

**MINUTES OF THE MISSISSIPPI ENVIRONMENTAL
QUALITY PERMIT BOARD, SPECIAL MEETING
HELD IN JACKSON, MISSISSIPPI, ON THURSDAY, JUNE 30, 2016**

The Mississippi Environmental Quality Permit Board held a special meeting in the Commission Hearing Room of the Department of Environmental Quality, located at 515 East Amite Street, on Thursday, June 30, 2016. Michael Bograd called the meeting to order at 9:00 a.m. with the following members and designated representatives present:

Michael Bograd, Chair
Dennis Riecke, Vice Chair
Jim Hoffmann for Kay Whittington
Julie McLemore for Cindy Hyde-Smith
Jennifer Wittmann for Jamie Miller
William "Bill" Moody for Leslie Royals
Howard Leach for Lisa Ivshin

Renaissance at Colony Park, LLC, Phase III, Ridgeland, Madison County, Mississippi

Renaissance at Colony Park, LLC ("Applicant") applied for a Clean Water Act Section 401 Water Quality Certification (No. WQC-2015-041) and Coverage under the Construction Storm Water General Permit (No. MSR 107191) for a proposed commercial development to be located on a 45-acre parcel west of Interstate 55 and south of Old Agency Road along the east boundary of Highland Colony Parkway in Ridgeland, Mississippi. Mr. Roy Furrh, MDEQ's General Counsel, requested that the notice of the Special Permit Board meeting be included in the minutes. Ms. Florance Bass, Director of MDEQ's Water Quality Certification Branch, stated that the proposed development would include one primary development and five additional buildings. The primary building would be located in the southern portion of the development and would include an approximate 150,000 square foot building with approximately 650 parking spaces and utilities. The additional five buildings would include a total of approximately 158,000 square feet of retail space with approximately 955 parking spaces. A flood storage basin would be excavated along the eastern portion of the site along Purple Creek which is a perennial stream channel. The detention area would serve as a flood retention basin facility. A weir would be placed at the downstream end of the project area well below the top bank elevations of Purple Creek; this would provide for continued flow at Purple Creek's current rate. The proposed project would result in channelization and excavation impacts to 1,700.89 linear feet of Purple Creek, piping and excavation impacts to 2,561.3 linear feet of intermittent stream, and clearing and filling of 14.16 acres of forested wetlands. The proposed project also requires a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers. MDEQ held a public hearing on May 19, 2016, at Ridgeland High School to receive public comments. MDEQ received numerous objection letters from residents of nearby subdivisions expressing concerns with the impacts of the proposed project on Purple Creek and on wildlife habitat, concerns with the flood detention basin, the size of the proposed project, and the project's proximity to the Natchez Trace. Opponents also expressed concerns regarding feasible alternatives (given changes to the funding mechanisms from the Mississippi Development Authority), the wetland mitigation plan, and legal issues regarding zoning of the proposed project.

The Applicant also applied for a Certificate of Coverage under the Large Construction Storm Water Permit on June 2, 2016. Along with its Large Construction Notice of Intent ("LCNOI"), the Applicant submitted a Storm Water Pollution Prevention Plan ("SWPPP") detailing how it would address storm water discharges during construction of the proposed project by installing silt fencing, rock check dams, and hydro seeding.

MDEQ staff provided documents to the Permit Board members for their review prior to their meeting. Specifically, staff provided copies of correspondence requesting the public hearing, the public hearing transcript and exhibits, staff's responses to the public hearing comments, the permit rationale, the draft Section 401 Certification, and the LCNOI. MDEQ staff also sent notice of the Special Permit Board Meeting to adjacent landowners.

Attorney Steve Maloney addressed the Permit Board on behalf of concerned citizens opposed to the proposed project. Mr. Maloney submitted written comments and photographs to the Permit Board members. Mr. Maloney informed the Permit Board that the local zoning authority's approval of the proposed project is currently on appeal and suggested that the Permit Board delay its vote on the proposed certification and coverage pending exhaustion of the appeal which Mr. Maloney estimated to be two years. Mr. Maloney also questioned the need to permit the entire 45-acre parcel when the first phase of the project involves only 15 acres especially because the Applicant does not yet have tenants for the five additional buildings planned for the second phase of the development. Mr. Maloney suggested that with no evidence of additional tenants, it would be premature to issue a Section 401 Certification for the entire project as planned. Mr. Maloney also stated that the Applicant was having issues obtaining clear title to a 3.01-acre portion of the property. He was also concerned about the environmental impacts to Purple Creek and to the wildlife. Mr. Maloney suggested that because of these and other issues, the Applicant was not yet ready to develop the property. Mr. Gerald Beard also stated his opposition to the proposed project. Mr. Beard mentioned he wanted the City of Ridgeland to develop an independent hydraulic study—a master plan—for the entire Purple Creek basin. He was particularly concerned with flooding and storm water issues. Dr. Robert Penny, a retired minister, also expressed his opposition to the proposed development. Dr. Penny stated that he is not opposed to a Costco; he simply is opposed to the Costco being located in that area. He had concerns with the impact of the proposed project on birds and wildlife.

