



Stewardship Monitoring Report

Property Information

(1) Name of Property: **West Monitor Barn (aka Wheeler Property)**

(2) Property Ownership:

RLT Private

If privately owned, record name and address of current owner:

Name(s): Vermont Youth Conservation Corps (VYCC)

Address: 1949 East Main Street, Richmond, Vermont 05477

Contact Name & Phone #: Keegan Tierney: 802.434.3969 x141, keegan.tierney@vycc.org

(3) Has there been a change in ownership since last report?

Yes No

If Yes, include recording information below:

Visit Report

(4) Date and Time of Inspection: Wednesday 10/21/2009, 8am-10:30pm

(5) If privately owned, was owner contacted prior to visit (if yes how)?

Yes No

I contacted Keegan Tierney, VYCC Land and Facility Manager, several weeks prior to the visit via email and telephone to schedule the inspection.

(6) Did owner (or representative) accompany the monitor?

Yes No

Keegan Tierney, VYCC Land and Facility Manager, accompanied me on the monitoring tour.

(7) Describe how the land is currently being used (in restricted area only). Give specific detail about agricultural and forest uses if applicable:

The property covers approximately 233 acres. Most of the upper elevations of property are forested. There is little merchantable timber on the property. Lower elevations are primarily open field, agricultural (~35 acres of which ~25 acres serves as cattle pasture, and ~1 acre for vegetable gardens and greenhouse), the West Monitor Barn and parking. Ten lean-tos have been installed along the west side of the property in the treeline just above the old field

(8) Monitor's best assessment of whether the terms of the conservation restrictions are being observed: (if No, explain below or on attachment) Yes No

While the property generally appears to be maintained in a manner consistent with the agreed-upon restrictions, and while significant (and needed) trail improvements were made in the past year, two issues of concern remain outstanding. Both were brought to the attention of the landowner in 2007 and 2008. These two issues are addressed in section number nine below. The remainder of this section covers other observations regarding property management and the conservation restrictions on the property.

Trail maintenance: VYCC reports the following trail maintenance activities occurred on the parcel over the past year.

- Work to repair damage caused by excavator installing compost toilet tanks (in lean-to area)
- Erosion control work and puncheon bridge installation on area that receives heavy foot traffic (in lean-to area)
- We are in the process of creating a detailed trail master plan that will be incorporated as part of our land management plan. The trail plan will include phased restoration and construction timelines. It is projected to be completed by the end of March.

VYCC continues to make significant improvements to the trail running up the west side of the property. Additional water diversion structures were installed in 2009 to reduce the erosion and trail damage identified during previous monitoring inspections.

VYCC reports that it is the process of "creating a detailed trail master plan that will become incorporated as part of our land management plan." This plan will "include phased restoration and construction timelines." The projected completion date is the end of March 2010. VYCC should consider providing a draft plan to RLT and VHCB in time to allow for review prior to its adoption.

As noted in the 2008 monitoring report, these structures require yearly maintenance (removal of debris/leaves) and should be inspected yearly to ensure proper function. The upper portion of this trail still requires a more systemic fix to address surface water flows.

VYCC has been re-routing the lower trail at the back of the West Monitor Barn through the open field section of the parcel every few months to reduce the overall impact on any one location. This practice should continue until and if a more permanent trail is installed. VYCC has preliminary plans to install an ADA-accessible trail from the West Monitor Barn to the lean-to area.

Repair, rerouting, and potentially decommissioning, of some trails is *still* needed at some of the locations identified in the 2005, 2006, 2007 and 2008 stewardship monitoring reports. Repairs at these locations (sites 1-4 on attached map) are needed to restore and/or maintain forest and water quality and to prevent further soil erosion on the property. As requested in 2008, VYCC should provide a written, time-sensitive action plan for trail repair before the end of the year. Such a report was never received.

Lean To Area: VYCC has invested significant resources into developing the lean-to area on the West side of the property. There are now 10 lean-tos and a composting toilet installed. Because

this location receives approximately 1000 visitor nights/year, user impacts should be monitored closely to help prevent damage to the landscape.

