

Exhibit AE: Wetlands Determination Report Millhaven Site



Date: August 30, 2011

To: Ms. Rebecca H Harrod
Harrod and Harrod
1401 Hudson Lane, Suite 300
Monroe, LA 71207

Re: Wetland Determination for Millhaven Plantation

Dear Ms. Harrod:

A preliminary wetlands investigation was conducted for an approximately 725 acre tract of farmland located on the east side of Highway 594 approximately 0.44 miles north of I-20 in Ouachita Parish, Louisiana (Exhibits 1, 2 and 3). The purpose of the investigation was to *determine* general location(s) of wetlands and other *Waters of the U.S.*; a formal delineation was not completed. The investigator was Mr. Bill McAbee with McAbee Wetland Services, and the site was investigated on August 21, 2011. Methodology of the investigation followed guidelines set forth in the 1987 COE Wetland Delineation Manual and the Regional Supplement Manual for the Atlantic and Gulf Coastal Plain Region.

BACKGROUND

The entire Millhaven Plantation tract was active farmland with the exception of minor forested areas along the southern and eastern borders (Exhibit 4 and 5), plus an approximately five acres pecan orchard located near the southwest corner of the site (Exhibit 6). At the time of the site visit the crops had been harvested (Exhibit 7). The property has been actively farmed since at least 1987 according to USDA Soil Conservation Service records.

There were two main flume ditches; the northeastern ditch was fairly overgrown with both hydric and non-hydric plant species (Exhibit 8). The other ditch which basically dissects the property from north and south was better maintained with some herbaceous and scrub shrub vegetation (Exhibit 9). At the southern end of this north/south flume ditch, where it tied into the railroad ditch, there was a small flat area that appeared was overgrown with a dominance of hydric species including some mature black willow trees (Exhibit 10). A soil sample was not

Exhibit

AE

taken but it appears that all three hydrological indicators (soils, vegetation and hydrology) needed to call an area wetland might be present in this small area.

The dominant tree species along both the forested southern side and the eastern side of the site were honey locust (*Gleditsia triacanthos*), red oak (*Quercus falcata*), post oak (*Q. stellata*), willow oak (*Q. phellos*), hackberry (*Celtis occidentalis*), and winged elm (*Ulmus alata*). Common understory species included Chinese privet (*Ligustrum sinense*), American beauty berry (*Callicarpa americana*), greenbriar (*Smilax bona-nox*), and false willow (*Baccharis halimifolia*). This mix of species could be considered hydric or non-hydric depending on the data sample point and the density of each particular species, but it is the investigators opinion that these forested areas would be predominantly if not 100% upland. The exception might be the south end of the main flume ditch as described in the preceding paragraph.

There were also numerous shallow field ditches noted on the site. All of the ditches were completely dry at the time of the site visit and there was not any evidence anywhere on the property of ditch overflow or sheet flooding. Several irrigation wells were located throughout the tract. No other improvements were noted.

The property abuts the Kansas City Southern Railroad on the south border. There was a two to eight-foot high berm that paralleled the railroad located in the trees just off the southern field edge. This berm was apparently created from the borrow material created during the railroad construction or from subsequent efforts to improve the railroad drainage ditch. Based on the age of the trees growing on the berm, it has been there for a long time.

The USDA Soil Conservation Service office for Ouachita Parish was contacted to acquire any information regarding prior converted or farmed wetland determination conducted for the Millhaven Plantation. In September 1987, a SCS-CPA-026 form was completed for this property and determined that there were some acreages of prior converted farmlands but also approximately five acres of farmed wetlands (Exhibit 11). The farmed wetlands were said to begin in the southeast corner of field 35 and proceeds northerly into field 43 (Exhibit 12). During the site visit there was no evidence of current wetlands in this area and a review of historical aerial photography dating back to 1998 does not indicate this area to be wet in any of the nine years reviewed. In fact the historical aerial photography does not indicate any wet areas on the Millhaven Plantation.

