

Hogback Mountain Conservation Area  
Management Plan

D R A F T  
as of June 5, 2024 (after the HMPUC meeting)

## Introduction

**Vision Statement:** A healthy forever forest where people can play and wildlife can thrive.

**Mission Statement:** The Hogback Mountain Conservation Area was created in order to ensure that this forested mountain ridge remains forest and is never subdivided. The mission of the managers should be to provide free public access for appropriate recreational uses while protecting ecologically sensitive areas and promoting the long term health and resilience of the forest.

This Management Plan is intended as a guide for the decision-makers of the Town of Marlboro as they oversee use of the town-owned Hogback Mountain Conservation Area, consisting of about 600 forested acres on the western boundary of the town, on both sides of Route 9. Management of the Conservation Area must be consistent with the conservation easement on the property, which defines multiple purposes for conserving the land. It is conceivable, even likely, that some proposed actions or activities in the Conservation Area will find one intended conservation purpose conflicting with another. For example, would a proposed recreation trail degrade a wildlife habitat? This Management Plan is intended to provide guidance for decision-makers for reconciling potentially conflicting purposes.

## Background

### Property Description and Landscape Context

The Conservation Area is bisected by Vermont Route 9, the major east-west travel corridor in Southern Vermont, which connects Brattleboro to the east with Bennington to the west. This route is designated the Molly Stark Scenic Byway. A significant stretch of the acreage along both sides of Route 9 is not part of the Conservation Area, but is owned by a variety of commercial establishments and private individuals.

The approximately 200 acres of the Conservation Area on the south side of Route 9 include the site of the former Hogback Ski Area, a beloved family-run ski area from the mid 1940's to the mid 1980's. Openings where the former ski runs existed provide spectacular views to the north, south and east. The southern portion of the Conservation Area is contiguous with Molly Stark State Park, where a 1.7-mile hiking loop from the park connects with trails in the Conservation Area. The southern portion also contains a significant wetland that drains into the Green River.

The approximately 400 acres on the north side of Route 9, leading to Hogback Mountain – at 2,410 feet the highest point in the Town of Marlboro – contain a variety of habitats, including mixed hardwood forest, lowland spruce-fir forest, and numerous small wetland features like seeps and vernal pools. The upper-elevation wetlands play an important role in both aquifer replenishment and wildlife sustenance.

The Conservation Area is significant as the headwaters for both the Deerfield and Green Rivers. As part of a mosaic of large, mostly wooded, contiguous pieces of relatively wild land in Southern Vermont, the Hogback Mountain Conservation Area is home to a variety of mammal species including black bear, moose, bobcat, otter and fisher that require sizeable blocks of interconnected land as travel corridors.

## History of the Conservation Area

The Hogback Mountain Conservation Area was created in 2010 when the nonprofit Hogback Mountain Conservation Association (HMCA) donated 585.5 undeveloped, conserved acres of wetland and upland forest to the Town of Marlboro. HMCA had been founded in 2006 in response to commercial plans to develop a large parcel of undeveloped land on both sides of Route 9 at the western edge of the town, which included the former Hogback Ski Area.

In 2007, HMCA assembled a group of public-spirited “conservation buyers” who agreed to purchase the property and hold it for two years while HMCA, with the support of the Vermont Land Trust (VLT) worked to finance a conservation solution. In early 2008, a fundraising campaign was launched to raise \$1,737,000 to cover all costs associated with the purchase of the land, its conservation and stewardship through permanent conservation easements, and establishment of an endowment to cover future operating expenses. Monies were raised from numerous individual private donations; a contribution from the Town of Marlboro; numerous private foundation grants; a Vermont Housing and Conservation Board (VHCB) grant; and state and federal grants.

At the 2009 Town Meeting, the town voted to authorize the Select Board to accept title to the property. Later that year, having raised the necessary funds, HMCA purchased the land from the “conservation buyers” and prepared to transfer ownership to the town. A conservation easement was developed, with the town granting “development rights, perpetual conservation easement restrictions, and public access easement” to the Vermont Land Trust and the Vermont Housing and Conservation Board. (See Appendix XXX for the full text of the easement.) On March 13, 2010, the transfer of ownership from HMCA to the town was completed, officially creating the Hogback Mountain Conservation Area.

## History of management planning

As the Conservation Area was being created, the Hogback Preservation Commission (HPC) was formed by the Select Board to set and revise policy for the management of the Conservation Area. The first Management Plan was created by the HPC in 2010, incorporating public input that had been generated by the HMCA during informational meetings about the planned Conservation Area. The plan has been modified and added to since then, most recently in 2014.

In 2018-2019, HMCA contracted biologist Charley Eiseman to do a detailed Biodiversity Inventory of the Conservation Area. The purpose of the inventory was to better inform management decisions for the land. For example, are there any rare, threatened or endangered species on the property? Are there any areas that deserve special protection? The HPC and HMCA intended to do a major update of the Management Plan in 2020, to incorporate findings from the Biodiversity Inventory as well to address items that hadn't been covered in the original plan, to respond to new types of uses, etc. The update was put on hold as the country dealt with the COVID pandemic. Work on the update got underway in earnest in summer 2023, with a subcommittee of the HPC, the Hogback Management Plan Update Committee, drafting a revised plan.

(XXX Info will go here about public input, reconciliation, etc. Include list of “stakeholders” who participated in the process.)

## Purposes of the Conservation Area

The purposes of the Conservation Area are spelled out in the conservation easement held jointly by the Vermont Land Trust (VLT) and the Vermont Housing and Conservation Board (VHCB). The details of the conservation easement were developed with significant input from the volunteer group that raised the funds to purchase the land as well as from the town, thus the “purposes” articulated in the conservation easement reflect goals and intents behind the creation of the Conservation Area.

