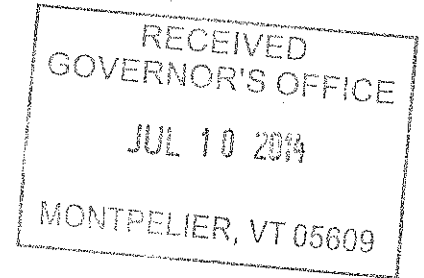


**Fish and Wildlife Department**  
1 National Life Dr., Davis 2  
Montpelier, VT 05620-3702  
[www.vtfishandwildlife.com](http://www.vtfishandwildlife.com)

[phone] 802-505-0561  
[fax] 802-828-1250

*Agency of Natural Resources*

## MEMORANDUM



**To:** Sarah London  
**From:** Jane Lazorchak  
**Date:** July 3, 2014  
**RE:** Governor's Approval Needed for the Acceptance of a Conservation Easement on the Black Mountain ZFR Properties, LLC Property in Dummerston, VT.

Enclosed is an approval to be signed by Governor Shumlin for the acceptance of a conservation easement by the State of Vermont. The conservation easement will be held by the Fish and Wildlife Department (FWD) and the Vermont Housing and Conservation Board (VHCB). This property is in the Town of Dummerston and is currently owned by Black Mountain ZFR Properties, LLC. The Nature Conservancy is under contract to buy his 274.9-acre property and will convey the conservation easement to the FWD and VHCB. Total costs for this conservation easement project are approximately \$140,000. Total costs for the entire conservation project are \$480,150.

Funding for this acquisition will come from Landowner Incentive Program funds provided to the Department from the U.S. Fish and Wildlife Service for the protection of at-risk species and state-significant natural communities and totals \$140,000. Additional funding for the purchase of the property will come from the Vermont Housing and Conservation Board (\$245,150) and private donors in the area (\$95,000). Included with the Governor's approval memo are a map of the project, a copy of the approval from the Agency Land Acquisition Review Committee and a copy of a letter signed by the Chair of the Dummerston Select Board stating town support for the state acquisition of this easement.

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

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



Department of Fish and Wildlife  
Commissioner's Office  
1 National Life Dr., Davis 2  
Montpelier, VT 05620-3702  
802-241-3700

TO: Peter Shumlin, Governor

THROUGH: Deb Markowitz, Secretary, Agency of Natural Resources

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

SUBJECT: Department of Fish and Wildlife, Conservation Easement  
Acquisition, Black Mountain ZFP Properties Inc. Tract,  
Dummerston, VT

**Recommendation That you approve the acquisition of a 274.9-acre conservation easement on the Black Mountain property which will protect significant wildlife habitat and public access for all wildlife-based activities.**

Description of Project

The Black Mountain ZFR Properties, LLC tract is located in the Town of Dummerston, Windham County, Vermont (See Exhibit 1). This property is the most critical piece of land within the broader Black Mountain Natural Area and is a high priority for conservation. At 274.9 acres, the ZFR tract includes most of the south-facing bowl of the mountain, and portions of four important natural communities that make up the ecology of this unique mountain including: Pitch Pine-Oak-Heath Rocky Summit, Temperate Acidic Outcrop, Red Oak-Northern Hardwoods Forest and Mesic Maple-Ash-Hickory-Oak Forest. The property also includes most of the watershed for a pristine stream that enters the West River near the entrance to the property.

Black Mountain is recognized by the Vermont Fish and Wildlife Department as one of the premier natural areas in Vermont. A horseshoe-shaped granite mountain, Black Mountain is an anomaly in the region, providing habitats for plants more likely found in the sandplains of coastal Massachusetts. A number of rare natural community types such as pitch pine/scrub oak woodlands and red pine woodlands are found on the mountain, along with six species of rare plants including Clustered sedge (*Carex cumulata*). Also found on Black Mountain is Eastern small-footed bat (*Myotis leibii*) which is state-endangered and relies on the oak forest habitat that is found on this site.

This project will secure the purchase and proper management of this ecologically significant property, and allow for increased public pedestrian access to the mountain, including access for hunting. This represents The Nature Conservancy's tenth project to protect this ecologically significant area. Since their first land conservation project on Black Mountain in 1988, The Nature Conservancy (TNC) has protected 608.5 acres. The Department is partnering with TNC to realize the conservation of this parcel by applying

Landowner Incentive Program (LIP) grant funds towards the acquisition of this parcel by TNC. As a condition of the LIP grant, TNC will convey a conservation easement to the Department and the Vermont Housing and Conservation Board (VHCB), the other primary funder of the acquisition.

#### Need and Cost

The FWD is acquiring this conservation easement to provide permanent protection of public access for hunting, trapping, fishing, wildlife viewing, other wildlife dependent activities and conservation of significant wildlife habitat. The estimate set for the total project costs are approximately \$480,150 which reflects the total cost of the property from Black Mountain Properties LLC. to TNC. The total costs for the conservation easement project are \$140,000. Funding for this project will come from the LIP (\$140,000), the Vermont Housing and Conservation Board (\$245,150) and private funds raised by TNC (\$95,000).

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 ...” The Agency’s Land Acquisition Review Committee was notified of this conservation easement project at their meeting in June 2014 meeting (See Exhibit 2). In addition, the town of Dummerston supports this acquisition as documented in the letter from the Select Board dated 6/11/14 (Exhibit 3).

