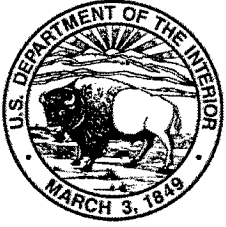


United States Department of the Interior



FISH AND WILDLIFE SERVICE
Missouri Ecological Services Field Office
101 Park DeVille Drive, Suite A
Columbia, Missouri 65203-0057
Phone: (573) 234-2132 Fax: (573) 234-2181



December 5, 2014

Mr. Kenny Lynn
Ameren Transmission
1901 Chouteau Ave
PO Box 66149
St. Louis, Missouri 63166-6149

Dear Mr. Lynn:

This letter is in response to the revised route alternatives for the Ameren Mark Twain Transmission Project received in our office on October 6, 2014. The U.S. Fish and Wildlife Service (Service) is providing this response under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), National Environmental Policy Act of 1969 (42 U.S.C. 4321-4327), Migratory Bird Treaty Act (16 U.S.C. 703-712), and Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543).

Federally Listed and Proposed Bat Species

The Mark Twain Transmission Project consists of two major segments, Maywood to Zachary and Zachary to State Line. For each major segment, Ameren has reduced the potential alternatives within each segment to two alternative routes per segment. The two routes for Maywood to Zachary run through Marion, Shelby, Lewis, Knox, and Adair counties. The two routes for Zachary to State Line run through Adair and Schuyler counties. Every county intersected by the proposed alignment is known to be occupied by maternity colonies of the endangered Indiana bat (*Myotis sodalis*). Furthermore, based on past surveys, the routes pass through five known maternity colony home ranges. Many areas along the proposed alignment have suitable habitat but likely have not been surveyed for federally listed bats. These areas of suitable habitat in the aforementioned counties have a high likelihood of occupancy by Indiana bats. The proposed endangered northern long-eared bat (*Myotis septentrionalis*) also occurs in northeast Missouri and has been documented in Lewis County.

Removal of trees during the hibernation season of bats (November 1 to April 1) prevents the direct take of tree-roosting bats. However, there is still potential for indirect take through habitat loss and degradation. In a June 23, 2014 email, Shauna Marquardt of my staff relayed to you the

need to conduct surveys for federally listed bats along the proposed alignment in order to determine where the species might occur and to identify roost trees or roosting areas. These data are necessary to identify areas that should be avoided and to help develop minimization measures where necessary. Guidelines for conducting summer surveys for Indiana bats are available here: <http://www.fws.gov/midwest/Endangered/mammals/inba/inbasummersurveyguidance.html>.

Migratory Birds

Restricting woody vegetation clearing to winter months also serves to prevent injury to or mortality of most nesting migratory birds. Raptors and owls, however, breed during late winter and early spring. Because these species are protected under the Migratory Bird Treaty Act, we recommend implementing measures to avoid or minimize impacts to active nests.

While direct take may be avoided by clearing woody vegetation during the winter, the Service is concerned about the effects of permanent loss of habitat from clearing the ROW. According to the proposed alignments you provided, the project will consist of approximately 100 miles of new transmission line and associated ROW through the forest-limited landscape of northeast Missouri. ROW construction for each alternative route will require tree and woody vegetation removal. Should the final alignment require substantial removal of forested habitat, we would like to discuss with you options to replace this habitat elsewhere or to protect other areas containing comparable habitat. We have worked with other companies involving the removal of mature forested habitat associated with ROWs and would be happy to provide examples of mitigation measures which have been implemented to benefit migratory birds.

Finally, when selecting the final alignment, Ameren should minimize overall forest degradation and loss and should avoid fragmentation of existing forest patches to the extent practical to reduce impacts to federally listed bats and migratory birds. At this time, the Service cannot recommend specific routes because each of the four alternatives intersects with known Indiana bat maternity colony home ranges. The Service requests a meeting with Ameren and the Missouri Department of Conservation to coordinate efforts on the Mark Twain Transmission Project before the final alignment is selected. Should proposed route alternatives change, or if you have questions concerning this response, please contact Shauna Marquardt at (573) 234-2132, extension 174.

Sincerely,



Amy Salveter
Field Supervisor

Cc: MDC, Jefferson City, MO (Attn: Jennifer Campbell-Allison, Policy Coordination)



Marquardt, Shauna <shauna_marquardt@fws.gov>

Mark Twain 345kV Transmission Line Project

Marquardt, Shauna <shauna_marquardt@fws.gov>
To: "Lynn, Kenneth W" <KLynn@ameren.com>
Cc: Shauna Marquardt <shauna_marquardt@fws.gov>

Mon, Jun 23, 2014 at 3:28 PM

Kenny,

I am going to be taking the lead on the Mark Twain 345kV Line project. To obtain your official list of species that could be present in your project area, you can use our new project review website, IPaC. I have attached instructions on how to obtain a species list that serves as official correspondence from us. Based on this species list you will be able to further evaluate potential impacts to species that could be present.


Based on the information you submitted, I do have a few initial thoughts for you consider. Both Indiana and northern long-eared bats will show-up on your species list. This project is basically going right through the part of the state we consider to have the most maternity colonies of Indiana bat. We know a little less about northern long-eared bats here, but we do know they occur and will be concentrated in larger forested blocks.

Although you have not yet selected your alignment, I can tell you that if there will be more than 5 acres of mature forest removed to complete this project, bat surveys will be necessary. It could be prudent to skip the time and expense of a highly detailed habitat assesement and use a more general assessment to guide the level of effort and locations of bat surveys. What is the timeline of this project? Seems like we are a little ways out? I am happy to visit with you about alignment alternatives when you get to that point.

Please feel free to call or email with questions as you move into the next stages of this project.

Shauna

~~~~~  
Shauna Marquardt  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Missouri Ecological Services Field Office  
101 Park De Ville Drive, Suite A  
Columbia, MO 65203  
573/234-2132 ext. 174 (office)  
573/234-2181 (fax)  
~~~~~

 IPaC Instructions.pdf
148K



United States Department of the Interior

FISH AND WILDLIFE SERVICE
 Missouri Ecological Services Field Office
 101 Park DeVille Drive, Suite A
 Columbia, Missouri 65203-0057
 Phone: (573) 234-2132 Fax: (573) 234-2181



Information for Planning and Conservation (IPaC) is a project planning tool which streamlines the U.S. Fish and Wildlife Service environmental review process. Through IPaC, you can obtain an Official Species List, but IPaC will not provide you with a concurrence or non-concurrence with “may affect” determinations. You should use the species list to make a determination for your project. If your determination is “no effect,” document your decision for your file; no further consultation with our office is necessary. If your project may affect species noted in the Official Species List, contact our office to initiate consultation.

How to use IPaC to obtain an Official Species List:

1. Go to <http://ecos.fws.gov/ipac/>
2. Click “GET STARTED.”
3. Click “ENTER PROJECT LOCATION” and search for the nearest town in the “Find a place” search bar.
4. Define your project area using the “Sketch,” “Polygon,” or “Line” tool. You can also upload a shapefile if you have one.
5. Click “Continue” to confirm the project area.
6. **Please note the resulting webpage is NOT an Official Species List.** To request an Official Species List, click “Request an Official Species List” under “Tasks.”
7. Fill out the information requested on the next page and click “SUBMIT OFFICIAL SPECIES LIST REQUEST.”
8. A message from “fwhq_ecos_support” should be delivered to the email address you provided; click the link in the email to verify your email address.
9. Shortly after you verify your email address, you should receive an email with an Official Species List attached.
10. If you have any questions, please contact the Missouri Ecological Services Field Office at 573-234-2132.



PE-38
MISSOURI DEPARTMENT OF CONSERVATION

Headquarters

2901 West Truman Boulevard, P.O. Box 180, Jefferson City, Missouri 65102-0180

Telephone: 573-751-4115 ▲ www.MissouriConservation.org

ROBERT L. ZIEHMER, Director

October 16, 2014

Mark Twain Transmission Project
C/O Burns and McDonnell
Attention: Jennifer Berry
9400 Ward Parkway
Kansas City, MO 64114

RE: MARK TWAIN TRANSMISSION PROJECT - ENVIRONMENTAL COMMENTS

Ms. Berry:

The Missouri Department of Conservation (Department) is in receipt of your request for environmental concerns related to the Mark Twain Transmission Project.

The Department is the state agency responsible for forest, fish and wildlife resources in Missouri. As such, the Department participates in project review when a project might affect those resources. Department comments are for your consideration to avoid, minimize and mitigate project impacts in Missouri.

PROJECT DESCRIPTION

The proposed transmission line would total approximately 100 miles from Palmyra to Kirksville to the Iowa border. Version 10 of the route network (provided by Ameren UE staff) includes the counties of Schuyler, Adair, Knox, Lewis, Shelby and Marion. Transmission line support towers would have dimensions of up to 130 feet in height with a cleared right-of-way of approximately 150 feet.

LISTED AND PROTECTED SPECIES

Enclosed find a Natural Heritage Review Report for the proposed Mark Twain Transmission Line based on Alignment Version 10 provided by Ameren UE to the Department by email on August 15, 2014.

Multiple natural heritage records for Indiana bat (*Myotis sodalis*) exist adjacent to the proposed routes. You or your client may be required to consult with the U.S. Fish and Wildlife Service pursuant to the Endangered Species Act. The U.S. Fish and Wildlife Service may be contacted by phone at 573-234-2132 or by mail at U.S. Fish and Wildlife Service, Ecological Services, 101 Park Deville Drive, Suite A, Columbia, Missouri 65203-0007.

COMMISSION

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Columbia

October 16, 2014

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Bald eagles (*Haliaeetus leucocephalus*), a federally protected species under the Bald and Golden Eagle Protection Act, are known to nest near streams and rivers within the range of this project. Work managers should be alert for nesting areas within 1500 meters of project activities and follow federal guidelines at:

<http://www.fws.gov/midwest/MidwestBird/EaglePermits/baeatakepermit.html>. In addition, you may wish to request assistance from the U.S. Fish and Wildlife Service as described above.

SPAWNING STREAM SEASONAL CONSTRUCTION RESTRICTIONS

The following waterways have seasonal restrictions that could impact construction timing, if work would occur below the ordinary high water mark: South Fabius River and Troublesome Creek (Marion County). The affected locations are described in the enclosed Natural Heritage Review Report and shown in the enclosed map. Any work conducted below the ordinary high water mark in these stream segments should be avoided between March 15 and June 15. Management recommendations for construction projects affecting Missouri streams and rivers are also enclosed for reference.

The South Fabius River watershed supports a diverse aquatic community. Surveys conducted from 1941 to 1999 in the watershed revealed the presence of 58 fish species, four crayfish species, and 19 freshwater mussel species. Three species have been collected in the watershed that are part of the Communities of Conservation Concern Checklist, namely American eel, ghost shiner, and Mississippi silvery minnow. Special designation has been given to the watershed because of these robust aquatic communities. A portion of the watershed was designated an Aquatic Conservation Opportunity Area in 2006, and a Priority Watershed in 2011. Sampling in 2008 showed robust aquatic communities in the South Fabius Aquatic Conservation Opportunity Area near the potential project sites. Many of the aquatic species found in the watershed rely on clean, cool and high-quality habitat. Forested riparian corridors are critical to maintaining these high-quality aquatic systems. Degradation of these high-quality habitats could result in losses of biological diversity.

