

The Unified Towns & Gores of Essex County, Vermont  
(Averill, Avery's Gore, Ferdinand, Lewis, Warrens Gore, Warner's Grant)

# Municipal Plan

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UTG Board of Governors \_\_\_\_\_

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## INTRODUCTION

The entities of Averill, Avery's Gore, Ferdinand, Lewis, Warner's Grant, and Warrens Gore make up the municipality of the Unified Towns & Gores of Essex County, Vermont (UTG). Daily life moves slowly in the UTG. One season passes into another. People appreciate that the area has changed little over time and that is what the residents want most - things to stay the same. However, fully realizing that things are continually changing, the residents of the UTG have attempted to describe the future we most desire. Here, we present our ideas and a vision to be used as a guide in local, regional, state, and federal decision making processes.

The UTG board of Governors will explore the possibility of changing the name of the Unified Towns and Gores to one that more adequately describes the town as a municipality comprising six entities.

We believe this will provide a greater sense of identification and community for the residents, and more accurately describe the town as an incorporated municipality comprising six entities. This will provide better name recognition for the municipality and facilitate communications and understanding when dealing with governmental and non-governmental organizations and people in general.

The Board will consult with residents, both permanent and seasonal; State representatives, and local government officials regarding feasibility of this change, and an appropriate name for the municipality.

The UTG is in a very unique and vulnerable position. With over 104,000 acres of woodlands, the UTG contains some of the largest contiguous tracts of forest lands left in Vermont. These ecologically important forests are also important for timber production and outdoor recreation.

The area also contains a vast amount of valuable natural resources - undeveloped lake and stream shorelines, scenic mountains, rare and endangered species, and abundant wildlife. The outdoor enthusiast is presented with hundreds of miles of trails for hiking, biking, and snowmobiling, as well as excellent opportunities for hunting, fishing, and camping. Many of these resources will be important to future generations such as vast quantities of fresh drinking water, millions of trees to help balance the greenhouse gases, and large areas of undeveloped land for recreation and wildlife habitat.

Finding a balance between all of these sometimes competing interests is the challenge for local residents, landowners, local and state governing bodies, and society as a whole. This document intends to clarify our future vision for the UTG. It is broad-based and general by design. It is intended to give policy directions in the overall picture as compared with specific recommendations on individual tracts of land. Finding the balance will be a dynamic process, a process of give and take, a process of balancing personal and public rights. The choices will not be easy, the challenge immense.

**LIST OF PRIORITIES:**

The Planning Commission has identified seven (7) major priorities for the UTG. They are not presented in any particular order, but all are viewed as equally important and appear throughout this document. The Planning Commission will handle conflicts that arise between any of them on a case by case basis.

- Traditional ways of life and land use patterns within the UTG should be preserved.
- The number of roads should be kept to a minimum and consideration of environmental quality given priority.
- Bringing cellular and broadband service to the UTG towns is a priority.
- Minimizing the amount of soil erosion caused by logging or new development is a priority.
- Maintaining and protecting water quality in our lakes, ponds, rivers, wetlands, and streams is a priority.
- Maintaining and enhancing recreational opportunities for the residents and visitors of the UTG is a priority.
- The unspoiled mountainous and forested landscape is an important draw to tourists and therefore a key component of the UTG's tourist-based economy, which benefits the surrounding communities in the region. The protection of these scenic areas from the impacts of large-scale development is a priority.

**Recommended Actions**

- Study possibility of a name change for the UTG

## Section One – GENERAL LAND USE

The Planning Commission (Commission) supports the traditional use of land whether it is for timber harvesting, hunting camps, recreation, residential living, or commercial - industrial development (including value-added farm or forestry-based businesses), provided it is consistent with the 7 priorities. This plan, in its entirety, functions as our land use plan. It spells out a general direction in which we want to proceed and identifies certain policies we want to encourage to help achieve our vision for the area.

Presently, the area is almost entirely forested with camps scattered throughout the woods and along the lakes and streams. It has essentially been this way for decades and the Commission would like it to continue to be so into the future. As stated throughout the plan, the Commission hopes to promote the current types of land use in the future.

*An overarching policy that covers each of the following sections within the plan is that land use should be based on the natural resource constraints of a particular parcel of land. Areas with special attributes such as wetlands, steep slopes, mountain tops, or special wildlife habitat should be treated differently, paying particular attention to those features. To help identify these features, a Conservation Overlay Map was developed for the UTG as part of the zoning process undertaken in 1993. These maps were created with the assistance of Micro Data GIS and serve as the official zoning maps for the towns & gores. The maps are available at the UTG Office.*

More recently, the Vermont Department of Fish and Wildlife produced *Mapping Vermont's Natural Heritage*, a guide for municipal and regional planners. The guide includes a series of seven maps for every town (including every entity within the UTG) depicting conserved areas, land cover, forest patterns, water bodies, physical features, community and species-scale resources, and state and regional conservation priorities. These maps are available on the website of the VT Agency of Natural Resources.

The conservation base map compared with the maps depicting conservation priorities and priority wildlife habitat blocks indicate that the vast majority of land area (including priority areas) of the UTG is conserved by State, Federal and non-government entities. The UTG recognizes the conservation status of these lands to be an effective means of preserving forest blocks and habitat connectors.

### Recommended Actions for General Land Use:

1. Land use goals and recommendations should be based on natural resource constraints.
2. Local zoning regulations and/or ordinances should reflect the goals and recommendations of this plan.
3. All development proposals should be carefully reviewed with decisions made based upon the protection of our natural resources.

### **Local Input:**

The Unified Towns and Gores constitute a sparsely populated region. Only Averill, Ferdinand, and Warrens Gore have any permanent residents. Ferdinand had the largest resident population at 32 persons according to the 2010 U.S. Census. Averill had a population of 24 persons (a 200% increase since 2000) and Warrens Gore had 4 persons. There are no people

living in Lewis, Avery's Gore, or Warner's Grant. Non-resident landowners, camp owners, timber and other interests own approximately 475 parcels of land according to recent grand lists. There are also two active lake associations representing a large number of second homeowners in Averill. It is important that all of these groups have some voice in matters affecting the UTG.

The residents and landowners of the UTG are very concerned about the future of our area. We understand that policy decisions are being considered and made in both public and private sectors and at local, regional, state, and national levels – sometimes without local participation. We will be involved in making decisions affecting land use in the six UTG entities. We appreciate past development efforts and we will do our best to ensure that all parties are informed and involved in all future land use decisions.

