

2.2.IV.

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

TO: James H. Douglas, Governor

THROUGH: Jonathan Wood, Secretary, Agency of Natural Resources *JW*

FROM: Wayne A. Laroche, Commissioner, Department of Fish and Wildlife *WAL*

SUBJECT: Governor's Approval - Vermont Fish and Wildlife Department, Hadley property, Rockingham, VT.

Recommendation: Approve the fee acquisition (bargain sale <\$35,000) of a 51 acre +/- parcel that is adjacent to the Missing Link WMA in Rockingham, Vermont and includes 1100' of frontage on the Connecticut River.

Description of Project

The Alice Hadley property straddles route 5 in Rockingham, Vermont and is bounded on the north by the Missing Link WMA (62 acres), on the east by the Connecticut River and to the south by the 395 acre Herrick's Cove Conservation/public access area (Trans Canada-see attached map). The parcel would be a valuable addition to the Missing Link WMA for the following reasons:

- This property would effectively double the size of a relatively small but valuable WMA. The fact that the property links the WMA to the already conserved (through a FERC license) Herrick's Cove public access area enhances our efficiency to manage all three parcels both for wildlife and for public access.
- This would provide additional hunter/angler access to public lands that provide excellent opportunities for fishing along the Connecticut River and hunting both upland game and waterfowl.
- The property borders the Connecticut River and has more than 1100 feet of frontage. Views from the bluff over looking the river are lovely and are easily accessible to the public.
- The parcel provides excellent wildlife habitat for deer, turkey, grouse, and songbirds. Broods of turkeys have been seen using the fields and oak stands and green herons have been documented nesting in the riparian area adjacent to the pine plantation. Herrick's Cove is listed as an Important Birding Area (IBA). The Hadley parcel falls into the zone on the IBA maps that designate it as part of the winter bald eagle use area. In addition,

eagles have been attempting to nest in the vicinity and this parcel provides potential nesting habitat.

- Three species of conservation concern (SGCN) were found on the property, including Smith's bulrush (*Schoenoplectus smithii*) which is very rare and ranked S1 by the Nongame and Natural Heritage Program, rough avens (*Geum laciniatum*) which is rare and ranked S2, and roundhead bushclover (*Lespedeza capitata*) which is considered uncommon and ranked S3. In addition, the NNHP data base contain important records of rare, threatened, and endangered animals in the immediate vicinity of this parcel, including the bald eagle as stated above, the puritan tiger beetle (T&E both state and federal), and dwarf wedge mussel (T&E both state and federal).
- The IBA Conservation Plan designates *Erosional River Bluffs* as a conservation target. It is likely that some of the 1100 foot frontage along the river functions as an erosional river bluff. The IBA Conservation Plan (2009) states: "This target (erosional river bluffs) has been included largely because of increasing concern in the Northeast over declining Bank Swallow populations. Causes of this decline are currently unknown, and it is important to have a better understanding of the distribution and abundance of colonies and habitat within the IBA." Conservation of this parcel would contribute to the IBA conservation plan, goals and objectives
- Conservation of the land on both sides of route 5 provide connectivity to and from the Connecticut River and protects a potential movement corridor from one side of route 5 to the other for deer, furbearers and small mammals.
- Because of its location and beauty, the parcel is highly developable. Conservation of this property would protect one of the few remaining large, forested, undeveloped sites along the Connecticut River in southern Vermont and will likely be one of the few, if any, conserved parcels in state ownership along the Connecticut. It would also contribute to the minimization of forest fragmentation within the IBA.

Need and Cost

The Fish and Wildlife Department is acquiring this property to increase management efficiency on the existing WMA, to maintain connectivity across route 5, to conserve 1100 feet of highly developable land along the Connecticut River, and to expand the potential for cooperatively managing the Herrick's Cove property with the State parcels. The Hadley parcel was appraised at \$380,000. Because of Alice Hadley's conservation ethic and long-time interest in wildlife, the executor is willing to sell the property to the state at her costs of disposition (< \$35,000.00). Funding for this acquisition will come from federal funds available to the Department.

