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## **Derby Resident Creates Opportunity for Exceptional Land Legacy in Vermont and Quebec**

*Michael Dunn bequeathed 480-acre property on Lake Memphremagog to U.S. Government*

When Derby resident Michael Dunn died in 2007, he left behind a fortune and a spectacular piece of property on Lake Memphremagog. The property, the outstanding 480-acre Eagle Point in Derby, was bequeathed to the Federal government under the terms of the Michael Dunn Trust, as recently announced by the Community Financial Services Group, trustee and executor of the Dunn estate.

Eagle Point was left to the U.S. government under the condition that the land is held for at least 50 years in an open state and is available for use by hikers and campers. The Trust document also stipulates that if the U. S. Government does not agree to these conditions within three years of the date of Dunn's death, the property will be sold and the proceeds will go the beneficiary of Dunn's financial fortune—the Museum of Modern Art in New York City, which received \$10 million from the Dunn Estate earlier this fall. The three-year deadline will be up on September 1, 2010.

To help facilitate this process, the Vermont Land Trust recently submitted a written proposal to the United States Fish and Wildlife Service requesting that they accept title to the property. The Vermont Agency of Natural Resources supports U.S. Fish and Wildlife Service ownership.

"You would think that giving the government over 400 acres of prime lakefront property in such a beautiful area would be a simple task," said Mark Frederick, president & CEO of Community Financial Services Group. "However, it's much more involved than that, and we are very fortunate to work with the Vermont Land Trust and Downs, Rachlin, Martin, counsel to the Dunn Trust, to help facilitate the gift. The Vermont Land Trust was able to bring the right people to the table from several government entities to help facilitate the property transfer."

Born and raised in Montreal, Dunn moved in 1978 to a property that his grandmother had bought as a vacation home, just across the Canadian border. "Michael was a collector of art, watches and land," said Stephen Marsh, the president and CEO of the Derby-based Community National Bank and a friend of Dunn's who served on six nonprofit boards with him. "When it came to his land he always had an interest in wildlife and in making it available for hiking, hunting, and fishing. Michael didn't say much about what he had but, one day, on a car ride together, Michael told me that he hoped to leave the land to the government so people could continue to enjoy it."

Eagle Point sits on the Vermont-Quebec border, includes 260 acres of wetland, woodland, and riparian land; 220 acres of agricultural land; and over a mile of frontage on scenic Lake Memphremagog. The frontage on

the 27-mile-long lake has areas suitable for public access, both from land and from the lake. The land provides for an unusual diversity of game species and other wildlife. In addition, there are productive agricultural soils associated with a lake-influenced micro-climate that tends to extend the growing season.

“This is a great opportunity for the United States Fish and Wildlife Service to conserve important wildlife habitat in partnership with the State of Vermont,” said Janet Kennedy, refuge supervisor for the U.S. Department of Fish and Wildlife. “We are preparing a preliminary project proposal seeking approval from our Director to begin the formal planning process; that process will include an opportunity for public comment.”

There is a parallel provision on 400 acres of Canadian land owned by Dunn that would benefit the Canadian government and Province of Quebec. The Canadian government has declined the property; however, the Quebec Department of Natural Resources and Wildlife has expressed keen preliminary interest accepting its real estate distribution. There is much potential for cross-border conservation management. “This conservation opportunity is especially important because it provides another project for Vermont to work in partnership with Province of Quebec on land management issues in the Lake Memphremagog watershed,” said Jonathan Wood, Secretary of the Agency of Natural Resources. The Vermont Land Trust expects formal confirmation of that interest by the end of 2009.

### **Federal Ownership, Local Management**

The Vermont Land Trust strongly encourages the U.S. Fish and Wildlife Service to accept ownership of the property, and allow the Vermont Agency of Natural Resources to manage the land to safeguard its unique resources and provide for public enjoyment of this legacy. VLT proposes that the U.S. Fish and Wildlife Service rely upon Vermont’s Agency of Natural Resources for the long-term management of the property under the guidelines applicable to National Wildlife Refuges. Because the Dunn Trust requires that the property be held “in an open state” and “available for hikers and campers,” the Vermont Land Trust also recommends that the U.S. Fish and Wildlife Service/Vermont Agency of Natural Resources management of the Property include public recreational opportunities, consistent with the primary goal of habitat and wildlife protection and enhancement.

