

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 new)
distribution mainlines in Addison County,)
together with three new gate stations in)
Williston, New Haven and Middlebury,)
Vermont)

Docket No. 7970

RESPONSE OF PETITIONER TO AAFM'S
FIRST SET OF INFORMATION REQUESTS ON PETITIONER

This is the response of Vermont Gas Systems, Inc. ("VGS" or "Petitioner") to the First Set of Discovery Requests ("Discovery Requests") of the Agency of Agriculture, Food and Markets ("AAFM"). Petitioner is filing one complete hard copy of its responses with the Public Service Board ("Board"), with two copies served on AAFM and a copy served on each other party of record.

General Objections:

1. Petitioner objects to any instructions contained in the Discovery Requests to the extent such instructions purport to place on Petitioner greater requirements or reserve greater rights to AAFM than are permitted by the Vermont Rules of Civil Procedure as made applicable to Board proceedings through Board Rule 2.214 (A).

2. Petitioner objects to any request for information or production of document(s) that is (or are) subject to the attorney-client privilege, constitute work product, are protected under state or federal law or are proprietary, competitively sensitive or confidential.

3. Petitioner objects to requests to the extent that they (a) are overbroad or unduly burdensome; (b) are cumulative; (c) call for the production of documents not in the possession, custody or control of Petitioner; (d) call for the review, compilation, or production of publicly-available documents that could be obtained by the requesting party in a less burdensome manner; (e) are vague and/or ambiguous; (f) seek information not reasonably calculated to lead to the discovery of admissible evidence; or (g) call for the review, compilation, or production of a voluminous number of documents at great expense to Petitioner.

4. Petitioner does not hereby waive any objections, and it reserves the right to later raise any additional, available objections.

5. Responses and objections indicated herein reflect the position of the individual specified by Petitioner and not the other respondents unless specifically stated otherwise.

Q.AAFM:VGS.1-1: Describe the proposed access points and route, construction methods, and maintenance of the pipeline as it passes through active farmland. Ag Interveners are particularly interested in understanding the width and location of ROWs and tree clearing, access points and roads to reach the proposed pipeline route, any proposed horizontal direction drilling areas (HDDs) and their impacts during construction, soils remediation upon completion of installation, etc. on the following conserved farmland properties:

- a. Garvey Farm, Vermont Route 116, Hinesburg (VGS Line List No.97)
- b. Eddy Farm, Charlotte Road, Hinesburg (VGS Line List No. 108)
- c. Baldwin Farm, Baldwin Road, Hinesburg (VGS Line List Nos. 120 and 121)
- d. Smith Farm, Plank Road, New Haven (VGS Line List No. 215)
- e. Carothers Farm, River Road, New Haven (VGS Line List No. 254)

A.AAFM:VGS.1-1: With respect to each of the above-referenced parcels, VGS will install the pipeline with a minimum of four (4) feet of cover to the top of the pipe in agricultural areas. VGS will work with individual landowners to determine if specific farming techniques would require addition depth of bury. Topsoil will be stripped and segregated in active agricultural areas to prevent mixing with subsoil. The entire ROW width will be de-compacted with a sub-soiler following installation and prior to replacement of topsoil. There will be no limitations on the future agricultural use of the land with the exception that no trees can be planted within the permanent ROW.

Access roads, additional temporary work space and specific construction techniques can be referenced in Exhibit Petitioner JH-3. Existing drainage facilities or other existing infrastructure will be avoided or repaired to the satisfaction of the landowner, if impacted by construction, to the degree feasible.

Person Responsible for Response: John Heintz
Title: Project Manager
Date: May 3, 2013

Q.AAFM:VGS.1-2: Please provide guidance to locate documentation and design specification or graphics in the petition and supplemental petition that supports the information provided in #1. If detail of design, construction, and maintenance for the identified farmland properties is not included in the petition, please provide it for Ag Interveners' review.

A.AAFM:VGS.1-2: See A.AAFM:VGS.1-1. Please reference Exhibit Supp. Petitioner JH-3 (2/28/13). In addition, VGS is currently preparing a Vegetation Management Plan which addresses these specific areas, and will be filed in early May, and discovery responses will be updated at that time.

Person Responsible for Response: John Heintz
Title: Project Manager
Date: May 3, 2013

Q.AAFM:VGS.1-3: Please address whether VT Gas would consider adjusting the pipeline route to avoid the Smith Farm. It appear that only a very small corner of the farm is in the path of the proposed pipeline, as of the 2/28/13 filing, but it happens to be an area of the farm designated as a "special treatment area" under the Ag Interveners' conservation easement.

A.AAFM:VGS.1-3: We are currently evaluating the proposed route adjustment.

Person Responsible for Response: John Heintz
Title: Project Manager
Date: May 3, 2013

Q.AAFM:VGS.1-4: Explain the basis for using a 5' depth trench, covered with 48" inches of soil to bury the 12" pipeline, on active farmland. Provide all references and identify all experts consulted for using that standard on active farmland. Explain why the trench depth for agricultural land differs from that used in residential areas.

A.AAFM:VGS.1-4: Design standards used for the proposed design can be found in Mr. Heintz's testimony. The design depth for agricultural areas provides an additional foot of cover over the pipe to provide adequate distance between agricultural tilling equipment and the top of the pipe.

Person Responsible for Response: John Heintz
Title: Project Manager
Date: May 3, 2013

Q.AAFM:VGS.1-5: Explain why a full 75' of construction ROW, including clearing, is needed on farmland conserved with public money, particularly when a 50' permanent maintenance ROW is anticipated. Is there a regulatory requirement to secure a 50' permanent ROW or any requirement to keep the ROW devoid of vegetation or maintained in a certain way? If so, please provide reference.

