



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

REPLY TO  
ATTENTION OF:

Coastal Branch  
Regulatory Division

December 14, 2012

**SPECIAL PUBLIC NOTICE**

**U.S. ARMY CORPS OF ENGINEERS**

**PROPOSED GENERAL PERMITS FOR MINOR STRUCTURES AND ACTIVITIES IN THE STATE OF MISSISSIPPI AND OUTER CONTINENTAL SHELF WATERS OFF THE COAST OF MISSISSIPPI WITHIN THE REGULATORY BOUNDARIES OF THE MOBILE DISTRICT, U.S. ARMY CORPS OF ENGINEERS**

**SPECIAL PUBLIC NOTICE NUMBERS:**

SAM-2010-01341-SPG; MSGP-01 for SHORELINE STABILIZATION  
SAM-2010-01342-SPG; MSGP-02 for DOCKS, PIERS, WHARVES, BOAT SHELTERS  
SAM-2010-01343-SPG; MSGP-03 for LIVING SHORELINES  
SAM-2010-01344-SPG; MSGP-04 for MOORING PILINGS  
SAM-2010-01345-SPG; MSGP-05 for BOAT SLIPS/BOAT BERTHS  
SAM-2010-01346-SPG; MSGP-06 for BOAT RAMPS  
SAM-2010-01347-SPG; MSGP-07 for MAINTENANCE DREDGING  
SAM-2010-01348-SPG; MSGP-08 for NEW WORK CHANNEL DREDGING  
SAM-2010-01349-SPG; MSGP-09 for FILL IN PREVIOUSLY DREDGED AREAS  
SAM-2010-01350-SPG; MSGP-10 for DEBRIS REMOVAL  
SAM-2010-01351-SPG; MSGP-11 *RESERVED*  
SAM-2010-01352-SPG; MSGP-12 *RESERVED*  
SAM-2010-01353-SPG; MSGP-13 *RESERVED*  
SAM-2010-01354-SPG; MSGP-14 *RESERVED*  
SAM-2010-01355-SPG; MSGP-15 *RESERVED*  
SAM-2010-01356-SPG; MSGP-16 *RESERVED*  
SAM-2010-01357-SPG; MSGP-17 *RESERVED*

**TO WHOM IT MAY CONCERN:**

In an effort to eliminate unnecessary duplication of efforts among agencies and to streamline the permitting process for routine projects with only minimal impacts, the U.S. Army Corps of Engineers, Mobile District (Corps), proposes authorization, re-issuance and/or revision to the enclosed Mississippi General Permits (MSGPs) for minor structures and activities located in waters of the United States, in the State of Mississippi and outer continental shelf waters off the coast of Mississippi, within the Regulatory boundaries of the Mobile District, subject to Section 10 of the Rivers and Harbors Act of 1899 (33 USC403), Section 404 of the Clean Water Act (33 USC 1344) and/or Section 4(e) of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 463; 43 USC 1333 (e)).

Drafts of the MSGPs proposed for issuance are enclosed and the General Conditions are applicable to all proposed MSGPs.

The term "general permit" means a Department of the Army authorization that is issued on a nationwide or regional basis 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.

General permits are reviewed every 5 years. The MSGPs contain certain limitations intended to protect the aquatic environment and natural and cultural resources. Conformance with the conditions contained in the MSGP does not necessarily guarantee authorization under the general permit. In most instances, a proposed project complying with the conditions of the MSGPs can receive specific authorization. Any proposed project not complying with the conditions of a general permit will be evaluated as a Letter of Permission or Standard Permit and will be individually coordinated with third parties, including the Federal and State resources agencies.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the Corps can be based. For accuracy and completeness of the record, all data in support of or in opposition to the renewal of the general permit program should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to reissue the general permit program will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposed activities, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the general permit, will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the Corps to determine whether to re-issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the proposed activity. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

The Corps will apply for certification from the State (1) in accordance with Section 401(a)(1) of the Clean Water Act and upon completion of the required advertising, a determination relative to certification will be made by the Mississippi Department of Environmental Quality and (2) to insure all proposed activities comply with and will be conducted in a manner that is consistent with the State Coastal Zone Management Program. A determination relative to consistency will be made by the Mississippi Department of Marine Resources.

In accordance with Section 106 of the National Historic Preservation Act, and Appendix C of 33 CFR 325, the general permits defined in this notice are being considered for the potential to effect cultural and historic properties. We are seeking comment from the State Historic Preservation Officer, Federally recognized American Indian tribes, local historical societies, museums, universities, the National Park Service and concerned citizens regarding the existence or the potential for existence of significant cultural and historic properties within the

permit area. The Corps has made a preliminary determination that there is little potential to effect cultural and historic properties within the permit area.

By copy of this Public Notice, the Corps is requesting comments from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS) regarding Federally listed species or critical habitat, in accordance with the provisions of the Federal Endangered Species Act, to insure the proposed activities will not adversely affect any listed or proposed species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Activities authorized by the proposed general permits have the potential to affect essential fish habitat. Our initial determination is that the proposed general permits, with conditions, would not have a substantial adverse impact on EFH or Federally managed fisheries. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Permit specific comments should refer to the applicable Public Notice Number and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Regulatory Division, with a copy to the Mississippi Department of Environmental Quality, Attention: Ms. Florance Watson, Post Office Box 2261, Jackson, Mississippi 39225, in time to be received not later than **January 14, 2013**.

