

State of Vermont
WATER RESOURCES BOARD

RE: Champlain Marble Company
61 Main Street
Proctor, VT 05765

Docket No. CUD-97-06
(Appeal of DEC File CUD #95-466)
Fisk Quarry Wetlands, Isle La Motte

ORDER
Request for Extension

On February 4, 1998, Paul S. Kulig, Esq., representing Champlain Marble Company ("Appellant"), filed with the Water Resources Board ("Board") a request for extension of time in which to file rebuttal prefiled testimony and exhibits related to the testimony of experts Jeff Nelson and Peter Spear. Specifically, the Appellant asked that the deadline of Friday, February 6, be extended to Friday, February 13, 1998. The reason given by the Appellant for this request was that in granting the previous extension to South Shore Associates and other parties, the revised filing schedule did not take into account the conflicts in the schedules of Appellant's witnesses.

I have reviewed the request made by the Appellant and conclude that an extension of one week for the Appellant's rebuttal filing deadline is warranted, but only for the rebuttal testimony of Mr. Nelson and Mr. Spear. I have adjusted the remaining prefile deadlines in the Order, dated January 14, 1998, so as not to result in prejudice to other parties nor delay the hearing in this matter.

Therefore, the following revisions are hereby ordered with respect to the schedule set forth in the Prehearing Conference Order of September 17, 1997, as subsequently amended by Memorandum dated November 17, 1997, and Order, dated January 14, 1998. In all other respects, the Prehearing Conference Order of September 17, 1997, remains in full force and effect.

1. On or before **4:30** p.m., Friday, February 6, 1998, the Appellant shall file a final list of rebuttal witnesses and rebuttal exhibits. It shall prefile the rebuttal testimony for all witnesses it intends to call as rebuttal witnesses, with the exception **of** prefiled testimony and associated exhibits for witnesses Jeff Nelson and Peter Spear. For each expert **witness** who has not previously been called as a direct witness, it shall file a resume or other statement of qualification.
2. On or before **4:30** p.m., Friday, February 13, 1998, the Appellant shall file a revised final list of rebuttal witnesses and rebuttal exhibits. It shall prefile the rebuttal testimony of Jeff Nelson and Peter Spear as well as exhibits sponsored through their prefiled rebuttal testimony.
3. On or before **4:30** p.m., Wednesday, February 25, 1998, all other parties shall file final lists of rebuttal witnesses and rebuttal exhibits. They shall prefile the rebuttal testimony

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for all witnesses they intend to call as rebuttal witnesses. For each expert witness who has not previously been called as a rebuttal witness, they shall file a resume or other statement of qualification.

4. On or before 4:30 p.m., Wednesday, March 4, 1998, all parties shall file any evidentiary objections and/or stipulations as to the admission of prefiled testimony and exhibits. Any such filing shall indicate whether the sponsoring party requests oral argument before the Board's Chair.
5. A second preheating conference will be held at 10:00 a.m., Thursday, March 12, 1998, as previously noticed.
6. On January 22, 1998, the Board received prefiled direct testimony and exhibits from Linda Fitch and a letter noting certain changes to the Project site resulting from the January 1998 ice storm. (See letter enclosed.) In light of Ms. Fitch's letter, specifically her representations that certain changes have occurred that may affect certain functions of the wetland, I will allow the parties, including Ms. Fitch, to supplement their prefiled testimony with oral testimony at the hearing, and allow the admission of exhibits, for the very limited purpose of addressing the changes to the wetland occurring as a result of the January 1998 ice storm.

Dated at Montpelier, Vermont, this 5th day of February, 1998,

Vermont Water Resources Board
by its Chair



William oyd Davies