

Teton County Scenic Preserve Trust

Staff Report

Matters from Staff Agenda item: EAS2016-0001

Meeting Date: October 18, 2016

Submitting Dept: Planning and Development

Presenter: Kristi Malone

Subject: Amendment to Teton County Scenic Preserve Trust Dorros Open Space Easement

Statement / Purpose:

Pierson Land Works, LLC, on behalf of property owner G. Dorros Family Limited Partnership, is requesting that the Board of Trustees of the Teton County Scenic Preserve Trust (TCSPT), whose members are the Board of County Commissioners of Teton County, amend the existing Dorros open space easement to effectively replace the legal description of the "Property" on which the easement is located with a corrected legal description that reflects the recent boundary adjustment between the subject parcel and the parcel directly north.

In order to review this request, the Board of County Commissioners needs to convene as the Board of Trustees of the Teton County Scenic Preserve Trust to hear the matter and take action.

Background / Description (Pros & Cons):

Vicinity Map



Address: 1120 S THUNDER ROAD

Legal Description: PT. OF THE RIPARIAN LANDS APPURTENANT TO LOTS 1 & 3, SEC. 3, TWP. 40, RNG. 117, PARCEL 10

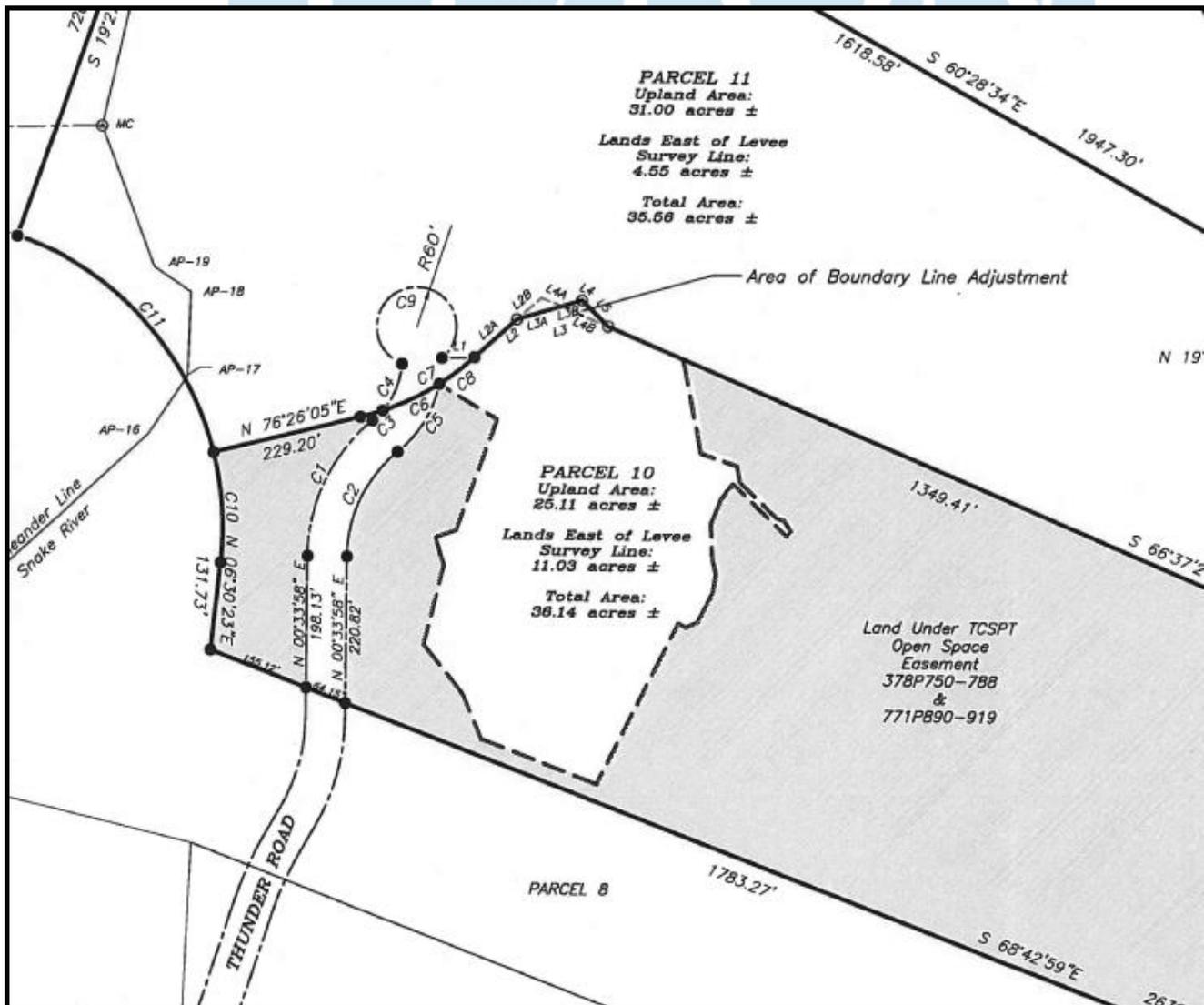
Zoning: R1

Overlay: Natural Resources Overlay

PIDN: 22-40-17-03-2-00-008

The Dorros open space easement was originally granted to the Teton County Scenic Preserve Trust in 1999 in association with approval of a 2-unit Planned Residential Development. The easement was previously amended in 2010 to reconfigure the boundaries of the area encumbered by the open space easement.

Prior to this hearing, an Exempt Land Division application for the subject parcel was found to be compliant with Wyoming Statute § 18-5-303 and resulted in a minor adjustment to the property boundary line between the subject parcel (Parcel 10) and the parcel directly north (Parcel 11), as conveyed in the following map.



At the area labeled “Area of Boundary Line Adjustment,” the dashed line represents the property boundary before the adjustment and the solid line represents the property boundary after the adjustment. The adjustment took place outside of the shaded area representing land under conservation easement held by Teton County Scenic Preserve Trust so the legal description of the easement area itself is not proposed to change in this amendment. However, the original recorded easement and the 2010 recorded amendment include reference to and an exhibit describing the “Property” on which the easement is located. The objective of this amendment is to replace the legal description of the “Property” (Parcel 10) in Exhibit A with an amended legal description that reflects the boundary adjustment that has occurred.

Compliance of the Proposal with the TCSPT Easement Amendments

On December 22, 2015, the Board updated the TCSPT policies by adopting a new Open Space Resources Resolution, which also included and outlined standards and procedures for approval of amendments to conservation easements. Evaluation of the proposed amendment against standards for approval of easement amendments follows, from Section 10 of the Open Space Resources Resolution.

1) General Standards

- a) ***In no case shall an amendment be allowed that adversely affects the Trust’s exempt status as an organization under Section 501(c)(3) of the Internal Revenue Code,***

Complies. The legal description of the parcel is changing, but no element of the area under conservation easement is being amended.

- b) ***The net result of an amendment shall not confer any private financial or economic benefit, and***

Complies. The legal description of the parcel is changing, but no element of the area under conservation easement is being amended. The boundary adjustment was performed to remedy a landscaping encroachment and involved the equal exchange of approximately 770 square feet between Parcel 10 and Parcel 11, so private financial or economic benefit is not intended or anticipated.

- c) ***Final approval of an amendment request lies with the Board of Trustees of the Trust, in their sole discretion, based on the standards recited in this resolution.***

Complies. Although Staff is recommending approval of the request based on an evaluation of the proposal against the General Standards for amendments, approval or denial of an amendment is at the discretion of the Trustees of the TCSPT. To assist the Board in decision-making, Staff has also evaluated the proposal against the specific standards to be considered for approval of an amendment.

2) Standards for Considering the Approval of Conservation Easement Amendments

- a) ***Correction of an error or clarification of an ambiguity. The Trust shall allow amendments made to correct an error or oversight in an original conservation easement. This may include correction of a legal description, inclusion of standard language unintentionally omitted, or clarification or ambiguous language.***

Complies. As a result of the recent boundary adjustment outside of the area under conservation easement but affecting the legal boundary of the subject parcel, the legal description of the “Property” in Exhibit A of the original easement document and the 2010 easement amendment is now incorrect. This amendment constitutes correction of an error.

- b) ***Modifications consistent with the conservation purposes. At times, a landowner may request an amendment that modifies the restricted uses or areas of an easement property due to unforeseen adverse conditions or hardships. These requests for amendment shall be allowed if***

- i) *The amendment is consistent with the conservation purposes of the easement, and*
- ii) *The amendment creates a condition that strengthens protection of the conservation values identified in the easement and results in a net conservation benefit, and*
- iii) *The amendment is not likely to create a significant adverse public perception of the Trust or significantly undermine the public’s perception of the reliability of conservation easements as a land conservation tool.*

Not applicable. This amendment does not request that the restricted uses or areas of the property subject to the conservation easement be modified.

c) **Modifications required by easement terms.** *The Trust shall allow amendments necessary to comply with the terms of the conservation easement, such as a provision in the easement allowing modifications at a future date under specified conditions.*

Not applicable. The applicant's request for amendment is not required by easement terms.

Statement of Strategic Intent addressed by this item (Identify BCC goals accomplished/addressed):

This proposal addresses the strategic goal of Environmental Stewardship and Organizational Excellence. The conservation easement will continue to preserve open space that protects wildlife habitat and scenic resources and the amendment ensures that the recorded document granting the easement is accurate and consistent with legal changes to the subject parcel.

Attachments:

1. Map of Easement Configuration and Subject Property
2. Public Comment
3. Original 1999 TCSPT Dorros Open Space Easement
4. 2010 Amendment of TCSPT Dorros Open Space Easement (1st amendment)
5. Application Materials and Draft Amendment Document (2nd amendment)
6. Open Space Resources Resolution of Teton County, Wyoming

Fiscal Impact:

Approval of this easement amendment will not result in any fiscal impacts for Teton County.

Staff Impact:

Staff impact associated with this proposal includes review of the easement amendment request.

Legal Review:

By Erin Weisman.

Public Comment:

Neighbor notices were sent to all property owners within 800 feet of the subject property. One inquiry was received requesting clarification of the proposal. No critical commentary was received as of the date of this staff report.

Recommendation:

Staff recommends that the Board of Trustees of the TCSPT **APPROVE** the amendment EAS2016-0001, as proposed by the applicant, which has been revised by the applicant pursuant to the County Attorney's review comments, based on the finding that the amendment complies with all standards of the Open Space Resources Resolution approved and adopted on Dec. 22, 2015.

Suggested Motion:

Move to approve the 2nd Amendment to Teton County Scenic Preserve Trust Dorros Open Space Easement (EAS2016-0001), to correct the legal description of the property on which the easement is located, based on the finding that the amendment complies with all standards of the Open Space Resources Resolution approved and adopted on Dec. 22, 2015.

ATTACHMENT 1: Map of Easement Configuration and Subject Property



WYOMING





www.tetonwyo.org

Friday, September 16, 2016

RE: Notice to Neighbors of an application for amendment to Teton Scenic Preserve Trust Easement - Tract 10 Crescent H Ranch (EAS2016-0001)

Dear Property Owner:

This letter serves to notify you that the Teton County Planning and Development Department has received an application from Pierson Land Works, LLC, on behalf of G. Dorros Family Limited Partnership, for approval to amend the Teton County Scenic Preserve Trust Easement - Tract 10 Crescent H Ranch. The subject property is located at 1120 Thunder Road. It is zoned R1. Please refer to the Vicinity Map on the back of this notice for additional location information.

You are receiving this letter as a property owner within 800 feet of the subject property. Wyoming State Statute, Sections 18-5-201 & 202, et. seq., provides the County with the authority to process and approve land use and development permits.

The application has been scheduled for public hearing before the Board of County Commissioners on **October 18, 2016**. This meeting begins at 9:00 a.m. and will be held in the Commissioners' Chambers which is located in the County Administration Building on 200 S. Willow Street in Jackson, Wyoming. The Board of County Commissioners will make a decision on the application at this time. Both meetings are open to the public and we welcome you to attend.

If you have any questions regarding the application, please feel free to give me a call at (307) 733-3959. You may also review the application in the Planning Department Office during normal business hours, Monday – Friday, 8:00 a.m. to 5:00 p.m. If you would like to provide written comments, please forward them to me prior to **October 5, 2016** so that I may include your comments in my evaluation of the application. Comments can be mailed to the Planning Department or e-mailed to me at kmalone@tetonwyo.org.

Thank you for your attention.

Sincerely,

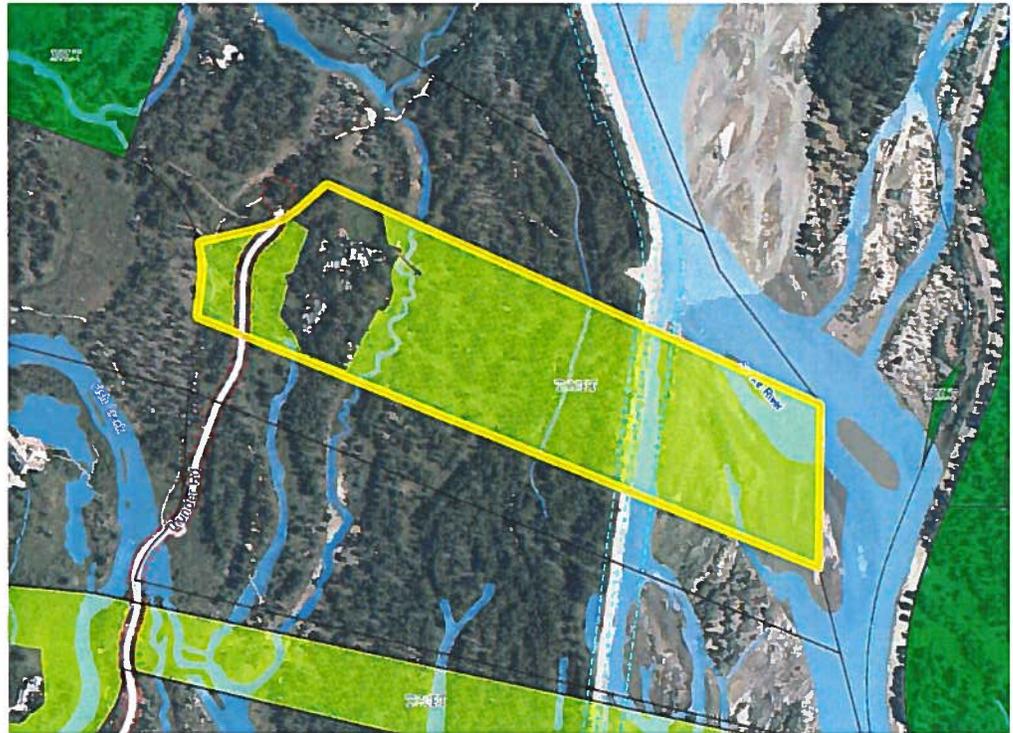
A handwritten signature in black ink, appearing to read "Kristi Malone".

Kristi Malone
Associate Planner

PO Box 1727
200 South Willow Street
Jackson, Wyoming 83001

ph: 307.733.3959
fax: 307.733.4451

VICINITY MAP



Legal Description: PT. OF THE RIPARIAN LANDS
APPURTENANT TO LOTS 1 & 3, SEC. 3, TWP. 40, RNG. 117,
PARCEL 10

Location: 1120 S THUNDER ROAD

PIDN: 22-40-17-03-2-00-008

SCOTT, WALTER JR.
P.O. BOX 6325
JACKSON, WY 8300211

TETON COUNTY
P.O. BOX 1727
JACKSON, WY 83001

13141548 LLC
20 MONTCHANNIN ROAD, SUITE 250
GREENVILLE, DE 19807

DORROS, G. FAMILY LIMITED
PARTNERSHIP
P.O. BOX 1654
WILSON, WY 83014-1654

JACKSON HOLE LAND TRUST
P.O. BOX 2897
JACKSON, WY 83001

RENDEZVOUS INTERESTS, LIMITED
18 WEST LANE
HOUSTON, TX 77019

NEILSON RANCH PRO. LTD. LIA. C
MURPHY & KRESS, INC.
2401 MAIN STREET
SANTA MONICA, CA 90405

ELY SPRINGS PROP. LTD. LIA. CO
MURPHY & KRESS, INC.
2401 MAIN STREET
SANTA MONICA, CA 90405

DORROS, GERALD & MYRA S.
REVOCABLE TRUST
PO BOX 1654
WILSON, WY 83014

KRAUS REVOCABLE TRUST
490 KINGSLEY AVENUE
PALO ALTO, CA 94301-3221

TAYLOR, THOMAS J. TRUSTEE C/O
CENTURY FARMS LLC
897 ROUTE 706
WYALUSING, PA 18853



Grantor: G DORROS LIMITED FAMILY*
Grantee: TETON COUNTY SCENIC PRESERVE*
Doc 0491583 bk 378 pg 407-411 Filed at 3:30 on 06/08/99
Sherry L Daigle, Teton County Clerk fees: 0.00
By JULIE A HODGES Deputy

OPEN SPACE EASEMENT

This Open Space Easement (this "Instrument") is made and entered into effective this 8th day of June, 1999, by and between G. DORROS LIMITED FAMILY PARTNERSHIP, a Wisconsin limited family partnership (hereinafter referred to as the "Grantor") and THE TETON COUNTY SCENIC PRESERVE TRUST (hereinafter referred to as the "Grantee").

RELEASED	
INDEXED	
ABSTRACTED	
SCANNED	

WITNESSETH:

WHEREAS, Grantor owns certain land located in Teton County, Wyoming, consisting of approximately 36.14 acres (referred to herein as the "Property") and more particularly described in Exhibit A attached hereto and by this reference, made a part hereof; and **EXHIBIT "A" ATTACHED**

RELEASED	
INDEXED	
ABSTRACTED	
SCANNED	

WHEREAS, much of the Property is currently undeveloped; and

WHEREAS, in the Teton County Comprehensive Plan, Teton County has adopted goals and objectives which foster, promote and encourage preservation of land as Open Space for preservation of wildlife habitat, scenic resources, or agricultural uses; and

WHEREAS, preservation of Open Space contributes much to the perpetuation of Teton County's western heritage and rural landscape, provides a special visitor experience, and may provide large blocks of space that benefit various types of wildlife; and

WHEREAS, preservation of Open Space is important to the wildlife and scenic qualities and western atmosphere of Teton County, and therefore, to the tourist-based economy; and

WHEREAS, the Property has scenic, wildlife, and/or agricultural values (hereinafter referred to as "Open Space Values") of importance to the people of Teton County, Wyoming, and their protection will yield a significant public benefit; and

WHEREAS, the Teton County Land Development Regulations permit an increase in development potential in exchange for preservation of Open Space; and

WHEREAS, the current Teton County Land Development Regulations permit up to three (3) dwelling units of thirty-five (35) acres if seventy percent (70%) of the Property is preserved as Open Space; and

WHEREAS, Grantor desires to preserve and protect the natural, scenic and agricultural values of a portion of the Property and to take advantage of an increase in development potential in exchange for doing so; and

WHEREAS, Grantor is willing to preserve seventy percent (70%) of the Property as Open Space in consideration of his ability to develop two (2) dwelling units on the Property; and

WHEREAS, A Final Development Plan, Planning Office permit no. _____ (herinafter "Final Development Plan") has been issued by the County for development of Grantor's Land, and such final development plan specifies the amount, location, and type of development permitted in exchange for the protection of the Open Space Values on a portion of Grantor's Land;

NOW, THEREFORE, in consideration of the increase in development potential to which Grantor shall be entitled by Teton County's Land Development Regulations, and the execution and acceptance of this Instrument and the Grantor's and Grantee's agreement thereby to abide by the terms and conditions hereof,

Grantor: G DORROS LIMITED FAMILY*
Grantee: TETON COUNTY SCENIC PRESERVE*
Doc 0491867 bk 378 pg 750-788 Filed at 4:00 on 06/11/99
Sherry L Daigle, Teton County Clerk fees: 82.00
By WENDY R GRALUND Deputy

JCM
EXHIBIT "B" ATTACHED

Grantor grants to Grantee an Open Space Easement, as hereinafter defined (the "Open Space Easement" or "Easement") over and across a portion of the Property described in Exhibit B and hereinafter referred to as "Open Space" to preserve and protect the Open Space Values of the Property, which Open Space Easement shall be an easement in gross, shall benefit and be enforceable by the Grantee, and shall bind Grantor and Grantor's successors in ownership and/or use of the Property. Grantor warrants to the Grantee that the Open Space Easement is not subject to any senior mortgage, lien or other encumbrance other than restrictive covenants, road and utility easements and other similar encumbrances of sight or record existing at the time this Instrument is signed, which could adversely affect or remove the covenants contained herein.

1. **Identification of Open Space.** That portion of Grantor's Land more particularly described in Exhibit "B" attached hereto and by this reference made a part hereof (the "Open Space") shall be preserved as Open Space in accordance with the terms and conditions set forth herein.

2. **Purpose.** The purpose of the Easement granted herein is to preserve and protect the Open Space Values of the open space and to confine the use of the Open Space to agricultural, wildlife, natural, scenic, open space, recreation and other such uses as are consistent with the preservation and protection of said features and values.

3. **Affirmative Rights Conveyed by this Instrument.** The affirmative rights conveyed to the Grantee by this Instrument include the following:

3.1 **Preservation of Open Space Values.** To preserve and protect the Open Space Values of the Open Space.

3.2 **Entrance onto Open Space.** To enter upon the Open Space to enforce the rights herein granted and in connection therewith to inspect and observe the Open Space, all in a manner that will not unreasonably interfere with the proper uses being made of the Open Space at the time of such entry and upon reasonable proper notice given by or on behalf of the Grantee to one or more of the then owners of the Property, provided that no such notice shall be required where the Grantee reasonably determines that immediate entry upon the Open Space is essential to prevent or mitigate a detrimental violation of this Instrument.

3.3 **Enforcement.** To enjoin any activity on or use of the Open Space that is prohibited by this Open Space Easement and to enforce the restoration of such areas or features of the Open Space that may be damaged by any such prohibited activity or use, pursuant to Paragraph 6, "Enforcement of Open Space Easement".

4. **Use of the Open Space.** Grantor intends that the Easement shall restrict the use and development of the Open Space to uses that preserve its Open Space Values -- including agriculture and ranching, recreation and other such uses as are consistent with protection of the Open Space Values and not specifically prohibited herein.

4.1. **Prohibited Uses and Practices.** The following uses of the Open Space shall be prohibited:

a) **Construction of Buildings.** The construction or location of any buildings, structures or accessory structures.

b) **Industrial or Mining Use.** The mining, dredging, filling, grading, paving, excavation or drilling operations except grading, irrigation, water course or pond development or improvement, fisheries development, existing roads/utilities or wildlife habitat improvement activities.

c) Off-road/Off-trail Transportation. Off-road use of vehicles and off-trail use of any form of motorized transportation, except where needed for maintenance and upkeep of the Open Space and excepting that a snowmobile may be used to set cross country ski tracks.

d) Dumping and Storage. The storage of recreational vehicles (including, but not limited to boats, campers and motor homes). Dumping or storing of ashes, trash, garbage, junk or other unsightly or offensive material.

e) Feedlot. Establishment or maintenance of any livestock feedlot. A feedlot is a relatively small, confined land area used for fattening livestock. The normal and usual feeding operations which have been traditionally conducted on ranches and farms in Teton County are not considered feedlots.

f) Clearing or Grading. Clearing, grading or other movement of the natural topography of the land except such activities in connection with fisheries development, wildlife habitat improvement or clearing for safety purposes (e.g. deadfall).

g) Fences. Any fences which do not conform with the applicable wildlife compatible fence regulations of the Wyoming Game & Fish Department is prohibited on the Property.

5. Documentation of Use and Condition of Open Space. In order to establish the present condition of the Open Space, its natural, ecological, wildlife and scenic resources and its agricultural resources and man-made features, and so as to ensure compliance with the terms hereof, an environmental assessment including an inventory of the relevant resources, features and conditions of the Property has been prepared, a copy of which environmental assessment is attached hereto by this reference made a part hereof as Exhibit C. Grantor and Grantee hereby expressly agree that said inventory is an accurate representation of the Open Space affected at the signing of this Instrument. Grantor and Grantee further agree that changes in the Open Space may occur so long as they are consistent with the purpose of this Instrument. If a controversy arises with respect to the nature and/or extent of the historical and/or existing use or physical condition of the Open Space, Grantor and Grantee shall not be foreclosed from utilizing all relevant material documents, surveys, reports and other evidence to assist in the resolution of the controversy.

6. Enforcement of Open Space Easement.

6.1 Enforcement. Any violation of the Open Space Easement shall be subject to termination through the procedures outlined in the Teton County Land Development Regulations for Enforcement in force at the time of the violation or through injunctive proceedings with the imposition of temporary restraining orders, or through any other legal means. Grantee shall have the right to enforce the restoration of the portions of the Open Space affected by activities in violation of the Easement to the condition which existed proper to the violation.

6.2 No Waiver. Failure by the Grantee to exercise its rights under this Instrument in the event of any breach of any of the provisions of this Instrument shall not be deemed or construed to be a waiver of the Grantee's right hereunder as to that breach or any subsequent breach.

6.3 Costs and Attorneys Fees. In the event of a dispute hereunder, the prevailing party shall be entitled to recover its reasonable costs and attorney's fees.

7. Transfer of Open Space Easement. If the Grantee determines that it no longer is able to enforce its rights under this Instrument or that it no longer desires to enforce said rights, or if the Grantee ceases to exist or is otherwise prevented from enforcing its rights under this Instrument, the Grantee shall as soon as practicable convey all rights under this Instrument and deliver a copy of this Instrument to an

organization designated by the Grantor and agreed to by the Grantee, to ensure that the Open Space Easement and this Instrument, in general, are enforced.

8. **Open Space Easement Granted in Perpetuity.** The Open Space Easement shall be a burden upon and shall run with the Open Space in perpetuity and shall bind Grantor and Grantor's successors in ownership and/or use of the Open Space forever.

9. **Payment of Costs, Taxes or Assessments.** The owners of the Open Space shall pay all real estate taxes or assessments levied by competent authorities upon the Open Space, and the Grantee shall have no obligation or responsibility for payment of taxes or assessments levied upon any of said Open Space.

10. **Waiver of Homestead Exemption.** Grantor hereby releases and waives all rights under and by virtue of the homestead exemption laws of the State of Wyoming, insofar as any of such rights affects the conveyance set forth herein.

11. **Definitions.**

11.1 **Grantor.** The term "Grantor", as used herein, shall mean Grantor and Grantor's successor in ownership and/or use of the Open Space or any affected portion thereof, including tenants, lessees, and licensees.

11.2 **Grantee.** The term "Grantee", as used herein, shall mean the Teton County Scenic Preserve Trust, and the permitted successors and assigns of the Teton County Scenic Preserve Trust.

11.3 **Existing.** The term "existing", as used herein, shall mean existing at the time of the signing of this Instrument.

12. **Miscellaneous.**

12.1 **Severability.** If any provisions of this Instrument or the application thereof to any person or circumstance is found to be invalid, the remainder of this Instrument and the application of such provisions to persons or circumstances other than those as to which the provisions or application is found to be invalid shall not be affected.

12.2 **Recordation.** This Instrument shall be recorded in the Office of the County Clerk of Teton County, Wyoming.

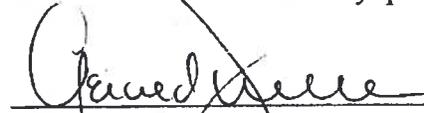
12.3 **Reference in Subsequent Documents.** Reference to the Open Space Easement shall be made in a separate paragraph of any subsequent deed or other legal instrument by which any interest (including a leasehold interest) in the Property is conveyed, and said reference shall include the recording data of this Instrument. Failure to comply with this requirement shall not adversely affect the Grantee's rights under this Instrument in any way.

12.4 **Public Access.** This Instrument creates no right in the general public to physical access to or on any portion of the Property or Open Space.

IN WITNESS WHEREOF, Grantor has executed this Instrument effective the day and year first above written.

Grantor:

G. Dorros Limited Family Partnership, a Wisconsin limited family partnership.



Gerald Dorros as President of Gerald Dorros, M.D., S.C., general partner

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me by Gerald Dorros as President of Gerald Dorros, M.D., S.C., general partner of the G. Dorros Limited Family Partnership, a Wisconsin limited family partnership, this 21st day of April, 1999.

WITNESS my hand and official seal.



Mary H. Fark
Notary Public
My commission expires:

8th Accepted and agreed to by the Teton County Scenic Preservation Trust this day of June, 1999.

