



REPLY TO
ATTENTION OF:

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

Mississippi Branch
Regulatory Division

November 8, 2018

SPECIAL PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS

PROPOSED GENERAL PERMIT FOR FILL ACTIVITIES WITHIN PREVIOUSLY EXISTING INSHORE REEFS IN THE MISSISSIPPI SOUND, OFF THE COAST OF MISSISSIPPI FOR HANCOCK, HARRISON, AND JACKSON COUNTIES, AND WITHIN THE REGULATORY BOUNDARIES OF THE U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT

SPECIAL PUBLIC NOTICE NUMBER:

SAM-2017-01110-RCV; MSGP-18 FOR Fill IN PREVIOUSLY EXISTING INSHORE REEFS

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 (USACE), proposes authorization of the attached Mississippi General Permit (MSGP) for Inshore Reefs 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), and/or Section 4(e) of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 463; 43 USC 1333 (e)).

A draft of the MSGP proposed for issuance is attached.

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:

- a. Those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or
- b. 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 MSGP for Inshore Reefs contains 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 this MSGP can receive specific authorization. Any proposed project not

complying with the conditions of the 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 USACE 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 USACE 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 USACE 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 USACE 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 that 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 permit 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 USACE 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 USACE is requesting comments from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding Federally listed species or critical habitat, in accordance with the provisions of the Federal Endangered Species Act, to insure that 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 permit have the potential to affect essential fish habitat. Our initial determination is that the proposed general permit, 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 National Marine Fisheries Service.

Permit specific comments should refer to **SAM-2017-01110-RCV, MGP-18**, and should be directed to USACE, Regulatory Division, Attention: Attention: Mr. Rudolph C. Villarreal, Post Office Box 2288, Mobile, Alabama 36628 0001, with a copy to the Mississippi Department of Environmental Quality, Attention: Ms. Florance Bass, Post Office Box 2261, Jackson, Mississippi 39225, and the Mississippi Department of Marine Resources, Attention: Ms. Willa Brantley, 1141 Bayview Avenue, Biloxi in time to be received not later than **December 08, 2018**.

Please communicate this information with interested parties. If you have any questions concerning this notice or for additional information, you may contact Mr. Villarreal at (251) 690-3246 or by e-mail Rudolph.c.villarreal@usace.army.mil. For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx.

Mobile District
U.S. Army Corps of Engineers

Attachments



REPLY TO
ATTENTION OF:

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

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GENERAL PERMIT FOR FILL ACTIVITIES WITHIN PREVIOUSLY EXISTING INSHORE REEFS IN THE MISSISSIPPI SOUND, OFF THE COAST OF MISSISSIPPI FOR HANCOCK, HARRISON, AND JACKSON COUNTIES, AND WITHIN THE REGULATORY BOUNDARIES OF THE U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICTS

Effective Date: XX XXX 2018

Expiration Date XX XXX 2023

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)), the Mobile District, U.S. Army Corps of Engineers (Mobile District) proposes issuance of the following Mississippi General Permit (MSGP) for Inshore Reefs 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 will regulate the discharge of material for purposes of replenishing existing inshore reefs 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..

GEOGRAPHIC APPLICABILITY

This MSGP for Inshore Reefs is applicable in waters of the U.S. within the regulatory boundaries of the Mobile District off the coast of Mississippi for Hancock, Harrison, and Jackson Counties.

Hancock County Inshore Reef Permitted Corner Coordinates				
Site	NE	NW	SE	SW
Jailhouse Key	30 15.289	30 15.290	30 15.026	30 15.027
	89 23.037	89 23.270	89 23.035	89 23.270
Oak St.	30 16.235	30 16.235	30 16.126	30 16.126
	89 22.325	89 22.451	89 22.324	89 22.450
St. Claire	30 16.466	30 16.466	30 16.358	30 16.358
	89 22.119	89 22.245	89 22.119	89 22.245
Waveland Pier	30 16.907	30 16.907	30 16.798	30 16.798
	89 21.821	89 21.947	89 21.821	89 21.947
Waveland Rubble	30 16.907	30 16.907	30 16.798	30 16.798
	89 21.821	89 21.947	89 21.821	89 21.947
Monroe St.	30 17.154	30 17.153	30 17.045	30 17.044
	89 21.402	89 21.528	89 21.402	89 21.528
American Legion Launch	30 17.924	30 17.924	30 17.816	30 17.815
	89 19.736	89 19.862	89 19.736	89 19.862
American Legion Pier	30 18.149	30 18.149	30 18.040	30 18.040
	89 19.535	89 19.661	89 19.535	89 19.661
Cedar Point	30 20.272	30 20.273	30 20.164	30 20.165
	89 19.479	89 19.605	89 19.480	89 19.606
Square Handkerchief Key	30 16.349	30 16.349	30 16.240	30 16.240
	89 18.834	89 18.960	89 18.834	89 18.960



