

**Prospectus for the  
Harry L. Laws and Company, Inc.  
Mitigation Bank  
Iberville Parish, LA**



**April 2012**  
(CEI No. 210095)

**Revised May 7, 2012**

**Prospectus for the  
Harry L. Laws and Company, Inc.  
Mitigation Bank  
Iberville Parish, LA**

Sponsor: Harry L. Laws and Company, Inc.  
Name: Mathew “Butch” Plauché Jr.  
Address: P.O. Box 158  
Brusly, Louisiana 70719

Agent: Coastal Environments, Inc.  
Name: Spencer Varnado  
Address: 1260 Main Street  
Baton Rouge, LA 70802

**April 2012**

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## ***Introduction***

Harry L. Laws and Company, Inc. (HLL & Co.) proposes to establish a bottomland hardwood mitigation bank in Iberville Parish, LA (Figure A-1). Construction of the bank will ultimately result in the restoration of approximately 197 acres of bottomland hardwood forests, currently in agricultural production. The purpose of the mitigation bank will be to provide compensatory wetland mitigation for unavoidable impacts to wetlands within Section 404 jurisdiction of the U.S. Army Corps of Engineers (USACE).

## ***Location***

HLL & Co.'s proposed mitigation bank will be located on approximately 197 acres in Iberville Parish, LA, approximately 5 miles north-northwest of the village of Grosse Tete (Figures A-1 and A-2). The property is owned by HLL & Co., and more formally described as being located in portions of Sections 9 through 13, Township 7 South, Range 10 East. The proposed project area is within a property referred to as Sunnyside Plantation. The proposed bank lies adjacent to over 30,000 acres of contiguous bottomland hardwood wetlands located between Interstate 10 and Louisiana Hwy 190 in Iberville, Point Coupee, and West Baton Rouge Parishes. The proposed bank will be located on fee title property owned by HLL & Co. and does not include any publicly owned lands.

## ***Natural Setting and Current Land Use***

Currently, all 197 acres within the proposed location is in active sugarcane production (Figure A-4). The elevation of the project area ranges between +14 ft and +16 ft NGVD, with most of the property at or around +15 ft NGVD (USGS 1929) (Figure A-5).

The soils on the site consist of Commerce silty clay loam and Sharkey clay (Figure A-6). Sharkey clay is listed as a hydric soil in Iberville Parish. Although Commerce silty clay loam is not listed as hydric within this parish, these soil types are mapped in areas adjacent to the project identified in the National Wetlands Inventory (NWI) maps as wetlands, therefore we assume that this soil type can exist within wetlands. Additionally, during a preliminary investigation of the site a soil sample was taken on the adjacent, undisturbed, property classified as Commerce silty clay loam. This sample was of a low-chroma Munsell color, and highly mottled.

## ***Project Objective***

The objective of the project is to restore approximately 197 acres of agricultural land to a functioning bottomland hardwood forest by slight topographic modifications and planting of species commonly associated with this habitat type.

The project will consist of re-establishment of approximately 197 acres of bottomland hardwood forest.

### ***Project Benefits***

With the establishment of the bank, HLL & Co. will enhance the wetland value and potential for biological diversity of the adjacent 30,000-plus acres of bottomland hardwood forest by increasing its contiguous acreage.

### ***Project Description***

The two main tasks of project construction will be the hydrologic modifications and the planting of the desired hardwood species. Hydrologic modifications will include leveling of the furrows currently on the property and modifications to the current drainage ditches within the project area. Currently, the area is mechanically drained using a pump and canals to facilitate sugarcane growth. The proposed mitigation bank construction would include the elimination of drainage ditches which funnel surface water to the pump. The resulting drainage would allow for retention of water from overbank flooding of the bordering canals and precipitation. The modifications to the drainage system and removal of the pump's influence are intended to restore the natural wetland hydrology that has been removed for the farming processes, without inhibiting the farming activities on neighboring farm properties.

Harry L. Laws and Company, Inc. (HLL & Co.) proposes to reforest the project area by planting the site with bottomland hardwood seedlings.

Currently, four oil wells and one tank battery are in operation in the mitigation area. Also, a natural gas pipeline was recently installed on the property. These areas have been excluded from the proposed project area, and are not expected to hinder success of the mitigation area.

### ***Project Schedule and Management***

Portions of the project area have been mapped by the National Resource Conservation Service (NRCS) as Commerce Silty Clay Loam soils (Figure A-6). This soil is not listed as hydric for the project location. However, much of the Commerce Silty Clay Loam area was mapped by the NRCS as prior converted wetlands (PC) in a previous survey. It is the plan of HLL & Co. to restore the entire project area. The Commerce Silty Clay Loam soil areas will be restored at the same time as the Sharkey Clay soil areas. The project will be divided into two phases. Phase 1 will include the areas currently mapped as Sharkey Clay. Phase 2 will include the remainder of the project area, mapped as Commerce Silty Clay Loam (Figure A-7). Only Phase 1 will be requested for credit release, and thus relocated to a servitude agreement, upon initial approval of the bank. After three years, a wetland delineation will be performed on the project area (Phases 1 and 2), as required in the monitoring program. It is anticipated that because of the hydrological modifications, and the restoration plantings, much of Phase 2 will exhibit wetland characteristics at that point. If this wetland delineation results in a jurisdictional determination from the U.S. Army Corps of Engineers deeming portions of Phase 2 of the project area as jurisdictional wetlands, at that time HLL & Co. will intend to request the release of credits for the appropriate acreage. At that time an amendment to the servitude agreement will also be executed.

HLL & Co. will prepare and file all the necessary monitoring reports with the Corps within the specified reporting periods contained in the forthcoming mitigation bank agreement.

The management and accounting of mitigation credits will be tracked and mapped, and kept on file at HLL & Co.'s office in Brusly, LA. HLL & Co. will re-plant portions of the site when necessary, to ensure the required survivability of the forest is maintained.

The planted area will be maintained on an as-needed basis by HLL & Co. personnel. This includes any mowing, herbicide application, and removal of undesirable/invasive species.

An appropriate party, suitable as a conservation servitude holder, has not yet been determined, but will be located by HLL & Co. as required.

### ***Land Use History***

Prior to the 20<sup>th</sup> century, the project area was part of the adjacent and expansive 30,000 acre plus, bottomland hardwood forest. The proposed project area was cleared prior to the 1985 Farm Bill, and most has been designated by the NRCS as prior-converted wetlands. Only one parcel was designated as non-highly erodible and non-wetland (Attachment B-1). Since clearing, the property has been farmed in primarily sugarcane, with occasional soybean production at times.

