

Exhibit N, Petty South, Wetlands and Other Waters Findings Report

DEPARTMENT OF THE ARMY



VICKSBURG DISTRICT, CORPS OF ENGINEERS
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO
ATTENTION OF:

April 7, 2015

Operations Division

SUBJECT: Preliminary Jurisdictional Determination – Louisiana Economic
Development, Petty 160 Farm Site, Ouachita Parish, Louisiana

Mr. Bill McAbee
McAbee Wetland Services
655 Meadowbrook Road
Jackson, Mississippi 39206

Dear Mr. McAbee:

I refer to your letter requesting a jurisdictional determination for the subject property located in section 31, T18N-R5E, Ouachita Parish, Louisiana.

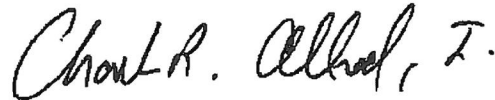
Based upon the information provided, we concur with your assessment that there appears to be jurisdictional waters of the United States located on the site subject to regulation pursuant to Section 404 of the Clean Water Act. The approximate extent of jurisdictional waters of the United States within the boundary of the property described in your letter is depicted on the enclosed preliminary map (enclosure 1). Any work involving the discharge of dredged or fill material (land clearing, ditching, filling, leveeing, etc.) within the limits of the jurisdictional areas identified will require a Department of the Army Section 404 permit prior to beginning work. For your information, I have included a copy of an appeals form (enclosure 2).

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

For your convenience, an application packet may be obtained at our Regulatory Program webpage: <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>. An application for work in wetlands or other waters of the United States should be submitted at least 90 to 120 days in advance of the proposed starting date. In order to expedite the evaluation process, please refer to identification no. MVK-2015-106 when submitting the application.

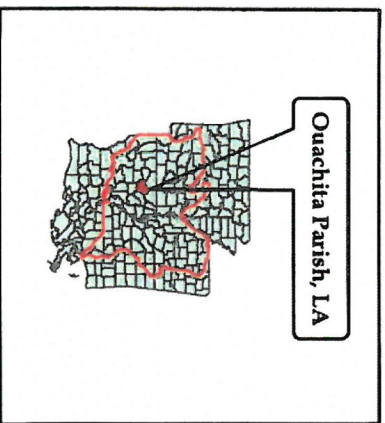
If we may be of any further assistance in this matter, please contact Mr. Aaron Posner of this office, telephone (601) 631-5591, fax (601) 631-5459, or e-mail address: Aaron.W.Posner@usace.army.mil.

Sincerely,

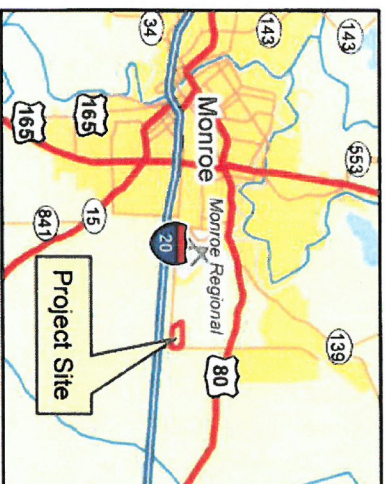
A handwritten signature in black ink that reads "Charles R. Allred, Jr." The signature is written in a cursive, flowing style.

Charles R. Allred, Jr.
Chief, Enforcement Section
Regulatory Branch

Enclosures



7 April 2015
MVK-2015-106
 McCabe Wetland Services
 Louisiana Economic Development
 Petty 160 Farm Site
 Ouachita Parish, LA
Preliminary
Jurisdictional Determination
 Aaron Posner



