



**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 – 46
DATE: October 2, 2014
EXPIRES: October 2, 2019

FOR: CONSTRUCTION AND STABILIZATION OF ROADWAY
EMBANKMENTS AND BRIDGE ABUTMENTS IN WATERS OF THE
UNITED STATES AND FOR THE ASSOCIATED DISCHARGE OF
DREDGED AND FILL MATERIAL

WHERE: THE STATE OF MISSISSIPPI

BY WHOM: DISTRICT ENGINEER ON BEHALF OF THE MISSISSIPPI
DEPARTMENT OF TRANSPORTATION

The U.S. Army Corps of Engineers, Vicksburg District, is hereby reissuing a Department of the Army General Permit for the construction of roadway embankments and bridge abutments in waters of the United States performed by or having oversight from the Mississippi Department of Transportation within the State of Mississippi. This General Permit shall authorize activities such as the repair and stabilization of existing roadway embankments and bridge abutments; the installation of additional traffic lanes to existing roadways; the upgrading of bridges and other stream-crossing structures; and, construction along new alignments.

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).

An agreement was finalized between MDOT, FHWA, and the U.S. Army Corps of Engineers with concurrence from the appropriate Districts on December 12, 2008, which specifies that all MDOT projects within the State will be evaluated by the

Vicksburg District. The address is USACE, Vicksburg District, ATTN: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

Upon expiration of the agreement, since portions of the State are within jurisdictional boundaries of five United States Army Corps of Engineers Districts (enclosure 1), subsequent authorizations to proceed with work proposed under this General Permit will be granted by letter from the appropriate District within whose boundaries the work will be located. The MDOT will be notified of any changes to the agreement and furnished the mailing address of each district.

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 Engineer considers it necessary, an application will be required for an individual permit. Construction, dredging, or fill operations not specifically covered by this General Permit would be prohibited unless authorized by a separate permit.

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 actions are individually and cumulatively minimal. The determination that the proposed activities comply with the requirements for the issuance of General Permits was made using information which is available for inspection at the office 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 (enclosure 2).

The Council on Environmental Quality (CEQ) has defined mitigation to include: avoiding impacts, minimizing impacts, rectifying impacts, reducing impacts over time, and compensating for impacts. Early in the design phase of projects to be authorized under this General Permit, avoidance and minimization of impacts to wetlands and other waters of the U.S. must be considered and the least environmentally damaging practicable alternative must be selected. The remaining impacts shall be compensated for to the maximum extent practicable. In order to compensate for any unavoidable losses of functions of jurisdictional waters of the United States associated with the work authorized by this General Permit; the Mississippi Department of Transportation shall develop a compensatory mitigation plan. The compensatory mitigation plan will be fully described in accordance with 33 CFR Parts 325 and 332, Compensatory Mitigation for Losses of Aquatic Resources; Final Rule, April 2008.

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION WOULD BE REQUIRED TO SUBMIT TO THE DISTRICT ENGINEER, IN WRITING, THE FOLLOWING INFORMATION A MINIMUM OF 60 DAYS PRIOR TO THE PROPOSED BID ADVERTISEMENT DATE:

- a. Statement of the number of the General Permit under which the work is to be conducted. (General Permit-46)
- b. Statement that the work will be conducted in compliance with the terms and conditions of the General Permit, will not adversely impact adjoining properties, and will be mitigated for in accordance with the terms of this General Permit.
- c. Location map showing the proposed worksite (including Section, Township, Range, and County).
- d. A brief description of the proposed worksite in its present condition.
- e. A brief description and 8 1/2- by 11-inch drawings of the proposed work including the method of construction or stabilization, the project dimensions, and amounts and types of excavated and fill material in cubic yards.
- f. Estimated starting and completion dates of construction.
- g. Name, mailing address, and telephone number of the person acting as the point of contact for the requested authorization.
- h. If wetlands or other waters of the U.S. are to be impacted, the following information is required:
 1. A map delineating the wetlands and other water of the U.S. and copies of the associated data form(s) for routine wetland determinations from the 1987 Corps of Engineers Wetland Delineation Manual and its subsequent Regional Supplement Manual(s) covering the proposed project area(s).
 2. The type and date of approval of the environmental documentation by the Federal Highway Administration and a copy of their findings as required by Executive Order 11990.
 - i. If the combined acreage of wetlands at a single and complete project site exceeds 0.1 acre, the application shall include a compensatory mitigation plan based on an approved wetland functional assessment methodology which takes into account the habitat quality and quantity of the impacted area and the proposed mitigation area. Such recommendations shall include copies of all factual information (e.g. worksheets) used in performing the calculations of the