### ***Hydrologic Plan***

For the construction of the project, the connection between the mitigation bank area and an existing pump station adjacent to the property will be removed. Currently, water drains from the project site through a series of ditches, installed to minimize standing water on farmed crops. These ditches drain through culverts along the northeastern property boundary, into a large canal. A pump, located in the canal (See Figure A-8) pumps water out of the canal as-needed to keep water in the surrounding farm land at levels appropriate for farming operations. By filling the ditches within the proposed mitigation area and removing the culverts which facilitate drainage, the influence of the pump on the project hydrology will be eliminated. This will allow for pump operation to continue as-needed for the agricultural areas around the proposed mitigation bank, without influencing the project. However, during extreme high water events, it is expected that the canals adjacent to the mitigation bank will overflow into the bank for a brief period of time.

An area along the southwestern portion of the mitigation area will be degraded an estimated 12 inches. This area is slightly higher in elevation than the surrounding areas, and it is anticipated by reshaping these contours, a functioning wetland will be created (Figures A-7 and A-10) It is anticipated that through removal of the pump's influence, backfilling of drainage ditches within the proposed mitigation area, and contour reshaping, the resulting hydrology will convert Phase II into a functioning wetland.

Currently, there are no known watershed plans for the project area.

### ***Re-Vegetation Plan***

HLL & Co. proposes to plant the site with all of, or a combination of: overcup oak (*Quercus lyrata*), bitter pecan (*Carya aquatica*), native pecan (*Carya illinoensis*), may haw (*Crataegus aestivalis*), swamp chestnut oak (*Quercus michauxii*), willow oak (*Quercus phellos*), Shumard oak (*Quercus shumardii*), water oak (*Quercus nigra*), nuttall oak (*Quercus nutallii*), green ash (*Fraxinus pennsylvanica*), common persimmon (*Diospyros virginiana*), and red mulberry (*Morus rubra*). Initial plans will include 70% hard-mast seedlings and 30% soft mast from this list. If availability of seedlings dictates more than a 5% discrepancy from this, approval from the USACE will be requested for this deviation. The various species of seedlings will be mixed during planting and will be planted on 9-ft centers, for an initial stand density of at least 537 seedlings per acre.

### ***Proposed Service Area***

The proposed mitigation area would provide mitigation credits for projects located in Hydrologic Units 8070300, 8070301, and 8070100 (Figure A-3). The proposed bank lies within Hydrologic Unit 8070300, which would be the primary service area. Hydrologic Units 8070301 and 8070100 are adjacent to 8070300, and therefore would be considered a secondary service area.

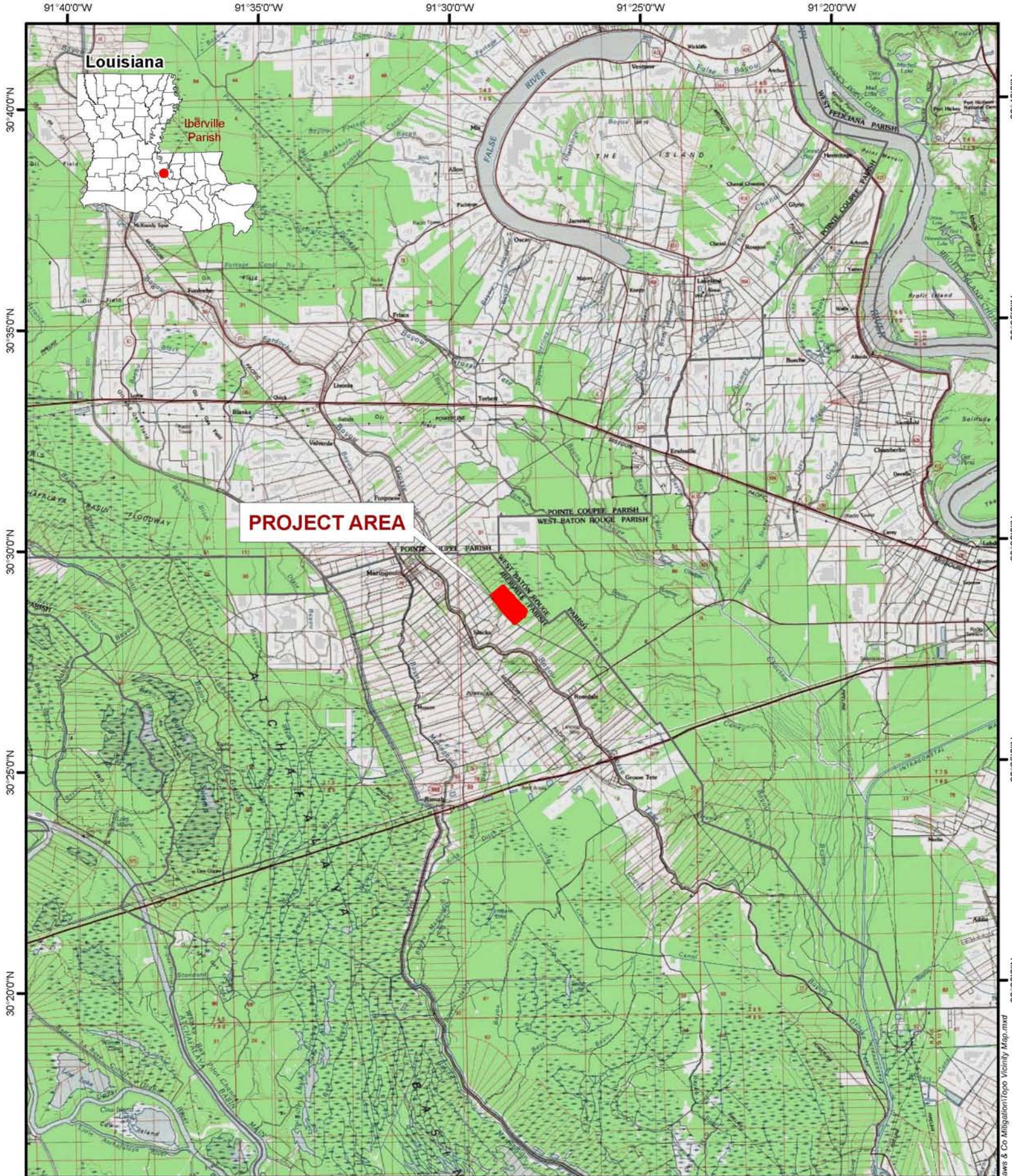
### ***Future With and Without Project***

The restoration of the agricultural land with a sustainable bottomland hardwood forest would provide benefits including wildlife habitat, stormwater storage, and a perpetual buffer to the adjacent 30,000 acre-plus forested wetland.

