

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

REPLY TO
ATTENTION OF

June 23, 2004

Operations Division
Regulatory Branch
Project Manager
James Barlow (504) 862-2250
james.a.barlow@mvn02.usace.army.mil

SUBJECT: MVN 2004-2143

PUBLIC NOTICE

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

PROPOSED MITIGATION BANK NEAR PARADIS, LOUISIANA

NAME OF APPLICANT: CHEVRONTEXACO, c/o The Frasier Group, 118 East Hospital, Suite 208, Nacogdoches, Texas, 75961.

LOCATION OF WORK: In St. Charles Parish, near the communities of Paradis and Des Allemands, Louisiana.

CHARACTER OF WORK: Site restoration will consist of planting areas with one-year old seedlings representative of a species assemblage historically common to the hardwood forests and cypress-tupelo swamps of the Mississippi River deltaic plain. It is anticipated that cypress-tupelo swamps will be established on the lower elevations with bottomland hardwoods planted upon the ridges of Sharkey and Commerce soils. Existing forested areas within the project area will be planted with seedlings of those overstory species absent or poorly represented in the canopy. Once seedlings have become established, competition from standing trees will be reduced by thinning to release saplings. Water manipulation devices (e.g., flash board risers) could be installed in the numerous ancillary lateral ditches off the 23 major canals that presently drain the area.

Existing drainage structures, i.e. those associated with extant crawfish ponds, could be fitted with risers and water, if needed, could be pumped from the adjacent canal system. In lower elevation areas, portable pumps could dewater the location prior to planting cypress and adjacent canals could be used to return water to the location, if necessary. Additional information is provided in the attached prospectus.

Federal, state and local agencies and officials, Indian tribes, and other interested parties are encouraged to provide written comments to the New Orleans District. The comment period will close **21 days** from the date of this public notice advertisement. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons thereof, are being solicited from anyone having interest in this proposed mitigation bank. Letters must reference the public notice subject, be addressed and mailed to the above address, to **ATTENTION: REGULATORY BRANCH**

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

Ronald J. Ventola
Chief, Regulatory Branch

Attachment

MITIGATION PROSPECTUS
For
Freshwater Swamp and Bottomland Hardwood Restoration near
Paradis, St. Charles Parish, Louisiana

1. Bank Size.

The proposed bank is located east of U.S. Highway 90 between the communities of Des Allemands and Paradis, Louisiana. The property encompasses approximately 8,300 acres east of U.S. Highway 90 and lies within a levee system maintained and operated by the Sunset Drainage District (Figure 1). There are two parish roads and numerous trails that provide access to the property with U.S. Highway 90 providing the western boundary.

ChevronTexaco would like to incorporate a portion of this property into a mitigation bank for cypress swamp and/or bottomland hardwood habitat types. The proposed Paradis Mitigation Bank would encompass approximately 7,200 acres of land located within the Mississippi River flood plain. Based on site inspections and property surveys, about 1,640 acres will be available for cypress (swamp/wetland) restoration, 1,960 acres will be available for bottomland hardwood (wetland) restoration, and 3,601 acres will be available for freshwater swamp and/or bottomland hardwood restoration depending upon inherent edaphological conditions.

2. Ownership of mitigation lands.

ChevronTexaco is the legal owner of the lands encompassed by the Paradis Mitigation Bank. There are no other identified liens, encumbrances, easements, servitudes, or restrictions on the identified property proposed for restoration. To avoid the risk of possession by a financial institution, the subject mitigation bank lands will not be identified as collateral in other business transactions.

3. Baseline Conditions

Land Use (Figure 2). The property has been classified as prior converted (PC) by the U.S. Department of Agriculture. Agricultural production, specifically cattle grazing and hay land, dominates land use upon the property comprising 64.6% (5,413 acres) of the 8,374 acre land base. Crawfish ponds comprise approximately 2% (160 acres) of the land use patterns. These non forested areas abut open space and built up land use categories such as pipeline fairways, electrical transmission corridors, roads, two well locations, ball park, residences, schools, and radio transmission tower all accounting for 13.9% (1,171 acres) of the land use upon the Paradis property.

Forests are located throughout the property where and comprise 21.38% (1,790 acres) of the area.

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Geology And Soils (Figure 4). Soils found upon the property formed from the fluvial dynamics of the Mississippi River with incursions and regressions of marine influences from the Gulf of Mexico within the geologically recent Holocene epoch. The predominant Harahan soil series comprises 72.5% (5,227 acres) of the area with decreasing amounts of Commerce 16.8% (1,209 acres), Sharkey 10.3% (751 acres) and Fausse 0.06% (4.6 acres) as urban land and water comprise the residuum 0.44% (31 acres).