functional assessment. (Note: The District Engineer will consider this recommendation in making the final decision on compensatory mitigation measures).

j. If impacts to a natural waterway at a single and complete project site exceed 100 linear feet, MDOT shall include a compensatory mitigation plan based on an approved stream functional assessment methodology which takes into account the habitat quality and quantity of the impacted area and the proposed mitigation area.

k. Comments from the Mississippi Department of Wildlife, Fisheries and Parks, Mississippi Department of Archives and History, United States Fish and Wildlife Service, and the Mississippi Department of Environmental Quality on the project.

I. Concurrence in writing from the Mississippi Department of Marine Resources and the National Marine Fisheries Service, if the project is located in Hancock, Harrison, or Jackson County, Mississippi. (See Special Condition h below).

Upon receipt of this information, the District Engineer will evaluate the proposal and advise either that the work is authorized under the General Permit; will request additional information, or will advise that the proposed activity will require an individual permit. Included with the letter authorizing work under the General Permit will be the number of wetland acres, if any, which must be deducted from the mitigation bank.

Special Conditions:

a. No more than 7 acres of wetlands and other waters of the United States shall be directly impacted by the placement of fill at each single and complete crossing of a water of the United States where the proposed work involves either upgrading an existing highway within an established corridor or where the work is to be constructed along a new alignment. Any wetlands or other waters of the United States cut off from their natural hydrologic regime as a result of project work shall be considered as directly impacted.

b. For stream or river crossings, discharges of permanent fill material and temporary fill material shall be the minimum necessary to complete the crossing. The term fill refers to earthen material, riprap, concrete, and any other materials associated with the work.

c. The stabilization or construction work shall not interfere with navigation (including recreational boating) or adversely impact the flow-carrying capacity of the affected stream.

d. Material to be used for fill must be nonpolluting and may be obtained either

offsite or from site preparation. Offsite material shall not be obtained from wetlands outside the 7-acre limit or from other areas which may adversely affect adjacent wetlands. Any excess material shall be placed in an upland area and properly contained or stabilized to prevent entry into adjacent water bodies or wetlands.

e. Disturbed areas on the site shall be stabilized to minimize erosion.
Stabilization of erodible areas shall be accomplished by seeding or sodding as soon as practicable to restore vegetative cover. Stabilization of soil and removal of sediment that may enter storm water shall be accomplished by the use of appropriate vegetative and structural sediment and erosion control practices. The controls must be in accordance with MS Department of Transportation's Storm Water Pollution Prevention Plan (SWPPP), as approved by MS Department of Environmental Quality. If construction scheduling at a disturbed area results in a cessation of additional construction activities for thirty or more days, appropriate temporary or permanent sediment and erosion control measures shall be implemented within seven calendar days of the cessation of construction activities. Implementation of sediment and erosion control measures shall include sufficient monitoring to evaluate success of the measures. If initial revegetation is unsuccessful, the area shall be reseeded or resodded until revegetation is successful. In areas subject to currents, riprap may be required for slope protection.