Without the project, the land would continue to be leased and used for agricultural activities.

*Appendix A-1*  
*Maps*





COASTAL ENVIRONMENTS, INC.  
BATON ROUGE, LA., 70802 ..... 225-383-7455

## FIGURE A-1 TOPOGRAPHIC MAP

Harry L. Laws & Co. Mitigation  
Iberville Parish, La.

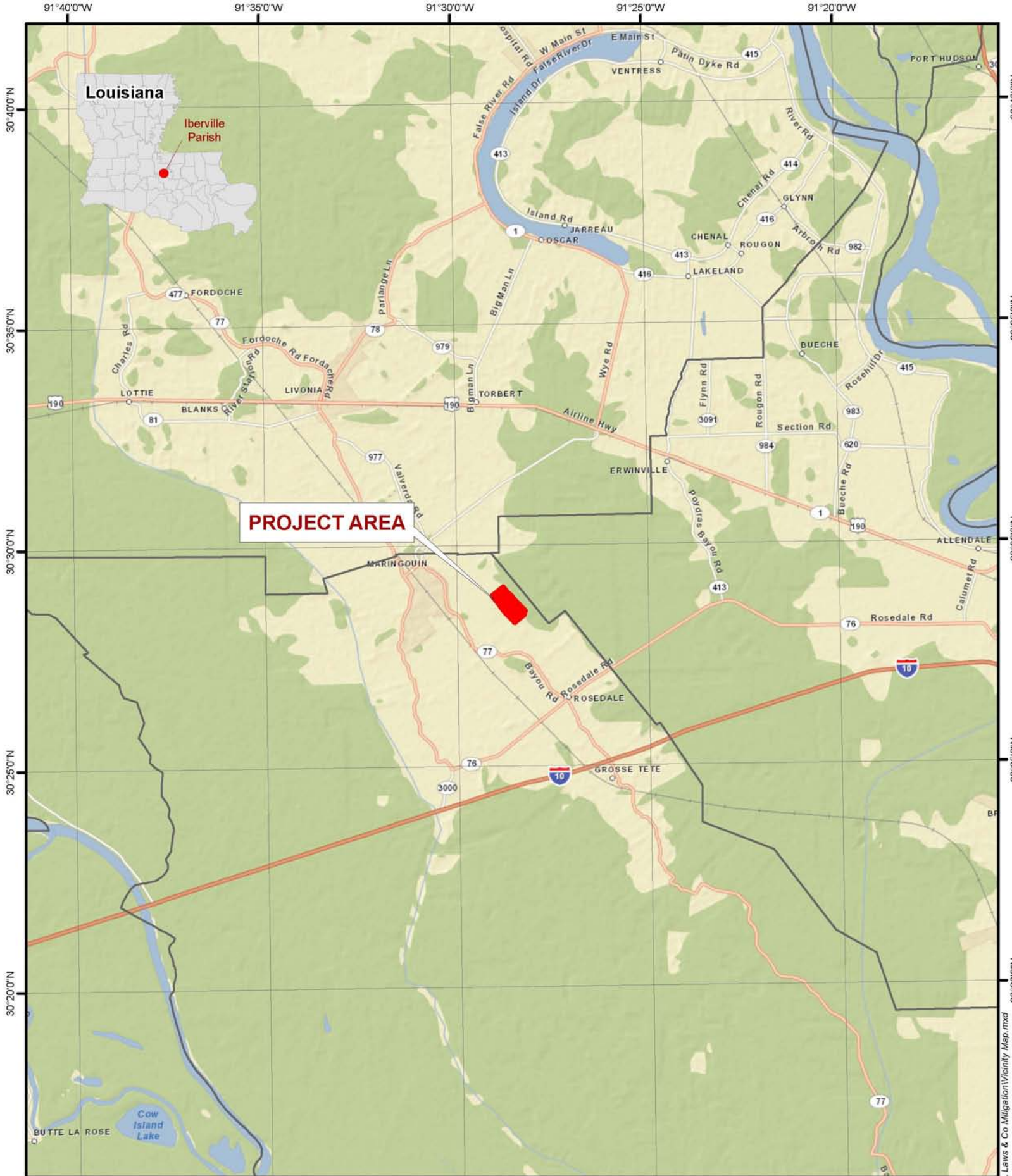


0 1 2 3 4 5  
Miles

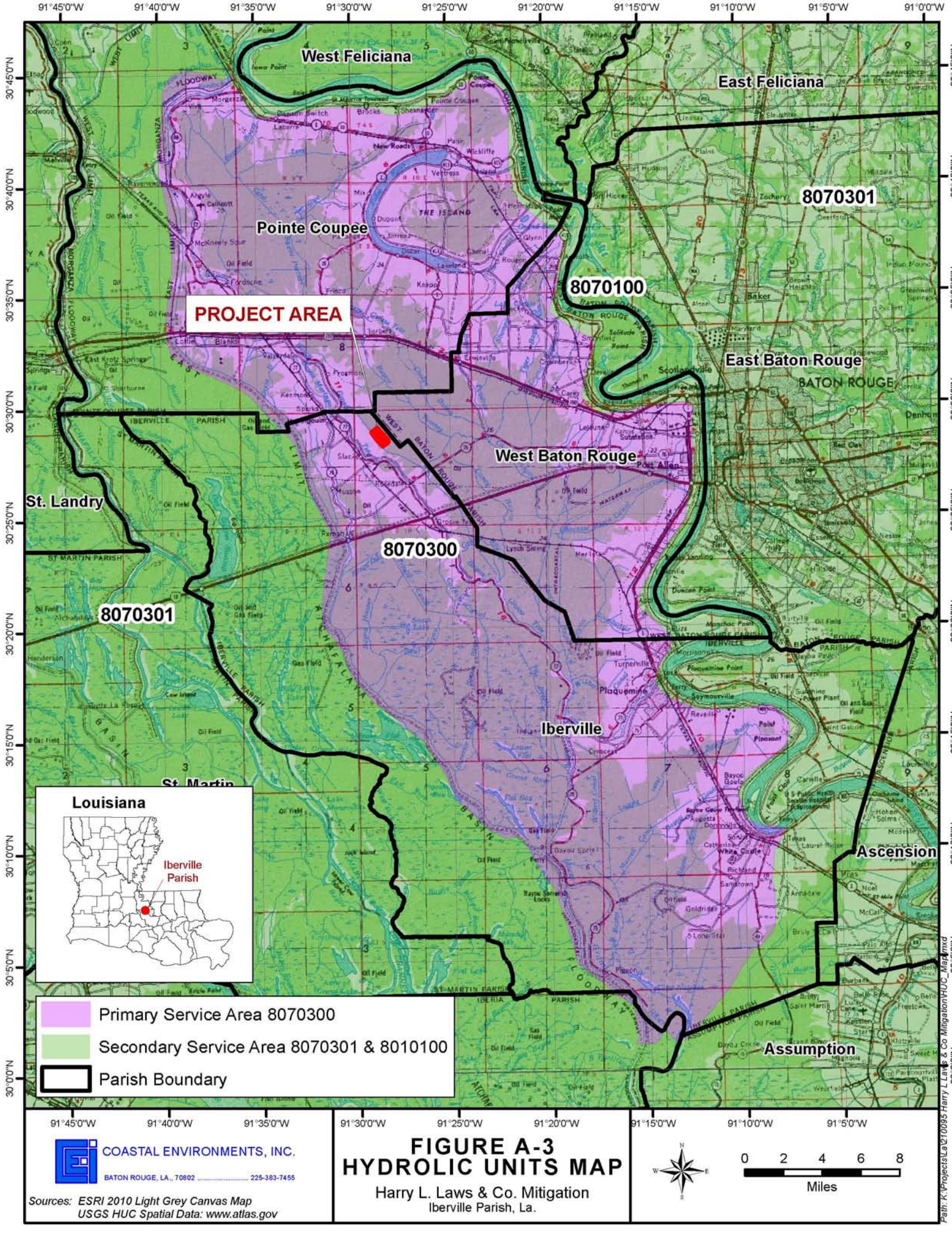
Sources: ESRI 2010, USGS Topographic Base Map