Elevation data, derived from Light Detection and Ranging (LIDAR) (Figure 3), were separated into six-inch declinations using the North American Vertical datum (NAVD). There is a general decrease in elevation from northwest to southeast with lowest elevations occurring in the eastern portion of the property. The highest elevation upon the property is approximately six feet, while the lowest point upon the property is approximately -10.5 feet NAVD. The Sunset Canal Company keeps the water level approximately -8 feet below mean sea level. As you can ascertain from the LIDAR data set, not all the area would be flooded, via levee failure.

There are swales, low ridges, partially filled interfluves and extant distributary channels dispersed generally from a northwest to southeast direction upon the property. These land patterns can be isolated and spatially oriented to aid in overstory species selection upon a particular location within the property. The LIDAR data can elicit the aforementioned microsites within a specific soil series to increase the potential survival of the planted hardwood species.

Plants (Figure 5). Within the agricultural areas, early successional plants such as coastal Bermuda, long tom, Dallis grass and Bahia grass represent are dominant upon higher elevations. Where more intense grazing has occurred, sumpweed, wooly croton and ragweed may become subdominants. The more open depressions are occupied by beakrush, smartweeds, spikerush, alligator weed and water hyacinth.

Approximately, twenty-one percent of the area is forested with sugarberry as the aspect dominant species. Upon the higher elevations, live oak and loblolly pine may be found in association with sugarberry. Sugarberry can also be found in many of the depressional areas along with green ash and red maple. Water, willow, laurel and cherrybark oaks grade into green ash and cypress in the northern forested area where the largest block of forest presently occupies the landscape. Black willow was found to be the dominant species on the lower elevations which are located in the eastern portion of the property.

4. Bank Goals and Objectives

The goal of ChevronTexaco is to reestablish a freshwater swamp and bottomland hardwood/wetland community as a species diverse, sustainable ecosystem by restoring unique functions, values, and services that fully compensate unavoidable impacts associated with the Department of the Army (DA) Section 10 and/or 404 permits issued by the New Orleans District (CEMVN). This agreement establishes a plan for restoring

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natural hydrology to the extent drainage on adjacent properties is not affected, surface topography and floral communities at the Paradis Mitigation Bank and defines performance standards, monitoring protocol and remedial actions, as described herein, so as to ensure the mitigation bank success.

The Paradis Mitigation Bank may only be used to compensate for those impacts to freshwater swamps and bottomland hardwoods that remain after all appropriate and practicable measures have been taken by a permit applicant to avoid and minimize project-related impacts on wetland resources. In addition, only those wetland restoration activities performed by ChevronTexaco, without funding assistance from other public (state or federal) programs, may be used as mitigation.

5. Technical Plan for Mitigation Activities

ChevronTexaco will restore the proposed bank area by planting the site with a species assemblage historically common to the bottomland hardwood forests and cypress-tupelo swamps of the Mississippi River deltaic plain. Initially, a soil site evaluation would be completed to determine the species best suited for the Commerce, Sharkey and Harahan soil series. From the site evaluation, the proposed mitigation area might be planted in cypress on the lower elevations with bottomland hardwoods planted upon the ridges of Sharkey and Commerce soils. Seedlings obtained from local nurseries will be planted by hand or mechanical means depending upon site conditions. Forested areas within the project area will be enhanced by planting seedlings of those overstory species absent or poorly represented in the existing forests. Once seedlings have become established, competition from standing trees will be reduced by thinning to release saplings.

Water manipulation devices (e.g., flash board risers) could be installed in the numerous ancillary lateral canals off the 23 major canals that presently drain the area. In areas such as the extant crawfish ponds, the existing drainage structures could be fitted with risers and water, if needed, could be pumped from the adjacent canal system. In lower elevation areas, portable pumps could dewater the location prior to planting cypress and adjacent canals could be used to return water to the location, if necessary.

6. Performance Standards

The following criteria are applicable:

Initial Success Criteria

- 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.

MAKE SWAMPS

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2) Internal drainage ditches in planted tracts indicated in Attachment C, as well as those where closure is deemed necessary by the MBRT in future inspections, must be plugged, backfilled, or otherwise made ineffective. Structures installed for the purposes of restoring natural hydrology must be functional at all times to the extent drainage on adjacent properties are not affected. ✕

3) For a given planting, a minimum of 50 percent or 150 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). That criteria will apply to initial plantings as well as subsequent replanting that may be needed.

4) For a given planting, a minimum of 125 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 criteria. Trees established through natural recruitment may be included in this tally; however, a minimum of 50 hard mast-producing seedlings per acre must be present.

5) By Year 5, a healthy component of midstory species shall be established. Typically, 75 midstory plants per acre will be sufficient and will comprise those species initially planted and those species present via natural recruitment. If the site is deficient in midstory abundance and diversity, the MBRT may require additional planting.

