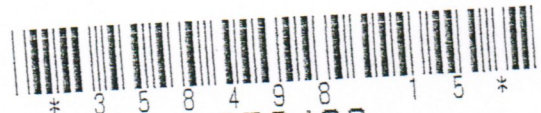


MIKE



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JEAN DIMKE, RECORDER
JO DAVIESS COUNTY, IL
10/04/2010 01:53:15PM

H-310

REC FEE: 62.00

**CONSERVATION EASEMENT AND REGISTRATION AGREEMENT
FOR THE
WILEY ADDITION TO APPLE RIVER CANYON LAND AND WATER RESERVE**

KNOW ALL PEOPLE BY THESE PRESENTS, that this Registration Agreement in the form of a Grant of Conservation Right and Easement pursuant to the Real Property Conservation Rights Act, 765 ILCS 120, as amended, is made this 26th day of August, 2010.

WITNESSETH:

WHEREAS, the Natural Land Institute, a non-profit 501c3 organization, whose address is 320 South Third Street, Rockford, IL, 61104, (hereinafter with its heirs and assigns, called the "Grantor"), is the owner in fee simple of certain real property (hereinafter called "Registered Reserve") which supports natural heritage resources or archeological resources of Statewide significance and is described as follows:

see EXHIBIT 'A'; and

WHEREAS, The Illinois Department of Natural Resources and the Illinois Nature Preserves Commission (hereinafter with their successors and assigns, called "Grantees"), are agencies of the State of Illinois with offices at One Natural Resources Way, Springfield, Illinois, 62701-1271; and

WHEREAS, The Grantor and Grantees, by this Registration Agreement and Conveyance to the Grantees of a Conservation Right and Easement on, over, and across the Registered Reserve, desire to conserve the natural heritage resources or archeological resources thereof and prevent the use or development of the Registered Area for any purpose or in any manner that would conflict with the maintenance of the significant natural features and associated ecological processes thereof; and

PREPARED BY: Randy Heidorn
PLEASE RETURN TO: IL Nature Preserves Commission
One Natural Resources Way
Springfield, IL 62702

WHEREAS, "Natural heritage resources or archeological resources of Statewide significance" as used herein shall, without limiting the generality of the terms, mean the condition of the Registered Reserve at the time of execution of this document, and as indicated by reports, maps, photographs, and other documentation that the parties agree provide, collectively, an accurate representation of the Registered Reserve at the time of this grant and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant; and

WHEREAS, The Grantees are willing to accept this Grant of Conservation Right and Easement subject to the reservations and to the covenants, terms, conditions, and restrictions set out herein and imposed hereby; and

WHEREAS, The Registered Reserve is registered for the purposes, and shall be held, maintained and used, as provided for in the Illinois Natural Areas Preservation Act, 525 ILCS 30 (hereinafter referred to as the "Act"), and the rules entitled the Register of Land and Water Reserves (17 Ill. Adm. Code, Part 4010) and as provided for in any amendment to that Act or rule, but no such amendment shall alter the commitment to the preservation of natural conditions of the Registered Reserve by the Grantor as of the date of this Registration Agreement;

NOW THEREFORE, The Grantor, for and in consideration of the above recitations and of the mutual covenants, terms, conditions, and restrictions hereinafter contained, and as an absolute and unconditional gift, does hereby give, grant, bargain, sell, and convey unto the Grantee, forever, a Conservation Right and Easement in perpetuity on, over, and across the Registered Reserve, consisting of the following:

1. The right to view the Registered Reserve in its natural, scenic, and open condition;
2. The right to enter the Registered Reserve at reasonable times upon reasonable notice to inspect the condition of the Registered Reserve; and
3. The right to enforce by proceedings at law or in equity the covenants set forth below, it being agreed that there shall be no waiver or forfeiture of the Grantees' right to ensure compliance with the covenants and conditions of this grant by reason of any prior failure to act; and
4. The rights to all development which shall not be exercised on, above, or below the Registered reserve in a manner that would interfere with the preservation and conservation purposes of this Agreement.