Harrison County Inshore Reef Permitted Corner Coordinates				
Site	NE	NW	SE	SW
BSL Train Bridge	30 18.747	30 18.746	30 18.636	30 18.636
	89 17.985	89 18.111	89 17.985	89 18.111
Mellini Point	30 20.214	30 20.214	30 20.082	30 20.082
	89 17.085	89 17.302	89 17.085	89 17.302
Pass Harbor	30 18.617	30 18.618	30 18.541	30 18.541
	89 14.946	89 15.035	89 14.946	89 15.034
Pass Key	30 18.754	30 18.754	30 18.573	30 18.574
	89 13.372	89 13.749	89 13.373	89 13.750
Lang Ave.	30 19.082	30 19.082	30 18.973	30 18.973
	89 13.270	89 13.396	89 13.270	89 13.396
Japonica Dr.	30 19.378	30 19.377	30 19.269	30 19.268
	89 12.361	89 12.487	89 12.361	89 12.487
Emerald St.	30 19.543	30 19.543	30 19.472	30 19.473
	89 11.608	89 11.806	89 11.608	89 11.806
Walmart	30 19.647	30 19.647	30 19.539	30 19.538
	89 11.203	89 11.330	89 11.203	89 11.329
Jeff Davis Ave. Pier	30 20.564	30 20.564	30 20.487	30 20.486
	89 08.706	89 08.796	89 08.706	89 08.796
Long Beach Harbor Jetty	30 20.534	30 20.534	30 20.456	30 20.456
	89 08.543	89 08.633	89 08.543	89 08.633
Long Beach Harbor Pier	30 20.631	30 20.631	30 20.553	30 20.553
	89 08.342	89 08.432	89 08.342	89 08.432
USM	30 20.890	30 20.890	30 20.781	30 20.781
	89 07.962	89 08.088	89 07.962	89 08.088
Long Beach East	30 20.620	30 20.620	30 20.511	30 20.511
	89 07.839	89 07.966	89 07.839	89 07.965
Fournier Ave.	30 21.180	30 21.180	30 21.072	30 21.072
	89 06.972	89 07.098	89 06.972	89 07.098
Libby Milner-Roland Pier	30 21.320	30 21.320	30 21.211	30 21.211
	89 06.411	89 06.537	89 06.411	89 06.537
Urie Pier North	30 21.603	30 21.584	30 21.512	30 21.492
	89 05.136	89 05.195	89 05.069	89 05.128
Urie Pier South	30 21.603	30 21.584	30 21.512	30 21.492
	89 05.136	89 05.195	89 05.069	89 05.128
Moses Pier	30 21.583	30 21.583	30 21.474	30 21.474
	89 04.938	89 05.064	89 04.938	89 05.063
Thornton Ave.	30 21.995	30 21.995	30 21.886	30 21.886
	89 04.505	89 04.632	89 04.505	89 04.631
Kelly Ave.	30 22.097	30 22.097	30 21.989	30 21.988

