

***Tippah 2 and 15***  
***STBG-0022-04(070); 101631-301000***  
***STP-2911-00(001); 105890-301000***

Corps of Engineers Nationwide 14

MDEQ Water Quality Certification

## Location Map

**TIPPAH COUNTY NEW SR 15 ALIGNMNET  
GRADING, DRAINAGE AND BRIDGING PROJECT  
MDOT FMS PROJECT 101631/301000**

Town Of Ripley

E.O.P. Station 1294+50

Existing SR 15 Alignment

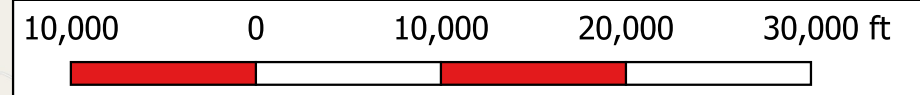
New SR 15 Alignment

Blue Mountain

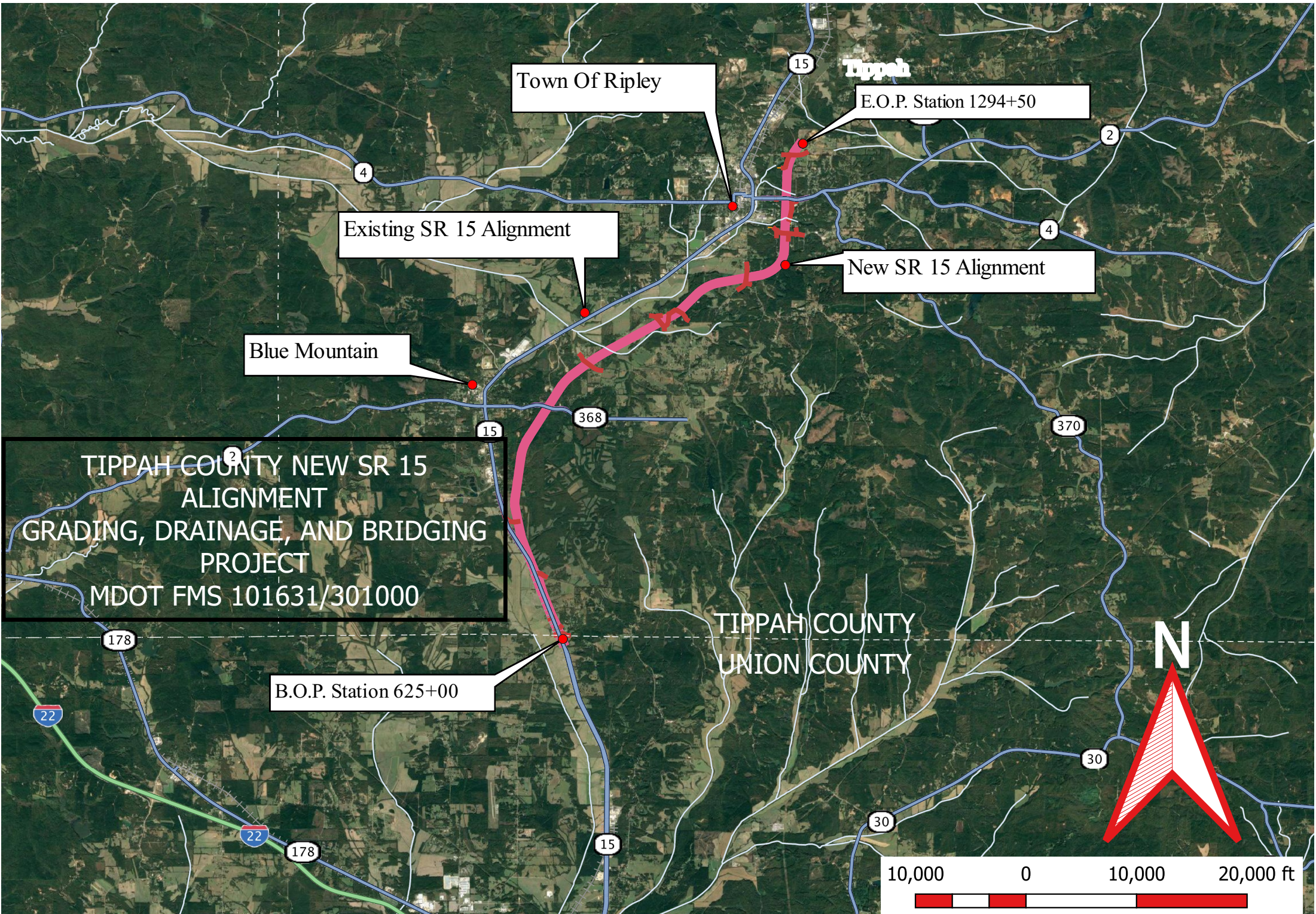
TIPPAH COUNTY

UNION COUNTY

B.O.P. Station 625+00







Town Of Ripley

E.O.P. Station 1294+50

Existing SR 15 Alignment

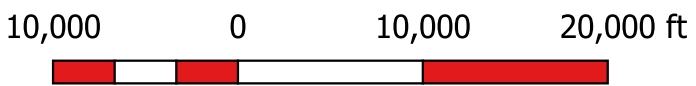
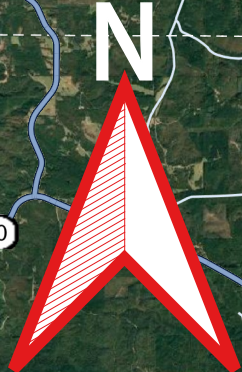
New SR 15 Alignment

Blue Mountain

TIPPAH COUNTY NEW SR 15  
ALIGNMENT  
GRADING, DRAINAGE, AND BRIDGING  
PROJECT  
MDOT FMS 101631/301000

B.O.P. Station 625+00

TIPPAH COUNTY  
UNION COUNTY





Blue Mountain, Mississippi Tippah County SR 2  
2-Lane Connector From Existing SR 15 to New SR 15 Bypass

