

APPENDIX D

CARNEY RANCH CONSERVATION PLAN

A. Purpose

This Conservation Plan (“Plan”) establishes resource goals and means to achieve them for the Carney Ranch (“Ranch”) in compliance with the Jonah Interagency Mitigation and Reclamation Office (JIO) requirements.

B. Parties

Parties to the Plan include the following. By signing below, named individuals certify that they are authorized to act in their respective areas for matters related to this Plan.

Carney Ranch Company
c/o John O. Carney, President
10 S. Riverside Plaza, Suite 1470
Chicago, IL 60606

Jonah Interagency Mitigation and Reclamation Office
c/o Jim Lucas, JIO Project Coordinator
1625 West Pine Street
P.O. Box 768
Pinedale, WY 82941

Wyoming Game and Fish Department (WGFD)
% Steve Ferrell; Levi Martin & Richard Reynders
5400 Bishop Blvd.
Cheyenne, WY 82006

C. Property

The Plan applies to certain property located in Sublette County, Wyoming, more particularly described in Exhibit A.

D. Plan Components

1. Problems and opportunities (as identified by vegetation inventory):

Sagebrush-dominated vegetative overstory	Implement vegetation management actions in sagebrush communities to enhance early brood-rearing habitat for sage-grouse, and to increase forb/understory diversity and water holding capacity of these communities*
Limited willow regeneration	Wildlife-friendly fencing and/or herding in riparian areas; consider development of alternative water sources with an overall purpose to improve and maintain willow and stream structure and function
Extensive grazing use in riparian (native and non-native) meadows	Improve livestock movement patterns across the ranch to increase native vegetative composition, production and diversity and increase soil litter and water holding capacity. Wildlife friendly fencing and/or herding in riparian areas; consider development of alternative water sources; salting away from these areas

Additional opportunities are identified in Exhibit C of this document.

2. Goals and objectives:

- a. Maintain and enhance the economic viability of the Ranch’s agricultural operation;
- b. Mitigate impacts to sagebrush habitat and species (particularly sage grouse and pronghorn) from development in the JIDP area as described in JIO’s Strategic Plan (revised February 9, 2009), by, for example:
 - (1) Maintaining and enhancing migration routes for pronghorn and other big game through livestock- and wildlife-friendly fence modifications;
 - (2) Maintaining and enhancing existing sagebrush communities (particularly those within 2-3 miles of existing sage grouse leks) to ensure $\geq 15\%$ canopy cover while promoting a healthy diverse understory of native forbs and grasses*;

- (3) Maintaining and enhancing native perennial forb communities (e.g., by implementing improved grazing management to increase litter and water holding capacity; inter-seeding wet areas where appropriate; etc.);
 - (4) Maintaining and enhancing native perennial bunchgrass components, especially within sagebrush/grassland habitats (e.g. manage sagebrush communities for sage-grouse needs where appropriate and adjust grazing management as necessary).
- c. Select alternatives to address problems/opportunities and meet goals and objectives that complement the Ranch's conservation easements, and as identified in Exhibit C;
 - d. Maintain and enhance wetland riparian and aquatic habitats on the ranch.
 - (1) Monitor and reduce livestock browsing impacts on willow communities where impacts are occurring.
 - (2) Monitor and reduce grazing impacts on native, bank stabilizing riparian components (e.g. sedges and willows) where impacts are occurring
3. Resource inventory and analysis

See November 12, 2009 Carney Ranch Ecological Site Descriptions and Management Recommendations attached as Exhibit B. This inventory will be finalized over the 2009-10 winter period.

4. Alternatives to address problems/opportunities and meet goals and objectives based on resource inventory

The Conservation Research Center of Teton Science Schools was contracted to collect data toward determination of the Ecological Site Descriptions located on the Property. Data were collected using the following methods: Dry Weight Rank, Line Intercept, Shrub Belt Age/Hedging Classes, production, and photopoints. Data were used to determine each site's similarity to the appropriate Ecological Site. The potential Ecological Site was determined using soils and vegetation information.

Overall findings on the Property demonstrate good historic grazing practices by the ranch. Sagebrush species have, however, become the dominant cover in all upland sites. The management recommendations

provided in this document and outlined in Exhibit C are designed to address the maintenance or enhancement of existing vegetative communities; and in particular to many of the upland sites, to manage sagebrush communities primarily for sage-grouse, but also to address other goals and objectives outlined elsewhere in this plan.

Two primary management recommendations were provided for the Carney Ranch. First, sagebrush decadence and cover should be addressed. Small sagebrush treatments (in concordance with the sagebrush and sage grouse management guidelines* and future planning efforts with local Wyoming Game and Fish Dept. personnel) when planned with appropriate grazing management, would increase the diversity in shrub age classes across the property and benefit all wildlife species. Interseeding may be considered in conjunction with sagebrush treatments if needed or as opportunities arise. Secondly, alternating the season of use and/or reducing grazing pressure in some areas, particularly throughout the riparian corridor and, where appropriate, altering grazing pressure in the upland areas and include growing season rest within an overall grazing plan. These changes would allow the willow community to regenerate and encourage diversity in the upland areas and improve diversity and condition of vegetation in the subirrigated and riparian communities.

See Exhibit C for specific project alternatives, locations, goals/objectives addressed, responsible party (ies), estimated costs, estimated time to complete, NEPA requirements, and monitoring schedules.

