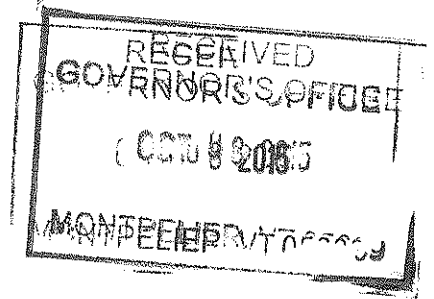


Fish & Wildlife Department
1 National Life Drive, Davis 2
Montpelier, VT 05620-3702
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[phone] 802-828-1454
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Agency Of Natural Resources

MEMORANDUM



To: Sarah London, Counsel to the Governor

From: Catherine Gjessing, General Counsel, Fish and Wildlife

Date: October 6, 2015

RE: Recommendation: Approval of a Quit Claim Deed conveyed by the Fish and Wildlife Department (FWD) to Northeast Waste Systems of Vermont, LLC. (NEWSVT); and a Conservation Easement and a Right of Way for public access to South Bay Wildlife Management Area from NEWSVT to FWD.

Enclosed is a request for Governor Shumlin's approval and signature for the exchange of a Quit Claim Deed; and a Conservation Easement and Right of Way between the Vermont Fish and Wildlife Department and NEWSVT. The quit claim will officially set the record straight regarding ownership of a parcel of land in the South Bay Wildlife Management Area. The Conservation Easement and the Right of Way will ensure public access and hunting and fishing rights to the South Bay Wildlife Management Area in perpetuity. There is no cost to this agreement.

If you have any questions regarding this project, please contact me at 802-595-3331 or at Catherine.gjessing@vermont.gov . Thank you for your attention to this matter.

cc: Deborah Markowitz, Secretary, Agency of Natural Resources
Louis Porter, Commissioner, Fish and Wildlife



Vermont Fish and Wildlife Department
Commissioner's Office
1 National Life Drive, Davis 2
Montpelier, VT 05620-3702
802-828-1000

TO: The Honorable Peter Shumlin, Governor

THROUGH: Deb Markowitz, Secretary, Vermont Agency of Natural Resources

FROM: Louis Porter, Commissioner, Vermont Fish and Wildlife Department

SUBJECT: Vermont Fish and Wildlife Department request for approval of a Quit Claim, Conservation Easement and Right of Way approval request relating to South Bay Wildlife Management Area.

Recommendation: Approval of a Quit Claim Deed conveyed by the Fish and Wildlife Department (FWD) to Northeast Waste Systems of Vermont, LLC. (NEWSVT); and a Conservation Easement to ensure public access for hunting and fishing, and a Right of Way for public access to South Bay Wildlife Management Area from NEWSVT to FWD.

These transactions arise out of a series of complex negotiations with Vtrans and NEWSVT in the context of the development of the Newport Airport project. For over two decades, the town of Coventry has mistakenly listed a parcel that is adjacent to FWD land and is owned by NEWSVT, as part of the South Bay Wildlife Management Area (SBWMA). The FWD, however, has deeded public hunting and fishing rights on the same parcel. The FWD and NEWSVT would like to correct the Town's error. FWD would like to Quit Claim the parcel to NEWSVT. FWD will receive a conservation easement on the parcel to ensure public access and continued fishing and hunting rights. The conservation easement will clarify and protect public access and hunting and fishing rights in perpetuity. The current deeded rights are vague and potentially allow development activities which would interfere with public access and hunting and fishing. In addition, FWD will receive a deeded right of way to the South Bay Wildlife Management Area. A legally defensible deeded right of way to the SBWMA has not been in place since the parcels were purchased. Access to the property has eroded over time because of development of adjoining parcels and the relinquishment of a town road that once provided at least partial access. No money will change hands in these transactions.

South Bay Wildlife Management Area is comprised of both publicly and privately owned lands. It is located in two separate blocks consisting of 1,813 acres. Both parcels of land are dominated by wetlands and rivers which enter South Bay of Lake Memphremagog. Ownership in the area is complex as there are state parcels held in fee ownership, private lands which the state has been permanently deeded hunting, fishing, and/or trapping rights and parcels owned by the state on which individuals have retained trapping and/or hunting rights.

The wetlands of South Bay Wildlife Management Area are important habitats for waterfowl production and migration area, particularly for ducks; and for several aquatic mammals including river otter, beaver and muskrat. Fox, eastern coyote, bobcat and fisher are commonly found in the forested wetlands, upland fringes of the marshes and in nearby fields. White-tailed deer, black bear and moose are found in the pine-hemlock forests and in the fields. The great diversity of the area provides excellent hunting and bird-watching opportunities.

To reiterate, Fish and Wildlife proposes to Quit Claim a parcel that clearly belongs to NEWSVT and NEWVT will convey a conservation easement and a right of way to FWD for access to the SBWMA.

APPROVAL FOR QUIT CLAIM OF LAND

We the undersigned, hereby approve the Quit Claim Deed by the Agency of Natural Resources, Vermont Fish and Wildlife Department to Northeast Waste Systems of Vermont, LLC.; and the conveyance of a Conservation Easement and a Right of Way, to the Fish and Wildlife Department. This approval is required by 10 V.S.A. §4144 of the Vermont Statutes Annotated.

10/12/15

Date

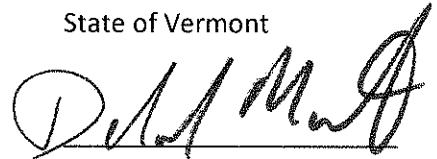
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Oct 6 '15

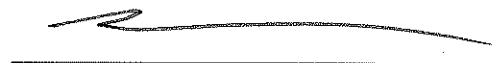
Date



Peter Shumlin
Governor
State of Vermont



Deb Markowitz
Secretary
Agency of Natural Resources



Louis Porter
Commissioner
Fish and Wildlife Department

