

OC7 – Audubon Connecticut

Unofficial FERC-Generated PDF of 20070124-0138 Received by FERC OSEC 01/22/2007 in Docket#: PF05-4-000



Audubon CONNECTICUT

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January 19, 2007

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street N.E. Room 1A
Washington, DC 20426

2007 JAN 22 P 4: 33

Re: FERC Docket Number PF05-4-000, Broadwater Energy Draft Environmental Impact Statement

Dear Secretary Salas:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the proposed Broadwater Energy Project, FERC Docket No. PF05-4-000. Audubon Connecticut, the state organization of the National Audubon Society with more than 12,000 members statewide, works to protect birds, other wildlife and their habitats using science and conservation, education, and legislative advocacy for the benefit of humanity and the earth's biological diversity.

Audubon supports the utilization of safe, clean and reliable sources of energy. Global warming, acid deposition, and smog pose an alarming threat to many species of birds, other wildlife and their habitats, as well as to continued quality of life for humans. Natural gas is among the cleanest and most efficient of all fossil fuels and should play a role in meeting the nation's energy requirements as we transition to renewable energy sources such as wind and solar power. Energy conservation and investment in new, energy efficient programs should also play a key role in meeting energy demands.

When seeking to provide new and diversified sources of energy, however, we cannot overlook our obligation to protect and conserve our nation's natural treasures such as Long Island Sound. That is what the Draft Environmental Impact Statement (DEIS) for the Broadwater LNG Project asks us to do. After reviewing this document, Audubon has *serious concerns* about the adequacy of the natural resource data and analysis presented in the DEIS. The document fails to provide a full and thorough evaluation of the potential environmental impacts of the proposed facility during either the construction or operation phases. The DEIS appears to be based on the *a priori* assumption that there will be no environmental impact to the Sound from the Broadwater facility, but fails to provide sufficient data or justification for this conclusion. Individual resources are evaluated in isolation, apparently without any consideration for the web of interconnections that bind the Long Island Sound ecosystem into a complex whole. Of particular concern is the fact that the DEIS fails to address key avian species, including the federally endangered Roseate Tern, that are known to utilize the offshore waters of Long Island Sound. Without such information, Audubon *cannot support* this proposal for a floating re-gasification and storage terminal in Long Island Sound at this time.

OC7-1

Section 3.4.1 of the final EIS has been modified to include information regarding potential impacts to the federally endangered roseate tern based on available input from the FWS. In a letter dated June 8, 2007, the FWS concurred with FERC's determination that the Project would not be likely to adversely affect federally listed species. FWS determined that the proposed FSRU is not in the vicinity of likely foraging areas for either listed avian species (shoal areas for roseate terns and intertidal zones for piping plovers) nor is it expected that the location of the FSRU is within major migratory pathways of these species or in the vicinity of migratory stopovers or staging areas.

OC-1

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Long Island Sound is a Resource of National Significance:

Long Island Sound was designated an Estuary of National Significance by Congress in 1987 and is a critical resource for birds and other wildlife in the Connecticut and New York region with more than 400 species of birds found in or around the Sound at some point during their life cycle. More than 10% of the U.S. population lives within 50 miles of the Sound and benefits from its recreational, educational, and economic resources. According to the EPA's Long Island Sound Office, the estuary contributes an estimated \$8.25 billion to the regional economy each year.

National Audubon Society has recognized Long Island Sound as a resource of national importance on a par with the Chesapeake Bay, Florida Everglades, San Francisco Bay, and Mississippi River. Audubon Connecticut, together with Audubon New York and National Audubon Society's Policy Office in Washington, D.C., have joined together in a joint Long Island Sound Campaign that is dedicated to improving water quality and protecting habitat in the Sound, two key areas that will have the most benefit for people and wildlife. Audubon has recognized 29 Important Bird Areas (IBAs) around the Sound, 16 in Connecticut and 13 in New York, with many more sites identified as potential IBAs in the future. A list of currently identified Important Bird Areas in the Sound and a map of their locations are included as **Attachments I and II**.

In 1985, the EPA, along with the states of Connecticut and New York formed the Long Island Sound Study (LISS), a bi-state partnership consisting of federal and state agencies, user groups, concerned organizations, and individuals dedicated to restoring and protecting the Sound. In 1994, the LISS completed a Comprehensive Conservation and Management Plan (CCMP) that identified seven issues of concern in the Sound: (1) low dissolved oxygen (hypoxia), (2) toxic contamination, (3) pathogen contamination, (4) floatable debris, (5) living resources and habitat management, (6) land use and development, and (7) public involvement and education. Since 1994, the goals of the CCMP have guided federal agencies and the states of Connecticut and New York in investing billions of dollars in clean up, restoration, and conservation efforts in Long Island Sound.

The Broadwater proposal must be assessed in light of its impact on the ecosystem of Long Island Sound, which continues to be stressed by many of the problems identified in the CCMP, and the longstanding commitment of federal, state, and local governments, as well as the citizens of the region, to its protection, restoration, and enhancement. Among the chief goals of the CCMP that may be adversely affected by the Broadwater facility are: (1) protecting and restoring the Sound's aquatic habitats and living marine resources; and (2) improving and enhancing public access to the Sound, whose waters and marine environments impact more Americans than any other estuary in the nation.

Assessment of Impacts to Bird and Wildlife Habitat:

Given the importance of the Sound for birds and other wildlife, Audubon has previously stated that the review process for the proposed Broadwater Energy Project must include careful studies

Audubon Page 2

OC7-2

As stated in Sections 3.2.3 (water resources), 3.3.1.2 (benthic resources), 3.3.2.2 (fisheries), 3.3.3 (fisheries of special concern), 3.3.4.2 (marine mammals), 3.3.5.2 (avian species), and 3.4 (threatened and endangered species) of the final EIS, construction and operation of the Project as proposed by Broadwater would result in a limited impact to marine habitat resources and public access. Impacts would be avoided or further minimized with incorporation of our recommendations identified throughout the final EIS. Additional information on potential impacts to public access is provided in response to comment FA4-5.

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by recognized experts to ensure that a project of this scale is not detrimental to the natural resources of the Sound. In testimony submitted to the FERC Pre-filing Process Review of the Broadwater Energy Project dated May 18, 2005, and delivered to the U.S. Coast Guard Public Scoping Meeting on September 21, 2005, Audubon Connecticut detailed a number of *specific natural resource questions* that needed to be addressed prior to the Broadwater proposal moving forward. This testimony is included with this document as **Attachments III and IV**. The information previously requested included:

- Data on bird usage of Long Island Sound including
 - Distribution and timing of water bird usage of the Sound during migration and wintering seasons including but not limited to: Red-throated Loon, Greater Scaup, scoters, Long-tailed Duck, Red-breasted Merganser, Razorbill, Northern Gannet and Common Tern.
 - Identification of foraging areas of the federally endangered Roseate Terns that nest on Falkner Island including identification of specific areas in the Sound that are important for their prey base.
- Identification of habitats that occur in the Sound's benthic environment including
 - Distribution and relative abundance of habitat types
 - Determination of which are key resources for wildlife.
- Potential adverse impacts to any State or Federally listed species from the construction and operation of the Broadwater facility.
- Potential adverse impacts to water quality and the aquatic ecosystems of Long Island Sound from the construction and operation of the Broadwater facility.

The DEIS for the Broadwater LNG Project fails to address these specific natural resource issues. Instead, the DEIS draws conclusions about the proposed project's lack of environmental impact based on secondary sources, questionable methodologies, and sweeping generalities while failing to provide specific habitat data and/or analyses. In particular, the treatment of bird usage of Long Island Sound in the DEIS provides a woefully inadequate basis upon which to evaluate the environmental impacts of this proposed project, specifically:

- No mention is made of any scientific literature, field surveys, or data that were examined to justify the conclusions of what species would be found in the vicinity of the proposed facility. The very general conclusion given is that the birds would be "open water species, such as gulls." This is a grossly simplified characterization of the avian usage of the offshore waters of Long Island Sound. That the birds in the vicinity of the offshore facilities would be open water species is obvious, but please refer to Audubon's previous testimony of May 18th, 2005 and September 21, 2005 (**Attachments III and IV**), along with further details provided in our November 29, 2005 testimony before Governor Rell's Long Island Sound Liquid Natural Gas Task Force Public Hearing on the Broadwater Energy Project herein included as **Attachment V** for more detail on bird species found in the Sound. None of the bird species that Audubon identified in those documents is even mentioned in DEIS for the Broadwater LNG Project.

OC7-3 Thank you for your comment. Section 3.3.5 (avian species) of the final EIS has been expanded to more completely address potential impacts to avian species. Section 3.3.1.2 of the final EIS also has been expanded to include details of the benthic habitats along the proposed Project and the potential impacts to these habitats and marine resources associated with them. Section 3.4 of the final EIS discusses potential adverse impacts to threatened and endangered species. This section has been updated to include information regarding potential impacts to the federally endangered roseate tern based on information provided by FWS.

OC7-4 Section 3.2.3 of the final EIS discusses potential impacts to water quality during construction and operation of the Broadwater facility. Potential impacts to aquatic ecosystems are discussed throughout Section 3.3 and in particular, in Sections 3.3.1.2 and 3.3.2.2.

OC7-5 Thank you for your comment. Section 3.3.5 of the final EIS has been expanded to more fully describe avian species potentially present within the proposed Project area and potential impacts to these species.

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- OC7-5
- Lacking any data about what species might occur in the vicinity of the proposed offshore facility or the path of its pipeline, there is no way to evaluate the validity of Broadwater LNG Project DEIS's conclusion that the construction and operation of the facility will have little or no impact on birds.
 - Additionally, the DEIS appears to ignore the complexity of the Long Island Sound ecosystem by evaluating resources individually and failing to examine the interconnectivity of that many disparate taxa of organisms that rely upon the Sound. Little consideration is given to the potential impacts to prey species and the effect those impacts may have on food availability for predator species.

OC7-6

It remains Audubon's position that answering these basic questions about the natural resources of the Sound, including questions about bird usage, is essential to ensuring the maximum protection of important coastal and estuarine resources, including finfish, shellfish, birds, and other wildlife. Comprehensive studies by recognized experts to answer these questions must be required by federal and state permitting agencies as part of the environmental review process, must be adequately funded by the applicant, and must be peer-reviewed to ensure their accuracy and confirm their findings. Appropriate State and Federal Wildlife Agencies, university experts, and others with expertise in wildlife issues should be involved in the design and review of these studies. The information provided in DEIS for the Broadwater LNG Project appears to ignore available data and expertise on the natural resources of the Sound. Two key examples of the failure of the DEIS to consider available data are provided below.

Inadequate Treatment of the Importance of Stratford Shoal to Aquatic Life and Birds:

OC7-7

In Audubon's previous testimony submitted to the FERC Pre-filing Process Review of the Broadwater Energy Project and dated May 18, 2005, we suggested that there be careful evaluation of the relative importance of various benthic communities and other areas within the Sound to birds. The DEIS is woefully inadequate in evaluating the potential impacts of pipeline construction on these benthic communities or other areas, especially the Stratford Shoal. Stratford Shoal may be among the most productive open-water areas for birds in Long Island Sound. This shoal has historically been an important wintering and migratory stopover area for diving waterfowl, including Surf and White-winged Scoter and Long-tailed Duck. No mention is made of this in the DEIS. Additionally, little is known about the relative importance of Stratford Shoal to piscivorous water birds. Stratford Shoal may provide important habitat for many prey species upon which these birds rely. No mention of this is made in the DEIS. Additional field studies are warranted to rule out negative impacts to the functionality of the Stratford Shoal area as a wintering and migratory stopover area for waterfowl and other open-water birds.

Inadequate Treatment of the Roseate Tern: A Federally Endangered Species:

OC7-8

Though more than 400 species of birds are found in or around the Long Island Sound ecosystem, Audubon has identified 35 species that regularly occur in the offshore environs where the

OC7-6 In general, the final EIS has been expanded to more completely describe the environmental setting as it pertains to identification and evaluation of potential impacts based on additional input from local experts from academia, federal and state agencies, and the private sector. Specific details are provided in response to specific comments below.

OC7-7 Thank you for your comment. Section 3.3.5 of the final EIS has been updated to more completely describe avian species and potential impacts to these species from the proposed Project. This section was updated to include a discussion of potential impacts to avian species from construction of the proposed Project through Stratford Shoal.

OC7-8 Section 3.3.5 of the final EIS has been revised to provide additional information on the bird species that utilize the offshore habitats of Long Island Sound.

OC7 – Audubon Connecticut

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- OC7-8 Broadwater facility is proposed. Comprehensive lists of avian species that utilize the offshore aquatic habitats of the Sound at some point in the year, whether as a foraging area in the nesting season, or as wintering or migratory stopover habitat, are included as attachments to all our previous testimony and can be found in **Attachments III, IV and V** included with these comments and labeled Attachments 1, 2, 3 in each of these documents.
- OC7-9
- Specifically, no mention is made of the presence of the federally endangered Roseate Tern in the offshore waters of Long Island Sound. This species nests on Falkner Island, approximately, 12 miles from the proposed location of the facility.
 - No mention is made in the DEIS of the foraging studies that were conducted by the Connecticut Department of Environmental Protection (CT DEP) in 1996 and 1997 or any other studies that justify the conclusion that Roseate Terns would not be impacted.
 - In fact, these foraging studies show that the Roseate Terns that nest on Falkner Island regularly travel to the North Shore of Long Island to forage. Since the proposed Broadwater facility would lie approximately between Falkner Island and the North Shore of Long Island, and at a distance and direction similar to that the birds already fly to forage, it is possible that the Terns' flight path might carry them over the site, or that the site itself might be utilized as a foraging area. This makes it *impossible to conclude* - as the DEIS does - that no State or Federally listed species of birds would occur in the offshore project area.
 - Additionally, since the CT DEP studies involve a relatively limited data set, collected for just over a 2-year period 10 years ago, additional field studies are warranted to rule out the presence or any potential impacts to Roseate Terns resulting from the construction and/or operation of the Broadwater facility. Foraging areas may change as prey distribution changes from year-to-year and updated information is required to rule out the occurrence of Roseate Tern in these waters. These birds regularly and repeatedly make the trip from Falkner Island to foraging areas on the North Shore of Long Island just to bring back one small fish to their young. The proposed activities should be evaluated for their potential to cause a significant perturbation of Roseate Tern flight patterns and energetics resulting in an adverse impact on this federally endangered species.
 - Further, little is known about the foraging behavior of Common Terns in Long Island Sound, and since Common Terns are considered a Species of Special Concern in Connecticut and listed as Threatened in New York, there is again *no basis* to support the conclusion that no state or federally listed species occur in the area of, or would be impacted by this project.
 - Common Terns are additionally considered essential to the survival of the federally endangered Roseate Terns in Long Island Sound because Roseate Terns nest exclusively in close proximity to Common Tern colonies in the Northeastern US. Negative impacts to Common Terns could also impact the endangered Roseate Terns.

