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

PUBLIC NOTICE

November 15, 2021

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

Project Manager:
Brandon Gaspard
(504) 862-1280
Brandon.D.Gaspard@usace.army.mil
Application #: MVN-2020-01264-MG

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).

LEA FARM MITIGATION BANK IN EAST BATON ROUGE PARISH

NAME OF APPLICANT: Brown Eagle Group, Inc., c/o: Cypress Environment and Infrastructure, 906 Desoto Street, Ocean Springs, Mississippi 39564.

LOCATION OF WORK: Located in East Baton Rouge Parish, approximately 11 miles east of Slaughter, Louisiana and 6 miles west of the Amite River, (lat. 30.702244 N, long. 90.956760 W), as shown within the attached drawings. (Hydrologic Unit Code 08070202, Amite River)

CHARACTER OF WORK: Brown Eagle Group, Inc. is proposing the grading and redeposition of fill material to restore and enhance the natural hydrology within the project site located in East Baton Rouge Parish. The purpose of the proposed project is to rehabilitate and enhance the existing wetlands for the establishment of a wetland mitigation bank. The project will be located on one 169.7 acre tract of land and one 26.5 acre tract of land located on both Mahoney Road and Pride Baywood Road and will impact approximately 6 acres of jurisdictional wet pasture habitat through grading and redistribution of fill activities.

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 Engineers project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RG, BRANDON GASPARD.** 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 requestor 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 and will not exceed a total of 30 calendar days.

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 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 LA Department of Environmental Quality before a Department of the Army permit can 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

Prospectus for the Proposed Lea Farm Mitigation Bank

East Baton Rouge Parish, Louisiana

November 3, 2021

Sponsor:
Brown Eagle Group, Inc.
7808 Airline Highway
Baton Rouge, LA 70815

Agent:
Cypress Environment and Infrastructure
906 DeSoto Street
Ocean Springs, MS 39564

CYPRESS
Environment & Infrastructure

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1 INTRODUCTION

Cypress Environment and Infrastructure (Cypress) has prepared this prospectus in accordance with 33 CFR 332.8(d)(2) to establish the proposed Lea Farm Mitigation Bank (Bank). The Bank is a 196.4-acre (ac.) proposed mitigation bank located in Pride in East Baton Rouge Parish, Louisiana (LA). The mitigation bank sponsor, Brown Eagle Group, Inc. (Sponsor), intends for the Bank to provide compensatory mitigation for unavoidable impacts to waters of the United States authorized through the issuance of Department of Army (DA) Permits by the U.S. Army Corps of Engineers (USACE) New Orleans District (CEMVN) pursuant to Sections 9 and 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act of 1972. Following restoration, the Bank will be perpetually preserved with the establishment of a conservation easement.

1.1 Site Location

The Bank is located in Section 41 of Township 4 South and Range 3 East and Section 47 of Township 4 South and Range 2 East in East Baton Rouge Parish, LA. The Bank is approximately 11 miles east of Slaughter, LA, and approximately 6 miles west of the Amite River in Pride, LA. The approximate center point of the Bank is located at latitude 30.702244° N and longitude -90.956760° W. Figure 1 provided in Appendix A shows the location and vicinity of the site.

The total site acreage is 196.4 ac. The Bank units and respective acreages are summarized in Table 1 and mapped in Figure 2 (Appendix A).

Table 1: Bank Units and Acreages

Bank Unit	Acres
Unit 1	169.7
Unit 2	26.5

The Bank topography is about 80% broad flat with elevations increasing in the northwest and northeast portions of the Bank. The site contains topographic relief of 28 feet (ft.) with the lowest elevation at approximately 100 ft. (NAVD88) and the highest elevation at approximately 128 ft. The topography of the site is shown in Figure 3 (Appendix A). A LiDAR-based Digital Elevation Model (DEM) shows the range of elevations across the site in Figure 4 (Appendix A).

2 PROJECT GOALS AND OBJECTIVES

The goal of the proposed Bank is to rehabilitate[1] 166.2 ac. and enhance[2] 17.7 ac. of bottomland hardwood (BLH) forest. The proposed mitigation for establishing the mitigation bank is summarized in Table 2 and mapped in Figure 5 (Appendix A).

Table 2: Summary of Existing Site Condition, Proposed Habitat Type, and Proposed Mitigation Type

Baseline Condition	Proposed Habitat	Proposed Mitigation	Acres
Pasture	BLH Forest	Rehabilitation	166.2
Degraded BLH Forest	BLH Forest	Enhancement	17.7
Non-Wetland	Non-Wetland BLH Forest	Restored Upland	12.5
		Total Mitigation Acreage	*196.4*
		Total Conservation Servitude Acreage	*196.4*

The Sponsor aims to restore wetland functions and services to the Bank and create a highly functional, sustainable BLH forest. As defined by The Natural Communities of Louisiana published in 2009 by the Louisiana Department of Wildlife and Fisheries (LDWF) and the Louisiana Natural Heritage Program (LNHP), BLH habitats are forested, alluvial wetlands occupying broad floodplain areas that flank large river systems. These forests support distinct assemblages of plants and animals associated with specific 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 the regulation of flooding and stream recharge.

Specific objectives to achieve projects goals are as follows:

- Rehabilitation of 166.2 ac. of BLH forest by restoring wetland hydrology, eradicating invasive species, and planting target species.
- Enhancement of 17.7 ac. of BLH forest by eradicating invasive species and interplanting target species as needed based on the existing canopy.
- Restoration of 12.5 ac. of upland BLH forest by planting native species and eradicating invasive species.
- Improve downstream water quality by ceasing all agricultural activities within the Bank boundary.
- Provide improved biotic conditions and create habitat for a multitude of mammals, reptiles, insects, and migratory birds.
- Provide long-term viability and sustainability of the Bank through vegetation monitoring, invasive species control, and adaptive management for the life of the Bank.
- Provide long-term protection through financial assurances with long-term escrow accounts and the institution of a conservation servitude.

[1] Rehabilitation is defined in 33 CFR 332.2 as the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historical functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function but does not result in a gain in aquatic resource area.

[2] Enhancement is defined in 33 CFR 332.2 as the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s) but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

3 ECOLOGICAL SUITABILITY OF THE SITE

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 this site will support the planned types of aquatic resources and function, as stated in 33 CFR 332.8 (d)(2)(vii)(A). This section provides the current baseline site conditions in and adjacent to the proposed site.

3.1 Land Use

3.1.1 Historical Land Use

Historical land uses of the proposed Bank were pasture/agriculture and silviculture. Historical aerial imagery from the United States Geological Survey (USGS) EarthExplorer was reviewed to assess historical on-site and adjacent land use. Historical aerial photographs are provided in Appendix A (Figure 6a through 6e).

The earliest available aerial imagery is from 1952 and shows the majority of the proposed Bank as forested with portions cleared and converted to pasture and agricultural land in Unit 1 and Unit 2. The remaining forested areas were cleared, and the adjacent Mill Creek was straightened prior to 1983. The predominant adjacent and nearby land use included silviculture, agriculture, undeveloped forest, and single-family residential development.

3.1.2 Existing/Current Land Use

The current land use of the proposed Bank is pasture. Within the pasture are forested riparian areas adjacent to Mill Creek and an unnamed perennial feature.

A land use analysis was conducted within a one-mile radius of the Bank based on existing land use data from the East Baton Rouge Parish GIS Map Portal. The northern portion of the one-mile area is located within the adjacent East Feliciana Parish and does not have land use data. Land use for this area was determined based on the United States Department of Agriculture (USDA) 2011 National Land Cover Dataset (NLCD) and 2018 aerial imagery. Based on the analysis, the two major land uses are undeveloped (52.8%) and agriculture/pasture (24.9%). The remaining land uses are single-family residential (11.4%), silviculture (10.5%), and utilities (0.3%). The current land use map is provided in Figure 7 (Appendix A).

East Baton Rouge Parish is the central parish within the Greater Baton Rouge metropolitan area. The Parish's central location within the metropolitan area draws people from other parishes for employment and shopping opportunities. In the last two decades, from 1990 to 2017, East Baton Rouge Parish has experienced a 17% increase in its population, from 380,699 to 447,268 (East Baton Rouge Planning Commission, 2018). That is an average increase of 0.7% per year, which is faster than the state of Louisiana (0.4%). With an increasing population and the site's proximity to Baton Rouge, development pressure in East Baton Rouge is also increasing. This was also noted during fieldwork as areas nearby and south of the site have been subdivided and sold for low-density, single-family residential development.

3.2 Soils

According to the most current USDA, Natural Resource Conservation Service (NRCS) Soils map, seven soil types were identified within the Bank. Soil types are summarized in Table 3 and mapped in Figure 8 (Appendix A).

Table 3: USDA NRCS Mapped Soils

Soil Series	Unit Symbol	Hydric Rating		Acres	% of Site
Bude silt loam, 0-2% slopes	BuB	5%	Partially hydric	2.6	1.3
Gilbert silt loam 0-1% slopes	GeA	85%	Hydric	45.7	23.3
Oprairie silt 0-1% slopes	OpA	2%	Partially hydric	76.0	38.7
Oprairie silt 1-3% slopes	OpB	4%	Partially hydric	7.9	4.0
Ouachita, Ochlockonee, and Guyton soils	OUA	65%	Hydric	49.4	25.2
Tangi silt loam 3-8% slopes	TaD	0%	Nonhydric	5.9	3.0
Toula silt loam 1-3% slopes	TuB	5%	Partially hydric	8.9	4.5

Soils observed and characterized onsite during the wetland delineation were found to be consistent, partially consistent, and inconsistent with the mapped USDA soils depending on the individual mapped series. GeA, and OUA soils were consistent, BuB, OpA, TaD, and TuB soils were partially consistent, and OpB soils were inconsistent with the mapped USDA soils. Further explanation is detailed in the Wetland Delineation Report provided in Appendix B. Overall, the field-verified soils showed a greater presence of wetland soils and hydrology than indicated by the mapped soil units. This is typical of sites in agriculture, where USDA tends to assume active agricultural fields indicate nonhydric soil types during its soil mapping process.

3.3 Hydrology

3.3.1 Contributing Watershed

The Bank is located in the southern portion of the Mill Creek-Sandy Creek subwatershed, USGS hydrologic unit code (HUC) 080702020502 (Appendix A: Figure 9). The Mill Creek-Sandy Creek subwatershed is located in the Amite River watershed within the 8,500-square-mile Lake Pontchartrain Basin[3]. The Mill Creek-Sandy Creek subwatershed contains approximately 38.8 miles of streams. Mill Creek, Steep Bayou, and Scalous Creek converge into Mill Creek which flows adjacent to the Bank. Taber Creek and an unnamed stream traverse the Bank and flow into Mill Creek south of the site. Mill Creek drains to the Amite River, Lake Maurepas, and Lake Pontchartrain.

3.3.2 Historical Hydrology and Drainage Patterns

The Bank was historically dominated by three sources of hydrology: high groundwater, direct precipitation, and surface runoff from higher elevations. The natural hydrologic regime that characterizes BLH habitats is alternating wet and dry periods that follow typical seasonal flooding events. One intermittent stream and two perennial streams, including Mill Creek, are the prominent surface hydrologic

[3] For bottomland hardwoods, CEMVN utilizes the Louisiana watershed basins, as defined by Louisiana Department of Environmental Quality (LDEQ) source data, LOSCO (2004), to define the limits of its watersheds. There are eight watershed basins within CEMVN as recognized by the LDEQ: Lake Pontchartrain Basin, Mississippi River Basin, Terrebonne Basin, Atchafalaya Basin, Vermilion-Teche Basin, Barataria Basin, Mermentau Basin, and Calcasieu Basin.

features across the site. The pre-impact site hydrology based on historical wetland habitat data from the United States Fish and Wildlife Service (USFWS) National Wetlands Inventory is shown in Figure 10 (Appendix A).

Mill Creek was channelized by the East Baton Rouge Parish Gravity Drainage District between 1962 and 1983. Natural drainage features were altered to improve drainage across Unit 1.

3.3.3 Existing/Current Hydrology and Drainage Patterns

The existing hydrology and drainage patterns on the Bank are similar to the historical hydrology with alterations described in the previous section. The sources of hydrology on the Bank are still high groundwater, direct precipitation, and surface runoff. The current drainage patterns of hydrology on the Bank are represented in Figure 11 (Appendix A).

The Bank site is located in a low, poorly drained area with three perennial and two intermittent streams. Steep Bayou and Scalous Creek converge with Mill Creek north of the site. Mill Creek flows through Unit 2 of the Bank, under Mahoney Road, and then adjacent to Unit 1. An unnamed perennial stream enters Unit 1 along the north boundary and flows across the unit to the south boundary where it flows off-site. An intermittent stream converges with the unnamed perennial stream. Within Unit 1, approximately 1,380 ft. of drainage ditches redirect the overland flow into Mill Creek. Off-site, Mill Creek continues to flow south into Sandy Creek that drains to the Amite River that terminates at Lake Maurepas. Drainage across the Bank is primarily in a southerly direction via sheet flow and minor drainage conveyances, ultimately feeding into Mill Creek.

An oxbow pond is located in Unit 1 in the pasture area west of Mill Creek. Historical aerial imagery shows this feature was connected to Mill Creek before the creek was channelized between 1952-1989. The oxbow does not currently connect to Mill Creek.

3.3.4 Wetlands & Waters Delineation

A wetland delineation was completed for the proposed Bank and adjacent parcels. A Preliminary Jurisdictional Determination (MVN-2020-01264-ST) was issued on April 17, 2021. A copy of the PJD is provided for reference in Appendix C.

3.4 Vegetation

3.4.1 Historical Plant Community

East Baton Rouge Parish is located within the East Gulf Coastal Plain (EGCP) ecoregion. This parish historically supported complex transitions from longleaf pine to the northeast and spruce pine-hardwood flatwoods in the east, to upland hardwood forest in the northwest and west, with wet hardwood flatwoods common on poorly drained flats outside of floodplains in many parts of the parish (Smith, 1999).

The historical plant community in the Bank was determined to be BLH forest based on the comparison to reference sites with similar soil, geology, landscape position, and topography. BLH forests are typically forested alluvial wetlands found throughout Louisiana, occupying broad floodplains, and composed of broadleaf and needleleaf deciduous, and evergreen trees and shrubs. The LNHP recognizes three plant community associations for BLH forests (LNHP 2009). The three associations are Overcup Oak-Water Hickory BLH forest, Hackberry-American Elm-Green Ash BLH forest, and Sweet-Gum-Water Oak BLH forest.

BLH forests historically occurred across six to eight million acres in Louisiana (Holcombe, et al. 2015). However, it is estimated that only 25 to 50 percent of this acreage is considered to remain in present-day. Old-growth BLH forests are very rare and clearing for agricultural production was the primary factor that led to the decline of this habitat type. Additional loss of BLH forests was caused by conversion to silviculture, construction and operation of flood control structures and reservoirs, surface mining, petroleum extraction, and urban development (Allen et al., 2004).

