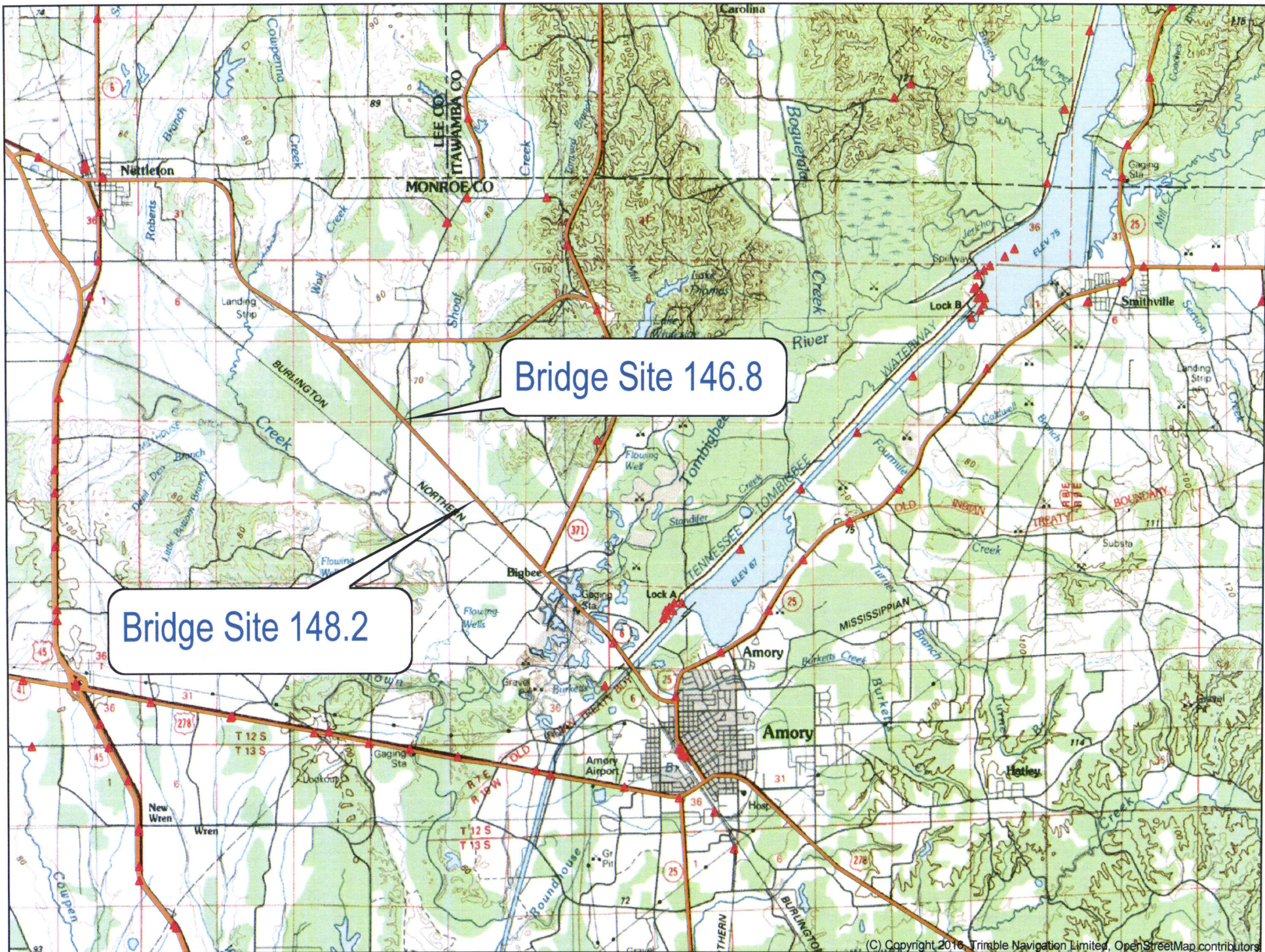


Monroe 6
BR-0053-01(016); 107857-301000

Map of Location



Bridge Site 146.8

Bridge Site 148.2

Name: TUPELO
 Date: 12/11/18
 Scale: 1 inch = 8,333 ft.

Location: 034° 02' 04.7400" N, 088° 30' 01.5522" W
 Monroe County SR 6 Bridge Preservation and Repair
 FMS 107857/301000

Roadway Plans

STATE	PROJECT NUMBER	SHEET NO.
MISSISSIPPI	BR-0053-01(016)	1

GENERAL INDEX

INCLUDED THIS PROJECT	BEGIN WITH SHEET
<input type="checkbox"/> ROADWAY	1
<input type="checkbox"/> PERMANENT SIGNS	1001
<input type="checkbox"/> TRAFFIC SIGNALS	2001
<input type="checkbox"/> ITS COMPONENTS	3001
<input type="checkbox"/> LIGHTING	4001
<input type="checkbox"/> (RESERVED)	5001
<input type="checkbox"/> ROADWAY STANDARD DWGS	6001
<input type="checkbox"/> BOX CULVERT STD. DRAWINGS (LRFD)	7001
<input type="checkbox"/> BOX CULVERT STD. DRAWINGS (STD. SPEC.)	7501
<input type="checkbox"/> BRIDGE	8001
<input type="checkbox"/> CROSS SECTIONS	9001

STATE OF MISSISSIPPI
MISSISSIPPI DEPARTMENT OF TRANSPORTATION

**PLAN AND PROFILE OF PROPOSED
STATE HIGHWAY
FEDERAL AID PROJECT NO. BR-0053-01(016)**

SR 6 BTW SR 776 & SR 371 (148.2 & 146.8) FMS CON. NO. 107857/ 301000

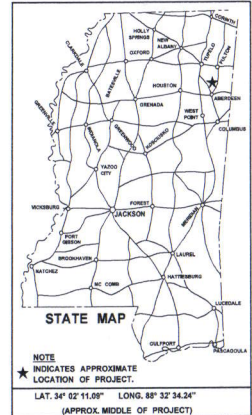
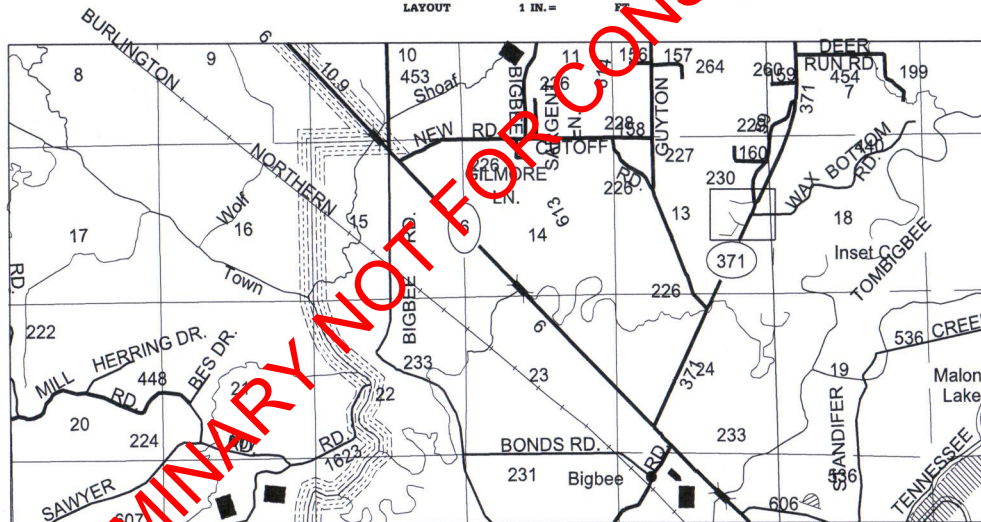
SCALES
PLAN 1 IN. = 100 FT.
PROFILE { HOR. 1 IN. = 100 FT.
VERT. 1 IN. = 10 FT.
LAYOUT 1 IN. = 1 FT.

BRIDGE STRUCTURES REQ'D.

NONE

BOX BRIDGES REQ'D.

