
APPENDIX B: EARLY AGENCY COORDINATION

**E.F Knapp Airport
Obstruction Clearing Environmental Assessment
Early Agency Coordination Contact List**

Mr. Thomas Badowski
Town of Berlin
Assistant Town Administrator
108 Shed Road
Berlin, VT 05602
zoning@berlinvt.org

Bonnie Waninger
Central Vermont Planning Commission
Executive Director
29 Main St #4
Montpelier VT, 05602
waninger@cvregion.com
802-888-6669

Ms. Susan Baird
ACT 250 Coordinator
District #5 Environmental Commission
5 Perry Street
Barre, VT 05641
Susan.baird@vermont.gov
802-476-0134

Mr. John Austin
Biologist/Program Manager
Vermont Fish & Wildlife Department
5 Perry Street, Suite 40
Barre, VT 05641
John.Austin@vermont.gov
802-476-0197

Mr. Laura Trieschmann
Senior Historic Preservation Officer
Vermont Division of Historic Preservation
One National Life Drive
Deane C. Davis Building, 6th Floor
laura.trieschmann@vermont.gov
802-828-3222

Marybeth Whitten
District Conservationist
617 Comstock Road Suite 1
Berlin, VT 05602-8498
marybeth.whitten@usda.gov
802-388-6748

Robert Nelson
5 Perry Street, Suite 20
Barre, VT 05641-4265
Work Phone: 802-636-7203
Robert.Nelson@vermont.gov

Mr. Michael Adams
Senior Project Manager
U.S Army Corps of Engineers
New England District
11 Lincoln Street, Room 210
Essex Junction, Vermont 05452
Michael.S.Adams@usace.army.mil
802-872-2893

Ms. Shannon Morrison
Agency of Natural Resources
Department of Environmental Conservation
Watershed Management division
Main Building – 2nd Floor
One National Life Drive
Montpelier, VT 05620-3522
Shannon.Morrison@vermont.gov
802-490-6178

Mr. Everett Marshall
Natural Heritage Information Manager
Vermont Agency of Natural Resources
Fish & Wildlife Department
1 National Life Drive, Davis 2
Montpelier, Vermont 05620-3510
Everett.marshall@vermont.gov
802-240-3715

Mr. Andrew Ferguson
Agency of Natural Resources
Department of Environmental Conservation
Watershed Management Division
Main Building – 2nd Floor
One National Life Drive
Montpelier, VT 05620-3522
Andrew.ferguson@vermont.gov
802-585-8089

Mr. David Simmons
Assistant Supervisor Endangered Species
U.S. Fish & Wildlife Service
New England Field Office
70 Commercial Street
Concord, NH 03301-5087
David_Simmons@fws.gov
603-227-6425

Mr. Timothy Timmermann
United States Environmental Protection Agency
Office of Environmental Review, Region 1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109



June 8, 2021

Mr. Thomas Badowski
Town of Berlin
Assistant Town Administrator
108 Shed Road
Berlin, VT 05602

Re: **Early Agency Scoping for Runway 17/35 Obstruction Removal Environmental Assessment
E.F. Knapp State Airport
Berlin, Vermont**

Dear Mr. Badowski:

This early agency scoping letter is being sent to inform you that the Vermont Agency of Transportation (VTTrans) is preparing an Environmental Assessment (EA) for the proposed obstruction removal at the E.F. Knapp State Airport (MPV). The Federal Aviation Administration (FAA) is the lead Federal agency that is funding the environmental study and will ultimately issue an environmental finding on the Proposed Action. The EA process will analyze alternatives, undertake studies, and disclose the potential for environmental impacts that could be directly (or indirectly) caused by the Proposed Action.

MPV, owned and operated by VTTrans, is located in the Town of Berlin, approximately four miles south of Montpelier and three miles west of Barre, Vermont. The Proposed Action includes the clearing of obstructions to various design surfaces within the approach of Runway 17 and Runway 35 (see attached exhibits). The proposed obstruction removal will take place on airport property and on approximately nine (9) private parcels.

The EA document will be prepared in accordance with FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures* and FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*. As part of our early coordination effort for the referenced project, you are asked to study the enclosed information and provide a written evaluation of the potential impacts upon resources that are under your jurisdiction. You are asked to return a reply within 30-days of receipt of this packet. If no reply has been received within 30-days, it will be indicated in the environmental document that your agency has no comment on the project. If you would like additional information on this project, please do not hesitate to contact me at (216) 273-

8638 or email at mheckroth@chacompanies.com. Please send any written comments to the following address:

Mark Heckroth, ENV SP
Senior Project Manager
CHA Consulting, Inc,
1501 North Marginal Road, Suite 200
Cleveland, Ohio 44114

We appreciate your interest in the project.

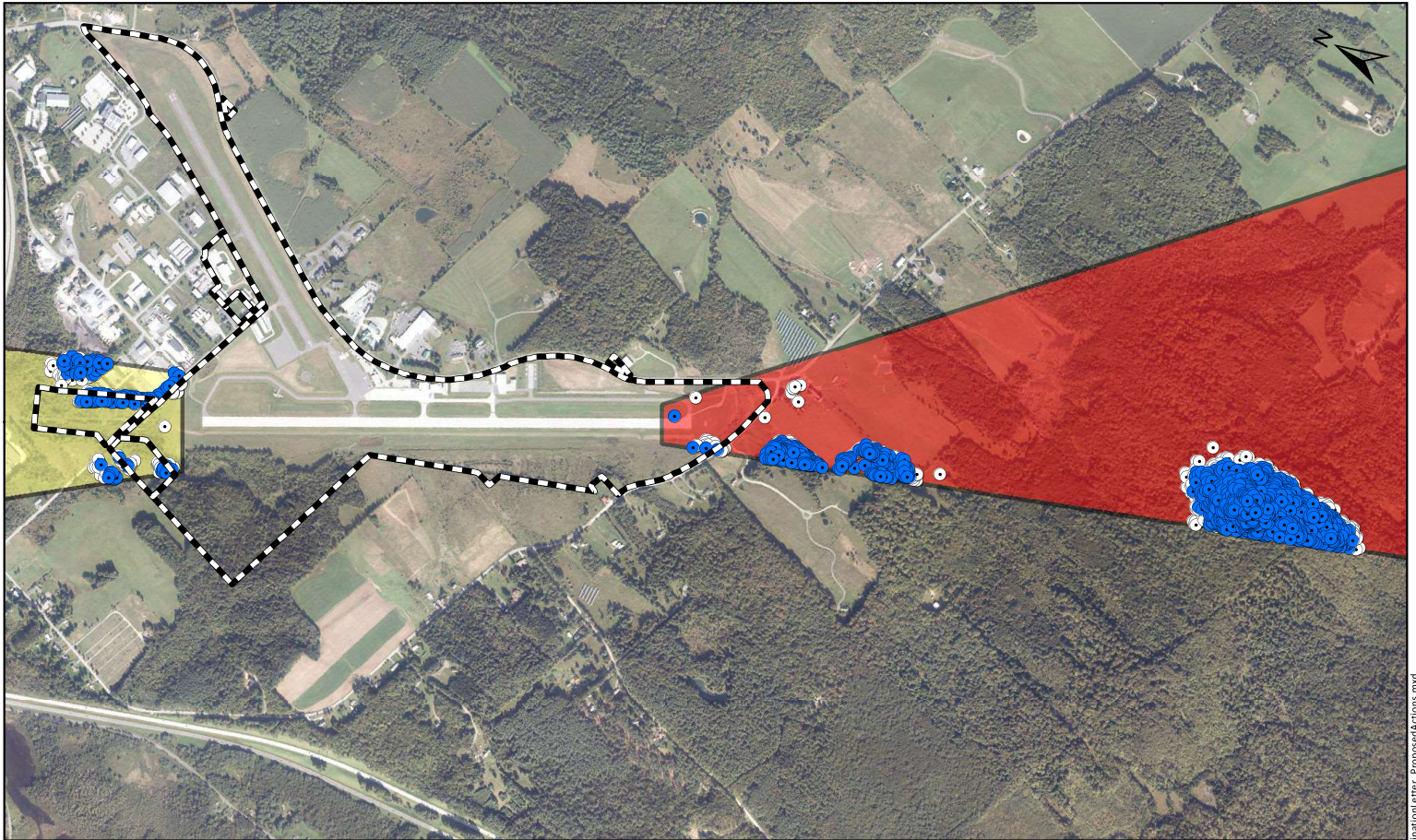
Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Heckroth".






Mark Heckroth, ENV SP
Senior Project Manager

Cc: Mr. Richard Doucette, Federal Aviation Administration
Mr. Adam Goudreau, VTrans



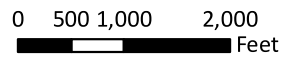


Legend

-  Airport Property Boundary
-  Part 77 Approach Surface
-  Obstacle Clearance Surface #4
-  Penetration
-  Obstruction 10-Foot Below

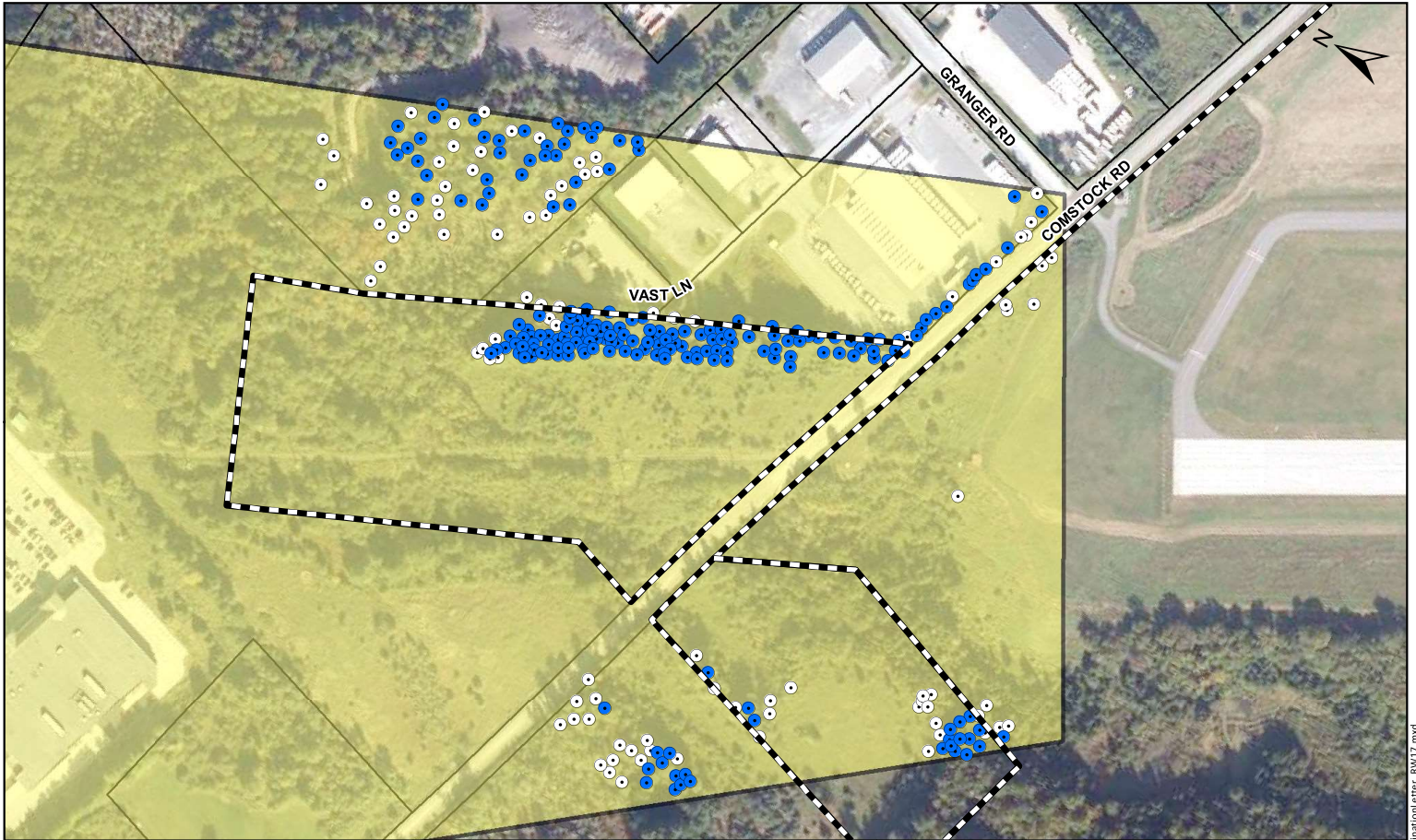
E.F. Knapp State Airport

Exhibit X-X
Proposed Actions








Sources:





Legend

-  Airport Property Boundary
-  Parcel Boundary
-  Part 77 Approach Surface
-  Penetration
-  Obstruction 10-Foot Below

E.F. Knapp State Airport



Exhibit X-X

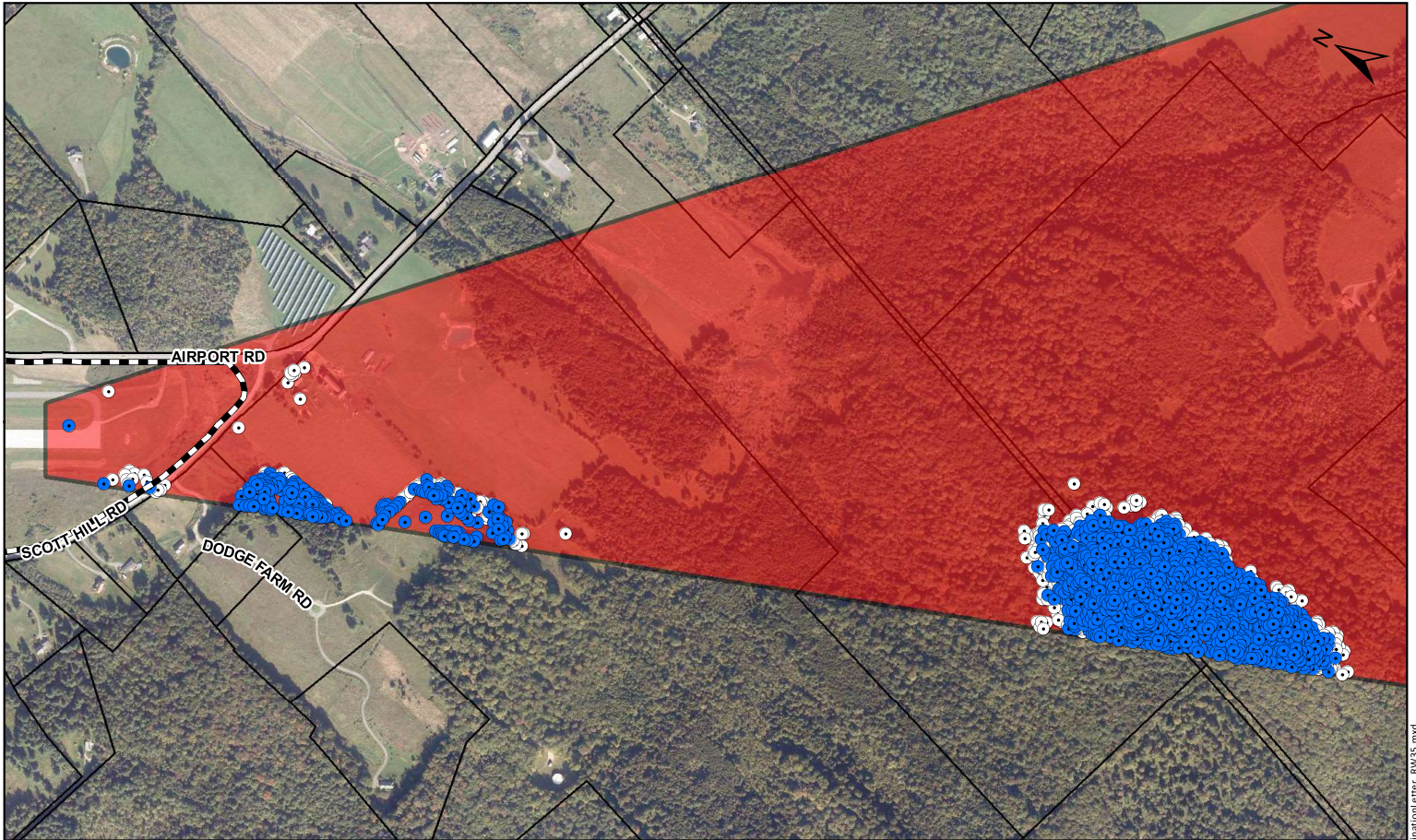
Proposed Action - Runway 17








0 100 200 400 Feet

Sources:

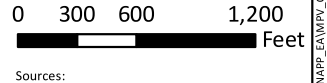
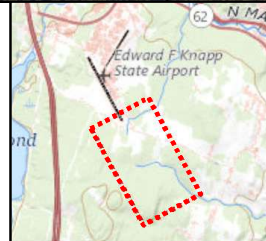


Legend

-  Airport Property Boundary
-  Parcel Boundary
-  Obstacle Clearance Surface #4
-  Penetration
-  Obstruction 10-Feet Below

E.F. Knapp State Airport

Exhibit X-X
Proposed Action - Runway 35



Sources:



Koutropoulos, Taylor

From: Morrison, Shannon <Shannon.Morrison@vermont.gov>
Sent: Tuesday, June 8, 2021 4:51 PM
To: Heckroth, Mark
Subject: [--EXTERNAL--]: RE: Early Agency Scoping - Environmental Assessment @ EF Knapp State Airport

Hi Mark, you will need to conduct a full review for wetlands in areas that are proposed for clearing on and off the airport runway. Clearing for anything other than silvicultural purposes requires permits where it is located in wetland and buffer zone. Access to areas may also need permits if there is new construction proposed in wetland or buffer. Let me know if you have questions, and I look forward to seeing the results of your review.



Due to the coronavirus (COVID-19), the Agency of Natural Resources is taking additional safety measures to protect our employees, partners and customers. We anticipate we will be working remotely until a least March 31, 2021 and encourage you to communicate electronically or via phone to the greatest extent possible. Thank you for your patience and understanding that responses may occasionally be delayed.

Shannon Morrison | District Wetlands Ecologist
Vermont Agency of Natural Resources
Watershed Management Division, Wetlands Program
Davis 3, 1 National Life Dr | Montpelier, VT 05620-3901
802-490-6178 (office)
<https://dec.vermont.gov/watershed/wetlands>

From: Heckroth, Mark <MHeckroth@chacompanies.com>
Sent: Tuesday, June 8, 2021 10:46 AM
To: Morrison, Shannon <Shannon.Morrison@vermont.gov>
Subject: Early Agency Scoping - Environmental Assessment @ EF Knapp State Airport

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Please see attached. Thank you.

Mark Heckroth, ENV SP
Senior Project Manager
Aviation Planning and Programming
CHA
Office: (216) 273-8638
Cell: (216) 904-6283
mheckroth@chacompanies.com
www.chacompanies.com



Frazer, Nicole

From: Dodge, Noel <Noel.Dodge@vermont.gov>
Sent: Thursday, June 10, 2021 8:25 AM
To: Frazer, Nicole; Austin, John
Subject: [--EXTERNAL--]: RE: MPV Tree Obstruction Removal- Berlin VT
Attachments: EO_2286.PDF

Good Morning Nicole,

The Element occurrence at Knapp State Airport is for Upland Sandpiper, a state Endangered grassland bird. I've attached the Element occurrence form.

Additionally, the penetrations in Obstacle Clearance Surface #4 contains roughly 8 acres of forest mapped as Deer Wintering Area, considered Necessary Wildlife habitat and protected via Vermont's Land use and development law, [Act 250](#).

The same area, the southern most group of penetrations overlaps a mapped potential Vernal Pool. This pool was identified using aerial imagery, and the LiDAR ground surface indicates a depression, however, the site has not been visited to confirm it is functioning a Vernal Pool.



Noel Dodge | Wildlife Biologist, Regulatory review (he/him/his)
[Vermont Agency of Natural Resources](#) | [Fish & Wildlife Department](#)
Wildlife Division, Lands and Habitat Program
5 Perry Street, Suite 40 | Barre, VT 05641
Noel.Dodge@vermont.gov | 802-689-0000 cell

Written communication to and from state officials regarding state business are considered public records and may be subject to public scrutiny.

From: Frazer, Nicole <NFrazer@chacompanies.com>
Sent: Tuesday, June 8, 2021 2:49 PM
To: Dodge, Noel <Noel.Dodge@vermont.gov>; Austin, John <John.Austin@vermont.gov>
Subject: MPV Tree Obstruction Removal- Berlin VT

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good afternoon,

We are preparing a NEPA Environmental Assessment for a proposed tree obstruction removal project associated with the E.F. Knapp State Airport (MPV). The project areas are shown on the attached map. Based on review of ANR mapping, there is an animal polygon within the southern project area, however, species information is not displayed. Could you please provide information on any threatened, endangered species, significant communities etc. within the project areas so that the information can be included in the EA.

Please let me know if you require any further information.

Thanks

Nicole Frazer
Senior Scientist
CHA
Office: (518) 453-8211
nfrazer@chacompanies.com
www.chacompanies.com

Koutropoulos, Taylor

From: Adams, Michael S CIV USARMY CENAE (USA) <Michael.S.Adams@usace.army.mil>
Sent: Wednesday, June 16, 2021 10:36 AM
To: Heckroth, Mark
Subject: [--EXTERNAL--]: RE: Early Agency Scoping - Environmental Assessment @ EF Knapp State Airport
Attachments: EARLY CORDINATION LTR VTrans Knapp AP.pdf

Please see the attached letter Mark. Call me with any questions.

Michael S. Adams
Senior Project Manager
U.S. Army Corps of Engineers
New England District
11 Lincoln Street, Room 210
Essex Junction, Vermont 05452
Office: (802) 872-2893 OR (978) 318-8485
Cell: (802) 881-8930

In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>

From: Heckroth, Mark <MHeckroth@chacompanies.com>
Sent: Tuesday, June 8, 2021 10:49 AM
To: Adams, Michael S CIV USARMY CENAE (USA) <Michael.S.Adams@usace.army.mil>
Subject: [Non-DoD Source] Early Agency Scoping - Environmental Assessment @ EF Knapp State Airport

Please see attached. Thank you.

Mark Heckroth, ENV SP
Senior Project Manager
Aviation Planning and Programming
CHA
Office: (216) 273-8638
Cell: (216) 904-6283
mheckroth@chacompanies.com
www.chacompanies.com



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DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

11 Lincoln Street, Room 210
Essex Junction, Vermont 05452
June 16, 2021
(BY EMAIL)

Regulatory Division
File Number: NAE-2006-02786

Mr. Mark Heckroth
Senior Project Manager
CHA Consulting, Inc.
1501 North Marginal Road, Suite 200
Cleveland, Ohio 44114

Dear Mr. Heckroth:

I have received your June 8, 2021 letter concerning the Vermont Agency of Transportation's proposed obstruction removal at the E.F. Knapp State Airport in Berlin, Vermont. I would like to take this opportunity to thank you for your early coordination on this project.

A permit is required under Section 404 of the Clean Water Act (33 U.S.C. 1344) for those activities involving the discharge of dredged and/or fill material, excavation, or mechanized landclearing in all waters of the United States, including not only navigable waters of the United States, but also inland rivers, lakes, streams and wetlands. In interior waters, our jurisdiction under the Clean Water Act extends landward to the ordinary high water mark of a waterbody or the landward limit of most **wetlands**.

Although you have provided information about the tree clearing, my concern would extend to any new impacts to waterways and/or wetlands by other proposed construction at the airport property. These new impacts will be cumulative to previously authorized projects at the airport. Provide a discussion of other work that is proposed at the airport within next 5-10 years. Since you have not provided any details as to any new proposed impacts to waters of the U.S., I cannot, at this time, make a preliminary judgment as to what type of permit, and thus how much involvement by the Corps, would be required. If projects will involve work within our jurisdiction you should forward the preliminary plan/design to me so that I may then be able to make an initial determination.

Again, thank you for providing the opportunity to comment at this early phase of the project. Please call me at (802) 872-2893 if you have any questions.

Sincerely,

MICHAEL S.
ADAMS

Digitally signed by MICHAEL S.
ADAMS
Date: 2021.06.16 10:19:40 -04'00'

Michael S. Adams
Senior Project Manager
Regulatory Division

Heckroth, Mark

From: Liza Walker <Liza@vlt.org>
Sent: Wednesday, November 3, 2021 4:58 PM
To: Heckroth, Mark
Cc: klgallag@gmail.com; Caitlin Cusack
Subject: [--EXTERNAL--]: Proposed Obstruction Removal EF Knapp Airport- re Dodge Farm, Berlin VT

Mark:

You have informed the Vermont Land Trust that the Vermont Agency of Transportation (VTrans) is preparing an Environmental Assessment (EA) for the proposed obstruction removal (trees) at the E.F. Knapp State Airport (MPV). You described via email that this includes “the clearing of trees which have been identified as obstructions to various design surfaces within the approach of Runway 17 and Runway 35.” The proposed obstruction removal would take place on airport property and on approximately nine (9) private parcels, including one parcel owned by Loren Thompson and Kristen Gallagher. This property, also known as the Dodge Farm, is subject to a Grant of Development Rights and Conservation Restrictions held by the Vermont Land Trust. The principal objectives of the Grant are “to conserve productive agricultural and wood lands, wildlife habitats, non-commercial recreational opportunities and other natural resource and scenic values of the Protected Property.”

The Vermont Land Trust conservation easement requires that any removal of timber on the conserved property, with the exception of firewood for on-site use, is conducted to serve the silvicultural objectives of a forest management plan that has been approved by the Vermont Land Trust. In accordance with the Grant, VLT may also consider and approve a request for the conversion of forestland to serve agricultural purposes or other permitted uses of the property.

In order for the owners of the property to enter into an agreement with the Vermont Agency of Transportation for timber removal related to this obstruction clearing, the Vermont Land Trust would need to review and approve a revised forest management plan describing this silvicultural treatment, or receive a request for a conversion of this forestland to serve other purposes permitted by the Grant, such as agriculture. VLT’s sole discretion approval may entail a consultation with the landowners’ foresters or other related professionals and would consider the features and ecological attributes on the property, such as wetlands, watercourses or other sensitive natural communities. An approval may stipulate how the tree removal or clearing should take place to minimize impacts on water quality and other resources.

Furthermore, the VLT Grant requires that the owner of the conserved property seek VLT’s prior written approval before conveying any rights of way, easements of ingress or egress, other easements or use restrictions on the conserved property. VLT may grant permission for such easements or use restrictions if it determines, in its sole discretion, that they are consistent with the Purposes of the Grant.

Please understand that this response does not constitute VLT’s approval, but rather seeks to convey how the Vermont Land Trust would expect to receive and consider a request for tree removal from the conserved Dodge farm property. Please feel free to be in touch with any further questions.

Thank you,

Liza Walker
Vermont Land Trust
Project Director
P.O Box 432
Waitsfield, VT 05673
(802) 636-7163
Liza@vlt.org

Koutropoulos, Taylor

From: Christian Meyer <meyer@cvregion.com>
Sent: Wednesday, June 23, 2021 9:23 AM
To: Heckroth, Mark
Cc: Bonnie Waninger
Subject: [--EXTERNAL--]: Re: Early Agency Scoping - Environmental Assessment @ EF Knapp State Airport

Mark,

We have had chance to communicate with the impacted municipalities regarding this assessment. At this stage our only comment is that we appreciate your communication and request that we continue to be included in future communications and public information meetings once alternatives are identified as part of this assessment.

Many thanks,
Christian



*CVRPC employees are working remotely, and our offices are closed to visitors.
Please call or email, and we will respond as soon as possible. Thank you.*

On Jun 8, 2021, at 7:30 PM, Bonnie Waninger <waninger@cvregion.com> wrote:

Thank you, Mark.

I've copied our Transportation Planner, Christian Meyer. Christian will conduct the evaluation on behalf of CVRPC.

Bonnie

Bonnie Waninger, Executive Director
Central Vermont Regional Planning Commission
29 Main Street, Suite 4

Montpelier, VT 05602
802-229-0389
www.centralvtplanning.org

CVRPC our offices are closed to visitors, and we are working remotely. Please call or email, and we will respond as soon as possible. Thank you.

From: Heckroth, Mark [<mailto:MHeckroth@chacompanies.com>]
Sent: Tuesday, June 8, 2021 10:40 AM
To: Bonnie Waninger <waninger@cvregion.com>
Subject: Early Agency Scoping - Environmental Assessment @ EF Knapp State Airport

Please see attached. Thank you

Mark Heckroth, ENV SP
Senior Project Manager
Aviation Planning and Programming
CHA
Office: (216) 273-8638
Cell: (216) 904-6283
mheckroth@chacompanies.com
www.chacompanies.com



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Koutropoulos, Taylor

From: vonOettingen, Susi <susi_vonoettingen@fws.gov>
Sent: Friday, June 25, 2021 7:41 AM
To: Heckroth, Mark
Cc: Dube, Jeannine
Subject: [--EXTERNAL--]: E.F. Knapp State Airport

Dear Mr. Heckroth,

Thank you for providing us an opportunity to provide comments for the early agency scoping for the E.F. Knapp State Airport project.

The federally threatened northern long-eared bat (NLEB) is the only listed species that might be in the vicinity of the project. At this time, the 4(d) rule addresses most activities that might affect the NLEB, requiring a federal agency to document compliance with the rule via a verification letter. To obtain this letter, you should complete the determination key in [IPaC](#) for this species. The consultation process for the NLEB may be found [here](#).

To further the species' recovery (section 7(a)(1) of the ESA), we recommend time of year restrictions of April 1 through September 30 for tree clearing when bats are active on the landscape, or a survey to determine presence following the Service's [Indiana Bat and Northern Long-eared Bat Summer Survey Guidelines](#). Please note, these are recommendations only and not a requirement.

Please let me know if you have any questions.

Regards,

Susi von Oettingen

Susi von Oettingen

New Telephone Number: 603-748-8357 (mobile)

Endangered Species Biologist

New England Field Office

70 Commercial Street, Suite 300

Concord, NH 03301

Teleworking indefinitely

Koutropoulos, Taylor

From: Timmermann, Timothy <Timmermann.Timothy@epa.gov>
Sent: Tuesday, July 6, 2021 5:30 PM
To: Heckroth, Mark; Doucette, Richard (FAA)
Cc: Alafat, Beth; Wintrob, Paul; Timmermann, Timothy
Subject: [--EXTERNAL--]: RE: EF Knapp EA Early Coordination

Mr. Heckroth:

Thank you for the opportunity to provide comments for your consideration as you work to develop the scope of analysis for an Environmental Assessment (EA) to support proposed work at the E.F. Knapp Airport in Berlin, VT.

