

Appendix B – List of Plants and Animals

Page intentionally blank

FLORA

(Actual)

TREES

COMMON NAME	SCIENTIFIC NAME
Shortleaf Pine	<i>Pinus echinata</i>
Loblolly Pine	<i>Pinus taeda</i>
Southern Red Oak	<i>Quercus falcata</i>
Pecan	<i>Carya illinoensis</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Willow Oak	<i>Quercus phellos</i>
Cherrybark Oak	<i>Quercus falcata</i> var. <i>pagodaefolia</i>
Sugarberry (Hackberry)	<i>Celtis laevigata</i>
Shagbark Hickory	<i>Carya ovata</i>
Common Persimmon	<i>Diospyros virginiana</i>
Honey Locust/Water locust	<i>Gleditsia</i> spp.
Sweet Pecan	<i>Carya illinoensis</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Sycamore	<i>Platanus occidentalis</i>
Swamp Chestnut (Cow) Oak	<i>Quercus michauxii</i>
Red Maple	<i>Acer rubrum</i>
American Elm	<i>Ulmus americana</i>
Winged Elm	<i>Ulmus alata</i>
Bald Cypress	<i>Taxodium distichum</i>
Black Willow	<i>Salix nigra</i>
Mimosa	<i>Albizia julibrissin</i>
Hickory	<i>Carya</i> spp.
White Oak	<i>Quercus alba</i>
Water Oak	<i>Quercus nigra</i>
Black Cherry	<i>Prunus serotina</i>
Blackjack Oak	<i>Quercus marilandica</i>
Bloodleaf Japanese Maple (ornamental)	<i>Acer palmatum</i>
Durand Oak	<i>Quercus durandii</i>
Eastern Redbud	<i>Cercis canadensis</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Black Gum	<i>Nyssa sylvatica</i>
Paw Paw	<i>Asimina triloba</i>
Red Mulberry	<i>Morus rubra</i>
Nuttall Oak	<i>Quercus shumardii</i>
Cottonwood	<i>Populus deltoides</i>
Post Oak	<i>Quercus stellata</i>
Overcup Oak	<i>Quercus lyrata</i>
Flowering Dogwood	<i>Cornus florida</i>
Chinese Tallow Tree	<i>Sapium sebiferum</i>
Bradford Pear	<i>Pyrus calleryana</i>
Osage Orange	<i>Maclura pomifera</i>
Box Elder	<i>Acer negundo</i>
Yellow Poplar	<i>Liriodendron tulipifera</i>

SHRUBS	
COMMON NAME	SCIENTIFIC NAME
St. John's Wort	<i>Hypericum spp.</i>
American Elder (Elderberry)	<i>Sambucus canadensis</i>
French Mulberry	<i>Callicarpa americana</i>
Huckleberry	<i>Vaccinium spp.</i>
Cherokee Rose	<i>Rosa laevigata</i>
American Holly	<i>Ilex opaca</i>
Wild Plum	<i>Prunus spp.</i>
Swamp Privet	<i>Forestiera acuminata</i>
Button Bush	<i>Cephalanthus occidentalis</i>
Possumhaw (Deciduous Holly)	<i>Ilex decidua</i>
Chinese Privet	<i>Ligustrum sinense</i>
Eastern Baccharis	<i>Baccharis halimifolia</i>

VINES	
COMMON NAME	SCIENTIFIC NAME
Japanese Honeysuckle	<i>Lonicera japonica</i>
Rattan/Alabama Supplejack	<i>Berchemia scandens</i>
Greenbriar	<i>Smilax rotundifolia</i>
Cross Vine	<i>Anisostichus capreolata</i>
Virginia Creeper	<i>Parthenocissus quinquefolia</i>
Poison Ivy	<i>Rhus radicans</i>
Common Greenbriar	<i>Smilax spp.</i>
Dewberry/Blackberry	<i>Rubus spp.</i>
Muscadine	<i>Vitis rotundifolia</i>

HERBACEOUS VEGETATION	
COMMON NAME	SCIENTIFIC NAME
Curly Dock	<i>Rumex crispus</i>
Cypress Weed (Dog Fennel)	<i>Eupatorium capillifolium</i>
Aster	<i>Aster spp.</i>
Pokeweed (Poke Salat)	<i>Phytolacca americana</i>
Partridge Pea	<i>Cassia fasciculata</i>
Goldenrod	<i>Solidago spp.</i>
Beggarweed	<i>Desmodium spp.</i>
Cocklebur	<i>Xanthium strumarium</i>
Wild Lettuce	<i>Lactuca spp.</i>
Coreopsis	<i>Coreopsis spp.</i>
Violet	<i>Viola spp.</i>
Brazilian Vervain	<i>Verbena brasiliensis</i>
Wild-buckwheat	<i>Eriogonum tomentosum</i>
Club Moss	<i>Lycopodium spp.</i>
Stink Weed	<i>Pluchea foetida</i>
Heliotrope	<i>Heliotropium indicum</i>
Morning Glory	<i>Ipomoea spp.</i>
Pigweed	<i>Amaranthus spp.</i>
Ground Cherry	<i>Physalis spp.</i>

HERBACEOUS VEGETATION Continued	
COMMON NAME	SCIENTIFIC NAME
Verbena	<i>Verbena rigida</i>
Cat Tail	<i>Typha latifolia</i>
Wild Onion	<i>Allium canadense</i>
Wild Geranium	<i>Geranium maculatum</i>
Mistletoe	<i>Phoradendron serotinum</i>
Lizard's Tail	<i>Saururus cernuus</i>
Giant Ragweed	<i>Ambrosia trifida</i>
Ragweed	<i>Ambrosia artemisiifolia</i>
Black-eyed Susan	<i>Rudbeckia hirta</i>
Vetch	<i>Vicia spp.</i>
Knotweed	<i>Polygonum spp.</i>

GRASSES, SEDGES AND RUSHES	
COMMON NAME	SCIENTIFIC NAME
Common Bermuda Grass	<i>Cynodon dactylon</i>
Bahia Grass	<i>Paspalum notatum</i>
Johnson Grass	<i>Sorghum halepense</i>
Switch Cane	<i>Arundinaria tecta</i>
Foxtail Grass	<i>Setaria spp.</i>
Panic Grass	<i>Panicum spp.</i>
Broom Sedge	<i>Andropogon spp.</i>
Vasey Grass	<i>Paspalum urvillei</i>
Smut Grass	<i>Sporobolus poiretii</i>
Dallis Grass	<i>Paspalum dilatatum</i>
Sedges (Various)	<i>Carex spp./ Cyperus spp.</i>

FAUNA (Expected and Actual)

BIRDS (GAME AND NON-GAME)	
COMMON NAME	SCIENTIFIC NAME
Red-winged Blackbird	<i>Agelaius phoeniceus</i>
Wood Duck	<i>Aix sponsa</i>
Ruby-throated Hummingbird	<i>Archilochus colubris</i>
Red-tailed Hawk	<i>Buteo jamaicensis</i>
Cardinal (Northern)	<i>Cardinalis cardinalis</i>
Hermit Thrush	<i>Catharus guttatus</i>
Red-bellied Woodpecker	<i>Centurus carolinus</i>
Brown Creeper	<i>Certhia familiaris</i>
Marsh Hawk	<i>Circus cyaneus</i>
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>
Common Flicker	<i>Colaptes auratus auratus</i>
Common Bobwhite	<i>Colinus virginianus</i>
Blue Jay	<i>Cyanocitta cristata</i>
Downy Woodpecker	<i>Dendrocopos pubescens</i>
Hairy Woodpecker	<i>Dendrocopos villosus</i>
Yellow-rumped Warbler	<i>Dendroica coronata coronata</i>
Pileated Woodpecker	<i>Dryocopus pileatus</i>
Acadian Flycatcher	<i>Empidonax virescens</i>
Wood Thrush	<i>Hylocichla mustelina</i>
Yellow-breasted Chat	<i>Icteria virens</i>
Northern Oriole	<i>Icterus galbula galbula</i>
Orchard Oriole	<i>Icterus spurius</i>
Dark-eyed Junco	<i>Junco hyemalis</i>
Red-headed Woodpecker	<i>Melanerpes erythrocephalus</i>
Eastern Wild Turkey	<i>Meleagris gallopavo silvestris</i>
Brown-headed Cowbird	<i>Molothrus ater</i>
Great-crested Flycatcher	<i>Myiarchus crinitus</i>
Tufted Titmouse	<i>Parus bicolor</i>
Carolina Chickadee	<i>Parus carolinensis</i>
Indigo Bunting	<i>Passerina cyanea</i>
Summer Tanager	<i>Piranga rubra</i>
Blue-gray Gnatcatcher	<i>Poliophtil caerulea</i>
Prothonotary Warbler	<i>Protonotaria critrea</i>
Common Grackle	<i>Quiscalus quiscula</i>
Ruby-crowned Kinglet	<i>Regulus calendula</i>
Golden-crowned Kinglet	<i>Regulus satrapa</i>
Eastern Blue Bird	<i>Sialia sialis</i>
Yellow-bellied Sapsucker	<i>Sphyrapicus varius</i>
Barred Owl	<i>Strix varia</i>
Common Starling	<i>Sturnus vulgaris</i>
Carolina Wren	<i>Thryothorus ludovicianus</i>
American Robin	<i>Turdus migratorius</i>

BIRDS (GAME AND NON-GAME) Continued	
COMMON NAME	SCIENTIFIC NAME
White-eyed Vireo	<i>Vireo griseus</i>
Red-eyed Vireo	<i>Vireo olivaceus</i>
Mourning Dove	<i>Zenaidura macroura</i>
White-throated Sparrow	<i>Zonotrichia albicollis</i>
Mallard	<i>Anas platyrhynchos</i>
Gadwall	<i>Anas strepera</i>
American Widgeon	<i>Mareca americana</i>
Shoveler	<i>Spatula clypeata</i>
Blue-winged Teal	<i>Anas discors</i>
Green-winged Teal	<i>Anas carolinensis</i>
Hooded Merganser	<i>Lophodytes cucullatus</i>
Ring-necked Duck	<i>Aythya collaris</i>
Scaup	<i>Aythya spp.</i>
Great Blue Heron	<i>Ardea herodias</i>
Great Horned Owl	<i>Bubo virginianus</i>

