



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

July 25, 2022

Operations Division
Special Project and Policy Team
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SUBJECT: Proposed East Bedico Creek Mitigation Bank

PUBLIC NOTICE

Public Notice Purpose: Pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403) and Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344), the U.S. Army Corps of Engineers, New Orleans District, Regulatory Branch is soliciting comments from all interested parties on the development, utilization and long-term management of a proposed mitigation bank. The purpose of this mitigation bank is to provide compensatory mitigation for unavoidable impacts to wetland resources, including other waters of the United States, that result from projects authorized through the Department of the Army permit program.

PROPOSED EAST BEDICO CREEK MITIGATION BANK IN ST. TAMMANY PARISH

NAME OF APPLICANT: Pass On It, Properties, LLC, c/o Trinity Mitigation Services, LLC, 331 Girod Street, Mandeville, Louisiana 70448 ATTN: Chris Trepagnier.

LOCATION OF WORK: The proposed project consists of areas two tracts located near Goodbee, Louisiana, in St. Tammany Parish in the Lake Pontchartrain Basin, USGS Hydrologic Unit 08070205 (west tract) and, 08070205 & 08090201 (east tract).

MVN-2006-02983-1 west tract: Lat. 30.51186 Long. -90.21232
MVN-2015-01356 east tract: Lat. 30.51750 Long. -90.20607

CHARACTER OF WORK: The Sponsor proposes restoration and/or preservation of bottomland hardwood wetlands on each of these sites. The west tract is 91.3 acres and the east tract is 41.1 acres in size. The scope of work on the west tract includes backfilling ditches, bedding and subsequent reforestation with bottomland species. The existing forested community on the east tract would be preserved. The location and scope of work for each site is identified in the attached mitigation banking prospectus.

The Corps of Engineers is soliciting written comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties. The comment period will close **30 days** from the date of this public notice advertisement. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons thereof, are being solicited from anyone having interest in this prospectus. Letters must reference the applicant's name and the subject number, be addressed and mailed to the above address.

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. Issuance of this public notice solicits input from the State Archeologist and State Historic Preservation Officer 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.

Utilizing the Information & Planning Consultation for Endangered Species in Louisiana (IPaC), dated January 27, 2020, between the U.S. Army Corps of Engineers, New Orleans and U.S. Fish and Wildlife Service, Ecological Services Office, the Corps has determined that the proposed activity would have no effect on any species listed as endangered by the U.S. Department of the Interior.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of N/A acre(s) 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 Department of Environmental Quality, before a permit is issued.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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

Martin S. Mayer
Chief, Regulatory Branch

Attachment

PROSPECTUS FOR THE PROPOSED
EAST BEDICO CREEK MITIGATION BANK
ST. TAMMANY PARISH, LOUISIANA

October 2021 (Revised)



SUBMITTED BY:

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TABLE OF CONTENTS

1.0	INTRODUCTION	1
1.1	Site Location	1
2.0	PROJECT GOALS AND OBJECTIVES	4
3.0	ECOLOGICAL SUITABILITY OF THE SITE/BASELINE CONDITIONS.....	6
3.1	Land Use	6
3.1.1	Historical Land Use	6
3.1.2	Existing/Current Land Use	6
3.2	Soils.....	6
3.3	Hydrology	11
3.3.1	Contributing Watershed	11
3.3.2	Historical Hydrology and Drainage Patterns	11
3.3.3	Existing/Current Hydrology and Drainage Patterns	11
3.3.4	Jurisdictional Wetlands.....	11
3.4	Vegetation.....	19
3.4.1	Historical Plant Community	19
3.4.2	Existing Plant Community.....	19
3.5	General Need for the Project in this Area.....	21
4.0	ESTABLISHMENT OF THE MITIGATION BANK	22
4.1	Site Restoration Plan.....	22
4.1.1	Soils/Hydrologic Work	22
4.1.2	Vegetative Work.....	32
4.2	Technical Feasibility.....	33
4.3	Current Site Risks	33
4.4	Long-Term Sustainability of the Site.....	33
5.0	PROPOSED SERVICE AREA.....	34
6.0	OPERATION OF THE MITIGATION BANK.....	35
6.1	Project Representatives	35
6.2	Qualifications of the Sponsors	35
6.3	Proposed Long-Term Ownership and Management Representatives.....	35
6.4	Site Protection.....	36
6.5	Long-Term Strategy.....	36
7.0	REFERENCES	38

List of Tables

Table 1	Existing Land Uses and Proposed Mitigation Types	4
Table 2	Existing Plant Communities	21
Table 3	Percent Composition of species to be planted at the EBCMB.....	32

List of Figures

Figure 1	General Location of the East Bedico Creek Mitigation Bank Areas	2
Figure 2	Location of East Bedico Creek Mitigation Bank Areas.....	3
Figure 3	Historical Aerial (2005)	7
Figure 4	Historical Aerial (2011)	8
Figure 5	Land Use within 1 mile of the East Bedico Creek Mitigation Bank Areas	9
Figure 6	Soils Map	10
Figure 7	Hydrologic Units near the EBCMB Areas.....	12
Figure 8	Watershed Basins near the EBCMB Areas.....	13
Figure 9	Drainage Area of the EBCMB Areas.....	14
Figure 10	Historical Hydrology and Drainage Patterns	15
Figure 11	LIDAR-based Elevation Contours.....	16
Figure 12	Existing Hydrology (Pre-Construction).....	17
Figure 13	Wetland Delineation	18
Figure 14	Existing Vegetation Communities	20
Figure 15	Site Restoration Plan.....	23
Figure 16	Proposed Hydrology Restoration (Post Construction).....	24
Figure 17	Profiles and Cross-Sections Index	25
Figure 18	Profile A – A’	26
Figure 19	Cross-Section B – B’	27
Figure 20	Cross-Section C – C’	28
Figure 21	Profile D - D’	29
Figure 22	Cross-Section E – E’	30
Figure 23	Cross-Section F-F’	31
Figure 24	Conservation Servitude Limits	37

Appendices

Appendix A	Jurisdictional Determinations
Appendix B	Photographs

1.0 INTRODUCTION

Pass On It Properties, LLC (Sponsor) is submitting this prospectus in accordance with 33 CFR 332.8(d)(2). The proposed name of the mitigation bank is the East Bedico Creek Mitigation Bank (EBCMB). Pass On It Properties, LLC is the owner of all property encompassing the proposed EBCMB and will serve as the Sponsor assuming long-term management of the properties. The contact information for the Sponsor/Owner is listed in Section 6.1.

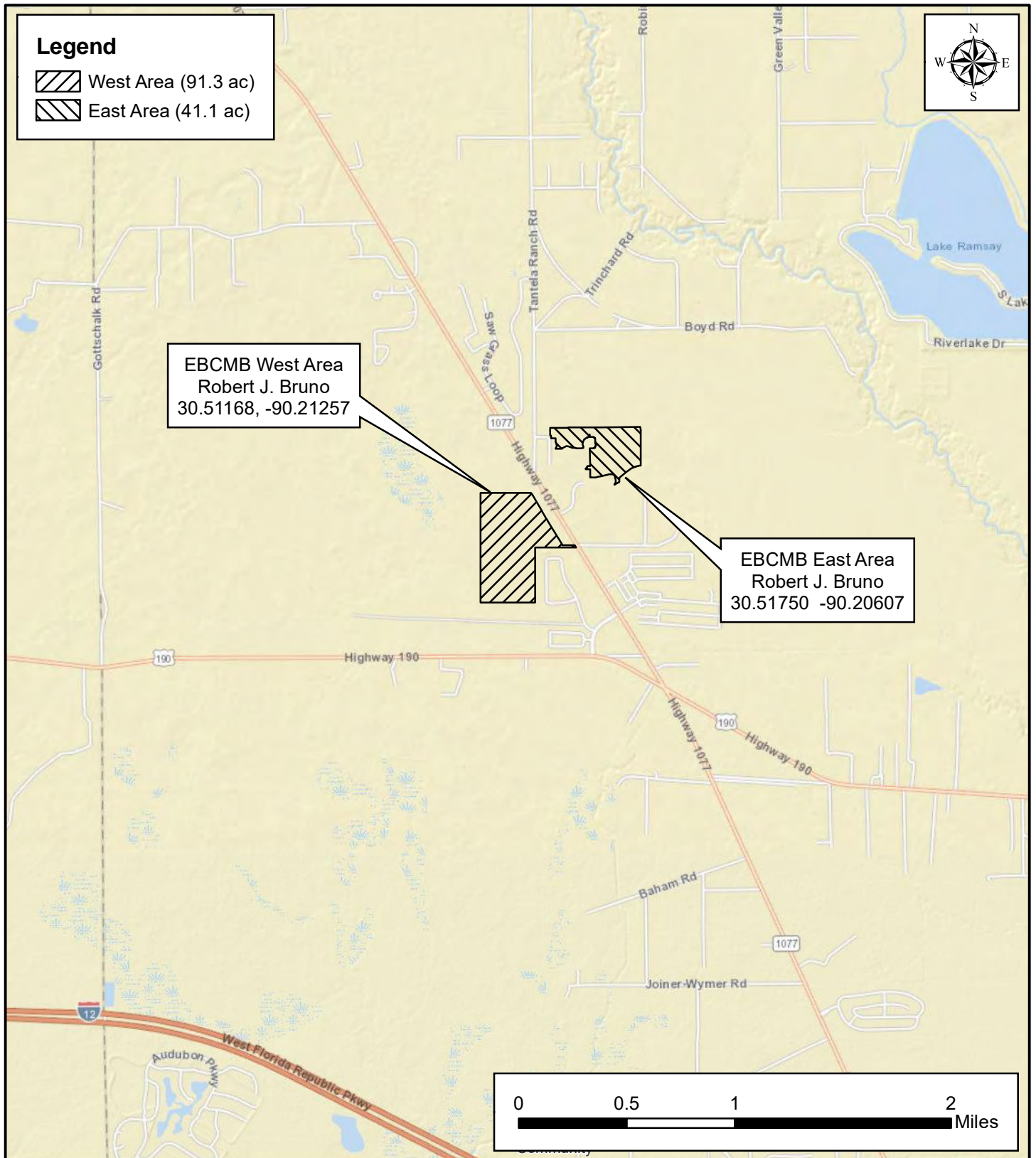
The property currently supports cutover pine, cutover hardwoods, upland hardwoods, mature bottomland hardwoods (BLH), and agricultural ditches. The Sponsor proposes to re-establish, rehabilitate, and preserve a total of 126.8 acres of BLH within the EBCMB in accordance with the 2008 Final Rule “Compensatory 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 EBCMB includes portions of two properties located along LA Highway 1077 approximately six miles northwest of Covington, in St. Tammany Parish, Louisiana (**Figure 1**). The properties are located in all, or portions of, Sections 16, 17, 20, and 21, Township 06 South and Range 10 East. The geographic coordinates in decimal degrees are 30.51168, -90.21257 for the west property and 30.51750, -90.20607 for the east property (**Figure 2**).

Driving Directions: From New Orleans take Causeway Boulevard north for approximately 30 miles to the I-12 west exit. Travel on I-12 west for approximately six miles and take exit 57 for LA Highway 1077 north. The EBCMB properties are located on both sides of LA Highway 1077, approximately four miles north of the I-12/LA Highway 1077 intersection.

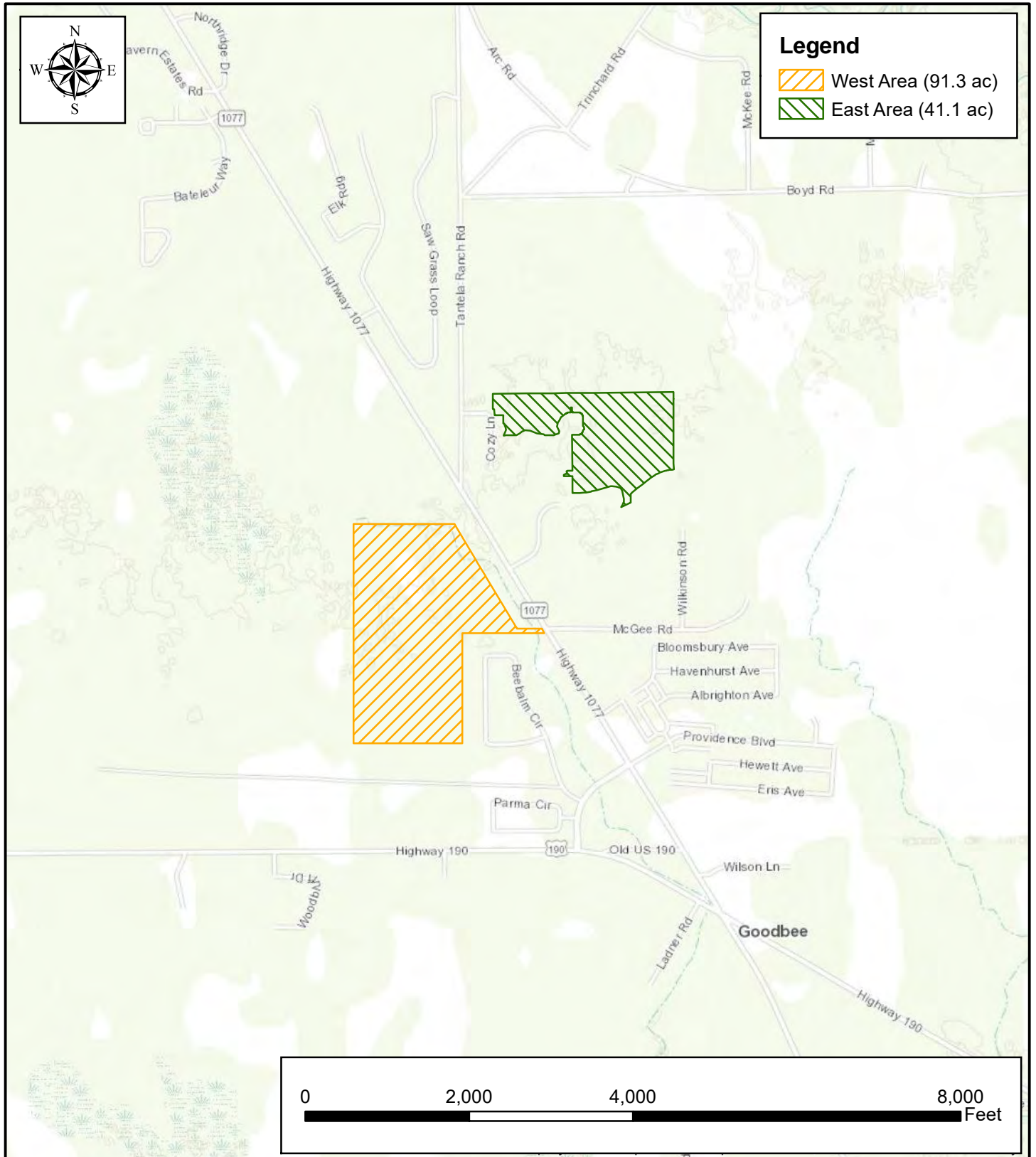
Figure 1. General Location of the East Bedico Creek Mitigation Bank Areas



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Date: October 13, 2021

Figure 2. Location of the East Bedico Creek Mitigation Bank Areas



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2.0 PROJECT GOALS AND OBJECTIVES

The successful re-establishment, rehabilitation and preservation of a bottomland hardwood system within the EBCMB 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 EBCMB will restore and preserve the unique wetland functions and values associated with a functioning BLH system. Re-establishment, rehabilitation and preservation of aquatic functions and wetland vegetation at the EBCMB would provide compensatory wetland mitigation for unavoidable, permitted losses of similar wetland habitat types in the bank’s service area. Widespread residential/commercial development is ongoing in St. Tammany Parish. Oil and gas exploration, federal hurricane protection projects, local and state government projects, as well as continued residential/commercial development are planned in St. Tammany Parish and the entire Lake Pontchartrain watershed. Many of these projects will require compensation for wetland loss or impacts.

Project Goals

Proposed activities to meet the goals and objectives for EBCMB are aimed to restore wetlands where most functions have been degraded by prior land use management and to preserve existing wetland functions and values. Specifically, the project goals for EBCMB are to rehabilitate and preserve in perpetuity the physical, chemical and biological functions of a BLH wetland habitat. The EBCMB will produce wetland mitigation “credits” as a result of the re-establishment, rehabilitation, 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 both properties are summarized in Table 1.