**US Army Corps
of Engineers**

**Regulatory Branch
Enforcement Section**

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WETLANDS AND OTHER WATERS FINDINGS REPORT

PETTY 160 HIGHWAY 594 OUACHITA PARISH, LOUISIANA

Prepared for

Mr. Randy Denmon
Denmon Engineering
114 Venable Lane
Monroe, LA 71203

Prepared by
MCABEE WETLAND SERVICES
655 MEADOWBROOK ROAD
JACKSON, MS 39206

July 2014

INTRODUCTION

A preliminary wetlands investigation was conducted for an approximately 160-acre tract of land (herein called the "Site") located on the west side of Highway 594 between the Kansas City Southern Railroad and the Ouachita Parish High School, in Ouachita Parish, Louisiana (Exhibit 1). The purpose of the investigation was to determine if any wetlands and *Other Waters of the U.S.* were located on the Site. If wetlands were determined then a general location map would be provided for use in avoidance and minimization of impacts prior to the final LED site being identified. The investigator was Mr. Bill McAbee with McAbee Wetland Services, and the Site was investigated on July 16, 2014. Although a formal delineation was not completed, methodology of the investigation generally followed guidelines set forth in the 1987 COE Wetland Delineation Manual and the Regional Supplement Manual for the Atlantic and Gulf Coastal Plain Region (Version 2.0).

BACKGROUND

Site Conditions

The property has been actively farmed since at least 1987 according to USDA Soil Conservation Service records and as was planted in soybeans at the time of the site visit (Exhibit 2). No other vegetation types or habitats were noted.

The Site appeared to be very level and moderately well drained. There was a shallow ditch that ran north/south across the eastern one-third of the Site (Exhibit 3). Additionally there were several other minor temporary ditches (1' wide x 6" deep) across parts of the Site. No other improvements or outstanding conditions were noted.

Vegetation: The site was planted in soybeans, no other vegetation was noted.

Soils: The dominant soils on the Site were Herbert silt loam and Rilla silt loam. Soils were not confirmed but appeared to be very similar to the Rilla soils. These are well drained to moderately drained soils.

Soil pits were completed in areas within the fields that showed recurring "wet" signatures on historical color infrared and other aerial photography, as well in areas that were suspect of being wet as determined during the site visit. There were three general areas of concern based on the wet signatures; these were the northeast quadrant, the south central quadrant, and the northwest quadrant (Exhibit 4).

Hydrology: At the time of the site visit, the general area had received approximately 0.13 inch of rain on the day before and about 0.20 for the month of July. Conditions on the Site were dry and only the lowest and wettest areas had moist soils within 16" of the surface. As expected in a historical crop field, the limiting factor was hydrology due to land manipulation and improved drainage. However, hydric soils and positive hydrological indicators were found in all three of the suspect areas and an obvious lack of vegetation due to prolonged inundation was noted in all three areas (Exhibit 5, 6 and 7).

Reference Information

The USDA Soil Conservation Service office for Ouachita Parish was contacted to acquire any information regarding prior converted or farmed wetland determination conducted for the Site. In November 1988, a SCS-CPA-026 form was completed for this property and determined that no prior converted (PC) or farmed wetlands (FW) were identified on the site (Appendix A)

The Ouachita Parish Soil Survey indicates that 69 percent of soils on the site were Herbert silt loam, and 29 percent were Rilla silt loam (Appendix B).

Seven years of aerial photography dating between 1998 and 2013 were collected and reviewed (Appendix C). These resources were used to help identify recurring hydrological signatures such as saturated or inundated soils and drainage patterns.

The USFWS provides a resource for identifying known wetlands; this service is called the National Wetland Inventory (NWI). Data from NWI database was collected and reviewed for the Site (Appendix D). These maps do not contribute to the wetland determination of cropland but do offer opinions on adjacent vegetated habitats.

Floodplain maps from the Federal Emergency Management Agency (FEMA) for the 100-year flood area were collected and reviewed (Appendix E). The western third of the site is located in Zone A.

FINDINGS

It should be noted that approximate boundaries of wetlands and Other Waters were determined on the subject properties using a combination of the above-referenced resources and a limited site visit. The site visit was conducted to "ground truth" the office results and look for any other areas of concern not identified through the referenced data. Ground truthing a cultivated field can be extensive and time consuming. For this preliminary determination, minimal shovel pits were completed in order to make a general assessment of the site conditions. For a formal delineation, more time in the field will be required to precisely delineate any wetland boundaries.