6) By Year 5 the planted bank acreage and the perimeter of that acreage, if accessible, shall be virtually free (less than 5% of the area) of exotic/invasive vegetation, as confirmed by MBRT field observation.

Long-Term Success Criteria

1) Planted tracts must exhibit characteristics and diversity indicative of a viable native bottomland hardwood wetland community commensurately with stand age and site conditions.

2) Hydrologic conditions within the mitigation bank must be such that the naturally regenerating vegetative community occurring within the planted tracts is predominantly (>50 percent) FAC or wetter in accordance with the regional wetland plant list.

3) At the time of tree-canopy closure (i.e., 15 years) the bank site shall be essentially void of exotic/invasive vegetation (less than 5% of the overstory vegetation).

4) Timber thinning must be performed pursuant to the approved timber management plan outlined in Section III.B, and, if necessary, measures to control the encroachment of exotic/ invasive vegetation after the thinning operation shall be employed.

5) No other human activities that result in the degradation of habitat within the mitigation bank shall occur without written authorization from NOD.

7. Monitoring Requirements

ChevronTexaco shall monitor planted portions of the Paradis Mitigation Bank to verify achievement of success criteria described in Section IX and to validate compliance with the terms of the interagency agreement and conservation servitude. Monitoring reports shall be provided to CEMVN and made available to other members of the MBRT upon request. Monitoring and reporting shall be conducted in accordance with the following plan (Attachment E provides the format for required monitoring reports):

- 1) ChevronTexaco shall identify linear survey plots at the time of planting, and shall conduct a survey of living and dead seedlings in each planted tract at or near the end of the first growing season following planting of that tract. Surveys shall be conducted in accordance with an accepted academic or industrial sampling methodology, and shall account for at least 2 % of the total number of seedlings planted on the tract. ChevronTexaco shall also perform a cursory examination of the entire planted tract to determine if overall survival is adequate.
- 2) ChevronTexaco shall, within 90 days following the survey, provide a written report to CEMVN indicating the number and species of surviving seedlings (see Attachment E). The report shall also describe the condition of applicable drainage ditch plugs, the general condition of the seedlings, and discuss likely causes for observed mortality within those tracts which did not exhibit a seedling survival rate of at least 50 percent or 150 trees per acre.
- 3) Upon achievement of Year 1 success criteria in each planted tract, ChevronTexaco shall monitor and report seedling survivorship of those tracts, in accordance with the plan described in item 1, at the end of the second (i.e., Year 2) and fifth growing seasons to follow. The latter monitoring shall verify seedling composition and survivorship goals, and colonization by volunteer mid-story and overstory species, as described in Section IX.A.
- 4) Upon attainment of Year 1 criteria in all planted tracts comprising the Paradis Mitigation Bank ChevronTexaco shall also establish one-hundredth-acre permanent continuous forest monitoring plots that account for at least 2 % of the total planted area. Those plots shall be established in a manner that is representative of the plantings. A permanent marker shall mark each plot center, and all trees falling within the plot shall be permanently tagged and numbered. ChevronTexaco shall, by May 31 of the following year, provide a report to CEMVN documenting the number, species, height and diameters of tagged trees within each plot. The report shall also discuss the general health of the planted seedlings, and describe the vegetative communities developing within and the overall condition of the entire Paradis Mitigation Bank. Upon receipt of that monitoring report by CEMVN and confirmation that the Paradis Mitigation Bank is progressing as predicted, ChevronTexaco will begin monitoring the continuous forest monitoring plots and submitting monitoring reports to CEMVN at 5-year intervals.

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5) In addition to the monitoring requirements specified above, ChevronTexaco shall conduct a post-harvest inspection of all tracts from which timber was harvested. During the inspection, ChevronTexaco shall record where harvests occurred, the approximate basal area of standing timber by species, and the number and species of seedlings that were replanted. Post-harvest inspection reports shall be submitted to CEMVN by December 31 of the year in which the harvest was completed.

In the event monitoring reveals that initial success criteria have not been met, ChevronTexaco shall take measures to achieve these criteria in accordance with the following plan:

1) If survival is less than 50 percent per acre as determined by sampling or by observing high mortality at any location within the planted tract, or target species ratios are not met, ChevronTexaco shall take appropriate actions, as recommended by the MBRT, to address the causes of mortality and shall replace all dead seedlings with new seedlings of the appropriate species during the following non-growing season. Replanting, in accordance with Section III, and monitoring and reporting, as described in Section X, shall occur yearly thereafter as needed to achieve and document the required one-year survival rate.

2) If the survival criterion is not met after three unsuccessful attempts, CEMVN will convene a meeting of the MBRT and ChevronTexaco to decide if replanting should continue. Should the MBRT determine that achieving the required survival rate would not be likely, ChevronTexaco shall be required to provide replacement mitigation for the increment of value that did not accrue within the unsuccessful tracts within one year of this decision. In addition, the MBRT will reassess the Paradis Mitigation Bank to determine if a change in the management potential is warranted or if use of the Paradis Mitigation Bank should be discontinued. If warranted, a new management potential may be calculated using the January 1994, freshwater swamp and/or bottomland hardwood WVA.