ATV Use: ATV use has decreased with the installation of an additional gate and the increased VYCC presence on the property. No sign of activity was seen during the monitoring visit. The landowner immediately to the north of the property also reports a significant decrease in ATC use.

As stated in the 2007 and 2008 stewardship monitoring reports, an ATV barrier is recommended at the northern end of the narrow—often wet—trail in the ravine between rocky ridges with significant wildlife sign (site #4 on attached map). Consider steps to reduce erosion here as well. Trails may require additional signage and barriers to prevent unwanted ATV usage.

Field Maintenance: VYCC reports the following field maintenance activities occurred on the parcel over the past year.

- Ag field taken out of mono-crop(corn) production and shifted to a grazing/veggie production system
- Brush hogging open areas scheduled for this month

Open field areas not under agriculture should be brush-hogged every third year as stipulated in the conservation easement (sec II.2) to prevent woody vegetation and maintain the open condition. This practice should be scheduled for 2009 (area #5 on attached map). Keegan Tierney, VYCC Land and Facility Manager, has plans to brushhog these fields with a focus on dense stands of goldenrod (*Solidago spp*).

(9) Did you note any possible violations of the terms of the conservation restrictions:

(if Yes, explain below or on attachment)

Yes No

The property boundary encroachment by neighboring property owner (Mr. Craig Cowles) reported in the 2007 and again in 2008 stewardship monitoring reports remains unabated.

As first identified in the 2007 stewardship monitoring report, and again in the 2008 report, the survey monument engraved with the license number 695 and installed by VYCC in summer 2007 at the northeast corner of Mr. Cowles property (see site 6 in attached map) has either not been replaced or it has again been broken off. Its top was found under a nearby tree in Oct 2007 (figure 1) and immediately reported to VYCC leadership. It was supposed to have been replaced by summer 2008 but as of 10/21/2009 it was not replaced.

Also as first identified in the 2007 stewardship monitoring report, and again in the 2008 report, Mr. Cowles appears to continue to maintain a lawn north of the property line and north of a line of spruce trees planted to delineate the boundary (figure 2). This land could otherwise be included in the acreage assigned to production agriculture. A vehicle trailer (most likely for ATVs/snowmobiles) is now parked north of the property line. This trailer is not the property of VYCC and should be removed immediately.

The following was included in the 2007 and 2008 stewardship monitoring reports and is still valid.

Considering the terms of the conservation easement between VYCC and the Richmond Land Trust and Vermont Housing and Conservation Board, Mr. Cowles' previous history

with boundary disputes, and his threats to take protected VYCC property via adverse possession (see 2005 stewardship monitoring report), VYCC should immediately inform Mr. Cowles in writing that he is unlawfully using VYCC lands. VYCC might discuss with RLT and VHCB the possibility of giving Mr. Cowles a letter granting temporary permission to continue mowing the land, in order to guard against later claims of adverse possession. RLT should be copied on all correspondence with Mr. Cowles about this and related issues.

On December 16, 2008, the Richmond Land Trust submitted a letter via email to VYCC reiterating VYCC's obligations to protect the property boundaries. That letter is attached here as appendix 1.

No other conditions were noted on the West Monitor Barn property that clearly appeared to be a violation of conservation restrictions.



Figure 1. Broken survey monument at the northeast corner between the VYCC and Cowles properties on 10/22/2007. As of 10/21/2009, the monument has not been replaced.



Figure 2. Encroachment on conserved VYCC property at border between VYCC and Cowles properties (to the right of the tree line) recorded on 10/21/2009. The vehicle trailer parked in this area had not been removed as of 10/21/2009.

(10) General Remarks:

A) Invasive Exotic Plants:

VYCC reports there has been "sustained invasive control conducted by its crews on the land. Bradley Materick continued to map (GPS point data) and remove invasive exotic plants (primarily Japanese barberry) and that these sites will be monitored in future years."

