



To: Distribution List

From: Mickey Fleming, Lands Project Manager
Chelan-Douglas Land Trust

Date: November 3, 2008

Re: Lower Icicle/Fromm Conservation Easement

The Chelan-Douglas Land Trust (CDLT) proposes to acquire a Conservation Easement over approximately 57 acres of floodplain on the Lower Icicle Creek, a tributary to the Wenatchee River. The project protects over 5,000 feet of streambank. The purpose of this memorandum is to provide you with an update on the status of this project.

On 29 October, CDLT completed negotiations with the Fromm Family Partnership on the terms and conditions of this conservation easement. At this stage, we are capable of securing an appraisal of the property with, and without, the conservation values that will be protected under the terms of the easement. We expect to have that appraisal completed by early December.

Conservation values

The conservation easement protects a zone of over a mile of significant riparian habitat. Much of it is in the 100 year floodplain designated by FEMA. Icicle Creek is a Category 2 Watershed and a minor Spawning Area for spring Chinook salmon, a Major Spawning Area for steelhead, and a core area for bull trout. The site also has nesting bald eagles and harlequin ducks.

Intact blocks of riparian, floodplain and valley floor areas of the Icicle Creek Watershed are critical for maintaining and protecting water quality and quantity, fish and wildlife habitat and flood protection. The effective functioning of the riparian habitat depends on protection of natural vegetation and soils and on protection of the adjacent upland area which is a potential source of siltation, pollution and undesirable vegetation. Retention of large riparian areas prevents further fragmentation and degradation of riparian and instream habitats.

The property is under development pressure, has of-right subdivision potential and access to utilities. It would very likely be developed at some time in the future in the absence of

the conservation easement. Under current zoning, the property is capable of being developed into 15 housing units.

Chelan-Douglas Land Trust used the conservation guidelines established by the Tributary Committees for easements and acquisitions, and secured additional elements for protection of the property. The following provides a synopsis of the terms of the easement.

Rights to be Acquired/Extinguished by CDLT

- Transfers and extinguishes all unused development rights.
- Establishes "Riparian Zone" of 50 feet from the ordinary high water mark in which no agricultural or grazing activity may occur.
- Identifies two areas in which agriculture/grazing currently encroach upon the riparian area. These may not be enlarged, and are extinguished if unused for three years. CDLT may conduct riparian improvement in one of the areas, and upon completion, that area may no longer be used for agricultural or grazing purposes.
- Requires wildlife friendly fencing.
- CDLT has the right to allow persons or groups to enter upon the Property for educational, scientific and biological purposes.
- Prohibits subdivision or separation of ownership and requires subordination of any liens to the interests of CDLT.
- Prohibits surface land disturbances, subsurface mineral extraction and excavations, and any other activity that causes cause significant soil degradation or erosion or significant pollution of any surface or subsurface waters.
- CDLT may conduct stewardship activities and has the right to enjoin violations of the easement at Grantor's cost.

Rights to be Retained by Grantor

- Continued agricultural and livestock use of non-riparian areas, subject to CDLT-approved Agricultural Use Plan and Grazing Management Plan incorporating best management practices.
- Use of existing roads and new ones as needed for permitted uses and furthering Conservation Values
- Permits non-motorized recreational activities and recreational tourism.
- Permits certain commercial activities such as camping, events, hunting and fishing.
- Permits timber harvest for Grantor's personal use, disease management and fire safety subject to a Timber Harvest Plan incorporating best management practices.
- Maintenance of existing drainfield and irrigation works.
- All retained rights must be exercised consistent with Conservation Values.

Distribution List:

Joy Juelson, Chelan County Lead Entity
Jason Lundgren, Salmon Recovery Funding Board
Tracy Hillman, The Tributary Fund
Benjamin Lenz, Priest Rapids Habitat SubCommittee
Andrew Purkey, National Fish and Wildlife Foundation
Roy Beaty Bonneville Power Administration
Lee Carlson, Yakama Nation