#### Recommended Actions for Local Input:

1. Inform state policy makers of our right and desire to be involved in the decision making that affects our area.
2. Attend public meetings, write letters, and take action on issues that affect the UTG.
3. Encourage residents and landowners to become or remain active in local government.
4. Explore ways for non-residents or non-voters to have more of a voice in matters affecting the UTG.
5. Petition State to change name of the UTG to a unique name, subject to approval of B.O.G. and residents.

#### **Private Property Rights:**

The residents and government of the UTG fully support individual property rights. Yet, we recognize that no individual has the right or privilege to adversely impact another person's rights whether it be through polluting their ground water via a faulty septic tank, increasing erosion due to improper timber harvesting practices, or any other activity that may occur on one person's property but impact another person's land. As resources become scarcer and more people move to the area, this balancing act will become more difficult and frequent.

In general, the Commission also discourages the use of eminent domain, and strongly encourages all transactions to be on a willing seller/willing buyer basis. However, all residents, landowners, and others should be aware of and obey local regulations.

#### **Public Access to Private Lands:**

The Commission commends private landowners for allowing public access to their lands. We recognize that this access is a privilege, and not a responsibility of the landowner.

Because the issue of liability is a major concern to all landowners, the burden of the landowners' liability for public use of private land should be minimal. The residents of the UTG fully understand the positive impact that free public access to private lands has on the local economy and way of life in Vermont. We would like to see this access continue and support public access to private lands within the guidelines developed by the private landowners.

Recommended Actions regarding Private Property & Public Access:

1. Inform landowners of our support for public access to private lands.
2. Work with the landowners and policy makers to keep the land open for public access.
3. Educate property owners on state liability law - "An owner shall not be liable for property damage or personal injury sustained by a person who, without consideration, enters or goes upon the owner's land for a recreational use unless the damage or injury is the result of the willful or wanton misconduct of the owner". (12 V.S.A., Ch. 203, Sect. 5793)

## Section Two – TRANSPORTATION

### Roads and other Facilities:

A good transportation network is vital to the forest industry and landowners in our area. Large, heavy equipment and trucks need to move effectively and efficiently to and from logging sites on both public and private roads. Assuming careful consideration of environmental impacts, the Commission generally supports the development of private roads for the logging industry. However, due to the long term implications of new and existing roads in a sometimes harsh climate, the Commission is very concerned about the general design, use, and maintenance of both private and public roads. From a safety standpoint, this is especially true given that these roads are used by increasing numbers of people accessing their properties or for recreation. At present, the only town roads in the UTG area are located in Averill (Cottage Rd, Forest Lake Rd., and Canaan Hill Rd. - Total 6.65 miles of Class 3 roads). Nevertheless, we would like the total number of roads kept to a minimum and consideration of environmental quality given priority when roads are developed and maintained. Also, given the long term maintenance costs for roads, the Board of Governors should carefully consider requests to take on or develop any new roads and do so only after they were built to State of Vermont standards.

The Commission is also interested in maintaining a good and comprehensive transportation system for residents, landowners, and visitors on the existing public roads. In general, we also encourage expanded opportunities for snowmobiles and bicycles on all public roads and lands. We also accept ATVs on roads for which this use has been permitted by the Board of Governors. Designation of scenic roads will be done on a case by case basis and should only be initiated at the local level.

The John Boylan State Airport in Brighton provides an opportunity for aircraft operations, which currently adequately meets the needs of the UTG.

### Recommended Actions for Transportation:

1. Make state transportation officials and policy makers at all levels aware of local opinion on issues affecting transportation in our local area.
2. Clearly identify the policies governing the use and maintenance of public and private roads in the UTG (i.e. roads other than town-owned roads).

*Transportation Maps can be found at the end of this document.*

## **Section Three – NATURAL RESOURCES**

### **Pollution, Wastes, & Disposal:**

Residents and landowners are very concerned about the amount of pollution within our local area. While recognizing private property rights and the need for a dynamic economy, we want to reduce the overall amounts of air, water and land pollution if possible.

The Commission strongly discourages careless handling, disposal, and discharge of any pollutants into the water, land, or air. The Commission also believes that hazardous materials and municipal wastes should be stored and disposed of in a proper manner and in areas where they are generated. The low population density of the UTG should not be a consideration for siting landfills for municipal or hazardous waste disposal.

The UTG is a member of the Northeast Kingdom Waste Management District, and works cooperatively with the District to manage the solid and hazardous wastes in accordance with the District's solid waste implementation plan.

#### Recommended Actions for Waste Disposal:

1. We will sponsor local collection days allowing residents to properly dispose of household hazardous wastes and large/bulk items.
2. Continue involvement with the Northeast Kingdom Solid Waste District.

### **Timber Harvesting/Clear Cuts:**

The Commission is concerned about the impact of logging on water quality and endorses the Acceptable Management Practices outlined in "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont." Minimizing the amount of soil erosion caused by logging or new development is a priority.

The Commission recognizes that clear-cuts are an acceptable silvicultural practice. We are concerned about environmental and visual impact, but we are aware that timber is a renewable resource which is important to our economy. Therefore, we discourage clearcuts in favor of strip cuts, block cuts and selective cuts. In general, we encourage the timber operators and loggers to monitor their harvesting methods to minimize waste and improve the conditions in which they leave the forest.

### **Mineral Extraction:**

The Commission recognizes the minimal potential for mineral extraction within the Unified Towns and Gores. If sites are developed, they should be developed in the most environmentally safe manner with particular attention paid to the mine tailings and waste. Once mining operations cease, mines should be safely closed with the site returned as closely as possible to its original configuration.

#### Recommended Actions for Mineral Extraction:

1. Consider amending local regulations to address this issue.
- 2, Local officials shall ensure that the appropriate state permits are in place for any mining

activity.

3. Monitor mining activities to ensure that mining activities do not conflict with adjoining land uses or those in adjoining districts (i.e. - residential or shoreland districts).

