DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS LA 70118-3651

June 24, 2024

Regulatory Division
Special Projects and Policy Team

Project Manager:
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Application #: MVN-2018-1427-AL

PUBLIC NOTICE

Interested parties are hereby notified that a permit application has been received by the New Orleans District of the U.S. Army Corps of Engineers pursuant to: [ ] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403); and/or [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344).

Gator Bayou Mitigation Bank in West Baton Rouge Parish

NAME OF APPLICANT:
Gulf South Research Corporation, attn: Mr. Howard Nass, 8081 Innovation Park Drive, Baton Rouge, LA 70820

LOCATION OF WORK: The 681.5-acre site is located in Section 14, Township 7 South and Range 11 East. The proposed bank is located approximately 8 miles East of the city of Baton Rouge, in West Baton Rouge Parish Louisiana, (lat. 30.456254, long. -91.316424), as shown within the attached drawings. (Hydrologic Unit Code 08070300, Lower Grand watershed).

CHARACTER OF WORK: The proposed project is to restore, enhance, and preserve approximately 653.6 acres of bottomland hardwood forested wetlands. The purpose of the project is to establish a phased umbrella mitigation bank to provide compensatory mitigation for authorized impacts within jurisdictional areas per 33 CFR 332.3(1)(a-b) and LAC 43:724. The project as proposed would restore or improve hydraulic connectivity through plugging and/or filling in existing ditches and drainage canals and cleaning and widening a northwest to southeast trending historic drainage that bisects the mitigation bank. Planting of appropriate vegetative species for the targeted wetland type will be planted during the non-growing season (December 15-March 15) after targeted site prep activities which may include chemical and/or mechanical techniques have concluded.

The comment period on the requested Department of the Army Permit will close **30 days** from the date of this public notice. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons thereof, are being solicited from anyone having interest in this permit request, and must be submitted so as to be received before or by the last day of the comment period. Letters and/or comments concerning the subject permit application must reference the Applicant's Name and the Permit Application Number and can be preferably emailed to the Corps of Engineer's project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RG, [Lucian D Whittington**]. Individuals or parties may also request an extension of time in which to comment on the proposed work by mail or preferably by emailing the specified project manager listed above. Any request for an extension of time to comment must be specific and substantively supportive of the requested extension and received by this office prior to the end of the initial comment period. The Division Chief will review the request and the requester will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous and inclusive of the initial comment period. This public notice is also available for review online at https://go.usa.gov/xennJ

Corps of Engineers Permit Criteria

The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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, 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, considerations of property ownership and, in general, the needs and welfare of the people.

The U.S. Army 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 U.S. Army Corps of Engineers to determine whether to make, 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 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. Further, all factors that may be

relevant to the proposal will be considered, including the potential cumulative effects associated with the proposed project.

The New Orleans District is presently unaware of properties listed on the National Register of Historic Places at or near the proposed work but is pending further review in accordance with the National Historic Preservation Act. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. As deemed necessary, copies of this public notice will be sent to the State Archeologist, State Historic Preservation Officer, and federally listed tribes regarding potential impacts to cultural resources.

Based on the Information Planning and Consultation (IPaC) tool for Endangered Species in Louisiana, as signed on January 27, 2020, between the U.S. Army Corps of Engineers, New Orleans and the U.S. Fish and Wildlife Service, it has been determined that the project would have no effect to any species listed as endangered by the U.S. Fish and Wildlife Service, nor affect any habitat designated as critical to the survival and recovery of any such species.

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. Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the LA Department of Environmental Quality before a Department of the Army permit is issued.

Any person may request, (preferably by email to the project manager, or 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.

The applicant has certified that the proposed activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program. The Department of the Army permit will not be issued unless the applicant received approval or a waiver of the Coastal Use Permit by the Department of Natural Resources.

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

Brad A. Guarisco
Deputy Chief, Regulatory Division

Enclosures

REVISED FINAL
Prospectus for the Gator Bayou Mitigation Bank
West Baton Rouge, Louisiana

April 2024

Sponsor: A. Wilbert's Sons, LLC
Name: Mr. Vic Blanchard
Address: 58020 Bayou Road
P.O. Box 694
Plaquemine, LA 70765

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Name: Howard Nass
Address: 8081 Innovation Park Drive
Baton Rouge, LA 70820

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TABLE OF CONTENTS

1. INTRODUCTION 1

1.1 Site Location 1

2. PROJECT GOALS AND OBJECTIVES 4

3. ECOLOGICAL SUITABILITY OF THE SITE/BASELINE CONDITIONS 4

3.1 Land Use 4
3.1.1 Historical Land Use 4
3.1.2 Existing/Current Land Use 8
3.2 Soils 8
3.3 Hydrology 8
3.3.1 Contributing Watershed 8
3.3.2 Historical Hydrology and Drainage Patterns 16
3.3.3 Existing/Current Hydrology and Drainage Patterns 16
3.3.4 Jurisdictional Wetlands 16
3.4 Vegetation 16
3.4.1 Historical Plant Community 16
3.4.2 Existing Plant Community 20
3.5 General Need for the Project in this Area 20

4. ESTABLISHMENT OF A MITIGATION BANK 21

4.1 Site Restoration Plan 21
4.1.1 Soil/Hydrologic Work 25
4.1.2 Vegetative Work 25
4.2 Technical Feasibility 31
4.3 Performance Standards 32
4.4 Current Site Risks 34
4.5 Long-Term Sustainability of the Site 34

5. PROPOSED SERVICE AREA 35

6. OPERATION OF THE MITIGATION BANK 35

6.1 Project Representatives 35
6.2 Qualifications of the Sponsor 36
6.3 Proposed Long-Term Ownership and Management Representatives 36
6.4 Site Protection 36

7. REFERENCES 36

List of Tables

Table 1. Current Acreage Breakdown of the Project Site 1
Table 2. Proposed Vegetation Species and Relative Composition 23

List of Figures

Figure 1. Vicinity Map 2
Figure 2. Project Area Map 3
Figure 3. 1953 Historical Aerial 5
Figure 4. 1970 Historical Aerial 6
Figure 5. 1978 Historical Aerial 7
Figure 6. 1985 Historical Aerial 9
Figure 7. 2004 Historical Aerial 10
Figure 8. 2019 Historical Aerial 11
Figure 9. Digital Elevation Map 12
Figure 10. Existing Conditions 13
Figure 11. Soil Survey Map 14
Figure 12. Existing Drainage Area Map 15
Figure 13. Historic Drainage Map 17
Figure 14. Hydrologic Cataloging Unit Map 18
Figure 15. Wetlands Map 19
Figure 16. Proposed Hydrologic Restoration 22
Figure 17. Typical Cross Section of Degraded Agricultural Ditches 26
Figure 18. Typical Cross Section of Earthen Plug (Large Drainage Ditches/Canals) 27
Figure 19. Typical Cross Section of Road Improvement 28
Figure 20. Typical Cross Section of Historic Drainage 29
Figure 21. Cross Section of Proposed Bridge in Phase I 30

List of Appendices

Appendix A. USACE Jurisdictional Determination
Appendix B. Prior Converted Wetlands Determination
Appendix C. Property Title Opinion

1. INTRODUCTION

Wilbert's Sons, LLC (Wilbert's) proposes the establishment of Gator Bayou Mitigation Bank (mitigation bank) in West Baton Rouge Parish, Louisiana. The proposed wetland mitigation bank is an approximately 681.5-acre site between Port Allen and Rosedale, Louisiana (Figure 1). The proposed mitigation bank is split into two Phases. Phase I is 328.2 acres and Phase II is adjacent to Phase I and is 353.3 acres (minus existing pipeline right of ways [ROW]). Phase I and Phase II are both in agricultural production and an existing pipeline ROW (3.7 acres) trends northwest to southeast along the lower half of the eastern boundary of Phase II (Figure 2 and Table 1). Bottomland hardwood (BLH) forest would be rehabilitated on-site by planting wetland associated tree and shrub species. The natural hydrology of the site would be restored by plugging and/or filling in existing ditches and drainage canals and cleaning and widening a northwest to southeast trending historic drainage that bisects the mitigation bank.

Table 1. Current Acreage Breakdown of the Project Site

Land Cover Type	Unit (Acres)
Agriculture/Pasture	677.8
Pipeline	3.7
Total:	**681.5**

The purpose of the proposed mitigation bank is to rehabilitate and maintain a productive BLH forested wetland ecosystem in West Baton Rouge Parish in order to compensate for the unavoidable losses of wetland functions and values associated with Department of the Army (DA) Section 10 and/or Section 404 permits issued by the U.S. Army Corps of Engineers (USACE), New Orleans District (NOD). It is Wilbert's intent to implement wetland rehabilitation activities on an as-needed basis for parties requiring compensatory mitigation to satisfy DA permit requirements. Through contractual agreement with permit recipients, Wilbert's will, for a fee to be paid by permittees, commit to fulfilling the mitigation requirements specified in DA permits and incur responsibility for the long-term maintenance, management, protection, and overall success of the mitigation bank.

1.1 Site Location

The proposed mitigation bank site is located between Port Allen and Rosedale, Louisiana (see Figure 1). Specifically, the proposed site is located at Section 14, 15, 22, and 23, Township 7 South, Range 11 East, West Baton Rouge Parish, Louisiana. Currently, a majority of the site is in agricultural production (approximately 678 acres), approximately 3.7 acres are used as existing pipeline ROW. An approximately 6.5-acre future pipeline ROW is proposed in Phase II. The proposed future pipeline ROW (50-foot wide) would trend through the mitigation bank site in a northwest to southeast direction (see Figure 2). The proposed mitigation bank site is bordered by agriculture fields to the north and east, and BLH forest to the south and west. The BLH ecosystem of Choctaw Bayou lies to the south and west of the proposed mitigation bank and is separated from the project area by Interstate 10.

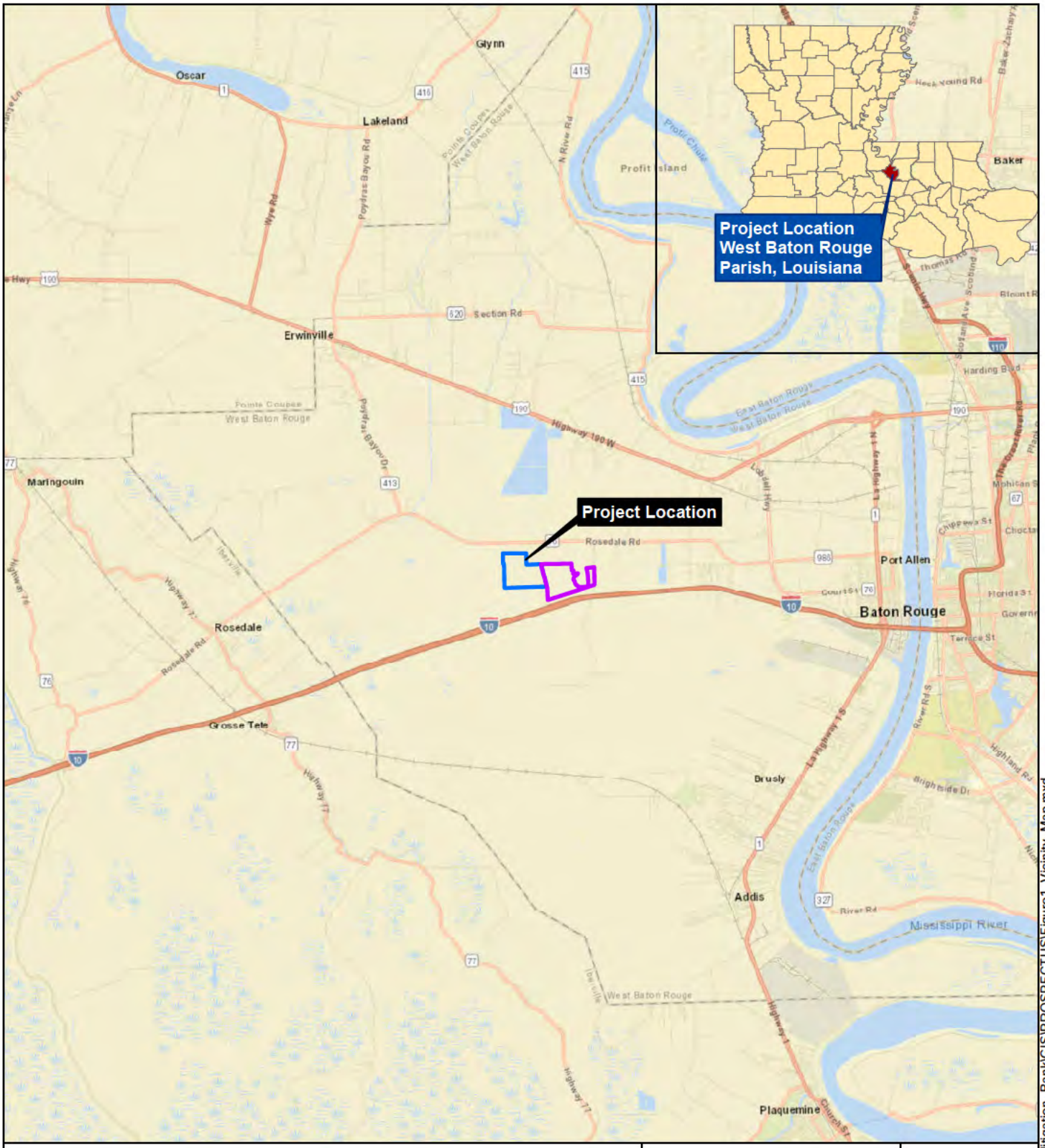

Figure 1. Vicinity Map

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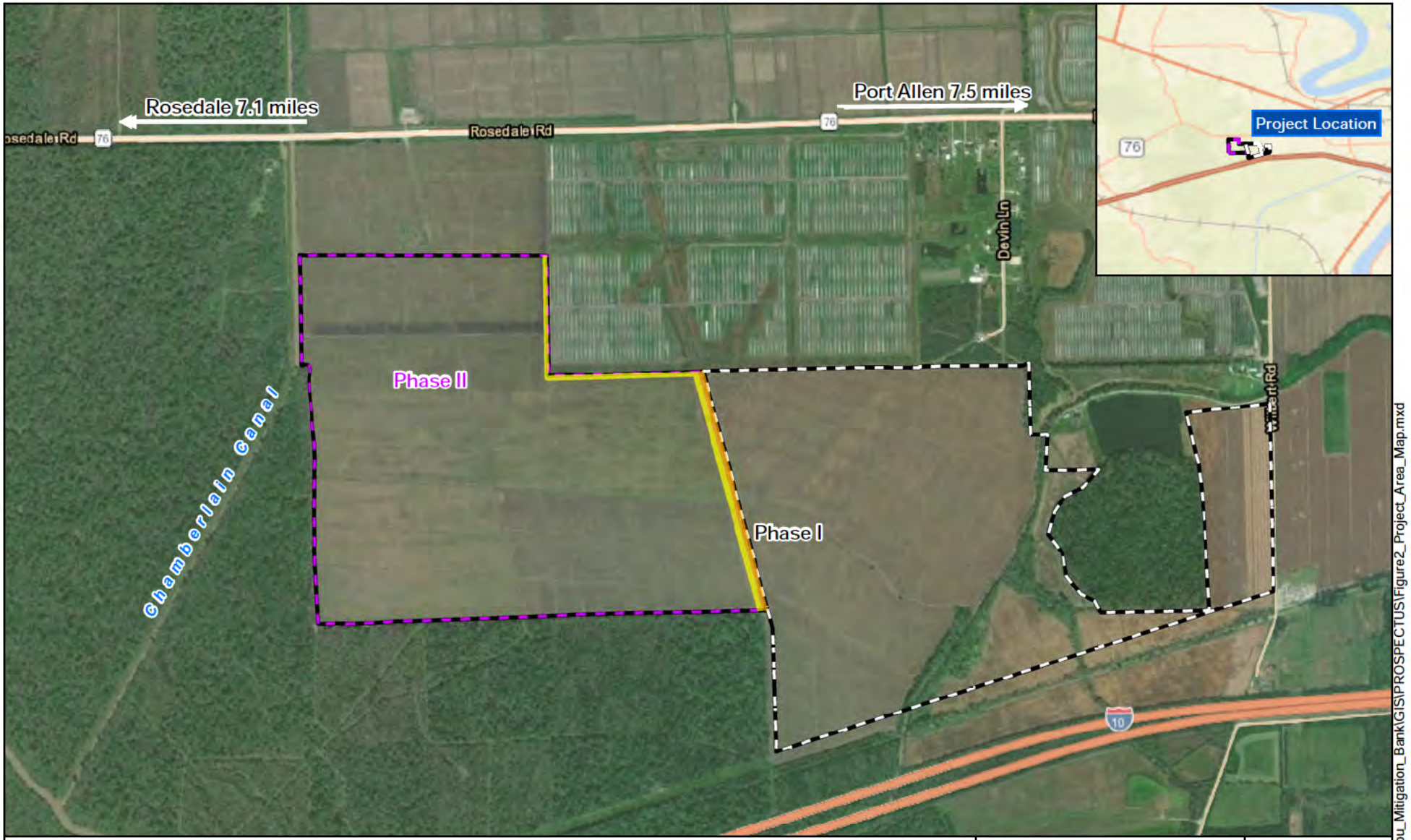


Figure 2. Project Area Map

2. PROJECT GOALS AND OBJECTIVES

The goals of the proposed mitigation bank are to restore the natural hydrologic regime within the project site and to rehabilitate a productive, self-sustaining BLH forested wetland. Rehabilitation of BLH forested wetlands would expand the existing BLH ecosystem in the area by 653.6 acres (minus existing and future pipeline ROW, all-terrain vehicles (ATV) trails, future well pad, and main access road) (see Figure 16). The rehabilitation efforts will promote the temporary and/or permanent rehabilitation of both indigenous plant species and local and migratory animal species. Rehabilitation efforts will be achieved through plugging and/or filling in existing man-made ditches and drainage canals, planting native tree species that are associated with BLH wetlands, and cleaning and widening a historic drainage to better emulate its natural flow and hydrologic processes.

Objectives of this project will be to restore the topography and hydrologic connection of the proposed wetland mitigation bank site with adjacent wetlands. The resulting hydrologic regime will restore healthy nutrient and sediment levels through surface water flows, groundwater transport, and seasonal input. This input in conjunction with a reformed soil layer should also promote the growth and succession of a healthy understory and forest canopy. A rehabilitated wetland resembling that of the adjacent BLH forested wetlands and past on-site BLH forested wetlands would reduce most invasive plants and rehabilitate an abundance of macro and micro-environments for all trophic levels. Additional objectives of this project include enhancing wildlife habitat, increasing the composition and productivity of the plant community, increasing flood storage, enhancing nutrient attenuation and sediment retention, and improving groundwater quality.

3. ECOLOGICAL SUITABILITY OF THE SITE/BASELINE CONDITIONS

This section describes the ecological suitability of the site to achieve the objectives of the proposed mitigation bank, including the physical, chemical, and biological characteristics of the bank site and how that site will support the planned types of aquatic resources and function, as stated in 33 CFR 332.8(d)(2)(vii)(B). This section provides the baseline/current site conditions on and adjacent to the proposed site.

