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.

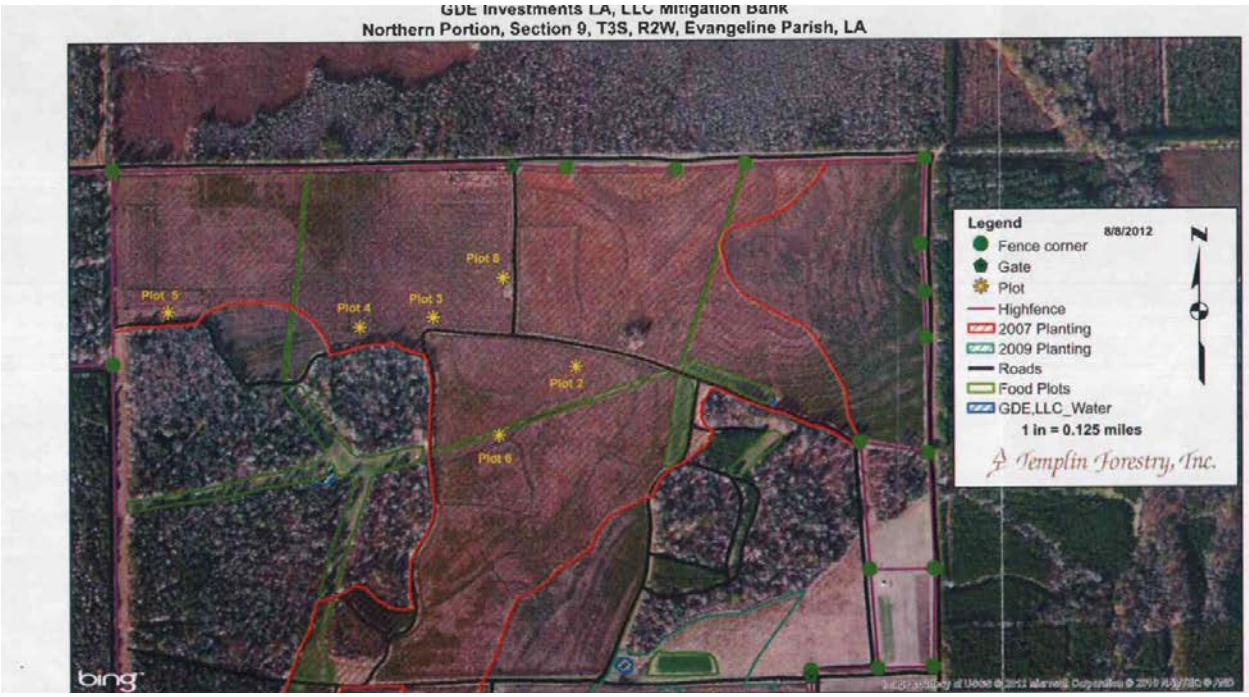
Please refer to the MBI under Goals and Objectives for further information.

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.

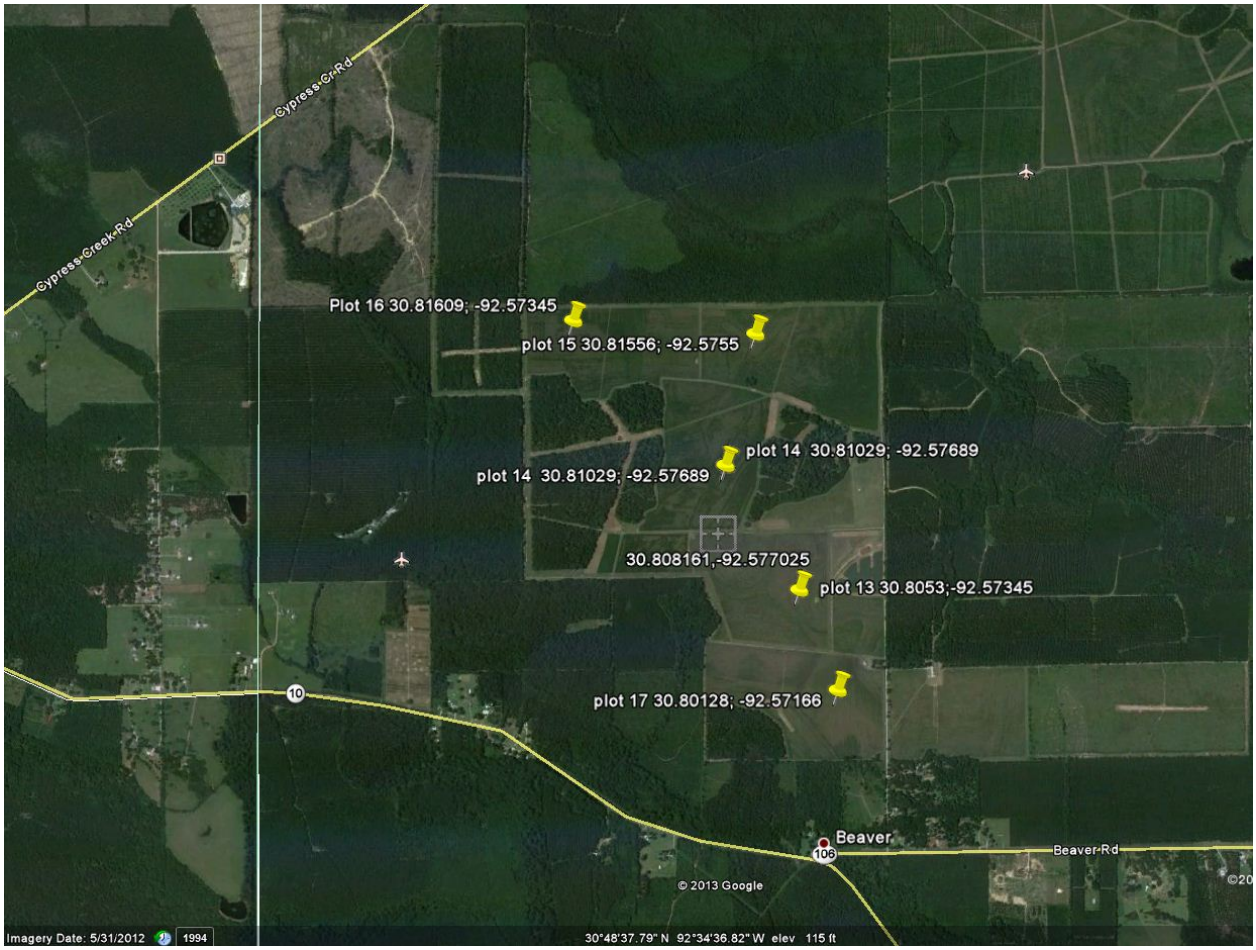
Please refer to MBI Section III.B.2. Invasive/Exotic Vegetation Control for further information.

