

c/o LEGISLATIVE COUNCIL
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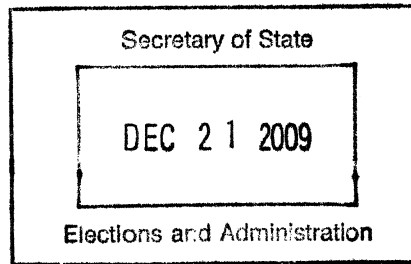
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STATE OF VERMONT

Legislative Committee on Administrative Rules

Jonathan Wood, Secretary
Agency of Natural Resources
103 So. Main Street, 10 South
Waterbury, VT 05671-0601



December 18, 2009

Dear Secretary Wood:

This letter is to formally notify you that the Joint Legislative Committee on Administrative Rules has 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 Land. The committee's objections were made at its meeting on December 15, 2009 and, for the reasons set forth in the attached findings, are as follows:

- (1) The committee objects to the final proposed rule in its totality based on the criterion set forth in 3 V.S.A. § 842 (b) (1) because the proposed rule is beyond the authority of the agency.
- (2) The committee objects to the final proposed rule in its totality based on the criterion set forth in 3 V.S.A. § 842 (b) (3) because the final proposed rule is arbitrary.
- (3) The committee objects to Section 4.8 of the final proposed rule based on the criterion set forth in 3 V.S.A. § 842 (c) because the final proposed rule is not written in a satisfactory style according to 3 V.S.A. § 833 in that the final proposed rule is not written in a clear and coherent manner.
- (4) The committee objects to the final proposed rule in its totality based on the criterion set forth in 3 V.S.A. § 842 (d) and returns it to the submitting agency because the economic impact statement fails to recognize substantial economic impacts.

For these reasons, pursuant to 3 V.S.A. § 842 (a), the committee recommends that the final proposed rule be withdrawn.

Under 3 V.S.A § 842(a), the agency is obliged to respond within 14 days of receipt of this notice of the committee's objection. After receipt of a response, the committee may reschedule the rule


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and determine whether to withdraw or modify its objection. You should also note that the agency may not adopt the rule until it has responded to this objection.

Sincerely,



Brian Leven
Counsel for the Legislative
Committee on Administrative Rules

cc: Members, Legislative Committee on Administrative Rules
✓ Louise Corliss, APA Clerk, Office of the Secretary of State