These trends are consistent with BLH habitat conversion within the Bank. Within Unit 2, BLH forest was converted to pasture and agricultural land between 1962-1989. In Louisiana, most of the existing large tracts of BLH forests are second or third growth stands.

3.4.2 Existing Plant Community

Land use practices have removed and degraded the natural BLH forest within the Bank. Currently, the Bank consists of two distinct vegetative communities: pasture and BLH forest. The existing plant communities are described below and mapped in Figure 12 (Appendix A).

3.4.2.1 Pasture

The native BLH forest in Unit 1 and Unit 2 totaled 178.0 ac. and was converted to pasture. The pasture is a degraded wetland on which most wetland resource functions have been severely impacted such that it does not exhibit the general characteristics of an intact BLH forest. The pasture lacks an overstory and mature trees, has a dense herbaceous layer, and has low species richness. A high proportion of shrubs within the pasture are invasive species. Due to the extensive land use impacts, the native BLH forest will not naturally regenerate without restoration. The lack of natural regeneration of native species will also contribute to the further proliferation of Chinese tallow (*Triadica sebifera*).

The conversion of BLH forest to pasture cleared all the trees and the ongoing land use activities maintained the area devoid of a canopy. The lack of native species and the continued pasture activities also allowed invasive species to proliferate within the area. Chinese tallow dominates the midstory with occasional eastern baccharis (*Baccharis halimifolia*), loblolly pine (*Pinus taeda*), and yaupon (*Ilex vomitoria*) shrubs present. The pasture has extensive groundcover in the understory dominated by bahiagrass (*Paspalum notatum*), shortbristle giant goldenrod (*Solidago gigantea*), yellow thistle (*Cirsium horridulum*), and broomsedge bluestem (*Andropogon virginicus*).

3.4.2.2 Bottomland Hardwood Forest

The native BLH forest in Unit 1 and Unit 2 totals 18.4 acres and has been adversely affected by adjacent land use. The area is currently occupied by a degraded BLH forest in segmented areas and as a narrow riparian buffer along the streams. The degraded BLH forest lacks mature native trees, has an overgrown shrub layer, and has low species richness. A high proportion of trees and shrubs are invasive species. This habitat is vulnerable to invasive species encroachment and disturbance in the current fragmented state. This degraded BLH forest is not representative of an intact BLH forest. The altered adjacent land uses also contribute to the proliferation of Chinese tallow and Chinese privet.

Chinese tallow is the dominant species in the overstory with water oak (*Quercus nigra*), loblolly pine, and Chinese privet trees intermixed. The midstory is dominated by invasive Chinese privet (*Ligustrum sinense*) and Chinese tallow shrubs with yaupon also present. The understory is dominated by groundcover species of bahiagrass, shallow sedge (*Carex lurida*), river oats (*Chasmanthium latifolium*), giant cane (*Arundinaria gigantea*), Long's sedge (*Carex longii*), Walter's sedge (*Carex striata*), and grassleaf rush (*Juncus marginatus*).

3.5 General Need for the Project in this Area

Restoration of optimally functioning BLH forest within the Bank will benefit the ecology of the Amite River watershed, as well as the greater Lake Pontchartrain Basin, which continues to experience extensive development for industrial, commercial, and residential use.

Urbanization is evident throughout the Lake Pontchartrain Basin watershed and has led to drastic changes in land use patterns and major impacts on important natural resources. In the western region of the basin, East Baton Rouge Parish has grown rapidly during the past 30 years. Extending eastward, rolling woodlands, BLH forests, wetlands, and small farms have been converted to a suburban setting of houses, shopping centers, and small businesses. Petrochemical plants, bulk cargo facilities, grain elevators, and refineries have turned the banks of the Mississippi River into an industrial corridor from Baton Rouge to New Orleans. Flanking the plants are subdivisions and commercial developments covering areas that were once utilized for agriculture (Penland et al., 2002).

The ecological benefits include improvements to wildlife habitat, flood storage capacity, stream recharge, and water quality. BLH forests are ecologically productive areas due in part to periodic flood-transported and deposited particulate and dissolved organic matter and nutrients. In addition, the proposed Bank will provide compensation for unavoidable impacts associated with development projects in the overall Lake Pontchartrain Basin. Without the implementation of the proposed bank, the site will remain in an ecologically degraded condition with anticipated further degradation from continued agricultural use and the potential for future residential development.

4 ESTABLISHMENT OF A MITIGATION BANK

This section describes 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)(B).

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 and enhancement of the proposed site.

4.1.1 Soils/Hydrologic Work

Features disrupting the hydrology onsite were identified during the site visit. Six drainage conveyances, totaling approximately 4,000 ft. long and ranging between 1-3 ft. below natural grade, are present in Unit 1. The sheet flow in nearby areas is routed to these conveyances, interrupting the natural surface water regime and retention period. Mechanical means will be used to remove the ditch and berm features through filling, excavation and/or finish grading to restore the natural surface water hydrology of the site. Proposed hydrology restoration drawings are included in Appendix C. Two culverts impacting the unnamed perennial stream in Unit 1 will be removed and restored. The location of the culverts are shown in Figure 11 (Appendix A).

No other alterations to site hydrology have been identified as necessary to maintain hydric conditions on existing wetlands.

4.1.2 Vegetative Work

The proposed Bank will contain one mitigation habitat: bottomland hardwood. This includes the rehabilitation of 166.2 ac. and enhancement of 17.7 ac. of BLH forest. The vegetative work will be done following the completion of soil and hydrologic work. The required vegetative work is discussed in detail below.

Site Preparation

Site preparatory activities will be performed within the rehabilitation and enhancement areas during the twelve (12) months prior to the initial planting of seedlings. These activities include the mechanical removal and/or chemical treatment of all observed Chinese tallow and Chinese privet with Imazamox (Clearcast™) or Triclopyr herbicide.

BLH Rehabilitation

The rehabilitation area will be mowed to maximize the probability of successful planting. Reforestation activities will include the planting of BLH species during the first planting season (December 15 through March 15) following site preparation. The species selected for each habitat type will be site-appropriate in terms of habitat design, soil-moisture regime, and species richness.

Proposed species assemblages to be planted will be representative of species assemblages historically common to BLH forests of the area. The identified site assemblages were cross-referenced with those identified in East Baton Rouge Parish in the USDA/NRCS PLANTS online database. A proposed species list is provided in Table 4.

Proposed planting spacing in areas designated as rehabilitation will be nine-foot (9') centers for an initial stand density of, at minimum, 538 seedlings per acre for bare-root stock. Initial / interim planting success rates for rehabilitation areas will be a minimum of 250 trees per acre for bare-root stock. Long-term success for all replanted areas will be 80% canopy coverage. Within the BLH rehabilitation areas, a hard to soft mast ratio of 60:40 will be targeted. Hard mast species should account for approximately >60% of all plantings as natural regeneration of soft mast species is expected.

Table 4: Proposed BLH Species Assemblage to be Planted[1]

Common Name	Scientific Name	Wetland Indicator Status	Percent Composition[2]	Mast Ratio
Hard Mast Species				
Laurel oak	*Quercus laurifolia*	FACW	<20	60
Overcup	*Quercus lyrata*	OBL	<20	
Swamp chestnut oak	*Quercus michauxii*	FACW	<20	
Cherrybark oak	*Quercus pagoda*	FACW	<20	
Willow oak	*Quercus phellos*	FACW	<20	
Shumard's oak	*Quercus shumardii*	FAC	<20	
Bottomland post oak	*Quercus similis*	FACW	<20	
Nuttall oak	*Quercus texana*	FACW	<20	
Bitter pecan	*Carya aquatica*	OBL	<20	
Bitternut hickory	*Carya cordiformis*	FAC	<20	
Soft Mast Species				
Red maple	*Acer rubrum var. drummondii*	OBL	<10	40
Buttonbush	*Cephalanthus occidentalis*	OBL	<10	

Persimmon	*Diospyros virginiana*	FAC	<10	
Green ash	*Fraxinus pennsylvanica*	FACW	<10	
Deciduous holly	*Ilex decidua*	FACW	<10	
Sweetgum	*Liquidambar styraciflua*	FAC	<10	
Southern magnolia	*Magnolia grandiflora*	FAC	<10	
Sweetbay magnolia	*Magnolia virginiana*	FACW	<10	
Wax myrtle	*Morella cerifera*	FAC	<10	
Black gum	*Nyssa sylvatica*	FAC	<10	
Swamp tupelo	*Nyssa biflora*	OBL	<10	
Green ash	*Fraxinus pennsylvanica*	FACW	<10	
American elm	*Ulmus americana*	FACW	<10	

[1]Not all species listed on the above-referenced table are likely to be available however the Sponsor will take steps to try to obtain and plant at least 10 species from the list for species richness.
[2]Exact species and quantities to be determined by seedling availability from commercial sources providing seedlings grown from localized ecotypes.

BLH Enhancement

Within the enhancement area, areas disturbed by ditch removal and hydrologic work will be replanted.

BLH species will be interplanted throughout these areas during the first planting season (December 15 through March 15) following site preparation. Proposed species assemblages to be planted will be representative of species assemblages historically common to BLH forests of the area. Interplanting will consist entirely of hard mast species due to the presence of codominant soft mast stems and the established source of soft mast seed present. A proposed species list for the enhancement area consists of the hard mast species provided in Table 4.

Proposed planting densities for the enhanced forests will be less per acre and of varying percentages depending on the residual stand density once undesirable species are removed.

Upland Restored Areas

Many of the same species occur within the wetland rehabilitation planting list and the upland buffer restoration list. Given the priority is on the planting of the wetland rehabilitation and enhancement areas within given parameters of percentages and ratios, no percentages of species or ratios of hard to soft mast are defined within the upland inclusion areas. However, preference will be toward hard mast species as seedling availability allows. A proposed species list for the upland buffer restoration area is provided in Table 5.

Table 5: Proposed Upland Buffer Species Assemblage to be Planted[1]

Common Name	Scientific Name	Wetland Indicator Status	Percent Composition[2]	Mast Ratio
Hard Mast Species				
Bitternut hickory	*Carya cordiformis*	FAC	TBD	TBD
Pignut hickory	*Carya glabra*	FACU	TBD	
Sweet pecan	*Carya illinoinensis*	FACU	TBD	
White oak	*Quercus alba*	FACU	TBD	
Southern red oak	*Quercus falcata*	FACU	TBD	

Laurel oak	*Quercus laurifolia*	FACW	TBD	
Swamp chestnut oak	*Quercus michauxii*	FACW	TBD	
Water oak	*Quercus nigra*	FAC	TBD	
Cherrybark oak	*Quercus pagoda*	FACW	TBD	
Willow oak	*Quercus phellos*	FACW	TBD	
Shumard's oak	*Quercus shumardii*	FAC	TBD	
Bottomland post oak	*Quercus similis*	FACW	TBD	
Post oak	*Quercus stellata*	UPL	TBD	
Nuttall oak	*Quercus texana*	FACW	TBD	
Soft Mast Species				
Persimmon	*Diospyros virginiana*	FAC	TBD	TBD
White ash	*Fraxinus americana*	FACU	TBD	
Green ash	*Fraxinus pennsylvanica*	FACW	TBD	
Deciduous holly	*Ilex decidua*	FACW	TBD	
Sweetgum	*Liquidambar styraciflua*	FAC	TBD	
Southern magnolia	*Magnolia grandiflora*	FAC	TBD	
Sweetbay magnolia	*Magnolia virginiana*	FACW	TBD	
Wax myrtle	*Morella cerifera*	FAC	TBD	
Black gum	*Nyssa sylvatica*	FAC	TBD	
American elm	*Ulmus americana*	FACW	TBD	

[1]Not all species listed on the above-referenced table are likely to be available however the Sponsor will take steps to try to obtain and plant at least 10 species from the list for species richness.
[2]The upland areas are not specific to any defined performance standards applicable to upland restoration. Preference will be given to hardmast over softmast. Exact species and quantities to be determined by seedling availability from commercial sources providing seedlings grown from localized ecotypes. The priority for any species with a FAC or wetter indicator will be applied to providing a suitable percentage to wetland restoration areas first.

Best Management Practices

The following Best Management Practices will be implemented to ensure planting success. The exact species and quantities for planting will be determined by the availability of such species from commercial nurseries providing localized ecotype seedlings. One-to two-year-old bare-root seedlings obtained from a registered licensed Louisiana nursery grower and of a Louisiana eco-type species properly stored and handled to ensure viability will be planted in the prepared tract during the period of December 15 through March 15 (planting season). Events such as flooding may warrant cold storage of trees with planting in late spring. Prior to planting, seedlings will be mixed and packaged off-site so that reforested areas do not develop as monotypic communities.

Weed Species Minimization and Control Plan

Weedy vegetation within planted areas will be maintained by mowing and/or herbicidal application as needed (prescribed burning will not be used).

Invasive Species Control and Management Plan

Non-indigenous or otherwise undesirable vegetation, such as Chinese privet, Chinese tallow, or black willow, will be monitored and treated to prevent re-colonization. The percent cover of invasive plants will be monitored during short-term and long-term success monitoring, and appropriate action will be taken

if needed. The planted areas will be treated, on an as-needed basis, by the use of mechanical or chemical control or some combination thereof to control exotic/invasive species colonization or other plant competition (upon canopy closure, approximately 1% or less of the woody vegetation on an acre-by-acre basis).

4.2 Technical Feasibility

The proposed construction work required to develop the Bank is based on currently accepted restoration methods and has been determined to be technically feasible. The construction work will consist of site preparation, reforestation, mechanical harvesting, interplanting, and filling man-made ditches. The relatively low landscape position within a floodplain and the presence of hydric soils indicate that minimal soil work will be required for the successful restoration of wetland hydrology and forested wetlands. The existence of forested wetlands within and adjacent to the Bank also suggests a high potential for successful restoration.

4.3 Current Site Risks

The Sponsor does not foresee risk or potential threats to the Bank from adjacent land uses. The threat invasive species pose to the site is a potential concern and will be addressed in an aggressive invasive species control plan during the construction and establishment phase of the Bank. This plan will primarily focus on Chinese tallow, as it is the most prevalent invasive species on the site.

Brown Eagle Group, Inc. owns fee simple interest in the entire proposed bank tract. Brown Eagle Group will hold fee title until the bank has reached functional maturity and all credits have been sold. No portion of the proposed bank would occur on publicly owned property.

4.4 Long-Term Sustainability of the Site

Long-term sustainability of the 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 because there are no existing or proposed water control structures to maintain. A long-term management plan will be included within the MBI, which will include associated costs, as well as identify a funding mechanism in accordance with 33 CFR 332.7(d).