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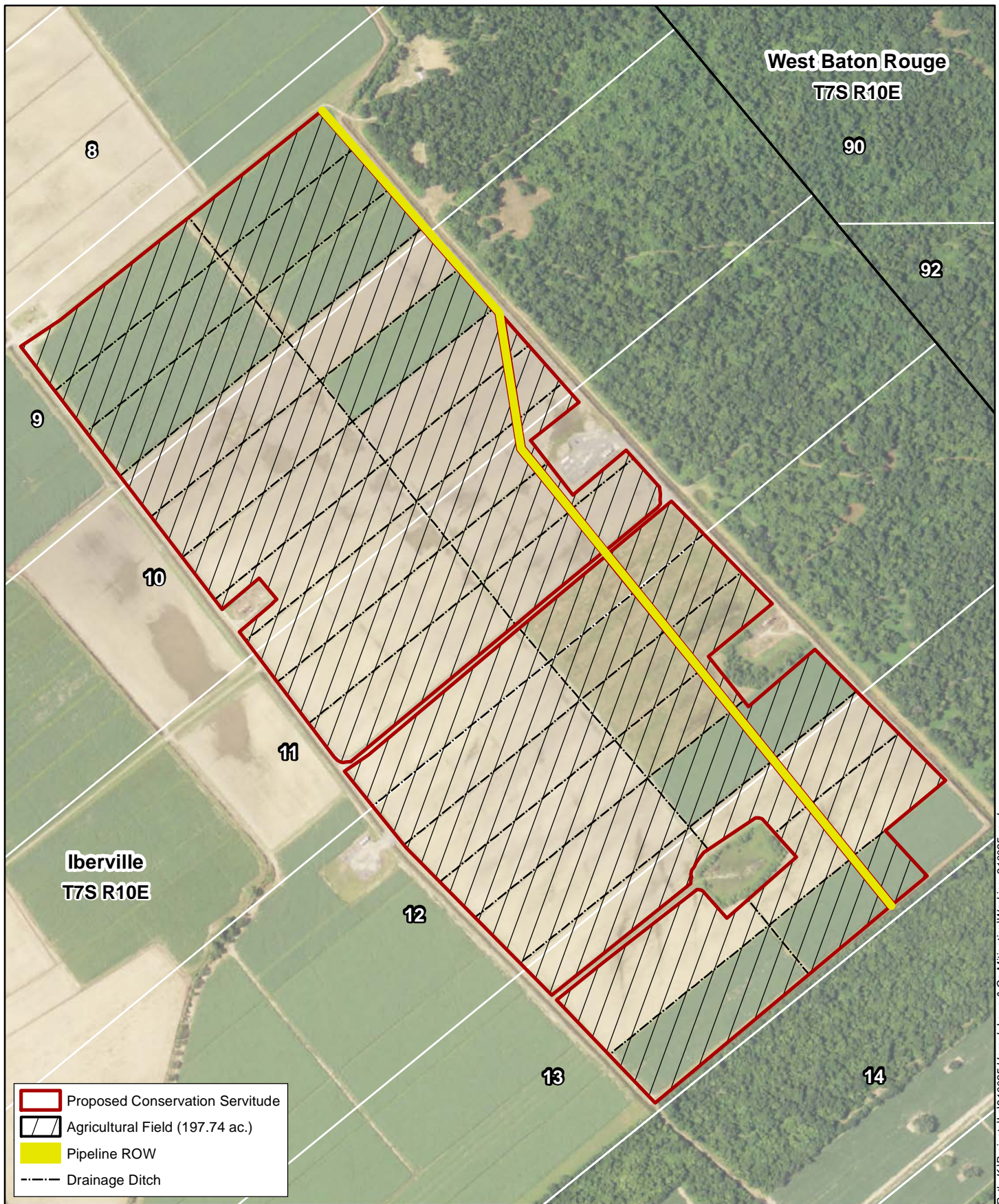












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**COASTAL ENVIRONMENTS, INC.**  
BATON ROUGE, LA, 70802 225-383-7455

Sources: USDA 2010 Iberville Parish Aerial Mosaic  
CEI Field Survey 2011

## FIGURE A-4 PROJECT AREA

Harry L. Laws & Co. Mitigation  
Iberville Parish, La.