The full text of the easement is included as an appendix to this plan. Excerpted here, from Section I of the easement, are the purposes of the agreement:

As primary purposes:

- to conserve
  - forestry values
  - wildlife habitats
  - riparian buffers
  - aquatic habitats
  - wetlands
  - soil productivity
  - water quality, and
  - the ecological processes that sustain these natural resource values
- non-motorized, non-commercial recreational opportunities
- open space values, and
- scenic resources

As secondary purposes:

- to conserve
  - biological diversity
  - natural communities, and
  - native flora and fauna

## Property Description

### Land

Management of the land is described in Sections XXX, on Recreation Management, Trails Management, and Forestry Management.

1. Boundaries
  - a. The land that makes up the Conservation Area was put together by the previous owners over many years and is made up of over a half-dozen different parcels. Most of those

parcels have never been professionally surveyed, so the exact acreage of the Conservation Area is not known. Based on deed language, the acreage is estimated to be about 585-600 acres.

- b. In some areas, such as along the border with Molly Stark State Park, the boundary is well marked with regularly refreshed paint blazes on trees and rocks.
  - c. Boundary marks for corners created by surveyors (such as iron pins or triple blazes on trees) have been found in the NW and NE corners of the property. Other surveyor's marks (blazed trees, drilled holes in rocks, paint marks on rocks) have been found in scattered locations.
  - d. Some stretches of the boundary have few or no markings.
  - e. Known incursions
    - i. North of Route 9, on the western boundary, a lightly traveled trail enters the Conservation Area from the west. This trail is not part of the Conservation Area trail system, and it does not connect to that trail system. It is believed that this trail predates the creation of the Conservation Area. It seems to be used only by the adjacent landowner, not the public, and is apparently only used by foot traffic. No attempt has been made to remove this trail or to stop the adjacent landowner from maintaining it, based on its light, non-motorized use and on the fact that it predates the Conservation Area.
    - ii. North of Route 9, near the summit of Hogback Mountain, an ATV trail on the adjoining parcel crosses the boundary into Conservation Area land. This trail was created in the early 2020's and discovered soon after its creation. This is an area where boundary markings are few and far between, so it seemed reasonable to conclude that the intrusion was inadvertent, not intentional. However this incursion cannot be accepted, particularly since the trail is clearly used by motorized vehicles, which are not allowed in the Conservation Area. It also intrudes on a key natural feature (the summit) which is a major destination for hikers and other users. Signs marking the boundary were installed and the trail blocked with brush. Continued monitoring of this situation is necessary.
2. General description **XXX Question for reviewers – Do we need this section? It seems to duplicate much of the introductory Property Description.**
- a. "Hogback" is an informal geologic term describing a short ridge of connected mountaintops, which nicely describes the land that makes up the Conservation Area.
  - b. It is generally mountainous terrain, with the hogback ridge running from the southwest to the northeast corners.
  - c. It includes the headwaters of two major drainages: the Green River and the Deerfield River.
  - d. The land is mostly forested, with some wetlands.
  - e. There are substantial numbers of vernal pools and seeps.
  - f. There are some rocky ledges and outcrops.
3. Natural communities and wildlife
- a. See the Biodiversity Inventory (Appendix XXX) for detailed descriptions and maps.
  - b. The Conservation Area includes examples of typical forest types for our region. It does not include any substantial examples of exceptional or rare natural communities.
  - c. It supports many types of mammals, birds, reptiles, amphibians, and insects.



- d. No Rare, Threatened or Endangered Species, as defined by the State Rarity Ranks for Vermont Natural Communities, were found during the 2018-2019 Biodiversity Inventory.
- e. Some uncommon plant and insect species were found.
- f. The Biodiversity Inventory gives a detailed tabulation of both plant and animal life found in the Conservation Area. See Appendix XXX.

## Structures

Management of structures is discussed in Section XXX, Cultural History Management

### 1. Buildings

- a. Benedict Cottage – This small, one-story flat-roofed building with a walk-out basement is located on the north side of Route 9 just east of the town line. It was originally built as a vacation house. It has not been used in decades and is currently in poor condition. There is a small storage shed behind the house.
- b. Major ski area buildings – None of these buildings has been used for anything other than shelter from the weather by hikers and others since the ski area went out of business in the mid-1980's.
  - i. First Aid building – This small one-story building with a walk-out basement garage is on the south side of Route 9, just inside the boundary between the commercial properties at the summit and Conservation Area lands, on the west side of the mountain pass. It is in extremely poor condition and unsafe to enter. It is insulated with vermiculite, a naturally occurring mineral related to mica. About 70-80% of vermiculite insulation products used in this country between 1919-1990 came from a single mine in Montana that included a deposit of asbestos, which is a known carcinogen. (Citation: <https://www.buildingenergyvt.com/resources/vermiculite-what-you-need-to-know/>) The Vermont Department of Environmental Conservation Solid Waste Management Program has issued a “Policy on the Management of Asbestos-Containing Waste and Vermiculite Insulation in Vermont” dated February 2013. This policy states: “It is recommended that vermiculite Insulation be assumed to contain asbestos and a certified contractor perform any necessary removal of this material.” A 2018 inspection of this building by a licensed certified inspector and analysis of samples by a licensed laboratory found 3-5% Chrysotile asbestos in flooring and <1% tremolite vermiculite insulation.
  - ii. The Castle – This one-room building just above the top of the first T-bar lift (the shorter of the two parallel lifts) was used as the on-mountain Ski Patrol station. It is currently used as a hikers/skiers temporary shelter. (Overnight stays are not allowed.) The original glass windows are all gone. Sheets of acrylic have been used in recent years in the windows, but they are frequently vandalized and broken. There is no door, intentionally. The building is intended to be left open for use as a respite from the weather.

