



STATE OF MISSISSIPPI

PHIL BRYANT  
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

March 23, 2012

Certified Mail No. 7011 3500 0000 3106 4317  
Mr. Michael F. McNair  
Regulatory Branch Chief  
U.S. Army Corps of Engineers, Vicksburg District  
4155 Clay Street  
Vicksburg, Mississippi 39183-3435

Dear Mr. McNair:

Re: U.S. Army Corps of Engineers  
Nationwide Permit No. 24  
COE No. MVK-2012-196  
WQC No. WQC2012034

The Department of Environmental Quality (Department) has reviewed the public notice submitted to our office dated February 21, 2012. This notice served as a request for Section 401 Water Quality Certification of the U.S. Army Corps of Engineer's Nationwide Permits.

This letter pertains in particular to Nationwide Permit 24, which reads as follows:

U.S. Army Corps of Engineers, Nationwide Permit No. 24, Indian Tribe or State Administered Section 404 Programs: Nationwide Permits are general permits issued on a nationwide basis to streamline the authorization of activities that result in minimal individual and cumulative adverse effects on the aquatic environment. The U.S. Army Corps of Engineers issues nationwide permits to authorize certain activities that require Department of the Army permits under Section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899.

Nationwide Permit No. 24 – Indian Tribe or State Administered Section 404 Programs authorizes any activity permitted by a state or Indian Tribe administering its own section 404 permit program pursuant to 33 U.S.C. 1344(g)-(l) is permitted pursuant to Section 10 of the Rivers and Harbors Act of 1899.

Note 1: As of the date of the promulgation of this NWP, only New Jersey and Michigan administer their own section 404 permit programs.

24319 WQC20120024

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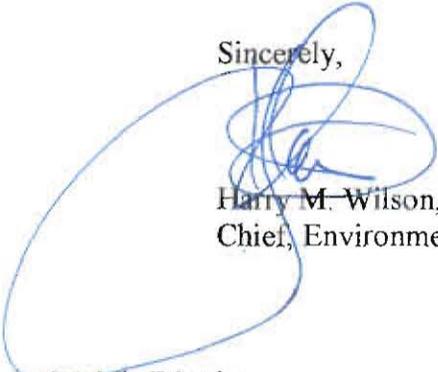
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Note 2: Those activities that do not involve an Indian Tribe or State section 404 permit are not included in this NWP, but certain structures will be exempted by Section 154 of Public Law 94-587, 90 Stat. 2917 (33 U.S.C. 591) (see 33 CFR 322.4(b)) [MVK-2012-196, WQC2012034].

Because the State of Mississippi does not administer a Section 404 program, it is the position of the Department that this activity does not require a Section 401 Water Quality Certification. Please contact Carrie Barefoot of my staff at (601) 961-5322 if you have any questions regarding this matter.

Sincerely,



Harry M. Wilson, P.E., DEE  
Chief, Environmental Permits Division

HMW: cb

cc: U.S. Army Corps of Engineers, Mobile District  
Attn: Mr. Craig Litteken, Regulatory Branch Chief  
U.S. Army Corps of Engineers, Memphis District  
Attn: Mr. Tim H. Flinn, Acting Regulatory Branch Chief  
U.S. Army Corps of Engineers, Nashville District  
Attn: Mr. Brad Bishop, Western Regulatory Section Chief  
Mr. Jan Boyd, Department of Marine Resources  
Ms. Kathy Lunceford, U.S. Fish and Wildlife Service  
Mr. William Cox, Environmental Protection Agency