

Regular Meeting of the Hogback Management Plan Update Committee
7:30 p.m. Wednesday, October 23, 2024
Marlboro Community Center, Marlboro, Vermont and via Zoom

Minutes

Abbreviations used:

BC = backcountry (as in backcountry skiing)

HMCA = Hogback Mountain Conservation Association

HMPUC = Hogback Management Plan Update Committee

HPC = Hogback Preservation Commission

SB = Select Board

VHCB = Vermont Housing and Conservation Board

VLT = Vermont Land Trust

The meeting was called to order at 7:31 pm.

Present:

- in person:
 - Lucy Gratwick, moderator, Nick Morgan, Town Administrator
 - HMPUC committee members: Diana Todd (chair), Mike Purcell, Eric Slayton, Pieter Van Loon
 - members of the public: Gail MacArthur, Hollie Bowen, Tami Purcell, Jack Widness, Forrest Holzapfel, Lindy Corman, Allison Turner, Lee Todd, Ed Metcalfe
- via Zoom:
 - members of the public: Nancy Anderson, Gussie Bartlett, Jean Boardman, Cherrie Corey, Jane Douglas, Andy Langhauser, Brooke Scatchard, Nancy & Louis Tognan

1. Introductions – Lucy Gratwick, moderator, introduced herself and members of HMPUC.
2. Diana Todd, HMPUC chair, presented a review of:
 - a. how the conservation area came into being in 2010
 - b. the existing management structure,
 - c. the purposes of the conservation easement on the property that is held by VLT and VHCB
 - d. why HPC decided the time was right to update the Management Plan
 - e. seven proposed refinements to the existing management plan, including:
 - i. greater distinction between recreation areas and wildlife priority areas
 - ii. more clarity on what types of uses are authorized on which trails, reflecting the actual use over the past 14 years
 - iii. regarding forestry – reject generating income as the motivating factor for any forestry action, but do undertake active forest management efforts aimed at improving resilience and health of the forest and wildlife
 - iv. add the following to the list of prohibited uses: target shooting, drones, wildlife cameras, unauthorized cutting of wood, ebikes
 - v. clarify the review process for assessing applications by people or groups seeking Facility Use Agreements from the town (aka Special Use Permits)

- vi. give more detail on dealing with existing infrastructure: the First Aid Building and Benedict Cottage (both on Route 9) should be demolished; other buildings should be lightly maintained; periodically monitor abandoned ski lifts to assess whether safety issues arise
 - vii. give more clarity on funding; there is no line item in the town budget; HMCA should take the lead in any public appeals and should assist with seeking grants; HMCA or HPC can initiate efforts to have town residents vote to approve a specific funding request
3. The moderator solicited opinions and ideas from the attendees, organizing the discussion around the seven proposed refinements:
- a. greater distinction between recreation areas and wildlife priority areas
 - i. Clarification was requested on the four purposes of the conservation easement and how that balance related to the idea of establishing regions within the conservation area with different priorities. Pieter Van Loon explained that the four purposes are considered of equal importance, but that doesn't mean that all decisions or actions have to have equal value for or impact on each of the four purposes.
 - ii. Question: Would having regions designated for recreation mean that people would not be allowed to bushwhack in the trail-less areas? Response: No, it is not intended to imply that. HMPUC considered whether off-trail use should be banned, and decided such a ban was not called for. Follow-up question: Will allowing off-trail use cause more people to go bushwhacking, creating disturbance to wildlife? Response: With regard to off-trail use, no change to the existing status is being proposed, therefore we do not anticipate any change in impact on wildlife.
 - b. more clarity on what types of uses are authorized on which trails, reflecting the actual use over the past 14 years
 - i. Question: Various groups and individuals have discussed the possibility of connecting various trail systems in the area. If other bike trails want to link with Hogback trails, would the VAST trail be suitable for bikes? Response: Because the VAST trail is designed for winter use, it doesn't provide an ideal surface for bikes in non-winter seasons. If some group wanted to have Hogback trails become part of a larger network of trails, they should propose the idea for review by HMCA and HPC, using the trail management protocol specified in the draft Plan.
 - ii. Question: Have there been any situations over the past 14 years where inappropriate trail use has led to a need for some kind of enforcement action? Response: No, other than one incident where someone was target shooting on a trail. Follow-up question: What about the incident where skiers who started on Hogback land crossed the boundary and ended up on private land? Response: They were skiing off-trail, outside the former ski area, but on conservation area land. There's no ban on this, so they weren't doing anything inappropriate while in the conservation area. The fact that they crossed onto private land isn't something our trail policies can control.
 - c. regarding forestry – reject generating income as the motivating factor for any forestry action, but do undertake active forest management efforts aimed at improving resilience and health of the forest and wildlife