Please communicate this information with interested parties. If you have any questions concerning this notice or for additional information, you may contact Ms. Allison Monroe (allison.f.monroe@usace.army.mil), phone (251) 690-2658. For additional information about our Regulatory Program, please visit our web site at [www.sam.usace.army.mil/Missions/Regulatory.aspx](http://www.sam.usace.army.mil/Missions/Regulatory.aspx).

ENCLOSURES



REPLY TO  
ATTENTION OF:

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

Coastal Branch  
Regulatory Division

**DRAFT**  
**GENERAL PERMITS FOR MINOR STRUCTURES AND ACTIVITIES**  
**IN THE STATE OF MISSISSIPPI**  
**AND OUTER CONTINENTAL SHELF WATERS OFF THE COAST OF MISSISSIPPI**  
**WITHIN THE REGULATORY BOUNDARIES OF THE MOBILE DISTRICT,**  
**U.S. ARMY CORPS OF ENGINEERS**

Effective Date: DD Month Year

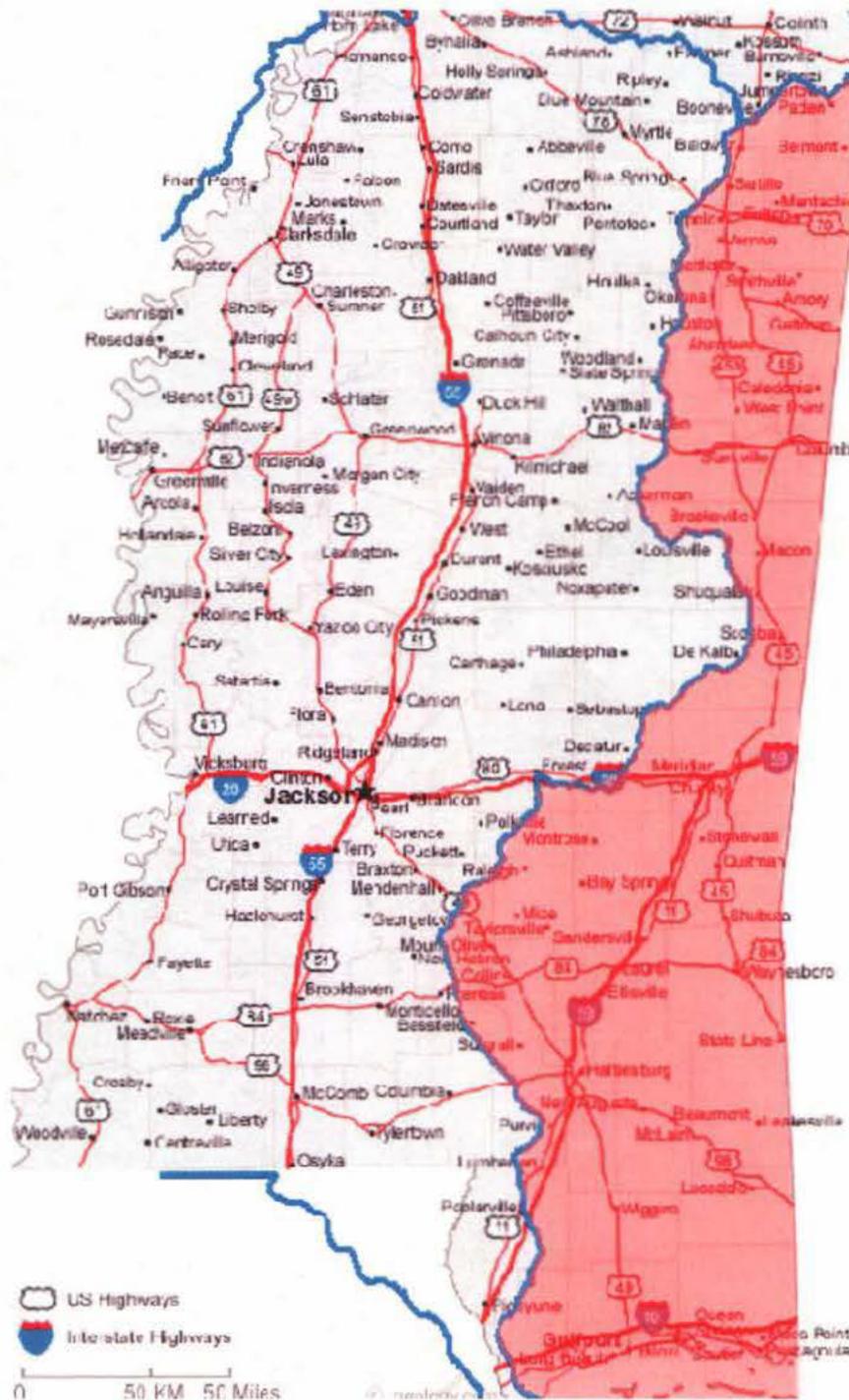
Expiration Date: DD Month Year

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC 1344) and Section 4(e) of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 463: 433 USC 1333(e)), U.S. Army Corps of Engineers (Corps), Mobile District (Mobile District) proposes revision and issuance of the following Mississippi General Permits (MSGP) for a period of 5 years. In an effort to eliminate unnecessary duplication of efforts among agencies and to streamline the permitting process for routine projects with only minimal impact, the Mobile District would regulate minor structures and activities in waters of the U.S., in the state of Mississippi and outer continental shelf waters off the coast of Mississippi, within the Regulatory boundaries of the Mobile District under Regional General Permits identified herein. These permits will supersede Mississippi General Permits issued September 11, 2007, and extended on September 10, 2012.

