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

PUBLIC NOTICE

July 25, 2022

United States Army
Corps of Engineers
New Orleans District
Attn: Regulatory Division, RG
7400 Leake Ave.
New Orleans, Louisiana 70118-3651

Project Manager:
David Soileau
(337) 291-3141
david.m.soileau@usace.army.mil
Application #: MVN-2020-01127-MD

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).

MILL CREEK MITIGATION BANK IN EAST FELICIANA PARISH

NAME OF APPLICANT: Dennis Aucoin, c/o: Trinity Mitigation Services, LLC, 215 West Beach Parkway, Mandeville, Louisiana 70448.

LOCATION OF WORK: Located in East Feliciana Parish, along the Comite River, approximately 5 miles south-southwest of Clinton, Louisiana, (Latitude: 30.79519, Longitude: -91.03181), as shown within the enclosed drawings. (Hydrologic Unit Code 08070202, Amite River Watershed)

CHARACTER OF WORK: Within the proposed 928.2-acre wetland mitigation bank, approximately 623.3 acres of bottomland hardwood forest would be reestablished, rehabilitated, enhanced, and preserved. The site is currently comprised of planted pines, agricultural pastures, scrub/shrub habitat, and existing bottomland hardwood forest. The proposed restoration activities include removal of a beaver dam, harvesting of pine species (with stumps left intact), and restoration of vegetative through the planting of native hardwood seedlings.

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, David Soileau**. 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.

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.

The New Orleans District is unaware of properties listed on the National Register of Historic Places near the proposed work. 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.

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

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

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

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.

Martin S. Mayer
Chief, Regulatory Division

Enclosure

REVISED

PROSPECTUS FOR THE PROPOSED MILL CREEK MITIGATION BANK EAST FELICIANA PARISH, LOUISIANA

June 2022

SPONSOR:

Dennis Aucoin
P.O. Box 8815
CLINTON, LA 70722

AGENT:

TRINITY MITIGATION SERVICES, LLC
331 GIROD STREET
MANDEVILLE, LOUISIANA 70448

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1.0 INTRODUCTION

Dennis Aucoin (Sponsor) is submitting this prospectus in accordance with 33 CFR 332.8(d)(2). The proposed name of the mitigation bank is the Mill Creek Mitigation Bank. Mr. Dennis Aucoin is the owner of all property encompassing the proposed Mill Creek Mitigation Bank and will serve as the Sponsor assuming long-term management of the property. The contact information for the Sponsor/Owner is listed in Section 6.1.

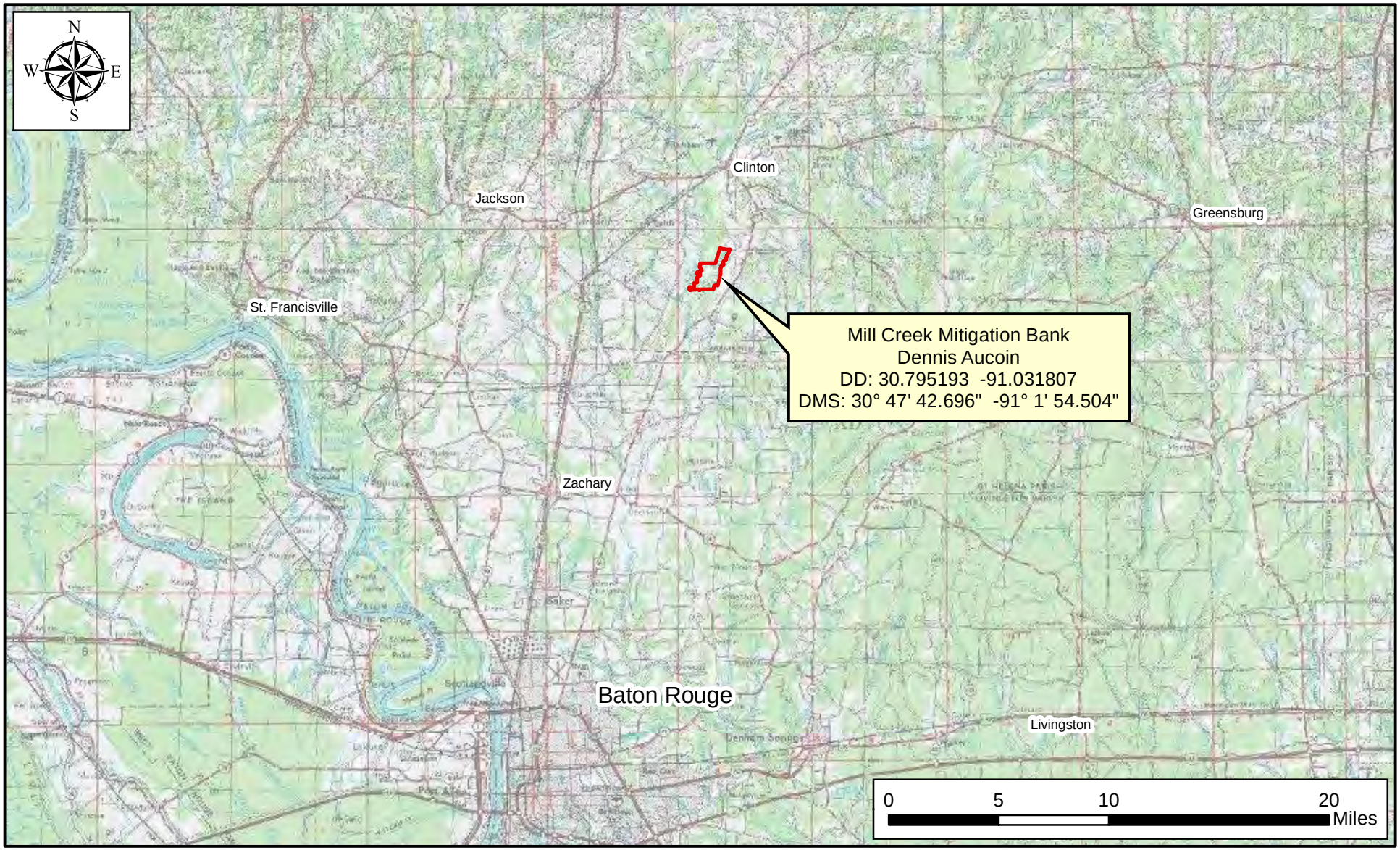
The 928.2-acre property currently supports a mixture of planted pine forests, upland pine/hardwood mixed forest, bottomland hardwoods (BLH), scrub/shrub beaver ponds, maintained pastures/food plots, and unpaved roads and trails. The Sponsor proposes to restore and/or preserve a total of 623.3 acres of BLH within the Mill Creek Mitigation Bank in accordance with the 2008 Final Rule "Compensatory Mitigation for Losses of Aquatic Resources," Department of the Army, Corps of Engineers (33 CFR Parts 332), and with the guidance provided by the New Orleans District of the U.S. Army Corps of Engineers (USACE) on the Corps' Regulatory In-lieu Fee and Bank Information Tracking System (RIBITS).

1.1 Site Location

The proposed Mill Creek Mitigation Bank is located along the Comite River, approximately five miles south of Clinton, in East Feliciana Parish ***(*Figure 1**). The property is located in all, or portions of, Sections 64, 65, and 66; Township 03 South; Range 02 East (**Figure 2**). The geographic coordinates in decimal degrees are 30.795193 and -91.031807 (**see Figure 1**).

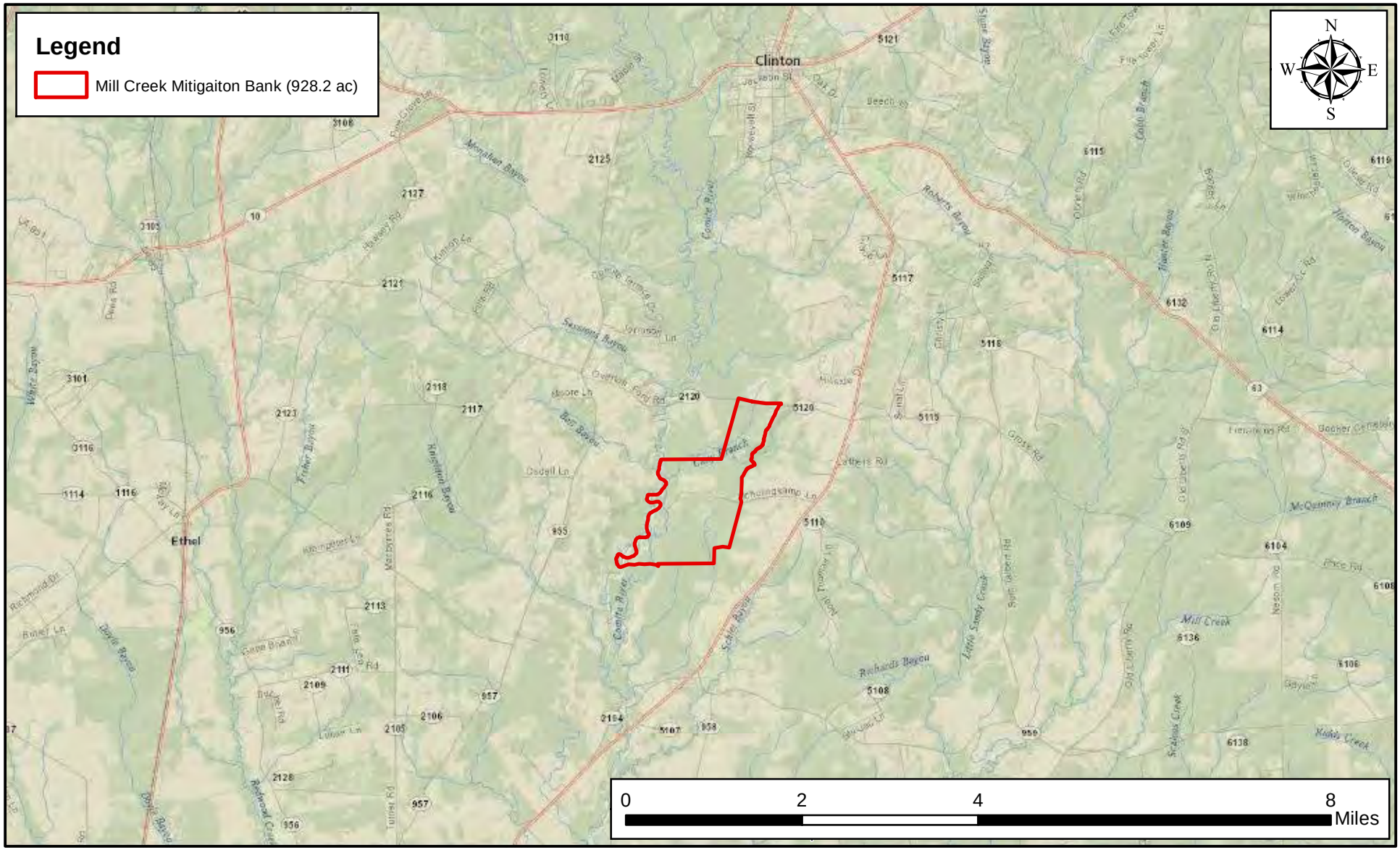
Driving Directions: From New Orleans, take I-10 west toward Baton Rouge for 24 miles. Take Exit 210 on the right to merge onto I-55 north toward Hammond. Continue on I-55 for 54 miles. Take Exit 53 and turn left onto LA-10 west toward Greensburg. Continue on LA-10 for 31 miles to Clinton. Turn left onto LA-67/Plank Rd. The Mill Creek Mitigation Bank property is located approximately 5.5 miles south of the turn on the west side of LA-67/Plank Rd.

Figure 1. General Location of the Mill Creek Mitigation Bank



Trinity Mitigation Services, LLC.	Date: August 4, 2021

Figure 2. Location of the Mill Creek Mitigation Bank



Trinity Mitigation Services, LLC.	Date: August 4, 2021

2.0 PROJECT GOALS AND OBJECTIVES

The successful restoration of a bottomland hardwood system within the Mill Creek River Mitigation Bank will provide additional wetland functions and values not provided under the current land use and will preserve existing wetland functions and values. Establishment of the Mill Creek Mitigation Bank will restore and preserve the unique wetland functions and values associated with a functioning BLH system. Restoration and preservation of aquatic functions and wetland vegetation at the Mill Creek Mitigation Bank would provide compensatory wetland mitigation for unavoidable, permitted losses of similar wetland habitat types in the bank's service area. Oil and gas exploration, local and state government projects, as well as continued residential/commercial development are planned throughout the Comite River Basin. Many of these projects will require compensation for wetland loss or impacts.

Project Goals

Proposed activities to meet the goals and objectives for Mill Creek Mitigation Bank are aimed to rehabilitate wetlands where most functions have been degraded by prior land use and to preserve existing wetland functions and values. Specifically, the project goals for Mill Creek Mitigation Bank are to rehabilitate and preserve in perpetuity the physical, chemical and biological functions of a BLH wetland habitat. The Mill Creek Mitigation Bank will produce wetland mitigation "credits" as a result of restoration, rehabilitation, enhancement, and preservation work. These credits can be used as compensatory mitigation for permitted unavoidable wetland impacts to similar wetland habitat types in the bank's service area associated with USACE permits through Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The existing land uses and proposed mitigation types within the property are summarized in **Table 1**.

Table 1. Existing Land Uses and Proposed Mitigation Types

Current Habitat	Current Land Use	Proposed Habitat	Mitigation Type	Acres
Wet Pine Forest	Ag. (Timber)	BLH	Rehabilitation	191.9
Scrub/Shrub	Beaver Pond	BLH	Re-establishment	42.6
Scrub/Shrub	Beaver Pond	BLH	Enhancement	28.4
			Total Restoration Acreage	**262.9**
BLH	Ag. (Timber)	BLH	Preservation	360.4
			Total Restoration and Preservation Acreage	**623.3**
Upland Pine/Hardwoods	Ag. (Timber)	Upland Pine/Hardwoods	Upland Buffer	256.8
			Total Mitigation Acreage	**394.4**
Roads	Roads	Roads	None	6.2
Wet Pasture	Ag. (Food Plots)	Ag. (Food Plots)	None	4.6
Upland Pasture	Ag. (Pasture)	Ag. (Pasture)	None	37.3
			Total Non-Mitigation Acreage	**48.1**
			Total Under CS	**928.2**

Project Objectives

The proposed restoration of habitat composition and structure would be beneficial to several aquatic functions associated with the Mill Creek Mitigation Bank. Benefits of the proposed wetland restoration include water quality improvement through water filtration and sediment reduction in wetlands and streams, prolonged hydro-periods and floodwater retention, and increased biological productivity and diversity. Improved water quality would also benefit the Comite River Basin. The following rehabilitation and preservation objectives are proposed:

- Harvest 191.9 acres of planted pine within wetland areas and replant with target hardwood species
- Remove beaver dam and replace undesirable scrub/shrub species with target hardwood species within the 42.6-acre beaver pond area
- Remove undesirable scrub/shrub species and plant target hardwood species to enhance the 28.4-acre beaver pond area
- Preserve 360.4 acres of mature BLH habitat. The Sponsor understands that preservation credit can only be given for ½ of the restoration area (131.5 acres), but has chosen to preserve a greater amount of acreage
- Maintain 256.8 acres of upland pine/hardwood forest as upland buffer
- Provide long-term maintenance to prevent colonization of noxious and invasive species
- Ensure long-term viability of the project by employing an adaptive management strategy and taking any corrective actions as dictated by restoration project
- Monitor at a frequency and intensity to determine if plan modifications are needed to meet performance standards
- Improve water quality, promote sediment retention, and reduce non-point source pollution runoff by removing the area from potential residential and commercial development
- Provide long-term protection through the execution a conservation servitude to ensure perpetual existence of the Mill Creek Mitigation Bank

3.0 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 properties and how they will support the planned types of aquatic resources and functions, 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. Historical aerial photos along with soils and hydrology figures are included to support the ecological characteristic description in the following paragraphs.

3.1 Land Use

3.1.1 Historical Land Use

The Mill Creek Mitigation Bank historically encompassed upland hardwood and BLH forest communities. The floodplain along the Comite River supported a BLH forest community. A hardwood forest community existed on the higher elevations and ridges adjacent to the floodplain. Historical photos show the site conditions in and around the bank location between 1976 and 2017 (**Figures 3-7**).

3.1.2 Existing/Current Land Use

Land use in the vicinity of the Mill Creek Mitigation Bank is mostly undeveloped forest and scattered agricultural fields (pastures). Current aerial photography and field visits were used to determine the current land use on, and within a 1-mile radius of, the Bank (**Figure 8**). The property is currently used for agricultural (timber production) and recreational (hunting) purposes.

3.2 Soils

Soils within the proposed Mill Creek Mitigation Bank are determined in large part by topographic position in relation to the Comite River. In general, the property is level and very gently sloping poorly-drained to moderately well-drained loamy soils (USDA 2020). The majority of the soils within the proposed Mill Creek Mitigation Bank are mapped as Ouachita, Ochlockonee, Guyton Soils (OG). Smaller areas of Fluker silt loam (Fk), Tangi silt loam (Ta and Tg), Lytle silt loam (Lt and Ly), and Smithdale sandy loam (SM) are also present (**Figure 9**).

Ouachita, Ochlockonee, Guyton soils are typical of floodplain areas and have a hydric rating of 60. Ouachita and Ochlockonee soils occur on low ridges, and Guyton soils are found in low positions between the ridges. These soils are subject to brief to long periods of flooding throughout the year. The Fluker soils are nearly level to gently sloping (0-2% slopes), somewhat poorly drained soils on broad, flat terraces. The Fluker soil has a hydric rating of 7. Tangi silt loam is a gently to strongly sloping (1-8% slopes), moderately well drained soil on narrow or broad ridgetops on uplands or on side slopes on uplands along drainageways. Tangi has a hydric rating of 0. Lytle silt loam is a gently to strongly sloping (1-8% slopes), moderately well drained soil on ridgetops or side slopes. Lytle has a hydric rating of 0. Smithdale sandy loam is strongly sloping (8-30% slopes), well drained soil on ridgetops. Smithdale has a hydric rating of 0.

