

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

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In the Matter of * Docket No. CWA-06-2012-2710
*
Paco Swain Realty, L.L.C, *
a Louisiana Corporation, *
*
Respondent * RESPONDENT'S
PREHEARING EXCHANGE

RESPONDENT'S PREHEARING EXCHANGE

The Respondent, Paco Swain Realty, L.L.C., a Louisiana limited liability company, through its attorney, hereby files this Prehearing Exchange, which contains Respondent's responses to the Prehearing Order herein.

A. WITNESSES:

The Respondent may call the following witnesses at the hearing:

1. Gordon "Paco" Swain (fact witness), the respondent and the developer of the property upon which it is alleged in the complaint that violations occurred.
2. Representative(s) of Gulf South Research Corporation (Expert Witness), which inspected the subject site and prepared a Wetland Delineation dated October 2007.
3. Representative(s) of Whitney Bank, lender and mortgagee on the subject property, which foreclosed on the site, resulting in Respondent's total loss of control over any work, including remediation, on the site, and drastically impairing Respondent's financial capacity..
4. Tim Kimmel (Expert Witness), Biologist, wetlands evaluation, remediation and mitigation.
5. A representative of the Livingston Parish Gravity Drainage District with jurisdiction over the drainage canals pertinent to the property.
6. Any witness named by Complainant.
7. Any rebuttal witness, as required.

Respondent does not anticipate the need to call any additional witness, but respectfully reserves the right to amend or supplement the witness list and to expand or otherwise modify the scope of testimony of any of these potential witnesses, where appropriate, and upon adequate notice to complainant and notice and order of this court.

Respondent's witnesses will not need an interpreter to facilitate their testimony.

Special accommodations under the Americans with Disabilities Act will not be needed for counsel or any of the witnesses or party representatives of Respondent.

B. EXHIBITS:

The Respondent may offer into evidence the following exhibits:

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>
Respondent No. 1	WETLAND DELINIATION, 58-acre Wetland Delineation, Sections 6 and 7, T-6-S, R-4-E, Livingston Parish, Louisiana.
Respondent No. 2	Copy of lawsuit of foreclosure and notice of taking of possession by Sheriff of Livingston Parish, Louisiana.
Respondent No. 3	Individual Ability to Pay Claim, Financial Data Request Form, with supporting documents

Any Exhibit listed or offered by the Complainant.

Any Exhibit the existence or probative value of which becomes known prior to hearing.

The Respondent respectfully reserves the right to amend its prehearing exchange to add, subtract or amend exhibits and/or documents.

C. PLACE FOR HEARING AND ESTIMATED TIME NEEDED:

The Respondent requests that the hearing be held in Livingston Parish, Louisiana (in accordance with CFR §§20.22(d) and 20.19(d)), and estimates that one (1) day at most will be needed to present its direct case. Translation services will not be needed.

D. ASSESSMENT OF CIVIL PENALTY:

The Respondent respectfully takes exception to the Penalty Calculation sought to be assessed by the Complainant.

Respondent asserts that it acted in good faith on the informed belief that any wetlands on the property were non-jurisdictional and that no permit was required. A wetlands delineation report in October 2007 indicated that the property contained slightly more than one-half acre of isolated wetland. As shown by historic aerial photographs, the property was historically used for timber and had undergone numerous changes over the years. Any alteration of wetlands was minimal and resulted in no net loss of wetlands on the property. To the extent that any drainage was affected, it was through a redirection of flow and very little, if any, increase in volume leaving the property.

Ability to Pay Claim. An enumerated statutory factor to establish penalties is **Ability to Pay**. The Respondent is in dire financial straits, and is compiling documentation to submit with the Ability to Pay Claim form. Respondent's financial plight was precipitated, in part, by USACE's Cease and Desist Orders.

Respectfully submitted,



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Fax 225.271.8881

CERTIFICATE OF SERVICE

I certify that the foregoing Respondent's Prehearing Exchange, dated July 26, 2013, was filed with the Headquarters Hearing Clerk, U.S. Environmental Protection Agency, Office of Administrative Law Judges, 1300 Pennsylvania Avenue NW, M-1200, Washington DC 20004, and a true and correct copy was sent to the following on this 26th day of July, 2013, in the following manner:

VIA UPS:

M. Lisa Buschmann, Administrative Law Judge
US EPA, Office of Administrative Law Judges
1300 Pennsylvania Avenue NW
Mail Code 1900R
Washington DC 20460

Tucker Henson
Assistant Regional Counsel (6RC-EW)
Office of Regional Counsel
US EPA Region 6
1445 Ross Av
Dallas TX 75202-2733
Henson.tucker@epa.gov



Robert W. Morgan

Dated: July 26, 2013



CWA-06-2012-2710 EPA vs. Swain, Prehearing Exchange

Bob Morgan

to:

oaljfilng

07/29/2013 11:58 AM

Hide Details

From: Bob Morgan <morganlaw@bellsouth.net>

To: oaljfilng@EPA

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Please respond to Bob Morgan <morganlaw@bellsouth.net>

1 Attachment



GSRC Wetlands Delineation.PDF

Attached is Wetlands Delineation for Megan's Way that did not transmit in our previous message.

Bob Morgan

225.223.2144

225.933.6798

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WETLAND DELINEATION
58-acre Wetland Delineation
Sections 6 and 7, T-6-S, R-4-E
Livingston Parish, Louisiana

Prepared for:
Meagan's Way, LLC

Submitted by:
Gulf South Research Corporation
Baton Rouge, Louisiana



October 2007

EXECUTIVE SUMMARY

- LOCATION** The project site is located on Nancy Drive, south of Louisiana Highway 1024 and east of Louisiana Highway 447 in Walker, Louisiana. More specifically, the property is located in Sections 6 and 7, T-6-S, R-4-E, Livingston Parish, Louisiana.
- SITE DESCRIPTION** The project site consists of a harvested hardwood-pine forest community with some remnant patches of the forest community standing onsite. An emergent wetland area in the southern portion of the site was also observed. Dominant species in the remnant forest included spruce pine (*Pinus glabra*), Drummond red maple (*Acer rubrum drummondii*), sweetgum (*Liquidambar styraciflua*), persimmon (*Diospyros virginiana*), dwarf palmetto (*Sabal minor*), bluebeech (*Carpinus caroliniana*), and southern dewberry (*Rubus trivialis*). Beakrush (*Rhynchospora inexpansa*), primrose (*Ludwigia alternifolia*), and marsh flatsedge (*Cyperus pseudovegetus*) were common within the emergent wetland community. According to the *Soil Survey of Livingston Parish, Louisiana*, the soils within the project site are mapped as Deerford-Verdun silt loams (Dv), Encrow silt loam (En), Ouachita, Ochlockonee, and Guyton soils (OU), and Gilbert silt loam (Gb).
- FINDINGS** Based on the routine field investigation, the site contains approximately 0.54 acre of potential wetlands and approximately 856 linear feet (0.16 acres) of potential Waters of the United States. The site has been disturbed and no confirmation of connectivity of wetlands and Waters of the United States have been made.

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- Appendix B. PHOTOGRAPHS

1.0 INTRODUCTION

The following report summarizes a wetland delineation completed by Gulf South Research Corporation (GSRC), for Meagan's Way, LLC on an approximately 58-acre site in Livingston Parish, Louisiana. The purpose of this study is to identify and quantify potential wetland areas within the project site that may meet the jurisdictional criteria of Waters of the United States (U.S.), including wetlands.

Wetlands are defined as "areas that are inundated or saturated at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (40 Code of Federal Regulations [CFR] 230.3). The *1987 Corps of Engineers Wetland Delineation Manual* follows a three-parameter approach to wetland delineations. A site must contain hydric soils, wetland hydrology, and a dominance of hydrophytic vegetation in order to be considered a wetland (Environmental Laboratory 1987).

A hydric soil is a soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil column. The concept of hydric soils includes soils developed under sufficiently wet conditions to support the growth and regeneration of hydrophytic vegetation. Soils that are sufficiently wet because of artificial measures are included in the concept of hydric soils. Also, soils in which the hydrology has been artificially modified are hydric if the soil, in an unaltered state, was hydric. Some soil series, designated as hydric, have phases that are not hydric depending on water table, flooding, and ponding characteristics (U.S. Department of Agriculture Natural Resources Conservation Service [USDA NRCS] 2003).

Hydrophytic vegetation is defined as "macrophytic plant life that occurs in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present" (Environmental Laboratory 1987).

Wetland hydrology encompasses all hydrological characteristics of areas that are periodically inundated or have soils saturated to the surface at some time during the growing season (Environmental Laboratory 1987). Evidence of wetland hydrology is

most prevalent in areas where the presence of water is so prominent in the ecosystem that it has influenced the vegetation and soil characteristics of the area.

Deepwater aquatic habitats are "areas that are permanently inundated at mean annual water depths greater than 6.6 feet, or permanently inundated areas less than or equal to 6.6 feet in depth that do not support rooted-emergent or woody plant species" (Environmental Laboratory 1987). Diagnostic criteria for vegetation, soils, and hydrology are: no rooted-emergent or woody plant species present in the area, soils substrate not defined as a soil if the water present is greater than 6.6 feet deep or if the soil does not support rooted, emergent, or woody plants, and permanent inundation with a mean water depth of greater than 6.6 feet. Any area that meets these criteria is commonly classified as "Other Waters of the U.S." (Environmental Laboratory 1987).

2.0 LOCATION

The project site is located on Nancy Drive, south of Louisiana Highway 1024 and east of Louisiana Highway 447 in Walker, Louisiana (Figure 1). More specifically, the property is located in Sections 6 and 7, T-6-S, R-4-E, Livingston Parish, Louisiana. The project site is bordered by residential subdivisions to the north and by forestland to the east, south, and west (Figure 2).

3.0 METHODOLOGY

GSRC conducted the wetland delineation in accordance with Section D, Subsection 2 of *Technical Report Y-87-1, Corps of Engineers Wetlands Delineation Manual*. References include the *Soil Survey of Livingston Parish, Louisiana* (USDA Soil Conservation Service [SCS] 1991) (Figure 3); and the *National List of Plant Species That Occur in Wetlands: Southeast* (Region 2), May 1998 (USFWS 2004).

Field investigations were conducted on August 31, 2007 to determine the presence and extent of potential jurisdictional wetlands on the project site. Three data points were established, to characterize the potential jurisdictional wetland and upland areas, during the field investigation of the project site. Routine Wetland Delineation Data Forms, as approved by Headquarters, U.S. Army Corps of Engineers (USACE) (1992), were completed at three data points (Appendix A). These forms contain sufficient information

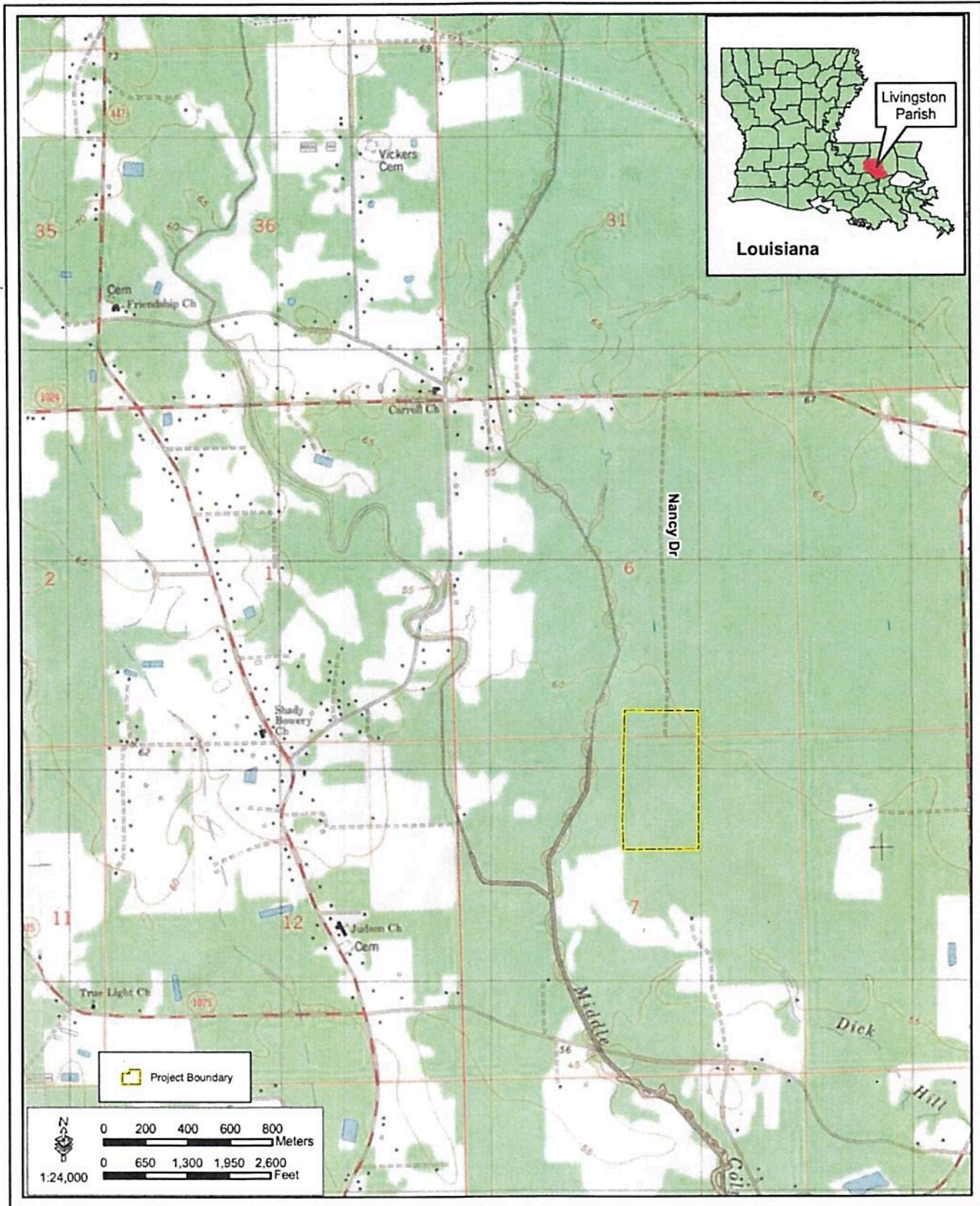


Figure 1: Project Location Map
 Megan's Way Subdivision
 Sections 6 and 7, T6S, R4E



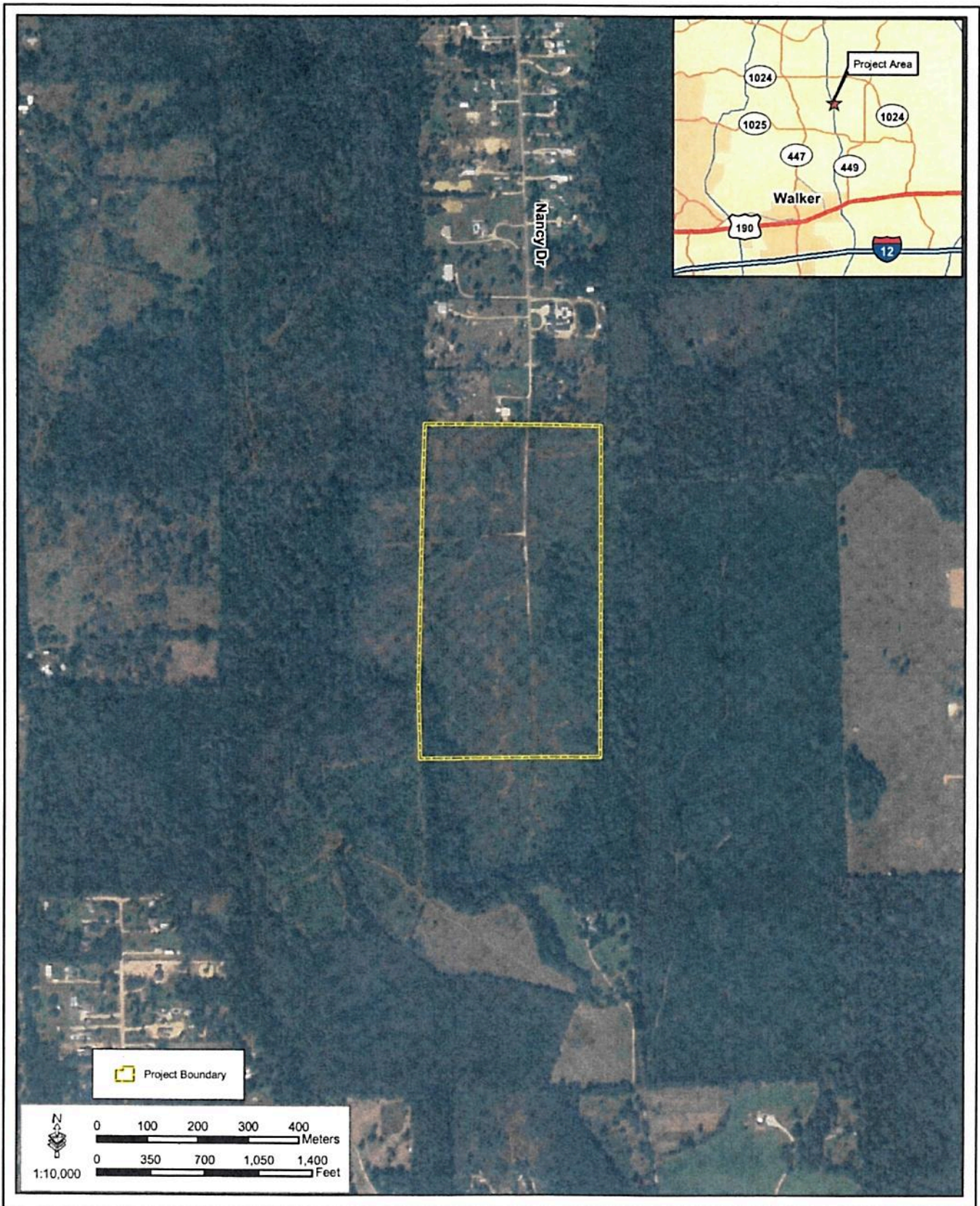


Figure 2: Project Area Map
 Megan's Way Subdivision
 Sections 6 and 7, T6S, R4E



August 2007

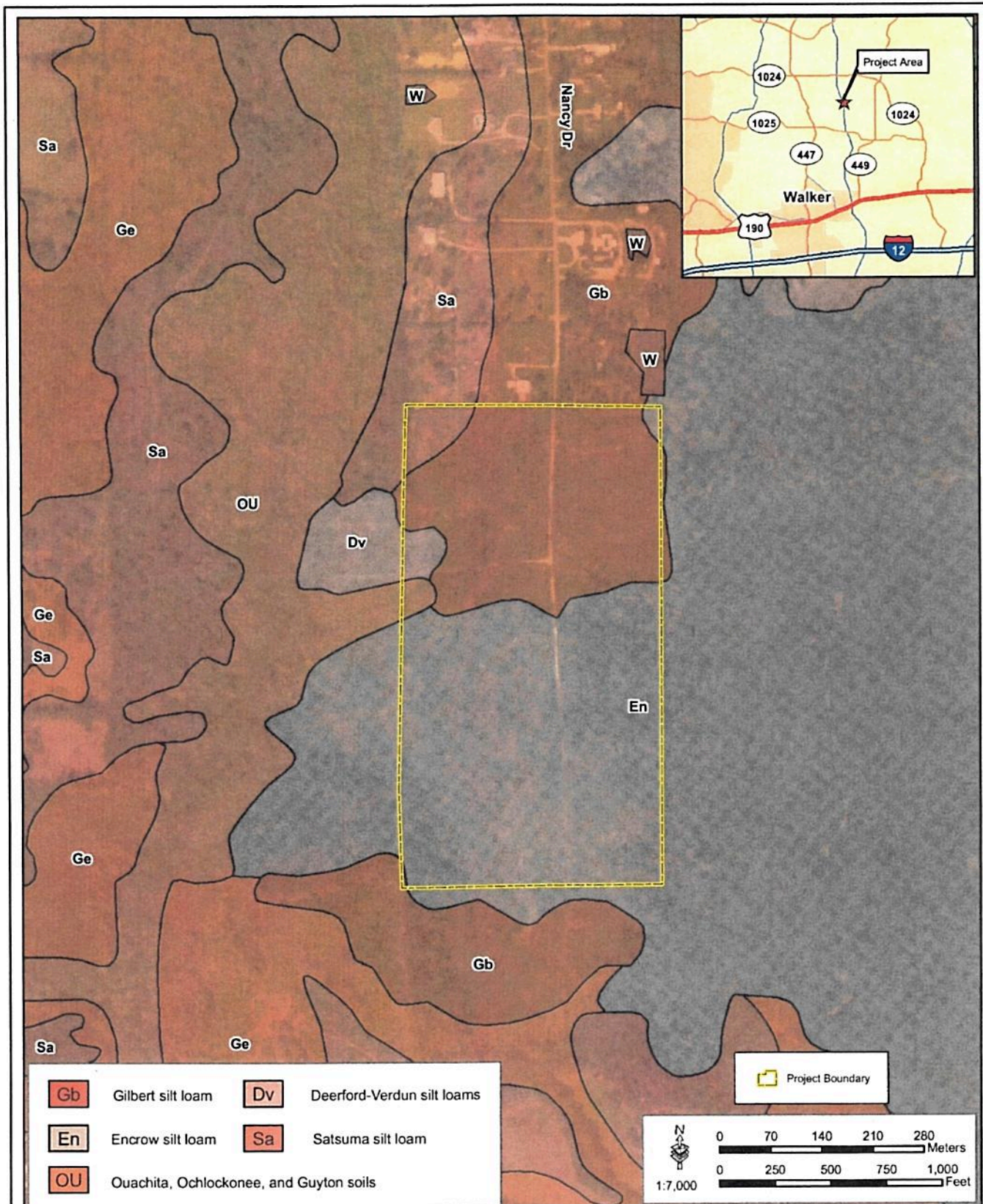


Figure 3: Soil Survey Map
Megan's Way Subdivision
Sections 6 and 7, T6S, R4E

regarding the presence or absence of hydric soils, hydrophytic vegetation, and wetland hydrology, to support the establishment of a wetland boundary.

A soil pit was excavated to a depth of approximately 18 inches at each sample site to confirm the soil series present on-site. The soil pit remained open for at least 15 minutes to allow the pit to fill with water, if present. Soils were analyzed to a depth of approximately 18 inches. Information recorded on the data form included soil colors (hue, value, and chroma as per the 1998 revised edition of the Munsell Color Chart [Gretag Macbeth 1998]) size, abundance, and depth of mottles as well as soil texture. Soil texture was determined using the "texture by feel" analysis.

Dominant vegetation was sampled by ocular estimation of percent cover. Vegetation accounting for greater than or equal to 20 percent of the species present was recorded. Dominant vegetation was recorded on the data form along with the indicator status as listed in the *National List of Plant Species Occurring in Wetlands (Region 2)* published by the U.S. Fish and Wildlife Service (USFWS 2004). Once the dominant vegetation was recorded and evaluated, if more than 50 percent of the dominant vegetation had an indicator status of Facultative (FAC), Facultative Wetland (FACW), or Obligate (OBL) the hydrophytic vegetation criterion was recorded as positive.

Wetland hydrology indicators were also recorded at the sample site as per the USACE requirements. If at least one primary or two secondary indicators of wetland hydrology were present, the sample site was classified as having wetland hydrology.

Photographs provided in Appendix B show overviews of each sample site, a representative soil profile at each sample site, and an overview of the potential Waters of the U.S.

4.0 RESULTS

The following sub-sections provide a characterization of the project site and a description for each sample site. The project site characterization provides a brief description of the project site, including dominant plant species. The sample site sub-section describes the plant community, soil conditions, and hydrological conditions

observed at each of the sample sites. Potential jurisdictional wetlands and/or Waters of the U.S. within the project site are shown in Figure 4.

4.1 Characterization of the Project Site

The project site consists of a harvested hardwood-pine forest community with some remnant patches of the forest community standing onsite. A large emergent wetland area in the southern portion of the site was also observed. Dominant species in the remnant forest included spruce pine (*Pinus glabra*), Drummond red maple (*Acer rubrum drummondii*), sweetgum (*Liquidambar styraciflua*), persimmon (*Diospyros virginiana*), dwarf palmetto (*Sabal minor*), bluebeech (*Carpinus caroliniana*), and southern dewberry (*Rubus trivialis*). Beakrush (*Rhynchospora inexpansa*), primrose (*Ludwigia alternifolia*), and marsh flatsedge (*Cyperus pseudovegetus*) were common within the emergent wetland community. An un-named drain travels through the southeastern portion of the site.

According to the *Soil Survey of Livingston Parish, Louisiana*, the soils within the project site are mapped as Deerford-Verdun silt loams (Dv), Encrow silt loam (En), Ouachita, Ochlockonee, and Guyton soils (OU), and Gilbert silt loam (Gb) (see Figure 3).

Characterization of Sample Sites

All sample sites established during this wetland delineation are described in detail below. The potential jurisdictional wetlands located within the project site are shown in Figure 4.

Plot 1

Plot 1 is located within the southwestern corner of project site (Figure 4). This sample site was vegetated with spruce pine, Drummond red maple, persimmon, dwarf palmetto, bluebeech, deciduous holly (*Ilex decidua*), Chinese tallow-tree (*Sapium sebiferum*), and southern dewberry. All (100 percent) of the vegetation observed at the sample site is considered hydrophytic (Appendix A).

At 14 inches, soil colors in this area were 10YR 7/2 with no mottles. From 14 inches to greater than 16 inches, the soil colors were 10YR 8/2 with no mottles. The soil profile more closely resembles Gilbert silt loams (Gb) than the Encrow soils as mapped. Gilbert soils are listed as hydric soils on both the National and Louisiana Hydric Soils lists; however, field characteristics of the soils sampled at Plot 1 confirmed that the soil is not

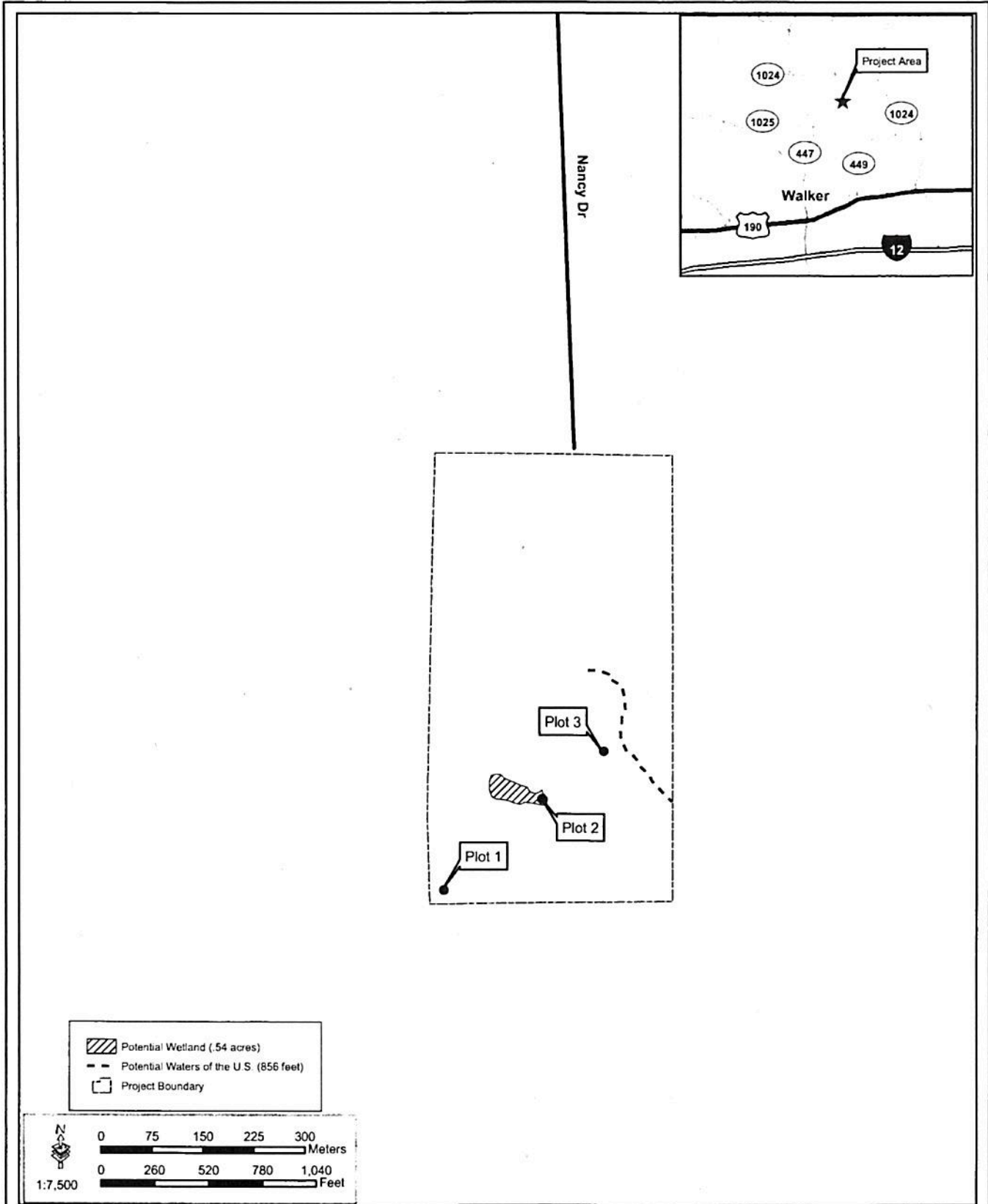


Figure 4: Wetland Map
 Megan's Way Subdivision
 Sections 6 and 7, T6S, R4E

functioning as a hydric soil. No primary wetland hydrology indicators and only one secondary wetland hydrology indicator was recorded at Plot 1, local soil survey data. This sample site is not considered to be within a potential jurisdictional wetland due to the lack of wetland hydrology and hydric soils (Appendix A).

Plot 2

Plot 2 is located in an emergent wetland community in the southwestern portion of the subject property (see Figure 4). Plant species such as beakrush, primrose, marsh flatsedge, and alligator weed (*Alternanthera philoxeroides*) were observed as dominant at the sample site. All (100 percent) of the vegetation observed at the sample site is considered hydrophytic (Appendix A).

At 4 inches, soil color in this area was 10YR 6/2. From 4 inches to greater than 16 inches, the soil color was 10YR 7/1 with many, medium, prominent 10YR 6/8 mottles. The soil type was confirmed as Encrow silt loam, as mapped. Encrow soils are listed as a hydric soil on the Louisiana and the National Hydric Soils Lists. Field characteristics of the soils sampled at Plot 2 confirmed that the soil is functioning as a hydric soil. Primary wetland hydrology indicators observed at the sample site included inundation, saturation in the upper 12 inches of the soil, and drainage patterns in the wetlands. Secondary wetland hydrology indicators recorded were water-stained leaves and local soil survey data. This sample site is considered to be within a potential jurisdictional wetland (Appendix A).

Plot 3

Plot 3 is located within the eastern portion of project site (Figure 4). This sample site was vegetated with sweetgum, Chinese tallow-tree, Drummond red maple, winged elm (*Ulmus alata*), poison ivy (*Toxicodendron radicans*), muscadine (*Vitis rotundifolia*), Japanese climbing fern (*Lygodium japonicum*), cat greenbrier (*Smilax glauca*), Japanese honeysuckle (*Lonicera japonica*), and woodsoats (*Chasmanthium* sp.). The hydrophytic vegetation criterion was met, as 82 percent of the dominant species found at the sample site are considered hydrophytic (Appendix A).

The soil sample was an equal mixture of the colors 2.5Y 7/3 and 2.5Y 6/3 for the complete depth of the sample. There were no visible mottles. The soil profile more closely resembles Deerford soils than the Encrow soils as mapped. Deerford soils are

listed as hydric soils on both the National and Louisiana Hydric Soils lists. Field characteristics of the soils sampled at Plot 3 confirmed that the soil is not functioning as a hydric soil. No primary wetland hydrology indicators and only one secondary wetland hydrology indicator was recorded at Plot 3, local soil survey data. This sample site is not considered to be within a potential jurisdictional wetland due to the lack of wetland hydrology and hydric soils (Appendix A).

Un-named Drain

An un-named drain trends through the southeastern portion of the project site. The drain is 6 to 8 feet wide from top bank to top bank and approximately 2 feet deep at its terminus at the road. The drain is less than 12 inches deep at the eastern property boundary. There was approximately 2 to 4 inches of water in the drain at the time of the wetland delineation field survey; however, there was no flow.

5.0 CONCLUSION

Based on the routine field investigation, the site contains approximately 0.54 acre of potential jurisdictional wetlands and approximately 856 linear feet (0.16 acres) of potential Waters of the United States that would require a Section 404 permit prior to any mechanical clearing or placement of fill material. A Section 401 Water Quality Certification would be necessary as part of the Section 404 permitting process to confirm that potential projects on the project site would comply with Louisiana's water quality standards and other aquatic resource protection requirements. The hydrology of the site has been altered, so confirming the connectivity of the potential wetlands and the Waters of the United States was difficult at the time of the field survey.

6.0 QUALIFICATIONS

Although GSRC uses the same criteria and methodology as that of the USACE, due to the degree of subjectivity associated with studies of this type, there may be some degree of variance in delineation results. Consequently, GSRC's opinion may not necessarily reflect that of the USACE, nor does it relieve the client of any legal obligations to verify the wetland findings, consult with the USACE, and possibly obtain a Department of the Army permit prior to performing any dredging, filling, and/or construction operations in

Waters of the U.S., including wetlands. GSRC's findings should be verified by the USACE.

7.0 REFERENCES

- Code of Federal Regulations. 2003. Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material. Title 40, Volume 22, Part 230.3.
- Environmental Laboratory. 1987. U.S. Army Corps of Engineers (USACE) Wetlands Delineation Manual, Technical Report Y-87-1. U.S. Army Engineer Waterways Experiment Station, Vicksburg, Mississippi.
- Gretag Macbeth. 1998. Munsell Soil Color Charts. Revised Washable Edition. New Windsor, New York.
- U.S. Army Corps of Engineers. 1992. Routine Wetland Delineation Data Form as Approved by Headquarters March 1992.
- U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). 2003. Field Indicators of Hydric Soils in the United States, Version 5.01. G.W. Hurt, P.M. Whited, and R.F. Pringle (eds.). USDA, NRCS in cooperation with the National Technical Committee for Hydric Soils, Fort Worth, TX.
- USDA Soil Conservation Service (SCS). 1991. Soil Survey of Livingston Parish, Louisiana.
- U.S. Fish and Wildlife Service (USFWS). 2004. *National List of Plant Species That Occur in Wetlands: South Plains* (Region 2), May 1998. Internet Resource: <http://www.nwi.fws.gov/bha/>. (Accessed April 6, 2004).

**APPENDIX A
WETLAND DELINEATION DATA FORMS**

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>Meagan's Way</u>	Date: <u>31-Aug-07</u>
Applicant/Owner: <u>Paco Swain</u>	County: <u>Livingston</u>
Investigator: <u>M. Reid, C. Cothron</u>	State: <u>LA</u>
Do Normal Circumstances exist on the site? Yes	Community ID: <u>pine/hardwood</u>
Is the site significantly disturbed (Atypical Situation)? No	Transect ID: _____
Is the area a potential Problem Area? No	Plot ID: <u>1</u>
(If needed, explain on reverse.)	

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u><i>Pinus glabra</i></u>	<u>T</u>	<u>FACW</u>	9. <u><i>Rubus trivialis</i></u>	<u>H</u>	<u>FAC</u>
2. <u><i>Acer rubrum drummondii</i></u>	<u>T</u>	<u>FAC</u>	10. _____	_____	_____
3. <u><i>Diospyros virginiana</i></u>	<u>T</u>	<u>FAC</u>	11. _____	_____	_____
4. <u><i>Sabal minor</i></u>	<u>S/S</u>	<u>FACW</u>	12. _____	_____	_____
5. <u><i>Carpinus caroliniana</i></u>	<u>S/S</u>	<u>FAC</u>	13. _____	_____	_____
6. <u><i>Acer rubrum drummondii</i></u>	<u>S/S</u>	<u>FAC</u>	14. _____	_____	_____
7. <u><i>Ilex decidua</i></u>	<u>S/S</u>	<u>FACW-</u>	15. _____	_____	_____
8. <u><i>Sapium sebiferum</i></u>	<u>H</u>	<u>FAC</u>	16. _____	_____	_____
Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-).					100%
Remarks:					

HYDROLOGY

<input type="checkbox"/> Recorded Data (Describe in Remarks): <input type="checkbox"/> Stream, Lake, or Tide Gauge <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available	Wetland Hydrology Indicators Primary Indicators: <u>N</u> Inundated <u>N</u> Saturated in Upper 12 Inches <u>N</u> Water Marks <u>N</u> Drift Lines <u>N</u> Sediment Deposits <u>N</u> Drainage Patterns in Wetlands Secondary Indicators (2 or more required) <u>N</u> Oxidized Root Channels in Upper 12 Inches <u>N</u> Water-Stained Leaves <u>Y</u> Local Soil Survey Data <u>N/A</u> FAC Neutral Test _____ Other (Explain in Remarks)
Field Observations Depth of Surface Water: <u>NA</u> (in.) Depth to Free Water in Pit: <u>NA</u> (in.) Depth to Saturated Soil: <u>NA</u> (in.)	
Remarks: Plot taken in lowest area of remaining forest.	

SOILS

Map Unit Name		(Series and Phase): <u>Encrow silt loam (En)</u>		Drainage Class:	<u>PD</u>
Taxonomy (Subgroup):		<u>Typic Glossaqualfs</u>		Field Observations	
				Confirm Mapped Type?	<u>No</u>
Profile Description:					
Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
<u>0-14</u>		<u>10YR 7/2</u>			<u>silt loam</u>
<u>14-16+</u>		<u>10YR 8/2</u>			<u>silt loam</u>
Hydric Soil Indicators:					
<u>N</u>	Histosol		<u>N</u>	Concretions	
<u>N</u>	Histic Epipedon		<u>N</u>	High Organic Content in Surface Layer in Sandy Soils	
<u>N</u>	Sulfidic Odor		<u>N</u>	Organic Streaking in Sandy Soils	
<u>Y</u>	Aquic Moisture Regime		<u>Y</u>	Listed on Local Hydric Soils List	
<u>N/A</u>	Reducing Conditions		<u>Y</u>	Listed on National Hydric Soils List	
<u>N</u>	Gleyed or Low-Chroma Colors		<u> </u>	Other (Explain in Remarks)	
Remarks:					
Soils in sample more closely resemble Gilbert soils. Gilbert soils are listed on the Louisiana and National Hydric soils lists.					

WETLAND DETERMINATION

Hydrophytic Vegetation Present?	<u>Yes</u>	Is this Sampling Point Within a Wetland? No
Wetland Hydrology Present?	<u>No</u>	
Hydric Soils Present?	<u>No</u>	
Remarks :		

Approved by HQUSACE 3/92

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>Meagan's Way</u>	Date: <u>31-Aug-07</u>
Applicant/Owner: <u>Paco Swain</u>	County: <u>Livingston</u>
Investigator: <u>M. Reid, C. Cothron</u>	State: <u>LA</u>
Do Normal Circumstances exist on the site? Yes	Community ID: <u>emergent wetland</u>
Is the site significantly disturbed (Atypical Situation)? Yes	Transect ID: _____
Is the area a potential Problem Area? No	Plot ID: <u>2</u>
(If needed, explain on reverse.)	

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Rhynchospora inexpansa</u>	<u>H</u>	<u>FACW</u>	9. _____	_____	_____
2. <u>Ludwigia alternifolia</u>	<u>H</u>	<u>OBL</u>	10. _____	_____	_____
3. <u>Cyperus pseudovegetus</u>	<u>H</u>	<u>FACW</u>	11. _____	_____	_____
4. <u>Alternanthera philoxeroides</u>	<u>H</u>	<u>OBL</u>	12. _____	_____	_____
5. _____	_____	_____	13. _____	_____	_____
6. _____	_____	_____	14. _____	_____	_____
7. _____	_____	_____	15. _____	_____	_____
8. _____	_____	_____	16. _____	_____	_____
Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-).					100%
Remarks:					

HYDROLOGY

<input type="checkbox"/> Recorded Data (Describe in Remarks): <input type="checkbox"/> Stream, Lake, or Tide Gauge <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available	Wetland Hydrology Indicators Primary Indicators: <u>Y</u> Inundated <u>Y</u> Saturated in Upper 12 Inches <u>N</u> Water Marks <u>N</u> Drift Lines <u>N</u> Sediment Deposits <u>Y</u> Drainage Patterns in Wetlands
Field Observations Depth of Surface Water: <u><6</u> (in.) Depth to Free Water in Pit: <u>12</u> (in.) Depth to Saturated Soil: <u>surface</u> (in.)	Secondary Indicators (2 or more required) <u>N</u> Oxidized Root Channels in Upper 12 Inches <u>Y</u> Water-Stained Leaves <u>Y</u> Local Soil Survey Data <u>N/A</u> FAC Neutral Test _____ Other (Explain in Remarks)
Remarks: Plot taken at water's edge	

SOILS

Map Unit Name		(Series and Phase): Encrow silt loam (En)		Drainage Class:	PD
Taxonomy (Subgroup):		Typic Glossaqualfs		Field Observations	
				Confirm Mapped Type ?	Yes
Profile Description:					
Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc.
0-4		10YR 6/2			clay
4-16+		10YR 7/1	10YR 6/8	M2P	clay
Hydric Soil Indicators:					
<u>N</u>	Histosol	<u>N</u>	Concretions		
<u>N</u>	Histic Epipedon	<u>N</u>	High Organic Content in Surface Layer in Sandy Soils		
<u>N</u>	Sulfidic Odor	<u>N</u>	Organic Streaking in Sandy Soils		
<u>Y</u>	Aquic Moisture Regime	<u>Y</u>	Listed on Local Hydric Soils List		
<u>N/A</u>	Reducing Conditions	<u>Y</u>	Listed on National Hydric Soils List		
<u>Y</u>	Gleyed or Low-Chroma Colors		Other (Explain in Remarks)		
Remarks:					

WETLAND DETERMINATION

Hydrophytic Vegetation Present?	<u>Yes</u>	Is this Sampling Point Within a Wetland?
Wetland Hydrology Present?	<u>Yes</u>	
Hydric Soils Present?	<u>Yes</u>	
Remarks :		

Approved by HQUSACE 3/92

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>Meagan's Way</u>	Date: <u>31-Aug-07</u>
Applicant/Owner: <u>Paco Swain</u>	County: <u>Livingston</u>
Investigator: <u>M. Reid, C. Cothron</u>	State: <u>LA</u>
Do Normal Circumstances exist on the site? Yes	Community ID: <u>pine/hardwood</u>
Is the site significantly disturbed (Atypical Situation)? No	Transect ID: _____
Is the area a potential Problem Area? No (If needed, explain on reverse.)	Plot ID: <u>3</u>

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u>Liquidambar styraciflua</u>	<u>T</u>	<u>FAC+</u>	9. <u>Smilax glauca</u>	<u>WV</u>	<u>FAC</u>
2. <u>Sapium sebiferum</u>	<u>T</u>	<u>FAC</u>	10. <u>Lonicera japonica</u>	<u>WV</u>	<u>FAC-</u>
3. <u>Acer rubrum drummondii</u>	<u>T</u>	<u>FAC</u>	11. <u>Toxicodendron radicans</u>	<u>H</u>	<u>FAC</u>
4. <u>Acer rubrum drummondii</u>	<u>S/S</u>	<u>FAC</u>	12. <u>Chasmanthium sp.</u>	<u>H</u>	
5. <u>Ulmus alata</u>	<u>S/S</u>	<u>FACU+</u>	13. _____		
6. <u>Toxicodendron radicans</u>	<u>WV</u>	<u>FAC</u>	14. _____		
7. <u>Vitis rotundifolia</u>	<u>WV</u>	<u>FAC</u>	15. _____		
8. <u>Lygodium japonicum</u>	<u>WV</u>	<u>FAC</u>	16. _____		
Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-).					82%
Remarks:					

HYDROLOGY

<input type="checkbox"/> Recorded Data (Describe in Remarks): <input type="checkbox"/> Stream, Lake, or Tide Gauge <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available	Wetland Hydrology Indicators Primary Indicators: <u> N </u> Inundated <u> N </u> Saturated in Upper 12 Inches <u> N </u> Water Marks <u> N </u> Drift Lines <u> N </u> Sediment Deposits <u> N </u> Drainage Patterns in Wetlands Secondary Indicators (2 or more required) <u> N </u> Oxidized Root Channels in Upper 12 Inches <u> N </u> Water-Stained Leaves <u> Y </u> Local Soil Survey Data <u> N/A </u> FAC Neutral Test _____ Other (Explain in Remarks)
Field Observations Depth of Surface Water: <u> NA </u> (in.) Depth to Free Water in Pit: <u> NA </u> (in.) Depth to Saturated Soil: <u> NA </u> (in.)	
Remarks:	

SOILS

Map Unit Name					
(Series and Phase):		<u>Encrow silt loam (En)</u>		Drainage Class:	<u>PD</u>
				Field Observations	
Taxonomy (Subgroup):		<u>Typic Glossaqualfs</u>		Confirm Mapped Type ?	<u>No</u>
Profile Description:					
Depth	Horizon	Matrix Color	Mottle Colors	Mottle	Texture, Concretions,
(inches)		(Munsell Moist)	(Munsell Moist)	Abundance/Contrast	Structure, etc.
<u>0-16+</u>		<u>2.5Y 7/3</u>			<u>silt loam</u>
		<u>2.5Y 6/3</u>			<u>silt loam</u>
Hydric Soil Indicators:					
<u>N</u>	Histosol	<u>N</u>	Concretions		
<u>N</u>	Histic Epipedon	<u>N</u>	High Organic Content in Surface Layer in Sandy Soils		
<u>N</u>	Sulfidic Odor	<u>N</u>	Organic Streaking in Sandy Soils		
<u>Y</u>	Aquic Moisture Regime	<u>Y</u>	Listed on Local Hydric Soils List		
<u>N/A</u>	Reducing Conditions	<u>Y</u>	Listed on National Hydric Soils List		
<u>N</u>	Gleyed or Low-Chroma Colors		Other (Explain in Remarks)		
Remarks:					
Soils in sample more closely resemble Deerford soils. Deerford soils are listed on the Louisiana and National Hydric soils lists. Soil color was a 50/50 matrix of 2.5Y 7/3 and 6/3.					

WETLAND DETERMINATION

Hydrophytic Vegetation Present?	<u>Yes</u>	Is this Sampling Point Within a Wetland?
Wetland Hydrology Present?	<u>No</u>	
Hydric Soils Present?	<u>No</u>	
Remarks :		

Approved by HQUSACE 3/92

**APPENDIX B
PHOTOGRAPHS**



Photograph 1. Plot 1: Gilbert soils.



Photograph 2. Plot 1: Overview of vegetation, facing southeast.



Photograph 3. Plot 2: Encrow soils.



Photograph 4. Plot 2: Overview of vegetation, facing southwest.



Photograph 5. Plot 3: Deerford soils.



Photograph 6. Plot 3: Overview of vegetation, facing southeast.



Photograph 7. Overview of un-named drain, facing east.



Photograph 8. Overview of un-named drain at terminus at road, facing east.