

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

Re: Getaway Mountain, Inc.

Declaratory Ruling
Request #416

REMAND ORDER

Getaway Mountain, Inc. (Petitioner) filed a Petition for Declaratory Ruling with the Environmental Board (Board), appealing Jurisdictional Opinion #2-166 (JO).

I. PROCEDURAL SUMMARY

On August 20, 2001, the Petitioner filed an amendment application for Land Use Permit #2S0982-1 (amendment application). The amendment application seeks authorization for 40 additional campsites (Project). The Project is located in the Town of Weathersfield, Vermont.

On October 14, 2002, Petitioner filed a letter with the District #2 Environmental Commission (Commission) concerning the completeness of the amendment application.

On October 23, 2002, the District #2 Coordinator (Coordinator) issued the JO determining that the application was incomplete because it lacked the *Stowe Club Highlands* analysis.

On November 8, 2002, the Petitioner filed a Petition for Declaratory Ruling with the Board from the JO alleging that the Coordinator erred in her conclusion requiring the *Stowe Club Highlands* analysis. The petition for declaratory ruling is filed pursuant to 10 V.S.A. § 6007(c) and Environmental Board Rule (EBR) 3.

On December 19, 2002, Board Chair Marcy Harding convened a prehearing conference. At the prehearing conference, Petitioner requested that the case be remanded to the Commission for consideration by the Coordinator of the completeness of the amendment application after EBR 34(E) becomes effective.

On December 20, 2002, the Chair issued a Prehearing Conference Report and Proposed Remand Order. The Proposed Remand Order provided that objections must be filed by January 2, 2003. No objections to the Proposed Remand Order have been filed.

II. DISCUSSION

The Board is in the process of adopting EBR 34(E) which significantly

changes the *Stowe Club Highlands* test. At the prehearing conference, Petitioner requested that the case be remanded to the Commission for consideration by the Coordinator of the completeness of the amendment application after EBR 34(E) becomes effective. In light of the fact that EBR 34(E) is to become effective on January 15, 2003, the Chair agreed to remand the matter back to allow the Coordinator to review the amendment application for completeness under EBR 34(E) once it is in effect.

The Chair issued a proposed remand order. No party objected. Therefore, the matter is remanded back to the Commission.

III. ORDER

1. The matter is remanded back to the District #2 Environmental Commission.

Dated at Montpelier, Vermont this 6th day of January, 2003.

ENVIRONMENTAL BOARD

 /s/Marcy Harding
Marcy Harding, Chair