The Ouachita Soil Survey indicates that the soils on the site are predominantly Herbert Silt Loams or Herbert complex (65.1%), 14.7% were Sterlington silt loam, 9.4% were Portland silt loam, 8.5% were Rill silt loam, and 2.3% were Perry Clay, occasionally flooded (Exhibit 13). The Perry Clay, occasionally flooded soils coincide with the location of the reported “farmed wetlands” and may have been the basis for that determination.

FINDINGS

Based on the site reconnaissance and a review of CIR photography, the USDA Soil Survey for Ouachita Parish, and 7.5 minute topographic quadrangle maps, there were not any definitive wetlands. However, there is a possibility of wetlands at the south end of the North/south flume ditch (less than 1/10 acre), and a detailed investigation into the approximately five-acre wetland determined by the SCS in 1987, will need to be completed prior to any permit application.

Since the ditches on the subject property are all apparently man made for the purpose of agriculture and have been actively maintained, these ditches will likely not be regulated by the COE and will therefore not require any mitigation. But, regulations change and application of regulations vary so it would be prudent, prior to completing any work on the site, to review potential impacts to these ditches with the COE to determine if any activity will affect a regulated water body. This review can be accomplished simultaneously with the wetlands investigation.

If you have any questions that I can help with for the “Louisiana Certified Sites Program” please don’t hesitate to send them to me. If you have any additional questions concerning this determination please contact me any time.

Sincerely,

A handwritten signature in cursive script that reads "William C. McAbee".

William C. “Bill” McAbee
McAbee Wetland Services
655 Meadowbrook Road
Jackson, MS 39206
wmcabee@mbakercorp.com
601.842.8938

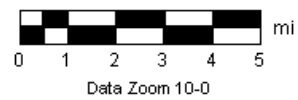
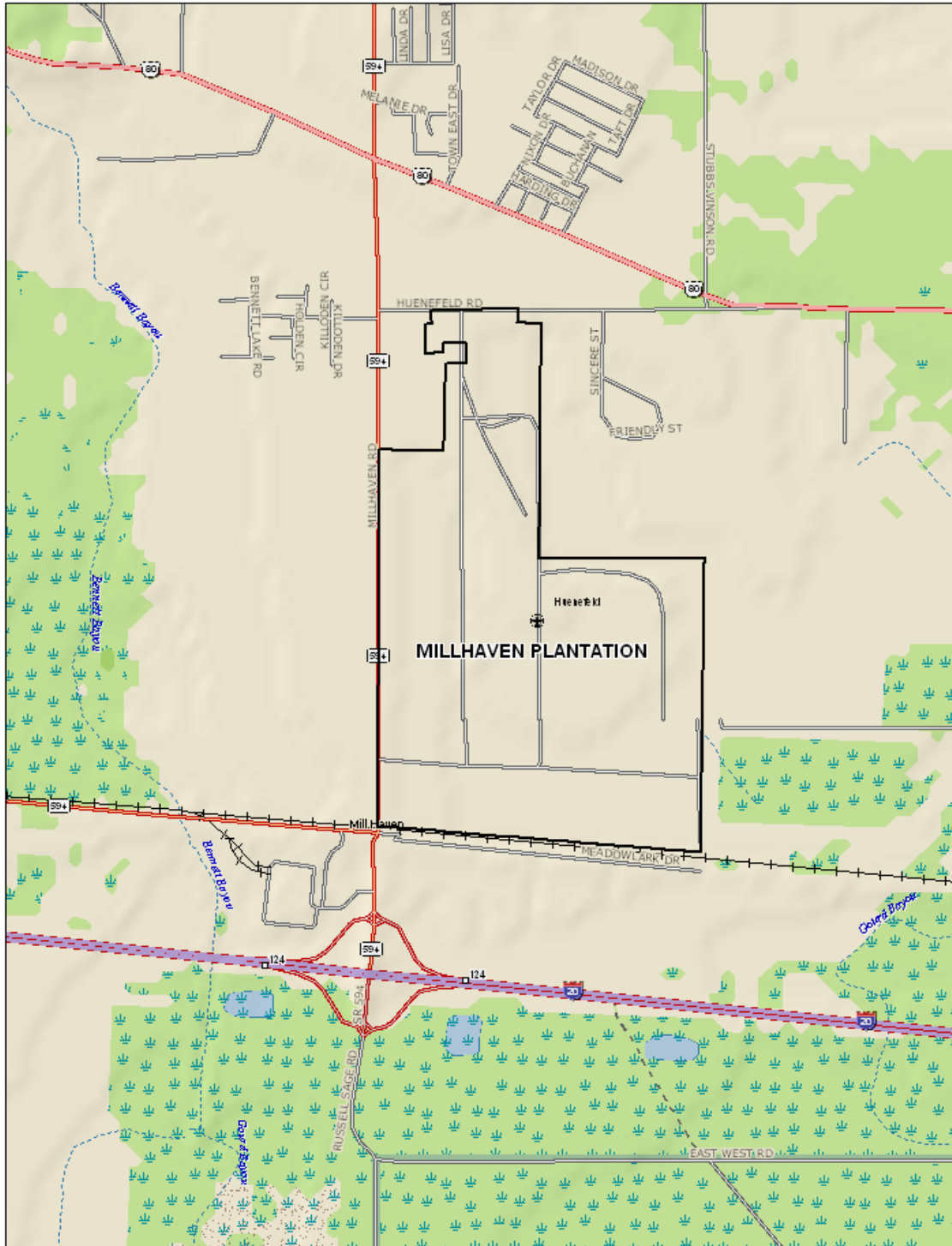


