



State of Vermont
 Department of Forests, Parks and Recreation
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Agency of Natural Resources

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MEMORANDUM

TO: Senator Peg Flory, Senate Institutions Committee Chair
 Representative Alice Emmons, House Corrections and Institutions Committee Chair

THRU: Deb Markowitz , ANR Secretary *WM for DM*

THRU: Michael Snyder, FPR Commissioner *[Signature]*

FROM: Mike Fraysier, ANR Lands Director *M.F.*

DATE: January 13, 2016

SUBJ: **Proposed Joint Resolution Pertaining to State Lands**

Accompanying this memorandum is a proposed Joint Resolution Pertaining to State Lands authorizing the Commissioner of Forests, Parks and Recreation to convey 169.3 acres of state land in Duxbury to the Town of Duxbury for use as a town forest, subject to a conservation easement to be conveyed to the Duxbury Land Trust. A map depicting this property is attached.

As you may remember, this proposal was considered by your committees last year. The property proposed for conveyance to the Town is composed of two parcels: the 137 acre "Hospital Block" portion of Camel's Hump State Park, and the adjacent 32.3 acre Father Logue's Camp property. Both parcels are under the control and jurisdiction of the Department of Forests, Parks and Recreation. These parcels would be conveyed to the Town of Duxbury subject to a conservation easement to be conveyed to and held by the Duxbury Land Trust and would only be used for forestry, conservation and recreation purposes.

When your committees were considering this proposal last year, jurisdiction of the Father Logue's Camp Lot still rested with the Department of Buildings and General Services. At the time, there was some question regarding the ability of the legislature to grant authority to the Commissioner of Forests, Parks and Recreation to convey state land that was not yet under the Department's control and jurisdiction. The 32.3 acre "Father Logue's Camp" parcel has since been transferred to the Department of Forests, Parks and Recreation by Executive Order #04-15 (copy attached). As stated in the Executive Order, this transfer became effective upon the issuance of an Act 250 permit amendment for this parcel. The amended Act 250 permit for this parcel was issued by the District 5 Environmental Commission on September 25, 2015. A copy of the permit amendment is attached.

The legislature also raised some questions last session about continued public access and use of these lands once they are under town ownership. To help clarify this, Sec. 32 of last year's Capital Construction Bill contained the following language regarding this proposed transaction:

Sec. 32. LAND TRANSFER; DUXBURY; MEMORANDUM OF UNDERSTANDING

(a) The Commissioner of Forests, Parks, and Recreation may enter into a memorandum of understanding (MOU) with the Town of Duxbury regarding the Town's use of any State-owned parcel in Camel's Hump State Park that may be conveyed to the Town.

(b) On or before January 15, 2016, the Commissioner of Forests, Parks and Recreation shall report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions on the status of the MOU described in subsection (a) of this section.

The Department and Town of Duxbury entered into a Memorandum of Understanding regarding the proposed transfer of these lands on October 19, 2015. A copy of this MOU is attached.

At your convenience, we are prepared to discuss this proposal in detail with your respective committees. Thank you.

enc.

cc: Michael Chernick, Legislative Council
Rebecca Wasserman, Legislative Council
Sue MacMartin, Legislative Council
Penny Carpenter, Legislative Council
Meghan Purvee
Kate Willard

Proposed Joint Resolution for Year 2015 Legislative Session:

Whereas 10 V.S.A. §2606(b) authorizes the Commissioner of Forests, Parks and Recreation to exchange or lease certain lands, with the approval of the General Assembly, and

Whereas the General Assembly considers the following actions to be in the best interest of the state, now therefore be it

Resolved by the Senate and House of Representatives:

Resolved: That the Commissioner of Forests, Parks and Recreation is authorized to

- (1) Convey a 137 acre portion of Camel's Hump State Park and an adjacent 32.3 acre state-owned parcel known as the "Father Logue's Camp" property in the Town of Duxbury to the Town of Duxbury for use as a municipal forest. The parcels to be conveyed shall be used by the Town of Duxbury for forestry, conservation, and recreation purposes only. To insure these purposes are upheld, the Department shall convey a conservation easement encumbering these parcels to the Duxbury Land Trust. In consideration of the public benefits associated with these transactions, these parcels shall be transferred to the Town at no cost. These transactions are conditioned on the Town of Duxbury shall be responsible for any and all associated costs (legal, survey, permitting, etc.) that may be necessary to complete these transactions.



