



**DEPARTMENT OF THE ARMY**  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

May 26, 2014

REPLY TO  
ATTENTION OF:

Operations Division  
Regulatory Branch  
Brian Breaux  
brian.w.breaux@usace.army.mil  
(504) 862-1938

SUBJECT: MVN 2013-02202-MB

**PUBLIC NOTICE**

**Public Notice Purpose:** Pursuant to Section 10 of the Rivers and harbors Act of March 3, 1899 (30 Stat. 11512; 33 USC 403) and Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344), the U.S. Army Corps of Engineers, New Orleans District, Regulatory Branch is soliciting comments from all interested parties on the development, utilization, and long-term management of a proposed mitigation bank. The purpose of this mitigation bank would be to provide compensatory mitigation for unavoidable impacts to wetland resources, including other waters of the United States, that result from projects authorized through the department of the Army permit program.

**PROPOSED FORESTED WETLAND MITIGATION BANK IN IBERVILLE PARISH**

**NAME OF APPLICANT:** Palo Alto Conservation, LLC, 317 Mississippi Street, Donaldsonville, Louisiana 70346.

**LOCATION OF WORK:** In Section 23, T11S-R13E, near Donaldsonville, Louisiana, in Iberville Parish, as shown on the attached prospectus. (Lat. 30.09639, Long. -91.11528)

**CHARACTER OF WORK:** The proposed bank lands total approximately 475 acres of agricultural lands. The Sponsor proposes to restore the hydrology at the project area by degrading levees and backfilling canals, and cessation of pumping the project area. The Sponsor will reforest the site with an assemblage of species indicative of bottomland hardwood and baldcypress wetland forests native to the area. Attached for review, is the mitigation banking prospectus.

The comment period will close **30 days** from the date of this public notice advertisement. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons therefore, are being solicited from anyone having interest in this permit request. Letters must reference the applicant's name and the subject number, be addressed and mailed to the above address, ATTENTION: REGULATORY BRANCH.

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 that 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, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers 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 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.

No properties listed in the National Register of Historic Places are near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, pre-historical or historical sites or data. Copies of this notice are being sent to the State Archeologist and the State Historic Preservation Officer.

Our initial finding is that the proposed work would neither affect any species listed as endangered by the U.S. Department of Interior nor affect any habitat designated as critical to the survival and recovery of any endangered species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnus-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of 0.0 acres of EFH utilized by various life stages of red drum and penaeid shrimp. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency and certification that the proposed activity will not violate applicable water quality standards will be required from the Louisiana Department of Environmental Quality before a permit is issued.

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.

You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

Martin S. Mayer  
Chief, Regulatory Branch

Attachment

PROSPECTUS FOR THE PROPOSED  
BAYOU BIJOU MITIGATION BANK  
IBERVILLE PARISH, LOUISIANA

MAY 2014

**SUBMITTED BY:**  
**PALO ALTO CONSERVATION, LLC**  
**317 MISSISSIPPI STREET**  
**DONALDSONVILLE, LOUISIANA 70346**

**PREPARED BY:**  
**SOUTH LOUISIANA MITIGATION, LLC**  
**331 GIROD STREET**  
**MANDEVILLE, LOUISIANA 70448**

**AND**

**DEEP SOUTH MITIGATION, LLC**  
**P.O. BOX 8394**  
**CLINTON, LOUISIANA 70722**

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## **1.0 INTRODUCTION**

Palo Alto Conservation, LLC submits this prospectus in accordance with 33 CFR 332.8(d)(2). The proposed name of the mitigation bank is the Bayou Bijou Mitigation Bank (BBMB). The proposed bank consists of 475 acres of wet-pasture, forested wetlands, maintained right-of-way and other waters in Iberville Parish, Louisiana. Of the 475 acres, 422 acres will be rehabilitated to support bottomland hardwood forest and cypress swamp and 30 acres of uplands, other waters and spoil banks will be re-established with bottomland hardwood forest and cypress swamp habitats. The proposed mitigation bank will be used as compensatory mitigation for the unavoidable impacts associated with Department of the Army Permits. The following prospectus summarizes the mitigation potential on the aforementioned property.

### **1.1 Site Location**

The proposed BBMB is located on a 475-acre tract in Iberville Parish, Louisiana. The project area is located in Section 23, Township 11 South and Range 13 East off Louisiana Highway 943, approximately 4.5 miles west of the intersection of Louisiana Highway 943 and Louisiana Highway 1. The project area is located at latitude 30° 05' 47" North and Longitude 91° 06' 55" West near the city of Donaldsonville, Louisiana in Iberville Parish (Figures 1 and 2).

Iberville Parish has a humid, subtropical climate characterized by relatively high rainfall (average 57 inches per year). The average daily maximum temperature is 78.5° F and the average daily minimum temperature is 57.5°F. The growing season in Iberville Parish averages 292 days ( $\geq$  28°F; 5 years in 10) and spans from February 23 to December 6. On the average there is sunshine, warm but not excessive temperatures, a long frost-free season, and abundant precipitation with high atmospheric humidity (United States Department of Agriculture [USDA] Soil Conservation Service [SCS] 1977).

The proposed BBMB is located in recent Mississippi Valley Alluvium (Holocene Deposits) in the backswamps that are associated with natural levees. The site is located near Bayou Bijou and Bayou Sigur. Elevation ranges from less than +4 feet North American Vertical Datum (NAVD) to greater than +8 feet NAVD. A majority of the site lies between +4 and +6 feet NAVD (Figure 3).

Currently the site is being used for agricultural purposes and is composed of 428 acres of wet pasture that is being used for agricultural purposes (cattle grazing and crop production), 19 acres of uplands, 12 acres of forested wetlands, 7 acres of roads, 6 acres of other waters and 3 acres of spoil piles. There are 6 acres of maintained pipeline right-of-way within the 428 acres of wet-pasture (Figure 4).

**1.2 Ownership and Sponsorship**

Palo Alto Conservation, LLC is the owner of the proposed bank site and will serve as the Sponsor assuming long-term management of the site.

**1.3 Driving Directions**

From New Orleans take Interstate 10 West. Exit Highway 22 South. Cross the Sunshine Bridge and exit Highway 70 West towards Donaldsonville. Take Highway 1 South. Palo Alto Plantation will be on your right.

**2.0 PROJECT GOALS AND OBJECTIVES**

The goal of the BBMB is to rehabilitate and re-establish 441 acres of a bottomland hardwood ecosystem and 41 acres of cypress swamp ecosystem, within a 475 acre tract, all within USGS Hydrologic Unit Code 08090302 which designates that the proposed mitigation bank lies within cataloging unit 02, accounting unit 03 and subregion unit 09 of the Lower Mississippi Region. The proposed land uses and mitigation types are summarized in Table 1. The successful rehabilitation and re-establishment of bottomland hardwood and cypress swamp ecosystems will provide additional wetland functions and values not currently provided under the current land use. Hence, the objectives of the BBMB are to increase water quality and flood storage and to improve wildlife habitat. Establishment of the BBMB will restore and re-establish the unique wetland functions and values associated with functioning bottomland hardwood and cypress swamp ecosystems.

**Table 1. Existing Habitat Types, Land Use and Mitigation Types**

<i>Present Habitat</i>	<i>Present Land Use</i>	<i>Proposed Habitat</i>	<i>Mitigation Type</i>	<i>Acres to Remain</i>	<i>Mitigation Acres</i>
Wet Pasture	Cattle Grazing/Crops	Bottomland Hardwood/Cypress	Rehabilitation	6 (ROW)	422
Upland	Cattle Grazing	Bottomland Hardwood/Cypress	Re-establishment	0	19
Forested Wetlands	Cattle Grazing	Forested Wetlands	None	12	0
Other Waters	Drainage Canals	Bottomland Hardwood/Cypress	Re-establishment	0	6
Roads	Roads	Bottomland Hardwood/Cypress	Re-establishment	5	2
Spoil Banks	Cattle Grazing	Bottomland Hardwood/Cypress	Re-establishment	0	3
<b>TOTAL</b>				23	452

**2.1 Objectives**

The following site improvements will further the objectives of the BBMB:

- Remove culverts and plug interior ditches to restore natural hydrology and promote overland sheet flow

- Remove pump to restore natural hydrology and promote overland sheet flow
- Remove livestock from the property thereby improving water quality
- Rehabilitate and re-establish native bottomland hardwood forest and cypress swamp by planting 452 acres with native species indicative of historic bottomland hardwood forest and cypress swamp
- Maintain 6 acres of an existing maintained right-of-way and 12 acres of existing forested wetlands
- Provide long-term maintenance to prevent colonization of noxious and invasive species
- Provide long-term protection through the execution a conservation servitude to ensure perpetual existence of the site

### **3.0 ECOLOGICAL SUITABILITY OF THE SITE**

The area encompassing the proposed Bayou Bijou Mitigation Bank was a historically functioning bottomland hardwood forest, however clearing, channeling for drainage purposes and its use for agricultural production altered the once functioning wetland. It is anticipated that hydrologic restoration, planting of native bottomland hardwood species and planting of baldcypress, on the lower elevations, will return the proposed site to a fully functioning bottomland hardwood/cypress swamp ecosystem. When considering the existing site characteristics it is highly likely that the proposed mitigation bank will be successful.

