

State of Vermont
WATER RESOURCES BOARD

RE: Unified Buddhist Church
Docket No. SAP-00-05

CHAIR'S PRELIMINARY RULING

On July 7, 2000, the Water Resources Board ("Board") received a letter from Mark W. McElroy on behalf of himself and the Lull's Brook Watershed Association ("LBWA"), that Appellants in the above-captioned proceeding. In that letter, Mr. McElroy state that the Appellants wished to withdraw their appeal. While the Appellants' letter was copied to counsel for the Applicant, Unified Buddhist Church, and the Agency of Natural Resources ("ANR"), there was no service list attached indicating that it was served on all other interested persons. Therefore, a copy of this letter is enclosed.

The deadline for filing party status petitions under the terms of the Prehearing Conference Report and Order (June 21, 2000) ("Prehearing Order") was Wednesday, July 12, 2000. No petitions for party status were filed. Accordingly, the only confirmed parties to this proceeding were those identified in the Prehearing Order: the Applicant, ANR, and the Hartland Planning Commission. Prehearing Order at 11, XV Item 1.

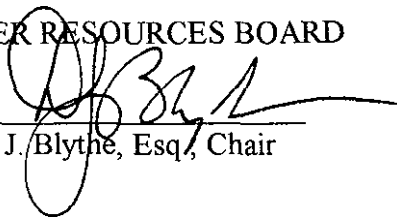
I have considered the Appellants' July 7, 2000 tiling and determined that dismissal of this matter based on the Appellants' notice of withdrawal is not contrary to law. However, under the Board's Rules of Procedure, Rules 23, a Chair's preliminary ruling that a matter be dismissed does not become final until the parties have had an opportunity to indicate any objection to said dismissal. The time period in which a party may object to the Chair's order and seek full Board review is within 15 days of issuance or by such other deadline as may be ordered. Also, Rule 24 provides that parties must be provided with an opportunity for oral argument and that any decision must conform with the requirement of Rule 34, unless such requirements are either waived by all parties or dismissal is jointly requested in writing by all parties.

Accordingly, it is hereby ordered:

1. Docket No. SAP-00-05 shall be dismissed by summary order on **Thursday, August 3, 2000**, unless a party files a written objection and requests oral argument before the Board on or before **4:30 p.m., Friday, July 28, 2000**. Dismissal of this matter shall mean that Stream Alteration Permit #SA-1-0503 shall become binding and in full force and effect.
2. If a written objection and/or request for oral argument is tiled, the Board will hear such argument on the morning of Tuesday, August **8, 2000**, in Fairlee, Vermont, at a time and place to be confirmed by subsequent notice, and decide whether this matter should be dismissed.

Dated at Montpelier, Vermont this 13th day of July, 2000.

WATER RESOURCES BOARD



David J. Blythe, Esq., Chair