



**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, 2017
EXPIRES: September 25, 2022

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

WHERE: REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT

BY WHOM: DISTRICT ENGINEER, VICKSBURG DISTRICT, ON BEHALF OF THE
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

The Vicksburg District is hereby reissuing a Department of the Army General Permit for regulated activities including the discharge of dredged and fill material into waters of the United States (U.S.) and structures and work in navigable waters of the U.S. associated with projects consisting of, but not limited to: demolition, 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), located in Hancock County, Mississippi. The location of the SSC is attached (enclosure 1).

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, the proposed activity will be evaluated as an individual permit. Regulated construction, dredging, or fill operations not specifically authorized by this General Permit are prohibited unless authorized by a separate permit from the Vicksburg District.

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 U.S. These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in or affecting navigable waters of the U.S. under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and discharges of dredged or fill material into waters of the U.S. under 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 (WQC) from the Mississippi Department of Environmental Quality. A copy of the certification with required conditions is attached (enclosure 2).

The Vicksburg District has obtained Coastal Zone Management Act consistency determination concurrence 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 enforceable policies of the State of Mississippi's coastal management 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 ENGINEER, IN WRITING, THE FOLLOWING INFORMATION IN 8 ½ x 11 FORMAT AT LEAST 60 DAYS PRIOR TO CONDUCTING THE WORK:

- a. 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 statement of the purpose for the proposed activity.
- c. A brief description of the present condition of the site, including a delineation and characterization of all jurisdictional waters of the U.S. at the site.
- d. 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 U.S.

e. A discussion of how adverse impacts to waters of the U.S. from the proposed activity will be avoided and minimized to the maximum extent practicable at the construction site.

f. A description, including quantity and quality, of “unavoidable” adverse impacts to waters of the U.S. 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 site(s) has been surveyed for threatened and endangered species and their critical habitat(s), essential fish habitat, and for cultural resources; and documented findings which indicate that the proposed activities are not likely to have adverse effects to these type resources.

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

Upon receipt of this information, the District Engineer 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. Wetland impacts associated with regulated activities authorized under this General Permit shall be limited to a maximum of 7 acres. All proposals shall reduce the area of impact to the minimum area absolutely necessary for construction. Unavoidable impacts exceeding 0.1 acre will require compensatory mitigation.

b. 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 waterbody.

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

d. Areas excavated for utility lines shall be covered with fill or dredged material and stabilized with vegetative cover.

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

f. 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.

g. All excess dredged and fill material not used in construction shall be deposited in an area that has no waters of the U.S., unless otherwise specifically approved by the U.S. Army Corp of Engineers, Vicksburg District, Regulatory Branch.

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

i. 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 you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The District Engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

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

k. 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.

l. No activity shall be authorized under this General Permit which would likely directly or indirectly jeopardize the continued existence of a Federally-listed threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which would likely directly or indirectly destroy or adversely modify the critical habitat of such species. No activity shall be authorized under this General Permit which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed. No activity shall be authorized under this General Permit which "may affect" essential fish habitat as identified under Magnuson-Stevens Fishery Conservation and Management Act, unless essential fish habitat consultation addressing the effects of the proposed activity has been completed.

m. NASA 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 equal replacement of habitat units lost as a result of that project.

n. NASA will be responsible for the long-term success of the mitigation sites, as outlined in the mitigation plan. The mitigation sites shall result in a successful pine savannah ecosystem.

o. NASA shall be responsible for the administration of the mitigation features of the special area management plan including accounting of credit/debit transactions and annual reporting of monitoring results.

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 his 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 if 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.

k. The 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.

l. Authorization under this General Permit is valid until the General Permit expires. Activities authorized under this General Permit which are under construction, or that are

under contract to commence by the expiration of this General Permit, will remain authorized provided the activity is completed within 12 months of the date of expiration.

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


Jennifer A. Mallard
Chief, Regulatory Branch

Enclosures

John C. Stennis Space Center



For Area

Acquired by General's Topographic Section
Reference: Technical Unit Report # 2015
Datum: 1983 UTM Zone 18N
Scale: 1:50,000

Enclosure 1



STATE OF MISSISSIPPI

PHIL BRYANT
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

GARY C. RIKARD, EXECUTIVE DIRECTOR
June 15, 2017

Certified Mail No. 7010 1870 0003 4948 3278

Ms. Jennifer Mallard
U.S. Army Corps of Engineers
Vicksburg District
4155 Clay Street
Vicksburg, Mississippi 39183-3435

Dear Ms. Mallard:

Re: U. S. Army Corps of Engineers
Vicksburg District
General Permit 53, NASA
Hancock County
COE No. MVK2017312
WQC No. WQC2017073

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

U. S. Army Corps of Engineers, Vicksburg District, General Permit 53, NASA:
This certification is for the reissuance of a General Permit for regulated activities including the discharge of dredged and/or fill material into waters of the United States associated with projects consisting of, but not limited to: demolition, 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). Activities covered by this General Permit must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S. to the maximum, extent practicable at the project site. Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal. NASA will continue to mitigate the unavoidable losses of wetland functions and values associated with the authorized projects through creation, restoration, or enhancement and continued management of wetlands on property owned by NASA in the SSC's buffer area. This General Permit is valid for

projects located at the John C Stennis Space Center in Hancock County, Mississippi [MVK2017312, WQC2017073].

