



State of Mississippi

TATE REEVES
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHRIS WELLS, EXECUTIVE DIRECTOR

April 9, 2026

Mr. Blaine LaFontaine
Hancock County Port and Harbor Commission
14054 Fred and Al Key Road
Kiln, MS 39556
228-467-9231
blafontaine@hcphc.ms

Dear Mr. LaFontaine:

Re: Hancock County Port and Harbor Commission
Port Bienville Site 1
WQC Modification
Hancock County
COE No. MVK-2022-00820
WQC No. WQC2024036

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Mississippi Department of Environmental Quality (MDEQ) issues a modification to this Certification, after public notice and opportunity for public hearing, to Hancock County Port and Harbor Commission, an applicant for a Federal License or permit to conduct the following activity:

Hancock County Port and Harbor Commission, Port Bienville Site 1, Project Mockingbird: As initially certified on May 12, 2025, the project involved regulated activities in jurisdictional wetlands to support construction of an industrial manufacturing facility, codenamed Mockingbird. The planned development includes a primary manufacturing facility, multiple support office buildings, two access driveways, and two stormwater detention ponds. The project is located within the Port Bienville Industrial Park at Site 1 in Hancock County, Mississippi, encompassing a total of 103.79 acres. Of this area, 72.80 acres were proposed to be filled and elevated to 19 feet NGVD to support site development. Additionally, 6.97 acres would receive fill to construct adequate side slopes for the elevated pad; two detention ponds (2.25 acres and 3.98 acres)

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would be constructed; and 17.79 acres would be cleared to install temporary brush barriers for sediment control.

This Water Quality Certification is being modified pursuant to a revised jurisdictional determination issued by the U.S. Army Corps of Engineers, Vicksburg District (USACE). Although all wetlands within the project area are recognized as Waters of the State of Mississippi (WOTS), the USACE determined that only a portion of these wetlands meet the criteria for regulation as Waters of the United States (WOTUS). Of the 57.01 acres of mixed pine savannah and bayhead magnolia wetlands present on the site, approximately 22.49 acres were determined to be federally jurisdictional, while the remaining 34.52 acres were identified as non-federally jurisdictional wetlands.

Under this modification, approximately 44.08 acres of mixed pine savannah and bayhead magnolia wetlands will be permanently impacted, including 20.38 acres of federally jurisdictional WOTUS and 23.70 acres of non-federally jurisdictional wetlands considered WOTS. Additionally, 12.93 acres of these wetlands will be temporarily impacted, consisting of 2.11 acres of WOTUS and 10.82 acres of WOTS. In total, 57.01 acres of wetlands, rather than the previously authorized 56.38 acres, will be affected by the project [MVK-2022-00820, WQC2024036].

MDEQ 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:

1. The development shall connect to an MDEQ approved wastewater collection and treatment system. (Statement G) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
2. For construction projects five (5) acres or greater of total ground disturbances including clearing, grading, excavating, or other construction activities shall follow the conditions and limitations of the Large Construction General Permit. No construction activities shall begin until the necessary approvals and/or permits have been obtained. Construction activities include a disturbance to the land that results in the change in topography, existing soil cover (both vegetative and nonvegetative), or the existing topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
3. 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 F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)

4. 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 F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
5. The final post-construction Stormwater Management Plan submitted by the applicant shall be implemented concurrent with project construction and maintained as proposed. For sedimentation basins that are to be converted to be utilized as a part of the post-construction stormwater management plan, basin volumes shall be checked, and excess sediment removed from the basins prior to termination of Large Construction Stormwater General Permit. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
6. Mitigation for the impacts of filling 20.38 acres of pine savannah/bayhead magnolia wetlands on the site 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 be based upon that required for impacting the waters on the site. Written verification of credit purchase must be provided to the MDEQ prior to the commencement of any work in the wetland or stream areas. (Statement A) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
7. 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.(3))
8. 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 MDEQ 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) There is a feasible alternative to the activity which reduces adverse consequences on water quality and classified or existing uses of waters of the State.
- (C) The proposed activity adversely impacts waters containing State or federally recognized threatened or endangered species.

- (D) The proposed activity adversely impacts a special or unique aquatic habitat, such as National or State Wild and Scenic Rivers and/or State Outstanding Resource Waters.
- (E) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.
- (F) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.
- (G) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.
- (H) The proposed activity results in significant environmental impacts which may adversely impact water quality.

MDEQ 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 Carrie Barefoot.

Sincerely,



Becky Simonson
Environmental Permits Division

cc: Jared Everitt, U.S. Army Corps of Engineers, Vicksburg District
Lindsay Spurrier, Cypress Environment & Infrastructure
Katie Nelson, Department of Marine Resources