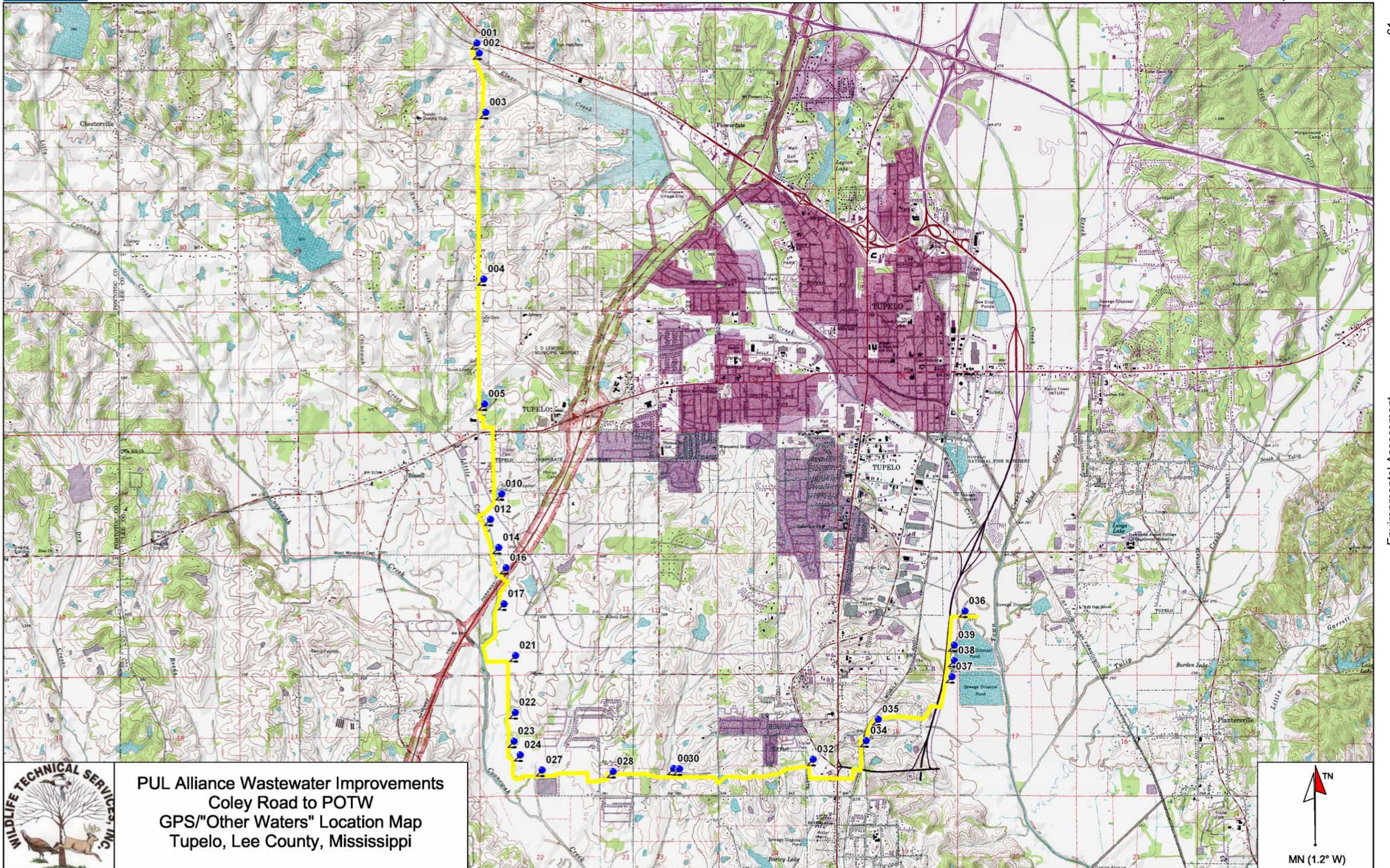
MAMMALS (GAME AND NON-GAME)	
COMMON NAME	SCIENTIFIC NAME
Beaver	<i>Castor canadensis</i>
Coyote	<i>Canis latrans</i>
Armadillo	<i>Dasyurus novemcinctus</i>
Opossum	<i>Didelphis marsupialis</i>
River Otter	<i>Lutra canadensis</i>
Bobcat	<i>Lynx rufus</i>
Skunk	<i>Mephitis spp.</i>
Whitetail Deer	<i>Odocoileus virginianus</i>
Deer Mouse	<i>Peromyscus spp.</i>
Raccoon	<i>Procyon lotor</i>
Squirrel (gray, red and black phase fox squirrel)	<i>Sciurus spp.</i>
Rabbit (swamp and eastern cottontail)	<i>Sylvilagus spp.</i>

REPTILES AND AMPHIBIANS	
COMMON NAME	SCIENTIFIC NAME
Toads	<i>Bufo spp.</i>
Frogs	<i>Rana spp.</i>
Treefrogs	<i>Hyla spp.</i>
Common Snapping Turtle	<i>Chelydra serpentina</i>
Cooters/Pond Sliders	<i>Chrysemys spp.</i>
Stinkpot	<i>Sternotherus odoratus</i>
Eastern Box Turtle	<i>Terrapene carolina carolina</i>
Water Snake	<i>Nerodia spp.</i>
Gray Rat Snake	<i>Elaphe obsoleta spiloides</i>
Copperhead	<i>Aqkistrodon contortrix contortrix</i>
Cottonmouth	<i>Aqkistrodon piscivorus leucostoma</i>
Canebrake Rattlesnake	<i>Crotalus horridus atricaudatus</i>

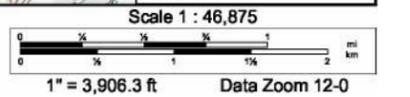
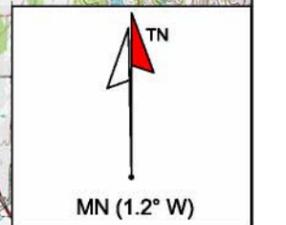
Page intentionally blank

Appendix C – Map of Stream Crossings, Descriptions of Stream Crossings, Application for USACE Permit, Permit, and Correspondence With USACE

Page intentionally blank



**PUL Alliance Wastewater Improvements
Coley Road to POTW
GPS/"Other Waters" Location Map
Tupelo, Lee County, Mississippi**



Page intentionally blank



WILDLIFE TECHNICAL SERVICES, INC.

May 9, 2008

Mr. Tony Lobred
Department of the Army
4155 Clay Street
Vicksburg, Mississippi 39138-3435

RE: **Toyota Mississippi
Proposed Toyota Sewer Line Coley Road to POTW
Lee County, MS
Wetland Permitting Authorization Request**

Dear Mr. Lobred:

Wildlife Technical Services, Inc. (WTSI) has been retained by the Pontotoc Union Lee Alliance and Mendrop~Wages to serve as agent on their behalf related to the above referenced project regarding all Department of the Army regulatory and permitting matters. The attached Department of the Army Corps of Engineers (COE) Permit Application contains the pertinent information relative to the anticipated jurisdictional impacts that will result from the construction of the project.

Specifically, within "Attachment A", you will find a general location map, U.S.G.S. Sherman, Bissell & Verona, MS topographic site maps, aerial photography covering the proposed project and site specific design information concerning the project. In addition, we have included the standard wetland location worksheet identifying type, extent and location of each identified crossing on the proposed project alignment.

We respectfully request your agency's review of the attached wetland permit application and attachments. In addition, we respectfully request your agency's consideration of the issuance of the necessary Section 404 Wetlands Permit Authorization covering the jurisdictional impacts associated with the development of the project.

If you require additional information regarding the project extent or geographic areas, please call us at anytime.

Sincerely,

Casey Smith
Environmental Technician

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT (33 CFR 325)	OMB APPROVAL NO. 0710-003 Expires October 1996
--	--

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
--------------------	----------------------	------------------	-------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME Mr. Wayne Stokes, Chairman Pontotoc Union Lee Alliance	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) Michael E. Goff, Vice President Wildlife Technical Services, Inc.
6. APPLICANT'S ADDRESS PUL Alliance, c/o Three Rivers P.O. Box 690 Pontotoc, Mississippi 38863	9. AGENT'S ADDRESS P. O. Box 820188, Vicksburg, MS 39182-0188
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence b. Business (662) 489-2415	10. AGENT'S PHONE NOS. w/AREA CODE a. Resident (601) 415-5416 b. Business (601) 634-0097

11. STATEMENT OF AUTHORIZATION

I hereby authorize, Michael E. Goff, Wildlife Technical Services, Inc. to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

 APPLICANT'S SIGNATURE	5/2/08 DATE
--	----------------

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) Toyota Sewer Line Projects 6 & 7		14. PROJECT STREET ADDRESS (if applicable) N/A
13. NAME OF WATERBODY, IF KNOWN (if applicable) Tributary of Town Creek, Kings Creek, Little Coonewah Creek, Coonewah Creek and Russell Creek.		
15. LOCATION OF PROJECT Sections 15, 16, 22, 27 & 34, T9S, R5E; Sections 3, 10, 13, 14 & 15, T10S, R5 E; Sections 7, 8 & 18, T10S, R6E		
COUNTY Lee	STATE Mississippi	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN, (see instructions) (See Attachment "A")
The proposed alignment is located within a portion of Lee County, Mississippi.

17. DIRECTIONS TO THE SITE (See Attachment "A")

From U.S. Interstate 78, take the Belden Exit and proceed east on McCullough Blvd to Coley Road. Turn right onto Coley Road and proceed south to the rail road tracks arriving at the project alignment.

18. NATURE OF ACTIVITY (DESCRIPTION OF PROJECT, INCLUDE ALL FEATURES)

The proposed project would include the necessary clearing and grading activities for the construction of the proposed Toyota Sewer Line. The proposed sewer line will be constructed within a twenty foot right of way for approximately 11.90 miles. Twenty-four (24) Relatively Permanent Waters with "Seasonal" Flows and one (1) Relatively Permanent Waters with Typical "Year Round" Flows will be crossed as part of the site development activities.

19. PROJECT PURPOSE (DESCRIBE THE REASON OR PURPOSE OF THE PROJECT, SEE INSTRUCTIONS)

Purpose of the project is to construct a sewer line that will connect the Toyota Manufacturing facility with the existing waste water treatment facility located to the south of the City of Tupelo, MS. The sewer line will help facilitate day to day operations of the Toyota Manufacturing facility.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. REASON(S) FOR DISCHARGE

For the construction of the proposed Toyota Sewer Line Project from Coley Road to the POTW, all within Lee County, MS.

21. TYPE(S) OF MATERIAL BEING DISCHARGED AND THE AMOUNT OF EACH TYPE IN CUBIC YARDS

Limited amount of fill expected. The proposed impacts will primarily be limited to linear crossings on the drainages.

22. SURFACE AREA IN ACRES OF WETLANDS OR OTHER WATERS FILLED (SEE INSTRUCTIONS)

~0.069 Acres - RPW with "Seasonal" Flows ("other waters of the U.S.")
 ~0.009 Acres - RPW with Typical Year Round Flows ("other waters of the U.S.")
 ~0.078 Acres - Total Impacts

23. IS ANY PORTION OF THE WORK ALREADY COMPLETE? YES _____ NO X

24. ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC., WHOSE PROPERTY ADJOINS THE WATERBODY (IF MORE THAN CAN BE ENTERED HERE, PLEASE ATTACH A SUPPLEMENTAL LIST).

25. LIST OF OTHER CERTIFICATIONS OR APPROVALS/DENIALS RECEIVED FROM OTHER FEDERAL, STATE OR LOCAL AGENCIES FOR WORK DESCRIBED IN THIS APPLICATION.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NO.	DATE APPLIED	DATE APPROVED	DATE DENIED
MDEQ	401 Water Quality Certification		This Application		

*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

	5/12/08		
SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS

4155 CLAY STREET

VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO
ATTENTION OF:

June 2, 2008

Operations Division

SUBJECT: Proposed Toyota Sewer Line, Coley Road to POTW,
Projects 6 and 7, Sections 3, 10, 13, 14 and 15, T10S-R5E;
Sections 7, 8 and 18, T10S-R6E, Lee County, Mississippi

Mr. Wayne Stokes, Chairman
Pontotoc Union Lee Alliance
Post Office Box 690
Pontotoc, Mississippi 38863

Dear Mr. Stokes:

Based upon the information provided, it appears that Department of the Army permit requirements for the proposed Toyota Sewer Line, Lee County, Mississippi, will be authorized by Nationwide Permit No. 12, as specified in the March 12, 2007, Federal Register, Issuance of Nationwide Permits; Notice (72 FR 11092-11198), provided the activity complies with the Nationwide Permit Special Conditions (enclosure 1), the Nationwide Permit General Conditions (enclosure 2), and the Regional Conditions (enclosure 3). It is your responsibility to read and become familiar with the enclosed conditions in order for you to ensure that the activity authorized herein complies with the Nationwide Permits.