## **Forest Resources**

The UTG has abundant forest cover that is home to numerous species of wildlife including Moose, bear, deer, bobcat, coyote, fisher, mink and many more. Forests in the area comprise about 98% of the total land area and occur only in blocks larger than 10,000 ac, among the largest and most ecologically important forest blocks in Vermont. Contiguous forest habitat provides a significant contribution to the local community's interests in its natural heritage, identity, and working landscape. These lands represent much of what makes life in this area unique and enjoyable. These lands provide a myriad of ecological functions for fish, wildlife, plants, and all the natural processes that sustain them. Further, they provide extremely valuable connections for people to enjoy and appreciate the land and its abundant resources. For these reasons, contiguous forests will be supported by sustainable working lands, for the myriad contributions to our natural and cultural heritage, and for maintaining options and choices for future generations of the community. To this end, we will work to inform landowners of these values and offer assistance for any conservation actions that are in keeping with the local community's conservation interests.

## **Connecting Habitat**

Connecting habitat is land that links larger patches of habitat within a landscape, allowing the movement, migration, and dispersal of animals and plants. Riparian habitat along streams and rivers, strips of forest cover between developed areas, and even hedgerows/fencerows all represent potential connecting habitat. Sometimes these areas are called "corridors" even though they are not always linear, as the term implies.

Movement of animals from one habitat patch to another is the most common function associated with connecting habitat. This function is particularly important for wide-ranging animals, such as bobcats and black bears, or for animals that require a great deal of space to meet their daily life needs, such as barred owls or otter. Although connecting habitat is often associated with wide-ranging mammals, it is equally important for animals with relatively small ranges. Spotted salamanders, for example, use connecting habitat in spring to move from their hibernation sites to breeding pools.

Connecting (corridor) habitat is important because it does the following:

- Allows animals to move freely across their range;
- Allows plants and animals to colonize new habitat as climate change, succession, or other ecological processes force them to migrate;
- Reduces the risk of population isolation and provides for the exchange of genetic information among populations of animals and plants;
- Allows animals to access suitable habitat to meet their daily and annual life needs;
- Allows seasonal movements (migrations) to essential range or habitat;

- Allows young adult animals to access new range, away from natal range; and
- Allows adult animals to interact with potential mates, thus improving reproductive success and genetic fitness.

Given the town's abundant forest resources, what connecting habitat means for the UTG is really road crossings, i.e. specific places where wildlife cross roads. Vermont Fish & Wildlife Department has identified State Route 114 as an important roadway in the area where it is important to maintain current development patterns and avoid sprawl development in the future which would limit wildlife movement. Important wildlife corridors will be protected or conserved from encroaching development and incompatible activities, such as road expansion or development of new roads, by restricting development in and around corridors. These resources will be given high priority in considering lands for acquisition or other long-term conservation efforts.

### **Wetlands & Vernal Pools**

Wetlands are intermediate habitats between upland and aquatic ecosystems. Wetland communities include the vegetated, shallow-water margins of lakes and ponds, the seasonally flooded borders of rivers and streams, and an amazing diversity of topographic settings across the landscape, including basins, hillside seeps, and wet flats.

Wetlands serve a wide range of functions and are beneficial to a variety of native plant and animal species, as well as to the health, safety, and welfare of the general public. Wetlands provide fish and wildlife habitat, flood and erosion protection, nutrient and pollution filtration, groundwater recharge, aesthetic diversity, and sites for educational and recreational activities.

Wetlands and vernal pools will be protected from encroaching development, including roads and driveways, and disturbances harmful to wetland-dependent wildlife by restricting development and specific activities in wetlands and by maintaining and/or establishing undisturbed, naturally vegetated buffers around their edges.

### **Riparian Network**

Riparian areas are ecosystems comprised of streams, rivers, lakes, wetlands, and floodplains that form a complex and interrelated hydrological system. These ecosystems extend up and down streams and along lakeshores, and include all land that is directly affected by surface water. Riparian ecosystems are unique in their high biological diversity. They are "characterized by frequent disturbances related to inundation, transport of sediments, and the abrasive and erosive forces of water and ice movement that, in turn, create habitat complexity and variability...resulting in ecologically diverse communities" (Verry et al., 2000).

Because of the dynamic nature of rivers, streams, lakes, and ponds, riparian areas have a wide variety of plant and animal communities. These communities form an interconnected food web that ranges from tiny microorganisms to bears and humans. This web also includes reptiles and amphibians, plants, waterfowl, songbirds, bats, mink, and otter. Healthy riparian ecosystems give life to all the species that inhabit them, as well as the species that use the lakes and streams near them, including those species that use bodies of water only at certain

times during their life cycles, such as during breeding or migration.

Lakes, ponds, rivers, and streams will be protected from encroaching development, including roads and driveways, by maintaining and/or establishing undisturbed, naturally vegetated riparian buffers on their banks.

### **Rare Species**

A rare species is one that has only a few populations in the state and that faces threats to its continued existence in Vermont. Rare species face threats from development of their habitat, harassment, collection, and suppression of natural processes, such as fire.

Rare native species in Vermont are an important part of Vermont's natural heritage. Rare species can play crucial roles in ecosystems, with other species relying on them for their survival. Many of these species are admired and appreciated by people for their beauty, sounds, or mere presence on the landscape. Most of these species in Vermont are rare because they are on the edge of their range or they are separated from the main population by a large distance. The UTG is home to at least 93 rare species and natural communities.

The community recognizes the significant contribution that rare, threatened, and endangered species make to our natural heritage and the health of Vermont's environment. Because of the precarious nature and status of their populations, the community believes that the conservation and protection of the habitats that support these elements of our fish, wildlife, and natural heritage require great vigilance. We therefore will support all efforts, pursuant to the state of Vermont's Endangered Species Statute, or through other regulatory and nonregulatory mechanisms, to conserve or otherwise protect those species and the habitats necessary for their continued survival.

### **Deer Wintering Areas**

White-tailed deer in Vermont live near the northern limit of their range in eastern North America. To cope with Vermont's severe climatic conditions, deer have developed a survival mechanism that relies upon the use, access, and availability of winter habitat. These habitat areas are known as deer wintering areas, deer winter habitat or, more commonly, "deer yards." Deer winter habitat is defined as areas of mature or maturing softwood cover, with aspects tending towards the south, southeast, southwest, or even westerly and easterly facing slopes.. Lewis and Ferdinand both include sizable deer wintering areas totaling 12,873 ac (including a small amount in Warner's Grant and Warrens Gore).

