STATE OF VERMONT

EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. 09-12

[Transfer of Lands and Permanent Buffer Easement in Berkshire and Enosburgh from the Agency of Transportation to the Agency of Natural Resources]

WHEREAS, it appears that certain lands and a permanent buffer easement which comprise the river corridor and riparian buffer zones for the Trout River herein described and located in the Towns of Berkshire and Enosburgh in the State of Vermont, in connection with the construction of Transportation Project Berkshire BRF RS 0283 (7) (Trout River Restoration), are presently under the jurisdiction and control of the Agency of Transportation (VTrans); and

WHEREAS, VTrans has completed the required monitoring conditions under the U.S. Army Corps of Engineers 404 permit for the aforementioned project, and does not consider continued VTrans jurisdiction and control of these lands and permanent buffer easement to be in the best public interest; and

WHEREAS, the Agency of Natural Resources (ANR) has a goal of maintaining high quality riparian and river habitats, and providing angling opportunities for the public that would best be served by the transfer and control of the lands and permanent buffer easement from VTrans to ANR;

NOW, THEREFORE, I, Peter Shumlin, by virtue of the power vested in me as Governor of the State of Vermont, do hereby transfer and set over to the Agency of Natural Resources, Department of Fish and Wildlife jurisdiction and control of certain lands and a permanent buffer easement for its purposes, said land and permanent buffer easement being more particularly described as follows:

Being all of the same land and/or permanent buffer easement conveyed to State of Vermont, Agency of Transportation by the following instruments:

1. Warranty Deed from Raymond G. Kinney and Virginia G. Kinney, dated April 21, 2003, which is recorded in Book 107 page 29 of the Enosburgh land records;

2. Warranty Deed from Raymond G. Kinney and Virginia G. Kinney, dated April 21, 2003, which is recorded in Book 68 Pages 37-39 of the Berkshire land records;

3. Warranty Deed of Easement from Daniel F. Kotorman and Holly H. Kotorman, dated April 21, 2003, which is recorded in Book 68, Pages 42 and 43 of the Berkshire land records;

4. Warranty Deed from L.F. Hurtubise & Sons, Inc., dated April 21, 2003, which is recorded in Book 107, Page 31 of the Enosburgh land records; and being more particularly described as follows:

Being part of Parcels #1E, 1F, 1G and 11 consisting of 15.80 acres, more or less, land, and all of Parcel # 2A consisting of a permanent buffer easement, as shown on right-of-way sheets 23, 25 and 26 of the plans of Transportation Project Berkshire BRF –RS 0283 (7) as filed on March 13th, 2003, in the offices of the clerks of Enosburgh and Berkshire.

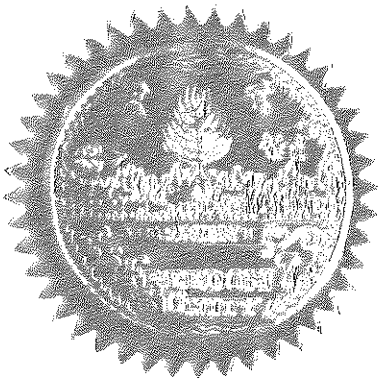
The buffer easement, described as Parcel 2A above, consists of 0.22 acre, more or less, and is located right of and between approximate stations 123+49 and 124+52.71 of the Trout River Restoration baseline of the aforementioned project and includes:

(A) The right to change and maintain the channel of the Trout River including the installation of stone fill along the bank of the river; and

(B) The right to plant and maintain trees in a buffer area above the bank to protect and stabilize the bank. None of the existing landscaping items either within or outside the easement area will be removed without the written permission of VTrans.

ANR agrees to be responsible for and comply with the conditions or agreements which are associated with the lands and permanent buffer easement described above, and contained in the aforementioned deeds to State of Vermont.

This Order shall take effect upon signing.



Dated September 12, 2012.

Peter Shumlin
Governor

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