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

REPLY TO
ATTENTION OF

September 18, 2012

Operations Division
Regulatory Branch

SUBJECT: G.D.E. Investments LA, L.L.C., Mitigation Bank

G.D.E. Investments LA LLC
1150 Smede Highway
Broussard, Louisiana 70518

Gentlemen:

This letter is in response to the August 16, 2012 monitoring report submitted for the G.D.E. Mitigation Bank, located in Evangeline Parish, near the community of Oakdale, Louisiana, in Sections 5, 8, 9, & 16, T3S-R2W.

Upon review of the monitoring report in conjunction with the G.D.E. Mitigation Banking Instrument (MBI) (Section VI.) which was signed on April 23, 2007, it is clear that the performance standards as set forth by this banking agreement have not been met.

At this time we are suspending further credit sales for the G.D.E., Investments Mitigation Bank. We are requesting that you provide an adaptive management plan that addresses the following issues:

1. The ratio of hard mast to soft mast (reference page 3 of the MBI)
2. Invasive/exotic vegetation control (page 4 of the MBI)
3. The roadways that exist on the mitigation bank site.
4. The ponds and food plots that exist on the mitigation bank site.
5. The Interim Success Criteria (page 6 of the MBI) in which it is stated that "site hydrology shall be restored such that the site meets the wetland criterion as described in the Corps 1987 Wetlands Delineation Manual. Data demonstrating that wetland hydrology has been re-established is to be collected and provided by the Sponsor and approved by the Corps of Engineers, New Orleans District (CEMVN)."
6. Please provide a copy of the statements for each of the financial accounts.

The above are only some of the issues that should be addressed in this plan. It is strongly recommended that you refer to the MBI especially the sections listed below:

Section V. Performance Standards
Section VI. Reporting Protocols and Monitoring Plan
Section VII. Contingencies, Remedial Actions and Responsibilities

EXHIBIT 8 a - 01

If you have any questions or require any further assistance, please contact Ms. Jacqueline Farabee by telephone at 504-862-2595 or by email at Jacqueline.R.Farabee@usace.army.mil.

Sincerely,

Pete J. Serio
Chief, Regulatory Branch
CEMVN

EXHIBIT 8 a - 02

Subject: GDE Mitigation Bank Compliance with MBI
Date: May 10, 2013

#	Page # of source	Source of Info	Language from Source	CEMVN Comment	Remediation Plan	Response
1	3	MBI III. Goals & Objectives B. Site Restoration	**Hard Mast (60% of total)** *Dominants (70% of hard mast)* (60% of 70% would equate to approximately 42% of the total plantings) Willow Oak Nuttall Oak *Co-dominants (30% of hard mast)* (30% of 70% would equate to approximately 21% of the total plantings) Overcup Oak Sweet Pecan Bitter Pecan **Soft Mast (40% of total)** *Dominants (60% of soft mast)* (60% of 40% equates to approximately 24% of the total plantings) Sweetgum American Elm Common Persimmon	According to the monitoring report that was received on August 21, 2012 the Bank has not achieved the soft mast to hard mast ratio as stated in the MBI and does not have the specified percentages of hard mast to soft mast dominants and co-dominants that would be acceptable for the Bank.	Provide CEMVN with details as to how this will be remediated (an Adaptive Mgmt. Report). If any actions have been taken to correct this issue please provide that information with the Adaptive Mgmt report.	Off the 12 monitoring plots a total of 62 hard mast and 35 soft were reported. This equates to 64% hard mast and 36% soft mast. Monitoring plots of 1/50th acre and tree planting spacing of 9' will not allow perfect 60% hard mast and 40% soft mast trees to be in each monitoring plot. As reported in letter dated November 27, 2012, Attachment 1 and 1A confirmed 60% hard mast and 40% soft mast trees were planted in 2007 and 2009. After reviewing all 12 monitor plots it confirms the required tree hard to soft mast ratio was planted as per the MBI.

EXHIBIT 8 b - 01

			Co-dominants (40% of a balanced assemblage of + 5 of the species below) (40% of 40% equates to approximately 16%) Sugarberry Mayhaw Red Mulberry Bald Cypress Honey Locust American Sycamore Green Ash Red Maple The above percentages were proposed for plantings (60:40 ratio of hard to soft mast) with the goal of achieving a target of 50% hard mast.			
2.	4	MBI III.B.2. Invasive /Exotic Vegetation Control	Invasive/exotic vegetation, such as Black willo (*Salix nigra*), privet (*Ligustrum spp*) or Chinese tallow (*Triadica sebifera*) in existing forested areas will be treated and monitored to prevent re-	The percentage of exotics on the site is high and needs to be addressed. An adaptive management plan should be devised and presented to CEMVN.	A detailed adaptive management plan should be developed. Information on what action if any has taken place thus far.	As stated in letter dated November 27, 2012, Item #2, The Chinese Tallow trees will be chemically treated by aerial helicopter spraying once canopy closure occurs. The proposed treatment schedule is as follows: 2007 Plant – Treat Fall 2014 2009 Plant – Treat Fall 2016 or 2017

EXHIBIT 8 b - 02

			colonization. The planted sites will be treated, on an as-needed basis, by the use of mechanical or chemical or some combination thereof in order to control exotic/invasive species colonization or other plant competition (approximately 5% or less of the overstory vegetation on an acre-by-acre basis.			Please Approve the proposed treatment plan/schedule for reducing the invasive/exotic Chinese tallow trees to comply with the MBI?
3		8-21-12 Monitoring Report - Results	The monitoring report results section links information from both the 2007 planting and the 2009 planting in some cases.	The information as presented for these plantings should be presented separately.	Present CEMVN with revised copy. Why were the plantings separate? Was the 2009 planting a re-planting due to problems?	The tree planting was done over 2 planting seasons. One consideration was to avoid a planting failure and have to re-plant all the acres. A second consideration was to reduce the amount of money spent per year or until some mitigation income arrived. All future monitoring reports will be separate for 2007 and 2009 tree planting. The combined 1st monitoring report covered the 5 year requirement for the 2012 plant and the 3 year requirement for the 2009 plant.
4		8-21-12 Monitoring Report-Observations	This states that there are 9.78 acres of food plots within the Bank. It also	Food plots do not constitute an acceptable portion of the work plan. These	Present CEMVN with an adaptive management plan for these areas.	The Southern most food plot was planted in the 2013 planting season. Had I received this response earlier the

