

VERMONT ENVIRONMENTAL BOARD
10 V.S.A. §§ 6001 et seq.

RE: Catamount Slate, Inc.
d/b/a Reed Family Slate Products,
and Fred and Suellen Reed

Declaratory Ruling
Petition #389

MEMORANDUM OF DECISION

This proceeding involves a Petition for a Declaratory Ruling ("Petition") from a Jurisdictional Opinion concerning slate extraction and the construction of a commercial building in Fair Haven, Vermont.

This decision addresses objections to the Prehearing Conference Report and Order ("Prehearing Order") issued in this case. The Board deliberated on these objections on June 6, 2001.

I. Discussion

On May 23, 2001, Environmental Board Chair Marcy Harding issued the Prehearing Order in this case.

On May 31, 2001, Stephanie A. Lorentz, Esq., the attorney for Fred and Suellen Reed and Catamount Slate, Inc. d/b/a Reed Family Slate Products, has filed two objections to the Prehearing Order on behalf of Catamount Slate.

First, Catamount Slate states that "Fred and Suellen Reed, as the land owners, and Catamount Slate, Inc. d/b/a Reed Family Slate Products filed the Petition for Declaratory Ruling with the Environmental Board and therefore, all should be deemed Petitioners." Catamount Slate therefore requests that any reference to the "Petitioners" in this case include a reference to Fred and Suellen Reed.

The Board notes that the Prehearing Order makes no reference to "Petitioners." Rather than use that term, the Prehearing Order refers *collectively* to those who filed the Petition for Declaratory Ruling as "Catamount Slate". The Prehearing Order states:

On August 9, 2000, Fred and Suellen Reed and Catamount Slate, Inc., ("Catamount Slate") filed a Petition for Declaratory Ruling with the Environmental Board ("Board"), appealing the JO.

Prehearing Conference Report and Order at 1.

The Prehearing Order therefore makes it clear that both the corporation, Catamount Slate, Inc., (d/b/a Reed Family Slate Products) and Fred and Suellen Reed, as individuals, are the Petitioners in this case. Collectively, *all* of these Petitioners are

referred to as "Catamount Slate." The Board therefore sees no reason to revise the Prehearing Order.

The Board hesitates to make any finding at this time as to who the "land owners" in this case may be, as it is aware that Lorene Sheldon claims to co-own the access road used by the quarry. *Lorene Sheldon Party Status Petition* (May 29, 2001).

Catamount Slate's second objection contends that the reference in Preliminary Issue 1 in the Prehearing Order 10 V.S.A. §6007(a) is incorrect and that the reference should be to 10 V.S.A. §6007(c). Catamount Slate is correct; the reference in the Prehearing Order is incorrect and will be revised.

II. Order

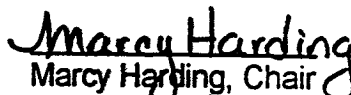
1. Preliminary Issue 1 in the Prehearing Order is revised to read:

1. Whether the Coordinator for the District 1 Environmental Commission had authority to issue Jurisdictional Opinion 1-S-50-2 (Second Reconsideration), pursuant to 10 V.S.A. §6007(c) and EBR 3(C).

2. All other objections are overruled.

Dated at Montpelier, Vermont this 8th day of June 2001.

ENVIRONMENTAL BOARD


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