Sandy Shuptrine
Sandy Shuptrine, Trustee

Bob Shervin
Bob Shervin, Trustee

V. Jolynn Coonce
V. Jolynn Coonce, Trustee

Ann Stephenson
Ann Stephenson, Trustee

William Paddleford
William Paddleford, Trustee

Attest: Sherry L. Daigle
Sherry L. Daigle, County Clerk



STATE OF WYOMING)
) ss.
COUNTY OF TETON)



The foregoing instrument was acknowledged before me by Sandy Shuptrine, Bob Shervin, V. Jolynn Coonce, Ann Stephenson, William Paddleford of the Teton County Scenic Preservation Trust, and Sherry L. Daigle, County Clerk, this 8th day of June, 1999.

WITNESS my hand and official seal.

Renee Corsi
Notary Public
My commission expires: Nov. 18, 2001

EXHIBIT "A"

**Legal Description
Crescent H Ranch
Parcel 10
36.14 Acres**

That part of the riparian lands appurtenant to Government Lots 1 and 3 in Section 3, T40N, R117W, 6th P.M. Teton County, Wyoming; further described as follows:

PART 1

BEGINNING at a point which bears S 11°51'40"W, 804.48 feet from the northeast corner of said Government Lot 1 marked by a 2" diameter galvanized pipe with brass cap with Certified Land Recordation Certificate on file in the Office of the Clerk of Teton County, Wyoming;

THENCE N 06°30'23"E, 131.73 feet to a POINT;

THENCE along a curve to the left having a radius of 465.00 feet and an arc length of 167.22 feet, being subtended by a chord of N 03°47'44"W, 166.32 feet to a POINT;

THENCE N 76°26'05"E, 229.20 feet to a POINT;

THENCE along a curve to the left having a radius of 398.48 feet and an arc length of 195.95 feet, being subtended by a chord of N 62°20'50"E, 193.98 feet to a POINT;

THENCE N 48°15'21"E, 135.68 feet to a POINT;

THENCE S 66°37'26"E, 1380.71 feet to a POINT on the Snake River Levee Easement Survey Line as shown on plans prepared by the United States Army Corps of Engineers;

THENCE following said Levee Easement Survey Line S 06°48'42"W, 646.24 feet to a POINT;

THENCE departing said Levee Easement Survey Line N 68°42'59"W, 1814.23 feet to the **POINT OF BEGINNING**.

AND

PART 2

Those lands lying east of said Snake River Levee Easement Survey Line as follows:

BEGINNING at a point on the Snake River Levee Easement Survey Line being identical with the northeast corner of lands described in Part 1 above;

THENCE S 66°37'26"E, 753.94 feet to a POINT;

THENCE S 00°00'04"E, 642.00 feet to a POINT;

THENCE N 68°42'59"W, 824.98 feet to a POINT on said Survey Line being identical with the southeast corner of lands described in Part 1 above;

THENCE N 06°48'42"E, 646.24 feet to the **POINT OF BEGINNING**.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 36.14 acres more or less.

All in accordance with a Map of Survey recorded in said Office titled "Crescent H Ranch".

EXHIBIT "B"

**Legal Description
for
Open Space Easement
being part of
Parcel 10 Crescent H Ranch
Teton County, Wyoming**

That part of the riparian lands appurtenant to Government Lots 1 and 3 in Section 3, T40N, R117W, 6th P.M. Teton County, Wyoming further described as follows:

PART 1

BEGINNING at a point which bears S 11°51'40"W, 804.48 feet from the northeast corner of said Government Lot 1 marked by a 2" diameter galvanized pipe with brass cap with Certified Land Recordation Certificate on file in the Office of the Clerk of Teton County, Wyoming;

THENCE N 06°30'23"E, 131.73 feet to a POINT;

THENCE along a curve to the left having a radius of 465.00 feet and an arc length of 167.22 feet, being subtended by a chord of N 03°47'44"W, 166.32 feet to a POINT;

THENCE N 76°26'05"E, 229.20 feet to a POINT;

THENCE along a curve to the left having a radius of 398.48 feet and an arc length of 128.79 feet, being subtended by a chord of N 67°10'33"E, 128.22 feet to a POINT;

THENCE S 59°11'14"E, 102.63 feet to POINT;

THENCE S 20°34'53"W, 216.06 feet to POINT;

THENCE S 14°33'42"W, 140.94 feet to POINT;

THENCE S 38°51'55"E, 95.13 feet to POINT;

THENCE S 22°25'15"E, 73.13 feet to POINT;

THENCE S 68°42'59"E, 187.30 feet to POINT;

THENCE N 27°16'18"E, 330.28 feet to POINT;

THENCE N 12°43'11"E, 100.98 feet to POINT;

THENCE N 21°42'21"E, 209.49 feet to POINT;

THENCE S 66°37'26"E, 1015.71 feet to a POINT on the Snake River Levee Easement Survey Line as shown on plans prepared by the United States Army Corps of Engineers;

THENCE following said Levee Easement Survey Line S 06°48'42"W, 646.24 feet to a POINT;

THENCE departing said Levee Easement Survey Line N 68°42'59"W, 1814.23 feet to the POINT OF BEGINNING.

AND

PART 2

Those lands lying east of said Snake River Levee Easement Survey Line as follows:

BEGINNING at a point on the Snake River Levee Easement Survey Line being identical with the northeast corner of lands described in Part 1 above;

THENCE S 66°37'26"E, 753.94 feet to a POINT;

THENCE S 00°00'04"E, 642.00 feet to a POINT;

THENCE N 68°42'59"W, 824.98 feet to a POINT on said Survey Line being identical with the southeast corner of lands described in Part 1 above;

THENCE N 06°48'42"E, 646.24 feet to the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

EXCEPTING therefrom a 60 foot wide road right-of-way for Thunder Road further described as follows;

Right-of-way for Thunder Road:

A 60 foot wide strip of land being 30 feet both sides of the following described centerline and a 60 foot radius cul-de-sac at the terminus of said strip lying within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and Government Lots 1 and 3 and appurtenant riparian lands in Section 3, T40N, R117W, 6th P.M. Teton County, Wyoming:

BEGINNING at a point on the centerline of Fall Creek County Road 22-2 which lies N 21°04'21"E, 1891.54 feet from the S1/16 corner of said Section 3 marked by a 2" diameter steel pipe with BLM type brass cap;

THENCE S 88°08'16"E, 60.55 feet to a POINT;
THENCE along a curve to the right having a radius of 300.00 feet and an arc length of 234.20 feet, being subtended by a chord of S 65°46'25"E, 228.30 feet to a POINT;
THENCE S 43°24'34"E, 76.50 feet to a POINT;
THENCE along a curve to the left having a radius of 300.00 feet and an arc length of 101.36 feet, being subtended by a chord of S 53°05'20"E, 100.88 feet to a POINT;
THENCE S 62°46'06"E, 71.91 feet to a POINT;
THENCE along a curve to the right having a radius of 500.00 feet and an arc length of 57.39 feet, being subtended by a chord of S 59°28'49"E, 57.36 feet to a POINT;
THENCE S 56°11'32"E, 75.20 feet to a POINT;
THENCE along a curve to the left having a radius of 200.00 feet and an arc length of 91.29 feet, being subtended by a chord of S 69°16'06"E, 90.50 feet to a POINT;
THENCE S 82°20'41"E, 175.30 feet to a POINT;
THENCE along a curve to the left having a radius of 1200.00 feet and an arc length of 75.39 feet, being subtended by a chord of S 84°08'40"E, 75.37 feet to a POINT;
THENCE S 85°56'39"E, 164.26 feet to a POINT;
THENCE along a curve to the left having a radius of 125.00 feet and an arc length of 174.57 feet, being subtended by a chord of N 54°02'53"E, 160.72 feet to a POINT;
THENCE N 14°02'26"E, 130.67 feet to a POINT;
THENCE along a curve to the right having a radius of 200.00 feet and an arc length of 171.06 feet, being subtended by a chord of N 38°32'33"E, 165.89 feet to a POINT;
THENCE N 63°02'40"E, 44.34 feet to a POINT;
THENCE along a curve to the left having a radius of 250.00 feet and an arc length of 321.86 feet, being subtended by a chord of N 26°09'45"E, 300.08 feet to a POINT;
THENCE N 10°43'10"W, 78.57 feet to a POINT;
THENCE along a curve to the right having a radius of 302.29 feet and an arc length of 175.39 feet, being subtended by a chord of N 05°54'08"E, 172.94 feet to a POINT;
THENCE along a curve to the left having a radius of 300.00 feet and an arc length of 159.17 feet, being subtended by a chord of N 07°19'26"E, 157.31 feet to a POINT;
THENCE along a curve to the right having a radius of 187.38 feet and an arc length of 177.99 feet, being subtended by a chord of N 19°20'08"E, 171.37 feet to a POINT;
THENCE N 46°32'50"E, 131.07 feet to a POINT;
THENCE along a curve to the left having a radius of 200.00 feet and an arc length of 149.29 feet, being subtended by a chord of N 25°09'47"E, 145.85 feet to a POINT;
THENCE N 03°46'44"E, 62.94 feet to a POINT;
THENCE along a curve to the right having a radius of 200.00 feet and an arc length of 51.61 feet, being subtended by a chord of N 11°10'16"E, 51.47 feet to a POINT;
THENCE N 18°33'49"E, 189.28 feet to a POINT;
THENCE along a curve to the right having a radius of 500.00 feet and an arc length of 103.77 feet, being subtended by a chord of N 24°30'34"E, 103.59 feet to a POINT;
THENCE N 30°27'19"E, 47.19 feet to a POINT;
THENCE along a curve to the left having a radius of 300.00 feet and an arc length of 156.50 feet, being subtended by a chord of N 15°30'38"E, 154.73 feet to a POINT;
THENCE N 00°33'58"E, 241.77 feet to a POINT;
THENCE along a curve to the right having a radius of 235.74 feet and an arc length of

207.16 feet, being subtended by a chord of N 25°44'25"E, 200.55 feet to a POINT;

THENCE along a curve to the left having a radius of 150.00 feet and an arc length of 182.25 feet, being subtended by a chord of N 16°06'27"E, 171.24 feet to a POINT being identical with the radius point of a 60 foot diameter circle terminating said 60 foot wide strip which lies N 34°42'51"E, 4826.96 feet from the S1/16 corner of said Section 3 marked by a 2" diameter steel pipe with BLM type brass cap;

the sidelines of the above described strip of land shall be extended and shortened to terminate at the sideline of the the 60 foot wide easement for Fall Creek County Road 22-2 and said 60 foot diameter circle.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 30.20 acres more or less.

Exhibit C

- ENVIRONMENTAL ANALYSIS -
DORROS PROPERTY,
TETON COUNTY, WYOMING

Prepared For

Mr. Gerald Dorros
25933 N. 108th Place
Scottsdale, AZ 85255

Prepared By

BRCI

Biota Research and Consulting, Inc.
P. O. Box 8578
Jackson, Wyoming 83002-8578

October 30, 1998

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EXECUTIVE SUMMARY

An environmental analysis was performed in October 1998 on the Dorros property in Teton County, Wyoming. The probable effects of future development on wildlife "species of special concern" (SSCs) were analyzed and recommendations are provided which, to the maximum extent practicable, will reduce potential impacts while still allowing development on the tract.

The Dorros property supports vegetative communities which provide habitat to bald eagles, mule deer, moose, elk, peregrine falcons, great blue herons, river otters, and several raptor species. All of these species or guilds have been identified as "species of special concern" (SSCs) in Teton County. Future development occurring on the Dorros property may have negative impacts on some of these species and their habitats. However, the degree to which these species will be affected is, in part, directly linked to the location of future development and the extent of ensuing vegetative impacts. Sensitivity to wildlife and their requirements while siting and constructing future development on the property will help minimize detrimental effects.

The property lies entirely within the designated Teton County Natural Resource Overlay (NRO) and its inclusion within the NRO is accurate and correctly mapped. The presence of crucial moose winter-yearlong range on the tract is the principal factor for its inclusion in the NRO. Moose are primary users of the tract during the winter and rely on its vegetation for both food and cover. The property also represents non-crucial elk and mule deer habitat used throughout the spring, summer, and fall months and sometimes during the winter. An elk migration corridor has been identified near the Dorros property. This route is used by elk traveling to and from winter range located east and south of the property along the Snake River.

The least valuable vegetative covertypes found on the Dorros property and, therefore, those most suitable for development are the mature cottonwood, mesic grassland, and disturbed areas. Locating development within these covertypes will cause, in relative terms, the least impacts to SSCs and wildlife in general. In contrast, the immature cottonwood, most medium-aged cottonwood, and mesic tall shrub covertypes represent more important habitats to wildlife relative to other covertypes on the property. The overstory and shrub and grass layers within these stands provide excellent foraging opportunities and cover habitat (thermal and escape) for ungulates as well as other species. Development within these latter covertypes will result in more potential negative impacts. Some opportunities exist to reduce potential negative impacts to these species and their habitat if development occurs along the edges of or within these covertypes. Disturbances to shrubs and trees occurring here can probably be mitigated through replacement plantings at a density greater than losses resulting from development.

Employing some common sense measures following development will go far to protect continued wildlife use of this property and its vicinity. Impacts resulting from increased human uses may be minimized through self-imposed spatial and temporal limitations of human activities when SSCs are present. Specifically, minimizing human-caused disturbances to wintering wildlife, not inhibiting animal movements through the tract by erecting impassable fences, controlling pets, and not intentionally feeding wildlife are appropriate measures when building on or adjacent to important wildlife habitat. Depending on plant materials used, future landscaping efforts may increase, intentionally or unintentionally, the attractiveness of developed areas to moose and deer. Having these wild animals in frequent proximity to humans is not, however, an ideal situation because it increases the likelihood for potentially injurious events to occur (to humans and to ungulates). A list of general land use recommendations which will help protect wildlife and wildlife habitat is provided in Appendix 1.

- ENVIRONMENTAL ANALYSIS -
DORROS PROPERTY
TETON COUNTY, WYOMING

INTRODUCTION

An environmental analysis (EA) of the 36-acre Dorros property, located within the riparian portion of Crescent-H Ranch in Teton County Wyoming, was performed at the request of Mr. Gerald Dorros, owner of the property. The environmental analysis process is required by the Teton County Planning Department in an attempt to minimize negative impacts to wildlife "species of special concern" (SSCs) resulting from future development. This requirement is imposed because the property is located within the delineated Natural Resource Overlay (NRO) and is zoned "Rural" by the Jackson-Teton County Comprehensive Plan and Land Use Regulations (1994).

LOCATION, PHYSIOGRAPHY, AND SOILS

The Dorros property is located about 7.5 miles west of Jackson in Teton County, Wyoming (T40N R117W Section 3; Fig. 1). Access to the property from the Town of Jackson is gained by traveling west on Wyoming Highway 22 about 5 miles to Wilson, then south about 2.5 miles on the Fall Creek Road to Crescent-H Ranch. The Dorros property is situated east of the road and is accessed via secondary gravel roads off Fall Creek Road.

The property is located entirely within the riparian zone of the Snake River and this river has had a major influence over the geology of the project area and its vicinity. The terrain of the Dorros property is relatively flat and is the result of gravel deposition throughout the valley 60 to 80 million years ago by major ancestral watercourses. The majority of the property lies at an elevation around 6,100 feet. Melting glaciers and the accompanying scouring effects of runoff leveled the valley and deposited silt, clay, and loam throughout the area. Soils on the tract consist of Tetonville gravelly loam and Tetonville-Riverwash complex (Young, 1982).

SURFACE HYDROLOGY

Surface hydrologic features found on the Dorros property consist of channels of the Snake River and Spring Creek 4 (Fig. 2). The primary hydrological feature found on the property is the Snake River, a highly braided river with poorly developed bank lines and numerous secondary channels extending over a historically wide floodplain. It has a relatively steep gradient (19 feet per mile), high velocities even during low flows, and transports high bedloads of aggregate. The Snake River has a tendency to spread its flows over an ever-increasing and changing network of secondary side channels, eroding banks in the process and reforming the channel bed annually (COE 1989). Changes in the channel apparently occur by avulsion (sudden major channel shifts into minor channels) rather than due to progressive bank erosion and point bar creation associated with true meandering rivers. Water flows in the Snake River are managed by the Bureau of Reclamation, and Jackson Lake Dam provides the mechanism to manipulate flows. Regulation of Snake River flood events in Jackson Hole has occurred since the construction of

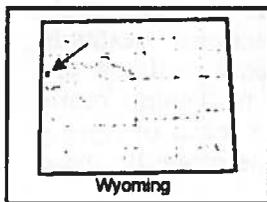
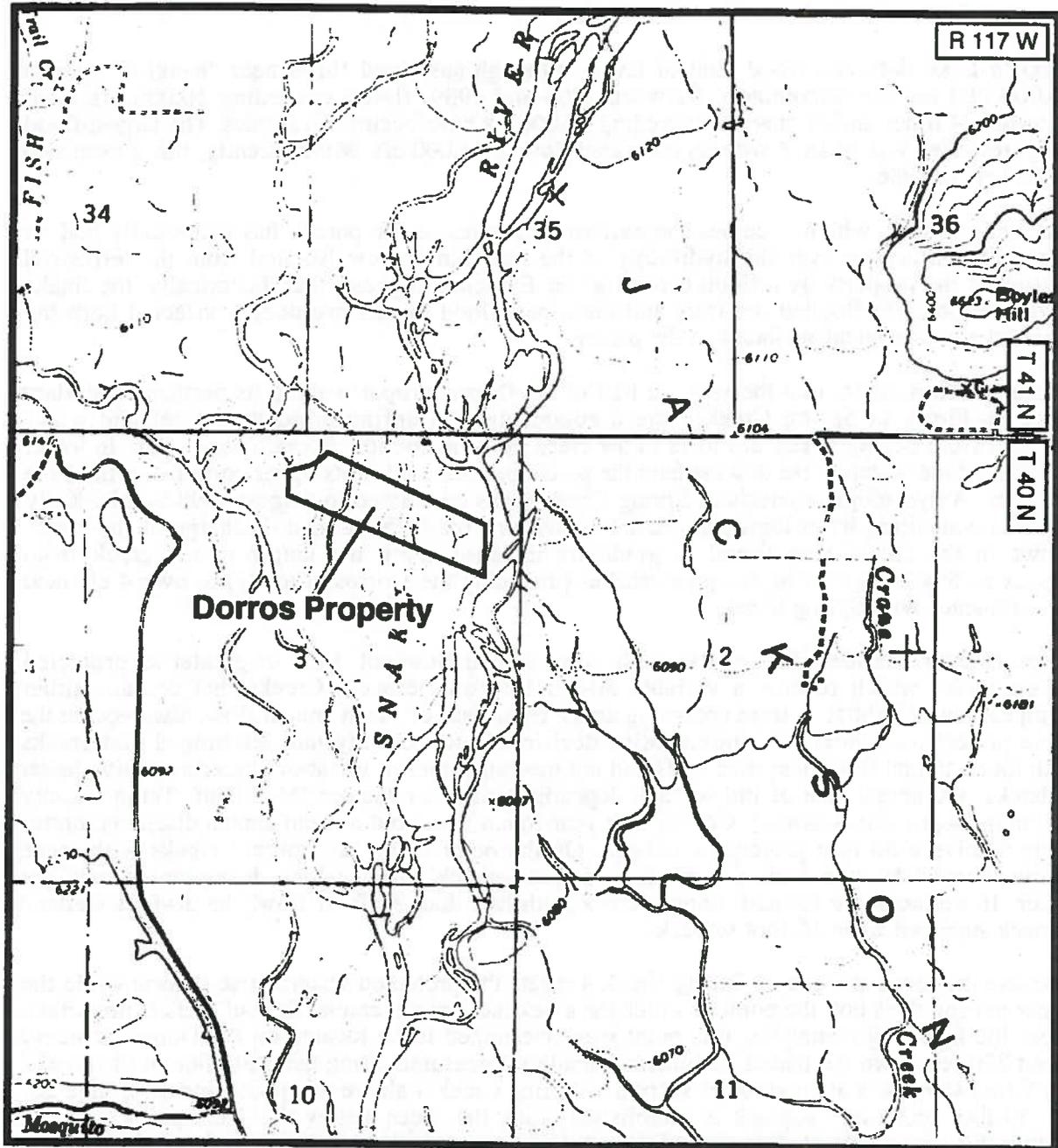


Figure 1. Location and topography of the Dorros property, Teton County, Wyoming.

Approximate scale 1 inch = 2,000 feet



Jackson Lake dam and flood control levees although sustained flows near "bankfull" (about 10,000 cfs) are not uncommon. Between 1904 and 1989, floods exceeding 10,000 cfs have occurred 74 times and discharges exceeding 20,000 cfs have occurred 13 times. The largest flood event recorded was in 1894 with an estimated flow of 41,000 cfs. More recently, flows exceeded 31,000 cfs in 1986.

The Snake River, which occupies the eastern 10.7 acres of the parcel, has historically had an overriding influence over the hydrology of the tract but is now isolated from the terrestrial portion of the property by a flood control levee. Evidence suggests that, historically, the Snake River periodically flooded the tract and these past flood events profoundly affected both the physical and biological attributes of the parcel.

Spring Creek 4 enters into the western half of the Dorros property along its northern boundary (Fig. 2). Flows in Spring Creek 4 are a combination of spring-originated water and water diverted from Spring Creek 2. Flows in the creek are year-round, although very small, in lower portions of the watercourse downstream the parcel but seasonal in its upper portions north of the property. A hydrologic analysis of Spring Creek 4 was completed in August 1998 by Mr. Kelly Elder, a consulting hydrologist, in order to determine the mean annual discharge of the creek. Flows in the creek were found to gradually increase along the length of the creek from approximately 2 cfs near in its upper reaches (including the Dorros property) to over 4 cfs near its confluence with Spring Creek 3.

Teton County has identified creeks with mean annual flows of 3 cfs or greater as protected watercourses which receive a variable 50- to 150-foot setback. Creeks that contain either trumpeter swan habitat or trout spawning areas, regardless of mean annual flow, also receive the same protection. Under an administrative decision, Teton County has determined that creeks with mean annual flows less than 3 cfs and not meeting either of the above criteria, receive lesser setbacks, the actual size of the setback depending on other factors (M. Shouf, Teton County Planning Dept., pers. Comm.). Creeks with year-round flows but a mean annual discharge under 3 cfs receive a 30-foot protective setback. On the other hand, intermittent creeks with mean annual flows less than 3 cfs are given a 15-foot setback within which development may not occur. If wetlands are located along a creek with less than 3 cfs of flow, the 30-foot wetland setback supercedes the 15-foot setback.

Because the lower portion of Spring Creek 4 meets the protected watercourse criteria while the upper portion does not, the point at which the creek has a mean annual flow of 3 cfs is important. From the hydrologic analysis, this point was determined to be located on the Dorros property about 220 feet from the parcel's southern boundary (measured along the centerline of the creek). A 15-foot setback is applied to the section of Spring Creek 4 above this point, and a variable 50- to 150-foot protective setback is established along the creek below the 3 cfs point (Fig. 2). Within this lower protected portion of the creek, the actual setback distance is determined by the presence or absence of riparian vegetation. The entire portion of Spring Creek 4 below the 3 cfs point is vegetated in riparian communities and therefore receives the maximum 150-foot setback.

WETLANDS

A wetland delineation was not prepared as part of this EA but was performed as a separate study in 1997 by Headwaters Ecology. Data from this study show several jurisdictional wetlands located on the parcel occupying a total of 2.4 acres (Fig. 3). All jurisdictional wetlands are protected natural resources and have been given a 30-foot protective setback by Teton County within on development is prohibited. Several wetlands were found along the reach of Spring Creek 4 flowing through the Dorros property. As with all other wetlands on the property, these

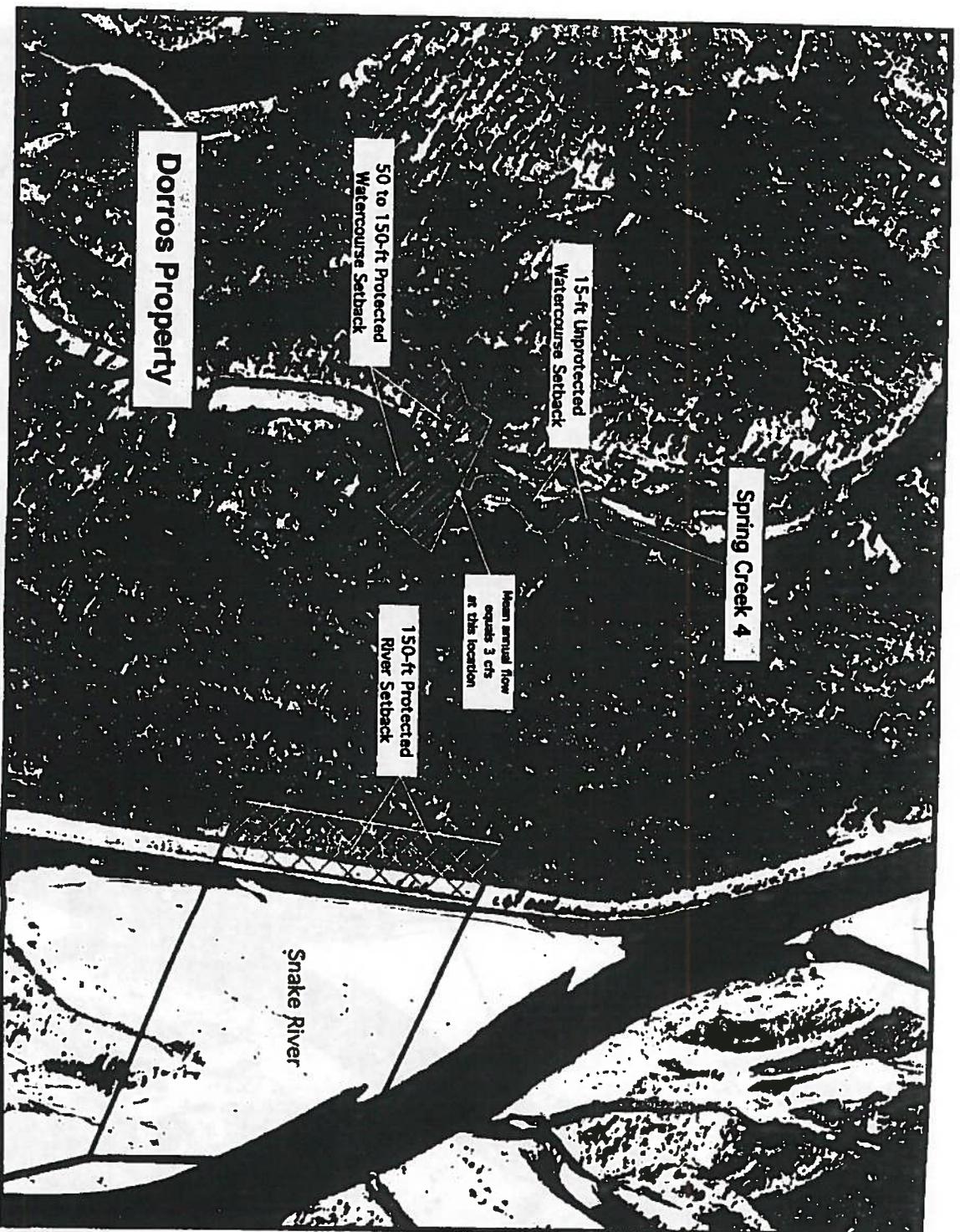
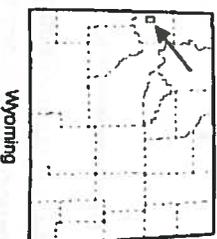
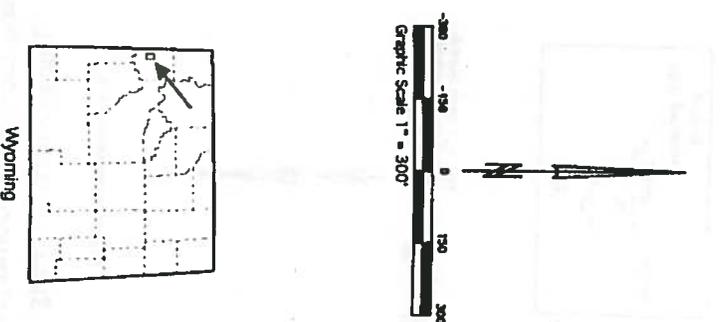


Figure 2. Surface hydrologic features and their associated setbacks on the Dorros property, Teton County, Wyoming

