



View Point Farms Mitigation Bank Prospectus

Prepared for:

WYCAR Land Company, LLC

Prepared by:



Stream Restoration Concepts, LLC
505 Kapstone Crossing
Lexington, NC 27295

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1. INTRODUCTION

The following report summarizes the mitigation potential on approximately 480 +/- acres located in Section 29, Township 12 South, Range 32 West, in Little River County, Arkansas. (Figure 1). The property is centered at Latitude 33.700011°N, Longitude 94.433298°W.

The purpose of this report is to summarize the existing conditions for the proposed View Point Farms Mitigation Bank ("VPFMB") and assess the potential for establishing a mitigation bank to provide compensatory credits for unavoidable impacts to wetlands and streams associated with the Department of the Army (DA) permits authorized under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act issued by the US Army Corps of Engineers (USACE) Little Rock Districts.

2. GOALS AND OBJECTIVES

The proposed VPFMB will encompass approximately 100 +/- acres. The goal of WYCAR Land Company, L.L.C. ("WYCAR") is to create and establish a sustainable bottomland hardwood and stream restoration ecosystem on the 480 +/- acres as defined in this report.

WYCAR, the bank Sponsor, proposes to create 100 +/- acres as a sustainable bottomland and stream ecosystem by restoring and enhancing the channelized streams and enhancing portions of other creeks and other streams on the property. Currently there are approximately 26,254 linear feet of streams on the property. By adding an additional 1,850 linear feet of stream, captured from restoration of historic channels and through

use of the existing floodplain to re-establish the meander patterns, the stream length will total approximately 28,104 linear feet.

The preliminary fluvial morphology characterizations are based upon visual observations, made along the existing reaches of streams during a preliminary field investigation, desktop analysis of the stream plan forms and drainage areas, and hydraulic geometry relationships, often referred to as Regional Curves, developed for streams in the region. The intent of this preliminary assessment was not to implement a full fluvial geomorphological assessment of the streams for the purposes of establishing the baseline conditions required for restoration design. Rather, the intent was to confirm visual observations of numerous indicators that the streams located at the site are impaired in their dimension, pattern and profile, and that as such they are in need of re-establishment and/or enhancement/rehabilitation.

Prior to development of the Draft Mitigation Bank Instrument ("DMBI"), all stream reaches on the site will be surveyed by qualified stream restoration engineers and scientists to document their existing baseline conditions. These assessments will include full fluvial geomorphological stream characterization and classification assessments in accordance with the protocols set forth by Rosgen (1996 and 2006). The full fluvial geomorphological assessment will yield the exact levels of impairment and the appropriate form of restoration to be implemented on each separate and discernable stream reach on the site.

WYCAR intends for the VPFMB to serve as a stream restoration and bottomland hardwood mitigation bank offering for sale, wetland mitigation and stream credits for unavoidable impacts to wetlands and streams associated with Department of the Army ("DA") Section 404 permits. A conservation servitude will be executed for both types of the mitigation implemented. Through a contractual agreement with permit recipients, WYCAR will, for a fee to be paid by permittees, commit to implementing the mitigation specified in DA Section 404 permits and incur the responsibility of the long-term maintenance, management, protection and overall success of the VPFMB.

3. OWNERSHIP

a. Ownership

The sponsor for the project is WYCAR and they hold the legal mitigation rights of the land in the proposed View Point Farms Mitigation Bank.

b. Servitudes/Easements

Currently there are no easements on the subject property.

c. Liens/Encumbrances/Restrictions

Currently there are no known liens, encumbrances, or restrictions on the property proposed for the mitigation bank.

4. CURRENT SITE CONDITIONS

The tract is located approximately 9.75 miles northwest of Foreman, AR (Figure 1). Access to the tract is gained via State Road 108 which is the southern boundary, and County Road 20 which bisects the tract from North to South, West of center. The VPFMB is centered at Latitude 33.700011°N, Longitude 94.433298°W in Section 29, Township 12 South, Range 32 West, in Little River County, Arkansas. (Figure 2-3)

Little River County has a humid, subtropical climate characterized by relatively high rainfall in average years. The relative humidity is 60 percent or more 72 percent of the time. Temperatures of 32 degrees or lower occur on an average of 43 days a year, and temperatures of 90 degrees or higher occur on an average of 103 days a year. The average frost free period is 222 days a year, (United States Department of Agriculture (USDA) Soil Conservation Service 1962).

5. EXISTING LAND USE

The subject property is currently being utilized as a cattle ranch/farm and the livestock have full access to the existing waters of the United States. The property is surrounded by farm land and single family residential. (Figure4)

a. Existing Plant Communities

Dominant habitats associated with the jurisdictional wetlands on the tract consisted of bottomland hardwood interspersed with small amounts of cypress present along the stream channels.

Species identified within these habitats include green ash (*Fraxinus pennsylvanica*), sweet gum (*Liquidambar styraciflua*), swamp chestnut (*Quercus michauxii*), American beech (*Fagus grandifolia*), bald cypress (*Taxodium distichum*), black willow (*Salix nigra*), alligator weed (*Aiternanthera philoxeroides*), Carolina foxtail (*Alopecurus carolinianus*), deer tongue (*Dichanthelium clandestinum*), short bristled horned beaksedge (*Rhynchospora comiculata*), loose flower water willow (*Justicia ovata*), lizard tail (*Saururus cernuus*), sweet gum (*Liquidambar styraciflua*), cherry bark oak (*Quercus pagoda*), water oak (*Quercus nigra*), Chinese tallow (*Triadica sebifera*), loblolly pine (*Pinus taeda*), green briar (*Smilax bona-nox*), dew berry (*Rubus trivialis*), clustered fescue (*Festuca paradoxa*),

Johnson grass (*Sorghum halepense*), Bermuda grass (*Cynodon dactylon*), alligator weed (*Aitemanthera philoxeroides*), common rush (*Juncus effusus*), bog smart weed (*Polygonum setaceum*), deer tongue (*Dichanthelium clandestinum*), loose flower water willow (*Justicia ovata*), button bush (*Cephalanthus occidentalis*), and Virginia dayflower (*Commelina virginica*).

b. Soils

The Natural Resource Conservation Service ("NRCS") Web Soil Survey shows that the tract may be underlain by a composite of soils dominated by three primary types. The soil survey includes five map units within the approximately 480-acre site. These map units include Catalpa silty clay, 0 to 1 percent slopes; Houston clay, 3 to 8 percent slopes; Oktibbeha silt loam, 3 to 8 percent slopes; Sumter silty clay loam, 5 to 12 percent slopes, eroded; and Trinity clay, occasionally flooded (Figures 5 and 6).

The Catalpa silty clay, 0 to 1 percent slopes map unit is described by SCS as a somewhat poorly drained, level soil on floodplains and low terraces. The Demopolis silty clay loam, 3 to 20 percent slopes, eroded map unit is described as a well-drained, gently sloping to moderately steep soil on hilltops and hillsides in the Blackland Prairies. The Houston clay, 3 to 8 percent slopes map unit is described as a moderately well-drained, nearly level soil on hilltops and toe slopes in the Blackland Prairies. The Louin silty clay loam, 0 to 1 percent slopes map unit is described as a somewhat poorly drained, level soil on broad flats of terraces in the Coastal Plains. The Muskogee silt loam, 1 to 3 percent slopes map unit is described as a moderately well-drained, nearly level soil on uplands and terraces. The Oktibbeha silt loam, 3 to 8 percent slopes map unit is described as a moderately well-drained, gently sloping soil on hilltops and hillsides in intermingled areas in the Blackland Prairies and Coastal Plains. The Sumter silty clay loam, 5 to 12 percent slopes, eroded map unit is described as a well-drained, gently sloping to moderately sloping soil on hilltops and hillsides in the Blackland Prairies. Finally, the Trinity clay, occasionally flooded map unit is described as a somewhat poorly drained, level soil on floodplains of streams draining the Blackland Prairies.

The Catalpa silty clay, 0 to 1 percent slopes; and Trinity clay, occasionally flooded map units identified in the area are listed by NRCS as non-hydric with the potential for hydric inclusions.

Houston clay, 3 to 8 Percent slopes; Oktibbeha silt loam, 3 to 8 percent slopes; and Sumter silty clay loam, 5 to 12 percent slopes, eroded map units identified in the area are listed as non-hydric, lacking the potential for hydric inclusions.

Little River County, Arkansas (MS059)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
15	Catalpa silty clay, 0 to 1 percent	12.0	2.5
32	Houston clay, 3 to 8 percent	60.5	12.6
49	Oktibbeha silt loam, 3 to 8 percent	121.9	25.4
76	Sumter silty clay loam, 5 to 12	55.2	11.5
77	Trinity clay, occasionally flooded	230.4	48.0
Totals for Area of Interest		480	100.0%

c. Existing Hydrology

The tract is located in the Pecan-Waterhole watershed, within the USGS Hydrologic Cataloging Unit 11140106 further defined in the 10 digit code, Walnut Bayou-Red River, as 1114010605. Sources of hydrology are rainfall, sheet flow, and drainage from ground north of the tract. Topographic elevations on the tracts range from 400 to 330 feet above the National Geodetic Vertical Datum (NGVD) for mean sea level.

The hydrology predominately drains through the site from the Northeast to the Southwest. French Creek, along with multiple tributaries, flows through the site from North to South along the East of the property. Drainage on the western portion of the property flows from the Northeast to the Southwest. This flow is captured by an un-named tributary to Walnut Bayou. A Jurisdictional Determination, mapping all Waters of the U.S. on the site, was completed in August 2019.

The main stem of French Creek and three of the five tributaries are intermittent streams, as well as the un-named tributary to Walnut Bayou. The remaining tributaries to French Creek are ephemeral streams. In addition to the French Creek tributaries, multiple linear wetland features provide drainage to the main stem of the creek (Figure 7).

