



REPLY TO  
ATTENTION OF:

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

Coastal Branch  
Regulatory Division

December 22, 2008

**JOINT PUBLIC NOTICE SAM-2008-1122-SMZ  
U.S. ARMY CORPS OF ENGINEERS**

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF POLLUTION CONTROL**

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

**After-the Fact Permit for Wetlands Fill for a Wood Pellet Plant,  
Perkinston, Stone County, Mississippi**

TO WHOM IT MAY CONCERN:

This District has received an after-the-fact application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

**APPLICANT:** Tomorrow's Energy  
dba Piney Woods Pellets  
81 Old Highway 49  
Perkinston, MS 39573

**AGENT:** BMI Environmental Services, LLC  
521 34<sup>th</sup> Street  
Gulfport, Mississippi 39507

**LOCATION OF WORK:** Old Highway 49, Section 7, Township 3 South, Range 11 West, Perkinston, Stone County, Mississippi, Latitude 30°47'43"N, Longitude 89°07'46"W

**WATERWAY:** Floodplain of Red Creek

**PROJECT PURPOSE:** The overall project purpose is to construct and operate wood pellet plant to produce wooden pellets which will be used as a low-cost alternative fuel source.

**PROPOSED WORK:** The applicant is seeking after-the-fact authorization to fill 1.53 acres of mixed pine/hardwood wetlands and to complete the construction of a wood pellet plant on 22 acres of land.

**AVOIDANCE & MINIMIZATION:** The applicant has stated the following concerning avoidance and minimization to Waters of the United States: "The applicant considered alternative sites in close proximity to the subject site in an effort to locate a suitable site that

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avoided or minimized impact wetlands. No feasible site in close proximity that would reduce impacts was available. The applicant also considered alternative plant designs and layouts as a way of avoiding or minimizing impacts to wetlands. Because the wetlands are located in the center of the site, there is no way to avoid or minimize impacts to wetlands.” The Corps has not verified the adequacy of the applicant’s avoidance and minimization statement at this time.

**MITIGATION:** The applicant has stated the following concerning mitigation for unavoidable impacts to Waters of the United States: “In order to compensate for the impacts to wetlands the applicant proposes to create wetlands on site and to purchase mitigation credits from an approved wetlands mitigation bank. The applicant will create approximately 2.81 acres of forested palustrine wetlands for on-site mitigation and purchase the balance of mitigation credits needed for compensatory mitigation from an approved mitigation bank.” Mitigation plan is attached. The Corps has not verified the adequacy of this mitigation proposal at this time.

**WATER QUALITY:** The applicant has applied for certification from the State of Mississippi in accordance with Section 401(a)(1) of the Clean Water Act, and upon completion of the required advertising, a determination relative to certification will be made by the Mississippi Department of Environmental Quality.

**COASTAL ZONE MANAGEMENT:** The applicant has certified that the proposed activity complies with and will be conducted in a manner that is consistent with the State Coastal Zone Management Program. A determination relative to consistency will be made by the Mississippi Department of Marine Resources.

**HISTORIC PROPERTIES:** The applicant has stated, “The Mississippi Department of Archives and History (MDAH) has reviewed the proposed project and determined that no cultural resources will be affected by the project. While there is no evidence to indicate the presence of cultural resources, if any are discovered during project construction, MDAH will be immediately notified.” This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

**ENDANGERED SPECIES:** The applicant has stated, “The U.S. Fish & Wildlife Service has reviewed the project plans and determined that the project is not likely to impact federally listed species.” Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the proposed activity will have no affect on any listed endangered or threatened species. This determination is being coordinated with the U.S. Fish and Wildlife Service via this Public Notice.

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**COMMENTS:** This public notice is being distributed to all known interested persons and serves to solicit comments from the public, Federal, State, and local agencies and officials, Indian Tribes, and other interested parties, in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (Corps) can be based.

Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources.