And in furtherance of the above affirmative rights of the Grantees, the Grantor makes the following covenants which shall run with and bind the Registered Reserve, the Grantor shall not:

1. Commit any act or omission in violation of the rules entitled the Register of Land and Water Reserves, as amended (17 Ill. Adm. Code, Part 4010);
2. Fill, excavate, mine, or drill the Registered Reserve; remove topsoil, sand, gravel, rock, minerals, gas, oil, or other products that result in the alteration of surface topography of the Registered Reserve, unless such activities are for the purpose of restoring the original topography and/or natural community of the Registered Reserve in accordance with the Management Program; or install mechanical devices upon the Registered Reserve;
3. Allow commercial, industrial, or multiple dwelling activity on the Registered Reserve, nor shall any right of passage across or upon the Registered Reserve be allowed or granted without the mutual consent of the Grantee;
4. Construct or place on the Registered Reserve temporary or permanent buildings, docks or other structures, including mobile homes, trailers or recreational vehicles providing living quarters;
5. Construct or allow the construction of billboards, privacy fences, lighted signage, or other forms of advertising or promotion on the Registered Reserve that would distract from the nature-based scenic and aesthetic value of the Registered Reserve;
6. Build new roads or widen existing roads without the mutual consent of the Grantees and Grantor.

Grantor shall have prepared a Management Program in accordance with the Register of Land and Water Reserves, as amended. The Management Program is attached hereto and hereby approved by Grantees.

Grantees shall be subject to the provisions of the Act, as amended, as that Act relates to registered areas, and the rules entitled the Register of Land and Water Reserves, as amended, and shall hold and exercise the rights and responsibilities described therein.

Grantor agrees to incorporate this Grant of Conservation Right and Easement by reference in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Registered Reserve and to use reasonable efforts to notify Grantees of any such transaction.

The Registered Reserve shall remain as one tract whether under individual or multiple ownership and it shall not at any time be divided or subdivided as to ownership.

No right of access to the general public to any portion of the Registered Reserve is conveyed by this Agreement.

The Grantor intends that this Easement shall qualify for treatment as a "qualified conservation contribution" under Section 170(h) of the Internal Revenue Code of 1986 (hereinafter referred to as the Code). The Grantees are authorized hereby and under the Act and the Real Property Rights Act to enforce this Easement on behalf of the public and to take such other action as may be provided herein or under these Acts. The Grantees are governmental units described in Section 170(b)(1)(A)(v) of the Code.

If circumstances arise in the future which render the purpose of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, with respect to the entire Registered Reserve or any portion thereof, by a written instrument executed on behalf of the Grantees. Any taking of the Registered Reserve or any portion thereof, under power of eminent domain, may occur only as provided in the Act and rules governing Registered Reserves. Upon such extinguishment, whether through eminent domain or otherwise, the Grantees shall be entitled, after the satisfaction of prior claims, to their share of the proceeds from any sale, exchange, financing, or involuntary conversion of all or any portion of the Registered Reserve subsequent to such termination or extinguishment, equal to the value of this Easement. The value of this Easement at the time of such extinguishment shall be determined as provided below. The Grantees shall use all such proceeds in a manner consistent with the conservation purposes of this grant, provided, however, that such use shall not be limited to the Registered Reserve.

This Easement constitutes a real property interest immediately vested in Grantees, which has a fair market value determined by multiplying the fair market value of the Registered Reserve unencumbered by this Easement by a fraction, of which the numerator shall be the value of the Easement at the time of this grant and the denominator shall be the value of the Registered Reserve, without deduction for the value of this Easement, at the time of this grant. The values at the time of this grant shall be those values used to calculate the deduction for federal income tax purposes allowable by reason of this grant, pursuant to Section 170(h) of the Code, as amended. For the purposes of this paragraph, the ratio of the value of the Easement to the value of the Registered Reserve unencumbered by this Easement shall remain constant, and the value of this Easement shall be equal to the difference in value between the Registered Reserve, without diminution attributable to this Easement, and the value of the Registered Reserve as encumbered by this Easement.

In the event Grantor claims a federal income tax deduction for donation of a "qualified conservation contribution" as that term is defined in Section 170(h) of the Internal Revenue Code, Grantor shall provide the Grantees with a copy of all appraisals of the fair market value of this Easement. Upon receipt of all such appraisals and this fully executed instrument, the Grantees shall sign any appraisal summary form prepared by the Internal Revenue Service and submitted to the Grantees by Grantor.

