

Living Shorelines: A Permitting Guide for Mississippi Homeowners



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The following is meant to be a permitting guide for homeowners who are interested in installing a living shoreline on their property in Mississippi.

Permitting Agencies

Initial Reviewers and Issuers of the General Permit

Mississippi Department of Marine Resources (DMR)

1141 Bayview Avenue
Biloxi, MS 39530
(228) 374-50000
www.dmr.state.ms.us



U.S. Army Corps of Engineers (USACE)

P.O. Box 2288
Mobile, AL 36628-0001
(251) 690-2658
www.sam.usace.army.mil/



Authorizer for Projects on Submerged Water Bottoms

Secretary of State Public Lands Division

(601) 359-5156
Fax: (601) 359-1461
www.sos.ms.gov/Public-Lands



Permit Application Checklist

To apply for a living shoreline permit, the following documents must be completed and turned into the Mississippi Department of Marine Resources, which will then distribute the application to the appropriate agencies (see previous page).

1. DMR/USACE Joint Application
2. Drawings
3. Environmental Assessment
4. Agent Authorization (optional)
5. Adjacent Property Owner Authorization (if applicable)

DMR/USACE Joint Application

Form requires:

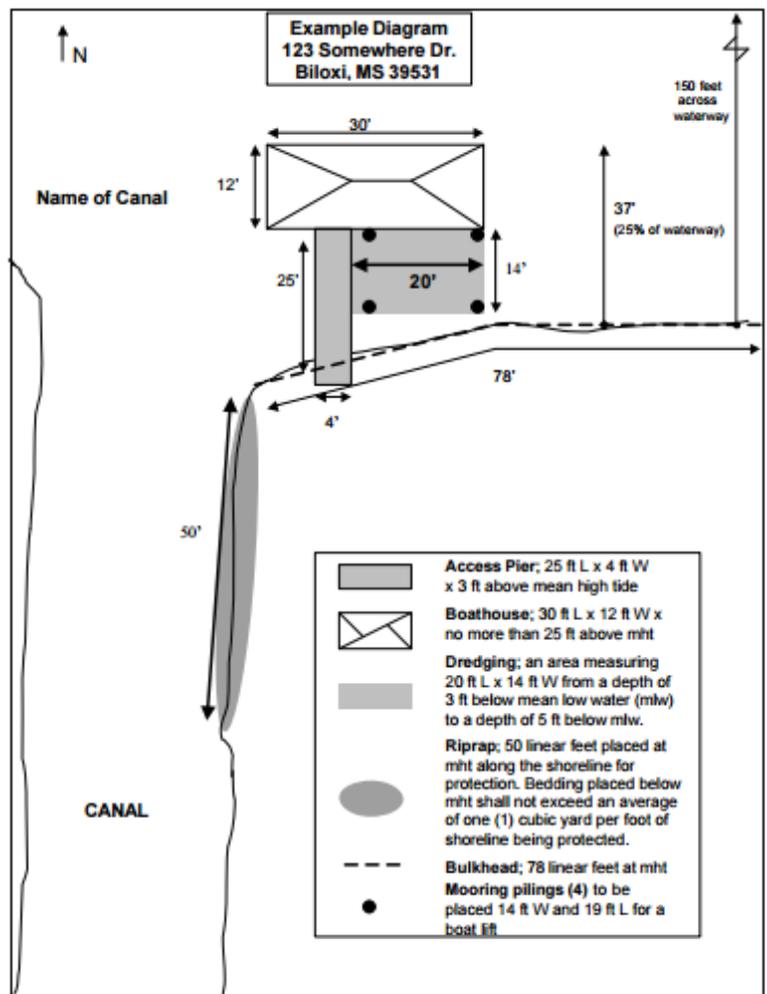
- ❖ General information about the permit applicant (e.g., name, address).
- ❖ Basic project information (e.g., location, materials).
- ❖ Includes drawings, environmental assessment, and agent authorization (optional).
- ❖ \$50 application fee for single-family residences.
- ❖ Can be found at the Mississippi DMR website: (<http://www.dmr.ms.gov/images/permitting/joint-application-notification-form2.pdf>)

Where to Submit DMR/USACE Joint Application

Applications must be submitted to the Mississippi Department of Marine Resources (DMR). The MS DMR will then review the application and forward it to any necessary agencies for further review. Once the application is approved, either a general or nationwide permit will be granted.