5 PROPOSED SERVICE AREA

The Bank is within the Amite drainage basin (USGS HUC 08070202) located in the Lake Pontchartrain Basin. The Sponsor suggests the primary service area be the Lake Pontchartrain Basin (Appendix A: Figure 13). The Lake Pontchartrain Basin includes Amite River (08070202), Tickfaw River (08070203), Lake Maurepas (08070204), Tangipahoa River (08070205), Liberty Bayou–Tchefuncta River (08090201), Lake Pontchartrain (08090202), and Eastern Louisiana Coastal (08090203). The use of credits outside of the defined service area will be handled on a case specific basis by the CEMVN and will be specified as such in the subsequent Mitigation Banking Instrument (MBI).

6 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).

6.1 Project Representatives

Proposed Sponsor:	Brown Eagle Group, Inc. 7808 Airline Highway Baton Rouge, LA 70815 rlwilkes@browneagle.com 225-769-1111
Proposed Agent:	Cypress Environment and Infrastructure 906 DeSoto Street Ocean Springs, Mississippi 39564 chenderson@cypressei.com 228-596-2708
Proposed Landowner:	Brown Eagle Group, Inc. 7808 Airline Highway Baton Rouge, LA 70815 rlwilkes@browneagle.com 225-769-1111

6.2 Qualifications of the Sponsor

As stated in 33 CFR 332.8(d)(2)(vi.), this section describes the Sponsor's, Landowner's, and Agent's qualifications to successfully complete all proposed work associated with the establishment and operation of the Bank. Brown Eagle Group, Inc. intends to contract with Cypress, an experienced consultant, to complete the work in accordance with USACE New Orleans District (MVN) requirements.

Cypress has extensive expertise in wetland and stream mitigation banking. Cypress personnel includes two professional wetland scientists, personnel certified in Rosgen Natural Channel Design Methodology for stream and river restoration, civil engineers, environmental engineers, an American Institute of Certified Planners (AICP) certified planner with an advanced specialty certification in environmental planning, as well as a former Interagency Review Team member. Cypress was able to bring the first three commercial mitigation banks in USACE Mobile District (SAM) to 100% credit release through an integrated construction and monitoring process. Cypress has successfully completed over 75 individual mitigation bank projects and studies across the Gulf of Mexico and South Atlantic regions.

6.3 Proposed Long-Term Ownership and Management Representatives

Brown Eagle Group will serve as the Sponsor and long-term owner. The long-term management of the proposed Bank will be the ultimate responsibility of the Sponsor. The Sponsor has contracted Cypress to provide guidance and oversight as its agent. Cypress specializes in wetland and stream mitigation banking and other natural resource services and regulatory compliance.

6.4 Site Protection

The Sponsor will be responsible for protecting all lands within the proposed Bank footprint. To ensure protection of the proposed Bank, the owners will execute a perpetual Louisiana Conservation Servitude in favor of a neutral third party with executory capacity in accordance with the Louisiana Conservation Servitude Act (La. R.S. 9:1271, et seq.) for the entire proposed Bank footprint. The Conservation Servitude shall be recorded in the Mortgage and Conveyances Records Office of East Baton Rouge Parish.

The conservation servitude will prohibit activities that would reduce the quality and quantity of the rehabilitated and enhanced wetlands, such as clear cutting, discharge of fill, construction activities, cattle grazing, and pine plantation activities. The servitude will also specify permissive activities, such as hunting and recreational use, given that the activity does not negatively affect the functions and values of the rehabilitated and enhanced wetlands.

6.5 Long-Term Strategy

The Sponsor will ensure the long-term success and sustainability of the proposed Bank through practices such as vegetative plantings, hydrologic restoration and maintenance, invasive species control through herbicide application, site monitoring, long-term management, establishment of financial assurances, and perpetual protection through the filing of a Louisiana Conservation Servitude. In accordance with 33 CFR 332.7(d), a long-term management plan will be included in the MBI that will address long-term management needs, annual cost estimates for these needs, and identify the funding mechanism that will be used to meet those needs.

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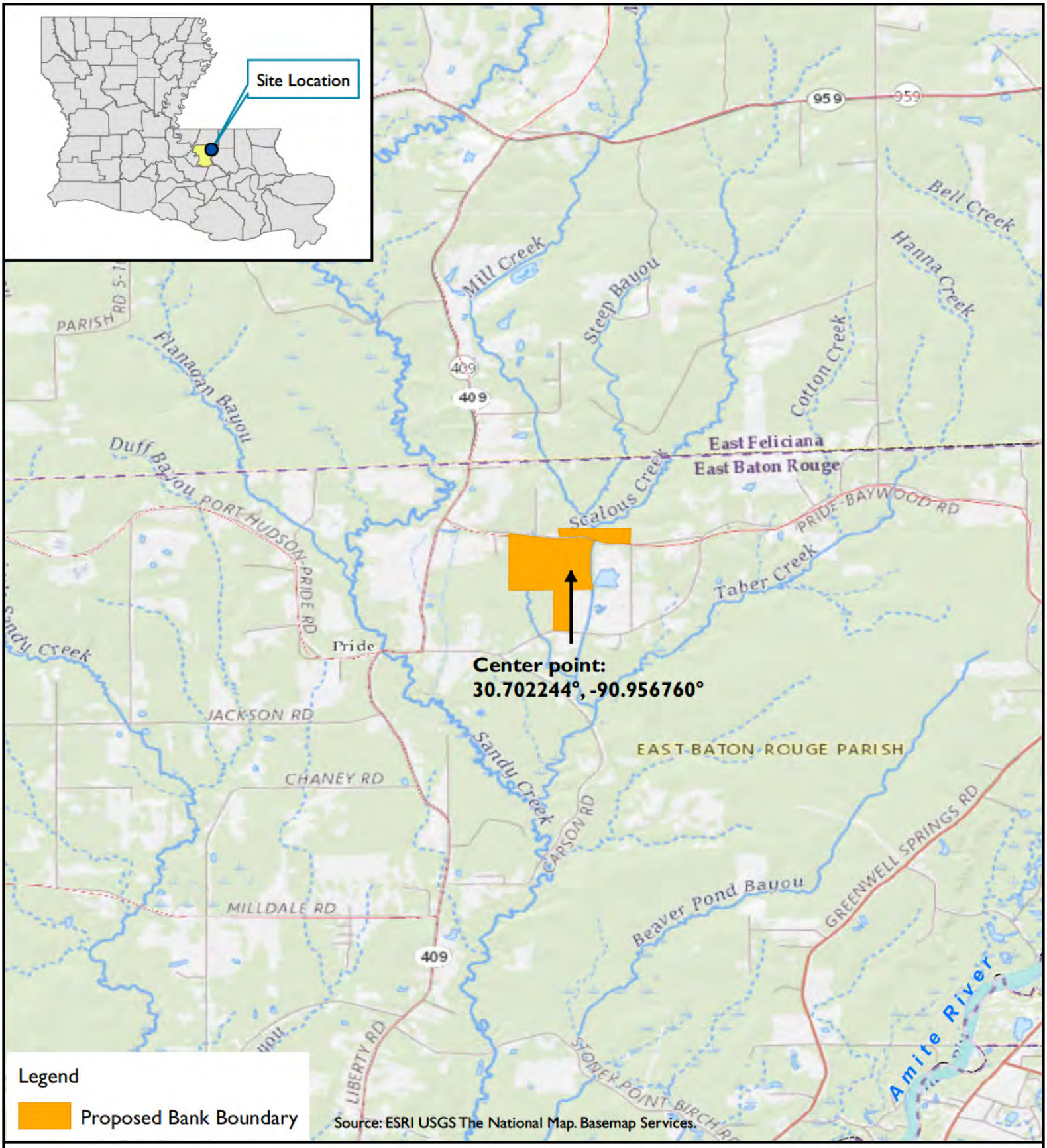
Appendix A: Figures



N

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Feet

Coordinate System:
NAD 1983 StatePlane Louisiana
South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

VICINITY MAP

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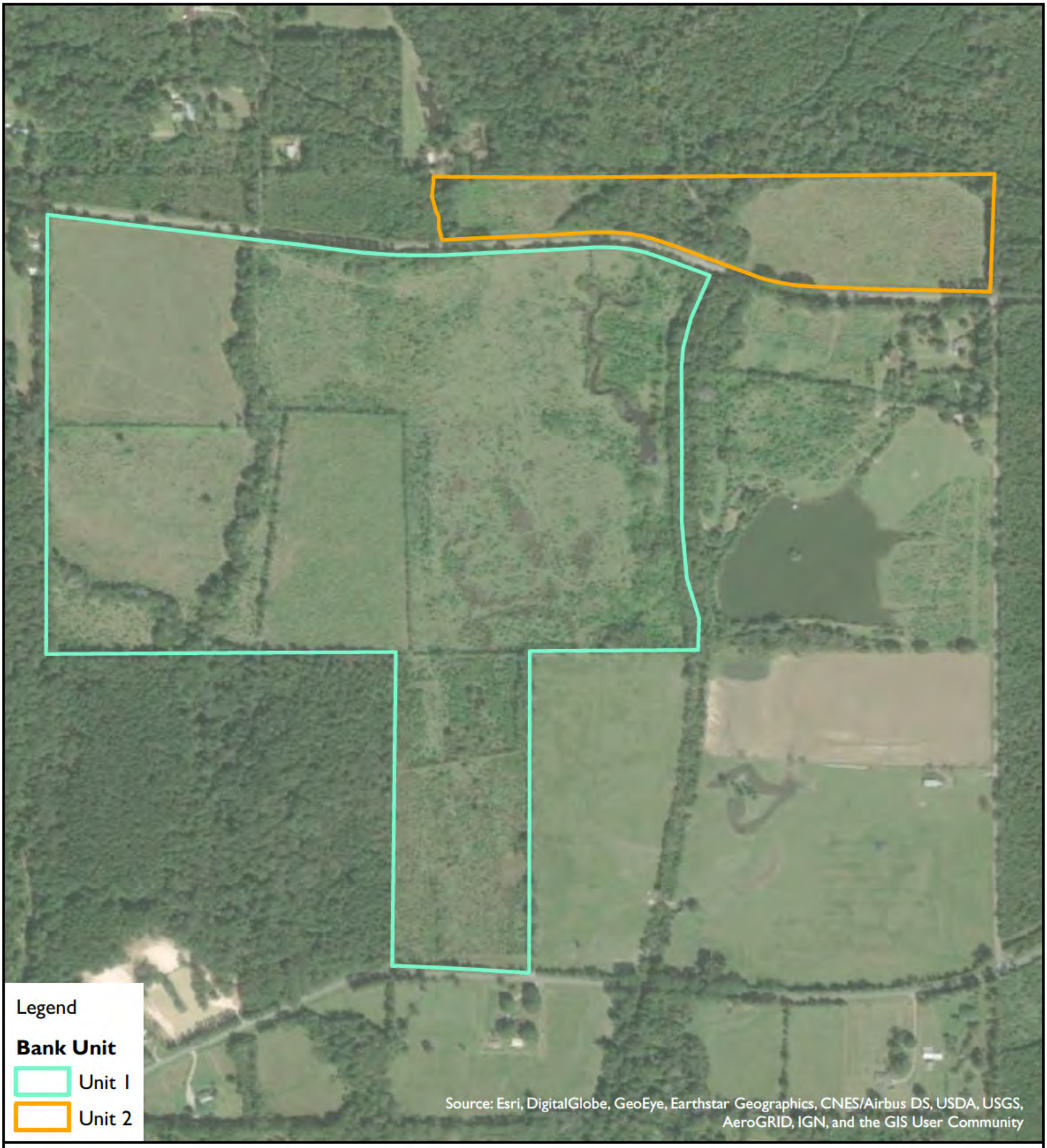
FIGURE 1



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Coordinate System:
NAD 1983 StatePlane Louisiana South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

SITE UNITS

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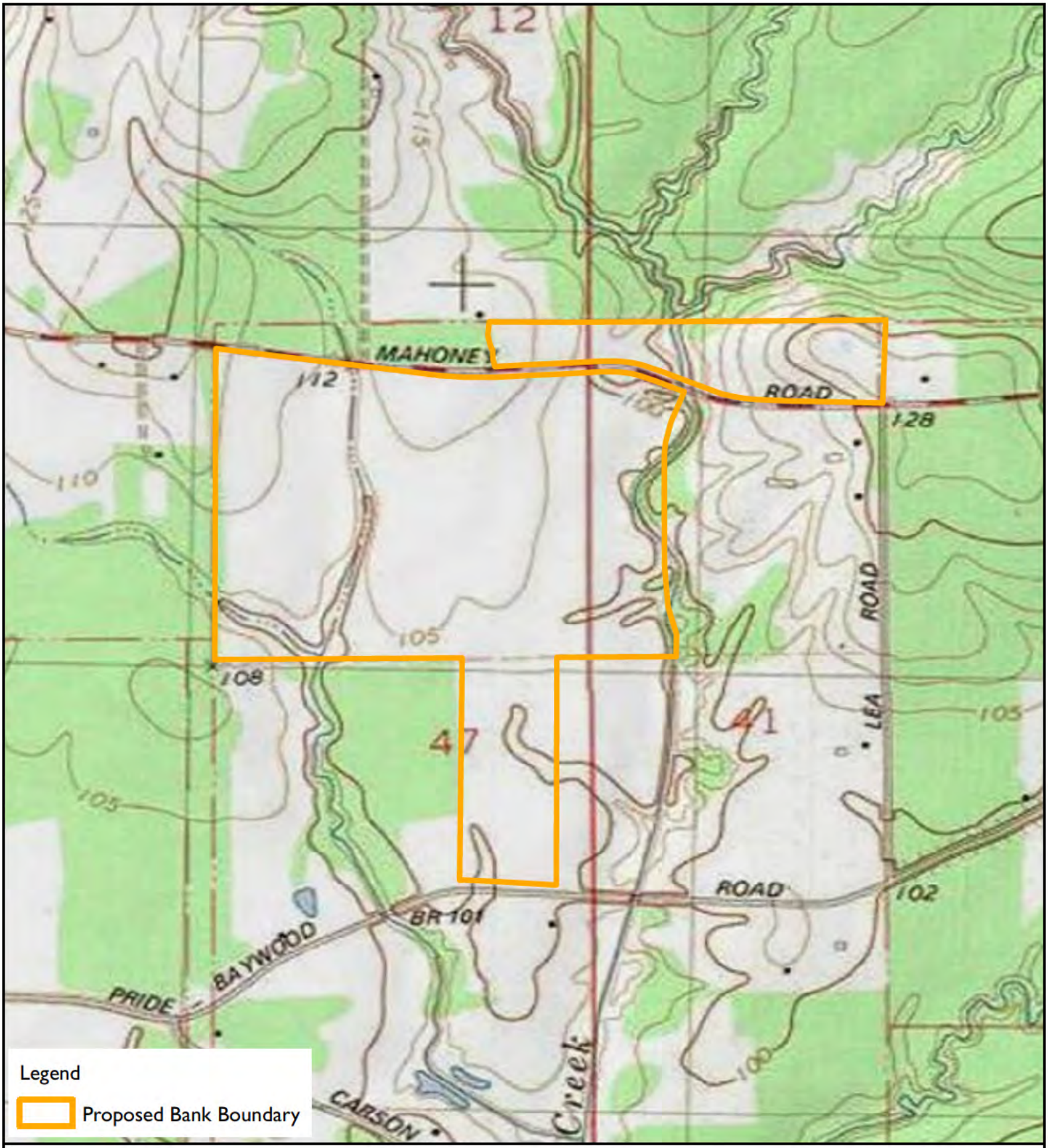
FIGURE 2



