Plank Road Acquisitions

The Plank Road tracts were under negotiations when the MOA between USACE and DOTD was cancelled. ARBC completed the acquisitions prior to signing the CEA with the Louisiana Department of Transportation and Development (LaDOTD).

Tracts 473 and 476 (Barbara Dixon)

ARBC authorized GCR to resume negotiation and relocation efforts with the property owner previously started by the U.S. Army Corps of Engineers Real Estate Division. The appraisal report approved by USACE’s Appraisal Division and included in USACE’s Real Estate file was used to complete the negotiations. On November 29, 2011, Commerce Title was issued a Notice to Proceed with the title commitments for Tracts 473 and 476. On December 23, 2011, Commerce Title provided a title commitment for Tract 476. On January 9, 2012, Commerce Title provided a title commitment for Tract 473. On September 6, 2012 ARBC successfully closed on Tracts 473 and 476. The property owner was offered relocation assistance and given a final deadline of February 15, 2013 to vacate and surrender the property to ARBC. On January 15, 2013, ARBC approved the moving estimate submitted by Armstrong Relocation Company, Louisiana, LLC for the relocation of personal property. On February 6, 2013, GCR met with the property owner to conduct a final walk-through to confirm that all personal property had been moved and to document that any personal property remaining would be deemed abandoned by the property owner. The property owner confirmed her understanding that any items left on the property would be considered abandoned and signed an Agreement to Abandon Property, dated February 6, 2013, documenting same.

Tract 479 (Ruth Crawford Testamentary Trust and the Walter H. Lenoir Testamentary Trust)

ARBC authorized GCR to resume negotiation efforts with the property owner previously started by the U.S. Army Corps of Engineers Real Estate Division. The appraisal report approved by USACE’s Appraisal Division and included in USACE’s Real Estate file was used to complete the negotiations. On November 29, 2011, Commerce Title was issued a Notice to Proceed with the title commitment for Tract 466, and delivered the commitment to ARBC on January 9, 2012. Based upon USACE’s previous offer dated November 18, 2008, ARBC was able to successfully negotiate a Servitude of Right of Use with the property owners, which was recorded in the East Baton Rouge Clerk of Court’s office on May 9, 2012.

Tract 466 (Larry Woodruff, et al.)

USACE was unable to secure offers from all of the owners of Tract 466, and USACE determined that the tract would require acquisition by expropriation. By letter dated February 10, 2012, USACE strongly recommended that ARBC not move forward with this tract until such time as ARBC received an official right of entry request from USACE. Based on this recommendation, ARBC abandoned acquisition efforts until receipt of the right of entry request. ARBC has yet to receive the right of entry request from USACE.

The Plank Road Acquisitions are depicted on the project map included herein as Figure 2.
Advanced Acquisitions

Selection of Advanced Acquisition Parcels

Louisiana Department of Transportation and Development (LaDOTD) and ARBC approved an advanced acquisition work plan to acquire tracts of land wholly confined within the preliminary project right-of-way limits, parcels where the proposed takings resulted in uneconomic remnants, and parcels where access would be lost after the taking.

Title Services – ARBC issued Task Order 2011-01-09 for title and related coordination services for the seventeen (17) advanced acquisition parcels. Title work for all 17 advanced acquisition parcels was completed by September 4, 2012. Although the contract between LaDOTD and GCR-LaPAC, described below, includes title services, ARBC assumed responsibility for title work because ARBC is the party taking title to the acquired property and ARBC wanted to use more stringent title standards than those employed by LaDOTD. USEC requires more stringent title standards than LaDOTD.

Hazardous, Toxic, and Radioactive Waste (HTRW) Assessments – ARBC engaged Burk-Kleinpeter, Inc. (BK1) to perform HTRW reports on all advanced acquisition parcels. BK1 completed all Phase I assessments as of January, 2013. A Phase II assessment was performed on ADV-4, ADV-7, ADV-8, ADV-9, and ADV-14 and provided to ARBC in September, 2013.

