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EXHIBIT "A"

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REVISED FINAL

BANKING INSTRUMENT

Cherry Creek Mitigation Bank

Lowndes County, Georgia

November 2000

Prepared By:

Creative Environmental Solutions, Inc.

&

Environmental Audit & Assessment, Inc.

BK 1981 PG 278

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1.0 OWNERSHIP OF BANK LANDS

The Cherry Creek Mitigation Bank is owned in its entirety by Cherry Creek Properties, Inc. The bank sponsor is Creative Environmental Solutions, Inc. (CES) and Environmental Audit and Assessment (EAA). The bank sponsor is responsible for overall operation and management of the bank in accordance with the instrument.

2.0 BANK GOALS AND OBJECTIVES

The goal of the Cherry Creek Mitigation Bank (CCMB) is to provide compensatory wetland mitigation to offset jurisdictional impacts associated with United States Army Corps of Engineers (USACOE) 404 permit authorizations and enforcement actions. The CCMB is intended to be a privately-run, for profit, mitigation bank. The mitigation objective is to restore bottomland hardwood forested wetlands and associated uplands.

3.0 GEOGRAPHIC SERVICE AREA

The proposed bank contains 330 acres of land within Land District 11, Land Lots 10, 37, 38 and 39 in Lowndes County, Georgia, three miles north of Valdosta (Figure 3-1). Lowndes County has been identified as a High Growth Area by the Georgia Department of Natural Resources and USACOE. The geographic service area boundaries of CCMB are shown in Figure 3-2. The primary service area is located in south-central Georgia and includes the Withlacoochee River in the Georgia Coastal Plain. A limited number of credits will be available for adjacent watersheds.

4.0 HISTORICAL CONDITIONS

The proposed CCMB is located within the floodplain of the Withlacoochee River (Figure 3-1). The mitigation bank consists of 5 types of wetland systems: 1) a major river with mature, bottomland hardwoods; 2) impacted, forested, seepage slope wetlands; 3) open water bodies; 4) streams with riparian zone habitats and 5) karst sinkholes with springs. The uplands interspersed among the wetland systems are currently used for silviculture. These areas are described in detail in Section 5.2.

4.1 Withlacoochee River

The CCMB includes the eastern bank of the Withlacoochee River and extends easterly to the edge of the floodplain valley (Figure 4-1). Historically, the Withlacoochee River meandered throughout the breadth of the floodplain. As the river migrated laterally, the floodplain widened and material from the adjacent uplands eroded and was carried downstream. In the past, the river traversed back across the floodplain due to continual migration and catastrophic shifts along the channel.

The continual migration of the river resulted in vertical accretion deposits such as natural levees, splays and point-bars, which now form narrow strips of low uplands within the river valley. Palaeochannel features, formed through historical, catastrophic channel shifts have created hardwood backwater swamps and oxbow lakes (See Photograph 1, Appendix E).

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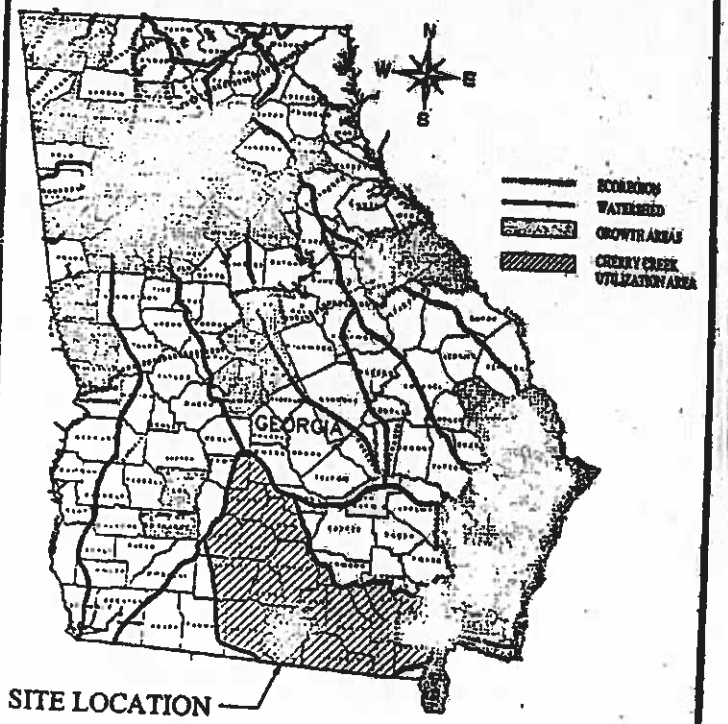

FIGURE 3-2
GEOGRAPHIC SERVICE AREA BOUNDARIES
CHERRY CREEK MITIGATION BANK
LOWNDES COUNTY, GEORGIA

Country Environmental Solutions, Inc.

EA Environmental Audit And Assessment, Inc.