Figure 3. Historical Aerial Photograph (1976)

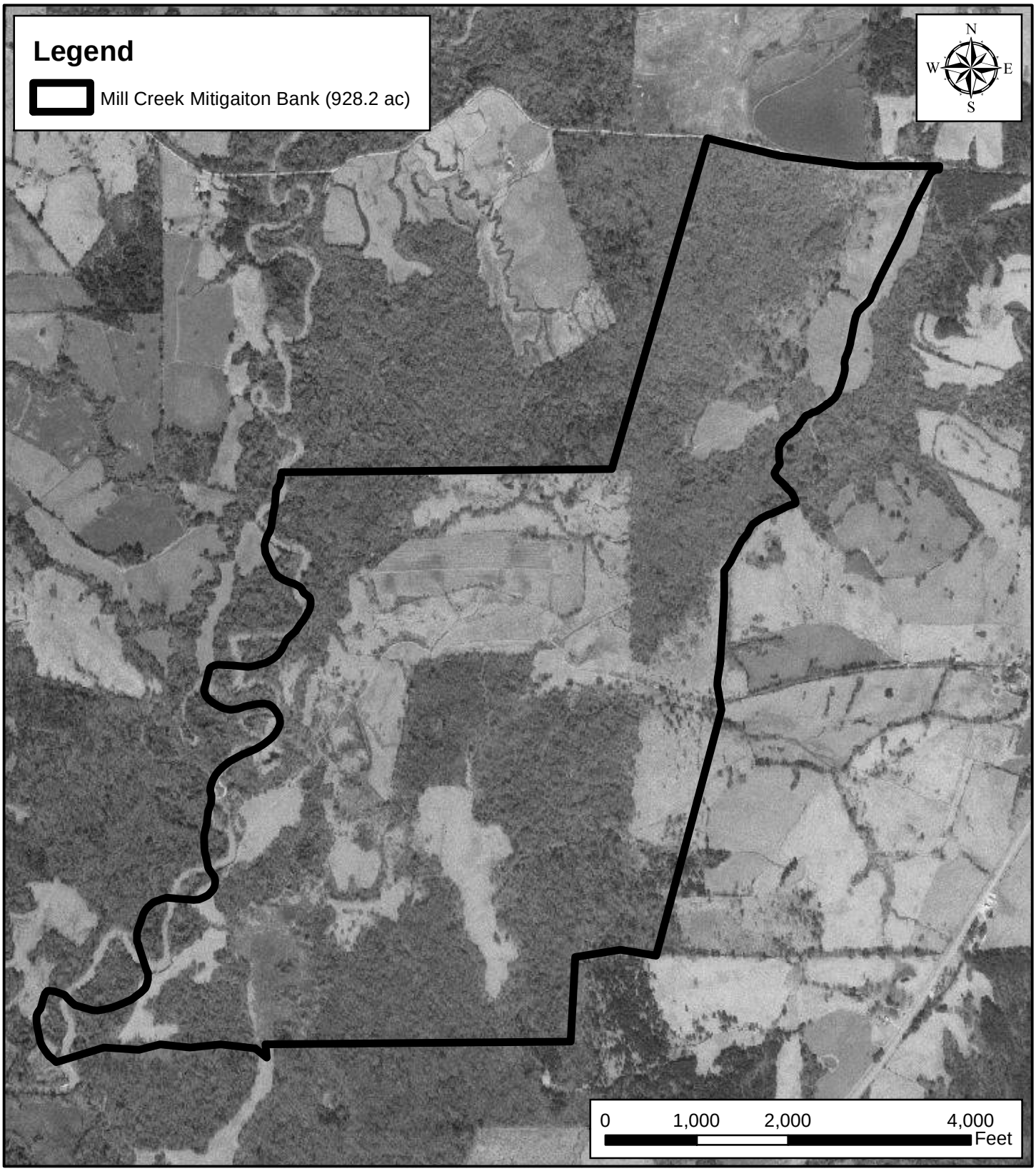


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Figure 4. Historical Aerial Photograph (1985)

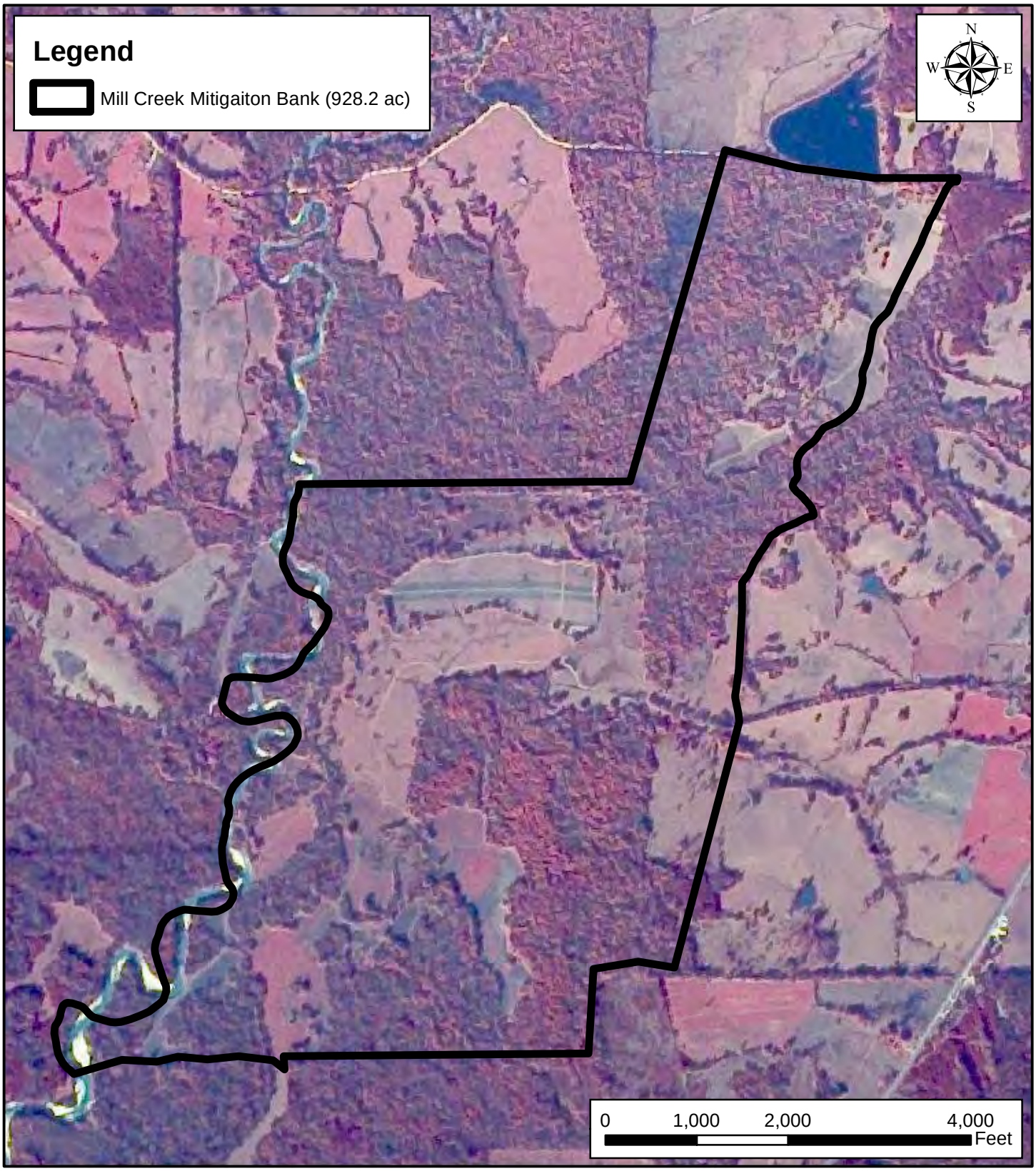

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Figure 5. Historical Aerial Photograph (1998)

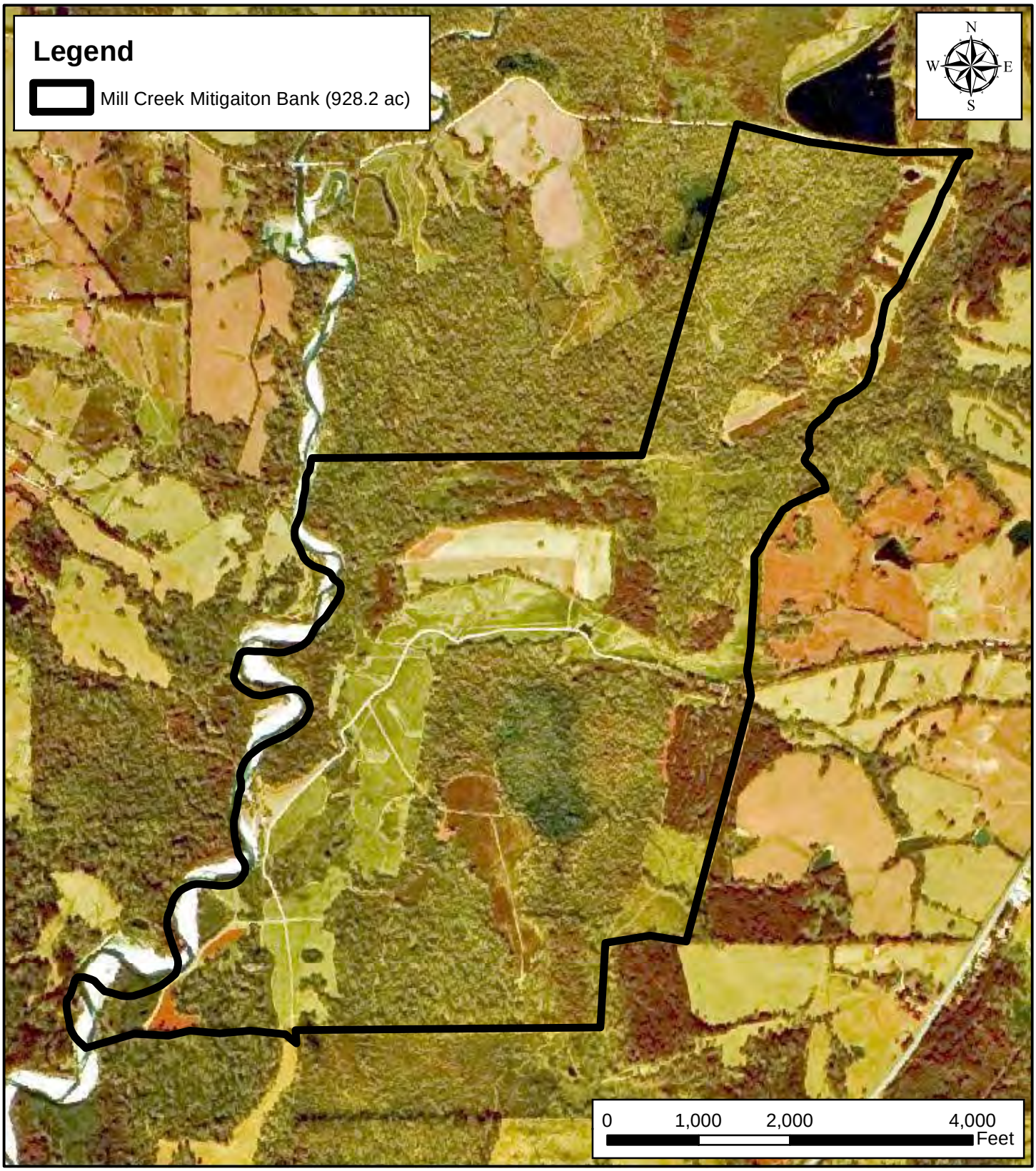

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Figure 6. Historical Aerial Photograph (2007)

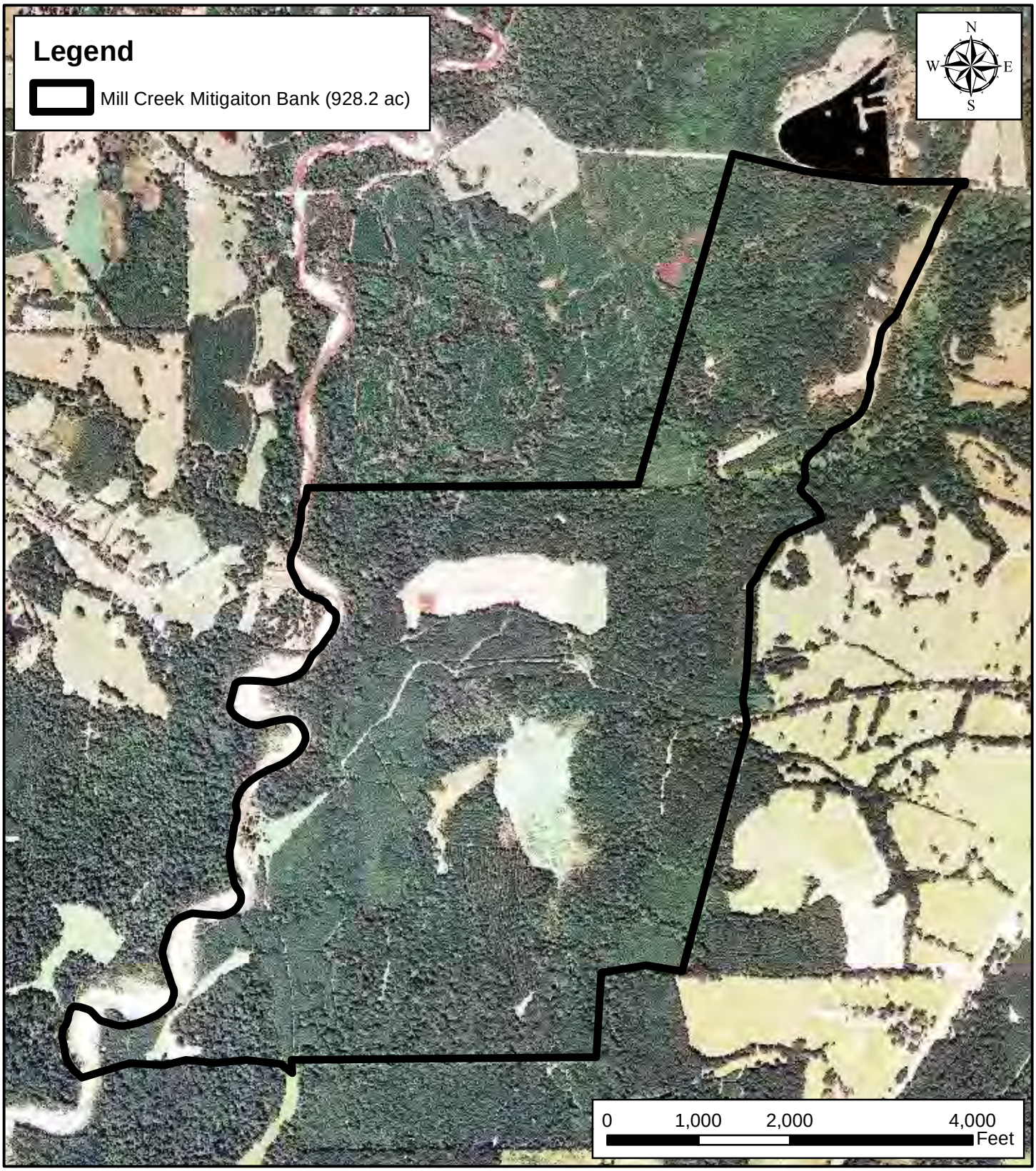

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Figure 7. Historical Aerial Photograph (2017)

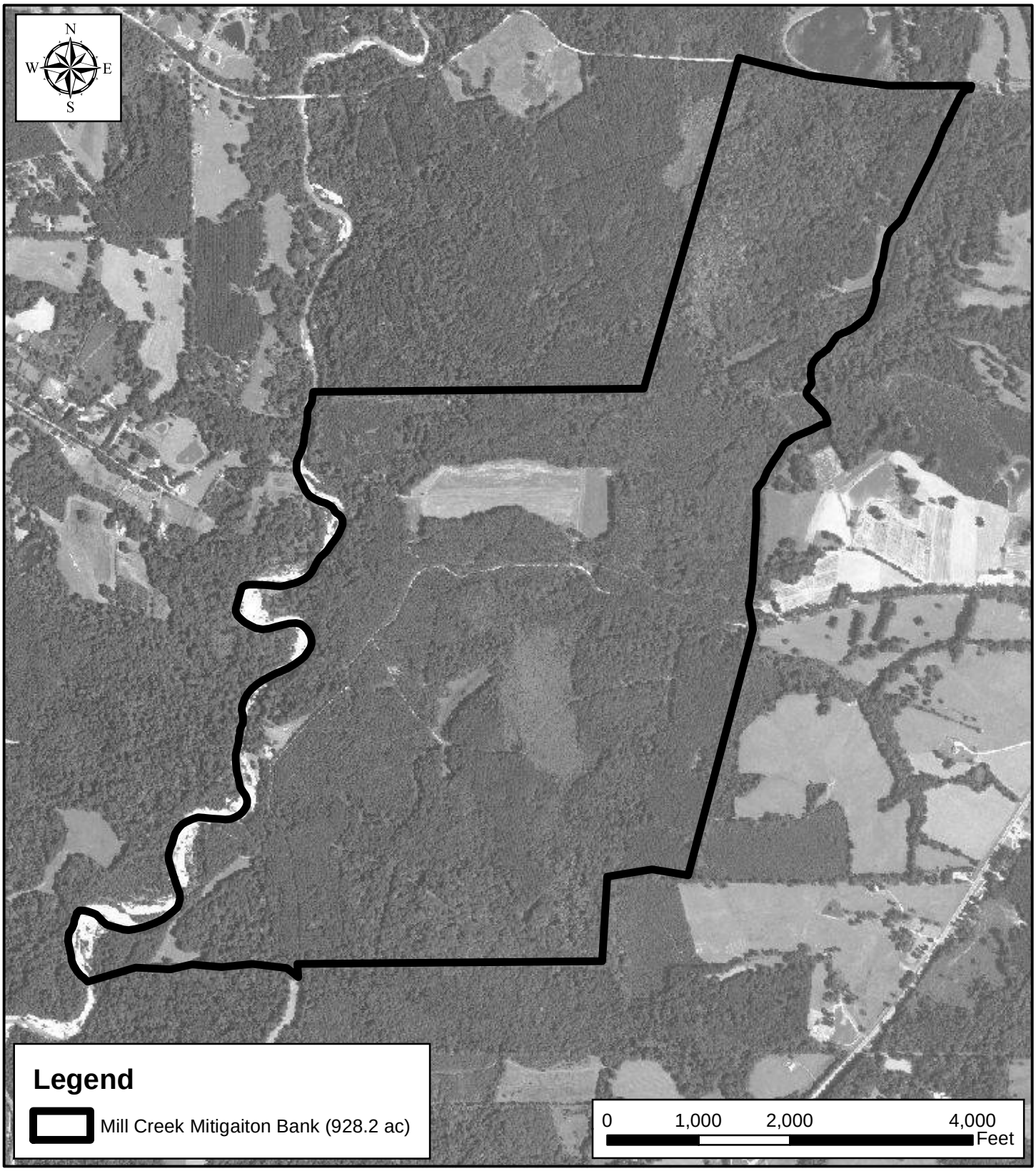

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Figure 8. Land Use within 1 Mile of Mill Creek Mitigation Bank

