

A dark blue silhouette of the state of Louisiana is centered on the page, serving as a background for the title text.

# Exhibit Z – Franklin Farm 404 Permit

Franklin Farm 404 Permit



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS

4155 CLAY STREET

VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO  
ATTENTION OF:

August 7, 2009

Operations Division

Mr. Clay Cromwell  
Wildlife Technical  
Services, Incorporated  
Post Office Box 820188  
Vicksburg, Mississippi 39182

Dear Mr. Cromwell:

In compliance with your request, we are enclosing a permit issued by authority of the Secretary of the Army (enclosure 1). Upon completion of the activity authorized by this permit, please sign the enclosed certification of compliance and return it to this office (enclosure 2).

Special attention should be paid to the General and Special Conditions (where applicable) of this permit. Please note the permit expiration date in General Condition 1.

Should you find that any material changes are necessary in the location or plans of the work, it will be necessary that you submit revised plans prior to commencement of the work. Please include the project Identification No. MNH-MVK-2008-819 with all correspondence.

If you have any questions regarding this matter, please contact Ms. Monica N. Hughey of this office, telephone 601-631-7928, fax 601-631-5459, or e-mail address: [regulatory@usace.army.mil](mailto:regulatory@usace.army.mil).

Sincerely,

*for Anne S. Weener*  
Michael P. McNair, R.F.  
Chief, Regulatory Branch

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee: Mr. Fred Franklin, George B. Franklin  
and Son's, Incorporated

Permit No.: MVK-2008-819

Issuing Office: CEMVK-OD-F

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity, or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: See maps and drawings (encl 1).

Discharge of dredged and/or fill material associated with the mechanized land clearing of wetlands to make drainage improvements to facilitate farming activities.

Wetlands and other Waters Impacted: 3.73 acres of other waters of the United States, and the permanent conversion of 19.25 acres of forested wetlands to herbaceous wetlands.

Wetlands Mitigated: 40.0 acres of bottomland hardwood forest (restoration of 40.0 acres of degraded wetlands located at the Pintail Brake Mitigation Property, section 3, T16N-R13E, Madison Parish, Louisiana).

Project Location: Section 3, T17N-R8E, and sections 27 and 34, T18N-R8E, within the Cypress Bayou drainage basin, Richland Parish, Louisiana.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on AUG 07 2014. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4, below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort, or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions (encl 2).

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall use best management practices during construction to minimize erosion at the project site.

2. As compensatory mitigation for the permanent conversion of 19.25 acres of forested wetlands, and temporary impacts to 11.25 acres of herbaceous wetlands from sloping and contouring at the project sites, the permittee shall restore 40.0 acres of degraded wetlands located at the Pintail Brake Mitigation Property, section 3, T16N-R13E, Madison Parish, Louisiana (encl 3). A mitigation covenant for the proposed mitigation area shall be placed on the property and provided to this office prior to final permit issuance.

3. The permittee shall approve any offsite borrow area(s) and insure that in obtaining the borrow material, there are no unauthorized impacts to jurisdictional waters of the United States and/or cultural resource sites eligible, or potentially eligible, for inclusion in the National Register of Historic Places. If permits or other clearances are required for the use of the borrow site, those approvals must be obtained by the landowner of the site, or his agent, prior to use of the site for borrow.

4. The restoration shall include the reforestation of the 40.0 acres of degraded wetlands in Madison Parish, Louisiana, adhering to the following planting and monitoring requirements:

a. The mitigation site restoration shall be in the form of planting not less than one year old (1.0), hard mast bottomland hardwood seedlings, no later than 31 March 2010.

b. A certified/registered forester shall select the species to be planted from the U.S. Department of the Interior Biological Report 88(26.2) National List of Plant Species That Occur in Wetlands: Southeast (Region 2). Indicator Categories should range from Facultative + to Obligate, depending on site hydrology.

c. Seedlings shall be planted on 12- by 12- foot spacing in the converted wetlands. Within 30 days of the completed planting date, a Planting Report shall state the date(s) of planting, species planted, and the number of each species planted.

d. Certification by a certified/registered forester of a survival rate of not less than 50 percent (150 seedlings per acre) of the target species after the first growing season (31 March 2010 through 15 August 2010) is required. This determination shall be made using standard forestry sampling techniques. The permittee shall provide the certified Survival Report to this office no later than 1 October 2010.

e. If a 50 percent survival rate of the target species (150 seedlings per acre) is not achieved after the first growing season, an appropriate number of seedlings shall be replanted no later than 31 March 2011 to achieve the required 50 percent survival rate.