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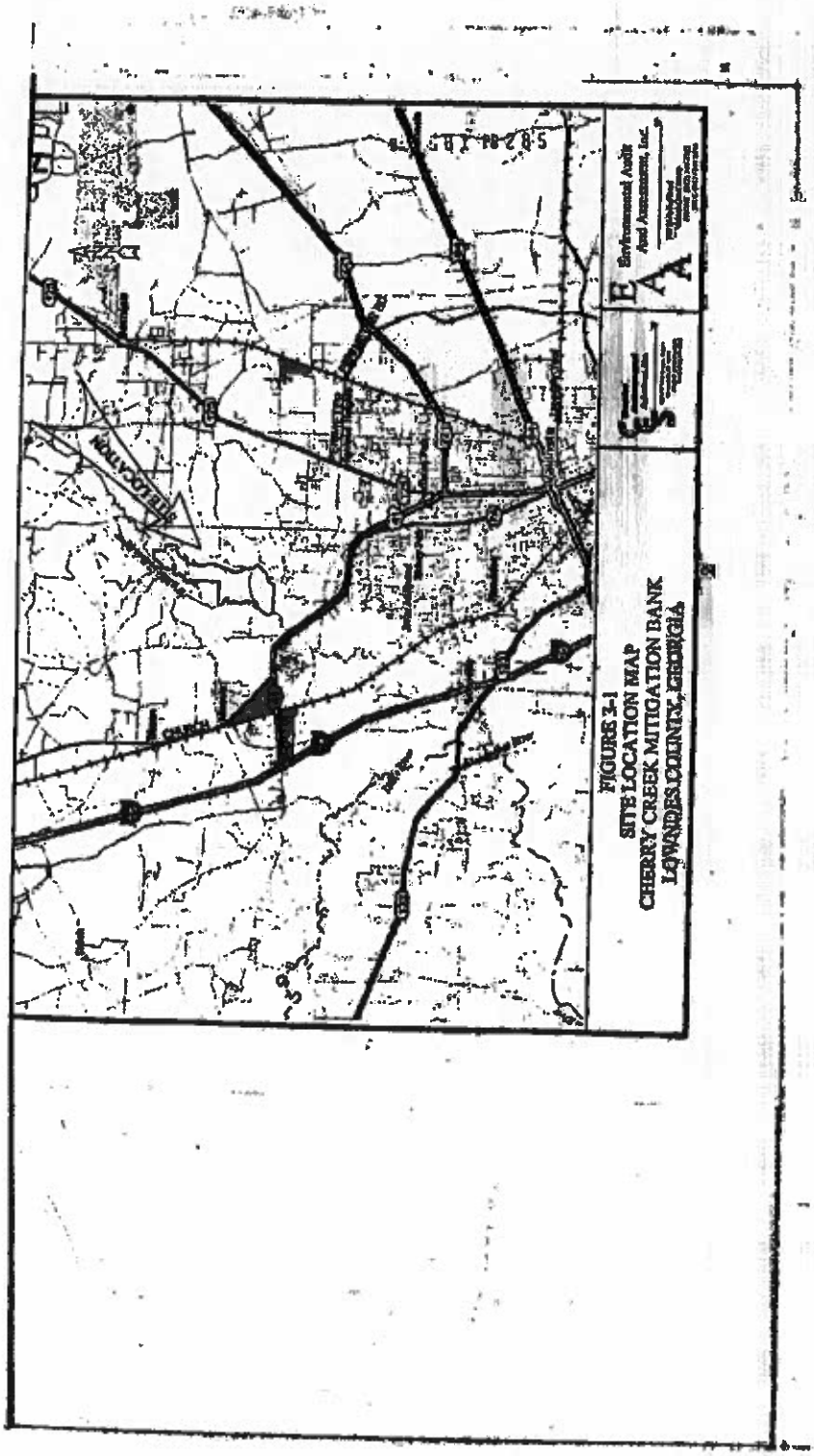

Karst topography has also played a role in shaping the CCMB. The high water table has dissolved much of the underlying limestone bedrock, forming sinks, springs and lakes which are all direct aquifer recharge points. The Withlacoochee River channel within the mitigation bank contains several karst features which cause the river to flow into underground caverns at low flows. One such cavern in the vicinity of the CCMB causes the river to reverse it's flow direction before discharging underground (See Photograph 2, Appendix E).

Within the floodplain, a canopy of Tupelo (*Nyssa spp.*) and Cypress (*Taxodium distichum*) change to water oaks (*Quercus nigra*), bays (*Magnolia virginia*) and sweetgum (*Liquidambar styraciflua*) as one moves landward from the river. Beneath the Tupelo and Cypress canopy, few plants or shrubs grow due to frequent periods of high inundation, low nutrients and low light. The floor of the floodplain is covered in deep layers of leaf litter. As one progresses into the uplands, saw palmetto (*Serenoa repens*), upland grasses, wax myrtle (*Myrica cerifera*) and gallberry (*Ilex glabra*) dominate the sub-canopy and ground cover.

4.2 Cherry Creek

Cherry Creek flows into the Withlacoochee River in the southern portion of the CCMB. In the past, Cherry Creek was a slow flowing blackwater system which originated from a perched bay head approximately five miles upstream from the junction of the creek and the Withlacoochee River (see Photograph 23, Appendix E). Recently, the 13 square mile Cherry Creek drainage basin has been impacted through silviculture, residential development and road building. Land clearing and impervious surface coverage within the drainage basin have led to higher peak stormwater flows and decreased time of concentration. The modifications within the drainage basin have led to a greater influx of sediment and debris from stormwater related runoff.

The traditional landscape of Cherry Creek and adjacent areas encompasses rolling hills primarily dominated by an upland forested matrix changing to a bottomland forested area within the floodplain of the creek. This floodplain, also known as the stream corridor, consists of wetlands, bottomland hardwood forests, cypress domes, mid-channel islands and oxbow ponds. The streambanks typically vary no more than two feet in height at any location. The channel often splits into multiple channels and has numerous riffles, pools and aquatic plant beds. There is evidence of woody debris and tree root wads along the streambank that slopes at approximately 0.25%. The Creek is littered with organic material and carries water with a high tannic acid concentration (see Photograph 24, Appendix E).

In the early 1960's, an embankment with a reinforced concrete spillway was constructed across Cherry Creek, forming an 85-acre lake known as Lake Cleve (Figure 4-1). The lake was built as part of a low-density residential development and is presently bordered by manicured lawns and gardens.

Once constructed, the spillway served as a sediment trap preventing sediment movement to downstream sections. The lack of bed load material combined with the width of the spillway led to the erosion and widening of the downstream channel. Additionally, the spillway and embankment removed the acting slope of the stream bed and created a 10-foot waterfall. Not only does the

spillway increase the energy and erosive nature of the water, but it also prevents upstream movement of fish and invertebrates from the Withlacoochee River (See Photograph 23, Appendix E).