- iii. Quonset Hut – At the lowest point in the former ski area along the former Rim Run ski trail which is now part of the VAST snowmobile trail, the Quonset Hut contains one large room that originally served as a warming lodge for skiers, as well as men’s and women’s bathrooms and a kitchen in a shed-style attached room. There is no running water or electric service to the building at this time. The front of the building was badly damaged several decades ago under the windows, purportedly by a vehicle ramming the wall. Some of the toilets are still in place but are not functional. The main room is fairly clear of debris, although several dozen retractors from the T-bar lift system are stored there. The kitchen area has substantial debris littering the floor and shelves. The door is not locked, intentionally. Hikers, skiers and snowmobilers are able to enter the building to look around and get out of the weather.
  - c. Minor ski area buildings
    - i. There are numerous small shacks still standing that related to the operation of the ski lifts.
  - d. Pump house
    - i. There are three small buildings serving as pump houses for drilled wells on Conservation Area land, on the north side of Old Hogback Rd just east of the intersection with the VAST trail.
    - ii. These wells serve the commercial properties on Route 9.
    - iii. The commercial properties hold a deeded right-of-way allowing them to freely use the well and well houses and to access them for servicing and repairs.
    - iv. There is a natural spring without any well house or covering on the north side of Route 9, near the former Great White Way ski slope that formerly served as a water source for the First Aid Building. The owner of the commercial property that is now a distillery holds a deeded right-of-way to access and make use of the water from that spring
- 2. Ski lifts and other ski-area-related items
  - a. Several of the lift towers for the T-bar lift that ran beside the Practice Slope have been removed, along with the cable, but the concrete foundation blocks remain. All the other lifts on the mountain that were in operation when the ski area closed are still intact, although the retractors and T-bars have been removed from the cables.
  - b. The Practice Slope T-bar lift included a bridge that carried skiers over a mini-gorge. The foundation and steel stringers are still in good shape, but the wooden planks are beginning to rot and some have fallen away. This bridge is not on any currently used recreation trail.
  - c. There are numerous leftover bits and pieces of ski-related equipment scattered throughout the former ski area, such as a large speaker and some rope-tow drums attached above head-height in the trees, a pile of Poma-lift pieces, even the carcass of an old car (maybe 1940’s vintage).
- 3. Cellar holes, stone walls and other remnants of agricultural and forestry use

- a. Bishop farm – south of Route 9
  - i. From 1779 until just before the Civil War, multiple generations of the Bishop family built a homestead and farm consisting of most of the current Conservation Area acreage south of Route 9. A cellar hole and a complex web of stone walls mark the primary location of the farm, fronting Grant Road just east of the access road used by VAST and hikers/skiers. A set of wooden stairs was installed in the late 2010's to allow visitors to descend into the cellar hole without scrambling down (and possibly dislodging) the old stone walls. There is a well for water in the cellar hole. The wooden stairs were built over this well as a way to prevent people from accidentally stumbling into the hole.
  - ii. Another cellar hole exists about 800 feet uphill from the primary remains of the farm house, along the Bishop Trail. It is smaller than the Grant Road cellar hole, and in much less distinct condition. It is believed that this was the location of the first Bishop farmhouse, because it is just inside the boundary of the first 100-acre parcel bought by Sylvester Bishop in 1779.
- b. Pease farm – north of Route 9
  - i. A cellar hole just north of Old Hogback Road east of the VAST trail and uphill from the modern pump house is believed to be the site of the former Pease farm. The history of this farm is not as well known as that of the Bishop farm. This site does not seem to have a dense network of stone walls and foundations similar to that at the Bishop site, although no systematic search has been made. The cellar hole is in a degraded condition, but is still clearly evident.
- c. Barbed wire fences
  - i. Segments of barbed wire fencing have been found in the Conservation Area north of Route 9 but no comprehensive inventory exists.
  - ii. Barbed wire has not been found within the area of the former ski area, even though at least part of that acreage had presumably been pasture land for the Bishop farm. It is possible that all wire fencing was intentionally removed as a safety measure for the ski area.

## Access

Because the land on both sides of Route 9 at the 100-mile view is owned by commercial establishments and not the Conservation Area, almost all access to the recreation trails crosses the private commercial property. Permanent deeded easements protect this access.

### 1. Trailheads

- a. In the portion of the Conservation Area north of Route 9, there are two trailheads, both on the Old Hogback Road. The eastern trailhead provides access to the hiking trails. The western trailhead is a former logging road that is now part of the VAST trail. The land between Route 9 and the Old Hogback Road is owned by the commercial properties.
- b. In the portion of the Conservation Area south of Route 9, there are two trailheads, one on the Route 9 side and one at Grant Road. At the 100-mile view along Route 9, visitors

skirt the lawn and support buildings for the distillery to access the recreation trails. At the southern edge of the Conservation Area, a trailhead on Grant Road serves both the VAST and the hiking trails.

2. Parking
  - a. There are two permanent deeded easements in the commercial area next to Route 9 that allow visitors to the Conservation Area to park in the lots owned by the commercial establishments.
    - i. North of Route 9, in the “big parking lot,” parking for no fewer than ten vehicles is allowed.
    - ii. South of Route 9 parking for no fewer than six vehicles is allowed.
  - b. The conservation easement allows the Town to construct, maintain, repair and replace a permeable surface parking area not to exceed one (1) acre at a location mutually agreed upon by the Town of Marlboro and VLT/VHCB. As of 2023 parking has not been a significant problem for visitors to the Conservation Area, thus the Town has not yet built the allowed parking area.
3. Access linking parking to trailheads
  - a. On the north side of Route 9, a permanent deeded easement allows a pedestrian path in a thirty-foot-wide strip leading from the northeast boundary of the “big parking lot” to Old Hogback Road (also known as Town Highway No. 33).
  - b. On the south side of Route 9, a permanent deeded easement allows pedestrian access across two strips of land, both 25 feet wide, one east of the distillery building (formerly known as the Alpenglo) and one west of the building, both connecting Route 9 to the Conservation Area boundary.

