

State of Vermont,
Water Resources Board

In re: Appeal of Beverly Foster
Lake Pinneo

Party Standing
Motion to Dismiss

INTRODUCTION

On November 6, 1986, the Water Resources Board held a hearing at Berlin, Vermont to consider various preliminary matters identified in paragraph 3(c) of its pre-hearing conference order dated September 2, 1986. All parties had had opportunity to **brief the** Board on the matters under consideration **and to** offer oral argument.

On **the basis** of its review of the briefs and memoranda filed by the parties as well as testimony and evidence presented at the **November 6, 1986** hearing, **the Water Resources Board** issues, the following order.

ORDER

1. The parties to this proceeding and the basis for granting such, standing under, the Board Rules of Procedure **are** as follows:
 - (a) Beverly Foster under **Rule 22(A) (2)(a)**.
 - (b) Quechee Lakes Corporation under **Rules 22(a) (1) and 22(A) (2) (a)**.
 - (c) **Quechee Lakes Landowners Assoc.** under **Rules 22(A) (1), 22(A) (2) (a) and 22(A) (2) (b)**.
 - (d) **Agency of Environmental Conservation** under **Rule 22 (A) (1)**
2. The **Motion to Dismiss** dated August 15, 1986 filed by Quechee Lakes Corporation is granted **on the grounds** that the Water Resources Board lacks jurisdiction **in this** matter. The decision appealed from, is an enforcement decision in which **the Department** of Water Resources has prosecutorial discretion and is therefore not subject to review on appeal by this Board.

Dated this 20th day of November, 1986, at Montpelier, Vermont.

By the Water Resources Board


Catharine B. Rachlin, Chairman

Board member not
participating:
William D. Countryman


Thomas Adler


William/Boyd Davies