By their acceptance hereof the Grantees also agree to be bound by the covenants binding on the Grantor as set forth above.

TO HAVE AND TO HOLD the said Conservation Easement unto the Grantees forever.

Except as expressly limited herein, the Grantor reserves all rights as owner of the Registered Reserve, including the right to use the Registered Reserve for purposes not inconsistent with this Grant.

The terms hereof shall be deemed to run with the land and be binding upon all successors and assigns of both the Grantor and the Grantees.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 26th day of August, 2010.

GRANTOR:

Judith Barnard
Judith Barnard, President
Natural Land Institute

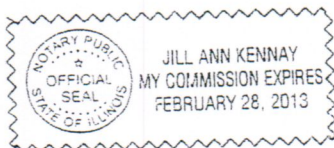
Karen Blomgren
Karen Blomgren, Secretary
Natural Land Institute

STATE OF ILLINOIS)
) SS
COUNTY OF WINNEBAGO)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, Do HEREBY CERTIFY that representatives of the Natural Land Institute, Judy Barnard and Sally Hoff, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed, and delivered the said instrument as their free and voluntary act, for the uses and purposes herein set forth.

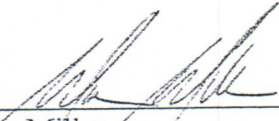
GIVEN under my hand and notarial seal, this 26th day of AUGUST, 2010.

Jill Steeny
Notary Public



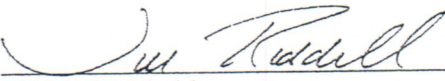
My Commission expires:
2/28/2013

ACCEPTED:



Marc Miller
Director, Illinois Department of Natural Resources

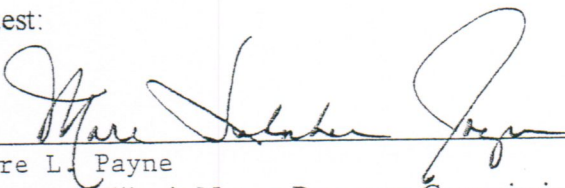
430-10
Date



Jill Riddell
Chair, Illinois Nature Preserves Commission

9-21-10
Date

Attest:



Mare L. Payne
Secretary, Illinois Nature Preserves Commission

9/27/10
Date

EXHIBIT 'A'

Part of the West Half (W ½) of Section 24, Township 28 North (T28N), Range 3 East (R3E) of the Fourth Principal Meridian (4th PM), Jo Daviess County, Illinois, bounded and described as follows, to wit:

Commencing at the Southwest corner of the Northwest Quarter (NW ¼) of said Section 24; North 00 Degrees 55 Minutes 32 Seconds West, along the West line thereof, a distance of 332.23 feet; thence North 89 Degrees 04 Minutes 28 Seconds East, a distance of 792.23 feet to a point of tangent intersection of the Centerline of Broadway Road and the Point of Beginning of the hereinafter described parcel of land;

thence North 43 Degrees 19 Minutes 50 Seconds East, along said tangent centerline, a distance of 335.33 feet (5.08 Chains deeded); thence North 79 Degrees 04 Minutes 50 Seconds East, along said tangent centerline, a distance of 790.12 feet (11.97 Chains deeded); thence South 46 Degrees 15 Minutes 40 Seconds East, a distance of 226.51 feet; thence South 13 Degrees 56 Minutes 03 Seconds West, a distance of 455.27 feet; thence South 50 Degrees 52 Minutes 22 Seconds West, a distance of 211.01 feet; thence South 01 Degrees 07 Minutes 19 Seconds East, a distance of 509.00 feet; thence South 12 Degrees 38 Minutes 55 Seconds West, a distance of 149.88 feet; thence South 33 Degrees 27 Minutes 14 Seconds West, a distance of 290.63 feet; thence South 15 Degrees 35 Minutes 26 Seconds West, a distance of 94.40 feet to the North line of the South Half (S ½) of the South Half (S ½) of the North Half (N ½) of the Southwest Quarter (SW ¼) of said Section 24; thence South 89 Degrees 43 Minutes 20 Seconds West, along said North line, a distance of 509.04 feet to said tangent centerline of Broadway Road; thence North 36 Degrees 04 Minutes 50 Seconds East, along said Centerline, a distance of 31.05 feet; thence North 25 Degrees 55 Minutes 10 Seconds West, along said Centerline, a distance of 585.51 feet (8.87 Chains deeded); thence North 04 Degrees 19 Minutes 50 Seconds East, along said Centerline, a distance of 779.58 feet (11.81 Chains deeded) to the Point of Beginning; Containing 34.441 acres, more or less (PIN: 18-000-227-00).