OC7-9 Please see our responses to comments OC7-1, OC7-3, and OC7-5.

OC7 – Audubon Connecticut

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Conclusion:

OC7-10

Audubon Connecticut is deeply concerned about the lack of consideration for the natural resources of Long Island Sound evidenced in the DEIS for the Broadwater LNG Project and respectfully requests that FERC require additional, and scientifically sound data collection prior to rendering any decision on the future of this proposal. The project should not be approved until critical natural resource information is provided and shared with the public, and the environmental impacts of the Broadwater LNG Project can be fully evaluated.

Thank you in advance for your consideration of our comments.

Sincerely,

Thomas R. Baptist
Executive Director



Attachments:

Attachment I – List of Audubon IBAs around Long Island Sound
Attachment II – Map of Audubon IBAs around Long Island Sound
Attachment III – Testimony submitted to FERC Pre-Filing Process, May 18th, 2005
Attachment IV – Testimony submitted to Coast Guard Scoping Hearings, September 21, 2005
Attachment V – Testimony submitted to Governor Rell's Long Island Sound Liquid Natural Gas Task Force Public Hearing on the Broadwater Energy Project, November 29th, 2005

*To conserve and restore natural ecosystems, focusing on birds, other wildlife and their habitats
for the benefit of humanity and the earth's biological diversity.*
–Audubon Mission

Audubon Page 6

OC7-10

As described above, the final EIS has been expanded to incorporate additional information on species occurrence in the vicinity of the proposed Project. This information was incorporated into our assessment of impacts, as described throughout the final EIS.

OC8 – New England Energy Alliance

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2007 JAN 23 A 11:53

FEDERAL ENERGY
REGULATORY COMMISSION

January 21, 2007

Ms. Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First St. NE; Room 1A
Washington, DC 20426

Subject: *Broadwater LNG Project*

Reference: OEP/DG2E/Gas Branch 3
Docket No. CP06-54-000
CP06-55-000

The New England Energy Alliance represents diverse interests within the energy industry. However, Alliance members, who include the largest energy providers in New England, share a common concern about the adequacy of the region's energy infrastructure to ensure affordable and reliable electricity and natural gas to consumers. With members that include electric transmission and distribution companies, power generators, energy marketers and natural gas providers, the Alliance was established to advocate for informed decision making and timely action on proposals to build energy infrastructure considered vital to the region's economic well-being.

The proposed Broadwater LNG Project now before Federal and state licensing and regulatory agencies, as well as other similar projects in the region, are among the projects considered by the Alliance to deserve timely action. While the Alliance does not advocate for specific projects, it believes the case for additional LNG facilities within the region is compelling and the need well established. It also believes the regulatory process has been thorough and reflects the need to balance careful consideration of potential adverse impacts and mitigating actions with the need for timely decisions to ensure that energy projects are built and ready to operate when they are needed.

The DEIS provides an assessment of the need for additional LNG supplies. The Alliance commends the agencies involved in the development of the DEIS for incorporating key factors that demonstrate need and would like to offer some additional information.

OC8 – New England Energy Alliance

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- OC8-1 [**The Alliance believes there is ample evidence to support the need for new natural gas facilities within the region. In September 2003, the National Petroleum Council issued a report that clearly described the conflict between policies that encourage increased consumption of natural gas and those that seemingly discourage new supplies. New England is a prime example of that dichotomy.**
- For the past decade, public policy in the region has encouraged power generators to build power plants fueled almost exclusively by natural gas. The result has been a 70 percent increase in natural gas consumption in just a decade. More than 40 percent of the region's electricity now comes from natural gas-fired power plants and that percentage is likely to increase because natural gas remains the fuel of choice. Adoption recently by most Northeastern states of the Regional Greenhouse Gas Initiative will further increase demand for natural gas. Yet, there has been little action in the past decade that has resulted in greater supply.
- OC8-1 Thank you for identifying this report. We considered this report in the revisions to Section 1.1 of the final EIS. We also revised that section to include the most up-to-date projections available at the time of final EIS preparation.
- OC8-2 [**That lack of new supply to keep pace with growing demand prompted the Analysis Group in a report commissioned by the Alliance (issued in November 2005) to conclude that there are "plausible scenarios of demand exceeding available supplies and delivery capacity for both electricity and natural gas...as soon as within the next two years, and the need for additional supplies may already be upon us." The Analysis Group and others have concluded that the need for new supplies will be upon us by 2010 "at the latest." Similar conclusions have been reached by other organizations such as the New England Governors' Power Planning Committee.**
- In a separate report issued earlier in 2005, the New England Council concluded that a two year delay in bringing new natural gas supplies to New England could cost the region \$3 billion by 2010. This economic penalty would be one additional disincentive to economic development and would serve as a significant handicap to the region as it competes for business with other regions of the U.S. and in global markets.
- OC8-2 Please see our response to comment OC8-1.
- OC8-3 [**Regarding the analysis of alternatives, in particular other potential LNG facilities, especially those not located near major load centers in New England, the Alliance believes that there are economic considerations that argue strongly for LNG facilities located in or near Southern New England. The demand for natural gas in Canada is likely to increase for a number of reasons: Canada is a signatory to the Kyoto Protocol and some provinces are shutting down coal-fired power plants in favor of natural gas. As a result, Canada may be experiencing the same demand pressures felt in New England. In fact, the Energy Information Administration in its most recent International Energy Outlook projects that demand for Canadian gas for power plants will double by 2030.**
- OC8-3 The information referred to by the commentator regarding the potential decrease in Canadian natural gas exports is consistent with the projections from several other studies reported in Section 1.1 of the final EIS.

OC8 – New England Energy Alliance

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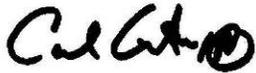
-3-

There is also substantial cost associated with transporting natural gas from Canada to markets in Southern New England. While the Alliance recognizes the importance of Canada as an energy trading partner, it does not think it wise to forgo development of

LNG facilities in Southern New England with the expectation that facilities in Canada can meet anticipated need indefinitely.

The Alliance agrees that a thorough assessment of environmental impacts and safety concerns is a necessary and important part of the approval process. It believes that issues raised during the review process should be well documented and addressed and that actions outlined in the EIS provide reasonable assurance that appropriate actions will be taken to mitigate potential adverse impacts. As noted above, the Alliance believes the need for Broadwater, and other similar facilities, is well-documented and compelling.

Sincerely,



Carl Gustin, President
New England Energy Alliance
77 Franklin Street, Suite 507
Boston, MA 02110
617-216-5765

OC9 – The Maritime Aquarium at Norwalk

200701235097 Received FERC OSEC 01/23/2007 07:54:00 PM Docket# CP06-54-000, ET AL.

Comments by Amy Ferland, Harbor Seal Census Researcher
with The Maritime Aquarium at Norwalk

FERC Docket Nos. CP06-54-000, CP06-55-000, and CP06-56-000

January 23, 2007

Hello, my name is Amy Ferland. For the past 6 years, I have been the Harbor Seal Census Researcher at The Maritime Aquarium at Norwalk, Connecticut. I am writing to identify inaccuracies in the information on pinnipeds in the Draft Environmental Impact Statement for the

In section 3.3.4.1 on page 3-66, the primary prey of harbor and gray seals is incorrectly identified. For both species, the document indicates that the seals feed primarily upon schooling fish, salmon, cephalopods, and crustaceans. This is a general description of prey consumed by pinnipeds across the world and available in most field guides. However, it is not specific enough to draw any conclusions about the impact this project has upon pinnipeds in Long Island Sound.

According to my research, the major component of harbor seal prey is benthic species of fish. These data was gathered from 71 seal scat samples collected at Great Gull Island, NY under our NMFS General Authorization No. 1011-1643. From these samples, 64% of the prey was red hake, 10% winter flounder, 7% Black Sea bass, 4.5% Atlantic herring and 4.5% butterfish. The remaining 10% was comprised of squid, skate, windowpane flounder, witch flounder, redfish, yellowtail flounder, blueback herring and unknown flounder species.

Besides providing your panel with more accurate data on the prey species of harbor seals in Long Island Sound, I want to indicate that the majority of their prey is not just schooling fish such as herring but benthic fish species. The Long Island Sound harbor seal feeding habits are similar to studies in Maine, Massachusetts and New Jersey that I have conducted. In these locations, the majority of the prey was benthic fish species: 73.5% in mid-coast Maine, 93% in Nantucket Sound, 76.6% in Cape Cod Bay and 57% in New Jersey.

Feeding habit research on gray seals in Long Island has not been performed. However, research conducted in Nantucket Sound by Kristen Ampela of CUNY Staten Island and myself does provide information on gray seal feeding habits in Nantucket Sound and may be useful in assessing the impact of this project. In addition, it provides more specific information for region than is currently used in the draft EIS. Similar to harbor seals, the majority of prey of gray seals is comprised of benthic fish. The majority of prey in our study was sandlance (38%), red/white hake (23%), winter flounder (7%), squid (6.5%), sculpin (6%), skate (5%) and windowpane flounder (4%). The remaining 10.5% was comprised of sixteen other fish species.

OC9-1

OC9-1 Thank you for your comments. Section 3.3.4 of the final EIS has been updated based on this information.

OC9-2

OC9-2 Please see our response to comment OC9-1.

OC9 – The Maritime Aquarium at Norwalk

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OC9-3

Six of harbor seal prey species are listed in Table 3.3.3-1 as species with essential habitat in the proposed project area. In Long Island Sound (LIS), all age classes of harbor seals are present including pregnant females. Popping season starts in late May in Maine just after most seals leave southern New England, the length of time on average a seal lives in LIS is unknown. A few seals live year round but the majority of harbor seals migrate from Maine and southern Canada to LIS. Seals arrive in eastern LIS in August and in western LIS in October. They migrate back to Maine and southern Canada starting in April through May. Peak counts at Sheffield Island in Norwalk and Fishers Island in New York are in March. Aerial and boat based surveys indicate that most seals overwinter in LIS from December to April. Although the exact amount of time any one seal overwinters in LIS is unknown, the harbor seal population spends approximately 5 months resting and foraging in the waters of LIS including pregnant females. With the project's impact upon essential habitat of their prey, I am concerned about prey availability in LIS and the potential negative impacts on energy availability to developing seal pups.

Thank you for the opportunity to comment on the draft EIS and provide further information on the feeding habits of seals in Long Island Sound. Please consider these corrections and additions as you assess the draft EIS and the potential impacts this project has on pinnipeds. Please feel free to contact me for further information.

Sincerely,

Amy Ferland

Harbor Seal Census Researcher
The Maritime Aquarium at Norwalk
10 North Water ST
Norwalk, CT 06854
203.852.0700 ext. 2270
aferland@maritimeaquarium.org

OC9-3

Thank you for your comment. Sections 3.3.1.2 (benthos) and 3.3.2.2 (fisheries) of the final EIS describe potential impacts to biological resources that may serve as prey items. Operation of the proposed Project would be expected to result in a negligible impact on prey species, including ichthyoplankton (less than 0.1 percent of the standing stock in the central basin of Long Island Sound) and juvenile and adult fish.

OC10 – Repsol Energy

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Repsol Energy North America Corporation
Phillip B. Ribbeck
President

January 9, 2007

The Honorable Magalie R. Salas
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1-A
Washington, D.C. 20426

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SECRETARY

RE: Comments to the Draft Environmental Impact Statement for the Broadwater LNG Project (CP06-54 et al)

Dear Secretary Salas:

Repsol Energy North America Corporation ("Repsol") hereby files comments to clarify the description of the Canaport LNG project in the Draft Environmental Impact Statement ("DEIS") that was issued for the Broadwater LNG Project under CP06-54 et al on November 17, 2006. Specifically, Repsol would like to clarify some of the statements made in the DEIS regarding the ability of the Canaport LNG terminal in Saint John, New Brunswick to serve gas markets in the New York and New England area. Canaport LNG, owned in part by an affiliate of Repsol, is developing an LNG import and regasification terminal in Saint John, New Brunswick, Canada. A new pipeline, the Brunswick Pipeline, will deliver gas from the Canaport LNG terminal to Maritimes & Northeast Pipeline ("Maritimes") in the United States near Baileyville, Maine. As is clear in the record in Maritimes' Phase IV Expansion Project pending before the Commission in Docket No. CP06-335, Repsol has signed a binding precedent agreement with Maritimes for firm capacity of 730,000 Mcf (or 0.73 Bcf) per day into pipelines downstream of Maritimes that serve the northeastern United States market.

OC10-1

For comparison purposes, only the additional gas (0.4 bcf/d) is relevant. Section 4.3.2 of the final EIS has been modified to reflect that approximately 0.7 bcf/d of natural gas from the Canaport LNG Terminal would be delivered to the Maritimes & Northeast pipeline and would be available for transport and delivery by all pipelines interconnected with the Maritimes & Northeast pipeline system.

OC10-1

With this brief background, Repsol hereby comments to clarify certain descriptions of the Canaport LNG project in the Broadwater DEIS. First and foremost, Section 4.3.2 of the DEIS states on page 4-19 that the Maritimes & Northeast Phase IV pipeline would transport 0.4 bcf/d of natural gas from the Canaport LNG terminal. While the Maritimes Phase IV Project will result in an increase in capacity on the Maritimes pipeline of 0.4 bcf/d, the fact is that Repsol has contracted to transport 0.73 bcf/d of natural gas from the Canaport LNG terminal on Maritimes, as shown in the Amendment to the Maritimes & Northeast Phase IV Project (CP06-335 et al) that was filed with the Commission on September 8, 2006. The capacity under contract to Repsol is a combination of incremental capacity resulting from the Phase IV project and existing capacity made available to Repsol. The important fact to be considered in the Broadwater analysis is that Repsol will be able to deliver at least 0.73 bcf/d of gas sourced from Canaport LNG, into the northeastern United States pipeline grid with access to all of the markets served by that grid. It is also important to note that the Canaport LNG terminal can be expanded to provide additional incremental supply that can access northeastern US markets, including New England and New York.

OC10-2

Section 4.3.2 of the final EIS has been revised to provide additional information on the Canaport LNG Terminal and the infrastructure required to transport natural gas from the terminal to the region that the Broadwater Project would serve, if implemented. The target markets for the Broadwater Project are New York City, Long Island, and Connecticut. New York City is the largest of the three and also the one that would require the most infrastructure upgrades to receive Canaport gas. To transport significantly more natural gas from Connecticut south to Long Island and New York City, the IGTS pipeline would need to be modified to increase its volume. We determined that those infrastructure changes would result in greater impacts than those of the proposed Project.