#### **3.1 Historical Ecological Characteristics of the Site**

Historically, the area encompassing the proposed mitigation bank was a functioning bottomland hardwood forest that drained naturally via gravity drainage into Bayou Bijou and eventually into Grand Bayou.

In the 1950s the area encompassing the proposed mitigation bank was cleared and ditched for the production of soybeans. Soybean production continued on the property until the 1970s when rice became the agricultural crop of choice. Sometime in the late 1970s to early 1980s sugarcane replaced rice as the agricultural crop being produced on the property. Finally, in the 1990s the sugarcane was replaced with cattle. The grazing of cattle presently constitutes the main activity on the property, however a corn crop was planted on the western portion of the property in 2013.

### 3.2 Current Ecological Characteristics of the Site

#### 3.2.1 Soils

Soils mapped within the project area are mapped as Sb: Shriever clay. Shriever clay is listed on the National list of hydric soils (Figure 5). Field observations found soil characteristics similar to the above mentioned soil series description from NRCS (2007).

#### 3.2.2 Vegetation

The project area consists primarily of open pastures and sugarberry - black willow forests. The sugarberry and black willow habitat contains primarily sugarberry, black willow, sweetgum (*Liquidambar styraciflua*), Drummond red maple (*Acer rubrum* var. *drummondii*) and boxelder (*Acer negundo*) in the overstory. The midstory is comprised of Chinese tallowtree (*Triadica sebiferum*). The understory is comprised primarily of palmetto (*Sabal minor*), blackberry (*Rubus betulifolius*), common rush (*Juncus effusus*), elderberry (*Sambucus canadensis*) and roundleaf greenbrier (*Smilax rotundifolia*). The open pastures contain herbaceous species such as bahiagrass (*Paspalum notatum*), common rush, fragrant flatsedge (*Cyperus odoratus*), Brazilian vervain (*Verbena brasiliensis*), cocklebur (*Xanthium strumarium*), small beggarticks (*Bidens discoidea*), perennial ryegrass (*Lolium perenne*), white clover (*Trifolium repens*), smooth blue aster (*Aster laevis*), blackberry, palmetto and yellow foxtail (*Setaria glauca*).

#### 3.2.3 Hydrology

Water within the wet-pasture area drains east-west via shallow tertiary agricultural ditches into six secondary agricultural ditches which flow north-south into two primary drainage canals which flow in an east-west direction across the site. There is an existing pump located on the western boundary of the site (Figure 6). The pump consists of a hydraulic pump connected to a tractor that, when operated, pumps water into an unnamed canal on the western boundary. The water in this unnamed canal flows south into the Bayou Bijou and eventually into Grand Bayou.

### 3.3 Jurisdictional Determination

A wetland delineation prepared by Deep South Mitigation, LLC was prepared and submitted to the U.S. Army Corps of Engineers, New Orleans District, Surveillance and Enforcement Section on June 18, 2013. A final jurisdictional determination was issued on December 4, 2013, and is attached as Appendix A.

### **3.4 General Need for the Project in this Area**

The BBMB is located within United States Geological Survey (USGS) Cataloging Unit 08090302 which includes all of Terrebonne Parish and portions of Assumption, Iberville and Lafourche Parishes between Bayou Lafourche, the Mississippi River, the Atchafalaya floodway, and the Gulf of Mexico (Figure 7). Currently there are four active banks located in the proposed primary service area HUC 08090302, however the amount of credits currently available in these banks is not sufficient to meet expected demand in the coming years.

In addition to providing mitigation for residential and commercial development related to continued population growth, the BBMB will provide mitigation for the continuation of oil and gas exploration and production, which has historically occurred in the proposed primary and secondary service areas. It is anticipated that numerous pipelines will be constructed across the service areas of the BBMB in the not-to-distant future as the demand for domestic oil increases. A recent Times-Picayune article predicted that the southern US, including Louisiana, will see nearly \$500 billion in spending on oil and gas related infrastructure over the next decade (Times-Picayune, 2008). This article corroborates recent discussions with oil and gas companies that indicate the continued need for mitigation banks in the proposed service areas related to planned oil and gas activity in the future. Additional demand for mitigation in the service areas is likely to come from local, state and federal governments related to hurricane protection in southeast Louisiana. Since Hurricane Katrina there has been an increased demand for mitigation credits in the service areas related to hurricane protection and this demand is likely to continue in light of the push to obtain funding for the Morganza to the Gulf levee system.

### **3.5 Technical Feasibility**

The work required to restore and re-establish the BBMB is routine and feasible. The sponsor has an extensive background in land manipulation. The consultants hired by Palo Alto Conservation, LLC have extensive backgrounds in wetlands science in general and mitigation banking in particular. The relatively flat landscape and the documented presence of hydric soils imply that minimal soil work will be required for successful restoration of wetland hydrology and successful reforestation of bottomland hardwood forest and cypress swamp. Further, the historical existence of bottomland hardwood forest and cypress swamp on the project area and the presence of bottomland hardwood forest and cypress swamp adjacent to the BBMB indicates a high potential for successful restoration of a functional bottomland hardwood forest and cypress swamp.

## **4.0 ESTABLISHMENT OF THE MITIGATION BANK**

The Sponsor proposes to rehabilitate and re-establish approximately 411 acres of bottomland hardwood forest and 41 acres of cypress swamp from pasture, uplands, other

waters, roads and spoil piles through surface hydrology restoration and native vegetative plantings (Figure 8).

**4.1 Site Restoration Plan**

The proposed restoration activities include the removal of cattle and the resultant grazing activities on the property, restoration of surface hydrology, vegetative restoration and implementation of short-term, intermediate and long-term management strategies.

**4.1.1 Vegetative Restoration**

Rehabilitation and re-establishment activities will be accomplished by preparing the site as needed (mowing, herbicide, discing, tilling, etc.) during the fall of 2014 and by planting an appropriate species mixture of bottomland hardwood and cypress seedlings during the non-growing season (i.e., December - March).

The bottomland hardwood rehabilitation and re-establishment areas will be planted using a mixture of both hard mast and soft mast species in the approximate percentages detailed in Table 2 below.

**Table 2. Percent Composition of species to be planted at the BBMB.**

Common Name	Scientific Name	Percent Composition
Nuttall Oak	<i>Quercus nuttalli</i>	20%
Willow Oak	<i>Quercus phellos</i>	20%
Water Oak	<i>Quercus nigra</i>	10%
Bitter Pecan	<i>Carya x lecontei</i>	5%
Overcup Oak	<i>Quercus lyrata</i>	5%
Green Ash	<i>Fraxinus pennsylvanica</i>	5%
Drummond Red Maple	<i>Acer rubrum var. drummondii</i>	5%
Sweetgum	<i>Liquidambar styraciflua</i>	5%
Persimmon	<i>Diospyros virginiana</i>	5%
Sugarberry	<i>Celtis laevigata</i>	5%
American Elm	<i>Ulmus americana</i>	5%
Baldcypress	<i>Taxodium distichum</i>	5%
Mayhaw	<i>Crataegus opaca</i>	5%

The cypress rehabilitation and re-establishment areas will be planted using *Taxodium distichum*. The planting of 100% cypress seedlings along with natural recruitment should provide an appropriate species mixture in the areas designated for cypress rehabilitation and re-establishment.

#### **4.1.2 Hydrologic Restoration**

In Management Area 1, it is proposed that three flap-gated culverts will be removed and the agricultural ditches backfilled with native material and mechanically prepared for planting. Additionally, fourteen culverts will be removed and all the agricultural ditches will be backfilled with native material and mechanically prepared for planting. The existing municipal canal which runs east-west through the northern third of the property will be rerouted off of the proposed mitigation bank by Ascension Parish allowing this drainage canal, along with the other east-west drainage canal to the south, to be backfilled with native material and mechanically prepared for planting. If the existing spoil banks and roads are insufficient to completely backfill the existing drainage canals fill material will be brought in from offsite. Although the drainage canal to be rerouted is in Iberville Parish, the Parish line is the eastern boundary line of the proposed mitigation bank, therefore Ascension Parish will reroute the canal before it enters Iberville Parish. In Management Area 2, it is proposed that the existing canals, along with the pump, remain under active management until year 5. At year 5 the pump and all culverts will be removed and the agricultural ditches and drainage canals will be backfilled with native material and mechanically prepared for planting. (See, Figures 9, 10 & 11). Maintaining the existing canals and pumping capability in Management Area 2 until Year 5, for use in extreme high water events associated with hurricanes and tropical storms, will allow for increased survival of vegetative plantings at the BBMB and will lead to greater project success. The proposed hydrologic restoration activities will increase surface water retention, reduce nonpoint source runoff and improve water quality within the project area. The anticipated schedule for hydrologic restoration activities will occur in fall 2014 for Management Area 1 and in Year 5 for Management Area 2.

