

Exhibit "B"

Reference #

20171109000 407560

FINAL REPORT
(ACC ACCOUNT NO. E2016110A)

PREPARED FOR:
TANYARD FARMS, LLC
08 NOVEMBER 2017



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*72 South Main Street
Jasper, Georgia 30143
(706) 273-9173*

Baseline Documentation Report (Tanyard Farms, LLC)

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Introduction

The purpose of this baseline documentation report is to ascertain the conservation values of 137.51 acres of certain real property located off Alabama State Route 76/Klein Road in Harpersville, Alabama 35078 partially constituting tax parcel #17 5 15 0 000 001.003 in Shelby County, Alabama, registered in the name of Tanyard Farms, LLC. It is the intent of the landowner(s) to place a conservation easement on the aforementioned property (the "Property"), and to donate this easement as a charitable gift to the Atlantic Coast Conservancy. Per instructions in United States Treasury Regulation 1.170A-14(g)(5)(i), this report will provide data sufficient "to establish the condition of the property at the time of the gift."

Conservation Values

The Property in its present state is undeveloped and possesses significant agricultural, scenic vistas, open space, and aquatic habitat features to include hydric soils, converted wetlands associated with the historic Old Glade Swamp, and water quality enhancement and protection. The Property has no dwellings or structures, and is predominantly composed of agricultural lands on flat Southern Limestone/Dolemite Valleys and Low Rolling Hills subregion lands of the Ridge and Valley ecoregion leading two first-order freshwater streams (Walthall Branch and Deer Lick Branch) (collectively, and together with the preceding sentence, the "Conservation Values") that are of great importance to the Conservancy, the people of Shelby County, and the people of the State of Alabama and are worthy of preservation.

The protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem, meets the conservation purpose of Section 170(h)(4)(A)(ii) of the Internal Revenue Code of 1986, as amended (the "Code").

Deer Lick Branch, which transects the Property for a linear distance of approximately 4,992 feet (1,521 meters), is situated in the Lower Coosa River Basin. This stream is located in south central Alabama (USGS Hydrologic Unit Code (HUC) 03150107), and is designated as "not supporting" under the U.S. Environmental Protection Agency (EPA) 305(b) listing (<http://www.adem.state.al.us/programs/water/waterquality.cnt>). The "not supporting" designation denotes that a particular waterway is incapable of providing some or all applicable uses: providing drinking water supplies, supporting aquatic life, allowing fish and shellfish consumption, suitable for primary and secondary contact recreation usages (e.g., swimming and boating), and agricultural uses. Alabama's Best Management Practices for Forestry (2007) puts forth that "in no cases should stream management zone be less than 35 feet from a definable bank". Current scientific research (Hilty & Merelender 2004, Semlitsch & Bodie 2003, Jones et al. 1999) concludes that the level of protection now mandated by the State of Alabama and Shelby County may be inadequate. In order to provide the necessary protection of the critical riparian habitat for all species, the protective riparian buffer should be much greater than 35 feet (Semlitsch & Bodie 2003).

Walthall Branch, which transects the Property for a linear distance of approximately 718 feet (218 meters), is also situated in the Lower Coosa River Basin. This stream is located in south central Alabama (USGS Hydrologic Unit Code (HUC) 03150107), and is designated as "not supporting" under the U.S. Environmental Protection Agency (EPA) 305(b) listing (<http://www.adem.state.al.us/programs/water/waterquality.cnt>). The "not supporting" designation denotes that a particular waterway is incapable of providing some or all applicable uses: providing drinking water supplies, supporting aquatic life, allowing fish and shellfish consumption, suitable for primary and secondary contact recreation usages (e.g., swimming and boating), and agricultural uses. Alabama's Best Management Practices for Forestry (2007) puts forth that "in no cases should stream management zone be less than 35 feet from a definable bank". Current scientific research (Hilty & Merelender 2004, Semlitsch & Bodie 2003, Jones et al. 1999) concludes that the level of protection now mandated by the State of Alabama and Shelby County may be inadequate. In order to provide the necessary protection of the critical riparian habitat for all species, the protective riparian buffer should be much greater than 35 feet (Semlitsch & Bodie 2003).

Improving water quality is identified as a conservation action that will benefit Alabama's rivers, streams and freshwater ecosystems in the Southern Limestone/Dolemite Valleys and Low Rolling Hills subregion lands of the Ridge and Valley ecoregion in the *Conserving Alabama's Wildlife: A Comprehensive Strategy* ("CWCS"). The protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem, within the meaning of Section 170(h)(4)(A)(ii) of the Code promotes the CWCS by providing for permanently protected high priority habitat on private land. The CWCS was promulgated by the Alabama Department of Conservation and Natural Resources ("ADCNR"), Division of Wildlife and Freshwater Fishes, and conservation partners including the U.S. Fish and Wildlife Service ("USFWS") to protect the biological diversity of Alabama.

The USFWS, in conjunction with ADCNR and the Geological Survey of Alabama have selected watersheds and river segments in the five Hydrologic Unit Code – 4 subregions in Alabama to focus conservation activities for managing, protecting, restoring, and recovering populations of rare fishes, mussels, snails, and crayfishes. These Strategic Habitat Units ("SHUs") and Strategic River Reach Units ("SRRUs") include a substantial part of Alabama's remaining high-quality rivers and streams and reflect the variety of small stream to large river habitats occupied by these species historically and/or currently.

The SHUs were selected based on best available information about the essential habitat components required by these aquatic species including: (1) geomorphically stable stream and river channels; (2) stream flow regimes that support normal behavior, growth, and survival of the animals; (3) acceptable water-quality conditions necessary for normal behavior, growth, and viability of all life stages of the animals; (4) a diversity of channel substrate types, with minimal amounts of fine sediment and filamentous algae; (5) for mussels, the presence of fish hosts with adequate living, foraging, and spawning areas. (6) few or no competitive or predaceous nonnative species. The SRRUs were selected based on the historical and/or current presence of rare species and include river reaches

where species restoration and recovery actions are planned for the future or are already underway.

The purpose of designating SHUs and SRRUs is to facilitate and coordinate watershed management and restoration efforts as well as to focus funding to address habitat and water quality issues. All of the SHUs currently support one or multiple federally listed species and/or critical habitat designated by the USFWS.

Walthall Branch and Old Glade Swamp are located directly adjacent to the Yellowleaf Creek SHU.

The Lower Coosa River Basin is identified as a high priority watershed in the Southern Limestone/Dolemite Valleys and Low Rolling Hills subregion of the Ridge and Valley ecoregion in CWCS.

This Easement will establish a 100-foot (30.48 meter) riparian buffer Resource Protection Areas (as defined in Section 8) around the entire course transect of 1) Deer Lick Branch, and 2) Walthall Branch. These natural buffers will almost triple the protection now mandated by the State of Alabama and Shelby County, and will only permit low-impact outdoor recreation, education, nature observation, and scientific studies.

Greatly increasing protection measures of the State of Alabama and Shelby County will accomplish various environmental goals and will yield a "significant public benefit" under Treasury Regulation Section 1.170A-14(d)(4)(iv).

The preservation of open space (including farmland and forest land) where such preservation is pursuant to a clearly delineated Federal, State, or local governmental conservation policy and will yield a significant public benefit meets the conservation purpose of Section 170(h)(4)(A)(iii)(II) of the Code.

The United States Department of Agriculture ("USDA") Natural Resources Conservation Service ("NRCS") is the federal agency that works hand-in-hand with the American people to conserve natural resources on private lands. The allowed farming/forestry practices, which are the principal uses of the Property, shall be consistent with sound agricultural practices and a current NRCS conservation plan or its equivalent, as prepared by the USDA, or similar agency, or professionally trained individual, are all in an effort to conserve productive farming soils.

The economic health of the State of Alabama is closely linked to its agricultural lands which not only produce food products, fuel, timber, and other products, but also provide much of Alabama's scenic beauty upon which the State's tourism and recreational industries rely.

This Easement will establish an Agricultural Area (as defined in Section 8) protection zone that will generally exclude or control the construction of buildings and improvements except those necessary for agriculture and agricultural-related practices, and will preserve agricultural production of prime Alabama soils as identified by the USDA NRCS.

The preservation of the Property will yield a “significant public benefit” under Treasury Regulation Section 1.170A-14(d)(4)(iv) due to the consistency of the proposed open space use with public programs (whether Federal, state or local) for conservation in the region, including programs for outdoor recreation; irrigation or water supply protection; water quality maintenance or enhancement; flood prevention and control; erosion control, shoreline protection, and protection of land areas included in, or related to, a government approved master plan or land management area.

The preservation of open space (including farmland and forestland) where such preservation is pursuant to a clearly delineated Federal, State, or local government conservation policy and will yield a significant public benefit meets the conservation purpose of Section 170(h)(4)(A)(iii)(II) of the Code.

The Property (400-420 feet approx. elev.) provides scenic views from Alabama State Route 76/Klein Road (400-423 feet approx. elev.) which forms the southern boundary of the Property for a linear distance of approximately 1,465 feet (446 meters).

Maintaining the Property as provided herein allows scenic enjoyment for the general public.

The preservation of the Property in the manner described above will yield a “significant public benefit” under Treasury Regulation Section 1.170A-14(d)(4)(iv) due to the likelihood that development of the Property would lead to, or contribute to, the degradation of the scenic, natural, or historic character of the area.

The preservation of open space (including farmland and forestland) where such preservation is for the scenic enjoyment for the general public and will yield a significant benefit meets the conservation purpose of Section 170(h)(4)(A)(iii)(I) of the Code.



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Historical and Current Description of Property

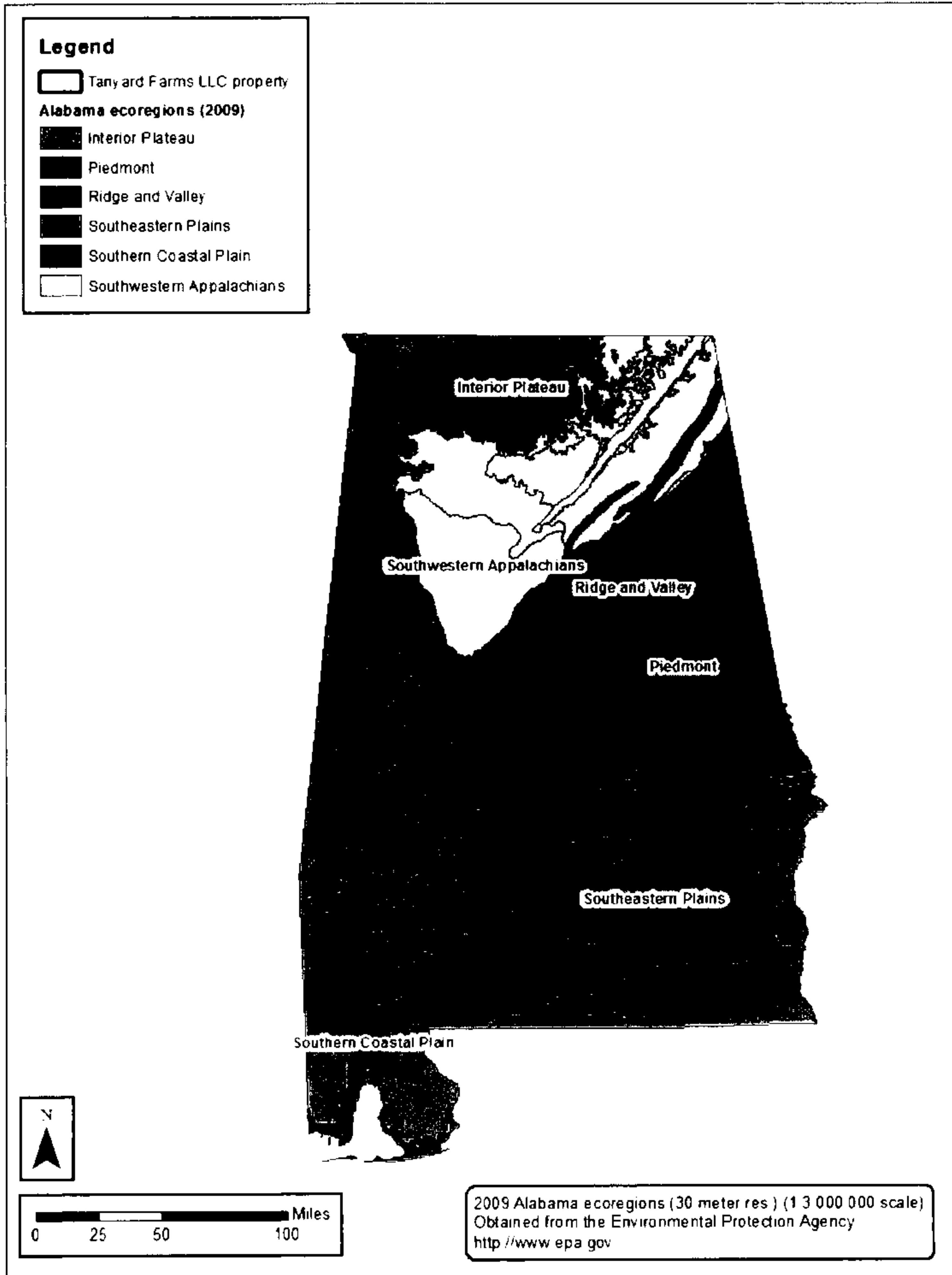


Figure 1. 2009 Alabama ecosystems (30 meter res.) (1:3,000,000 scale).

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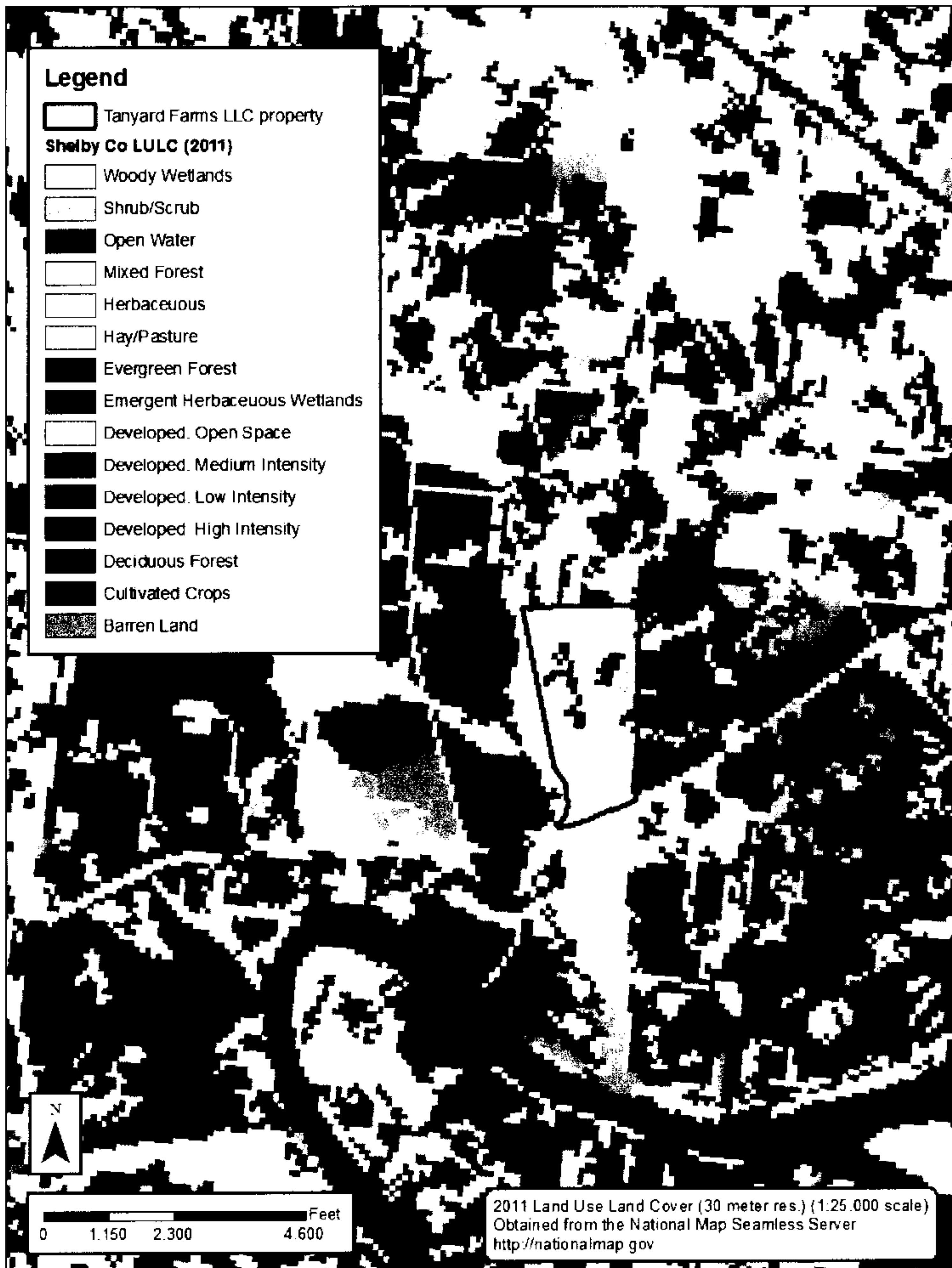


Figure 2. 2011 Land Use Land Cover (30 meter res.) (1:25,000 scale).



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Figure 3. 2011 Canopy Cover (30 meter res.) (1:25,000 scale).

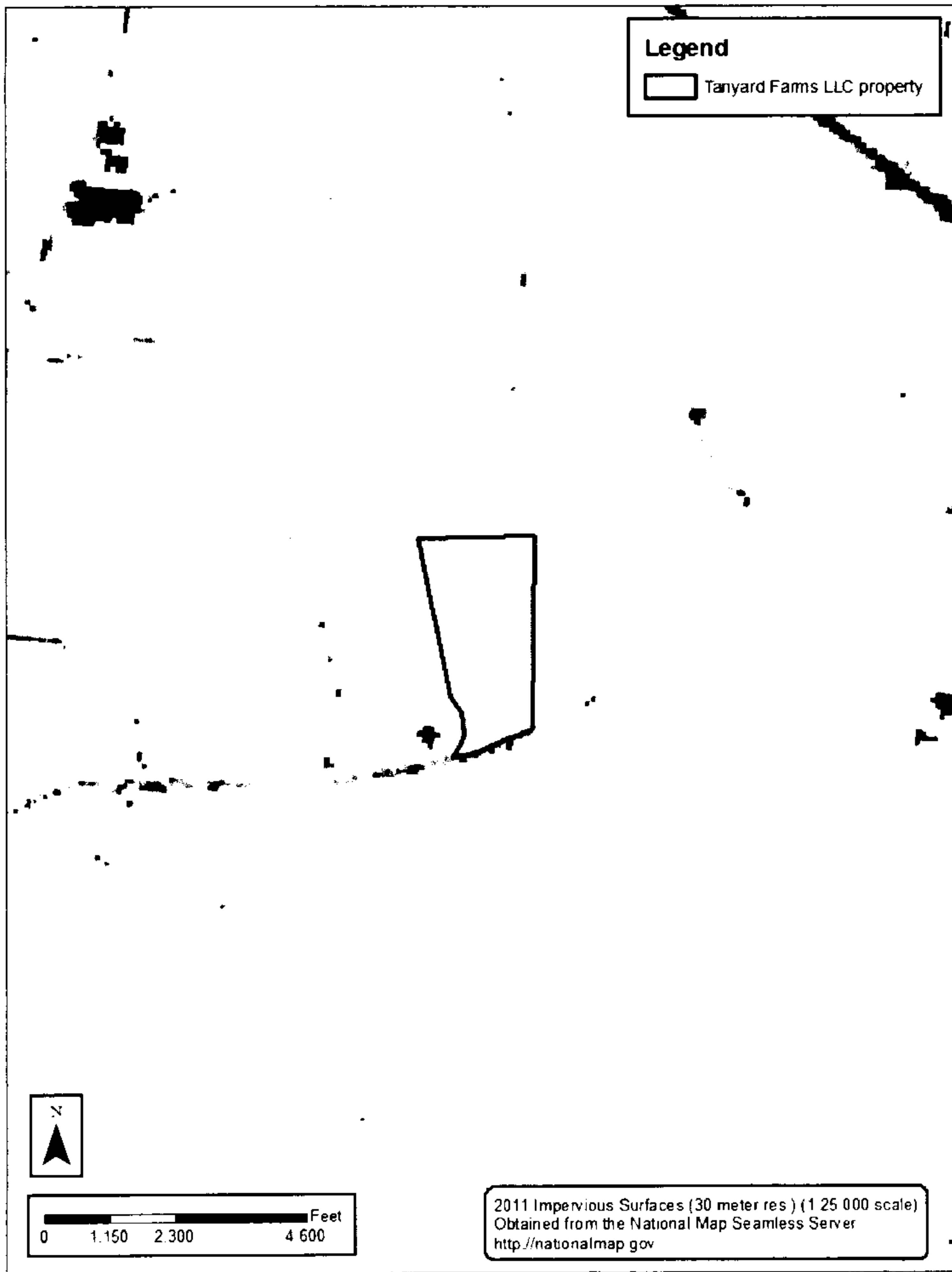


Figure 4. 2011 Impervious Surfaces (30 meter res.) (1:25,000 scale).

