

State of Vermont  
WATER RESOURCES BOARD

**In re: Appeal of Poultney River Committee**  
**Docket No. WQ-96-05**

**Authority: 10 V.S.A.**  
**§ 1269**

**DISMISSAL ORDER**

On October 16, 1996, the Poultney River Committee (Committee), Joanne M. Calvi, Peter M. Neary, Esq., (Appellants) jointly filed a notice of appeal with the Water Resources Board (Board) from a decision of the Secretary of the Agency of Natural Resources (ANR) granting Aquatic Nuisance Control Permit C96-06 to the Department of Fish and Wildlife (DFW) of ANR, pursuant to 10 V.S.A. § 1263a, and authorizing the application of the chemical pesticide TFM in segments of the Poultney and Hubbardton Rivers in connection with a temporary program to control sea lamprey in specific tributary waterways of Lake Champlain.

On March 27, 1997, the Board's delegate convened a prehearing conference at which the Appellants and DFW indicated that this matter was ripe for settlement and the filing of a joint request for dismissal because the issues raised by the appeal were moot. The Chair issued a Prehearing Conference Report and Order on April 14, 1997. The Order directed the parties to file a pleading in the nature of a joint stipulation of fact and motion to dismiss within 30 days of the date of the Order. No such pleading was filed. Therefore, pursuant to Rule 21 of the Board's Rules of Procedure, the Board on its own motion issued a Proposed Dismissal Order for failure of the parties to comply with the terms of the Chair's order of April 14, 1997, subject to the right of the parties to file objections and requests for oral argument by July 3, 1997.

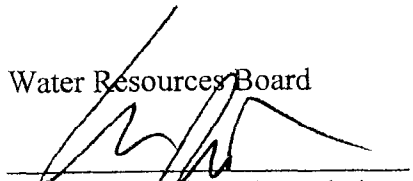
No objections or requests for oral argument were timely filed. However, on June 2, 1997, the parties jointly submitted to the Board a letter indicating that they had agreed not to object to the Board's Proposed Dismissal Order, but requesting that the Board include in its final order a statement to the effect that the appeal is moot.

On Friday, July 18, 1997, the Board deliberated with respect to the parties' joint filing and determined that the above-captioned appeal is indeed moot and should be dismissed promptly. Therefore, it is hereby ORDERED that In re: Appeal of Poultney River Committee, Docket No. WQ-96-05, is DISMISSED WITH PREJUDICE.

Dated at Montpelier, Vermont, this 18<sup>th</sup> day of July, 1997.

Concurring:  
Gerry Gossins  
Gail Osherenko  
Jane Potvin

Water Resources Board

  
William Boyd Davies, Chair