

LA24 – Town of Brookhaven

Unofficial FERC-Generated PDF of 20070418-0064 Received by FERC OSEC 04/17/2007 in Docket#: CP06-54-00

CP06-54-00  
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ORIGINAL

April 16, 2007

2007 APR 17 AM 11:43

Via Electronic Filing and  
Federal Express

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

Re: Petition of Broadwater Energy, LLC. for Easement in Land  
Underwater Land and Waters of Long Island Sound

Dear Sir or Madam:

Our firm represents the Town of Brookhaven in Suffolk County, Long Island in connection with the above referenced matter.

Attached is a copy of the Town's Objections to Notice to Broadwater's Notice dated April 5, 2007.

The 15 exhibits are attached on CD (hard copy) or attached electronically (e-mail).

Respectfully,

Maureen T. Liccione

MTL/nam  
Attachments

cc: E-service list

MTI/13529638v1/M048369/C0115980

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STATE OF NEW YORK  
OFFICE OF GENERAL SERVICES

2007 MAR 17 A 11:48

In the Matter of the Petition of

**BROADWATER ENERGY LLC**

for the use of land under the waters of  
Long Island Sound situated approximately  
nine miles off the coast of the Town Riverhead,  
County of Suffolk.

**OBJECTIONS TO  
BROADWATER'S  
NOTICE BY  
THE TOWN OF  
BROOKHAVEN**

**OBJECTIONS OF THE  
TOWN OF BROOKHAVEN**

The Town of Brookhaven (the "Town" or "Brookhaven"), by its attorneys, Jspan  
Schlesinger Hoffman LLP, Special Counsel to the Brookhaven Town Attorney, Robert F.  
Quinlan, hereby submits these objections to the Notice of Application ("Notice") by Broadwater  
Energy LLC ("Broadwater") to the New York State Office of General Services ("OGS") of its  
intention to apply for "use" of underwater lands, purportedly pursuant to Article 6, Section 75  
the N.Y.S. Public Lands Law ("PLL").

Broadwater filed a Notice with the Office of the Brookhaven Town Clerk on or about  
March 19, 2007. Broadwater's Notice indicated that it intends to "use" underwater lands for the  
construction and operation of a floating storage and regasification unit ("FSRU") or marine  
liquefied natural gas terminal ("LNG") in the Long Island Sound. The Notice did not specify the  
legal mechanism it requests for such use; e.g., whether Broadwater is applying for a lease,  
easement or outright conveyance.

The Town of Brookhaven will be affected adversely by this "use" of State-owned  
underwater lands and demands that the application be denied. The Town also hereby demands  
that a copy of the application, which Broadwater intends to file on April 16, 2007, be provided to

LA24-1

LA24-1

This letter from the Town of Brookhaven is in response to Broadwater's application to NYSOGS for an easement for the proposed Project. We do not consider it appropriate for us to respond to comments directed to Broadwater. In this letter, the town has not provided any comments directly related to the EIS that are different from those presented in its previous letter (Letter LA-6). Therefore, we have not provided responses in addition to those for Letter LA-6. The Town's comment letter included attachments composed of letters from other commentators that are already addressed in this appendix (as identified on the opposite page). We have included the list of documents appended to this letter since we have responded to those comment letters elsewhere in this Response to Comments appendix.

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the undersigned simultaneous with its filing with OGS. The Town also reserves its right to file additional objections within 20 days of the receipt of the application.

The Town objects to the application, at this time, as follows:

- (1) The application is premature, because, among other things, (1) the environmental review process for the Broadwater Project has not been completed pursuant to the New York State Environmental Conservation Law, ECL8-0113 (“SEQRA”) and the National Environmental Policy Act of 1969 (“NEPA”); and (2) a consistency determination has not been issued by the N.Y.S. Department of State (“DOS”) because the consistency review has not been completed.
- (2) Pursuant to PLL §75(7)(b), (d) and (f) and 9 NYCRR Part 270, any such application must be reviewed by OGS in coordination with the DOS and the Department of Environmental Conservation (“DEC”) and the Department of Parks, Recreation and Historic Preservation.
- (3) Broadwater application cannot be considered without an adjudicatory hearing pursuant to 9 NYCRR § 270-5.5 and 270-3.2(b).
- (4) The easements sought for the Broadwater Project violate the Public Trust Doctrine, the Federal Long Island Stewardship Act of 2006, the New York Ocean and Great Lakes Ecosystem Conservation Act and the Laws of Suffolk County.
- (5) The Broadwater Project is inherently dangerous and, if constructed, would violate the public health, safety and security of the residents of the Town.

