From: Schubert, Alex
To: Wiechman, Lief
Cc: Lara Drizd; Terry Ireland
Subject: Re: GRSG: Fwd: Easemenents
Date: Thursday, March 26, 2015 11:51:24 AM

Here is the subdivision language from the template. I would imagine that easements with this language would offer protection against subdivision of the properties.

Subdivision**.** The legal or de facto division, subdivision, or partitioning of the Property is prohibited. Notwithstanding the fact that, as of the date of this Conservation Easement, the Property might be comprised of separate legal parcels, the terms and conditions of this Conservation Easement shall apply to the Property as a whole, and the Property shall not be sold, transferred, or otherwise conveyed except as a whole, intact, single piece of real estate it being expressly agreed that neither the Landowner nor the Landower's personal representative, heirs, successors, or assigns shall sell, transfer, or otherwise convey any portion of the Property that constitutes less than the entire Property. Notwithstanding the foregoing, boundary line adjustments are permitted with the prior written consent of Holder, which consent shall not be unreasonably withheld, in the case of technical errors made in the survey or legal description. All boundary line adjustments that result in the extinguishment of this Conservation Easement shall require an order from a court of competent jurisdiction extinguishing this Conservation Easement as to those portions of the Property agreed to be conveyed out by Landowner pursuant to a boundary line agreement.

Regardless of anything to the contrary in the foregoing, ownership of the Property may be held in the form of undivided interests as tenants in common, whether by choice or by operation of any applicable laws, but no owner of an undivided interest in the Property shall have the right of exclusive occupancy or exclusive use of any separate portion of the Property, or any right to have the Property partitioned in kind, whether pursuant to Wyoming statute or otherwise.

Here is some more verbage from the template that would indicate protection from subdivision.

A. **USE OF THE PROPERTY**. The Property will continue to be used for ranching and agricultural purposes. The Conservation Values (defined below) of the Property have not been and are not likely to be adversely affected to any substantial extent by continuing to allow the uses of the Property that presently exist on the Property or which are authorized under this Conservation Easement. Also the Conservation Values of the Property have not been and are not likely to be adversely

affected to any substantial extent by limited development of the Property through the use and maintenance and/or construction of those Buildings and Structures which presently exist on the Property, as permitted herein or by the limited additional development which is authorized under this Conservation Easement.

On Thu, Mar 26, 2015 at 11:27 AM, Wiechman, Lief <lief_wiechman@fws.gov> wrote:

Alright. Assumed you reviewed and found the relevant language we need if we're pressed...?

LW

Lief Wiechman
Sage-grouse Ecologist
U.S. Fish & Wildlife Service
Mountain-Prairie Region
Cell: 307.214.8426
Office: 307.772.2374 x236
lief_wiechman@fws.gov

On Thu, Mar 26, 2015 at 10:29 AM, Schubert, Alex <alex_schubert@fws.gov> wrote:

Lief,
Here is a copy of the Conservation Easement Template that the Wyoming Game and Fish Department uses.
Thanks.
Alex
---------- Forwarded message ----------
From: **Holly Copeland** <hcopeland@tnc.org>
Date: Thu, Mar 26, 2015 at 10:18 AM
Subject: RE: Easemenents
To: "Schubert, Alex" <alex_schubert@fws.gov>, Mary Flanderka <mary.flanderka@wyo.gov>
Cc: Joshua Mulhollem <joshua.mulhollem@wyo.gov>, Tom Graham <tom.graham@wyo.gov>

Hi Alex,

Attached is TNC's standard easement template. Please understand that this template is just a starting point and every easement is tailored to the property, the conservation values and landowner needs. Generally speaking, easements prevent surface fragmentation from houses, but can also prevent other sources of fragmentation such as new roads or wind turbines. As Mary points out, generally subsurface rights are often not owned by the landowner and could potentially allow development. We go through a detailed process of getting a geologists report to understand the potential for development and don't usually take easements if there is a high

potential for energy development. In addition, other types of federal regulations can sometimes help with mineral development issues (i.e. NSO stips).

There are many on our team with extensive knowledge on these issues and I would be happy to help facilitate a meeting with them if that would be helpful to you.

Best,

Holly

From: Schubert, Alex [mailto:alex_schubert@fws.gov]
Sent: Tuesday, March 24, 2015 11:10 AM
To: Mary Flanderka
Cc: Holly Copeland; Joshua Mulhollem; Tom Graham
Subject: Re: Easemenents

Ok, I will. Thanks Mary.

On Tue, Mar 24, 2015 at 10:46 AM, Mary Flanderka <mary.flanderka@wyo.gov> wrote:

All, Alex USFWS asked about the easements and the protection provided. He also would like to see a template of the language.

Alex, The easements protect in general against subdividing the land for housing. Generally the minerals and surface are not the same owner.

Holly, Could you share a TNC template with Alex?

Alex, let us know what additional information you need.

--

Mary Flanderka

WGFD

Habitat Protection Supervisor

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307-290-0069

mary.flanderka@wyo.gov

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Alex L. S. Schubert

Fish and Wildlife Biologist

Cheyenne Field Office

U.S. Fish and Wildlife Service

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