Table 1. Existing Land Uses and Proposed Mitigation Types

MITIGATION TYPE	CURRENT HABITAT	PROPOSED HABITAT	ACRES
Rehabilitation	Cutover Pine	BLH	88.2
	Road	BLH	0.7
	Total Rehabilitation		88.9
Re-establishment	Cutover Uplands	BLH	2.6
	Ditches	BLH	0.5
	Total Re-establishment		3.1
Preservation	BLH	BLH	34.8
	Total Preservation		34.8
Total Rehabilitation, Re-establishment, and Preservation			126.8
Upland Buffer	Upland Hardwoods	Upland Hardwoods	3.6
	Total Upland Buffer		3.6
Non-Mitigation	Drainage Servitude		2.0
	Total Non-Mitigation		2.0
Total			132.4

Project Objectives

Proposed hydrology enhancements along with the rehabilitation of habitat composition and structure would be beneficial to several aquatic functions associated with the EBCMB. 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 Lake Pontchartrain watershed. The following restoration objectives are proposed:

- Restore natural surface and groundwater hydrology by backfilling all interior ditches with their associated spoil on the west property to promote overland sheet flow and restore wetland hydrology to 2.6 acres of cutover upland hardwoods
- Replant 0.5 acres of target hardwood species where ditches were filled and throughout the 88.2 acres of cutover pine on the west property
- Replant 0.7 acres of target hardwood species within the roadway on the east property
- Preserve 34.8 acres of mature BLH habitat on the east property
- Preserve 3.6 acres of upland hardwood habitat on the east property as an 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 EBCMB

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 mitigation bank. 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

Historically, the area encompassing the west property was a BLH forest. The hardwoods were removed in 2005 and the entire property was bedded and planted in pines. The east property historically supported, and currently supports, a mature BLH and upland hardwood forest. Historical photos show the site conditions within the EBCMB areas in 2005 (**Figure 3**) and 2011 (**Figure 4**).

3.1.2 Existing/Current Land Use

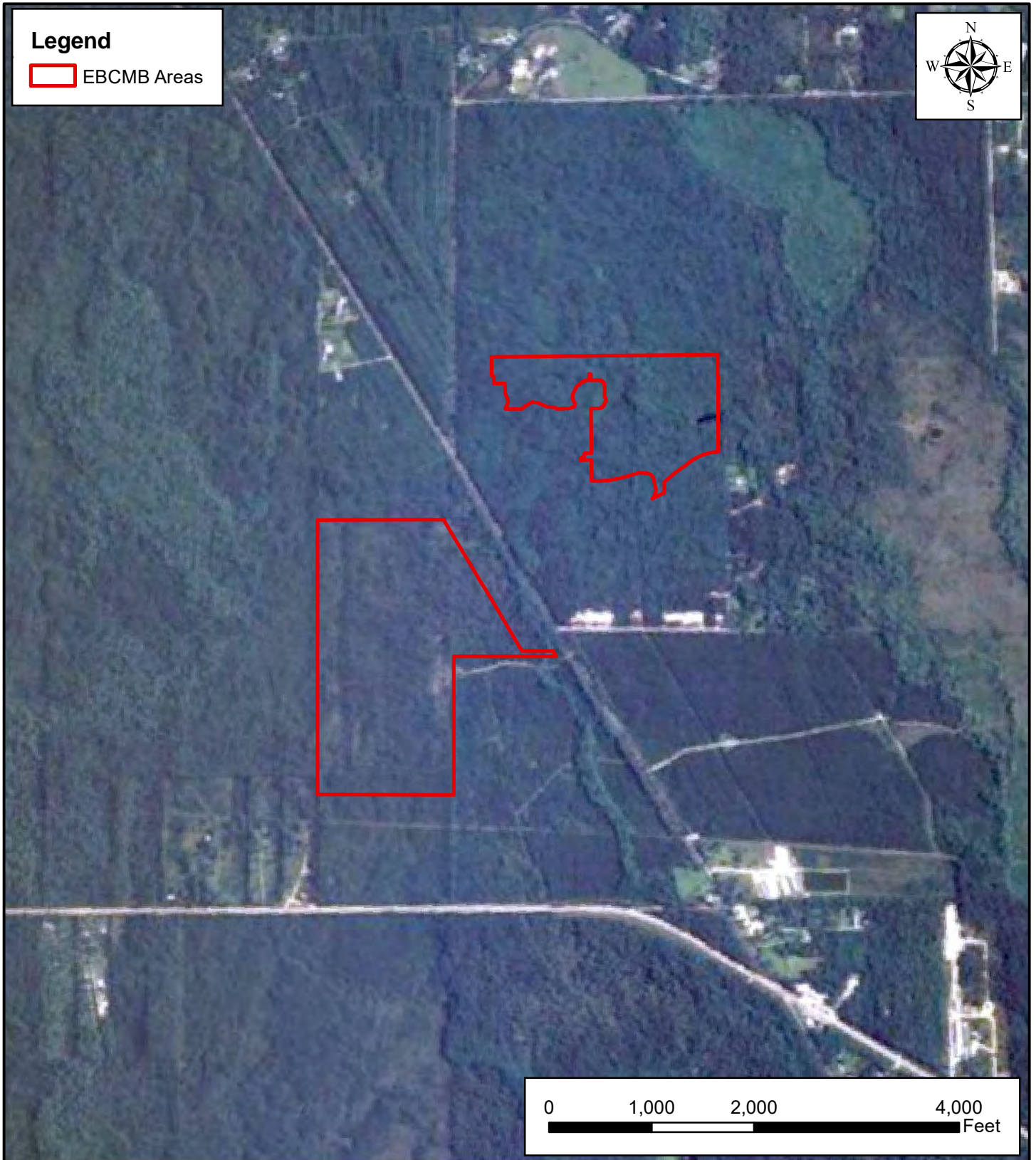
Land use in the vicinity of EBCMB is mostly undeveloped forest land with scattered small (single family homes) and large (subdivisions) residential development. Current aerial photography and field visits were used to determine the current land use on, and within a 1-mile radius of, the EBCMB areas (**Figure 5**).

3.2 Soils

Soils within the proposed EBCMB are diverse and are determined in large part by topographic position. In general the properties are level and very gently sloping poorly-drained to moderately well-drained loamy soils (USDA 2019). The majority of the soils within the proposed EBCMB are mapped as either Stough fine sandy loam (St) or Myatt fine sandy loam (Mt and My). Smaller areas of Prentiss fine sandy loam (Pr), Latonia fine sandy loam (Lt), and Abita silt loam (Aa) are also present (**Figure 6**).

Myatt soils occur in the lowest areas (wet depressions) and have a hydric rating of 85-90%. The Stough soils occur in broad, flat terraces in a landscape with irregular, slight rises and slightly concave areas. The Stough soil officially only has a 10% hydric rating; however, most areas mapped as Stough in St. Tammany Parish are actually all or partially hydric. Based on our field delineations in St. Tammany Parish, and through discussions with USACE field biologists, this soil type should have a higher rating. Our previous delineation results in St. Tammany Parish indicate that approximately 60-80% of this soil type is typically determined to be hydric.

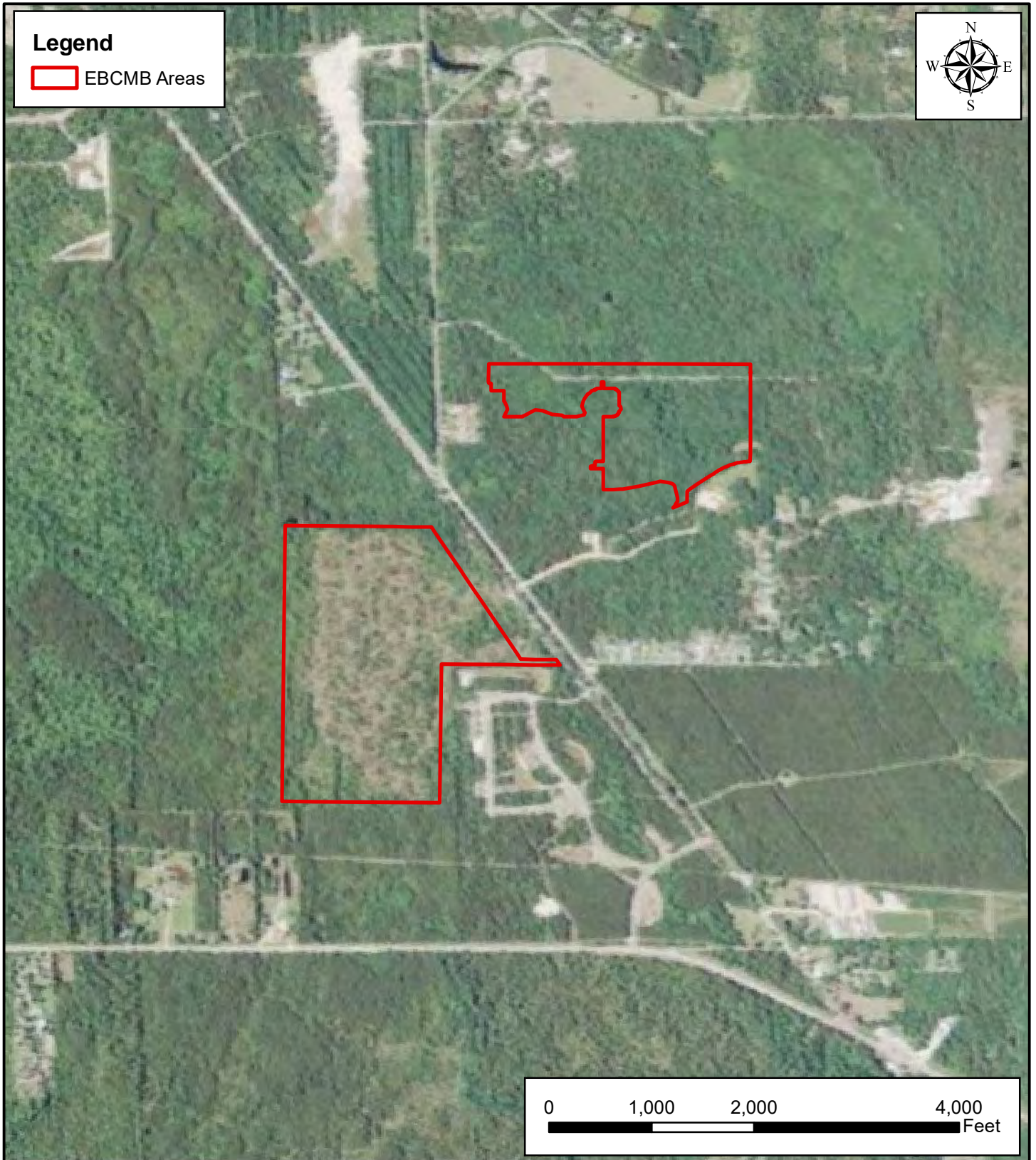
Figure 3. Historical Aerial (June 2005)



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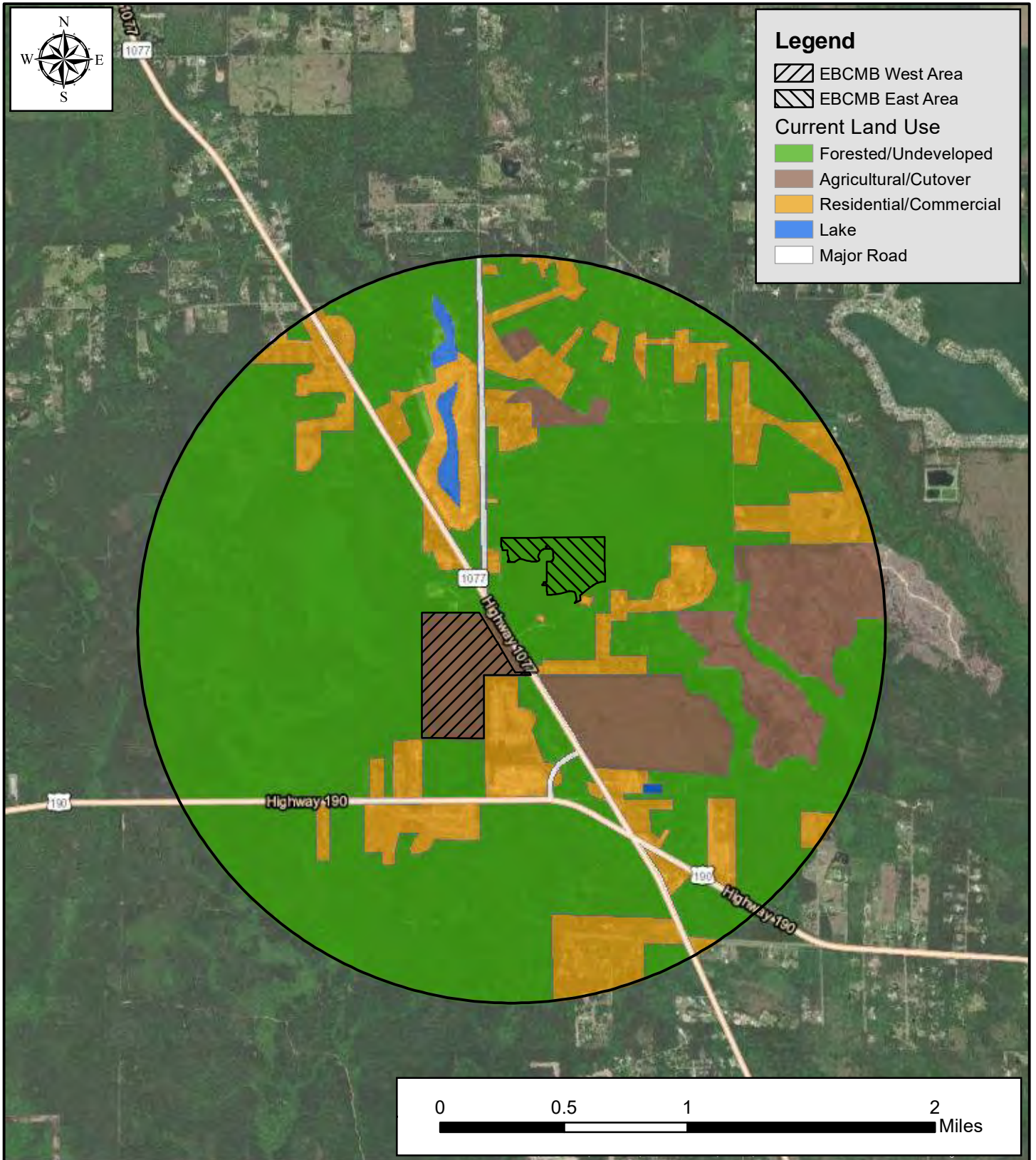
Figure 4. Historical Aerial (April 2011)