TABLE 1: PRE-RESTORATION STREAM HABITAT SUMMARY

Stream Reach	Existing Length (Linear Feet)
1	2260
2	4457
3	4476
4	5267

Stream Reach	Existing Length (Linear Feet)
4a	888
5	2301
6	2553
7-8	4052
Total:	26,254

d. Geographic Service Area

The VPFMB's primary service area is located within United States Geological Survey (USGS) Hydrologic Cataloging Unit 11140106, Pecan-Waterhole. One secondary service area is identified as HUC 11140109, Lower Little Arkansas (Figure 8).

6. SITE RESTORATION PLAN

The Sponsor proposes to restore approximately 85.08 +/- acres of bottomland hardwood from pasture land grass, shrub-scrub habitat, and herbaceous habitat by planting desirable species of native vegetation.

The proposed stream restoration includes full stream restoration of the intermittent streams including channel reconfiguration and buffer planting. In stream structures, consistent with natural channel design will be utilized to establish the riffle pool gradient profile.

French Creek and the intermittent tributary restoration include stream bank stabilization with new channel geometry as indicated by reference reach sites and regional curves. In addition, buffer enhancement is proposed along the entire stream or tributary length.

The natural hydrology of the French Creek system will be restored through the removal of several beaver dams and other fallen debris which are directing critical shear stress to the banks. The beavers will be trapped and relocated according to a management plan supplied by a professional trapper.

The Walnut Bayou tributary buffer will be enhanced and flow restored via the removal of woody obstructions and beaver dams. All stable stream reaches will be preserved.

Table 2 contains post-restoration habitat and acreage descriptions, other waters of the U.S., and bottomland hardwood buffer.

There is 20,786 total linear feet of stream restoration from Reaches 1-4a and 6, and there is 7,318 total linear feet of stream enhancement/preservation from Reaches 5, 7 and 8.

The total buffer restoration/enhancement is 85.08 acres.

The existing total stream resources on the property is 26,254 linear feet, with 10,708 linear feet of ephemeral stream and 15,546 linear feet of intermittent stream (Figures 9-15).

TABLE 2: POST RESTORATION HABITAT ACREAGE SUMMARY

Stream Reach	Existing Length* (Linear Feet)	Proposed Length (Linear Feet)	Proposed Buffer (Acreage)
1	2,260	2350	3.51
2	4,457	4502	3.19
3	4,476	4776	14.23
4	5,267	5417	13.77
4a	888	1013	7.92
5	2,301	2441	5.28
5a	(wetland) 0.68ac**	750	3.44
6	2,553	2728	17.56
7-8	4,052	4127	16.18
Totals:	26,254	28,104	85.08

*Existing length determined by combination of desktop and field analysis.

**Currently a wetland swale, part of which will be converted back to a natural stream channel.

a. Surface Hydrology

Natural flow will be restored to streams by redirecting flow and changing the elevation to support the natural flow that used to exist. The natural hydrology of the French Creek system will be restored through the removal of several beaver dams and other fallen debris which are directing critical shear stress to the banks. The beavers will be trapped and relocated according to a management plan supplied by a professional trapper.

b. Proposed Bottomland Hardwood Restoration and Stream Preservation

Restoration will be accomplished by restoring natural hydrology to the tracts and planting an appropriate species mixture of bottomland hardwoods during the standard planting season (December-March).

Seedlings will be planted on approximately 85.08 +/- acres, using 12 x 12 foot spacing, for an initial stand density of at least 302 seedlings per acre. A mixture of no more than 40- to 50-percent of the selected species will be planted as will no less than 5-percent of any one species be planted in the target areas. Target areas of restoration will consist of micro-sites where vegetation will be planted based on restored hydrology and hydric soil conditions. If seedling availability renders a discrepancy of more than five percent from the desired mixture of hard-mast to soft mast species, Little Rock District approval to modify the plan will be obtained. A mixture of the following species will be planted in micro-sites to restore the tract:

Overcup oak - <i>Quercus lyrata</i>	Beech - <i>Fagus g randifolia</i>
Laurel oak - <i>Quercus laurifolia</i>	Red maple - <i>Acer rubrum</i>
Willow oak - <i>Quercus phellos</i>	American elm - <i>Ulmus americana</i>
Green ash - <i>Fraxinus pennsylvanica</i>	Cedar elm - <i>Ulmus crassifolia</i>
Loblolly pine - <i>Pinus taeda</i>	Sweetbay magnolia - <i>Magnolia</i>

7. METHODS FOR DETERMING CREDITS, RELEASE OF CREDITS AND ACCOUNTING PROCEDURES

The Sponsor proposes that approximately 85.08 +/- acres of the VPFMB can be used as compensatory mitigation through the restoration of bottomland hardwoods. The Sponsor also proposes that approximately 28,104 +/- (linear footage subject to change as engineering progresses) feet of intermittent and ephemeral stream channel can be used as compensatory mitigation through the preservation of bottomland hardwood stream channel. There are several assessment models available to determine the potential for restoring functions of the VPFMB wetlands. At present, the Southwestern Division of the US Army Corp of Engineers ("Southwestern Division" or "USACE"), Little Rock District, uses the Charleston Method (2002 addendum) to determine both the amount of credits necessary to replace forested wetland functions impacted by authorized projects and the credits available in a mitigation project. The Little Rock District uses the Little Rock Stream Method to calculate stream impacts and mitigation credits. It is anticipated that the credits will be released for mitigation, incrementally upon achievement of certain milestones such as, but not limited to, approval of the mitigation bank restoration plan, tree planting, exotic species control, hydrology restoration; etc.

The Sponsor will be responsible for keeping an up-to-date ledger of all transactions within the VPFMB. The Sponsor shall post debits of credits to the Regulatory In-lieu Fee and Bank Information Tracking System ("RIBBITS") ledger maintained by the Little Rock District. The Little Rock District will then distribute the ledger to other IRT members. Additionally, the Sponsor shall submit a statement on any or all transactions to the USACE, within 10 days of the transaction.

8. FINANCIAL ASSURANCES

Financial assurance will be in the form of an escrow account or bond approved by an adequately capitalized, federally insured depository. Specified percentages of this assurance shall be released back to the Sponsor incrementally in accordance with the achievement of milestones specified in the initial contract.

9. LONG TERM MAINTENANCE AND PROTECTION

To ensure long-term protection of all lands included in the compensatory mitigation contract, the Sponsor, its heirs, assigns or successors, will be responsible for maintaining and protecting the lands contained within the restored portions of the VPFMB in perpetuity, unless the lands are transferred to a state or federal resource agency, non-profit conservation organization, or this responsibility is contractually conveyed to another person, all of which will be subject to approval by the USACE. A conservation servitude will be prepared to include a non-profit organization or state agency as the Grantor and Holder if required by the Interagency Review Team ("IRT"). This conservation servitude specifically prohibits activities that would reduce the quality of the restored wetlands. The conservation servitude also specifies permissible activities such as hunting, fishing, and recreational use given the activity causes no negative effect on the functions and values of the restored wetlands. Forest management within the conservation servitude could be allowed provided that this activity is performed to maintain or improve the overall ecological function of the tracts. Impacts that adversely affect the function and value of the tracts which are caused by permissible activities will require permitting and subsequent mitigation.

10. ADAPTIVE MANAGEMENT

Exotic/noxious plant species (e.g., Chinese tallow-tree, cottonwood, sycamore, and black willow) will be controlled as needed until crown closure has occurred. All timber harvests and thinning operations conducted in the VPFMB will be authorized by the Little Rock District and will be performed in a manner that maintains and enhances timber stand and wildlife habitat quality.

11. SUCCESS CRITERIA

Bottomland Hardwood Restoration/Enhancement

In order for the VPFMB to be considered an acceptable mechanism for mitigating wetland impacts and stream impacts associated with DA permits, habitat created or restored in

the area must satisfy wetland criteria described in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (US Army Corps of Engineers, Wetland Regulatory Assistance Program 2010).

In order to be considered fully successful, the efforts within the VPFMB must result in the restoration of viable wetlands and streams capable of performing the important functions lost as a result of the projects it is intended to mitigate. The following criteria will be used to gauge the success of the mitigation effort:

a. Short-Term Success Criteria (Year 5): The following criteria will be used to assess the short-term project success:

- 1) Wetland hydrology (as defined in the Regional Supplement 2010) will be attained and maintained. Assessments will be made using primary and secondary indicators of wetland hydrology.
- 2) A 50% survival rate of planted and naturally recruited tree seedlings, of 151 trees per acre, will be attained through the end of the five-year monitoring requirement (Section 12). The initial hard-mast to soft-mast ratio will be maintained and the tracts will be managed to minimize populations of exotic/invasive species. This criterion will apply to initial plantings as well as any subsequent re-plantings that may be necessary.

b. Long-Term Success Criteria (Year 10): The following criteria will be used to assess the success of the project over the long term:

- 1) The plant community must be comprised primarily of hydrophytic vegetation (as defined in the Regional Supplement 2010).
- 2) Planted tracts must exhibit characteristics and diversity of viable bottomland hardwood wetlands or communities commensurate with conditions on the tracts and the age of the stand. These will include:
 - a. Adequate mid-story and understory will become established on the tract by the end of Year 5.
 - b. The tract will qualify as jurisdictional wetlands by the end of Year 5 with the exception of Act of God events (i.e. drought).
 - c. The tract will be assessed at the end of Year 10 to ensure that bottomland hardwoods are established and that adequate control of exotic/invasive species has been achieved.
- 3) No human activities that might require a DA permit will occur within the restored portions of the VPFMB without obtaining a Section 404 permit from the Little Rock District and providing mitigation for any

actual wetland loss. If a decision is made to authorize activities in previously planted portions of the VPFMB, and such activities adversely affect the quantity and quality of functional wetlands, the permit recipient will be responsible for compensation for the direct loss of wetlands, past wetland impacts that are being mitigated by these wetlands, and all temporal losses associated with the re-establishment of new mitigation tracts.