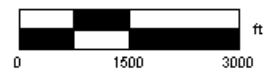
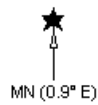
EXHIBIT 1. GENERAL LOCATION MAP



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Data Zoom 13-0

EXHIBIT 2. SITE LOCATION MAP

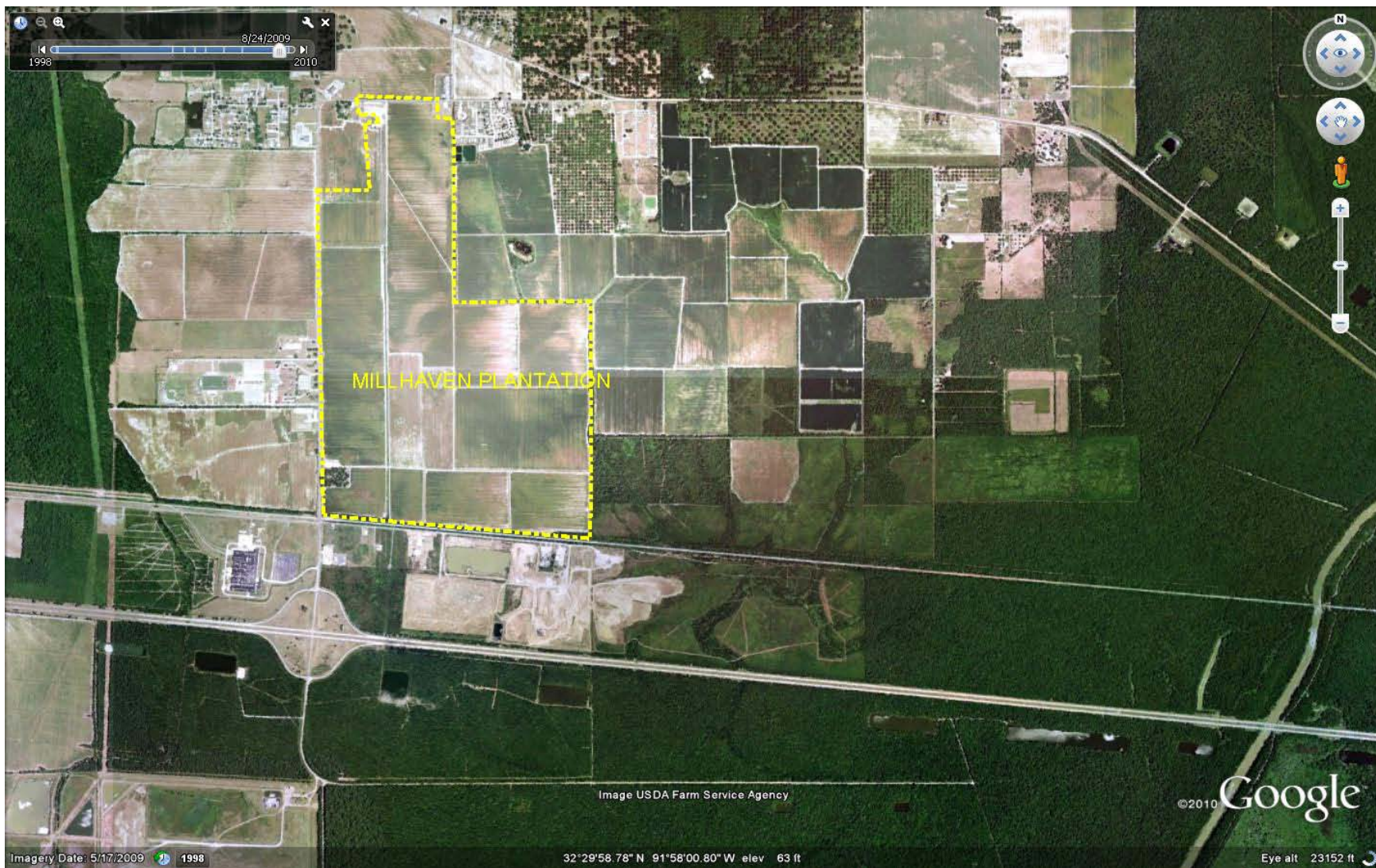


EXHIBIT 3. SUBJECT PROPERTY ON GOOGLE EARTH (2009 IMAGERY)



EXHIBIT 4. SOUTHERN BORDER WOODS



EXHIBIT 5. EASTERN BORDER WOODS



EXHIBIT 6. PECAN TREES ADJACENT TO HIGHWAY 594.



EXHIBIT 7. HARVESTED CORN FIELDS



EXHIBIT 8. EASTERN FLUME DITCH.



EXHIBIT 9. NORTH/SOUTH FLUME DITCH



EXHIBIT 10. SOUTH END OF NORTH/SOUTH FLUME DITCH

HIGHLY ERODIBLE LAND AND WETLAND
CONSERVATION DETERMINATIONFred Huenfeld Jr.
Box 4480
Monroe, La. 71203

9-22-87

3. County

Ouachita

4. Name of USDA Agency or Person Requesting Determination

ASCS

5. Farm No. and Tract No.

0087

T-1249

SECTION I - HIGHLY ERODIBLE LAND

6. Is soil survey now available for making a highly erodible land determination?	Yes	No	Field No.(s)	Total Acres
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
7. Are there highly erodible soil map units on this farm?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.				
9. List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981-1985; and were not enrolled in a USDA set-aside or diversion program.				
10. This Highly Erodible Land determination was completed in the: Office <input checked="" type="checkbox"/> Field <input type="checkbox"/>				

NOTE: If you have highly erodible cropland fields, you may need to have a conservation plan developed for these fields. For further information, contact the local office of the Soil Conservation Service.