4.3 Traditional Floodplain Areas

During the last 50 years, silviculture has been conducted throughout the CCMB and adjacent areas. Ditches were constructed to drain excess water from marginal wetland areas to facilitate the planting and harvesting of pines. Natural hardwood stands were cut away and replaced with monocultures of slash pine. Micro-hydrologic alterations were made by heavy machinery including clear-cut trails, compression of soils and windrows in low areas. On-site logging has also created various forest roads which now bisect many of the wetlands. Some road beds were constructed using culverts to direct surface flow under the road while others were created without the placement of culverts. In both cases, the fill for the road beds has covered the natural substrate, preventing the growth of hydrophytes and has constricted, if not ceased, the natural surface flow of wetlands in some areas.

4.4 Northern Intermittent Stream

In the 1960s, an earthen berm was constructed around an intermittent stream and its associated wetlands to form a 17.2 acre pond adjacent to the northern part of the CCMB (Figure 4-1). Control structures were not placed in the pond to regulate water levels or discharge rates. The construction of the berm decreased runoff which once discharged into the wetlands of the CCMB. Consequently, drier conditions have resulted downstream and there has been a degradation of the wetlands in the northern part of the CCMB.

4.5 Geology

Four different geologic units crop out in Lowndes County (Pickering, 1976). These are, in order of decreasing age and relative depth, the Oligocene Suwannee Limestone Formation, the Miocene Hawthorn Formation, the Miocene/Pliocene Miccosukee Formation and the Pliocene/Pleistocene sands and gravels. The Suwannee crops out in only one location, that being in the southern part of the county along the Withlacoochee River. The overlying Hawthorn is exposed in this same area and along most of the rivers and streams in the County. The Miccosukee occurs at land surface in most of the intervening areas, except in the easternmost part of the Lowndes County. There, the Pliocene/Pleistocene sands and gravels occur at land surface.

The project site is located northwest of Valdosta in Lowndes County, near the Withlacoochee River. The uppermost geologic unit expected to occur at the site is the Hawthorn formation, the younger units having been removed by erosion since their deposition. The Suwannee Limestone Formation is expected to occur below the Hawthorn, though the thickness of the Hawthorn is not known (Pickering, 1976). The Hawthorn is approximately 130 feet thick at the Florida/Georgia border just south of Valdosta (Rupert, 1989).

Assuming a hydrogeological setting similar to the one in Hamilton County, Florida, groundwater in Lowndes County is expected to occur in the Pliocene/Pleistocene sands and gravels at the

unconfined surficial aquifer; in the permeable sand and limestone beds of the otherwise clayey Hawthorn as the confined (artesian) intermediate aquifer system and in the limestones of the Suwannee and older formations as the confined Floridan aquifer. The uppermost aquifer thought to exist beneath the study area is the intermediate system of the Hawthorn.

5.0 DESCRIPTION OF BASELINE CONDITIONS

Descriptions of the existing conditions of the CCMB were established based on hydrology, vegetation, wildlife utilization, land-use and soil data collected by CES/EAA. This data was used to determine the extent of impacts which have affected the ecological functionality of the CCMB wetlands and adjacent areas. Under the USACOE Savannah District's Standard Operating Procedures (SOP, Appendix A), the existing baseline conditions will be compared with the proposed restoration of the property to determine the final credit value of the CCMB.

5.1 Baseline Data Collection Methodology

Methodologies used in the collection of data for the CCMB were conducted according to generally accepted scientific procedures. Our findings regarding environmental conditions are based upon this methodology and the professional judgement of scientists with over 18 years experience with similar projects.

5.1.1 Hydrology

The entire CCMB was divided into four hydrologic systems and was delineated using 7.5 minute USGS Quadrangle Maps (see Figures 5-1 and 5-2). An existing hydrologic model of each watershed was created by using aerial photographs, field observations, topographic data and the runoff characteristics of existing land uses. Drawdown rates were determined using soil surveys (United States Department of Agriculture, Soils Conservation Service, Lowndes County) and evapotranspiration rates for typical southeastern wetlands. This data was then incorporated into the Advanced Interconnected Channel and Pond Routing (ICPR) modeling program which was used to determine hydraulic conditions within the watershed.

Ponding and surface water runoff analysis were used to design water level control structures (low water crossings) which will be used to modify the hydrologic regime of the impacted wetlands. Hydrologic Engineering Company-River Analysis System (HEC-RAS) was utilized to model the section of the CCMB containing Cherry Creek. Statistical analysis was used to determine surface water profiles and discharge rates for a 2-year and 50-year return storm event. These events were modeled as a basis to restore the impacted stream channel.

Soil conditions, lichen lines, drift lines, plant community structure, plant morphological responses, channel patterns and water levels were evaluated as indicators of the existing wetland hydrology.

4. Linear projects, such as highways, that generally result in numerous minor impacts, but cumulatively could be considered more than minimal.

5. On a case by case basis, the Mitigation Bank Review Team (MBRT) will review projects with substantial adverse impacts that cannot be adequately mitigated on-site. These types of projects would only be considered for banking when it is shown to be the most environmentally beneficial method of mitigation.

8.0 SPECIFIC SUCCESS CRITERIA TO DETERMINE WHEN CREDITS ARE AVAILABLE

The credit release schedules for wetland credits and stream credits are shown in Figures 8-1 and 8-2.

Wetland hydrology will be monitored weekly between February and June for seven years following completion of all hydrologic modifications. Success of the enhancement efforts will be determined by changes in the hydrology and vegetative communities in each wetland system. Vegetative monitoring will be conducted in June of each year, the target community type will consist of woody vegetation in the shrub layer and a hardwood canopy.

Vegetative success criteria for wetland areas will be based upon the following:

- Survival of planted tree species and/or natural recruitment of hardwood trees at a minimum of 200 trees per acre at Year 7 in the forested wetland enhancement areas,
- Survival of 80 % of planted trees at Year 7 in the forested wetland enhancement areas, and
- Dominance of a minimum of facultative vegetation within the ground cover and sub-canopy stratums of the enhancement areas. Enhancement areas will also meet the criteria for designation as a wetland pursuant to the 1987 USACOE Wetland Delineation Manual.