EXISTING CONSERVATION EASEMENTS

The Department holds interest in two conservation easements that precede proposed route segments A1 and A2.

Proposed segment A2 crosses the Bringer Stream Stewardship Trust Fund Easement (Marion County, T59N, R07W, Section 15 and 16) as seen in Figure 1. This easement is part of an In-lieu-Fee Mitigation (ILF) instrument originally purchased by the Missouri Conservation Heritage Foundation in 2006. This perpetual easement compensated landowners to maintain the existing condition of a wooded riparian corridor along the

October 16, 2014

Ms. Berry

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watercourse for the purpose of sustaining fish, wildlife, forest and riparian values, as described in the enclosed Stream Stewardship Trust Fund Conservation Easement. A change of condition, such as removal of riparian vegetation, would violate the terms of the Bringer Conservation Easement and the In-lieu-Fee instrument. At a minimum, a change of condition of this parcel would require an amendment to the agreement and repayment of the purchase price plus interest to the Missouri Conservation Heritage Foundation for the affected portion of the easement parcel.

The proposed route A2 would impact two portions of the Bringer easement for an estimated total of 3.95 acres. The proposed route A2 would bisect the easement into two unconnected portions. Short term impacts of the proposed route segment A2 at the Bringer easement would likely include conversion of riparian corridor to shrubs and grasses, and possibly soil compaction. Long term impacts of this conversion would likely result in a diminished riparian function offered by existing trees along the watercourse. Shrubs and grasses provide a lesser level of stream bank protection from erosion than trees because their root networks are more shallow than those of trees. Unlike trees, shrubs and grasses provide no shade for the stream channel. Riparian trees offer stream shading which maintains lower water temperatures and increased dissolved oxygen levels during the warm seasons. Many aquatic wildlife have an upper thermal tolerance for survival, growth and reproduction that is better served by stream shading. In addition, aquatic wildlife require a minimum dissolved oxygen content in river water which cannot be sustained diurnally during the warm season without stream shading.

Pages 12 and 13 of the enclosed ILF mitigation instrument between the U.S. Army Corps of Engineers, Kansas City District and the Missouri Conservation Heritage Foundation Stream Stewardship Trust Fund describe allowed and restricted activities on the parcels for which the perpetual easement applies.

Proposed segment A1 crosses the Bevill Stream Stewardship Agreement Easement (Marion County, T59N, R08W, Section 25), as seen in Figure 2. This perpetual easement was purchased by the Department in 1996 as part of a Stream Stewardship Agreement. The agreement compensated landowners to maintain the existing condition of a wooded riparian corridor along the watercourse for the purpose of sustaining fish, wildlife, forest and riparian values, as described in the enclosed Stream Stewardship Agreement Easement. A change of condition, such as removal of riparian vegetation, would violate the restrictions contained in the easement. At a minimum, a change of condition of this parcel would require repayment of the purchase price plus interest for the affected portion of the easement parcel.

An estimated 0.80 acres of the Bevill easement would be impacted by proposed route segment A1. The proposed route A1 would bisect the easement into two unconnected

October 16, 2014

Ms. Berry

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portions. Short term impacts could include vegetation conversion from riparian corridor to shrubs and grasses, as well as soil compaction. Similar to the impacts on the Bringer Easement, long term impacts of this conversion on the Bevill easement would likely result in a diminished riparian function.

CONCLUSION

In consideration of the Department's responsibility to manage fish, wildlife, and forest resources held in the public trust, the least environmentally damaging route segment would be a modified form of route A2 that would completely avoid the Bringer Stream Stewardship Trust Fund Conservation Easement.

Thank you for the opportunity to provide comments. Note that this response does not preclude other comments the Department may provide under the Clean Water Act permitting process or the National Environmental Policy Act, if applicable. If you have any questions about these comments, please contact me at (573) 522-4115, Extension 3159 or by email at jennifer.campbell-allison@mdc.mo.gov.

Sincerely,



JENNIFER CAMPBELL-ALLISON
POLICY COORDINATOR

JCA/ak

Enclosures

c: Chris Wood, Burns & McDonnell
Peggy Ladd, Ameren UE
Kenny Lynn, Ameren UE
Brian Holderness, Ameren UE
Shauna Marquart, U.S. Fish and Wildlife Service
Marvin and Loretta Bringer, Bringer Stream Stewardship Trust Fund landowner
Edward and Betty Bevill, Bevill Stream Stewardship Agreement landowner
Chris Vitello, Missouri Conservation Heritage Foundation



PE-38
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Headquarters

2901 West Truman Boulevard, P.O. Box 180, Jefferson City, Missouri 65102-0180
Telephone: 573-751-4115 ▲ www.MissouriConservation.org

ROBERT L. ZIEHMER, Director

November 21, 2014

Mark Twain Transmission Project
C/O Burns and McDonnell
Attention: Jennifer Berry
9400 Ward Parkway
Kansas City, MO 64114

RE: MARK TWAIN TRANSMISSION PROJECT - ENVIRONMENTAL COMMENTS

Ms. Berry:

This letter provides a supplemental response to Ameren's request for environmental concerns related to the Mark Twain Transmission Project and is a part of the Department of Conservation (Department) response provided in a letter to you dated October 16, 2014.

As indicated previously, the Department is the state agency responsible for forest, fish and wildlife resources in Missouri. As such, the Department participates in project review when a project might affect those resources. Department comments are for your consideration to avoid, minimize and mitigate project impacts in Missouri.

PROJECT DESCRIPTION

The proposed transmission line would total approximately 100 miles from Palmyra to Kirksville to the Iowa border. Version 10 of the route network (provided by Ameren UE staff) includes the counties of Schuyler, Adair, Knox, Lewis, Shelby and Marion. Transmission line support towers would have dimensions of up to 130 feet in height with a cleared right-of-way of approximately 150 feet.

CONTIGUOUS FOREST BLOCKS

A number of the alignments proposed as of the October 2014 Open House will result in fragmentation of woodland habitat, including forest blocks greater than 150 acres. The northerly route from Maywood to Zachary (comprised of segments A2, A6, A9, A14) fragments the fewest forest blocks.

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Columbia

November 21, 2014

Ms. Berry

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Large forest blocks provide important habitat for wildlife. These habitat types are rare in present day northern Missouri and are utilized by neotropical migrant birds, currently in decline, as well as both game and non-game wildlife. Some neotropical migrant bird species are forest interior species and fragmentation of timber blocks leaves them vulnerable to brood parasitism from the brown-headed cowbird and predation. While edge habitat benefits habitat generalist species of birds, specialized species that require forest/woodland interiors are vulnerable to fragmentation caused by forest/woodland disturbances and would likely decline from a transmission line transecting the forest/woodland block.

Large forest blocks are associated with diverse wildlife species. For example, Henry Sever Lake Conservation Area is approximately 300 acres of forest and woodland habitat that supports 29 neotropical migrant bird species. Large timber blocks on the proposed routes range from 173 to 1,222 acres and likely include the same bird species, as well as additional species.

Forest blocks that would be impacted by the remaining proposed route segments on the Maywood to Zachary route are as follows:

- A2 would fragment a forest block approximately 300 acres in size at T60N, R8W Section 36 and T60N, R7W, Sections 31 and 32.
 - Two *Myotis sodalis* (Indiana bat) records are located within six (6) miles of where the A2 route segment and the subject forest block intersect.
- A3 would fragment the following forest blocks:
 - Approximately 1,222 acres: T59N, R9W, Sections 9, 10, 11, 14, 15, 22, and 23;
 - One (1) *Myotis sodalis* record within five (5) miles.
 - Approximately 181 acres: T60N, R12W, Sections 23-24;
 - Approximately 206 acres: T59N, R11W, Section 13 and T59N, R10W, Section 18;
 - Approximately 440 acres: T60N, R13W, Sections 1 and 2; and T61N, R13W, Section 36; and T61N, R12W, Section 31.
- The eastern portion of A7 includes a large forest block. According to Department records, this area includes a known Blue Heron rookery. The landowner reports that this rookery is still active.
- A13 would fragment the following forest blocks:
 - Approximately 293 acres: T61N, R14W, Sections 22 and 23;
 - Approximately 223 acres: T61N, R14W, Section 24.

Forest blocks that would be impacted by the remaining proposed route segments on the Zachary to State Line route are as follows:

- B9 would fragment a forest block (approximately 652 acres) at T65N, 15W, Section 12 and T65N, 14W, Sections 7,8 and 18.
 - Eight (8) *Myotis sodalis* and one (1) *Lasiorycteris noctivagans* (silver-haired bat) records are known within four (4) miles of this forest block.

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- B13 would fragment a forest block (approximately 270 acres) at T66N, R15W, Sections 31 and 32.
 - Five (5) *Myotis sodalis* and one (1) *Lasionycteris noctivagans* (silver-haired bat) records are known within 3 miles of this forest block.
 - Two known roosting sites are located 1.4 miles from this forest block, and are located within 0.17 miles of the proposed B13 route segment.
 - This block is adjacent to another 204 acre block at T66N, 15W, Section 31, separated by a farm road. These two blocks effectively form a 474 acre block, and it is located within four (4) miles of several other large timber blocks.

You or your client may need to consult with the U.S. Fish and Wildlife Service (573-234-2132) regarding Endangered Species Act and Migratory Bird Treaty Act compliance.

EXISTING EASEMENTS

Please refer to the earlier letter to you, dated October 16, 2014, regarding impacts to the Bringer and Bevill easements that would be impacted by route segments A2 and A1, respectively.

The South Fabius River is an important river in the northeastern portion of Missouri. Its ecological integrity and diverse aquatic community are reflective of the relatively wide and contiguous riparian woodlands and stable stream channels found in the watershed. As currently proposed, segment A2 would impact 3.95 acres of the Bringer easement, or segment A1 would impact 0.8 acres of the Bevill easement. Impacts of the proposed transmission line route segments on these easements will include riparian woodland fragmentation and an increased risk of stream channel instability.

An alternative to crossing one of these easements should include avoidance of the easement by routing around the parcel. Shapefiles of these easements were provided to Chris Wood by email on October 22, 2014.

If it is not possible to avoid the subject easement, impacts should be minimized by crossing perpendicular to the stream to reduce the area of land disturbed by right-of-way clearing.

As previously stated, a modified form of route segment A2 would appear to be the least environmentally damaging to forest, fish and wildlife resources and the Department's interest in these existing stream easements.

CONCLUSION

As presented in October 2014, the routes from Maywood to Zachary and the routes from Zachary to State Line appear to create potential impacts to forest, fish and wildlife resources in Missouri. The northerly route from Maywood to Zachary comprised of segments A2, A6, A9, A14 appears to create the fewest impacts to these resources. Alternatives and modifications to the remaining proposed route segments could focus on

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first avoiding, then minimizing, and finally mitigating impacts to forest, fish and wildlife resources.

Avoidance measures could include upgrade of existing transmission lines rather than clearing a new right of way.

Minimization measures could include paralleling the new line to existing transmission lines to avoid new fragmentation events and minimize the total number of cleared acres for the project. Another minimization measure could consider routing around forest and woodland blocks of greater than 150 acres, rather than bisecting these forest blocks.

