

PRIVATE LAND CONSERVATION IN ILLINOIS

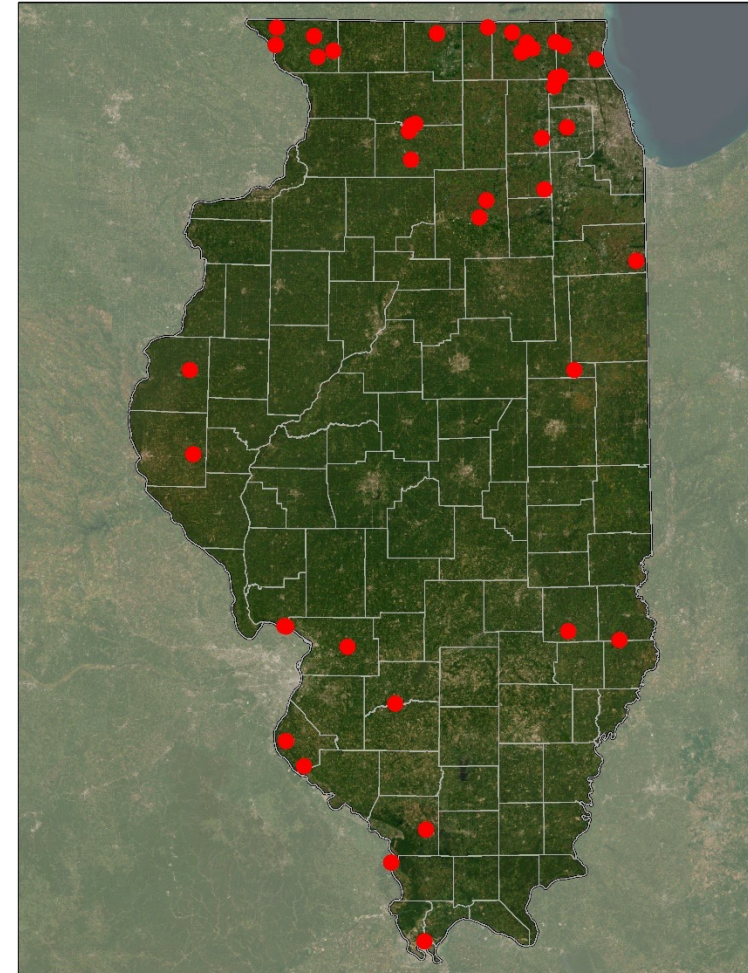
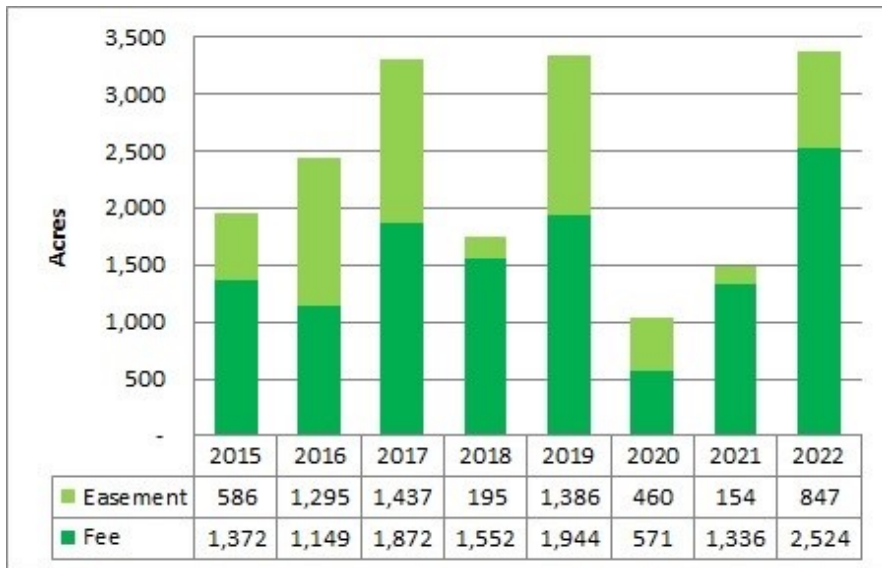
2022 YEAR IN REVIEW



