



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHRIS WELLS, EXECUTIVE DIRECTOR

April 9, 2021

Mr. Dan Bowen
Biewer Lumber, LLC
812 South Riverside Ave
P.O. Box 497
St. Clair, Michigan 48079

Dear Mr. Dan Bowen:

Re: Biewer Sawmill Winona Inc
Montgomery County
COE No. MVK2020949
WQC No. WQC2021017

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Office of Pollution Control (OPC) issues this Certification, after public notice and opportunity for public hearing, Biewer Sawmill Winona, Inc., an applicant for a Federal License or permit to conduct the following activity:

Biewer Sawmill Winona Inc: The facility proposes to complete a southern yellow pine, sawmill within Winona, Montgomery County, Mississippi. The complete proposed work is to complete work on a 137.98-acre facility includes unavoidable impacts to wetlands and "other waters". The impacts include 0.99 acres of wetlands (fill activity), 393.02 linear feet of intermittent stream (fill activity), and 300 linear feet of culvert crossings. The proposed fill material will be 5000 cubic yards of silty clay loam. Biewer Sawmill Winona, Inc proposes to purchase the required mitigation credits from an approved mitigation bank. [MVK2020949, WQC2021017].

The Office of Pollution Control certifies that the above-described activity will be in compliance with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act and Section 49-17-29 of the Mississippi Code of 1972, if the applicant complies with the following conditions:

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1. The development shall connect to an Office of Pollution Control approved wastewater collection and treatment system. (Statement C) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
2. Appropriate best management practices (BMPs) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas. Special care shall be taken prior to and during construction to prevent the movement of sediment into adjacent avoided wetland areas. In the event of any BMP failure, corrective actions shall be taken immediately. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
3. All fill material and excavation areas shall have side slopes of 3:1 (horizontal:vertical) or flatter and shall be immediately seeded, stabilized and maintained. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
4. The Post Construction Water Quality Plan prepared in January 2021 by Trademark Consulting of MS, LLC, shall be implemented concurrent with project construction and maintained as proposed. (Statement D) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (9))
5. Mitigation for the impacts of 0.99 acres of wetlands and 393.02 linear feet of intermittent stream shall be provided by the purchase of mitigation credits from an approved mitigation bank. The number of credits must be in accordance with banking prospectus and should be based upon that required for impacting 0.99 acres of wetlands and 393.02 linear feet of intermittent stream. Written verification of credit purchase must be provided to the Office of Pollution Control prior to the commencement of any work in the wetland or stream areas. (Statement D) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
6. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 2.2.A.)
7. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 2.2.A.(3))

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

- (A) The proposed activity permanently alters the aquatic ecosystem such that water quality criteria are violated and/or it no longer supports its existing or classified uses. An example is the channelization of streams
- (B) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.
- (C) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.
- (D) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.

The Office of Pollution Control also certifies that there are no limitations under Section 302 nor standards under Sections 306 and 307 of the Federal Water Pollution Control Act, which are applicable to the applicant's above-described activity.

This certification is valid for the project as proposed. Any deviations without proper modifications and/or approvals may result in a violation of the 401 Water Quality Certification. If you have any questions, please contact Florance Bass.

Sincerely,



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

KR: cs

cc: Tarmiko Graham, U.S. Army Corps of Engineers, Vicksburg District
Greg Christodoulou, Department of Marine Resources
Paul Necaise, U.S. Fish and Wildlife Service
Molly Martin, Environmental Protection Agency
Clay Cromwell, Headwaters, Inc.