

**OC18 – Greenport Seafood Dock, Inc.**

*Greenport Seafood Dock, Inc.  
F/V Illusion, Inc.  
Mark S. Phillips  
210 Atlantic Ave.  
Greenport, New York 11944  
631-477-8485  
631-477-8487 (fax)*

Comments presented at the  
FERC Broadwater Public Hearing  
January 11, 2007, Shoreham, New York

Suffolk County and the State of New York have dedicated funds and written policies to protect Long Island's way of life that benefits our environment and economic futures in Long Island Sound. Broadwater's Floating Storage and Regasification Unit (FSRU) placement will negatively impact the commercial fishing industry, recreational fishing and boating. The displacement of other commercial vessel activity will have the domino affect in harvesting of seafood for the consumers of Long Island.

I have work Long Island Sound trawling for the last 30 years. Enclosed is a copy of charts markings the line that the FSRU is to be placed. Included on this chart are some of the hangs (sunken objects) including a sunken barge 4 miles, 255 degrees true from the FSRU. Add all the obstacles together, less fishing grounds.

Personally, I fish this area 4 months of the year along the 43970 lines with the 83 foot Fishing Vessel Illusion. If the FSRU is position as proposed, I will lose 40% of the west end line completely. When the freighters are in transit to the FSRU, I will lose the whole area with the safety zone and fixed gear issues. It is not a valid statement that we can move over and work another area. I use a mid water trawl which never touches the bottom, and need a straight line in order to work. Trying to work between the lobsters pot trawls is not an option for the lobstermen or me. The following is what will happen:

1. Displaced lobstermen setting in other pot areas, user group conflict
2. Fixed gear being destroyed by the vessel traffic, replacement costs
3. Loss of income to the commercial fishermen and lobstermen

To discuss the environment issues with this project. The intake and discharge of Long Island Sound water for the ballast and cooling aboard the FSRU could result in 22.7 millions gallons per day of treated water re-entering the Long Island Sound. Water will be treated with Clorox, or another like substance to kill bacteria or live creatures on intake of water. This has the potential of being done 365 days a year. Common sense

OC18-1 Impacts to commercial fishing are discussed in Sections 3.5.5.2, 3.6.8.1, and 3.7.1.4 of the final EIS. Section 3.6.8.1 has been updated to include a discussion on impacts to vessels such as the commentor's vessel *Illusion* (for example, displacement, lost gear, and income loss). We anticipate that such losses would be covered by the compensation package that Broadwater would negotiate with commercial fishermen (see Section 3.6.8.1 of the final EIS).

OC18-1

**OC18 – Greenport Seafood Dock, Inc.**

tells you that eventually this activity will change the living resources in the whole body of water.

As I stated before, New York State and the County of Suffolk have lead the way in preserving our farmland, heritage and way of life. Industrialization of Long Island Sound is not the current path we have been following, nor is it one I want to see in my future or my children's.

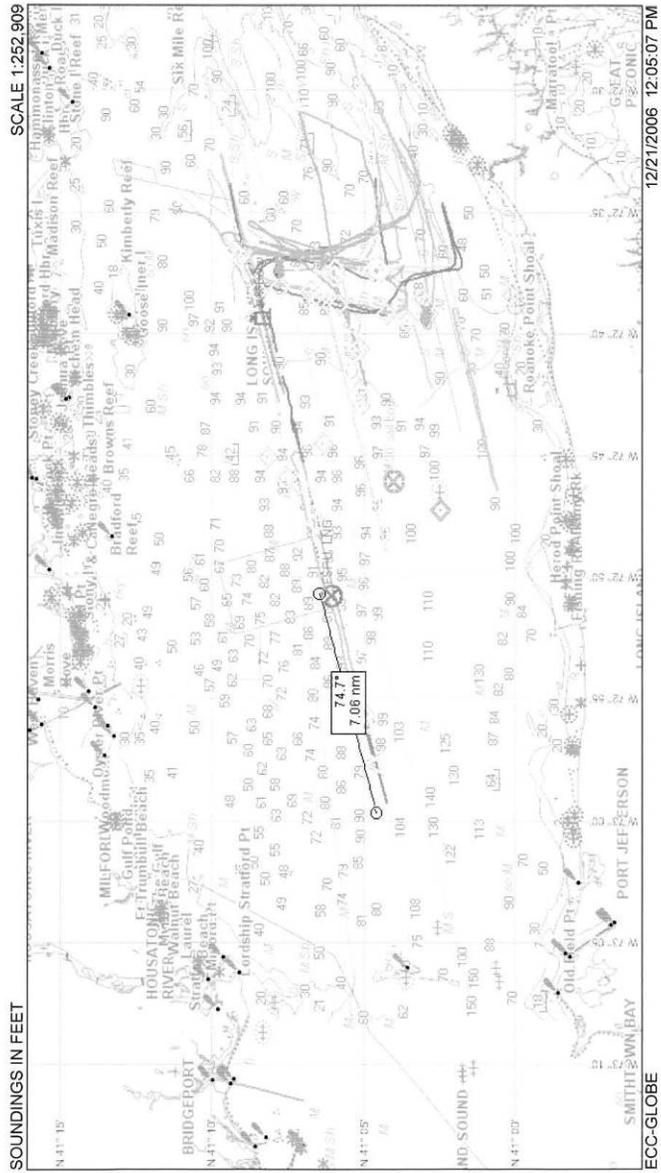
Respectfully,



Captain Mark S. Phillips  
Owner  
F/V Illusion  
F/V Predator  
Greenport Seafood Dock, Inc.