Duxbury Proposal

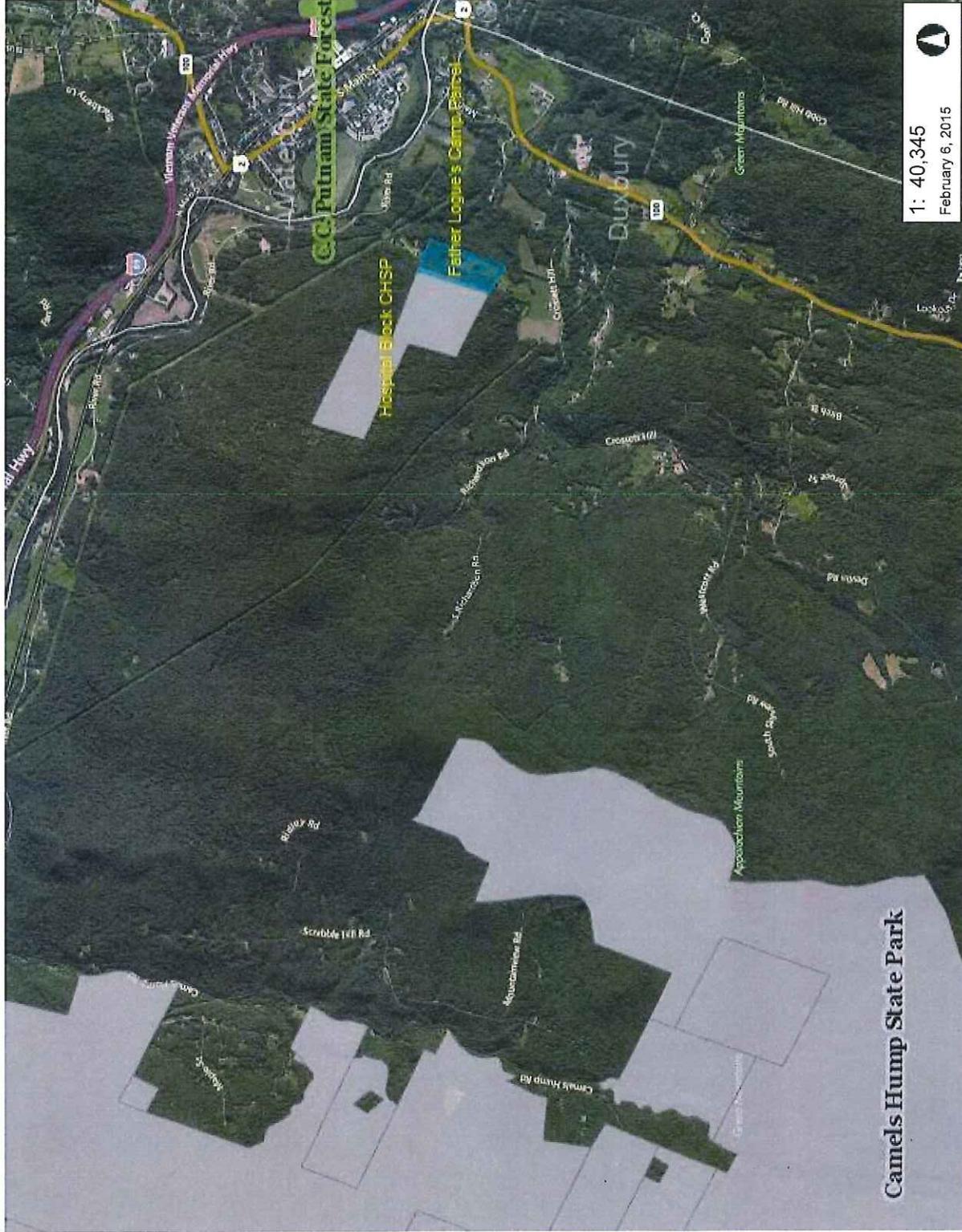
Vermont Agency of Natural Resources

vermont.gov



LEGEND

- Managed Lands**
- State Forest, Fee ownership
 - State Park, Fee ownership
 - Non-fee interest
- Town Boundary**



1: 40,345
February 6, 2015

NOTES

Map created using ANR's Natural Resources Atlas

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

2,050.0 0 1,025.00 2,050.0 Meters
1" = 3362 Ft. 1cm = 403 Meters
THIS MAP IS NOT TO BE USED FOR NAVIGATION
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STATE OF VERMONT

EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. 04-15

[Transfer of Property in Duxbury from Agency of Administration, Department of Buildings and General Services to Agency of Natural Resources, Department of Forests, Parks and Recreation]

WHEREAS, certain State-owned land located in the Town of Duxbury, County of Washington, State of Vermont, westerly of Vermont State Route 100B, consisting of 32.3 acres and known as the "Father Logue's Camp" parcel is presently under the jurisdiction and control of the Agency of Administration, Department of Buildings and General Services ("BGS");

WHEREAS, an adjacent parcel of State-owned land located in the Town of Duxbury, County of Washington, State of Vermont, westerly of Vermont State Route 100B and consisting of 137 acres is presently under the jurisdiction and control of the Agency of Natural Resources, Department of Forests, Parks and Recreation ("FPR");

WHEREAS, the 137 acres under the jurisdiction and control of FPR and the 32.3 acres under the jurisdiction of BGS were formerly part of the Vermont State Hospital lands;

WHEREAS, jurisdiction to the 137-acre parcel and other lands, excepting the 32.3-acre parcel and other parcels, was transferred from BGS to FPR by Executive Order #11 of 1973;