Inundation does occur in several areas on the Site long enough during the growing season to create wetland conditions in the soils. The three separate wet areas show up clearly on the historical aerial photography and can be seen on the wetland map provided as Exhibit 8.

The minor drainage ditches appear to be temporal and change locations based on the crops or site conditions. These ditches within the Site should not be considered as jurisdictional waters as they are non-persistent and used solely for farming practices.

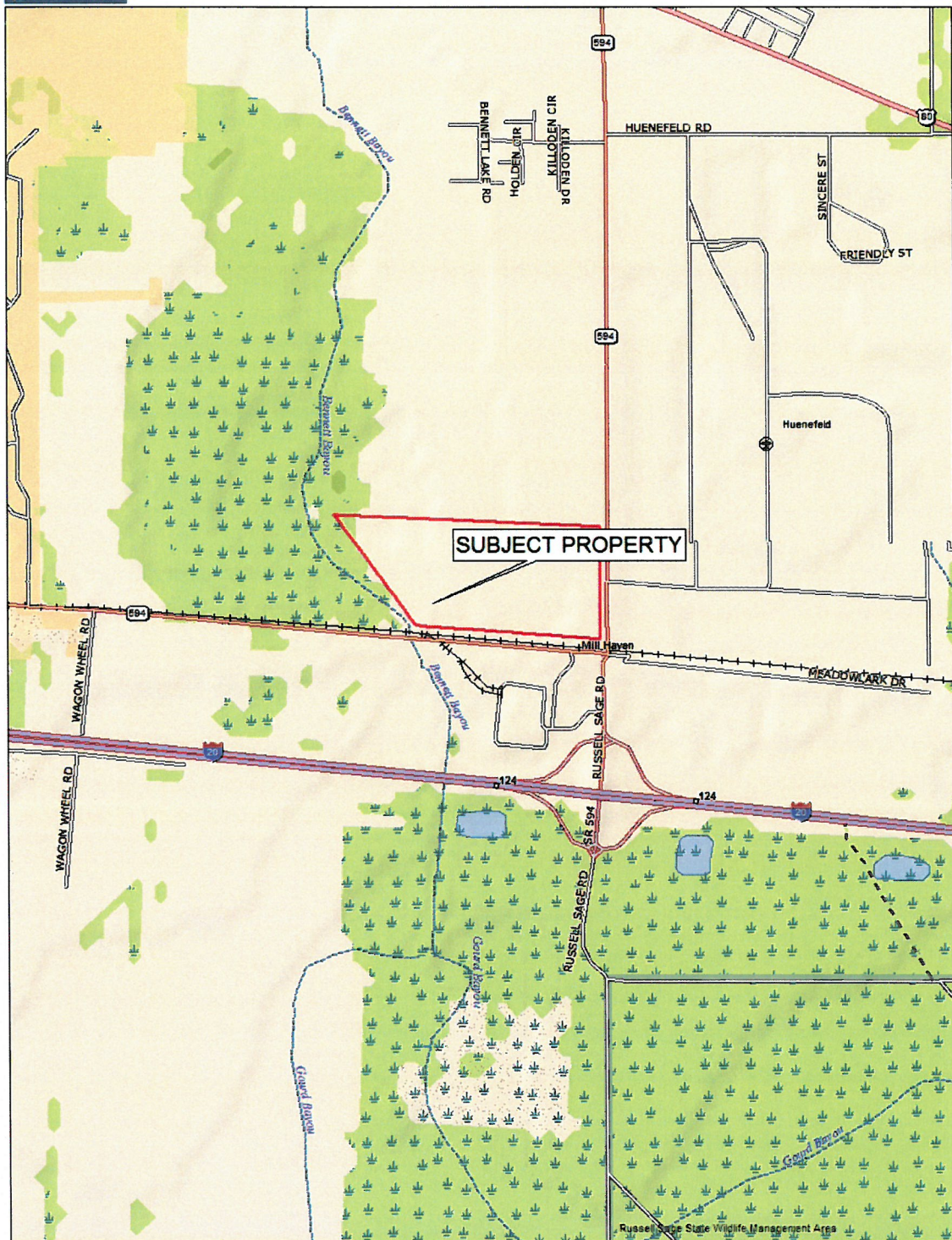
Based on a site reconnaissance and a review of all the above referenced materials, there were three areas totaling approximately 6-8 acres of wetlands on this Site.