### PRELIMINARY STATEMENT

The Town has intervened in the ongoing Federal Energy Regulatory Commission (“FERC”) proceeding in opposition to the application by Broadwater Pipeline LLC and Broadwater Energy LLC for an application to construct the FSRU under §3 of the Natural Gas

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Act (“NGA”) (FERC Docket No. CP 06-54) and Certificates of Public Convenience and Necessity for Construction and Operation of an underwater pipeline pursuant to §7 of the NGA to transport natural gas from the FSRU to an existing underwater pipeline in the Long Island Sound (FERC Docket CP06-55 and CP06-56). In addition to Brookhaven, the Towns of East Hampton, Southold, Riverhead and Huntington, as well as the County of Suffolk, are intervenors in the pending Broadwater FERC proceedings.

The FERC proceedings still are in the initial phases. FERC has not yet issued a Final Environmental Impact Statement (“FEIS”) under NEPA and, therefore, has not issued any approvals or certificates. Indeed, the United States Coast Guard (“USCG”) has issued a report in the Broadwater FERC proceedings, the “Waterway Suitability Report for the Proposed Broadwater Liquefied Natural Gas Facility” released by the USCG on September 21, 2006 (“Water Suitability Report”), wherein the USCG admitted it has neither the assets nor the manpower to provide adequate safety and security for Broadwater.

In addition to FERC approval, the Broadwater Project, will require approvals from the United States Army Corps of Engineers, the USCG, the N.Y.S. DOS and the N.Y.S. DEC, among others. The EPA, the NOAA National Maritime Fisheries Service, the Department of the Interior, the N.Y.S. DOS, the N.Y.S. DEC and the N.Y.S. Public Service Commission (“PSC”) have all raised serious questions regarding the Broadwater proposal and the adequacy of the DEIS.

In a separate matter, the United States Government Accountability Office issued a draft Report entitled Maritime Security: Public Safety Consequences of Terrorist Attack on a Tanker Carrying Liquefied Natural Gas Need Clarification, GAO-07-316, dated February, 2007 (“GAO Report”) which raised serious questions regarding the sufficiency of the current available scientific studies as to the public safety of the LNG tankers which supply facilities such as the

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proposed FRSU. The GAO Report is contained in the accompanying CD and is incorporated by reference as if included in its entirety herein.

There is broad and fierce opposition throughout Long Island and the State of Connecticut to the Broadwater Project.

The opposition has submitted credible expert statements on a variety of legal issues and safety concerns, as well as the environmental and economic consequences of locating and operating a 1,215 foot long, 200 foot wide barge filled with 8 billion cubic feet of ignitable natural gas standing over 80 feet above the waterline and occupying over 2,000 acres of an Estuary of National Significance, along with a 21.7 mile subsea pipeline and a Yoke Mooring System towering 223 feet above the sea floor and occupying over 13,000 square feet of valuable benthic habitat on State underwater lands, as well as an additional over 118 LNG tankers annually restricting navigation on Long Island Sound.

Especially noteworthy are the statements of Dr. William Nordhaus, Dr. Stephen Tettlebach, the Nature Conservancy and some of the elected officials from New York who raised these concerns and questions. These statements are contained in the attached CD, the contents of which are incorporated by reference herein as if included in their entirety.

Putting the proverbial cart before the horse, Broadwater is now seeking an easement from OGS for the pipeline to be placed in the underwater lands of Long Island Sound and permission for the FSRU to sit over such lands and the mooring system to anchor the FSRU to the bottom lands of the Long Island Sound.

Under PLL §75 and 6 NYCRR Part 270, the State of New York manages the State's interest in its underwater lands and regulates the projects and structures constructed in or over such underwater lands consistent with the public interest in navigation, commerce, public access, fishing, bathing, recreation, environmental and aesthetic protection. The Town opposes the

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location of the FSRU, the mooring system and the related pipeline in Long Island Sound because it would be unsafe, unduly restrict public access, use and enjoyment of the Long Island Sound and would impose unacceptable risks and negative aesthetic impacts.