The rights, conditions and liabilities of the above described Easement shall not include, or extend over, any portion of the previously described Easement falling within the Right-of-Way of Broadway Road lying along the Northerly and Westerly side thereof.

**SITE MANAGEMENT GOALS FOR THE
WILEY ADDITION
TO APPLE RIVER CANYON LAND AND WATER RESERVE
3 - Year Management Plan**

Prepared by: John C. Nelson
Ed Anderson
Date: September, 2010

Site Name: Wiley Addition to Apple River
Canyon L&WR
County: Jo Daviess

Current Landowner: Natural Land Institute
Future Landowner: Boy Scouts of America, Blackhawk Area Council

Manager: NLI/BSA
Custodian: NLI/BSA
Steward:

OBJECTIVES FOR ESTABLISHING THE RESERVE:

The Apple River Canyon Nature Preserve (442 acres) and Land and Water Reserve (181.9 acres) were established to protect and manage dry-mesic and mesic upland forest, mesic floodplain forest, dolomite cliff communities, significant stream segments, and prairie and forest restorations. The 34.4-acre Wiley Addition to Apple River Canyon Land and Water Reserve serves as important buffer to high-quality natural communities and helps protect the scenic beauty of the Apple River Canyon. The site provides protection for significant resources of the Apple River, including some of the best examples owned by the Boy Scouts at Canyon Camp and the Illinois Department of Natural Resources (IDNR) of the original upland and ravine forests, dolomite cliffs, and perennial stream of the Wisconsin Driftless Natural Division of Illinois. The Wiley Addition should be managed as buffer to maintain and enhance the native biodiversity and unique plant assemblages found at Apple River Canyon. The site is currently owned by the Natural Land Institute, but will be transferred to the Boy Scouts of America, Blackhawk Area Council for primitive and passive outdoor recreation and educational activities associated with the programs offered at their Boy Scout Canyon Camp. The site provides excellent opportunities for hiking, nature study, wildlife observation, research, camping, star-gazing, pioneering, orienteering, and ecological restoration. Such activities will be conducted in a manner compatible with the protection and restoration of natural features found in Apple River Canyon and the natural communities and natural habitats found on the Canyon Camp Addition.

STATUS OR CONDITION OF NATURAL FEATURES PRESENT:

The Wiley Addition consists of approximately 17.2 acres of mesic upland forest and 17.2 acres of pastureland. The pastureland has been used for cattle grazing for likely 100+ years, while the forest has not been grazed in recent times. The forest is a closed-canopy sugar maple-basswood-oak community type. The understory has characteristic spring ephemerals. The pastureland is dominated by non-native grasses and weedy species, but borders high quality-cliff communities found along the Apple River.

Water drainage from the site is to the Apple River via surface flow and intermittent drainage features. The Apple River supports high diversity fish and freshwater mussel populations. Some river segments have been classified as Class B stream segments (i.e. Highly Valued Aquatic Resources) by the IEPA Biological Stream Characterization. In addition, the Apple River downstream of Canyon Camp supports diverse fresh water mussel fauna and at least one state listed species (Black sandshell).

TYPES AND EXTENT OF DEGRADATION; POTENTIAL FOR RESTORATION:

The mesic upland forest on the Wiley Addition is recovering from past grazing and timber harvesting. The pastureland is still being actively grazed. Prescribed burns of the pasture land and over-seeding with native grasses and forbs will enhance native species diversity of this grassland. Oak and hickory seedlings could be planted to re-establish forest communities and reconnect fragmented forest parcels. The site offers good restoration potential for forest and prairie natural communities.

Garlic mustard (*Alliaria petiolata*) is established in portions of the forest community and will be difficult to control. Control measures will include prescribed burning, herbicide treatment, and perhaps biological control. Canada thistle (*Cirsium arvense*) and other thistles will be a serious problem in portions of the open pastureland following cessation of grazing. Control measures should include mowing and can also include prescribed burning and herbicide application to prevent spread of seeds and plants. Black locust (*Robinia pseudoacacia*) occurs in some portions of the forest community and forest "edge". It can be controlled with cutting and/or herbicide treatment. Control of exotic and invasive native species will be according to approved INPC Vegetation Management Guidelines.

