

MEMORANDUM

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

THRU: Michael Snyder, FPR Commissioner

FROM: Mike Fraysier, ANR Lands Director

DATE: February 13, 2014

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 proceed with two right-of-way exchange proposals as follows: (1) to exchange rights-of-way with a private landowner abutting a portion of Mt. Mansfield State Forest in Stowe, and (2) to terminate an existing right-of-way across a private parcel accessing a portion of Victory State Forest in Victory in exchange for obtaining a new developed right-of-way accessing Victory State Forest. Maps of both proposals are also attached.

At Mt. Mansfield State Forest, the Department is proposing to exchange rights-of-way with Eugene Touchette. Mr. Touchette owns a landlocked parcel of land that abuts the state forest in Stowe. The right-of-way to be conveyed to Mr. Touchette would be located between Miller Brook and the boundary of the Touchette parcel along a well-established state forest highway. This right-of-way would be limited to forest management purposes and access to a seasonal hunting camp owned by Touchette. In return for this right-of-way, Touchette would convey a right-of way to the State across his parcel providing direct access to over 110 acres of the state forest for forest management purposes. These rights-of way are depicted on the attached map.

The Victory proposal involves the termination of the State’s existing right-of-way across a parcel of land owned by Amy and Angel Mendel into Victory State Forest in exchange for a new right-of-way. The existing right-of-way provides management and public access to Victory State Forest. Unfortunately, it also coincides with the Mendel’s driveway and runs close by their house. Given the level and type of use this right-of-way receives, this has created a nuisance for the Mendels. A mutual decision was made to relocate this access off their driveway and away from their house. Construction of a new access road was completed at the landowner’s expense in 2012 and now serves as physical access for both the Department and the general public for accessing this portion of Victory State Forest. The existing legal right-of-way has been blocked off and is no longer used. This arrangement now needs to be formalized by terminating

the State's existing right-of-way in exchange for obtaining a new right-of-way as depicted on the attached map.

At your convenience, we are prepared to discuss both of these proposals in detail with your respective committees. Thank you.

enc.

cc: Deb Markowitz, ANR Secretary
Justin Johnson, Deputy ANR Secretary
Sue MacMartin, Legislative Council
Kenneth Feld, Legislative Council
Meghan Purvee
Kate Willard

Proposed Joint Resolution for Year 2014 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 limited right-of-way across a portion of Mt. Mansfield State Forest in the Town of Stowe to Eugene Touchette for forest management and seasonal recreation purposes. In exchange for this right-of-way, Mr. Touchette will convey a right-of-way across his parcel to the State allowing access to Mt. Mansfield State Forest for forest management purposes.
- (2) Quitclaim any and all interest in an existing unrestricted State-owned right-of- across a parcel of land currently owned by Amy and Angel Mendel in the Town of Victory to Victory State Forest to the Mendels. In exchange for terminating this right-of-way, Mendel shall convey a new unrestricted right-of-way to the State across another portion of the Mendel property providing access to Victory State Forest and shall pay for the cost of developing an associated new access road to Victory State Forest.