

# MEMORANDUM OF UNDERSTANDING

*between*

**Northeast Utilities/Northfield Mountain Recreation and Environmental Center,  
Terry and Nancy Bucci, Bryant Stewart and Jeanie Shermesser and Bryant  
Stewart, Edward and Dorothy Black**

*and the*

**Western Massachusetts Climbers Coalition**

## RECITALS

Farley Ledge represents a unique and unspoiled outdoor recreation area in Erving, Massachusetts. Farley Ledges' value as primary rock climbing destination in New England has been noted. Due to its location on private property, protecting the interests of the landowners has become a primary concern.

Northfield Mountain is a pumped storage hydroelectric facility owned and operated by Northeast Utilities. In accordance with their federal license, they offer the public an extensive array of recreation programs, environmental programs, and facilities, and provide school environmental and recreation programs to surrounding communities.

The Northfield Mountain Recreation and Environmental Center, herein referred to as the NMREC, developed by Northeast Utilities, forms the hub of Northfield Mountain facilities. The NMREC is a four-season recreation facility situated along a 7-mile stretch of the Connecticut River. Northfield Mountain offers cross country skiing, hiking, rock climbing, and mountain biking on 26 miles of trails; hunting, camping, canoeing, kayaking; interpretive riverboat cruises; and public and school programs.

Terry and Nancy Bucci, herein referred to as a landowner, are the owners of two southern parcels of land; an undeveloped parcel (5-1-6) that contains several climbing resources and trails, and a second (5-1-3) where their residence is located.

Bryant Stewart and Jeanie Shermesser, herein referred to as a landowner, are property owners of a single undeveloped parcel to the south (5-2-15) containing some of the climbing resources and trail network. Their residence is located on Maple Street, just to the south of State Street (Route 2).

Edward and Dorothy Black, herein referred to as a landowner, are the owners of property located to the east. Their property (5-1-7) is where parking and the main trailhead are found. Their residence is located on an adjacent parcel (5-1-8).

As principal representative for the rock climbers who climb in Western Massachusetts, the Western Massachusetts Climbers Coalition, herein referred to as a the WMCC, is a non-profit, volunteer climbers' organization that works to build cohesive relationships with advocacy groups, state and local governments, community groups, landowners, and conservation groups to keep climbing areas open and conserve the climbing environment in Western Massachusetts. The WMCC seeks to assist the NMREC and landowners in managing rock climbing activity on their property by:

1. Providing guidance and assistance on rock climbing issues;
2. Organizing volunteer efforts for NMREC climbing related conservation projects;
3. Educating and informing the rock climbing community on issues regarding rock climbing and resource protection.

## **PURPOSE**

This Memorandum of Understanding (MOU) recognizes the goals and purposes of the NMREC , the WMCC, and the interests of landowners and sets forth the mutual covenants and agreements between the NMREC, landowners, and the WMCC in managing rock climbing activity on their property.

## **SCOPE**

The Western Massachusetts Climbers Coalition will provide volunteer assistance to the NMREC and landowners by:

1. Developing and maintaining an inventory of established rock climbing routes and fixed anchors on their property,
2. Managing the use of fixed climbing anchors as necessary for climber safety, climber enjoyment, to protect scenic resources and to minimize impacts to cliff and cliff-top vegetation,
3. Documenting new and replaced fixed anchors and provide such information to the NMREC and landowners,
4. Educating and informing the rock climbing community about conservation issues, resource protection, "leave no trace" climbing ethics, and stewardship philosophy,
5. Assisting NMREC management and landowners in monitoring the effectiveness of the Farley Ledge Management Plan,
6. Maintaining all rock climbing areas free of trash or inappropriate equipment,
7. Maintaining existing trails using sound, environmentally sensitive practices,
8. Removing excess gymnastic chalk from the rock as needed,
9. Maintaining a kiosk at the parking area as an information source for rock climbers and other visitors,
10. Working in partnership with the NMREC and landowners to:
  - a. Maintain and enhance a comprehensive rock climbing management program;
  - b. Assure that natural resource protection is given the highest priority in fulfilling the requirements of the MOU, and in resolving situations during conflict resolution processes,
  - c. Assure that any activity having an adverse impact on resources is mitigated and that new and potential rock climbing issues meet all applicable resource protection and conservation requirements of the Massachusetts Fish and Wildlife Service,
  - d. Develop other climbing and conservation related projects as mutually agreed.

The Northfield Mountain Recreation and Environmental Center and Northeast Utilities will provide the WMCC:

1. Site specific resource criteria and guidelines,

2. A resource committee to:
  - a. Interact with the WMCC and landowners on rock climbing issues,
  - b. Expedite conflict resolution as needed,
  - c. Direct resource conservation and restoration projects on Northeast Utilities property.

Landowners will provide the WMCC:

1. Direction and input pertaining to the recreational use of their property,
2. Notification of potential change in use or ownership of property containing recreational resources.

## **STATEMENT OF NON-LIABILITY REGARDING FIXED ANCHORS**

It is hereby understood and agreed that the NMREC, Northeast Utilities, landowners, and the WMCC will review fixed anchor applications and make recommendations concerning fixed anchors based upon aesthetic and natural resource criteria only. By entering into this Memorandum of Understanding, the NMREC, Northeast Utilities, landowners, and the WMCC make no representations or warranties regarding the safety, reliability or suitability for use of any fixed anchors or other hardware currently existing or installed in the future on any climbing route on Northeast Utilities or other private property. Moreover, the NMREC, Northeast Utilities, landowners, and the WMCC make no representations or warranties regarding the degree of hazard or danger involved, or lack thereof, on any rock-climbing route on Northeast Utilities or other private property. It is understood and agreed that rock climbing is a dangerous activity and that the individual climber must personally make all decisions regarding his or her safety while climbing.

## **TERMS**

This agreement will be in effect for five (5) years and may be renewed by mutual consent. Either party may cancel this agreement at any time with 90 days written notice. Any volunteer individual or organization will sign a volunteer agreement with the NMREC prior to the beginning of a project for liability and Tort Claims purposes. Said volunteer agreement shall release any volunteer individual or organization from all liability related to or resulting from any volunteer activity performed for the NMREC and shall indemnify and hold harmless any volunteer individual or organization from any and all claims related to or resulting from any such volunteer activity.

**Executed and effective this 1<sup>st</sup> day January, 2004**

***Landowners:***

Terry and Nancy Bucci

***Landowners:***

Jeanie Shermesser and Bryant Stewart

***Landowners:***

Edward and Dorothy Black

***Northeast Utilities, Northfield Mountain Recreation and Environmental Center Land Manager:***

William Gabriel

***Western Massachusetts Climbers' Coalition, Board of Directors:***

Jedd Hall

Ward Smith

Alan Rubin

Jon LaValley

Jeffrey Squire