AMOUNT OF CURRENT/POTENTIAL VISITOR USE, AS RELATED TO MANAGEMENT ISSUES

Public access will not be permitted on the Wiley Addition without permission of the landowner. The site will be used for passive recreation and outdoor activities as part of the programs offered at the adjacent Canyon Camp owned by the Boy Scouts of America, Blackhawk Area Council. Management objectives for a significant portion of the Wiley Addition will be to maintain an "open" character to the landscape. This open landscape area may consist of native prairie restorations and/or open grassland that is mowed and used for primitive camping, hiking, star-gazing and other passive outdoor recreational activities. The future owner (BSA) reserves the right to install/construct water lines or water supply well and restroom facilities with guidance and approval from the INPC and IDNR. Such amenities will be planned and located in areas appropriate for such use and shall not damage or complicate the management of the remaining area for natural area restorations. Trails will also be planned and established with guidance and approval from the INPC and IDNR. Ecologic restorations, management activities, trail maintenance, etc., on the Wiley Addition can be accomplished as part of merit badge lessons and rank advancement for scouts attending Canyon Camp.

POTENTIAL LINKAGE WITH NEARBY NATURAL LANDS; LAND ACQUISITION BEING CONSIDERED

The existing Apple River Canyon Land and Water Reserve, owned by the Illinois Department of Natural Resources, is 181.9-acres. The proposed Wiley addition (34.4 acres) will increase this acreage to 216.4 acres. Total acreage will further increase to 301.5 acres with approval of the proposed Canyon Camp addition (85.1 acres). In the near future, the NLI desires to transfer the remaining 104.7 acres of the former Wiley tract to the IDNR for its registration. If all these registration proposals are approved, the

total land area protected as the Apple River Canyon Land and Water Reserve will increase from 181.9-acres to 406.2-acres. The associated Apple River Canyon Nature Preserve, owned by the IDNR, is currently 442.1-acres. Other land protection strategies along the Apple River are taking place downstream by the JoDavieess Conservation Foundation.

THREATS TO INTEGRITY OF RESERVE

The main threats to the natural quality of the Apple River are potential water pollution from off-site sources. In 1998, the Apple River was named the ninth most endangered river in the country by American Rivers, the nation's leading river conservation group. The proposed construction of factory hog farms in the Apple River watershed was cited as a primary reason for this listing. Potential manure spills from such farms, including mega dairy facilities and the spreading of vast amounts of animal manure on farm fields could threaten the water quality and fish habitat of the river. Grazing by cattle along the river is a continuing problem in some areas, and soil erosion from highly erodible soils in the uplands is a concern. On-site soil erosion should be controlled through the restoration of native vegetative cover, i.e. mesic prairie and mesic forest communities. Cattle grazing has been an on-going land use activity on the Wiley property for likely 100 + years. Cattle grazing is a problem, but will be "phased out" to help prevent a proliferation of annual weeds that would follow the cessation of grazing without a well planned strategy to manage this problem. Rotational cattle grazing will be allowed in the open pastureland to allow the new land owner (BSA) enough time to prepare for the role of land manager which will include mowing the site to help control weeds. Cattle grazing will NOT be an allowed use on the Wiley Addition after December 31, 2013.

Exotic plant species such as garlic mustard, Canada thistle, and black locust are present in some locations. Exotic and invasive plants should be controlled as needed to prevent their increase and spread.

RELEVANCE OF THE PRESERVE TO THE WILDLIFE ACTION PLAN (IWAP)

Restoration and management of natural communities on the Wiley Addition to ARC L&WR serves to protect and enhance habitat for state-listed plants, animals and high-quality natural communities.

OVERALL MANAGEMENT GOALS (RANKED IN PRIORITY ORDER):

1. Protect the Apple River Canyon Land and Water Reserve from encroachment and related disturbance and provide buffer and further protection for Apple River Canyon Nature Preserve.
2. Utilize management techniques to restore, maintain and/or enhance the vegetative condition of the mesic upland forest and convert portions of the open pastureland to native prairie and/or forest
3. Provide for compatible outdoor recreational opportunities, including, but not limited to: primitive camping, hiking, nature viewing/appreciation, pioneering, orienteering, star-gazing, and council fires/ceremonies.

