PROSPECTUS FOR THE ROSEDALE MITIGATION BANK
WEST BATON ROUGE, LOUISIANA

Submitted by:

Gulf South Research Corporation
Baton Rouge, Louisiana

DECEMBER 2011

Prospectus for the Rosedale Mitigation Bank
West Baton Rouge, Louisiana

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1.0 INTRODUCTION

A. Wilbert's Sons, LLC (Wilbert's) proposes the establishment of Rosedale Mitigation Bank in West Baton Rouge Parish, Louisiana. The proposed wetland bank is an approximately 250-acre site near Carey, Louisiana. An access road trending north to south bisects the property; the western portion of the site is currently in agricultural production (soybeans), and the eastern portion of the site is currently leveed for crawfish production. Approximately 220 acres of the site would be placed under conservation servitude and approximately 214 acres of bottomland hardwood forested wetlands would be rehabilitated on-site, and approximately 6 acres of BLH wetlands would be re-established on-site. Additionally, the natural hydrology of the site would be restored through the removal of levees, plugging an existing ditch and drainage canal, and the installation of culverts in the existing access road.

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

1.1 Site Location

The proposed mitigation bank site is located southwest of Carey, Louisiana (Figure 1). Specifically, the proposed site is located at Section 9, T-7-S, R-11-E of West Baton Rouge Parish in Carey Louisiana. Currently, approximately 106 acres of the site are in agricultural production, and 116 acres are leveed and in crawfish production. The proposed mitigation bank site is bordered by Louisiana State Highway 76 (Highway 76) to the south, agriculture fields to the east, and BLH forest to the north and west (Figure 2). The BLH ecosystem of Choctaw Bayou lies to the south of the proposed mitigation bank and is separated from the project area by Highway 76. The northern half of the eastern border is an earthen levee which flanks a parish drainage canal drainage. Agricultural fields and fish ponds are located east of the parish drainage canal. Grand Bayou and Stumpy Bayou both are located west of the proposed mitigation bank site within a BLH ecosystem.

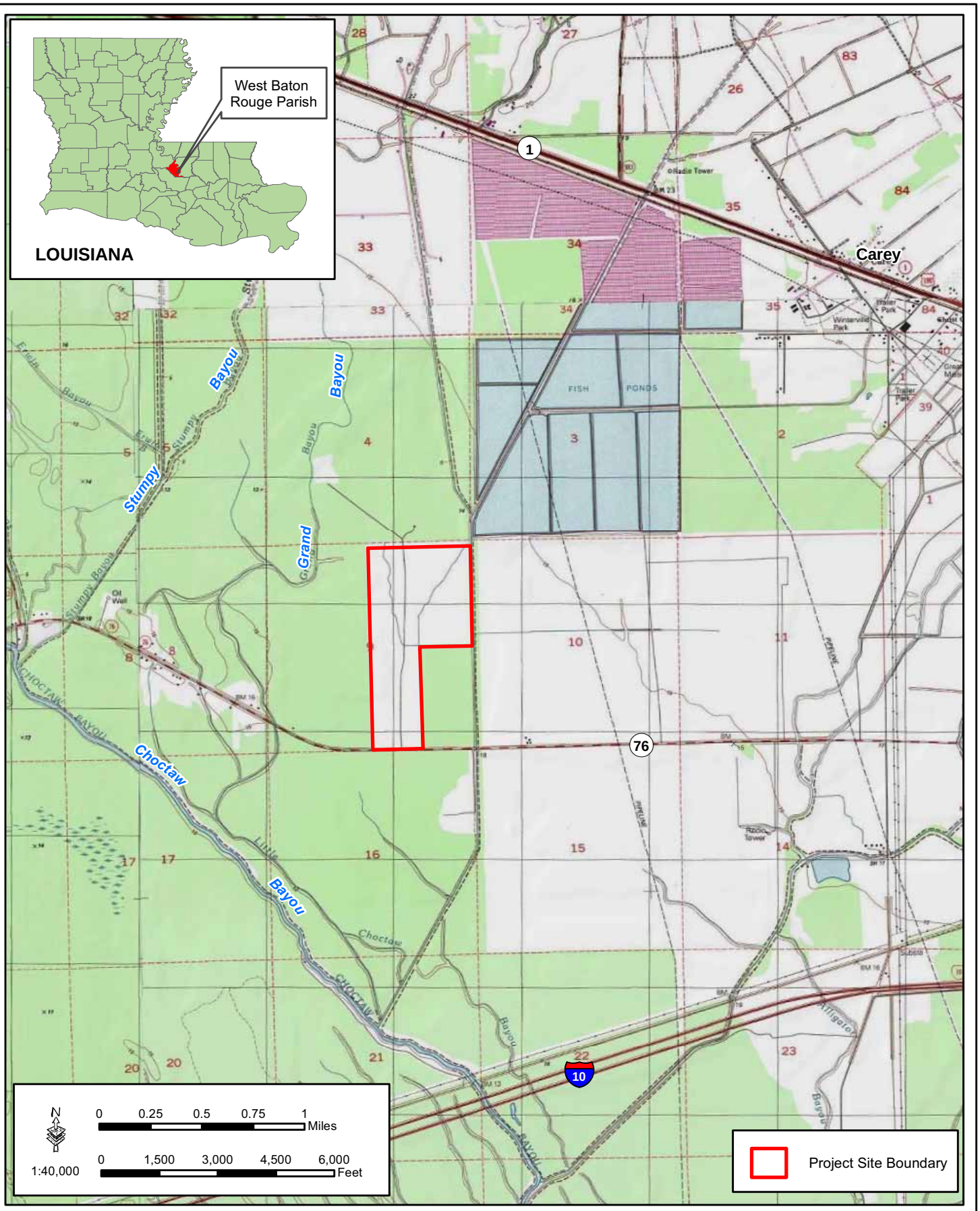

Figure 1: Project Site Location Map
Proposed Rosedale Mitigation Bank
T7S-R11E, Section 9
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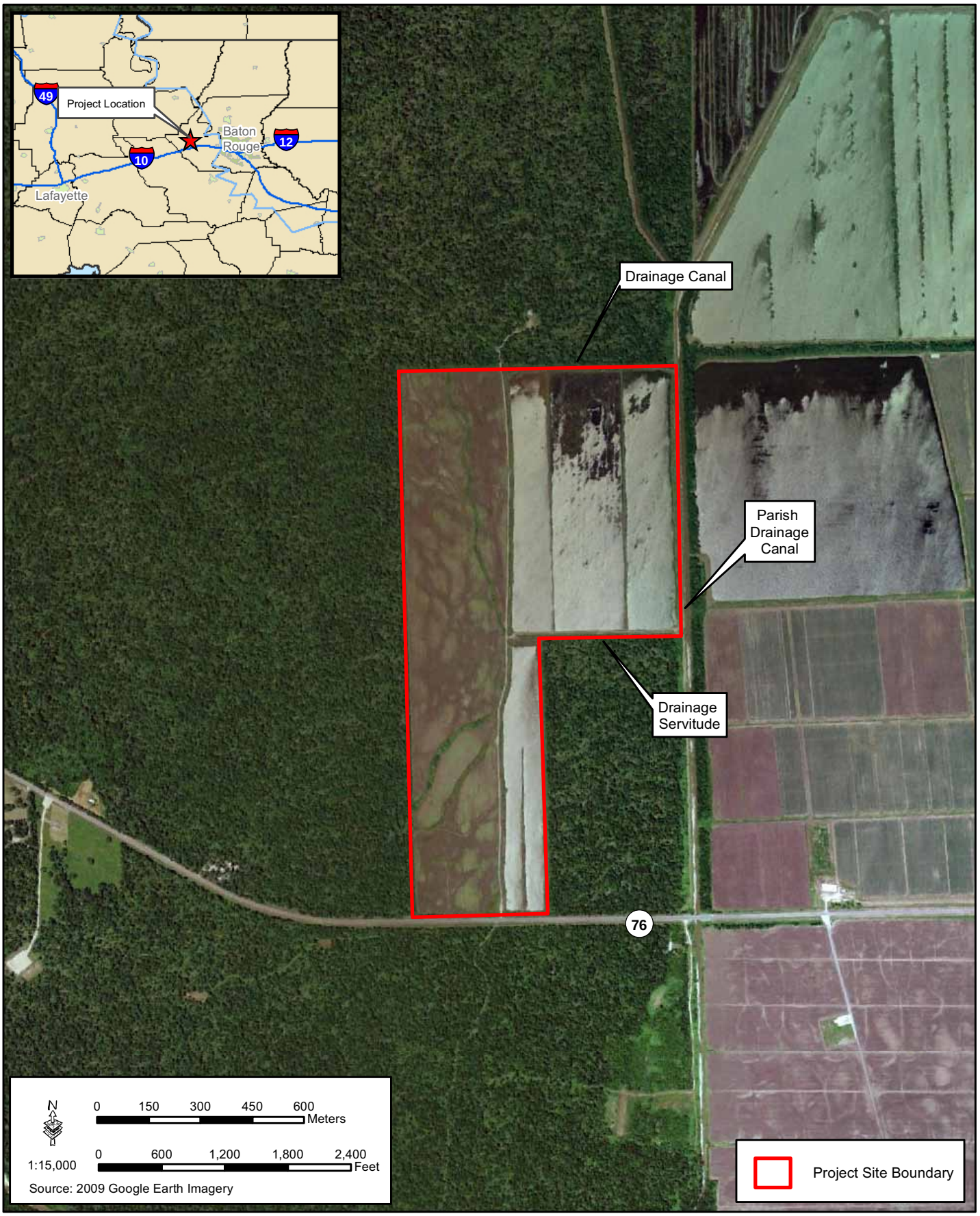