**COASTAL ENVIRONMENTS, INC.**  
BATON ROUGE, LA., 70802 ..... 225-383-7455

Sources: USDA 2010 Iberville Parish Aerial Mosaic  
LiDAR Contour Lines acquired from www.Atlas.lsu.edu 2012  
CEI Field Survey 2011

## FIGURE A-5 CONTOUR ELEVATIONS

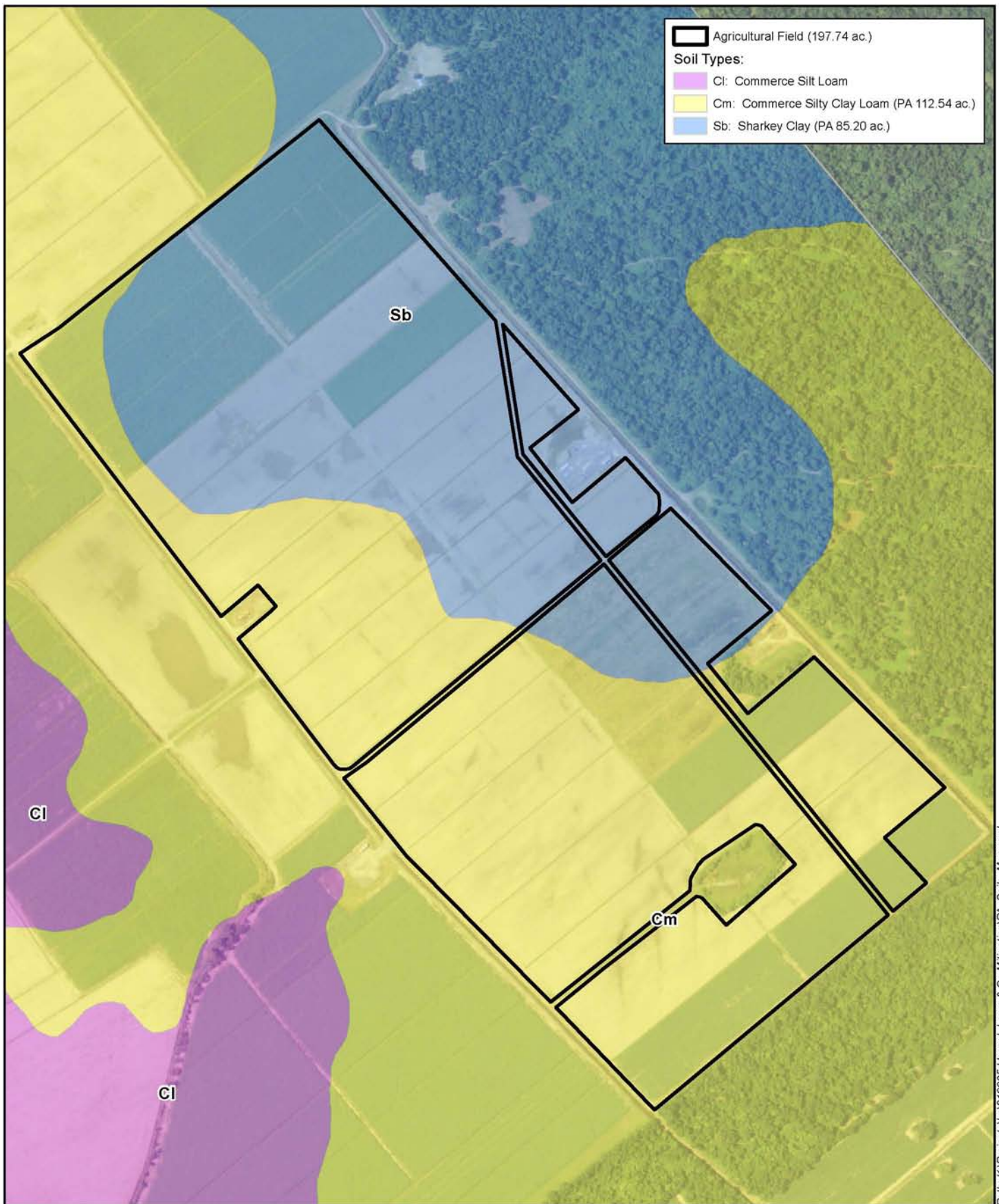
Harry L. Laws & Co. Mitigation  
Iberville Parish, La.



0 300 600 900 1,200  
Feet

Path: K:\Projects\Lat210095 Harry L. Laws & Co Mitigation\PA\_Contours\_Map.mxd





Path: K:\Projects\La210095 Harry L Laws & Co Mitigation\PA\_Soils\_Map.mxd



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225-383-7455

Sources: USDA 2010 Iberville Parish Aerial Mosaic  
CEI Field Survey 2011

## FIGURE A-6 PROJECT AREA SOILS

Harry L. Laws & Co. Mitigation  
Iberville Parish, La.



