



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

CESAM-RD
PUBLIC NOTICE: SAM-2012-01014-MBM

July 22, 2013

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PROPOSED HELL'S SWAMP MITIGATION BANK,
SARALAND, MOBILE COUNTY, ALABAMA

TO WHOM IT MAY CONCERN:

This District has received a complete mitigation banking prospectus for the establishment of a mitigation bank referred to as the **Hell's Swamp Mitigation Bank**. Please communicate this information to interested parties.

BANK SPONSOR: **Hell's Swamp Mitigation Bank**
Black Bear Enterprises, L.L.C.
C/o TTL, Inc.
Attention: Mrs. Louise Duffy
20210 Highway 59 South, Suite 2
Summerdale, Alabama 36580

Black Bear Enterprises, L.L.C., through TTL, Inc., is proposing to establish the 580-acre Hell's Swamp commercial wetland mitigation bank to generate pine savannah and bayhead drain wetland mitigation credits for purchase by interested Department of Army (DOA) permit applicants in order to fulfill compensatory mitigation requirements for various project-related wetland impacts subject to U.S. Army Corps of Engineers (Corps) regulatory authority pursuant to Section 404 of the Clean Water Act. Approval for DOA permittees to use bank mitigation credits would be determined on a case-by-case basis at the time of permit evaluation. The mitigation bank site is in Mobile County, at 30.8465 North, -88.1032 West, just north of the intersection of Celeste Road and Interstate 65, in Saraland, Mobile County, Alabama. The wetlands are adjacent to Hell's Swamp Branch which flows into Bayou Sarah which is a perennial tributary to the Mobile River. The service area for the proposed mitigation bank is Mobile and Baldwin Counties and the watershed the bank is located within (HUC 03160204). Use of bank outside of designated service area may be authorized on a case-by-case basis and would require the use of the Mobile District Proximity Factor Method.

The mitigation bank proposes to generate wetland mitigation credits through the restoration of 385 acres of pine savannah wetlands and 32 acres of bayhead drain wetlands. The bank will preserve 80 acres of high quality bayhead drain wetlands and manage 83 acres of uplands within the site however neither will generate wetland credits. The portions of the proposed mitigation bank requiring active management have been altered by silviculture operations that have been ongoing since the 1930's. The site has significant clear-cutting, rutting, and ditching impacts. Monitoring stations have been installed to measure hydrologic metrics. The preserved bayhead wetlands onsite will serve as the reference for target hydrology for the bayhead drain wetlands being restored. The pine savannah and bayhead drain wetlands will be restored to achieve the performance standards identified in the Mobile District habitat success criteria. Management strategies for the uplands will mimic those used in the adjacent wetland habitats.

On 10 April 2008 the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency issued new regulations, in the Federal Register, Vol. 73, No. 70, governing compensatory mitigation for losses of aquatic resources. The new regulation, 33 CFR 332 – Compensatory Mitigation for Losses of Aquatic Resources, establishes performance standards and criteria for mitigation projects including mitigation banks. Part 33 CFR 332.8 addresses requirements for establishing, operating, and maintaining mitigation banks that provide credits to satisfy mitigation requirements of the Clean Water Act, Section 404 permit program. Recognizing the potential benefits mitigation banking offers for streamlining the permit evaluation process and providing more effective mitigation for authorized impacts to wetlands, the agencies encourage the establishment and appropriate use of mitigation banks in the Section 404 program. This guidance became effective 9 June 2008.

An interagency group of Federal and State regulatory and resource agency representatives, as appropriate given the projected use for the bank, referred to as the Interagency Review Team (IRT), is signatory to a banking instrument and oversees the establishment, use and operation of a mitigation bank. Information provided in the prospectus will serve as the basis for establishing a banking instrument which will describe in detail the physical and legal characteristics of the bank and how the bank will be established and operated.

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties for consideration while evaluating this proposed activity. Copies of all comments received will be distributed to the other members of the IRT and the bank sponsor for full consideration in the development of the mitigation bank.