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Coordinate System:
NAD 1983 StatePlane Louisiana
South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

USGS TOPOGRAPHIC MAP

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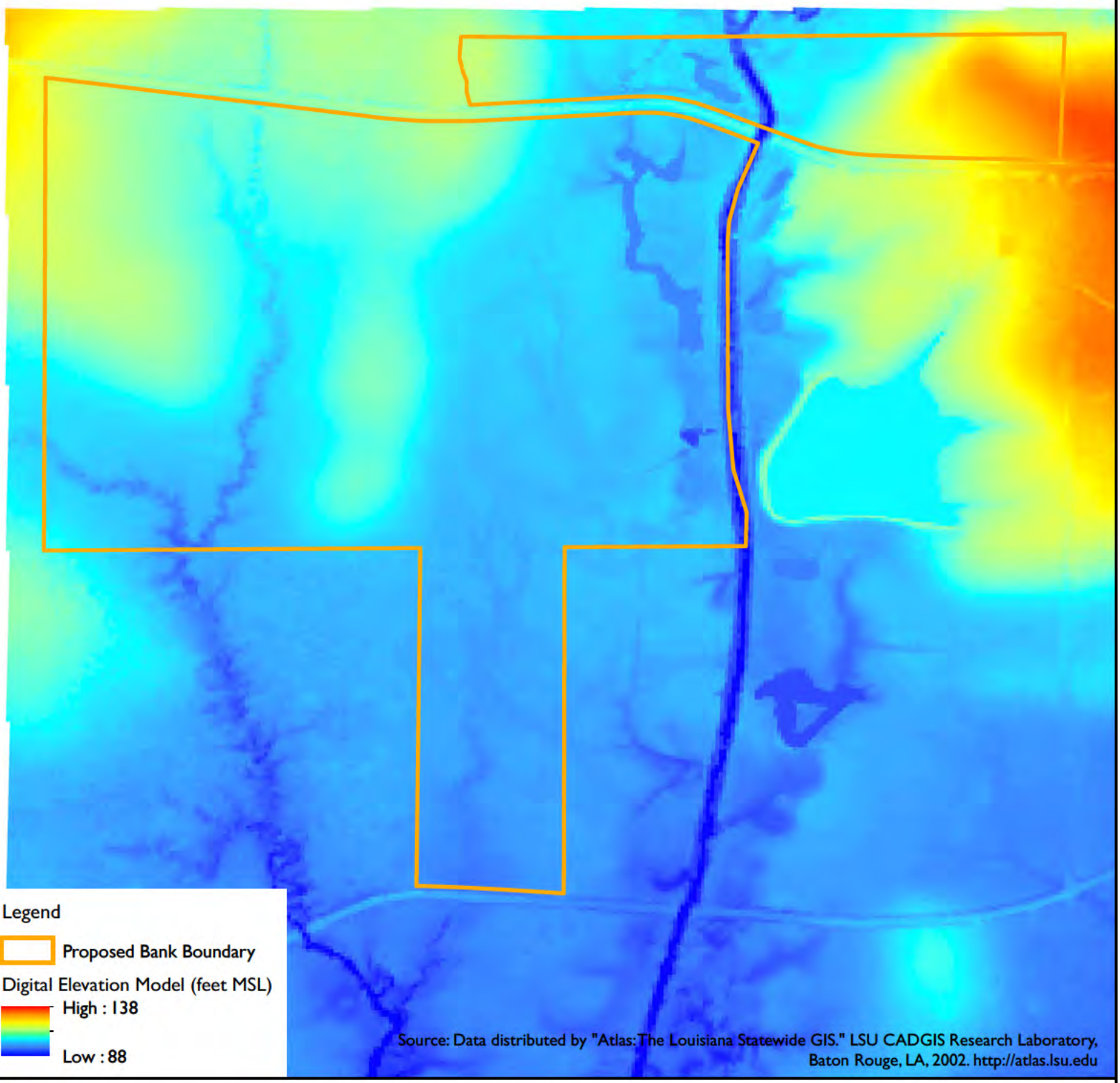
FIGURE 3



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Coordinate System:
NAD 1983 StatePlane Louisiana South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

DIGITAL ELEVATION MODEL

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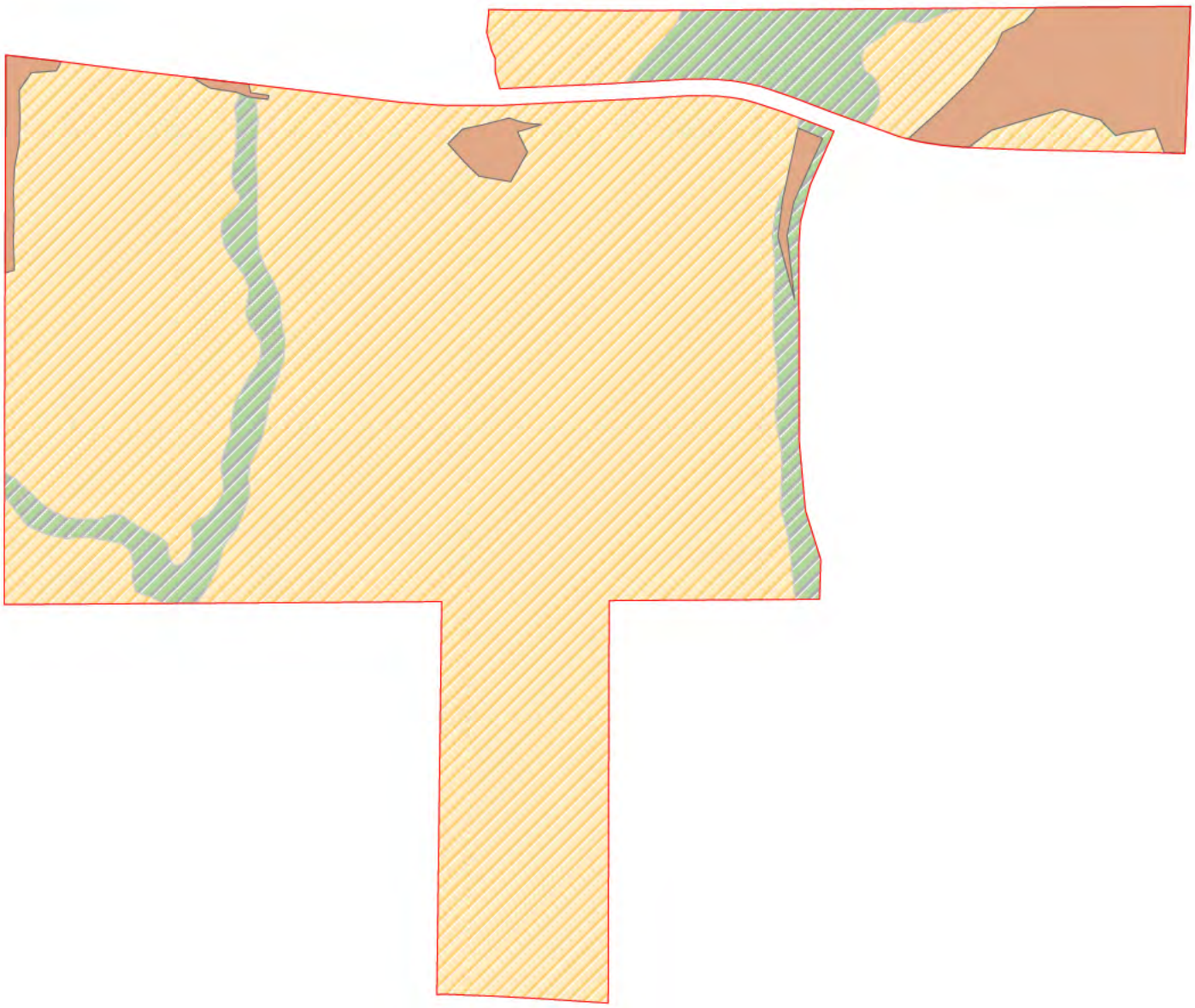
FIGURE 4



Legend

- Proposed Bank Boundary
- BLH rehabilitation (166.2 ac)
- BLH enhancement (17.7 ac)
- Upland Inclusion (12.5 ac)

N

0 1,000

Feet

Coordinate System:
NAD 1983 StatePlane Louisiana
South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

PROPOSED RESTORATION PLAN

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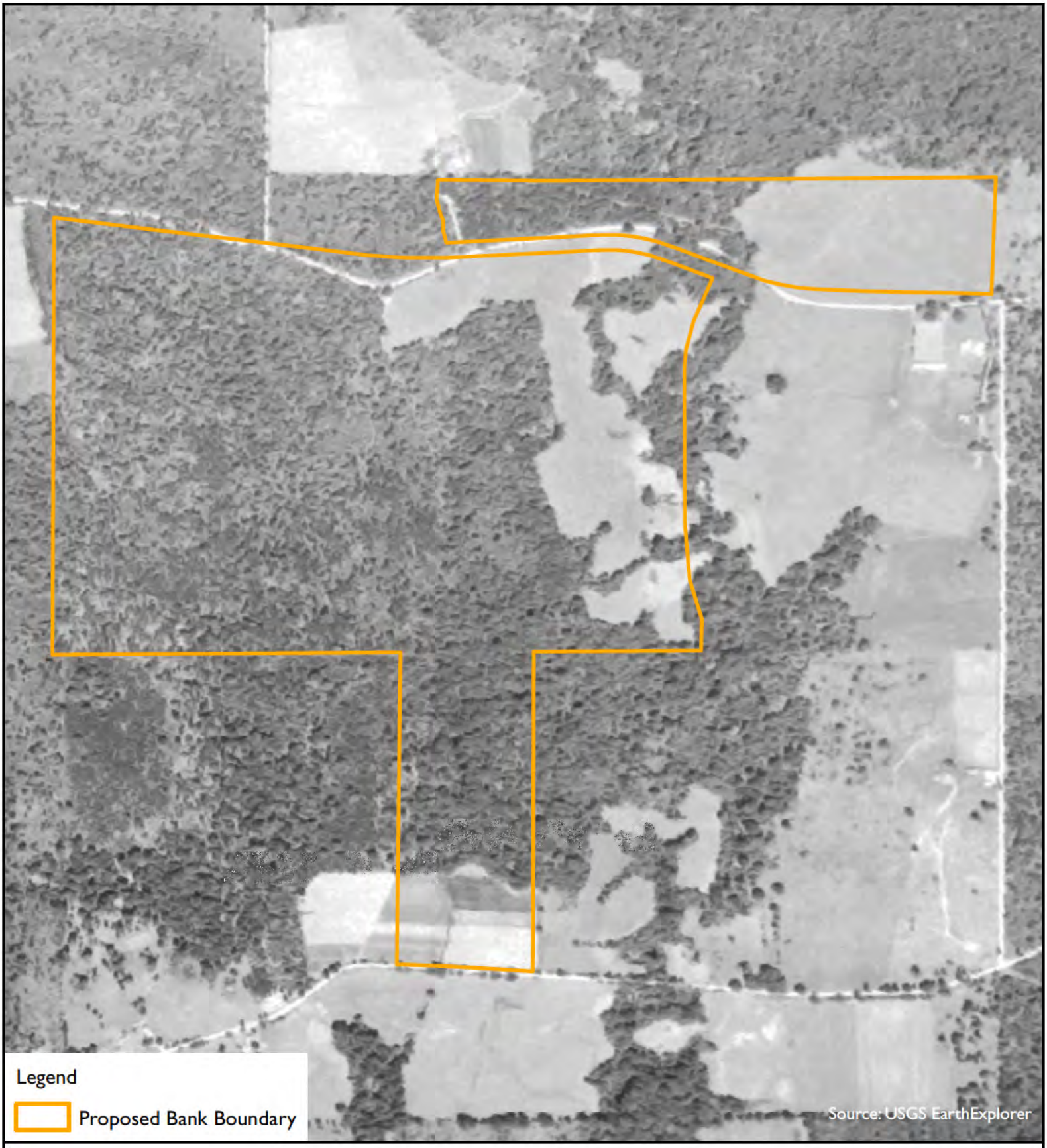
FIGURE 5



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Coordinate System:
NAD 1983 StatePlane Louisiana
South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

1952 AERIAL PHOTOGRAPH

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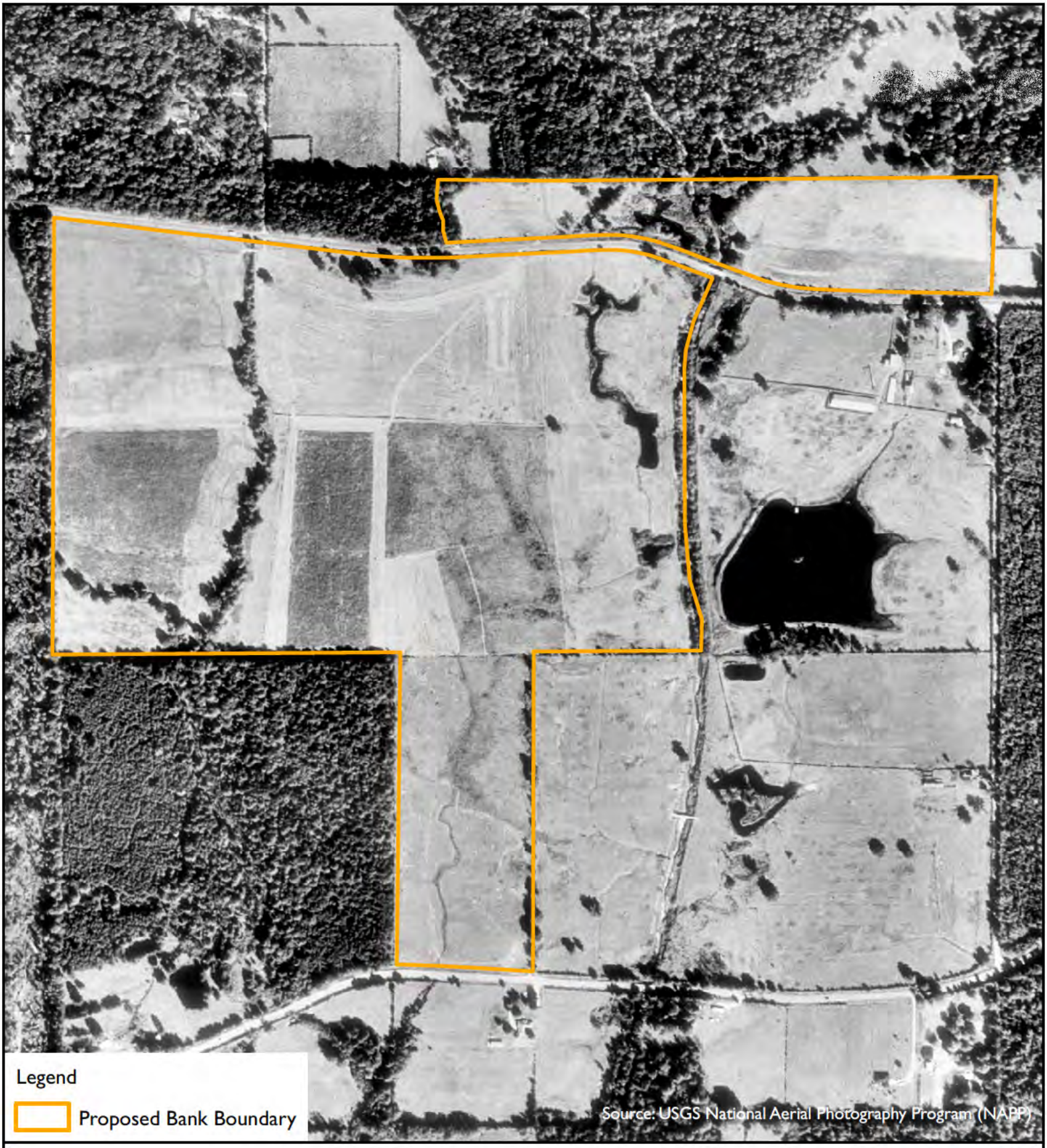
FIGURE 6a