f. After the second growing season (31 March 2011 through 15 August 2011), a certified/registered forester shall certify that a survival rate of not less than 50 percent of the target species (150 seedlings per acre) has been maintained. This determination shall be made using standard forestry sampling techniques. The permittee shall provide the certified Survival Report to this office no later than 1 October 2011.

g. Replanting and providing certified Survival Reports shall continue until such time that a 50 percent survival rate of the target species (150 seedlings per year) is achieved for four consecutive years or until the permit is modified to accomplish appropriate mitigation.

h. Following the establishment of a 50 percent survival rate of the target species (150 seedlings per acre) for four consecutive growing seasons, no actions to inhibit or prevent continued natural succession of the mitigation site shall be allowed. An exception to this condition would be the required control of invasive exotic species. Control recommendations by a certified/registered forester must be approved by the Vicksburg District Regulatory Branch prior to initiation of control measures.

i. Planting and Survival Reports should be mailed to:

U.S. Army Corps of Engineers  
Vicksburg District  
Regulatory Branch, Attention: Compliance Officer  
4155 Clay Street  
Vicksburg, Mississippi 39183-3435

5. The mitigation site shall be restored to a wetland with the appropriate hydrology, soils, and vegetation as defined in the "Corps of Engineers Wetlands Delineation Manual" (Waterways, Experiment Station Technical Report Y-87-1, January 1987). If deemed necessary by the Corps, the permittee shall provide to the Corps proof that all three wetland criteria are met. If the area is not successfully restored to a wetland meeting these three criteria at the end of four years, the permittee must provide alternative mitigation deemed appropriate by the Corps.

6. Prior to project construction and final permit issuance, a "mitigation covenant" shall be recorded on the land records of Madison Parish, Louisiana. The permittee shall provide a certified copy of the land records to the Corps of Engineers, documenting that the mitigation covenant has been properly recorded.

This mitigation covenant shall remain in effect for the life of the project, or for as long as the project induced impacts are present on the project site. Following project life, or if the project is abandoned, the site shall be restored to preconstruction conditions. If the site is properly restored, as verified by a compliance inspection by the Corps of Engineers, the mitigation covenant shall be released, and a document so indicating shall be furnished to the permittee and property owner for recording. If the project site is not restored, the mitigation covenant shall remain in effect.

THE FOLLOWING IS AN EXAMPLE OF THE PARAGRAPH AND RESTRICTIONS THAT SHALL BE RECORDED ON THE LAND RECORDS FOR THE COVENANT. THE DOCUMENT (COVENANT) SHALL BE RETURNED TO THE CORPS AFTER PREPARATION, SIGNING (NOTARIZED SIGNATURE) BY THE PERMITTEE, MITIGATION SITE PROPERTY OWNER, AND RECORDING ON THE COUNTY LAND RECORDS.

The following notarized paragraph and restrictions shall be recorded on the land records:

The 40.0 acre parcel of property located at the Pintail Brake Mitigation Property, section 3, T16N-R13E, Madison Parish, Louisiana, described herein, and hereinafter, as "the property", is being placed under mitigation covenant for proposed work associated with Franklin Farms, in section 3, T17N-R8E, and sections 27 and 34, T18N-R8E, within the Cypress Bayou drainage basin, Richland Parish, Louisiana. A mitigation covenant has been placed on the property (insert metes and bounds description) and is agreed upon by the permittee, the site property owner, and the Corps of Engineers. This mitigation covenant includes the following restrictions:

a. Vegetation - After vegetation is established, as defined in the above-referenced permit, there shall be no removal, destruction, cutting, mowing, application of biocides, or disturbance or other change in vegetation on the site. Timber management recommendations by a registered forester shall be considered.

b. Uses - There shall be no agricultural (to include grazing by domestic livestock), commercial, or industrial activities allowed on the mitigation site. This restriction does not apply to hunting and fishing activities in accordance with state law.

c. Buildings - There shall be no construction or placement of buildings or other structures on the property.

d. Roads - There shall be no construction of roads on the property.

Upon mutual agreement among the permittee, Mr. Fred Franklin, and the Corps of Engineers, this mitigation covenant may be modified due to unforeseen circumstances.

This instrument may be executed in any number of counterparts, each of which shall be considered an original for all purposes.

WITNESS THE EXECUTION hereof by the parties on this, the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**EXAMPLE**

BY: \_\_\_\_\_  
Permittee and Property Owner  
MR. FRED FRANKLIN  
George B. Franklin and Son's  
Incorporated

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approving Official  
ANNE WOERNER  
Chief, Evaluation Section  
Regulatory Branch

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)
- (X) Section 404 of the Clean Water Act (33 U.S.C. 1344)

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.



b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4, above).

