



STATE OF VERMONT
JOINT FISCAL OFFICE

MEMORANDUM

To: Joint Fiscal Committee members
From: Sorsha Anderson, Senior Staff Associate
Date: June 21, 2023
Subject: Grant Request – JFO #3151

Enclosed please find one (1) item, which the Joint Fiscal Office has received from the Administration.

JFO #3151: Private land donation in Newport City, Vermont by the Spates Family, LLC to expand the South Bay Wildlife Management Area by 5.5 acres. This land donation is valued at \$12,800.00. This donation will incur a yearly expense of \$170.29 for the PILOT (payment in lieu of taxes) which will be absorbed by the Department of Fish and Wildlife budget. The PILOT program is governed under 32 V.S.A. § 3708.

{Note: The value of \$12,800.00 is below the statutory approval threshold of \$15,000.00; however, due to the incurred yearly cost the department decided to go through the approval process.}

[Received June 14, 2023]

Please review the enclosed materials and notify the Joint Fiscal Office (Sorsha Anderson: sanderson@leg.state.vt.us) if you have questions or would like this item held for legislative review. Unless we hear from you to the contrary by July 5, 2023, we will assume that you agree to consider as final the Governor's acceptance of this request.

**State of Vermont**

Department of Finance & Management
109 State Street, Pavilion Building
Montpelier, VT 05620-0401

[phone] 802-828-2376
[fax] 802-828-2428

Agency of Administration

**STATE OF VERMONT
FINANCE & MANAGEMENT GRANT REVIEW FORM**

Grant Summary:						DFW seeks to accept a private donation of land valued at \$12,800 in Newport City, which will expand the South Bay Wildlife Management Area by 5.5 acres. Because the donation will incur additional expense to the State in the form of ongoing PILOT payments, DFW is requesting the Governor's review and approval per 32 V.S.A. §5(b)							
Date:						5/30/2023							
Department:						Fish & Wildlife							
Legal Title of Grant:						N/A							
Federal Catalog #:						N/A							
Grant/Donor Name and Address:						Spates Family, LLC 89 Third Street Newport, VT 05855							
Grant Period:						From:		5/30/2023		To:		12/31/2099	
Grant/Donation						\$12,800							
		SFY 1		SFY 2		SFY 3		Total		Comments			
Grant Amount:		\$12,800		\$		\$		\$12,800					
Position Information:			# Positions			Explanation/Comments							
Additional Comments:			Estimated annual PILOT payments of \$170.29 can be absorbed in DFW budget. Closing costs of \$3,000 to be paid using existing budgeted federal resources. No new funds needed in FY23.										
Department of Finance & Management						Adam Greshin		Digitally signed by Adam Greshin 14:33:01 -0400		(Initial)			
Secretary of Administration						Douglas Farham		41948B1C0A3645...		(Initial)			
Sent To Joint Fiscal Office										Date			







Department of Fish and Wildlife

Agency of Natural Resources

1 National Life Dr., Dewey Building
Montpelier, VT 05620-3708

www.vtfishandwildlife.com

[phone] 802-505-0561

[fax] 802-828-1250

M E M O R A N D U M

To: Jaye Pershing Johnson, Governor's Legal Counsel

From: Will Duane, Land Acquisition Coordinator

Date: May 19, 2023

RE: Governor's Approval Needed for a 5.5 acre donation of land in Newport City

Enclosed is an approval to be signed by Governor Scott for the acquisition of 5.5 acres in Newport City. This small parcel consists entirely of undevelopable wetlands on the edge of South Bay in Lake Memphremagog. Total costs for this acquisition project, including survey and title insurance, are approximately \$3,000.

This parcel is being donated to the Department of Fish and Wildlife. Funding for the closing costs associated with this acquisition will come from funds received from the Great Lakes Fisheries Coalition. No state funds will be used for this acquisition. Included with the Governor's approval memo are a maps of the property, Grant Acceptance Form AA-1, and a copy of the review and approval by ANR leadership.