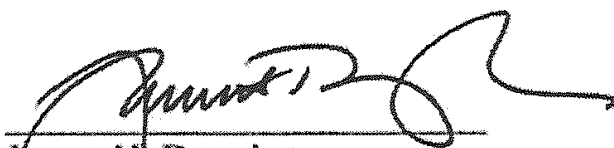
This project was reviewed and approved by the Department of Fish and Wildlife internal review process for acquiring lands, and was also recommended to the ANR Secretary by the Agency's Land Acquisition Review Committee for acquisition. In addition, Department staff met with the town of Rockingham on March 16, 2010. As documented

in the attached minutes (item #2), the select board unanimously supported Fish and Wildlife Department ownership of this property.

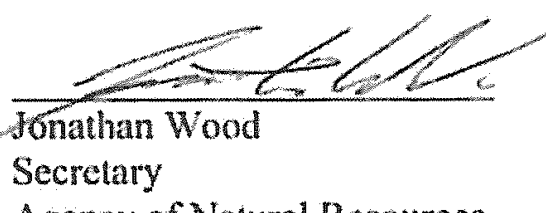
APPROVAL FOR GRANTING OF AN ACQUISITION

We the undersigned, hereby approve the granting of the attached property to the Agency of Natural Resources, Department of Fish and Wildlife to enhance public access and the conservation of natural resources on the 51 acres belonging to the estate of Alice Hadley in Rockingham, VT. This approval is pursuant to Title 10, Chapter 103, section 4144 of the Vermont Statutes Annotated.

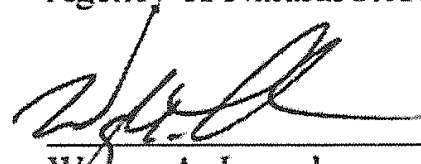
9/15/10
Date


James H. Douglas
Governor
State of Vermont

9/9/2010
Date


Jonathan Wood
Secretary
Agency of Natural Resources

9/8/2010
Date


Wayne A. Laroche
Commissioner
Fish and Wildlife Department



Fish & Wildlife Department
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Agency Of Natural Resources

MEMORANDUM

To: Susanne Young, Governor's Office

From: Thomas A. Decker, Chief of Operations, Fish and Wildlife Department

Date: September 7, 2010

RE: Governor's Approval - Vermont Fish and Wildlife Department, fee acquisition of the Alice Hadley property, Rockingham, VT.

Enclosed is an approval to be signed by Governor Douglas for the purchase of a 51+/- acre property in Rockingham, Vermont by the State of Vermont's Fish and Wildlife Department. The property has been appraised at \$380,000.00 but the executor of the Alice Hadley estate, Sandra Cabell, will sell it to the Department for a bargain sale or for \$35,000.00, with the remainder used as match to federal funds.

Funding for this acquisition will come from federal Pittman-Robinson monies provided to the Department from the U.S. Fish and Wildlife Service. Included with the Governor's approval memo are a map of the property and a copy of the minutes from the Rockingham Select Board meeting dated March 16, 2010 stating unanimous support for the state acquisition of this easement.

If you have any questions regarding this easement project, please contact me at 241-3247 or at tom.decker@state.vt.us, thank you.

cc: Wayne Laroche, Commissioner
John M. Austin, Wildlife Biologist
Kim Royar, Wildlife Biologist



BK 0000PG0583

ROCKINGHAM SELECTBOARD REGULAR MEETING

Tuesday, March 16, 2010

Present: Thomas MacPhee, Robert Thomson, Peter Golec, Ann DiBernardo, Matthew Trieber

Also Present: Francis Walsh, Interim Municipal Manager; Kerry Bennett, Recording Clerk; Ellen Howard, Zoning Administrator; Brad Weeks, Recreation Director; Kim Royar & Tim Morton, Fish & Wildlife; Joe Brissette, Bob DeRusha, Tom Hernon, Edward Dinnany

Press: Stan Davis, FACT8; Howard Weiss-Tissman, Brattleboro Reformer; Steven Seitz, Eagle Times; Susan Smallhear, Rutland Herald

MEETING OF THE ROCKINGHAM BOARD OF LIQUOR COMMISSIONERS

Meeting of the Rockingham Board of Liquor Commissioners was called to order at 6:30 p.m. by Chairman Thomas MacPhee. Peter Golec made the motion to approve the below listed 1st Class & 2nd Class Liquor license applications and tobacco license applications. Motion was seconded by Matthew Trieber. Motion passed with MacPhee, DiBernardo, Trieber and Golec voting in favor of the motion. Thomson abstained.