Success criteria for stream restoration will be based upon the following:

- Increase in quality and diversity of macroinvertebrates,
- Reduction in stream velocities and erosion,
- Survival of 80% of the planted vegetation in the lower, middle, upper and buffer zones, and
- Documentation of detritus accumulation.

A more detailed description of the monitoring plan and success criteria is included in Section 11 of this report.

9.0 ASSESSMENT METHODOLOGIES OR PROCEDURES FOR DETERMINING CREDITS AND DEBITS

Credits will be derived from the enhancement/restoration of impacted wetlands, preservation of intact bottomland hardwood wetlands, restoration/preservation of stream banks and establishment of upland/riparian buffers associated with the preserved/enhanced wetlands and preserved/restored stream channels. CES/EAA followed the USACOE Savannah District's Standard Operating Procedures (SOP, dated April 30, 1997, (See Appendix A)) to determine wetland enhancement, restoration and preservation credits and upland buffer credits within the proposed CCMB. Determination of stream channel restoration and preservation credits was conducted according to the USACOE Savannah District's Standard Operating Procedures for Compensatory Stream Mitigation (SOP Draft Edition of March 22, 2000, (See Appendix A)). The potential credits expected for the CCMB wetlands, streams and associated buffers are shown in Tables 9-1 through 9-7.

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CREDIT RELEASE SCHEDULE FOR WETLAND CREDITS	MONITORING YEAR	CREDITS RELEASED	TOTAL RELEASED
Establishment of Baseline Vegetative Transects	Completed		
Hydrology Parameters	Completed		
Banking Instrument Approved/Remittance Covenant Recorded			
Site Modifications Completed	Nov-00	15% Wetland Credits	15%
Establish Growing Season Base Line Vegetation	Dec-00	10% Wetland Credits	25%
Implementation Progress Report	Dec-02		
Year 1 Planting Event	Dec-03		
Supplemental Tree Planting	Dec-04		
Vegetative Monitoring	Feb-05	5% Wetland Credits	30%
Establish Hydro Monitoring	April		
Year 1 Monitoring Report	Dec-01		
Vegetative Monitoring	Dec-02	5% Wetland Credits	35%
2nd Year 1 Hydro Monitoring	Dec-02		
Addition Tree Plantings	Dec-02		
Year 2 Monitoring Report	Dec-02		
NRRT Finds Monitoring report Acceptable	Dec-02		
Year 2 Vegetative Monitoring		10% of Wetland Credits	45%
2nd Year 2 Hydro Monitoring	Jul-03		
Year 3 Monitoring Report	Nov-03		
NRRT Finds Monitoring report Acceptable	Dec-03		
Year 4 Vegetative Monitoring		15% of Wetland Credits	60%
2nd Year 4 Hydro Monitoring	Jan-04		
Year 4 Monitoring Report	Nov-04		
NRRT Finds Monitoring report Acceptable	Dec-04		
Year 5 Vegetative Monitoring		15% of Wetland Credits	75%
2nd Year 5 Hydro Monitoring	Jan-05		
Year 5 Monitoring Report	Nov-05		
NRRT Finds Monitoring report Acceptable	Dec-05		
Year 6 Vegetative Monitoring		10% of Wetland Credits	85%
2nd Year 6 Hydro Monitoring	Jan-06		
Year 6 Monitoring Report	Nov-06		
NRRT Finds Monitoring report Acceptable	Dec-06		
Year 7 Vegetative Monitoring		5% of Wetland Credits	90%
2nd Year 7 Hydro Monitoring	Jan-07		
Year 7 Monitoring Report	Nov-07		
NRRT Finds Monitoring report Acceptable	Dec-07		
		10% of Wetland Credits	100%

FIGURE 8-1
CREDIT RELEASE AND MONITORING SCHEDULE (WETLAND CREDITS)
CHERRY CREEK MITIGATION BANK
LOWNDES COUNTY, GEORGIA

Ecological Environmental Solutions, Inc.

EA Environmental Audit And Assessment, Inc.

CREDIT RELEASE SCHEDULE FOR STREAM CREDITS	MONITORING YEAR	CREDITS RELEASED	TOTAL RELEASED
Execution of Bank Use Agreement Transfer	Complete		
Initial Mitigation Work Plan	Complete		
Receipt of Approved Mitigation Plan	Complete		
Perry Creek Restoration Completed	Completed		
Year 1 Construction Progress Report		Mar-00 15% of Stream Credits	
Year 1 Stream Invertebrate Monitoring		Dec-00 15% of Stream Credits	30%
Year 1 Stream Bank Monitoring		Jan-01	30%
Year 1 Vegetation Monitoring		Mar-01	
Year 1 Hydrology Monitoring		May-01	
Year 1 Monitoring Report		Jun-01	
Year 1 Bank Monitoring report Acceptable		Nov-01	
Year 2 Maintenance Monitoring		Dec-01	
Year 2 Stream Bank Monitoring		10% of Stream Credits	
Year 2 Vegetation Monitoring		Mar-02	40%
Year 2 Hydrology Monitoring		May-02	
Year 2 Monitoring Report		Jun-02	
Year 2 Bank Monitoring report Acceptable		Nov-02	
Year 3 Maintenance Monitoring		Dec-02	
Year 3 Stream Bank Monitoring		20% of Stream Credits	
Year 3 Vegetation Monitoring		Mar-03	60%
Year 3 Hydrology Monitoring		May-03	
Year 3 Monitoring Report		Jun-03	
Year 3 Bank Monitoring report Acceptable		Nov-03	
Year 4 Maintenance Monitoring		Dec-03	
Year 4 Stream Bank Monitoring		10% of Stream Credits	
Year 4 Vegetation Monitoring		Mar-04	70%
Year 4 Hydrology Monitoring		May-04	
Year 4 Monitoring Report		Jun-04	
Year 4 Bank Monitoring report Acceptable		Nov-04	
Year 5 Maintenance Monitoring		Dec-04	
Year 5 Stream Bank Monitoring		10% of Stream Credits	
Year 5 Vegetation Monitoring		May-05	80%
Year 5 Hydrology Monitoring		May-05	
Year 5 Monitoring Report		Jun-05	
Year 5 Bank Monitoring report Acceptable		Nov-05	
Year 6 Maintenance Monitoring		Dec-05	
Year 6 Stream Bank Monitoring		5% of Stream Credits	
Year 6 Vegetation Monitoring		Mar-06	90%
Year 6 Hydrology Monitoring		May-06	
Year 6 Monitoring Report		Jun-06	
Year 6 Bank Monitoring report Acceptable		Nov-06	
Year 7 Maintenance Monitoring		Dec-06	
Year 7 Stream Bank Monitoring		5% of Stream Credits	
Year 7 Vegetation Monitoring		Mar-07	95%
Year 7 Hydrology Monitoring		May-07	
Year 7 Monitoring Report		Jun-07	
Year 7 Bank Monitoring report Acceptable		Mar-07	
		Dec-07	
		5% of Stream Credits	100%

