

Conway Ranch Conservation Easement Overview

Introduction

The scenic Conway Ranch property, approximately 770 acres just northwest of Mono Lake, contains an important wildlife migration corridor, in addition to critical wetland and riparian habitats. The property was homesteaded in the 1800s and is also the site of historic ranch buildings and prehistoric Native American resources. In the late 1990s, this property was the focus of a proposed large-scale housing and resort development, prompting concern among state and local entities.

To permanently protect this property, Mono County acquired Conway Ranch from the Trust for Public Land using grant funds from various sources. Specifically, grant funds came from the California Environmental Enhancement and Mitigation Program (EEMP), the California Transportation Enhancement Activities (TEA) Program, the California Department of Parks and Recreation – Habitat Conservation Fund (HCF), and the National Fish and Wildlife Foundation (NFWF). The property was acquired in phases through two distinct real estate transactions, one in 1998 and one in 2000. Money from EEMP and HCF grants was used in both transactions. Money from the NFWF grant was used only in 1998 transaction; and money from the TEA grant was used only in the 2000 transaction. The basic purposes of the various grants are compatible with each other and, in many instances, are duplicative or overlapping. In general, the purposes of these grants were to protect and preserve the natural, open space, scenic, historic, and public access values of the property in perpetuity, while allowing for the continuation of the existing fish-rearing, sheep grazing, and public access. Grant Agreements were signed by Mono County and each of these funding agencies, obligating the County to the protection of these values as a condition of receiving the grant funding.

Current Proposal - Conservation Easement with Caltrans Restrictions

Some of the grants used to purchase Conway Ranch – specifically, the EEMP and TEA grants - are administered by Caltrans. Through discussions between Caltrans and Mono County, it has become apparent that the restrictions imposed by the grants received by Mono County for the purchase of the property do not allow for full realization of the potential and needs of the fish rearing operation as desired by the County.

The current fish rearing facility located on Conway Ranch falls within a 185 acre area that was purchased with Environmental Enhancement and Mitigation Program (EEMP) Cycle 7 funding, along with funds from NFWF and HCF. The County's acceptance of these grant funds for use in purchase of the property came with certain resource protections and restrictions.

To help the County in realizing both the economic and tourist based fish rearing potential of the property, and to address land management concerns, the County and Caltrans have entered into a Memorandum of Understanding that describes a process for the repayment of a portion of the EEMP Cycle 7 grant received by Mono County, thereby removing approximately 75 acres of the

Conway Ranch from the delineated grant area and releasing current restrictions imposed by the Caltrans grant.

As a condition of approval by Caltrans for the removal of 75 acres from the grant restrictions and as agreed to by both parties, Mono County will grant a conservation easement for the remaining portions of Conway Ranch to Eastern Sierra Land Trust (ESLT). It is understood that the conservation easement will not confer on ESLT any authority or responsibility to manage any portion of the Conway Ranch property nor to direct or compel the County or any third party to engage in any activity on the property (except to remedy violations of easement restrictions and requirements, and to allow ESLT to perform annual monitoring), nor to permit any third party to enter or occupy the property or to perform any activity there without County consent. Caltrans must approve the conservation easement before the removal of grant restrictions on 75 acre fish-rearing area.

As provided by the existing grant agreements, Mono County is required to provide notice and/or seek approval of the conservation easement from the other agencies or entities who provided grant funding for the County's purchase of Conway Ranch property portions (e.g., the California Department of Parks and Recreation and the National Fish & Wildlife Foundation). These agencies may wish for the County to incorporate into the conservation easement provisions reiterating and potentially clarifying the restrictions and requirements imposed by their respective grants, and Caltrans has consented to the County's inclusion of such provisions. Unless otherwise agreed by NFWF and HCF, NFWF and HCF's grant restrictions would still apply to the 75 acres removed from the EEMP Cycle 7 grant restrictions.

