

AGENCY OF NATURAL RESOURCES POLICY

ACQUISITION OF LANDS WITH RESTRICTIONS ON HUNTING, FISHING, OR TRAPPING

Philosophy:

Hunting, fishing and trapping are wildlife-dependent activities that have long been part of Vermont's cultural heritage. Vermont is one of only a very few states in which the state constitution guarantees the public the right to hunt and fish in seasonable times on private lands that are not otherwise posted against such use. Regulated hunting, fishing, and trapping are key tenants in the North American model of fish and wildlife conservation and are important elements of modern wildlife management programs. Today, hunting, fishing, and trapping are heavily regulated under scientific principles by the Fish and Wildlife Board under VSA Title 10, § 4042.

The importance Vermonters place on these activities cannot easily be overstated. The public harvests millions of pounds of venison and other food provisions of various game species from Vermont's woods, wetlands and waters each year. These activities contribute millions of dollars to Vermont's economy each year and are an important part of Vermont's rural culture. Additionally, these uses generate revenues for the conservation of Vermont's fish and wildlife resources.

The Agency of Natural Resources, through its departments of Fish and Wildlife, Forests, Parks and Recreation, and Environmental Conservation, manages close to 350,000 acres of state land. These lands provide important social, cultural, recreational, and ecological benefits to the public, including the utilization of fish and wildlife resources. Given the strong tradition and benefits associated with hunting, fishing, and trapping in Vermont, the agency and its departments have not generally acquired land with restrictions on these activities. With very few exceptions, hunting, fishing and trapping are allowed uses on *all* agency lands. In fact, less than 1000 acres of the agency's nearly 350,000 acres of land (less than .3%) are encumbered by deed restrictions or rights held by a third party that limit or prohibit such uses.

The agency fully supports regulated hunting, fishing, and trapping as ecologically appropriate activities and actively promotes such uses of state lands. The provision of hunting, fishing, and trapping will continue to be a primary consideration as the agency continues to acquire new lands. In some limited situations, however, restrictions on these uses may not pose an issue for certain parcels such as dam sites, boat access areas, developed state park sites, etc. In evaluating such parcels for acquisition, the agency should carefully consider the effect such restrictions may have on the parcel's proposed use and should only pursue acquisition where the restrictions do not detract from the public's use and enjoyment of the parcel and it is clear that a larger public interest is being served.

Policy:

The agency and its departments will not acquire new parcels of land in fee (whether through purchase, donation, or exchange) in which there are restrictions on regulated hunting, fishing, and trapping. Exceptions to this policy may only be approved by the Secretary of the Agency of Natural Resources and department commissioners according to the procedure and considerations outlined below. (Note: Nothing in this policy affects the department of Fish and Wildlife's statutory authority provided in 10 VSA 5215 to restrict or prohibit hunting, fishing, or trapping on established game refuges or to establish new refuges on public lands.)

Procedure for Implementation:

The agency Land Acquisition Review Committee, agency land acquisition staff, and ultimately the department commissioners and agency Secretary all have an important role in implementing this policy.

Land Acquisition Review Committee – All proposed state land acquisition projects, including potential purchases, donations, or land exchange proposals, are reviewed by the agency’s Land Acquisition Review Committee (LARC) according to established procedures. New land acquisition proposals for fee simple interests that include restrictions on hunting, fishing, or trapping should generally be refused by LARC. If a parcel with such restrictions comes before LARC that has exceptionally high value and warrants special consideration, however, LARC may recommend acquisition. LARC shall provide notification to the ANR Lands Stewardship Team of any such properties that may be recommended for state acquisition. In forwarding such a recommendation to the agency Secretary, LARC shall consider the following factors:

- What is the nature of the restrictions? Are they permanent or temporary? Are the restrictions presently in place or would they go into effect after the transfer?
- Are the restrictions compatible with the intended use of the property?
- Would the restrictions substantially or materially affect the public’s use and enjoyment of the parcel? (Would the public be surprised and concerned to learn they could not hunt, trap and/or fish on the parcel?)
- Are there overriding public health or safety concerns associated with the parcel that supercede concerns associated with restrictions on hunting, fishing, and/or trapping?
- Are there outstanding public resource values associated with the parcel that supercede concerns associated with restrictions on hunting, fishing, and/or trapping?
- Are there any feasible or reasonable alternatives to state acquisition of this parcel that could provide the same benefits without restrictions on hunting, fishing and/or trapping?

Agency Land Acquisition Staff – Agency land acquisition staff shall inform sellers and other parties involved in agency land transactions of this policy and that state acquisition will not proceed with such restrictions in place. In special cases where the Commissioner and Secretary approve acquisition of a parcel with hunting, fishing, and/or trapping restrictions, lands staff will work to eliminate or minimize these restrictions as may be appropriate. Agency lands staff shall not close on parcels that contain restrictions on hunting, fishing, or trapping unless so approved by the Commissioner of the department acquiring the parcel and the Secretary.

Agency Secretary and Commissioners – The Secretary and Commissioners shall, upon consideration of LARC’s recommendation, refuse or approve the acquisition of a parcel that contains restrictions on hunting, fishing, and/or trapping.

 /s/ 11/25/02
 Conrad Motyka Date
 Commissioner, FPR

 /s/ 11/25/02
 Ronald Regan Date
 Commissioner, FW

 /s/ 11/25/02
 Chris Recchia Date
 Commissioner, DEC

 /s/ 11/25/02
 Scott Johnstone Date
 Secretary, ANR