Avoidance and minimization of impacts to the Bringer or Bevill easements are strongly encouraged. Avoidance could include routing around the easement. If avoidance were not possible, minimization could include crossing at a different location within the easement or crossing perpendicular to the waterway.

If it would be helpful, the Department would be willing to meet with Ameren, its consultant, and the U.S. Fish and Wildlife Service to discuss Department comments provided for this project.

Thank you for the opportunity to provide comments. Note that this response does not preclude other comments the Department may provide under the Clean Water Act permitting process or the National Environmental Policy Act, if applicable. If you have any questions about these comments, please contact me at (573) 522-4115, Extension 3159 or by email at jennifer.campbell-allison@mdc.mo.gov.

Sincerely,



JENNIFER CAMPBELL-ALLISON
POLICY COORDINATOR

JCA/pb

Enclosures

c: Chris Wood, Burns & McDonnell
Peggy Ladd, Ameren UE
Kenny Lynn, Ameren UE
Brian Holderness, Ameren UE
Shauna Marquart, U.S. Fish and Wildlife Service



Missouri Department of Conservation
Natural Heritage Review Report

September 4, 2014 -- Page 1 of 5

Resource Science Division
 P. O. Box 180
 Jefferson City, MO 65102
 Prepared by: Emily Clancy
 Emily.Clancy@mdc.mo.gov
 (573) 522 – 4115 ext. 3182

Brian F Holderness
 Ameren
 BHolderness@ameren.com

Project type:	Transmission Line
Location/Scope:	Map insert
County:	Adair, Knox, Lewis, Marion, Schuyler, and Shelby
Query reference:	Mark Twain Transmission Line Route
Query received:	August 29, 2014

This NATURAL HERITAGE REVIEW is not a site clearance letter. Rather, it identifies public lands and sensitive resources known to have been located close to and/or potentially affected by the proposed project. On-site verification is the responsibility of the project. Natural Heritage records were identified at some date and location. This report considers records near but not necessarily at the project site. Animals move and, over time, so do plant communities. To say “there is a record” does not mean the species/habitat is still there. To say that “there is no record” does not mean a protected species will not be encountered. These records only provide one reference and other information (e.g. wetland or soils maps, on-site inspections or surveys) should be considered. Look for additional information about the biological and habitat needs of records listed in order to avoid or minimize impacts. More information may be found at <http://mdc.mo.gov/discover-nature/places-go/natural-areas> and mdc4.mdc.mo.gov/applications/mofwis/mofwis_search1.aspx. Contact information for the department’s Natural History Biologist is online at <http://mdc.mo.gov/contact-us>.

Records of federal-listed and/or state-listed (endangered) species or critical habitats within one mile of the transmission line:

The following Indiana bat records are within 2 miles:

Scientific Name	Common Name	Federal Status	State Status	County	Township & Range	Section
<i>Myotis sodalis</i>	Indiana bat	Endangered	Endangered	Knox	T61N R11W	36
<i>Myotis sodalis</i>	Indiana bat	Endangered	Endangered	Adair	T63N R15W	33
<i>Myotis sodalis</i>	Indiana bat	Endangered	Endangered	Lewis	T60N R08W	17
<i>Myotis sodalis</i>	Indiana bat	Endangered	Endangered	Lewis	T60N R08W	28
<i>Myotis sodalis</i>	Indiana bat	Endangered	Endangered	Schuyler	T65N R15W	23
<i>Myotis sodalis</i>	Indiana bat	Endangered	Endangered	Schuyler	T65N R15W	16
<i>Myotis sodalis</i>	Indiana bat	Endangered	Endangered	Schuyler	T65N R15W	23
<i>Myotis sodalis</i>	Indiana bat	Endangered	Endangered	Schuyler	T65N R15W	23
<i>Myotis sodalis</i>	Indiana bat	Endangered	Endangered	Schuyler	T65N R15W	17
<i>Myotis sodalis</i>	Indiana bat	Endangered	Endangered	Schuyler	T65N R15W	9
<i>Myotis sodalis</i>	Indiana bat	Endangered	Endangered	Schuyler	T65N R15W	9
<i>Myotis sodalis</i>	Indiana bat	Endangered	Endangered	Schuyler	T65N R15W	17
<i>Myotis sodalis</i>	Indiana bat	Endangered	Endangered	Schuyler	T65N R14W	33

Indiana bats (*Myotis sodalis*, federally and state listed endangered) hibernate during winter months in caves and mines. During the summer months, they roost and raise young under the bark of trees in riparian forests and upland forests near perennial streams. During project activities, avoid degrading stream quality and where possible leave snags standing and preserve mature forest canopy. Do not enter caves known to harbor Indiana bats, especially from September to April. **Further coordination with the U.S. Fish and Wildlife Service (Ecological Services, 101 Park Deville Drive, Suite A, Columbia, Missouri 65203-0007; Phone 573-234-2132) is recommended.**

Cross-country lines affect both plants and wildlife, as do activities necessary to their construction, maintenance and repair. Stream and drainage crossings are primary concerns, and every effort should be made to avoid erosion, silt introduction, petroleum or chemical pollution, and disruption or realignment of stream banks and beds. See insert pertaining to recommendations to follow when projects may impact streams and rivers.

Revegetation is an important part of managing utility corridors, and it can have significant resource impacts – for better or worse. Revegetation of disturbed areas is recommended to minimize erosion, as is restoration with native plant species compatible with the local landscape and wildlife needs. Annuals like ryegrass may be combined with native perennials for quicker green-up. Avoid aggressive exotic perennials such as crown vetch and sericea lespedeza.

Maintenance of ground cover in utility corridors can have significant implications for sensitive resources. Native plant species typically require low maintenance over the long term, and provide more benefits to native wildlife. Utility corridors can provide wildlife travel corridors, food sources and types of low-growing plant diversity sometimes rare in adjoining land. Mowing and maintenance schedules should consider nesting seasons, and diversity in plant composition.

Natural Heritage records were identified at some date and at a more or less precise location. This report includes information about records near but not necessarily on the project site. Animals move and, over time, so do plant communities. To say "there is a record" does not mean the species/habitat is still there. To say that "there is no record" does not mean the project will not encounter something not recorded. On-site verification is the responsibility of the project. Incorporating information from Natural Heritage records into plans can help reduce adverse impacts to sensitive natural resources. However, these records only provide one reference and other information (e.g. wetland or soils maps, on-site inspections or surveys) should be considered. Compare biological and habitat needs of records listed to planned project activities to avoid or minimize impacts. More information may be found at www.mdc.mo.gov/nathis/endangered/ and mdc4.mdc.mo.gov/applications/mofwis/mofwis_search1.aspx. Find contact information on the department's nearest Natural History Biologist at <http://www.mdc.mo.gov/nathis/contacts/>.

Records of state-ranked (but not state-listed) species and natural communities of conservation concern. The Department tracks these species and natural communities due to population declines or apparent vulnerability.

The following Natural Heritage records are located within 2 miles:

Scientific Name	Common Name	State Rank	County	Township & Range	Section
<i>Hybognathus hankinsoni</i>	Brassy Minnow	S3	Adair	T62N R15W	27
<i>Mustela nivalis</i>	Least weasel	S3	Adair	T61N R14W	6

PE-38

<i>Ambystoma tigrinum</i>	Eastern Tiger Salamander	SU	Schuyler	T65N R15W	3
<i>Taxidea taxus</i>	American Badger	SU	Adair	T62N R15W	2
Central Plains - Warmwater - Small river	South Fabius River	S?	Marion	T59N R06W	30
Central Plains - Warmwater - Small river	Troublesome Creek	S?	Marion	T59N R07W	15
Central Plains - Warmwater - Creek	Tiger Fork	S?	Shelby	T59N R09W	28

* Each record represents a separate occurrence.

Definitions of each state-rank

- S3: Vulnerable in the state means this species is rare and uncommon, or found only in a restricted range (even if abundant in some locations), or because of other factors making it vulnerable to extirpation. Typically 21 to 100 occurrences or between 3,000 and 10,000 individuals.
- SU: Currently unrankable due to lack of information or due to substantially conflicting information about status or trends.
- State-rank S? is defined as unranked – aquatic community is not yet ranked in the state.

The Department encourages stewardship for all state-ranked species to minimize the risk of further decline that could lead to listing.

See http://mdc.mo.gov/sites/default/files/resources/2010/04/2013_species_concern.pdf for a complete list of species and communities of conservation concern.

Recommendations related to this project or site (not specific Natural Heritage records):

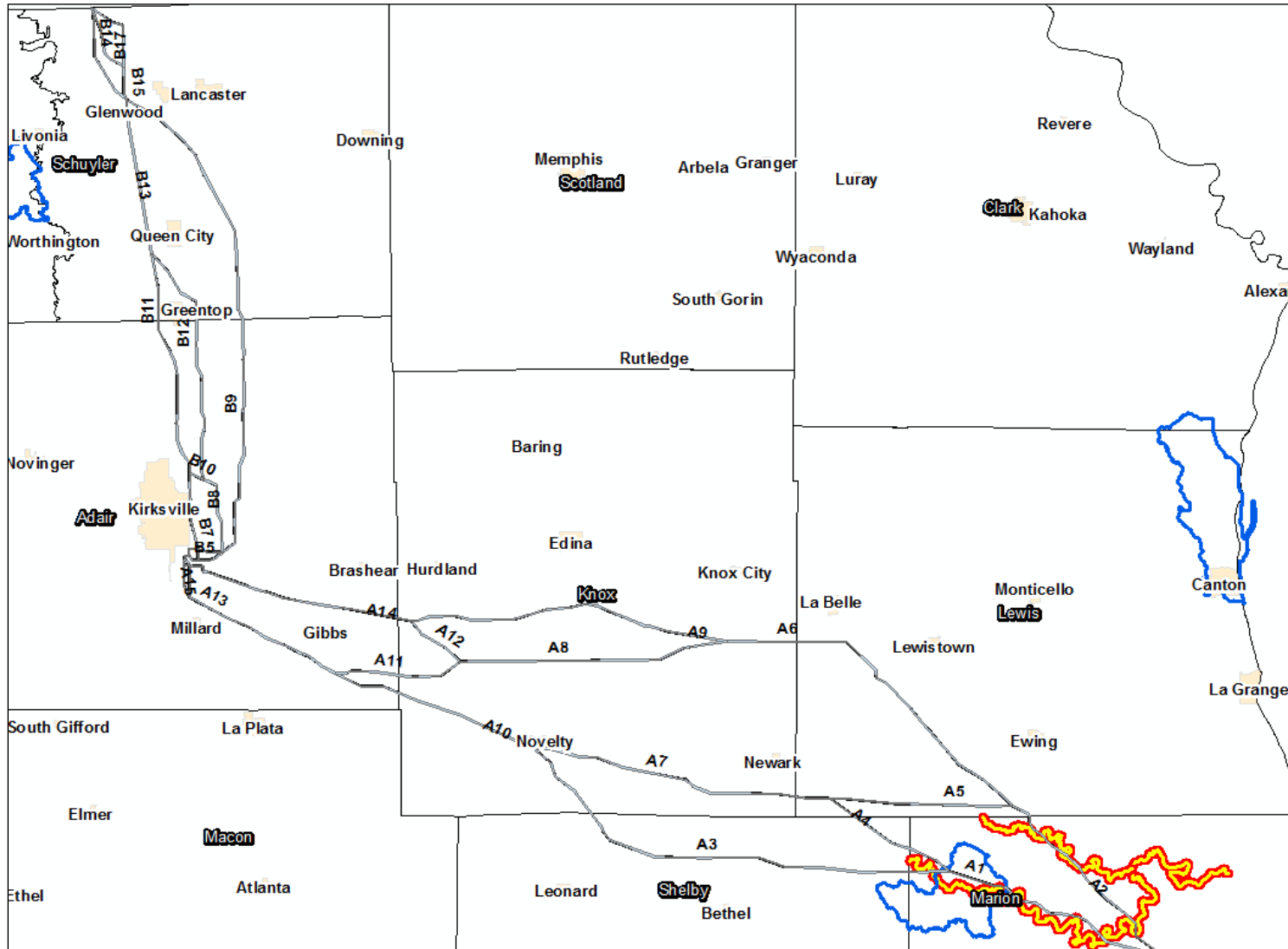
- Knox, Shelby, and Marion Counties have known [karst geologic features](#) (e.g. caves, springs, and sinkholes, all characterized by subterranean water movement). Few karst features are recorded in Natural Heritage records, and ones not noted here may be encountered at the project site or affected by the project. Cave fauna (many of which are species of conservation concern) are influenced by changes to water quality, so check your project site for any karst features and make every effort to protect groundwater in the project area.
- The project is within South Fabius River Aquatic Conservation Opportunity Area (see map insert). COAs have been identified based on the diversity and rarity of species and habitats present, and the comparative likelihood/importance of projects to maintain