Overview of Proposed Conservation Easement

Primary Conservation Values to be Preserved, Based on the Caltrans Grants

1. Historic resources: homestead, ranch buildings, corrals, gravesites (if any)
2. Fish, plant, and wildlife species and habitat: wildlife migration corridor (mule deer, mountain lions), resident wildlife, songbirds and waterfowl, plant and butterfly species
3. Wetlands, meadows, riparian habitats, perennial freshwater springs
4. Open Space and Scenic Resources: Preserve continuity of scenic view-shed spanning Mono Basin
5. Public Access
6. Connectivity to Other Public and Protected Open Space for Habitat and Recreation: USFS, BLM, CA Fish and Game, and County-owned/managed properties.

Reserved Rights of the Mono County:

1. Commercial fish rearing within the 75-acre designated area (which will be outside the Caltrans easement area)

2. Aquaculture Plan (to be developed), compatible with terms of HCF and NFWF grant restrictions and not impacting conservation values on surrounding land.
3. Commercial sheep grazing in accordance with the Management Plan (to be developed), and compatible with protection of conservation values
4. All rights not specifically restricted by the conservation easement or the existing grant agreements

Uses and Practices:

1. Habitat protection
2. Public recreation and education
3. Public enjoyment of open space and scenic resources
4. Historic resource protection
5. Sustainable use of portions of the property as a working landscape (sheep grazing and aquaculture), compatible with protection of conservation values

Development Rights:

1. Future development shall be limited to:
 - a. Fish rearing infrastructure in accordance with Aquaculture Plan
 - b. Public access infrastructure in accordance with Management Plan, not in conflict with the restrictions and requirements of the grants (and the conservation easement)
 - c. Other development (if any) not in conflict with the restrictions and requirements of the grants (and the conservation easement)

Prohibited Uses:

1. Subdivision is prohibited
2. Residential, commercial, or industrial uses of the property other than those specifically permitted by the grants and/or conservation easement and undertaken according to the Management Plan, which may be amended from time to time
3. Uses causing adverse impacts to historic resources
4. Dumping and storage (except for household uses) of hazardous materials
5. Uses causing adverse impacts to wetlands and riparian areas
6. Exploration or development and extraction of oil, gas, minerals by any method
7. Power generation, collection or transmission facilities, including solar or wind farms, beyond those designed to meet the needs of on-site facilities and/or a small-scale facility sized and located so as not to impact any conservation values, and not in conflict with the restrictions and requirements of the grants (and the conservation easement)
8. The erection of any billboards or other type of advertising, except as expressly allowed
9. Uses involving sale or transfer of water rights

Management Plan

1. A Management Plan will be developed by Mono County, with such public input as Mono County may deem necessary or appropriate, that sets forth the County's long term plans for the property, consistent with the protection of the conservation values identified in the easement. The Management Plan will address the following activities and uses of the property:

- a. Management of the property as a sustainable working landscape, compatible with protection of conservation values
 - a. Development of an Aquaculture Plan, involving the designated 75-acre fish-rearing area
 - b. Annual Irrigation Plan
- b. Sheep grazing
- c. Public access, public recreation, public education, and infrastructure related to such uses
- d. Protection of historic resources and, if desired, restoration of historic resources
- e. Any alternate commercial use of the property other than aquaculture or sheep grazing compatible with protection of conservation values and with any revenues allocated back into the support of Conway Ranch
- f. Construction, maintenance, and repair of the property's roads and trails
- g. Communications with funders, lessees, easement holder, and regulatory agencies
- h. Restoration, enhancement, and study of natural resources (if desired or required by the easement or regulatory agencies)
- i. Any other activities and uses that the County may wish to include which are not otherwise expressly addressed in the conservation easement

2. The Management Plan will be reviewed and approved by ESLT to ensure consistency with the terms of the conservation easement. Such approval will be timely and not unreasonably withheld. If agreement is not reached, the parties may mediate the disagreement. If mediation is not successful, legal action may be undertaken.

3. Mono County and ESLT will meet annually to review the Management Plan. The Management Plan will be amended by mutual agreement of ESLT and Mono County. If agreement is not reached, the parties may mediate the disagreement. If mediation is not successful, legal action will be undertaken.

Conservation Easement Monitoring

Mono County and Caltrans have agreed to make a one-time contribution to the ESLT Stewardship Fund at the time of recording the conservation easement. This fund will allow ESLT to monitor and enforce the easement restrictions in perpetuity. The easement will include monitoring and enforcement provisions.