Attached : 4 charts

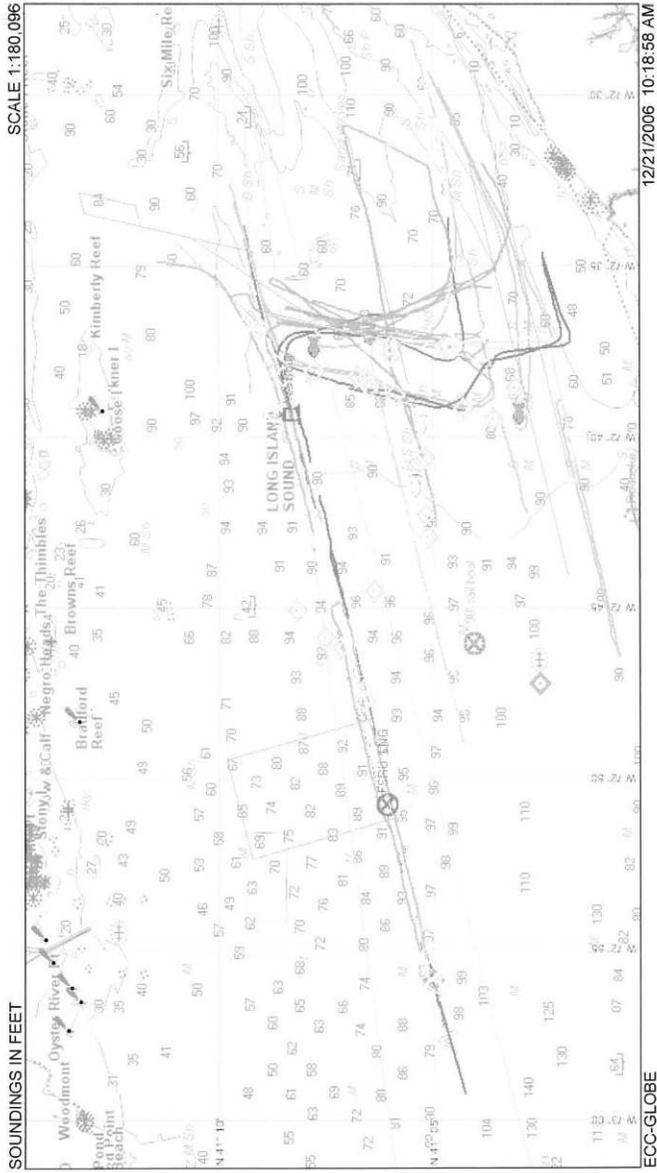
OC18 – Greenport Seafood Dock, Inc.



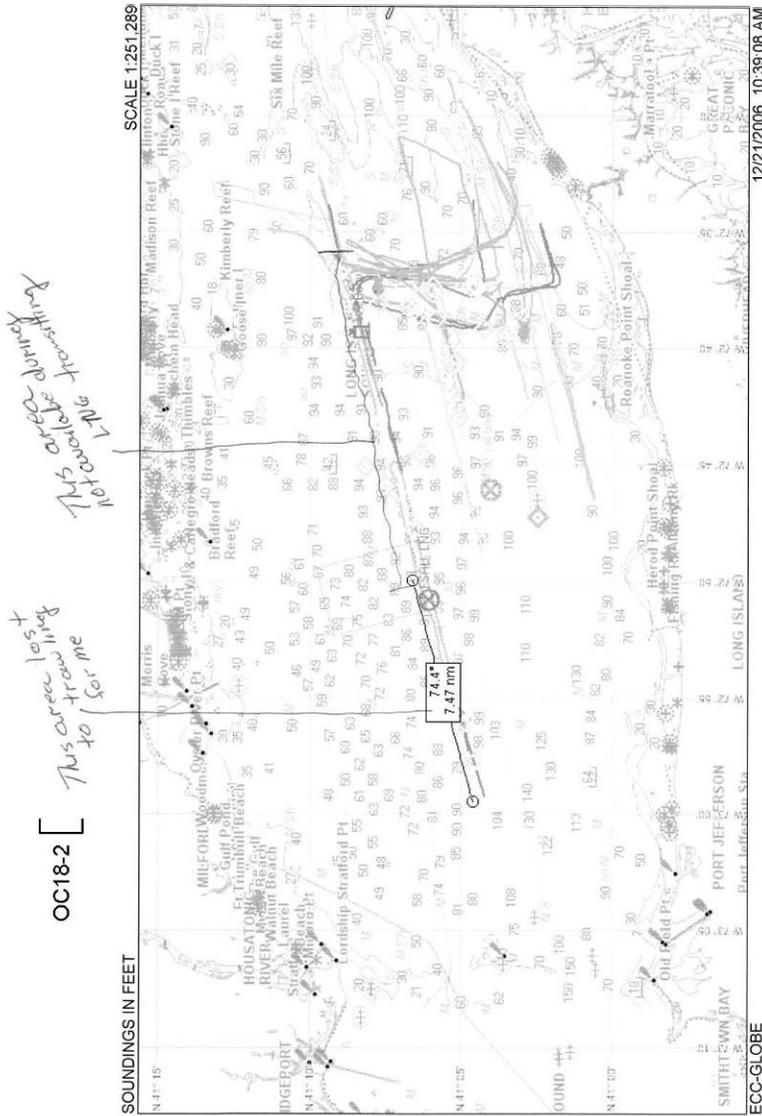
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Organizations and Companies Comments

OC18 – Greenport Seafood Dock, Inc.



OC18 – Greenport Seafood Dock, Inc.