Photography taken in 1996



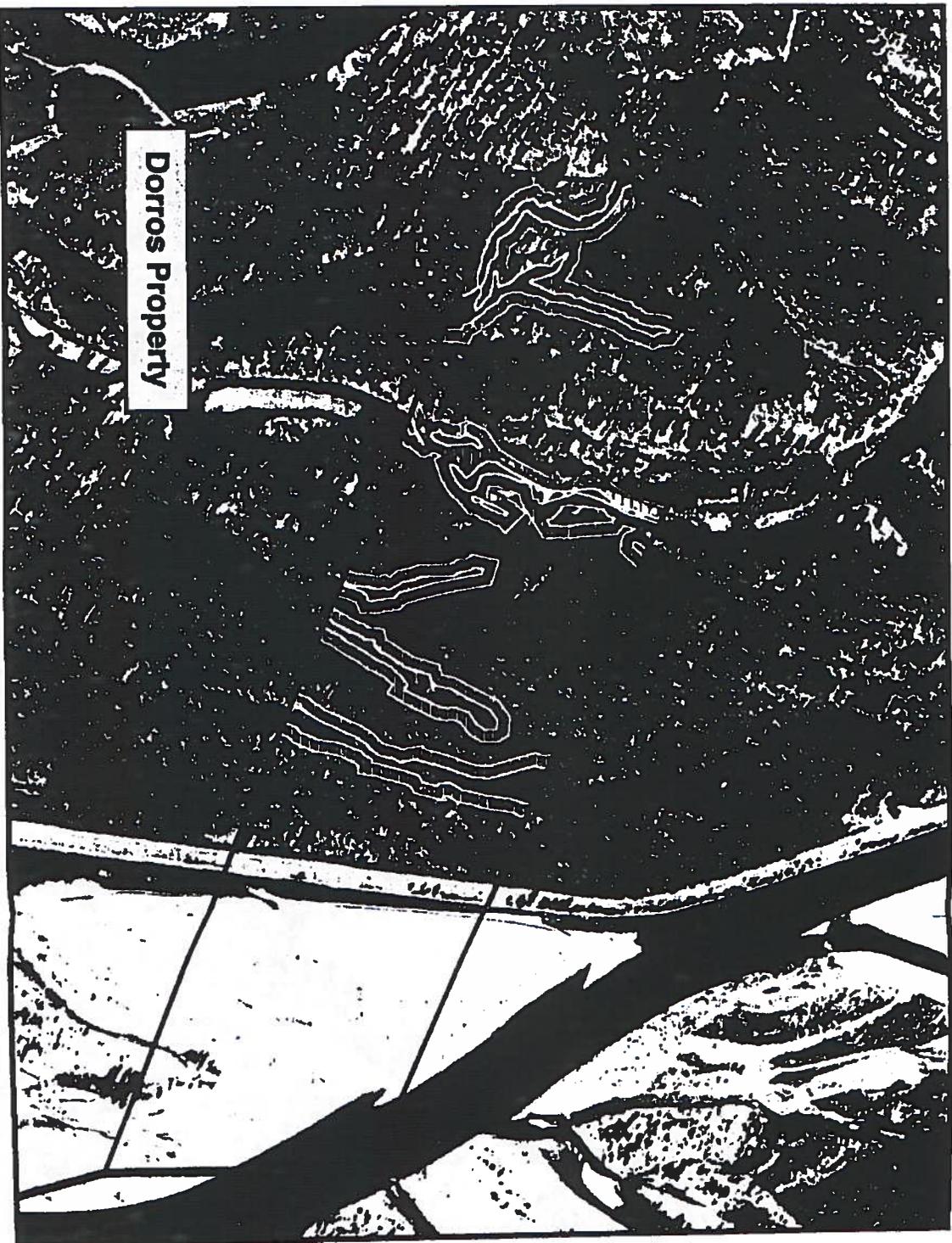
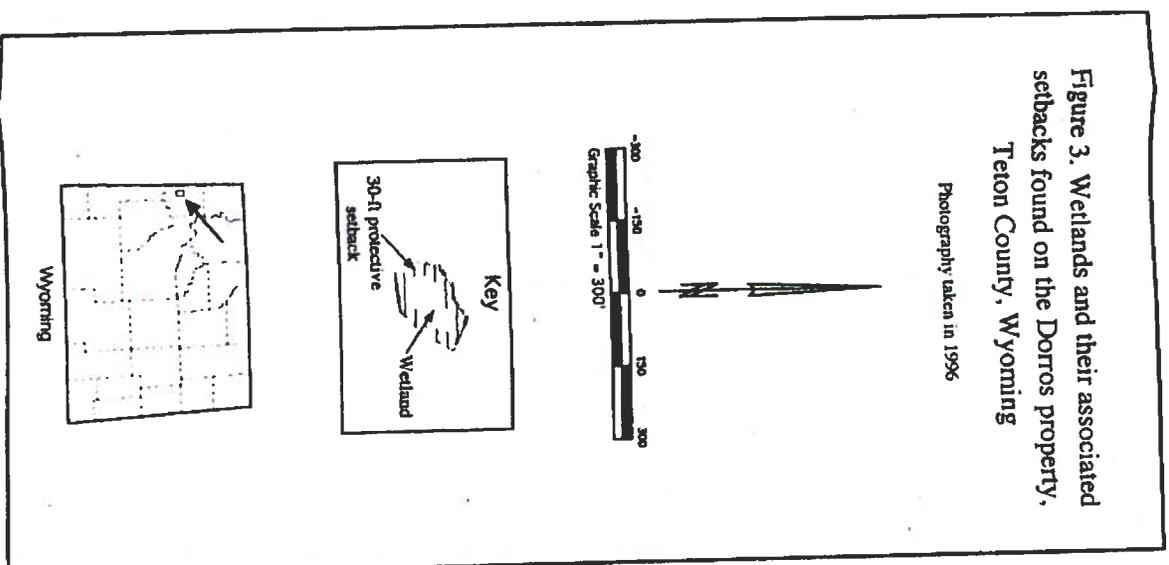


Figure 3. Wetlands and their associated setbacks found on the Dorros property, Teton County, Wyoming

Photography taken in 1996



receive a 30-foot setback, which overrides any lesser hydrological setbacks found along the creek in the locale of these wetlands.

HABITAT COVERTYPES

Plant communities on the Dorros property include a mix of cottonwood forest (mature, medium-aged, immature), mesic tall shrub (willow, silverberry, mixed), and mesic grassland (Fig. 4) and open water, wetland, and disturbed areas are also present. Teton County (Jackson-Teton County 1994) ranked the relative values of habitats in the county by assigning each an ordinal value ranging from 0 (lowest value) to 10 (highest value). Criteria used by Teton County to determine relative habitat values were developed by Minta and Campbell (1991) and included wildlife species diversity, abundance and distribution of habitats, wildlife species using given habitats, and the degree of alteration associated with the habitats. Acreages, relative areas, and relative habitat values of each covertime on the parcel are summarized in Table 1.

Table 1. Vegetative covertypes, acreages, percent occurrence, and their relative rankings on the Dorros property, Teton County, Wyoming.

Vegetative Covertime	Acreage	Tract %	Ranking
Mesic Deciduous Forest-Mature Cottonwood	12.44	34.3	6
Mesic Deciduous Forest-Medium-aged Cottonwood	2.49	6.8	7
Mesic Deciduous Forest-Immature Cottonwood	2.37	6.5	8
Mesic Tall Shrub-Willow	0.33	0.9	8
Mesic Tall Shrub-Silverberry	0.98	2.7	Not Ranked
Mesic Tall Shrub-Mixed	1.52	4.2	8
Mesic Grassland	0.57	1.6	3
Wetland	2.42	6.7	10
Open Water (Snake River & Spring Creek 4)	11.07	30.5	9
Disturbed	2.11	5.8	0
Totals	36.30	100.0	

COTTONWOOD RIVERBOTTOM FOREST

Low elevation floodplains and drainages found in Jackson Hole are frequently dominated by a riverbottom forest consisting predominantly of narrowleaf cottonwood trees. Understory dominants often include various species of willows, Douglas hawthorn, chokecherry, alders, red-osier dogwood, river birch, and Woods rose. Sometimes present are serviceberry, Oregon grape, common juniper, buffaloberry, silverberry, and currants. Grasses and forbs found growing within this habitat include Kentucky bluegrass, redtop, timothy, and stinging nettle. This community is typically located within the historic flood zone of river drainages such as the Snake River, but is sometimes found growing on upland sites away from natural drainages when sufficient water is present (either naturally occurring or man-caused). As is the case on the Dorros property, the cottonwood riverbottom forest often represents crucial moose winter range, especially when associated with the Snake River riparian zone.

Mature Cottonwood Forest

The mesic deciduous forest-mature cottonwood habitat covertime variation is dominated by narrowleaf cottonwood trees that exceed 40 feet in height (mature classification) although a few medium-aged trees (i.e., 20-40 feet in height) are intermixed. Understory dominants include

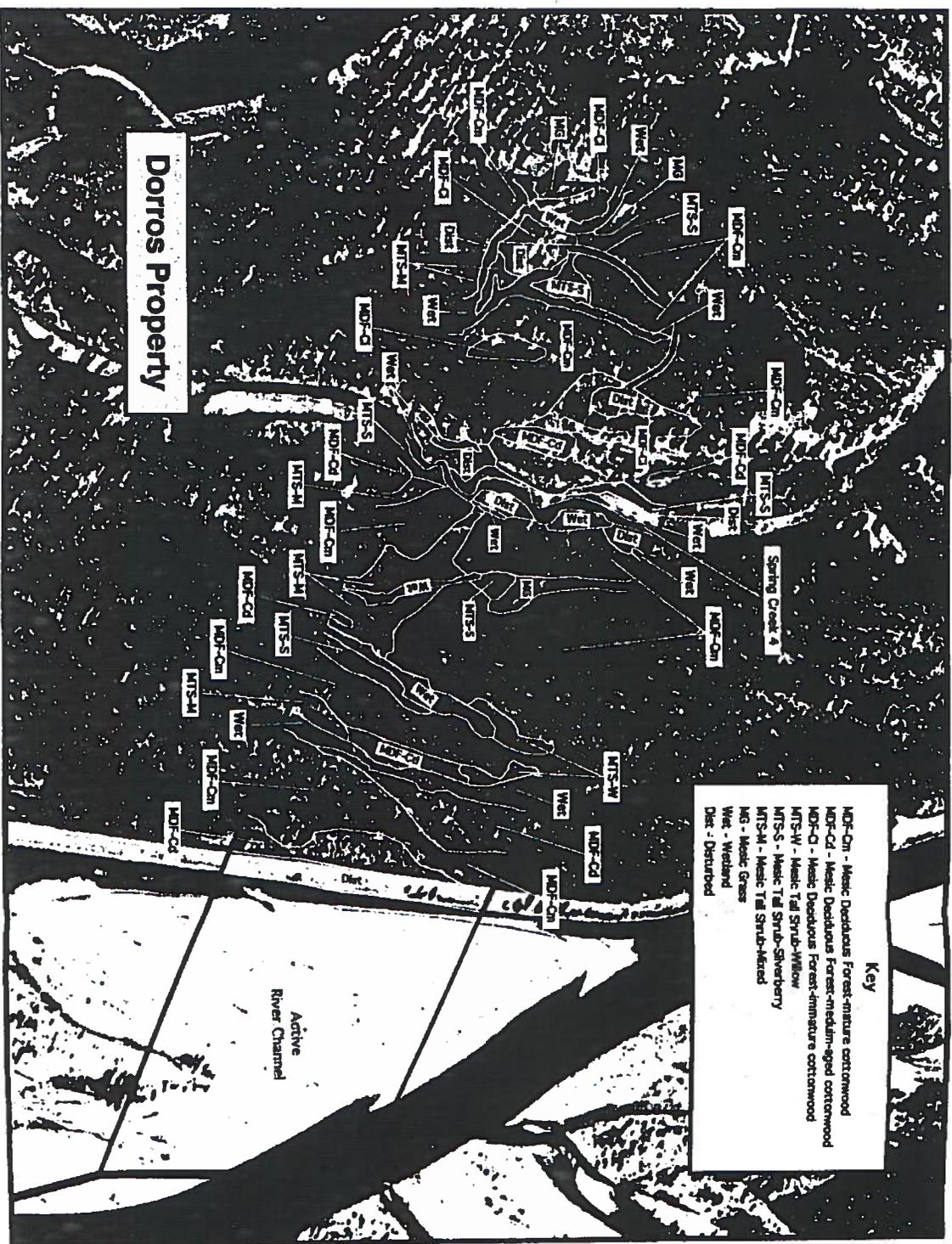
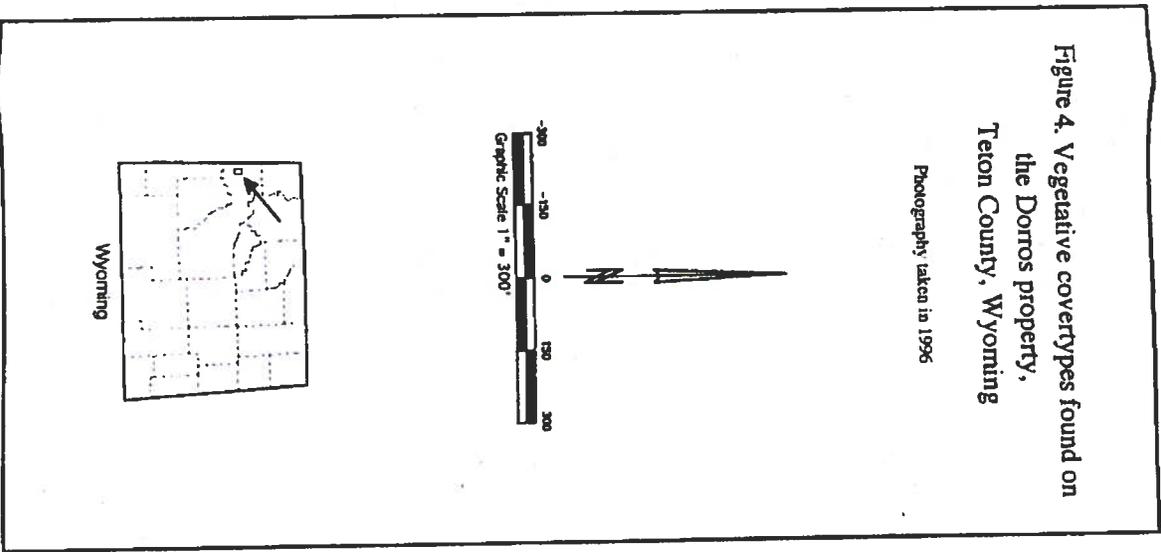


Figure 4. Vegetative covertypes found on the Dorros property, Teton County, Wyoming

Photography taken in 1996



several grass species, buffaloberry, and silverberry. The mature cottonwood covertype variation is the most common covertype on the Dorros property and covers approximately 12.44 acres (34.3%). Teton County assigned mature mesic cottonwood covertypes an ordinal ranking of 6. This relatively high habitat value reflects the limited abundance of cottonwood habitats in Teton County, the declining trend of cottonwood stands due to flood control and stream dewatering for irrigation, their multi-storied growth form, the importance of cottonwoods to a vast array of vertebrates, and their important visual qualities.

Medium-aged Cottonwood Forest

This covertype variation represents an intermediate stage of the mesic deciduous forest-cottonwood covertype. It has similar plant species composition as the other 2 cottonwood variations and the average height of the canopy is between 20 and 40 feet. Medium-aged cottonwood stands account for 2.49 acres or 6.8% of the parcel and has been assigned an ordinal ranking of 7 by Teton County.

Immature Cottonwood Forest

The immature cottonwood covertype represents the earliest successional stage of the mesic deciduous forest-cottonwood covertype and is often present as a result of some sort of disturbance. The dominant cottonwoods are 20 feet or less in height, and willows and a few grass species can be found in the understory. Immature mesic cottonwood stands were assigned an ordinal ranking of 8 by Teton County. As with the mature variation, this relatively high habitat value reflects their limited abundance in Teton County, the declining trend of these stands, and their importance to a vast array of vertebrates. Evidence of use by both moose and elk were found in the immature cottonwood stands on the property. Four stands of immature cottonwood covertype totaling 2.37 acres (6.5%) are present on the property.

MESIC TALL SHRUB

This broadly defined covertype includes a variety of riparian shrub-dominated stands. Typical dominant overstory species include alders, river birch, buffaloberry, common silverberry, red-osier dogwood, and several species of willows. Cottonwood, lodgepole pines, and spruces may also be present in its overstory. A variety of forb species are supported due to its mesic moisture regime and it often occurs where the water table is at or near the surface and where previous vegetation has stabilized the soil. Cowardin et al. (1979) used the term scrub-shrub in their wetland classification system to describe wetlands dominated by woody broad-leaved deciduous shrubs. However, mesic tall shrub habitats are not always wetlands.

Willow

Two stands of the mesic tall shrub-willow covertype are found in the eastern half of the parcel. While willows dominate the overstory, other shrubs, grasses, sedges, and forbs grow in the understory. Common grass species include cheatgrass brome, quackgrass, and Kentucky bluegrass. This covertype accounts for about 0.33 acres (0.9%) of the tract. Mesic tall shrub-willow covertypes have high wildlife values, especially for ungulates and often represent moose winter range, as is the case on the Dorros property. Moose frequently use riparian shrub communities for both food and shelter, especially during winter when stands of willow provide crucial habitat. Evidence of browsing by moose, as well as tracks and pellet groups were observed in both stands. Mesic tall shrub-willow habitat covertypes were assigned an ordinal ranking of 8 by Teton County.

Silverberry

Six of the mesic tall shrub stands are dominated by silverberry and occupy 0.98 acres and 2.7% of the tract. Although silverberry is thought to be of low nutritional value to wildlife, use of this shrub does occur in some areas and evidence of substantial silverberry browsing was observed on the property. In addition, immature cottonwood trees can be found in several of the silverberry stands and ungulate pellet groups were also found in these stands. This covertype variation was not specifically ranked by Teton County. Although it appears to be important on

the Dorros tract the lower forage value of silverberry to wildlife, warrants a lower ordinal ranking than the 8 given to mesic tall shrub covertypes in general.

Mixed

The property has 6 areas of a mixed mesic tall shrub covertype (1.52 acres, 4.2%). These stands are characterized by a mixed overstory of willow, common silverberry, and alder shrubs and some immature cottonwood trees. Mesic tall shrub-mixed habitats in Teton County were given an ordinal ranking of 8 due to their importance to wildlife, particularly in the winter. The mixed tall shrub stands on the parcel provide good foraging habitat for moose and their species composition and habitat quality support this high ordinal ranking.

OPEN GRASSLANDS

Jackson Hole has several grass-dominated covertypes. These communities, viewed as a group, have the lowest plant height, lowest species diversity, and often the highest annual herbaceous growth. Moisture regimes determine which grass or grass-like species dominate.

Mesic Grasslands

Mesic grasslands can be important to some wildlife species, depending on their locations. Deer and elk may seasonally graze these areas while several species of small mammals are common year-round residents. Because of low plant species diversity, the abundance of these habitats in Jackson Hole, and their frequently altered state, an ordinal ranking of 3 has been assigned to this covertype by Teton County. Mesic grasslands cover about 0.57 acres (1.6%) of the parcel and meet the definitional criteria of riparian plant communities. Evidence of deer and elk use of this covertype was observed on the parcel.

WETLANDS

A wetland delineation was not performed as a part of this EA but the location and distribution of wetlands on the Dorros property were ascertained from a delineation performed last year by Headwaters Ecology. This delineation shows a total of 2.42 acres of wetlands (6.7%) on the parcel. Although information regarding wetland type was not provided for this EA, field observation indicates the presence of palustrine emergent and palustrine scrub-shrub. Teton County has assigned all wetland types an ordinal ranking of 10, the highest possible ranking.

DISTURBED

Disturbed land, although not really a covertype, is present in several areas throughout the tract and occupies about 2.11 acres (5.8%). Disturbed land includes areas in which natural vegetation has been destroyed or highly degraded. These disturbed lands include lateral bar fill areas associated with past stream enhancement work performed along Spring Creek 4 in 1995, recent road building activities, a soil storage pile, and the Snake River flood control levee.

WILDLIFE SPECIES OF SPECIAL CONCERN

Vegetative covertypes found on the Dorros property represent habitat for a variety of birds and mammals, some of which have been classified as species of special concern in the Jackson-Teton County Comprehensive Plan and Land Use Regulations (1994). Minta and Campbell (1991) define SSCs as:

"Wildlife species which have been afforded special management status on a federal and/or state level. Some of these species have been listed or are being considered for listing by the USFWS as threatened or endangered. Other species have been classified by State wildlife agencies as Priority Nongame species or are species that are of special concern to Teton County due to their abundance, habitat requirements, and vulnerability or intolerance to human disturbance. Big game mammals are considered SSCs because of their biological,

aesthetic, and economic values, their reliance on private lands for habitat (especially during the winter), and the large state and federal effort committed to managing these species. One final criteria used to select SSCs was their reliance on or occupation of habitat which occurs on or near private land that might be developed.”

The list of SSCs in Teton County as identified by Minta and Campbell (1991) follows:

<u>Species name</u>	<u>Classification/Status</u>
Bald eagle	Endangered
Peregrine falcon	Endangered
Trumpeter swan	Priority 1 Nongame
Snake River cutthroat trout	Special Concern
Mule deer	Big Game Mgmt.
River otter	Priority 3 Nongame
Great Blue heron	Special Concern
Raptors (shrub-grassland & forest)	Special Concern
Moose	Big Game Mgmt.
Bighorn sheep	Big Game Mgmt.
Elk	Big Game Mgmt.
Pronghorn Antelope	Big Game Mgmt.
Bison	Big Game Mgmt.

Wildlife species of special concern that are or might be present within the project area are discussed below.

BALD EAGLE

The riparian zones along the Snake River and Spring Creek 4 represent potential foraging and nesting habitat for resident bald eagles. In addition to spring, summer, fall, and winter use by resident breeding and non-breeding bald eagles, migrant birds from northern latitudes spend much or all of the winter in this same area. The Wyoming Game and Fish Department (WGFD) has classified the Snake River between Moose and the South Park Bridge as important reproductive and winter bald eagle habitat. Therefore, the area in the vicinity of the Dorros property, in particular channels of the Snake River, represents potential and real year-round eagle habitat for an unknown number of birds.

Management recommendations have been proposed for bald eagles by the Greater Yellowstone Ecosystem (GYE) Bald Eagle Working Team (1996). This document establishes 3 zones based upon lineal distance from a bald eagle nest. Zone 1, called the occupied nesting zone, extends from 0-1/4 mile (0-400 m) from the nest; Zone 2, the primary use area, from 1/4-1/2 mile (400-800 m); and Zone 3, the entire home range, from 1/2 to 2.5 miles (800 m to 4 km). The occupied nesting zone (Zone 1) is considered to be the most critical area for successful nesting and the need for protection of this area from human intrusion has been well documented. The proposed management recommendations for this zone are minimum to light levels of human activity, habitat alterations only for the enhancement of eagle habitat, no development that may increase human activity, no permanent development suitable for human occupancy, and no utility lines. Zone 2 eagle habitat represents the primary use area of a nesting eagle pair. Approximately 75% of the foraging and loafing activity of adult nesting eagles occurs within this zone during the nesting season and human activity and disturbance should be very limited within this zone to insure continued use by nesting eagles. Recommendations for Zone 3 bald eagle habitat include keeping human activity levels to moderate, insuring that the availability of prey is not degraded by development within the zone, and maintaining perch and snag trees as well as trees for visual screening from development.

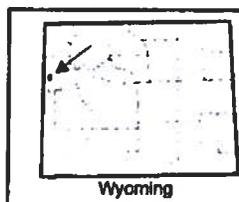
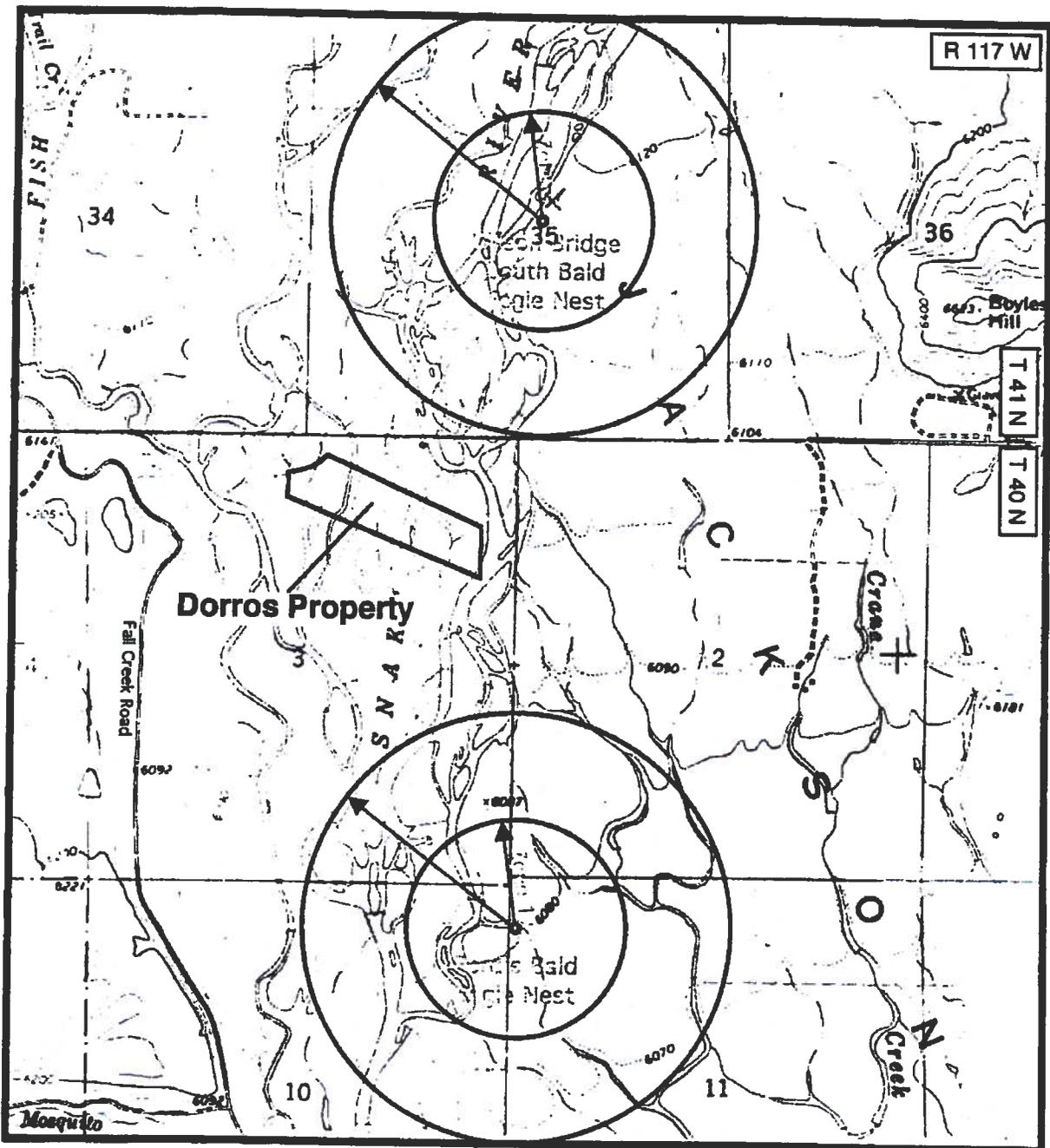


Figure 5. Bald eagle nests and use zones in the vicinity of the Dorros property, Teton County, Wyoming.

Approximate scale 1 inch = 2,000 feet



Although the Dorros property does not lie within Zone 1 or Zone 2 eagle habitat, records show that the entire project area is within 2.5 miles (Zone 3) of 3 active bald eagle nests. Ford's nest and Gill's nest are located southeast of the property 0.8 and 2.4 miles, respectively, and the Wilson Bridge South nest is north and west 0.7 miles. These nesting birds, their offspring, and other bald eagles have been observed and can be expected to hunt and perch along the sections of the Snake River flowing through the tract. One mature and one immature bald eagle were observed flying over the parcel during a field visit.

PEREGRINE FALCON

Peregrine falcons are not known to nest on or near the property but two pairs do nest within 15 miles of the parcel. Fifteen miles is thought to be the maximum foraging distance for nesting peregrine falcons. Peregrines are known to use the Snake River riparian zones, wetlands, and tributaries for foraging and it is possible that falcons use the habitats found on this property for foraging, although any use is believed irregular.

