

**Regular Meeting of the Hogback Management Plan Update Committee**  
**7:30 p.m. Wednesday, Jan 24, 2024**  
**via Zoom**

**Minutes**

Meeting called to order at 7:32 pm. Due to icy rain, meeting was via Zoom only.

Attendees: Diana Todd, Mike Purcell, Pieter Van Loon, Amanda Whiting

1. Preliminaries
  - a. choose a secretary to take minutes - Diana
  - b. choose a Zoom host - Amanda
  - c. start Zoom recording
2. Approve minutes of previous meeting (Jan 10, 2024). – Approved as submitted.
3. Add any new topics that have come up or that people have thought of to the master list of issues to consider during the update.
  - a. Is it OK to pack the snow on trails for use by fat bikes? – Mike noted that HPC has discussed this topic in the past and approved this type of trail maintenance.
  - b. Is it OK to open lines of sight from trails to create mini-vistas by removing a small number of trees?
  - c. Information kiosks should always contain info on Vermont hunting seasons, since some type of hunting is always in season year round.
4. Forest Management
  - a. Agreed to hold a special meeting in late April or early May at the conservation area to see examples of forest condition. Pieter will lead the tour. The public will be invited and the meeting can be promoted by HMCA as an educational event. Doing the tour earlier, when snow might be obscuring the lowest level of vegetation, would not be as informative. Pieter will propose a date based on his availability.
  - b. Agreed to not delay the development of the updated (master) Management Plan in order to wait for a comprehensive Forest Management Plan to be completed. The draft (master) plan will move forward by delineating values and objectives for forest management in the conservation area, with proposed actions and timelines, such as “By (date), create a Forest Management Plan with input from the County Forester.” A procedure for approving and implementing the forest management plan will be specified. An example of this model can be seen in the management plan developed by the town of Richmond, VT for their Andrews Community Forest. Pieter will develop a first draft of this section.
5. Informational review of Act 59, aka “30x30 and 50s50”
  - a. A two-page summary of Act 59 was reviewed, with particular attention to the section defining three categories of conservation: 1) Ecological Reserve Area, 2) Biodiversity Conservation Area, and 3) Natural Resource Management Area.
  - b. Diana reported that she had contacted Jennifer Garrett at VLT to ask her opinion: Which category does Hogback fall in? Jennifer responded that based on the conservation easement as written, Hogback falls in category 3) Natural Resource Management Area. Jennifer noted that to date, it has been generally managed in a way that is closer to category 2) Biodiversity Conservation Area.
  - c. Pieter noted that good forest management practice is based on a “three-legged stool” concept. No single management practice is applied to an entire forest. Instead, the forest is

divided into subsections, each of which is managed using one of three different approaches to provide an overall balance. Those three management approaches align well with the three types of conservation defined in Act 59.

6. Review portions of first draft, as time permits:
  - a. Previously reviewed sections – no one had comments on these sections.
  - b. Revised sections:
    - i. Special Use Permits – No Permit Is Required – there were no comments on the revisions as presented.
    - ii. Uses (permitted, restricted, prohibited)
      1. Horseback riding. Mike thought that the plan should state that the Tower Trail and the Rim Run/VAST trail (south of Route 9) are suitable for horseback riding. Diana thought that although those trails might currently be suitable, it is more accurate to use the draft language, which states that no trails are *maintained* for horseback riding. The difference of opinion was not resolved. We will consider this again in later reviews.
      2. Prohibited Uses. Drones and game cameras were discussed, noting that use of game cameras can raise privacy issues. Some committee members also feel that using game cameras, particularly those that can be monitored in real time from a distance, gives an unfair advantage to the hunter, which doesn't feel appropriate for use in a conservation area. We noted that use of game cameras can be a useful part of scientific studies (or even simple grade school projects) and believe that exemptions should be approved for such purposes, using the Use Permit procedure. Similarly, projects involving drones should be approved for exemptions on a case-by-case basis.
    - iii. Hunting, fishing, trapping
      1. Restriction of hunting to specific areas.
        - a. Our primary goal is safety, therefore the kiosks should always show a list of all VT hunting seasons. People primarily think of hunting related to the fall deer season, but hunting for one or another species is legal year round in Vermont.
        - b. Pieter noted that if we want to prohibit hunting in certain areas, in order to legally enforce that prohibition, we would have to post the land. We noted that legal posting is an onerous task, requiring signs around the entire perimeter that have to be updated yearly. This is not a task that we would want to take on or pass to the HMCA volunteers.
        - c. Apps that show where hunting is allowed were discussed. At present, they only show parcel boundaries and possibly owner contact info. They do not show whether the owner allows hunting, thus are not helpful for this issue.
        - d. We noted that in the 13 years the Conservation Area has been in existence, there have been no problems involving hunters, even though we know that hunters have been using the land.
        - e. Rather than specific prohibitions that would be unenforceable without legal posting, we may consider using language that is less than a rigid prohibition.
      2. Hunting with dogs
        - a. Pieter related a perspective shared with him by a state bear biologist, who felt that hunting bears with dogs was good for the bear population, because it taught them that dogs (and thus populated areas) are dangerous and should be avoided.
        - b. We noted that dogs are used to hunt coyote as well.