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Feet

Coordinate System:
NAD 1983 StatePlane Louisiana
South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

1989 AERIAL PHOTOGRAPH

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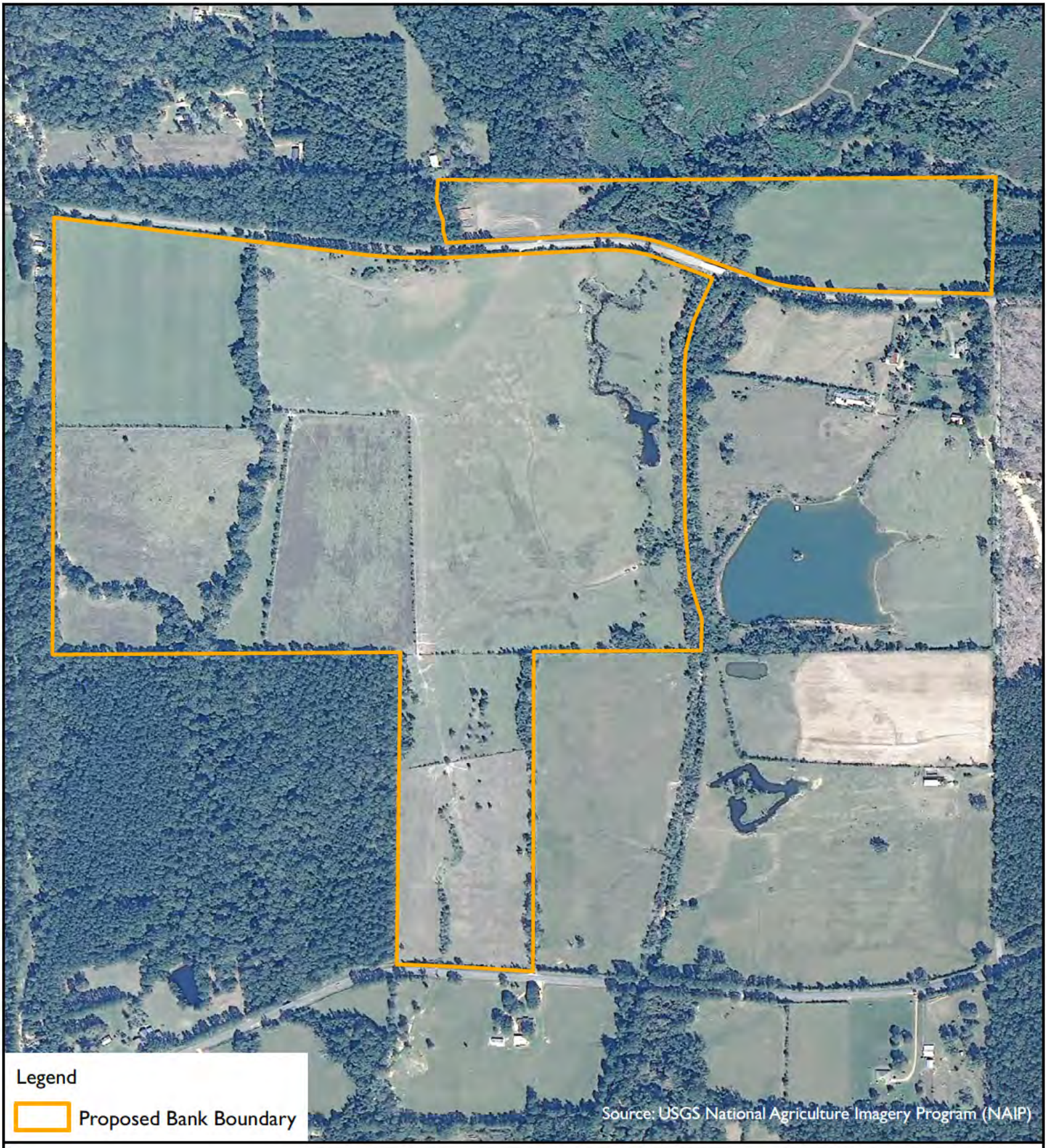
FIGURE 6b



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Coordinate System:
NAD 1983 StatePlane Louisiana
South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

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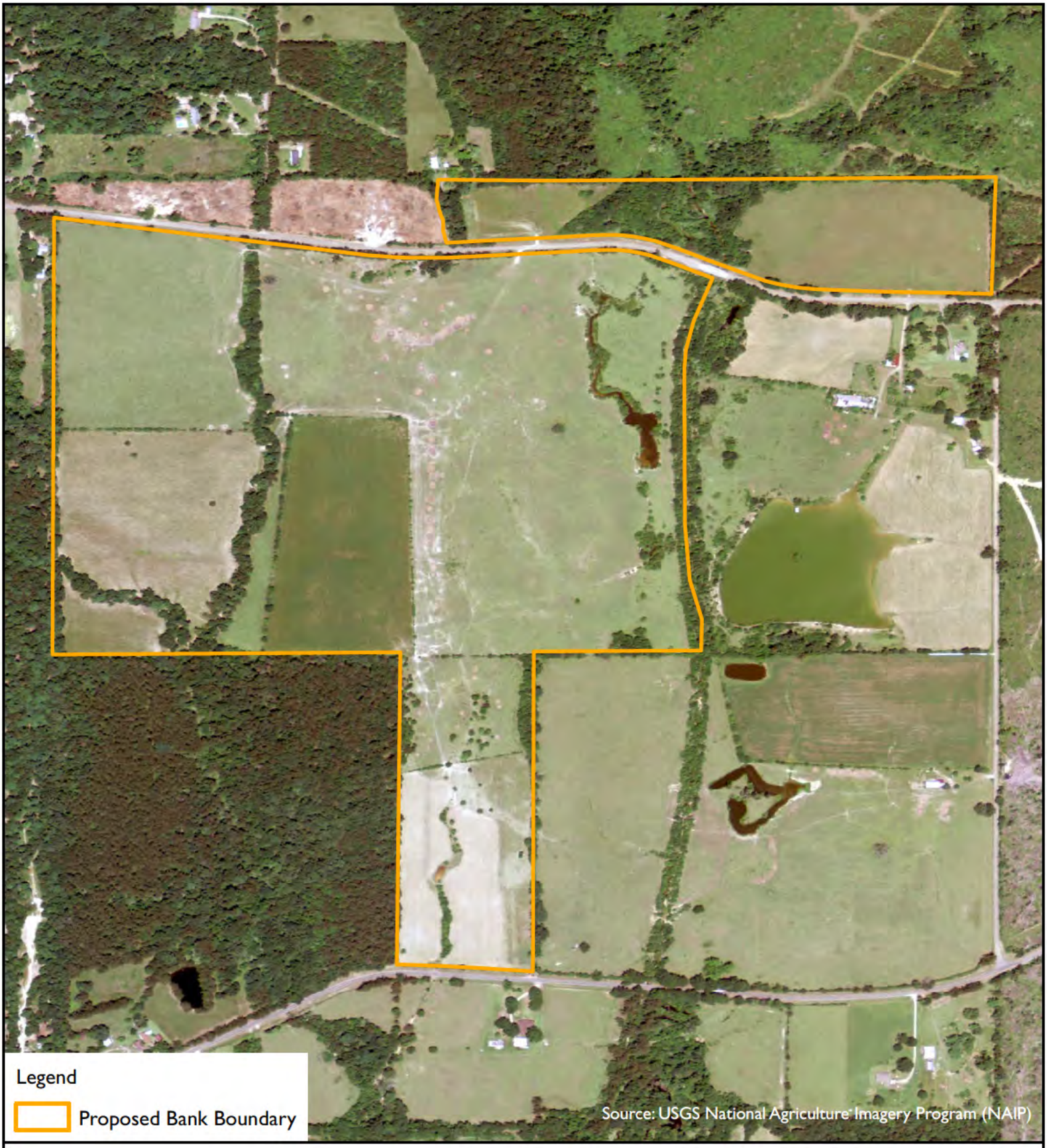
2008 AERIAL PHOTOGRAPH

FIGURE 6c



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Coordinate System:
NAD 1983 StatePlane Louisiana
South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

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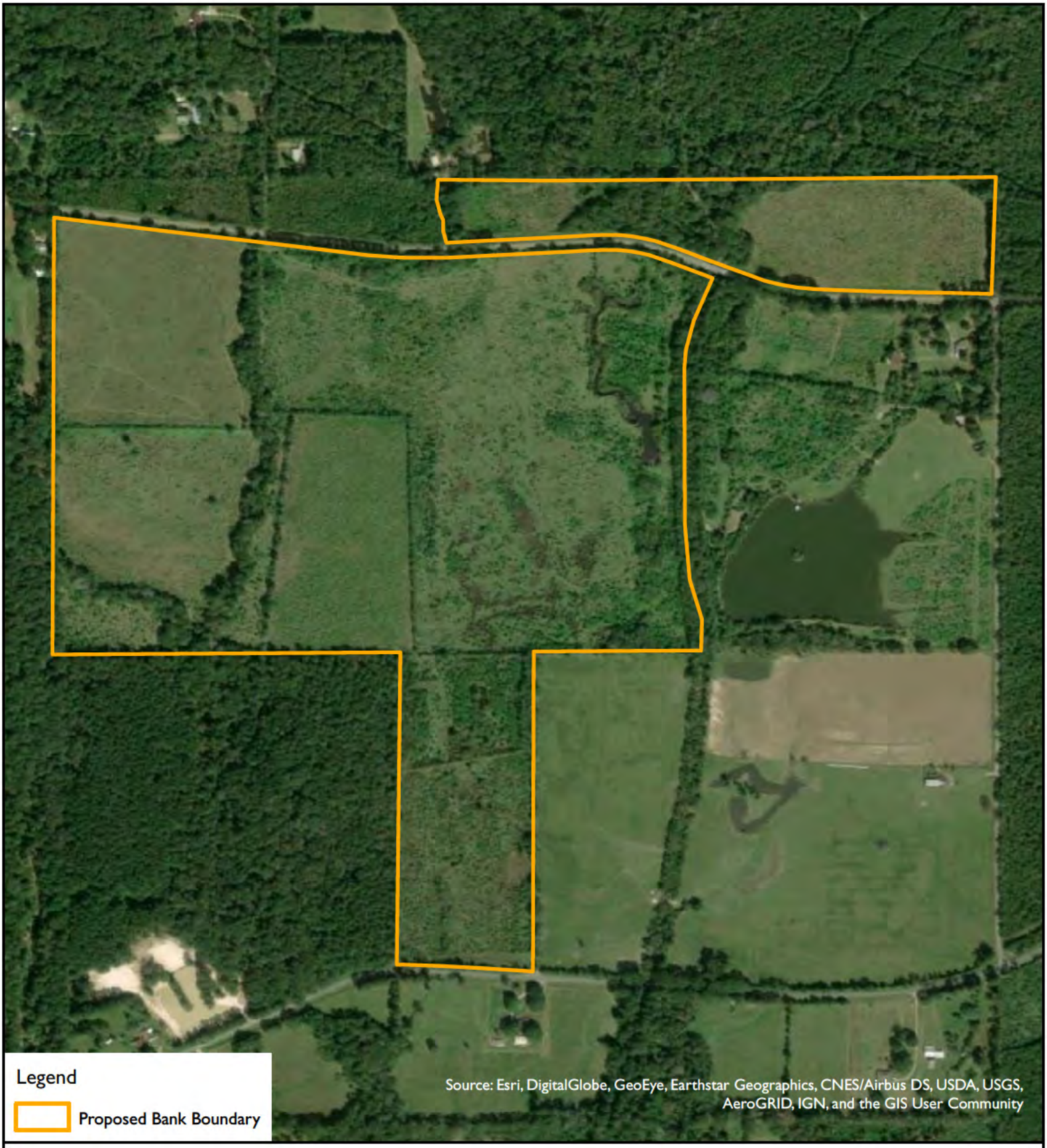
2010 AERIAL PHOTOGRAPH

FIGURE 6d



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Feet

Coordinate System:
NAD 1983 StatePlane Louisiana South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