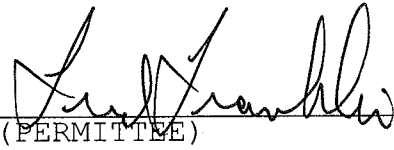
c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7, or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5.


The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

by  \_\_\_\_\_ 7/8/09 \_\_\_\_\_  
(PERMITTEE) (DATE)  
FRED FRANKLIN  
GEORGE B. FRANKLIN AND  
SON'S INCORPORATED

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

 \_\_\_\_\_ 8/7/9 \_\_\_\_\_  
(DISTRICT ENGINEER) (DATE)  
Michael C. Wehr  
Colonel, Corps of Engineers  
District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE) (DATE)



**US Army Corps  
of Engineers.**

Vicksburg District  
4155 Clay Street  
Vicksburg, MS 39183-3435  
www.mvk.usace.army.mil



# Public Notice

|                  |                           |
|------------------|---------------------------|
| APPLICATION NO.: | MNH-MVK-2008-819          |
| EVALUATOR:       | Monica Humphrey           |
| PHONE NO.:       | (601) 631-7928            |
| FAX NO.:         | (601) 631-5459            |
| E-MAIL:          | regulatory@usace.army.mil |
| DATE:            | March 5, 2009             |
| EXPIRATION DATE: | March 25, 2009            |

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Louisiana Department of Environmental Quality, Office of Environmental Services are considering an application for a Department of the Army permit and State water quality certification for the work described herein. A water quality certification is required in accordance with statutory authority contained in the LRS 30:2074 A (3) and provisions of the Clean Water Act. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, at the above address, and the Louisiana Department of Environmental Quality, Office of Environmental Services, Post Office Box 4313, Baton Rouge, Louisiana 70821-4313.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:  
Mr. Fred Franklin  
George B. Franklin  
and Son's, Incorporated  
2236 U.S. Highway 80  
Rayville, Louisiana 71269

Name of Agent:  
Mr. Michael E. Goff  
Wildlife Technical  
Services, Incorporated  
Post Office Box 820188  
Vicksburg, Mississippi 39182-0188

Location of Work: Section 3, Township 17 North, Range 8 East, sections 27 and 34, Township 18 North, Range 8 East, within the Cypress Bayou drainage basin, Richland Parish, Louisiana.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

*Encl 1*

The applicant is applying for a Department of the Army permit for the discharge of dredged and/or fill material associated with the mechanized land clearing of wetlands to make drainage improvements to facilitate farming activities within the approximate 1,440-acre farm.

The project includes the filling and realigning of two drains in the northern portion of the property. The storm water flows will be redirected and conveyed to the west through a proposed drainage feature approximately 3,425 linear feet flowing into an existing drainage ditch located within the western adjoining property. Jurisdictional waters impacted by this activity total 2.74 acres of other water of the U.S.

The proposed activities within the central portion of the property include clearing and grubbing of the stream embankments and reducing the depth of smaller drains to mimic a shallow swale system. As part of this process approximately 19.25 acres of forested wetlands will be converted and maintained as herbaceous open field type. Grading will be completed along the top banks increasing slopes and thereby reducing the velocities during low and high flows. Jurisdictional waters impacted include temporarily impacting 6.94 acres of other waters by reshaping and re-contouring, conversion of approximately 19.25 acres of forested wetlands to herbaceous open field habitat and the permanent filling of 0.99-acre of other waters.

The southern portion of the property contains approximately 15.28 acres of forested wetlands that will not be impacted by the proposed project. The remaining southern portion of the property is characterized by approximately 11.21 acres of herbaceous wetlands and drainages which will be re-contoured and sloped to facilitate drainage to allow farming practices in this portion of the property.

Approximately 250,000 cubic yards of silty clay loam fill material will be used to fill the jurisdictional waters. All fill material obtained for this project will be obtained from on-site and will be contaminate free.

The project as proposed will permanently impact 3.73 acres of other waters of the United States and 30.46 acres of wetlands (19.25 acres of forested wetlands and 11.21 acres of herbaceous wetlands). A total of 6.94 acres of other waters will be temporarily impacted as a result of reshaping and re-contouring. The applicant proposes to mitigate for wetlands functions loss as a result of the proposed project by restoring a degraded open field wetland habitat within the Boeuf Wildlife Management Area located within Catahoula Parish, Louisiana.