FIGURE 9-2
CREDIT RELEASE AND MONITORING
SCHEDULE (STREAM BANK CREDITS)
PERRY CREEK MITIGATION BANK
LOWNDES COUNTY, GEORGIA

Creative Environmental Solutions, Inc.

Environmental Audit And Assistant, Inc.

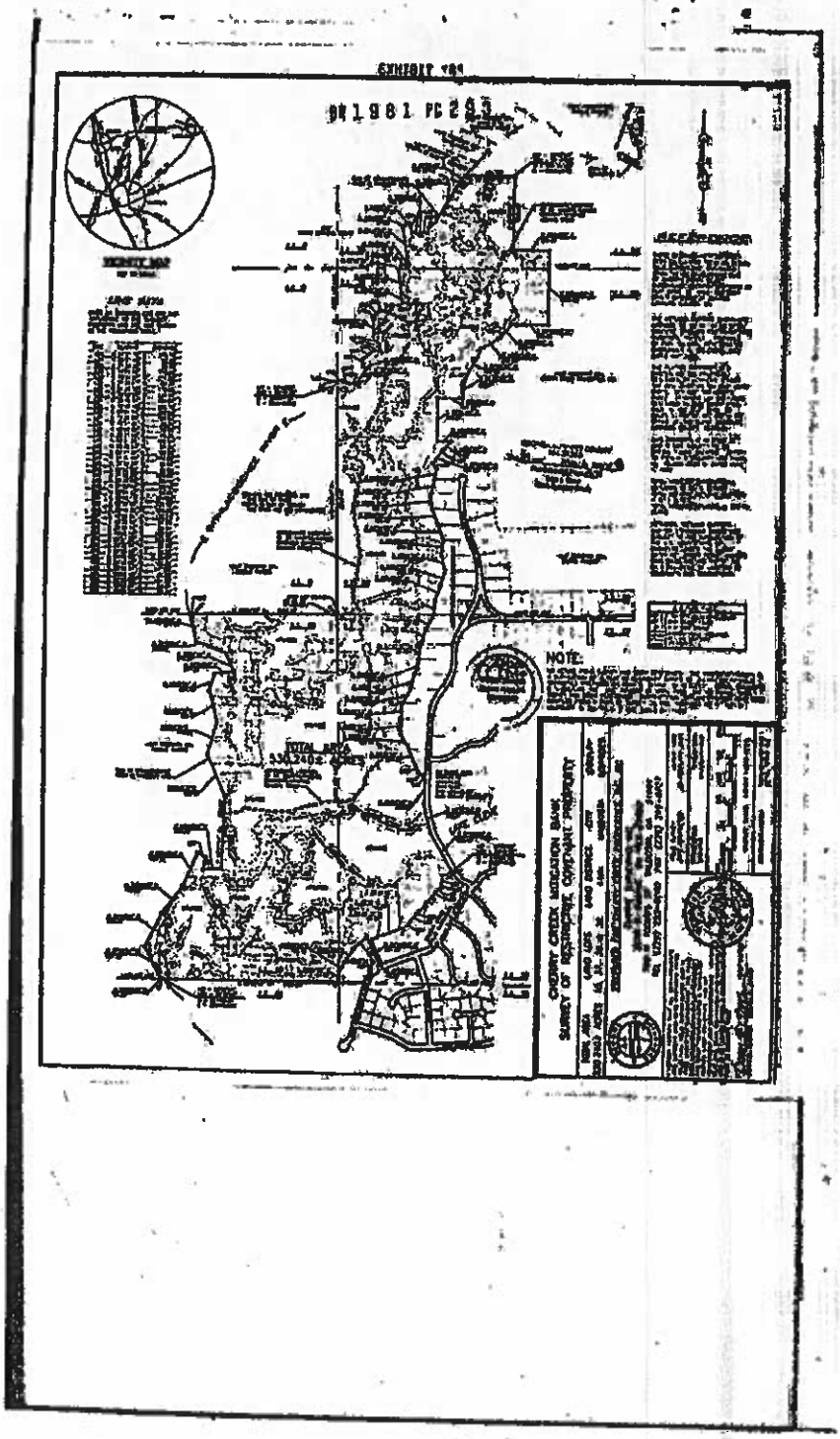
EXHIBIT "A"
BK 1981 PG 293
NOTE:
CHERRY CREEK MIGRATION BANK
SUBJECT OF RESTRICTIVE COVENANT PROPERTY

EXHIBIT "C" BK 1981 PG 289

LEGAL DESCRIPTION OF
CHERRY CREEK MITIGATION BANK
SURVEY OF RESTRICTIVE COVENANT PROPERTY

All that tract or parcel of land lying and being situate in Land Lots 10, 27, 38 and 39 of the 11th Land District, Valdosta, Lowndes County, Georgia and more particularly described as follows:

BEGIN at a concrete monument being the southwest corner of Land Lot 38 of said Land District; THENCE along the western line of said land lot North 01 degrees 08 minutes 43 seconds West for a distance of 3068.42 feet to a concrete monument; THENCE continue along said lot line North 01 degrees 08 minutes 43 seconds West for a distance of 49.16 feet to a point in the run of the Withlacoochee River; THENCE leaving said lot line run northerly along the run of the Withlacoochee River as follows: North 85 degrees 22 minutes 00 seconds East for a distance of 65.45 feet to a point; South 71 degrees 58 minutes 38 seconds East for a distance of 119.03 feet to a point; South 89 degrees 53 minutes 58 seconds East for a distance of 86.35 feet to a point; North 33 degrees 58 minutes 32 seconds East for a distance of 233.07 feet to a point; North 44 degrees 32 minutes 13 seconds West for a distance of 64.64 feet to a point; North 06 degrees 39 minutes 26 seconds West for a distance of 86.05 feet to a point; North 31 degrees 00 minutes 49 seconds East for a distance of 198.05 feet to a point; South 89 degrees 41 minutes 36 seconds East for a distance of 90.36 feet to a point; North 08 degrees 26 minutes 53 seconds West for a distance of 84.34 feet to a point; North 48 degrees 31 minutes 55 seconds West for a distance of 112.64 feet to a point; North 01 degrees 02 minutes 37 seconds West for a distance of 274.05 feet to a point; North 25 degrees 33 minutes 46 seconds East for a distance of 46.35 feet to a point; North 48 degrees 58 minutes 05 seconds East for a distance of 76.69 feet to a point; North 70 degrees 37 minutes 09 seconds East for a distance of 40.21 feet to a point; South 73 degrees 28 minutes 57 seconds East for a distance of 169.62 feet to a point; South 63 degrees 04 minutes 14 seconds East for a distance of 250.93 feet to a point; North 78 degrees 49 minutes 13 seconds East for a distance of 208.72 feet to a point; North 39 degrees 19 minutes 41 seconds East for a distance of 100.87 feet to a point; North 10 degrees 50 minutes 21 seconds West for a distance of 134.41 feet to a point; North 81 degrees 37 minutes 02 seconds West for a distance of 170.05 feet to a point; South 71 degrees 29 minutes 17 seconds West for a distance of 84.21 feet to a point; North 73 degrees 34 minutes 07 seconds West for a distance of 111.88 feet to a point; North 06 degrees 00 minutes 18 seconds West for a distance of 98.41 feet to a point; North 07 degrees 26 minutes 37 seconds West for a distance of 330.14 feet to a point; North 21 degrees 42 minutes 04 seconds East for a distance of 80.47 feet to a point; South 82 degrees 13 minutes 43 seconds East for a distance of 66.70 feet to a point; North 41 degrees 09 minutes 41 seconds East for a distance of 42.39 feet to a point; North 09 degrees 13 minutes 33 seconds West for a distance of 486.93 feet to a point; North 41 degrees 19 minutes 05 seconds East for a distance of 64.00 feet to a point; North 81 degrees 25 minutes 42 seconds East for a distance of 57.87 feet to a point; South 14 degrees 21 minutes 09 seconds East for a distance of 113.86 feet to a point; South 70 degrees 25 minutes 42 seconds East for a distance of 106.31 feet to a point; North 71 degrees 39 minutes 23 seconds East for a distance of 20.98 feet to a point; North 65 degrees 57 minutes 48 seconds East for a distance of 92.40 feet to a point; North 41 degrees 37 minutes 10 seconds East for a distance of 175.74 feet to a point; North 30 degrees 06 minutes 15 seconds East for a distance of 625.52 feet to a point; North 42 degrees 28 minutes 46 seconds East for a distance of 126.62 feet to a point; THENCE leaving run of said river North 90 degrees 00 minutes 00 seconds East for a distance of 684.79 feet to a point; THENCE South 00 degrees 00

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minutes 00 seconds East for a distance of 1000.00 feet to a point; THENCE North 00 degrees
minutes 00 seconds East for a distance of 500.00 feet to a point; THENCE South 00 degrees
minutes 00 seconds East for a distance of 1000.00 feet to a point; THENCE South 90 degrees 00
minutes 00 seconds West for a distance of 500.00 feet to a point; THENCE South 40 degrees
minutes 46 seconds West for a distance of 249.14 feet to a point; THENCE South 60 degrees
minutes 47 seconds West for a distance of 285.64 feet to a point; THENCE South 27 degrees
minutes 36 seconds West for a distance of 490.00 feet to a point; THENCE South 04 degrees
minutes 37 seconds West for a distance of 235.64 feet to a point; THENCE South 90 degrees
minutes 00 seconds West for a distance of 343.43 feet to a point; THENCE South 00 degrees
minutes 00 seconds East for a distance of 582.91 feet to a point; THENCE North 90 degrees
minutes 00 seconds East for a distance of 195.74 feet to a point; THENCE South 44 degrees
minutes 23 seconds West for a distance of 172.03 feet to a point; THENCE South 56 degrees
minutes 20 seconds West for a distance of 47.36 feet to a point; THENCE South 39 degrees
minutes 24 seconds West for a distance of 171.95 feet to a point; THENCE South 30 degrees
minutes 01 seconds East for a distance of 83.87 feet to a point; THENCE South 09 degrees
minutes 23 seconds West for a distance of 147.46 feet to a point; THENCE South 12 degrees
minutes 35 seconds West for a distance of 202.09 feet to a point; THENCE South 05 degrees
minutes 15 seconds East for a distance of 201.64 feet to a point; THENCE South 22 degrees
minutes 50 seconds East for a distance of 220.63 feet to a point; THENCE South 20 degrees
minutes 23 seconds East for a distance of 216.14 feet to a point; THENCE South 05 degrees
minutes 44 seconds West for a distance of 200.50 feet to a point; THENCE South 13 degrees
minutes 24 seconds East for a distance of 207.31 feet to a point; THENCE South 14 degrees
minutes 39 seconds West for a distance of 209.10 feet to a point; THENCE South 20 degrees
minutes 07 seconds West for a distance of 215.15 feet to a point; THENCE South 04 degrees
minutes 45 seconds West for a distance of 200.27 feet to a point; THENCE South 27 degrees
minutes 47 seconds West for a distance of 222.05 feet to a point; THENCE South 20 degrees
minutes 35 seconds West for a distance of 211.72 feet to a point; THENCE South 07 degrees
minutes 35 seconds West for a distance of 201.04 feet to a point; THENCE South 16 degrees
minutes 29 seconds West for a distance of 206.13 feet to a point; THENCE South 14 degrees
minutes 19 seconds West for a distance of 204.99 feet to a point; THENCE South 31 degrees
minutes 59 seconds West for a distance of 229.67 feet to a point; THENCE South 02 degrees
minutes 53 seconds West for a distance of 200.06 feet to a point; THENCE South 01 degrees
minutes 00 seconds West for a distance of 199.89 feet to a point; THENCE South 29 degrees
minutes 02 seconds East for a distance of 233.05 feet to a point; THENCE South 23 degrees
minutes 17 seconds East for a distance of 221.88 feet to a point; THENCE South 25 degrees
minutes 06 seconds East for a distance of 101.60 feet to a point; THENCE South 53 degrees
minutes 15 seconds East for a distance of 80.00 feet to a point; THENCE along an arc to the left
having an arc length of 44.45 feet, a radius of 20.16 feet, being subtended by a chord lying to the
right of said arc having a bearing of North 65 degrees 03 minutes 00 seconds East for a chord
distance of 35.98 feet to a point on the western right-of-way line of The Ridge Road (60 R/W);
THENCE along said right-of-way line South 01 degrees 56 minutes 45 seconds West for a distance
of 396.63 feet to a point; THENCE South 13 degrees 15 minutes 25 seconds East for a distance of
584.51 feet to a point; THENCE South 51 degrees 20 minutes 09 seconds East for a distance of
590.49 feet to an iron pin; THENCE leaving said right-of-way line South 58 degrees 32 minutes
seconds West for a distance of 147.06 feet to a point; THENCE South 04 degrees 48 minutes 08
seconds West for a distance of 122.39 feet to a point; THENCE South 04 degrees 48 minutes 08