EXHIBIT 8 b - 03

			states there are 9.95 acres of food plots on adjoining planted areas.	areas should be removed and planted with the species as stated in the MBI III. B. Site Restoration Plan.		balance of food plots would have been planted in the 2013 planting season. The remaining food plots will be planted in the 2014 planting season as per the MBI.
5.		8-21-12 Monitoring Report-Intro	At the time of planting, fire lines were installed along the edges of the planted areas for protection in the event of wildfire.	These areas should be removed and planted with appropriate species as stated in the MBI.	Present CEMVN with an adaptive management plan for these areas.	These lanes were planted in the 2013 planting season.
6		8-21-12 Monitoring Report - Intro	Portions of the mitigation bank falls inside a high fenced area in which the owner has food plots, feeders, and ponds for wildlife.	These ponds should be removed and planted with appropriate species as stated in the MBI.	Present CEMVN with an adaptive management plan for these areas.	This southern pond is not located in the mitigation bank acreage. The location it exist was never farmed. The northern pond will be filled and planted when the food plot is planted in 2014.
7	6	MBI V. B.2. Interim Success Criteria; Vegetation and Vegetative Plantings	For a given planting, a minimum of 300 seedlings per acre must survive through the end of the fourth year (i.e. yr. 5) **following successful attainment of the one-year survivorship criteria.**	The interim success criteria dependent on the initial success criteria. CEMVN may need additional survey plots to gain additional information that better represents conditions on the entire site.	Present CEMVN with additional plots situated in the interior of the site.	We propose moving 5 of the 12 monitoring plots to interior locations to gain better overall monitoring information of the bank. Once the additional requested acres JD has been confirmed we can choose additional monitoring sites. Please approve the moving of the 5 monitoring sites?
8	4	MBI-III B. 3	The MBI states that internal drainage swales will be re-contoured, plugs installed, and culverts removed	Were plugs installed on the bank? Were culverts removed? Do any culverts exist?	Provide CEMVN with information and maps showing the locations of any of these structures that	GDE preparation of the former rice farm land was performed the same as the Lonesome Dove Mitigation Bank. The rice levees were leveled with a dozer down to the

EXHIBIT 8 b - 04

			as necessary. Other culverts will be maintained open and functioning as necessary.		were removed or existing.	existing field grade. No plugs were installed and no culverts existed to be removed.
9		8-21-13 Monitoring Report	Plot Statistics	Please provide the method of calculation used with all variables defined	Please provide this information to CEMVN See Sample 1. below	I suggest we discuss this further with the forester. He states all of this exist in the monitoring report. If 5 sites are moved the monitoring report will require updating. At that time we can split the 2007 and 2009 plantings into 2 monitoring reports.
10	7	MBI	Reporting Protocols			
11		Corps issued Wetland Delineation	For the existing bank For the proposed addition	Present the information as separate requests. For the proposed addition once we compare the new JD with the older JD to compare the wet vs. non-wet areas you will then be asked to provide an As-built report (monitoring report) for the proposed addition.	Please provide information as stated. Once CEMVN receives and reviews this information we will notify you of the steps that need to be taken from that point.	Once the new JD is determined we will comply with this request.
12			Who will be the POC for the information and reports to be provided?	If you are not going to be the POC then please assign someone by sending a statement stating they are your representative and provide their contact information.		Greg Elliott, land owner, will continue to be the POC for the MBI Compliance. Kip Manuel will continue to manage mitigation acreage sales.
13	7	MBI-VI.	A. Visual	Please review	Use this as a	We can discuss further

EXHIBIT 8 b - 05

		Reporting Protocols and Monitoring Plan	Description B. Initial and Interim Success Criteria C. Continuous Monitoring Reports D. Schedule	this information again.	guideline for reports.	after all these other concerns are agreed upon.

SAMPLE 1: Plot statistics for Plot number 1

Plot Statistics

Trees per Plot	16
Total trees per acre	800
Planted trees per acre	200
Percent of Total Trees	25%
Survival Rate of Planted trees	37%
Volunteer trees per acre	600
Percent of total trees	75%
Exotics per plot	1
Exotics per acre	50
Percent Exotic	6%
# of Species per Plot	4

Example: Survival rate of trees planted = 37%. Please give a sample calculation with all variables labeled.

EXHIBIT 8 b - 06

Subject: GDE Mitigation Bank Compliance
Date: July 22, 2013

1. In your May 22, 2013, response to comments provided by CEMVN on May 10 2013, you stated that: "of the 12 monitoring plots a total of 62 for hard mast and 35 for soft mast was reported". However in referencing the data provided for the 12 monitoring plots it is clearly shown that bank has not achieved the hard mast to soft mast ratio as stated in the MBI. The calculations for hard mast to soft mast are: 31% hard mast to 69% soft mast overall. These calculations take into account all specimens in each plot.

Please refer to the MBI under Goals and Objectives for further information.

A method for adjusting such percentages should be included in the adaptive management plan that you present to CEMVN.

2. The percentage of exotics on site is high and will need to be addressed. The Chinese Tallow should be treated this year. A detailed adaptive management plan should be developed and presented to CEMVN.

