

VERMONT SUPERIOR COURT, ENVIRONMENTAL DIVISION

In re Bellows Falls Hydroelectric Project Water Quality Cert. Appeal,
et al.

Docket Nos. 25-ENV-00030, 25-ENV-00031, and 25-ENV-00032 (Vt. Super. Ct. Env'tl. Div. Jan. 23, 2026) · No.
25-ENV-00030, 25-ENV-00031, and 25-ENV-00032 · Decided January 23, 2026

SUMMARY

The Vermont Superior Court, Environmental Division, denied Appellants’ motion to alter or reconsider prior decisions dismissing Questions 1 and 2 for lack of statutory standing and denying related requests to vacate the water quality certifications and enter judgment. The court held that the motion did not establish a basis for relief under Vermont Rule of Civil Procedure 59(e) and that the earlier rulings were not final judgments subject to Rule 60(b). The court also declined to revise its interlocutory orders but clarified that the parties may address the interpretation and application of applicable regulatory standards in connection with properly raised questions at the de novo hearing.

CASE DETAILS

COURT	Vermont Superior Court, Environmental Division
WRITING FOR THE COURT	Joseph S. McLean
JURISDICTION	Vermont Superior Court, Environmental Division
DECIDED	January 23, 2026
DOCKET	25-ENV-00030, 25-ENV-00031, and 25-ENV-00032
DISPOSITION	denied
PROCEDURAL POSTURE	Appellants moved under Vermont Rules of Civil Procedure 59(e), 60(b)(1), 60(b)(6), and the court's inherent authority to alter or reconsider prior interlocutory decisions dismissing Questions 1 and 2 for lack of statutory standing and denying appellants' motion to vacate the water quality certifications and obtain judgment on those questions. The court denied the motion and declined to revise or clarify its prior interlocutory orders.
STANDARD OF REVIEW	Motions to alter or amend are analyzed under V.R.C.P. 59(e) and may be granted only upon a manifest error of law or fact, newly discovered or previously unavailable evidence, manifest injustice, or an intervening change in controlling law. Interlocutory orders are subject to revision under V.R.C.P. 54(b), but revision is discretionary. In the underlying proceeding, the Environmental Division conducts a de

	novo hearing on issues appealed and properly raised within the Statement of Questions.
PRECEDENTIAL VALUE	Unknown
PARTIES	Connecticut River Conservancy, Vermont Natural Resources Council, Conservation Law Foundation, American Whitewater v. Great River Hydro, LLC

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QUESTIONS PRESENTED

1. Whether appellants established a basis under V.R.C.P. 59(e) to alter or amend the court's prior decision dismissing Questions 1 and 2 and its entry order denying appellants' motion to vacate and for judgment.
2. Whether the court was required to infer the procedural basis of appellants' prior motion from materials outside that motion or convert it into another procedural motion.
3. Whether the court should revise or clarify its interlocutory orders concerning the scope of regulatory arguments that appellants may present in the de novo proceeding.

HOLDINGS

1. Reconsideration was not warranted because appellants failed to identify a manifest error of law or fact, newly discovered evidence, manifest injustice, or an intervening change in controlling law, and principally repeated arguments previously raised and rejected.
2. The court could not reconsider the merits of Questions 1 and 2 because it had dismissed those questions on standing grounds and therefore had not decided their merits.
3. The court was not required to infer the procedural basis of a motion that cited no applicable procedural rule, examine outside materials to supply that basis, or convert the motion into a motion for summary judgment.
4. The court declined to revise its interlocutory orders but clarified that appellants may argue how the applicable regulatory standards should be applied to evidence presented at the de novo trial on properly raised questions, while they may not argue that ANR applied the wrong standard or seek remand to ANR.

KEY QUOTATIONS

“A Rule 59(e) motion must clearly establish either a manifest error of law or fact or must present newly discovered evidence.” (2)

“Vermont Rule of Civil Procedure 7(b)(1) provides that “[a]n application to the court for an order shall be by motion which, unless made during a hearing or trial, shall be made in writing, shall state with particularity the grounds therefor including a concise statement of the facts and law relied on, and shall set forth the relief or order sought.” (4)

“We reiterate that 10 V.S.A. § 8504(h) requires the Court to hold a de novo hearing on those issues which have been appealed and that are properly raised by and within the scope of Appellants’ Statement of Questions.” (5)

FACTUAL BACKGROUND

The Vermont Agency of Natural Resources issued conditional water quality certifications to Great River Hydro, LLC for hydroelectric projects at Bellows Falls, Vernon, and Wilder, Vermont. Four environmental organizations appealed the certifications and attempted to raise eighteen questions in each docket. The court previously determined that appellants had not submitted comments to ANR that directly or intrinsically raised the issues in Questions 1 and 2 with sufficient particularity to allow a meaningful agency response, and dismissed those questions for lack of statutory standing.

PROCEDURAL HISTORY

The Vermont Agency of Natural Resources issued water quality certifications for three hydroelectric projects on April 16, 2025, and appellants timely appealed on May 16, 2025. Appellants filed Statements of Questions, and the applicant moved to dismiss; appellants also moved to amend, vacate the certifications, and obtain judgment on Questions 1 and 2. On December 4, 2025, the court dismissed Questions 1 and 2 for lack of statutory standing and denied the motion to vacate and for judgment. Appellants then sought reconsideration, which the court denied on January 23, 2026.

DISPOSITION

denied

CASES CITED

- In re Bellows Falls Hydroelectric Project Water Quality Cert. Appeal, et al., No. 25-ENV-00030, 25-ENV-00031, 25-ENV-00032 (Vt. Super. Ct. Env'tl. Div. Dec. 4, 2025) (McLean, J.)
- In re SP Land Co., LLC, 2011 VT 104, ¶ 16, 190 Vt. 418
- Miller v. Miller, 2008 VT 86, ¶ 27
- In re Purvis Nonconforming Use, 2019 VT 60, ¶ 13
- Sutton v. Purzycki, 2022 VT 56, ¶ 67
- Mountain Top Inn & Resort JO, No. 23-3-17 Vtec, slip op. at 1-2 (Vt. Super. Ct. Env'tl. Div. Feb. 14, 2019) (Durkin, J.)

- In re Vanishing Brook Subdivision, No. 223-10-07 Vtec, slip op. at 4 (Vt. Envtl. Ct. July 10, 2008) (Wright, J.)
- Town Clarendon v. Houlagans MC Corp. of VT, No. 131-10-17 Vtec, slip op. at 1 (Vt. Super. Ct. Envtl. Div. Apr. 10, 2014) (Walsh, J.)
- Appeal of Van Nostrand, Nos. 209-11-04 Vtec, 101-5-05 Vtec, slip op. at 4 (Vt. Envtl. Ct. Dec. 11, 2006) (Durkin, J.)
- N. Sec. Ins. Co. v. Mitec Elecs., Ltd., 2008 VT 96, ¶ 41, 184 Vt. 303, 319
- Office of Auditor of Accounts v. Office of Attorney General, 2025 VT 36, ¶ 8
- Gardner v. Town of Ludlow, 135 Vt. 87, 90-91
- Citimortgage, Inc. v. Dusablon, 2015 VT 68, ¶ 10

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