SECTION II - WETLAND

11. Are there hydric soils on this farm?	Yes	No	Field No.(s)	Total Wetland Acres
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
List field numbers and acres, where appropriate, for the following EXEMPTED WETLANDS:				
12. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW). Wetlands may be farmed under natural conditions. Farmed Wetlands may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.			13	5
13. Prior Converted Wetlands (PC) - The use, management, drainage, and alteration of prior converted wetlands (PC) are not subject to FSA unless the area reverts to wetland as a result of abandonment. You should inform SCS of any area to be used to produce an agricultural commodity that has not been cropped, managed, or maintained for 5 years or more.			1, 2, 3, 4 & 6	
14. Artificial Wetlands (AW) - Artificial Wetlands includes irrigation induced wetlands. These Wetlands are not subject to FSA.				
15. Minimal Effect Wetlands (MW) - These wetlands are to be farmed according to the minimal effect agreement signed at the time the minimal effect determination was made.				
16. Converted Wetlands (CW) - In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits. If you believe that the conversion was commenced before December 23, 1985, or that the conversion was caused by a third party, contact the ASCS office to request a commenced or third party determination.				

NON-EXEMPTED WETLANDS:

17. The planned alteration measures on wetlands in fields _____ are considered maintenance and are in compliance with FSA.				
18. The planned alteration measures on wetlands in fields _____ are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See item 16 for information on CW.				
19. This wetland determination was completed in the: Office <input checked="" type="checkbox"/> Field <input type="checkbox"/>				
20. This determination was: Delivered <input type="checkbox"/> Mailed <input checked="" type="checkbox"/> To the Person on Date: 10-27-88				

NOTE: If you do not agree with this determination, you may request a reconsideration from the person that signed this form in Block 22 below. The reconsideration is a prerequisite for any further appeal. The request for the reconsideration must be in writing and must state your reasons for the request. The request must be mailed or delivered within 15 days after this determination is mailed to or otherwise made available to you. Please see reverse side of the producer's copy of this form for more information on appeals procedure.

NOTE: If you intend to convert additional land to cropland or alter any wetlands, you must initiate another Form AD-1026 at the local office of ASCS. Abandonment is where land has not been cropped, managed, or maintained for 5 years or more. You should inform SCS if you plan to produce an agricultural commodity on abandoned wetlands.

21. Remarks

22. Signature of SCS District Conservationist

23. Date

HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION CERTIFICATION

NOTE

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a). The authority for requesting the information to be supplied on this form is the Food Security Act of 1985, P.L. 99-198, and regulations promulgated under the Act (7CFR Part 12). The information will be used to determine eligibility for program benefits and other financial assistance administered by USDA agencies. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court magistrate or administrative tribunal. Furnishing the Social Security Number is voluntary. Furnishing the other requested information is voluntary; however, failure to furnish the correct, complete information will result in a determination of ineligibility for certain program benefits and other financial assistance administered by USDA agencies. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to information provided by the producer on this form.

PART A - PRODUCER'S INTENTIONS FOR USE OF LAND

1. NAME AND ADDRESS OF PRODUCER <i>Paul Huenfeld, Jr.</i> <i>Box 4480</i> <i>Mamou, La. 71203</i>	2. SOCIAL SECURITY NUMBER (or tax ID number) <i>434-54-0016</i>	3. CROP YEAR <i>1987</i>
	FARM NUMBER(S) <i>4</i>	COUNTY(IES) WHERE LOCATED <i>5</i>
	<i>837</i>	<i>Ouachita</i>
	<i>0</i>	

- | | | |
|---|-----|----|
| 6. During either the crop year entered in item 3 above, or the term of a requested USDA loan, will an agricultural commodity be produced on fields of the farm(s) that were not used for the production of any agricultural commodity (see instructions) or not enrolled in an USDA set-aside or diversion program during any crop year 1981 through 1985? If "yes," list the farm and field numbers. | Yes | No |
| 7. Will an agricultural commodity be produced on any land on the farm(s) listed above that was a wet area but was improved, drained, or modified, or converted after December 23, 1985? If "yes," list the farm and field numbers. | | |
| 8. Do you plan to convert any land including wet areas for the production of an agricultural commodity this year or during the term of a requested USDA loan or other program benefit? If "yes," list the farm and field numbers. | | |

I hereby certify that the above information is true and correct to the best of my knowledge and belief.

9. SIGNATURE OF PRODUCER

DATE

11-20-86

PART B - REFERRAL TO SCS

CHECK

10. Based on county office information, a SCS determination is:
- Needed prior to the producer's certification in Part C.
 - Needed before January 1, 1990.