#### **4.1.3 Invasive Species Control**

Invasive and exotic flora such as Chinese Tallow (*Triadica sebifera*) will be controlled by either cutting, herbicide treatment or a combination of these methods. Exotic fauna such as nutria (*Myocastor coypus*) will be controlled by legal methods such as trapping, shooting, etc.

#### **4.2 Current Site Risks**

The Sponsor does not foresee any adverse impacts to the BBMB resulting from the continued existence and operation of the neighboring land uses. The adjacent properties consist of forested wetlands or are in active sugarcane production and owned and operated by the Sponsor. There is one municipal drainage canal located on the northern third of the property and running in an east-west direction over which the Sponsor has no control, however Ascension Parish has agreed to reroute the existing municipal drainage canal off of the proposed

mitigation bank allowing the canal to be backfilled. Iberville Parish will abandon its drainage servitude that currently burdens the proposed mitigation bank. The Sponsor controls all other hydrologic disturbances on the BBMB.

#### **4.3 Mortgages, Easements and Encumbrances**

A title opinion has been rendered to the Sponsor and will be attached to the draft Mitigation Banking Instrument. The Sponsor owns the property in fee simple title and there are no mortgages, easements or encumbrances that would affect the success or sustainability of the BBMB. There are existing pipeline rights-of-way located in Management Area 2 along the southwestern portion of the proposed mitigation bank totaling 6 acres, however it is not anticipated that the existing rights-of-way would negatively affect the success or sustainability of the BBMB.

#### **4.4 Long-Term Sustainability of the Site**

Long-term viability and sustainability of the BBMB will be ensured through active and adaptive management including, but not limited to, invasive species control, appropriate monitoring and long-term maintenance. No long-term structural management will be required because all actively managed structures or devices will be removed in Management Area 2 at year 5. A long-term management plan will be included within the mitigation banking instrument which will be prepared subsequent to submission of this prospectus and will contain a long-term management plan and costs associated with same and will identify a funding mechanism in accordance with 33 CFR 332.7(d).

### **5.0 PROPOSED SERVICE AREA**

The BBMB is located within United States Geological Survey (USGS) Cataloging Unit 08090302 which includes all of Terrebonne Parish and portions of Assumption, Iberville and Lafourche Parishes between Bayou Lafourche, the Mississippi River, the Atchafalaya floodway, and the Gulf of Mexico (Figure 6). Projects impacting bottomland hardwood and baldcypress/tupelogum swamps and fresh/intermediate marsh, where determined appropriate by CEMVN, within this cataloging unit could use the BBMB to compensate for wetland impacts associated with Department of the Army permits. The Cataloging Unit 08070300 would serve as the secondary service area as appropriate; however, the use of the BBMB beyond the cataloging unit will be determined by the CEMVN on a case-by-case basis.

### **6.0 OPERATION OF THE MITIGATION BANK**

The BBMB shall be operated, maintained and managed by Palo Alto Conservation, LLC and its agents, South Louisiana Mitigation, LLC and Deep South Mitigation, LLC, as follows:

## 6.1 Project Representatives

Sponsor: Palo Alto Conservation, LLC  
317 Mississippi Street  
Donaldsonville, LA 70346  
(985) 473-7927

Agents: Chris M. Trepagnier  
South Louisiana Mitigation, LLC  
331 Girod Street  
Mandeville, LA 70448  
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985.778.0888

Jerry Bolton  
Deep South Mitigation, LLC  
P.O. Box 8394  
Clinton, LA 70722  
(225) 719-3153

Landowner: Palo Alto Conservation, LLC  
317 Mississippi Street  
Donaldsonville, LA 70346  
(985) 473-7927

## 6.2 Qualifications of the Sponsor

The Sponsor has been involved in farming and manipulation of the project site since the 1950s, as such the Sponsor is intimately familiar with the site conditions and has the experience necessary to successfully implement all facets of the mitigation banking agreement. Additionally, the Sponsor has hired Chris M. Trepagnier and Jerry Bolton and their associated companies to provide consulting services with regard to the establishment and management of the Bayou Bijou Mitigation Bank.

## 6.3 Proposed Long-Term Ownership and Management Representatives

The long-term ownership of the site will be maintained by Palo Alto Conservation, LLC.

The management of the of the BBMB will be the ultimate responsibility of Palo Alto Conservation, LLC, however Palo Alto Conservation, LLC has contracted

with Mr. Chris Trepagnier of South Louisiana Mitigation and Mr. Jerry Bolton of Deep South Mitigation, LLC to oversee project management.

Mr. Trepagnier and Mr. Bolton have extensive experience in wetland science in general and mitigation banking in particular and are well versed in all facets of mitigation banking. Mr. Trepagnier and Mr. Bolton currently manage two active mitigation banks within the New Orleans District: the Upper Bayou Folsé Mitigation Bank and the Laurel Oak Mitigation Bank. In addition, Mr. Trepagnier owned and operated a mitigation bank in Avoyelles Parish and represented the Sawgrass Bayou Mitigation Bank in St. John the Baptist Parish.

#### **6.4 Site Protection**

The Sponsor/Owner shall be responsible for protecting all lands within the entire 475 acre tract proposed for establishment of the BBMB. In order to ensure protection of the property within the BBMB boundary, the Owner shall execute a perpetual Louisiana conservation servitude in accordance with the Louisiana Conservation Servitude Act (La. R.S. 9:1271, *et seq.*) on the entire 475 acre tract. The conservation servitude shall be recorded in the Mortgage and Conveyance Records of Iberville Parish.

The holder of the conservation servitude will be Nature Holding, LLC. Nature Holding, LLC is a qualified, non-profit corporation approved to hold conservation servitudes in accordance with Corps guidelines.

#### **6.5 Long-Term Strategy**

The Sponsor will ensure the long-term success and sustainability of the BBMB through such mechanisms as vegetative plantings, hydrologic restoration and maintenance, invasive species control, site monitoring, establishment of financial assurances and perpetual protection through the filing of a Louisiana conservation servitude. A long-term management plan will be included in the Mitigation Banking Instrument that will address long-term management needs, costs and the identification of a funding mechanism in accordance with 33 CFR 332.7(d).

### **7.0 CONCLUSION**

In summary, the BBMB has a high potential of successfully rehabilitating and re-establishing 452 acres of bottomland hardwood wetlands and cypress swamp, preserving 12 acres of existing forested wetlands and maintaining 6 acres of existing pipeline right-of-way and 5 acres of existing roads within a 475 acre tract of land. By discontinuing agricultural usage of the property, restoring natural hydrology and restoring bottomland hardwood forest and cypress swamp habitat, the BBMB will improve local aquatic resources and habitats while accomplishing the specific goals and objectives of the BBMB.

## 8.0 REFERENCES

- Barras, J., Beville, S., Britsch, D., Hartley, S., Hawes, S., Johnston, J., Kemp, P., Kinler, Q., martucci, A., Porthouse, J., Reed, D., Roy, K., Sapkota, S., and Suhayda, J. 2003. Historical and projected coastal Louisiana land changes; 1978-2050: USGS Open File Report 03-334, 39 p.
- Larino, J. (2014, January 8). Southern U.S. to see nearly \$500 billion in oil and gas infrastructure spending by 2025, report says.
- Natural Resources Conservation Service (2007) *The PLANTS Database, Version 3.5*. U.S. Department of Agriculture, Natural Resources Conservation Services, National Plant Data Center. Accessed January 23, 2007. Available URL: <http://plants.usda.gov>.
- United States Army Corps of Engineers (1987) *Corps of Engineers Wetland Delineation Manual*. USACE Waterways Experiment Station Technical Report Y-87-1.
- United States Department of Agriculture, Soil Conservation Service 91995) *Soil Mapping Units and Hydric Soils Designations, Louisiana*. Soil Conservation Service, 3<sup>rd</sup> edition.
- United States Department of Agriculture, Soil Conservation Service (1977) *soil Survey of Iberville Parish, Louisiana*. USDA Soils Conservation Service, La. Ag. Experiment Station, and La. Soil, and Water Conservation Committee.