## Administration

### Management Structure

1. Select Board
  - a. The ultimate arbiter for all decisions is the Marlboro Select Board (SB).
2. Hogback Preservation Commission (HPC)
  - a. The HPC advises the Select Board and makes recommendations on matters of policy regarding the Conservation Area.
  - b. HPC members are appointed by the Select Board. A majority must be Marlboro residents.
  - c. For a full description of the HPC, see the HPC “Rules of Procedure” appended to this document as Appendix XXX.
  - d. Items and issues that come before the HPC are evaluated and reviewed to determine if they adhere to the conservation easement requirements and the Management Plan and whether they constitute a risk or liability to the town.
    - i. For items that are within the normal scope of operations on the Conservation Area that are deemed to comply as specified above, the HPC can authorize the proposal or activity without additional review and approval by the Select Board.
    - ii. Select Board review is required for:
      1. the annual proposed budget

- a. Once the budget is approved, the SB does not need to authorize each expenditure as it arises.
    2. Facility Use Agreements – see Section XXX for more detail
    3. any topic the HPC feels is beyond normal operations
    4. any topic on which the HPC and the HMCA disagree
  - e. The HPC reviews contracts with the town that involve the Conservation Area and advises the Select Board. Ongoing, renewable contracts include:
    - i. Annual renewal of the trail use agreement with VAST’s local chapter, Deerfield Valley Stump Jumpers.
    - ii. Periodic lease renewal with National Grid, permitting vehicle access on the Tower Trail to service the communication tower on Mount Olga. (See section XX (trail maintenance) for more details.)
    - iii. Future contracts could potentially include forest management activities, control of invasive species, building preservation or demolition, and others.
    - iv. HPC should seek comment by HMCA on any significant changes to existing contracts and on any new contracts.
  - f. The HPC is responsible for maintaining the buildings and other structures in the Conservation Area. They should seek input from the HMCA when significant changes (such as demolition , renovation, or change in use) are being considered. (See Section XX, Cultural History management, for more information about specific structures.)
  - g. The HPC is responsible for periodically updating the Management Plan. Input and comment should be solicited from HMCA, the town, and the general public.
  - h. The HPC is responsible for submitting a short report for inclusion in the annual Town Report.
  - i. The HPC monitors the activities of the HMCA to ensure that their activities comply with the purposes of the conservation easement, and that they are maintaining the trails, signs, maps and website in good order.
3. Hogback Mountain Conservation Association (HMCA)
  - a. HMCA is an independent, all-volunteer 501(c)3 organization registered as a non-profit in the state of Vermont.
  - b. HMCA oversees the day to day management of the Conservation Area, including:
    - i. organizing and promoting public events, both educational and recreational
    - ii. maintaining the trails, signs, trail markers, and trail map
    - iii. operating the Conservation Area website: [hogbackvt.org](http://hogbackvt.org)
  - c. HMCA advises the HPC on:
    - i. Facility Use Agreement applications (See section XXX for more detail)
    - ii. creation of new trails (See section XXX for more detail)
    - iii. proposed revisions to and updates of the Management Plan
    - iv. any topic requested by the HPC
4. The Marlboro Town Office
  - a. The Town Clerk’s office fields inquiries from the public.
    - i. Most inquiries can be directed to the HMCA-maintained website, [hogbackvt.org](http://hogbackvt.org).
    - ii. Facility Use Agreements – Inquiries about use by large groups, researchers, commercial enterprises, and any other organization that may require a Facility Use Agreement should be directed to the HMCA . See Section XXX for more detail.

- iii. For guidance on inquiries related to hunting or trapping, see Section XXX. In short, hunting is allowed, but hunters are encouraged to stay as far from recreation trails as possible. Trapping is not allowed.

## Legal Constraints and Enforcement

1. Requirements of the conservation easement
  - a. Management of the Conservation Area must meet the legal constraints enumerated in the conservation easement. See Appendix XXX for the full text of the easement.
  - b. Restricted uses that are specified in the easement are discussed in this plan in various places, including recreational use, forest management, parking and access, and other sections as appropriate. Permitted uses are similarly addressed in this plan in various sections as appropriate.
  - c. VLT monitors compliance with the conservation easement on a yearly basis using satellite images and other sources of information. Approximately every three years they do a site visit to monitor compliance.
2. Federal, state and local legal constraints
  - a. All federal and state laws apply within the Conservation Area, including (but not limited to) state regulations on hunting, trapping, the use and carrying of firearms, and the use of off-road vehicles such as ATV's and snowmobiles.
    - i. Violations of federal or state laws should be referred to the Vermont State Police.
  - b. All town policies for use of town lands apply to the Conservation Area. These include, but are not limited to:
    - i. a ban on the use of metal detectors
    - ii. a ban on consumption or serving of alcoholic beverages unless approved as part of a Facility Use Agreement
    - iii. a requirement for large groups and certain others to apply for a Facility Use Agreement for certain gatherings or activities. (This is discussed in more detail in Section XXX.)
  - c. Violations of town policies should be referred to the Select Board.
3. Guidance in the Management Plan
  - a. Violations of the guidance laid out in this Management Plan should be assessed by the HPC and HMCA. If communication, education and other non-confrontational methods of resolving the problem are not effective, the HPC may ask the Select Board to take action.
4. Other legal restrictions and permissions
  - a. Several rights-of-way have been deeded to the town to provide for public access to the Conservation Area across the privately owned lands that abut Route 9. A modest amount of parking access on the adjacent private properties has also been legally deeded to the town. These are more fully discussed in the sections on Trails and on Access - Parking.

## Special Use Permits

The conservation easement states that the Town has the right to "issue temporary special use permits or licenses authorizing the commercial or non-commercial use of the Protected Property for

- recreational
- community entertainment
- educational
- agricultural
- forestry, or
- research purposes"

provided that the proposed use does not interfere with use of the conservation area by the general public and that the use is consistent with the purposes of the conservation easement.