1. B-A-R-T Energy, LLC d/b/a B-A-R-T Energy, LLC – 2nd Class Liquor & Tobacco
2. Athens Pizza House, Inc. d/b/a Athens Pizza House, Inc – 1st Class Liquor
3. Saxtons River Inn, Inc. d/b/a Bob, Averill and Bob Inc. – 1st Class Liquor
4. Martyn, Inc. d/b/a Martyn, Inc – 2nd Class Liquor & Tobacco
5. The Bellows Falls Polish-American Club #1, Inc. d/b/a Polish-American Club #1 – 1st Class Liquor
6. Sharon Boccelli d/b/a Boccelli's on the Canal – 1st & 2nd Class Liquor
7. Bellows Falls Country Club, Inc. d/b/a Bellows Falls Country Club, Inc. – 1st Class Liquor
8. Cumberland Farms of Vermont, Inc. d/b/a Cumberland Farms #8000 – 2nd Class Liquor & Tobacco
9. The Wurst Place in Bellows Falls, Inc. d/b/a Fat Franks – 1st Class Liquor
10. John Leslie Corporation d/b/a Leslies The Tavern at Rockingham – 1st Class Liquor
11. Lisai's Market Inc. d/b/a Lisai's Market Inc. – 2nd Class Liquor & Tobacco
12. Cormar, LLC d/b/a P.K.'s Pub – 1st Class Liquor
13. Khalsa, Inc. d/b/a Singh Bros. Sunoco – 2nd Class Liquor & Tobacco
14. Wellfleet, Inc. d/b/a Wellfleet, Inc. – 2nd Class & Tobacco
15. Lazo's Pizza Palace, LLC d/b/a Lazo's Pizza Palace, LLC – 1st Class Liquor
16. Downstreet Café LLC, d/b/a Downstreet Café LLC – 1st Class Liquor
17. Fleming Oil Company, Inc. d/b/a Fleming Oil Company, Inc. – 2nd Class Liquor & Tobacco

MINUTES

Call to Order: Regular meeting of the Rockingham Selectboard was called to order at 6:33 p.m. by Chairman Thomas MacPhee.

Approve Minutes of March 2, 2010: Robert Thomson made the motion to approve the minutes of March 2, 2010 as printed. Motion was seconded by Peter Golec. Motion passed unanimously.

Rockingham Selectboard Meeting
March 16, 2010 - Page 2

Public Comment on Items Not on the Agenda (3 minutes per person)/Add Agenda Items

- Joe Brissette, resident, stated that at the last Selectboard meeting a member of the board mentioned the string of burglaries that had taken place along Route 121. Brissette noted that the Board seemed to take this very lightly and in fact were chuckling during this discussion. Brissette asked the Board to take items like this more seriously. MacPhee thanked Brissette and stated that the Board would be more mindful of the situations in the future.

Agenda:

1. **Plaque Presentation:** This item was tabled due to the fact that the recipient was not present.
2. **Discuss Possible Property Acquisition adjacent to Herrick's Cove:** Kim Royar, Wildlife Biologist from the Vermont Department of Fish & Wildlife and Tim Morton, Stewardship Forester from the Vermont Department of Forests, Parks and Recreation were present to discuss this item. Royar stated that these two departments co-manage all the lands in the district and are here to discuss these departments interest in acquiring the Alice Hadley property between the Missing Link Wildlife Management Area and Herrick's Cove. Ms. Hadley was very interested in seeing this land conserved and the executor of the estate has been working with these departments to see this accomplished. MacPhee asked if the State would be the purchaser of the property. Royar stated that it would basically be a donation of the property to the State and the State would pay the executor's costs. MacPhee asked what the intent would be for the field area on this property. Royar stated that the executor is very interested in having the State maintain these fields and at this time a long-term agreement is being negotiated for maintenance of the field. Morton reported that the State does mow all the fields in the district and in some cases there are individuals who actually take the product off the fields. MacPhee stated that there are individuals who have rented this property for years and asked if that is still a possibility. Royar stated that there are 2 individuals that she has been in discussion with about maintaining this area for haying, etc. Morton stated that there are some areas that are leased for farm product and some that are basically brush hogged once a year and if there is someone interested in an arrangement to farm the area the State would not be opposed to working out an agreement. MacPhee asked who an individual would contact about this and Royar stated that they could contact either her or Morton about this. Royar reminded the Board that the State is still working with the executor and that the executor also has an interest in maintaining the field. MacPhee asked what the timeline on this would be. Royar stated that once they received approval from the Selectboard, approval would then be needed from the Governor and Joint Fiscal and then would be working on a funding source and hopefully signing by the end of May or June but can't promise this based on past experience. Goloc asked if there were still any buildings on this property. Royar stated that all buildings have been removed. MacPhee asked what the Town would receive from this. Royar stated that the State makes an annual payment in lieu of taxes of 1% of the fair market value which is determined by the Department of Property Valuation and Review, however, the State only pays the municipal side of this, not the education side. Goloc asked about public access. Royar stated it would be open both from the Herrick's Cove end and probably from Route 5. Morton stated that the access currently goes through Lamont Barnett's property and this would not be the preferred access. Therefore, the long-term plan would be to develop an access most likely from the north end toward the marina. It is also