0 300 600 900 1,200  
Feet





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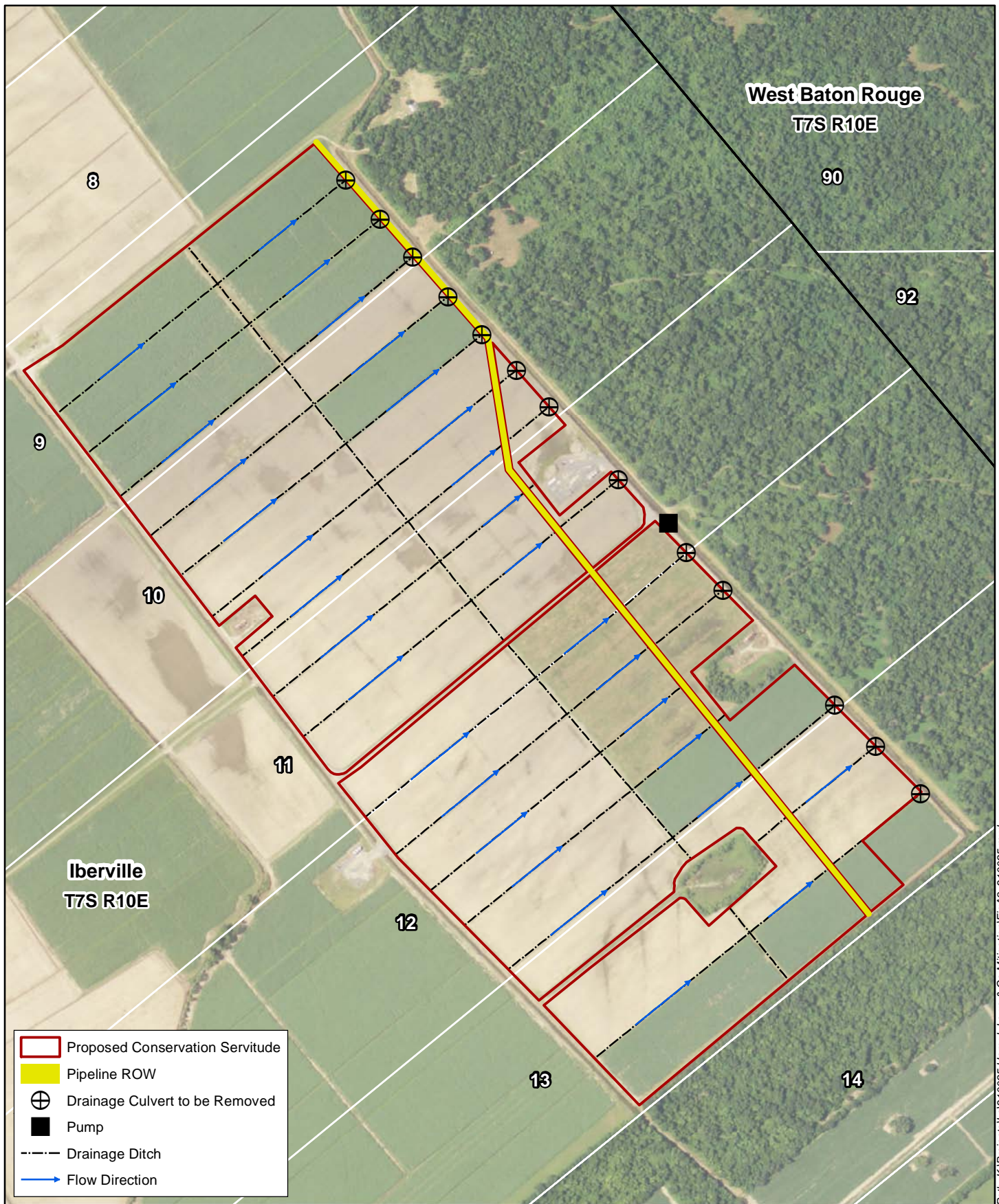
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BATON ROUGE, LA, 70802 225-383-7455

Sources: USDA 2010 Iberville Parish Aerial Mosaic  
CEI Field Survey 2011

## FIGURE A-7 PROJECT AREA PHASES

Harry L. Laws & Co. Mitigation  
Iberville Parish, La.



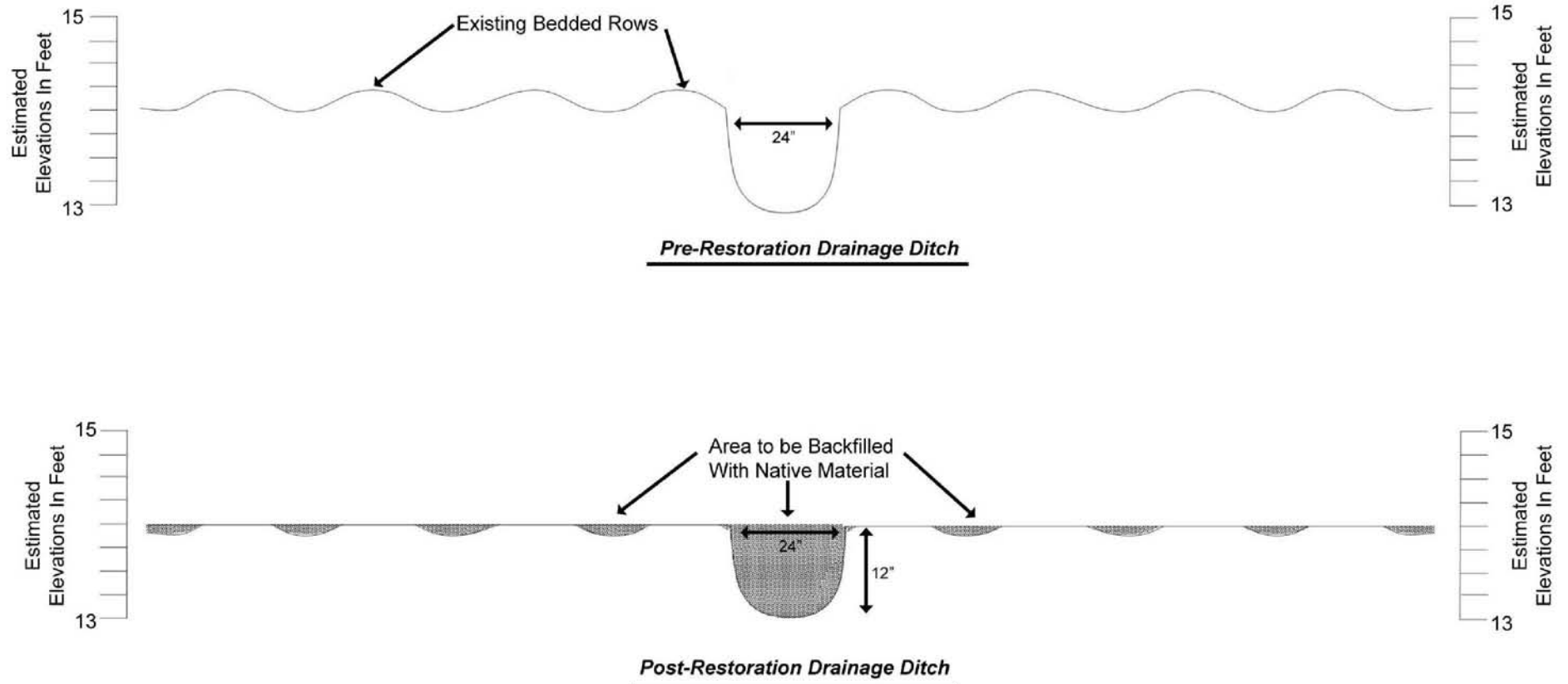


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BATON ROUGE, LA., 70802 225-383-7455

Sources: USDA 2010 Iberville Parish Aerial Mosaic  
CEI Field Survey 2011



## Typical Cross-Section of Earth Leveling Activities



### Notes:

\* All Elevations derived from 2' LiDAR Elevation Contours & referenced to NAVD88 (ft) Vertical Datum