Nonprofit Land Protection Projects - 2022

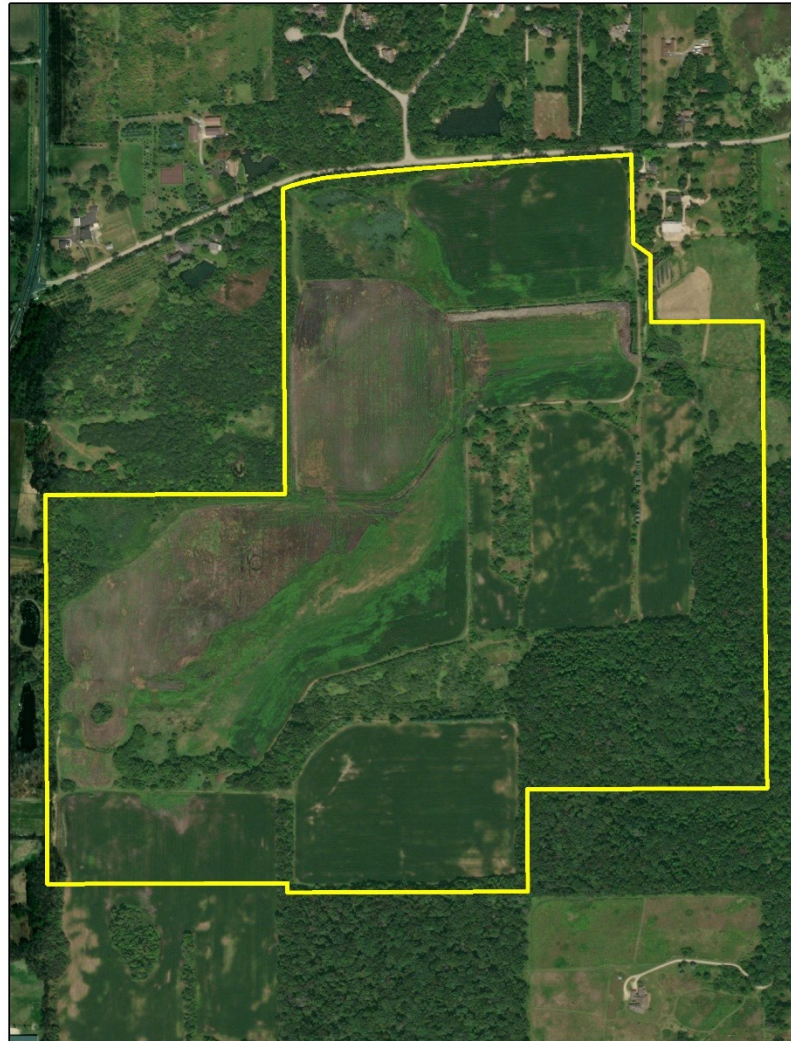
Projects by Size

< 10 acres:	6
10-50 acres:	16
50-100 acres:	11
100-150 acres:	5
150+ acres:	7



Looking Back

- The Land Conservancy of McHenry County
- 276.6 acres



- Multi-party project
 - Over 5 miles of trails to be built
- Peat covers >1/3 of the site
- Farmland will be leased
- Also has forest!
- Drain tiles will be broken to restore wetland
- Land will be deeded to local municipality
 - TLC will hold easement

Looking Back

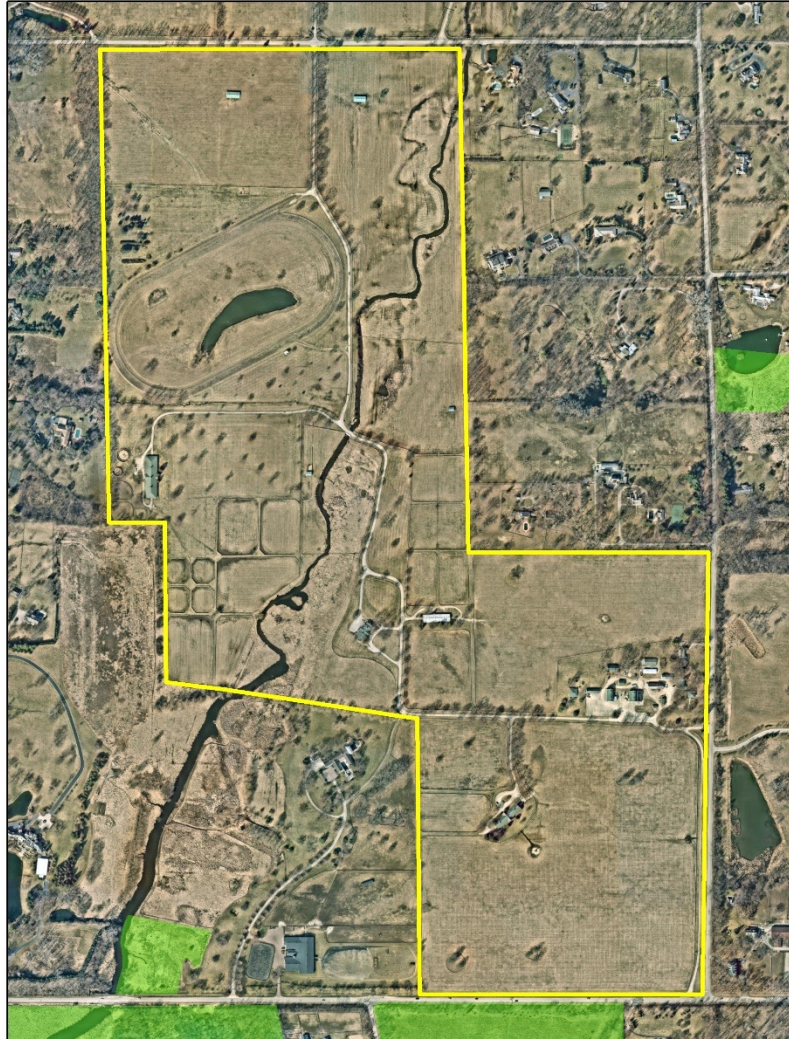
- Great Rivers Land Trust
- Adams County
- 101.4 acres



- Prime habitat for (Endangered) Indiana and Northern Long-eared bats
- Mitigation firm restoring the land
 - GRLT holds the easement
- Interior spaces retired from ag under CRP