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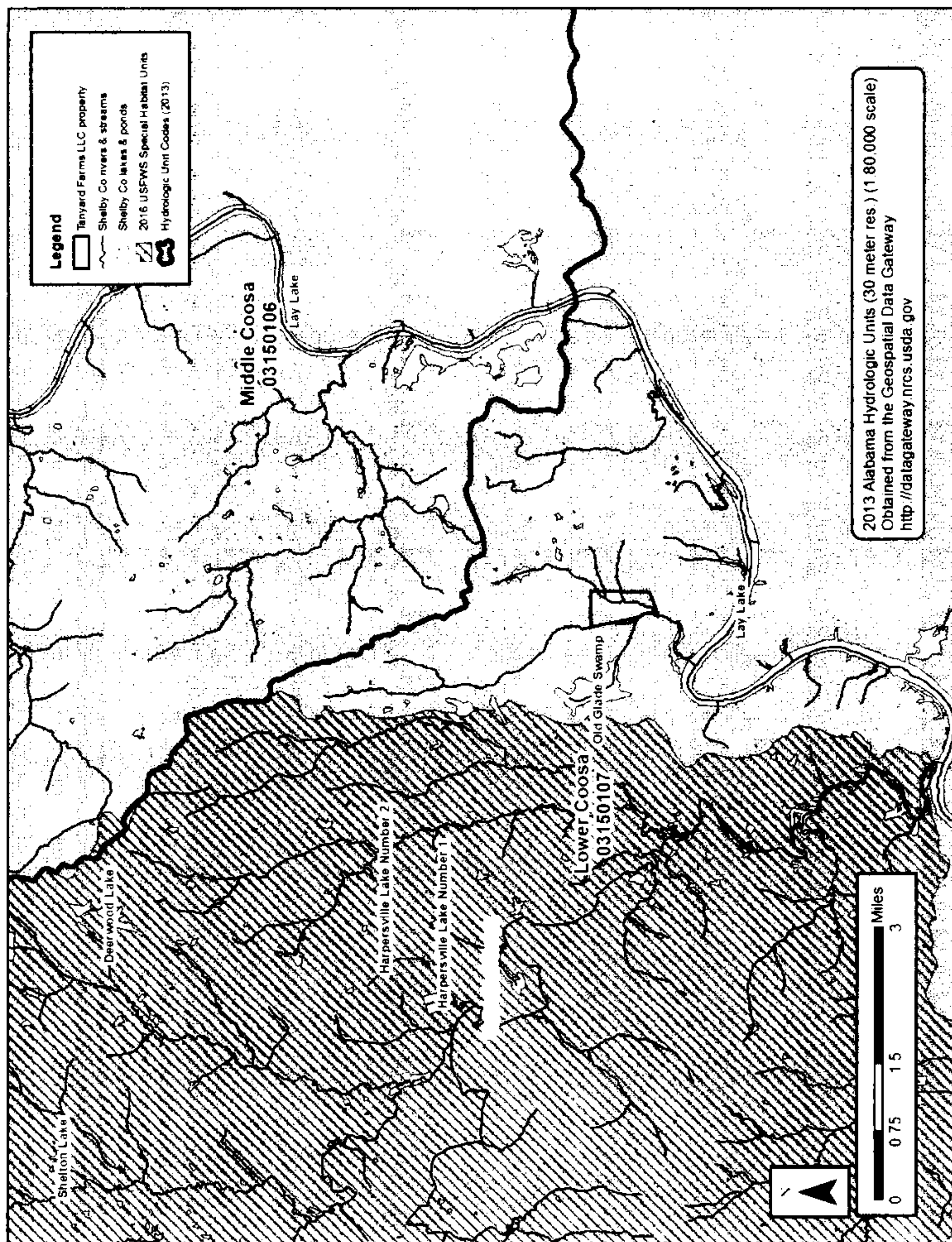


Figure 5. 2013 Alabama Hydrologic Unit Codes (in stippled blue outlined in Spruce green) and 2016 USFWS Special Habitat Units (in crosshatched red/orange) in proximity to the Tanyard Farms, LLC property (1:80,000 scale).



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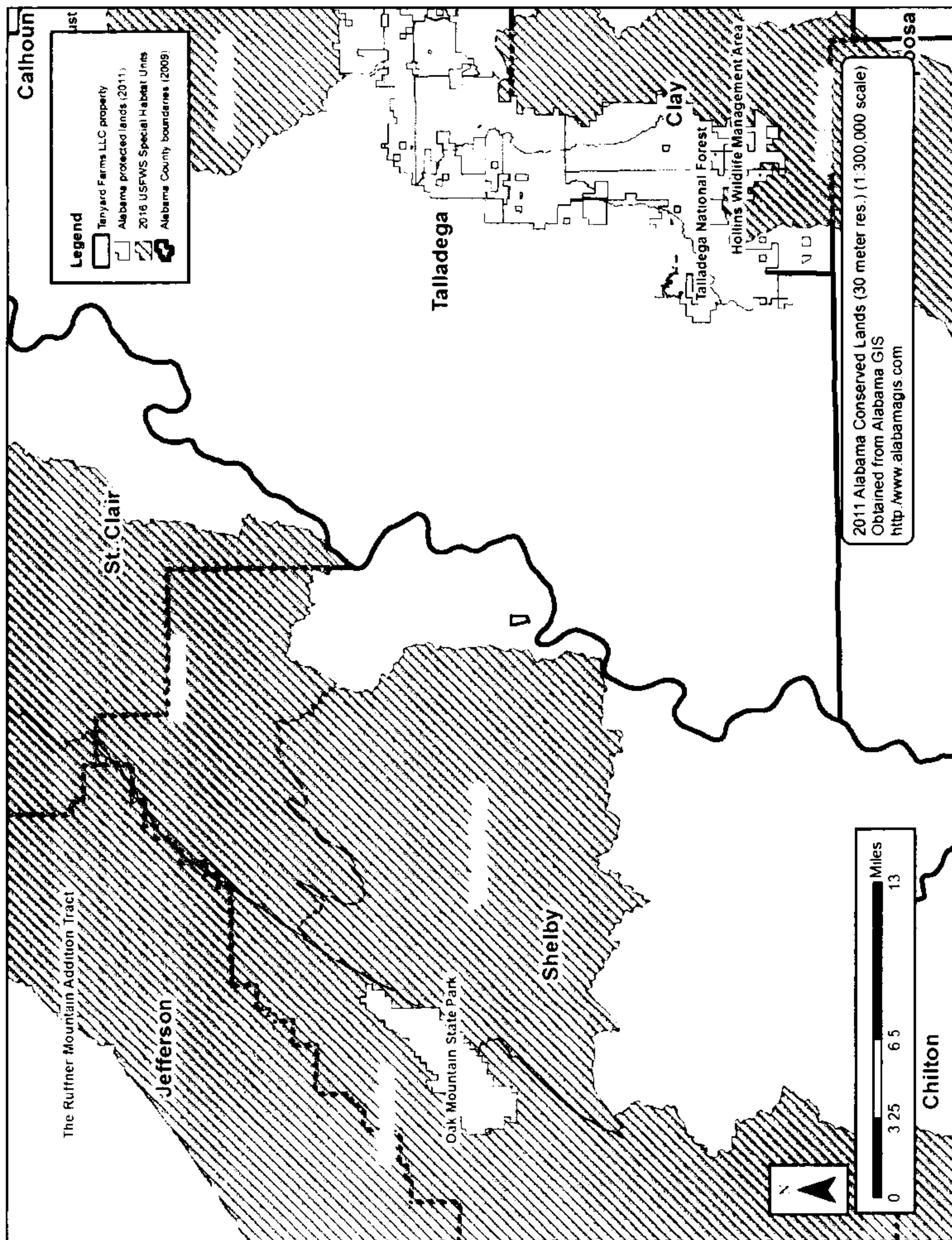


Figure 6. 2011 Alabama Protected Lands (in Medium green) and 2016 USFWS Special Habitat Units (in crosshatched red/orange) in proximity to the Tanyard Farms, LLC property (1:300,000 scale).



Historical Description

The Tanyard Farms, LLC property is located on Southern Limestone/Dolemite Valleys and Low Rolling Hills subregion lands of the Ridge and Valley ecoregion (Figure 1), and is predominately classified as “pastures/hay” and “cultivated crops” with lesser areas of “herbaceous” (Figure 2). The overstory canopy is nearly absent due to the presence of open agricultural fields (Figure 3). All access roads are constructed of pervious packed clay and sand (Figure 4). The Tanyard Farms, LLC property is located in the high-priority Lower Coosa River Basin, lies directly adjacent to the Yellowleaf Creek Special Habitat Unit (Figure 5), and is located approximately 13 miles to the east of Oak Mountain State Park (Figure 6).

Current Description

The Tanyard Farms, LLC property currently falls under the 2008 Shelby County, Alabama zoning designation of A1 “Agricultural District”. The Grantor is reserving the right to 1) continue to operate the agricultural areas under best management practices, 2) reestablish and protect the riparian buffers and wetland areas associated with Deer Lick Branch and Walthall Branch, and 3) passively recreate on the property.



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Summary of Grantor and Conservancy Rights

Permitted Uses of the Property

Permitted uses of the Property vary depending on where on the Property this use occurs as specifically indicated below. The Property is divided into three (3) principal areas all of which are depicted in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report and generally described below:

Acceptable Development Area (also referred to as "ADA") – The area in which agricultural access roads may be placed to the extent listed below. A total of one (1) Acceptable Development Area will exist on the entire Property: 1) the Acceptable Development Area – Agricultural Access Road.

- The Acceptable Development Area – Agricultural Access Road will consist of a linear buffer of approximately 30 feet (9.14 meters), and will originate from the centerline of the existing agricultural access road, as specifically identified in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, and will extend 15 feet (4.57 meters) to either side.

Resource Protection Areas (also referred to herein as "RPA") – The areas which contain unique or special natural features including, but not limited to, streams, wetlands or steep slopes and their supporting buffer lands, and in which this Easement excludes the construction or placement of permanent or temporary buildings and anthropogenic perturbations (manmade disturbances). A total of two (2) Resource Protection Areas will exist on the entire Property: 1) the Resource Protection Area – Deer Lick Branch, and 2) the Resource Protection Area – Walthall Branch.

- The Resource Protection Area – Deer Lick Branch will consist of a linear buffer of approximately 200 feet (60.96 meters). This linear buffer will originate from the approximate center of Deer Lick Branch, as specifically identified in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, and will extend for 100 feet (30.48 meters) towards either side of the aquatic feature.
- The Resource Protection Area – Walthall Branch will consist of a linear buffer of approximately 200 feet (60.96 meters). This linear buffer will originate from the approximate center of Walthall Branch, as specifically identified in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, and will extend for 100 feet (30.48 meters) towards either side of the aquatic feature.

Agricultural Area (also referred to herein as "AA") – The remainder of the Property, after excluding the Acceptable Development Area and the Resource Protection Areas that may be used for, but not limited to, crops, horticulture, grazing, animal husbandry, trees, carbon sequestration for carbon offset, and agricultural plantings for wildlife, and shall be considered consistent with the Purpose of this Easement, provided that the same are conducted in a manner not inconsistent with this Easement and provided further that:

- 1) Under no circumstances shall there be industrial or factory-type livestock operations or animal husbandry characterized by the continuous confinement of livestock in tightly confined environments for the purpose of raising, feeding and fattening for market on the Property; and no slaughtering facility or poultry, dairy or hog operation shall be allowed; and
- 2) Pesticides and/or herbicides may be used only in a manner set forth in Section 5 (entitled "Prohibited Uses"), consistent with their labeling, and in compliance with all federal, state, and local regulations, including those related to licensing and/or certification of applicators; and
- 3) All permitted agricultural activities shall be conducted in accordance with any pertinent local or state regulations or guidelines covering such activities and Best Management Practices of the State of Alabama and applicable federal, state and local laws; and
- 4) All such activities shall be designed to maintain soil productivity and prevent soil erosion to protect water quality and wetlands; and
- 5) Any change in agricultural use or activity to a use not traditionally used on the Property shall be subject to the prior written approval of the Conservancy, which approval shall not be unreasonably withheld; and
- 6) Land application of domestic septic effluent and/or municipal, commercial or industrial sewage sludge or liquids generated from such sources is prohibited; and
- 7) All farming operations not being utilized as of the date of this Easement shall be conducted in a manner consistent with a farm conservation plan prepared by the USDA, NRCS, or its successor, or by another qualified conservation professional. This plan shall be updated periodically and in any event at the time the basic type of agricultural operation on the Property changes or at the time ownership of the Property changes.

8.1 *Acceptable Development Areas*. Notwithstanding anything herein which may be interpreted to the contrary, (1) no development is permitted if such use or activity will materially impair or interfere with the Conservation Values or the Purpose of this Easement, and (2) the ADA boundaries shall not be modified. The following activities are permitted within each Acceptable Development Area to the extent indicated provided that, unless otherwise noted, Grantor notifies the Conservancy in writing no later than thirty (30) working days prior to exercising the prescribed permitted uses.

8.1.A Acceptable Development Area – Agricultural Access Road. Without prior written permission from or notice to the Conservancy, Grantor may maintain, improve, repair, remove, enlarge or replace any agricultural access roads within the area shown in the

Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as ADA – Agricultural Access Road. No portion of the agricultural access road shall be paved or otherwise covered with concrete, asphalt, or any other impervious paving material except for steep slope areas that may require additional hardening of the surface to reduce erosion. Said improvements shall be located completely within the corresponding ADA – Agricultural Access Road. The foregoing permissions include, to the extent necessary, temporary easements and permission to access any area of the Property in connection with such permissions. Any area that is disturbed by activity pursuant to such temporary easements and permission to access any area of the Property in connection with such permissions must be revegetated and restored to a natural condition promptly after completion of access to ensure that such activity does not substantially diminish or impair the Conservation Values.

8.2 Resource Protection Areas. The following activities are permitted within the Resource Protection Areas to the extent indicated.

8.2.A Streambank/Wetlands Restoration. With prior written notice to the Conservancy, Grantor and the USACE may have the right, but not the obligation, to use area(s) shown in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Resource Protection Areas, to engage in streambank/wetland restoration and other earthworks, planting of native vegetation and trees, and redirecting of streams or other water bodies. Grantor shall be responsible for obtaining all permits necessary for engaging in such activities. All such entries shall be by existing access roads on the property of the Grantor. Should access be required across areas where access roads do not exist, Conservancy may access such restoration sites across other lands of the Grantor as necessary to accomplish the Purpose of this Easement. Any area that is disturbed by activity pursuant to such temporary easements and permission to access any area of the Property in connection with such permissions must be revegetated and restored to a natural condition promptly after completion of access to ensure that such activity does not substantially diminish or impair the Conservation Values.

8.2.A.i Monitoring and Research. With prior written notice to the Conservancy, Grantor may have the right, but not the obligation, to monitor the plant and wildlife populations, plant communities and natural habitats in the streambank/wetlands restoration area, to actively protect and manage them, if necessary, to ensure their continued presence and viability in the streambank/wetlands restoration area. Grantor agrees that all monitoring activity, natural resource inventory and assessment work or other natural resource research, conducted by Grantor or Grantor's assignees, shall be reported to the Conservancy.

8.2.A.ii Management of Exotics and Invasive Species. With prior written notice to the Conservancy, Grantor may have the right, but not the obligation, to control, manage or destroy exotic non-native species or invasive species of plants and animals that threaten the Conservation Values of the streambank/wetlands restoration area.

8.2.B Recreation and Educational Usages. Without prior written permission from or notice to the Conservancy, Grantor may use area(s) shown in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Resource Protection Areas for low-impact outdoor recreation, education, nature observation, and scientific study, so long as these activities preserve the value of the Resource Protection Areas as wildlife habitat, riparian buffer, and aquatic ecosystem.

8.2.C Fences. Without prior written permission from or notice to the Conservancy, Grantor may maintain, preserve, improve, repair, remove, or replace existing fences in the area shown in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Resource Protection Areas, for purposes of preventing trespass on the Property. With prior written notice to the Conservancy, Grantor may construct new fences in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Resource Protection Areas, for the purpose of exclusion of livestock from sensitive areas.

8.2.D Water Resources. Without prior notice to the Conservancy, Grantor may utilize and maintain water sources, courses, and bodies within the area shown in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Resource Protection Areas, so long as such usages and activities are carried out in accordance with sound agricultural practices and in accordance with local, state and federal laws.

8.2.E Trails. Without prior written permission from or notice to the Conservancy, Grantor may establish and maintain a foot trail anywhere in the Resource Protection Areas to be used for outdoor recreation and education.

8.2.E.i Trail. The trail may include steps and railings and other trail surface structures as well as bridges and culverts for traversing wet areas.

8.2.E.ii Trail Width. The trail may not exceed 10 feet (3.048 meters) in width.

8.2.E.iii Trail Covering. The trail may be covered, if at all, by wood chips, gravel, or any other porous surface so as not to enhance stormwater runoff into the wetland/stream.

8.2.E.iv Trail Signs. The trail may include signs to mark the trail; to provide information regarding applicable times, place, and manner restrictions; for interpretive purposes; and to indicate the interest of Grantor and the Conservancy.

8.2.F Hunting Stands and Platforms. Without prior written permission from or notice to the Conservancy, Grantor may establish and maintain hunting stands and platforms within the area shown in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Resource Protection Areas provided that such accessories are erected and maintained in a manner that minimizes damage to the Property, preserves the value of the Resource Protection Areas as wildlife habitat, riparian buffer and aquatic ecosystem, and preserves the Conservation Values. The foregoing permissions include, to the extent necessary, temporary easements and permission to access any area of the Property in

connection with such permissions. Any area that is disturbed by activity pursuant to such temporary easements and permission to access any area of the Property in connection with such permissions must be revegetated and restored to a natural condition promptly after completion of access to ensure that such activity does not substantially diminish or impair the Conservation Values.

8.2.G Concrete Road Bridges/Creek Crossings. With prior notice to the Conservancy, Grantor may maintain, repair, remove, or replace three (3) existing concrete road bridges/creek crossings within the area shown in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Resource Protection Area – Deer Lick Branch so long as these activities preserve the value of the Resource Protection Areas as wildlife habitat, riparian buffer and aquatic ecosystem. The foregoing permissions include, to the extent necessary, temporary easements and permission to access any area of the Property in connection with such permissions. Any area that is disturbed by activity pursuant to such temporary easements and permission to access any area of the Property in connection with such permissions must be revegetated and restored to a natural condition promptly after completion of access to ensure that such activity does not substantially diminish or impair the Conservation Values.

8.2.H Carbon Credits. Grantor shall retain all rights, benefits, privileges and credits related to carbon sequestration in the above ground and below ground biomass, and the soil of the.

8.3 Agricultural Area. With prior written notice to the Conservancy, Grantor may produce crops, livestock, trees, carbon sequestration for carbon offset, alternative energy (wind & solar), and conduct farm operations which includes but is not limited to the right to establish, reestablish, maintain, and use cultivated forests, fields, orchards, and pastures within the area shown in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Agricultural Area. These farming/forestry practices, which are the principal uses of the Property, shall be consistent with sound agricultural practices and a current NRCS conservation plan or its equivalent, as prepared by the USDA or similar agency or professionally trained individual.

8.3.A Agricultural Management. With prior written notice to the Conservancy, Grantor reserves the right to conduct agricultural activities in the Agricultural Area subject to federal, state, and local regulations, the specific terms and conditions of this Easement, and shall be conducted in accordance with the following provisions.

8.3.A.i Ten Year Agricultural Management Plan. All agricultural activities shall be conducted in accordance with a written plan (the "Plan") for areas in which agriculture is contemplated. The Plan 1) shall be prepared prior to any agricultural activities, 2) shall be approved by the Conservancy, and 3) shall be reviewed and updated at least every ten years by a licensed agricultural professional or its equivalent. The Plan shall include at a minimum the following:

- 1) goals and objectives of the landowner, consistent with the terms of this Easement; and

- 2) identification of the natural and physical features of the Property along with existing agricultural access roads, wetlands, and water bodies; and
- 3) a description of contemplated agricultural activities, indicating proposed ingress/egress for all areas to be utilized; and
- 4) a description of recommended erosion control measures to be employed; and
- 5) a description of foreseeable situations in which chemical application will be recommended, including the type, amount, method of application, and recommended limitations to protect water quality; and
- 6) a description of agricultural techniques and treatments to be employed to avoid adverse impact to the specific conservation values identified in the prescriptions hereinabove; and
- 7) a description of reclamation and revegetation practices to be employed upon completion of agricultural operations to ensure soil stabilization and to maintain the scenic qualities of the Property.

8.3.B Streambank/Wetlands Restoration. With prior written notice to the Conservancy, Grantor and the USACE may have the right, but not the obligation, to use area(s) shown in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Agricultural Area(s), to engage in streambank/wetland restoration and other earthworks, planting of native vegetation and trees, and redirecting of streams or other water bodies. Grantor shall be responsible for obtaining all permits necessary for engaging in such activities. All such entries shall be by existing access roads on the property of the Grantor. Should access be required across areas where access roads do not exist, the Conservancy may access such restoration sites across other lands of the Grantor as necessary to accomplish the purposes of this Easement. Any area that is disturbed by activity pursuant to such temporary easements and permission to access any area of the Property in connection with such permissions must be revegetated and restored to a natural condition promptly after completion of access to ensure that such activity does not substantially diminish or impair the Conservation Values.