FMS 105890/301000

B.O.P. Station 109+97 New SR 2 Connector  
Construction

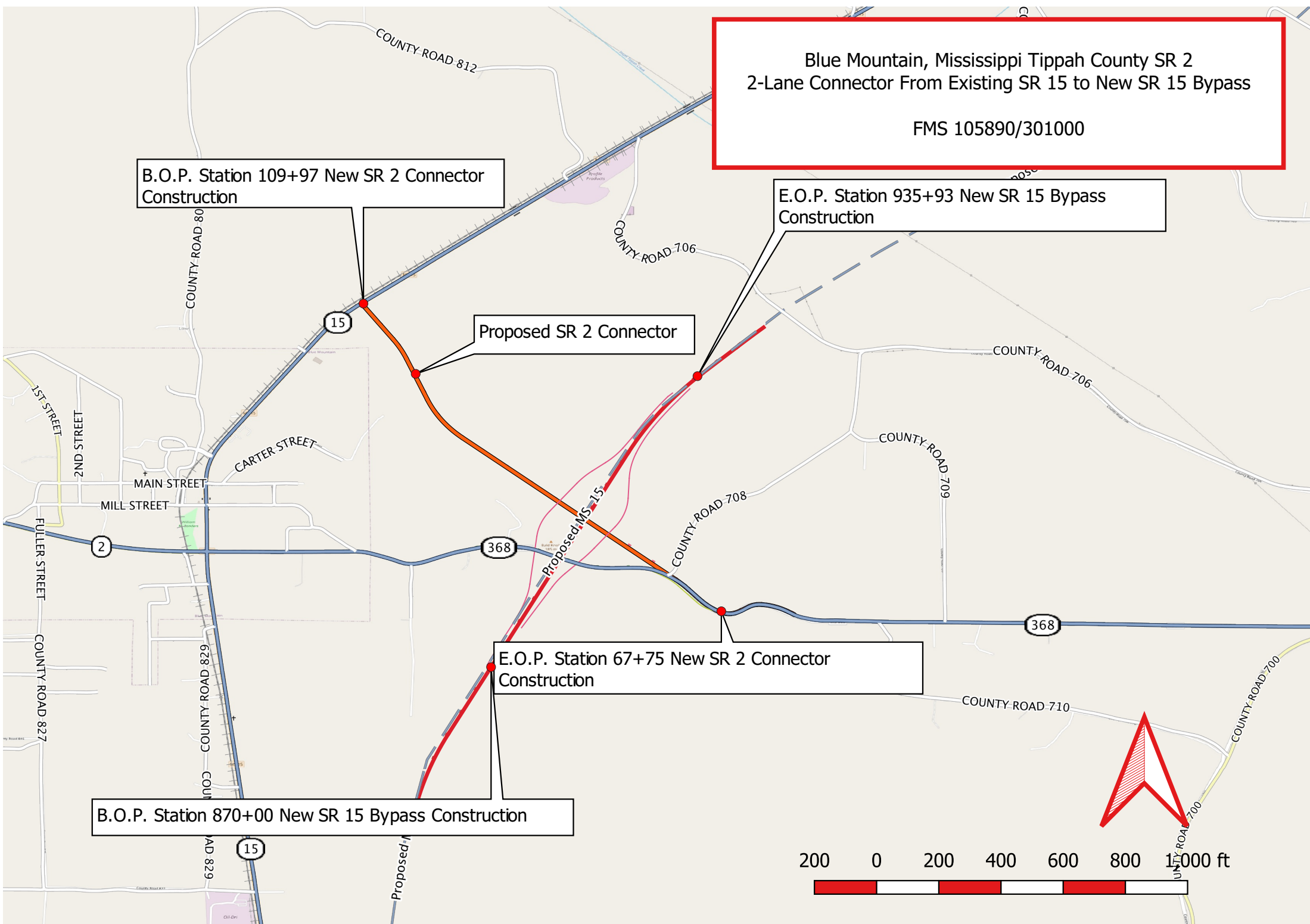
E.O.P. Station 935+93 New SR 15 Bypass  
Construction

Proposed SR 2 Connector

E.O.P. Station 67+75 New SR 2 Connector  
Construction

B.O.P. Station 870+00 New SR 15 Bypass Construction

200 0 200 400 600 800 1000 ft





Blue Mountain, Mississippi Tippah County SR 2  
2-Lane Connector From Existing SR 15 to New SR 15 Bypass