NOTE: If the producer answers "No" to Part A, items 6, 7, and 8, and the agency so agrees, the producer may complete the certification in Part C without a SCS determination. However, beginning January 1, 1990, or 2 years after a soil survey is completed, the producer must be actively applying an approved conservation plan on all highly erodible fields. Therefore, a SCS determination regarding the existence of any highly erodible fields on the farm(s) listed above is necessary before January 1, 1990.

11. DATE REFERRED TO SCS FOR DETERMINATION

9-22-87

12. SIGNATURE OF AGENCY REPRESENTATIVE

DATE

9-22-87

PART C - USE CERTIFICATION (Completed by producer)

13. As a condition of eligibility for any USDA loans or other program benefits, I hereby certify that:

- I will not produce an agricultural commodity on highly erodible fields (except fields that, in any crop year between 1981 and 1985, were used to produce any agricultural commodity or were enrolled in a USDA set-aside or diversion program); and I will not use the proceeds of any FmHA loan, insured or guaranteed, received after December 23, 1985, for a purpose that will contribute to production of an agricultural commodity on these highly erodible fields, as determined by SCS, unless an approved conservation system has been fully applied.
- I will not produce an agricultural commodity on converted wetlands or use proceeds from any FmHA farm loan, insured or guaranteed, received after December 23, 1985, for a purpose that will contribute to the conversion of a wetland to produce an agricultural commodity, as determined by SCS.
- I will not convert wetlands or bring new lands into production for the purpose of producing an agricultural commodity without first consulting all USDA agencies with which (1) I have a current contract or loan agreement, insured or guaranteed, or (2) I have a crop insurance contract issued by or reinsured by the Federal Crop Insurance Corporation.
- USDA representatives may enter upon my land for the purpose of confirming any of the above statements.

SIGNATURE OF PRODUCER

DATE

11-20-86

14. REMARKS

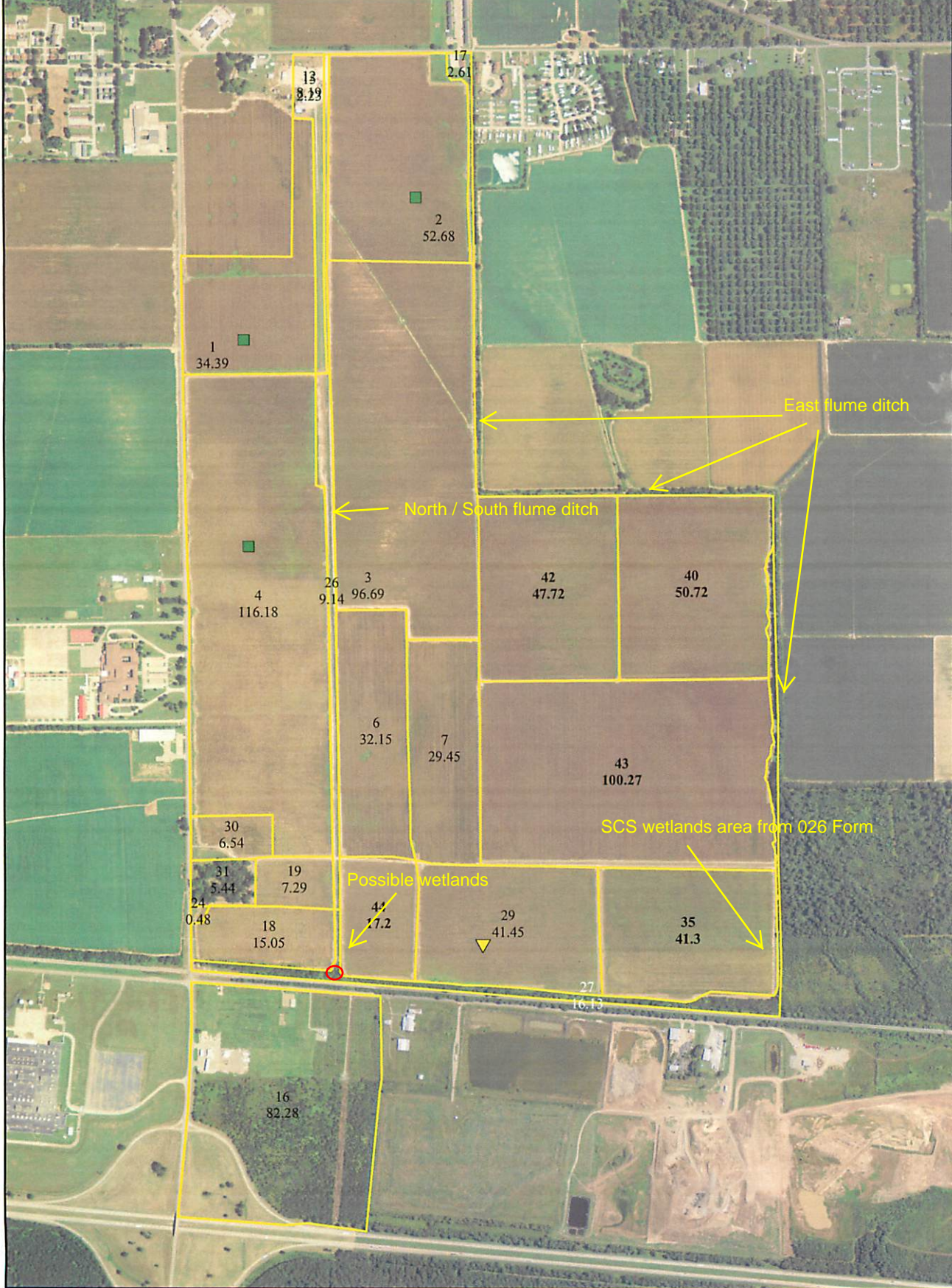
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CURRENT CONSERVATION OBJECTIVES

