State of Vermont,
Water Resources Board

In re: Appeal of Beverly Foster
Lake Pinneo

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

[Signature]
Catharine B. Rachlin, Chairman

Board member not participating:
William D. Countryman

Thomas Adler

William/Boyd Davies