Commercial, residential, and industrial development will not be allowed within the bounds of a deer wintering area as shown on the town's deer wintering area map. Development within 300 feet of a deer wintering area will be permitted only if, after consultation with the Vermont Department Fish and Wildlife, it is shown that the integrity of the deer wintering area will be conserved. Note: 300 feet is the minimum distance required to avoid disturbance to wintering deer.

### **Water Quality**

The UTG is within Vermont Planning Basins #17 and #16. The Basin 17 Lake Memphremagog, Tomifobia and Coaticook Tactical Basin Plan was updated in November of 2017 by the Vermont

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Agency of Natural Resources (ANR). While the area within this watershed in Vermont is historically known for its clear waters, deep lakes and exceptional fisheries, the 2017 plan notes that in recent years, increased phosphorous has been noted in Big Averill, Little Averill and Norton Pond, among other water bodies. The Basin Plan notes that sources of phosphorus include agricultural, developed, and forested lands as well as loading from stream channel erosion.

Norton Pond and Great and Little Averill Ponds are listed as “altered” due to the presence of dams and water level fluctuations. The Tactical Basin Plan notes that as a result of a petition filed by lakeshore owners in December 2014, the State has conducted additional monitoring and information gathering. The Agency of Natural Resources has recommended modifying the dams to function as run of river crest control to restore more natural water level fluctuations on these waterbodies and natural flows in the streams below the dams to support important ecological functions of these waterbodies.

Considerations associated with water level management in these water bodies include loon nesting, wetlands, aquatic habitat in the lakes, and downstream flow regulation.

The Basin 16 plan covering the Upper Connecticut River watershed is currently being updated, and will be completed in 2020. Previously, Basins 15 and 16 were combined in one plan, the Passumpsic and Upper Connecticut River Tactical Basin Plan.

Water quality in the Town’s many streams, water bodies and wetlands depends on careful land management. In addition to faulty septic systems, non- point- source pollution includes sedimentation of rivers and streams resulting from land development and loss of riparian vegetation, which can significantly affect water quality.

U.T.G. residents recognize the value of quality water and want to maintain if not improve the overall quality which exists today. Fully realizing that land use activities directly impact water quality, the Commission wants to look for ways to balance competing interests. The Commission fully endorses the efforts of the State of Vermont to regulate activities which diminish water quality. Furthermore, we intend to continually monitor local ordinances to maintain the existing water quality.

The Commission recognizes that camps, homes, and other building structures placed too close to the water’s edge have both a short- term detrimental effect on water quality and the potential for permanent degradation to the water. Therefore, we shall require strict set-back requirements with vegetated buffer strips.

Where possible, all septic tanks should be located on the side of a building that would maximize the distance of the tank and leach field from the water. When camps are enlarged or converted to year round homes, they may be required to obtain a Wastewater System and Potable Water Supply Permit from the VT Department of Environmental Conservation This Commission fully endorses all State of Vermont regulations pertaining to on-site water and wastewater disposal systems.

Soil erosion and increased run-off caused when soils are disturbed by human activity (i.e. building construction, logging, building new roads and driveways) also impact water quality. To help minimize this impact, the Commission encourages proper drainage controls be put in

place during construction and properly maintained until the soils are stabilized. For logging activities, we strongly endorse the Acceptable Management Practices (AMP) as minimum standards to prevent erosion and runoff.

Maintaining and protecting the water quality of our lakes, ponds, rivers and streams is a high priority for the planning commission.

#### Recommended Actions for Water Quality:

1. Monitor and enforce local ordinances created to maintain and protect the existing water quality.
2. Ensure that state laws pertaining to on-site wastewater systems and potable supply rules are adhered to and enforced.
3. The Averill Lake Association and Averill Recreational Camp Owners (ARCO) can include information about protecting water quality in their respective newsletters, and all property owners should be informed in Town mailings of the importance of protecting water quality and the requirements of the 2014 Shoreland Protection Act.
4. Work with the Vermont Agency of Natural Resources, Department of Environmental Conservation (DEC) to protect our waters by promoting the prevention or early identification and eradication of invasive plants and animals, and monitor lake/pond water quality:
  - Seek available grants for a Greeter program to inspect boats at State launch sites and install cleaning equipment at the launch sites;
  - Organize an Invasive Species workshop in UTG facilities for Volunteer Invasives Patrollers (VIP) training;
  - Encourage property owners to participate in various DEC volunteer programs -- (VIP), Lay Monitors (LM), cyanobacteria monitoring.

#### **Impacts from Noise and Light**

It is recognized that noise and light can have a deleterious effect on wildlife habitat and the enjoyment of natural and scenic resources in the UTG, including viewing of stars in the night sky.

It is the policy of the UTG that uses should not be permitted to generate noise above levels appropriate to the rural and wilderness setting of our towns, including uses that may be located outside the boundaries of the UTG but result in unacceptable noise levels within the towns of the UTG.

The generation of exterior light during nighttime hours should be restricted so as not to cause negative impacts to wildlife, and so as not to contribute to "light pollution." It is noted that light emanating from sources outside the boundaries of the UTG have the ability to negatively impact towns within the UTG.

It is the policy of the UTG that proposed exterior lighting shall be appropriate for the use of  
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the site, and shall not exceed the boundaries of the area to be illuminated onto adjacent properties. Light fixtures that reduce glare and shielded fixtures that direct light downward should be used.

Illuminated signs that are excessively bright, cause glare and illuminate surrounding areas, are inappropriate. Lighting that flashes or moves or exceeds 10 feet in height is inappropriate.

#### Recommended Actions for Natural Resources

1. Enact stand-alone lighting and noise ordinances or amend the UTG Zoning Bylaw to establish performance standards for exterior lighting and noise levels.
2. Seek party status for the review of any developments in adjacent towns that could result in a deleterious effect on wildlife habitat and the enjoyment of natural and scenic resources in the UTG.

#### **Recreation / Public Access:**

The Commission recognizes the important role that recreation plays in our economy and traditional way of life. Tourism is a major part of our local economy. Certainly, most people who visit the area come to recreate through hunting, fishing, snowmobiling, skiing, walking and the like. The overwhelming number of second homes and camps is a testament to this fact. Maintaining and enhancing recreation opportunities for the residents and visitors of the six UTG towns is a priority.