NONE



DESIGN CONTROL
MPH = V (SPEED DESIGN)
ADT () = ; ADT () =
DHW = : D = % T = %

PERMITS ACQUIRED BY MDOT

WETLANDS AND WATERS PERMITS

	WATERS	WETLANDS
NATIONWIDE #14	<input type="checkbox"/>	<input type="checkbox"/>
NATIONWIDE (OTHER)*	<input type="checkbox"/>	<input type="checkbox"/>
GENERAL*	<input type="checkbox"/>	<input type="checkbox"/>
INDIVIDUAL (404)*	<input type="checkbox"/>	<input type="checkbox"/>

STORMWATER PERMIT

Y REQUIRED, CANNOT BE SUBMITTED BY MDOT (DISTURBED AREA = 5 ACRES)
S REQUIRED, SHOULD BE SUBMITTED BY CONTRACTOR (1 TO 4 ACRES)
N NO STORMWATER PERMIT REQUIRED (<1 ACRES)
APPROVED BY: _____

PRELIMINARY NOT FOR CONSTRUCTION

CONVENTIONAL SYMBOLS

COUNTY LINE	-----
TOWN CORPORATION LINE	-----
SECTION LINE	§ § § §
EXISTING ROAD OR TRAVELED WAY	=====
PROPOSED ROAD OR TRAVELED WAY	=====
RAILROAD	=====
SURVEY LINE	-----
BRIDGES	=====

EQUATIONS

NONE

EXCEPTIONS

NONE

LENGTH DATA

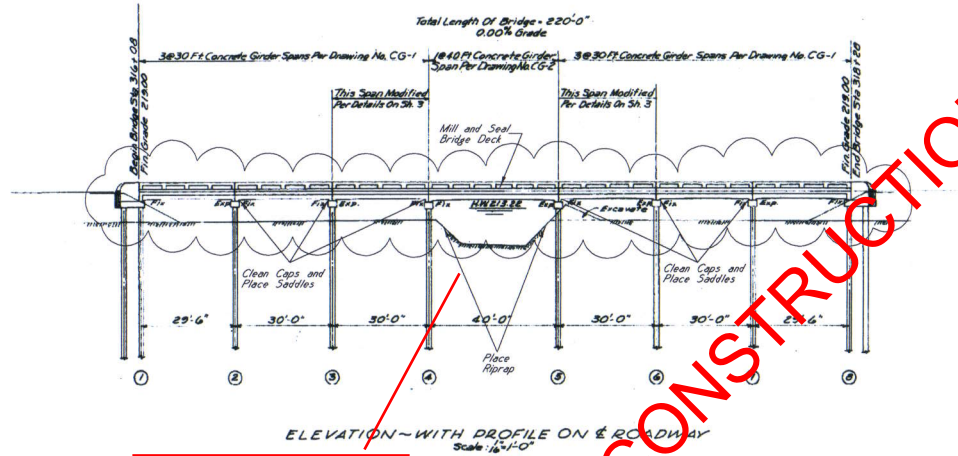
LENGTH OF ROADWAY	FT.	MI.
LENGTH OF BRIDGES	FT.	MI.
LENGTH OF PROJECT (NET)	FT.	MI.
LENGTH OF EXCEPTIONS	FT.	MI.
LENGTH OF PROJECT (GROSS)	FT.	MI.

P S & E DATE: 12/12/2018

APPROVED:

DEPUTY EXECUTIVE DIRECTOR / CHIEF ENGINEER _____

EXECUTIVE DIRECTOR _____



Riprap Placement on Creek Bottom

Limits of Work this Contract

GENERAL NOTES:

1. Specifications: Mississippi Standard Specifications for Road and Bridge Construction, 2017.
2. No change of plans will be permitted except by written approval of the Director of Structures, State Bridge Engineer, provided such changes will not be cause for contract price adjustment.
3. Prior to construction, all dimensions of the existing structure shall be field verified by the Contractor. The Contractor shall submit field verified measurements from the top of cap to the bottom of toe beams of saddle bearing locations. The Contractor shall be responsible for adjusting the elements to ensure proper fit with the existing structure.
4. All saddles shall be installed prior to milling the deck.
5. Shop drawings of saddles, including an erection plan, shall be submitted in duplicate to the Director of Structures, State Bridge Engineer for approval prior to fabrication.
6. Any damage that occurs to the existing structure during the duration of the project shall be repaired to the satisfaction of the Engineer by the Contractor at no additional cost to the State.
7. For the duration of the project, care shall be exercised to ensure that no debris falls into the hydraulic crossing below the structure. The debris that is removed from the bridge shall become the property of the Contractor and shall be removed from the construction site.
8. Work for which no pay item is provided in the proposal will not be paid for directly and compensation therefore will be included in the prices and payments for bid items.

CAP CLEANING:

The surface of all caps shall be cleaned to the satisfaction of the Engineer. All large debris shall be removed by hand. All other debris (including dirt and rust) shall be removed by pressure washing the steel caps. The pressure washer shall be able to maintain 3,500 psi of pressure.

STRUCTURAL STEEL NOTES:

1. Prior to construction, certification for all welding and procedure for storage and handling of welding electrodes, to be used on this project shall be submitted to the Director of Structures, State Bridge Engineer through the Project Engineer for approval.
2. All welding shall be done by the electric process and shall conform to the AWS/AASHTO/AWS D1.1 Bridge Welding Code.
3. All steel plates, bars, and W-shapes shall conform to A.S.T.M. designation A709 grade 50.
4. All thread/hanger bolts shall conform to A.S.T.M. A449.
5. All steel plates, bars, and W-shapes shall be new.
6. Nuts shall conform to A.S.T.M. A353, Grade DH and washers shall conform to F-42.
7. Nuts shall be heavy hex.
8. Nuts shall be lapped over to the minimum amount required for proper assembly.
9. All thread/hanger bolts shall have washers and jam nuts on both ends.
10. All thread/hanger bolts, nuts, and washers shall be galvanized in accordance with A.S.T.M. A153.
11. All other fabricated or other saddle assembly parts shall be galvanized in accordance with A.S.T.M. A153.
12. The Contractor shall have a Certified Welding Inspector (CWI) on each shift. The Contractor shall have welding or other significant work is performed.

REMOVAL OF ASPHALT OVERLAY NOTES

1. A milling machine with a milling head no larger than four feet (4'-0") wide shall be used to remove the asphalt overlay to a depth such that the milling head does not come in contact with the bridge deck.
2. The remaining asphalt on the surface of the bridge deck shall then be shot blasted and then cleaned by use of mechanical sweepers, high pressure air, or other methods approved by the deck sealant manufacturers. Shot blasting shall be performed no more than seven days prior to the application of deck seal.
3. In addition to milling the bridge deck, the Contractor shall also mill the existing roadway in order to provide a smooth transition between the existing alignment and the newly sealed deck. The amount of milling necessary for this transition shall be determined in the field and approved by the Engineer. Milling of the roadway and shot blasting shall be an absorbed item.
4. The Contractor shall provide all technical data on the milling machine that will be used on this project to the Director of Structures, State Bridge Engineer through the Project Engineer for approval.

DECK CRACK AND SURFACE SEALING NOTES:

1. Bridge deck surface shall be sealed with one of the following products:
 - A. "SilkSeal 19 75" shall be as manufactured by Silca Corp. <http://usa.silca.com>
 - B. "Silspec DeckSeal" shall be as manufactured by SSI Commercial & Highway Construction Materials, <http://www.sscm.com>
 - C. "Bridge Seal 75X" shall be as manufactured by Dayton Superior, <http://www.daytonsuperior.com>
2. Installation of deck sealant shall be in strict accordance with the manufactures recommendations.

SCOPE OF WORK:

1. Remove asphalt overlay on bridge deck
2. Seal bridge deck
3. Seal joints with preformed joint seal per details on sheet 8005
4. Remove damaged concrete from beam ends and repair beam ends with epoxy mortar to their original dimensions as shown in the information plans. This is an absorbed item.
5. Install saddles at intermediate bents per details on sheet 8003
6. Clean all caps
7. Epoxy repair spall locations per details on sheet 8004
8. Place Rip Rap at bents 3 & 4 per details on sheet 8006

MAINTENANCE OF TRAFFIC:

1. Maintain traffic in accordance with section 618 of 2017 edition of the Standard Specifications for Road and Bridge Construction, part VI of the Manual on Uniform Traffic Control Devices and the traffic control plans included in these plans.

