



REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
MOBILE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 2288  
MOBILE, ALABAMA 36628-0001

CESAM-RD-C  
PUBLIC NOTICE NO.: SAM-2008-1895-MBM

November 24, 2008

JOINT PUBLIC NOTICE  
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF POLLUTION CONTROL

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PROPOSED DEVILS SWAMP MITIGATION BANK – PHASE II,  
HANCOCK COUNTY, MISSISSIPPI

TO WHOM IT MAY CONCERN:

This District, has received a completed prospectus for the proposed establishment of a mitigation bank referred to as the **Devils Swamp Mitigation Bank – Phase II**. Please communicate this information to interested parties.

**BANK SPONSOR:** Devils Swamp Mitigation Bank  
Wetland Solutions, L.L.C.  
Attention: Mr. Brandon Pike  
14231 Seaway Road, Suite 7007  
Gulfport, Mississippi 39503

Wetland Solutions proposes to establish a 2,412-acre commercial wetland mitigation bank to generate 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. The mitigation bank will utilize the Ratio Method functional assessment method. 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 service area for the mitigation bank will all portions of Pearl River, Stone, George, Hancock, Harrison, and Jackson Counties. Use of bank outside of designated service area may be authorized on a case-by-case basis using the Proximity Factor Method. The proposed Devils Swamp Mitigation Bank – Phase II (DSMBII) is located south of the Stennis Space Center, north of Interstate 10, and east of Highway 607 approximately 2 miles east of Pearl River. The tract is in Section 13, 14, 15, 21, 22, 23, 24, 27, and 28 of Township 8 South, Range 16 West, and Sections 18 and 19 of Township 8 South, Range 15 West, Hancock County, Mississippi. The goal of the proposed DSMBII site includes the restoration of 1,327.7 acres of pine cypress savannah wetlands, 153.4 acres of flooded bottomland hardwood wetlands, enhancement of 254.4 acres of bottomland hardwood wetlands, 41 acres of uplands. Approximately 633.5 acres of high quality stream and bottomland hardwood complexes are located within the mitigation bank but will not used to generate mitigation credits. The major portion of

**the tract suitable for wetland restoration historically has been managed for pine plantation and has degraded through prior hydrologic alteration, soil bedding, dense tree plantings, and lack of prescribe burn management. In order to develop mitigation credits, the bank sponsor will perform various pine savannah and bottomland hardwood wetland restoration activities within the degraded areas as specified in the bank prospectus. These activities include, but are not limited to; hydrologic restoration of surface and groundwater, tree removal, bed leveling, tree planting, and aggressive prescribe burn management in the pine savannah habitat to restore species composition, density and diversity of historic native pine savannah systems.**

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.