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hoped to have some parking and may or may not put in a new access road depending on how the access is in terms of mowing. DiBernardo also asked about clean up of these areas or monitoring of this area. Morton stated that there are several areas that the prison work crews do clean up for some of these and this is also handled by in-house staff. Royar also stated that the wardens are fairly thinly spread but when they do have specific problems in certain areas they are asked to spend more time on these State properties and that would be a possibility if this property was a problem. Morton also noted that any change in access would require Selectboard approval and restrictions or conditions could be required by the Board at that time. Ellen Howard, Zoning Administrator, stated that when this parcel was submitted to the Town for subdivision the executor of the estate worked with VTrans because the existing access permit is from VTrans. MacPhee asked what the risk to the Town would be in this acquisition. Royar stated that she is not sure what the difference would be in the taxes but other than that could see no risk. *Robert Thomson made the motion that the Town of Rockingham support the acquisition of the Alice Hadley property by the Vermont Fish & Wildlife Department and/or the Vermont Forest, Parks & Recreation Department. Motion was seconded by Peter Golec. Motion passed unanimously.*

Morton asked if the Board had any questions for him about Town or State lands in Rockingham at this time that he could address. Morton stated that he had prepared the Town's management plan for the Grafton parcel for current use last year and that management plan does schedule a timber sale in this period and is in his work plan for this coming year and will want to address the Board about this before the plan is implemented.

3. Zoning Board/Planning Commission

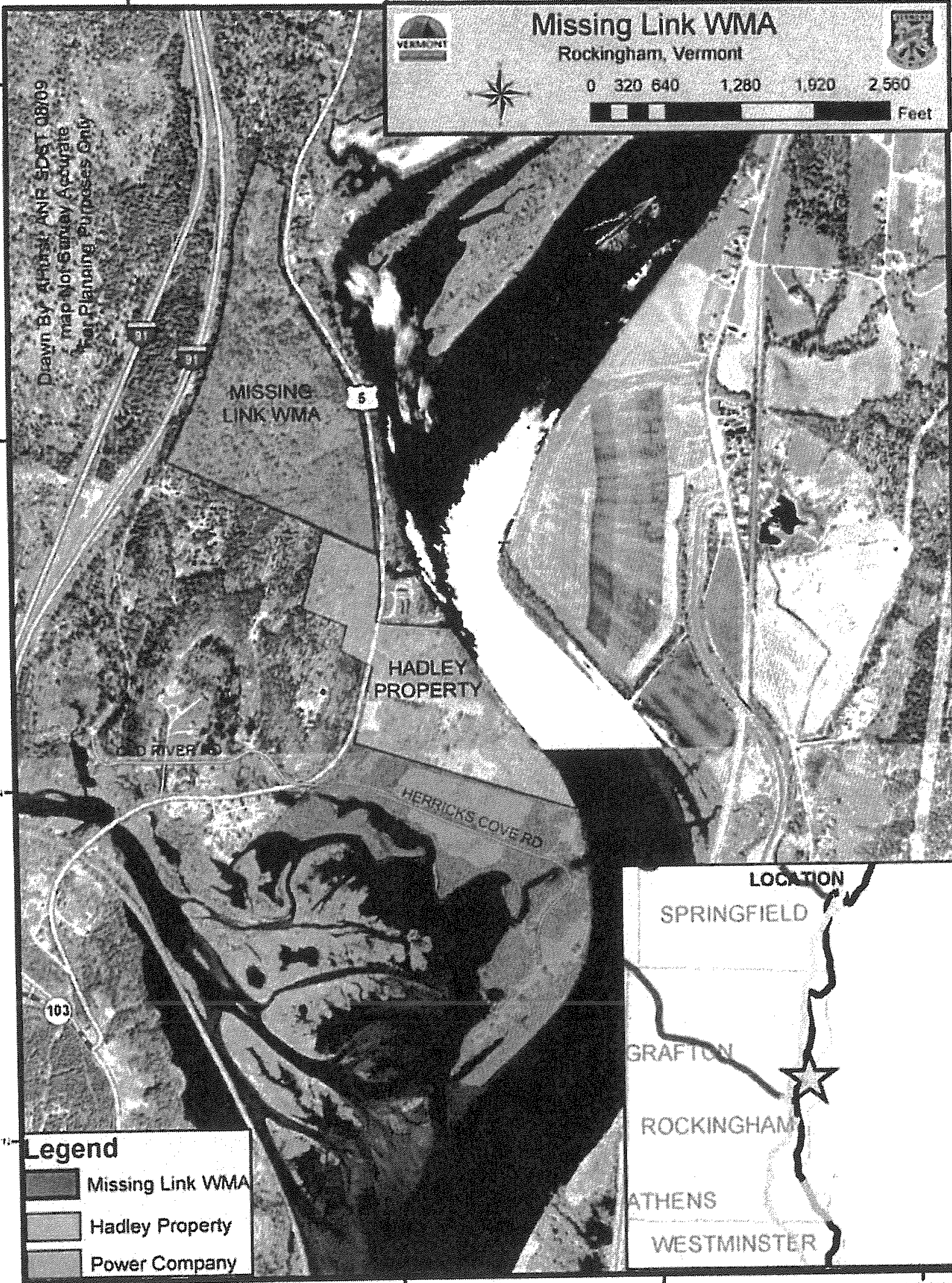
a) Authorize Acceptance of Donation for Recording Equipment: Ellen Howard, Zoning Administrator, stated that two members of the Planning Commission/ZBA have generously donated the funds up to \$500 to purchase recording equipment for use at their meetings. It has been recommended that the equipment be the same as that used for the other board meetings here and could be used as back up for the present equipment if necessary. *Robert Thomson made the motion that the Board accept the donation of funds for the purchase of recording equipment to be used for the Planning/Zoning meetings. Motion was seconded by Peter Golec. Motion passed unanimously.* The Board will send a letter of thanks to these two individuals.