OC18-2

As stated in Section 3.7.1.4 of the final EIS, Broadwater would financially compensate commercial fishermen for lost trawl income due to the location of the FSRU relative to designated trawl lanes. As for lost trawl income due to LNG carrier transit, the proposed moving 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 in the Sound at any one time. The entire transit path of an LNG carrier would not be an exclusion zone. The amount of time required for the LNG carrier and its associated safety and security zone to pass any single point would be 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 along the transit route between the Race and the proposed location of the FSRU would be the 2,040 acre (3.2 square-mile) area around the single LNG carrier moving through the Sound. All other portions of the Sound, including the transit route in front of and behind the carrier's safety and security zone, would be available for use.



## OC19 - Cross Sound Cable Company, LLC

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

Broadwater Energy LLC	)	Docket No. CP06-54-000
	)	
Broadwater Pipeline LLC	)	Docket No. CP06-55-000
	)	Docket No. CP06-56-000

**MOTION TO INTERVENE OF  
CROSS-SOUND CABLE COMPANY, LLC**

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice and Procedure, 18 CFR §§ 385.212 and 385.214 (2006), Cross-Sound Cable Company, LLC ("CSC") hereby moves to intervene in the above-captioned proceeding. In support thereof, CSC respectfully states the following:

**I. IDENTITY OF CSC**

CSC is a wholly-owned subsidiary of Babcock & Brown Infrastructure (BBI), a specialized infrastructure investment fund listed on the Australian Stock Exchange. Its purpose is to invest in, own and manage long-term infrastructure assets around the world. CSC designed, financed, constructed and owns the Cross Sound Cable, a 24 mile long High Voltage Direct Current submarine cable transmission system which crosses Long Island Sound between New Haven, CT and Shoreham, NY.

**II. COMMUNICATIONS**

CSC requests that all communications, correspondence, and documents related to this motion and this proceeding be directed to the following persons:

Robert L. Daileader, Jr.  
Nixon Peabody, LLP  
Suite 900  
401 9<sup>th</sup> Street, N.W.  
Washington, D.C. 20004-2128  
Telephone: (202) 585-8318  
Facsimile: (202) 585-8080  
[rdailleader@nixonpeabody.com](mailto:rdailleader@nixonpeabody.com)

Bradley D. Railing, Chief Operating Officer  
Cross-Sound Cable Company, LLC  
110 Turnpike Rd.  
Suite 214  
Westborough, MA 01581  
Telephone: (508) 870-9900  
Facsimile: (508) 870-9903  
[brad.railing@crosssoundcable.com](mailto:brad.railing@crosssoundcable.com)

**III. DESCRIPTION OF PROCEEDINGS**

On January 30, 2006, Broadwater Energy LLC ("Broadwater Energy") filed an application under section 3 of the Natural Gas Act ("NGA") and Part 153 of the Commission's rules and regulations in Docket No. CP06-54-000 seeking authorization to site, construct and operate an offshore liquefied natural gas ("LNG") receiving terminal and associated facilities ("Floating Storage and Regasification Unit – FSRU, and Yoke Mooring System - YMS") in Long Island Sound.

Also on January 30, 2006, Broadwater Pipeline LLC ("Broadwater Pipeline") concurrently filed an application requesting: (i) in Docket No. CP06-55-000, a certificate of public convenience and necessity, pursuant to Subpart A of Part 157 of the Commission's regulations, authorizing Broadwater Pipeline to construct, own and maintain a 30-inch, 22-mile sub sea lateral as a single-use pipeline; and (ii) in Docket No. CP06-56-000, a blanket certificate under section 7(c) of the NGA and Part 157, Subpart F of the Commission's regulations authorizing Broadwater Pipeline to perform routine activities in connection with the future construction, operation and maintenance of the proposed 22-mile pipeline.

Broadwater Energy has requested that the Commission issue a final order granting them all necessary authorizations for the Broadwater LNG project in Docket Nos. CP06-54-000, CP06-55-00 and CP06-56-000 (the "Broadwater Dockets") by March 31, 2007.

On November 17, 2006, the Commission, in cooperation with the U.S. Coast Guard; U.S. Environmental Protection Agency; U.S. Army Corps of Engineers (“ACOE”); National Oceanic and Atmospheric Administration; National Marine Fisheries Service; and the New York Department of State, issued a Draft Environmental Impact Statement (“DEIS”) for an LNG import terminal and gas pipeline proposed by Broadwater Energy and Broadwater Pipeline. Also on November 17, 2006, the Commission issued the Notice of Availability of Draft Environmental Impact Statement for the Proposed Broadwater LNG Projects (the “November 17 Notice”) inviting the submission of written comments on the DEIS to be filed with the Commission on or before January 23, 2007. The Notice also invited interested parties to file motions to intervene in the Broadwater Dockets based on the issuance of the DEIS.

#### **IV. GROUNDS FOR INTERVENTION**

As noted above, CSC owns, operates and maintains the Cross-Sound Cable crossing Long Island Sound from New Haven, CT to Shoreham, NY. CSC has reviewed the Draft EIS issued as well as attending several meetings about the Broadwater Project in both CT and NY. If the Commission should grant Broadwater a permit to construct the project as currently proposed, the subsea pipeline portion of the project will cross-over (on top of) the Cross Sound Cable transmission cable at approximately Milepoint 3.0.