Newport City is supportive of the acquisition, a copy of the meeting minutes where the town considered and approved this transfer to the state are attached. These 5.5 acres will be added to the existing South Bay Wildlife Management Area, as such they will be managed using federal funds from the US Fish and Wildlife Service via the DFW's Habitat Grant.

In the attached maps and ANR approval there is reference to an additional parcel, 'Mosher', also available via donation. That acquisition is still in development and will be advanced at a later date.





The following documents and information have been included in this package for Governor's approval:

- Property description
- Maps of the property and surrounding area
- Legal authority for the transactions
- Nature of the legal property interest to be acquired
- Clear statement of purpose of the acquisition
- Description of current uses, anticipated uses and limits on use
- Description of existing motorized and/or mechanized uses, including VAST trails on the property and surrounding areas
- Source of funds for the acquisition
- Long term plan for funding management expenses
- Evidence of local approval
- Anticipated PILOT Expenses
- Other relevant information

Please review and respond within two weeks from receiving the documents if possible. If you have any questions regarding this project, please contact me directly at Will.Duane@Vermont.gov. Thank you.

cc: Chris Herrick, Commissioner
Mark Scott, Director of Wildlife



Department of Fish and Wildlife
Commissioner's Office
1 National Life Drive, Dewey Building
Montpelier VT 05620-3208
802-828-1454

TO: Philip B. Scott, Governor

THROUGH: Julie Moore, Secretary, Agency of Natural Resources

FROM: Chris Herrick, Commissioner, Department of Fish and Wildlife

SUBJECT: Acquisition of 5.5 acres in Newport City to add to South Bay Wildlife Management Area.

Recommendation: Approve the acquisition of 5.5 acres along the shore of Lake Memphremagog, in Newport City to add to South Bay Wildlife Management Area.

Description

The Department of Fish and Wildlife (DFW) has an opportunity to expand its holdings at South Bay Wildlife Management Area (WMA) in Newport City by accepting a donation, in fee, of a wetland parcel that will increase public access and provide permanent conservation along the Lake Memphremagog shoreline.

The current owner, Spates Family, LLC, purchased this 5.5-acre parcel at a 2019 tax sale and is now looking to donate the parcel to DFW as the land is undevelopable and the parcel borders the existing WMA. The property is well-suited for ownership by DFW for several reasons: Vermont Conservation Design identifies the parcel as a highest priority surface water and riparian area, a highest priority wetland, and it features an occurrence of a highest priority natural community. The proximity to Glen Rd. also creates a highest priority riparian wildlife road crossing. This 5.5 acre parcel is part of the larger South Bay wetland complex along Lake Memphremagog and it supports a wide range of fish and wildlife functions and values including important nesting habitat for waterfowl and wading birds (e.g. wood ducks and American Bitterns), habitat for otter, mink, and muskrat, as well as spawning habitat for northern pike and other warm water fish.

This addition to South Bay WMA will enhance public access to the Lake Memphremagog shoreline. The property is marshy wetlands with no current residential, commercial, or development activity that would interfere with fish and wildlife-based activities. Due in part to its small size, but also because of its wetland quality, there are no current VAST or mountain biking trails.

Closing costs for this acquisition will be paid with funding from the Great Lakes Fisheries Commission, no state funding will be used for this acquisition. Long term management of the

parcel will be paid with US Fish and Wildlife service federal funds. PILOT payments for this parcel are estimated to be \$170.29 annually. The Newport City council supports this acquisition by the Dept. Meeting minutes documenting that support are attached. This project has been reviewed and approved by ANR Secretary Moore.

[SIGNATURE PAGE TO FOLLOW]

APPROVAL FOR PURCHASE OF LANDS


We the undersigned, hereby approve the acquisition of the five and 1/2-acre (+/-) Spates property by the Agency of Natural Resources, Department of Fish and Wildlife to protect public access and the natural resources located in Newport City, VT. The following approval satisfies the Department of Fish and Wildlife's statutory requirements to enter into this land transaction.