Drawings

- ❖ Includes a vicinity map, cross-section plan, and proposed activity drawings.
- ❖ Vicinity map shows the proposed activity location and includes a written description of how to get there from major landmarks or highways.
- ❖ Cross-section drawing should include mean high tide (MHT).
- ❖ Provides accurate drawings of the project site, with proposed activities shown in detail.
- ❖ All drawings must be to scale or include dimensions on the drawings.
- ❖ Must be on 8½-by-11-inch white paper.
- ❖ Can be made on the computer or by hand.



Sample drawing
(Credit: DMR)

Other Application Documents

Environmental Assessment

- ❖ Provide a report or statement assessing environmental impacts of the proposed project.
- ❖ Address the proposed project's effects on the wetlands and the wildlife that depend on them.
- ❖ Provide a complete description of any measures to be taken to reduce detrimental effects to wetlands during and after the proposed activity.

Adjacent Property Owner Authorization

- ❖ Required when proposed project is within 10 feet of an adjacent property.
- ❖ Applicant must provide a statement of permission and a diagram of proposed work with signatures from the adjacent property owners.

Agent Authorization

- ❖ Optional document: Signed authorization is required if the applicant desires to have an agent or consultant act on his/her behalf for permit coordination.

The above forms are to be submitted as part of the DMR/USACE Joint Application and can be found at www.dmr.ms.gov/index.php/coastal-resources-management/wetland-permitting.

Tips to Submitting a Successful Permit Application

Top 5 Mistakes that Lead to Permit Application Rejection

1. Application does not contain a full, narrative description of the proposed project.
2. Drawings do not display the mean high tide (MHT).
3. Drawings are not on 8½-by-11-inch paper, in grayscale.
4. Application does not list longitude/latitude *and* section/township/range of the project site.
5. Drawings are not drawn to scale or they do not show accurate dimensions of proposed work.

Helpful Hints to Obtaining a Living Shoreline Permit

START EARLY

Be prepared to submit your permit application at least 90 days before construction is planned to begin.

BE PREPARED

Schedule a pre-application meeting with DMR to clear up any questions and to address possible complications.

BE PATIENT

The permit application may have to be approved by several agencies, so the approval process takes time.

Living Shorelines Resources

For additional information on living shoreline permitting:

- ❖ <http://www.dmr.ms.gov/index.php/coastal-resources-management/wetland-permitting>
- ❖ masglp.olemiss.edu/living_shorelines.pdf

Example Living Shorelines Permit Application

What remains of this guide is an example permit application that resulted in a permit being issued. The permit application contains the following documents:

1. DMR/USACE joint application
2. Vicinity map
3. Cross-section drawing
4. Proposed activities drawing
5. Environmental assessment
6. Adjacent property owner authorization form
7. Agent authorization form

Required Documentation: DMR/USACE Joint Application page 1

JOINT APPLICATION AND NOTIFICATION
 U.S. ARMY CORPS OF ENGINEERS
 MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
 MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY/OFFICE OF POLLUTION CONTROL

This form is to be used for proposed activities in waters of the United States in Mississippi and for the erection of structures on suitable sites for water dependent industry. Note that some items, as indicated, apply only to projects located in the coastal area of Hancock, Harrison and Jackson Counties.

2. Applicant name, mailing address, phone number and email address: <div style="background-color: black; width: 100%; height: 40px; margin-bottom: 5px;"></div> Agent name, mailing address, phone number and email address: <div style="background-color: black; width: 100%; height: 40px; margin-bottom: 5px;"></div>		1. Date <u>07 07 2017</u> month day year 3. Official use only COE _____ DMR _____ DEQ _____ A95 _____ DATE RECEIVED _____
--	--	---

4. Project location
 Street Address _____ City/Community MOSS POINT
 Name of Waterway PASCAGOULA RIVER Latitude _____ Longitude (if known) _____
 Geographic location: Section S11 Township T75 Range R6W County JACKSON

5. Project description
 New work Maintenance work _____

Dredging

Channel	length _____	width _____	existing depth _____	proposed depth _____
Canal	length _____	width _____	existing depth _____	proposed depth _____
Boat Slip	length _____	width _____	existing depth _____	proposed depth _____
Marina	length _____	width _____	existing depth _____	proposed depth _____
Other-Mooring Basin	length _____	width _____	existing depth _____	proposed depth _____

