



STATE OF VERMONT
JOINT FISCAL OFFICE

MEMORANDUM

To: Joint Fiscal Committee members
From: Sorsha Anderson, Senior Staff Associate
Date: October 19, 2022
Subject: Grant Request – JFO #3124

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

JFO #3124 – Land donation of .75 acres in the town of Newbury, VT from Jewell and Levi Dube to the Agency of Natural Resources, Department of Fish and Wildlife. The land will be used to establish a new public fishing access area on Halls Lake. The land value is \$20,000 and the agency will fund \$5,000 in closing costs from the SFY23 budget. Future maintenance and taxes will be incorporated into the budget are expected to be covered with current revenue levels.

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 November 1, 2022, we will assume that you agree to consider as final the Governor's acceptance of this request.



Fish & Wildlife Department
1 National Life Drive, Davis 2
Montpelier, Vermont 05620
www.vtfishandwildlife.com

Agency of Natural Resources

MEMORANDUM

TO: Nick Kramer, Budget Analyst

FROM: Elizabeth Stratton, Financial Manager

SUBJECT: Grant Acceptance Request

DATE: August 23, 2022

Enclosed is a Request for Grant Acceptance (Form AA-1) for a .75-acre land donation in the town of Newbury, VT to be processed for approval. The assessed value of the land parcel is \$20,000 and the Department plans to expend \$5,000 in anticipated closing costs. The Department has sufficient revenue to cover maintenance and taxes into the future and will be able to absorb the cost within the SFY23 budget, no need for an excess receipt.

Please let me know if you need any further information.

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

BASIC GRANT INFORMATION				
1. Agency:	Agency of Natural Resources			
2. Department:	Fish and Wildlife Department			
3. Program:	Lands and Habitat			
4. Legal Title of Grant:	n/a			
5. Federal Catalog #:	n/a			
6. Grant/Donor Name and Address: Jewell and Levi Dube				
7. Grant Period:	From:		To:	
8. Purpose of Grant: The purpose of this grant is for the Department to accept .75 acres of land to establish a new public fishing access area on Halls Lake.				
9. Impact on existing program if grant is not Accepted: Halls Lake is fished year round and is an extremely popular recreational resource but is currently the existing access is privately owned. By accepting the land donation, the Department will manage the access for public use.				
10. BUDGET INFORMATION				
	SFY 1	SFY 2	SFY 3	Comments
Expenditures:	FY 23	FY	FY	
Personal Services	\$	\$	\$	
Operating Expenses	\$25,000	\$	\$	
Grants	\$	\$	\$	
Total	\$25,000	\$	\$	
Revenues:				
State Funds:	\$5,000	\$	\$	
Cash	\$	\$	\$	
In-Kind	\$	\$	\$	
Federal Funds:	\$	\$	\$	
(Direct Costs)	\$	\$	\$	
(Statewide Indirect)	\$	\$	\$	
(Departmental Indirect)	\$	\$	\$	
Other Funds:	\$	\$	\$	
Grant (source Private landowner)	\$20,000	\$	\$	\$20,000 = Value of land
Total	\$25,000	\$	\$	
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: <small>DocuSigned by:</small> 	Date: 8/25/2022
	Title: Fish and Wildlife Commissioner	
	Signature: 	Date: 09/06/2022
	Title: Julia Moore / Secretary / Agency Natural Resources	

14. SECRETARY OF ADMINISTRATION

<input checked="" type="checkbox"/> Approved:	Signature: <small>DocuSigned by:</small>  <small>4194881C0A36415</small>	Date:
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15. ACTION BY GOVERNOR

<input checked="" type="checkbox"/>	Check One Box: Accepted	Date:
<input type="checkbox"/>	Rejected	Date: 10/7/22

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

(*) 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).