Contract between LaDOTD and GCR-LaPAC

LaDOTD entered into a contract with GCR-LaPAC in March 2012 and was authorized to proceed with work shortly thereafter. GCR-LaPAC provides right-of-way services, either directly or through sub-consultants. Right-of-way services include appraisal services, appraisal review services, negotiation and acquisition services, relocation assistance and advisory services, business valuation and lost profit analysis services, construction cost estimates, and other approved professional services.

Appraisal Services – LaDOTD provided USEC with a copy of the completed appraisal report and appraisal reviews for ADV-1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 in accordance with the Cooperative Endeavor Agreement between LaDOTD and ARBC. The estimated values of all parcels were deemed by the Corps to be reasonable and supported by the analysis presented in the respective appraisal reports. Because the Corps has not requested right of entry at this time, the Corps is not able to indicate how much credit would be approved towards the sponsor’s share of project cost. Appraisals for Parcels ADV-3 and ADV-6 have not been completed because the owners are unwilling sellers at this time.

Negotiations, Acquisitions, and Relocations – As of September 12, 2014, seven (7) of the advanced acquisitions, totaling approximately two hundred (200) acres have been acquired, two (2) additional parcels have agreed to sell and are in the process of closing, five (5) parcels are in negotiations, and three (3) parcels are unwilling to sell at this time. Of the parcels that have been acquired or are in negotiations, eight (8) will require one or more relocations.

A detailed outline of ARBC’s acquisition activities and costs for the Advanced Acquisition parcels follows this summary.