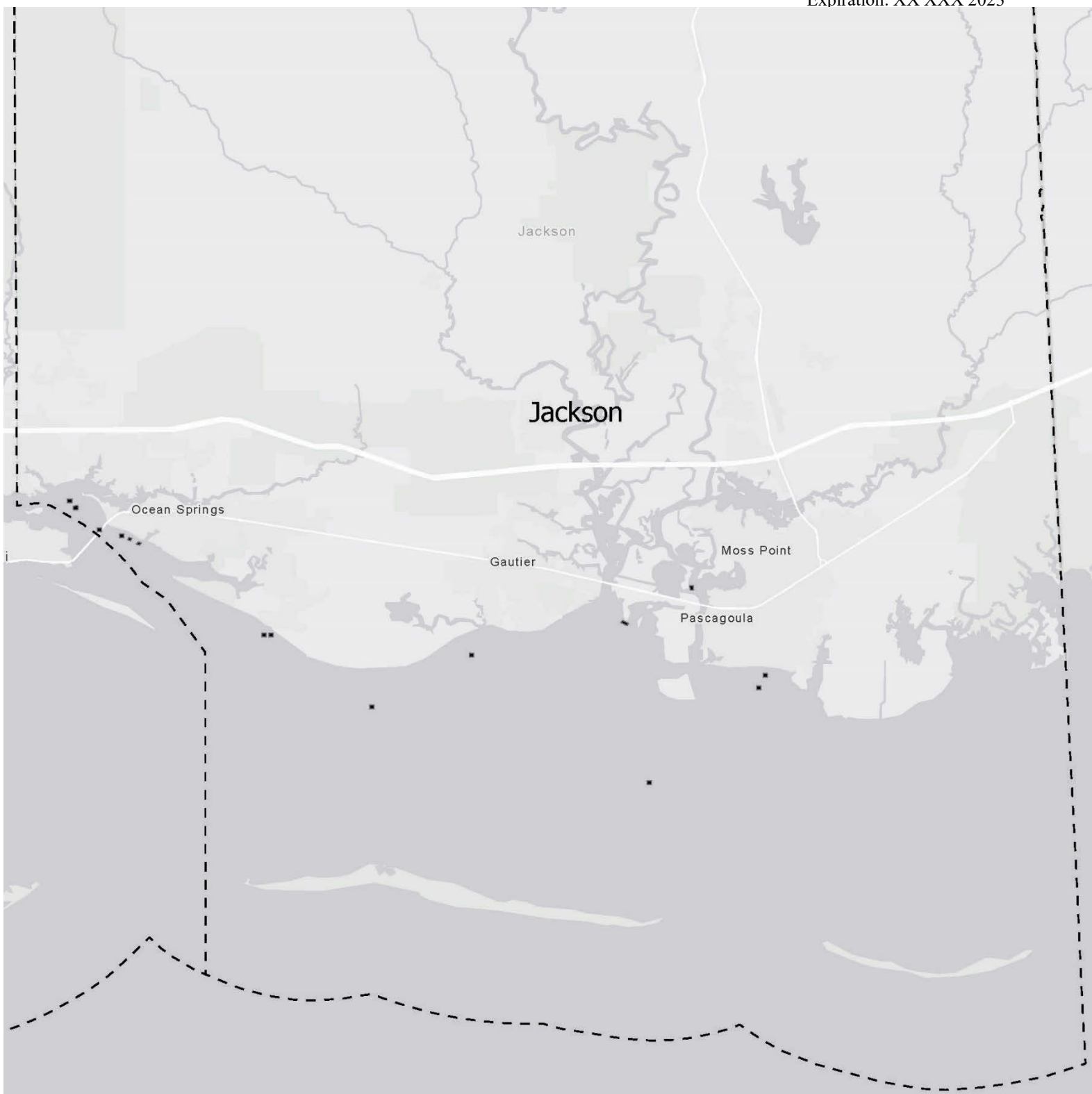
	89 04.122	89 04.248	89 04.122	89 04.248
Hewes Ave.	30 22.224	30 22.223	30 22.152	30 22.151
	89 03.504	89 03.702	89 03.504	89 03.701
VA Hospital	30 22.307	30 22.261	30 22.238	30 22.192
	89 03.101	89 03.291	89 03.077	89 03.267
Courthouse Rd. Pier	30 22.432	30 22.432	30 22.324	30 22.324
	89 02.479	89 02.605	89 02.479	89 02.605
Teagarden	30 22.569	30 22.570	30 22.461	30 22.461
	89 02.076	89 02.202	89 02.077	89 02.204
Naval Hospital	30 22.838	30 22.837	30 22.766	30 22.765
	89 00.881	89 01.079	89 00.881	89 01.079
Legacy Towers	30 23.001	30 23.001	30 22.929	30 22.930
	89 00.109	89 00.307	89 00.110	89 00.307
Broadwater Harbor	30 23.251	30 23.251	30 23.180	30 23.180
	88 58.039	88 58.237	88 58.039	88 58.237
Whitehouse	30 22.921	30 22.921	30 22.812	30 22.812
	88 55.509	88 55.635	88 55.509	88 55.635
Keesler Harbor	30 25.231	30 25.231	30 25.154	30 25.154
	88 55.291	88 55.380	88 55.291	88 55.380
Goat Island	30 25.400	30 25.400	30 25.291	30 25.291
	88 54.569	88 54.696	88 54.570	88 54.696
d'Iberville Marina	30 25.412	30 25.416	30 25.365	30 25.369
	88 53.728	88 53.728	88 53.603	88 53.729
d'Iberville Bridge	30 25.390	30 25.389	30 25.343	30 25.342
	88 53.404	88 53.531	88 53.405	88 53.531
Biloxi Harbor	30 23.491	30 23.491	30 23.421	30 23.421
	88 52.787	88 52.984	88 52.787	88 52.984
Keesler Rubble	30 21.831	30 21.831	30 21.723	30 21.723
	88 52.859	88 52.985	88 52.859	88 52.985
Kuhn St.	30 23.487	30 23.487	30 23.378	30 23.378
	88 52.279	88 52.405	88 52.279	88 52.405
South Deer Island Barge	30 22.638	30 22.638	30 22.530	30 22.529
	88 52.185	88 52.311	88 52.185	88 52.311
Joe Thornton Hull	30 23.227	30 23.227	30 23.118	30 23.119
	88 51.554	88 51.681	88 51.554	88 51.681
Spoil Island South	30 24.859	30 24.859	30 24.750	30 24.750
	88 51.514	88 51.641	88 51.514	88 51.641
Old 90 Bridge West	30 24.204	30 24.204	30 24.095	30 24.095
	88 51.029	88 51.156	88 51.029	88 51.156
East Biloxi Channel	30 23.201	30 23.201	30 23.093	30 23.092
	88 50.786	88 50.913	88 50.786	88 50.912