## APPENDIX A



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO  
ATTENTION OF

DEC 04 2013

Operations Division  
Surveillance and Enforcement Section

Mr. Chris Trepagnier  
South Louisiana Mitigation, LLC  
331 Girod Street  
Mandeville, Louisiana 70448

Dear Mr. Trepagnier:

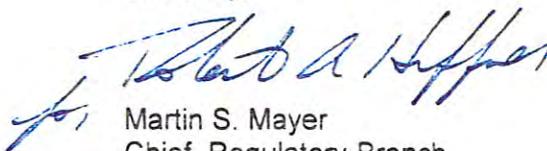
Reference is made to your request, on behalf of Palo Alto Conservation, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Section 23, Township 11 South, Range 13 East, Iberville Parish, Louisiana (enclosed map). Specifically, this property is identified as the 489-acre Palo Alto mitigation Bank at LA Highway 949, south of Myles Road.

Based on review of recent maps, aerial photography, soils data, information provided with your request, and a brief site inspection on October 31, 2013, we have determined that part of the property is wetland and subject to Corps' jurisdiction. The approximate limits of the wetland are designated in red on the map. A Department of the Army permit under Section 404 of the Clean Water Act will be required prior to the deposition or redistribution of dredged or fill material into this wetland. Additionally, a DA permit will be required if you propose to deposit dredged or fill material into other waters of the US on the property (shown in blue on the map).

You and your client are advised that this approved jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Commander has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

Should there be any questions concerning these matters, please contact Mr. Bill Nethery at (504) 862-1267 and reference our Account No. MVN 2013-01597-SQ. If you have specific questions regarding your permit application, please contact Mr. Brian Breaux of our Special Projects Section at (504) 862-1938. The New Orleans District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please complete the survey on our web site at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



Martin S. Mayer  
Chief, Regulatory Branch

Enclosures

USACE

FSV / IH Date: 4-25-13

Botanist: William Nethery

Requestor: Chris Trepagnier

# MVN- 2013-01597-5A

 - WETLAND

 - Non-wetland

 - Waters of the US C404



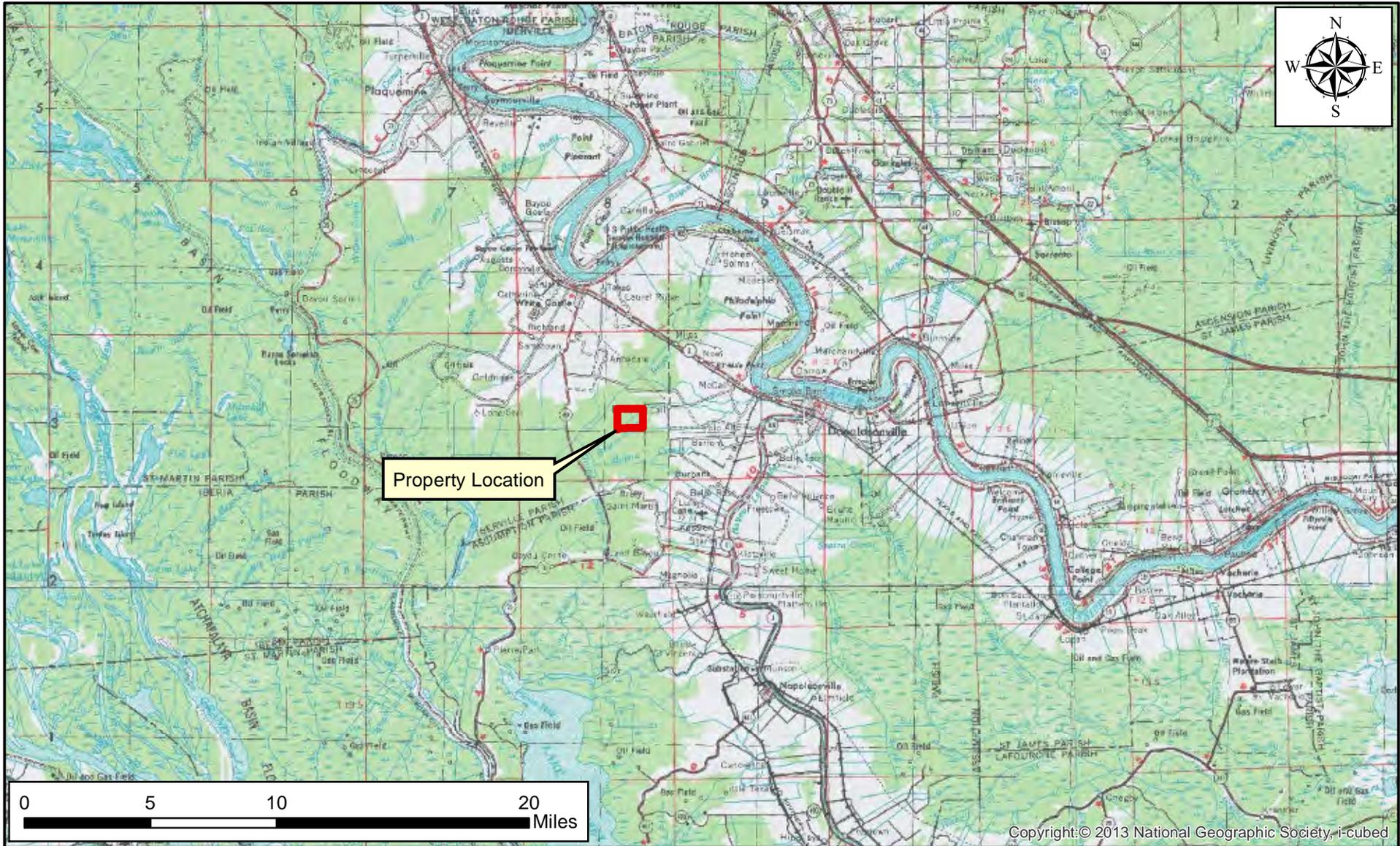
Deep South Mitigation, LLC

U.S. ARMY CORPS OF ENGINEERS  
**APPROVED**

JURISDICTIONAL DETERMINATION

Date: November 13, 2013

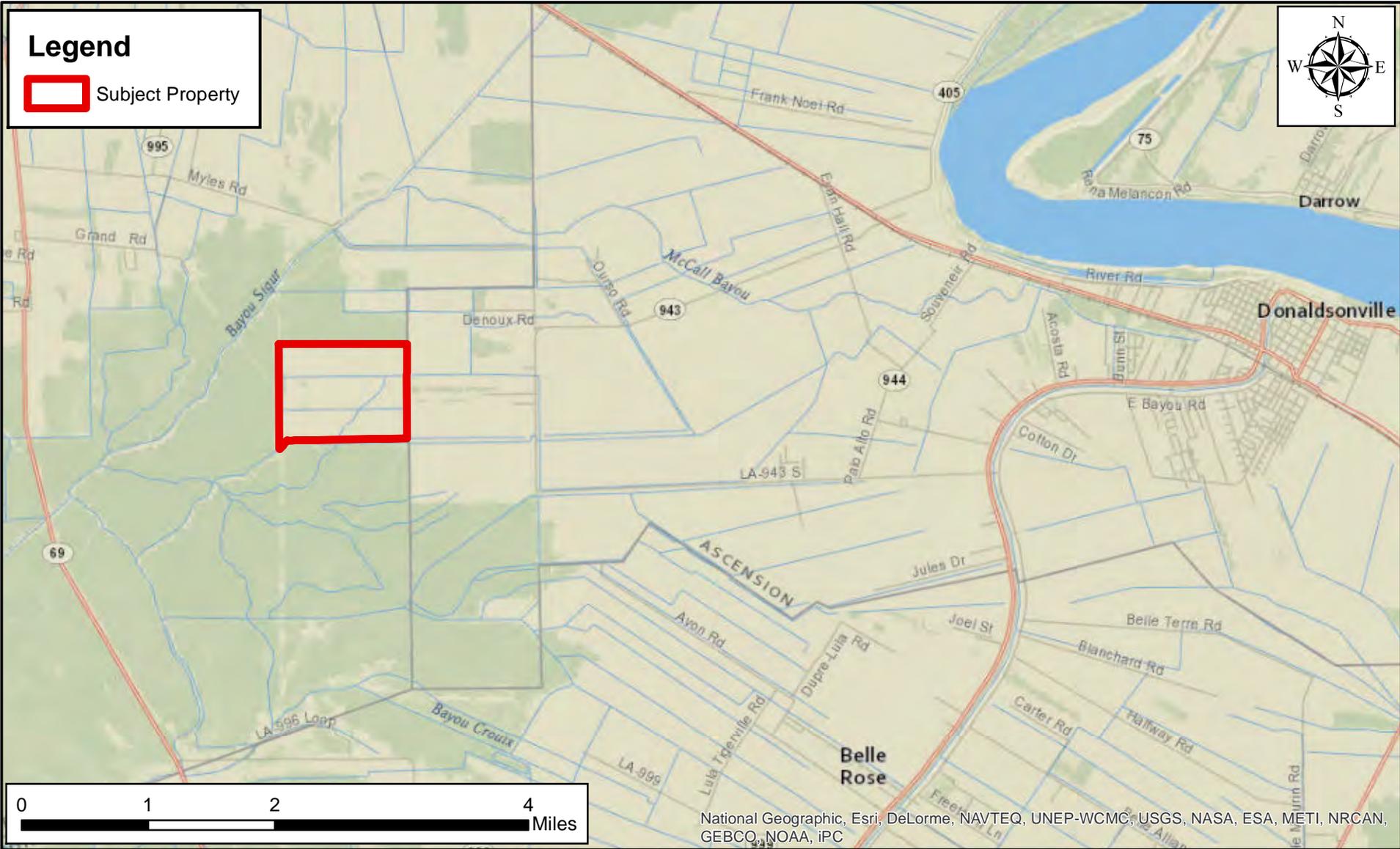
Figure 1. Vicinity Map



Deep South Mitigation, LLC.

