2.1.5 Responses to Comments from Local Elected Officials

Letter Number	Commentor
LE-01	Wayne Horsley, Suffolk Co. Legislator
LE-02	Suffolk Co. Legislator Jay Schniederman
LE-03	Branford Selectman John Opie
LE-04	New HavenMayor, John Destefano, Jr.
LE-05	Town of Darien, Selectwoman Evonne Klein
LE-06	John M. Kennedy, Jr.
LE-07	Town of Huntington Town Board (statement at comment meeting)
LE-08	Branford Selectman Cheryl Morris

200701165009 Received FERC OSEC 01/16/2007 10:26:00 AM Docket# CP06-54-000, ET AL.

OFFICE OF THE SUFFOLK COUNTY LEGISLATURE

Wayne R. Horsley
County Legislator, 14th District

COMMITTEE ON ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY
Chairperson

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
Vice Chairperson

123 No. Wellwood Avenue
Lindenhurst, NY 11757-3708
(T) 631.854.1100
(F) 631.854.1103
Wayne.Horsley@suffolkcountyny.gov

COMMITTEE ON PUBLIC SAFETY AND PUBLIC INFORMATION
Member

January 16, 2007

Federal Energy Regulatory Commission
Broadwater Energy, Docket No. CP06-54
Broadwater Pipeline, Docket Nos. CP06-55 & CP06-56

To Whom It May Concern:

I am writing to oppose the Broadwater proposed Floating Storage ReGasification Unit; a proposal which compromises the ecology of the Long Island sound, undermines the Public Trust by permanently removing land from public use, and endangering national security and the safety of Long Island residents.

LE1-1 The Long Island Sound Stewardship act regards the Broadwater proposed site as a "National treasure of great cultural, environmental, and ecological importance." The Sound itself is one of only two federally designated estuaries of "national significance." The Sound is also subject to federal and state Comprehensive Conservation and Management plans implemented precisely to preserve open space, encourage recreational use, minimize adverse development and non-water dependent development. The approval of Broadwater's proposal would truly undermine these principles.

In accordance with the Public Trust Doctrine, I dutifully question the prudence of tethering 8 billion cubic feet of natural gas. A procedure which would permanently remove over 950 acres of The Sound from use by other recreational and commercial vessels, and periodically remove an additional 1,722 acres of waterway from public use. LE1-2 Each LNG delivery requires a virtual shut down of the Long Island Sound, and Broadwater itself concedes that the Sound will be virtually closed for 18 out of every 48 hours or 37% of the time. To permanently remove thousands of acres from public uses violates the public trust, and unjustly subverts the will of the people.

In a post-911 world this project seems patently absurd. That Broadwater has classified several reports on the grounds that such information could aid terrorists' intent on attacking America emphasizes that terrorism and safety is a major issue.

1

LE1-1 Section 3.5.7 of the final EIS addresses the Long Island Sound Stewardship Act, the Sound's designation as an estuary of national significance, and the New York State CMP.

LE1-2 We are not aware of Broadwater making the statement that "the Sound will be virtually closed for 18 out of every 48 hours or 37% of the time." LNG carriers would be integrated into the normal marine traffic of Long Island Sound. Transit by carriers could result in localized and temporary delays for some vessels wishing to cross the path of an LNG carrier and its proposed safety and security zone, or the transits may require that some vessels move out of the path of the oncoming carrier (see Sections 3.5.5.1 and 3.7.1.4 of the final EIS for details). Except for avoiding the proposed moving safety and security zones around the LNG carriers and the proposed fixed safety and security zone around the FSRU, commercial, recreational, and other marine vessel traffic would be able to continue as normal throughout the remainder of the Sound while the LNG carriers are in transit. Further, as indicated in Sections 3.5.5.1 and 3.7.1.4 of the final EIS, the Race would not be closed when a carrier passes through, and some recreational boaters could transit the Race while a carrier is present by using the area between the limits of the Race and the edge of the carrier's safety and security zone.

Long Island Sound covers an area of approximately 1,320 square miles (Section 2 of the WSR [Appendix C of the final EIS]). The proposed moving safety and security zone around each LNG carrier would cover an area of approximately 2,040 acres (about 3.2 square miles; see Table 3.5.1-1 of the final EIS), about 0.2 percent of the area of the Sound at any one time, and the proposed fixed safety and security zone around the FSRU would cover an area of about 950 acres (about 1.5-square miles; see Table 3.5.1-1 of the final EIS) which would be about 0.1 percent of the area of the Sound. Therefore, when an LNG carrier is in transit in Long Island Sound, either to or from the FSRU, only about 0.3 percent of the total area of the Sound would be excluded from use due to establishment of the safety and security zones proposed by the Coast Guard.

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OFFICE OF THE SUFFOLK COUNTY LEGISLATURE

A Federal Water Suitability Report declares all LNG tankers will require an armed escort. The result would be military gunboats accompanying gas filled tankers traversing the Sound. My friends, what we would be witnessing is nothing short of the armification/ and industrialization of the Long Island Sound. However, the Coast Guard admittedly, "Would not be in a position to provide for the security and safety of the FSRU or refueling tankers." The remaining option is to hire private security, to escort gas tankers. An option that sounds much likely the employment of mercenaries within our sound.

LE1-3

Lastly, it is universally recognized that LNG facilities are susceptible to three types of fire hazards: pool fires, jet fires and flash fires. A pool fire involves the release of LNG from the floating storage unit, or tankers, which rapidly vaporize and ignite, placing into jeopardy the entire stored material. There is no guarantee that this fireball will remain at the 9 mile off-shore location as the tethering mechanism can become compromised, resulting in a wandering floating fireball, subject to waves, tides and winds found in the Long Island Sound.

LE1-4

Therefore, in the name of the environment, the public trust, and national security, I would urge State regulatory agencies to deny Broadwater easements in the Long Island Sound and, thus, defeat this wrong-headed proposal.

S/ Hon. Wayne R. Horsley
Hon. Wayne R. Horsley, 14th District
Chairman Economic Development,
Higher Education & Energy Committee
Suffolk County Legislature

2

LE1-3 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 could provide onboard security for the FSRU, but private security forces cannot act as law enforcement representatives. Neither FERC nor the Coast Guard would allow operation of the Project until the appropriate safety and security measures are in place. If the Project receives initial authorization to proceed, Broadwater would work with federal, state, and local agencies to develop a Facility Security Plan (as outlined in 33 CFR 101-105). Further, FERC would need to approve the Emergency Response Plan developed by Broadwater (see Section 3.10.6 of the final EIS). Final operation of the facility would not be authorized until these plans were completed and approved.

LE1-4 If the Project is authorized to proceed to operation by FERC, that authorization would be based on the detailed design information required for the continuing evaluation of reliability and safety. Section 3.10.2.3 of the final EIS and Sections 4.3.5 and 4.6.2.1 of the WSR (Appendix C of the final EIS) address the possibility and the risk of the FSRU breaking away from the YMS. In addition, as described in Section 3.10.6 of the final EIS, Broadwater would be required to prepare an Emergency Response Plan that FERC must approve prior to final approval to begin construction. That plan would address emergencies and appropriate responses for a variety of situations, including the FSRU breaking away from the YMS. Section 3.10.3.2 of the final EIS lists the duration of pool fires for different incident scenarios; the longest duration is less than 2 hours. Consequently, even if the FSRU were to detach at some point during an incident and drift away from the YMS, it would move slowly with the tide, current, and winds; an associated pool fire would not last long enough to threaten the shoreline.

LE2 – Jay Schneiderman – Suffolk County Legislator

GOOD EVENING. AS THE COUNTY LEGISLATOR REPRESENTING THE SOUTH FORK, I HAVE A SPECIAL APPRECIATION FOR THE NATURAL BEAUTY OF LONG ISLAND AND THE FRAGILE NATURE OF OUR UNIQUE ENVIRONMENT. I AM FIRMLY COMMITTED TO PRESERVING AND PROTECTING THIS REGION. I VIEW THE BROADWATER PROPOSAL AS A DIRECT ASSAULT ON AN AREA THE NATURE CONSERVANCY HAS DEEMED "ONE OF THE LAST GREAT PLACES".

THE INCREASING SCRUTINY CONCERNED CITIZENS HAVE BROUGHT TO THE "BROADWATER" PROPOSAL HAS ALERTED LAWMAKERS AND THE GENERAL PUBLIC TO ISSUES ALL MUST CONSIDER BEFORE ANY FURTHER ACTION IS TAKEN. I AM GRATEFUL TO THE FEDERAL ENERGY REGUALTORY COMMISSION FOR THE OPPORTUNITY TO SHARE SOME OF THE THOUGHTS I HAVE ON THE SUBJECT.

THE IMPACT OF THE BROADWATER PROPOSAL ON THE ECONOMY. THE ENVIRONMENT, AND THE VIOLATION OF STATE AND LOCAL LAWS SHOULD BE ENOUGH TO CONVINCE ANY PUBLIC OFFICAL TO OPPOSE A LIQUEFIED NATURAL GAS TERMINAL MOORED ONLY NINE MILES FROM OUR SHORES

THIS PROJECT WILL NEGATIVELY AFFECT AN ESSENTIAL PART OF OUR LOCAL ECONOMY. IT WOULD GRANT A MULTI-NATIONAL CORPORATION EXCLUSIVE CONTROL OVER A PART OF THE LONG ISLAND SOUND. THE

COAST GUARD WOULD ESTABLISH[2] AND ENFORCE SAFETY AND SECURITY ZONES AROUND BOTH THE FLOATING STORAGE AND REGASIFICATION UNIT (FSRU) AS WELL AS THE INBOUND AND OUTBOUND LNG CARRIERS.

THIS SAFETY ZONE WOULD RENDER OFF LIMITS AN AREA TWICE THE SIZE OF THE VILLAGE OF PATCHOGUE OR THE SIZE OF THE VILLAGE OF PORT JEFFERSON AND SAG HARBOR COMBINED!

IN ITS WATERWAY SUITABILITY REPORT, THE COAST GUARD HAS DEFINED THE ZONE FOR BROADWATER'S FSRU AS A FIXED CIRCULAR ZONE WITH A RADIUS OF 1,210 YARDS (0.9 MILES) FROM THE CENTER OF THE MOORING SYSTEM. FOR EACH LNG CARRIER, A MOVING SAFETY AND SECURITY ZONE WOULD EXTEND ABOUT 2.3 MILES IN FRONT OF THE VESSEL, 1.2 MILES TO THE REAR, AND 750 YARDS (ABOUT 0.4 MILE) TO EACH SIDE OF THE VESSEL DURING TRANSITS IN BOTH DIRECTIONS.

IT WOULD TAKE ABOUT 15 MINUTES FOR A MOVING ZONE TO PASS A FIXED POINT. AND WHENEVER THESE ZONES ARE ESTABLISHED, THE WATER THEY ENCLOSE WILL BE INACCESSIBLE TO COMMERCIAL AND RECREATIONAL FISHING, BOATING, AND OTHER MARITIME ACTIVITIES.