8.3.B.i Monitoring and Research. With prior written notice to the Conservancy, Grantor may have the right, but not the obligation, to monitor the plant and wildlife populations, plant communities and natural habitats in the streambank/wetlands restoration area, to actively protect and manage them, if necessary, to ensure their continued presence and viability in the streambank/wetlands restoration area. Grantor agrees that all monitoring activity, natural resource inventory and assessment work or other natural resource research, conducted by Grantor or Grantor's assignees, shall be reported to Conservancy.

8.3.B.ii Management of Exotics and Invasive Species. With prior written notice to the Conservancy, Grantor may have the right, but not the obligation, to control, manage or destroy exotic non-native species or invasive species of plants and animals that threaten the Conservation Values of the streambank/wetlands restoration area.

8.3.C Agricultural Buildings and Improvements. With prior written permission from the Conservancy, Grantor may construct, maintain, improve, repair, remove, enlarge or replace rustic structures to assist with the agricultural operation within the area shown in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Agricultural Area provided that all such structures must be designed and situated to blend with natural surrounding and complement the natural and scenic features of the landscape, and preserves the agricultural production of prime Alabama soils. The foregoing permissions include, to the extent necessary, temporary easements and permission to access any area of the Property in connection with such permissions. Any area that is disturbed by activity pursuant to such temporary easements and permission to access any area of the Property in connection with such permissions must be revegetated and restored to a natural condition promptly after completion of access to ensure that such activity does not substantially diminish or impair the Conservation Values.

8.3.D Fences. With prior written notice to the Conservancy, Grantor may construct new fences, or maintain, preserve, improve, repair, remove, enlarge or replace existing fences anywhere in the area shown in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Agricultural Area, for purposes of exclusion/inclusion on the Property.

8.3.E All-Terrain Vehicles. Without prior written permission from or notice to the Conservancy, Grantor may use, or permit the use of all-terrain vehicles on the access roads now existing on the Property, or in the future those developed on the Property (pursuant to the Plan developed and approved pursuant to Section 8.3.A.i), provided that:

- 1) such roads are used by others exclusively in accordance with the Plan;
- 2) the permission afforded by Grantor consists of short-term license to use the road system for a period not to exceed twelve (12) months, and is not a longer term license, right-of-way, easement or other permanent legal interest;
- 3) Grantor shall remain responsible for any such license's compliance with this Easement.

8.3.E.i All-Terrain Vehicle Access. Without prior written permission from or notice to the Conservancy, Grantor may permit the temporary use of all-terrain vehicles for agricultural and non-commercial recreational purposes anywhere within the area shown in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Agricultural Area.

8.3.F Hunting Stands and Platforms. Without prior written permission from or notice to the Conservancy, Grantor may establish and maintain hunting stands and platforms within the area shown in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Agricultural Area provided that such accessories are erected and maintained in a manner that minimizes damage to the Property, and preserves the agricultural production of prime Alabama soils. The foregoing permissions include, to the extent necessary, temporary easements and permission to access any area of the Property in connection with such permissions. Any area that is disturbed by activity pursuant to such temporary easements and permission to access any area of the Property in connection with such permissions must be revegetated and restored to a natural condition promptly after completion of access to ensure that such activity does not substantially diminish or impair the Conservation Values.

8.3.G Wildlife Habitat Restoration and Management. With prior written notice to the Conservancy, Grantor may use the area shown in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Agricultural Area, to restore, develop and manage habitat to provide food, cover, and water for wildlife, per a NRCS conservation plan or its equivalent.

8.3.H Alternative Energy. With prior written notice to the Conservancy, other improvements, including, but not limited to, facilities for generation and transmission of renewable electrical power, such as windmills and/or solar arrays, may be constructed anywhere in the area shown in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Agricultural Area, provided that prior to commencing construction on any alternative energy generation, Grantor shall obtain all the permits and approvals required by federal, state, and local governments for such construction and the prior written approval of the Conservancy. The foregoing permissions include, to the extent necessary, temporary easements and permission to access any area of the Property in connection with such permissions, including, without limitation, construction, repair, and maintenance of the structure and appurtenances permitted subservient utilities. Any area that is disturbed by activity pursuant to such temporary easements and permission to access any area of the Property in connection with such permissions must be revegetated and restored to a natural condition promptly after completion of access to ensure that such activity does not substantially diminish or impair the Conservation Values or the Purpose of this Easement. Grantor shall be permitted to employ or sell all such generated electrical power.

8.3.H.i Building Restrictions. In connection with the foregoing, all such new alternative energy-related structures must have, in the aggregate, a total ground coverage limitation not to exceed 20 acres (871,200 ft²) which represents less than 10% of the arable lands, and may be constructed anywhere in the area shown in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Agricultural Area, providing that any incidental surplus energy generated by such energy facilities may be sold for use off the Property (including in the form of credits to Grantor's utility service); provided, however, that nothing herein shall authorize or permit the construction of new electrical transmission lines, towers, or associated facilities for purposes of such sell-back of surplus energy or otherwise. Commercial overhead transmission lines are prohibited on the Property.

8.3.I Carbon Credits. Grantor shall retain all rights, benefits, privileges and credits related to carbon sequestration in the above ground and below ground biomass, and the soil of the Agricultural Area.

8.3.J Recreation and Educational Usages. Without prior written permission from or notice to the Conservancy, Grantor may use area shown in the Conservation Easement Map in *Section XI* of the Baseline Documentation Report, as Agricultural Area for low-impact outdoor recreation, education, nature observation and scientific study, so long as these activities preserve the agricultural production of prime Alabama soils.

Prohibited Uses of the Property

Prohibited uses of the Property are specifically described in Sections 5.1 through 5.18. Notwithstanding anything herein to the contrary, any activity on or use of the Property that is inconsistent with the Purpose of this Easement is prohibited.

5.1 the change, disturbance, alteration, or impairment of the relatively natural habitat for plants, wildlife, or similar ecosystems within and upon the Property, except as expressly provided herein in the Acceptable Development Area, Resource Protections Area, and Agricultural Area as defined below; and

5.2 the construction and/or placement of any building structures, permanent camping accommodations, mobile homes, or billboards, except as expressly provided herein in the Agricultural Area as defined below; and

5.3 the conveyance of easements, rights-of-ways, the paving or grading of roadways or the construction of any roadways, except as expressly provided herein in the Acceptable Development Areas and the Agricultural Area as defined below; and

5.4 the removal, destruction, or cutting of native vegetation, except as provided herein in the Acceptable Development Areas and the Agricultural Area as defined below; and

5.5 the introduction of non-native plants and/or animal species unless in accordance with applicable laws, a current NRCS conservation plan, a Ten Year Agricultural Management Plan (as defined below) or its equivalent, and in a manner consistent with sound environmental conservation practices and current scientific literature; and

5.6 the use of herbicides or pesticides other than for the control of noxious weeds and/or pests in accordance with applicable laws, a current NRCS conservation plan, a Ten Year Agricultural Management Plan (as defined below) or its equivalent, and in a manner consistent with sound environmental conservation practices and current scientific literature; and

5.7 the exploration by Grantor, its heirs, successors, transferees or assigns, for or extraction of minerals, oil, gas, or other hydrocarbons, soils, sands, gravel, rock, or other

materials on or below the surface of the Property. Notwithstanding anything in this Easement to the contrary, Grantor, its heirs, successors, transferees or assigns shall not transfer, lease or otherwise separate the minerals, oil, gas, or other hydrocarbons, soils, sands, gravel, rock, field stone, or other materials from the Property or otherwise conduct any activity that could conflict with or cause the violation of Treasury Regulations Section 1.170A-14(g)(4)(i); and

5.8 the accumulation, dumping or other disposal of trash, garbage, or other offensive refuse on the Property other than the collection and disposal of natural byproducts on the Property (including tree limbs and organic household compost materials) except as in accordance with applicable laws and regulations; and

5.9 the manipulation, diversion, or other alteration of stream(s) except as provided herein in the Resource Protection Areas as defined below; and

5.10 the degradation, pollution, or drainage of any surface or sub-surface waters; and

5.11 any use that would increase or substantially add to the risk of erosion as determined by historical and current scientific literature; and

5.12 any change in the topography of the Property through the placement therein of soil, landfill, dredging spoils, or other material except as incidental and necessary to the activities permitted herein in the Acceptable Development Area, Resource Protection Areas, and Agricultural Area; and

5.13 more than *de minimis* use for any recreational activity constituting commercial recreational activity within the meaning of Section 2031(c) of the Code; and

5.14 the transfer, encumbrance, lease, sale, or other separation of the water rights except as necessary and appropriate for the present and future occupation of human, faunal, and vegetational populations on the Property; and

5.15 the erection, construction, installation, relocation or use of a communication facility, a telecommunications facility, a network element or any other telecommunications facility, equipment or material that may be used for telecommunications or to provide such services except for low capacity personal services; and

5.16 the erection, construction, installation, relocation or use of utility lines or substations not necessary and directly related to uses of the Property permitted in this Easement; and

5.17 the erection, construction, installation, relocation or use of any lighting which interferes with wildlife on the Property; and

5.18 the division, subdivision, or *de facto* subdivision of the Property into two or more parcels of land or separate interests.

Literature Cited

- Duffy, D.C. and A.J. Meier. 1992. Do Appalachian herbaceous understories ever recover from clearcutting? *Conservation Biology* 6(2):196-201.
- Gibbons, J.W., Winne, T.C., Scott, D.E., Willson, J.D., Glaudis, X., Andrews, K.M., Todd, B.D., Fedewa, L.A., Wilkinson, L., Tsaliagos, R.N., Harper, S.J., Greene, J.L., Tuberville, T.D., Metts, B.S., Dorcas, M.E., Nestor, J.P., Young, C.A., Akre, T., Reed, R.N., Buhlmann, K.A., Norman, J., Croshaw, D.A., Hagen, C. and B.B. Rothmel. 2006. Remarkable amphibian biomass and abundance in an isolated wetland: Implications for wetland conservation. *Conservation Biology* 20(5):1457-1465.
- Harper, E.B., Rittenhouse, T.A.G. and R.D. Semlitsch. 2008. Demographic consequences of terrestrial habitat loss for pool-breeding amphibians: Predicting extinction risks associated with inadequate size of buffer zones. *Conservation Biology* 22(5):1205-1215.
- Hilty, J. and A. Merelender. 2004. Use of riparian corridors and vineyards by mammalian predators in Northern California. *Conservation Biology* 18(1):126-135.
- Jones, D., Helfman, G., Harper, J and P. Bolstad. 1999. Effects of riparian forest removal on fish assemblages in Southern Appalachian streams. *Conservation Biology* 13(6):1454-1465.
- Olson, D.M. and E. Dinnerstein. 1998. The Global 200: A representation approach to conserving the Earth's most biologically valuable ecoregions. *Conservation Biology* 12(3):502-515.
- Petranka, J.W., Eldridge, M.E., and K.E. Haley. 1993. Effects of timber harvesting on Southern Appalachian salamanders. *Conservation Biology* 7(2):363-370.
- Semlitsch, R and J. Bodie. 1998. Are small, isolated wetlands expendable? *Conservation Biology* 12(5):1129-1133.
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- Stony Brook Millstone Watershed Association. 2002. Stream corridor ordinance implementation package. 19pp.
- Tweldt, D.J., Uihlein, III, W.B. and A.B. Elliott. 2006. A spatially explicit decision support model for restoration of forest bird habitat. *Conservation Biology* 20(1):100-110.

Signature Pages


I, Robert Lewis, on behalf of Tanyard Farms, LLC, have signed this Baseline Documentation Report with the understanding and agreement that this Report will be used for, but not limited to, monitoring the property depicted and described in this Report for compliance with the Conservation Easement signed by myself. I have read this Report and understand it. I agree that this Report, and including the maps and photographs, accurately describes and depicts the physical features, relevant site conditions, and current structures and land uses on the property conserved by the Conservation Easement. I affirm that there are no activities ongoing on the property that are inconsistent with the Conservation Easement.

GRANTOR:


TANYARD FARMS, LLC,
an Alabama limited liability company


By: Tanyard Investors, LLC,
a Georgia limited liability company.
Its Manager


By: Strategic Red Mountain, LLC,
a Georgia limited liability company.
Its Manager

By: 
Robert A. Lewis,
Its Manager

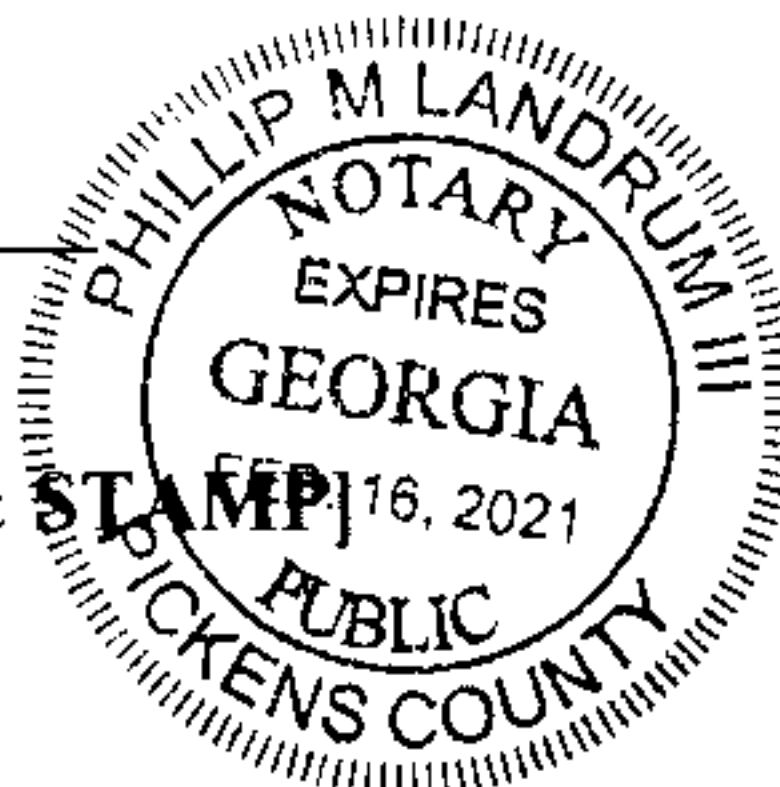
Signed, sealed and delivered in the presence of:


Unofficial Witness


Notary Public


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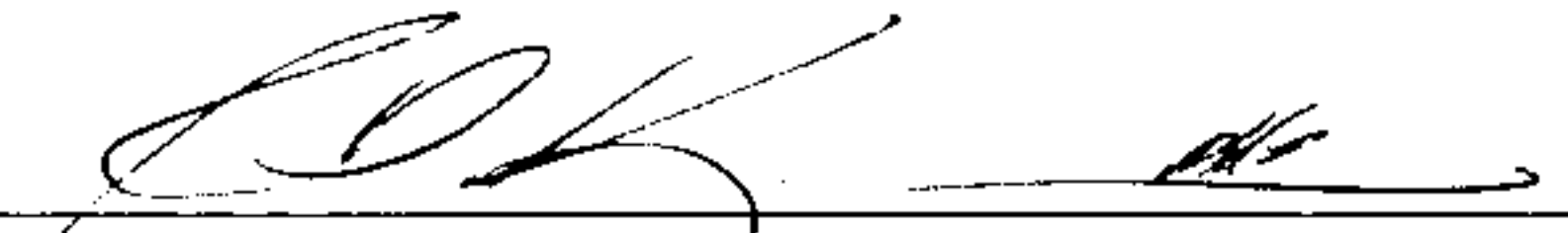
[AFFIX NOTARIAL SEAL & STAMP]




I, Robert D. Keller, Ph.D, Chief Executive Officer of the Atlantic Coast Conservancy, Inc. have prepared and signed this Baseline Documentation Report with the understanding and agreement that this Report will be used for, but not limited to, monitoring the property depicted and described in this Report for compliance with the Conservation Easement, about to be executed. I affirm that I visited this property personally and that this Report including the maps and photographs accurately describes and depicts the physical features, relevant site conditions, and current structures and land uses on the property conserved by the Conservation Easement.


CONSERVANCY:

ATLANTIC COAST CONSERVANCY, INC.,
a Georgia nonprofit corporation

By: 
Robert D. Keller, Ph.D,
Its Chief Executive Officer


Signed, sealed and delivered in the presence of:


Unofficial Witness


Notary Public

[AFFIX NOTARIAL SEAL & STAMP]




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Conserved Property Location

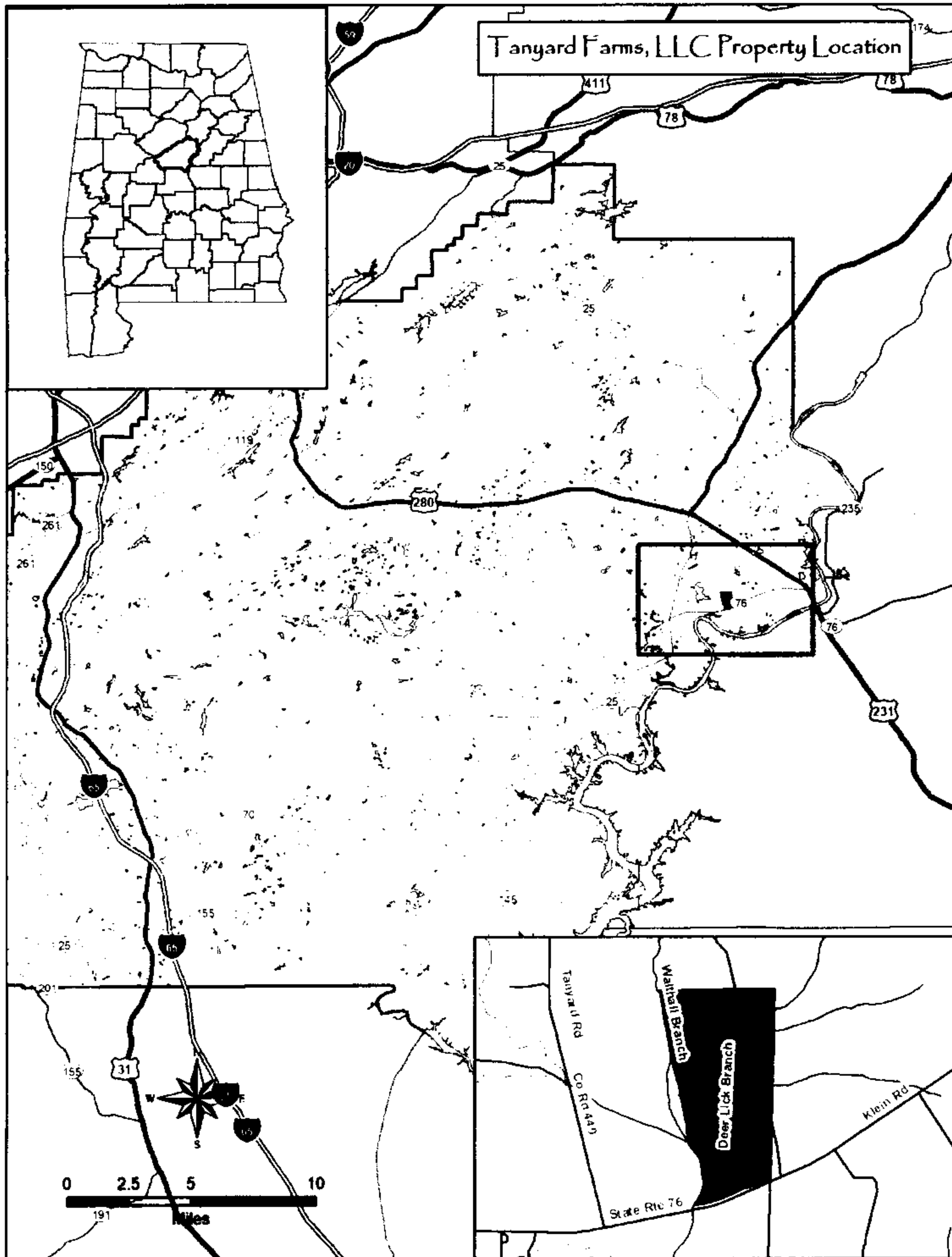


Figure 7. Inset map of the Tanyard Farms, LLC property location.