Date

Philip B. Scott
Governor
State of Vermont

5/18/23


Date



Julie Moore
Secretary
Agency of Natural Resources

5/15/2023

Date



Christopher Herrick
Commissioner
Department of Fish and Wildlife

STATE OF VERMONT REQUEST FOR GRANT (*) ACCEPTANCE (Form AA-1)

ACCEPTANCE OF A GIFT PURSUANT TO 10 V.S.A. § 4144

BASIC GRANT INFORMATION				
1. Agency:		Agency of Natural Resources		
2. Department:		Department of Fish and Wildlife (DFW)		
3. Program:		Lands and Habitat		
4. Legal Title of Grant:		n/a		
5. Federal Catalog #:		n/a		
6. Grant/Donor Name and Address: Spates Family, LLC 89 Third Street Newport, VT 05855				
7. Grant Period:		From:		To:
8. Purpose of Grant: The purpose of this grant is for DFW to accept a donation of land valued at \$12,800 in Newport City, Vt. The parcel is undevelopable and abuts the existing South Bay Wildlife Management Area. Acceptance of this donation will expand wildlife and fish habitats and improve public access to the WMA.				
9. Impact on existing program if grant is not Accepted: If the DFW does not accept this donation it would not be able to provide permanent protection of the diverse marsh habitats along the bay.				
10. BUDGET INFORMATION				
	SFY 1	SFY 2	SFY 3	Comments
Expenditures:	FY 23	FY	FY	
Personal Services	\$	\$	\$	
Operating Expenses	\$15,800	\$	\$	
Grants	\$	\$	\$	
Total	\$15,800	\$	\$	
Revenues:				
State Funds:	\$	\$	\$	
Cash	\$	\$	\$	
In-Kind	\$	\$	\$	
Federal Funds:	\$3,000	\$	\$	
(Direct Costs)	\$	\$	\$	
(Statewide Indirect)	\$	\$	\$	
(Departmental Indirect)	\$	\$	\$	
Other Funds:	\$	\$	\$	
Grant (source private landowner)	\$12,800	\$	\$	\$12,800 = town assessed value of land
Total	\$15,800	\$	\$	
Appropriation No:		Amount:	\$	
			\$	

STATE OF VERMONT REQUEST FOR GRANT (*) ACCEPTANCE (Form AA-1)

			\$
			\$
			\$
			\$
			\$
		Total	\$

PERSONAL SERVICE INFORMATION


11. Will monies from this grant be used to fund one or more Personal Service Contracts? Yes No
 If "Yes", appointing authority must initial here to indicate intent to follow current competitive bidding process/policy.

Appointing Authority Name: _____ Agreed by: _____ (initial)

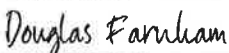
12. Limited Service Position Information:	# Positions	Title
Total Positions		

12a. Equipment and space for these positions: Is presently available. Can be obtained with available funds.


13. AUTHORIZATION AGENCY/DEPARTMENT

I/we certify that no funds beyond basic application preparation and filing costs have been expended or committed in anticipation of Joint Fiscal Committee approval of this grant, unless previous notification was made on Form AA-1PN (if applicable):	Signature: 	Date: 5/15/2023
	Title: Fish and Wildlife Commissioner	
	Signature: 	Date: 5/18/23
	Title: ANR Secretary	

14. SECRETARY OF ADMINISTRATION

<input checked="" type="checkbox"/> Approved:	(Secretary or designee signature) 	Date: 5/30/2023
---	--	-----------------

15. ACTION BY GOVERNOR

<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected	Check One Box: (Governor's signature) 	Date: 6/12/23
---	--	---------------

16. DOCUMENTATION REQUIRED

Required GRANT Documentation

<input type="checkbox"/> Request Memo <input type="checkbox"/> Dept. project approval (if applicable) <input type="checkbox"/> Notice of Award <input type="checkbox"/> Grant Agreement <input type="checkbox"/> Grant Budget	<input type="checkbox"/> Notice of Donation (if any) <input type="checkbox"/> Grant (Project) Timeline (if applicable) <input type="checkbox"/> Request for Extension (if applicable) <input type="checkbox"/> Form AA-1PN attached (if applicable)
---	--