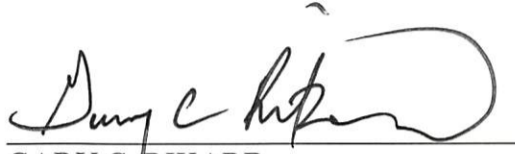
Attorney John Brunini addressed the Permit Board on behalf of the Applicant. Mr. Brunini stated that the proposed project is 45 acres; he stated that the project would not be economically viable if it were only 15 acres. Mr. Brunini stated that the only feasible alternative the Applicant is willing to proceed with is the entire 45-acre project which includes ancillary tenants. Mr. Brunini stated that the project would go forward even if the Applicant was unable to cure the title issue regarding the 3.01 acres. Mr. Brunini stated that the local zoning approval passed by a four to three vote and that the Applicant was ready to go forward with the project at its own risk despite the appeal. Further, Mr. Brunini stated that the Applicant evaluated impacts of the project on wildlife and no threatened or endangered species would be adversely impacted. Mr. Brunini disagreed with Mr. Maloney's assertion that the Applicant was not ready to move forward, stating that the Applicant was ready to begin development in 2017. Mr. Walt Dinkelacker with Headwaters stated the City of Ridgeland and its Architectural Review Board approved the entire project. He further stated the City of Ridgeland has been planning since the 1990s to put a flood storage and retention facility in the area of the proposed project. He stated that the Federal Emergency Management Agency has approved the project. Mr. Dinkelacker stated that there has been a lot of development in the area and that about 19,000 feet of Purple Creek has been channelized. While there are no TMDLs for Purple Creek, which is in the Pearl River Basin, there is a sediment Total Maximum Daily Load for the Pearl River.

MDEQ staff deemed complete the application for the Section 401 Water Quality Certification, the LCNOI, and the SWPPP and recommended issuance of the Section 401 Certification and Coverage under the Large Construction General Permit. The Section 401 Certification requires the Applicant to mitigate for the wetland loss by purchasing an appropriate amount of credits from approved wetland and stream mitigation banks. Permit Board Member Dennis Riecke moved to accept staff's recommendation to issue the certification and certificate of coverage and Permit Board Member James Hoffmann seconded the motion. The Permit Board voted unanimously to issue the Certification and Certificate of Coverage. MDEQ Senior Attorney Lisa Ouzts stated that interested parties aggrieved by the Permit Board's decision could request a formal evidentiary hearing within 30 days from the date of the Special Meeting. Ms. Ouzts stated the request must be submitted in writing to MDEQ's Executive Director.


MEETING ADJOURNED

There being no further business to come before the Permit Board, Michael Bograd adjourned the meeting.

DATED at Jackson, Mississippi, this the 30th day of June, 2016.



GARY C. RIKARD
EXECUTIVE DIRECTOR



MICHAEL B.E. BOGRAD
PERMIT BOARD CHAIRMAN

Notice of Special Meeting

Mississippi Environmental Quality Permit Board

Please take note that a special meeting of the Mississippi Environmental Quality Permit Board (Permit Board) will be held beginning at 9:00 a.m. on Thursday, June 30, 2016, in the Commission Hearing Room at 515 East Amite Street, Jackson, Mississippi. At the special meeting, the Permit Board will consider issuance of a Clean Water Act Section 401 Water Quality Certification (No. WQC-2015-041) and Coverage under the Construction Storm Water General Permit (No. MSR 107191) to Renaissance at Colony Park, LLC, Phase III, Ridgeland, Madison County, Mississippi. As always, the public is invited to attend the meeting.

Posted June 17, 2016



General Counsel
Mississippi Department of
Environmental Quality