### THE NOTICE IS PREMATURE

The regulations promulgated pursuant to SEQRA identify an action as a “project or physical activity such as construction or other activities that may affect the environment by tainting the use, appearance or condition of any natural resource or structure that...requires one or more new or modified approvals from an agency or agencies”. See 6 NYCRR §617.2(b). Obviously, the location and construction of the FSRU, mooring system and the pipeline are actions under SEQRA. Here, since FERC is the first agency to be considering the proposed action, FERC is conducting its review under the Federal NEPA. In such cases involving approval by a Federal agency, the SEQRA regulations provide, at 6 NYCRR §617.15(a), that a State agency “has no obligation to prepare an additional environmental impact statement under this part, provided that the Federal Environmental Impact Statement is sufficient to make findings under §617.11 of this Part... No involved [New York State] agency may undertake, fund or approve the action until the federal final environmental impact statement has been completed and the involved agency has made the findings prescribed in §617.11 of this Part.” The regulations at §617.15 go on to provide that in the event the State agency disagrees with the Federal environmental finding, the State agency may conduct its own review under State law. However, that review cannot begin under New York State law and regulations, specifically 6 NYCRR §617.15(a), until the Federal NEPA review has been completed.

Here, of course, the NEPA process is incomplete, so any action by the OGS to consider or approve the instant application is premature and unlawful. Further, once the Federal NEPA review is completed, the OGS and other participating State agencies under PLL §75(7)(b) and 9

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NYCRR Part 270 must review both the mooring system and the FSRU together with the pipeline. The application also is premature because a consistency determination has yet to be made by the N.Y.S. DOS, an agency with which OGS is required to consult under PLL Section 75(7)(b), (d) and (f).

Broadwater and the N.Y.S. DOS have agreed that a consistency determination will not be due until August 16, 2007. Since that determination is vital to the procedures under 9 NYCRR §75(7)(b), (d) and (f), a determination by OGS, if any, cannot be made until after that date.

### **THE BROADWATER APPLICATION VIOLATES THE PUBLIC TRUST DOCTRINE**

Pursuant to the Public Trust Doctrine, New York State holds the lands under navigable waters in its sovereign capacity as trustee for the beneficial use and enjoyment of the public. In Illinois Central Railway Co. v. Illinois, 146 U.S. 387 (1892), the Supreme Court explained that the Public Trust Doctrine prohibits “uses” such as that which Broadwater seeks by way of instant Notice.

In Illinois, the Illinois legislature claimed to have transferred rights to a one-thousand-acre portion of the bed of Lake Michigan adjacent to Chicago to the Illinois Central Railroad Company. Id. at 452. The Supreme Court ruled that the transfer was a “gross perversion of the trust over the property under which it was held” by the State of Illinois. Id. at 455. The Supreme Court explained that under the Public Trust Doctrine, the State holds underwater lands in trust for the public so that the public “may enjoy the navigation of the waters, carry on commerce over them, and have liberty of fishing therein, *freed from the obstruction or interference of private parties.*” Id. at 452 (emphasis added).

The very nature of Broadwater’s request violates the Public Trust Doctrine adopted by the highest court of New York. In Coxe v. State of New York, 144 N.Y. 396 (1895), a physical

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obstruction of the public's access to navigable waters was found to violate the Public Trust Doctrine. In Coxe, the State Legislature purported to have transferred the State's title to all of the submerged lands adjacent to Staten Island and Long Island. The Court of Appeals rejected that transfer as being "absolutely void", stating that "so far as the statutes [conveying the land] attempted to confer titles to such a vast domain which the state held of the benefit of the public, they are absolutely void..." Id. at 405. The Coxe court articulated the test for the Public Trust Doctrine violation. It held that, "title which the state holds and the power of disposition is an incident and part of its sovereignty that cannot be surrendered, alienated, or delegated, *except for some public purpose, or some reasonable use which can be fairly be said to be for the public benefit.*" Id. at 406 (emphasis added). The Coxe court further noted that the Public Trust Doctrine is so broad that it also would prohibit transfers that are "*for the public benefit*" if they "*might seriously interfere with the navigation upon the waters...*" Id. at 408.

