



STATE OF VERMONT
WATER RESOURCES BOARD
MONTPELIER, VERMONT 05602
(802) 828-2871

February 10, 1986

Dana Cole-Levesque, Esquire
Case & Cole-Levesque
P.O. Box 65
Bethel, VT 05032

RE: Trout Unlimited et al
Petition for Declaratory
Ruling

Dear Dana:

Here is the Board's motion as drafted in the minutes of its February 6th meeting. The next Board meeting **is** scheduled for February 25th from 2-4 p.m.

In light of the fact that the petition for declaratory ruling filed by Trout Unlimited, et al does not specifically request that it be treated as contested case proceeding and premised on **the** Board's understanding that the issues **raised** by the petition are more appropriately addressed in a rulemaking setting, the Board will, as provided for in Rule **17(B)** of its Rules Of Procedure respond to the issues raised in the petition by **initiating rulemaking** in conjunction with its consideration of the petition by the Vermont Ski Areas Association, et al to amend the Vermont Water Quality Standards. In the event that Trout Unlimited, **et al wish to address the** issues raised in their petition for declaratory ruling in a contested case setting, the Board would require them, pursuant to the provisions of Rule 17(B) of its Rules of **Procedure**, to first obtain an advisory opinion from the Department of Water Resources and Environmental Engineering.

Give me a call if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "William A. Bartlett".

William A. Bartlett
Executive Officer

WAB/kgr

'CC Eric Palola, Vermont Natural Resources Council'
David Clough, Department of Water Resources



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Minutes of Meeting
February 6, 1986

At **approximately** 10:00 a.m. the Vermont Water Resources Board met at Montpelier City Hall, Montpelier, Vermont.

BOARD MEMBERS PRESENT:

Catharine B. Rachlin, Chairman
William Boyd Davies
William D. Countryman
Kathleen A. Scheele

BOARD MEMBER ABSENT:

None

ALSO PRESENT:

William A. Bartlett, Executive Officer
David Clough, Department of Water Resources
Dana Cole-Levesque, **Trout** Unlimited, et. al.
David Engle, Trout Unlimited
Stephanie Xaplan, Department of Water Resources (Item 3 only)
Allan Keyes, Killington Limited (Item 3 only)
Eric **Palola**, Vermont Natural **Resources** Council
John Ponsetto, Ski Areas **Association**, et. al.
Frank Reed, Connecticut River Watershed Council
Jan Salzman, Ottauquechee Alliance
Carl Spangler, Killington Limited, (Item 3 only).

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1. At the request of the petitioners, the Board agreed to refer to the petition for **declaratory** ruling previously referred to as having been filed by the "Vermont Alliance of Conservation Voters, **et al**" as the petition of "Trout Unlimited, **et al.**" On a motion by Davies, seconded by Countryman, the Board voted unanimously to adopt the following motion regarding how it would proceed in response to this, petition:

In light of the fact that the petition for declaratory ruling filed by Trout Unlimited, et al does not specifically request **that** it be treated as contested case proceeding and premised on the Board's understanding that the issues raised by the **petition** are more appropriately addressed in a rulemaking setting, the Board will, as provided for in Rule 17(B) of its Rules of Procedure, respond to the issues raised in the petition by initiating rulemaking in conjunction with its consideration of the petition by the Vermont Ski **Areas** Association; et al to **amend the Vermont Water Quality standards**. In the event that Trout Unlimited, et al wish to

Minutes of Meeting

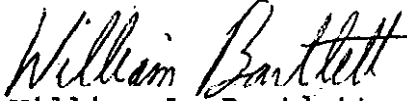
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address the issues raised in their petition for declaratory ruling in a contested case setting, the Board would require them, pursuant to the provisions of Rule 17(B) of its Rules of Procedure, to **first obtain** an advisory opinion from the Department of Water Resources and Environmental Engineering.


2. On a motion by Davies, seconded by Scheele, the Board voted unanimously to adopt the minutes of its meeting January 23, 1986 as amended.
3. Following an opportunity for oral argument on the issue of the Vermont Natural Resources Council's standing, the Board on a motion by Davies, seconded by Countryman, voted unanimously to admit the Vermont Natural Resources Council as a party in the appeal of Killington, Limited; in re: Bear Mountain Spray #2 under the provisions of Rule 22(A) (2) (b) of its Rules of Procedure.
4. The Board reviewed pending water quality legislation and directed its Executive Officer to submit information regarding its legislative approach to amending the Vermont Water Pollution Control Act requested by the House Natural Resources Committee and to prepare a **simplified legislative proposal** for the Board's consideration at its next meeting.
5. The Board reviewed the petition for rulemaking filed by the Vermont Ski Areas Association, et al in conjunction with the issues raised in the petition for declaratory ruling filed by Trout Unlimited, et al and directed its Executive Officer to prepare a draft of proposed amendments to the Vermont Water **Quality Standards** for the Board's further review at its next meeting;

Respectfully submitted,


William A. Bartlett
Executive Officer

WAB/kgr

APPROVED:


Catharine B. Rachlin
Chairman