Figure 2: Project Area Map
Proposed Rosedale Mitigation Bank
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2.0 PROJECT GOALS AND OBJECTIVES

The goals of the proposed mitigation bank are to restore the natural hydrologic regime within the project site and to rehabilitate and re-establish a productive, self-sustaining BLH forested wetland. Rehabilitation and re-establishment of BLH forested wetlands would expand the existing BLH ecosystem in the area by approximately 220 acres. These rehabilitation and re-establishment efforts will promote the temporary and/or permanent re-habitation of both indigenous plant species and local and migratory animal species. Rehabilitation and re-establishment efforts will be achieved through removing levees, plugging an existing man-made ditch and drainage canal, and installing culverts in the existing access road that bisects the property. These efforts will restore the topography and hydrologic connection of the proposed wetland mitigation bank site with adjacent wetlands. The resulting hydrologic regime will restore healthy nutrient and sediment levels through surface water flows, ground water transport, and seasonal input. This input in conjunction with a reformed soil layer should also promote the growth and succession of a healthy understory and forest canopy. A rehabilitated or re-established wetlands resembling that of the adjacent BLH forested wetlands would reduce most invasive plants and rehabilitate an abundance of macro and micro-environments for all trophic levels. The proposed rehabilitation and re-establishment efforts would enhance wildlife habitat, increase flood storage, enhance nutrient attenuation and sediment retention, and improve groundwater quality.

3.0 ECOLOGICAL SUITABILITY OF THE SITE

3.1 Historical Ecological Characteristics of the Site

Historically, the project site drained west Grand Bayou through surface water flow and natural drainages and ultimately to Choctaw Bayou. Currently, the western portion of the project site is used for agricultural production (row crops), and the eastern portion of the site is used for crawfish production (see Figure 2). Hydrology on the site is provided by groundwater, surface flows and precipitation. Additionally, water is pumped from a canal to flood the crawfish ponds during the appropriate times of the year for crawfish production. Adjacent land uses consist of forest land to the north, west, and south. These lands are used for forest production, hunting, and mineral extraction (oil and gas). The lands to the east of the project site are in agricultural production and uses include row crop fields and fish ponds.

3.2 Current Ecological Characteristics of the Site

Currently, the western portion of the site is in agricultural production (row crops), and the eastern portion of the site is leveed and flooded for crawfish production. Dominant vegetation in the crawfish ponds is black willow (*Salix nigra*), bulltongue (*Sagittaria lancifolia*), and cattail (*Typha domingensis*). When fallow, the agricultural field is dominated with ladies'-eardrop (*Brunnichia ovate*), yellow nutsedge (*Cyperus esculentus*), and cocklebur (*Xanthium strumarium*). Topographically the site is relatively flat with a few minor ridges located in the western portion of the site (Figure 3)

Approximately 206 acres, or 82 percent, of the proposed mitigation bank site is considered potential jurisdictional wetlands and approximately 27,636 linear feet of natural and man-made drainages (waters of the U.S.) occur on the property (Figure 4). A copy of the USACE's 2011 jurisdictional determination is provided as Appendix A. Additionally, in 1987, the Soil Conservation Service determined that the entire 250-acre site was Prior Converted wetlands (Appendix B).

All hydrologic input will occur through seasonal groundwater levels, seasonal precipitation patterns and surface water flow during prolonged rain events. Historically, surface drainages trended from the north to the southwest through the site (Figure 5). An existing drainage ditch along the northern boundary of the proposed mitigation bank site has eliminated the surface hydrology connection to lands north of the proposed mitigation bank site. The north to southwest surface flow within the site has been eliminated by levees and leveling for crawfish ponds. Additionally, the natural drainage of the site has been altered by the construction of drainage canals and water from the site currently draings east to a Parish drainage canal (see Figure 2).