3) Year 5 monitoring shall verify seedling composition and survivorship goals, and colonization by mid-story species, established in Section IX.A. ChevronTexaco shall implement remedial action, as deemed necessary by the MBRT, to ensure attainment of Year 5 survivorship and composition criteria.

8. Long-term Management and Protection

ChevronTexaco, or its heirs, assigns or purchasers, shall be responsible for maintaining and protecting lands contained within the Paradis Mitigation Bank in perpetuity, unless bank lands are transferred to a state or federal resource agency or non-profit conservation organization. Prior to use of the Paradis Mitigation Bank, perpetual protection of the property and appropriate management and maintenance shall be specified in a conservation servitude (Attachment F) to be executed by ChevronTexaco in accordance with the Louisiana Conservation Servitude Act (R.S. 9:1271 *et seq.*) and recorded in the real estate records of the St. Charles Parish Court House. The conservation servitude

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shall warrant clear title and is to run with and be a burden on the land in perpetuity for ChevronTexaco, its heirs or assigns, and all subsequent purchasers of the land. The conservation servitude shall stipulate that ChevronTexaco has entered into an agreement with the U.S. Army Corps of Engineers for the establishment of the Paradis Mitigation Bank and that ChevronTexaco has agreed to the provisions specified in this agreement. The conservation servitude shall further specify that lands within the Paradis Mitigation Bank are to be managed and maintained for the express purpose of performing wetland functions and, as such, cannot be altered in a manner contrary to this purpose without prior approval from the CEMVN. In keeping with this requirement, the conservation servitude shall incorporate this interagency agreement by reference and bind ChevronTexaco, its heirs, assigns, and future owners to complying with the terms of this agreement. Alternatively, the conservation servitude may specifically restrict the use of portions of the property restored to wetlands pursuant to mitigation contracts as described in the long-term success criteria above. The conservation servitude shall not prohibit hunting, fishing, trapping, non-consumptive recreational pursuits, exploration and production of minerals, and timber harvesting conducted for enhancing performance of wetland functions.

8. Financial Assurances

ChevronTexaco shall establish a financial mechanism to ensure that sufficient funds are available to a third party in the case of bank default.

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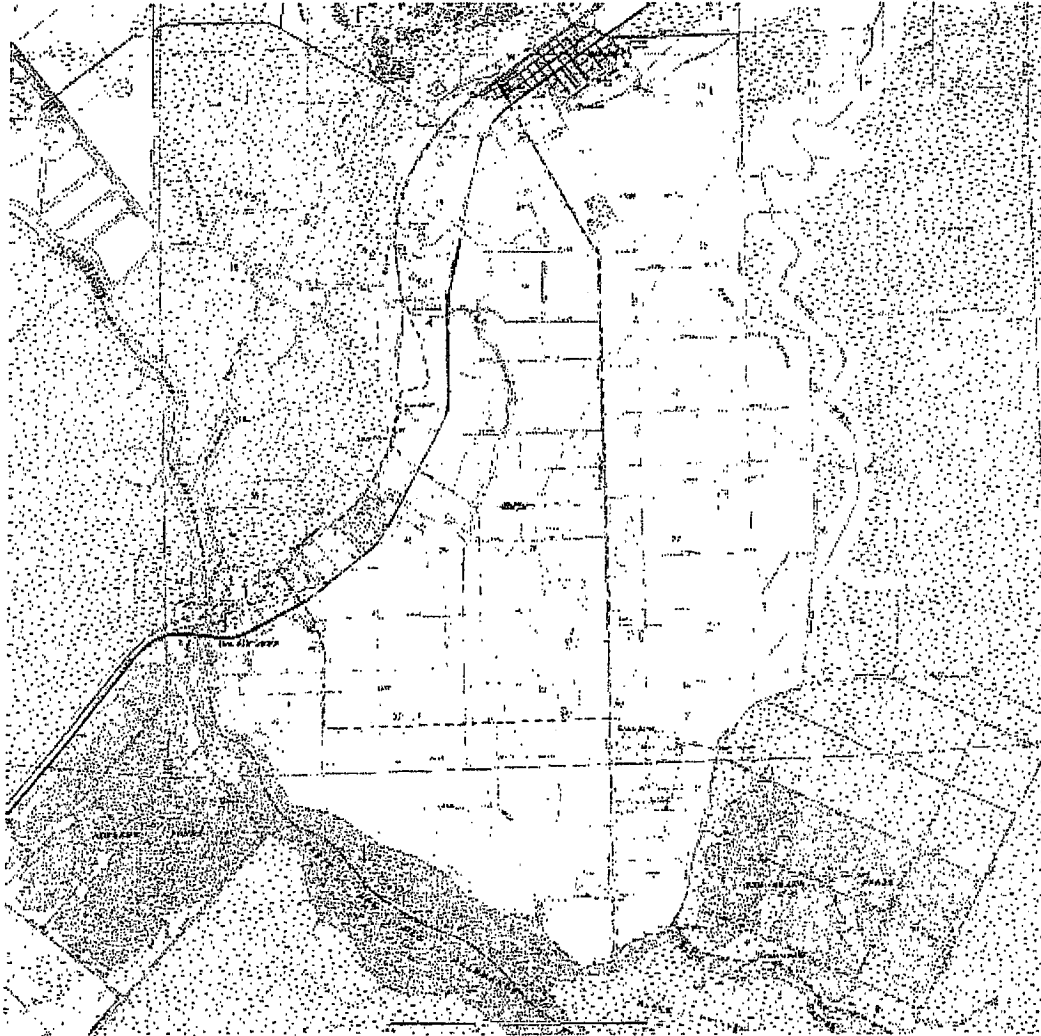



