

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

**VERMONT AGENCY OF NATURAL RESOURCES’ RESPONSE TO
THE HURLBURT’S FIRST SET OF DISCOVERY REQUESTS**

GENERAL OBJECTIONS

- A. The Agency objects to the Requests as overbroad and unduly burdensome on the grounds and to the extent they call for responses that are neither relevant to the subject matter of the pending action, nor reasonably calculated to lead to the discovery of admissible evidence.
- B. The Agency objects to the Requests on the grounds and to the extent that they seek responses that are subject to any or all of the following privileges: (i) the attorney-client privilege; (ii) trial preparation privilege; (iii) executive privilege, or that are otherwise privileged or protected from disclosure.
- C. The Agency objects to the Requests' Instructions and Definitions on the grounds and to the extent that they are overbroad, unduly burdensome and oppressive, purport to impose obligations on the Agency that are beyond the scope of the Public Service Board Rules or the Vermont Rules of Civil Procedure or other applicable law, cannot be produced without undue burden to the Agency and/or that require an unreasonable investigation on the part of the Agency in order to be produced, or purport to require the Agency to create documents responsive to any such Requests.
- D. The Agency objects to the Requests to the extent that they seek the production of documents and information already in the possession of, or publicly available to, or readily obtainable to the Petitioner and their counsel, on the ground that with respect to such production, Petitioner's Requests are thereby rendered unduly burdensome.
- E. The Agency objects to the Requests to the extent that they seek the production of documents and information in the possession, custody or control of entities other than the

Agency, on the ground that such demanded production is beyond the scope of the Public Service Board Rules or the Vermont Rules of Civil Procedure and other applicable rules and law.

- F. The Agency expressly reserves the right to supplement, clarify, revise or correct any or all of the responses herein at any time. By making any response to the Requests, the Agency does not waive, and hereby expressly reserves, the right to assert any and all objections as to the admissibility of such responses into evidence at the time of trial of this action, or in any other proceeding, on any and all grounds, including but not limited to, competency, relevance, materiality and privilege. Further, the Agency provides the responses herein without in any manner express or implied admitting that the items in the Requests or in any response thereto are relevant or material to the subject matter of this proceeding.

These General Objections are made, to the extent applicable, in response to each of the Interrogatories and Requests for Production of Documents as if the objections were fully set forth therein.

RESPONSES

ANR has not repeated the entirety of the narrative provided by Mr. Hurlburt, but has included the questions posed to Mr. Sorenson here.

1. Eric Sorenson's testimony pages 20-22: On page 21, line 13 Mr. Sorenson states the red/silver maple – Green ash swamp can be avoided by moving the pipeline route adjacent to the Parks-Hurlburt Road in Monkton. Are you aware that along the entirety of the parks-Hurlburt Road the Velco corridor and proposed gas line corridor run through our fields where we grow hay, corn and grains.

RESPONSE: I was not aware at the time I walked this section of the VELCO corridor with VT Gas and VHB staff on May 15, 2013 that these fields belonged to Mr. Hurlburt.

Paragraph 4

- Line 1 On pg. 21, Line 8, Mr. Sorenson speaks of the 10 ft. of forest
- Line 2 clearing. Wouldn't you agree that this line could be installed in
- Line 3 a narrower row. Say, 20-30 ft. and leave the trees?

RESPONSE: I agree that it would reduce environmental impacts to the swamp forest if the pipeline could be installed within a 20 or 30 foot corridor and the 10 feet wide band of trees proposed for clearing could be left intact. VT Gas has told ANR that the Construction Type 2D (50 feet corridor with 10feet of forest clearing adjacent to the VELCO right-of-way is the most narrow construction type available for within the Red/Silver Maple-Green Ash Swamp.

Paragraph 6

Line 1 Does the Agency of Natural Resources recognize the significance of
Line 2 ground water as a natural resource?

RESPONSE: Yes, ANR recognizes the great importance of groundwater as a natural resource and as a source of drinking water. The Department of Environmental Conservation's Drinking Water and Groundwater Protection Division focuses on these issues. <http://drinkingwater.vt.gov/>

Paragraph 7

Line 1 Is the agency aware that there are several springs, hand-dug wells
Line 2 along with drilled wells within the Old Stage and Parks-Hurlburt
Line 3 Road in Monkton, and springs along the roadway on North Street
Line 4 on North Street in New Haven?

RESPONSE: I was not aware of these springs and wells and I do not know if their locations are known by the Drinking Water and Groundwater Protection Division.

Responses by Eric Sorenson.

DATED at Montpelier, Vermont this 12th day of July, 2012.

VERMONT AGENCY OF NATURAL RESOURCES

Judith L. Dillon