Date: September 9, 2013

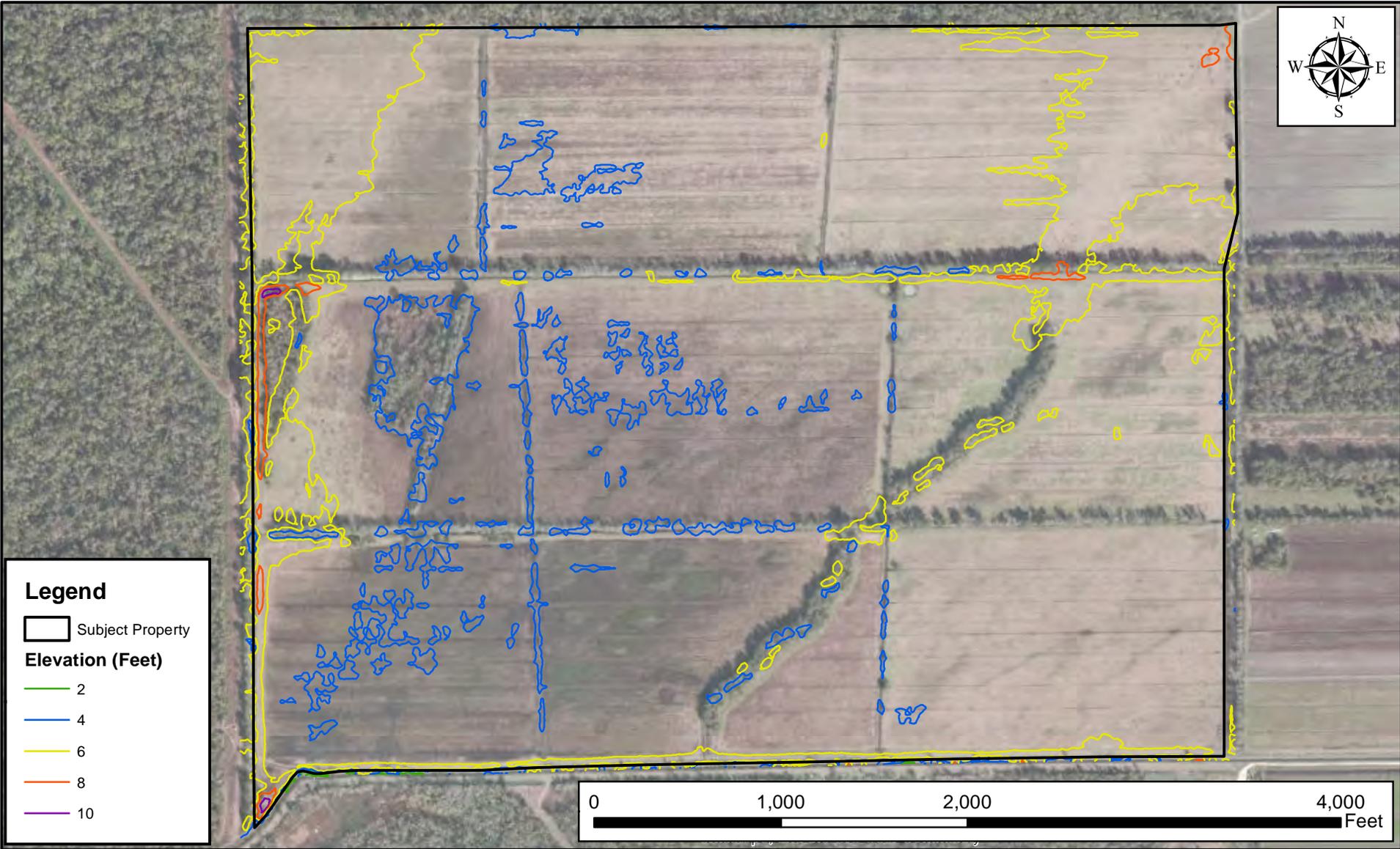
Figure 2. Location of the Subject Property



Deep South Mitigation, LLC.

Date: August 27, 2013

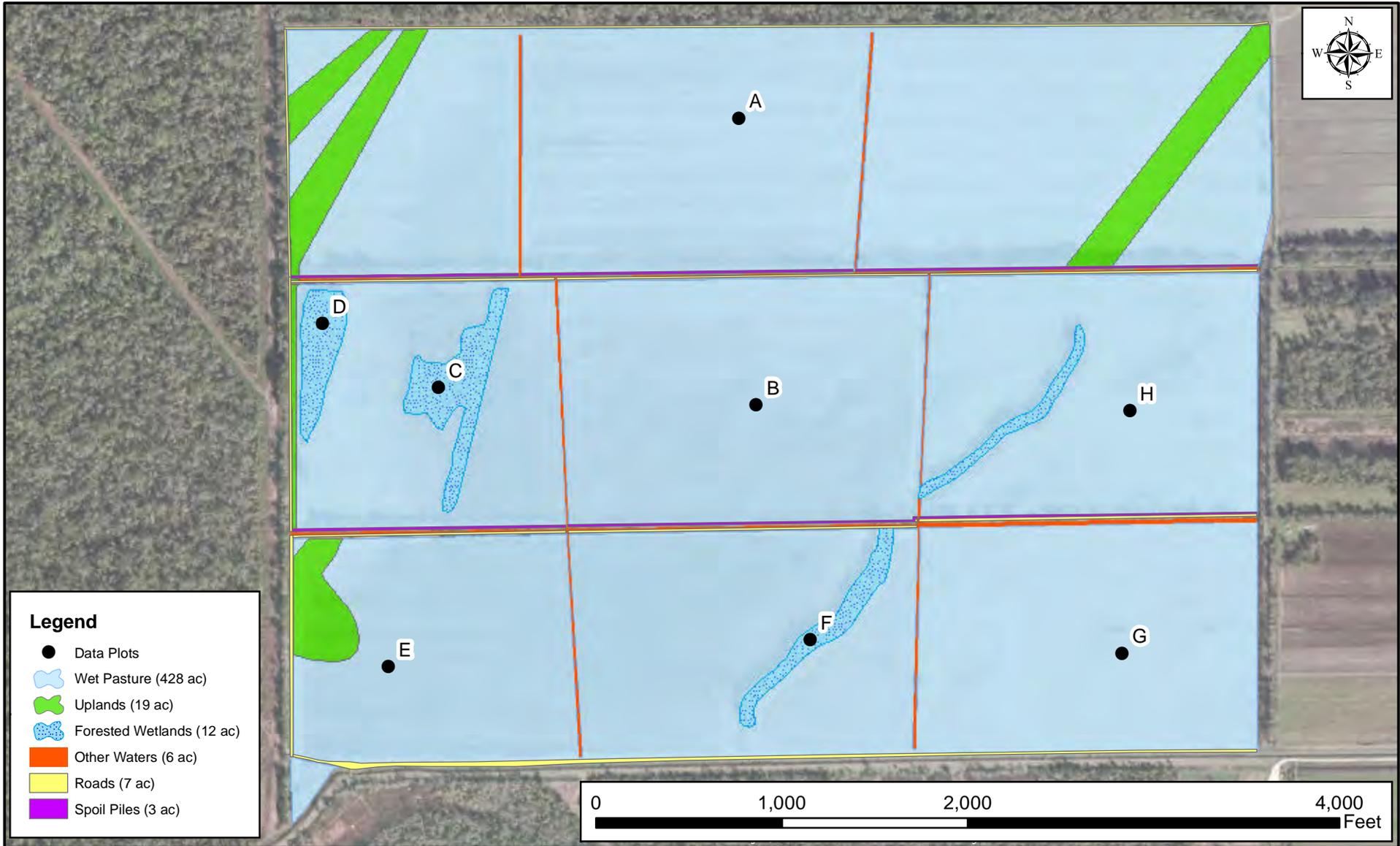
Figure 3. LIDAR-Based Elevation Contours



Deep South Mitigation, LLC.