The Advanced Acquisition properties are depicted on the project map included herein as Figure 2.
<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Title Owner</th>
<th>Title Commitment Received</th>
<th>Appraisal Report Received</th>
<th>Review Appraisal Received</th>
<th>Just Compensation Offer Sent</th>
<th>Sale Closed</th>
<th>IJO Amount/Administrative Settlement Amount</th>
<th>Relocation Amount</th>
<th>ARBC Consultant Fees</th>
<th>Expenditures*</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADN-1</td>
<td>WSM Properties, LLC, Marion W Connor and Ross Gilbert Munson</td>
<td>7/26/2012</td>
<td>4/12/2013</td>
<td>7/17/2013</td>
<td>7/18/2013</td>
<td>10/9/2013</td>
<td>$1,445,840.00</td>
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<td>$24,378.50</td>
<td>$173,048.50</td>
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<tr>
<td>ADN-2</td>
<td>Willie Hayes, Dennis &amp; Henrietta Collins Spears</td>
<td>7/24/2012</td>
<td>5/6/2013</td>
<td>7/19/2013</td>
<td>10/4/2013</td>
<td>Pending</td>
<td>$9,000.00</td>
<td>n/a</td>
<td>$15,938.00</td>
<td>$15,938.00</td>
</tr>
<tr>
<td>ADN-3</td>
<td>Mark &amp; Tara Miller</td>
<td>8/9/2012</td>
<td>Unwilling Seller</td>
<td>Unwilling Seller</td>
<td>Unwilling Seller</td>
<td>Unwilling Seller</td>
<td>Unwilling Seller</td>
<td>$9,127.75</td>
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<td>$9,127.75</td>
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<tr>
<td>ADN-4</td>
<td>Robert E. Carter, Sr.</td>
<td>8/2/2012</td>
<td>5/10/2013</td>
<td>7/10/2013</td>
<td>11/5/2013</td>
<td>Pending</td>
<td>$305,000.00</td>
<td>$19,855.00</td>
<td>$17,618.25</td>
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<tr>
<td>ADN-5</td>
<td>Lawrence &amp; Mabel Baye</td>
<td>8/21/2012</td>
<td>5/10/2013</td>
<td>7/16/2013</td>
<td>7/23/2013</td>
<td>6/6/2014</td>
<td>$350,000.00</td>
<td>$20,184.00</td>
<td>$8,126.50</td>
<td>$30,048.00</td>
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<tr>
<td>ADN-6</td>
<td>John &amp; Teresa Cap</td>
<td>8/23/2012</td>
<td>6/21/2013</td>
<td>7/9/2013</td>
<td>7/17/2013</td>
<td>7/17/2014</td>
<td>$275,000.00</td>
<td>$33,942.00</td>
<td>$5,764.25</td>
<td>$35,235.25</td>
</tr>
<tr>
<td>ADN-7 &amp; 8</td>
<td>Nick &amp; Jill Bergren</td>
<td>8/10/2012</td>
<td>5/18/2013</td>
<td>7/17/2013</td>
<td>10/4/2013</td>
<td>5/20/2014</td>
<td>$510,999.00</td>
<td>$245,237.00</td>
<td>$31,089.50</td>
<td>$43,087.50</td>
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<td>ADN-9</td>
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<td>8/1/2012</td>
<td>5/10/2013</td>
<td>7/11/2013</td>
<td>7/28/2013</td>
<td>Pending</td>
<td>$70,752.00</td>
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<td>ADN-10</td>
<td>Larry &amp; Lydia McElroy</td>
<td>8/23/2012</td>
<td>6/21/2013</td>
<td>7/9/2013</td>
<td>19/17/2013</td>
<td>7/17/2014</td>
<td>$275,000.00</td>
<td>$33,942.00</td>
<td>$5,764.25</td>
<td>$35,235.25</td>
</tr>
<tr>
<td>ADN-11</td>
<td>Raymond &amp; Katherine Smiles</td>
<td>8/29/2012</td>
<td>12/17/2013</td>
<td>2/14/2014</td>
<td>5/8/2014</td>
<td>Pending</td>
<td>$338,000.00</td>
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<td>$6,145.25</td>
<td>$6,145.25</td>
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<tr>
<td>ADN-12</td>
<td>Elvis &amp; Gloria Brunfield</td>
<td>9/4/2012</td>
<td>7/4/2013</td>
<td>7/9/2013</td>
<td>19/15/2013</td>
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<td>$377,000.00</td>
<td>$82,000.00</td>
<td>$5,620.00</td>
<td>$5,620.00</td>
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<tr>
<td>ADN-13</td>
<td>Anthony &amp; Jacqueline D'Esposito</td>
<td>8/29/2012</td>
<td>7/9/2013</td>
<td>9/8/2013</td>
<td>9/8/2013</td>
<td>Pending</td>
<td>$398,000.00</td>
<td>$78,827.20</td>
<td>$9,108.00</td>
<td>$9,108.00</td>
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<tr>
<td>ADN-14</td>
<td>Jerome Smith, Jr.</td>
<td>8/22/2012</td>
<td>5/20/2013</td>
<td>7/23/2013</td>
<td>4/20/2014</td>
<td>4/20/2014</td>
<td>$313,920.00</td>
<td>n/a</td>
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<td>$17,345.25</td>
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<tr>
<td>ADN-15</td>
<td>Virginia M. Spears</td>
<td>9/4/2012</td>
<td>5/20/2013</td>
<td>7/11/2013</td>
<td>7/11/2013</td>
<td>4/30/2014</td>
<td>$594,412.00</td>
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<td>$6,857.00</td>
<td>$52,562.00</td>
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<tr>
<td>ADN-16</td>
<td>Margaret I., Morrison, Tony Lynne Spears &amp; Danielle Marie Stevenson</td>
<td>9/4/2012</td>
<td>5/20/2013</td>
<td>7/18/2013</td>
<td>10/7/2013</td>
<td>Pending</td>
<td>$82,104.00</td>
<td>n/a</td>
<td>$11,395.50</td>
<td>$11,395.50</td>
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</tbody>
</table>

ADN-17: Madison Howard Remain, Lisa Ellen Romaine, Robert Craig Romaine, Christopher Marit Remaine, Nancy Amanda Romaine Thompson, Linda Carmena Devall, Jesse Frank Devall, Audrey Lynn Devall, Devall Devalcourt, Sharon Denise Deval Devall

9/21/2014 | 9/9/2013 | 9/15/2013 | 9/26/2013 | 9/8/2014 | $353,482.50 | n/a | $32,663.50 | $299,404.75

Notes: Consultant Costs include but are not limited to title commitments and environmental studies (HTRW Phase I & II).

Per the CEA, ARBC is responsible for one-half of purchase price and relocation amount.

*Expenditures include ARBC's 1/2 of the Just Compensation/Administrative Settlement Amount, ARBC's consultant costs, and 1/2 of Relocation Amount, if applicable.
Functional Element 1

Even though outside of the Advanced Acquisition properties, ARBC has issued task orders for Title Services and HTRW Assessments for the remainder of Functional Element 1.