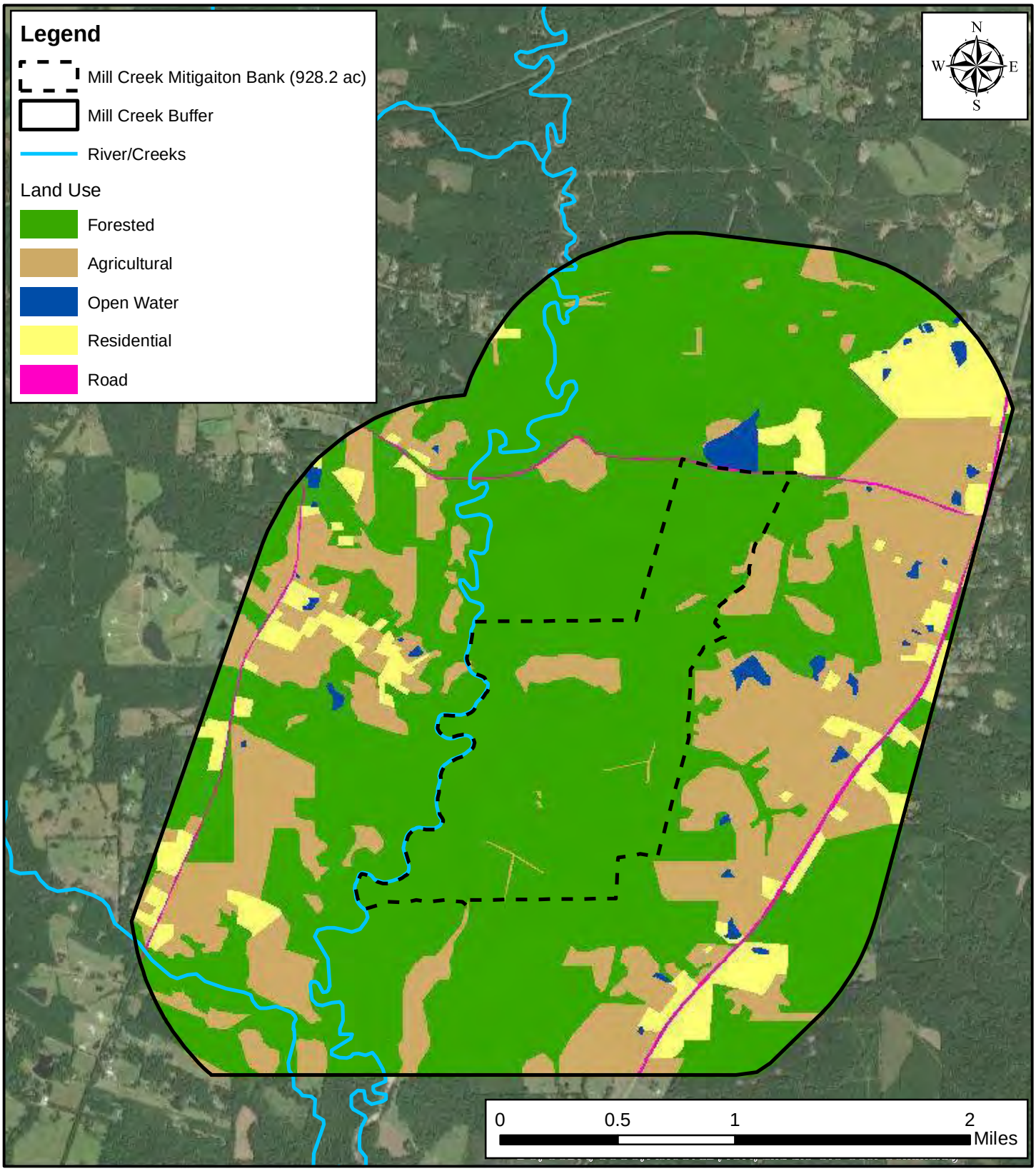

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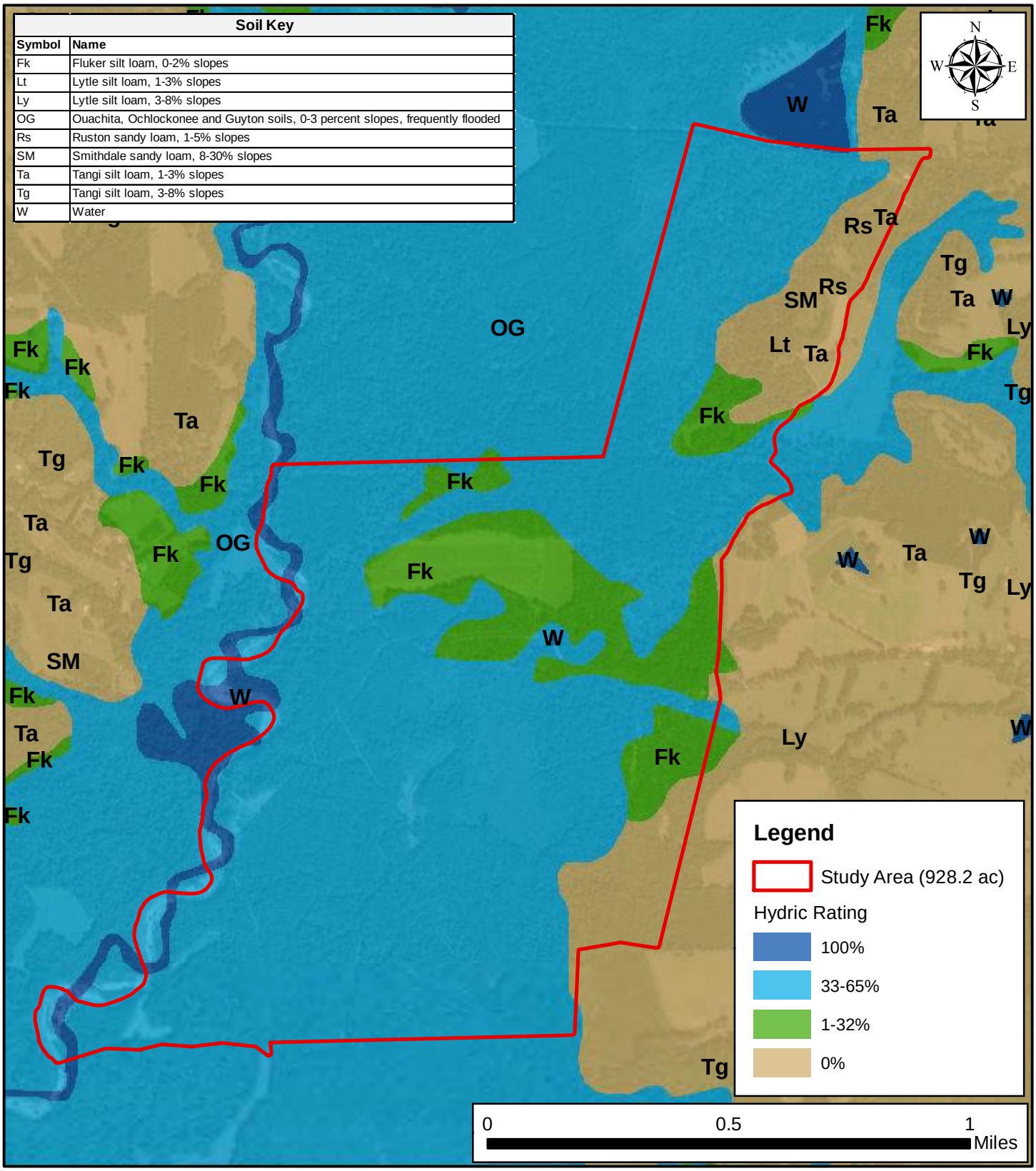
Figure 9. Soils Map of the Mill Creek Mitigation Bank



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Date: August 19, 2021

3.3 Hydrology

3.3.1 Contributing Watershed

The proposed Mill Creek Mitigation Bank is located within the Amite Basin encompassing 1,205,578 acres. The entire property lies within USGS Hydrologic Unit Code (HUC) 08070202 (**Figure 10**). The contributing drainage area associated with the proposed mitigation bank lies within the Knighton Bayou-Comite River (33,098 acres) watershed. The drainage area for the Mill Creek Mitigation Bank encompasses 14,658 acres (**Figures 11 and 12**).

3.3.2 Historical Hydrology and Drainage Patterns

Historically, the area encompassing the proposed mitigation bank drained naturally via gravity into the Comite River (**Figure 13**). The Comite drains into the Amite River near Baton Rouge. The Amite River flows east into Lake Maurepas. Elevation on the proposed bank site ranges from 130 to 205 feet North American Vertical Datum (**Figure 14**).

3.3.3 Existing/Current Hydrology and Drainage Patterns

Portions of Cany Branch, Mill Creek, and other unnamed creeks and ditches are located within the proposed bank boundaries. These features all flow south and/or southwest towards the Comite River (**Figure 15**). The main entrance road located in the center of the property is an elevated and maintained gravel road. The remaining dirt roads/trails on the property are at grade and do not restrict hydrologic flow. A beaver dam will be removed which has flooded and altered 42.6 acres. This feature will be removed, undesirable scrub/shrub species will be removed and target hardwood species planted. There are no planting beds on site.

3.3.4 Jurisdictional Wetlands

A wetland delineation of the study area was prepared and submitted to the USACE, New Orleans District, Surveillance and Enforcement Section by Deep South Mitigation, LLC. A preliminary jurisdictional determination was issued on May 3, 2021 and is included in **Appendix A**. Based on these delineation efforts, it was determined that the proposed Mill Creek Mitigation Bank supports other waters of the U.S., including wetlands (**Figure 16**).

Figure 10. Hydrologic Units near the Mill Creek Mitigation Bank

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Figure 11. Watershed Basins near the Mill Creek Mitigation Bank

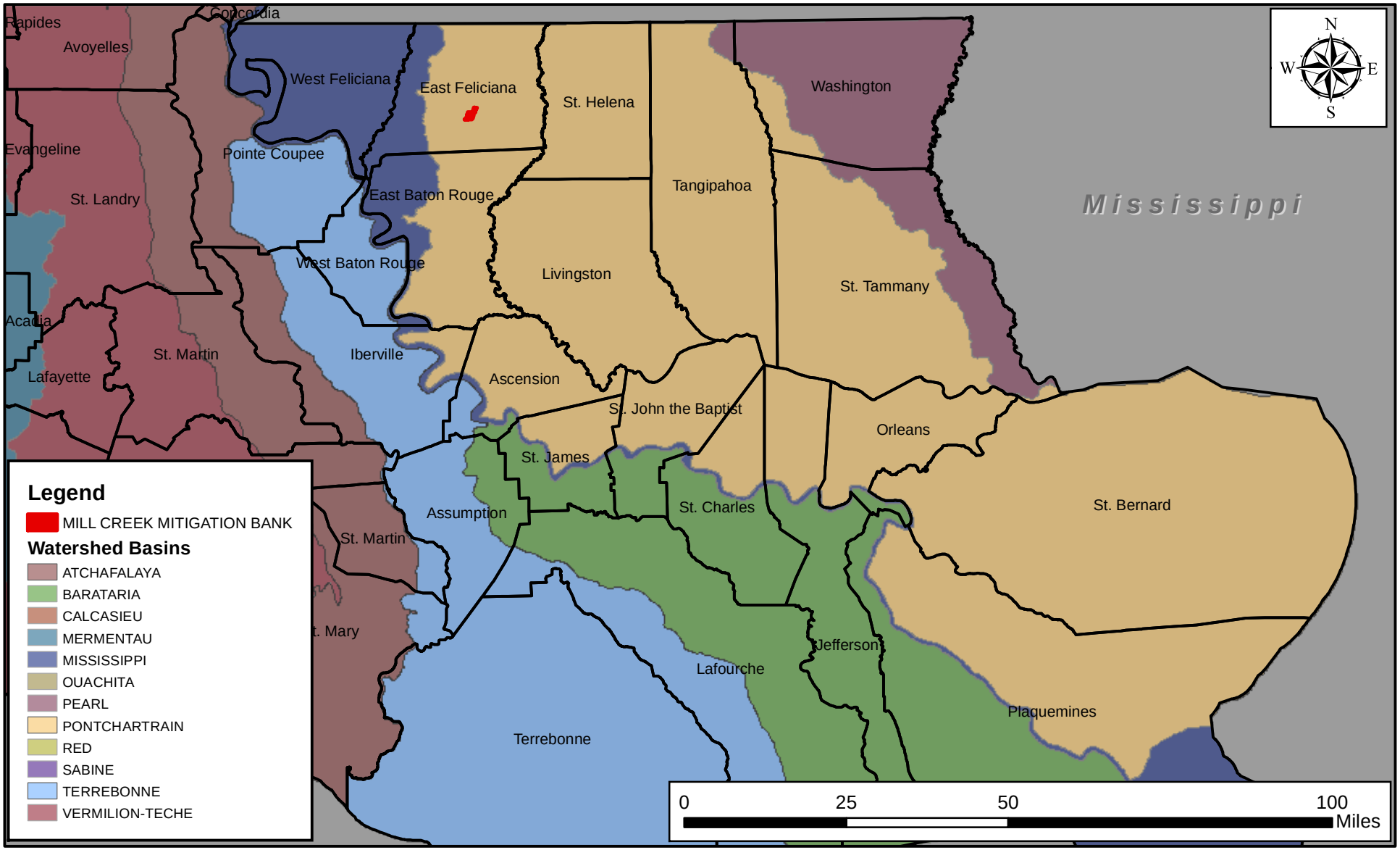

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Figure 12. Drainage Area of the Mill Creek Mitigation Bank

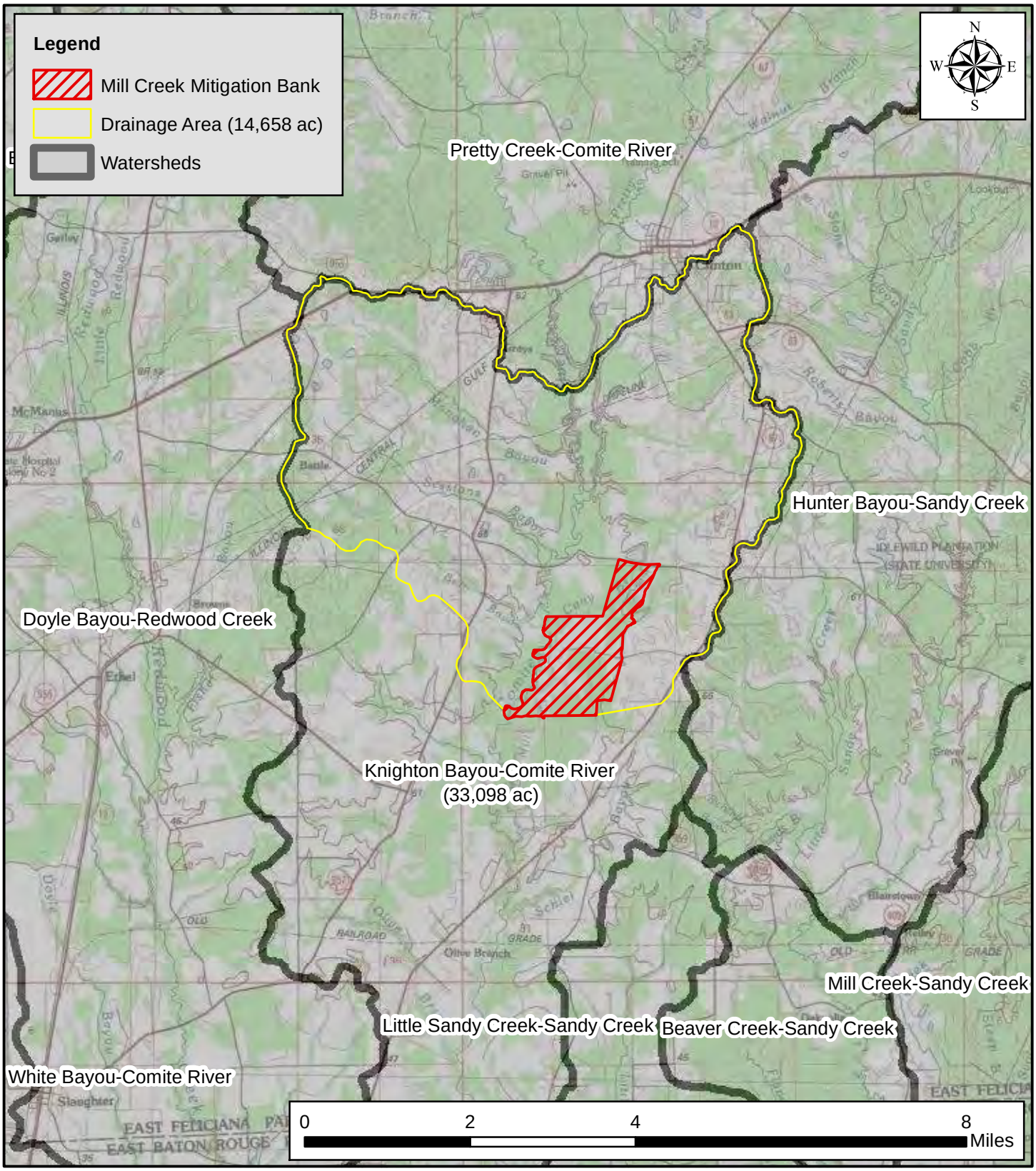

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Figure 13. Historical Hydrology and Drainage Patterns