The vegetation on the regulated portion of the project site includes sugarberry, over-cup oak, sweet gum, red maple, green ash, dwarf palmetto, common buttonbush and black willow. Soils within the site consist of Forestdale silty clay loam, Gilbert silt loam and Gilbert Egyptian silt loam.

The discharge of dredged and/or fill material associated with the mechanized land clearing of jurisdictional wetlands requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: An initial review indicates that the proposed project would not affect any of the sites in Richland Parish listed in the National Register of Historic Places. Copies of this notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, and other interested parties for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work would not affect any endangered species or their critical habitat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will

reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

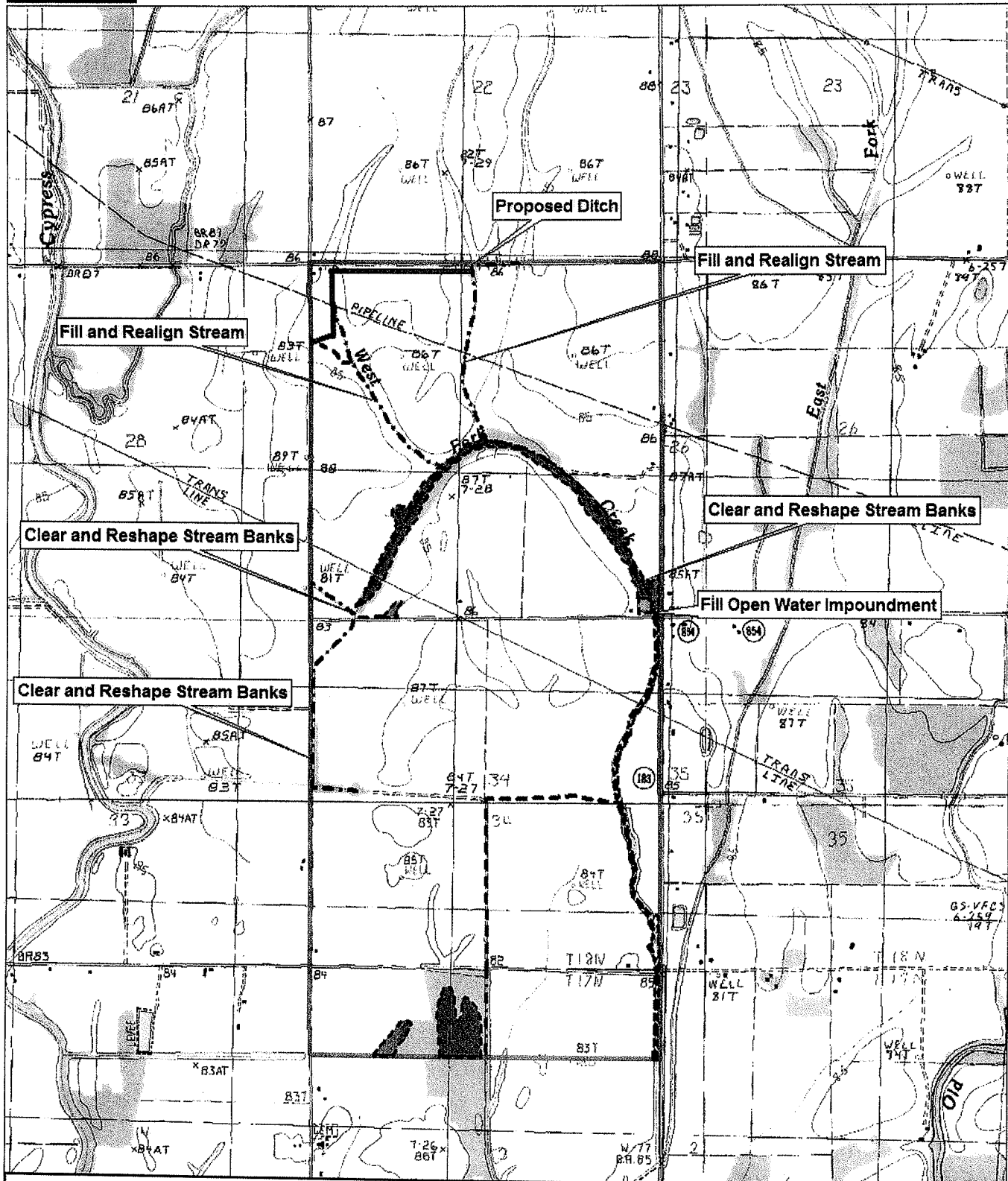
Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

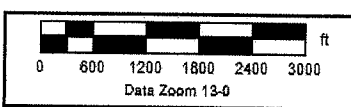
Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at [http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/Monthly Notice/pnmain.asp](http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp).