Management Schedule has been reviewed by :

Current Landowner NLI: Gerald A. Paulson Date: 8/24/2010

Future Landowner BSA: D. Kinney Date: 8/27/2010

Management Schedule approved by the Illinois Nature Preserves Commission

Jill Riddell
Jill Riddell
Chair, Illinois Nature Preserves Commission

9-21-10
Date

Marc Miller
Marc Miller
Director, Illinois Dept. of Natural Resources

9-30-10
Date

MANAGEMENT UNIT FEATURES

Wiley Addition to Apple River Canyon Land and Water Reserve

<u>MANAGEMENT UNIT</u>	<u>FEATURES</u>
General 'A'	Registered Addition to Land & Water Reserve
Unit 'B'	Mesic Upland Forest ~ 17.2 acres
Unit 'C'	Pastureland ~ 17.2 acres

OTHER SITE INFORMATION

Natural Heritage Biologist: Ed Anderson

Natural Areas Preservation Specialist: John Nelson

Volunteer Steward: none

Topographic Map(s): Scales Mound East and Elizabeth NE, ILL 7.5'

Location: T28N, R3E, Sections 24, 4th PM

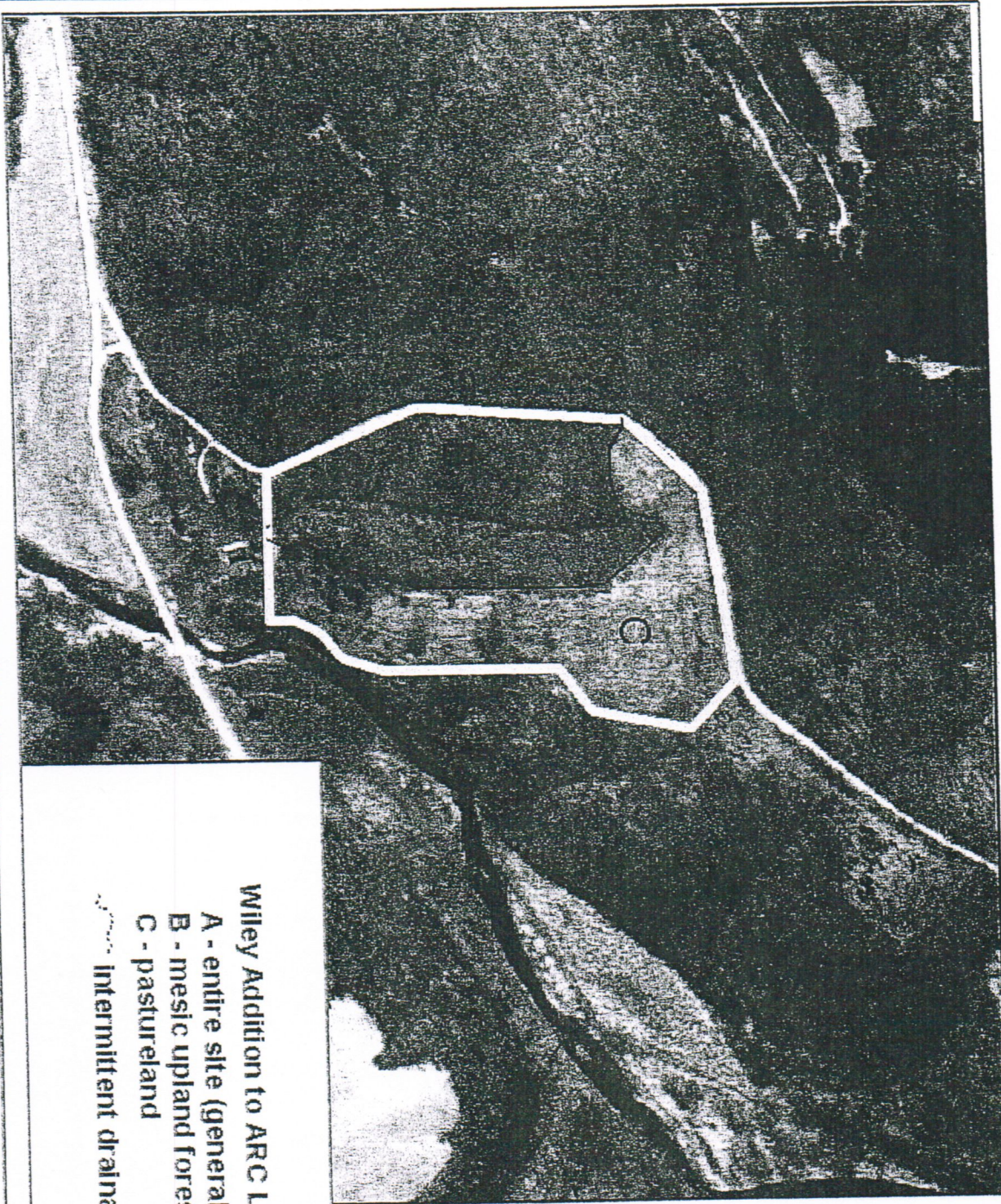
Natural Division: Wisconsin Driftless

Registration Date: September 2010

Legislative District:

Size: 34.4 acres

Wiley Addition Management Units



Wiley Addition to ARC L&WR
A - entire site (general)
B - mesic upland forest
C - pastureland
Intermittent drainage feature



Illinois Land and Water Reserve 3-Year Management Schedule
Site Name: Wiley Addition to Apple River Canyon L&WR

Period: 2010-2013
Expiration Date: September, 2013

Management Unit	Management Objective	Management Action	Schedule (Months, Years)	Lead Party	Lead Person or Organization
A. General (Entire Site) Mesic Upland Forest Pasture	Identify ecological changes and other management concerns	Conduct semi-annual site surveillance	semi-annually	INPC/IDNR	NAPS / DHB
	Protect site from encroachment and disturbance	Post and maintain boundary signs along Broadway Road	as needed	Landowner	NLI/BSA
	Improve native plant community structure and diversity	Identify and monitor exotic and invasive species	annually Apr - Aug	Landowner	NLI/BSA