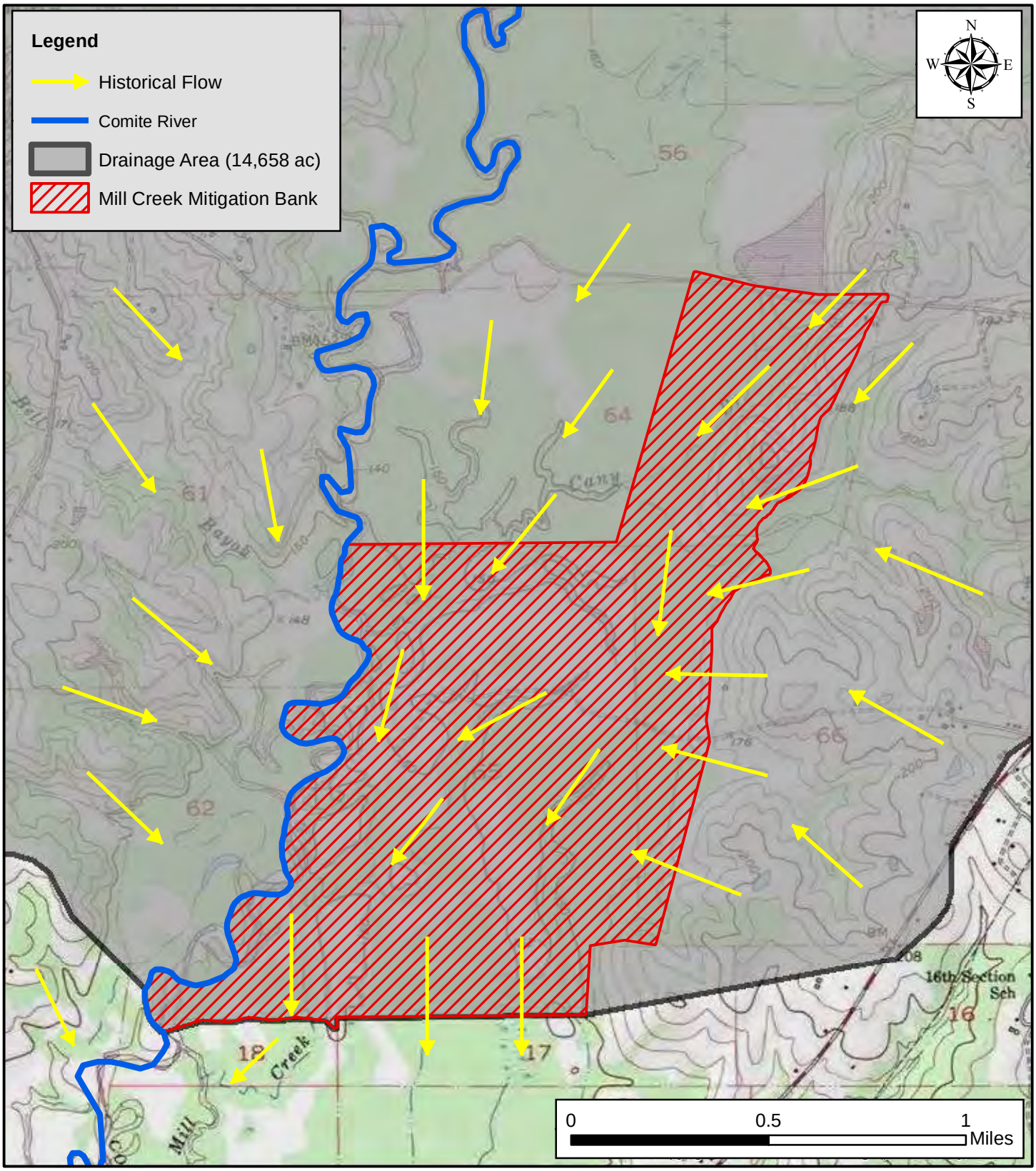

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Figure 14. LIDAR-based Elevations

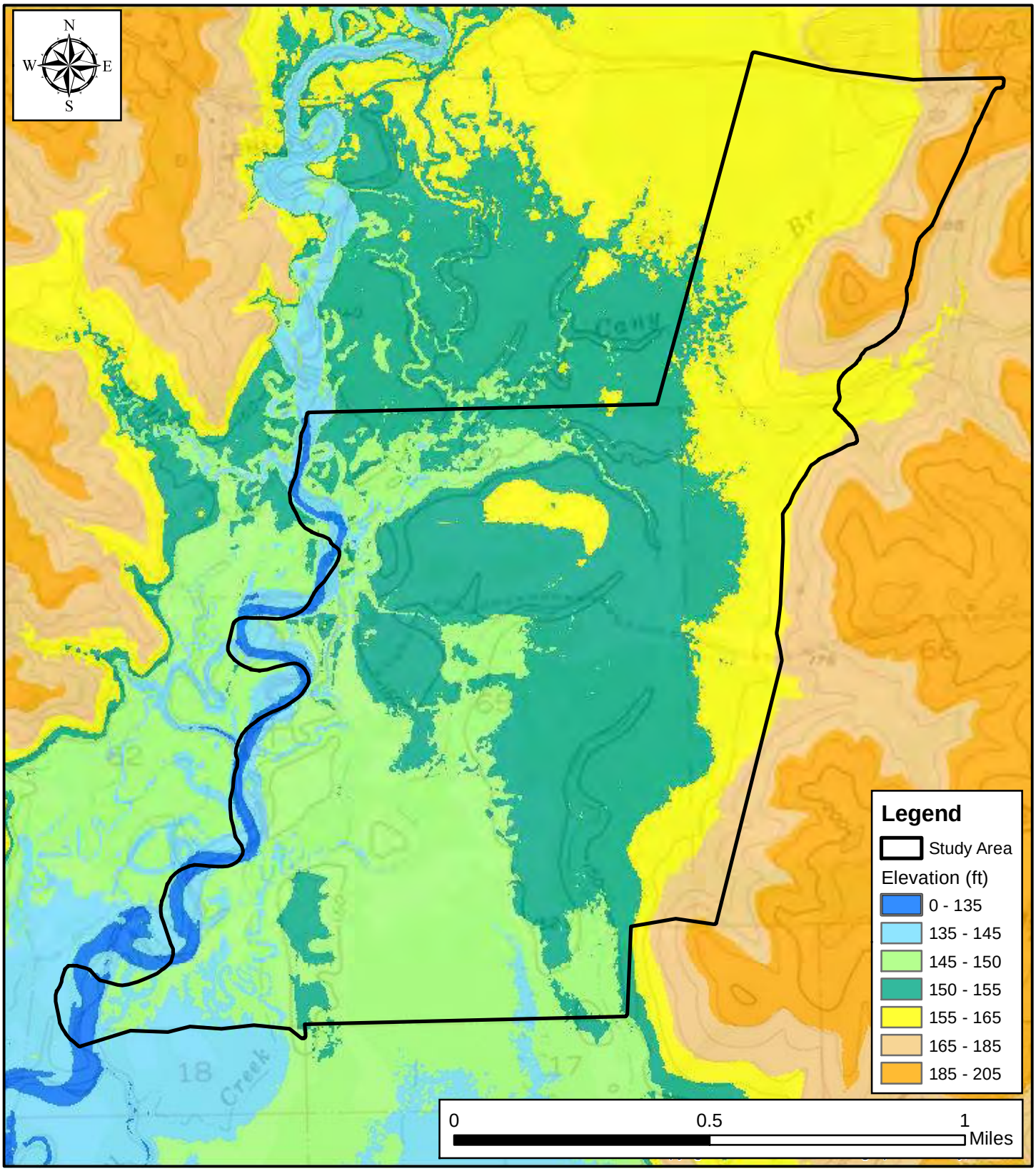

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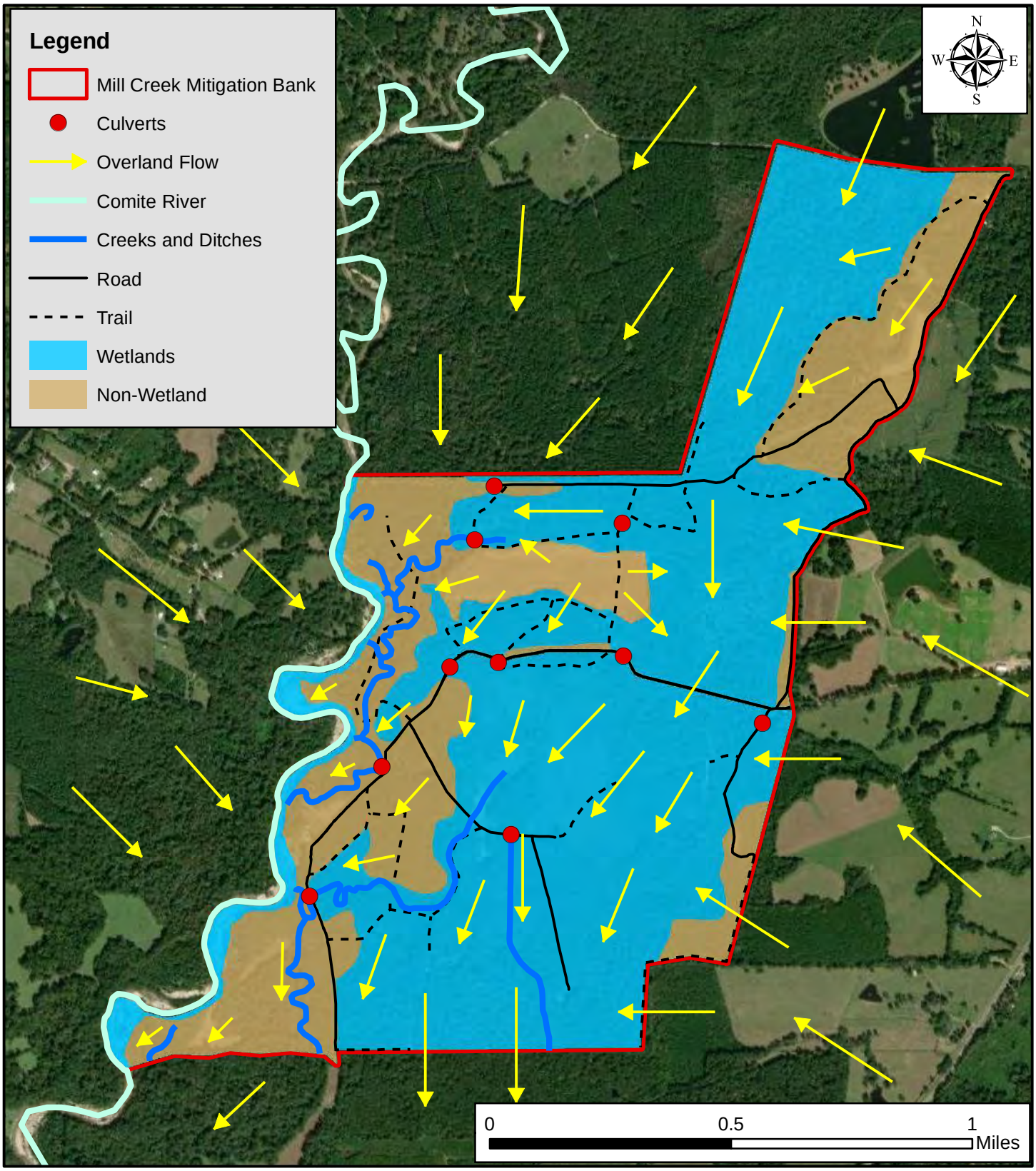
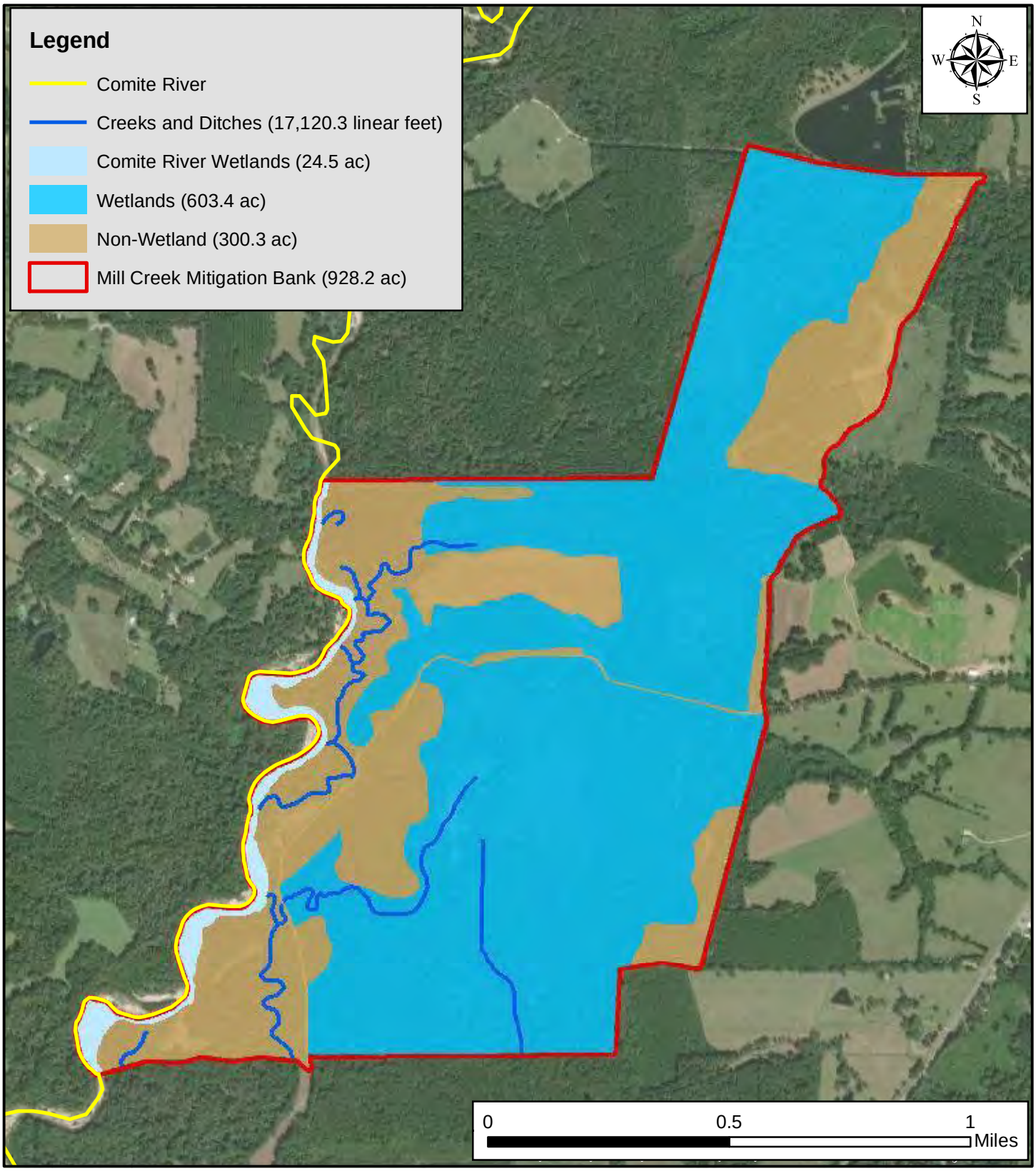
Figure 15. Existing Hydrology (Pre-Construction)



Trinity Mitigation Services, LLC.	Date: June 21, 2022

Figure 16. Wetlands within the Mill Creek Mitigation Bank



Trinity Mitigation Services, LLC.