f. No activity that may adversely impact a site listed in or eligible for listing in the National Register of Historic Places, or a site that has previously been unevaluated, shall be allowed by this General Permit. Additional fill material shall not be taken from a known historical or archaeological site within or outside of regulated areas. If the permittee, during prosecution of work authorized herein, inadvertently discovers or accidentally destroys a cultural resource such as a cemetery, shipwreck, mound, historic structure, or archaeological site, within the area subject to Department of the Army jurisdiction, they shall cease work in the immediate area and notify the District Engineer within 24 hours. The District Engineer, in consultation with the appropriate State Historic Preservation Officer and the Federally recognized Tribe, shall comply with the procedures set forth in 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

g. The work shall not occur in a National Wildlife Refuge, State Game Management Area, or other such Federal or State lands, or lands leased to those entities without the appropriate Federal or State authorization in writing.

h. For work within the Mississippi Coastal Zone Management Area, including all areas below Interstate I-10, a set of complete plans shall be sent to the two agencies listed below for review and/or approval as appropriate. Comments and concurrence resulting from this coordination shall be submitted with the request for authorization under this General Permit.

**1. The Mississippi Department of Marine Resources
1141 Bayview Avenue
Suite 101
Biloxi, Mississippi 39530**

**2. National Marine Fisheries Service
Habitat Conservation Division
Attention: Mr. Mark Thompson
3500 Delwood Beach Road
Panama City, Florida 32408-7403**

- i. All temporary fills must consist of nonerodible material or be protected to prevent erosion.**
- j. Any materials used for temporary structures such as cofferdams, equipment pads, or temporary crossings, shall be removed as soon as practicable, and the waterway shall be restored to preconstruction contours.**
- k. Disturbance to riparian vegetation shall be kept to a minimum during construction. Erosion and sediment controls should limit the exposure of disturbed areas to the shortest amount of time as possible and minimize the amount of surface area disturbed. Vegetative practices shall be designed to preserve existing vegetation where possible and revegetate disturbed areas as soon as practicable after grading or construction.**
- l. No activity that is likely to adversely affect Federally listed threatened or endangered species, or that is likely to destroy or adversely modify the critical habitat of such species, shall be authorized under this General Permit.**
- m. Discharges shall not restrict or impede the movement of aquatic species indigenous to the waters.**
- n. All work shall be performed in a manner that will minimize increased turbidity of the water in the project area and otherwise avoid adverse effects on water quality and aquatic life especially during fish spawning season. This may require avoiding construction activities during the peak spawning months of April, May, and June.**
- o. The discharge shall not adversely affect a public water supply intake or a National or State Fish Hatchery intake.**
- p. The discharge shall not contain unacceptable levels of pathogenic organisms (as prescribed in standards set by the Mississippi Department of Environmental Quality) in areas used for water-contact sports.**

q. The construction activity shall not result in the permanent diversion or relocation of a stream or a river channel except where needed to align a waterway crossing to avoid potential damage to the roadway. In no case, shall any realignment extend beyond 150 feet upstream and 150 feet downstream from the centerline of a crossing structure. The construction activity shall result in neither stream flow impediment nor drain adjacent wetlands.

r. Authorizations under this General Permit shall be valid for 5 years from the date of the authorizing letter.

s. Current standards and practices shall be used to determine what type drainage structure is required at a particular stream crossing (box culvert, bridge, etc.).

t. To minimize potential adverse impacts to wetlands or other waters of the United States within the right-of-way or associated with the project, the Mississippi Department of Transportation shall incorporate into each project's design all practicable measures to:

1. Minimize impact on hydrology in wetland areas or other waters of the United States.

2. Minimize potential for toxic spills and leaching into wetland areas or other waters of the United States.

3. Minimize discharge of materials, such as silt, into wetlands or other waters of the United States.

4. Maintain adequate flow through wetlands or other waters of the United States by providing culverts, ditches, and other hydrologic structures.

5. Provide berms, traps, or ditches to direct potential toxic spills away from wetlands or other waters of the United States.

6. Provide for animal migration to and from wetland areas or along riparian corridors.

7. Provide erosion and sediment control features throughout the construction phase of a project which would minimize both short- and long-term impacts to water quality.

