

**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)**

STATUS CONFERENCE REPORT AND ORDER

On February 17, 2000, Water Resources Board ("Board") Chair Gerry Gossens convened a telephone status conference in the above-captioned matter. The following persons participated in the prehearing conference:

Ginny McGrath, Esq. for the Petitioner, Department of Environmental Conservation ("DEC"), Agency of Natural Resources; and
Philip A. Kolvoord, Esq., Kolvoord, Overton & Wilson, for Links at Lang Farm, LLC, CUD Applicant ("CUD Applicant")

Also present and assisting the Chair in the conduct of the prehearing conference was the Board's Associate General Counsel, Kristina L. Bielenberg, Esq.

I . BACKGROUND

On February 1, 2000, Chair Gossens held a prehearing conference in the above-captioned matter. On February 2, 2000, he issued a Prehearing Conference Report and Order ("Prehearing Order"). No objections were filed with respect to the terms of the Prehearing Order and, accordingly, the Prehearing Order became final and binding upon the parties on February 8, 2000.

The two parties to this proceeding are the Appellant, DEC, and the CUD Applicant.

Based on the representations of the parties that they were willing to continue negotiations in the interest of settling all or some of the issues in dispute, the Chair agreed to delay by two weeks the deadline for the filing of the first prefiled evidence in this proceeding. At the suggestion of the parties, he scheduled a telephone status conference at on February 17, 2000, to determine the parties' progress toward reaching settlement, Prehearing Order at 4, Section VIII., and 7, Section XII., Item 5.

The Chair convened a telephone status conference with the parties on 9:00 a.m. on February 17, 2000. The parties reported the following: (1) the CUD Applicant had filed a settlement proposal with the DEC last week; (2) this proposal was presently being reviewed for comment by staff from the Wetlands Office, DEC; (3) DEC was expected to make a decision about whether to settle this matter by its deadline for filing prefiled evidence, March 2, 2000.

Counsel for the DEC advised the Chair that her client was prepared to notify the Board of any settlement agreement on or before March 2, 2000, the DEC's deadline for direct prefiled evidence.

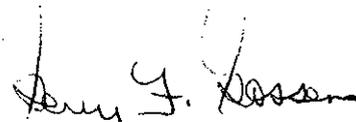
The Board's counsel advised the parties that time was available on the Board's meeting agenda of March 14, 2000, for consideration of any Motion seeking Board adoption of a Stipulation, Motion to Withdraw Appeal, or Motion to Voluntarily Dismiss this matter. She noted that it would be preferable to receive any such filing by DEC's March 2, 2000, deadline for direct prefiled evidence. Nevertheless, filings could be received as late as 4:30 p.m., March 7, 2000¹, and still be considered by the Board on March 14, 2000. She warned the parties, however, that any continuance requests to defer the DEC's prefile deadline, or for that matter any other deadline set forth in the Prehearing Order, would need to be filed with the Board in advance of the stated deadline(s) in the Prehearing Order. She further noted that the filing of an objection or request to continue a deadline did not necessarily toll that portion of the Prehearing Order establishing that deadline.

I I . ORDER

1. No continuance is granted at this time.
2. The filing schedule in the Prehearing Order remains final and binding,
3. Any motion intended to dispose of this appeal, in whole or part, shall be filed with the Board no later than **4:30 p.m., Monday, March 6, 2000**, if it is to be considered by the Board at its March 14, 2000, meeting. Unless said motion includes a request for oral argument, oral argument shall be deemed waived. If oral argument is requested, it shall be limited to five minutes per party and held on March 14, 2000, at a time to be **confirmed** by written notice.

Dated at Montpelier, Vermont, this 18th day of February, 2000.

WATER RESOURCES BOARD



Gerry F. Gossens
Chair

¹ March 7, 2000, is a State Holiday. As a consequence, the latest deadline for filing needs to be adjusted to 4:30 p.m., Monday, March 6, 2000.