Please refer to MBI Section III.B.2. Invasive/Exotic Vegetation Control for further information.

3. Please refer below to the copies of the maps that were provided with your August 21, 2012, monitoring report and compare them to the July 8, 2013, JD (copy attached). After your comparison please provide a separate map showing where the 278.3 acres from the 2007 and 2009 plantings are located on the JD.

GDE Investments LA, LLC Mitigation Bank
Northern Portion, Section 9, T3S, R2W, Evangeline Parish, LA.

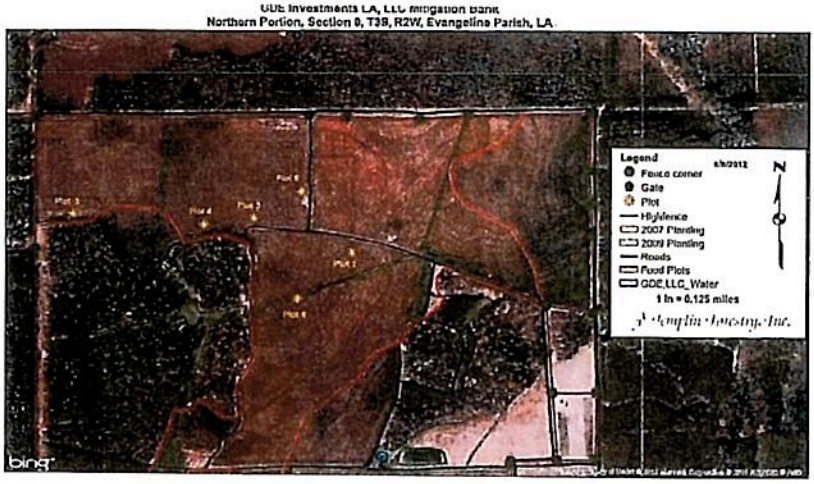


EXHIBIT 8 c - 01

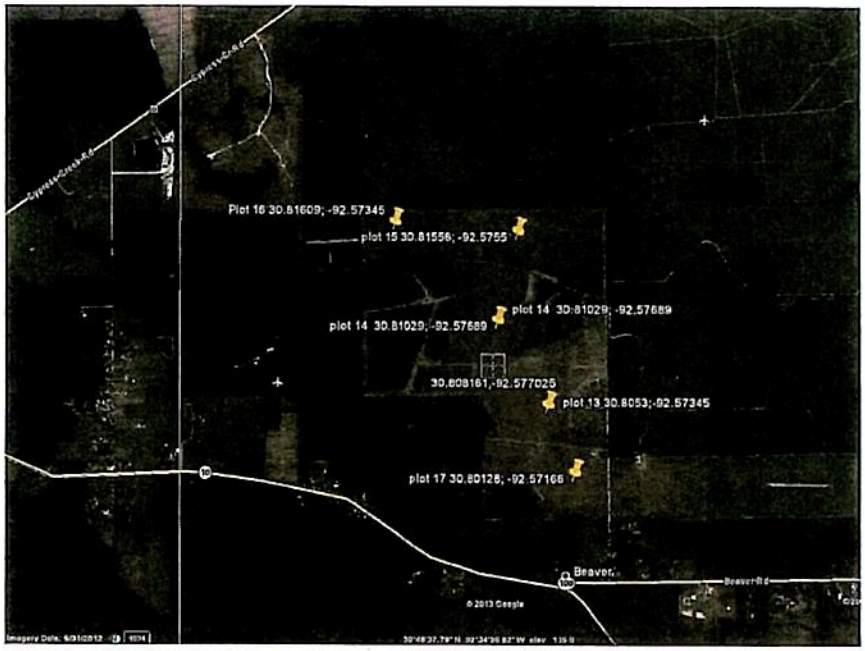
Subject: GDE Mitigation Bank Compliance
Date: July 22, 2013

4. It was stated in your May 22, 2013 response to the May 10, 2013, comments that the fire lanes and some of the food plots were planted. Please provide data on the plantings (species list, seedling numbers per species, and describe your methodology in planting for maintaining a diverse habitat). Provide a map that includes these 2013 plantings.

5. Please add additional bank monitoring plots as indicated on the map below. These plots are numbered 13 through 17 and have Latitude and Longitude assigned to each plot. Please provide the additional information for these plots in the monitoring report format. These 5 plots will be additional permanent plots set up as stated on page 7 (Section VI. C. of the MBI) and included in all monitoring reports herein.

EXHIBIT 8 c - 02

Subject: GDE Mitigation Bank Compliance
Date: July 22, 2013



6. In comments provided in your May 22, 2013, response you stated that the monitoring report submitted on August 21, 2012, should cover the 5 year requirement for the 2007 plantings and the 3 year requirement for the 2009 plantings.

The following is stated in Section V. of the MBI on pages 5 and 6:

Initial Success Criteria: 2. Vegetation: A minimum of 50 % or 266 planted seedlings per acre, consistent with the planted ration of hard mast to soft mast-producing species, must survive through the end of the first growing season following the planting (i.e. Year 1). This criterion will apply to initial plantings as well as any subsequent

Interim Success Criteria: 2. Vegetation and Vegetative Plantings. For a given planting, a minimum of 300 seedlings per acre must survive through the end of the fourth year (i.e. Year 5) following successful attainment of the one-year survivorship criteria. Trees established through natural recruitment may be included in this tally; however, a range of 120 to 135 hard mast-producing seedlings per acre must be present. Exotic/invasive species may not be included in this tally.

EXHIBIT 8 c - 03

Subject: GDE Mitigation Bank Compliance
Date: July 22, 2013

By Year 5 following successful attainment of the one-year survivorship criteria, the bank acreage and the perimeter of that acreage shall be virtually free (approximately 5% or less on an acre-by-acre basis) of exotic/invasive vegetation.