<b>MISSISSIPPI GENERAL PERMITS SUMMARY</b>		
<b>Permit</b>	<b>Activities</b>	<b>Page Number</b>
MSGP-01	Shoreline Stabilization	
MSGP-02	Docks, Piers, Wharves, Boat Shelters	
MSGP-03	Living Shorelines	
MSGP-04	Mooring Pilings	
MSGP-05	Boat Slips/Boat Berths	
MSGP-06	Boat Ramps	
MSGP-07	Maintenance Dredging	
MSGP-08	New Work Channel Dredging	
MSGP-09	Fill in Previously Dredged Areas	
MSGP-10	Debris Removal	
MSGP-11 through 17	<i>Reserved</i>	

### GEOGRAPHIC APPLICABILITY

The MSGPs are applicable in waters of the United States within the regulatory boundaries of the Mobile District (shaded area below). The Mobile District regulatory boundaries encompass the State of Mississippi east of the Pearl River Basin to the eastern border of the state and north to Mile 442.3 of the Tennessee-Tombigbee Waterway Project. For a site-specific determination of applicability, please contact the Mobile District.



## APPLICATION

For project specific verification under the MSGPs, pre-construction notification must be submitted in the form of a completed Joint Application and Notification, Corps, Mississippi Department of Marine Resources (DMR), Mississippi Department of Environmental Quality/Office of Pollution Control (DEQ) form. The Mississippi application form can be accessed at our website [www.sam.usace.army.mil](http://www.sam.usace.army.mil). The following information is typically required for authorization under the Mississippi General Permits:

- (a) Joint Application and Notification Form completed in its entirety;
- (b) Applicant name, address, and contact information;
- (c) Agent name, address, and contact information as well as an agent authorization statement from the applicant;
- (d) Location of the proposed project including street address and latitude and longitude;
- (e) Project description, purpose, and need;
- (f) 8½" x 11" vicinity map indicating project location;
- (g) 8½" x 11" diagrams and plan views of the entire property and the proposed project;
- (h) 8½" x 11" cross-section diagrams of the proposed structures and/or areas of dredge and fill;
- (i) Delineation of wetlands and/or submerged aquatic vegetation;
- (j) Distance across the waterway; and
- (k) Notification of any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places located on the subject property or would be affected by the proposed activity.

In most instances, a proposed project complying with the conditions of the MSGPs, including the enclosed General Conditions, can receive project specific authorization. However, conformance with the conditions contained in the MSGPs does not necessarily guarantee authorization under the MSGP. Any proposed project not complying with the conditions of a general permit will be evaluated as a standard permit or Letter of Permission and will be individually coordinated with third parties, including the Federal and State resource agencies.

## ADMINISTRATION

Applicants for MSGPs must receive project-specific verification prior to conducting regulated activities in waters of the United States.

Applications for MSGPs may be submitted to and authorizations issued by:

**U.S. Army Corps of Engineers  
Attention: Regulatory Division  
Post Office Box 2288  
Mobile, Alabama 36628-0001  
(251) 690-2658**

For projects located in the three coastal counties of Mississippi (**Hancock, Harrison and Jackson**), authorization is also required from the DMR. Applications may be submitted to the Mobile District through the DMR and authorizations may be issued by:

**Mississippi Department of Marine Resources**  
1141 Bayview Avenue  
Biloxi, Mississippi 39530  
(228) 374-5000

Projects located on Corps lakes of the Tennessee-Tombigbee Waterway must be reviewed and approved by a Resource Manager and the pre-construction notification/application should be submitted to the appropriate office of the Mississippi Lakes of the Tennessee-Tombigbee Waterway:

**U.S. Army Corps of Engineers**  
**Tenn-Tom Project Management Office**  
3606 West Plymouth Road  
Columbus, Mississippi 39701-9504  
(662) 327-2142

**U.S. Army Corps of Engineers**  
**Project Manager, Okatibbee Lake**  
Post Office Box 98  
Collinsville, Mississippi 39325-0098  
(601) 626-8431

#### **DURATION OF THE MSGPs**

These general permits are valid for five years unless they are modified, reissued or revoked in the interim. The MSGPs are scheduled to be modified, reissued or revoked prior to DD Month YYYY. Construction authorized under the MSGPs must be complete before DD Month YYYY. However, for projects verified within the final year of the MSGP authority, permittees will have 12 months from the date of their project-specific verification to complete the authorized activities under the present terms and conditions of the MSGPs.

#### **REVOCATION OF THE MSGPs**

These permits may be revoked by issuance of a public notice at any time the Mobile District determines that the cumulative effects of the activities authorized herein have an adverse effect on the public interest. Following such revocation, any future activities in areas covered by these general permits will be processed as Individual or Nationwide Permits. However, if you commence or are under contract to commence an authorized activity before the date that the relevant MSGP is modified or revoked, you will have 12 months from the date of the modification or revocation of the MSGPs to complete the activity under the present terms and conditions of the MSGP.

