



**STATE OF VERMONT**  
JOINT FISCAL OFFICE

**MEMORANDUM**

To: Joint Fiscal Committee Members  
From: Nathan Lavery, Senior Fiscal Analyst  
Date: September 19, 2014  
Subject: Grant Request #2696 #2697 #2698 #2699

Enclosed please find four (4) items that the Joint Fiscal Office has received from the administration. Two (2) limited service positions are associated with these requests.

**JFO #2696** – \$48,800 grant from the Lake Champlain Basin Program to the Vermont Agency of Agriculture, Food and Markets. These funds will help develop and maintain a geospatial database for tracking phosphorus reduction efforts by state, federal, educational, and non-governmental organizations. The goal of this database is to coordinate these efforts and improve the efficiency of mitigation activities. [JFO received 09/04/14]

**JFO #2697** – Donation of a conservation easement (estimated value: \$301,000) from the Nature Conservancy to the Vermont Department of Fish & Wildlife. The easement is located in the Town of Dummerston. The purpose of this donation is to conserve significant wildlife habitat and protect public access for hunting, fishing, and wildlife viewing. [JFO received 09/04/14]

**JFO #2698** – \$1,573,837 grant from the U.S. Department of Labor to the Vermont Department of Labor. These funds will be used to train and reemploy long-term unemployed Vermonters through a job training and apprenticeship program. **Two (2) limited service positions** are associated with this request. [JFO received 09/04/14]

**JFO #2699** – \$78,000 grant from SumOfUs to the Vermont Department of Finance and Management. These funds will a portion of the cover costs associated with implementation and administration of new law that requires labeling of food produced from genetic engineering. The donated funds will be deposited in the Vermont Food Fight Fund. [JFO received 09/04/14]

Please review the enclosed materials and notify the Joint Fiscal Office (Nathan Lavery at (802) 828-1488; [nlavery@leg.state.vt.us](mailto:nlavery@leg.state.vt.us)) if you have questions or would like an item held for legislative review. Unless we hear from you to the contrary by October 1 we will assume that you agree to consider as final the Governor's acceptance of these requests.

State of Vermont  
 Department of Finance & Management  
 109 State Street, Pavilion Building  
 Montpelier, VT 05620-0401

[phone] 802-828-2376  
 [fax] 802-828-2428

Agency of Administration

JFO 2697

**STATE OF VERMONT  
 FINANCE & MANAGEMENT GRANT REVIEW FORM**

<b>Grant Summary:</b>	The Dept. of Fish and Wildlife is granting \$135,000 to The Nature Conservancy (TNC) to help TNC purchase a 275 acre parcel of land in Dummerston. TNC is donating a conservation easement to the Dept. of Fish and Wildlife to protect access and natural communities.				
<b>Date:</b>	8/21/2014				
<b>Department:</b>	ANR F&W 612000000				
<b>Legal Title of Grant:</b>	The Nature Conservancy Dummerston Easement Donation				
<b>Federal Catalog #:</b>	N/A				
<b>Grant/Donor Name and Address:</b>	The Nature Conservancy, 27 State Street, Suite 4, Montpelier, VT 05602				
<b>Grant Period:</b>	<b>From:</b>		<b>To:</b>		
<b>Grant/Donation</b>	The Dept. of Fish and Wildlife is granting \$135,000 to The Nature Conservancy (TNC) to help TNC purchase a 275 acre parcel of land in Dummerston to protect access and natural communities. The appraised value of the land is \$436,000. TNC is donating a conservation easement to the Dept. of Fish and Wildlife, the value of which is unknown but less than \$436,000. Effectively, the value of the donation is the value of the easement less \$135,000, with a maximum possible value of \$301,000.				
<b>Grant Amount:</b>	<b>SFY 1</b>	<b>SFY 2</b>	<b>SFY 3</b>	<b>Total</b>	<b>Comments</b>
	\$301,000	\$0	\$0	\$0	Net value of easement donation; no funds are being donated to the State.

<b>Position Information:</b>	<b># Positions</b>	<b>Explanation/Comments</b>
	0	

**Additional Comments:**

**RECEIVED**  
 SEP 04 2014  
 8/25/14 (Initial)  
**JOINT FISCAL OFFICE**



78/22  
 Department of Finance & Management

**AUG 21 2014**



**Fish & Wildlife Department**  
1 National Life Drive, Davis 2  
Montpelier, Vermont 05620  
[www.vtfishandwildlife.com](http://www.vtfishandwildlife.com)

*Agency of Natural Resources*

**MEMORANDUM**

**TO:** Jason Aronowitz, Budget Analyst  
**FROM:** Steve Gomez, Financial Manager  
**SUBJECT:** Grant Acceptance Request  
**DATE:** August 1, 2014

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Enclosed is a Request for Grant Acceptance (Form AA-1) for a conservation easement from The Nature Conservancy in the town of Dummerston to be processed for approval. The appraised value of the land parcel is \$436,000 and the Department is funding \$135,000 of the acquisition cost in return for the conservation easement.

