

Fish and Wildlife Department
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Agency of Natural Resources

MEMORANDUM

To: Sarah London, Governor's Legal Counsel

From: Jane Lazorchak, Land Acquisition Coordinator

Date: March 21, 2012

RE: Governor's Approval for the Fee Acquisition of 5 parcels in two separate ownerships (Bill and Ursula Johnson and Gerald and Jacqueline Leigh) in the Towns of Lemington and Canaan.

Enclosed is an approval to be signed by Governor Shumlin for the acceptance of 283-acre s by the State of Vermont. The Fish and Wildlife Department is acquiring this land in order to provide permanent protection of public access for hunting, trapping, fishing, wildlife viewing, other wildlife dependent activities and conservation of significant wildlife habitat including Connecticut River influenced wetlands. The total estimates set for the project include \$85,000 for the Leigh parcel and \$1,750,000 for the Johnson Farm. The Fish and Wildlife Department's contribution to this project total \$160,000 and come from a \$75,000 Ecosystem Restoration Grant from the Department of Environmental Conservation, \$35,000 in Duck Stamp Funds and a \$50,000 grant from the Connecticut River Mitigation Enhancement Fund. Other significant sources of funding contributed to this project come from the Vermont Housing and Conservation Board, Connecticut River Mitigation Enhancement Fund and the Pew Charitable Trust.

Included with the Governor's approval memo are two maps of the project, a copy of the review and approval by the Agency Land Acquisition Review Committee and copies of the letters signed by the towns of Lemington and Canaan Select Boards stating town support for the state acquisition of these parcels.

If you have any questions regarding this easement project, please contact me directly at 479-4405 or at jane.lazorchak@state.vt.us, thank you.

cc: Patrick Berry, Commissioner
John M. Austin, Lands and Habitat Program Director



Department of Fish and Wildlife
Commissioner's Office
103 South Main Street
10 South
Waterbury, VT 05671-0501
802-241-3730

TO: Peter Shumlin, Governor

THROUGH: Deb Markowitz, Secretary, Agency of Natural Resources *DM*

FROM: Patrick Berry, Commissioner, Department of Fish and Wildlife *PB*

SUBJECT: Department of Fish and Wildlife, Fee Acquisition, Johnson Farm Conservation Project, Lemington and Canaan, VT

Recommendation: Approve the acquisition of 283-acres on 5 parcels of land to create a new Wildlife Management Area.

Description of Project

The Vermont Land Trust (VLT) and The Nature Conservancy (TNC) have invited the Fish and Wildlife Department (FWD) to collaborate on a project to permanently protect a large dairy farm along the upper Connecticut River. The property is known as the Johnson Farm in Canaan and Lemington, Vermont and encompasses 1,023 acres along over six miles of river shoreline. The Johnson Farm is notable for its significant habitat diversity, its long and scenic Connecticut River frontage, and abundance of significant natural features. It is also a large, productive and well-known dairy farm which plays an important role in the local economy. The agricultural lands are interspersed with high quality oxbow wetlands, scrub-shrub swamps, emergent marshes, and floodplain forests. VLT and TNC have been presented with a unique opportunity to work with owners Bill and Ursula Johnson to craft a conservation strategy that will:

- a) protect and enhance high priority natural features including floodplain forest and wetland habitats, expanding and enhancing Connecticut River and tributary buffers, and protecting water quality;
- b) prevent residential development, fragmentation and degradation of the core farmland, ensuring continued productive agricultural use, and;
- c) prepare the property, through various protection mechanisms and agreements, for a transition out of the Johnson family's ownership that will include a mix of agricultural and conservation ownerships.

The Johnson Farm supports over eight miles of river and stream frontage, including 6.1 miles along the Connecticut River, 0.4 miles along Leach Creek, 0.9 miles on Capon Brook, and 0.6 miles along Willard Stream. Most of this shoreline area has well established riparian habitat or was subject to an extensive buffer restoration project in 2005-2006 through the USDA's Conservation Reserve Enhancement Program. Approximately 192 acres (18%) of the Johnson Farm is covered with open or shrub

wetlands. The majority consists of old "oxbows", former river channels now dominated by alder swamp or sedge meadow. Five outstanding oxbow wetland complexes incorporate eight different wetland community types. Most are in good condition without invasive species, and the project will enlarge areas where at present only minimal buffers separate them from adjacent land uses. The wetland natural community types include alder swamp, sedge meadow, shallow emergent marsh, deep broadleaf marsh, cattail marsh and river mud shore. Approximately 21 acres (2%) of the Johnson Farm is covered by seven small floodplain forests, ranging in size from 0.8-6.7 acres. Most are in good to very good condition, though small and in an agricultural setting. Two uncommon plant species have been discovered as well, Wiegand's wild rye (*Elymus wiegandii*) and satiny willow (*Salix pellita*). The Connecticut River is also an important travel corridor along the Atlantic Flyway for many species of migratory birds, especially waterfowl. Based on this assessment of habitat on the property, the predicted number of bird species for this area is 185 species, of which 99 would likely breed on the Johnson Farm property.