seconds West for a distance of 36.07 feet to a point; THENCE South 58 degrees 05 minutes 33 seconds West for a distance of 98.57 feet to a point; THENCE South 59 degrees 22 minutes 54 seconds West for a distance of 32.56 feet to a point; THENCE South 39 degrees 57 minutes 22 seconds West for a distance of 153.46 feet to a point; THENCE South 40 degrees 02 minutes 10 seconds West for a distance of 153.50 feet to a point; THENCE South 39 degrees 56 minutes 14 seconds West for a distance of 56.41 feet to a point; THENCE South 40 degrees 39 minutes 54 seconds West for a distance of 97.58 feet to a point; THENCE South 40 degrees 59 minutes 00 seconds West for a distance of 132.23 feet to an iron pin; THENCE South 69 degrees 49 minutes 15 seconds West for a distance of 159.63 feet to a point; THENCE South 69 degrees 49 minutes 15 seconds West for a distance of 160.37 feet to a point; THENCE South 69 degrees 49 minutes 15 seconds West for a distance of 184.56 feet to a point; THENCE South 25 degrees 49 minutes 06 seconds East for a distance of 351.70 to a point on the northern right-of-way line of Kahr Shore Drive South (70' R/W); THENCE along said right of way line South 67 degrees 00 minutes 05 seconds West for a distance of 40.84 feet to a point; THENCE leaving said right-of-way line North 25 degrees 49 minutes 06 seconds West for a distance of 405.23 feet to a point; THENCE South 89 degrees 28 minutes 11 seconds West for a distance of 234.68 feet to a point; THENCE South 33 degrees 43 minutes 52 seconds West for a distance of 226.18 feet to a point; THENCE South 33 degrees 15 minutes 13 seconds West for a distance of 136.73 feet to a point on the eastern line of Land Lot 10; THENCE along said lot line South 01 degrees 02 minutes 00 seconds East for a distance of 153.69 feet to an iron pipe being the southeast corner of Land Lot 10, said corner being common with land lots 11, 36, and 37 of the 11th Land District; THENCE along the south line of Land Lot 10 South 89 degrees 35 minutes 13 seconds West for a distance of 2434.99 feet to a concrete monument; THENCE leaving said lot line North 63 degrees 27 minutes 42 seconds West for a distance of 51.95 to a point in the run of the Withlacoochee river; THENCE run northerly along said run of the Withlacoochee River as follows: North 27 degrees 36 minutes 54 seconds West for a distance of 451.35 feet to a point; North 26 degrees 32 minutes 09 seconds East for a distance of 506.14 feet to a point; North 37 degrees 39 minutes 36 seconds East for a distance of 470.65 feet to a point; North 23 degrees 56 minutes 25 seconds East for a distance of 493.76 feet to a point; South 62 degrees 39 minutes 43 seconds East for a distance of 129.99 feet to a point; South 13 degrees 46 minutes 11 seconds West for a distance of 178.65 feet to a point; North 84 degrees 34 minutes 23 seconds East for a distance of 254.30 feet to a point; North 02 degrees 07 minutes 54 seconds East for a distance of 970.82 feet to a point; North 23 degrees 45 minutes 37 seconds West for a distance of 602.89 feet to a point; North 17 degrees 11 minutes 21 seconds East for a distance of 445.88 feet to a point, North 14 degrees 58 minutes 12 seconds West for a distance of 434.17 feet to a point; North 18 degrees 00 minutes 06 seconds East for a distance of 227.12 feet to a point; North 32 degrees 22 minutes 07 seconds East for a distance of 277.52 feet to a point; North 26 degrees 07 minutes 11 seconds West for a distance of 274.37 feet to a point; North 71 degrees 09 minutes 48 seconds West for a distance of 433.89 feet to a point; North 13 degrees 43 minutes 33 seconds West for a distance of 377.47 feet to a point in the run of the river on the north line of Land Lot 10; THENCE leaving run of said river North 89 degrees 04 minutes 12 seconds East for a distance of 50.00 feet along said lot line to a concrete monument; THENCE continue along said lot line North 89 degrees 04 minutes 12 seconds East for a distance of 1991.46 feet to a concrete monument being the POINT OF BEGINNING.