End Form AA-1

STATE OF VERMONT REQUEST FOR GRANT (*) ACCEPTANCE (Form AA-1)

(*) The term "grant" refers to any grant, gift, loan, or any sum of money or thing of value to be accepted by any agency, department, commission, board, or other part of state government (see 32 V.S.A. §5). *(see also 10 V.S.A. § 4144.)*



Natural Resources Atlas

Vermont Agency of Natural Resources

vermont.gov



LEGEND

Wildlife Management Areas

- Fee ownership
- Non-fee interest

Riparian Lands

- Fee ownership
- Non-fee interest

Other FW Lands

- Fee ownership
- Non-fee interest

Roads

- Interstate
- US Highway; 1
- State Highway
- Town Highway (Class 1)
- Town Highway (Class 2,3)
- Town Highway (Class 4)
- State Forest Trail
- National Forest Trail
- Legal Trail
- Private Road/Driveway
- Proposed Roads

Stream/River

- Stream
- Intermittent Stream

- Town Boundary

1: 46,621
October 19, 2022



NOTES

Map created using ANR's Natural Resources Atlas

2,368.0 0 1,184.00 2,368.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere 1" = 3885 Ft. 1cm = 466 Meters

© Vermont Agency of Natural Resources THIS MAP IS NOT TO BE USED FOR NAVIGATION

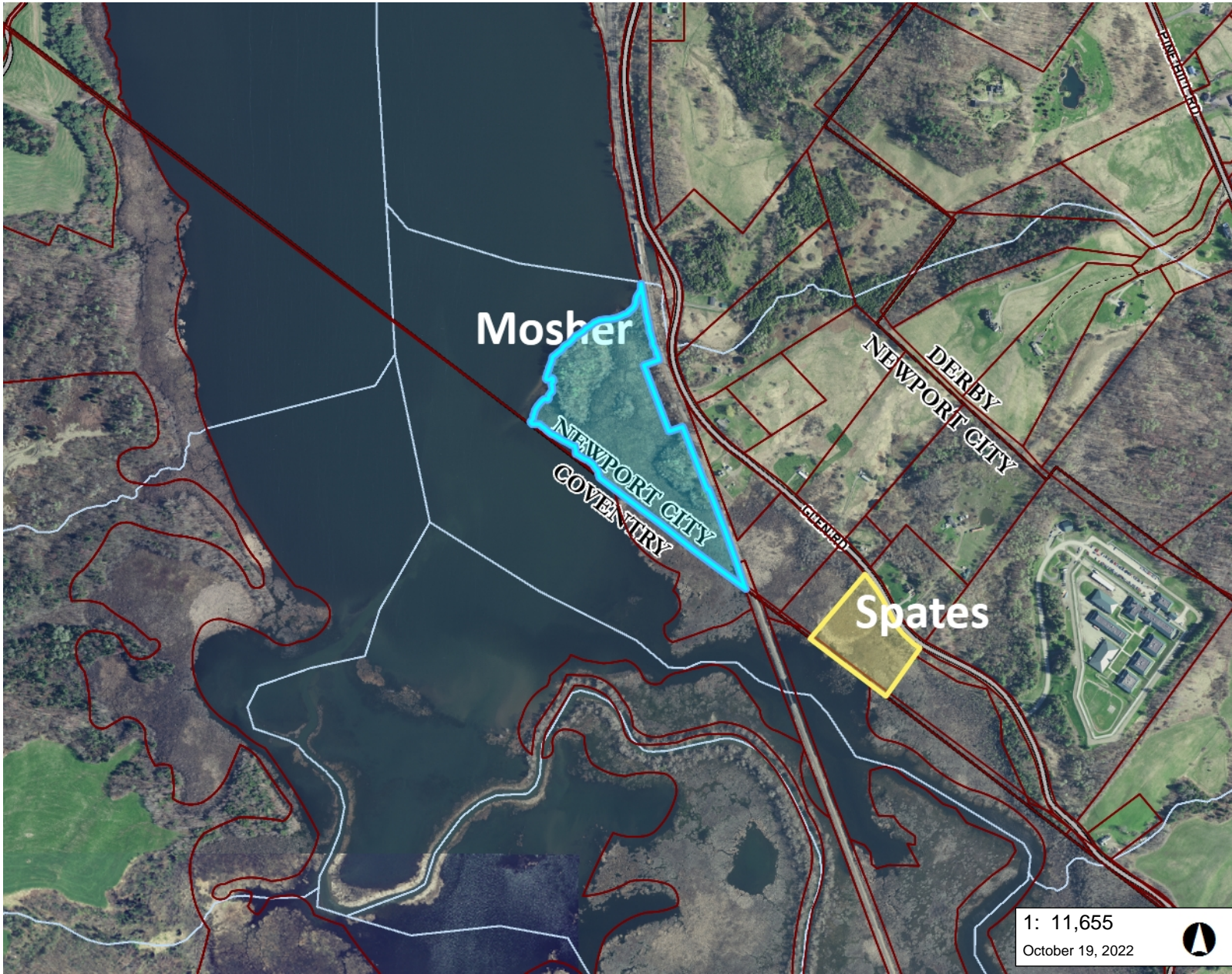
DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



