A Conservation Easement

Definition: An encumbrance on land for the purpose of preserving areas in a scenic, natural or open condition this includes recreational, cultural, wildlife or agricultural purposes. It is a legally binding agreement entered into voluntarily.

- Runs with the land in perpetuity
- Each Conservation Easement is specific to the needs of the landowner and the protection of the conservation values
- Does not Provide Utah Open Lands with ownership of the land
- Encumbrance that provides Utah Open Lands with rights to enforce the protection of the conservation values attendant to the land

Governmental Entity Conservation Easements

- Partnership in Mangagement strategies
- Partnership in Protection Priorities
- Guards against rash decisions
- Guards against private benefits- insures Public Benefit
- Codifies Intention for treasured community landscapes

Conservation Easement Components

- **Recitals** _ Intentions for protecting the land and statement of Conservation Values
- **Rights of Grantee** _ Provides enforcement and annual (or more) monitoring
- **Conservation Purpose** _ Underscores over all purpose to protect the conservation value of the land and the benefit to the general public in its permanent protection
- **Baseline Documentation** _ Inventory of conditions and conservation values
- **Permitted Uses** _ Reserves the rights of the landowner to utilize the property commensurate with its protection of the attendant Conservation Values
- **Prohibited Uses** _ restricts uses that would harm natural, open land value the land conveys to the public
- Management Plan Provision _ Allows for dynamic and Adaptive management decisions
- Limitations on Amendments | Safeguards against Extinguishment _ Underscores intentional protection in perpetuity of the lands conservation features

The Stewardship Role of the Land Trust

Stewardship is an ongoing relationship with the land and the landowner. Every conservation easement held by a land trust comes with a permanent responsibility for the land trust to safeguard the conservation values and the land from development forever.

1999-2000

63A-5-222. Critical land near state prison -- Definitions -- Preservation as open land -- Management and use of land -- Restrictions on transfer -- Wetlands development -- Conservation easement.

(8) In order to ensure that the land referred to in this section is preserved as open land, the division shall, as soon as practicable, place the land under a perpetual conservation easement in favor of an independent party such as a reputable land conservation organization or a state or local government agency with experience in conservation easements.

2009

CONFEDERATED TRIBES
of the
GOSHUTE RESERVATION
P.O. BOX 6104
IBAPAH, UTAH 84034
PHONE: (435) 234-1138
FAX: (435) 234-1162

July 29, 2009

Office of the Lieutenant Governor Gary Herbert
Utah State Capitol Complex
P.O. Box 142325
Salt Lake City, Utah 84114-2325

Dear Governor Herbert,

Thank you for taking the time to meet and for your attention to the Galena Village site issue.

The Utah Tribal Leaders meeting on July 22nd was attended by six tribal leaders and more than a dozen tribal members who all expressed similar concerns around this issue, despite our different perspectives and relationship to this land. The Utah Tribal Leaders want to emphasize both that 1) the Utah tribes stand together on the protection of the Galena property and this issue is of utmost importance, and 2) we are proud of the good working relationship that we have with the State of Utah and want to continue to build on the trust and good will that exists. We are appreciative of your work on our behalf in this regard.

2005

Public Notice

U.S. Army Corps of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200050047
Date: June 30, 2005
Comments Due: August 1, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, is evaluating a proposal to establish the Utah Department of Transportation (UDOT) Wetland Mitigation Bank. This notice is to inform interested parties of the proposed activity and to solicit comments about UDOT's proposed Banking Instrument. This public notice also may be viewed at the Corps web site at http://www.spk.usace.army.mil/regulatory.html.

The Banking Instrument for the UDOT Mitigation Bank is available for public review at the UDOT Region 2 Office, 2010 South 2760 West, Salt Lake City, Utah 84104; the Corps' Utah Regulatory Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010; or online at http://www.udot.utah.gov/download.php/tid=60/Banking%20Instrument.pdf.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT/ BANK SPONSOR: Utah Department of Transportation, Region 2
Attn: Lars Anderson, Environmental Manager
2010 South 2760 West
Salt Lake City, Utah 84104
Telephone: (801) 887-3470

LOCATION: The proposed UDOT wetland mitigation bank site is located on the eastern banks of the Jordan River in Draper, Utah, north of the Bangerter Highway and south of 12300 South. More specifically, the bank would be located between the Jordan River and the abandoned Galena Canal in the vicinity of Corner Canyon Creek (southwest quarter of Section 35, Township 3 South, Range 1 West, UTM (NAD27)= zone 12, 422670 m E, 4484460 m N.

PURPOSE: The purpose of the UDOT Mitigation Bank is to provide off-site replacement of the chemical, physical and biological functions of wetlands or other aquatic resources that will be lost as a result of authorized impacts. The UDOT Mitigation Bank would not be a commercial endeavor. Rather, the bank would provide compensation for unavoidable losses for UDOT-sponsored projects. These would include federally and state-funded roadway improvement projects as well as local government projects that are managed by UDOT. No mitigation credits would be sold.

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

February 8, 2012

Regulatory Branch (SPK-2007-01249-UO)

Ms. Wendy E. Fisher
Executive Director, Utah Open Lands
2188 South Highland Drive, Suite 203
Salt Lake City, Utah 84106

Dear Ms. Fisher:

We received your January 31, 2012 letter with comments and concerns related to the Utah Transit Authority's (UTA) proposed mitigation measures which addresses the Adverse Effects to Site 42SL186 (Galena Site). Based on your letter, we have attempted to incorporate your concerns, recommendations, or comments as well as the concerns, recommendations, or comments we received from tribes and other organizations. We believe we have addressed your comments and the UTA has revised their mitigation proposal accordingly. We worked to incorporate all or, at the very least, some components of all the comments into the revised mitigation plan. Please find below our responses to your specific comments.