3.1 Land Use

3.1.1 Historical Land Use

Before the project site was converted for agricultural purposes, the project site was likely composed of BLH wetlands, very similar to what is immediately adjacent to the mitigation bank. The earliest aerial record for the project site dates back to 1953 (Figure 3). The 1953 aerial shows some agriculture land already in production in a portion of Phase I, while all of Phase II appears to be composed of BLH wetlands. Clearing for agricultural purposes at Phase I spread further west and east in 1970 and 1978 (Figures 4 through 5).

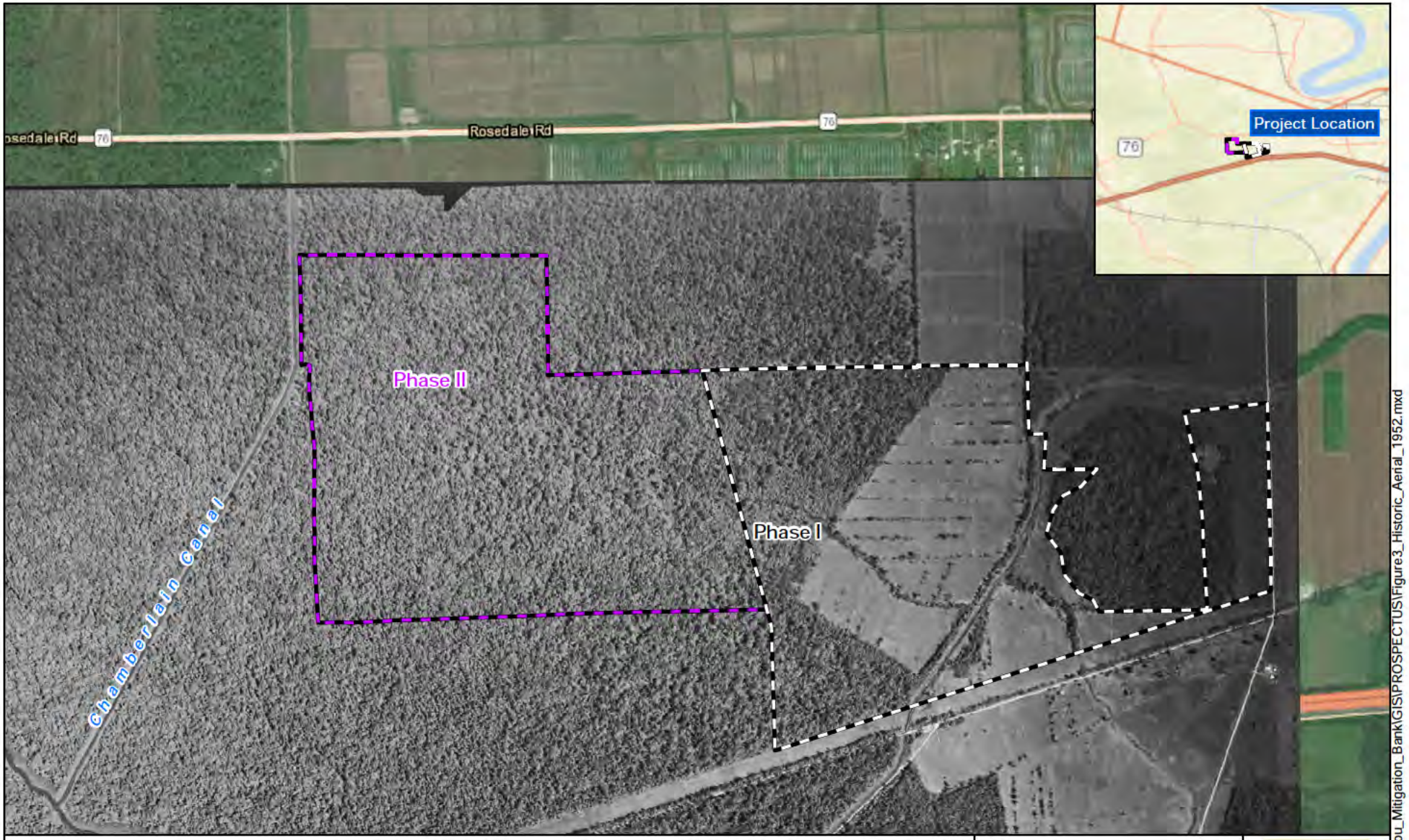


Figure 3. 1953 Historical Aerial

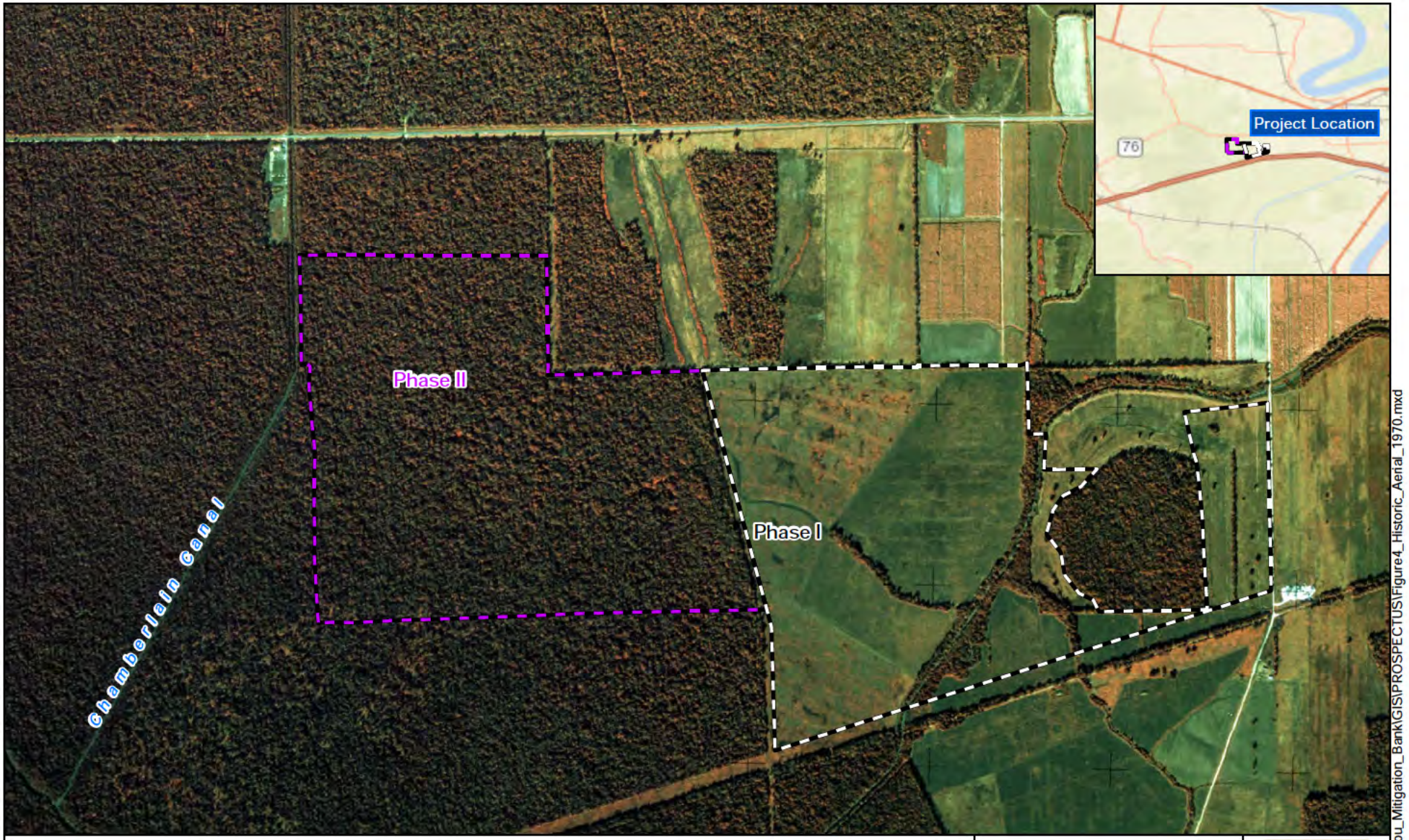


Figure 4. 1970 Historical Aerial

Figure 5. 1978 Historical Aerial

In addition to increased agriculture conversion on the west side of the project site in 1985, a few large drainage ditches were excavated and are the largest ditches on the project site currently (Figure 6). These are the ditches that are proposed to be plugged with earthen plugs. Between 1985 and 2004, smaller agriculture ditches were added to the project site (Figures 6 and 7); these are the ditches that would be disced over to remove them from the landscape. Between 1985 and 2004, the existing pipeline ROW was added to the property (Figures 7 and 8).

3.1.2 Existing/Current Land Use

Adjacent land uses consist of forest to the south and west and agriculture land to the north and east. Topographically the site is relatively flat (Figure 9). A small farming community consisting of approximately 15 houses and the WTGE-FM Baton Rouge Radio Station abut the northeastern corner of Phase I. Currently, the project site is predominately used for agricultural production (row crops) in addition to pipeline ROW (Figure 10).

3.2 Soils

Soils on the project site are mapped as Sharkey clay (Sf), 0 to 1 percent slopes, rarely flooded, south and Sharkey silty clay loam (Se) in the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service Web Soil Survey of West Baton Rouge Parish, Louisiana (USDA 2021, Figure 11). Sf dominates the project site (644.7 acres) with only a small portion on the extreme east portion of the project site containing Se soils (36.7 acres). Both Sharkey soils are poorly drained soils located on floodplains, lower parts of natural levees, in backswamps and abandoned channels, and on interfluves and low terraces of the Mississippi River. The water table where Sharkey soils are found is generally close to the soil surface, typically within 0 inches for Sf and within 24 inches of the soil surface for Se. Both Sharkey soils are considered hydric (USDA 2021).

3.3 Hydrology

3.3.1 Contributing Watershed

The project site is part of the Chamberlin watershed. On the project site, a majority of stormwater is transported through a series of artificial drainages before entering the historic drainage bisecting the agriculture field in Phase I, which eventually leads south off the site and into Choctaw Bayou (Figure 12). The proposed mitigation bank is located within the Bayou Choctaw basin floodplain (West Baton Rouge Council 2007).

The Chamberlin Canal Watershed Basin is approximately 26,344 acres. The Basin extends from approximately Hermitage, Louisiana south to Interstate 10.