Were the Broadwater application granted, such a grant, like the voided transfer in Coxe, would "seriously interfere with the navigation upon the waters", and deprive the public of the use and enjoyment of thousands of acres of the surface of Long Island Sound.

As stated in Cox v. City of New York, 26 Misc. 177 (1898), "[t]he right of navigation is a public right, belonging not to towns, villages or cities as corporations, but rather to all citizens in severalty." Id. at 178.

Broadwater requests to "use" the underwater lands in such a manner as to exclude permanently from public use several thousand acres of the Long Island Sound. The Public Trust Doctrine prohibits this private acquisition of the navigable waters for a profit-making venture. Indeed, the Broadwater proposal is tantamount to locating the FRSU in the middle of Central Park.

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The Public Trust Doctrine is sacrosanct in New York law. The precepts set forth in Illinois Central and Coxe, supra, have been applied since the early decisions by the State Attorney General (apparently a predecessor to DOS in terms of providing grants to those making application for use of public lands) through the current version of PLL §75.

From the earliest applications for such grants, the State of New York steadfastly has considered the potential for interference with navigation, access to navigable waters and public use of waterways paramount in determining whether to grant such applications for use of underwater lands. See, e.g., Op. of the Att. Gen'l, Feb. 21, 1899 and November 28, 1893. The Doctrine is most aptly applied to protect fishing and clamming grounds, which Broadwater admits will be adversely impacted should Broadwater's application be granted. See, e.g., Op. of the Atty Gen'l, June 25, 1895.

The Broadwater application violates the long-established and consistently held principles of the Public Trust Doctrine. A for-profit venture cannot be granted permanent and exclusive access to thousands of acres of this unique public treasure of the Long Island Sound.

### **THE EASEMENT SOUGHT BY BROADWATER VIOLATES THE LONG ISLAND SOUND STEWARDSHIP ACT OF 2006**

The Long Island Stewardship Act of 2006 (the "Stewardship Act"), signed into law by President Bush on October 16, 2006, declares Long Island Sound as a "national treasure of great cultural, environmental, and ecological importance." See Stewardship Act §2(a)(1). The Stewardship Act also praises the Long Island Sound's economic contribution to the regional economy, decries the inadequate public access to its shoreline, and establishes the "Long Island Sound Stewardship Initiative." The Long Island Sound Stewardship Initiative requires the identification and preservation of desirable parcels of property adjacent to Long Island Sound that may serve important ecological, educational, open space, public access, or recreational uses

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of Long Island Sound. The Broadwater Project conflicts with the goals of the Stewardship Act, which are to preserve Long Island Sound for “ecological, educational, open space, public access, or recreational use.” Stewardship Act §2(b). Allowing Broadwater to moor permanently an FSRU containing ninety million gallons of toxic and flammable liquid natural gas in the center of the Long Island Sound strongly conflicts with this federally-declared purpose and is in direct violation of the Act.

**THE EASEMENT SOUGHT BY BROADWATER  
VIOLATES THE NEW YORK OCEAN AND GREAT LAKES  
ECOSYSTEM CONSERVATION ACT**

In its most recent session, the New York State Legislature adopted the New York Ocean and Great Lakes Ecosystem Conservation Act (the “Conservation Act”) which was signed by the Governor on July 26, 2006. See Chapter 432 of the Laws of 2006. The Conservation Act amends the NYS Environmental Conservation Law and finds and declares that “New York’s coastal ecosystems, which include Long Island Sound, are critical to the State’s environmental and economic security and are integral to the State’s high quality of life and culture.” Id. The Conservation Act further declares that it is the policy of the State of New York to “conserve, maintain and restore coastal ecosystems so that they are healthy, productive and resilient and able to deliver the resources people want and need.” The Broadwater Project is contrary to the express policy set forth in the Conservation Act.

Furthermore, to advance this policy and create the appropriate governance of coastal ecosystems, the Conservation Act establishes a Conservation Council, consisting of nine members who are commissioners of State departments and agencies. The Conservation Council is charged with the responsibility of understanding, protecting, restoring and enhancing Long Island Sound, among other coastal ecosystems. Moreover, the Conservation Council, of which the Commissioner of the OGS is a member, is expressly charged with integrating and

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coordinating ecosystem-based management with existing laws and programs. Therefore, in addition to the applicable provisions and criteria set forth in the Public Lands Law and regulations, OGS must apply ecosystem-based management criteria into any review. The Town submits that the Broadwater Project, on its face, is violative of the ecosystem-based management of Long Island Sound now required under the Conservation Act.