CSC has serious concerns regarding the installation methodology and necessity, as well as the short and long-term impacts of installing and maintaining the subsea pipeline. The Special Construction Techniques for Cable Crossings as presented in Section 2.3.2.2 and the Typical Foreign Utility Crossing Drawing shown in Appendix C-3, fall far short of any formal construction plan. As stated in Sections 3.5.2.2 and 5.2 (Condition #21) of the DEIS, the Commission has required that “[p]rior to construction, Broadwater develop, in consultation

**OC19 - Cross Sound Cable Company, LLC**

with AT&T and the CSC, site-specific construction plans that would avoid impacts to the utilities. The plans shall be filed with the Secretary, for review and written approval by the Director of OEP.” Although Broadwater and CSC had preliminary discussions in July of 2005 with respect to the crossing of the pipeline over the transmission cable, no agreement on construction plans or long-term mitigation measures has been reached. CSC recognizes that the Commission has made this a condition in the DEIS and wishes to make sure that such condition is included in the FEIS should it be granted, or to otherwise ensure that any new conditions regarding the cable crossing which may be required by potential modifications to the DEIS are subsequently included in the FEIS. Accordingly, CSC has a direct interest in the outcome of these proceedings that cannot be adequately represented by any other party. For these reasons, it is appropriate that CSC be permitted to intervene in these proceedings and to participate with full rights as a party.

OC19-1



OC19-1

Section 5.1.5 of the final EIS includes a recommendation requiring that Broadwater negotiate a site-specific utility crossing plan to the satisfaction of the owner of each affected linear utility prior to pipeline construction.

**V. COMMENTS**

CSC would also like to provide comments on the final physical location of the FSRU and YMS. While there are numerous potential impacts from the overall project that the DEIS recognizes and addresses; only 4 of these impacts are directly effected by the actual physical location (latitude and longitude) of the FSRU and YMS within Long Island Sound. They are: 1) LNG Safety Factors (distance from shore and population), 2) Sedimentation Disturbance (length of pipeline burial and utility crossings), 3) Visual Impacts (distance from shore) and 4) Impacts on Shipping (disturbance to known transit lanes).

Section 4.4.2.2 of the DEIS discusses alternative locations of the FSRU within Long Island Sound. Figure 4.4-1 shows a zone around the proposed location that would maintain a

## OC19 - Cross Sound Cable Company, LLC

- 5 -

minimum of 7 miles from shore. The purpose is to maintain a minimum of 7 miles to provide sufficient safety zones as well as reduce the visual impact of the terminal. The analysis claims that while moving the terminal further to the west would result in reduced impacts on the seabed, there would be an increased impact on both recreational and commercial use if the FSRU and YMS were moved to the West.

The length of the subsea pipeline could be shortened, and benthic impacts reduced, by locating the FSRU west of the proposed location within the area that is at least 7 miles from shore. However, the commercial traffic analysis (described in Section 3.7.1) indicated that north-south vessel movement increases from a relatively low density at the proposed location to higher densities west of the site. We considered the potential impact to marine transportation to be more important to the minor decrease in bottom impacts (which are already minor with the proposed site) due to a somewhat shorter pipeline (up to several miles shorter). Therefore, we eliminated areas west of the proposed site and at least 7 miles from the shore from further consideration.

OC19-2 [ CSC believes that this analysis actually overstates the potential impacts on shipping, LNG Safety and Visual impacts, while failing to give proper consideration to the potential reduction in sediment impacts for a shorter pipeline which also avoids a utility crossing.

OC19-3 [ According to Figure 3.7-2, relocating the FSRU and YMS terminal to the west a distance of 6 miles or greater would likely have a noticeable impact on recreational and commercial shipping. However, relocating the terminal to the west about 4 miles would place the terminal in a lower use quadrant than the current proposal (see Figure 3.7-2). Consideration must be given to the fact that this location would increase the length of time for an LNG tanker to transit the sound, but traveling at 12knots ( 3.10.4.4 LNG Vessel Transit to the Broadwater LNG Project), the increase would be less than 20 minutes.

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OC19-2 As discussed in Sections 4.4.2 and 4.5.2, the final EIS considers a number of variables in evaluating the potential environmental impacts of both the proposed and alternative LNG terminal locations and pipeline routes. The commentor is correct in stating that locating the FSRU and sendout pipeline 8 to 10 miles west of the proposed location would shorten the pipeline length and reduce the associated pipeline construction impacts of the pipeline needed to tie-in to the existing IGTS pipeline. However, the sendout pipeline would tie in to the IGTS pipeline much farther upstream than the pipeline location proposed by Broadwater. Section 4.5.1 of the final EIS explains that transporting significantly more natural gas through this pipeline from a point closer to Connecticut and then south to Long Island and New York City would require a combination of pipeline modifications and additional compression along the IGTS pipeline in Long Island Sound or onshore on Long Island. Finally, an FSRU sited in Connecticut waters would result in greater visual impacts to Connecticut coastal residents than the location proposed by Broadwater.

OC19-3 Section 4.4.2.2 of the final EIS discusses the positive and negative aspects of an alternate FSRU location approximately 4 miles west of the proposed FSRU location. Pipeline installation activities result in an impact to approximately 10 acres of seafloor per mile of pipeline, and these construction impacts would primarily be temporary to short term. While the alternative FSRU site would result in reduced construction impacts, an FSRU located at the alternative site proposed by the commentor would increase impacts throughout the 30-year life of the Project, including locating the FSRU closer to Long Island and thereby increasing visual impacts of the FSRU and transiting LNG carriers. This longer travel time in the Sound also would translate to greater air emissions and an increased likelihood of traffic conflicts relative to the Project as proposed. Finally, the final EIS finds that the crossing of a utility cable is achievable without incident or significant bottom disturbance with adherence to the specific conditions identified in Section 5.2. After weighing the short-term impacts to approximately 40 acres of softbottom substrate against the long-term impacts to visual resources, air emissions, and other impacts of longer carrier transits in Long Island Sound, we must conclude that the alternative location does not provide a significant advantage over the proposed location.