Figure 6. 1985 Historical Aerial

Figure 7. 2004 Historical Aerial

Figure 8. 2019 Historical Aerial

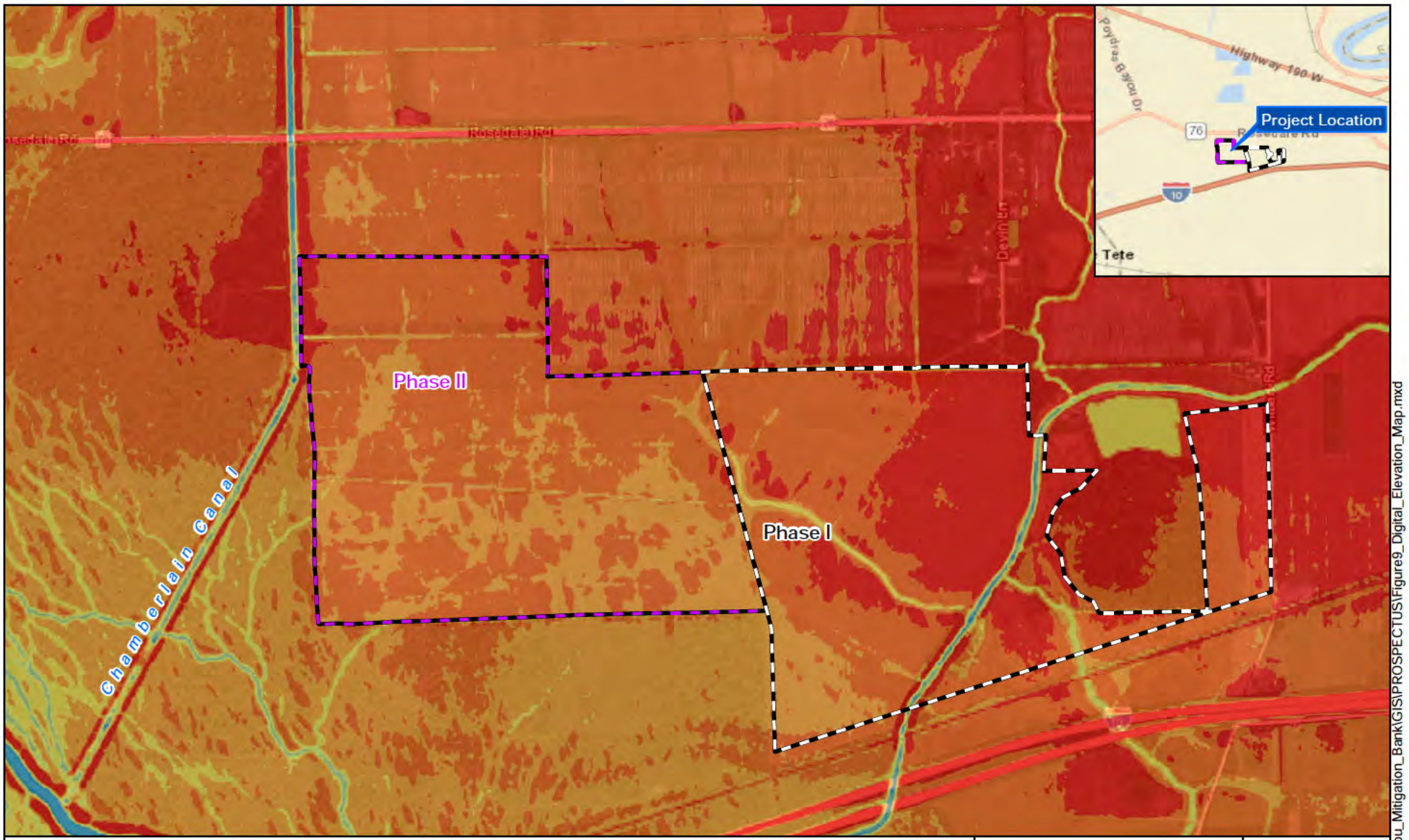


Figure 9. Digital Elevation Map

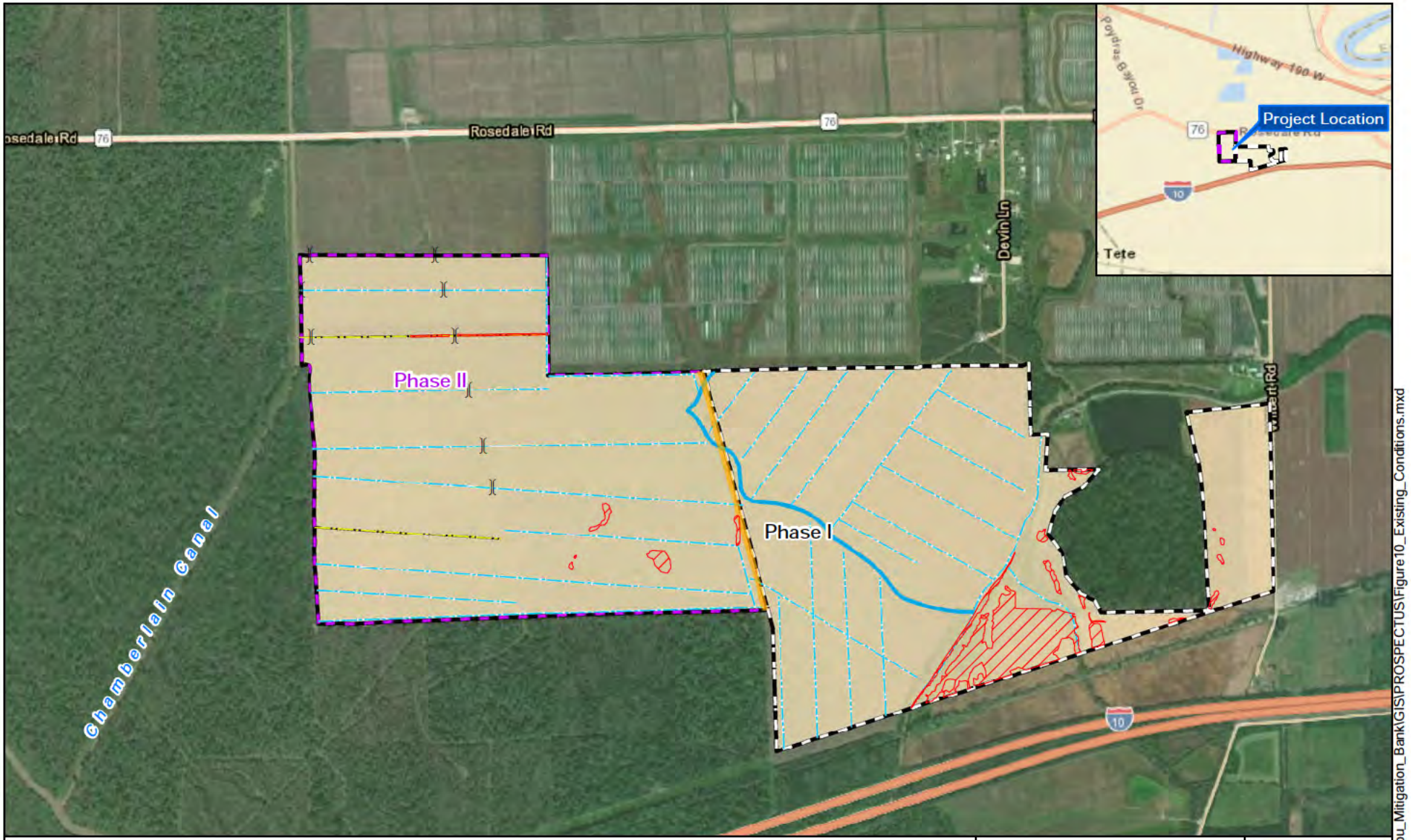


Figure 10. Existing Conditions

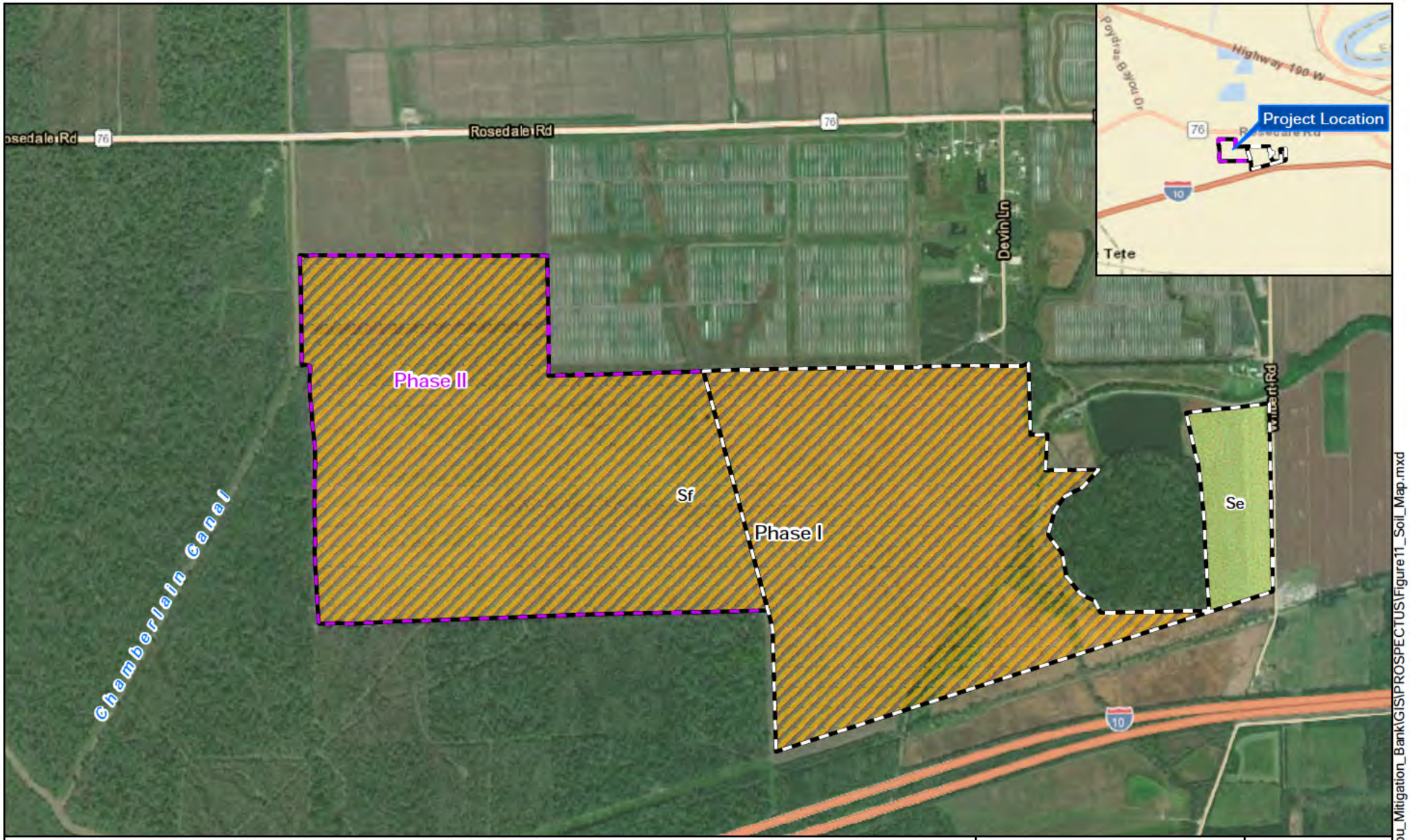


Figure 11. Soil Survey Map

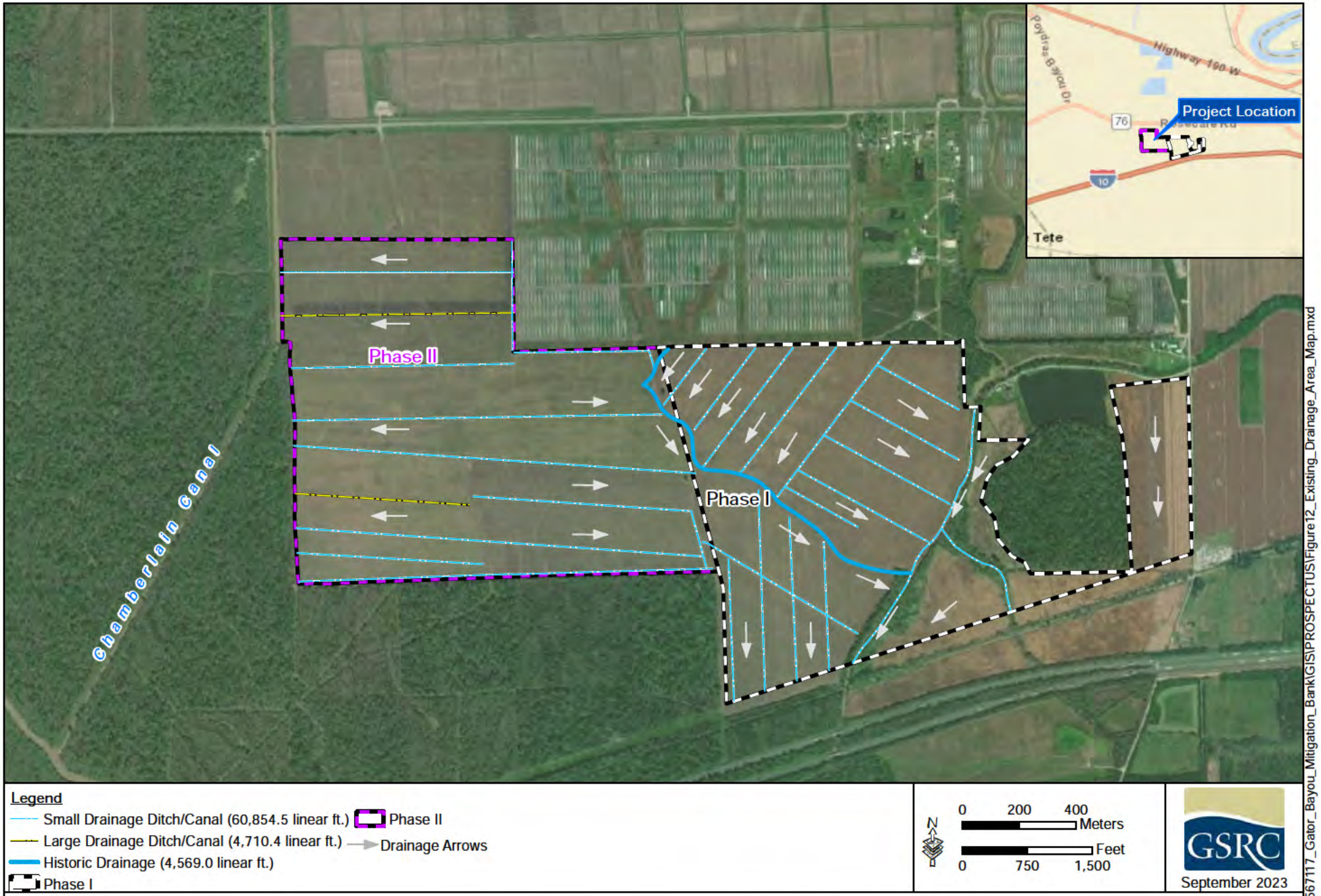


Figure 12. Existing Drainage Area Map

3.3.2 Historical Hydrology and Drainage Patterns

Historically, the project site drained into West Grand Bayou through surface water flow and natural drainages and ultimately to Choctaw Bayou. Surface drainage historically trended from north to south through the site (Figure 13). Large drainage ditches were added to the perimeter and interior portions of the project site by 1985 and subsequent drainages were added to the property between 1985 and 2004 (see Figure 6 and Figure 7, respectively). The addition of these ditches significantly altered the hydrological regime of the property.

3.3.3 Existing/Current Hydrology and Drainage Patterns

Existing drainage ditches along the northern and southern boundary of the proposed mitigation bank site as well as the Chamberlin Canal on the western boundary, and Interstate 10 has eliminated the surface hydrology connection to lands west and south of the proposed mitigation bank site. Additionally, the natural drainage of the site has been altered by the placement of drainage ditches that run east to west on a longitudinal gradient within the agriculture fields (see Figure 12).

All hydrologic input will occur through seasonal groundwater levels, seasonal precipitation patterns, and surface water flow during prolonged rain events. The proposed mitigation bank site is located in Hydrologic Cataloging Unit 08070300, which is within the Terrebonne Basin Boundary (Figure 14).

3.3.4 Jurisdictional Wetlands

Approximately 22.9 acres, or 3.4 percent, of the proposed mitigation bank site is considered potential jurisdictional wetlands and approximately 78,116.2 linear feet of natural and man-made drainages (waters of the U.S.) occur on the property (Figure 15). A copy of the USACE's jurisdictional determinations for this property are provided as Appendix A. Additionally, in 1987, the Soil Conservation Service determined that the entire proposed mitigation bank site was Prior Converted wetlands (Appendix B).

3.4 Vegetation

3.4.1 Historical Plant Community

Prior to the clearing of the project site for agricultural purposes the site was an established BLH forest. The earliest aerial photograph found (see Figure 3) shows portions of Phase I converted to agriculture but considering the adjacent land cover type (BLH), it can be assumed BLH forest dominated the entire site before anthropogenic development. Additional aerial photographs (see Figures 4 and 6) show conversion of BLH forest to agricultural production.

BLH forest is still present on adjacent lands to the south and west of the project site. A map showing the current land cover of the site is shown in Figure 10.

Figure 13. Historic Drainage Map

Figure 14. Hydrologic Cataloging Unit Map

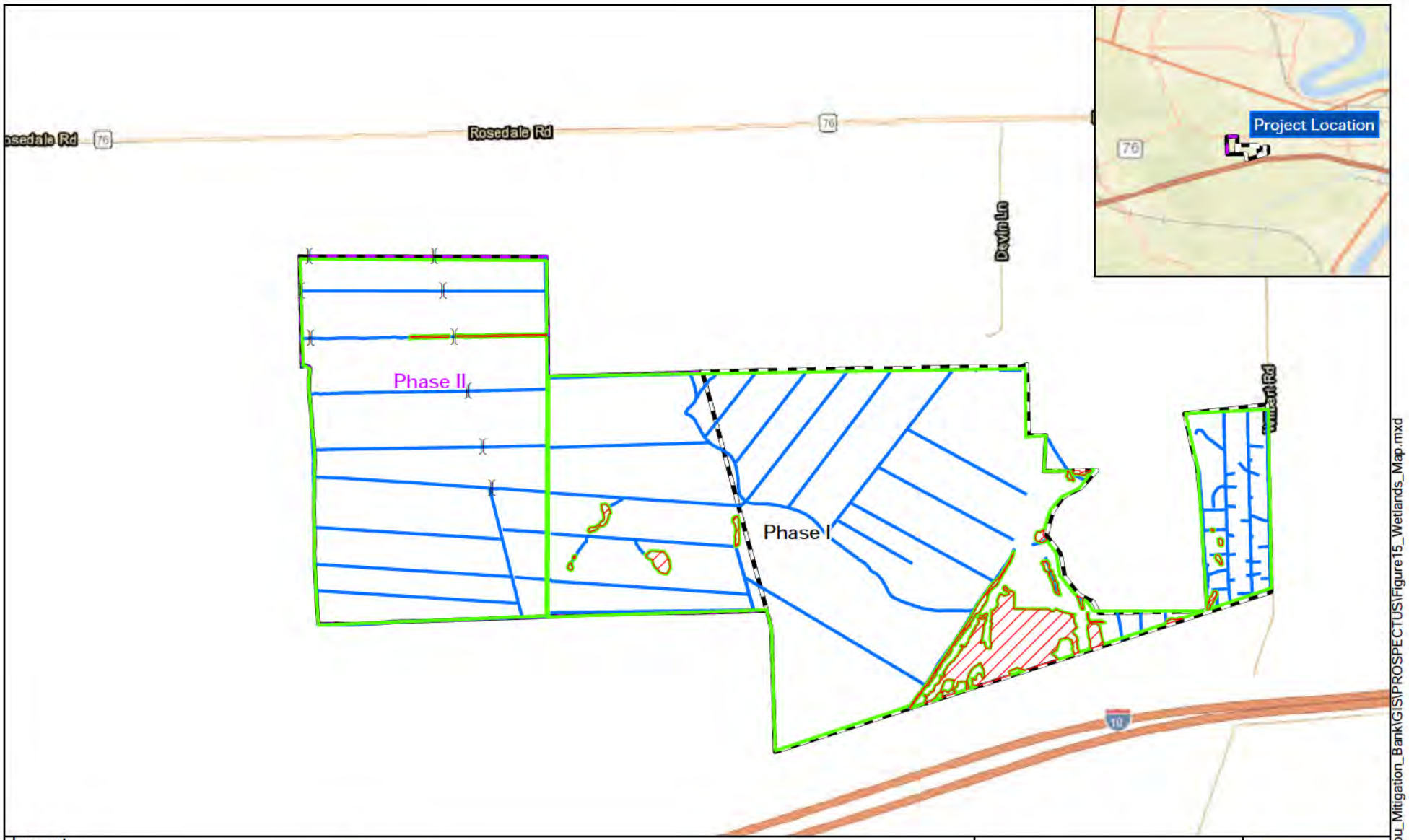


Figure 15. Wetlands Map

3.4.2 Existing Plant Community

All of the vegetated portions of the proposed mitigation bank are colonized by species adapted to survive in agriculture fields and disturbed soils. The only community type observed on the proposed mitigation bank is agriculture. Dominant vegetation was sampled by ocular estimation of percent cover. Species accounting for greater than or equal to 20 percent of the vegetation present were recorded. Vegetation was recorded in the following strata: tree; sapling/shrub; herbaceous; and woody vine. Dominant vegetation was recorded on data forms, along with the indicator status as listed by the Atlantic and Gulf Coastal Plain 2016 Regional Wetland Plant List (Lichvar et al. 2016). Dominant species observed in both Phases of the proposed mitigation bank project are discussed below.

Dominant vegetation in Phase I include sugarberry (*Celtis laevigata*), hairy buttercup (*Ranunculus sardous*), white clover (*Trifolium repens*), bermudagrass (*Cynodon dactylon*), bahiagrass (*Paspalum notatum*), southern crabgrass (*Digitaria ciliaris*), smartweed (*Polygonum punctatum*), Vasey grass (*Paspalum urvillei*), dwarf spike rush (*Eleocharis parvula*), alligatorweed (*Alternanthera philoxeroides*), common carpetgrass (*Axonopus fissifolius*), and yellow nutsedge (*Cyperus esculentus*) (GSRC 2017 and 2018a).

Dominant vegetation in Phase II includes purslane speedwell (*Veronica peregrina*), annual blue-eyed grass (*Sisyrinchium rosulatum*), upright yellow wood-sorrel (*Oxalis stricta*), and bull-tongue arrowhead (*Sagittaria lancifolia*) (GSRC 2018b).

3.5 General Need for the Project in this Area

The proposed mitigation bank site is ecologically suitable for the rehabilitation of BLH forested wetlands. This forest type is indigenous to West Baton Rouge Parish and is adapted to the soil types found on the proposed mitigation bank site. The high moisture retention, low erosion, and highly fertile properties of Sharkey clay will support sapling roots during early growth (Pettry and Switzer 1996). Additionally, the adjacent forest is BLH forest. Further, the precipitation amounts and groundwater levels associated with the proposed site are conducive to the propagation of BLH forest type. Rehabilitation of BLH forested wetlands on the proposed mitigation bank site would provide habitat for both resident and migratory bird species, as well as herpetofauna and wetland associated mammal species. A forested wetland habitat would provide vertical strata for a variety of wildlife species. Reestablishment of surface flow patterns would increase flood storage and enhance nutrient attenuation.

No known watershed plans exist for the Chamberlin Canal Watershed Basin. However, establishing the proposed mitigation area would provide regional and local benefits.

The rehabilitation of BLH forested wetlands would reduce surface erosion and sedimentation and thus improve water quality in Chamberlain Canal, Grand Bayou, and Choctaw Bayou. The BLH habitat type is a habitat of special concern in Louisiana due to historical and current habitat losses. This habitat type provides water storage during flood events, sequesters nutrients and pollutants out of the water column, and is a breeding ground for a wide variety of wildlife (USFWS 2019).

Establishment of the proposed mitigation area would rehabilitate approximately 653.6 acres of the local ecosystem and provide habitat for wildlife species dependent on BLH habitat. The proposed wetland mitigation bank will provide regional and local benefits as a result of rehabilitating forested wetland and its associated functions on an area considered Prior Converted wetlands.

4. ESTABLISHMENT OF A MITIGATION BANK

This section described how the mitigation bank will be established, as stated in 33 CFR 332.8(d)(2) (ii); the technical feasibility of the proposed mitigation bank, as stated in 33 CFR 332.8(d)(2) (iv); and the assurance of sufficient water rights to support the long-term sustainability of the mitigation bank, as stated in 33 CFR 332.8(d)(2)(vii)(A).

The proposed mitigation bank will provide mitigation to compensate for unavoidable losses of wetland functions and values associated with DA Section 10 and/or Section 404 permits issued by NOD. Mitigation for the unavoidable loss of wetlands associated with the issuance of DA Section 10 and/or Section 404 permits is needed to ensure a no net loss of wetlands.

4.1 Site Restoration Plan

This section provides information on the proposed soils/hydrologic and vegetative work that was determined to be necessary for rehabilitation of the proposed site:

1) Approximately 653.6 acres of BLH will be rehabilitated (see Figure 16) to fulfill compensatory mitigation requirements specified in DA permits. Approximately 22.9 acres are located within existing jurisdictional wetlands (see Figure 15).

2) Approximately 628.3 acres of the 653.6 acres of BLH forested wetlands to be rehabilitated are considered Prior Converted wetlands designated by the Soil Conservation Service (see Figure 15 and Appendix B). The soil type in these areas (Sharkey clay is listed as a hydric soil on Louisiana on the National Hydric Soils list (USDA 2021). During the jurisdictional determination (2017 and 2018), the USACE determined that these areas lacked sufficient hydrology to be considered wetlands. Restoration of the hydrologic regime on the site would restore wetland hydrology to these areas and create the proper ecological conditions for the establishment of hydrophytic vegetation.

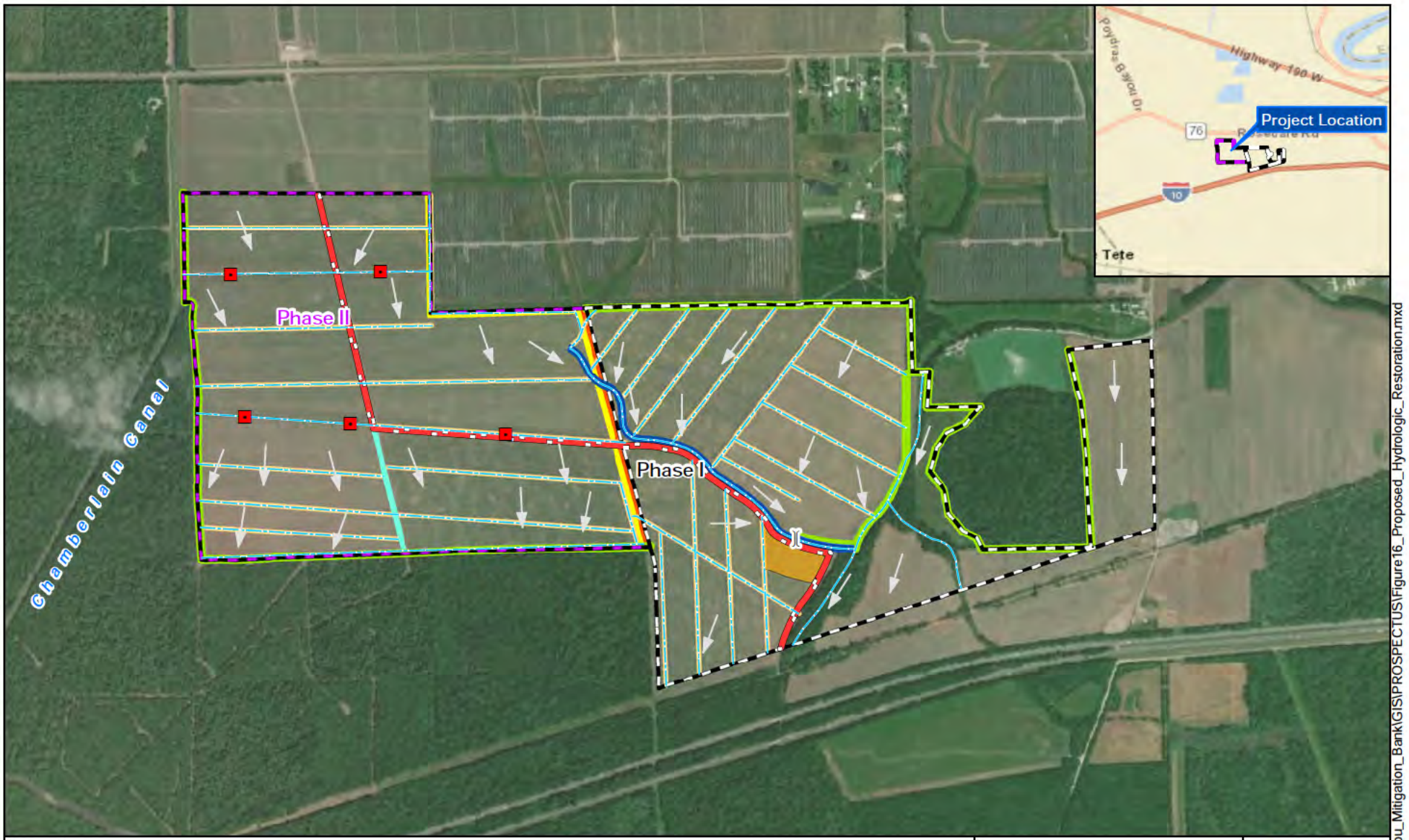


Figure 16. Proposed Hydrologic Restoration

In 1987, the Soil Conservation Service determined that these areas were previously wetlands and designated the areas as Prior Converted wetlands (Appendix B).