It can be returned to my attention at:

**Fish & Wildlife Department**  
1 National Life Drive  
Montpelier, Vermont 05620

Please let me know if you need any further information. I can be reached at 802-595-0797.

**AUG 21 2014**

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

<b>1. Agency:</b>	Natural Resources		
<b>2. Department:</b>	Fish and Wildlife		
<b>3. Program:</b>	Lands and Habitat		
<b>4. Legal Title of Grant:</b>			
<b>5. Federal Catalog #:</b>			
<b>6. Grant/Donor Name and Address:</b>	The Nature Conservancy 27 State Street, Suite 4 Montpelier, VT 05602		
<b>7. Grant Period:</b>	<b>From:</b>		<b>To:</b>
<b>8. Purpose of Grant:</b>	The purpose of this grant is for the Department to accept a conservation easement from The Nature Conservancy to protect access and important natural communities.		
<b>9. Impact on existing program if grant is not Accepted:</b>	If the Department does not accept the conservation easement it will not be able to provide permanent protection of public access for hunting, trapping, fishing and other wildlife related recreation. It will also limit the Department's ability to protect 275 acres of significant wildlife habitat.		

	SFY 1	SFY 2	SFY 3	Comments
	FY 2015	FY	FY	
<b>Expenditures:</b>				
Personal Services	\$	\$	\$	
Operating Expenses	\$6,000	\$	\$	Closing costs
Grants	\$135,000	\$	\$	
<b>Total</b>	\$135,000	\$	\$	
<b>Revenues:</b>				
State Funds:				
Cash	\$	\$	\$	
In-Kind	\$	\$	\$	
Federal Funds:				
(Direct Costs)	\$141,000	\$	\$	
(Statewide Indirect)	\$	\$	\$	
(Departmental Indirect)	\$	\$	\$	
Other Funds:				
Grant (source )	\$	\$	\$	
<b>Total</b>	\$141,000	\$	\$	
<b>Appropriation No:</b>		<b>Amount:</b>	\$	
			\$	
			\$	
			\$	
			\$	

**AUG 21 2014**

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

		\$
		\$
	<b>Total</b>	\$

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
<b>Total Positions</b>		

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

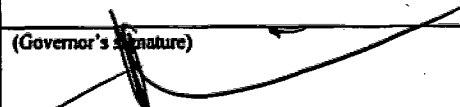
**13. AUTHORIZATION AGENCY/DEPARTMENT**

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: 8-11-14
	Title: Secretary, Agency of Natural Resources	
	Signature: 	Date: Aug 6 / 14
	Title: Commissioner, Vermont Fish and Wildlife	

**14. SECRETARY OF ADMINISTRATION**

<input checked="" type="checkbox"/> Approved:	(Secretary or designee signature) 	Date: 08/25/14
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**15. ACTION BY GOVERNOR**

<input checked="" type="checkbox"/> Check One Box: Accepted	(Governor's signature) 	Date: 9/3/14
<input type="checkbox"/> Rejected		

**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)
<input type="checkbox"/> Grant Budget	

**End Form AA-1**

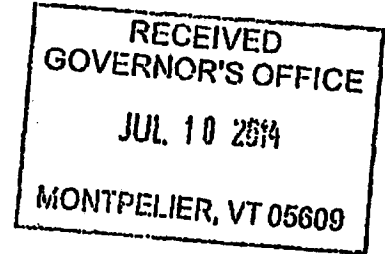
(\*) The term "grant" refers to any grant, gift, loan, or any sum of money or thing of value to be accepted by any agency, department, commission, board, or other part of state government (see 32 V.S.A. §5).



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**

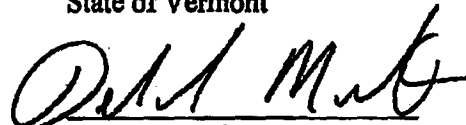
We the undersigned, hereby approve the purchase of a conservation easement on the Black Mountain Property by the Agency of Natural Resources, Department of Fish and Wildlife to protect public access and the natural resources on the 274.9 acres currently belonging to Black Mountain ZFR Properties LLC. 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 17/14  
Date