Planted tracts must exhibit characteristics and diversity indicative of a viable native forested wetland community commensurate with stand age and site conditions by Year 5. Achievement of a wetland vegetation dominance is defined as a vegetation community where more than 50% of all dominant species are facultative ("FAC") or wetter, excluding FAC-plants, using "routine delineation methods" as described in the "Corps of Engineers Wetland Delineation Method," Technical Report 97-1 ("1987 Manual").

7. In review of the GDE Mitigation Bank file it was discovered that The Calcasieu/Mermentau Wetland Charitable Trust does not fit the description of a servitude holder. Section X. F. 2. of the MBI states: "The Sponsor shall execute a conservation servitude (pursuant to the Louisiana Conservation Servitude Act, R.S. 9:1271 et seq.) substantially in the form attached hereto as Attachment F and record it in the Mortgage and Conveyances Records Office of Evangeline Parish. The Conservation Servitude Holder shall be approved by the IRT prior to its execution. The Holder shall be qualified to hold this Conservation Servitude by virtue of being:

a. A governmental body empowered to hold an interest in immovable property under the laws of the State of Louisiana or the United States of America; or

b. A charitable corporation, charitable association, or charitable trust, qualified under § 501(c)(3) of the U.S Internal Revenue Code, the purposes or powers of which include:

1) Retaining or protecting the natural, scenic, or open-space values of immovable property:

2) Assuring the availability of immovable property for agricultural, forest, recreational or open-space use;

3) Protecting natural resources;

4) Maintaining or enhancing air or water quality; or

5) Preserving the historical, archaeological or cultural aspects of unimproved immovable property. "

8. The Conservation Servitude and the MBI have conflicting language in relation to the "Uses Prohibited by the Conservation Servitude" (Section XI. A of the MBI) and paragraph four of the servitude. I do not have information that would support such changes in language, however if you can provide any supporting information that would be helpful.

9. Please note when calculating acreage for the bank please only round to the nearest 1/10 of an acre. For example the acreage for the fire lines (as listed in the August 21, 2013, monitoring report) would be 5.8 not 5.77.

Subject: GDE Mitigation Bank Compliance
Date: July 22, 2013

Attachment:

Preliminary Jurisdictional Determination

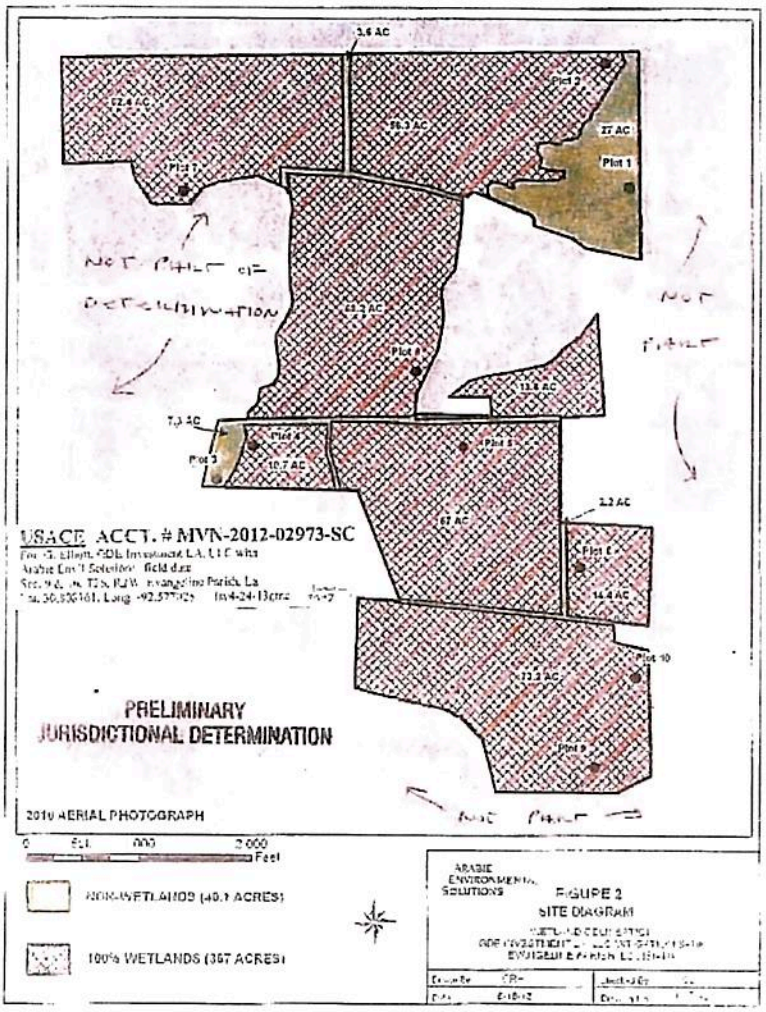


EXHIBIT 8 c - 05

Subject: GDE Mitigation Bank Compliance
Date: July 22, 2013

Summary:

Please provide an detailed adaptive management plan to address the items listed above. Please provide support for all information provided.

EXHIBIT 8 c - 06

Exhibit 9

Ecological Functional Assessment as a Result of the High Fence Enclosure for GDE Investments Mitigation Bank

April 12, 2016

To whom it may concern,

As part of the functional reassessment of the GDE Investments Mitigation Bank, the high fence (8') enclosure is being factored into the total ecological description of the bank. Since the Charleston Method of credit calculation doesn't adequately cover the installation of a high fence, it was determined that a brief summary of positives and negatives of the fence would be appropriate. It is important to note that the easement on the property is in perpetuity, while the high fence will only be there for a limited number of years.

