

Stream Wetland Services, L.L.C.

BY AND BETWEEN
MARATHON ASHLAND PIPELINE LLC
AND
STREAM WETLAND SERVICES, L.L.C.

THIS AGREEMENT is entered this 28th day of January, 1998 by and between MARATHON ASHLAND PIPELINE LLC (MAP) and STREAM WETLAND SERVICES, L.L.C. (Stream).

WHEREAS, Stream is the owner of certain property located in the Parish of Terrebonne, State of Louisiana (the "Property"), as more particularly described on Exhibit "A" and demonstrated on the attached map, attached hereto and made a part hereof;

WHEREAS, MAP desires to obtain a mitigation site which satisfies its obligation to the Louisiana Oil Spill Coordinator's Office, Louisiana Department of Wildlife and Fisheries, and the Louisiana Department of Environmental Quality for wetland impacts it has incurred or will incur elsewhere.

NOW THEREFORE, in consideration of the foregoing premises and the mutual covenants herein contained and subject to the terms and conditions set forth below, MAP and Stream do hereby contract and agree as follows:

1. MAP does hereby appoint Stream and Stream does hereby accept said appointment to do mitigation procedures to satisfy requirements of the LOSCO, LDWF and LDEQ as set forth in Exhibit "B".
2. The term of this Agreement is perpetuity commencing on January 28, 1998.
3. MAP agrees to pay Stream a nonrefundable payment of ninety nine thousand and 00/100 dollars (\$99,000.00) or the sum of three thousand and 00/100 dollars (\$3,000.00) per acre in one lump sum upon execution of this document. Upon receipt of this consideration, Stream does hereby accept responsibility for the wetland mitigation of thirty three (33) acres of cypress tupelo described in Exhibit "B" for MAP for the duration as required by the LOSCO, LDWF and LDEQ. MAP also agrees to pay Stream the sum of six thousand eight hundred forty and no/100 (\$6,840.00) or the sum of three thousand and no/100 (\$3,000.00) per mile for 2.28 miles of stream bank as identified on the attached Figure 1. Total amount of contract is one hundred five thousand eight hundred forty and no/100 dollars (\$105,840.00).

4. This Agreement constitutes the entire agreement between MAP and Stream and may not be changed, amended or modified except by instrument in writing signed by both parties hereto.
5. This Agreement shall be governed by and construed under the laws of the State of Louisiana, and shall be binding upon and inure to the benefit of the successors and assigns of MAP. Stream may assign this Agreement only upon the prior written consent of MAP.

This Agreement is subject to modification as mutually agreed to by the LOSCO, LDWF, or LDEQ and Stream, for such reasons as significant policy or regulation changes. No recourse will be taken against any individuals who have contracted with Stream prior to such modifications, nor against said parties in the event the agreement is terminated.

In witness thereof, the parties hereto have caused this Agreement to be duly executed by their duly authorized officers, in accordance with their duly respective laws.

Agreed to and Accepted this ____ day of _____, 1998.

STREAM WETLAND SERVICES, L.L.C.

Harold H. Stream, III, Manager

Agreed to and Accepted this ____ day of _____, 1998.

MARATHON ASHLAND PIPELINE LLC

By: _____

EXHIBIT "A"

TERREBONNE PARISH
TOWNSHIP 18 SOUTH, RANGE 18 EAST
SECTIONS 19, 20, AND 85
TOWNSHIP 18 SOUTH, RANGE 19 EAST
SECTIONS 12, 14, 15, AND 16
TOWNSHIP 19 SOUTH, RANGE 18 EAST
SECTIONS 63 AND 64
TOWNSHIP 19 SOUTH, RANGE 19 EAST
SECTIONS 21 AND 22

A certain tract of land described as commencing at the Northeasternmost corner of Lot 1, Block 1 of Petit Caillou Estates Subdivision, said point being on the centerline La. State Hwy. No. 58 and also being designated as the point of beginning of this description;