This verification is valid for a period of 2 years, or until the Nationwide Permit is modified, suspended, or revoked. Activities which are under construction or that are under contract to commence in reliance upon a Nationwide Permit will remain authorized, provided the activity is completed within 12 months of the date of any subsequent modification, expiration, or revocation of the Nationwide Permit. Upon completion of the activity authorized by this Nationwide Permit, please fill out the enclosed certification of compliance (enclosure 4) and return it to our office.

This authorization was based upon a preliminary determination that there appear to be jurisdictional areas on the property subject to regulation pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. For your information, I have enclosed a copy of the appeals form for your review (enclosure 5).

-2-

Thank you for advising us of your plans. If you change your plans for the proposed work, or if the proposed work does not comply with the conditions of the Nationwide Permit, please contact Mr. Kevin Philley of this office, telephone (601) 631-5607, fax (601) 631-5459, or e-mail address: regulatory@usace.army.mil. In any future correspondence concerning this project, please refer to Identification No. MVK-2008-558.

I am forwarding a copy of this letter to Mr. Casey Smith, Wildlife Technical Services, Incorporated, Post Office Box 820188, Vicksburg, Mississippi 39182-0188.

The Vicksburg District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the Customer Service Survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>, or if more convenient, complete the enclosed survey form (enclosure 6) and return it in the envelope provided.

Sincerely,



Anthony R. Lobred
Acting Chief, Permit Section
Regulatory Branch

Enclosures



WILDLIFE TECHNICAL SERVICES, INC.

May 27, 2008

Mr. Tony Lobred
Department of the Army
4155 Clay Street
Vicksburg, Mississippi 39138-3435

**RE: Toyota Mississippi
Proposed Toyota Sewer Line Coley Road to POTW
Lee County, MS
Wetland Permitting Authorization Request**

Dear Mr. Lobred:

Wildlife Technical Services, Inc. (WTSI) has been retained by the Pontotoc Union Lee Alliance and Mendrop~Wages to serve as agent on their behalf related to the above referenced project regarding all Department of the Army regulatory and permitting matters. The attached Department of the Army Corps of Engineers (COE) Permit Application contains the pertinent information relative to the anticipated jurisdictional impacts that will result from the construction of the project.

Specifically, within "Attachment A", you will find a general location map, U.S.G.S. Sherman, Bissell & Verona, MS topographic site maps, aerial photography covering the proposed project and site specific design information concerning the project. In addition, we have included the standard wetland location worksheet identifying type, extent and location of each identified crossing on the proposed project alignment.

We respectfully request your agency's review of the attached wetland permit application and attachments. In addition, we respectfully request your agency's consideration of the issuance of the necessary Section 404 Wetlands Permit Authorization covering the jurisdictional impacts associated with the development of the project.

If you require additional information regarding the project extent or geographic areas, please call us at anytime.

Sincerely,

Casey Smith
Environmental Technician

05-28-08PC2:16 RCV0

P.O. Box 820188, VICKSBURG, MISSISSIPPI 39182-0188
601/634-0097 • 601/630-9778 (FAX)

WWW.WILDLIFETECHNICAL.COM

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT (33 CFR 325)	OMB APPROVAL NO. 0710-003 Expires October 1996
---	---

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
--------------------	----------------------	------------------	-------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME Mr. Wayne Stokes, Chairman Pontotoc Union Lee Alliance	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) Michael E. Goff, Vice President Wildlife Technical Services, Inc.
6. APPLICANT'S ADDRESS PUL Alliance, c/o Three Rivers P.O. Box 690 Pontotoc, Mississippi 38863	9. AGENT'S ADDRESS P. O. Box 820188, Vicksburg, MS 39182-0188
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence b. Business (662) 489-2415	10. AGENT'S PHONE NOS. w/AREA CODE a. Resident (601) 415-5416 b. Business (601) 634-0097

11. STATEMENT OF AUTHORIZATION

I hereby authorize, Michael E. Goff, Wildlife Technical Services, Inc. to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

 APPLICANT'S SIGNATURE	5/12/08 DATE
--	-----------------

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) Toyota Sewer Line Projects 6 & 7	
13. NAME OF WATERBODY, IF KNOWN (if applicable) Tributary of Town Creek, Kings Creek, Little Coonewah Creek, Coonewah Creek and Russell Creek.	14. PROJECT STREET ADDRESS (if applicable) N/A
15. LOCATION OF PROJECT Sections 15, 16, 22, 27 & 34, T9S, R5E; Sections 3, 10, 13, 14 & 15, T10S, R5 E; Sections 7, 8 & 18, T10S, R6E	
COUNTY Lee	STATE Mississippi

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN, (see instructions) (See Attachment "A")
The proposed alignment is located within a portion of Lee County, Mississippi.

17. DIRECTIONS TO THE SITE (See Attachment "A")
From U.S. Interstate 78, take the Belden Exit and proceed east on McCullough Blvd to Coley Road. Turn right onto Coley Road and proceed south to the rail road tracks arriving at the project alignment.

05-28-08P02:16 RCVD

18. NATURE OF ACTIVITY (DESCRIPTION OF PROJECT, INCLUDE ALL FEATURES)

The proposed project would include the necessary clearing and grading activities for the construction of the proposed Toyota Sewer Line. The proposed sewer line will be constructed within a twenty foot right of way for approximately 11.90 miles. Twenty-four (24) Relatively Permanent Waters with "Seasonal" Flows and one (1) Relatively Permanent Waters with Typical "Year Round" Flows will be crossed as part of the site development activities.

19. PROJECT PURPOSE (DESCRIBE THE REASON OR PURPOSE OF THE PROJECT, SEE INSTRUCTIONS)

Purpose of the project is to construct a sewer line that will connect the Toyota Manufacturing facility with the existing waste water treatment facility located to the south of the City of Tupelo, MS. The sewer line will help facilitate day to day operations of the Toyota Manufacturing facility.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. REASON(S) FOR DISCHARGE

For the construction of the proposed Toyota Sewer Line Project from Coley Road to the POTW, all within Lee County, MS.

21. TYPE(S) OF MATERIAL BEING DISCHARGED AND THE AMOUNT OF EACH TYPE IN CUBIC YARDS

Limited amount of fill expected. The proposed impacts will primarily be limited to linear crossings on the drainages.

22. SURFACE AREA IN ACRES OF WETLANDS OR OTHER WATERS FILLED (SEE INSTRUCTIONS)

- 0.069 Acres - RPW with "Seasonal" Flows ("other waters of the U.S.")
- 0.009 Acres - RPW with Typical Year Round Flows ("other waters of the U.S.")
- 0.078 Acres - Total Impacts

23. IS ANY PORTION OF THE WORK ALREADY COMPLETE? YES _____ NO X

24. ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC., WHOSE PROPERTY ADJOINS THE WATERBODY (IF MORE THAN CAN BE ENTERED HERE, PLEASE ATTACH A SUPPLEMENTAL LIST).

25. LIST OF OTHER CERTIFICATIONS OR APPROVALS/DENIALS RECEIVED FROM OTHER FEDERAL, STATE OR LOCAL AGENCIES FOR WORK DESCRIBED IN THIS APPLICATION.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NO.	DATE APPLIED	DATE APPROVED	DATE DENIED
MDEQ	401 Water Quality Certification		This Application		

*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

	5/12/08		
SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE

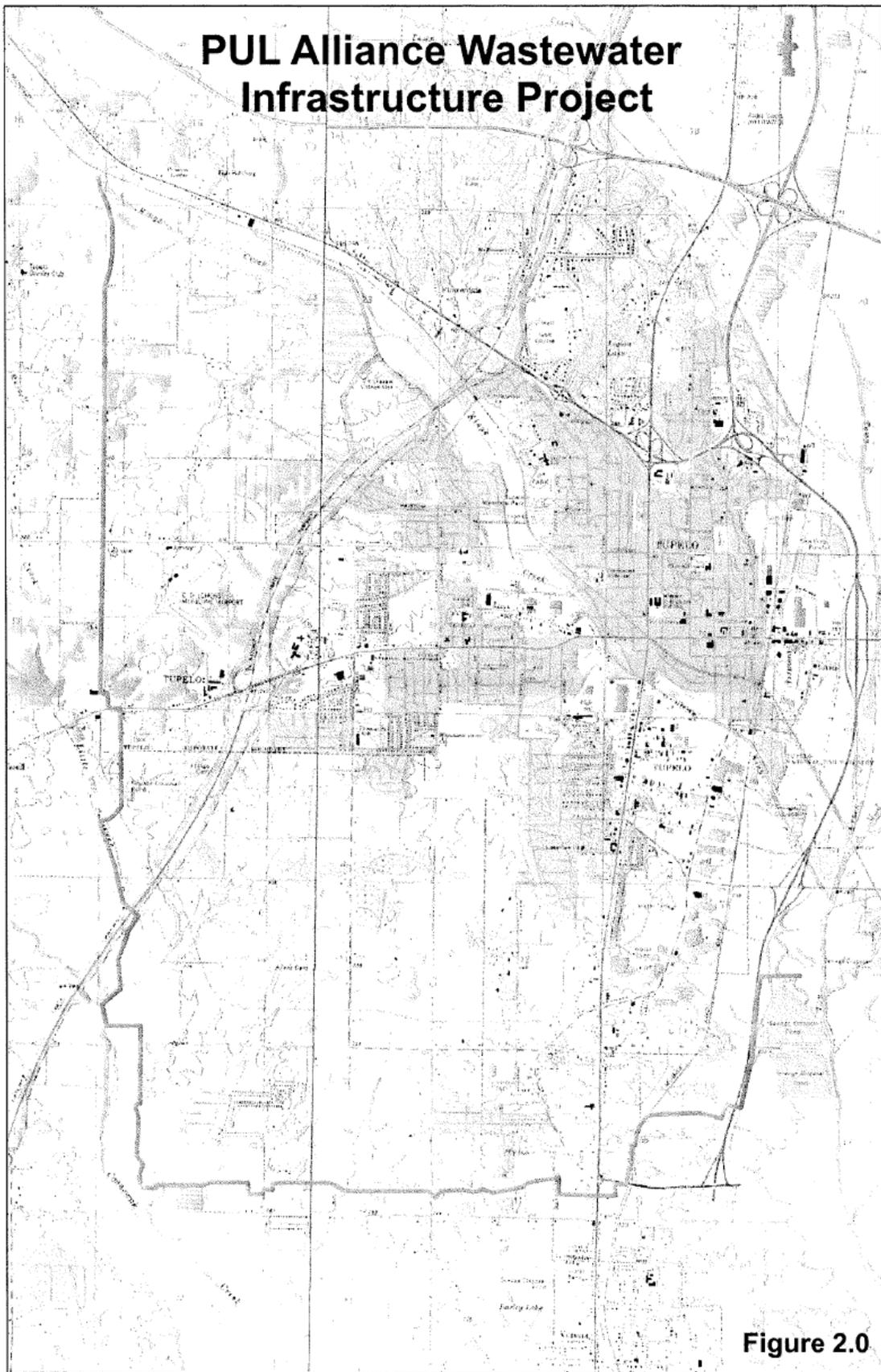
The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

