

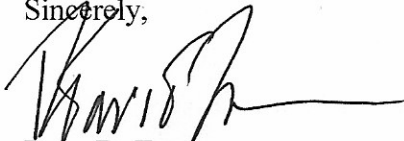
following completion of the each survey. Submission of a copy of the "Post Construction Monitoring Report" prepared for the U. S. Army Corps of Engineers will satisfy this requirement.

7. Success criteria for the created marsh site shall be based on the following percentages of aerial coverage at each monitoring period:
 - At least 50% survival of transplants must be demonstrated within 60 calendar days of planting.
 - At least 50% aerial coverage of the targeted vegetation must be achieved after one year from the initial planting effort (or subsequent planting efforts).
 - At least 70% aerial coverage of the targeted vegetation must be achieved after two years from the initial planting effort (or subsequent planting efforts) and maintained in subsequent monitoring years.
 - If the success criterion is not met at any scheduled evaluation during the first four years, those areas that are not vegetated will be replanted using accepted planting specifications.
8. In the event the success criteria have not been achieved by the fifth year of evaluation and GLO employees consider the project to be unsuccessful, the Grantor may extend the monitoring period or seek compensatory fees for the impacts to State-owned submerged land.
9. Lessee is responsible for securing all permits required to develop the Leased Premises at its expense. Lessee must submit any and all applications and required documentation related to any permits it seeks to the State for approval in advance of submission for review or approval by any regulating entity. Lessee must also submit a copy of any reports submitted to any federal, state, or local agency concerning operations on the Leased Premises to the State as such reports are prepared.
10. This lease is granted subject to all existing rights including any existing and future mineral rights. Lessor reserves the right to lease this area for authorized mineral development and exploration, along with all rights of ingress and egress, under applicable Federal and State laws, rules and regulations necessary to assure protection of wildlife and other natural resources.
11. Lessee is prohibited from selling, exchanging, or otherwise transferring credits for mitigation purposes related to its activities on the Leased Premises without the express consent and involvement of the State.
12. All existing plam trees and bench(es) located on the leased premises are to be removed by Grantee on or before February 1, 2013 or within thirty (30) days of the executed contract date, whichever occurs first. Grantee shall notify the General Land Office in writing within two (2) weeks following completion of the removal effort.
13. Grantee must notify the General Land Office, in writing, at least thirty (30) days prior to modification, rebuilding, major repair, or removal of any structure authorized in this instrument.

Upon approval by the Commissioner you will receive the Surface Lease documents for signature. The signed documents must be returned promptly along with the payment due at that time. Failure to comply with any of the conditions and requirements of this authorization will result in administrative penalties and the immediate cessation of all work on state-owned submerged land.

Please acknowledge your acceptance of these conditions and requirements by signing below, where indicated, and return the original to this office not later than April 12, 2013. For further assistance, please contact Jeff Davis, Regional Manager of the La Porte Field Office at (281) 471-0391 ext.113 or jeffrey.davis@glo.texas.gov

Sincerely,



Rene D. Truan
Deputy Commissioner
Professional Services