Thence, proceed along the centerline of La. State Hwy. No. 58 in a Southeasterly direction for a distance of 470 feet, more or less, to the intersection with the centerline of Bayou LaCache;

Thence, proceed along the centerline of Bayou LaCache in a Southwesterly direction for a distance of 1400 feet, more or less;

Thence, proceed along the centerline of Bayou LaCache (Canal) in a Southeasterly direction for a distance of 950 feet, more or less;

Thence, proceed along the centerline of Bayou LaCache (Canal) in a Southerly direction for a distance of 9,980 feet, more or less;

Thence, proceed in a Northwesterly direction for a distance of 4,100 feet, more or less, to a point on the rear line of lots within Block 3 of Petit Caillou Estates Subdivision, Addendum No. 1;

Thence, proceed in a Northeasterly direction along the rear line of lots within Blocks 1, 2 and 3 of Petit Caillou Estates Subdivision, Addendum No. 1 and lots within Blocks 1 and 2 of Petit Caillou Estates Subdivision, Addendum No. 2 for a distance of 5,750 feet, more or less, to the intersection with the Southernmost property line of Roy J. Picou, or assigns;

Thence, proceed in an Easterly direction along the Southernmost line of Roy J. Picou, or assigns, for a distance of 1910 feet, more or less;

Thence, proceed in a Northerly direction for a distance of 630 feet, more or less;

Thence, proceed in a Westerly direction for a distance of 550 feet, more or less;

Thence, proceed in a Northerly direction for a distance of 148 feet, more or less;

Thence, proceed in an Easterly direction for a distance of 80 feet, more or less.

Thence, proceed in a Northeasterly direction for a distance of 730 feet, more or less;

Thence, proceed in a Westerly direction for a distance of 140 feet, more or less.

Thence, proceed in a Northeasterly direction for a distance of 380 feet, more or less, to the intersection with the Southernmost property line of Everett J. Duplantis, et al, or assigns;

Thence, proceed in an Easterly direction along the southernmost line of Everett J. Duplantis, et al, or assigns, for a distance of 400 feet, more or less;

Thence, proceed in a Northerly direction for a distance of 120 feet, more or less.

Thence, proceed in a Westerly direction for a distance of 1,400 feet, more or less, to the intersection with the rear line of lots within Block 3 of Petit Caillou Estates Subdivision;

Thence, proceed in a Northeasterly direction along the rear line of lots within Blocks 3 and 2 of Petit Caillou Estates Subdivision for a distance of 2,470 feet, more or less;

Thence, proceed in a Northwesterly direction along the Northernmost line of Lot 1 Block 2 of Petit Caillou Estates Subdivision for a distance of 280 feet, more or less.

Thence, proceed in a Northeasterly direction along the rear line of lots within Block 1 of Petit Caillou Estates Subdivision for a distance of 1,325 feet, more or less, to the point designated as the point of beginning of this description.

Said tract contains 661.12 acres, more or less, located in Sections 19, 20, and 85, Township 18 South, Range 18 East, Sections 12, 14, 15, and 16, Township 18 South, Range 19 East, Sections 63 and 64, Township 19 South, Range 18 East, and Section 21 and 22, Township 19 South, Range 19 East, Terrebonne Parish, Louisiana and is bounded on the North by La. State Hwy. No. 58, on the East by the centerline of Bayou LaCache (Canal), on the South by other property of Vendor and on the West by various owners whose property has frontage along Parish Road No. 71(Bayouside Drive).

EXHIBIT "B"

FOREST MANAGEMENT PLAN FOR
BAYOU LACACHE
CYPRESS TUPELO
FOR
MARATHON ASHLAND PETROLEUM LLC
MITIGATION SITE

Thirty three (33) acres in that certain tract or parcel of land located in portions of Sections 19, 20, and 85, Township 18 South, Range 18 East, Sections 12, 14, 15, and 16, Township 18 South, Range 19 East, Sections 63 and 64, Township 19 South, Range 18 East, and Section 21 and 22, Township 19 South, Range 19 East, Terrebonne Parish, Louisiana and is bounded on the North by La. State Hwy. No. 58, on the East by the centerline of Bayou LaCache (Canal), on the South by other property of Vendor and on the West by various owners whose property has frontage along Parish Road No. 71 (Bayouside Drive). Said tract contains 661.12 acres, more or less.

