

REGULATIONS GOVERNING FAIRLEE TOWN FOREST

For complete documents see www.fairleeforest.org/documents

1. Contractual purpose and governance of the HCRS/Lange donated land (key excerpts from legal documents):

- a. *Pursuant to the provisions of V.S.A. Title 31, section 202 and 203 there is hereby created a recreational board to be designated the Lange Forest [Board], to consist of five members appointed by the Selectmen such that the term of one member shall expire at the end of each calendar year. The conduct of the Fairlee Heritage Conservation and Recreation Service project is delegated to such board as follows:*

The FHCRS project shall at all times be conducted in conformity with the provisions of law, both Federal and State, and the conditions set forth or implicit in the terms of the grants therefore, in order to accomplish the development and maintenance of the recreational facilities outlined in the application for the said grants.

Fairlee Heritage Conservation and Recreation Service Project (Lange Forest): V.S.A. Title 31, section 202 and 203. 1979

- b. *The [Forest] board shall at all times conduct the [HCRS/Lange] project as a system of public recreation having in mind the goal of expanding and enhancing four types of recreational activities on FHCRS land, namely; hunting, hiking, snowmobiling and ski touring.*

*Subject to the foregoing the board shall have full power to conduct the project, and without limiting the generality of the foregoing, to lay out, construct and maintain trails and other areas for the above types of recreational activities and to make all reasonable rules and regulations for the use and enjoyment of the same by the public. The layout of any trails crossing other lands of the Town shall be submitted, before construction, to the Selectmen for approval. . . . **Minutes of the Selectboard meeting**, 3/10/80, reflecting votes to accept the HCRS/Lange contract at the preceding Town Meeting.*

2. Rules governing conversion of grant-assisted recreation sites to other uses:

No property acquired or developed with assistance under this section [6(f)(3)] shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

Vermont Agency of Natural Resources, Legal Protection for Grant-Assisted Recreation Sites, SEC. 6(f)(3)

3. Fairlee Forest Management Plan, April 2014. Excerpts:

[Introduction] *This 15-year forest management plan is to be used as a guide to forest management activities on the 1573-acre property belonging to the Fairlee Town Forest in*

Fairlee, Vermont. This plan conforms to the standards adopted by the Current Use Advisory Board for eligibility in Vermont's Use Value Appraisal (UVA) Program, even though this parcel is not eligible to be enrolled in UVA. This plan also meets criteria required by the Forest Stewardship Council (FSC) and the Tree Farm Program.

[Note: The underlined programs primarily govern timber harvesting activities on private land. None relates to recreation. Recreation and other values are only mentioned several pages later, as follows:]

The Town of Fairlee wishes to continue to manage this property for multiple uses, including timber, wildlife habitat, recreation, and soil and water conservation. One of the wildlife goals for this property is increase the amount of early successional habitat, with the goal of transitioning about 10 percent of the manageable forest land to early successional habitat. (Presently less than 1% of the parcel is in early successional habitat.) This property is well suited for these goals.

The Lange Forest was deeded to the Town under the agreement that it would be managed for deer, turkey, and snowshoe hare in perpetuity (approximately 517 acres).

Most of the Fairlee Town Forest is visible from the village of Fairlee and from Interstate-91. Heavier cuts should be avoided along the tops of ridges if they will cause adverse aesthetic impact. However, the top of Bald Top Mountain should be kept open.

[The Fairlee Forest Management Plan was drafted by Redstart Forestry, Corinth, Vt. for the objectives established by and under the direction of the Fairlee Forest Board with no input from the residents of Fairlee or the Selectboard. The Fairlee Selectboard voted to approve the plan upon receipt. A logger was then hired to carry out annual segments of the work under supervision of the Redstart Forester and with oversight by the County Forester.]

Forest Management Background:

Forest Management Plan objectives are determined by the owners of the property. A Forester is hired by the owners to draft a plan for implementation of these objectives, which are then reviewed, amended, and approved by the property owners. In this case, the Forester was led to believe that the Forest Board was authorized to represent the Town of Fairlee in establishing what were essentially timber harvesting objectives, with some deference to creating openings for game species that also favor some species of migratory birds.

Alternatives Types of Management Plans: Today, "Forest Management Plans" are generally understood to be focused on timber harvesting, with roads and landings created as needed for extraction of the timber or pulp. *The State requires that permits be acquired for work in or near wetlands and that logging roads be closed and erosion issues corrected by the logger when the harvest is completed.*

"Forest Recreational Management Plans" focus primarily on public recreation, with roads and trails designed accordingly and wood harvesting limited to the construction of recreational trails and amenities. There are also "Environmental" or "Ecological Management Plans" for forests where wood harvesting is done only to improve wildlife habitat and ecological balance..

A "Forest Stewardship Plan" prioritizes stewardship of the environment but include timber harvesting and recreational plans consistent with the overall objective of environmental stewardship.

As *owners* of the Fairlee Town Forest, residents of Fairlee have the right and responsibility to advise the Fairlee Selectboard as to the type and prioritized management objectives they want for this valuable public property and natural resource.