INFORMATION PLANS

Original plans (Proj. No. F-053-1(05)
For information Plans see sheet No. 8007
For additional information plans sheets contact MDOT Bridge Division

ESTIMATED QUANTITIES			
PAY ITEM CODE	DESCRIPTION	QUANTITIES	UNIT
406-A002	Cold Milling of Bituminous Pavement, All Depths	636	Square Yard
808-A001	Joint Preparation	440	Linear Feet
907-B23-A001	Preformed Joint Seal, Type I	220	Linear Feet
907-B23-B001	Saw Cut, Type I	440	Linear Feet
907-B24-PP003	Bridge Repair, Deck Crack Sealing	3720	Square Feet
907-B24-PP003	Bridge Repair, Epoxy Repair	5	Square Feet
907-B24-PP006	Bridge Repair, Clean Caps	8	Each
907-B24-PP006	Bridge Repair, Install Saddles	24	Each
815-A007	Loose Riprap, Size 300	656	Ton
815-E001	Geotextile Under Riprap	390	Square Yard

PRELIMINARY
NOT FOR
CONSTRUCTION

MISSISSIPPI DEPARTMENT OF TRANSPORTATION
BRIDGE AT STA. 316+08
SR 6 OVER SHOAF CREEK
BRIDGE REPAIR

FMS: 107857 / 301000
COUNTY: MONROE
PROJECT NUMBER: BR-0053-01(016)

DESIGNER: Shown Wright
CHECKER: [Name]
ISSUE DATE: 08/11/2020
DIRECTOR OF STRUCTURES, STATE BRIDGE ENGINEER - JUSTIN WALKER, P.E.
PR. OR. OR. STRUCTURES, MISS. STATE BRIDGE ENGINEER - SOTER WASTERSHEIL, P.E.

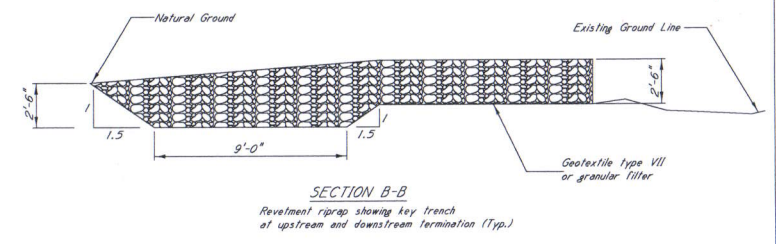
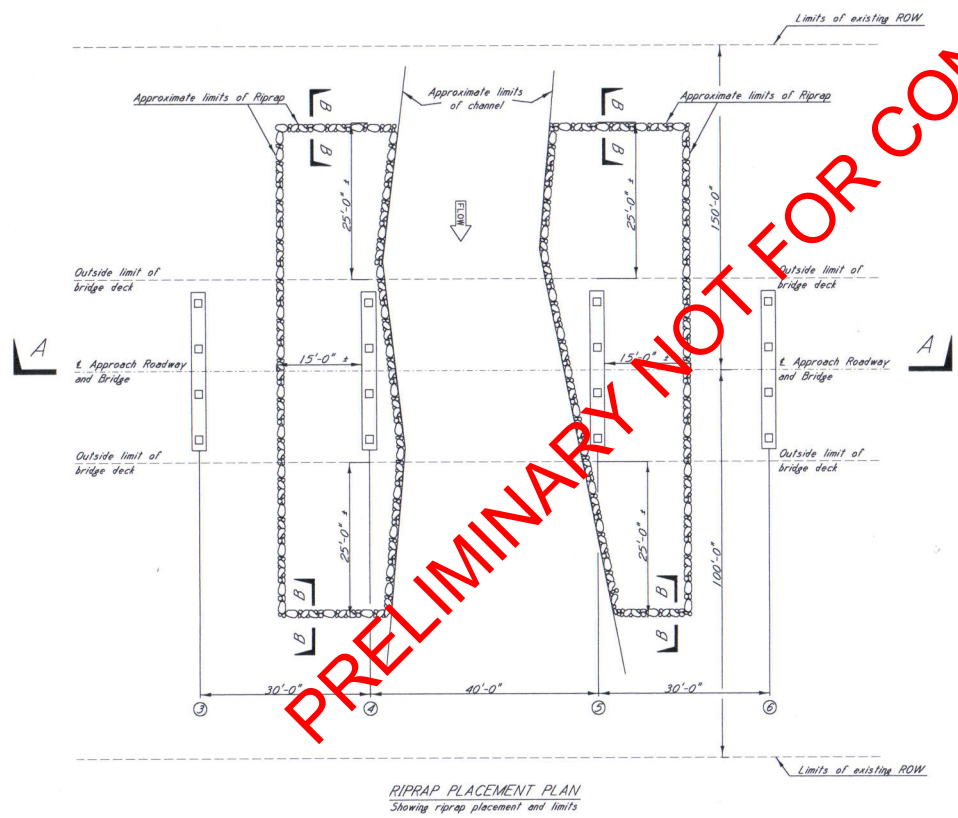
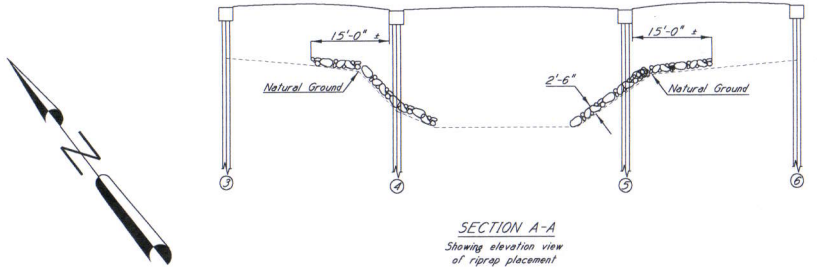
WORKING NUMBER
A1 OF A5
SHEET NUMBER
8002

STATUS: OFFICE REVIEW

BRIDGE DIVISION, MISSISSIPPI DEPARTMENT OF TRANSPORTATION

Riprap placed in channel Past Piers 4 & 5.

STATE	PROJECT NO.
MISS.	BR-0053-01(016)



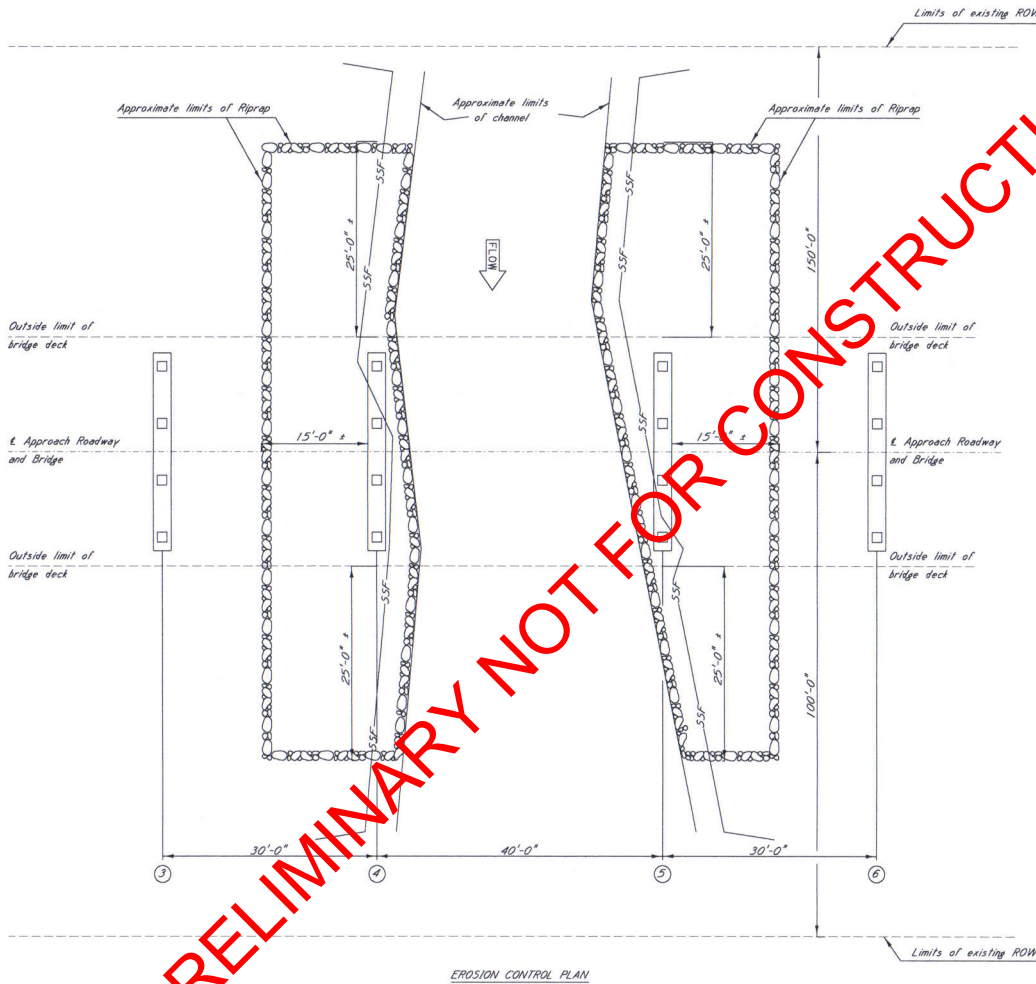
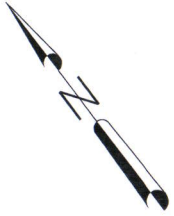
NOTE:
 1. Scour areas will be filled in with riprap so reshaping of existing bank is not required.
 2. Any vegetation that will interfere with the placement of riprap shall be removed and is the responsibility of the Contractor. Removal of vegetation will be an assorted item.