Date: August 23, 2021

3.4 Vegetation

3.4.1 Historical Plant Community

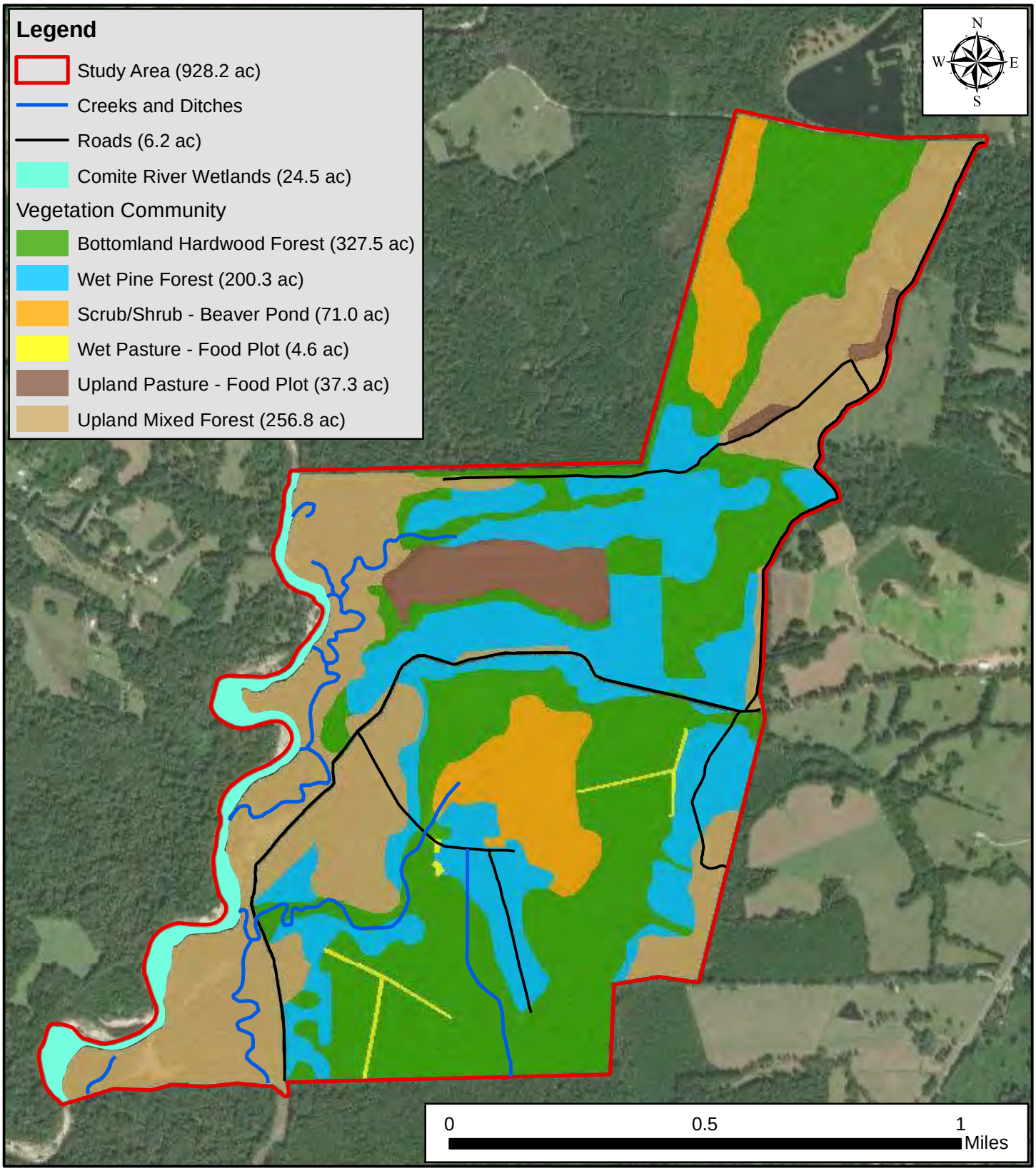
Historically, the Mill Creek Mitigation Bank site supported mixed bottomland hardwoods (BLH) on lower elevations and upland hardwoods on the ridges associated with the Comite River and its secondary tributaries. Bottomland forest is a forested, alluvial wetland occupying broad floodplain areas that flank large river systems. Bottomland Forests may be called a fluctuating water level ecosystem characterized and maintained by a natural hydrologic regime of alternating wet and dry periods. These forests support distinct assemblages of plants and animals associated with particular landforms, soils, and hydrologic regimes. They are important natural communities for maintenance of water quality, providing a very productive habitat for a variety of fish and wildlife, and are important in regulation of flooding and stream recharge. Bottomland hardwoods are extremely productive areas due in part to periodic flood-transported and deposited particulate and dissolved organic matter and nutrients. Bottomland forests contain a number of species which can be aggregated into specific associations or communities based on environmental factors such as physiography, topography, soils, and moisture regime (LNHP 2009). Existing vegetation communities within the study area are presented in **Figure 17** and representative photographs are included in **Appendix B**.

3.4.2 Existing Plant Community

Currently, the study area is a mixture of planted pine forests; bottomland and upland hardwoods; and maintained pastures. Dominant species within the planted pine forests include slash pine (*Pinus elliottii*), water oak (*Quercus nigra*), sweet-gum (*Liquidambar styraciflua*), red maple (*Acer rubrum*), Shumard's oak (*Quercus shumardii*), willow oak (*Quercus phellos*), overcup oak (*Quercus lyrata*), American sycamore (*Platanus occidentalis*), tuliptree (*Liriodendron tulipifera*), black willow (*Salix nigra*), Chinese tallowtree (*Triadica sebifera*), American elm (*Ulmus Americana*), common persimmon (*Diospyros virginiana*), flowering dogwood (Cornus florida), American beauty-berry (*Callicarpa americana*), lizard's-tail (S*aururus cernuus*), eastern poison-ivy (*Toxicodendron radicans*), cinnamon fern (*Osmunda cinnamomea*), Virginia-creeper (*Parthenocissus quinquefolia*), tall goldenrod (*Solidago altissima*), smartweed (*Persicaria* sp.), sedge (*Carex* sp.), pennywort (*Hydrocotyle* sp.), spike-rush (*Eleocharis* sp.), lamp rush (*Juncus effuses*), horsebrier (*Smilax rotundifolia*), muscadine (*Vitis rotundifolia*), panic grass (*Panicum* sp.), perennial rye grass (*Lolium perenne*), crown grass (*Paspalum* sp.), cress-leaf groundsel (*Packera glabella*), peppervine (*Ampelopsis arborea*), dog-fennel (*Eupatorium capillifolium*), trumpet-creeper (*Campsis radicans*), Japanese climbing fern (*Lygodium japonicum*), and southern dewberry (*Rubus trivialis*). Vegetation stratification within this community is 80% overstory, 15% midstory, and 5% understory (**Table 2**).

Dominant species within the bottomland and upland hardwood areas include water oak, sweet-gum, willow oak, southern red oak (*Quercus falcata*), water hickory (*Carya aquatica*), water tupelo (*Nyssa aquatica*), slash pine, tuliptree, swamp chestnut oak (*Quercus michauxii*), American elm, tuliptree, planertree (*Planera aquatica*), flowering dogwood, red maple, black willow, green ash (*Fraxinus pennsylvanica*), Chinese tallowtree, American hornbeam (*Carpinus caroliniana*), Virginia-creeper, trumpet-creeper, Chinese privet (*Ligustrum sinense*), red buckeye (*Aesculus pavia*), sedges, pennywort, spike-rush, eastern poison-ivy, horsebrier, laurel-leaf greenbrier (*Smilax laurifolia*), lizard's-tail, cinnamon fern, panic grass, crown grass, smartweed,

Figure 17. Vegetation Communities within the Study Area



Trinity Mitigation Services, LLC.

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Table 2. Planted Pine Forest Vegetation Community

Common Name	Percent	DBH (Max)	Exotic/Invasive
Slash pine	60	40	No
Water oak	10	35	No
Sweet-gum	3	20	No
Red maple	3	20	No
Willow oak	3	15	No
Overcup oak	3	15	No
American sycamore	3	15	No
Black willow	1	12	No
Chinese tallowtree	1	10	Yes
American elm	1	10	No
Common persimmon	1	5	No
Flowering dogwood	1	2	No
American beauty-berry	1	N/A	No
Eastern poison-ivy	1	N/A	No
Cinnamon fern	1	N/A	No
Tall goldenrod	1	N/A	No
Lamp rush	1	N/A	No
Muscadine	1	N/A	No
Panic grass	1	N/A	No
Trumpet-creeper	1	N/A	No
Japanese climbing fern	1	N/A	Yes
Southern dewberry	1	N/A	No

cress-leaf groundsel, lamp rush, southern dewberry, dwarf palmetto (*Sabal minor*), and Japanese climbing fern. Vegetation stratification within this community is 75% overstory, 20% midstory, and 5% understory (**Table 3**).

Dominant species within the scrub/shrub wetlands (Beaver Ponds) include water oak, green ash, rough-leaf dogwood (*Cornus drummondii*), sweet-gum, black willow, Chinese tallowtree, horsebrier, lamp rush, Lizard's-tail, smartweed, cress-leaf groundsel, pennywort, sedge, and crown grass. Vegetation stratification within this community is 20% overstory, 20% midstory, and 60% understory (**Table 4**).

Dominant species within the maintained pastures (Food Plots) include perennial rye grass, white clover (*Trifolium repens*), sedge, flat sedge (*Cyperus* sp.), pennywort, and panic grass. Vegetation stratification within this community is 0% overstory, 5% midstory, and 95% understory (**Table 5**).

Table 3. Bottomland and Upland Hardwood Forest Vegetation Community

Common Name	Percent	DBH (Max)	Exotic/Invasive
Water oak	20	40	No
Willow oak	10	30	No
Sweet-gum	10	30	No
Southern red oak	10	25	No
Water hickory	10	25	No
Red maple	10	25	No
Water tupelo	5	25	No
Slash pine	2	12	No
American elm	2	10	No
Swamp chestnut oak	2	25	No
Tuliptree	2	25	No
Planertree	1	8	No
Black willow	1	8	No
Green ash	1	8	No
Chinese tallowtree	1	5	Yes
American hornbeam	1	8	No
Chinese privet	1	2	Yes
Trumpet creeper	1	N/A	No
Red buckeye	1	N/A	No
Spike-rush	1	N/A	No
Eastern poison ivy	1	N/A	No
Laurel-leaf greenbrier	1	N/A	No
Lizard's-tail	1	N/A	No
Panic grass	1	N/A	No
Lamp rush	1	N/A	No
Southern dewberry	1	N/A	No
Dwarf palmetto	1	N/A	No
Japanese climbing fern	1	N/A	Yes

Table 4. Scrub/Shrub Wetland (Beaver Pond) Vegetation Community

Common Name	Percent	DBH (Max)	Exotic/Invasive
Water oak	15	12	No
Green ash	15	8	No
Sweet-gum	15	8	No
Black willow	15	6	No
Chinese tallowtree	15	10	Yes
Rough-leaf dogwood	10	4	No
Horsebrier	2	N/A	No
Lamp rush	2	N/A	No
Lizard's-tail	2	N/A	No
Smartweed	2	N/A	No
Cress-leaf groundsel	2	N/A	No
Pennywort	2	N/A	No
Umbrella sedge	2	N/A	No
Crown grass	1	N/A	No

Table 5. Maintained Pasture/Food Plot Vegetation Community

Common Name	Percent	DBH (Max)	Exotic/Invasive
Perennial rye grass	70	N/A	No
White clover	10	N/A	No
Panic grass	10	N/A	No
Flat sedge	5	N/A	No
Pennywort	5	N/A	No

3.5 General Need for the Project in this Area

The proposed Mill Creek Mitigation Bank is located within the Pontchartrain Basin in USGS Hydrological Unit Code (HUC) 08070202 (the Amite Watershed) which includes portions of Acadia, Ascension, Avoyelles, East Baton Rouge, East Feliciana, Iberville, Lafayette, Livingston, St. Helena, St. Tammany, Tangipahoa, and West Baton Rouge Parishes. Currently, there is one active bank (Crooked Branch MB) located in East Feliciana Parish; however, they currently have no available credits. In recent years, this watershed to be serviced by the Mill Creek Mitigation Bank has seen very high demand for wetland mitigation credits. The number of credits currently available in this area is not sufficient to meet expected future demand.

Residential and commercial development in the Feliciana's and neighboring East Baton Rouge Parish will continue to grow inevitably diminishing the watershed capabilities of the Pontchartrain Basin and the Amite Watershed. Thus, it is of the upmost importance to enhance and protect the proposed 928.2-acre Mill Creek Mitigation Bank to ensure that the watershed capabilities of the Amite Watershed are not compromised by development of the region. The wetland functions and values potentially lost with development could be mitigated through establishment of this bank.

The intent of the Mill Creek Mitigation Bank is to sell mitigation credits to offset the destruction of BLH in the surrounding areas of the Amite Watershed. The Bank would provide compensatory mitigation credits primarily for HUC 08070202.

4.0 ESTABLISHMENT OF THE 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).

4.1 Site Restoration Plan

This section provides information on the proposed soils/hydrologic and vegetative work that was determined to be necessary for restoration of the proposed site. The Sponsor proposes to re-establish, rehabilitate, enhance, and preserve approximately 623.3 acres of BLH forest from planted pines, beaver ponds, and existing BLH forest through native vegetative plantings (**Figure 18**). Based on the surrounding properties, it is highly likely that the proposed mitigation bank will be successful.

The proposed restoration activities include harvesting of pine species, removal of a beaver dam, vegetative restoration by seedling planting, and implementation of short-term, intermediate, and long-term management strategies. The following is an overview of the principal management activities that will be needed for restoration and maintenance of the Mill Creek Mitigation Bank.

4.1.1 Soils/Hydrologic Work

A beaver dam will be removed which has flooded and altered 42.6 acres. This feature will be removed, undesirable scrub/shrub species will be removed and target hardwood species planted (**Figure 19**). Profiles and cross-sections of the site are presented in **Figures 20-28**.

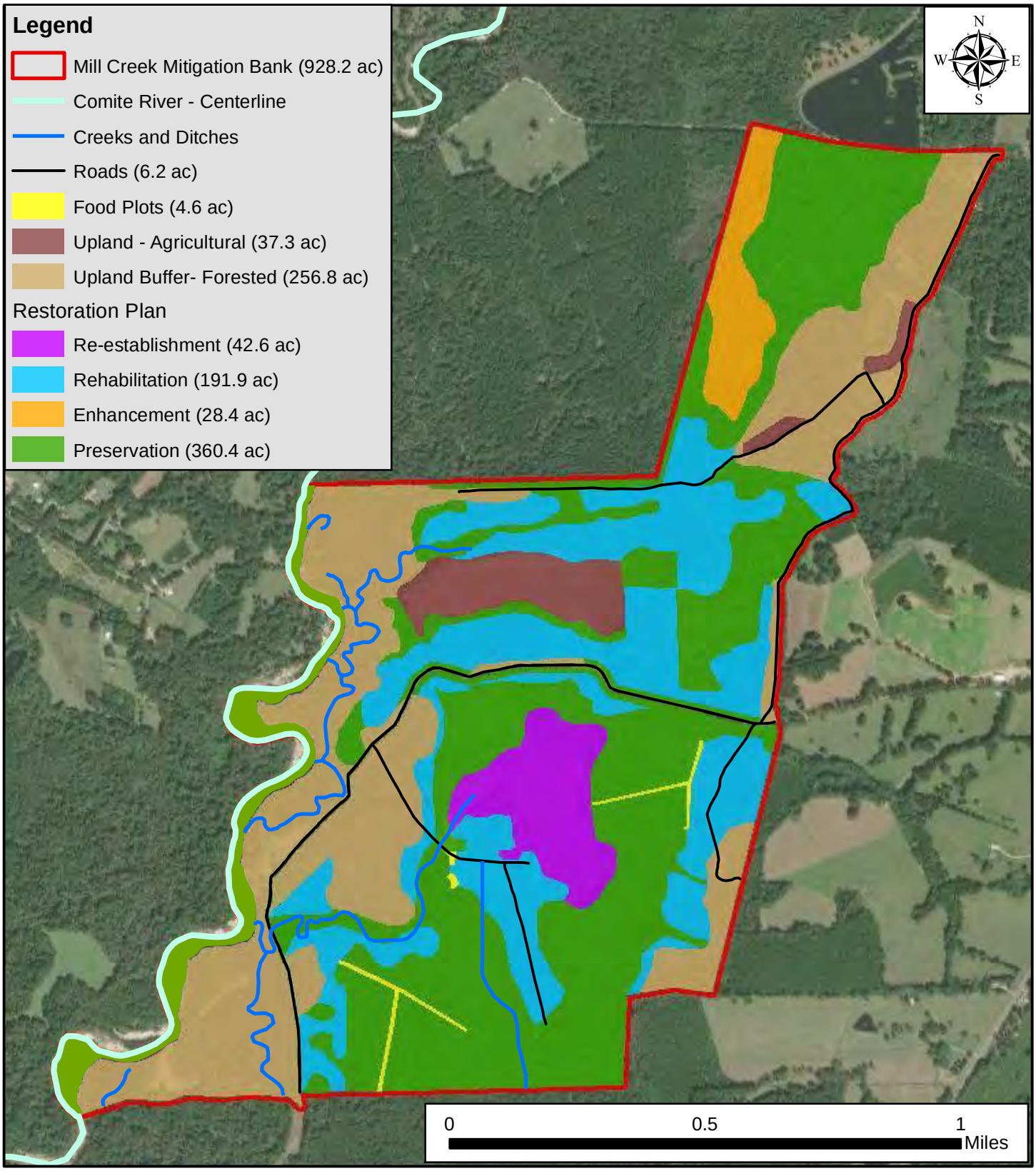
4.1.2 Vegetative Work

Pine species will be mechanically harvested with stumps remaining and the bottomland hardwood re-establishment, rehabilitation, and enhancement areas will be planted using a mixture of hard-mast (70%) and soft-mast (30%) producing species in the approximate percentages detailed in **Table 6**. A 70%-30% hard-mast to soft-mast mixture was chosen due to the high number of soft-mast volunteer species expected to be encountered at the site. Seedlings will be planted on 9-foot centers and with an average density of approximately 538 trees per acre. The goal is to achieve 60%-80% tree/seedling cover. An overview of the habitat restoration work was presented earlier in **Figure 18**.

Additionally, no large, hard-mast producing species located within the proposed Mill Creek Mitigation Bank would be removed during site preparation. Large hard-mast producing species would remain to provide a seed source for volunteer species. Planting is proposed during the non-growing season (i.e., December 2023 – March 2024).

Invasive and exotic flora such as Chinese tallowtree will be controlled by mechanical and/or chemical methods, or a combination of these methods. The Sponsor will remain constantly vigilant for the appearance of other invasive non-native species. If any other problematic invasive or exotic species are detected, an appropriate treatment program will be developed and implemented. Mechanical and/or chemical treatment of Chinese tallowtree will be performed the first year of bank establishment. Follow-up treatments would occur periodically as needed.