Anne S. Woerner  
Chief, Evaluation Section  
Regulatory Branch



George B. Franklin & Son, Inc.  
 Property Improvements  
 Richland Parish, Louisiana  
 Property Improvement Map



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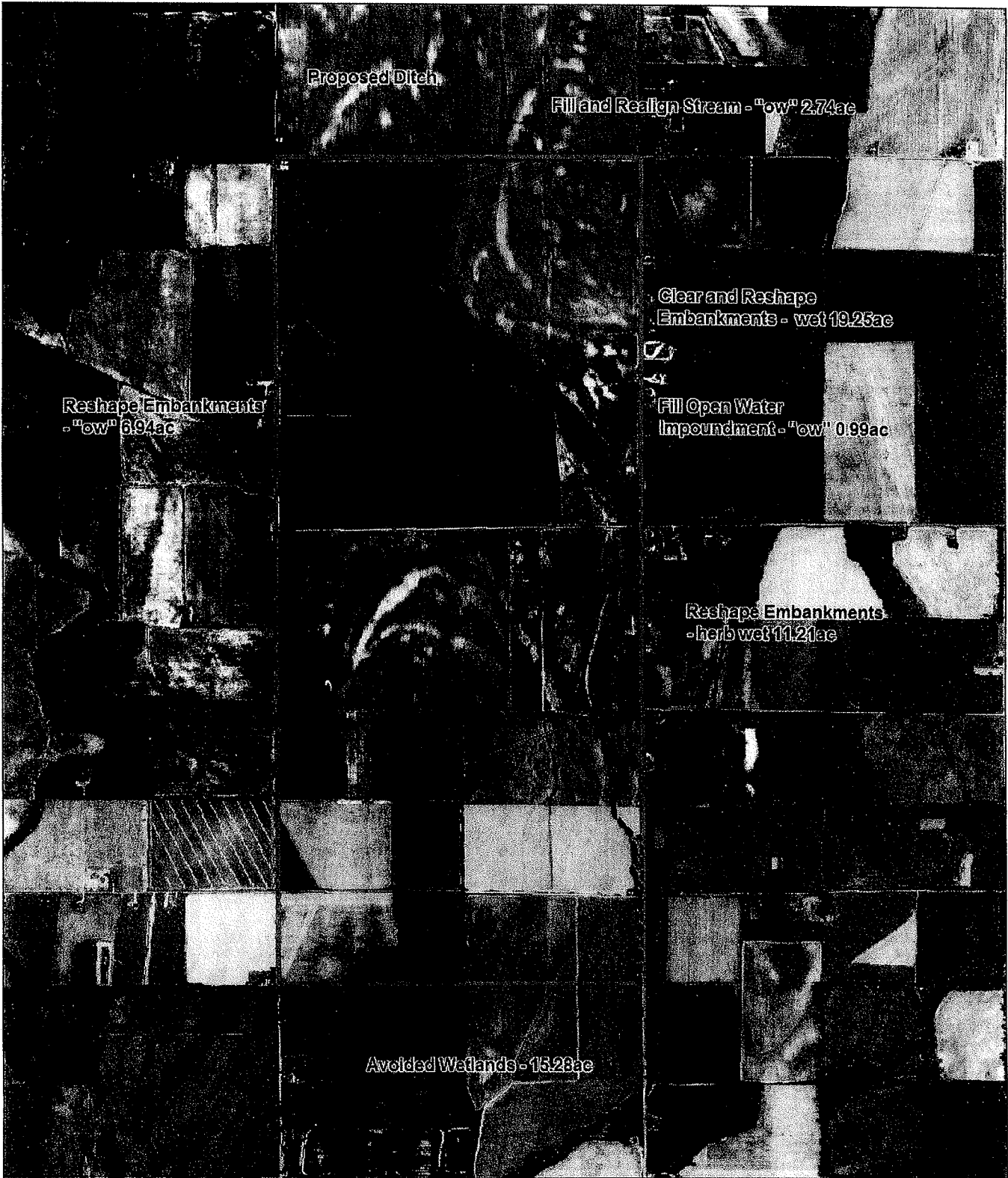
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www.delorme.com

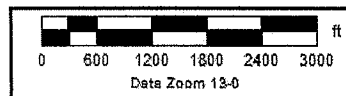


CEMVK-OD-FE MNH-MVK-2008-819

GEORGE B. FRANKLIN & SONS, INC.