**Title Services** – ARBC issued Task Order #2011-01-09 on August 23, 2012 for title commitments and associated coordination activities for those remaining parcels in Functional Element 1 that were not advanced acquisition parcels, a total of thirteen (13) parcels. Commerce Title provided all thirteen title commitments by June 28, 2013.

**Hazardous, Toxic, and Radioactive Waste (HTRW) Assessments** – BKI was engaged by ARBC to perform HTRW reports on the remaining thirteen (13) parcels in Functional Element 1. BKI completed all Phase I assessments as of November, 2013. A Phase II assessment was performed on DOTD Parcel #s 6, 8, 15, 18, and 19 and provided to ARBC in May, 2014.

**Tract Plat Maps**

ARBC issued Task Order #2011-002-66 on October 29, 2013 to complete Tract Plat Maps for those remaining parcels in Functional Element 1 that were not advanced acquisition parcels, with the exception of DOTD Parcel 5 (Starmount) because it has been determined that DOTD Parcel 5 will require expropriation proceedings.

**Brooks Lake Closure**

On February 5, 2014, ARBC issued Task Order 2011-001-69 to GCR to identify the owners of properties to the south of DOTD Parcel 54, owned by the State of Louisiana, for purposes of identifying possible access points for the Brooks Lake Closure. GCR provided mapping and preliminary ownership information for the parcels along the southern boundary of DOTD Parcel 54 to ARBC on March 19, 2014.

**Summary of Acquisition Activity and Costs**

As of September 12, 2014, title commitments have been issued for all remaining parcels in Functional Element 1 that were not advanced acquisitions, and Tract Plat Maps have been created for all remaining parcels in Functional Element 1 that were not advanced acquisitions, with the exception of DOTD Parcel 5.

A detailed outline of ARBC's acquisition activities and costs for Functional Element 1 follows this summary.

The Functional Element 1 properties are depicted on the project map included herein as Figure 2.
## Functional Element 1 Acquisition Activities and Costs

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Owner</th>
<th>Title Commitment Received</th>
<th>Tract Plat Map Completed</th>
<th>ARBC Consultant Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOTD 1</td>
<td>Emily Jones, et al</td>
<td>6/12/2013</td>
<td>1/31/2014</td>
<td>$11,772.75</td>
</tr>
<tr>
<td>DOTD 3</td>
<td>Rose Banguel, et al</td>
<td>6/7/2013</td>
<td>1/31/2014</td>
<td>$9,124.00</td>
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<td>DOTD 5</td>
<td>Starmount No. 1, Inc.</td>
<td>6/14/2013</td>
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<td>$85,285.50</td>
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<td>DOTD 6</td>
<td>Decker Farms LLC</td>
<td>6/17/2013</td>
<td>2/14/2014</td>
<td>$23,455.75</td>
</tr>
<tr>
<td>DOTD 7</td>
<td>William &amp; Debbie Hodgkins</td>
<td>6/12/2013</td>
<td>2/21/2014</td>
<td>$8,742.50</td>
</tr>
<tr>
<td>DOTD 8</td>
<td>Adrian Decker</td>
<td>6/17/2013</td>
<td>2/21/2014</td>
<td>$23,788.75</td>
</tr>
<tr>
<td>DOTD 15</td>
<td>Mary Rivette Carney</td>
<td>6/12/2013</td>
<td>2/21/2014</td>
<td>$23,533.50</td>
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<tr>
<td>DOTD 16</td>
<td>Ann Carney, et al</td>
<td>6/12/2013</td>
<td>2/21/2014</td>
<td>$6,843.00</td>
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<tr>
<td>DOTD 18</td>
<td>Leanne &amp; Betty Bourque</td>
<td>6/28/2013</td>
<td>2/14/2014</td>
<td>$32,035.25</td>
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<tr>
<td>DOTD 19</td>
<td>Darryl &amp; Celena Cage</td>
<td>6/12/2013</td>
<td>2/14/2014</td>
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<td>DOTD 54</td>
<td>State of LA</td>
<td>6/6/2013</td>
<td>2/28/2014</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$391,300.75</strong></td>
</tr>
</tbody>
</table>

Note: Consultant Costs include title commitments, environmental studies (HTRW Phase I & II) and Tract Plat Map costs.
**Project Mitigation: Profit Island**

The Corps completed Environmental Assessment #426 with Col. Plenting signing a Finding of No Significant Impact (FONSI). On December 5, 2012, the Corps issued an official right of entry request authorizing the acquisition of Profit Island.