TRUMPETER SWANS

Trumpeter swans are currently classified as a Priority 1 Nongame Management Species by the Wyoming Game and Fish Department. Much of the Snake River corridor, including all of the Dorros property, has been broadly classified as trumpeter swan habitat by the WGFD (Fig. 5). However, the section of Spring Creek 4, the only creek occurring on the Dorros property, does not represent important trumpeter swan habitat and swan use of this feature is not expected.

SNAKE RIVER FINE-SPOTTED CUTTHROAT TROUT

The Wyoming Game and Fish Department manages the Snake River fishery as a self-sustaining (no stocking) native fishery and is keenly interested in spawning activities of the Snake River cutthroat trout. Concerns about the long-term viability of this wild population have arisen due to dramatic changes to its habitat. The vast majority of cutthroat trout spawning in Jackson Hole is currently confined to several spring-fed tributaries flowing into the Snake River and these same spring creeks also function as important nursery habitat. Spring creeks represent the majority of spawning habitat available to Snake River cutthroats in Jackson Hole and warrant particular attention in terms of protection and enhancement.

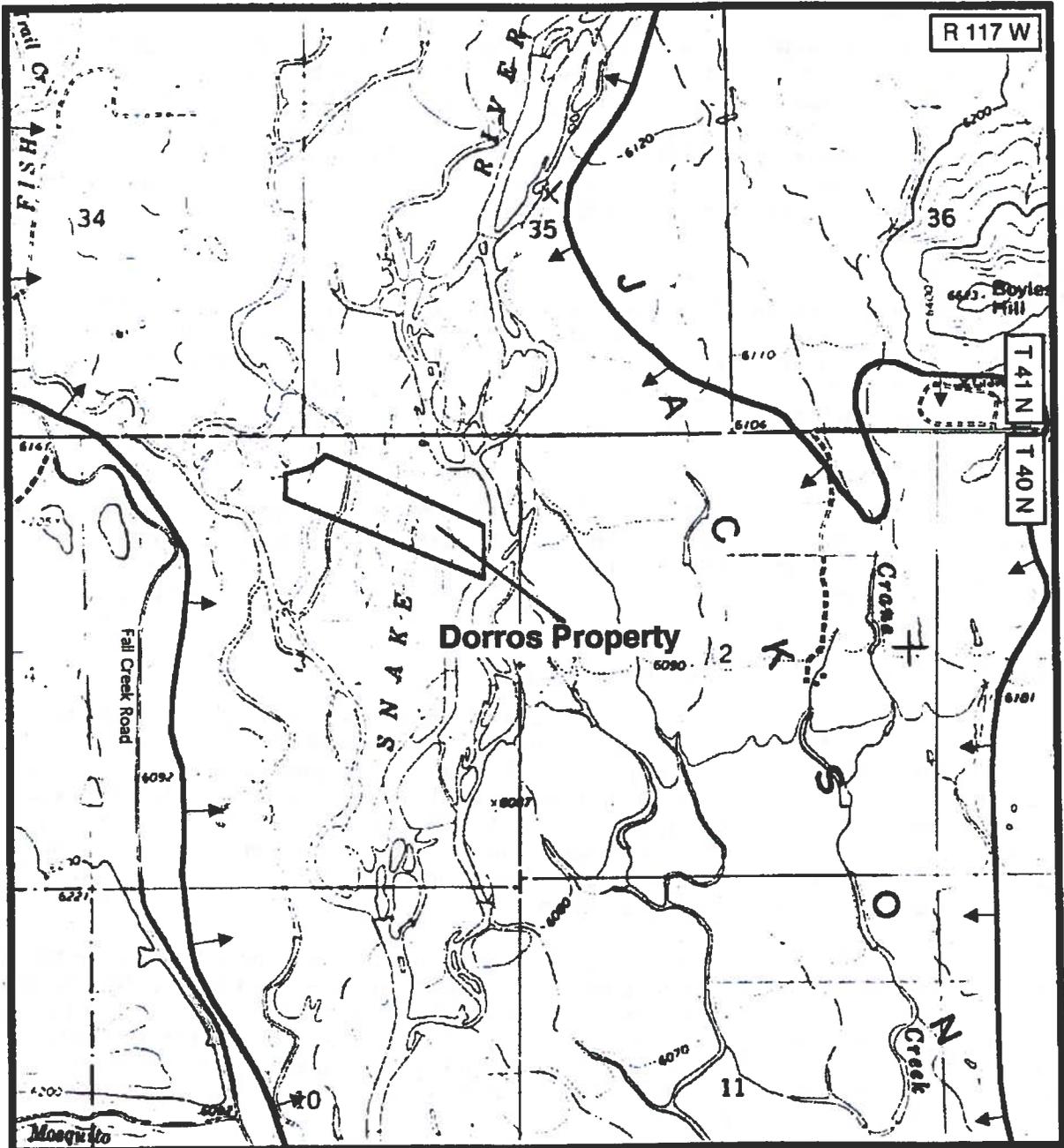
Historically, portions of Spring Creek 4 may have functioned as spawning habitat for the Snake River cutthroat trout. However, alterations to the flows in this creek as a result of the operation and maintenance of flood control levees along the Snake River appear to have diminished its potential as a trout spawning area. A survey of fish habitat conducted on the creek in 1997 and 1998 by BRCI showed little high quality fish habitat and no spawning redds present. It is doubtful that any Snake River cutthroat trout currently spawn in the section of Spring Creek 4 flowing through the Dorros property.

MULE DEER

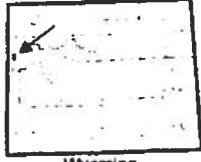
Jackson Hole provides year-round habitat for mule deer. Primary mule deer summer range is on mountain slopes surrounding the valley, but deer can also be found summering within the Snake River floodplain. Deer can be found on the property but use occurs primarily during non-winter months. The project area and its vicinity are classified as spring-summer-fall mule deer habitat and evidence of use in the form of pellet groups was found on the property. No mule deer winter range or migration routes are found on or near the tract.

RIVER OTTERS

The WGFD lists river otters as a Priority 3 Nongame management species requiring special attention. The Snake River has been identified as important river otter habitat (Rudd et al. 1986)



 Trumpeter Swan Crucial Winter-Spring Foraging Habitat
 Concentrated winter use area Scattered winter use area

 Wyoming	<p> Figure 6. Trumpeter swan habitat found on and in the vicinity of the Dorros property, Teton County, Wyoming. Approximate scale 1 inch = 2,000 feet </p>	
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but river sections between flood control levees do not typically represent good river otter habitat (COE 1989). Otters are, however, observed throughout sections of the Snake River containing levees and may be irregularly present on the channels of this river flowing through the Dorros property. Some potential otter habitat is seasonally present on the parcel along Spring Creek 4 but the extent of otter use, if any, is undocumented.

GREAT BLUE HERONS

Great blue herons are abundant in Jackson Hole but statewide have been classified by WGFD as a Priority 3 Nongame Management Species. Densities of these birds on and in the vicinity of the Dorros property are unknown but individuals are expected to be common due to the habitat covertypes present on the tract and its proximity to the largest heron rookery in Wyoming (located less than 1 mile southeast).

The vegetative covertypes and aquatic features found on the tract provide foraging, resting, and possibly even nesting habitat for great blue herons. Herons are easily disturbed and usually will not tolerate human presence.

RAPTORS

Three general groups of raptors are expected present on the parcel including forest, shrub-grassland, and water-dependent species. Forest raptors inhabit and rely on forested areas to meet much or all of their ecological requirements; shrub-grassland raptors primarily exploit open shrub- and grass-dominated communities; water-dependent raptor species are primarily associated with aquatic and riparian habitats and depend on fish for prey. It is likely that all raptor species listed below use the Dorros property in conjunction with adjacent areas but the extent of their use is unknown. No evidence of raptors presently or historically nesting on the property was discovered.

Forest Raptors

Northern goshawks
Cooper's hawks
Sharp-shinned hawks
Saw-whet owls
Great gray owls

Shrub-grassland Raptors

Red-tailed hawks
Great horned owls
American kestrels
Northern harriers
Swainson's hawks
Prairie falcons

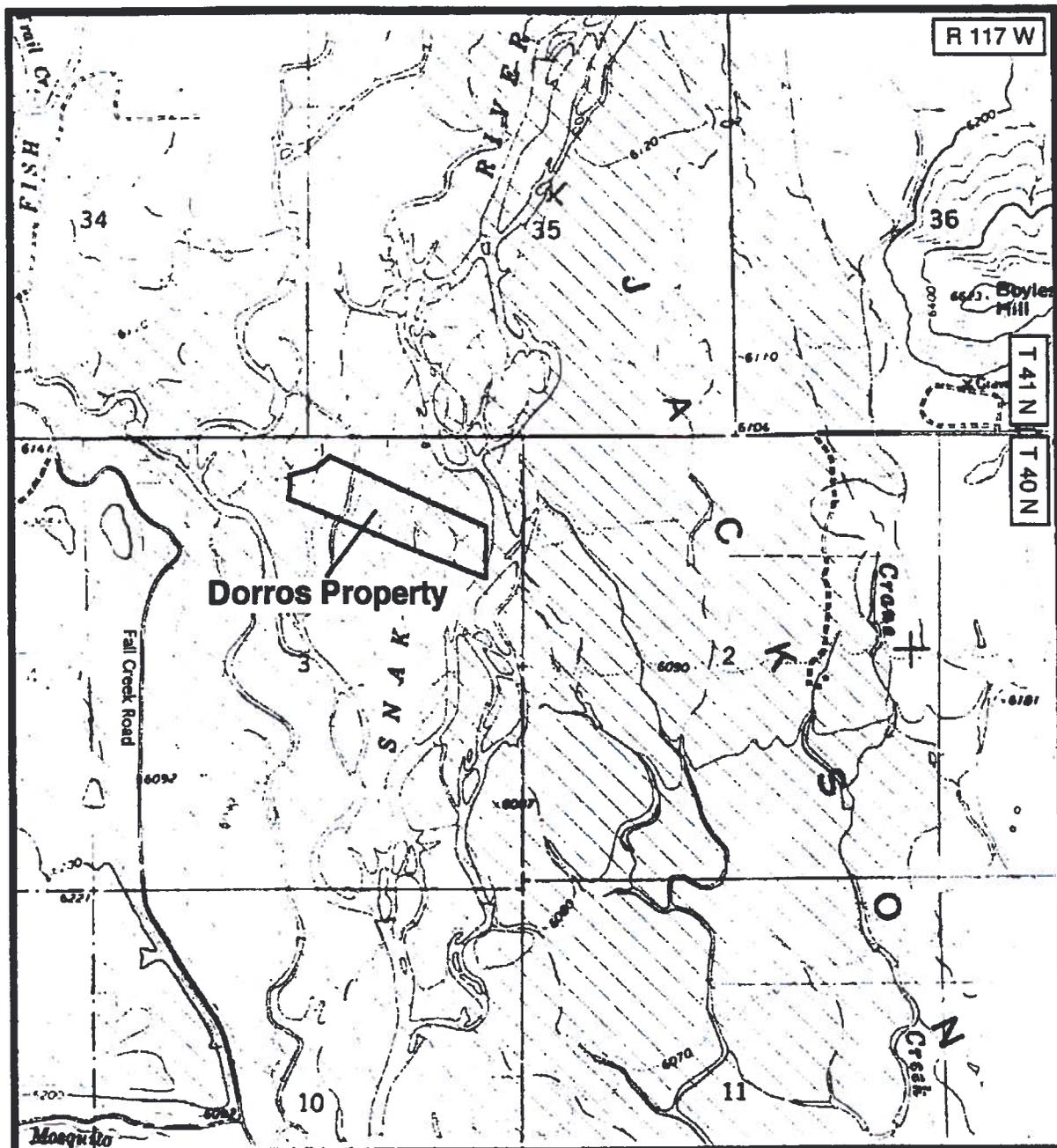
Water Dependent

Ospreys

MOOSE

Much of the Snake River riparian zone, including all of the Dorros property, has been classified as crucial moose winter-yearlong range by WGFD (Fig. 6). Crucial winter-yearlong range means that animals can be found in and around the parcel during anytime of the year but use is concentrated during the winter. These areas are vital to their survival during the critical periods of winter and are used by moose during 8 of every 10 winters (WGFD, pers. comm.). Animals will find food and/or cover here during the most inclement and difficult winter conditions due to the physiographic and vegetative characteristics (Minta and Campbell 1991).

Observational evidence, in the form of tracks, pellet groups, browsed vegetation (willow shrubs and sapling cottonwoods), and the sighting of 2 individuals, suggests that moose use occurs throughout the parcel. Previous field work related to other projects on and in the vicinity of the Crescent-H Ranch at various times of the year indicate that moose use these riparian habitats year-round. The cottonwood forest provides winter habitat for moose, and animals can find both food and thermal and escape cover on this tract. In spring and summer moose can find highly valuable habitat for parturition and young calf rearing. In particular, areas vegetated in immature cottonwood and mesic tall shrub show evidence of concentrated moose use. The relatively small



— Crucial Moose Winter Range

<p>Wyoming</p>	<p>Figure 7. Moose habitat found on and in the vicinity of the Dorros property, Teton County, Wyoming.</p> <p>Approximate scale 1 inch = 2,000 feet</p>	<p>NORTH</p>
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size of the Dorros property causes moose to use the parcel in conjunction with adjacent and surrounding areas.

ELK

The Dorros property does not contain any WGF D designated crucial elk habitat but elk use the area as spring-summer-fall range and as non-crucial winter-yearlong range (Fig. 7). A herd of perhaps 400 elk resides within the Snake River floodplain in the vicinity of the tract and individual elk are commonly observed here. Although elk use this area and the parcel primarily during non-winter months, the area has been recently reclassified as non-crucial winter-yearlong elk range by WGF D as a result of an expanding riverbottom elk population residing here even during the winter. Winter elk use appears closely linked to environmental conditions and probably occurs more consistently during late fall-early winter and early spring months or during winters with low snow accumulations. Moderate elk use of riparian lands in this vicinity is known to occur.

An elk migration route has been identified just west of the Dorros property and may contribute to greater use of the tract during spring and fall months (Fig. 7). These routes are used by an unknown number of elk traveling between summer habitat in the mountains and foothills of the Snake River mountain range and winter habitat located along the Snake River to the south. Evidence of recent use was observed on the tract during field visits in late October.

POTENTIAL IMPACTS TO SPECIES OF SPECIAL CONCERN

Future residential development occurring on the Dorros property may have some unavoidable detrimental effects on SSCs. The 1994 Jackson-Teton County Comprehensive Plan explicitly calls for the minimization of negative impacts to SSCs. Anticipated negative impacts to these species that use the property are described and discussed below.

Bald Eagles - Local land use regulations protect bald eagle nest sites by prohibiting development only within 400 m (Zone 1) of a standing/occupied, active or inactive bald eagle nest without an "incidental taking permit or a statement of no jeopardy from the U.S. Fish and Wildlife Service, pursuant to the federal Endangered Species Act." Since the Dorros property does not fall within 400 m of a bald eagle nest there are no development restrictions on the tract based on bald eagle nesting. However, mature riverbottom cottonwood forest associated with the Snake River represents year-round habitat for bald eagles and a substantial portion of the developable land on the parcel is vegetated in this covertype. Some negative impacts to bald eagles may result from future development due to the felling of real or potential perching and roosting habitat linked with mature cottonwood trees. Required setbacks of 150 feet from the Snake River, and 15-30 feet from protected portions of Spring Creek 4 should be adequate to protect cottonwood trees along these watercourses most likely to be used for perching and roosting, and to reduce negative impacts to foraging bald eagles.

Peregrine Falcons - The Dorros property does not represent important peregrine falcon habitat. Peregrines may be observed flying over or hunting on the tract, although no sightings have been documented. Any use of the property by peregrines is believed peripheral and confined to transient or migrant individuals in flight or to birds during hunting forays. Negative impacts to peregrine falcons resulting from future development on the property are not expected.

Trumpeter Swans - Since the Dorros property does not contain any important trumpeter swan habitat, negative impacts to trumpeter swans resulting from future development are not expected.

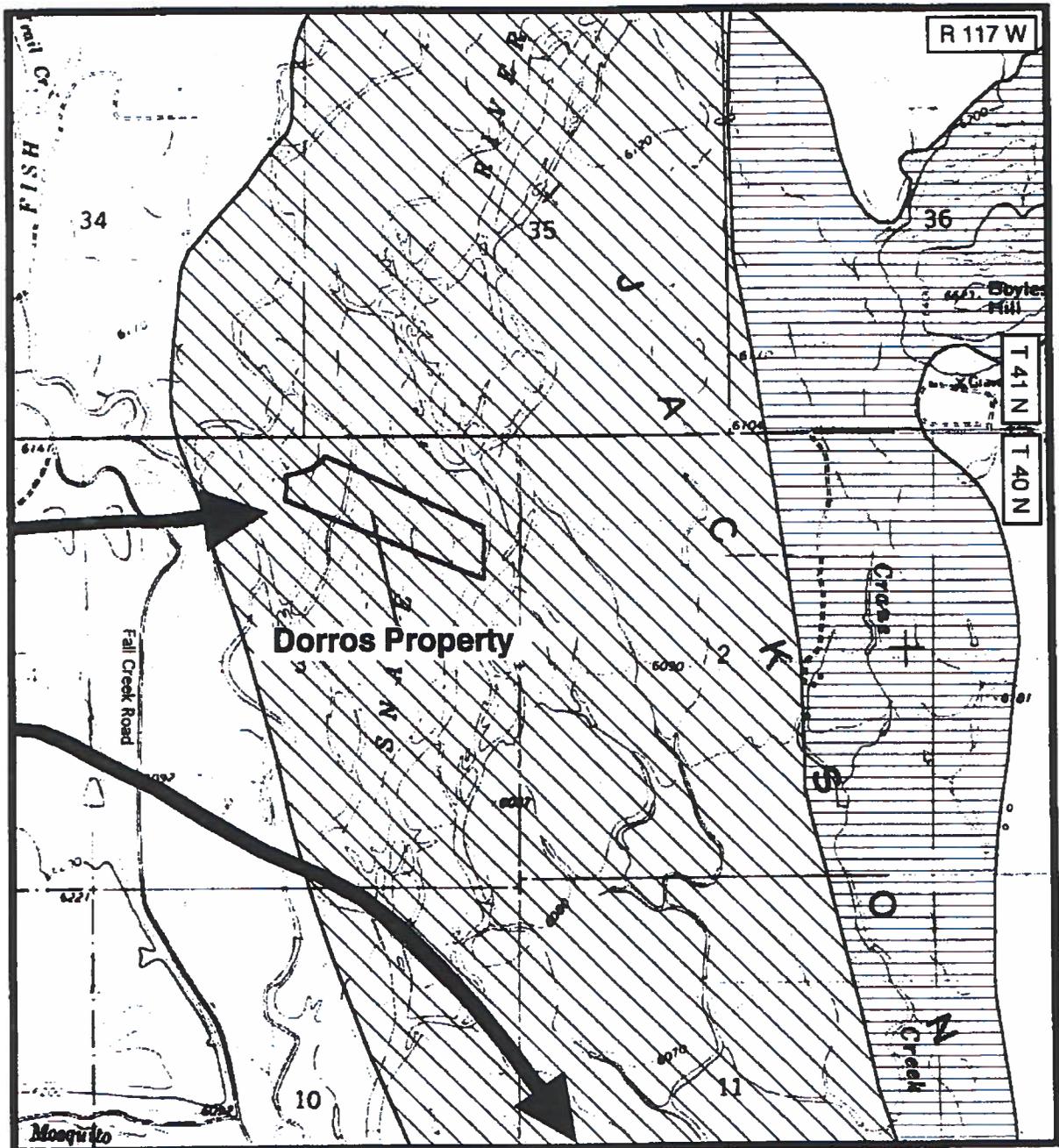




Figure 8. Elk habitat and migration routes found on and in the vicinity of the Dorros property, Teton County, Wyoming.
 Approximate scale 1 inch = 2,000 feet


NORTH

Snake River Cutthroat Trout - Future development occurring on the Dorros property is not expected to adversely affect cutthroat trout spawning so long as Teton County protected watercourse setbacks are adhered to.

Mule Deer - Future development occurring on the parcel may have minor negative impacts on mule deer as a result of increases in human use occurring within the project area and/or negative impacts to shrub communities. However, since the property does not represent crucial or non-crucial winter range, these impacts are expected to be minor. Mule deer are not limited by a shortage of spring, summer, or fall habitat in Jackson Hole.

River Otters - River otters may occur irregularly in the section of the Snake River and Spring Creek 4 flowing through the Dorros property due to the presence of suitable seasonal habitat. Future residential development on the tract is not expected to negatively affect river otters if watercourse setbacks are adhered to.

Great Blue Herons - Nesting habitat for great blue herons will not be affected by future development on the Dorros property. Individual herons hunt along Spring Creek 4 and the Snake River and this use is expected to continue. It is unlikely that future development will have any measurable impacts to great blue herons although it may influence when and how herons forage on the property. Because of the heron's shyness and intolerance of disturbance, regular human activity near Spring Creek 4 may be sufficient to reduce the attractiveness of the area to herons. However, foraging habitat is abundant throughout Jackson Hole and any reductions in habitat use associated with development are believed minor.

Raptors - No raptors are known to currently nest on the Dorros property, although potential nesting habitat for several raptor species is present. Raptor foraging habitat is also abundant on the tract. Depending on its location, development may reduce the availability of foraging habitat and potential nesting habitat (i.e., trees) for several different forest raptor species.

Moose - Future development occurring on the property may have some negative effects on individual moose but the limited development potential of the tract insures that impacts to this species will be minor. Depending upon its location, future development will potentially reduce the attractiveness of the property to a few moose due to physical disturbances resulting from construction of buildings and associated roads/driveways. Some indirect impacts to moose can also be expected. Seasonal or year-round occupation will increase the frequency and intensity of human uses occurring on the property when compared to existing uses. Human uses often equate to disturbances to resident ungulates and these encounters can easily displace animals from their winter range. Establishing recreational trails through the shrub and forest habitats and subsequent use of these trails by people may reduce the quality of moose habitat found on the parcel.

Avoiding disturbances to coverts that are important to moose, reducing disturbance of native vegetation caused by construction, and controlling human use and domestic pets (especially dogs) in areas where moose are wintering will reduce both direct and indirect impacts to moose. As a species, moose appear to tolerate or adapt to human presence and their associated disturbances quite readily and it is common to find moose in developed areas throughout much of the winter and even during other months. Moose often continue to use developed areas within historic winter range along the Snake River and elsewhere following buildout. Landscaping efforts sometimes prove very attractive to moose; these animals are capable of effectively exploiting this artificial and unintentional food source. Wildlife damage to landscaping efforts may occur since future development will be located in an area consistently used by moose; this should be accepted and expected. Planting native vegetation that is less palatable to moose would help reduce the potential for human-moose encounters and damage to landscaping.

Impacts to moose resulting from future development occurring on the Dorros property can be minimized by avoiding mesic immature and medium-aged cottonwood stands and willow, silverberry, and mixed shrub stands. Evidence of moose use was abundant within all immature and medium-aged cottonwood stands which had a strong understory component of shrubs or immature cottonwoods. In contrast, locating development in mesic grasslands, disturbed areas, and mature cottonwood forest stands, the least preferred cover types present on the tract, will have fewer potential negative impacts on moose.

Elk - Moderate elk use occurs during non-winter months and occasionally during winter months on and in the vicinity of the Dorros property. Elk use the tract for both foraging and escape cover and evidence of recent elk use was found throughout. In particular, the eastern portion of the parcel, between 400 and 600 feet from the toe of the flood control levee appears to receive more elk use than elsewhere on the property and function as an elk movement corridor.

Future residential development on the parcel may negatively affect elk by reducing forage availability, security cover, and the size of movement corridors that pass through the tract. Because of this, future development should minimize impacts to vegetation and leave adequate open space for elk movement corridors. A minimum corridor of 300 feet between building envelopes and 300 feet from the Snake River has been recommended by Minta and Campbell (1991) as an appropriate mitigation measure to accommodate and facilitate elk movements through development or when development may impact elk migration corridors.

RECOMMENDATIONS

The Dorros property is zoned "Rural" and falls within the Natural Resource Overlay (NRO) of the Jackson-Teton County Comprehensive Plan and Land Use Regulations (1994). The property contains crucial winter range for moose and the presence of this important environmental resource results in the NRO designation covering the parcel. The tract also represents non-crucial elk winter year-long range and parturition areas for both moose and elk. Suitable habitat for river otters also exists on the property and otters may be found along sections of the Snake River and Spring Creek 4 flowing through the tract. Foraging opportunities for bald eagles are present on and around the property although none of it falls within 400 m of a bald eagle nest. Important foraging habitat for bald eagles and great blue herons also can be found in the various wetlands located in the southern portion of the property. Foraging opportunities for peregrine falcons, other raptors, great blue herons, river otters, trumpeter swans, mule deer, and elk are also present on the property, as well as habitat for the fine spotted cutthroat trout. The tract also contains potential nesting habitat for several raptor species and great blue herons.

NATURAL RESOURCE OVERLAY

Teton County's Natural Resource Overlay represents a combination of important wildlife habitats throughout the county and was established in the Jackson-Teton County Comprehensive Plan and Land Use Regulations (1994) as a planning and development tool. Included in the overlay are crucial winter range and migration routes/corridors for elk, moose, mule deer, and bighorn sheep; nesting areas for the "threatened" bald eagle; potential peregrine falcon foraging habitat; nesting and wintering areas for trumpeter swans; and spawning areas for Snake River fine-spotted cutthroat trout. The delineated NRO encompasses the entire Dorros property and much of the surrounding area and the presently mapped NRO is considered accurate.

New development occurring on properties which fall partially or entirely within the NRO, such as the Dorros parcel, is required to be located outside crucial wildlife habitat areas and/or minimize impacts to resident species and their habitats to the greatest extent practicable (Section 3270 of Article III and subsection 3270.H.). Since all areas within the Dorros property represent

crucial habitat for moose, future development on the property should be sited and designed so as to create the least disturbance to this species and its habitats. Possible development strategies might include locating and clustering future development in disturbed areas or vegetative covertypes which are less important to moose; reduce habitat fragmentation and cumulative impacts to vegetation; and creating development which is compatible with wildlife uses occurring on the parcel.

PROTECTED NATURAL RESOURCES

Protected Rivers - The Snake River, as a protected river, has a prescribed setback of 150 feet from the top of the flood control levee (water side) within which development is not allowed (M. Shouf, Teton County Planning Dept., pers. comm.). The setback associated with the Snake River is depicted on Figure 2.

Protected Watercourses - Watercourses flowing at a mean annual rate of 3 cubic feet per second (cfs) or more are viewed as protected watercourses by Teton County and have a variable setback between 50 and 150 feet based on the presence or absence of associated riparian plant communities. A portion of Spring Creek 4 meets the 3 cfs criteria and, therefore, is a protected watercourse within this reach of the creek. The banks in this area of the creek on the Dorros property are vegetated with riparian plant communities and, therefore, the full 150-foot buffer applies to the protected portion of Spring Creek 4 on the property (Fig. 2).

Wetlands - All jurisdictional wetlands are given a 30-foot setback within which development is prohibited. A separate wetland delineation performed last year documented the current distribution of wetlands on the property; these wetlands and their associated setbacks are presented in Figure 3.

Covertypes Important to SSCs - While development within covertypes of value to wildlife is not strictly prohibited by the Jackson-Teton County Comprehensive Plan (1994), the intent of the plan is that property-specific development be located in areas which minimize adverse impacts to SSCs and their habitats. Ideally, development should be confined to the least valuable covertypes found on any given tract. The most valuable covertypes on the Dorros property are the mesic tall shrub-willow, mesic tall shrub-mixed, mesic tall shrub-silverberry, immature cottonwood, and some medium-aged cottonwood covertypes. Building in these covertypes should be avoided if possible and, if not, impacts to them should be minimized to the maximum extent practicable. The least valuable habitats are the mature cottonwood, mesic grassland, and disturbed areas and future development on the Dorros property should be focused into these areas.

OTHER SETBACKS

Unprotected Watercourses - Watercourses flowing at a mean annual rate of less than 3 cfs, have intermittent flows, and which do not contain either trumpeter swan habitat or trout spawning area, are considered unprotected watercourses by Teton County factors (M. Shouf, Teton County Planning Dept., pers. Comm.) and receive a setback of 15 feet. The upper portion of Spring Creek 4 on the Dorros property has been determined through a hydrologic study to have a mean annual flow of less than 3 cfs. As a result, the 15-foot setback is applied in this portion of the creek (Fig. 2).