FMS 105890/301000

B.O.P. Station 109+97 New SR 2 Connector  
Construction

E.O.P. Station 935+93 New SR 15 Bypass  
Construction

Proposed SR 2 Connector

E.O.P. Station 67+75 New SR 2 Connector  
Construction

B.O.P. Station 870+00 New SR 15 Bypass Construction





## Table of Impacts

**Table 1. Wetland Summary Table**

Data Point	Wetland ID#	Site #	Latitude	Longitude	Sta.	Range-Township-Section-	Area in Vicinity (Acres)	Cowardin Classification	Impact (Acres in ROW)
DP-1	W-1	3	-----	-----	725+00	S29-T5S-R3E	6.63	PF	6.51 acres permanent fill due to road and bridge construction; 0.12 acres temporary fill under and near bridge edge; WKS 6
DP-2	W-2	4	-----	-----	785+00	S20-T5S-R3E	0.23	PF	0.23 acres permanent fill; WKS 8
DP-3	W-3	4	-----	-----	800+00	S17-T5S-R3E	0.95	PF	0.95 acres permanent fill; WKS 8
DP-4	W-4	4	-----	-----	813+00	S17-T5S-R3E	1.92	PF	1.92 acres permanent fill; WKS 9
DP-5	W-5	5	-----	-----	833+50	S17-T5S-R3E	1.27	PF	1.06 acres permanent fill; 0.21 acres temporary fill; WKS 10
DP-6	W-6	5	-----	-----	849+50	S17-T5S-R3E	1.08	PF	0.97 acres permanent fill; 0.11 acres temporary fill; WKS 10
DP-7	W-7	7	-----	-----	936+00	S5-T5S-R3E	0.73	PF	0.73 acres permanent fill; WKS 13
DP-7	W-7A	7A			948+00	S5-T5S-R3E	0.20	PF	0.20 acres permanent fill; WKS 13
DP-8	W-8	7	-----	-----	952+00	S4-T5S-R3E	1.34	PF	1.19 acres permanent fill; 0.15 acres temporary fill; WKS 14
DP-9	W-9	8	-----	-----	971+75	S4-T5S-R3E	0.49	PF	0.47 acres permanent fill; 0.02 acres temporary fill; WKS 14
DP-10	W-10	8	-----	-----	977+50	S4-T5S-R3E	0.63	PF	0.63 acres temporary fill due to bridge construction and haul roads; WKS 14
DP-11	W-11	13	-----	-----	1203+50	S24-T4S-R3E	0.48	PF	0.48 acres permanent fill; WKS 22
DP-12	W-12	13	-----	-----	1209+00	S24-T4S-R3E	0.32	PEM	0.32 acres permanent fill; WKS 22
DP-13	W-13	13	-----	-----	1240+00	S13-T4S-R3E	3.07	PF	3.07 acres permanent fill; WKS 23

DP- Data point- collection point for sampling data for wetland assessment

W- Wetland- areas described as wetlands; PF- Palustrine Forested; PEM- Palustrine Emergent; PSS- Palustrine Shrub-Scrub

Station Numbers are approximate

<b>Wetland Summary:</b>	<b>Area</b>	<b>Temporary Fill</b>	<b>Permanent Fill</b>
<b>Total</b>	<b>19.34 acres</b>	<b>1.24 acres</b>	<b>18.10 acres</b>
<b>Emergent:</b>	0.32 acres	0.00 acres	0.32 acres
<b>Shrub-Scrub:</b>	0.00 acres	0.00 acres	0.00 acres
<b>Forested:</b>	19.02 acres	1.24 acres	17.78 acres



Table 2. Channel Assessment Table

CA#	Site #		Longitude	Sta.*	Section-Township-Range	Type	Length in Project Area (feet)**	Channel Width (feet)	Name	Impact Length (feet)
1	1	34.59940	-89.00442	636+00	S32-T5S-R3E	DD	730	2		
2	1	34.60108	-89.00507	642+75	S32-T5S-R3E	DD	890	1		
3	1	34.60303	-89.00582	650+25	S32-T5S-R3E	DD	810	2		
4	1	34.60527	-89.00670	658+30	S32-T5S-R3E	E	930	1		168 Lin ft of Piping/Culvert
5	1	34.60780	-89.00785	668+20	S32-T5S-R3E	E	940	3		200 Lin ft Culvert
6	2	34.61280	-89.00970	688+00	S32-T5S-R3E	I	2050	5		220 Lin ft Culvert
7	2	34.61658	-89.01118	703+00	S29-T5S-R3E	DD	760	2		
8	2	34.61798	-89.01178	707+00	S29-T5S-R3E	I	1400	4		204 Lin ft Culvert 20 ft Rip-rap
9	3	34.62205	-89.01347	725+30R	S29-T5S-R3E	P	520	5		
10	2, 3	34.62175	-89.01353	725+00	S29-T5S-R3E	P	4720	60	Guyton Creek	700 Lin ft Fill and relocate. 972 Lin ft New channel with Rip-rap
11	4	34.63858	-89.01747	785+00	S20-T5S-R3E	NEC	780	4		
12	4	34.64277	-89.01697	800+00	S17-T5S-R3E	NEC	1020	3		
13	4	34.64600	-89.01605	814+00	S17-T5S-R3E	P	1020	12	Guyton Creek	360 Lin ft Culvert 20Lin ft Rip-rap
14	5	34.65140	-89.01462	833+00	S17-T5S-R3E	WD	1160	5		
15	5	34.65665	-89.01452	850+00	S17-T5S-R3E	PD	580	3		
16	6	34.66388	-89.01028	880+00L	S8-T5S-R3E	PD	640	3		
17	6	34.66470	-89.00905	885+00R	S8-T5S-R3E	E	830	1		830 Lin ft Fill channel and relocate
18	6, 7	34.67113	-89.00650	910+00L	S5-T5S-R3E	PD	1120	4		
19	7	34.67205	-89.00442	915+00	S5-T5S-R3E	E	1120	3		900 Lin ft Fill channel and relocate
20	7	34.67485	-89.00217	925+00	S5-T5S-R3E	E	1240	2		1000 Lin ft Fill channel and relocate