### **BROADWATER'S APPLICATION WOULD VIOLATE SUFFOLK COUNTY LAW**

Broadwater's request to OGS is inappropriate. While the State of New York owns the underwater lands in Long Island Sound, Suffolk County, as well as the Town, have jurisdiction of the waters of Long Island Sound up to the Connecticut boundary pursuant to Chapter 695 of the Laws of 1881. The statute provides, in pertinent part, that "the jurisdiction of the legally constituted offices of Queens and Suffolk Counties and of their respective towns of said counties bordering on Long Island Sound is hereby extended over the waters of said Sound to the Connecticut State line." Moreover, New York State Navigation Law §§1 and 2(4) exempts from the definition of "navigable waters of the state" all tidewaters bordering on and lying within the boundaries of Nassau and Suffolk Counties, further bolstering Suffolk County's and the Town's authority and control over the waters of Long Island Sound. Importantly, the Suffolk County Legislature acting pursuant to Chapter 695 of the Laws of 1881, adopted Resolution No. 821 of 2006, which promulgated a new law prohibiting the construction and operation of an FSRU in the waters of Long Island Sound which under the jurisdiction and control of Suffolk County. If OGS were to grant Broadwater's application for an easement to build and construct as it contemplates in the waters of Long Island Sound, OGS would be acting in direct violation of express authority granting Suffolk County jurisdiction and control. Accordingly, Broadwater's application must be denied because Suffolk County possesses the jurisdiction to

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consider an easement to allow the Broadwater Project the waters of Long Island Sound and has expressly adopted a local law prohibiting such a project.

### SAFETY AND SECURITY

#### USCG Waterway Suitability Report

The Town's public safety concerns are supported by those set forth in the USCG Waterway Suitability Report. Liquefied natural gas is highly flammable which, as the Coast Guard noted is a particular safety challenge in connection with the proposal of the FSRU to be located in a highly trafficked waterway (United States Coast Guard Report at page 104). The safety issues surrounding the FSRU, which will be located off the coast of the Town, stem from the possibility of collisions, release of flammable vapor and the unknown reliability of an untested mooring technology. See the Broadwater Resource Report Nos. 10 and 11, pages 156, 157 and pages 11 through 27. Importantly, the USCG notes that the resources currently do not exist for ensuring public safety if the FSRU, mooring system, pipeline are placed in Long Island Sound.

According to the United States Coast Guard based on current levels of mission activity, Coast Guard Sector Long Island Sound currently does not have the resources required to implement the measures which have been identified as being necessary to manage effectively the potential risks of navigation safety and maritime security associated with the Broadwater energy proposal. . . State or local law enforcement agencies could potentially assist with implementing some of the measures identified for managing potential risks to maritime security associated with the Broadwater Energy Project. . . Currently the agencies that could potentially provide such assistance do not have the necessary personnel training or equipment.

Thus, not only would the Broadwater Project be unsafe and hazardous, Broadwater, as acknowledged by the USCG, wrongfully expects the cost associated with safety and security for this profitable venture to fall on the Town and its taxpayers.

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### GAO Report

In February 2007, the United States Government Accountability Office prepared a report entitled Maritime Security: Public Safety Consequences of a Terrorist Attack in a Tanker Carrying Liquefied Natural Gas Need Clarification, GAO-07-316, February 2007.

The GAO Report presents a survey of prominent experts who collectively pointed to the serious public safety concerns which have yet to be studied, including the effects of large fires and multiple tank failures. GAO Report p. 21. The report notes:

Understanding and resolving the uncertainties surrounding LNG spills is critical, especially in deciding on where to locate LNG facilities. Because there have been no large-scale LNG spills or spill experiments, past studies have developed modeling assumptions based on small-scale spill data. While there is general agreement on the types of effects from an LNG spill, the results of these models have created what appears to be conflicting assessments of the specific consequences of an LNG spill, creating uncertainty for regulators and the public. Additional research to resolve some key areas of uncertainty could benefit federal agencies responsible for making informed decisions when approving LNG terminals and protecting existing terminals and tankers, as well as providing reliable information to citizens concerned about public safety.