LIST POSSIBLE ALTERNATIVE RESOURCE MANAGEMENT SYSTEMS THE SCS CONSERVATIONIST MIGHT CONSIDER WITH THE LAND USER (As objectives change record them in the notes)

NOTES OF SIGNIFICANT ASSISTANCE PROVIDED, ALTERNATIVES CONSIDERED, DECISIONS REACHED, RESOURCE MANAGEMENT SYSTEMS OR COMPONENT PRACTICES INSTALLED, AND FOLLOWUP PROVIDED MAY BE RECORDED CHRONOLOGICALLY BELOW AND ON ADDITIONAL PAGES TO PROVIDE A HISTORY OF RESOURCE CONSERVATION PLANNING AND IMPLEMENTATION ACTIVITIES WITH THE LAND USER. INCLUDE AN EVALUATION OF SIGNIFICANT SOCIAL, CULTURAL, ECONOMIC, AND ENVIRONMENTAL RESOURCES. (These include consideration of wetlands, flood plains, endangered species, archeological values, prime lands, etc.)

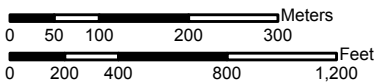
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Soil Map—Ouachita Parish, Louisiana
(Millhaven Plantation)



Map Scale: 1:8,450 if printed on B size (11" x 17") sheet.



Map Unit Legend

Ouachita Parish, Louisiana (LA073)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Hb	Hebert silt loam	462.7	60.0%
He	Hebert complex	39.4	5.1%
M-W	Miscellaneous water	0.1	0.0%
Pe	Perry clay, occasionally flooded	17.4	2.3%
Po	Portland silt loam	72.8	9.4%
RIA	Rilla silt loam, 0 to 1 percent slopes	65.4	8.5%
StA	Sterlington silt loam, 0 to 1 percent slopes	90.9	11.8%
StB	Sterlington silt loam, 1 to 3 percent slopes	22.2	2.9%
Totals for Area of Interest		770.9	100.0%