The proposed work includes the clearing of obstructions (trees) from Runway 17 and 35 design surfaces and in airspace near the airport. We recommend that the EA explain whether any of the tree clearing work will result in the discharge of fill material in wetland areas. If so, the EA should explain how the project will comply with the Section 404 of the Clean Water Act and the 404(b)(1) guidelines specifically.

Under Section 404 EPA is jointly responsible for regulating the discharge of dredged or fill material into waters of the United States, including most wetlands. A permit can only be issued for projects that comply with the EPA 404(b)(1) guidelines. They include four independent restrictions (40 C.F.R. Section 230.1 (a-d) on a proposed discharge). Adverse impacts on the aquatic ecosystem must be considered in evaluating compliance with each of these restrictions. Under Section 230.10 (a), potential impacts of practicable alternatives are evaluated and compared for the purpose of determining which alternative is the least damaging to the aquatic ecosystem. Section 230.10(b) requires consideration of effects on water quality, federally threatened or endangered species or their critical habitat, and requirements associated with marine sanctuaries. Section 230.10(c) requires an evaluation of the impacts of the discharge to determine if it would cause or contribute to significant degradation of the aquatic ecosystem. Lastly, Section 230.10 (d) requires actions that will minimize and compensate for adverse impacts of the discharge to the aquatic ecosystem.

The scope of the aquatic impacts that are evaluated under these guidelines includes not only the effects caused by the footprint of the fill but also the effects that are associated with but not directly resulting from the placement of the fill. EPA requests that the EA fully describe efforts to minimize direct and indirect impacts, such as soil compaction and tree clearing and identify proposed access areas to the site and work areas. We also recommend that the EA document whether vernal pools are located in or near the proposed work areas and how they may be affected by the proposed work.

We request a review copy of the EA when it is available.

Please contact me with any questions.

Sincerely,

Timothy L. Timmermann, Director
Office of Environmental Review
EPA New England-Region 1
5 Post Office Square, Suite 100
Mail Code 06-3

Boston, MA 02109-3912

Email: timmermann.timothy@epa.gov

Telephone: 617-918-1025

E-Fax: 617-918-0025

From: Heckroth, Mark <MHeckroth@chacompanies.com>

Sent: Tuesday, June 08, 2021 3:16 PM

To: Timmermann, Timothy <Timmermann.Timothy@epa.gov>

Subject: EF Knapp EA Early Coordination

Tim,

So I sent you an early coordination package for an EA at both Igor Sikorsky Airport and EF Knapp airport earlier today and realized your address was incorrect on the EF Knapp letter. Luckily, they went email, so it doesn't matter. I did attach a new letter with correct address. My apologies .

Mark

Mark Heckroth, ENV SP

Senior Project Manager

Aviation Planning and Programming

CHA

Office: (216) 273-8638

Cell: (216) 904-6283

mheckroth@chacompanies.com

www.chacompanies.com



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Koutropoulos, Taylor

From: Thompson, Keith <Keith.Thompson@vermont.gov>
Sent: Tuesday, August 17, 2021 7:03 PM
To: Heckroth, Mark
Cc: Nelson, Robert
Subject: [--EXTERNAL--]: Contact for Agency Input

Hello Mark, I am sorry for the delay in response, however the best contact for input from our Agency is Billy Coster, the Director of Planning for the Agency. His email is Billy.Coster@vermont.gov

You were inquiring with us about implications of harvesting trees on parcels under easement with a land trust. To evaluate that, you should contact the easement holder: <https://vlt.org/>

Thank you for your patience while we figured out how to best respond to your inquiry.

Keith Thompson | Private Lands Program Manager
Vermont Department of Forests, Parks and Recreation
1 National Life Drive, Davis 2 | Montpelier, VT 05620
802-498-5169
vtforest.com

Koutropoulos, Taylor

From: Adam Piper <Adam@vlt.org>
Sent: Thursday, September 2, 2021 11:30 AM
To: Heckroth, Mark; Liza Walker
Cc: Caitlin Cusack
Subject: RE: [--EXTERNAL--]: FW: EF Knapp Airport - Proposed Obstruction Clearing NEPA
Attachments: CE Map.pdf; 2009 CE.pdf

Hello Mark, I have attached the conservation easement and associated map. I see no reason why VLT would oppose trees being managed in accordance with the law and due process. From our perspective impacts like you are describing will from time to time occur on our conserved properties. It is at the land owners discretion how much they cooperate with this process. I think it would be important to explore the extent of the cutting and how this might impact their Forest Management Plan and their Current Use enrolment. VLT would like to see work like this done in a manner where it will have the least impact on the farms day to day operation. Don't drive the skidder across a corn field or over a hay crop, work done in accordance with the AAMPs and outside of the growing season and the land owner might like to utilize the wood are a few things that come to mind.

I have CC'ed Caitlin Cusack who is our staff forester that covers Berlin and she can work directly with you and Liza on what is needed for this situation. It is likely an approval letter from VLT or some other form of written documentation will need to be produced.

Thanks

Adam D. Piper (He)
Stewardship Project Director
Vermont Land Trust

P.O. Box 850
Richmond Vermont 05477
802 861 6405 (office)
802 371 8613 (field cell)
adam@vlt.org

From: Heckroth, Mark <MHeckroth@chacompanies.com>
Sent: Thursday, September 2, 2021 10:26 AM
To: Adam Piper <Adam@vlt.org>; Liza Walker <Liza@vlt.org>
Subject: RE: [--EXTERNAL--]: FW: EF Knapp Airport - Proposed Obstruction Clearing NEPA
Importance: High

[EXTERNAL EMAIL] Do not reply, click links, or open attachments unless you have verified the sender and know the content is safe.

Liza/Adam:

Good morning. We are still looking for some feedback on the Dodge Farm.

Is the private conservation easement for farmland or forested area? Are there any issues with the proposed tree clearing on the property? If there are issues, what process/permitting do we need to go through to even remove the trees?

Please call me with questions.

Thanks,
Mark

Mark Heckroth, ENV SP
Office: (216) 273-8638

From: Donna Foster <Donna@vlt.org>
Sent: Wednesday, August 18, 2021 12:48 PM
To: Heckroth, Mark <MHeckroth@chacompanies.com>
Cc: Adam Piper <Adam@vlt.org>; Liza Walker <Liza@vlt.org>
Subject: [--EXTERNAL--]: FW: EF Knapp Airport - Proposed Obstruction Clearing NEPA

Hello Mark, and thank you for being in touch about the proposed work around the state airport in Berlin. It sounds like the Dodge Farm in Berlin is to be affected by the proposal. I am copying Adam Piper and Liza Walker as the previous and current stewards of that VLT conserved property, and will let them be in touch directly with questions and next steps.

Thanks again, and best,
donna

Donna Foster
Regional Project Director
Vermont Land Trust
The King Farm -- 128 King Farm Road
Woodstock, VT 05091
(802) 457-2369
(802) 371-8611 cell
donna@vlt.org

From: Heckroth, Mark <MHeckroth@chacompanies.com>
Sent: Wednesday, August 18, 2021 10:52 AM
To: Donna Foster <Donna@vlt.org>
Subject: EF Knapp Airport - Proposed Obstruction Clearing NEPA

[EXTERNAL EMAIL] Do not reply, click links, or open attachments unless you have verified the sender and know the content is safe.

Good morning Donna,
I am hopeful you are the correct person. We have contacted both Robert Nelson and Keith Thompson, but after some go around, they directed us to your organization. This early agency scoping letter is being sent to inform you that the Vermont Agency of Transportation (VTrans) is preparing an Environmental Assessment (EA) for the proposed obstruction removal (trees) at the E.F. Knapp State Airport (MPV). The Federal Aviation Administration (FAA) is the lead Federal agency that is funding the environmental study and will ultimately issue an environmental finding on the Proposed Action. The EA process will analyze alternatives, undertake studies, and disclose the potential for environmental impacts that could be directly (or indirectly) caused by the Proposed Action. MPV, owned and operated by VTrans, is located in the Town of Berlin, approximately four miles south of Montpelier

and three miles west of Barre, Vermont. The Proposed Action includes the clearing of trees which have been identified as obstructions to various design surfaces within the approach of Runway 17 and Runway 35 (see attached exhibits). The proposed obstruction removal will take place on airport property and on approximately nine (9) private parcels.

The EA document will be prepared in accordance with FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures* and FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*. As part of our early coordination effort for the referenced project, you are asked to study the enclosed information and provide a written evaluation of the potential impacts upon resources that are under your jurisdiction. Portions of our proposed clearing area are within an area delineated as a Vermont Land Trust Easement (see land trust map that is attached). Could you please notify us have any permits, procedures, etc that would need to be undertaken, so we can disclose in the NEPA document? If you would like additional information on this project, please do not hesitate to contact me.

Thanks,
Mark

Mark Heckroth, ENV SP
Senior Project Manager
Aviation Planning and Programming
CHA
Office: (216) 273-8638
Cell: (216) 904-6283
mheckroth@chacompanies.com
www.chacompanies.com



Responsibly Improving the World We Live In



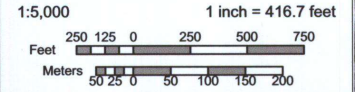
Vermont Land Trust

Dodge Farm Property
Town of Berlin
Washington Co., VT

July 2009

VLТ Project #130858

The Dodge Farm Property Conservation Plan is based on the following State of Vermont Base Map 1:5000 orthophoto(s):
Berlin Corner, #144188, 2006;
Berlin Pond, #144184, 2006;
South Barre, #148184, 2000;
West Hill, #148188, 2006



Note:

The boundaries of the Protected Property are based on a survey entitled "Subdivision of Land for Dodge Farm Community LLC, Town Highways #4 and #5, Berlin, Vermont," sheet 3 of 3, prepared by Gregory F. Dubois L.S., dated April 2009, revised Aug. 3, 2009 [sic].

188000

187000

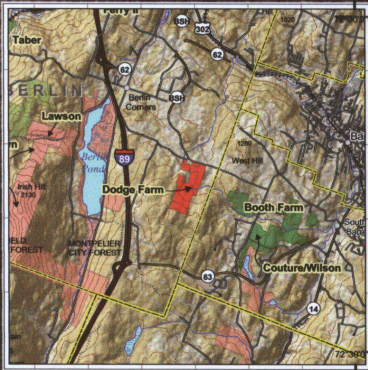
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This map is not a survey or subdivision plat, and should not be used or construed for such purposes. It was prepared without the benefit of field measurements or extensive title research. It is intended solely to assist the owner(s) of the conserved land and the holder(s) of the conservation easement in the administration and interpretation of the conservation easement by clearly depicting the presumed boundaries of the protected property, calculating the approximate acreages, and showing the approximate locations of any excluded lands, farmstead or homestead complex, farm labor housing complex, or special treatment areas.

THIS MAP IS NOT A SURVEY



ACREAGE INFORMATION*

Tillable	25.7 acres
Pasture	7.7 acres
Woods	137.2 acres
Wetland	0.6 acre
Barn Complex	2.0 acres
Development Zone	3.2 acres
Total Protected Property	± 176.4 acres
Excluded Land	± 129.4 acres

*All acreage is approximate, and exclusive of public road rights of way.

Reviewed and Accepted by:

Jack J. Barnes III 7/29/09
The Dodge Farm Community, LLC Date
Jack J. Barnes III, Manager

R. J. Barnes 7/29/09
Duly Authorized Agent of Date
Vermont Land Trust, Inc.

495000

496000

GRANT OF DEVELOPMENT RIGHTS AND CONSERVATION RESTRICTIONS

WHEREAS, THE DODGE FARM COMMUNITY, LLC is the owner in fee of certain real property in the Town of Berlin, Washington County, Vermont, which has aesthetic, recreational, and natural resource values in its present state; and

WHEREAS, this property contains 176.4 acres (more or less) of undeveloped land in agricultural and forestry use, which provides wildlife habitat as well as recreational opportunities; and

WHEREAS, the VERMONT LAND TRUST, INC. is a publicly supported non-profit corporation incorporated under the laws of the State of Vermont, and qualified under Sections 501(c)(3) and 170(h) of the Internal Revenue Code, whose purpose is to preserve undeveloped and open space land in order to protect the aesthetic, recreational, cultural, educational, scientific, and natural resources of the State through non-regulatory means, thereby reducing the burdens on state and local governments; and

WHEREAS, the economic health of Vermont is closely linked to its agricultural and forest lands, which not only produce food products, fuel, timber and other products, but also provide much of Vermont's scenic beauty, upon which the state's tourist and recreation industries depend; and

WHEREAS, the State of Vermont has repeatedly sought to foster the conservation of the State's agricultural, forest, and other natural resources through planning, regulation, land acquisition, and tax incentive programs, including, but not limited to, Title 10 V.S.A. Chapter 151 (Act 250); Title 24 V.S.A. Chapter 117 (Regional and Municipal Planning and Development Act); Title 10 V.S.A. Chapter 155 (Acquisition of Rights and Interests in Land); Title 32 V.S.A. Chapter 124 (Current Use Taxation); Title 32 V.S.A. Chapter 231 (Property Transfer Tax); Title 32 V.S.A. Chapter 235 (Land Gains Tax); Joint Resolution #43 adopted by the Vermont House and Senate in February 1982 endorsing the voluntary transfer of interests in agricultural land through agreements between farmland landowners and private land trusts; and Title 10 V.S.A. Chapter 15 (Housing and Conservation Trust Fund); and

WHEREAS, the conservation of this property as open space land is consistent with and in furtherance of the town plan adopted by the Town of Berlin, the regional plan adopted by the Central Vermont Regional Planning Commission, and the purposes set forth in 10 V.S.A. §§ 821 and 6301;

NOW, THEREFORE,

KNOW ALL PERSONS BY THESE PRESENTS that THE DODGE FARM COMMUNITY, LLC, a Vermont Limited Liability Company with its principal office in Moretown, Washington County, Vermont, on behalf of itself and its successors and assigns (hereinafter "Grantor"), in consideration of Ten Dollars and other valuable consideration paid to its full satisfaction by the Vermont Land Trust, Inc., does freely give, grant, sell, convey, and confirm unto the VERMONT LAND TRUST, INC., a non-profit corporation with its principal offices in Montpelier, Vermont, and its successors and assigns (hereinafter "Grantee") forever, the development rights and a perpetual conservation easement and restrictions (as more particularly set forth below) in a certain tract of land situated in the Town of Berlin, Washington County, Vermont (hereinafter "Protected Property"), said Protected Property being more particularly described in Schedule A attached hereto and incorporated herein.

The development rights hereby conveyed to Grantee shall include all development rights except those specifically reserved by Grantor herein and those reasonably required to carry out the permitted uses of the Protected Property as herein described. The development rights hereby conveyed are rights and interests in real property pursuant to 10 V.S.A. §§ 823 and 6303. The conservation easement and restrictions hereby conveyed to Grantee consist of covenants on the part of Grantor to do or refrain from doing, severally and collectively, the various acts set forth below. It is hereby acknowledged that these covenants shall constitute a servitude upon the land and run with the land. Grantee accepts such covenants in order to achieve the Purposes set forth in Section I, below.