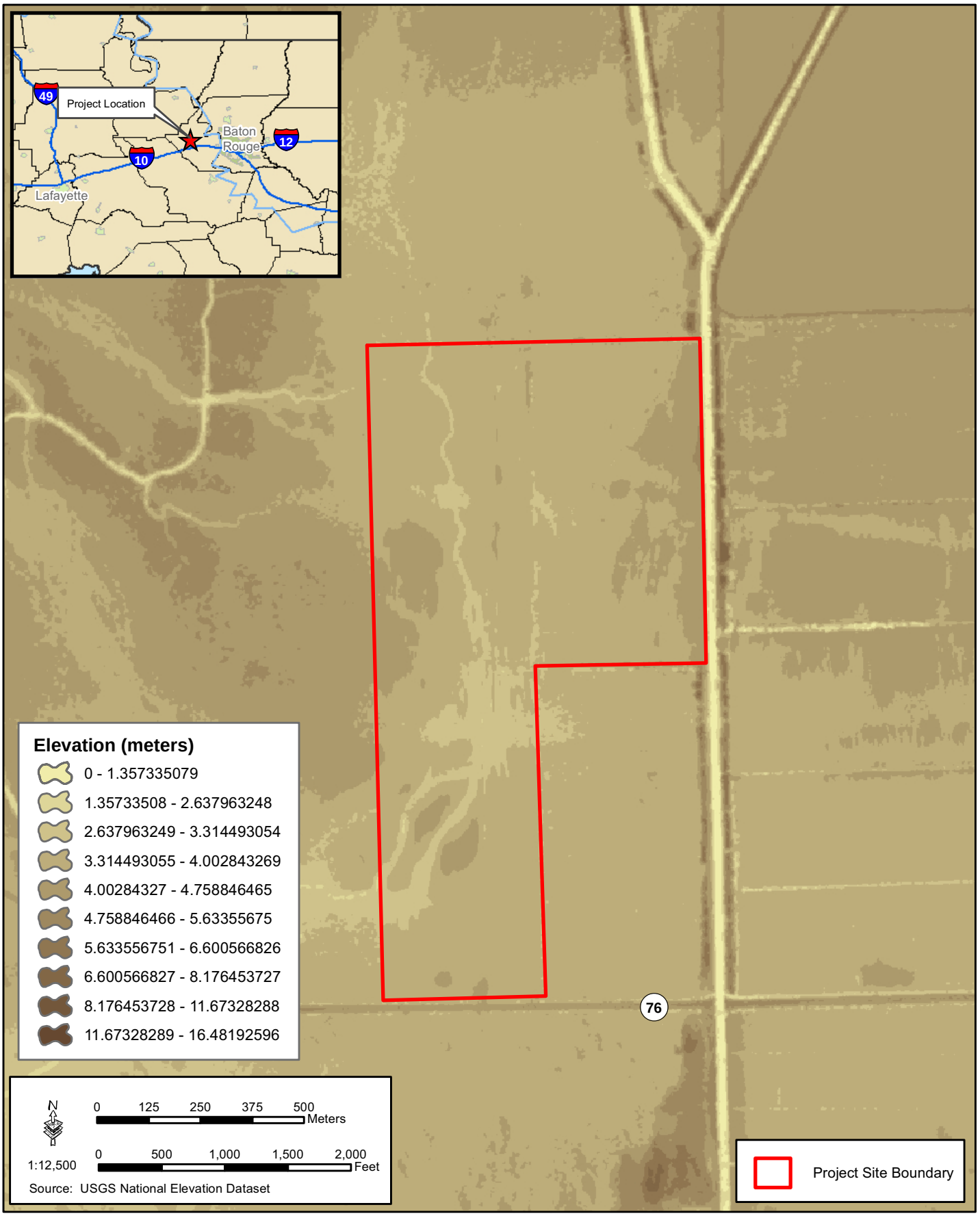

Figure 3: Digital Elevation Map
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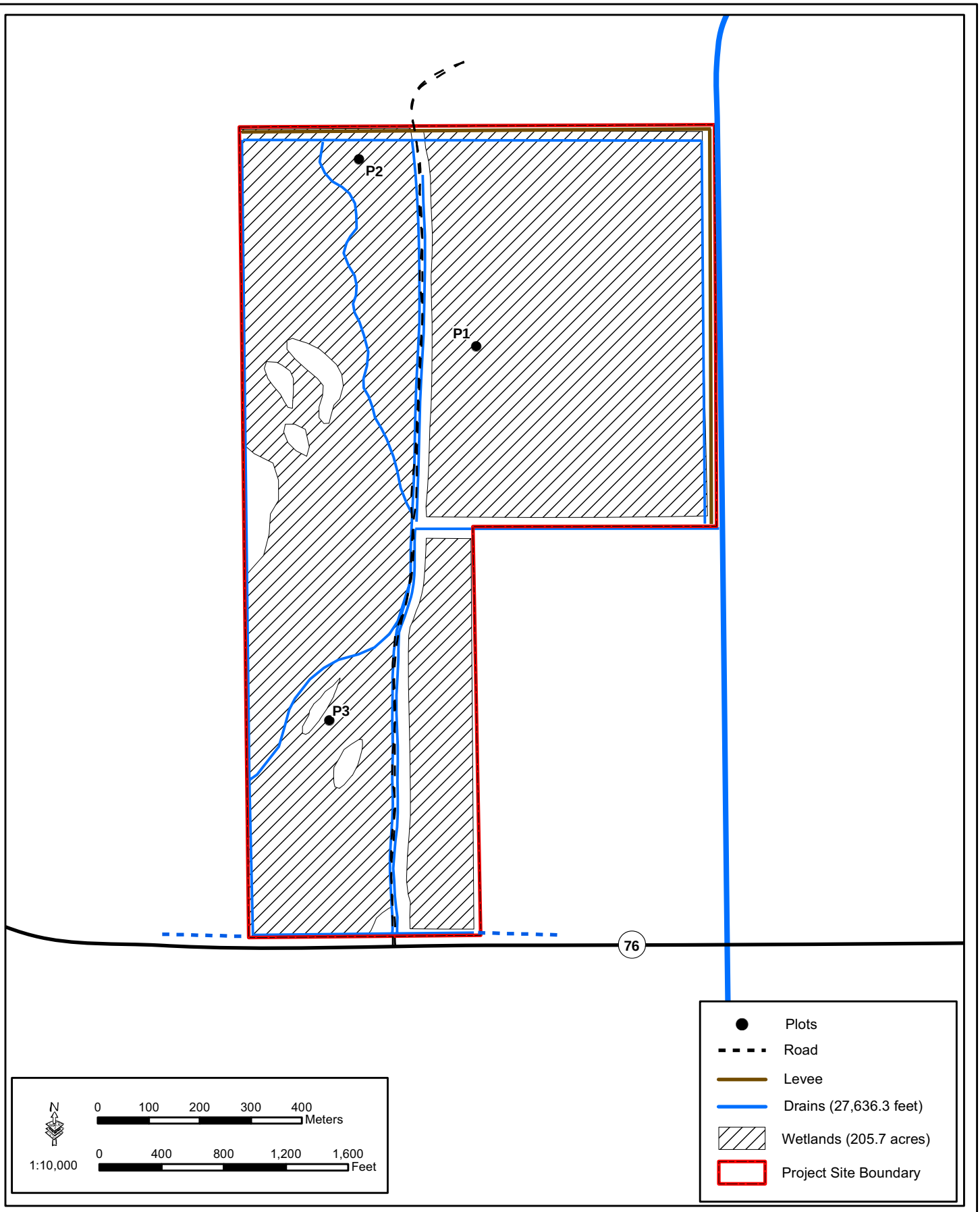

Figure 4: Wetland Map
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Figure 5: Historic Surface Drainage Map
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Soils on the project site are mapped as Sharkey clay (Sf) in the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service Soil Survey of Pointe Coupee and West Baton Rouge Parishes, Louisiana (USDA 1982, Figure 6). Sharkey soils are poorly drained soils located on floodplains, lower parts of natural levees, in backswamps and abandoned channels and on interfluves and low terraces of the Mississippi River. The seasonal high water table fluctuates between a depth of 1.5 feet and the surface during the months of December through April (USDA 2010a). Sharkey clay is listed as a hydric soil in Louisiana on the National Hydric Soils list (USDA 2010b).

The soil has a high forestland productivity rating for BLH species, specifically Nuttall oak (*Quercus nuttallii*), sweetgum (*Liquidambar styraciflua*), water oak (*Quercus nigra*), and willow oak (*Quercus phellos*) (USDA 2010a). Prior to the clearing of the project site for agricultural purposes the site was an established BLH forest. BLH forest is still present on adjacent lands to the north and west of the project site.

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

The proposed mitigation bank site is located in the Lower Grand River Watershed (Hydrologic Cataloging Unit 0870300, Figure 7). The watershed encompasses approximately 505,674 acres located in West Baton Rouge Parish and portions of Point Coupee, Iberville, and Iberia parishes.

3.3 General Need for the Project in this Area

No known watershed plans exist for the Lower Grand River Watershed. However, establishing the proposed mitigation area would provide regional and local benefits. The rehabilitation and re-establishment of BLH forested wetlands would reduce surface erosion and sedimentation and thus improve water quality in Grand Bayou and Choctaw Bayou. The BLH habitat type is a habitat of special concern in Louisiana due to historical and current habitat losses (USFWS 2011).