DEVELOPMENT SUITABILITY RECOMMENDATIONS

Results of this EA are brought together in a set of recommendations regarding where development might be sited on the Dorros property and still minimize real and potential impacts to SSCs and their habitats. These recommendations identify areas which, based on information

gathered during the study, are believed to be “unsuitable” for development, “less suitable” for development, and “most suitable” for development. Such designations are made as follows:

Areas “Unsuitable” for Development - All areas that include protected natural resources or fall within their protective setbacks as identified in the Jackson-Teton County Comprehensive Plan are considered “unsuitable” for development.

Areas “Less Suitable” for Development - All areas that include vegetative covertypes and habitat components important to SSCs but which are not explicitly protected by the Jackson-Teton County Comprehensive Plan are considered “less suitable” for development. It is the intent of the Jackson-Teton County Comprehensive Plan to minimize adverse development impacts to important features of SSCs. “Less suitable” areas do not encompass protected natural resource or their setbacks but, relative to remaining areas on the subject property, are more important to SSCs.

Areas “Most Suitable” for Development - All areas within which, relative to other areas on the subject property, development would cause the least adverse impact to habitats of SSCs or other protected natural resources, are considered “most suitable” for development.

RECOMMENDATION FOR SITING FUTURE DEVELOPMENT

Negative impacts to some wildlife species resulting from future development on the Dorros property are unavoidable regardless of where construction actually occurs since all habitats provide at least some value to wildlife. Wildlife impacts linked to future development will result from direct habitat loss associated with construction of buildings, roads, and other improvements as well as from indirect disturbances resulting from increased human activities.

The focus of this EA, however, is on wildlife “species of special concern”. Certain measures can be taken to minimize impacts to SSCs and their habitats resulting from future development occurring on the Dorros property. Confining development to the disturbed areas, and mature cottonwood and mesic grassland covertypes will minimize impacts to these species and their habitats and these areas have been determined to be areas “most suitable” for development. The immature cottonwood, medium-aged cottonwood, and mesic tall shrub (willow, mixed, silverberry) are the more important wildlife habitats found on the property and these areas are considered “less suitable” for development. Areas “most suitable”, “less suitable”, and “unsuitable” for development are presented in Figure 9. Overall vegetative impacts should be minimized and mature cottonwood trees should be preserved wherever possible.

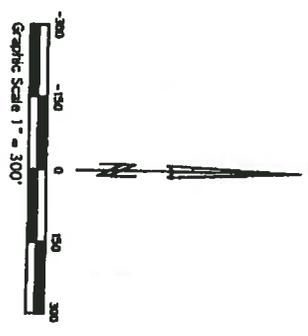
Development Recommendations - The following recommendations, if adhered to, will allow development to occur on the Dorros property with the least amount of impacts on wildlife and habitat.

- Avoid siting development within protected river, watercourse, and wetland setbacks.
- Locate all future development activities in areas depicted in Figure 9 as “most suitable” for development. Three (3) distinct areas are recommended as “most suitable.”
- If it is not possible to completely avoid “less suitable” areas, development could occur within these areas while still adhering to protected natural resource setback requirements, although potential impacts to SSCs and their habitats would probably be greater than in “most suitable” areas. Small infringements by development into the edges of “less suitable” forest or shrub habitats, although not recommended, could occur with probably only minor negative impacts to wildlife. Much would depend upon the nature of the proposed development and specific environmental setting where it would occur. No two situations are alike so the actual impacts to wildlife and habitat must be determined and evaluated on a site-specific basis. In some

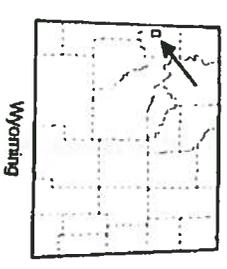


Figure 9. Areas most suitable, less suitable, and unsuitable for development on the Dorros property, Teton County, Wyoming

Photography taken in 1996



Key	
	Most suitable for development
	Less suitable for development
	Unsuitable for development



cases, negative impacts associated with encroachments of development into more important habitats may be outweighed by, for example, scenic benefits associated with visually screening development. However, in all such cases, mitigation measures should be implemented in an attempt to replace disturbed or destroyed vegetation at the ratio of 2:1 as required by the Jackson-Teton County Comprehensive Plan and Land Use Regulations (1994).

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APPENDIX 1

GENERAL LAND USE RECOMMENDATIONS FOR THE DORROS PROPERTY OF THE CRESCENT-H RANCH RIPARIAN LAND, TETON COUNTY, WYOMING

**GENERAL LAND USE RECOMMENDATIONS
FOR THE DORROS PROPERTY OF THE CRESCENT-H
RANCH RIPARIAN LAND,
TETON COUNTY, WYOMING**

The following recommendations, if implemented, would aid in protecting, preserving, and improving the wildlife and habitat values associated with the Dorros property of the Crescent-H Ranch riparian land.

1. **Agriculture.** The pasturing of livestock on the property should be confined to agricultural meadows. Livestock forage on grasses, browse on both seedling and second-year shrub growth, and use adult shrubs and trees for rubbing and loafing shade. The direct (eating and breaking branches) and indirect affects (trampling of plants and compaction of soils around the plants) of livestock utilization frequently causes significant damage to growth and deterioration in overall health of these plants. Additionally, livestock use of these plants is in direct competition with wild ungulates and other wildlife species. Livestock also tend to physically displace wildlife from areas where heavy grazing and long-term use occurs.

If livestock pasturing occurs on the property, it should only be at levels that would not cause overgrazing, soil compaction, and erosion. A general rule of thumb is available forage should not be reduced below 50 percent by pastured livestock. At a minimum, livestock grazing within the forest and shrub covertypes is not recommended since these areas are very important to wildlife in general and used by elk, mule deer, and moose. Wintering livestock on the property is not recommended, to do so would require the storage of hay or other alfalfa or grass product on-site. Careless hay storage or feeding livestock will probably attract deer, elk, and/or moose and increase the likelihood of problems resulting from this attraction.

2. **Fences.** An assessment of site-specific fencing needs should be made for the property. Fences frequently disrupt or discourage normal movement and use patterns of wildlife or present hazards to wildlife and their use should be avoided or minimized. In situations where fences are necessary, they should be constructed in such a way to reduce their potential negatives impacts to wildlife. Fence construction should closely adhere to the recommendations provided below for wildlife-compatible fences. If the control of livestock is not necessary, perimeter fences around the property should be removed.

Recommendations for any fences internal to or around the property are provided below:

- 1) The preferred fence design is a combination of posts, wire strands, and a top pole. This design effectively controls livestock while promoting wildlife movements.
- 2) The spacing of fence posts should be 13-16 ft.
- 3) The overall height of the fence should not exceed 42"; the preferred height is 38" in most situations and 40" if problems develop.
- 4) Installed fence posts should have sufficient extra height to allow raising or lowering the top pole between 38 and 42" above the ground.
- 4) The bottom wire should be smooth twisted wire and located 16-17" above the ground. This will allow smaller animals and immature ungulates (moose and elk calves and deer fawns) to crawl under the fence.
- 5) The second and third wire strands can be barbed wire and spaced evenly over the 26-27" distance between the bottom strand and the top of fence (e.g., the second strand is at 25" and the third strand is at 34"). It may be that only one strand of wire is actually needed and could be placed at about 29".
- 6) The top pole nailed to the side of the fence posts will facilitate animals attempting to jump the fence and will protect them from becoming entangled in a top strand of wire or from injuries resulting from rubbing. The top pole should be set at a maximum height of 42" above the ground; the preferred height is 38 in.
- 7) Gates should be constructed of wire (both barbed and smooth-twisted wire) with a optimal height of 38 inches. The gates should be installed at least every 450 ft of continuous fence. The spacing of the wires should be the same as that on the fence (i.e., bottom at 16-17" above ground, top at no more than 42", and either one or two strands spaced evenly between). The top and bottom strands should be of smooth-twisted wire and the middle strand(s) of barbed wire.

Gates will allow wildlife access to the property during periods when livestock control is unnecessary. At these times the gates should be opened and left opened until livestock control is again necessary.

8) No fences should be erected which span Spring Creek 4.

These recommendations generally follow guidelines developed by the Wyoming Game and Fish Department and the Bureau of Land Management. If adhered to, the fences resulting from these recommendations will be "wildlife friendly" and promote the continued use of the important wildlife habitat found on the property. In particular, crucial wildlife winter habitats will be easily accessible to animals, especially if efforts are taken to lower fence gates when livestock are not present.

3. **Non-native Plants.** The introduction of any non-native plants that might compete with or harm native species and result in their decline is discouraged. Exceptions to this would be the introduction of a non-native species which would improve or prevent undue damage to the natural environment (e.g., stream bank stabilization) or plants within the immediate confines of the building envelope. However, planting certain ornamental (non-native) woody or shrubby vegetation for landscaping purposes is discouraged in order to reduce the likelihood of human-wildlife encounters. Wildlife damage to landscaping efforts commonly occurs and should be accepted when the property is located within an area used by moose, mule deer, and elk. A list of native plant species recommended for screening and revegetation efforts, based on palatability to wildlife, should be generated once goals and objectives have been identified.
4. **Non-native Fauna.** The introduction into the wild of any non-native or domesticated animal species that might compete with or harm native species and result in a decline in their use is strongly discouraged.
5. **Vegetation Alteration.** The destruction, removal or alteration of living or dead vegetation is discouraged except when necessary. This is particularly important for properties that have wildlife use occurring within stands of woody overstory and shrubby understory vegetation. Standing dead trees and dead and down vegetation provide important habitat to a variety of smaller wildlife species, greatly diversifying a piece of land. Woodpeckers forage for insects in standing dead trees and create nesting cavities for themselves and numerous other bird species. Fallen, rotten plant material creates shelter used by many small mammals while simultaneously returning nutrients to the soil.
6. **Roads.** The construction of roads should be minimized.
7. **Habitat Enhancement.** Wildlife habitat enhancements are acceptable physical alterations to the property. A plan describing enhancements and delineating affected areas should be developed by a qualified, county-approved consultant. This plan should consider negative impacts to non-target species.
8. **Herbicides.** The use of chemical herbicides and pesticides are discouraged except for controlling noxious terrestrial weeds. Application of state-approved herbicides should be done responsibly by persons appropriately licensed and trained. The Teton County Weed and Pest representative should be consulted before applying chemicals in sensitive areas.
9. **Burning.** The burning of any materials or vegetation is discouraged except in accordance with government regulations, and in the case of vegetation, where burning is shown beneficial to wildlife.
10. **Off-road Vehicle Use.** Control the use of any off-road vehicles such as all-wheel drives, motorcycles, all-terrain vehicles, and snowmobiles, except when necessary for specified activities on existing roads. This is very important so wildlife can adapt to predictable patterns of human use.
11. **Topographic Alterations.** The filling, excavating, dredging, mining, drilling, or removing of topsoil, sand, gravel, rock, minerals, or other materials, or other changes of the topography of the property is discouraged, except where absolutely necessary or associated with approved development and enhancement plans.
12. **Domestic Pets.** Free-roaming, unrestrained domestic pets should be prohibited. Unrestrained pets can easily disrupt wildlife use on property and should be controlled. Dogs will readily chase, harass, and even kill both small and large mammals, as well as birds. Although less conspicuous than dogs, free-roaming cats can be as damaging to wildlife as dogs. Cats are effective predators of small birds and mammals and free-roaming cats have a high potential (both short- and long-term) for disturbing many wildlife species.
13. **Wildlife Feeding.** The artificial feeding of moose, deer, and elk anywhere on the property is strongly discouraged. Artificial feeding tends to "short-stop" wildlife in route to natural winter ranges and causes them to rely on humans when it is not necessary. Concentrating these animals around feed sites for long periods can cause irreparable harm to native vegetation due to over utilization as well as contribute to the spread of wildlife diseases. Artificial feeding of wildlife by private individuals is an activity which Wyoming Game and Fish opposes.



RELEASED	<input type="checkbox"/>
INDEXED	<input checked="" type="checkbox"/>
ABSTRACTED	<input checked="" type="checkbox"/>
SCANNED	<input type="checkbox"/>

AMENDMENT TO OPEN SPACE EASEMENT

This Amendment to Open Space Easement (this "Amendment") is made this 8th day of ~~August~~ ^{December}, 2010, by and between the G. Dorros Family Limited Partnership, a Wisconsin limited partnership (the "Landowner"), and the Teton County Scenic Preserve Trust, (the "Trust"). The Landowner and the Trust are sometimes referred to in this Easement as the "Parties."

RECITALS:

The Parties:

The Landowner is a Wisconsin limited partnership, and owns the real property described on **Exhibit A** hereto (the "Property") and is the grantor of a certain open space easement (the "Easement") recorded in the Office of the Clerk of Teton County, Wyoming in as Document No 0491867 in Book 378 of Photo at Pages 750-788 which easement burdened the real property described therein on Exhibit B (the "Easement Area").

The Trust was the grantee of the Easement. The Trust is a charitable organization recognized under Sections 501(c)(3) and 170(b)(1)(A)(vi) of the Internal Revenue Code (the "Code"). The Trust is a "qualified organization" under Section 170(h)(3) of the Internal Revenue Code to acquire and hold open space easements.

Purpose of this Easement:

The purpose of this Amendment is (i) to vacate the Easement Area, and (ii) to clearly grant and convey the Easement over the real property described on **Exhibit B-1** hereto under the same terms and conditions as described in the Easement except for the description of property burdened therein, thereby restating and redefining the definition of "Open Space Easement" or "Easement" as those terms are defined in the Easement set forth in Exhibit B to the Easement such that the Easement Area will be replaced with the real property described on **Exhibit B-1** hereto (the "New Easement Area").

Findings:

1. The parties hereto find that for clarity purposes it is necessary to vacate the Easement Area and to convey the Easement over the New Easement Area so as to redefine the definition of "Open Space Easement" or "Easement" as that term is described in the Easement and shown on Exhibit B to the Easement.
2. The Trust finds that the real property described on **Exhibit B-1** hereto is equal or greater in size and comparable in condition and resource and habitat values to those portions of the Easement Area being released from the Easement. The Trust further specifically finds that vacating the Easement Area and conveying the easement over the New Easement Area is in the public's benefit and will resolve any disputes between the Parties as to unpermitted uses of the Easement Area by the Grantor as of the execution hereof by the Parties.

AGREEMENT:

For and in consideration of the Recitals, and the mutual agreements contained in this Amendment, and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, the Landowner and the Trust hereby agree to vacate the Easement over the Easement Area and convey the Easement over the New Easement Area as follows:

- 1 It is the intent of the Parties that this Amendment completely vacate the Easement as to the Easement Area and that it burden the new Easement Area on the exact terms and conditions as stated in the Easement except for the description of the real property described on Exhibit B to the Easement, which shall be substituted and entirely replaced by the real property described on **Exhibit B-1** hereto. Therefore, the Parties hereby agree that Exhibit B to the Easement is hereby deleted in its entirety, it being the express intent hereof to vacate, discharge and render null and void Exhibit B to the Easement, effective as of the date hereof, and to restate the original Exhibit B to the Easement in its entirety by substituting the attached **Exhibit B-1** in lieu thereof. The real property shown on **Exhibit B-1** attached hereto shall hereinafter be referred to as the "Easement" or "Open Space Easement" for purposes of interpreting such defined terms in the Easement and shall also hereinafter be referred to as "Exhibit B" to the Easement.
- 2 The portions of the real property described on **Exhibit A** hereto that are not encumbered by the Easement or the New Easement Area but which were within the areas described on Exhibit B to the Easement are hereby released, vacated and removed from the Easement and the Easement shall no longer burden or govern the use of that property.
- 3 The Landowner hereby DONATES, GRANTS and CONVEYS to the Trust an open space easement over and across the real property described on **Exhibit B-1** hereto for the purposes and upon the terms described in the Easement, as amended from time to time. Therefore the Parties hereby agree that the real property described on **Exhibit B-1** hereto shall hereby made and is hereafter subject to all of the terms and conditions of the Easement, in perpetuity.
- 4 An updated Environmental Analysis is attached hereto and incorporated herein as **Exhibit C**, reflecting the changes to the Easement Area and documenting the habitat, conservation and resource values of the New Easement Area. Therefore, the Parties hereby agree that Exhibit C to the Easement is hereby supplemented and amended to reflect the information set forth on **Exhibit C** hereto.
- 5 Except as expressly amended herein, the Easement is hereby reaffirmed and republished by the Parties and shall remain in full force and effect, unchanged, and shall be and remain binding upon the Parties and their successors in title to the Property, in perpetuity. Capitalized terms not defined or amended herein, shall be construed in accordance with their definitions set forth in the Easement. This Easement may be executed in multiple counterparts.
- 6 The Trust finds that this Easement is consistent with the policies and status of the Trust as a 501(c)(3) organization, and that it will further land conservation in the public interest in Jackson Hole. Furthermore, the Board of Directors of the Trust has found that this Easement complies with the Trust's policy governing amendments and by duly adopted resolution has authorized execution of this Easement by its Chairman.

Witness the following signatures:

(SIGNATURES AND ACKNOWLEDGMENTS ON FOLLOWING PAGES)

Amendment to
Open Space Easement
Page 2 of 4

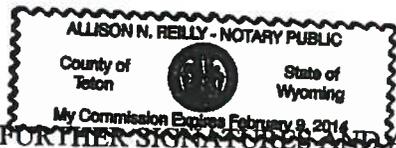
G. DORROS FAMILY LIMITED PARTNERSHIP,
a Wisconsin limited partnership,

By *Gerald Dorros*
Name: GERALD DORROS MD
Title Managing member
STATE OF Wyoming)
COUNTY OF Teton)ss)

General Partner of the G. Dorros
Family Limited Partnership.

On this 8th day of December, 2010, before me personally appeared Gerald
Dorros, personally known to me, or proved to me on the basis of satisfactory evidence,
to be the person whose name is subscribed within this instrument and acknowledged to me that he
executed the same in his authorized capacity, and that by his signature on this instrument, the
entities upon behalf of which the person acted executed this instrument

WITNESS my hand and official seal



Allison N. Reilly
Notary Public
My commission expires 2/9/2014

(FURTHER SIGNATURES AND ACKNOWLEDGMENTS ON FOLLOWING PAGES)

TETON COUNTY SCENIC PRESERVE TRUST

By *Benjamin Ellis*
Name BENJAMIN ELLIS
Title Vice-Chair, Teton County Scenic Preserve Trust



ATTEST: *Sherry L. Daigle*
Sherry L. Daigle
Teton County Clerk

STATE OF Wyoming)
)SS
COUNTY OF Teton)

On this 17th day of NOVEMBER, 2010, before me personally appeared BENJAMIN ELLIS, VICE-CHAIR, Teton County Scenic Preserve Trust, personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed within this instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on this instrument, the entities upon behalf of which the person acted executed this instrument.

WITNESS my hand and official seal.

Sandra P. Birdyshaw
Notary Public
My commission expires: 12-17 2013



EXHIBIT "A"

Legal Description
Crescent H Ranch
Parcel 10
36.14 Acres

That part of the riparian lands appurtenant to Government Lots 1 and 3 in Section 3, T40N, R117W, 6th P M. Teton County, Wyoming; further described as follows:

PART 1

BEGINNING at a point which bears S 11°51'36"W, 804.48 feet from the northeast corner of said Government Lot 1 marked by a 2" diameter galvanized pipe with brass cap with Certified Land Recordation Certificate on file in the Office of the Clerk of Teton County, Wyoming,

THENCE N 06°30'23"E, 131.73 feet to a POINT;

THENCE along a curve to the left having a radius of 465.00 feet and an arc length of 167 22 feet, being subtended by a chord of N 03°47'44"W, 166.32 feet to a POINT;

THENCE N 76°26'05"E, 229.20 feet to a POINT;

THENCE along a curve to the left having a radius of 398.48 feet and an arc length of 195 95 feet, being subtended by a chord of N 62°20'50"E, 193.98 feet to a POINT;

THENCE N 48°15'21"E, 135.68 feet to a POINT;

THENCE S 66°37'26"E, 1380.71 feet to a POINT on the Snake River Levee Easement Survey Line as shown on plans prepared by the United States Army Corps of Engineers;

THENCE following said Levee Easement Survey Line S 06°48'42"W, 646.24 feet to a POINT,

THENCE departing said Levee Easement Survey Line N 68°42'59"W, 1814 25 feet to the **POINT OF BEGINNING**.

AND

PART 2

Those lands lying east of said Snake River Levee Easement Survey Line as follows:

BEGINNING at a point on the Snake River Levee Easement Survey Line being identical with the northeast corner of lands described in Part 1 above;

THENCE S 66°37'26"E, 753.94 feet to a POINT;

THENCE S 00°00'04"E, 642.00 feet to a POINT;

THENCE N 68°42'59"W, 824.98 feet to a POINT on said Survey Line being identical with the southeast corner of lands described in Part 1 above;

THENCE N 06°48'42"E, 646.24 feet to the **POINT OF BEGINNING**.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 36.14 acres more or less.

All in accordance with a Map of Survey recorded in said Office as Map T-293B titled "Crescent H Ranch Tracts & Parcels".

EXHIBIT "B-1"

**Legal Description
for
Open Space Easement
being part of
Parcel 10 Crescent H Ranch
Teton County, Wyoming**

That part of Parcel 10 described in that General Warranty Deed recorded in the Office of the Clerk of Teton County, Wyoming, in Book 339 of Photo, pages 314-323, and more particularly part of the riparian lands appurtenant to Government Lots 1 and 3 in Section 3, T40N, R117W, 6th P M Teton County, Wyoming further described as follows

PART 1

BEGINNING at a POINT on the west line of said Parcel 10, which bears S 11°51'36"W, 804.48 feet from the northeast corner of said Government Lot 1 marked by a 2" diameter galvanized pipe with brass cap with Certified Land Recordation Certificate on file in the Office of the Clerk of Teton County, Wyoming;

THENCE N 06°30'23"E, 131.73 feet to a POINT,
THENCE along a curve to the left having a radius of 465.00 feet and an arc length of 167.22 feet, being subtended by a chord of N 03°47'44"W, 166.32 feet to a POINT,
THENCE N 76°26'05"E, 229.20 feet to a POINT,
THENCE along a curve to the left having a radius of 398.48 feet and an arc length of 128.79 feet, being subtended by a chord of N 67°10'33"E, 128.22 feet to a POINT,
THENCE S 59°11'14" E, 102.63 feet to a POINT,
THENCE S 20°32'09" W, 177.69 feet to a POINT,
THENCE S 71°31'10" W, 33.14 feet to a POINT,
THENCE S 16°37'30" E, 44.04 feet to a POINT,
THENCE S 14°11'05" W, 123.34 feet to a POINT,
THENCE S 38°51'55" E, 95.13 feet to a POINT,
THENCE S 22°25'15" E, 73.13 feet to a POINT,
THENCE S 68°42'59" E, 187.30 feet to a POINT,
THENCE N 27°16'18" E, 204.99 feet to a POINT,
THENCE N 27°16'18" E, 67.33 feet to a POINT,
THENCE S 56°46'55" E, 11.99 feet to a POINT,
THENCE N 65°29'25" E, 19.92 feet to a POINT,
THENCE N 27°34'41" E, 48.77 feet to a POINT,
THENCE N 09°52'13" E, 29.68 feet to a POINT,
THENCE N 13°26'13" W, 21.90 feet to a POINT,
THENCE N 02°02'27" W, 54.59 feet to a POINT,
THENCE N 21°46'27" E, 39.97 feet to a POINT,
THENCE N 38°31'47" E, 28.65 feet to a POINT,

THENCE S 46°03'21" E, 113.58 feet to a POINT;
THENCE N 41°26'11" E, 10.25 feet to a POINT;
THENCE N 34°14'59" W, 19.92 feet to a POINT;
THENCE N 71°12'30" W, 11.36 feet to a POINT;
THENCE N 46°27'26" W, 77.03 feet to a POINT;
THENCE N 10°24'07" W, 25.35 feet to a POINT;
THENCE N 70°47'35" W, 57.87 feet to a POINT;
THENCE N 10°39'26" W, 143.32 feet to a POINT;
THENCE S 66°37'26"E, 1146.20 feet to a POINT on the Snake River Levee Easement Survey Line as shown on plans prepared by the United States Army Corps of Engineers;
THENCE following said Levee Easement Survey Line S 06°48'42"W, 646.24 feet to a POINT;
THENCE departing said Levee Easement Survey Line N 68°42'59"W, 1814.25 feet to the POINT OF BEGINNING.

AND

PART 2

Those lands lying east of said Snake River Levee Easement Survey Line as follows:

BEGINNING at a POINT on the Snake River Levee Easement Survey Line being identical with the northeast corner of lands described in Part 1 above;
THENCE S 66°37'26"E, 753.94 feet to a POINT;
THENCE S 00°00'04"E, 642.00 feet to a POINT;
THENCE N 68°42'59"W, 824.98 feet to a POINT on said Survey Line being identical with the southeast corner of lands described in Part 1 above;
THENCE N 06°48'42"E, 646.24 feet to the POINT OF BEGINNING.

EXCEPTING therefrom a 60 foot wide road right-of-way for Thunder Road further described as follows;

Right-of-way for Thunder Road:

A 60 foot wide strip of land being 30 feet both sides of the following described centerline and a 60 foot radius cul-de-sac at the terminus of said strip lying within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and Government Lots 1 and 3 and appurtenant riparian lands in Section 3, T40N, R117W, 6th P.M Teton County, Wyoming:

BEGINNING at a POINT on the centerline of Fall Creek County Road 22-2 which lies N 21°04'21"E, 1891.54 feet from the S1/16 corner of said Section 3 marked by a 2" diameter steel pipe with BLM type brass cap;
THENCE S 88°08'16"E, 60.55 feet to a POINT;

THENCE along a curve to the right having a radius of 300.00 feet and an arc length of 234.20 feet, being subtended by a chord of S 65°46'25"E, 228.30 feet to a POINT;
THENCE S 43°24'34"E, 76.50 feet to a POINT;
THENCE along a curve to the left having a radius of 300.00 feet and an arc length of 101 36 feet, being subtended by a chord of S 53°05'20"E, 100.88 feet to a POINT;
THENCE S 62°46'06"E, 71.91 feet to a POINT;
THENCE along a curve to the right having a radius of 500.00 feet and an arc length of 57 39 feet, being subtended by a chord of S 59°28'49"E, 57.36 feet to a POINT;
THENCE S 56°11'32"E, 75.20 feet to a POINT;
THENCE along a curve to the left having a radius of 200.00 feet and an arc length of 91 29 feet, being subtended by a chord of S 69°16'06"E, 90.50 feet to a POINT;
THENCE S 82°20'41"E, 175.30 feet to a POINT;
THENCE along a curve to the left having a radius of 1200.00 feet and an arc length of 75 39 feet, being subtended by a chord of S 84°08'40"E, 75.37 feet to a POINT;
THENCE S 85°56'39"E, 164.26 feet to a POINT;
THENCE along a curve to the left having a radius of 125.00 feet and an arc length of 174 57 feet, being subtended by a chord of N 54°02'53"E, 160.72 feet to a POINT;
THENCE N 14°02'26"E, 130.67 feet to a POINT;
THENCE along a curve to the right having a radius of 200.00 feet and an arc length of 171 06 feet, being subtended by a chord of N 38°32'33"E, 165.89 feet to a POINT;
THENCE N 63°02'40"E, 44.34 feet to a POINT;
THENCE along a curve to the left having a radius of 250.00 feet and an arc length of 321 86 feet, being subtended by a chord of N 26°09'45"E, 300.08 feet to a POINT;
THENCE N 10°43'10"W, 78.57 feet to a POINT;
THENCE along a curve to the right having a radius of 302.29 feet and an arc length of 175 39 feet, being subtended by a chord of N 05°54'08"E, 172.94 feet to a POINT;
THENCE along a curve to the left having a radius of 300.00 feet and an arc length of 159 17 feet, being subtended by a chord of N 07°19'26"E, 157.31 feet to a POINT;
THENCE along a curve to the right having a radius of 187.38 feet and an arc length of 177 99 feet, being subtended by a chord of N 19°20'08"E, 171.37 feet to a POINT;
THENCE N 46°32'50"E, 131.07 feet to a POINT;
THENCE along a curve to the left having a radius of 200.00 feet and an arc length of 149 29 feet, being subtended by a chord of N 25°09'47"E, 145.85 feet to a POINT;
THENCE N 03°46'44"E, 62.94 feet to a POINT;
THENCE along a curve to the right having a radius of 200.00 feet and an arc length of 51 61 feet, being subtended by a chord of N 11°10'16"E, 51.47 feet to a POINT;
THENCE N 18°33'49"E, 189.28 feet to a POINT;
THENCE along a curve to the right having a radius of 500.00 feet and an arc length of 103 77 feet, being subtended by a chord of N 24°30'34"E, 103.59 feet to a POINT;
THENCE N 30°27'19"E, 47.19 feet to a POINT;
THENCE along a curve to the left having a radius of 300.00 feet and an arc length of 156 50 feet, being subtended by a chord of N 15°30'38"E, 154.73 feet to a POINT;
THENCE N 00°33'58"E, 241.77 feet to a POINT;

THENCE along a curve to the right having a radius of 235.74 feet and an arc length of 207.16 feet, being subtended by a chord of N 25°44'25"E, 200.55 feet to a POINT;

THENCE along a curve to the left having a radius of 150.00 feet and an arc length of 182.25 feet, being subtended by a chord of N 16°06'27"E, 171.24 feet to a POINT being identical with the radius POINT of a 60 foot diameter circle terminating said 60 foot wide strip which lies

N 34°42'51"E, 4826.96 feet from the S1/16 corner of said Section 3 marked by a 2" diameter steel pipe with BLM type brass cap,

The sidelines of the above described strip of land shall be extended and shortened to terminate at the sideline of the 60 foot wide easement for Fall Creek County Road 22-2 and said 60 foot diameter circle

**UPDATED ENVIRONMENTAL ANALYSIS
DORROS PROPERTY
TETON COUNTY, WYOMING**



Prepared For

Dr. Gerald Dorros

P. O. Box 1654, Wilson, WY 83014

Prepared By

RESEARCH & CONSULTING INC.
Biota

PO Box 8578, 140 E. Broadway, Suite. 23, Jackson, WY 83002; voice: (307) 733-4216 • fax: (307) 733-1245
PO Box 880, 73 N. Main, Suite. 1, Victor, ID 83455; voice: (208) 787-4215 • fax: (208) 787-4217

January 7, 2010

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**UPDATED ENVIRONMENTAL ANALYSIS
DORROS PROPERTY
TETON COUNTY, WYOMING**

INTRODUCTION AND BACKGROUND

This document updates the 30 October 1998 Environmental Analysis (EA) prepared by Biota Research and Consulting (Biota) for the Dorros property, Teton County, Wyoming (T40N, R117W, Section 3, Appendix 1-Attachment 1 and 2). The Dorros property is a 36.1-acre tract that was developed as part of a Planned Residential Development (PRD). A development permit was granted to Dr. Gerald Dorros for a PRD on Parcel 10 of Crescent H Ranch on 8 June 1999 (DEV 99-0007). The PRD is a permit that enables denser clustering of development and ensures the preservation of areas compliant with the open space standards (Table 2400 and Division 4300, Jackson-Teton County LDR).

