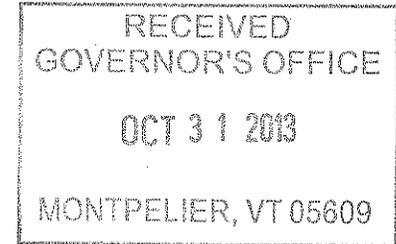


Fish and Wildlife Department

Barre District Natural Resources Office
5 Perry Street, Suite 40
Barre, VT 05641
www.vtfishandwildlife.com

[phone] 802-479-4405
[fax] 802-476-0129

Agency of Natural Resources

MEMORANDUM

To: Sarah London, Governor's Legal Counsel
From: Jane Lazorchak, Land Acquisition Coordinator
Date: October 17, 2013
RE: Governor's Approval Needed for a Land Swap in Vernon, VT.

Enclosed is an approval to be signed by Governor Shumlin for the exchange of land between the Vermont Fish and Wildlife Department (VFWD) and Dale Merrett at Roaring Brook Wildlife Management Area (WMA) in Vernon, VT. The land swap of 28 acres from the VFWD to Merrett in exchange for 36 acres from Merrett to VFWD will provide access to the WMA for management purposes and clean up the boundaries of both parties. The additional state land will also provide permanent protection of public access for hunting, trapping, fishing and wildlife viewing, and the conservation of significant wildlife habitat. The total budget for the project is \$2,000 which reflects the closing costs. Dale Merrett is volunteering his services as a surveyor to survey the property coming to the VFWD. Funding for the closing costs will come from Pittman-Robertson funds (federal funds).

Included with the Governor's approval memo are a map of the property, a copy of the review and approval by the Agency Land Acquisition Review Committee and Secretary, and a copy of the letter signed by the Vernon Select Board stating town support for the state acquisition of this parcel.

If you have any questions regarding this easement project, please contact me directly at 479-4405 or at jane.lazorchak@state.vt.us, thank you.

cc: Patrick Berry, Commissioner
John M. Austin, Lands and Habitat Program Director



495500

496000

496500

497000



ROARING BROOK WMA

Vernon, VT



1:10,000



0 345 690

1,380 Feet

28970

28470

27970

27470

28970

28470

27970

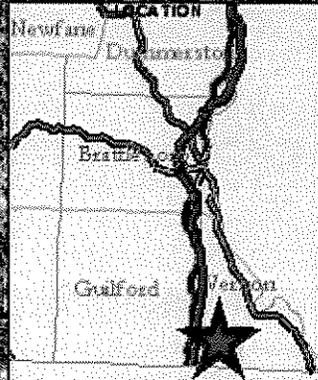
27470

Legend

-  RBWMA Boundary
-  Dale Merritt Boundary
-  Transfer to Merritt ~28 Acres
-  Transfer to State ~ 36 Acres
-  Josh Merritt Boundary
-  AD Brooks Road
-  Town Road
-  RBWMA Public Access
-  Discontinued West Road
-  Proposed RBWMA Management Access

RBWMA
Transfer to Merritt
Reserve

RBWMA
Transfer to State



495500

496000

496500

497000

Department of Fish and Wildlife
Commissioner's Office
103 South Main Street
10 South
Waterbury, VT 05671-0501
802-241-3730

TO: Peter Shumlin, Governor

THROUGH: Deb Markowitz , Secretary, Agency of Natural Resources *DM*

FROM: Patrick H. Berry, Commissioner, Department of Fish and Wildlife *Berry*

SUBJECT: Department of Fish and Wildlife, Land Swap, VFWD to Merrett Property, Whiting, VT

Recommendation That you approve the exchange of 28 acres from the VFWD to Dale Merrett in exchange for 36 acres from Dale Merrett to the VFWD to be added to Roaring Brook Wildlife Management Area (WMA) which will secure management access to Roaring Brook WMA and clean up both parties boundaries.

