

**MITIGATION BANK PROSPECTUS  
CYPRESS BAYOU MITIGATION BANK, LLC  
CYPRESS BAYOU MITIGATION BANK**

**I. INTRODUCTION**

The following report summarizes the mitigation potential on approximately 350 acres in Sections 10, 11, 12, and 58, Township 5 South, Range 1 West, East Baton Rouge Parish, Louisiana. The purpose of the report is to summarize the existing conditions of the proposed Cypress Bayou Mitigation Bank (CBMB) and assess the potential for establishing a mitigation bank providing compensatory wetland mitigation for unavoidable impacts to wetlands associated with Section 404 permits issued by the US Army Corps of Engineers (USACE), New Orleans District, and for impacts associated with USACE Civil Works Projects under the Water Resources Development Act of 2007, Section 2036(c)(1).

**II. GOALS AND OBJECTIVES**

The goal of Cypress Bayou Mitigation Bank, LLC (Sponsor) is to re-establish a 350-acre site located in Zachary, East Baton Rouge Parish, Louisiana (**Figure 1**) as a sustainable bottomland hardwood ecosystem. The Sponsor proposes to re-establish 190.6 acres of wetland pasture to bottomland hardwood forest, establish (create) 132.8 acres of slightly elevated nonwetland to bottomland hardwood forest by lowering the surface elevations, and enhance 18.4 acres of forest that is currently dominated by Chinese tallow-tree (*Sapium sebiferum*). This wetland restoration/creation project will provide wetland functions and values such as wildlife and plant habitat, natural water quality improvement, flood storage, and opportunities for recreation, education, and aesthetic appreciation. The CBMB will contain 132.8 acres of upland buffer mixed throughout the site. The Sponsor intends for the CBMB to serve as a bottomland hardwood mitigation bank offering for sale wetland mitigation as compensation for unavoidable impacts to wetlands associated with Department of the Army Section 404 permits and/or USACE Civil Works Projects. A conservation servitude will be executed for the CBMB once it is approved. Through a contractual agreement with individual permit recipients, the Sponsor will, for a fee to be paid by permittees, commit to implementing the mitigation specified in Department of the Army (DA) permits and incur the responsibility of the long-term maintenance, management, protection, and overall success of the CBMB.

**III. PROPERTY OWNERSHIP**

The Sponsor plans to purchase the land encompassed by the CBMB (the Site). There are no liens, encumbrances, easements, servitudes, or restrictions that have been identified on the property that comprises the proposed CBMB. However, there is a 50' wide Florida Gas Transmission natural gas pipeline right-of-way that passes through the Site and the current plans for the Comite River Diversion Canal Project indicate that the canal

may pass through the Site. Providence and members of the CBMB project team met with Mr. Larry Poindexter, Senior Project Manager, U.S. Army Corps of Engineers on September 8, 2008, to discuss the Comite River Diversion Canal Project. According to Mr. Poindexter, the U.S. Army Corps of Engineers has not signed a purchase agreement or purchased any part of the property being proposed as the Cypress Bayou Mitigation Bank and has no say over what the owners of the property do with the property. Mr. Poindexter indicated that if the site is established as a wetland mitigation bank and the Corps does proceed with the construction of the canal, the Corps will have to deal with whatever is there at the time. Additionally, the project team proposed an alternative route to the proposed route through the Site that would impact 68.4 acres fewer existing wetlands than the current plan. Mr. Poindexter indicated that he would take the alternative route into consideration, if and when the canal is constructed. The pipeline right-of-way occupies approximately 7.5 acres within the mitigation site boundary.

The Sponsor, Cypress Bayou Mitigation Bank, LLC (M. L. Harvey, Jr. and partners) has extensive experience in land and timber management. M. L. Harvey Jr. has a B.S. degree in agricultural engineering from LSU and has been involved in the timber industry for the past 50 years. His family has been well respected throughout the industry as the Harvey's have been one of the largest private landowners in the southeast Louisiana-southwest Mississippi area for many years. With years of experience in timber management, Mr. Harvey and his partners are qualified to establish and manage a wetland mitigation bank.

Mr. Harvey is also a community leader, serving as chairman of the board of The Highlands Bank, a thriving community bank based in Jackson, with branches in Zachary, St. Francisville, Slaughter, and Baton Rouge. He is the executive director of the Feliciana Chamber of Commerce and serves on the executive board of the Greater Baton Rouge Area Chamber of Commerce. Mr. Harvey can be contacted as follows:

M.L. Harvey, Jr.  
P.O, Box 297  
Jackson, Louisiana 70748  
225-634-7397

#### **IV. WETLAND DELINEATION**

A jurisdictional determination approved by US Army Corps of Engineers is attached.

#### **V. ECOLOGICAL AND SITE SUITABILITY**

The 350-acre Site is approximately 0.76 mile north of the junction of Heck Young Road and LA 964 in Zachary, East Baton Rouge Parish, Louisiana. The Site is situated between LA 964 (Old Scenic Highway) and LA 19 (Zachary Slaughter Highway); bordered by forest and pasture to the north and forest and residential

development to the south. The approximate center of the Site is Latitude 30°37'18.62"N; Longitude 91°10'56.62"W.

The project site was historically forested with bottomland hardwood species. The site was cleared for agricultural production in the early 1950s. Since the site was excessively wet, after several years of unsuccessful attempts to produce commodity crops, the site was used for cattle grazing and hay production.

Species observed in the adjacent forested areas include water oak (*Quercus nigra*), American elm (*Ulmus americana*), willow oak (*Quercus phellos*), pecan (*Carya illinoensis*), Nuttall oak (*Quercus nuttallii*), sugar-berry (*Celtis laevigata*), and swamp chestnut oak (*Quercus michauxii*).

East Baton Rouge Parish has a humid, subtropical climate characterized by relatively high rainfall (average 54.6 inches per year). The average daily maximum temperature is 78°F and the average daily minimum temperature is 57°F. The growing season in East Baton Rouge Parish spans from February to November (United States Department of Agriculture [USDA] Soil Conservation Service 1968).

#### **A. Site Conditions**

The property consists of 350 acres, which includes 330.9 acres of pasture land, 18.4 acres of forest, 0.7 acre of ponds, and 8,602 linear feet of drainage ditches and Cypress Bayou. Of the 350 acres, 209 acres (18.4 acres of forest and 190.6 acres of pasture) are jurisdictional wetlands (**Figure 2**).