Katrina Key	30 21.405	30 21.474	30 21.340	30 21.409
	88 50.254	88 50.434	88 50.290	88 50.470
Deer Island North	30 22.615	30 22.616	30 22.507	30 22.507
	88 49.886	88 50.012	88 49.886	88 50.012



Jackson County Inshore Reef Permitted Corner Coordinates				
Site	NE	NW	SE	SW
Fort Bayou	30 25.317	30 25.316	30 25.207	30 25.207
	88 51.452	88 51.578	88 51.451	88 51.578
Spoil Island North	30 25.126	30 25.125	30 25.017	30 25.017
	88 51.286	88 51.412	88 51.286	88 51.412
Old 90 Bridge East	30 24.506	30 24.506	30 24.397	30 24.397
	88 50.624	88 50.750	88 50.624	88 50.750
OS Community Pier	30 24.336	30 24.336	30 24.227	30 24.227
	88 49.991	88 50.117	88 49.991	88 50.117
OS Pier	30 24.212	30 24.241	30 24.144	30 24.173
	88 49.774	88 49.856	88 49.814	88 49.896
OS Harbor Pier	30 24.082	30 24.113	30 24.022	30 24.053
	88 49.511	88 49.592	88 49.566	88 49.647
Gulf Park Estates	30 21.569	30 21.569	30 21.460	30 21.460
	88 46.009	88 46.135	88 46.009	88 46.135
Gulf Park Estates Pier	30 21.559	30 21.559	30 21.449	30 21.449
	88 45.811	88 45.937	88 45.811	88 45.937
Bellefontaine	30 19.550	30 19.550	30 19.441	30 19.441
	88 42.987	88 43.113	88 42.987	88 43.113
Graveline	30 21.005	30 21.005	30 20.895	30 20.895
	88 40.194	88 40.320	88 40.194	88 40.320
Pascagoula River Site 3	30 24.480*			
	88 36.896*			
Pascagoula River Site 4	30 24.166*			
	88 36.459*			
Pascagoula West River Mouth	30 21.830	30 21.914	30 21.770	30 21.855
	88 35.861	88 36.033	88 35.908	88 36.080
Round Island Jetty	30 17.431	30 17.431	30 17.323	30 17.323
	88 35.225	88 35.350	88 35.225	88 35.350
Pascagoula River Site 1	30 22.885	30 22.894	30 22.766	30 22.772
	88 34.042	88 34.164	88 34.042	88 34.133
Pascagoula Front Beach	30 20.079	30 20.079	30 19.970	30 19.970
	88 32.150	88 32.276	88 32.150	88 32.276
Pascagoula Municipal Pier	30 20.429	30 20.429	30 20.320	30 20.320
	88 31.973	88 32.099	88 31.973	88 32.099

* Coordinates are the centerpoint of the reef with an area not to exceed 10 acres



APPLICATION

For project specific verification under the MSGP for Inshore Reefs, pre-construction notification must be submitted in the form of a completed Joint Application and Notification, U.S. Department of the Army Corps of Engineers, Mississippi Department of Marine Resources, Mississippi Department of Environmental Quality/Office of Pollution Control form. The Mississippi application form can be accessed at our website, http://www.sam.usace.army.mil/Portals/46/docs/regulatory/docs/ms_permit.pdf. The following information is required for authorization under the Mississippi General Permit for Inshore Reefs:

- (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 latitude and longitude and vertices;
- (e) Project description, purpose, and need;
- (f) 8½" x 11" vicinity map indicating project location and the dimensional limits of the reef;
- (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 fill;
- (i) Delineation of wetlands and/or submerged aquatic vegetation;

In most instances, a proposed project complying with the conditions of the MSGP, including the attached General Conditions, can receive project specific authorization. However, conformance with the conditions contained in the MSGP 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 the MSGP must receive project-specific verification prior to conducting regulated activities in waters of the U.S.