PRELIMINARY NOT FOR CONSTRUCTION

BR 88 BRANPM DDMFTLENNNE MISSISSIPPI DEPARTMENT OF TRANSPORTATION

PRELIMINARY NOT FOR CONSTRUCTION	MISSISSIPPI DEPARTMENT OF TRANSPORTATION BRIDGE AT STA. 316+08 RIPRAP PLACEMENT PLAN	WORKING NUMBER A5 OF A5
	PROJECT NUMBER: BR-0053-01(016) COUNTY: MONROE FMS: 107857/301000 DESIGNER: Shann Wright CHECKER: Paul Doherty DATE: _____ ISSUE DATE: 2018-11-29 DIRECTOR OF STRUCTURES: STATE BRIDGE ENGINEER - JUSTIN WALKER, P.E. SUP. DIR. OF STRUCTURES: ASST. STATE BRIDGE ENGINEER - SCOTT WOODRUFF, P.E.	SHEET NUMBER 8006

STATUS: OFFICE REVIEW



PRELIMINARY NOT FOR CONSTRUCTION

- NOTES: 1. No dirt can be pushed into the creek.
 2. If a platform for working is needed, then riprap may be used.
 3. Minimize disturbance to existing banks.
 4. Clearing should be kept to a minimum and grubbing only where required.

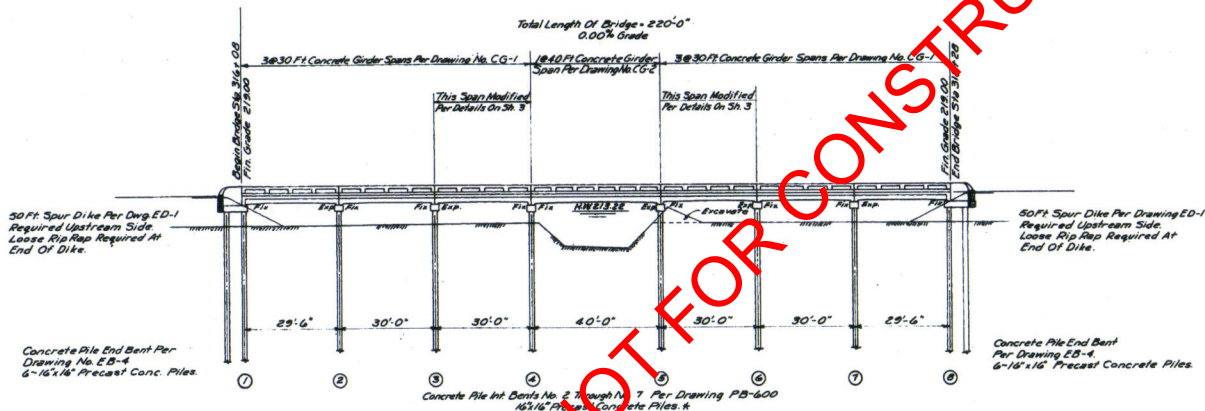
EROSION CONTROL PLAN

PRELIMINARY
NOT FOR
CONSTRUCTION

BY	MISSISSIPPI DEPARTMENT OF TRANSPORTATION		
DATE	BRIDGE AT STA. 316+08		
REVISION	EROSION CONTROL PLAN		
DATE	FMS: 107857 / 301000	WORKING NUMBER	ECBR
DESIGNER	COUNTY: MONROE	SHEET NUMBER	8007
CHECKER	PROJECT NUMBER: BR-0053-01(016)	ISSUE DATE	04/11/08
DATE	DESIGNER: Shawn W. White	CHECKER: Paul D. Dyer	
	DETAILS: SHAWN WHITE	ISSUE DATE: 04/11/08	
	DIRECTOR OF STRUCTURES, STATE BRIDGE ENGINEER - JUSTIN WALKER, P.E.		
	REG. NO. 46,374 (KICKS), REG. STATE BRIDGE ENGINEER - SCOTT WESTERFIELD, P.E.		

STATUS: OFFICE REVIEW

REV. NO.	DATE	BY	CHKD. BY	REASON
1	10/10/44	BR	BR	



MINIMUM PILE BEARING CAPACITY
End Bents: 30 Tons
Int. Bents: 40 Tons

ELEVATION - WITH PROFILE ON E ROADWAY
Scale: 1/4" = 1'-0"

ESTIMATED QUANTITIES						
Item	Class B Bridge Conc. Cu Yds.	Reinforcing Steel Lbs.	Rolling Lin. Ft.	1/2" Precast Conc. Piling Lin. Ft.	Test Piles	Loading Tests
Spans	258.71	61,145	440			
Int. Bents	31.80	3,995		86	2	
End Bents	30.31	3,420		50		
Totals	320.82	68,560	440	136	2	1

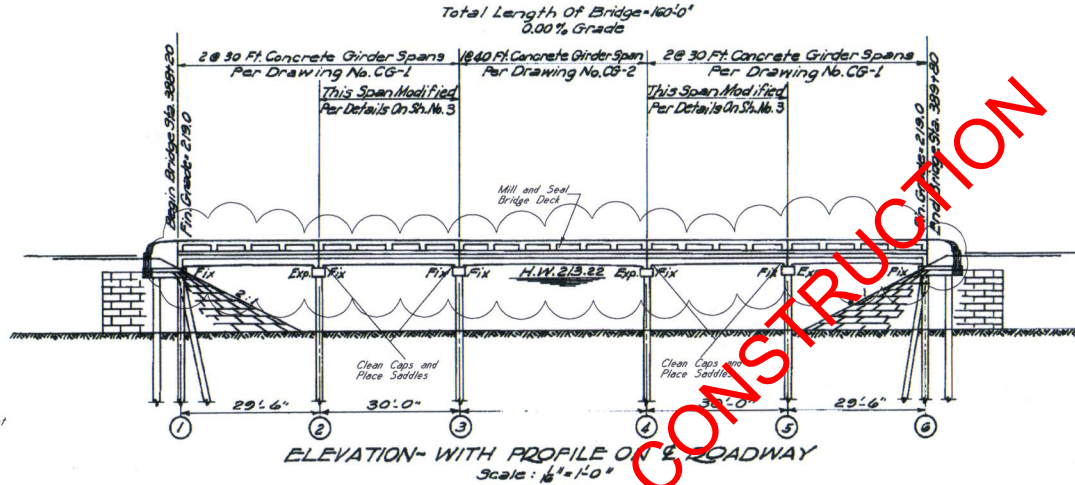
GENERAL NOTES:
 Specifications: Mississippi State Highway Department.
 No Unauthorized Change Of Plans Will Be Permitted.
 Expansion Joint Material Shall Be Bituminous Fiber Type.
 Test Piles Shall Be Driven As Permanent Piles In Bents No. 2 & No. 7 And Will Be Paid For As Test Piles Only.
 Test Pile Data And Recommended Pile Lengths Shall Be Submitted To The Bridge Engineer For Approval.
 Test Piles Shall Be Driven To A Minimum Bearing Capacity Of 40 Tons And A Minimum Penetration Of 25 Feet.
 *Precast Concrete Piles Shall Be 16 1/2" x 16 1/2" Other Conventional Precast Per Drawing CP-10 Or Prestressed Precast Per Drawing CP-20.
 All Work For Which No Pay Items Are Provided In The Proposal Will Not Be Paid For Directly And Compensation Therefor Will Be Considered Included In The Prices And Payments For Bid Items.