#### **B. Existing Plant Communities**

The majority of the Site is currently used for cattle grazing and harvesting hay, and is surrounded by bottomland hardwoods, pasture, and a few residential homes. Dominant vegetation on the site includes Bahia grass (*Paspalum notatum*), broom sedge bluestem (*Andropogon virginicus*), and soft rush (*Juncus effusus*). The site was historically a bottomland hardwood forest.

#### **C. Soils**

The NRCS Web Soil Survey, East Baton Rouge Parish, Louisiana shows that the Site may be underlain by Calhoun silt loam, Cascilla silt loam, Deerford – Verdun soils complex, Frost silt loam, Jeanerette silt loam (0-1 percent slopes), Oprairie silt (0-1 percent slopes), and Oprairie silt (1-3 percent slopes). Calhoun, Cascilla, and Frost soils are listed as a hydric soil on the NRCS 2008 National Hydric Soils List by State. Deerford, Verdun, Jeanerette, and Oprairie soils are listed as non-hydric soils.

**D. Existing Hydrology**

The sources of hydrology to the Site are rainfall and sheet flow from the adjacent properties and overbank flooding from Cypress Bayou. The Site drains northwest to southeast via Cypress Bayou and an unnamed tributary to Cypress Bayou, both of which are situated in the eastern portion of the property.

**VI. GEOGRAPHIC SERVICE AREA**

The CBMB is in the Lake Pontchartrain Drainage Basin within the United States Geological Survey (USGS) Cataloging Unit 08070201 which includes portions of East Baton Rouge, East Feliciana, and West Feliciana Parishes. Cypress Bayou passes through the site and into Cataloging Unit 08070202 and connects to Whites Bayou and the Comite River. Cataloging Unit 08070202 includes portions of East Feliciana, St. Helena, East Baton Rouge, Livingston, Ascension, and Iberville Parishes. The primary service area for the CBMB will be Cataloging Units 08070201 and 08070202. The secondary service area will be within the 6-digit unit 080702. CBMB can be used for compensatory mitigation for projects outside the primary service area on a case-by-case basis at the discretion of the Interagency Review Team.

**VII. SITE RESTORATION PLAN**

The Sponsor proposes to re-establish approximately 190.6 acres of wetland pasture to bottomland hardwoods, establish (create) 132.8 acres of bottomland hardwood wetlands in slightly elevated pasture, and enhance 18.4 acres of wetland forest currently dominated by Chinese tallow-tree.

**A. Surface Hydrology**

Proposed hydrology restoration includes plugging and filing the existing cross-drain (**Figure 2**), which currently expedites drainage from the western end of the site.

**B. Proposed Bottomland Hardwood Re-Establishment**

Re-establishment will be accomplished by filling a cross-drain and planting an appropriate species mixture of bottomland hardwoods during the standard planting season (December-March). Seedlings will be planted on approximately 190.6 acres, using 12 x 12 foot spacing for an initial stand density of at least 300 seedlings per acre. A mixture of at least 70 percent hard-mast and a maximum of 30 percent soft-mast-producing species will be planted in accordance with the following species selection list. If seedling availability renders a discrepancy of more than five percent from the desired mixture of hard-mast to soft mast species, New Orleans District approval to

modify the plan will be obtained. A mixture of the following species will be planted to restore the Site:

Proposed Species

Water oak (*Quercus nigra*)  
Willow oak (*Quercus phellos*)  
Nuttall oak (*Quercus nuttallii*)  
Overcup oak (*Quercus lyrata*)  
Cherrybark oak (*Quercus falcata* var. *paegodifolia*)  
Swamp chestnut oak (*Quercus michauxii*)  
Laurel oak (*Quercus laurifolia*)  
Water hickory (*Carya aquatic*)  
Sweet pecan (*Carya illinoensis*)  
Sugarberry (*Celtis laevigata*)  
Green ash (*Fraxinus pennsylvanica*)  
Red mulberry (*Morus rubra*)  
Common persimmon (*Diospyros virginiana*)

**C. Proposed Bottomland Hardwood Wetland Establishment**

Approximately 132.8 acres of bottomland hardwood wetland establishment (creation) will be accomplished by lowering the elevation of the slight hills within the pasture by scraping the topsoil aside and removal of soil from the elevated areas to bring the elevations down to approximately 78' - 80' NGVD to the elevations of the wetlands on the majority of the site. The final elevations in the areas to be established as wetlands will be determined by the elevations of the immediately adjacent wetlands. Soil removed from the Site will be placed in non-wetlands areas. A Construction Stormwater Pollution Prevention Plan will be prepared in accordance the Louisiana Department of Environmental Quality regulations prior to the initiation of earthwork at the Site. Once the elevations are sufficiently lowered and the top soil is replaced, the establishment areas will be planted in accordance with the protocol identified for the re-establishment area identified above. No wetland credits from the establishment area will be released until wetland hydrology is established.

**D. Proposed Bottomland Hardwood Wetland Enhancement**

Approximately 18.4 acres of Chinese tallow-tree (*Sapium sebiferum*) dominated forest will be enhanced by removal of Chinese tallow-trees and replacement with the desirable species identified above.

**VIII. ACCOUNTING PROCEDURES, METHODS FOR DETERMINING CREDITS AND RELEASE OF CREDITS**

The Sponsor proposes that approximately 190.6 acres can be used as compensatory mitigation through the restoration of bottomland hardwoods.

There are several assessment models available to determine the potential for restoring functions of the CBMB wetlands. At present, New Orleans District uses the Swamp and Bottomland Hardwood models of the Wetland Value Assessment (WVA) to determine both the amount of credits necessary to replace forested wetland functions impacted by authorizing projects and the credits available in a mitigation project. However, the New Orleans District is evaluating other assessment models to determine whether they would be better tools to assure that the national goal of "no net loss" of wetlands is achieved. The wetland assessment used to calculate mitigation credits will also be used to calculate credits required to replace wetland functions impacted as a result of the authorized projects. It is anticipated that the credits will be released for mitigation, incrementally upon achievement of certain milestones such as, but not limited to, approval of the wetlands mitigation bank restoration plan, tree planting, exotic species control, hydrology restoration, etc.

