

Department of Fish and Wildlife

1 National Life Dr., Davis 2
Montpelier, VT 05620-3702

www.vtfishandwildlife.com

[phone] 802-505-0561

[fax] 802-828-1250

Agency of Natural Resources

MEMORANDUM

To: Sarah London, Governor's Legal Counsel

From: Jane Lazorchak, Land Acquisition Coordinator

Date: April 10, 2015

RE: Governor's Approval Needed for the Acquisition of the 2,880-acre former Yankee Lands to be added to the Bird Mountain Wildlife Management Area located in Poultney and Ira and Approval Needed for the Acceptance of a \$30,000 grant from the Lintilhac Foundation.

Enclosed is an approval to be signed by Governor Shumlin for the purchase of the former Yankee lands, now owned by the Conservation Fund, by the State of Vermont. In addition to the Governor's approval memo, you will also find an approval for the acceptance of a \$30,000 grant from the Lintilhac Foundation to go towards this acquisition. This will need to be routed to the Joint Fiscal Committee of the Legislature for their approval after the Governor approves it. The 2,880 acres were bought by the Conservation Fund in December of 2013 with the intent to transfer ownership to the state once sufficient funds were raised. The lands are across three parcels, two contiguous parcels in two different towns (Poultney and Ira) and another parcel located to the northeast in the town of Ira. All of the parcels abut the existing Bird Mountain Wildlife Management Area. The addition of these lands will provide permanent protection of public access for hunting, trapping, fishing and wildlife viewing, and the conservation of significant wildlife habitat. Total costs for this project are approximately \$3,484,000.

The state's funding for this acquisition will come from Pittman-Robertson funds and a grant from the Lintilhac Foundation. Other funding includes private donations and a grant from the Vermont Housing and Conservation Board. Included with the Governor's approval memo are a map of the property, a copy of the review and approval by the Agency Land Acquisition Review Committee and a copy of the letters signed by the towns of Poultney and Ira stating town support for the state acquisition of these parcels.

If you have any questions regarding this project, please contact me directly at 505-0561 or at jane.lazorchak@state.vt.us, thank you.

cc: Louis Porter, Commissioner
John M. Austin, Lands and Habitat Program Manager



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Agency of Natural Resources

TO: Peter Shumlin, Governor

THROUGH: Deb Markowitz, Secretary, Agency of Natural Resources

FROM: Louis Porter, Commissioner, Department of Fish and Wildlife

SUBJECT: Purchase of the former Yankee lands to provide additional conservation and public access opportunities at Bird Mountain Wildlife Management Area (WMA).

Recommendation: That you approve the purchase of 2,880 acres from the Conservation Fund to be added to the Vermont Wildlife Department's (VFWD) Bird Mountain WMA located in the towns of Poultney and Ira.

Description

Traveling east into Vermont from New York State at the south end of Lake Champlain, one follows the Castleton River bottomlands into the mountains which rise dramatically from the valley floor. The Taconic Mountain Range is a distinct and profound gateway to Vermont. On either side of you, steep-sided mountains rise to elevations of over 2,000 ft. On the north is the state's 1,152 acre Blueberry Hill WMA, where the rugged ridgeline of Grandpa's Knob extends north towards Pittsford. To the south, the cliffs on Bird Mountain loom, where the Bird Mountain WMA protects 770 acres, including the summit at 2,216 ft. Beyond Bird and this dramatic portal, the high ridgeline and mountainous terrain widens and stretches to the south.

The landscape to the south includes 2,880 acres of land purchased in 2013 by The Conservation Fund for inclusion in the Bird Mountain Wildlife Management Area (See Exhibit 1). The Yankee lands were formerly managed by Wagner LLC who recently divested all of their ownership in Vermont. This is a one-time opportunity to protect an important part of this dramatic and ecologically significant landscape. Designated a Rare and Irreplaceable Natural Area by the VFWD in 2009, this property is just that -- it is wholly unique and deserves conservation and long term stewardship for all Vermonters.

What makes this place so special? First, the size of the tract -- 2,880 acres - and its remote, unfragmented character render it critical for core habitat and connectivity in the Taconic Range. The land, part of 23,600 intact acres, makes up the 2nd largest habitat block remaining in the Taconic Range. It is adjacent to and proposed to be incorporated into the Bird Mountain WMA adding to the 770 acres already protected. It is central to and provides a critical connection between Blueberry Hill WMA (1,152 ac.), Tinmouth Channel WMA (1,260 ac.), the West Rutland Town Forest (142 ac.), and other conserved lands, further adding value to public investment. The Bird's Eye lands are wild and have a pervasive solitude, and they are currently open to the public. They abound with wildlife -- and are just five miles from downtown Rutland. Conservation will guarantee continued access for hunting, fishing and wildlife-based



recreation opportunities, in addition to hiking, cross country skiing and riding on popular snowmobile trails. Ensuring public access to this large, contiguous area of undeveloped habitat for diverse recreational uses is a once in a lifetime opportunity for the region and Vermont's 3rd largest city.

The land is special in its ecology -- hosting numerous rare and threatened plants and natural communities. The rarity of this special place begins with the bedrock geology of the Taconic Mountains -- a geology unique in the world to these mountains. The unusual geology of these lands gives rise to rich soils and natural communities that are unique to the Taconics and widespread here, but only localized elsewhere in the state where warmer conditions prevail. The Ames Hollow area displays the greatest diversity of natural communities with Dry Oak Forest, Dry Oak-Hickory-Hophornbeam Forest, Rich Northern Hardwood Forest and White Pine-Red Oak-Black Oak Forest all occurring there.

The predominance of red oak in the forests provides an important food source for bears, wild turkey and white tail deer. The unbroken forest also provides critical habitat, travel corridor and buffer from human habitation and activity, and offers habitat for other free ranging species such as bobcat, fisher and moose. The land links to other forested blocks which provide wildlife passage north-south across VT RT 4 along the spine of the Taconic Mountains and east-west between the Taconic Range and Green Mountains.

The project lands are critical to the future of an established nesting site of peregrine falcons on Bird Mountain WMA. This species is identified by the VFWD as a High Priority Species of Greatest Conservation Need. Additionally, the forests are intact critical habitat for numerous species of interior forest dwelling migratory birds identified as Responsibility Species by VT Audubon given a significant percentage of their global breeding habitat is in the Northern Forest and their populations are in decline.

In addition to access for recreation the public values of conservation of the Bird's Eye lands are many. The property encompasses upland watersheds and headwaters of the Poultney River, the Castleton River and the Clarendon River, 8.5 miles of headwaters streams and 24.3 acres of state mapped wetlands in addition to numerous vernal pools (state critical habitat) and forested wetlands. The benefits that intact, well managed forests have on water resources are increasingly acknowledged providing flood resiliency and mitigating climate change.

The Bird's Eye lands are specifically identified for conservation by the host towns in their respective Town Plans identified as a Highland Protection Zone in Ira and a designated a Conservation and Wildlife Habitat Area by the Town of Poultney. The towns have been engaged and supportive of conservation by incorporating them into the Bird Mountain WMA.

Need and Cost

The VFWD 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, as well as habitat connectivity. The cost of the project to expand the WMA is almost \$3.5 million. Public and private funds totaling nearly \$2.7 million have been raised to date. The VFWD plans to contribute \$275,000 in Pittman-Robertson Funds towards the project and if approved in the appendix to this document, we will also use \$30,000 secured through the Lintilhac Foundation. The lands will be encumbered with a conservation easement on them held by the Vermont Land Trust



and the Vermont Housing and Conservation Board (VHCB) as a condition of a \$600,000 grant from the VHCB. To ensure these lands are permanently protected the final funding needs still must be met. The hope is to raise the remaining funds through private donations and foundation grants.

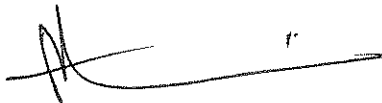
Your approval of this acquisition is required by 10 V.S.A. §4144, which states in part “the secretary, with approval of the governor, may exchange, sell or lease lands under the secretary’s jurisdiction when, in his or her judgment, it is advantageous to the state to do so ...” This project has been reviewed and approved by the Agency’s Land Acquisition Review Committee at their meeting in December 2012 (See Exhibits 2). In addition, the towns support this acquisition as documented in the letters from the Select Boards in Poultney and Ira (Exhibit 3 and 4).



APPROVAL FOR PURCHASE OF LANDS

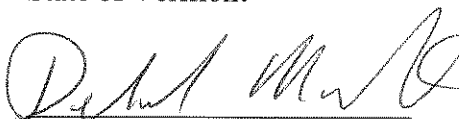
We the undersigned, hereby approve the purchase of land by the Agency of Natural Resources, Department of Fish and Wildlife to protect public access and the natural resources across 2,880 acres belonging to the Conservation Fund in Poultney and Ira, VT. This approval is required by 10 V.S.A. §4144 of the Vermont Statutes Annotated.

5-1-15
Date



Peter Shumlin
Governor
State of Vermont

4-20-15
Date



Deb Markowitz
Secretary
Agency of Natural Resources

4/15/15
Date



Louis Porter
Commissioner
Fish and Wildlife Department



STATE OF VERMONT REQUEST FOR GRANT (*) ACCEPTANCE (Form AA-1)

BASIC GRANT INFORMATION				
1. Agency:		Natural Resources		
2. Department:		Fish and Wildlife		
3. Program:		Lands and Habitat		
4. Legal Title of Grant:		N/A		
5. Federal Catalog #:		N/A		
6. Grant/Donor Name and Address: The Conservation Fund 1655 N. Fort Myer Drive, Suite 1300 Arlington, Virginia 22209				
7. Grant Period:		From:		To:
8. Purpose of Grant: The purpose of this grant is for the Department to accept a bargain sale from the Conservation Fund for the former Yankee land.				
9. Impact on existing program if grant is not Accepted: The Department will not be able to accept 2,880 acres of land as an addition to the Bird Mountain WMA for the permanent protection of public access for hunting, trapping, fishing, and other wildlife related recreation.				
10. BUDGET INFORMATION				
	SFY 1	SFY 2	SFY 3	Comments
Expenditures:	FY 2016	FY	FY	
Personal Services	\$	\$	\$	
Operating Expenses	\$3,173,000	\$	\$	Total cost including bargain sale and direct costs
Grants	\$	\$	\$	
Total	\$3,173,000	\$	\$	
Revenues:				
State Funds:	\$	\$	\$	
Cash	\$	\$	\$	
In-Kind	\$2,868,000	\$	\$	Donation value
Federal Funds:	\$	\$	\$	
(Direct Costs)	\$275,000	\$	\$	Pittman-Roberstson Funds
(Statewide Indirect)	\$	\$	\$	
(Departmental Indirect)	\$	\$	\$	
Other Funds:	\$	\$	\$	
Grant (source Lintilac Foundation)	\$30,000	\$	\$	
Total	\$3,173,000	\$	\$	

STATE OF VERMONT REQUEST FOR GRANT (*) ACCEPTANCE (Form AA-1)

Appropriation No:		Amount:	\$
			\$
			\$
			\$
			\$
			\$
			\$
		Total	\$

Has current fiscal year budget detail been entered into Vantage? ☐ Yes ☒ No

PERSONAL SERVICE INFORMATION

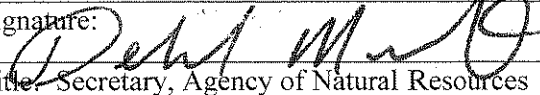

11. Will monies from this grant be used to fund one or more Personal Service Contracts? ☐ Yes ☒ No
If "Yes", appointing authority must initial here to indicate intent to follow current competitive bidding process/policy.

Appointing Authority Name: _____ Agreed by: _____ (initial)

12. Limited Service Position Information:	# Positions	Title
Total Positions		

12a. Equipment and space for these positions: ☐ Is presently available. ☐ Can be obtained with available funds.

13. AUTHORIZATION AGENCY/DEPARTMENT

I/we certify that no funds beyond basic application preparation and filing costs have been expended or committed in anticipation of Joint Fiscal Committee approval of this grant, unless previous notification was made on Form AA-1PN (if applicable):	Signature: 	Date: 4-23-15
	Title: Secretary, Agency of Natural Resources	
	Signature: 	Date: 4/22/15
	Title: Commissioner, Vermont Department of Fish and Wildlife	

14. SECRETARY OF ADMINISTRATION

<input type="checkbox"/> Approved:	(Secretary or designee signature)	Date:
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15. ACTION BY GOVERNOR

<input type="checkbox"/> Check One Box:		
<input type="checkbox"/> Accepted		
<input type="checkbox"/> Rejected	(Governor's signature)	Date:

16. DOCUMENTATION REQUIRED

Required GRANT Documentation

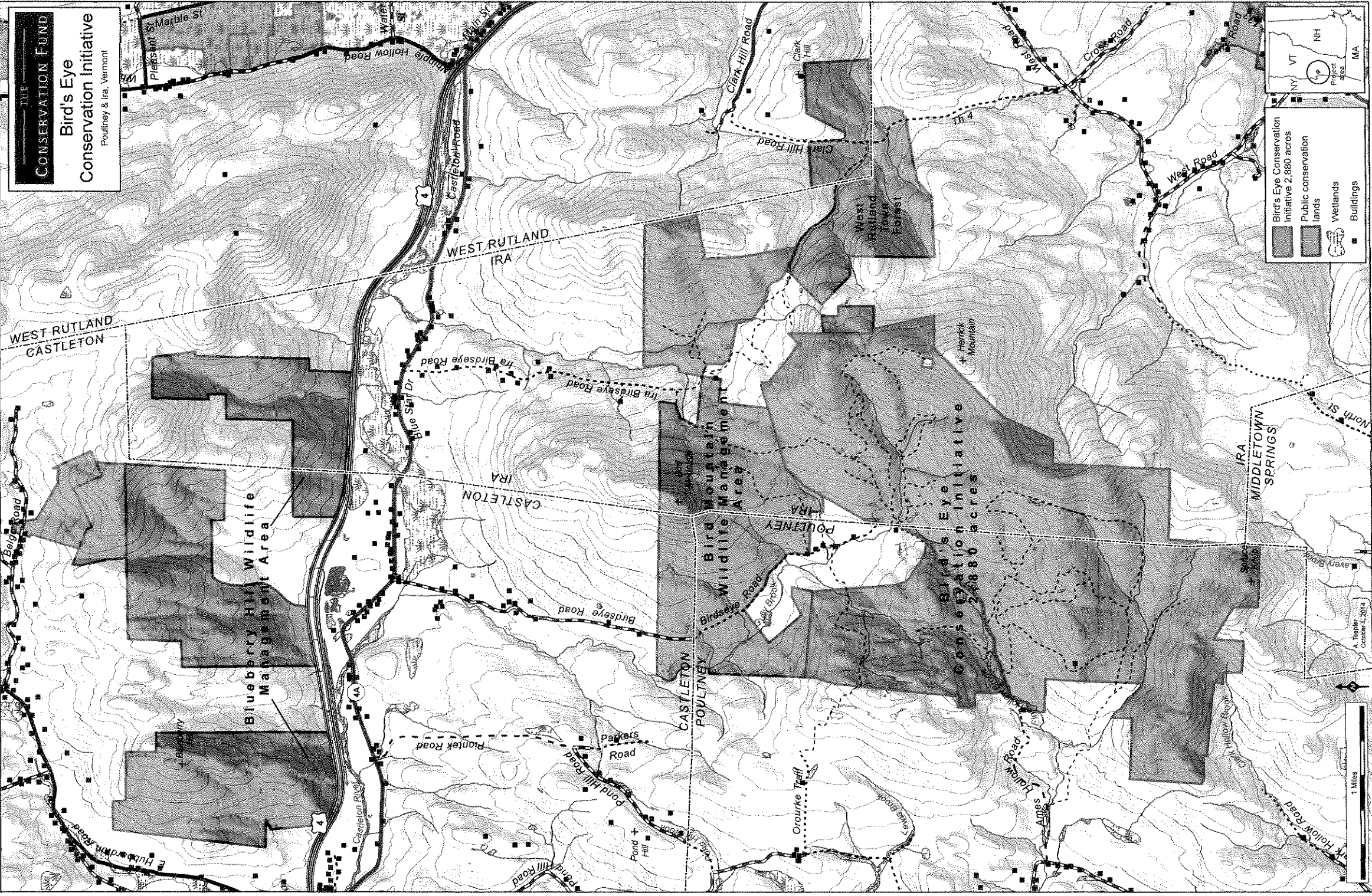
<input type="checkbox"/> Request Memo	<input type="checkbox"/> Notice of Donation (if any)
<input type="checkbox"/> Dept. project approval (if applicable)	<input type="checkbox"/> Grant (Project) Timeline (if applicable)
<input type="checkbox"/> Notice of Award	<input type="checkbox"/> Request for Extension (if applicable)
<input type="checkbox"/> Grant Agreement	<input type="checkbox"/> Form AA-1PN attached (if applicable)

STATE OF VERMONT REQUEST FOR GRANT ^(*) ACCEPTANCE (Form AA-1)

☐ Grant Budget

End Form AA-1

(*) The term "grant" refers to any grant, gift, loan, or any sum of money or thing of value to be accepted by any agency, department, commission, board, or other part of state government (see 32 V.S.A. §5).



THE CONSERVATION FUND
Bird's Eye
Conservation Initiative
Poultney & Ira, Vermont

Legend

- Bird's Eye Conservation Initiative 2,880 acres
- Public conservation lands
- Wetlands
- Buildings

Inset Map: Shows the project location within Vermont (VT), New Hampshire (NH), and Massachusetts (MA). The project area is highlighted in the northern part of Vermont.

Scale: 1 Miles

North Arrow: Points North

Map Date: October 1, 2014
Map By: A. Thayer

Partnership Challenge programs are awarded only member positions, but not federal funds. Therefore, Partnership Challenge programs will not draw any funds from the HHS Payment Management System.

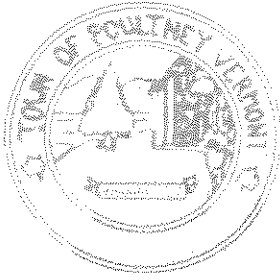
**Agency of Natural Resources
Land Acquisition Review Committee
Case Report**

Project Information				
LARC Case #	1797	Project Name	Wagner	
Previous LARC Case #		Priority		
Description	<p>This area is part of the second largest remaining forest block in the Taconic Mountains. The area between Bird Mountain WMA and Blueberry Hill WMA has long been an area of focus for the Department to consider investing in land acquisition in order to support connectivity across Route 4 between the two areas. This property gives us the additional opportunity to invest in core forest which could also provide timber revenue for the Department over time.</p> <p style="text-align: right;"><i>closing costs</i></p>			
Transaction Type	DONATION	Price	25,000 <i>?</i>	
Interest to be Acq.	FEE-SIMPLE	Fund(s)	PR Funds PR Funds	
Location:	Town	Ira, Castleton	County	Rutland
Owner	Wagner			
# of Parcels	2	Total Acres	2,865	
Dept to Manage		Contact		

LARC Review	
Date	12/6/2012
Recommendation	Acquire High Priority
Comments	

Secretary Review	
Date	1-2-13
Disposition	Approved <i>Dahl Mun J</i>
Comments	

Notes	
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Town of Poultney

Nancy Bell
The Conservation Fund
1331 Town Hill Road
Shrewsbury, VT 05738

Jane Lazorchack
Fish & Wildlife Department
Barre District Natural Resources Office
5 Perry Street, Suite 40
Barre, VT 05641

May 28, 2013

Dear Ms. Bell and Ms. Lazorchak,


Following your meetings with the Selectboard, our meeting with Ms. Brighton, the Community Forum, and after reviewing all of the maps and materials presented to the Selectmen, we have discussed the Bird's Eye Conservation project further and are writing to offer our support for the purchase by The Conservation Fund of the Yankee LLC lands, approximately 2,874 acres in Poultney and Ira adjacent to the Bird Mountain WMA.


Further, the Town of Poultney supports the subsequent purchase of those lands by the Vermont Department of Fish and Wildlife for addition to the Bird Mountain Wildlife Area to protect and conserve in perpetuity the property's significant wildlife habitat, water resources, wild and scenic character, recreational opportunities and public access to this important area.

We understand that there will continue to be ongoing dialog with the various interested parties and many public meetings as the project progresses, the Selectboard requests that we are kept apprised of these meetings, and we will be in communication as necessary. We urge you to work closely with Jonas Rosenthal, our Town Manager, going forward.

Sincerely,


Poultney Select Board, Chair Ed Lewis


Jeff King


Tom Beatty


Frank Fressie


Vacant

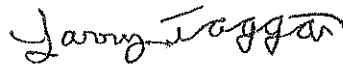
Ira Select Board

May 20, 2013

Dear Ms. Lazorchak,

After reading your materials that summarized the Fish and Wildlife Department's (FWD) involvement and discussing the project further at our Select Board meeting on May 20, 2013, we are writing to offer our support for the FWD's involvement in the purchase of the Wagner lands adjacent to Bird Mountain WMA in the towns of Poultney and Ira, with consideration given to the existing use of the VAST and VASA trail system. More specifically, the town supports the FWD purchasing the property to add to Bird Mountain WMA because of the property's significant wildlife habitat and additional public access in the area. Attached is a copy of the Town Of Ira Snowmobile and All Terrain Vehicles Civil Ordinance for you to review. Thank you for meeting with us.

Sincerely,

A handwritten signature in cursive script that reads "Larry Taggart".

Larry Taggart
Ira Select Board, Chair