Soil Type. Soil types occurring at the lowest elevation are Fausse (Sg), Larose (Fa), Sharkey-Clay low phase (Se). These soils comprise 194.4 acres adjacent to Bayou LaCache. This area shall be planted in a cypress-tupelo association. These soils are poorly drained and often flooded. These soil types are on level and range in elevation from above sea level to 3' NGVD over a distance of approximately 2000'.

Sharkey-Clay (Sd), Mhoon silt loam (Md) and Mhoon silty clay loam (Mf) comprise the other hydric soils on the mitigation site. These hydric soils are characterized also as poorly drained soils. They occur on areas of level to nearly level relief near stream channels which have slopes of less than 3%. The Mhoon soils in this association are associated with Sharkey-Clay soils. This soil complex is found in areas of 2' - 4' above sea level and are classified as poorly drained.

Elevation. Land surface elevations in the mitigation area decrease from the 5' contour near Bayou Petit Caillou sloping eastward to near sea level at Bayou LaCache. The decrease in elevation occurs over a distance between 2 - 4,000 feet evidencing the very flat nature and gradual relief of the tract.

Tree Species. A mixture of at least 80 percent Baldcypress and a maximum of 20 percent Tupelo gum will be planted.

Site Preparation: Tracts which are to be planted during a given year will be prepared by mechanical or chemical means, controlled burning or any combination thereof, depending on site conditions. Prior to planting, existing crop rows and furrows will be leveled so as to re-establish natural surface contours. Where drainage on adjacent property is not affected, ditches which drain the mitigation area will be made inoperable.

Planting Density: Seedlings will be planted on 12-foot centers for a total initial stand density of at least 302 trees per acre.

Planting Configuration: Species selected for planting will be planted randomly as dictated by terrain and edaphic conditions to promote biodiversity.

Maintenance: After planting, the site will be maintained, on an as-needed basis, by use of mechanical or chemical controls or some combination thereof. Fire lanes will be maintained around the perimeter of the planted tracts and the entire mitigation area until such time that adequate crown closure occurs.

Monitoring: Stream shall conduct a survey of living and dead seedlings in each planted tract at or near the end of the first growing season following planting of that tract. Tracts of 3 acres or less shall be surveyed by performing a tally of all seedlings planted. Seedling survival on tracts greater than 3 acres shall be documented by performing a comprehensive tally or by counting seedlings in rows or sample plots selected at random from within the tract. The number and orientation of rows or plots used in the sample will vary, depending on the size and configuration of the tract, but must be representative of the tract and must account for at least 5 percent of the total number of seedlings planted in that tract. In addition, Stream shall perform a cursory examination of the entire planted tract to determine if overall survival is adequate.

Stream shall continue annual monitoring and reporting to verify the presence of a minimum of 125 trees in the fourth growing season following successful attainment of Year 1 survivorship and composition criteria. Stream shall implement appropriate remedial action to ensure attainment of Year 5 survivorship and composition criteria.

Continuous Forest Monitoring: Upon attainment of Year 5 criteria in all planted tracts comprising the mitigation area, Stream shall randomly establish ten (10) one-tenth acre permanent continuous forest monitoring plots within the mitigation area. Each plot center shall be marked by a permanent marker, and all trees falling within the plot shall be permanently tagged and numbered. Stream shall, by March 31 of the following year, provide a report to NOD indicating the locations of the plots and documenting the number, species, height and diameters of tagged trees within each plot. The report shall also discuss the general health of the planted trees, describe the vegetative communities developing within and the overall condition of the entire mitigation area. Upon receipt of this report by NOD and confirmation that the mitigation area is progressing as anticipated, Stream may cease annual monitoring and begin

monitoring the continuous forest monitoring plots and submitting monitoring reports to NOD at 5 year intervals.