Figure 6: Soil Survey Map
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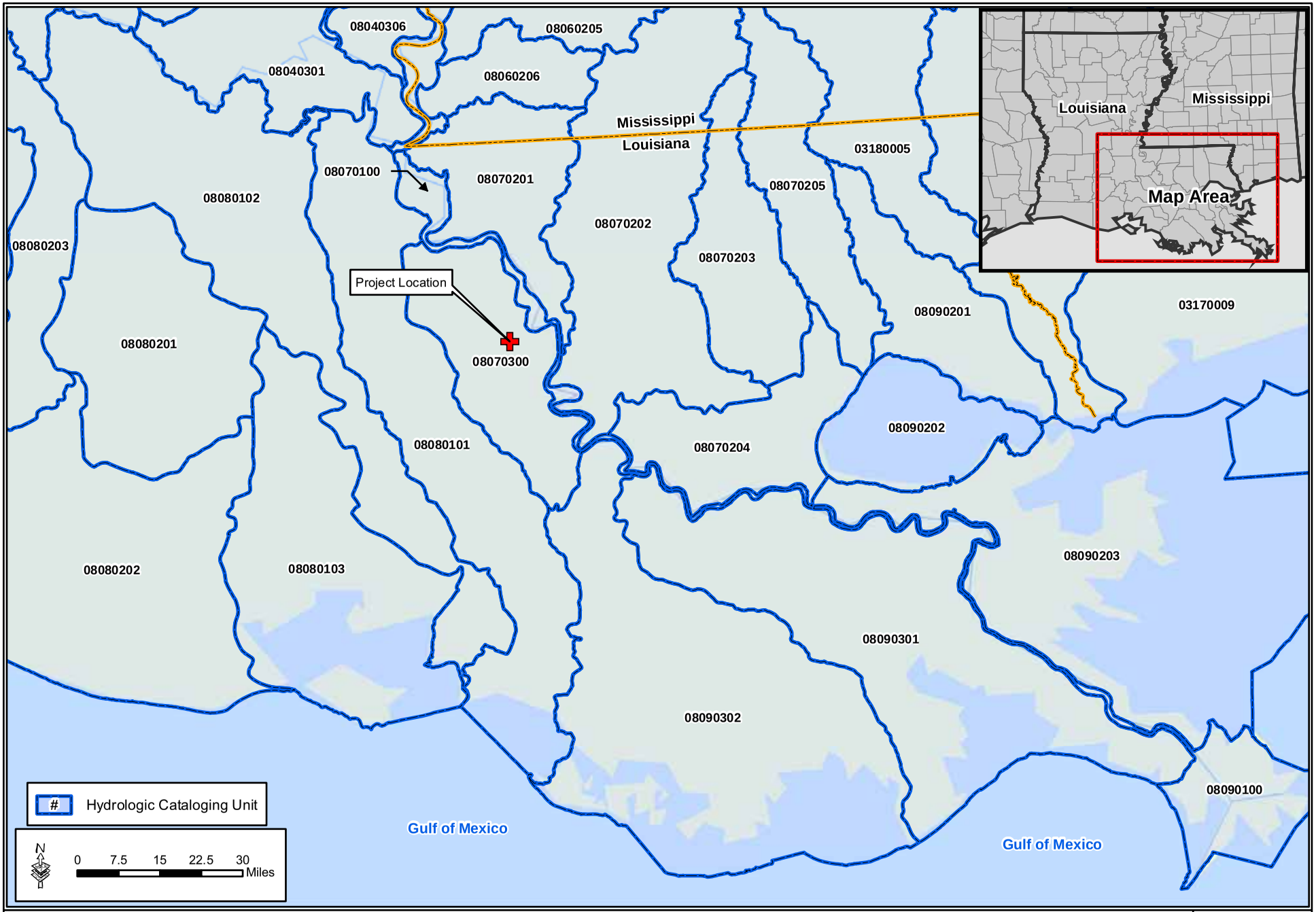

Figure 7: Hydrologic Cataloging Unit Map
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Approximately 70 percent of the state's original BLH forests have been lost to urban development and conversion to agriculture. Establishment of the proposed mitigation area would rehabilitate approximately 206 acres of the local ecosystem and provide habitat for wildlife species dependent on BLH habitat. The proposed wetland mitigation bank will provide regional and local benefits as a result of rehabilitating forested wetland and its associated functions on an area previously considered Prior Converted wetlands.

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

3.4 Technical Feasibility

Earthwork would be required to restore the natural hydrology of the site. Earthwork would include degrading a portion of the existing southern external levee surrounding the crawfish ponds and placing the degraded levee material in a portion of the drainage canal from where it was originally excavated. The internal levees would be degraded, and the degraded levee material would be spread over the ground surface. A majority of the material would be placed in the low areas adjacent to the levees. The material would be graded to restore the surface contours within the degraded crawfish pond.

Earthwork would be required to reconstruct the historic surface drainages in the eastern portion of the property and to install a culvert in the existing access road that bisects the proposed mitigation bank site from north to south. Installation of the culvert would restore the north to southwest surface water flows across the site and onto adjacent properties to the west. Additionally, a portion of a man-made ditch along the western property boundary would be plugged to prevent drainage of the site.

Completion of the proposed earthwork would return the surface water flow conditions to those prior to the construction of roads and levees, and leveling the land for agriculture and crawfish production. No risks are anticipated with these efforts and the work is feasible using standard construction equipment (i.e., bulldozer, trackhoe).

4.0 ESTABLISHMENT OF THE MITIGATION BANK

4.1 Site Rehabilitation Plan

1) Approximately 214 acres of bottomland hardwoods (BLH) will be rehabilitated (Figure 8) to fulfill compensatory mitigation requirements specified in DA permits. All areas to be rehabilitated are located withn existing jurisdictional wetlands (see Figure 4).

2) Approximately 6 acres of BLH forested wetlands will be re-established in areas previously designated as non-wetlands by the USACE (see Figure 4) and Prior Converted wetlands by the Soil Conservation Service (Appendix B). The soil type in these areas (Sharkey clay [Sf]) is listed as a hydric soil in Louisiana on the National Hydric Soils list (USDA 1982). During the jurisdictional determination (2011), the USACE determined that these areas lacked sufficient hydrology to be considered wetlands. Restoration of the hydrologic regime on the site would restore wetland hydrology to these areas and re-establish the proper ecological conditions for the establishment of hydrophytic vegetation. In 1987, the USDA determined that these areas were previously wetlands and designated the areas as Prior Converted wetlands.

3) The proposed mitigation bank will be established and managed as two management units. Management Unit I (107 acres of BLH forested wetlands rehabilitation and 6 acres of BLH forested wetlands re-establishment) will be the agriculture field west of the access road and will be established first. Management Unit II (107 acres of BLH forested wetlands rehabilitation) will be the area east of the access road and will be established after Management Unit I has been sold out.

4) Portions of external levees will be degraded, and the majority of the degraded levee material will be placed in the borrow area from where the levee material was originally excavated (Figure 9). The remaining degraded levee material will be spread over the non-leveed portion of the proposed mitigation site in such a manner not to increase the elevation of the site by more than 6 inches in one area. The levees will be degraded prior to planting the seedlings.

5) The internal levees will be cleared of vegetation and the levees will be degraded by spreading the soil over the ground surface within the crawfish pond area (Figure 10). The majority of the degraded levee material will be placed in the low areas adjacent to the levees. The levee material was originally excavated from these low areas. The degraded levee material will be graded to restore the natural contours.