**OC19 - Cross Sound Cable Company, LLC**

OC19-3



Referring again to Figure 4.4-1, relocating the terminal about 4 miles to the west appears to allow Broadwater the ability to maintain a minimum of 8 miles from the NY shore. In addition, moving the terminal slightly to the north of the proposed pipeline path at this location will provide a greater minimum distance from the NY shore, possibly even maintaining the proposed 9 miles. This location would therefore offer similar minimal impacts on LNG safety concerns and visual impact from the shores as the current proposal.

According to Broadwater estimates from Table 3.1.2-1, installation from MP 0.0 – MP 2.0 would impact approximately 18.2 acres of sediment. The estimated impact from MP 2.0 – MP 21.7 would impact approximately 179.1 acres or about 9.1 acres per mile of pipeline. Based on the estimates, reducing the pipeline length by 4 miles would therefore reduce the sediment impacts by about 36.4 acres. This would also reduce the impacts by the estimated 0.4 acres at the cable crossing, which CSC considers to be a modest estimate of the disturbance. Discounting the impact of anchor sweep which is already a condition of the DEIS, the remaining estimated sediment impacts totaled 215.5 acres. Therefore, the 4 mile relocation would result in an overall reduction of sediment impacts by approximately 17.1% (178.7 acres).

Lastly, there are both the benefits of avoiding sedimentation disturbance as well as eliminating the pipeline exposure and use of concrete mattresses at the crossing. Based on CSC's recent experience with submarine power cable installations and telecommunication cable crossings, there are invariably unforeseen complications that arise. Anchors, the subsea

**OC19 - Cross Sound Cable Company, LLC**

OC19-3

plow, concrete mattresses and other potential sources of mechanical damage to Cross-Sound Cable must be given proper safety precautions. The result is a costly and time consuming process. Though CSC is confident that a crossing could be completed effectively and safely, there are definite advantages to avoiding the crossing altogether.

CSC believes that the Commission, ACOE and Coast Guard should give consideration to relocating the FSRU and YMS terminal approximately 4 miles to the west and possibly a short distance north. CSC has included marked up drawings 3.7-1, 3.7-2, 3.11-1 and 4.4-1 as attachments showing a proposed relocation to an alternate site approximately 4 miles west of the proposed location.<sup>1</sup> This location addresses all of the siting criteria appropriately by maintaining minimal impacts on LNG Safety and minimal Visual Impacts, reducing Sedimentation Disturbance by approximately 17% and even potentially reducing shipping impacts based on the presented Vessel Traffic Density data provided. While CSC recognizes that the discussion of impacts as presented may not ultimately be sufficient justification to relocate the terminal, we strongly believe that based on the information provided in the DEIS, there is adequate reasoning presented for the Commission, ACOE and the Coast Guard to give serious consideration to this potential alternative terminal location. CSC looks forward to working with all of the agencies and Broadwater to make sure that impacts of this project are minimized regardless of the final location of the FSRU and YMS.

<sup>1</sup> These maps are included as Exhibit A.

- 8 -

VI. CONCLUSION

WHEREFORE, for the foregoing reasons, CSC respectfully submits that it has a direct and substantial interest in the issues to be addressed in this proceeding that cannot be adequately represented by any other party and should be permitted to intervene and to participate therein so that its rights are protected and that it may present its position with respect to any issue of fact or law that may arise. CSC respectfully requests that its comments be considered and the relief requested be included in the final EIS issued for the project.

Respectfully submitted,

*/s/ Robert L. Daileader, Jr.*

\_\_\_\_\_  
Robert L. Daileader, Jr.  
Counsel to Cross-Sound Cable, LLC

Of Counsel:

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401 Ninth Street, N.W.  
Suite 900  
Washington, DC 20004  
202-585-8318  
202-585-8080 (fax)  
[rdailleader@nixonpeabody.com](mailto:rdailleader@nixonpeabody.com) (e-mail)

Dated: January 23, 2007

**OC19 - Cross Sound Cable Company, LLC**

- 9 -

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served a copy of the foregoing document on all parties listed on the official service list compiled by the Secretary in this proceeding.

DATED this 23<sup>rd</sup> day of January, 2007.

/s/ Robert L. Daileader, Jr.  
Robert L. Daileader, Jr.