  
Peter Shumlin  
Governor  
State of Vermont

  
Deb Markowitz  
Secretary  
Agency of Natural Resources

  
Louis Porter  
Commissioner  
Fish and Wildlife Department



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

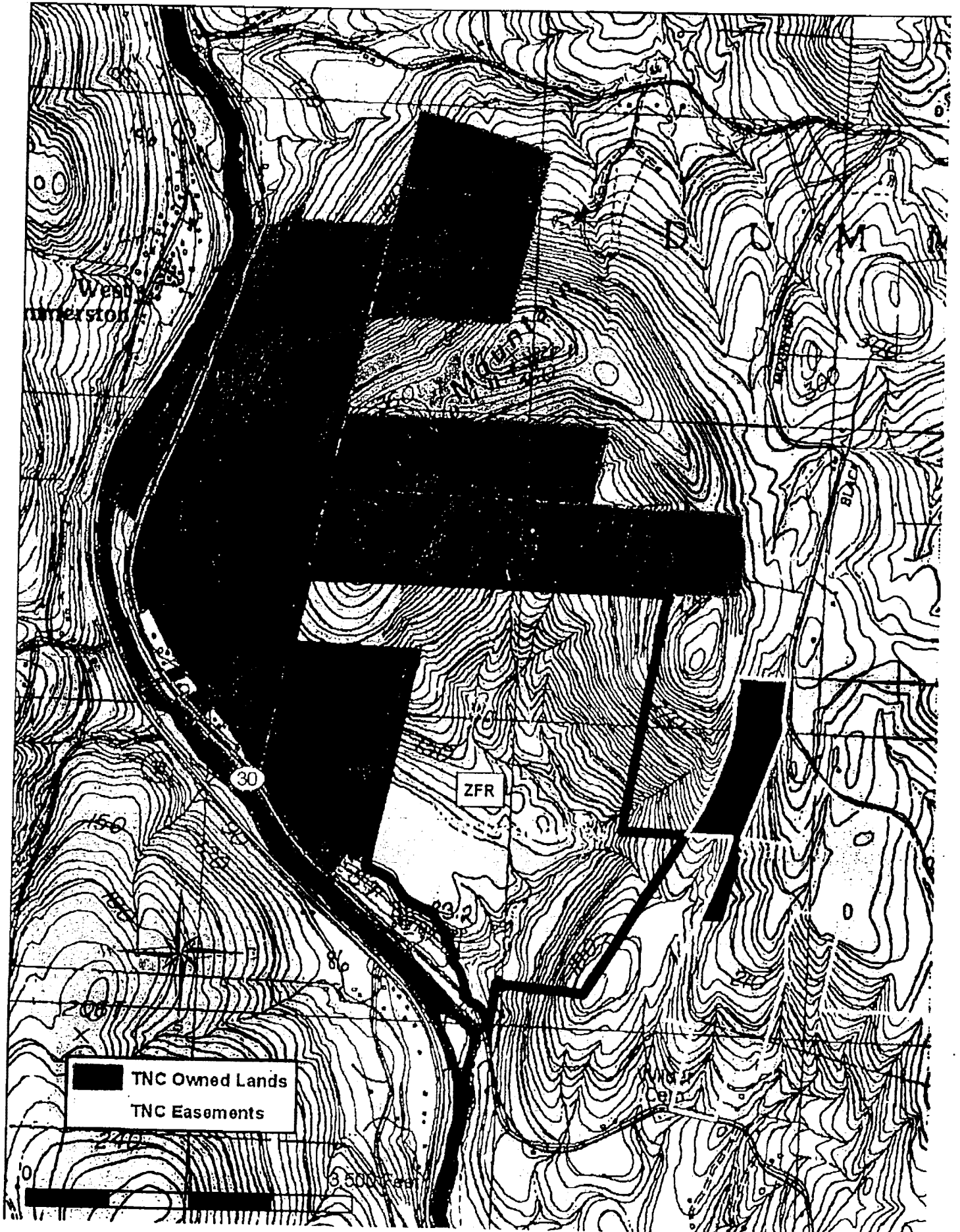
June 11, 2014

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



**Gomez, Steve**

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**Subject:** FW: JFO Clarification - Black Mountain

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**From:** Lazorchak, Jane  
**Sent:** Thursday, July 31, 2014 9:55 AM  
**To:** Gomez, Steve  
**Subject:** JFO Clarification - Black Mountain

Hi Steve,

This email is regarding the Department's conservation project in partnership with The Nature Conservancy (TNC) at Black Mountain Natural Area in Dummerston. The financials for this project are complicated and what is being donated is not entirely clear. An appraisal was completed valuing the property at \$436,000. TNC is under contract with Black Mountain Properties LLC (a private landowner) to purchase the property for the full appraised value. The Purchase and Sales Agreement is maintained between TNC and the landowner and included here. The Department is planning to grant \$135,000 to TNC which will go towards the purchase of the property by TNC. As a condition of the grant to TNC, the Department will require TNC to grant a conservation easement to the two primary funders of the project, the Department and the Vermont Housing and Conservation Board. As our monies are technically going to the fee acquisition, there is no appraisal for the easement and I am therefore at a loss on how to represent this project to JFO.

Please advise how to proceed and if you need any more information.

Thanks so much. I have attached the Governor's approval memo as well.

Jane

*Jane Lazorchak  
Land Acquisition Coordinator  
Vermont Fish and Wildlife Department  
1 National Life Dr., Davis 2  
Montpelier, Vermont 05620-3702  
(802) 505-0561 (cell)*