OC10-2

Second, the DEIS states in Section 4.3.2 (page 4-20) that the Canaport LNG terminal would not be able to supply the needed volume of gas to the regional markets and that substantial upgrades to the downstream interstate pipeline systems would be required to meet regional market needs. However, since the DEIS does not identify specific markets that have committed to utilize gas supply from the Broadwater LNG Project, it is difficult to judge the accuracy of such a broad statement. For example, since the market growth in the New York and New England region prior to Broadwater's proposed

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OC10 – Repsol Energy

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● Page 2

January 9, 2007

OC10-2

commencement date of December 2010 is not nearly large enough to absorb Broadwater's 1.0 bcf/d of new gas supply, then it must be assumed that Broadwater intends to initially utilize most (if not all) of its supply to serve existing markets in those regions. Since these existing markets are already receiving gas through existing infrastructure, then it is not clear that infrastructure additions or modifications are necessary, and if they are, the magnitude of such additions or modifications will depend on the supply path required to transport the gas to these markets. The Canaport LNG terminal can serve, and is proposing to serve, many of these existing markets as well as growth markets; and infrastructure additions or modifications (if any are required) beyond those that are proposed in the Maritimes & Northeast Phase IV expansion could be minimal. Broadwater's blanket statement that Canaport and other proposed LNG projects in the Northeast would require substantial upgrades to the downstream interstate pipeline systems is simply not justified in the context of serving existing markets. Regarding new markets that emerge as a result of the market growth that the DEIS reports that Broadwater anticipates, the exact location of those markets will determine what, if any, infrastructure upgrades are necessary to serve them and which supply source(s) are most efficient for them.

Repsol supports new initiatives to bring clean, safe, and efficient natural gas to energy deficient regions such as New York and New England. In assessing such initiatives, Repsol simply wants to ensure that the Commission does so in a manner that accurately characterizes and assesses the Canaport LNG terminal and its ability to safely, reliably, and economically serve the gas markets in those regions. Repsol will diligently pursue those markets and therefore wishes to clarify the statements in the DEIS that suggest that Repsol cannot serve them. Repsol also acknowledges that those markets, in their sole discretion, will determine which gas supply is utilized to satisfy their energy needs.

Very Truly Yours,



Philip Ribbeck
Repsol Energy North America Corp.

cc: Mark Lewis, Baker Botts, counsel for Repsol Energy North America

OC11 – South Fork Groundwater Task Force

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ORIGINAL

ORIGINAL



SOUTH FORK GROUNDWATER TASK FORCE

BY CERTIFIED MAIL RETURN RECEIPT REQUESTED NO. 7005 3110 0004 4868 0094

1001 JAN 11 P 4:25
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888First St. NE; Room 1A
Washington, DC 20426

**RE: OEP/DG2E/ Gas Branch 3
Broadwater LNG Project
Docket No. CP06-54-000
CP06-55-000**

Dear Ms. Salas:

Attached herewith please find an original and 2 copies of:

1. An eighteen page letter addressed to you with comments from the *South Fork Groundwater Task Force* on FERC's D.E.I.S. for the Broadwater LNG Project, and (b) accompanying appendices 1 through 8
2. A complete set (letter & appendices) for "Gas 3, PJ-11.3" with Reference Docket No. CP06-54
3. An extra copy of the complete set.

Very truly yours,

Julie Penny

Julie Penny, Co-Chair

Encls.

Cc: Governor Eliot Spitzer; Senator Hillary Clinton; Senator Chuck Schumer; Representative Tim Bishop; Suffolk County Executive Steve Levy; Assemblyman Fred Thiele; Senator Ken LaValle; Legislator Jay Schneiderman; Tom Pohl, NYS Office of General Services; NYS Secretary of State

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OC11 – South Fork Groundwater Task Force

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ORIGINAL

SOUTH FORK GROUNDWATER TASK FORCE

January 6, 2007

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First St. NE, Room 1A
Washington, DC 20426

RE: OEP/DG2E/ Gas Branch 3
Broadwater LNG Project
Docket No. CP06-54-000
CP06-55-000

COMMENT ON BROADWATER D.E. I. S.

By Julie Penny

Dear Ms. Salas:

INEFFABLE BENEFITS OF BEAUTY AND QUALITY OF LIFE

My husband grew up on the North Fork of Long Island in the '40's and '50's, polling through the creeks in his rowboat: crabbing, fishing, clamming, scalloping—it was a dreamy boyhood paradise with crystal waters and unimaginable abundance. I was a summer visitor to Peconic Bay and the L.I. Sound in the 50's and 60's—a city kid, and relished and was filled with awe at the beauty of its beaches; my days filled with swimming, clamming, collecting scallop shells bleached dazzling white and, to me, perfect jewels, as were all the other seashells littered deep along the sand.

We are not unique in our love of L.I. Sound and the waters surrounding the Twin Forks. Psychologically and spiritually, for locals and visitors alike, these waters are our therapy and our cathedrals, giving peace, joy, and sustenance to our psyches and our souls. Beauty and a cherished natural resource provides for health and psychological benefits. L.I. Sound must not be subjected to a jeopardy we can do without.

HUGE FINANCIAL INVESTMENTS MADE TO PROTECT L.I. SOUND

That the federal government has already "spent \$400 million of Taxpayer's money to revitalize the Sound from pollution, and this year mandated \$25 million to preserve public land for ecological and recreational reasons that include the Sound, and has a \$1 million dollar effort to restore the devastated lobster population of the Sound," tells us what an integral part L. I. Sound plays in the lives and in the economy of Long Island.

Now we have a grasping multi-national corporation coming in to tread upon people and municipalities alike saying, "Give us 950 acres of your Sound so we can make a profit and destroy all your efforts." Of course, that the rubber-stamp, Bush-compliant FERC is pushing

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Broadwater's efforts comes as no surprise given the Bush Administration's reckless and criminal disregard of the environment and for people's health and welfare.

ECONOMY

The Sound represents a billion dollar economy for the region for which its beauty and ecological productivity is essential, its sine qua non. Commercial and recreational fisherman and boaters, commercial and recreational airplanes—indeed, all of Long Island's residents and visitors—should not sacrifice its current untrammeled use of the Sound (or around Montauk's Block Island Sound), nor put it in icopardy ecologically, or by accident, sabotage, terrorist acts, hurricanes, human error, or, in any way be curtailed, hindered, or, inconvenienced in their current untrammeled movement about, or, over, this vital waterway. These waters are for us to enjoy to recreate free and without reservation.

FEAR AND ANXIETY

Nor, should we be afflicted visually, or be subjected to a fear and anxiety that we never, in our entire history, ever had to countenance. That is: Fear of degradation or destruction of this, our critical resource upon which our livelihoods derive (from the tourist trade, commerce, recreation, and from money spent by the populace themselves). Fear for our life and limb and that of our children, grandchildren and great-grandchildren; fear of destruction of our property and real estate values due to accidents, terrorist acts, hurricanes to the platform or to the tankers. In 2004 it was determined that ignition of a vapor cloud causes second degree burns at 1.3 miles, i.e. one minute away. Sandia National Labs has now expanded that previous radius for a worst case scenario to over 7 miles.

OC11-1

See below from the website of Consumer Protection attorney, Tim Riley:

Ignitable LNG Vapor Cloud



2

OC11-1

The Sandia assessment referred to in the comment was conducted specifically for the proposed Cabrillo Port Project. We have revised Section 3.10.3 of the final EIS to compare the Cabrillo Port analysis to the risk analyses conducted for the proposed Broadwater FSRU. In summary, due to project-specific differences, which include tank sizes, spill sizes, and operating environments, the consequence analysis specific to the Cabrillo FSRU is not applicable to the proposed Broadwater Project.

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(PRWEB) May 2, 2006 -- In March 2005, the U.S. Coast Guard requested that Sandia National Laboratories review the 'Independent Risk Assessment of the Proposed Cabrillo Port LNG Deepwater Port Project' off the coast of Malibu, California. According to the newest Sandia Report, based upon the worst credible intentional or accidental event release of 53 million gallons (200,000 m3) from two tanks of LNG, it was determined that a wind speed of 2 m/s (4.5 mph) resulted in the 'worst case' in which the flammable vapor cloud extended about 7.3 miles (6.3 Nautical Miles or 11.7 km) downwind from the proposed offshore LNG Floating Storage and Regasification Unit.

Consumer protection advocates and filmmakers Tim Riley and Hayden Riley, producers of the LNG documentary film *The Risks and Danger of LNG*, are very concerned about the ever-changing 'worst case' scenarios for LNG spills.

"This new Sandia 7 mile 'worst case' scenario is even more frightening than their earlier 'worst case' reported in December of 2004, which determined an offshore flammable LNG vapor cloud could extend approximately 2 miles," said co-producer Tim Riley.

"What is equally disturbing, according to co-producer Hayden Riley, "Sandia admitted in its 2004 report that it is relying on, "... the dynamics and dispersion of a large spill, and the hazards of such a spill, are not fully understood." So that means Sandia doesn't really know how much further an LNG vapor cloud could actually extend."

"Sandia further disclosed that, 'It is evident that there is a lack of large-scale spill data for model comparison.' Sandia also urged that, 'experimental validation should be undertaken;' and we agree," said Tim Riley

April 21, 2005

Text from US Congressional Record **House Floor Arguments over Energy Bill H.R.6 Energy Policy Act of 2005 SEC. 320. LIQUEFACTION OR GASIFICATION NATURAL GAS TERMINALS at page H2344:**

Mr. KENNEDY (D., RI)

"I will tell my colleagues, in Rhode Island we would welcome the chance to have our gas piped in from some other country because the fact of the matter is, our State knows, as every other State that has an LNG facility knows, that if we were to ever have that explode, it would decimate a 50-mile radius.

We will take our lives over our jobs, over our taxes, over our security."

Mr. Markey (D., MA,)

"If you just want the Federal Government to decide in the middle of your district where this most attractive of all terrorist targets will be located, then you vote "no," but understand the consequences on the floor today."

FYI: Mr. Markey is also the Senior Member of House Homeland Security Committee

OC11 – South Fork Groundwater Task Force

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Does The U S Coast Guard Consider LNG Dangerous ?

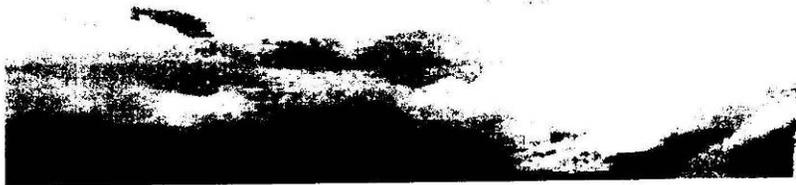
Currently, Savannah, Georgia
Has one of the four operational LNG importation facilities in the continental USA.
Below Is A Copy Of the Coast Guard Standing Orders
At The Savannah Port for Initial Action To Take
Upon LNG Discharge

"INITIAL ACTIONS TO TAKE IN THE EVENT OF A WORST-CASE DISCHARGE OF LNG

STEP ACTION 9999

1. Order the evacuation of all USCG personnel from affected area."

Dare LNG Proponents & Investors Call Our United States Coast
Guard Alarmists ?



Why is

○LNG○

Vulnerable & Dangerous

And Why

Would Our Brave Coast Guard Evacuate

?

Liquid Natural Gas

Is Not Flammable

So long as It stays in its

"Thermos Bottle"

But...

Upon breach of its bottle

It Rapidly Becomes An

Ignitable Vapor Cloud

That Will Drift Downwind - On Shore

Billowing and Spreading as it Becomes Ignitable

Once the Gas Dispersion Level Reaches

[anywhere between 5% to 15% of Gas to Oxygen]

It Will Ignite From Any Source it Encounters

Cell Phone, Cigarette Lighter, Attic Fan, Light Switch, Auto or Boat Engine Spark
Plug, Carpet Spark, etc...

Result...

Fiery Mass Destruction

(From consumer Protection Attorney Tim Riley's Website:
<http://timrileylaw.com/ENR/3/regulated/samp0601a.html>)

FOOTING THE BILL

OC11-2 [Nor should federal and local taxpayers have to pay municipalities for the extra services that Broadwater will be dunning us for fire, police, escort services as the Coast Guard does not have the resources to carry them out (and, even if they did, it's taxpayer's money that absolutely should not be going for providing safe passage for private corporations) as seems as indicated in the DEIS they are looking to municipalities to assist tanker transit.

AIR POLLUTION

OC11-3 [Nor, should we be subjected to the increased air pollution caused by the FSRU, tug boats and tankers. **"The American Lung Association State of the Air Report 2006"** says: "The marine sources of air pollution include vessels ranging from tug boats and ferries to recreational boats that too many U.S. cities still suffer from air pollution." Emissions from boats like tugboats and tankers are huge polluters and "foul the air in port cities like Houston, Los Angeles, and New York."

Diesel exhaust is a major source of dangerous particle pollution (soot), which shortens the lives of millions of Americans each year. Diesel exhaust threatens the health of children, seniors, people with asthma and other lung diseases, as well as people with cardiovascular diseases and diabetes. Diesel exhaust also has been linked to asthma attacks, heart attacks, strokes and lung cancer. The EPA calls diesel exhaust a "likely human carcinogen." Cleaning up diesel exhaust is a public health imperative.

Yet, Broadwater is thinking of **"Port Jefferson"** or Greenport for its onshore facilities. Tugboats and tankers create great amounts of air pollution. **"Greenport,"** will possibly be the berth for tugboats facilitating the tankers. Why should the North Fork, Shelter Island, and the South Fork be unnecessarily exposed to air pollution wrought by Broadwater's operations?

While the DEIS tables gives a table of existing measurements that includes those from "Riverhead" from 2000-2005 for "Ozone"—the closest monitoring to the Twin Forks for baselines of Carbon Monoxide, Nitrogen Dioxide, Sulfur Dioxide, Particulate Matter are considerably farther away from the Twin Forks (Holtsville, Babylon, Eisenhower Park).

OC11-2 As described in Section 8.4 of the WSR (Appendix C of the final EIS), if FERC provides Broadwater with initial authorization for the Project, the Coast Guard would prepare a proposal to obtain additional personnel and equipment to implement its safety and security recommendations. The Coast Guard provides escorts for LNG carriers elsewhere in the country and for some other privately owned vessels, such as gasoline tankers. The Coast Guard would not seek the assistance of municipalities in escorting carriers. Municipalities would be invited to assist in development of the Emergency Response Plan, as described below, but they would not be involved in providing security for the LNG carriers.

As described in Section 3.10.6 of the final EIS Broadwater would be required to prepare an Emergency Response Plan; development of the plan would include participation by federal, state, and local agencies, and the level of involvement of those agencies in response to an emergency would be determined at that stage. The plan would need to be approved by FERC before Broadwater could receive approval to begin construction. If the needed resources are not available and properly funded, FERC and the Coast Guard would not allow the Project to go into operation. The Emergency Response Plan would include a Cost-Sharing Plan, as described in Section 3.10.6 of the final EIS, to provide funding for agency participation in emergency response actions.

OC11-3 All Project emissions would comply with federal and state regulations and Project-specific permitting requirements. For additional details on potential impacts of emissions, please see our response to comment LE4-2.