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Directions to Conserved Property

- From Birmingham, Alabama, merge onto US-280 E/AL-38 toward Sylacauga/Mountain Brook. (26.4 miles)
- Turn right onto Highway 25/AL-25. (4.4 miles)
- Turn left onto Klein Rd/AL-76. (1.7 miles)



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Topographic map

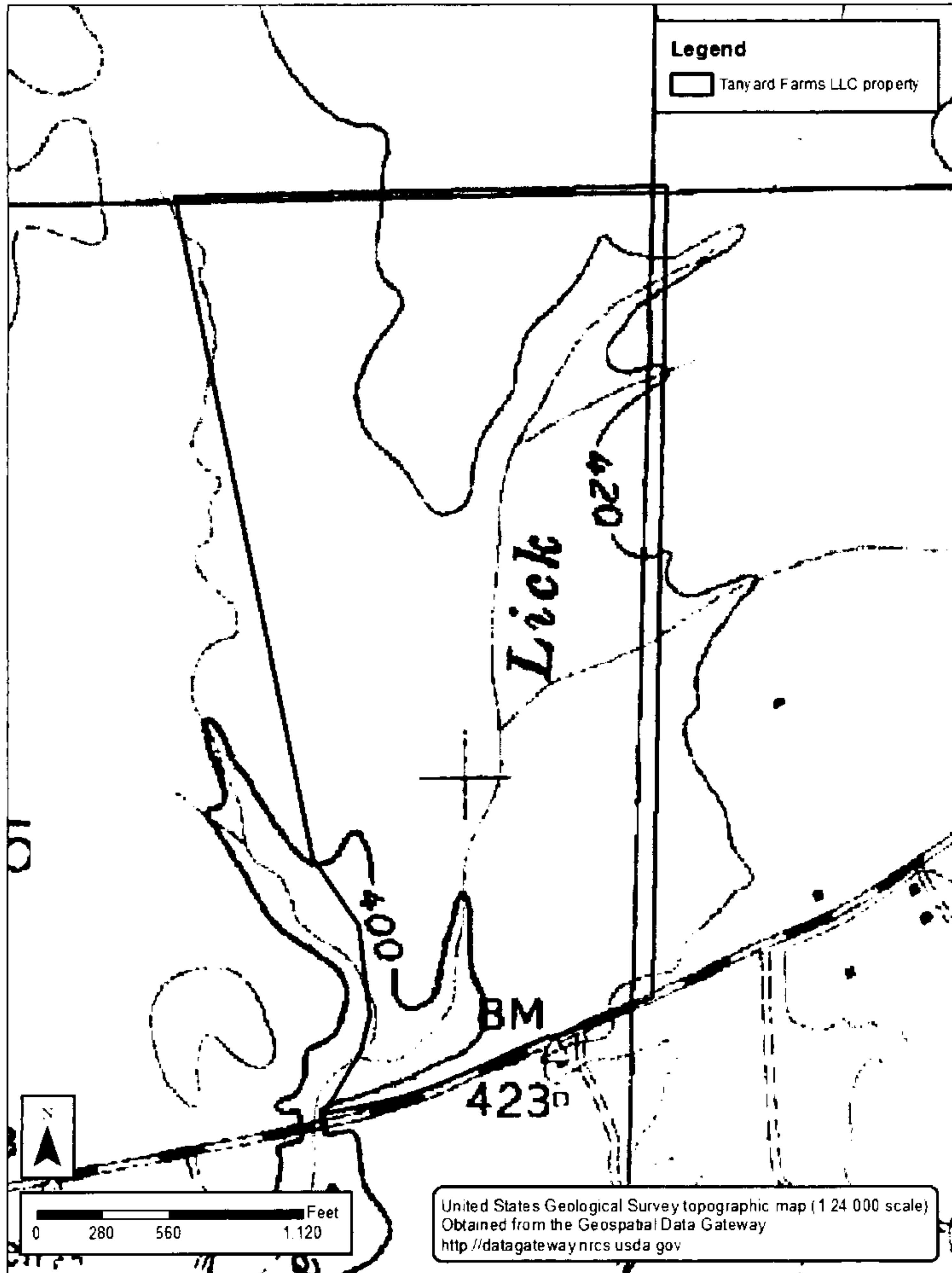


Figure 8. United States Geological Survey topographic map (1:24,000).

The Tanyard Farms, LLC property elevations are uniformly flat ranging from approximately 400 feet (121 meters) in the riparian areas of Walthall Branch to approximately 423 feet (128 meters) on the southern boundary adjacent to Alabama State Route 76/Klein Road.



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Historical & Current Orthophotography

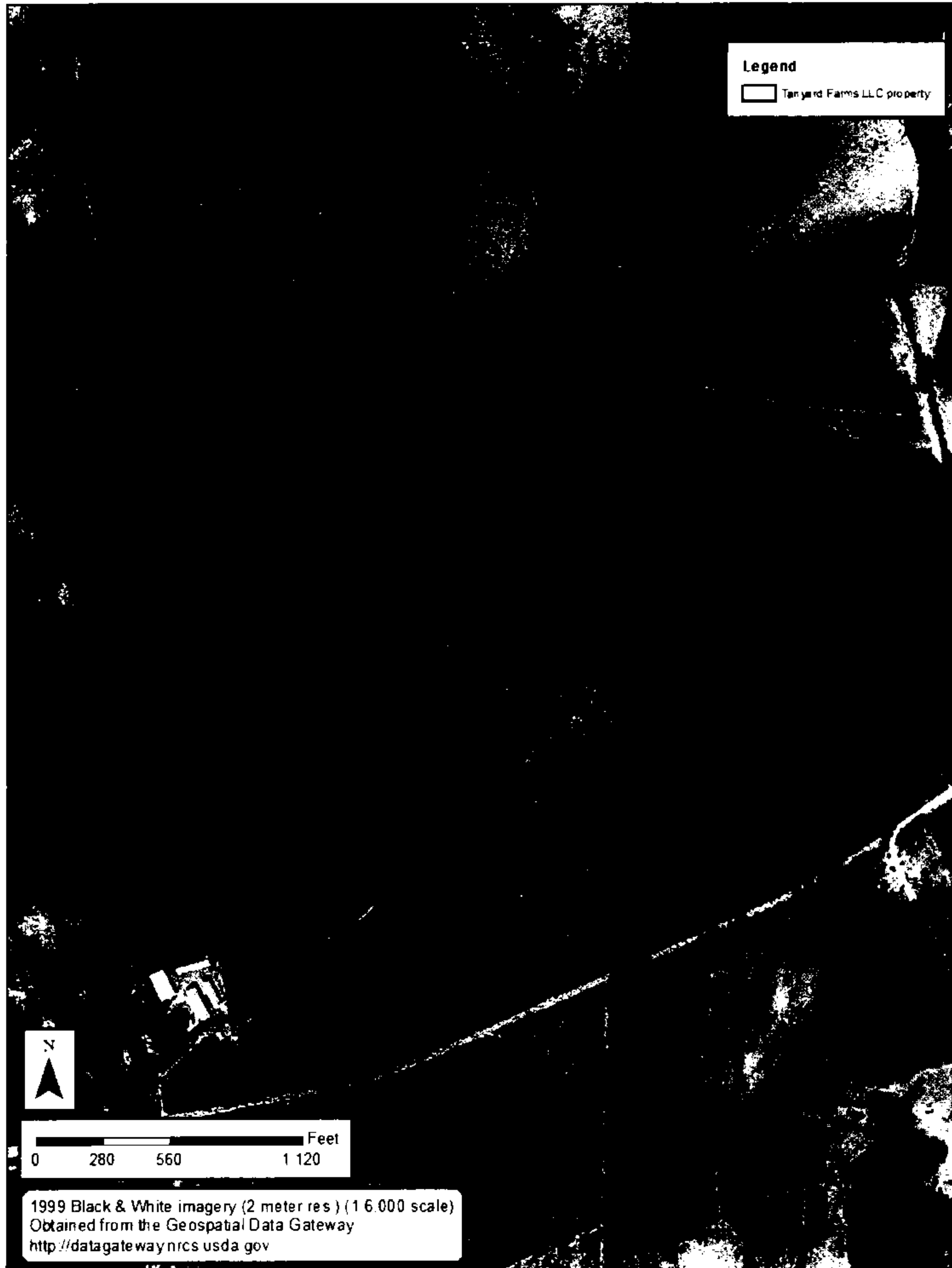


Figure 9. 1999 Black & White imagery (2 meter res.) (1:6,000 scale).



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Figure 10. 2006 True Color National Agriculture Imagery Program (NAIP) imagery (2 meter res.) (1:6,000 scale).



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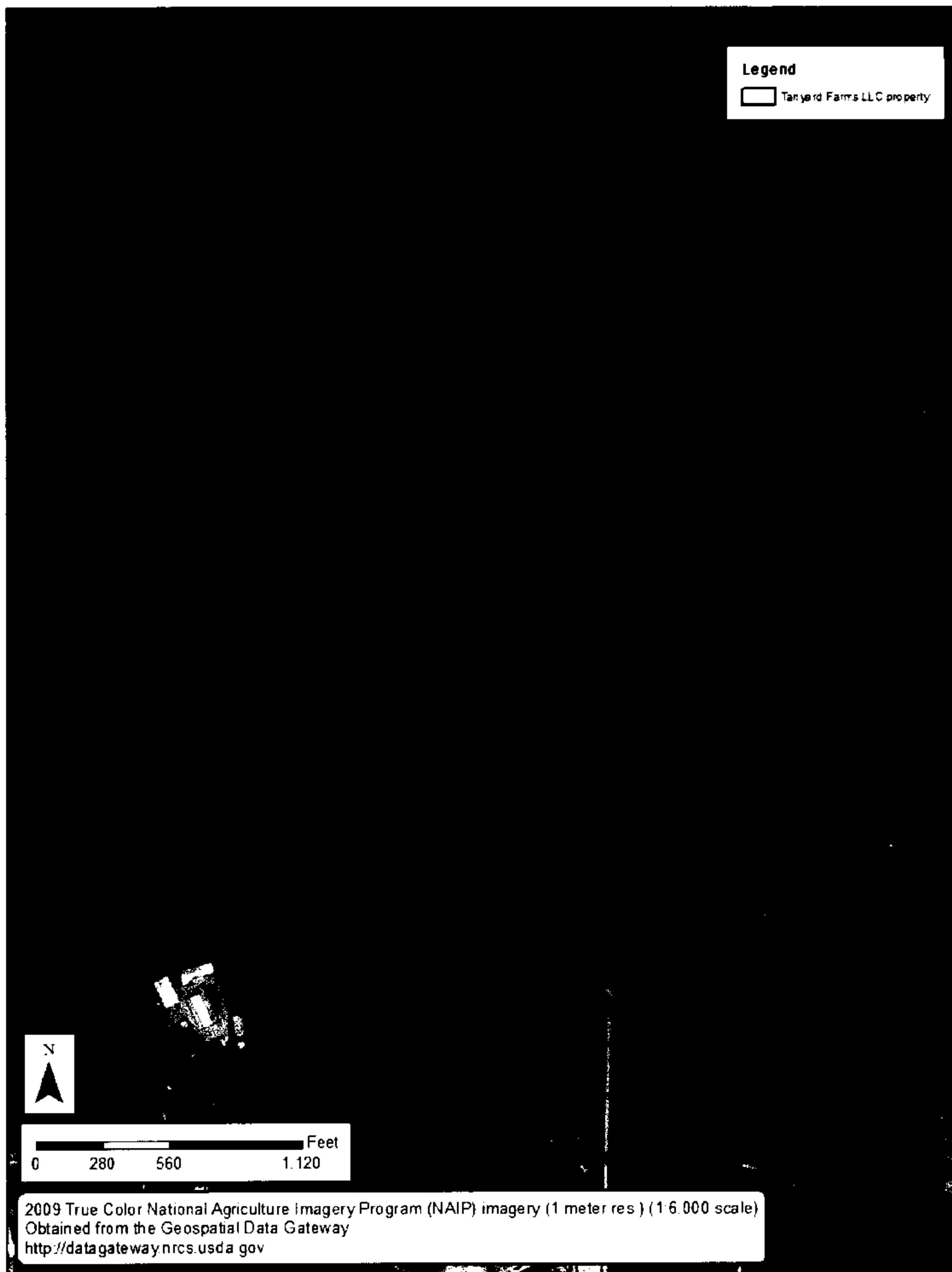


Figure 11. 2009 True Color NAIP imagery (1 meter res.) (1:6,000 scale).

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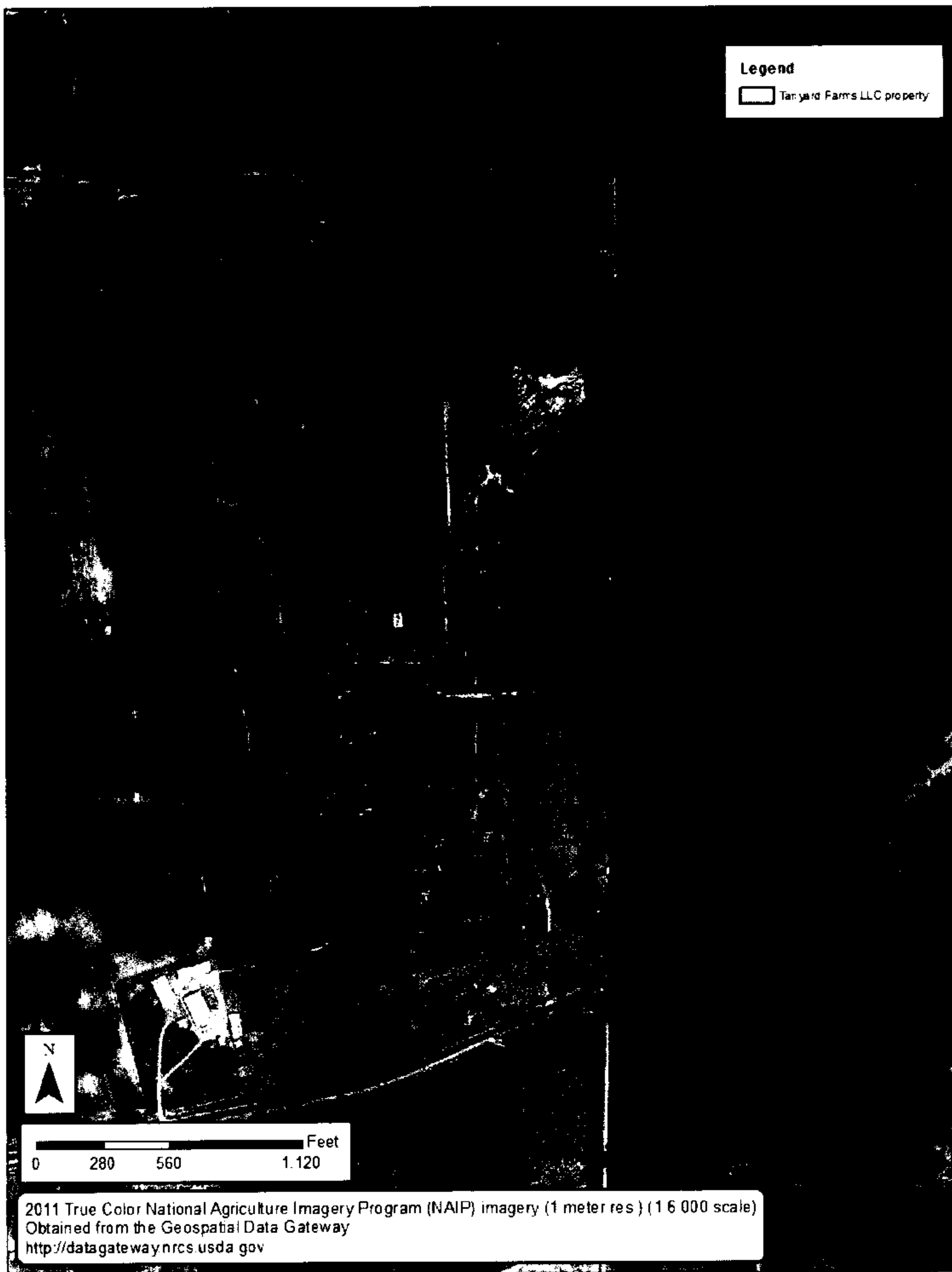


Figure 12. 2011 True Color NAIP imagery (1 meter res.) (1:6,000 scale).

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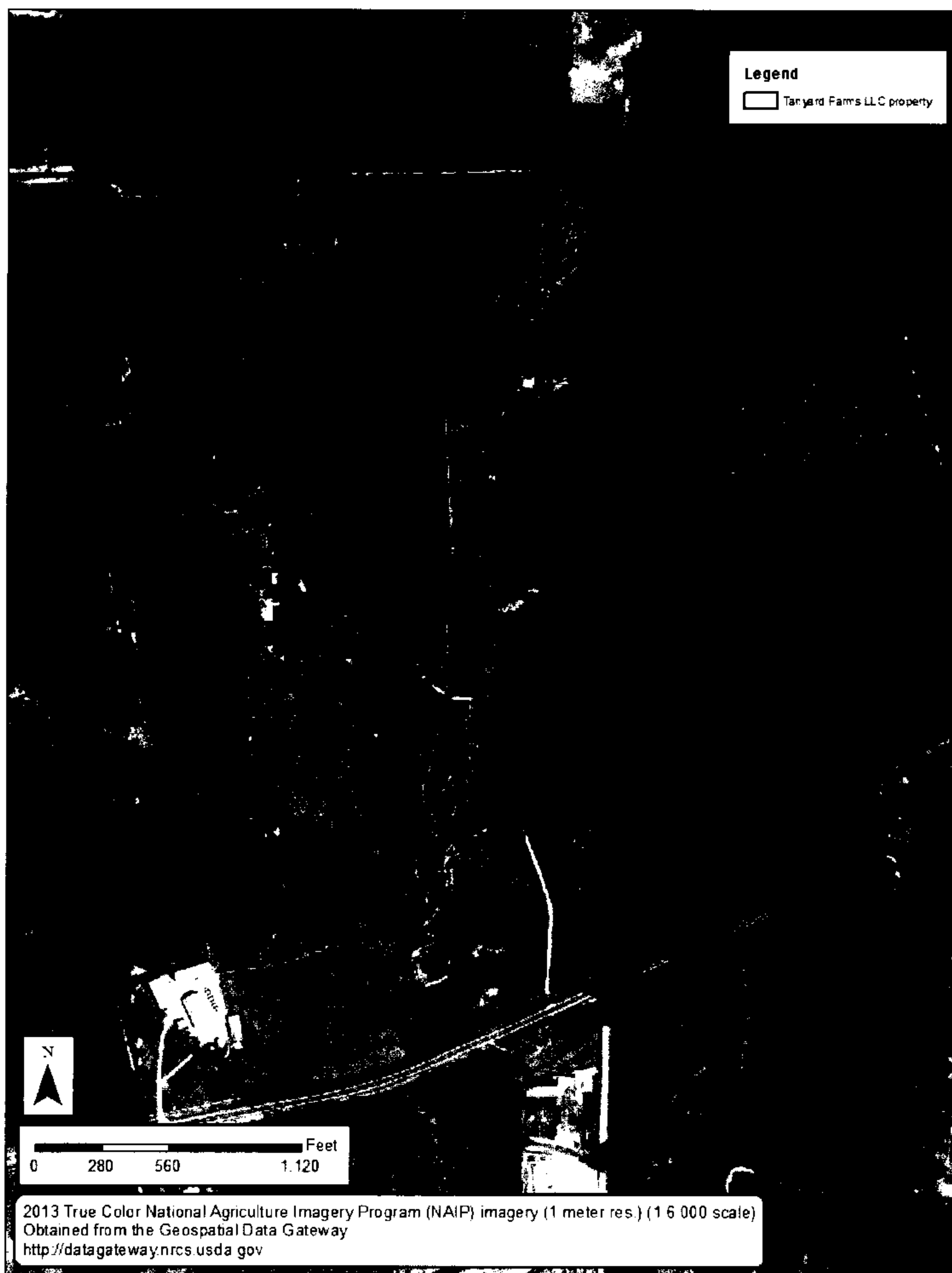


Figure 13. 2013 True Color NAIP imagery (1 meter res.) (1:6,000 scale).