3) The proposed mitigation bank will be established and managed as two management units (Phase I and II). Phase II consists of agriculture fields and an existing pipeline ROW (3.7 acres). A 10-foot wide ATV trail (5.8 acres) will span the perimeter of both Phases. A proposed future pipeline corridor (6.5 acres) will traverse through the eastern portion of Phase II along the eastern boundary of Phase II (see Figure 16). A 20-foot wide (0.6-acre) ATV trail for accessing the mitigation bank will exist in Phase II. A 5-acre well pad will be developed in Phase II, and the main access road will be widened to 30 feet (6.3 acres). Phase I will be established first.

4) Two parallel east to west large ditches in Phase II will be pluggedto restore the natural hydrology on the landscape. There is potential to add a bridge across the drainage in Phase 1 (see Figure 16).

5) One- to two-year-old bare-root seedlings, possessing a minimum root collar dimension of 3/8 inches and a length of 18 inches, will be properly stored and handled to ensure viability for planting in the prepared tracts during the period between December 15 and March 15 (non-growing season).

6) As a general rule, seedlings will be planted on 10-foot by 8-foot centers (10- x 8-foot spacing) for a total initial stand density of at least 545 trees per acre.

7) Depending on availability, species to be planted in Phase I and II will consist of the species provided in Table 2 at the specified planting rates. If more than 5% discrepancy is requested, approval from NOD must be granted.

Table 2. Proposed Vegetation Species and Relative Composition

Common Name	Scientific Name	Density (%)
Nuttall Oak	*Quercus texana*	25
Bald Cypress	*Taxodium distichum*	15
Overcup Oak	*Quercus lyrata*	25
Water Hickory	*Carya aquatica*	15
Water Oak	*Quercus nigra*	5
Green Ash	*Fraxinus pennsylvanica*	4
Buttonbush	*Cephalanthus occidentalis*	1
Persimmon	*Diospyros virginiana*	4
Red Maple	*Acer rubrum*	2
Sugarberry	*Celtis laevigata*	2
Sweetgum	*Liquidambar styraciflua*	2

8) Prior to and after planting, the site may be maintained to promote seedling survival by use of mechanical (e.g. bush-hogging) or chemical controls or some combination thereof. Prior to and/or following planting a pre-emergent herbicide application (e.g., Glyphosate and Oust mixture) may be applied to control competing vegetation. Bush-hogging/discing may occur prior to planting to reduce competing vegetation. Following planting a herbicide (e.g., Goal 2XL) release treatment and/or bush-hogging/discing may be used to reduce seedling competition with competing vegetation. The need and type of treatment (chemical or mechanical) to be used will based on the density and height of the competing vegetation.

9) The mitigation bank will be monitored, managed, and protected as described below in this agreement. Additionally, the proposed mitigation bank site will be placed under a conservation servitude. Proposed vegetation species and relative stocking density is shown in Table 2.

10) Exotic vegetation will be monitored and controlled.

In order to be considered fully successful, the mitigation bank site must result in the rehabilitation of viable wetlands capable of performing the important functions lost as a result of the projects it is intended to mitigate. The following criteria will be used to gauge the success of the mitigation effort:

1) Existing topography of the planted areas shall have been restored to reestablish natural surface contours to the maximum extent practicable (achieved through discing small ditches, plugging large ditches, and widening and cleaning the historical drainage). Ground surface elevations must be conducive to establishment and support of hydrophytic vegetation, and re-establishment and maintenance of hydric soil characteristics. To that end, all alterations of the natural topography (ditching, spoil banks, land leveling, bedding, fire breaks, etc) that have affected the duration and extent of surface water have been removed or otherwise rendered ineffective in accordance with this Prospectus.

2) A minimum of 250 planted seedlings per acre must survive through the end of the second spring following the planting (i.e., Year 1). This criterion will apply to initial plantings as well as subsequent plantings that may be needed to meet this requirement.

3) A minimum of 250 seedling/sapling per acre must be present (with a 60 to 40 hard mast to soft mast ratio) at the end of the fourth year (i.e., Year 5) following successful attainment of the one-year survivorship criteria described in Item 2. Trees established through natural recruitment may be included in this tally; however, no less than 125 hard mast-producing seedlings per acre must be present. Surviving hard mast seedlings must be representative of the species composition and percentage identified in this Prospectus.

4) By Year 5 (four years following successful attainment of the one-year survivorship criteria) the bank and the perimeter will be virtually free (approximately 5% or less on an acre-by-acre basis) of exotic/invasive vegetative species.

5) Timber thinnings must have been performed pursuant to the approved timber management plan outlined below.

6) No other human activities which have caused the degradation of habitat within the mitigation site shall have occurred without expressed written authorization from NOD.

4.1.1 Soil/Hydrologic Work

Earthwork would be required to restore the natural hydrology of the site. Earthwork would include discing over shallow ditches and precision levelling in agricultural fields (see Figure 16 and Figure 17). Currently, agriculture ditches capture and drain surface water off the site. Discing over the agriculture ditches will remove the ditches and restore the natural sheet flow of surface water over the land.

Additionally, two larger east to west ditches would be plugged, so they no longer have the ability to convey water (see Figure 16 and Figure 18). Plugging the larger ditches will allow water to saturate into the soil, restore historic hydrology regimes by allowing water to move freely throughout the environment, and allow for colonization of wetland adapted vegetation. The area between the plugs will provide shallow, open water habitat within a forested setting.

The existing property access road would be widened to approximately 30 feet to allow access to the future drilling pad in the southeast portion of Phase I (see Figure 16 and Figure 19).

The historic drainage in Phase I that drains the site will be mucked out to remove sediment accumulation from the bottom of the stream bed to restore the natural hydrology and sinuosity of this stream (see Figure 16 and Figure 20).

Earthwork would be required to decommission the existing surface drainages in Phases I and II, widen and grub the historic drainage in Phase I, and to install a potential bridge over the historical drainage in the Phase I (see Figure 16 and Figure 21).

4.1.2 Vegetative Work

All timber harvests and thinning operations conducted on Gator Bayou Mitigation Bank shall be authorized by the Interagency Review Team (IRT) and shall be performed to maintain or enhance natural ecological processes. Timber harvests will be subject to appropriate permitting by NOD, which may be required at the time the harvests are proposed. Timber harvesting shall be performed in accordance with the following conditions, unless deviations are approved by NOD:

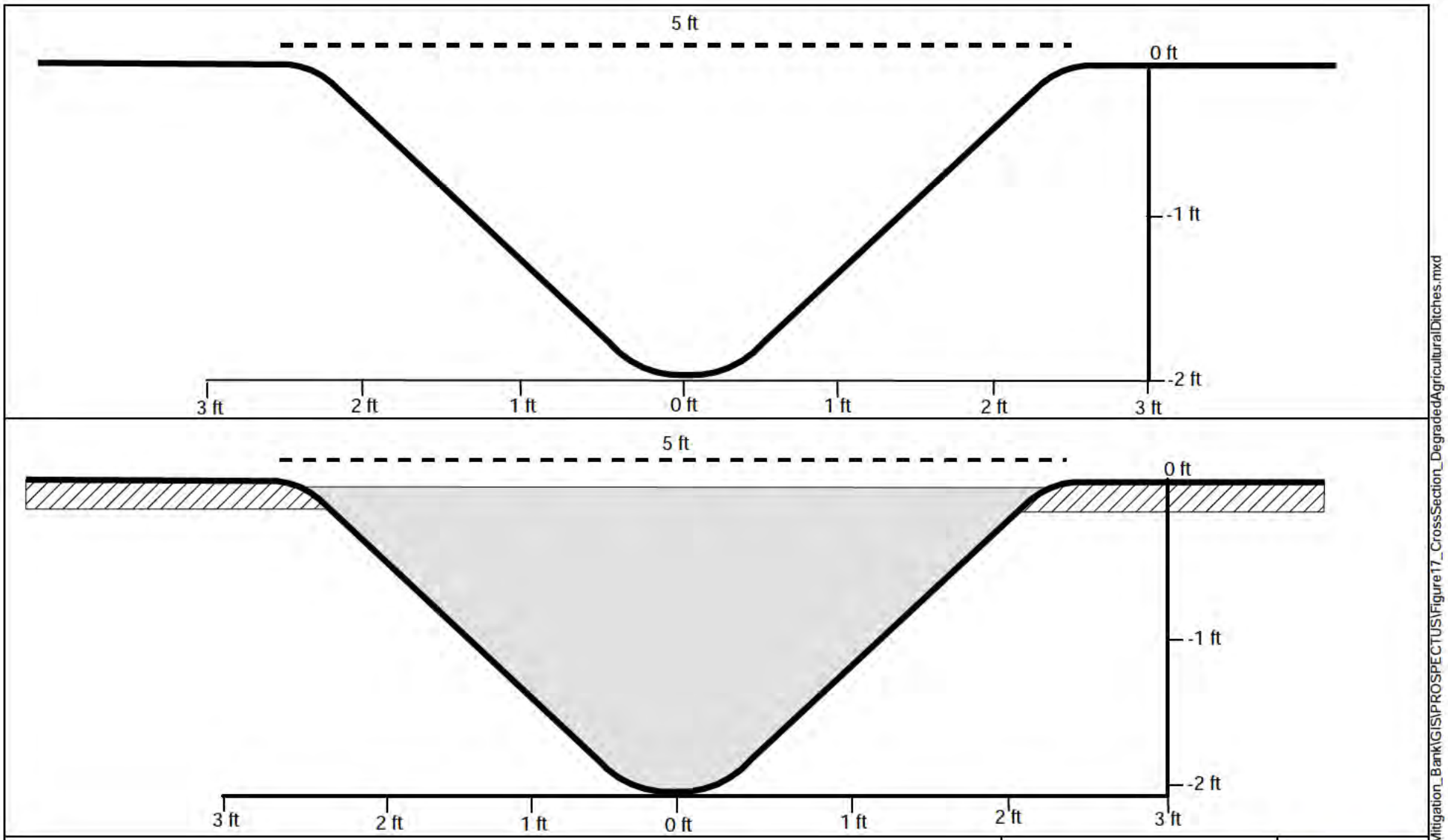


Figure 17. Typical Cross Section of Degraded Agricultural Ditches

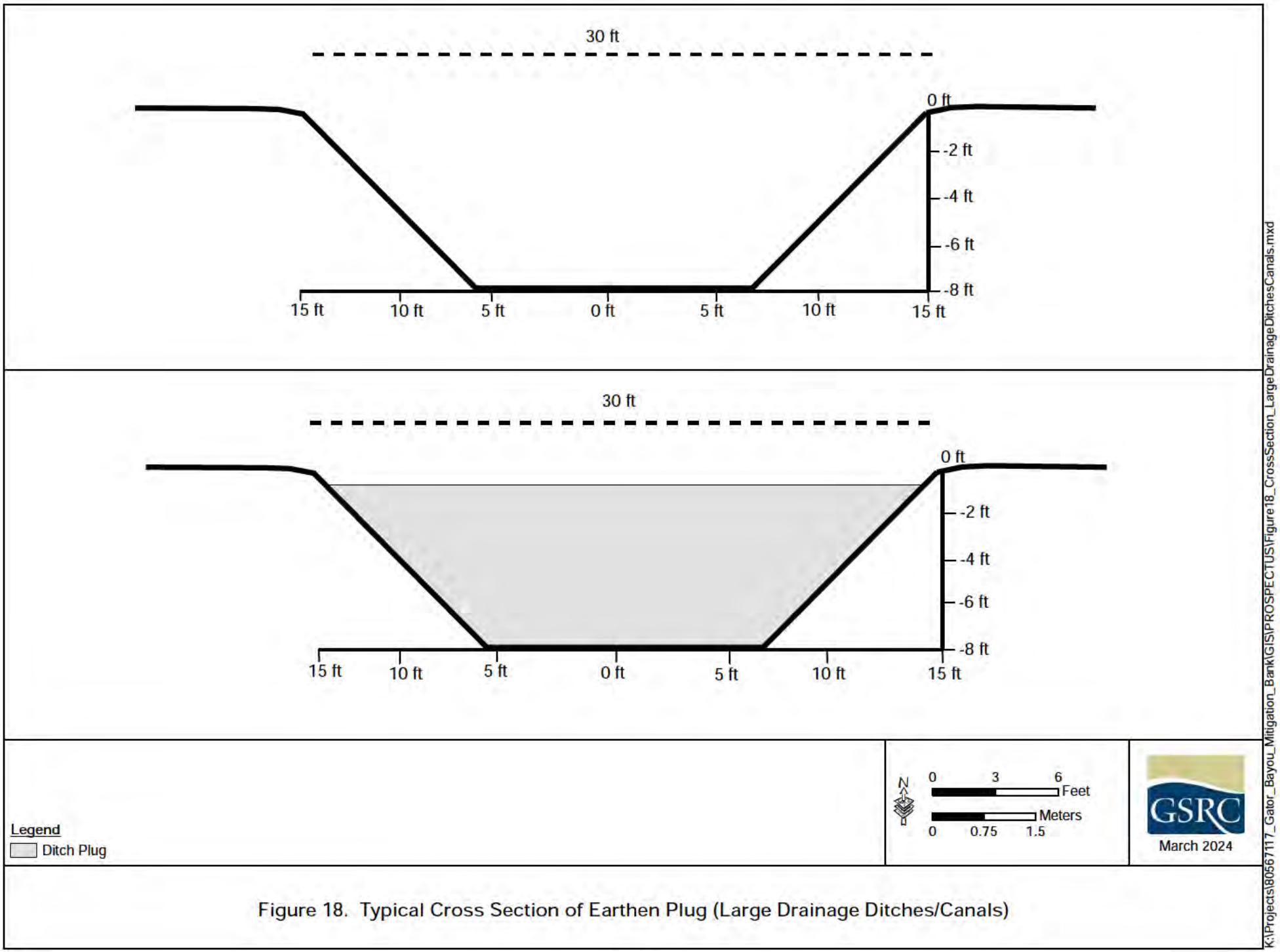


Figure 18. Typical Cross Section of Earthen Plug (Large Drainage Ditches/Canals)

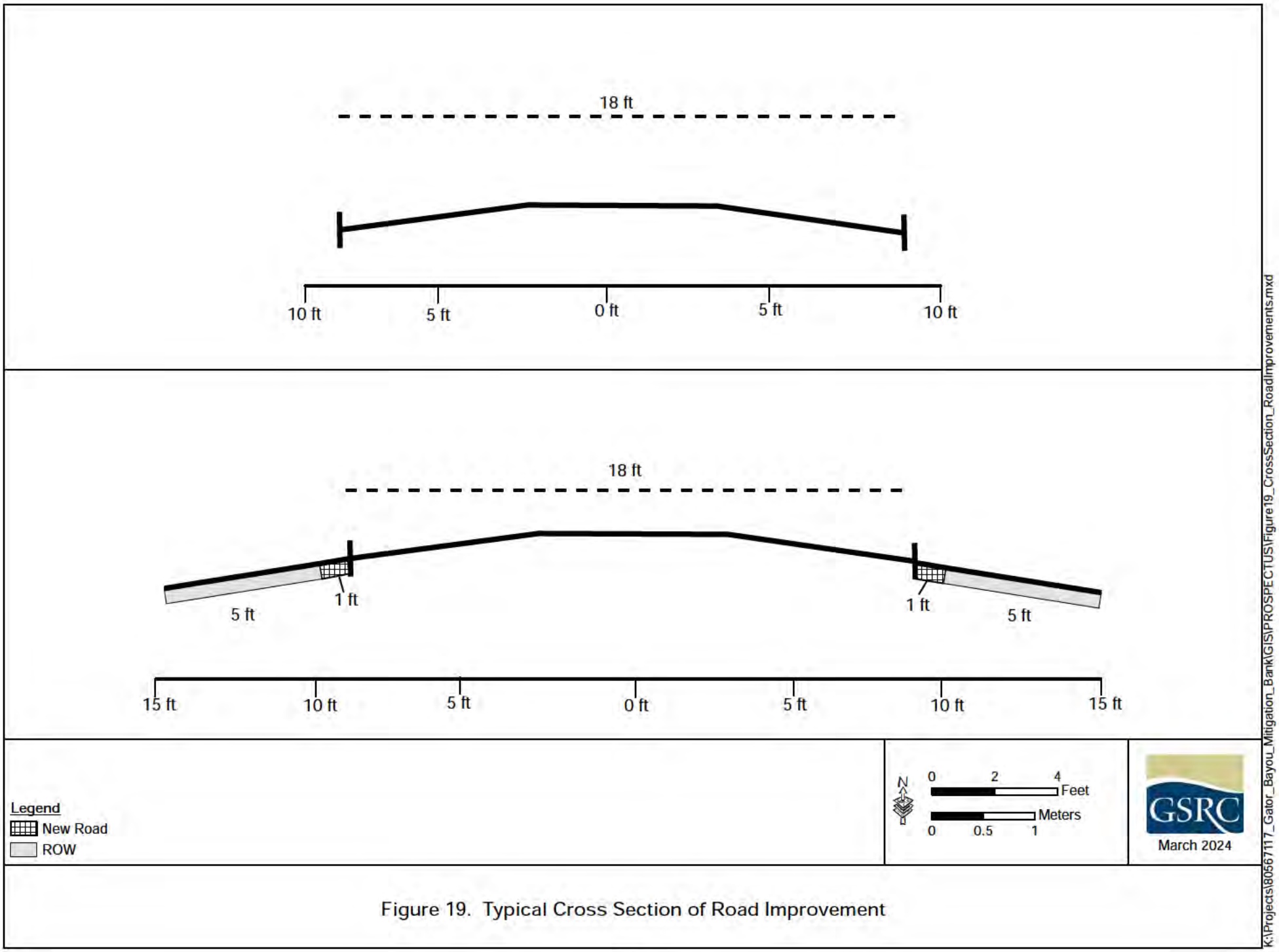
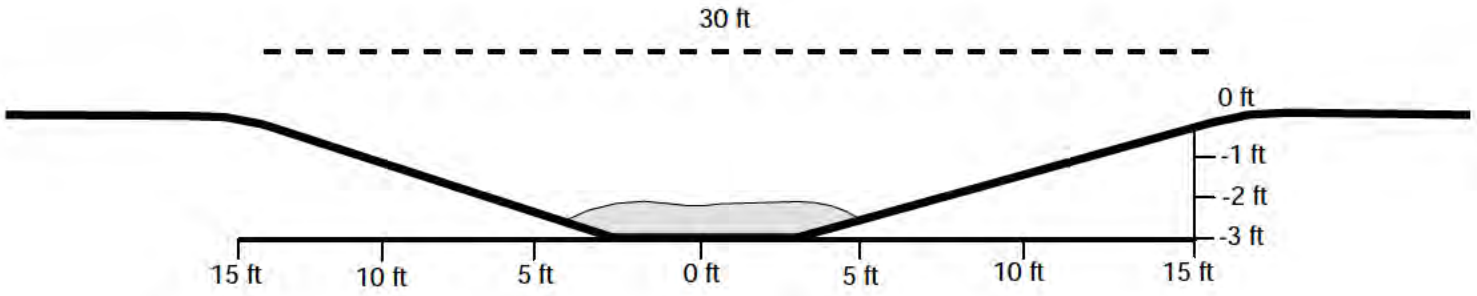
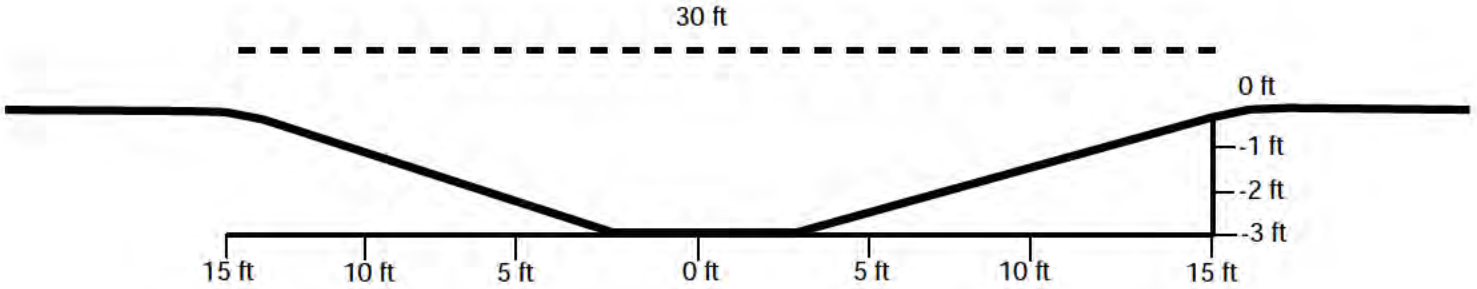