In addition to natural heritage and agricultural values, the Johnson property holds great recreational significance, treasured locally for duck-hunting and fishing. Parts of this site will make an excellent Wildlife Management Area. The FWD has worked collaboratively with TNC and VLT to determine the boundaries of the area that would come to the state. Following significant research, field verification and negotiation with the Johnsons, a map of the division between the expanded natural areas and a future farm property has now been completed and is included with this package (See Exhibit 1). The configuration includes 266 acres of the property to be permanently protected, through public ownership as a Wildlife Management Area. This acreage encompasses the majority of the high quality oxbow ponds, shrub-scrub swamps, emergent marshes, and floodplain forests located on the property. This configuration also includes an additional 100 acres that are currently farmland that will be restored after acquisition to wetland or buffer.

In addition to the Johnson Farm itself, an opportunity has presented itself to add a small but strategically-located parcel to the larger Johnson Farm Conservation Project. This 16.7 acre parcel is owned by Gerald and Jacqueline Leigh. It is surrounded on three sides by the Johnson Farm project (See Exhibit 2). Abutting it to the north and east is a portion of the farm that will be conveyed to the Fish and Wildlife Department (FWD), which contains a large and beautiful oxbow wetland complex with some of the best waterfowl habitat on the entire property. To the south, the Leigh property abuts natural area that will remain with the farm but will be protected in the farm easement as a "special treatment area" (STA). This STA includes the stream that drains the swamp directly into the Connecticut. As such, the FWD seeks approval to add the Leigh parcel to the WMA because it provides an excellent site for public access — for parking and for access along a mowed path that presently circles the property along the boundary with Johnson.

Another benefit of owning the Leigh property to the FWD is its abundant frontage along Route 102. The other portions of the Johnson Farm coming to the FWD only have short access points along Route 102. This property provides a central point of access, as well as an ideal location to place signage for the WMA. The total acreage to be owned is therefore 283 acres.

Need and Cost

The FWD is acquiring these parcels in order to provide permanent protection of public access for hunting, trapping, fishing, wildlife viewing, other wildlife dependent activities and conservation of significant wildlife habitat including the Connecticut River influenced wetlands. The total estimates set for the project include \$85,000 for the Leigh parcel and \$1,750,000 for the Johnson Farm. The Fish and Wildlife Department's contribution to this project totals \$160,000 and comes from a \$75,000 Ecosystem Restoration Grant from the Department of Environmental Conservation, \$35,000 in Duck Stamp Funds and a \$50,000 grant from the Connecticut River Mitigation Enhancement Fund. Other significant sources of funding contributed to this project come from the Vermont Housing and Conservation Board, Connecticut River Mitigation Enhancement Fund and the Pew Charitable Trust.

Your approval of this acquisition is required by 10 V.S.A. §4144, which states in part that "the secretary, with approval of the governor, may exchange, sell or lease lands under the secretary's jurisdiction when, in his or her judgment, it is advantageous to the state to do so ..." This project has already been reviewed and approved by the Agency's Land Acquisition Review Committee at their meeting (See Exhibit 3). In addition, the Towns of Lemington and Canaan support this acquisition as documented in the letters from the Select Boards (Exhibit 4, 5 & 6).

APPROVAL FOR PURCHASE OF LAND

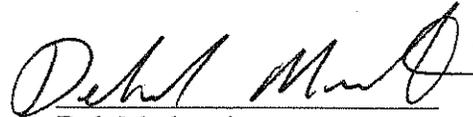
We the undersigned, hereby approve the purchase of land by the Agency of Natural Resources, Department of Fish and Wildlife to protect public access and the natural resources on the 283 acres belonging to Bill and Ursula Johnson and Gerald and Jacqueline Leigh in Lemington and Canaan, VT. This approval is required by 10 V.S.A. §4144 of the Vermont Statutes Annotated.

4/4/12
Date



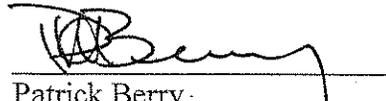
Peter Shumlin
Governor
State of Vermont

3-27-12
Date



Deb Markowitz
Secretary
Agency of Natural Resources

3/26/12
Date


Patrick Berry
Commissioner
Fish and Wildlife Department