



STATE OF MISSISSIPPI

PHIL BRYANT

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

GARY C. RIKARD, EXECUTIVE DIRECTOR

July 31, 2019

Certified Mail No. 7010 3090 0001 4287 9304

Mr. Craig Flanagan  
The Refuge Development, LLC  
Post Office Box 15033  
Hattiesburg, MS 39404

Dear Mr. Flanagan:

Re: The Refuge Subdivision  
Lamar County  
WQC Modification #2  
COE No. SAM200501348MNS  
WQC No. WQC2012073

The Department of Environmental Quality understands the need for a modification to the Section 401 Water Quality Certification, WQC2012073, dated June 28, 2012. This modification incorporates changes to the mitigation plan requirements for impacts to 1.3 acres of wetlands. Please be advised that the following project description and Condition 6 have been modified, and Condition 9 has been added to reflect changes in the mitigation plan.

The Refuge Development, LLC: Project to fill 1.3 acres of wetlands for construction of a residential subdivision. This subdivision development would be approximately 79 acres with a lake on the eastern side with an approximate 1.03 acre impact. There will be two road crossings totaling 0.24 acre and 0.03 acre each on the western and northern side of property, respectively. In addition, Lot 15 would be excluded from the development and no impacts would occur in this area. This 79 acre development is located on the eastern side of the original development proposed by Safari Properties with a 401 Water Quality Certification (WQC2005047) issued on July 6, 2006. Mitigation for this portion of the development will be achieved through preservation of 31 acres of onsite forested hardwood wetlands and through the purchase of mitigation credits. The USACE has issued a permit (MS05-01348-M), and this modification is necessary to split the permit with Safari Properties and this subject development [SAM200501348MNS, WQC No. WQC2012073].

6. Mitigation for impacts to 1.3 acres of wetlands shall be accomplished through perpetual preservation of 31 acres of onsite hardwood forested wetlands and the

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OFFICE OF POLLUTION CONTROL

POST OFFICE BOX 2261 • JACKSON, MISSISSIPPI 39225-2261 • TEL: (601) 961-5171 • FAX: (601) 354-6612 • [www.deq.state.ms.us](http://www.deq.state.ms.us)

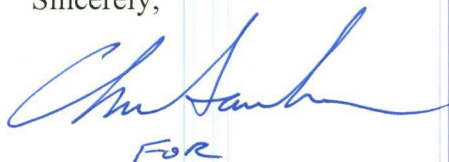
AN EQUAL OPPORTUNITY EMPLOYER

purchase of 0.65 mitigation credits from an approved wetland mitigation bank. The on-site preserved wetland area shall be placed in a restrictive covenant. The covenant shall be properly recorded in the Miscellaneous Document Book, with the Registrar of Deeds, or with another appropriate official charged with the responsibility of maintaining records of title to and interest in real property within six months of the effective date of the authorization. A certified copy of the covenants must be furnished to the Office of Pollution control within 30 days of the recording. The covenant shall contain:

- a. There should be no removal, destruction, cutting, mowing, application of biocides, or disturbance or other change in the vegetation in the conservation zone other than practices outlined in the management plans.
  - b. There shall be no agricultural, commercial, or industrial activities allowed in the conservation zone.
  - c. There shall be no construction or placement of buildings, or other structures in the mitigation area other than structures for wildlife enhancement, viewing, or scientific study.
  - d. There shall be no construction of roads in the conservation zone. This does not include foot trails for educational use. No motorized vehicles (to include off-road and four-wheel drive vehicles) shall be allowed on said site.
9. Mitigation for the loss of 0.65 acres of wetlands shall be provided by the purchase of mitigation credits from an approved mitigation bank. The purchasing credits must be in accordance with the banking prospectus and should be based upon that required for impacting 0.65 acres of medium quality wetlands. A copy of the credit purchase agreement shall be forwarded to this office within 60 days of this certification.

Please be advised the remaining conditions of the Section 401 Water Quality Certification remain unchanged. If we can be of further assistance, please contact Florance Bass of my staff at (601) 961-5171.

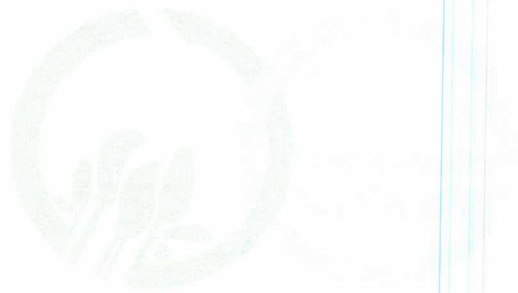
Sincerely,



FOR  
Krystal Rudolph, P.E., BCEE  
Chief, Environmental Permits Division

KR: CHB

cc: Mr. Jeremy Overstreet, U.S. Army Corps of Engineers, Mobile District  
Mr. David Felder, U.S. Fish and Wildlife Service  
Ms. Molly Martin, Environmental Protection Agency  
Mr. Bart Pittman, Pittman Environmental Services  
Mr. Shannon Wells, P.E., Clearpoint Consulting Engineers, P.A.



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ENVIRONMENTAL QUALITY