8. Provide treatment facilities which may be required to treat highway runoff which would otherwise adversely affect wetlands or other waters of the United States.

9. Provide contractual provisions for stopwork orders, project staging, and other specifications pertaining to minimizing impacts on wetlands or other waters of the United States and to onsite monitoring.

General Conditions:

- a. Mississippi Department of Transportation must allow representatives from the appropriate Corps' 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 the permit.**
- b. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.**
- c. This permit does not grant any property rights or exclusive privileges.**
- d. This permit does not authorize any injury to the property or rights of others.**
- e. This permit does not authorize interference with any existing or proposed Federal project.**
- f. 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.**
- g. In issuing individual authorizations 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.**

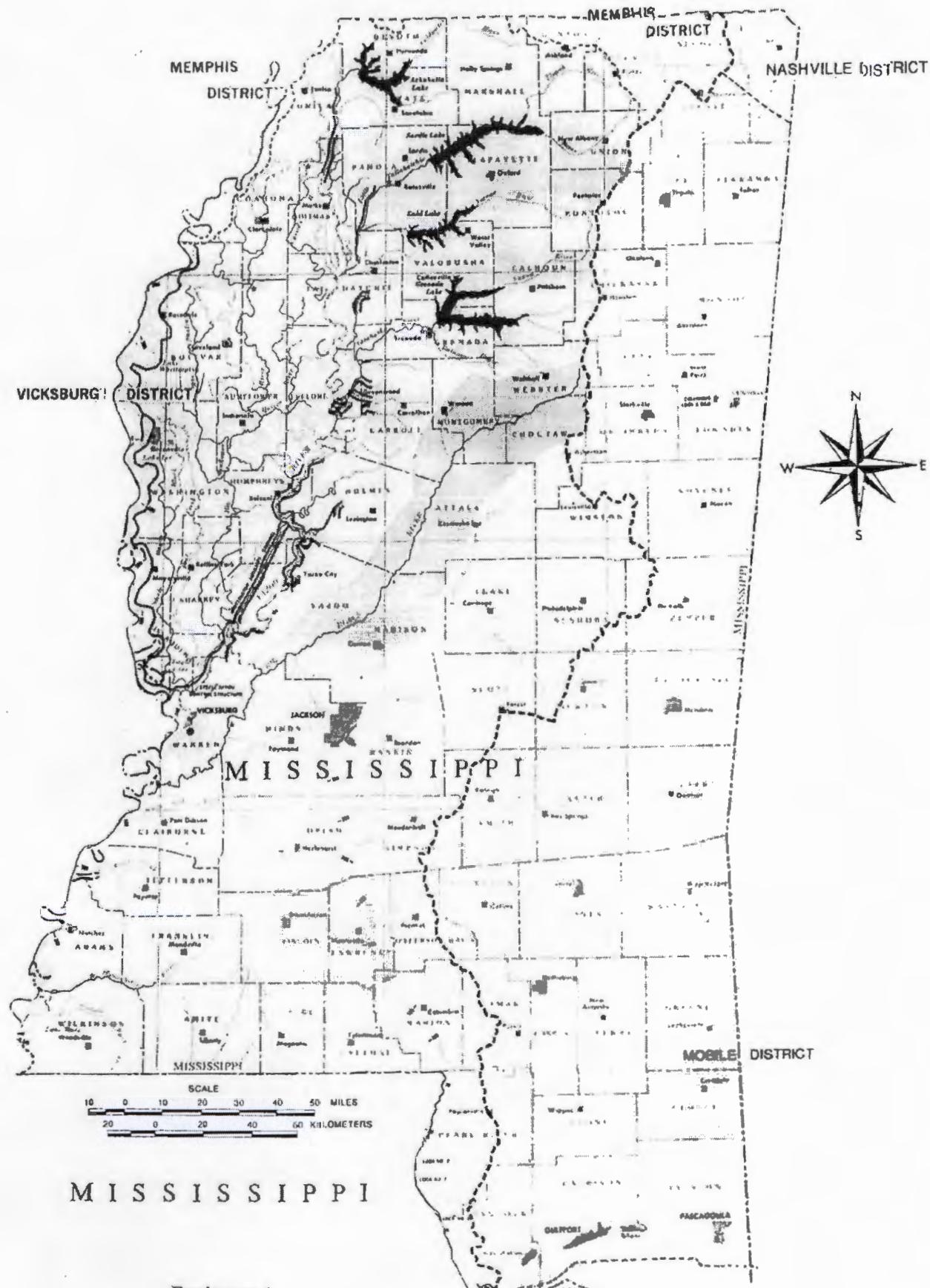
h. The United States Army Corps of Engineers may re-evaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- 1. Failure to comply with the terms and conditions of this permit.**
 - 2. The information provided in support of a request for authorization proves to have been false, incomplete, or inaccurate (See g. above).**
 - 3. Significant new information surfaces which was not considered in reaching the original public interest decision.**
- i. This General Permit is valid for a 5-year period at which 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.**