I. Purposes of this Grant.

Grantor and Grantee acknowledge that the Purposes of this Grant are as follows:

1. To contribute to the implementation of the policies of the State of Vermont designed to foster the conservation of the State's agricultural, forest, and other natural resources through planning, regulation, land acquisition, and tax incentive programs;
2. The principal objectives of this Grant are to conserve productive agricultural and wood lands, wildlife habitats, non-commercial recreational opportunities and activities, and other natural resource and scenic values of the Protected Property.

3. Recognizing that conservation of productive forestry resources is a primary objective of this Grant, and that both the resource values of the Protected Property and responsible forest management standards will evolve over time, the forest management objectives of this Grant are to:

- a) Manage forest stands for long rotations which maximize the opportunity for the production of maple sap and/or for harvesting, sustained over time, of high quality sawlogs while maintaining a healthy, and biologically diverse forest. Grantor and Grantee acknowledge that site limitations and biological factors may preclude the production of high quality sawlogs, and further that the production of a variety of forest products can be consistent with the goal of producing high quality sawlogs.
- b) Conduct forest management and harvesting activities (including the establishment, maintenance and reclamation of log landings and skid roads) using the best available management practices in order to prevent soil erosion and to protect water quality.

4. To advance these objectives by conserving the Protected Property because it possesses the following attributes:

- a) 10 acres of statewide important soils;
- b) 137 acres of woodland, including 10 acres of managed sugarbush;
- c) 0.6 acres of wetlands;
- d) 1553 feet of frontage on Airport Road and Scott Hill Road, public highways with scenic vistas;
- e) in the vicinity of two (2) other properties previously protected by Grantee; and in the vicinity of land owned by the City of Montpelier around Berlin Pond; and
- f) wildlife habitats, including approximately 100 acres of deer wintering habitat.

Grantor and Grantee recognize these agricultural, silvicultural, scenic, and natural values of the Protected Property and share the common purpose of conserving these values by the conveyance of the conservation easement and restrictions and development rights, to prevent the use, fragmentation, or development of the property for any purpose or in any manner which would conflict with the maintenance of these agricultural, silvicultural, scenic, and natural resource values. Grantee accepts such conservation easement and restrictions and development rights in order to conserve these values for present and future generations.

In conveying the development rights, conservation easement, and restrictions described herein to Grantee, it is the intent of Grantor and Grantee that the interests conveyed herein may serve as the local or State contribution or match to conserve other forestlands and wildlife habitat in Vermont under the Federal "Forest Legacy Program" described in Section 1217 of Title XII of the Food, Agriculture, Conservation and Trade Act of 1990.

The purposes set forth above in this Section I are hereinafter collectively referred to as the "Purposes of this Grant."

II. Restricted Uses of Protected Property.

The restrictions hereby imposed upon the Protected Property, and the acts which Grantor shall do or refrain from doing, are as follows:

1. The Protected Property shall be used for agricultural, forestry, educational, non-commercial recreation, and open space purposes only. No residential, commercial, industrial, or mining activities shall be permitted, and no building, structure or appurtenant facility or improvement shall be constructed, created, installed, erected, or moved onto the Protected Property, except as specifically permitted under this Grant.

2. No rights-of-way, easements of ingress or egress, driveways, roads, utility lines, other easements, or other use restrictions shall be constructed, developed, granted, or maintained into, on, over, under, or across the Protected Property, without the prior written permission of Grantee, except as otherwise specifically permitted under this Grant, and as appear of record prior to the date of this Grant. Grantee may grant permission for any rights-of-way, easements of ingress or egress, driveways, roads, utility lines, other easements, or other use restrictions, if it determines, in its sole discretion, that any such rights-of-way, easements of ingress or egress, driveways, roads, utility lines, other easements or other use restrictions are consistent with the Purposes of this Grant.

3. There shall be no signs, billboards, or outdoor advertising of any kind erected or displayed on the Protected Property; provided, however, that Grantor may erect and maintain reasonable signs indicating the name of the Protected Property, boundary markers, directional signs, signs regarding hunting or trespassing on the Protected Property, memorial plaques, temporary signs

indicating that the Protected Property is for sale or lease, signs informing the public that any agricultural or timber products are for sale or are being grown on the premises, political or religious signs, and signs informing the public of any rural enterprise approved pursuant to Section III below. Grantee, with the permission of Grantor, may erect and maintain signs designating the Protected Property as land under the protection of Grantee.

4. The placement, collection, or storage of trash, human waste, or any other unsightly or offensive material on the Protected Property shall not be permitted except at such locations, if any, and in such a manner as shall be approved in advance in writing by Grantee. The on-site storage and spreading of agricultural inputs including, but not limited to, lime, fertilizer, pesticides, compost or manure for agricultural practices and purposes, the storage of feed, and the temporary storage of trash generated on the Protected Property in receptacles for periodic off-site disposal shall be permitted without such prior written approval.

5. There shall be no disturbance of the surface including, but not limited to, filling, excavation, removal of topsoil, sand, gravel, rocks or minerals, or change of the topography of the land in any manner, except as may be reasonably necessary to carry out the uses permitted on the Protected Property under the terms of this Grant. In no case shall surface mining of subsurface oil, gas, or other minerals be permitted.

6. The Protected Property shall not be subdivided or conveyed in separate parcels without the prior written approval of Grantee, which approval may be granted, conditioned, or denied in Grantee's sole discretion except, as otherwise specifically permitted in this Grant.

7. No use shall be made of the Protected Property, and no activity thereon shall be permitted which is or is likely to become inconsistent with the Purposes of this Grant. Grantor and Grantee acknowledge that, in view of the perpetual nature of this Grant, they are unable to foresee all potential future land uses, future technologies, and future evolution of the land and other natural resources, and other future occurrences affecting the Purposes of this Grant. Grantee, therefore, in its sole discretion, may determine whether (a) proposed uses or proposed improvements not contemplated by or addressed in this Grant, or (b) alterations in existing uses or structures are consistent with the Purposes of this Grant.

III. Permitted Uses of the Protected Property.

Notwithstanding the foregoing, Grantor shall have the right to make the following uses of the Protected Property:

1. The right to establish, re-establish, maintain, and use cultivated fields, orchards, and pastures in accordance with generally accepted agricultural practices and sound husbandry principles, together with the right to construct, maintain, and repair gravel or other permeable surfaced access roads for these purposes; provided, however, that Grantor shall secure the written approval of Grantee prior to any clearing of forest land to establish fields, orchards, or pastures. Grantee's approval shall not be unreasonably withheld or conditioned, provided that such clearing is consistent with (a) the Purposes of this Grant, (b) the Forest Management Plan as described in Section IV, below, and provided further that any such operation is conducted in accordance with the publication, "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont" ("AMPs"), a Vermont Department of Forests, Parks and Recreation publication dated August 15, 1987 (or such successor standard approved by Grantee).

2. The right to conduct maple sugaring operations on the Protected Property and the right to harvest firewood for use on the Protected Property or on the other land excluded from the Protected Property as described in Schedule A attached hereto and incorporated herein; provided the excluded land is owned by the owner of the Protected Property, or occupied by George H. Dodge.

3. The right to perform other forest management activities, and to harvest timber and other wood products in accordance with a Forestry Plan as defined in Section IV below. Prior to commencing timber harvesting activity in accordance with the Forestry Plan, Grantor shall provide Grantee with not fewer than fifteen (15) days' prior written notice, except that no such notice shall be required for: (a) thinning of forest stands performed without the commercial sale of the harvested products; and (b) any timber harvesting involving fewer than ten (10) acres, or yielding fewer than 8,000 board feet of sawlogs or 25 cords of pulp or firewood. Nothing in this clause shall be interpreted to require Grantor to harvest a treatment unit (as defined in Section IV, below), but only to require that any such harvest be conducted in accordance with the Forestry Plan or the Amended Forestry Plan should Grantor elect to harvest. Any harvesting of wood products shall be conducted in accordance with the AMPs (or such successor standard approved by Grantee).

4. The right to construct and maintain barns, sugar houses, or similar structures or facilities, together with necessary access drives and utilities, on the Protected Property, provided that they are used exclusively for agricultural or forestry purposes, and provided further that such construction has been approved in writing in advance by Grantee. Grantee's approval may include designation of a complex surrounding the structures and shall not otherwise be unreasonably withheld or conditioned, provided that the structure or facility is located in a manner which is consistent with the Purposes of this Grant. Grantor shall not deem unreasonable a condition by Grantee that certain structures must be located within a complex which may be designated in the future as provided in this Section III.

5. The right to use, maintain, establish, construct, and improve water sources, courses, and bodies within the Protected Property for uses permitted in this Grant; provided, however, that Grantor does not unnecessarily disturb the natural course of the surface water drainage and runoff flowing over the Protected Property. Grantor may disturb the natural water flow over the Protected Property in order to improve drainage of agricultural soils, reduce soil erosion or improve the agricultural potential of areas used for agricultural purposes, but shall do so in a manner that has minimum impact on the natural water flow and is otherwise consistent with the Purposes of this Grant and complies with all applicable laws and regulations. Prior to undertaking a streambank stabilization project or placing any structure within rivers or streams or on the banks thereof, Grantor shall provide written notice to Grantee of Grantor's intent to do so. The construction of ponds or reservoirs shall be permitted only upon the prior written approval of Grantee, which approval shall not be unreasonably withheld or conditioned; provided, however, that such pond or reservoir is located in a manner which is consistent with the Purposes of this Grant.

6. The right to clear, construct, and maintain trails for non-commercial walking, horseback riding, skiing, and other non-motorized, non-commercial recreational activities within and across the Protected Property. Non-commercial snowmobiling may be permitted at the discretion of Grantor. All-terrain vehicles may be permitted by Grantor only in those circumstances as expressly provided in Section III(9) below.

7. The right to construct, maintain, repair, renovate, replace, enlarge, rebuild, use and occupy new farm buildings for non-residential, agricultural uses and appurtenant non-residential structures and improvements, including drives and utilities, normally associated with a farm, all within the designated Barn Complex without the prior written approval of Grantee. The Barn Complex is an area consisting of two (2.0) acres, more or less, and is more particularly described in Schedule B attached hereto and incorporated herein, and is depicted on the Dodge Farm Plan described in Schedule A attached hereto and incorporated herein. Grantor shall notify Grantee in writing prior to commencing construction on any new structure or improvement within the Barn Complex.

8. The right to conduct rural enterprises consistent with the Purposes of this Grant, especially the economically viable use of the Protected Property for agriculture, forestry and open space and the conservation of agriculturally and silviculturally productive land. In connection with such rural enterprises, the right to construct, maintain, repair, enlarge, replace and use permitted structures with associated utility services, drives and appurtenant improvements within a designated complex permitted by this Section III. These structures shall be non-residential and not inconsistent in number, nature, size and intensity of use of each such structure or improvement with the Purposes of this Grant. No use or structure contemplated under this Section III(7) shall be commenced, constructed or located without first securing the prior written approval of Grantee, which approval Grantee may deny or condition in its sole discretion. All structures and uses shall conform with all applicable local, state and federal ordinances, statutes and regulations. Grantee's approval may be conditioned upon, without limitation, receipt of copies of any necessary governmental permits and approvals that Grantor obtains for such use or construction.

9. The right to use all-terrain vehicles on the Protected Property for the limited purposes of agriculture and forestry. Grantor also may permit the use of all-terrain vehicles on the Protected Property only for non-commercial recreational purposes and only by Grantor, Grantor's family (as hereinafter defined), and Grantor's employees.

10. The right to construct, maintain, repair, replace and use one wastewater system and associated infrastructure on the Protected Property for one single-family residence located on Lot 9 which is a part of the 63.6 acre parcel of land owned by the original Grantor herein at the date of this Grant but excluded from the Protected Property under Schedule A attached hereto and incorporated herein (the "63.6 acre Exclusion"). Said system shall be constructed, used and maintained in conformity with the terms and conditions of Vermont Agency of Natural Resources Potable Water Supply and Wastewater System Permit #WW-5-5083 dated April 17, 2009, and recorded in Book 108, Page 198 of

the Town of Berlin Land Records, for the benefit of Lot #9 approved therein. The location of said system is depicted on a survey entitled "Subdivision of Land for Dodge Farm Community LLC, Town Highways #4 and #5, Berlin, Vermont," sheet 3 of 3, prepared by Gregory F. Dubois L.S., dated April 2009, revised August 3, 2009 [sic] to be recorded in the Berlin Land Records (the "Survey"). Grantor shall notify Grantee in writing prior to commencing construction on the wastewater system. Grantor shall have the right to convey legal access to the successor owner of said Lot #9 on the 63.6 acre Exclusion for construction, maintenance, repair, replacement and use of said system as an appurtenance only to the residence on said Lot #9. No further approval or consent of the Grantee shall be required in connection with such conveyance or in connection with the exercise of the rights approved herein.

11. The right to construct, maintain, repair, replace and use one replacement wastewater system, water supply system and associated infrastructure on the Protected Property for one single-family residence located on the 3.6 acre parcel of land owned by the original Grantor herein at the date of this Grant but excluded from the Protected Property under Schedule A attached hereto and incorporated herein (the "3.6 acre Exclusion"). Said systems shall be constructed, used and maintained in conformity with the terms and conditions of Vermont Agency of Natural Resources Potable Water Supply and Wastewater System Permit #WW-5-5083 dated April 17, 2009, and recorded in Book 108, Page 198 of the Town of Berlin Land Records, for the benefit of Lot #2 approved therein. The location of said systems is depicted on the Survey. Grantor shall notify Grantee in writing prior to commencing construction on the wastewater system and the water supply system. Grantor shall have the right to convey legal access to the successor owner of said 3.6 acre Exclusion for construction, maintenance, repair, replacement, and use of said systems as an appurtenance only to the residence on the 3.6 acre Exclusion.

12. The right to construct, maintain, repair, replace, relocate, improve and use systems for disposal of human waste and for supply of water for human consumption (collectively "systems") on the Protected Property for the benefit of buildings or structures permitted under this Section III within a designated building complex ("Complex"); and for not more than two single-family residences which may be located on the 3.6 acre parcel of land lying on the southerly side of Town Highway #5 (also known as Scott Hill Road) owned by the original Grantor herein at the date of this Grant but excluded from the Protected Property under Schedule A hereto ("3.6 acre Exclusion"); and for not more than one single-family residence which may be located on the land which may be excluded from the Protected Property under Section III(11) as a Subdividable Lot. Any such systems may be constructed, maintained, operated, repaired, replaced, relocated or improved on the Protected Property only if there does not exist within the designated Complex, Subdividable Lot or 3.6 acre Exclusion any suitable location for such systems, under the then applicable law or regulations, as determined by a licensed designer as defined in the wastewater system and potable water supply rules, retained at Grantor's sole cost and expense. Grantor shall first obtain the written approval of Grantee for the location, relocation, replacement or improvement of such systems on the Protected Property, which approval shall not be unreasonably withheld nor conditioned, provided that:

- a) All reasonable attempts to locate, relocate, replace or improve the systems within the Complex, Subdividable Lot or 3.6 acre Exclusion in a manner that complies with the then current law and regulations are exhausted; and
- b) Such systems are located in a manner consistent with the Purposes of this Grant and especially minimize the loss of agricultural soils; and,
- c) Such systems are designed by a licensed designer as defined in the wastewater system and potable water supply rules retained at Grantor's sole cost and expense, certified by the licensed designer as complying with the wastewater system and potable water supply rules, installed in compliance with the wastewater system and potable water supply rules, certified by an installer or licensed designer as being installed in accordance with the certified design and approved in accordance with all the then applicable State and Local ordinances, statutes and regulations.