**IX. FINANCIAL ASSURANCES**

Financial assurance will be in the form of an escrow account approved by an adequately capitalized, federally insured depository. Specified percentages of this assurance shall be released back to the Sponsor incrementally in accordance with the achievement of milestones specified in the initial contract.

**X. LONG-TERM MAINTENANCE AND PROTECTION**

To ensure long-term protection of all lands included in the compensatory mitigation contract, the Sponsor, its heirs, assigns or successors, will be responsible for maintaining and protecting lands contained within the restored portions of the CBMB in perpetuity, unless the lands are transferred to a state or federal resource agency or non-profit conservation organization or this responsibility is contractually conveyed to another person, subject to approval by the New Orleans District. A conservation servitude will be prepared to include a non-profit or state agency as the Grantor and Holder. This conservation servitude specifically prohibits activities that would reduce the quality of the wetlands. The conservation servitude also specifies permissible activities such as hunting, fishing, and recreational use given the activity causes no negative effect on the functions and values of the restored wetlands. Forest management within the conservation servitude could be allowed given that this activity is performed to maintain or improve the overall ecological function of the Site. Impacts that adversely affect the functions and values of the Site which are caused by permissible activities will require permitting and subsequent mitigation.

**XI. ADAPTIVE MANAGEMENT**

Exotic/noxious plant species (e.g., Chinese tallow, cottonwood, and black willow) will be controlled as needed until crown closure has occurred. All

timber harvests and thinning operations conducted in the CBMB will be authorized by the New Orleans District and will be performed in a manner that maintains and enhances timber stand and wildlife habitat quality.

## **XII. SUCCESS CRITERIA**

In order for the CBMB to be considered an acceptable mechanism for mitigating wetland impacts associated with DA permits, habitat created or restored in the area must, except as noted below, satisfy wetland criteria described in the Corps of Engineers Wetlands Delineation Manual (1987 Manual). Any non-wetlands included within the CBMB, and which is allowed for mitigation, must contribute to the overall value of the restored wetlands.

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

**Short-Term Success Criteria:** The following criteria will be used to assess short-term project success:

1. Wetland hydrology (as defined by 1987 Manual) will be attained and maintained. Assessments will be made using primary and secondary indicators of wetland hydrology.
2. A 50% survival rate of the planted and naturally recruited tree seedlings, or 150 trees per acre, will be attained through the end of the five-year monitoring requirement. The initial hard-mast to soft-mast ratio will be maintained and the Site will be managed to minimize populations of exotic/invasive species. This criterion will apply to initial plantings as well as any subsequent re-plantings that may be necessary.

**Long-Term Success Criteria:** The following criteria will be used to assess long term project success:

1. The plant community must be comprised primarily of hydrophytic vegetation (as defined in the 1987 Manual).
2. Planted tracts must exhibit characteristics and diversity of viable bottomland hardwood wetlands or communities commensurate with conditions at the Site and the age of the stand. These will include:
  - a. Adequate midstory and ground cover will become established on the Site by the end of Year 5.
  - b. The Site will qualify as jurisdictional wetland by the end of Year 5.
  - c. The Site will be assessed at the end of Year 10 to ensure that bottomland hardwoods are established and that adequate control of exotic/ invasive species is achieved.
3. No human activities that might require a Section 404 permit will occur

within the restored portions of the CBMB without obtaining a Section 404 permit from the New Orleans District and providing mitigation for any actual wetland loss. If a decision is made to authorize activities in previously planted portions of the CBMB, and such activities adversely affect the quantity and quality of functional wetlands, the permit recipient will be responsible for compensation for the direct loss of wetlands, past wetland impacts that are being mitigated by these wetlands, and all temporal losses associated with the re-establishment of new mitigation sites.

### **XIII. MONITORING, REPORTING AND CORRECTIVE ACTIONS**

**Monitoring Provisions:** The Sponsor agrees to perform all necessary work to monitor the CBMB to demonstrate compliance with the success criteria established for the bank. The Sponsor will establish both short and long-term monitoring plots at the time of the seedling planting.

**Monitoring Reports:** Monitoring reports will be provided to the New Orleans District no later than December 15th following the first, fifth, and tenth growing season. In the event that monitoring reveals that initial success criteria have not been met, the Sponsor will take measures to achieve the criteria the following year. Monitoring, reporting and remedial action will be conducted in accordance with the following:

1. The Sponsor will conduct annual surveys of living seedlings in each planted tract. Sampling will be done between April 15th and November 15th following the initial planting of the tract. Seedling survival will be documented by performing a comprehensive tally or by counting seedlings in rows selected at random from within the tract. The number and orientation of rows used in the sample will vary depending on the size and configuration of the tract but must be representative of the tract. In addition, the Sponsor will perform a cursory examination of the entire planted tract to determine if the overall survival rate is adequate.
2. The Sponsor will, within 60 days following the survey, provide a written report to the New Orleans District. The report will include, at a minimum, the following:
  - a. A USGS topographic map with the CBMB indicated.
  - b. A detailed narrative that summarizes the condition of the CBMB and all regular maintenance activities.
  - c. Appropriate site maps that show the locations of sampling plots, permanent photograph stations, sampling transects, etc.
  - d. Data regarding the hydrology of the CBMB (e.g., hydroperiod, extent and depth of inundation, groundwater monitoring results, precipitation records, etc.).
  - e. Results of vegetation surveys, including the following: visual estimates

- of overall percent cover and of percent cover within each layer of vegetation; indices of species diversity; estimates of percent cover of exotic species within each layer of vegetation; composition of plant community (wetland indicator status); calculations of survival for planted trees; estimates of natural re-vegetation; and estimates of plant vigor (as measured by evidence of reproduction).
- f. Results of surveys of wildlife usage of the Site (e.g., observations of amphibians, reptiles, mammals, birds and macroinvertebrates on or near the CBMB).
  - g. Descriptions of the condition of applicable drainage ditches, culverts, and water-control structures.
  - h. A discussion of likely causes of observed tree mortality within those tracts that did not exhibit a survival rate for planted seedlings of at least 50% (150 trees per acre).
3. If survival is less than 150 planted trees per acre (as determined by sampling or observing high mortality within any zone or location within a planted tract), the Sponsor will take appropriate actions to address the causes of mortality and replace all dead seedlings with new seedlings of the appropriate species during the following non-growing season. Replanting, if necessary and in accordance with this paragraph, and monitoring and reporting, as described in Paragraphs 1 and 2 of this section, will occur yearly thereafter as needed to achieve and document the required survival rate for five consecutive years.
  4. The Sponsor will continue annual monitoring and reporting of each planting effort, in accordance with the restoration plan, to verify the presence of a minimum of 150 trees per acre including natural recruitment, for a minimum of five years. Annual reports will be provided to the New Orleans District.
  5. The Sponsor will not be responsible for replacement of seedlings or trees when mortality is due to an act of God or other force majeure event that occurs after the short-term criteria are met.