2018 AERIAL PHOTOGRAPH

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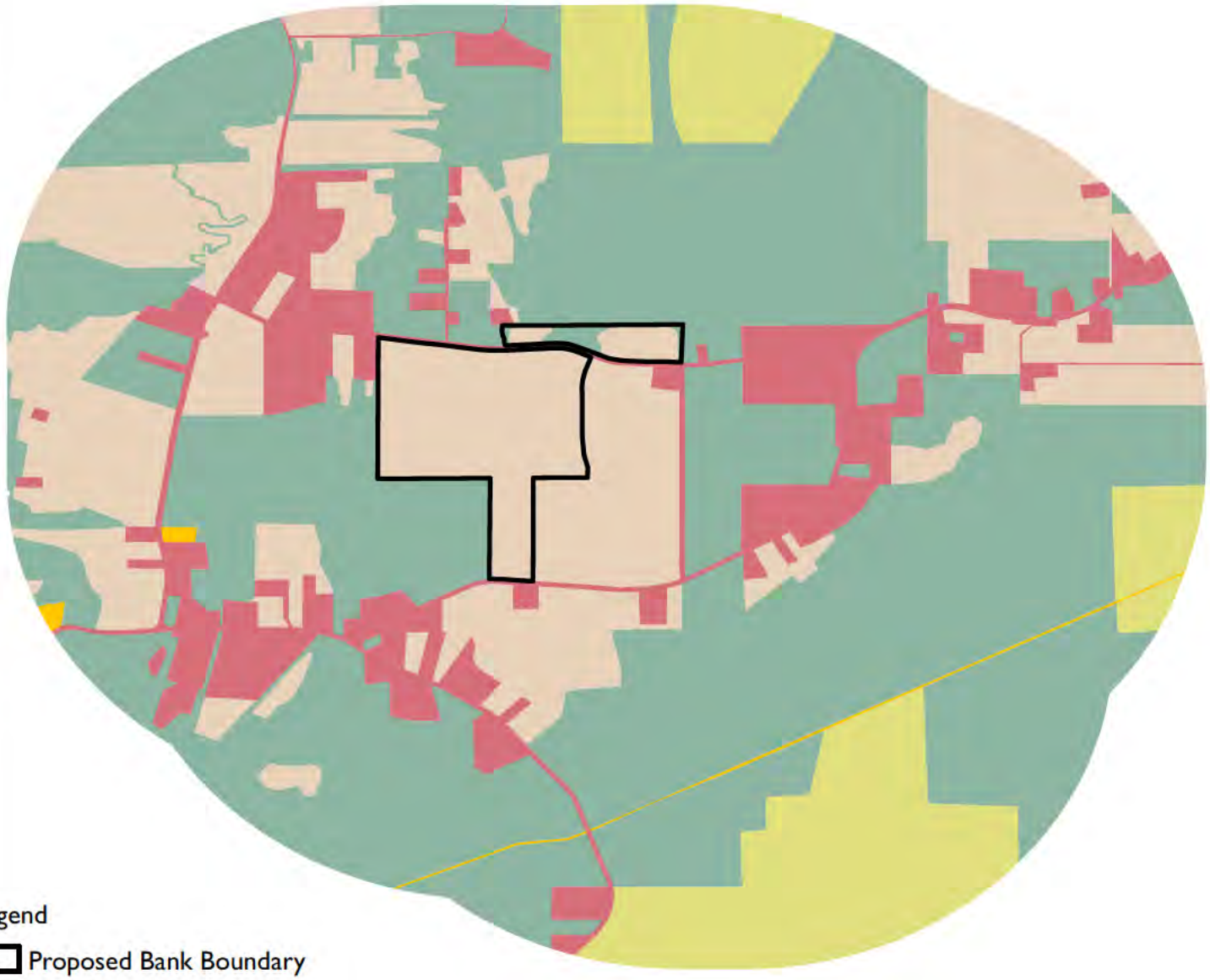
FIGURE 6e



Legend

- Proposed Bank Boundary
- Undeveloped (52.8%)
- Agriculture/Pasture (24.9%)
- Single-Family Residential (11.4%)
- Silviculture (10.5%)
- Utilities (0.3%)

East Baton Rouge Existing Land Use GIS Data; USDA National Land Cover Dataset 2011

N

0 4,100

Feet

Coordinate System:
NAD 1983 StatePlane Louisiana
South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

CURRENT LAND USE MAP

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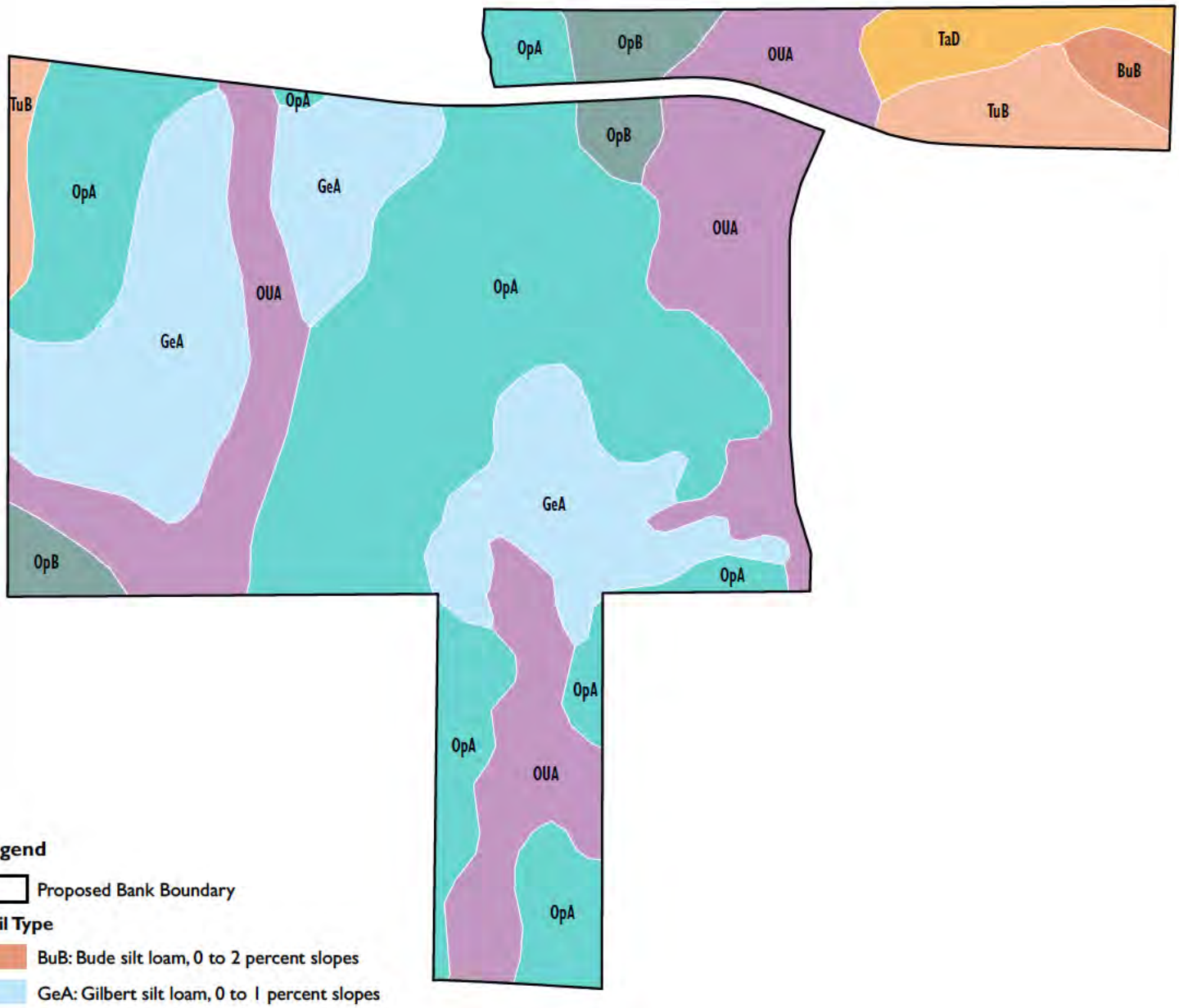
FIGURE 7



Legend

Proposed Bank Boundary

Soil Type

- BuB: Bude silt loam, 0 to 2 percent slopes
- GeA: Gilbert silt loam, 0 to 1 percent slopes
- OUA: Ouachita, Ochlockonee, and Guyton soils
- OpA: Oprairie silt, 0 to 1 percent slopes
- OpB: Oprairie silt, 1 to 3 percent slopes
- TaD: Tangi silt loam, 3 to 8 percent slopes
- TuB: Toula silt loam, 1 to 3 percent slopes

Source: USDA Natural Resources Conservation Service (NRCS) soils data

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Feet

Coordinate System:
NAD 1983 StatePlane Louisiana
South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

USDA NRCS SOILS

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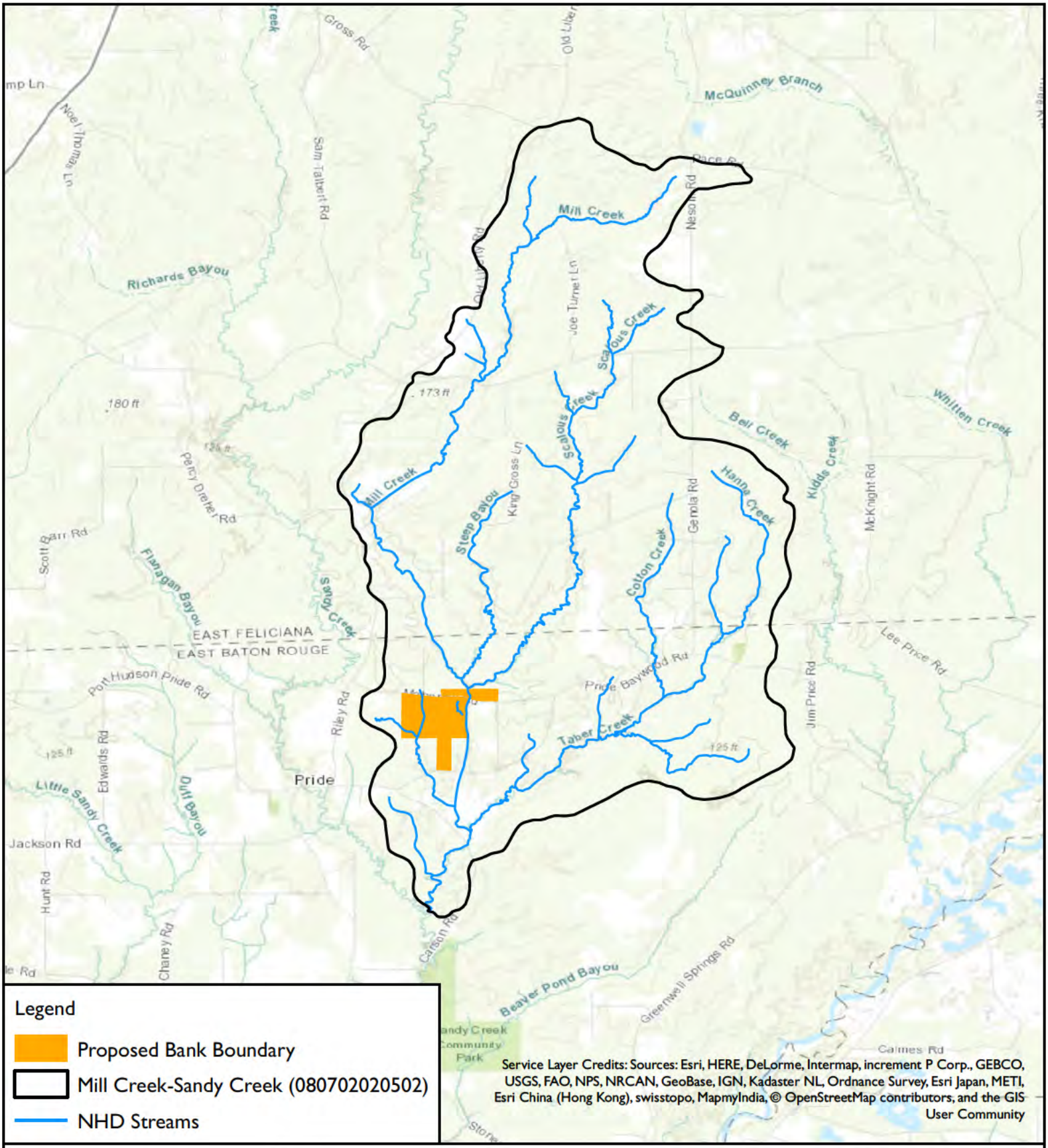
FIGURE 8



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Coordinate System:
NAD 1983 StatePlane Louisiana
South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

CONTRIBUTING WATERSHED

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FIGURE 9

N

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Feet

Coordinate System:
NAD 1983 StatePlane Louisiana
South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

PRE-IMPACT SITE HYDROLOGY

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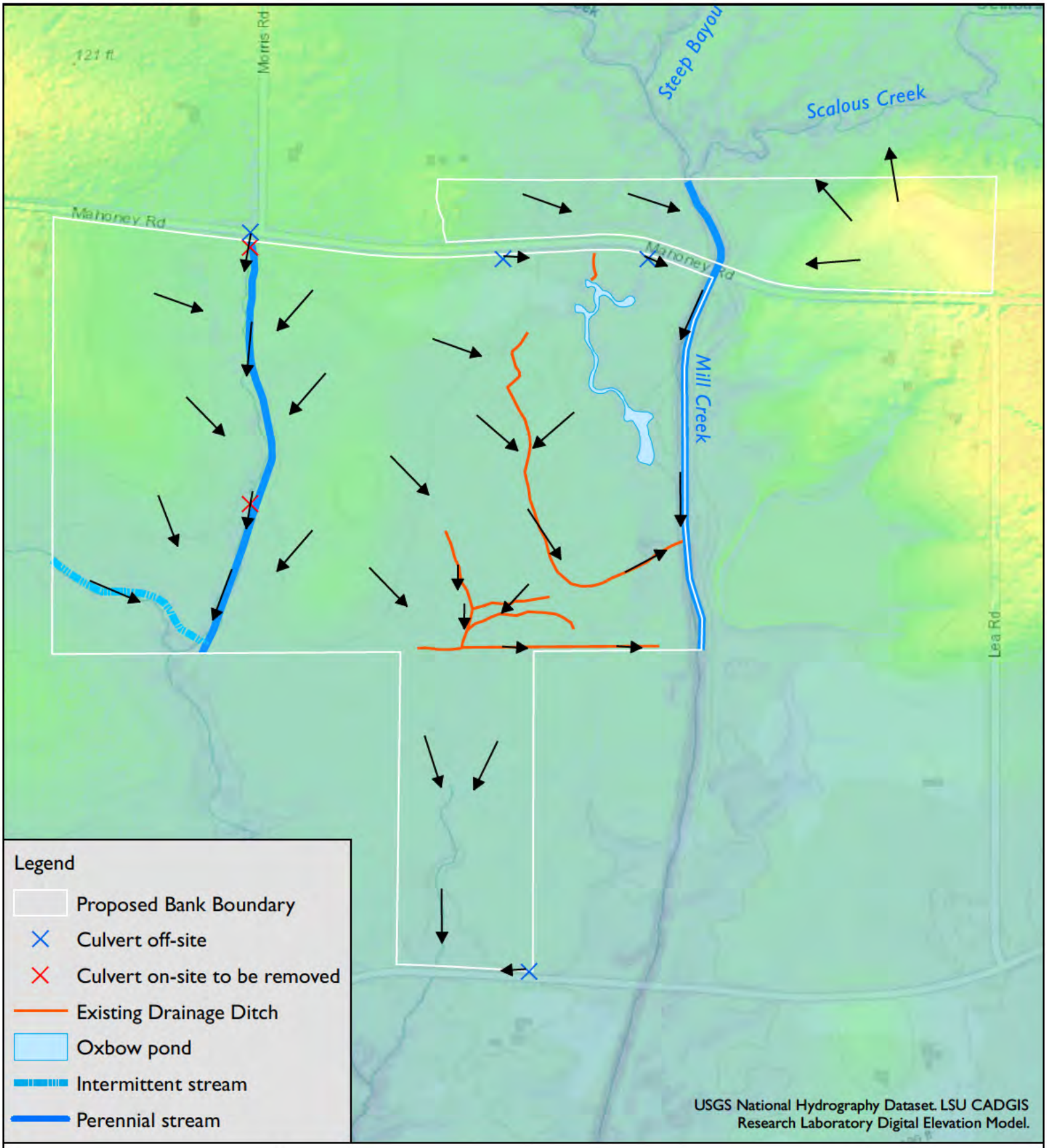
FIGURE 10



