

Guidelines for Permit System Appeals to the Board  
Adopted by the Board on June 12, 2006

The purpose of these guidelines is to inform the appellant (person making the appeal) of the procedure for making appeals to the Board of the Hudson River - Black River Regulating District.

- 1) According to the Regulating District's appeal process, after prior denial of the appellant's appeals, the appellant or the appellant's representative may request in writing an appeal to the Board. The Regulating District's Executive Director or his designee will contact the appellant to schedule the appeal at a Board meeting. Usually, it will be at the Board meeting following the next meeting to allow the appellant and the Regulating District to prepare materials for presentation to the Board.
- 2) Prior to the Board meeting, the appellant has the option of providing to the Executive Director all information in writing that the appellant wants presented to the Board. Nine (9) copies of information shall be delivered to a Regulating District office at least ten (10) days prior to the Board meeting. This information from the appellant as well as relevant information from the Regulating District will be provided to the Board.
- 3) The agenda for the Board meeting will list the name of the appellant and permit area number as appropriate.
- 4) The Executive Director or his designee may contact other parties, such as adjoining permit holders, who may be effected by the decision of the Board.
- 5) At the direction of the Board Chair, the Executive Director or his designee will conduct the appeal at the Board Meeting.
  - a. The appellant and the appellant's representative will have a total of five (5) minutes to present the appeal.
  - b. The Executive Director and his designees will have five (5) minutes to present the Regulating District's position.
  - c. The appellant and the appellant's representative will have a total of two (2) minutes for rebuttal.

- d. The Executive Director and his designees will have a total of two (2) minutes for rebuttal.
- e. Affected parties, other than the appellant, may each speak to the Board about the appeal for up to three (3) minutes.
- f. Board members may ask questions of the appellant, other speakers and Regulating District personnel.

If the appellant or the appellant's representatives do not attend the Board meeting, the Board will make a determination based on information provided to the Board.

6) Usually, the Board Chair will announce that the Board will discuss the appeal and make a determination at the next Board meeting. In unique situations (i.e.: the appeal is beyond the jurisdiction or authority of the Board, or the appeal is frivolous in nature), the Board may make the determination at the same meeting as the appeal.

7) If no decision was made at the meeting of the appeal, in open session of the next Board meeting, the Board will discuss the appeal. The Board will announce its findings. Within 30 days of the Board meeting, the Board will send to the appellant the decision of the Board in writing.