- c. Safety of hikers and their pets if chase-type hunting dogs are allowed on the property is a concern. It is not clear that such dogs are under the active control of the owner since the owner is often not traveling with the dog pack.
- 3. Banning of trapping - Diana thought that VT hunting regulations require trappers to get explicit permission from the landowner, meaning trapping can be banned (by withholding permission) without needing to post the land. Others had not heard of the landowner permission requirement. Diana will research this further.
- 4. Should hunters be required to ask for permission to hunt? We noted this was essentially unworkable since the SB meets only every two weeks. We explored ideas such as having the Town Clerk provide any hunter who inquires with a map showing areas that are suggested for hunting (or the opposite, areas where hunters are asked not to hunt).
  - c. New sections: no newly written sections were available for review.
- 7. Develop plans for next several meetings.
  - a. Feb 14, 2024. HPC Commissioners and HMCA Directors will be invited to attend to discuss the draft sections on Administration and any other portions they wish to address (time permitting). Diana will invite them and share the entire draft plan as well as separate, shorter doc(s) that include only the Administration portions.
  - b. Feb 28, 2024. The focus will be on Forest Management. Pieter will prepare a draft to be reviewed.
- 8. Adjourned at 8:38 pm.

#### Attachments

- summary of Act 59 "30x30 and 50s50" attached as separate pdf document
- draft Management Plan sections for review as specified above are attached below

Sections below were revised to reflect Jan 10 meeting – pertinent language shown in red.

## No Permit is Required

Organizations that fully understand the goals and purposes of the Conservation Area do not need a permit.

1. HMCA events do not need an FUA **unless the event includes a Prohibited Use as listed in section XXX.**
  - a. Events co-hosted by HMCA where HMCA is not the lead organization are still considered an HMCA event for the purposes of this section.
  - b. Marlboro School Hogback Day is considered a co-hosted event and doesn't need an FUA. If the school stops collaborating with HMCA and does the planning on their own, they would need to get an FUA.
2. Southern Vermont Natural History Museum (SVNHM) events do not need an FUA **unless the event includes a Prohibited Use as listed in section XXX.**
3. HPC, with input from HMCA, may decide to grant other organizations the right to host events without requiring an FUA, but those orgs must coordinate their scheduled events with HMCA.

## Recreation Management

### Uses

Free use by the public for non-motorized recreational activity is one of the primary purposes of the conservation easement. Use by groups, by researchers and educators, by commercial enterprises, and by others may require a permit. Additionally, any proposed use that is restricted or prohibited as listed below would need a permit. See Section XX of this plan for more information on permits.

### Permitted Uses

Non-motorized, non-commercial recreational use by the public is allowed, including, but not limited to, hiking, trail running, snowshoeing, cross-country and backcountry skiing, mountain biking, horseback riding, and dog walking.

- Horseback riding – None of the trails are currently maintained for horseback riding.
- Dog walking – **All town policies regarding dogs apply, including (but not limited to) “No dog shall run at large,” meaning dogs must be under the control of the owner at all times.** Use of a leash is strongly encouraged. Dog waste must be picked up and removed from the Conservation Area. There are no trash cans provided for disposal of dog waste.

Hunting is allowed **with certain restrictions**. See section XX below for details.

### Restricted Uses

- Snowmobile use: Snowmobiles may use designated VAST trails only.
- **Horseback riding is not allowed on single-track trails.**

## Prohibited Uses

- overnight camping
- fires of any kind
- paint-ball or similar games
- target shooting, by firearm, bow and arrow, or other weapon
- use of metal detectors
- use of drones
- use of wildlife cameras or other unattended motion-activated cameras
- motorized vehicles – see more detail below

Note that it may be possible to be granted an exemption from these prohibitions for special events. Applying for a Facility Use Agreement is the method to use for seeking an exemption. See Section XXX on Special Use Permits.

Motorized vehicles are not allowed, including but not limited to:

- cars, trucks, and motorcycles
- ATV's, UTV's and other vehicles designed for off-road use
- dirt bikes (motorcycles designed for off-road use)
- e-bikes (electronic bikes)
  - Some e-bikes only give the user an assist, while others can fully power the bike, even uphill. Electronic engines are beginning to be used in other off-road vehicles such as dirt bikes. Trying to draw a line between these many different types of vehicles would be hard to define and impossible to enforce. It is within the spirit and the letter of the conservation easement to prohibit e-bikes of all kinds.

Exceptions: The following motorized vehicle use is allowed:

- emergency vehicles
- trail and building/structure maintenance vehicles
- trail grooming equipment
- snowmobiles – on designated VAST trails only
- National Grid maintenance vehicles
  - as authorized under the lease signed with the town to allow access to the communication tower on Mount Olga
  - on the Tower Trail only
  - for more detail, see Section XXX (in Trail Maintenance)
- forestry vehicles, for approved forest management projects

## Uses not specifically addressed

If questions arise about uses not specified here, the HPC should make a judgement based on general principles laid out in the conservation easement.

## Hunting, trapping, fishing

Hunting is allowed, with the following restrictions.

- All Vermont hunting and firearms regulations must be followed.

- Hunting is allowed only in the following areas, when at least 25 feet from a trail or road:
  - north of Route 9 and west of the VAST trail
  - south of Route 9 and east of the VAST trail
- No permanent tree stands or blinds may be erected.
- Hunting with dogs
  - Hunting with dogs that point and/or retrieve, such as bird hunting, is allowed.
  - Hunting with dogs that chase or pursue prey is not allowed.
- *Discussion needed about whether to tell hunters to ask for permission at the town office.*

Trapping is not allowed.

Fishing is allowed. Anglers must hold a valid Vermont fishing license and adhere to all Vermont fishing regulations.