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Feet

Coordinate System:
NAD 1983 StatePlane Louisiana South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

PROPOSED HYDROLOGY

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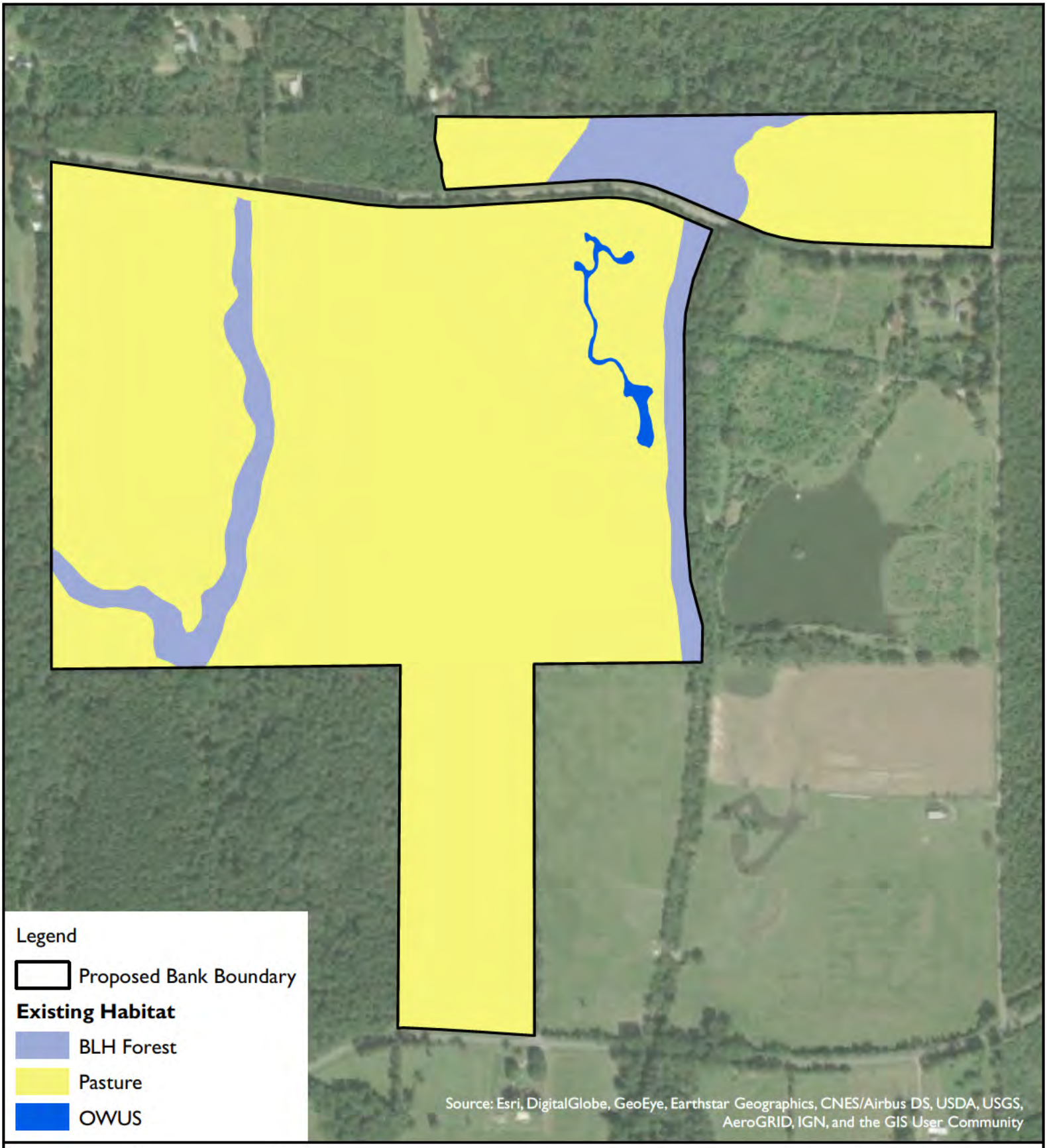
FIGURE 11



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Feet

Coordinate System:
NAD 1983 StatePlane Louisiana South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

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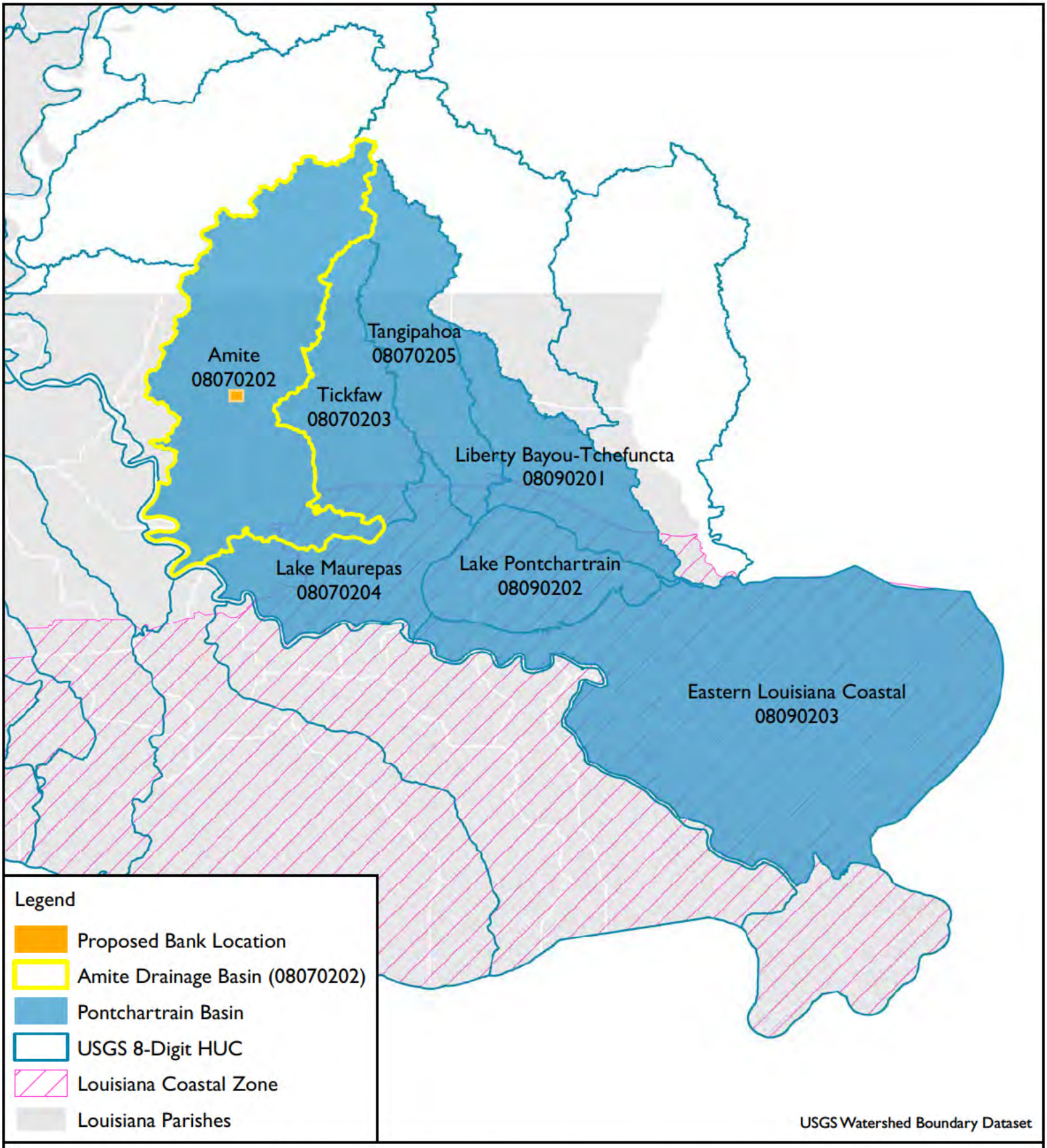
EXISTING PLANT COMMUNITIES

FIGURE 12



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Feet

Coordinate System:
NAD 1983 StatePlane Louisiana
South FIPS 1702 Feet

BROWN EAGLE GROUP, INC.
PROPOSED LEA FARM MITIGATION BANK
East Baton Rouge Parish, LA

PROPOSED SERVICE AREA

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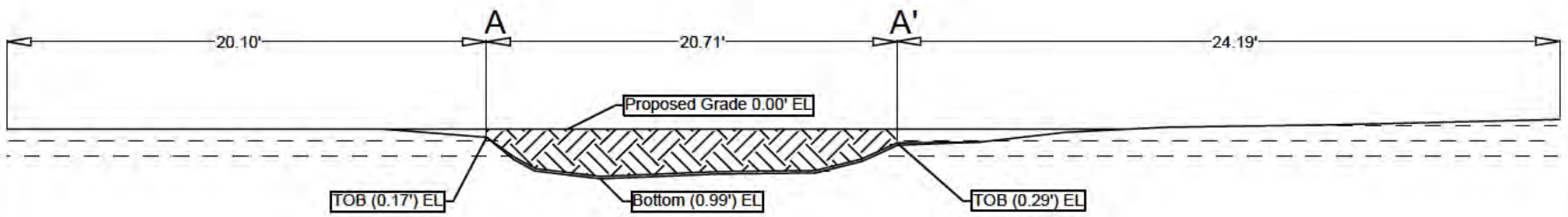
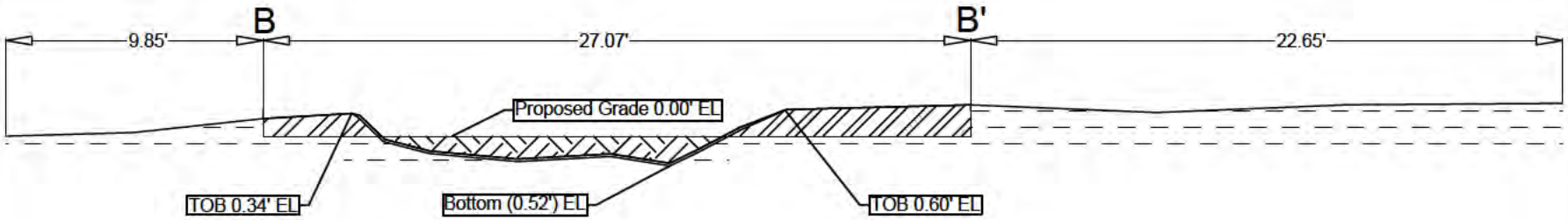
FIGURE 13

Appendix B: Typical Cross-Sections





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cypressei.com
906 DeSoto Street
Ocean Springs, Mississippi 39533
P. 228.254.3065

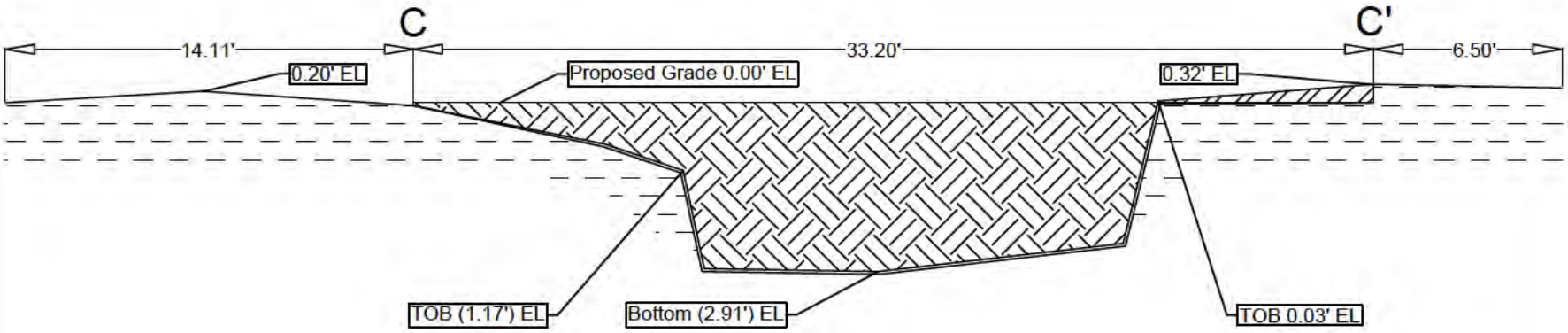
Figure C-2: Cross Sections A-A' and B-B'

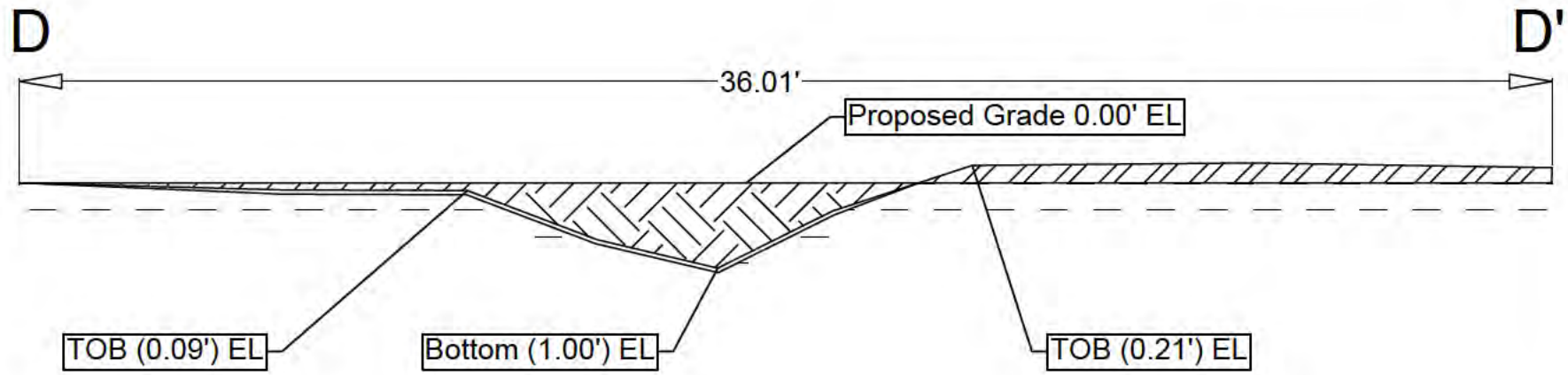
Lea Farm Mitigation Bank

Notes:
1. Elevations are in linear feet, relative to natural wetland grade.
2. Measurements collected 07.22.2020 by Cypress Environment & Infrastructure.