*U.S.GPO:1994-520-478/82018

ATTACHMENT A

Project Maps/Drawings



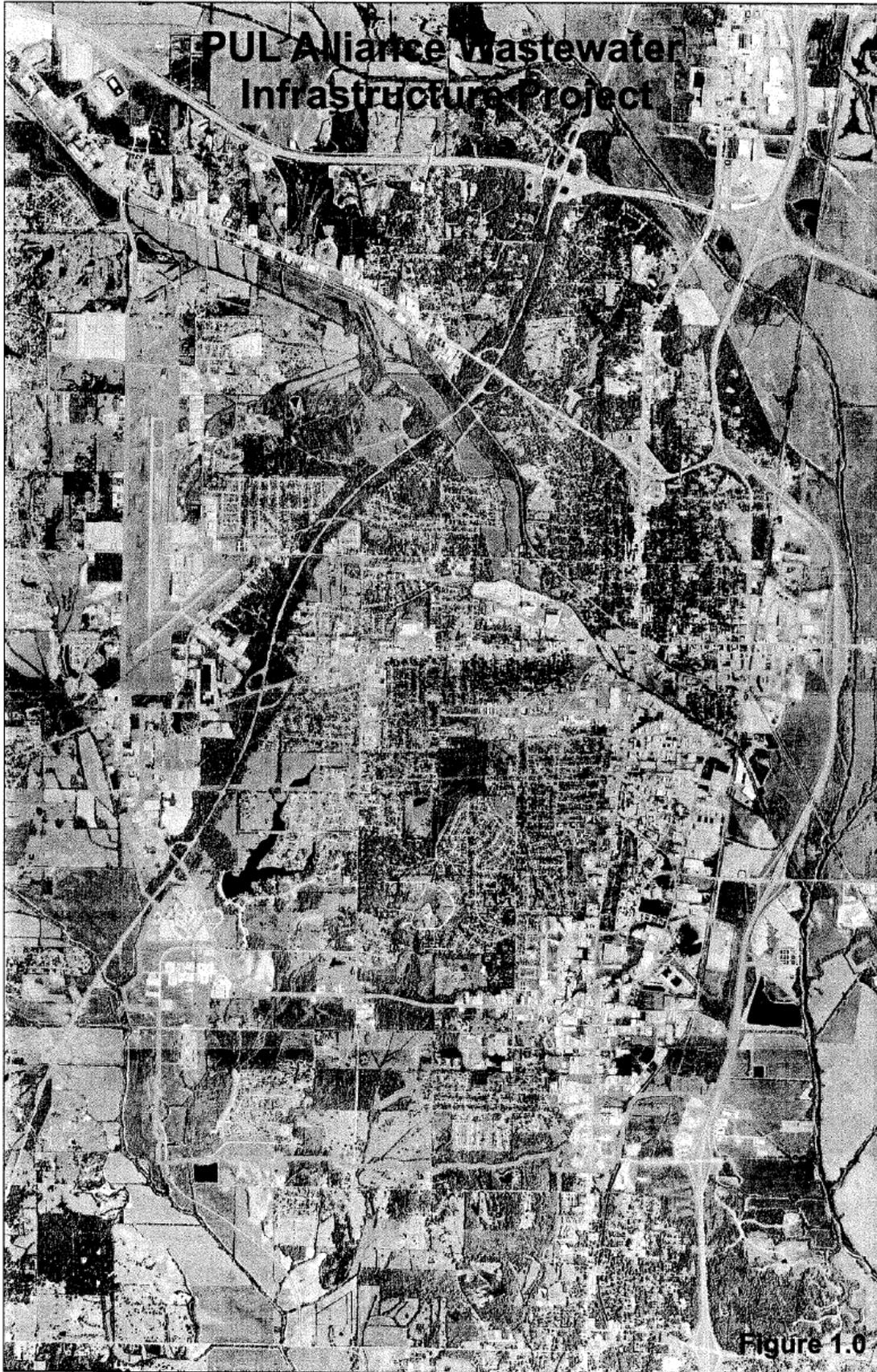
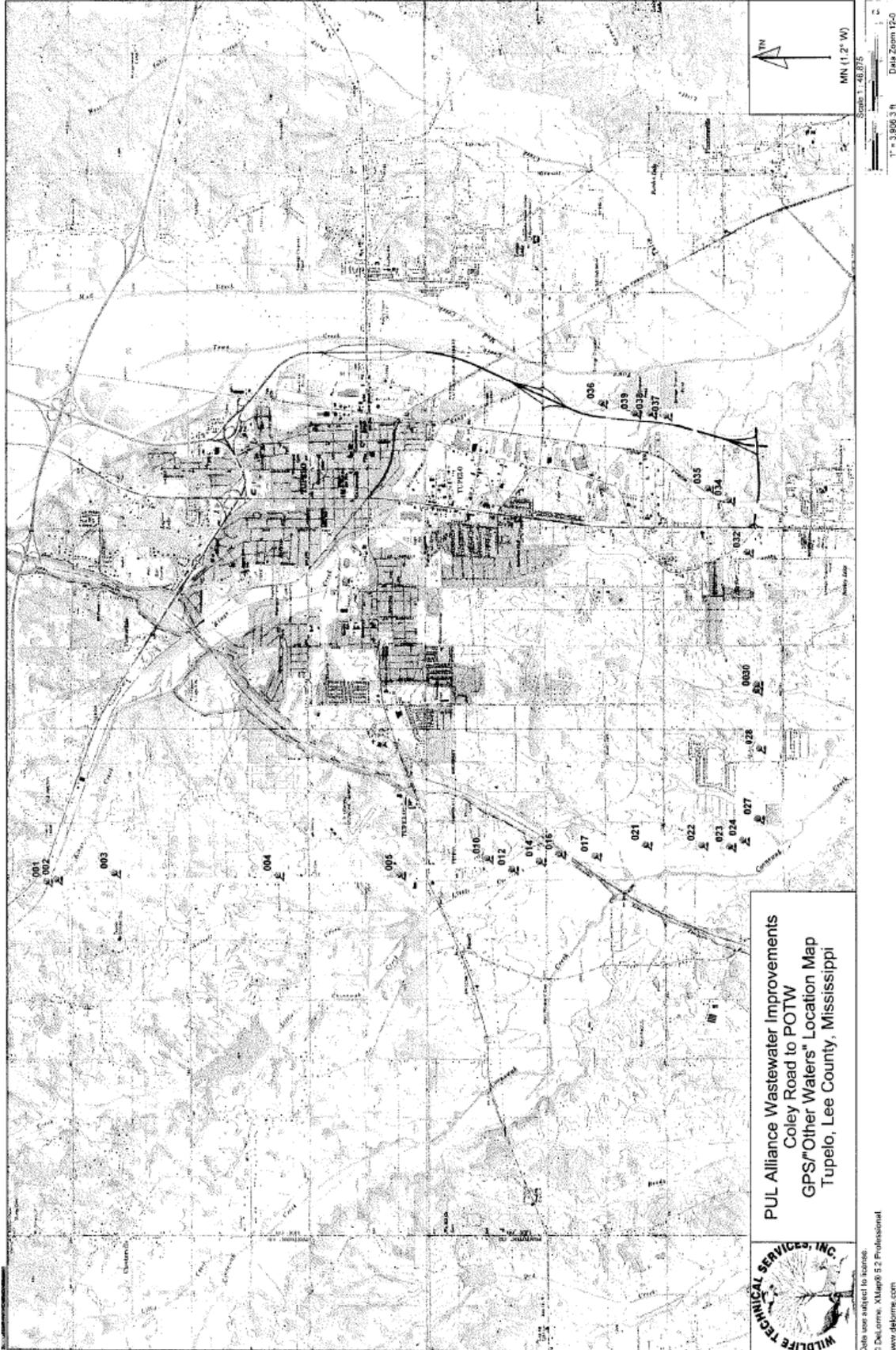


Figure 1.0



2007 NATIONWIDE PERMIT GENERAL CONDITIONS

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as appropriate, 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.

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

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

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

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

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

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

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 and storm water management activities, 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.

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

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

15. Wild and Scenic Rivers. No 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. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

16. 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.

17. Endangered Species. (a) No activity is authorized under any NWP which is likely to 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 destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

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

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

(e) Authorization of an activity by a 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 U.S. FWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide Web pages at <http://www.fws.gov/> and <http://www.noaa.gov/fisheries.html> respectively.

18. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity

is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed, 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 may be affected by the proposed work 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 resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) 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. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) 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, explaining 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.

19. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for 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, and 50 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, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are 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) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are 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 some other form of mitigation would be more environmentally appropriate and provides a project-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 minimal adverse effects on the aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) 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 project 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 a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWP.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. 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 compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of 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 effects of the project to the minimal level.

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

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

23. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S.

EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

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

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

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

(Transferee)

(Date)

26. Compliance Certification. Each permittee who received an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

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

(b) A statement that any required mitigation was completed in accordance with the permit conditions; and

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

27. 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, as a general rule, 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:

(1) Until 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) If 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 17 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 18 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that 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)) is completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee cannot 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 project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; 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. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided result in a quicker decision.);

(4) The PCN must include a delineation of special aquatic sites and other waters of the United States 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 of the United States, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, where appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10 acre of wetlands and a PCN is required, the prospective

permittee must submit a statement describing how the mitigation requirement will be satisfied. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWP and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP 48 activities requiring pre-construction notification and for other NWP activities requiring pre-construction notification to the district engineer that result in the loss of greater than 1/2-acre of waters of the United States, the district engineer will immediately provide (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy of the PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. 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, but 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.

(3) 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.

(4) Applicants are encouraged to provide the Corps multiple copies of pre-construction notifications to expedite agency coordination.

(5) For NWP 48 activities that require reporting, the district engineer will provide a copy of each report within 10 calendar days of receipt to the appropriate regional office of the NMFS.

(e) District Engineer's Decision: 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 the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are 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 effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any conditions the district engineer deems necessary. The district engineer must approve any compensatory mitigation proposal before the permittee commences work. 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 plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project 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 effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic

environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan.

28. 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.

D. 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.

SPECIAL CONDITIONS

NATIONWIDE PERMIT No. 12

UTILITY LINES

Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2 acre of waters of the United States. (Sections 10 and 404)

1. Utility lines: This NWP authorizes the construction, maintenance, or repair of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for the utility lines, in all waters of the United States, provided there is no change in pre-construction contours. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. The term "utility line" does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

2. Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2 acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

3. Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of

foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

4. Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the total discharge from a single and complete project does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR Part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

This NWP also authorizes temporary structures, fills, and work necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. 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.

5. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Toyota Sewer Line

6. Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if any of the following criteria are met: (1) the activity involves mechanized land clearing in a forested wetland for the utility line right-of-way; (2) a section 10 permit is required; (3) the utility line in waters of the United States, excluding overhead lines, exceeds 500 feet; (4) the utility line is placed within a jurisdictional area (i.e., water of the United States), and it runs parallel to a stream bed that is within that jurisdictional area; (5) discharges that result in the loss of greater than 1/10-acre of waters of the United States; (6) permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or (7) permanent access roads are constructed in waters of the United States with impervious materials. (See general condition 27.) (Sections 10 and 404)

Note 1: Where the proposed utility line is constructed or installed in navigable waters of the United States (i.e., section 10 waters), copies of the pre-construction notification and NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

Note 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, accordance with the requirements for temporary fills.