After Grantor has obtained Grantee's approval for systems serving any Subdividable Lot or 3.6 acre Exclusion, Grantor shall have the right to convey legal access to the successor owners of the Subdividable Lot or 3.6 acre Exclusion for construction, operation and maintenance of the systems as an appurtenance only to the Subdividable Lot or 3.6 acre Exclusion.

13. The right to subdivide from the Protected Property one parcel not to exceed one (1) acre in size for one (1) single-family residential housing unit ("the Subdividable Lot"). Grantor first shall obtain the prior written approval of Grantee for such subdivision, which approval shall not be unreasonably withheld or conditioned if such subdivision boundaries are located within the 3.2-acre area depicted as "Development Zone" on the Dodge Farm Conservation Plan described in Schedule A attached hereto and incorporated herein and depicted as "DEVELOPMENT ZONE 3.2 ACRES ±" on

the Survey, are consistent with this Section III(13), and are located in a manner that is consistent with the Purposes of this Grant. Grantor shall also have the right to construct, maintain, repair, renovate, replace, enlarge, rebuild, and use one (1) single-family residence and appurtenant non-residential structures and appurtenant improvements on the Subdividable Lot. Grantee shall release the Subdividable Lot from this Grant if Grantee approves the location, size and configuration of the Subdividable Lot.

14. In the event the Subdividable Lot permitted under the preceding Section III(13) has no frontage on a public road or legal right of way, the right to convey a right of way for ingress and egress, together with customary residential utilities, to one single-family dwelling located on the Subdividable Lot, together with the right to construct, maintain, repair and use a gravel or other permeable surfaced residential driveway of sufficient width to comply with state and local regulations across said right of way. Said right of way together with said utility corridor shall not exceed fifty (50) feet in width. Prior to conveying such right of way and prior to commencing construction on the driveway or utility corridor, Grantor shall obtain the prior written approval of Grantee, which approval shall not be unreasonably withheld or conditioned, provided, however, that such driveway and right of way are located in a manner consistent with the Purposes of this Grant and otherwise comply with this Section III(14).

15. The right to construct, use, maintain, repair and replace one (1) fully enclosed camp being no more than fifteen (15) feet high as measured from the average undisturbed ground level to the roof peak and having a footprint of no more than 800 square feet including decks and porches, provided, however, that any such camp shall be used exclusively for non-commercial, periodic camping, hunting and recreational purposes, and not for permanent occupancy, and shall not have commercial utility services or any improved access road. Alternatively, Grantee may approve a camp having different dimensions; provided, however that such camp shall have an aggregate total exterior wall surface area from undisturbed ground level to stud wall height, excluding gables and roof, of no more than 800 square feet. Grantor shall notify Grantee in writing prior to commencing construction on the camp, relocating it or enlarging it so that Grantee may review and approve the proposed location and dimensions of the camp which approval shall not be unreasonably withheld or conditioned, provided that the dimensions of the camp are in compliance with this section and it is located in a manner consistent with the Purposes of this Grant.

16. The right to construct, repair, maintain, and use a minimal number of minor structures (for example: deer stands, gazebos, hunting blinds, lean-tos, Adirondack shelters, tent platforms, tree houses, children's play houses, privies, kiosks, outdoor fireplaces) on the Protected Property provided that such structures shall not have any access roads or drives, utility services or facilities, waste disposal systems, or plumbing, and shall not be used for year-round, continuous residential occupancy or for any commercial activity of any nature (except as Grantee may permit in its sole discretion pursuant to the rural enterprises clause in Section III) and shall not exceed 300 square feet of floor space and fifteen feet in height. Grantor shall secure the written approval of Grantee prior to the construction of any such minor structure, which approval shall not be unreasonably withheld or conditioned, provided that the structure complies with the requirements of this Section III(16) and the number and location of such structures are consistent with the Purposes of this Grant.

17. The right to maintain, repair, replace and use one existing spring and spring house depicted as "Spring #2" on the Survey and associated water line and pumping equipment to serve as the potable water supply for one existing single-family residence and other appurtenant non-residential structures and improvements constructed on the 3.6 acre Exclusion. Grantor shall have the right to convey legal access to the successor owners of the 3.6 acre Exclusion for maintenance, repair, replacement and use of said water system as an appurtenance only to the 3.6 acre Exclusion.

18. The right to construct, maintain, repair, replace and use a water line from "Spring #1" located on Lot #3 depicted on the Survey to serve as the potable water supply for one existing single-family residence and other appurtenant non-residential structures and improvements constructed on the 3.6 acre Exclusion. Grantor shall notify Grantee in writing prior to commencing construction on the water line. Grantor shall have the right to convey legal access to the successor owners of the 3.6 acre Exclusion for maintenance, repair, replacement and use of said water line as an appurtenance only to the 3.6 acre Exclusion.

19. The right to retain for the benefit of the original Grantor, The Dodge Farm Community, LLC, and to convey to its successors and assigns in ownership to Lots 3 through 9 and any lots subdivided therefrom on the 63.6-acre Exclusion described in Schedule A attached hereto and made a part hereof, the right to access the Protected Property for pedestrian recreational use on and over the fifty foot wide right of way in common depicted on the Survey and described in note 4 referenced therein, and farm roads, woods roads and trails whether the same are now in existence or are developed in the

future, for all types of non-motorized recreation. Nothing herein shall be construed as granting unto said original Grantor and its said successors and assigns in ownership the right to construct additional roads, trails or paths on the Protected Property. No further approval or consent of the Grantee shall be required in connection with such conveyance or in connection with the exercise of the rights approved herein.

20. The right to retain for the benefit of the original Grantor, The Dodge Farm Community, LLC and its successors and assigns a right to convey to the Town of Berlin a right of way shown on the survey prepared by Gregory F. Dubois L.S. entitled "Subdivision of Land For Dodge Farm Community LLC, Town Highways #4 and #5, Berlin, Vermont" dated April 2009 and to be recorded in the Berlin Land Records on or about the date of this Grant ("the Survey"). Said right of way is fifty (50) feet in width and runs from the northeast corner of Lot #9, westerly across Lot #2 to Lot #8 and is further described in Note #4 on the Survey. The purpose of the right of way is to provide access to Lot #8 to construct, operate and maintain a municipal water supply system on the western portion of Lot #8 as described in an Option Agreement between the Town of Berlin and Dodge Farm Community LLC dated April 20, 2009, a Memorandum of which is being recorded in the Berlin Land Records. In addition, the right to convey to the town an easement to lay, use, repair, maintain and replace water lines and underground utility lines associated with the water supply system within said right of way as well as a source isolation zone easement for the source isolation zones associated with the well or wells to be drilled upon Lot #8 provided, however, that no portion of such isolation zone easements shall extend more than 125 feet into Lot #2 as measured along a line which is depicted on the Survey perpendicular to the portions of the common boundary lines between Lot #2 and Lot #8 and which runs S 19°07'21"W 409.82 feet and S 15°52'50"W 701.06 feet. Grantor shall provide Grantee with prior written notice of its intent to exercise the above-described rights.

IV. Forest Management Plans.

As provided in Section III(3), above, Grantor shall not harvest timber or other wood products (except for maple sugar production and the cutting of firewood for use on the Protected Property or on the other land excluded from the Protected Property as described in Schedule A attached hereto and incorporated herein) without first developing and submitting to Grantee for its approval, a Forest Management Plan for the Protected Property (hereinafter the "Forestry Plan"). All updates, amendments, or other changes to the Forestry Plan shall be submitted to Grantee for its approval prior to any harvesting. The Forestry Plan as updated, amended, or changed from time-to-time is hereinafter referred to as the "Amended Forestry Plan." Grantee's approval of the Forestry Plan and any Amended Forestry Plan shall not be unreasonably withheld or conditioned, if the Forestry Plan or Amended Forestry Plan has been approved by a professional forester and if the Forestry Plan and the Amended Forestry Plan are consistent with the Purposes of this Grant, and in particular, the primary objective set forth in Section I(3). Grantee may rely upon the advice and recommendations of such foresters, wildlife experts, conservation biologists, or other experts as Grantee may select to determine whether the Forestry Plan or Amended Forestry Plan would be detrimental to the values identified in Section I. The Forestry Plan and any Amended Forestry Plan shall be consistent with the Purposes of this Grant and shall include at least the following elements (except that those elements of the Forestry Plan or Amended Forestry Plan which do not change need not be re-submitted in updates, amendments or changes to the Forestry Plan):

- a) Grantor's forest management objectives;
- b) An appropriately scaled, accurate map indicating such items as forest stands, streams, and wetlands, and major access routes (truck roads, landings and major skid trails);
- c) Forest stand ("treatment unit") descriptions (forest types, stocking levels before and after harvesting, soils, topography, stand quality, site class, insect and disease occurrence, previous management history, and prescribed silvicultural treatment);
- d) Plant and wildlife considerations (identification of known significant habitats and management recommendations);
- e) Aesthetic and recreational considerations (impact on viewsheds from public roads, trails, and places); and
- f) Historic and cultural resource considerations (identification of known resources and associated management recommendations).

The Forestry Plan shall be updated at least once every ten (10) years if Grantor intends to harvest timber or other wood products. Amendments to the Forestry Plan shall be required in the event that Grantor proposes a treatment not included in the Forestry Plan, but no such amendment shall be required for any change in timing or sequence of treatments if such change does not vary more than five (5) years from the prescription schedule set forth in the Forestry Plan as approved by Grantee. In the event that any treatment unit is substantially damaged by natural causes such as insect infestation, disease, fire, or wind, Grantor may elect to conduct an alternative treatment in which event Grantor shall submit an amendment to the Forestry Plan for Grantee's approval prior to conducting any alternative treatment.

Disapproval by Grantee of a Forestry Plan or an Amended Forestry Plan proposing a heavy cut (as defined below) shall not be deemed unreasonable. Grantee, however, may approve a Forestry Plan or an Amended Forestry Plan in its discretion if consistent with the Purposes of this Grant, such as to permit the planting of different species of trees, promote natural regeneration, or establish or re-establish a field, orchard, or pasture. Grantee may rely upon the advice and recommendations of such foresters, wildlife experts, conservation biologists, or other experts as Grantee may select to determine whether the Forestry Plan or Amended Forestry Plan would be detrimental to the values identified in Section I. "Heavy cut" shall mean the harvesting of wood products below the "C-Line" or minimum stocking level on the Protected Property as determined by applying the protocol set forth in the current U.S. Department of Agriculture, Forest Service Silvicultural Guidelines for the Northeast or by applying a similar, successor standard approved by Grantee.

V. Enforcement of the Restrictions.

Grantee shall make reasonable efforts from time to time to assure compliance by Grantor with all of the covenants and restrictions herein. In connection with such efforts, Grantee may make periodic inspection of all or any portion of the Protected Property, and for such inspection and enforcement purposes, Grantee shall have the right of reasonable access to the Protected Property. In the event that Grantee becomes aware of an event or circumstance of non-compliance with the terms and conditions herein set forth, Grantee shall give notice to Grantor of such event or circumstance of non-compliance via certified mail, return receipt requested, and demand corrective action sufficient to abate such event or circumstance of non-compliance and restore the Protected Property to its previous condition. In the event there has been an event or circumstance of non-compliance which is corrected through negotiation and voluntary compliance, but which has caused Grantee to incur extraordinary costs, including staff time, in investigating the non-compliance and securing its correction, Grantor shall reimburse Grantee all such costs, including staff time, incurred in investigating the non-compliance and in securing its correction.

Failure by Grantor to cause discontinuance, abatement, or such other corrective action as may be demanded by Grantee within a reasonable time after receipt of notice and reasonable opportunity to take corrective action shall entitle Grantee to bring an action in a court of competent jurisdiction to enforce the terms of this Grant and to recover any damages arising from such non-compliance. Such damages, when recovered, may be applied by Grantee to corrective action on the Protected Property, if necessary. If such Court determines that Grantor has failed to comply with this Grant, Grantor shall reimburse Grantee for any reasonable costs of enforcement, including Grantee's staff time, court costs and reasonable attorneys' fees, in addition to any other payments ordered by such Court. In the event that Grantee initiates litigation and the court determines that Grantor has not failed to comply with this Grant and that Grantee has initiated litigation without reasonable cause or in bad faith, then Grantee shall reimburse Grantor for any reasonable costs of defending such action, including court costs and reasonable attorneys' fees. The parties to this Grant specifically acknowledge that events and circumstances of non-compliance constitute immediate and irreparable injury, loss, and damage to the Protected Property and accordingly entitle Grantee to such equitable relief, including but not limited to injunctive relief, as the Court deems just. The remedies described herein are in addition to, and not in limitation of, any other remedies available to Grantee at law, in equity, or through administrative proceedings.

No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair Grantee's rights or remedies or be construed as a waiver. Nothing in this enforcement section shall be construed as imposing a liability upon a prior owner of the Protected Property, where the event or circumstance of non-compliance shall have occurred after said prior owner's ownership or control of the Protected Property has terminated.

VI. Miscellaneous Provisions.

1. Where Grantor is required, as a result of this Grant, to obtain the prior written approval of Grantee before commencing an activity or act, and where Grantee has designated in writing another organization or entity which shall have the authority to grant such approval, the approval of said designee shall be deemed to be the approval of Grantee. Grantor shall reimburse Grantee or Grantee's designee for all extraordinary costs, including staff time, incurred in reviewing the proposed action requiring Grantee's approval; but not to include those costs which are expected and routine in scope. When Grantee has authorized a proposed action requiring approval under this Grant, Grantee shall, on request, provide Grantor with a written certification in recordable form memorializing said approval.

2. It is hereby agreed that the construction of any buildings, structures or improvements, or any use of the land otherwise permitted under this Grant, or the subdivision and separate conveyance of

any land excluded from this Grant in Schedule A attached hereto, shall be in accordance with all applicable ordinances, statutes, and regulations of the Town of Berlin and the State of Vermont and at Grantor's sole expense.

3. Grantee shall transfer the development rights and conservation easement and restrictions conveyed by Grantor herein only to a qualified conservation organization that agrees to enforce the conservation Purposes of this Grant, in accordance with the regulations established by the Internal Revenue Service governing such transfers.

4. In the event the development rights or conservation restrictions conveyed to Grantee herein are extinguished by eminent domain or other legal proceedings, Grantee shall be entitled to any proceeds which pertain to the extinguishment of Grantee's rights and interests. Any proceeds from extinguishment shall be allocated between Grantor and Grantee using a ratio based upon the relative value of the development rights and conservation restrictions, and the value of the fee interest in the Protected Property encumbered by this Grant, as determined by any qualified appraisal performed at the direction of Grantor in the year of this conveyance. Grantee shall use any such proceeds to preserve undeveloped and open space land in order to protect the aesthetic, cultural, educational, scientific, and natural resources of the state through non-regulatory means.

5. In any deed conveying an interest in all or part of the Protected Property, Grantor shall make reference to the conservation easement and restrictions described herein and shall indicate that said easement and restrictions are binding upon all successors in interest in the Protected Property in perpetuity. Grantor shall also notify Grantee of the name(s) and address(es) of Grantor's successor(s) in interest.