Figure 1. Location of ChevronTexaco's proposed mitigation property between Des Allemands and Paradis, St. Charles Parish, Louisiana (Adapted from Des Allemands and Hahnville 7.5' Quadrangle maps).

Legend

 Boundary

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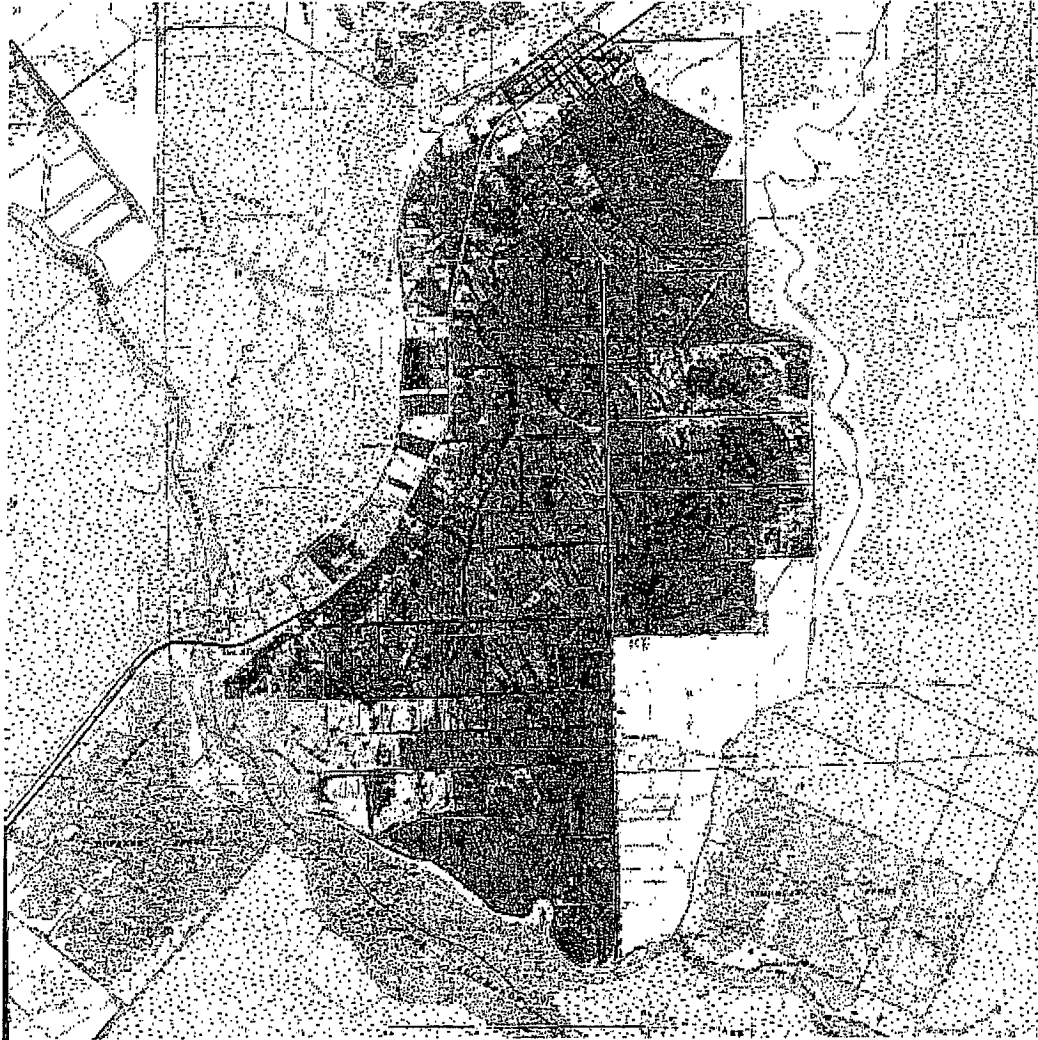


Figure 2. Land use upon the Paradis property from color infrared photography acquired in 1998.