Stream Restoration and Enhancement

- c. Monitoring plan:** Monitoring of the site's restoration efforts will be performed for seven years or until agreed upon performance standards have been met. Monitoring is proposed to identify trends in stream channel morphology, riparian vegetation, and water quality.
- d. Stream:** An as-built survey of the restored streams immediately after construction will be completed to provide a baseline for post- restoration stream monitoring activities. Annual monitoring will be implemented to document any changes in both:
 - 1) Specific critical fluvial geomorphological parameters typically used in a Rosgen stream assessment protocol (Rosgen 2006), as well as,
 - 2) The five, more general stream condition parameters included in the Level 2 Stream Condition Assessment.

A photographic record of pre-construction, post-construction, and annual monitoring conditions will also be compiled.

Critical Fluvial Geomorphological Parameter Assessment

Specific critical fluvial geomorphological parameters will be assessed annually through the development of channel cross- sections on riffles and pools, grain size analysis, and a water surface profile of the channel as described in Rosgen's Watershed Assessment of River Stability and Sediment Supply (Rosgen 2006). The data will be presented in graphic and tabular format. Data to be presented will include 1) cross-sectional area; 2) bank-full width; 3) average depth; 4) maximum depth; 5) width-to-depth ratio; 6) water surface slope; and 7) stream substrate composition.

Monitoring success criteria for specific critical fluvial geomorphological parameters are provided below.

Structures

All installed structures will be stable and functioning. The specific criteria will be assessed by in-stream visual observation, in-stream measurements and photo documentation. Stable and functioning will be defined by the following:

- a. No stone or log material has migrated or moved from the point of installation.
- b. There is no loss of integrity of the structure by excessive undercutting of the channel bed.
- c. There is no erosive loss of the channel bank immediately upstream, immediately downstream, or adjacent to the structure at the near bank or far bank region.
- d. Erosion control blankets or matting are in contact with the channel bank.

Pattern

The channel pattern will remain stable and within the design parameters for the specified Stream Type. Specific criteria will be defined by the following:

- a. Pool-pool spacing/bank-full width ratio for a given reach will not decrease or increase greater than 20% over the total monitoring period.

Profile

The channel profile will remain stable and not exhibit excessive aggradation or degradation of the channel bed. Specific criteria will be defined by the following dimensionless ratios:

- a. Average water surface slope of a given reach will not decrease or increase greater than 20% over the total monitoring period.
- b. Riffle slope/average water slope ration of a given riffle in a given reach will not decrease or increase greater than 20% over the total monitoring period.

Dimension

The channel dimension will remain stable and not exhibit substantial widening of bank-full width or changes in riffle bank-full mean depth. Specific criteria will be defined by the following dimensionless ratios:

- a. Bank-full cross-sectional area of a given riffle or pool will not decrease or increase greater than 20% over the total monitoring period.
- b. Bank-full width of a given riffle or pool will not increase greater than 20% over the total monitoring period (it is anticipated that bank-full widths will decrease as vegetation is established and the constructed channel side slopes evolve to more vertical slopes, typical of natural E stream types).
- c. Width/depth ratio of a given riffle will not increase greater than 20% over the total monitoring period (again, it is anticipated that bank-full widths will decrease, thereby decreasing width/depth ratios, as vegetation is established and the constructed channel side slopes evolve to more vertical slopes, typical of natural E stream types).
- d. Bank height ratio of a given riffle will not increase greater than 20% over the total monitoring period.
- e. Maximum depth of a given pool will not decrease greater than 30% or increase greater than 100% over the total monitoring period.

Vegetation in the Stream Restoration & Enhancement Areas

After planting of the riparian corridor has been completed, an initial evaluation will be performed to verify planting methods were successful, and to determine the post-restoration, baseline species composition and density. Supplemental planting and additional modifications will be implemented, if necessary.

During quantitative vegetation sampling in early fall after the first full growing season, sample plots will be randomly placed within the site. In each sample plot, vegetation parameters to be monitored include species composition and species density. Visual observations of the percent cover of shrub and herbaceous species will also be recorded.

Vegetation Success Criteria

Characteristic species include woody shrub and herbaceous species planted in the riparian stream areas. An average density of 151 stems per acre of Characteristic Shrub & Herbaceous Species must be surviving in the first five monitoring years. Subsequently, 130 stems of Characteristic Shrub & Herbaceous Species per acre must be surviving in year 10.

12. MONITORING, REPORTING, AND CORRECTIVE ACTIONS

Monitoring Provisions

The Sponsor agrees to perform all necessary work to monitor the VPFMB, and to demonstrate compliance with the success criteria established for the bank. The Sponsor will establish long-term monitoring plots as the time of seedling planting.

Monitoring Reports

Monitoring reports will be provided to the Little Rock District and/or the Vickburg District office (depending on which district takes the lead on this bank project) no later than December 15th following the first, fifth, and tenth growing seasons. In the event that monitoring reveals that initial success criteria have not been met, the Sponsor will take measures to achieve the criteria the following year. Monitoring, reporting, and remedial actions will be conducted in accordance with the following:

- a. The Sponsor will conduct surveys of living seedlings within the planted tract one year, five years, and ten years post-planting. In addition, a baseline sampling and long-term monitoring plot establishment will be conducted between April 15 and November 15 following the initial planting of the tract.
- b. Seedling survival will be documented by performing a comprehensive tally or by counting seedlings in rows selected at random from within the tract. The number and orientation of rows used in the sample will vary depending on the size and configuration of the tract, but must be representative of the tract. In addition, the Sponsor will perform a cursory examination of the entire planted tract to determine if the overall survival rate is adequate.
- c. The Sponsor will, within 60 days following the survey, provide a written report to the Little Rock District. The report will include, at a minimum, the following:
 - 1) A USGS topographical map with the VPFMB indicated.
 - 2) A detailed narrative that summarizes the condition of the VPFMB and all regular maintenance activities.
 - 3) Appropriate site maps that show the locations of sampling plots or rows, permanent photograph stations, sampling transects, ect.
 - 4) Data regarding the hydrologic status of the VPFMB (e.g., hydro-period, extent and depth of inundation, groundwater monitoring results, precipitation records, etc.).

- 5) Results of vegetation surveys, including the following: visual estimates of overall percent cover within each layer of vegetation; indices of species within each layer of vegetation; composition of plant community (wetland indicator status); calculations of survival for planted trees; estimates of natural re-vegetation; and estimates of plant vigor (as measured by evidence of reproduction).
 - 6) Results of surveys of wildlife USACEs on the tract (e.g., observations of amphibians, reptiles, mammals, birds, and macro-invertebrates on or near the VPFMB).
 - 7) Descriptions of the condition of applicable drainage ditches, culverts, and water control structures.
 - 8) A discussion of likely causes of observed tree mortality within the tract that did not exhibit a survival rate for planted seedlings of at least 50% (151 trees per acre).
- d. If survival is less than 151 planted trees per acre (as determined by sampling or observing high mortality within any stratum or location within the planted tract), the Sponsor will take appropriate actions to address the causes of mortality and replace all dead seedlings with new seedlings of the appropriate species during the following non-growing season. Replanting, if necessary, as described in Paragraphs 1 & 2 of this section, will occur yearly thereafter as needed to achieve and document the required survival rate for five consecutive years.
- e. The Sponsor will not be responsible for replacement of seedlings or trees when mortality is due to an act of God or other force majeure event that occurs after the short-term criteria are met.

Corrective Actions

In the event the VPFMB fails to achieve the short-term success criteria specified in Section 12 of this prospectus, the Sponsor will develop necessary contingency plans and implement appropriate remedial actions for the VPFMB in coordination with the Little Rock District.

- a. In the event the Sponsor fails to implement necessary remedial actions within the first growing season following notification by the lead Corps District of failure in meeting success criteria, the lead Corps District will notify the Sponsor and applicable authorizing agencies and recommend appropriate remedial actions.

- b. Following completion of corrective actions, at the request of the Sponsor, the lead Corps District will perform a final compliance visit to determine whether all success criteria have been satisfied. Upon satisfaction of the success criteria, any remaining contingency funds will be released to the Sponsor.
- c. In the event the Sponsor does not comply with the mitigation bank restoration plan, the Sponsor will be required to immediately perform corrective actions (e.g., replanting and repair or replacement of water-control structures). The lead Corps District will then convene a meeting with the Sponsor to determine if a reassessment of the management or mitigation potential is necessary. If remedial action is not taken within one year, the lead Corps District will cease recognition of the VPFMB. If placed in default, failure by the Sponsor to replace mitigation will result in forfeiture of a portion of the funds pertaining to the tract for which the Sponsor had been placed in default.

13. WATER AND MINERAL RIGHTS

Hydrology on the site will continue to be precipitation-driven with no pumping or artificial hydrology required. The property owners have intact water rights and the proposed project will not result in a loss of downstream water quantity.

The property owners have all the surface and subsurface mineral rights. Therefore, no third party has the right to disturb the surface of the VPMB to access potential mineral or hydrocarbon resources.

14. NEED AND FEASIBILITY OF BANK SITE

The proposed mitigation bank is located in a service area which currently has no stream or wetland credits available. Current needs for stream and wetland credits stemming from large industry, as well as, rapid growth along the Interstate 30 growth corridor cannot be adequately satisfied by credits currently available in primary or secondary areas. Additionally, the bank site is situated in an area of SW Arkansas which contains Blackland Prairie habitat, and the site contains soil types consistent with this habitat description.