*Any sagebrush manipulations will follow the Wyoming Game and Fish Departments: “Sage-Grouse Habitat Management Guidelines for Wyoming” (reference can be found on the WGFD internet page) which indicates that no more than 20% of the available nesting habitat will be treated at any one time. In addition, treatments will be done in a fine mosaic, and “thinning” with SPIKE may be a preferred treatment over prescribed burning, unless it is guaranteed that a prescribed burn can provide the needed mosaic patterns for quality brood-rearing.

E. Administration

1. This Plan will guide use of the Property through and including December 31, 2029. The Plan will terminate at that time unless all Parties agree to extend this term in writing.

2. Any notices to be sent pursuant to this Plan shall be sent by U.S. Mail to the Parties at the addresses above.

3. This Plan may be amended only by written agreement of all Parties. No amendment may be inconsistent with the stated "Conservation Purposes" of that certain conservation easement granted to the The Conservation Fund over the Property. Further, no such amendment shall be enforceable until reviewed and approved by The Conservation Fund, Wyoming State Office, P.O. Box 4441, Jackson, Wyoming 83002. In the event of a conflict between the Plan and said conservation easement, the provisions of the conservation easement will control.

4. If legal or natural changes negate the Plan's applicability to the Property, the Parties will develop and implement a revised Plan, subject to the provisions of the preceding paragraph.

5. The Parties (WGFD and Landowner/Operator) will review the Plan at least annually to evaluate progress toward the Plan's goals and to identify any project needs and funding for the upcoming season.

6. The Landowner agrees to allow the Parties access to the Property during daylight hours following at least seven (7) days' written notice as necessary to develop, implement, evaluate and adapt the Plan.

7. Nothing in the Plan obligates any Party to expend, obligate or transfer any funds. Specific projects or activities that involve the transfer of funds, services, or property related to the Plan will require execution of separate agreements and be contingent upon the availability of funds. Such agreements will be negotiated, executed, and administered by parties to such agreements and must comply with all applicable statutes and regulations.

8. Any information furnished to Federal Agencies under this Plan is subject to the Freedom of Information Act (5 U.S.C. 552). Information furnished to State Agencies is subject to the terms of the Wyoming public records act (Wyo. Stat. Ann 16-4-201 et seq.).

9. This instrument in no way restricts the Parties from participating in similar activities with other public or private agencies, organizations, and individuals.

10. The Federal and State Agencies will handle their own activities and use their own resources, including the expenditure of their own funds under this Plan.

11. This Plan is not intended to, and does not, create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, the State of Wyoming, The Conservation Fund, or their agencies, officers, or any person.

12. Neither the United States nor the State of Wyoming, nor any agency, waives its sovereign immunity by entering into this Plan, and each fully retains all its

immunities and defenses as provided by applicable law with respect to any action based on or occurring as a result of this Plan.

13. The Parties do not intend to create in any individual or entity the status of third party beneficiary. This Plan shall not be construed so as to create any third party beneficiary status.

John Carney
Carney Ranch Company

Date

Steve Ferrell
Wyoming Game and Fish Department

Date

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT B

[INSERT November 12, 2009 Draft Carney Ranch Ecological Site Descriptions and Management Recommendations]

EXHIBIT C

Proposed Project/Opportunity	Management Area(s)	Ecological Site Description(s)	Objective(s)	Estimated Costs as of Date Plan Signed	Estimated Time to Complete	Monitoring
Manage sagebrush communities to benefit wildlife; with emphasis on sage-grouse habitat needs	2, 3	Dense Clay 15-19; Loamy 15-19	Where appropriate, decrease sagebrush canopy to increase diversity in the plant community while maintaining adequate sage-grouse nesting and brood-rearing cover*.	TBD	Work with WGFD on planning and implementation of all projects	WGFD and/or Contracted
Inventory fences in riparian corridor and replace with wildlife-friendly fences as appropriate	1	Overflow 15-19; Subirrigated 15-19	Improve habitat connectivity; decrease wildlife mortality/injury from barbed-wire fences; improve condition of willow habitat	TBD	Work with WGFD on planning and implementation of all projects	WGFD and/or Contracted
Stimulate aspen growth	3	Dense Clay 15-19; Loamy 15-19	Increase aspen suckering, if compatible with current wildlife and livestock use (browsing)	TBD	Work with WGFD on planning and implementation of all projects	WGFD
Grazing Management	Ranch-wide	All; especially in subirrigated and riparian communities	The primary objective is to alter the season of use annually, and provide growing season rest through pasture deferment. WGFD will work with landowner to set site-specific vegetation objectives based on inventory work in area with a general objective of enhancing the diversity of native vegetation.** TSS will revisit data collection sites during active growing season for any potential clarification related to 2009 inventory.	TBD	WGFD personnel will meet with landowner and/or operator to discuss current grazing management and associated projects to meet vegetation objectives. *	WGFD and TSS
Sagebrush Die-off	3	Dense Clay 15-19; Loamy 15-19	Further evaluate sagebrush die-off for potential implications related to thinning projects, and potential determination of cause	NA	Summer, 2010	WGFD and TSS

*Any sagebrush manipulations will follow recommendations in the WGFD “Sage-Grouse Habitat Management Guidelines for Wyoming” publication.

**Future vegetative objectives will be developed in relation to the 2009 Ecological Site Inventory and also the 2009 Moose Habitat Evaluation (to be completed in early 2010). Vegetative objectives will address all species needs on a watershed health basis, with potential preference (if needed) given to sage-grouse and pronghorn

