



October 15, 2008

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RE: Reconsideration of Jurisdictional Opinion #2-257

Dear Dan:

In response to your October 9, 2008 letter for reconsideration for the above-referenced jurisdictional opinion, I decline to reconsider my opinion. Although you allude to evidence you have not provided any and I see no basis to change my opinion. As we have discussed it is the burden of the person claiming the exemption.

Best regards,

April Hensel/s/
April Hensel
District 2 Coordinator

cc service list

This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(A).

Reconsideration requests are governed by Act 250 Rule 3(B) and should be directed to the district coordinator at the above address. Any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of issuance, pursuant to 10 V.S.A. Chapter 220. The appellant must attach to the Notice of Appeal the entry fee of \$225.00, payable to the State of Vermont. The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Center Building, Montpelier, VT 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the VRECP.

For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The Environmental Court mailing address is: Environmental Court, 2418 Airport Road, Suite 1, Barre, VT 05641-8701. (Tel: 802-828-1660)