**Corrective Actions:** In the event the CBMB fails to achieve the short-term success criteria specified in Section XII of this prospectus, the Sponsor will develop necessary contingency plans and implement appropriate remedial actions for the CBMB in coordination with the New Orleans District. Corrective action will be performed in accordance with the following:

1. In the event the Sponsor fails to implement necessary remedial actions within the first growing season following notification by the New Orleans District of failure in meeting success criteria, the New Orleans District will notify the Sponsor and appropriate authorizing agencies and recommend appropriate remedial actions.
2. Following completion of corrective actions, at the request of the Sponsor, the New Orleans District will perform a final compliance visit to determine

whether all success criteria have been satisfied. Upon satisfaction of the success criteria, any remaining contingency funds will be released to the Sponsor.

3. In the event the Sponsor does not comply with the mitigation bank restoration plan or the Louisiana Conservation Servitude, the Sponsor will be required to immediately perform corrective actions (e.g., replanting and repair or replacement of water-control structures). The New Orleans District will then convene a meeting with the Sponsor to determine if a reassessment of the management or mitigation potential is necessary. If remedial action is not taken within one year, the New Orleans District will cease recognition of the CBMB. If placed in default, failure by the Sponsor to replace mitigation will result in forfeiture of a portion of the funds pertaining to the tract/phase for which the Sponsor has been placed in default.

#### XIV. CONCLUSION

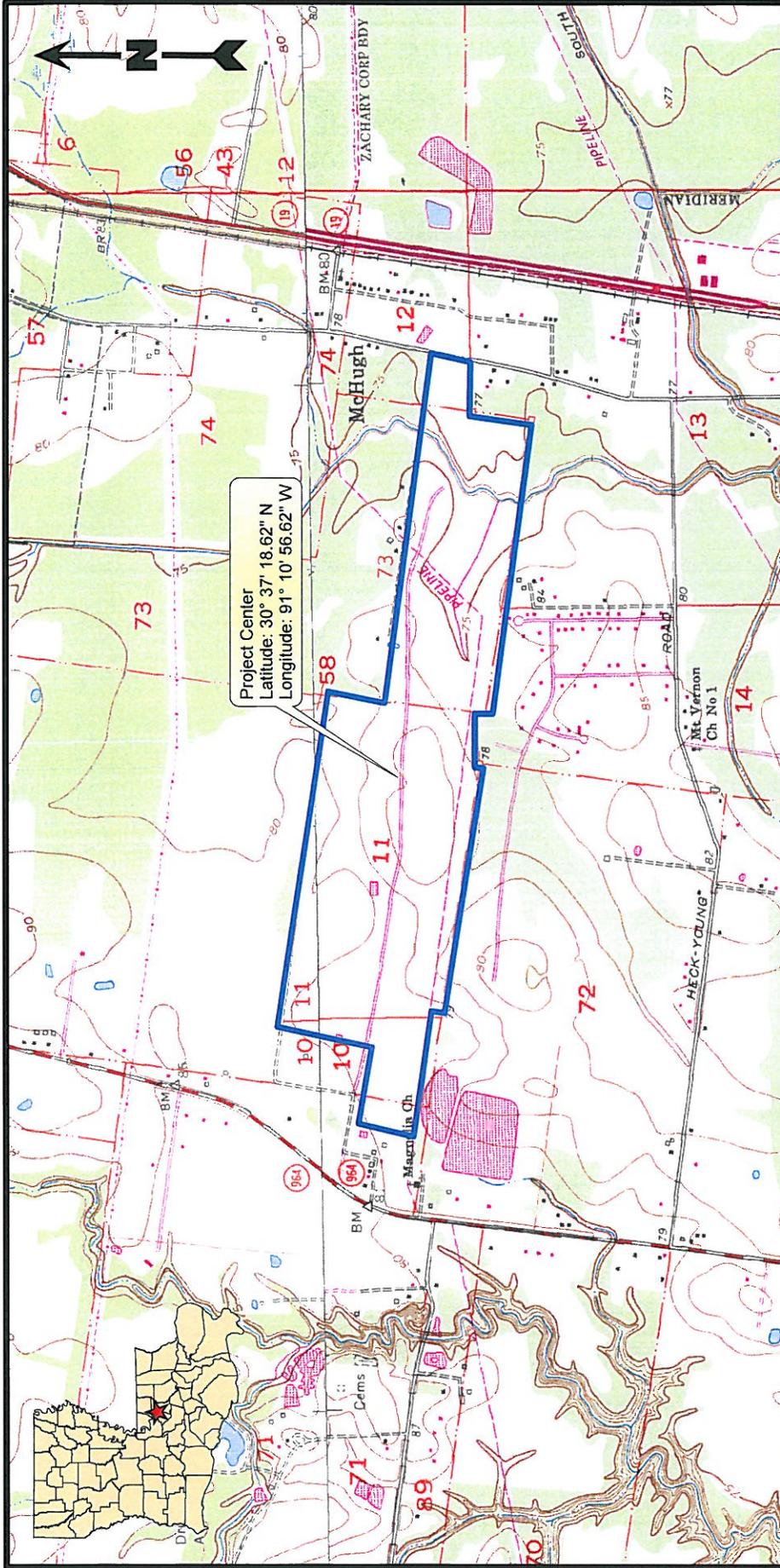
In summary, the proposed 350-acre bank has the potential to be restored as bottomland hardwood forest habitat. The proposed mitigation consists of re-establishment of 190.6 acres of bottomland hardwood forest from wet pasture, establishment of 132.8 acres of bottomland hardwood wetland forest from nonwetland pasture, and enhance 18.4 acres of wetland forest dominated by Chinese tallow-tree.

