



State of Vermont

ANR Office of Planning & Legal Affairs

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Agency of Natural Resources

March 6, 2013

Kimberly K. Hayden, Esq.
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199 Main Street
PO Box 190
Burlington, Vermont 05402

Re: **Vermont Gas Systems, Inc.**
Docket No.

Dear Kim:

Thank you for making VHB and VG representatives available to ANR for a meeting on Thursday February 21, 2013. On Monday February 25, 2013, ANR provided comments on the natural resource spreadsheet discussed at the meeting. In addition to those comments, ANR wanted to follow-up on its request for clarification on elements of the projects and the reroute and to reiterate some outstanding issues of concern.

In order to facilitate ANR's review of the supplemental filing for the reroute, it is important that Vermont Gas (VG) provide clear information regarding the potential impacts to the natural resources from the project. Since the possibility of a reroute was discussed, VG has provided different representations about where impacts to natural resources can and will be avoided through deep horizontal directional boring and the ability to avoid above ground maintenance and disturbance during the life of the pipeline. There have been different and at times inconsistent representations about the location and extent of any above-ground "maintenance" in areas where deep horizontal drilling will occur. For example, at the February 1, 2013, meeting with VG in the National Life cafeteria, Project Manager Heintz represented that where there would be deep horizontal drilling or boring there would be no maintenance and any pipeline buried deep underneath would be "abandoned" if there were damage to the line at that location. Based on that representation, it appeared that in areas where there would be deep directional boring the impacts to the natural environment near the ground surface would be avoided.

At the meeting last Thursday, February 21, between ANR and VG and VHB, however, VG represented that there would still need to be pipeline and surface maintenance in the areas



where deep boring will occur. The large Monkton wetland was used as an example. VG represented that it would conduct deep boring test pits in the wetland before construction and after construction would need to encroach on the wetland to perform repairs on the line if needed. Other examples included the deep directional bore under the Pine-Oak-Heath Sandplain Forest in Colchester. Although the pipe will be buried deep under the natural community, according to VG, there would be clearing of the significant natural community above ground and the possibility of excavating the area to repair a pipeline leak.

To assist the Agency in assessing the Natural Resources of the project, VG should provide the following for the entire length of the project, not just the reroute section:

- 1) The location and proposed depth of any deep horizontal directional boring. This information should be provided on the cut sheets.
- 2) The set-back distance between any boring site and the natural resource intended to be avoided by the boring.
- 3) The location and (delete area of) limits of disturbance of any staging area needed to facilitate the deep horizontal directional boring (on both ends).
- 4) The location of any access needed to facilitate the boring, including permanent and temporary clearing and limits of disturbance of any access road.
- 5) The location and description of any test boring and the extent of the disturbance required to conduct the pre-construction testing.
- 6) The location and extent of any clearing above any area in which deep directional boring will occur and the reasoning or justification for the need for this clearing and "maintenance."
- 7) Provide any anticipated maintenance schedule or otherwise identify the factors necessitating maintenance.
- 8) Identify any exigent circumstances or risk factors that would necessitate maintenance or repairs of the pipeline in any area in which deep boring will occur. Indicate how excavation for repair would occur in areas with sensitive features (such as wetlands, rivers, and sandplain forests).
- 9) Identify any and all locations above deep directional boring where there will be no clearing or maintenance and explain why there will be no clearing or maintenance in these areas
- 10) An indication that VELCO has signed off on the portions of the proposed reroute in the VELCO corridor.

The need for clear information on the extent of the natural resource impacts and whether and to what extent they will be avoided is critical because the reroute will potentially impact three additional wetlands and other natural resources. The realignment will potentially impact the following three large wetlands with state-significant natural communities:

- 1) Mt. Florona Swamp in Monkton,
- 2) Red Maple-Green Ash Swamp in New Haven, and
- 3) Wet Clayplain Forest in Hinesburg

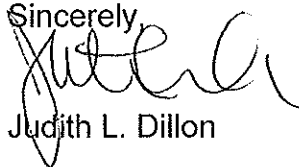
In addition, there is a fourth rare community along the realignment, a Wet Clayplain Forest, just north of Plank Road on the west side of the VELCO ROW. ANR staff has alerted VG/VHB of these communities.

As was stated during the first meeting during which the reroute was discussed, the ability to permit this project through wetlands when there are other practicable alternative routes that are less environmentally damaging will be difficult. If the project will not avoid these resources through deep directional boring and avoidance of subsequent maintenance and repair, VG should consider alternatives that do avoid these environmental impacts. ANR has discussed these alternatives with VHB and/or VG. In addition to avoiding the impacts to the Mt. Florona Swamp, less environmentally damaging alternatives include the following:

- Monkton: VELCO ROW from pole #180 south to pole #190; keeping the pipeline on the VELCO ROW would avoid impacts to Class 2 wetland and Red Maple-Black Ash Seepage Swamp southwest of Rotax Road.
- Monkton and New Haven: maintain the original pipeline alignment on Old Stage Road, Parks Hurlburt Road, and North Street from vicinity of VELCO pole #244 south to Plank Road. This would avoid many wetlands, the Green Ash Swamp, Wet Clayplain Forest, and Lewis Creek crossing.

ANR will review the information provided in the February 28, 2013 filing, and will continue to consult with VG about ways to avoid and minimize natural resource impacts. I note that VG provided DPS with four copies of its filing. Providing ANR with additional copies of its filing would help facilitate its review. If possible, could you kindly provide ANR with two additional copies of the filing?

Thank you for your assistance with this matter. Please note my new mailing address.

Sincerely,

Judith L. Dillon