However, this Commission recognizes the potential adverse effects that too many people could have on the natural resources of the area. We are especially concerned about transient visitors feeling less of an emotional attachment to this area, leading to irresponsible trash disposal, environmental destruction and a lack of respect for private property rights. Still, the Commission appreciates that the revenues that can be generated through lease and access fees may allow landowners to keep large tracts of land in productive use while maintaining traditional development patterns. Therefore, the Commission encourages expansion of recreation opportunities but with a cautious eye toward their overall impact on the area. We mostly support low-impact recreation which is in keeping with traditional recreation opportunities as long as all new facilities or improvements adhere to strict environmental standards.

The Commission strongly commends current landowners, public and private, for allowing public access to their lands. We recognize an individuals private property rights and respect their decisions to regulate access during certain times of the year or to particular activities. However, the Commission strongly discourages "exclusive clubs" that could limit access to particular groups on large areas of land, thus denying equal access to all people. The Commission also recognizes that public lands were purchased with public money and access must be allowed. Again, it is understood that access may need to be regulated or restricted at certain times, but these policies need to be clearly written and articulated and the public needs to be involved in setting these policies. Restricting access to public lands can have detrimental effects on the local economy as well as the traditional way of life in the area.

The Commission is concerned about present and future detrimental impacts of personal recreation vehicles (i.e. personal watercraft, snowmobiles, and all - terrain vehicles) on the natural resources and public safety. Therefore, we propose to monitor and evaluate the use and possible regulation of these vehicles.

Recommended Actions for Recreation and Access:

1. Investigate the overall impact of increased recreation and lease agreements on the natural resources.
2. Compile access policies for public lands in the UTG. A comprehensive list would reveal conflicting policies and allow recommendations for improvements to be made.
3. Investigate ways to discourage exclusive hunting clubs on large tracts of land.
4. Investigate and evaluate the use of and possible regulation of recreation vehicles.
5. UTG officials support opening state and federal lands for bicycle access.

**Natural Areas, Scenic and Historic Resources:**

The Commission generally supports the preservation of identified rare and irreplaceable natural areas and historic resources within the UTG. Any designation of scenic roads or resources must be initiated at the local level for the Commission to consider acceptance.

The Vermont Division for Historic Preservation and the Department of Economic Housing and Community Affairs do not identify any historic sites in the UTG. There are state-designated natural heritage areas, and these are identified on a zoning overlay map. There are a number of state and federal agencies involved with the conservation and preservation of natural areas through ownership and management, as well as a variety of non-profit conservation agencies. The Commission would like to see all of these entities enforce restrictions and easements that are put in place to protect these resources.

The largest natural areas in the UTG are the West Mountain WMA which consists of 22,000 acres of state-owned land that was part of the former Champion lands in Essex County; and portions of the Silvio Conte National Fish and Wildlife Refuge. This land was given to all Vermonters in a complex land transaction after Champion International Paper Company sold its Vermont holdings in 1999.

The 76-acre Mollie Beattie Bog in Lewis is part of the former Champion lands and contains a number of identified rare plant and animal species, and serves as a migratory habitat for many bird species.

## **Section Four – ECONOMIC DEVELOPMENT:**

Quality, sustainable, economic development opportunities are important to the residents in the area. Working through a public planning process, the Commission has identified certain areas that would be suitable for business development and these are depicted on the official zoning map. These areas include, but are not limited to, places that have been traditionally developed such as the Route 105 corridor and Wenlock Crossing in Ferdinand. See Protected Lands Map in appendix depicting areas that are conserved.

The Commission is concerned about changing economic situations in the future. In this light, the Commission is opposed to placing very large land areas under “conservation easement” or some other long-term protection strategy. We do not oppose the concept and its use, but we want to ensure that certain areas are held out so the economy can prosper in a variety of ways.

In general, the Commission endorses most economic development proposals, whether home-based or small businesses, or larger business and manufacturing facilities, as long as they are environmentally sound and do not adversely impact neighboring landowners, or the ecology, flora and fauna of the area.

The commission recognizes that tourism is an important component of the UTG’s economy, and is dependent on the UTG’s reputation as an unspoiled mountainous and forested landscape. Any large-scale development that is not in harmony and character with the scenic quality of the area is a serious risk to the economy.

### Recommended Actions for Economic Development:

1. UTG officials will participate in state and regional planning activities to ensure that the UTG’s vision and goals regarding protection of resources important for tourism are reflected in State and regional plans and policies.
2. Write and adopt a policy statement on conservation easements and long-term land use restrictions. Send out the statement to policy makers.

## **Section Five – FACILITIES & SERVICES**

### **Community Facilities:**

The UTG area is unlike most other towns in Vermont. At present, the only public facility physically located in any of the towns or gores is the UTG office in Ferdinand (completed in 2010). Historically, there was no real need for community facilities given the low population, however times do change and the Commission should monitor the need for future facilities. Basic goods and services were and still are obtained in adjacent towns – primarily Island Pond, Canaan, Newport, and in the Connecticut River towns in NH.

All of the town roads in the UTG are all located in Averill. These are Class 3 roads under the State of VT's classification system. The road names are Cottage Road, Forest Lake Road, and Canaan Hill Road.

Child Care: While the availability of child care facilities is recognized as important to the well-being of the State as a whole, the availability of child care facilities in the UTG it is not a significant concern due to extremely low year-round population (under 40 persons) and lack of employment centers.

### Recommended Action for Community Facilities:

1. Local officials would like to see affordable and reliable cellular and broadband service available to the residents of the UTG. We therefore support and encourage their development.

### **Medical & Fire Services:**

The residents appreciate the quality medical care and fire protection services we receive from our adjacent communities. Recognizing that we depend on neighboring facilities and services, we want to do our best to support the health care service providers in adjacent communities.

### Recommended Action for Medical and Fire Services:

1. The UTG will continue its current policy of contracting with neighboring communities or regional groups for the operation / provision of local emergency, health care and fire protection services.

### **Law Enforcement:**

The residents and landowners appreciate the quality law enforcement which has been provided over the years by the Vermont State Police, Essex County Sheriff's Department, and the Vermont Fish and Wildlife Department. The Board of Governors will monitor activities occurring within the UTG towns and consider making changes to our local law enforcement policies based upon local security issues.