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

Agency of Administration

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

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

Grant Summary:		To accept 0.75 acres of land, valued at \$20,000, to establish a new public fishing access area on Halls Lake in Newbury.			
Date:		9/7/2022			
Department:		ANR-DFW			
Legal Title of Grant:		N/A ("Hall's Lake Landing Donation")			
Federal Catalog #:		N/A			
Grant/Donor Name and Address:		Jewell & Levi Dube 556 Hall's Lake Rd Newbury, VT, 05051			
Grant Period:		From:	To:		
Grant/Donation		\$20,000			
	SFY 1	SFY 2	SFY 3	Total	Comments
Grant Amount:	\$25,000	\$	\$	\$25,000	Land donation of \$20k. DFW to pay closing costs of \$5k.
Position Information:		# Positions	Explanation/Comments		
Additional Comments:		Closing and ongoing maintenance costs to be funded by State motorboat registration funds and Federal Sport Fish Restoration Funds. Annual PILOT payments estimated to be less than \$500. Department indicates capacity to absorb without budget increase.			
Department of Finance & Management		Adam Gresham Secretary		Digitally signed by Adam Gresham Date: 2022.09.07 113438108130415 (Initial)	
Secretary of Administration		Douglas Farmland		(Initial)	
Sent To Joint Fiscal Office				Date	



STATE OF VERMONT FINANCE & MANAGEMENT GRANT REVIEW FORM		





Fish & Wildlife Department
1 National Life Drive
Montpelier, Vermont 05620-3702
www.VtFishandWildlife.com

[phone] 802-241-3700
[fax] 802-828-1250
[tdd] 802-828-3345

Agency Of Natural Resources

M E M O R A N D U M

To: Jaye Pershing Johnson, Governor's Legal Counsel

From: Mike Wichrowski, Facilities and Lands Administrator

Date: August 2, 2022

RE: Governor's Approval Needed for a 0.75-acre Acquisition on Halls Lake, located in Newbury, VT

Enclosed is an approval to be signed by Governor Scott for the acquisition of a 0.75-acre parcel from Jewell and Levi Dube located in Newbury. This 0.75-acre parcel would be an entirely new access area and will advance the Vermont Fish and Wildlife Department's goal of enhancing public access to Vermont's waters for boating, fishing, hunting, and trapping. Please note, there would also be a small conveyance to a third party (Peterson), which is detailed in the attached approval memo. Total costs for this project are approximately \$5,000 for surveying and legal fees.

Funding for this acquisition will come from the state's motorboat registration funds. Included with the Governor's approval memo is a copy of the town letter of support and draft survey. Please review and respond within three weeks from receiving the documents, if possible. If you have any questions regarding this project, please contact me directly at 802-917-1347 or at mike.wichrowski@vermont.gov. Thank you.

cc: Christopher Herrick, Commissioner
Eric Palmer, Fish Division Director



Department of Fish and Wildlife
Commissioner's Office
1 National Life Drive, Davis 2 Building
Montpelier VT 05620-3208
802-828-1454

MEMORANDUM

TO: Philip B. Scott, Governor
THROUGH: Julia S. Moore, Secretary, Agency of Natural Resources
FROM: Christopher Herrick, Commissioner, Department of Fish and Wildlife
SUBJECT: Acquisition of a private boat ramp and parking area on Halls Lake in Newbury, Vermont

Recommendation: Approve the acquisition of the Halls Lake boat ramp and parking area to establish a new public fishing access area, as well as convey a small portion of this land to a third party (Peterson).

Acquisition to Department of Fish and Wildlife

Landowner: Jewell & Levi Dube
Location: Newbury, Vermont
Acreage: 0.75 acres
Type of Acquisition: Fee Acquisition
Recommended Funding: Access Area (motorboat registration) funds
Estimated Cost: No-cost donation, \$5,000 for closing & survey

Conveyance to Peterson from Department of Fish & Wildlife

Buyer: John F. Peterson, Jr.
Location: Newbury, Vermont
Acreage: 0.008 acres (350 sq ft)
Type of Acquisition: Easement
Estimated Cost: No-cost transfer

Need

Halls Lake is a 28 ft deep, 85-acre waterbody in Newbury, VT. It is a popular warm water fishery with abundant largemouth bass and bluegill. It also has fishable populations of smallmouth bass, yellow perch, chain pickerel, pumpkinseed, and brown bullhead. The pond is fished year-round and an extremely popular recreational resource. However, the existing access is privately owned and could be closed at any time. If acquired, this property would provide the public with guaranteed access to this pond in perpetuity.

This area of the state has limited opportunities for the public to access lakes or ponds for fishing and boating. The two closest Department access areas on a lake or pond are Ticklenaked Pond (10 miles away) and Lake Morey (13.5 miles away), both of which have extremely limited parking and Ticklenaked Pond is currently an impaired water. The addition of Halls Lake to

the Access Area Program would be an important addition for the angling and boating public in this area of the state.