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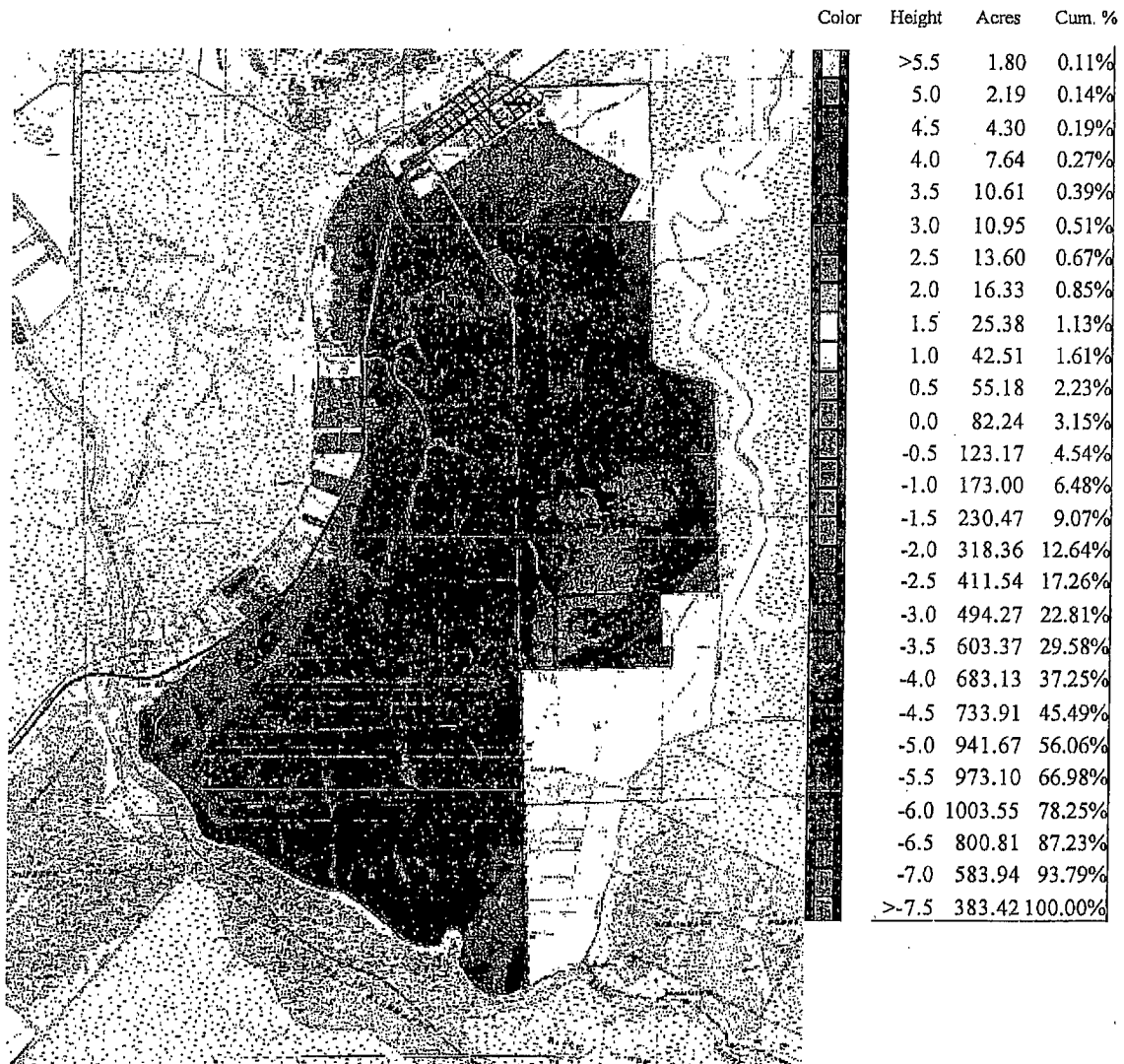


Figure 3. Elevations upon the Paradis property from LIDAR data acquired in 2001.