I hope this helps you with your decision making process. If you have any additional questions please contact me any time.

Sincerely,

A handwritten signature in black ink that reads "William C. McAbee". The signature is written in a cursive style with a large, stylized 'W' and 'M'.

William C. "Bill" McAbee
McAbee Wetland Services
655 Meadowbrook Road
Jackson, MS 39206
wmcabee@mbakercorp.com
601.842.8938



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EXHIBIT 1. GENERAL LOCATION MAP



EXHIBIT 2. SUBJECT PROPERTY FACING EAST, SOYBEAN FIELD



EXHIBIT 3. SUBJECT PROPERTY FACING SOUTH, DRAINAGE DITCH



EXHIBIT 4. SUBJECT PROPERTY , TYPICAL HYDRIC SOIL



EXHIBIT 5. SUBJECT PROPERTY FACING NORTH, NORTHWEST QUADRANT



EXHIBIT 6. SUBJECT PROPERTY FACING WEST, SOUTH CENTRAL QUADRANT



EXHIBIT 7. SUBJECT PROPERTY FACING WEST, WEST QUADRANT



EXHIBIT 8. SUBJECT PROPERTY, WETLAND LOCATION MAP

APPENDIX A

USDA SCS-CPA-026 FORM

HIGHLY ERODIBLE LAND AND WETLAND
CONSERVATION DETERMINATION

Name of USDA Agency or Person Requesting Determination

5. Farm No. and Tract No.

119 T 1245

SECTION I - HIGHLY ERODIBLE LAND

6. Is soil survey now available for making a highly erodible land determination?	Yes	No	Field No.(s)	Total Acres
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
7. Are there highly erodible soil map units on this farm?	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
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 <input checked="" type="checkbox"/> Field <input type="checkbox"/>				

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?	Yes	No	Field No.(s)	Total Wetland Acres
	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
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.				
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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: 11/1/88