21	7	34.68025	-88.99568	955+00	S4-T5S-R3E	DD	540	2		
22	7	34.67973	-88.99622	952+00R	S4-T5S-R3E	DD	990	3		
23	8	34.68213	-88.99263	966+00	S4-T5S-R3E	PD	590	2		
24	8	34.68512	-88.99153	976+60	S4-T5S-R3E	P	1000	15		80 Lin ft Fill channel and relocate. 385 Lin ft Channel Armoring
25	8	34.68480	-88.99157	975+75	S4-T5S-R3E	NEC	340	6		
26	8	34.68483	-88.99127	979+75	S4-T5S-R3E	NEC	1010	3		
27	9	34.68920	-88.98023	1010+00	S34-T4S-R3E	NEC	1120	2		
28	9	34.69023	-88.97772	1020+30	S34-T4S-R3E	NEC	970	3		
29	10	34.69818	-88.96828	1061+50	S34-T4S-R3E	I	1030	4		360 Lin ft Piping/Culvert
30	11	34.70587	-88.94820	1128+50	S25-T4S-R3E	P	1660	4	South Tippah Cr.	790 Lin ft Fill channel and relocate.
31	11,12	34.70630	-88.94805	1130+00L	S25-T4S-R3E	P	4610	6	South Tippah Cr.	600 Lin ft Piping/Culvert 75 Lin ft Rip-rap
32	11,12	34.70713	-88.94405	1143+00	S25-T4S-R3E	P	1790	6	South Tippah Cr.	500 Lin ft Fill and relocate 100 Lin ft Rip-rap
33	11	34.70275	-88.94995	1122+00	S26-T4S-R3E	P	770	8		288 Lin ft Piping
34	13	34.72417	-88.93570	1212+50R	S24-T4S-R3E	PR	420	10		
35	13	34.72352	-88.93507	1212+00	S24-T4S-R3E	P	880	10		314 Lin ft Culvert 200 Lin ft Fill and relocate.. 150 Lin ft Rip-rap
36	13	34.72780	-88.93563	1227+50	S24-T4S-R3E	PD	220	2		
37	13	34.73165	-88.93610	1241+00	S13-T4S-R3E	P	1480	5		363 Lin ft Culvert 200 Lin ft Fill and relocate
38	13	34.73228	-88.93600	1243+00	S13-T4S-R3E	I	690	3		288 Lin ft Piping
39	14	34.73437	-88.93587	1250+00	S13-T4S-R3E	I	970	8		254 Lin ft Culvert
40	14	34.73425	-88.93575	1251+00	S13-T4S-R3E	I	660	1		
41	14	34.73687	-88.93610	1259+00	S13-T4S-R3E	I	380	2		
42	14	34.73823	-88.93512	1265+00	S13-T4S-R3E	NEC	570	2		
43	14	34.74008	-88.93560	1271+50	S13-T4S-R3E	I	860	6		452 Lin ft Piping



44	14	34.74070	-88.93645	1273+00L	S13-T4S-R3E	NEC	590	4		
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Type:

P-Perennial

I-Intermittent

E-Ephemeral

OHWM-Ordinary High Water Mark



Areas in "Red" indicate Man-Made Ditches

\*Station numbers (Sta.) are approximate

\*\*\* Approximate lengths within the vicinity of the proposed project are not impact lengths.

CA Summary	Total In Project Area (ft)	New Bridge Width Shade/ Clear (ft)	Temporary Bridge Width Shade/ clear (ft)	Culvert/ Pipe (ft)	Rip-Rap/ Armor (ft)	Relocate and Fill (ft)	New Channel with rip- rap (ft)
Perennial:	17,930	0	0	1,925	730	2,470	972
Intermittent:	4,950	0	0	1,778	20	0	0
Ephemeral:	5,060	0	0	368	0	2,730	0
<b>Total (P.I.E.)</b>	<b>27,940</b>	<b>0</b>	<b>0</b>	<b>4,071</b>	<b>750</b>	<b>5,200</b>	<b>972</b>

**Table 1.** Data Point Summary Table

Data Point	Wetland ID#	Site # OR Worksheet #	Latitude*	Longitude*	Approximate Station Number	Section-Township-Range	Area from ROW to ROW (Acres)	Cowardin Classification	Impact
DP-1		1	34.680397011	-89.017643878	10+00	5-5S-3E		Upland	
DP-2		1	34.679751921	-89.017382994	14+00	5-5S-3E		Upland	
DP-2U		1	34.679755000	-89.017455000	14+00	5-5S-3E		Upland	
DP-3		1	34.679039156	-89.017353673	16+16	5-5S-3E		Upland	
DP-4		1	34.679030142	-89.016994336	16+82	5-5S-3E		Upland	
DP-5		1	34.678754069	-89.016535137	18+45	5-5S-3E		Upland	
DP-6		1	34.678387370	-89.016482784	19+63	5-5S-3E		Upland	
DP-7		1	34.678013240	-89.016258512	21+19	5-5S-3E		Upland	
DP-8	W-1	2, 4	34.670564487	-89.008830946	156+80	5-5S-3E	0.23	PEM	0.12 acres of permanent fill; 0.11 acres temporary fill; WKS 7
DP-9		2, 4	34.670519173	-89.008938806	56+96	5-5S-3E		Upland	
DP-10	W-2	2, 3, 4	34.670141931	-89.007777955	160+39	5-5S-3E	0.01	PEM	0.01 acre of permanent fill from roadway; WKS 8
DP-11		2, 3, 4	34.670078920	-89.007703987	60+72	5-5S-3E		Upland	
DP-12	W-3	4	34.673885870	-89.004502078	921+71	5-5S-3E	0.25	PFO	0.01 acres of permanent fill; 0.04 acres temporary fill; WKS 4E
DP-13		4	34.673884	-89.004561	921+71	5-5S-3E		Upland	

DP- Data point- collection point for sampling data for wetland assessment

W- Wetland- areas described as wetlands








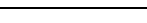


PFO- Palustrine Forested

PEM- Palustrine Emergent

Station Numbers are approximate

<b>Wetland Summary:</b>	<b>3 Total Present (acres)</b>	<b>Permanent Fill (acres)</b>	<b>Temporary Fill (acres)</b>
Forested	0.25	0.01	0.04
Emergent	0.24	0.13	0.11
<b>Total</b>	<b>0.49</b>	<b>0.14</b>	<b>0.15</b>