After authorization from the CEMVN in 2007 the high fence was installed along portions of the perimeter and interior of the Bank to form an enclosure that could be used to more intensively manage wildlife. Both to dissuade unwanted species such as feral hogs and coyotes from gaining entry, and to attempt to keep whitetail deer inside the fenced area. The 8' fence helps contain the deer, but it is well known that some deer can and will jump an 8' fence. Both to escape and to get inside - especially during the breeding period known as the "rut". Feral hogs and their well documented fecundity and subsequent ecological destruction have been active in several areas that border the GDE Investments mitigation bank and throughout Louisiana (La.) and other neighboring states, especially Texas. In 2015 the Federal Government through Senator Vitter's office awarded money to the state of La. to combat their feral hog issue. Attempts to trap the hogs out of these areas have proven unsuccessful. Much like the Banks Farm Mitigation Bank in Richland Parish, the GDE Investments Mitigation Bank high fence has proven extremely successful in keeping feral hogs off the property. Coyotes are the number one predator of whitetail fawns throughout the southeast US. The high fence helps to keep predation numbers down, especially from coyotes. The fenced area is not without predators, and since a bobcat can easily climb the fence, they enter and exit "at will". Multiple employees and the bank owner have witnessed bobcats scaling the fence with ease.

The biodiversity inside the fenced area is an oasis compared to the monocultural pine forests that surround it on both public and private lands. The sheer number of wading birds, raptors (osprey, accipiters, kites, and harriers), and song birds that are readily witnessed is in stark contrast to the ecologically barren tracts of land that surround the Bank. The song birds rely heavily on the fence for staging. Bald eagles were never seen before in this area. Now they are common with staggered aged juveniles indicating at least one local breeding pair near the GDE

bank. Small game species are also more abundant due to the amount and diversity of forage along with the reduction of apex predators such as the coyote. Rabbits can readily enter or exit through the fence and turkey have enjoyed the heavy ground cover for their nesting as well as the reduced pressure from predators. Since there are no black bear in this part of the state, there are no corridors that are being created to ensure their ability to move between the various bear populations.

Specific to the deer herd, the deer inside the enclosure are actively managed with a predetermined number of deer removed from the herd each year. These deer breed under natural conditions with no "breeder pens". The deer that are harvested are selected based on age class and quality. The deer herd is kept below the carrying capacity of the land. This is proven out with browse surveys. Anecdotally speaking, the "piney woods" deer outside the fence are notoriously poor and carry very low body fat during the winter. The deer harvested inside the fence always have a healthy layer of body fat and a greater overall appearance.

Given the poor quality of browse and biodiversity outside the enclosure on both public and private land, there are no negative effects of the high fence on the surrounding area. Since there is no other high fences within 10 miles of the GDE bank the home range of larger mammals in not affected. If the high fence were removed, the area would quickly and completely be degraded by hogs, coyotes, and poachers. Poachers would likely have a huge negative impact on the flora (purposely started forest fires) as well as the fauna. All species would suffer from this action.

In summary there should be no reduction in the 280 credits located inside the fence of the GDE Bank due to the high fence.

Very Respectfully,

Josh McDaniel

Josh McDaniel - GDE Bank Manager/Professional Wetland Scientist

EXHIBIT 9 - 02

EXHIBIT 10 - 01

NOTE: JOINING BANK - LONESOME DOVE (676 Acres) - MBI SIGNED: 1999 CREDITS SOLD: 676 (Final credit sold 2007)

GDE INVESTMENTS LA, LLC MITIGIATION BANK "TIMELINE" (MVN 2005-2124 MR)
IRT (KYLE BALKUM - LDWLF, RAUL GUTIERREZ - EPA, SETH BORDELON - US FWS)

DATE	EVENT
2005	Begin discussions with the Corp. regarding a potential mitigation bank on GDE owned farm land.
2006	Prepare GDE Mitigation Bank former farm rice land for tree planting by removing the rice field levees as per the GDE MBI. Note this was the same procedure as the Lonesome Dove Mitigation Bank land preparation.
Annually from 2007	Submitted annual sales leger report as per the MBI to the Corp. Kip Manual managed (Also note: Kip Manual managed all sales for the 676 acre Lonesome Dove Mitigation Bank) which sold out in April 2007. The initial credits for the Lonesome Dove Mitigation Bank were sold in November 1999, therefore, until September 2012 either the Lonesome Dove or GDE Mitigation Bank had been selling BLHW credits.
January 2007	Planted 244 acres of hardwood seedlings on 9'x9' spacing as per the GDE MBI.
February 21, 2007	Request Mr. Barlow to approve building a game/high fence on the border of the GDE Mitigation Bank? Email from Mr. Barlow to Kip Manuel (my agent) stating "There is not a problem with installing a high/game fence". (written approval)
April 2, 2007	Requested to partition a section of the GDE Mit. Bank through the southern portion. Mr. Barlow responded "I do not think the agencies will take issue with the fencing. However I will copy them on this email to get their input." U.S. FWS and LDWL&F confirmed this email was forwarded to the IRT agencies (obtained through FOIA December 2014). The U.S. FWS said in a hand written note it was Mr. Barlow's decision.

