The State of New Hampshire
Department of Environmental Services
Water Council
PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Appeals Clerk Telephone (603) 271-6072 - TDD Access: Relay NH 1-800-735-2964
DES Website: www.des.nh.gov - Council Website: www.des.state.nh.us/councils/

September 18, 2006

Thomas F. Irwin, Esq.
Conservation Law Foundation
27 North Main Street
Concord, NH 03301-4930

Mark P. Hodgdon, Esq
Edith L. Pacillo, Esq.
NH Department of Justice
33 Capitol Street
Concord, NH 03301-6397

Re: Docket No. 06-08 WC – Conservation Law Foundation Appeal

Dear Attorneys Irwin, Hodgdon, and Pacillo:

Enclosed please find the NH Water Council's Pre-hearing Order relative to the above-captioned appeal.

If you have any questions please contact me at (603) 271-6072 or by email at msclafani@des.state.nh.us

Sincerely,

COPY

Michael P. Sclafani,
Council Appeals Clerk

cc: NH Water Council
Michael P. Nolin, Commissioner, DES
Harry T. Stewart, P.E., Director, DES Water Division
Paul Piszczek, DES WD

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STATE OF NEW HAMPSHIRE

WATER COUNCIL

Pre-hearing Order

Docket No. 06-08 WC

Appeal of the Conservation Law Foundation
In Re: Water Quality Certificate No. WQC-2002-007

A Pre-hearing Conference was held in this matter on September 18, 2006. Present were Attorney Thomas F. Irwin, representing the Conservation Law Foundation ("the Appellants"), and Attorneys Mark. P. Hodgdon and Edith L. Pacillio representing the Department of Transportation ("the Intervener"). The Department of Environmental Services Water Division ("DES") was not present.

At the pre-hearing conference several issues were discussed and agreed upon. The formal hearing on this matter before the NH Water Council ("the Council") will take place on Wednesday, January 10, 2007 beginning at 10:00am at the DES offices located at 29 Hazen Drive, Concord, NH. The following information is hereby set forth for the efficient conduct of the hearing.

Deadlines for filings and motions shall be set forth as follows:

- December 22, 2006 Deadline for filing any and all written Motions.
- December 22, 2006 Deadline for filing of Witness and Exhibit Lists
- December 28, 2006 Deadline for filing any and all written Objections

All filings with the Council shall consist of one (1) original and twenty (20) copies.

All exhibits are to be organized in the order in which the offering party intends to present them. Space is to be provided in the upper right corner of the exhibit for labeling. The parties to the appeal are encouraged to pre-label their exhibits. Pre-labeled exhibits should be arranged in sequential

order starting with Appelant-1, DES-1, Intervener-1, etc. and must contain the name of the witness through whom the exhibit is presented.

The Council will rule any contested exhibits or outstanding motions prior to the commencement of the appeal hearing.

Unless otherwise ordered by the Council for good cause, the record in this matter shall be closed at the close of the hearing.

If the Council decided to deliberate following the close of the hearing, the parties to the appeal as well as members of the general public are welcome to stay as observers only. Council deliberations are public proceedings but not public hearings so no members of the public will be allowed to speak during deliberations.

So Ordered for the Council: _____ September 18, 2006
Michael P. Sclafani, Appeals Clerk

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