



**US Army Corps  
of Engineers**

Vicksburg District  
4155 Clay Street  
Vicksburg, MS 39183-3435  
www.mvk.usace.army.mil



# Public Notice

APPLICATION NO.:	MVK-2020-949
EVALUATOR:	Ms. Tarmiko Graham
PHONE NO.:	(601) 631-5540
E-MAIL:	Tarmiko.V.Graham@usace.army.mil
DATE:	March 30, 2021
EXPIRATION DATE:	April 19, 2021

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District is considering an application for a Department of the Army permit for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-RD, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has submitted a certification request to the Mississippi Department of Environmental Quality (certifying authority) and the Corps of Engineers has notified the certifying agency of the reasonable period of time for them to act upon the certification.

**Law Requiring a Permit:** Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged and/or fill material into waters of the United States.

**Name of Applicant:**  
Mr. Dan Bowen  
Biewer Lumber, LLC  
Post Office Box 497  
St. Clair, Michigan 48079

**Name of Agent:**  
Mr. Clay Cromwell  
Headwaters, Incorporated  
Post Office 2836  
Ridgeland, Mississippi 39158

**Location of Work:** Section 12 and 13, T19N- R5E, Latitude 33.520427, Longitude -89.72803, within the Big Black Drainage Basin (8-digit USGS HUC 08060201), Montgomery County, Mississippi.

**Description of Work:** (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of the Army permit to conduct regulated activities in jurisdictional wetlands for the development of Biewer Sawmill located in Winona, Montgomery County, Mississippi.

The proposed Biewer Sawmill in Winona will support the southern yellow pine market producing building materials in a variety of species and treatments with the capacity to cut 350 million board feet of timber (MMBF) annually. The project boundary includes an approximate 162.85-acre parcel of land located to the south of Sawyer Road, east of U.S. Highway 51 and west the Grenada Railroad right of way.

Access to the facility would be granted from Sawyer Road located along the north boundary of the site. Inbound trucks will enter the facility along the west boundary with deliveries of raw materials along the west and south side of the facility. It is anticipated that approximately 250 log trucks per day would enter the facility. Outbound trucks would exit the facility along the east boundary to Sawyer Road with initial estimates of 125 residual trucks and 35 truck-loads of finished wood products daily. Finished wood products would be stored, staged, and shipped via truck and rail from the east side of the facility. The Biewer Sawmill is also designed to connect to the Grenada Railroad located to the east of the facility. A spur track would be constructed extending from the existing Grenada Railroad right of way north into the facility. It is anticipated that approximately 4 rail cars of lumber per day would be completed and shipped. The planned rail spur would be designed in accordance with Grenada Railroad providing the opportunity to transport products via rail to customers.

The proposed facility development would include fill of 0.99 acre of forested wetlands. Reaches of three (3) ephemeral streams, considered as non-jurisdictional by the USACE, would also be filled to complete the site. To complete the rail spur track along the east boundary of the facility, one (1)

approximate 100-foot culvert crossing along the intermittent stream and one (1) approximate 100-foot culvert crossing along the perennial stream would be completed. Each culvert configuration would be designed and completed to maintain natural flow regimes within each system, minimizing potential secondary impacts within each stream system. Approximately 3,500 cubic yards of silty loam clay would be placed in the jurisdictional areas.

Dominant vegetation includes American elm, American sycamore, black willow, sweet-gum, Chinese privet, sedges and smartweed. Soils within the project area consist of Collins silt loam - moderately well drained, on floodplains, most used for cultivated crops or pasture, Gillsburg silt loam, occasionally flooded - somewhat poorly drained, on floodplains and low terraces, most used for cultivated crops or pasture and Providence silt loam, eroded - moderately well drained, on upland side slopes, most used for pasture and woodland.

The applicant proposes to mitigate for the unavoidable loss of jurisdictional resources through the purchase of credits from a commercial mitigation bank that services the project area.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

**State Water Quality Permit:** The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

**Cultural Resources:** This office is coordinating with the State Historic Preservation Officer, Federally-recognized Tribes, and other interested parties regarding potential effects to historic properties that could result from the proposed activity.

**Endangered Species:** Threatened and Endangered Species for this area include the Northern Long-eared bat and Wood Stork. Utilizing the Standard Local Operating Procedures for Endangered Species (SLOPES) as signed on June 28, 2017, between the U.S. Army Corps of Engineers, Vicksburg District and the U.S. Fish and Wildlife Service, the Corps has determined that the proposed activity may affect the Northern Long-eared bat; however, this project complies with the final 4(d) rule with incidental take covered by the U.S. Fish and Wildlife Service's Biological Opinion for the final 4(d) rule for the Northern long-eared bat. In addition, this project will have No Effect on the Wood Stork.

**Floodplain:** In accordance with 44 CFR Part 60 (Floodplain Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. Floodplain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements. The project is not located within the 100-year floodplain.