As a result of the PRD permit, a 5.9-acre area was set aside for development. The development area includes a 60-foot road right-of-way along Thunder Road, and a 60-foot radius cul-de-sac. The remaining open space on the property (30.2 acres) has been protected with a conservation easement held by the Teton County Scenic Preserve Trust. In 2009, Teton County alerted Dr. Dorros that two built structures were in violation of the open space easement agreement, and included a wooden footbridge with concrete pilings that links the development area to the east bank of Spring Creek 4, and a stand-alone patio on the eastern perimeter of the development area. The open space easement language prohibits the construction or location of any buildings, structures or accessory structures within the open space. Subsequent to the identification of this violation, a portion of the basketball court installed on the west side of the main house was identified by representatives of the Dorros family as a third encroachment into the original open space easement.

The Updated Environmental Analysis will disclose the area of impact, and provide a revised map of wetlands and vegetative covertypes within the Spring Creek 4 riparian corridor. A routine wetland delineation was performed in September 2009 by Kent Werlin, Wetland Scientist for Biota, and wetland delineation results are presented along with the updated covertype mapping within and proximate to the open space easement impact area.

The 1998 EA did not include an Open Space Analysis, per se; however, there was an effort to present Development Recommendations including development suitability recommendations, in which the pertinent open space analysis factors were presented. The updated EA does provide an Open Space Analysis that will compare the proposed amended open space easement to the original intent of the open space that was recorded in 1999. The EA Update also includes photo documentation of the Spring Creek 4 riparian corridor, the proposed addition to the open space easement, and the bridge and patio. The basketball court was not photographed during site visits as it had not yet been identified as a violation of the easement.

OPEN SPACE EASEMENT

On 8 June 1999 an Open Space Easement (easement) agreement was executed between Dr. Gerald Dorros (Grantor) and Teton County Scenic Preserve Trust (Grantee) and the land protected by this easement is presented in Appendix 1-Attachment 3. The specified purpose identified of the easement was to preserve and protect the open space values of the easement and to confine open space use to

agricultural, wildlife, natural, scenic, open space, recreation and other such uses as are consistent with the preservation and protection of said features and values. In order to establish the condition of the easement at the time of documentation, and to ensure compliance with the terms thereof, the environmental assessment prepared by Biota (1998) was used as the baseline inventory of relevant resources, features and conditions.

The 1998 EA identified wildlife habitat and natural resources relevant to a development impact analysis. The project area was and is currently zoned "Rural" and falls within the Natural Resource Overlay (NRO). Relevant Wyoming Game and Fish Department winter range mapping has not changed, and the property contains crucial winter range for moose, non-crucial elk winter year-long range, and parturition areas for both moose and elk. Wildlife habitat attributes identified in 1998 include suitable habitat for river otters on the property, and foraging opportunities for bald eagles and great blue herons on and in the project area vicinity. The EA also identified foraging opportunities for peregrine falcons, other raptors, trumpeter swans, mule deer, and elk, as well as habitat for the fine spotted cutthroat trout. The project area was also assumed to contain potential nesting habitat for several raptor species and great blue herons.

DEVELOPMENT IMPACTS IN PROTECTED OPEN SPACE

Development-related impacts to land protected by the conservation easement are presented below and are estimated based on the vegetation covertypes reported in the 1998 EA. Three structures were built within dedicated open space but these structures were not allowed by the Open Space Easement agreement (Appendix 1-Attachment 3; Table 1). A footbridge was constructed in 2002 linking the development area to the east bank of Spring Creek 4. Following construction of the footbridge, a patio and associated landscaping were installed on the west bank of Spring Creek 4 that is within the original open space area. Prior to installation of the patio, a basketball court was constructed adjacent to the driveway and encroached on the easement west of the development area. The total impact from all three easement violations is 5,071 sq ft (0.11 acres).

Table 1. Watercourse, wetland, and vegetative covertypes associated with structures in violation of the Open Space Easement agreement on the Dorros property, Teton County, Wyoming.

Wetlands (Regulated By Teton County)			
Emergent Wetland	689		
Wetland Setback			
Emergent Wetland Setback	581	2.062	
Vegetative Covertypes			
Narrowleaf Cottonwood (immature)		2.852	
Narrowleaf Cottonwood (mature)			715
Open Water	183		
Disturbed	337		

Footbridge – A wooden footbridge elevated on concrete pilings was built across Spring Creek 4 sometime after fish habitat and riparian enhancement efforts in the creek were constructed. The structure is partially within the development area and partially within the open space easement (Appendix 1-Attachment 3). The footbridge spans the entirety of the Spring Creek 4 riparian corridor, including

emergent wetlands (689 sq ft), open water (183 sq ft) and previously disturbed ground (337 sq ft). The evaluation of covertype impacts and changes resulting from enhancement activities have been calculated based on the covertypes reported in the 1998 EA. The creation and enhancement of wetlands and covertypes took several years to establish and flourish, during which time the footbridge was already in place.

Patio and Landscaping – A patio was built circa 2006 on the upland terrace east of the development area, outside of the riparian corridor. The covertype in this location was originally immature narrowleaf cottonwood, though stunted due to environmental constraints and heavily browsed by moose and elk. Installation of the patio and surrounding landscaping resulted in removal of 2,852 sq ft of immature narrowleaf cottonwood that was converted to a maintained, non-native landscape.

Basketball Court – The basketball court was constructed prior to 2003 and encroaches into the protected open space near the southwest corner of the development area. The court impacts 715 sq ft of mature narrowleaf cottonwood.

OPEN SPACE EASEMENT AMENDMENT

The impacts to the original open space easement represent a loss of 5,071 sq ft (0.11 acres) of native covertypes, disturbed ground and open water. Impacts to native covertypes were exactly 4,256 sq ft (0.1 acres) including mature and immature cottonwood forest, and emergent wetlands. The proposed amended open space removes those areas from the open space easement area. The structures in violation of the open space easement agreement do not directly or indirectly harm wildlife, or reduce the quality of the surrounding habitat, and therefore an option other than outright removal of these structures has been proposed.

In addition to removing impacts from the open space easement area, a 0.26-acre undeveloped portion of the development area has been proposed for inclusion within the open space easement area (Appendix 1- Attachment 4). This area is proposed mitigation for the open space violations, and represents the only available land that is not developed and still retains relatively high wildlife habitat values. The northeast corner of the development area is in a naturally vegetated state consisting of mesic tall shrub, mesic shrub and intermediate cottonwood covertypes, and meets the open space standards of Teton County (LDR section 4330). The vegetation is a mixture of riparian and upland communities that are contiguous with the existing open space easement and provides habitat to wildlife. The habitat in this location is also adjacent to the Spring Creek 4 riparian corridor, and provides a functional buffer to this area of public benefit on the subject property. A portion of the proposed open space was in a disturbed condition prior to habitat and riparian enhancement, and has been replanted and irrigated to support native vegetation in the poor alluvial soils in this location. The proposed open space is 30.26 acres and incorporates the removal of areas where easement violations exist and the addition of a 0.26-acre area of undisturbed habitat.

The ecological function of the open space easement area has been substantially improved as a result of restoration and rehabilitation work conducted in the Spring Creek 4 riparian corridor. The Dorros family completed a stream enhancement and riparian habitat restoration project in 2001 encompassing the entire 905 lineal feet on Parcel 10, as well as 400 lineal feet on Parcel 8, immediately south of Parcel 10. Restoration actions functionally increased creek sinuosity, provided additional cutthroat trout cover and spawning habitat, and resulted in an additional 130 lineal feet of Spring Creek 4 on Parcel 10. An estimated 0.6 acres of disturbed ground was replanted and restored to functional riparian mesic tall shrub, mesic shrub and wetland plant communities. In addition, the over-widened watercourse was

narrowed and 0.3 acres from open water to functional riparian vegetated habitat were created (Table 2). Although no net increase in wetlands was documented, a comparison of covertypes along Spring Creek 4 pre- and post treatment confirms the exceptional increase in functionality of this riparian habitat at the ecosystem level (Appendix 1-Attachment 5). The reduction in the immature cottonwood covertype in the proposed easement addition is likely a function of a subjective determination in the field. Immature cottonwood continues to grow in this location, but was not estimated to exceed the 25% canopy coverage included in this covertype definition.

Table 2. Comparative vegetative covertype occurrence within the proposed Open Space Easement addition and Spring Creek 4 riparian corridor on the Dorros property, Teton County, WY.

Scrub-Shrub Wetland		<0.1	10
Emergent Wetland	0.5*	0.4	9
Mesic Tall Shrub	0.2	1.0	8
Narrowleaf Cottonwood - Mature	<0.1		6
Narrowleaf Cottonwood - Medium	<0.1		7
Narrowleaf Cottonwood - Immature	0.2	0.1	8
Mesic Grassland		0.3	3
Open Water	0.5	0.2	NA
Disturbed	0.6	<0.1	NA

* Information regarding wetland type was not reported in the 1998 EA

Photographic documentation accompanies this EA Update (Appendix 2), at the request of Teton County planning staff. The photos provide a record of the proposed easement addition, vegetative condition of the easement, and locations of the easement violations.

OPEN SPACE ANALYSIS

The Open Space Easement on the Dorros property constitutes undeveloped lands within the Snake River floodplain, including the entire reach of Spring Creek 4 within the property. The parcel is zoned "Rural" and falls within the Natural Resource Overlay (NRO). Wyoming Game and Fish Department big game mapping identifies the entire project area as crucial winter yearlong habitat for moose. The tract is also identified as elk winter range, and an abundance of sign indicates elk utilize this area for browse and cover during autumn and winter months. A percentage of the Fall Creek herd uses a historical migration route in the vicinity of the property to access winter range in the Jackson Hole valley.

The amended open space functions to preserve the wildlife habitat values identified in the 1998 EA, as well as preserving the substantial environmental improvements executed by the Dorros family in the intervening years. Wildlife habitat attributes identified in 1998 include suitable habitat for river otters, and important foraging habitat for bald eagles and great blue herons on the property. The 1998 EA also identified foraging opportunities for peregrine falcons, other raptors, trumpeter swans, and mule deer. The project area was also assumed to contain potential nesting habitat for several raptor species and possibly great blue herons. The addition of 0.26 acres of riparian tall shrub habitat and regenerating cottonwoods further enhances the value of the riparian corridor habitat.

Riparian areas are the single most productive wildlife habitat in North America and the Spring Creek 4 riparian corridor is an important ecological resource for a number of aquatic and terrestrial species. Wildlife utilizing riparian habitats includes ungulates, mammalian predators, small- and medium-sized mammals, and many species of songbirds, waterfowl, shorebirds, raptors, amphibians, and reptiles. The

importance of riparian and wetland habitats to avifauna in particular is well documented. Over half of all wildlife species in the western United States require riparian areas for at least some portion of their lifecycle. In relative terms, riparia support a greater avian diversity than any other habitat in the Intermountain West. Over 150 species of neotropical migratory landbirds utilize the Snake River floodplain and are expected to occur within the project area, 119 of which are documented breeders.

A failed effort during the 1990's to enhance stream habitat for cutthroat trout resulted mostly in the disturbance of 0.6 acres of riparian vegetation adjacent to Spring Creek 4 on the Dorros property and elsewhere. The disturbance resulted from deposition of dredged spoils from channel widening and deepening along the creek and in native covertypes. These coarse, alluvial soils were essentially cobble material devoid of vegetation (except noxious weeds) and nearly all wildlife habitat characteristics. Stream restoration and revegetation conducted in 2001 resulted in the reclamation of these disturbed areas to functional riparian vegetation. In addition the area of stagnant open water was reduced by nearly half, resulting in reclamation of an additional 0.3 acres of riparian vegetation.

In 1998, it was doubtful that any Snake River cutthroat trout were spawning in the section of Spring Creek 4 flowing through the Dorros property. The completed channel enhancement and habitat restoration efforts have increased available spawning habitat for cutthroat trout. Fish habitat enhancement has also increased available over-winter and rearing habitat for cutthroat trout. In-channel flows remain low and this is the primary hindrance to reproduction and survival of trout in this reach of Spring Creek 4. However, there is presently a greater likelihood that trout occur and spawn on the Dorros property than prior to the stream restoration of 2001.

The loss of 0.11 acres of land protected by the TCSPT conservation easement has been mitigated by the proposed addition of 0.26 acres to the overall easement area and a significant enhancement of the Spring Creek 4 riparian corridor. The proposed open space amendment, in conjunction with past stream restoration activities, meets the natural resource protection measures established by the Teton County Land Development Regulations, Section 4330 "Open Space Standards".

SUMMARY

Open space easement violations occurred on the Dorros property between 2001 and 2006. A wooden footbridge, a stand-alone patio and a portion of the basketball court installed on the west side of the guesthouse were identified as encroachments into the original open space easement. In lieu of removal of the structures from the open space easement area, an amended easement has been proposed as mitigation for the violations. The proposed easement area removes the 0.11 acres of impacted open space lands from the existing easement area, and adds 0.26 acres of undisturbed habitat to the open space, a net gain of 0.15 acres. The addition represents the only land within the development area that is not developed or landscaped, and consists of mesic tall shrub, mesic shrub and intermediate cottonwood covertypes. The area also represents a mixture of riparian and upland communities that are contiguous with the existing open space easement and provides wildlife habitat; it is also adjacent to the Spring Creek 4 riparian corridor, and provides a functional buffer to this area of public benefit on the subject property.

Riparian restoration and fish habitat enhancement along Spring Creek 4 has resulted in substantial ecological improvements within the original open space easement. Most notably 0.6 acres of disturbed ground was reclaimed to highly functional riparian habitat. Stream enhancement and revegetation was also successful in increasing mesic tall shrub covertype from 0.2 acres to 1.0 acre, a net gain of 0.8 acres of a covertype with an ordinal ranking of 8. There was no net gain of wetlands, although this is difficult

to quantify given changes to technology and methodology utilized by wetlands scientists. The reconstruction of the creek channel also resulted in the reclamation of an additional 0.3 acres of riparian vegetation from what was previously open water in the over-widened channel.

The 0.26 acres proposed as an addition to the open space easement represents real wildlife habitat that buffers a valuable riparian corridor that also provides habitat for several wildlife species of special concern, particularly moose, elk, cutthroat trout, migratory songbirds, raptors (including bald eagle), river otters and great blue herons. The amended open space meets the natural resource protection standards of the Teton County Land Development Regulations, Section 4330 "Open Space Standards".

Attachment 1
Location and topography of the
Dorros property, Teton County, Wyoming.
January 6, 2010

Approximate Scale 1 inch = 2,000 feet



Teton County



Wyoming



PO Box 8578, 140 E. Broadway, Suite 23, Jackson, WY 83002
PO Box 6807, 73 N. Main, Suite 1, Laramie, WY 82001-0807



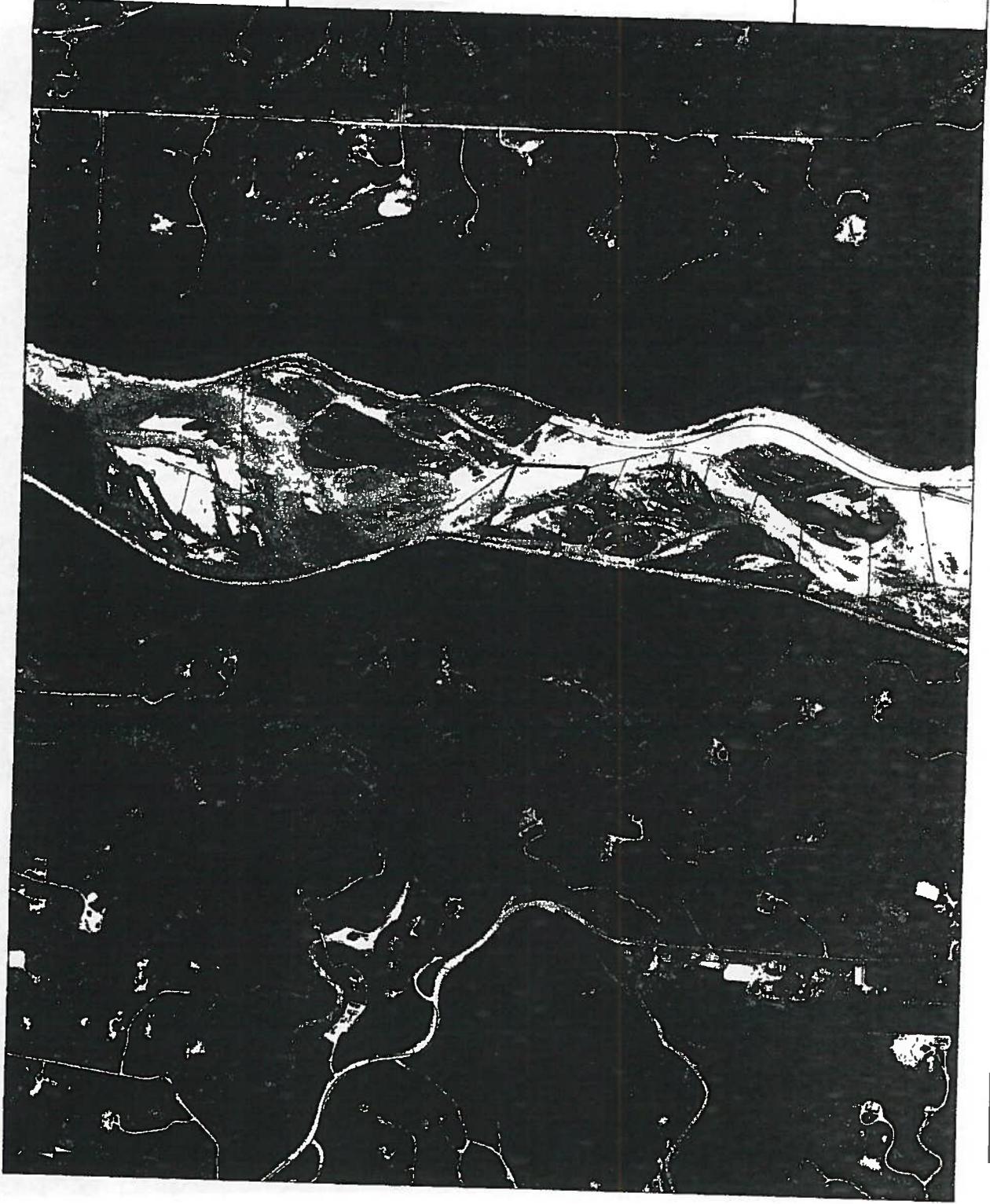
Attachment 2
Aerial photograph depicting site
characteristics on and in the vicinity
of the Dorros property
Teton County Wyoming

January 6, 2010

Approximate Scale 1 inch = 1 mile



PO Box 8578, 1401 F Broadway, Suite 21, Jackson, WY 83202
701.733.8881 • 1401 F Broadway, Suite 21, Jackson, WY 83202



Attachment 3
Aerial photograph depicting the Open
Space Easement and location of Open Space
use-violations on the Dorros property
Teton County Wyoming

January 6 2010

Approximate Scale: 1 inch = 100 feet

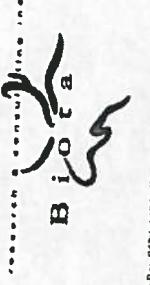


PO Box 8578, 140 E. Broadway, Suite 23, Jackson, WY 83002
PO Box 880, 71 N. Main Street, Victor, ID 83456

Attachment 4
Aerial photograph depicting the amended
Open Space Assessment proposed for the Dorros
property Teton County Wyoming

January 6 2010

Approximate Scale 1 inch = 800 feet

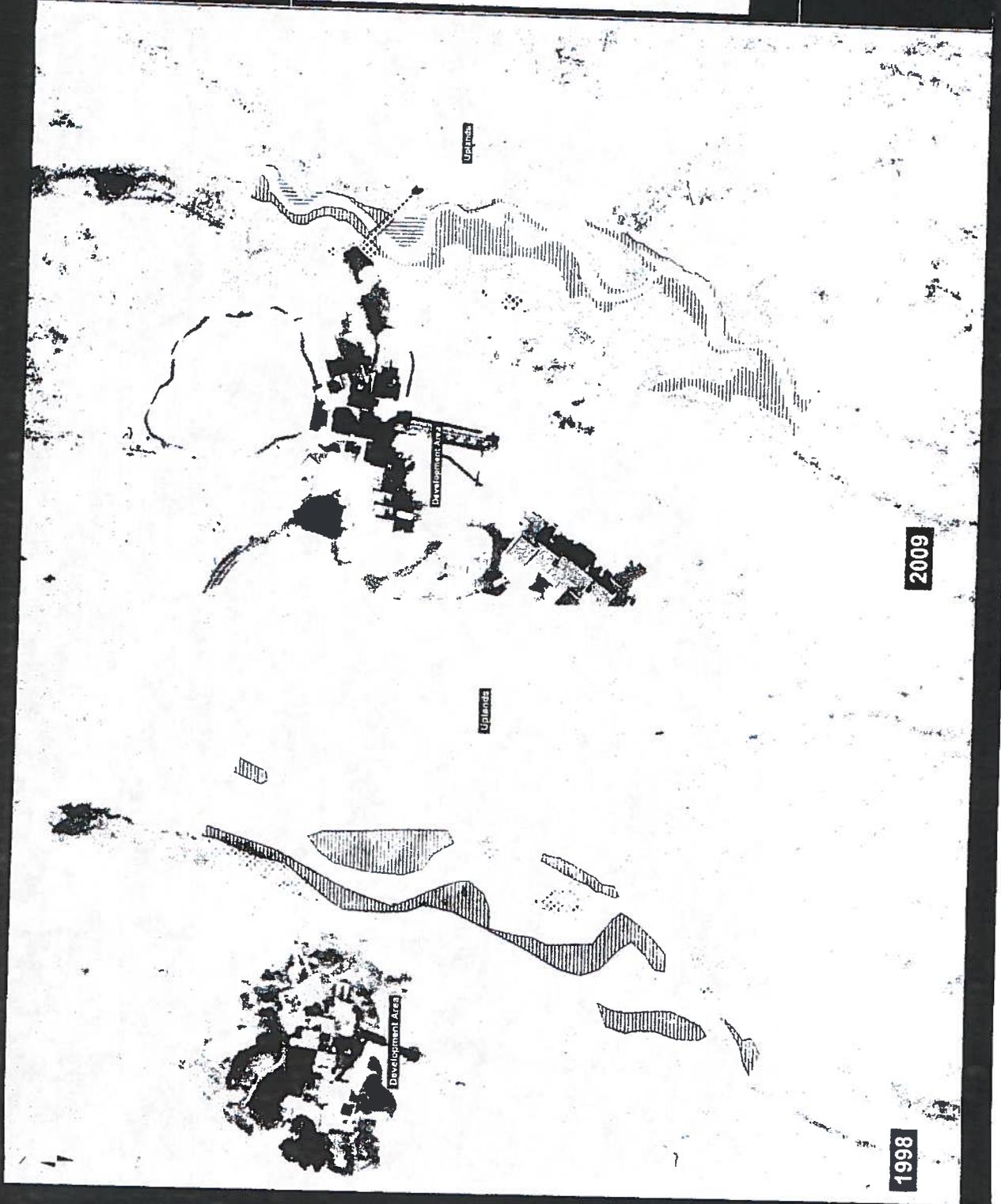


PO Box 5578, 449 E. Broadway, Suite 21, Jackson, WY 83002
PO Box 888, 71 N. Main Street, Victor, ID 83455

Attachment 5
Aerial photography depicting comparative
vegetative cover type occurrence (1998 and 2009)
within the proposed Open Space Easement addition
and Spring Creek 4 riparian corridor, Dorris
property, Teton County, Wyoming.