DESIGN DATA
 Specifications: AASHTO 1953
 Loading: H15-S12-44
 Roadway Width: 26 FT.

Drawings Req'd: CG-1, CG-2, EB-4, PB-600, CA-10, CA-20, ED-1

MISSISSIPPI STATE HIGHWAY DEPARTMENT			
BRIDGE "A" - STA. 316+08			
PROJECT F-053-(K5)			
MONROE		COUNTY	
SUBMITTED BY _____ BRIDGE ENGINEER			
DETAILED ENG.	CHECKED	ISSUED	SHEET NUMBER
TRACED ENG.	DATE	DATE	1 OF 3

13318



Limits of Work this Contract

GENERAL NOTES:

- Specifications: Mississippi Standard Specifications for Road and Bridge Construction, 2017.
- No change of plans will be permitted except by written approval of the Director of Structures, State Bridge Engineer provided such changes will not be cause for contract price adjustment.
- Prior to construction, all dimensions of the existing structure shall be field verified by the Contractor. The Contractor shall submit field verified measurements from the top of cap to the bottom of tee beams at saddle bearing locations. The Contractor shall be responsible for adjusting the elements to ensure proper fit with the existing structure.
- All saddles shall be installed prior to milling the deck.
- Shop drawings of saddles, including an erection plan, shall be submitted in duplicate to the Director of Structures, State Bridge Engineer for approval prior to fabrication.
- Any damage that occurs to the existing structure during the duration of the project shall be repaired to the satisfaction of the Engineer by the Contractor at no additional cost to the state.
- For the duration of the project, care shall be exercised to ensure that no debris falls into the hydraulic crossing below the structure. The debris that is removed from the bridge shall become the property of the Contractor and shall be removed from the construction site.
- Work for which no pay item is provided in the proposal will not be paid for directly and compensation therefore will be included in the prices and payments for bid items.

STRUCTURAL STEEL NOTES:

- Prior to construction, certification for all welders and a procedure for storage and handling of welding electrodes used on this project shall be submitted to the Director of Structures, State Bridge Engineer through the Project Engineer for approval.
- All welding shall be done by the electric arc process. Welding shall conform to the ANSI/AASHTO/AWS D1.1 Specification for Welding Code.
- All steel plates, bars, and W-shapes shall conform to A.S.T.M. designation A709 grade 50.
- All thread/hanger bolts shall conform to A.S.T.M. A449.
- All steel plates, bars, and W-shapes shall be new.
- Nuts shall conform to A.S.T.M. Grade DH and washers shall conform to F4130.
- Nuts shall be heavy hex.
- Nuts shall be lapped over a minimum amount required for proper assembly.
- All thread/hanger bolts shall use washers and jam nuts on top.
- All thread/hanger bolts and washers shall be galvanized in accordance with A.S.T.M. A153.
- All fabrication and/or saddle assembly parts shall be galvanized in accordance with A.S.T.M. A123.
- The fabricator shall have a Certified Welding Inspector (CWI) on each work day when structural steel welding or other significant work is performed.

REMOVAL OF ASPHALT OVERLAY NOTES:

- A milling machine with a milling head no larger than four feet (4'-0") wide shall be used to remove the asphalt overlay to a depth such that the milling head does not come in contact with the bridge deck.
- The remaining asphalt on the surface of the bridge deck shall then be shot blasted and then cleaned by use of mechanical sweepers, high pressure air, or other methods approved by the deck sealant manufacturers. Shot blasting shall be performed no more than seven days prior to the application of deck seal.
- In addition to milling the bridge deck, the Contractor shall also mill the existing roadway in order to provide a smooth transition between the existing roadway and the newly sealed deck. The amount of milling necessary for this transition shall be determined in the field and approved by the Engineer. Milling of the roadway and shot blasting shall be an absorbed item.
- The Contractor shall provide all technical data on the milling machine that will be used on this project to the Director of Structures, State Bridge Engineer through the Project Engineer for approval.

DECK CRACK AND SURFACE SEALING NOTES:

- Bridge deck surface shall be sealed with one of the following products:
 - SikaPronto 19 TF shall be as manufactured by Sika Corp, <http://usa.sika.com>
 - Slopex DeckSeal shall be as manufactured by SSI Commercial & Highway Construction Materials, <http://www.ssic.com>
 - Bridge Seal 75 shall be as manufactured by Dayton Superior, <http://www.daytonsuperior.com>
- Installation of deck sealant shall be in strict accordance with the manufactures recommendations.

SCOPE OF WORK:

- Remove asphalt overlay on bridge deck
- Seal bridge deck
- Seal joints with preformed joint seal per details on sheet 8017
- Remove damaged concrete from beam ends and repair beam ends with epoxy mortar to their original dimensions as shown in the information plans. This is an absorbed item.
- Install saddles at intermediate bents per details on sheet 8009
- Clean all caps
- Epoxy repair spall locations per details on sheet 8010

MAINTENANCE OF TRAFFIC:

- Maintain traffic in accordance with section 618 of 2017 edition of the Standard Specifications for Road and Bridge Construction, part VI of the Manual on Uniform Traffic Control Devices and the traffic control plans included in these plans.

INFORMATION PLANS

Original plans (Proj. No. F-053-1(05)
For Information Plans see sheet No. 8012
For additional information plans sheets contact MDOT Bridge Division

CAP CLEANING:

The surface of all caps shall be cleaned to the satisfaction of the Engineer. All large debris shall be removed by hand. All other debris (including dirt and rust) shall be removed by pressure washing the bent caps. The pressure washer shall be able to maintain 3,500 psi of pressure.

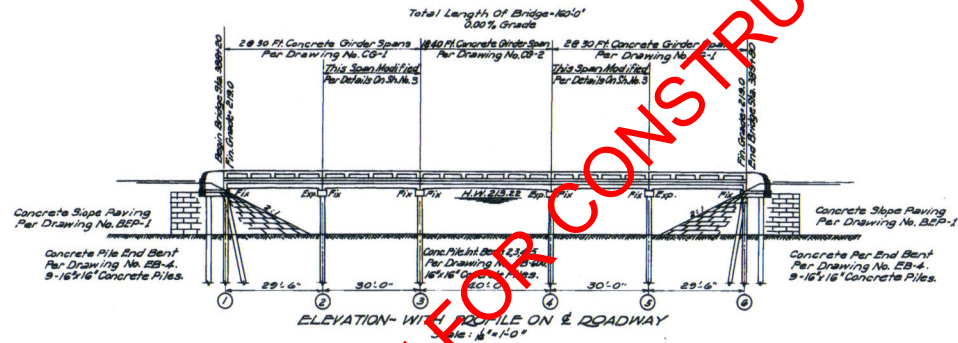
ESTIMATED QUANTITIES			
PAY ITEM CODE	DESCRIPTION	QUANTITIES	UNIT
406-A002	Cold Milling of Bituminous Pavement, All Depths	636	Square Yard
808-A001	Joint Preparation	330	Linear Feet
907-B23-A001	Preformed Joint Seal, Type 1	165	Linear Feet
907-B23-B001	Saw Cut, Type 1	330	Linear Feet
907-B24-PP003	Bridge Repair, Deck Crack Sealing	4160	Square Feet
907-B24-PP003	Bridge Repair, Epoxy Repair	10	Square Feet
907-B24-PP006	Bridge Repair, Clean Caps	6	Each
907-B24-PP006	Bridge Repair, Install Saddles	16	Each