3

IT IS IMPORTANT TO RECOGNIZE THAT FISHING MAKES AN INDISPENSABLE CONTRIBUTION TO NEW YORK'S COMMERCE. THE LONG ISLAND SOUND GENERATES AN ESTIMATED $5.5 MILLION DOLLARS FOR THE REGION'S ECONOMY. MONTAUK, LOCATED IN MY LEGISLATIVE DISTRICT, CONTAINS THE STATE'S LARGEST COMMERCIAL FISHING FLEET. CLOSING A SIZABLE AREA OF THE SOUND TO FISHING COULD HAVE A SIGNIFICANT LOCAL AND REGIONAL ECONOMIC IMPACT AND IS SERIOUS CAUSE FOR CONCERN. LE2-1

THERE ARE ALSO ENVIRONMENTAL EFFECTS. THE PROPOSED TERMINAL WOULD BE APPROXIMATELY 1,215 FEET LONG AND 200 FEET WIDE, WITH A DRAFT OF APPROXIMATELY 40 FEET AND THE UPPER DECK EXTENDING UP TO 82 FEET ABOVE THE WATERLINE. MAKING IT ONE OF THE TALLEST BUILDINGS IN THE COUNTY

THE TERMINAL WOULD BE ATTACHED TO A MOORING TOWER EMBEDDED IN THE SEAFLOOR. LIQUEFIED NATURAL GAS WOULD BE DELIVERED TO THE CARRIERS, TEMPORARILY STORED, VAPORIZED, AND THEN TRANSPORTED IN A NEW SUB-SEA NATURAL GAS PIPELINE THAT WOULD EXTEND APPROXIMATELY 21.7 MILES FROM THE SEAFLOOR BENEATH THE TERMINAL TO AN OFFSHORE CONNECTION WITH THE EXISTING IROQUOIS GAS PIPELINE.

LE2-1 Impacts to commercial fishing are addressed in Section 3.7.1.4 of the final EIS. As noted in that section, interruptions to these activities would be localized and temporary during carrier transit, with a maximum of 0.3 percent of the Sound unavailable for commercial fishing at any one time. The potential for economic impacts to commercial fishing due to the proposed fixed safety and security zone around the YMS and FSRU is addressed in Section 3.6.8.1 of the final EIS. This includes potential impacts to commercial lobster fishing and commercial trawling. In addition, Section 3.6.8.1 of the final EIS has been updated to address the potential impacts to commercial fishermen who may be affected by the proposed moving safety and security zones around LNG carriers as they enter and exit the Sound. Any adverse change to the regional economy due to economic impacts to commercial fishing would be negligible, if any change occurred at all.

AS PROPOSED BY BROADWATER, THE PROJECT'S CONSTRUCTION WOULD DISTURB OVER 2,235 ACRES OF SEA BOTTOM. MOST OF THE IMPACT WOULD RESULT FROM ANCHOR CABLE SWEEP, PLOWING THE PIPELINE TRENCH, AND THE FOOTPRINT OF THE ANCHORS. WHILE THE DRAFT ENVIRONMENTAL IMPACT STATEMENT OF THE FEDERAL ENERGY REGULATORY COMMISSION RECOMMENDS BROADWATER USE MID-LINE BUOYS ON ALL ANCHORS TO MINIMIZE SEAFLOOR CABLE SWEEP-INDUCED IMPACTS, OVER 230 ACRES WOULD BE DISTURBED.

LE2-2 FURTHERMORE, THE LNG FACILITY ENCOURAGES THE INDUSTRIALIZATION OF THE LONG ISLAND SOUND AND IS A MOVE IN THE WRONG DIRECTION FOR OUR NATIONAL ENERGY POLICY, WE SHOULD BE MOVING AWAY FROM RELIANCE ON NON-RENEWABLE ENERGY SOURCES.

WE MUST CONSIDER JUST HOW MUCH DIRECT BENEFIT LONG ISLAND WOULD RECEIVE FROM HAVING THE TERMINAL OFF OUR SHORES. INDIRECT BENEFITS ASIDE, BROADWATER ESTIMATES THAT THE MAJOR BENEFACTORS ARE CONNECTICUT AND NEW YORK CITY, LEAVING ONLY 25 TO 30 PERCENT GOING TO LONG ISLAND,

LE2-2 The potential that authorization of the proposed Project could serve as a precedent for further industrialization of the waters of Long Island Sound is addressed in Section 3.5.2.2 of the final EIS.

5

LE2-3 GRANTING APPROVAL OF THE BROADWATER PROJECT WOULD INTERFERE WITH CURRENT LAW AND THE AUTHORITY OF STATE AND LOCAL GOVERNMENTS. THE NEW YORK STATE OFFICE OF GENERAL SERVICES

LE2-4 CURRENTLY DOES NOT HAVE THE AUTHORITY UNDER PUBLIC LANDS LAW TO GRANT THE NECESSARY EASEMENTS FOR THE BROADWATER PROJECT.

ADDITIONALLY, THE COUNTY MAINTAINS THAT THE NAVIGATION LAWS OF 1881 SPECIFICALLY GIVES JURISDICTION OF THE WATERS OF THE LONG ISLAND SOUND TO SUFFOLK COUNTY. ISSUING EASEMENTS WOULD ALSO VIOLATE A COUNTY LAW PASSED IN 2006 THAT EXPRESSLY PROHIBITS LNG

LE2-5 FACILITIES IN THE LONG ISLAND SOUND. FURTHERMORE, APPROVAL OF BROADWATER WOULD VIOLATE THE LONG ISLAND SOUND STEWARDSHIP ACT PASSED BY CONGRESS JUST LAST YEAR.

LASTLY, WHATEVER THE OUTCOME OF THIS DISCUSSION, WE MUST COMMIT TO AN OPEN DECISION-MAKING PROCESS THAT GIVES FULL WEIGHT TO LOCAL CONCERNS. IN DOING SO, OUR RESIDENTS CAN HAVE FAITH THAT ALL NECESSARY CONSIDERATIONS WILL BE TAKEN INTO ACCOUNT. WHEN ALL FACTORS ARE FAIRLY CONSIDERED IT WILL BE CLEAR THAT THE RISKS OUTWEIGH THE BENEFITS AND THIS PROPOSAL SHOULD BE DENIED.

BROADWATER IS A BAD IDEA.

LE2-3 The authorities granted to NYSOGS are subject to interpretation by the State of New York.

LE2-4 It is our understanding that NYSOGS is responsible for issuing easements for use of underwater lands of Long Island Sound that are in the State of New York. As described in Sections 3.5.2.2 and 3.5.2.4 of the final EIS, the proposed Project would not represent the first time the waters of the Sound would be used for private purposes. Commercial and industrial structures in or under offshore waters of the Sound include cable crossings, natural gas and petrochemical pipelines, and two petrochemical platforms. Section 3.5.7.4 of the final EIS addresses environmental issues associated with the Public Trust Doctrine. However, legal issues associated with granting easements and the use of public trust lands are not components of our environmental review and therefore have not been included in the EIS.

LE2-5 Section 3.5.7 of the final EIS addresses the Project in relation to the Long Island Sound Stewardship Act. However, this act applies to "upland sites within the Long Island Sound ecosystem" and does not apply to an offshore project such as the proposed Broadwater Project.

SO, IN CLOSING, HERE IS MY RALLING CRY:

DON'T SELL OUT THE SOUND. TURN THAT SHIP AROUND.

DON'T SELL OUT THE SOUND. TURN THAT SHIP AROUND.

THANK YOU AGAIN FOR YOUR TIME AND ATTENTION.

SUFFOLK COUNTY LEGISLATOR JAY SCHNEIDERMAN
75 Washington Street
PO Box 1827
Sag Harbor, NY 11963

Phone: 852-8400
Fax: 852-8404

FERC-Broadwater Comments
1/16/07

I read the following quotation:

"The Branford Representative Town Meeting expresses strong opposition to Broadwater Energy Corporation's plan to construct a floating liquefied natural gas (LNG) terminal, planned to be located in the middle of Long Island Sound between Branford and Wading River, NY. and has voted to urge you to take all available measures to prevent this industrialization of the waters of Long Island Sound.
Unlike pipelines, this and other similar processing facilities will be seen, heard, and feared. Long island Sound belongs to everyone. It is Connecticut's and Branford's most valuable natural asset. It is not the appropriate place for an industrial facility."

End quote.

This resolution was adopted by the Branford RTM on December 8th, 2004 . Following Branford's lead, similar comments were adopted by dozens of other municipalities.
The voices raised against this proposal are many and should have been heard by our governmental agencies.

Here we are again….2 years and one month later…discussing the very same issue. The dilemma of need vs. greed. Someone once defined INSANITY as doing the same thing over and over expecting a different outcome.

So, has anything changed???

Not the project. It's still the same hideous proposal it always was.

Not the opposition. We are still as vehemently opposed to this menace as we ever were.

It's the process! It's slowly moving forward despite good sense and all of our efforts to the contrary.

This is a very frustrating situation.

It's time to cure this insanity and bring sensitivity and sensibility back into the equation.

I've personally spent 12 years serving on the RTM of this fair town and have also been its First, Second, and Third Selectman but my professional background is in engineering.

Young engineers are notorious for offering quick solutions to problems without taking into account the "big picture". Perhaps it's their nature to try to be heroes in an otherwise rather bland technical world. I don't know for sure.

But as time goes on we mature and we learn to broaden our horizons. We try to understand the full scope of the issue before we jump to offer a solution. We try to analyze the problem and then let the **data** drive the **appropriate** solution.

I fear, in the case of the Broadwater proposal, you folks at FERC are considering a solution to a problem that exists in theory and has yet only been defined by those who stand to profit from its acceptance as fact.

We are told there is a NEED for more energy on Long Island while those telling us are openly advertising for new customers for their product.

We are told that the presence of Broadwater will reduce the cost of energy for Connecticut. I honestly don't believe that for a second and neither should any of you.

LE3-1

So, what do we really know about the need? Has there been any reliable, independent study done to forecast the energy needs for the Northeast region?
- One that projects the needs of our area out 25 years into the future and compares that to the available infrastructure.
- One that provides a blue print for what types of energy will be needed, in what quantities, and in what locations.
- One that indicates where infrastructure should be added…sensibly with the greatest security and lowest possible environmental impact.

Has such a study been done by our government? That answer would be…NO!

LE3-2

The closest thing is the analysis done by Save our Sound. A group of concerned citizens funded only by donated money! Their study discounts the need for Broadwater yet has apparently been ignored in this process.

LE3-3

I find it pathetic that our government has the time and resources to create this massive and colorful document (the Environmental Impact Study) for any hair-brained proposal made by some profit-motivated energy company, yet it can't do a needs assessment that should be the corner stone and blue print for any future project.

Wouldn't any reasonable person expect such a study to have been **the FIRST** step in the sequence lest we let the fox guard the hen house?

I call on the good folks at "FERC" to do as their name implies….REGULATE!!! Don't be a doormat for the multinational energy companies. Don't accept their self-serving prophecies to be the gospel. YOU, our governmental agency, need to take the lead and determine what will be needed, where, and when! Only after such a study should proposals be considered that conform with, and support, our long-term energy strategy.

LE3-1 As noted in Section 1.1 of the final EIS, many studies have been conducted by state agencies, task forces, utility companies, and others regarding the need for energy in the market region that would be served by Broadwater. Section 1.1 provides summaries of those studies. However, no single study provides all of the details mentioned by the commentor.

