

## **Conway and Mattly Ranches Conservation Easement Summary**

### **Background**

The scenic Conway Ranch property is approximately 811 acres just northwest of Mono Lake, and contains numerous important habitat and historic values. In the early 1990s, this property was the focus of an approved large-scale housing and resort development.

To permanently protect this property, Mono County acquired the vast majority of Conway Ranch (the remainder was acquired by the federal Bureau of Land Management) and also a nearby property known as Mattly Ranch, with assistance from the Trust for Public Land and using grant funds from various sources. The Conway and Mattly Ranches are sometimes referred to collectively as “Conway Ranch.” Specifically, grant funds came from: the Environmental Enhancement and Mitigation Program (EEMP) and the Transportation Enhancement Activities (TEA) Program, both administered by Caltrans; the Habitat Conservation Fund (HCF), administered by California Department of Parks and Recreation (State Parks); and the National Fish and Wildlife Foundation (NFWF). The entities supplying and/or administering the grants are known as the Funders. The property was acquired in phases through two distinct real estate transactions, one in 1998 and one in 2000. Money from EEMP and State Parks 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 certain existing uses including fish-rearing, livestock grazing, and public access. Grant Agreements were signed by Mono County and each of these Funders, obligating the County to the protection of these values as a condition of receiving the grant funding.

As noted above, 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 some restrictions imposed by the EEMP and TEA grants 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 EEMP Cycle 7 funding, along with funds from NFWF and State Parks.

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 (MOU) 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 on that portion of the property.

The MOU also requires Mono County to grant a conservation easement for the remaining portions of Conway Ranch, subject to approval by the State Parks, NFWF, and Caltrans.

Although the MOU with Caltrans did not require the 75 acres to be included in the Conservation Easement, in response to public comment the County has agreed to include the 75 acres in the Conservation Easement, subject to specific restrictions limiting aquaculture activities.

### **What is a Conservation Easement?**

A conservation easement is a voluntary legal agreement between a willing landowner and a land trust or agency that restricts the future use of the property to protect certain natural, agricultural, or historic resources (Conservation Values) in perpetuity. The landowner continues to own and manage the land,

while the easement holder, ESLT in this case, ensures that the terms of the easement are upheld through annual monitoring and good communications, and an enforcement process, if necessary.

**Overview of the DRAFT Conservation Easement for Conway and Mattly Ranches**

Conservation Purpose of the Easement:

- (a) Ensure that the Property will be retained forever in its relatively natural, scenic, and open-space condition, and that the Conservation Values will be protected;
- (b) Protect plant, wildlife species and habitat, such as wildlife migration corridor (mule deer, mountain lions) resident wildlife, songbirds and waterfowl, plant and butterfly species;
- (c) Protect surface and groundwater resources and the wetlands, meadows, riparian habitats, and perennial freshwater springs that they support;
- (d) Protect open space and scenic resources;
- (e) Protect historic resources, including homestead, ranch buildings, corrals, and Native American cultural resources;
- (f) Allow for public access for compatible recreation and educational purposes; and
- (g) Protect connectivity to other public and protected open space properties.

**Reserved Rights of Mono County:**

- 1. Commercial fish rearing within the 75-acre designated Aquaculture Area
- 2. Commercial livestock grazing on the property, in accordance with the Management Plan, including maintenance of irrigation ditches and fences
- 3. Continued public access, recreation, and enjoyment
- 4. All rights not specifically restricted by the conservation easement or the existing grant agreements

**Development Rights:**

- 1. With approval from ESLT, and subject to environmental review under the California Environmental Quality Act, future development shall be limited to:
  - a. Expanded aquaculture operation within the Aquaculture Area, including limited construction of buildings for aquaculture, designed to blend into the landscape and to function primarily on surface water rights. A Water Study will determine if groundwater can be used for limited purposes (e.g., raising of fish eggs and emergency situations), and will create a long term monitoring program that will protect natural resources and wells in the vicinity of the property.
  - b. With additional approval from applicable Funders (Caltrans and State Parks) and in cooperation with State or Federal wildlife agencies, , with no buildings or above ground development and using only surface water, a facility for the purpose of recovery of endangered species (i.e., Lahontan Cutthroat Trout).
  - c. Public access infrastructure in accordance with the Management Plan, such as informational signage, picnic tables, parking area, and pit-toilet facility.