Note 3: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to Section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

REGIONAL CONDITIONS FOR NATIONWIDE PERMITS IN MISSISSIPPI

A. Regional Conditions for All Nationwide Permits

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

On March 26, 2007, the Mississippi Department of Marine Resources (DMR) found that all Nationwide Permits are consistent to the maximum extent practicable with the Mississippi Coastal Program (copy attached) provided that the following Regional Conditions are followed in the Coastal Zone of Mississippi.

a. For all Nationwide Permit (NWP) authorizations, including those for activities that do not require Pre-Construction Notification (PCN) to the District Engineer (DE), activities in the following waters of the U.S. cannot be initiated until the applicant has received a Coastal Use Permit (CUP) or waiver from the Mississippi Department of Marine Resources (MS-DMR). Those waters of the U.S. requiring a CUP or waiver from MS-DMR prior to project initiation include:

1. All tidal waters in Hancock, Harrison, and Jackson counties, Mississippi, and
2. All waters of the U.S. having a hydrological connection to tidal waters in "a" above and that are located no more than 200 feet landward of the mean high tide mark.

b. For all regulated activities in (i) tidal waters and/or (ii) waters of the U.S. adjacent to tidal waters located in Hancock, Harrison, or Jackson counties, all Pre-Construction Notifications (PCNs) required by a specific NWP shall be completed using the Joint Application Form and shall be submitted to the Mississippi Department of Marine Resources (DMR) at the following address:

Mississippi Department of Marine Resources
Bureau of Wetlands Permitting
1141 Bayview Drive
Suite 101
Biloxi, MS 39530

Joint Application Forms may be printed or downloaded from the Mississippi Department of Marine Resources (DMR) website at: <http://www.dmr.state.ms.us/Coastal-Ecology/permitting/Joint-Application-Notification-Form2.pdf>, from the Vicksburg District Regulatory Program website at: <http://www.mvk.usace.army.mil/offices/od/odf/main.htm>, or from the Mobile District Regulatory Program website at: <http://www.sam.usace.army.mil/RD/reg/application.htm>.

NOTE: Where the Corps District and DMR have developed Programmatic General Permits for the type of activity proposed, DMR may process and issue the appropriate DA permit(s) along with any required Coastal Use Permit requirements. For activities not covered by Programmatic General Permits, DMR shall forward all application materials to the appropriate Corps District office for processing of any required DA permits. If the application is forwarded to the Corps for processing, DMR shall notify the Corps District if a Coastal Use Permit will be required for the activity.

2. For all NWP authorizations on Black Creek in Perry County between Moody's Landing, downstream to the Fairley Bridge Road crossing - a federally designated Wild and Scenic River reach in Mississippi - the applicant must obtain a written statement from the U.S. Forest Service (USFS) that the activity will not adversely affect the Wild and Scenic River designation prior to initiating any construction activities (see General Condition 15). If the proposed activity otherwise requires pre-construction notification (PCN) to the Corps, the PCN must include such written statement of approval from the USFS. (U.S. Forest Service, P.O. Box 248, 654 West Frontage Road, Wiggins, MS 39577)

3. For all regulated activities, excluding those authorized under NWP 47, that might affect a Federally-listed threatened or endangered species or critical habitat - Pre-Construction Notification (PCN) shall be required. Waterways in Mississippi with reported occurrences of Federally-listed threatened or endangered species or critical habitat, as of July 1, 2007, are listed below. Applicants are advised that the U.S. Fish and Wildlife Service (USFWS) may change the Endangered Species Act status of species in Mississippi waterways, and those changes would affect the list of waterways and associated "Species of Concern". Further, this Regional Condition does not lessen the restrictions or requirements provided by General Condition 17. As stated in General Conditions 17 and 27 (72 FR 11092 - 11198), the PCN from non-Federal applicants must include the name(s) of the threatened or endangered species that might be affected by the proposed work or that utilize designated critical habitat that might be affected by the proposed work. PCNs from Federal applicants must include documentation of compliance with the Endangered Species Act. For NWP 6, 12, and 14 activities that trigger this PCN requirement, the PCN required by this condition may be limited to those portions of the activity that might affect a Federally-listed threatened or endangered species or critical habitat.

NOTE: The following definitions apply to the "listing index" following scientific names of the listed species of concern: C = Candidate Species; the U.S. Fish and Wildlife Service has enough scientific information to warrant proposing these species as endangered or threatened under the Endangered Species Act. CH = Critical Habitat; the U.S. Fish and Wildlife Service has designated official critical habitat for this species. LE = Listed Endangered; the U.S. Fish and Wildlife Service has listed these species as endangered under the Endangered Species Act. LT = Listed Threatened; the U.S. Fish and Wildlife Service has listed these species as threatened under the Endangered Species Act.

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

Bear Creek - Located in Tishomingo County
Species of Concern: the cumberlandian combshell mussel (*Epioblasma brevidens* - LE) and the slabside pearl mussel (*Lexingtonia dolabellodes* - C)

Bogue Chitto River - Located in Pike County
Species of Concern: gulf sturgeon (*Acipenser oxyrinchus desotoi*- LT, CH)
from State Highway 570 south

Mississippi River and adjacent land west of Main line levee - Located in the following Counties:
Adams Coahoma Jefferson Warren

Bolivar DeSoto Sharkey Washington
 Claiborne Issaquena Tunica Wilkinson
 Species of Concern: interior least tern (*Sterna antillarum* - LE), pallid sturgeon (*Scaphirhynchus albus* - LE), and/or the fat pocketbook (*Potamilus capax* - LE)

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

Species of Concern: Alabama red-bellied turtle (*Pseudemys alabamensis* - LE) and/or the yellow-blotched map turtle (*Graptemys flavimaculata* - LT)

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

Species of Concern: Brown pelican (*Pelecanus occidentalis* - LE), piping plover (*Charadrius melodus* - LE, CH), West Indian manatee (*Trichechus manatus* - LE), green turtle (*Chelonia mydas* - LT), kemp's ridley turtle (*Lepidochelys kempii* - LE), loggerhead turtle (*Caretta caretta* - LT), and/or the gulf sturgeon (*Acipenser oxyrhynchus desotoi* - LT, CH).

Pascagoula River and the following tributaries: Bouie, Chickasawhay, Okatoma, and Leaf Rivers - Located in the following Counties:

Clarke Greene Perry
 Forrest Jackson Stone
 George Jones Wayne

Species of Concern: yellow-blotched map turtle (*Graptemys flavimaculata* - LT), gulf sturgeon (*Acipenser oxyrhynchus desotoi* LT, CH), pearl darter (*Percina aurora* - C), and/or Alabama red-bellied turtle (*Pseudemys alabamensis* - LE)

Pearl River - Located in the following Counties:

Copiah Leake Neshoba Scott
 Hinds Madison Pearl River Simpson
 Lawrence Marion Rankin

Species of Concern: ringed map turtle (*Graptemys oculifera* - LT), gulf sturgeon (*Acipenser oxyrhynchus desotoi* - LE, CH), and/or the inflated heelsplitter (*Potamilus inflatus* - LT)

Tombigbee River and the following tributaries: Buttahatchie, Luxapalilla, and Bull Mountain - Located in Itawamba, Lowndes and Monroe Counties

Species of Concern: heavy pigtoe mussel (*Pleurobema taitianum* - LE), southern combshell mussel (*Epioblasma penita* - LE), southern clubshell mussel (*Pleurobema decisum* - LE), the ovate clubshell mussel (*Pleurobema perovatum* - LT), the black clubshell mussel (*Pleurobema curtum* - LE), the threatened Alabama moccasinshell (*Medionidus acutissimus* - LT), the threatened orange-nacre mucket (*Lampsilis perovalis* - LT)

NOTE: For all proposed activities requiring a PCN to the Corps, the Regulatory Project Manager shall coordinate with USFWS-Jackson, or its designee, and/or NMFS (if tidal waters or waters of the US that may influence tidal waters) to insure compliance with General Condition 17. The Corps' responsibility before initiating this coordination is to make a "No effect" or "May effect" determination for the activity. If sufficient information is not available from the applicant or from "in-house" information, the Corps may need to contact the USFWS/NMFS to first determine if T&E species or their critical habitat/essential fish habitat occur within the Project Area. If a "May Affect" determination is made, the Corps shall enter into informal

Toyota Sewer Line

consultation with USFWS/NMFS. If informal consultation is initiated, the Corps must notify the applicant that the evaluation of the application has been delayed pending the outcome of the T&E species consultation.

Note: These PCN procedures may be modified at the completion of the Corps/USFWS effort to develop and implement Standard Local Operating Procedures for Endangered Species (SLOPES) for the State of Mississippi.

B. Corps Regional Conditions for Specific NWP

1. Nationwide Permit 12. Utility Lines.

Pre-Construction Notification (PCN) to the appropriate District Engineer shall be required for all Section 404 regulated activities that include new construction by a commercial or municipal entity (i.e. excludes maintenance of existing structures or fill), where the activity extends beyond the boundaries of single property ownership, if impacts to the following species or their critical habitat may occur within the "Project Area" of the proposed NWP 12 activity. These PCNs will be submitted to other agencies for comment as appropriate (e.g. USFWS, SHPO, DEQ, etc.).

Gopher Tortoise (*Gopherus polyphemus* -LT), Black Pine Snake (*Pituophis melanoleucus* ssp. *Lodingi* - C), and/or Eastern Indigo Snake (*Drymarchon corais couperi* - LT), upland habitats - Located in Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Marion, Pearl River, Perry, Stone, Walthall, and Wayne Counties

Louisiana Black Bear (*Ursus americanus luteolus* -LT) - No existing den or candidate den trees may be felled within areas known to be occupied by the Louisiana black bear. (Candidate den trees are defined as bald cypress and/or tupelo gum with visible cavities, having a minimum diameter-at-breast-height of 36 inches, and associated with rivers, lakes, streams, bayous, sloughs or other waterbodies - Located in counties south of Mississippi Highway 82.)

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

Mississippi Gopher Frog (*Rana sevosa* - LE) - Isolated ephemeral (temporary) ponds/wetlands located in upland long-leaf pine habitat - Located in Jackson and Harrison Counties

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

Pondberry (*Lindera melissifolia* - LE) - bottomland hardwood wetlands - Located in Bolivar, Sharkey, Sunflower, and Tallahatchie Counties

Price's potato bean (*Apios priceana* - LT) - wooded areas that grade into creek and river bottoms - Located in Chickasaw, Clay, Kemper, Lee, and Oktibbeha Counties

Red-cockaded woodpecker (*Picoides borealis* - LE), excavates nesting cavities in mature pine trees (60+ years old) - Located in Amite, Copiah, Forrest,

Franklin, George, Greene, Harrison, Jackson, Jasper, Jefferson, Jones, Lincoln, Noxubee, Oktibbeha, Perry, Scott, Smith, Stone, Wayne, Wilkinson, Winston, and Yalobusha Counties (primarily found on or near US National Forests)

Legend:

C = Candidate Species; the U.S. Fish and Wildlife Service has enough scientific information to warrant proposing these species as endangered or threatened under the Endangered Species Act.

CH = Critical Habitat; the U.S. Fish and Wildlife Service has designated official critical habitat for this species.

LE = Listed Endangered, the U.S. Fish and Wildlife Service has listed these species as endangered under the Endangered Species Act.

LT = Listed Threatened; the U.S. Fish and Wildlife Service has listed these species as threatened under the Endangered Species Act.

NOTE: For all proposed activities requiring a PCN to the Corps, the Regulatory Project Manager shall coordinate with USFWS-Jackson, or its designee, and/or NMFS (if tidal waters or waters of the US that may influence tidal waters) to insure compliance with General Condition 17. The Corps' responsibility before initiating this coordination is to make a "No effect" or "May effect" determination for the activity. If sufficient information is not available from the applicant or from "in-house" information, the Corps may need to contact the USFWS/NMFS to first determine if T&E species or their critical habitat/essential fish habitat occur within the Project Area. If a "May Affect" determination is made, the Corps shall enter into informal consultation with USFWS/NMFS. If informal consultation is initiated, the Corps must notify the applicant that the evaluation of the application has been delayed pending the outcome of the T&E species consultation. [Note: These PCN procedures may be modified at the completion of the Corps/USFWS effort to develop and implement Standard Local Operating Procedures for Endangered Species (SLOPES) for the State of Mississippi].

2. Nationwide Permit 14: Linear Transportation Crossings.

Pre-Construction Notification (PCN) to the appropriate District Engineer shall be required for all Section 404 regulated activities that include new construction by a commercial or municipal entity (i.e. excludes maintenance of existing structures or fill), where the activity extends beyond the boundaries of single property ownership, if impacts to the following species or their critical habitat may occur within the "Project Area" of the proposed NWP 14 activity. These PCNs will be submitted to other agencies for comment as appropriate (e.g. USFWS, SHPO, DEQ, etc.).