Looking Back

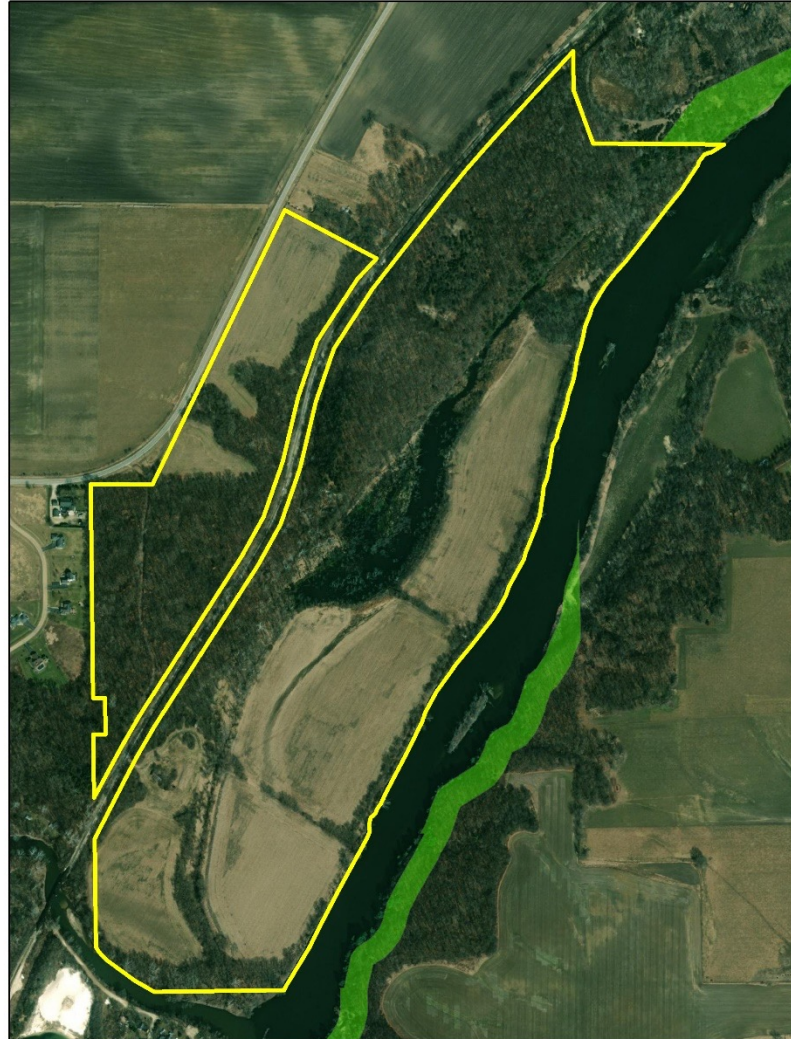
- Citizens for Conservation
- McHenry County
- 239.2 acres



- Spring Creek bisects the property, flowing for $\sim \frac{3}{4}$ of a mile
 - Creek is a longstanding conservation priority of multiple agencies
- Buildings being repurposed for both visitors and site management
- Will be restored to prairie, wetland, and savanna – all in-house!

Looking Back

- The Conservation Foundation
- La Salle County
- 183.4 acres



- On the Lower Fox River
 - Downstream of TCF easements from '19 & '20
- Over a mile of shoreline
- Healthy forest alongside agricultural fields
- Topography! Including bluffs, canyons, and a cave
- Acquired with support (and trust) of awesome donor

Looking Ahead

or

On the perils of a “harmonious variety of shapes and textures.”

Conservation Purpose/Conservation Values

The Property is bordered on the north by Nippersink Road, a public road, and on the west by Wilson Road, a public road, and is in close proximity to land owned by the Lake County Forest Preserve District; and

The Property provides scenic views to the public traveling along Nippersink Road and Wilson Road and natural habitat for plants and animals native to northeastern Illinois

Grantor intends to achieve certain purposes (the "Conservation Purposes"), including the preservation of the Conservation Values of the Property by the continuation of land use patterns existing at the time of this grant and, in general, the preservation of natural plant and animal communities and scenic areas in the region in which the Property is located

It is the purpose of this Easement to assure that the Property will be retained forever predominantly in its natural, scenic, and open space condition and that any natural plant and animal communities located on the Property which are indigenous to northeastern Illinois will be preserved to the extent feasible.

The Protected Property is present state, contains significant naturally and culturally rich wildlife, plants, or similar ecosystem components (including farmland and forest land) and scenic values of particular interest to the designated Landward Easement Holder and the people of Wisconsin. The biological natural features and the natural and historical features and aesthetics of the Protected Property described in Section B of this Grant are hereby being included in the Baseline Documentation Report because in Section D, this Grant shall be known and acknowledged as the "Conservation Values" of the Protected Property. The Conservation Purpose ("Purpose") of this Grant is preservation of the Conservation Values of the Protected Property described herein and must be restricted to a "Conservation Purpose" as that term is used in Section 70(b)(4)(A) of the Internal Revenue Code (the "Code") and the regulations promulgated thereunder.

The Existing Improvements, Additional Improvements, and any other Reserved Rights described in this Grant when exercised pursuant to the terms of this Grant shall not be considered to adversely impact the Conservation Purpose of this Grant.

Protection of Rare and/or Natural Habitat or Similar Ecosystem: The Protected Property includes significant naturally and culturally rich wildlife, plants, or similar ecosystem normally lives, and wildlife or plants or sites on the Protected Property in a diverse natural state. The Protected Property is located in the Ashippun River watershed of the Rock River Basin, a portion of Ashippun River, which is listed as a "Aquatic Area of national significance" and as "Rare Species Habitat" by the WDNR pursuant to the Protected Property. The Protected Property consists of forested floodplain of the Ashippun River among other things. Southern Wisconsin Forest Land approximately 54.5 acres of agricultural land. A portion of the floodplain of the Ashippun River is identified in the Wisconsin Wetland Inventory by the Wisconsin DNR as state recognized forested agricultural wetland. Approximately 16.5 acres of the Protected Property is within the Primary Environmental Control portion of the Ashippun River Greenway.

