

From: Springer, Darren

Sent: Tuesday, December 22, 2015 4:36 PM

To: Erin Mansfield <emansfield@vtdigger.org>

Cc: London, Sarah <Sarah.London@vermont.gov>; Anne Galloway <agalloway@vtdigger.org>; Mike Polhamus <mpolhamus@vtdigger.org>

Subject: RE: Appeal -- Public Records Request

Dear Erin,

I understand you are appealing the partial denial of your public record act request dated December 1, 2015. You have asked for communications between and among the Governor's senior staff, as well as communications between and among senior staff and members of the Governor's cabinet, related to the Vermont Gas pipeline from September and October of this year.

This office has withheld the following records on the following grounds:

- Weekly reports from Commissioner Recchia to the Governor: one paragraph in each of seven weekly reports from the Department to the Governor discuss the Project, withheld as executive privileged (1 VSA 317(c)(1) and (4))
- Weekly reports from Secretary Markowitz to the Governor: one paragraph in two weekly reports from the Agency to the Governor reference the Project, withheld as executive privileged
- One email chain between the Governor, Scott Coriell, and Darren Springer in which the three craft a public statement of the Governor that was released to you, and one email chain between Scott and the Department of Public Service regarding the public statements of Commissioner Recchia and the Governor, withheld as executive privileged
- One email chain in which Jon Copans, Darren Springer and Scott Coriell discuss the movement of Department staff and law enforcement's actions in response to gas pipeline protesters, and one email chain in which Justin Johnson, Darren Springer and Sue Allen discuss the law enforcement response to the protesters, withheld as executive privileged and as security information (1 VSA 317(c)(1), (4) and (25))

In total, approximately 8 pages of emails and 9 paragraphs from the weekly reports to the Governor have been withheld.

In searching for records, we construed your request very broadly. The emails about the movement of staff and law enforcement related to the protestors are not, strictly speaking, records about the Vermont Gas pipeline project. Nevertheless, we have sought to reveal as much information as possible about the total scope of our records without compromising executive privilege and information about security procedures.

I am also aware that you have now received additional records from the Department of Public Service that have been released as discovery in the pending docket at the Board.

In light of the above, I am denying your appeal. Nevertheless, I hope the detailed information above, as well as the additional records provided by the Department of Public Service, are helpful to you in understanding the nature of the Governor's office's records on this matter. Please be aware that you have the right to appeal this denial in court pursuant to 1 VSA 319.

Sincerely,

Darren Springer

Darren M. Springer

Chief of Staff, Office of the Governor

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Please note: My email address has changed to Darren.Springer@vermont.gov.