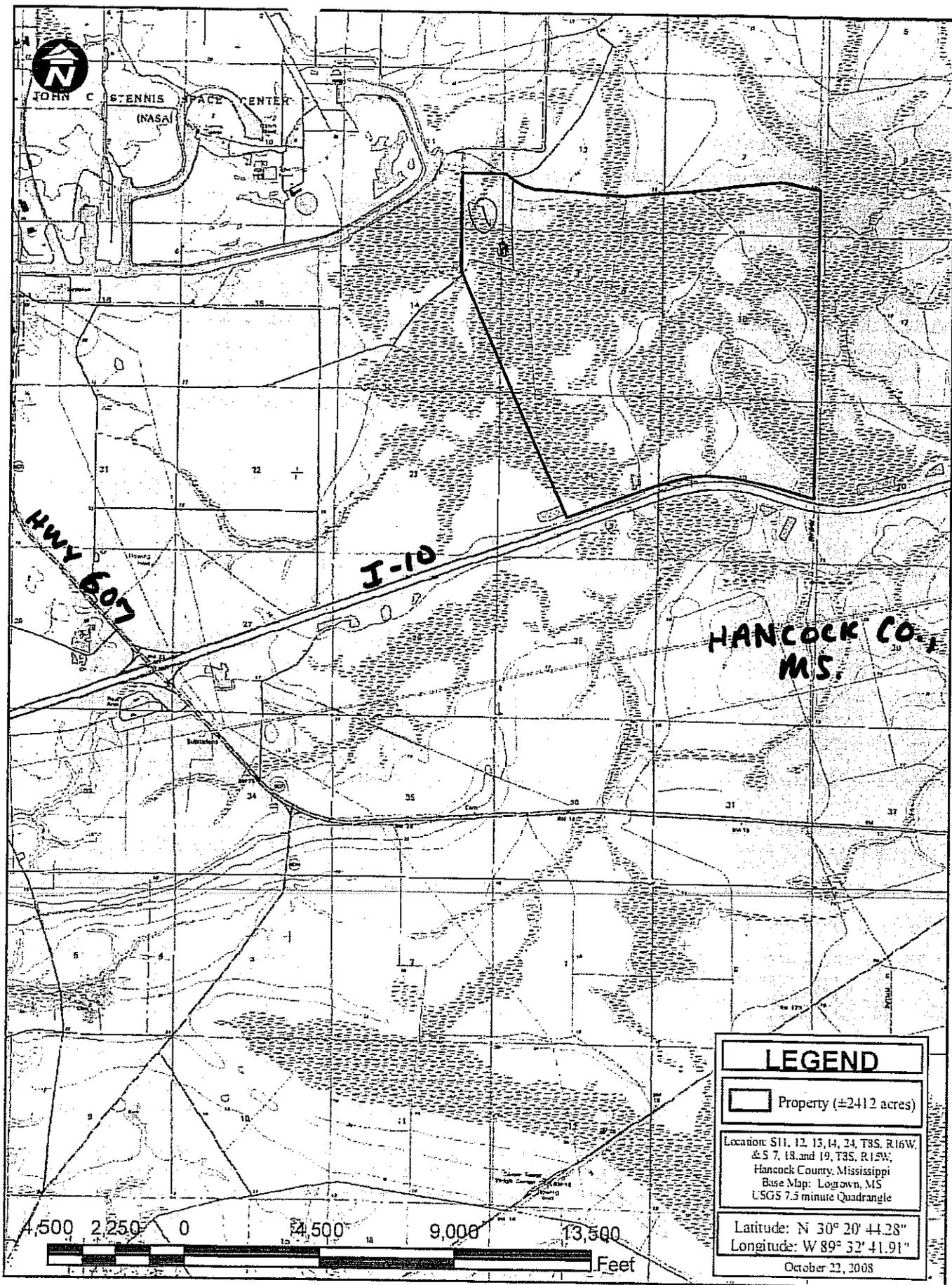
The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties for consideration while evaluating this proposed activity. Copies of all comments received will be distributed to the other members of the IRT and the bank sponsor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