In 2007 the exotic, invasive shrub Japanese barberry (*Berberis thunbergii*) was found growing in the northwest portion of the property (site #7 on attached map) and the largest plants were covered with a blue tarp. As recommended in 2007, these plants and others in the area should be removed before they can spread and the surrounding area should be checked for additional plants. Follow-up monitoring should occur for two-three years to ensure that dormant seeds haven't sprouted. The infestation could not be found during a survey in the summer of 2008. VYCC should inspect this area again during winter 2008/early spring 2009 before leaf out to re-find the infestation and to record GPS points.

In 2008 Bradley Materick, VYCC Land Stewardship Specialist, identified another Japanese barberry site and the presence of buckthorn (*Rhamnus cathartica*), an invasive exotic tree on the property (site #8 and 9 on attached map). Actions were taken immediately and again in 2009 to remove these plants. The locations should be monitored for the next two-three years to ensure the plants do not re-sprout.

- B) **Property Management Plan:** VYCC reports that it is currently updating its property management plan and plans to have a new draft finalized by May 2010. (RLT requested this update by 12/31/2008.) VYCC should consult with the Richmond Land Trust and the Vermont Housing and Conservation Board as it prepares the update to the property management plan and forest management plan.

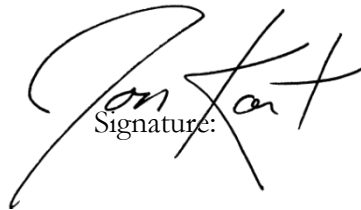
The forest management plan for this property calls for thinning stands four and five and re-examining stand three in 2009. VYCC should review the forest management plan and the requirements for enrollment in the State's Current Use program to ensure that it is not in danger of violating that agreement.

(11) Attachments (Note how many of each - leave blank if none):

