

State of Vermont
Water Resources Board

Appeal of Robert A. Gillin
In re: Proposed Holcomb Bay
Boat Access Area, Lake Champlain
Isle LaMotte, Vermont
Docket #90-11

29 V.S.A. § 406

Introduction

The Water Resources Board (Board) was petitioned by Robert A. Gillin (appellant) under Board Rule of Procedure 29 B. and C. to "Correct Manifest Errors and to Alter Decision." The Board had issued the original Decision in this case on September 27, 1991. The appellant filed his Motion with the Board on October 15, 1991, eighteen (18) days after the final decision.

Findings of Fact

1. The Board issued its Decision in the above-entitled matter on September 27, 1991.
2. The Appellant filed a Motion to Correct Manifest Errors and to Alter Decision on October 15, 1991, eighteen (18) days after the issuance of the original decision.
3. Board Rule of Procedure 29 B. and C. require that a motion to correct manifest error and a motion to alter decision be filed within fifteen (15) days of the decision.
4. The fifteenth day subsequent to the issuance of the original decision fell on Saturday, October 12. Monday, October 14, was an official holiday.
5. Neither Board Rule 29, nor any other Board Rule contain any provision for computing the fifteen (15) day time period where the last day of the period falls on a Saturday, Sunday or a holiday.
6. Appellant has neither raised new issues suggesting manifest errors, nor presented evidence of any significant mistakes or typographical errors or omissions in his motion.

Conclusions of Law

1. Appellant's Motion was timely filed.
2. The issues presented by the Appellant in his motion do not amount to manifest errors, mistakes, typographical errors or omissions.

Decision

Although the Board finds and hereby rules that the appellant has filed a timely motion under Board Rule of Procedure 29, the Board concludes that appellant's filing does not raise manifest errors, mistakes or omissions. Accordingly, the Motion to Correct Manifest Errors and to Alter Decision is hereby denied.

Dated at Burlington, Vermont, this 31st day, of October, 1991.

Vermont Water Resources Board



Dale A. Rocheleau
Chair

Board members concurring
in this decision:

Dale A. Rocheleau, Chair
William Boyd Davies
Elaine B. Little