### **Telecommunications:**

Wireless telecommunication facilities and services have grown in importance in the way people

go about their daily business. Whether for personal or business use, or for safety or emergency use, people increasingly want to be connected to the world around them. The Commission generally supports the expansion of wireless telecommunication systems into our region. The Commission would like to see all parts of the UTG have some form of wireless coverage. The VT Department of Public Service created an interactive map that shows the results of a drive test conducted in 2018 of mobile wireless coverage in the state. After reviewing providers' maps that purport to show the extent of their coverage, the Department undertook a drive test of all major roads in the state to collect data and assess where mobile wireless service is actually available from a consumer perspective. The Department prepared an interactive web-based map to allow users to view the drive test data for each of the six facilities based providers operating in Vermont: AT&T, Sprint, T-Mobile, US Cellular, Verizon Wireless, and VTel Wireless. This map is available on the website of the Department of Public Service. This website also has a map that depicts the locations of cell towers that have been approved for construction by the Vermont Public Utility Commission between 2011 and 2017.

Microcells have been installed in various locations in the UTG in order to boost cell phone signals; however they are not currently activated. Towns in Vermont have the opportunity to pay a yearly service fee for each microcell in order to reactivate them.

Recommended Action:

1. Local officials would like to see affordable and reliable cellular and broadband service available to the residents of the UTG. We therefore support and encourage their development.
2. Monitor the services offered by telecommunications providers in the area to ensure that service is adequate, reliable, and affordable.
3. Investigate the economic feasibility of reactivating microcells in the UTG.

## Section Six - HOUSING

### **Housing:**

Historically, almost all the land in the Unified Towns and Gores was owned by large timber interests. This has changed in recent years. Land changes hands more frequently today, but less so than in other areas of Vermont. Other than the large tracts of land owned by timber interests, many of the properties for sale in the UTG are lakeside or remote properties distant from employment centers.

While the Commission supports the idea that housing should be affordable, many of the higher value lakefront properties or large tracts of timber land may not meet this definition. Judging by recent sales, the most affordable housing options appear to be in Ferdinand along VT Route 105. The UTG also does not have the municipal infrastructure or population to support affordable housing such as clustered developments or multi-unit dwellings. However, mobile homes and accessory dwelling units are recognized by the state as forms of affordable housing and both are permitted uses under the UTG Zoning Regulations. Title 24 V.S.A. Chapter 117, Section 4412 prohibits municipalities from excluding mobile homes, modular housing, or prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded.

Noted earlier, the UTG towns are distant from regional employment centers and goods and service providers. The large majority of housing remains seasonal in nature, although this is changing as the number of conversions from seasonal to year-round dwellings has increased in Averill over the last few years. In general, the Commission wants to promote the traditional land use of a forest-based economy that is complimented by dynamic recreation opportunities. The development of all housing should complement this vision.

Because of the small populations of the UTG towns, some census data (such as median income and median home value) are suppressed.

Based on information available from the UTG Listers, there are a total of 16 homesteads in the UTG and a population of 36. Some of these homesteads represent former seasonal residents who made the UTG their primary residence. Five of the homesteads are in Ferdinand, with 15 people; two homesteads are in Warrens Gore with four people; and nine homesteads are in Averill with 17 people.

Due to the seasonal nature of the population of the UTG, the fact that most of the land area is permanently conserved, and the fact that the area is remote from employment centers, additional housing to serve the workforce is not a priority, nor would it be easily accomplished. One way to approach affordable housing may be to encourage, through public information, the creation of accessory units in or adjacent to existing houses, and provide information on fair housing practices.

### Recommended Action for Housing:

- Promote affordable housing by providing information to residents and property owners through town mailings.

## Section Seven – EDUCATION

The UTG is part of the Essex North Supervisory Union, which includes the school district of UTG, Canaan, and the NEK Choice. School-aged children typically attend schools in adjacent communities or receive education instruction at home. For many years, there have been fewer than ten children from the UTG in the public school system. The Commission believes the most cost effective way to educate our children is to continue utilizing adjacent community schools and home instruction. We do not anticipate a need to alter arrangements in the near future.

As described in the Natural Resources section of this Plan, the Planning Commission supports continued education through volunteer training programs provided through the VT DEC.

Vocational and workforce training opportunities are available at the North Country Career Center and at the Canaan Community Education Center.

### Recommended Actions for Education:

1. Continuously monitor the situation to ensure our policy is still valid.
2. Organize a committee to monitor the school budgets and policies in adjacent communities when local children attend those schools.

## **Section Eight – ADJACENT COMMUNITIES**

### **Impact on Adjacent Communities:**

The Unified Towns and Gores and our adjacent, neighboring communities are very closely interlinked. We depend on each other to maintain the traditional way of life. UTG residents support the adjacent communities by providing labor for their jobs and by supporting community institutions such as medical and fire services. The UTG contains vast areas of land available for recreation that benefits their restaurant and hotel businesses. The neighboring towns offer our residents and landowners a selection of goods and services. Traditionally, these relationships have been very good and we anticipate this will continue.

Adjacent communities include: Canaan, Lemington, Bloomfield, Brunswick, Maidstone, Granby, East Haven, Newark, Brighton, Morgan, Holland, and Norton.

The largest population centers in these towns are Island Pond and Canaan. Island Pond and Colebrook, NH are most likely the place where residents access basic goods and services – i.e. groceries, auto services, banking, etc. Specialized services such as medical care can be found in Newport (City).

The towns of Norton, Holland, Morgan, Brighton, Newark, Canaan and Maidstone have Municipal Plans in effect. The UTG's plan is compatible with these surrounding communities and the regional plan.

There are currently no land use issues in adjacent communities that are negatively affecting the UTG towns.

### **Recommended Actions for Adjacent Communities:**

1. Continuously monitor the situation to ensure that relationships continue to be positive.
2. Partner with adjacent communities to address issues that impact us all.

## Section Nine – ENERGY

The area receives electric power from Vermont Electric Cooperative. Distribution lines service a very small percent of the UTG land area. Because of our limited demand, present conditions and sources of electric power are sufficient for our present and anticipated future need.

Since the vast majority of housing units in the UTG are used seasonally (see housing section), the American Community Survey (ACS) data on the use of home heating fuels is based on a very small number of year-round homes. However, wood is a traditional source of home heating fuel in the Northeast Kingdom, and for those housing units that were occupied according to the ACS estimates, the majority heated with “other” fuels, which includes wood.

There are no identified scarcities in terms of energy needs in the UTG.