A.AAFM:VGS. 1-5: Conserved farmland will only be temporarily impacted by construction. The proposed 75-foot construction width allows for the most efficient method of pipeline installation, reducing the amount of time and expense required for installation. The proposed 50-foot permanent easement allows VGS to efficiently access and maintain the pipeline. The 50-foot corridor must remain free of structures and trees. There is no specific regulatory requirement for a 50-foot wide permanent easement.

Person Responsible for Response: John Heintz
Title: Project Manager
Date: May 3, 2013

Q.AAFM:VGS.1-6: Provide a response to the proposed easement deed and the comments and question that appear on the marked-up version given to VT Gas for comment by VLT in early February 2013.

A.AAFM:VGS.1-6: This was provided on April 18, 2013.

Person Responsible for Response: Kimberly K. Hayden, Esq
Title: Director, Downs Rachlin Martin PLLC
Date: May 3, 2013

Q.AAFM:VGS.1-7: Explain how VT Gas will handle tile drains and other farm management practices and development, including drainage ditches, culverts, and farm roads, that VT Gas encounters, impacts, or destroys on agricultural land while installing the pipeline or crossing agricultural land to reach the pipeline route.

A.AAFM:VGS.1-7: Existing drainage facilities or other existing infrastructure will be avoided or repaired to the satisfaction of the landowner, if impacted by construction, to the degree feasible.

Person Responsible for Response: John Heintz
Title: Project Manager
Date: May 3, 2013

Q.AAFM:VGS.1-8: Describe how VT Gas will minimize soil compaction and loss of productivity on active farmland from soil disturbance, particularly hay and row crops and maple sugar trees that must be cleared, during construction, access for construction, and maintenance activities.

A.AAFM:VGS.1-8: Topsoil will be stripped and segregated within active agricultural areas to prevent compaction and mixing with subsoil. Within these areas, the entire ROW width will be de-compacted with a sub-soiler following pipeline installation and prior to replacement of topsoil. These measures should effectively minimize impacts to soil productivity.

Landowners will be compensated for temporary crop loss associated with the construction of the pipeline project.

Person Responsible for Response: John Heintz
Title: Project Manager
Date: May 3, 2013

Q.AAFM:VGS.1-9: Explain whether and to what extent herbicides will be used during construction or maintenance on farmland.

A.AAFM:VGS.1-9: No herbicides will be used.

Person Responsible for Response: Jean-Marc Teixeira
Title: Vice President of Operations, Vermont Gas Systems, Inc.
Date: May 3, 2013

Q.AAFM:VGS.1-10: Describe the extent to which VT Gas considered invasive species in its environmental inventory. Provide the analysis and identify all experts in invasive species and management of invasive plant species VT Gas has consulted.

A.AAFM:VGS.1-10:

Field identification and inventory of invasive species has been completed by VHB. No analysis of these data has been completed at this date, although this information will be compiled and provided as a supplemental discovery response when available. The following people were consulted with respect to invasive species and the management of those species:

- Krista Reinhart (VHB)
- Adam Crary (VHB)
- Patti Kallfelz-Werts (VHB)
- Chelsea Martin (VHB)
- Joseph Burt (VHB)
- Nicholas Sibley (VHB)
- Arthur Gilman (Gilman & Briggs Environmental)

Person Responsible for Response: Jeffrey A. Nelson
Title: Director of Energy and Environmental Services, Vanasse Hangen Brustlin, Inc.
Date: May 3, 2013

Q.AAFM:VGS.1-11: Explain how VT Gas will manage its construction activities on farms with grazing herds and milking schedules, particularly if blasting is required, and its planned outreach activities.

A.AAFM:VGS.1-11: VGS will work with landowners to minimize disruption to existing farming operations to the degree feasible. In most cases, blasting activities, if needed, will be limited to no more than three (3) days on any given parcel. A pre-blast survey will be conducted on any affected properties. Landowners will be notified one week and again 24-hours prior to the commencement of blasting activities.

Person Responsible for Response: John Heintz
Title: Project Manager
Date: May 3, 2013

Q.AAFM:VGS.1-12: Explain how VT Gas will manage its access, construction, and maintenance activities to avoid interference with cultivation, growing, harvesting, and other farm management activities on farmland in active production, including the transportation of hay, silage, corn and the spreading of manure to and from fields that are not adjacent to the home farm, including those active farming operations in Chittenden and Addison Counties that are not directly impacted by the pipeline.

A.AAFM:VGS.1-12: While the project is under construction, VGS will coordinate with agricultural operations to mitigate potential impacts to these operations to the degree feasible. VGS will maintain farm access to fields and structures throughout the construction of the project. Past VGS experience has been that pipeline construction does not interfere with operations on parcels not associated with pipeline construction.

Following completion of construction of the project, VGS will perform annual leak and cathodic protection surveys, which involve walking the pipeline corridor. These field surveys are generally performed after harvest of crops in the fall, so as not to disturb crop production. VGS personnel coordinate with landowners so as not to interfere with livestock, to the degree feasible. Access to fenced areas is generally provided by locked gates which are left in the condition as found.

Person Responsible for Response: John Heintz; Jean-Marc Teixeira
Title: Project Manager; Vice President of Operations, Vermont Gas Systems, Inc.
Date: May 3, 2013

As to objections:

DATED at Burlington, Vermont, this 3rd day of May, 2013.

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