Description of Project

The proposal is to transfer two small isolated Vermont Fish & Wildlife Department (VFWD) parcels for one larger single parcel of Dale Merritt's contiguous to Roaring Brook WMA and management access for the VFWD on the so-called West Road, which was never an established town road and to which the interior parcels have no legal access rights as determined by the courts several years ago. There would be no exchange of money between the two parties and all parcels would be transferred with unrestricted deeds. Attached is a map (Exhibit 1) that outlines the proposed exchange. The project as proposed is organized in the following manner:

The VFWD is proposing to transfer two parcels of approximately 14 acres each with no deed restrictions to Dale Merrett. The western parcel borders the discontinued West Road and legal access is unclear. The eastern parcel has no legal access. There are no significant ecological or wildlife features that have been found on either parcel by the VFWD staff ecologist and biologist. Both parcels have sections of unclear boundary lines. There may be an encroachment by a neighbor on the eastern side of the eastern parcel. There are discrepancies in the deed description of the boundaries and acreage of both parcels that have never been satisfactorily addressed.

In exchange for the two small parcels, Dale Merrett will give the VFWD one ~36 acre parcel with no deed restrictions. The parcel is adjacent and contiguous to Roaring Brook WMA. The parcel has excellent access to support long term management of the parcel and includes an active deer wintering area. There is a significant ledge area with potential for bobcat den sites and Eastern Racer snake hibernacula. The VFWD would also receive a deeded management right-of-way along the discontinued West Road from

Meadowmere Farm parking area (where the town road portion of West Road ends) to the WMA boundary, a distance of approximately 2,500 feet. This right-of-way would allow State employees and private contractors working for the state access to the property for management and monitoring purposes. The public's access would continue to be via AD Brooks Road and Vernon Town Forest (on foot). Those two access points offer management access to only small fraction of the 1400+ acre WMA. Dale Merritt is a licensed Vermont surveyor and has agreed to provide whatever services are required within that capacity to assist this transfer at no cost to the state.

This exchange would consolidate State lands in that section of Roaring WMA simplifying management and eliminating the future risk of fragmentation of the WMA. The exchange would also consolidate the Merritt parcel eliminating the need for temporary right-of-way agreements to access inholdings for both parties. It will provide legal management access to ~1,000 acres of State lands and conserve a deer wintering area and other potentially significant wildlife habitats. It could also eliminate a costly and time consuming boundary survey and a potential trespass resolution. Lastly, it will add approximately 8 acres to the WMA.

Need and Cost

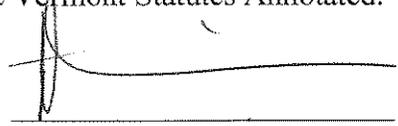
The VFWD is acquiring this parcel to provide permanent protection of public access for hunting, trapping, fishing, wildlife viewing, other wildlife dependent activities and conservation of significant wildlife habitat. The estimate set for the total project costs are roughly \$2,000 which reflects the closing costs. There will be no money exchanged when the land is exchanged between the VFWD and the landowner, Dale Merrett. Funding for the closing costs will come from Pittman-Robertson funds (federal funds).

Your approval of this acquisition is required by 10 V.S.A. §4144, which states in part "the secretary, with approval of the governor, may exchange, sell or lease lands under the secretary's jurisdiction when, in his or her judgment, it is advantageous to the state to do so ..." This project has already been reviewed and approved by the Agency's Land Acquisition Review Committee at their meeting in June 7, 2013 (See Exhibit 2). In addition, the town of Vernon supports this acquisition as documented in the letter from the Select Board dated September 6, 2013 (Exhibit 3).

APPROVAL FOR PURCHASE OF LAND

We the undersigned, hereby approve the exchange of land by the Agency of Natural Resources, Department of Fish and Wildlife and Dale Merrett to protect management access and the natural resources on the 36 acres coming to the VFWD in Vernon, VT. This approval is required by 10 V.S.A. §4144 of the Vermont Statutes Annotated.