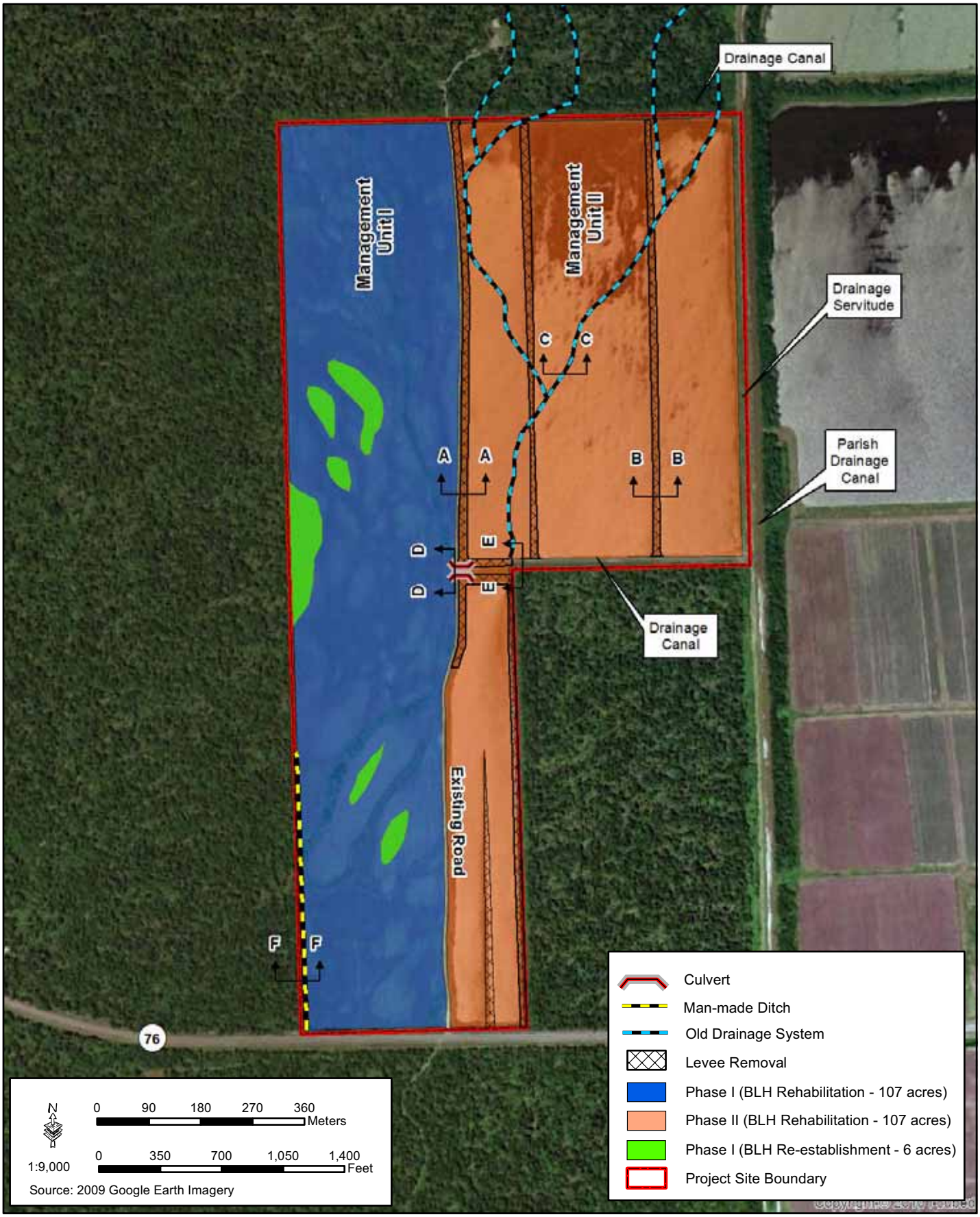

Figure 8: Restoration Plan
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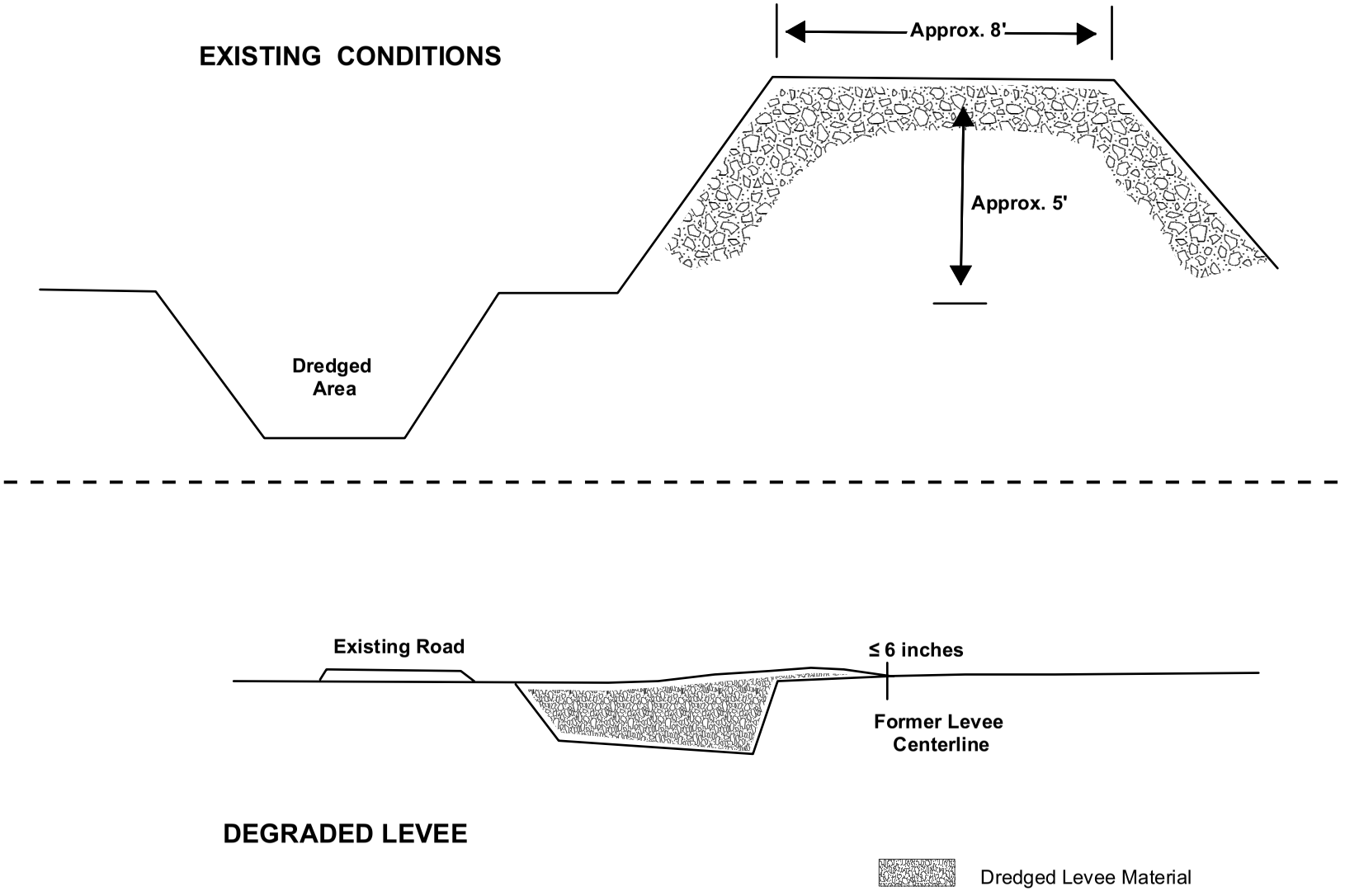

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Figure 9: Typical Cross-section of External Levee Gap (Cross-section A-A)
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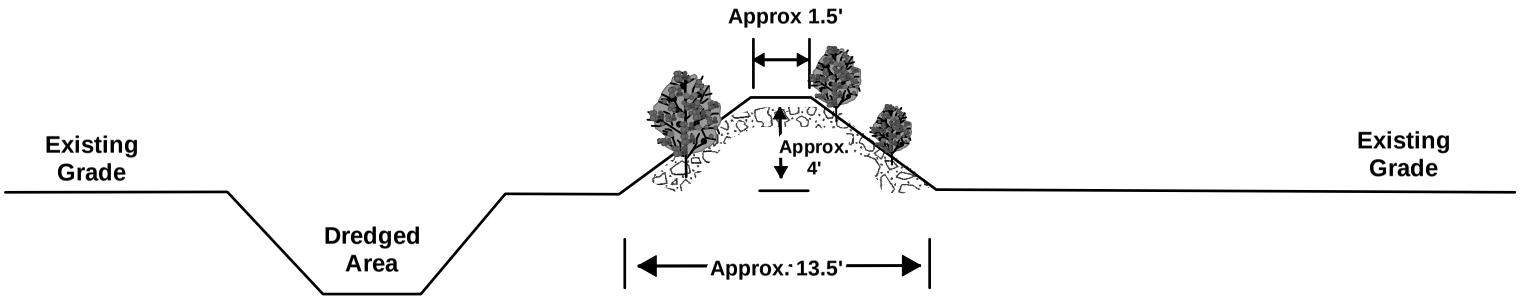
EXISTING CONDITIONS



DEGRADED LEVEE

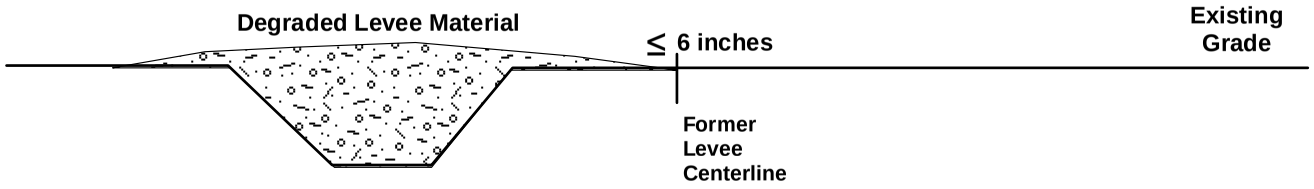


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Figure 10: Typical Cross-section of Degraded Internal Levee (Cross-section B-B)
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6) Surface drainages will be established in proximity to the location of the historic surface drainages that were destroyed during the construction of the crawfish ponds (Figures 8 and 11). Material excavated during the excavation of the surface drainages will spread adjacent to the surface drainage in such a manner not to increase the elevation of the site by more than 6 inches in one area. The constructed surface drainages will flow south into the existing drainage ditch and then flow west through a culvert to be installed in the existing road where water flow will enter the existing natural drainage (Figure 12). A portion (approximately 20 linear feet) of the existing southern drainage canal in Management Unit II will be plugged and the bottom elevation of the canal will be raised to ensure water flow is to the west (Figure 13).