6. Grantee shall be entitled to re-record this Grant, or to record a notice making reference to the existence of this Grant, in the Town of Berlin Land Records as may be necessary to satisfy the requirements of the Record Marketable Title Act, 27 V.S.A., Chapter 5, Subchapter 7, including 27 V.S.A. §§603 and 605.

7. Grantor shall pay all real estate taxes and assessments on the Protected Property and shall pay all other taxes, if any, assessed in lieu of or in substitution for real estate taxes on the Protected Property.

8. The term "Grantor" shall include the successors and assigns of the original Grantor, The Dodge Farm Community, LLC. The term "Grantee" shall include the successors and assigns of the original Grantee, Vermont Land Trust, Inc. The term "family" includes: (a) any spouse of Grantor and any persons related to Grantor by blood to the 4th degree of kinship or by adoption, together with spouses of family members, (b) a corporation, partnership or other entity which is wholly owned and controlled by Grantor or Grantor's family (as defined herein), (c) any estate of Grantor or Grantor's family, and (d) all owners of a Grantor corporation, partnership, trust or other entity who are related to each other by blood to the 4th degree of kinship or by adoption, together with spouses of family members. Except to the extent of the uses, easements and interests excepted from Schedule A or otherwise provided for in Section III, the term Grantor shall not include The Dodge Farm Community, LLC upon the conveyance of the Protected Property to a third party.

9. Grantor shall hold harmless, indemnify and defend Grantee from and against any liabilities, claims and expenses, including reasonable attorney's fees to which Grantee may be subjected, including, but not limited to, those arising from any solid or hazardous waste/hazardous substance release or disposal or hazardous waste/ hazardous substance cleanup laws or the actions or inactions of Grantor as owner or operator of the premises, or those of Grantor's agents.

10. This Grant shall be governed by and construed in accordance with the laws of the State of Vermont. In the event that any provision or clause in this Grant conflicts with applicable law, such conflict shall not affect other provisions hereof which can be given effect without the conflicting provision. To this end the provisions of this Grant are declared to be severable. Invalidation of any provision hereof shall not affect any other provision of this Grant.

TO HAVE AND TO HOLD said granted development rights, conservation easement and restrictions, with all the privileges and appurtenances thereof, to the said Grantee, VERMONT LAND TRUST, INC., its successors and assigns, to their own use and behoof forever, and the said Grantor, THE DODGE FARM COMMUNITY, LLC, for itself, and its successors and assigns, does covenant with the said Grantee, its successors and assigns, that until the ensembling of these presents, it is the sole owner of the premises and has good right and title to convey the same in the manner aforesaid, that the premises

are free from every encumbrance, except those of record, and it hereby engages to warrant and defend the same against all lawful claims whatever.


IN WITNESS WHEREOF, I set my hand and seal on behalf of The Dodge Farm Community, LLC this 29 day of July, 2009.

Signed, sealed and delivered
In The Presence Of:

GRANTOR
THE DODGE FARM COMMUNITY, LLC

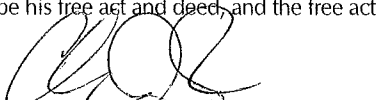


Witness to TDFC

By: 
Jack J. Barnes III, Its Manager and
Duly Authorized Agent

STATE OF VERMONT
WASHINGTON COUNTY, ss.

At Waterbury, this 29 day of July, 2009, Jack J. Barnes, III, personally appeared and he acknowledged this instrument, by him subscribed, to be his free act and deed, and the free act and deed of The Dodge Farm Community, LLC, before me.


Notary Public
My commission expires: 02/10/2011

SCHEDULE A
PROTECTED PROPERTY

Being all and the same lands and premises, including farm buildings, conveyed to Grantor by warranty deed of George H. Dodge, dated July 14, 2006, and recorded in Book 106, Pages 401-402 of the Berlin Land Records.

Excepted and excluded from this description of the Protected Property are the following three parcels of land:

1. A three and six-tenths (3.6) acre parcel lying on the westerly side of Town Highway #4 and Town Highway #5 depicted as "EXCLUDED AREA 3.6 ACRES ±" on a survey entitled "Subdivision of Land for Dodge Farm Community LLC, Town Highways #4 and #5, Berlin, Vermont," sheet 3 of 3, prepared by Gregory F. Dubois L.S., dated April 2009, revised August 3, 2009 [sic] to be recorded in the Berlin Land Records.
2. A sixty three and six-tenths (63.6) acre parcel of land depicted as Lots 3, 4, 5, 6, 7, 8, and 9 on a survey entitled "Subdivision of Land for Dodge Farm Community LLC, Town Highways #4 and #5, Berlin, Vermont" sheet 2 of 3 dated April 2009, prepared by Gregory F. Dubois L.S. and to be recorded in the Berlin Land Records.
3. A sixty two and two-tenths (62.2) acre parcel being that portion of the land conveyed in the above referenced deed lying on the northerly side of Town Highway #4 (also known as Airport Road) in the Town of Berlin.

Meaning and intending to include in this description of the Protected Property all of the land with the buildings and improvements thereon lying on the southerly side of Town Highway #4 (also known as Airport Road) and the southerly side of Town Highway #5 (also known as Scott Hill Road), in the Town of Berlin, Vermont, except as excluded above, and generally described as containing 176.4 acres, more or less.

Reference is also made to a three sheet survey plat by Gregory F. Dubois, L.S., Sheet 1 of which is entitled "PROPERTY SURVEY FOR DODGE FARM COMMUNITY LLC TOWN HIGHWAYS #4 and #5 BERLIN, VERMONT," Sheet 2 and 3 of which are entitled "SUBDIVISION OF LAND FOR DODGE FARM COMMUNITY, LLC TOWN HIGHWAYS #4 AND # 5 BERLIN, VERMONT" dated December 2006, revised May 4, 2009 as to Sheet 1, and dated April 2009 as to Sheets 2 and 3, and in the process of being recorded with the Berlin Land Records.

NOTICE: Unless otherwise expressly indicated, the descriptions in this Schedule A and in any subsequent Schedules are not based on a survey or subdivision plat. The Grantor and Grantee have used their best efforts to depict the approximate boundaries of the Protected Property and any excluded parcels, complexes or special treatment areas on a plan entitled "Vermont Land Trust – Dodge Farm Property, Town of Berlin, Washington Co., VT, July 2009" signed by the Grantor and Grantee (referred to throughout this Grant and its Schedules as "Dodge Farm Conservation Plan"). The Dodge Farm Conservation Plan is based upon Vermont Base Map digital orthophotos and other information available to Grantee at the time of the Plan's preparation. Any metes and bounds descriptions included in the Schedules herein are approximate only. They are computer generated and are not the result of field measurements or extensive title research. The Dodge Farm Conservation Plan and any metes and bounds descriptions herein are intended solely for the use of the Grantor and Grantee in establishing the approximate location of the areas described and for administering and interpreting the terms and conditions of this Grant. No monuments have been placed on the ground. The Dodge Farm Conservation Plan is kept by Grantee in its Stewardship Office. The Dodge Farm Conservation Plan is not a survey and must not be used as a survey or for any conveyance or subdivision of the land depicted thereon.

Grantor and Grantee do not intend to imply any limitation on the area of land included in this description, should a survey determine that additional land is also encumbered by the Grant. If, in the future, the Grantor or Grantee shall prepare a survey of the Protected Property, of any portion thereof, or of any excluded lands, and that survey is accepted by the other party or confirmed by a court, the descriptions in the survey shall control.

Reference may be made to the above described deed and record, and to the deeds and records referred to therein, in further aid of this description.

SCHEDULE B
BARN COMPLEX

The "Barn Complex" referred to in Section III(7) of this Grant contains two (2.0) acres, more or less, and is depicted as "BARN COMPLEX 2.0 ACRES ±" on a survey entitled "Subdivision of Land for Dodge Farm Community LLC, Town Highways #4 and #5, Berlin, Vermont," sheet 3 of 3, prepared by Gregory F. Dubois L.S., dated April 2009, revised August 3, 2009 [sic] to be recorded in the Berlin Land Records.

TOWN CLERK'S OFFICE - BERLIN, VT
Received for Record
at August 6 A.D. 20 09
at 12 o'clock noon Minutes M
Recorded in Book 117 Page 194-204
of Land Records.
Attest Rosemary Mace Town Clerk

VERMONT
Property Transfer Tax Return

Form
PT-172
(Replaces Form PT-1)



* 0 8 1 7 2 1 1 9 9 *

A. SELLER'S (TRANSFEROR'S) INFORMATION

**BLACK OUT
ON TOWN
COPY ONLY**

Entity SELLER #1 Federal ID number

205076027

Individual SELLER #1 Social Security Number

Individual SELLER #2 Social Security Number

Entity SELLER #1 Name

THE DODGE FARM COMMUNITY, LLC

Individual SELLER #1 Last Name

First Name

Initial

Entity SELLER #1 or Individual SELLER #1 Mailing Address **Following Transfer** (Number and Street or Road Name)

13 SHED ROAD

City or Town

BERLIN

State

VT

Zip Code

05602

Individual SELLER #2 Last Name

First Name

Initial

Individual SELLER #2 Mailing Address **Following Transfer** (Number and Street or Road Name)

City or Town

State

Zip Code

TOTAL number of SELLERS

1

If more than 2, attach Form 172-S.

B. BUYER'S (TRANSFEEE'S) INFORMATION

INTERNATIONAL address checkbox

**BLACK OUT
ON TOWN
COPY ONLY**

Entity BUYER #1 Federal ID number

030264836

Individual BUYER #1 Social Security Number

Individual BUYER #2 Social Security Number

Entity BUYER #1 Name

VERMONT LAND TRUST INC

Individual BUYER #1 Last Name

First Name

Initial

Entity BUYER #1 or Individual BUYER #1 Mailing Address **Following Transfer** (Number and Street or Road Name)

8 BAILEY AVENUE

City or Town

MONTPELIER

State

VT

Zip Code

05602

Individual BUYER #2 Last Name

First Name

Initial

Individual BUYER #2 Mailing Address **Following Transfer** (Number and Street or Road Name)

City or Town

State

Zip Code

TOTAL number of BUYERS

1

If more than 2, attach Form 172-B.

Buyer #1 or Entity _____
SSN or FID 030264836
Property Location AIRPORT RD & SCOTT HILL ROD BERLIN
Date of Closing 07 29 2009



* 0 8 1 7 2 1 2 9 9 *

C. PROPERTY LOCATION

Number and Street or Road Name

AIRPORT RD & SCOTT HILL ROD

City or Town

BERLIN

VT

D. DATE OF CLOSING

07 29 2009

M M D D Y Y Y Y

E. INTEREST IN PROPERTY - Write the number from the list

7

if "4", enter % Interest here

- 1. Fee Simple
- 2. Life Estate
- 3. Undivided 1/2 Interest
- 4. Undivided ___% Interest
- 5. Time-Share
- 6. Lease
- 7. Easement/Row
- 8. Other

F. LAND SIZE (Acres or fraction thereof)

176 40 ±

G. SPECIAL FACTORS

If sale was between family members, enter number from list below

Check if development rights have been conveyed

- 1. Husband/Wife
- 2. Parent/Child
- 3. Grandparent/Grandchild
- 4. Other

FINANCING: Conventional/Bank Owner Financing Other

H. TYPE OF BUILDING CONSTRUCTION AT THE TIME OF TRANSFER (Check all that apply)

- 1. None
- 2. Factory
- 3. Single Family Dwelling
- 4. Seasonal Dwelling
- 5. Farm Buildings
- 6. Multi-Family with _____ Dwelling Units Transferred
- 7. Mobile Home
- 8. Condominium with _____ Units Transferred
- 9. Store
- 10. Residential New Construction
- 11. Other

I. SELLER'S USE OF PROPERTY BEFORE TRANSFER

2

- 1. Primary Residence
- 2. Open Land
- 3. Secondary Residence
- 4. Timberland
- 5. Operating Farm
- 6. Government Use
- 7. Commercial
- 8. Industrial
- 9. Other

Check if property was rented BEFORE transfer

J. BUYER'S USE OF PROPERTY AFTER TRANSFER

5

- 1. Primary Residence
- 2. Open Land
- 3. Secondary Residence
- 4. Timberland
- 5. Operating Farm
- 6. Government Use
- 7. Commercial
- 8. Industrial
- 9. Other

Check if property will be rented AFTER transfer

Check if property was purchased by tenant Check if buyer holds title to any adjoining property

K. AGRICULTURAL/MANAGED FOREST LAND USE VALUE PROGRAM, 32 V.S.A. Chapter 124

- 1. Check if property being conveyed is subject to a land use change tax lien
- 2. Check if new owner elects to continue enrollment of eligible property

L. If transfer is exempt from Property Transfer Tax, cite exemption number from instructions and complete Sections M, N, and O below.

12

M. TOTAL Price Paid

0 00

N. Price paid for Personal Property

00

O. Price paid for Real Property

0 00

State type of Personal Property _____

If price paid for Real Property is less than fair market value, please explain DONATION OF CONSERVATION EASEMENT

P. Value of purchaser's principal residence (See instructions)

00

Q. Fair market value of property enrolled in current use program

00

R. Fair market value of qualified working farm

00

S. PROPERTY TRANSFER TAX DUE from rate schedule on page 3 of this form.

COMPLETE RATE SCHEDULE FOR ALL TRANSFERS.

Make checks payable to VERMONT DEPARTMENT OF TAXES

0 00

T. DATE SELLER ACQUIRED

07 14 2006

M M D D Y Y Y Y

U. IF A VERMONT LAND GAINS TAX RETURN IS NOT BEING FILED, cite exemption(s) from instructions on page 4 of this booklet

02

Buyer #1 or Entity _____
 SSN or FID _____ 030264836
 Property Location AIRPORT RD & SCOTT HILL ROD BERLIN
 Date of Closing 07 29 2009



* 0 8 1 7 2 1 3 9 9 *

RATE SCHEDULE

Tax on Special Rate Property

- 1. Value of purchaser's principal residence (See instructions) 1. _____
- 2. Value of property enrolled in current use program 2. _____
- 3. Value of qualified working farm 3. _____
- 4. Add Lines 1, 2, and 3 4. _____
- 5. Tax rate 5. **0.005**
- 6. Tax due on Special Rate Property (Multiply Line 4 by Line 5) 6. _____

Tax on General Rate Property

- 7. Enter amount from Line O on page 2 of this form 7. _____
- 8. Enter amount from Line 4 above 8. _____
- 9. Subtract Line 8 from Line 7 9. _____
- 10. Tax rate 10. **0.0125**
- 11. Tax due on General Rate Property (Multiply Line 9 by Line 10) 11. _____

TOTAL TAX DUE

- 12. Add Line 6 and Line 11. Enter here and on Line S on page 2 of this form. 12. _____ 0.00

LOCAL AND STATE PERMITS AND ACT 250 CERTIFICATES

Buyer(s) and Seller(s) certify as follows:

- A. That they have investigated and disclosed to every party to this transaction all of their knowledge relating to flood regulations, if any, affecting the property.
- B. That the seller(s) advised the buyer(s) that local and state building regulations, zoning regulations and subdivision regulations and wastewater system and potable water supply rules under 10 V.S.A. Chapter 64 pertaining to the property may limit significantly the use of the property.
- C. That this transfer is in compliance with or is exempt from the wastewater system and potable water supply rules of the Agency of Natural Resources for the following reasons:
 - 1. This property is the subject of Permit Number _____ and is in compliance with said permit, or
 - 2. This property and any retained parcel is exempt from the wastewater system and potable water supply rules because (see instructions for exemptions):
 - a. Parcel to be sold: Exemption Number CONSERVATION EASEMENT
 - b. Parcel retained: Exemption Number _____

Seller(s) further certifies as follows:

- D. That this transfer of real property and any development thereon is in compliance with or exempt from 10 V.S.A. Chapter 151, Vermont's Land Use and Development law (Act 250), for the following reason:
 - 1. This property is the subject of Act 250 Permit Number _____ and is in compliance with said permit, or
 - 2. This property is exempt from Act 250 because (list exemption number from Line D in instructions): CONSERV EASEMENT
- E. That this transfer / does not (strike one) result in a partition or subdivision of land. **Note:** If it does, an Act 250 Disclosure Statement must be attached to this return before filing with the town clerk (see Line E instructions).