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Soils Map

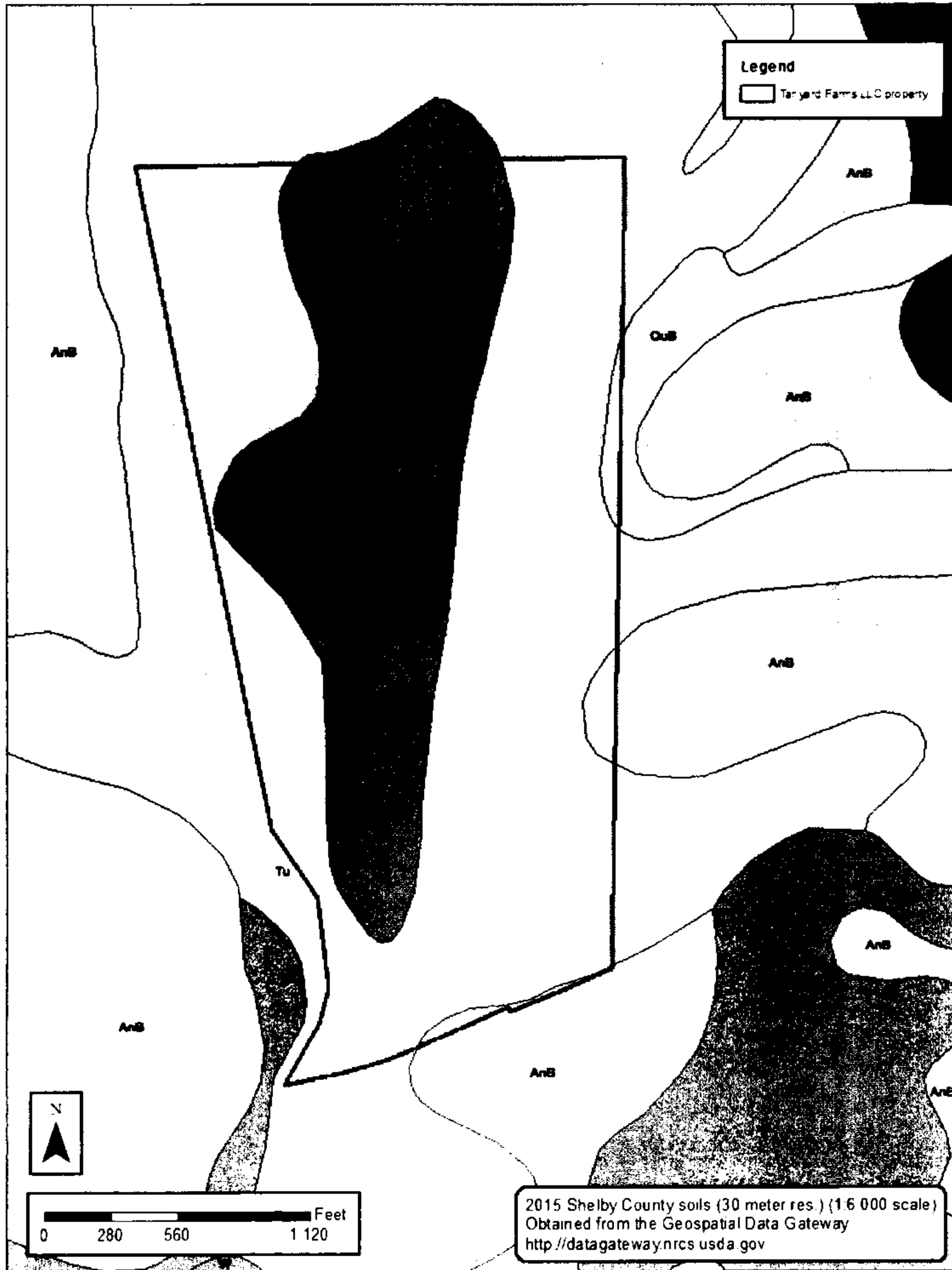


Figure 15. Alabama soil types on Tanyard Farms, LLC property (1:6,000 scale).

The Tanyard Farms, LLC property is composed of following prime Alabama agricultural soils as identified by United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS):

(AnB) Allen loam, 2 to 6 percent slopes, *All areas are prime farmland;*

(QuB) Quitman loam, 0 to 4 percent slopes, *All areas are prime farmland.*



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Conservation Easement Map

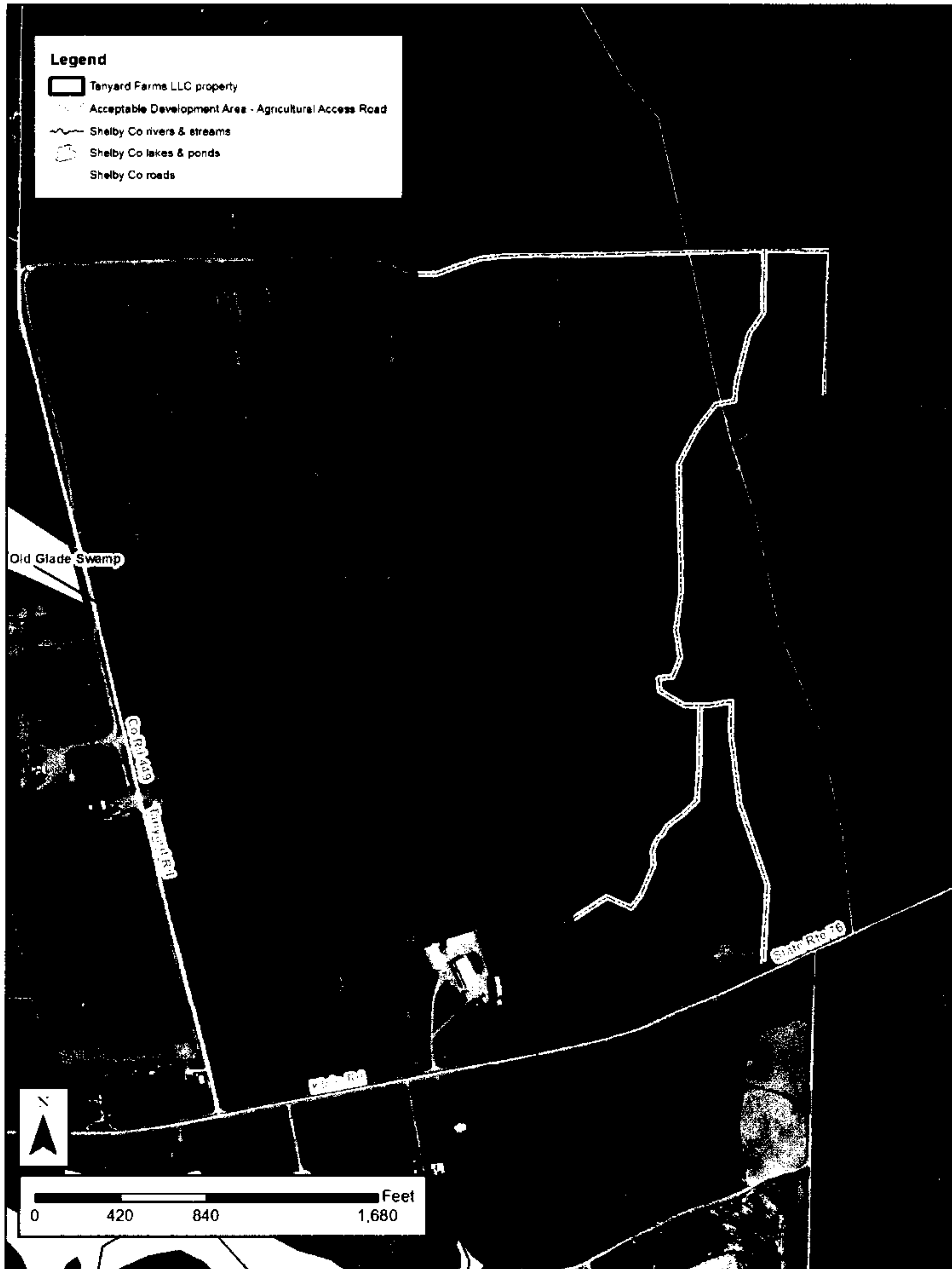


Figure 16. Conservation easement map depicting spatial location of the Acceptable Development Area – Agricultural Access Road (in Sahara sand) (1:7,000 scale).



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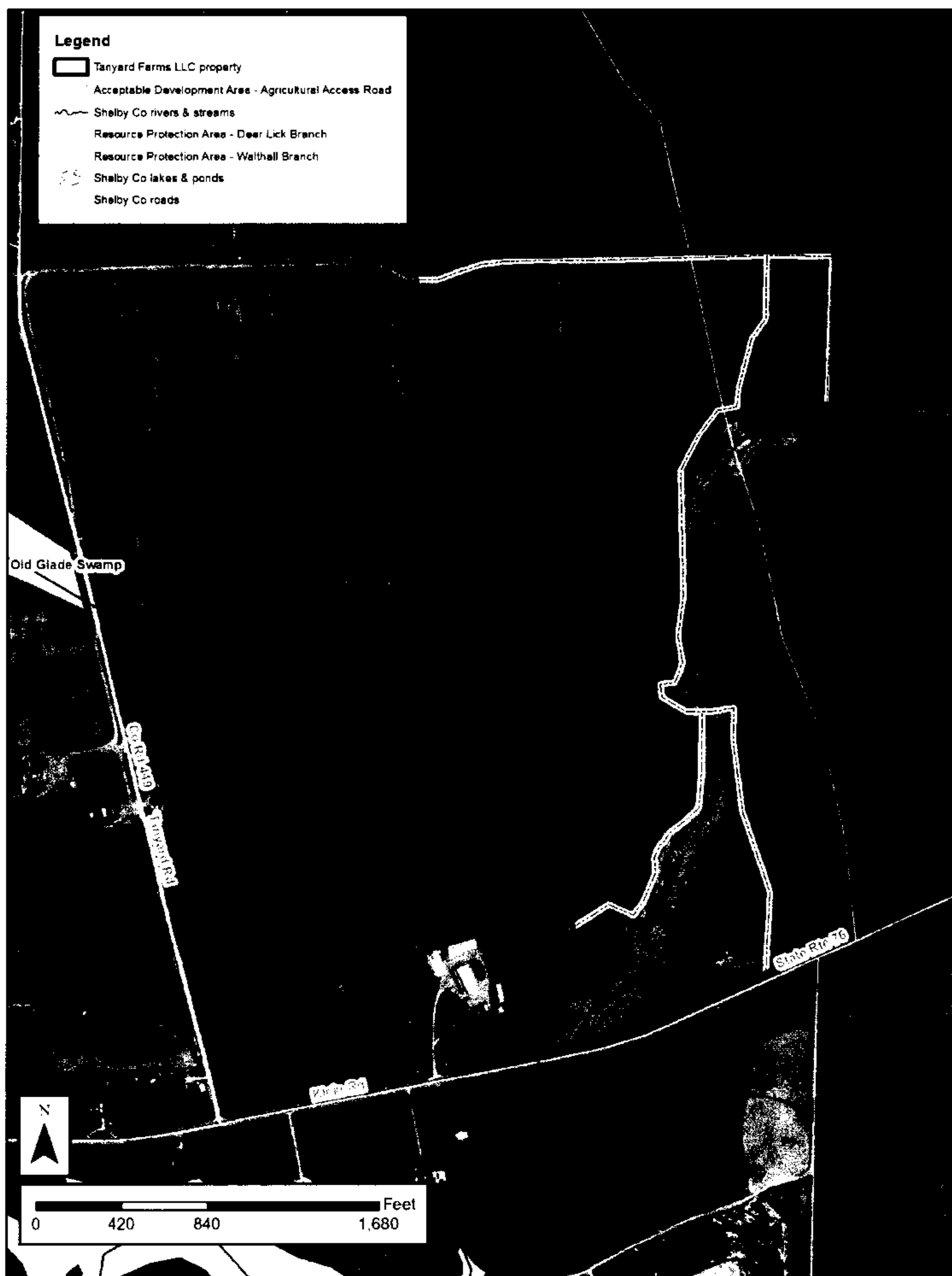


Figure 17. Conservation easement map depicting spatial location of the Shelby County rivers & streams (in blue), the Resource Protection Area – Deer Lick Branch (in Sugilite sky), and the Resource Protection Area – Walthall Branch (in Fuchsia pink) (1:7,000 scale).



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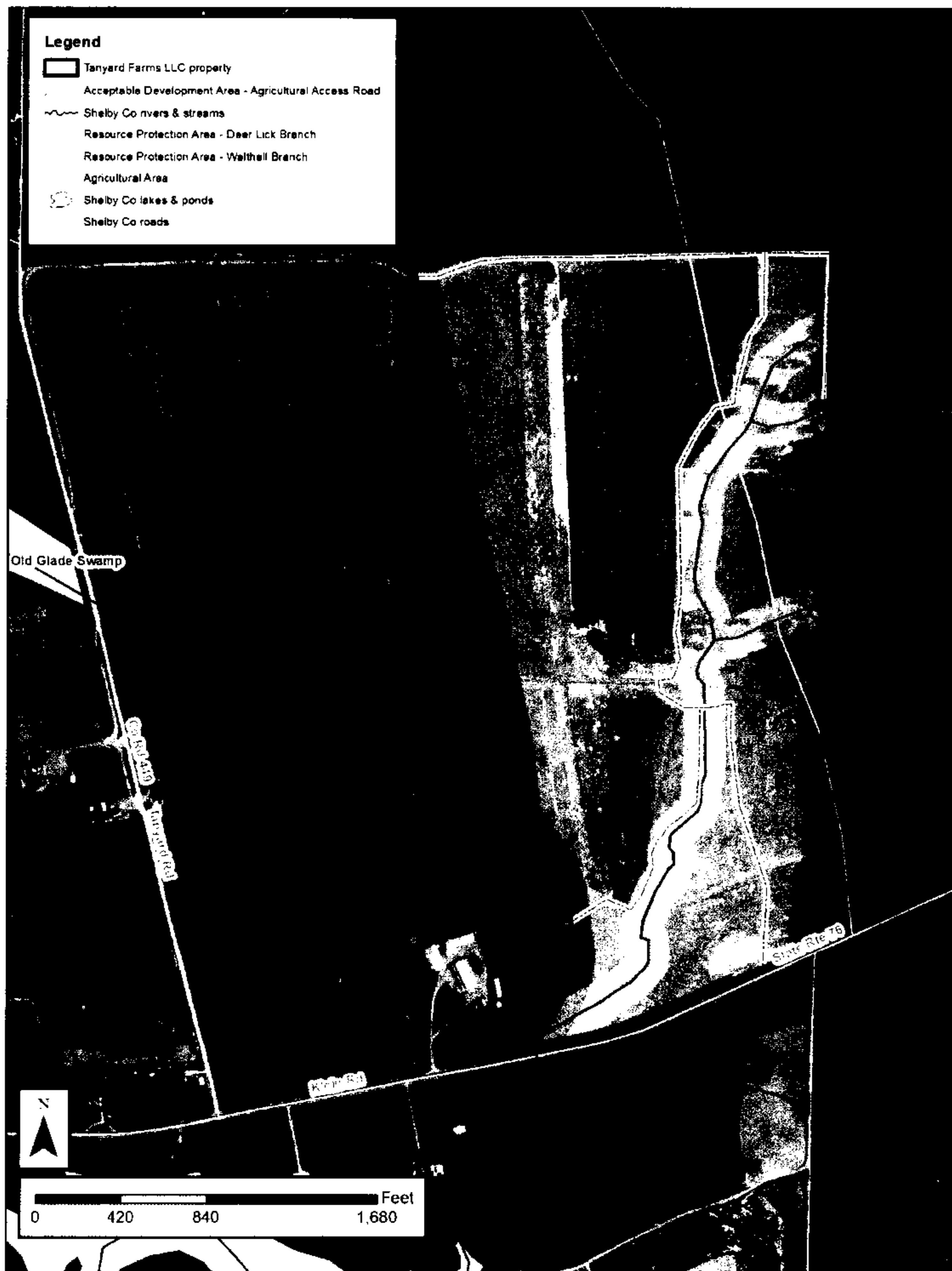


Figure 18. Conservation easement map depicting spatial location of the Agricultural Area (in beige) (1:7,000 scale).



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Photographic Documentation



Figure 20. Walthall Branch/property corner (010° orientation) (Waypoint 01).



Figure 21. Property corner/Alabama State Route 76/Klein Road (080° orientation) (Waypoint 01).





Figure 22. Property view/scenic view (340° orientation) (Waypoint 02).

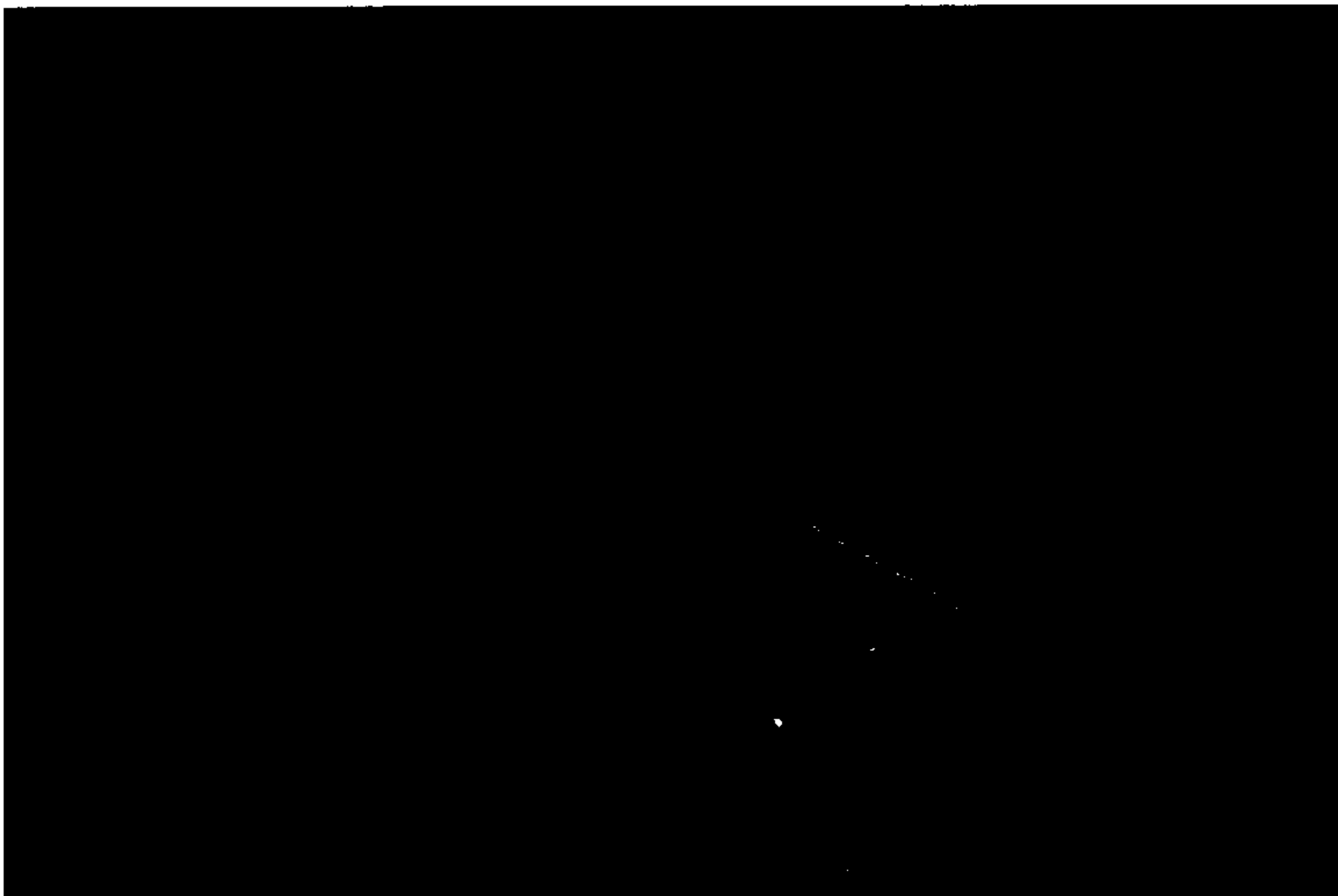


Figure 23. Property line/Alabama State Route 76/Klein Road/scenic view (060° orientation) (Waypoint 02).



Figure 24. Property line/Alabama State Route 76/Klein Road/scenic view (260° orientation) (Waypoint 02).

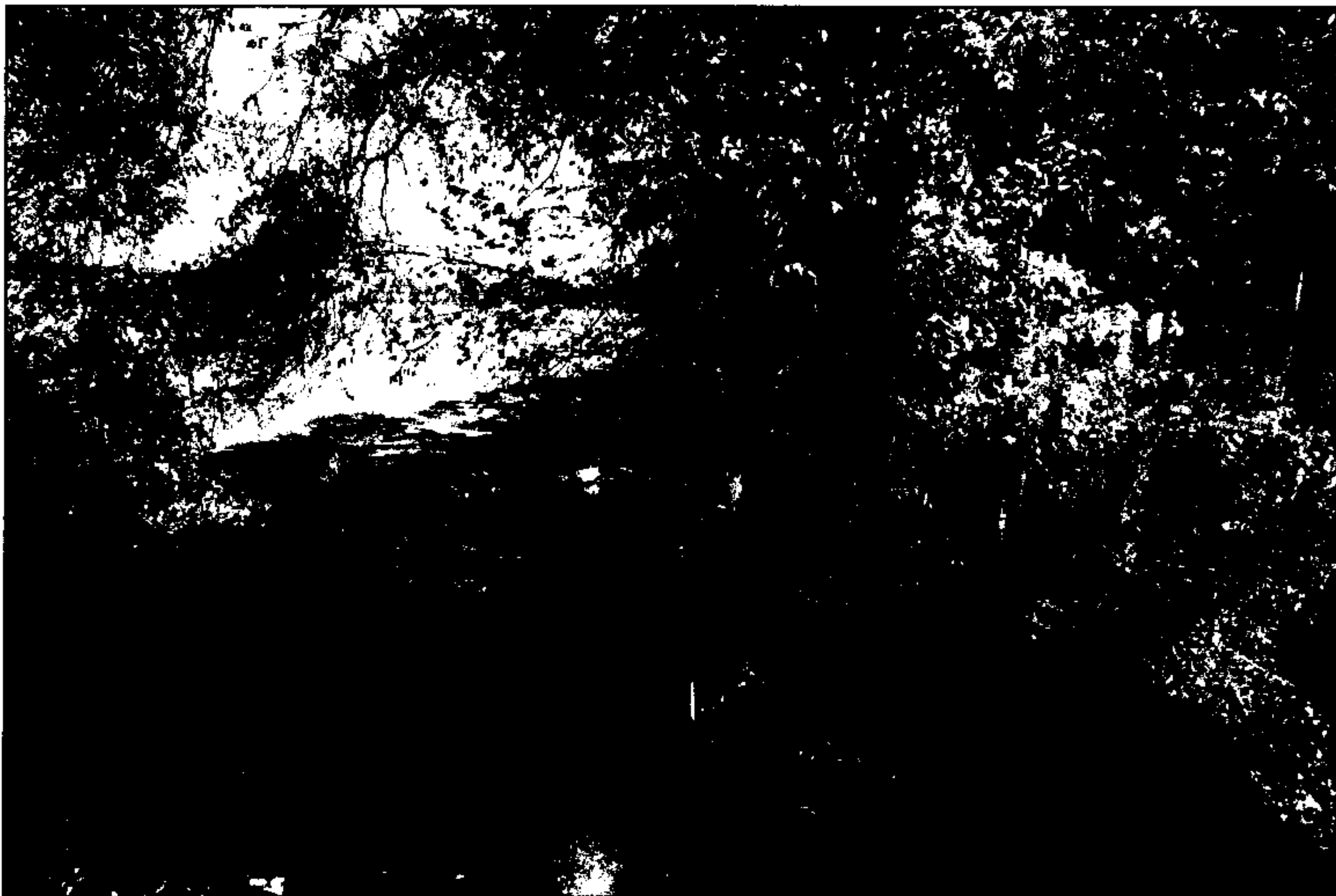


Figure 25. Property corner (345° orientation) (Waypoint 03).