7) A portion (approximately 20 linear feet) of a man-made ditch along the western property line that currently connects to the natural surface drainage will be plugged to ensure water flow remains in the natural surface drainage and is not captured by the man-made ditch (Figure 14).

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

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

10) Depending on availability, species to be planted will consist of the following species at the specified planting rates. If more than 5% discrepancy is requested, approval from NOD must be granted.

<u>Planting Rate</u>

Baldcypress	15%
Red Maple	5%
Overcup Oak	15%
Nuttall Oak	20%
Green Ash	25%
Water Hickory	5%
Persimmon	5%
Buttonbush	5%
Sugarberry	5%

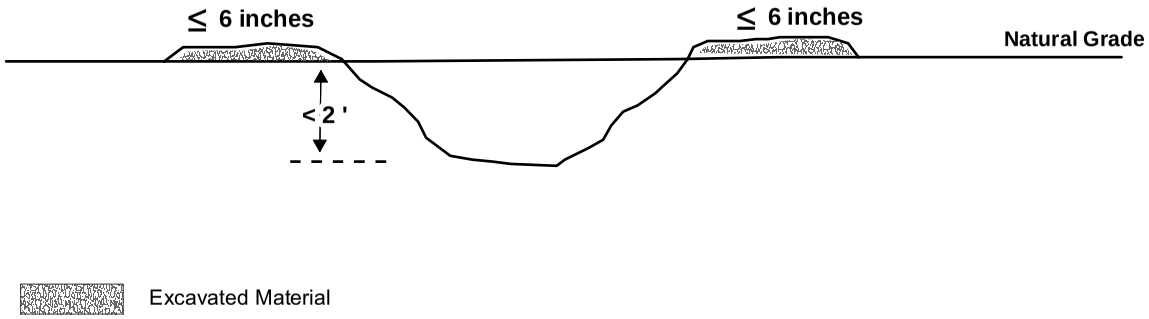

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Figure 11: Constructed Surface Drainage (Cross-section C-C)
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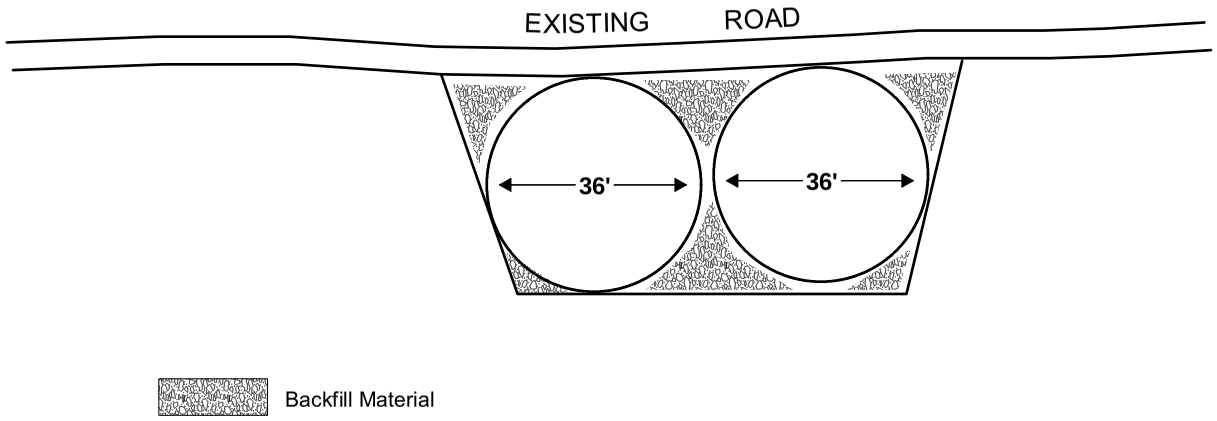

NOTE: Excavated material will be used to backfill culvert and the remaining material will be used to construct earthen plugs at cross-section E-E and F-F.

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Figure 12: Culvert to be Installed in Existing Road (Cross-section D-D)
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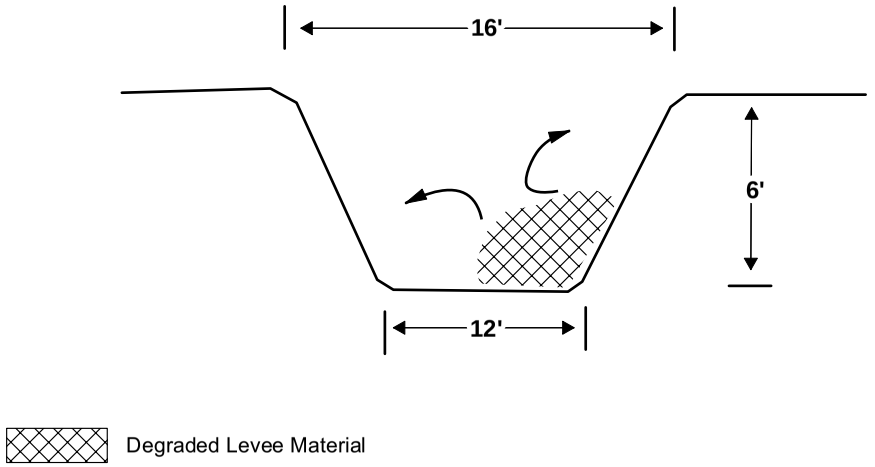

NOTE: Up to 20 feet of the drainage canal will be plugged to prevent water flow.

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Figure 13: Earthen Plug in South Drainage Canal (Cross-section E-E)
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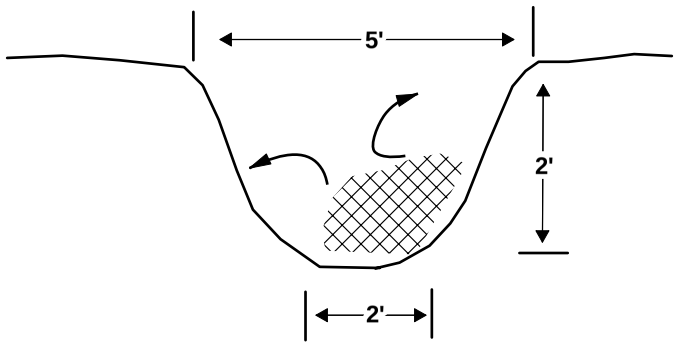

NOTE: Approximately 20 feet of this ditch will be plugged to prevent water flow.

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Figure 14: Earthen Plug in Man-made Ditch (Cross-section F-F)
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8) After planting, the site will be maintained to promote seedling survival by use of mechanical (e.g. bush-hogging) or chemical controls or some combination thereof.

9) The mitigation bank site will be monitored, managed, and protected as described below in this agreement. Additionally, the proposed mitigation bank site will be placed under a conservation servitude.

4.1.1 Success Criteria

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

1) Existing topography of the planted areas shall have been restored to reestablish natural surface contours to the maximum extent practicable. Resultant ground surface elevations must be conducive to the establishment and support of wetland vegetation.

2) The existing internal levees and portions of the external levees shall have been degraded and the degraded material used to fill portions of existing drainage canals/ditches.

3) Degraded levee material shall have been properly placed and graded to restore surface contours.

4) Two 36-inch culverts shall have been installed in the existing access road in the designated location.