WITHHOLDING CERTIFICATION

- Buyer(s) certifies that Vermont income tax has been withheld from the purchase price and will be remitted to the Commissioner of Taxes with Form RW-171 within 30 days from the transfer,
- OR that the transfer is exempt from income tax withholding for the following reason (check one):**
- 1. Under penalties of perjury, seller(s) certifies that at the time of transfer, each seller was a resident of Vermont or an estate.
- 2. Buyer(s) certifies that the parties obtained withholding certificate number _____ from the Commissioner of Taxes in advance of this sale.
- 3. Buyer(s) certifies that this is a transfer without consideration. (See instructions for Form RW-171.)
- 4. Seller(s) is a mortgagor conveying the mortgaged property to a mortgagee in a foreclosure or transfer in lieu of foreclosure, with no additional consideration.

Buyer #1 or Entity _____
SSN or FID 030264836
Property Location AIRPORT RD & SCOTT HILL ROD BERLIN
Date of Closing 07 . 29 2009



* 0 8 1 7 2 1 4 9 9 *

SIGNATURES

We hereby swear and affirm that this return, including all certificates, is true, correct and complete to the best of our knowledge.

SELLER(S)	Signature <u><i>Paul J. Brennan</i></u> _____	Date <u>7/29/09</u> _____
	Signature _____	Date _____
	Signature _____	Date _____
	Signature _____	Date _____
BUYER(S)	Signature <u><i>Paul J. Brennan</i></u> _____	Date <u>7/29/09</u> _____
	Signature _____	Date _____
	Signature _____	Date _____
	Signature _____	Date _____

Prepared by (print or type) VERMONT LAND TRUST INC Preparer's Signature _____
Preparer's Address 8 BAILEY AVE MONTPELIER VT 05602 Buyer's Representative _____
NO CERTIFICATION IS MADE BY PREPARER Buyer's Representative Telephone _____

Town or City: Please forward original to the VT Department of Taxes within 30 days of receipt.

THIS SECTION TO BE COMPLETED BY TOWN OR CITY CLERK

Book Number _____ Page Number _____ Grand List year of _____

City or Town _____ Date of Record _____

Listed Value _____ Parcel ID Number _____

Grand List Category* SPAN _____

M M D D Y Y Y Y

ACKNOWLEDGMENT

Return received (including certificates and Act 250 disclosure statement) and tax paid.

SIGNED _____, Clerk DATE _____

* Please use the following two-digit grand list category codes

- | | | |
|-----------------------------------|--------------------------------|------------------------------|
| Residential <6 Acres 01 | Seasonal >6 Acres 06 | Utilities Other 11 |
| Residential >6 Acres 02 | Commercial 07 | Farm 12 |
| Mobile Home/Un 03 | Commercial Apt. 08 | Other 13 |
| Mobile Home/La 04 | Industrial 09 | Woodland 14 |
| Seasonal <6 Acres 05 | Utilities Elec. 10 | Miscellaneous 15 |



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104
<http://www.fws.gov/newengland>

In Reply Refer To:

September 16, 2021

Consultation code: 05E1NE00-2021-TA-4527

Event Code: 05E1NE00-2021-E-14698

Project Name: E.F. Knapp State Airport Obstruction Removal

Subject: Verification letter for the 'E.F. Knapp State Airport Obstruction Removal' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Nicole Frazer:

The U.S. Fish and Wildlife Service (Service) received on September 16, 2021 your effects determination for the 'E.F. Knapp State Airport Obstruction Removal' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"^[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

E.F. Knapp State Airport Obstruction Removal

2. Description

The following description was provided for the project 'E.F. Knapp State Airport Obstruction Removal':

The areas of proposed tree removal are beyond both runway ends. These areas contain upland and wetland forested areas. It is anticipated that the cutting will occur over the winter months.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.193494650000005,-72.55871292949175,14z>



Determination Key Result

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

Yes

2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")

No

3. Will your activity purposefully **Take** northern long-eared bats?

No

4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?

Automatically answered

No

5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

Yes

6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

No

7. Will the action involve Tree Removal?

Yes

8. Will the action only remove hazardous trees for the protection of human life or property?

No

9. Will the action remove trees within 0.25 miles of a known northern long-eared bat hibernaculum at any time of year?

No

10. Will the action remove a known occupied northern long-eared bat maternity roost tree or any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31?

No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

33

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0

IPaC Information for Planning and Consultation **U.S. Fish & Wildlife Service**

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

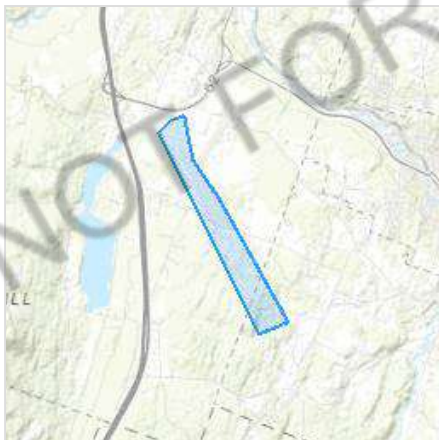
Project information

NAME

E.F. Knapp State Airport Obstruction Removal

LOCATION


Washington County, Vermont


**DESCRIPTION**

Some(The areas of proposed tree removal are beyond both runway ends. These areas contain upland and wetland forested areas. It is anticipated that the cutting will occur over the winter months.)

Local office

New England Ecological Services Field Office

 (603) 223-2541

 (603) 223-0104

70 Commercial Street, Suite 300
Concord, NH 03301-5094

<http://www.fws.gov/newengland>

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Log in to IPaC.
2. Go to your My Projects list.
3. Click PROJECT HOME for this project.
4. Click REQUEST SPECIES LIST.

Listed species

¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

-
1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
 2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> Wherever found No critical habitat has been designated for this species. http://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> Wherever found No critical habitat has been designated for this species. http://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act

¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Bald Eagle *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<http://ecos.fws.gov/ecp/species/1626>

Breeds Dec 1 to Aug 31

Black-billed Cuckoo *Coccyzus erythrophthalmus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<http://ecos.fws.gov/ecp/species/9399>

Breeds May 15 to Oct 10

Bobolink *Dolichonyx oryzivorus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 20 to Jul 31

Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10
Evening Grosbeak <i>Coccothraustes vespertinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 15 to Aug 10
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. http://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Olive-sided Flycatcher <i>Contopus cooperi</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. http://ecos.fws.gov/ecp/species/3914	Breeds May 20 to Aug 31
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week

of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

- The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

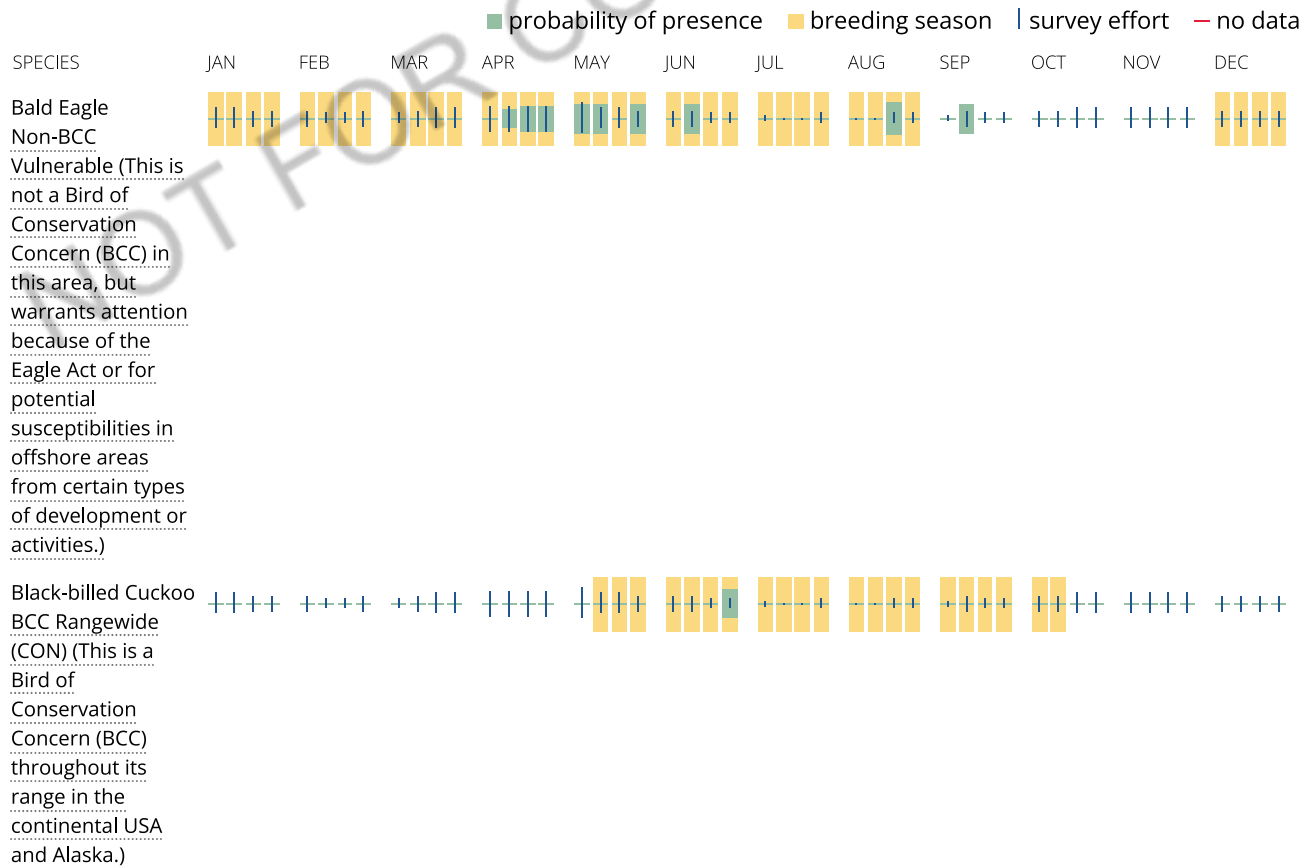
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (-)

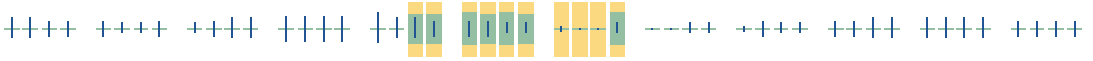
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe


Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



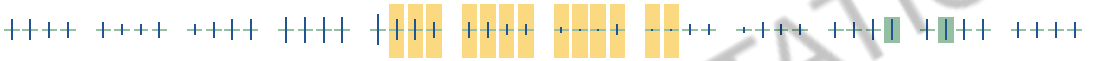
Bobolink
BCC Rangewide
(CON) (This is a
Bird of
Conservation
Concern (BCC)
throughout its
range in the
continental USA
and Alaska.)




Canada Warbler
BCC Rangewide
(CON) (This is a
Bird of
Conservation
Concern (BCC)
throughout its
range in the
continental USA
and Alaska.)




Evening Grosbeak
BCC Rangewide
(CON) (This is a
Bird of
Conservation
Concern (BCC)
throughout its
range in the
continental USA
and Alaska.)



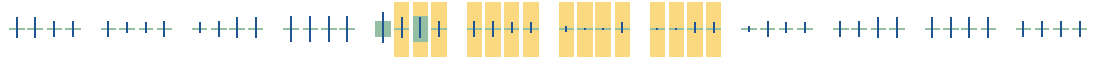
Lesser Yellowlegs
BCC Rangewide
(CON) (This is a
Bird of
Conservation
Concern (BCC)
throughout its
range in the
continental USA
and Alaska.)



Olive-sided
Flycatcher
BCC Rangewide
(CON) (This is a
Bird of
Conservation
Concern (BCC)
throughout its
range in the
continental USA
and Alaska.)



Wood Thrush
 BCC Rangewide
 (CON) (This is a
 Bird of
 Conservation
 Concern (BCC)
 throughout its
 range in the
 continental USA
 and Alaska.)



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND

[PEM1A](#)

FRESHWATER FORESTED/SHRUB WETLAND

[PSS1C](#)

[PSS1B](#)

FRESHWATER POND

[PUBH](#)

RIVERINE

[R5UBH](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104
<http://www.fws.gov/newengland>

In Reply Refer To:

October 05, 2021

Consultation Code: 05E1NE00-2021-SLI-4527

Event Code: 05E1NE00-2022-E-00123

Project Name: E.F. Knapp State Airport Obstruction Removal

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

[http://](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html)

www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541

Project Summary

Consultation Code: 05E1NE00-2021-SLI-4527

Event Code: Some(05E1NE00-2022-E-00123)

Project Name: E.F. Knapp State Airport Obstruction Removal

Project Type:

Project Description: The areas of proposed tree removal are beyond both runway ends. These areas contain upland and wetland forested areas. It is anticipated that the cutting will occur over the winter months.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.193494650000005,-72.55871292949175,14z>



Counties: Washington County, Vermont

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Koutropoulos, Taylor

From: Dodge, Noel <Noel.Dodge@vermont.gov>
Sent: Thursday, October 21, 2021 2:02 PM
To: Frazer, Nicole
Cc: Austin, John
Subject: RE: [--EXTERNAL--]: RE: MPV Tree Obstruction Removal- Berlin VT

Hi Nicole,

I have the total area of clearing at around 5.5 acres on the north end of the airport. So you are saying that roughly 1-acre would be cleared of that 5.5 this winter?

If that is the case, then yes, that clearing could be performed during winter, that is if it was done after August 31, 2021, but before the April 15, 2022.

Yes, for the rest of the clearing, because of the larger acreage and the % of forested cover within 1-mile it represents, an acoustic survey would be required.

My VTrans colleagues are aware and tentatively planning acoustic surveys for next summer.

-Noel



Noel Dodge | Wildlife Biologist, Regulatory review (he/him/his)
[Vermont Agency of Natural Resources](#) | [Fish & Wildlife Department](#)
Wildlife Division, Lands and Habitat Program
5 Perry Street, Suite 40 | Barre, VT 05641
Noel.Dodge@vermont.gov | 802-689-0000 cell

Written communication to and from state officials regarding state business are considered public records and may be subject to public scrutiny.

From: Frazer, Nicole <NFrazer@chacompanies.com>
Sent: Thursday, October 21, 2021 7:57 AM
To: Dodge, Noel <Noel.Dodge@vermont.gov>
Cc: Austin, John <John.Austin@vermont.gov>
Subject: RE: [--EXTERNAL--]: RE: MPV Tree Obstruction Removal- Berlin VT

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good morning,

An area at the north end of the runway (~1 acre) is proposed to be cut this winter. We are working on permit application now. As for the rest, you are correct, it will be several years.