Scale = Not to Scale

Existing Ground
Proposed Earthen Fill
Proposed Excavation





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906 DeSoto Street
Ocean Springs, Mississippi 39533
P. 228.254.3065

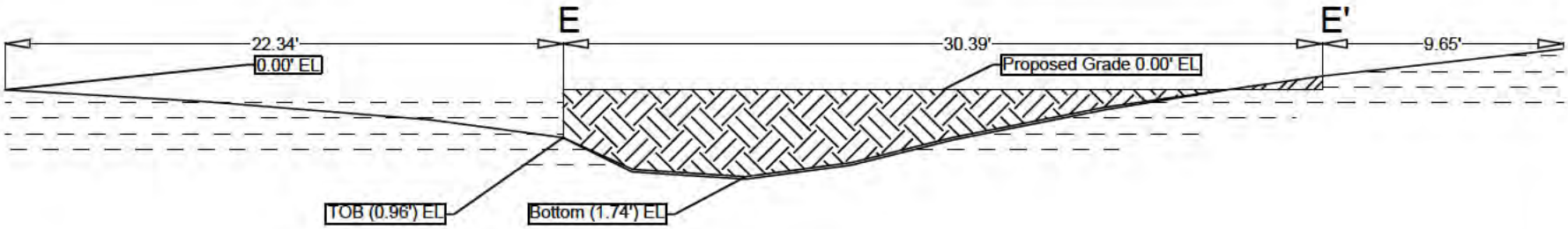
Figure C-3: Cross Sections C-C' and D-D'

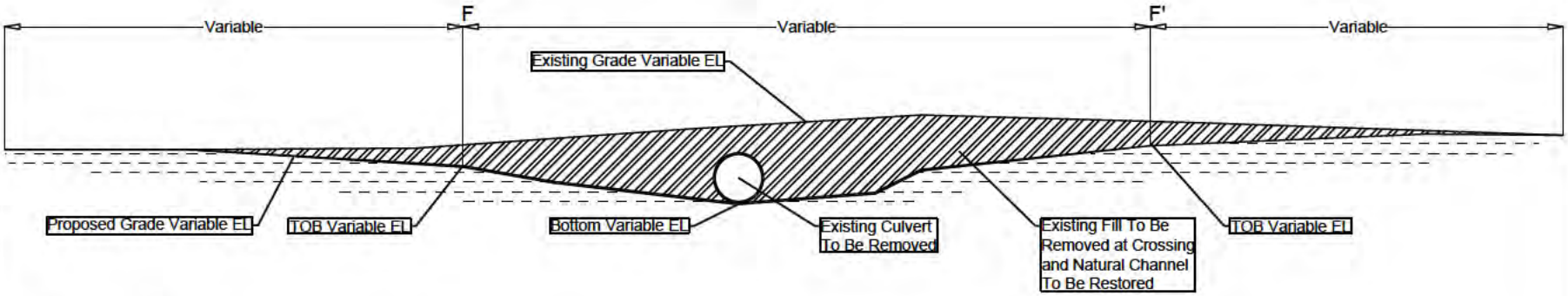
Lea Farm Mitigation Bank

Notes:
1. Elevations are in linear feet, relative to natural wetland grade.
2. Measurements collected 07.22.2020 by Cypress Environment & Infrastructure.

Scale = Not to Scale

Existing Ground
Proposed Earthen Fill
Proposed Excavation





Notes for Cross Section F-F' only:

1. Measurements from USACE St. Louis Dsitrict, 2001, USGS Digital Elevation Model, Louisiana FEMA Projecte Phase 1: Amite River Basin 3009017nw.dem
2. F-F' represents a typical section for culvert removal and restoration following removal.

CYPRESS
Environment & Infrastructure

cypresei.com
906 DeSoto Street
Ocean Springs, Mississippi 39533
P. 228.254.3065

Figure C-4: Cross Sections E-E' and F-F'

Lea Farm Mitigation Bank

Notes:

1. Elevations are in linear feet, relative to natural wetland grade.
2. Measurements for E-E' collected 07.22.2020 by Cypress Environment & Infrastructure.

Scale = Not to Scale

- Existing Ground
- Proposed Earthen Fill
- Proposed Excavation

Appendix C: Jurisdictional Determination

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

April 7, 2021

Operations Division
Surveillance and Enforcement Section

Lindsay Spurrier
Cypress Environmental & Infrastructure
Post Office Box 1168
Biloxi, Mississippi 39533

Dear Ms. Spurrier:

Reference is made to your request for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Section 18, Township 4 South, Range 3 East, East Baton Rouge Parish, Louisiana (enclosed map). Specifically, this property is identified as a 323.3 acre site, the proposed Lea Farm Mitigation Bank, north and south of Mahoney Road.

Based on review of recent maps, aerial photography, soils data, the delineation report provided with your request, and a site inspection conducted on April 6, 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.

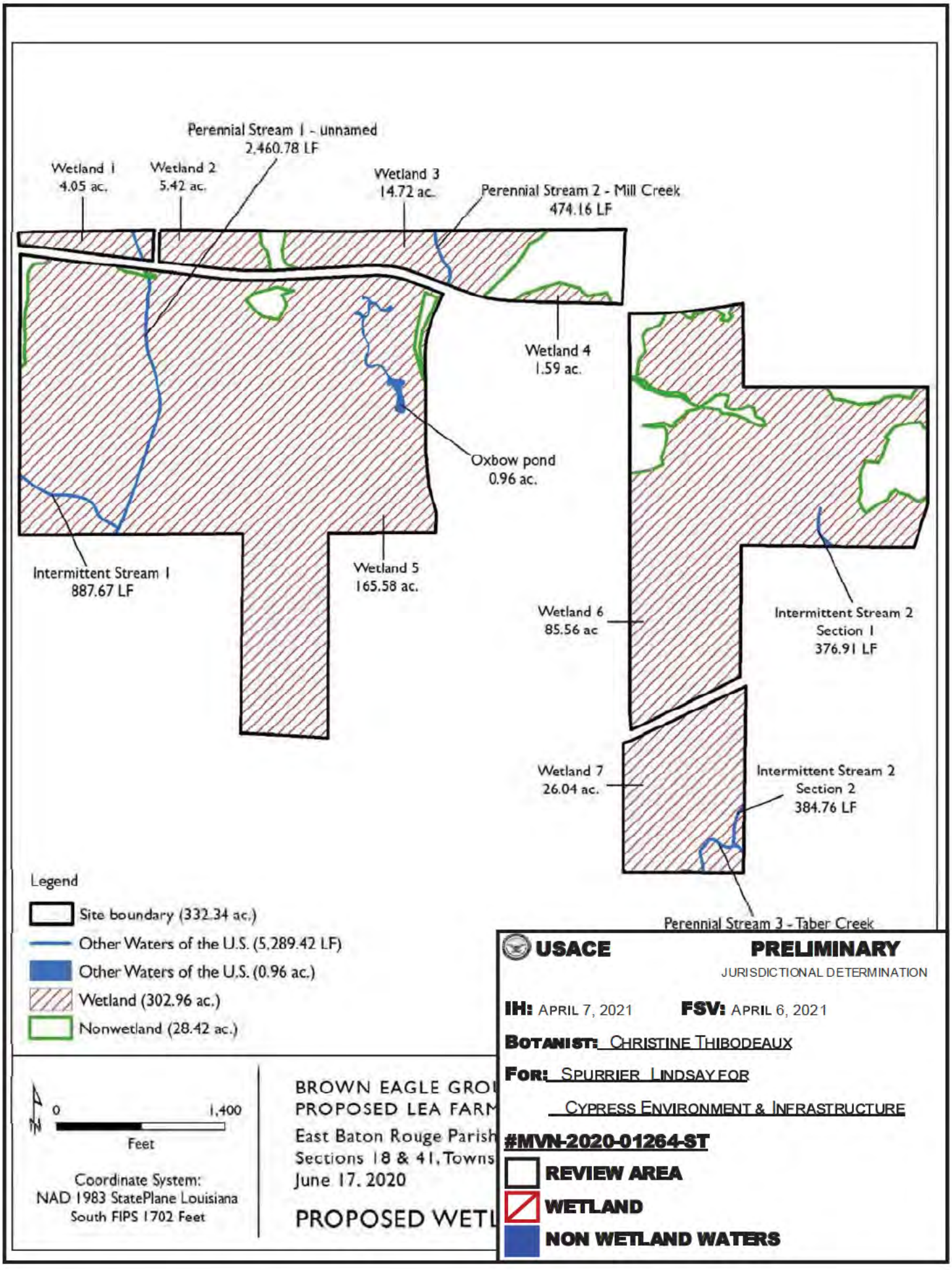
Should there be any questions concerning these matters, please contact Ms. Christine Thibodeaux at (504) 862-2278 and reference our Account No. MVN-2020-01264-ST. If you have specific questions regarding the permit process or permit applications, please contact Ms. Brenda Archer on our Special Projects and Policy Team at (504) 862-2046.

Sincerely,

Digitally signed by Brad

for Martin S. Mayer
Chief, Regulatory Branch

Enclosures


Perennial Stream 1 - unnamed
2,460.78 LF
Wetland 1
4.05 ac.
Wetland 2
5.42 ac.
Wetland 3
14.72 ac.
Perennial Stream 2 - Mill Creek
474.16 LF
Wetland 4
1.59 ac.
Oxbow pond
0.96 ac.
Intermittent Stream 1
887.67 LF
Wetland 5
165.58 ac.
Wetland 6
85.56 ac
Intermittent Stream 2
Section 1
376.91 LF
Wetland 7
26.04 ac.
Intermittent Stream 2
Section 2
384.76 LF
Perennial Stream 3 - Taber Creek
Legend
Site boundary (332.34 ac.)
Other Waters of the U.S. (5,289.42 LF)
Other Waters of the U.S. (0.96 ac.)
Wetland (302.96 ac.)
Nonwetland (28.42 ac.)
N
0
1,400
Feet
Coordinate System:
NAD 1983 StatePlane Louisiana
South FIPS 1702 Feet
BROWN EAGLE GRO
PROPOSED LEA FARM
East Baton Rouge Parish
Sections 18 & 41, Towns
June 17, 2020
PROPOSED WETL
USACE
PRELIMINARY
JURISDICTIONAL DETERMINATION
IH: APRIL 7, 2021
FSV: APRIL 6, 2021
BOTANIST: CHRISTINE THIBODEAUX
FOR: SPURRIER LINDSAY FOR
CYPRESS ENVIRONMENT & INFRASTRUCTURE
#MVN-2020-01264-ST
REVIEW AREA
WETLAND
NON WETLAND WATERS

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: 4/7/2021

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

Lindsay Spurrier
Cypress Environment & Infrastructure
Post Office Box 1168
Biloxi, Mississippi 39533

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

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: City:

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

Lat.: 30.7063 ° Long.: -90.9513 °

Universal Transverse Mercator:

Name of nearest waterbody: Mill Creek

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

☒ Office (Desk) Determination. Date: April 7, 2021

☒ Field Determination. Date(s): April 6, 2021

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	30.7063	-90.9513	5289.42 linear feet	non-wetland waters	Section 404
1	30.7063	-90.9513	0.96 acre	non-wetland waters	Section 404
1	30.7063	-90.9513	302.96 acres	wetland	Section 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: Maps, plots by Cypress Environment & Infrastructure.

☒ 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 Pride.

☒ Natural Resources Conservation Service Soil Survey. Citation: East Baton Rouge Parish Web Soil Survey.

☒ National wetlands inventory map(s). Cite name: R2UBH, R4SBC, R5UBH, PFOC, PFO1A.

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

☐ FEMA/FIRM maps: _____.

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

☒ Photographs: ☒ Aerial (Name & Date): NAIP 17, 15, 13, 10, DOQQ 12, 08, 04, 98.
or ☒ Other (Name & Date): Google Earth 2019, Digital Globe 2020.

☐ 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

Lindsay Spurrier, Cypress Environment & Infrastructure, 12/16/2020
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: Lindsay Spurrier, Cypress Environment & Infrastructure	File Number: MVN-2020-01264-ST	Date: 4/7/2021
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:

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 D: Site Photographs

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 6/2/2020 **Photo No:** 1 **Description:** Typical view of the bottomland hardwood forest in Unit 1.	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 6/2/2020 **Photo No:** 2 **Description:** Typical view of the bottomland hardwood forest in Unit 2.	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 5/11/2020 **Photo No:** 3 **Description:** Typical view of the pasture in Unit 2.	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 10/28/2019 **Photo No:** 4 **Description:** Pasture in Unit 3 with no overstory present.	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 5/13/2020 **Photo No:** 5 **Description:** Two concrete culverts at the unnamed perennial stream in Unit 3.	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 5/28/2020 **Photo No:** 6 **Description:** Typical view of bottomland hardwood forest along unnamed perennial stream in Unit 3.	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 5/28/2020 **Photo No:** 7 **Description:** Typical view of riparian area along oxbow pond in Unit 3.	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 10/28/2019 **Photo No:** 8 **Description:** Pasture in the south portion of Unit 3 dominated by Chinese tallow (*Triadica sebifera*) and no overstory present.	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 5/13/2020 **Photo No:** 9 **Description:** Typical view of pine forest in the northern portion of Unit 4.	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 5/13/2020 **Photo No:** 10 **Description:** Typical view of pine forest in the eastern portion of Unit 4.	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 5/13/2020 **Photo No:** 11 **Description:** Typical view of pine forest in the southern portion of Unit 4.	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 10/28/2019 **Photo No:** 12 **Description:** Remnant mechanical trail observed in Unit 4.	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 5/27/2020 **Photo No:** 13 **Description:** Typical view of pine forest in Unit 5 dominated by loblolly pine (*Pinus taeda*) and Chinese tallow (*Triadica sebifera*).	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 5/27/2020 **Photo No:** 14 **Description:** Typical view of pine forest in Unit 5 dominated by groundsel tree (*Baccharis halimifolia*) and yaupon (*Ilex vomitoria*).	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 4/17/2020 **Photo No:** 15 **Description:** View of perennial stream named Mill Creek that flows adjacent to Unit 3. Mill Creek was straightened at some time between 1962 and 1989.	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 4/17/2020 **Photo No:** 16 **Description:** View of the oxbow pond in Unit 3. Chinese tallow (*Triadica sebifera*) dominates this area.	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 5/28/2020 **Photo No:** 17 **Description:** View of unnamed perennial stream in Unit 3.	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana **Date:** 5/28/2020 **Photo No:** 18 **Description:** View of unnamed intermittent stream in Unit 3 that flows into the unnamed perennial stream.	

Site Location: Proposed Lea Farm Mitigation Bank, East Baton Rouge, Louisiana	
Date: 5/22/2020	
Photo No: 19	
Description: View of unnamed intermittent stream in Unit 4 that flows into Taber Creek.	