11-5-13
Date

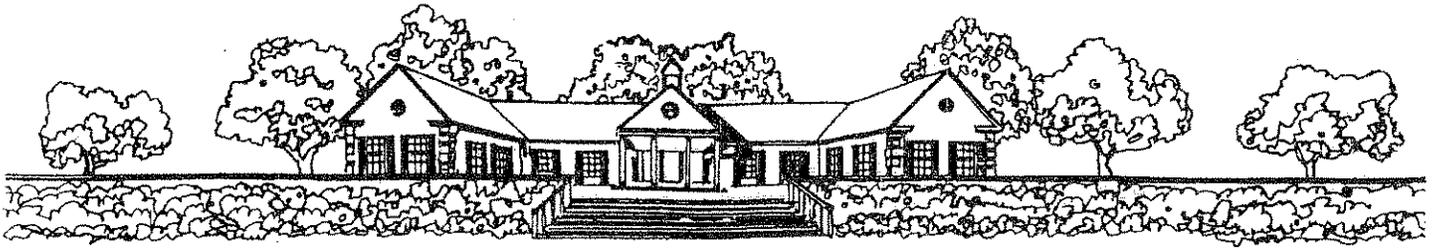

Peter Shumlin
Governor
State of Vermont

Date


Deb Markowitz
Secretary
Agency of Natural Resources

Date


Patrick H. Berry
Commissioner
Fish and Wildlife Department



VERNON, VERMONT

SEP 17 2013

September 6, 2013

Aaron Hurst
Department of Forest, Parks and Recreation
State Lands Forester
100 Mineral Street, Suite 304
Springfield, VT 05155

Dear Aaron,

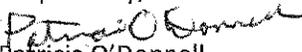
After reading your letter that summarized the Fish and wildlife Department's (FWD) involvement and discussing the project further at our Selectboard meeting on September 3, 2013, we are writing to offer our full support for the FWD's involvement in the land swap with Dale Merritt at Roaring Brook Wildlife Management Area (WMA) in the town of Vernon. More specifically, the Selectboard supports the FWD exchanging parcels with Dale Merritt to gain better access to the WMA and to clean up the boundary lines of both ownerships.

We appreciate Aaron's time in meeting with us last night and providing us with the information that was necessary to reach this decision. For your records, the motion read as follows:

Sandra Harris made a motion to approve the transfer of land between the Fish and Wildlife Department and Dale & Josh Merritt. Motion seconded by Christiane Howe. Motion carried 4-0. Jeffrey Dunklee was not present at the time of the vote.

Christiane Howe made a motion to authorize Chair Patricia O'Donnell to sign the letter after it has been printed on Town letterhead. Motion seconded by Sandra Harris. Motion carried 4-0. Jeffrey Dunklee was not present at the time of the vote.

Respectfully,


Patricia O'Donnell,
Selectboard Chair

PD/cil

Chartered 1753

Case #: 1810

Agency of Natural Resources Land Acquisition Review Committee Case Report

Project Information

LARC Case #	1810	Project Name	Merritt Exchange	Priority	
Previous LARC Case #					
Description	Land swap at Roaring Brook WMA. We would exchange 2 small isolated parcels (14 acres) for one larger connected parcel (36 acres) that would provide access for management activities.				
Transaction Type	EXCHANGE	Price		Interest to be Acq.	FEE-SIMPLE
Fund(s)					
Location:	Town	Vernon	County	Windham	
Owner	Dale Merritt				
# of Parcels	1	Total Acres	36		
Dept to Manage	F&W	Contact	Jane Lazorchak		

LARC Review

Date	6/7/2013				
Recommendation	Acquire				
Comments	This would provide access for management and create a contiguous parcel. The remaining question is: is appraisal work needed.				

Secretary Review

Date	7/8/2013				
Disposition	ACQUIRE	<i>DM 7-10-13</i>			
Comments					

Notes	
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