January 6, 2010

Approximate Scale: 1 inch = 100 feet

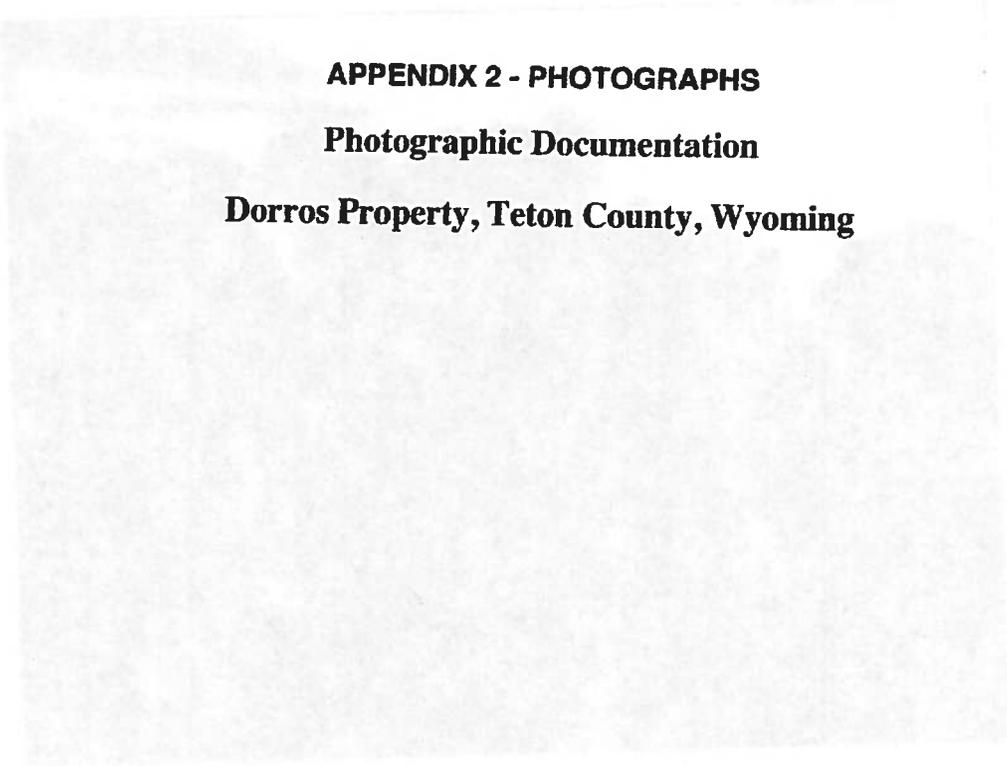


PO Box 5478, Tard, Broadway, Suite 17, Jackson, WY 83002
PO Box 880733, Allen, Wyo. 82001-0733

APPENDIX 2 - PHOTOGRAPHS

Photographic Documentation

Dorros Property, Teton County, Wyoming





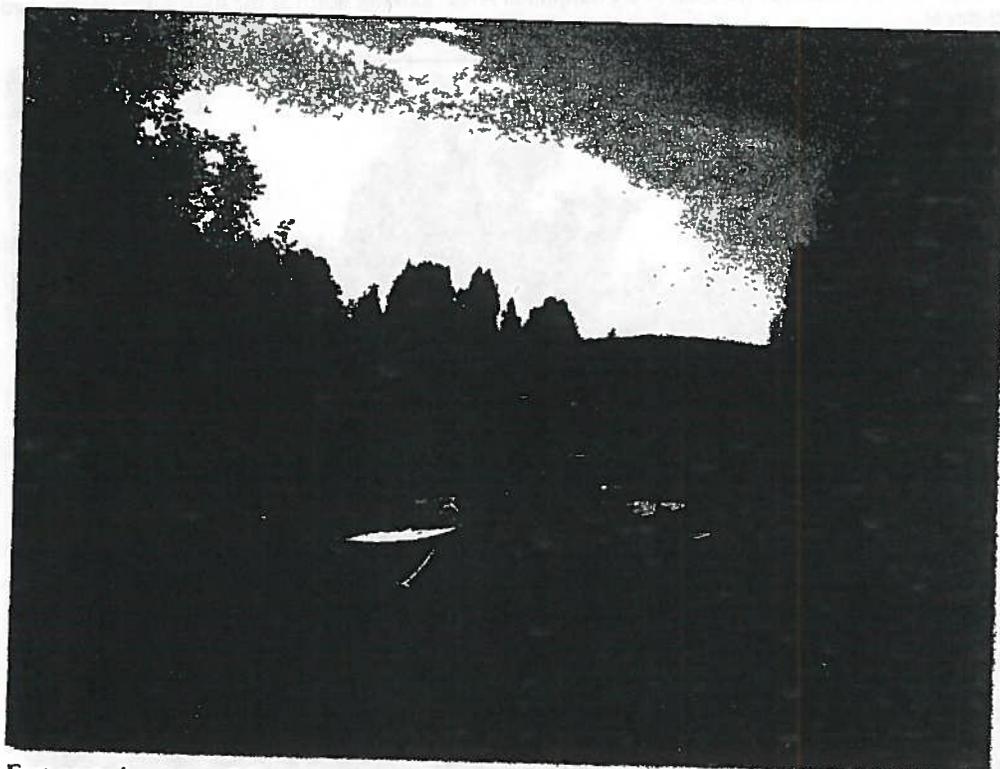
Photograph 1 Southeast corner of the Dorros Development Area, looking northeast.



Photograph 2 Center of Dorros Development Area eastern boundary looking east.



Photograph 3 East-central portion of the Dorros Development Area, looking north at the patio constructed within the open space easement



Photograph 4 East-central portion of the Dorros Development Area looking south at the patio constructed within the open space easement



Photograph 5 East-central portion of the Dorros Development Area, looking north at the footbridge constructed within the open space easement



Photograph 6 East-central portion of the Dorros Development Area, looking east at the footbridge constructed within the open space easement



Photograph 7 Proposed addition to Dorros Property Open Space Easement.



Photograph 8 Northeast corner of Development Area (bridge), looking South, Dorros Property



Photograph 9 West bank of Spring Creek + from the north boundary of the Dorros property, looking south with the footbridge in the background



Photograph 10 Looking west towards the proposed Open Space Easement addition. Dorros Property



Photograph 11 East bank of Spring Creek 4 looking north through Dorros property.



Photograph 12 East bank of Spring Creek 4 looking northwest through the Dorros property.



Photograph 13 East bank of Spring Creek 4, looking southwest through the Dorros property



August 5, 2016

MSC2016-0047

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Susan Johnson
Teton County Planning and Development
PO Box 1727
Jackson, WY 83001

Via Hand Delivery

**RE: Matter from Staff for Amendment to Teton Scenic Preserve Trust Easement – Tract 10
Crescent H Ranch**

Dear Susan:

This letter serves as a formal request by the G. Dorros Limited Family Partnership which owns Parcel 10 at Crescent H Ranch for consideration of an amendment to the Open Space Easement held by the Teton County Scenic Preserve Trust (TCSPT).

The owner of Parcel 10 and adjacent Parcel 11 wish to complete a boundary line adjustment of parcels greater than 35 acres. While the actual land area involved in the boundary line adjustment would not involve lands encumbered by the existing easement, the requested amendment seeks to replace the legal description of the parent Parcel 10 attached to the original easement and first easement amendment with that legal description of the new adjusted parcel. Included is a map showing the existing easement area and the area of the proposed boundary line adjustment. Also attached is a draft Second Amendment to Open Space Easement document to accomplish this change to the legal description and a letter of authorization from the owner.

It is my understanding that upon legal review by the County Attorney, this request can be scheduled as a matter from staff for consideration before the TCSPT Board.

Please let me know if you have any questions with this request. I look forward to hearing from you when this may be scheduled to be heard before the TCSPT.

Sincerely,

George Putnam
Pierson Land Works, LLC
george@plwllc.com

Enclosures:

Teton County Planning and Development
200 S. Willow, P.O. Box 1727
Jackson, WY 83001
Phone (307)733-7030 Fax (307) 739-9208



LETTER OF AUTHORIZATION BY OWNER

THE LETTER OF AUTHORIZATION IS TO BE SUBMITTED ONLY IF THE APPLICANT/AGENT IS NOT THE RECORDED OWNER OF THE PROPERTY. THE RECORDED OWNER MUST SIGN THE LETTER OF AUTHORIZATION AND HAVE IT NOTARIZED.

OWNER, CO-OWNER, OR CORPORATE OWNER:

Name: G Dorros Family Limited Partnership, a Wisconsin limited Partnership
Physical Address of Property: 1120 S. Thunder Road
Mailing Address: PO Box 1654, Wilson, WY
Zip code: 83014 Phone: _____
Email: _____

AGENT OR CONTRACTOR: (If authorizing Agent and Contractor, fill out a form for each)

Name: Pierson Land Works LLC
Mailing Address: PO Box 1143, Jackson, WY
Zip code: 83001 Phone: 307-733-5429
Email: george@plwllc.com

Owner, Co-Owner, or Corporate Owner, ("Owner") which property is specifically described as PT of the riparian lands appurtenant to Government Lots 1 & 3 in Section T40N, R117W, Parcel 10, Crescent H Ranch hereby authorizes Agent or Contractor, as stated above, to represent and/or act for Owner in making application for, receiving, and accepting on Owner's behalf, any permits or other action by the Teton County Commissioners, Planning and Development, Building, and/or Engineering Departments relating to Owner's Property in Teton County, and the modification, development, planning, platting, replatting, improvements, use or occupancy of land, or energy mitigation in Teton County. Owner acknowledges and agrees to be bound and must abide by the written terms or conditions of issuance of any such named Agent or Contractor, whether actually delivered to Owner or not. Owner agrees that no modification, development, planning, platting or replatting, improvements, use or occupancy of land, or energy mitigation involved in any application, as it relates to Owner's Property, shall take place until approved by the appropriate official(s) of Teton County, in accordance with all applicable codes and regulations. Owner agrees to pay any fines and/or mitigation fees to Teton County and will be liable for any other penalties arising out of the failure to comply with the terms of any permit or arising out of any violation of the applicable laws, codes, and/or regulations applicable to the action sought to be permitted by the application authorized herein. Owner agrees and authorizes Agent or Contractor to pay any fines and/or mitigation fees to Teton County and for the Agent or Contractor to accept and receive any reimbursement or fee payments due to Owner from Teton County, including but not limited to energy mitigation fees.

Under penalty of perjury, the undersigned swears that the foregoing is true and correct, and if signing on behalf of co-owners, multiple owners, corporation, partnership, limited liability company, or other entity, the undersigned hereby swears that this authorization is given, to the full extent required, with the necessary and appropriate approval, which authorizes the undersigned to act on behalf of such entity and/or owners.

OWNER, CO-OWNER, CORPORATE OWNER:
G. Dorros Family Limited Partnership

By:
Print Name: Ari Dorros, M.D.

Signature: 

Title: Co-Trustee, Dorros FLP GP 2012
Trust, General Partner

STATE OF Maryland

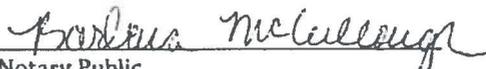
SS.

COUNTY OF Baltimore

Subscribed and sworn to before me by Ari Dorros this

29 day of July, 20 16.

WITNESS my hand and official seal.


Notary Public

My commission expires:

BARBARA ANN MCCULLOUGH
Notary Public-Maryland
Maryland County
My Commission Expires
June 03, 2020

Second Amendment to Open Space Easement

This Second Amendment to Open Space Easement (this “Second Easement Amendment”) is made this _____ day of _____, 2016, by and between the G. Dorros Family Limited Partnership, a Wisconsin limited partnership, (the “Landowner”), and the Teton County Scenic Preserve Trust, (the “Trust”). The Landowner and the Trust are sometimes referred to in this Second Easement Amendment as the “Parties”.

RECITALS:

The Parties:

The Landowner is a Wisconsin limited partnership, and owns the real property described on **Exhibit A-1** attached hereto (the “Adjusted Property”) and is the grantor of a certain open space easement (the “Easement”) on June 8, 1999 and recorded on June 11, 1999 in the Office of the Clerk of Teton County, Wyoming as Document No. 0491867 in Book 378 of Photo, pages 750-788 which made reference to the “Property” therein on Exhibit A and which easement burdened the real property described therein on Exhibit B (the “Easement Area”). The Easement was amended by the Parties on December 8, 2010, in that Amendment to Open Space Easement (the “First Easement Amendment”) recorded on December 14, 2010 in said Office as Document No.0786078 in Book 771 of Photo, pages 890-919 which made reference to the “Property” therein on Exhibit A and which easement amendment redefined the burdened real property described therein on Exhibit B-1 (the “New Easement Area”).

The Trust was the grantee of the Easement and the First Easement Amendment. The Trust is a charitable organization recognized under Sections 501(c)(3) and 170(b)(1)(A)(vi) of the Internal Revenue Code (the “Code”). The Trust is a “qualified organization” under Section 170(h)(3) of the Internal Revenue Code to acquire and hold open space easements.

Purpose of this Second Easement Amendment:

The purpose of this Second Easement Amendment is (i) to memorialize the boundary adjustment between the Adjusted Property and that Parcel of land described in that Quitclaim Deed, recorded in said Office in Book _____ of Photo, pages _____, and (ii) to clearly redefine the definition of the “Property” as referenced in the Easement recorded on June 11, 1999 in the Office of the Clerk of Teton County, Wyoming as Document No. 0491867 in Book 378 of Photo, pages 750-788 and First Easement Amendment recorded on December 14, 2010 in said Office as Document No.0786078 in Book 771 of Photo, pages 890-919 such that the “Property” will be replaced with the real property described on the **Exhibit A-1**, the Adjusted Property, and (iii) to affirm there is no change to the New Easement Area described in Exhibit B-1, attached to the First Easement Amendment recorded on December 14, 2010 in said Office as Document No.0786078 in Book 771 of Photo, pages 890-919 as a result of the boundary adjustment.

Findings:

1. The Parties hereto find that for clarity purposes it is necessary to redefine the definition of “Property” as that term is described in the Easement recorded on June 11, 1999 in the Office of the Clerk of Teton County, Wyoming as Document No. 0491867 in Book 378 of Photo, pages 750-788 and First Easement Amendment recorded on December 14, 2010 in said Office as Document No.0786078 in Book 771 of Photo, pages 890-919 and as referenced on Exhibit A attached thereto.
2. The Trust finds that the real property described on **Exhibit A-1** attached hereto does not change the New Easement Area as described in Exhibit B-1 in the First Easement Amendment recorded on December 14, 2010 in said Office as Document No.0786078 in Book 771 of Photo, pages 890-919 and also attached for reference as **Exhibit B-1** hereto. The Trust further specifically finds that redefining the definition of the Property is in the public’s benefit and will clarify for the record the boundaries of the parent parcel which the New Easement Area lies within as of the execution hereof by the Parties.

AGREEMENT:

For and in consideration of the Recitals, and the mutual agreements contained in this Second Easement Amendment, and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, the Landowner and the Trust hereby agree to redefine the definition of the “Property” as follows:

1. It is the intent of the Parties that this Second Easement Amendment completely redefines the definition of the Property as referenced on Exhibit A in the Easement recorded on June 11, 1999 in the Office of the Clerk of Teton County, Wyoming as Document No. 0491867 in Book 378 of Photo, pages 750-788 and Exhibit A in the First Easement Amendment recorded on December 14, 2010 in said Office as Document No.0786078 in Book 771 of Photo, pages 890-919 and that the definition be replaced by the real property described on **Exhibit A-1** attached hereto as the Adjusted Property. Therefore, the Parties hereby agree that Exhibit A attached to the Easement recorded on June 11, 1999 in the Office of the Clerk of Teton County, Wyoming as Document No. 0491867 in Book 378 of Photo, pages 750-788 and Exhibit A attached to the First Easement Amendment recorded on December 14, 2010 in said Office as Document No.0786078 in Book 771 of Photo, pages 890-919 are hereby deleted in their entirety, it being the express intent hereof to discharge and

- render null and void Exhibit A attached to the Easement recorded on June 11, 1999 in the Office of the Clerk of Teton County, Wyoming as Document No. 0491867 in Book 378 of Photo, pages 750-788 and First Easement amendment recorded on December 14, 2010 in said Office as Document No.0786078 in Book 771 of Photo, pages 890-919, effective as of the date hereof, and to redefine the original Exhibit A to the Easement recorded on June 11, 1999 in the Office of the Clerk of Teton County, Wyoming as Document No. 0491867 in Book 378 of Photo, pages 750-788 and First Easement Amendment recorded on December 14, 2010 in said Office as Document No.0786078 in Book 771 of Photo, pages 890-919 in its entirety by substituting the attached **Exhibit A-1** in lieu thereof. The real property described on **Exhibit A-1** attached hereto shall hereinafter be referred to as the “Property” for purposes of interpreting such defined terms in the Easement recorded on June 11, 1999 in the Office of the Clerk of Teton County, Wyoming as Document No. 0491867 in Book 378 of Photo, pages 750-788 and First Easement Amendment recorded on December 14, 2010 in said Office as Document No.0786078 in Book 771 of Photo, pages 890-919 and shall also hereinafter be referred to as “Exhibit A” to the Easement recorded on June 11, 1999 in the Office of the Clerk of Teton County, Wyoming as Document No. 0491867 in Book 378 of Photo, pages 750-788 and First Easement Amendment recorded on December 14, 2010 in said Office as Document No.0786078 in Book 771 of Photo, pages 890-919.
2. The New Easement Area described by reference in **Exhibit B-1** attached hereto is unchanged by the redefinition of the real property described on **Exhibit A-1** and it is hereby agreed and acknowledged that all terms and conditions of the Easement recorded on June 11, 1999 in the Office of the Clerk of Teton County, Wyoming as Document No. 0491867 in Book 378 of Photo, pages 750-788 and First Easement Amendment recorded on December 14, 2010 in said Office as Document No.0786078 in Book 771 of Photo, pages 890-919 remain in full effect, in perpetuity.
 3. Except as expressly amended herein, the Easement recorded on June 11, 1999 in the Office of the Clerk of Teton County, Wyoming as Document No. 0491867 in Book 378 of Photo, pages 750-788 and First Easement Amendment recorded on December 14, 2010 in said Office as Document No.0786078 in Book 771 of Photo, pages 890-919 are hereby reaffirmed and republished by the Parties and shall remain in full force and effect, unchanged, and shall be and remain binding upon the Parties and their successors in title to the Property, in perpetuity. Capitalized terms not defined or amended herein, shall be construed in accordance with their definitions set forth in the Easement recorded on June 11, 1999 in the Office of the Clerk of Teton County, Wyoming as Document No. 0491867 in Book 378 of Photo, pages 750-788 and First Easement Amendment recorded on December 14, 2010 in said Office as Document No.0786078 in Book 771 of Photo, pages 890-919. This Second Easement Amendment may be executed in multiple counterparts.
 4. The Trust finds that this Second Easement Amendment is consistent with the policies and status of the Trust as a 501(c)(3) organization, and that it will further land conservation in the public interest in Jackson Hole. Furthermore, the Board of

Exhibit A-1

**Legal Description
Crescent H Ranch
Parcel 10
36.14 Acres**

That part of the riparian lands appurtenant to Government Lots 1 and 3 in Section 3, T40N, R117W, 6th P.M. Teton County, Wyoming; further described as follows:

PART 1

BEGINNING at a point which bears S 11°51'36"E, 804.48 feet from the northeast corner of said Government Lot 1 marked by a 2" diameter galvanized pipe with brass cap with Certified Land Recordation Certificate on file in the Office of the Clerk of Teton County, Wyoming;

THENCE N 06°30'23" E, 131.73 feet to a point;

THENCE along a curve to the left having a radius of 465.00 feet and an arc length of 167.22 feet, being subtended by a chord of N 03°47'44"W, 166.32 feet to a point;

THENCE N 76°26'05"E, 229.20 feet to a point;

THENCE along a curve to the left having a radius of 398.48 feet and an arc length of 195.95 feet, being subtended by a chord of N 62°20'50"E, 193.98 feet to a point;

THENCE N 48°15'21"E, 85.68 feet to a point;

THENCE N 73°52'53" E, 103.23 feet to a point;

THENCE S 45°04'19" E, 55.24 feet, to a point;

THENCE S 66°37'26"E, 1270.71 feet to a point intersecting the Snake River Levee Easement Survey Line as shown on plans prepared by the United States Army Corps of Engineers;

THENCE following said Levee Easement Survey Line S 06°48'42"W, 646.24 feet to a point;

THENCE departing said Levee Easement Survey Line N 68°42'59"W, 1814.25 feet to the **POINT OF BEGINNING**.

AND

PART 2

Those lands lying east of said Snake River Levee Easement Survey Line as follows:

BEGINNING at a point on the Snake River Levee Easement Survey Line being identical with the northeast corner of lands described in Part 1 above;

THENCE S 66°37'26"E, 753.94 feet to a point;

THENCE S 00°00'04"E, 642.00 feet to a point;

THENCE N 68°42'59"W, 824.98 feet to a point on said Survey Line being identical with the southeast corner of lands described in Part 1 above;

THENCE N 06°48'42"E, 646.24 feet to the POINT OF BEGINNING.

Said tract contains 36.14 acres more or less.

All in accordance with the Map of Survey recorded concurrently with this deed in the Office of the Clerk, Teton County, Wyoming.

PLW
March 30, 2015
Project No. 09067

EXHIBIT B-1

Legal Description
for
Open Space Easement
being part of
Parcel 10 Crescent H Ranch
Teton County, Wyoming

That part of Parcel 10 described in that General Warranty Deed recorded in the Office of the Clerk of Teton County, Wyoming, in Book 339 of Photo, pages 314-323, and more particularly part of the riparian lands appurtenant to Government Lots 1 and 3 in Section 3, T40N, R117W, 6th P.M. Teton County, Wyoming further described as follows:

PART 1

BEGINNING at a POINT on the west line of said Parcel 10, which bears S 11°51'36"E, 804.48 feet from the northeast corner of said Government Lot 1 marked by a 2" diameter galvanized pipe with brass cap with Certified Land Recordation Certificate on file in the Office of the Clerk of Teton County, Wyoming;

THENCE N 06°30'23"E, 131.73 feet to a POINT;

THENCE along a curve to the left having a radius of 465.00 feet and an arc length of 167.22 feet, being subtended by a chord of N 03E47'44"W, 166.32 feet to a POINT;

THENCE N 76°26'05"E, 229.20 feet to a POINT;

THENCE along a curve to the left having a radius of 398.48 feet and an arc length of 128.79 feet, being subtended by a chord of N 67°10'33"E, 128.22 feet to a POINT;

THENCE S 59°11'14" E, 102.63 feet to a POINT;

THENCE S 20°32'09" W, 177.69 feet to a POINT;

THENCE S 71°31'10" W, 33.14 feet to a POINT;

THENCE S 16°37'30" E, 44.04 feet to a POINT;

THENCE S 14°11'05" W, 123.34 feet to a POINT;

THENCE S 38°51'55" E, 95.13 feet to a POINT;

THENCE S 22°25'15" E, 73.13 feet to a POINT;

THENCE S 68°42'59" E, 187.30 feet to a POINT;

THENCE N 27°16'18" E, 204.99 feet to a POINT;

THENCE N 27°16'18" E, 67.33 feet to a POINT;

THENCE S 56°46'55" E, 11.99 feet to a POINT;

THENCE N 65°29'25" E, 19.92 feet to a POINT;

THENCE N 27°34'41" E, 48.77 feet to a POINT;

THENCE N 09°52'13" E, 29.68 feet to a POINT;

THENCE N 13°26'13" W, 21.90 feet to a POINT;

THENCE N 02°02'27" W, 54.59 feet to a POINT;

THENCE N 21°46'27" E, 39.97 feet to a POINT;

THENCE N 38°31'47" E, 28.65 feet to a POINT;

THENCE S 46°03'21" E, 113.58 feet to a POINT;

THENCE N 41°26'11" E, 10.25 feet to a POINT;
THENCE N 34°14'59" W, 19.92 feet to a POINT;
THENCE N 71°12'30" W, 11.36 feet to a POINT;
THENCE N 46°27'26" W, 77.03 feet to a POINT;
THENCE N 10°24'07" W, 25.35 feet to a POINT;
THENCE N 70°47'35" W, 57.87 feet to a POINT;
THENCE N 10°39'26" W, 143.32 feet to a POINT;
THENCE S 66°37'26"E, 1146.20 feet to a POINT on the Snake River Levee Easement Survey Line as shown on plans prepared by the United States Army Corps of Engineers;
THENCE following said Levee Easement Survey Line S 06°48'42"W, 646.24 feet to a POINT;
THENCE departing said Levee Easement Survey Line N 68°42'59"W, 1814.25 feet to the POINT OF BEGINNING.

AND

PART 2

Those lands lying east of said Snake River Levee Easement Survey Line as follows:

BEGINNING at a POINT on the Snake River Levee Easement Survey Line being identical with the northeast corner of lands described in Part 1 above;
THENCE S 66°37'26"E, 753.94 feet to a POINT;
THENCE S 00°00'04"E, 642.00 feet to a POINT;
THENCE N 68°42'59"W, 824.98 feet to a POINT on said Survey Line being identical with the southeast corner of lands described in Part 1 above;
THENCE N 06°48'42"E, 646.24 feet to the POINT OF BEGINNING.

EXCEPTING therefrom a 60 foot wide road right-of-way for Thunder Road further described as follows;

Right-of-way for Thunder Road:

A 60 foot wide strip of land being 30 feet both sides of the following described centerline and a 60 foot radius cul-de-sac at the terminus of said strip lying within the SW3NW3 and Government Lots 1 and 3 and appurtenant riparian lands in Section 3, T40N, R117W, 6th P.M. Teton County, Wyoming:

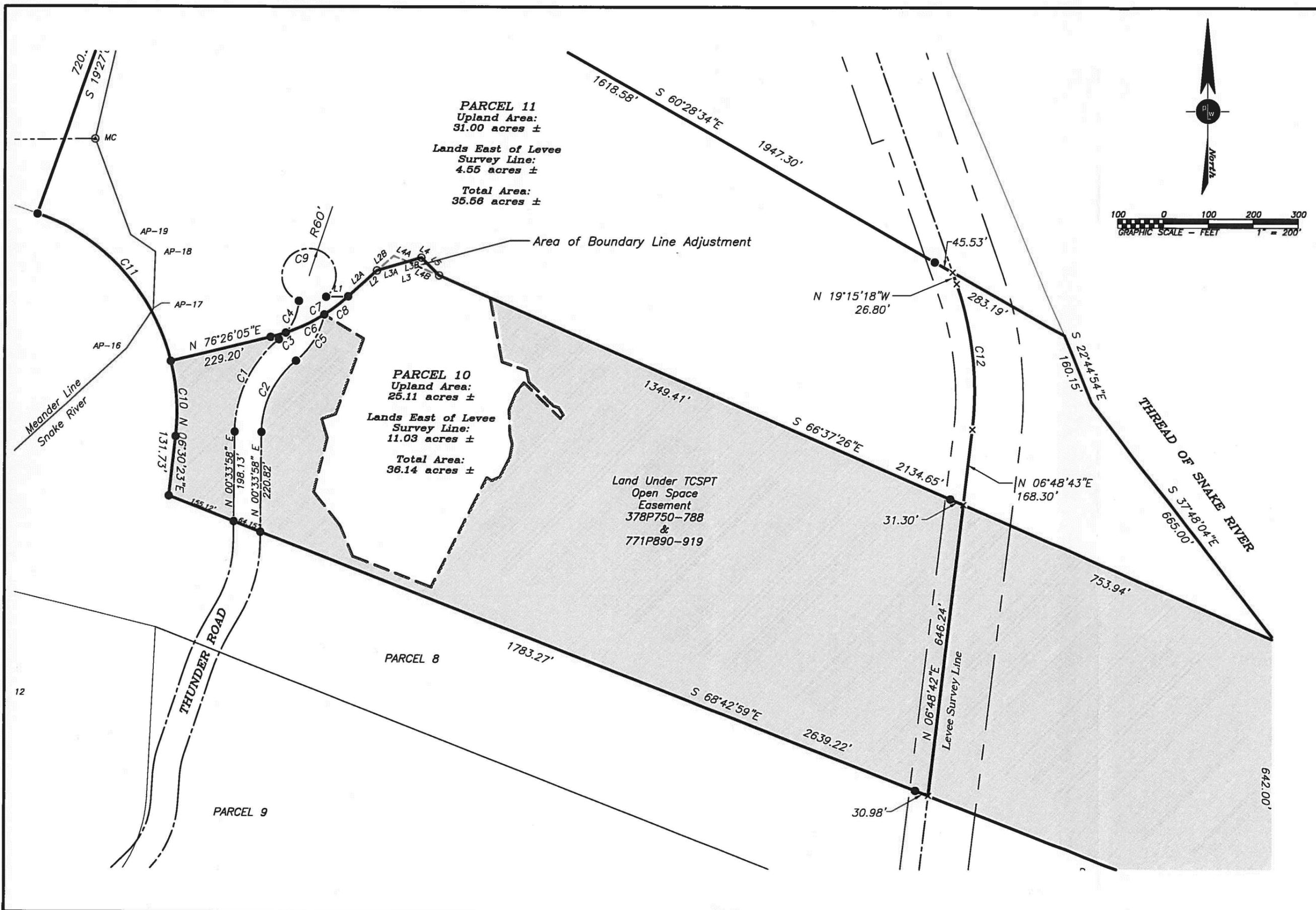
BEGINNING at a POINT on the centerline of Fall Creek County Road 22-2 which lies N 21E04'21"E, 1891.54 feet from the S1/16 corner of said Section 3 marked by a 2" diameter steel pipe with BLM type brass cap;
THENCE S 88°08'16"E, 60.55 feet to a POINT;
THENCE along a curve to the right having a radius of 300.00 feet and an arc length of

234.20 feet, being subtended by a chord of S 65°46'25"E, 228.30 feet to a POINT;
THENCE S 43°24'34"E, 76.50 feet to a POINT;
THENCE along a curve to the left having a radius of 300.00 feet and an arc length of
 101.36 feet, being subtended by a chord of S 53°05'20"E, 100.88 feet to a POINT;
THENCE S 62°46'06"E, 71.91 feet to a POINT;
THENCE along a curve to the right having a radius of 500.00 feet and an arc length of
 57.39 feet, being subtended by a chord of S 59°28'49"E, 57.36 feet to a POINT;
THENCE S 56°11'32"E, 75.20 feet to a POINT;
THENCE along a curve to the left having a radius of 200.00 feet and an arc length of
 91.29 feet, being subtended by a chord of S 69°16'06"E, 90.50 feet to a POINT;
THENCE S 82°20'41"E, 175.30 feet to a POINT;
THENCE along a curve to the left having a radius of 1200.00 feet and an arc length of
 75.39 feet, being subtended by a chord of S 84°08'40"E, 75.37 feet to a POINT;
THENCE S 85°56'39"E, 164.26 feet to a POINT;
THENCE along a curve to the left having a radius of 125.00 feet and an arc length of
 174.57 feet, being subtended by a chord of N 54°02'53"E, 160.72 feet to a POINT;
THENCE N 14°02'26"E, 130.67 feet to a POINT;
THENCE along a curve to the right having a radius of 200.00 feet and an arc length of
 171.06 feet, being subtended by a chord of N 38°32'33"E, 165.89 feet to a POINT;
THENCE N 63°02'40"E, 44.34 feet to a POINT;
THENCE along a curve to the left having a radius of 250.00 feet and an arc length of
 321.86 feet, being subtended by a chord of N 26°09'45"E, 300.08 feet to a POINT;
THENCE N 10°43'10"W, 78.57 feet to a POINT;
THENCE along a curve to the right having a radius of 302.29 feet and an arc length of
 175.39 feet, being subtended by a chord of N 05°54'08"E, 172.94 feet to a POINT;
THENCE along a curve to the left having a radius of 300.00 feet and an arc length of
 159.17 feet, being subtended by a chord of N 07°19'26"E, 157.31 feet to a POINT;
THENCE along a curve to the right having a radius of 187.38 feet and an arc length of
 177.99 feet, being subtended by a chord of N 19°20'08"E, 171.37 feet to a POINT;
THENCE N 46°32'50"E, 131.07 feet to a POINT;
THENCE along a curve to the left having a radius of 200.00 feet and an arc length of
 149.29 feet, being subtended by a chord of N 25°09'47"E, 145.85 feet to a POINT;
THENCE N 03°46'44"E, 62.94 feet to a POINT;
THENCE along a curve to the right having a radius of 200.00 feet and an arc length of
 51.61 feet, being subtended by a chord of N 11°10'16"E, 51.47 feet to a POINT;
THENCE N 18°33'49"E, 189.28 feet to a POINT;
THENCE along a curve to the right having a radius of 500.00 feet and an arc length of
 103.77 feet, being subtended by a chord of N 24°30'34"E, 103.59 feet to a POINT;
THENCE N 30°27'19"E, 47.19 feet to a POINT;
THENCE along a curve to the left having a radius of 300.00 feet and an arc length of
 156.50 feet, being subtended by a chord of N 15°30'38"E, 154.73 feet to a POINT;
THENCE N 00°33'58"E, 241.77 feet to a POINT;

THENCE along a curve to the right having a radius of 235.74 feet and an arc length of 207.16 feet, being subtended by a chord of N 25°44'25"E, 200.55 feet to a POINT;

THENCE along a curve to the left having a radius of 150.00 feet and an arc length of 182.25 feet, being subtended by a chord of N 16°06'27"E, 171.24 feet to a POINT being identical with the radius POINT of a 60 foot diameter circle terminating said 60 foot wide strip which lies N 34°42'51"E, 4826.96 feet from the S1/16 corner of said Section 3 marked by a 2" diameter steel pipe with BLM type brass cap;

The sidelines of the above described strip of land shall be extended and shortened to terminate at the sideline of the 60 foot wide easement for Fall Creek County Road 22-2 and said 60 foot diameter circle.