them in the area over time. COAs have no regulatory role, but do reflect interest from multiple government agencies and citizen groups to work for conservation in the area. There may be ways your project or agency can contribute to or benefit from this COA. More information about it is available on line at <http://www.mdc.mo.gov/nathis/cws/coa/>.

- Invasive exotic species are a significant issue for fish, wildlife and agriculture in Missouri. Seeds, eggs, and larvae may be moved to new sites on boats or construction equipment, so inspect and clean equipment thoroughly before moving between project sites.
 - ◆ Remove any mud, soil, trash, plants or animals from equipment before leaving any water body or work area.
 - ◆ Drain water from boats and machinery that has operated in water, checking motor cavities, live-well, bilge and transom wells, tracks, buckets, and any other water reservoirs.
 - ◆ When possible, wash and rinse equipment thoroughly with hard spray or HOT water ($\geq 104^{\circ}$ F, typically available at do-it-yourself carwash sites), and dry in the hot sun before using again.

Spawning streams: The project site is near two of the 138 state-designated spawning stream segments. Activities that alter or destabilize stream bottoms or banks should be avoided from March 15 to June 15 in order not to disrupt spawning (laying and fertilizing fish eggs). At all times, avoid habitat destruction or introducing heavy sediment loads, chemical or organic pollutants. Spawning stream segments were designated because they are important to maintaining, restoring, or avoiding future listing of species of conservation concern.

Stream	From Location	To Location	Criteria	Avoidance Dates
South Fabius River	Hwy 61 Bridge	Shelby County Line	specific species management by MDC	March 15 th – June 15 th
Troublesome Creek	South Fabius River	Lewis County Line	specific species management by MDC	March 15 th – June 15 th



Legend

- Route_Alignment_Version10
- ▬ Spawn_Restrictions
- ▭ County Boundary
- ▭ Aquatic COA
- ▭ Cities

*Map created using shapefile provided in August 2014.

These recommendations are ones project managers might prudently consider based on a general understanding of species needs and landscape conditions. Natural Heritage records largely reflect only sites visited by specialists in the last 30 years. This means that many privately owned tracts could host unknown remnants of species once but no longer common.

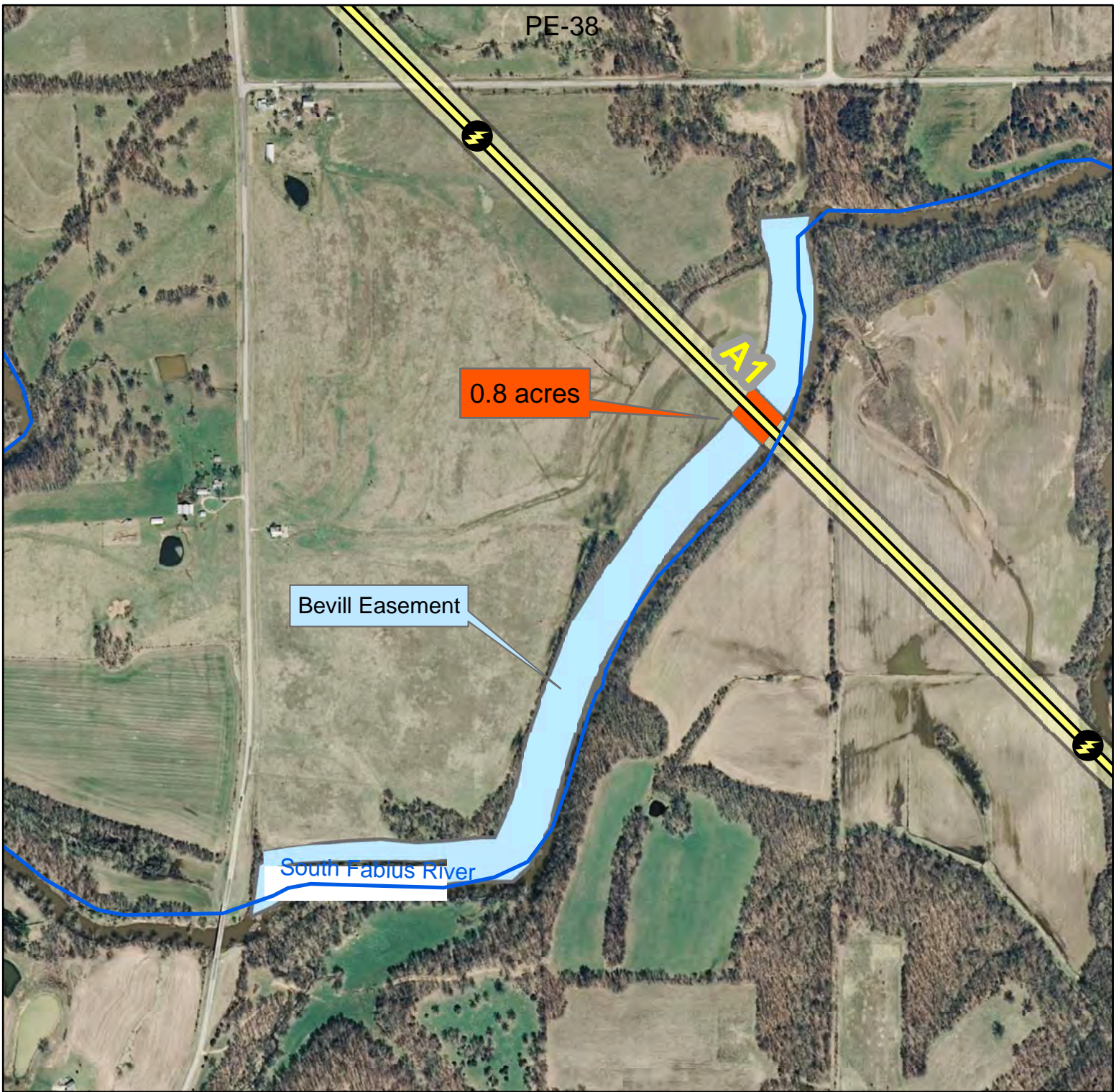






Figure 2: Potential Impacts of Mark Twain Transmission Project on Bevill Stream Stewardship Agreement Easement Marion County, Section 25 T59N R 08W

Legend

-  MARK TWAIN Route_Alignment_Version10
-  Intersection of SSA and Route Alignment 10
-  ROW clearing buffer_Route_Alignment_Version10
-  SSA Easement



0 250 500 1,000 Feet

Map Date: 10/16/2014
J. Campbell-Allison

STREAMS FOR THE FUTURE
STREAM STEWARDSHIP AGREEMENT
for a perpetual
CONSERVATION EASEMENT

THIS EASEMENT, made on the 14th day of December, 1996, by and between Edward J. and Loretta J. Bevill of Marion County, Missouri, hereinafter referred to as the "Landowner" and the MISSOURI DEPARTMENT OF CONSERVATION, and agency of the State of Missouri, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, the Landowner is the owner in fee simple of a tract of land fronting the South Fabius River in Marion County, said area fully described below and hereinafter referred to as the "area"; and

WHEREAS, the Department in accordance with its constitutional authority over the fisheries, forestry, and wildlife resources of the State of Missouri, desires to conserve the riparian habitat on the area; and

WHEREAS, both parties wish to assure the preservation and wise use of the watercourse associated with the riparian area of said tract of land in perpetuity;

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, to be performed by both parties,

THE LANDOWNER AGREES, in consideration of the sum of \$10,035.00, an amount to be paid by the Department at a rate of \$45.00 per acre per year on 22.3 acres for a 10-year period, and other valuable consideration, the receipt and adequacy of which is hereby acknowledged, to hereby GRANT, BARGAIN, SELL, CONVEY AND CONFIRM unto the Commission an easement in perpetuity for the conservation of the area. The area, which may vary slightly over time as the stream channel meanders, is more particularly described below:

A tract of land extending 200 feet landward from, and parallel to, top of bank along an approximately 4,864-foot reach of the South Fabius River as it flows along the southern and most of the eastern boundaries of the following described tract of land: All that part of the Northwest Quarter of the Northeast Quarter of Section 25 lying North and West of the South Fabius River; and all the Southeast Quarter of the Northwest Quarter of Section 25; and all that part of the Southwest Quarter of the Northeast Quarter of Section 25 lying North and West of the South Fabius River; and all that part of the Northeast Quarter of the Southwest Quarter of Section 25 that lies North and West of the South Fabius River; and all that part of the Northwest Quarter of the Southeast Quarter of Section 25 that lies North and West of the South Fabius River. All above said land lies in Township 59 North, Range 8 West.

TERMS AND CONDITIONS:

THE LANDOWNER AGREES:

1. To refrain from constructing or placing any buildings, billboards, or other temporary or permanent structures on the area.
2. To refrain from farming (grazing, cropping, or cutting hay) on the area, except as expressly permitted in the Stream Stewardship Agreement Plan (SSA Plan) or with written permission from the Department.
3. To refrain from filling, excavating or dredging, removing topsoil, sand, gravel, rock or other materials, or building any roads or making any change in the topography of the area in any manner, except as expressly permitted in the SSA Plan or with written permission from the Department.
4. To refrain from cutting or removing trees or plants, spraying herbicides and/or pesticides or using the area to provide livestock with access to the stream, except as expressly permitted in the SSA Plan or with written permission of the Department.
5. To refrain from dumping ashes, trash, garbage or other unsightly or offensive material on the area.
6. To refrain from altering the natural course of the stream or the character of its associated wetlands, and from engaging in activities detrimental to water quality on the area.
7. To refrain from operating or allowing others to operate, any motor driven land or amphibious conveyance, including, but not limited to, dune buggies, motorcycles and all terrain vehicles, except as expressly permitted in the SSA Plan or with written permission of the Department.
8. To permit the Department to enter on the area to inspect and enforce the provisions of this agreement.