### Scheduling

HMCA maintains a calendar of events in the Conservation Area. Information about all large group events, research projects, educational uses and other activities that involve groups or temporary/permanent equipment, whether a permit is required or not, must be shared with the HMCA scheduler to ensure that there are no unworkable overlaps in time or space.

### Special Use Permit = Facility Use Agreement

1. The Town uses the term "Facility Use Agreement" (FUA) for permits to use town-owned land and facilities. In addition to the standard FUA application, a supplemental form specific to the Conservation Area must also be submitted. It is available at the Town Office and on the hogbackvt.org website. A copy is attached as Appendix XXX.
2. An FUA is required for events with one or more of the following characteristics:
  - a. not co-sponsored by HMCA or the Southern Vermont Natural History Museum that are anticipated to include more than 20 participants;
  - b. having activities not normally permitted in the Conservation Area (see Section XX Prohibited Uses);
  - c. where a participant fee is required;
  - d. where alcohol (or marijuana) is available;
  - e. having activities where participants spend a significant amount of time off-trail;
  - f. lasting >3-4 hours or repeated several days (in which litter and human waste are likely to be problems);
  - g. in which motorized vehicles are used, e.g., ATVs, snowmobiles, electric bikes, etc.
  - h. requiring installation of equipment or construction of any structures.
3. The above list is not meant to be definitive. Other types of events may be proposed and permitted.

### The Permitting Process

1. Inquiries about permits should be forwarded to HMCA. HMCA will appoint a Director to work with the permit-requestor to work out solutions to potential problems like trash, parking, heavy use, human waste, etc.
2. If the HMCA Director feels the activity can be conducted without negatively impacting the purposes of the Conservation Area, they can advise the requestor on how to fill out the form and describe the activity, and forward the application to HPC members for information purposes, with a recommendation that the permit be granted.
  - a. If any HPC member feels the permit should not be granted, they may call for a Special Meeting to discuss the proposal.



- b. If no HPC member calls for a Special Meeting, the HPC Chair will forward the application to the Select Board with a recommendation that the permit be granted.
  3. If the HMCA Director feels the activity should not be permitted, the applicant should be told they may apply anyway by submitting the application to the HPC Chair.
    - a. The HMCA Director shall inform the HPC Chair about the potential application, and why they feel it should not be granted.
    - b. The HPC Chair may call a Special Meeting to discuss the application, or may share the application with the HPC for information purposes, along with the HMCA recommendation that the permit not be granted. Any HPC member may ask for a Special Meeting to discuss the issue.
    - c. If no Special Meeting is called, or if a Special Meeting is called and the HPC agrees that the permit should not be granted, the applicant will be told that they may apply anyway, by submitting the application directly to the Select Board (through the Town Administrator). The HPC shall inform the Select Board that both HMCA and HPC feel the permit should not be granted.
    - d. If a Special Meeting is held, and the HPC feels the permit should be granted, the application should be forwarded to the Select Board with both the HMCA recommendation against and the HPC recommendation for approval.
  4. The Select Board is responsible for the final decision on whether or not to grant the FUA. The SB should notify the applicant, the HPC, and the HMCA about their decision.

### **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 organizations 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 listed below as prohibited may

be allowed under special circumstances but 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, winter “fat” 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.
- Foraging for personal but not commercial use is permitted. Any lists or postings of permitted/restricted activities should encourage foragers to not harvest or pick uncommon species.

### 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
- unauthorized cutting or removal of wood, living or dead, of any size, be it twig, sapling or mature tree

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.

Note that cutting of wood may be authorized via

- the trail maintenance program administered by the HMCA,
- the Forest Management plan (see Sec XXX)
- the permit process (See Sec XXX)
- any other normal process for planning and implementing programs and events

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 do 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 (such as snow packing for VAST and fat bike trails)
- 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
- motorized wheelchairs or equivalent mobility assistance devices if same can be used safely

### **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.
- 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.

Hunters are encouraged to limit their hunting activities to the portions of the Conservation Area without recreation trails, such as the areas west of the VAST trail north of Route 9 and east of the VAST trail south of Route 9.

Trapping is not allowed.

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

### **Informing the Public**

The HMCA is responsible for developing and maintaining the trail signage, informational kiosks; trail maps, and the web site.

- Informational kiosks at trailheads should include, at a minimum:
  - a trail map
  - a list of restricted and prohibited activities
  - a note to remove dog waste from trails

- a “use at your own risk” notice
- Signs should be posted at all locations where a trail crosses the conservation area boundary, at a minimum notifying users that they are crossing into the conservation area.

## Trail Management

See Section XXX on Recreation Management for permitted, restricted, and prohibited uses.

## General Description

North of Route 9, a set of nested-loop single track recreation trails runs along the high ground from Old Hogback Road to the summit of Hogback Mountain in the northeast corner of the Conservation Area. A former logging road on the western flank of the mountain runs north-south and is now used as a recreation trail, primarily by VAST. This old road has also been designated a part of the “Wilmington Through Trail,” enabling hikers from the Lake Raponda area to connect with trails in Molly Stark State Park (both in Wilmington).

On the south side of Route 9, a network of trails and skiable routes exists within the former ski area. The Tower Trail is a former access road that was used for ski area maintenance, and is the primary hiking trail used by visitors to the Conservation Area to access the fire tower at the summit of Mount Olga in Molly Stark State Park. The town leases access to this road/hiking trail to the National Grid power company so that they can access their communication tower on Mount Olga. (See more information about this lease in Section XXX.)

Other areas of the Conservation Area do not have any recreation or other trails as of 2023.