Cubic yards of material to be removed _____ Type of material _____
 Location of spoil disposal area _____
 Dimensions of spoil area _____ Method of excavation _____
 How will excavated material be contained? _____

Construction of structures

Bulkhead	Total length _____	Height above water _____
Pier	length _____	width _____ height _____
Boat Ramp	length _____	width _____ slope _____
Boat House	length _____	width _____ height _____

_____ Structures on designed sites for water dependent industry (Coastal area only). Explain in item 11 or include as attachment.
 Other (explain): Installation of sand-filled gabion baskets along existing bulkhead.

Filling
 Dimensions of fill area 64 gabions that are 3x3x3', each
 Cubic yards of fill 61 Type of fill sand/topsoil
 Other regulated activities (i.e. Seismic exploration, burning or clearing of marsh) Explain.

1

Required Documentation: DMR/USACE Joint Application page 2

6. Additional information relating to the proposed activity
Does project area contain any marsh vegetation? Yes _____ No
(If yes, explain) _____
Is any portion of the activity for which authorization is sought now complete? Yes _____ No
(If yes, explain) _____
Month and year activity took place _____
If project is for maintenance work on existing structures or existing channels, describe legal authorization for the existing work. Provide permit number, dates or other form(s) of authorization. _____
Has any agency denied approval for the activity described herein or for any activity that is directly related to the activity described herein?
Yes _____ No (If yes, explain) _____

7. Project schedule
Proposed start date November 2017 Proposed completion date January 2018
Expected completion date (or development timetable) for any projects dependent on the activity described herein. _____

8. Estimated cost of the project \$12,500.00

9. Describe the purpose of this project. Describe the relationship between this project and any secondary or future development the project is designed to support. This project will convert an existing millrace into a humid greenhouse through the placement of sand-filled gabion baskets, allowing the growth of local marsh vegetation and hopefully the recruitment of oysters.
Intended use: Private Commercial _____ Public _____ Other (Explain) _____

10. Describe the public benefits of the proposed activity and of the projects dependent on the proposed activity. Also describe the extent of public use of the proposed project. Gabion baskets will add aesthetic value, reduce local erosion and scour, and encourage the growth and establishment of local flora & fauna.

11. Narrative Project Description:
See attached project description.

2

Required Documentation: DMR/USACE Joint Application page 3

12. Provide the names and addresses of the adjacent property owners. Also identify the property owners on the plan view of the drawing described in Attachment "A". (Attach additional sheets if necessary.)

1. [REDACTED] 2. STATE DEPT. OF MARINE RESOURCES

13. List all approvals or certifications received or applied for from Federal, State and Local agencies for any structures, construction, discharges, deposits or other activities described in this application. Note that the signature in Item 14 certifies that application has been made to or that permits are not required from the following agencies. If permits are not required, place N/A in the space for Type Approval.

<u>Agency</u>	<u>Type Approval</u>	<u>Application Date</u>	<u>Approval Date</u>
Dept. of Environmental Quality			
Dept. of Marine Resources			
Army Corps of Engineers			
City/County			
Other			

Required Documentation: DMR/USACE Joint Application page 4

14. Certification and signatures

Application is hereby made for authorization to conduct the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable state water quality standards or other environmental protection standards both during construction and after the project is completed. I also agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making preliminary analyses of the site and monitoring permitted works. I certify that I am familiar with and responsible for the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I am the owner of the property where the proposed project is located or that I have a legal interest in the property and that I have full legal authority to seek this permit.

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 willingly falsifies, conceals, or covers up by any trick, scheme or device 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 statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Mississippi Coastal Program (Coastal area only)

I certify that the proposed project for which authorization is sought complies with the approved Mississippi Coastal Program and will be conducted in a manner consistent with the program.

[Redacted Signature]

Signature of Applicant or Agent

6-23-17

Date

[Redacted Signature]

Required Documentation: DMR/USACE Joint Application page 5

15. Fees

Payable to MS Dept. of Marine Resources
\$50.00 Single-family residential application fee
\$500.00 Commercial application fee
Public notice fee may be required

Please include appropriate fees for all projects proposed in coastal areas of Hancock, Harrison and Jackson Counties.

