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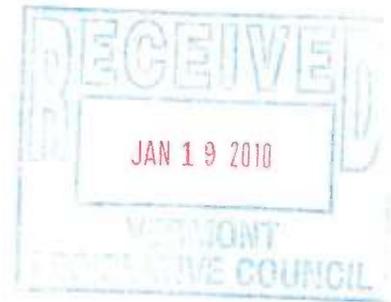
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**State of Vermont**  
**Office of the Secretary of State**

Deborah L. Markowitz  
Secretary of State

William A. Dalton  
Deputy Secretary



**TO:** Jonathan Wood, Agency of Natural Resources  
**FROM:** Deborah L. Markowitz, Secretary of State  
Louise Corliss, APA Clerk

**DATE:** January 14, 2010

**SUBJECT:** Certified Objection from Legislative Committee on  
Administrative Rules of 10-001

This will acknowledge receipt of the certified objection of the Legislative Committee on Administrative Rules for 10-001 relating to a Rule Governing the Establishment of All-Terrain Vehicle Use Trails on State Lands.

**Cc:** Katie Pickens, Committee Assistant  
Legislative Committee on Administrative Rules  
Meghan Purvee, Department of Forests, Parks & Recreation.

c/o LEGISLATIVE COUNCIL  
115 STATE STREET  
DRAWER 33  
MONTPELIER, VT 05633-5301



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Sen. Ann E. Cummings  
Sen. Claire D. Ayer  
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**STATE OF VERMONT**

**Legislative Committee on Administrative Rules**

January 14, 2010

The Honorable Deborah L. Markowitz  
Secretary of State  
State of Vermont  
26 Terrace Street, Drawer 9  
Montpelier, VT 05609-1101

Dear Secretary Markowitz:

On December 18, 2009 the Joint Legislative Committee on Administrative Rules voted to object to the Agency of Natural Resources' final proposal 09-P29 relating to Rule Governing the Establishment of All-Terrain Vehicle Use Trails on State Lands. At its meeting on January 14, 2010, the committee considered the agency's response to the objections and voted to file its objections in certified form with the Secretary of State.

The committee respectfully requests that your office inform any interested party that its objection has legal effect under 3 V.S.A § 842(b) of the Administrative Procedure Act. That section provides in part: "to the extent that the objection covers a rule or a portion of a rule, the burden of proof shall thereafter be on the agency in any action for judicial review or for enforcement of the rule to establish that the part objected to is within the authority delegated to the agency, is consistent with the intent of the legislature and is not arbitrary."

Sincerely,

A handwritten signature in black ink, appearing to read "Mark MacDonald", written over the word "Sincerely,".

Sen. Mark MacDonald., Chair  
Legislative Committee on Administrative Rules

cc: Member, Legislative Committee on Administrative Rules  
Meghan Purvee, General Counsel for Forests, Parks & Recreation Department  
Agency of Natural Resources  
104 So. Main Street, Center Building  
Waterbury, VT 05671-0301  
Louise Corliss, APA Clerk, Office of the Secretary of State