- i. Comment: The draft plan says the former project to periodically clear the five major former ski slopes in order to generate new growth will not be repeated because the Biodiversity Inventory did not find that the cleared areas attracted any more of the target bird species than were found in un-cleared areas. (Additional comment – One person’s experience on the mountain directly conflicts with that finding – they saw the birdlife increasing immediately after the clearing projects, and decreasing since the clearing efforts have stopped.) Plant variety should be considered as well, not just birds. If the slopes are not periodically cleared, the slopes will mature into typical forest and a huge number of plant species that are currently present on the mountain will disappear. Maintaining openings by periodic clearing, such as mowing one of the three major slopes every five years with a brush hog, is crucial to maintaining the conditions needed for plants that need open areas or forest-edge conditions.
 - ii. Comment: Strong support for the idea of taking action to try to improve the resiliency of the Hogback forest in the face of impending climate change. This large forest is a public resource that can be used for educating the public about good forestry practices. The commenter frequently deals with people who are alarmed by any forestry project involving cutting trees. We could use projects on Hogback to educate people about the differences between purely extractive timber harvesting and carefully planned and implemented efforts that aim to improve forest health and resiliency. Response: Hogback forestry projects will be planned with significant input from and oversight by County Forester Sam Schneski, as part of his job. But he can’t be involved unless the project has a strong public education or demonstration component. So, yes, the proposed refinement to the Management Plan intends to have an educational component for all forestry actions.
- d. add the following to the list of prohibited uses: target shooting, drones, wildlife cameras, unauthorized cutting of wood, ebikes
- i. Many people supported allowing ebikes. They make it possible for people with limited mobility to enjoy the trails, and to keep up with stronger bikers on regular bikes. The difference in ebike classes was briefly mentioned. VLT’s support of allowing Class 1 ebikes (those that must be pedaled, with the “e” function just adding an assist, compared to other types which do not need to be pedaled, but where speed is controlled with a hand-operated throttle) was mentioned.
 - ii. One person said they thought that both bikes and ebikes (if allowed) should be limited to specific trails, so that people who want to enjoy a quiet, peaceful walk in the woods can choose a trail where they know they will not be disturbed by bikes.
 - iii. Comment: From a trail builder who has created trails in Dover and elsewhere around the state – Class 1 ebikes are the most commonly used, and using that kind of ebike where mountain bikes are allowed seems appropriate. As for using bikes on the VAST trail, ebikes would be able to handle the often soft, grassy surface of the VAST trail, but regular mountain bikes would not handle that type of surface well.
 - iv. Question: Drones are now often used by emergency services, especially in cases of trying to find a missing person. Would the drone ban apply to that?

Response: The draft Plan makes clear that in emergency situations the ban on motor vehicles does not apply. The Plan should probably also make clear that the drone ban similarly doesn't apply in emergency situations.

- v. Question: Have there been any problems with drones or wildlife cameras in the last 14 years on Hogback? Response: Drones, none known. As for wildlife cameras, the concern is the change in the technology that now allows many cameras to hook up to the internet and transmit live images to the camera owner who could be sitting at home watching on a computer screen. The potential for people being observed while out on a walk in the woods without knowing about it is unsettling.
 - vi. Question: What about using a wildlife camera for checking out areas off trail for hunting? Response: Hunting is allowed. The conservation easement specifically mentions it as an allowed use. State law also gets involved here, via rules about posting land, etc. But putting up cameras is not automatically allowed. If a hunter wants to use a camera, they should ask for permission to do so.
 - vii. Question: Does the plan say anything about not allowing hunting near the trails? Response: No. Trying to distinguish between areas where hunting is and isn't allowed triggers a lot of complicated posting requirements. People have been hunting on Hogback throughout the 14 years of its existence, and we haven't had any problems. If a hunter specifically asks about hunting, they should be encouraged to stay well away from the recreation trails.
 - viii. Question: What about trapping? Response: Trapping is a permitted use according to the conservation easement. The town can choose to ban it, but not without a good reason. We've decided that trapping should not be allowed because people are not required to stay on the trails, and the vast majority of recreational users have no idea what a trap looks like, how they operate, or where they are likely to be deployed. The risk of an unfortunate incident seems too high to allow trapping. State law requires that trappers ask for and receive the land-owner's permission before setting out traps. If trappers ask for permission, they should be told No.
 - ix. Question: What about dogs? They are the most likely to get hurt by traps. Response: The draft Plan states that the town-wide dog policy applies on Hogback, which is that dogs must be under the control of the owner. They do not have to be leashed if they are "under control." So, yes, dogs could be wandering off leash in the conservation area and be inadvertently lured by a trap.
 - x. Comment: Why not have a policy of "Hunting by permission"? That way the town could collect the names and contact info for people hunting on the property. We could track whether they are using tree stands, etc.
- e. clarify the review process for assessing applications by people or groups seeking Facility Use Agreements from the town (aka Special Use Permits)
- i. Clarification requested. The proposed refinement to the existing plan isn't about what conditions trigger the need for a permit. It is about defining a clearer procedure for evaluating an application. The draft Plan lays out a process where HMCA does the first review, then HPC, and finally the application is submitted to the Select Board along with HMCA & HPC endorsements (or recommendations for rejection).