Gopher Tortoise (*Gopherus polyphemus* -LT), Black Pine Snake (*Pituophis melanoleucus* ssp. *Lodingi* - C), and/or Eastern Indigo Snake (*Drymarchon corais couperi* - LT), upland habitats - Located in Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Marion, Pearl River, Perry, Stone, Walthall, and Wayne Counties

Louisiana Black Bear (*Ursus americanus luteolus* -LT) - No existing den or candidate den trees may be felled within areas known to be occupied by the Louisiana black bear. (Candidate den trees are defined as bald cypress and/or tupelo gum with visible cavities, having a minimum diameter-at-breast-height

Toyota Sewer Line

of 36 inches, and associated with rivers, lakes, streams, bayous, sloughs or other waterbodies - Located in counties south of Mississippi Highway 82.)

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

Mississippi Gopher Frog (*Rana sevosia* - LE) - Isolated ephemeral (temporary) ponds/wetlands located in upland long-leaf pine habitat - Located in Jackson and Harrison Counties

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

Pondberry (*Lindera melissifolia* - LE) - bottomland hardwood wetlands - Located in Bolivar, Sharkey, Sunflower, and Tallahatchie Counties

Price's potato bean (*Apios priceana* - LT) - wooded areas that grade into creek and river bottoms - Located in Chickasaw, Clay, Kemper, Lee, and Oktibbeha Counties

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

Legend:

C = Candidate Species; the U.S. Fish and Wildlife Service has enough scientific information to warrant proposing these species as endangered or threatened under the Endangered Species Act.

CH = Critical Habitat; the U.S. Fish and Wildlife Service has designated official critical habitat for this species.

LE = Listed Endangered, the U.S. Fish and Wildlife Service has listed these species as endangered under the Endangered Species Act.

LT = Listed Threatened; the U.S. Fish and Wildlife Service has listed these species as threatened under the Endangered Species Act.

NOTE: For all proposed activities requiring a PCN to the Corps, the Regulatory Project Manager shall coordinate with USFWS-Jackson, or its designee, and/or NMFS (if tidal waters or waters of the US that may influence tidal waters) to insure compliance with General Condition 17. The Corps' responsibility before initiating this coordination is to make a "No effect" or "May effect" determination for the activity. If sufficient information is not available from the applicant or from "in-house" information, the Corps may need to contact the USFWS/NMFS to first determine if T&E species or their critical habitat/essential fish habitat occur within the Project Area. If a "May Affect" determination is made, the Corps shall enter into informal consultation with USFWS/NMFS. If informal consultation is initiated, the Corps must notify the applicant that the evaluation of the application has been delayed pending the outcome of the T&E species consultation. [Note: These PCN procedures may be modified at the completion of the Corps/USFWS

effort to develop and implement Standard Local Operating Procedures for Endangered Species (SLOPES) for the State of Mississippi].

3. Nationwide Permit 41: Reshaping Existing Drainage Ditches.

a. Any clearing of vegetation or side casting of excavated material shall be restricted to one side of the drainage ditch, where practicable, with gaps between side-cast material every 50 feet.

b. Banks shall be seeded and stabilized upon completion of excavation activities.

4. Nationwide Permit 44: Mining Activities.

Pre-Construction Notification to the appropriate Corps District is required for all NWP 44 activities, due to the denial of Water Quality Certification for NWP 44 by the Mississippi Department of Environmental Quality.

C. ADDITIONAL APPLICATION REVIEW REQUIREMENTS FOR PCNs FOR SPECIFIC NWPS

1. Complete PCNs for authorizations under NWPs 12, 14, 21, 29, 39, 40, 42, and 43 that include a discharge into a Monitored waterway of the Mississippi 303(d) waters listed for sediment or biological impairment or waterways with a completed TMDL for sediment or biological impairment shall include:

- a. a statement of why the discharge cannot be avoided;
- b. a description of best management practices that will be utilized on the project site to minimize adverse impacts within the project area at the site;
- c. if the Corps determines that compensation is required to insure that adverse impacts resulting from the activity will be no more than minimal, the applicant shall also submit a compensatory mitigation plan for approval by the Corps.

2. For PCNs described in C.1, above, the DE shall give Mississippi Department of Environmental Quality (MS-DEQ) staff an opportunity to comment on all of the above mitigation measures.

D. REGIONAL CONDITIONS FOR WATER QUALITY CERTIFICATION FOR MISSISSIPPI BAND OF CHOCTAW INDIAN TRIBAL LANDS

The Environmental Protection Agency, Region 4, issued water quality certifications for Nationwide Permit (NWP) activities on Mississippi Band of Choctaw Indian Tribal Lands on February 17, 2007 (copy attached). EPA stated that, as proposed, the NWPs would not violate water quality standards in waters of the United States located within these Tribal lands.

E. REGIONAL CONDITIONS FOR WATER QUALITY CERTIFICATION

The Mississippi Department of Environmental Quality issued Water Quality Certification decisions for the 49 NWPs by letter dated April 23, 2007 (copy attached). These WQC decisions are as follows:

1. **NWP No. 44, Mining Activities.** The Mississippi Department of Environmental Quality (DEQ) denied water quality certification for NWP No.

Toyota Sewer Line

44, Mining Activities. Applicants shall obtain certification or a waiver from the Mississippi Department of Environmental Quality prior to commencement of work.

2. NWPs 3, 4, 5, 6, 7, 11, 13, 15, 16, 17, 19, 20, 22, 23, 25, 30, 32, 33, 34, 37, 38, 45, 46, 47, 48, 49, and 50 - The Mississippi Department of Environmental Quality (DEQ) issued water quality certification for these Nationwide Permits for a period of five years from its effective date, provided the projects comply with the following conditions: (Note: Nationwide Permit Nos. 1, 2, 8, 9, 10, 11, 24, 28, and 35 are not listed because they do not authorize section 404 regulated discharges and therefore do not require 401 WQCs). DEQ will be the primary responsible party for the enforcement of the water quality certification conditions listed below and may be contacted as follows:

Mississippi Department of Environmental Quality
Office of Pollution Control
Post Office Box 10385
Jackson, Mississippi 39289-0385
Telephone: (601) 961-5171

a. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing MDEQ approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

b. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity disturbing one or more acres.

c. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

d. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50-Nephelometric Turbidity Units.

3. NWP No. 12, Utility Line Activities, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. In cases where a pre-construction notification is required, a pre-construction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed 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:

- (1) Justification of why the impacts cannot be avoided;
- (2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;
- (3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

b. MDEQ shall be notified of projects that have associated discharges of cuttings, drilling mud, hydrostatic testing water, or any other waste material.

c. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

d. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

e. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

4. NWP No. 13, Bank Stabilization, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. In cases where a pre-construction notification is required, a preconstruction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed 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:

- (1) Justification of why the impacts cannot be avoided;
- (2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;
- (3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

b. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

c. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

d. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

5. NWP No. 14, Linear Transportation Crossings, is authorized by this certification for a period of five years from its effective date, provided projects comply with the following conditions:

a. Extreme care shall be taken to prevent the permanent restriction or impedance of water flow. Pre-construction hydrology shall be maintained.

b. This NWP shall not apply to natural tidal waters for personal transportation.

c. In cases where a pre-construction notification is required, a preconstruction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed for sediment or biological impairment or waterways with a

Toyota Sewer Line

completed Total Maximum Daily Load (TMDL) for sediment or biological impairment. This notification shall include the following:

- (1) Justification of why the impacts cannot be avoided;
- (2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;
- (3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

d. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity disturbing one or more acres.

e. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

f. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50-Nephelometric Turbidity Units.

6. NWP No. 18, Minor Discharges, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the activity must comply with the following:

(1) The applicant shall provide documentation that the residence or establishment can make a connection to the an existing MDEQ approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

(2) A no-fill buffer zone shall be permanently maintained between any construction activity and any waterbody. The minimum buffer zone for the subject parcel is defined as 15% of the parcel depth. The parcel depth is defined as the maximum length of a line extending from the Ordinary High Water Mark (OHWM) and/or top bank or High Tide Line (HTL) to the opposite property boundary. In cases of an asymmetrical parcel, the Parcel Depth will be measured as the maximum length of a line extending from OHWM or HTL to the junction of two landward property boundaries. The buffer zone shall be measured as the distance between the edge of the construction activity and the top bank of the adjacent water body or HTL.

b. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

c. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

d. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

7. **NWP No. 21, Surface Coal Mining Operations**, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. In cases where a pre-construction notification is required, a preconstruction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed 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:

- (1) Justification of why the impacts cannot be avoided;
- (2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;
- (3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

b. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

c. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

d. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

8. **NWP No. 27, Stream and Wetland Restoration Activities**, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. For permitting of activities associated with mitigation banking, a Mitigation Banking Instrument approved by the Mitigation Banking Review Team shall be required.

b. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

c. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

d. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

9. **NWP No. 28, Modifications of Existing Marinas**, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. This NWP shall only apply to marinas that have an existing operating wastewater pump-out facility with appropriate signage showing its location as well as other appropriate waste disposal information.

b. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water

Toyota Sewer Line

associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

c. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

d. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

10. NWP No. 29, Residential Developments, is authorized by this certification for a period of five years from its effective date provided the projects comply with the following conditions:

a. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.

b. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the activity must comply with the following:

(1) The applicant shall provide documentation that the residence or establishment can make a connection to the an existing MDEQ approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

(2) A no-fill buffer zone shall be permanently maintained between any construction activity and any waterbody. The minimum buffer zone for the subject parcel is defined as 15% of the parcel depth. The parcel depth is defined as the maximum length of a line extending from the Ordinary High Water Mark (OHWM) and/or top bank or High Tide Line (HTL) to the opposite property boundary. In cases of an asymmetrical parcel, the Parcel Depth will be measured as the maximum length of a line extending from OHWM or HTL to the junction of two landward property boundaries. The buffer zone shall be measured as the distance between the edge of the construction activity and the top bank of the adjacent water body or HTL.

c. In cases where a pre-construction notification is required, a preconstruction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed 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:

- (1) Justification of why the impacts cannot be avoided;
- (2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;
- (3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

d. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

e. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

f. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

11. NWP No. 31, Maintenance of Existing Flood Control Facilities, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. Maintenance work shall not exceed the limitation or contours previously authorized by a Department of the Army Permit.

b. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

c. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

d. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

12. NWP No. 36, Boat Ramps, is authorized by this certification for a period of five years from its effective date provided the projects comply with the following conditions:

a. Boat ramp parking areas with impervious surfaces (concrete, asphalt) that have a surface area equal to or greater than one acre shall provide for storm water management. The first 0.5 inch of storm water runoff from impervious parking and road surfaces shall be treated using MDEQ approved best management practices before release. The storm water plan should be submitted upon application for coverage under a NWP and shall be forwarded to MDEQ.

b. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing MDEQ approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

c. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

d. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

e. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

13. **NWP No. 39, Commercial and Institutional Developments**, is authorized by this permit for a period of five years from its effective date, provided the projects comply with the following conditions:

a. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.

b. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing MDEQ approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

c. In cases where a pre-construction notification is required, a preconstruction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed 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:

- (1) Justification of why the impacts cannot be avoided;
- (2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;
- (3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

d. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

e. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

f. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

14. **NWP No. 40, Agricultural Activities**, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing MDEQ approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

b. In cases where a pre-construction notification is required, a preconstruction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed 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:

- (1) Justification of why the impacts cannot be avoided;
- (2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;
- (3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

c. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

d. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

e. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

15. NWP No. 41, Reshaping Existing Drainage Ditches, is authorized by this certification for a period of five years from their effective date, provided the projects comply with the following conditions:

a. The side slopes of banks and spoil disposal areas shall be 3:1 (horizontal:vertical) or flatter.

b. This NWP shall apply to created ditches only. No impacts to naturalized streams shall be allowed.

c. This NWP shall not authorize the modification of more than 500 linear feet of existing serviceable drainage ditches constructed in non-tidal waters.

d. Buffer zones shall be 25 feet minimum from top of drainage ditch.

e. Spoil disposal area shall be discontinuous and immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.

f. Work shall be conducted from one side of the waterbody only, where possible.

g. Large trees on the work side shall be avoided where possible.

h. Banks shall be immediately seeded and stabilized upon completion of construction.

i. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

j. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

k. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

16. **NWP No. 42, Recreational Activities**, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.

b. For the construction or expansion of golf courses or attendant features, the applicant shall obtain approval or waiver for a Storm Water Quality Management Plan from MDEQ prior to construction.

c. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing MDEQ approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

d. In cases where a pre-construction notification is required, a preconstruction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed 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:

- (1) Justification of why the impacts cannot be avoided;
- (2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;
- (3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

e. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

f. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

g. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

17. **NWP No. 43, Storm Water Management Facilities**, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

a. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.

b. This certification shall not authorize in-stream treatment of stormwater.

c. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing MDEQ approved central

sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

d. In cases where a pre-construction notification is required, a preconstruction notification shall be provided to MDEQ for projects that include channel work within a Monitored waterway of the Mississippi 303(d) waters listed 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:

- (1) Justification of why the impacts cannot be avoided;
- (2) Proposed best management practices that would minimize the impacts to receiving sensitive waters;
- (3) Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin.

e. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing one or more acres.

Page intentionally blank

Appendix D – Correspondence With USFWS and MDWFP

Page intentionally blank



WILDLIFE TECHNICAL SERVICES, INC.

February 22, 2008

RECEIVED
FEB 25 2008
By MS Field Office

Ms. Kathy Lunceford
United States Fish and Wildlife Services
Jackson Field Office
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213

RE: **PUL Alliance-Toyota Sewer Line
Lee County, Mississippi
NEPA Environmental Assessment**

Dear Ms. Lunceford:

Our firm is presently preparing a NEPA Environmental Assessment for the above referenced parcel of land located in Sections 15, 16, 22, 27 & 34, Township 9 South, Range 5 East, in Sections 3, 10, 13, 14 & 15, Township 10 South, Range 5 East, and in Sections 7, 8 & 18, Township 10 South, Range 6 East, Lee County, Mississippi. The exact location of the property is shown on the attached U.S.G.S. Sherman, Bissell & Verona, Mississippi Quadrangle Maps.

We respectfully request that your office review the location of the project site for issues of concern to your agency, particularly any issues relative to threatened and/or endangered plant and animal species, and that a written reply be forwarded to us with your comments and/or instructions regarding these issues.

If you require additional information regarding the project extent or the geographic areas, please feel free to call.

Sincerely,

Lisa Tillotson
Projects Manager

LT/as
Encl.

No federally listed endangered, threatened,
or candidate species present
[Signature]
U.S. Fish and Wildlife Service
Mississippi Field Office
6578 Dogwood View Pkwy
Jackson, MS, 39213
Log # 24 Date 2/27/08
WWW.WILDLIFE.technical.com

P.O. BOX 820188, VICKSBURG, MISSISSIPPI 39182-0188
601/634-0097 • 601/630-9778 (FAX)



WILDLIFE TECHNICAL SERVICES, INC.

February 22, 2008

Ms. Adrienne Clark
Mississippi Department of Wildlife, Fisheries and Parks
Museum of Natural Science
2148 Riverside Drive
Jackson, Mississippi 39202-1353

Re: **PUL Alliance-Toyota Sewer Line
Lee County, Mississippi
NEPA Environmental Assessment**

Dear Ms. Clark:

Our firm is presently preparing a NEPA Environmental Assessment for the above referenced parcel of land located in Sections 15, 16, 22, 27 & 34, Township 9 South, Range 5 East, in Sections 3, 10, 13, 14 & 15, Township 10 South, Range 5 East, and in Sections 7, 8 & 18, Township 10 South, Range 6 East, Lee County, Mississippi. The exact location of the property is shown on the attached U.S.G.S. Sherman, Bissell & Verona, Mississippi Quadrangle Maps.

We respectfully request that your office review the location of the project site for issues of concern to your agency, particularly any issues relative to threatened and/or endangered plant and animal species, and that a written reply be forwarded to us with your comments and/or instructions regarding these issues.

If you require additional information regarding the project extent or the geographic areas, please feel free to call.

Sincerely,

Lisa Tillotson
Projects Manager

LT/as
Encl.



**MISSISSIPPI
DEPARTMENT OF WILDLIFE, FISHERIES, AND PARKS**

**Sam Polles, Ph.D.
Executive Director**

April 22, 2008

Wildlife Technical Services, Inc.
P.O. Box 820188
Vicksburg, Mississippi 39182-0188

Re: PUL Alliance-Toyota
Lee County

R# 6581

To Lisa Tillotson:

In response to your request for information dated February 22, 2008, we have searched our database for occurrences of state or federally listed species and species of special concern that occur within 2 miles of the site of the proposed project. Please find our comments and recommendations listed below.

Based on information provided, we conclude that if best management practices are implemented, particularly measures to prevent or, at least, minimize negative impacts to water quality, the proposed project likely poses no threat to listed species or their habitats. We recommend that best management practices are implemented and monitored for compliance, specifically measures that will prevent ANY suspended silt and contaminants from leaving the site in stormwater run-off as this may negatively affect water quality and habitat conditions within nearby streams and waterbodies.

In addition, portions of this project are underlain by hydric soils and may be designated wetlands. If this project is approved, we ask that serious consideration be given to the cumulative impacts of wetland disturbance and elimination.

Please feel free to contact us if we can provide any additional information, resources, or assistance that will help minimize negative impacts to the species and/or ecological communities identified in this review. We are happy to work with you to ensure that our state's precious natural heritage is conserved and preserved for future Mississippians.

Sincerely, .



Sherry B. Surrette, Coordinator
Mississippi Natural Heritage Program
(601) 354-6367, ext. 118

The Mississippi Natural Heritage Program (MNHP) has compiled a database that is the most complete source of information about Mississippi's rare, threatened, and endangered plants, animals, and ecological communities. The quantity and quality of data collected by MNHP are dependent on the research and observations of many individuals and organizations. In many cases, this information is not the result of comprehensive or site-specific field surveys; most natural areas in Mississippi have not been thoroughly surveyed and new occurrences of plant and animal species are often discovered. Heritage reports summarize the existing information known to the MNHP at the time of the request and cannot always be considered a definitive statement on the presence, absence or condition of biological elements on a particular site.

**Appendix E – NPS/Natchez Trace Parkway Categorical Exclusion
and NPS/Natchez Trace Parkway Construction Easement/Special
Use Permit**

Page intentionally blank

NATCHEZ TRACE PARKWAY
DIVISION OF RESOURCE MANAGEMENT

Categorical Exclusion Form

Project Title: Install PUL Wastewater Disposal Infrastructure

Date: 10/4/07

Describe the project, including location (reference the attached Environmental Screening form, if appropriate):

Please see the Environmental Screening Form in the on-line PEPC system for project number 20218.

Indicate the category used to exclude action from further NEPA analysis (see Sections 3-3 and 3-4 of NPS-12):

- DO-12 Section 3.4 C(16) "Installation of underground utilities in areas showing clear evidence of recent human disturbance or areas within an existing road prism or within an existing overhead utility right-of-way."
- DO-12 Section 3.4 C(3) "Routine maintenance and repairs to non-historic structures, facilities, utilities, grounds and trails."
- DO-12 Section 3.4 C(9) "Repair, resurfacing, striping, installation of traffic control devices, and repair/replacement of guardrails, culverts, signs, and other minor existing features on existing roads when no potential for environmental impact exists.."
- DO-12 Section 3.4. E(6) "Non-destructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities (this is also a Departmental CE)."
- DO-12 Section 3.4 C(17) "Construction of minor structures, including small improved parking lots, in areas showing clear evidence of recent human disturbance."

Describe any public or agency involvement effort conducted (reference the attached ESF):

No substantive public or agency coordination is required.

--1 of 2--

Construction Easements/Handbook/CAT-EX form

On the basis of the environmental impact information in the compliance file, which I am familiar, I am categorically excluding the described project from further NEPA analysis. No exceptional circumstances (e. g. all boxes in the Environmental Screening Form are marked “no”) or conditions in the section 3-6 apply, and the action is fully described in section 3-4 of NPS-12.

/s/ Stennis Young

10/4/07

Stennis Young

Date

**Acting Superintendent
Title**

Kurt Foote
NPS Contact Person

Natural Resource Management Specialist
Title

2680 Natchez Trace Parkway
Tupelo, MS 38804

Address

662-680-4015

Phone number

--2 of 2--

National Park Service
 Department of Interior
 Natchez Trace Parkway
 Mississippi/Alabama/Tennessee



CONSTRUCTION EASEMENT APPLICATION

1 of 3

Primary Project Information

Project Title: PUL Wastewater Disposal Infrastructure

Requesting Entity or Individual: Ponloice/Union/Lee Alliance

Project Location:

Parkway Mile Marker (nearest tenth) 258.4

Street _____ Section 3D

City Tupelo County Lee State MS

Other geographic information (i.e., landmarks) Tupelo High School

Location Map of Proposed Work

Attach map with this application. Map must include the following:

- Parkway boundary and motor-road can be located
- Scale bar is provided
- North arrow is provided
- Alignment of proposed work

Detailed Drawing of Proposed Work

Attach drawing with this application. Drawing must include the following:

- All dimensions and labels necessary for illustrating technical aspects of project (i.e., installation depth, distance from road edge, construction extents, etc.)
- Parkway boundary

Project Description (i.e.; What is the project? Why is it necessary? How will it be performed?)

18" pressure sewer line to serve the WellSprings Project at Blue Springs, MS in Union County.

The sewer line will be laid by open trench to within approximately 25 feet of the Parkway ROW,

where it will be bored under the Parkway with approximately 400 feet of steel encasement.