### N.Y.S. Public Service Commission Comments

The attached CD contains comments on Broadwater's DEIS submitted to FERC by the N.Y.S. Public Service Commission ("PSC") on issues of public safety and security. These serious unanswered concerns compel denial of the application to "use" underwater lands for purposes of the FRSU.

Simply stated, OGS should not grant any application for Broadwater to "use" the Long Island Sound until the research concerning public safety is complete.

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### CONCLUSION

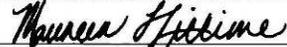
Accordingly, the Town demands that the OGS reject Broadwater's Notice and deny Broadwater's application.

In the event OGS determines it has jurisdiction and authority to proceed with any Petition of Broadwater related to the Notice, it must comply with SEQRA. The Town hereby demands a copy of the application and a full evidentiary hearing before permission is given or a grant is made for the Broadwater Project. The Town expressly reserves the right to submit additional information and further comments upon receipt of the application.

Dated: Garden City, New York  
April 5, 2007

Respectfully Submitted,

JASPAN SCHLESINGER HOFFMAN LLP

By:   
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### Table of Contents of CD

1. Dr. Stephen T. Tettelbach, Phd, CW Post, Citizens Campaign for the Environment
2. Dr. William D. Nordhaus, Phd, Professor of Economics, Yale University
3. Environmental Protection Agency (EPA)
4. Nature Conservancy 12-29-06
5. Nature Conservancy Brief 1-22-07
6. NOAA National Marine Fisheries Service
7. NYS Department of Environmental Conservation (DEC) 1-23-07
8. NYS Department of Environmental Conservation (DEC) 1-31-07
9. NYS Department of Environmental Conservation (DEC) 3-9-07
10. NYS Department of Public Service
11. NYS Department of State
12. NYS Senator Carl Marcellino
13. US Department of the Interior
14. US Senator Hillary Clinton
15. Maritime Security: Public Safety Consequences of a Terrorist Attack on a Tanker Carrying Liquefied Natural Gas Need Clarification, GAO-07-316, dated February 2007.

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# LA25 – East Hampton Fisheries Committee

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UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION  
-----X

BROADWATER ENERGY LLC

Docket Nos. CP06-54-000

CP06-55-000

BROADWATER PIPELINE LLC

CP06-56-000

-----X

**STATEMENT  
BY  
TOWN OF EAST HAMPTON  
COUNCILMAN BRAD LOEWEN  
ON BEHALF OF THE  
TOWN OF EAST HAMPTON  
FISHERIES COMMITTEE**

The attached nautical chart was compiled by the Town of East Hampton Fisheries Committee. It demonstrates the important tows that are utilized by fishermen in the Sound and the Ocean surrounding Montauk in the Town of East Hampton. The tows are shown in colors to demonstrate the various species of fish caught in each of the tows.

It should be kept in mind that the tows depicted are the midline and that the trawlers actually may tow a course which varies on either side of the line by 200 yards to approximately one (1) mile. Further, due to obstructions on the sea floor, a tow rarely is a straight line. In fact, a tow actually could cross the midline any number of times.

It should be emphasized that the tow area between Montauk Point and Block Island is heavily crisscrossed by trawlers in many different directions. Some of the tows in this area actually extend beyond the chart lines.