**Prohibited Uses:**

- 1. Subdivision is prohibited
- 2. Residential, commercial, or industrial uses of the property other than those specifically permitted by the 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. Uses causing adverse impacts to wetlands and riparian areas
5. Exploration or development and extraction of oil, gas, and minerals by any method
6. Power generation, collection or transmission facilities, including solar or wind farms, except for a small-scale solar facility located within the Aquaculture Area and generating power intended to be used on the property
7. The erection of any billboards or other type of advertising, except as expressly allowed
8. Uses involving sale or transfer of water rights

### **Management Plan**

1. A DRAFT Management Plan has been developed by Mono County and ESLT. The purpose of the Management Plan is to ensure that aquaculture and livestock grazing operations, natural resource management, and public uses are conducted in a manner and to an extent that will not diminish or impair the Conservation Values and that all uses are consistent with the terms and purpose of the Conservation Easement. The Management Plan addresses the following activities and uses of the property:

- (a) Management of the property as a sustainable working landscape, compatible with protection of conservation values
    - (i) Aquaculture
    - (ii) Livestock grazing
    - (iii) Irrigation
    - (iv) CDFW Streambed Alteration Agreement Requirements
    - (v) Noxious Plants
  - (b) Public access, public recreation, public education, and infrastructure related to such uses
  - (c) Protection of historic resources
  - (d) Any permissible nonprofit or county commercial use of the property other than aquaculture or grazing compatible with protection of conservation values (and with proceeds dedicated to support the operation or maintenance of the property).
  - (e) Construction, maintenance, and repair of the property's roads and trails
  - (f) Communications with Funders, lessees, licensees, easement holder, and regulatory agencies
  - (g) Restoration, enhancement, and study of natural resources
  - (h) Property restoration upon any permanent cessation of aquaculture or livestock grazing operations
    - (i) Any other activities and uses compatible with the conservation easement that the County may wish to include, with the concurrence of ESLT, which are not otherwise expressly addressed in the conservation easement
2. Mono County and ESLT will meet annually to review the Management Plan and an annual Operations Plan prepared by Mono County. The Management Plan will be amended by mutual agreement of ESLT and Mono County.

**Process to Date**

The development of a Draft Easement and Management Plan has been ongoing since 2013. The initial effort involved numerous meetings with individuals, stakeholder groups and special interest groups that framed early Drafts. Those Drafts were released in April 2014, and were subsequently discussed at public meetings of groups such as the Mono Basin RPAC and the Mono County Fisheries Commission, as well as two separate meetings of the Mono County Board of Supervisors. The Drafts were also reviewed by the Grantors, who provided comments and suggested revisions.

In consideration of written and verbal comments received, the Board of Supervisors met on July 15, 2014 to discuss potentially controversial aspects of the easement one at a time, and provide specific direction to staff. Through a collaborative effort with ESLT staff, the Board direction was incorporated into a Final Draft that is mutually acceptable to both the County and the Land Trust. Those Final Drafts were released for final comment on September 26, 2014.

**Next Steps**

The next step in this process is for the Mono County Board of Supervisors to approve the Easement. It is anticipated that this decision will occur at the Board's Regular Meeting on October 21<sup>st</sup> in Mammoth Lakes. At the meeting, the Board will approve the agreement to convey the easement to ESLT, and will authorize the Chairman to sign the easement. Upon that approval, the final easement document will be reviewed by the ESLT advisory committee and Board of Directors for final approval and acceptance. Once the final form of the easement is approved the County and ESLT, all of the parties including the original Grantors will sign the easement and the document will be recorded. The recording of the easement will formally initiate the Conservation Easement.

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