The Conservation Purpose of this Grant includes preservation of the diverse natural habitat in a similar ecosystem present on the Protected Property. This Conservation Value is protected by covenant and servitude contained in this Grant and the Parties' commitment to maintaining the conservation landward easement to be forever preserved including the likelihood of decrease in water quality and quantity of surface and subsurface waters and wetlands values of the Protected Property. Sustaining the natural capacity of the Protected Property and the ability and structural equality of soils to support healthy and vigorous forest wetlands prairie succession in floodplain and ecotone, but not require in agriculture and is restricted to native vegetation designed to assure continuing growth and long term maintenance of floodplain in its natural and undisturbed state preserving and enhancing healthy and biologically diverse riparian habitat of the floodplain and riparian ecological gain inputs.

Preservation of Open Space: The commonwealth of Wisconsin is a highly developed state with a high rate of population growth and urbanization. Wisconsin's scenic beauty and panoramic views are an important and unique part of the state's heritage. Preservation of the Protected Property is part of the state's public and government conservation policy and also for the scenic enjoyment of the general public and wildlife and scenic riparian habitat.

The Protected Property is present state, is an open space with farmland and forest land with scenic enjoyment value consisting of panoramic views of the land area, degree of forest diversity provided by the diverse openness of the landscape, scenic harmony and scenic variety of steps and views, degree of which land use in the area and character of the landscape preserve scenic view and scenic enjoyment and general consistency of the scenic view with regional landscape in terms of scenic aesthetic and scenic view process. The Protected Property provides the general public scenic enjoyment from the Road Development of the Protected Property within the scenic character of the cultural landscape scenic enjoyment area scenic enjoyment from the Road which is open and shared by the public.

The Conservation Purpose of this Grant includes preservation of the significant public benefits of the Protected Property including the uniqueness of the property to the area, intensity of land development in the vicinity of the property including forested consistency of Protected Property with public programs for conservation in the region, consistency of Protected Property with existing conservation programs in the region, including use of Easement Holder likelihood of development would degrade scenic natural or historic character of the property for public appreciation of Protected Property scenic values in terms of property preservation along with landscape scenic value of the scenic view area, which is the likelihood of the Easement Holder will adequately preserve and value the scenic beauty of the property by supporting scenic view of Easement Holder for the enjoyment of scenic view and scenic enjoyment, consistency of the property preservation value which is biologically diverse riparian habitat. This Conservation Value is protected by covenant and servitude contained in this Grant and the Parties' commitment to maintaining the benefit of the land for the generation of scenic and aesthetic ecological and forest land aesthetics.

Wildlife Species and Habitat: The Protected Property provides a rare and diverse habitat in a community including farmland and vegetation features that provide significant naturally and culturally rich wildlife. The diverse habitat in a community on the Protected Property includes forested floodplain, forested wetland, open prairie and southern Wisconsin Forest Land scenic values including scenic riparian habitat. The diverse habitat in a community on the Protected Property includes a forested floodplain 100 feet in height which is likely to be seen and likely to be seen. The Conservation Purpose of this Grant includes preservation of the wildlife habitat. This Conservation Value is protected by covenant and servitude contained in this Grant and the Parties' commitment to maintaining the landward easement to be forever preserved including the likelihood of decrease in water quality and quantity of surface and subsurface waters and wetlands values of the Protected Property.

Water Resources: The Protected Property includes land and vegetation features that protect and foster riparian floodplain and wetland features and the riparian floodplain, wetlands and stream corridors and associated habitat. The Protected Property is located in the Ashippun River watershed of the Rock River Basin and consists of forested floodplain among other things. Southern Wisconsin Forest Land approximately 54.5 acres of agricultural land, forested wetlands and wetland springs of the Ashippun River west of the Protected Property. A portion of the floodplain of the Ashippun River is identified in the Wisconsin Wetland Inventory by the Wisconsin DNR as state recognized wetland. The land and vegetation features are respectively described in the Baseline Documentation Report.

The Conservation Purpose of this Grant includes preservation of the water resources. This Conservation Value is protected by covenant and servitude contained in this Grant and the Parties' commitment to maintaining the conservation landward easement to be forever preserved including the likelihood of decrease in water quality and quantity of surface and subsurface waters and wetlands values of the Protected Property.

Soil Resources: The Protected Property includes topsoil profiles identified by NCRS as Prime, Incepta and Fertility E soils including NCRS as Prime, Sols, Thessalonian (T)B, Ecolstonian (E)A, Schwanian (S)M, Foxholm 2/9 (slope) (FSB), Foxholm 02/9 (slope) (FS), Foxholm 1/1 (M)A, Heddenham 2/9 (slope) (H)B, and Sols of State with in part Heddenham 6/12 (slope) (H)C2. The Conservation Purpose of this Grant includes preservation of the soil resources. This Conservation Value is protected by covenant and servitude contained in this Grant and the Parties' commitment to sustaining the natural capacity of the Protected Property and the ability and structural equality of soils to support healthy and vigorous forest, wetlands, succession in floodplain and ecotone, but not require in agriculture and is restricted to native vegetation designed to assure continuing growth and long term maintenance of floodplain in its natural and undisturbed state preserving and enhancing healthy and biologically diverse riparian habitat of the floodplain and riparian ecological gain inputs.

Scenic/Geologic Values: The Protected Property provides scenic and landscape views of significant benefit to the general public including the farmland and forest land including topography that are primarily visible by the general public from the Road. The Conservation Purpose of this Grant includes preservation of the scenic/geologic values. This Conservation Value is protected by covenant and servitude contained in this Grant and the Parties' commitment to maintaining the benefit of the land for the generation of scenic and aesthetic landscape aesthetics.