The above described tract contains 530.240 acres, more or less.

Said property is depicted upon that certain map or plat of survey recorded in Plat Cabinet A, Page 1571, Lowndes County, Georgia, Deed Records.

EXHIBIT D

Cherry Creek Mitigation Bank Project Area

The proposed CCMB is located within the floodplain of the Withlacoochee River. The mitigation bank consists of 3 types of wetland systems: 1) a major river with mature, bottomland hardwoods; 2) impacted, forested, seepage slope wetlands; 3) open water bodies; 4) streams with riparian zone habitats and 5) karst sinkholes with sprights. The uplands interspersed among the wetland systems are currently used for silviculture.

The project site includes the eastern bank of the Withlacoochee River and extends easterly to the edge of the floodplain. Within the floodplain, a canopy of Tupelo (*Nyssa spp.*) and Cypress (*Taxodium distichum*) shifts to Water Oaks (*Quercus nigra*), Bays (*Magnolia virginia*) and sweetgum (*Liquidambar styraciflua*) as one moves landward from the river. Beneath the Tupelo and Cypress canopy, few plants or shrubs grow due to frequent periods of high inundation, low nutrients and low light. The floor of the floodplain is covered in deep layers of leaf litter. As one progresses into the uplands, Saw Palmetto (*Serenoa repens*), upland grasses, Wax Myrtle (*Myrica cerifera*) and Gallberry (*Ilex glabra*) dominate the sub-canopy and ground cover.

Cherry Creek

Cherry Creek flows into the Withlacoochee River in the southern portion of the CCMB. In the past, Cherry Creek was a slow flowing black water system which originated from a fish-bowl spring head approximately five miles upstream from the junction of the creek and the Withlacoochee River. Recently, the 13 square mile Cherry Creek drainage basin has been impacted through silviculture, residential development and road building and the construction of a dam at Lake Cleve. As the creek flows toward the Withlacoochee, its landscape is comprised of rolling hills dominated by an upland forested matrix which shifts to a bottomland forest. The stream corridor consists of wetlands, bottomland hardwood forests, cypress domes, mid-channel islands and oxbow ponds, and the streambanks typically vary no more than two feet in height at any location. The channel often splits into multiple channels and has numerous riffles, pools and aquatic plant beds. There are tree root wads and woody debris along the streambank and the Creek is littered with organic material.

Historical Impacts on Cherry Creek

In the early 1960's, a concrete dam was constructed across Cherry Creek, forming an 85-acre lake known as Lake Cleve. The lake was built as part of a low-density residential development and is presently bordered by manicured lawns and gardens. Once constructed the spillway served as a sediment trap, preventing sediment movement to downstream sections. The lack of bed load material combined with the width of the spillway led to the erosion and widening of the downstream channel. Additionally, the spillway and embankment removed the rising slope of the stream bed and created a 10-foot waterfall. The spillway has increased the energy and erosive nature of the water and prevents upstream movement of fish and invertebrates from the Withlacoochee River.

Restoration Plan

To restore the habitats in the CCMB area, three approaches will be used: wetland restoration,

stream and riparian zone restoration, and adjacent habitat preservation. In addition, silvicultural areas will have remaining slash pines removed and will be planted with a mix of native upland tree species. Individually, each of these methods of habitat improvement will increase the ecological value of the land on the CCMB. Combined, the three methods and the planting of the upland pine habitat will have a greater overall restorative effect on the area.

Wetland Restoration

Initially, the hydrology of the wetlands will be restored to historic levels. Due to silviculture practices, the CCMB area has been systematically drained by a series of culverts and ditches that have lowered the water table in order to increase the amount of dry land available for slash pine. Hydrologic restoration will include removal of the culverts and ditches and subsequent installation of weirs. When water levels are low to average, the weirs will confine water and cause historically inundated areas to become inundated again. When water levels are high the weirs allow overflow into other wetlands, further mimicking historical conditions. Concurrent with the hydrologic restoration, native trees will be planted in the wetlands and their buffer zones to bring tree density to a target level of 200 trees per acre.

Cherry Creek and Riparian Zone Restoration

As with the wetland areas, the hydrology of the creek and riparian zones will be restored to mimic historical conditions. Due to the high level of erosion along the stream banks, channel morphology will be modified to bring the stream to equilibrium. Reconfiguration of the bank sides to form terraces with gradual slopes will provide low stream velocities, low sediment transport, deep pools and organic matter in the bed load. In addition, a flood plain capable of holding 50 year flood water levels will be constructed. The benefits of these changes will include more favorable plant, vertebrate and macroinvertebrate habitat as well as reduced erosion and sedimentation. The stream will be contained with sinuous channel morphology and stabilized with native rock and geosynthetic matting overlain by a dense vegetative planting. Restoration activities will include mussel surveys and relocations (if necessary), and planting of appropriate native species to the target level of 200 trees per acre.

Adjacent Habitat Preservation

Within the CCMB some wetlands near the Withlacoochee River are relatively undisturbed. These wetlands will not need enhancement, but their preservation will contribute to the overall restoration of the CCMB by increasing the total area of continuous landscape. In total, CCMB contains approximately 530 acres, just over 109 of which will be preserved without a need for enhancement. The remaining wetlands, buffers and uplands will be enhanced and restored by plantings and restoration of hydrological cycles. As described in the creek restoration description, the total area will also include a floodplain and restored riparian zones. Benefits of creating the CCMB as opposed to leaving the area open for development will include natural flood control, increased availability to wildlife and increased water quality due to less erosion, less sediment load, and less influx of pollution. The ultimate disposition of the land may include its donation to a non-profit land steward such as the Nature Conservancy, Tall Timbers, or the Georgia Wetland Trust.