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OC11-4 [**Baseline testing should be done in the areas that will specifically be affected (from Wading River/Shoreham on east to all of the Twin Forks, and especially Greenport if they plan to use it to locate tugboats there.**

OC11-5 [We should not have to have increased emissions foisted upon us. Page 3-172 of the DEIS says Broadwater has yet to "provide a full air quality analysis" (but doesn't pinpoint the exact area that must be analyzed) "identifying all mitigation requirements required to demonstrate conformity..."

OC11-6 [**The East End has one of the highest breast cancer and prostate cancer rates in the country. Why should we compound this with emissions due to this project that would increase lung cancer, asthma, etc? It's unconscionable.**

SAFETY

OC11-7 [While mention is made in the **DEIS (3-191)** to the 1944 LNG fire in Cleveland and a blast at Sonatrach's Skikda in Algeria, there is **no mention** in the DEIS of other disasters, such as: the explosion of a 28-inch Nigerian LNG underground pipeline engulfing an estimated 27 square kilometers in Nigeria killing once-rich mangroves, killing seafood and cash crops, or that an LNG pipeline leak leveled a house in Maryland in March 2005.

OC11-8 [The Washington Post reported "it was found that subtle molecular differences in the imported liquefied natural gas the utility began using in August 2003 were drying up the rubber seals of aging metal couplings that link sections of the pipe." It also seems that leaks are caused by the very composition of the imported gas itself—which differs from our domestic natural gas. Apparently, the imported LNG "causes the rubber seals in underground pipe couplings to shrink." --How does this apply to the Broadwater project, as there is **no mention** of this incident either in the DEIS? (See attached: Broadwater, Fraudwater, II – The Sag Harbor Express, January 19, 2005). **FERC must address this.**

SAFETY LAPSES CAUSED BY HUMAN ERROR

There is absolutely no way for Broadwater to protect L.I. Sound and its populous from safety lapses caused by humans.

A Seattle-Post Intelligencer article by Investigative Reporter, Eric Nalder, says regards a spill in the Pacific Northwest:

"According to two former Polar Texas officers—a chief engineer and a chief mate—and a former fleet president who knows the ship well, the Polar Texas could have spilled the oil in Dalco Passage without knowing, if a foul-weather ballasting operation taking in water to keep the ship's profile low and make it more stable in high-seas—was done incorrectly."

*("How tanker might have caused spill in Dalco Passage
But pumpman tells grand jury the oil couldn't have come from Polar Texas"
By Eric Nalder, Seattle Post-Intelligencer, March 25, 2005)*

OC11-4 Section 3.9.1.1 of the final EIS discusses current ambient air quality.

OC11-5 Section 3.9.1.2 of the final EIS has been updated to provide additional detail on air emissions and coordination between Broadwater and the federal and state agencies responsible for identifying appropriate mitigation (namely EPA and NYSDEC).

OC11-6 Our assessment, as described in Section 3.9.1 of the final EIS, indicates that Project emissions would have a negligible impact on regional air quality, and there is no indication of any impact to human health.

OC11-7 The incident that occurred on August 2005 in Nigeria was not associated with an LNG pipeline; it involved a high-pressure natural gas supply pipeline. The incident was widely reported as an LNG incident because the pipeline that ruptured provided natural gas to Nigeria Liquefied Natural Gas (NLNG). NLNG operates a liquefaction plant that produces LNG from natural gas.

The Maryland incident referred to did not involve an LNG pipeline. The explosion was due to a natural gas leak that was reportedly caused by changes in natural gas composition after a local gas company switched to LNG as its gas source. FERC investigated The Washington Gas Light (WGL) assertion that gas composition was a "key contributing factor" to gas system leaks. We found that the application of hot tar and the increase in operating pressures on WGL's distribution system were the principal causative factors of the leaks experienced in Prince George's County, Maryland, since the reactivation of the Cove Point LNG Terminal.

OC11-8 We have addressed most of the issues raised in this comment in our response above to comment OC11-7. However, we revised Section 2.4.2 of the final EIS to provide additional information on the agreement between IGTS and Broadwater to address gas interchangeability issues as documented in the IGTS letter dated April 11, 2006 and filed in the FERC docket for the Project.

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A program—AIR: America's Investigative Reports—on PBS channel 13, which aired on Friday, Jan 5, 2006 presents an epilogue of the spill first reported by Nalder in March 2005. It interviews and follows Eric Nalder as he tracks down his story on the spill from the tanker, Polar Texas

It happens that a whistleblower, Jim Legg, videotaped (surreptitiously) the Polar Texas' officers who tried to cover up the spill by harnessing and dangling a man over the side of the tanker as it was underway to clean up the evidence of the spill on the boat, by power-hosing its sides clean. Jim Legg also had documentation—the ship's logs that said (not that they were washing off the oil, but that it was "a man overboard drill".) All this was later corroborated by another crew member, an eyewitness, Alex Dalsgaard saying "they did a camouflage job" The ship's officers did not report the spill to the Coast Guard as they were supposed to. It was Jim Legg who did so. What makes FERC or the Coast Guard think that human error and cover-ups won't also plague Broadwater? And, how can the FERC and the Coast Guard guarantee us that it won't?

OC11-9

SAFETY LAPSES & ALCOHOL AND DRUG RELATED ACCIDENTS

--Alcohol and drug impairment cause accidents of every kind, including tanker ships —The Exxon Valdez and the Staten Island Ferry spring to mind. The aforementioned program tracking Nalder on his investigations into tanker problems reveals the pernicious and prevalent use and abuse of alcohol that is epidemic among tanker crews. Quite disturbing, as it escalates the potential for serious accidents and damage.

Here's another excerpt from article in the *Seattle Post-Intelligencer* by Nalder discussing how our own federal regulators undermine safety:

"A Seattle Post-Intelligencer investigation found disturbing evidence that efforts to reduce crew work hours, crack down on alcohol use and improve tug escorts are being evaded or undermined.

All along the West Coast — from Prince William Sound to Puget Sound, to San Francisco to Long Beach — state and federal regulators are taking steps to reduce requirements for tug escorts. [my emphasis]

The P-I investigation focused on Houston-based ConocoPhillips and its subsidiary, Polar Tankers, a fleet that was recently named by the Coast Guard as a prime suspect in the mystery oil spill in Puget Sound in October.

Interviews with crew members and internal company documents reveal serious safety lapses on vessels that are considered to be the best tankers in the world."

("Safety Lapses Plague Oil Tankers,
Post-Exxon Valdez changes in operations are being evaded, undermined"
Seattle Post-Intelligencer, Eric Nalder, 3/22/05)

HUMAN ERROR & MACHINE FAILURES

Here's another article, this one on Human Error, also from the

OC11-9

The Coast Guard has made the preliminary determination that operation of the FSRU and the LNG carriers in the waterways proposed for use by the Project would be manageable with implementation of the recommended mitigation measures (see Section 8.4 of the WSR [Appendix C of the final EIS]). As described in Section 3.10 of the final EIS, the Coast Guard would periodically inspect the FSRU and would inspect each incoming LNG carrier; in addition, FERC would conduct inspections of the FSRU. One of the primary purposes of these inspections would be to find and correct any problems associated with operation of the FSRU or the LNG carriers.

OC11 – South Fork Groundwater Task Force

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SEATTLE POST-INTELLIGENCER

http://seattlepi.nwsourc.com/specials/oiltankers/217359_polarfire24.html

“Even best-built tankers have had problems

Human error, machine failures always leave risk of major oil spill

Thursday, March 24, 2005

By ERIC NALDER

SEATTLE POST-INTELLIGENCER INVESTIGATIVE REPORTER

More than ever, oil-tanker safety hinges on the high-tech equipment that guides, steers and stops what have been called the most reliable ships on earth.

Operated by fallible humans.

Take, for example, the Polar Resolution, one of four new ships that are the pride of ConocoPhillips' fleet.

In February 2003, the Polar Resolution was offloading oil in Martinez, Calif., when a tiny fuel leak in a high-pressure line caused hot bunker oil to collect on the deck plating around the pipe. That's not good, because misty, hot fuel is explosive.

The ship sailed out of the Golden Gate even as engineers worked all day and all night, tearing out and rewelding huge sections of pipe.

At least one engineer worked 22 hours straight — a violation of federal work limits instituted after the Exxon Valdez, though there are exceptions in an emergency.

One seaman reported that when he was called to help around 5:30 a.m., the other engineers were “red-eyed, goofy and incoherent.”

Then the ship was rocked by an explosion.

The blast, unrelated to the leak, destroyed a 6,600-volt electrical breaker. The tanker scurried back to anchor in San Francisco Bay.

The Coast Guard knew nothing of the episode when the Seattle Post-Intelligencer repeatedly inquired about it. Apparently neither the tanker's officers nor its owner reported it.

The P-I found out when it contacted a crewman who suffered smoke inhalation in the aftermath of the explosion. In what could be construed as an attempt to evade reporting requirements, a medical report signed by the captain classifies the smoke inhalation not as an accident-caused injury, but as an illness. The captain, Dan Ellison of Fountain Valley, Calif., did not return phone calls.

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Failure to report such a damaging explosion and an injury – an apparent law violation -- reflects a breakdown in post-Exxon Valdez reforms.

A litany of incidents

The P-I found more examples to temper ConocoPhillips' confidence in double hulls, twin independent engine rooms and redundant steering systems.

The first of the new super-redundant ships, the Polar Endeavour, has experienced at least four human error and machine failures in critical situations. It lost both engines momentarily in a wildlife area near Anacortes in April 2002. Last November, its steering system suddenly veered 15 degrees in Prince William Sound.

During just one voyage last year, two incidents rocked the Endeavor: A spill in March caused by an overfilled bunker fuel tank, and an April collision in the South China Sea.

The 854-foot ship struck a Chinese bulk carrier in deep fog not unlike the soup the Endeavour encounters regularly in the narrow passageways of the San Juan Islands and in San Francisco Bay.

Bridge officers failed to slow down in "severely restricted visibility" and they didn't make adequate course adjustments, said an internal company report obtained by the P-I.

After the collision, a Coast Guard report shows, the ship's high-tech variable speed propeller was stuck in the "100 percent ahead" position, forcing the crew to shut down the starboard engine. Using its port engine, the ship limped into the Singapore shipyard, where it had been headed at the time for routine work.

The collision caused no injuries and only minor damage -- a scraped hull -- but such collisions can be far more violent, and a hard, direct hit could penetrate a double hull. ConocoPhillips fleet general manager Antonio Valdes told his ship captains in a June 17, 2004, letter that "due to the serious nature of the incident, which could have had much more serious consequences," he wanted them to better follow company rules."

*("Even best-built tankers have had problems
Human error, machine failures always leave risk of major oil spill"
By Eric Nadler, Seattle Post-Intelligencer, March 24, 2005)*

OC11-10

Incidents like the above, which took considerable sleuthing to uncover, and, incidents like the massive spills in Alaska due to corrosion-induced breaks in pipes because British Petroleum (BP) neglected to keep their pipes in good repair, coupled with weak oversight by state and federal regulatory entities that—under the oily Bush Administration—seeks to undermine safety rather than toughen it—only goes to show that we would be prudent not to allow Broadwater into L.I. Sound. I have no reason to believe that Broadwater, owned by Shell/TransCanada is any more honest or forthcoming than the corporations depicted above. In fact, I have every reason to believe that there are every bit as dishonest and untrustworthy.

11

OC11-10

The British Petroleum pipeline incident involved oil pipelines that were not regulated as interstate pipelines. However, as described in Section 3.10.9.1 of the final EIS, the design, construction, operation, maintenance, and testing of the Broadwater pipeline would be conducted in accordance with the regulatory requirements of an interstate gas pipeline. Sections 3.10.2.1 through 3.10.2.4 of the final EIS address the regulatory requirements for the design, construction, operation, and maintenance of the FSRU and the YMS. We have included a recommendation in Section 3.10.2.2 which would require that the facility be subject to regular FERC staff technical reviews and site inspections on at least an annual basis throughout the life of the facility.

Organizations and Companies Comments

N-745

OC11 – South Fork Groundwater Task Force

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QUESTIONS OF LIABILITY NOT ANSWERED IN DEIS:

- OC11-11 [Who pays for degradation to ecology? (ballast, ballast accidents, intake/outtake of millions of gallons of Sound water to cool machinery which will be “warmer” and contain “biocides.”
- OC11-12 [Who pays for accidents—from small to catastrophic? (Damage to people’s property, to their health, injuries or death? Who pays for first-rate medical care in case of injury?)
- OC11-13 [Who pays for remediation to Sound’s—if remediations is even possible given the circumstances? (Will be on our own as are Katrina victims).
- OC11-14 [Why should taxpayers have to pay for services to our municipalities for personnel and equipment that would be used facilitate the interests of a multinational corporation? Every aspect should be paid for from Broadwater’s own pocket.
- OC11-15 [Will FERC require Broadwater to post a \$ 1 billion fund (to be renewed back to \$1 billion after subtracting any claims against it due to injury to health or property damage?)

HURRICANES AND NOR'EASTERS

- OC11-16 [Global warming will make hurricanes more numerous and ferocious. This was not dealt with in the DEIS. While it makes mention of hurricanes that have hit us, 1938 being the most severe, global warming is proceeding more rapidly than had been predicted. While we haven’t experienced a CAT 4 or 5 to date, we’re entering an uncertain time. During Hurricane Katrina many platforms were ripped from their moorings (I assume those were supposed to withstand Cat 5 hurricanes too, as they claim Broadwater could withstand .) A brave whistleblower at the EPA spoke out on just how bad the damage was in the Gulf. (I refer you to my earlier submission of September 5, 2006.)

Recently, a massive ice shelf just broke away in the Canadian Arctic due to global warming. There is fear of its icefields eventually impacting shipping lanes. Surely, this adds a new wrinkle.

NEED AND DEMAND

- OC11-17 [Broadwater has not proved the need or demand for its LNG in the DEIS. Plus, LNG, comes from the same politically volatile areas of the world as does oil. I refer you to: the Final January 23, 2006 Report: “*The Proposed Broadwater LNG Import Terminal – An Analysis and Assessment of Alternatives*” by Synapse Energy Economics. It elucidates how Broadwater’s “need” assessment is misleading, debunks it as an “inexpensive” source as prices are always regulated by the owners of the gas from which this commodity comes. (I say, just look at Russia’s price threats in Europe last year.) And, by artificial manipulation from companies themselves (look at trumped up gasoline prices, for example.) Listen, their game plan and modus operandi is to monopolize a market then drive up the prices.

Broadwater is there solely to benefit itself and to milk the public.

OC11-11 As described in the final EIS, the applicant, Broadwater Energy LLC and Broadwater Pipeline LLC, would pay for construction and operation of the proposed Project, including implementation of all mitigation measures and regulatory compliance designed to avoid and minimize potential environmental impacts throughout the 30-year life of the proposed Project.

OC11-12 As stated in Section 3.10.6 of the final EIS, Broadwater would be required to develop an Emergency Response Plan that includes a Cost-Sharing Plan to provide funding for federal, state, and local agency participation in emergency response actions.

We have addressed potential impacts to people and property in the final EIS for the proposed Project; however, legal issues related to financial liability are not included in our environmental review process and therefore have not been addressed in the EIS.