## Trail philosophy

1. The concentration of trails in specific areas is desirable, providing a way to meet the potentially conflicting purposes of the conservation easement: providing options for non-motorized recreation in some areas, and supporting wildlife and natural communities in others. Trails should not be allowed to proliferate so that they are uniformly spread throughout the Conservation Area. Significant portions of the property should remain essentially trail-less.
2. All trails in the Conservation Area are multi-use trails.
3. If a special interest group wishes to develop a dedicated-use trail such as a bike trail or horseback-riding trail, which would ban use by other types of users, they may propose the trail to the HPC, explaining not only why limiting use by the general public is desirable, but also how they expect to enforce the limitation. HPC shall ask for analysis and input from the HMCA and the HMCA Trails Committee before making a decision.
4. VAST - The conservation easement does not allow the use of motor vehicles in the Conservation Area, with some exceptions. (See Sec XXX for details.) One such exception allows the Town to grant the Vermont Association of Snow Travelers (VAST) authorization to use a specific route through the Conservation Area as a snowmobile trail in the winter months. VAST normally posts their trails as being off limits to use by wheeled vehicles. In the Conservation Area, the VAST policy in this regard is overridden. Even though VAST has been granted authorization to use a

specific trail, all other authorized types of use (e.g. skiing, snowshoeing, hiking, and mountain biking) may also occur on that trail, year round.

## Trail Maintenance

1. HMCA - The HMCA is responsible for maintaining the recreation trails and skiable routes.
  - a. Trails may be temporarily closed to some or all uses for any reason, for example due to mud or due to a hazardous tree that needs removal.
  - b. Minor rerouting of existing trails by the HMCA Trails Committee is allowed without needing specific approval by the HMCA Board or the HPC.
  - c. Skiable routes
    - i. Having a former ski area as part of the Conservation Area creates a great addition to recreational opportunities. The slopes of Mount Olga (aka Hogback Ski Area) were ideal for skiing when the ski area was in operation. Those slopes are still great for skiing today, by backcountry skiers who climb slopes or mountains under their own power without using a ski lift. Skiing down the mountain does not make use of “trails” in the narrow sense of hiking trails. It also does not require the creation of perfectly cleared, wide open slopes like those at commercial ski areas. But for safety’s sake, it is necessary to clear some of the young trees that have grown up on the abandoned ski slopes, and to clear things like face-slapping branches and blowdowns that could snare ski tips. These lightly opened areas can be considered skiable routes.
    - ii. All ski slopes, lift lines, access roads and other areas that had been cleared in the past as part of the former Hogback Ski Area may be maintained as skiable routes.
2. VAST - The local affiliate of VAST is responsible for maintaining the trail that has been authorized for use by VAST, including its bridges, culverts, and other water management structures. Plans for any maintenance work more extensive than yearly mowing and clearing of ditches should be shared with the HMCA and HPC prior to implementation.
3. National Grid - The National Grid (power company) leases a right of way on the Tower Trail from Route 9 to the town line just below the summit of Mt Olga to allow their service vehicles access to their communication tower in Molly Stark State Park. Prior to 2023, they were responsible for maintaining that trail in a condition adequate for use by their vehicles. In 2023, the terms of the lease were changed, with National Grid paying an additional yearly amount intended to cover maintenance of the route, which is now to be managed by the Town. HPC will oversee this maintenance effort.

## Trail Development

1. New trails may be created if they are endorsed by the HMCA Trails Committee and the HMCA Board of Directors, and approved by the HPC.
2. Ideally, new trails will be located within the existing envelope of trails, i.e., the former ski area terrain south of Route 9 and along the higher ground to the summit of Hogback Mountain north of Route 9.
3. If forest management demonstration projects or other educational opportunities are developed in areas of the Conservation Area where the intent is to limit recreation, it may be desirable to

create either temporary or permanent trails so that the public can observe and learn from the project. If so, these trails should be limited to pedestrian (or snowshoe) traffic only.

4. HMCA is encouraged to develop a fully accessible recreation trail to one or more of the scenic outlooks, and to obtain funding for the design, construction and maintenance of such a trail from grants or other outside funding sources.

## Forest Management

### Context

One of the four primary purposes of the conservation easement is:

- to conserve
  - forestry values
  - wildlife habitats
  - riparian buffers
  - aquatic habitats
  - wetlands
  - soil productivity
  - water quality, and
  - the ecological processes that sustain these natural resource values

The secondary purpose of the easement is:

- to conserve
  - biological diversity
  - natural communities, and
  - native flora and fauna

Good forest management is essential to meeting all of these purposes.

Most of the terms used in the above list of things to be conserved are familiar terms that are easily understood by those with an interest in the natural world. However, one term deserves further definition: forestry values. In 2023, Jennifer Garrett, the Project Director at VLT who oversees the Hogback conservation easement, provided the following description of how VLT and VHCB, holders of the easement, understand the term.

*“Forestry” – Forestry is the science and practice of establishing, managing, using, and conserving forests, trees, and associated resources in a sustainable manner to meet desired goals, needs, and values of the landowners and our society*

*“Conservation Values” -- A property’s “conservation values” are its certain features and attributes that provide a public benefit, and therefore are goals for protection and preservation when conserving land. These conservation values are the basis for the “Purposes” of the conservation easement. They can include wildlife habitats, biodiversity, water quality, public recreation, archaeological resources, scenic views from public roads ... and forestry.*

*“Forestry Values” (as an easement conservation value) -- resources, practices, and benefits associated with forest conservation and stewardship. Forestry values include the sustainable production of syrup and wood products (renewable resources that benefit the local economy and that supply the state with its own food, firewood, building materials, etc.), but they also include*

*other forest stewardship goals such as forest conservation, wildlife habitat enhancement and biodiversity conservation, and wildfire management. The easements require that all forest stewardship practices protect soil and water quality, which are critical for healthy forests and ecosystems, so these are included in forestry values. We ensure these forestry values are protected in conserved forests through the requirement of a management plan (a forest management plan for harvests and commercial sugaring, and a general management plan for public access and other permitted activities).*

The conservation easement, in section III.3, grants the Town the right to undertake maple sugaring activities and timber harvesting, but does not require that such activities occur.