Description

This property is accessed by a town road and consists of a gravel boat ramp and grass parking area. The ramp is on the northeast corner of the lake and on the south side of the town road. It is approximately 24 ft wide and 32 ft long. The parking lot is located on the north side of the town road approximately 100 ft east of the ramp and is approximately 70 ft long and 50 ft deep. The total acreage proposed for acquisition would be less than 0.75 acres. At this point in time, there does not appear to be any required upgrades or modifications to the access.

Conveyance to Third Party

This property has been in the Dube family for nearly 250 years. In the 1940s or 1950s, the father of the Jewell and Levi Dube gave verbal permission to a neighbor (Savoy) to place and maintain a dock on the waterfront portion of the Dube family land. In 1964, the Peterson's acquired the Savoy land and continued to utilize a dock on the Dube's waterfront. In 1978, the Peterson land was transferred to their heirs, who also continued to place and maintain a dock on the Dube's waterfront. Due to the long history of this dock being maintained on the Dube waterfront, the Department is proposing to convey an easement across a small portion of the newly acquired Dube property to the Petersons. A transfer of rights to the Peterson's will ensure they have continued access to the water as well as a location for their dock, away from the public boat ramp. This easement will also extinguish any future claims of adverse possession to the Dube's land after the Department acquires it.

In exchange for the land, the Peterson's will agree to:

1. Work with the town of Newbury to complete any town subdivision permitting;
2. Give up any future claims of adverse possession to this parcel;
3. Ensure their dock does not interfere with the public's ability to access the lake for boating or fishing.

Cost

The Department would acquire this property as a donation and would pay for all closing costs and the survey to properly identify the property boundaries. Total cost for the acquisition would be less than \$5,000.

Future funding for this access area will be paid for with a combination of state motorboat registration funds and federal Sport Fish Restoration funds. Annual PILOT payments would likely be less than \$500. For comparison, Ticklenaked Pond Access Area in Ryegate is the same exact size as this proposed acquisition and the annual payment is \$224. Annual site maintenance would likely be less than \$1000 and would include mowing the grass parking area, plowing it in winter, and picking up trash.

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 acquire for the use of the State by gift, purchase, or lease in the name of the State, lands, ponds, or streams, and hunting and fishing rights and privileges in any lands or waters in the State, with necessary rights of ingress or egress to and from such lands and waters."

Your approval for the conveyance of real property to Peterson is required by 10 V.S.A. § 4147, which states in part "(a) Notwithstanding the provisions of 29 V.S.A. § 166, the Secretary with

the approval of the Governor may convey, exchange, sell or lease lands of the Department of Fish and Wildlife for one of the following purposes:

*****(2)** implementing the acquisition of new lands for conservation and public recreation when in his or her judgment, it is advantageous to the State.”

Attachments: Town of Newbury letter of support; draft survey



Figure 1. View of the Halls Lake parking area looking to the south with the lake in the background.



Figure 2. View of the Halls Lake boat ramp looking to the west.



Figure 3. Parcel map of the Dube property on the north end of Halls Lake. The southeast corner of this parcel will be subdivided and conveyed to the Department of Fish & Wildlife