16. If project is in Hancock, Harrison or Jackson Counties, send one completed copy of this application form and appropriate fees listed in Item 15 to:

Department of Marine Resources
Bureau of Wetlands Permitting
1141 Bayview Avenue
Biloxi, MS 39530
(228) 374-5000

If project **IS NOT** in Hancock, Harrison or Jackson Counties, send one completed copy of this application form to each agency listed below:

District Engineer
Mobile District
Attn: CESAM-RD
P.O. Box 2288
Mobile, AL 36628-0001

District Engineer
Vicksburg District
Regulatory Branch
Attn: CEMVK-OD-F
4155 Clay Street
Vicksburg, MS 39183-3435

Director
Mississippi Dept. of Environmental Quality
Office of Pollution Control
P.O. Box 10385
Jackson, MS 39289

17. In addition to the completed application form, the following attachments are required:**Attachment "A" Drawings**

Provide a vicinity map showing the location of the proposed site along with a written description of how to reach the site from major highways or landmarks. Provide accurate drawings of the project site with proposed activities shown in detail. All drawings must be to scale or with dimensions noted on drawings and must show a plan view and cross section or elevation. Use 8 1/2 x 11" white paper or drawing sheet attached.

Attachment "B" Authorized Agent

If applicant desires to have an agent or consultant act in his behalf for permit coordination, a signed authorization designating said agent must be provided with the application forms. The authorized agent named may sign the application forms and the consistency statement.

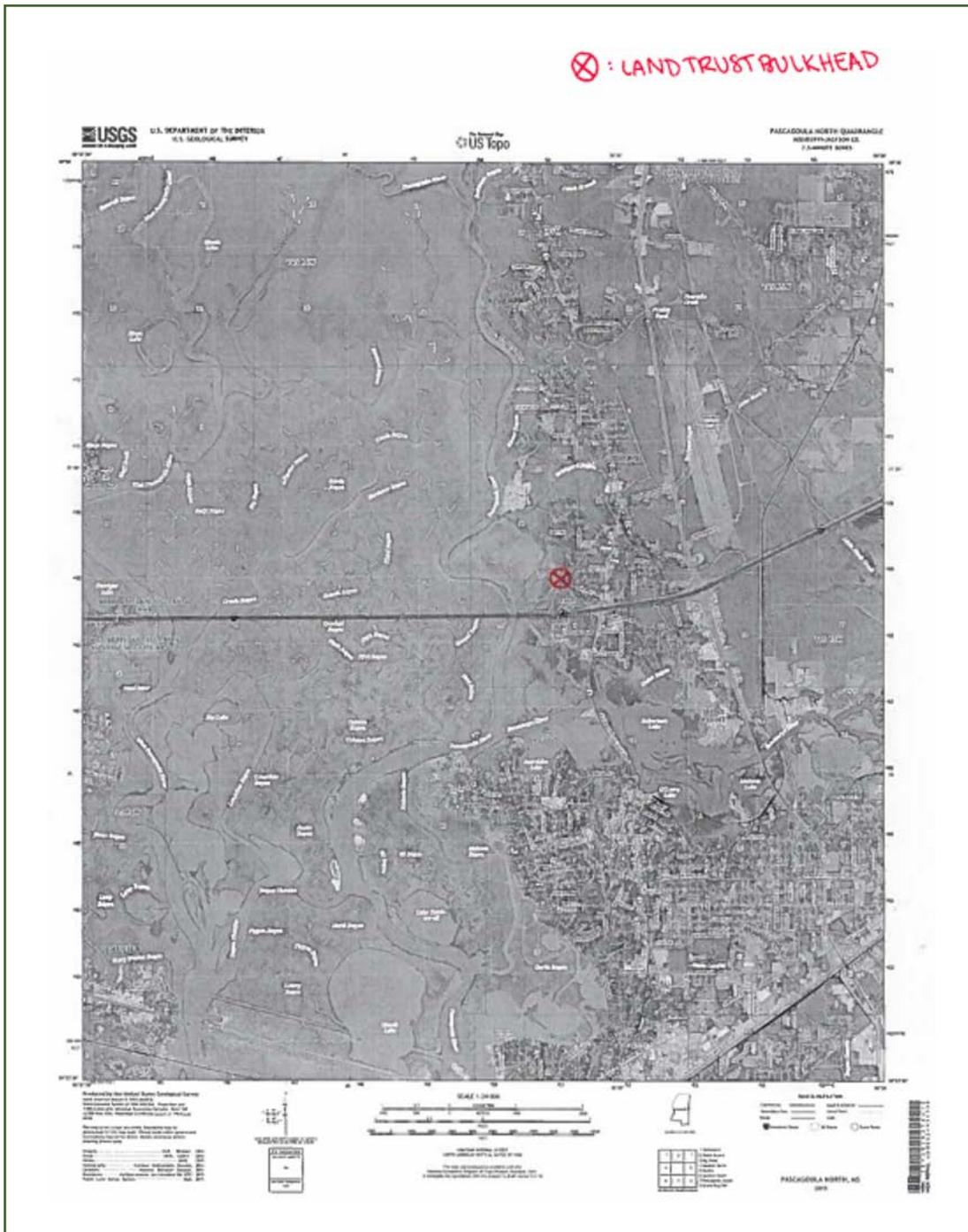
Attachment "C" Environmental Assessment (Coastal Area Only)