	Facilitate and promote recreational and educational uses	Develop system of hiking trails, primitive camping area, and identify areas appropriate for outdoor education programs and amenities With INPC/IDNR approval.	Ongoing	Landowner INPC/IDNR	NLI/BSA INPC/IDNR
B. Mesic Upland Forest	Control exotics: garlic mustard, bush honeysuckle and multiflora rose	Spray 1 st year herbaceous exotic plants with 2% Roundup; hand-pull small populations of exotic herbaceous plants, cut and treat honeysuckle stumps and other woody invasive species w/ 20% Roundup or Garlon4 with basal bark oil.	Ongoing Mar - Apr	Landowner	NLI/BSA
C. Pasture	Restore diversity of natural communities	Use prescribed fire to maintain woodland communities.	5 year rotational burns	Landowner INPC/IDNR	NLI/BSA INPC/IDNR
	Monitor and control exotics: smooth brome, thistles, wild parsnip, poison hemlock and multiflora rose	Mow fields during growing season after June 15 to avoid disturbance to ground nesting grassland birds. Spray 1 st year herbaceous exotic plants with 2% Roundup and 2,4 D amine; hand-pull small populations of herbaceous exotic plants. Cut and remove woody invasive trees and brush; treat cut stumps with	Ongoing Mar - Apr	Landowner INPC/IDNR	NLI/BSA

	Enhance native plant diversity	20% Garlon 4 with basal bark oil.	Conduct prescribed fire and overseed with native grasses and forbs (short grass prairie type), plant seedlings of native tree species	Ongoing	Landowner INPC/IDNR	NLI/BSA
C. Pasture (Continued)	Reduce exotic and opportunistic annual and biennial weeds.	Allow continued rotational cattle grazing for a period not to exceed this initial 3-year management plan. Current stocking rate is 20 cows, 20 calves, 1 bull. Stocking rate will not significantly increase beyond this rate.	Ongoing, but expires 9/31/2013.	Landowner	NLI/BSA	

NLI = Natural Land Institute, BSA = Boy Scouts of America, INPC = Illinois Nature Preserves Commission, IDNR = Illinois Dept. of Natural Resources.