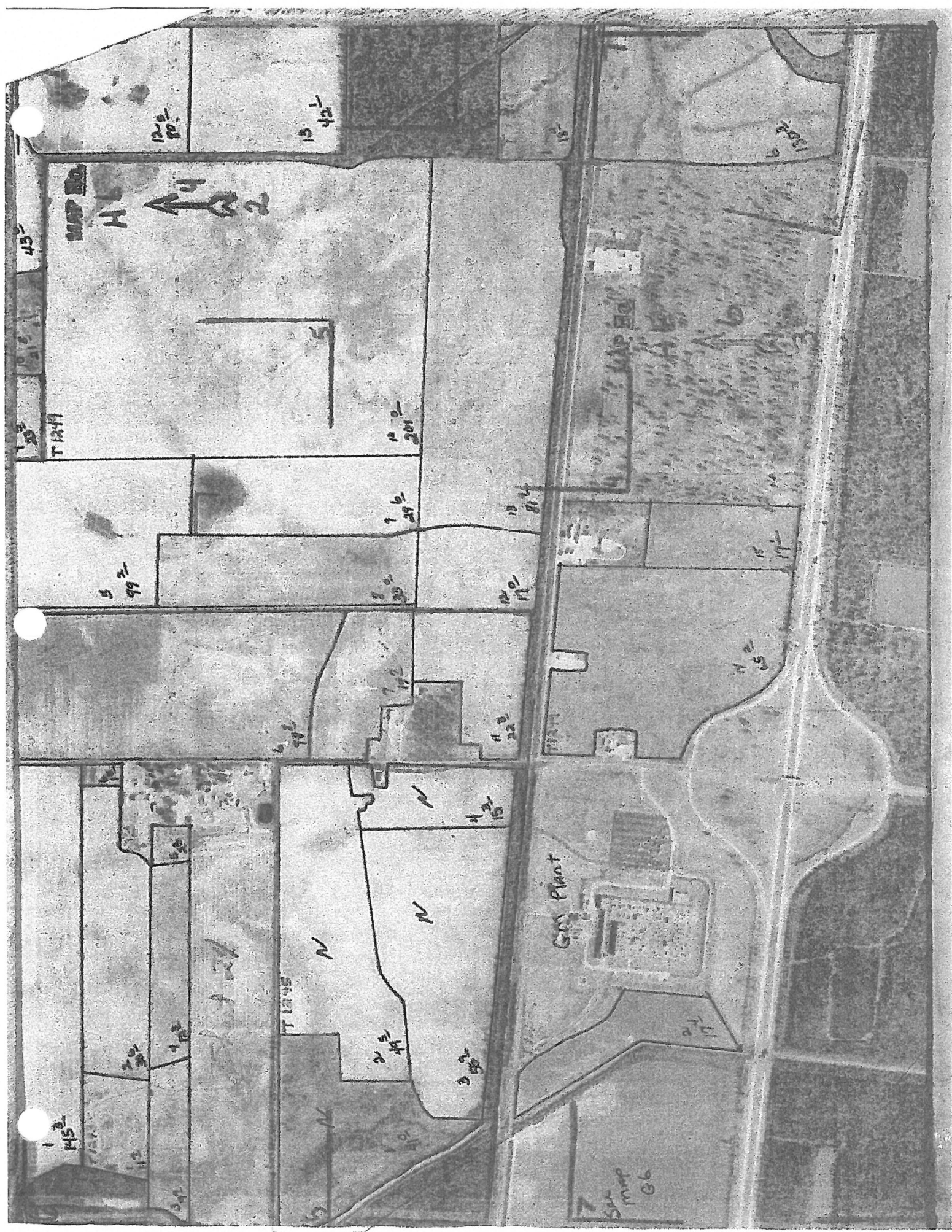
NOTE: If you do not agree with this determination, you may request a reconsideration from the person that signed this form in Block 22 below. The reconsideration is a prerequisite for any further appeal. The request for the reconsideration must be in writing and must state your reasons for the request. 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