Provide an appropriate report or statement assessing environmental impacts of the proposed activity and the final project dependent on it. The project's effects on the wetlands and the effects on the life dependent on them should be addressed. Also provide a complete description of any measures to be taken to reduce detrimental offsite effects to the coastal wetlands during and after the proposed activity. Alternative analysis, minimization and mitigation information may be required to complete project evaluation.

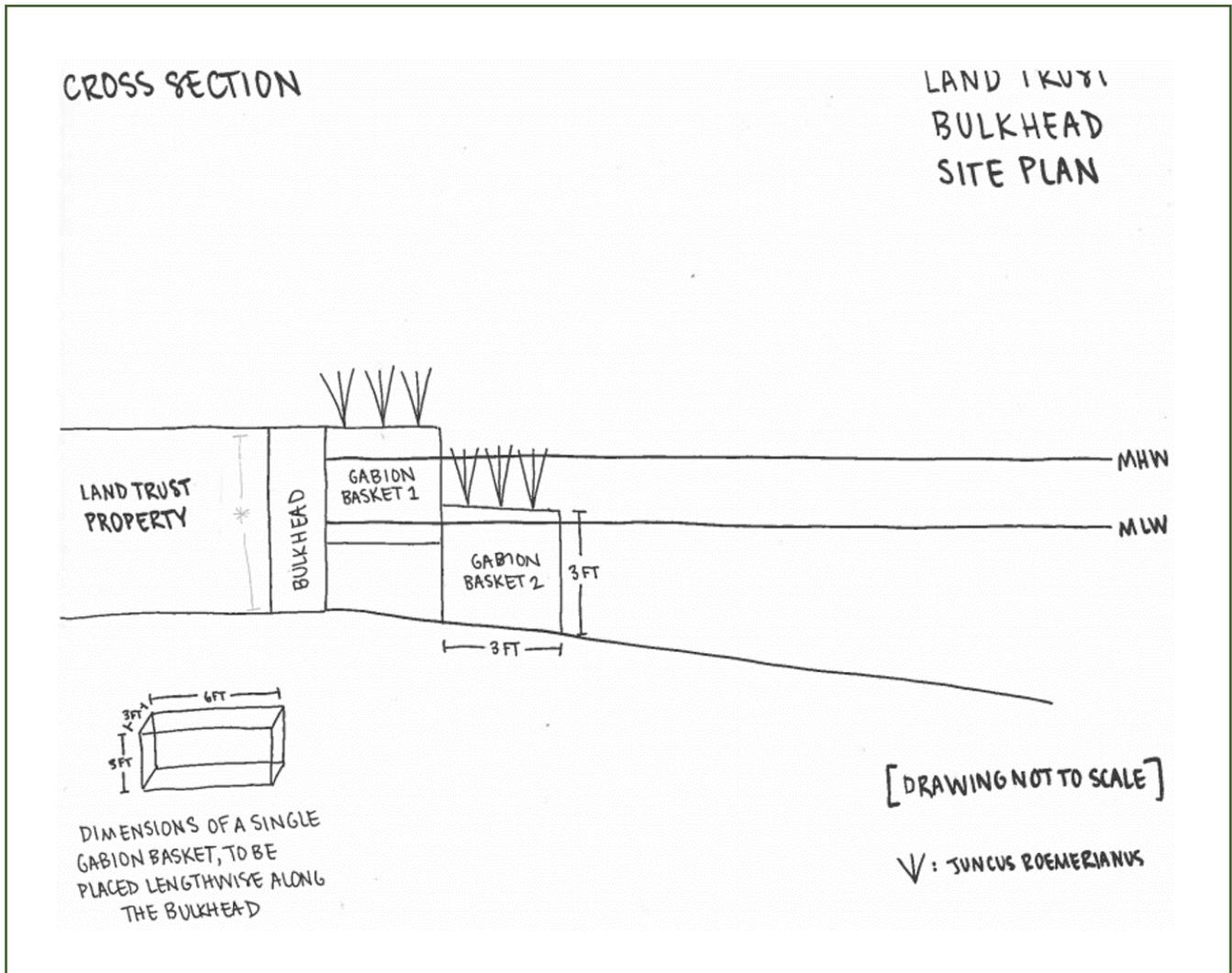
Attachment "D" Variance or Revisions to Mississippi Coastal Program (Coastal area only)