Figure 19. Typical Cross Section of Road Improvement





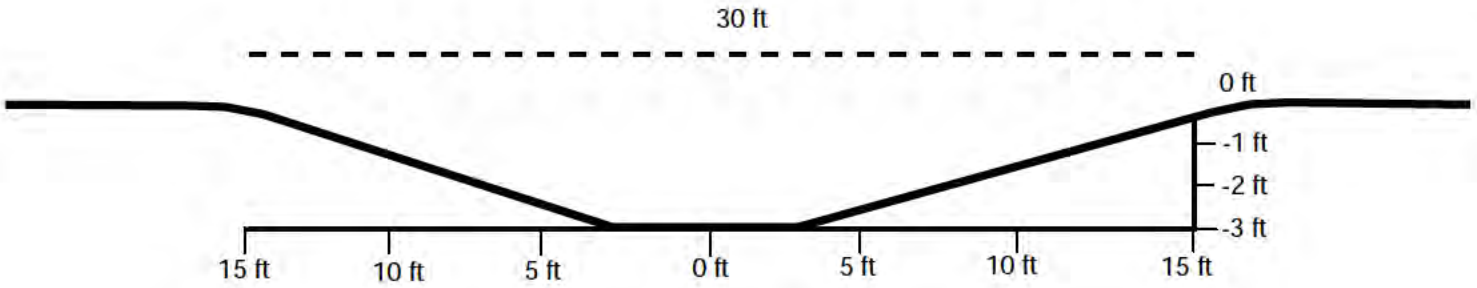
Legend
Sediment

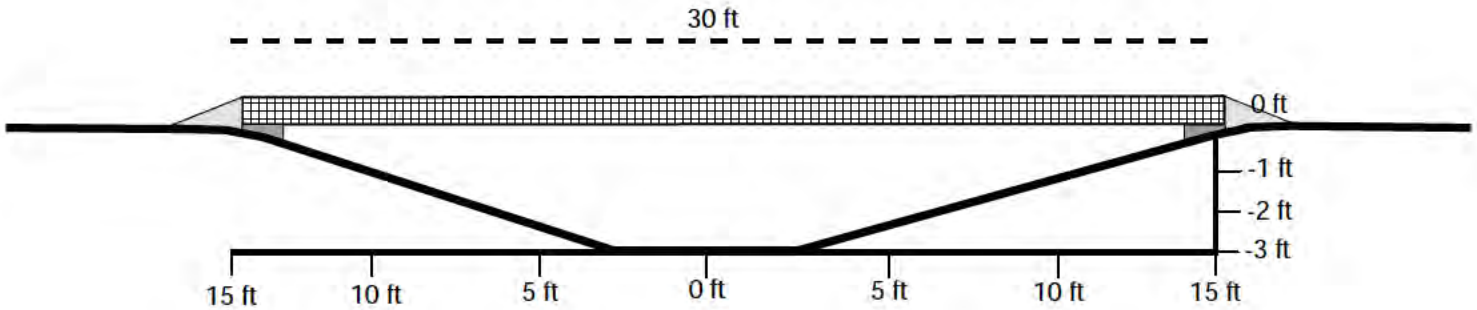
N
0 3 6 Feet
0 0.75 1.5 Meters

GSRC
March 2024

K:\Projects\80567117_Gator_Bayou_Mitigation_Bank\GIS\PROSPECTUS\Figure20_CrossSection_HistoricDrainage.mxd

Figure 20. Typical Cross Section of Historic Drainage





Legend
- Bridge
- Concrete Footing
- Native Fill

N

0 3 6 Feet

0 0.75 1.5 Meters

GSRC

March 2024

K:\Projects\80567117_Gator_Bayou_Mitigation_Bank\GIS\PROSPECTUS\Figure21_CrossSection_Proposed_Bridge_PhaseI.mxd

Figure 21. Cross Section of Proposed Bridge in Phase I

1) Stands with trees averaging 6 inches in diameter at breast height (dbh) or 4.5 feet from ground level shall not be thinned below 30 square feet of basal area per acre and stands averaging 8 inches dbh shall not be thinned below 40 square feet of basal area per acre.

2) During all timber harvests, the initial species composition and ratio of hard mast to soft mast-producing species comprising the stand shall be maintained.

3) At Year 60, a timber cruise may be conducted. If that inventory demonstrates insufficient stand regeneration, a regeneration harvest may occur as prescribed by the NOD in consultation with appropriate State and Federal resource agencies.

4) Loading and transport of harvested timber shall be accomplished by using existing roads and log-loading decks not to exceed 1 acre in size.

5) Surface contours rutted by heavy wheeled or track-type logging equipment shall be restored to pre-existing grade to the maximum extent practicable.

6) Prior to initial harvest, a minimum of three mature trees per acre shall be identified as den trees and left standing throughout all harvests. Upon their deaths, other mature trees, if available post-harvest, shall be identified as den trees so that a minimum of three den trees per acre are present at all times.

7) Removal of insect-damaged, diseased, or storm-felled trees may be allowed subject to approval by the IRT.

8) Control of exotic/noxious plant species (e.g., Chinese tallow tree [*Triadica sebifera*]) shall be performed in planted tracts, as needed, until crown closure has occurred.

9) Following any timber harvest, Wilbert's/NOD shall conduct a post-harvest inspection.

4.2 Technical Feasibility

Completion of the proposed earthwork would return the surface water flow conditions to those prior to the conversion of the land to agriculture production. No risks are anticipated with these efforts, and the work is feasible using standard construction equipment (i.e., bulldozer, trackhoe). The feasibility of the proposed earthwork and vegetation planting is discussed below.

Wilbert's proposes to conduct the earthwork needed for this project, and earthwork would be completed before planting wetland adapted vegetation. Wilbert's currently owns and operates agriculture tractors and would lease other heavy equipment that would be needed to complete the proposed mitigation bank. Therefore, Wilbert's would

be responsible for discing drainage ditches, plugging the two larger ditches with earthen plugs, and widening the historic drainage that trends northwest to southeast through Phase I.

Two drainage ditches on the project site are too wide and deep to disc. Therefore, earthen plugs and possibly riprap would be used along these ditches. Five earthen plugs would be installed along two of the larger ditches in Phase II (see Figure 16). The soil used for the earthen plugs on the larger ditches would be native soil taken from the project site. Wilbert's proposes to use native soil for the earthen plugs, since soil will be removed from the historic drainage in an effort to restore its natural flow.

A historic drainage in Phase I would be restored to a natural state. Currently, the bottom of this drainage is silted in from decades of adjacent agriculture practices. A backhoe would be used to remove silt from the bottom of the drainage which will encourage aquatic plant and animal utilization of the drainage. In addition to removing silt from the historic drainage, Wilbert's proposes to widen the drainage and feather the bank edge to reduce sediment migration into the drainage.

In addition to the earthwork needed to restore natural hydrologic processes to the project stie, Wilbert's will maintain a 10-foot ATV right-of-way (5.8 acres) along a majority of the project site's perimeter, a 20-foot wide ATV trail in Phase II (0.6-acre), widen the main road (6.3 acres), and construct and maintain (planted and maintained with annual/perennial vegetation) a well pad (5 acres) (see Figure 16).

The initial planting of vegetation on the project site, future timber stand improvement (TSI) and timber thinning, and invasive species removal (if necessary) would all be performed by Wilbert's. Wilbert's has been planting, managing, and harvesting timber since 1887 on over 120,000 acres with 40,000 acres of land in the Atchafalaya River Basin alone. Additionally, Wilbert's currently manages three existing wetland mitigation banks. Wilbert's has the knowledge, staff, and capability (equipment) to successfully execute the planting and maintenance of the proposed mitigation bank.

4.3 Performance Standards

1. *Hydrology*: Ground surface elevations must be conducive to the establishment and support of hydrophytic vegetation, and re-establishment and maintenance of hydric soil characteristics. To that end, all alterations of the natural topography (ditching, spoil banks, land leveling, etc.) that have affected the duration and extent of surface water have been removed or otherwise rendered ineffective in accordance with this Prospectus.

2. *Vegetation*: A minimum of 250 planted seedlings per acre must survive through the end of the second spring following the planting (i.e., Year 1). Those surviving seedlings must be representative both in species composition and percentage identified in this Prospectus (see Table 2). This criterion will apply to initial

plantings, as well as any subsequent replanting that may be needed to meet this requirement.

A. Interim Success Criteria

1. *Hydrology*: By Year 5 (**four** years following attainment of the one-year survivorship criteria) site hydrology will be restored such that the Property meets the wetland criterion as described in the 1987 Manual as well as the November 2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region Version 2.0. The Sponsor will provide the CEMVN bank project manager with a wetland delineation to accompany the 5-year monitoring report used in evaluating interim success criteria.

2. *Vegetation and Vegetative Plantings:* For a given planting, a minimum of 250 seedlings/saplings per acre must be present (with a 60 to 40 hard mast to soft mast ratio) at the end of the fourth year (i.e. Year 5) following successful attainment of the one-year survivorship criteria. Trees established through natural recruitment may be included in this tally; however, no less than 125 hard mast-producing seedlings per acre must be present. Surviving hard mast seedlings must be representative of the species composition and percentage identified in this Prospectus. Exotic/invasive species may not be included in this tally. If the Sponsor does not feel the above percentages are appropriate for the site, the Sponsor will provide appropriate supporting information to substantiate the request to adjust these percentages.

    a. By Year 5 (four years following successful attainment of the one-year survivorship criteria) the Bank and the perimeter will be virtually free (approximately 5% or less on an acre-by-acre basis) of exotic/invasive vegetative species.

    b. Developing plant community must exhibit characteristics and diversity indicative of a viable native forested wetland community commensurate with stand age and site conditions by Year 5. Achievement of wetland vegetation dominance is defined as a vegetation community where more than 50% of all dominant species are facultative (FAC) or wetter, using “routine delineation methods” as described in the 1987 Manual as well as the November 2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region Version 2.0.

B. Long-Term Success Criteria (Year 8 and beyond)

1. Forest canopy coverage exceeds 80 percent of forested land mass as measured by an approved method. Forest canopy species abundance and composition is consistent with the restoration goals identified in the restoration plan (Section 4.0 of this Prospectus) and credit assessment methodologies. The long-term

species composition should fall within the range of 50:50 to 60:40 hard mast to soft mast ratio. If the Sponsor does not feel the above percentages are appropriate for the site, the Sponsor will provide appropriate supporting information to substantiate the request to adjust these percentages.

2. When forest canopy coverage exceeds 80 percent, the Bank will be essentially void of exotic/invasive vegetation (all seed-producing trees removed from Bank and perimeter and less than 3% of the understory on an acre per acre basis). An active treatment program will continue as part of the long-term maintenance program.

3. If thinning to maintain or enhance the ecological value of the Bank is determined necessary by the IRT at this time, the Sponsor/Steward will develop a thinning plan in coordination with the IRT (see Section 4.1.2 of this Prospectus). Thinning operations shall be performed by the Sponsor/Steward per the requirements of the thinning plan.

4. The Sponsor will provide documentation that the "Long-Term Maintenance and Protection" escrow account is fully funded.

5. If CEMVN in conjunction with the IRT is questioning the wetland status of the site, the Sponsor shall provide the CEMVN bank project manager with a wetland delineation for review and verification by CEMVN.

4.4 Current Site Risks

Currently, there are no identifiable potential threats, other than natural events (e.g. hurricane and potentially emerald ash borer), to the proposed mitigation bank or the forest types that would be reestablished as part of the mitigation bank. The forest types to be reestablished are indigenous to the area, grow well on the soil type found on the proposed mitigation site, and exist directly adjacent to the project site. No existing and/or known proposed developments are located adjacent to the proposed mitigation bank.

A title opinion has been prepared by Shockey and Associates (legal counsel) on the proposed mitigation bank showing Wilbert's has a good and valid title to the property. A copy of the title opinion is provided in Appendix C of this Prospectus. There are no known mortgages or liens the property.

4.5 Long-Term Sustainability of the Site

Long-term management of the proposed mitigation bank would include the maintenance of ATV trails, the LNG and ENLINK pipeline right-of-way, proposed future pipeline right of way, main access road, proposed well pad, TSI operations, and checking the historical drainage to ensure it is not silting in or impacted by beavers (*Castor canadensis*). TSI would include forest management practices (i.e., timber thinning and

harvest) to maintain the health, growth, and vigor of the reestablished BLH forest. Chemical or physical controls would be used to control invasive species, such as Chinese tallow-tree, if they become established within the mitigation bank.

Once the 5-year success criterion is met, the reestablished forested wetland habitat would require very little human input. The soil types found on the site naturally support the forest types proposed for reestablishment on the proposed site. Restoration of the natural hydrologic regime would provide the hydroperiods suitable for the rehabilitation and sustainability of a BLH forested wetland. Periodic timber thinning would be required to maintain the health and vigor of the reestablished forest community. Additionally, timber harvests would be required to promote regeneration of the reestablished forest. No fire lines would be required to protect the proposed mitigation site from wildfires, as the future conditions on-site are not conducive for wildfires.

If the mitigation bank is not performing as anticipated, Wilbert's will notify NOD as soon as possible. Wilbert's will coordinate with NOD to develop appropriate solutions to address deficiencies in the mitigation project.

5. PROPOSED SERVICE AREA

The proposed mitigation bank is located in Hydrologic Cataloging Unit 08070300 (Lower Grand Watershed). The proposed mitigation bank would directly mitigate for wetland functions lost in the Hydrologic Cataloging Unit 08070300 in which the proposed mitigation bank is located. The secondary service area would be Hydrologic Cataloging Unit 08090302. A Hydrologic Cataloging Unit Map is shown in Figure 17.

6. OPERATION OF THE MITIGATION BANK

6.1 Project Representatives

Sponsor: *A. Wilbert's Sons, LLC*
Attn: Mr. Vic Blanchard
58020 Bayou Road, P.O. Box 694
Plaquemine, LA 70765
vblanchard@awilbertsons.com
(225) 687-3591

Agent: *Gulf South Research Corporation*
Attn: Mr. Howard Nass
8081 Innovation Park Drive
Baton Rouge, LA 70820
hnass@gsrcorp.com
(225) 757-8088

Landowner: *A. Wilbert's Sons, LLC*
Attn: Mr. Vic Blanchard
58020 Bayou Road, P.O. Box 694
Plaquemine, LA 70765
vblanchard@awilbertsons.com
(225) 687-3591

6.2 Qualifications of the Sponsor

Wilbert's has three existing wetland mitigation banks in West Baton Rouge Parish that they established and manage. All three banks involved the rehabilitation of BLH forest and have proved to be successful wetland mitigation banks. The wetland functions proposed for rehabilitation as part of these banks have been successfully met. Further, Wilbert's has large holdings of BLH forest that are commercially managed for timber production. Wilbert's forestry staff is well-versed in the propagation and management of BLH forests and wetland mitigation banks.

6.3 Proposed Long-Term Ownership and Management Representatives

Wilbert's would maintain long-term ownership of the proposed mitigation bank and would be responsible for the establishment and management of the proposed mitigation bank. Wilbert's has the staff, equipment, and knowledge to perform all aspects of this work.

6.4 Site Protection

Wilbert's would place the proposed mitigation bank under a conservation servitude pursuant to the Louisiana Conservation Servitude Act (R.S. 9:1271 et seq.). Approximately 682 acres would be placed under a conservation servitude. The entire conservation servitude would consist of BLH wetlands. The holder of the conservation servitude has not been identified at this time. The holder would be identified prior to the preparation of the Mitigation Banking Instrument.

7. REFERENCES

Allen, J.A., Keeland, B.D., Stanturf, J.A., Clewell, A.F., and Kennedy, H.E., Jr., 2001 (revised 2004), A guide to bottomland hardwood restoration: U.S. Geological Survey, Biological Resources Division Information and Technology Report USGS/BRD/ITR–2000-0011, U.S. Department of Agriculture, Forest Service, Southern Research Station, General Technical Report SRS–40, 132 p.

Code of Federal Regulation. 2008. *33 Code of Federal Regulation 332 – Compensatory Mitigation for Losses of Aquatic Resources*.

Gulf South Research Corporation. 2017. Final Report: Wetland Delineation on an Approximately 375-Acre Tract Section 14, 15, 22, 23 Township 7 South, Range 11 East West Baton Rouge Parish, LA 70820. Prepared for A. Wilber's Sons, LLC.

Gulf South Research Corporation. 2018a. Final Report: Wetland Delineation on an Approximately 58-Acre Tract Section 14, Township 7 South, Range 11 East West Baton Rouge Parish, LA 70820. Prepared for A. Wilber's Sons, LLC.