**Title Services** – On October 19, 2012, Commerce Title furnished a title commitment for the Profit Island property determining ownership in Profit Island, LLC. A title update for Profit Island was furnished on December 3, 2012.

**Hazardous, Toxic, and Radioactive Waste (HTRW) Assessments** – BKI was engaged to perform an HTRW report for Profit Island. BKI completed the Phase I assessment as of October, 2012.

**Appraisal Services** – On October 22, 2012, Mike DeFelice furnished an appraisal report valuing the island, comprised of + 2,485 acres, at $3,330,000.00 ($1,340.00 per acre). On December 7, 2012, the appraisal report was approved by USACE’s Real Estate Department. On February 1, 2013, Robert Aguilar, the approved review appraiser, provided his appraisal review report confirming the findings and determinations of the original report as prepared by Mike DeFelice.

**Negotiations and Acquisitions** – On December 26, 2012, the just compensation offer, in the amount of $3,330,000.00, was mailed to the property owner beginning the negotiations process. The property owner advised ARBC that it was securing an appraisal for the property. An independent appraisal was completed in April 2013, valuing the property at $4,450,000.00. On May 15, 2013, the property owners met with Larry Bankston to further discuss the offer. The property owners advised that Crown Minerals, LLC has surface rights over the entirety of the island and wants to retain surface rights over a portion of the property. The surface interest held by Crown Minerals was included as a title exception in the title commitment provided by Commerce Title. It was also included as part of the defects, liens, and encumbrances listed in the just compensation offer provided to the property owners. On June 13, 2013, the property owner’s attorney was advised that USACE would not accept a proposal allowing the property owners to reserve a limited portion of the island. The property owners are continuing to work with Crown Minerals on this matter. The owners of the property still dispute the valuation of the property; however, they have verbally agreed to an expropriation of the property, reserving their rights to contest the value.

**Relocation Activities** – On January 7, 2013, a notification letter was mailed to the tenant, Big Island Hunting Club, LLC, advising that negotiations have commenced with the property owner and that it may be eligible for relocation benefits. On January 15, 2013, during USACE’s bi-weekly PDT meeting, issues concerning the current lease were discussed, including the ability to allow the current lease to remain in place until it expires, maintenance of the property, etc. It is likely that the current lease cannot remain and the tenant will need to be relocated. USACE agreed to prepare a report for ARBC based upon the Atchafalaya Basin Project to provide a framework for the type of activities that may be allowed after acquisition.

ARBC has directed Bankston & Associates to proceed with an amicable expropriation of the property.

Profit Island is depicted on the project map included herein as Figure 2.
Project Mitigation: Mitigation Area 1

On February 24, 2012, USACE requested right of entry for the Rush (Comite Dirt Pit) and Mouille properties. Subsequently, ARBC began work to secure an appraisal on both tracts. The appraiser provided the appraisal report for the Mouille property on November 5, 2012 and provided the appraisal report for the Comite Dirt Pit site to ARBC on December 7, 2012. The Rush property (Comite Dirt Pit) was in litigation with the Louisiana Department of Wildlife and Fisheries (LDWF) concerning Scenic River violations. USACE advised that any area of violation must be excluded from the mitigation area. ARBC, working with LDWF, attempted to determine the cost for remediation of the violations. At its December 2012 Board of Commissioners meeting, ARBC voted to suspend all efforts to acquire the properties because it is believed that the mortgages on the Comite Dirt Pit property and the cost to remediate the known Scenic River violations on that property far exceed the just compensation amount that would be offered pursuant to the appraisal. In September 2014, a portion of the Rush property was subject to a foreclosure. The bank that acquired the property has been in contact with the ARBC attorney to discuss the possible sale.