**Evaluation Factors:** The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

**Public Involvement:** The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.







**Opportunity for a Public Hearing:** Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

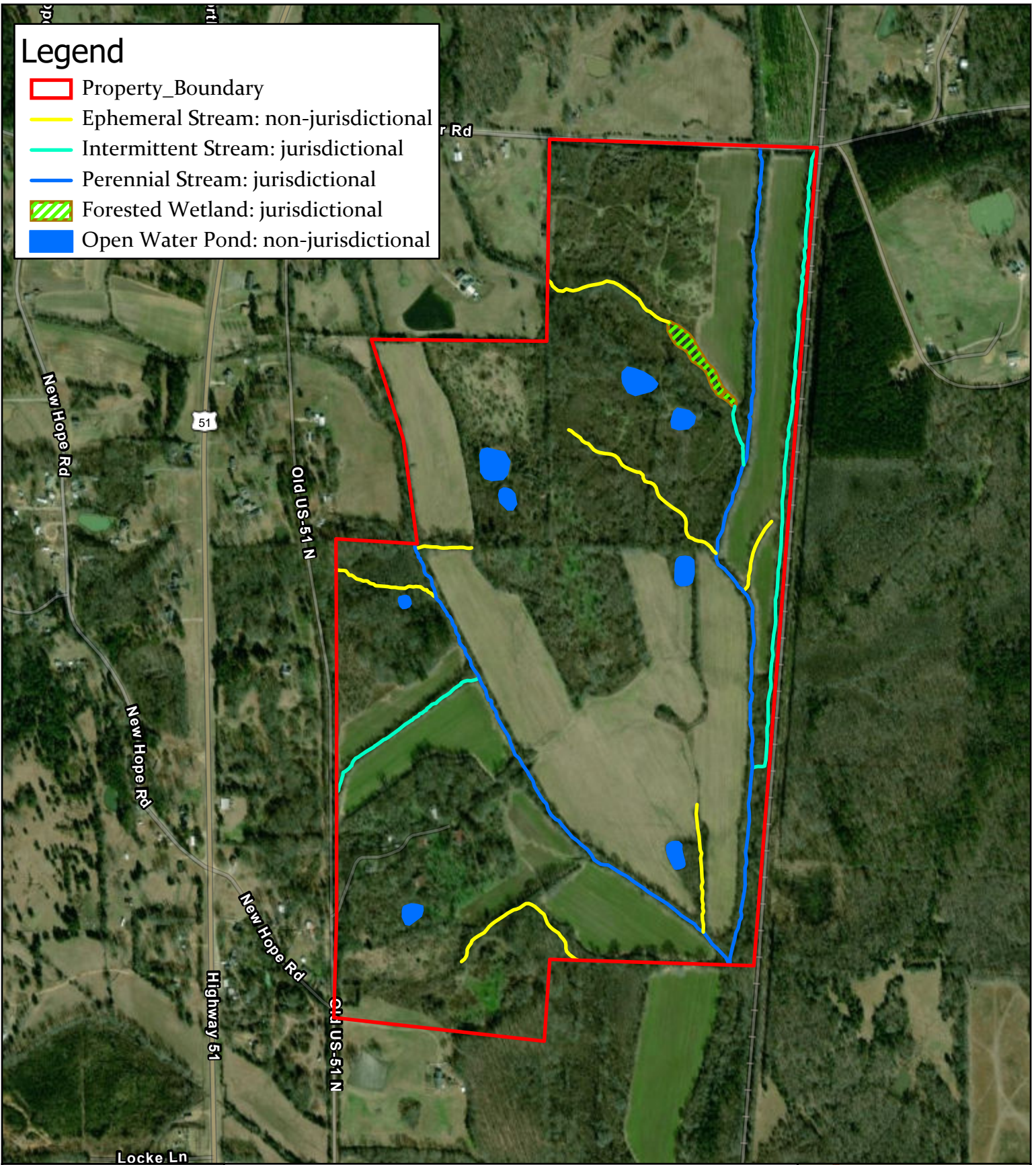
**Notification of Final Permit Actions:** Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>.

*Cori Carraway*

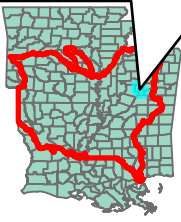
**Cori Carraway  
Chief, Permit and Evaluation Branch  
Regulatory Division**

# Legend

-  Property\_Boundary
-  Ephemeral Stream: non-jurisdictional
-  Intermittent Stream: jurisdictional
-  Perennial Stream: jurisdictional
-  Forested Wetland: jurisdictional
-  Open Water Pond: non-jurisdictional



Montgomery County, MS



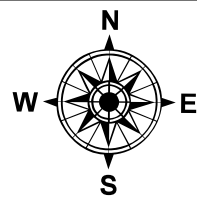
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**MVK-2020-949**