PRELIMINARY
NOT FOR
CONSTRUCTION

MISSISSIPPI DEPARTMENT OF TRANSPORTATION	
BRIDGE AT STA. 388+20	
SR 6 OVER RELIEF BRIDGE REPAIR	
FMS: 107857 / 301000	WORKING NUMBER
COUNTY: MONROE	B1 of B4
PROJECT NUMBER: BR-0053-01(016)	8009
DESIGNER: <i>[Signature]</i>	CHECKER: <i>[Signature]</i>
DATE: <i>[Date]</i>	DATE: <i>[Date]</i>
DIRECTOR OF STRUCTURES, STATE BRIDGE DIVISION, JUSTIN WALKER, P.E.	
SHEET NUMBER	

STATUS: OFFICE REVIEW

FED. ROAD DIST. NO.	STATE	PROJ. NO.	PROJ. TEST	SHEET NO.	TOTAL SHEETS
1	MS	663-10	10	2	



MINIMUM PILE BEARING CAPACITY
 End Bents: 30 Tons
 Int. Bents: 40 Tons

ESTIMATED QUANTITIES						
Item	Class B ¹ Reinforcing Steel	Reinforcing Steel	18" x 18" Conc. Piling	16" x 16" Conc. Piling	Loading Units	Concrete Slope Paving
Location	Cu. Yds.	Lbs.	Lin. Ft.	Lin. Ft.	sq. Yds.	Cu. Yds.
Spans	191.61	44,955	320			
Int. Bents	21.20	3,680		160	2	
End Bents	29.96	3,420		70		121
Totals	242.77	51,035	320	230	2	121

DESIGN DATA
 Specifications: A.A.S.H.O. 1949
 Loading: H15-S12-44
 Roadway Width: 26 Ft.

GENERAL NOTES:-
 Specifications: Mississippi State Highway Department.
 No Unauthorised Change of Plans Will Be Permitted.
 Expansion Joint Material Shall Be Bituminous Fiber Type.
 Test Piles Shall Be Driven As Permanent Piles In Bents No. 2 & No. 5 and Will Be Paid For As Test Piles Only.
 Test Pile Data And Recommended Pile Lengths Shall Be Submitted To The Bridge Engineer For Approval.
 Test Piles Shall Be Driven To A Minimum Pile Bearing Capacity of 40 Tons, And A Minimum Penetration Of 23 Feet.
 Precast Concrete Piles Shall Be 16" x 16", Either Conventional Precast Precast Precast Per Drawing CP-10 Or Prestressed Precast Per Drawing CP-20.
 All Work For Which No P&M Items Are Provided In The Proposal Will Not Be Paid For Directly And Compensation Therefor Will Be Considered Included In The Prices And Payments For Bid Items.

Drawings Required: CP-1, CP-2, EB-4, PB-600, BEP-1, CP-10, CP-20

MISSISSIPPI STATE HIGHWAY DEPARTMENT	
BRIDGE "B" STA. 388+20	
PROJECT F-053-1 (5)	
MONROE	COUNTY
SUBMITTED BY: _____ BRIDGE ENGINEER	
DETAILED L.S.R.	CHECKED: _____
TRACED L.S.R.	DATE: _____
ISSUED: _____	SHEET NUMBER
DATE: _____	2 of 3

13319

Gold Sheet - Environmental Commitments

MDOT Commitments to Environmental Excellence

Project No: BR-0053-01(016) 107857/301000

Highway: SR 6 – Bridge Preservation
 County: Monroe

Date: 12/18/2018
 Page 1 of 1

*Value Engineering Study Recommended Yes No

Commitments/Requirements	Source of Commitment	Responsible Office	Place on Plans	Requires A Special Provision	Status of Commitment/Requirement
<p>It is a violation of the Migratory Bird Treaty Act to purposely knock down a swallow nest with a bird or eggs in it. In order to perform any construction activities during barn swallow nesting season (April 1 – July 15), certain measures must be taken to prevent any active nest from being established. All existing inactive nests must be removed from Bridge Nos. 146.8 & 148.2 prior to nesting season. To prevent any active nests from being built, nests removal activities must be conducted on a regular basis (i.e., daily or every other day) when swallows return to the area, typically around April 1st.</p>	<p>Migratory Bird Act Correspondence with USFWS dated 12/14/18</p>	<p>MDOT D1 & Environmental Division</p>	<p>No</p>	<p>No</p>	<p>To be handled prior to construction</p>
<p>A NTB will be added alerting the bidders that barn swallows were found at bridge Nos. 146.8 & 148.2. The bidders will be responsible for complying with the Migratory Bird Act.</p>	<p>Migratory Bird Act</p>	<p>Construction Division & Environmental Division</p>	<p>No</p>	<p>No</p>	<p>To be handled prior to construction</p>

All practical and standard procedures and measures, including Best Management practices will be implemented to avoid or minimize impacts.

- These commitments should be carried throughout each phase of the project development including Design, Right of Way, Construction, and Maintenance.

*Value Engineering (VE) Studies are recommended for projects on the NHS System with an estimated project costs approaching \$50 Million, for bridge projects on the NHS System with an estimated project costs approaching \$40 Million, and/or for all Major Projects approaching \$500 Million.

404 Permit Conditions &
401 Water Quality Certification

SPECIAL CONDITIONS
NATIONWIDE PERMIT No. 3

Maintenance

(a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This NWP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

(c) This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be

placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance activity, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Authorities: Section 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act (Sections 10 and 404))

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act section 404(f) exemption for maintenance.



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

March 6, 2017

Certified Mail No. 7012 3460 0003 2548 6988

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

Dear Ms. Mallard:

Re: US Army Corps of Engineers
Nationwide Permit No. 3
Warren County
COE No. MVK-2017-114
WQC No. WQC2017003

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, an applicant for a Federal License or permit to conduct the following activity:

US Army COE, Nationwide Permit No. 3:

Nationwide Permits are general permits issued on a nationwide basis to streamline the authorization of activities that have no more than minimal and cumulative adverse effects on the aquatic environment. The U.S. Army Corps of Engineers issues NWP's to authorize certain activities that require Department of the Army permits under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899.

3. *Maintenance.*

(a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most

recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This NWP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200-foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

(c) This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist

of materials, and be placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance activity, temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a preconstruction notification to the district engineer prior to commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals.

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act section 404(f) exemption for maintenance. [MVK-2017-114, WQC2017003].

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

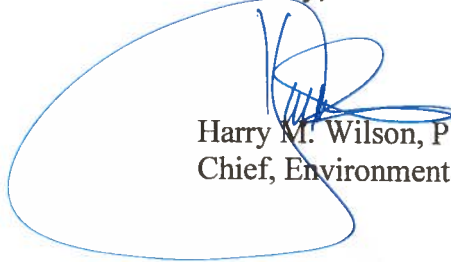
1. The permittee shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of construction activities.
2. For projects greater than five acres of total ground disturbances including clearing, grading, excavating, or other construction activities, 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.
3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

4. 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: ld

- cc: U.S. Army Corps of Engineers, Mobile District
Attn: Mr. Craig Litteken
U.S. Army Corps of Engineers, Memphis District
Attn: Mr. Tim Fudge
U.S. Army Corps of Engineers, Nashville District
Attn: Mr. Timothy Wilder
U.S. Army Corps of Engineers, New Orleans District
Attn: Mr. Michael Farabee
Ms. Willa Brantley, Department of Marine Resources
Mr. David Felder, U.S. Fish and Wildlife Service
Mr. William Ainsley, Environmental Protection Agency

2017 Nationwide Permits General Conditions, Further Information, and Definitions

A. Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) 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 of Engineers, 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.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the

NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures

wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.nmfs.noaa.gov/pr/species/esa/> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic

Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. 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.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) 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.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that

the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the

permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the

45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide

electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWP's and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWP's, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

B. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal

with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

C. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

STATE OF MISSISSIPPI
NATIONWIDE PERMIT REGIONAL CONDITIONS

A. REGIONAL CONDITIONS FOR ALL NATIONWIDE PERMITS

1. For ALL Nationwide Permit (NWP) authorizations in the Coastal Zone of Mississippi (Hancock, Harrison, and Jackson Counties):

The applicant must contact the Mississippi Department of Marine Resources (MDMR) for concurrence that proposed activities under the NWP 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 the activity is consistent with State coastal zone management program. If a Coastal Zone Management Act Consistency Determination (CZCD) is required: (1) the applicant shall submit their proposed project information directly to MDMR using the Joint Application & Notification form with a consistency determination; (2) the applicant is required to receive the CZCD concurrence prior to project initiation to achieve compliance with NWP conditions; (3) upon receipt of the CZCD concurrence from MDMR, the applicant must provide the CZCD concurrence to the applicable Corps District.