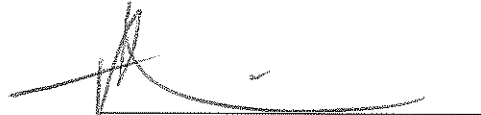
## APPROVAL FOR PURCHASE OF LAND

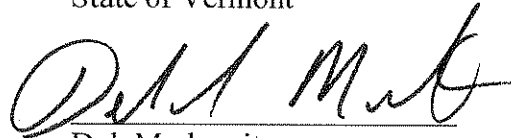
We the undersigned, hereby approve the purchase of a conservation easement on the Black Mountain Property by the Agency of Natural Resources, Department of Fish and Wildlife to protect public access and the natural resources on the 274.9 acres currently belonging to Black Mountain ZFR Properties LLC. and ultimately belonging to TNC in Dummerston, VT. This approval is required by 10 V.S.A. §4144 of the Vermont Statutes Annotated.

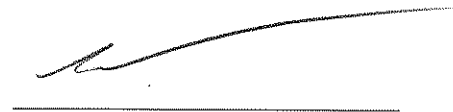
7/17/14  
Date

7-8-14  
Date

July 7/14  
Date

  
Peter Shumlin  
Governor  
State of Vermont

  
Deb Markowitz  
Secretary  
Agency of Natural Resources

  
Louis Porter  
Commissioner  
Fish and Wildlife Department

# Agency of Natural Resources Land Acquisition Review Committee Case Report

**Project Information**

LARC Case #	1838	Project Name	Black Mountain	Priority	
Previous LARC Case #					
Description	The purchase of a conservation easement on the Black Mountain ZFR Properties, LLC. 274.9-acre property to be purchased first by The Nature Conservancy and added to the Black Mountain Natural Area in Dummerston, Vermont				
Transaction Type	PURCHASE	Price	140000	Interest to be Acq.	EASEMENT
Fund(s)	LIP				
Location:	Town	Dummerston	County	Windham	
Owner	TNC				
# of Parcels	1	Total Acres	275		
Dept to Manage	F&W	Contact	Jane Lazorchak		

**LARC Review**

Date	6/5/2014
Recommendation	Acquire
Comments	

**Secretary Review**

Date	6/9/2014
Disposition	ACQUIRE
Comments	

Notes

## MEMORANDUM

TO: LARC

FROM: Jane Lazorchak, Land Acquisition Coordinator

SUBJECT: The purchase of a conservation easement on the Black Mountain ZFR Properties, LLC. 274.9-acre property to be purchased first by The Nature Conservancy and added to the Black Mountain Natural Area in Dummerston, Vermont.

**Recommendation:** Approve the purchase of a conservation easement of the 274.9-acre Black Mountain ZFR Properties, LLC which will be conserved by The Nature Conservancy.

<b><u>Landowner:</u></b>	The Nature Conservancy
<b><u>Location:</u></b>	Dummerston, Vermont
<b><u>Acreage:</u></b>	274.9 acres
<b><u>Type of Acquisition:</u></b>	Conservation Easement
<b><u>Recommended Funding:</u></b>	Landowner Incentive Program Funds
<b><u>Estimated Cost:</u></b>	\$140,000

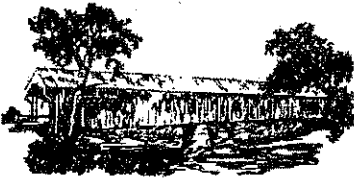
### **Background and Ecological Significance:**

The Black Mountain ZFR Properties, LLC tract is located in the Town of Dummerston, Windham County, Vermont. The property is the most critical piece in the puzzle to conserve the Black Mountain Natural Area for future generations. At 274.9 acres, the ZFR tract includes most of the south-facing "bowl" of the mountain, and portions of three important natural communities that make up the ecology of this unique mountain: Pitch Pine-Oak-Heath Rocky Summit, Temperate Acidic Outcrop, and Mesic Maple-Ash-Hickory-Oak Forest. The property also includes most of the watershed for a pristine stream that enters the West River near the entrance to the property.

This is the Conservancy's tenth project to protect ecologically significant Black Mountain. Since their first in 1988, the Conservancy has protected 608.5 acres on the mountain. Black Mountain is recognized by the Vermont Department of Fish and Wildlife's Nongame and Natural Heritage Program as one of the premier natural areas in Vermont. A horseshoe-shaped granite mountain, Black Mountain is an anomaly in the region, providing habitats for plants more likely found in the sandplains of coastal eastern Massachusetts. A number of rare natural community types such as pitch pine/scrub oak woodlands and red pine woodlands are found on the mountain, along with six species of rare plants.

This project will secure the purchase and proper management of this highly ecologically significant tract, and it will also allow for more pedestrian access to the mountain. It will allow the Conservancy to reopen a loop trail that had once been open with landowner permission, but was later closed.

The Department has approximately \$140,000 remaining in LIP administrative funds which will revert to the United States Fish and Wildlife Service on June 30 if they are not obligated to a conservation project. As such the Department is partnering with TNC to help TNC realize the conservation of this parcel. The purchase price for the tract is \$436,000 and the remaining funds will come from a grant from the Vermont Housing and Conservation Fund, as well as additional private funds.



*Town of Dummerston*  
1523 Middle Road  
East Dummerston, VT 05346

June 11, 2014

Dear Ms. Lazorehak,

After reading your letter that summarized the Fish and Wildlife Department's (FWD) involvement and discussing the project further at our Select Board meeting on June 11, 2014, we are writing to offer our full support for the FWD's involvement in the purchase of an easement on The Nature Conservancy's property in the town of Dummerston. More specifically, the town supports the FWD purchasing the easement to conserve the natural resource values on the property and public access for all wildlife-based recreation. Thank you for meeting with us.

Sincerely,

Chair of the Dummerston Select Board

