Gutierrez, Raul

From: Breaux, Brian W MVN <Brian.W.Breaux@usace.army.mil>
Sent: Wednesday, September 25, 2013 2:57 PM
To: Daniel Bollich; George Guerin
Cc: Mayer, Martin S MVN; patti_holland@fws.gov; Seth Bordelon; joshua_marceaux@fws.gov; Richard Hartman - NOAA Federal; Abernathy, Lisa; Williams, Patrick ; Gutierrez, Raul; Kitto, Alison; Ettinger, John; Kelley Templet; Holcombe, Jim; Kyle F. Balkum (kbalkum@wlf.louisiana.gov); rcdavis@wlf.la.gov; Archer, Brenda A MVN; Farabee, Jacqueline R MVN; Pfeffer, Stephen D MVN
Subject: Ponderosa Ranch of Pointe Coupee Mitigation Bank

Follow Up Flag: Follow up
Flag Status: Completed

Daniel/George:

CEMVN is prepared to approve/sign the MBI for the Ponderosa Ranch of Pointe Coupee Mitigation Bank upon inclusion of the following:

1) MBI Section III.A(3). (replace)

3.The Owner will not allow any prohibited uses of the Property as set forth in this MBI and the conservation servitude without prior written authorization from CEMVN. In conducting any such activity, or in the event Owner discovers such activity is being conducted by a third party, Owner agrees to consult with CEMVN and, if necessary, with third parties who may be conducting such activity and take such actions deemed necessary by CEMVN in order to avoid, minimize and if necessary, compensate for any impacts resulting directly or indirectly from such activities. Owner further acknowledges that conducting such activities, whether or not permitted by CEMVN, may result in a reduction of available credits, the implementation of adaptive management requirements, the utilization of financial assurances, and suspension or termination of credit sales.

2) MBI Section III.B (add new provision)

8.The Sponsor acknowledges and agrees to be held responsible for any and all activities that take place on the Property including, without limitation, any mineral exploration and production related activities conducted on the surface or subsurface of the property which may include, amount others, drilling; the construction of exploration and production work areas; activities related to Property ingress and egress; the transportation of minerals by roadway or by construction or pipelines, flowlines or other appurtenances; and the production and/or disposal of process water and other by-products on the Property. The Sponsor acknowledges and agrees to remain fully responsible for implementing or ensuring the implementation of any and all corrective actions, remedial measures or compensatory mitigation, including any associated costs, deemed necessary by CEMVN to address any impacts caused by such activities to the Property, regardless of fault, which may include the purchase of credits from another preapproved mitigation bank. Failure to address such impacts to the satisfaction of CEMVN may result in a reduction of available credits, the implementation of adaptive management requirements, the utilization of financial assurances, and the suspension or termination of credit sales.

If you have any questions, please contact me.

Brian W. Breaux
CEMVN Regulatory Branch
Special Projects & Policy Team
(504) 862-1938
brian.w.breaux@usace.army.mil