George B. Franklin & Son, Inc.  
 Property Improvements  
 Richland Parish, Louisiana  
 Property Improvement Map



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www.delorme.com



CEMVK-OD-FE

MNH-MVK-2008-819



BOBBY JINDAL  
GOVERNOR



HAROLD LEGGETT, Ph.D.  
SECRETARY

State of Louisiana  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENVIRONMENTAL SERVICES

APR 27 2009

George B. Franklin & Sons, Inc.  
2236 US Hwy. 80  
Rayville, LA 71269

Attention: Fred Franklin

RE: Water Quality Certification (WQC 090306-02/AI 164004/CER 20090001)  
Corps of Engineers Permit (MVK-2008-819)  
Richland Parish

Dear Mr. Franklin:

The Department has reviewed your application to clear land and place spoil and fill material for the development of agricultural space, off LA Hwy.183 near Holly Ridge, Louisiana.

The requirements for Water Quality Certification have been met in accordance with LAC 33:IX.1507.A-E. Based on the information provided in your application, we have determined that the placement of the fill material will not violate the water quality standards of Louisiana provided for under LAC 33:IX.Chapter 11. Therefore, the Department has issued a Water Quality Certification.

Sincerely,

A handwritten signature in black ink, appearing to read "T. F. Harris".

Thomas F. Harris  
Administrator  
Waste Permits Division

TFH/jjp

c: Corps of Engineers- Vicksburg District

# Madison Parish Recording Page

Marion Hopkins  
Clerk of Court  
100 North Cedar St  
Tallulah, LA 71282  
(318) 574-0655

**First VENDOR**

GEORGE B. FRANKLIN & SON, INC.

**First VENDEE**

TODD, MELANIE CROTHERS ET UX

Index Type : Conveyance

Inst Number : 123937

Type of Document : Con - R-Conveyance

Book : 303

Page : 219

Recording Pages : 8

### Recorded Information

I hereby certify that the attached document was filed for registry and recorded in the Clerk of Court's office for Madison Parish, Louisiana

  
Deputy Clerk

On (Recorded Date) : 07/31/2009

At (Recorded Time) : 3:51:38PM



Doc ID - 000369500008



## MITIGATION COVENANT

This Mitigation Covenant (the "Agreement") is entered into on July 31, 2009 by George B. Franklin & Son, Inc. (the "Permittee") on property owned by Ms. Melanie Crothers Todd and Mr. Robert Bradley Todd (the "Owner").

This Agreement establishes a covenant, running with the land, on the property of the owner, located in partial Section 3, Township 16 North, Range 13 East, Madison Parish, Louisiana, described herein, and hereinafter as "the Property," is being used to mitigate for the loss of wetlands functions and values associated with the work done by George B. Franklin & Son, Inc. and permitted by the Department of the Army Permit No. MVK-2008-819.

FOR TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the undersigned do by these presents establish a mitigation covenant on the property lying in Madison Parish, Louisiana and described on Exhibit "A" attached hereto, and is agreed upon by the Permittee and United States Army Corps of Engineers. This Mitigation Covenant includes the following restrictions:

- A. Vegetation – After vegetation is established, as defined by the above referenced permit, there shall be no removal, destruction, cutting, mowing, application of biocides, or disturbance or other change in vegetation on the mitigation property not specifically recommended and approved in the management plan. Site management recommendations by a certified/registered forester must be approved by the Corp of Engineers prior to implementation.
- B. Uses – There shall be no agricultural (to include grazing by domestic livestock), commercial or industrial activities allowed on the mitigation site. This restriction does not apply to hunting and fishing activities in accordance with state law.
- C. Buildings – There shall be no construction or placement of buildings or other structures on the mitigation site.
- D. Roads – There shall be no construction of roads on the mitigation site.

Upon mutual agreement between the Owners, Ms. Melanie Crothers Todd and Mr. Robert Bradley Todd, the Permittee, and the U.S. Army Corps of Engineers, this Mitigation Covenant may be modified due to unforeseen circumstances.

---

Mitigation Covenant  
Franklin Farms

This Mitigation Covenant shall remain in effect for the life of the project or for as long as the permitted discharge is present on the project site. Following project life, or if the project is abandoned, the Permittee may elect to restore the site to pre-construction conditions or keep and maintain this Mitigation Covenant in effect. If the site is properly restored, as verified by a compliance inspection by the United States Army Corps of Engineers, the mitigation covenant shall be released, and a document so indicating shall be furnished to the Permittee (or property owner) for recording. If the project site is not restored, the mitigation covenant shall remain in effect.