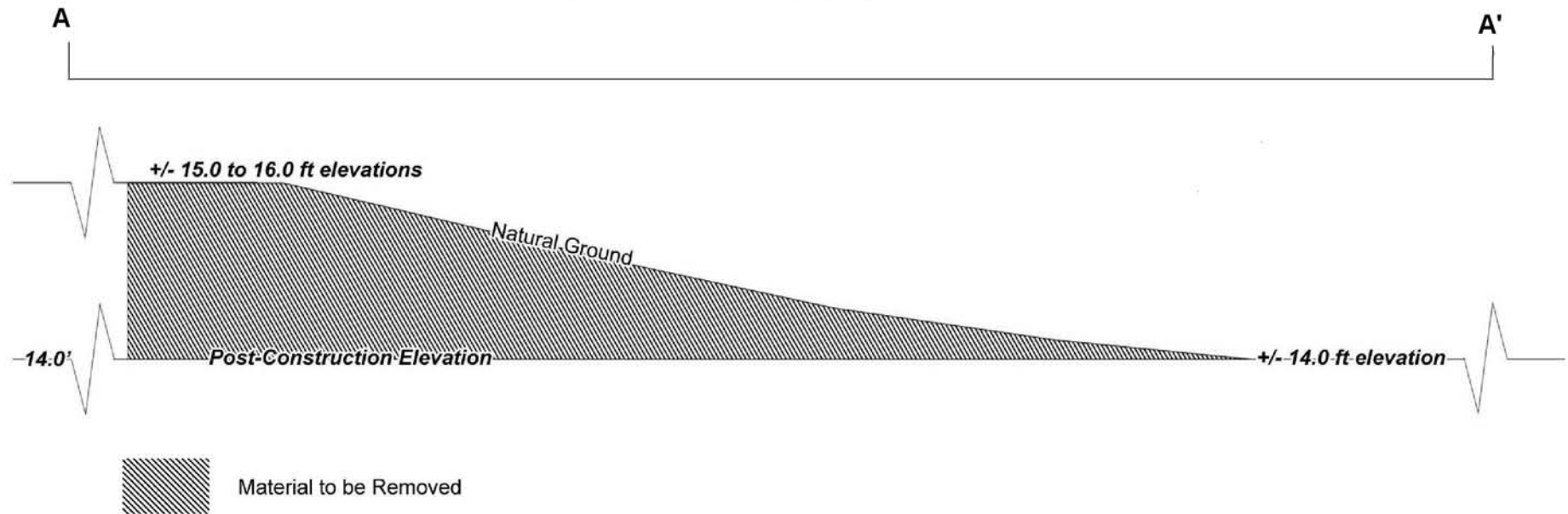
COASTAL ENVIRONMENTS, INC.  
BATON ROUGE, LA., 70802 ..... 225-383-7455

**FIGURE A - 9**  
**TYPICAL CROSS-SECTION**  
**OF EARTH LEVELING ACTIVITIES**

Harry L. Laws & Co. Mitigation  
Iberville Parish, La.

Sources: LiDAR Contour data acquired from [www.Atlas.lsu.edu](http://www.Atlas.lsu.edu) 2012  
CEI Field Survey 2011

## Typical Proposed Topographical Modification



**Notes:**

- \* No more than 12" of material to be removed from Pre-Restoration elevations
- \* All Elevations derived from 2' LiDAR Elevation Contours & based off of NAVD88 (ft) Vertical Datum



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## FIGURE A - 10 TYPICAL PROPOSED TOPOGRAPHICAL MODIFICATION

Harry L. Laws & Co. Mitigation  
Iberville Parish, La.

*Sources: LiDAR Contour data acquired from [www.Atlas.lsu.edu](http://www.Atlas.lsu.edu) 2012  
CEI Field Survey 2011*

*Appendix A-2*  
*Natural Resource Conservation Services Documents*



HIGHLY ERODIBLE LAND AND WETLAND  
CONSERVATION DETERMINATION

1. Name and Address of Person

F. Pearce Jr. & Sons  
Route 1 Box 1175  
Maringouin, La. 70757

2. Date of Request:

8-3-87

3. County

Iberville

4. Name of USDA Agency or Person Requesting Determination

ASCS

5. Farm No. and Tract No.

1230 512-

MT 102

961

## SECTION I - HIGHLY ERODIBLE LAND

6. Is soil survey now available for making a highly erodible land determination?

7. Are there highly erodible soil map units on this farm?

8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.

9. List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, 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.

10. This Highly Erodible Land determination was completed in the: Office ☒ Field ☐

NOTE: If you have highly erodible cropland fields, you may need to have a conservation plan developed for these fields. For further information, contact the local office of the Soil Conservation Service.

## SECTION II - WETLAND

11. Are there hydric soils on this farm?

List field numbers and acres, where appropriate, for the following EXEMPTED WETLANDS:

12. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW). Wetlands may be farmed under natural conditions. Farmed Wetlands may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.

13. Prior Converted Wetlands (PC) - The use, management, drainage, and alteration of prior converted wetlands (PC) are not subject to FSA unless the area reverts to wetland as a result of abandonment. You should inform SCS of any area to be used to produce an agricultural commodity that has not been cropped, managed, or maintained for 5 years or more.

14. Artificial Wetlands (AW) - Artificial Wetlands includes irrigation induced wetlands. These Wetlands are not subject to FSA.

15. Minimal Effect Wetlands (MW) - These wetlands are to be farmed according to the minimal effect agreement signed at the time the minimal effect determination was made.

## NON-EXEMPTED WETLANDS:

16. Converted Wetlands (CW) - In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits. If you believe that the conversion was commenced before December 23, 1985, or that the conversion was caused by a third party, contact the ASCS office to request a commenced or third party determination.

17. The planned alteration measures on wetlands in fields \_\_\_\_\_ are considered maintenance and are in compliance with FSA.

18. The planned alteration measures on wetlands in fields \_\_\_\_\_ are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See item 16 for information on CW.

19. This wetland determination was completed in the: Office ☒ Field ☐20. This determination was: Delivered ☐ Mailed ☒ To the Person on Date: 2-25-88

NOTE: If you do not agree with this determination, you may request a reconsideration from the person that signed this form in Block 22 below. The reconsideration is a prerequisite for any further appeal. The request for the reconsideration must be in writing and must state your reasons for the request. The request must be mailed or delivered within 15 days after this determination is mailed to or otherwise made available to you. Please see reverse side of the producer's copy of this form for more information on appeals procedure.