Revised 4/20/2016

April 23, 2007	The GDE MBI was signed. The 2006-2007 JD determined by Mr. Gary Coret confirmed that 278.3 acres of bottom land hardwood - BLHW Wetlands exist at the GDE Mitigation Bank site.
September 2007	Draft of The GDE Mitigation Bank Conservation Servitude was offered to be sent to the Corp. for their approval prior to it being executed and recorded in the Evangeline Parish Court House. The Corp's OC representative Bob Noseworthy response to Mr. Barlow was to have the servitude recorded and if there was a problem with the servitude, when they received it, they would send it back for corrections. A certified copy of the Conservation Servitude was submitted to the Corp. in September 2007 stating that GDE had the right to install a "high fence".
Summer 2007	Installed high/game fence on a portion of the GDE Mitigation Bank acres after receiving a permit / approval from the LA. Dept. of Agriculture and Forestry and Mr. James Barlow's email dated February 21, 2007 approving the game/high fence.
August 8, 2008	Remove 20 acres from the GDE Mitigation Bank due to title clearance issues on a 60 acre tract of land. This reduced the GDE Mitigation Bank from 278.3 to 258.3 acres of BLHW. Bank reduced from 517.3 to 457.3 (reduced by 60 acres). The Mitigation Bank reduction was done with a letter from the Corp. Signed by Mr. Pete Serio. Also, this letter from the Corp. recommended that GDE reduce the servitude by the subject 60 acres. The servitude was amended and recorded on August 15, 2008 in the Evangeline Parish courthouse. A certified copy of the amended servitude was sent to the Corp. in August of 2008.
Remainder of 2008	No communications from Corp. Submitted annual sales leger.

January 2009	Planted 181 acres of Hardwood seedlings of 9'x9' space as per the GDE MBI. This made a total of 425 acres of hardwood trees planted on former GDE Mitigation Bank farmland. No communication from Corp. Submitted annual sales leger.
2009	No communications from Corp. Submitted annual sales leger.
2010	No communications from Corp. Submitted annual sales leger.
2011	No communications from Corp. Submitted annual sales leger.
July 11, 2012	First GDE Mitigation Bank site visit post bank establishment by new Bank Manager (Jacqueline Farabee) for the GDE Mitigation Bank and Bank Manager (Steven Pffefer) for the Lonesome Dove Mitigation Bank. Kip Manual (Agent) was also on the tour of both mitigation banks. Game/high fence was present. A total of 73 acres of credits had been sold from the 258.3 acre GDE Mitigation Bank.
July 13, 2012	Received the first letter from Bank Manager (Jacqueline Farabee) requesting 5 things to access bank progression. GDE contracted Templin Forestry, Inc. to perform a monitoring report on tree survival. Also, twelve (12) permanent monitoring plots were established as per the MBI by Templin Forestry, Inc.
August 16, 2012	Templin Forestry prepared the monitoring report and it was submitted to Bank Manager (Jacqueline Farabee). In the monitoring report, Templin Forestry was very complimentary with the hardwood trees and the overall progression and condition of the GDE Mitigation Bank. No signs of post planting tree mortality.
September 12, 2012	Through FOIA request received email from Jacqueline to the GDE Bank IRT members stating "Please note that grantor specifically reserves all rights to "game/high fence installation"."
September 18, 2012	Received the second letter from the Corp. suspending further credit sales! Requested an "Adaptive Management Plan" AMP that addressed 6 additional questions/concerns.

September 21, 2012	Contracted Arabie Environmental Solutions, Inc. to perform a Wetland Hydrology Evaluation as part of the newly required JD on the GDE Mitigation Bank, including all the former farmland acres planted in 2007 & 2009. This was 1 of the 6 questions/concerns in the second Corp. letter dated September 18, 2012.
November 27, 2012	Sent Wetland Hydrology Evaluation report prepared by Arabie Environmental and a letter proposal answering the 5 other issues raised in the September 18, 2012 letter. All sent to Bank Manager (Jacqueline Farabee).
December 6, 2012	Bank Manager (Jacqueline Farabee) submitted a JD form to GDE to be submitted for additional Mitigation Bank acres being requested.
December 11, 2012	Completed JD request form for a Wetland determination and submitted to Bank Manager (Jacqueline Farabee).
December 19, 2012	Bank Manager (Jacqueline Farabee) confirmed receipt of the JD form and forwarded it to the Corps. Surveillance & Enforcement department.
March 13, 2013	Gary Couret and Greg Elliott site visit regarding JD determination on original and requested additional acres. Gary took soil samples at 10 of the 12 sites taken outside the original bank JD acres taken by Arabie Environmental.
April 3, 2013	Met with Martin Mayer & Bank Manager (Steven Pffefer) with the Corp. and the LMBA group regarding using insurance as a financial assurance. Met with Bank Manager (Jacqueline Farabee) regarding her concerns with the GDE Mitigation Bank. She indicated once compliance issues previously raised were resolved the bank would be taken out of suspension.
April 24, 2013	Field visit #2 with Gary Coret and Brandon Gaspard from the Corp., Arabie Environmental Consultant, Cleve Hoffpauir and myself as part of the 2013 JD determination. This was the second field trip with Corp. personnel and my contracted Environmental Consultant from Arabie Environmental to determine the JD.

May 10, 2013	Received a third compliance letter with 13 additional questions/concerns from Bank Manager (Jacqueline Farabee). Arabie Consulting Report completed regarding the JD.
July 8, 2013	Received the revised 2013 JD determined that 367 acres of BLHW wetlands now exist in the GDE Mitigation Bank. All of the acres were planted in 2007 and 2009 as per the MBI. The original 2007 JD determined that 258.3 acres of BLHW exist (prior to planting of all former farmland with hardwood trees).
July 22, 2013	Received a forth compliance letter with 9 additional questions/concerns from Bank Manager (Jacqueline Farabee). Question #8 - 1st mention of the game/high fence being an issue or concern. This issue was brought up 12 months after the original site visit of July 11, 2012.
September 1, 2013	Purchased a special piece of equipment to remove the naturally recruited Loblolly Pine and Chinese Tallow trees which would not damage the planted hardwood trees. Began field work removing the Pine and Chinese Tallow trees.
September 3, 2013	Forwarded email explaining the game/high fence and authorization received from Dr. James Barlow on April 2, 2007. Jacqueline said it was not adequate or considered as approval. This email was a request to build a partitioning fence through the southern portion of GDE Mitigation bank and not the February 21, 2007 game/high fence approval. She requested I send a letter explaining the game fence, etc. Also, I spoke to Patti Holland since she was the US FWS member of the IRT team. She said she would discuss the subject further with Bank Manager (Jacqueline Farabee).
November 7, 2013	Received a response from Corp. regarding my game/high fence letter. I was offered the following 4 onerous options: A. Remove fence. B. Remove fence from 73 acres on the North boundary. C. Terminate the present GDE Bank & Develop a separate mitigation project to cover the 73 acres already sold. D. Terminate the present GDE Bank and purchase 73 BHHW credits to cover the 73 acres already sold.