OC11-13 Section 3.10.1 of the final EIS provides information on the properties of LNG and natural gas. As noted in the section, when released on water, LNG does not mix with water but rapidly vaporizes (regasifies) to natural gas. The resultant natural gas would either readily burn (if an ignition source is present) or form a vapor that would either quickly dissipate or burn if it encounters an ignition source and the gas-to-air ratio is sufficient to allow ignition (5 to 15 percent). Thus, an accidental or intentional LNG release may result in a temporary impact to the environment, but would likely not require longer-term remedial clean-up actions. Additional information on the potential environmental impacts of an LNG release is provided throughout Section 3.0 of the final EIS.

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- OC11-14 Please see our response to comment OC11-2.
- OC11-15 Please see our response to comment OC11-13.
- OC11-16 As stated in Section 3.10.2.3 of the final EIS and in Section 4.3.5 of the WSR (Appendix C of the final EIS), the design basis for the YMS is a 100-year storm, which equates to a Category 5 hurricane on the Saffir-Simpson hurricane scale.
- OC11-17 The EIS was not prepared by Broadwater. Section 1.1 of the EIS presents FERC's analysis of need in the region. In addition, in Section 1.1.5.4 of the final EIS, we have addressed the January 2006 and March 2007 Synapse reports, updates to the report, and additional information provided by Synapse during the public comment period.

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The following is from the May 13, 2005, "Pacific Coast Business Times"

<http://www.pacbiztimes.com/index.cfm?aid=1464&cid=1464>

Consumers get shafted as politicians debate LNG

Henry Dnbroff Business Times Editor

Liquified natural gas has been big news lately in California.

The Bush Administration is touting the need for the United States to build facilities to import massive quantities of this super-cooled energy source to fuel the economy of the West Coast.

The administration wants federal authorities to pick whether the Port of Long Beach, two locations off the coast of Ventura County or another location will be the point of entry for fuel shipped thousands of miles from Qatar or Australia. Over the objection of local politicians, such as Ventura County Supervisor John Flynn and U.S. Rep. Lois Capps, D-Santa Barbara, it wants to bypass local environmental reviews and put LNG ports on a fast track.

The rationale for LNG is that natural gas is in short supply.

But the reality is that North America is swimming in natural gas, so much so that some of the world's largest energy companies believe prices could plunge by 80 percent or more if just one new source came on line. [my emphasis]

"If you read between the lines of the LNG debate, you will see clearly that the politics of natural gas have trimped the economics of natural gas at every turn. American consumers and businesses are getting ripped off every time we take a shower or turn on a heater.

That's because the current market price for natural gas, something like \$6.65 per thousand cubic feet, assumes that huge reserves in Alaska and Mexico will never be tapped. Indeed, it only makes sense to ship LNG from Qatar or Australia to Oxnard or Long Beach if North American sources remain bottled up. That seems to be a very safe bet, for now.

How much gas is there? In Alaska, supplies could be as much as 200 trillion cubic feet, enough to meet U.S. demand for decades, perhaps centuries.

Easily available is 20 trillion cubic feet that ExxonMobil, Conoco Phillips, and BP have been injecting back into the ground as part of their North Slope oil drilling.

This reservoir alone is so vast that it could displace one-third of current U.S. imports for decades, if a single 48-inch pipeline were constructed to bring it to the lower 48 states.

But the pipeline plan is going nowhere because everybody involved in Alaska wants a free lunch. Construction companies want government-guaranteed loans. Canada, a major exporter to the U.S., wants to collect charges for connecting the Alaska pipeline to its Mackenzie River gas gathering operation.

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Even worse, the piggish oil giants are insisting on a guarantee that the U.S. government—that means you—will support natural gas prices should they fall below \$1.25 per thousand cubic feet. This is an outrageous demand that carries with it the implication that North American reserves are so vast that prices could plunge 80 percent from current levels.

Environmentalists are equally piggish. They would rather oppose the Alaska pipeline, then stage confrontations over plans to open up hard-to-drill areas in Colorado in Wyoming to meet growing demand. These high-profile fights are great for fund raising, but they don't solve our long-term energy problems.

The third outrage is Mexico, which currently soaks up 1 percent of U.S. natural gas output even though its supplies are so vast as to be incalculable. Mexico is a laggard because cash-strapped Pemex, the government-owned oil company, refuses to bring in private parties to develop its natural gas fields.

In the Wall Street Journal on May 6, Pemex Chief Luis Ramirez begged for outside help to develop the gas fields "even if they crucify me."

Natural gas is a clean fuel for creating electricity. It probably will have wider use as a fuel to generate hydrogen for the next generation of autos.

Natural gas is abundant, and there's no reason for the current price other than the fact that natural gas does not have the kind of political constituency that made Terry Schiavo front page news.

Depending on your perspective, LNG is either a sham or a scam. And the current price of natural gas is one of the biggest rip-offs of the 21st century.

COAST GUARD'S SAFETY AND SECURITY ASSESSMENT IS INADEQUATE

I found these Coast Guard's comments on page ES-6 of the DEIS puzzling:

"The WSR concludes that there are currently no known, credible threats against the proposed Broadwater facility, although periodic threat assessments must be conducted to ensure that the security measures in place remain appropriate. The proposed location of the FSRU has a number of significant safety and security benefits associated with its remoteness, especially with respect to threat and consequence since it would be remote from population centers. The Coast Guard has stated that would serve to lessen the FSRU's attractiveness as a target, but the remote location would create some law enforcement challenges."

This, to me, shows a stunning lack of the imagination—of the type shown regarding 9/11!

OC11-18 □ It is still proximate to great populations and a worst-case scenario disaster—terrorist or accident—with a 30 mile dispersion could create havoc and great death. So, What about sabotage?—Not discussed in the DEIS. Worker "Sabatoge" accounts for the greatest damage in industries. So, What if the FSRU and/or tankers were damaged by one or more of the workers? Even, taken over? The damage terrorists could wreak upon the FSRU or LNG tanker(s) could

14

OC11-18 The 30-mile radius suggested by the commentor is not applicable to the Broadwater Project. As described in Section 3.10.3.2 of the final EIS and in Section 1.4 of the WSR (Appendix C of the final EIS), the public could experience burns at locations up to 1 mile from a pool fire (the worst-case heat hazard distance, or Sandia Zone 2). Section 3.10.3.2 also lists the maximum extent of an unignited vapor cloud (Hazard Zone 3) as 4.7 miles from the FSRU, and Section 1.4.3 of the WSR lists a maximum Hazard Zone 3 distance of 4.3 miles from a release from an LNG carrier. However, FERC staff believe that scenarios that would cause a large enough hole to result in a vapor cloud of this extent would require the use of explosives. Therefore, an ignition source would be present to ignite the vaporized LNG and create an LNG pool fire; there would not be a vapor cloud. Even if an unignited vapor cloud would be present 4.7 miles from the FSRU, that would still leave more than 4 miles between the edge of the cloud and the nearest shoreline. If a release from an LNG carrier along the proposed route occurred and the maximum size unignited vapor cloud formed, it could extend onshore in some areas until reaching an ignition source, but there would not be a "30 mile dispersion" that "could create havoc and great death." The individual resource sections throughout Section 3.0 of the final EIS provide information on potential impacts due to ignition of a vapor cloud within Hazard Zone 3.

OC11-19 The safety and security analysis performed during the development of the WSR (Appendix C of the final EIS) included potential terrorist actions as described in Section 5.5 of the WSR. Sabotage can be considered a terrorist activity and was therefore considered in concept in the Coast Guard's assessment of security and safety.

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OC11-19 generate quite a giant and ignitable vapor cloud indeed. The FSRU/tankers could be attacked by scuba divers, mini-subs, by airplane, shoulder-to-air missiles. Terrorists are determined and ingenious and have expressed their "intent" to destroy oil and gas infrastructures in the USA.

OC11-20 I take it that FERC/ USCG has not bothered to read "LNG Facilities in Urban Areas ..." by Richard Clarke, our former anti-terrorism czar during 9/11. I referred it to FERC in submissions to you of September 19, 2005. Attached herewith are 12 pages from said Report. I thought the boneheads in Homeland Security contributed to this DEIS—haven't they read Clarke's Report? **WHY ISN'T THE CONTENTS OF CLARKE'S REPORT MENTIONED IN THE DEIS?** Shameful that it is not either considered or disputed. (SEE: attached 12 pages of Clarke's report. Also:
2.

... to the Massachusetts in Congress that do not ...
The report, "LNG Facilities in Urban Areas," was prepared by counterterrorism expert Richard Clarke, who has served in both Republican and Democratic ...
... use of it ...

The first paragraph of Clarke's Report starts:

"Key Judgments

"This analysis focuses on Security Risk Management involving intentional damage by a determined group. It does not address Safety Risk Management.

"1. METHODOLOGY: Traditional risk management calculation methodologies are insufficient to deal effectively with the security risk now posed by terrorists groups. Traditional risk management methodologies would have determined that the probability of terrorists employing hijacked commercial passenger aircraft to destroy the World Trade Center was zero. The probability of a terrorist attack occurring can not be effectively measured, but it is now "a foreseeable risk" in the United States. Instead of calculations involving probability of attack, we suggest an alternative five part methodology for determining security risks and cost calculations." –GO READ THIS REPORT BY OUR EX-TERRORISM CZAR! NOT TO, IS A DERELICTION OF FERC AND THE COAST GUARD'S DUTY!

INDUSTRY CORRUPTION & ENERGY MARKET MANIPULATION

Below is information condensed from the website of Consumer Protection Attorney, Tim Riley's Web Site:

ENERGY INDUSTRY CORRUPTION & ENERGY MARKET MANIPULATION

OC11-20 Richard Clarke's report relates to other LNG facilities and locations, specifically to LNG in urban areas. The proposed location of the FSRU is more than 9 miles from the nearest shoreline and even farther from the nearest population center. The security and safety assessments conducted by the Coast Guard and reported in the WSR (Appendix C of the final EIS) are specific to the FSRU and LNG carriers and incorporate some of the concepts mentioned in the Clarke report.

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Ponder the Following Questions as You Fill Your Gas Tank

1. Would The Energy Industry Ever Manipulate The Fuel Market or Fuel Prices ?
2. Would the Energy Industry Ever Mislead Us With The Appearance Of an Energy Supply Shortage ?
3. Would The Energy Industry Ever Mislead Us With False Safety Claims ?
4. Should We Be Suspicious When the Energy Industry Claims - Exactly As They Did in the 1970's - That We Are Running Out of Domestic Natural Gas -Insisting That We Need To Import Foreign LNG ? ...

“Washington - The US justice department is looking into allegations that a subsidiary of Halliburton was involved in payment of \$180 million in bribes to win a contract for a natural gas project in Nigeria, according to officials.

OC11 – South Fork Groundwater Task Force

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The \$4 billion liquefied natural gas plant was built in the 1990s by a consortium that included Kellogg, Brown & Root during a time when US vice-president Dick Cheney headed Halliburton.” (Business Report Online, Feb 6, 2004)

“Reliant Energy and the state of California said today that the company will pay \$460 million to settle claims that it profited from the California energy crisis in 2000 and 2001.” (New York Times, Aug. 15, 2005)

“NEW YORK (Reuters) - U.S. oil services giant Halliburton Co., plagued by several probes into its offshore operations, disclosed in a regulatory filing that improper payments to Nigerian officials may have been made in order to win a multibillion dollar contract.” (CNN Money, Nov 8, 2004)

“MONTGOMERY, Ala. -- A jury ordered Exxon Mobil Corp. to pay \$1.9 billion in damages Friday after finding the oil giant had cheated the state of Alabama out of natural gas royalties.” (Ventura Star, Nov 15, 2003)

“SEC probes bribery allegations involving Halliburton subsidiary” (Mercury News, June 11, 2004)

“HOUSTON -- Enron Corp. traders openly discussed manipulating the California power market and joked about stealing from grandmothers during the Western energy crisis in 2000-2001, according to transcripts of telephone calls filed with the Federal Energy Regulatory Commission.

“The transcripts, some littered with profanity, were filed by a public utility district near Seattle.

“The calls on the transcripts are central to the Justice Department's investigation of Enron's trading practices.” (Ventura County Star, June 3, 2004)

“Federal energy regulators seldom seem to do their jobs until the state of California gives them a swift kick. This time, state Atty. Gen. Bill Lockyer had to deliver a Florsheim to the fanny of Federal Energy Regulatory Commission Chairman Patrick H. Wood III, in the form of a lawsuit against Enron Corp.

“True to form, FERC officials ignored recordings that demonstrated the outrageous tactics Enron traders used to game the California energy market — until Lockyer's suit made it difficult to keep pretending they didn't exist. During the height of the state's energy meltdown, traders boasted of creating false congestion on power lines, ignoring price caps and promising to make available power that the company never intended to deliver. They even invented a name for their fictional victim: Grandma Millie. As Lockyer said Thursday, ‘Grandma Millie ought to get her money back.’ ” (L.A. Times, Editorial, June 19, 2004)

“Reliant and its four of its top-level workers were indicted by a federal grand jury Thursday on accusations that, among other things, they illegally manipulated prices by shutting down the power plants during a two-day period.” (Ventura County Star, April 9, 2004)

To sum up—In an industry riven by corruption and manipulation and unaccountability, FERC, Broadwater and the under-resourced Coast Guard has not demonstrated a need for LNG that

OC11-21 Section 1.1 of the final EIS provides information on energy demand and supply in the region that would be served by Broadwater if the Project is implemented. Section 4.0 of the final EIS provides our assessment of alternatives. Although some alternatives or combinations of alternatives to the Project could meet the energy needs of the region, those alternatives would result in greater environmental impacts than those of the proposed Project.

OC11-21



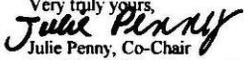
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- OC11-22 alternatives can not provide. Broadwater, the Coast Guard, and our local fire, police can not protect us in the event of a "worst-case scenario." In fact, according to "Standing Orders" at the Port of Savannah, Georgia is: "1. Order the evacuation of all USCG personnel from the affected area." — **What are the Coast Guard's "Standing Orders" for a "worst-case scenario" with Broadwater's FSRU, or tankers?**
- OC11-23

LIST OF SUBMISSIONS

1. "Broadwater, Fraudwater, I" – *The Sag Harbor Express*, January 12, 2006
2. "Broadwater, Fraudwater, II" – *The Sag Harbor Express*, January 19, 2006
3. "How tanker might have caused spill in Dalco Passage, But pumpman tells grand jury the oil couldn't have come from Polar Texas" - By Eric Nalder, *Seattle Post-Intelligencer*, March 25, 2005
4. "Safety Lapses Plague Oil Tankers, Post-Exxon Valdez changes in operations are being evaded, undermined" - *Seattle Post-Intelligencer*, Eric Nalder, 3/22/05
5. "Even best-built tankers have had problems, Human error, machine failures always leave risk of major oil spill" - By Eric Nadler, *Seattle Post-Intelligencer*, March 24, 2005
6. "LNG Facilities in Urban Areas – A Security Risk Management Analysis For Attorney General Patrick Lynch Rhode Island" by Principal Investigator Richard A. Clarke, May 2006, pp 1-12
7. "The Proposed Broadwater LNG Import Terminal – An Analysis and Assessment of Alternatives" by Synapse Energy Economics, Inc. Frontispiece, Table of Content, p. 1
8. Excerpts from Web Site of Tim Riley, Consumer Protection Attorney re. LNG

Very truly yours,

Julie Penny, Co-Chair
South Fork Groundwater Task Force

PO Box 2360
Sag Harbor, NY 11963
Phone/Fax 329-9560
jpenny1@optonline.net

Encls.