Date: February 13, 2014

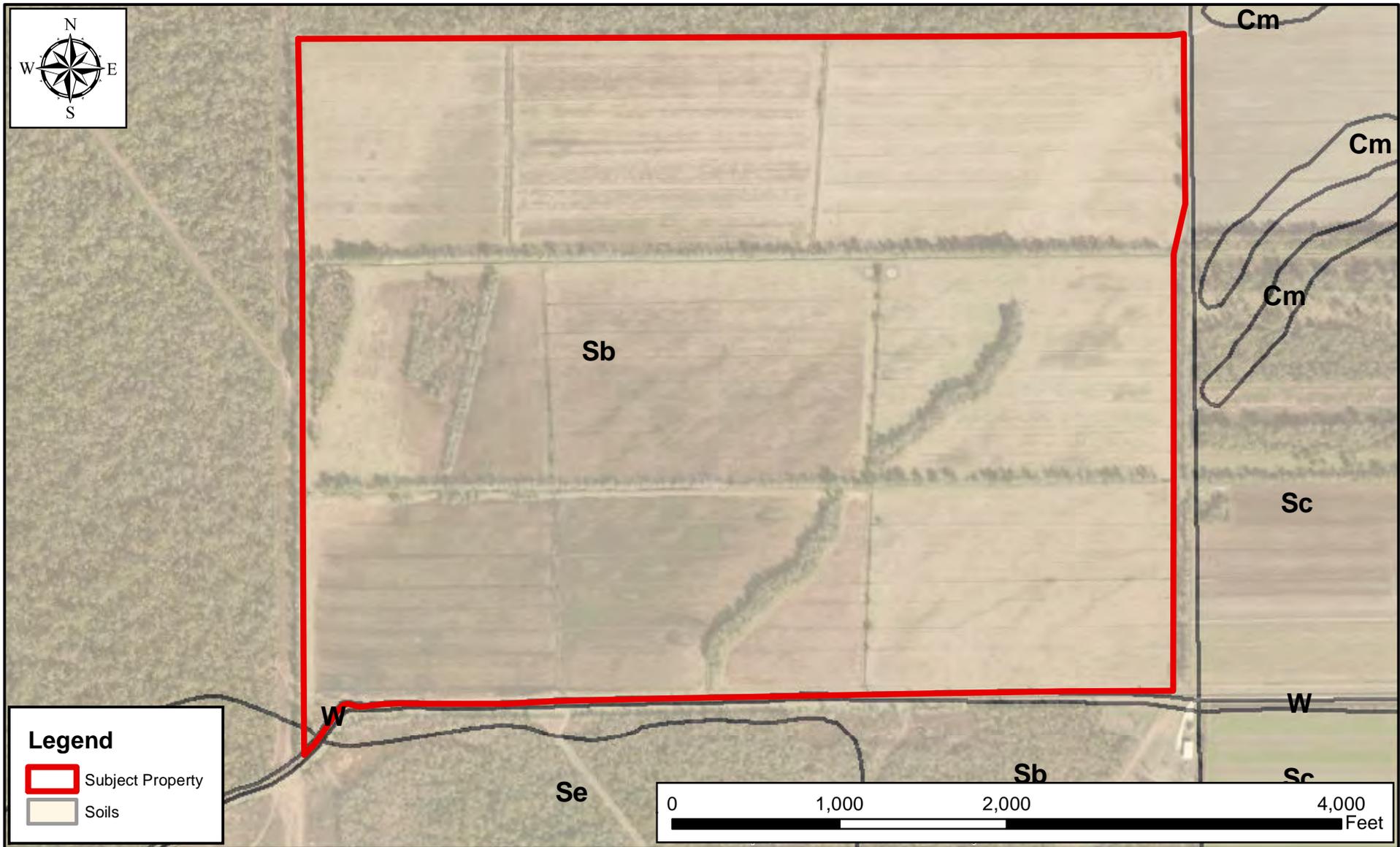
Figure 4. Existing Wetland Map



Deep South Mitigation, LLC.

Date: April 17, 2014

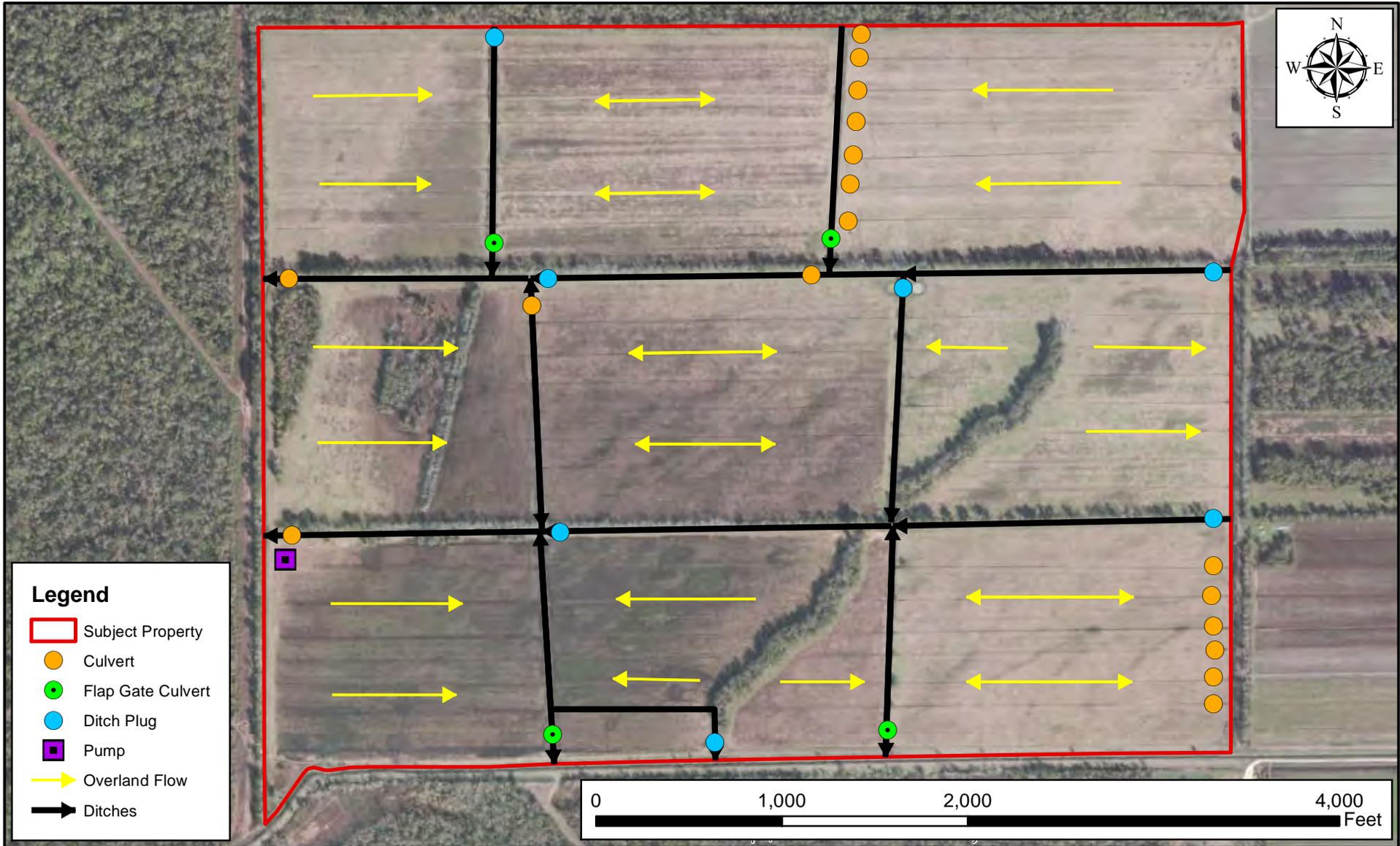
Figure 5. Soils Map



Deep South Mitigation, LLC.

