

Mittersill / Bicknell's Thrush Habitat MOU Monitoring Report

John M. DeVivo, General Manager @ Cannon / FNSP
Final Draft // September 26, 2012

Overview:

The upper portion (approx. 100 acre parcel) of the Mittersill terrain area (formerly a part of Mittersill Alpine Resort) was acquired by the State of New Hampshire / Department of Resources and Economic Development (NH/DRED) / Division of Parks & Recreation / Cannon Mountain Aerial Tramway & Ski Area (Cannon) on March 23, 2009 in a land exchange with the US Forest Service / White Mountain National Forest (WMNF). In conjunction, a Memorandum of Understanding (MOU) was signed on that date by NH/DRED, WMNF, New Hampshire Fish & Game (NHFG) and New Hampshire Audubon (NHA) regarding the monitoring and management of the Bicknell's Thrush habitat atop Mount Jackson (geographical name for Mittersill). The Bicknell's Thrush habitat lies in two land management categories: 1) Bicknell's Thrush habitat covered by said MOU; and 2) State lands above 2,500' not covered by said MOU.

Franconia Ski Club (FSC) has proposed a privately funded (snowmaking and trail safety enhancement, training and race venue, and T-Bar installation) project at Mittersill, which would be gifted to the State (Cannon) upon completion. Relative to the aforementioned MOU, there are terrain areas both in and below the MOU area that may provide fair-to-excellent Bicknell's Thrush habitat. Cannon / FSC have met with the MOU stakeholders several times to outline the project and its impact on Bicknell's Thrush habitat areas. In addition to the existing MOU, Cannon is exploring the establishment of a second agreement to place additional fair-to-excellent Bicknell's Thrush habitat into "preserved" status as a means of mitigating any impact resulting from this aforementioned project which lies outside the existing MOU.

Principals (throughout various discussions / site visits):

Bald, George	Department of Resources & Economic Development / Commissioner
Blenkinsop, Anthony	State of New Hampshire / Senior Assistant Attorney General
Bridges, Charlie	New Hampshire Fish & Game / Habitat & Diversity Programs Administrator
Bryce, Phil	New Hampshire Division of Parks & Recreation / Director
Carpenter, Bill	Division of Forests & Lands / Project Manager
Coppola, Melissa	Division of Forests & Lands / Botanist
Deming, Laura	New Hampshire Audubon Society
Desmarais, Ken	Division of Forests & Lands / State Lands Management Team Chairman
DeVivo, John	Cannon Mountain & Franconia Notch State Park / General Manager
Fitzgerald, David	Franconia Ski Club / Vice President
Foss, Carol	New Hampshire Audubon Society
Hamilton, Trevor	Franconia Ski Club / former Program Director
Husson, Bill	Franconia Ski Club / former President
Kanter, John	New Hampshire Fish & Game / Biologist
Kilborn, Jillian	New Hampshire Fish & Game / Biologist
Koeller, Brian	Franconia Ski Club / President
Lobdell, Ray	Wetlands Expert / Permitting Contractor
Mathison, Susan	White Mountain National Forest / Winter Sports Team Leader
Prout, Leighlan	White Mountain National Forest / Forest Biologist
Slattery, Gareth	Cannon Mountain / Mountain Operations & Risk Manager
Smith, Richard	Franconia Ski Club / Program Director
Sutton, Ted	Franconia Ski Club / Project Manager

Timeline:

January, 2011

Meeting hosted at DRED by DeVivo and Carpenter to have FSC / Cannon give an initial overview of the proposed project. Other attendees were: Foss, Hamilton, Husson, Kanter, and Mathison (via phone). Rough outline of project in early form; agreement by group to reconvene when the project scope, funding mechanism, and impact upon / within MOU area is more clearly defined.

April 13, 2012

Quarterly meeting of Cooperative Land Administrative Commission (CLAC), hosted at DRED by Carpenter. Other attendees relative to this project and the MOU were: Bridges, DeVivo, Fitzgerald, Foss, Koeller, and Mathison.