- ii. Clarification: The existing permit procedure says HMCA and the Southern Vermont Natural History Museum do not have to apply for permits unless the event would entail a specifically prohibited activity. Other groups, such as the Southeastern Vermont Audubon Society, do need to request permits (if their group size or other aspect of the meeting triggers the need for a permit).
 - iii. Comment: Allowing certain groups, even the HMCA, to skip the permit process is unwise. Requirements should be applied uniformly to all users. Discussion: HMCA at one point was having multiple events each month, and would like to get back to that level of activity. How would the SB feel about needing to review permit applications for that many events? If the application is straightforward and has the endorsement of both HMCA and HPC, it shouldn't take more than a minute to approve. For some HMCA events, the number of participants is limited to a size below the trigger that requires a permit, so for those events, no permit would be needed. But when permits are needed, speed is of the essence in the review procedure. The decision must be made within 30 days, and the review procedure in the draft Plan calls for first HMCA review, then HPC review. How could that get done in 30 days? Response: The language of the 30-day requirement (which applies to permits for all town facilities and is not a Hogback-specific requirement) says that the 30 days starts when the application is submitted. Submission doesn't occur until after the HMCA and HPC reviews.
- f. give more detail on dealing with existing infrastructure: the First Aid Building and Benedict Cottage (both on Route 9) should be demolished; other buildings should be lightly maintained; periodically monitor abandoned ski lifts to assess whether safety issues arise
- i. Question: For the buildings that need to be demolished, could the fire department just do a controlled burn? Response: No, because hazardous materials have been identified in the buildings.
- g. give more clarity on funding; there is no line item in the town budget; HMCA should take the lead in any public appeals and should assist with seeking grants; HMCA or HPC can initiate efforts to have town residents vote to approve a specific funding request
- i. Comment: Action must be taken to raise the money to take down the hazardous buildings. The Town Clerk, Town Administrator, chair of the HPC and others have been trying to find funding without success. The First Aid building is not eligible for "brown field" remediation funds. The HMCA President helped the town apply for a trails-related grant to tear down the First Aid building, but the project was not funded. Someone needs to put an article requesting funding up for a vote at Town Meeting. Pressures on tax payers are so high lately that it's not clear if such a proposal would pass. But the buildings just continue to deteriorate with every passing year, and the cost of the project goes up every year.
 - ii. Question: What about the use fee that is paid annually by the power company for the right to drive their maintenance vehicles up to the communication tower? Can that money be used? Response: Most of that money goes into the general fund as a modest replacement for the property taxes that used to be paid to the town when the land was privately owned. A small portion is set aside to maintain the trail in a condition suitable for the power company trucks

(that is a requirement of the lease agreement). Therefore that money is not available for use in demolishing the deteriorated buildings.

- h. other topics
 - i. Question: Who will vote on this draft? When? Is the SB voting on it? When? Do they have final say? When will VLT and VHCB review it? Do they have voting rights on approving it? Response: HMPUC, the group that has created the draft Plan, is a subcommittee of the HPC. When HMPUC has finished refining the draft based on public comments, they will turn it over to HPC. HPC can make further refinements if they see fit. They will then ask VLT/VHCB to review it. If they determine that any of the guidance is in contradiction to the conservation easement, they can ask for revisions. Once that step is complete, the Plan will be forwarded to the SB for final approval. They can make additional changes if they see fit.
 - ii. Question: Does the SB review and approval need to go through the state-mandated 30-day public hearing and approval process? Response: We've asked the Vermont League of Cities and Towns about public comment on the draft Plan, and they advised us that such a review is not covered by the review requirements for state-mandated town documents like Zoning Requirements and the Town Plan.
 - iii. Question: What is the time frame for completing this project? Response: HMPUC has been working on this for a year-and-a-half, and we hope to have our work done soon, but we'll take as long as is needed to consider the comments we've received. We meet twice a month, next meeting on Nov. 6, and if anyone has additional comments, please submit them before then via email to the address on the handout card (hogbackplanning@gmail.com). (There was no speculation on how long the HPC and VLT/VHCB reviews would take.)
 - iv. Question: Regarding allowing the former ski area terrain to be maintained for backcountry skiing, who will be responsible for maintaining those trails or openings? Would it be a ski club? Response: The HMCA Trail Committee has been maintaining the slopes that had previously been approved for BC skiing and we anticipate that they would also maintain any additional ones that are opened. We don't anticipate working with any outside ski club, but if such a club proposes a collaboration, the HMCA and HPC would evaluate the proposal and make a decision. The recommendation in the draft plan to allow all parts of the former ski area to be maintained for possible BC skiing does NOT allow people to come in and start cutting trees and branches on their own. The "no unauthorized cutting" rule applies.
- 4. Attendees were thanked for their participation. The committee and attendees thanked Lucy Gratwick for moderating the meeting.
- 5. The meeting was adjourned at 8:57 pm.