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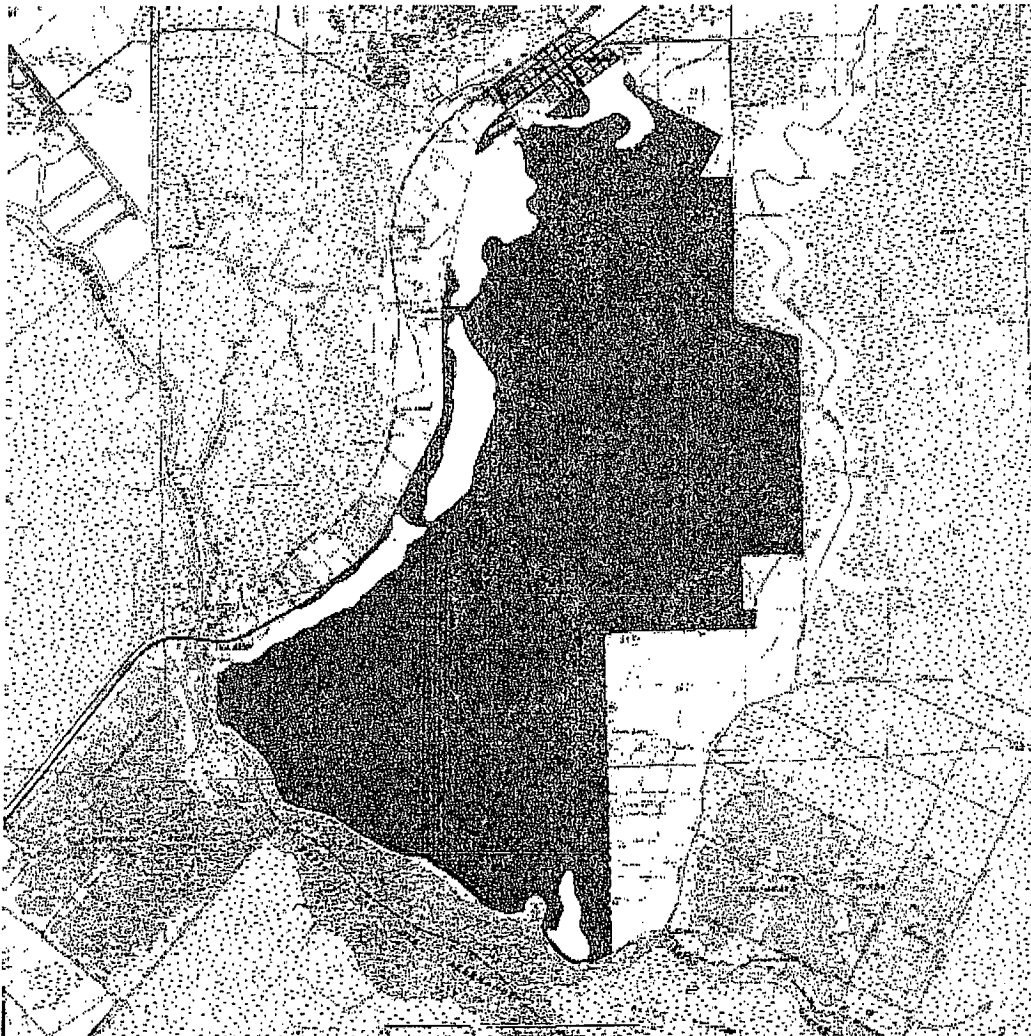








Figure 4. Soils of the Paradis property.

<u>Legend</u>			
Color	Nomenclature	Acres	Cumulative Percent
	Commerce Silty Clay Loam	1544.62	18.53%
	Fausse Clay	7.87	18.62%
	Harahan Clay	5838.34	88.64%
	Sharkey Silty Clay Loam	178.13	99.78%
	Sharkey Clay	756.74	99.85%
	Water	12.38	100.00%
	Total Acres =	8338.08	