WHEREAS, FPR has no further use for the 137-acre parcel and BGS has no further use for the 32.3-acre parcel;

WHEREAS, FPR desires to convey the 137-acre parcel and the 32.3-acre parcel to the Town of Duxbury for use as a Town Forest, and a conservation easement encumbering these parcels to ensure use as a Town Forest in perpetuity to be conveyed to the Duxbury Land Trust;

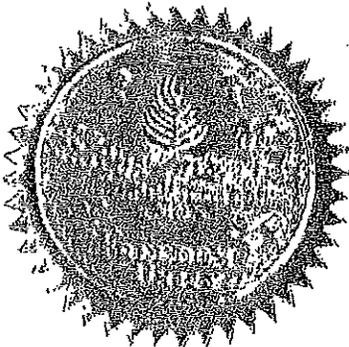
WHEREAS, the Town of Duxbury desires to accept such property for use as a Town Forest and the Duxbury Land Trust desires to accept such conservation easement encumbering these parcels to ensure use as a Town Forest in perpetuity; and

WHEREAS, BGS is seeking an amendment to Act 250 Permit #5W1243-1 to remove any requirements or conditions that the 32.3-acre parcel continue to be used by the State as a Camp and to allow the 32.3-acre parcel to be conveyed to the Town of Duxbury for use as a Town Forest.

NOW THEREFORE, I, Peter Shumlin, by the power vested in me as Governor of the State of Vermont, do transfer and set over from BGS to FPR, effective upon the issuance of the Act 250 Permit amendment, for FPR's purposes, the following described land and premises being more particularly described as follows:

Being part of the former Vermont State Hospital lands located westerly of Vermont State Route 100B and consisting of 32.3 acres and known as the "Father Logue's Camp" parcel adjacent to 137 acres currently under the jurisdiction and control of FPR. Not meaning to convey any other lands currently under the jurisdiction and control of BGS located westerly of Vermont State Route 100B, other than the 32.3-acre parcel.