LE3-2 Sections 1.1.5.4 and 4.3.2 of the final EIS addressed the Synapse report that was funded by Save our Sound. We have updated Section 1.1.5.4 of the final EIS to address comments received on the draft EIS regarding our analysis of the report.

LE3-3 The Commission is responsible for reviewing applications for authorization of energy projects. The EIS is one component of that review and is required under NEPA. We have conducted an extensive review of the available studies on energy needs for the region that would be served by the proposed Project, and we provide a summary of the relevant information in Section 1.1 of the final EIS.

LE3-4

I would propose that Broadwater, (and any other proposals such as this), be put on hold until a **thorough and independent analysis** of our **current situation and future needs** is done. Only with such a study in hand can an intelligent recommendation for the most appropriate solution be endorsed. As a Regulatory agency, wouldn't that make your life easier?

Should the **Federal Government** lack the will and/or the resources to accomplish such a study, then perhaps the **State Governments of the Northeast Region** should pool their efforts and conduct the study themselves as part of their future energy strategy.

Let's get an unbiased understanding of our needs and allow the data to determine our direction. With a credible analysis in hand, we can better understand the magnitude of the problem and find the most reasonable and least damaging solution to it.

I leave you with these thoughts…
If you don't know your destination and don't have a map to follow, how do you know what direction to go in and how will you ever know if you get there?

Respectfully submitted,
John Opie, Selectman, Branford.
15 Buena Vista Rd.
Branford, CT. 06405

LE3-4 As noted in response to comment LE3-3, the Commission is responsible for reviewing applications for authorization of energy projects as they are received. This includes an analysis of environmental impacts, safety, security, and to a lesser extent, the need for energy. The information on energy supply and demand presented in Section 1.1 of the final EIS provides an up-to-date summary of the needs of the region to be served by the Project and is adequate for our review of the Project. If a company receives authorization to build and operate an LNG terminal or receives a certificate to construct and operate a natural gas pipeline system, the company then will decide whether or not to construct the project based on the need in the area to be served at that time. Many of the LNG terminals and pipeline systems we have approved have not been built because of market changes that occurred between the time the application was submitted and the time the approval was received.

OFFICE OF THE MAYOR

165 CHURCH STREET • NEW HAVEN • CONNECTICUT 06510

JOHN DESTEFANO, JR.
Mayor

"The vision of New Haven's children is our city's greatest resource"

DATE: January 9, 2007

TO: Federal Energy, Regulatory Commission
Docket #CP06-54-000 and CP06-55-000

RE: Broadwater Energy: Broadwater Energy proposal for a Liquified Natural Gas (LNG) floating Storage and regasification unit (FSRU) in Long Island Sound.

I. Summary

The City of New Haven (City) respectfully offers comments regarding Docket #CP06-54-000 and #CP06-55-000 for Broadwater Energy's proposed Liquefied Natural Gas (LNG) FSRU located in Long Island Sound. The applicant has failed to demonstrate a public need for the project and has failed to satisfy public safety concerns. Furthermore, potential adverse economic and environmental impacts to the City are in no way offset by benefits provided by Broadwater to New Haven. Therefore, the City of New Haven asks that the FERC deny the application of Broadwater Energy.

II. Comments

(a) **Need:** Broadwater Energy has not demonstrated that an LNG facility in Long Island Sound is necessary to ensure a safe and reliable gas supply for Connecticut. Broadwater Energy estimates that only 20% of the gas produced by the FSRU or approximately 0.2 billion cubic feet (bcf) would reach Connecticut and the New England market.[1] However, the Interim Report of the Long Island Sound LNG Taskforce of the State of Connecticut could not find an "identifiable end user of the LNG which Broadwater proposes to service,"[2] raising concerns that the proposed facility is "speculation by a corporation trying to get into the evolving energy market of the northeast."[3] Furthermore, similar base capacity LNG plants are under construction or have been approved in the Northeast, substantially reducing or eliminating any need for the extra capacity Broadwater would provide.[4,5] Specifically, the Canaport Terminal under construction in New Brunswick along with the modified Maritimes & Northeast Pipeline would provide approximately 0.4 bcf to the New England gas transmission system, double the amount provided by the Broadwater project.[6]

LE4-1

(b) **Environment:** The proposed LNG FSRU has the potential to impact local ecosystems, water quality, and air quality in and around Long Island Sound. New Haven is in a non-attainment area for both PM2.5 and ozone as designated by the United States Environmental Protection Agency (EPA). While the Draft Environmental Impact Statement (DEIS) does examine the environmental impacts of the facility on the local environment, the air pollution section in particular does not answer questions about the total impact of the facility and associated operation on the City of New

LE4-2

phone 203.946.8200 *fax* 203.946.7683

"This creative impression is the work of Jennifer Montalvo, a student at Nathan Hale School.

LE4-1 Section 4.3.2 of the final EIS has been revised to reflect the recent increase in subscribed gas for the Maritimes & Northeast pipeline from the Canaport LNG Terminal, as well as other proposed or approved LNG terminals in the northeastern United States and Canada. Impacts associated with these alternatives would not be less than those associated with the proposed Broadwater Project. The 0.4-bcfd increase on the Maritimes & Northeast pipeline would provide less than half of the proposed Broadwater throughput and, as proposed, would not deliver gas to the New York City, Long Island, and Connecticut markets.

LE4-2 Section 3.9.1 of the final EIS provides a detailed discussion of air emissions associated with the proposed Project, including those from LNG carriers. These estimated emissions are based on dispersion modeling to estimate concentration levels based on the Coast Guard's safety and security zone of 0.7 miles (1.1 kilometers or 3,700 feet). Modeling was conducted for the same averaging periods as the NAAQS and SILs for each pollutant in order to determine impacts, and include 1-hour, 3-hour, 8-hour, 24-hour and annual averages depending on the pollutant.

Atmospheric dispersion models were used to determine impacts to air quality and were conducted according to the modeling protocol reviewed by NYSDEC and EPA. Dispersion modeling was performed using the OCD model to estimate concentration levels beyond an assumed safety and security zone. AERMOD-PRIME is an EPA-approved model for evaluating the impact of land-based stationary sources. Tables 3.9.1-14 and 3.9.1-15 of the final EIS present results from both models with comparison to regulated significance thresholds.

LE4-2

Haven and surrounding areas. Specifically, emissions from LNG tankers transferring product at the facility are excluded from some of the analyses and permitting.[7] This is an unconscionable omission of basic facts regarding the impact of this facility. Also, the current modeling looks at relatively long-period exposure to pollutants (24 hours) rather than short exposures during peak pollution days that can trigger an acute response from sensitive populations.[8] New Haven has a significant number of residents who have respiratory conditions such as asthma, and the current modeling does not satisfy the City that these residents will not be adversely affected by Broadwater Energy's proposed facility.

LE4-3

(c) **Economic:** New Haven values its standing both as a strategic commercial harbor and a desirable place for recreational boating. The proposed exclusion zones associated with the FSRU and LNG tankers may hinder access to New Haven's port and impinge upon the ability of its visitors and residents to enjoy the natural beauty of Long Island Sound. As stated by the Interim Report of the Long Island Sound LNG Taskforce of the State of Connecticut, "[t]he effect upon the shipping industry in the New Haven Harbor, as a result of delays caused by the LNG supply tanker two to three times a week is a very real concern for the New Haven Harbor area."[9] As Broadwater Energy has failed to prove the necessity of the facility, these potential economic losses cannot be justified by any net gain for either New Haven or Connecticut as a whole.

LE4-4

(d) **Emergency Planning and Response:** On September 21, 2006 the United States Coast Guard (USCG) issued a Waterway Suitability Report regarding the proposed Broadwater Energy facility. In the report, the USCG establishes that existing security and safety resources in the Sound are inadequate for the proposed facility. The USCG suggests that cooperation with "state and local law enforcement agencies" could meet the safety and security needs of the facility, along with expansion of USCG capabilities in the region.[10] As one of the largest local agencies in the vicinity of the proposed facility, the City of New Haven is in no position to dedicate scarce resources to its protection. Moreover, the City does not have or have access to equipment necessary to transport personnel or apparatus to the site in the event of an emergency.

III. Conclusion

The City of New Haven asks that the application of Broadwater Energy be denied as the applicant has failed to demonstrate a public need commensurate with the significant impacts on the economy, environment, and safety of New Haven and Long Island Sound.

Very truly yours,

John DeStefano, Jr.
Mayor, City of New Haven

[1] FERC Broadwater DEIS, Nov. 17, 2006, ES-1
[2] Long Island Sound LNG Task Force Interim Report, March 8, 2006, p.43
[3] Ibid
[4] FERC Broadwater DEIS, Nov. 17, 2006, 4-17
[5] "Massachusetts approves plans for two LNG terminals", Reuters, Dec. 9, 2006
[6] FERC Broadwater DEIS, Nov. 17, 2006, 4-19
[7] FERC Broadwater DEIS, Nov. 17, 2006, Section 3
[8] FERC Broadwater DEIS, Nov. 17, 2006, Section 3
[9] Long Island Sound LNG Task Force Interim Report, March 8, 2006, p.38
[10] United States Coast Guard Waterway Suitability Report Summary Letter, Sep. 21, 2006, p. 4

LE4-3 Section 3.7.1.4 of the final EIS presents an assessment of the impacts of the FSRU and LNG carriers on marine transportation and addresses potential impacts to ports. Section 3.5.5.1of the final EIS addresses the impacts of the FSRU, the LNG carriers, and the associated safety and security zones on recreation. As stated in those sections, the proposed location of the FSRU and the surrounding safety and security zone are not areas of heavy commercial or recreational traffic; the FSRU and its proposed safety and security zone would have only a minor impact on commercial and recreational vessels for the life of the Project and would have at most a negligible effect for the duration of the Project on vessel transits to or from the Port of New Haven.

The safety and security zone of each LNG carrier would cover an area of approximately 2,040 acres (3.2 square miles), and only one carrier would be present inside the pilot stations at any one time. The entire transit path of an LNG carrier would not be an exclusion zone. As described in the EIS and WSR (Appendix C of the final EIS), the amount of time for the LNG carrier and its associated safety and security zone to pass any single point is about 15 minutes (the length of the safety and security zone from front to back would be about 3.7 miles), and the only exclusion area would move along the LNG carrier path around the single LNG carrier. All other portions of the carrier route, both in front of and behind the carrier's safety and security zone, would be available for use. As a result, the vast majority of commercial and recreational vessels heading to or from the Port of New Haven would not encounter an LNG carrier, and there would be, at most, a negligible impact on vessel traffic to or from the port for the duration of the Project.

LE4-4 The Coast Guard must accomplish the tasks that, by law, only it is authorized to conduct; but the Coast Guard may share other law enforcement responsibilities with state or local law enforcement agencies. As stated in Section 5.2.2.2 of the WSR (Appendix C of the final EIS), "46 U.S.C. § 70119 provides for state and local law enforcement agencies to enforce safety and security zones established by the Coast Guard." The Coast Guard is currently working with the states of New York and Connecticut to establish Memoranda of Agreement for this purpose. Broadwater would provide funding for state or local law enforcement agencies for their involvement in enforcing the safety and security zone as described in Section 6.2.3.2 of the WSR (Appendix C of the final EIS). If the needed resources are not available and properly funded, operation of the Project would not be approved.