THE DEPARTMENT AGREES:

1. To grant the Landowner the rights to any agricultural products, timber, or firewood which might be removed from the area. Such removals, however, may only take place under the conditions outlined in the SSA Plan or with written permission from the Department.
2. To make payments in lieu of taxes on the area to the appropriate county taxing body beginning the 11th year of the easement and continuing as long as the easement remains in force.

IT IS MUTUALLY AGREED:

1. The easement shall commence upon the date of execution by both parties.
2. The covenants agreed to and the terms, conditions, restrictions, and purposes imposed with this grant shall not only be binding upon the Landowner, but also his agents, personal representatives, heirs and assigns, and all other successors to him in interest and shall continue as a servitude running with the land in perpetuity.

3. If any provision of this easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this easement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

4. If the Landowner fails to carry out any of the terms and conditions of this agreement, and fails to correct the infraction within 60 days of a written notice, the Department may terminate this agreement (for cause). If this agreement is terminated by the Department, the Landowner will:

- (a) forfeit all rights to payments under this contract; and
- (b) refund all payments previously issued in addition to interest; and
- (c) pay liquidated damages in accordance with the following item 5.

5. In the event the agreement is breached by the Landowner, the Department will suffer substantial damages which may not be possible to quantify with certainty. The Landowner, therefore, agrees to pay an amount equal to the sum obtained by multiplying: (1) 25 percent of the annual per-acre payment by, (2) the number of acres that are the subject of the agreement, as liquidated damages and not as a penalty.

6. Payments under this agreement are subject to appropriations by the Missouri General Assembly. In the event payment is not made within 60 days of the date due, this agreement may be terminated by mutual agreement and the Landowner will not be subject to the penalties listed in items 4 and 5 above.

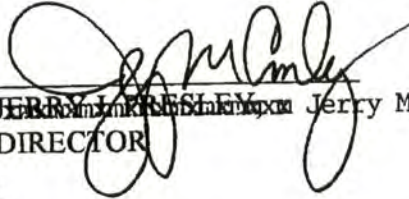
7. That, given the dynamic nature of streams and the resulting changes in the adjacent land, both parties will mutually agree to develop, amend or change and implement a Stream Stewardship Agreement Plan in writing whenever necessary to achieve the stated purposes of this Easement.

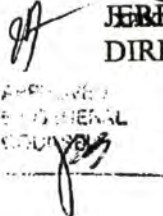
8. No right of access by the general public to any portion of the real property is conveyed by this Easement.

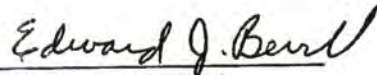
IN WITNESS WHEREOF, the party hereto has executed this Easement the date and year above written:

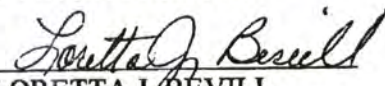
DEPARTMENT:

LANDOWNER:


 JERRY M. CONLEY, Jerry M. Conley
 DIRECTOR

APPROVED BY THE MISSOURI GENERAL ASSEMBLY



 EDWARD J. BEVILL

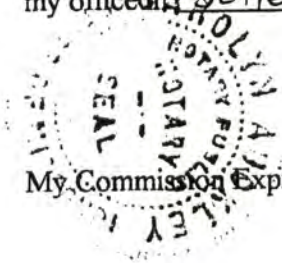

 LORETTA J. BEVILL

ACKNOWLEDGMENT

STATE OF MISSOURI)
) ss.
COUNTY OF MARION)

On this 6th day of January, 1998, before me, Carolyn Auckley, a Notary Public, personally appeared Jerry M. Conley, to me personally known who, being by me duly sworn, did say that he is Director of THE CONSERVATION COMMISSION OF THE STATE OF MISSOURI, and that this foregoing instrument was signed in behalf of The Conservation Commission by authority vested in him by such Commission and the said Jerry M. Conley acknowledged said instrument to be the free act and deed of the Commission.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Jefferson City, Mo, the day and year first above written.



Carolyn Auckley
Notary Public

My Commission Expires May 22, 2000



CAROLYN AUCKLEY
Notary Public - State of Missouri
County of Cole
My Commission Expires May 22, 2000

ACKNOWLEDGMENT

STATE OF MISSOURI)
) ss.
COUNTY OF MARION)

On this 14th day of December, 1996, before me, Ruth A. Hathaway, a Notary Public, personally appeared Edward J + Loretta J Beville, to me personally known to be the person described in and who executed the foregoing instrument, and acknowledges that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Philadelphia, MO the day and year last above written.



Ruth A Hathaway
Notary Public

My Commission Expires 12-8, 1997

STREAM STEWARDSHIP AGREEMENT PLAN

Edward J. and Loretta J. Bevill property, Marion County,
as described in the Stream Stewardship Agreement (SSA) Conservation Easement

The purpose of this SSA Plan is to document permitted activities within the SSA Conservation Easement boundaries of the Edward J. and Loretta J. Bevill property in Marion County. This document was mutually developed and is agreed upon as described in the Terms and Conditions section of the SSA Conservation Easement. This plan becomes effective on the date of signing of the Easement.

Only the items described in the SSA Plan Conditions section shall apply and do not supersede any other restricted uses contained in the Terms and Conditions section as described in the SSA Conservation Easement. The Landowner may request a change in these conditions by writing to the Fisheries District Supervisor (2500 South Halliburton, Kirksville, MO 63501). The Fisheries District Supervisor will review the request and will provide a letter to the Landowner within 30 days. This letter will represent an addendum to the SSA Plan and becomes a binding agreement within the SSA Conservation Easement.

SSA Plan Conditions

1. The Landowner may cut live trees for fuelwood according to written guidelines of a Missouri Department of Conservation Resource Forester at P.O. Box 428, Hannibal, MO 63401 (314/248-2530). Dead trees and drifted woody debris may be taken at Landowner discretion.
2. The Landowner may selectively harvest trees for sale according to written guidelines of a Resource Forester at the above location.
3. The Landowner may construct a fence to exclude livestock at the SSA Conservation Easement boundary, but in so doing may not cut live trees or expose soil within the SSA Conservation Easement zone.
4. The Landowner may manage the landward half (100 feet wide) of the SSA Conservation Easement zone as warm-season grass hayland or allow it to regenerate as forest. The streamward half (also 100 feet wide) of the SSA Conservation Easement zone must remain forested or be allowed to regenerate as forest.
5. For purposes of haying the landward half of the SSA Conservation Easement zone and gaining access to the South Fabius River for fishing, hunting, camping and other compatible forms of recreation, the Landowner may traverse the SSA Conservation Easement zone by motor-driven land conveyance, provided that such activity does not create areas devoid of vegetative cover which are vulnerable to sheet erosion during out-of-bank flows within the SSA Conservation Easement zone.

Dain G. Neuswanger 12/12/96
Fisheries District Supervisor Date

Edward J. Bevill 12-14-96
Landowner Date

Loretta J. Bevill 12-14-96
Landowner Date

Doc# 909
Pages: 5
Date : 03-19-1997
Time : 11:26:11 A.M.
Filed & Recorded in
Official Records
of MARION County, MO.
JOHN E. YANCEY
RECORDER OF DEEDS
Rec. \$ 30.00

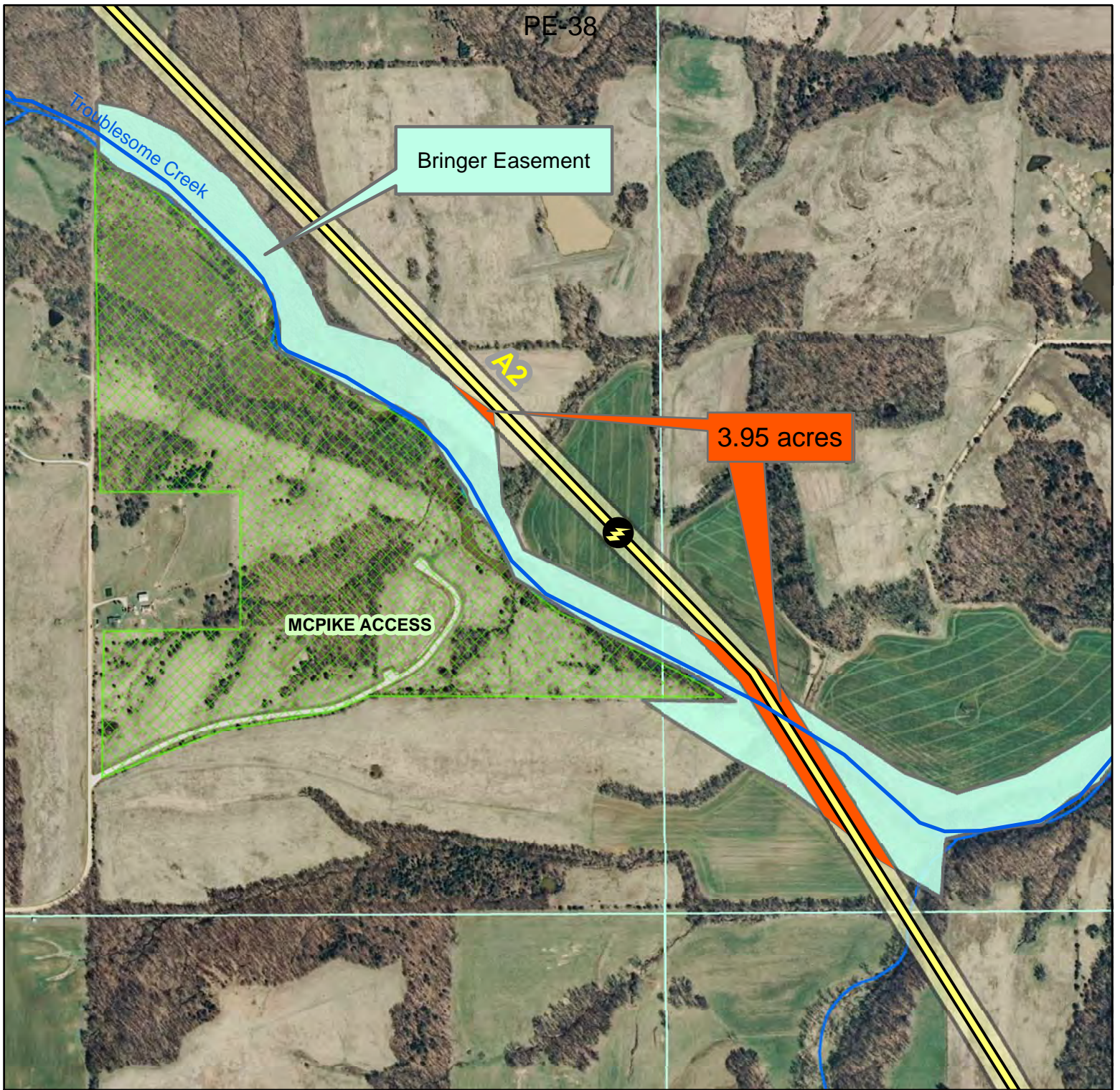







Figure 1: Potential Impacts of Mark Twain Transmission Project on Bringer Stream Stewardship Trust Fund Easement Marion County, Section 15 and 16 of T59N R 07W

Legend

-  MARK TWAIN Route_Alignment_Version10
-  Intersection of SSTF and Route Alignment 10
-  ROW clearing buffer_Route_Alignment_Version10
-  SSTF_Easement
-  LAND MDC Land



0 250 500 1,000 Feet

Map Date: 10/16/2014
J. Campbell-Allison

**STREAM STEWARDSHIP TRUST FUND
CONSERVATION EASEMENT**

THIS EASEMENT, made on the 24 day of December, 2006, by and between MARVIN W. BRINGER and LORETTA L. BRINGER, husband and wife, hereinafter referred to as "Landowners", and the CONSERVATION COMMISSION OF MISSOURI, an agency of the State of Missouri, hereinafter referred to as "Commission" with a mailing address of 2901 W. Truman Blvd., P.O. Box 180, Jefferson City, Missouri, 65102-0180.