2 Photos 1 Maps ___ Drawings 1 Appendix

___ Other (describe _____)

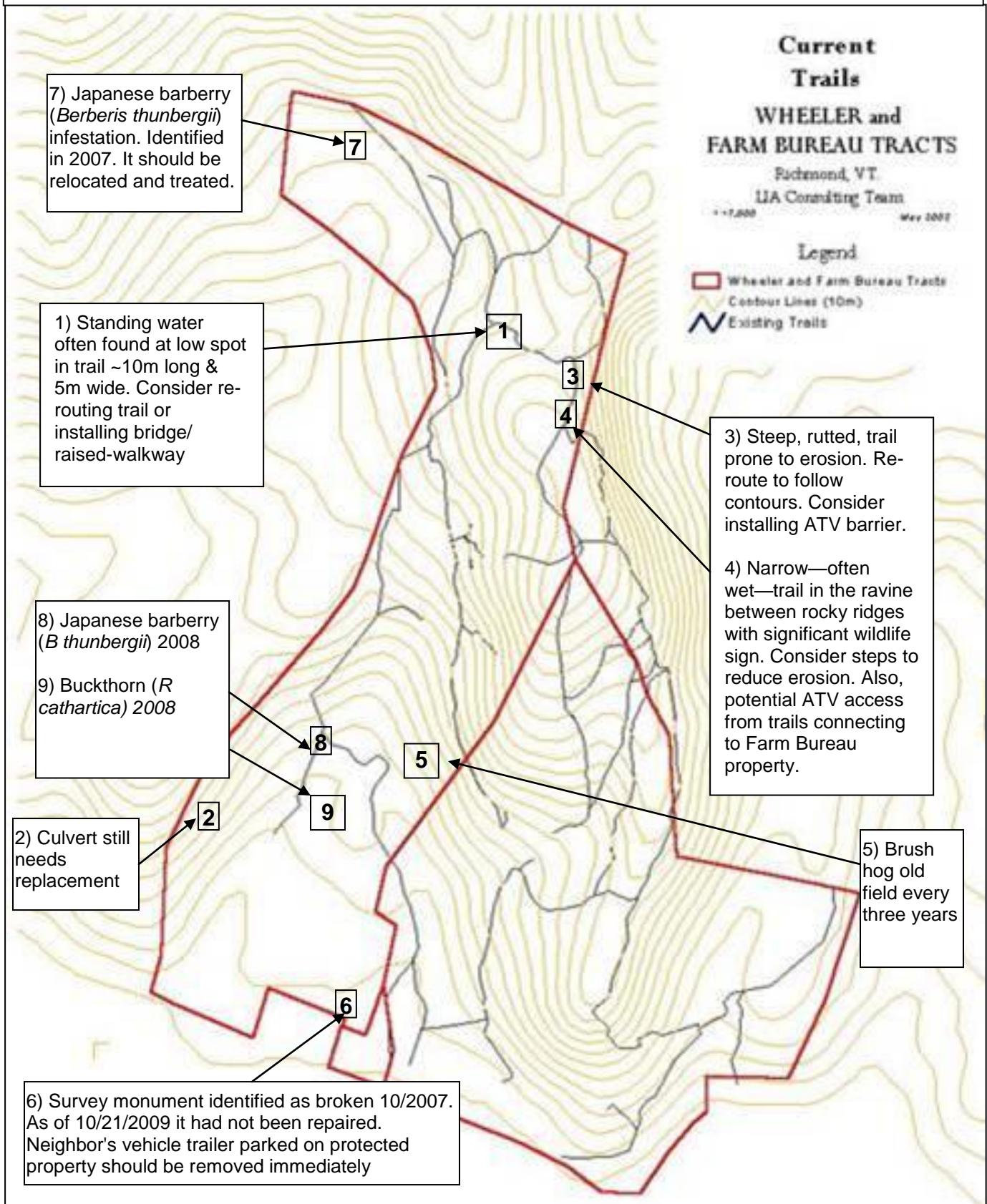
(12) Name of Monitor: Jon Kart


Signature:

Date: 10/21/2009

Stewardship Recommendations for the West Monitor Barn Property based on the 10/21/2009 RLT Monitoring Visit.

Base map from 2002 Wheeler & Farm Bureau Assessment by LIA Consultants



Appendix 1.

Subject: VYCC monitoring report

Date: Tue, 16 Dec 2008 08:47:43 -0500

From: Bradford Elliott <bradge@comcast.net>

To: Bradley Materick <bmaterick@vycc.org>

CC: Dan Martin, Jim Feinson, Christa Kemp, Gary Bressor, Steve Libby, Theodore Lyman, Fritz Martin, Francis Churchill, Judy McVickar,, Lou Borie, Wright Preston, Larry Copp, Kara Wires, Bradford Elliott, Cindy Preston, John Hildebeitel, Billy Coster , Jon Kart

Hi Bradley:

Attached is a copy of the stewardship report that Jon Kart prepared after walking the VYCC property with you and Keegan.

We were very happy to see his overall positive assessment, in particular the installation of waterbars on eroding sections of the trails. It was also good to see the continuing effort to identify and control barberry and other invasives. However, we are concerned that the broken northerly boundary marker between the VYCC and Cowles property has yet to be repaired or replaced more than a year after it was brought to VYCC's attention. A second concern is that Mr. Cowles continues to park a snowmobile trailer on conserved land.

Beyond VYCC's obligations to protect boundaries and prevent prohibited uses of the property, please keep in mind that Mr. Cowles threatened before several witnesses to bring an adverse possession lawsuit against VYCC and take land that he had been using as his own. Allowing his encroachments, as small as they may seem at the time, could make it harder for VYCC to defend itself in such a suit.

As Jon notes in his report, we'd like to see a timeline for the implementation of these and the other points in his report by year-end. I realize that I've let some weeks pass since that report was finalized, so please let me know if that date is unrealistic and what a better one would be.

In the meantime, congratulations to you and your hard-working crews on the work to curb erosion on that west-side trail as well as the other improvements you've made.

Sincerely,

Brad Elliott, Chair
Richmond Land Trust

CC: William Coster, Director of Stewardship and Policy,
Vermont Housing and Conservation Board