**Table 2. Other Waters Assessment Table**

CA #	Site #/ OR Worksheet #	Latitude*	Longitude*	Section- Township- Range	Sta.	Type	Length in Project Area (feet)	Channel Width (feet)	Name	Impact
1	1	34.680122	-89.017789	5-5S-3E	10+55 to 14+43	I	480	N/A	N/A	480 ft – fill
2	1	34.679391	-89.017205	5-5S-3E	14+51 to 15+90	P	414	11	Brougher Creek	45 ft – shade, new bridge
3	1	34.678571	-89.016475	5-5S-3E	19+00	I	301	7	N/A	192 ft – fill
4	1, 2	34.676267	-89.014870	5-5S-3E	28+00 to 29+74	I	479	4	N/A	232 ft – fill
5	2	34.674463	-89.013810	5-5S-3E	35+00 to 36+74	E	262	N/A	N/A	
6	2	34.673379	-89.012814	5-5S-3E	40+73 to 43+49	E	551	N/A	N/A	
7	2	34.673028	-89.012270	5-5S-3E	42+52 to 43+41	E	186	N/A	N/A	
8	2	34.672101	-89.010899	5-5S-3E	48+58	E	564	N/A	N/A	
9	2	34.671604	-89.010282	5-5S-3E	50+26 to 51+23	E	385	N/A	N/A	
10	2	34.671498	-89.010010	5-5S-3E	48+75 to 53+67	E	683	N/A	N/A	
11	2, 3, 4	34.670562	-89.007646	5,8-5S-3E	58+13 to 60+26	E	570	N/A	N/A	
12	2, 3, 4	34.671252	-89.006654	5,8-5S-3E	909+35 to 911+32	E	502	N/A	N/A	
13	4	34.672287	-89.005728	5-5S-3E	912+89 to 915+91	E	540	N/A	N/A	
14	4	34.673005	-89.002523	5-5S-3E	916+83 to 921+34	E	531	N/A	N/A	

CA- Channel Assessment- Channel Assessment point location

Type:

P-Perennial

I-Intermittent

E-Ephemeral

Station numbers (Sta.) are approximate

CA Summary:	Total Present (ft)	New Bridge Width Shade/Clear (ft)	Temporary Bridge Width Shade/Clear (ft)	Culvert/Pipe (ft)	Rip-Rap/Armor (ft)	Relocate and Fill (ft)	New Channel with Rip-Rap (ft)
Perennial	45	45	0	0	0	0	0
Intermittent	904	0	0	0	0	904	0
Ephemeral	0	0	0	0	0	0	0
<b>Total (P.I.E.)</b>	<b>949</b>	<b>45</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>904</b>	<b>0</b>

Note: ECD-17 will not be considered during construction.



## GENERAL INDEX

INCLUDED THIS PROJECT	BEGIN WITH SHEET
<input checked="" type="checkbox"/> ROADWAY .....	1
<input checked="" 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 checked="" type="checkbox"/> ROADWAY STANDARD DWGS .....	6001
<input checked="" type="checkbox"/> BOX CULVERT STD. DRAWINGS (LRFD) .....	7001
<input checked="" type="checkbox"/> BOX CULVERT STD. DRAWINGS (STD. SPEC.) .....	7501
<input checked="" type="checkbox"/> BRIDGE .....	8001
<input checked="" type="checkbox"/> CROSS SECTIONS .....	9001

STATE OF MISSISSIPPI  
MISSISSIPPI DEPARTMENT OF TRANSPORTATION

PLAN AND PROFILE OF PROPOSED  
STATE HIGHWAY  
FEDERAL AID PROJECT NO. STP-2911-00(001)

SR 2 NEW CONSTRUCTION FROM EXISTING SR 15  
TO THE SR 15 BYPASS  
TIPPAH COUNTY

FMS CON. NO. 105890/ 301000

PLAN 1 IN. = 100 FT.  
PROFILE { HOR. 1 IN. = 100 FT.  
VERT. 1 IN. = 10 FT.  
LAYOUT 1 IN. = 2000 FT.



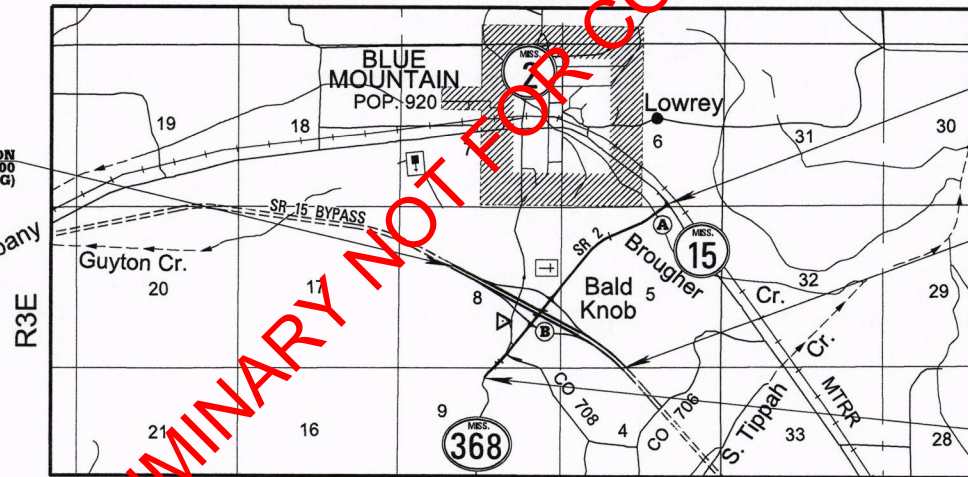
## BRIDGE STRUCTURES REQ'D.