b) Recreation Building Zoning Application: MacPhee asked if Howard could tell the Board anything on this. Howard stated that this is on the agenda before the Rockingham Planning Commission/Zoning Board of Adjustment for its meeting tomorrow, 3/17/2010. Howard stated that the application appears very clear and there does not seem to be any impact as far as parking, lighting, etc.

4. Animal Control Ordinance Amendment

a) Leash Law: Howard reported that a memo was included in the board packets and that this had been discussed at a Joint Board meeting back in June 2009 but no action had been taken. The recommendation was that rather than specify a maximum length for a leash the following underlined language be added:

72 27 30 W 72 27 00 W 72 26 30 W 72 26 00 W



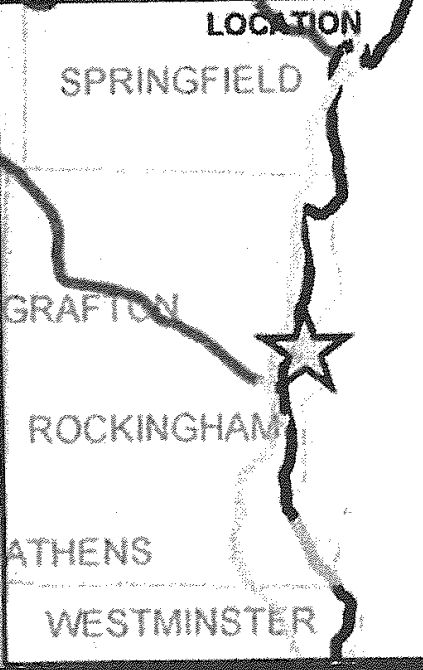
Drawn By: Alinski, ANR SDIST 08/09
Map Not Georeferenced
For Planning Purposes Only

Missing Link WMA
Rockingham, Vermont

0 320 640 1,280 1,920 2,560 Feet

Legend

- Missing Link WMA
- Hadley Property
- Power Company



43 12 00 N
43 11 30 N
43 11 00 N
43 10 30 N

43 12 00 N
43 11 30 N
43 11 00 N
43 10 30 N

72 27 30 W 72 27 00 W 72 26 30 W 72 26 00 W