Am I correct that the winter cutting (~1 acres) should not be an issue, no conservation measures needed? And for the rest of the acreage I will include in the environmental assessment that acoustic surveys need to be completed?

Thanks

Nicole Frazer
Senior Scientist
CHA
Office: (518) 453-8211
nfrazer@chacompanies.com
www.chacompanies.com



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From: Dodge, Noel <Noel.Dodge@vermont.gov>
Sent: Thursday, September 9, 2021 2:07 PM
To: Frazer, Nicole <NFrazer@chacompanies.com>
Cc: Austin, John <John.Austin@vermont.gov>
Subject: RE: [--EXTERNAL--]: RE: MPV Tree Obstruction Removal- Berlin VT

I was of the impression from my VTrans colleagues that this project was several years out. Due to the large acreage of clearing Acoustic surveys would be required, though there is a caveat that: *“Without such surveys, any project that impacts more than 2% of the forested habitat will be evaluated for its overall impact on a potential maternity colony, requiring no less than a prohibition on the clearing of trees at least during the period of April 15 – August 31 and additional mitigation, depending on the acreage of the habitat impacted.”*

I would need to evaluate the proposal with our small mammal biologist to determine what additional mitigation would be required along with the seasonal cutting restriction, if no acoustic surveys were conducted.

-Noel



Noel Dodge | Wildlife Biologist, Regulatory review (he/him/his)
[Vermont Agency of Natural Resources](#) | [Fish & Wildlife Department](#)
 Wildlife Division, Lands and Habitat Program
 5 Perry Street, Suite 40 | Barre, VT 05641
Noel.Dodge@vermont.gov | 802-689-0000 cell

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From: Frazer, Nicole <NFrazer@chacompanies.com>
Sent: Thursday, September 9, 2021 12:25 PM
To: Dodge, Noel <Noel.Dodge@vermont.gov>
Cc: Austin, John <John.Austin@vermont.gov>
Subject: RE: [--EXTERNAL--]: RE: MPV Tree Obstruction Removal- Berlin VT

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Hi

Thanks for the info.

It is likely that the cutting will be proposed over winter. If that is the case, would the acoustic surveys still be required?

Yes we did take a look at the unconfirmed vernal pool. Although our delineation and the visit yesterday were not done when egg masses etc could be seen, we agreed that the area appears to function as a vernal pool. During the delineation the property owner did mention he has seen salamanders (not sure which species) in the spring.

Nicole Frazer

Senior Scientist

CHA

Office: (518) 453-8211

nfrazer@chacompanies.com

www.chacompanies.com



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From: Dodge, Noel <Noel.Dodge@vermont.gov>

Sent: Thursday, September 9, 2021 11:39 AM

To: Frazer, Nicole <NFrazer@chacompanies.com>

Cc: Austin, John <John.Austin@vermont.gov>

Subject: RE: [--EXTERNAL--]: RE: MPV Tree Obstruction Removal- Berlin VT

Hi Nicole,

Apologies for the delay, I was running a few analyses and checking in with my VTrans colleagues.

There are no nearby records of NLEB hibernaculum or maternity roost trees, however in Vermont all forest is considered potential summer habitat for NLEB.

The map you provided indicates approximately 33 acres of forest clearing. Following our [Northern long-eared bat guidance](#) that level of forest clearing represents >2% of the forested cover within 1-mile which triggers the requirement for bat acoustic surveys. Acoustic surveys must be conducted during the appropriate season, by a qualified biologist, and results are good for 5-years. I believe VTrans biologist Meg Lout will be planning to conduct surveys next summer in accordance with our guidelines. Depending on the results of those surveys there may or may not need to be additional conditions or restrictions to meet State T&E species regulations.

I understand that you were very recently out on site with VTDEC wetlands ecologist Shannon Morrison. I'm curious if you discussed the two Vernal pools I referenced in my initial response.

-Noel



Noel Dodge | Wildlife Biologist, Regulatory review (he/him/his)

[Vermont Agency of Natural Resources](#) | [Fish & Wildlife Department](#)

Wildlife Division, Lands and Habitat Program

5 Perry Street, Suite 40 | Barre, VT 05641

Noel.Dodge@vermont.gov | 802-689-0000 cell

Written communication to and from state officials regarding state business are considered public records and may be subject to public scrutiny.

From: Frazer, Nicole <NFrazer@chacompanies.com>

Sent: Thursday, September 9, 2021 9:14 AM

To: Dodge, Noel <Noel.Dodge@vermont.gov>

Cc: Austin, John <John.Austin@vermont.gov>

Subject: FW: [--EXTERNAL--]: RE: MPV Tree Obstruction Removal- Berlin VT

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Good morning,

Just following up on my question below.

Thanks

Nicole Frazer

Senior Scientist

CHA

Office: (518) 453-8211

nfrazer@chacompanies.com

www.chacompanies.com



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From: Frazer, Nicole

Sent: Thursday, August 26, 2021 9:03 AM

To: Dodge, Noel <Noel.Dodge@vermont.gov>

Subject: RE: [--EXTERNAL--]: RE: MPV Tree Obstruction Removal- Berlin VT

Hi

Is it correct that your response would indicate if the project was near a NLEB hibernaculum or maternity roost tree?

Thanks

Nicole Frazer

Senior Scientist

CHA

Office: (518) 453-8211

nfrazer@chacompanies.com

www.chacompanies.com



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From: Dodge, Noel <Noel.Dodge@vermont.gov>

Sent: Thursday, June 10, 2021 8:25 AM

To: Frazer, Nicole <NFrazer@chacompanies.com>; Austin, John <John.Austin@vermont.gov>

Subject: [--EXTERNAL--]: RE: MPV Tree Obstruction Removal- Berlin VT

Good Morning Nicole,

The Element occurrence at Knapp State Airport is for Upland Sandpiper, a state Endangered grassland bird. I've attached the Element occurrence form.

Additionally, the penetrations in Obstacle Clearance Surface #4 contains roughly 8 acres of forest mapped as Deer Wintering Area, considered Necessary Wildlife habitat and protected via Vermont's Land use and development law, [Act 250](#).

The same area, the southern most group of penetrations overlaps a mapped potential Vernal Pool. This pool was identified using aerial imagery, and the LiDAR ground surface indicates a depression, however, the site has not been visited to confirm it is functioning a Vernal Pool.



Noel Dodge | Wildlife Biologist, Regulatory review (he/him/his)
[Vermont Agency of Natural Resources](#) | [Fish & Wildlife Department](#)
Wildlife Division, Lands and Habitat Program
5 Perry Street, Suite 40 | Barre, VT 05641
Noel.Dodge@vermont.gov | 802-689-0000 cell

Written communication to and from state officials regarding state business are considered public records and may be subject to public scrutiny.

From: Frazer, Nicole <NFrazer@chacompanies.com>
Sent: Tuesday, June 8, 2021 2:49 PM
To: Dodge, Noel <Noel.Dodge@vermont.gov>; Austin, John <John.Austin@vermont.gov>
Subject: MPV Tree Obstruction Removal- Berlin VT

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Good afternoon,

We are preparing a NEPA Environmental Assessment for a proposed tree obstruction removal project associated with the E.F. Knapp State Airport (MPV). The project areas are shown on the attached map. Based on review of ANR mapping, there is an animal polygon within the southern project area, however, species information is not displayed. Could you please provide information on any threatened, endangered species, significant communities etc. within the project areas so that the information can be included in the EA.

Please let me know if you require any further information.

Thanks

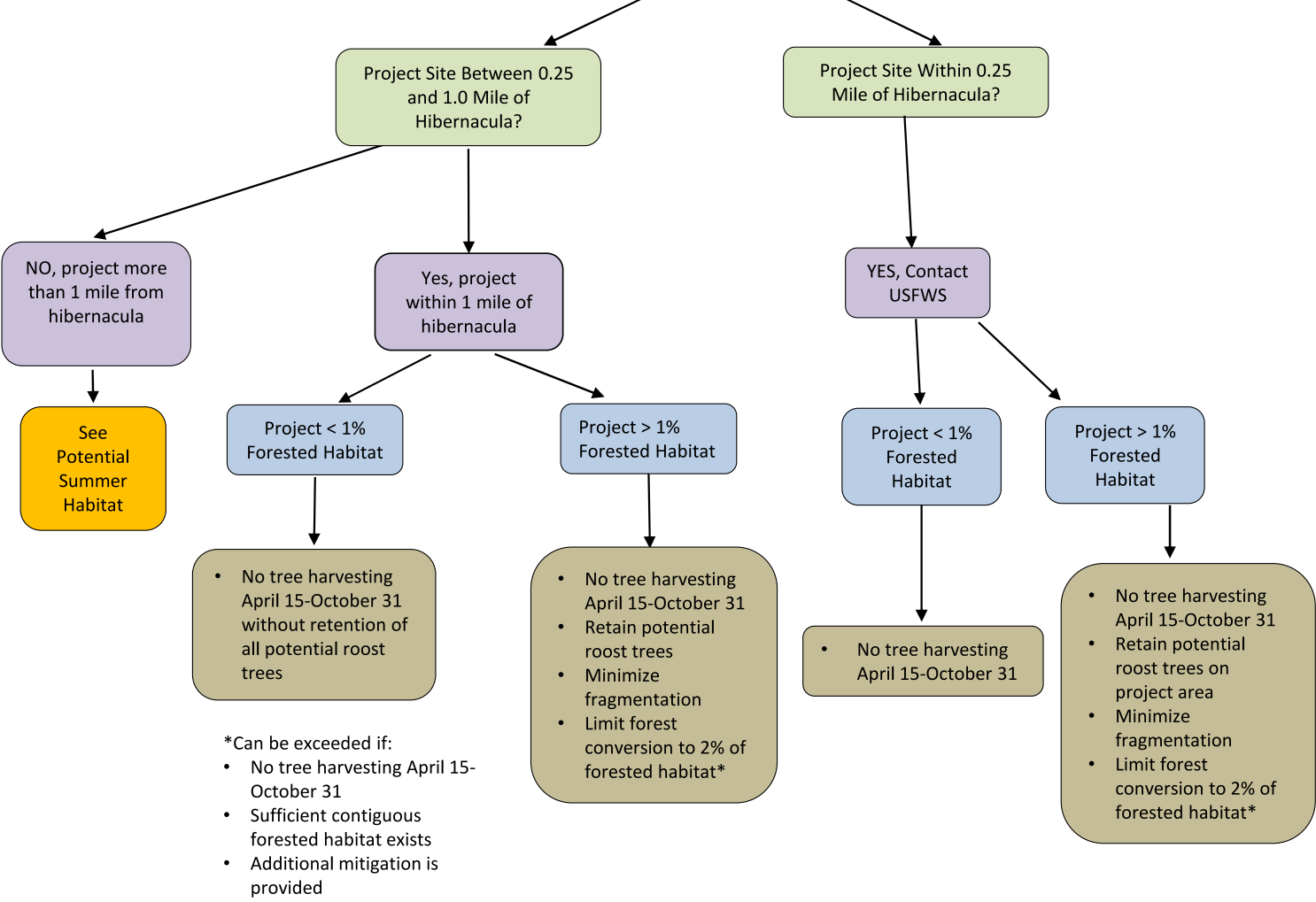
Nicole Frazer
Senior Scientist
CHA
Office: (518) 453-8211
nfrazer@chacompanies.com
www.chacompanies.com



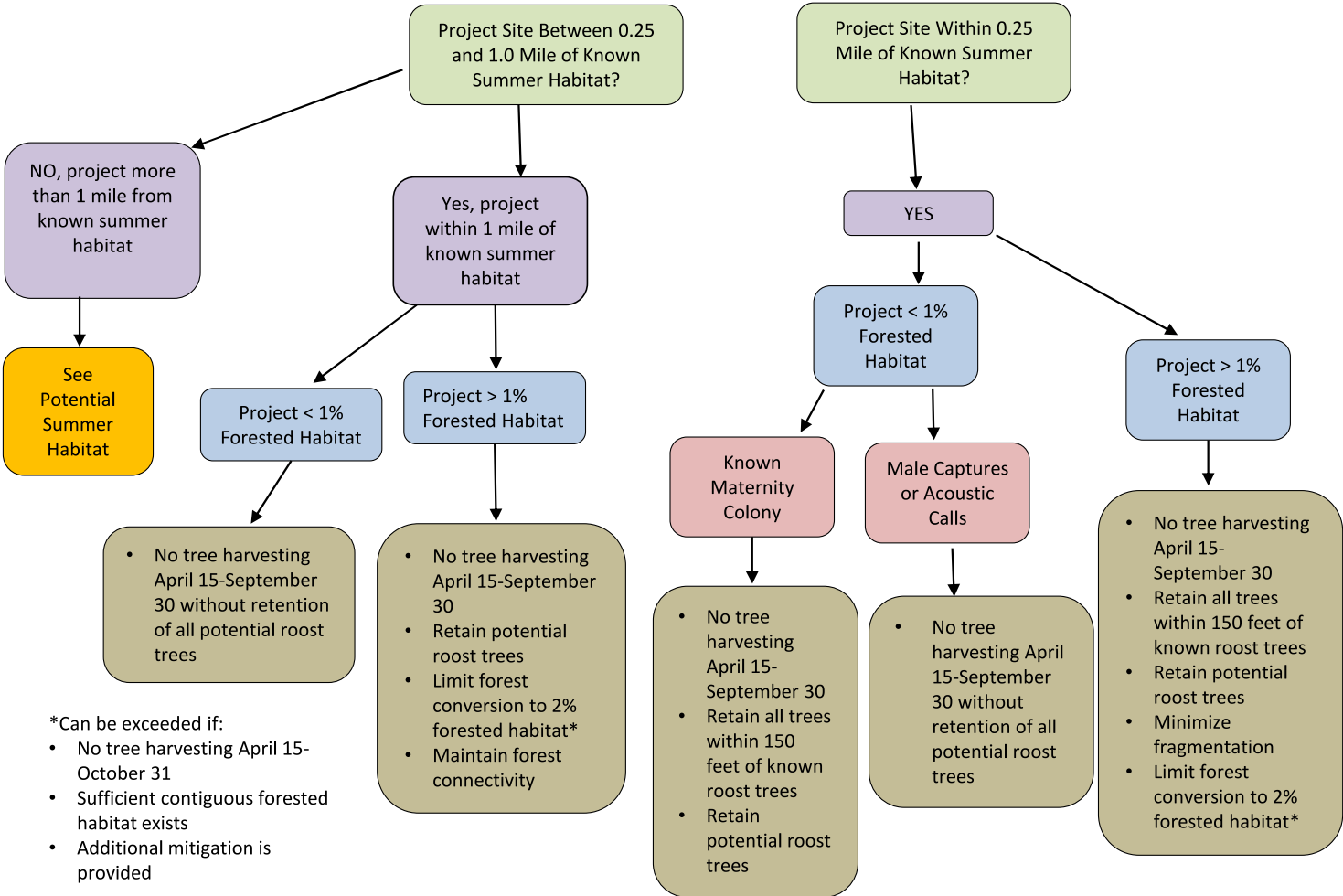
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Vermont Fish and Wildlife Department
Regulatory Review Guidance 2017
MYSE Hibernacula



Vermont Fish and Wildlife Department
Regulatory Review Guidance 2017
MYSE Summer Habitat



Vermont Fish and Wildlife Department
Regulatory Review Guidance 2017
Potential MYSE Summer Habitat

