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

REPLY TO ATTENTION OF

August 2, 2013

Operations Division
Regulatory Branch

SUBJECT: MVN 2011-03213 MB

Delta Land Services, LLC
1090 Cinclaire Drive
Port Allen, Louisiana 70767

Gentlemen:

This is in regard to your request for approval to construct and operate a proposed 323.8-acre compensatory mitigation bank, Ponderosa Ranch of Pointe Coupee, in Section 101, T5S-R10E, Sections 18 & 97, T5S-R11E, approximately 3 miles south-southeasterly from New Roads, Louisiana, in Pointe Coupee Parish. We have reviewed and coordinated with the Interagency Review Team on the comment summary and response document, and the revisions to the Mitigation Banking Instrument (MBI), Mitigation Work Plan (MWP), and the New Orleans District Modified Charleston Method (MVN MCM) submitted on May 7, 2013.

We do not object to elimination of drop pipes in the work plan and the change in factor selection for the Maintenance/Management Requirement to Self-sustaining in the MVN MCM. We will not object to the use of RPM seedlings in swales or the proposal to allow a 300-foot strip along the current forestland-pasture interface to regenerate naturally. We do caution that our acceptance of these materials/techniques does not alleviate the Sponsor's obligation to meet and document attainment of all success criteria for the locations where they are utilized. We request that the 300-foot strip be clearly identified on the drawings to eliminate any potential future confusion related to this acreage.

CEMVN does not agree with the proposed credit release schedule modification in the MBI. The credit release schedule is based on the proposed mitigation bank being considered as a single unit. The percentages previously identified by CEMVN are based on IRT approved template and figures risk considerations in successfully restoring wetlands at the project site. CEMVN does not concur with the assignment of Re-establishment I/Rehabilitation I values to the Mitigation Type Factor of the MVN-MCM. The Re-establishment II/Rehabilitation II definitions most closely fit the character of the work and landscape positioning of the proposed project site in relationship to drainage features of that region. Attached are copies of the MVN MCM assessments performed on the proposed mitigation bank incorporating the items discussed herein. The MVN MCM assessments correspond to the differing habitats of the proposed mitigation bank.

While we understand that the proposed 2 acres of access trails will be located primarily in non-wetlands and are not being considered for credit generation, we believe requesting these trails to be 30 feet wide is excessive. We do not understand what type equipment or activities may require access lanes exceeding 12-feet wide. Incorporating access corridors of the minimum size necessary greatly reduces secondary affects to the functions proposed for restoration on the project site. Also, using the term “current” when identifying the location of the open space/food plots implies that the locations may be transient. We request that this term be eliminated when identifying stationary locations of specific items.

Regarding funding of the Long-term Maintenance and Protection escrow, please revise the minimum deposit amount to reflect 35% of the potential 304 acres (107 acres). Please provide supporting documentation for the anticipated rate of return.

CEMVN Office of Counsel is reviewing all documents referenced and other legal documents provided. Upon receipt of any comments from Office of Counsel, we will forward them for your consideration. Should you have any questions concerning this matter or wish to schedule a meeting to discuss these comments, please contact me at (504) 862-1938.

Sincerely,

Brian W. Breaux
Environmental Resources Specialist
Special Projects and Policy Team

cc (via electronic mail):

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