- (A) STA. 114+62.75 - STA. 115+90.25  
1@125' (30' L.T. SKEW)  
(B) STA. 165+14.18 - STA. 167+66.34  
2@126.08' (11' RT. SKEW)

BOX BRIDGES REQ'D.  
NONE

BEGIN CONSTRUCTION  
870+00  
(SR-15 STATIONING)

To  
New Albany



BEGIN PROJECT  
108+97  
(SR-2 STATIONING)

END CONSTRUCTION  
935+93  
(SR-15 STATIONING)

END PROJECT  
67+75  
(SR-2 STATIONING)

## CONVENTIONAL SYMBOLS

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

## EQUATIONS

$$STA. 187+79.431 BK = STA. 60+92.606 AH$$

## LENGTH DATA

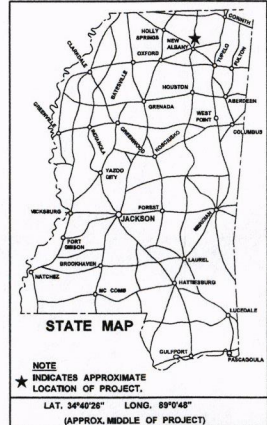
LENGTH OF ROADWAY - SR 2	8454 FT.	1.601 MI.
LENGTH OF BRIDGES	365 FT.	0.689 MI.
LENGTH OF PROJECT (NET)	0 FT.	1.719 MI.
LENGTH OF EXCEPTIONS	0 FT.	0 MI.

## EXCEPTIONS

NONE

PRELIMINARY  
NOT FOR  
CONSTRUCTION

STATE	PROJECT NUMBER	SHEET NO.
MISSISSIPPI	STP-2911-00(001)	1



DESIGN CONTROL	55 MPH = V (SPEED DESIGN)
ADT (2012) = 2,500; ADT (2032) = 3,100	
DHW = 370; D = 55%; T = 8%	

PERMITS ACQUIRED BY MDOT	
WETLANDS AND WATERS PERMITS	
NATIONWIDE #14	<input type="checkbox"/> WATERS <input type="checkbox"/> WETLANDS
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 <input type="checkbox"/>	
Y REQUIRED: CNR SUBMITTED BY MDOT	
(DISTURBED AREA > 1 ACRE)	
S REQUIRED: SCHWTO BE SUBMITTED BY	
CONTRACTOR (1 TO 4.99 ACRES)	
N NO STORMWATER PERMIT REQUIRED (< 1 ACRE)	
APPROVED BY:	

P S & E DATE:

APPROVED:

DEPUTY EXECUTIVE DIRECTOR / CHIEF ENGINEER

EXECUTIVE DIRECTOR

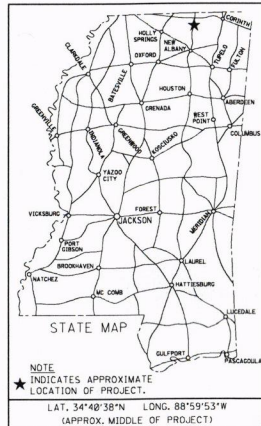


STP-2911-00(001) TIPPAH COUNTY

# Roadway and Bridge Plans



FED. ROAD REG. NO.	STATE	PROJECT NO.	SHEET NO.
4	MISS.	STP-0022-04(035)	1



<b>DESIGN CONTROL</b>	
65 MPH = V (SPEED DESIGN)	
ADT (2018) = 7600 ; ADT (2038) = 9300	
DIV = 1000 ; D = 60 % ; T = 10 %	
<b>PERMITS ACQUIRED BY MDT</b>	
WETLANDS AND WATERS PERMITS	
NATIONWIDE #14	<input checked="" type="checkbox"/> N <input checked="" type="checkbox"/> W
NATIONWIDE (OTHER)*	<input checked="" type="checkbox"/> N <input checked="" type="checkbox"/> W
GENERAL*	<input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> Y
INDIVIDUAL (404)*	<input checked="" type="checkbox"/> N <input checked="" type="checkbox"/> N
<b>STORMWATER PERMIT</b>	
Y	<input checked="" type="checkbox"/> REQUIRED CULVERTED BY 10/01 (UNBUILT AREA = 5 ACRES)
S	<input checked="" type="checkbox"/> REQUIRED SCUM TO BE SUBMITTED BY CONTRACTOR 10/01 (4.5 ACRES)
N	<input checked="" type="checkbox"/> NO STORMWATER PERMIT REQUIRED (<1 ACRE)
APPROVED BY:	

## GENERAL INDEX

INCLUDED THIS PROJECT	BEGIN WITH SHEET
<input checked="" type="checkbox"/> ROADWAY .....	1
<input checked="" 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 checked="" type="checkbox"/> ROADWAY STANDARD DWGS ..	6001
<input checked="" type="checkbox"/> BRIDGE STANDARD DWGS .....	7001
<input checked="" type="checkbox"/> BRIDGE .....	8001
<input checked="" type="checkbox"/> CROSS SECTIONS .....	9001