#### XV. REFERENCES

United States Department of Agriculture, Natural Resources Conservation Service (1995). *Soil Mapping Units and Hydric Soils Designations of Louisiana*, Third Edition.

*Web Soil Survey*. Version 1.1. Natural Resources Conservation Service. February 29, 2008. <http://websoilsurvey.nrcs.usda.gov/app/>

United States Department of Agriculture, Soil Conservation Service, "Soil Survey of East Baton Rouge Parish", Louisiana, 1968.



**Legend**

 Mitigation Bank Boundary (350 Acres)

**Reference**

Base map comprised of U.S.G.S. 7.5 minute topographic map, "Zachary, LA" dated 1963 Photorevised 1980 and "Scotlandville, LA" dated 1963 Revised 1994.



**Site Location Map**

Mitigation Bank Prospectus  
East Baton Rouge Parish

**Cypress Bayou Mitigation Bank, LLC**  
350-Acre Wetland Mitigation Bank Site



**PROVIDENCE**

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| Drawn By    | DRA | 06/23/08 |
| Checked By  | LMH | 06/23/08 |
| Approved By | LW  | 06/25/08 |

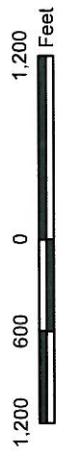
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| Project Number | 423-002      |
| Drawing Number | 423-002-A001 |

**1**  
Figure



**Legend**

- Mitigation Bank Boundary (350 Acres)
- Forested Wetlands (18.4 Acres)
- Pasture Wetlands (190.6 Acres)
- 50-Foot Pipeline ROW (7.5 Acres)
- Ponds (0.7 Acres)
- Drains (8,602 Linear Feet)



**Site Plan**

Mitigation Bank Prospectus  
East Baton Rouge Parish

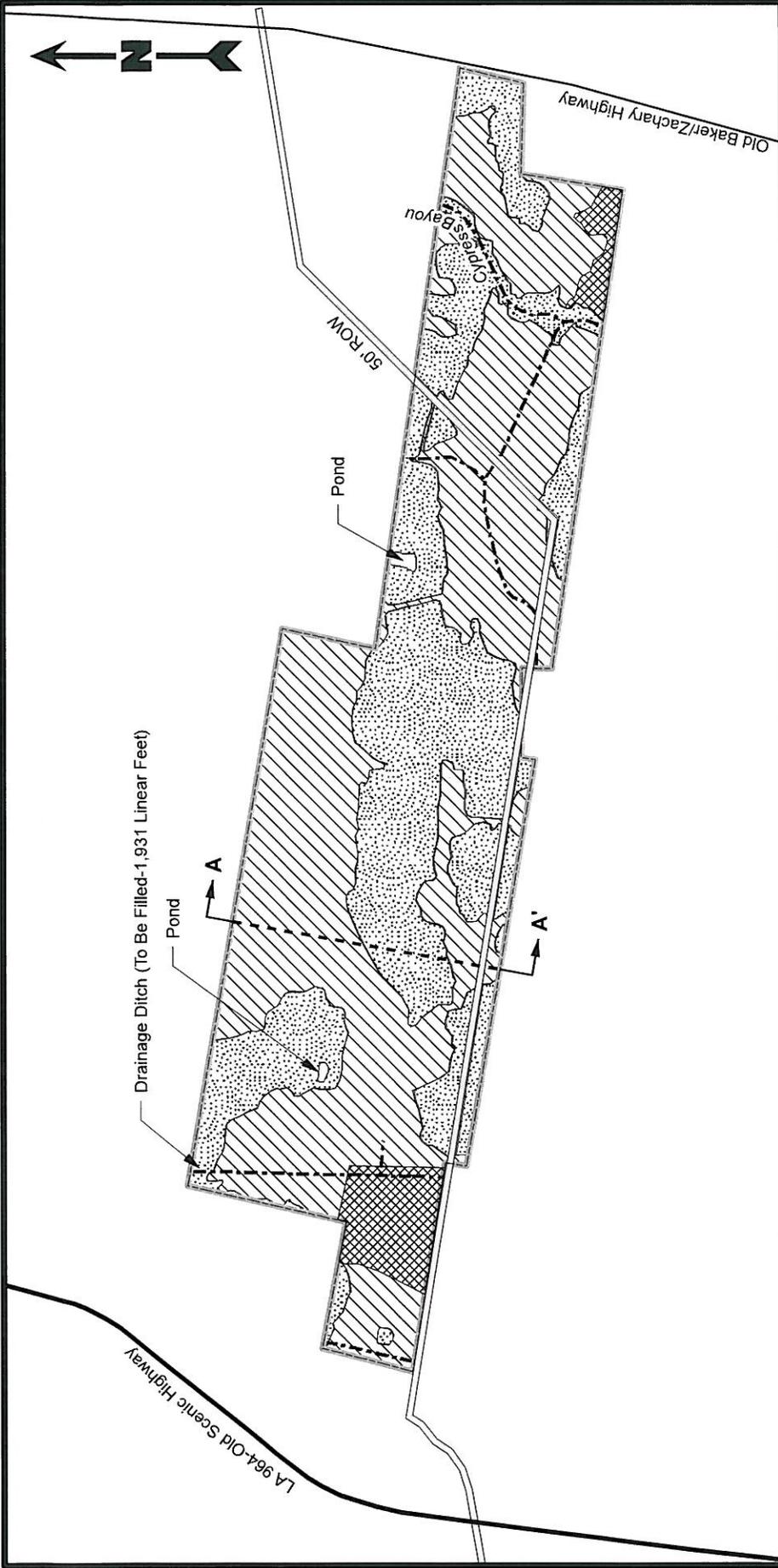
**Cypress Bayou Mitigation Bank, LLC**  
350-Acre Wetland Mitigation Bank Site



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| Drawn By    | DRA | 06/23/08 |
| Checked By  | LMH | 06/23/08 |
| Approved By | LW  | 06/25/08 |

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| Project Number | 423-002      |
| Drawing Number | 423-002-A002 |

**2**  
Figure



**Legend**

- Mitigation Bank Boundary (350 Acres)
- Bottomland Hardwood Re-establishment (190.6 Acres)
- Bottomland Hardwood Establishment (132.8 Acres)
- Enhancement (18.4 Acres)
- 50-Foot Pipeline ROW (7.5 Acres)
- Drains (8,602 Linear Feet)



