

VERMONT ENVIRONMENTAL BOARD
10 V.S.A. §§ 6001-6092

Re: North Country Animal League
#5L0487-4-EB

MEMORANDUM OF DECISION

This Memorandum of Decision addresses J.D. Associates' Motion for Reconsideration and Revised Motion for Reconsideration of the Board's March 29, 2000, Dismissal Order ("Motions"), as well as North Country Animal League's Reply to Motion for Reconsideration and J.D. Associates' Reply to North Country Animal League's Memorandum. J.D. Associates' Motions and Reply were filed on April 10, 2000, pursuant to Environmental Board Rule ("EBR") 31(A). North Country's Reply was filed on April 5, 2000.

The background and procedural history of this matter are set forth in detail in the March 29 Dismissal Order and need not be repeated.

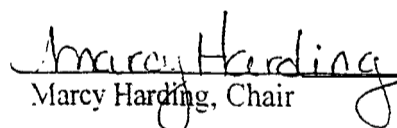
Motions to reconsider or alter decisions of the Board pursuant to EBR 31(A) must be based on the existing record. Re: Charles and Barbara Bickford, #5W1186-EB. Memorandum of Decision at 3 (September 12, 1995). No new hearings are held, nor is new evidence taken. Id. One reason for these limits is to discourage parties from using such motions to convert Board decisions into "proposed" decisions to which they can later respond. Id.

J.D. Associates' Motions and Reply either reiterate arguments it made in opposition to North Country's Motion to Dismiss, or seek to present new evidence. There is no evidence to suggest that the Board's dismissal of this matter as untimely was incorrect. Nor has J.D. Associates advanced any reason that suggests that the return of its filing fee is in order. Accordingly, J.D. Associates' Motions are DENIED.

SO ORDERED.

Dated at Montpelier, Vermont this 30th day of April, 2000.

ENVIRONMENTAL BOARD


Marcy Harding, Chair

John Drake
George Holland
Nancy Waples

Rebecca M. Nawrath
W. William Martinez
Alice Cienick