22. Signature of SCS District Conservationist

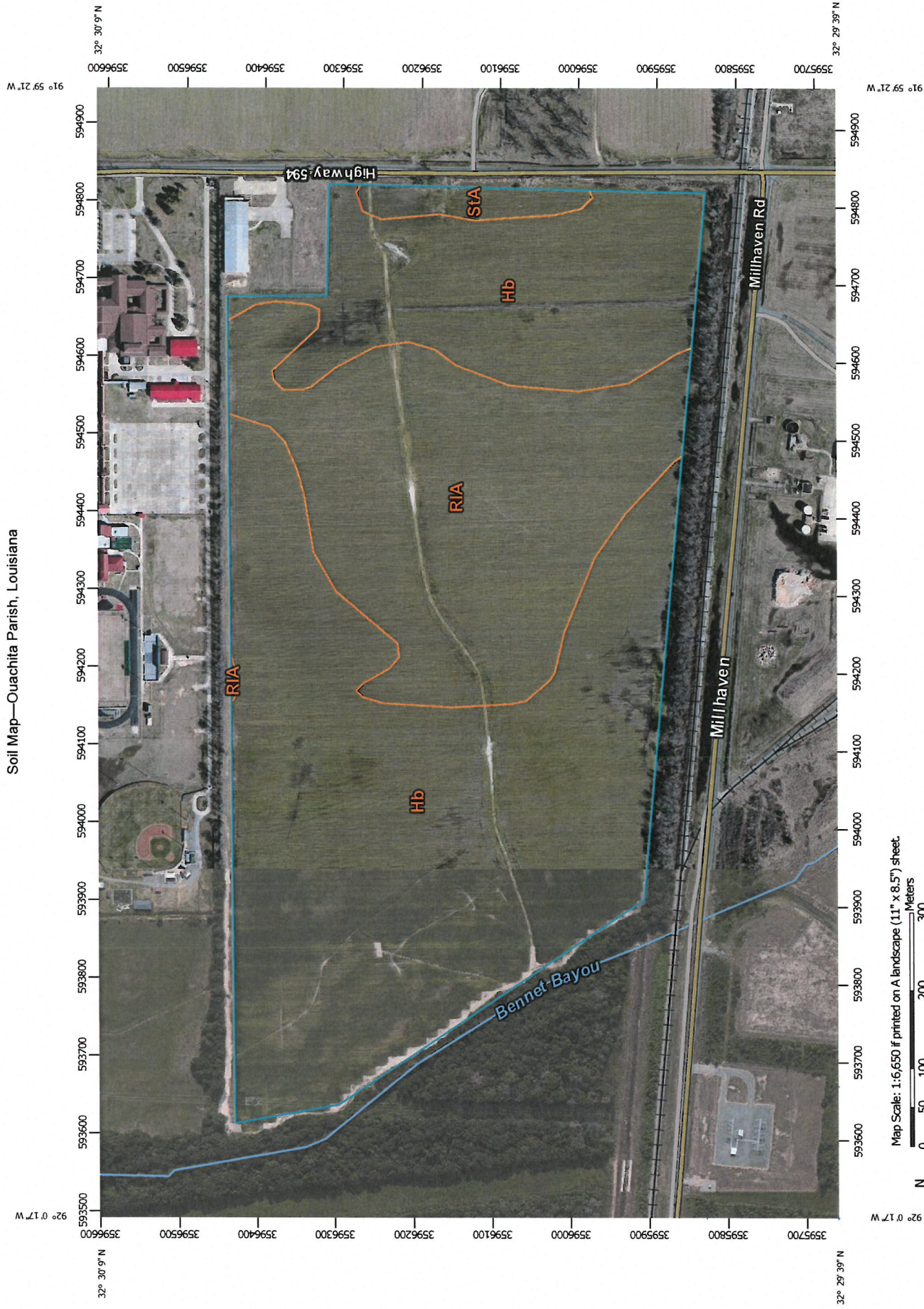
23. Date



APPENDIX B

SOIL SURVEY MAP

Soil Map—Ouachita Parish, Louisiana



MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.
































Soil Survey Area: Ouachita Parish, Louisiana
Survey Area Data: Version 6, Dec 9, 2013

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 14, 2010—Jun 11, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

MAP LEGEND

Area of Interest (AOI)	 Area of Interest (AOI)	 Spoil Area
Soils	 Soil Map Unit Polygons	 Stony Spot
	 Soil Map Unit Lines	 Very Stony Spot
	 Soil Map Unit Points	 Wet Spot
		 Other
Special Point Features	 Blowout	 Special Line Features
	 Borrow Pit	Water Features
	 Clay Spot	 Streams and Canals
	 Closed Depression	Transportation
	 Gravel Pit	 Rails
	 Gravelly Spot	 Interstate Highways
	 Landfill	 US Routes
	 Lava Flow	 Major Roads
	 Marsh or swamp	 Local Roads
	 Mine or Quarry	Background
	 Miscellaneous Water	 Aerial Photography
	 Perennial Water	
	 Rock Outcrop	
	 Saline Spot	
	 Sandy Spot	
	 Severely Eroded Spot	
	 Sinkhole	
	 Slide or Slip	
	 Sodic Spot	

Map Unit Legend

Ouachita Parish, Louisiana (LA073)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Hb	Hebert silt loam	101.2	69.0%
RIA	Rilla silt loam, 0 to 1 percent slopes	42.8	29.2%
StA	Sterlington silt loam, 0 to 1 percent slopes	2.7	1.8%
Totals for Area of Interest		146.7	100.0%