15. PROPOSED SERVICE AREA

The VPFMB's primary service area is located within United States Geological Survey (USGS) Hydrologic Cataloging Unit 11140106, Pecan-Waterhole. One secondary service area is identified as HUC 11140109, Lower Little Arkansas (Figure 8).

16. QUALIFICATIONS OF THE SPONSOR

View Point Farms Mitigation Bank is a partnership made up of the property owners and WYCAR Land Company, LLC. The individuals contracted by WYCAR are experienced in establishing and operating mitigation banks throughout the United States and have extensive experience with several successful mitigation banks in numerous Army Corps Districts. Stream Restoration Concepts, LLC and GBMc & Associates are the technical consultants to the bank sponsor and each has deep experience in wetland ecology, wetland and stream restoration, hydrology, mitigation bank establishment, operation, and compliance. The technical consultants will provide general mitigation banking, credit sales support, stream restoration design and wetland/buffer design.

17. CONCLUSION

In summary, establishment of the 100 +/- acre VPFMB, will restore approximately 20,786 linear feet of stream and enhance or preserve approximately 7,318 linear feet of stream ecosystem. In addition, 85.08 acres of buffer will be constructed, enhanced or preserved. All wetlands, including linear wetlands associated with the stream complex, will be enhanced by buffer and preserved.

18. REFERENCES

- a. Soil Survey, Natural Resources Conservation Service, United States Department of Agriculture. *Web Soil Survey*
<http://websoilsurvey.nrcs.usda.gov>.
- b. United States Army Corps of Engineers, Compensatory Mitigation Guidelines Working Draft, Subject to Change Last Revised October 7, 2010, Guidelines for Preparing a Compensatory Mitigation Plan.
- c. Arkansas Natural Heritage Commission, Falcon Bottoms Natural Area, Columbia, Little River and Nevada Counties, Arkansas.