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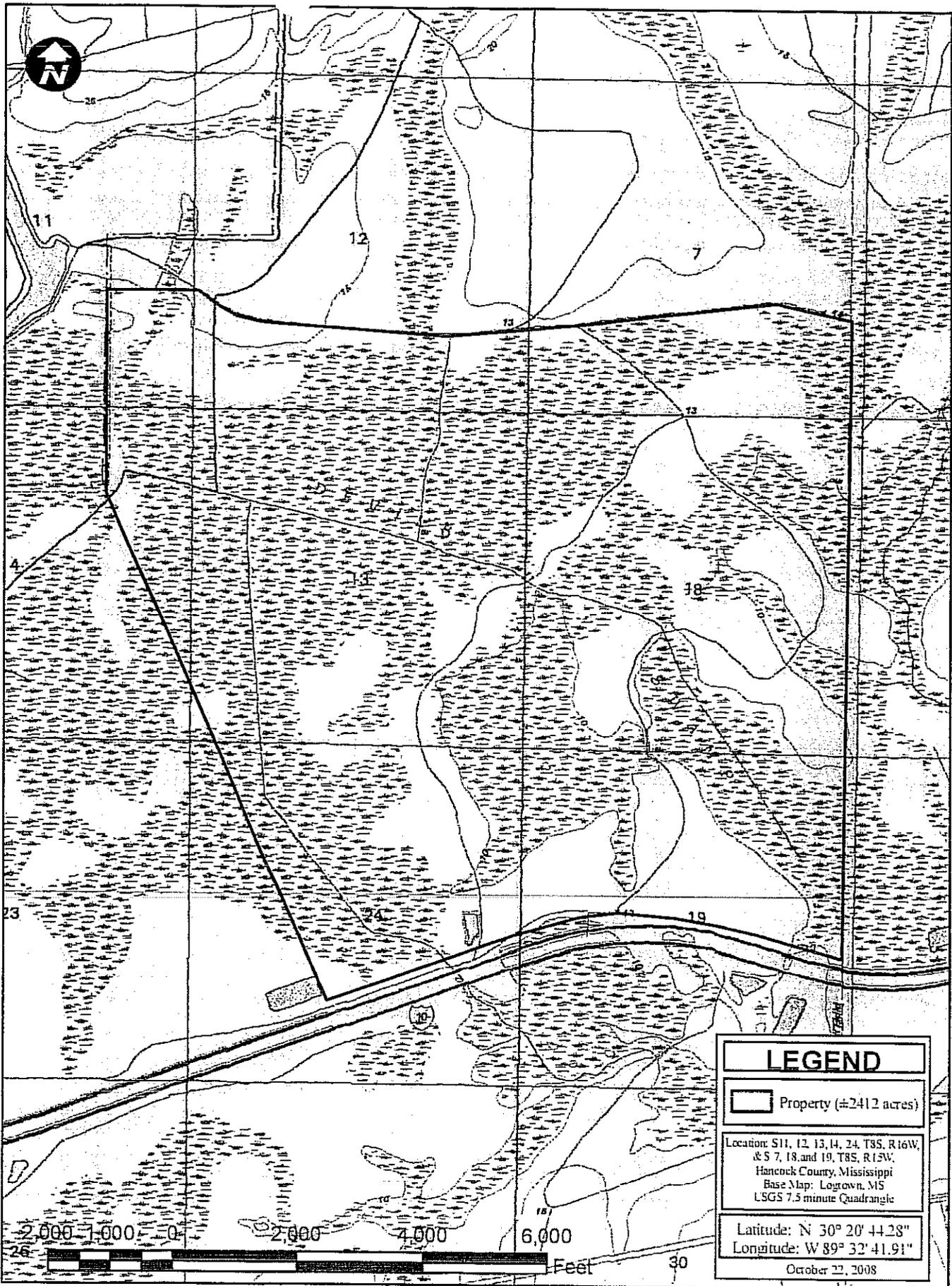
Comments concerning this Public Notice should be received within 30 days of the date of this public notice and should refer to number **SAM-2008-1895-MBM** and direct your correspondence to the District Commander, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001, Attention: Regulatory Division; with a copy to the Mississippi Department of Environmental Quality, Office of Pollution Control, Post Office Box 10385, Jackson, Mississippi 39289, and the Mississippi Department of Marine Resources, 1141 Bayview Avenue, Suite 101, Biloxi, Mississippi 39530. If you have any questions concerning this publication, please contact Mr. Michael Moxey, Project Manager, at [michael.b.moxey@usace.army.mil](mailto:michael.b.moxey@usace.army.mil) or telephone number (251) 690-2658.