Figure 26. Property line/Alabama State Route 76/Klein Road (265° orientation) (Waypoint 03).

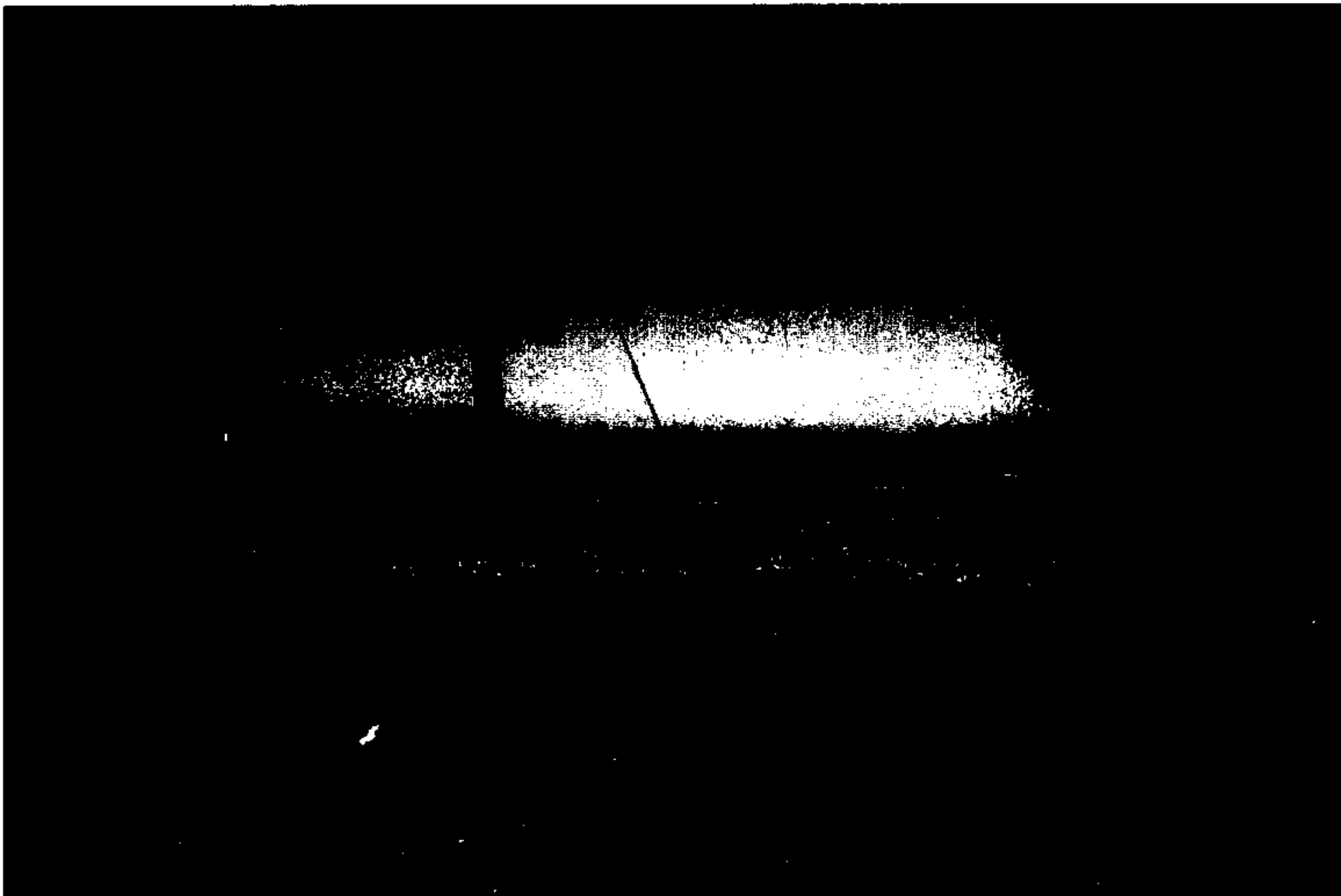


Figure 27. Property view/scenic view (310° orientation) (Waypoint 03).



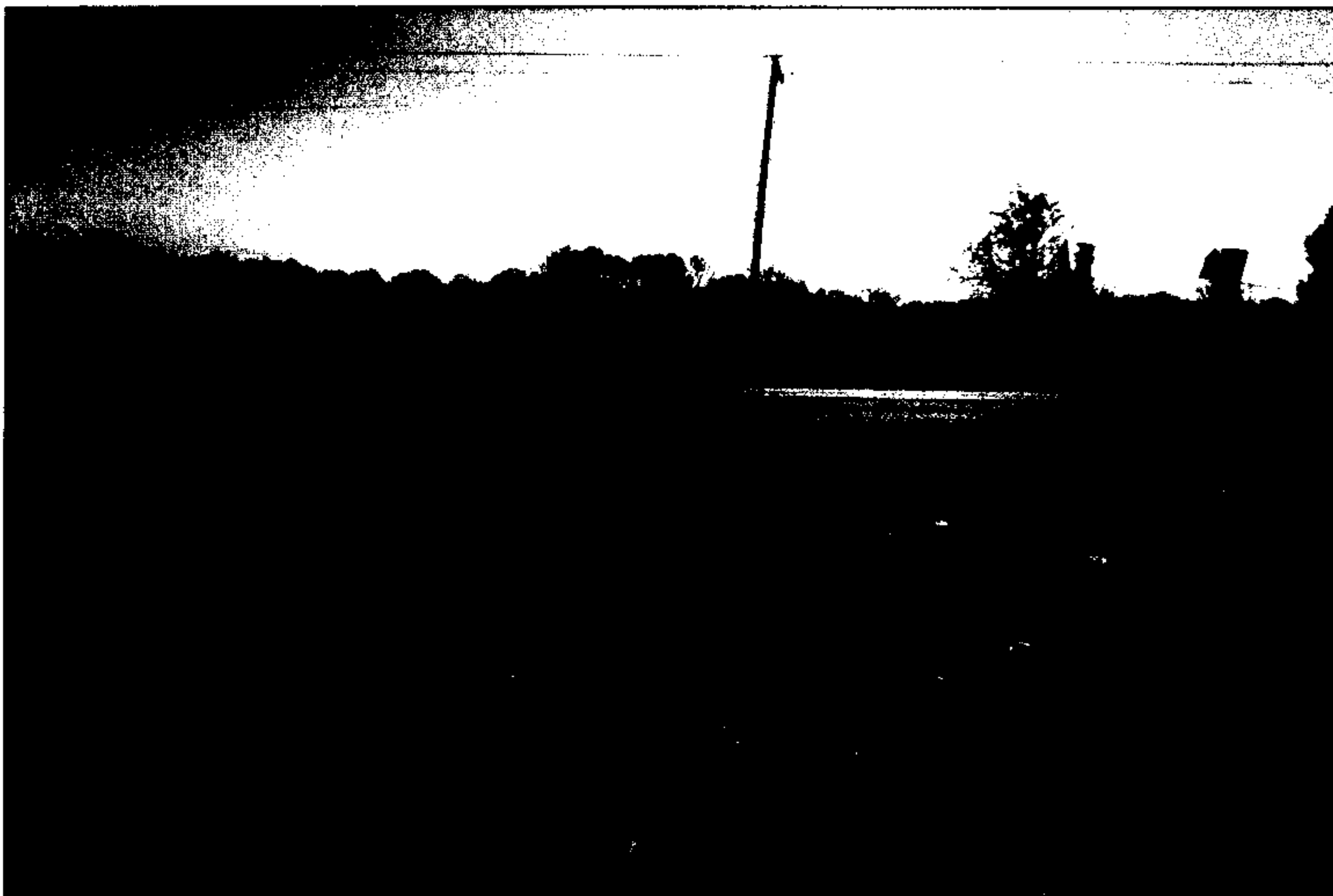


Figure 28. Property access gate (160° orientation) (Waypoint 04).



Figure 29. Property view/agricultural area (300° orientation) (Waypoint 04).





Figure 30. Property view/agricultural access road (020° orientation) (Waypoint 04)



Figure 31. Drainage crossing (353° orientation) (Waypoint 05).

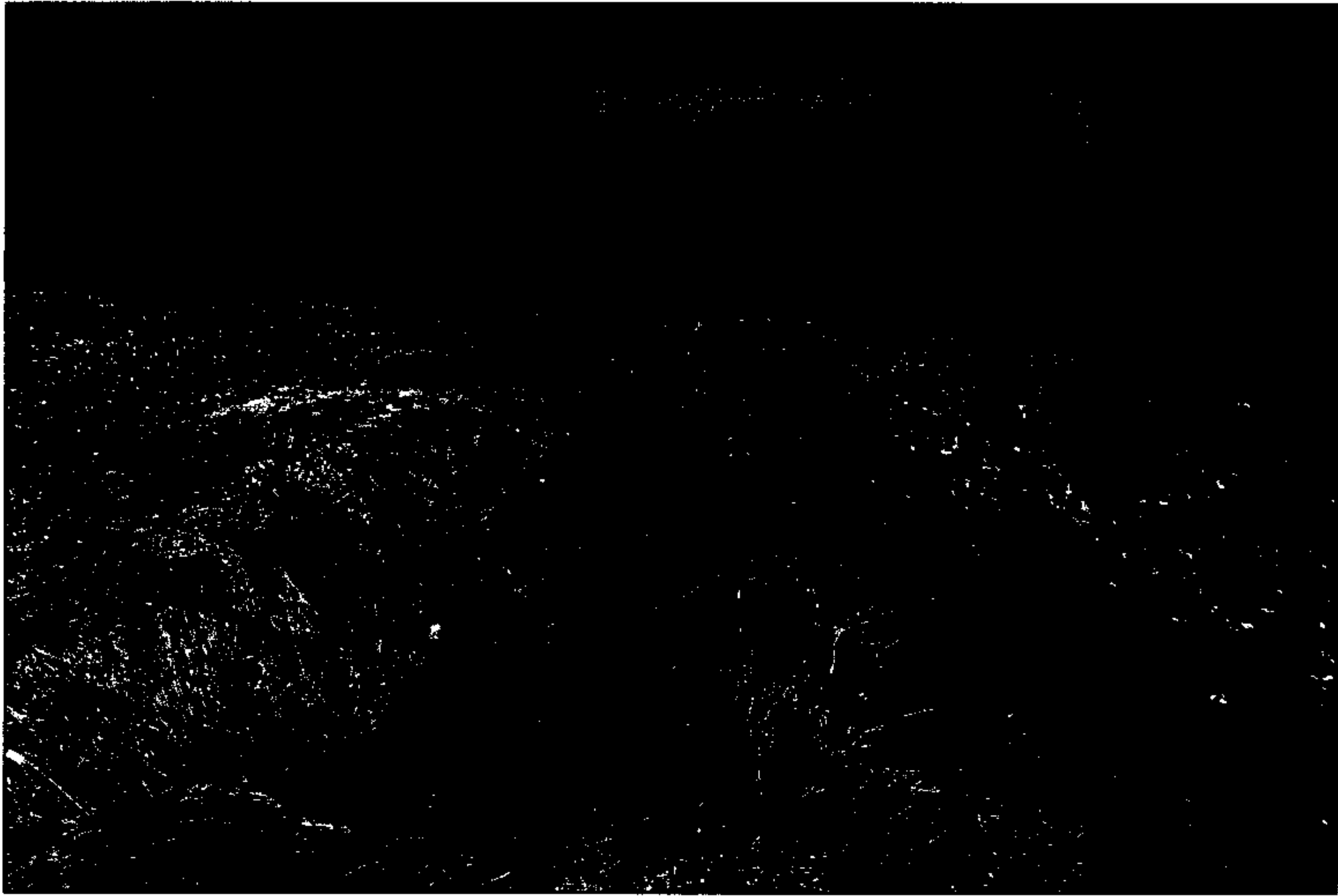


Figure 32. Irrigation ditch (070° orientation) (Waypoint 05).



Figure 33. Irrigation ditch (270° orientation) (Waypoint 05).



Figure 34. Property view/agricultural area (020° orientation) (Waypoint 05).



Figure 35. Property view/agricultural area/scenic view (220° orientation) (Waypoint 05).



Figure 36. Internal fenceline (250° orientation) (Waypoint 06).



Figure 37. Internal fenceline (080° orientation) (Waypoint 06).

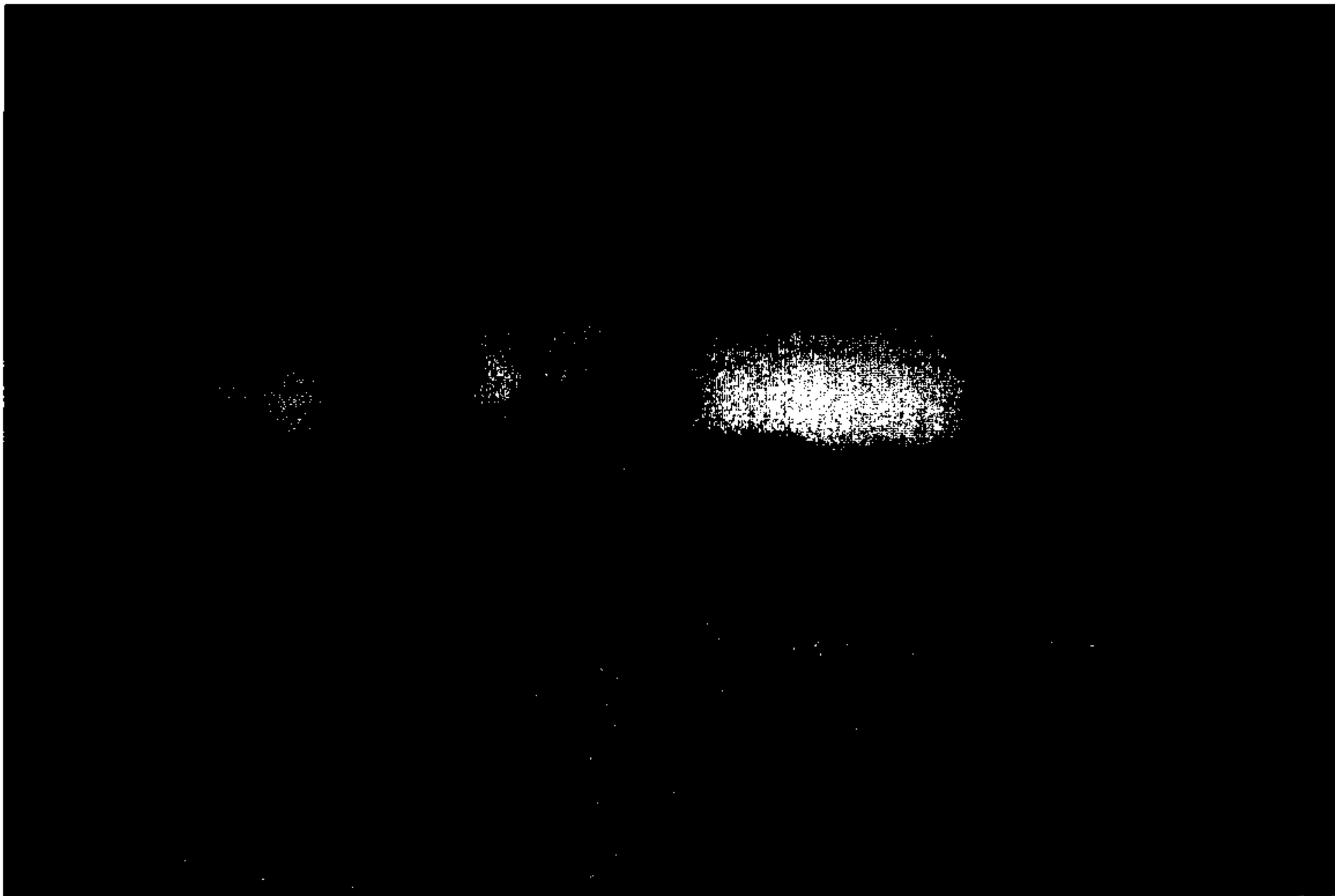


Figure 38. Property view (340° orientation) (Waypoint 06).



Figure 39. Property view/agricultural area (160° orientation) (Waypoint 06).



Figure 40. Property line/agricultural access road (000° orientation) (Waypoint 07).

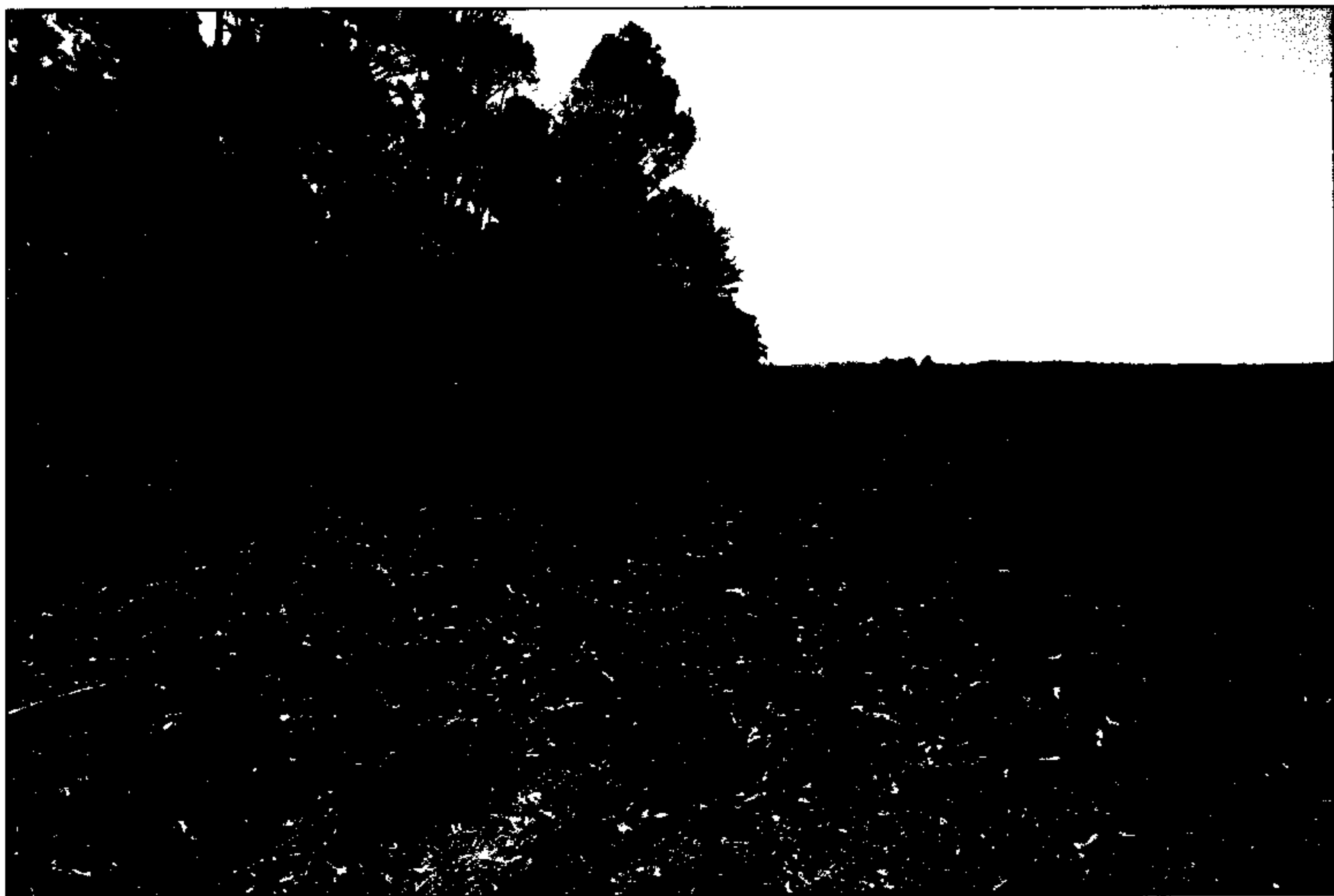


Figure 41. Property line/agricultural access road (180° orientation) (Waypoint 07).



Figure 42. Shooting blind (260° orientation) (Waypoint 07).