Gulf South Research Corporation. 2018b. Final Report: Wetland Delineation on an Approximately 311-Acre Tract Section 15, Township 7 South, Range 11 East West Baton Rouge Parish, LA 70820. Prepared for A. Wilber's Sons, LLC.

Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X.

Pettry, D. E. and R. E. Switzer. 1996. Sharkey Soils in Mississippi. Office of Agricultural Communications (Publications Section), Division of Agriculture, Forestry, and Veterinary Medicine, Mississippi State University. September 1996. Accessed 24, November 2010 from http://msucares.com/pubs/bulletins/b1057.htm

U.S. Department of Agriculture (USDA). 2021. Web Soil Survey. URL Address: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.

U.S. Fish and Wildlife Service. (USFWS). 2019. Conservation in Louisiana: Threatened, Endangered and At-Risk Species. URL Address: https://www.fws.gov/southeast/louisiana/#threatened-endangered-and-at-risk-species-section.

West Baton Rouge Council. 2007. Flooding in West Baton Rouge Parish. URL Address: https://www.wbrcouncil.org/DocumentCenter/View/715/West-Baton-Rouge-Floodplain-Brochure-PDF.

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APPENDIX A
USACE JURISDICTIONAL DETERMINATION

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVE
NEW ORLEANS LA 70118-3651

March 22, 2019

Operations Division
Surveillance and Enforcement Section

Mr. Howard Nass
GSRC
8081 Innovation Park Drive
Baton Rouge, Louisiana 70820

Dear Mr. Nass:

Reference is made to your request, on behalf of A. Wilbert's Sons, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Section 14, Township 7 South, Range 11 East, in West Baton Rouge Parish, Louisiana (enclosed map). Specifically, this property is identified as a 58-acre tract south of Rosedale Road west of Wilbert Road, north of I-10.

Based on review of recent maps, aerial photography, and soils data, we have determined that part of the property is wetland and may be subject to Corps' jurisdiction. The approximate limits of the wetland are designated in red on the map. A Department of the Army (DA) permit under Section 404 of the Clean Water Act will be required prior to the deposition or redistribution of dredged or fill material into wetlands that are waters of the United States. Additionally, a DA permit will be required if you propose to deposit dredged or fill material into non-wetland waters subject to Corps' jurisdiction. Non-wetland waters that may be subject to Corps' jurisdiction are indicated in blue on the map.

You and your client are advised that this preliminary 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 2018-01427-SQ. If you have specific questions regarding the permit process or permit applications, please contact our Central Evaluation Section at (504) 862-1581.

Sincerely,

[redacted]

Chief, Regulatory Branch

Enclosures

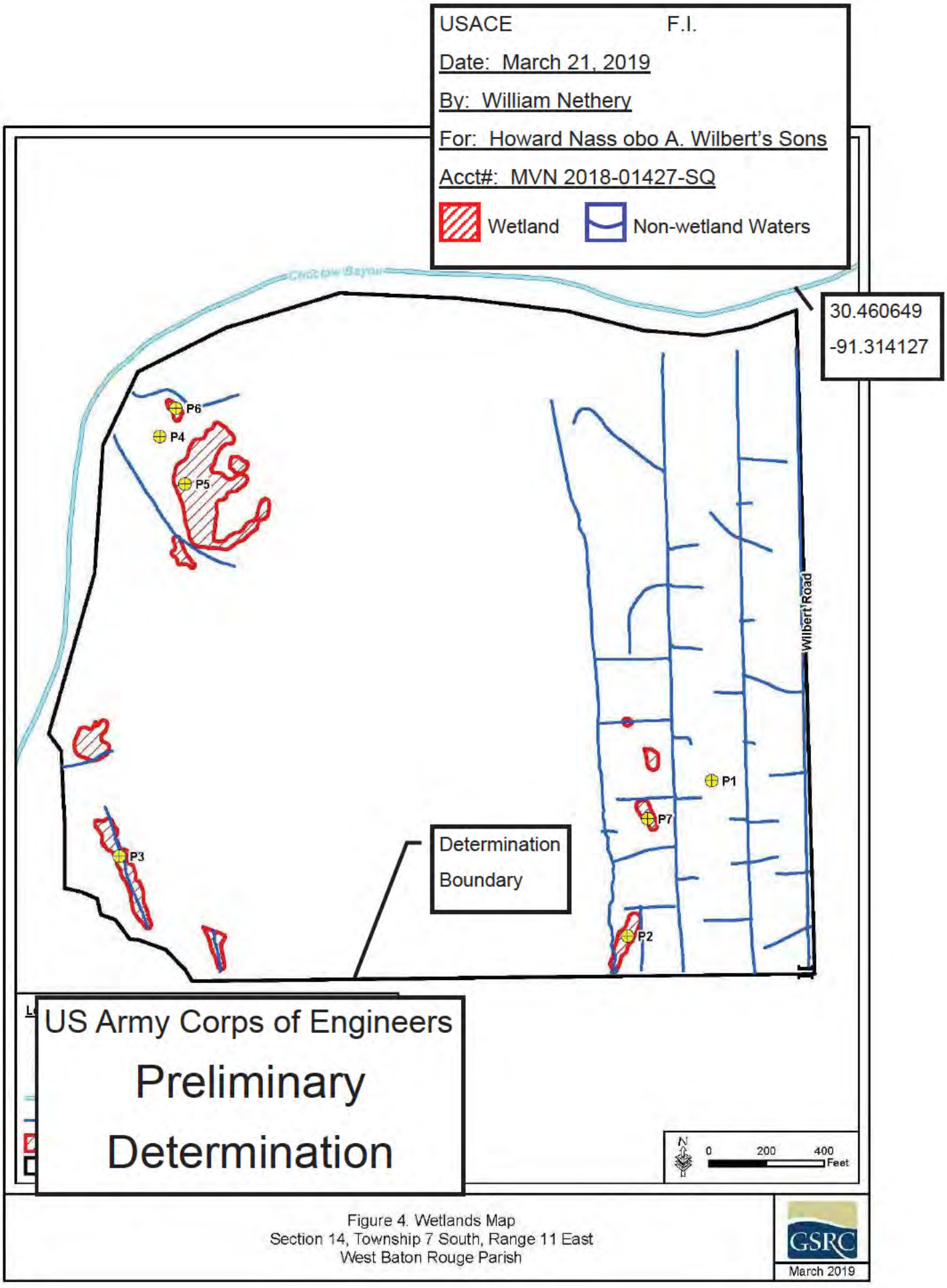


Figure 4. Wetlands Map
Section 14, Township 7 South, Range 11 East
West Baton Rouge Parish

GSRC
March 2019

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: 3/22/19

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

Mr. Howard Nass, GSRC, 8081 Innovation Park Dr., Baton Rouge, LA 70820 obo A. Wilbert's Sons

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: MVN 2018-01427-SQ

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: Louisiana County/parish/borough: W. Baton Rouge Par. City:

Center coordinates of site (lat/long in degree decimal format):

Lat.: 30.456254° Long.: -91.316424°

Universal Transverse Mercator:

Name of nearest waterbody: Alligator Bayou/Choctaw Bayou

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date:

☒ Field Determination. Date(s): January 30, 2019

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
1	30.456254	-91.316424	14,739 ft	non-wetland waters	404
2	30.456254	-91.316424	2.71 ac	wetlands	404

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: _____.

☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale: _____.

☐ Data sheets prepared by the Corps: _____.

☐ Corps navigable waters' study: _____.

☒ U.S. Geological Survey Hydrologic Atlas: _____.
☐ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24000 Lobdell, LA.

☒ Natural Resources Conservation Service Soil Survey. Citation: NRCS Web Soil Survey.

☐ National wetlands inventory map(s). Cite name: _____.

☐ State/local wetland inventory map(s): _____.

☐ FEMA/FIRM maps: _____.

☐ 100-year Floodplain Elevation is: ____. (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): 1998 IR, 2004 IR, 2008 IR, 2010 IR, 2018 true color.
or ☒ Other (Name & Date): LIDAR.

☐ Previous determination(s). File no. and date of response letter: _____.

☐ Other information (please specify): _____.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

[redacted]
Signature and date of
Regulatory staff member
completing PJD

via letter July 23, 2018
Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)[1]

[1] Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.

2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there *"may be"* waters of the U.S. and/or that there *"may be"* navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Mr. Howard Nass obo A. Wilbert's Sons	File Number: MVN 2018-01427-SQ	Date: 3/22/19
Attached is:		See Section below
☐	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
☐	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
☐	PERMIT DENIAL	C
☐	APPROVED JURISDICTIONAL DETERMINATION	D
☑	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Brad Guarisco
Chief, Surveillance & Enforcement Section
U.S. Army Corps of Engineers
7400 Leake Avenue
New Orleans, LA 70118
504-862-2274

If you only have questions regarding the appeal process you may also contact:

Kyle Gordon
Administrative Appeals Review Officer
Mississippi Valley Division
P.O. Box 80 (1400 Walnut Street)
Vicksburg, MS 39181-0080
601-634-5820 FAX: 601-634-5816

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVE
NEW ORLEANS LA 70118-3651

February 5, 2019

Operations Division
Surveillance and Enforcement Section

Mr. Josh McEnany
GSRC
8081 Innovation Park Dr.
Baton Rouge, LA 70820

Dear Mr. McEnany:

Reference is made to your request, on behalf of A. Wilbert's Sons, LLC, for a U.S. Army Corps of Engineers' jurisdictional determination on property located in Section 15, Township 7 South, Range 11 East, West Baton Rouge Parish, Louisiana (enclosed map). Specifically, this property is identified as a ±311 acre tract on Rosedale Road.

A field inspection of the property was conducted on January 30, 2019. Based on the results of this investigation and the information provided with your request, we have determined that part of the property is wetland and may be 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 (DA) will be required prior to the deposition or redistribution of dredged or fill material into wetlands that are waters of the United States. Additionally, a DA permit will be required if you propose to deposit dredged or fill material into non-wetland waters subject to Corps' jurisdiction. Non-wetland waters that may be subject to Corps' jurisdiction are indicated in blue on the map.

This jurisdictional determination has been conducted to identify the limits of the Corps' Clean Water Act jurisdiction for the particular site identified in your request. This jurisdictional determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If the property owner or tenant is a USDA farm participant, or anticipates participation in USDA programs, contact the local office of the Natural Resources Conservation Service prior to starting work.

You and your client are advised that this preliminary 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. Jon Barmore at (504) 862-1704 and reference our Account No. MVN-2017-00887-1-SG. If you have specific questions regarding the permit process or permit applications, please contact our Central Evaluation Section at (504) 862-1581.

Sincerely,

[redacted]

for Martin S. Mayer
Chief, Regulatory Branch

Enclosures

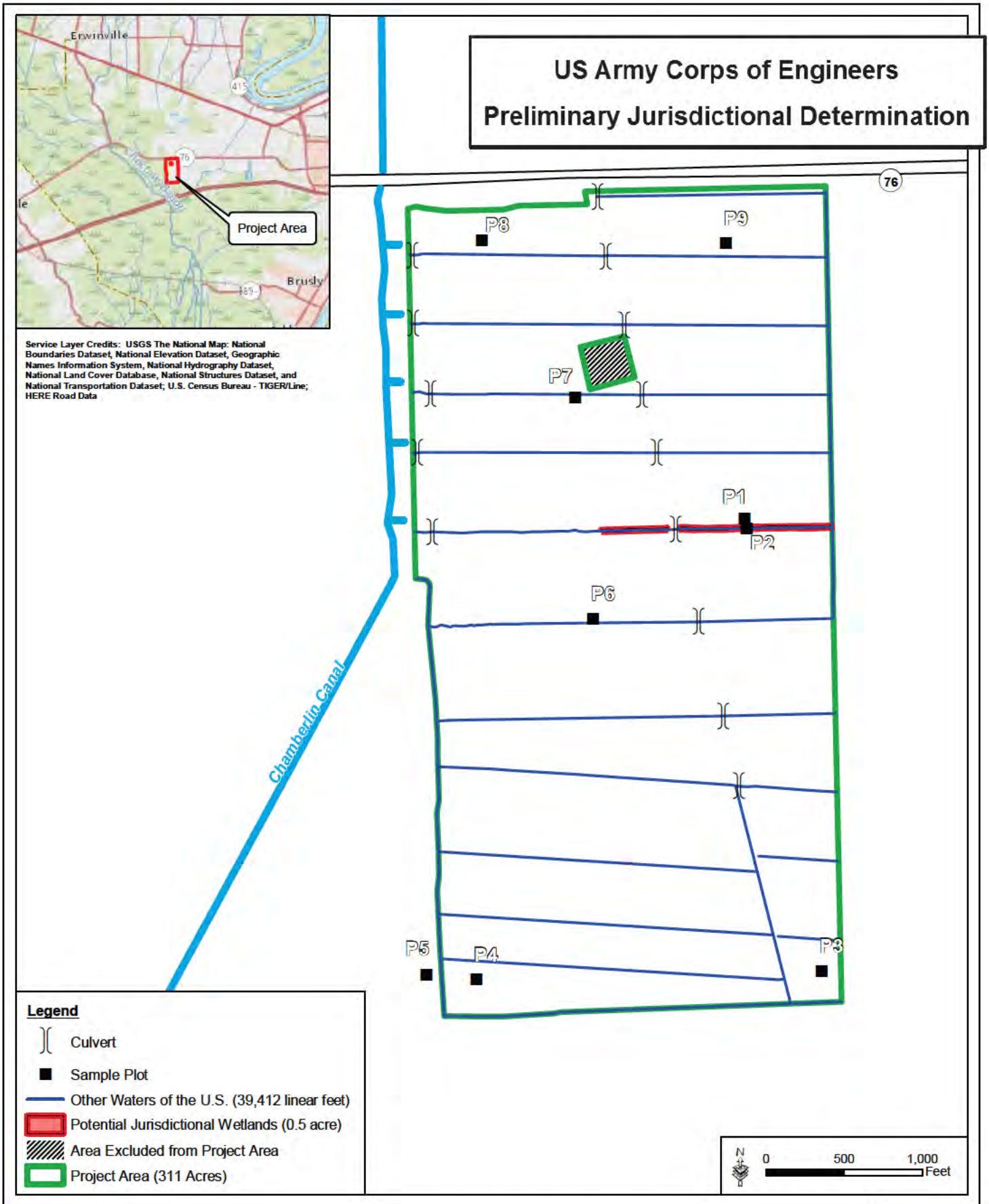


Figure 4. Wetlands Map
Section 15, Township 7 South, Range 11 East
West Baton Rouge Parish, Louisiana

GSRC
April 2018

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: 2/5/19

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

Mr. Josh McEnany
GSRC
8081 Innovation Park Dr.
Baton Rouge, LA 70820

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: MVN-2017-00887-1-SG

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: Louisiana County/parish/borough: West Baton Rouge City:

Center coordinates of site (lat/long in degree decimal format):

Lat.: 30.46281 ° Long.: -91.34092 °

Universal Transverse Mercator:

Name of nearest waterbody: Little Choctaw Bayou

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 1/28/2019

☒ Field Determination. Date(s): 1/30/2019

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
1	30.4628	-91.3409	±0.5 acre	wetland	Sec 404
1	30.4628	-91.3409	±39,412 lf	non-wetland waters	Sec 404

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: _____.

☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale: _____.

☐ Data sheets prepared by the Corps: _____.

☐ Corps navigable waters' study: _____.

☒ U.S. Geological Survey Hydrologic Atlas: _____.
☐ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Lobdell.

☒ Natural Resources Conservation Service Soil Survey. Citation: web soil survey.

☐ National wetlands inventory map(s). Cite name: _____.

☐ State/local wetland inventory map(s): _____.

☐ FEMA/FIRM maps: _____.

☐ 100-year Floodplain Elevation is: ____. (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): 1953,1976,1988,1998,2006,2008,2010,2013,2015.
or ☒ Other (Name & Date): 1998,2004,2005 CIR.

☐ Previous determination(s). File no. and date of response letter: _____.

☒ Other information (please specify): LiDAR.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

[redacted]
Signature and date of
Regulatory staff member
completing PJD

_____
Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)[1]

[1] Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.

2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there *"may be"* waters of the U.S. and/or that there *"may be"* navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: A. Wilbert's Sons, LLC	File Number: MVN-2017-00887-1-SG	Date: 2/5/19
Attached is:		See Section below
☐	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
☐	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
☐	PERMIT DENIAL	C
☐	APPROVED JURISDICTIONAL DETERMINATION	D
☑	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Brad Guarisco
Chief, Surveillance & Enforcement Section
U.S. Army Corps of Engineers
7400 Leake Avenue
New Orleans, LA 70118
504-862-2274

If you only have questions regarding the appeal process you may also contact:

Kyle Gordon
Administrative Appeals Review Officer
Mississippi Valley Division
P.O. Box 80 (1400 Walnut Street)
Vicksburg, MS 39181-0080
601-634-5820 FAX: 601-634-5816

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS, LOUISIANA 70118-03651

REPLY TO
ATTENTION OF

December 19, 2017

Operations Division
Surveillance and Enforcement Section

Mr. Josh McEnany
Gulf South Research Corporation
8081 Innovation Park Dr.
Baton Rouge, LA 70820

Dear Mr. McEnany:

Reference is made to your request, on behalf of A. Wilbert's Sons, LLC, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Section 23, Township 7 South, Range 11 East, West Baton Rouge Parish, Louisiana (enclosed map). Specifically, this property is identified as A. Wilbert's Sons 375 acre tract.

A field inspection of the property was conducted on August 16, 2017. Based on the results of this investigation and the information provided with your request, we have determined that part of the property is wetland and may be subject to Corps' jurisdiction. The approximate limits of the wetland are designated in red on the map. A Department of the Army (DA) permit under Section 404 of the Clean Water Act will be required prior to the deposition or redistribution of dredged or fill material into wetlands that are waters of the U.S. Additionally, a DA permit will be required if you propose to deposit dredged or fill material into non-wetland waters subject to Corps' jurisdiction. Non-wetland waters that may be subject to Corps' jurisdiction are indicated in blue on the map.

You and your client are advised that this preliminary 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.

This jurisdictional determination has been conducted to identify the limits of the Corps' Clean Water Act jurisdiction for the particular site identified in your request. This jurisdictional determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If the property owner or tenant is a USDA farm participant, or anticipates participation in USDA programs, contact the local office of the Natural Resources Conservation Service prior to starting work.

Should there be any questions concerning these matters, please contact Mr. Jon Barmore at (504) 862-1704 and reference our Account No. MVN-2017-00887-SG. If you have specific questions regarding the permit process or permit applications, please contact our Central Evaluation Section at (504) 862-1581.