Pierson Land Works, Inc.
P.O. Box 1143
180 S. Willow St.
Jackson, WY 83001
Tel 307. 733.5429
Fax 307. 733.9669
piersonlandworks.com

Open Space Boundary Map

Project Number - 09067
Project Path - F:\2009\09067\Survey\Acad\09067_BLA_2015.dwg
Drawn By - CK
Reviewed By - GP
Drawing Date - August 2, 2016
Revision Date -

G. Dorros Family Ltd. Partnership

Being a portion of
Appurtenant Riparian Lands to Lots 1 & 3
T.40N., R. 1.17W., 6th P.M.,
Teton County, Wyoming



OPEN SPACE RESOURCES RESOLUTION OF TETON COUNTY, WYOMING

DECEMBER 22, 2015

CHAPTER 1: GENERAL PROVISIONS

SECTION 1: TITLE

This resolution shall be known as the Open Space Resources Resolution of Teton County, Wyoming, (hereinafter referred to as the "Resolution").

SECTION 2: AUTHORITY

WHEREAS, the Teton County Scenic Preserve Trust (hereinafter referred to as the "Trust") is authorized pursuant to Wyoming Statutes §§18-5-201 through 18-2-208 and Wyoming Statutes §§34-1-201 through 34-1-207, also known as the Uniform Conservation Easement Act;

WHEREAS, on August 1, 1978, the Teton County Board of County Commissioners created and established the Teton County Scenic Preserve Trust by Resolution and adopted By Laws; and

WHEREAS, on March 27, 1979, an amendment was made to the County Scenic Preserve Trust Resolution; and

WHEREAS, on May 3, 1983, certain amendments were made to the Teton County Scenic Preserve Trust Resolution, Chapter II, for the Scenic Resources Preservation Program; and

WHEREAS, on August 15, 1989, the Teton County Board of County Commissioners amended the Teton County Scenic Preserve Trust Resolution; and

WHEREAS, in 1992, the Teton County Board of County Commissioners amended the Teton County Scenic Preserve Trust Resolution; and

WHEREAS, on October 31, 2006, the Teton County Board of County Commissioners adopted certain amendments to the Teton County Scenic Preserve Trust Resolution, known as the "Resolution Governing Conservation Easement Amendments;" and

WHEREAS, the Teton County Scenic Preserve Trust, also known as the "Scenic Preserve Trust of Teton," has exempt status as a charitable organization pursuant to Section 501(c)(3) of the Internal Revenue Code; and

WHEREAS, the Board of Trustees of the Teton County Scenic Preserve Trust desires to update and replace all prior Resolutions and amendments thereto of the Teton County Scenic Preserve Trust, which was originally created and established on August 1, 1978; and

WHEREAS, the Board of Trustees of the Teton County Scenic Preserve Trust, after due notice and public hearing, met and conducted a public hearing on the matter to consider adopting this Open Space Resources Resolution, dated July 10, 2015.

NOW THEREFORE, this Resolution hereby repeals and replaces all prior adopted Resolutions and amendments thereto of the Teton County Scenic Preserve Trust, and shall be the effective and governing Resolution for the Teton County Scenic Preserve Trust of Teton County, Wyoming, consistent with the August 1, 1978, Resolution and By Laws, which established the Teton County Scenic Preserve Trust.

SECTION 3: PURPOSE

In the interest of protecting the public health, safety, and welfare; in the interest of protecting and stewarding Teton County's ecological resources; and in the interest of protecting heritage, culture, and economy, Jackson and Teton County have adopted the Comprehensive Plan.

The Jackson Teton County Comprehensive Plan identifies three Common Values of Community Character: Ecosystem Stewardship, Growth Management, and Quality of Life. The Common Value of Ecosystem Stewardship identifies preservation and protection of the area's unique and intact ecosystem as the core of the community's character. Wildlife, natural and scenic resources, and open space are integral to the values of Growth Management and Quality of Life as well, as these resources define the community's ecological, social and economic character.

Principle 1.1 of the Comprehensive Plan is maintenance of healthy populations of native wildlife. Principle 1.3 of the Comprehensive Plan is maintenance of the scenic resources of the community such as natural skylines, expansive hillside and foreground vistas, and natural landforms. Principle 1.4 of the Comprehensive Plan is protection and stewardship of open space. Protecting open space preserves wildlife habitat and scenery and maintains the community's agricultural western heritage. This resolution is intended to promote protection and stewardship of open space, including scenic and wildlife resources, as called for in the Comprehensive Plan.

The Board of County Commissioners also hereby reaffirms the establishment of the Teton County Scenic Preserve Trust (sometimes hereinafter referred to as the "Trust"), for the following purposes:

1. To serve as the entity in which real property rights are vested and the property maintained according to regulations for the administration of the Trust,
2. To accept open space easements on behalf of the citizens of Teton County,
3. To identify, evaluate, acquire, and steward open space resource property in Teton County, and
4. To conduct education and outreach about the value of open space resources and best stewardship practices for protecting and maintaining open space resources, and to coordinate with other agencies and organizations to achieve the open space goals identified in the Comprehensive Plan.

SECTION 4: JURISDICTION

The territorial jurisdiction of the Teton County Scenic Preserve Trust shall include all of the unincorporated private lands within Teton County, Wyoming.

SECTION 5: INTERPRETATION

When any provision of this Resolution imposes more stringent regulations, requirements, or limitations than imposed by any other resolution, requirement, or regulation of Teton County or any statute of the State of Wyoming, then the provisions of this Resolution shall govern.

CHAPTER II. TETON COUNTY SCENIC PRESERVE TRUST

SECTION 1: DESIGNATION OF THE TETON COUNTY SCENIC PRESERVE TRUST

The Teton County Scenic Preserve Trust shall be the repository for certain interests in real property owned by Teton County, Wyoming, for the purpose of implementing the Common Values of the Jackson Teton County Comprehensive Plan, as amended, and otherwise assisting in the preservation of the County's open space resources.

The interests in real property which constitute the assets of the Trust may be fee simple title to such property, open space easements in such property, development rights of such property, or such other less-than-fee interests in such property as are consistent with the purposes of this resolution.

The Trust shall be the repository of any moneys, securities, or negotiable instruments received by the Trust from any public agency or private person or corporation for the purpose of acquiring interests in real property, and of any interest, dividends, rents, or other income paid to the Trust. Such moneys, securities, and negotiable instruments shall be assets of the Trust until such time as they are expended, or converted to cash and expended, on acquisition of interests in real property which shall then become assets of the Trust.

SECTION 2: BOARD OF TRUSTEES

The Trust shall be governed by a Board of Directors or Trustees, which shall administer the interests and activities of the Trust. The Board of Trustees is the decision maker for the Trust and shall abide by the terms of this Resolution. The members of the Board of Trustees shall be the members of the Board of County Commissioners of Teton County.

SECTION 3: ACQUISITION OF INTERESTS IN REAL PROPERTY

The Trust may acquire interest or rights in real property, including land and water, which will cause the County's open space resources to be preserved in accord with this Resolution. The Trust may acquire such interests by any method of acquisition that is legally permissible under the

Constitution and Statutes of the State of Wyoming, including, but not limited to, the following methods:

- A. Acquisition by purchase, including outright purchase or purchase in installments,
- B. Acquisition by transfer of title to the Trust from Teton County, the Town of Jackson, the State of Wyoming, or any agency of the United States government,
- C. Acquisition by means of gift or bequest from a private person, corporation, foundation, or other private entity, or
- D. Acquisition by means of dedication to the Trust of open space land that is part of a parcel on which a development option requiring a conservation area is approved by the County.

SECTION 4: SELECTION CRITERIA

In addition to serving as the repository for certain rights in real property, the Trust shall evaluate open space resources to determine whether their acquisition and acceptance by the Trust is consistent with the goals of the Comprehensive Plan and the purposes of this Resolution. In conducting such evaluation, the Trust shall consider the following selection criteria:

- A. For open space easements and other interests in real property that are proposed for acceptance by the Trust as part of pursuit of approval of a development option requiring open space pursuant to the Teton County Land Development Regulations, the proposed open space shall be evaluated against the open space standards established in the Division 7.3 of the LDRs, or the current equivalent standard. If standards of Division 7.3 are met, the proposed open space land shall be considered eligible for acceptance by the Trust.
- B. For open space lands and resources proposed or identified for acquisition by the Trust apart from any requirement of the LDRs, the Trust will establish criteria for evaluation of the acquisition or acceptance proposal. Such criteria may be established in this Resolution, or in a separate acquisition policy or plan prepared and approved by the Board of Trustees.

SECTION 5: OPEN SPACE EASEMENT CRITERIA

The Trust may accept or acquire open space easements in order to cause the County's open space resources to be protected in accord with the Comprehensive Plan and the terms of this Resolution. In order to be accepted by the Trust, an open space easement shall comply with all requirements of Wyoming Statute governing conservation easements, and at a minimum, the easement shall include all of the following terms and conditions:

- A. Conveyance of the easement in perpetuity,
- B. A legal description of the open space,
- C. Statement of the conservation values of the easement and their relationship to the purposes of this resolution,

- D. Establishment of the affirmative rights of the grantee to monitor the open space and enforce the restriction,
- E. Specification of rights reserved by the grantor, including authorized uses, physical development, and subdivision or development options,
- F. Specification of the rights relinquished by the restriction, including uses, physical development, and subdivision or development options,
- G. Establishment of a management plan for long-term stewardship of the open space;
- H. Notice and approval requirements, and
- I. Provisions governing enforcement, amendment, and transfer of the easement.

For open space easements that are proposed for acceptance by the Trust as part of pursuit of approval of a development option requiring a conservation area pursuant to the Teton County LDRs, the easement shall meet the minimum criteria of restriction of conservation area established in Division 7.3 of the LDRs, or its current equivalent. Open space easements may take the form of a template, established by the Trust and amended from time to time, which is made available in the Teton County Planning Department.

SECTION 6. PURCHASES

The Trust is hereby authorized to purchase land in fee and to purchase open space easements or other less-than-fee interests in real property in order to cause the open space resources of the County to be preserved, utilizing for this purpose any moneys that are assets of the Trust, provided that sufficient funds shall be retained in the Trust to pay the current costs of necessary maintenance of lands owned in fee and the costs of ensuring, when necessary, that the terms of open space easements or other less-than-fee interests owned by the Trust are not violated.

SECTION 7: RIGHTS OF THE GRANTOR

The use of lands owned in fee by the Trust, or on which the Trust owns an open space easement or any other less-than-fee interest, which were accepted or acquired by the Trust as part of a development option under the LDRs, shall be limited in the open space easement to those uses allowed by Section 7.3.3 of the LDRs, or the current equivalent standard.

The use of lands owned in fee by the Trust, or on which the Trust owns an open space easement or any other less-than-fee interest, which were accepted or acquired by the Trust for any other purpose shall be established in the easement or sale agreement for the property. Flexibility is encouraged, and the authorized uses may vary widely, depending on the unique circumstances of the property and the intended purpose of the acquisition, provided that the intent of this Resolution, that the open space resources of the County be protected, is met.

SECTION 8: RIGHTS OF THE GRANTEE

The terms of open space easements or other less-than fee interests owned by the Scenic Preserve Trust shall limit the authorized uses of the land to those open space uses prescribed in this section.

A. Leases.

Lands owned in fee by the Trust may be leased provided that the terms of the lease limit the use of the land to those open space uses prescribed in this Section.

B. Income from Leases.

All rents and other income from leases of land owned by the Trust shall accrue to the Trust and shall become assets of the Trust; such income shall be expended only for the following purposes:

1. To acquire interests in real property in order to cause the open space resources of the County to be preserved,
2. To have performed necessary maintenance of open space lands owned by the Trust, or
3. To take necessary steps to ensure that the terms of open space easements or other less- than-fee interests in the Trust are not violated.

C. Stewardship of Fee Title Lands.

The Board of Trustees of the Trust are hereby authorized to expend assets of the Trust for the purpose of necessary maintenance of land owned in fee by the Trust, provided that no land, open space easement, or other less-than-fee interest in real property shall be sold to raise funds for this purpose.

D. Monitoring of Scenic Easements.

The Board of Trustees are hereby authorized to expend assets of the Trust, if necessary, for the purpose of ensuring that the terms of open space easements or other less-than-fee interests in real property owned by the Trust are not violated, and for taking necessary actions, including payment of attorney's fees and court costs, to secure the rights of the Trust, provided that no land, open space easement, or less-than-fee interest in real property shall be sold to raise funds for these purposes.

E. Sale or Transfer of Interests in Real Property.

No land, open space easement, or other less-than-fee interest in real property owned by the Scenic Preserve Trust shall be sold or transferred unless the proceeds of the sale or transfer are utilized to acquire other lands or interests in real property of at least equal market value and which are of at least equal worth in accomplishing the purposes of this resolution.

No land, open space easement, or other less-than-fee interest in real property owned by the Trust shall be traded unless the land or other interest in real property received in the

trade is of at least equal market value and is of at least equal worth in accomplishing the purposes of this resolution.

SECTION 9: COLLECTION OF STEWARDSHIP FEES

The Trust is hereby authorized to collect fees from landowners wishing to grant open space easements to the Trust to assist the Trust in ensuring that the terms of the agreements and this Resolution are upheld over time.

A. Applicability

This Section shall apply to all easements accepted by the Trust after the date this Section is filed with the Teton County Clerk. Applicability of this Section to amendments to existing Trust easements shall be decided on a case-by-case basis by the Board of Trustees, taking in to consideration the potential increase in stewardship responsibilities each amendment represents.

B. Use of funds

The funds shall be used by the Trust for activities related to the perpetual stewardship of the easements it holds, including, but not limited to, costs of annual monitoring visits and reports, as well as legal expenses associated with the enforcement of the terms of the easements. If an easement for which a fee has been collected is transferred to another land trust or qualified holder, any unspent portion of the fee collected shall be transferred to the new holder as well.

C. Amount of fee

The amount of the fee collected shall be designated as "Restricted Fund Balance," where the up-front fee collected would ideally be retained over time, and the annual interest earned would contribute to the annual stewardship expenditures of the Trust, as follows:

$$\text{Fee amount} = (\text{annual stewardship expenses}) / (\text{earned interest rate percentage})$$

Annual stewardship expenses shall be calculated based on an estimate of the average annual hours spent by staff on landowner correspondence, easement compliance reviews, notification of violations, resolution of violations, and other stewardship duties, plus the cost of completing an annual monitoring visit and report.

The earned interest rate percentage shall be based on the previous 20-year historic average interest for a 1 year CD.

The fee amount shall be updated as needed, but no more than annually, by the Board of County Commissioners, and published in the Planning Department fee schedule.

D. Timing of payment

The fee amount shall be collected prior to recordation of the Easement with the Office of the Teton County Clerk.

E. Transfer Agreement

In addition to the up-front Stewardship Fee described above, a Transfer Agreement shall also be required, which shall ensure that any time property ownership is transferred, a payment to the Trust stewardship fund would be made. The purpose of this requirement is to ensure that stewardship costs will be met in perpetuity. A Transfer Agreement is required to be recorded in the Office of the Teton County Clerk a separate document and would travel with the title of the easement-encumbered property. A sample transfer agreement follows:

“Transfer of Property. Any time the Property or a portion thereof is transferred by Grantor to any third party, Grantor shall pay a transfer fee of 1/2 of 1 percent of the purchase price, unreduced by transaction costs and including the costs of any improvements, to the Grantee, to be used for the purpose of monitoring and enforcing the easement, or for other purposes consistent with Grantee’s mission. Transfer fee payments shall be due at closing. In the event of non-payment, the TCSPT shall have a lien against the property for the amount due. Said transfer fee shall be waived if the Property is transferred via gift, devise, foreclosure, or to a corporation, LLC, trust, or partnership in which all beneficial interests are owned by the Grantor. The term of the agreement should not exceed 40 years.”

F. Waiver of Stewardship Fee

If a landowner is unable to make the Stewardship Fee payment required above, and meets the standards of Section 7.4.1.F.1.d.ii of the LDRs, or its current equivalent, the Board of Trustees is hereby authorized to consider a request for waiver of the Stewardship Fee payment. The value of the land to be placed under easement shall be excluded from the asset limit calculations. A Transfer Agreement would still be required.

SECTION 10: EASEMENT AMENDMENTS

The Trust has accepted open space easements on behalf of the citizens in Teton County, and is legally bound to uphold the easement terms in perpetuity. The purpose of this section is to establish standards and a procedure for the Board of Trustees to consider amending those easements.

A. Standards. Amendments to open space easements shall only be authorized pursuant to the standards below. As every property is unique, no prior amendment decision by the Trust to an open space easement shall form a precedent with respect to any subsequent request for amendment.

1. General Standards

- a. In no case shall an amendment be allowed that adversely affects the Trust's exempt status as an organization under Section 501(c)(3) of the Internal Revenue Code,
- b. The net result of an amendment shall not confer any private financial or economic benefit, and

- c. Final approval of an amendment request lies with the Board of Trustees of the Trust, in their sole discretion, based on the standards recited in this resolution.
2. Standards for Considering the Approval of Open Space Easement Amendments
- a. *Correction of an error or clarification of an ambiguity.* The Trust shall allow amendments made to correct an error or oversight in an original conservation easement. This may include correction of a legal description, inclusion of standard language unintentionally omitted, or clarification of ambiguous language.
 - b. *Modifications consistent with the conservation purposes.* At times, a landowner may request an amendment that modifies the restricted uses or areas of an easement property due to unforeseen adverse conditions or hardships. These requests for amendment may be allowed if
 - i. The amendment is consistent with the conservation purposes of the conservation easement, and
 - ii. The amendment creates a condition that strengthens protection of the conservation values identified in the easement and results in a net conservation benefit, and
 - iii. The amendment is not likely to create a significant adverse public perception of the Trust or significantly undermine the public's perception of the reliability of conservation easements as a land conservation tool.
 - c. *Modifications required by easement terms.* The Trust shall allow amendments necessary to comply with the terms of the conservation easement, such as a provision in the easement allowing modifications at a future date under specified conditions.

B. Procedure.

- 1. *Requests must be made in writing.* Written requests to amend a conservation easement held by the Trust shall include a description of the proposed change, a map of the property showing affected areas, and reasons why the request is warranted (i.e., how a net benefit to conservation results from the proposed change). The applicant shall also submit a draft amendment document, including accurate legal descriptions of the affected property. Staff may request additional information as the process proceeds. Requests for amendment shall be submitted and filed with the Planning Department.

2. *Review.* The Planning Staff shall review requests for consistency with the standards recited in this resolution, the original conservation easement, related documentation, and the features of the land. A site visit may be arranged with the landowner and Planning Staff. A recommendation shall be made to the Board of Trustees and presented as a Matter From Staff at a public meeting to the Board of Trustees of the Teton County Scenic Preserve Trust. Planning Staff may request an applicant obtain an appraisal to ascertain the financial or economic benefit of a proposed amendment to ensure that no private benefit will result.
3. *Costs.* Costs shall be in accordance with the current adopted Planning Department Fee Schedule at the time of submittal.

SECTION 11: EASEMENT TRANSFERS

The Teton County Scenic Preserve Trust has accepted open space easements on behalf of the citizens in Teton County, and is contractually bound to uphold their terms in perpetuity. The purpose of this section is to establish standards and a procedure for transferring those easements.

As every property is unique, no decision by the TCSPT with respect to transfer of an open space easement shall form a precedent with respect to any other request for transfer. Transfers of open space easements shall only be authorized under the standards below:

1. The proposed transfer complies with the terms of the transfer provisions in the easement itself.
2. The agreement of the current landowner, and if possible, the original easement grantor, has been obtained in writing.
3. The agreement of any third parties who played a significant role in the project has been obtained in writing.
4. The agreement of the accepting organization has been obtained in writing.
5. Documentation has been obtained to demonstrate that the accepting organization is a 501c3 organization, qualified under Section 170h3 of the IRS Code to hold conservation easements.
6. Documentation has been obtained to demonstrate that the accepting organization has sufficient financial resources and a commitment to uphold the terms of the conservation easement in perpetuity. If not, the TCSPT shall be willing and able to transfer funds to the accepting organization to ensure the perpetual obligations outlined in the easement are met.
7. The accepting organization has an easement amendment policy in place that ensures that the conservation purposes of the TCSPT easements will be preserved. Amendments should only be allowed if a net increase in conservation occurs.

8. The TCSPT has copies of all necessary project records to provide to the accepting organization.
9. The proposed transfer complies with the terms of any development or development option plan approved for the property.
10. The TCSPT Board shall consider the effect of the transfer on the TCSPT program as a whole, and the effect on the program's public relations.
11. The majority of the TCSPT Board shall approve the transfer at a public hearing held in accordance with the law.

SECTION 12. GRANT APPLICATIONS

The Trust is hereby authorized to make applications for grants of funds to the State of Wyoming, to agencies of the United States government, to private foundations, individuals, and corporations, and to other possible sources of funds to be used to acquire interests in real property in order to cause the open space resources of the County to be preserved.

The Board of Trustees are hereby authorized to have necessary appraisals made of the values of lands owned in fee and of open space easements and other less-than-fee interests in real property owned by the Trust for the purposes of applying for grants.

SECTION 13: OUTREACH AND COORDINATION BEYOND TRUST LANDS

The Trust is hereby authorized to develop and implement an education and outreach program. The purpose of the program is to inform property owners, homeowner's associations, citizens' groups and other individuals and entities responsible for the management of land about the value of open space and certain best management practices for stewardship. The Trust is also authorized to engage in coordination with other organizations or governmental entities in order to better achieve the open space goals established in the Comprehensive Plan and this resolution.

SECTION 14. NONPROFIT STATUS AND ACTIVITIES

All lands, interest in lands, funds, or other assets received by the Trust, shall be held, managed, administered, and disposed of only in accordance with the provisions of this resolution. No part of the assets of this Trust shall inure or be payable to or for the benefit of any private individual, and no substantial part of the activities of this Trust shall be the carrying on of propaganda or otherwise attempting to influence legislation. No part of the activities of this Trust shall be the participation in, or the intervention in any political campaign on behalf of any candidate for public office.

Upon dissolution, the assets of the Trust shall be disposed of in a manner consistent with the purposes and assignments of the Trust as set forth in this resolution. Any transfer or other conveyance of any property interests of the Trust shall be made to such organization or organizations, organized and operated exclusively for charitable, educational or scientific purposes, as shall at the time qualify as exempt organizations under the provisions of the Internal Revenue Code.

In addition to the foregoing, the Trust shall not engage in any activity that would circumvent the Trust's exempt status as an organization under the provisions of the Internal Revenue Code.

SECTION 15: ADMINISTRATIVE PROCEDURES

The Trust, or its designee, is hereby authorized to establish standard procedures and policies for the administration of the interests and activities of the trust. Such procedures may be established in this resolution, or in a separate policy or procedural manual, and may include but are not limited to:

- i. Forms and templates necessary for the evaluation and processing of proposals related to open space interests of the Trust, including templates for easements, sales agreements, and other common documents.
- ii. Policies regarding appraisals and analysis of property for potential fee-simple acquisition by the Trust.
- iii. Provisions for public notice of Trust activities and decisions related to interests or properties held by the Trust, beyond notice of public hearings as required by law.
- iv. Strategic plans or policies to guide acquisition or education and outreach activities.
- v. Policies and provisions governing amendment or transfer of easements.

CHAPTER III: ADMINISTRATIVE PROVISIONS FOR THIS RESOLUTION

SECTION 1: AMENDMENT

After study and recommendation by the Planning Commission, and public hearings held in accordance with law, this Resolution may be amended by the Board of Trustees of the Teton County Scenic Preserve Trust and affirmed by the Teton County Board of County Commissioners, provided, however, that no amendment shall authorize the Board of Trustees to conduct the affairs of the Trust in any manner for any purpose contrary to the provisions of Section 501(c)(3) of the Internal Revenue Code

SECTION 2: VALIDITY

If any provision of this Resolution is declared to be invalid by a decision of a court of competent jurisdiction, it is hereby declared to be the legislative intent that:

- A. The effect of such decision shall be limited to that provision or those provisions which are expressly stated in the decision to be invalid; and
- B. Such decision shall not affect, impair, or nullify this resolution as a whole or any part thereof, but the rest of this resolution shall continue in full force and effect.

SECTION 3: EFFECTIVE DATE

This Resolution shall be in effect from the date of adoption by the Board of Trustees of the Teton County Scenic Preserve Trust and affirmation by the Teton County Board of County Commissioners.

PASSED, APPROVED, AND ADOPTED by the Board of Trustees of the Teton County Scenic Preserve Trust of Teton County, Wyoming, at a meeting held on this ____ day of _____, 2015.

**TETON COUNTY SCENIC PRESERVE TRUST
TETON COUNTY, WYOMING**

Barbara Allen, Vice-Chair of Board of Trustees

(Seal)

Attest:

Sherry L. Daigle, Teton County Clerk

AFFIRMED by the Board of County Commissioners, Teton County, Wyoming, at a meeting held on this ____ day of _____, 2015.

**BOARD OF COUNTY COMMISSIONERS
TETON COUNTY, WYOMING**

Barbara Allen, Vice-Chair

(Seal)

Attest:

Sherry L. Daigle, Teton County Clerk