

State of Vermont  
WATER RESOURCES BOARD

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

SUPPLEMENTAL PREHEARING ORDER

This order supplements the Prehearing Conference Report and order, issued on November 4, 1994, in the above-captioned appeal. This order shall be binding on all parties, unless there is a timely objection to the order, or a showing of cause for, or fairness requires, waiver of a requirement of this order.

1. On or before **4:30** p.m., Friday, February 24, 1995, the Appellant shall file its final list of witnesses and exhibits and prefiled testimony for all witnesses it intends to present. For each expert witness, a resume or other statement of qualifications shall be filed.
  2. On or before **4:30** p.m., Friday, March 10, 1995, the ANR and Abenaki Nation shall each file their final lists of witnesses and exhibits and prefiled testimony for all witnesses it intends to present. For each expert witness, a resume or other statement of qualifications shall be filed.
  3. On or before **4:30** p.m., Friday, March 10, 1995, the parties shall jointly file a written statement and map indicating **what they** would like the Board to see on **any** site visit of the involved wetland, identifying for each party one site visit guide, and estimating how much time will be required for a site visit. The map should indicate the location of parking convenient to the site.
  4. On or before **4:30** p.m., Friday, March 24, 1995, the Appellant shall file prefiled rebuttal testimony and revised lists showing rebuttal witnesses and exhibits. For each expert witness, a resume or other statement of qualifications shall be filed.
  5. On or before **4:30** p.m., Friday, March 24, 1995, the Appellant shall file a memorandum on the legal issues presented by this appeal.
  6. On or before **4:30** p.m., Friday, April 7, 1995, the ANR and Abenaki Nation shall each file prefiled rebuttal testimony and revised lists showing rebuttal witnesses and exhibits. For each expert witness, a resume or other statement of qualifications shall be filed.
  7. On or before **4:30** p.m., Friday, April 7, 1995, the ANR and Abenaki Nation shall file any reply memoranda.
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8. On or before **4:30** p.m., Friday, April 14, 1995, the Appellant may file any written response to reply memoranda.

9. On or before **4:30** p.m., Friday, April 14, 1995, the parties shall file in writing all objections to the prefiled testimony and exhibits previously identified, or such objections shall be deemed waived.

10. On or before **4:30** p.m., Friday, April 14, 1995, the parties shall jointly file any written stipulation of facts.

11. No individual may be called as a witness in this matter if he or she has not been identified in a witness list filed in compliance with this order. All reports and other documents that constitute substantive testimony has not been submitted by the date specified, the witness will not be permitted to testify.

12. Prefiled testimony may be filed in narrative or letter format. However, each page and each line of testimony shall be numbered. If prefiled testimony exceeds ten pages, a table of contents should be created.

13. Parties shall file an original and five (5) copies of **prefiled** testimony, legal memoranda, all exhibits which are 8 1/2 by 11 inches or smaller, and any other documents with the Board, and mail one copy to each of the parties listed on the attached Certificate of Service.

Parties are required to file only lists identifying exhibits **which** are larger than 8 1/2 by 11 inches that they intend to **present**, rather than the exhibits themselves. Exhibits must be **made** available for inspection and copying by the parties prior to **the** hearing.

14. Each filing with the Board shall be accompanied by a **certificate** of service indicating delivery to all listed parties **by** hand or by first class mail.

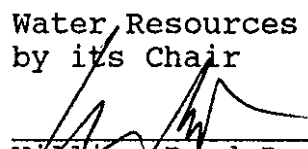
15. To save time at the evidentiary hearing, the Board's hearing **referee** will require that parties label their own prefiled **testi-**mony and exhibits and submit lists of exhibits which can be used to keep track of the exhibits during the hearing. (See attached **instruction** sheet.)

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16. Any hearing scheduled in this matter shall be recorded by electronic sound recording device. Upon the written request of any party, in accordance with Rule 28(C) of the Board's Rules of Procedure, the hearing may be recorded by a qualified stenographer in addition to the Board's electronic sound recording.

Dated at Montpelier, Vermont, this 14<sup>th</sup> day of February, 1995

Water Resources Board  
by its Chair

  
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William Boyd Davies

State of Vermont  
Water Resources Board

In re: Appeal of Champlain Oil Company  
Docket No. CUD-94-11

**PREFILE INSTRUCTIONS SHEET**

To save time at the evidentiary hearing, the Board will require that parties label their prefiled testimony and exhibits themselves and submit lists of exhibits which can be used to keep track of exhibits during the hearing. With respect to labeling, each person is assigned a letter as follows: A for the Appellant; ANR for the Agency of Natural Resources; ABN for the Abenaki Nation.

Prefiled testimony and exhibits shall be assigned consecutive numbers: for example, the Appellant will number its exhibits A-1, A-2, A-3, etc. If an exhibit consists of more than one piece (such as a site plan with multiple sheets), letters will be used for each piece, i.e.: A-2A, A-2B, etc. The labels on the exhibits must contain the words WATER RESOURCES BOARD, In re: Appeal of Champlain Oil Company, Docket No. CUD-94-11, the number of the exhibit, and a space for the Board to mark whether the exhibit has been admitted and to mark the date of admission. Label stickers which can be used by the parties are available from the Board upon request; parties must complete the information sought on the stickers prior to the hearing.

Concerning preparation of lists of exhibits, each list must state the full name of the party at the top and the Board's case name and number. There must be three columns, from left to right: NUMBER, DESCRIPTION, and STATUS. The list must include exhibits and prefiled testimony. An example is as follows:

Appellant Champlain Oil Company  
LIST OF EXHIBITS

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<u>Number</u>	<u>Description</u>	<u>Status</u>
A-1	Prefiled testimony of [Name]	

The Board's staff will use the status column to mark whether the exhibit has been admitted.