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SECRETARY

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FEDERAL ENERGY
REGULATORY COMMISSION

EVONNE M. KLEIN
FIRST SELECTWOMAN

PAUL B. HENDRICKSON
LINDA S. SANTARELLA
BARBARA L. THORNE
SUSAN K. YOUNG

JOHN N. CRARY
ADMINISTRATIVE OFFICER

January 19, 2007

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

CP06-54-000

Dear Ms. Salas,

The Town of Darien, CT would like to comment further on the Broadwater LNG Project draft EIS (Draft Environmental Impact Statement, FERC/EIS-0196D, November 2006). Darien continues to oppose this project, as stated in our letter of December 13, 2005. We ask FERC to consider the following additional points:

LE5-1
- The draft EIS has not established that Broadwater will have much, if any, beneficial effect for the future of Connecticut's energy requirements. This project, by definition, is designed mainly to (80%) support New York City and Long Island energy needs. Gas will be sold at market price. Yet, it exploits one of Connecticut's, and Darien's, most important and valuable natural resources, Long Island Sound. It does this without the assurance of value of any kind to Connecticut or its coastal towns. We think that this is wrong.

LE5-2
- The analysis of alternative sites closer to the major users is not adequately considered. The principal reasons for rejecting all of the alternatives seems to be avoidance of the political hurdles needed to achieve public acceptance of the project, and the cost advantages to Broadwater. Using "free" Long Island Sound waters and its installed pipeline is not a sufficient reason for taking an area in Public Trust, being used by millions in two states, and making this area into an exclusive industrial zone. The burden of acceptance should be on the principal users, not on the innocent who have no official voice in the project and receive little or nothing from it.

LE5-3
LE5-4
- There should be a defined barrier for projects of this kind in Long Island Sound. The Sound has supported commercial shipping, along with many other water activities, for hundreds of years. Carving out exclusive sections in the middle of the Sound, as the Broadwater project requires, has not been permitted. We can support multiple uses but not exclusive uses. If Broadwater is approved, what is to prevent further exploitation of the Sound for exclusive uses?

TOWN HALL, 2 RENSHAW ROAD • DARIEN, CONNECTICUT 06820-5397 • TELEPHONE (203) 656-7338
DARIENCT.GOV

LE5-1 The Commission is reviewing Broadwater's application to provide natural gas to the region. As described throughout Section 3.0 of the final EIS, our assessment of environmental impacts indicates that the proposed Project would not result in a significant impact to Long Island Sound.

LE5-2 As discussed in Section 4.4, the final EIS evaluates alternatives to the proposed location of the Broadwater LNG terminal based on the potential magnitude and extent of environmental impacts. Alternatives evaluated include onshore locations in Long Island Sound and other locations closer to the New York City and Long Island markets.

LE5-3 Section 3.7.1.3 of the final EIS and Section 2.3.2 of the WSR (Appendix C of the final EIS) identify the existing safety and security zones in Long Island Sound The proposed fixed safety and security zone around the FSRU would cover an area of about 950 acres (see Table 3.5.1-1 in the final EIS) or about 0.1 percent of the Sound.

LE5-4 Sections 3.5.2.2 and 3.5.7.4 of the final EIS indicate that the Project would not represent the first time that the waters of the Sound would be used for private purposes. Commercial and industrial structures in or under offshore waters of the Sound include cable crossings, natural gas and petrochemical pipelines, and two petrochemical platforms.

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LE5-5

- The EIS does not adequately define and quantify the cumulative acceptable risks of this project. Many of the areas properly considered in the EIS conclude with statements that require the public to assume some risks, to disrupt some activities, to change some schedules, to defer entirely from using some areas, and even to assume some health and safety risks all because of Broadwater. The "public" includes commercial shippers, fishermen, and thousands of recreational boaters of all types. In addition, the 40-mile security zones, much of them on two routes, that are required for the carriers' transits in and out of the Sound (plus another 30 miles from the pilot points) should be identified in time as well as distance. We think that all of these risks are cumulative and the total effect negates the advantages that the EIS presumes in approving the Broadwater project.

LE5-6

Darien continues to support the allocation of our State's funds to clean up and improve Long Island Sound. We ask FERC to share this support with us, and not undermine the billions of dollars already spent on the Sound. Broadwater does not belong in Long Island Sound.

Thank you for your consideration of these important matters.

Very truly yours,

Evonne M. Klein,
First Selectwoman

LE5-5 As described in Sections 3.5.5.1 and 3.7.1.4 of the final EIS, the impacts of the Project to commercial shippers, commercial fishermen, and recreational boaters would be minor and brief when they do occur, although they would periodically occur throughout the life of the Project. The impacts would not build up over time and therefore would not be cumulative. Section 3.7.1.4 of the final EIS has been revised to provide a more detailed assessment of the impacts of LNG carrier transits. As noted in that section, there would not be 40-mile-long safety and security zones in the Sound or 30-mile-long safety and security zones from the Race to the pilot stations. The only area that would be excluded from use during carrier transits would be the 2,040 acre moving safety and security zone around each LNG carrier. Marine vessels would be able to cross in front of or behind the 3.7-mile-long safety and security zone, and the entire zone would pass any point in approximately 15 minutes.

LE5-6 FERC, with input from cooperating agencies, has included many recommendations in the EIS that would result in minimal impacts. Further, the proposed Project would not appreciably increase the input of nitrogen, which is the primary source of eutrophication in the Sound. We recognize the substantial investment made by Connecticut and New York to upgrade wastewater treatment facilities in order to further reduce nitrogen flows into the Sound.

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John M. Kennedy Jr.
Attorney at Law
15 Addie Lane
Nesconset, N.Y. 11767

January 9,2007

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

Ref. Docket No. : CP06-54-000
CP06-55-000
CP06-56-000

Dear Ms. Salas:

I offer this letter to be entered into the record for the above referenced applications concerning the Draft Environmental Impact Statement (DEIS) for the project known as "Broadwater." The Federal Energy Regulatory Commission (FERC), the Coast Guard, and various other agencies that have been involved in the initial scoping, review, and definition of the project have aggregated more than 800 pages of material. As the concept advanced by the applicant is unique, it warrants exhaustive review and consideration prior to an ultimate determination.

Based on the material included in all sections of the DEIS and the Coast Guard's Waterway Suitability Review (WSR), I have come to the conclusion, unlike FERC, that this project presents serious, profound and significant negative environmental impacts that would last for the thirty year duration of this project, and beyond. I have arrived at this conclusion based on the following:

1) Despite the representation of the Long Island Sound as a commercialized water body by the applicant, the Coast Guard and FERC, the proposed use of the Long Island Sound by the applicant is an intensification of commercial application far beyond the scope and magnitude of any current or foreseeable commercial use of this estuary. Unlike the two near shore oil loading platforms located at Riverhead and Northport, Broadwater would see the creation of a waterborne storage vessel that would contain 350,000 cubic meters of Liquefied Natural Gas (LNG), plus the apparatus to accomplish vessel based conversion and transport in gaseous form of an average 1 billion cubic feet of gas daily (bcfd). The Floating Storage and Regassification Unit (FSRU) presents as a complex storage and conversion system, that would further act as a berthing station for an average 118 foreign commercial vessels annually.

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LE6-1 The annual delivery schedule represents a Twenty Five percent (25%) increase in foreign vessel traffic navigating the Long Island Sound, and introduces vessels, with the anticipated "next generation " LNG tankers, at 1100 plus feet, larger than any commercial vessels that have traversed the waterway to date. This increase is significant, this is precedent setting, and it is a use far beyond the present commercial traffic in the sound. Accommodations necessary to facilitate the siting, product delivery and operation of the FSRU would dictate the creation of transient and permanent exclusion zones that would eliminate areas of the Sound from existing commercial and recreational vessel traffic for three decades. This use is significantly different from the present nature of cargo transport, and represents a major shift in emphasis. As a major alteration of the existing pattern of use, FERC must, under the National Environmental Policy Act (NEPA), acknowledge the magnitude of the proposed change in use, and determine that this is a significant adverse environmental impact.

LE6-2

2) Operation of the FSRU would involve a daily cycling of some 5.5 million gallons of water from the Long Island Sound, with a maximum of 8.2 million gallons taken in during times of maximum gas transfer. This water intake is to be accomplished through manifolds that will have screens and an inlet at the 40-foot depth. FERC has identified that a percentage of phytoplankton and fish larvae will die, meshed in the screens in a process conveniently referred to as Impingement/Entrainment. While a detailed listing is made of the many varieties of finfish and shellfish larvae and eggs presently found in the Sound, specific attention is provided for the impact to the lobster population, struggling to be maintained, and a trademark of Long Island and Suffolk County in particular. Water manifolds at a forty-foot depth may help to minimize the impact to lobster eggs, but 118 tankers taking in an average 13.2 million gallons of ballast water each will impact tremendous amounts of seawater, and the population within it, inclusive of lobster eggs and larvae. Over the lifetime of the project, some 45 billion gallons of Sound water will be taken on for ship ballast, and ultimately discharged in some foreign port. This represents a significant volume of seawater that would be depleted from the Sound over the life of the project. FERC must recognize this as a significant, negative impact to a fragile, regional estuary, and to all of the marine animal population. Furthermore, this represents a significant degradation of the aquatic habitat.

LE6-3

3) The visual and scenic benefits that all Suffolk County residents derive from our proximity to the Sound is unique, and cannot be valued in dollars and cents. Approximately 1.5 million people call Suffolk County home, and all residents derive the benefit of being a mere thirty minute ride away from a public water body, unique within the whole nation. In 1990, the United States Congress and the President had the wisdom to authorize the Long Island Sound Study (LISS), and to declare the Long Island Sound as an Estuary of national significance. Since this time, millions of dollars have been expended to address the issues of hypoxia and water quality restoration. In addition, New York state, Suffolk

LE6-1 As indicated in Section 2.2.1 of the WSR (Appendix C of the final EIS), approximately 460 foreign-flag vessels per year enter the Sound. As stated in Section 4.4.2 of the WSR, addition of the LNG carriers would result in a 1-percent increase in commercial vessel traffic and a 20- to 30-percent increase in foreign-flag vessels. Use of the Project Waterway by vessels of the size of the LNG carriers would be consistent with current use; the Coast Guard made the preliminary determination that the risks associated with the Project including the addition of the LNG carriers would be manageable with implementation of its recommended mitigation measures.

LE6-2 Tankers and tank barges carrying gasoline and other petrochemical products currently use the Sound and have done so for decades. The LNG carriers would not be significantly different in size or appearance from many of the oil and petroleum product tankers. Although the proposed Project would result in additional marine traffic in Long Island Sound, we do not consider it a major alteration of existing patterns.

We have addressed the potential environmental impacts of the additional marine traffic in Section 3.7.1.4 of the final EIS.