Natural Resources Atlas

Vermont Agency of Natural Resources

vermont.gov



LEGEND

- Parcels (standardized)
- Roads**
 - Interstate
 - US Highway; 1
 - State Highway
 - Town Highway (Class 1)
 - Town Highway (Class 2,3)
 - Town Highway (Class 4)
 - State Forest Trail
 - National Forest Trail
 - Legal Trail
 - Private Road/Driveway
 - Proposed Roads
- Stream/River**
 - Stream
 - Intermittent Stream
- Town Boundary

1: 11,655
October 19, 2022

NOTES

Map created using ANR's Natural Resources Atlas

592.0 0 296.00 592.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere 1" = 971 Ft. 1cm = 117 Meters

© Vermont Agency of Natural Resources THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

MEMORANDUM

TO: Julie Moore, Secretary, Agency of Natural Resources
THROUGH: Christopher Herrick, Commissioner
FROM: Will Duane, Land Acquisition Coordinator
SUBJECT: Donations of Land – Mosher and Spates Parcels – South Bay WMA
Newport City, VT

Recommendation: Approve the acceptance of two donations of land totaling 24 acres (+/-) abutting South Bay WMA in Newport City.

<u>Landowner 1:</u>	Lynda and David Mosher
<u>Location:</u>	Newport City, VT
<u>Acreage:</u>	19 acres
<u>Type of Acquisition:</u>	Donation of Fee Interest
<u>Cost:</u>	\$3,000 max. for survey and legal fees
<u>Recommended Funding:</u>	Great Lakes Fisheries Commission funds for acquisition Federal Habitat Grant (PR) for management/stewardship
<u>Estimated PILOT:</u>	\$685.16 (Annually)
<u>Landowner 2:</u>	Spates Family, LLC
<u>Location:</u>	Newport City, VT
<u>Acreage:</u>	5.52 acres
<u>Type of Acquisition:</u>	Donation of Fee Interest
<u>Cost:</u>	\$3,000 max. for survey and legal fees
<u>Recommended Funding:</u>	Great Lakes Fisheries Commission funds for acquisition Federal Habitat Grant (PR) for management/stewardship
<u>Estimated PILOT:</u>	\$170.29 (Annually)

Background and Ecological Significance:

The Department of Fish and Wildlife (DFW) has an opportunity to expand its holdings at South Bay Wildlife Management Area in Newport City by accepting donation of two wetland parcels that will increase public access and provide permanent conservation along the Lake Memphremagog shoreline. These two parcels are 19 and 5.5 acres respectively and, while currently owned by separate landowners, they are connected via a shared recent history. Lynda Mosher, current owner of the larger parcel, owned both parcels as recently as 2019, when the smaller parcel was sold at a tax sale due to delinquent taxes.