November 18, 2013	I proposed 2 additional options for consideration: A. Relocate a section of the fence on the South boundary (leaving 165.3 acres outside the fence - new bank size). B. Use the existing acres outside the game/high fence on the south end of the GDE Mitigation Bank (87.6 acres - new bank size).
December 11, 2013	Bank Manager (Jacqueline Farabee) responded that the Corp. would only work with option "B" that I proposed, therefore reducing the GDE Mitigation Bank from 367 to 87.6 acres. Of the 87.6 acres, 73 acres has already been sold. Requirements from Bank Manager (Jacqueline Farabee) to reduce the GDE Mitigation Bank size: 1. A new title search. 2. Re-write the MBI. 3. Latest Fin. Assurance fund statement. These requirements would be basically be the same as starting the bank approval process from start and is a totally different procedure than when the bank was reduced in August 2008 as a result of a title search issue on one tract of proposed land.
February 1, 2014	During a meeting with Kip Manuel (GDE's Mitigation Bank agent) he produced Mr. Barlow's email dated February 21, 2007 stating "There is no problem with installing a high/game fence."
April 1, 2014	Phone conversation between Andrew Harrison (GDE Attorney), Jacqueline Farabee and Brian Breaux regarding the GDE Mitigation Bank game/high fence.
April 28,2014	Andrew Harrison sent a letter to CEVM/Jacqueline Farabee explaining our position as a result of the newly discovered email from Mr. Barlow to Kip Manual dated February 21, 2007 approving the building of a game/high fence around the GDE Mitigation Bank with 5 supporting attachment enclosures.
July 7, 2014 (email)	Various request from Mr. Harrison to Jacqueline requesting an update on when we would receive a response.

Revised 4/20/2016

July 18, 2014	Receive response to our April 28, 2014 letter to the CEVM regarding the game/high fence. Latest response from the CEVM requested the subject AMP and offered the same 4 options as their November 7, 2013 letter regarding the GDE game/high fence. Jacqueline and I had previously agreed to resolve the game/high fence issue before submitting the AMP.
August 2014	FOIA request to the Corp.
September 29, 2014	Received GDE Mitigation Bank File Data
September 29, 2014	Submitted AMP.
October 16, 2014	Receive memorandum from Andrew/Madeline on FOIA file.
October 20,2014	Receive response to AMP from Corp. stating the existence of the game/high fence surroundings portions of the GDE Bank was out of compliance. Also, requesting which of the 4 offered options I choose.
October 24, 2014	Sent letter to Bill Cassidy and David Vitter's office requesting assistance in scheduling a meeting with Colonel Hansen.
November 18, 2014	Charles with Vitter's office and Andrew begin dialogue.
December 4, 2014	Met with Andrew and Madeline in their Baton Rouge office.
December 9, 2014	Madeline discovered an email between Jacqueline and Patti Holland dated May 30th and 31, 2013 received from U.S. FWS and LDWL&F office through the FOIA. There was also another email from James Barlow to Kip Manuel with CC to Patti Holland, Kyle Balkum and John Ettinger dated April 2, 2007 referring to my request to install the game/high fence.
February 11, 2015	Meeting with Colonel Hansen scheduled for February 12, 2015. Meeting was cancelled by Corp. due to receiving new data (Letter from Attorney Andrew Harrison) less than 24 hours before meeting. Currently 90% complete with invasive flora removal.

April 7, 2015	Meeting was held with Colonel Hansen to discuss game/high fence. Attendees: Colonel Hansen, Greg Elliott, Aven Bruser - Corp. Staff attorney, Martin Mayer - Chief of Regulatory, Jacqueline Farabee - GDE Bank Manager, Steven Roth - District Counsel, Kip Manuel - GDE agent, Andrew Harrison and Madeline Melancon.
April 30, 2015	After Andrew contacted the Corp. requesting when we may receive a response to our April 7, 2015 meeting, Aven Bruser requested supporting documents that would confirm the Corp. was aware of the GDE Bank Conservation Servitude that was recorded in Evangeline Parish and a certified copy was sent to the Corp. in September 2007.
May 6, 2015	Trip to Washington, D.C. Met Senator Vitter, James Holland (Chief of Counsel) and Ward Cormier (staff member), all part of Senator Vitter's staff. Gave Senator Vitter a summary of my game fence issue over the past 3 years with the U.S. Army Corp. of Engineers. Also, Andrew sent Charles pictures of the Mitigation Banks game fence in Richland Parish, LA.
May 7, 2015	Met with Charles Brittingham, Senior Staff of Senator Vitter. Showed him that FOIA received emails from Jacqueline to Patti in May 2013, where Jacqueline stated "this is an older bank and Mr. Elliott has the right to install a game fence". Also, showed him an email from Dr. Barlow to the IRT notifying them of my intention to install a game fence. I also left a copy of may emails and correspondence from me and Andrew to the Corp. and letters from the Corp. to me regarding the GDE game fence dating from 2007 to 2015.
May 22, 2015	Andrew Harrison's very thorough response to Aven Bruser's email regarding the GDE Game Fence and the Conservation Servitude.
June 10, 2015	Received forth response from Corp. not allowing the game/high fence and gave the following options: A. Remove the fence in its entirety. B. The fence may remain but all areas contained within the fence are to be removed from the bank. The unfenced southern portion of the bank (containing approximately 87 acres) will be the total area of the GDE Mitigation bank.