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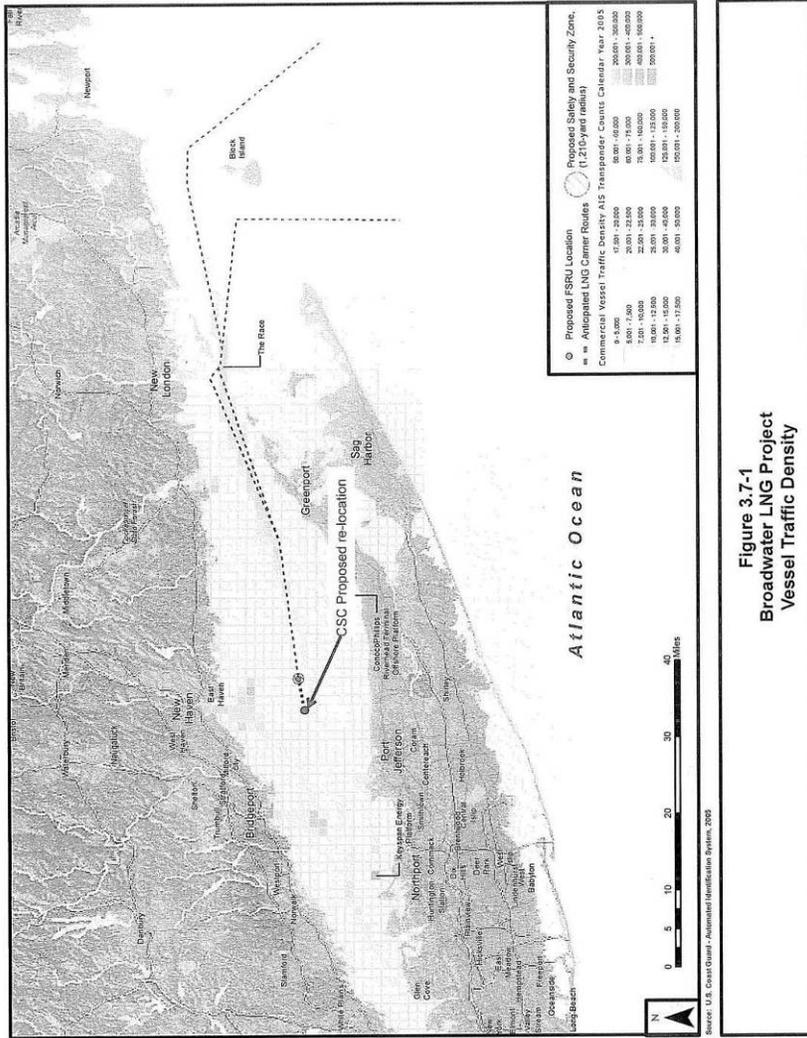
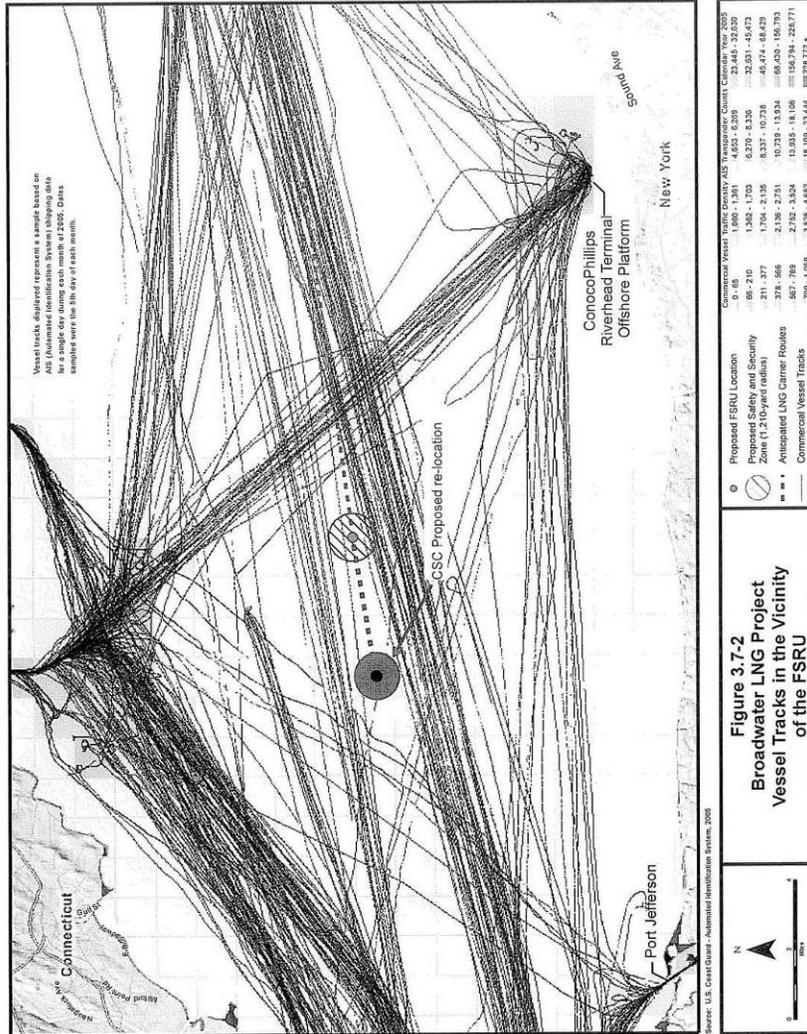


Figure 3.7-1  
Broadwater LNG Project  
Vessel Traffic Density



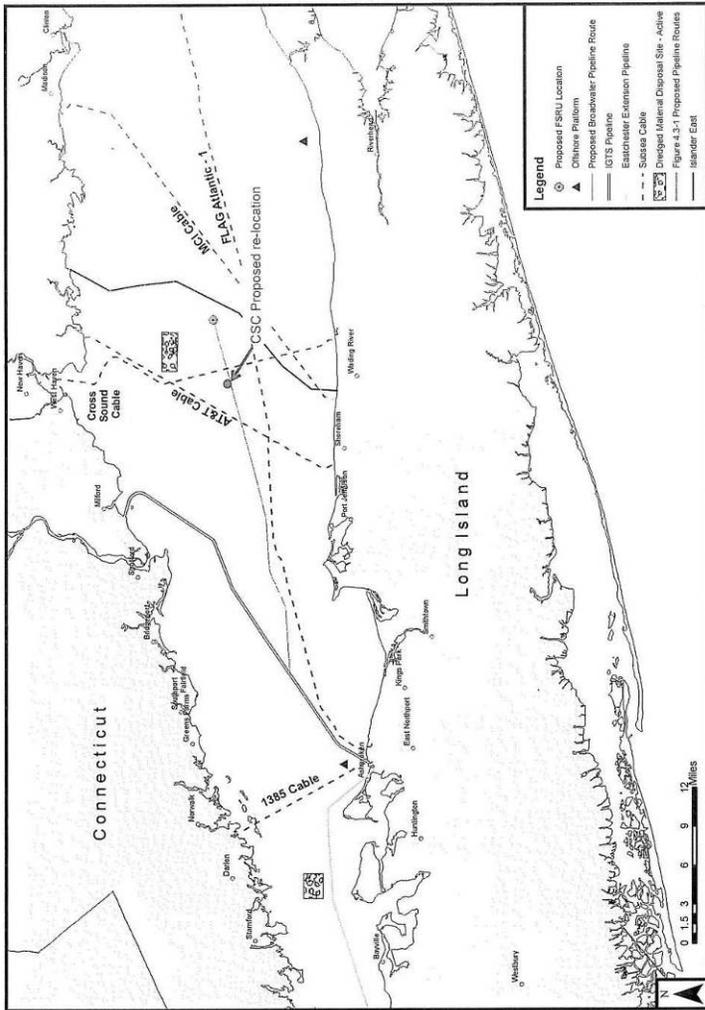


Figure 3.11-1  
 Broadwater LNG Project  
 Existing and Proposed Long Island Sound Projects

