

RE: TEMPLATE MINING PROVISION ADOPTED JULY 11, 2012

To: Board of Trustees

From: Leslie Grayson

Through: Office of Executive Director

Date: 6-12-2013

Based on concerns and feedback from various parties staff recommends that we modify the standard Grading, Blasting, Filling and Mining provision adopted by the Board July 2012 and in the current VOF template to make the final sentence optional. Revision shown below in highlight.

STANDARD TEMPLATE

6. GRADING, BLASTING, FILLING AND MINING.

(i) Grading, blasting, filling, or earth removal shall not materially alter the topography of the Property except (a) for clearing, grading, and dam construction to create ponds (but not storm water retention ponds to serve other properties), (b) for restoration, enhancement, or development of ecosystem functions on the Property as permitted and limited under Section II, Paragraph 3 (i)(f) above, (c) for erosion and sediment control pursuant to an erosion and sediment control plan, or (d) as required in the construction of permitted buildings, structures, roads, and utilities. Grantee may require appropriate sediment and erosion control practices to be undertaken for the construction of buildings, structures, roads or utilities that require Grantee approval in Section II Paragraph 2 (i) above, as a condition of such approval.

(ii) Grading, blasting, filling, or earth removal in excess of one acre for the purposes set forth in subparagraphs (a) through (d) above require 30 days' prior notice to Grantee. Generally accepted agricultural activities, including the conversion of forest land into farmland, shall not constitute a material alteration of the topography. Surface mining and dredging on or from the Property are prohibited. *(Optional: Subsurface mining is prohibited, except that exploration for and extraction of oil and gas from under the surface of the Property by horizontal or slant drilling from well sites on adjacent or nearby properties is permitted.)*