BY AUTHORITY OF THE SECRETARY OF THE ARMY

STEVEN M. ROEMHILDT, P.E.  
Colonel, Corps of Engineers  
District Commander

BY: \_\_\_\_\_  
Craig J. Litteken  
Chief, Regulatory Division

DATE: \_\_\_\_\_

SAM-2010-01341-SPG

**MSGP-01 – SHORELINE STABILIZATION:** This permit authorizes the placement of bulkheads, armoring systems (riprap), bioengineering and other standard shoreline protection/stabilization devices roughly paralleling, and at, the shoreline or bank.

**Placement of Structure(s):** Protection structures must be along the existing shoreline at the mean high tide line in tidal water bodies, ordinary high water line in non-tidal water bodies or landward of all jurisdictional wetlands (including bottomland hardwoods).

**Armament Length and Bank Dressing Limitations:**

- Bulkhead placement is limited to a total project length of 1,000 feet for residential properties and 1,500 feet for commercial properties.
- There is no limit to the length that may be authorized for other protection devices.
- Riprap material placed below the plane of ordinary high water or the plane of mean high tide may not exceed an average of one cubic yard per linear foot of shoreline being protected. Riprap shall not extend farther than 3 to 6 feet into the waterway from the mean high tide line or ordinary high water line.

**Protection Fronting Wetlands:**

- Flow-through bulkheads designed to dissipate wave energy in wetland areas may be constructed waterward of the wetlands and placed below the line of mean high tide or ordinary high water if they are designed to allow for the normal hydrologic regime to be maintained in the wetland areas and they do not pose a hazard to navigation.
- No wetlands shall be filled.

**Construction Limitations:**

- For maintenance purposes, vertical face structures intended to replace failing structures may be placed waterward of the failed structure the minimum distance necessary to facilitate construction, but no more than 24 inches waterward from the base of the failed structure.
- Where the mean high tide line constitutes the boundary between the upland owner's property and the public trust tidelands of the State of Mississippi, the structure may be placed waterward of the failed structure at the line of mean high tide or ordinary high water.
- Upon structural failure or loss due to a discrete storm event, reconstruction of the failed structure shall occur at the base within the original footprint of the previous structure.

**Construction Material Requirements:**

- Filter Fabric: Use of the appropriate filter fabric is required.
- Backfill Material: Only clean material free of waste, metal and organic trash, unsightly debris, petroleum products (asphalt) etc., may be used as backfill.
- Riprap Material: Only clean riprap material, free of exposed rebar, asphalt, plastic, soil, etc., may be used. Riprap may be used to augment other protection methods.

**Prohibited Structures:** This permit does not authorize: (1) Placement of fill in wetlands (emergent or submerged) or shellfish beds; (2) Adverse impacts to wetlands, submerged grass beds or shellfish beds; or (3) Ancillary structures, such as groins and jetties, roughly perpendicular to the shoreline. This permit may not be used to regain land lost due to erosion or otherwise accrete land; however, consideration will be given to land lost during discrete storm events based upon a case-by-case basis.

SAM-2010-01342-SPG

**MSGP-02 – DOCKS, PIERS, WHARVES, and BOAT SHELTERS:** This permit authorizes the construction and modification of piers, wharves and boat shelters and their normal appurtenances such as stairways, walkways and railings.

**Construction and Size Limits:**

- The square footage coverage covered by fixed or floating structures, including docks, platforms, boat shelters, piers, wharves and associated structures, shall not exceed a total of 1,000 square feet.
- A limit of three residential-use boat berthing areas, including berthing for personal watercraft, can be authorized under this Permit.
- Covered boat shelters and hoists shall be open-sided, limited to a 25-foot height above mean high tide or ordinary high water with a length not to exceed 50 feet. Boat shelters and/or hoists shall not be constructed over wetlands or submerged vegetation.
- Platforms, boat berths, etc. shall not be constructed over wetlands, shellfish beds or submerged vegetation.

**Waterward Construction Limits:** The finished structures shall not pose a hazard to navigation or extend more than 25 percent of the distance across the water body. Structures may be constructed at a location sufficient to obtain navigable depth; however, structures shall not extend more than a total of 300 feet from the mark of mean high tide or ordinary high water.

**Access Piers:** For the purposes of this document, access piers are considered to be those structures, typically perpendicular to the shoreline, necessary to link docks, platforms, boathouses and similar structures to land.

- The maximum width of access piers constructed over open water shall be limited to 6 feet unless otherwise authorized by the Mobile District.
- An access pier over emergent non-forested wetlands or water with submerged aquatic vegetation shall be no more than 5 feet wide and the height of the structure above the ground surface or mean high tide must be at least equal to its width (i.e., a 5-foot-wide walkway/pier would be constructed at a 5-foot elevation).
- Special construction methods are required for the installation of pilings in areas of wetlands or submerged grass beds. Pilings shall be installed in a manner that will not result in the formation of sedimentary deposits ('donuts' or 'halos') around the newly installed pilings. Pile driving during high tide to facilitate use of shallow draft barges is the preferred method of installation but jetting with a low-pressure pump may be used.

**Setback Requirements:** A minimum distance of 10 feet shall be maintained between the authorized structure and the adjacent property lines and projections thereof into the waterway.

**Public Trust Tidelands:** If the permit application is for other than single-family residential use or if the combined area of all structures and associated berthing areas exceed 1,000 square feet, a public trust tidelands lease from the Mississippi Secretary of State may be required prior to commencement of work.