3-241

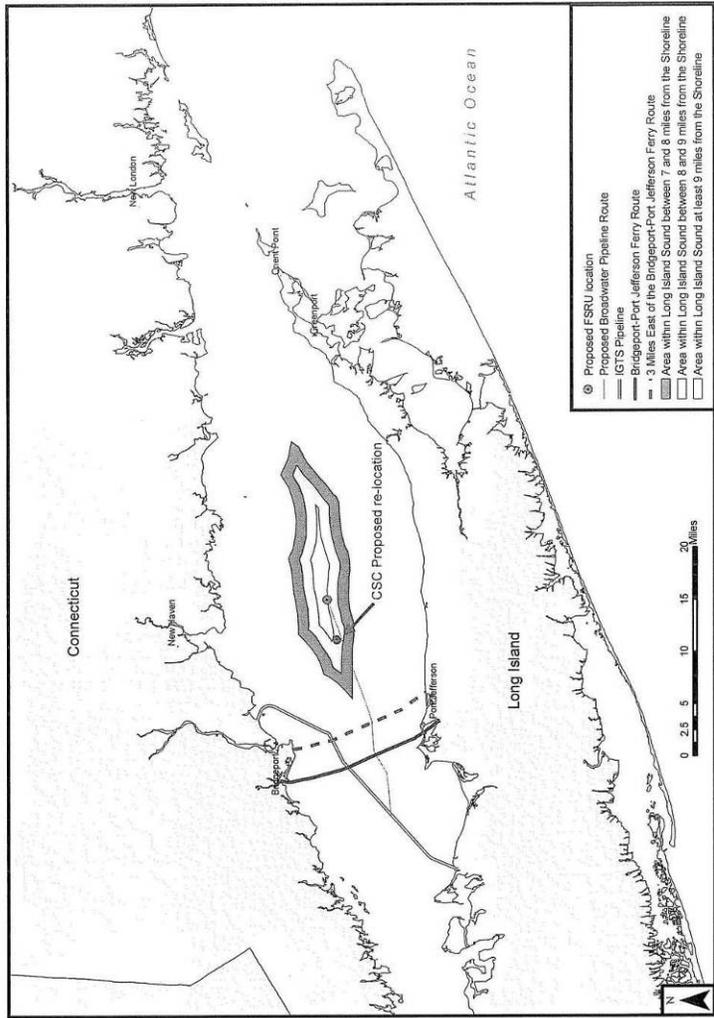


Figure 4.4-1  
Broadwater LNG Project  
Alternative FSRU Locations in the Central Basin

**OC1 – Wading River Civic Association**

**WADING RIVER  
CIVIC ASSOCIATION  
P.O. BOX 805  
WADING RIVER NY 11792**

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

Re: CP06-054-000  
CP06-055-000

Dear Secretary Salas:

The following represent the comments of the Wading River Civic Association regarding the Draft Environmental Impact Statement for the Broadwater LNG Project:

1. First and foremost the public has not been provided with enough time to adequately review the DEIS for the Broadwater LNG Project. A 60 day comment period for a document of this complexity is unreasonable. The existing comment period was also scheduled during four major national holidays. We recommend that the FERC extend the comment period 60 days beyond January 23, 2007.

2. It is difficult for the public, intervenors or experts hired by intervenors to comment on many aspects of this project because many key components are still not complete or are still in the design phase. It is difficult to comment on a draft emergency evacuation plan when there is none at this time. It is not any easier to comment on a lighting plan for the FSRU that doesn't exist or for that matter on a nonexistent plan for cost-sharing for security measures. The public has the right to comment on a full and complete project.

3. We have recently read a motion for a 60 day extension filed by the Connecticut Fund for the Environment and Save The Sound stating that although they are formal intervenors they have been denied access to Critical Energy Infrastructure Information. If this is accurate the remedies they are seeking should be granted.

4. Under the Purpose and Need section of the EIS the FERC staff makes a strong case for the need for more natural gas both nationally and regionally. This analysis is part of the rationale for the need to have more access to the world's natural gas supplies through building more LNG terminals. However a recent article (LNG Express 11/13/2006) indicated, " Yet, shortages of natural gas and higher prices have not netted more cargoes. Since July 2004, the number of cargoes imported into the United States have fallen from a high of 28 to just 12 in the March 2006. Some 17 were imported in August. Meanwhile developers have expanded import capacity to 5.0 bcf/d--four times the level necessary. Adding current construction and planned expansions of existing terminals, capacity is likely to exceed 23 bcf/d by 2011, creating possibly a glut of terminal space like what occurred in the 1980's when LNG was expected to fill a large portion of U.S. demand."

5. The DEIS indicates that Broadwater will pay \$15 million a year to local authorities. There are no details provided about which local government's will get payment in lieu of taxes. There should be clarification on how pilot payments would be determined.

**OC20-1** Although the Commission did not extend the formal comment period beyond January 23, 2007, we will review and consider all comments received until the Commission meets to formally consider the Project. We have responded to comments on the draft EIS received between November 2006 and November 2007.