Agriculture and Forestry: The Protected Property contains productive agricultural and forestry values. The Conservation Purpose of this Grant includes preservation of the agricultural and forestry values and the promotion of Sustainable Agriculture and Sustainable Forestry. This Conservation Value is protected by covenant and servitude contained in this Grant and the Parties' commitment to the farm location and density of Development by promoting management of solar water resources for the use of the community with agricultural use of the Protected Property now and in the future.

Ecosystem Services: The Protected Property includes diverse natural carbon storage and sequestration potential in addition to the benefits of riparian and protecting waters, riparian ecosystems, riparian and forest productivity, forest health, diversity, and sustaining the capacity of ecosystem to withstand drought and extreme weather including flooding and erosion. It is the purpose of this Conservation Easement to protect the carbon storage and sequestration potential of the Protected Property and the conservation of the Protected Property to maintain and sustain riparian and forest land aesthetic values. This Conservation Value is protected by covenant and servitude contained in this Grant and the Parties' commitment to managing the Protected Property for healthy ecosystem that provide a reasonable and likely to provide carbon benefits including preservation of riparian and forest management sustainable riparian practices, which will contribute to the riparian ecosystem and riparian and forest management.

Prohibited Uses & Reserved Rights – II

Prohibited Uses

Unless otherwise expressly permitted in Section 5 hereof, any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the following activities on and uses of the Property are expressly prohibited, unless otherwise expressly and specifically reserved in Section 5 hereof:

- (a) The placement or construction of any buildings whatsoever, or other structures or improvements of any kind (including, without limitation, above-ground utility lines and related facilities, lighting fixtures of any kind, sheds, fences obscuring the view of the Property from adjacent public roads, antennae, tennis courts, flag poles, decks, patios, irrigation systems, swimming pools, driveways, playground equipment such as swing sets or jungle gyms, signs, billboards, and roads, parking lots and other man-made or impervious surfaces);
- (b) The planting or installation of any trees or other plants or other landscape features inconsistent with the purposes of this Easement, including, without limitation, lawns, golf courses, putting greens, soccer and other ball fields, and alien or invasive plant species;
- (c) Any alteration of the surface topography and hydrology of the land (including, without limitation, grading or the excavation, removal or moving of soil, sand, gravel, peat, or vegetation, except as may be necessarily required in the course of any activity expressly permitted hereunder);
- (d) Any use or activity that causes or is likely to cause significant soil degradation or erosion or significant siltation or pollution of any surface or subsurface waters (including, without limitation, any use or application of any pesticide or herbicide, except in accordance with a plan for such use or application approved in writing by Grantee);
- (e) The draining, filling, diking, dredging or digging of any wetlands, ponds, water courses, floodplains, or other areas located on the Property;
- (f) The legal or de facto division, subdivision, or partition of the Property or the use of the Property for increasing the density of development of any real estate not covered by this Easement;
- (g) The destruction or removal of the native flora located on the Property, except as may be expressly approved by the Grantee;
- (h) The dumping, placing or storing of trash, discarded equipment, appliances, automobiles or household items, garbage, grass clippings and other landscape waste, or other waste material except as needed for temporary storing or placing for restoration purposes;
- (i) The operation or permitting to be operated of snowmobiles, motorcycles, drones, model airplanes, all-terrain vehicles or any other type of motorized vehicle on or over the Property (except for vehicles used only in connection with maintenance activities permitted hereunder);
- (j) The use, exercise, or transfer of development rights on or to the Property, or any portion thereof, including without limitation any and all rights, however designated, now or hereafter

associated with the Property or any other property that may be used, pursuant to applicable zoning laws or other governmental laws, ordinances, or regulations, to compute permitted size, height, bulk, or number of structures, development density, lot yield, or any similar development variable on or pertaining to the Property or any other property;

- (k) The lighting of the Property by means of any lighting fixture located on the Property or by means of any flood or spot light located off the Property but focused on the Property;
- (l) The storage or placement on the Property of any vehicles, trailers, equipment, compost, logs, or other personal property.

Reserved Rights

Grantor reserves to itself and to its successors, and assigns, all rights accruing from its ownership of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement, including the right to use the Property for recreational purposes not prohibited under the foregoing provisions or the last sentence of this Section 5 and which do not interfere with the preservation of plant and animal communities currently on the Property. **Grantor expressly and specifically reserves the following rights:**

- a) To construct or develop on the Property wildlife habitat improvements (not including buildings) provided that any such improvements shall be in compliance with the general and specific purpose of conserving the diversity of wildlife species native to northeastern Illinois, and shall comply with all federal, state and local laws and regulations.
- b) To reintroduce, plant and maintain native plants and wildlife species, meaning those species whose natural distribution includes northeastern Illinois, which have been reduced or extirpated from their natural range and whose reintroduction protects, preserves, or enhances the natural, scenic, and wildlife habitat values of the Property.
- c) To manage plant and animals and remove nonnative or invasive species of plants and animals in a manner consistent with applicable laws and regulations and the Conservation Purposes of this Easement.

Prohibited Uses & Reserved Rights – WI

Permitted Rights

SECTION 3. HIGHEST PROTECTION AREA

3.1 Improvements.

Improvements within the Highest Protection Area are prohibited except as permitted below in Section 3.1.