LE6-3 We recognize that water use is an impact associated with the Project and have dedicated a good deal of analysis to this issue. As with many other impacts considered, water use must be considered in context. The Sound has a total surface area of 1,320 square miles and a volume of approximately 18 trillion gallons. The amount of water "removed" from Long Island Sound by the LNG carriers for ballast over the lifetime of the Project is equal to much less than 0.5 percent of the total volume of water of the Sound present at any given time. Seawater and freshwater inflows on a daily basis far exceed the expected usage by the Project. Ballast intake would not reduce the volume of water in Long Island Sound. Section 3.2.3.2 of the final EIS has been updated to include this relative description.

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LE6-4 County and the north shore and north fork towns have spent significant funds to acquire and preserve beaches, parks, marinas and picnic areas for residents to make use of, and to enjoy. All of these collective efforts will be thwarted by locating an FSRU the size of several football fields, with a 200 foot tower mounted upon it, which supports the berthing of mammoth vessels once every third day, in the Sound. Human nature does not support serenity, peace or tranquility when gazing upon a structure that has an explosive potential that is unknown, and can only best be estimated from the limited available research on this matter.

LE6-5

LE6-6 Quoting from the ABS Consulting study, titled Consequence Assessment Methods for Incidents Involving Releases from Liquefied Natural Gas Carriers, May 13, 2004, produced for FERC under contract number FERC04C40196, at page 27, referencing the literature survey conducted by Atallah "…6. There is no existing theoretical method to predict the severity of an RPT (Rapid Phase Transition) event involving the release of the LNG from an LNG carrier onto water". Further, in the assessment conducted by the applicant, as augmented by the research in the above referenced report, and the Sandia report, a vapor cloud release has the potential to migrate to the United States Research Facility at Plum Island, to all of Fishers Island, and to the northern third of the North Fork of Suffolk County, which would burn upon contact with an ignition source. These hazard potentials are real, and are outlined, as best as can be articulated at this time, but nevertheless give legitimate basis for fear.

LE6-7 Thus, by allowing this project to go forward, FERC will have introduced a permanent and viable element of fear into the very viewscape that so many seek out for its tranquil and serene effect. No mathematical calculation will set aside this irreparable harm that is worked upon all those who have so valued this unique resource. This is a negative, significant, and long lasting environmental and human impact. FERC must acknowledge the same.

4) The Coast Guard has acknowledged that it is without the necessary resources to properly escort, patrol, and perform the complex traffic and inspection activities to safely allow for the transit and operation of the LNG vessels and FSRU. FERC has referenced the need for the applicant to enter into cost sharing agreements, and for the Coast Guard to seek additional funding. Of particular note is the absence of the Suffolk County Police Department from any of the Coast Guard's evaluation activity, despite the fact that Suffolk County provides a number of emergency and support services to both Riverhead and Southold Towns Police Departments. Emergency evaluations, plans for evacuation, patrol, and disaster containment are seriously flawed due to this omission, and should serve to terminate any evaluation of the project until such review is had. Further, National Security is a Coast Guard mission, and cannot be segmented at the request of any entrepreneurial entity. State and local based police activities cannot be purchased, or funded through the direct transfer of petrochemical conglomerate funding, as such would be a contravention of state and local law. Once again for the purposes

LE6-8

LE6-4 FERC, with input from the cooperating agencies, has included many recommendations in the EIS to avoid or minimize environmental impacts. Implementation of these recommendations would result in minimal impacts to Long Island Sound. As described in Section 3.5.6.4 of the final EIS, when viewed from the nearest shoreline, the FSRU and a berthed LNG carrier would appear as a small two-dimensional rectangle on the horizon about the size of a small paper clip held at arm's length.

LE6-5 Section 3.10.1 of the final EIS addresses the issue of the energy content of LNG versus its explosive potential. In summary, LNG is not explosive, and natural gas in an unconfined environment is not explosive.

LE6-6 Although the areas listed as being within Zone 3 are accurate, it is important to note that a single vapor cloud would not encompass all those areas at once. Each area is within Zone 3 distance (4.3 miles), measured perpendicularly from the LNG carrier route. More importantly, Hazard Zone 3 is theoretical and is unlikely to happen. FERC staff believe that scenarios that would cause a sufficiently large 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. If a release from an LNG carrier occurred and the maximum size unignited vapor cloud formed, it could extend onshore in some areas until reaching an ignition source, most likely close to the shoreline, and burn back to the LNG source. This is substantiated by the GAO Report (GAO 2007) which stated that some experts polled indicated that such a cloud would not penetrate beyond the perimeter of a populated area because it would rapidly find a source of ignition. However, we have revised individual resource sections throughout Section 3.0 of the final EIS to include information on potential impacts due to ignition of a vapor cloud within Hazard Zone 3.

LE6-7 The LNG carriers would not be significantly different in size, appearance, or potential hazard when compared to tankers that currently transport gasoline, oil, and petroleum product tankers on Long Island Sound. In addition, an accident at the FSRU would not affect those living on Long Island or in Connecticut.

LE6-8 Neither FERC nor the Coast Guard would allow operation of the Project until the appropriate safety and security measures are in place. As described in Section 3.10.6 of the final EIS, Broadwater would work with the appropriate federal, state, and local agencies to develop an Emergency Response Plan, which is also subject to approval by FERC. If the needed resources are not available and properly funded, FERC would not authorize operation of the Project.

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LE6-9 of NEPA, FERC must acknowledge that the petition for additional federal funding on the part of the Coast Guard would involve a significant environmental impact; as such activity would necessitate the subsidy of the Coast Guard oversight function for this project by all citizens of these United States.

LE6-10 5) Review of the New York state Department of State Coastal Zone Management Plan for the Long Island Sound reveals that the application directly contravenes a number of the articulated policies, and so does not harmonize with, nor augment, nor further the goals of the plan as stated. Specifically, this application violates the following:

LE6-11 Policy 3- **Enhance visual quality and protect the scenic resources throughout Long Island Sound**- As previously stated, this project will significantly alter for thirty years the viewing experience that any person has, as they gaze upon a major industrial berthing, holding and transfer sight, with the undefined potential to yield fire and explosion of epic proportion. Not only will Long Island residents be impacted by this effect, but also the negative effects of the Broadwater venture will impact Suffolk's tourism economy, which provides significant employment and revenue to the region.

Policy 5- **Protect and improve water quality and supply in the Long Island Sound coastal area**- The construction activities associated with this project will involve permanent loss of seafloor habitat, disturbance during the construction of the transport pipeline, questionable restoration following construction as evidenced by the recent review of the Eastchester Pipeline Extension, alteration of the composition of millions of gallons of seawater through the daily introduction of antimicrobial agents for FSRU ballast, and the permanent removal of 45 billion gallons of Long Island Sound water through ship ballast over the life of the project.

LE6-12 Policy 6- **Protect and restore the quality and function of the Long Island Sound ecosystem**- This project will directly eliminate a section of the surface water of the Sound for endangered species such as the Kemps Riddley sea turtle, will destroy finfish and shellfish larvae and eggs through Impingement/ Entrainment actions at ballast intake mesh and screening, will alter the balance associated with existing lobster habitat, and alter presently authorized harvesting activity through the elimination of sections of Sound bottom, due to the imposition of exclusion zones, and will serve as a fragmenting factor on an existing continuous sea bottom community

LE6-13

LE6-14

Policy 9- **Provide for the public access to, and recreational use of, coastal waters, public lands, and public resources for the Long Island Sound coastal area**- Broadwater will authorize a permanent exclusion zone around the FSRU that will exist for the life of the project. This area of the sound will bar both commercial and recreational boating, and will cause further intensification of use of existing sea-lanes. Further, the temporary exclusion zone established around

LE6-9 If the Coast Guard proposal for additional equipment and personnel (see Section 8.4 of the WSR [Appendix C of the final EIS]) requires an increase in taxes to all U.S. taxpayers, the impact on an individual taxpayer should not be significant.

LE6-10 Broadwater submitted a coastal consistency certification to NYSDOS and to FERC that contains Broadwater's analysis of the Project's consistency with New York State coastal policies, including applicable policies of the Long Island Sound CMP and applicable local land management plans. 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.

LE6-11 Section 3.5.5.1 of the final EIS addresses the potential impact of the proposed Project on tourism, and Section 3.6.8.2 of the final EIS describes potential economic impacts to water-based recreation.

LE6-12 As discussed in Section 2.1.1.1 of the final EIS, the proposed FSRU would be approximately 1,215 feet long and 200 feet wide (an area about 5.6 acres). This would account for significantly less than 0.1 percent of the Sound's total surface area of 1,320 square miles (approximately 845,000 acres) that could be utilized by endangered species and other marine resources.

LE6-13 As stated in Section 3.3.2.2 of the final EIS, the estimated yearly entrainment and impingement of 131.5 million fish eggs and larvae would affect approximately 0.1 percent of the standing crop of the central Long Island Sound. Because the estimated values represent such a small percentage of the standing crop of only central Long Island Sound, these losses are not expected to affect the overall biological populations within Long Island Sound.

LE6-14 As stated in Section 3.3.1.2 of the final EIS, with implementation of the backfilling recommendation, it is expected that impacts to disturbed benthic communities along the proposed pipeline route would be short term. Recovery would be expected to begin immediately following construction, and recolonization of various benthic communities is expected to require from a few months to up to 1 to 2 years.

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LE6-15 the LNG tankers will be implemented for each of the 118 tankers annually, and will severely restrict recreational and commercial traffic at the mouth of the Sound, at the Race. This project will be the antithesis of this policy, in that the project would allow for the exclusive use and occupancy by a commercial entity of lands held in public trust, and for the furtherance of an entrepreneurial endeavor.

Policy 11 – **Promote sustainable use of living marine resources in Long Island Sound**- Broadwater, by and through the daily operation of the FSRU, and though the offloading and ballast intake of LNG tankers would kill finfish, shellfish, and would alter the chemical and thermal composition of the Long Island Sound for thirty years.

Based on the above, this proposal is not in conformance with the CZM plan for the Long Island Sound, and as such, should be rejected by the New York State Department of State.

LE6-16 Finally, it is incumbent on FERC to reject Broadwater, and further, conduct a regional analysis of the 16 LNG proposals referenced in the DEIS, so that all residents of the County, the state and the nation may derive the benefit of a safe, logical energy delivery system, not bear the burden of those applicants who have sought to "get in the game" first.

I thank you for your consideration of these comments.

Sincerely,

John M. Kennedy Jr.

LE6-15 As described in Section 3.7.1.4 of the final EIS, an LNG carrier and its proposed moving safety and security zone would pass through the 2.3-mile length of the Race in 25 to 35 minutes, depending on the speed of the carrier. The entire safety and security zone would pass a single point within about 15 minutes. Vessels in the path of an oncoming LNG carrier and its safety and security zone would be required to temporarily move from their positions. In addition, if authorized, it is expected that Coast Guard would require Broadwater to schedule LNG carrier transits to minimize impact to other waterway users, to the extent practical, as recommended by the Coast Guard in Section 8.4 of the WSR (Appendix C of the final EIS). In summary, Project-related use of the Race would result in a temporary and localized impact for some vessels during carrier transits for the life of the Project. If the Coast Guard issues a Letter of Recommendation finding the Project Waterway to be suitable for LNG marine traffic, as part of the proposed moving safety and security zone the Coast Guard would conduct routine Broadcast Notice to Mariners, notifying the public of implementation of the safety and security zones and the impending LNG carrier transit.