Once this land is in public ownership, the Vermont Land Trust and the Agency of Natural Resources would engage the community to determine how the property might serve recreational needs, which may include a mix of light, location-specific public uses, such as canoe/kayak access and camping, perhaps in conjunction with the Northern Forest Canoe Trail that passes through Lake Memphremagog. “This conservation opportunity is important for the state of Vermont to provide recreational access for local area residents to one of Vermont’s major lakes,” said Jonathan Wood, Secretary of the Agency of Natural Resources.

“Michael Dunn offered a spectacular legacy for Vermonters and the nation,” said Gil Livingston, president of the Vermont Land Trust. “The Vermont Land Trust has completed distinguished conservation projects across the state, but based on my 19 years experience at VLT, I consider this opportunity to be extraordinarily unique. Protecting land like this—with its combined richness of natural and recreational resources—would normally take VLT many years.”

While Federal ownership is a condition of the Michael Dunn Trust, the Vermont Agency of Natural Resources is interested in assuming an active management role. The agency has a substantial land ownership and management presence in the immediate area with the ecologically important South Bay Wildlife Management Area. Agency staff are quite familiar with both the management prescriptions applicable to National Wildlife Refuges, and the habitats and natural communities that prevail on the property. The agency is engaged in ongoing collaboration with respect to Vermont’s two existing refuges, the Conte and Mississquoi National Wildlife Refuges, and staff members have relationships in the greater Derby community that would help facilitate effective stewardship of the Dunn property’s natural resources.

### **The Specifics of the Eagle Point Property Natural Resources**

Eagle Point provides breeding and migration habitat for American black ducks and blue-winged teal (both “Vermont Species of Greatest Conservation Need”) consistent with the goals of other U.S. Fish and Wildlife Service lands. Because the property shares habitat characteristics with the Mississquoi National Wildlife Refuge, there is potential for it to function as a grassland bird production area, especially for bobolink (also a Vermont Species of Greatest Conservation Need) and savannah sparrow. Potential also exists to provide habitat for Canada geese, mallards, wood ducks, green-winged teal, hooded mergansers, and other waterfowl

that migrate along the lake.

A 100-acre wetland associated with Hall's Creek (a.k.a Carter's Creek) hosts a large, beautiful intermediate fen and a multi-layered, sweet-gale shoreline swamp (both rare natural communities in Vermont). There is also a riverine floodplain forest and two large areas of red-maple–northern-white-cedar swamp, each of statewide significance, along with several rare and uncommon plants.

The approximately 228 acres of diverse wetlands (including the Hall's Creek wetland) provide potential habitat for many Vermont Species of Greatest Conservation Need including two waterfowl species, five marsh birds, two passerines, four raptors, three aquatic mammals, four small mammals, two salamanders, and many potential invertebrates.

Taken together, the American and Canadian property owned by Dunn comprises two miles of Lake Memphremagog frontage, of which two-thirds of a mile is densely forested natural lakeshore in Canada, and nearly a mile and a half is Vermont shoreline that includes undisturbed, dense forest; hayfields with a narrow buffer of trees between the mouth of Hall's Creek and Eagle Point; and forested wetland near the mouth of the Johns River.

It also appears that the mature hemlock forest on the lakeshore north of Eagle Point is very likely a previously unmapped deer wintering area, considered critical habitat in Vermont. The property likely hosts a variety of furbearing species including muskrat, mink, and northern river otter, and the characteristics of the property are consistent with the habitat needs of bobcat.

#### **About the Vermont Land Trust**

The Vermont Land Trust is a nonprofit organization that works with individuals, communities, and in partnership with many organizations and communities to conserve land for the future of Vermont. In the past 32 years, VLT has helped conserve more than 1,600 parcels of land covering over 496,000 acres or about eight percent of the private, undeveloped land in the state. The conserved land includes over 690 working farms, hundreds of thousands of acres of productive forestland, and numerous parcels of community lands. This conservation work changes the lives of families, invigorates farms, launches new businesses, maintains scenic vistas, encourages recreational opportunity, and fosters a renewed sense of community. For more information, call (802) 223-5234 or visit us on the web at [www.vlt.org](http://www.vlt.org).