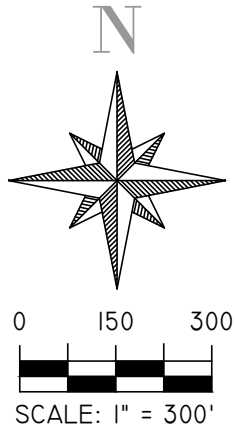
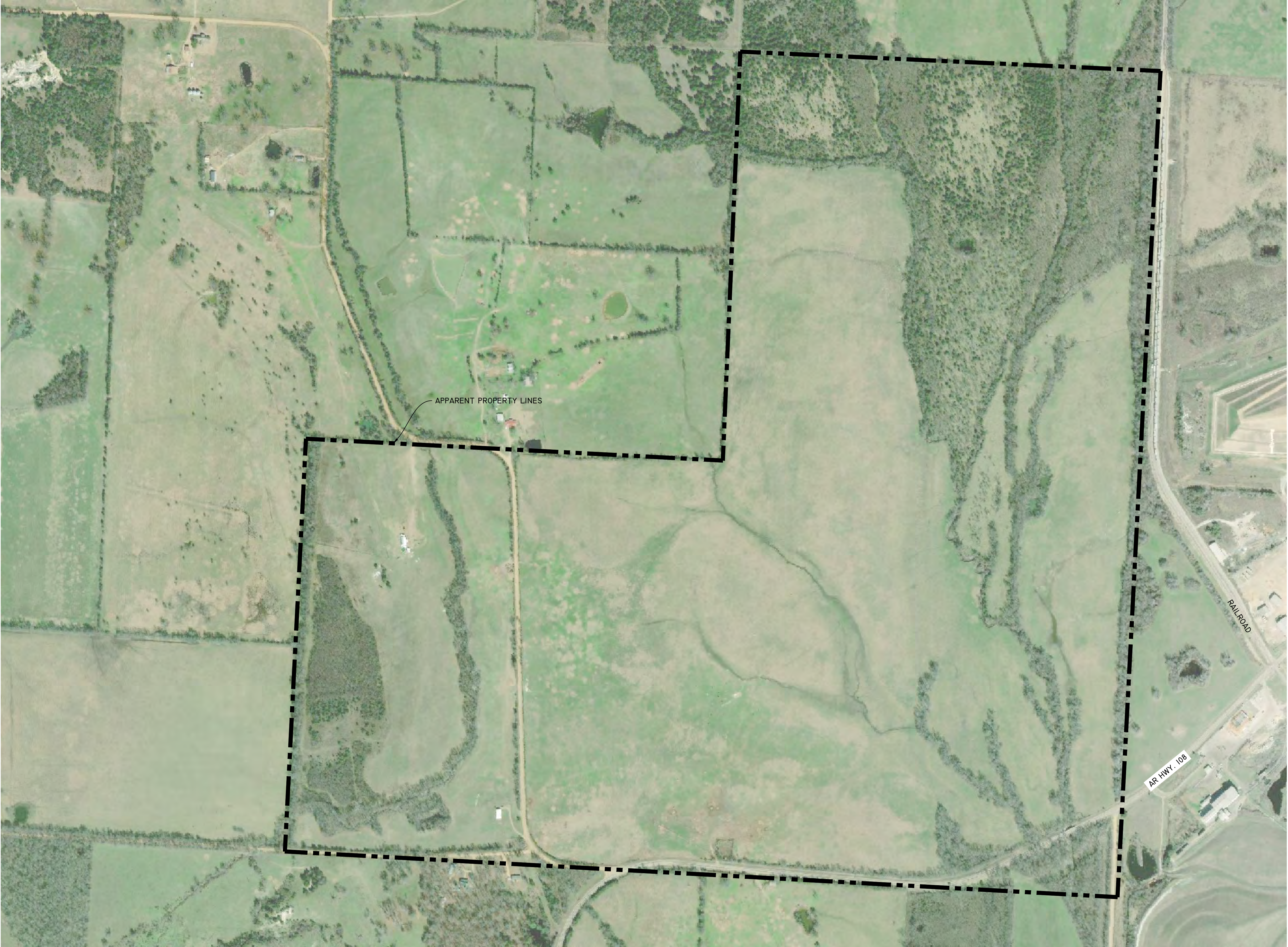
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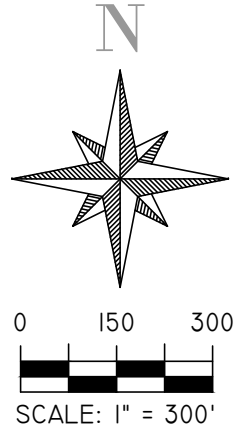
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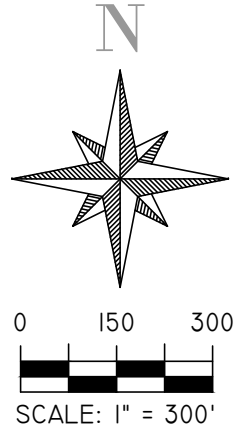
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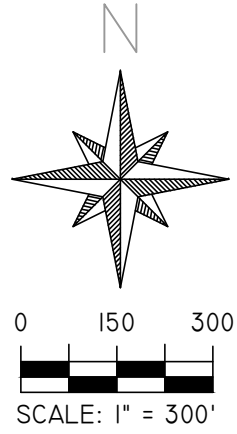
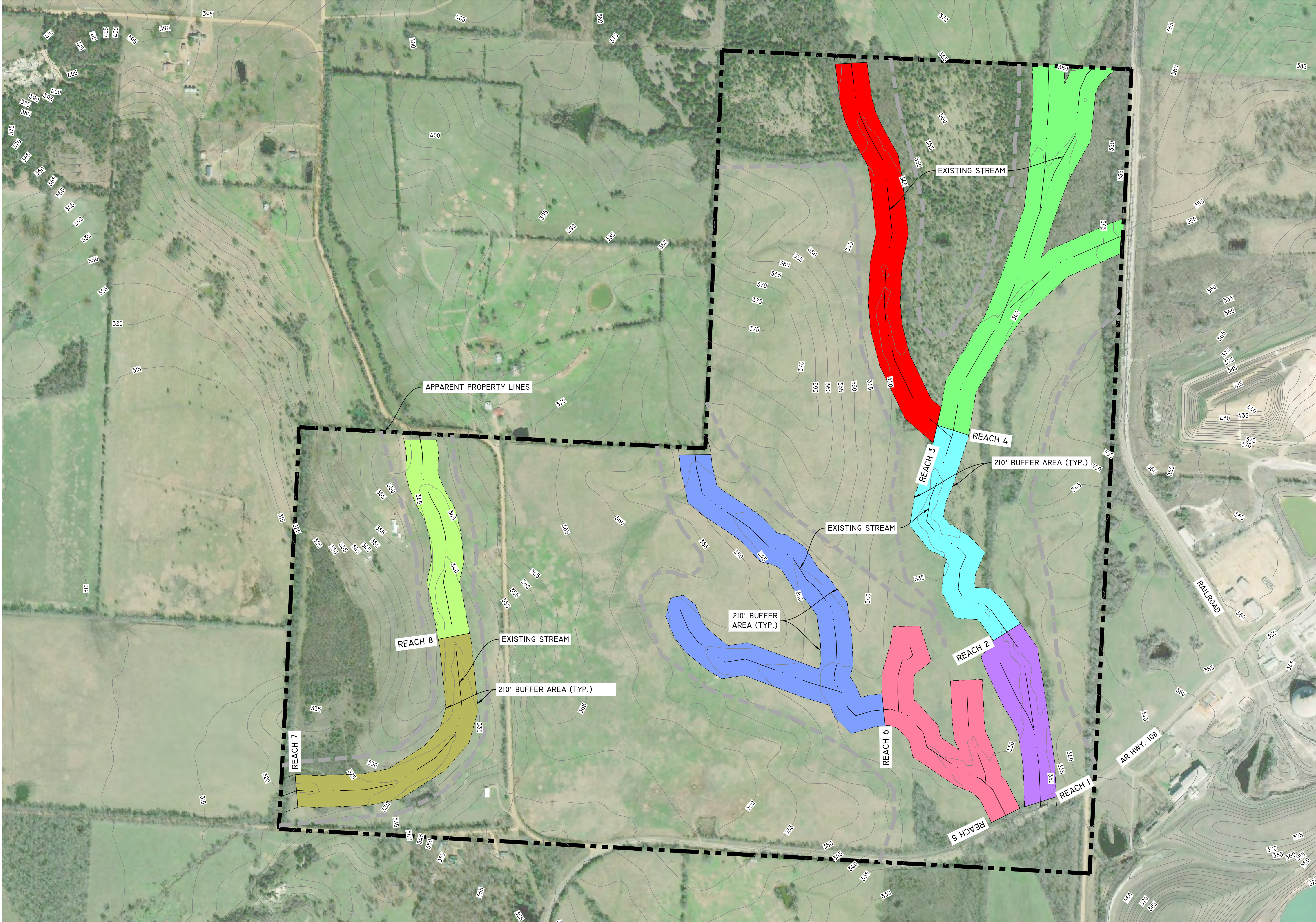