5) A minimum of 50 percent or 273 planted seedlings per acre, consonant with the planted ratio of hard mast to soft mast-producing species, must survive through the end of the first growing season following the planting (i.e., Year 1). This criterion will apply to initial plantings as well as subsequent plantings.

6) A minimum of 128 seedlings per acre must survive through the end of the fourth growing season (i.e., Year 5) following successful attainment of the one-year survivorship criterion described in Item 5. Trees established through natural recruitment may be included in this tally.

7) By Year 5, a healthy component of mid-story species shall have been established. Typically, 75 mid-story plants per acre will be sufficient. The number of mid-story plants will be comprised of those species initially planted and those species present via natural recruitment. If the site is deficient in mid-story abundance and diversity, additional planting may be required.

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

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

4.1.2 Timber Management Plan

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

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

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

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

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

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

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

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

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

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

4.2 Current Site Risks

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

A title opinion prepared by Mr. John L. Delahaye (attorney) on the proposed mitigation bank site for Wilbert's indicates that Wilbert's has a good and valid title to the property. A copy of the title opinion is included as Appendix C. There are no known mortgages, liens or other encumbrances on the property. The Parish of West Baton Rouge maintains a 25-foot drainage servitude along the eastern boundary of the proposed mitigation bank (see Figure 9). The area under the drainage servitude was not included in the calculation of available mitigation acreage.

4.3 Long-Term Sustainability of the Site

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

5.0 PROPOSED SERVICE AREA

The proposed mitigation area would provide mitigation credits to projects located in Hydrologic Units 0870300 (Lower Grand River) and 08090302 (West – Central Louisiana Coastal) as shown in Figure 7. Hydrologic Cataloging Unit 0870300 would be the primary service area and 08090302 would be a secondary service area. The proposed mitigation bank is located in Hydrologic Cataloging Unit 0870300 and would directly mitigate for wetland functions lost in the Unit. Hydrologic Cataloging Unit 08090302 is located adjacent to Hydrologic Cataloging Unit 0870300 and the units are hydrologically connected. Therefore, the proposed mitigation bank could mitigate for the loss of wetland functions in 08090302, if no mitigation banks of similar habitat type as a permitted project were available in this Hydrologic Cataloging Unit.

6.0 OPERATION OF THE MITIGATION BANK

6.1 Project Representatives

Sponsor: *A. Wilbert's Sons, LLC*
Attn: Vic Blanchard
58020 Bayou Road, P.O. Box 694
Plaquemine, LA 70765
vblanchard@awilbertsons.com
(225) 659-8035

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

Landowner: *A. Wilbert's Sons, LLC*
Attn: Vic Blanchard
58020 Bayou Road, P.O. Box 694
Plaquemine, LA 70765
vblanchard@awilbertsons.com
(225) 659-8035

6.2 Qualifications of the Sponsor

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

6.3 Proposed Long-Term Ownership and Management Representatives

Wilbert's would maintain long-term ownership of the proposed mitigation bank and would be responsible for the establishment and management of the proposed mitigation bank.

6.4 Site Protection

Wilbert's would place the propose mitigation bank under a conservation servitude pursuant to the Louisiana Conservation Servitude Act (R.S. 9:1271 et seq.). Approximately 220 acres would be placed under conservation servitude. The

area includes 214 acres of BLM rehabilitation and 6 acres of BLH re-establishment. The holder of the conservation servitude has not been identified at this time. The holder would be identified prior to the preparation of the Mitigation Banking Instrument.

6.5 Long-Term Strategy

Long-term management of the proposed mitigation bank would include the maintenance of gaps in the access road to ensure surface water flow. The gaps in the road would be monitored on a quarterly basis to ensure that the gaps do not become plugged with debris and/or beaver dams. Other long-term maintenance would include forest management practices (i.e., timber thinning and harvest) to maintain the health, growth, and vigor of the reestablished BLH forest. Chemical or physical controls would be used to control invasive species, such as Chinese tallow-tree, if they become established within the mitigation bank.

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

7.0 REFERENCES

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

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

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

U.S. Department of Agriculture (USDA). 2010a. Web Soil Survey. URL Address: http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm. Last accessed November 17, 2010.

USDA. 2010b. National Hydric Soils List by State. URL Address: http://soils.usda.gov/use/hydric/lists/state.html. Last accessed November 17, 2010.

APPENDIX A
USACE JURISDICTIONAL DETERMINATION

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF

OCT 2 1 2011

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, on behalf of A. Wilbert's Sons, LLC, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Section 9, Township 7 South, Range 11 East, West Baton Rouge Parish, Louisiana (enclosed map). Specifically, this property is identified as an approximately 230-acre proposed mitigation bank located on and north of LA HWY 76.

Based on review of recent maps, aerial photography, soils data, the information provided with your request, and a final field inspection conducted on June 1, 2011, we have determined that part of the property is wetland and may be subject to Corps' jurisdiction. The approximate limits of the wetland are designated in red on the map. A Department of the Army (DA) permit under Section 404 of the Clean Water Act will be required prior to the deposition or redistribution of dredged or fill material into wetlands that are waters of the United States. Additionally, a DA permit will be required if you propose to deposit dredged or fill material into other waters subject to Corps' jurisdiction. Other waters that may be subject to Corps' jurisdiction are indicated in blue on the map.

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

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

Should there be any questions concerning these matters, please contact Mr. Gary Couret at (337) 291-3042 and reference our Account No. MVN-2010-02185-SC. If you have specific

questions regarding your permit application, please contact Ms. Jacqueline Farabee of our Special Projects and Policy Team at (504) 862-2595. The New Orleans District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please complete and return the enclosed Customer Service Survey or complete the survey on our web site at http://per2.nwp.usace.army.mil/survey.html.