The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

Correspondence concerning this notice should refer to Public Notice Number SAM-2008-1122-SMZ and should be directed to:

District Engineer  
U.S. Army Engineer District, Mobile  
Attention: Regulatory Division, Coastal Branch  
Post Office Box 2288  
Mobile, Alabama 36628-0001

With copies to:

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Mississippi Department of Environmental Quality  
Office of Pollution Control  
Post Office Box 10385  
Jackson, Mississippi 39289

Mississippi Department of Marine Resources  
1141 Bayview Avenue, Suite 101  
Biloxi, Mississippi 39530

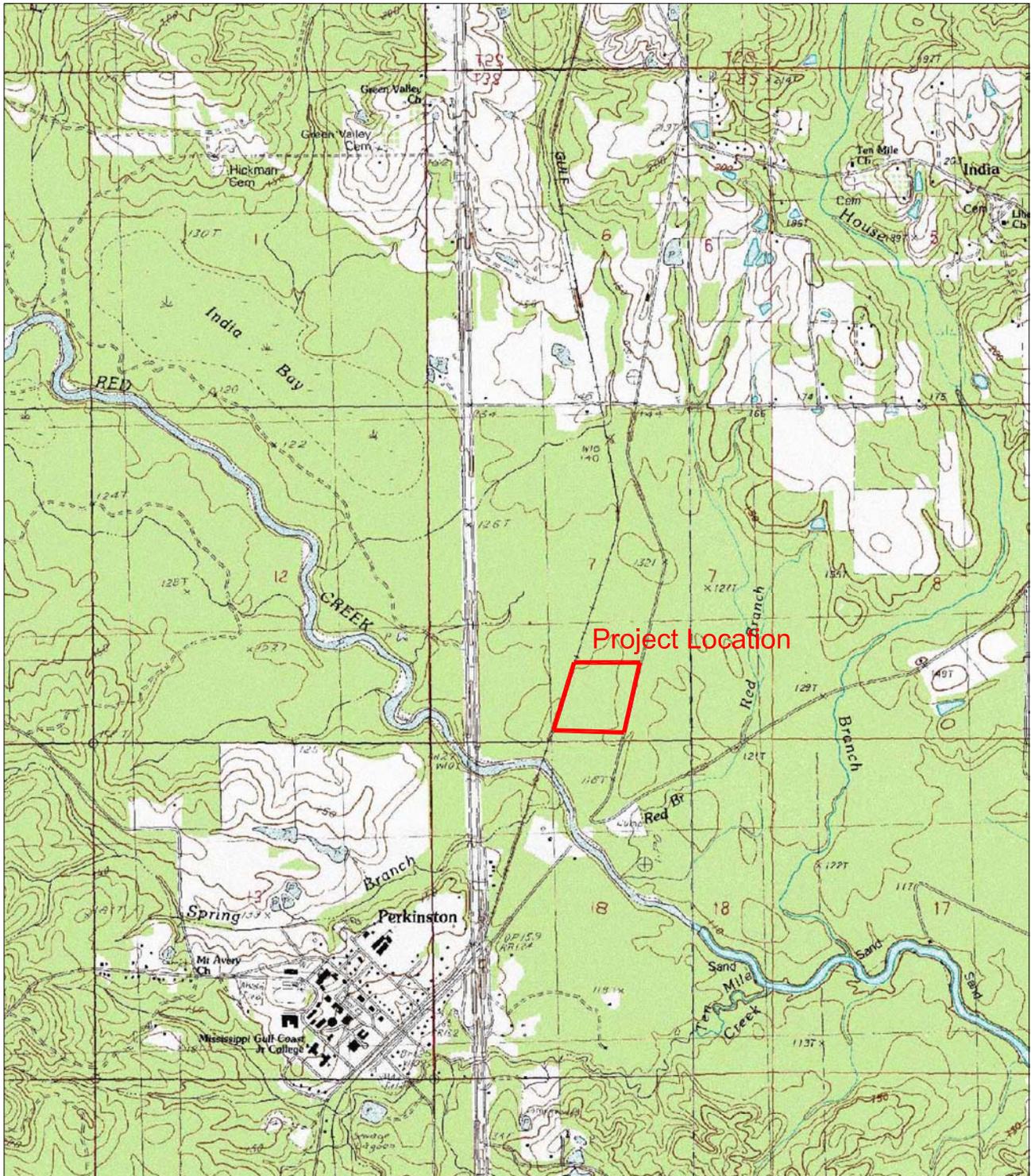
Comments should be received no later than **21 days** from the date of this Public Notice.