## STATE OF MISSISSIPPI

## MISSISSIPPI DEPARTMENT OF TRANSPORTATION

# PLAN AND PROFILE OF PROPOSED STATE HIGHWAY FEDERAL AID PROJECT NO. STP-0022-04(035)

SR 15 FROM THE UNION COUNTY LINE TO

1 MILE NORTH OF SR 4 AT RIPLEY

TIPPAH COUNTY

FMS CON 101631 /301000

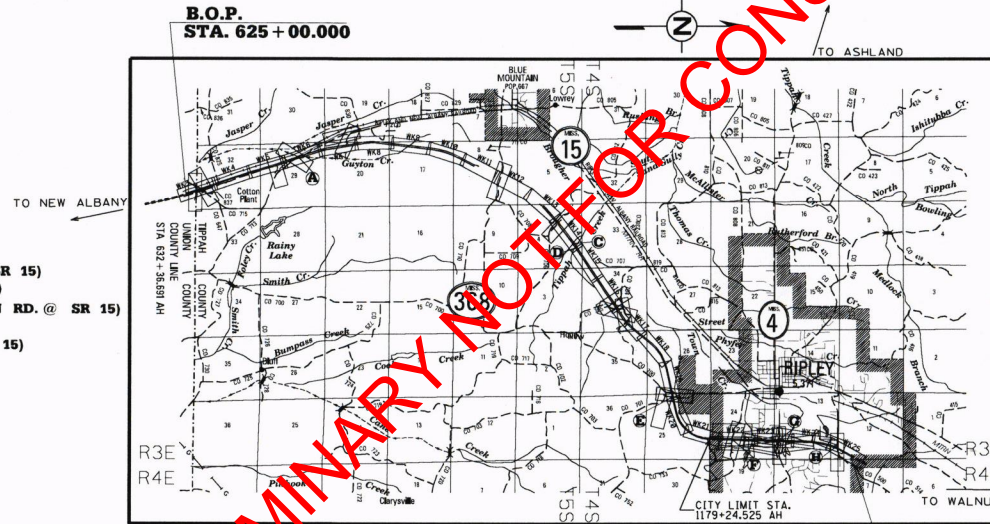
## EXISTING BRIDGE STRUCTURE TO BE REMOVED

CR700 STA. 41+34.109 - STA. 42+10.115  
PRECAST CONCRETE, 4 SPANS @ 19', STEEL PILES (4 PER BENT)

## BRIDGE STRUCTURES REQ'D.

- (A) STA. 721+51.830 - STA. 724+15.010 (LT. LN.)  
2@80', 1@100' (45' RT. FWD SKEW)  
STA. 723+39.530 - STA. 726+02.710 (RT. LN.)  
2@80', 1@100' (45' RT. FWD SKEW)
- (B) NOT USED
- (C) STA. 975+39.460 - STA. 977+40.540 (LT. LN.)  
5@40' (15' RT. FWD SKEW)  
STA. 975+71.910 - STA. 977+74.090 (RT. LN.)  
5@40' (15' RT. FWD SKEW)
- (D) STA. 978+82.290 - STA. 980+03.710 (LT. LN.)  
3@40' (25' RT FWD SKEW)  
STA. 979+39.960 - STA. 980+61.930 (RT. LN.)  
3@40' (25' RT FWD SKEW)
- (E) STA. 38+18.820 - STA. 43+48.180 (CR 700 @ SR 15)  
1@85', 1@95', 1@107', 2@120' (17' RT FWD SKEW)
- (F) STA. 10+23.520 - STA. 13+53.860 (COTTON GIN RD. @ SR 15)  
2@75', 2@89' (3' RT FWD SKEW)
- (G) STA. 29+05.010 - STA. 32+79.360 (SR 4 @ SR 15)  
1@62', 1@94', 2@108' (8' RT FWD SKEW)
- (H) STA. 1280+16.690 - STA. 1282+46.340 (LT. LN.)  
1@70', 1@96', 1@63' (21' RT FWD SKEW)  
STA. 1280+49.180 - STA. 1282+82.390 (RT. LN.)  
1@70', 1@96', 1@63' (21' RT FWD SKEW)

<b>SCALES</b>	
PLAN	1 IN. = 100 FT.
PROFILE {	
HOR.	1 IN. = 100 FT.
VERT.	1 IN. = 10 FT.
LAYOUT	1 IN. = 5000 FT.



## ACCESS CONTROL

## NOTES:

- Access to and exit from this highway will be permitted only through interchange or such other points as may be established by public authority and as shown on the plans.
- This note applies to the following station limits: STA. 735+00.00 to STA. 1054+47.00  
This project is declared by the Transportation Commission to be Type 2B Controlled Access Facility, as defined in and subject to all restrictions shown by order of said Commission dated 11 day of March, 2008 in minute book 13, pages 76 and 77 and authorized under section 65-1-10(I)MCA (1972, as amended).
- This note applies to the following station limits: STA. 1054+47.00 to STA. 1282+00.00  
This project is declared by the Transportation Commission to be Type 1 Controlled Access Facility, as defined in and subject to all restrictions shown by order of said Commission dated 11 day of March, 2008 in minute book 13, pages 76 and 77 and authorized under section 65-1-10(I)MCA (1972, as amended).

(FOR BRIDGES A, E, G &amp; WALLS ONLY)

(FOR BRIDGES C, D, F &amp; H ONLY)

## CONVENTIONAL SYMBOLS

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

## EQUATIONS

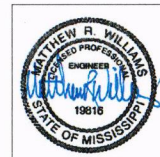
LEFT LANE 639+45.662 BK=639+60.662 AH (-15.000')  
RIGHT LANE 632+26.056 BK=632+36.691 AH (-10.635')  
MEDIAN 1181+35.248 BK=1179+24.525 AH (+210.723')

## EXCEPTIONS

STA. 870+00.00 - STA. 935+93.00

## LENGTH DATA

LENGTH OF ROADWAY	66334.758 FT.	12.563 MI.
LENGTH OF BRIDGES	815.330 FT.	0.154 MI.
LENGTH OF PROJECT (NET)	67150.088 FT.	12.717 MI.
LENGTH OF EXCEPTIONS	6593.000 FT.	1.249 MI.
LENGTH OF PROJECT (GROSS)	61361.108 FT.	11.468 MI.



STP-0022-04(035)

TIPPAH COUNTY



**SPECIAL CONDITIONS**  
**NATIONWIDE PERMIT No. 14**

Linear Transportation Projects

Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, 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. 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.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge of dredged or fill material in a special aquatic site, including wetlands. (See general condition 32.)

(Authorities: Sections 10 and 404)

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges of dredged or fill material for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include 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 that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

## **2021 Nationwide Permits General Conditions, District Engineer's Decision and Further Information**

### **2021 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 or her 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 NWP 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 Structures and Fills. Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. 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. Permittees 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 activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

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 designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which “may affect” a listed species or critical

habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding “activities that are reasonably certain to occur” and “consequences caused by the proposed action.”

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). 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 species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, 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 species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) 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. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) 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 species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference 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 or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWP.