## **Active versus Passive Forest Management**

Letting the forest evolve without input from humans is passive forest management. Many people instinctively believe this is the best, most natural approach to conserving a forest and all the connected values as listed in the conservation easement purposes.

That ideal may be appropriate for forests that have never been impacted by humans, but those forests are exceedingly rare, and the forest on Hogback is certainly not one of them. Physical evidence such as stone walls and remains of barbed wire fences suggest that most, and maybe even all of the land in the conservation area was at one time cleared for pasture or other agricultural activity. When farming was abandoned on the site, the forests began to grow back. Stumps show that the new growth forest that returned has been heavily logged.

Passive forest management, i.e. doing nothing, means that the forest will evolve on the trajectory that was established by the last human intervention – the most recent logging operation. The stump evidence shows that the most recent harvests on Hogback were aggressive and extractive, and left the forest in a depleted, vulnerable state. Regeneration (growth of replacement trees) has not been strong. Diversity of species is limited.

Active forest management involves taking actions, including thinning, culling or removing trees in specific areas or of certain species or age classes, in an effort to achieve certain goals. In the case of the Hogback management plan, the goal will be to set the forest on a trajectory of greater diversity to give it more resilience in the face of the changing climate.

## **Forest Management Objectives**

Passive forest management is not the best choice for forests in the conservation area at this time. Active forest management projects should be carefully planned and undertaken with the aim of not only protecting and conserving the values listed in the conservation easement purposes (wildlife habitats, riparian buffers, aquatic habitats, wetlands, soil productivity, water quality, ecological processes, biological diversity, natural communities, and native flora and fauna), but of enhancing and improving them.

Forest management projects will NOT include timber harvests instigated with a primary goal of generating income. Projects will be designed to improve forest regeneration, build resiliency in the face of climate change, increase biological diversity, create greater variety of wildlife habitats, and/or to meet other goals that will help the forest meet the purposes of the conservation easement. Many of these projects will include cutting marketable trees that will create ancillary income. This revenue will



help offset the cost of the work but will not, as mentioned earlier, be a primary driver in deciding how to manage the forest. Other projects may not be self-supporting and will require funding. Any funds that are generated in excess of the cost of the project should be set aside by the Town to support the maintenance of the conservation area, rather than be added to the General Fund.

## Recommended Forest Management Activities

- By July 1, 2025, complete a forest inventory.
- By January 1, 2026, with input from the County Forester, create a 10-year or longer Forest Management Plan (FMP).
  - The plan will utilize the most current best practices for sustainable forestry, and include requirements to protect riparian buffers, aquatic habitats, wetlands, soil productivity, and water quality.
  - Existing state-wide goals and priorities, such as those presented in the Wildlife Action Plan, the list of Species of Greatest Conservation Need, the Wildlife Linkage Habitat Ratings and Wildlife Crossing Values should be reviewed as part of the planning process.
- By July 1, 2026, after soliciting review and input from HMCA, VLT/VHCB and the town, adopt the FMP and begin implementation. HPC is responsible for managing the review and (if necessary) revision processes. The Select Board is responsible for making the final decision on whether to adopt the plan. If adopted, it will become an appendix to this Management Plan.
- The HPC will serve as the representative of the Town (the owner) during the implementation of the FMP, responsible for
  - reviewing the onsite markings of proposed management activities prior to putting the job out to bid
  - with input and advice from the County Forester, selecting a logger or other contractor to undertake the project
  - regular onsite review of the ongoing work
- Hold educational events that introduce the public to the forest management activities and their objectives.
- Manage invasive species as described below.

## Invasive species

### *Plants*

See Appendix XXX, report of the HMCA Invasives Committee, for more educational material about why controlling invasive plants is important.

The overall goal for dealing with invasive plants in the Conservation Area is to eliminate them whenever possible and, where this is not possible, to control them so their negative effects on natural, recreational, educational, and economic resources are kept to an absolute minimum.

- At this time, ten invasive plants are found on, or in very close proximity to, the Conservation Area. For the most part, they occur in distinct, relatively isolated locations. This means it should be possible to control, and perhaps eradicate, most invasive plant species on the property.
- The goals for management of individual invasive plant populations should reflect the extent of the invasion, the complexity of management efforts required, and how the invasive plant species fits into the ecology of that specific location.

- The prioritization of management efforts should reflect the goal for the individual plant population, the plant species' rate of spread, the potential for successful control, and the long-term cost of management.
- An Integrated Pest Management (IPM) approach should be designed for each species population to ensure the most appropriate control method, or combination of methods, is utilized.
- Techniques that may be employed include:
  - manual (pulling, lopping, digging)
  - mechanical (cutting, mowing, grinding)
  - cultural (fire, mulching)
  - chemical, when applied by a person licensed in pesticide application by the state of Vermont.
- Individual species-specific management plans for currently identified noxious invasive plants are included as appendices to this plan, see Appendix XXX

### *Insects*

(XXX not yet written)

## **Cultural History Management**

### **Indigenous Cultures**

No artifacts from indigenous cultures have been found in the Conservation Area. If any such artifacts are found, they should be left in place, protected if necessary. Contact the office of the Vermont State Archaeologist for advice.

### **Agricultural History**

See Section XXX on Structures for a description of the cellar holes and stone walls that have been found at the sites of the two known farms that, from the late 18<sup>th</sup> through the early 20<sup>th</sup> centuries, made up a significant part of what is now the Conservation Area. If additional sites are identified, their location should be recorded.

No excavation, digging, metal detecting, or other hunting for artifacts is allowed at the former house and farm sites.

Vegetation may be removed to make the remnants, such as stone walls and foundations, more visible. Care should be taken to not disturb the placement of the stones.