Clear outline of the plan in general terms; questions regarding snowmaking connectivity between Baron's Run and training venue via terrain within the MOU area; agreement to call group together at Cannon for walk-through at Mittersill.

May 17, 2012

Administrative project meeting, hosted at DRED by Bald. Other attendees were: Bryce, DeVivo, Fitzgerald, and Koeller.

Clear outline of the plan in general terms; agreement to call same group together with Attorney General's Office liaison as things develop further to discuss contract revisions between FSC and Cannon.

July 17, 2012

Administrative project meeting, hosted at DRED by Bald. Other attendees were: Blenkinsop, Bryce, DeVivo, Fitzgerald, Koeller, Slattery, Smith, and Sutton.

Detailed overview of the project; discussion of contract revisions; agreement that on-hill logistics group will work with MOU group, board members at FSC will work with Bryce and Blenkinsop re: contract revisions to include gift of completed project.

July 19, 2012

Mittersill project area site visit at Cannon, hosted by DeVivo. Other attendees were: Carpenter, Coppola, Deming, Fitzgerald, Kanter, Lobdell, Mathison, Slattery, and Smith.

Potential Bicknell's Thrush habitat addressed within the MOU: Group walked Skyline trail, discussion of proposed 4-6' skiers' left side trimming to accommodate pipe installation; group walked Baron's Run from top to bottom; discussion of potential for start house area cutting; discussion of proposed cutting / trimming of areas within small MOU area atop Baron's Run;

Potential Bicknell's Thrush habitat **outside of the current MOU area**: Discussion of proposed trimming areas from MOU line down to 2,500' elevation line; discussion of total area of terrain alteration, later estimated at 3.5 acres by Lobdell, and potential areas of mitigation (exchange areas). DeVivo suggested the area between Baron's Run and the Mittersill lifeline, from the top down to the 2,500' elevation line, later approximated by Lobdell at 13 acres; Question by Kanter as to amount of suitable habitat within affected areas and mitigation area offered by Cannon; agreement to continue discussions on affected areas and mitigation areas offered.

August 6, 2012

Mittersill project area site visit at Cannon, hosted by Slattery. Other attendees were: Deming, Kanter, Kilborn, Smith, and Sutton.

Potential Bicknell's Thrush habitat **outside of the current MOU area**: Morning walk on Baron's Run to review the proposed mitigation area and the top of the crossover trail to Baron's; afternoon walk down the Skyline to Taft trail and down to the base area; walk-through of proposed mitigation area, including an existing glade that had been opened up before the MOU was established; Kanter agreed to relay comments to Sutton; Sutton inquired about acceptability of Cannon's mitigation offer of 13-acre parcel to offset approx. 3.5 acres needed within habitat area; agreement to continue discussions on affected areas and mitigation areas offered.

September 5, 2012

Mittersill project area site visit at Cannon, hosted by DeVivo. Other attendees were: Deming, Mathison, Prout, Slattery, Smith, and Sutton.

Potential Bicknell's Thrush habitat addressed within the MOU: Group walked top of Baron's Run to discuss small requested clearance area for start platform; group agreed to allow for no more than 5 small trees to be removed (marked said trees); agreeable to all parties as start platform area, as photographed by Deming; Group walked Skyline trail to confirm 4' - 6' average trim requirement on skiers' left to account for installation of pipe; agreement on an average of 5' or less of width along the length in question, agreed as "acceptable as flagged" on-site effective 09/05/12; determined that this edge clearing was within the 1989 trail footprint as well as can be determined by examining existing vegetation, trail edge mounding, etc.; agreement that every effort should be made to maintain Spruce - Fir component; agreement that Alder and Mountain Ash are preferred over Red Spruce and Balsam Fir for cutting when placing new snowmaking pipe and / or reclaiming 1989 trail footprint.

