

**State of Vermont**  
**WATER RESOURCES BOARD**

In re: Appeal of Richard and Alice **Angney**  
Docket No. **89-14**

**REMAND ORDER**

On February 12, 1991, the Water Resources Board (Board) issued a Decision and **Order respecting** the above-captioned appeal and two other appeals with which, it was consolidated for hearing. The Board declared Section. 3 of the Department's "**Interim** Procedures for the Issuance or Denial of Encroachment Permits invalid and remanded **the three** cases to the Vermont Department of Environmental Conservation (DEC), **Agency of Natural Resources**, for final action not inconsistent **with** its opinion.

The **DEC** appealed the Board's decision with respect the Angneys' **appeal** to Lamoille Superior Court. After a hearing and the filing of briefs, the Court determined that the DEC had **exceeded** its delegated authority in promulgating Section 3(a) of the "Interim Procedures" and ordered that the Angneys' application for an encroachment permit be **remanded** to the Board for futher remand to the DEC for reconsideration **under** the criteria established' by **the Legislature** in **chapter 11** of title 29 and **any** rules related thereto passed by **the Board**. In re: Richard and Alice **Angney**, Docket No. **S96-91 LaCa**, Opinion and Order at 6 (Sept. 4, 1992); In re: Richard and Alice **Ananey**, Opinion and Order at 4 (March 8, '1993) (Motion to Alter Judgment).

Therefore, it is hereby ordered that the matter In re: **Appeal** of **Richard and Alice Ananey** Docket No. 89-14, is remanded to the the DEC for further consideration consistent with the Court's opinion.

Dated at Montpelier, Vermont, this & day of **December, 1993**.

Vermont Water Resources Board  
by its Chair

  
\_\_\_\_\_  
William Boyd Davies

Concurring:

William **Boyd** Davies  
Mark **DesMeules**  
Stephen Dycus  
Ruth Einstein  
Jane **Potvin**