

State of Vermont
WATER RESOURCES BOARD

RE: Links at Lang Farm, Essex, Vermont
Docket No. WET-99-02DR
(Petition filed by the Department of Environmental Conservation)

CHAIR'S ORDER MODIFYING FILING SCHEDULE

On February 1, 2000, Chair Gossens held a preheating conference in the above-captioned matter. On February 2, 2000, he issued a Prehearing Conference Report and Order ("Preheating Order"). No objections were filed with respect to the terms of the Preheating Order and, accordingly, the Preheating Order became final and binding upon the parties on February 8, 2000. The Preheating Order established, among other things, a schedule for pre-filing evidence.

The two parties to this proceeding are the Appellant Department of Environmental Conservation, Agency of Natural Resources ("DEC"), and the CUD Applicant. The deadline for the CUD Applicant's direct **prefiled** evidence is March 16, 2000. Preheating Order at 7-8, Item 7. The deadline for all rebuttal **prefiled** evidence, including evidence filed by the DEC, is March 30, 2000. Prehearing Order at 8, Item 8.

On March 14, 2000, counsel for the CUD Applicant **filed** a letter with the Board requesting a limited extension of the deadline for **filing** his client's direct **prefiled** evidence. With respect to certain photographs the CUD Applicant planned to offer as direct evidence, counsel asked the Chair to extend the deadline for filing by one week. Counsel for the CUD Applicant represented that it had consulted with counsel for the DEC and that DEC did not object to the limited extension request.

Given that the request has been timely filed before the deadline set forth in the **Prehearing Order**, Item 7, given that the DEC does not object to the CUD Applicant's request, and further given that the granting of the requested extension will not prejudice the DEC in meeting the filing deadline set forth in the **Prehearing Order**, Item 8, the CUD Applicant's limited extension request is **granted**.

ORDER

Item 7 of the Prehearing Conference Report and Order is **hereby** amended to allow the CUD Applicant to file on or before **4:30 p.m.**, Thursday, March **23, 2000**, certain photographs of the Plains Road wetland, as referenced in its letter of March 14, 2000. In all other respects, the terms and conditions of the Prehearing Conference Order remain in full force and are binding on all parties.

Dated at Montpelier, Vermont, this **15th** day of March, 2000.

WATER RESOURCES BOARD
by its Chair



Gerry Gossens