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.



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.



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:

<u>Initial Success Criteria</u>: 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

<u>Interim Success Criteria</u>: 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.

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.

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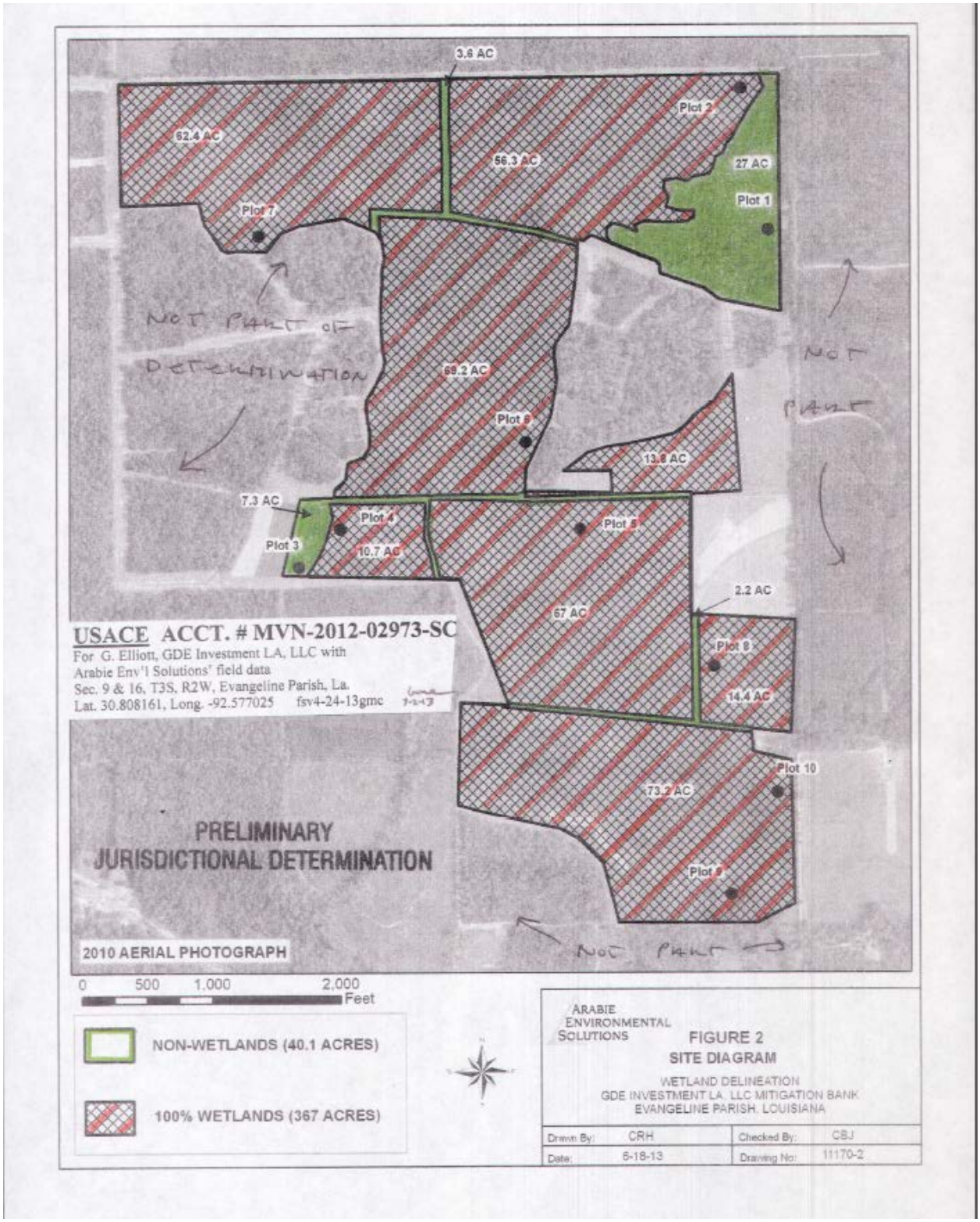
Attachment:

Preliminary Jurisdictional Determination



Summary:

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