It is recognized that housing and commercial uses grouped in close proximity with a minimum of road mileage is a pattern of development that makes efficient use of energy, including transportation energy. As previously noted, the majority of land area in the UTG is conserved through easements and through outright ownership of state and federal agencies, and there are no commercial centers. The vast majority of housing units in the UTG are seasonal and clustered around the lakes (Big and Little Averill, and Norton Pond), or along the State Routes 105 and 114. It is expected that any growth in population that may occur will be the result of the conversion of seasonal homes to year-round, and any new development will not significantly change the existing development pattern, due to the large blocks of conserved land.

It is the UTG’s policy to support the generation of renewable energy as part of an overall energy policy that promotes energy conservation first and foremost, and uses technologies on a proper scale for our rural and forested community. The Planning Commission encourages the use of residentially-based solar, wind and other technologies sited at individual homes or jointly serving a small number of contiguous homes primarily for personal consumption. To implement this policy, the UTG absolutely prohibits any commercial energy generation facility upon the ridgelines or mountain areas and prohibits any other energy facility for the generation, transmission or distribution of electric energy by water, solar, wind or other technologies that are not in proper scale with the rural, natural setting of our towns.

The Planning Commission is not equipped with the resources to determine all the facts that are at dispute in the debate over large scale industrial wind development.

The UTG Board of Governors conducted a thorough survey of the UTG property taxpayers and it showed that a majority of those voting were opposed to industrial wind turbines on the ridgelines in the UTG by a vote of 171 against and 107 for. The Planning Commission is in agreement with this vote.

The region’s economy is basically forestry and tourism based, and its tourism is dependent on its reputation as unspoiled mountainous and forested landscape. We feel that large-scale development that is not in harmony and in character with the scenic and environmental quality of the area is a serious risk to the economy.

UTG taxpayers have expressed concern over the impact of industrial development, fearing that it could destroy the character of our towns. Therefore, commercial development and industrial-scale power generation and transmission facilities that would necessitate large-scale clearing are inappropriate in the UTG. This includes, but is not limited to, industrial-scale wind turbines and their associated transmission facilities and solar farms. Development of industrial wind turbines generally occurs at higher elevations – often along ridgelines, above 2500 feet, where any other development requires Act 250 review and permitting. In the UTG, these areas are among the most sensitive ecological areas: most wild and unfragmented lands; and most prominent aesthetic landmarks, highly visible from conservation lands, scenic roads and dwellings. Such facilities are inconsistent with the UTG’s vision and goals and are not supported by the UTG Planning Commission.

We concur with the policy stated in the NVDA regional plan:

“The NVDA sees one clear benefit to industrial wind energy, one clear problem, and a host of troubling questions. The clear benefit is the tax relief that industrial-scale wind turbines bring to their host towns. The clear problem is the bitter divisions that wind brings to our communities. The troubling questions involve the unreliability of wind energy, the amount of energy produced versus the social and environmental disruption, the costliness of the electricity, and the dubiousness of the claims of environmental benefit. We are even more troubled by the potential impacts on human health, essential wildlife habitat, water quality, aesthetics, property values, and our tourism industry. We are also troubled by the state’s energy policies, the state’s permitting process, and the ease with which the public good as expressed in our municipal and regional plans can be overridden by people who may never have even visited our region. It is the position of the NVDA that no further development of industrial-scale (sic) wind turbines should take place in the Northeast Kingdom.”

We also concur with the recommendation in the NVDA regional plan that rural areas with special attributes, such as are found in the UTG, are exceptionally sensitive and not appropriate for commercial or industrial development that is not directly related to forestry, agriculture and/or recreation.

Recommended Actions for Energy:

1. Continuously monitor the energy situation to ensure it continues to be positive.

## **Section Ten – FLOOD RESILIENCE**

### **Existing Conditions**

The UTG lies within watershed planning basins 16 and 17. Basin 16 consists of the lakes and streams that directly drain to the northern Connecticut River, and Basin 17 includes both the waters that flow north to Lake Memphramagog, and the waters in the Tomifobia and Coaticook watersheds that flow north to the St. Francis River in Quebec.

Waters in the UTG include Great Averill Pond, Little Averill Pond, Forest Lake, the Nulhegan River and its many branches, Lewis Pond, Mile Pond, Notch Pond, the southern end of Norton Pond, and a number of unnamed ponds.

### ***Existing Structures in the Mapped Flood Hazard Areas***

The Federal Emergency Management Agency (FEMA) produced a Flood Insurance Rate Map (FIRM) for Ferdinand in 1974. This is the only town within the UTG that has a FEMA-mapped flood hazard area.

The area within the mapped flood hazard area is adjacent to the Nulhegan River, and most of the area is within the Wenlock and West Mountain Wildlife Management areas. Based on a review of the FIRM and the location of existing E-911 addresses in Town, there appear to be 36 structures within the FEMA-mapped flood hazard area.

### ***Existing local regulations and plans***

The UTG has adopted flood hazard regulations that comply with current FEMA standards, and has enrolled in the National Flood Insurance Program. In addition to restricting development within the FEMA-mapped flood hazard area, the UTG flood hazard ordinance regulates development within the State-mapped “River Corridors,” which are the areas adjacent to rivers and streams that are subject to erosion.

Other provisions of the UTG’s current zoning regulations that help mitigate potential flood hazards include the Conservation Overlay District, Lakeshore District standards, and subdivision standards.

The Conservation Overlay District covers steep slopes over 20% and hydric soils/ wetland areas, among other natural resources, and requires that all buildings, structures, or uses located in this overlay area be reviewed as a conditional use.

The Lakeshore District regulations cover land within 250 feet of lakes and ponds over 5 acres in size. A 50-foot vegetated buffer is required to be maintained around these water bodies, and all structures are required to be set back 100 feet from the seasonal high water mark. These local regulations were in existence prior to the State Shoreland Protection Act was made effective July 1, 2014. The State Shoreland Protection Act also covers lands within 250 feet of lakes and ponds, but only applies to waterbodies that are over 10 acres in size. The Town intends to amend its local regulations to be consistent with the State Shoreland Protection Act.

UTG Town Plan Adopted December 9, 2019

The UTG updates its Local Emergency Management Plan every May. This plan identifies emergency responders, local contacts and the location of shelters.