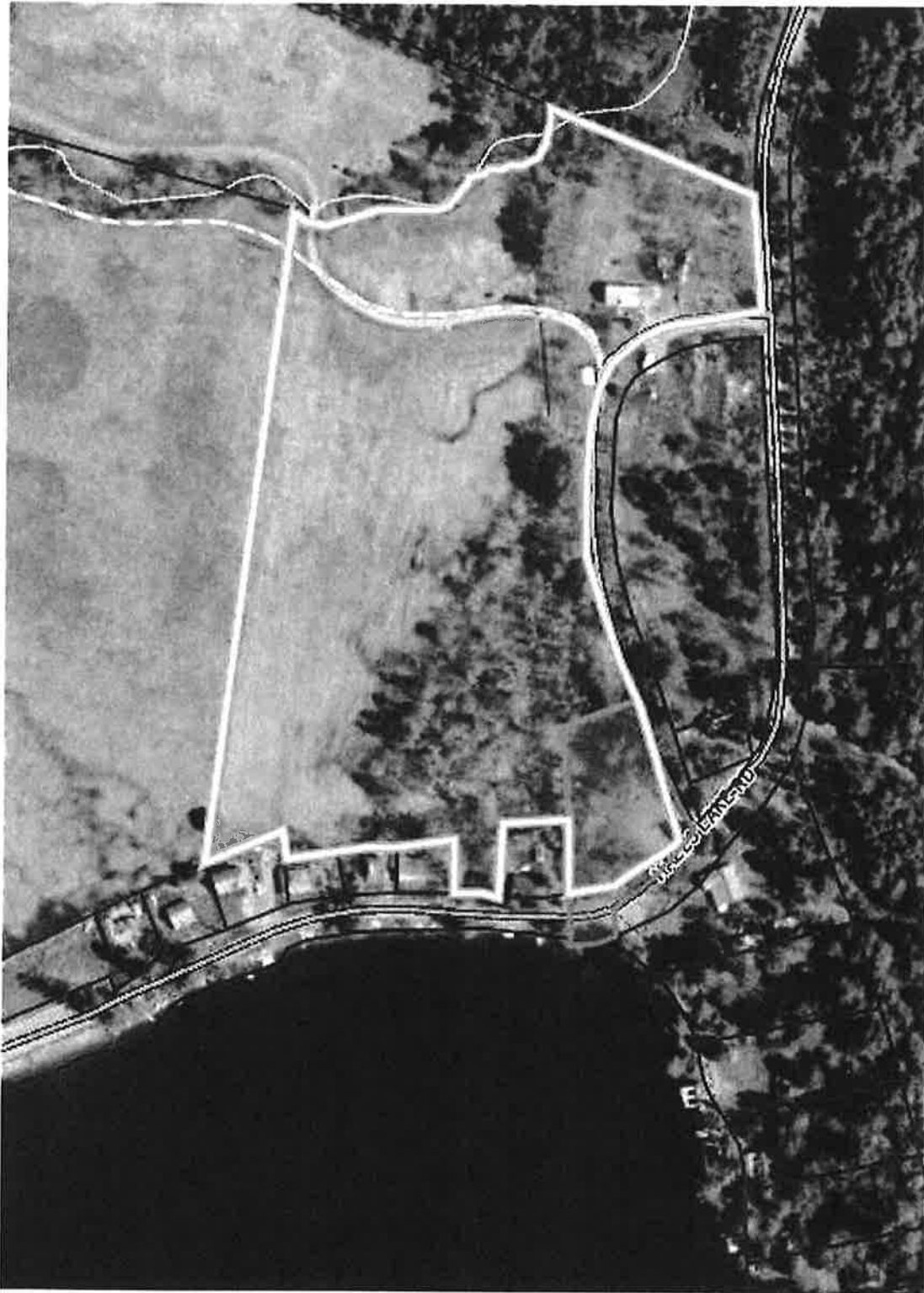



Figure 4. Approximate subdivision boundary of the Dube parcel. The blue parcel will be conveyed to the Department of Fish & Wildlife.

Date - 9-8-21

Vermont Fish and Wildlife Department
1 National Life Drive, Davis 2
Montpelier, VT 05650

Dear Mr. Wichrowski,

Thank you for meeting with the Newbury Select Board on April 21, 2021 to discuss the Fish and Wildlife Department's (Department) proposed acquisition of the Hall's Lake boat ramp from Jewell Dube. I am writing on behalf of the Select Board to inform you of our support for the Department's acquisition to protect public access to Halls Lake for recreational uses, such as fishing and boating. Thank you for meeting with us.



Alma Roystan

Select Board Chair



Jeff McKelvey

Selectman




Joe Parsons

Selectman


APPROVAL FOR LAND ACQUISITION

We, the undersigned, hereby approve the acquisition by the State of Vermont, Agency of Natural Resources, Department of Fish and Wildlife, of 0.75+/- acres located in the Town of Newbury, from Jewell and Levi Dube.


8/23/22
Date


Philip B. Scott, Governor
State of Vermont

8/9/22
Date


Julia S. Moore, Secretary
Agency of Natural Resources

8/3/2022
Date


Christopher Herrick, Commissioner
Department Fish and Wildlife