**Existing Marinas:**

- Altering pier configuration or adding berthing spaces within existing marina boundaries may be permitted.
- If construction results in additional boats being berthed, a wastewater pump out facility may be required.
- New marinas and expansions of existing marinas beyond existing boundaries may not be permitted under this permit.

**Excluded Structures:** This permit does not authorize the following activities: (1) Structures for the permanent mooring of houseboats, (2) Fueling facilities, (3) Toilets and/or habitable structures and activities that produce “gray water”, (5) New marinas, (6) Expansion of an existing marina beyond the existing authorized footprint, (7) The mechanical clearing or filling of wetlands or (8) Impacts to wetlands, submerged aquatic vegetation (SAV) or shellfish beds.

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SAM-2010-01343-SPG

**MSGP-03 – LIVING SHORELINES:** This general permit authorizes shoreline protection through activities that preserve, restore and/or propagate dunes, beaches, wetlands, uplands, submerged grass beds and /or essential fish habitat. Authorized activities include plantings; construction of reefs, breakwaters or similar structures; minor filling of water bottoms; riprap; and bioengineering methods associated with long-term shoreline stabilization projects. Due to the dynamic and variable nature of various shoreline types, to the maximum extent possible, shoreline stabilization shall be accomplished by the establishment of vegetative communities’ representative of the expected natural habitat. Some situations may be adequately stabilized using vegetation, such that, additional amendments may not be warranted. Reef, breakwater and similar structures used to encourage accretion and/or restoration of shoreline shall incorporate construction design(s) to address natural sediment transport and promote low wave energy abatement and shall not create a navigational hazard. Structures should be limited in size but provide adequate protection needed in high-energy environments without causing adverse impacts to surrounding properties or resources. In some cases, hydrologic studies may be required prior to permit issuance. This general permit does not authorize land reclamation activities.

**Protection Location:** Protection locations for living shorelines may extend from the existing shoreline at MHW and extend waterward. Authorizations for project locations, including reef construction, are dependent upon site conditions, project purpose and appropriate coordination and authorization from other jurisdictional agencies.

**Protection fronting Wetlands and Sensitive Habitats:** No wetlands shall be filled, although protection may be provided for wetland areas as long as the wetlands are not otherwise adversely impacted.

- No fill will be placed in wetland areas;
- The shore protection device must be designed to allow the normal hydrologic regime to be maintained in wetland areas; and
- If scarping has occurred due to scour or scalloping, fill discharges shall be limited to the minimum yardage necessary to achieve adjacent wetland elevation. Projects located within the Federally-defined Gulf Sturgeon Critical Habitat are limited to placement of 0.25 acre of fill material.
- Detached breakwaters should contain an appropriate number of gaps to ensure adequate tidal flushing and shoreline habitat access for marine and terrestrial organisms.

- Projects should not be constructed within high-energy beaches or sea turtle nesting areas.

**Types of Protection:**

- **Oyster Shell and Oyster Shell Support Structures:** Oyster shell quantity and placement shall be limited to the minimum amount necessary to achieve stabilization. Oyster shell shall be placed in a manner to prevent its migration to surrounding areas (i.e., bagged oyster shell, Hesco barriers, reef balls and reef cradles) and should be placed on a stable substrate to avoid sinking. Reef profile should be high enough to avoid siltation of shells.
- **Concrete:** Cured concrete used in fabricated units specifically designed for artificial reefs or rubble razed from buildings, sidewalks, roadways and bridges may be used in reef construction provided it is clean of solid waste and other construction debris. "Green" or uncured concrete is not authorized as it may be toxic to some aquatic organisms.
- **Natural Materials:** Natural materials, including downed trees, root wads, limbs, brush, may be used in low velocity areas to provide short-term shoreline protection during marsh restoration and enhancement activities provided it is not placed in a way to cause adverse impacts to surrounding properties or resources. Chemically treated, processed lumber is not authorized for use in this application.
- **Riprap:** Only clean riprap material free of exposed rebar, asphalt, plastic, soil, etc., may be used. Riprap may be authorized to augment other protection methods. Note: If a channel is being protected by riprap, the backfill is limited to one cubic yard per linear foot for each side. There is no limit to the linear feet of shoreline or bank that may be protected by installation of riprap. Use of appropriate filter fabric is required. Riprap materials, pervious interlocking brick systems, filter mats and other similar stabilization methods should be utilized in lieu of vertical seawalls and bulkheads wherever feasible.
- **Other:** Other shoreline protection devices and reef construction materials shall be evaluated on a case-by-case basis prior to being authorized for use.

**Submerged Grass Beds:** Prior to permit issuance and/or placement of structures, project locations within areas with conditions which may support submerged grass beds or areas where submerged grass beds have historically been known to occupy may be subject to a submerged grass beds survey. With the exception of rhizome cross-sectional surveys, submerged grass bed surveys must be conducted not earlier than the first of June or later than the end of September.

**Invasive Species:** The shoreline shall be monitored for presence of invasive or undesirable species for the life of the project. These species shall be removed upon discovery and the area replanted with desired target community vegetation to discourage future re-infestation.

**Coordination:**

- **Mississippi Secretary of State (SOS):** Authorization from the SOS may be required for activities conducted under this permit. Shoreline accretion resulting from permitted activities undertaken by use of the general permit shall not result in a change in property boundaries.
- **Coordination with SHPO:** Coordination with the Mississippi Department of Archives and History may be required to ensure no impacts will occur to historic entities or other items which may be of historic significance.
- **Markers and Signage:** All constructed shorelines and reef complexes must display proper signage, markers and/or lighting to inform waterway users of their presence and in accordance with the U.S. Coast Guard.