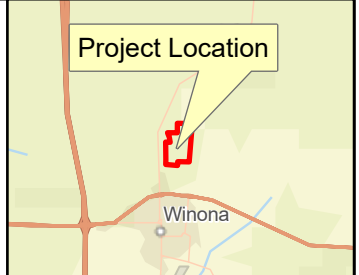
Montgomery County EDP







Approved Jurisdictional Determination

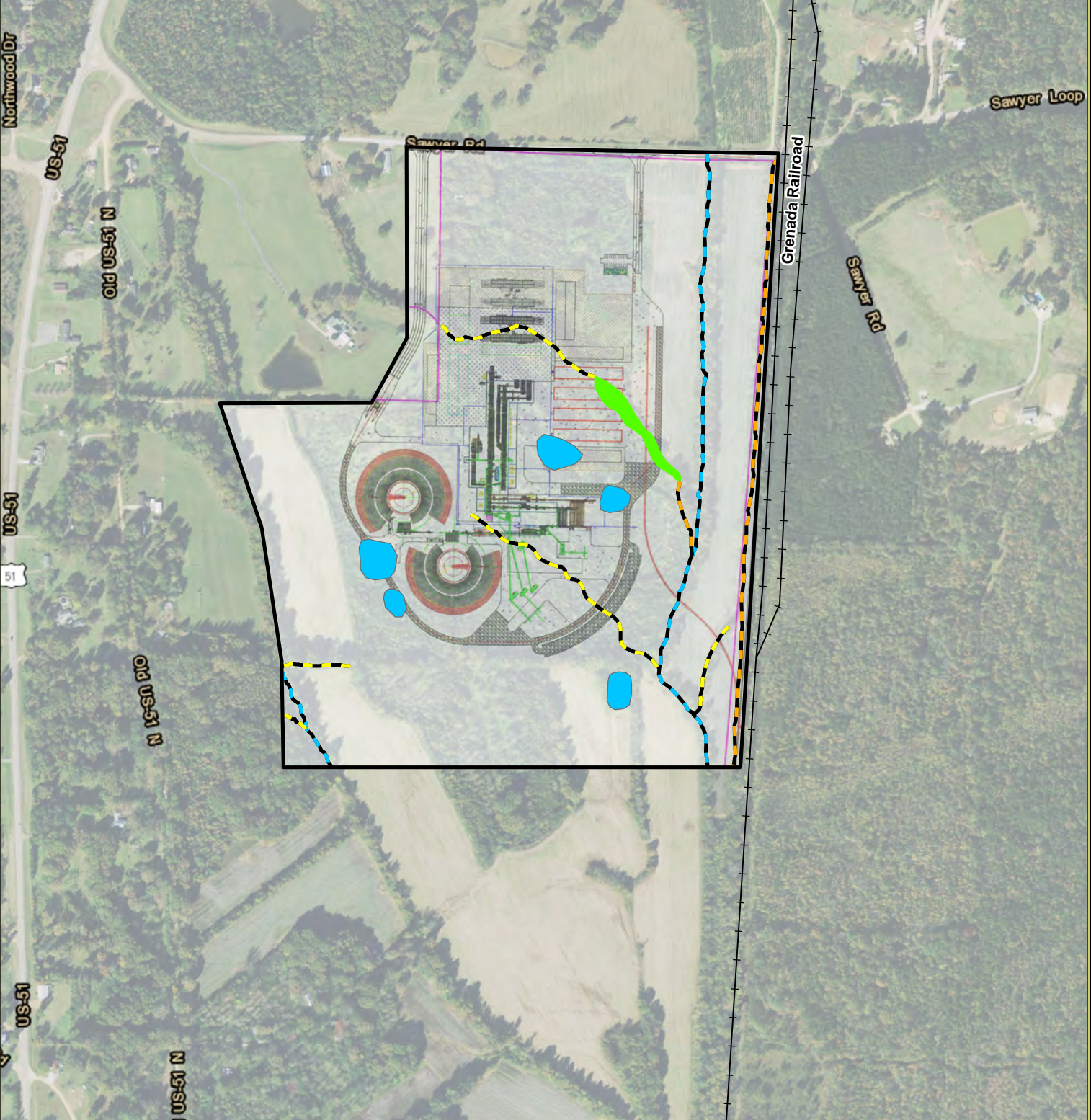
Enclosure 1



0 250 500 US Feet



-  Biewer Sawmill – Winona Project Boundary (162.85 ac)
-  Jurisdictional Forested Wetland (0.99 ac)
-  Non-Jurisdictional Isolated Open Water Pond (2.57 ac)
-  Jurisdictional Perennial Stream (3,893.41 lf)
-  Jurisdictional Intermittent Stream (3,554.29 lf)
-  Non-Jurisdictional Ephemeral Stream (3,260.99 lf)



 **HEADWATERS** INC.  
NATURAL RESOURCES CONSULTING  
[WWW.HEADWATERS-INC.COM](http://WWW.HEADWATERS-INC.COM)

Date Created: 12/17/2020      Created by: JDL

**Biewer Lumber, LLC**  
**Biewer Sawmill - Winona**  
 Sec. 12 & 13 - T 19N - R 5E  
 Montgomery County, Mississippi  
[Site Plan Map](#)

0      425      850  
 Feet

1:8,500

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NAD 1983 StatePlane Mississippi West FIPS 2302 Feet

USDA NAIP 2018 Imagery Basemap