NOTE: If you intend to convert additional land to cropland, or alter any wetlands you must initiate another Form AD-1026 at the local office of ASCS. Abandonment is where land has not been cropped, managed, or maintained for 5 years or more. You should inform SCS if you plan to produce an agricultural commodity on abandoned wetlands.

21. Remarks

No fields used to produce an agricultural commodity contain wetlands

N = nonhighly erodible and non-wetland

PC = prior converted and exempt

22. Signature of SCS District Conservationist

James J. Collier

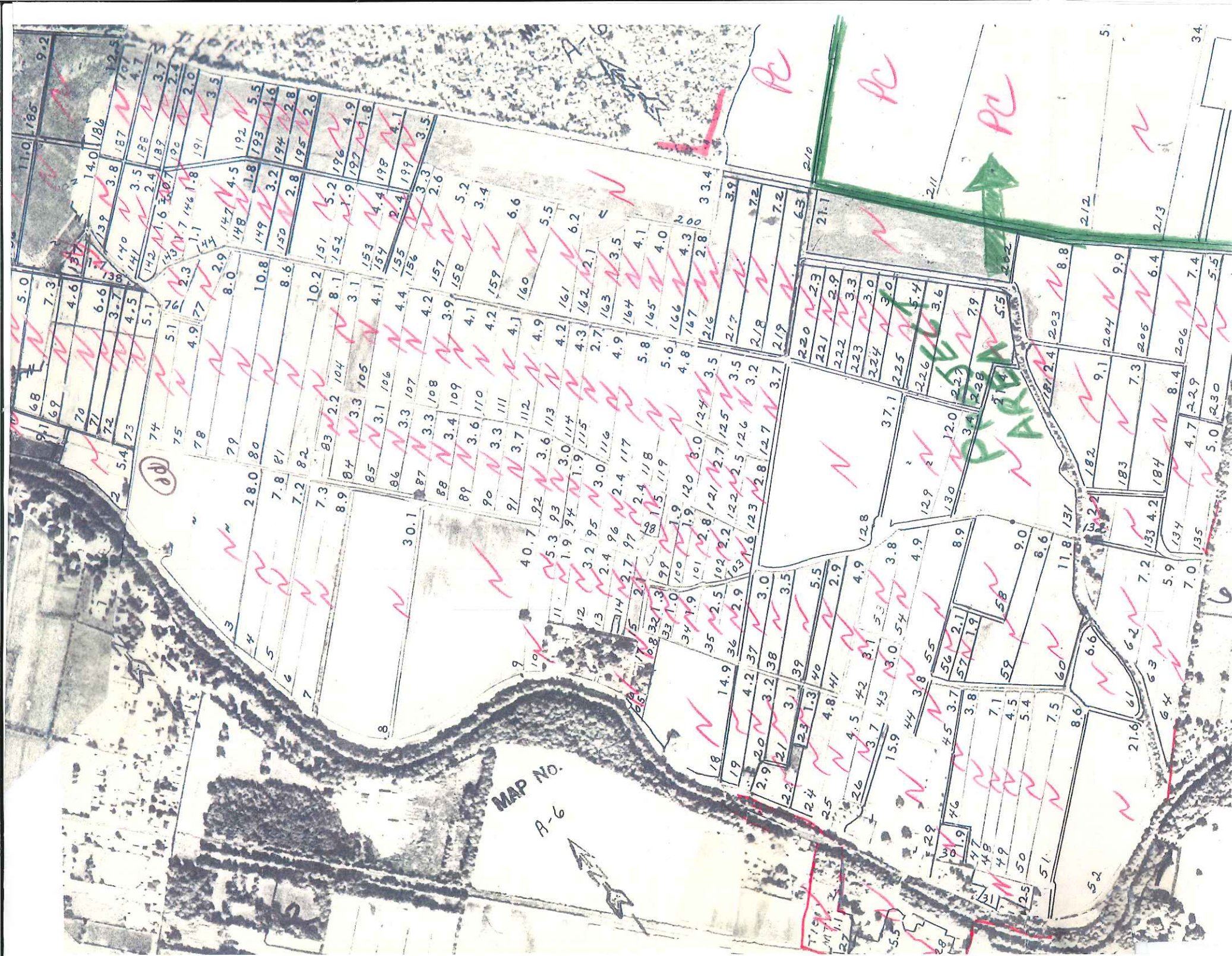
23. Date

2-25-88

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



MAP No.  
A-6





***Appendix A-3***  
***U.S. Corps of Engineers Jurisdictional Determination***



REPLY TO  
ATTENTION OF

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

JUL 12 2011

Operations Division  
Surveillance and Enforcement Section

Mr. Spencer Varnado  
Coastal Environments, Incorporated  
1260 Main Street  
Baton Rouge, Louisiana 70802

Dear Mr. Varnado:

Reference is made to your request, on behalf of Harry L. Laws, Inc., for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Sections 7-13, Township 7 South, Range 10 East, Iberville Parish, Louisiana (enclosed map). Specifically, this property is identified as approximately 310 acres within Sunnyside Plantation.

Based on review of recent maps, aerial photography, soils data, the information provided with your request, and a field inspection of the property conducted on June 8, 2011, we have determined that this property is not in a wetland subject to Corps' jurisdiction. A Department of the Army permit under Section 404 of the Clean Water Act will not be required for the deposition or redistribution of dredged or fill material on this site.

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.

Additionally, your proposed project may impact a Mitigation Bank protected by a perpetual conservation servitude as authorized under 33 CFR, part 332.8. For more information, please contact Dr. James Barlow at 504-862-2250.

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 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 Dr. Rose Palumbo at (337) 291-3045 and reference our Account No. MVN-2011-1065-SR. 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.

Sincerely,






  
for Pete J. Serio  
Chief, Regulatory Branch

Enclosures

**APPROVED**  
**JURISDICTIONAL DETERMINATION**

USACE	 - Nonwetland
Account # MVN-2011-1065-SR	
Lat: 30.479603	
Long: -91.479248	
Section, Township, Range: 7-13, T7S, R10E	
Parish: LA Iberville	
I.H.F.S.V. Date: 6-8-11 RP	



	Project Area
	Sample Points
	PFO
	PSS
	PEM

**Sunnyside Project Area**  
**Figure B-3**