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



**Michael F. McNair, R.F.
Chief, Regulatory Branch**



Enclosure 1



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

June 20, 2014

Certified Mail No.7009 1680 0000 8670 1652

Colonel John W. Cross
U.S. Army Corps of Engineers
Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435

Dear Colonel Cross:

Re: US Army COE, Vicksburg
District, General Permit 46
Warren County
COE No. MVK20130909
WQC No. WQC2013046

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 U. S. Army Corps of Engineers, Vicksburg District, an applicant for a Federal License or permit to conduct the following activity:

US Army COE, Vicksburg District, General Permit 46: Proposed reissuance of a statewide General Permit for the construction of roadway embankments and bridge abutments in waters of the United States. This General Permit would authorize activities such as the repair and stabilization of existing roadway embankments and bridge abutments; the installation of additional traffic lanes to existing roadways; the upgrading of bridges and other stream-crossing structures; and, construction along new alignments.

This proposed 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 Engineer considers it necessary, an application will be required for an individual permit. Construction, dredging, or fill operations not specifically covered by

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this General Permit would be prohibited unless authorized by a separate permit.

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 actions are individually and cumulatively minimal.

The following must be provided by the applicant in writing in request for authorization under the General Permit:

- a. Statement of the number of the General Permit under which the work is to be conducted. (General Permit-46)
- b. Statement that the work would be conducted in compliance with the terms and conditions of the General Permit, would not adversely impact adjoining properties, and would be mitigated for in accordance with the terms of this General Permit.
- c. Location map showing the proposed worksite (including Section, Township, Range, and County).
- d. A brief description of the proposed worksite in its present condition.
- e. A brief description and 8 1/2- by 11 -inch drawings of the proposed work including the method of construction or stabilization, the project dimensions, and amounts and types of excavated and fill material in cubic yards.
- f. Estimated starting and completion dates of construction .
- g. Name, mailing address, and telephone number of the person acting as the point of contact for the requested authorization.
- h. If wetlands or other waters of the U.S. are to be impacted, the following information is required:
 1. A map delineating the wetlands and other water of the U.S. and copies of the associated data form(s) for routine wetland determinations from the 1987 Corps of Engineers Wetland Delineation Manual and its subsequent Regional Supplement Manual(s) covering the proposed project area(s).

2. The type and date of approval of the environmental documentation by the Federal Highway Administration and a copy of their findings as required by Executive Order 11990.
 - i. If the combined acreage of wetlands at a single and complete project site exceeds 0.1 acre, the application would include a compensatory mitigation plan based on an approved wetland functional assessment methodology which takes into account the habitat quality and quantity of the impacted area and the proposed mitigation area. Such recommendations would include copies of all factual information (e.g. worksheets) used in performing the calculations of the functional assessment. (Note: The District Engineer would consider this recommendation in making the final decision on compensatory mitigation measures).
 - j. If impacts to a natural waterway at a single and complete project site exceed 100 linear feet, MDOT would include a compensatory mitigation plan based on an approved stream functional assessment methodology which takes into account the habitat quality and quantity of the impacted area and the proposed mitigation area.
 - k. Comments from the Mississippi Department of Wildlife, Fisheries and Parks, Mississippi Department of Archives and History, United States Fish and Wildlife Service, and the Mississippi Department of Environmental Quality on the project.
 - l. Concurrence in writing from the Mississippi Department of Marine Resources and the National Marine Fisheries Service, if the project is located in Hancock, Harrison, or Jackson County, Mississippi. (See Special Condition 8 below).