The Spates Family, LLC, purchased the 5.5- acre parcel at that 2019 tax sale and is now looking to donate the parcel to DFW as it is undevelopable. As with the smaller parcel in 2019, the Moshers are similarly behind on their taxes for the larger parcel and Newport City has agreed to

abate the back taxes if the Moshers make a nominal payment to the town and the DFW agrees to become the owner and steward of the property.

These properties are well suited for ownership by the DFW for several important reasons. Vermont Conservation Design identifies both parcels as highest priority surface water and riparian areas. The Spates parcel is a highest priority wetland, has a likely occurrence of highest priority natural community, and with its proximity to the road represents a highest priority riparian wildlife road crossing. These properties are part of the larger South Bay wetland complex along Lake Memphremagog and support a wide range of fish and wildlife functions and values including important nesting habitat for waterfowl and wading birds (e.g., wood ducks, American bitterns), habitat for otter, mink and muskrat, as well as spawning habitat for northern pike and other warm water fish.

Public access to the Lake Memphremagog shoreline is enhanced by these additions to the WMA. The parcels are marshy wetlands with no current residential, commercial, or development activity that would interfere with fish-and-wildlife-based activities. The St. Johnsbury District Stewardship Team supports adding these parcels to South Bay WMA.

Legal fees and survey costs for both parcels will be paid with money from the Great Lakes Fisheries Commission, which could total \$3,000. Maintenance and stewardship costs for these parcels will be minimal and will come from the existing federal habitat grant used to manage this and other WMAs statewide.

APPROVAL FOR DEVELOPMENT OF A CONSERVATION PROJECT

I hereby approve the development of a land acquisition project at the above-described properties located in Newport City, Vermont. This approval authorizes Department staff to pursue the development of this project and does not supersede other requirements, statutory, regulatory, procedural or policy, for the State of Vermont to accept interest in real property (e.g., Governor Approval).

11/23/2022

Date



Julie Moore, Secretary
Agency of Natural Resources

Council Minutes

August 17, 2020

A duly warned meeting of the Newport City Council was held remotely on Monday, August 17, 2020. Present were Mayor Paul Monette, Council President Dan Ross, Council Members Melissa Pettersson, Kevin Charboneau and John Wilson, City Manager Laura Dolgin, City Clerk/Treasurer James D. Johnson, Police Chief Travis Bingham, Public Works Director Tom Bernier, Fire Chief John Harlamert, Rebecca Therrien, Recreation Director Jessica Booth, Jennifer Smith and members of the Press and Public

Mayor Monette called the meeting to order at 6:30 PM.

Approval of Minutes

Mr. Wilson moved to approve the minutes of August 3, 2020. Seconded by Mr. Charboneau, motion carried unanimously.

Comments by the Public

None

Spates Land Donation to Fish and Wildlife

Mr. Charboneau moved to approve the donation of land on the Glen Road from Spates to the Vermont fish and Wildlife Department. Seconded by Ms. Pettersson, motion carried unanimously.

Recreation Committee Update and Member Appointment

Jennifer Smith, Recreation committee Chairperson updated the council on the committee's current and future projects, Programs and events.

Mr. Wilson move to appoint Amanda Rondeau to the Recreation Committee to fill the vacant position. term ending March 2022. Seconded by Ms. Pettersson, motion carried unanimously.

Updates from City Departments

Police Chief Travis Bingham, Fire Chief John Harlamert, Recreation Director Jessica Booth and Public Works Director Thomas Bernier updated the council on their department's current status and future projects.

New Business

None

Old Business

Ms. Dolgin noted that the suspended Tax Sale will resume in November.

Next Meeting Date

September 14, 2020. The meeting will be held remotely.

Adjournment

Ms. Petterson moved to adjourn at 7:30 PM. Seconded by Mr. Wilson, motion carried unanimously.

Attested  This 14th Day of September 2020

 Mayor