As indicated in Sections 3.5.5.1 and 3.7.1.4 of the final EIS, the Race would not be closed when a carrier passes through, and vessels could transit the Race while a carrier is present by using the area between the limits of the Race and the edge of the carrier's safety and security zone. In addition, as stated in Section 3.7.1.4 of the final EIS, alternative routes are available for recreational vessels to enter or exit eastern Long Island Sound in lieu of using the Race. LNG carriers would transit the Race no more than once per day; therefore, the potential conflict with other vessels would not be significant.

LE6-16 Under the NGA and EPAct of 2005, FERC is required to expeditiously review the applications for LNG terminals, irrespective of the number of applications received, approved, or rejected. For those projects that FERC has approved, the market will likely determine whether they are constructed. Under the Natural Gas Act and Energy Policy Act of 2005, FERC is required to expeditiously review the applications for LNG terminals, irrespective of the number of applications received, approved, or rejected. For those projects that FERC has approved, the market will likely determine whether they are constructed. We have reviewed the other regional projects that are proposed or approved and determined that, due largely to differing target markets and greater distances from the New York, Long Island, and Connecticut markets, the alternative terminals could not provide the same volume of natural gas with less environmental impacts than the proposed Project.

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BROADWATER TESTIMONY JANUARY 10, 2007

Ref. Docket No.: CP06-54-000, CP06-55-000, CP06-56-000

GOOD EVENING, AND THANK YOU TO THE FEDERAL ENERGY REGULATORY COMMISSION (FERC), THE UNITED STATES COAST GUARD, AND THE NEW YORK STATE DEPARTMENT OF STATE FOR HOLDING THESE PUBLIC HEARINGS CONCERNING THE DRAFT ENVIRONMENTAL IMPACT STATEMENT CONCERNING THE APPLICATION BY BORADWATER ENERGY CORPORATION. AT THE OUTSET, LET ME COMMEND THE PARTIES REPRESENTED HERE FOR THE WORK AND REVIEW UNDERTAKEN TO DATE TO EVALUTE AND BETTER UNDERSTAND THIS UNIQUE PROJECT. IT IS CRITICALLY IMPORTANT THAT FERC AND THE OTHER AGENCIES BEAR THIS IN MIND, AS THE REVIEW PROCESS CONTINUES.

I HAVE READ ALL OF THE MATERIAL ASSEMBLED ON THIS PROJECT, AS WELL AS THE SANDIA REPORT, THE ABS REPORT, AND THE ANALYSIS CONDUCTED FOR THE APPLICANT BY DER VERSKE. I HAVE READ THE WSR AND THE PAWSA, AND AFTER HAVING DONE MY BEST TO UNDERSTAND ALL OF THE MATERIAL PRESENTED, I HAVE ONLY FURTHER REINFORCED THE CONCLUSION I CAME TO IN MARCH OF 2005- THIS INTIATIVE IS AN UNTESTED, UNPROVEN ATTEMPT ON THE PART OF A MULTINATIONAL

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ENERGY CONGLOMERATE TO TURN SUFFOLK COUNTY, THE LONG ISLAND SOUND AND ALL LOCAL RESIDENTS INTO ONE GIANT TESTUBE!

IN THE NAME OF ENERGY DIVERSIFICATION, AND NEBULOUS SAVINGS, OUR COUNTY IS BEING TOLD THAT ALL THAT WE HOLD DEAR TO US, OUR VERY WAY OF LIFE MUST BE IRREVOCABLY ALTERED FOR THE NEXT THIRTY YEARS, SO THAT THE TRI-STATE REGION CAN ACCESS GAS FROM CHINA, MALAYSIA, AND OTHER NATIONS. NO LONGER WILL RESDENTS BE ABLE TO TRAVEL THERE USAL ROUTES ACROSS THE SOUND, NO LONGER WILL COMMERCIAL FISHERMAN BE ABLE TO ACCESS FERTILE FISHERIES, AND HEAVAN HELP THE HAPLESS REGATTA PARTICIPANT WHO DRIFTS INTO THE EXCLUSION ZONE OF AN 1100' TANKER.

LE6-17

LE6-18

LE6-19

I HAVE PREPARED WRITTEN COMMENT WHICH I SUBMIT TONIGHT, AND WILL SPARE THE MEMBERS FROM A VERBATIM RECITATION, BUT I WOULD BE REMISS IF I DID NOT REITERATE SOME POINTS

1) BY A CONSENSUS OF THE LIMITED TECHNICAL GUIDANCE THAT EXISTS REGARDING LNG RELEASE RISK ASSESSMENT, AN ACCIDENTAL OR INTENTIONAL BREACH OF A TANKER COULD RESULT IN A VAPOR CLOUD WITH THE CAPABILITY TO TRAVEL UP TO 2 MILES. CONTACT WITH AN IGNITION SOURCE WOULD RESULT IN FIRE. THIS WOULD PUT ALL OF FISHERS ISLAND, ALL OF PLUM ISLAND, AND A SIGNIFICANT SECTION OF SUFFOLK COUNTY'S NORTH FORK IN THE PATH OF A POTENTIALLY

LE6-20

LE6-17 Sections 3.5.5.1 and 3.7.1.4 of the final EIS present our assessment of the impacts of LNG carrier transits to marine traffic of the Sound. That assessment, in conjunction with the Coast Guard, indicates that there would not be a significant impact on existing cross-Sound recreational boating.

LE6-18 Impacts to commercial fishing are described in Sections 3.5.5.1 and 3.7.1.4 of the final EIS. As noted in these sections, the impacts to commercial fishing should be minor.

LE6-19 As part of enforcing the moving safety and security zone, the Coast Guard would conduct routine Broadcast Notice to Mariners, notifying the public of the zones implementation. Additionally, escort tugs and Coast Guard escort vessels with the LNG carrier would serve as an additional layer of on-scene notification. In addition, if authorized, it is expected that Coast Guard would require Broadwater to schedule LNG carrier transits to minimize impact to other waterway users, to the extent practical, as recommended by the Coast Guard in Section 8.4 of the WSR (Appendix C of the final EIS).

LE6-20 Please see our response to comment LE6-6.

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LE6-20 LETHAL FIRE. LEVELS OF PREVENTITIVE PRACTICES AND EXCLUSION ZONES NOTWITHSTANDING, THIS RISK MUST6 BE ACKNOWLEDGED, AND ITS PRESCENCE MUST BE DEEMED A SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT.

LE6-21 2) 45 BILLION GALLONS OF LONG ISLAND SOUND WATER WOULD BE PERMANENTLY REMOVED FROM THE ESTUARY OVER THE LIFETIME OF THIS PROJECT, IN THE FORM OF FOREIGN VESSEL BALLAST. FINFISH, SHELLFISH, LARVAE AND EGGS WOULD BE KILLED IN THIS PROCESS, AND THE OVERALL STATUS OF THIS NATIONAL ESTAURY WOULD BE COMPROMISED. THIS IS A SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT.

LE6-22 3) LOBSTER HABITAT WOULD BE ALTERED, AND THE NORMAL BREEDING AND FORAGING ACTIVITIES OF THIS FRAGILE CRUSTACEON WOULD BE PREMANENTLY ALTHERED IN THE AREA OF THE FSRU, AS WELL AS ALONG THE PIPELINE. A CONTIGUOUS SEAFLOOR COMMUNITY WOULD BE PERMANENTLY SEGMENTED, AND FURTHER COMPROMISED. ACTIVE LOBSTER AND TRAWLING AREAS WOULD BE PERMANENTLY REMOVED, WITH THE BLAND STATEMENT THAT LOBSTERMAN AND FISHERMAN WOULD BE "COMPENSATED." DESTRUCTION OF HABITAT AND LIVELIHOOD IS A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT.

LE6-21 Please see our response to comment LE6-3.

LE6-22 Please see our response to comment LE6-14 regarding recovery of the seafloor. As discussed in Section 3.3.1.2 of the final EIS, any impacts to lobster populations would be highly localized. Potential impacts primarily would occur during construction of the subsea pipeline, which would generally result in a short-term impact to less than 0.1 percent of the seafloor of Long Island Sound.

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LE6-23 4) SITING OF FLOATING GAS TANK IN THE MIDDLE OF THE SOUND, VISITED BY TANKERS 2 TO 3 TIMES PER WEEK, WITH AN AVERAGE 40 HOUR CYCLE FOR EACH VESSEL, WOULD RESULT IN TANKER ACTIVITY IN THE SOUND FOR 120 OUT OF 168 HOURS IN A WEEK. THIS PRESECENCE WOULD BE OBSEVABLE FROM ALL OF THE SUFFOLK COUNTY COASTLINE, AND WOULD FOREVER

LE6-24 DESTROY THE SERENITY AND TRANQUILITY THAT 1 .5 MILLION RESIDENTS CAN ENJOY. IN ITS PLACE WILL BE **FEAR**, RESIDENTS NEVER KNOWING WILL THEY WITNESS A FIREBALL OF BIBLICAL PROPORTIONS, NEVER KNOWING WILL A TANKER BE STRUCK, WILL A VALVE MISFUNCTION.

LE6-25 AS TO THE ECONOMIC IMPACTS, HOW WILL OUR THRIVING TOURISM INDUSTRY WORK WITH THIS NEW FACTOR? PERHAPS WE'LL SEE, "COME TO SUFFOLK, POTENTIAL HOME OF THE LARGEST FIREWORKS SHOW KNOWN TO MAN' OR "ENJOY OUR WATERS, JUST NOT THE EVER MOVING EXCLUSION ZONES" THE MENTION OF POSITIVE ECONOMIC IMPACTS VIA PILOT PAYMENTS, SALES TAX REVENUES, AND MINIMAL LOCAL

LE6-26 EMPLOYMENT WOULD BE FAR OUTWEIGHED BY THE AMOUNT OF INVESTMENT NECESSARY FOR SAFETY, SECURITY, AND DISASTER MITIGATION THAT EVERY LEVEL OF GOVERNMENT WOULD BE FORCED TO BEAR, AND THAT COST WOULD BE BORN BY TAXPAYERS.

LE6-23 Section 3.5.6 of the final EIS has been updated to address impacts to visual resources from LNG carriers.

LE6-24 Please see our responses to comments LE6-5 and LE6-7.

LE6-25 Please see our response to comment LE6-11.

LE6-26 Safety and security would be the responsibility of the Coast Guard. As described in Section 3.10.6 of the final EIS, local agencies or municipalities may agree to be involved in emergency responses in accordance with an Emergency Response Plan, which would include a Cost-Sharing Plan to provide funding for those agencies and municipalities involved in response actions. The plan would be subject to approval by FERC.

