



State of Vermont

AGENCY OF ENVIRONMENTAL CONSERVATION

Montpelier, Vermont 05602

Department of Fish and Game
Department of Forests, Parks, and Recreation
Department of Water Resources
Environmental Board
Division of Environmental Engineering
Division of Environmental Protection
Natural Resources Conservation Council

DEPARTMENT OF FORESTS, PARKS AND RECREATION

October 23, 1979

Paul Sargent
Main Street
Fairlee, Vermont 05045

Re: HCRS Project #50-00320
Fairlee - Lange Property Acq.

Dear Mr. Sargent:

This is in response to your questions relative to providing access to the proposed additions to the Town Forest that you have discussed with Craig Whipple.

According to information submitted by the Town, there are at least three legal access routes connecting the fund-assisted parcels with traveled public roadways. (Labeled #1, #2, and #3 on survey map dated 6/11/79 by Byron L. Kidder). These, as you know, are required to insure perpetual public access to the properties which are to be permanently dedicated to public outdoor recreation.

In addition to this, project sponsors are required to provide reasonable and safe physical public access to the sites as well. During summer, fall and parts of spring, Access #2 can fulfill this requirement as long as a small relatively level area is created for parking in the vicinity of the point where the road enters the property and a trail system is developed at some point in the near future which incorporates the funded parcels with the Town Forest. An important consideration here is the assumption that the Town will always maintain ownership of the existing Town Forest. If at some point in the future the Town were to sell the existing Forest land, either an agreement of perpetual access to the remaining parcels must be worked out with the buyer or Accesses #2 and #3 would have to be upgraded to a useable state and efforts made to provide parking areas. You are aware, I am sure, that once the parcels in question are purchased with HCRS assistance, they cannot be sold or converted to any other use without the prior consent of the Secretary of the Interior.

Since the approved HCRS project was justified in part by its value for winter recreation, reasonable access for this type of activity will be necessary also. If the Town does not wish to keep Access #2 open during the winter months, (which might in the long run prove to be the most feasible solution), some other permanent arrangement must be made to provide for at least minimal safe parking at the foot of any of the access routes. Two of the alternatives considered were

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to use the existing Town-owned municipal beach parking area or to secure the use of some of the private property adjacent to one of the rights-of-way. After considering the situation, we would maintain that the beach parking area is adequate, provided the Town permanently ties the area to the HCRS project by including it in the "project boundary" thereby bringing the municipal beach under applicable federal regulations. This includes regulating the use of the facility such as the fees charged, accessibility to non-residents and the "non-conversion" requirement mentioned above. The use of adjacent private property could be arranged also as long as the land is either transferred permanently to the Town or leased unconditionally for an acceptable length of time. As with the beach area alternative, this will be subject to federal regulations as well.

In light of these two alternatives, perhaps the Town should reconsider keeping Access #2 open in the winter. To help alleviate problems in the spring resulting from this, a suggestion might be to close the road to traffic during the "mud season" much the same as the State does to some of our trails. The amount of use lost during this period would not be significant when compared to the amount of winter use generated by relatively easy access.

Hopefully, this adequately answers the questions you have raised. I understand and can appreciate the Town's desire to have a firm and lasting commitment from both the State and Federal governments regarding these issues. Those alternatives described here have been acceptable based on current Federal guidelines. Unfortunately, we cannot predict whether these will change in the future or whether any changes will effect existing projects. Since HCRS funds are used, there is, then, an element of risk involved that policies governing the use of the property could be different in the future. After you have considered the alternatives, please notify our Grants Office of your decision. If we can be of further assistance, please let us know.

Sincerely,



Edward J. Koenemann
Director of Planning

EJK:CW:jg