

VT SUPERIOR COURT
WASHINGTON COUNTY
CLERK

STATE OF VERMONT
COUNTY OF WASHINGTON, SS.

2013 OCT 29 A 10:31

State of Vermont Agency of)
Natural Resources)
Plaintiff,)
v.)
Reginald Riendeau)
Defendant.)

Superior Court
Civil Action
Docket No. 635-10-13 Wncv

FILED

PRELIMINARY INJUNCTION ORDER

The above-captioned matter came before the Court on Tuesday, October 29, 2013 for a hearing on a motion for a preliminary injunction pursuant to V.R.C.P. 65, 10 V.S.A. §§ 1274(a) and 8221. Assistant Attorneys General Justin Kolber and Thea Schwartz appeared for the plaintiff, State of Vermont Agency of Natural Resources. Defendant Reginald Riendeau was present.

Before the taking of any evidence on the motion, the parties represented to the court, on the record, the terms of a stipulation and agreement that the court may enter an order, subject to the court's approval, of a preliminary injunction pending any final determination of the merits of the plaintiff's complaint. Based upon that stipulation and agreement, it is hereby ORDERED BY THE COURT:

1. Defendant shall retain a private forestry consultant within 10 days of this Order, subject to the written approval of the Department, to remediate the Property.

2. The private forestry consultant shall inspect the entire Property and submit a written plan to protect water quality to the Department for approval. The plan shall include the following remedial measures:
 - a. Removal of debris and woody material from streambeds by November 20, 2013;
 - b. Installation of functioning waterbars on skid roads by November 20, 2013;
 - c. Filling in and smoothing out any rutted skid trails by November 20, 2013;
 - d. Seeding and mulching on 25 feet of either side of water crossings in the spring of 2014; and
 - e. Any such other measures as necessary to prevent sediment, silt, and any runoff from discharging into waters on the Property.
3. Defendant will perform the work required under the approved plan. The consultant will be present on the Property to supervise Defendant's work.
4. Defendant shall provide written notice to the Department of when 2(a), (b) and (c) above have been completed, and separate written notice when 2(d) and (e) above have been completed.
5. Defendant shall provide up to 30 days written notice (or within 24 hours of the Defendant learning of a planned logging job if less than 30 days) to the Department of all future logging activities throughout Vermont prior to commencing such activities during the pendency of this litigation.
6. The Department shall have access to the Property in order to perform a heavy cut investigation and to confirm compliance with the remediation plan. The

Department shall provide Defendant with at least 24 hours' notice prior to entering the Property. Notice can be made by letter or via phone.

7. To provide written notice and to obtain approval as required in Paragraphs 1 through 6, Defendant shall contact: Kathy Decker, Forest District Manager, Department of Forests, Parks and Recreation, 1229 Portland Street, Suite 201, St. Johnsbury, Vermont 05819-2099.

This matter shall be set for a status conference in approximately 45 days with respect to the Plaintiff's complaint and any other matter that may properly come before the Court.

Service of this ORDER shall be effective upon Defendant Riendeau, his agents and employees, by delivering a copy of this ORDER to him by the Clerk after entry.

Dated at Montpelier, Vermont, this 29th day of October 2013.

SO ORDERED:



Hon. Helen Toor
Vermont Superior Court Judge
Washington Unit

Approved as to form and agreed to,

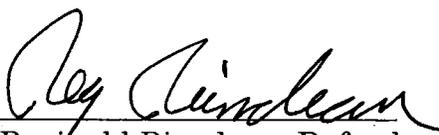
WILLIAM H. SORRELL
ATTORNEY GENERAL
Attorney for the Plaintiff
State of Vermont

Date: October 29, 2013

By: 
Justin E. Kolber
Thea Schwartz
Assistant Attorneys General

Approved as to form and agreed to,

Date: October 29, 2013


Reginald Riendeau, Defendant