## LA25 – East Hampton Fisheries Committee

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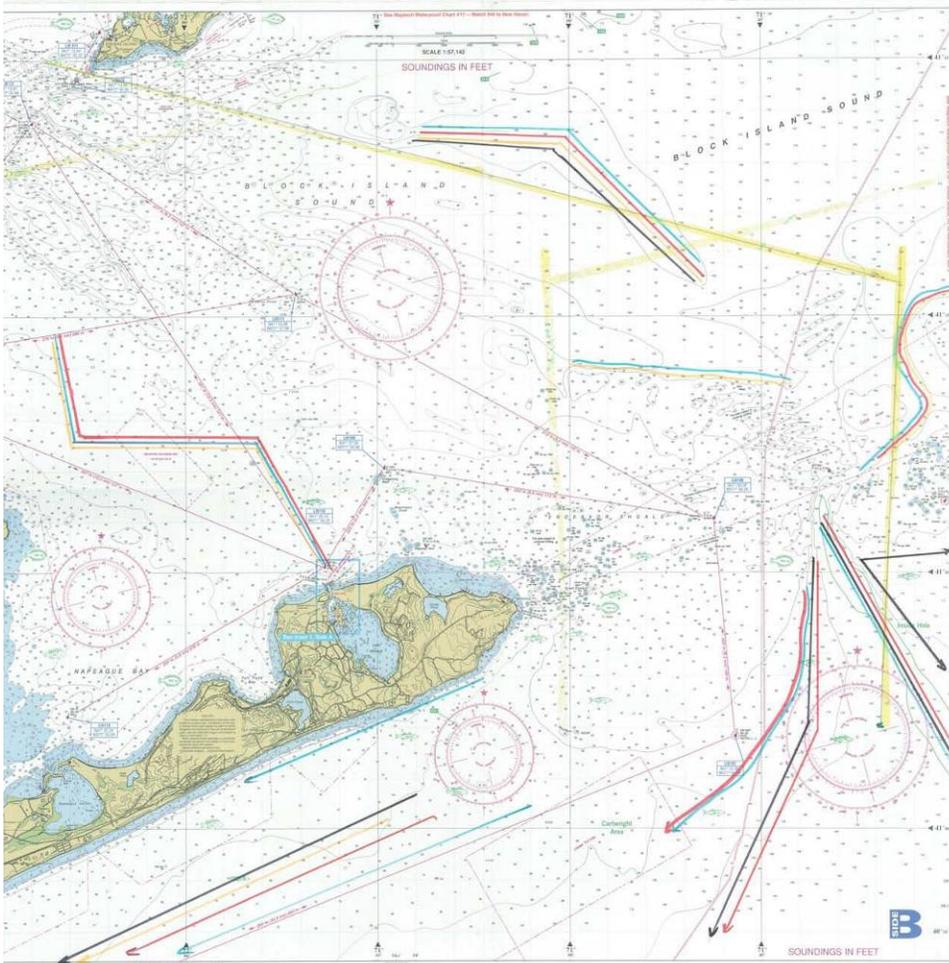
Depending upon the time of year, species abundance, weather and management requirements, these areas are used to different degrees of intensity at varying times of the year. However, all tows in tow areas depicted are used frequently during the fishing seasons.

LA25-1 [ It is evident that these tows would be impacted severely by the carrier routes proposed for the tankers supplying the Broadwater floating barge. The Draft Environmental Impact Statement, therefore, does not account appropriately for the adverse impact upon the Montauk fishing industry and, more important, the nautical way of life in our community.

Dated: October 12, 2007

LA25-1 The Montauk Channel Route is an alternate route for LNG carrier transits as stated in Section 3.7.1.3 of the final EIS. This route would not be a primary route for LNG carriers and it would not be used on a regular basis (see Sections 2.1, 2.3.3, and 3.2.1 of the WSR [Appendix C of the final EIS]). An LNG carrier and its proposed safety and security zone would pass a single point within 15 minutes and there would be an average of 236 carrier transits per year, including transits to and transits from the FSRU. Thus, even in the unlikely event that half of the LNG carriers passed through the Montauk Channel, an LNG carrier would be expected to intersect a given trawl lane less than 1 percent of the time. It would be expected that LNG carriers would potentially interfere with trawling operations substantially less than 1 percent of the time since some trawl lanes would be outside of the deepwater transit routes; the Coast Guard would provide advance notice to mariners of carrier arrivals; the fishing community currently functions with thousands of vessels passing in and out of Long Island Sound, and, as the commentor reports, trawlers rarely trawl in a straight line and the trawl lanes are wider than the proposed moving safety and security zone for an LNG carrier. It should also be noted that the Coast Guard has not proposed establishing a safety and security zone for LNG carriers seaward of the pilot station, and any interference with trawling operations in these areas would be comparable to existing large vessel traffic. Thus, the impacts to vessel operations in Montauk Channel due to the operation of LNG carriers would be brief and localized when they did occur, although they would periodically occur for the life of the Project.

LA25 – East Hampton Fisheries Committee



Local Government Agencies and Municipalities Comments

N-493