Applications for this MSGP 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
Telephone: (251) 690-2658**

Applications may also be submitted to the Mobile District through the DMR :

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

SPECIAL COORDINATION AND CONDITIONS OF THE MSGP for Inshore Reefs

Prior to verification, some projects will require additional coordination based on location or activity.

DURATION OF THE MSGPs

This General Permit for Inshore Reefs would be valid for five (5) years unless it is modified, reissued, or revoked in the interim. The MSGPs are scheduled to be modified, reissued, or revoked prior to 13 April 2023.

Construction authorized under the MSGPs must be complete before 13 April 2023, except for projects verified within the final year of the MSGP authority; in which case, permittees will have twelve (12) months from the date of their project-specific verification to complete the authorized activities under the present terms and conditions of the MSGPs.

REVOCAION OF THE MSGPs

This permit 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 MSGP is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the MSGP to complete the activity under the present terms and conditions of the MSGP.

BY AUTHORITY OF THE SECRETARY OF THE ARMY

SEBASTIEN P. JOLY
Colonel, U.S. Army
District Commander

BY: _____
Craig J. Litteken
Chief, Regulatory Division

DATE: _____

MSGP-18 – Inshore Reefs

This permit authorizes the placement of fill to enhance and fortify 67 existing inshore artificial reefs. Each reef is approximately 10 acres per site for a total of 670 acres in Mississippi waters throughout the three coastal counties. These reefs have been depleted because of a multitude of adverse effects, stemming from natural causes such as subsidence. The replenishment of these reefs is expected to create and enhance valuable near shore reef habitat that will support and sustain healthy populations of estuarine fish and other invertebrates. These low-profile reefs consist of oyster shell, crushed concrete, or limestone.

Placement of fill: There are no structures being constructed at or above mean low water. The proposed reef materials will be completely submerged in approximately 4-8 feet of water and located waterward of the mean low water line at all times. Relief of reef materials deployed on the sea floor will be less than 6 vertical inches.

Construction Method: Reef material shall be transported to deployment areas on shallow draft barges that are loaded to conform to the depth of the water at each specific deployment site. Reef material shall consist of crushed concrete, oyster shells, or limestone. Deployment vessels (loaded) shall draw no more than one (1) foot less the depth of water column in which the cultch material will be deployed. The deployment will be performed utilizing a grid pattern to accomplish a uniform distribution of the reef material. To ensure proper maneuverability,

Monitoring: MDMR employees will be onsite to monitor compliance with the terms of the contract. This will include the even distribution of reef material during the deployment at locations specified by the MDMR. Reef material will be deployed by clamshell and/or excavator bucket. Throughout the operation, vessels will be maneuvered over the deployment location in a fashion so that reef material will cover the entire area to the needed density as determined by appropriate MDMR personnel, which will be less than 6 inches of relief. Deployment shall be accomplished only during daylight hours. At no time will the deployment vessels pass outside of the permitted area or over previously deployed areas unless authorized to do so by the MDMR personnel.

Project Location: Project locations consist of fifty-three sites are located within the Mississippi Sound with 14 other sites in adjacent state waters.

Conditions:

1. This general permit does not authorize new reef construction.
2. Reef structures shall not create a navigational hazard.
3. Telemetry studies, to assure relief of reef materials deployed on the sea floor will be less than 6 vertical inches, may be required prior to permit issuance.
4. Fill quantity and placement shall be limited to the minimum amount necessary to achieve reef enhancement.
5. Crushed concrete, oyster shell, or limestone shall be placed in a manner to prevent its migration to surrounding areas and should be placed on a stable substrate to avoid sinking.
6. Concrete/ Crushed Limestone: 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.
7. At no time will the deployment vessels pass outside of the permitted area or over previously deployed areas unless authorized to do so by the MDMR personnel.

Coordination: Markers and Signage: All reef complexes must display proper signage, markers and/or lighting to inform waterway users of their presence and in accordance with the United States Coast Guard.

GENERAL CONDITIONS

NOTE: The term "you" and its derivatives, means the permittee or any future transferee. The term "District" refers to the Mobile District, U.S. Army Corps of Engineers, 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 District and/or Mississippi Department of Marine Resources. 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 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 USACE, 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.
- 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 adversely 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 Secretary of State Office.

- m. Authorizations will be suspended if State water quality standards are not met.
- 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 Mississippi Department of Environmental Quality or the Mississippi Department of Marine Resources.
- 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.