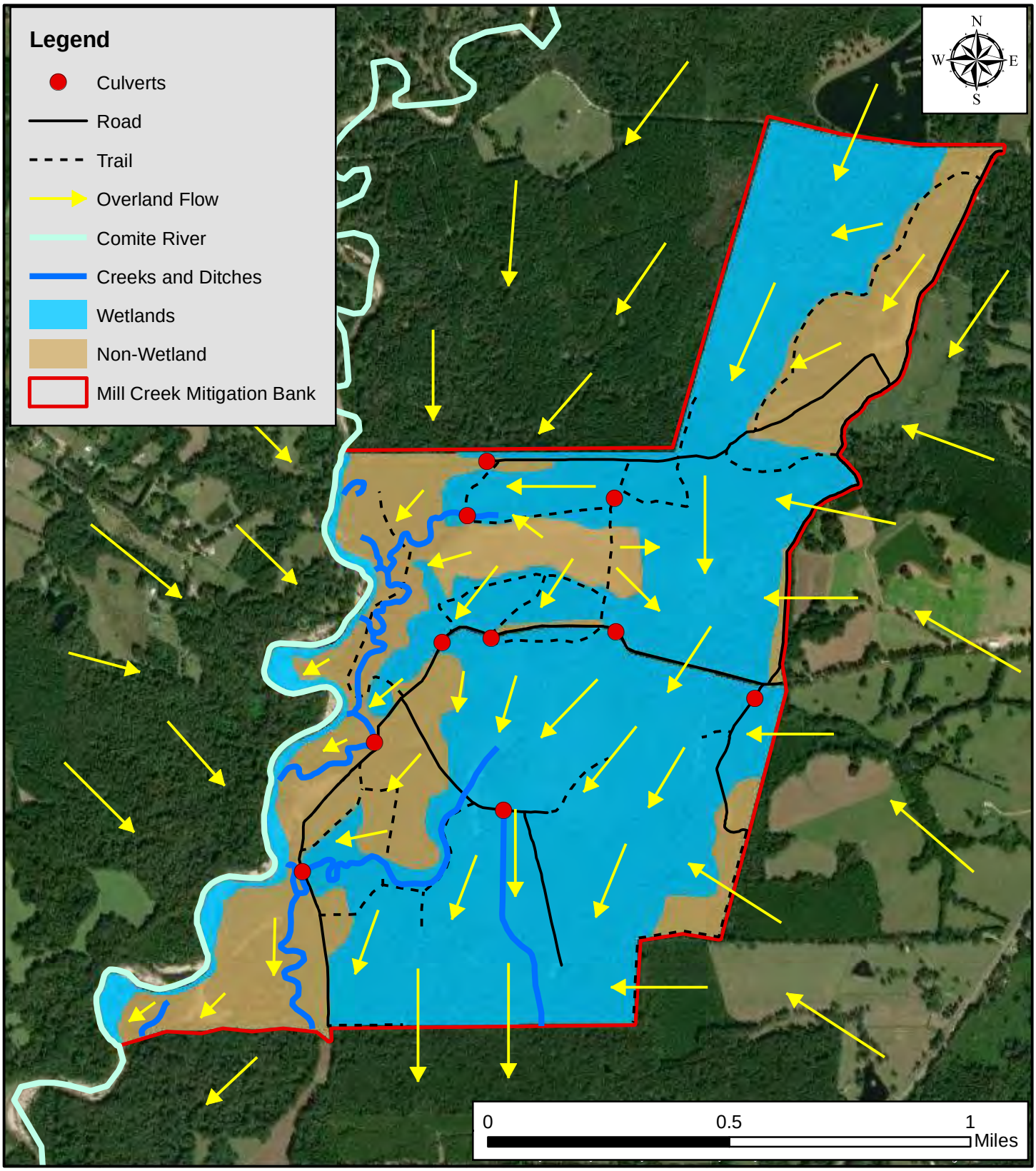
Figure 18. Site Restoration Plan for the Mill Creek Mitigation Bank



Trinity Mitigation Services, LLC.

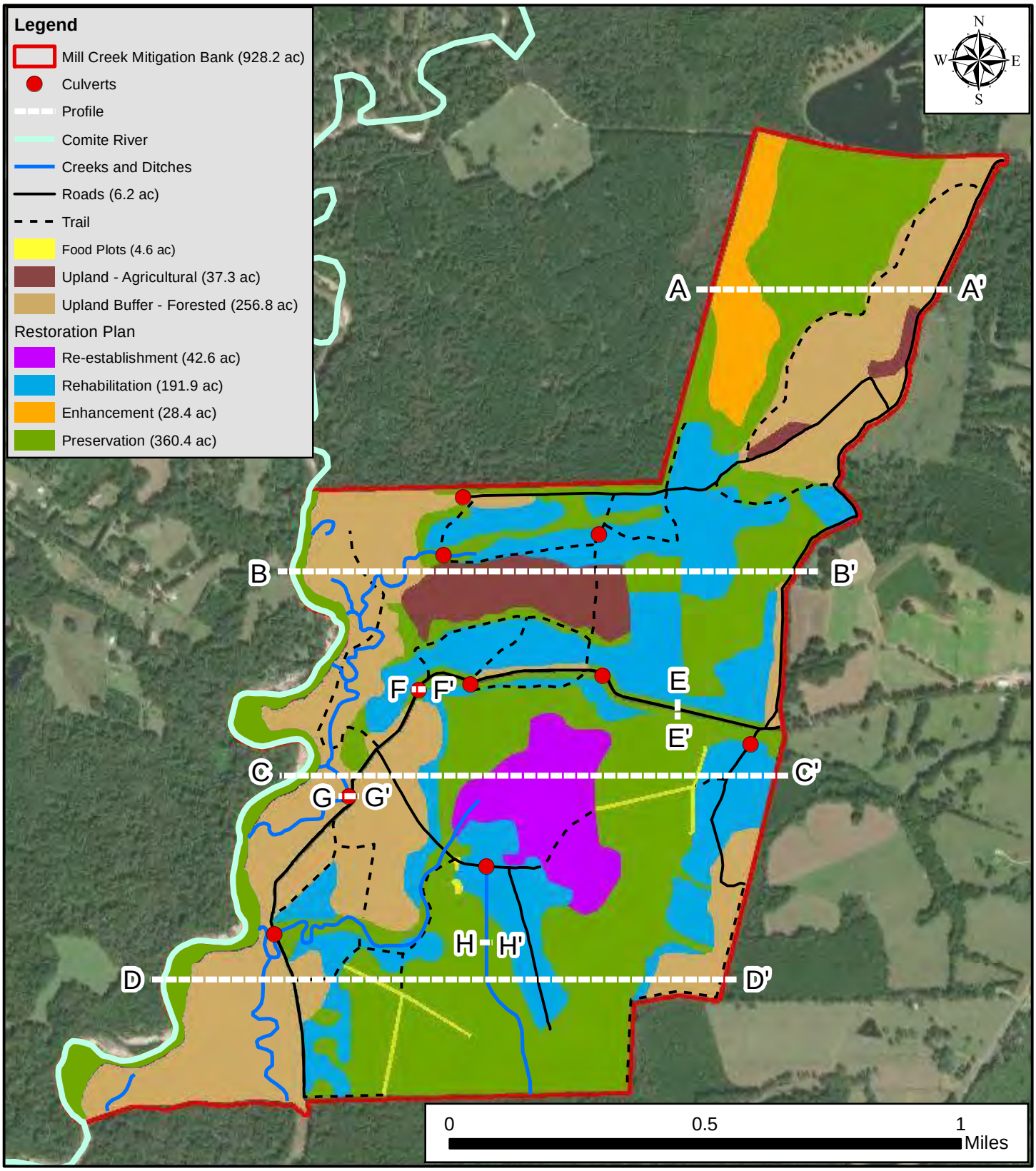
Date: September 16, 2021

Figure 19. Proposed Hydrology Restoration (Post Construction)



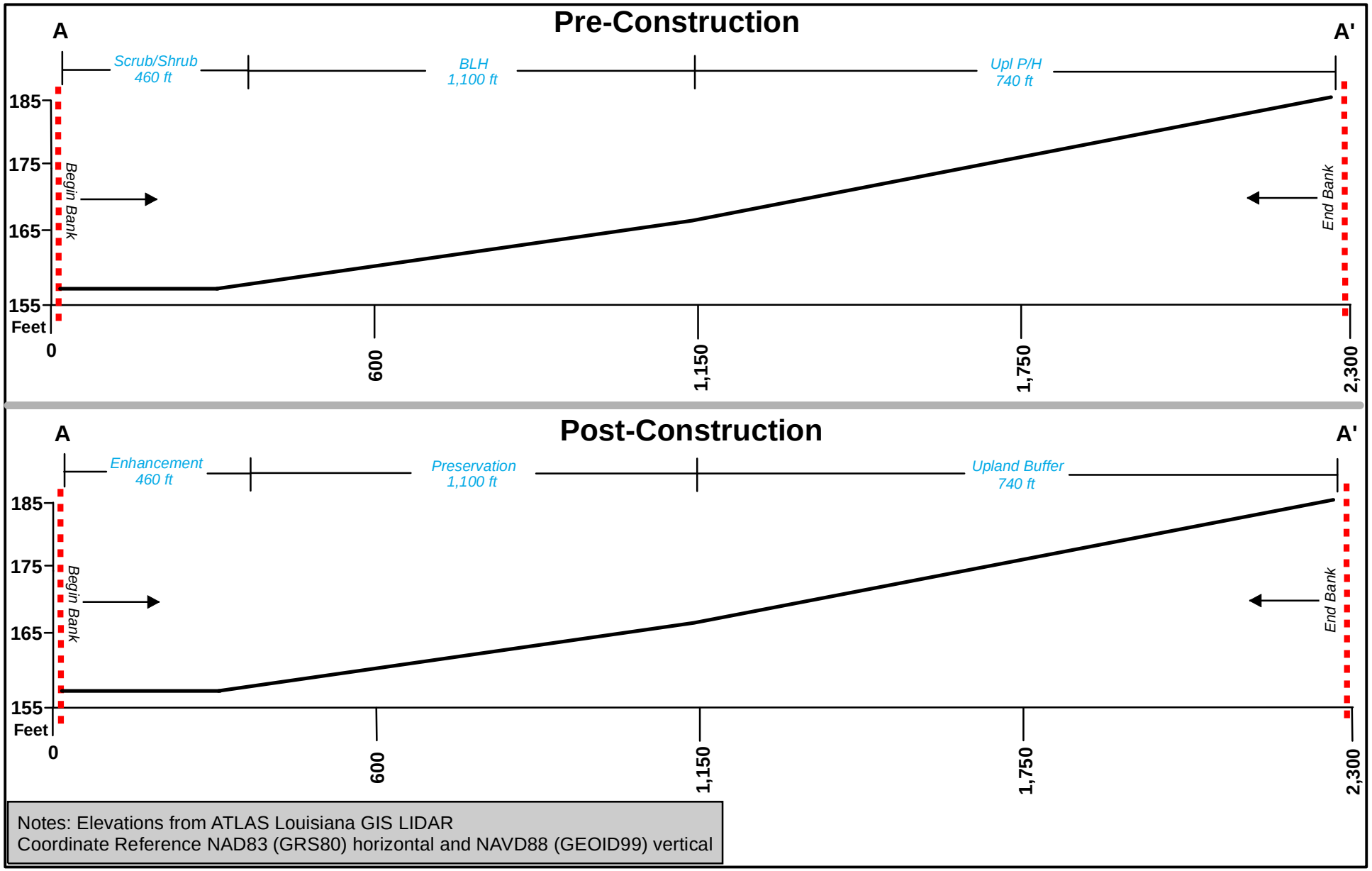
Trinity Mitigation Services, LLC.	Date: June 24, 2022

Figure 20. Profile and Cross-Section Index



Trinity Mitigation Services, LLC.	Date: June 22, 2022

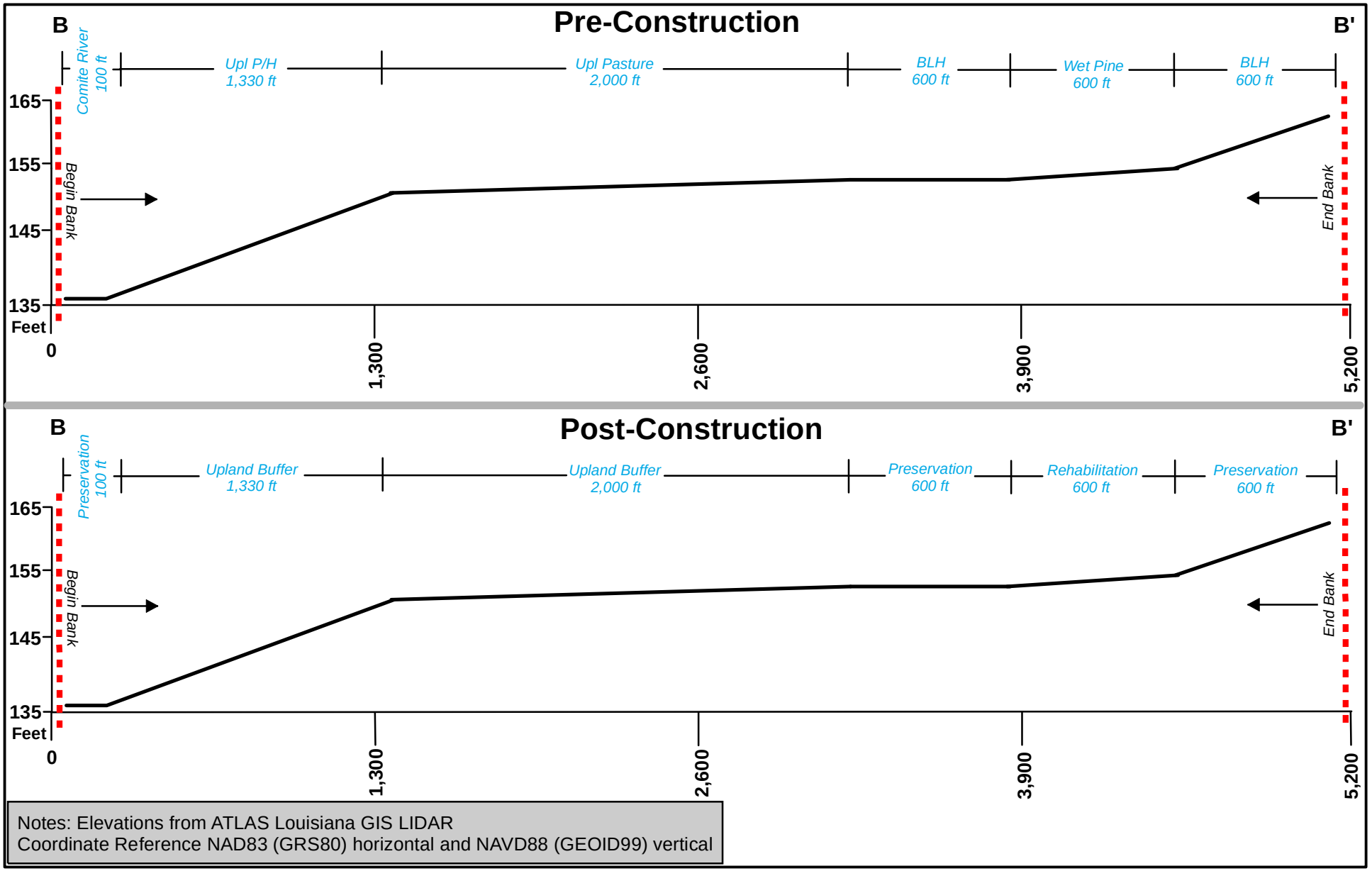
Figure 21. Profile A - A'



Notes: Elevations from ATLAS Louisiana GIS LIDAR
Coordinate Reference NAD83 (GRS80) horizontal and NAVD88 (GEOID99) vertical

Trinity Mitigation Services, LLC.	Date:September 16, 2021

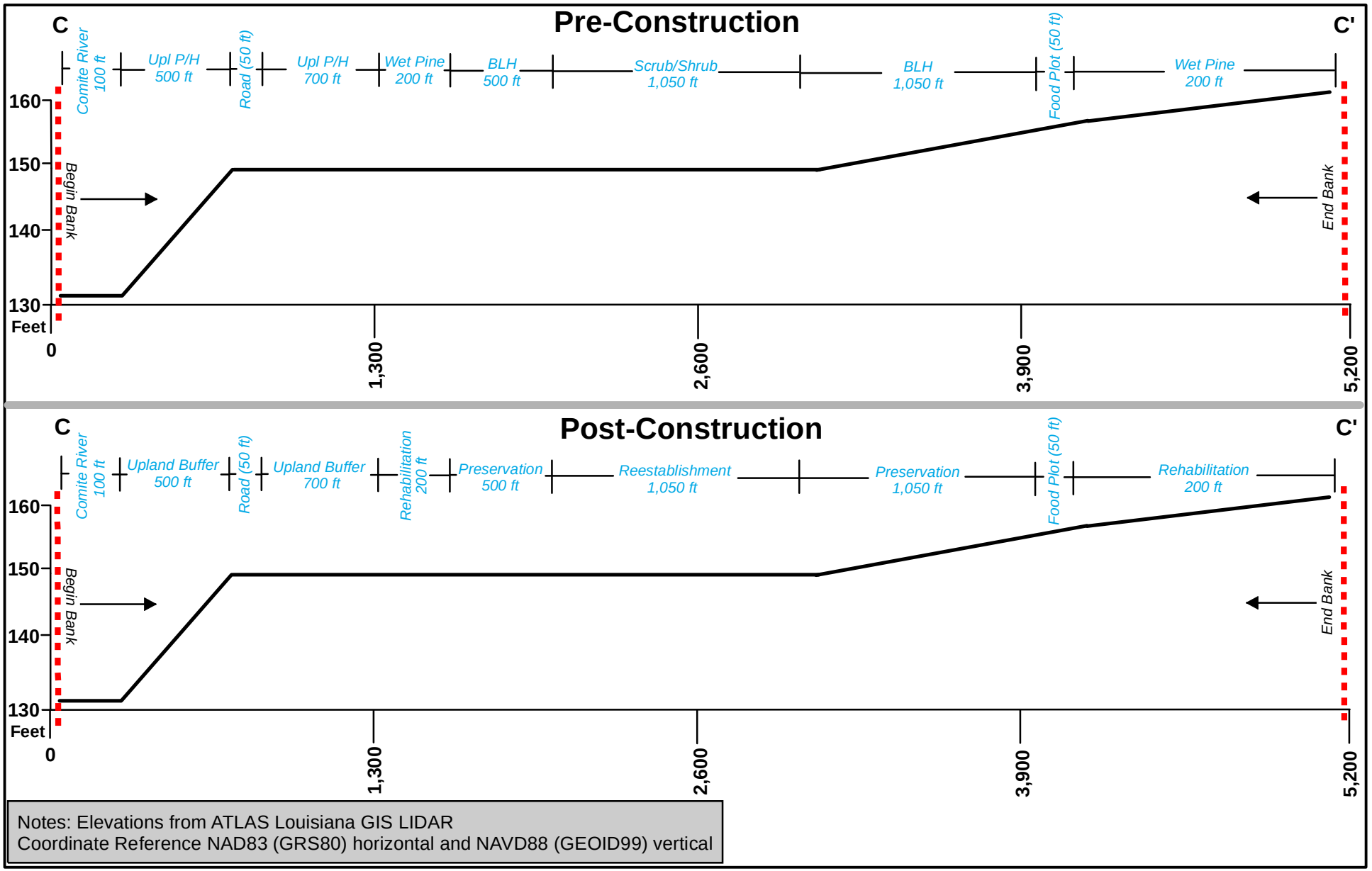
Figure 22. Profile B - B'