(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 that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects 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) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places 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 (see 33 CFR 330.4(g)(1)). 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 commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or 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.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has 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. 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. Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they 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, 52, 57 and 58 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 by permittees in the designated critical resource waters including wetlands adjacent to

those waters. The district engineer may authorize activities under these NWP's only after she or he determines 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) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-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. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-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. 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. If restoring riparian areas

involves planting vegetation, only native species should be planted. 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 NWP, 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)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal

agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(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 or federal, 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. (a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority 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)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. 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 CWA 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 authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot 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.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 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.”

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(Transferee)

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(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 review by, or 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 and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review 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. 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) (i) 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.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, 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 (including those single and complete crossings authorized by an NWP but do not require PCNs).



This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.

(iii) 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 and intermittent 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 or 3/100-acre of stream bed 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 species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) 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 NWP activity that requires permission from, or review by, 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, or review by, the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification:* The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. 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 NWPs 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 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 (iii) 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 NWPs, including the need for mitigation to ensure that 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.

## **2021 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 single and complete crossings of waters of the United States that require PCNs 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 of waters of the United States authorized by an NWP. If an applicant requests a waiver of an applicable limit, as provided for in NWPs 13, 36, 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.

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 an 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 or 3/100-acre of stream bed, 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. 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 that 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), 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.

## **2021 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

TATE REEVES  
Governor

## MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

October 12, 2021

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

Re: US Army Corps of Engineers  
Nationwide Permit No. 14  
WQC No. WQC2021041

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 Permits:

Nationwide Permits (NWP) 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 NWPs 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.

14. *Linear Transportation Projects.* Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum

necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, 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. 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.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge of dredged or fill material in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)

**Note 1:** For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

**Note 2:** Some discharges of dredged or fill material for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

**Note 3:** For NWP 14 activities that require pre-construction notification, the PCN must include 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 that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than

minimal individual and cumulative adverse environmental effects (see general condition 23). [NWP No. 14, WQC2021041].

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. In cases where a pre-construction notification (PCN) is required, a PCN shall be provided to the Department of Environmental Quality (Department) for projects that include channel work within waterways found on the latest version of the State of Mississippi's Section 303(d) List of Impaired Water Bodies for sediment or biological impairment or waterways with a completed Total Maximum Daily Load (TMDL) for sediment or biological impairment. This notification shall include the following:
  - a. Justification of why the impacts cannot be avoided;
  - b. Proposed best management practices that would minimize the impacts to receiving sensitive waters; and
  - c. Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin. (11 Miss. Admin. Code Pt. 6, R. 1.3.4.A(3)) (Statements A, B, & C)
2. In cases where a PCN is required to the U.S. Army Corps of Engineers, a PCN shall be provided to the Department for projects associated with hydrofacking activities for oil and gas exploration. Unless verification is provided that the proposed activities have been previously reviewed and approved through a master planning process, the Department shall be allowed 10 days to provide comments for the proposed activities. For activities not previously included in an approved master planning process, the PCN notification to the Department shall include the following:
  - a. Impacts resulting from authorizations for oil and gas exploration shall be minimized to the maximum extent practicable;
  - b. A mitigation plan for unavoidable impacts shall be provided and should be within the same watershed as practicable;
  - c. All fill shall be removed in the event that projection is not achieved; and



- d. A plan for restoring the sites in the event production is not achieved. (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B., 11 Miss. Admin. Code Pt. 6, R. 1.3.4.A) (Statements A, B, C, & D)
3. Discharges of cuttings, drilling mud, hydrostatic testing water, or any other waste material are prohibited unless approved in writing or permitted by the Department. (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.,) (Statement A)
4. This NWP shall not apply to natural tidal waters for personal transportation. (11 Miss. Admin. Code Pt. 6, R. 1.3.4.A.(4)) (Statement A & E)
5. The permittee shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of construction activities. (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.) (Statement D)
6. 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. (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.) (Statement D & F)
7. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units. (11 Miss. Admin. Code Pt. 6, R. 2.2.A.) (Statement A)
8. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse. (11 Miss. Admin. Code Pt. 6, R. 2.2.A.(3)) (Statement A)
9. The Department shall be furnished copies of authorizations of coverages under this NWP. (11 Miss. Admin. Code Pt. 6, R. 1.3.4.A.) (Statement B)

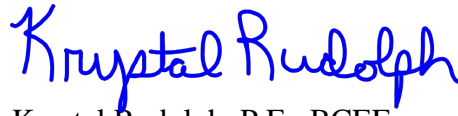
As part of the Scope of Review for Application Decisions, 11 Mississippi Administrative Code Part 6, Rule 1.3.4(B), the above conditions are necessary for the Department to ensure that appropriate measures will be taken to eliminate unreasonable degradation and irreparable harm to waters of the State, such that the activity will not meet the criteria for denial:

- (A) The proposed activity permanently alters the aquatic ecosystem such that water quality criteria are violated and/or it no longer supports its existing or classified uses. An example is the channelization of streams
- (B) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.
- (C) The proposed activity results in significant environmental impacts which may adversely impact water quality.
- (D) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.
- (E) The proposed activity adversely impacts a special or unique aquatic habitat, such as National or State Wild and Scenic Rivers and/or State Outstanding Resource Waters.
- (F) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.

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 you have any questions, please contact the Department.

Sincerely,



Krystal Rudolph, P.E., BCEE  
Chief, Environmental Permits Division

KR: ld

cc: U.S. Army Corps of Engineers, Mobile District  
U.S. Army Corps of Engineers, Memphis District  
U.S. Army Corps of Engineers, Nashville District  
U.S. Army Corps of Engineers, New Orleans District  
Mississippi Department of Marine Resources  
U.S. Fish and Wildlife Service  
U.S. Environmental Protection Agency, Region 4