If the applicant is requesting a variance to the guidelines in Section 2, Part III or a revision to the Coastal Wetlands Use Plan in Section 2, Part IV of the Rules, Regulations, Guidelines and Procedures of the Mississippi Coastal Program, a request and justification must be provided.

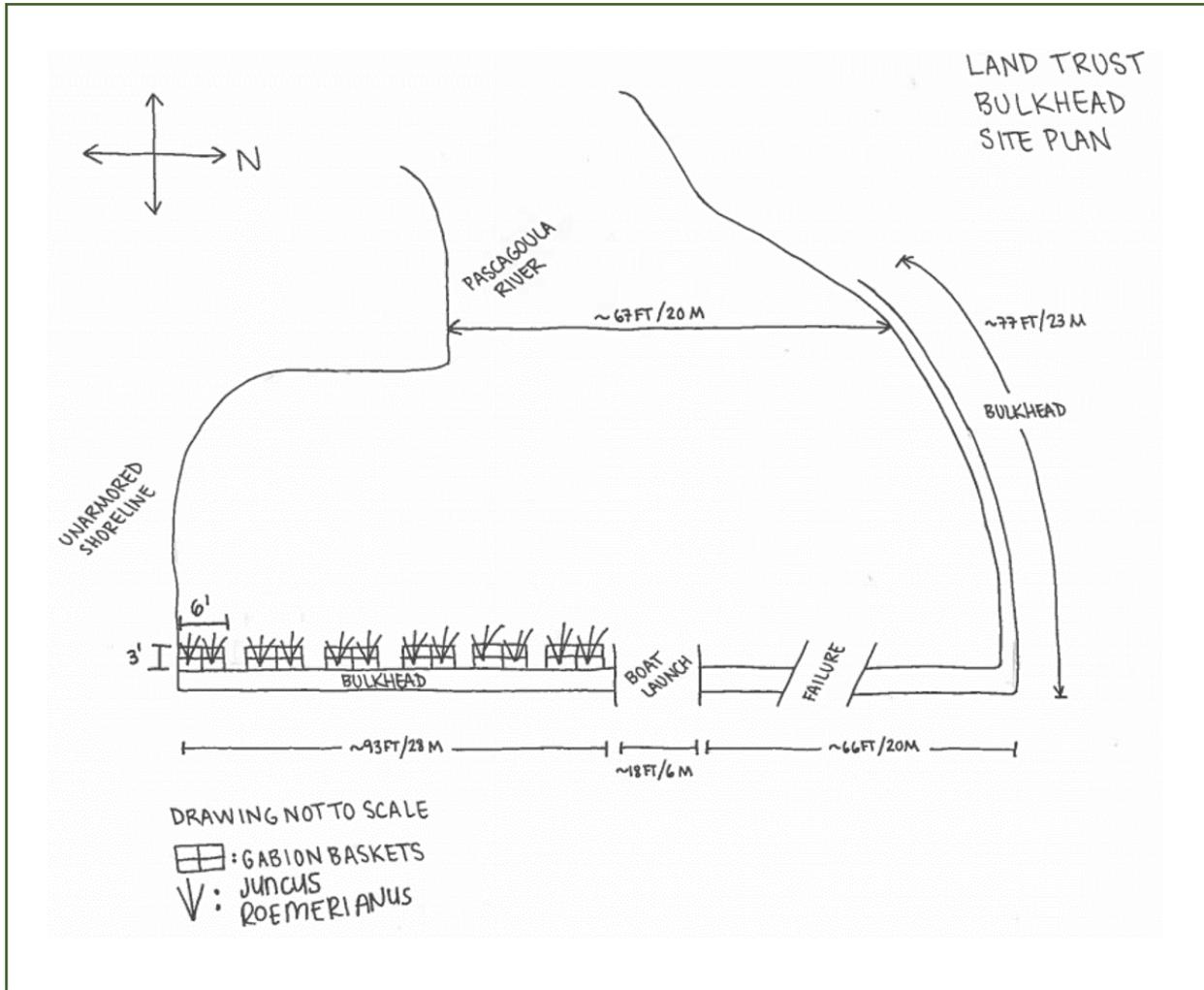
Required Documentation: *Vicinity Map*



Required Documentation: Cross-Section Plan



Required Documentation: Proposed Activities



Required Documentation: Environmental Assessment Guidelines

1. Project Description

- ❖ Define the project. Be specific and include dimensions. A clear description of the project will prevent delays.

2. Purpose and Need for the Project

- ❖ Demonstrate the need to be met by the proposed project.
- ❖ Describe any public benefit that will be provided.

3. Description and Comparison of Alternatives

- ❖ Describe off-site alternatives (other locations considered for the proposed project). Include impacts associated with these locations, illustrating both the quantity of impacts and the quality of the affected wetlands.
- ❖ Describe on-site alternatives (other project designs that were considered). Again, include impacts associated with these designs.
- ❖ Provide feasibility information for the rejected alternatives, along with the reasoning behind the choice of the proposed site/design.
- ❖ Demonstrate that impacts to wetlands have been avoided and minimized to the maximum extent practicable.

4. Description of the Affected Environment

- ❖ Describe the existing conditions of the proposed project site, including information on topography, hydrology, soils, vegetation, and wildlife use.
- ❖ Provide both the quantity and quality of all wetlands on-site, whether they are proposed to be impacted or avoided.

5. Project Impacts

- ❖ Describe how the proposed project would both directly and indirectly affect the biological integrity and productivity of coastal wetlands communities and ecosystems.
- ❖ Demonstrate whether the proposed activity would affect the following characteristics of coastal wetlands:
 - × The natural supply of sediment and nutrients to the coastal wetlands;