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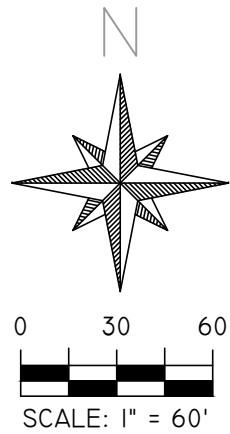
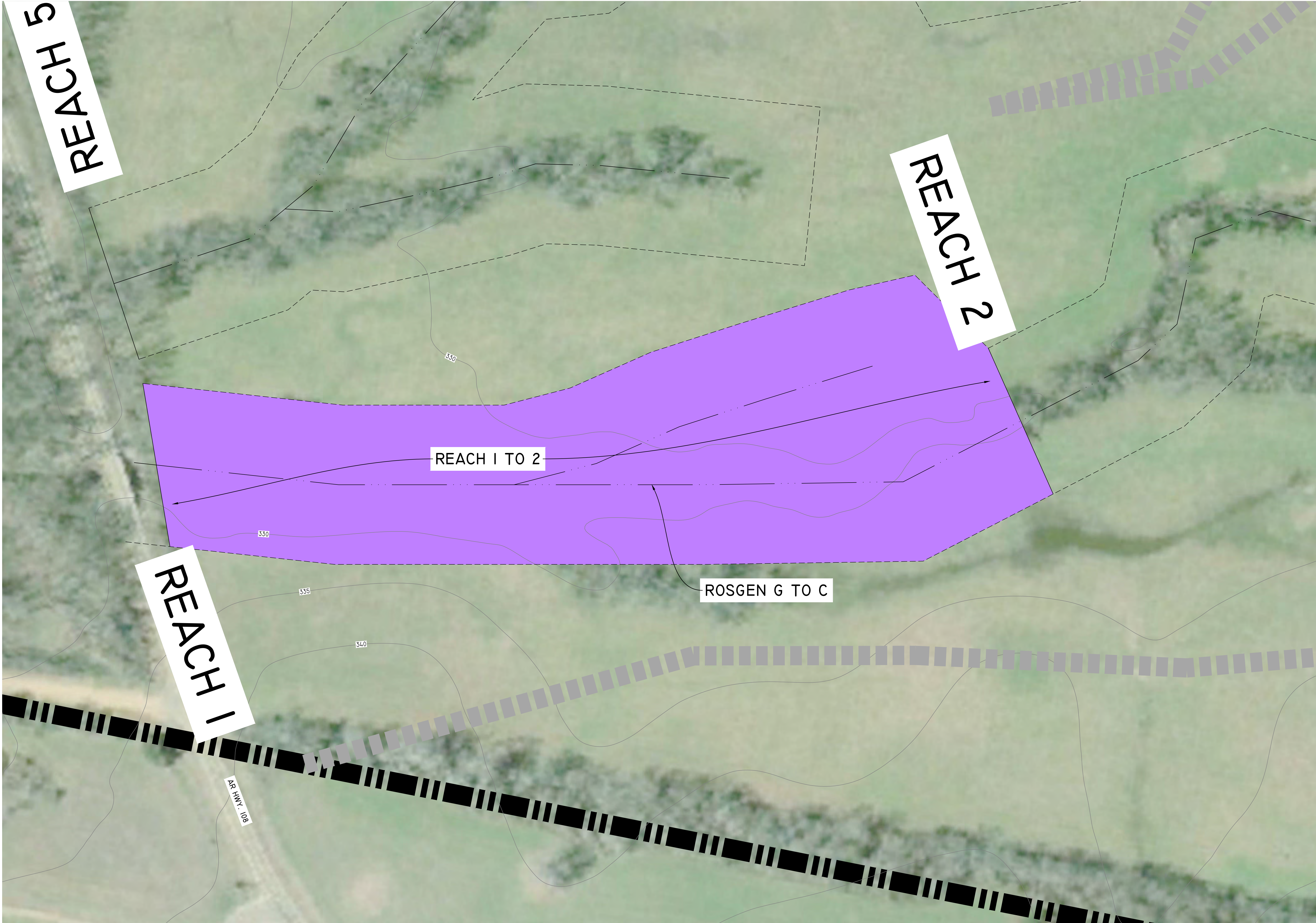
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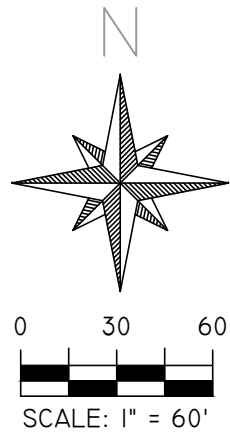
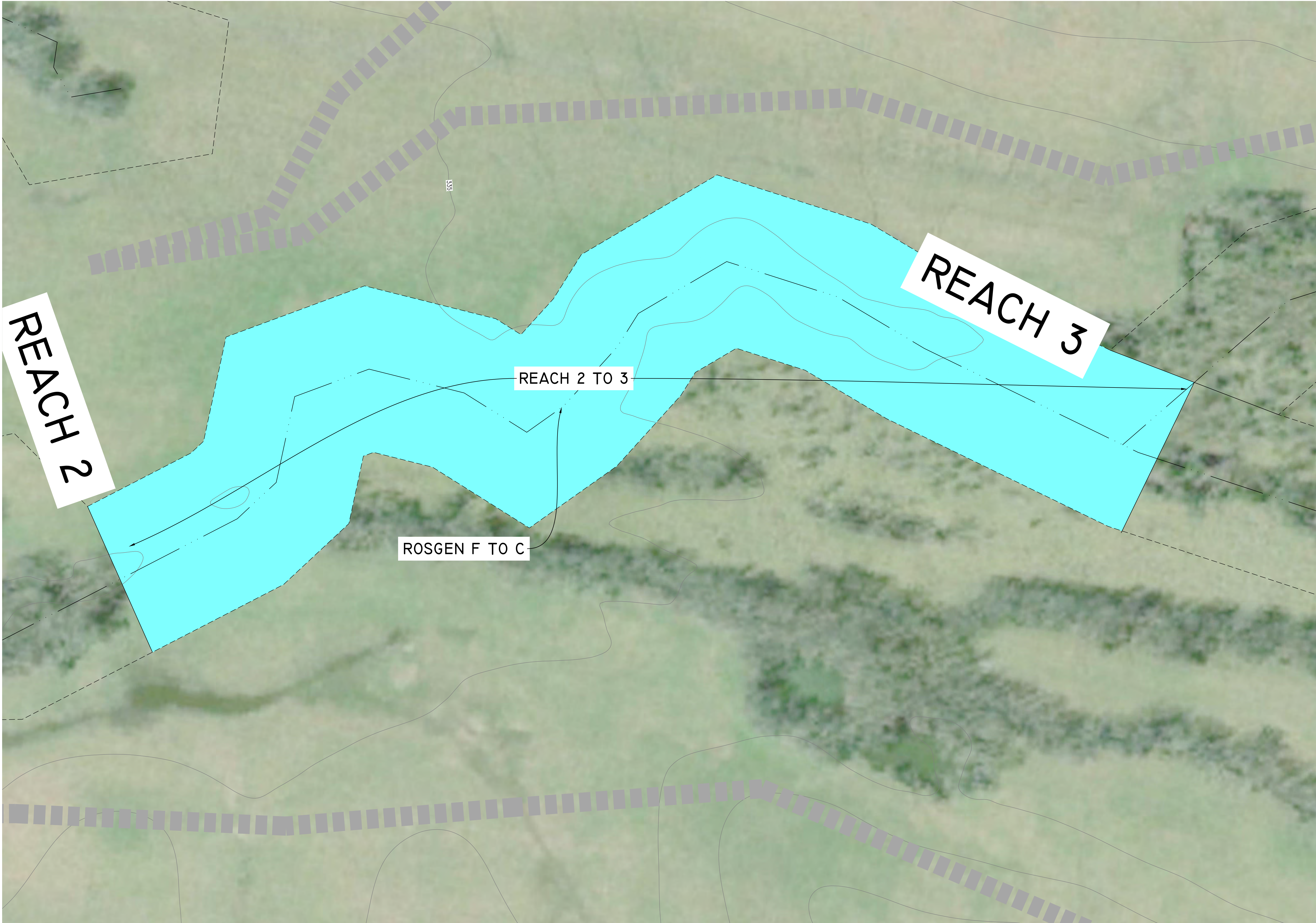
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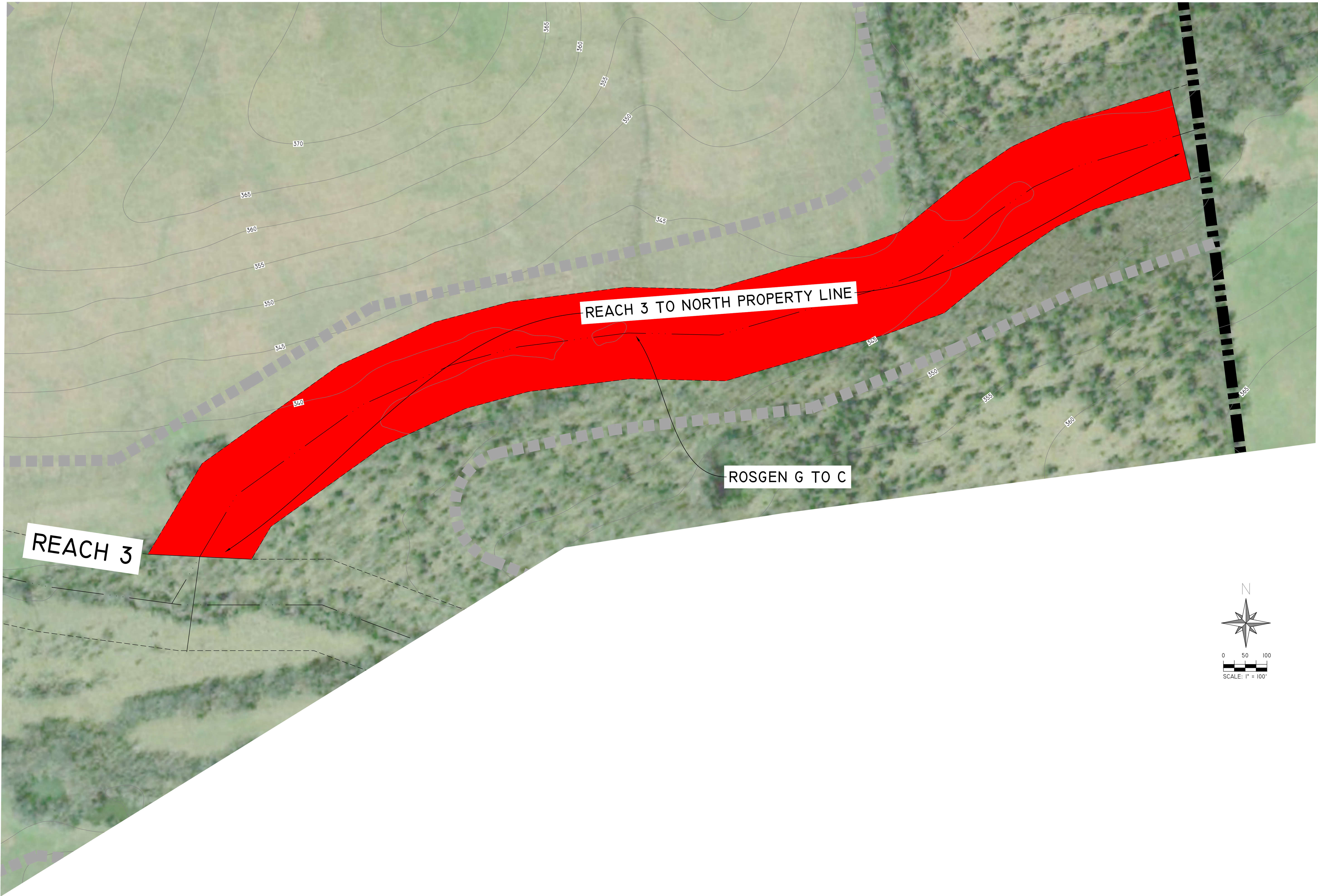