The Joint Application and Notification form may be downloaded or printed from the MDMR website at: <http://www.dmr.ms.gov/index.php/coastal-resources-management/wetland-permitting>

If a pre-construction notification (PCN) to the Corps is required, the attachment to these Regional Conditions highlights the minimum additional information needed.

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

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

2. A PCN to the appropriate Corps District is required for all regulated activities located within or adjacent to Black Creek within the reach beginning approximately ¼-mile upstream of Moody's Landing and ending approximately ¼-mile downstream of the Fairly Road Bridge crossing. The Corps will coordinate the PCN with the National Forest Service per requirements of Section 7 of the Wild and Scenic Rivers Act and General Condition 16 of the NWPs.

3. NWP authorizations for regulated activities in the Grand Bay National Estuarine Research Reserve, a designated critical resource water located in Jackson County, Mississippi, shall adhere to General Condition 22 of the NWPs.

Effective March 19, 2017

Enclosure 4

4. For all regulated activities that might affect a federally-listed threatened or endangered species or designated critical habitat, or essential fish habitat:

Submittal of a complete PCN to the appropriate Corps District is required. Note: For activities in waters described in Regional Condition A.1., all PCNs shall instead be submitted directly to MDMR using the Joint Application and Notification form and include information required by NWP General Condition 32. Waterways in Mississippi with reported occurrences of federally-listed threatened or endangered species and their critical habitats, as of March 2017, are listed below. The list below also includes certain types of essential fish habitat (EFH) for federally-managed fisheries that may occur in coastal waterways. This list is provided to heighten awareness of the possibility of interaction between federally-protected species/habitats and regulated activities; it is not intended to be all-inclusive. Applicants are advised that the federal protection status of species and habitats may change during the time period in which these Regional Conditions are in effect, and that those changes may not be reflected in the list below.

Further, this Regional Condition does not lessen the restrictions or requirements provided by General Condition 18. As stated in General Conditions 18 and 32 (82 FR 1860-2008), the PCN from non-federal applicants must include a delineation of waters of the U.S. in the project area and the name(s) of the threatened or endangered species that might be affected by the proposed work or that utilize designated critical habitat that might be affected by the proposed work. PCNs from federal applicants must include documentation of compliance with the Endangered Species Act and Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as applicable.

NOTE: The following definitions apply to the list below, as well as the list in Section B.1. of these Regional Conditions: C = Candidate Species; CH = Critical Habitat; LE = Listed Endangered; LT = Listed Threatened; PT = Proposed Threatened; EFH = Waters and substrate necessary to MSFCMA-protected fish for spawning, breeding, feeding, or growth to maturity.

Bayou Pierre River and following tributaries: White Oak Creek, Foster Creek, and Turkey Creek – Located in Claiborne, Copiah, Hinds and Lincoln Counties
Species: bayou darter (*Etheostoma rubrum* - LT)

Bear Creek – Located in Tishomingo County
Species: cumberlandian combshell mussel (*Epioblasma brevidens* – LE, CH); slabside pearl mussel (*Lexingonia dolabelloides* – LE, CH), rabbitsfoot mussel (*Quadrula cylindrica cylindrica* – LT, CH), snuffbox mussel (*Epioblasma triquetra* - LE) and snail darter (*Percina tanasi* – LT)

Big Black River – Located in Hinds and Warren Counties, from Porter Creek confluence south to Highway 27
Species: rabbitsfoot mussel (*Quadrula cylindrica cylindrica* – LT, CH)

Big Sunflower River – Located in Sunflower County, from Highway 442 to Quiver River confluence

Species: rabbitsfoot mussel (*Quadrula cylindrica cylindrica* – LT, CH) and sheepsnose mussel (*Plethobasus cyphus*- LE)

Bogue Chitto River – Located in Pike and Walthall Counties, from State Highway 570, southward

Species: Gulf sturgeon (*Acipenser oxyrinchus desotoi* - LT, CH)

Mississippi River and adjacent land west of the mainline levee – Located in the following Counties: Adams, Coahoma, Jefferson, Warren, Bolivar, DeSoto, Sharkey, Washington, Claiborne, Issaquena, Tunica, and Wilkinson

Species: interior least tern (*Sterna antillarum* - LE), pallid sturgeon (*Scaphirhynchus albus* - LE), and fat pocketbook mussel (*Potamilus capax* - LE)

MS Coastal Waterways and Streams including: Back Bay of Biloxi, Biloxi River, Escatawpa River, Old Fort Bayou, Pascagoula River, and Tchoutacabouffa River – Located in Harrison and Jackson Counties

Species: Alabama red-bellied turtle (*Pseudemys alabamensis* - LE)

EFH: estuarine emergent wetlands, submersed aquatic vegetation or vegetated shallows, live bottoms (e.g. oyster bars, limestone outcroppings)

Mississippi Sound and other back bays – Located in Hancock, Harrison, and Jackson Counties

Species: piping plover (*Charadrius melodus* - LE, CH), red knot (*Calidris canutus rufa* – LT), West Indian manatee (*Trichechus manatus* – LE), green turtle (*Chelonia mydas* - LT), Kemp's ridley turtle (*Lepidochelys kempii* - LE), leatherback sea turtle (*Dermochelys coriacea* – LE), loggerhead turtle (*Caretta caretta* - LT), and Gulf sturgeon (*Acipenser oxyrinchus desotoi* - LT, CH)

EFH: estuarine emergent wetlands, submersed aquatic vegetation or vegetated shallows, live bottoms (e.g. oyster bars, limestone outcroppings)

Pascagoula River and the following tributaries: Bouie, Chickasawhay, Okatoma, and Leaf Rivers – Located in the following Counties: Clarke, Greene, Perry, Forrest, Jackson, Stone, George, Jones, and Wayne

Species: yellow-blotched map turtle (*Graptemys flavimaculata* - LT), Gulf sturgeon (*Acipenser oxyrinchus desotoi* - LT, CH), pearl darter (*Percina aurora* - PT), and Alabama red-bellied turtle (*Pseudemys alabamensis* - LE)

EFH: estuarine emergent wetlands, submersed aquatic vegetation or vegetated shallows, live bottoms (e.g. oyster bars, limestone outcroppings)

Pearl River – Located in the following Counties: Copiah, Leake, Neshoba, Scott, Hinds, Madison, Pearl River, Hancock, Simpson, Lawrence, Marion, and Rankin

Species: ringed map turtle (*Graptemys oculifera* - LT), Gulf sturgeon (*Acipenser oxyrinchus desotoi* - LE, CH), and inflated heelsplitter (*Potamilus inflatus* - LT)

EFH: estuarine emergent wetlands, submersed aquatic vegetation, live bottoms (e.g. oyster bars, limestone outcroppings)

Tombigbee River and the following tributaries: Buttahatchie, Luxapalilla, Noxubee, and Bull Mountain – Located in Itawamba, Lowndes and Monroe Counties
Species: heavy pigtoe mussel (*Pleurobema taitianum* - LE), southern combshell mussel (*Epioblasma penita* - LE), southern clubshell mussel (*Pleurobema decisum* - LE), ovate clubshell mussel (*Pleurobema perovatum* - LT), black clubshell mussel (*Pleurobema curtum* - LE), Alabama moccasinshell (*Medionidus acutissimus* - LT), orange-nacre mucket (*Lampsilis perovalis* - LT), and inflated heelsplitter (*Potamilus inflatus* - LT)

5. Supplement to General Condition 2 (Aquatic Life Movements) and General Condition 9 (Management of Water Flows)

Culverts must be of sufficient capacity to maintain expected high and low water flows and be installed at a sufficient depth to not substantially disrupt the necessary life cycle movements of aquatic life species.

B. REGIONAL CONDITIONS FOR SPECIFIC NATIONWIDE PERMITS

1. For all NWP 12 and NWP 14 regulated activities that require a PCN:

To assess all individual and cumulative impacts, complete PCNs must include a description of the anticipated direct and indirect environmental effects, including both temporary and permanent impacts at all single and complete crossings of waters of the U.S. which are a part of the total linear project.