Upon receipt of this information, the District Engineer will evaluate the proposal and notify the inquiring party, in writing, that either the work will be authorized under the General Permit; will require additional information or will advise the inquiring party that the proposed activity will require an individual permit. Included with the letter authorizing work under the General Permit would be the number of wetland acres, if any, which would be deducted from the mitigation bank.

Special Conditions of the General Permit:

1. No more than 7 acres of wetlands and other waters would be directly impacted by the placement of fill at each single and complete crossing of a water of the United States where the proposed work involves either upgrading an existing highway within an established corridor or where the work is to be constructed along a new alignment. Any wetlands cut off from their natural hydrologic regime as a result of project work would be considered as directly impacted.
2. For stream or river crossings, discharges of permanent fill material and temporary fill material would be the minimum necessary to complete the crossing. The term fill refers to earthen material, riprap, concrete, and any other materials associated with the work.
3. The stabilization or construction work would not interfere with navigation (including recreational boating) or adversely impact the flow-carrying capacity of the affected stream.
4. Material to be used for fill must be nonpolluting and may be obtained either offsite or from the site preparation. Offsite material would not be obtained from wetlands outside the 7-acre limit or from other areas which may adversely affect adjacent wetlands. Any excess material would be placed in an upland area and properly contained or stabilized to prevent entry into adjacent water bodies or wetlands.
5. Disturbed areas on the site would be stabilized to minimize erosion. Stabilization of erodible areas would be accomplished by seeding or sodding as soon as practicable to restore vegetative cover. If initial revegetation is unsuccessful, the area would be reseeded or resodded until revegetation is successful. In areas subject to currents, riprap may be required for slope protection.
6. No activity that may adversely affect a site listed in or eligible for listing in the National Register of Historic Places would be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Additional material would not be taken from a known historical or archaeological site. If the permittee, during prosecution of work authorized herein, encounters a previously unidentified cultural resource such as a cemetery, shipwreck, mound, historic structure, or archaeological site, within the area subject to Department of the Army jurisdiction, they would immediately notify the District Engineer. The District Engineer, in consultation with the appropriate State Historic Preservation Office and the Federally recognized Tribe, would comply with 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

7. The work would not occur in a National Wildlife Refuge, State Game Management Area, or other such Federal or State lands, or lands leased to those entities without the appropriate Federal or State authorization in writing.
8. For work within the Mississippi Coastal Zone Management Area, including all areas below Interstate I-10, a set of complete plans would be sent to the two agencies listed below for review and/or approval as appropriate. Comments and concurrence resulting from this coordination would be submitted with the request for authorization under this General Permit.
 - a. The Mississippi Department of Marine Resources
1141 Bayview Avenue
Suite 101
Biloxi, Mississippi 39530
 - b. National Marine Fisheries Service
Habitat Conservation Division
Attention: Mr. Mark Thompson
3500 Delwood Beach Road
Panama City, Florida 32408-7403
9. All temporary fills must consist of nonerodible material or be protected to prevent erosion.
10. Any materials used for temporary structures such as cofferdams, equipment pads, or temporary crossings, would be removed as soon as practicable, and the waterway would be restored to preconstruction contours.
11. Disturbance to riparian vegetation would be kept to a minimum during construction.
12. No activity that is likely to adversely affect Federally listed threatened or endangered species, or that is likely to destroy or adversely modify the critical habitat of such species, would be authorized under this General Permit.
13. Discharges would not restrict or impede the movement of aquatic species indigenous to the waters.
14. All work would be performed in a manner that would minimize increased turbidity of the water in the project area and otherwise avoid adverse effects on water quality and aquatic life especially during fish spawning

season. This may require avoiding construction activities during the peak spawning months of April, May, and June.