WITNESSETH:

WHEREAS, Landowners are the owner in fee simple, with clear and marketable title, not subject to limiting liens or claims that would preclude conveyance, of a tract of land fronting Troublesome Creek in Marion County, Missouri, said land being fully described in Exhibit A attached hereto and incorporated herein by this reference, and being hereinafter referred to as the "area"; and

WHEREAS, the Commission, in accordance with its Article IV, Sections 40-46 constitutional authority over the fisheries, forestry and wildlife resources of the State of Missouri, desires to ensure the management, preservation and protection of said resources of the area and to promote the wise use of these resources; and

WHEREAS, both parties desire to ensure the preservation of the area in a condition that will sustain the fish, wildlife, forest and riparian values and assure the protection and maintenance of the watercourse associated with said tract of land in perpetuity;

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the parties hereto agree as follows:

In consideration of the sum of \$1.00 and other good and valuable consideration for the easement, the receipt and adequacy of which is hereby acknowledged, MARVIN W. BRINGER and LORETTA L. BRINGER, husband and wife, ("Landowners"), do hereby grant, bargain and sell, convey, and confirm unto the CONSERVATION COMMISSION OF MISSOURI, an agency of the State of Missouri ("Commission"), its successors and assigns,

a perpetual conservation easement to the land described in Exhibit A attached hereto and incorporated herein by this reference, to ensure the proper conservation management, protection and preservation of the area more particularly described as:

TERMS AND CONDITIONS:

THE LANDOWNERS AGREE:

1. That no permanent or temporary buildings, billboards, or other permanent or temporary structures will be placed on the area described herein, except that deer stands may be placed within the easement boundary.
2. Not to farm, graze, or crop the area, except that hay may be cut as needed from the landward portion of the easement, defined as being more than 100' from the top of the stream bank.
3. To refrain from filling, excavating or dredging, removing topsoil, sand, gravel, rock or other materials or building any roads or making any change in the topography of the easement area in any manner, except that sand and gravel may be harvested from gravel bars for personal use as long as state sand and gravel guidelines are followed.
4. To refrain from removing, damaging, or cutting of trees or plants except under the direction of a forest stewardship plan provided by a Missouri Department of Conservation resource forester or their designate and that only A-grade logs may be removed from the first 20 feet from top of streambank.
5. To refrain from using the area to water livestock and to maintain the easement boundary fence in such a manner as to exclude livestock.
6. To refrain from spraying herbicides and/or pesticides except to control noxious plants or pests, and then only approved herbicides or pesticides may be used in accordance with label directions.
7. To refrain from dumping of ashes, trash, household wastes, tires, vehicles or farm equipment, hazardous waste, toxic chemicals or materials, garbage or other unsightly, foreign or offensive material on the area.
8. To refrain from changing, manipulating or altering natural water courses, backwaters, marshes or other water bodies adjacent to the easement zone, or engaging in activities or uses detrimental to water quality of the area, except that Landowners may maintain the existing low water crossing.
9. To refrain from operating, allowing, or giving permission to others to operate, any motor driven land or amphibious conveyance except for equipment used in agricultural practices or in the pursuit of fishing, hunting, camping, or other compatible forms of recreation, provided

that such activity does not create areas devoid of vegetative cover which are vulnerable to erosion within the conservation easement area.

10. To manage all properties currently enrolled in the Conservation Reserve Program (CRP) and within the conservation easement boundary, fully in accordance with the terms of this agreement and the current CRP contract, and fully in accordance with this agreement once the current CRP contract expires.

11. To permit the Commission and the Missouri Department of Conservation, their agents, representatives, or licensees to enter on the area to inspect and enforce the provisions of this agreement.

12. To allow the Missouri Department of Conservation and the Missouri Conservation Heritage Foundation, or either of them, to conduct limited tours of the easement area for educational purposes relative to stream and riparian management demonstrations.

13. To place of record any release or subordination agreement from any lienholder (other than road and utility easement holders) necessary to give this easement priority over any and all existing mortgages, deeds of trust or liens on or affecting the property conveyed hereunder.

THE CONSERVATION COMMISSION OF MISSOURI AGREES:

1. To grant the Landowners the rights to any agricultural products, timber, or firewood which might be removed from the area. Such removals, however, may only take place under the conditions outlined in a forest stewardship plan approved by, or with, written permission from the Missouri Department of Conservation.

2. To recognize existing utility easements and their holder's responsibility to maintain such easement properties; and such holders will be encouraged to maintain ground cover on these properties.

3. To provide the Landowners with verbal or written notice at least one week prior to:

(a) the Commission and the Missouri Department of Conservation, their agents, representatives, or licensees entering upon and inspecting the area; and

(b) the Missouri Department of Conservation and the Missouri Conservation Heritage Foundation, or either of them, conducting any limited tour of the easement area for educational purposes relative to stream and riparian management demonstrations.

IT IS MUTUALLY AGREED BY THE PARTIES HERETO:

1. The easement shall commence upon the date of execution by both parties.

2. The covenants agreed to and the terms, conditions, restrictions, and purposes imposed with this grant shall not only be binding upon the Landowners, but shall be deemed to run with the land and therefore bind also their agents, personal representatives, heirs and assigns, and all other successors to them in interest and shall continue as a servitude running with the land in perpetuity.

3. If any provision of this easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this easement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid, shall survive and not be affected thereby.

4. The Conservation Commission of Missouri and the Missouri Department of Conservation, or either of them, may enforce the terms of this easement by inspection, viewing, letter, claim, demand, or suit at law or in equity, subject to the notice provisions of this agreement, and shall have standing for such suit or suits and may bring same in the Circuit Court of Cole County, Missouri, the parties agreeing that venue shall be proper in that county and circuit.

5. If the Landowners fail to abide by any of the terms and conditions of this agreement (and fail to correct the infraction within 60 days of a written notice), the Conservation Commission of Missouri and its successor or assign may at its sole election either enforce the terms of the agreement as above, or terminate this agreement for cause. If this agreement is terminated by the Commission, the Landowners will:

(a) forfeit all rights to payments under this contract; and

(b) refund all payments previously issued in addition to interest within 60 days and at the then-existing prime rate plus 3% interest.

6. Payments under this agreement are subject to reimbursement to Missouri Conservation Heritage Foundation's policies and procedures.

7. That, given the dynamic nature of streams and the resulting changes in the adjacent land, both parties will mutually agree to develop, amend or change and implement a Stream Stewardship Trust Fund (SSTF) Plan in writing whenever necessary to achieve the stated purposes of this Easement.

8. No right of access by the general public to any portion of the real property described herein is conveyed by this Easement.

9. Nothing herein shall be deemed to place upon the Conservation Commission of Missouri or the Department of Conservation any obligation or duty to supervise or manage the subject property, but this shall not limit their ability to electively monitor, subject to the notice provisions of this contract, and enforce this easement as provided herein.

IN WITNESS WHEREOF, each party hereto has executed this Easement the date and year above written:

LANDOWNERS:

Marvin W. Bringer
Marvin W. Bringer

12-26-06
Date

Doretta L. Bringer
Doretta L. Bringer

12-26-06
Date

CONSERVATION COMMISSION
OF THE STATE OF MISSOURI

by: John Hoskins
John Hoskins, Director

12-26-06
Date

Approved as to Form:

DAH
Deputy Counsel

State of ~~Missouri~~ ^{Illinois})
County of Adams) ss.

On this 26 day of December, 2006, before me personally appeared Marvin W. Bringer and Loretta L. Bringer, his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

John P. Johannes
Notary Public

My Commission Expires: 10-18-08



STATE OF MISSOURI)
COUNTY OF COLE) ss.

On this 27th day of December, 2006, before me appeared John Hoskins, to me personally known who, being by me duly sworn, did say that he is Director of the Missouri Department of Conservation, and that the foregoing instrument was signed in behalf of the Conservation Commission of the State of Missouri by authority vested in him by such Commission and the said John Hoskins acknowledged said instrument to be the free act and deed of the Commission.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Jackson City, the day and year first above written.

Joe Weidinger
Notary Public

My Commission Expires: _____

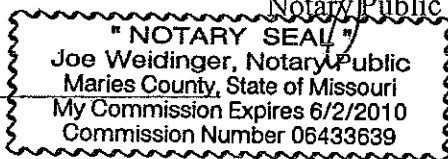


EXHIBIT A

TRACT 1:

A parcel of land lying in the East half of Section 16 and the West half of Section 15, Township 59 North, Range 7 West of the 5th P.M., Marion County Missouri, being part of land conveyed to Marvin and Loretta Bringer in Book 539, Page 1620A and book 541, Page 1427 described as follows:

Commencing at the South Quarter corner of said Section 16; thence North $01^{\circ} 28' 33''$ East the West line of the East half of said Section 16, a distance of 3570.94 feet to the centerline of Troublesome Creek and the Southerly boundary line of Marvin and Loretta Bringer as recorded in Book 539, Page 1620A, at Station 20+00, being the Point of Beginning; thence South $66^{\circ} 44' 41''$ East along said line, 109.78 feet to Station 21+09.78; thence South $54^{\circ} 39' 34''$ East along said line, 282.74 feet to Station 23+92.52; thence South $50^{\circ} 56' 25''$ East along said line, 228.69 feet to Station 26+21.21; thence South $49^{\circ} 12' 43''$ East along said line, 349.67 feet to Station 29+70.88; thence South $29^{\circ} 02' 04''$ East along said line, 157.27 feet to Station 31+28.15; thence South $07^{\circ} 54' 01''$ West along said line, 177.32 feet to Station 33+05.47; thence South $34^{\circ} 53' 48''$ East along said line, 129.23 feet to Station 34+34.70; thence South $50^{\circ} 14' 53''$ East along said line, 249.29 feet to Station 36+83.99; thence South $55^{\circ} 42' 36''$ East along said line, 175.81 feet to P.C. Station 38+59.80; thence along a tangent curve to the left having a radius of 118.36 feet, through a central angle of $80^{\circ} 55' 14''$, an arc distance of 167.16 feet (chord bearing North $83^{\circ} 49' 34''$ East, 153.61 feet) to P.R.C. Station 40+26.96; thence along a tangent curve to the right having a radius of 13.86 feet through a central angle of $71^{\circ} 36' 18''$, an arc distance of 17.33 feet (chord bearing North $79^{\circ} 10' 37''$ East, 16.22 feet) to P.T. Station 40+44.29; thence South $65^{\circ} 01' 48''$ East along said line, 46.42 feet to Station 40+90.71; thence South $46^{\circ} 36' 58''$ East along said line, 131.39 feet to Station 42+22.10; thence South $36^{\circ} 56' 20''$ East along said line, 117.74 feet to Station 43+39.84; thence South $23^{\circ} 52' 26''$ West along said line, 64.94 feet to Station 44+04.78; thence South $28^{\circ} 30' 43''$ West along said line, 73.83 feet to P.C. Station 44+78.61; thence along a tangent curve to the left having a radius of 27.50 feet through a central angle of $72^{\circ} 03' 10''$, an arc length of 34.58 feet; (chord bearing South $07^{\circ} 33' 18''$ East, 32.32 feet) to P.T. Station 45+13.19; thence South $43^{\circ} 32' 28''$ East along said line, 76.10 feet to Station 45+89.29; thence South $54^{\circ} 21' 25''$ East along said line, 66.57 feet to Station 46+55.86; thence South $18^{\circ} 00' 51''$ East along said line, 143.15 feet to Station 47+99.01; thence South $29^{\circ} 36' 08''$ East along said line, 143.06 feet to Station 49+42.07; thence South $54^{\circ} 58' 09''$ East along said line, 278.52 feet to Station 52+20.59; thence South $59^{\circ} 33' 04''$ East along said line, 424.04 feet to Station 56+44.63; thence South $63^{\circ} 08' 39''$ East along said line, 349.22 feet to Station 59+93.85; thence South $59^{\circ} 14' 09''$ East along said line, 388.45 feet to Station

63+82.30; thence South $54^{\circ} 17' 17''$ East along said line, 421.13 feet to Station
 68+03.43; thence South $60^{\circ} 18' 20''$ East along said line, 186.46 feet to Station
 69+89.89; thence South $46^{\circ} 34' 24''$ East along said line, 172.00 feet to Station
 71+61.89; thence South $42^{\circ} 54' 11''$ East along said line, 193.28 feet to Station
 73+55.17; thence South $58^{\circ} 42' 56''$ East along said line, 116.45 feet to Station
 74+71.62; thence North $83^{\circ} 05' 45''$ East along said line, 153.14 feet to Station
 76+24.76; thence North $75^{\circ} 27' 56''$ East along said line, 182.68 feet to Station
 78+07.44; thence North $84^{\circ} 56' 14''$ East along said line, 173.36 feet to Station
 79+80.80; thence North $62^{\circ} 38' 08''$ East along said line, 133.82 feet to Station
 81+14.62; thence North $49^{\circ} 41' 12''$ East along said line, 226.75 feet to Station
 83+41.37; thence North $47^{\circ} 08' 36''$ East along said line, 181.71 feet to Station
 85+23.08; thence North $52^{\circ} 24' 44''$ East along said line, 291.45 feet to Station
 88+14.53; thence North $62^{\circ} 31' 55''$ East along said line, 325.43 feet to the East line of
 the Southwest Quarter of said Section 15, also being the East property line of Marvin
 and Loretta Bringer as recorded in Book 541, Page 1427 at Station 90+68.43; thence
 North $01^{\circ} 29' 00''$ East along said East line, 147.76 feet to the Northerly line of the
 flowage easement at Station 91+39.96, 129.29 feet left; thence South $64^{\circ} 46' 25''$ West
 along said line, 400.28 feet to Station 87+66.62, 155.79 feet left; thence South $47^{\circ} 14'$
 $17''$ West along said line, 294.76 feet to Station 84+85.13, 133.26 feet left; thence South
 $61^{\circ} 18' 44''$ West along said line, 373.75 feet to Station 80+64.91, 209.00 feet left;
 thence South $71^{\circ} 33' 41''$ West along said line, 409.43 feet to Station 75+83.67, 162.03
 feet left; thence North $59^{\circ} 52' 03''$ West along said line, 240.26 feet to Station 71+72.18,
 147.52 feet left; thence North $52^{\circ} 04' 42''$ West along said line, 223.32 feet to Station
 69+89.89, 128.82 feet left; thence North $55^{\circ} 54' 34''$ West along said line, 247.86 feet to
 Station 67+27.61, 140.64 feet left; thence North $57^{\circ} 34' 04''$ West along said line, 242.08
 feet to Station 64+85.92, 126.79 feet left; thence North $55^{\circ} 12' 52''$ West along said line,
 239.78 feet to Station 62+57.27, 134.20 feet left; thence North $57^{\circ} 00' 23''$ West along
 said line, 326.76 feet to Station 59+40.92, 150.87 feet left; thence North $67^{\circ} 04' 29''$
 West along said line, 215.34 feet to Station 57+26.09, 136.11 feet left; thence North 61°
 $31' 32''$ West along said line, 387.05 feet to Station 53+30.58, 127.61 feet left; thence
 North $46^{\circ} 35' 26''$ West along said line, 243.65 feet to Station 50+78.99, 171.50 feet left;
 thence North $29^{\circ} 50' 52''$ West, 182.77 feet to Station 47+66.58, 210.61 feet left; thence
 North $02^{\circ} 26' 41''$ West along said line, 431.22 feet to Station 43+87.11 (back, Station)
 296.46 feet left; thence North $53^{\circ} 19' 13''$ West along said line, 399.93 feet to Station
 41+08.94 (back, Station) 223.51 feet left; thence North $50^{\circ} 00' 50''$ West along said line,
 179.93 feet to Station 38+71.08, 361.17 feet left; thence North $86^{\circ} 47' 00''$ West along
 said line, 209.58 feet to Station 36+33.31, 248.20 feet left; thence North $50^{\circ} 31' 30''$
 West along said line, 139.39 feet to Station 32+21.30, 268.73 feet left; thence North 20°
 $10' 00''$ West along said line, 143.69 feet to Station 32+22.10 (back, Station) 180.98 feet
 left; thence North $24^{\circ} 28' 27''$ West along said line, 167.44 feet to Station 30+55.19,
 194.29 feet left; thence North $29^{\circ} 44' 32'$ West along said line, 155.02 feet to Station
 29+70.88, 204.96 feet left; thence North $43^{\circ} 06' 39''$ West along said line, 261.12 feet to
 Station 27+11.24, 232.71 feet left; thence North $57^{\circ} 58' 33''$ West along said line, 169.64
 feet to Station 25+49.85, 209.11 feet left; thence North $25^{\circ} 51' 10''$ West along said line,
 83.17 feet to Station 24+74.53, 244.37 feet left; thence North $44^{\circ} 57' 10''$ West along
 said line, 197.12 feet to Station 22+95.91, 271.77 feet left; thence North $64^{\circ} 51' 16''$

West along said line, 218.66 feet to Station 21+30.15 (back, Station) 233.99 feet left; thence North 58° 56' 58" West along said line, 238.79 feet to the West line of the East half of said Section 16, also being the West line of Marvin and Loretta Bringer property as recorded in Book 539, Page 1620A at Station 18+17.96, 215.00 feet left; thence South 01° 28' 33" West along said West line, 286.86 feet to the Point of Beginning containing 30.78 Acres.

TRACT 2:

A parcel of land in the Southwest Quarter of Section 15, Township 59 North, Range 7 West of the 5th P.M., Marion County Missouri, being part of land conveyed to Marvin and Loretta Bringer in Book 539, Page 1620A described as follows:

Commencing at a stone marking the West Quarter corner of said Section 15; thence South 01° 30' 37" West along the West line of the Southwest Quarter of said Section 15, a distance of 1678.49 feet to the South property line of the Missouri Conservation Commission recorded in Book 554, Page 5245; thence South 87° 06' 14" East along said South line, 74.50 feet to the Southerly flowage easement line at Station 60+79.90, 159.90 feet right, being the Point of Beginning; thence continuing South 87° 06' 14" East along said South property line, 342.08 feet to the centerline of Troublesome Creek at Station 63+82.30; thence South 54° 17' 17" East along said line, 421.13 feet to Station 68+03.43; thence South 60° 18' 20" East along said line, 186.46 feet to Station 69+89.89; thence South 46° 34' 24" East along said line, 172.00 feet to Station 71+61.89; thence South 42° 54' 11" East along said line, 193.28 feet to Station 73+55.17; thence South 58° 42' 56" East along said line, 116.45 feet to Station 74+71.62; thence North 83° 05' 45" East along said line, 35.66 feet to the East property line of Marvin and Loretta Bringer recorded in Book 539, Page 1620A; thence South 01° 29' 48" West along said East line, 208.76 feet to the Southerly flowage easement line at Station 74+76.78, 206.52 feet right; thence South 83° 05' 45" West along said line, 121.15 feet to Station 75+08.13 (back, Station), 234.03 feet right; thence North 54° 11' 58" West along said line, 275.22 feet to Station 72+96.21, 237.41 feet right; thence North 52° 57' 15" West along said line, 812.19 feet to Station 64+32.16, 243.89 feet right; thence North 44° 26' 58" West along said line, 342.38 feet to the Point of Beginning, containing 7.50 Acres.

TRACT 3:

A parcel of land in the East half of Section 15, and the West half of Section 14, Township 59 North, Range 7 West of the 5th P.M., being a part of land conveyed to Marvin and Loretta Bringer recorded in Book 532, Page 943, described as follows:

Commencing at an aluminum monument marking the Southeast corner of said Section 15; thence North 88° 34' 55" West along the South line of the Southeast Quarter of said Section 15, a distance of 1328.78 feet to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 15; thence North 01° 30' 20" East along the West line of the Southeast Quarter of the Southeast Quarter of said Section 15, a

distance of 988.54 feet to the Southerly line of the flowage easement at Station 106+27.55, 241.20 feet right being the Point of Beginning; thence continuing North 01° 30' 20" East along said West line, 333.03 feet to the Southerly property line of Marvin and Loretta Bringer as recorded in book 532, Page 943 at Station 105+14.93, 76.12 feet left; thence North 69° 52' 28" West along said Southerly line, 323.26 feet to the West line of said property at Station 101+78.96, 61.78 feet left; thence North 01° 28' 57" East along said line, 205.40 feet to the Northerly line of the flowage easement at Station 100+90.19, 243.90 feet left; thence South 61° 33' 45" East along said line, 221.91 feet to Station 103+48.74, 241.87 feet left; thence South 72° 15' 11" East along said line, 237.81 feet to Station 105+86.49, 247.19 feet left; thence South 67° 48' 30" East along said line, 246.38 feet to Station 108+20.27, 244.34 feet left; thence South 49° 08' 58" East along said line, 170.02 feet to Station 109+70.88, 196.37 feet left; thence North 12° 11' 44" West along said line, 617.49 feet to Station 122+03.62, 205.95 feet left; thence North 27° 54' 12" West along said line, 473.47 feet to Station 127+33.93; 237.33 feet left; thence North 31° 58' 00" West along said line, 291.62 feet to the Easterly property line of Bennie and Virginia Deverger as recorded in Book 536, Page 2499 at Station 130+12.72, 236.44 feet left; thence North 17° 31' 02" East along said Westerly line, 123.95 feet to the Northerly line of Marvin and Loretta Bringer recorded in book 532, Page 943, property also being the North line of the Southeast Quarter of said Section 15 at Station 130+97.37, 145.90 feet left; thence South 88° 34' 49" East along said North line, 169.91 feet to the centerline of Troublesome Creek, also being the said Northerly property line at Station 130+10.29; thence North 29° 24' 45" West along said line, 90.75 feet to Station 131+01.04; thence North 40° 22' 56" West along said line, 181.49 feet to Station 132+82.53; thence North 02° 00' 36" West along said line, 218.17 feet to Station 135+00.70; thence North 41° 48' 36" East along said line, 254.80 feet to Station 137+55.50; thence North 72° 40' 32" East along said line, 311.56 feet to Station 140+67.06; thence North 89° 02' 36" East along said line, 293.45 feet to Station 143+60.51; thence North 86° 37' 53" East along said line, 292.15 feet to Station 146+52.66; thence South 89° 43' 54" East along said line, 165.54 feet to Station 148+18.20; thence South 75° 10' 48" East along said line, 237.79 feet to Station 150+55.99; thence South 65° 33' 54" East along said line, 94.40 feet to Station 151+50.39; thence South 48° 05' 52" East along said line, 299.20 feet to Station 154+49.59; thence South 20° 48' 21" East along said line, 196.86 feet to Station 156+46.45; thence South 23° 09' 36" East along said line, 320.35 feet to Station 159+66.80 to the North line of the Southwest Quarter of said Section 14, also being the Northerly property line of Marvin and Loretta Bringer as recorded in Book 532, Page 943; thence South 89° 04' 54" East along said North line, 218.29 feet to the flowage easement line at Station 160+55.86, 199.30 feet left; thence South 15° 08' 39" East along said line, 279.61 feet to Station 162+97.51, 208.43 feet left; thence South 02° 10' 58" West along said line, 137.62 feet to Station 164+30.78 (back, Station) 174.14 feet left; thence South 06° 52' 16" West along said line, 200.27 feet to Station 165+29.52, 218.30 feet left; thence South 26° 17' 27" West along said line, 305.53 feet to Station 168+10.83, 189.89 feet left; thence South 05° 19' 02" West along said line, 115.41 feet to Station 169+19.22, 229.54 feet left; thence South 13° 58' 49" West along said line, 97.53 feet to the Northerly right-of-way line of the County Road No. 118 at Station 170+14.82, 248.87 feet left; thence along said Northerly line along a non-tangent curve

to the left having a radius of 1077.28 feet through a central angle of $22^{\circ} 26' 11''$, an arc length of 421.85 (chord bearing North $71^{\circ} 13' 28''$ West, 419.16 feet) to Station 170+50.92, 168.27 feet right; thence continuing along said line along a tangent curve to the left having a radius of 654.50 feet, through a central angle of $08^{\circ} 04' 39''$, an arc length of 92.27 feet (chord bearing North $86^{\circ} 28' 53''$ West, 92.19 feet) to the Southerly line of the flowage easement at Station 170+78.92, 256.11 feet right; thence North $28^{\circ} 33' 21''$ East along said line, 387.86 feet to Station 166+83.36, 229.05 feet right; thence North $08^{\circ} 04' 07''$ East along said line, 394.87 feet to Station 161+51.56, 217.14 feet right; thence North $12^{\circ} 52' 06''$ West along said line, 436.25 feet to Station 156+79.62, 151.98 feet right; thence North $22^{\circ} 38' 07''$ West along said line, 190.42 feet to Station 154+18.61, 160.20 feet right; thence North $40^{\circ} 36' 18''$ West along said line, 207.39 feet to Station 152+12.99, 133.16 feet right; thence North $72^{\circ} 19' 04''$ West along said line, 346.72 feet to Station 147+61.93, 135.73 feet right; thence South $84^{\circ} 40' 03''$ West along said line, 268.91 feet to Station 144+84.35, 151.60 feet right; thence South $88^{\circ} 22' 19''$ West along said line, 308.88 feet to Station 141+81.76, 149.87 feet right; thence South $80^{\circ} 07' 48''$ West along said line, 320.28 feet to Station 137+39.51, 147.21 feet right; thence South $49^{\circ} 42' 01''$ West along said line, 152.53 feet to Station 134+76.56, 151.85 feet right; thence South $18^{\circ} 22' 58''$ East along said line, 290.74 feet to Station 130+96.21, 133.95 feet right; thence South $85^{\circ} 42' 15''$ East along said line, 111.72 feet to Station 130+34.21, 226.89 feet right; thence South $33^{\circ} 17' 14''$ East along said line, 375.62 feet to Station 126+46.22, 234.32 feet right; thence South $23^{\circ} 33' 13''$ East along said line, 530.53 feet to Station 121+69.56, 242.13 feet right; thence South $12^{\circ} 45' 22''$ East along said line, 396.96 feet to Station 117+91.73, 227.48 feet right; thence South $05^{\circ} 34' 02''$ East along said line, 443.79 feet to the North right-of-way line of the County Road at Station 113+96.11, 207.15 feet right; thence South $31^{\circ} 23' 50''$ West along said Northerly line, 4.48 feet to Station 113+92.32, 204.75 feet right; thence continuing South $34^{\circ} 37' 18''$ West along said line, 185.95 feet to Station 113+04.14, 129.10 feet right; thence continuing along said line along a tangent curve to the left having a radius of 1073.39 feet, through a central angle of $13^{\circ} 38' 02''$, an arc length of 255.42 feet (chord bearing South $27^{\circ} 48' 17''$ West, 254.82 feet) to Station 112+20.28, 247.36 feet right; thence South $20^{\circ} 59' 17''$ West along said line, 19.67 feet to Southerly flowage easement line at Station 112+17.14, 263.71 feet right; thence North $75^{\circ} 57' 50''$ West along said line, 158.91 feet to Station 111+70.95, 226.74 feet right; thence North $71^{\circ} 53' 02''$ West along said line, 219.82 feet to Station 109+96.69, 240.98 feet right; thence North $66^{\circ} 49' 04''$ West along said line 356.19 feet to the Point of Beginning, containing 46.80 Acres.

TRACT 4:

A parcel of land in the West half of Section 14, the Southeast Quarter of Section 15, and the Northwest Quarter of Section 23, Township 59 North, Range 7 West of the 5th P.M., Marion County, Missouri, being part of land conveyed to Marvin and Loretta Bringer in Book 532, Page 943 described as follows:

Commencing at an aluminum monument marking the Southwest corner of said Section 14; thence South $89^{\circ} 06' 00''$ East along the South line of the Southwest Quarter of said

Section 14 a distance of 643.40 feet to the Southerly line of the flowage easement at Station 188+31.82, 210.48 feet right being the Point of Beginning; thence North $51^{\circ} 14' 45''$ West along said line, 305.58 feet to Station 185+56.61, 167.60 feet right; thence North $47^{\circ} 32' 35''$ West along said line, 533.80 feet to Station 181+86.56 (back, Station), 185.44 feet right; thence North $06^{\circ} 51' 13''$ West along said line, 319.65 feet to Station 179+43.90, 233.18 feet right; thence North $39^{\circ} 38' 29''$ East along said line, 179.74 feet to Station 177+77.95, 164.11 feet right; thence North $28^{\circ} 05' 46''$ East along said line, 141.60 feet to Station 176+38.99, 136.96 feet right; thence North $24^{\circ} 06' 38''$ East along said line, 557.88 feet to the Southerly right-of-way line of County Road No. 118 at Station 170+84.75, 137.07 feet right; thence along said Southerly line along a non-tangent curve to the right having a radius of 1037.28 feet, through a central angle of $15^{\circ} 40' 06''$, an arc length of 283.66 feet (chord bearing South $73^{\circ} 22' 28''$ East, 282.77 feet) to the Northerly flowage easement line at Station 170+62.18, 144.80 feet left; thence South $26^{\circ} 22' 05''$ West along said line, 265.31 feet to Station 173+34.19, 105.92 feet left; thence South $21^{\circ} 54' 45''$ West along said line, 288.21 feet to Station 175+86.12, 140.11 feet left; thence South $02^{\circ} 17' 14''$ West along said line, 349.36 feet to Station 179+70.10, 235.97 feet left; thence South $45^{\circ} 41' 08''$ East along said line, 188.94 feet to Station 184+44.70, 226.15 feet left; thence South $59^{\circ} 17' 15''$ East along said line, 311.86 feet to Station 187+93.25, 237.98 feet left; thence South $64^{\circ} 04' 33''$ East along said line, 167.02 feet to Station 189+60.19, 242.99 feet left; thence South $65^{\circ} 33' 10''$ East along said line, 312.28 feet to Station 192+40.30, 253.32 feet left; thence South $64^{\circ} 03' 03''$ East along said line, 385.62 feet to Station 197+16.90, 240.27 feet left; thence South $78^{\circ} 59' 20''$ East along said line, 281.98 feet to Station 200+38.41, 231.48 feet left; thence South $89^{\circ} 25' 03''$ East, 204.47 feet to Station 202+41.81, 252.31 feet left; thence South $66^{\circ} 58' 48''$ East along said line, 120.46 feet to Station 203+57.26 (back, Station), 217.92 feet left; thence South $88^{\circ} 27' 33''$ East along said line, 374.90 feet to Station 208+79.89, 270.94 feet left; thence South $80^{\circ} 11' 50''$ East, 81.15 feet to the East line of the Northwest Quarter of said Section 23, also being the East property line of Marvin and Loretta Bringer as recorded in Book 532, Page 943 at Station 209+48.46, 227.54 feet left; thence South $01^{\circ} 19' 35''$ West along said East line, 248.80 feet to the centerline of Troublesome Creek, also being the Southerly property line of Marvin and Loretta Bringer as recorded in Book 532, Page 943 at Station 208+47.84; thence South $67^{\circ} 28' 17''$ West along said line, 53.58 feet to Station 207+94.26; thence South $81^{\circ} 58' 26''$ West along said line, 96.30 feet to Station 206+97.96; thence North $77^{\circ} 29' 16''$ West along said line, 201.15 feet to Station 204+96.81; thence North $72^{\circ} 34' 42''$ West along said line, 164.61 feet to Station 203+32.20; thence North $83^{\circ} 34' 13''$ West along said line, 511.11 feet to Station 198+21.09; thence North $74^{\circ} 13' 09''$ West along said line, 218.75 feet to Station 196+02.34; thence North $79^{\circ} 20' 04''$ West along said line 104.40 feet to the East line of the Northwest Quarter of the Northwest Quarter, Section 23 at Station 194+97.95; thence North $01^{\circ} 21' 03''$ East along said East line 125.92 feet to the South line of Section 14, also being the South property line of Marvin and Loretta Bringer as recorded in Book 532, Page 943 at Station 193+30.24, 110.99 feet left; thence North $89^{\circ} 06' 00''$ West along said South line 680.00 feet to the Point of Beginning, containing 26.18 Acres.