

State of Vermont  
WATER RESOURCES BOARD

In re: Dean **Leary**  
(Appeal of DEC Permit No. 93-29, Lake Champlain),  
Point Bay Marina, Charlotte, Vermont  
Docket No. MLP-94-08

PRELIMINARY ORDER

**VBMA** Motion for leave to participate as **Amicus Curiae**

On September 15, 1995, the Vermont Boat and Marina Association, Inc. (VBMA) filed a motion requesting leave to file a memorandum of law as amicus curiae in the above-captioned proceeding. On September 29, 1995, permittee Point Bay Marina filed a letter indicating that it did not object to VBMA's request. This was followed by filings on October 2, 1995, from appellant Leary and the Conservation Law Foundation (CLF), each indicating that it did not object to VBMA's participation provided that such participation did not include reargument of the Board's Memorandum of Decision with respect to the application of the public trust doctrine, issued on April 13, 1995. VBMA responded with a reply memorandum on October 6, 1995. No party requested oral argument in this matter.

On October 11, 1995, the Board deliberated with respect to VBMA's motion and determined that the Association has an interest in the outcome of this proceeding in that its members are recreational users of the State's public waters and that a primary purpose of the organization is promoting responsible commercial and recreational use of those waters. The Board also determined that VBMA will be able to assist the Board in its decisionmaking with respect to legal questions at issue by providing analysis and argument that the nominal parties may not be able to adequately present.

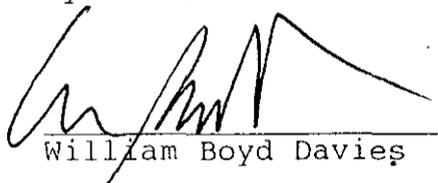
ORDER

For the foregoing reasons, the Board grants VBMA leave to participate as amicus curiae in this proceeding. VBMA shall be bound by the procedural requirements and filing deadlines specified in the Board's Rules of Procedure or in any orders issued by the Board or its Chair.

Dated at Montpelier, Vermont, this 16 day of October, 1995.

Concurring:  
William Boyd Davies  
Stephen Dycus  
Ruth Einstein  
Jane Potvin

Water Resources Board  
by its Chair

  
William Boyd Davies