

* * D R A F T * *

September 14, 2010

5151 San Felipe, Suite 2500
Houston, Texas 77056

Re: Columbia Gas Transmission's Right-of-Way Maintenance in the City of
Rockville, Maryland

Dear _____:

In May 2010, the City of Rockville became aware of Columbia Gas Transmission's (CGT) intention to perform extensive right-of-way maintenance and clearing within the city limits of Rockville, Maryland. This was surprising news because much of the specific maintenance activities proposed by CGT have not been performed for decades here in Rockville.

The City understands CGT's need to maintain its right-of-way and fully supports the goal to provide safe and efficient interstate transport of natural gas. However, the City continues to seek important information from CGT regarding key matters related to the proposed maintenance operations that directly affect City property and the property of many other landowners in Rockville. In general the City requests CGT exercise flexibility and reasonableness within their current maintenance protocols, specifically with respect to trees located *adjacent* to the pipeline right-of-way, but not in it. It is the City's position that some of the maintenance proposed by CGT goes beyond reasonable and necessary.

Specifically we re-state our requests for the following information:

1. Copies of all easements on properties within the City of Rockville that have the pipeline running through them.
2. Legal verification of the width of the easement on each property. The few easements the City has seen are vague as to the location and width of the easement.
3. Evidence that CGT has the authority to perform maintenance on trees and shrubs that are not located within the prescribed easement area, and that this authority extends "to the heavens." The materials sent to the City thus far do not specifically address CGT's right to trim branches overhanging the right-of-way.

Rockville City Manager Scott Ullery sent a letter dated July 1, 2010 to Ms. Cindy Donaldson, CGT's Director of Regulatory and Government Affairs, expressing concern over the planned maintenance activities. In response, CGT agreed to send representatives to a second meeting with City staff, and to provide answers to the above questions, and others. This meeting was held on August 25, 2010 and was attended by CGT representatives, several City staff and two City residents. The three CGT representatives

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were professional and informative. However, they stated they did not have the authority to address any flexibility in CGT's current maintenance standards.

Here is just one example of why the City of Rockville is requesting a more reasonable approach to clearing the right-of-way. Standing adjacent to the CGT right-of-way in the City-owned Anderson Park is a 65-inch diameter, 80-foot tall Southern Red Oak, estimated to be 250 years old. This tree was growing in this spot for nearly 200 years before CGT's pipe was installed or any easements existed. It has an appraised value in excess of \$40,000. CGT is proposing to remove nearly half of the canopy of this tree; representing the first time such pruning has been proposed, even though the tree has had branches overhanging the easement since the construction of the line. This "pruning job" will result in the complete loss of this valuable asset to our community, a tragedy. There are many other valuable trees standing outside the right-of-way that will be similarly damaged or destroyed if CGT carries out these newly established policies for clearing.

We would like to address one other important issue that City staff has discussed with CGT representatives. CGT has stated it does not intend to compensate the City or other affected property owners for any damages, whereas the easement documents in our possession state, "Grantee further agrees to pay for any damages that may arise from the maintenance, operation and removal of said lines." In many locations throughout the City, both on public and private property, trees were planted outside of the easements, and have been left untouched for decades. From what we can ascertain, up until recently CGT has not discouraged planting trees outside the easement. Now that these trees have been left to grow and mature for more than forty years in some cases, CGT is going to severely prune and damage them. It is the City's position that the language in the easement requires CGT pay for any damages to trees located outside the easement.

We look forward to hearing from you with responses to the specific questions and issues raised, and to reaching a mutually acceptable agreement prior to the start of any clearing activities in Rockville. We are confident that CGT will treat the City and its citizens fairly and equitably under the terms of the easements.

Should you have any questions or concerns regarding this matter, please contact the City Manager, Scott Ullery at 240-314-8102 or by email: sullery@rockvillemd.gov.

Sincerely,

[Mayor and Council Signatures]

cc: Debra Daniel, City Attorney
Burt Hall, Director of Recreation and Parks
Steve Mader, Superintendent of Parks and Facilities
Wayne Noll, City Forester
Antonio Redd, Land Agent 3
Karen Stephenson, Right-of-Way Manager
John R. Jackson, III, Operations Team Leader, Columbia Gas Transmission