This Order shall take effect upon signing.



Dated April 21, 2015.

A handwritten signature in black ink, appearing to read "Peter Shumlin", written over a horizontal line.

Peter Shumlin
Governor

Executive Order No. 04-15



State of Vermont

**LAND USE PERMIT
AMENDMENT**

CASE NO: 5W1243-8

Department of Buildings
and General Services
2 Governor Aiken Avenue
Montpelier, Vermont 05633-5801

LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6093 (Act 250)

The District 5 Environmental Commission hereby issues Land Use Permit Amendment 5W1243-8, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6093. This permit amendment applies to the lands identified in Book 23, Page 143, of the land records of Duxbury, Vermont, as the subject of a deed to the Department of Buildings and General Services. This permit specifically authorizes the "as-built" burn of the Father Logue Camp buildings (as a training exercise for the Waterbury Fire Department) and subsequent removal of all associated infrastructure. The project is located on Lot #6 of the 346 acre so-called "State Farm" tract located off Vermont Route 100 in the Towns of Duxbury and Moretown, Vermont. The lot would be conveyed to the Department of Forests, Parks and Recreation, pending legislative approval, and then conveyed to the Town of Duxbury with a conservation easement granted to the Duxbury Land Trust.

Jurisdiction attaches because the project constitutes a material change pursuant to Act 250 Rule 2(C)(6).

1. The Permittee, and its assigns and successors in interest, is obligated by this permit to complete, operate and maintain the project as approved by the District Commission in accordance with the following conditions.
2. The project shall be completed, operated and maintained in accordance with the conditions of this permit and the permit application, plans, and exhibits on file with the District Environmental Commission.
3. All conditions of Land Use Permit 5W1243 and amendments are in full force and effect except as further amended herein.
4. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
5. No change shall be made to the design, operation or use of this project without a permit amendment issued by the District Commission or a jurisdictional opinion from the Coordinator that a permit is not required.
6. No further subdivision, alteration, and/or development on the tract of land approved herein shall be permitted without a permit amendment issued by the District Commission.
7. The Permittee shall comply with the exhibits for erosion prevention and sediment control. The Permittee shall prevent the transport of any sediment beyond that area necessary for construction approved herein.

8. In addition to conformance with all erosion prevention and sediment control conditions, the Permittee shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the «Permittee» from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
9. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and its successors and assigns.
10. The Permittee shall provide each prospective purchaser of any interest in this project a copy of the Land Use Permit Amendment before any written contract of sale is entered into.
11. Pursuant to 10 V.S.A. § 6090(b)(1) this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein.
12. Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A. § 6027(g).

Dated at Barre, Vermont, this 25th day of September, 2015

By /s/ Jito Coleman
Jito Coleman, Chair
District 5 Environmental Commission

Commissioners participating in this decision:
Clifford Johnson, Vice Chair
Ginny Callan

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A).

Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the \$265 entry fee required by 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, Dewey Building, National Life Drive, Montpelier, VT 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal. See 10 V.S.A. § 8504(k). For additional information on filing appeals, see the Court's website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 828-1660. The Court's mailing address is: Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, Vermont 05401

MEMORANDUM OF UNDERSTANDING
Between the
STATE OF VERMONT
DEPARTMENT OF FORESTS, PARKS AND RECREATION
And the
TOWN OF DUXBURY

***PROPOSED TRANSFER OF STATE LANDS TO THE TOWN OF DUXBURY
FOR USE AS A TOWN FOREST***

THIS AGREEMENT made and entered into this 19th day of October 2015 by and between the State of Vermont, Department of Forests, Parks and Recreation, hereafter known as FPR, and the Town of Duxbury, hereafter called "The Town."