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LE6-27 FINALLY, AS TO THE NEW YORK STATE COASTAL ZONE MANAGEMENT PLAN, OF THE 11 POLICIES ARTICULATED, THIS PROJECTED EITHER DIRECTLY CONTRADICTS, OR AT BEST DOES NOT ENHANCE ANY OF THE STATED POLICIES. A FEW EXAMPLES INCLUDE: POLICY 3- ENHANCE VISUAL QUALITY AND PROTECT SCENIC RESOURCES THIS PROJECT WILL INTR5ODUCE A LEVEL OF INDUSTRIALIZATION TO A LARGE PART OF THE LONG ISLAND SOUND, AND WILL SERIUOSLY DEGRADE THE VIEWSCAPE. POLICY 5-PROTECT AND IMPROVE WATER QUALITY AND SUPPLY IN THE LONG ISLAND SOUND COASTAL AREA- 45 BILLION GALLONS OF LONG ISLAND SOUND WATER WILL WIND UP IN THE SEA OF CHINA, OFF THE COAST OF WEST AFRICA, OR FROM WHATEVER OTHER PORT THESE FOREIGN TANKERS CALL ON. 5 AND ½ MILLION GALLONS OF FSRU BALLAST WILL BE TREATED WITH BLEACH, AND THEN WILL BE RELEASED BACK INTO THE SOUND. THIS DOES NOT PROTECT OUR WATERS. POLICY 6-PROTECT AND RESTORE THE QUALITY OF THE LONG LISALND SOUND ECOSYSTEM – MILLIONS OF EGGS AND LARVAE WILL BE KILLED EACH YEAR IN A PROCESS CONVIENTLY REFERRED TO AS IMPINGEMENT/ENTRAINMENT. BALLAST WATER WILL BE PERMENENTLY REMOVED OR TREATED WITH BLEACH AND

LE6-27 Please see our response to comment LE6-10.

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LE6-28 DUMPED BACK INTO THE SOUND. THE ECOSYSTEM WILL BE TERRORIZED, NOT RESTORED.

I WILL CLOSE THIS REMARK- ABIDE BY THIRTY YEARS OF JURISPRUDENCE, EMBRACE THE RESPOSIBILITIES THAT CONGRESS SET OUT IN THE NATIONAL ENVIRONMENTAL POLICY ACT, AND THAT THE STATE OF NEW YORK ADOPTED THROUGH THE STATE ENVIRONEMTAL QUALITY REVIEW ACT, REJECT THIS PROPOSAL, AND SEND BROADWATER PACKING. FINALLY, IMPOSE A MORATORIUM ON ANY LNG FACILITY

LE6-29 APPROVAL UNTIL A COMPREHENSIVE REGIONAL STUDY CAN BE CONDUCTED TO SELECT THOS PROPOSALS WITH THE MOST BENEFIT AND THE LEAST IMPACT. OUR FEDERAL AND STATE GGOVERNMENT OWES US NO LESS.

LE6-28 As discussed in Section 3.2.3.2 of the final EIS, the residual chlorine concentration is not expected to affect water quality because of the relatively low concentration of the sodium hypochlorite in the discharge water. In addition, mixing upon discharge would occur rapidly due to the volume of water in Long Island Sound and associated tides and currents. The associated discharges would be required to satisfy New York's water quality standards for SA waters or would satisfy SPDES permit requirements to reduce potential impacts to water resources. For these reasons, any operational impacts associated with water discharges are considered minor but long term because they would continue for the life of the proposed Project.

LE6-29 Please see our response to comment LE6-16.

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Maureen T. Liccione
Partner
516-393-8295
mliccione@jshllp.com

300 GARDEN CITY PLAZA • GARDEN CITY, NEW YORK 11530
TELEPHONE 516.746.8000 • FAX 516.393.8282
www.jshllp.com

DELAWARE OFFICE
913 North Market Street
Wilmington, DE 19801
Telephone
302.351.8000
Fax 302.351.8010

STATEMENT BY
THE HUNTINGTON TOWN BOARD
ON THE BROADWATER DEIS

Good evening, my name is Maureen Liccione, a member of the firm Jaspan Schlesinger Hoffman. I am here to present a statement by the Town of Huntington Supervisor Frank Petrone and Town Board members Mark Cuthbertson, Susan Berland, Stuart Besen and Glenda Jackson to provide comments on the DEIS for the Broadwater Project. The Town, as an intervenor in these FERC proceedings, will also file detailed written comments on the DEIS by the deadline which Huntington and other Towns have requested be extended.

Simply stated, it is preposterous to expect the Town Board to believe that the construction and operation of 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 will not have a significant impact or that any adverse impacts of this Project can be easily mitigated. Yet that is the fiction presented in the DEIS, as if written

LE7-1 by Broadwater, the Project sponsor, itself. We suggest you start over to provide an honest and objective view of this Project, as the law requires.

Huntington is on the north shore of Long Island and has miles of precious and diverse coastline and acres of embayments, including essential fish habitat and productive wetlands, connected to Long Island Sound. Huntington has a rich maritime heritage. Thousands of people closely connected to the Sound, and who travel by boat to the areas in question, reside within its borders. The people of Huntington should not be deprived of the recreational pleasures and commercial benefits of navigating Long Island Sound and open access to its natural resources held in the public trust, in favor of profits for multinational petroleum interests. The Broadwater LNG Project is plainly not an appropriate use of our Long Island Sound. It is our water, not Broadwater.

Huntington also is no stranger to energy facilities as it is the home of the Keyspan/LIPA Northport Power Plant, the largest power generating facility serving Long Island, but unfortunately one of the dirtiest in the northeast. Huntington is also where the Iroquois Pipeline makes landfall, where the natural gas coming south from the Iroquois Pipeline splits to serve Long Island and then to New York City via the Eastchester Extension. We have had our share of ordeal dealing with simply having the present Iroquois facilities in our Town. Yet, Broadwater plans to connect to Iroquois to deliver its natural gas to Long Island and New York City, so we express serious concern as to what this expanded use of Iroquois will mean to the Town, which is not addressed in the DEIS. LE7-2

We must first consider the purported need and purpose of the Project. We are told by the DEIS and the Project's sponsor that we need Broadwater, it is the best alternative

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LE7-1 The EIS for the Broadwater LNG Project has been prepared in accordance with NEPA, CEQ regulations for implementing NEPA (40 CFR 1500-1508), and the FERC regulations for implementing NEPA (18 CFR 380). It was prepared by a highly qualified team of scientists, engineers, and planners and was reviewed prior to issuance by the EPA, Coast Guard, COE, NOAA, and NYSDOS staff.

LE7-2 As discussed in Section 2.4.2, the final EIS has been updated to clarify that according to Broadwater and IGTS, operation of the proposed Broadwater Pipeline would not require any expansion nor affect the volume or frequency of natural gas vented from the existing valve station in Huntington, New York.

and LIS is the best location for a floating storage and regasification unit for Long Island to have a sufficient supply of natural gas and that having Broadwater will reduce the cost of natural gas to Long Islanders and allow us to have cleaner and cheaper power. Unless we hear this from the Long Island Power Authority to whom Long Islanders pay for their power and Keyspan which provides the majority of power LIPA sells to us and the natural gas which Long Island residents purchase, these comments are meaningless. We need LIPA and Keyspan to say we need Broadwater for this gas and that its presence will mean clean energy and reduce our rates, if it is true. However, we understand that Broadwater is actually a competitor to a proposed Keyspan project to bring more natural gas to Long Island, the Islander East Pipeline. Frankly, that makes the conclusions in the DEIS on need and purpose nothing more than a sales advertisement for Shell Oil and Trans Canada, Broadwater's parents.

LE7-3

Furthermore, the Broadwater Project is not, as we sit here tonight, a feasible project because it requires easements from the State of New York for use of State underwater lands, which have not been granted. Nor is there any reason to believe such grants will be made by the State. Broadwater has not even correctly applied for these easements. The applicable State statutes do not even allow for such an easement for a mooring tower system and the LNG barge. This means that new legislation would have to be adopted for the State to even consider such a use of Long Island Sound. To do so, the State would have to set aside its stewardship of Long Island Sound under the public trust doctrine, which calls for the State to hold these waters, underwater lands and natural resources in trust for all the public and not to encumber them for the purpose of private

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LE7-3 As stated in Section 1.1.1 of the final EIS, Broadwater is proposing the Project to provide natural gas to New York City, Connecticut, and Long Island, with the latter to receive approximately 25 to 30 percent of the total amount of gas transported through the proposed pipeline. Section 1.1.1 of the final EIS also addresses the supply and demand issues for the target market, including information on the proposed Islander East Pipeline Project.

profits. There is no more than a passing mention in the DEIS of these essential easements.

The Broadwater Project will devalue natural resources of LIS, impair public recreation and commerce, interfere with navigation and other water dependent uses and clearly have an adverse environmental impact and an adverse impact on existing commercial enterprises using Long Island Sound. The DEIS fails adequately and objectively to present and analyze these impacts.

Furthermore, the use of our coastal waters by the Broadwater Project is plainly inconsistent with State Coastal Policies generally and specifically contrary to the Long Island Sound Coastal Management Program policies. These policies are comprehensive and reflect existing state law and authority, representing a balance between economic development and preservation, that are written and implemented to permit the beneficial use of, but prevent adverse effects on, the Sound's coastal resources and communities. While the DEIS attempts to assess the Broadwater Project against these policies, the biased review is really just another chapter in the fiction novel.

LE7-4

As an example, a critical policy is to protect and restore the quality and function of the LIS ecosystem. This policy was reinforced by the New York State Ocean and Great Lakes Ecosystem Conservation Act adopted by the State Legislature and signed into law in 2006. It is now the policy of the State to implement ecosystem based management for our coastal waters. It is difficult to see how an industrial energy complex such as Broadwater could be consistent with such a policy. Yet the DEIS reports on the applicant's consistency determination and boldly states, "Broadwater indicated that the Project would protect the Sound in a variety of ways. . ." and "the

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LE7-4 Broadwater submitted a coastal consistency certification to NYSDOS and to FERC that contains applicable policies of the Long Island Sound CMP and the applicable local land management plans. We did not state our opinion regarding consistency since NYSDOS is responsible for determining whether or not 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.

LE7-4

Project would preserve the Sound's water quality by using a closed loop vaporization system. . ." completely missing the point that the real issue is not how it operates, but whether even having the Project in the Sound is consistent with the policy.

In conclusion, the DEIS utterly fails to identify and assess the threats of the Broadwater Project to the LIS ecosystem and character of the LIS community. The use of LIS for an industrial energy complex such as the Broadwater Project is in direct contradiction to the ongoing Federal, State and local efforts and enormous public resources expended to protect and restore the LIS estuary.

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JANUARY 16, 2007
COMMENTS SUBMITTED BY BRANFORD FIRST SELECTMAN CHERYL P. MORRIS
RE: BROADWATER ENERGY AND BROADWATER PIPELINE
FERC DOCKET NUMBERS CP06-54-000 AND CP-55-000

GOOD EVENING GENTLEMEN:

MY NAME IS CHERYL MORRIS, BRANFORD'S FIRST SELECTWOMAN.

ON BEHALF OF THE TOWN OF BRANFORD AND AS HOST TO YOUR

MEETING HERE TONIGHT, ALLOW ME TO WELCOME YOU TO OUR TOWN.

AS YOU HAVE MOST LIKELY HEARD THROUGHOUT THIS APPLICATION

PROCESS,

AND WILL HEAR AGAIN THIS EVENING,

BRANFORD HAS BEEN TIED TO THE SOUND FOR CENTURIES.