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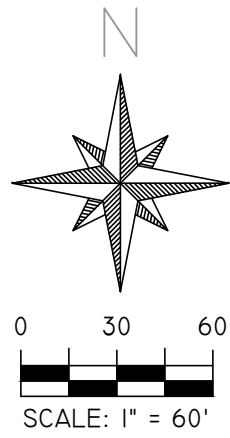
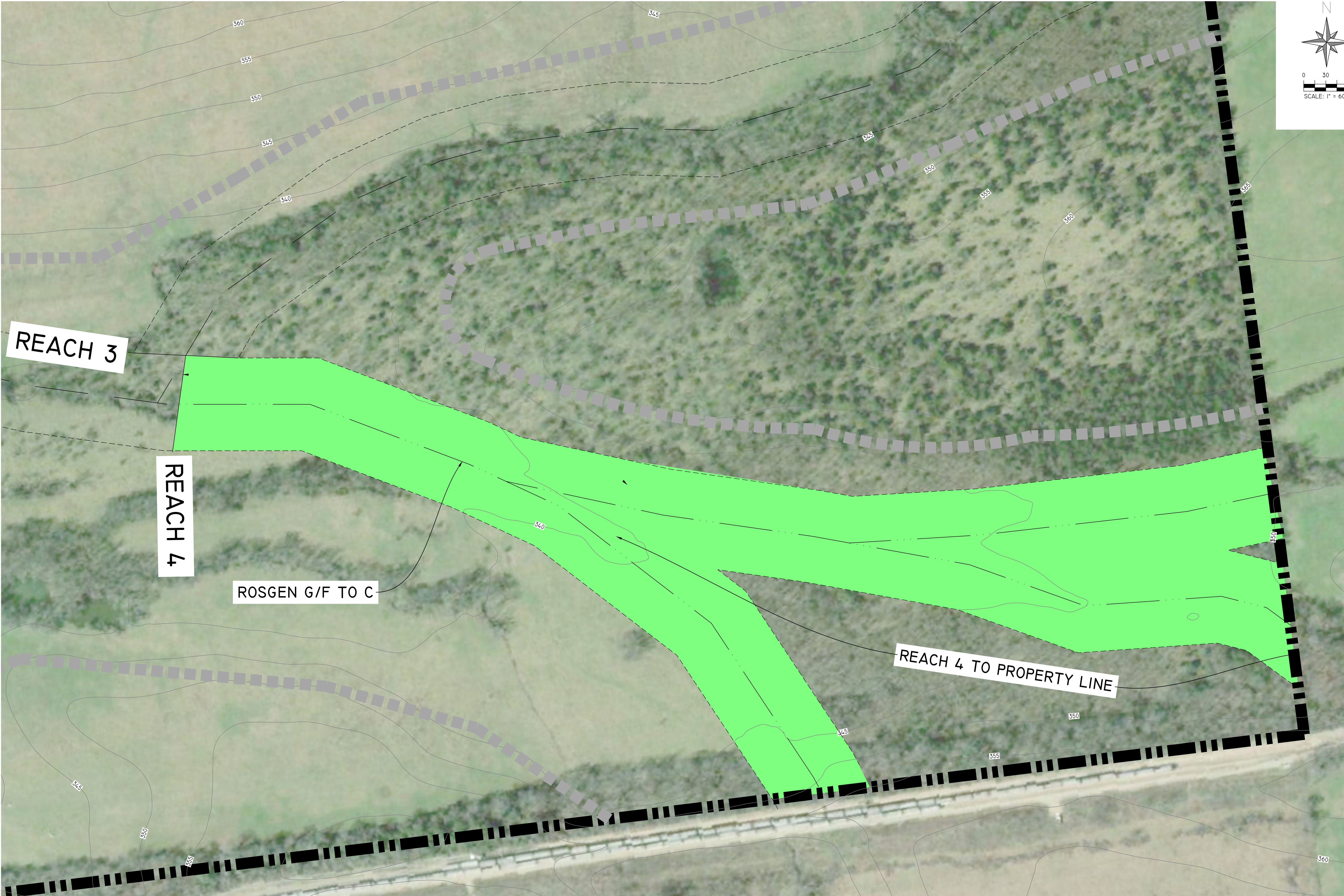
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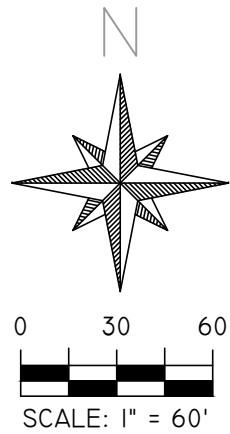
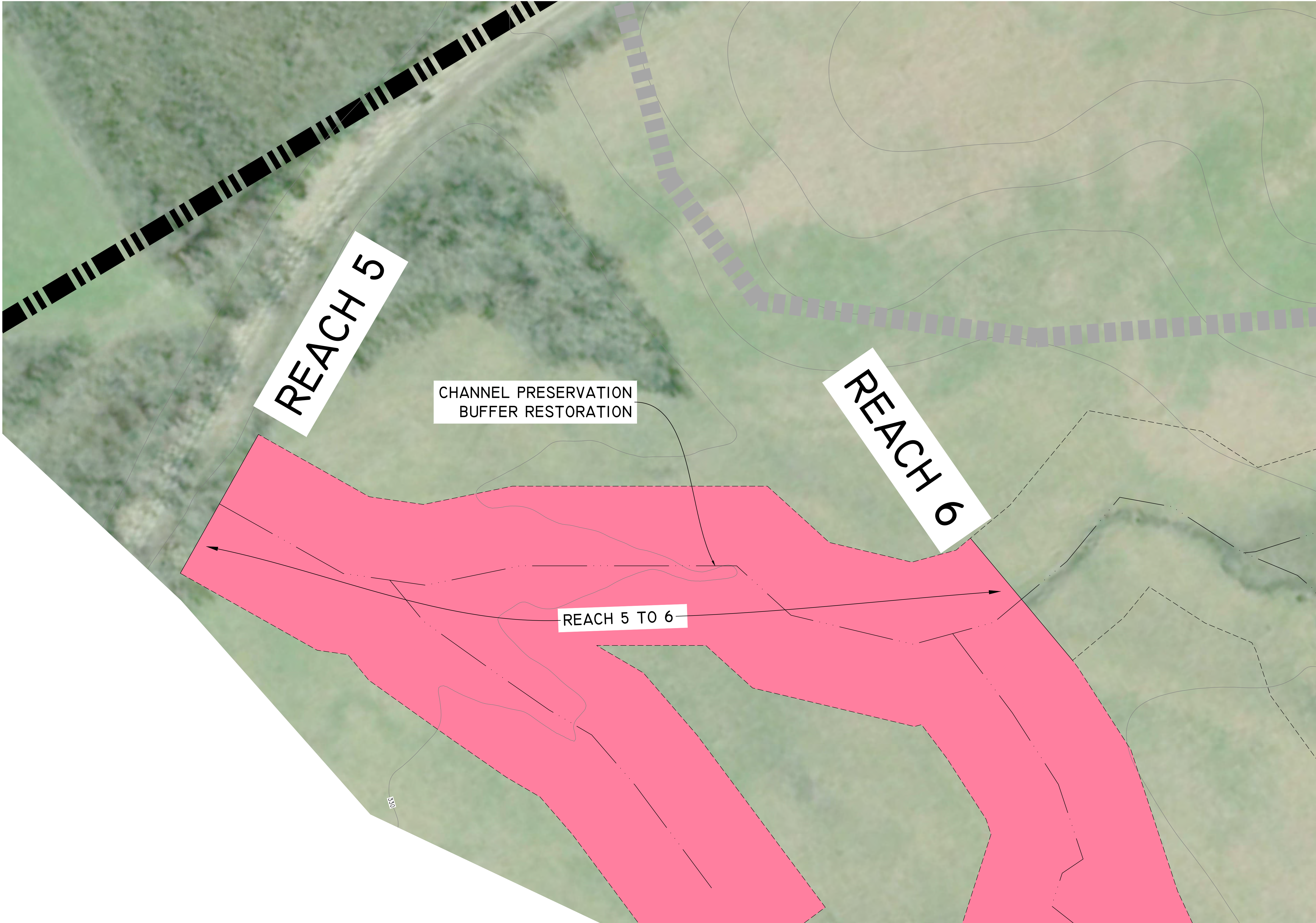
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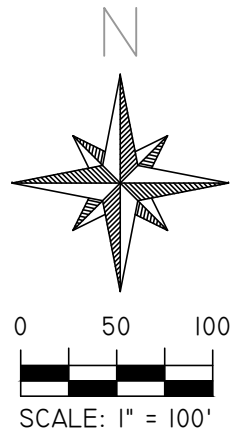
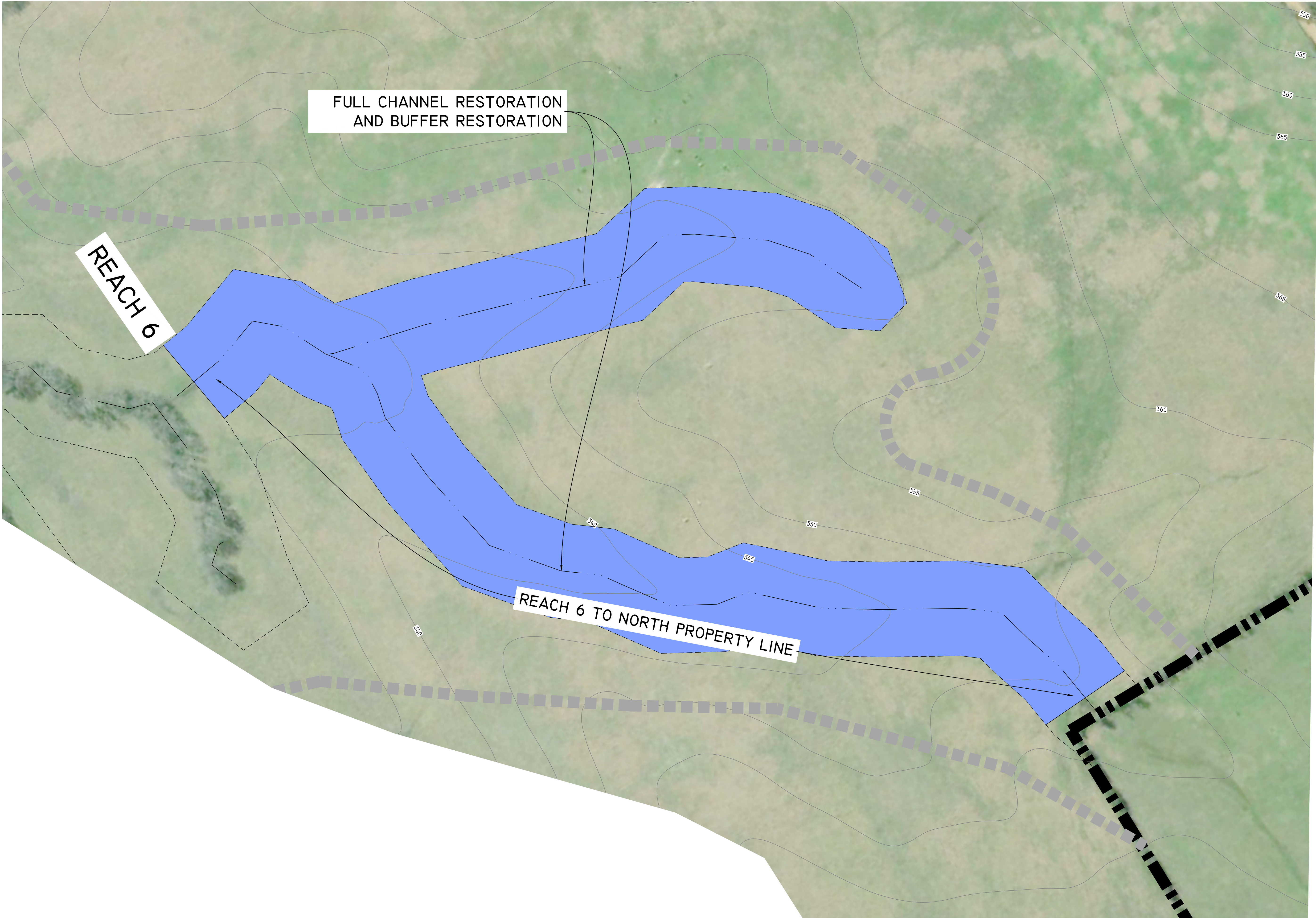