Potential Bicknell's Thrush habitat **outside of the current MOU area**: Further discussion of offsetting mitigation (exchange) area; agreement proposed between Cannon, NHFG, and NHA which would commit to preservation of a designated fair-to-excellent quality section of Bicknell's Thrush habitat at Cannon in exchange for an agreement to cut existing low-to-poor quality habitat within the 2.5 – 3.5 acres (estimated) above 2,500' relative to the project;

Deming suggested an area adjacent to Middle Hardscrabble, Middle Hard Cut-Thru, and Redball – an area between that area and the top of Mittersill, described by Deming as fair-to-excellent quality Bicknell's Thrush habitat area; agreement to discuss with Kanter / Deming;

Slattery requested that Cannon / NHFG / NHA discuss continued use (and biennial safety-based ground level trimming) of current gladed sections within that area, as they existed long before the MOU, and their presence and use pose no threat to the Bicknell's Thrush habitat; agreement to consider Bicknell's Thrush habitat preservation area MOA or MOU if that parcel (and Slattery's request) is found acceptable by Kanter / Deming; Sutton and/or Lobdell will estimate acreage, Deming will ID area on topo/photo);

Group agreement that pending acceptance by Kanter / Deming of new proposed mitigation area and approval by Bryce / Bald to enact an MOA / MOU process, project will be acceptable to all parties;

Suggestion by Mathison that a "Monitoring Report" encapsulating each interaction of the MOU group relative to the project in question be drafted by DeVivo and sent to all parties for review / edits / approval / acceptance as a means of documenting all parties' agreement in principle on the scope, intent, and execution of the project; agreement from the group to have DeVivo draft the Monitoring report and submit it to (Mathison, Carpenter, Kanter, Kilborn, Deming, Sutton, Slattery) for review / edits / approval / acceptance; agreement from the group that final draft would be acceptable means of documentation of discussion / approval / acceptance process, and that said document would be submitted to Lobdell to include with site plan review and any paperwork associated with the DES Wetland / AOT permitting process;

Mathison noted that though she and Prout provided technical expertise and ideas regarding areas outside of the current Mittersill Land Exchange MOU area, the USDA Forest Service would not be a party to the proposed agreement on these State lands outside of the current MOU area.

September 20, 2012

Potential Bicknell's Thrush habitat **outside of the current MOU area**: Phone discussion between Kanter and DeVivo re: mitigation; agreement that the MOU area is under the purview of the MOU group, and the area above 2,500' at Mittersill and outside of the MOU is under the purview of NHFG; agreement that all areas discussed and agreed to will be ID'd within Lobdell's permitting process; agreement to craft an agreement between Cannon, NHFG, and NHA to place the area (of approx. 65 acres) proposed by Deming into preserved status, with the previously accepted eastern boundary cutting on Baron's Run as part of the project acceptable, and the acceptance of the area in "as-is" condition, allowing for biennial trimming (of existing skiable areas only) at ground level by Cannon personnel (only) for guest safety; agreement that Cannon continue as originally intended, discussed, and agreed to within MOU area, and that in areas above 2,500' but outside the MOU area, activity will be limited to maintaining "as-is" condition, with biennial trimming at ground level in gladed areas by Cannon personnel (only) for guest safety; agreement that Cannon engage in discussion with the VT Center for EcoStudies toward an awareness and/or fundraising campaign relative to Bicknell's Thrush habitat protection.

September 20, 2012

DeVivo approved by Desmarais to attend October 2nd meeting of SLMT at NHFG offices to give an overview of the project; DeVivo approved by Carpenter to attend October 26th meeting of CLAC at DRED if necessary, but advised by Carpenter that all CLAC requirements regarding the project and its process have been met

September 20, 2012

First of two (2) Public Information / Input Workshops, this one held at DRED in Concord.

September 21, 2012

DeVivo informed by Carpenter that he (Carpenter) and associates at DRED will begin on crafting said agreement with NHFG, Cannon, and NH Audubon re: mitigation offer.

September 21, 2012

Second of two (2) Public Information / Input Workshops, this one held at Cannon Mountain.