Revised 4/20/2016

June 23, 2015	Notification given by letter to Martin Mayer to remove +/- 21.5 acres of non-wetland land from the bank pursuant to Section XII, paragraph Z of the MBI. No response from CEMVN to date!
June 24, 2015	GDE Bank site visit from the following: Ms. Jacqueline Farabee (Bank Manager), Mr. Robert Hefner and Mr. Brian Oberlies (Corp. Regulatory Branch) and Mr. Raul Gutierrez (EPA IRT Member). The reason for the visit was as follows: 1. The animal watering ponds inside the game fence 2. The invasive flora removal operation from the entire GDE Bank 3. Determine if edge around pre-existing pond was wetlands, since the 2013 JD had it mapped as non-wetland and dirt fingers had been added since 2007. Summary of the site visit: 1. The animal watering ponds inside the game fence were o.k., since all dirt was removed from the GDE Mitigation Bank when the ponds were dug via a dump truck. 2. Several areas were visited and it was confirmed that there was no mechanical land clearing taking place. They did mention that at the most recent area that invasive flora was being removed and that some of the chip piles were concerning. We agreed to do a better job spreading the chips going forward. Please note these piles were at least 50% pine straw and all chips biodegrade in no more than 6 months. 3. The area around the pre-existing pond was determined to be non-wetlands, which supported the 2013 JD, therefore the added levees were ok. See site visit summary report for more details, especially regarding item #2.

July 2, 2015	Notification given by letter to Jacqueline with cc. to Martin to remove +/- 1 acre from the bank pursuant to Section XII, Paragraph 2 of the MBI which is not owned by GDE Investments. No response to date from CEMVN!
July 2015	Engage Dawson and Associates (D&A) to assist with the GDE game fence issue. All members are retired of ex-Corp. workers with majority being retired from U.S. Army, D&A's Headquarter in Washington, D.C.
July 30, 2015	Col. Eisenhauer, P.E. phone conversation with Col. Hansen. Short conversation and Col. Hansen made it clear the CEVMN would not change their position.
July 21, 2015 - October 22, 2015	Bi-Weekly GDE and D&A team meetings. D&A legal team member, Steve Temmel, spoke to Vicksburg Corp. division legal, Bitsy Sloan, & CEVMN legal, Stephan Roth, and asked if they had a legal assessment done on this. Their answer was no.
September 5, 2015	Colonel Eisenhauer sent an email to Dennis Norris and Tonya Acuff explaining the fence issue including supporting documentation.
October 22, 2015	Due to D&A's staff a meeting between GDE, D&A (Dave Barrows -at meeting, Col. Eisenhauer and Steve Temmel - phone), Vicksburg Division - Corp. MG Wehr, Bitsy Sloan, Dennis Norris, NO's Corp. Colonel Hansen, Martin Mayer and Stephan Roth was held at GDE's office. Agreed to performing a functional reassessment. Also, agreed that a meeting in NO's Corp. with myself and Josh McDaniel was needed to work out details of what would be required.
November 2, 2015	Jacqueline Farabee contacted Josh McDaniel by phone stating they would require a new prospectus. We had not agreed to a prospectus October 22, 2015 meeting, but had agreed to a functional reassessment of the bank's fenced area.

Revised 4/20/2016

December 3, 2015	Meeting with NO's Corp. to discuss a path forward to deal with the GDE fence issue included, GDE, Josh McDaniel, Martin Mayer and Jacqueline Farabee. They insisted a prospectus for the GDE Bank was required before they could contact the IRT to discuss the fence.
December 4, 2015	Jacqueline sent an email with a list of what was required to submit the new prospectus.
December 11, 2015	GDE submitted a letter to Jacqueline with cc to Martin and Stephan Roth stating we agreed to a functional reassessment in the October 22, 2015 meeting and disagreed with providing a new bank prospectus.
Various Dates	Multiple email request for a response to the GDE letter dated December 11, 2015 letter.
January 1, 2016	Received FOIA response from Vicksburg, Corp. with details on the Bank's Mitigation Bank fence titled as "Control of Animal Predation" as an attachment to the MBI.
March 16, 2016	Received response from Martin Mayer to my December 11, 2015 letter stating a prospectus was required plus many other questions, etc. Also, he cc'd all of the IRT members.
March 17, 2016	Conference call between GDE, Col. Eisenhaur and Dave Barrows to discuss Martin's letter. They provided an excerpt from the 2008 Mitigation Banking rule stating a prospectus was not required for existing bank's with an MBI.
March 22, 2016	Phone conversation between GDE and Jacqueline where GDE informed her that the 2008 Mit. Bank rule stated for existing MBI's a prospectus was not required. She then said she would research and get back with me. She called back shortly after that and agreed a prospectus was not required, but sent an email after the phone conversation that included their requirements. Everything that is required for a prospectus was needed before they go to the IRT regarding the existing fence.

Revised 4/20/2016

March 30, 2016	Email Jacqueline copy of the banks Mitigation Bank "Control of Animal Predation" document.
March 30, 2016	Email Jacqueline requesting an update on the GDE Bank PCN 27 permit application which was submitted November 4, 2016
April 1, 2016	Jacqueline responded to PCN 27 permit application stating this work would have been part of the public notice portion of the prospectus process. Please note I was assured in June 2015 that once the tolling agreement was signed and the PCN 27 permit application was submitted (which was done Novebmer 4, 2015) I should receive the PCN 27 permit to finish the invasive tree removal within 30 days. This is another example of the Corps. unwillingness to work with GDE for the betterment of the GDE Bank and the environment.