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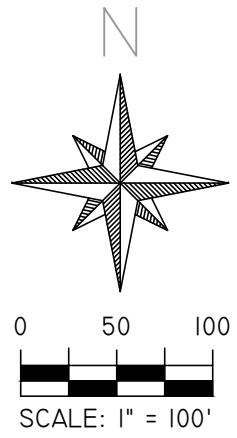
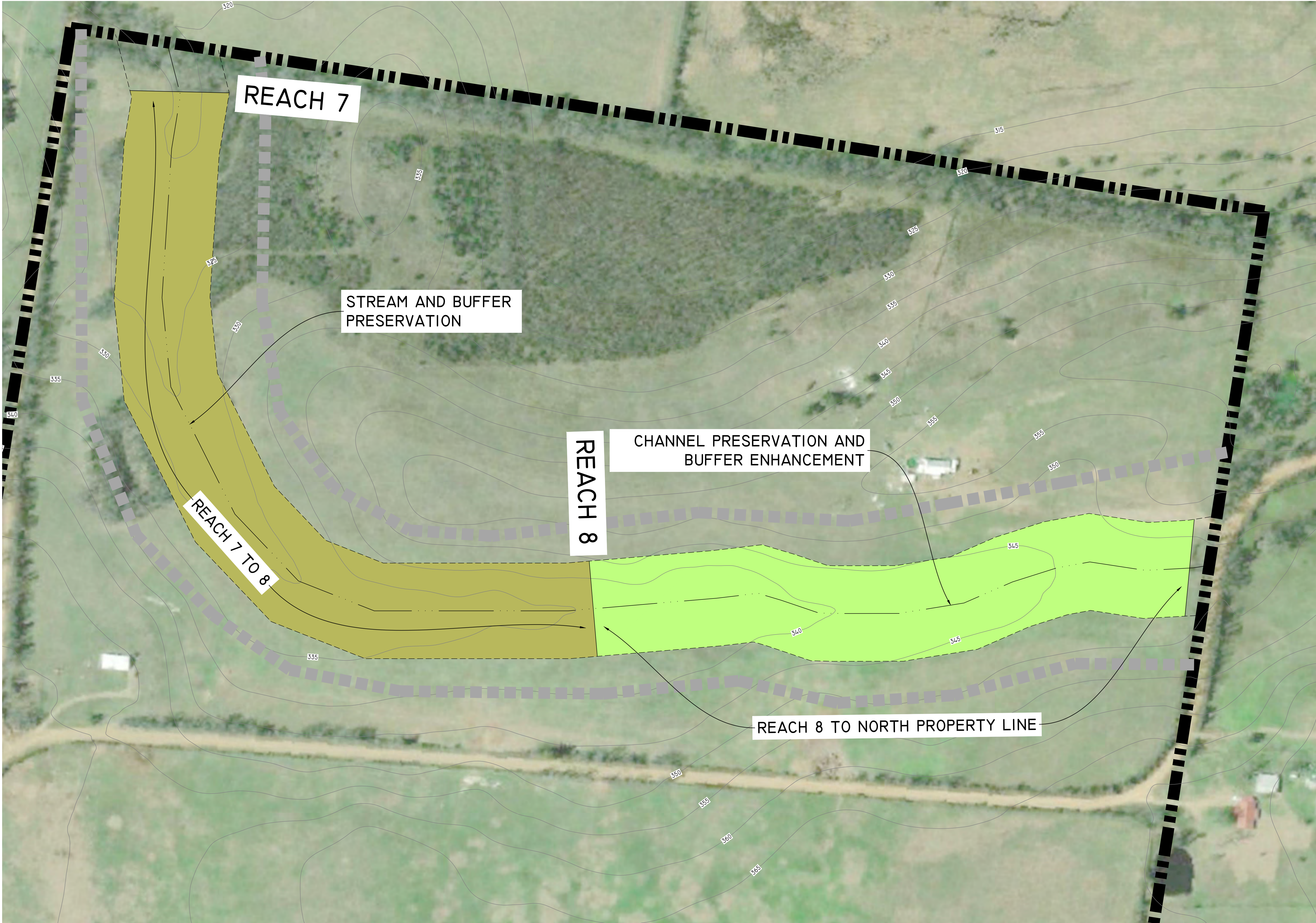
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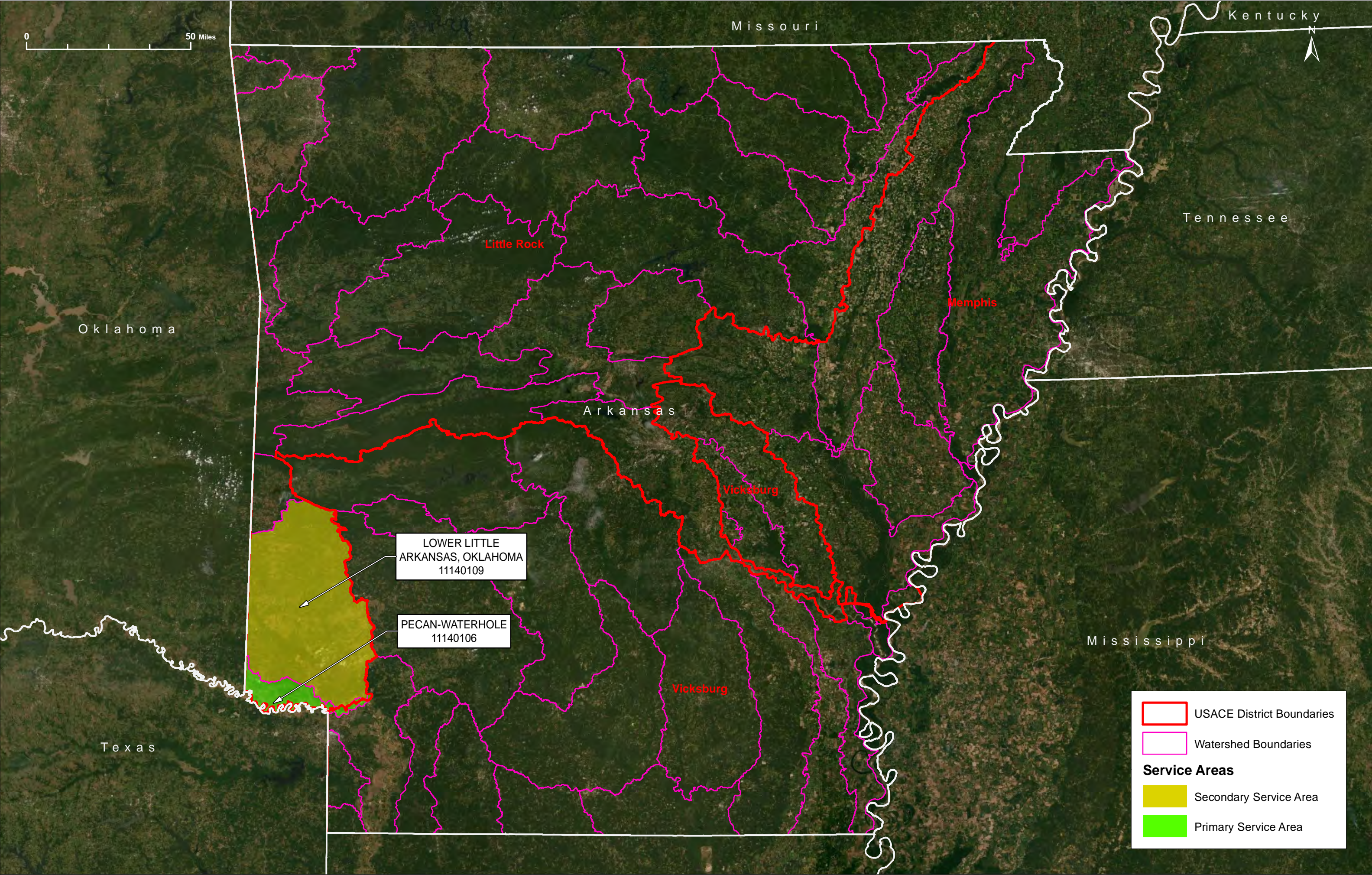
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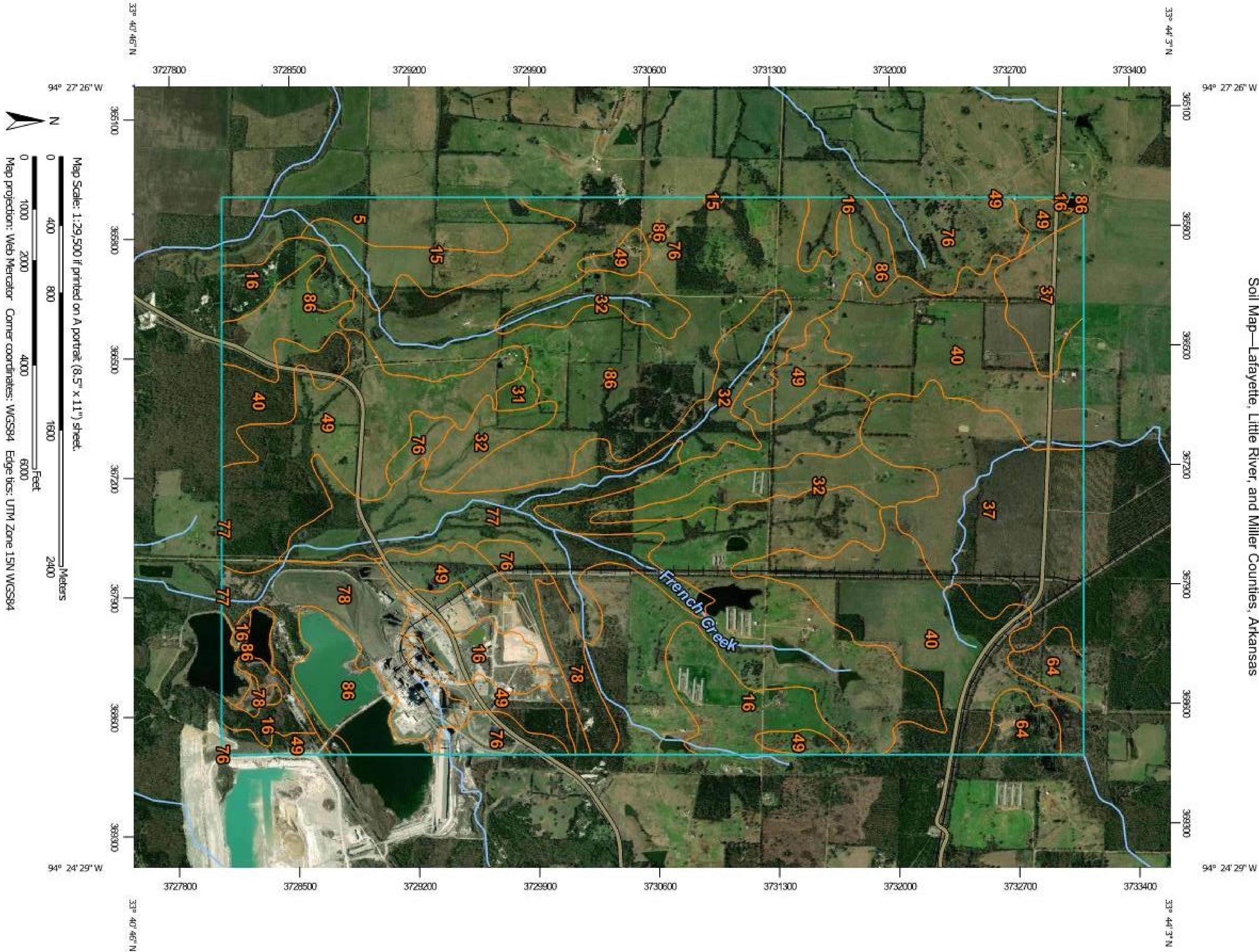
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Soil Map—Lafayette, Little River, and Miller Counties, Arkansas



Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
5	Billyhaw clay, 0 to 1 percent slopes, rarely flooded	112.8	2.8%
15	Catalpa silty clay, 0 to 1 percent slopes	96.4	2.4%
16	Demopolis silty clay loam, 3 to 20 percent slopes, eroded	272.8	6.7%
31	Houston clay, 1 to 3 percent slopes	10.1	0.2%
32	Houston clay, 3 to 8 percent slopes	261.7	6.4%
37	Kipling silt loam, 2 to 5 percent slopes	373.1	9.2%
40	Ashford silty clay, 0 to 1 percent slopes	535.8	13.2%
49	Oktibbeha silt loam, 3 to 8 percent slopes	481.5	11.8%
64	Saffell gravelly fine sandy loam, 1 to 3 percent slopes	62.2	1.5%
76	Sumter silty clay loam, 5 to 12 percent slopes, eroded	1,320.4	32.4%
77	Trinity clay, occasionally flooded	222.0	5.5%
78	Udorthents	210.4	5.2%
86	Water	110.7	2.7%
Totals for Area of Interest		4,070.0	100.0%

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SOILS MAP LEGEND
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