The Rush and Mouille properties are depicted on the project map included herein as Figure 2.

Project Mitigation: Mitigation Area 2

McMahon Tract

Title Services – On December 3, 2012, Commerce Title furnished a title commitment for the subject tract showing ownership in the name of Rhett Russell McMahon, Sr.

Hazardous, Toxic, and Radioactive Waste (HTRW) Assessment – BKI was engaged by ARBC to perform HTRW reports on McMahon and Freeman Tracts. BKI completed the Phase I assessment as of April, 2013. A Phase II assessment was performed on the Freeman Tract and provided to ARBC in September, 2013.

Appraisal Report – On May 13, 2013, Mike DeFelice furnished an appraisal report valuing the property at $992,000.00. On June 12, 2013, USACE advised that the preliminary review of the appraisal report found the report to be accurate and reasonable. Subsequently, Mr. DeFelice updated his appraisal report based on additional information he received regarding the highest and best use of the property and the value of the timber on the property. As a result, Mr. DeFelice estimated the market value of the real estate interests to be acquired to be $1,032,250, based on $2,875 per acre and including $112,500 contributory timber value. This revised report was provided to USACE for review and approval for credit purposes, and USACE deemed the report to be reasonable and accurate.

Negotiations – On June 25, 2013, the just compensation offer, totaling $992,000.00, was sent to the property owners for review. Negotiations are ongoing, pending satisfactory resolution of the environmental issues associated with the adjacent Freeman tract, discussed below.

Freeman Tract

Title Services – On December 8, 2012, Commerce Title furnished a title commitment for the subject tract showing ownership in the name of 54 purported heirs.
Hazardous, Toxic, and Radioactive Waste (HTRW) Assessment – BKI was engaged by ARBC to perform HTRW reports on McMahon and Freeman Tracts. BKI completed the Phase I assessment as of April, 2013. A Phase II assessment was performed on the Freeman Tract and provided to ARBC in September, 2013. The HTRW reports revealed a potential environmental issue that will likely require remediation. The environmental issue was reported to DEQ by the attorney for the Freeman family. The property owners are attempting to determine the nature and extent of the environmental damage and necessary cleanup costs. ARBC continues to investigate the potential to acquire the property for mitigation purposes and the cost to remediate any environmental issues.

The McMahon and Freeman properties are depicted on the project map included herein as Figure 2.

Project Mitigation: Mitigation Area 3 (McHugh Swamp)

Notification Letters
ARBC issued Task Order 2011-001-64(R-1) on May 30, 2014 authorizing GCR to send letters to property owners within Mitigation Area #3 to survey the property owners and determine which property owners would be interested in selling their property to ARBC. The letter included a form for interested property owners to fill out and send back to GCR. A total of one hundred forty-two (142) letters were mailed on May 30, 2014 and June 11, 2014. As of September 12, 2014, thirty-nine (39) owners have responded positively, indicating their willingness to sell their property to ARBC.

Based on the responses received, ARBC has targeted twelve (12) parcels for immediate acquisition. The parcels targeted are those that are within the proposed project right-of-way (the DOTD parcels), whose remainder can be used for mitigation purposes and the large-acre parcels that are adjacent to the DOTD parcels. The twelve (12) parcels include a total of one thousand four hundred fifty-four acres, total, with three hundred fifty-two (352) acres being within the project right-of-way, three hundred ninety-nine being mitigation lands north of the project right-of-way, and seven hundred three (703) acres being mitigation lands south of the project right-of-way.

Title Services – ARBC issued Task Orders 2011-001-61 (R-1) and 2011-001-74 on July 9, 2014 and August 1, 2014, respectively, for title commitments and related services for nine (9) of the twelve (12) targeted parcels. Proposals for title commitments for the remaining three (3) parcels have been received from Commerce Title, and a task order is forthcoming.

Appraisal Services – On August 5, 2014, ARBC issued Task Order 2011-002-76 for appraisals, review appraisals, and related services for eight (8) of the twelve (12) targeted parcels. Proposals for the remaining targeted parcels and associated task orders are forthcoming.