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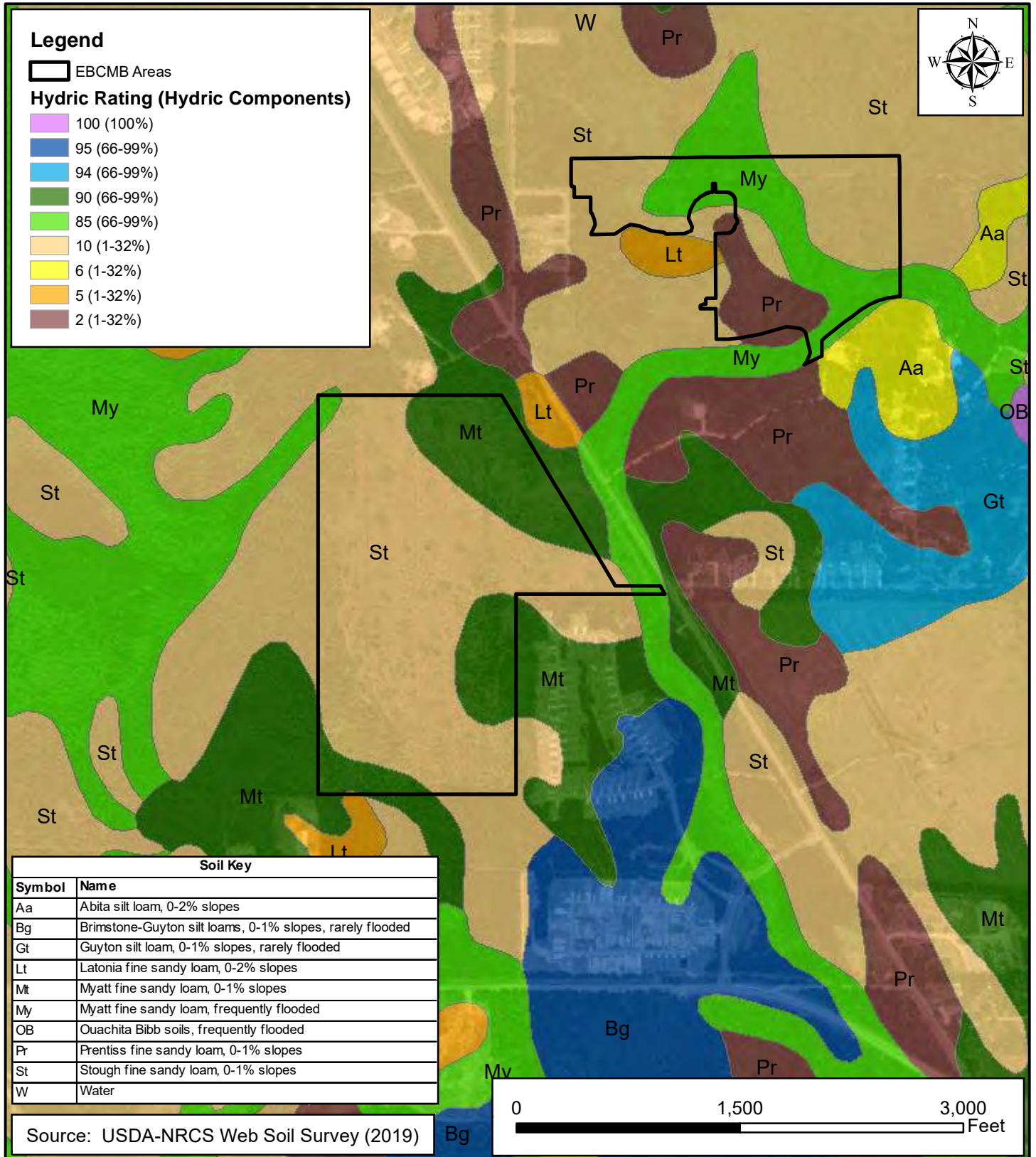
Figure 5. Land Use within 1 mile of the East Bedico Creek Mitigation Bank Areas



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Figure 6. Soils Map



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3.3 Hydrology

3.3.1 *Contributing Watershed*

The proposed EBCMB is located within the Pontchartrain Basin encompassing 5,072,541.3 acres. All of the west area, and a portion of the east area, are within USGS Hydrologic Unit Code (HUC) 08070205. The remainder of the east area is within HUC 08090201 which designates that the proposed EBCMB lies within cataloging units 01 and 05, accounting unit 02, and sub-region unit 07 of the Lower Mississippi Region (**Figure 7**). The contributing drainage area associated with the proposed mitigation bank lies within the Bedico Creek (28,835 acres) and Soap and Tallow-Tchefuncta River (27,538 acres) watersheds (**Figure 8**). The sub-drainage area for the EBCMB consists of 2,042 acres (**Figure 9**).

3.3.2 *Historical Hydrology and Drainage Patterns*

Historically, the area encompassing the proposed mitigation bank drained naturally via gravity into East Bedico Creek or Soap and Tallow Branch and eventually into Lake Pontchartrain (**Figure 10**). Elevation on both properties range from 32 to 40 feet North American Vertical Datum (NGVD). The majority of both properties occur between 37 and 39 feet NGVD (**Figure 11**).

3.3.3 *Existing/Current Hydrology and Drainage Patterns*

Natural hydrology of EBCMB is somewhat intact, with the exception of the shallow ditches on the west property and a canal on the east property. On-site hydrology has been altered by the presence of these shallow ditches on the west property and a canal that drains a nearby existing subdivision on the east property (**Figure 12**). The EBCMB properties (east and west) are hydrologically connected via twin 48" culverts under LA Highway 1077.

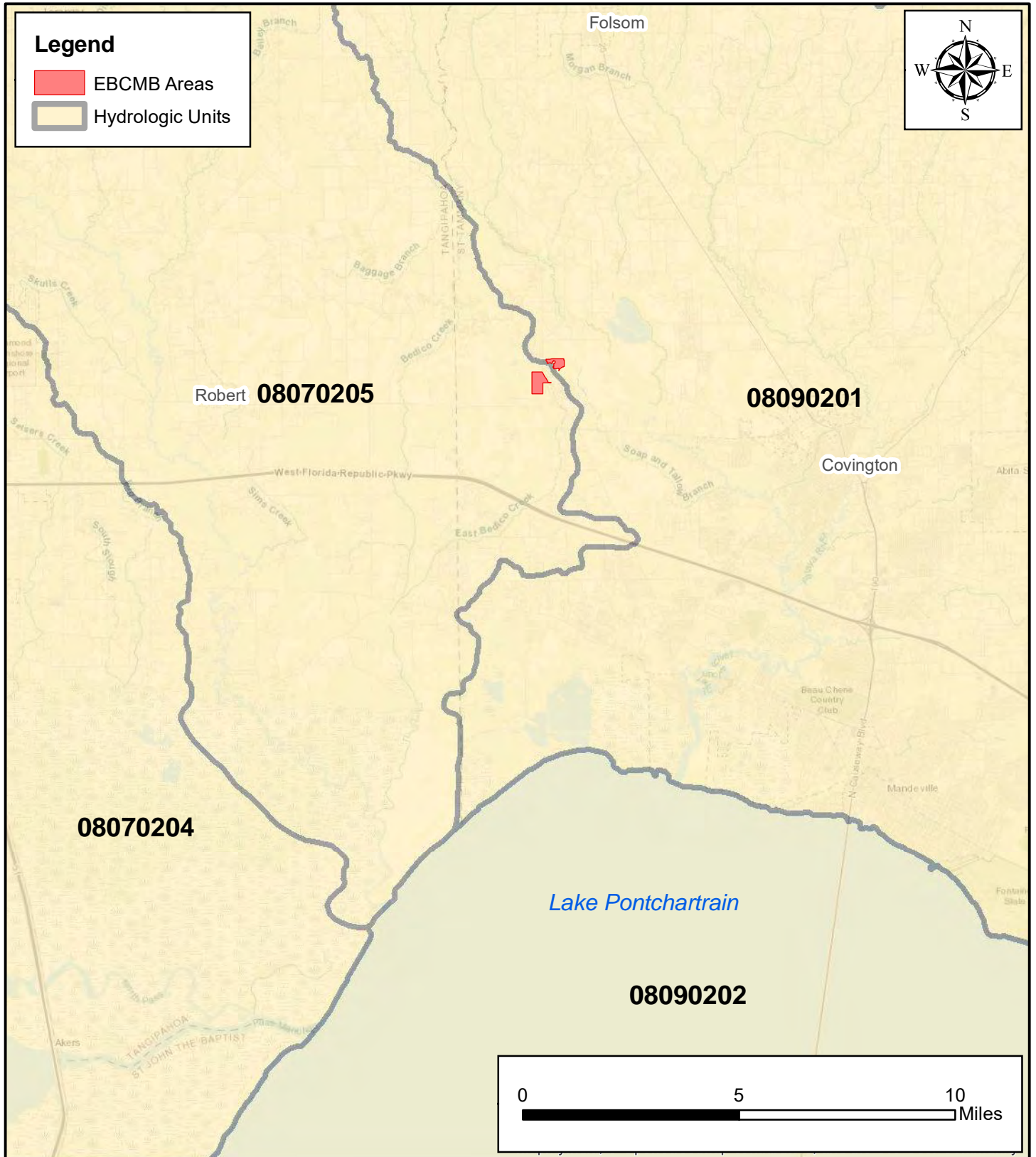
3.3.4 *Jurisdictional Wetlands*

A wetland delineation of the west property was prepared and submitted to the USACE, New Orleans District, Surveillance and Enforcement Section by HYDRIK. A preliminary jurisdictional determination was issued on December 19, 2018, and is included in **Appendix A**.

A wetland delineation of the east property was prepared and submitted to the USACE, New Orleans District, Surveillance and Enforcement Section by HYDRIK. A preliminary jurisdictional determination was issued on September 30, 2015, and is included in **Appendix A**.

Based on the delineation efforts, it was determined that the proposed EBCMB supports other waters of the U.S., including wetlands (**Figure 13**).

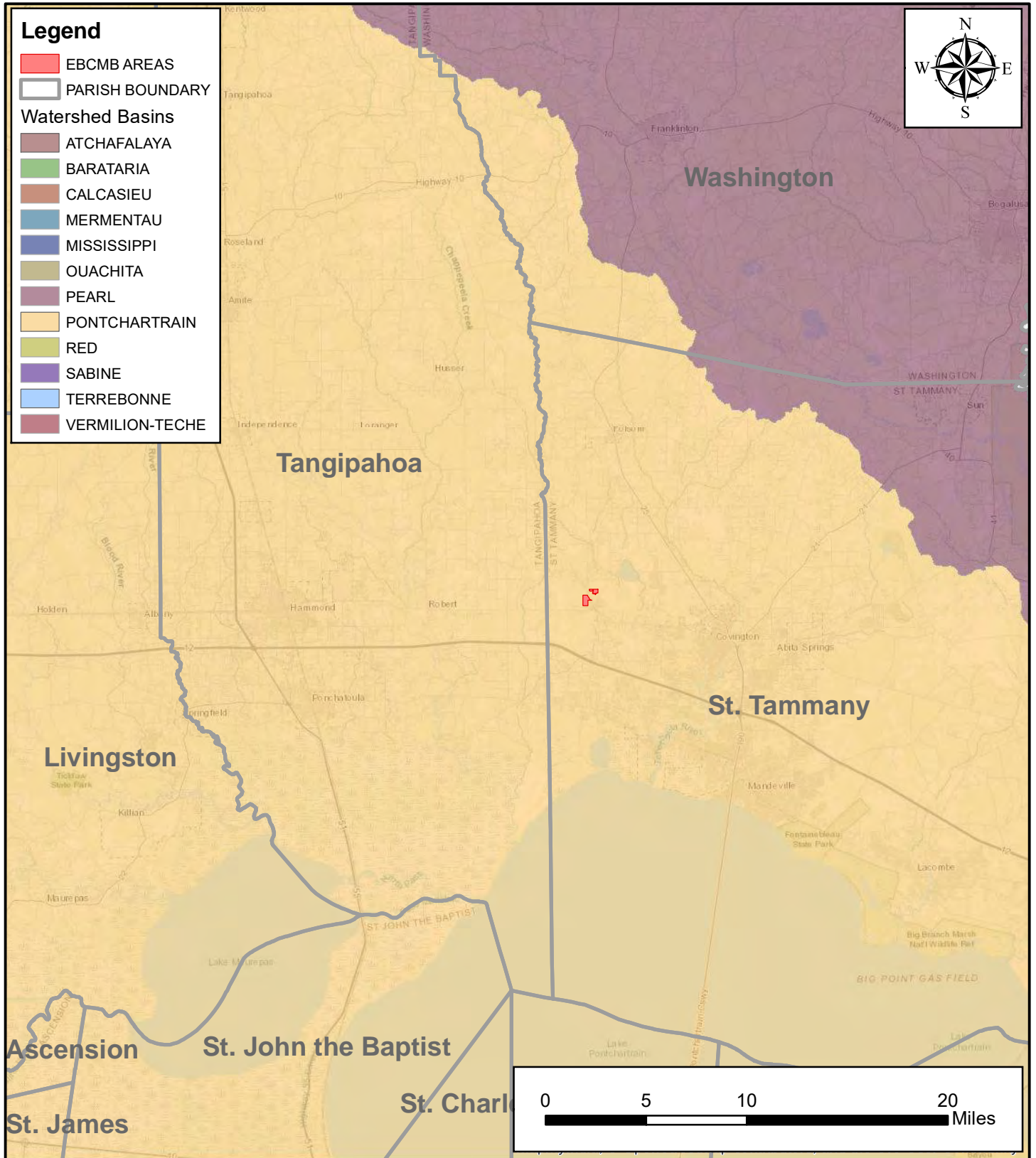
Figure 7. Hydrologic Units near the EBCMB Areas



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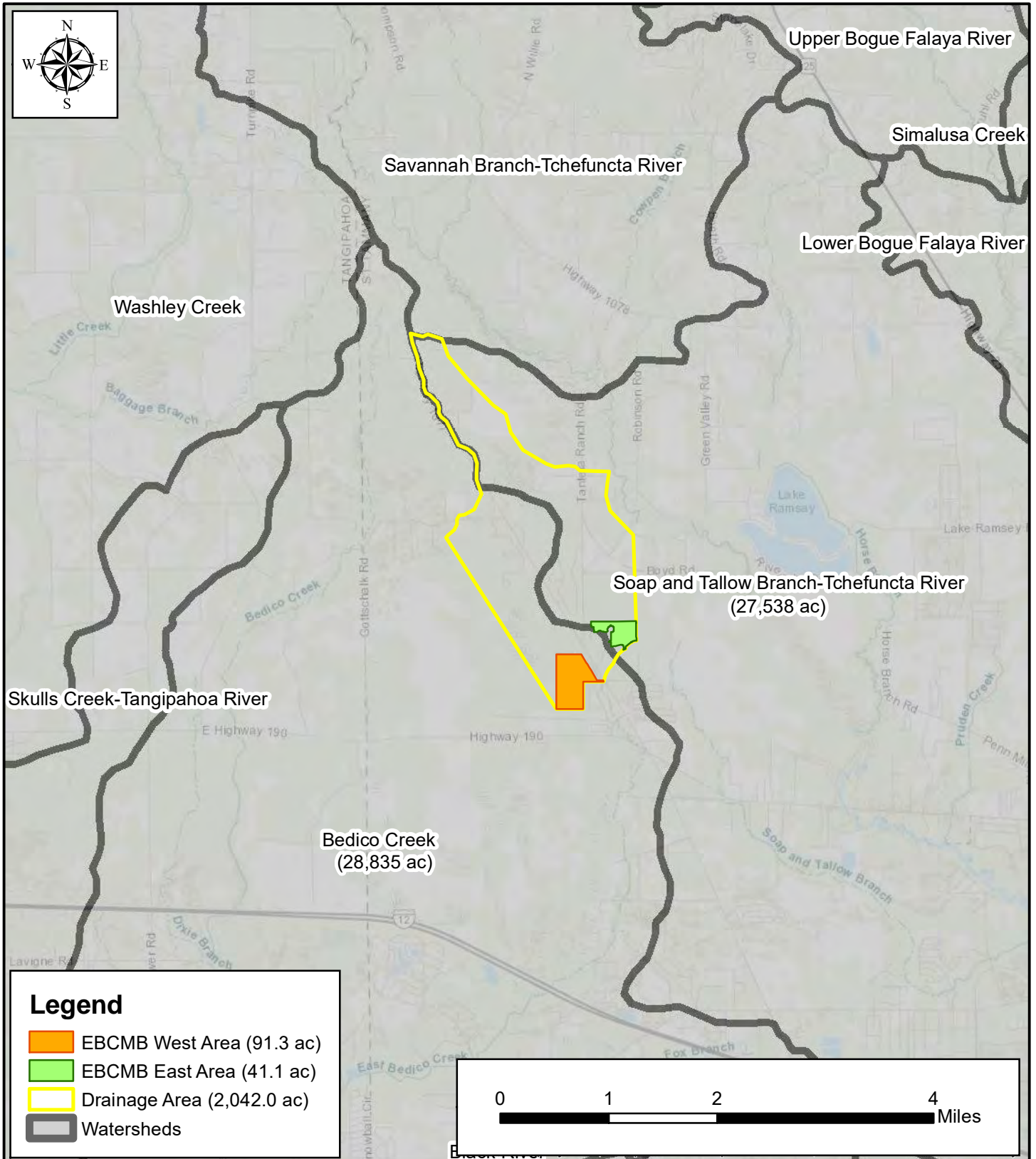
Figure 8. Watershed Basins near the EBCMB Areas