APPENDIX C

HISTORICAL AERIAL PHOTOGRAPHY





Image U.S. Geological Survey

Tour Guide

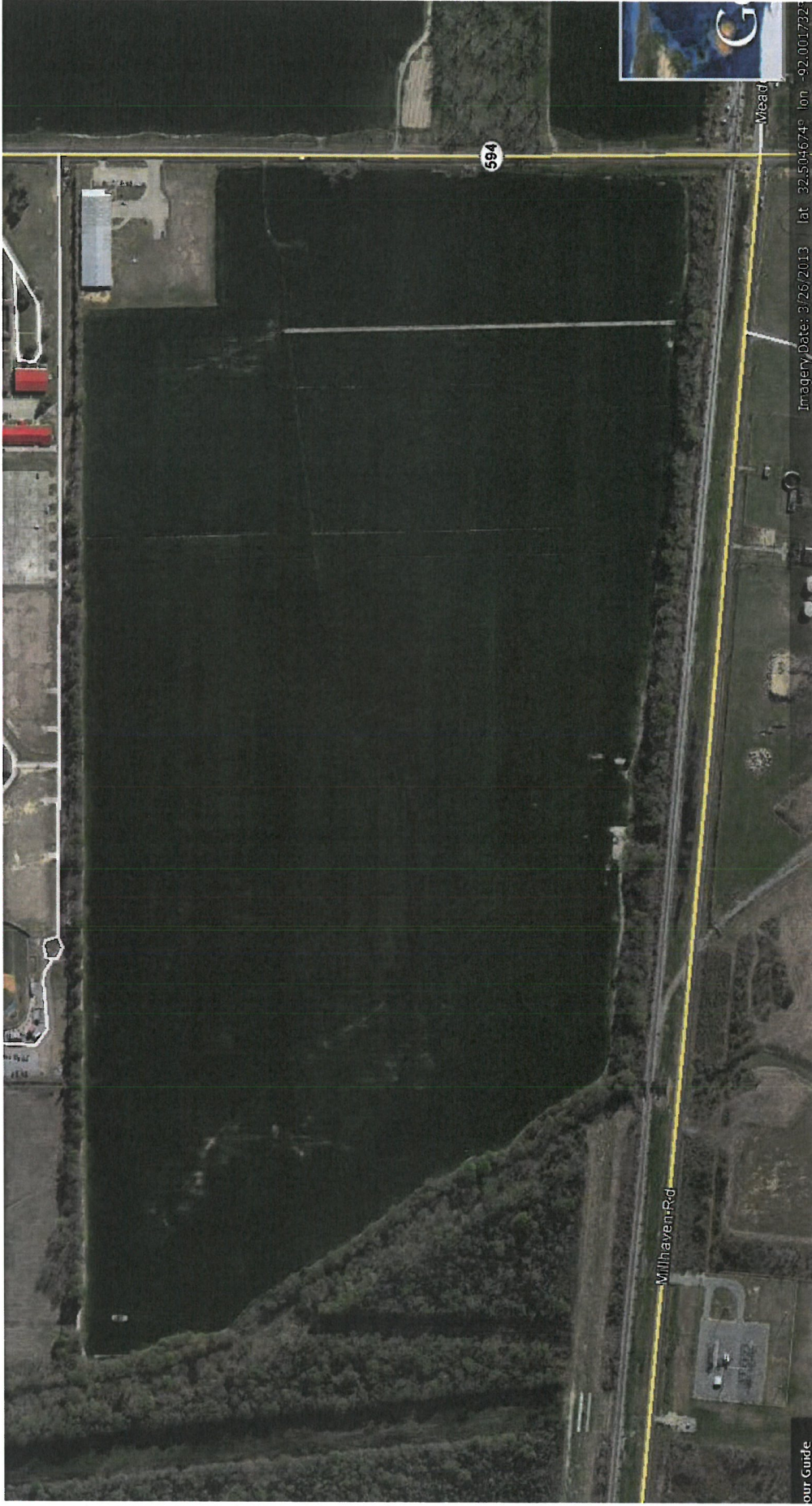
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our Guide

APPENDIX D

USFWS NATIONAL WETLAND MAPPING



U.S. Fish and Wildlife Service National Wetlands Inventory

Jul 16, 2014

Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other



This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks: