

Fish and Wildlife Department
Barre District Natural Resources Office
5 Perry Street, Suite 40
Barre, VT 05641
www.vtfishandwildlife.com

[phone] 802-479-4405
[fax] 802-476-0129

Agency of Natural Resources

MEMORANDUM

To: Sarah London
From: Jane Lazorchak
Date: April 8, 2013
RE: Governor's Approval Needed for a Purchase in the Town of Monkton.

Enclosed is a request for Governor Shumlin's approval and signature for the purchase of a 65-acre parcel by the State of Vermont. The addition of this 65-acre parcel owned by Ray and Pat Mainer and located in the Town of Monkton to the Lewis Creek Steambank will provide permanent protection of public access for hunting, trapping, fishing and wildlife viewing, and the conservation of significant wildlife habitat. In addition a new access area will be created to Lewis Creek. Total costs for this project are approximately \$85,000.

Funding for this acquisition will come from the state's Ecosystem Restoration Program and federal funding through the Dingle-Johnson Program. 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 a letter signed by the Monkton Select Board stating town support for the state acquisition of this parcel.

If you have any questions regarding this 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



Agency of Natural Resources Land Acquisition Review Committee Case Report

Project Information

LARC Case # 1785

Project Name Mainer

Priority HIGH

Previous LARC Case # 1716

Description

This project has changed since the last time it was reviewed by LARC. The Mainer's are interested in selling the 5-acre parcel, they were previously going to donate to DFW and selling an easement on the 60-acre parcel.

Transaction Type PURCHASE Price FMV Interest to be Acq. FEE-SIMPLE Fund(s) LIP and AA Funding

Location: Town Monkton County Addison

Owner Pat Mainer Ray Mainer

of Parcels 2 Total Acres 65

Dept to Manage F&W Contact Jane Lazorachk

LARC Review

Date 3/8/2012

Recommendation Acquire

Comments

LARC agrees with going forward with the purchase of the 5-acre parcel and 60-acre easement.

Secretary Review

Date 6/6/2012

Disposition ACQUIRE

Comments

Okay to pursue

Notes

MEMORANDUM

TO: LARC

FROM: Jane Lazorchak, Land Acquisition Coordinator

SUBJECT: Development of a 60-acre conservation easement through the Fish and Wildlife Department's (FWD) Landowner Incentive Program (LIP) and the purchase of a 5-acre parcel to be managed as a new access area along Lewis Creek in Monkton

Recommendation: That you approve the acquisition of a 5-acre parcel to be managed as a new access area.

Landowners: Pat and Ray Mainer

Location: Monkton

Acreage: 60 acre easement and 5 acre fee acquisition

Proposed Funding Source: LIP and Access Area Funding

Type of Acquisition: Conservation Easement and Fee Acquisition

Description of Project: The Lewis Creek Corridor is a conservation priority for a number of regional and statewide organizations, including the Agency of Natural Resources, Department of Environmental Conservation Rivers Program, The Nature Conservancy and the Lewis Creek Watershed Association. Lewis Creek is recognized as a significant aquatic resource in the state. In 1998, the Vermont Biodiversity Project prepared a report entitled "A Classification of the Aquatic Communities of Vermont." A group of scientists worked together on this report, which examined several years' worth of data that had been collected in rivers, streams, lakes, and ponds throughout Vermont. The scientists studied plants, invertebrates, and fish, and developed a classification of waters based on those three groups. They then identified the best examples of each type, based on the organisms present and the quality of the habitat. Lewis Creek was recognized as one of the best examples of several kinds of assemblages in the state depending on where you are in the reach. Based on the organisms in the creek, Lewis Creek is classified as one of the best examples of *Moderate to large rivers directly entering Lake Champlain* and *Lower reaches of small rivers*. This diversity has led the entire watershed of Lewis Creek to be identified as the watershed with the best potential for being most representative of all assemblage types in the entire state. In addition to conserving habitat for a fish like brook trout and slimy sculpin, Lewis Creek provides excellent habitat for a diversity of mussels like the Eastern pearlshell.

The reach in focus here is largely forested which also provides tremendous opportunity to conserve the forested and wetland communities associated with the Creek. Of the utmost importance to the FWD is the habitat which it provides for the federally endangered Indiana bat. During the summer of 2008, biologists trapped two reproductive Indiana bats on Lewis Creek Road, directly across the street from the Spencer/Kielman property where we now hold a conservation easement. These bats were then tracked to a large dead elm next to the road. When biologists revisited this tree at dusk and watched the bats leaving their maternity roost, they counted over 300 Indiana bats! That makes this maternity roost tree the largest known Indiana bat maternity colony ever found in Vermont! As such, the LIP program began to conduct outreach to the landowners in the area. It is in this way that we identified both the Spencer/Kielman and the Mainer properties to conserve.

The Department closed on two easements on the Spencer/Kielman property in December of 2011. The property was bought by the Spencer/Kielman's at different times and they did not want to merge the parcels under one deed which is why two easements were granted on the property. In addition to the eased land, the FWD also owns the Lewis Creek Streambank directly across the Creek from the Spencer/Kielman property. The Mainer easement and fee purchase of the 5-acre piece along Tyler Bridge Road will protect the entire reach of Lewis Creek from Lewis Creek Road to Tyler Bridge Road.

The 5-acre parcel located near the bridge on Tyler Bridge Road is already used informally by many for access to the Creek for anglers. This opportunity will allow us to formalize the access area as well as better manage the property for the diverse natural resource values it also contains, including significant wetland habitat along Lewis Creek.

The 60-acre Mainer parcel on the opposite side of the Creek will be protected with a conservation easement and then sold to the Spencer/Kielman's for them to ultimately manage the entire south/southwest side of the Creek as one contiguous block with input from the FWD (as required by the easement). In addition to protecting significant Indiana bat habitat, public access and the river corridor, this parcel has significant wetland resources on it including a state-significant Hemlock Swamp and multiple vernal pools. There are only a few high quality examples of Hemlock Swamps known in the state, with only one swamp known on public land. This site is therefore a tremendous opportunity to protect a number of significant resources.

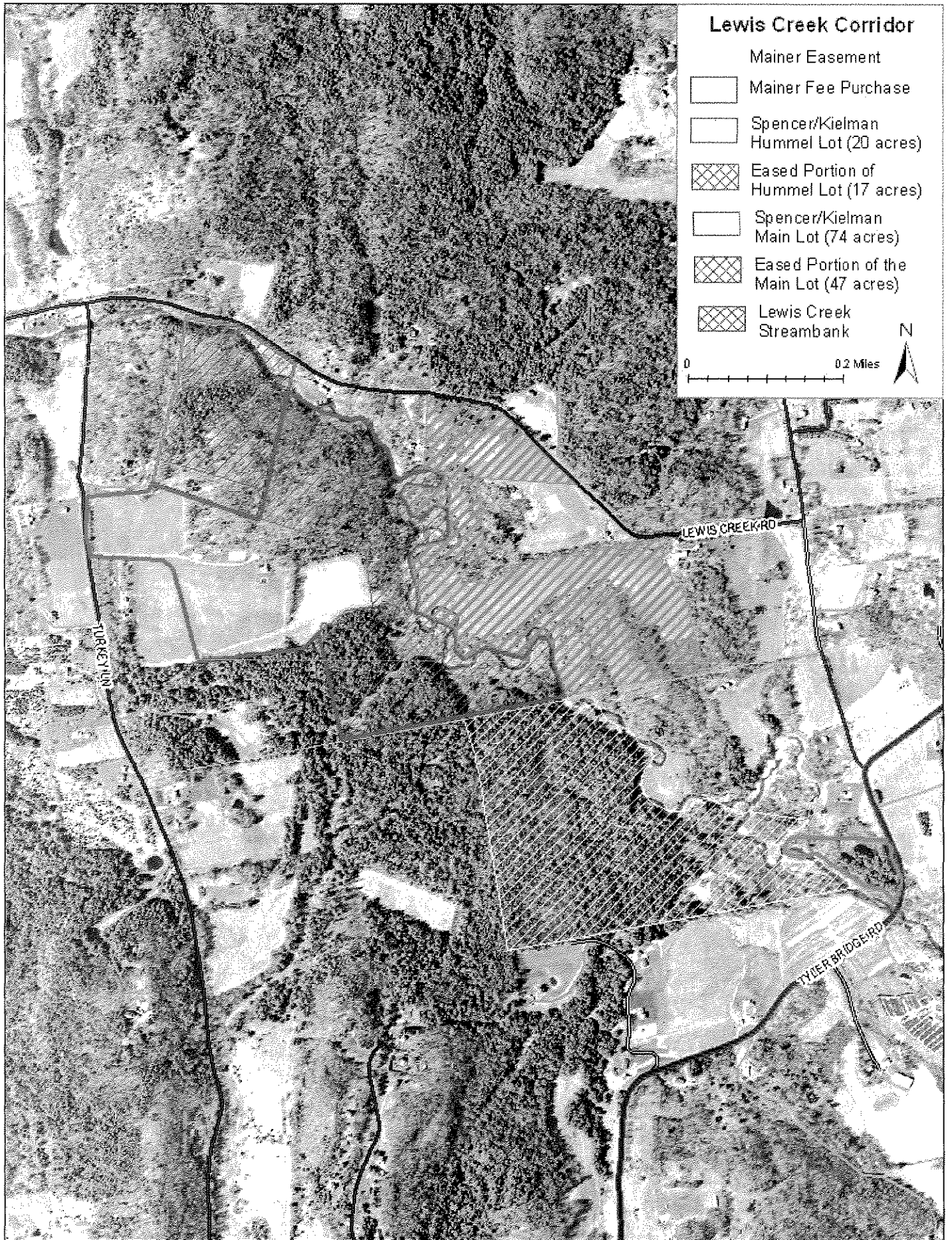
General Location Map
Lewis Creek Easements
Main Acquisition



Property Location

0 2 Miles







Town of Monkton

Town of Monkton
Select Board

February 25, 2013

Dear Ms. Lazorchak,

After reading your letter that summarized the Department of Fish and Wildlife's (DFW) involvement and discussing the project further at our Select Board meeting on February 25, 2013, we are writing to offer our full support for the Department of Fish and Wildlife's (DFW) involvement in the purchase of the Mainer's property in the town of Monkton along Lewis Creek. More specifically, the town supports the DFW purchasing the property to conserve the significant natural resource values on the property as well as public access. Thank you for meeting with us.

Sincerely,

Chair of the Monkton Select Board

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

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

SUBJECT: Fish and Wildlife Department, Fee Acquisition, Ray and Pat Mainer's Property, Monkton, VT

Recommendation Approval of the acquisition of the Mainer's 65-acre property by the Fish and Wildlife Department (FWD) to protect public access, habitat for the state-endangered Indiana bat and riparian habitat along Lewis Creek.

Description of Project

The Lewis Creek watershed is a conservation priority for a number of regional and statewide organizations, including the Agency of Natural Resources, Department of Environmental Conservation Rivers Program, The Nature Conservancy and the Lewis Creek Watershed Association. Lewis Creek is recognized as a significant aquatic resource in the state. In 1998, the Vermont Biodiversity Project prepared a report entitled "A Classification of the Aquatic Communities of Vermont." A group of scientists worked together on this report, which examined several years' worth of data that had been collected in rivers, streams, lakes, and ponds throughout Vermont. The scientists studied plants, invertebrates, and fish, and developed a classification of waters based on those three groups. The diversity found in Lewis Creek led the entire watershed to be identified as the watershed with the best potential for being most representative of all assemblage types in the entire state. In addition to conserving habitat for fish such as, brook trout and slimy sculpin, Lewis Creek provides excellent habitat for a diversity of mussels including the Eastern pearlshell.

