

**STATE OF VERMONT  
PUBLIC SERVICE BOARD**

Petition of Vermont Gas Systems, Inc., )  
requesting a Certificate of Public Good pursuant )  
to 30 V.S.A. § 248, authorizing the construction )  
of the “**Addison Natural Gas Project**” )  
consisting of approximately 43 miles of new )  
natural gas transmission pipeline in Chittenden )  
and Addison Counties, approximately 5 miles of ) Docket No. 7970  
new distribution mainline in Addison County, )  
together with three new gate stations in )  
Williston, New Haven, and Middlebury, )  
Vermont )

**VERMONT AGENCY OF NATURAL RESOURCES’  
REPLY MEMORANDUM**

The Vermont Agency of Natural Resources by and through its attorney, Judith L. Dillon,  
files this brief Reply Memorandum.

1. ANR outlined the following in its Conclusion and Recommended Conditions:

“With the mitigation measures and terms and conditions outlined in VGS-ANR-Joint-1,  
and the other recommendations of ANR, the Project will not result in an undue adverse  
impact to the natural environment.”

ANR seeks to clarify that the mitigation measures and terms and conditions outlined in  
VGS-ANR-Joint-1 contain all of the recommendations of the Agency. There are no  
additional recommendations other than those outlined in VGS-ANR-Joint 1.

2. In its Proposed Order and Certificate of Public Good, Petitioner recommends the  
following regarding receipt of ancillary permits and approvals:

Prior to proceeding with construction in any given area, the Petitioner shall obtain all necessary permits and approvals, as required for the proposed construction activities in that area. Construction, operation and maintenance of the proposed Project shall be in accordance with such permits and approvals, and with all other applicable regulations, including those of the Vermont Agency of Natural Resources and the U.S. Army Corps of Engineers.

Although ANR concurs with Petitioner's recommendation that construction, operation, and maintenance of the Project should conform to all permits and approvals, with respect to its permits and approvals, ANR cannot agree to allow construction to commence on one segment of the project before it has issued its permits for the entire project. As Petitioner has acknowledged Petitioner must acquire and has applied for the following ANR permits and authorizations:

NPDES construction stormwater discharge permit

ANR Wetland Permit

401 Water Quality Certification

ANR Stream Alteration Permit

The ANR permits cover or authorize activity for the entire project. The permits are not issued for, or divided by, separate project segments. ANR cannot parse out certain segments of the Project for approval to correspond to Petitioner's construction schedule. The permits must be acquired prior to any construction activity for the Project.

In evaluating Petitioner's request regarding other ancillary permits, the Board should also consider that ANR's permits are tied to the Army Corps of Engineers (ACOE) 404 permit and the Vermont Agency of Transportation's 1111 permit. The ANR 401 water quality certification is triggered by the application for the ACOE 404 permit. *See* 33 U.S.C. § 1341(a). As indicated

in its brief, VTrans will issue its 1111 access permit only after "Petitioner has completed other environmental and regulatory reviews." VTrans' Post-Hearing Brief, Oct. 11, 2013, at 6.

Respectfully submitted this 25<sup>th</sup> day of October 2013.

State of Vermont  
Agency of Natural Resources

BY: \_\_\_\_\_

Judith L. Dillon, Esq.  
Senior Legal Counsel