Summary of Acquisition Activity
Of the one hundred forty-two (142) owners contacted in Mitigation Area #3, thirty-nine (39) owners responded that they were interested in selling their property. ARBC is currently targeting those parcels within the project right-of-way lines and adjacent large acre tracts. Title work and appraisal services are ongoing for these parcels.

Mitigation Area 3 (McHugh Swamp) is depicted on the detail map included herein as Figure 1.
Figure 1

ARBC Acquisition Mitigation – McHugh Swamp (Detail)
USACE Right of Entry Requests

Soil Borings and Piezometers
On December 5, 2012, USACE has provided a right-of-entry request for soil boring activities for various properties located throughout the projected channel right-of-way, consisting of ten (10) piezometer sites. Based upon discussions with ARBC, USACE amended the request to relocate several boring locations based on access issues. On April 3, 2013, ARBC mailed right-of-entry notification letters to impacted property owners. On April 4, 2013, a permit application and supporting documentation were provided electronically to LaDOTD requesting a permit for the soil boring activities taking place in LaDOTD’s right-of-way for La Highway 19. On July 30, 2013, LaDOTD provided USACE and ARBC with copies of permit letters granting USACE right-of-entry for those soil boring activities that are taking place within the LaDOTD’s right-of-way for La Highway 19 and La Highway 67. LaDOTD Permitting confirmed that because the activities taking place are not permanent, the right-of-entry letters are sufficient and a signed permit from LaDOTD was not needed.

ARBC transmitted the executed Authorization for Entry (AFE) electronically and by mail to LaDOTD on September 4, 2013. The AFE was sent electronically and by mail from LaDOTD to USACE on September 30, 2013.

On June 12, 2014, USACE requested an extension to the right of entry, including ingress and egress, to perform piezometer monitoring to support design efforts associated with the Comite River Diversion Project. The current ROE expires on October 15, 2014, and USACE is requesting that the ROE be extended for an additional twelve (12) months. ARBC issued Task Order 2011-001-73 for the work on July 25, 2014. GCR has requested clarification regarding the request from USACE and is awaiting a response. Due to funding issues, USACE has been unable to respond to the request for clarifications.

Bayou Baton Rouge Drop Structure
On November 11, 2013, GCR Inc. received a Right of Entry Request from USACE to perform surveys and additional soil borings to support design efforts associated with the Comite River Diversion Project, Bayou Baton Rouge Drop Structure. ARBC issued Task Order 2011-001-67 on December 4, 2013 for the work. GCR sent right of entry notification letters on behalf of ARBC to impacted property owners on March 6, 2014, and right of entry was granted on March 17, 2014. The Authorization for Entry was transmitted to USACE on April 22, 2014.

Highway 964 Bridge
On November 11, 2013, ARBC received a Right of Entry request from USACE to perform surveys and soil borings to support design efforts associated with the Comite River Diversion Project, Highway 964 Bridge, and issued Task Order 2011-001-68 on December 17, 2013 to complete the work. Right of entry notification letters were mailed to impacted property owners on April 1, 2014. The soil borings required pursuant to the right of entry request are located in the DOTD La Hwy. 964 right of way. As such, ARBC submitted a geophysical permit application to Ronnie Robinson, La. DOTD District 61, on March 27, 2014, which was received on April 2, 2014. DOTD issued the permit for the soil borings on April 8, 2014. The Authorization for Entry was transmitted to USACE on April 13, 2014.

Brooks Lake Closure and Comite Guide Levee
On February 18, 2014, ARBC received a Right of Entry request from USACE to perform surveys,
soil borings, and environmental and cultural resources investigations in connection with the Comite River Diversion Project, Brooks Lake Closure and Guide Levee contract. ARBC issued Task Order 2011-001-71 to GCR to perform the requested work on March 6, 2014. The landowner notification letters were mailed to the impacted owner on March 20, 2014. The Authorization for Entry was transmitted to USACE on April 13, 2014.