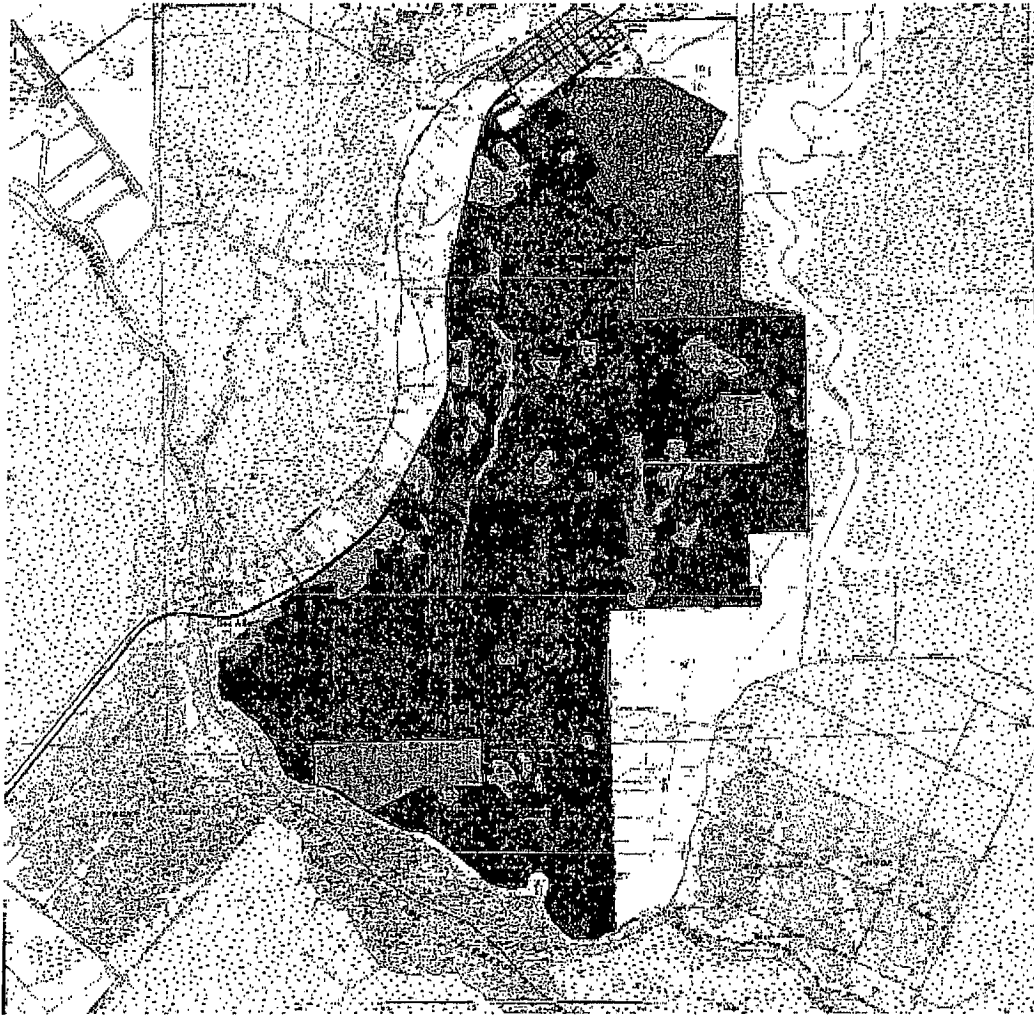


Figure 5. National Wetland Inventory classification of the Paradis property.

Color	Nomenclature	Acres	Percent	Color	Nomenclature	Acres	Percent
	LIUBH	0.02	0.00%		UA	282.98	4.41%
	PAB4H	0.65	0.01%		UF8	42.54	0.66%
	PEM1Ch	22.82	0.28%		UF8s	10.60	0.17%
	PFO1/2Ad	146.12	1.76%		UR	5916.72	92.24%
	PFO1A	30.63	0.37%		USS	0.66	0.01%
	PFO1Ad	751.65	9.07%		UU	160.98	2.51%
	PFO1Cd	958.10	10.94%				
	PFO1Cs	12.06	0.15%				
	PUBHx	1.55	0.02%				
					Total =	8338.08	



US Army Corps of Engineers®
New Orleans District

Home

Public Notices

Permit Application Information

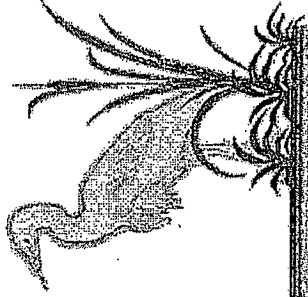
Requesting a Wetland Determination

Regulatory Program Info

Wetlands and Other Waters of the U.S.

Regulatory Announcements

Regulatory News Releases



Regulatory Branch

New Orleans District Public Notices

*Comment period Open until listed Expiration Date

Listed below are the current Public Notices in the New Orleans District for ALL projects, sorted by closing date. The public notices and drawings are in PDF formatted files. You must have Adobe Acrobat Reader installed on your PC to view the files. If you don't have it, you may download it free from www.adobe.com.

Viewing Notices. To view a Public Notice or its associated Drawings file (if any), left-click on the Public Notice or Drawings link (highlighted in blue). To download the file to your PC, right-click on the Public Notice or Drawings link, then select "Save Target As" from the menu. To view other Corps District's public notices, go to [other public notices](#).

How to send comments. To send email comments to the respective Project Manager, click on the Project Manager's name, or contact the Regulatory Branch, U.S. Army Corps of Engineers, New Orleans District, P.O. Box 60267, New Orleans, LA 70160-0267. Comments to the Department of Environmental Quality (DEQ) must be in writing and mailed to the address appearing in the Public Notice. Comments made in reference to a Public Notice should include your name, address, and phone number.

Issued Permits and Cease and Desist Orders. To view issued, proffered, and denied permits and Cease and Desist Orders, click [here](#).

Appeals of Jurisdictional Determinations and Proffered or Denied Permits. To view a table of administrative appeals within the Mississippi Valley Division, click [here](#).

[List public notices by location]

Project Description	Applicant	Public	Expiration	Permit	View of	Project Manager
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