Sincerely,

[redacted]

for Martin S. Mayer
Chief, Regulatory Branch

Enclosures

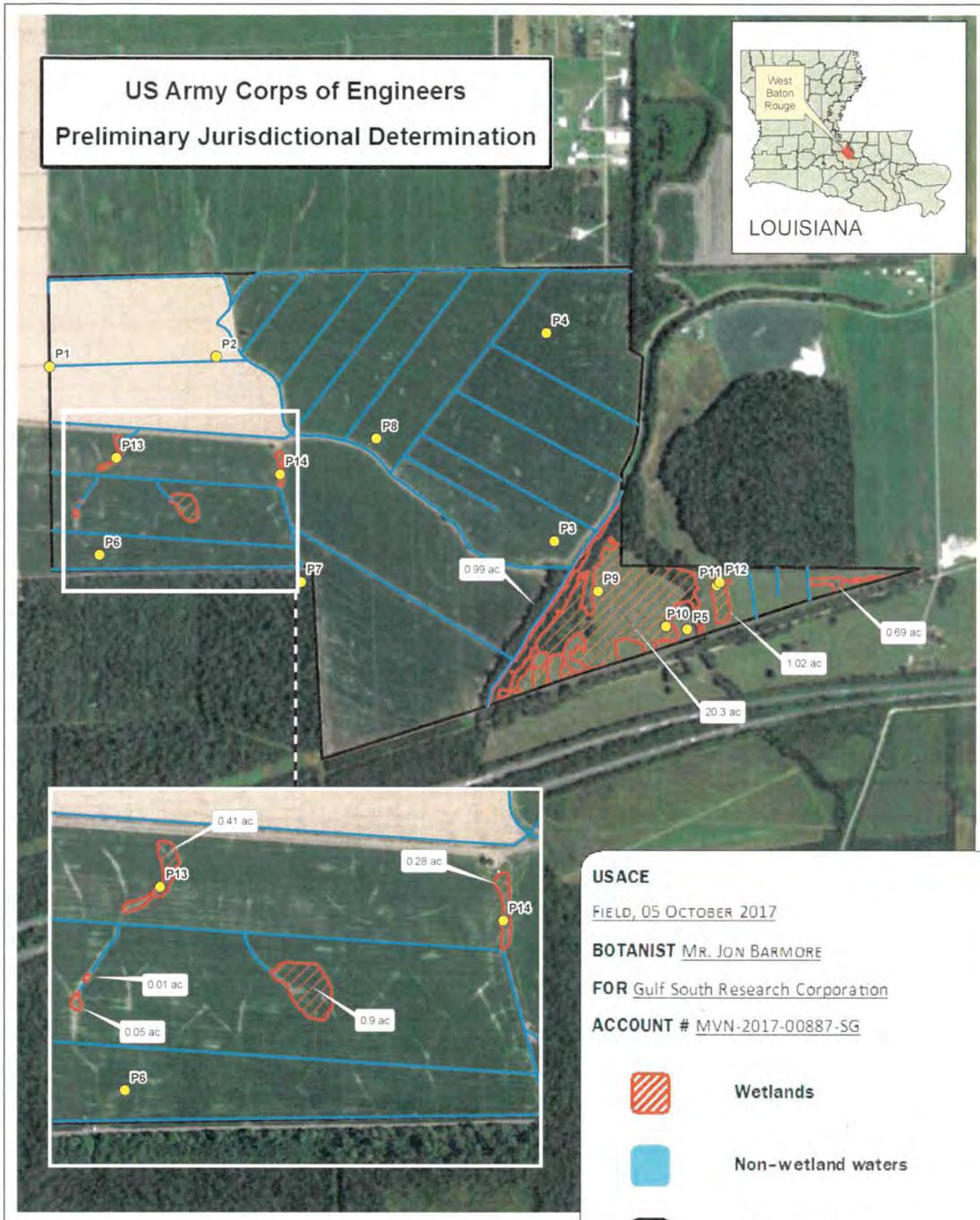


Figure 4. Wetland Map
Sections 14, 15, 22 & 23, T7S R11
West Baton Rouge Parish, Louisian

December 2017

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: December 19, 2017

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

Mr. Josh McEnany
Gulf South Research Corporation
8081 Innovation Park Dr.
Baton Rouge, LA 70820

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: MVN-2017-00887-SG

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: Louisiana County/parish/borough: West Baton Rouge City:

Center coordinates of site (lat/long in degree decimal format):

Lat.: 30.450931° Long.: -91.328959°

Universal Transverse Mercator:

Name of nearest waterbody: Alligator Bayou

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 8/4/2017

☐ Field Determination. Date(s): 8/16/2017

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
1	30.450931	-91.328959	±24.7 ac	wetland	Sec 404
1	30.450931	-91.328959	±41,712 lf	non-wetland water	Sec 404

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: _____.

☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale: _____.

☐ Data sheets prepared by the Corps: _____.

☐ Corps navigable waters' study: _____.

☐ U.S. Geological Survey Hydrologic Atlas: _____.
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Lobdell.

☒ Natural Resources Conservation Service Soil Survey. Citation: web soil survey.

☐ National wetlands inventory map(s). Cite name: _____.

☐ State/local wetland inventory map(s): _____.

☐ FEMA/FIRM maps: _____.

☐ 100-year Floodplain Elevation is: ____. (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): 2006,2008,2010,2013,2015,2016 True color.
or ☒ Other (Name & Date): 1998,2004,2005.

☐ Previous determination(s). File no. and date of response letter: _____.

☒ Other information (please specify): LiDAR.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

[redacted]

Signature and date of
Regulatory staff member
completing PJD

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)[1]

[1] Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.

2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there *"may be"* waters of the U.S. and/or that there *"may be"* navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Mr. Josh McEnany	File Number: MVN-2017-00887-SG	Date: December 19, 2017
Attached is:		See Section below
☐	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
☐	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
☐	PERMIT DENIAL	C
☐	APPROVED JURISDICTIONAL DETERMINATION	D
☑	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Brad Guarisco
Chief, Surveillance & Enforcement Section
U.S. Army Corps of Engineers
7400 Leake Avenue
New Orleans, LA 70118
504-862-2274

If you only have questions regarding the appeal process you may also contact:

Kyle Gordon
Administrative Appeals Review Officer
Mississippi Valley Division
P.O. Box 80 (1400 Walnut Street)
Vicksburg, MS 39181-0080
601-634-5820 FAX: 601-634-5816

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
_____ Signature of appellant or agent.		

APPENDIX B
PRIOR CONVERTED WETLANDS DETERMINATION

U.S. DEPARTMENT OF AGRICULTURE
Soil Conservation Service

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

1. NAME OF USDA AGENCY OR PRODUCER REQUESTING DETERMINATION: ASCS

2. DATE OF REQUEST: 12-15-87

3. NAME AND ADDRESS OF PRODUCER: A. Wilbert's Sons, Box 694, Plaquemine, LA. 70765

4. FARM NO.: ~~T-412~~ T-593, ~~FN-343~~ 366, 553

5. COUNTY: West Baton Rou

	YES
6. Is a soil survey now available for making a highly erodible land determination?	
7. Are highly erodible soil map units on this farm?	X
8. a. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985. _____	
b. Is an approved conservation plan being actively applied on all of these fields? If "no," list the fields (from the ASCS records) on which a plan is not being applied. _____	
9. a. List highly erodible fields that, according to ASCS records, have been converted for the production of agricultural commodities, were not used for this purpose in any crop year during 1981-1985, and were not enrolled in a USDA set-aside or diversion program. _____	
b. Is an approved conservation system being used on these fields? If "no," list the fields (from the ASCS records) on which a system is not being used. _____	
10. Are there other fields that (1) have highly erodible map units, (2) were not used to produce an agricultural commodity in any crop year after 1980, and (3) were not enrolled in a USDA set-aside or diversion program in any crop year during 1981-1985?	

11. *CERTIFICATION: The conservation plan* ☐ *and system(s)* ☐ *were approved by the* _____ *Conservati District on* _____, 19___, *and conform with the technical requirements of the SCS field office technical guide for the* _____ *District.*

	YES
12. Are hydric soils on this farm? If "yes," list the fields (from the ASCS records) in which they occur. Cropland	X
13. Are wetlands on this farm? If "yes," list the fields, outline the wetland areas within fields on the ASCS photograph(s), and mark with "w". _____	
14. Are converted wetlands on this farm that have been converted since December 23, 1985? If "yes," list the fields, outline converted wetlands on the ASCS photograph(s), and mark with "cw". _____	
15. Are converted wetlands covered by exemptions? If "yes," list those fields, outline the exempt converted wetlands on the ASCS photograph(s), and mark with "ecw". Note the exemptions for each area: a. Field No. _____ b. Exemption _____ c. Field No. _____ d. Exemption _____	

16. The wetland determination was done in the office ☒ field ☐.

17. This determination was hand delivered ☐ mailed ☒ to the producer on 12-23-87 (DATE).

Any producer who does not agree with this determination may request reconsideration from the person making the determination. This request is prerequisite for any further appeal. The request must be in writing and must set forth reasons for the request. It must be received by SCS within 15 da after the producer receives the determination.

18. REMARKS: P.C. - Prior Converted Wetland - Fields 1 - 9 - All exempted.

19. SIGNATURE OF SCS DISTRICT CONSERVATIONIST: V. A. Bearbow — DATE: 12-23-87

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

George A. Blanchard
Box 234
Washington, LA. 70589

2/29/8

3. County: West Baton Ro

1. Name of USDA Agency or Person Requesting Determination: FmHA

5. Farm No. and Tract No.: Recon. Pending 366 T411 T412*

SECTION I – HIGHLY ERODIBLE LAND

	Yes	No	Field No.(s)	Total Acres
2. Is soil survey now available for making a highly erodible land determination?				
Are there highly erodible soil map units on this farm?				
List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.				
List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981-1985; and were not enrolled in a USDA set-aside or diversion program.				

3. This Highly Erodible Land determination was completed in the: Office ☐ Field ☐

NOTE: If you have highly erodible cropland fields, you may need to have a conservation plan developed for these fields. For further information, contact the local office of the Soil Conservation Service.

SECTION II – WETLAND

	Yes	No	Field No.(s)	Total Wetland Acres
4. Are there hydric soils on this farm?				
List field numbers and acres, where appropriate, for the following EXEMPTED WETLANDS:				
a. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW). Wetlands may be farmed under natural conditions. Farmed Wetlands may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.				
b. Prior Converted Wetlands (PC) - The use, management, drainage, and alteration of prior converted wetlands (PC) are not subject to FSA unless the area reverts to wetland as a result of abandonment. You should inform SCS of any area to be used to produce an agricultural commodity that has not been cropped, managed, or maintained for 5 years or more.				
c. Artificial Wetlands (AW) - Artificial Wetlands includes irrigation induced wetlands. These Wetlands are not subject to FSA.				
d. Minimal Effect Wetlands (MW) - These wetlands are to be farmed according to the minimal effect agreement signed at the time the minimal effect determination was made.				
NON-EXEMPTED WETLANDS:				
Converted Wetlands (CW) - In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits. If you believe that the conversion was commenced before December 23, 1985, or that the conversion was caused by a third party, contact the ASCS office to request a commenced or third party determination.				

The planned alteration measures on wetlands in fields _____ are considered maintenance and are in compliance with FSA.

The planned alteration measures on wetlands in fields _____ are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See item 16 for information on CW.

This wetland determination was completed in the: Office ☐ Field ☐

This determination was: Delivered ☐ Mailed ☐ To the Person on Date _____

NOTE: If you do not agree with this determination, you may request a reconsideration from the person that signed this form in Block 22 below. The reconsideration is a prerequisite for any further appeal. The request for the reconsideration must be in writing and must state your reasons for the request. The request must be mailed or delivered within 15 days after this determination is mailed to or otherwise made available to you. Please see reverse side of the producer's copy of this form for more information on appeals procedure.

NOTE: If you intend to convert additional land to cropland, or alter any wetlands you must initiate another Form AD-1026 at the local office of ASCS. Abandonment is where land has not been cropped, managed, or maintained for 5 years or more. You should inform SCS if you plan to produce an agricultural commodity on abandoned wetlands.

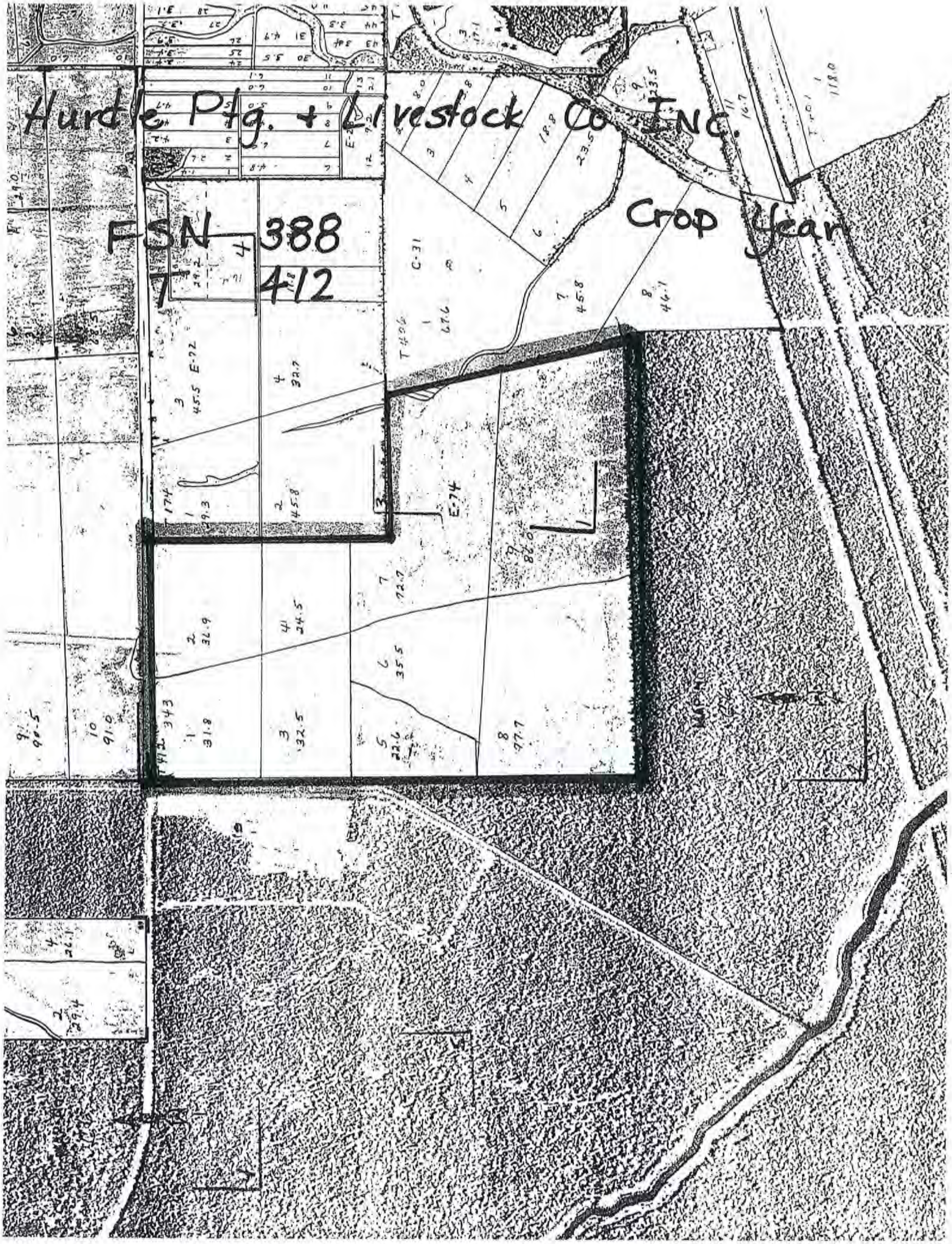
Remarks: * - T 411 has been previously completed under A. Wilbert's Sons L.A.S.C. in 12/23/87

- T 412 has been previously completed on 4/29/87 under George Blanchard's name

[redacted]

23. Date: 2/29/88

...ervation Service available without regard to race, religion, color, sex, age, handicap, etc.



Hurdle Ptg. + Livestock Co. INC.
FSN 388
7 412
Crop Year

Soil Conservation Service

SCS-CPA-026 (1-88)

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

1. Name and Address of Person: George A. Blanchard, Box 234, Washington, LA. 70589

2. Date of Request: 2/29/

3. County: West Baton R

4. Name of USDA Agency or Person Requesting Determination: FmHA

5. Farm No. and Tract No.: Recon. Pending 366 T411 T412-

SECTION I – HIGHLY ERODIBLE LAND

	Yes	No	Field No.(s)	Total Acres
6. Is soil survey now available for making a highly erodible land determination?				
7. Are there highly erodible soil map units on this farm?				
8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.				
9. List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981-1985; and were not enrolled in a USDA set-aside or diversion program.				

10. This Highly Erodible Land determination was completed in the: Office ☐ Field ☐

NOTE: If you have highly erodible cropland fields, you may need to have a conservation plan developed for these fields. For further information, contact th local office of the Soil Conservation Service.

SECTION II – WETLAND

	Yes	No	Field No.(s)	Total Wetland Acre
11. Are there hydric soils on this farm?				
List field numbers and acres, where appropriate, for the following EXEMPTED WETLANDS.				
12. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW). Wetlands may be farmed under natural conditions. Farmed Wetlands may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.				
13. Prior Converted Wetlands (PC) - The use, management, drainage, and alteration of prior converted wetlands (PC) are not subject to FSA unless the area reverts to wetland as a result of abandonment. You should inform SCS of any area to be used to produce an agricultural commodity that has not been cropped, managed, or maintained for 5 years or more.				
14. Artificial Wetlands (AW) - Artificial Wetlands includes irrigation induced wetlands. These Wetlands are not subject to FSA.				
15. Minimal Effect Wetlands (MW) - These wetlands are to be farmed according to the minimal effect agreement signed at the time the minimal effect determination was made.				
NON-EXEMPTED WETLANDS.				
16. Converted Wetlands (CW) - In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits. If you believe that the conversion was commenced before December 23, 1985, or that the conversion was caused by a third party, contact the ASCS office to request a commenced or third party determination.				

17. The planned alteration measures on wetlands in fields _____ are considered maintenance and are in compliance with FSA.

18. The planned alteration measures on wetlands in fields _____ are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See item 16 for information on CW.

19. This wetland determination was completed in the: Office ☐ Field ☐

20. This determination was: Delivered ☐ Mailed ☐ To the Person on Date _____

NOTE: If you do not agree with this determination, you may request a reconsideration from the person that signed this form in Block 22 below. The reconsideration is a prerequisite for any further appeal. The request for the reconsideration must be in writing and must state your reasons for the request. The request must be mailed or delivered within 15 days after this determination is mailed to or otherwise made available to you. Please see reverse side of the producer's copy of this form for more information on appeals procedure.

NOTE: If you intend to convert additional land to cropland, or alter any wetlands you must initiate another Form AD-1026 at the local office of ASCS. Abandonment is where land has not been cropped, managed, or maintained for 5 years or more. You should inform SCS if you plan to produce an agricultural commodity on abandoned wetlands.

21. Remarks: * - T 411 has been previously completed under A. Wilbert's Sons L.A.S. in 12/23/87

- T 412 has been previously completed on 4/29/87 under George Blanchard's no.

[redacted]

23. Date: 2/29/88

USDA is an equal opportunity employer. The Soil Conservation Service available without regard to race, religion, color, sex, age, handicap, etc.

U.S. DEPARTMENT OF AGRICULTURE
Soil Conservation Service

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

1. NAME OF USDA AGENCY OR PRODUCER REQUESTING DETERMINATION	2. DATE OF REQUEST
ASCS	12-15-87

3. NAME AND ADDRESS OF PRODUCER	4. FARM NO.	5. COUNTY
A. Wilbert's Sons Box 694 Plaquemine, LA. 70765	T-472 T-593 FA-343 346 553	West Baton R.