Figure 43. Concrete road bridge/creek crossing (190° orientation) (Waypoint 08).

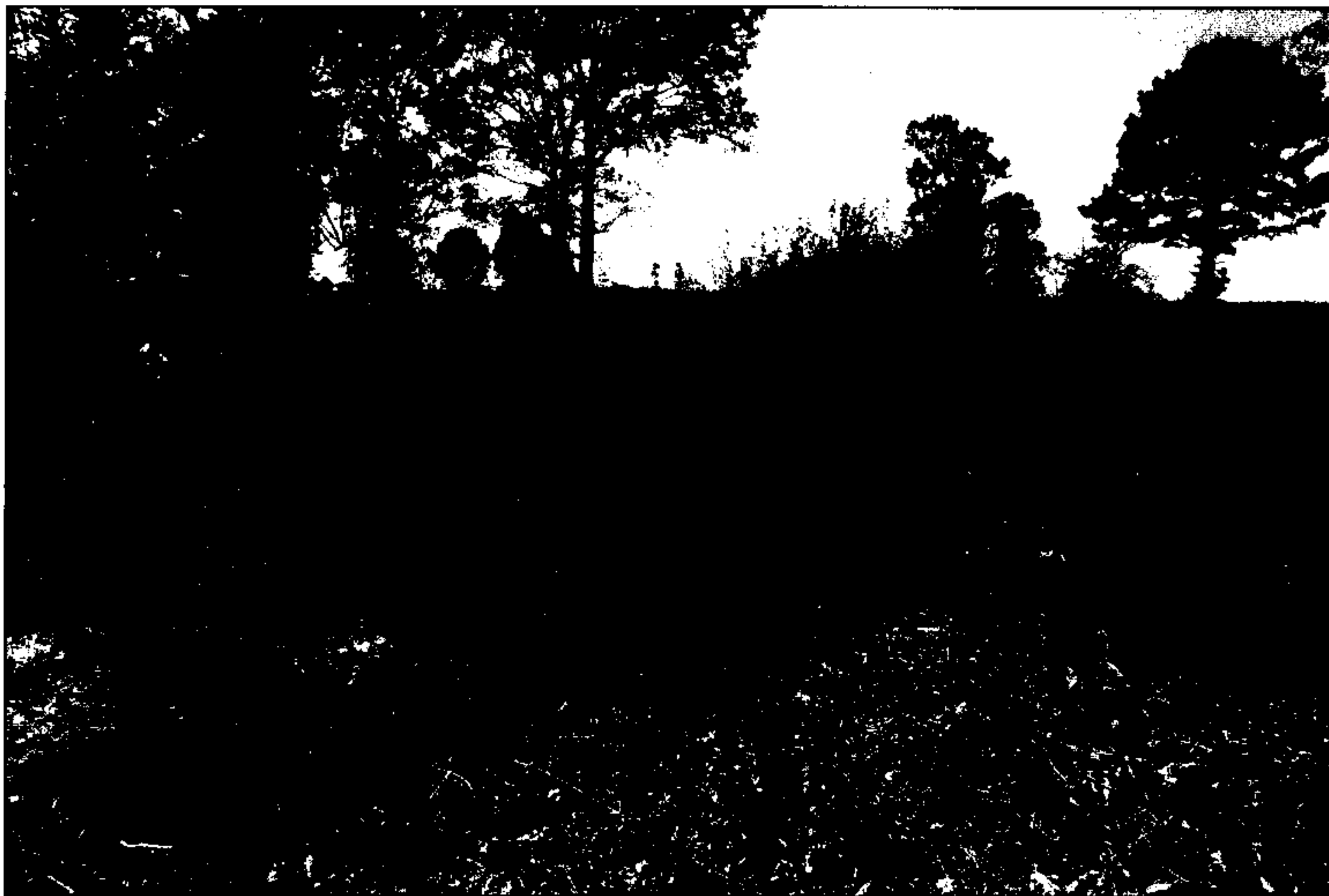


Figure 44. Deer Lick Branch/riparian area (240° orientation) (Waypoint 08).



Figure 45. Property view (300° orientation) (Waypoint 08).



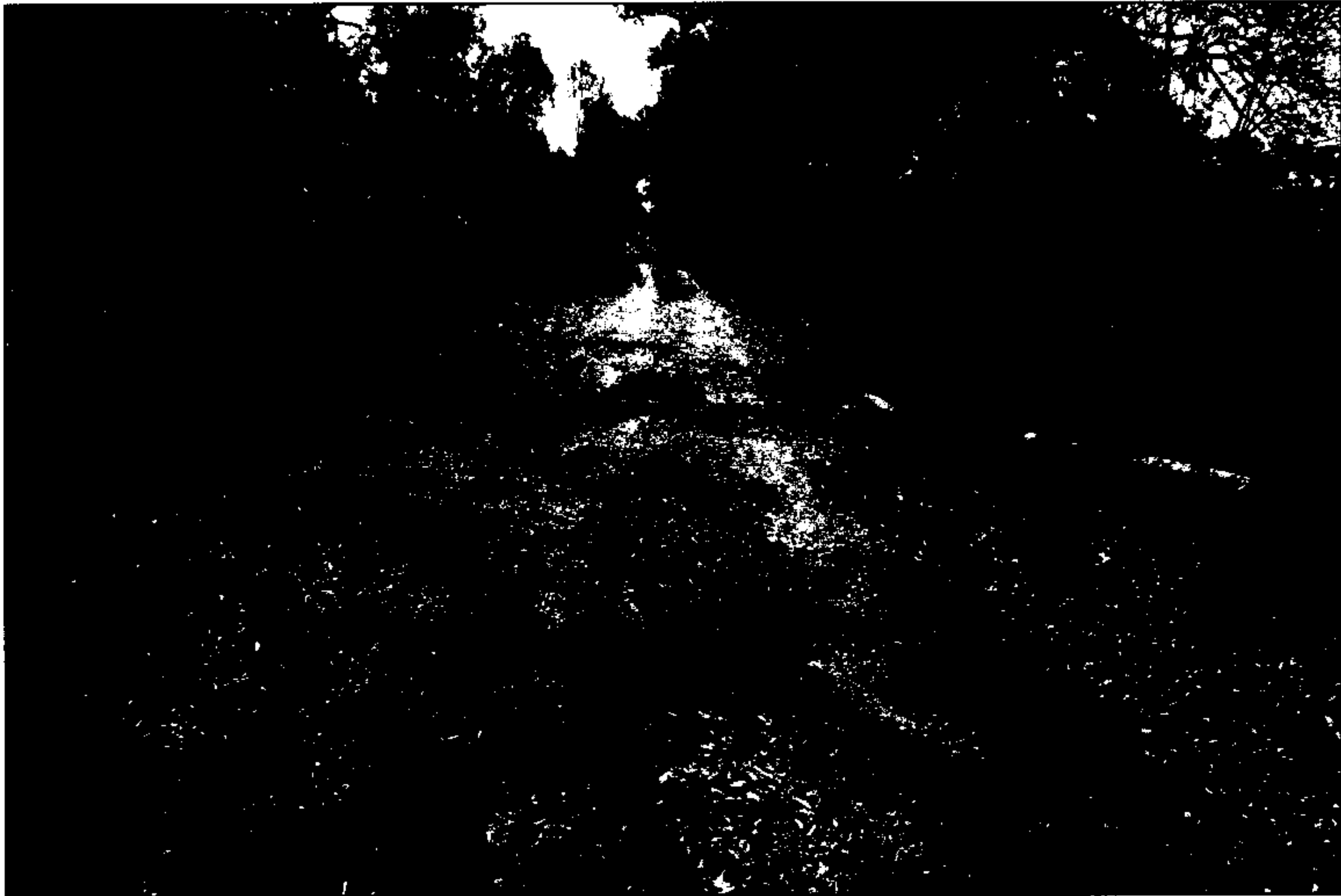


Figure 46. Creek crossing/concrete culvert (160° orientation) (Waypoint 09).



Figure 47. Deer Lick Branch/concrete culvert (240° orientation) (Waypoint 09).





Figure 48. Property view (300° orientation) (Waypoint 09).



Figure 49. Property line/agricultural access road (350° orientation) (Waypoint 09).





Figure 50. Concrete road bridge/creek crossing (160° orientation) (Waypoint 10).



Figure 51. Property corner/agricultural access road (160° orientation) (Waypoint 11).





Figure 52. Property view/agricultural area (215° orientation) (Waypoint 11).



Figure 53. Property corner/agricultural access road (260° orientation) (Waypoint 11).





Figure 54. Property access gate (010° orientation) (Waypoint 12).

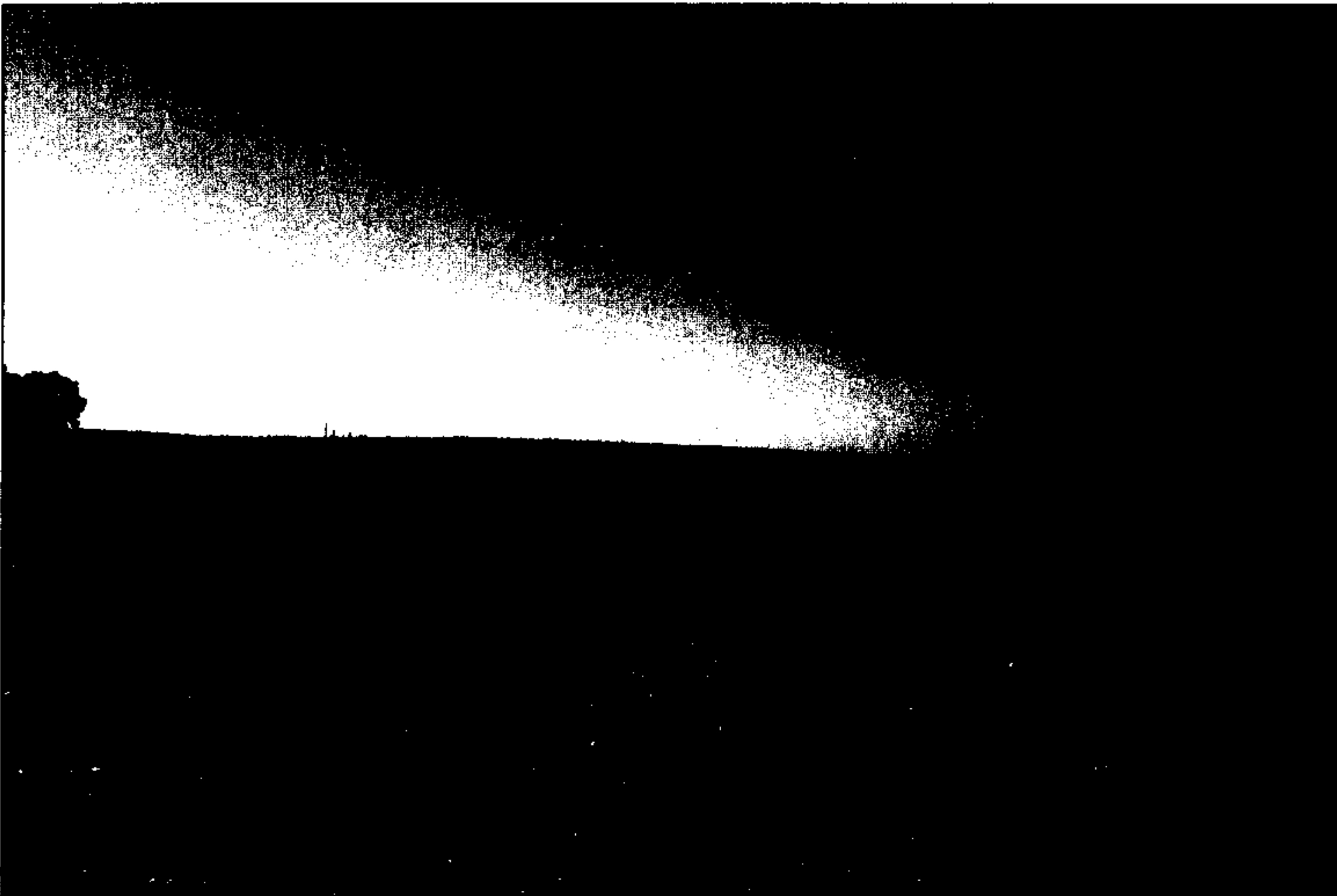


Figure 55. Property view/agricultural area (140° orientation) (Waypoint 12).

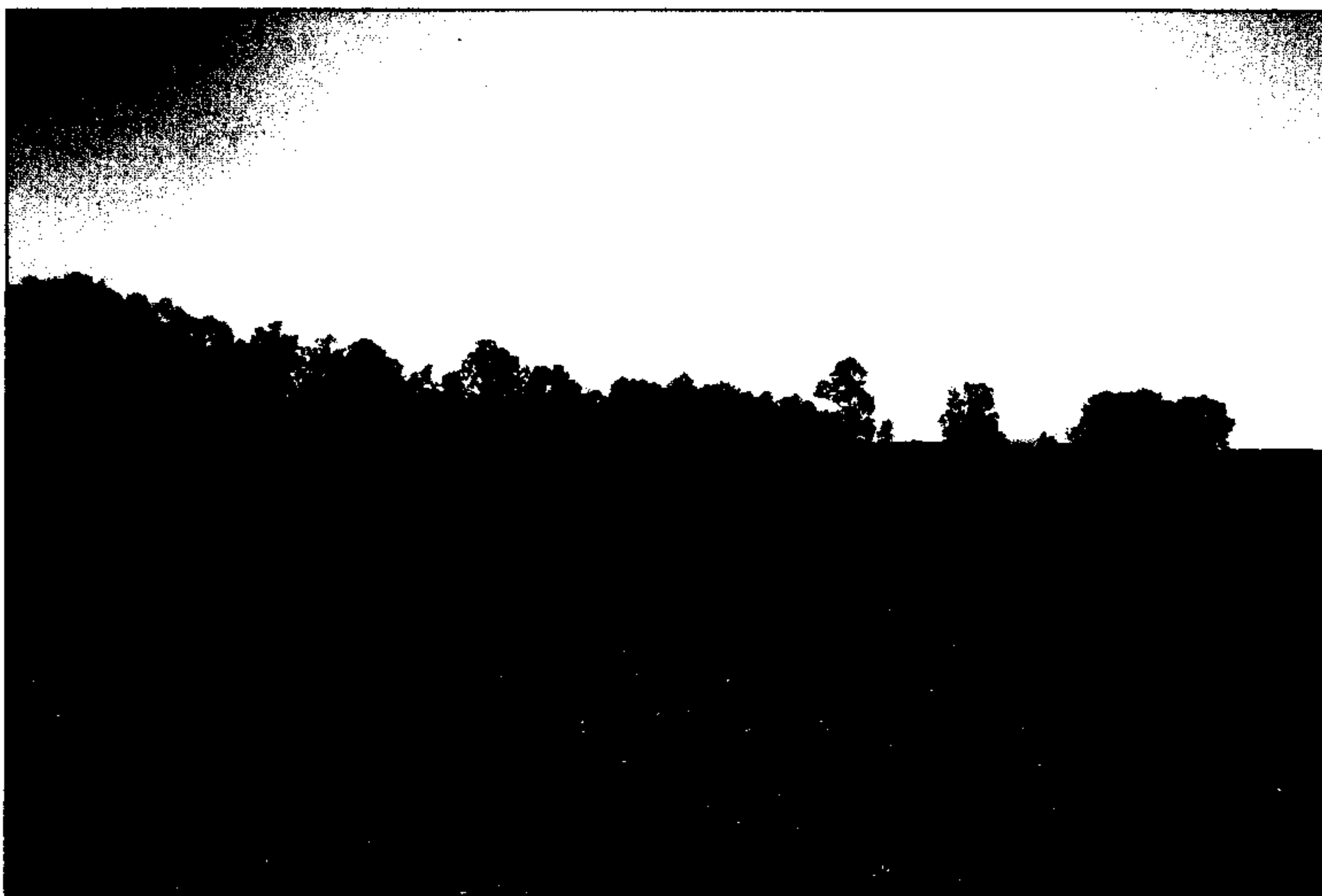


Figure 56. Property view/agricultural area (220° orientation) (Waypoint 12).



Figure 57. Shooting blind (357° orientation) (Waypoint 13).





Figure 58. Property view/agricultural area (240° orientation) (Waypoint 13).



Figure 59. Property view/agricultural area (180° orientation) (Waypoint 13).





Figure 60. Property view/agricultural access road (120° orientation) (Waypoint 15).

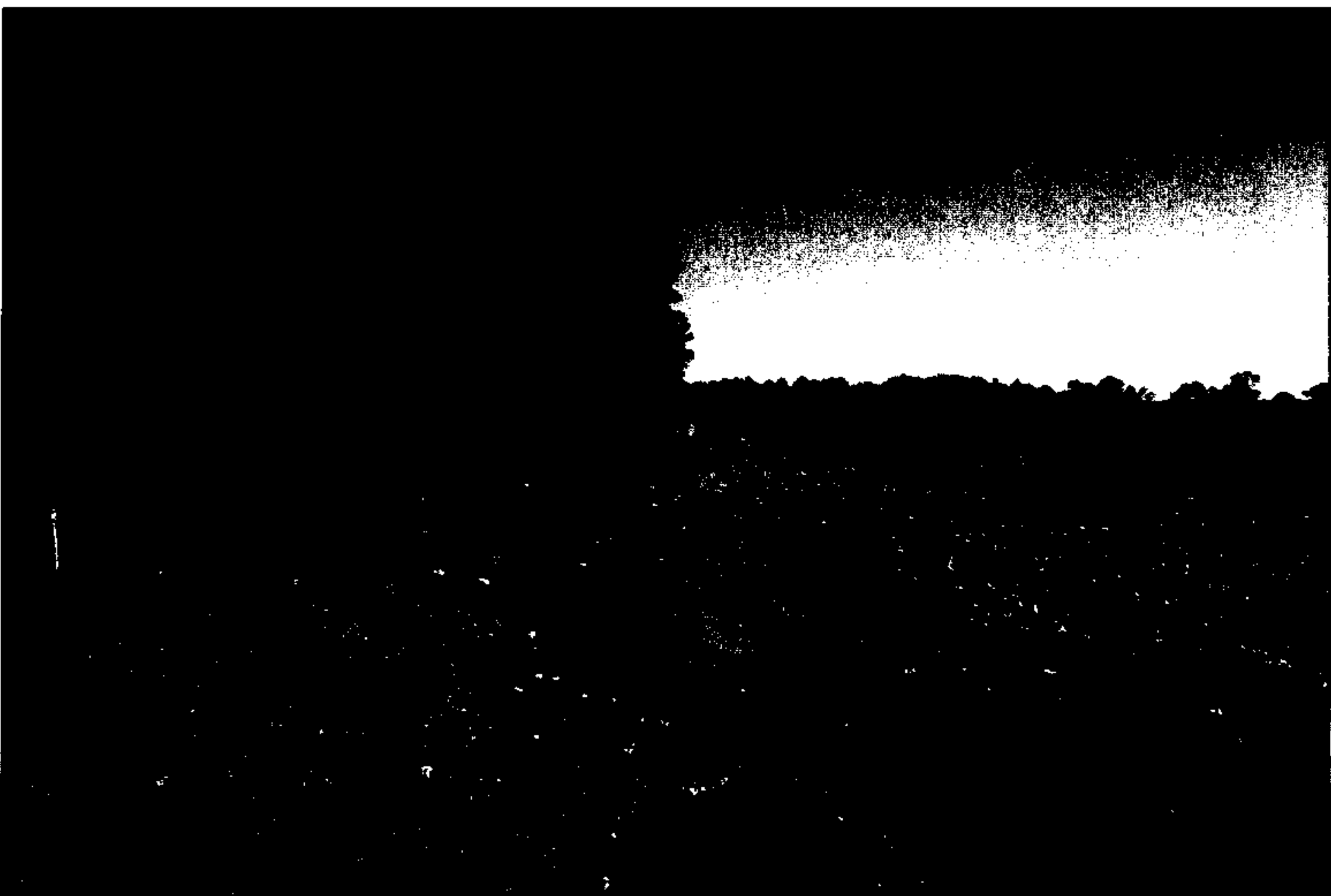


Figure 61. Property line/agricultural access road (080° orientation) (Waypoint 14).





Figure 62. Property line/agricultural access road (270° orientation) (Waypoint 14).



Figure 63. Agricultural access road (180° orientation) (Waypoint 14).



Figure 64. Fertilizer pile/land application (300° orientation) (Waypoint 15).



Figure 65. Fertilizer pile/land application (240° orientation) (Waypoint 15).



Figure 66. Property view/internal fenceline (240° orientation) (Waypoint 16).



Figure 67. Property view/internal fenceline (160° orientation) (Waypoint 16).