Remnants of barbed wire found in or on trees should be left in place, marked with surveyors tape as a safety measure.

### **Ski Area History**

Although the ski area went out of business in the mid-1980's, much of the supporting infrastructure still remains on site, providing visitors with a chance to see what ski lifts from the 1940-1980 era were like. The lift towers, particularly the summit towers with their bull wheels and counterweights, act as an open-air museum exhibit of the history of the ski industry. These remnants provide a hiking experience

not found at other defunct ski areas that are now on public land where the lifts and other infrastructure have been removed. The material remains of the ski area should be left in place as long as they do not present a serious threat to the safety of visitors.

## **Benedict Cottage**

This building has no known connection to a person of historical significance, no notable role in the economic history of the area, and no particular architectural significance, making it a very low priority for preservation as a cultural artifact. It is in poor condition, having had all the copper piping stolen, and other portions of the interior vandalized. The roof has leaked and been patched, but it is vulnerable to ongoing damage.

The conservation easement includes specific language relating to the Benedict Cottage, its utilities and its parking area, in section III.9. The building may be repaired, replaced, and even enlarged. It may be used for any of the purposes of the easement (but not for prohibited uses, such as a commercial enterprise or housing). When the idea of demolishing the Cottage was raised in informal discussions with VLT in the mid-2010's, HMCA Directors were concerned that if the building were demolished and not immediately replaced, the right to replace it would be forfeited. At that time, Jennifer Garrett of VLT informally advised HMCA that such a right would not be forfeited.

Given that the building is not currently being used and no good use for it is foreseen in the immediate future, and that it is in poor condition and is attracting vandals and even campers, demolishing this building should be considered.

## **Scenic Resources Management**

The mountain pass over Hogback has long been known for its “100-mile view.” It is the most dramatic outlook accessible from a paved public road in southern Vermont. The famous view is seen from the commercial property lining Route 9, not from Conservation Area land itself. However, scenic resources encompass more than just the 100-mile view.

### **The Tower Trail**

The Tower Trail, a former ski-area maintenance road that is now the most heavily used hiking trail in the Conservation Area, crosses all the major ski slopes in the former ski area. At each spot where the trail intersects the former ski slopes, there once were expansive views of the quintessential Vermont landscape. As the ski slopes started reverting to forest land after the ski area closed, these views began to be obscured. From 2013-2018, the ESH Project (Early Successional Habitat Project) reopened some sections of the ski slopes as part of a wildlife habitat improvement effort, which had the additional benefit of re-opening some of the views. The Biodiversity Inventory of 2018-2019 found that the ESH project was not particularly successful in attracting more diverse wildlife to the former ski area, so that project will not be repeated. However, efforts should be made to maintain the views.

### **North Side Trails**

At several locations along the trails north of Route 9, there are tantalizing glimpses of both near and distant views, such as a view to the east of the Hamilton farm buildings and fields and a glimpse to the

west of Mount Haystack. Most of these glimpses disappear in summer when the trees are fully leafed out. Where an appealing view or line of sight can be created by cutting only a small number of trees, it is acceptable to create the view, without the action needing to be part of an active forest management effort. This work should not create significant openings in the forest.

## Forest Management Projects

The previous Management Plan called for minimizing the impact of any forest management activities on the aesthetic and scenic values of the Conservation Area through such practices as “utilizing treetops to the lowest possible diameter,” meaning selling not only the large trunk logs that are suitable for sawn timber, but all of the smaller logs (for example as firewood) and even the smaller branches and twigs as biomass fuel for boilers. The previous plan stated, “Logging debris (i.e. slash) from downed wood is one of the biggest detractors from the scenic beauty of a woodlot.” This approach prioritized scenic beauty over the health of the forest, regardless of where the cutting occurred.

Current forest management best practices for New England forests encourage leaving tops and substantial woody debris as beneficial for forest health. Tangles of treetops have been shown to reduce aggressive browsing of new growth by deer, improving regeneration. As the debris rots, it provides habitat for small mammals, amphibians, and insects, and contributes to soil formation.

In almost all instances, details of forest management projects in the Conservation Area should be planned to optimize forest health, not human aesthetic values. If a forest management project occurs within view of the Tower Trail (currently the most heavily used hiking trail), planners should consider whether to take aesthetic values into consideration, or whether an educational sign should explain why unsightly conditions are acceptable. In other areas of the Conservation Area, forest health should always take priority.

## Education

Use of the conservation area as an outdoor education and research resource should be supported at all levels, from formal education and research (pre-K to post-doc) to citizen science projects and informational, educational programs for the public. Guidance on management issues that may arise can be found in the following sections of this Plan.

Information on Special Use Permits (aka Facility Use Agreements) is included in the Administration section of this Plan and provides guidance on a variety of issues that may arise relative to educational/research use. The permit process is intended to help plan for issues that arise for large groups or all-day use, such as need for bathrooms, dealing with trash, etc. Permits can grant permission for otherwise prohibited activities, such as use of drones or wildlife cameras, when being used for educational/research purposes. Installation of temporary equipment, collection of samples, and other research needs can be addressed through this process.

The role of the HMCA in providing programs for public education and enjoyment is described under Management Structure in the section on Administration. HMCA is also charged with tracking and coordinating use of the conservation area by groups and researchers to prevent overlaps in time and space.

The Forest Management Plan, to be completed by 2026, is expected to include forestry activities that can serve as demonstration projects. HMCA is encouraged to collaborate with the County Forester, the Windham County Conservation District, VLT and other pertinent groups that provide education to the public about the environment, forests, and wildlife to identify opportunities for bringing groups to the conservation area to learn about the forestry concepts that are being implemented.

The Biodiversity Inventory of 2018-2019 (included as Appendix XXX) included suggestions for several scientific studies. This Plan does not foresee any mechanism whereby the town would be able to fund these studies, but conservation area managers should welcome self-funded researchers who are interested in tackling these projects.