Notes: Elevations from ATLAS Louisiana GIS LIDAR
Coordinate Reference NAD83 (GRS80) horizontal and NAVD88 (GEOID99) vertical

Trinity Mitigation Services, LLC.	Date:September 16, 2021

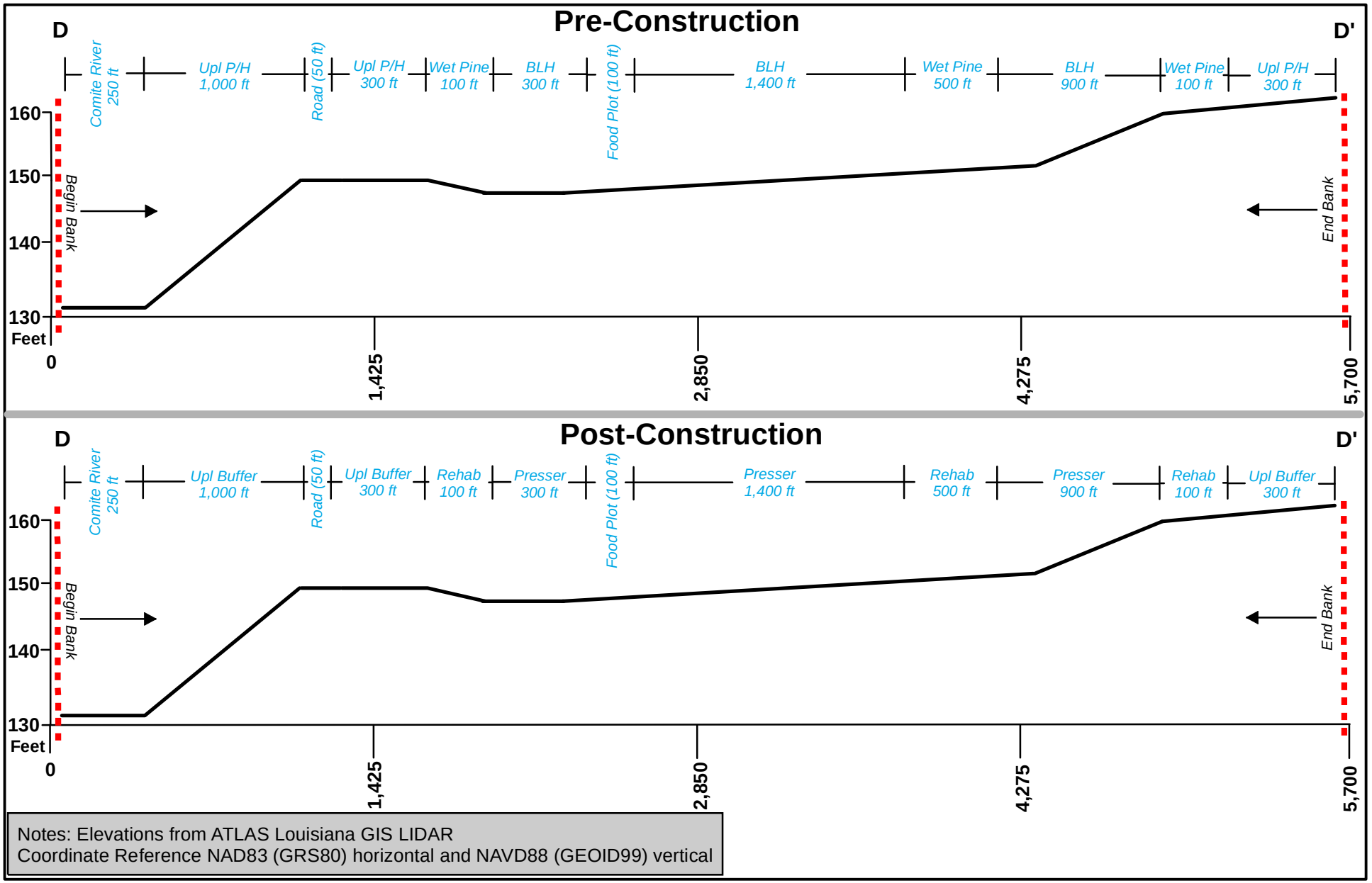
Figure 23. Profile C - C'



Notes: Elevations from ATLAS Louisiana GIS LIDAR
Coordinate Reference NAD83 (GRS80) horizontal and NAVD88 (GEOID99) vertical

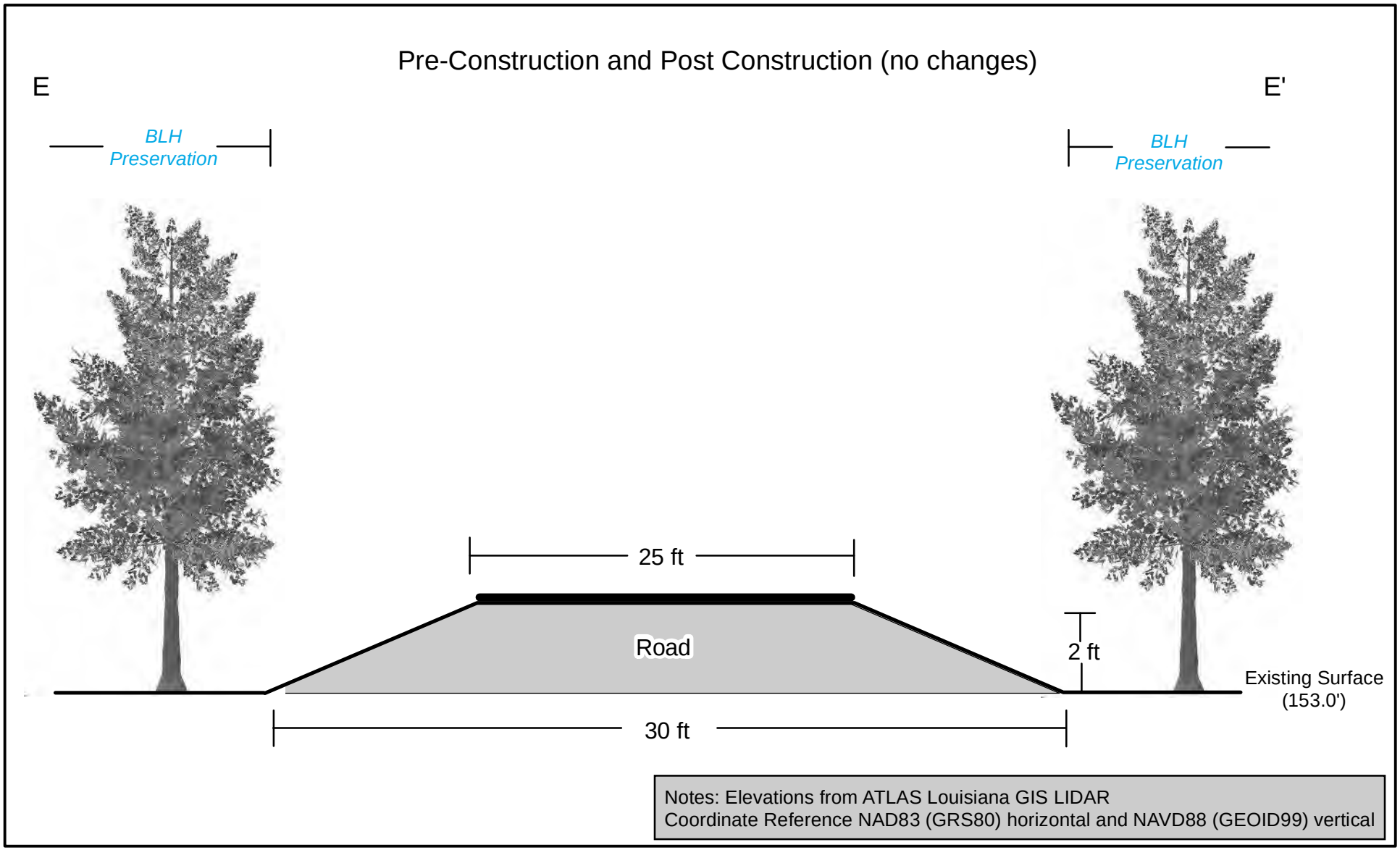
Trinity Mitigation Services, LLC.	Date:September 16, 2021

Figure 24. Profile D - D'



Trinity Mitigation Services, LLC.	Date:September 17, 2021

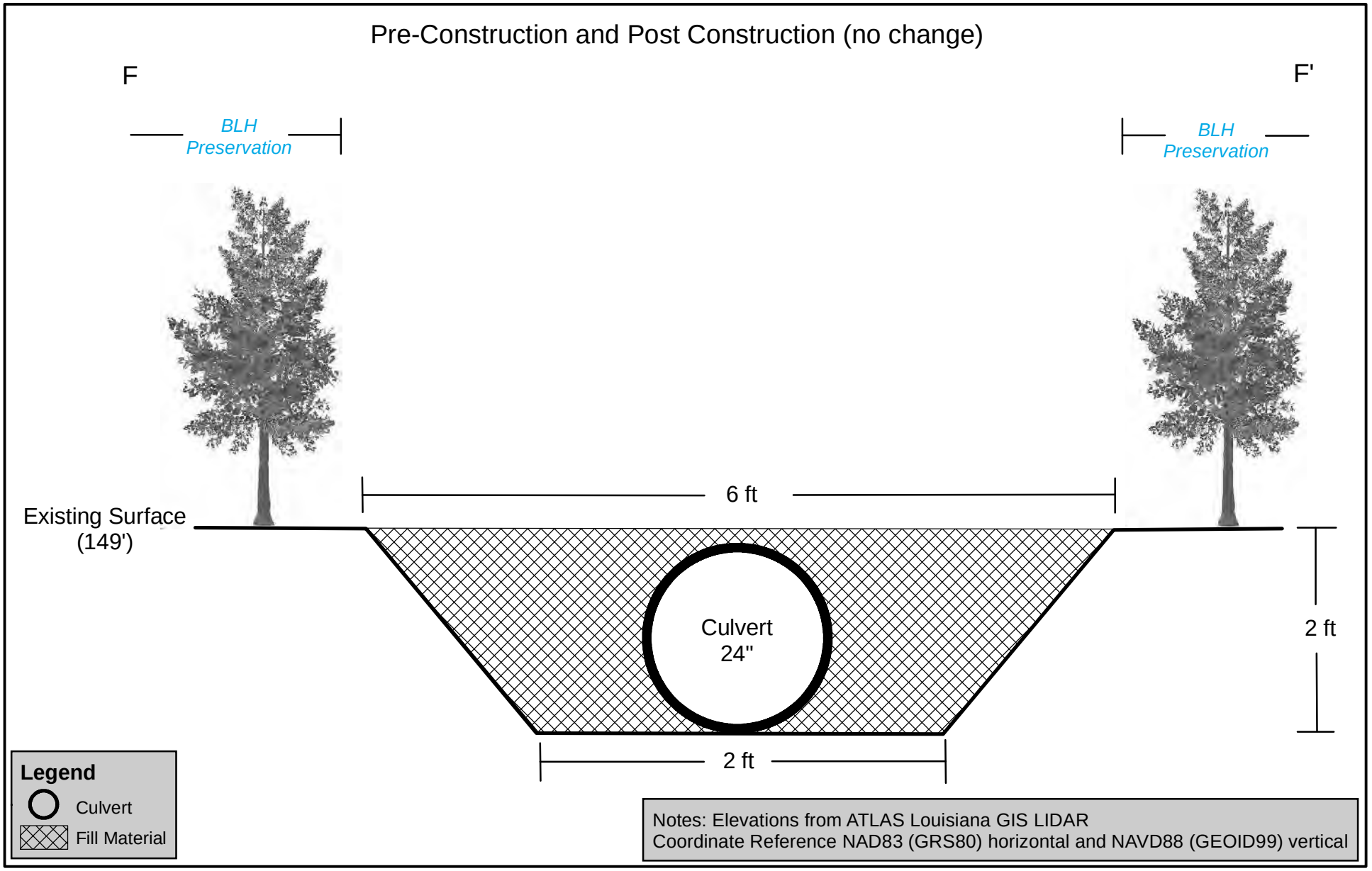
Figure 25. Typical Cross-Section E - E' (Main Road)



Trinity Mitigation Services, LLC.

Date: June 22, 2022

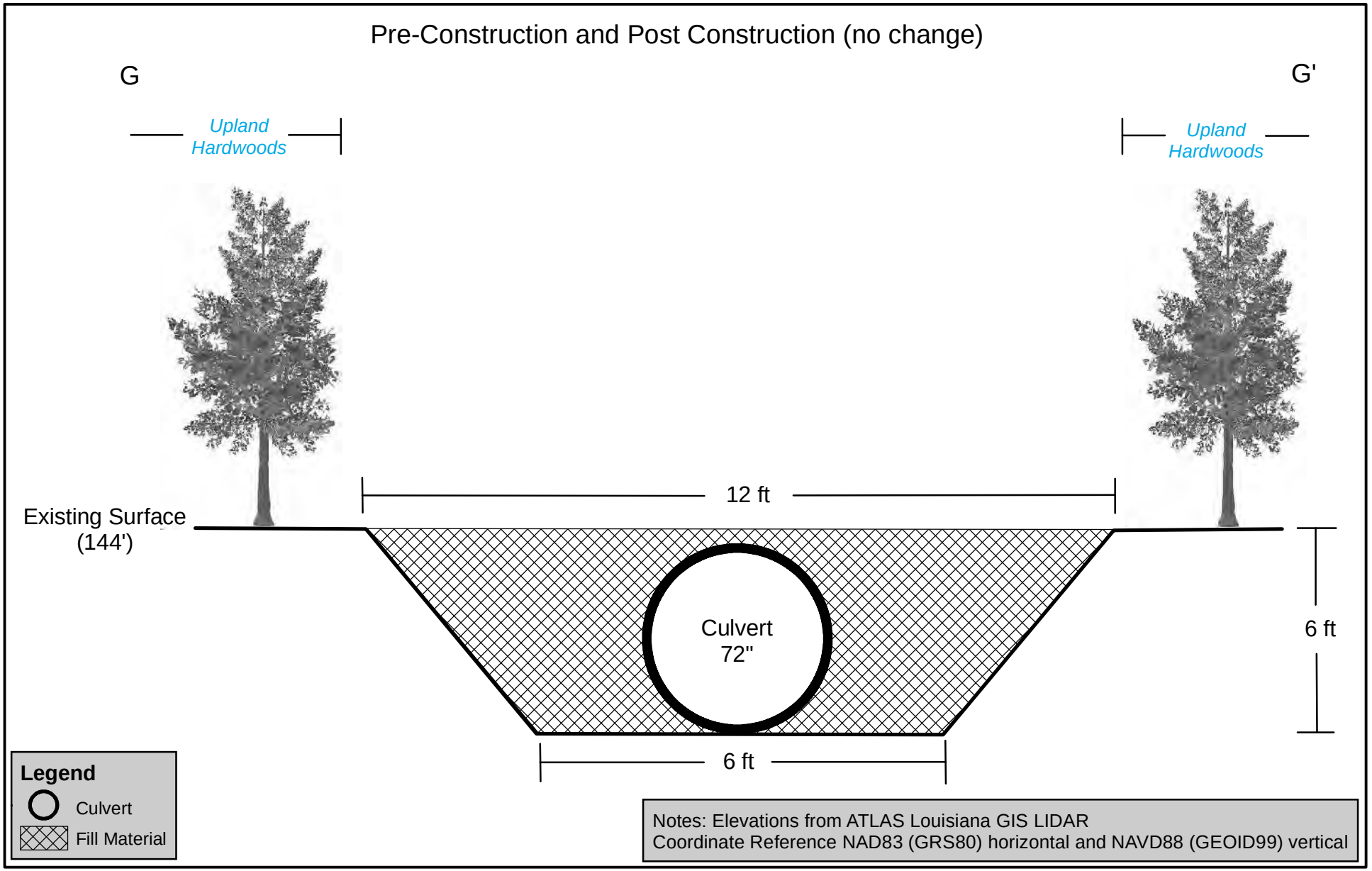
Figure 26. Typical Cross Section F - F' (Culvert)



Trinity Mitigation Services, LLC.

