

State of Vermont
WATER RESOURCES BOARD

In re: Cavendish Hydroelectric Project (CVPS),
Docket No. WQ-93-88

DISMISSAL ORDER

On October 7, 1993, the Secretary of the Agency of Natural Resources (ANR) issued a Section 401 Water Quality Certification to Central Vermont Public Service Corporation (CVPS) in connection with the utility's application to the Federal Energy Regulatory Commission (FERC) for relicensure of the Cavendish Hydroelectric Project on the Black River near the Village of Cavendish, Vermont. 10 V.S.A. § 1004. On October 22, 1993, CVPS appealed the Secretary's decision to the Water Resources Board (Board), challenging the findings and conditions contained in the certification. 10 V.S.A. § 1024(a).

The only parties to this proceeding are CVPS, ANR, and the Vermont Natural Resources Council (VNRC). The Board permitted Vermont Marble Power Division of OMYA, Inc. (OMYA) to intervene as amicus curiae.

On June 27, 1994, the Board received a letter from CVPS notifying the Board of its intent to withdraw its appeal and requesting that the docket in the above-captioned matter be closed, or, alternatively, that its appeal be dismissed without prejudice. The Board provided the parties with an opportunity to object to CVPS's filing and request oral argument, pursuant to Rule 21 of the Board's Rules of Procedure. On July 8, 1994, the Board received written comments from the ANR and VNRC, but no requests for oral argument. The ANR and VNRC asked the Board to close the docket or dismiss the appeal, but not to dismiss the appeal without prejudice.

On July 12, 1994, the Board reviewed the file in this matter. The Board considered the parties' filings and determined that dismissal of this appeal, pursuant to Rule 21 of the Board's Rules of Procedure, should be granted.

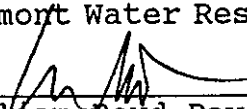
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ORDER

The above-captioned appeal is hereby dismissed. The Section 401 Certification issued to CVPS for its Cavendish Hydroelectric Project by the Secretary of ANR on September 29, 1994, and supporting findings of fact, conclusions of law, and conditions are final.

Dated at Montpelier, Vermont, this 12th day of July, 1994.

Vermont Water Resources Board



William Boyd Davies, Chair

Concurring:

William Boyd Davies
Stephen Dycus
Ruth Einstein
Jane Potvin
W. Byrd LaPrade