**Restoration Plan**

Mitigation Bank Prospectus  
East Baton Rouge Parish

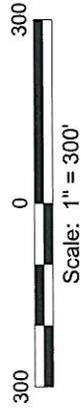
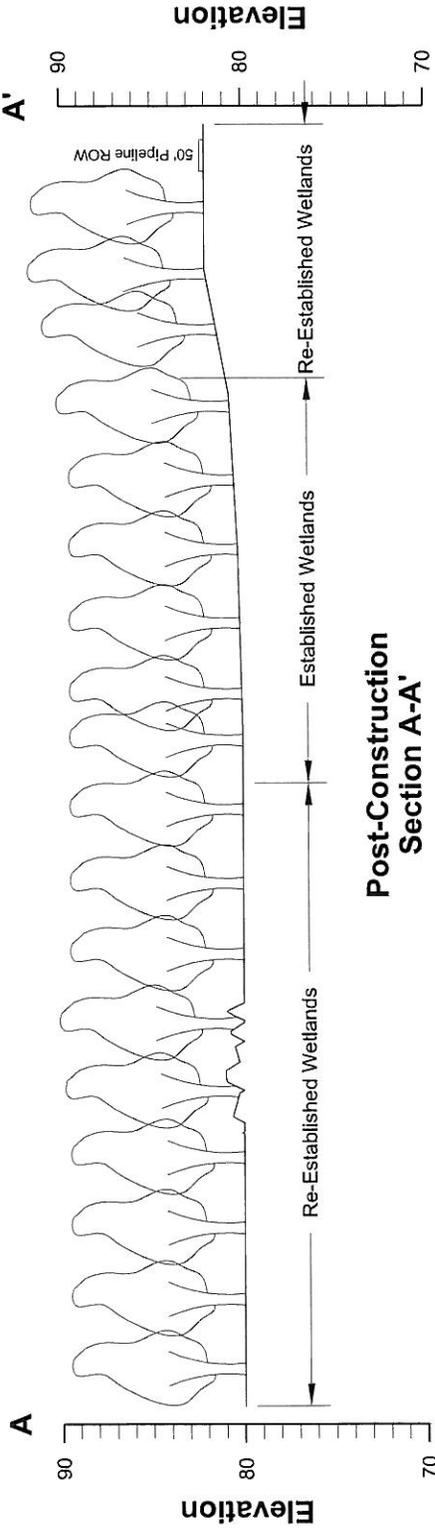
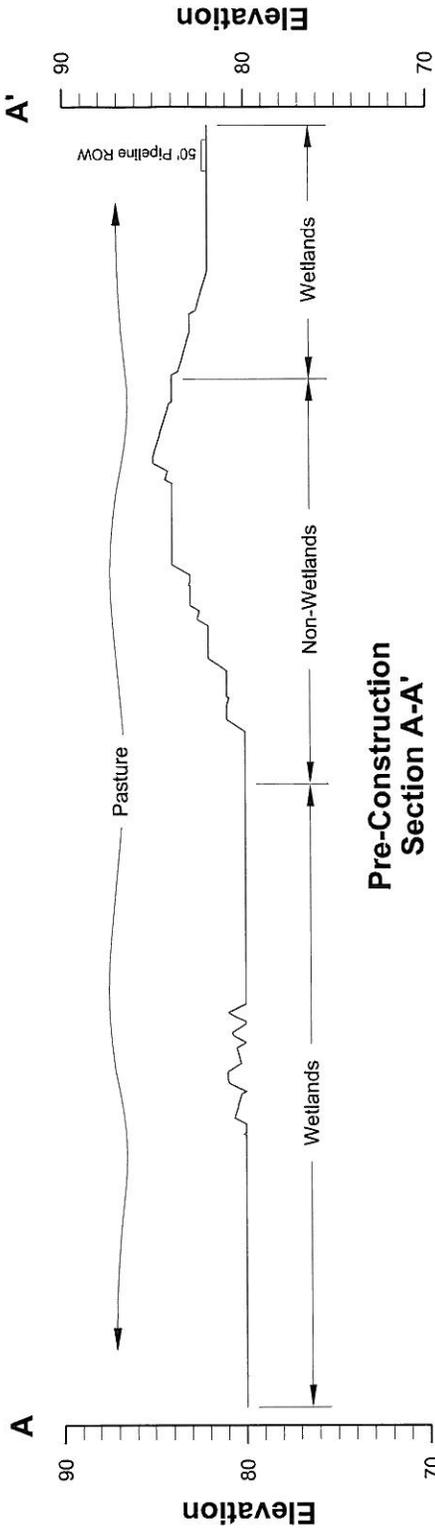
**Cypress Bayou Mitigation Bank, LLC**

350-Acre Wetland Mitigation Bank Site

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| Drawn By       | DRA | 06/23/08     |
| Checked By     | LMH | 06/23/08     |
| Approved By    | LW  | 06/25/08     |
| Project Number |     | 423-002      |
| Drawing Number |     | 423-002-A003 |