	YES
6. Is a soil survey now available for making a highly erodible land determination?	X
7. Are highly erodible soil map units on this farm?	
8. a. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985. _____ _____ _____ _____ _____	
b. Is an approved conservation plan being actively applied on all of these fields? If "no," list the fields (from the ASCS records) on which a plan is not being applied. _____ _____ _____ _____ _____	
9. a. List highly erodible fields that, according to ASCS records, have been converted for the production of agricultural commodities, were not used for this purpose in any crop year during 1981-1985, and were not enrolled in a USDA set-aside or diversion program. _____ _____ _____ _____ _____	
b. Is an approved conservation system being used on these fields? If "no," list the fields (from the ASCS records) on which a system is not being used. _____ _____ _____ _____ _____	
10. Are there other fields that (1) have highly erodible map units, (2) were not used to produce an agricultural commodity in any crop year after 1980, and (3) were not enrolled in a USDA set-aside or diversion program in any crop year during 1981-1985?	
11. *CERTIFICATION: The conservation plan ☐ and system(s) ☐ were approved by the _____ Conser District on _____, 19 ___, and conform with the technical requirements of the SCS field office technical guide for the _____ District.*	
12. Are hydric soils on this farm? If "yes," list the fields (from the ASCS records) in which they occur. Cropland _____ _____ _____ _____	X
13. Are wetlands on this farm? If "yes," list the fields, outline the wetland areas within fields on the ASCS photograph(s), and mark with "w". _____ _____ _____ _____ _____	
14. Are converted wetlands on this farm that have been converted since December 23, 1985? If "yes," list the fields, outline converted wetlands on the ASCS photograph(s), and mark with "cw". _____ _____ _____ _____ _____	
15. Are converted wetlands covered by exemptions? If "yes," list those fields, outline the exempt converted wetlands on the ASCS photograph(s), and mark with "ecw". Note the exemptions for each area: a. Field No. _____ c. Field No. _____ b. Exemption _____ d. Exemption _____	

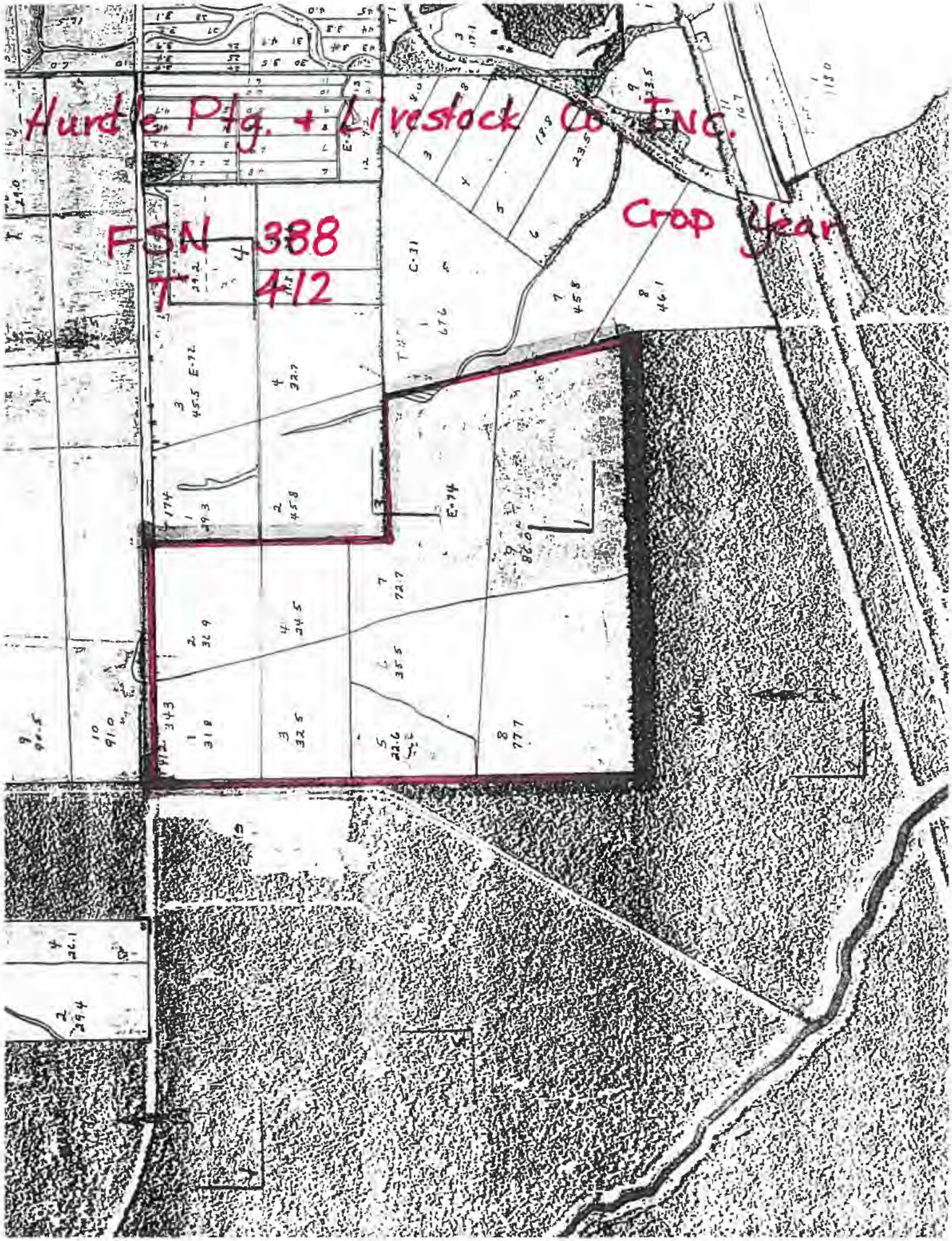
16. The wetland determination was done in the office ☒ field ☐.

17. This determination was hand delivered ☐ mailed ☒ to the producer on 12-23-87 (DATE).

Any producer who does not agree with this determination may request reconsideration from the person making the determination. This request is a prerequisite for any further appeal. The request must be in writing and must set forth reasons for the request. It must be received by SCS within 15 days after the producer receives the determination.

18. REMARKS P.C. - Prior Converted Wetland - Fields 1 - 9 - All Cropland.

19. SIGNATURE OF SCS DISTRICT CONSERVATIONIST [redacted] DATE 12-23-87


Hurdle Ptg. + Livestock Co. Inc.
FSN 388
T 412
Crop Year

vation Service

SCS-CPA-026
(1-88)

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

1. Name and Address of Person	2. Date of Request
[illegible]	
	3. County

4. Name of USDA Agency or Person Requesting Determination	5. Farm No. and Tract No.
ASCS	504 372 T-406 T-594

SECTION I – HIGHLY ERODIBLE LAND

	Yes	No	Field No.(s)	Total Acres
6. Is soil survey now available for making a highly erodible land determination?	✓			
7. Are there highly erodible soil map units on this farm?		✓		
8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.				
9. List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981-1985, and were not enrolled in a USDA set-aside or diversion program.				

10. This Highly Erodible Land determination was completed in the: Office ☐ Field ✓

NOTE: If you have highly erodible cropland fields, you may need to have a conservation plan developed for these fields. For further information, contact the local office of the Soil Conservation Service.

SECTION II – WETLAND

	Yes	No	Field No.(s)	Total Wetland Acres
11. Are there hydric soils on this farm?	✓			
List field numbers and acres, where appropriate, for the following EXEMPTED WETLANDS:				
12. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW). Wetlands may be farmed under natural conditions. Farmed Wetlands may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.				
13. Prior Converted Wetlands (PC) - The use, management, drainage, and alteration of prior converted wetlands (PC) are not subject to FSA unless the area reverts to wetland as a result of abandonment. You should inform SCS of any area to be used to produce an agricultural commodity that has not been cropped, managed, or maintained for 5 years or more.			1 – 8	
14. Artificial Wetlands (AW) - Artificial Wetlands includes irrigation induced wetlands. These Wetlands are not subject to FSA.				
15. Minimal Effect Wetlands (MW) - These wetlands are to be farmed according to the minimal effect agreement signed at the time the minimal effect determination was made.				
NON-EXEMPTED WETLANDS:	✓		un 1	
16. Converted Wetlands (CW) - In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits. If you believe that the conversion was commenced before December 23, 1985, or that the conversion was caused by a third party, contact the ASCS office to request a commenced or third party determination.				

17. The planned alteration measures on wetlands in fields _____ are considered maintenance and are in compliance with FSA.

18. The planned alteration measures on wetlands in fields _____ are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See item 16 for information on CW.

19. This wetland determination was completed in the: Office ☐ Field ✓

20. This determination was: Delivered ☐ Mailed ✓ To the Person on Date: 7/11/89

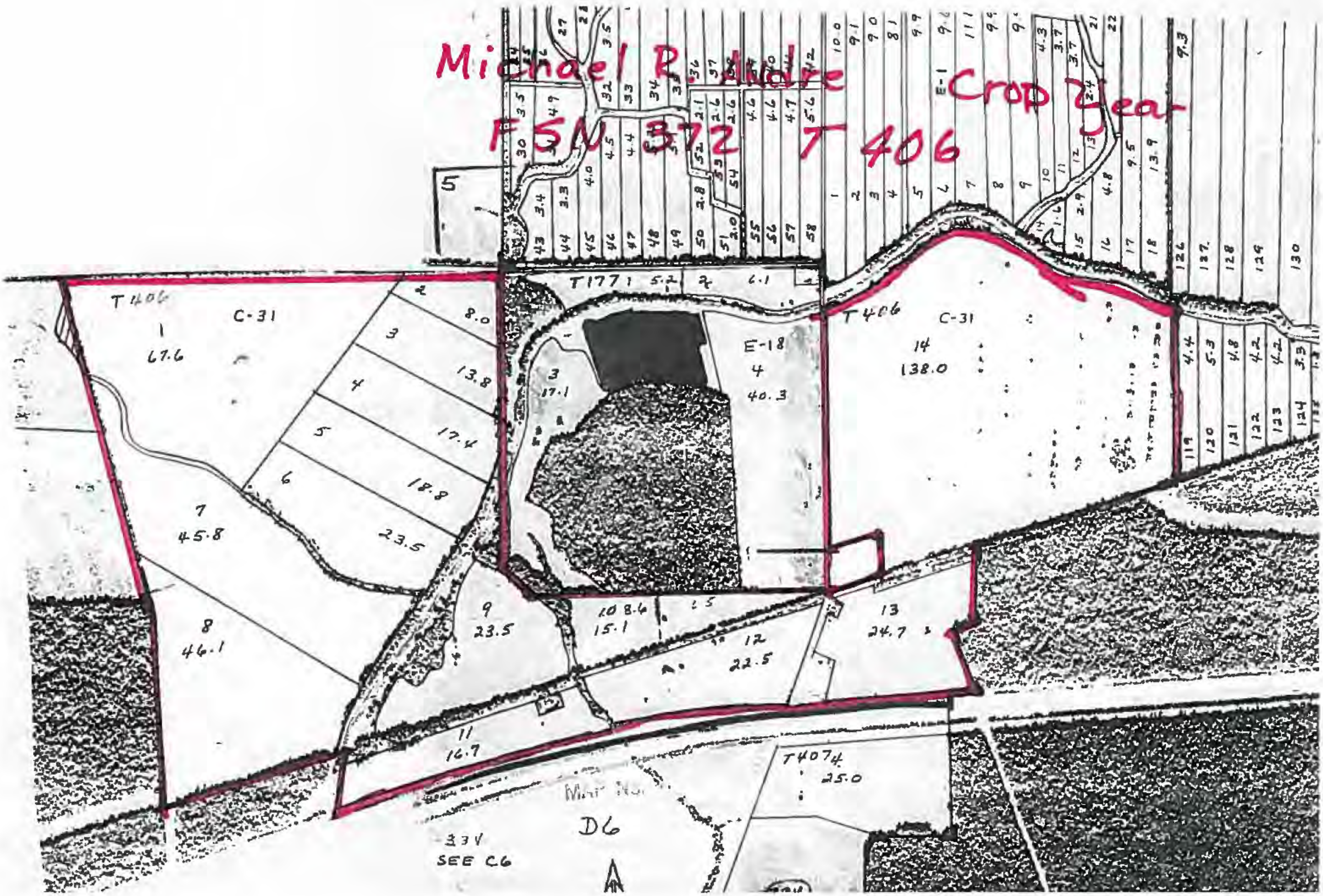
NOTE: If you do not agree with this determination, you may request a reconsideration from the person that signed this form in Block 22 below. The reconsideration is a prerequisite for any further appeal. The request for the reconsideration must be in writing and must state your reasons for the request. The request must be mailed or delivered within 15 days after this determination is mailed to or otherwise made available to you. Please see reverse side of the producer's copy of this form for more information on appeals procedure.

NOTE: If you intend to convert additional land to cropland or alter any wetlands, you must initiate another Form AD-1026 at the local office of ASCS. Abandonment is where land has not been cropped, managed, or maintained for 5 years or more. You should inform SCS if you plan to produce an agricultural commodity on abandoned wetlands.

21. Remarks

22. Signature of SCS District Conservationist [redacted]	23. Date

Assistance and programs of the Soil Conservation Service available without regard to race, religion, color, sex, age, handicap, etc.



Michael R. Andre
FSN 372 T 406
Crop Year
T406
C-31
1
67.6
7
45.8
8
46.1
T1771
E-18
4
40.3
3
17.1
14
138.0
9
23.5
12
22.5
13
24.7
11
16.7
T4074
25.0
D6
SEE C6

LOUISIANA
WEST BATON ROUGE PARISH
Form: FSA-156EZ
See Page 2 for non-discriminatory Statements.

USDA United States Department of Agriculture
Farm Service Agency

Abbreviated 156 Farm Record

FARM : 253
Prepared : Jun 18, 2018
Crop Year : 2018

Operator Name : GEORGE RICHARD
Farms Associated with Operator : 22-121-253
CRP Contract Number(s) : None
Recon ID : None

Farm Land Data

Farmland	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane	Farm Status	Number Of Tracts
155.72	64.65	64.65	0.00	0.00	0.00	0.00	0.00	Active	1
State Conservation	**Other Conservation**	**Effective DCP Cropland**	**Double Cropped**		**MPL**	**Acre Election**	**EWP**	**DCP Ag.Rel. Activity**	**Broken From Native Sod**
0.00	0.00	64.65	0.00		0.00		0.00	0.00	0.00

Crop Election Choice

ARC Individual	ARC County	Price Loss Coverage
None	None	CORN

DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	CTAP Yield	PLC Yield	HIP
Corn	15.60	0.00	0	90	
TOTAL	**15.60**	**0.00**			

NOTES

Tract Number : **177**

Description : Not Applicable
FSA Physical Location : LOUISIANA/WEST BATON ROUGE PARISH
ANSI Physical Location : LOUISIANA/WEST BATON ROUGE PARISH
BIA Unit Range Number :
HEL Status : NHEL: No agricultural commodity planted on undetermined fields
Wetland Status : Tract does not contain a wetland
WL Violations : None
Owners : MARIE RICHARD, GEORGE RICHARD
Other Producers : None
Recon ID : None

Tract Land Data

Farm Land	Cropland	DCP Cropland	WBP	WRP	CRP	GRP	Sugarcane
155.72	64.65	64.65	0.00	0.00	0.00	0.00	0.00
State Conservation	**Other Conservation**	**Effective DCP Cropland**	**Double Cropped**	**MPL**	**EWP**	**DCP Ag. Rel Activity**	**Broken From Native Sod**
0.00	0.00	64.65	0.00	0.00	0.00	0.00	0.00

DCP Crop Data

Crop Name	Base Acres	CCC-505 CRP Reduction Acres	CTAP Yield	PLC Yield
Corn	15.60	0.00	0	90
TOTAL	**15.60**	**0.00**		

Tract 177 Continued ...

NOTES

U.S.D.A.
Soil Conservation Service

SCS-CPA-026
(1-88)

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

1. Name and Address of Person
Alan Gustin
Rt. 1, Box 68
Lakeland, LA. 70752

2. Date of Request
8/2/88

3. County
West Baton Rouge

4. Name of USDA Agency or Person Requesting Determination
ASCS

5. Farm No. and Tract No.
253 T177

SECTION I – HIGHLY ERODIBLE LAND

	Yes	No	Field No.(s)	Total Acres
6. Is soil survey now available for making a highly erodible land determination?	✓			
7. Are there highly erodible soil map units on this farm?		✓		
8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.				
9. List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981-1985; and were not enrolled in a USDA set-aside or diversion program.				

10. This Highly Erodible Land determination was completed in the: Office [✓] Field [ ]

NOTE: If you have highly erodible cropland fields, you may need to have a conservation plan developed for these fields. For further information, contact the local office of the Soil Conservation Service.

SECTION II – WETLAND

	Yes	No	Field No.(s)	Total Wetland Acres
11. Are there hydric soils on this farm?	✓			
List field numbers and acres, where appropriate, for the following EXEMPTED WETLANDS:				
12. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW). Wetlands may be farmed under natural conditions. Farmed Wetlands may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.				
13. Prior Converted Wetlands (PC) - The use, management, drainage, and alteration of prior converted wetlands (PC) are not subject to FSA unless the area reverts to wetland as a result of abandonment. You should inform SCS of any area to be used to produce an agricultural commodity that has not been cropped, managed, or maintained for 5 years or more.			1, 2, 3, & 4	
14. Artificial Wetlands (AW) - Artificial Wetlands includes irrigation induced wetlands. These Wetlands are not subject to FSA.				
15. Minimal Effect Wetlands (MW) - These wetlands are to be farmed according to the minimal effect agreement signed at the time the minimal effect determination was made.				
NON-EXEMPTED WETLANDS: (Forested Wetlands)(W)	✓		un 1, un 3, un 2	Appx 85 Ac
16. Converted Wetlands (CW) - In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits. If you believe that the conversion was commenced before December 23, 1985, or that the conversion was caused by a third party, contact the ASCS office to request a commenced or third party determination.				

17. The planned alteration measures on wetlands in fields _____ are considered maintenance and are in compliance with FSA.

18. The planned alteration measures on wetlands in fields _____ are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See item 16 for information on CW.

19. This wetland determination was completed in the: Office [✓] Field [ ]

20. This determination was: Delivered [ ] Mailed [✓] To the Person on Date: 8/2/88

NOTE: If you do not agree with this determination, you may request a reconsideration from the person that signed this form in Block 22 below. The reconsideration is a prerequisite for any further appeal. The request for the reconsideration must be in writing and must state your reasons for the request. The request must be mailed or delivered within 15 days after this determination is mailed to or otherwise made available to you. Please see reverse side of the producer's copy of this form for more information on appeals procedure.

NOTE: If you intend to convert additional land to cropland or alter any wetlands, you must initiate another Form AD-1026 at the local office of ASCS. Abandonment is where land has not been cropped, managed, or maintained for 5 years or more. You should inform SCS if you plan to produce an agricultural commodity on abandoned wetlands.

21. Remarks

22. Signature of SCS District Conservationist [redacted]

23. Date 8/2/88

Assistance and programs of the Soil Conservation Service available without regard to race, religion, color, sex, age, handicap, etc.

AUG 1988
REC'D
West Baton Rouge
Parish
A.S.C.S. Office

ALAN GUSTIN
F.S.N. 253
T177
T 176
C-81
E-14
PC
18
81.8
19
86.9
20
32.5
21
24.5
23
35.5
25
2
45.8
91.9
3
81.6
7
1180
8
9.4

APPENDIX C
PROPERTY TITLE OPINION
(upon request only)