EVEN BEFORE THE DUTCH ARRIVED HERE NEARLY FOUR HUNDRED

YEARS AGO, THE WATERS OF LONG ISLAND SOUND WERE CONSIDERED BY

THE NATIVE POPULATION AS A SOURCE OF PHYSICAL SUSTENANCE, AS

WELL AS OF SPIRITUAL NOURISHMENT.

THE DRAFT ENVIRONMENTAL IMPACT STATEMENT, YOU ARE OFFERING

FOR REVIEW AND APPROVAL WOULD END THAT.

IT'S THAT SIMPLE.

YOUR REPORT --

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AND THIS IS YOUR REPORT,

YOUR RECOMMENDATION

AND IT WILL BE YOUR LEGACY,

DOES NOTHING BUT END THOSE DAYS OF LONG ISLAND SOUND BEING A WAY OF LIFE FOR ITS INHABITANTS AND A SPECTACLE OF JOY AND WONDER FOR ITS VISITORS.

THIS REPORT IS A DEATH KNELL FOR THE SOUND –
ENVIRONMENTALLY, ECONOMICALLY AND SOCIALLY.
AND IF APPROVED, THIS IS ONLY THE BEGINNING.
MORE WILL FOLLOW.

WITH THE HERCULEAN EFFORT THAT HAS TAKEN PLACE OVER MANY YEARS TO RESTORE AND PRESERVE THE SOUND,
THIS D-E-I-S IS AT BEST A DISAPPOINTMENT.

IT ONLY TAKES A QUICK LOOK AT FERC'S WEBSITE AND THE LONG LIST OF PROJECTS THAT HAVE EITHER A DRAFT OR A FINAL ENVIRONMENTAL IMPACT STATEMENT TO SEE HOW UTTERLY INSANE AND UNFAIR FERC'S PROCESS IS. FAST TRACK IS AN UNDERSTATEMENT.
IT LISTS NEARLY 30 PROPOSED PROJECTS THAT ARE ON FERC'S DOCKET WITH AN E-I-S OF ONE TYPE OR ANOTHER. AT LEAST BRANFORD IS NOT ALONE.

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BASED ON WHAT WE SEE HERE, WE CAN ONLY ASSUME THAT THE OTHER E-I-S REPORTS REFUSE TO ACKNOWLEDGE THE DETRIMENTAL IMPACT THEIR RESPECTIVE L-N-G PROJECTS WILL HAVE.

I'M SURE THAT YOU WILL HEAR FROM PEOPLE FAR MORE QUALIFIED THAT I AM TO ADDRESS THE DEFICIENCIES IN THE D-E-I-S. BUT IN SHORT, IT FAILS EVERY TEST:

- IT TURNS A PUBLIC RESOURCE – LONG ISLAND SOUND, INTO NOTHING MORE THAN A PRIVATE DRIVEWAY FOR A FOREIGN-OWNED, FOR- PROFIT ENERGY CONSORTIUM DUBBED "BROADWATER." LET'S CALL IT WHAT IT IS - A SWEETHEART DEAL;

LE8-1

- THE PROPOSED L-N-G PLATFORM WILL SERIOUSLY IMPEDE WATER BORNE TRAFFIC TO CONNECTICUT'S DEEP WATER PORTS IN BRIDGEPORT, NEW HAVEN AND NEW LONDON. PLEASE ASK GOVERNOR SPITZER AND MAYOR BLOOMBERG HOW THEY WOULD REACT TO HAVING A 1.5 SQUARE MILE "NO-TRESPASSING" ZONE PLACED IN FRONT OF THE PORT OF NEW YORK, ESPECIALLY WHEN IT YIELDS NO BENEFIT TO THEIR STATE OR CITY;

LE8-1 Figure 2-6 of the WSR (Appendix C of the final EIS) presents the results of a detailed analysis of the current uses of Long Island Sound and depicts the FSRU in relation to those uses. Section 3.7.1.4 of the final EIS presents an assessment of the impacts of the FSRU on marine transportation and addresses potential impacts to ports. As stated in that section, the proposed location of the FSRU and the surrounding safety and security zone is not an area of heavy commercial traffic, and the Project would have only a minor impact on commercial vessels that would last for the duration of the Project. We have determined that the FSRU and its proposed safety and security zone would have at most a minor impact on marine traffic to and from ports in Long Island Sound.

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- THE PUBLIC SAFETY RISKS AND RELATED FINANCIAL BURDENS PLACED ON THE COAST GUARD, STATES, AND ABUTTING LOCALITIES – INCLUDING BRANFORD, ARE NOTHING MORE THAN A FORCED SUBSIDY TO AN ENERGY INDUSTRY ALREADY CHOKING ON RECORD PROFITS.

LE8-2 YOUR ATTENTION TO THE SAFETY PROCEDURES CALLED FOR BY THE COAST GUARD'S DETERMINATION ON BROADWATER BEGS THE QUESTION -- WHO WILL PAY? MOST OF US HERE THIS EVENING KNOW VERY WELL WHO WILL PAY, AND IT WILL NOT BE TRANSCANADA OR ROYAL DUTCH SHELL.

- FINALLY, BUT NOT LEAST IMPORTANT, IT ALLOWS FOREIGN INTERESTS TO CONTROL A MAJOR ENERGY SUPPLY TO THE DENSEST POPULATION REGION OF OUR COUNTRY;

WE VIEW THE EFFORTS SEEN IN THIS REPORT AS EMBLEMATIC OF FERC'S APPROACH TO THE ENTIRE QUESTION OF HOW BEST TO MEET THE ENERGY NEEDS OF BOTH THE NORTHEAST AND OF THE COUNTRY. THEY ARE DISMAL, INDEED.

CONSIDER THIS.

FERC HAS BEEN TO BRANFORD BEFORE, IN THIS VERY ROOM. YET, WHEN YOU ISSUED THE NOTICE FOR THIS PUBLIC MEETING – ONE OF ONLY TWO

LE8-2 Because the Coast Guard has not yet prepared a proposal for additional resources (see Section 8.4.2 of the WSR [Appendix C of the final EIS]), we cannot identify the funding source for the additional resources. However, if additional funding is required for the Coast Guard, the source would almost certainly be the federal budget, which is supported by the national tax base rather than the local one.

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LE8-3

MEETINGS IN THE ENTIRE STATE, YOU PUBLISHED THE WRONG STREET ADDRESS.
HOW WOULD SOMEONE FROM ANOTHER TOWN AND NOT FAMILIAR WITH THIS BULDING FIND IT?
THERE IS NO "18 EAST MAIN STREET" IN BRANFORD, SO MAPQUEST OR GOOGLEMAPS WOULD NOT BE HELPFUL.

LE8-4

AND, IN THAT SAME NOTICE WAS A LINK TO FERC'S WEBSITE TO PROVIDE MISSING PAGES TO THE HARD COPIES OF THE D-E-I-S YOU DISTRIBUTED.
YOU MAY NOT HAVE CHECKED IT YOURSELF, BUT WHEN WE DID, WE FOUND THAT IT TAKES YOU TO A PAGE THAT READS:
"WE'RE SORRY THE PAGE YOU ARE LOOKING FOR IS NO LONGER AVAILABLE."
WE THINK THAT SAYS IT ALL.

LE8-5

IT'S OUR VIEW THAT THE D-E-I-S CONTAINS THE SAME LEVEL OF CARE AND ATTENTION TO DETAIL THAT THE PUBLIC NOTICE HAD.
WE DOUBT VERY MUCH THAT TRANSCANADA, ROYAL DUTCH OR ANY OF FERC'S "APPLICANTS" WOULD ACCEPT THAT LEVEL OF SERVICE.
PLEASE KNOW THAT NEITHER DO WE.
LET ME SAY THIS, DESPITE THE POLITICAL DIFFERENCES YOU MAY READ ABOUT, INDIVIDUALS MAY DISAGREE FROM TIME TO TIME ON THE METHOD OR PROCEDURES THAT EFFECT THIS GREAT TOWN; BUT WE ALL

LE8-3 Due to a typographical error, our initial notice had the wrong address for Branford High School, as noted by the commentor, and we apologize for that mistake. When we discovered the error, we issued a correction to all those who received the initial notice. More often than not, we select schools to host public meetings because their location is familiar to the local population and because it is easy to discern a school from other structures. We do not believe that the initial error prevented anyone from attending the public meeting.

LE8-4 The website that the commentor is referring to had two links to the WSR (Appendix C of the final EIS): the FERC docket link and the direct link to the Coast Guard site. Although the FERC link may have been temporarily inactive, the link to the Coast Guard site was functioning properly, and the entire public portion of the WSR was available to the commentor at that site.

LE8-5 As noted above, the initial notice for the comment meeting had a typographical error; this consisted of "18" instead of "185" for the address of the high school. The hypothesis that a typo in the notice equates to errors in the draft EIS is unsupported. We believe that a careful review and comment on the draft EIS would have proven the hypothesis incorrect and would have also provided value to the process.

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WILL STAND TOGETHER TO PRESERVE THE BASIC ESSENTIALS THAT THIS TOWN IS BUILT ON WHICH IS OUR SHORELINE AND ITS BEAUTY. THE CONDITION WE LEAVE IT IN FOR OUR GRANDCHILDREN IS WHAT ANY DECISIONS SHOULD BASED ON, NOT WHAT'S BEST FOR NEW YORK OR ITS FORMER MAYOR.

IN MY FIRST YEAR IN OFFICE, I FOUGHT DEVELOPERS WHO CHOSE TO TRY AND RAVISH OUR LANDSCAPE, ARSONISTS WHO TRIED TO DESTROY OUR VERY SAFETY, AND CONTRACTORS WHO DIDN'T LIVE UP TO THEIR FINANCIAL OBLIGATIONS AND TONIGHT I STAND HERE TO TELL YOU, THAT ALL THE RESIDENTS OF BRANFORD, REPUBLICAN, DEMOCRAT OR UNAFFILIATED ***STAND TOGETHER*** TO DEMAND THAT YOU **NOT** DESTROY OUR BEAUTIFUL SHORELINE AND ***LET US LEAVE OUR LEGACY, NOT YOURS*** - FOR OUR GRANDCHILDREN AND FOR THE ENJOYMENT OF MANY GENERATIONS TO COME.

LE8-6 GENTLEMEN, THE TOWN OF BRANFORD URGES YOU TO HELP US PROTECT ONE OF CONNECTICUT'S LAST GREAT OPEN SPACES. REEXAMINE THE BASIS FOR YOUR D-E-I-S CONCLUSIONS, WHEN YOU DO, PERHAPS YOU WILL SEE WHAT EVERYONE ELSE DOES—THAT IT IS INSUFFICIENT. THE BURDEN TO PROVE THAT THIS PROJECT WILL NOT HARM THE CITIZENS OR THE ENVIRONMENT IS ON BROADWATER. THEY HAVE NOT YET MET THAT

LE8-6 We have revised the final EIS to provide additional and updated information on existing conditions, projects, and projections that have changed since the draft EIS was issued.

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BURDEN, THUS YOU SHOULD RECOMMEND A DENIAL, NOT AN APPROVAL OF THE APPLICATION.

AGAIN, THANK YOU FOR THIS OPPORTUNITY TO COMMENT ON THE D-E-I-S AND THE BROADWATER APPLICATION.