**Lilly Bayou/Hwy 61**
On November 1, 2011 USACE sent a Right of Entry Request to perform repairs to the Lilly Bayou Control Structure, with access to the work site being via a railroad crossing directly off of Hwy 61. ARBC issued Task Order 2011-001-48 to complete the work on April 10, 2013. In order to grant USACE the authorization for entry, ARBC was required to obtain an extended crossing agreement from KCS Railroad for US Highway 61. The then-current crossing agreement expired in September, 2013. On June 27, 2013, the completed permit application and processing were sent to Jones Lang LaSalle Americas, Inc., the facilitator of permit efforts on behalf of KCS. ARBC requested that the permit modify the extension terms from 2 years to 5 years. ARBC also requested that a supplement to the original crossing agreement be prepared naming USACE and its contractors as authorized users that are not subject to the indemnity language or provisions set forth in the original crossing agreement.

On September 19, 2013, Sylvia Schmidt provided two supplemental crossing agreements, one for ARBC and one for USACE. Ms. Schmidt was informed that USACE would not sign an agreement, and also, that the agreement for ARBC was missing several key terms that were previously agreed to and necessary for acceptance of the agreement by USACE. A revised agreement was provided on September 30, 2013; however, it was still missing key terms necessary for acceptance by USACE. On November 4, 2013, GCR provided the revised language to USACE’s Office of Counsel for review, and on December 5, 2013, GCR participated in a conference call with representatives of KCS and USACE. It was determined that USACE and ARBC would coordinate to draft an acceptable Authorization for Entry. A Draft Authorization for Entry for access to the Lilly Bayou Control Structure that incorporates USACE’s requested changes was provided to USACE on February 16, 2014. On March 28, 2014, Office of Counsel for USACE approved the draft authorization for entry submitted by ARBC. Sylvia Schmidt with KCS Railway was informed that ARBC was ready to move forward with the amendment to the crossing agreement, and Ms. Schmidt provided the revised amendment to ARBC for execution on April 3, 2014. The Supplemental Agreement executed by ARBC was transmitted to KCS Railway on April 10, 2014. ARBC received the fully executed supplemental agreement from KCS Railway on June 10, 2014. ARBC provided the Authorization for Entry to USACE on June 19, 2014.

**Lilly Bayou/West Irene Road**
On February 14, 2013, USACE requested a perpetual access easement to perform repairs to the Lilly Bayou Control Structure. The title commitment was received from Commerce Title on June 25, 2012. The appraisal report was received from Jim Lipscomb on July 26, 2012. GCR provided USACE with the appraisal report for review on March 19, 2013. USACE completed its review on April 12, 2013 approving the value established by the appraiser.

On April 23, 2013, just compensation offers were sent to the property owners. Discussions with the property owners and their attorney were unsuccessful, and it was determined that the property would need to be expropriated. In anticipation of potential expropriation proceedings, Jim Lipscomb updated his appraisal report, received on August 28, 2013. Also in anticipation of expropria-
tion, ARBC authorized a second appraisal report from Robert Aguilar on July 23, 2013, which was provided to ARBC on August 20, 2013. Mr. Michael DeFelice was issued a Notice to Proceed with a review appraisal on September 17, 2013 and provided his appraisal review report on September 30, 2013. The appraisal review report recommended the value in the Lipscomb appraisal update in the amount of $150,279.00. Both the Jan Lipscomb appraisal report update and the Robert Aguilar appraisal report were provided to USACE for review for project credit purposes. Judi Gutierrez approved $150,279.00 (the amount of the Lipscomb update) for credit purposes.

In preparing the expropriation documents, ARBC determined that the property description provided by USACE in their Right of Entry Request for a permanent easement was deficient, and requested USACE issue a revised Right of Entry Request with either a corrected property description or a general description for a 100' wide easement. USACE then requested ARBC provide a property description for the permanent easement needed for the revised ROE request. On June 18, 2014, ARBC authorized surveying activities in connection with the expropriation of the permanent easement. Linfield, Hunter & Junius provided the final survey and legal description of Tract 100E-1 to ARBC for use in expropriation proceedings. ARBC sent a letter to USACE on September 9, 2014 informing USACE that expropriation proceedings would be filed no later than September 22, 2014. On September 11, 2014, USACE advised ARBC that it was unable to provide a response due to funding issues. ARBC is proceeding with the expropriation of the easement.
Figure 2

Cumulative Project Activity, March 2002-Present (Project Right-of-Way & Mitigation)