Planting Success Criteria:

- A) For a given planting, a minimum of 50 percent or 150 seedlings per acre must survive through the end of the first growing season following the planting. This criterion will apply to initial plantings as well as subsequent replanting which may be needed.
- B) For a given planting, a minimum of 125 seedlings must survive through the end of the fourth growing season (i.e., Year 5) following successful attainment of the one year (i.e., Year 1) survivorship criterion. Seedlings established through natural recruitment may be included in this tally.

Management Plan: Timber harvests may be conducted within the Bayou LaCache mitigation area in order to maintain and enhance timber stand and wildlife habitat quality. The harvesting of timber from a mitigation area shall be performed in accordance with the following conditions:

1. In no case will the entire stand comprising this mitigation area be clear-cut.
2. Unless deviations are approved by the MART, stands with trees averaging 6 inches in diameter at breast height (DBH) or 4.5 feet from ground level, shall not be thinned below 30 square feet of basal area per acre and stands having trees averaging 8 inches in DBH shall not be thinned below 40 square feet of basal area per acre.
3. During all harvests, the initial species composition and ratio of hard mast to soft mast-producing species comprising the stand shall be maintained throughout the rotational harvests. Harvested tracts will be replanted, as necessary, with appropriate bottomland hardwood species.
4. After year 60, timber harvesting shall be performed on a compartmentalized basis, wherein the area is divided into 8 compartments not to exceed 80 acres in size. Each harvest will consist of two non-contiguous compartments. Following the initial harvest, a minimum 10 year interval shall be maintained between subsequent harvests. Either clear-cuts or group selection cuts may be conducted on a 60 year rotation per compartment. Group selection cuts shall be performed in a manner that does not diminish species composition and relative abundance in the compartment. These harvests will be made in non-contiguous compartments.

- 5 As each compartments' 60 year rotation cycle is completed, additional tree planting will be conducted in accordance with the wetland restoration plan described in the Interagency Agreement. The replanted compartments may be harvested in accordance with the above thinning requirements and rotation schedule.
6. Loading and transport of harvested timber shall be accomplished by using existing roads and use of log loading decks not to exceed 1 acre in size per compartment.
- 7 Surface contours of access roads rutted by heavy wheeled or track type logging equipment shall be restored to pre-existing grade to the maximum extent practicable.
8. Den and cavity trees shall be preserved throughout harvests.
9. Removal of insect damaged, diseased, or storm felled trees may be allowed subject to approval by the MART.
- 10 Control of exotic plant species (e.g., Chinese tallow) shall be performed until crown closure has occurred in the mitigation area.
11. This management plan may be modified as appropriate and agreed upon by the agency members of the MART and Stream at the time the modification is proposed.

Modification: Stream may harvest timber in a manner different from that described above due to changes in best forest management practices (BMPs) or state or federal laws and regulations in effect at the time of harvest. Under these circumstances, Stream must submit a timber management plan to members of the MART for review and approval a minimum of 45 days prior to conducting any harvesting activities.



1500 0 1500 3000
 1" = 1500' FEET

LEGEND

- STREAM BANK (2.28 LINEAR MILES)
- TOTAL AREA (1,100 ACRES)
 (MITIGATION AREA 663 ACRES)

NOTES:

BASE MAP COMPRISED OF COLOR INFRARED AERIAL PHOTOGRAPHY TAKEN DURING THE 1995 GROWING SEASON, OBTAINED FROM U.S.G.S. EROS DATA CENTER, GEO REFERENCED TO UTM NAD27 Z15

MARATHON ASHLAND PETROLEUM, LLC
 FINDLAY, OHIO

MARATHON AIRLINE RELEASE

BAYOU LACACHE AREA

TERREBONNE

C-K 
ASSOCIATES, INC.
 BATON ROUGE, LOUISIANA

Drawn:	JDE
Checked:	PML
Approved:	KB
Date:	03/18/98
Dwg. No.:	A26-540-36

FIGURE 1

MARATHON #028-54026540PR03.APR