Environmental Court of Vermont
State of Vermont

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E N T R Y  R E G A R D I N G  M O T I O N

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Champlain Marina Dock Expansion  Docket No. 28-2-09 Vtec

Project: Expansion of water-borne docks, to accommodate 16 more large boats

Applicant: Champlain Marina, Inc.
(Appeal from DEC determination on lake waters encroachment

Title: Motion to Intervene, (Filing No. 11)

Filed: March 23, 2010
Filed By: David K. Mears, Attorney for: Petitioner to Intervene, Vermont Natural Resources Council

Response in Opposition filed on 03/30/10 by Champlain Marina, Inc.

Response in Opposition filed on 04/12/10 by Agency of Natural Resources

Reply filed on 04/13/10 by Petitioner VNRC

Reply filed on 04/16/10 by Appellant Thomas A. Battey

Reply filed on 04/23/10 by ANR

_X_ Granted  ___ Denied  ___ Other

The Vermont Natural Resources Counsel ("VNRC") is an established state-wide non-profit organization that has established interests in protecting environmental resources and the public trust protections for those resources, especially in relation to the public waters of Lake Champlain. It has sought to intervene in this proceeding as an *amicus curiae*, has pledged to call no additional witnesses, and has assured that its involvement will not delay the merits hearing, which has already been scheduled to commence on June 17, 2010.

As all parties have noted, this Court has discretion to allow intervention by an amicus party pursuant to V.R.C.P. 24. VNRC also properly noted that this Court is entrusted with a similar discretion under the Appellate Rules, which are made applicable under V.R.E.C.P. 5(a)(2). See V.R.A.P. 29. We conclude that the proper exercise of this Court's discretion is to allow VNRC to participate as an amicus curiae, based upon the representations made on behalf of VNRC.

_____  May 19, 2010
Thomas S. Durkin, Judge  Date

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Date copies sent to: _____  Clerk's Initials _____

Copies sent to:

Stephen A. Reynes, Attorney for Appellants

Craig Weatherly, Attorney for Cross Appellant Champlain Marina, Inc.

Cielo Marie Mendoza, Attorney for the Vermont Agency of Natural Resources

David K. Mears, Attorney for Petitioner to Intervene, VNRC

Jon Groveman, Esq., co-counsel for VNRC

John H. Hasen, Attorney for Vt. Natural Resources Board (FYI purposes only)