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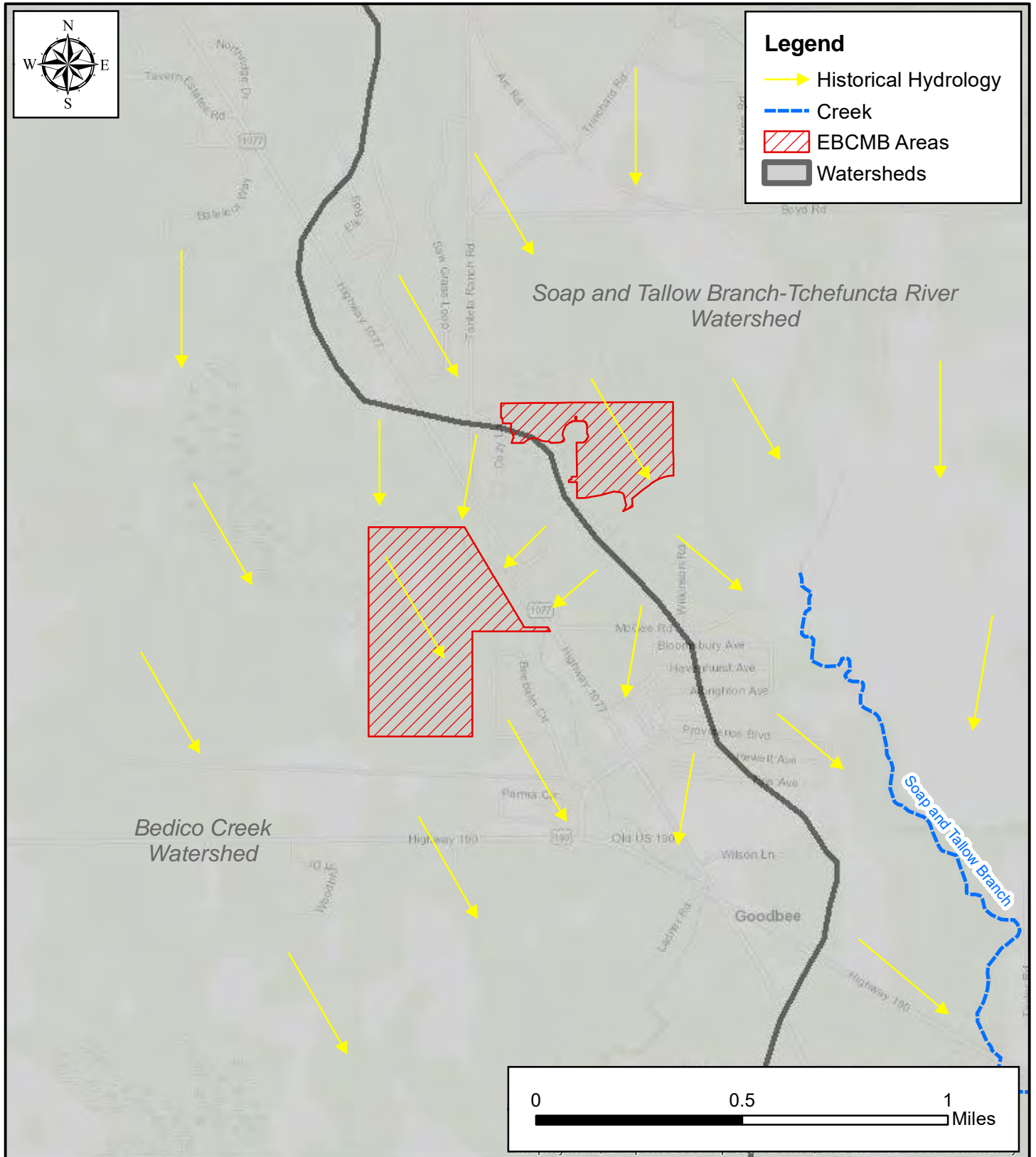
Figure 9. Drainage Area of the EBCMB Areas



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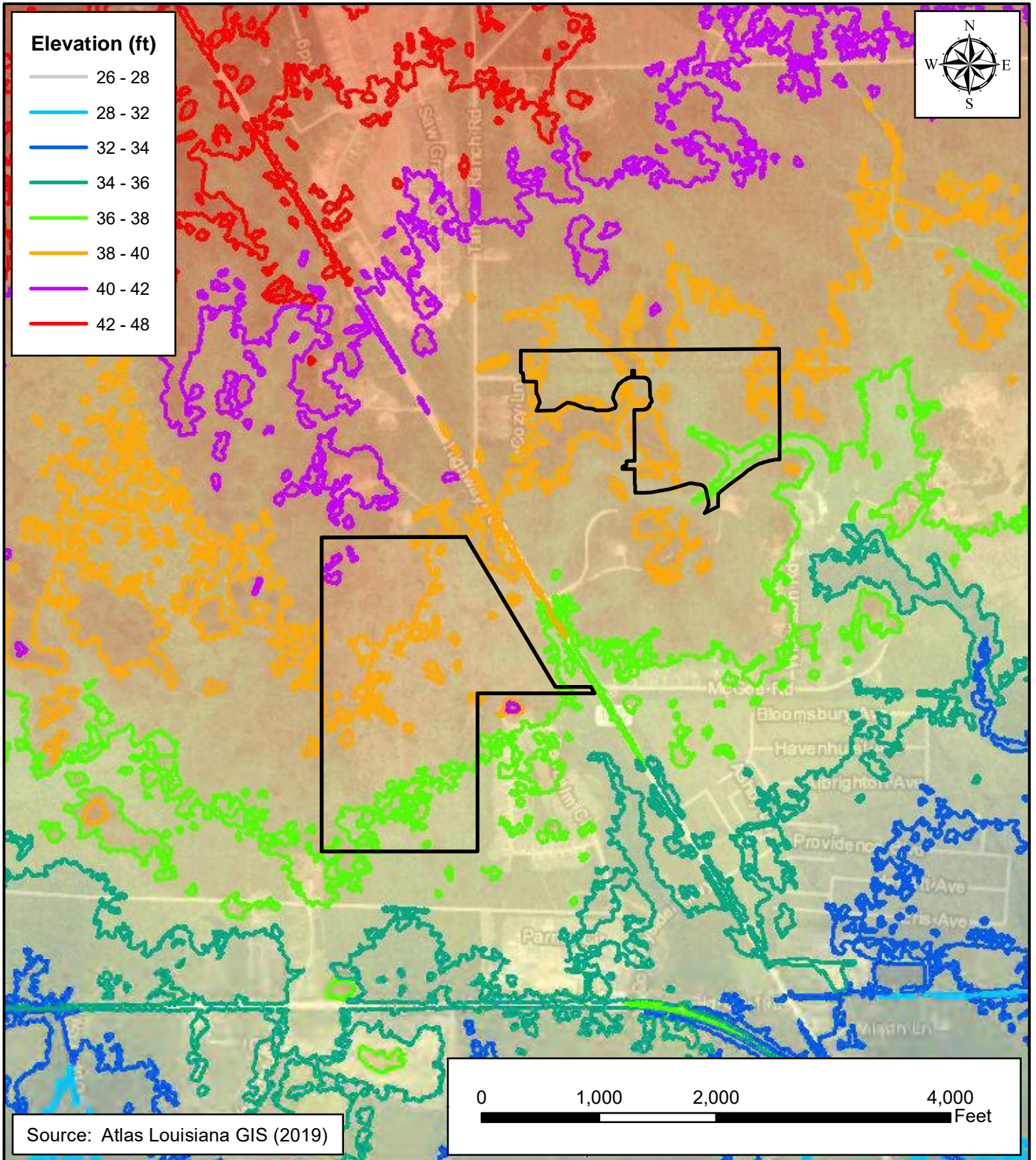
Figure 10. Historical Hydrology and Drainage Patterns



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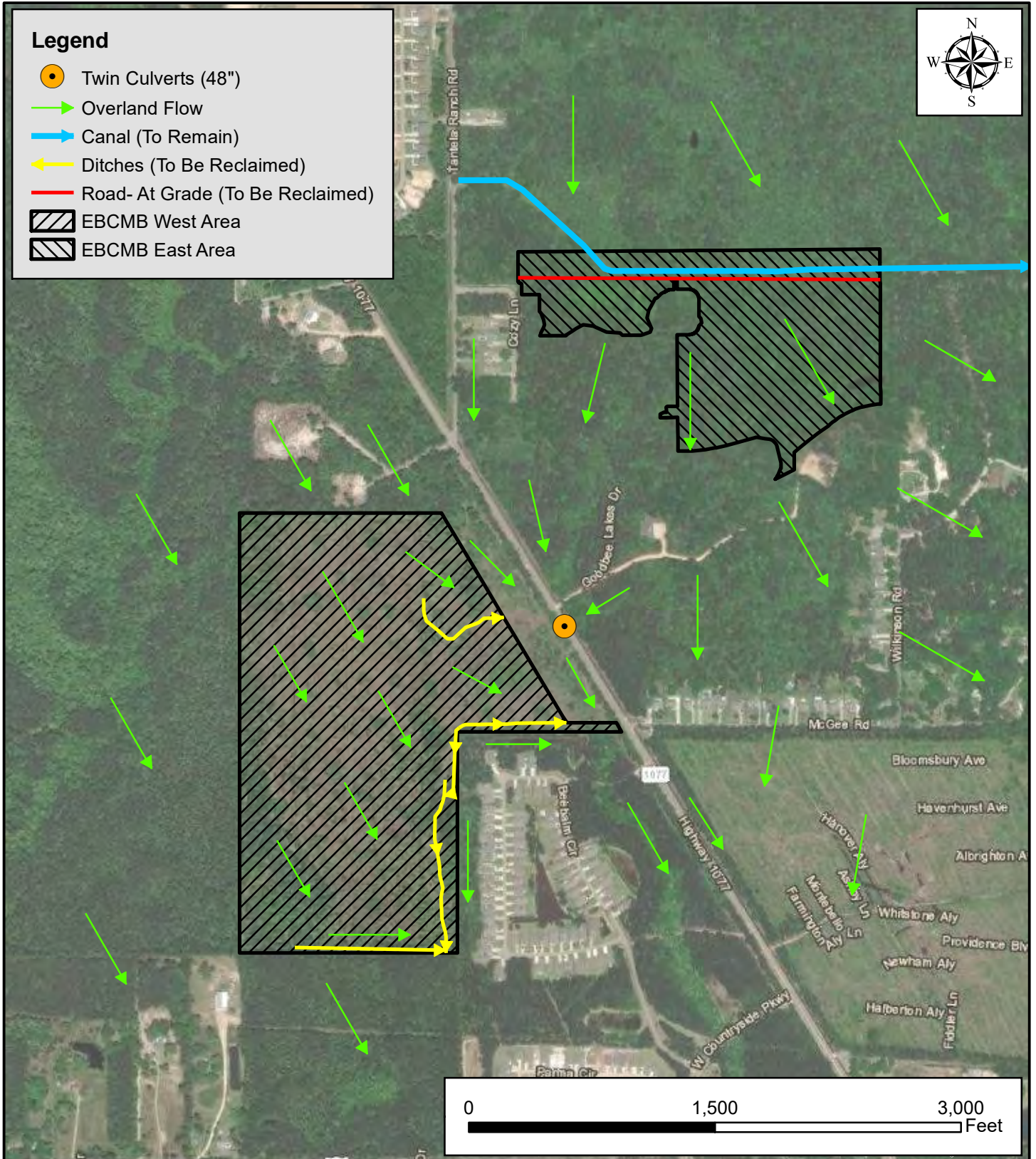
Figure 11. LIDAR-based Elevation Contours



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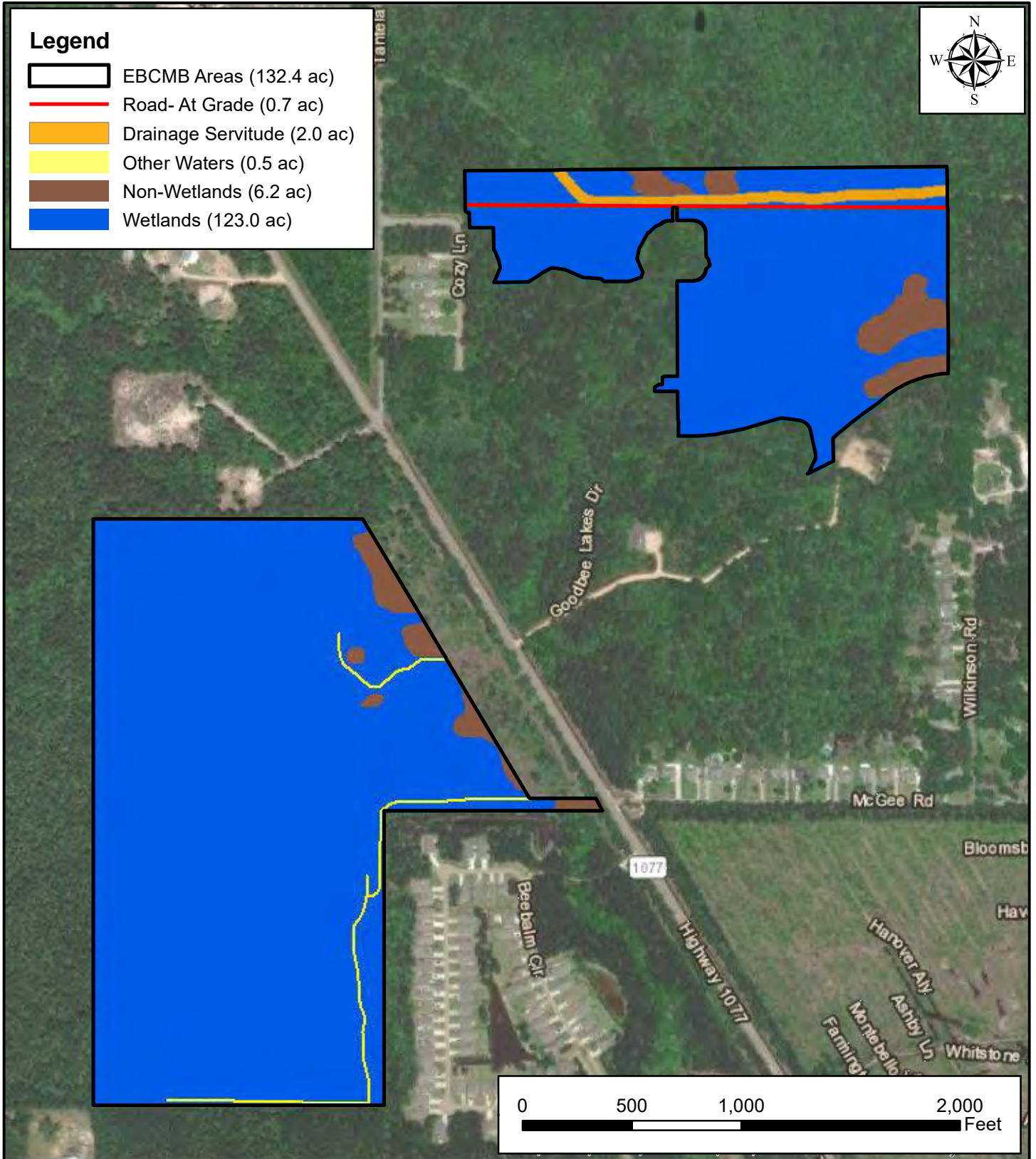
Figure 12. Existing Hydrology (Pre-construction)



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Figure 13. Wetland Delineation