The Mainer property is largely forested which also provides tremendous opportunity to conserve the forested and wetland communities associated with the Creek. Of the utmost importance to the FWD is the habitat which it provides for the federally endangered Indiana bat. During the summer of 2008, biologists trapped two reproductive Indiana bats on Lewis Creek Road, just north of the FWD's ownership. These bats were then tracked to a large dead elm next to the road. When biologists revisited this tree at dusk and watched the bats leaving their maternity roost, they counted over 300 Indiana bats! That makes this maternity roost tree the largest known Indiana bat maternity colony ever found in Vermont. As such, the FWD began to conduct outreach to the landowners in the area and the Mainer property was identified as a conservation priority.

The purchase of the Mainer property will protect the entire reach of Lewis Creek from Lewis Creek Road to Tyler Bridge Road (See Exhibit 1 for a map of the project area). The Mainer property is bisected by the Creek. The 5-acre parcel located near the bridge on Tyler Bridge Road is already used informally by many for access to the Creek for anglers. This opportunity will allow us to formalize the access area as well as better manage the property for the diverse natural resource values it also contains, including significant wetland habitat along Lewis Creek.

The 60-acre Mainer parcel on the opposite side of the Creek will be conserved and added to our Lewis Creek Streambank. In addition to protecting significant Indiana bat habitat, public access and the river corridor, this parcel has significant wetland resources including a state-significant Hemlock Swamp and multiple vernal pools. There are only a few high quality examples of Hemlock Swamps known in the state, with only one swamp known on public land. This site is therefore a tremendous opportunity to protect a number of significant resources.

Need and Cost

The Fish and Wildlife Department is acquiring the 65-acre Mainer property to provide permanent protection of public access for hunting, trapping, wildlife viewing, other wildlife dependent activities and conservation of significant wildlife habitat including the Indiana bat habitat. The estimate set for the total project costs across the property is \$85,000 which will cover the purchase of the two parcels and the associated costs. Funding for this acquisition will come from the state's Ecosystem Restoration Program (\$50,000) and federal funding from the Dingle-Johnson program (\$35,000).

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 already been reviewed and approved by the Agency's Land Acquisition Review Committee at their meeting in 3/8/12 and by the ANR Secretary on 6/6/12 (See Exhibit 3). In addition, Department staff met with the town of Monkton on February 25, 2013. As documented in Exhibit 4, the town of Monkton supports the Department purchasing this property.

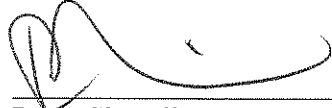
APPROVAL FOR PURCHASE OF LAND

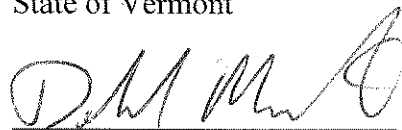
We the undersigned, hereby approve the purchase of land by the Agency of Natural Resources, Department of Fish and Wildlife to protect public access and the natural resources on the 65 acres belonging to the Ray and Pat Mainer in Monkton, VT. This approval is required by 10 V.S.A. §4144 of the Vermont Statutes Annotated.

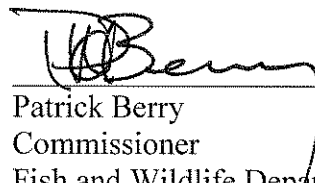
4/12/13
Date

4-10-13
Date

4/10/13
Date


Peter Shumlin
Governor
State of Vermont


Deb Markowitz
Secretary
Agency of Natural Resources


Patrick Berry
Commissioner
Fish and Wildlife Department