

State of Vermont
WATER RESOURCES BOARD

In re: Champlain Oil Company (Denial of Conditional Use
Determination #91-351), Docket No. CUD-94-11

ORDER

Motion to Alter Decision

On January 3, 1995, the Water Resources Board (Board) issued a Preliminary Order with respect to party status and takings issues raised in the above-captioned matter. In that order, the Board denied the party status request of Gerald Bovat.

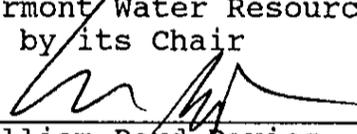
On January 18, 1995, Gerald Bovat, represented by Scott Michael Mapes, Esq., filed a timely Motion to Alter Decision pursuant to Rule 29(C) of the Board's Rules of Procedure Rule. Mr. Bovat asked the Board to reconsider its position with respect to his intervention request and grant him party status.

By memorandum from Board counsel, dated January 20, 1995, the parties were notified of Mr. Bovat's filing and given until February 3, 1995, to file responsive memoranda. On February 3, 1995, the Board received a memorandum in opposition to Gerald Bovat's Motion to Alter Decision filed by appellant Champlain Oil Company (Champlain), represented by John R. Ponsetto, Esq. Neither the Agency of Natural Resources (ANR) nor the Abenaki Nation filed responsive memorandum.

The Board deliberated with respect to Mr. Bovat's motion and Champlain's response on February 9, 1995.

Having duly considered the parties filings, the Board determines that Gerald Bovat's Motion to Alter Decision should be denied.

Dated at Montpelier, Vermont, this 14th day of February, 1995.

Vermont Water Resources
by its Chair Board


William Boyd Davies

Concurring:

William Boyd Davies
Stephen Dycus
Ruth Einstein
Jane Potvin