Cc: Governor Eliot Spitzer, Senator Hillary Clinton, Senator Chuck Schumer, Representative Tim Bishop, Suffolk County Executive Steve Levy, Assemblyman Fred Thiele, Senator Ken LaValle, Legislator Jay Schneiderman

OC11-22 Broadwater would be required to develop an Emergency Response Plan as described in Section 3.10.6 of the final EIS. The plan would address the emergency response and security requirements for a wide spectrum of scenarios, including worst-case scenarios.

OC11-23 Details of the protocols for the Coast Guard, Broadwater, and state and local agencies would be included in the Emergency Response Plan that would be developed, as described in response to comment OC11-22. However, some Coast Guard protocols would be Sensitive Security Information and would not be released to the public. FERC must approve the Emergency Response Plan prior to final approval to begin construction.

OC12 – South Fork Groundwater Task Force

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ORIGINAL

SOUTH FORK GROUNDWATER TASK FORCE

BY CERTIFIED MAIL RETURN RECEIPT REQUESTED #: 7006 2150 0001 0032 3482

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First St. NE, Room 1A
Washington, DC 20426

RE: OEP/DG2E/ Gas Branch 3
Broadwater LNG Project
Docket No. CP06-54-000
CP06-55-000

FILED
OFFICE OF THE
SECRETARY
JAN 29 11:17 AM
2007

Dear Ms. Salas:

Attached herewith please find for FERC an original and 2 copies of:

1. Follow-up comments from the *South Fork Groundwater Task Force* on the Public Hearing on Broadwater at Prodehl Middle School, Shoreham, on January 11, 2007, and two resolutions from the Town of Southampton
2. A complete set (letter & attachments) for "Gas 3, PJ-11.3" with Reference Docket No. CP06-54
3. An extra copy of the complete set.

Very truly yours,

Julie Penny
Julie Penny, Co-Chair

Encls.

Cc: Governor Eliot Spitzer; Steve Ressler, NYS DOS; Richard Tomer, US Army Corp of Engineers, NY District

PO Box 2360 • Sag Harbor • New York 11963 • Phone/Fax: 631 329-9560

OC12 – South Fork Groundwater Task Force

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SOUTH FORK GROUNDWATER TASK FORCE

BY CERTIFIED MAIL RETURN RECEIPT REQUESTED #: 7006 2150 0001 0032 3482

January 17, 2007

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First St. NE; Room 1A
Washington, DC 20426

RE: OEP/DG2E/ Gas Branch 3
Broadwater LNG Project
Docket No. CP06-54-000
CP06-55-000

FOLLOW-UP COMMENT ON PUBLIC HEARING

BY Julie Penny

This constitutes the follow-up to my written comments and criticisms of FERC's DEIS for Broadwater dated January 6, 2007 and sent to FERC by Certified mail return receipt requested, and, my oral criticisms at the "Public Hearing" at Prodele Middle School in Shoreham, NY on January 11, 2007.

FERC'S CORRUPTED PROCESS

There was a thunderous standing, cheering ovation that Sen. Ken LaValle received at the hearing when he echoed what the general public feels, when he concluded his remarks saying:

"...this process with FERC is as corrupted a process that went before with Shoreham."

USCG CAPTAIN BOYTON LOOKS SHEEPISH & CAN'T ANSWER

When I asked USCG Captain Boyton—at the Broadwater's public hearing in Shoreham on 1/11/07—"What are the "Standing Orders" in a "Worst Case Scenario?"—Captain Boyton looked absolutely *sheepish* and could not answer me. In fact, he was dumbstruck and speechless.

People in the audience said aloud: "He can't answer! See! He can't answer!"

I had just read what the "Standing Orders" were for a LNG importation facility in Savannah, Georgia which says:

**"INITIAL ACTION TO TAKE IN THE EVENT OF A WORST-CASE DISCHARGE
OF LNG**

"STEP ACTION 9999

"1. Order the evacuation of all USCG personnel from affected area."

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1

OC12 – South Fork Groundwater Task Force

Captain Boyton also couldn't answer me when I asked—"Where does that leave us?"

OC12-1 How could he answer me? How can anybody with a conscience answer knowing that his orders would be the same—"1. Order the evacuation of all USCG personnel from the affected area"?—which means ABANDONING us, not coming to our aid, leaving us to our fate—the first responders (police, fire, emergency workers), EVERYONE OF US. I'm sure Captain Boyton is sickened at having to be a part of FERC's Charade—so transparent to all of us.

OC12-2 While CATEGORY 3 hurricanes were mentioned in the D.E.I.S.—there was nothing about how the Broadwater's FSRU (or tankers) would withstand a CAT 4 or 5 hurricane—which will come in time now that "Global Warming" has entered the equation.

SANDIA NATIONAL LABORATORY: IGNITABLE VAPOR CLOUD

OC12-3 Nothing in the D.E.I.S. about the report the Coast Guard commissioned from Sandia National Laboratories (in relation to Cabrillo's potential deep-water LNG project) and in which Sandia revised its worst-case scenario estimates for an ignitable vapor cloud extending to 1.3 miles (which would cause second-degree burn at 1.3 miles (one minute away) in 2004, to extending the vapor cloud to "7.3 miles" in 2006.—NO COMMENT FROM CAPTAIN BOYTON ON THIS EITHER—and, in which Sandia speaks about the threat expressed by el Qaeda to hit LNG facilities. While Sandia notes the threat, it doesn't say how to prevent it.

OC12-4 When I said the tankers would be traversing within 7 miles of shore at certain points, Captain Boyton couldn't comment on that either. (Sandia Lab's report not mentioned in DEIS, nor Richard Clarke's Report on the Terrorist risk of LNG.)

LNG DISASTERS & PIPE COUPLINGS

To FERC & the NYS Army Corps of Engineers I reiterate what I read aloud from my written comments to FERC dated January 6, 2007:

" SAFETY

OC12-5 "While mention is made in the DEIS (3-191) to the 1944 LNG fire in Cleveland and a blast at Sonatrach's Skikda in Algeria, there is no mention in the DEIS of other disasters, such as: the explosion of a 28-inch Nigerian LNG underground pipeline engulfing an estimated 27 square kilometers in Nigeria killing once-rich mangroves, killing seafood and cash crops, or that an LNG pipeline leak leveled a house in Maryland in March 2005.

OC12-6 "The Washington Post reported "it was found that subtle molecular differences in the imported liquefied natural gas the utility began using in August 2003 were driving up the rubber seals of aging metal couplings that link sections of the pipe." It also seems that leaks are caused by the very composition of the imported gas itself—which differs from our domestic natural gas. Apparently, the imported LNG "causes the rubber seals in underground pipe couplings to shrink." —How does this apply to the Broadwater project, as there is no mention of this incident either in the DEIS? (See attached: Broadwater, Fraudwater, II The Sag Harbor Express, January 19, 2005). FERC must address this." —Mr. Martin, Mr. Tomer: How will FERC & the US Army Corp address this?

OC12-1 Details of the protocol for the Coast Guard, Broadwater, and other participating agencies would be included in the Emergency Response Plan that would be developed as described in Section 3.10.6 of the final EIS. FERC must approve the Emergency Response Plan prior to final approval to begin construction. However, some Coast Guard protocols would be Sensitive Security Information and would not be released to the public.

OC12-2 As stated in Section 3.10.2.3 of the final EIS and in Section 4.3.5 of the WSR (Appendix C of the final EIS), the design basis for the YMS, including its connection with the FSRU, is a 100-year storm which equates to a Category 5 hurricane on the Saffir-Simpson hurricane scale. An LNG carrier would not be present in any of the waterways used by the Project during a major storm such as a hurricane. Incoming LNG carriers would remain at sea, outside Long Island Sound, until there is a sufficient time span of suitable weather for the carrier to enter and complete berthing, unloading, deberthing, and departure transit.

OC12-3 Please see our response to comment OC11-1.

OC12-4 Section 3.2 of the WSR (Appendix C of the final EIS) describes the proposed routes that would be used by the LNG carriers and identifies the areas within the hazard zones along the transit route. We also would like to remind the commentor that the public comment meetings are designed to allow the public to comment on the draft EIS. When a large number of speakers are involved, the forum is not conducive to a question-and-answer format. Although the Coast Guard and FERC did respond on occasion, particularly when a commentor made an inaccurate statement, neither the Coast Guard nor FERC responded to the vast majority of verbal comments at the meetings.

OC12-5 Please see our response to OC11-7.

OC12-6 Please see our response to comment OC12-5. The issue about molecular differences in natural gas adversely impacting rubber seals in old pipelines is not applicable to the Broadwater Project and is not addressed in the EIS.

OC12 – South Fork Groundwater Task Force

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OC12-7 [And, apparently, as another speaker made clear, there have been dozens safety incidents with LNG tankers. Add them to my list that can be found in my January 6, 2007 written comments to FERC.

SPEAKERS & THE PUBLIC

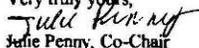
To sum up. Many of the speakers had done their homework—on the issues of “Need¹,” “Safety,” “Ecology,” “Air Quality,” “Aesthetics,” “Quality of Life” (to name just a few)—they put FERC’s D.E.I.S. to shame.

Assemblyman Steve Englebright—a geologist—and teacher, was particularly damning and outspoken in the poor quality of the DEIS and of its blatant bias towards Broadwater.

The fisherman and their wives who spoke were especially eloquent from pure experience alone, and brought up points FERC never thought of, or, could conceive of. They also made points about L.I. Sound’s fishing grounds and how they would be fragmented and displace fisherman in a domino effect was compelling indeed, as were Bill Taylor, East Hampton Town Waterways Manager, Stuart Vorpahl, an East Hampton bayman both who also made terrific points. These people know what they’re talking about. You don’t. Livelihoods are on the line—the Sound is a billions-of-dollars industry.

OC12-8 [Listen to what these people said. To what I said. To the environmentalists. To the scientists. To our elected officials. TO EVERYONE OF US WHO LIVES HERE. The COLLECTIVE wisdom, knowledge, expertise of the people, and their deep feeling about the Long Island Sound and our waters and bottomlands that have been presented to you, far outweighs and is superior to your inferior, biased DEIS which you are using as a vehicle—as the patsies you are—in ramming Broadwater down our throats. YOU WORK FOR US, NOT FOR SHELL / TRASCANADA.

OC12-9 [I’m attaching herewith two resolutions that the Town of Southampton passed in opposition to Broadwater. Broadwater flies in the face of NY’s Coastal Management Policy.

Very truly yours,

Julie Penny, Co-Chair
South Fork Groundwater Task Force

PO Box 2360
Sag Harbor, NY 11963
Phone/Fax (631) 329-9560
Jpenny1@optonline.net

Encl.

CC: Governor Eliot Spitzer, Steve Ressler, NYSDOS; Richard Tomer, US Corp of Engineers. NY District

OC12-7 Section 3.10.4.1 of the final EIS lists LNG carrier incidents. Historically, in more than 44,000 transits performed by LNG carriers, there is not a single example of a significant LNG release.

OC12-8 Both the draft and final EISs were prepared by experienced scientists and engineers in compliance with NEPA guidelines, CEQ regulations for implementing NEPA, and FERC’s regulations for implementing NEPA. We have revised the final EIS to address the issues raised by commentors where appropriate, including comments made by scientists with Long Island Sound expertise. FERC is neither a proponent nor an opponent of the Project, as suggested by the commentor. We consider the commentor’s statement that FERC is “ramming Broadwater” down the throats of the people of the region to be wholly inaccurate and not reflective of the extensive efforts by the state and federal agencies involved in performing the review of the Project.

OC12-9 Broadwater submitted a coastal consistency certification to NYSDOS and to FERC that addresses the applicable policies of the Long Island Sound CMP and the applicable local land management plans. Section 3.5.7.1 of the final EIS lists the coastal policies but does not present an opinion regarding consistency because NYSDOS is responsible for determining whether the Project is consistent with those policies. It is our understanding that NYSDOS will file its determination with FERC after the final EIS has been issued.

¹ Many alternatives: Millenium pipeline.etc. And, not to mention the vast deposits of plain old natural gas in the Gulf—in all of North America—which, if tapped would lower our costs by 80%

OC12 – South Fork Groundwater Task Force

Unofficial FERC-Generated PDF of 20070130-0054 Received by FERC OSEC 01/29/2007 in Docket#: CP06-54-00



Town of Southampton
116 Hampton Road
Southampton, NY 11968

ADOPTED

RESOLUTION 2007-116

Meeting: 01/09/07 01:00 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Eileen Halek
Initiator: Garrett Swenson
Sponsors: Heaney, Graboski, Kabot, Kenny, Nuzzi
DOC ID: 5291

Resolution Regarding the Broadwater LNG Project

WHEREAS, by Resolution No. 807 of June 13, 2006, this Board expressed concerns and opposition to the location of heavy industrial uses in coastal areas, which would include the project known as the Broadwater LNG Project, and

WHEREAS, there is currently an environmental review being conducted by the Federal Energy Regulatory Commission with regard to the Broadwater LNG Project; and

WHEREAS, numerous concerns over the project have been expressed including:

- inappropriateness of permitting a heavy industrial use in Long Island Sound, a public resource, by a private entity;
- the proposal is inconsistent with the Long Island Sound Coastal Management Program and the Long Island North Shore Heritage Area Management Plan;
- the project could pose safety and security threats for residents of the East End;
- concerns that cooling water released from the terminal could have a detrimental effect on marine life in the Long Island Sound and surrounding waterways;
- heavy industrial uses are incompatible with protecting the natural resources and with recreational uses in coastal zones along the shores of Long Island
- the project is not in the best interests of the Town of Southampton and the East End of Long Island

WHEREAS, this Board is desirous of the aforementioned concerns, and this Town Board's opposition, being made known and considered in connection with the Federal environmental review process, and now therefore be it hereby

RESOLVED, that the Town Board of the Town of Southampton affirms its strong opposition to the Broadwater LNG Project; and be it

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to provide copies of this Resolution, and the prior Resolution No. 807 of June 13, 2006, to the Federal Energy Regulatory Commission for consideration with the current Federal environmental review, and be it

FURTHER RESOLVED, that the Town Planning and Development Administrator is authorized and directed to provide any additional information and take any other action which may be required in connection with the current Federal environmental review to ensure this Town Board's concerns and opposition are adequately considered, and be it