2. NWP 12 (Utility Line Activities) and NWP 14 (Linear Transportation Projects)

Submittal of a complete PCN to the appropriate Corps District is required for all regulated activities that may directly or indirectly affect federally-listed species and/or their designated critical habitat. The list below includes some species that could be encountered along a linear project and a general description of their typical habitat types utilized. This list is provided to heighten awareness of the possibility of interaction between federally-protected species/habitats and regulated activities; it is not intended to be all-inclusive. Applicants are advised that the federal protection status of species and habitats may change during the time period in which these Regional Conditions are in effect, and that those changes may not be reflected in the list below. NOTE: For regulated activities in waters described in Regional Condition A.1., all PCNs shall instead be submitted directly to MDMR using the Joint Application and Notification form, and include information required by NWP General Condition 32. The attachment to these Regional Conditions highlights the minimum additional information needed.

Gopher tortoise (*Gopherus polyphemus* - LT), and black pine snake (*Pituophis melanoleucus lodingi* - LT) – Located in Clarke, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Marion, Pearl River, Perry, Smith, Stone, Walthall, and Wayne Counties and associated with certain upland habitats that may be adjacent to wetlands and/or other waters of the U.S.

Louisiana quillwort (*Isoetes louisianaensis* - LE) – Located in Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Pearl River, Perry, Stone, and Wayne Counties and associated with intermittent and small perennial streams

Dusky gopher frog (*Rana sevosa* – LE, CH) – Located in Jackson, Forrest, Perry, and Harrison Counties and associated with isolated ephemeral (temporary) ponds/wetlands located in upland long-leaf pine habitat

Mississippi sandhill crane (*Grus canadensis pulla* – LE) – Located in Jackson County and associated with pine savannas, brackish marsh, cultivated fields, and pasture lands within 5 miles of the Mississippi Sandhill Crane National Wildlife Refuge

Mitchell's satyr butterfly (*Neonympha mitchellii mitchellii* – LE) – Located in Alcorn, Itawamba, Monroe, Prentiss, and Tishomingo Counties and associated with wetlands created by beaver ponds and other similar habitats

Gray bat (*Myotis grisescens* – LE), Indiana bat (*Myotis sodalis* - LE) and Northern Long-eared bat (*Myotis septentrionalis* – LT), – Located in counties north of Interstate 20 and associated with caves, box culverts, bridges, and/or forested uplands, wetlands, and riparian habitats (trees over 5 inches dbh)

Pondberry (*Lindera melissifolia* - LE) - Located in Bolivar, Coahoma, Holmes, Humphreys, Issaquena, Leflore, Quitman, Sharkey, Sunflower, Tallahatchie, Tunica, Warren, Washington, and Yazoo Counties and associated with bottomland hardwood wetlands

Price's potato bean (*Apios priceana* - LT) – Located in Alcorn, Chickasaw, Clay, Kemper, Lee, Lowndes, Monroe, Noxubee, Oktibbeha, Pontotoc, Prentiss, and Union Counties and associated with wooded areas that grade into creek and river bottoms

Red-cockaded woodpecker (*Picoides borealis* - LE) – Located in Amite, Copiah, Forrest, Franklin, George, Greene, Harrison, Jackson, Jasper, Jefferson, Jones, Lamar, Lincoln, Noxubee, Oktibbeha, Pearl River, Perry, Scott, Smith, Stone, Wayne, Wilkinson, and Winston Counties (primarily found on or near US National Forests and the Noxubee National Wildlife Refuge); Species excavates nesting cavities in mature pine trees (60+ years old)

Wood stork (*Mycteria americana* - LT) – Located Statewide and associated with freshwater marshes, tidal pools, cypress swamps; Species does not breed in MS, foraging habitat only

White fringeless orchid (*Platanthera integrilabia* – C) – Located in Alcorn, Itawamba, Monroe, Prentiss, and Tishomingo Counties and associated with wet boggy areas at heads of streams and on seepage slopes that are partially shaded

3. NWP 21 (Surface Coal Mining Activities)

This NWP, via disavowal of water quality certification by the Mississippi Department of Environmental Quality, is considered **denied without prejudice**. Individual requests for approval under this NWP will be considered on a case-by-case basis only after receipt by the appropriate Corps district of an individual water quality certification, waiver, or other approval by the Mississippi Department of Environmental Quality.

4. NWP 44 (Mining Activities)

This NWP, via disavowal of water quality certification by the Mississippi Department of Environmental Quality, is considered **denied without prejudice**. Individual requests for approval under this NWP will be considered on a case-by-case basis only after receipt by the appropriate Corps district of an individual water quality certification, waiver, or other approval by the Mississippi Department of Environmental Quality.

C. REGIONAL CONDITIONS FOR WATER QUALITY CERTIFICATION FOR MISSISSIPPI BAND OF CHOCTAW INDIANS TRIBAL LANDS

By letter dated March 2, 2017, the Environmental Protection Agency (EPA), Region 4, acting on behalf the Mississippi Band of Choctaw Indians, issued final decisions on water quality certification for Nationwide Permit (NWP) activities on Mississippi Band of Choctaw Indians (MBCI) Tribal Lands.

D. REGIONAL CONDITIONS FOR WATER QUALITY CERTIFICATION

By letters to the Corps dated March 6, 2017, the Mississippi Department of Environmental Quality (MDEQ) issued its final decisions on WQC for use of each of the NWPs in Mississippi.

E. REGIONAL CONDITIONS FOR COASTAL ZONE MANAGEMENT ACT CONSISTENCY

The applicant must contact the Mississippi Department of Marine Resources (MDMR) for concurrence that proposed activities under the NWP are consistent to the maximum extent practicable with the enforceable policies of the State of Mississippi's coastal management program. In accordance with Corps regulations at 33 CFR 330.4(d), if MDMR does not concur with the Corps determinations for use of a NWP in Mississippi, then the Corps will deny authorizations for the regulated activities that would affect coastal resources by the NWP within the State without prejudice. Under these "denial" situations, anyone wanting to perform such regulated activities would be required to first obtain an activity-specific CZMA consistency determination or waiver thereof from MDMR before proceeding under the NWP.

For those NWP's that MDMR concurs with the Corps' consistency determination, any associated conditions deemed necessary by MDMR to ensure that proposed activities under the NWP are consistent to the maximum extent practicable with the enforceable policies of the State of Mississippi's coastal management program will be reviewed by the Corps to assure the conditions are reasonably implementable or enforceable.

As per 33 CFR 330.4(c), if the Corps accepts MDMR's consistency conditions, the conditions will become Regional Conditions for the NWP activities which may result in a regulated work, structures, and/or discharges into waters of the U.S. in Mississippi, and the Regional Conditions will be attached to the NWP verification letter(s).

If the Corps determines that the consistency determination(s) and the associated conditions (for the NWP activities which may result in a regulated work, structures, and/or regulated discharge into waters of the U.S. in Mississippi) are not reasonably implementable or enforceable, according to 33 CFR 325.4(c), the Corps will consider the determination(s) denied without prejudice, and work may not proceed under the NWP(s) until the permittee obtains an individual CZMA consistency determination or waiver thereof.

F. NWP's NOT APPLICABLE IN MISSISSIPPI

The Vicksburg District, as Lead Corps District for Mississippi, determined that NWP 8 (Oil and Gas Structures on the Outer Continental Shelf) and NWP 24 (Indian Tribe or State Administered Section 404 Programs) are not applicable for Department of the Army permit requirements in Mississippi.

Attachment
Joint Application and Notification Form – Minimum Additional Information Requirements for NWPs, as per General Condition 32 (PCN Requirements)

- (1) The PCN must include a delineation of wetlands, other special aquatic sites (e.g. mudflats, vegetated shallows, sanctuaries, refuges), and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The applicant may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the U.S. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate.
- (2) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands, the applicant must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the applicant may submit a conceptual or detailed mitigation plan.
- (3) If any federally listed threatened or endangered species might be affected or is in the vicinity of the regulated activity, or if the regulated activity is located in designated critical habitat, for non-federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected or might utilize the designated critical habitat that may be affected by the proposed regulated activity. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act.
- (4) For a regulated activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-federal applicants the PCN must state which historic property may be affected by the proposed regulated activity or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.