- (a) Existing Improvements. Existing Improvements may be maintained, repaired, and replaced in their existing locations. Existing Improvements may be expanded or relocated if the expanded or relocated improvement complies with requirements applicable to Additional Improvements of the same type.
- (b) Existing Servitudes. Improvements that Landowner is required to allow because of an Existing Servitude are permitted.
- (c) Additional Improvements. The following Additional Improvements are permitted:
 - (1) Fences, walls, and gates around the perimeter of the Protected Property that are designed and constructed so as to minimize habitat fragmentation, impedence of the free movement of wildlife, and adverse impacts on Conservation Values. Permanent fencing, walls, and gates within the perimeter of the Protected Property serving legitimate management purposes and objectives may be permitted upon Review. No Additional Improvement described in this provision shall exceed the (5) feet in height without Review.
 - (2) Signs other than Regulatory Signs are limited to a maximum of fifteen (15) square feet per sign and a total of thirty (30) square feet for the entire Protected Property. To further protect the Protected Property's scenic and open space values, signs permitted herein shall not exceed eight (8) feet in height. The remaining of any sign is permitted subject to Review.
 - (3) Habitat enhancement devices such as birdhouses, bat houses, and pollinator homes.
 - (4) Trails, provided that they: (i) do not exceed six (6) feet in width; (ii) are maintained as natural vegetated surfaces or covered (if at all) by wood chips or other highly porous surfacing; and (iii) are constructed and maintained to protect of natural habitat and water quality.
 - (5) Subject to Review, boardwalks, pushways, footbridges, stream crossing structures, and outcrops access structures.
 - (6) Temporary Tree stands and blinds for hunting or nature study. Temporary tree stands and blinds are permitted to remain continuously in place for not more than one hunting season. No Additional Improvement shall be permitted that: (i) diminishes the Conservation Values, (ii) is disallowed by law or by the rules of any government agency or program with a legal interest in the Protected Property, (iii) exceeds a footprint of six (6) feet by four (4) square feet including any external access structures or components such as ladders or stairs (with the prior written approval of Easement Holder, stairs, ramps, or other facilities specifically designed to create access to such permitted outdoor recreation structures by people of all abilities may be allowed even if they cause the structure to exceed the six (6) square feet limit), (iv) is improved with electricity, plumbing, or other utilities.

3.2 Activities and Uses.

Activities and uses within the Highest Protection Area are prohibited unless the activity or use does not adversely affect the Conservation Values, does not introduce invasive species, and is permitted below in Section 3.2.

- (a) Existing Servitudes. Activities and uses that Landowner is required to allow because of an Existing Servitude are permitted.
- (b) Resource Management and Disturbance. The following activities and uses are permitted:
 - (1) Disturbance of resources to the extent reasonably necessary to remove, reduce, or warn against an unreasonable risk of harm to Persons, their belongings, or health of Native Species on or about the Protected Property. Examples of such disturbance include cutting hazard trees and limbs (as defined by the USDA Forest Service) and removing Invasive Species. Landowner must take such steps as are reasonable under the circumstances to consult with Easement Holder prior to taking such action, but for this provision, would not be permitted or would be permitted only after Review.
 - (2) Planting, replanting, and maintaining Native Species or, according to a Resource Management Plan subject to Review, planting, replanting, and maintaining other vegetation to advance the Conservation Values and Purposes of the Highest Protection Area.
 - (3) Interim and Intermittent grazing of livestock according to a Resource Management Plan subject to Review. This provision is intended to permit the use of grazing as a management technique for the health of the relatively natural habitats and ecosystems present within the Highest Protection Area, and not intended to permit continuous use of the Highest Protection Area, or any part thereof, for Agriculture.
 - (4) Removal of Invasive Species and, subject to Review, removal of other vegetation to accommodate replanting as permitted in this Section.
 - (5) Construction of permitted improvements with prompt restoration of soil and vegetation disturbed by such activity.
 - (6) Vehicular use in the case of emergency or in connection with activities or uses permitted under this subsection. This shall not be interpreted to permit any recreational motorized vehicular use of the Highest Protection Area.
 - (7) Except within Wild Areas, cutting or removing trees, including dead standing and fallen, but only to the extent consistent with maintaining forest ecological integrity and diversity, and only for use within the Protected Property. Such management of Wild Areas must be done pursuant to an approved Resource Management Plan.
 - (8) Application of manure and plant material (both well composted) and, subject to compliance with manufacturer's recommendations, substances to promote the health and growth of Native Species. These permitted substances do not include sludge, bio-solids, liquid system effluent, and related substances. It is the intent of the parties that applications of bio-solids including chemical herbicides, pesticides, fungicides, and other toxic agents to, for example, control Invasive Species be minimized and whenever used, be applied in strict accordance with manufacturer's recommendations.

- (9) Piling of brush and other vegetation to the extent reasonably necessary to accommodate activities or uses permitted within the Highest Protection Area.
- (10) Other activities, including without limitation prescribed burns, that Easement Holder, without any obligation to do so, determines are consistent with maintenance or attainment of Conservation Values and Purposes and are conducted in accordance with the Resource Management Plan or other plan approved for that activity after Review.
- (11) Recreation and Education. Recreational, educational, and scientific research activities are permitted that do not require improvements and do not adversely affect the Conservation Values. Such activities include: (i) using existing trails or trails described and depicted in the Resource Management Plan for walking, hiking, and cross-country hiking; (ii) reasonable use of well-kept and properly-maintained mobility devices by persons who have mobility impairments; (iii) bird watching, nature study, fishing, and hunting; and (iv) wildlife and habitat monitoring and research consistent with and in furtherance of the Conservation Values.

SECTION 4. AGRICULTURAL PROTECTION AREA

4.1 Improvements.

Improvements within the Agricultural Protection Area are prohibited except as permitted in Section 4.1.