Date: June 22, 2022

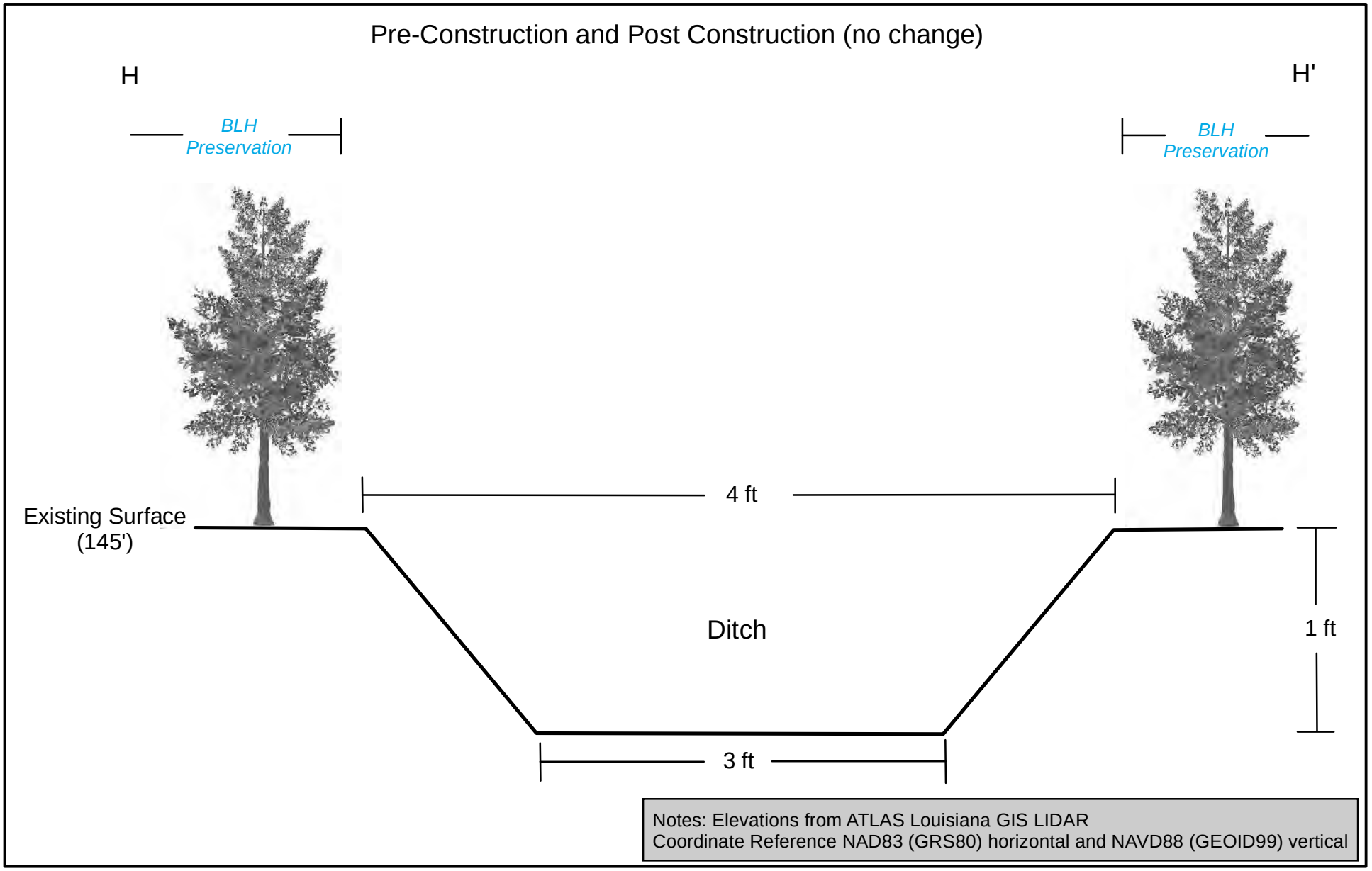
Figure 27. Typical Cross Section G - G' (Culvert)



Trinity Mitigation Services, LLC.

Date: June 22, 2022

Figure 28. Typical Cross Section H - H' (Ditch)



Trinity Mitigation Services, LLC.

Date: June 22, 2022

Table 6. Percent Composition of species to be planted

Common Name	Scientific Name	Composition
Nutall Oak	*Quercus texana*	20%
Willow Oak	*Quercus phellos*	20%
Overcup Oak	*Quercus lyrata*	10%
Swamp Chestnut Oak	*Quercus michauxii*	10%
Water Hickory	*Carya aquatica*	10%
Baldcypress	*Taxodium distichum*	5%
Red Maple	*Acer rubrum*	5%
Tupelogum	*Nyssa aquatica*	5%
Persimmon	*Diospyros virginiana*	5%
Sugarberry	*Celtis laevigata*	5%
American Elm	*Ulmus Americana*	5%

4.2 Technical Feasibility

The work required to restore the Mill Creek Mitigation Bank is routine and feasible. The Sponsor has an extensive background in vegetation manipulation. The Agents hired by the Sponsor have extensive backgrounds in wetlands science in general and wetland mitigation banking in particular. The presence of natural (unaltered) hydrology and hydric soils imply that successful reforestation of a BLH community will be attainable. Further, the historical existence of BLH forest on the site and the presence of bottomland hardwood forest on, and adjacent to, the site indicates a high potential for successful restoration of a functional bottomland hardwood forest.

4.3 Current Site Risks

The Mill Creek Mitigation Bank site and adjacent properties are within unincorporated land and are absent of zoning regulations. The Sponsor does not foresee any adverse impacts to the proposed Mill Creek Mitigation Bank resulting from the continued existence and operation of the neighboring land uses. The adjacent properties consist of undeveloped forests. The Sponsor controls all hydrologic disturbances on the property. There are no existing pipeline or powerline rights-of-way located within the Mill Creek Mitigation Bank or any other encumbrances that would negatively affect the success or sustainability of the proposed Mill Creek Mitigation Bank.

Mortgages, Easements and Encumbrances

A title opinion has been rendered to the Sponsor and will be attached to the draft Mitigation Banking Instrument (MBI). The Sponsor owns the property in fee simple title and there are no mortgages, easements or encumbrances that would affect the success or sustainability of the Mill Creek Mitigation Bank.

4.4 Long-Term Sustainability of the Site

Long-term viability and sustainability of the Mill Creek Mitigation Bank will be ensured through active and adaptive management including, but not limited to, invasive species control, appropriate monitoring, and long-term maintenance. No long-term structural management will be

required. The Sponsor will perform initial, interim and long-term monitoring on a schedule set by the MBI, to determine the effectiveness of implemented restoration actions, progress toward restoration objectives, and whether or not adaptive management measures need to be implemented. Adaptive measure may include control of previously undetected or new growth of invasive species, replanting of hard mast seedlings, or other restorative activities. A long-term management plan will be included within the MBI which will be prepared subsequent to submission of this prospectus and will contain a long-term management plan and costs associated with same and will identify a funding mechanism in accordance with 33 CFR 332.7(d). A third-party conservation servitude holder will independently monitor the site for future generations.

5.0 PROPOSED SERVICE AREA

The Mill Creek Mitigation Bank will produce wetland mitigation "credits" as a result of the restoration work. These credits can be used as compensatory mitigation for permitted unavoidable wetland impacts to similar wetland habitat types in the bank's service area associated with USACE permits through Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Projects impacting bottomland hardwoods, where determined appropriate by CEMVN within the Pontchartrain Basin, could use the Mill Creek Mitigation Bank to compensate for these unavoidable wetland impacts.

The primary service area for the Mill Creek Mitigation Bank is the Pontchartrain Basin, as defined by the Louisiana Department of Environmental Quality. All of the property is within USGS Hydrologic Unit Code (HUC) 08070202. The contributing drainage area associated with the proposed mitigation bank lies within the Knighton Bayou-Comite River (33,098 acres) Watershed (**see Figures 10-12**).

6.0 OPERATION OF THE MITIGATION BANK

This section describes how the proposed bank will be operated, as stated in 33 CFR 332.8(d)(2)(ii) and provides details on the proposed ownership arrangements and long-term management strategy for the mitigation bank, as stated in 33 CFR 332.8(d)(2) (v.)

The Mill Creek Mitigation Bank shall be operated, maintained, and managed by Dennis Aucoin and his agent (Trinity Mitigation Services, LLC) as follows:

6.1 Project Representatives

Sponsor: Dennis Aucoin
P.O. Box 8815
Clinton, LA. 70722
(225) 719-4333

Agents: Chris M. Trepagnier and Jerry Bolton
Trinity Mitigation Services, LLC
331 Girod Street
Mandeville, LA 70448
chris@treplawfirm.com
(985) 778-0888

Landowner: Dennis Aucoin
P.O. Box 8815
Clinton, LA. 70722
(225) 719-4333

6.2 Qualifications of the Sponsors

The Sponsor has hired Chris M. Trepagnier and Jerry Bolton and their associated company, Trinity Mitigation Services, LLC, to provide consulting services and oversight with regard to the establishment and management of the Mill Creek Mitigation Bank.

6.3 Proposed Long-Term Ownership and Management Representatives

The long-term ownership of the site will be maintained by the Sponsor, Dennis Aucoin. Management will be the ultimate responsibility of Dennis Aucoin; however, the Sponsors have contracted with Mr. Chris Trepagnier and Mr. Jerry Bolton of Trinity Mitigation Services, LLC to oversee project implementation and management.

Mr. Trepagnier and Mr. Bolton have extensive experience in wetland science in general and mitigation banking in particular and are well versed in all facets of mitigation banking. Mr. Trepagnier and Mr. Bolton currently manage three active mitigation banks within the New Orleans District including: the Upper Bayou Folse Mitigation Bank, the Laurel Oak Mitigation Bank, and the Bayou Bijou Mitigation Bank. They also manage the Bayou Napoleon Mitigation Bank and Charolais Ranch Mitigation Bank, which are currently being reviewed by the MBRT for approval. In addition, Mr. Trepagnier previously owned and operated a mitigation bank in Avoyelles Parish and represented the Sawgrass Bayou Mitigation Bank in St. John the Baptist Parish.

6.4 Site Protection

The Sponsor shall be responsible for protecting all lands within the 928.2 acres proposed for establishment of the Mill Creek Mitigation Bank in perpetuity. In order to ensure protection of the property, the Sponsor/Owner shall execute a perpetual Louisiana conservation servitude in accordance with the Louisiana Conservation Servitude Act (La. R.S. 9:1271, *et seq*.) on 928.2 acres within the Mill Creek Mitigation Bank property. The conservation servitude will be recorded in the real estate records of the Mortgage and Conveyance Records of East Feliciana Parish. After filing, a copy of the recorded conservation servitude will be provided to USACE. Any changes to the conservation servitude must be subject to a 60-day advance notification and approval by USACE. The holder of the conservation servitude will be Nature Holding, LLC. Nature Holding, LLC which is a qualified, non-profit corporation approved to hold conservation servitudes in accordance with Corps' guidelines.

6.5 Long-Term Strategy

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

7.0 REFERENCES

Louisiana Natural Heritage Program (LNHP 2009). The Natural Communities of Louisiana.

United State Army Corps of Engineers (USACE 2010). Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0). ERDC/EL TR-10-20.

USACE (2008). Compensatory Mitigation for Losses of Aquatic Resources, Final Rule; 40 CFR Part 230, Federal Register, Vol 73, No. 70, 19593 –19687.

USACE (1987) Corps of Engineers Wetland Delineation Manual. USACE Waterways Experiment Station Technical Report Y-87-1.

United States Department of Agriculture (USDA 2020). Web Soil Survey. Website: http://websoilsurvey.nrcs.usda.gov/app/

USDA (2018). The PLANTS Database, Version 3.5. U.S. Department of Agriculture, Natural Resources Conservation Services, National Plant Data Center. Accessed January 2018. Website: http://plants.usda.gov.

USDA (1995). Soil Mapping Units and Hydric Soils Designations, Louisiana. Soil Conservation Service, 3rd edition.

USDA NRCS Plants Database. Website: http://plants.usda.gov

USEPA (2008). Compensatory Mitigation for Losses of Aquatic Resources, 33 CFR Parts 325 and 332, Federal Register, Vol 73, No. 70, 19687-19705.

APPENDIX A

JURISDICTIONAL DETERMINATION

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

May 3, 2021

Operations Division
Surveillance and Enforcement Section

Chris Trepagnier
Trinity Mitigation Services, LLC
331 Girod Street
Mandeville, Louisiana 70448

Dear Mr. Trepagnier:

Reference is made to your request, on behalf of Mr. Dennis Aucoin, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Sections 64, 65, and 66, Township 3 South, Range 2 East, East Feliciana Parish, Louisiana (enclosed map). Specifically, this property is identified as a 928.2 acre site known as the the Aucoin Property mitigation bank.

Based on review of recent maps, aerial photography, soils data, the delineation report provided with your request, and a site inspection conducted on March 9, 2021, we have determined that part of the property contains wetlands and non-wetland waters that may be subject to Corps' jurisdiction. The approximate limits of the wetlands and non-wetland waters are designated in red and blue, respectively, 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 waters of the U.S.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, 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. Additionally, this determination is only valid for the identified project or individual(s) only and is not to be used for decision-making by any other individual or entity.

Should there be any questions concerning these matters, please contact Ms. Christine Thibodeaux at (504) 862-2278 and reference our Account No. MVN-2020-01127-ST. If you have specific questions regarding the permit process or permit applications, please contact our Central Evaluation Section at (504) 862-1581.

Sincerely,

William Nethery

Digitally signed by William Nethery
Date: 2021.05.03 07:50:22 -05'00'

for Martin S. Mayer
Chief, Regulatory Branch

Enclosures

USACE **PRELIMINARY**

JURISDICTIONAL DETERMINATION

IH: APRIL 16, 2021 **FSV:** MARCH 9, 2021

BOTANIST: CHRISTINE THIBODEAUX

FOR: TREPAGNIER, CHRIS OBO DENNIS AUCOIN

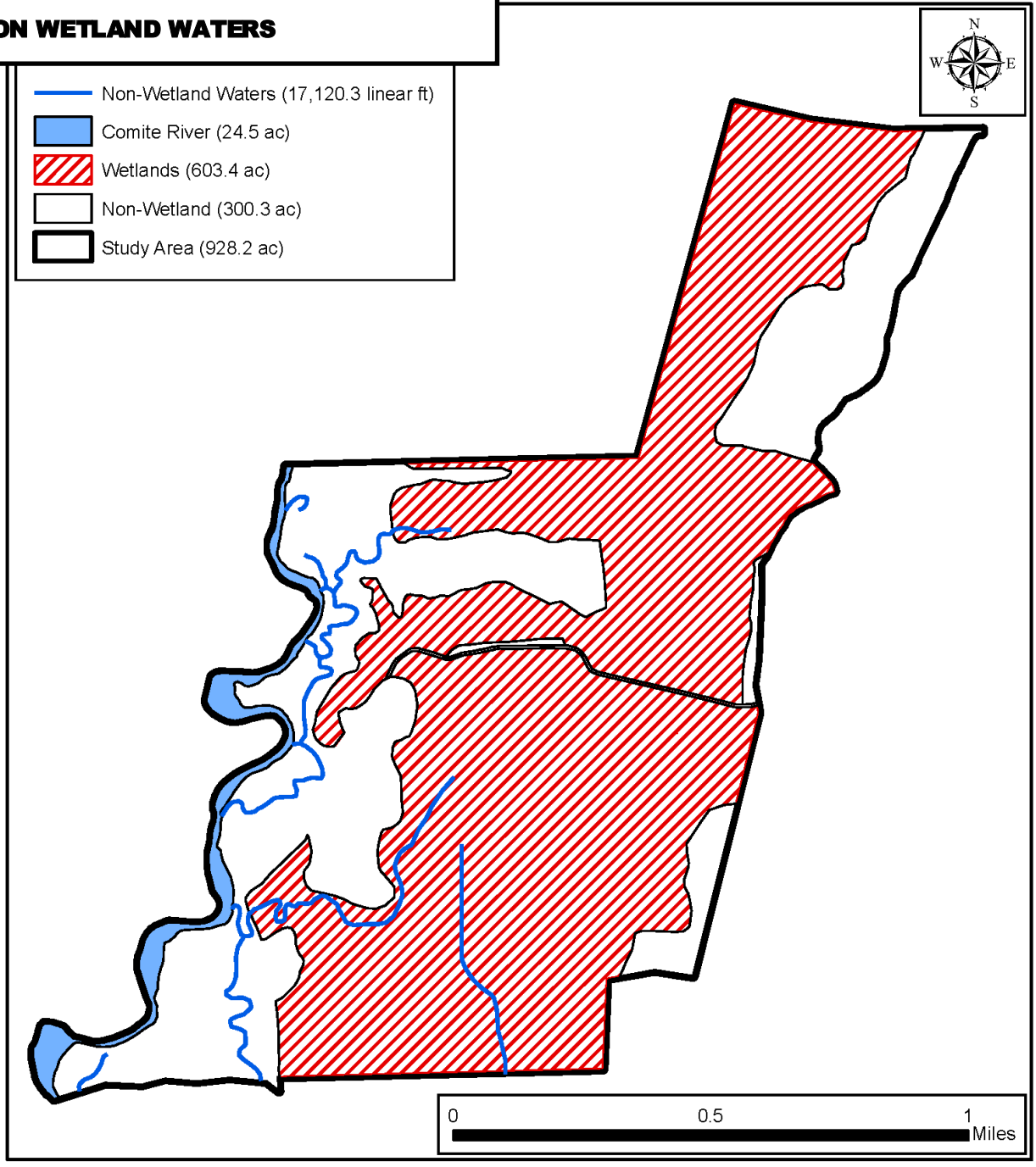
#MVN-2020-01127-ST

REVIEW AREA

WETLAND

NON WETLAND WATERS

the the Study Area (No Background)



Deep South Mitigation, LLC.

Date: April 14, 2021

APPENDIX B

SITE PHOTOGRAPHS

Photo 1. Planted Pine Forest.

Photo 2. Planted Pine Forest.

Photo 3. Bottomland Hardwood Forest.

Photo 4. Bottomland Hardwood Forest.

Photo 5. Scrub/Shrub Wetland (Beaver Pond).

Photo 6. Scrub/Shrub Wetland (Beaver Pond).

Photo 7. Scrub/Shrub Wetland (Beaver Pond).

Photo 8. Scrub/Shrub Wetland (Beaver Pond).

Photo 9. Maintained Pasture/Food Plot.