WHEREAS, the State owns two parcels of land located in the Town of Duxbury as follows: (1) the so-called 32.3 acre "Father Logue's Camp" parcel presently under the jurisdiction and control of the Department of Buildings and General Services and, (2) an adjacent 137 acre parcel (so called "Hospital Block" of Camel's Hump State Park) presently under the control and jurisdiction of FPR, and

WHEREAS, Executive Order No. 04-15 transfers jurisdiction and control of the Father Logue's Camp parcel from the Vermont Department of Buildings and General Services to FPR, which becomes effective upon the issuance of an Act 250 permit amendment, and

WHEREAS, FPR desires to transfer both the Father Logue's Camp parcel and the adjacent Hospital Block parcel to The Town for use as a Town Forest, and

WHEREAS, the proposal to transfer these State-owned parcels to The Town for use as a Town Forest was authorized by the voters of The Town on March 3, 2015, and

WHEREAS, FPR's transfer of these State-owned parcels is contingent on the approval of the Vermont General Assembly, and

WHEREAS, Section 32 of the State's 2015 Capital Construction Bill (Act 26 of the 2015 Vermont legislative session) allows the Commissioner of FPR to enter into a Memorandum of Understanding with The Town regarding the Town's use of any State-owned parcels that may be conveyed to the Town, and

WHEREAS, FPR and The Town wish to cooperate to facilitate the transfer of these parcels to The Town for use as a Town Forest;

NOW THEREFORE, the parties agree as follows:

FPR HEREBY AGREES TO:

1. Seek legislative approval in 2016 to convey the Father Logue's Camp parcel and the adjacent Hospital Block parcel to The Town for use as a Town Forest subject to a conservation easement to be held by the Duxbury Land Trust.
2. Subject to legislative approval, convey the above-referenced parcels to The Town and a conservation easement encumbering these parcels to the Duxbury Land Trust at no cost.

3. Through the Washington County Forester's Office, provide assistance and advice to The Town regarding the management of the Town Forest.
4. Provide The Town and Duxbury Land Trust with any surveys, natural resource inventories or other information that may assist The Town and land trust with management of the parcels.

THE TOWN AGREES TO:

1. Accept the conveyance of these State parcels subject to a conservation easement held by the Duxbury Land Trust. The terms of the conservation easement shall be acceptable to The Town, FPR, and The Duxbury Land Trust. All costs associated with these transaction (legal, recording fees, etc.) shall be borne by The Town and the Duxbury Land Trust.
2. Designate this property as a Town Forest and to use the property for forestry, conservation, recreation and open space purposes only. Further, The Town agrees it will not subdivide, sell, develop, or use the property for purposes inconsistent with those uses typically associated with a town forest.
3. Keep the property open for dispersed, pedestrian, non-motorized access including but not limited to hunting, fishing, hiking, snowshoeing and other similar activities. The Town further agrees it will not post the property to prevent public recreational access.
4. Allow other activities such as but not limited to snowmobiling, horseback riding, mountain biking, if permitted by a current management plan for the property.

IT IS MUTUALLY AGREED THAT:

1. Nothing in this Memorandum of Understanding shall be construed as obligating FPR to expend labor and/or funds in excess of allotments or appropriations authorized or available.
2. This Memorandum of Understanding may be terminated at any time by either party by giving sixty (60) days written notice to the other party or by mutual consent.

IN WITNESS WHEREOF, the parties hereto have executed this agreement.

State of Vermont
Department of Forests, Parks and Recreation



 Michael C. Snyder, Commissioner

10/13/15

 Date

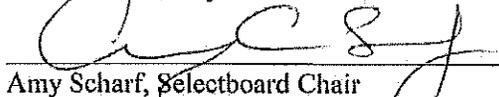


 Witness

10/19/15

 Date

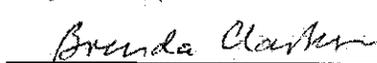
Town of Duxbury



 Amy Scharf, Selectboard Chair

10/13/15

 Date



 Witness

10/13/15

 Date