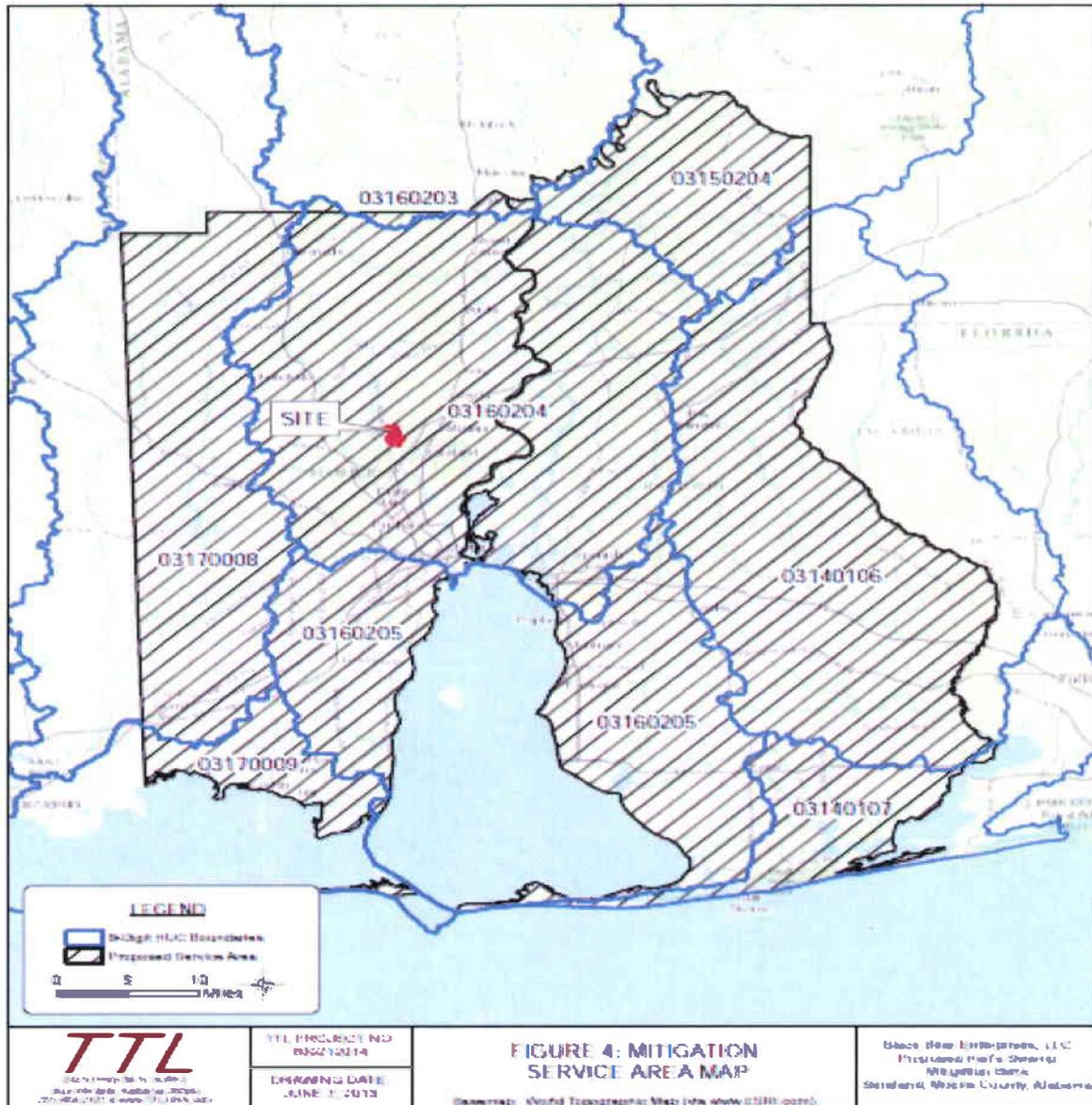
CESAM-RD
PUBLIC NOTICE NO. SAM-2012-1014-MBM

July 22, 2013

Comments concerning this Public Notice should be received before **August 22, 2013**, and should refer to number **SAM-2012-01014-MBM** and direct your correspondence to the District Commander, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Regulatory Division; with a copy to the Alabama Department of Environmental Management, Coastal Section, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608. If you have any questions concerning this publication, please contact Mr. Michael Moxey, Project Manager, at michael.b.moxey@usace.army.mil or telephone number (251) 690-2658.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



Location: Sections 19, 20, 29, 30 of Township 2 South, Range 1 West. 580 acres, 30.8465 North, -88.1032 West, Hell's Swamp Branch, Saraland, Mobile County, Alabama.