**Exclusions:** This permit does not authorize: (1) Placement of fill in wetlands; (2) Ancillary structures such as groins, jetties or any solid structures roughly perpendicular to the shore or bank; (3) Activities constructed for the purpose of land reclamation; and (4) An activity which creates a hazard to navigation.

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SAM-2010-01344-SPG

**MSGP04 – MOORING PILINGS:** This permit authorizes mooring pilings, dolphins and single-pile structures.

**Berthing Limits:**

- A limit of three residential-use boat berthing areas, including berthing for personal watercraft, can be authorized under this Permit.
- Structures for the permanent mooring of houseboats are not authorized by this permit.

**Single-Pile Structures:**

- Single-pile structures may include posts for wood duck nests, osprey platforms, etc.
- Single-pile structures shall be limited to 25 feet in height above mean high water.

**Setback:** A minimum of 10 feet shall be maintained between the authorized structure and the adjacent property lines and projections thereof into the waterway.

**Dolphins:** Should dolphin construction (cluster pilings) require any material other than pilings or similar solid, linear structures being placed in waters of the United States, all project details must be submitted to the authorizing agency. Additionally, only clean material free of waste, metal and organic trash, unsightly debris, etc. may be used as stabilization material in dolphin construction.

**Public Trust Tidelands:** If the permit application is for other than single-family residential use or if the combined area of all structures and associated berthing areas exceed 1,000 square feet, a public trust tidelands lease from the Mississippi SOS may be required prior to commencement of work.

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SAM-2010-01345-SPG

**MSGP-05 – DREDGING FOR CREATION OF BOAT SLIPS/BOAT BERTHS:** This permit authorizes the construction and/or modification of boat slips and boat berths.

**Cubic Yards of Dredged Material:**

- This permit allows dredging of up to 500 cubic yards of material from below the mean high tide line or ordinary high water mark.
- Dredging depths are limited to the controlling navigational depth of the receiving waters.
- If an existing slip or berth is being modified or enlarged, the total volume dredged originally, plus that being proposed to be dredged, cannot exceed 500 cubic yards of material below mean high tide line or ordinary high water mark.

**Best Management Practices(BMP):** BMP should be used at all times during construction to minimize turbidity at both the dredged and spoil sites. Methods should include, 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. Any effluent from the disposal area should be routed through a return swale system and filtered through a series of hay bales and silt fences so as to reduce the turbidity of the effluent. Additional best management practices as required by the DEQ will apply regarding the return water from the bermed disposal area.

**Disposal Area:**

- All dredged material must be properly confined in an upland area or an approved Beneficial Use for Dredge Material project site, unless otherwise authorized by the District. For a list of Beneficial Use project sites, please contact DMR, Division of Coastal Ecology.
- Spoil disposal areas shall be immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.

**Configuration and Number of Slips:**

- Keyhole boat slips shall not be permitted under this authorization.
- The length of the slip shall not exceed 50 feet. Length is defined as the measurement perpendicular to the bank or shoreline.
- A limit of 3 residential-use boat berthing areas, including berthing for personal watercraft, can be authorized under this permit.

**Construction Limits:**

- A minimum 10-foot buffer must be maintained between the proposed work area and wetlands and a 3:1 (horizontal: vertical) side slope or flatter must be maintained.
- This permit does not authorize dredging in wetlands, submerged aquatic vegetation or natural shellfish beds.
- This permit does not authorize construction of ancillary shoreline stabilization structures such as groins and jetties or any solid structures roughly perpendicular to the shore or bank.

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SAM-2010-01346-SPG

**MSGP-06 – BOAT RAMPS:** This permit authorizes the construction or modification of boat ramps and marine ways.

**Cubic Yards to be Dredged/Filled:** This permit allows up to 250 cubic yards of material to be dredged and the placement of up to 25 cubic yards of fill below mean high tide line or the ordinary high water mark for construction of a boat ramp.

**Location of Ramps:**

- Care should be taken in the placement of boat ramps to avoid interrupting the natural movement of sediments.
- Stormwater runoff from boat ramp approaches and parking areas shall not be directed down the boat ramp.
- Care should be taken to prevent erosion of side banks.

**BMP:** BMP should be used at all times during construction to minimize turbidity at both the dredged and spoil sites. Methods should include, 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. Any effluent from the disposal area should be routed through a return

swale system and filtered through a series of hay bales and silt fences so as to reduce the turbidity of the effluent. Additional best management practices as required by the DEQ will apply regarding the return water from the bermed disposal area.

**Disposal Area:**

- All dredged material must be properly confined in an upland area or an approved Beneficial Use for Dredge Material project site, unless otherwise authorized by the District. For a list of Beneficial Use project sites, please contact DMR, Division of Coastal Ecology.
- Spoil disposal areas shall be immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.

**Construction Limits:** This permit does not authorize: (1) Ancillary structures such as groins, jetties, or any solid structures roughly perpendicular to the shore or bank; (2) Dredging or filling in wetlands (including bottomland hardwoods), submerged grass beds, or natural shellfish beds; and (3) Boat ramps and/or marine ways where adverse impacts to submerged grass beds or natural shellfish beds would occur as a result of normal use. No dredged material shall be used to raise the elevation of any wetlands.