- (a) Permitted under Preceding Section. Improvements permitted under Section 3 herein are permitted in the Agricultural Protection Area.
- (b) Additional Improvements. The following Additional Improvements are permitted:
 - (1) Subject to Review, Agricultural Improvements. (i) Landowner determines (i) a bona fide need for Agricultural Improvement, and (ii) documented consideration of alternatives to limit adverse impact on Conservation Values; or that (ii) the Agricultural Improvement will enhance the preservation of Conservation Values, then Easement Holder may, without any obligation to do so, approve the Agricultural Improvement after Review.
 - (2) Site Improvements reasonably required for activities and uses permitted within the Agricultural Protection Area, subject to all applicable provisions of this Contract.
 - (3) Subject to Review, Site Improvements serving other areas of the Protected Property, if not reasonably feasible to install entirely within Minimal Protection Area that Easement Holder, without any obligation to do so, approves after Review.
 - (4) Site Improvements serving activities, uses, or improvements not within the Protected Property that Easement Holder, without any obligation to do so, approves after Review.
 - (5) Subject to Review, Improvements for generating and transferring/renewable energy that Easement Holder, without any obligation to do so, approves after Review.
 - (6) Impervious Surface Limitations. Total Impervious Surface located in the Agricultural Protection Area, including all existing and Additional Improvements but excluding that of Access Drives, must not exceed two thousand five hundred (2500) square feet. This limitation is subject to the following supplemental limitations and exceptions:
 - (i) Other Limitations on Additional Improvements. Additional Improvements permitted within the Agricultural Protection Area are further limited as follows:
 - (A) Signs remain limited as in the Highest Protection Area.
 - (B) Fencing that, whenever reasonably feasible, be preferentially placed around the perimeter of the Protected Property and/or the interior boundaries defining Protection Areas so as to not create habitat fragmentation within the Protected Property and be constructed to maintain scenic and open space values and promote free movement of wildlife. Cross-fencing and mobile fencing installed pursuant to grazing plans and constructed and/or installed in a non-permanent manner are permitted.
 - (C) Utility Improvements must be underground or, subject to Review, may be aboveground where not reasonably feasible to be installed underground.
 - (D) The following Improvements are not permitted unless Easement Holder, without any obligation to do so, approves after Review: exterior storage tanks for petroleum or other hazardous or toxic substances (other than reasonable amounts of fuel for activities and uses permitted under this Contract/Easement within the Protected Property). Prior to approval, Easement Holder shall determine that such storage tanks cannot feasibly be installed in the Minimal Protection Area.

- (1) Subject to Review, Easement Holder may adjust Impervious Surface limits by not more than ten percent (10%) to account for the lesser impact of specific Improvements designed to reduce environmental harm caused by Impervious Surface (for example, green roofs, permeable surfacing materials, or other approved conservation practices).
- (2) Access Drive Limitations. Unless otherwise approved by Easement Holder after Review, Access Drives are limited to the length sufficiently demonstrated to the Easement Holder's sole satisfaction to be necessary to adequately service the Existing or Additional Improvements, or as may be necessary to facilitate real and meaningful enjoyment of a permitted use within the Highest Protection Area while minimizing adverse impacts to the Conservation Values and a driving surface not to exceed fourteen (14) feet in width or such greater width as is required under Applicable Law.

- (3) Height Limitations. Subject to local restrictions, the Height of Additional Improvements permitted under this or the following Section must not exceed 35 feet. This limitation is subject to the following supplemental limitations and exceptions:
 - (i) The Height of fences, walls, pipes and signs remains limited as in the Highest Protection Area.
 - (ii) Improvements for recreational and other (non-Agricultural and non-Forestry) open-space activities must not exceed three (3) feet in height.
 - (iii) Subject to Review, Easement Holder may adjust Height Limitations for specific Improvements requiring a greater Height to be functional (for example Agricultural silos or Renewable Energy Structures).

Other Limitations on Additional Improvements. Additional Improvements permitted within the Agricultural Protection Area are further limited as follows:

- (1) Signs remain limited as in the Highest Protection Area.
- (2) Fencing that, whenever reasonably feasible, be preferentially placed around the perimeter of the Protected Property and/or the interior boundaries defining Protection Areas so as to not create habitat fragmentation within the Protected Property and be constructed to maintain scenic and open space values and promote free movement of wildlife. Cross-fencing and mobile fencing installed pursuant to grazing plans and constructed and/or installed in a non-permanent manner are permitted.
- (3) Utility Improvements must be underground or, subject to Review, may be aboveground where not reasonably feasible to be installed underground.
- (4) The following Improvements are not permitted unless Easement Holder, without any obligation to do so, approves after Review: exterior storage tanks for petroleum or other hazardous or toxic substances (other than reasonable amounts of fuel for activities and uses permitted under this Contract/Easement within the Protected Property). Prior to approval, Easement Holder shall determine that such storage tanks cannot feasibly be installed in the Minimal Protection Area.

4.2 Activities and Uses.

Activities and uses within the Agricultural Protection Area are prohibited unless the activity or use does not adversely affect the Conservation Values; does not introduce invasive species; and is permitted below in Section 4.2.