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3.4 Vegetation

3.4.1 Historical Plant Community

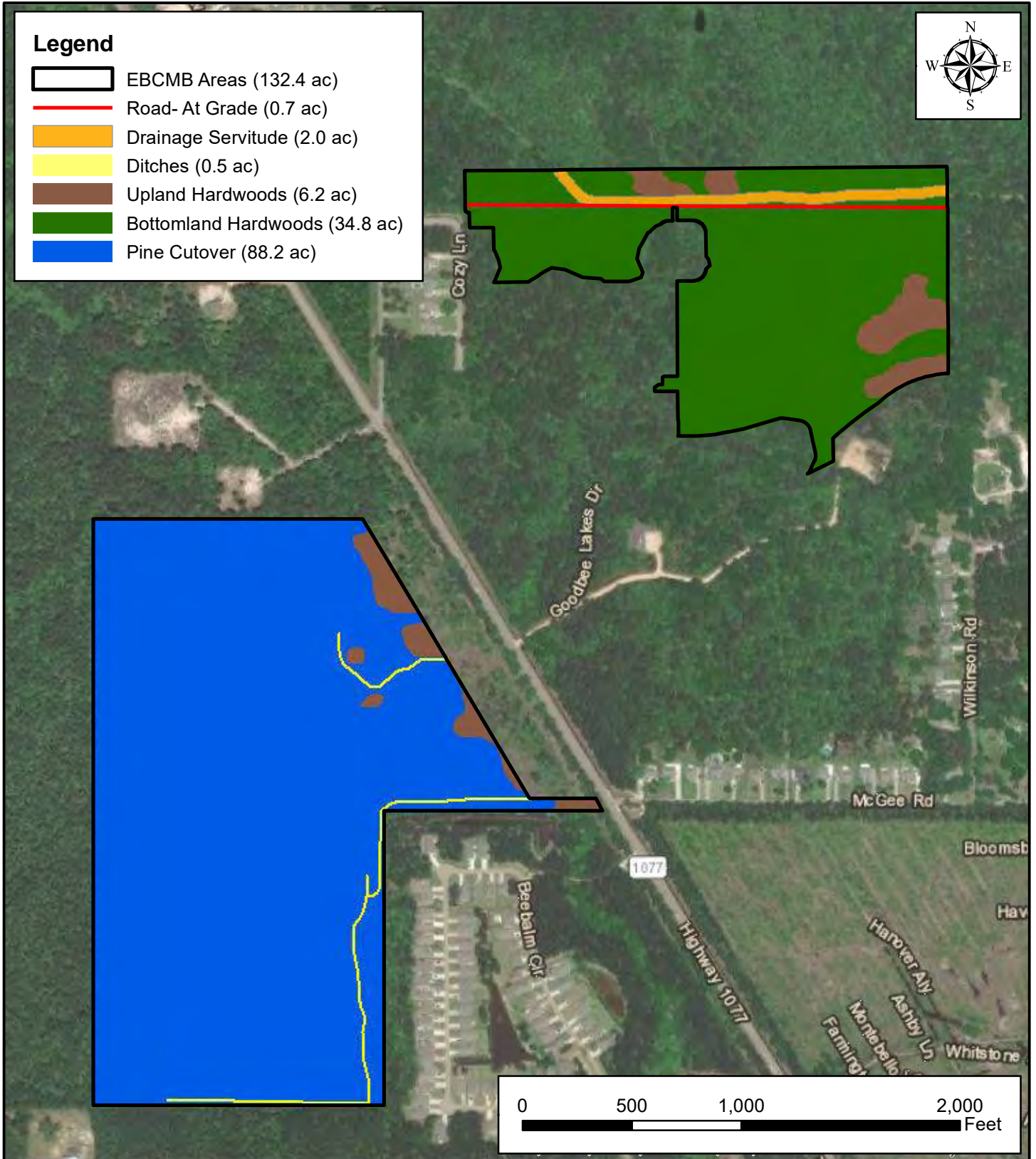
Historically the EBCMB areas supported mixed bottomland hardwoods (BLH). Bottomland forest is a forested, alluvial wetland occupying broad floodplain areas that flank large river systems. Bottomland Forests may be called a fluctuating water level ecosystem characterized and maintained by a natural hydrologic 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).

3.4.2 Existing Plant Community

The west property was historically a BLH forest; however, tree removal as part of past timber management efforts has shifted this vegetation community to a cutover pine (fallow field). Currently, the west property consists primarily of cutover pines with a few areas of cutover uplands along Highway 1077. Dominant species include water oak (*Quercus nigra*), willow oak (*Quercus phellos*), red maple (*Acer rubrum*), sweet-bay (*Magnolia virginiana*), loblolly pine (*Pinus taeda*), Chinese tallowtree (*Triadica sebifera*), comfort root (*Hibiscus aculeatus*), inkberry (*Ilex glabra*), meadow-beauty (*Rhexia* sp.), St. Andrew's-Cross (*Hypericum hypericoides*), sweetscent (*Pluchea odorata*), lamp rush (*Juncus effuses*), and various sedges (*Carex* spp.). Vegetation stratification within this community is 5% overstory, 5% midstory, and 90% understory. The existing vegetation communities are presented in **Figure 14**, a community overview is presented as Table 2, and representative photographs are included in **Appendix B**. Vegetation communities adjacent to the west property are a combination of hardwood and mixed pine hardwood.

The east property is a mature BLH forest. Dominant vegetation consists of water oak (*Quercus nigra*), willow oak (*Quercus phellos*), black tupelo (*Nyssa sylvatica*), red maple (*Acer rubrum*), loblolly pine (*Pinus taeda*), yaupon (*Ilex vomitoria*), southern bayberry (*Morella cerifera*), eastern poison-ivy (*Toxicodendron radicans*), and royal fern (*Osmunda regalis*). Vegetation stratification within this community is 85% overstory, 10% midstory, and 5% understory. The existing vegetation communities are presented in **Figure 14**, a community overview is presented as Table 2, and representative photographs are included in **Appendix B**.

Figure 14. Existing Vegetation Communities



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Date: October 13, 2021

Table 2. Existing Plant Communities

Property (Area)	Community	Common Name	Percent	DBH (Max)	Exotic/Invasive
West	Cutover Pine	Water Oak	10%	10"	No
		Willow Oak	10%	10"	No
		Red Maple	5%	8"	No
		Sweet-bay	10%	8"	No
		Loblolly Pine	15%	10"	No
		Chinese Tallowtree	5%	5"	Yes
		Comfort Root	2%	N/A	No
		Inkberry	2%	N/A	No
		Meadow Beauty	2%	N/A	No
		St. Andrew's-Cross	10%	N/A	No
		Sweetscent	2%	N/A	No
		Lamp Rush	5%	N/A	No
		Sedges	5%	N/A	No
Property (Area)	Community	Common Name	Percent	DBH (Max)	Exotic/Invasive
East	BLH	Water Oak	30%	20"	No
		Willow Oak	15%	20"	No
		Black Tupelo	15%	18"	No
		Red Maple	10%	15"	No
		Loblolly Pine	10%	20"	No
		Yaupon	5%	3"	No
		Southern Bayberry	5%	N/A	No
		Eastern Poison Ivy	2%	N/A	No
		Royal Fern	2%	N/A	No

3.5 General Need for the Project in this Area

The proposed EBCMB is located within the Pontchartrain Basin in USGS Hydrological Unit Code (HUC) 08070205 and HUC 08090201 which includes portions of St. Helena, Tangipahoa, Washington, and St. Tammany Parishes.

St. Tammany Parish is one of the fastest growing parishes in Louisiana and in the country (St. Tammany Economic Development Foundation 2014). The proposed bank's service area is experiencing rapid residential development and this trend is very likely to continue. It is anticipated that pipelines will be constructed across the service areas of the proposed EBCMB in the near future as the demand for domestic oil increases. A recent Times-Picayune article predicted that the southern US, including Louisiana, will see nearly \$500 billion in spending on oil and gas related infrastructure over the next decade (Larino 2014). This article corroborates recent discussions with oil and gas companies that indicate the continued need for mitigation banks in the service areas related to planned oil and gas activity. Additional demand for mitigation in the service areas is also likely to come from local, state, and federal governments related to hurricane protection in southeast Louisiana. Since Hurricane Katrina there has been an increased demand for mitigation credits in the service areas related to hurricane protection and this demand is likely to continue with the construction of proposed hurricane protection levees and related infrastructure.

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 and/or rehabilitation of the proposed properties. The Sponsor proposes to rehabilitate, re-establish, and preserve approximately 126.8 acres of bottomland hardwood forest from cutover pines, cutover uplands, ditches, and a dirt road through surface hydrology restoration and native vegetative plantings (**Figure 15**). When studying the proposed EBCMB and surrounding property characteristics, it is highly likely that the proposed mitigation bank will be successful.

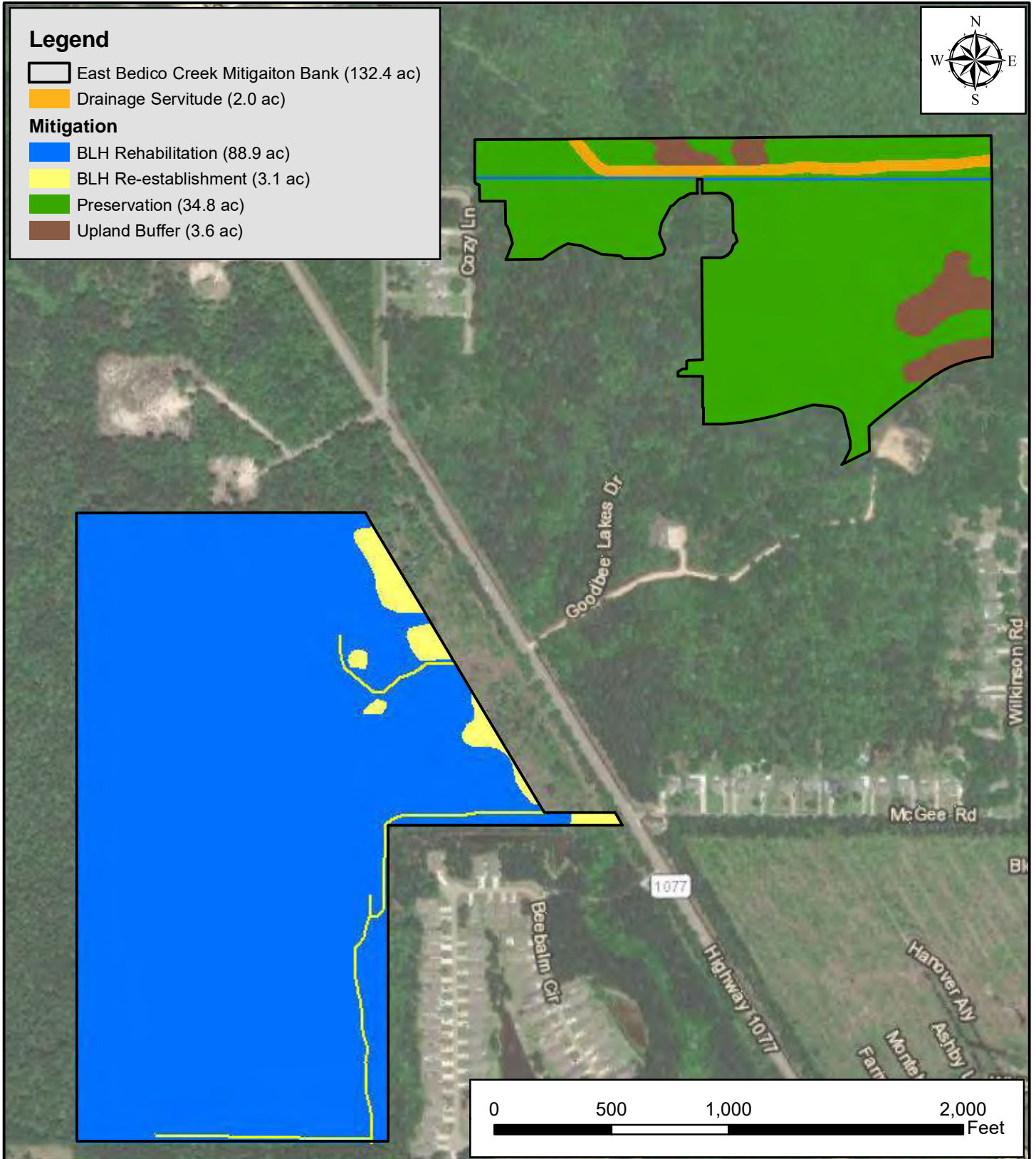
The proposed restoration activities include the restoration of surface hydrology by removal of all ditches; vegetative restoration by seedling planting; and implementation of short-term, intermediate, and long-term management strategies. The following is an overview of the principal management activities that will be needed for restoration and maintenance of the EBCMB.

4.1.1 Soils/Hydrologic Work

The remediation of some artificial features as discussed in Section 3.3.3 will result in improved wetland functions and services at the EBCMB. Rehabilitation and re-establishment activities will be accomplished by removing all ditches, grading the beds, and preparing the site as needed (mowing, herbicide, disking, tilling, etc.). All ditches within the west property will be backfilled with native, adjacent, onsite material. The site will then be graded to remove the beds and mechanically prepared for planting (**Figure 16**). It is anticipated that removal of the ditches and beds on the west property will allow natural hydrology to return to the site, thus providing wetland hydrology and allowing the re-establishment of BLH to the cutover uplands. Removal of the canal on the east property is not proposed since removal could cause flooding issues in the nearby subdivision. However, the east property currently supports a large acreage of forested jurisdictional wetlands even with the canal in place. Loss of wetland hydrology within this area is highly unlikely.

Removal of the ditches on the west property will promote sheet flow to the south, reduce nonpoint source runoff, and improve water quality within the area, adjacent properties, and the Pontchartrain Basin. Further assessments of unnatural hydrology influences will be made during the restoration process. If alterations to hydrology are significant, measures may be implemented to restore natural hydrologic conditions to the area. The anticipated schedule for hydrologic restoration activities will occur in fall 2022. Profiles and typical cross sections are presented in **Figures 17-23**.

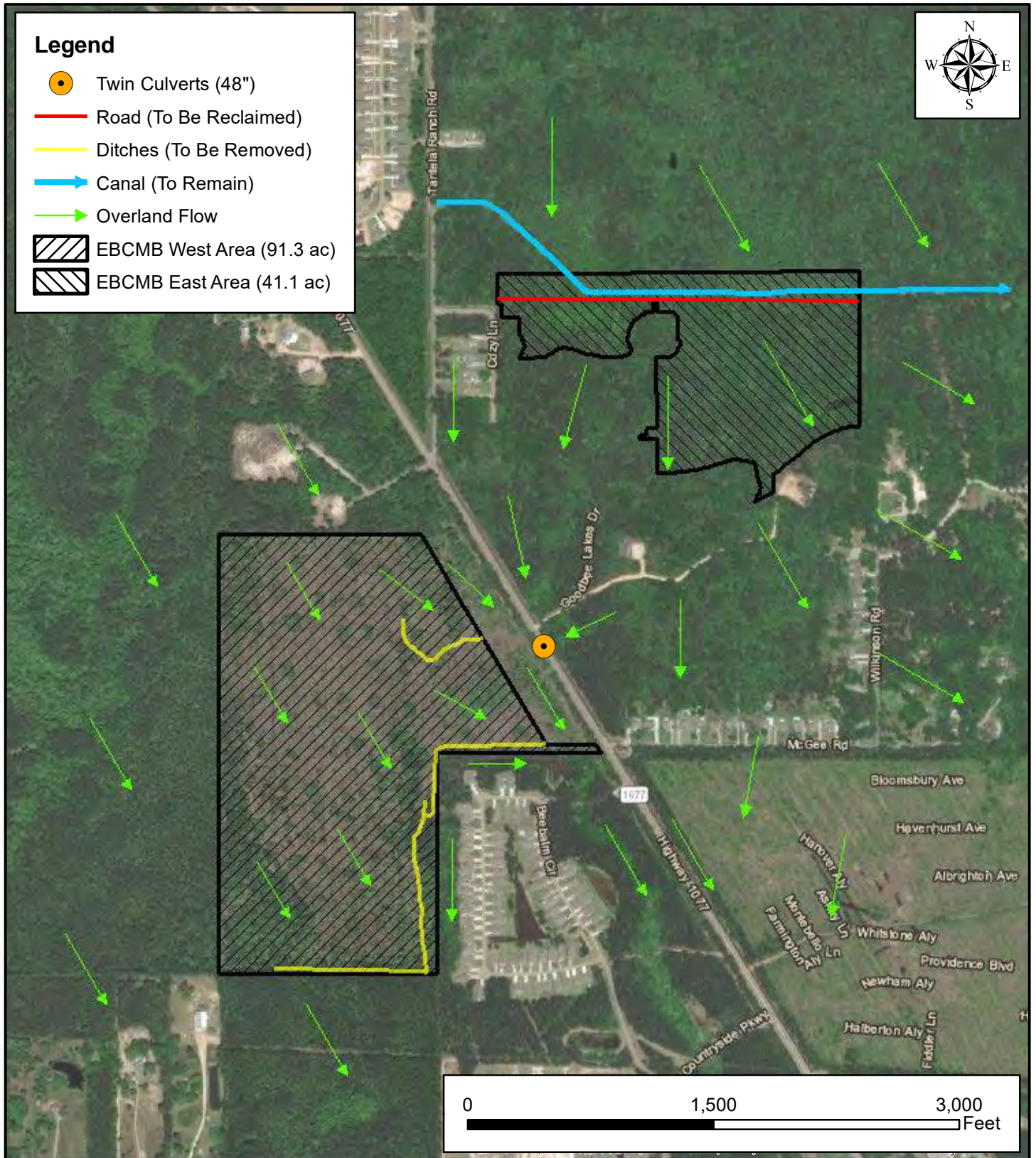
Figure 15. Site Restoration Plan



Trinity Mitigation Services, LLC.