If you have any questions concerning this publication, you may contact Sheri Zettle at telephone number (251) 690-2349, or e-mail [sheri.m.zettle@usace.army.mil](mailto:sheri.m.zettle@usace.army.mil) Please refer to the above public notice number.

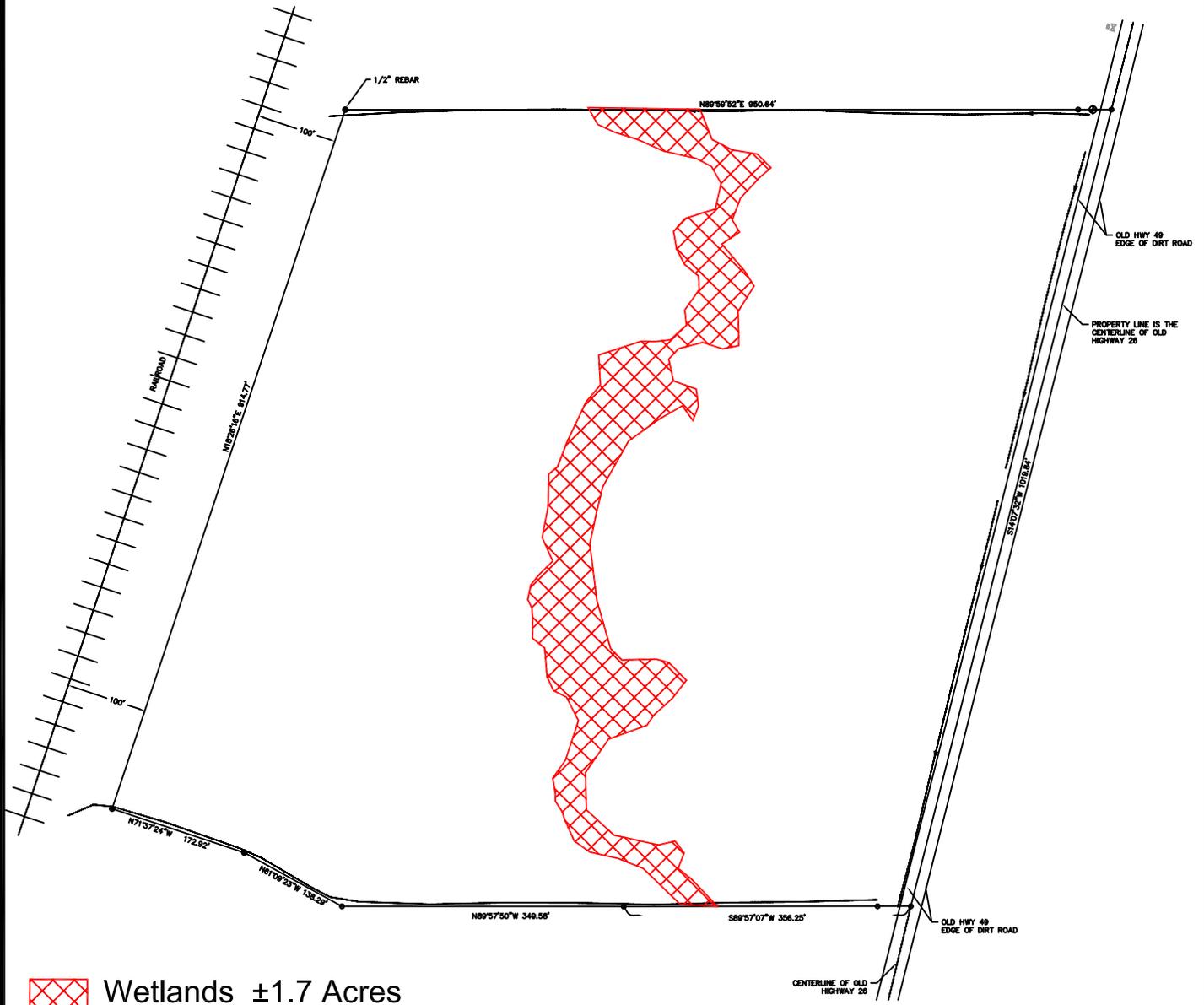
For additional information about our Regulatory Program, please visit our web site at [www.sam.usace.army.mil/RD/reg](http://www.sam.usace.army.mil/RD/reg), and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT  
U.S. Army Corps of Engineers