**3**  
Figure



**Cross Section A-A'**

Mitigation Bank Prospectus  
East Baton Rouge Parish

**Cypress Bayou Mitigation Bank, LLC**  
350-Acre Wetland Mitigation Bank Site

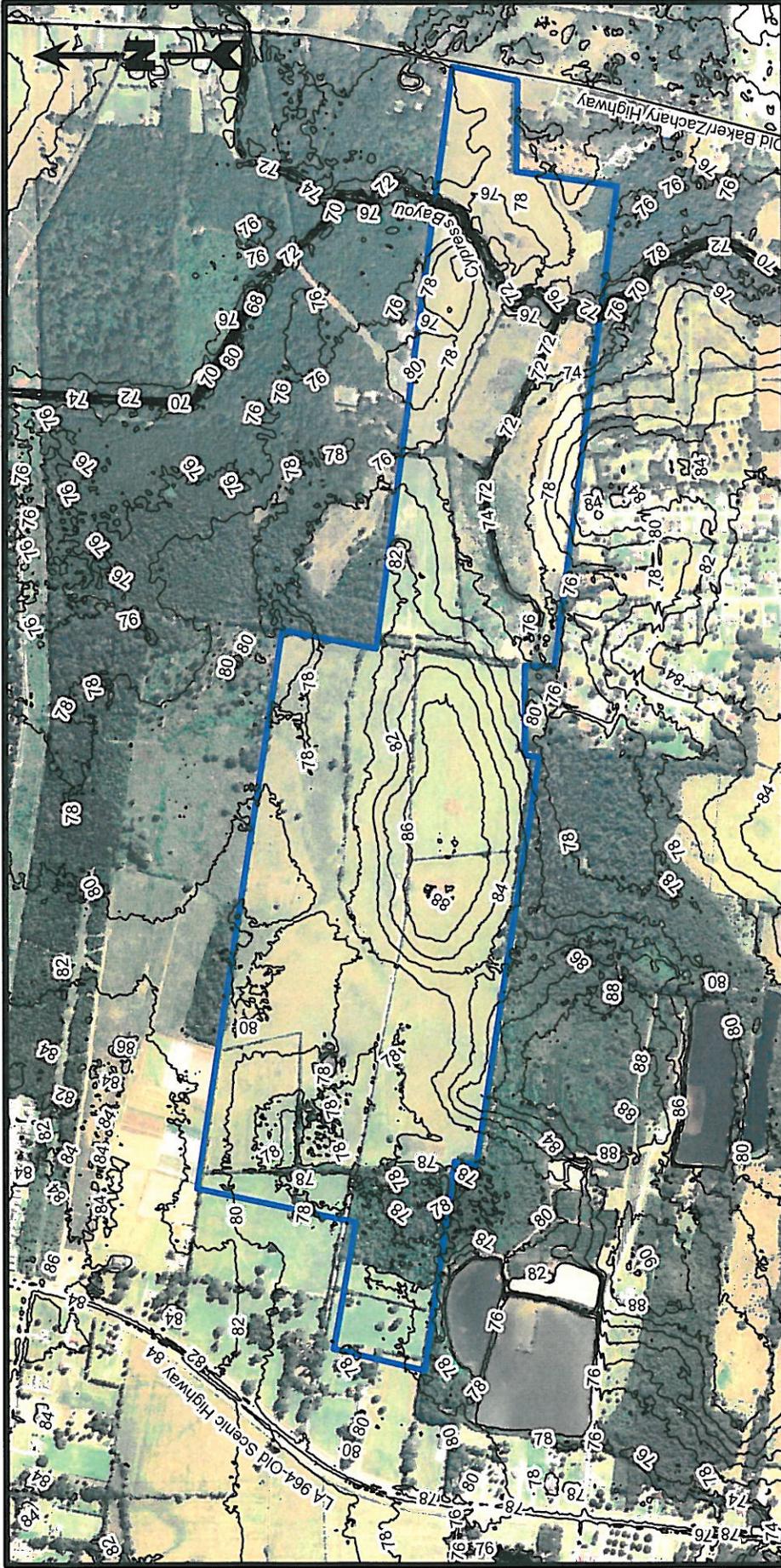


**PROVIDENCE**

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| Drawn By    | DRA | 10/08/08 |
| Checked By  | LMH | 10/08/08 |
| Approved By | CEJ | 10/08/08 |

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|----------------|--------------|
| Project Number | 423-002      |
| Drawing Number | 423-002-A011 |

**4**  
Figure



**Legend**

-  Mitigation Bank Boundary (350 Acres)
-  2-Foot LIDAR Contours

**Reference**

Base map comprised of 2007 aerial photograph.  
 LIDAR Contours comprised of USACE/FEMA, elevation contours, dated 2003.

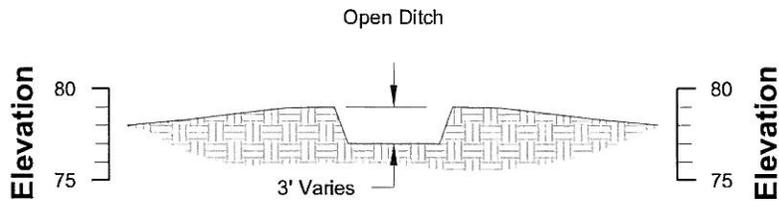
**LIDAR Elevation Data**

Mitigation Bank Prospectus  
 East Baton Rouge Parish

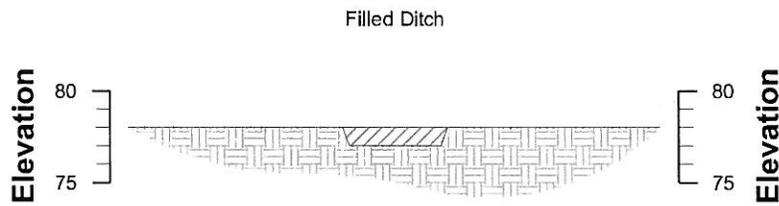
**Cypress Bayou Mitigation Bank, LLC**  
 350-Acre Wetland Mitigation Bank Site



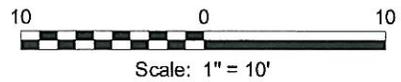
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| Drawn By       | DRA | 09/30/08           |
| Checked By     | LMH | 09/30/08           |
| Approved By    | LW  | 09/30/08           |
| Project Number |     | 423-002            |
| Drawing Number |     | 423-002-A008       |
|                |     | <b>5</b><br>Figure |



**Pre Construction  
Typical Cross Section**



**Post Construction  
Typical Cross Section**



**Typical Drainage Ditch  
Cross Section**

Mitigation Bank Prospectus  
East Baton Rouge Parish

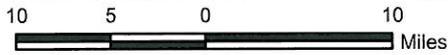
**Cypress Bayou Mitigation Bank, LLC**  
350-Acre Wetland Mitigation Bank Site



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| Drawn By    | JCS | 10/06/08 |
| Checked By  | DRA | 10/06/08 |
| Approved By | CEJ | 10/06/08 |

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| Project Number | 423-002      |
| Drawing Number | 423-006-A009 |

**6**  
Figure



**Legend**

- Property Boundary (350 Acres)
- Service Area Boundary

**Reference**

Base map comprised of U.S.G.S. 1:250,000 topographic maps, "Baton Rouge, LA" and "Natchez, MS".