Date: October 13, 2021

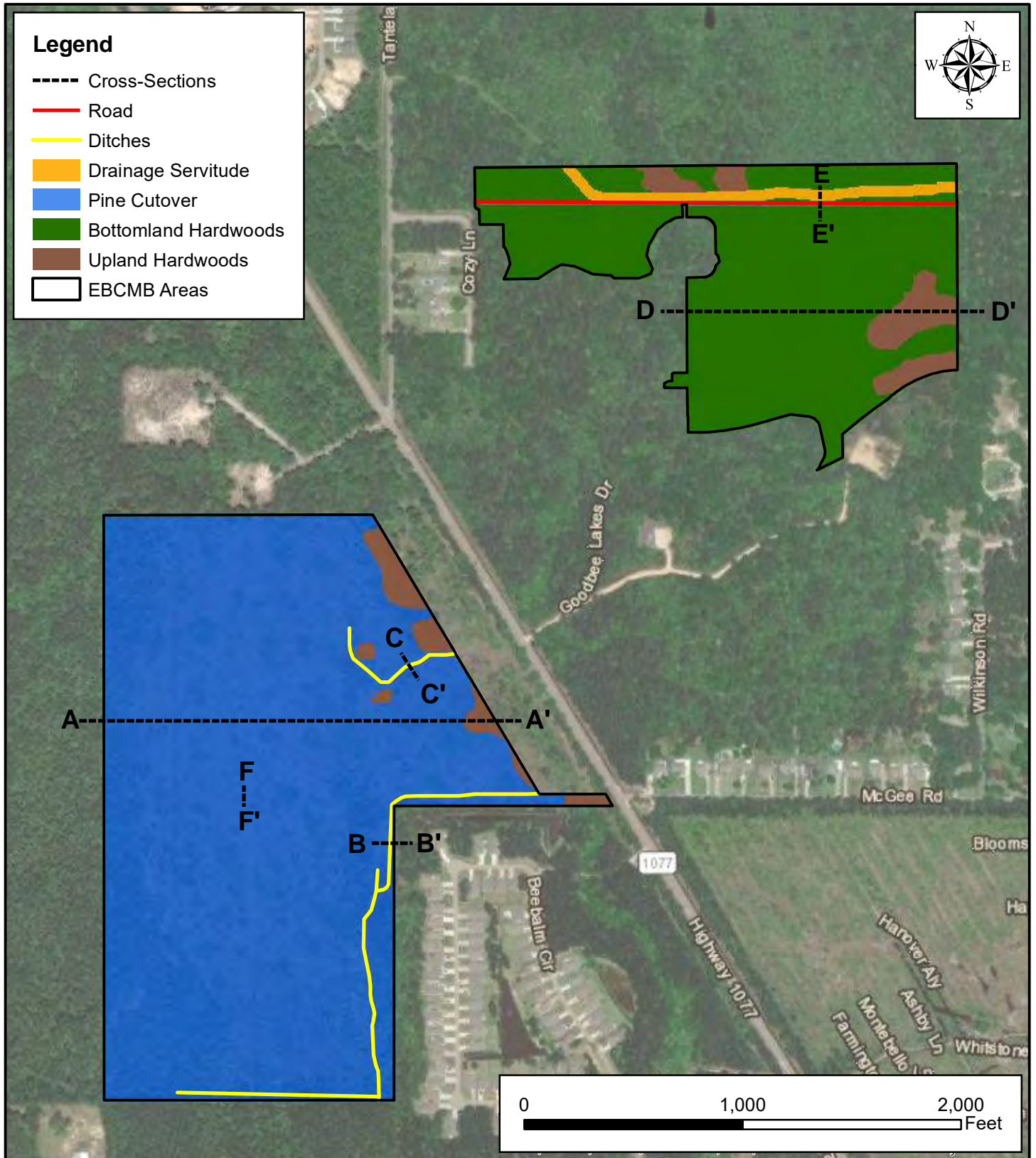
Figure 16. Proposed Hydrology Restoration (Post Construction)



Trinity Mitigation Services, LLC.

Date: October 13, 2021

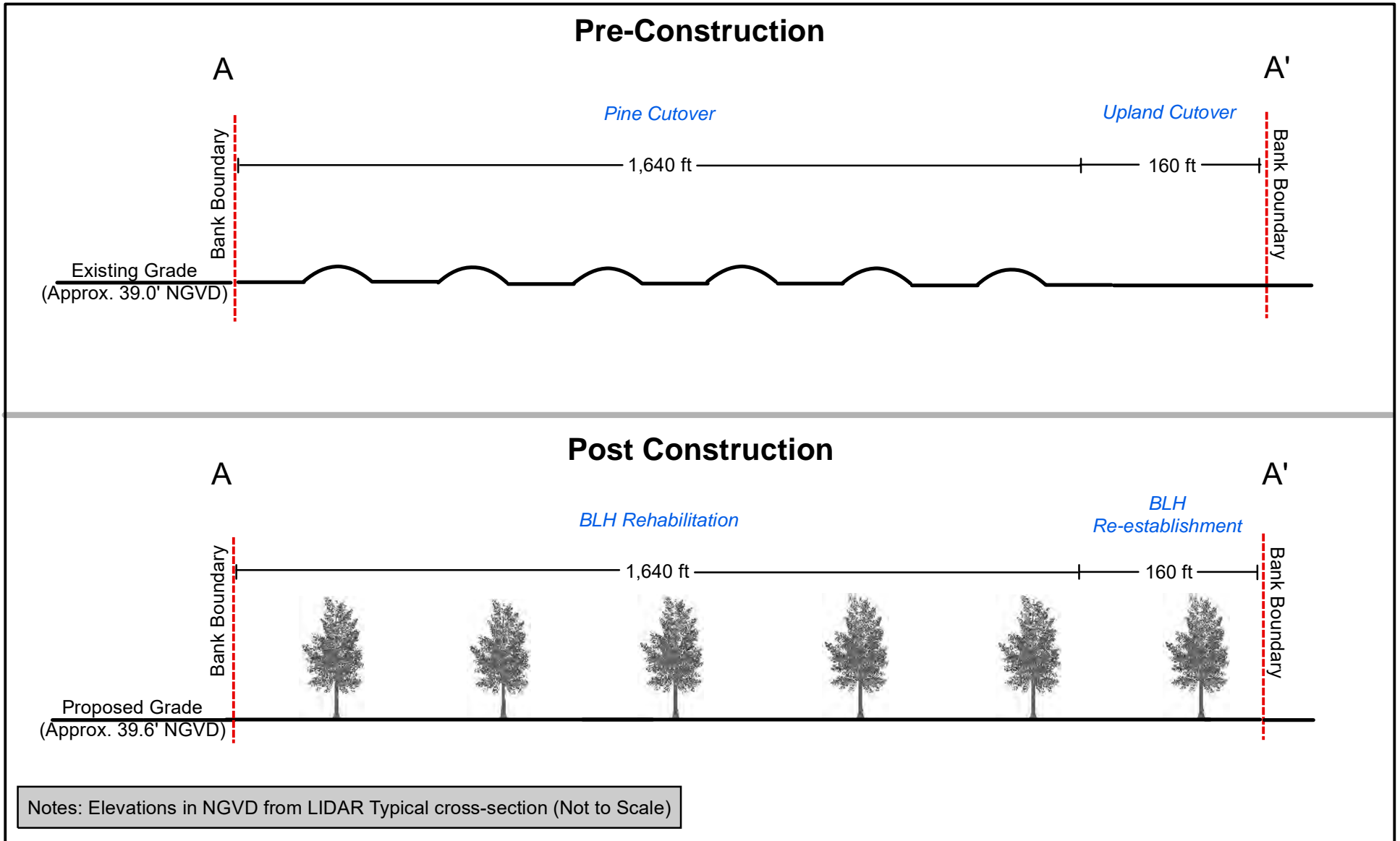
Figure 17. Profiles and Cross-Sections Index



Trinity Mitigation Services, LLC.

Date: October 13, 2021

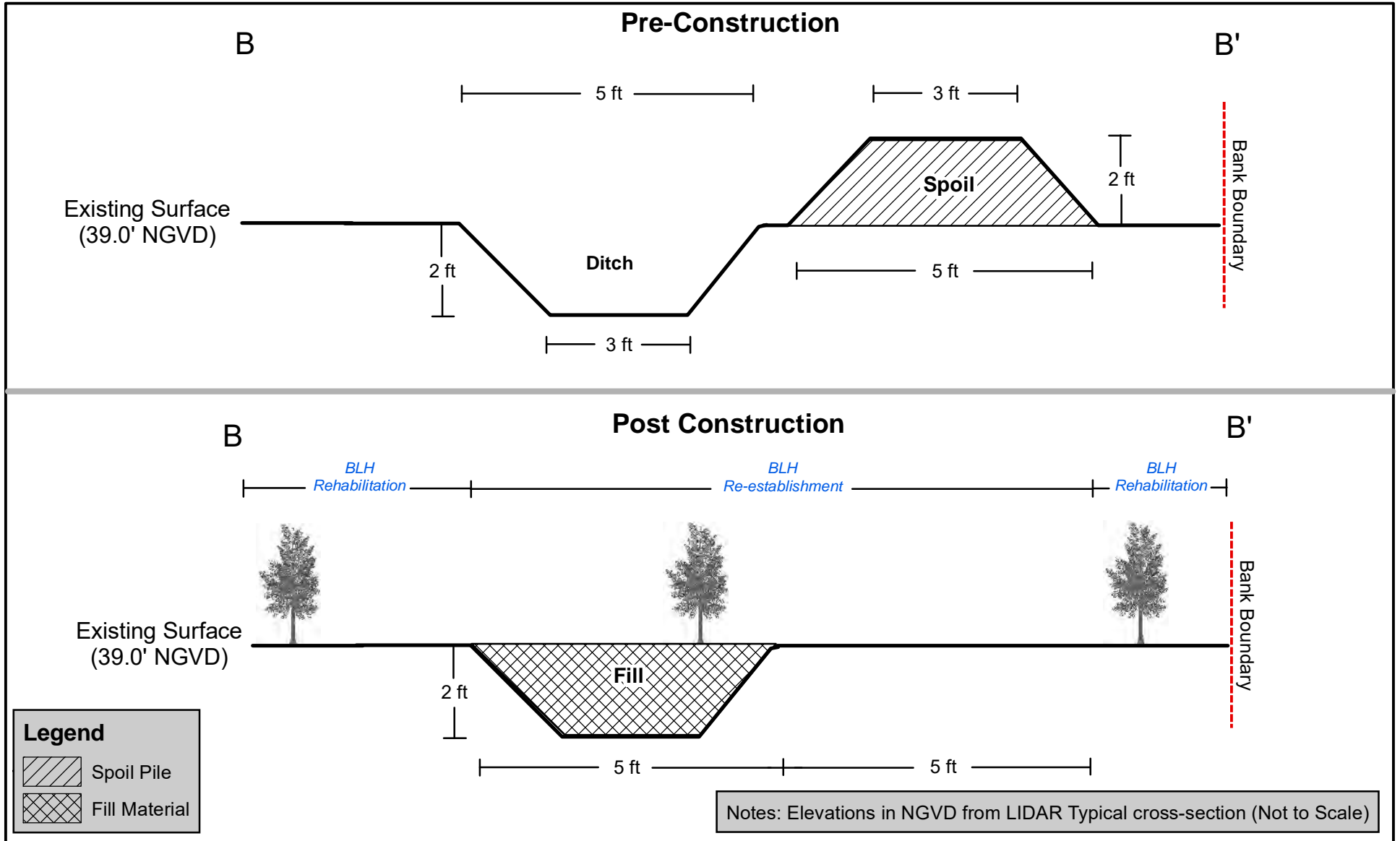
Figure 18. Profile A - A'



Trinity Mitigation Services, LLC.

Date: October 13, 2021

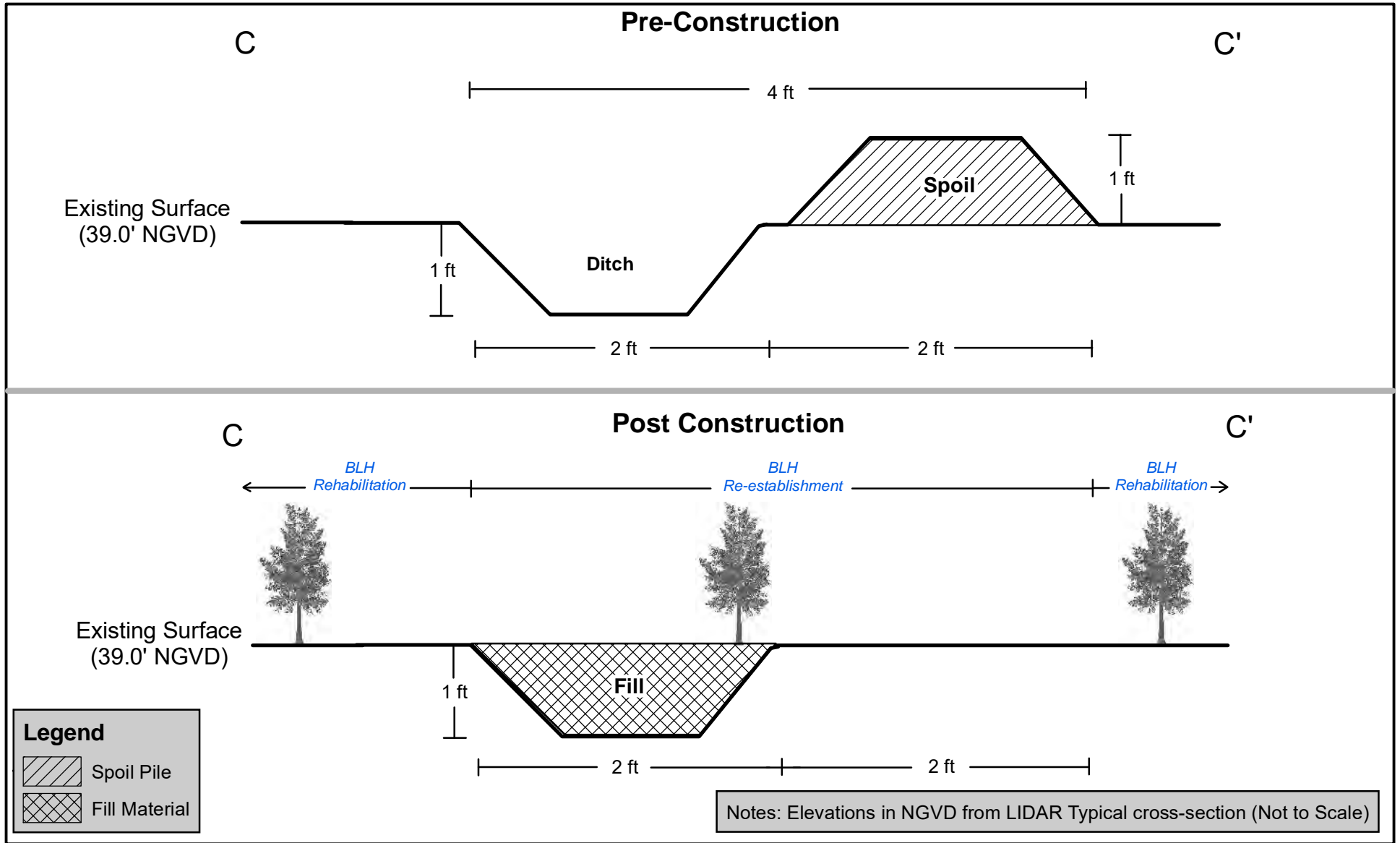
Figure 19. Ditch Cross-Section (B - B')



Trinity Mitigation Services, LLC.