MOBILE DISTRICT  
U.S. Army Corps of Engineers

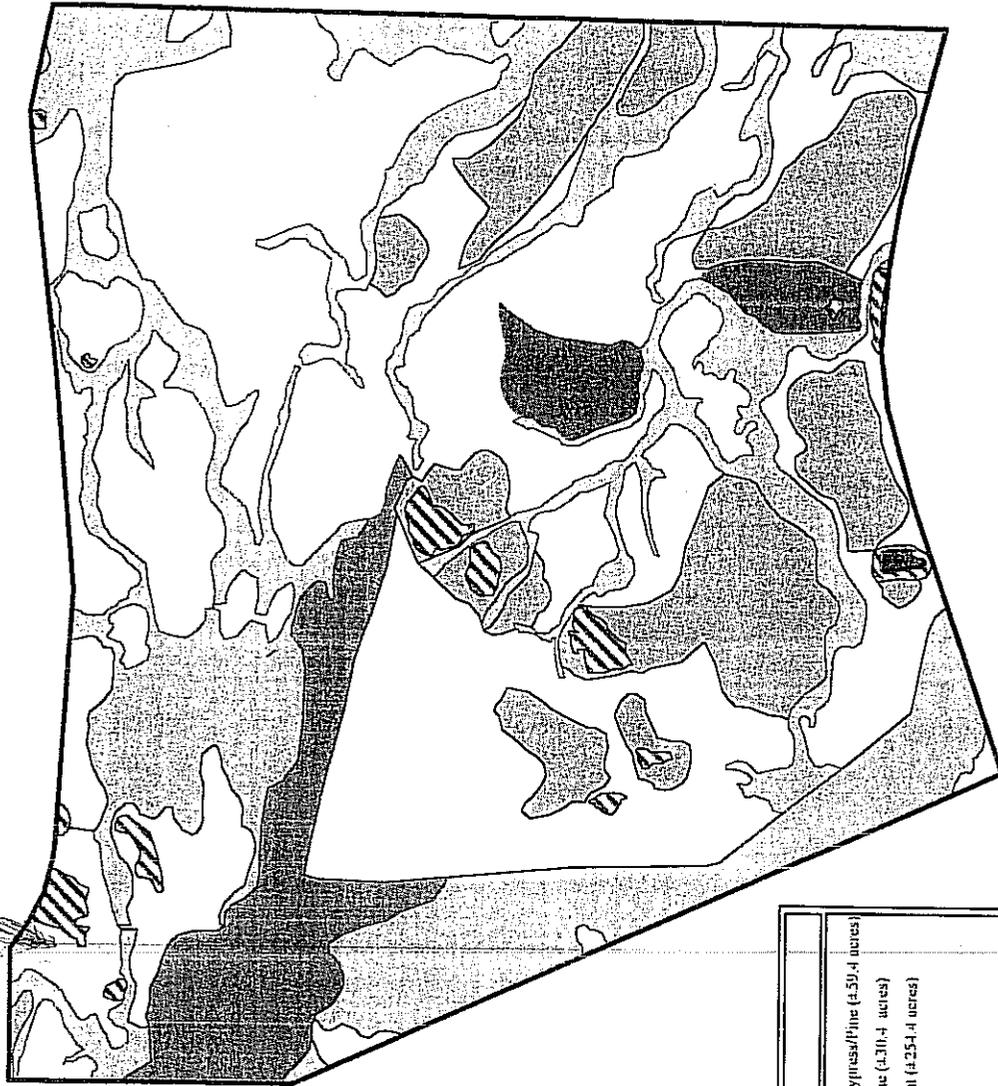
Enclosures



Vicinity Map for Devil's Swamp Wetland Mitigation Bank, Phase II.



Quadrangle Map for Devil's Swamp Wetland Mitigation Bank, Phase II.



LEGEND	
	Property (1241.2 acres)
	Heavily Harvested Cypress/Pine (439.4 acres)
	Uplands (14.1 acres)
	Mixed Hardwood/Pine (430.4 acres)
	Pond (1.2 acres)
	Unmanaged Clear Cut (4254.4 acres)
	Beaver Dammed Forest (153.4 acres)
	Wetland/Rowed Pine (4330.4 acres)
	Bottomland Hardwood/Sweetgum (1133.5 acres)
	Cypress/Pine Savannah (1907.5 acres)
Location: S14, T4, R14, E4, 18S, 10W, N. 27, 18 and 19, 18S, R15W, Hancock County, Mississippi Base Map: Topographic, 1:50,000 1985 7's minute Quadrangle	
Latitude: N 30° 30' 44.28" Longitude: W 89° 32' 41.91" October 21, 2008	

Figure 6. Current Vegetative Communities Map for Devil's Swamp Wetland Mitigation Bank, Phase II.