts at each alternate site since, at this stage of planning, it may not be practicable to develop final construction plans and engineering drawings for each alternate site).

4. A summarization of the outcome of the Alternatives Analysis leading to the selection of the proposed site. IF NOT the least damaging to waters of the United States, why is the selected site the most practicable alternative in light of the fact that it would not be the least damaging alternative?

d. For the selected site, a full set of construction plans (including quantities and types of any fill and quantities of any excavation), maps, and engineering drawings for the proposed activity at that site. These shall include a map of sufficient scale that illustrates an "overlay" of the proposed construction/development activity (e.g. roads, ditches, parking lots, building pads, retention ponds, landscaped/mowed areas, temporary work areas, remaining natural areas, etc.) on jurisdictional waters of the United States.

f. A description, including quantity and quality, of "unavoidable" adverse impacts to waters of the United States that will result from the proposed activity; and a proposed compensatory mitigation plan for those "unavoidable" impacts. These quantifications shall include a calculation of credits/debits for functional losses/replacements using an approved functional assessment method.

g. Statements that the selected sites have been surveyed for threatened and endangered species and their critical habitat(s) and for cultural resources; and that documented findings indicate that the proposed activities will not have adverse impacts to these type resources.

h. The estimated starting and completion dates of the proposed construction.

Upon receipt of this information, the District Commander will advise NASA, in writing, either that the work will be evaluated for authorization under the General Permit 53; will request additional information, if needed; or will advise NASA that the proposed activity will be evaluated as an individual permit.

Special Conditions:

a. The authorized structure(s) shall not extend into the channel of a receiving stream to the extent that it would interfere with navigation (including recreational boating) or adversely affect the flow-carrying capacity of the receiving stream.

b. Side slopes of levees, ditches, and other earthen structures shall be 1 vertical to 3 horizontal, or flatter, to increase stability.

c. Areas excavated for utility lines shall be covered with fill material and the fill stabilized with vegetative cover.

d. Any fill material shall be compacted upon completion of construction. Any areas disturbed by construction activities shall be naturally revegetated, seeded, or sodded as necessary to restore cover and prevent erosion. In areas subject to currents, riprap may be required for slope protection.

e. Material used for fill may be obtained from site preparation or if additional material is required, it shall be obtained from an area which will provide nonpolluting material. Additional material shall not be obtained from any wooded wetland or from any area which will affect an adjacent wetland.

f. All excess dredged and/or fill material not used in construction shall be placed in an upland disposal area.

g. The construction activity shall not prolong the inundation of surrounding wetlands to the point of adverse impacts.

h. No activity which may adversely impact a site listed in, or eligible for listing in, the National Register of Historic Places will be allowed by this General Permit. Additional material shall not be taken from a known historical or archaeological site such as an Indian mound. If the permittee, during prosecution of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Department of Army jurisdiction, the permittee shall immediately notify the District Commander. The District Commander, in consultation with the appropriate State Historic Preservation Officer and the Tribal Archaeologists, will comply with 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

i. Authorized structures shall not increase frequency, duration, or elevation of floodwaters on areas outside the project site.

j. All construction activities shall be performed in a manner that will minimize increased turbidity of the water in the work area and otherwise minimize adverse effects on water quality and aquatic life.

k. The discharge shall not destroy or adversely affect threatened or endangered species or their critical habitat as identified under the Endangered Species Act.

l. The National Aeronautics and Space Administration shall implement the features of the mitigation plan either prior to or concurrent with the discharge of dredged and/or fill material in wetlands to ensure no net loss as a result of the project.

m. The National Aeronautics and Space Administration shall be responsible for the long-term success of the special area management mitigation. Long-term success is defined in the site specific mitigation plan.

n. The National Aeronautics and Space Administration shall be responsible for the administration of the mitigation features of the special area management plan including accounting of acreage impacted, planted, and monitoring reports.

o. Authorization under this General Permit is valid for 3 years from the date of the authorizing letter.

p. If an authorized project is abandoned, NASA must restore the affected areas to pre-project conditions and will bear the

expense of the restoration.

General Conditions:

a. You must maintain the activity authorized by this General 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 b. 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 authorization from this office, which may require restoration of the area.

b. If you sell the property associated with the authorization under this General Permit, you must contact this office so that the authorization can be transferred to the new owner.

c. 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.

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

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

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

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

h. In issuing this permit, the Federal Government does not assume any liability for the following:

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

2. 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.

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

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

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

i. In issuing individual authorization under this General Permit, the Government will rely on the information and data which the permittee provides in connection with the permit application. If, subsequent to the authorization, such information and data prove to be false, incomplete, or inaccurate, this authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

j. This office may re-evaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to, the following:

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

This General Permit is valid for 5 years. At the end of that time, the cumulative environmental effects of completed work will be reviewed and reissuance of the permit may be considered. However, if unforeseen adverse environmental effects result from the issuance of this General Permit, it may be modified or terminated at any time.

Additional copies of this notice are available upon request from this office. Requests may be addressed to the Vicksburg District, Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

for Michael F. McKen
JEFFREY R. ECKSTEIN
Colonel, Corps of Engineers
District Commander

Enclosures