Date: October 13, 2021

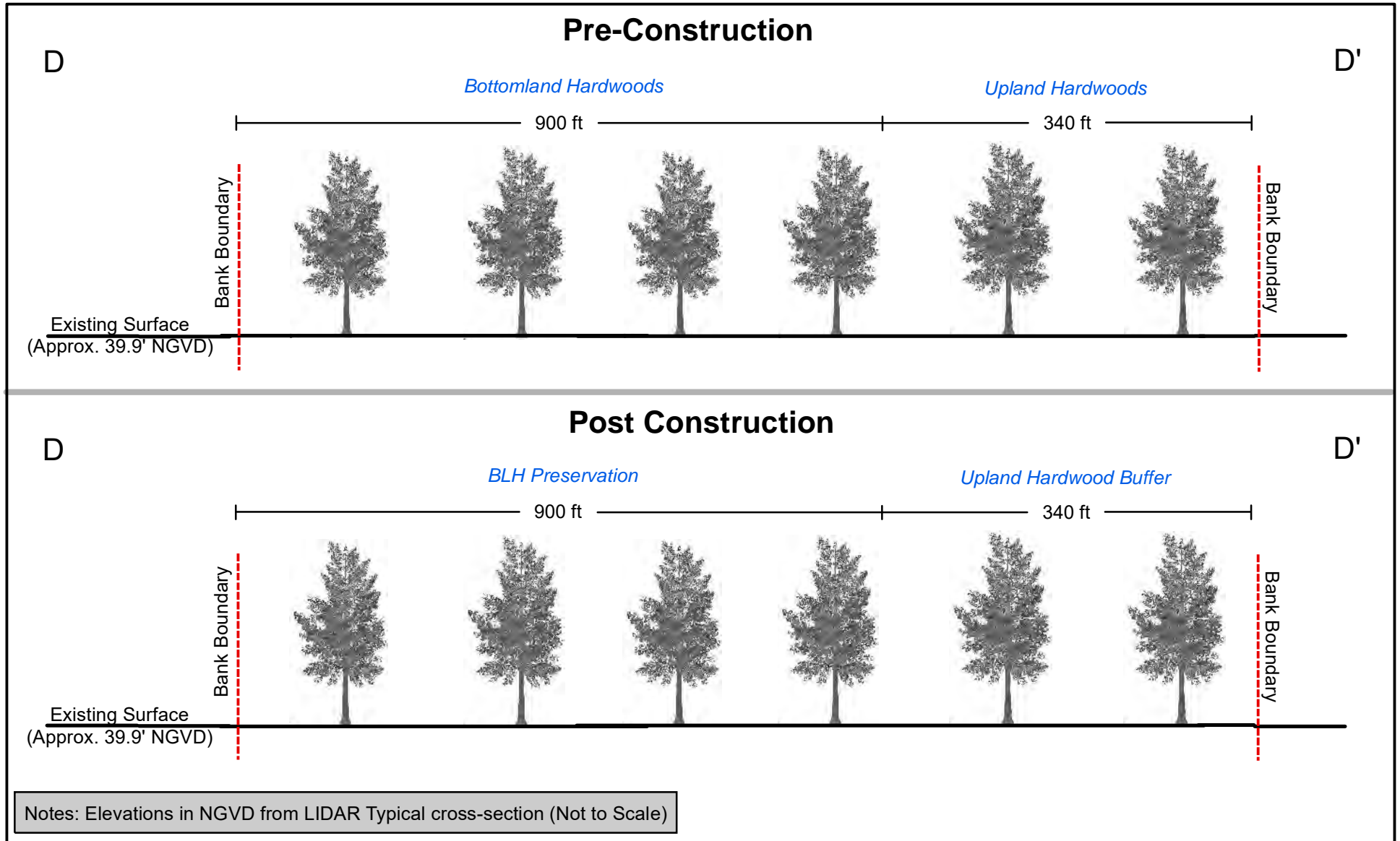
Figure 20. Ditch Cross-Section (C - C')



Trinity Mitigation Services, LLC.

Date: October 13, 2021

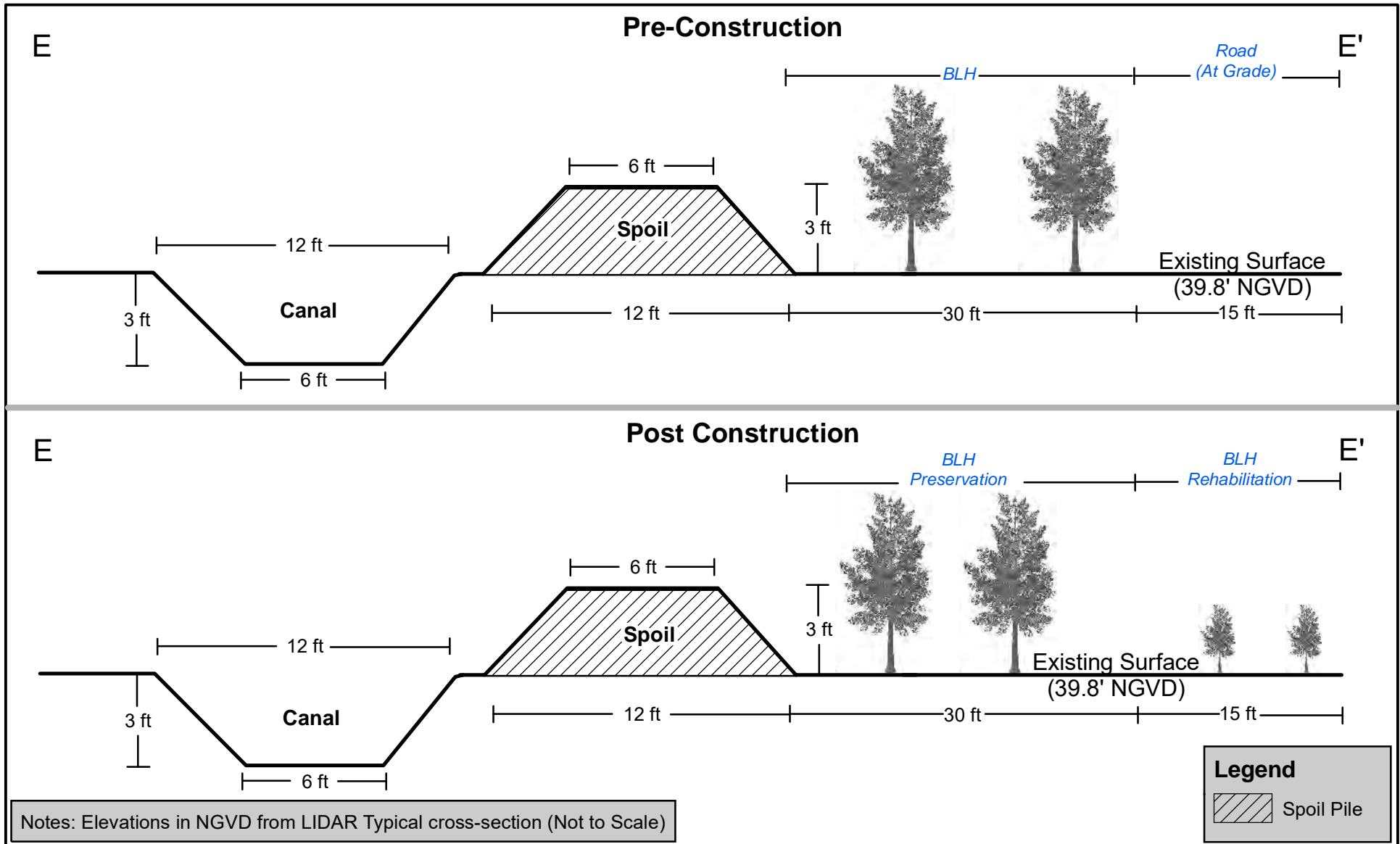
Figure 21. Profile D - D'



Trinity Mitigation Services, LLC.

Date: October 14, 2021

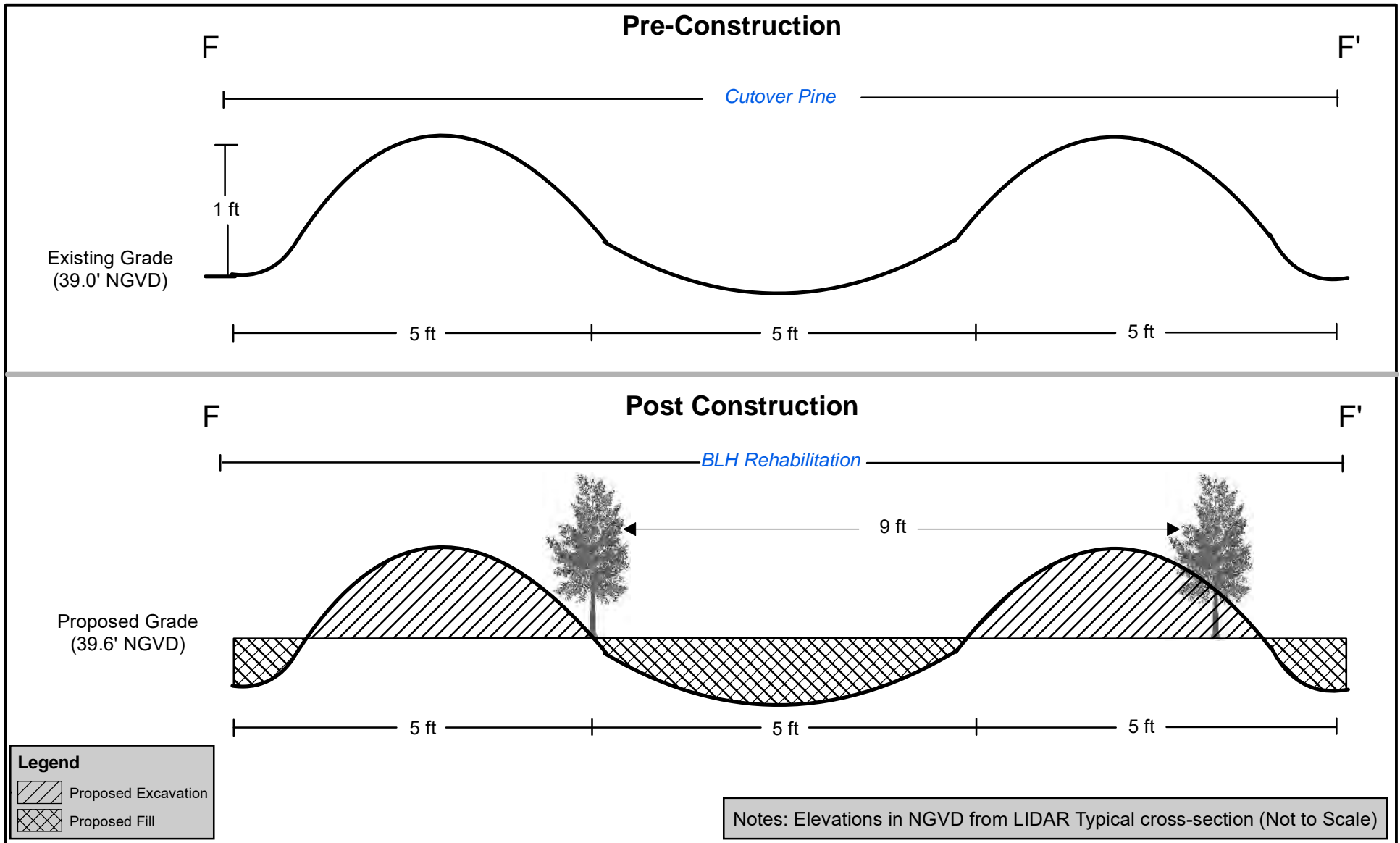
Figure 22. Ditch and Road Cross-Section (E - E')



Trinity Mitigation Services, LLC.

Date: October 14, 2021

Figure 23. Bedded Cutover Pine Typical Cross-Section (F - F')



Trinity Mitigation Services, LLC.

Date: October 14, 2021

Soil management and erosion control measures would be implemented to reduce erosion and runoff during ditch removal and site preparation activities. These would include:

- Stabilizing disturbed soils upon completion of construction activities. Measures may include vegetated filter strips, silt fences, hay bales, seeding, mulch, or other standard stormwater runoff control best management practices.
- Revegetating exposed soils following disturbance as soon as possible.

4.1.2 Vegetative Work

The bottomland hardwood re-establishment and rehabilitation areas will be planted using a mixture of hard-mast (70%) and soft-mast (30%) producing species in the approximate percentages detailed in Table 3. 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 15**.

Additionally, no large, hard-mast producing species located within the proposed EBCMB 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, 2022 – March, 2023).

Table 3. Percent Composition of species to be planted at the EBCMB

Common Name	Scientific Name	Indicator Status	Composition
Nuttall Oak	<i>Quercus texana</i>	FACW	20%
Willow Oak	<i>Quercus phellos</i>	FACW	15%
Bitter Pecan	<i>Carya x lecontei</i>	OBL	15%
Water Hickory	<i>Carya aquatica</i>	OBL	10%
Overcup Oak	<i>Quercus lyrata</i>	OBL	10%
Red Maple	<i>Acer rubrum</i>	FAC	10%
Persimmon	<i>Diospyros virginiana</i>	FAC	5%
Sugar-berry	<i>Celtis laevigata</i>	FACW	5%
American Elm	<i>Ulmus americana</i>	FAC	5%
Southern Bald-cypress	<i>Taxodium distichum</i>	OBL	5%

Invasive and exotic flora such as Chinese tallowtree will be controlled by mechanical and/or chemical methods, or a combination of these methods. Exotic fauna such as nutria (*Myocastor coypus*) will be controlled by legal methods such as trapping, shooting, etc. 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.

4.2 Technical Feasibility

The work required to restore and re-establish the EBCMB is routine and feasible. The Sponsor has an extensive background in land manipulation. The Agents hired by the Sponsor have extensive backgrounds in wetlands science in general and wetland mitigation banking in particular. The relatively flat landscape and the documented presence of hydric soils imply that minimal soil work will be required for successful restoration of wetland hydrology and successful reforestation of a BLH forest. Further, the historical existence of BLH forest on the proposed EBCMB and the presence of bottomland hardwood forest adjacent to the property indicate a high potential for successful restoration of a functional bottomland hardwood forest.

4.3 Current Site Risks

The property encompassing and surrounding the proposed mitigation bank is located in Ward 1 and is currently zoned as Suburban or Planned Unit Development (PUD) by the St. Tammany Parish Department of Planning and Development (2019). The Sponsors do not foresee any adverse impacts to the proposed EBCMB resulting from the continued existence and operation of the neighboring land uses. The adjacent properties consist of undeveloped forests and various subdivisions and other residential areas along Highway 1077. There is a drainage canal located on the east property flowing east which drains a nearby subdivision and over which the Sponsors have no control. The Sponsors control all other hydrologic disturbances on the EBCMB properties. There are no existing pipeline or powerline rights-of-way located within the EBCMB or any other encumbrances that would negatively affect the success or sustainability of the proposed 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 EBCMB.

4.4 Long-Term Sustainability of the Site

Long-term viability and sustainability of the EBCMB 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 measures may include control of previously undetected or new growth of invasive species, replanting of hard mast seedlings, additional hydrologic remediation actions, 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 EBCMB will produce wetland mitigation “credits” as a result of the re-establishment, rehabilitation, 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. Projects impacting bottomland hardwood communities and bald cypress/ tupelogum swamps, where determined appropriate by CEMVN within the Pontchartrain Basin, could use the EBCMB to compensate for these unavoidable wetland impacts.