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SAM-2010-01347-SPG

**MSGP-07 – MAINTENANCE DREDGING:** This permit authorizes the maintenance dredging of previously dredged areas for the purpose of navigation.

**Cubic Yards of Material to be Removed:** Maintenance dredging of up to 2,500 cubic yards of material is authorized by this permit; however, maintenance dredging of previously authorized residential boat slips or open-water berths shall be limited to 500 cubic yards of material (See MSGP-05).

**Area to be Dredged:** Dredging is limited to the previously dredged and previously authorized dimensions. Documentation of previously authorized and/or maintained depths and dimensions should be provided.

**Disposal Area:**

- All dredged material must be properly confined in an upland area unless otherwise authorized.
- Hydraulic dredging will require an upland bermed disposal area (or other suitable methods of retention).
- Spoil disposal areas shall be immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.

**BMP:** BMP should be used at all times during construction to minimize turbidity at both the dredged and spoil sites. Methods should include, 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. Any effluent from the disposal area should be routed through a return swale system and filtered through a series of hay bales and silt fences so as to reduce the turbidity of the effluent. Additional best management practices as required by the DEQ will apply regarding the return water from the bermed disposal area.

**Hydrographic Survey:** Before and after hydrographic surveys or SAV and/or shellfish surveys may be required based on local knowledge of the waterway and likelihood that important aquatic resources or special aquatic sites could be present.

**Special Aquatic Sites:**

- No dredging of wetlands, submerged grass beds or shellfish beds is authorized (exceptions may be made for noxious vegetation in manmade water bodies).
- A minimum 10-foot buffer must be maintained between the proposed work area and wetlands and a 3:1 (horizontal: vertical) side slope or flatter must be maintained.

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SAM-2010-01348-SPG

**MSGP-08 – NEW WORK CHANNEL DREDGING:** This permit authorizes new work dredging of open water channels for navigation access.

**Cubic Yards of Material to be Removed:** Dredging of up to 1,000 cubic yards of material is authorized by this permit. Authorization under this permit is limited to open water channels for navigation access and must be a single and complete project.

**Maximum Depth of Dredging:** Dredging depth must be no greater than that of the controlling navigational depth of the adjacent waters and dredge depths shall not exceed 6 feet below mean low tide or ordinary low water unless specifically authorized.

**BMP:** BMP should be used at all times during construction to minimize turbidity at both the dredge and spoil sites. Methods should include, but not be 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. Any effluent from the disposal area should be routed through a return swale system and filtered through a series of hay bales and silt fences so as to reduce the turbidity of the effluent. Additional best management practices, as required by DEQ, will apply regarding the return water from the bermed disposal area.

**Disposal Area:**

- All dredged material must be properly confined in an upland area unless otherwise authorized.
- Hydraulic dredging will require an upland bermed disposal area (or other suitable methods of retention).
- Spoil disposal areas shall be immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.

**Hydrographic Survey:** Before and after hydrographic surveys or SAV and/or shellfish surveys may be required based on local knowledge of the waterway and likelihood that important aquatic resource or special aquatic sites could be present.

**Fill Material:** Dredging for fill material is not authorized under this permit; however, use of dredged material as fill is not prohibited.

**Special Aquatic Sites:**

- A minimum 10-foot buffer must be maintained between the proposed work area and wetlands and a 3:1 (horizontal: vertical) side slope or flatter must be maintained.
- No dredging of wetlands, submerged grass beds, or shellfish beds is authorized (exceptions may be made for noxious vegetation in manmade water bodies).

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SAM-2010-01349-SPG

**MSGP-09 – FILL IN PREVIOUSLY DREDGED AREAS:** This permit authorizes the filling of previously dredged or excavated areas such as boat slips, artificial canals, etc.

**Previously Dredged Wetlands or Natural Channels:** If the area to be filled had previously been a wetland or natural channel, the fill may not exceed the original elevations or dimensions.

**Fill Material:** Only clean material free of waste, metal and organic trash, unsightly debris, etc., may be used as fill.

**Areas Excluded:**

- No wetlands, submerged grass beds, natural streams, shellfish beds or natural channels may be filled.
- No area providing mitigation or enhancement of an aquatic system may be filled.

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SAM-2010-01350-SPG

**MSGP-10 – DEBRIS REMOVAL:** This permit allows debris to be removed from any waterway for navigation, drainage and/or pollution control.

**Debris Definition:** Debris includes, but is not limited to, non-imbedded stumps, tree limbs, appliances, lumber, metal objects, etc.

**Non-Authorized Work:**

- Dredging of gravel, sand, silt and the removal of hazardous materials, etc., is not authorized under this permit.
- Snagging of dead (imbedded) or living trees from a stream bank is not authorized under this permit. However, trees imbedded in the bank may be cut off but their stumps may not be removed from the bank.
- Impacts to submerged aquatic vegetation are not authorized under this permit.
- Re-shaping or re-distribution of material in the channel and/or side slopes is not authorized by this permit.

**Disposal Area:** All debris must be properly placed in an approved landfill. Alternative sites for the disposal of woody debris may be authorized on a case-by-case basis.

**Burning of Debris:** Woody debris should not be burned unless full coordination with DEQ's Air Division has been completed.

