In re: Appeal of Vermont Natural Resources Council
Docket No. 92-02

ORDER (Motion to Withdraw Motion For Permission To Appeal)

BACKGROUND

On April 24, 1992, Vermont Natural Resources Council (appellant) filed a Motion for Permission to Appeal pursuant to Rules 5(b) and 5.1 of the Vermont Rules of Appellate Procedure. Appellant also requested that the Board grant a stay of the proceedings. See appellant's Memorandum in Support, p. 8. On April 28, 1992, the Agency of Natural Resources (ANR) filed a Memorandum in Opposition to VNRC's Motion for Permission to Appeal. On April 29, 1992, Snowridge, Inc. (appellee) filed a Memorandum in Opposition to VNRC Motions for Interlocutory and/or Collateral Appeal and for Stay of Proceedings.

At its scheduled meeting of April 30, 1992, the Board took under consideration the motions of the appellant. After discussing the matter in deliberative session, the Board voted in open meeting to deny the appellant's Motion for Permission to Appeal and the appellant's request for a stay.

Prior to the Board issuing a written order detailing its April 30, 1992 decision, appellant filed a Motion to Withdraw Motion for Permission to Appeal on May 8, 1992. On May 14, 1992, ANR submitted a letter to the Board indicating that it had no objections to the Board granting appellant's Motion to Withdraw. Appellee submitted no filing regarding the Motion.

ORDER

This case came on for hearing before the Board on May 20, 1992, upon the appellant's request for withdrawal of its Motion for Permission to Appeal. There being no objection to the withdrawal and the Board finding that withdrawal would not prejudice any of the participants, the Board voted to rescind its vote of April 30, 1992, denying appellant's Motion for Permission to Appeal and appellant's request for a stay. The
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Board now holds:

In the matter of Vermont Natural Resources Council,
Docket No. 92-02, the Motion to Withdraw the Motion for
Permission to Appeal is hereby granted.

Dated at Burlington, Vermont, this 1st day of

Vermont Water Resources Board
by its Chair

Dale A. Rocheleau, Chair

Concurring: Thomas Adler
William Davies

Absent: Mark DesMeules
Elaine Little