

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION

Re: Appeal of Decision of Commissioner of  
Department of Environmental Conservation,  
The Findings of Fact of the same, and the  
Issuance of Lake Encroachment Individual Permit  
#2536-LEP Pertaining to the Floating Dock Installation  
On Lake Rescue issued to the Vermont Department  
Of Fish and Wildlife

Docket No. 92-8-18 Vtec

APPELLANTS' STATEMENT  
OF QUESTIONS

Come now the Appellants, by their attorneys Lamb and McNaughton, PC herein, pursuant to Rule 5 (f) of the *Vermont Rules for Environmental Court Proceedings* hereby file their Statement of Questions with regards to the above and foregoing Appeal:

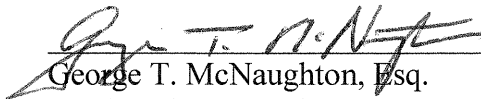
1. Whether the proceedings before Department of Environmental Conservation comported with due process in making its determinations and findings of fact with regards to the issuance of the permit?
2. Whether the encroachments as proposed by the Vermont Department of Fish and Wildlife constitute an attractive nuisance endangering the human users, the wildlife frequenting, and the fish inhabiting Lake Rescue?
3. Whether the encroachments as proposed will substantially and adversely affect the water quality of Lake Rescue?
4. Whether the encroachments as proposed will result in erosion of the shorelines of Lake Rescue?
5. Whether the encroachments as proposed will serve the public good?

6. Whether the improvements as proposed will result in a migration of sediments within the water body as to substantially and adversely affect Lake Rescue as a whole, the nearby area and cove, and the channel passage between this portion of Lake Rescue and other portions?
7. Whether the improvements as proposed will result in increased turbidity within Lake Rescue as a whole, and the nearby area and cove in particular.
8. Whether the size and configuration of the improvements as proposed will create a public safety hazard?
9. Whether the proposed encroachments will increase the contamination of Lake Rescue with invasive species, including *Eurasian milfoil*.
10. Whether the proposed encroachments and activity associated therewith will adversely affect the fish and wildlife habitat of the cove in which they are to be placed and/or Lake Rescue in general?
11. Whether the encroachments as proposed are consistent with the natural surroundings of the area?
12. Whether the project will adversely affect navigation, recreation, and other public uses of Lake Rescue?
13. Whether the project as proposed will damage adjoining shoreline properties?
14. Whether adequate consideration was given to alternative designs which were less intrusive?
15. Whether the cumulative effect of existing encroachments on water quality, fish and wildlife habitat, aquatic and shoreline vegetation, navigation and other recreational

and public uses, including fishing and swimming will be adverse to the public good.

16. Whether in making its findings with regards to the issuance of the permit, the Department of Environmental Conservation unduly restricted the scope of the inquiry and gathering of evidence critical to rendering a proper decision?
17. Whether the decision of the Department of Environmental Conservation should be reversed and/or modified, and the permit issued thereby should be revoked and/or modified.

SUBMITTED at Springfield this 7th day of September, 2018.

  
George T. McNaughton, Esq.  
Lamb and McNaughton, PC  
Attorneys for Appellants