**Service Area**

Mitigation Bank Prospectus  
East Baton Rouge Parish

**Cypress Bayou Mitigation Bank, LLC**  
350-Acre Wetland Mitigation Bank Site



**PROVIDENCE**

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| Drawn By    | DRA | 10/06/08 |
| Checked By  | LMH | 10/06/08 |
| Approved By | CEJ | 10/08/08 |

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| Project Number | 423-002      |
| Drawing Number | 423-002-A010 |

7

Figure



## DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

June 30, 2008

REPLY TO  
ATTENTION OF:

Operations Division  
Surveillance and Enforcement Section

Mr. Josh McEnany  
Gulf South Research Corporation  
8081 GSRI Avenue  
Baton Rouge, Louisiana 70820

Dear Mr. McEnany:

Reference is made to your request, submitted on behalf of Rogillio Real Estate, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Sections 10, 11, 12, 71, and 73, Township 5 South, Range 1 West, East Baton Rouge Parish, Louisiana (enclosed map). Specifically, this property is identified as a 400-acre tract on and east of LA Highway 964 (Old Scenic Highway), on and west of LA Highway 1209 (Old Baker-Zachary Road).

Based on review of recent maps, aerial photography, soils data, information provided with your request, and a brief field investigation on March 25, 2008, we have determined that part of the property is wetland and subject to Corps' jurisdiction. The approximate limits of the wetland are designated in red on the map. A Department of the Army (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 this wetland. Additionally, a DA permit will be required if you propose to deposit dredged or fill material into Cypress Bayou and other waters of the United States (shown in blue on the map).

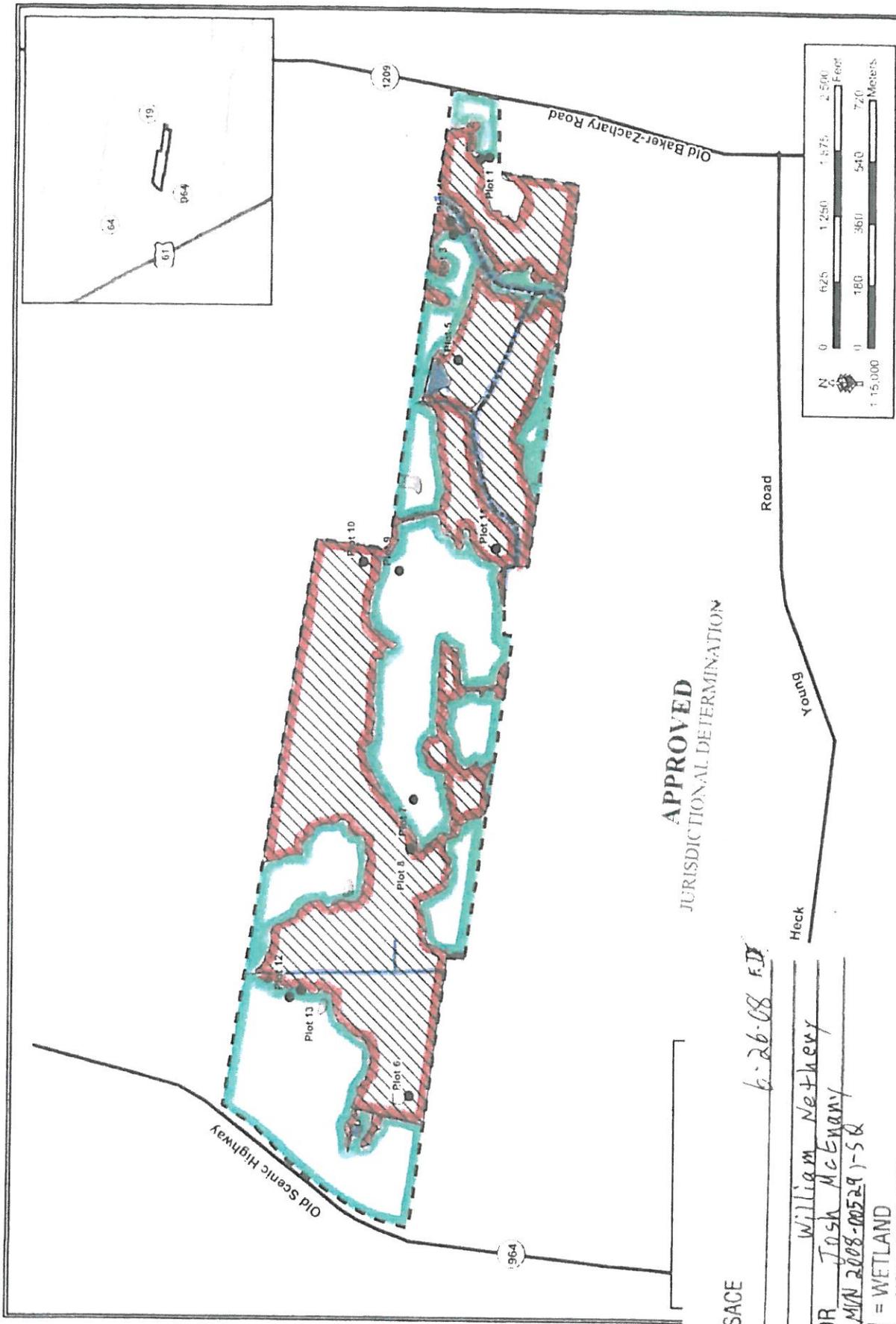
You and your client are advised that this approved jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Engineer has identified, after public notice and comment, that specific geographic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

Should there be any questions concerning these matters, please contact Mr. Bill Nethery at (504) 862-1267 and reference our Account No. MVN 2008-00529-SQ. If you have specific questions regarding the permit process or permit applications, please contact our Central Evaluation Section at (504) 862-2577. You are encouraged to electronically complete and submit a Customer Service Survey by visiting: <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

Pete J. Serio  
Chief, Regulatory Branch

— Enclosures



**APPROVED**  
JURISDICTIONAL DETERMINATION

USACE \_\_\_\_\_ 6-26-08 F.D.

FOR William Nethery  
Josh McEnany  
 (# MIN 2008-00291-58)

= WETLAND  
 = NON-WETLAND  
 = Waters of the US (404)

Figure 4: Wetland Map  
 Proposed 400 Acre Mitigation Area  
 T5S, R1W Sections 10&11  
 East Baton Rouge Parish, Louisiana