Applicant Information

Name: Charles Duke, Chairman
Representing (if applicable): Pontotoc/Union/Lee Alliance
(i.e. company or government agency name):
Address: c/o Three Rivers Planning and Development District P.O. Box 990
City/State/Zip: Pontotoc, MS 38863
Telephone: (662) 489-2415 Fax: (662) 489-6815

Contractor Information (leave blank if not contracted):

Name: To be determined by bid
Address: :
City/State/Zip: :
Telephone: : Fax: :

Project contact person:

Name: Charles Duke, Chairman Telephone: (662) 489-2415

Project Information:

Type of project:

- Utility (power line, water line, etc.)
- Public road
- Private road
- Other

Construction level:

- New construction -- permanent
- New construction -- temporary
- Replacement/Maintenance/Rehabilitation/Removal
- Other (explain) _____

Legal basis of location:

- Within deed-reserved or National Park Service issued right-of-way
 Within public road right-of-way
 Within deed-reserved private access easement
 Other (explain) _____

Project Timeline:

Anticipated start date: _____

Anticipated completion date: _____

Certification:Applicant Signature: Charles Parker Date: 9/5/07Representing: Pontotoc/Union/Lee Alliance**Notes:**

- *Incomplete application forms will not be processed.*
- *If the project location can not be determined from the information provided the application can not be processed.*
- *The project description may be attached separately if more space is needed.*
- *No construction work may occur until an approved construction easement has been issued.*

Application Submission**Mail or fax applications to:**

Superintendent
 2680 Natchez Trace Parkway
 Tupelo, MS 38804

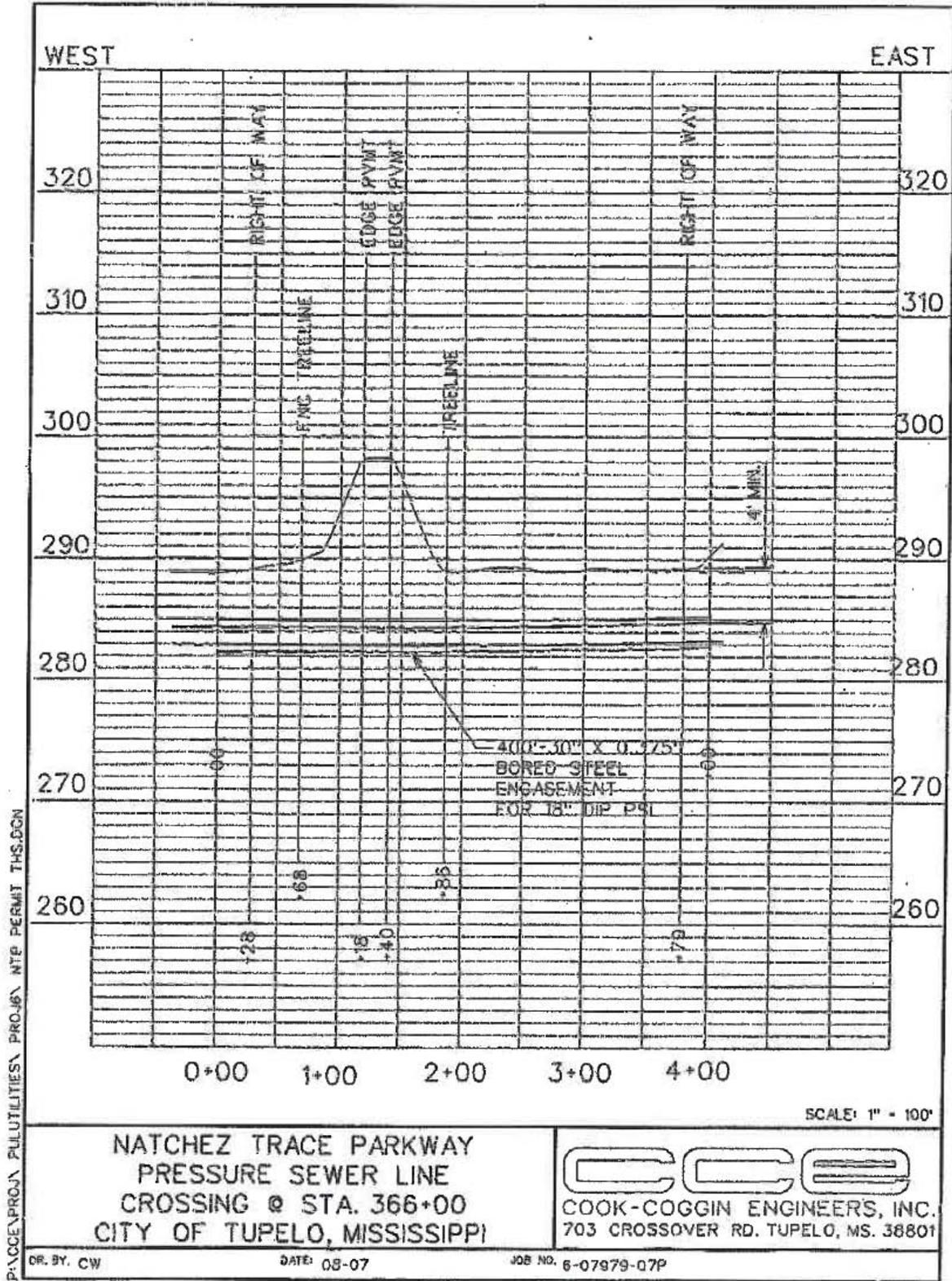
Fax: 662-680-4036

Contact for questions relating to application submission or status.

Debbie Diaz
 Phone: 662-680-4004
 Email: debra_diaz@nps.gov

Contact for questions relating to planning, legalities, or technical considerations:

Greg Smith
 Phone: 662-680-4004
 Email: greg_smith@nps.gov





IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

Natchez Trace Parkway
2680 Natchez Trace Parkway
Tupelo, Mississippi 38804



L3031(NATR)
xL30-3D

October 10, 2007

Mr. Charles Duke, Chairman
Pontotoc/Union/Lee Alliance
c/o Three Rivers Planning and Development
P.O. Box 690
Pontotoc, MS 38863

Re: Construction Easement SER-NATR-5700-2007-26

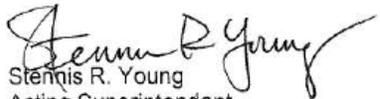
Dear Mr. Duke:

Enclosed is an approved Construction Easement authorizing Pontotoc/Union/Lee Alliance to use the land or facilities in the attached permit for the purpose(s) of installing a new, permanent 18-inch pressure sewer line to serve the Wellsprings project at Blue Springs, MS, in Union County. The sewer line will be laid by open trench to within approximately 50 feet of the right-of-way across Park land. At that point, it will be bored to a minimum depth of six feet under Park property with approximately 400 feet of steel encasement.

The Natchez Trace Parkway landscape architect must be notified twenty-four (24) hours in advance of work commencing within the Park and/or the Park's scenic easement, in addition to the seven-day notice. All boring under the parkway road surfaces will be done to a minimum depth of six feet. If any cultural resources are located during the course of this project, all work must stop and the Natchez Trace Parkway Resource Management staff notified immediately.

Do not hesitate to contact Landscape Architect Greg Smith at (662) 680-4024 with any questions concerning this Construction.

Sincerely,


Stennis R. Young
Acting Superintendent

Enclosure.



Form 10-114
Rev. DEC. 99

Page 1 of 3

UNITED STATES DEPARTMENT OF THE INTERIOR
National Park Service

Special Use Permit

Name of Use CONSTRUCTION EASEMENT

Date Permit Issued:
Reviewed
Reviewed
Expires 12/02/08

Long Term

Permit # SERO NATR 5700 2007-26
Region Park Type No. #

Short Term

Parkway Section
3D, MP-258.4

Pontotoc/Union/Lee Alliance is hereby authorized during the period from October 3, 2007, through October 2, 2008, to install a new permanent 18-inch pressure sewer line to serve the Wellsprings project at Blue Springs, MS, in Union County. The sewer line will be laid by open trench to within approximately 50 feet of the right-of-way across Park land. At that point, it will be bored to a minimum depth of six feet under Park property with approximately 400 feet of steel encasement. The Natchez Trace Parkway landscape architect must be notified twenty-four (24) hours in advance of work commencing within the Park and/or the Park's scenic easement. This requirement is in addition to the standard seven-day notice.

All boring under the Parkway road surfaces will be done to a minimum depth of six feet. If any cultural resources are located during the course of this project, all work must stop and the Natchez Trace Parkway Resource Management staff notified immediately.

No wetland, endangered species or sensitive environmental conditions are known for the site, past, or present.

Authorizing legislation or other authority (RE - DO-53):

NEPA Compliance: CATEGORICALLY EXCLUDED EA/FONSI EIS OTHER APPROVED PLANS

PERFORMANCE BOND: Required Not Required Amount \$

LIABILITY INSURANCE: Required Not Required Amount \$

ISSUANCE of this permit is subject to the conditions on the reverse hereof and appended pages and when appropriate to the payment to the U.S. Dept. of the Interior, National Park Service of the sum of \$

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied herein.

PERMITTEE Charles Duke 10/5/07
Signature Date
Authorizing Official Jenna Young 10/10/07
Superintendent Signature Date

CONDITIONS OF THIS PERMIT

1. The permittee shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with all applicable laws and regulations of the area.
2. Damages - The permittee shall pay the United States for any damage resulting from this use which would not reasonably be inherent in the use which the permittee is authorized to make of the land described in this permit.
3. Benefit - Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefits to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the benefit of such corporation.
4. Assignment - This permit may not be transferred or assigned without the consent of the Superintendent, in writing.
5. Revocation - This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Superintendent.
6. The permittee is prohibited from giving false information; to do so will be considered a breach of conditions and be grounds for revocation [Re: 36 CFR 2.32(a)(4)].
7. The permittee will comply with applicable public health and sanitation standards and codes, all applicable federal, state and local laws and regulations, and secure all appropriate federal, state and local permits necessary to exercise the privileges granted herein. The permittee shall provide evidence of such permits upon request.
8. The permittee will take adequate measures as directed and approved by the Superintendent, Natchez Trace Parkway (hereinafter Superintendent) to prevent or minimize damage to Parkway resources. This may include restoration, soil conservation and protection measures, weed control, landscaping and repairing roads, trails, fences, etc. The Superintendent or his representative may enter and inspect the area and facilities as deemed necessary and without restriction.
9. In consideration for obtaining the privileges granted herein, the permittee agrees to indemnify and save harmless the United States from any loss to it, including not only damage to Government property and injury to Government employees, but also judgements, settlements, or compromises for property damage or injury to all persons for which the United States may be liable, resulting from the exercise of the permittee and its employees of the privileges granted herein.
10. Any alterations to this permit must be in writing and signed by the parties hereto. Renewals will be subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary to protect the public interest.
11. This construction easement may be terminated upon breach of any of the stated conditions or at the discretion of the Director of the National Park Service.
12. In the event any facilities covered by this permit should interfere with the future parkway or appurtenant facility construction or maintenance, the permittee agrees to relocate them at no cost to the United States within 60 days after notice in writing and at a point designated by the Superintendent in writing.
13. The Superintendent shall be notified prior to start of construction on Parkway lands and at the conclusion of the project. All work on Parkway lands shall be completed to the satisfaction of the Superintendent or his representative.
14. This permit shall not be construed as conveying either temporarily or permanently interests or rights to the permittee, except as may already be possessed by the permittee.
15. Violation of the terms or conditions of this permit is considered a misdemeanor offense and may result in court action.

16. The permittee will immediately halt construction activities and notify the Superintendent upon discovery of archaeological, paleontological, or historical findings. All such objects or artifacts remain the property of the United States and shall be immediately provided to the Superintendent. The permittee agrees to compensate the National Park Service for costs incurred in the recovery, testing, and curation of cultural or paleontological resources.
17. Use of pesticides and/or herbicides is strictly prohibited in conjunction with the privileges granted herein.
18. The permittee agrees to limit the area affected by the exercise of the privileges granted herein to the minimum area necessary to perform the work required by this project.
19. The permittee agrees that no woody vegetation is to be cut or damaged in connection with the authorized work, except as marked in advance by the Superintendent.
20. The permittee agrees to chip all brush debris on site or remove such debris from Natchez Trace Parkway lands.
21. The permittee shall not borrow fill material from Parkway lands. Fill material imported to the site should be weed free. The permittee agrees to bear all costs associated with the control of pests introduced into the park resulting from the exercise of the privileges granted herein.
22. The permittee agrees to perform the construction in accordance with the proposal described in the [MONTH/DAY/YEAR] Sketch Plans provided to the Park as part of the permittee's Construction Easement Request.
23. The permittee agrees that any proposed pipe will be placed within the managed road corridor, and that no woody vegetation will be disturbed.
24. The permittee agrees that any boring under the Parkway motor road will be done at a minimum depth of six feet.
25. The permittee agrees not to use high pressure water when boring on Parkway land.