Sincerely,

Pete J. Serio
Chief, Regulatory Branch

Enclosures

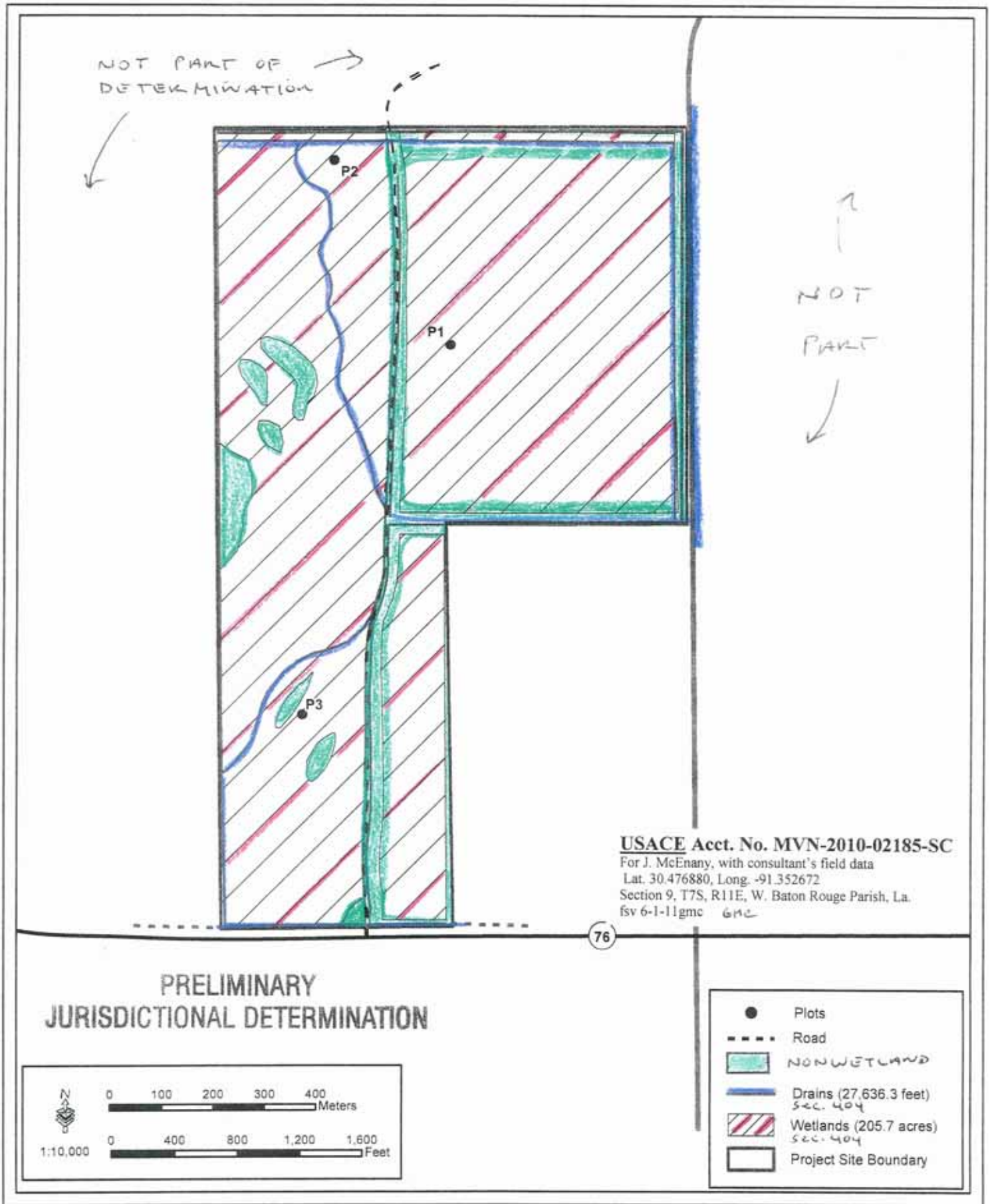


Figure 3: Wetland Map
Proposed Rosedale Mitigation Bank
T7S-R11E, Section 9
Carey, Louisiana

GSRC
December 2010

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office: New Orleans District | File/ORM #: MVN-2010-02185-SC | PJD Date: Oct 6, 2010

State: LA | City/County: W. Baton Rouge Parish

Nearest Waterbody: Grand Bayou

Location: TRS, LatLong or UTM: Section 9, Township 7 South, Range 11 East
Lat. 30.476880, Long. -91.352672

Name/ Address of Person Requesting PJD: Mr. Josh McEnany
Gulf South Research Corporation
8081 GSRI Avenue
Baton Rouge, Louisiana 70820

Identify (Estimate) Amount of Waters in the Review Area:

Non-Wetland Waters: 27,636 linear ft | width | acres | Stream Flow: Intermittent

Wetlands: 205.7 acre(s) | Cowardin Class: Palustrine, emergent

Name of Any Water Bodies on the Site Identified as Section 10 Waters: Tidal: | Non-Tidal:

☑ Office (Desk) Determination
☑ Field Determination: Date of Field Trip: Jun 1, 2011

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- ☑ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- ☑ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ 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 quad name: Lobdell
- ☑ USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS WSS
- ☐ National wetlands inventory map(s). Cite name:
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is:
- ☑ Photographs: ☑ Aerial (Name & Date): SONRIS, 1998, 2004 & 2008
  - ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☑ Other information (please specify): NRCS CPA 26, PC cropland classification

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.

Gary M. Cormier 10-5-11
Signature and Date of Regulatory Project Manager (REQUIRED)

Mr. McEnany requested a preliminary JD on June 1, 2011
Signature and Date of Person Requesting Preliminary JD (REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that 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) that 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) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (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 preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes 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 approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, 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, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: A. Wilbert's Sons, LLC	**File No.:** MVN-2010-02185-SC	**Date:** OCT 2 1 2011

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
X	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://usace.army.mil/inet/functions/cw/cecwo/reg 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.

(over)

APPENDIX B
PRIOR CONVERTED WETLANDS DETERMINATION

SCS-CPA-26
(07-11-86)

U.S. DEPARTMENT OF AGRICULTURE
Soil Conservation Service

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION

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

2. DATE OF REQUEST: 12-15-87

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

4. FARM NO.: T-411 581, FN-342 ~~366~~ 390

5. COUNTY: West Baton Rouge

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

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

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

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

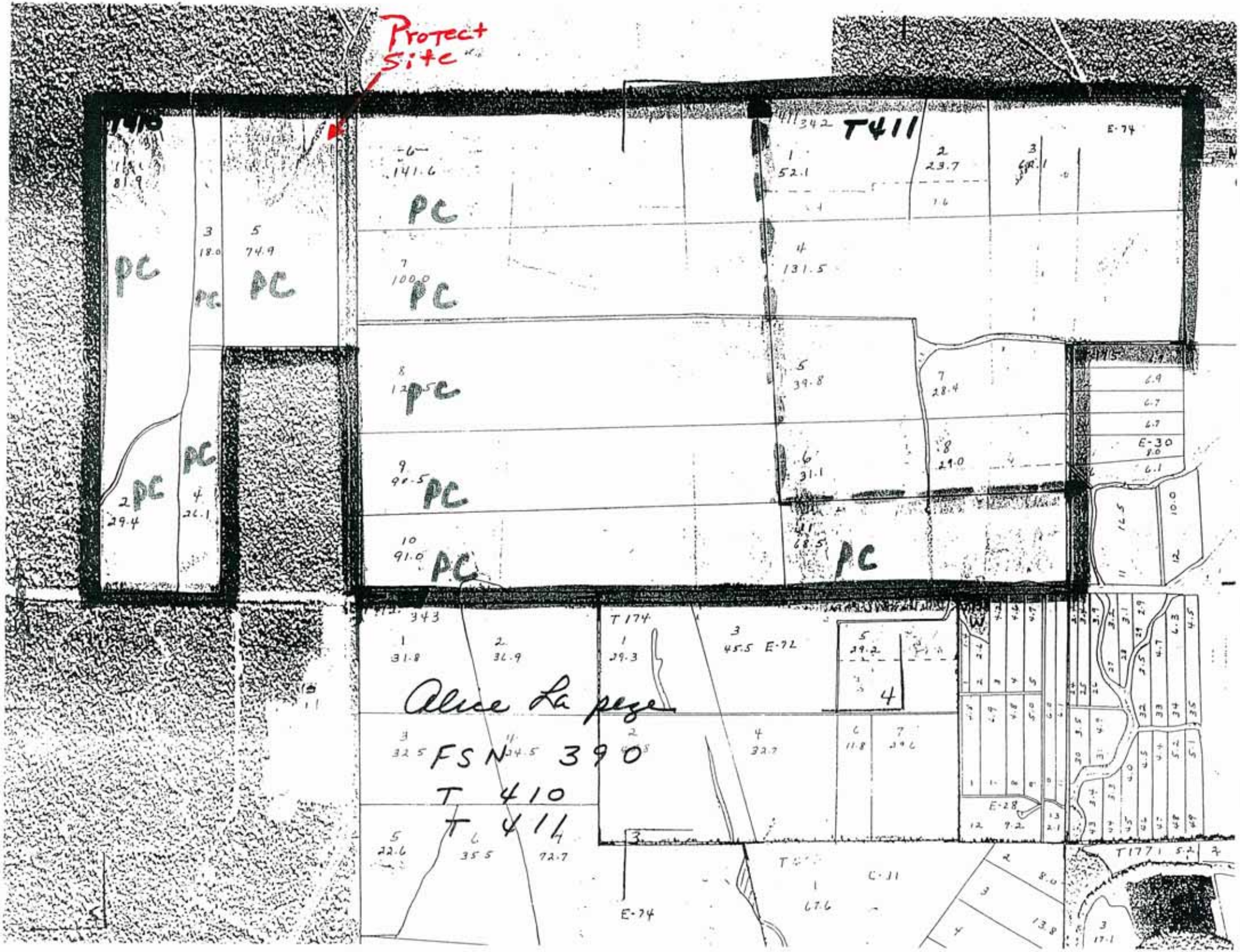
17. This determination was hand delivered ☐ mailed ☒ to the producer on 12-23-87 (DATE).

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

18. REMARKS: P.C. - Prior Converted Wetland. Fields 1 – 6 - All Cropland.

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

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


Protect Site
T411
T410
T411
T174
Alice La peze
FSN 390
PC
E-74
E-30
E-28
E-31