- (a) Permitted under Preceding Section. Activities and uses permitted under the preceding Section 3 are permitted within the Agricultural Protection Area.
- (b) Agriculture. Agriculture conducted in accordance with a Resource Management Plan furnished to Easement Holder, subject to the limitations set forth below:
 - (1) Within Wild Areas, Agriculture is prohibited unless approved after Review.
 - (2) Within Steep Slope Areas, the Resource Management Plan is subject to Review.
 - (3) When required by applicable law, animal operations must be conducted in conformance with a Resource Management Plan, which shall be included in the Resource Management Plan, furnished to Easement Holder and meet the requirements of Applicable Law; concentrated animal feeding operations, as defined by Applicable Law as of the Effective Date, are prohibited.
 - (4) Agricultural uses that involve removal of soil from the Protected Property (such as soil farming and field-and-burial nursery uses) are prohibited.
 - (5) Forestry. Forestry is permitted in accordance with a Resource Management Plan approved after Review. Any Forest Management Plan, Forest Management Program, Forest Tax Program that is subject to Review and, if approved by the Easement Holder, shall be considered a part of the Resource Management Plan, but shall not be considered a replacement for the Resource Management Plan.
 - (6) Compatible Activities Related to Agriculture or Forestry. The following activities are permitted if they are supportive of Agricultural use or Forestry use, and do not adversely affect the Conservation Values or as identified by a Resource Management Plan approved by the Easement Holder prior to undertaking the activity:
 - (i) The storage of plant and animal products produced on the Protected Property.
 - (ii) The piling or composting of the residues of plant or animal production occurring on the Protected Property for use or subsequent Agricultural or Forestry use.
 - (iii) Subject to compliance with manufacturer's recommendations, application of other substances (including by way of example fertilizers and herbicides) to promote the health and growth of vegetation.
 - (iv) Sale of Agricultural or Forestry products produced on the Protected Property.
 - (v) Services that directly support Agricultural production or Forestry.
 - (vi) Other Disturbance of Resources. The following activities and uses are permitted:
 - (A) Subject to Review, removal or impoundment of water for activities and uses permitted within the Protected Property but not for sale or transfer outside the Protected Property.
 - (B) Removal of vegetation and other Construction reasonably required to accommodate permitted improvements.
 - (C) Mowing, planting, and maintenance of lawns, gardens, and landscaped areas.
 - (D) Generation of Renewable Energy and transmission of such energy if and to the extent Improvements for that purpose are permitted under this Section 4.

- (5) Subject to Review, disposal of sanitary sewage effluent from improvements permitted within the Protected Property is permitted if not reasonably feasible to confine such disposal to Minimal Protection Area.
- (6) Other Activities. Outdoor recreational and other open-space activities, including Agriculture, are permitted that (1) are limited in time, place, and intensity so as not to adversely affect the Conservation Values, and (2) do not require motorized vehicles except as auxiliary support to the primary activity. Activities that require earth disturbance or that will result in more than a de minimis reduction in soil permeability are subject to Review.

SECTION 5. MINIMAL PROTECTION AREA

Improvements within the Minimal Protection Area are prohibited except as permitted below in Section 5.1.

- (a) Permitted under Preceding Sections. Improvements permitted under a preceding article are permitted.
- (b) Additional Improvements. The following Additional Improvements are permitted subject to limits set forth in Section 5.2:
 - (1) Residential Improvements.
 - (2) Site Improvements serving activities, uses, or improvements permitted within the Protected Property.
 - (i) Limitations on Improvements. Improvements permitted within the Minimal Protection Area are limited as follows:
 - (A) Not more than two (2) Improvements (whether an Existing Improvement or Additional Improvement) may contain Dwelling Units permitted under this Section, the area of which is subject to the limitations of Section 5.2(d).
 - (B) Total Impervious Surface located in the Minimal Protection Area, including all Existing and Additional Improvements but excluding that of Access Drives, must not exceed 10,100 square feet.
 - (C) Limitations on Access Drives set forth for the Standard Protection Area continue to apply to the Minimal Protection Area.
 - (D) Limitations on Height, Signs, Utility Improvements, and Storage Tanks applicable to the Standard Protection Area continue to apply to the Minimal Protection Area.

5.2 Activities and Uses.

Activities and uses within the Minimal Protection Area are prohibited unless the activity or use does not adversely affect the Conservation Values of the Protected Property; does not introduce invasive species; and are permitted below in Section 5.2.

- (a) Permitted under Preceding Sections. Activities and uses permitted under the preceding Sections 3 and 4 are permitted within the Minimal Protection Area.
- (b) Disturbance of Resources. Disturbance of resources within the Minimal Protection Area is permitted for purposes reasonably related to activities or uses permitted within the Protected Property.
- (c) Release and Disposal.
- (d) Disposal of sanitary sewage effluent from improvements within the Protected Property that complies with all local, state, and federal rules, regulations, and ordinances is permitted.
- (e) Other piling of materials and non-contained disposal of substandard materials are permitted but only if such disposal is permitted under Applicable Law; does not directly or indirectly create run-off or leaching outside the Minimal Protection Area; and does not otherwise adversely affect the Conservation Values and Purposes.
- (f) Residential and Other Uses:
 - (1) Residential use is permitted but limited to not more than one Dwelling Unit. However, a second Dwelling Unit may be built if the following limited residential uses: (i) residential activity by staff or contractors of the Landowner engaged in the provision of health care to Landowner and/or Landowner's immediate family (including without limitation in-home hospice care, nursing, physical therapy, etc.); (ii) residential activity by any individual, and their immediate family, that is engaged in and primarily responsible for the day-to-day management of the Protected Property; (iii) temporary guests of Landowner that are non-commercial in nature; (iv) any scenario or situation substantially similar to the above described uses and durations. Nothing in this provision shall be interpreted to permit the use of the Protected Property, or any portion thereof, as a commercial short-term rental property.
 - (2) An activity or use not otherwise addressed in this Section is permitted if, from vantage points outside the Minimal Protection Area, it is not distinguishable from a permitted Agricultural, Forestry, or residential use on: (i) a, Easement Holder determines, after Review, that the activity or use is consistent with the Conservation Values and Conservation Purposes.

Don't make this harder on yourself *or the landowner*
than it has to be!



I'm out. Take care
y'all.



Yes, I reuse all these photos each year. Leave me alone. They're nice photos.