The UTG's Local Hazard Mitigation Plan was approved by FEMA on March 24, 2017. The Plan must be reviewed, revised as appropriate, and resubmitted to FEMA for re-approval within five years of the approval date in order to maintain eligibility for federal mitigation grant funding. This plan identifies critical facilities in Town and identifies areas that are most vulnerable to various types of hazards, including flood hazards. The plan also outlines mitigation measures that can lessen the severity of emergency events.

## **Planning Considerations**

### ***Inundation Areas and River Corridors***

Flood areas identified by FEMA on UTG Flood Insurance Rate Map (FIRM) are inundation areas, areas that may become flooded by rising water levels. Any mortgages, grants, or loans (including disaster aid) to a structure in the FEMA-identified Special Flood Hazard Area must secure flood insurance.

Land located in close proximity to streams and rivers is particularly exposed to damage not only by flash flooding, but by bank failure and stream channel dynamics. While the FIRM maps identify inundation areas, the River Corridor maps developed by the Vermont Department of Environmental Conservation identify the fluvial erosion hazards associated with rivers and streams.

UTG's Flood Hazard Regulations are designed to mitigate both types of hazards.

### ***Transportation infrastructure***

A culvert and bridge inventory noting the location, size and condition of all culverts and bridges in the UTG should be kept up-to-date in the Vermont Bridge and Culvert database at <https://vtculverts.org>. This database is a good resource for local officials, planners, and state agencies. The Northeastern Vermont Development Association (NVDA) can provide ongoing assistance with this.

### ***Vegetated buffer areas and coverage limitations***

The maintenance of vegetated buffer areas adjacent to streams helps prevent potential sedimentation of streams and water bodies.

Limiting impervious surfaces in areas close to lakes and streams helps reduce stormwater runoff that could contribute to downstream flooding.

The UTG's zoning ordinance currently provides for a 50-foot vegetated buffer area adjacent to lakes and ponds, but does not address streams. It also does not establish impervious coverage limits within the lakeshore district.

Effective July 1, 2014, the Vermont Legislature passed shoreland regulations that apply to activities within 250 feet of a lake's mean water level for all lakes greater than 10 acres in size. The Shoreland Protection Act (V.S.A Chapter 49A, §1441 – 1452) defines standards for the creation of buildings, driveways, and cleared areas in shorelands. Shoreland properties that are already developed or are small lots that cannot meet the new standards are "grandfathered" until the owner proposes redevelopment. In these cases state officials will work with homeowners so that standards are met to the extent possible. The Planning Commission intends to amend the UTG zoning regulations to be consistent with the State Shoreland Protection Act.

### ***Upland and wetland areas***

The management of upland areas plays a role in flood hazard management. Limiting the extent of disturbance and development of impervious surfaces on upland slopes helps to reduce the amount of stormwater runoff, and avoid overwhelming existing stormwater infrastructure such as roadside ditches and culverts. Avoiding steep slopes greater than 20% when clearing and developing land, and requiring that stormwater runoff from new development be managed on-site will also help mitigate future flood hazards.

Wetlands provide an important floodwater storage function, storing stormwater runoff and flood waters that overflow riverbanks. As flood waters recede, the water is released slowly from the wetland soils. By holding back some of the flood waters and slowing the rate that water re-enters the stream channel, wetlands can reduce the severity of downstream flooding and erosion.

The State of Vermont regulates activities in and adjacent to wetlands in accordance with the Vermont Wetland Rules. State permits are necessary for activities in or within 100 feet of Class I wetlands, and within 50 feet of Class II wetlands. A permit can only be issued if it is determined that the use will have no undue adverse impact on protected functions, unless such impacts are mitigated.

Large areas of the UTG, including areas with steep slopes, are within State Wildlife Management areas or conservation easements, and little if any development will occur in these areas.

Protection of steep slopes and wetland areas can also be achieved through application of the Conservation Overlay District standards and the subdivision standards in the UTG's zoning regulations.

## **ERAF**

The Emergency Relief Assistance Fund (ERAF) helps Vermont municipalities repair damaged infrastructure after a presidentially-declared disaster. ERAF funding typically covers half the required 25% non-federal match for approved projects.

After October 23, 2014 Towns must adopt four flood hazard mitigation measures in order to maintain level state funding in the event of such a disaster: 1) Adopt Flood Hazard Regulations that meet minimum standards for enrollment in the National Flood Insurance Program; 2) Adopt the most recent Agency of Transportation Road and Bridge Standards; 3) Adopt a Local Emergency Management Plan (LEMP); and 4) Update and adopt a Local Hazard Mitigation Plan and submit to FEMA for approval.

### **C. Goals and Recommended Actions:**

#### 1. Mitigate flood hazards:

- Amend the UTG's current Lakeshore District zoning regulations to be consistent with the provisions of the Shoreland Protection Act.
- Revise zoning regulations to clarify the process and timing of obtaining State permits that are needed in addition to local zoning permits.
- Consider establishing impervious coverage limitations to limit stormwater runoff that can contribute to flooding.
- Continue to enforce the UTG's Flood Hazard Regulations, and update them to require a 50-foot setback from other streams not identified on the River Corridor maps.
- Hold a flood hazard area education event to benefit local residents.
- Maintain an up-to-date inventory of bridges and culverts, especially on roads within the flood hazard area, to assure the ability of these structures to accommodate increased flows.

#### 2. Qualify the UTG to be eligible for the highest funding level under the ERAF rules:

- Update the 2017 UTG Local Hazard Mitigation Plan before its expiration in 2022 and seek FEMA approval.

## Section Eleven - IMPLEMENTATION

### Implementation Plan:

The plan recommends many different actions to work toward our vision for the area. This section prioritizes these actions and suggests those that should be completed first. Planning is a dynamic process and this list may change as local priorities change.

### Recommendations for Implementation:

1. Update and review local zoning regulations as needed to ensure they will allow us to meet the goals, policies, and recommendations of this plan.
2. The Planning Commission should review the goals and recommendations of this plan to ensure they follow the spirit of this plan.
3. UTG officials should work with providers to bring cellular and broadband service to the UTG towns.
4. State and federal agencies should review and enforce their existing land use regulations.
5. UTG officials should inform landowners and developers of the need to observe local zoning regulations. Landowners should also be made aware of the deed and easement restrictions on their properties, and the Averill Lake Association and ARCO groups should be informed of the importance of protecting water quality.
6. Easement holders should be encouraged to periodically inspect their holdings to see that restrictions are being met and that the desired intents of the restrictions are being realized.

## APPENDIX