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:

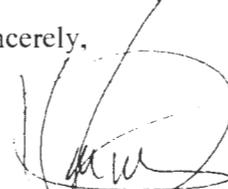
1. For discharges of dredged or fill materials associated with the construction of a place where people are employed or congregate, the permittee shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of construction activities.
2. For all proposed road crossings, extreme care shall be taken to prevent the permanent restriction or impedance of water flow. Pre-construction hydrology shall be maintained.
3. 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.
4. 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 wetland areas. In the event of any BMP failure, corrective actions shall be taken immediately.
5. 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 the five acres of total ground disturbances 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. No construction activities shall begin until the necessary approvals and/or permits have been obtained.
6. Additional permits may be required from the Department for the construction and operation of individual facilities/projects. Each individual facility/project shall provide all necessary information to the Department to determine if additional permits are needed prior to the start of construction activities. If additional permits are needed, each individual facility/project shall comply with the terms and conditions set forth in these permits. Each individual facility/project shall contact the Environmental Permits Division at (601) 961-5171 for further information. **No construction shall begin at any proposed facility location until all necessary approvals are obtained from the Department.**

7. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
8. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

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, P.E., DEE
Chief, Environmental Permits Division

HMW: chb

cc: Mr. Bryan Williamson, U.S. Army Corps of Engineers, Vicksburg District
Ms. Willa Brantley, Department of Marine Resources
Mr. Paul Necaie, U.S. Fish and Wildlife Service
Mr. Bill Ainslie, Environmental Protection Agency



STATE OF MISSISSIPPI

Phil Bryant
Governor

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Jamie M. Miller, Executive Director

September 19, 2017

Ms. Cori Carraway
Permit Section Chief
Regulatory Division, Vicksburg District
U.S. Army Corps of Engineers
4155 Clay Street
Vicksburg, Mississippi 39183-3435

RE: DMR-070035; MVK-2017-312; Reissuance of Regional General Permit 53

Dear Ms. Carraway:

The Department of Marine Resources (The Department) in cooperation with other state agencies is responsible under the Mississippi Coastal Program (MCP) for managing the coastal resources of Mississippi. Proposed activities in the coastal area are reviewed to ensure that the activities are in compliance with the MCP.

The Department has completed review of the Department of the Army, Corps of Engineers' Public Notice on Reissuance of Regional General Permit (RGP) 53 for the authorization of minor construction activities at the John C. Stennis Space Center, Hancock County, Mississippi, dated May 8, 2017.

The above proposed Regional General Permit and the activities they would authorize have been reviewed based upon provisions of the Mississippi Coastal Program and Section 307 of the Coastal Zone Management Act of 1972 (as amended) and have been determined to be consistent to the maximum extent practicable with the Mississippi Coastal Program provided that the following conditions are incorporated into the final RGP 53:

1. Coastal Zone Management Act (CZMA) concurrence was not granted by the Mississippi Department of Marine Resources (MDMR) for **all activities located within the 3 categories of waters of the United States (U.S.), including wetlands, listed below. Therefore, CZMA concurrences are considered denied and applicants must contact MDMR for a project-specific CZMA review and concurrence determination:**

i. All tidelands (as defined by MS Code § 29-15-1) or submerged lands that are held by the state in trust for use of all the people or Coastal Wetlands (as defined by MS Code § 49-27-5);

ii. All waters of the U.S. having a surface hydrological connection to tidal waters that are located within 200 feet of the areas delineated in 1.i. above; and,

iii. All marsh habitats (i.e. all tidal emergent wetlands dominated by salt or estuarine marsh plant species, and all non-tidal emergent wetlands dominated by freshwater marsh plant species, abutting and/or adjacent to tidal emergent wetlands) having a surface hydrological connection to the areas delineated in 1.i. above, whether saltwater, brackish, or freshwater marshes and including high marsh habitat, even if located more than 200 feet from the areas delineated in 1.i.

For ALL authorizations in the above listed waters of the U.S., including wetlands, the applicant must contact MDMR for a case-specific CZMA review and obtain concurrence from MDMR that proposed activities under the RGP 53 are consistent to the maximum extent practicable with the enforceable policies of the State of Mississippi's coastal management program. Applicants are advised that additional measures may be required to ensure activities are consistent with the State of Mississippi's coastal management program.

Process: (1) The applicant shall submit their proposed project information directly to MDMR using the Joint Application & Notification form and include a Coastal Zone Management Act consistency determination (CZCD); (2) the applicant is required to receive the CZCD concurrence prior to project initiation to achieve compliance with RGP conditions; (3) upon receipt of the CZCD concurrence from MDMR, the applicant must provide the CZCD concurrence to the USACE-Vicksburg District.

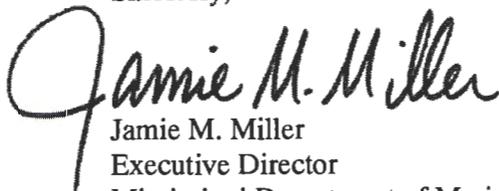
The completed submittal shall be sent directly to MDMR at the following address:

Mississippi Department of Marine Resources
Bureau of Wetlands Permitting
1141 Bayview Avenue
Biloxi, Mississippi 39530

Joint Application Forms may be printed or downloaded from the Mississippi Department of Marine Resources (DMR) website at: <http://dmr.ms.gov/images/permitting/joint-application-notification-form2.pdf>.

The above granted consistency certification was based upon the proposal presented. If you have any questions regarding this letter, please contact Greg Christodoulou with the Bureau of Wetlands Permitting at 228-523-4109 or greg.christodoulou@dmr.ms.gov.

Sincerely,



Jamie M. Miller
Executive Director
Mississippi Department of Marine Resources

JMM/gsc

cc: Mr. Bryan Williamson, USACE-Vicksburg District
Ms. Florance Bass, OPC
Mr. Raymond Carter, SOS