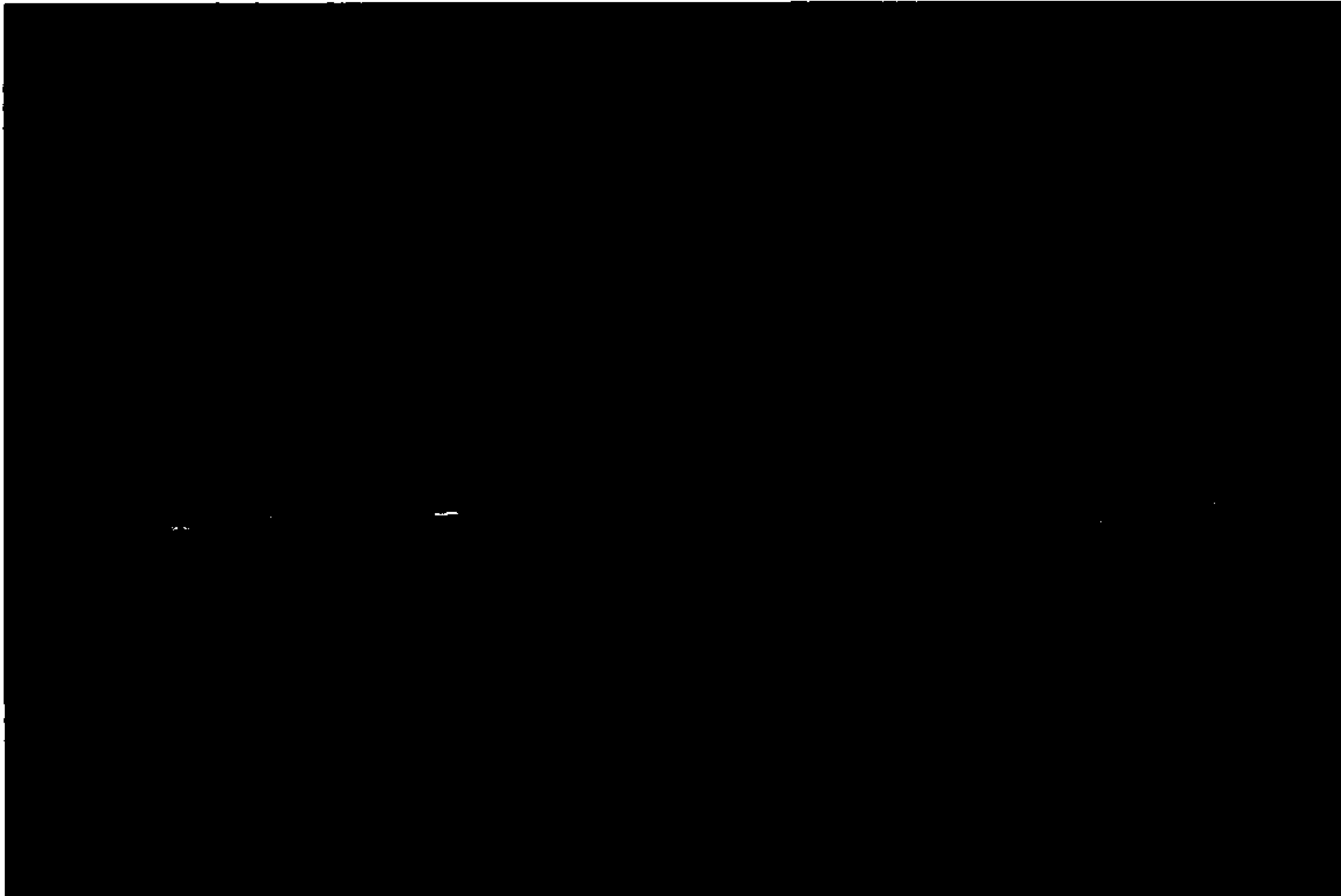


Figure 68. Property view/agricultural area (060° orientation) (Waypoint 16).



Figure 69. Property view/agricultural area (340° orientation) (Waypoint 16).

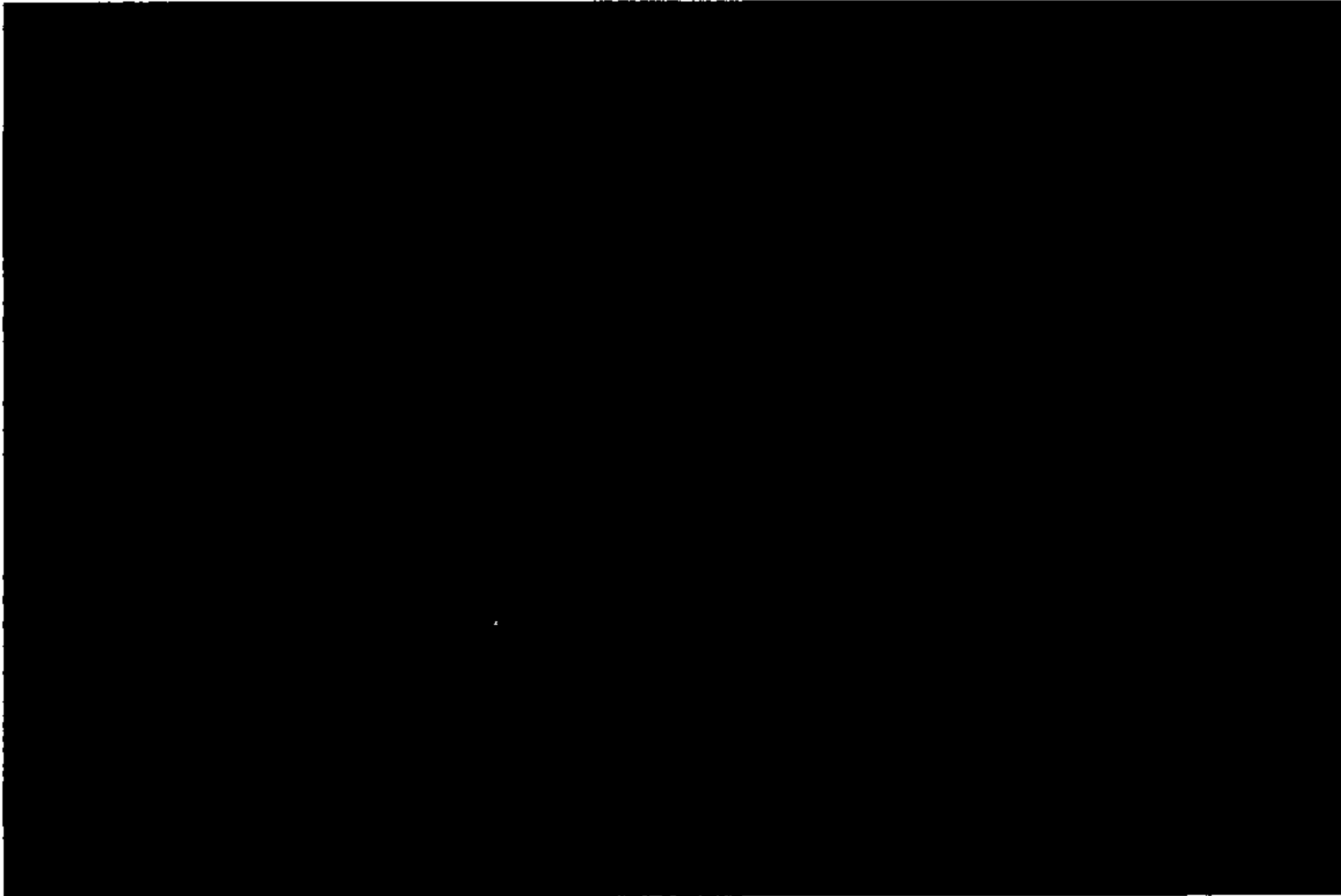


Figure 70. Internal gate (000° orientation) (Waypoint 17).

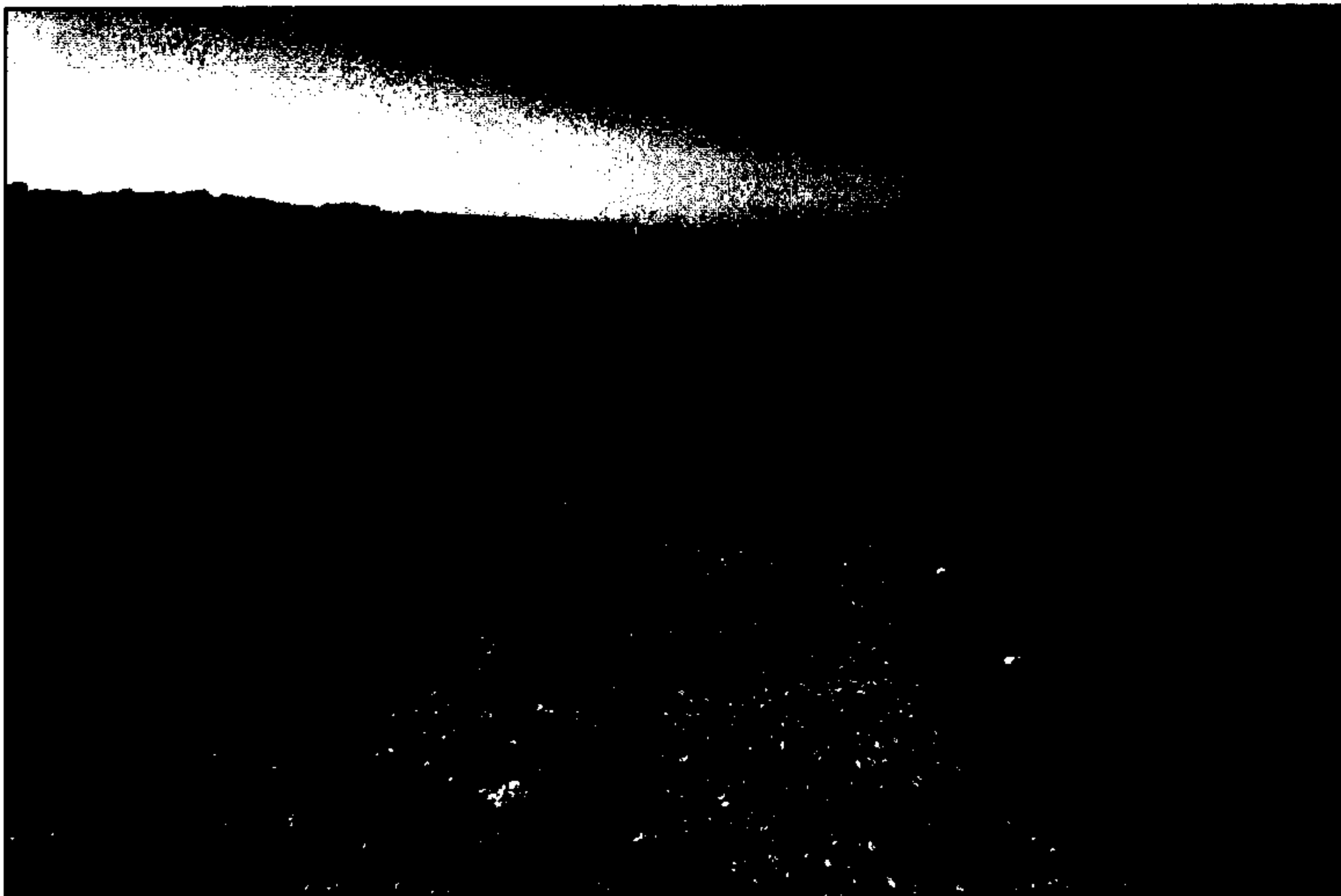


Figure 71. Creek crossing (090° orientation) (Waypoint 18).



Figure 72. Deer Lick Branch (000° orientation) (Waypoint 18).

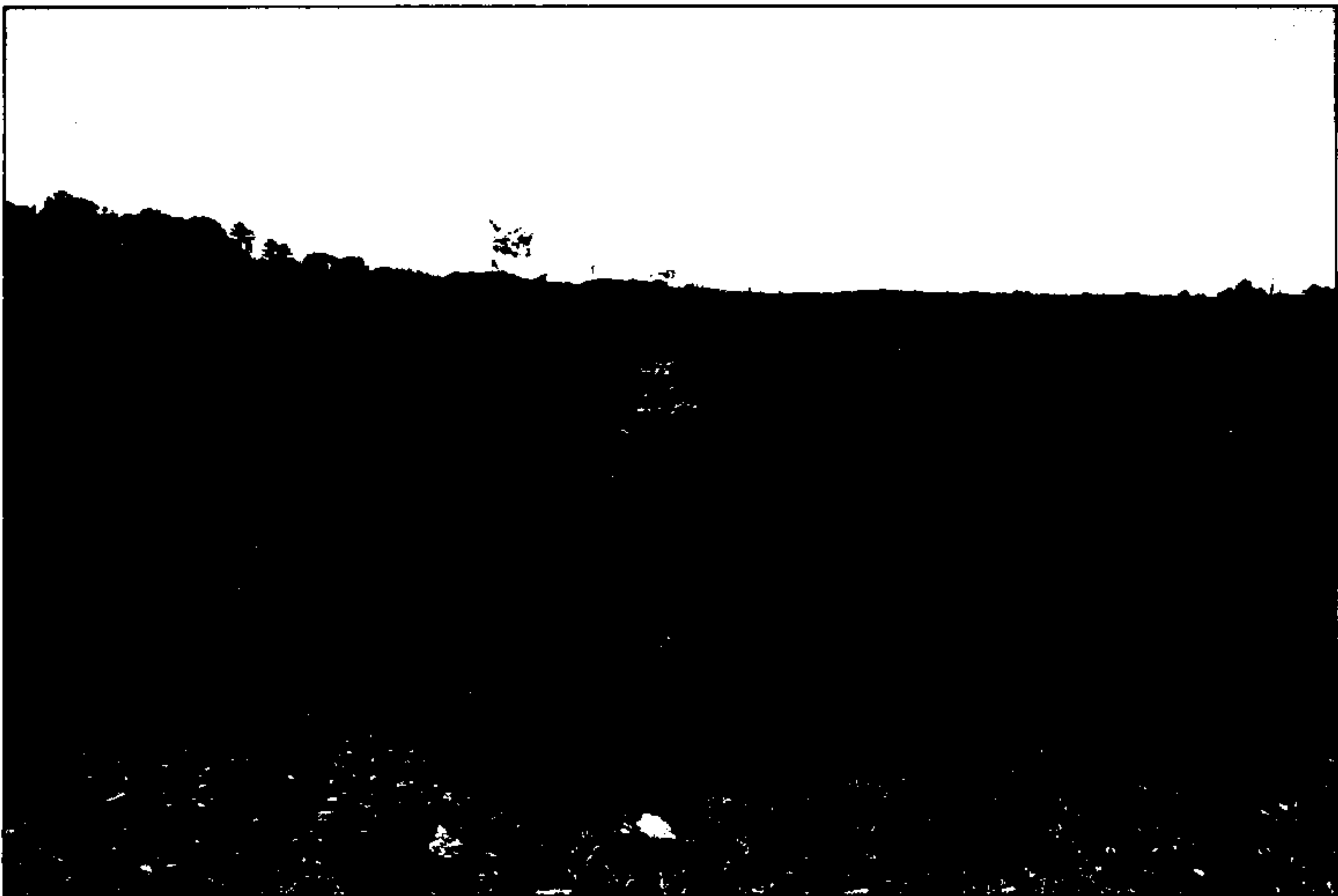


Figure 73. Deer Lick Branch/riparian area (180° orientation) (Waypoint 18).





Figure 74. Deer Lick Branch/riparian area (007° orientation) (Waypoint 19).

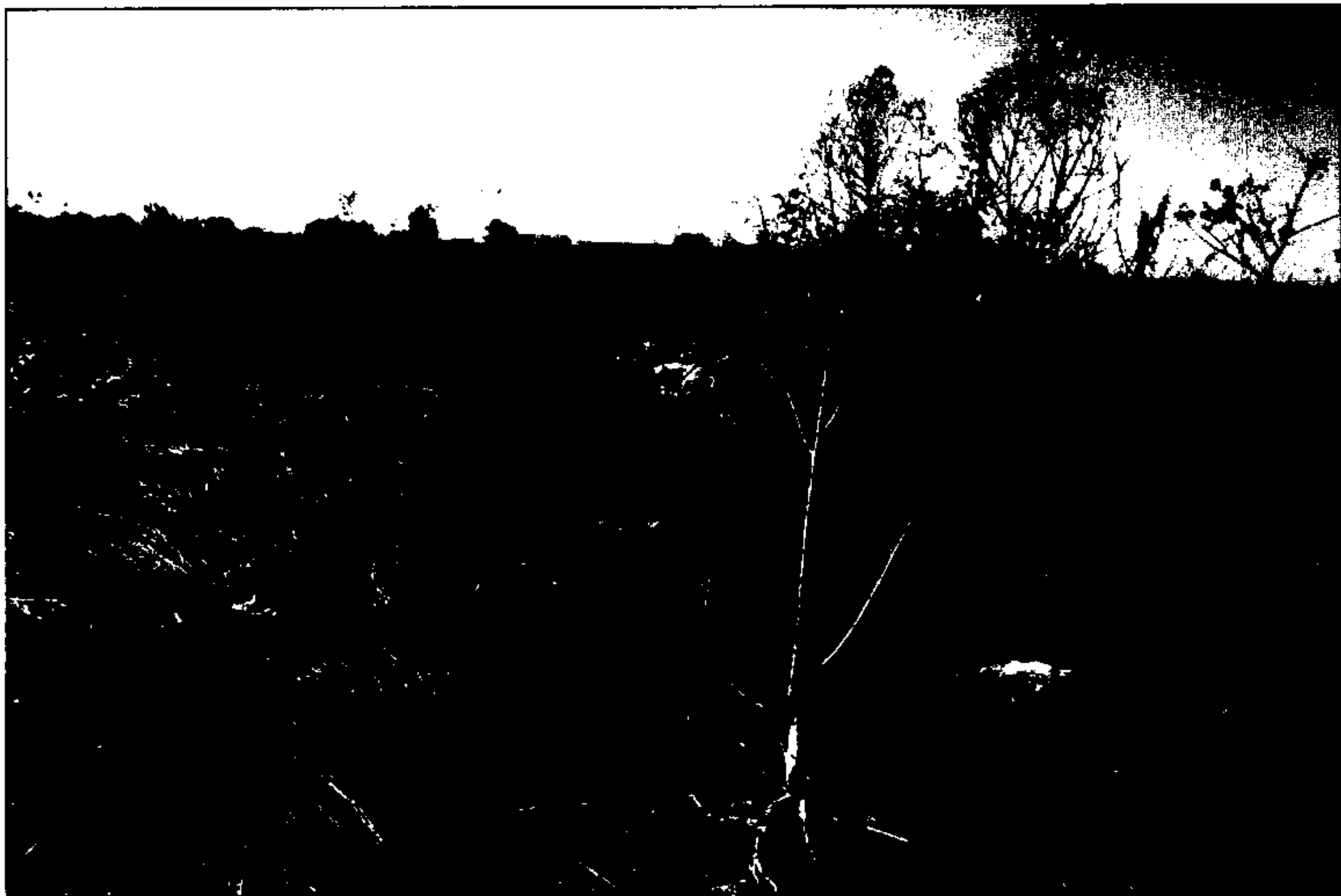


Figure 75. Deer Lick Branch/riparian area (270° orientation) (Waypoint 19).





Figure 76. Property view/agricultural area (080° orientation) (Waypoint 19).



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Map Certificate

Maps included in this baseline documentation report were compiled to meet United States National Map Accuracy Standards (NMAS). This map is not the result of a field survey and may not be used as such. These maps were compiled from information procured from the Alabama Data Portal, Virtual Alabama, the Geospatial Data Gateway, and the National Map Seamless Server. Users of these maps are hereby notified that the aforementioned primary information source should be consulted for verification of the information contained in these maps.

The boundaries depicted in this Baseline Document Report (Acceptable Development Area, Resource Protection Areas, Agricultural Area, Tanyard Farms, LLC property) are approximate. It is the responsibility of the map user to verify boundaries with the appropriate persons.

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Photography Disclaimer

The photographs in this document are depicted with reduced resolution and size to be appropriate for dissemination in paper form. The original, unedited photographs reside on the GIS computer at the Atlantic Coast Conservancy, Inc. office at 72 South Main Street, Jasper, Georgia under the path of D:\ACC Properties\State of Alabama\Tanyard Farms, LLC\Photographs\Baseline Documentation Photographs\Original Photographs.

Credentials

Robert D. Keller, Ph.D is the Chief Executive Officer of the Atlantic Coast Conservancy, Inc. He received a Bachelor of Science degree with honors in Biology (*cum laude*) from The University of Tampa, and received his doctorate from Wake Forest University. His dissertation project concentrated on the effects of an exotic species (the European wild boar, *Sus scrofa*) on the oak/hickory forests of the Great Smoky Mountains National Park.

Dr. Keller has:

- 1) attended the following Environmental Research Systems Institute (ESRI) instructor-led classes: Introduction to GIS (ArcView 3.2), Advanced GIS (ArcView 3.2), Introduction to GIS I (ArcGIS 9.1), Introduction to GIS II (ArcGIS 9.1), Advanced Analysis (ArcGIS 9.1), Cartography with ArcGIS (ArcGIS 9.1), Creating and Editing Parcels in ArcGIS (ArcGIS 9.2))

- 2) attended the following Duke University graduate program class (GIS-Based Analysis for Conservation Management)
- 3) created a geographic information systems (GIS) research laboratory, the Environmental Research and Mapping Facility (ERMF) while on faculty at the University of Tennessee – Chattanooga
- 4) led the Mountain Conservation Trust of Georgia to become the first land trust in the State of Georgia to receive the prestigious Seal of Accreditation from the Land Trust Alliance Accreditation Commission.



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