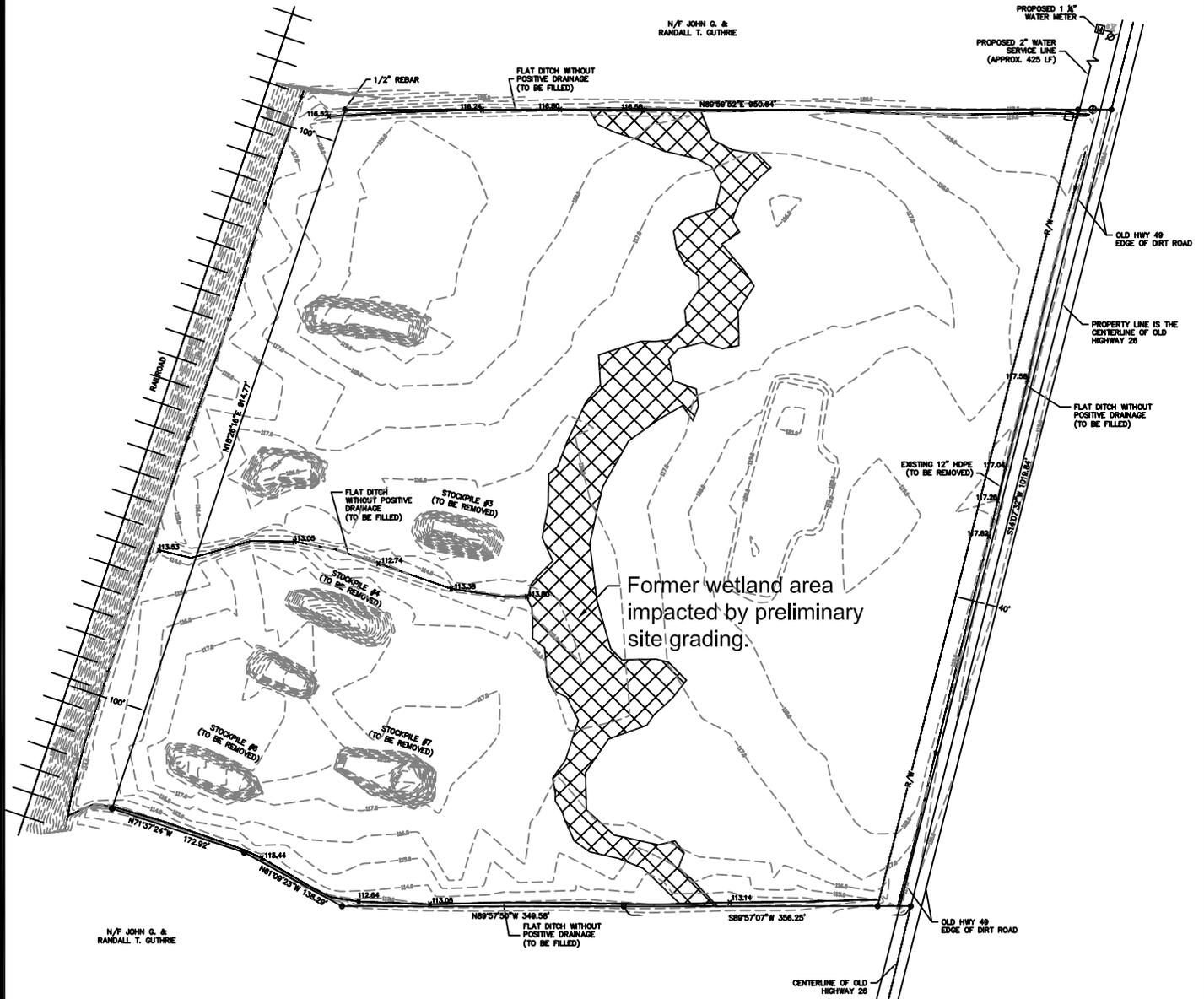
Enclosures (8 pages)



Vicinity Map  
Piney Woods Pellet Plant  
Stone County, Mississippi



# Wetland Delineation Piney Woods Pellet Plant Site Stone County, Mississippi



# Existing Conditions Piney Woods Pellet Plant Site Stone County, Mississippi





# Proposed Wetland Impacts ± 1.53 Acres Piney Woods Pellet Plant Site Stone County, Mississippi

**MITIGATION PLAN  
PINEY WOODS PELLET PLANT  
BILOXI, MISSISSIPPI**

**1.0 INTRODUCTION**

This report describes the mitigation plan associated with the proposed development of a wood pellet plant which will produce wooden pellets as an alternative source of energy. The plant will be located on 22 acres of land on the west side of Old Highway 49 in Perkinston, Stone County, Mississippi. The total area of wetland impacts associated with this project will be approximately 1.53 acres.