FURTHER RESOLVED, that the Town Clerk is authorized and directed to provide copies of this Resolution and the prior Resolution No. 807 of June 13, 2006 to the following;

OC12 – South Fork Groundwater Task Force

Unofficial FERC-Generated PDF of 20070130-0054 Received by FERC OSEC 01/29/2007 in Docket#: CP06-54-00

Resolution 2007-116

Meeting of January 9, 2007

Hon. Timothy Bishop, Member of Congress
Hon. Eliot Spitzer, Governor of the State of New York
Hon. Kenneth P. Lavelle, New York State Senator
Hon. Fred W. Thiele, New York Assemblyman
Hon. Steve Levy, Suffolk County Executive
Members of the Suffolk County Legislator

Financial Impact

None

RESULT: ADOPTED AS AMENDED [UNANIMOUS]
MOVER: Patrick Heaney, Supervisor
SECONDER: Nancy Graboski, Councilwoman
AYES: Heaney, Graboski, Kenny, Kabot, Nuzzi

OC12 – South Fork Groundwater Task Force

Unofficial FERC-Generated PDF of 20070130-0054 Received by FERC OSEC 01/29/2007 in Docket#: CP06-54-00



Town of Southampton
116 Hampton Road
Southampton, NY 11968

Meeting: 06/13/06 01:00 PM
Department: Town Council
Category: Miscellaneous
Prepared By: Janice Wilson
Initiator: Nancy Graboski
Sponsors: Heaney, Graboski, Kenny, Kabot, Nuzzi
DOC ID: 4111

ADOPTED

RESOLUTION 2006-807

Memorializing Resolution In Support of NY State Assembly Bill A9257 and NY State Senate Bill S6549 Regarding Certain Industrial Uses In Coastal Zones

WHEREAS, the Town of Southampton, as a seaside community, has long valued its maritime heritage and, accordingly, its coastal natural resources; and

WHEREAS, the 1970 Master Plan and the 1999 Comprehensive Plan Update clearly articulated goals that have guided the Town over the years and defined strategies necessary to protect our quality of life and natural resources, including its coastal waters, bays and beaches, estuarine waters and tidal wetlands; and

WHEREAS, the Town has adopted laws, policies, management plans and procedures providing for sound protection and management of all coastal watersheds, vital to maintaining the quality of the Peconic and south shore bays, as well as the network of ponds and streams which tie in with the shore; and

WHEREAS, bills before the NY State Assembly (A9257), introduced by Assemblyman Fred Thiele, and before the NY State Senate (S6549), introduced by Senator Kenneth P. LaValle, entitled, "An act to amend the executive law, in relation to industrial uses in coastal areas," are currently under consideration; and

WHEREAS, these proposed bills provide for certain industrial uses in coastal zones, establish a state coastal zone industrial control board, and authorize certain industrial uses with a permit; and

WHEREAS, these proposed bills seek to prohibit, entirely, the construction of new heavy industry in coastal areas, including offshore bulk product transfer facilities and terminals to receive, store and process liquefied natural gas (LNG); and

WHEREAS, it is found that these kinds of heavy industrial uses are not only incompatible with protection of the environment, natural beauty and recreation potential of these coastal areas, but also that they are declared to be against public policy, and, furthermore, represent a potential significant danger of pollution to the coastal zone; and

WHEREAS, these initiatives on the part of Assemblyman Thiele and Senator LaValle to advance legislation restricting heavy industrial uses in coastal areas will serve to further expand the efforts of the Town of Southampton to protect our quality of life and our coastal natural resources; now, therefore, be it

RESOLVED, that the Town Board of the Town of Southampton strongly supports A9257 and S6549 and urges the Assembly and the Senate, respectively, to move forward to adopt the proposed legislation, that would provide for certain industrial uses but would prohibit heavy industrial uses, including offshore bulk product transfer facilities and terminals, thereby, helping to protect the viability of our coastal natural resources and to ensure our quality of life for years to come.

OC12 – South Fork Groundwater Task Force

Unofficial FERC-Generated PDF of 20070130-0054 Received by FERC OSEC 01/29/2007 in Docket#: CP06-54-00

Resolution 2006-807

Meeting of June 13, 2006

Financial Impact
No financial impact

RESULT: ADOPTED [UNANIMOUS]
MOVER: Nancy Graboski, Councilwoman
SECONDER: Patrick Heaney, Supervisor
AYES: Heaney, Graboski, Kenny, Kabot, Nuzzi

OC13 – Group for the South Fork

200701235075 Received FERC OSEC 01/23/2007 04:31:00 PM Docket# CP06-54-000, ET AL.

January 23, 2007

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission (FERC)
Office of Energy Projects
888 First St. NE, Room 1-A
Washington, D.C. 20426 – via email transmission

RE: Draft Environmental Impact Statement (DEIS) for the Broadwater LNG Project
Docket Numbers – CPO6-54-000 & CP06-55-000

Dear Secretary Salas:

Summary Statement

I write on behalf of the Group for the South Fork to express opposition to the Broadwater Liquefied Natural Gas (LNG) project as defined and evaluated in the above-referenced DEIS.

Background

For the record, the Group for the South Fork is a professionally staffed, nonprofit conservation organization, dedicated to preserving the fragile natural resources that define the Long Island's East End and form the foundation of its local economy for the last 35 years. The Group for the South Fork obtains funding from 2,000 member households, individuals and businesses throughout the region.

General Comments

After a careful assessment of the entire DEIS for the proposal, we are deeply concerned that significance and magnitude of potential environmental, economic, and public safety impacts will far outweigh the advertised benefits promoted by Broadwater Energy. As a result we ask that you reject this proposal, as it fails to meet the policy objectives of the National Environmental Policy Act (NEPA).

As you know, NEPA clearly calls upon all federal agencies to use all practicable means to "assure for all American's a safe, healthful, productive, and aesthetically and cultural pleasing surroundings." NEPA also calls upon federal agencies to "attain the widest beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences."

Contrary to these clearly stated policy objectives, the proposed action seeks to locate a potentially hazardous floating gas terminal, with a 243,000 square foot regasification unit (of unproven technology) and a 22-mile subsurface pipeline in a nationally recognized estuary that supports an annual water quality dependant economy of some \$5.5 billion.

OC13 – Group for the South Fork

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Moreover, the proposed action seeks to develop this facility in one of the most heavily populated coastal metropolitan regions in the United States - a region that has already been the target of the nation's most horrific terrorist attack, and which continues to be recognized by United States officials as a vulnerable and likely terrorist target. Clearly, it is inescapable that the proposed Broadwater terminal and the regular passage of its attendant LNG tankers would represent a high value terrorist target in a heavily populated metropolitan region where the effect of any successful attack would be substantially magnified.

Recommendation for a Nationwide LNG Assessment

Given the number of LNG terminal applications now pending before FERC, we strongly recommend that your agency take the initiative to consider this application in the context of an overall LNG strategy for the nation. This strategic evaluation should extend well beyond the potential risks of each individual terminal to include a comprehensive safety and security assessment that would ultimately identify the most appropriate locations for any future terminals based on a more comprehensive approach to environmental and security considerations.

This nationwide assessment should carefully incorporate the best thinking and economic assessment of the US Coast Guard as well as the Department of Homeland Security and local officials to assure that there will be sufficient resources available to provide adequate protection of any future facilities that may come on line. Clearly, given the number of applications pending, it is all but certain that the US Coast Guard will lack sufficient resources in many (if not all) ports to handle the multitude of security responsibilities that it will encounter if several LNG projects are authorized as anticipated throughout the nation. The federal government has an obligation to provide a specific assessment of projected security costs to the Coast Guard nationwide well ahead of FERC's incremental authorization of numerous new LNG facilities across the country.

In the absence of a well-defined national strategy, the placement and operation of LNG terminals will be driven more by individual corporate interests and influence than the best environmental and security needs of the public at large. We find this approach completely unacceptable.

Moreover, we reject the prospect that the safety and security of these LNG terminals and tankers can be left to the private sector. In much the same way that airport security has been transferred to the public sector because of aviation's critical role in our national infrastructure and its high value as a target for terrorist attack, it is essential that the federal government be held accountable for the long-term safety and security of LNG facilities and tankers as well.

Obvious Threat Scenarios for Long Island Sound:

In the months that followed terrorist attacks of September 11, 2001, the public was horrified to learn that FBI analysts had identified the enrollment of middle eastern men in US flight schools as a possible means of providing Al-Qaeda operatives with specialized

OC13-1 The Commission is responsible for reviewing applications for natural gas pipeline projects and LNG terminal projects, as required by the NGA and the EPAct of 2005. If a nationwide assessment were conducted, it would certainly identify the New York City region as a market in need of additional natural gas both for projected growth and for needed reliability. Section 4.0 of the final EIS evaluates multiple alternative systems and terminal locations for providing a new energy source to the region.

OC13-2 The comment that the safety and security of the FSRU and LNG carriers would be "left to the private sector" is incorrect. As stated in Section 5.2.2.2 of the WSR (Appendix C of the final EIS), the Coast Guard is responsible for accomplishing the tasks that by law, only the Coast Guard is authorized to conduct, but may share other law enforcement responsibilities with state or local law enforcement agencies. Enforcement of the safety and security zones is a law enforcement function that cannot be delegated to private security forces. Private security forces could provide notification to vessels approaching the safety and security zone around the FSRU and provide onboard security for the FSRU, but private security forces cannot act as law enforcement representatives. Broadwater would provide funding for state or local law enforcement agencies for their involvement in the Emergency Response Plan, and for enforcing the safety and security zone as described in Section 6.2.3.2 of the WSR (Appendix C of the final EIS) and in Section 3.10.6 of the final EIS.

OC13-3 As explicitly described in the final EIS, preparation of the EIS and the WSR (Appendix C of the final EIS) included consideration of the existing literature regarding various LNG release scenarios and terrorist threats. Specifically, Section 5 of the WSR addresses risk associated with the proposed Project, including potential aerial attack scenarios and the use of stand-off weapons (Section 5.3). In addition, Section 5 of the WSR includes risk management strategies. The Coast Guard has made a preliminary determination that the risks associated with the FSRU and LNG carriers would be manageable with implementation of its recommended mitigation measures (see Section 8.4 of the WSR). Further, both the WSR (Section 1.4) and the EIS (Section 3.10.3) address worst-case accident scenarios and have listed previous LNG-related incidents.

OC13-1

OC13-2

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OC13 – Group for the South Fork

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training that could be used to support terrorist activities at least a month before the attacks in New York. We now know that this information was ignored.

For those of us living in the New York Metropolitan area, we are rightfully vigilant that such errors regarding legitimate threats not be ignored again. Regrettably, we have learned from our experience that the government officials (even with the best of intentions) can be all too willing to ignore, deny, or minimize legitimate threats or issues that conflict with a larger policy objectives of their respective agencies.

To that end, we wish to go on record as calling your attention to an obvious safety and security threat that will loom indefinitely across our region should the FERC authorize the construction and operation of the Broadwater LNG facility. It has often been said of the 9/11 attacks that intelligence officials had failed to connect the dots. For your serious consideration we offer the following threat scenarios and ask that it not be ignored.

We wish to point out that our assessment was made with only the slightest amount of online research. We can only assume that those who seek to do the nation harm would go much greater lengths to accomplish their objectives.

1. On November 21, 2003, the Department of Homeland Security issued a press release titled **“Statement by the Department of Homeland Security on Continued Al-Qaeda Threats.”** The release noted that *“the Department of Homeland Security remains concerned about Al-Qaeda’s continued interest in aviation including using cargo jets to carry out attacks on critical infrastructure as well as **targeting liquid natural gas, chemical and other hazardous materials facilities.**”*
2. In January of 2004 the Congress’ independent research arm, the Congressional Research Service (CRS) reported on the location, safety and regulation of LNG import terminals. The CRS specifically noted that *“LNG is inherently dangerous and its infrastructure is attractive to terrorists.”* The report went on to note: *“unfortunately, few LNG safety studies comprehensively address the probability of a catastrophic accident or attacks actually occurring.”*
3. On January 19, 2004, an explosion at an LNG terminal in the Algerian port of Skikda killed 30 people and injured 70 more and did some \$800 million in damage. Although the specific terminal was liquefaction, rather than a regassification facility, it certainly underscored the potential magnitude of LNG terminal fires.
4. Major LNG exporters include the nations of Indonesia, Algeria, Qatar, Malaysia, the United Arab Emirates, Nigeria and Libya.
5. In October of 2004, the Congressional Research Service issued a report titled **“Homeland Security: Protecting Airliners from Terrorist Missiles”.** Although the study focuses primarily on the many risks posed by the potential use of small shoulder-fired missiles (Man-portable Air Defense Systems – MANPADS/Surface to Air Missiles -

OC13 – Group for the South Fork

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SAMS) it reveals unclassified estimates that some 25-30 non-state groups possess such missiles up through 2001. At the time it was written, the document identified several non-state groups including Al-Qaeda, and several other non-state groups from Algeria, Africa, and the Middle East. The study indicated that since the commencement of the war in Iraq, the US Army had conducted a study of the loss of helicopters to as many as 4 different kinds of portable SAMS. The study goes on to describe some of the efforts being employed to reduce the proliferation of these weapons including a missile by-back program in both Iraq and Afghanistan. Such programs clearly demonstrate the proliferation of these weapons into the general population.

6. In August of 2004, the Heritage Foundation published an article titled “The Use of Directed-Energy Weapons to Protect Critical Infrastructure” (Spencer and Carafano). Although the article was focused on the protection of vulnerable infrastructure within the United States, it provided some valuable insight into the proliferation and capabilities of man-portable air defense systems and their counterparts the Anti-tank guided missiles (ATGM) on the black market. The following excerpt from this study provides an instructive summary.

Man-portable air defense systems (MANPADS) were originally developed to defend against military aircraft. However, terrorists have used them to target passenger aircraft. They have precision strike capabilities, are globally available, and come in a variety of configurations and capabilities. Not only could MANPADS be used to down an airliner, but they could also be used to target vulnerable points at ground facilities such as power plants. At about 35 pounds and 6 feet long, MANPADS are relatively easy to conceal and transport. Anti-tank guided missiles (ATGMs) have similar capabilities. An ATGM weapon, guidance system, and ammunition could fit in a car trunk, and ATGMs are readily available on the arms black markets. These systems could be used to target any number of critical infrastructure nodes, such as major financial facilities, water treatment plants, and even primary government buildings.

7. Although there is apparently a wide array of portable missile technology available to non-state actors, some of the most sophisticated weapons of this class are made in the USA and exported abroad to Iraq (to prosecute the war) and apparently to other Middle Eastern countries.

8. Of particular current interest is the so-called Javelin anti tank missile, which was developed by Raytheon and Lockheed-Martin. This remarkable anti-tank weapon is only 48 inches long, weighs only 50 lbs. (fully loaded), has a self-guiding (“fire it and forget it”) low recoil launch system, a top-attack profile, a reload time of 20 seconds, and an accurate missile range of nearly two miles.