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SAM-2010-01351-SPG

**MSGP-11 – INTAKE/DISCHARGE STRUCTURES:** This permit is placed under reserved status pending further review and coordination by the Corps, Mobile District. Should this permit be re-authorized, a public notice announcement will then be issued.

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SAM-2010-01352-SPG

**MSGP-12 – SUBSURFACE UTILITY LINES:** This permit is placed under reserved status pending further review and coordination by the Corps, Mobile District. Should this permit be re-authorized, a public notice announcement will then be issued.

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SAM-2010-01353-SPG

**MSGP-13 – WATER MANAGEMENT:** This permit is placed under reserved status pending further review and coordination by the Corps, Mobile District. Should this permit be re-authorized, a public notice announcement will then be issued.

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SAM-2010-01354-SPG

**MSGP-14 – WILDLIFE MANAGEMENT:** This permit is placed under reserved status pending further review and coordination by the Corps, Mobile District. Should this permit be re-authorized, a public notice announcement will then be issued.

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SAM-2010-01355-SPG

**MSGP-15 – AGRICULTURE TYPE ACTIVITIES FOR CREATION OF HABITAT OR FOOD PLOTS:** This permit is placed under reserved status pending further review and coordination by the Corps, Mobile District. Should this permit be re-authorized, a public notice announcement will then be issued.

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SAM-2010-01356-SPG

**MSGP-16 – FIREBREAKS (CREATION AND MAINTENANCE):** This permit is placed under reserved status pending further review and coordination by the Corps, Mobile District. Should this permit be re-authorized, a public notice announcement will then be issued.

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SAM-2010-01357-SPG

**MSGP17 – DERELICT VESSEL REMOVAL:** This permit is placed under reserved status pending further review and coordination by the Corp, Mobile District. Should this permit be re-authorized, a public notice announcement will then be issued.

## GENERAL CONDITIONS

NOTE: The term "you" and its derivatives, means the permittee or any future transferee. The term "District" refers to the Corps, Mobile District and/or resource agencies that administer the general permits within the area of their management. The above-described structures and activities may be authorized under these general permits subject to the following conditions:

- a. Prior to commencing any work authorized herein, you must obtain project-specific authorization from the Mobile District and/or DMR. You must submit satisfactory plans and you are advised that all State and local permits must be obtained before work can be initiated. Conformance with descriptions and quantities contained herein does not necessarily guarantee consideration and/or subsequent authorizations. Additionally, you must have the requisite property rights to perform the requested work.
- b. The MSGPs authorize only those activities specifically addressed herein. Any jurisdictional activity not authorized in the MSGP or which exceeds the limitations of the MSGP, requires specific authorization through the Mobile District.
- c. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity.
- d. The permittee understands and agrees that, if future operations by the United States require the removal, relocation or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- e. Authorizations will not be issued which will adversely impact threatened or endangered species or their critical habitat. Such proposals will be evaluated as standard permits or Letters of Permission.
- f. Authorizations will not be issued which will impact, affect or otherwise degrade cultural resources such as archaeological, scientific, prehistoric or historic sites or data. Activities that will impact cultural resources will be evaluated as standard permits or Letters of Permission. If you discover any previously unknown historic or archaeological remains while accomplishing an authorized activity, you must immediately notify the Mobile District, of what you have found. We will initiate the Federal and State coordination required to determine if the site warrants a recovery effort or if it is eligible for listing in the National Register of Historic Places.
- g. In some cases, a submerged aquatic vegetation (SAV) survey may be required (recommended survey dates from June 1 through September 30).
- h. Authorizations will not be issued for activities located in State or National Wild and Scenic streams, rivers or components thereof or other areas provided special protection unless the administrating agency concurs.
- i. Creosote material shall be not utilized in waters of the United States.

- j. You must allow Federal or State resource agency representatives to inspect the proposed and/or authorized activity at any time deemed necessary.
- k. An authorization does not obviate (prevent) the need to obtain other Federal, State or local authorizations required by law, nor does it grant any property rights or exclusive privileges. It does not authorize any injury to the property or rights of others, nor does it authorize interference with any existing or proposed Federal project.
- l. Certain activities within the Coastal Zone may require a lease from the Mississippi SOS office.
- m. Authorizations will be suspended if State water quality standards are not met.
- i. The depths of any channels and/or slips shall gradually increase toward open water and shall not exceed the controlling navigational depth. No "sumps" shall be created by proposed dredging.
- ii. No sewage, oil, refuse or other pollutants shall be discharged into the watercourse.
- iii. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
- n. Failure to secure authorization as specified herein or failure to comply with conditions of any authorizations issued under these general permits may result in enforcement actions by the Corps, the DEQ or the DMR.
- o. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
- p. Limits of this authorization:
- i. This permit does not obviate the need to obtain other Federal, State or local authorizations required by law.
- ii. This permit does not grant any property rights or exclusive privileges.
- iii. This permit does not authorize any injury to the property or rights of others.
- iv. This permit does not authorize interference with any existing or proposed Federal project.
- q. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:
- i. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- ii. 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.
- iii. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

- iv. Design or construction deficiencies associated with the permitted work.
- v. Damage claims associated with any future modification, suspension or revocation of this permit.
- r. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- s. **Reevaluation of Permit Decision:** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - i. You fail to comply with the terms and conditions of this permit.
  - ii. The information provided by you in support of your permit application proves to have been false, incomplete or inaccurate.
  - iii. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.