



## Information and requests for Presenters at the Pheil Spring Creek and Pond Declaratory Hearing

This is a brief outline of expectations for all participants to follow to ensure the Hearing runs smoothly and is completed in a timely manner.

1. As the Hearing Officer I will do my best to ensure none of the presenters spend a great deal of time reciting information which is already a part of the Exhibit package (See 4 below). If this happens I will ask that you be brief and may ask you to stop if I feel it is already well documented in the Exhibits. These have been available for public viewing previous to the Hearing.
2. The purpose of the Hearing is to gather information to determine whether or not The Gallatin Conservation District (GCD) has jurisdiction of a spring creek and pond located on the property of the petitioners. No other issues associated with the Pheil property are in question at this Hearing.
3. This is an open Public Hearing and not a Contested Case Hearing. There will be no cross examination.
4. We would like to request presenters do not go over each and every Exhibit they have submitted. Please take the most important points from your Exhibits which help state your viewpoint and how it applies to whether or not the spring creek and pond are jurisdictional to the Gallatin CD.
5. Any new information presented will need to be assigned an exhibit number and will be added to the Exhibit list and Exhibits files.
6. Presenters wishing to participate remotely over Zoom will be muted upon entry. Those of you participating remotely wishing to provide information, data, or (use statutory language), raise your hand and you will be called on after those attending the meeting have presented. We will be calling on you one at a time.
7. Those wishing to present will all be sworn in at once, this includes those who are wishing to present remotely.
8. The general Order of Presentations at the Hearing will be as follows:
  - First, the petitioner and/or his representation may present comments or information supporting a determination that the spring creek and pond are not a natural, perennial-flowing stream and that GCD should not have Jurisdiction.
  - Second, Other Persons/Parties present who wish to present comments or information supporting a determination that the spring Creek and pond are not a

natural, perennial-flowing stream and that GCD should not have Jurisdiction. Order to be determined based on Exhibits submitted. Then any new information not already a part of the Exhibit package may be presented.

- Third, Persons/Parties who wish to present comments or information supporting a determination that the pond and spring creek are a natural, perennial-flowing stream and that GCD should have Jurisdiction.
- Fourth, Mr. Pheil/Representation may present comment or information in rebuttal to comments supporting jurisdiction of the spring creek and pond. Do not cover information already presented. Only rebuttal to new information.
- Fifth, Persons/parties may present comment or information in rebuttal to Pheil's/Representative's rebuttal comments.
- Lastly, Mr. Pheil/Representation will have the opportunity to respond to the rebuttal comments.
  
- Concluding Comments
  
- The record will be deemed complete on receipt of the transcript. Proposed Finding of Fact, Proposed Conclusions of Law, and a Proposed Order will be made to the Board for their decision within 60 days of the receipt of the transcript.