Date: February 13, 2014

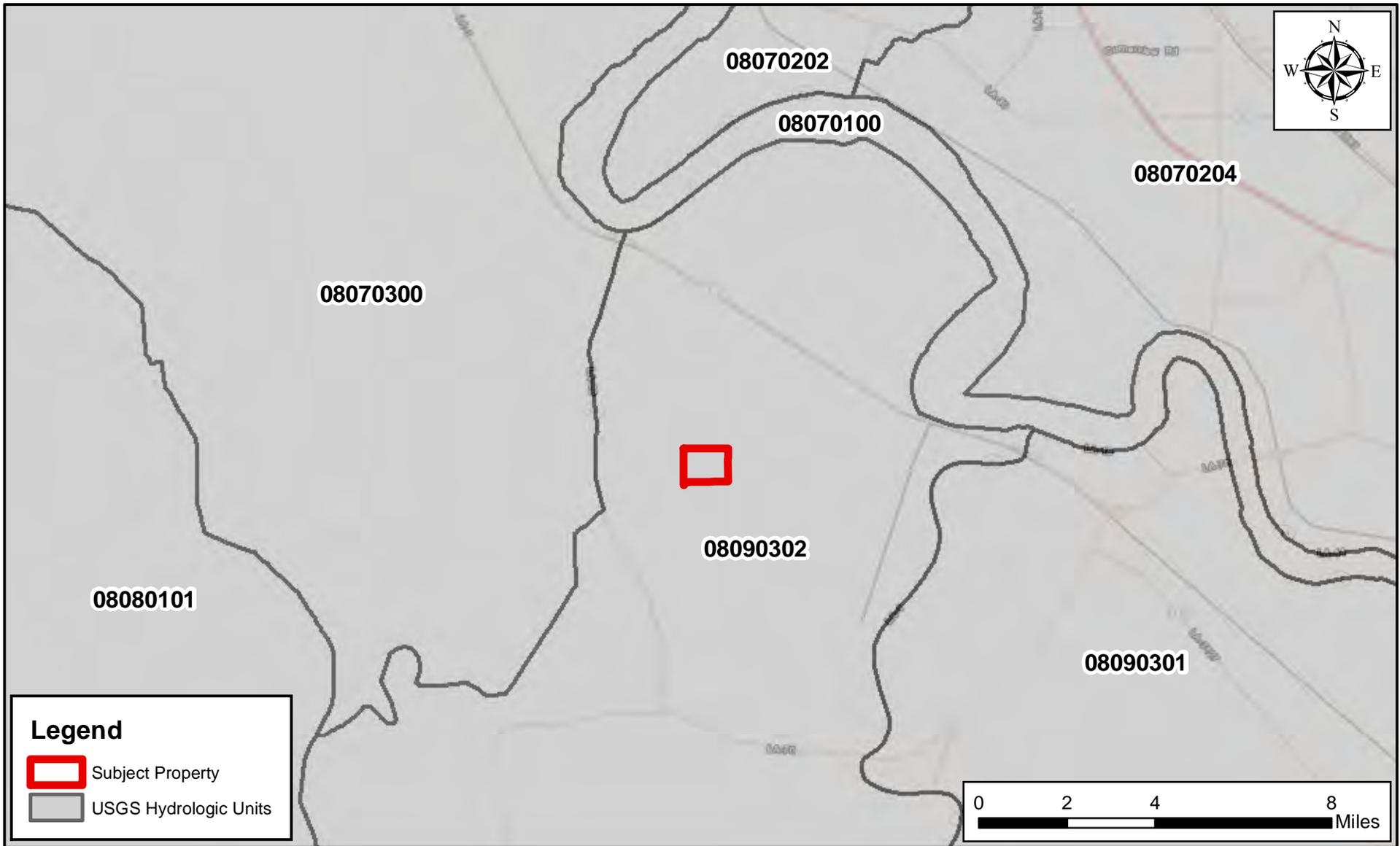
Figure 6. Existing Hydrology



Deep South Mitigation, LLC.

Date: February 13, 2014

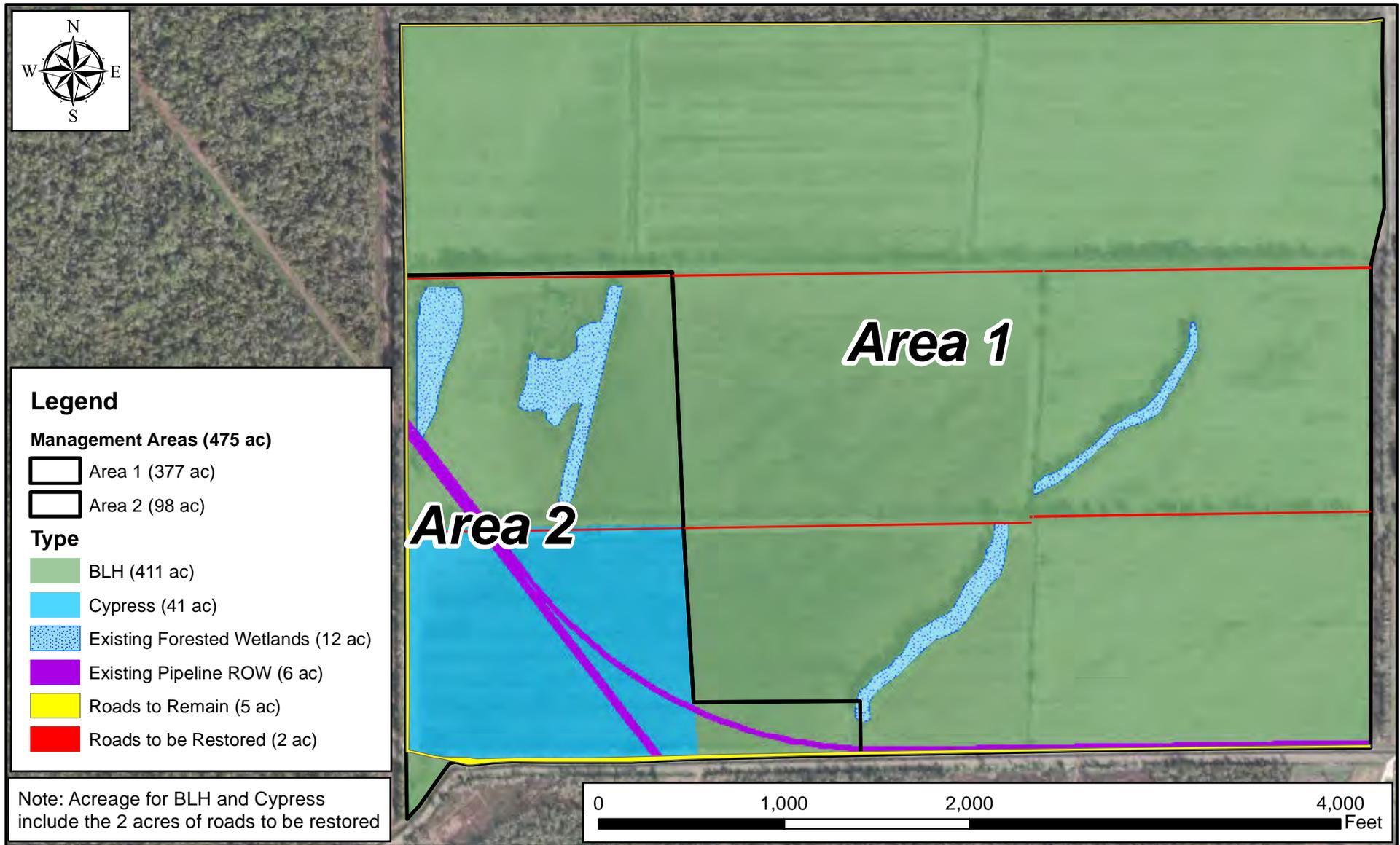
Figure 7. USGS Hydrologic Units



Deep South Mitigation, LLC.

Date: August 27, 2013

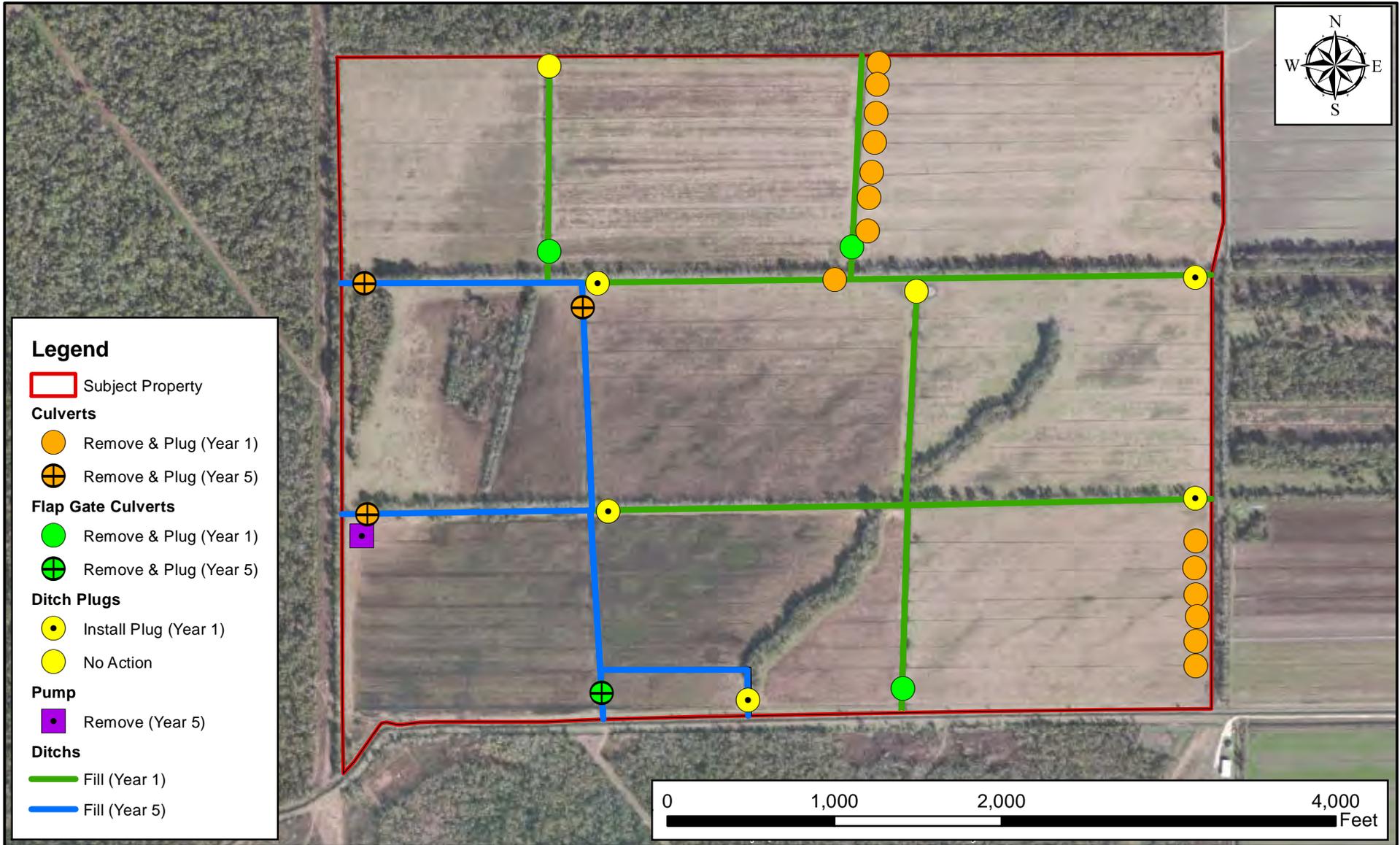
Figure 8. Proposed Rehabilitation and Re-establishment