 - × The natural temperature regimes that are part of the ecosystem of coastal wetlands;
 - × Salinity regimes;
 - × Sediment transport processes;
 - × Water flow and natural circulation; and
 - × The long-term biological productivity of the coastal wetlands' ecosystem.

Explain all measures that will be taken to reduce detrimental off-site effects to coastal wetlands during and after the proposed activity. Refer to the Mississippi Department of Environmental Quality's Field Manual for Erosion and Sediment Control on Construction Sites in Mississippi for descriptions of acceptable best management practices.

Present the plan to mitigate for any unavoidable impacts. This plan should be based on the quantity, quality, and function of the impacted wetlands.

Required Documentation: Adjacent Property Owner Authorization Form

Adjacent Property Owner Authorization

Date: _____

DMR# _____
(For Office Use Only)

_____ has my permission to construct the intended
(Print Applicant Name)

(Project Description; examples: Pier, Boathouse, etc.)

Within a distance of less than ten feet (10') of my adjacent property line as
Shown in the signed attached diagram*.

Signature: _____
(Adjacent Property Owner)

Adjacent Property Information:

Applicant Information:

Print Name

Print Name

Print Adjacent Property Address

Print Project Address

City, State and Zip Code

City, State and Zip Code

Phone Number

Phone Number

* Adjacent property owner **MUST** sign diagram of
proposed project.

Required Documentation: *Agent Authorization Form*



MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Agent Authorization

I authorize the person(s) and/or company listed below to act as my agent regarding the proposed project as described in the Joint Application and Notification at the location listed below:

_____ (name of agent)

_____ (location of project)

_____ (address)

_____ (city, state, zip code)

_____ (agent phone number)

_____ (print applicant name)

_____ (applicant signature)

_____ (date)

Do you want the permit mailed to the agent? ____ Yes ____ No



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