The primary service area for the EBCMB is the Pontchartrain Basin, as defined by the Louisiana Department of Environmental Quality (see **Figure 8**). All of the west property, and a portion of the east property, are within USGS Hydrologic Unit Code (HUC) 08070205. The remainder of the east property is within HUC 08090201 (see **Figure 7**). The contributing drainage area associated with the proposed mitigation bank lies within the Bedico Creek (28,835 acres) and Soap and Tallow-Tchefuncta River (27,538 acres) watersheds (see **Figure 9**).

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 EBCMB shall be operated, maintained, and managed by the sponsor (Pass On It Properties, LLC) and the agent (Trinity Mitigation Services, LLC) as follows:

6.1 Project Representatives

Sponsor: Robert J. Bruno
Pass On It Properties, LLC
70325 Highway 1077, Suite 300
Covington, LA 70433
(504) 583-0637

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

Landowner: Robert J. Bruno
Pass On It Properties, LLC
70325 Highway 1077, Suite 300
Covington, LA 70433
(504) 583-0637

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 EBCMB.

6.3 Proposed Long-Term Ownership and Management Representatives

The long-term ownership of the site will be maintained by the Sponsor, Pass On It Properties, LLC. Management will be the ultimate responsibility of Pass On It Properties, LLC; 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: the Upper Bayou Folsé 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.

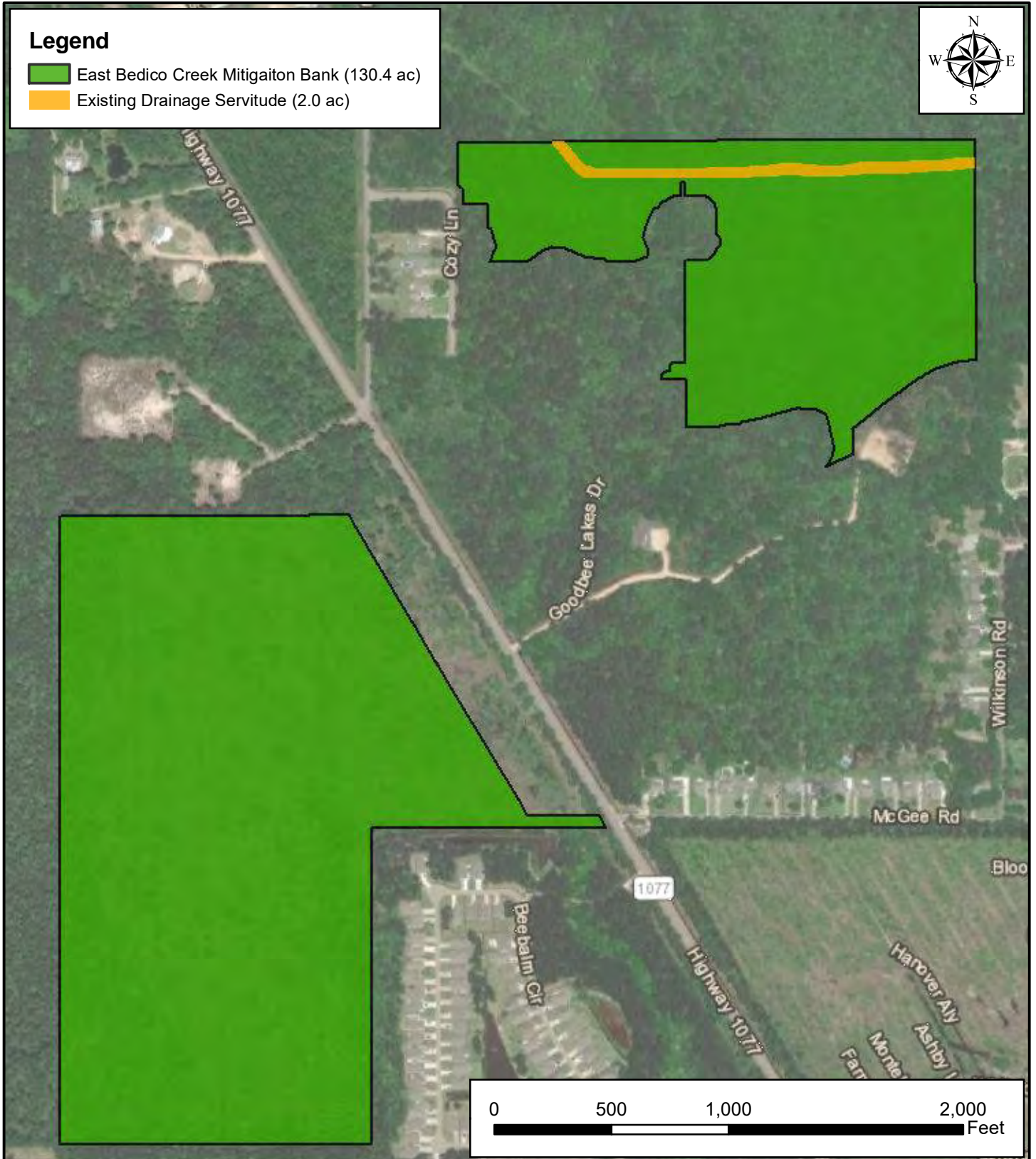
6.4 Site Protection

The Sponsor shall be responsible for protecting the 130.4 acres proposed for establishment of the EBCMB in perpetuity. A total of 2.0 acres located within the east property encompasses the drainage canal (drainage servitude) and is not controlled by the landowner. 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 130.4 acres within the EBCMB properties (**Figure 24**). The conservation servitude will be recorded in the real estate records of the Mortgage and Conveyance Records of St. Tammany 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 EBCMB through such mechanisms as vegetative plantings, hydrologic restoration and maintenance, invasive species control, site monitoring, establishment of financial assurances, and perpetual protection through the filing of a Louisiana conservation servitude. A long-term management plan will be included in the MBI that will address long-term management needs, costs, and the identification of a funding mechanism in accordance with 33 CFR 332.7(d).

Figure 24. Proposed Conservation Servitude Limits



Trinity Mitigation Services, LLC.

Date: October 14, 2021

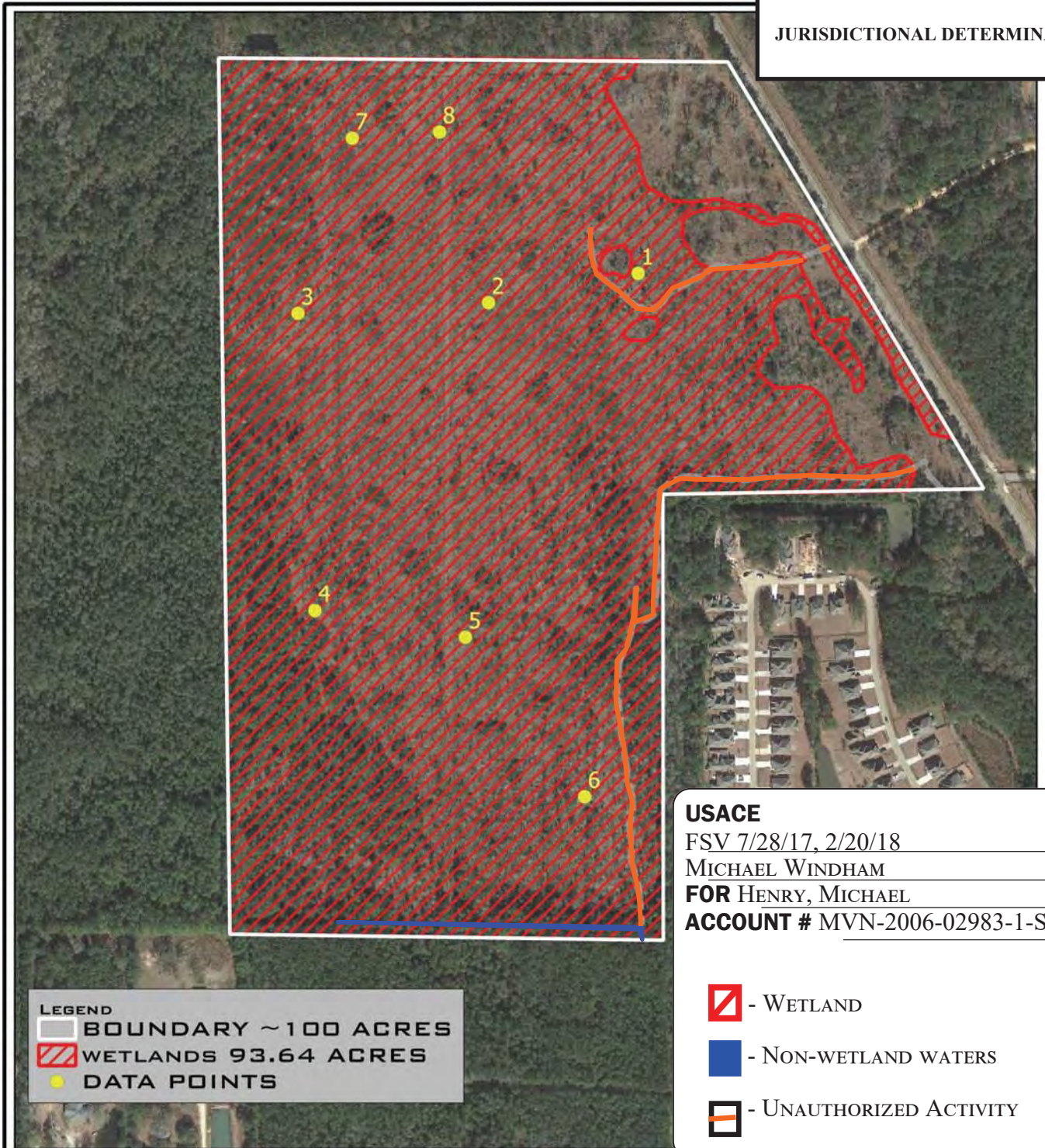
7.0 REFERENCES

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APPENDIX A
JURISDICTIONAL DETERMINATIONS

PRELIMINARY

JURISDICTIONAL DETERMINATION

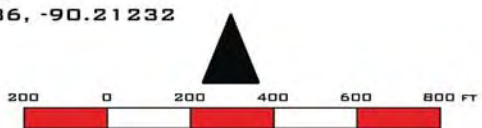


LEGEND
 □ BOUNDARY ~100 ACRES
 ▨ WETLANDS 93.64 ACRES
 ● DATA POINTS

USACE
 FSV 7/28/17, 2/20/18
 MICHAEL WINDHAM
 FOR HENRY, MICHAEL
 ACCOUNT # MVN-2006-02983-1-SK

- ▨ - WETLAND
- - NON-WETLAND WATERS
- ▭ - UNAUTHORIZED ACTIVITY

~100 ACRES
 ST. TAMMANY PARISH
 COVINGTON, LA
 LSP FIPS 1702 NAD 83
 SITE CENTER: 30.51186, -90.21232

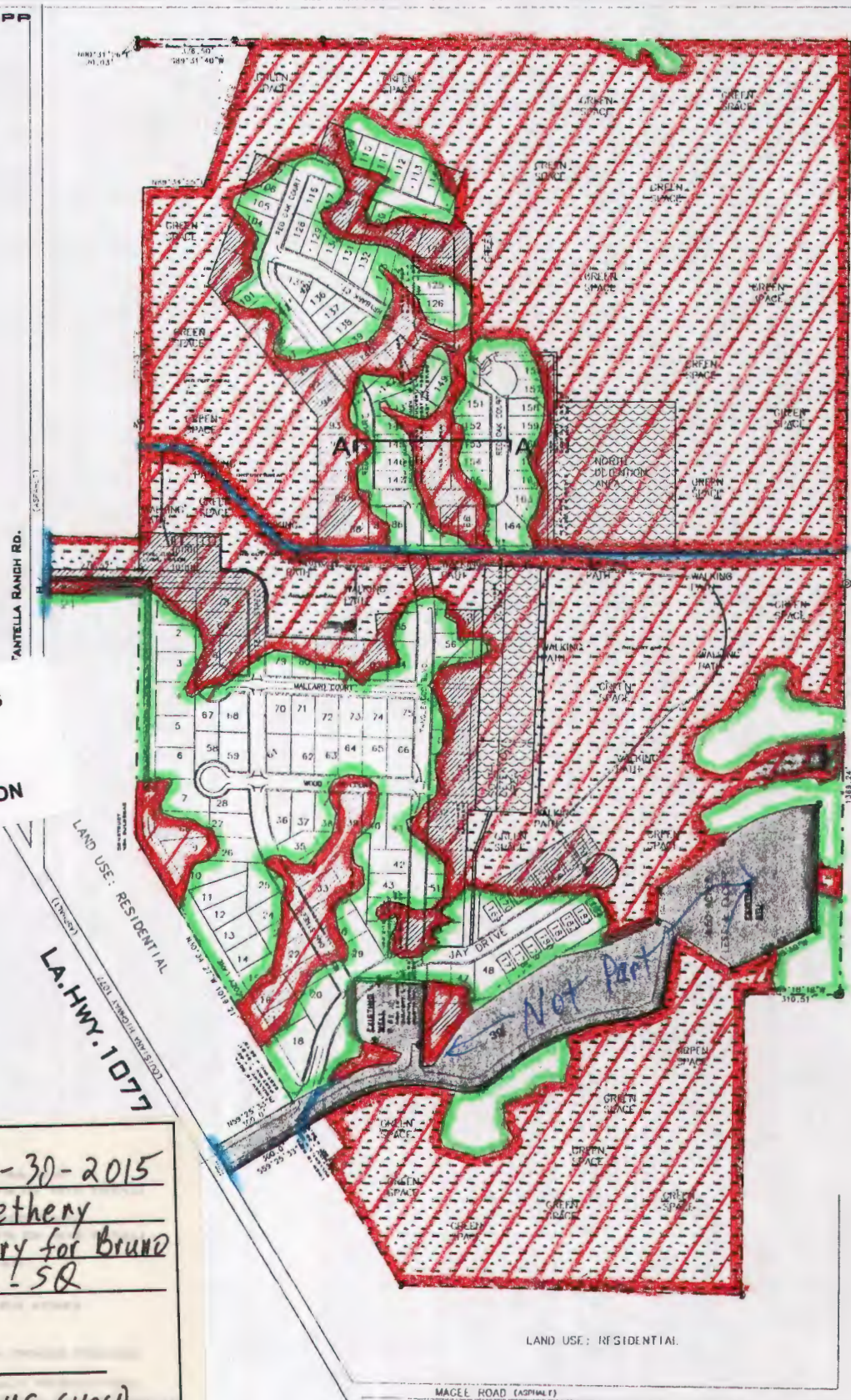


PLEASE NOTE: MAP DATA IS FOR REFERENCE ONLY. THIS IS NOT A LEGAL SURVEY AND SHOULD NOT BE USED AS SUCH

ROBERT BRUNO	
WETLAND DELINEATION	
FIGURE 4	<p>2323 HWY 190 EAST SUITE 2 HAMMOND, LA 70401 985 429 0333</p>
HF: 16808	
DATE: R110918	

SECTION 404 PERMIT APP
 ROBERT BRUNO
 TANTELLA RANCH
 GOODBEE, LA
 ~196 ACRES

CENTER COORDS:
 LAT: 30.518626°
 LON: -90.205805°
 86&21 T68, R10E



U.S. ARMY CORPS OF ENGINEERS
PRELIMINARY
 JURISDICTIONAL DETERMINATION

USACE

FSV / (H)

Date: 9-30-2015

Botanist: William Nethery

Requestor: Michael Henry for Bruno

MVN- 2015-01356-5Q

- WETLAND

- Non-wetland

- Waters of the US (404)

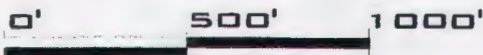


FIGURE 7



ROBERT BRUNO GOODBEE, LA ~196 ACRES SECTION 404 PERMIT APPLICATION	
FILE: 1444C	DATE: 020115
FIGURE: PLAT	REV:
DRAWING: PV2TCH	APPROVED: MJH

APPENDIX B
SITE PHOTOGRAPHS



Photo 1. View of West Property Ditch.



Photo 2. Overview of West Property.



Photo 3. View of East Property Roadway and Adjacent Bottomland Hardwoods.



Photo 4. Overview of East Property.