Deep South Mitigation, LLC.

Date: May 22, 2014

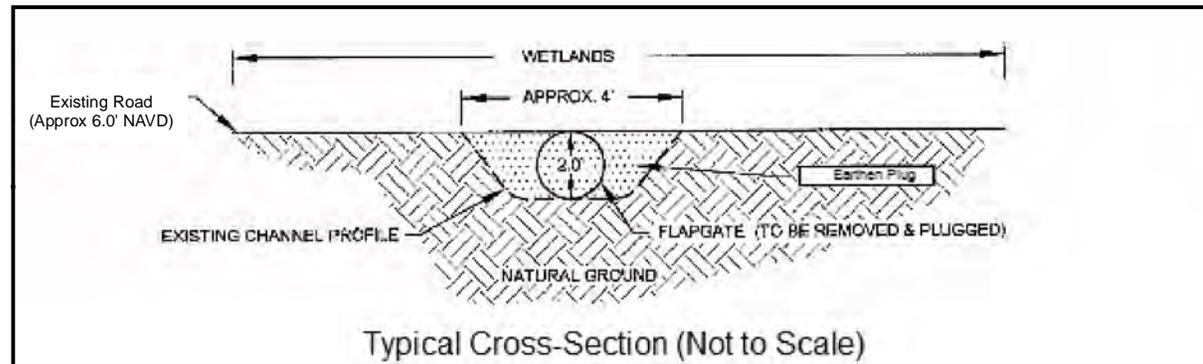
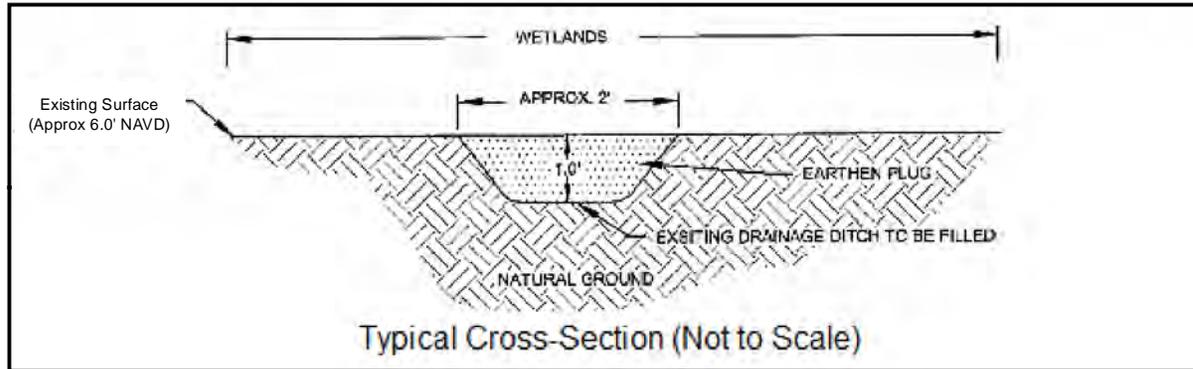
Figure 9. Proposed Hydrology Restoration



Deep South Mitigation, LLC.

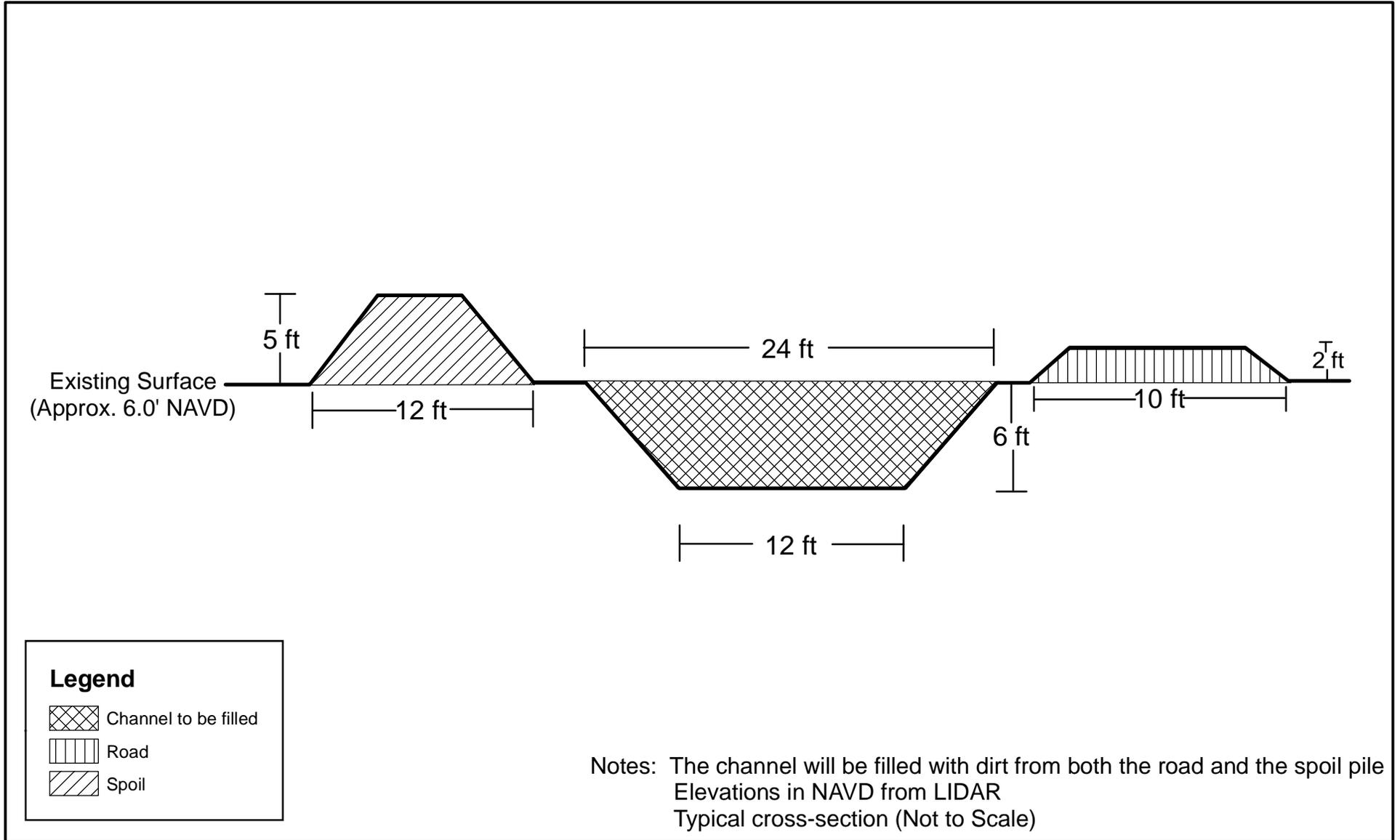
Date: April 15, 2014

Figure 10. Typical Cross-Sections of Canals



Note: Elevations in NAVD from LIDAR

Figure 11. Typical Cross-Section of Canals



Deep South Mitigation, LLC.

Date: May 21, 2014