This instrument may be executed in any number of counterparts, each of which shall be considered an original for all purposes.

WITNESS THE EXECUTION hereof by the parties on this the 31 day of July, 2009.

By: Melanie C. Todd Robert Bradley Todd  
PROPERTY OWNER PROPERTY OWNER

Ms. Melanie Crothers Todd

Mr. Robert Bradley Todd

By: Fred Franklin  
PERMITTEE

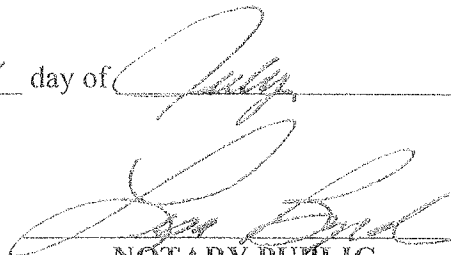
Mr. Fred Franklin  
George B. Franklin & Son, Inc.

Mitigation Covenant  
Franklin Farms

STATE OF LOUISIANA  
PARISH OF MADISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 31 day of July, 2009, within my jurisdiction, the within named Melanie C. Jones who acknowledged to me that he/she signed and delivered the above and foregoing instrument as his/her act and deed on the date set forth therein.

Given under my hand and seal this the 31 day of July, 2009.

  
NOTARY PUBLIC  
Lisa Byrd, Notary Public  
033958

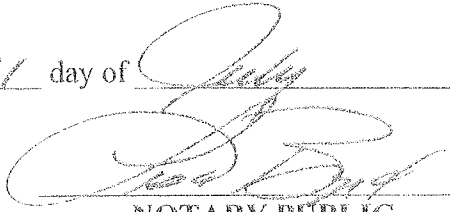
My Commission Expires:  
at death

\*\*\*\*\*

STATE OF LOUISIANA  
PARISH OF MADISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 31 day of July, 2009, within my jurisdiction, the within named RBC And, who acknowledged to me that he/she signed and delivered the above and foregoing instrument as his/her act and deed on the date set forth therein.

Given under my hand and seal this the 31 day of July, 2009.

  
NOTARY PUBLIC  
Lisa Byrd, Notary Public  
033958

My Commission Expires:  
at death

\*\*\*\*\*

STATE OF LOUISIANA  
PARISH OF RICHLAND

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 26th day of July, 2009, within my jurisdiction, the within named Franklin Farms, who acknowledged to me that he/she signed and delivered the above and foregoing instrument as his/her act and deed on the date set forth therein.

Given under my hand and seal this the 26th day of July, 2009.

Dottie S. Pennington  
NOTARY PUBLIC  
# 16441  
Dottie S. Pennington

My Commission Expires:

at death

\*\*\*\*\*

\*\*\*\*\*

**Indexing Instruction:**

Township 16 North, Range 13 East  
Section 3

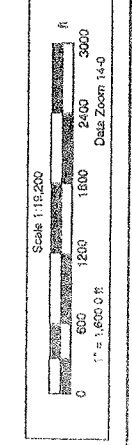
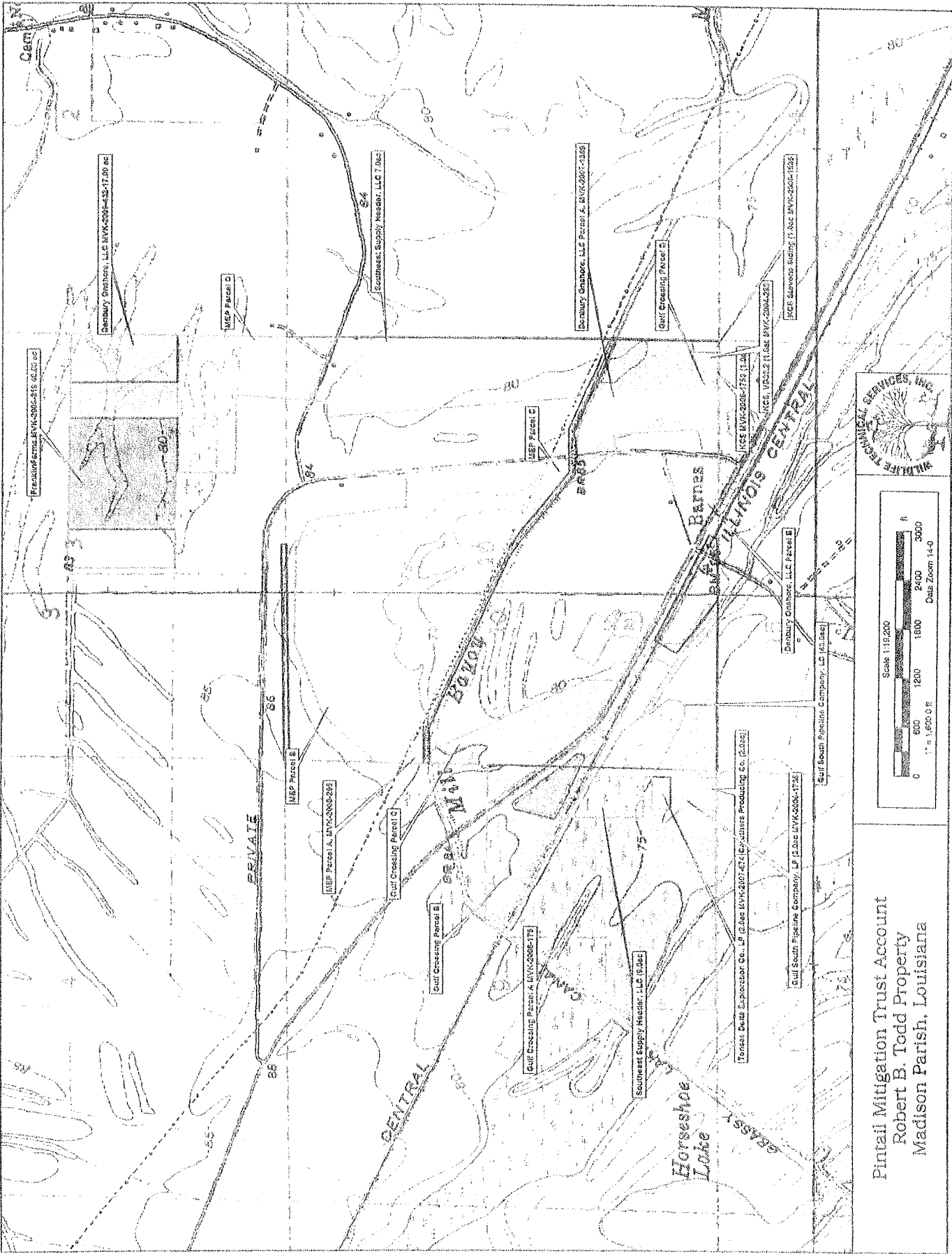
Note: This indexing instruction is included herein to satisfy requirements of MS Code Ann 89-5-33  
(1972, Amended 1994) only and is not to be considered a part of the description set out above.

\*\*\*\*\*

Exhibit A  
MVK-2008-819

Beginning at the southeast corner of the southeast  $\frac{1}{4}$  of Section 10, Township 16 North, Range 13 East, Madison Parish, Louisiana, proceed at a bearing of 0.0 degrees for a distance of 4719.5 feet, thence proceed at a bearing of 0.7 degrees for a distance of 1915.4 feet, thence proceed at a bearing of 270.1 degrees for a distance of 1014.4 feet, to the Point of Beginning of the herein described parcel of land. Thence proceed at a bearing of 270.0 degrees for a distance of 666.1 feet, then 0.0 degrees for a distance of 18.0 feet, then 270.7 degrees for a distance of 694.8 feet, then 0.0 degrees for a distance of 1275.2 feet, then 90.8 degrees for a distance of 1358.5 feet, then 179.9 degrees for a distance of 1283.7 feet, to the Point of Beginning, all being approximately 40.00 acres more or less, all being within Section 3, Township 16 North, Range 13 East, Madison Parish, Louisiana.





Pintail Mitigation Trust Account  
 Robert B. Todd Property  
 Madison Parish, Louisiana

Data use subject to license.

Certification of Compliance  
With Department of the Army Permit

Permit Number: MVK-2008-819

Name of Permittee: Mr. Fred Franklin, George B. Franklin and  
Son's Incorporated

Issued Date: August 7, 2009

Expiration Date: August 7, 2014

Upon completion of the activity authorized by this permit, sign  
this certification and return it to the following address:

USACE, Vicksburg District  
ATTN: Regulatory Branch  
4155 Clay Street  
Vicksburg, Mississippi 39183-3435

Please note that your permitted activity is subject to a  
compliance inspection by an Army Corps of Engineers  
representative. If you fail to comply with this permit, you are  
subject to permit modification, suspension, or revocation.

I hereby certify that the work authorized by the above-referenced  
permit has been completed in accordance with the terms and  
conditions of the said permit.

Date work was completed: \_\_\_\_\_

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date Signed

*Enclosure 2*