**2.0 BACKGROUND**

Historically the site has been in timber production and the wetlands on the site have been impacted by the timber harvest and timber planting activities. In order to compensate for the unavoidable loss of wetlands associated with this project, Piney Woods Pellets, LLC (PWP) proposes to create wetlands areas on the site and to purchase credits from a local mitigation.

**3.0 MITIGATION STRATEGY**

The mitigation strategy for this project will include on-site creation and mitigation credit purchase. PWP will create wetlands areas on the north, west, and south sides of the site. The wetlands creation areas will include areas of pine savannah slopes, grass and sedge flats, tupelo and cypress heads, and a cypress pond. In addition to on-site creation, PWP will also purchase mitigation credits at a 2:1 ratio for low quality wetlands.

**4.0 Detailed Mitigation Plan**

The detailed mitigation plan involves the restoration and enhancement of previously disturbed wetlands and the acquisition of mitigation credits from an approved mitigation bank. The mitigation activities and the mitigation credits associated with this plan are discussed below.

**4.1 On-site Creation Mitigation**

Approximately 2.81 acres of land along the north, west, and south margins of the site will be graded and planted to create diverse wetlands habitats. The approach will involve modifying the grade and drainage patterns on the site to create wetlands hydrology; enhancing the soil characteristics as needed; and planting selected wetland species to create various wetland habitats (See Figure 1). The dominant tree species will be sweetbay magnolia, red maple, tupelo gum, and cypress. For the purposes of this mitigation plan, PWP proposes a mitigation ratio of 3:1 for the creation mitigation component.

**4.3 Mitigation Bank Credit Purchase**

PWP will purchase mitigation credits from an approved wetlands mitigation bank to provide the balance of the mitigation credits for the project. For the purposes of this mitigation plan, PWP proposes a mitigation ratio of 2:1 for the mitigation credit purchase component



Figure 1: Proposed Mitigation Plan

#### 4.4 Mitigation Plan Credit Calculations

Mitigation credits generated from this plan and mitigation bank credit requirements associated with this plan were calculated in two ways. First the credits associated with the creation mitigation (Section 4.1) component was calculated and subtracted from the acres of wetlands impacted by the project. The “acre credit” calculations for creation mitigation are summarized in Table 1.

**Table 1: Acre Credit Calculations for Creation Mitigation**

<b>MITIGATION TYPE</b>	<b>AREA</b>	<b>CREDIT RATIO</b>	<b>ACRE CREDITS GENERATED</b>
<b>Wetlands Creation</b>	<b>2.81</b>	<b>3:1</b>	<b>0.94</b>
<b>TOTAL ACRE CREDITS FROM CREATION</b>			<b>0.94</b>

The second step in the mitigation calculation process was to calculate the area of wetlands impacts that would be mitigated via the purchase of mitigation credits. The balance of the wetlands impacts to be mitigated by purchasing mitigation credits from an approved mitigation bank was calculated by subtracting the “acre credit” value of 0.98 acres from the total area of impact (1.53 acres) which leaves a balance of 0.55 acres of wetlands impacts to be mitigated by mitigation credit purchase. Using a 2:1 replacement ratio, PWP will purchase 1.10 credits from a mitigation bank.

#### 5.0 MITIGATION SUMMARY

PWP proposes to construct a wood pellet plant on 22 acres of land in Perkinston, Stone County, Mississippi. The project will impact approximately 1.5 acres of low quality wetlands. In order to compensate for the impacts to wetlands PWP proposes to create wetlands on site and to purchase mitigation credits from an approved wetlands mitigation bank. PWP will create approximately 2.81 acres of forested palustrine wetlands which will generate 0.98 acre credits for on-site mitigation. PWP will purchase the balance of mitigation credits (1.10 mitigation credits) from an approved mitigation bank.