15. The discharge would not adversely affect a public water supply intake or a National or State Fish Hatchery intake.
16. The discharge would not contain unacceptable levels of pathogenic organisms (as prescribed in standards set by the Mississippi Department of Environmental Quality) in areas used for water-contact sports.
17. The construction activity would not result in the permanent diversion or relocation of a stream or a river channel except where needed to align a waterway crossing to avoid potential damage to the roadway. In no case, would any realignment extend beyond 150 feet upstream and 150 feet downstream from the centerline of a crossing structure. The construction activity would result in neither stream flow impediment nor drain adjacent wetlands.
18. Authorizations under this General Permit would be valid for 3 years from the date of the authorizing letter.
19. Current standards and practices would be used to determine what type drainage structure is required at a particular stream crossing (box culvert, bridge, etc.).
20. To minimize potential adverse impacts to wetlands within the right-of-way or associated with the project, the Mississippi Department of Transportation would incorporate into each project's design all practicable measures to:
 - a. Minimize impact on hydrology in wetland areas.
 - b. Minimize potential for toxic spills and leaching into wetland areas.
 - c. Minimize discharge of materials, such as silt, into wetlands.
 - d. Maintain adequate flow through wetlands by providing culverts, ditches, and other hydrologic structures.
 - e. Provide berms, traps, or ditches to direct potential toxic spills away from wetlands.
 - f. Provide for animal migration to and from wetland areas or habitat corridors.

- g. Provide erosion and sediment control features throughout the construction phase of a project which would minimize both short- and long-term impacts to water quality.
- h. Provide treatment facilities which may be required to treat highway runoff which would otherwise adversely affect wetlands.
- i. Provide contractual provisions for stopwork orders, project staging, and other specifications pertaining to minimizing impacts on wetlands and to onsite monitoring.

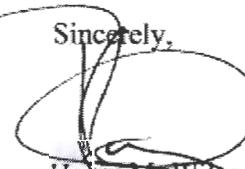
The Office of Pollution Control certifies that the above-described activity will be in compliance with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act and Section 49-17-29 of the Mississippi Code of 1972, if the applicant complies with the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

1. The Mississippi Department of Environmental Quality (MDEQ) shall be given a minimum 30-day commenting period for new alignment work that impacts more than three (3) acres of wetlands or 300 linear feet of stream.
2. Prior to the start of construction activities, coverage under a Stormwater Construction General NPDES Permit shall be obtained. No construction activities shall begin until such approvals are obtained.
3. Extreme care shall be taken to prevent the permanent restriction or impedance of water flow. Pre-construction hydrology shall be maintained.
4. All stream impacts (including streams identified as ephemeral by the U.S. Army Corps of Engineers and described as non-relatively permanent waters) shall be mitigated in kind with stream mitigation elements. In the event that stream mitigation is not available and alternate mitigation proposals are provided, a pre-construction notification shall be provided to MDEQ and 10 working days shall be allowed to provide comments.
5. A pre-construction notification shall be provided to MDEQ for projects that include channel work within waterways found on the latest version of the State of Mississippi's Section 303(d) List of Impaired Water Bodies for sediment or biological impairment or waterways with a completed Total Maximum Daily Load (TMDL) for sediment or biological impairment. This notification shall include the following:

- a. Justification of why the impacts cannot be avoided;
 - b. Proposed best management practices that would minimize the impacts to receiving sensitive waters; and
 - c. Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.
6. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
 7. 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: Anthony Lobred , U.S. Army Corps of Engineers, Vicksburg District
Amy Carson, U.S. Fish and Wildlife Service
Calista Mills, Environmental Protection Agency
Kim Thurman, Mississippi Department of Transportation