9. According to army-technology.com (a website for the defense industry), some 20,000 Javelin missiles have been produced with 3,000 command launch units. The website

OC13 – Group for the South Fork

200701235075 Received FERC OSEC 01/23/2007 04:31:00 PM Docket# CP06-54-000, ET AL.

OC13-3 indicates that thousands of these missile systems have been exported all around the world to countries including Jordan, United Arab Emirates, Oman, and Bahrain, to name a few.

10. The proposed sale of weapons to Middle-Eastern nations can be corroborated by the Federal Defense Security Cooperation Agency, which lists specific press releases confirming the “possible foreign military sale” of Javelin missiles to several countries where the risk of terrorist activity is certainly significant.

11. It is well documented that the inspection of cargo and containers at US ports remains vastly under funded and that the even with recent additional appropriations, cargo inspection will remain a significant security concern for the future. Given the small size of any portable missile system, and their widespread proliferation, we find it unlikely that port inspections could be reasonably expected to intercept any small missile system that might be packed aboard a huge container ship.

12. The proposed route envisioned for bringing LNG tankers into the eastern basin of Long Island Sound will bring these huge ships within very close proximity to the shoreline of Fishers Island, the Race Rock lighthouse, Plum Island, and much of the northern shoreline of Orient Point and East Marion. The size and scale of these vessels, coupled with their slow speed as they transit the Race would make them easy targets for a terrorist attack based on a portable missile or missiles, and its difficult to imagine just what a circling armada of Coast Guard or private security patrol boats could do about it.

13. Given the ease with which one can conceal and fire a portable missile, its also conceivable that a boat-launched missile attack could be easily perpetrated, anywhere throughout the Sound as LNG tankers transit the eastern basin to reach the Broadwater terminal. The range of many portable missiles appears to exceed the so-called protection zone that would exist around the tanker, leaving it vulnerable along its entire journey through the highly trafficked waters of the Sound. Similarly, it would seem that a direct attack on the terminal and tanker during its 25-hour unloading period would make yet another fairly easy target for a boat-based missile attack.

Conclusions:
Although there are many important, economic, environmental and safety concerns raised by the Broadwater LNG terminal proposal, its vulnerability to a high profile terrorist attack in a heavily populated coastal area is unavoidable and unacceptable. In just a few hours of casual research we were able to identify a logical and regrettably viable threat scenario that could be perpetrated by a single individual with a weapon that could be stored in the trunk of a car and fired from a local beach.

OC13-4 Unless the possibility of such a threat can be eliminated, there will be no effective value in having a wreath of patrol boats surrounding LNG tankers, or the Broadwater facility. Given what we now know about the consequences of ignoring obvious and viable information that could prevent a terrorist plot from reaching fruition, we ask that you not discount our comments or reject our assumptions simply because we are not security

OC13-4 The waterways suitability assessment conducted by the Coast Guard and reported in the WSR (Appendix C of the final EIS) includes a Project-specific security assessment. Although it is not possible to eliminate all threats to security, as stated in Section 8.4 of the WSR, the Coast Guard considered the risks of operation of the FSRU and LNG carriers and made the preliminary determination that with implementation of its recommended mitigation measures, the risks would be manageable.

OC13 – Group for the South Fork

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OC13-4



experts. We have identified an obvious and likely scenario, the risks of which (to our knowledge) neither the Coast Guard nor Broadwater can effectively manage (other than the hope that it won't happen). If we thought of this scenario, and the Department of Homeland Security already considers portable missiles a serious risk and LNG facilities a major target, its hard to imagine that any more dots would need to be connected.

Because of these unacceptable risks to human health, security and the local environment, we believe the Broadwater terminal will impart unacceptable risks to the community, the economy and the precious environment of the Long Island Sound that will far outweigh any energy infrastructure value that will be provided by its operation. For these reasons we recommend that you reject this proposal and set about the task of completing a strategic National Assessment of LNG projects outlined above.

We thank you for your time and consideration of our comments and remain available to respond to any questions or concerns you may have.

Sincerely,

Robert S. DeLuca
President

Cc: Senator Hillary Clinton
Senator Charles Schumer
Congressman Tim Bishop
Governor Eliot Spitzer
State Senator Ken LaValle
State Assemblyman Fred Thiele
State Assemblyman Mark Alessi
Suffolk County Executive Steve Levy
Suffolk County Legislator Jay Schneiderman
Suffolk County Legislator Ed Romaine

OC14 – Norwalk River Watershed Association, Inc.

1701235078 Received FERC OSEC 01/23/2007 04:38:00 PM Docket# CP06-54-000, ET AL.

Norwalk River Watershed Association, Inc., P.O. Box 197, Georgetown, CT 06829, www.norwalkriver.org

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, D.C. 20426

January 22, 2007

Ref: Broadwater LNG Project
Dockets #CP06-54-000 and CP06-55-000

Dear Ms. Salas:

The Board of Directors of the Norwalk River Watershed Association respectfully requests that its comments be included in the public record in opposition to the proposed Broadwater project.

Our 501(c)(3) organization was founded ten years ago to improve the water quality and quality of life in the Norwalk River Watershed, which encompasses major sections in Lewisboro, NY, and in the Fairfield County towns of New Canaan, Norwalk, Redding, Ridgefield, Weston, and Wilton, CT.

Over the years, we have educated thousands of individuals, businesses, local community groups, and government agencies about watershed environmental issues and ways both to improve point and non-point pollution and to protect our essential natural resources and habitats. We have funded studies to identify upriver sources of pollution as the first step in correcting the violations. We have recruited and partnered with countless volunteers to assist in protecting, improving, and monitoring water quality of surface waters in the watershed and beyond, to the Norwalk Harbor and Long Island Sound, because the water from our rivers affects local drinking supplies, wildlife, the fish and shellfish industry, recreational opportunities, and the economy of the region which, in turn, affects how properties and wastewater systems are maintained.

From what we have learned about the proposed Broadwater Energy LNG Project, there are a number of environmental threats to the Sound posed by the marine installations and the underwater pipeline transportation of pressurized and regassified (hot) LNG. Possible effects include localized mortality of fish, fish eggs, and plankton due to released biocides and other pollutants, underwater climate change (two situations both acknowledged in the Draft Environmental Impact Study), plus possible alterations in migratory fish patterns, threats to the fish and shellfish industry, risk to homeland security, and degradation of property values. All potential threats must be thoroughly studied and ultimately mitigated before further consideration of any plan.

OC14-1

OC14-2

OC14-3

OC14-4

We ask that the Federal Energy Regulatory Commission consider a different, environmentally sound plan in combination with incentives and regulations to encourage individuals and businesses to conserve energy and produce new, renewable energy sources, rather than approving this and similar projects which pose high-risk strategies in a highly populated area located close to New York City. The progress that we and others have helped to attain in the improved health of Long Island Sound and the waters that supply it should not be jeopardized in favor of a plan with acknowledged deficiencies, uncertainties, and potential security risks. In addition, we believe that the Broadwater plan, developed using aging data, proposes risky and inefficient technology that may exacerbate global warming.

Therefore, we ask that you deny the current proposal submitted by the foreign commercial/for-profit entities TransCanada and Royal Dutch Shell plc ("Broadwater Energy").

Thank you for your consideration.

Sincerely,

Lillian Willis, President, NRWA Board of Directors

OC14-1

As partially acknowledged by the commentator, the EIS describes potential Project-related impacts to fish eggs and larvae (Section 3.3.2.2) fish populations (Section 3.3.2.2), property values (Section 3.5.6.5), and safety and security (Section 3.10 and Appendix C). With implementation of Broadwater's proposed mitigation measures and our recommendations identified in the final EIS, these impacts would be minor.

OC14-2

Section 4.0 of the final EIS describes a wide variety of alternatives to the proposed Broadwater Project that could meet projected natural gas and other energy demands of the New York City, Long Island, and Connecticut markets. These alternatives include energy conservation; renewable energy sources, including wind and tidal power; and other existing and proposed LNG terminal and pipeline projects.

OC14-3

FERC, with input from our cooperating agencies, has included many recommendations in the EIS that would avoid and minimize impacts and enhance safety and security. Implementation of these conditions would result in minimal impact on the existing environment of Long Island Sound. It is especially important to recognize that the water quality problems in the Sound are primarily related to nutrient enrichment from wastewater treatment plants. Continued efforts to improve nitrogen removal will continue to improve the Sound's water quality. We do not believe that the Project would exacerbate eutrophication of the Sound.

OC14-4

The Coast Guard and FERC have evaluated the technologies proposed for use in the Broadwater Project, as reported throughout both the WSR (Appendix C of the final EIS) and the final EIS. While the combination of technologies proposed for the FSRU is a new concept, the separate LNG receiving, storage, regasification, and send-out technologies are proven. The American Bureau of Shipping, a certifying entity, reviewed the preliminary design of the FSRU and stated the following in a July 27, 2005 letter to Broadwater: "Whilst the concept of combining a floating re-gasification unit and distribution network with a yoke moored LNG hull can be viewed as a first time combination of systems, the technologies employed are not in themselves novel and are covered by established Rule criteria."

Further, as stated in Sections 2.1.1.1, 2.3.1.1, 3.10.2.1, and 3.10.2.2 of the final EIS, federal regulations, industry standards, and classification society rules would govern the safe design, construction, and operation of the FSRU. Projects that provide energy also add to the total emission of greenhouse gases, but we do not have any evidence that the proposed design of the Broadwater Project would unduly exacerbate global warming.

OC15 – Miller Marine Services

Unofficial FERC-Generated PDF of 20070123-0099 Received by FERC OSEC 01/17/2007 in Docket#: CP06-54-00

ORIGINAL

January 11, 2007

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First St., N.E., Room 1A
Washington, DC 20426
Docket Nos. CP06-54-000 and CP06-55-000.

FILED
OFFICE OF THE
SECRETARY
2007 JAN 17 P 4: 22



I am a life-long Suffolk County resident living on the North Fork. My family and I all started our careers as commercial fisherman on Long Island Sound. We now operate a fleet of commercial work vessels engaged in hydrographic survey data collection and marine platform support services for the petroleum industries. Additionally, we provide marine environmental emergency response and remediation services to industry and government. Collectively, the Miller Group of companies is responsible for a good living wage and secure employment for over 200 families.

We obviously were excited with the prospect of a commercial marine project of the scope and size proposed by Broadwater. This kind of facility and operation requires near term and ongoing services of the exact nature we offer. Quite frankly, we see the marine support services this project requires as a perfect hand-in-glove fit for Broadwater and our family of companies.

One of the strongest benefits that Broadwater has professed as a reason our community should support this project is the promise of the enhancement of jobs and opportunities for business here in Suffolk County. The Draft Environmental Impact Statement concludes that there would be a peak workforce of about 400 workers during the construction period and about 60 full-time workers would be employed to operate Broadwater. These jobs would provide good salaries, which in turn would be used to purchase goods and services on Long Island. Together with the \$300 savings each Long Island homeowner would save on their energy bills each year, the economic benefits would permeate through Long Island's economy.

I believe the project is a benefit to residents and businesses on Long Island. Just because it is an industry doesn't mean it is bad.

Thanks very much for your time.

Sincerely,

James Miller, President
Miller Marine Services

OC15-1

OC15-1 We would like to clarify that neither the draft EIS nor the final EIS address Broadwater's specific claims of homeowners saving money. However, we address the general issue of price stability in Section 1.1 of the final EIS.

OC16 – Long Island MidSuffolk Business Action

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January 11, 2007

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First St N.E. Room 1A
Washington DC 20426

Ref Doc CP06-54-000 and CPO6-55-000- Broadwater

Dear Administrator
My organization has looked at this proposal and has made a tentative assessment.

We feel that the evidence presented so far indicate there is a need for this facility if we are going to build modern gas burning baseload electric power plants.

We also believe that there will be minimal damage to the marine environment. In addition there will be a very positive impact on air quality when the electric power plants are repowered.

Let the examination of this proposal continue. We need the additional energy supply. If for any reason this facility cannot be built, then let's figure out what else may be done.

Sincerely,


Ernest M. Fazio, Chairman
Cc; Broadwater

2007 JAN 17 P 4:07
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

OC16-1 Thank you for your comments.

OC17 – Norwalk River Watershed Initiative

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Norwalk River Watershed Initiative

Serving New Canaan, Norwalk, Redding, Ridgefield, Weston, and Wilton, CT, and Lewisboro, NY

11 January 2007

2007 JAN 17 P 4: 13

Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

RE: Draft Environmental Impact Statement on Broadwater LNG Project (Docket Nos. CP06-54-000, et al)

To Whom It May Concern:

The Norwalk River Watershed Initiative is a voluntary private-public environmental partnership in Southwestern Connecticut that addresses water quality and resource protection issues in this watershed, which discharges directly into Long Island Sound at Norwalk Harbor. Initiative members include the seven watershed towns (six in Connecticut and one in New York), federal and state governments, environmental groups, business, and the public. The document guiding the Initiative's ongoing activities, *The Norwalk River Watershed Action Plan* (adopted by all watershed towns and federal and state partners in October 1998 and reaffirmed in June 2004), includes major goals that call for habitat protection and conservation, sustainable land use management, surface and ground water protection and restoration, and stewardship and education. It is from this perspective that the Advisory Committee provides the following comment.

The effect of the proposed Broadwater LNG terminal on diadromous (anadromous and catadromous) fish species in Long Island Sound is of concern to the Initiative. One goal of the *Action Plan* is to restore anadromous fish passage in the Norwalk River, which is home to alewife, American eel, blueback herring, and sea-run brown trout. The Initiative is particularly concerned about the effect of the proposed Broadwater terminal on these fish species.

The draft *Environmental Impact Statement* (EIS) does not address the potential impacts of construction and operation of the Broadwater LNG terminal on these fish species. Should the proposed Broadwater facility negatively affect these fish species, it would undermine the progress made by our partnership in restoring diadromous fish to their historic range within the Norwalk River's main stem. We urge the Commission to consider both the short term and long term impacts of construction and operation of the proposed terminal on diadromous fish in the final EIS.

We appreciate the opportunity to provide this comment.

Sincerely,

Kathleen Holland
Kathleen Holland
Co-Chair, Advisory Committee

Michael Law
Michael Law
Co-Chair, Advisory Committee

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OC17-1

Thank you for your comment. Section 3.3.2.2 of the final EIS discusses potential impacts to a wide variety of finfish species in Long Island Sound, including diadromous species such as the alewife, American eel, blueback herring, and sea-run brown trout. As stated in the final EIS, the primary impact to finfish species would be entrainment/impingement. Based on these data and the volume of water taken in, the total potential impingement/ entrainment of ichthyoplankton would be less than 0.1 percent of the estimated total ichthyoplankton stock in the central basin of Long Island Sound. This represents a negligible long-term impact on ichthyoplankton and on the general fisheries resources of the Sound.

OC17-1