**OC20-2** Our environmental reviews included assessments of potential impacts of construction and both normal and abnormal operation of the proposed Project, as reported in the EIS. We evaluated the potential for impacts based on the basic design of the Project, including the footprints of the proposed facilities, proposed operation of the Project, accidental releases, and all other relevant aspects of the Project.

As stated in Section 3.10.6 of the final EIS, if FERC provides initial authorization for the Project, Broadwater would be required to work with the appropriate federal, state, and local agencies to prepare an Emergency Response Plan that would include funding provisions for agency participation in emergency response and security actions. Broadwater would also prepare a Facility Response Plan (as outlined in 33 CFR 154) and a Facility Security Plan (as outlined in 33 CFR 101-105). If the plans are not sufficient or if there is no agreement on funding, FERC would not authorize Broadwater to continue with the Project.

Broadwater's preliminary lighting plan is now included in the docket for the Project. Consideration of this plan is included in our analysis of impacts to visual resources in Section 3.5.6 of the final EIS.

**OC20-3** The resolution of third-party transactions are beyond the scope of our environmental review process and therefore are not addressed in the final EIS.

OC20-1 [

OC20-2 [

OC20-3 [

**OC1 – Wading River Civic Association**

- OC20-4 [ 6. Although you detail economic benefits to local authorities you do not provide estimates of the monetary costs that might have to be borne by local authorities as part of an emergency response plan. Would local authorities in Connecticut get any of the pilot payments or share in any of the costs related to providing security for the Broadwater Project? Will Broadwater's contribution to cost sharing go beyond paying for necessary fire fighting equipment? Will Broadwater reimburse any agency or local authority's costs associated with providing armed security?
- OC20-5 [ 7. The DEIS does not deal with the issue of liability. In the event of a serious accident on the FSRU or the LNG carriers would local authorities be vulnerable to liability claims. What is the extent of Broadwater's liability?
- OC20-6 [ 8. The Coast Guard is on record that "additional resources would be needed to mitigate safety and security risks associated with the Broadwater Project, if approved." However, a news article by Eric Lupton , published on 12/9/06 in the NY Times,"Billions Later, Plan to Remake the Coast Guard Fleet Stumbles" detailed major problems associated with Deepwater, the Coast Guard's modernization plan to replace nearly its entire fleet of ships, planes and helicopters. "The problems have help swell the costs of the fleet-building program to a projected \$24 Billion, from\$17 billion, and delayed the arrival of any new ships or aircraft. That has compromised the Coast Guard's ability to fulfill its mission, which has greatly expanded after the 2001 attacks to include guarding the nation's shore's against terrorists. The service has been forced to cut back on patrols, and, at times ignore tips from other federal agencies about drug smugglers. The difficulties will only grow more acute in the next few years as old boats fail and replacements are not ready." In light of these problems is the Coast Guard's ability to mitigate safety and security risk associated with the Broadwater Project realistic or credible?
- OC20-7 [ 9. The DEIS and the WSR contains no analysis of the secondary effects of attacks on the Broadwater Project. What would be the consequences for the region if the FSRU was put out of action by an intentional or unintentional incident for an extended period of time ? An economic review of the secondary effects of disrupting energy supply by targeting infrastructure should be considered by the Coast Guard and in the FEIS .
- OC20-8 [ 10. FERC has concluded that the Broadwater Project will have limited adverse environmental impacts. Recent testimony on 12/7/2006 before the Connecticut Long Island Sound LNG Task Force raises doubts about the DEIS. Four scientists who specialize in the geology, biology and ecology of the Long Island Sound found the DEIS was seriously flawed and poorly researched. They further indicated that the DEIS fails to provide adequate data to back up its conclusions. FERC should review and respond to these concerns in the FEIS.
- OC20-9 [ 11. The DEIS indicates Broadwater might use either Port Jefferson or Greenport for onshore support services for the FSRU and pipelines. The FEIS should indicate the time required for the tugs that are berthed at these facilities to reach the FSRU or the LNG tankers in transit.

- OC20-4 If the Project receives initial authorization to proceed, prior to initiation of construction Broadwater would work with federal, state, and local agencies to develop a Facility Security Plan (as outlined in 33 CFR 101-105) and an Emergency Response Plan (as described in Section 3.10.6 of the final EIS) for the Project. The planning teams would identify the equipment and resources needed to implement the plans; as discussed in Section 3.10.6 of the EIS, the Emergency Response Plan, would include a Cost-Sharing plan that would address funding provisions for agency participation in emergency response and security actions. If the funding agreements cannot be developed to the satisfaction of the participating agencies and Broadwater, and if the needed resources are not available, FERC would not authorize construction of the Project.
- OC20-5 Liability issues are beyond the scope of our environmental review.
- OC20-6 The commentor has accurately noted that the Coast Guard would need additional resources to implement the mitigation measures for managing the risks associated with operation of the FSRU and the LNG carriers. As described in Section 8.4 of the WSR (Appendix C of the final EIS), if FERC authorizes the Broadwater Project, the Coast Guard would prepare a proposal to obtain additional personnel and equipment to implement its safety and security recommendations. Neither FERC nor the Coast Guard would allow operation of the Project until the appropriate safety and security measures are in place.
- OC20-7 Section 3.6.8.7 of the final EIS has been revised to address the economic impact of a catastrophic event associated with the proposed Project.
- OC20-8 Responses to the specific technical comments by the experts who testified before the Connecticut LNG Task Force are provided in Table 2.2-5 (Appendix N in this final EIS).
- OC20-9 Section 2.4.4.4 of the final EIS has been revised to provide this information.

**OC1 – Wading River Civic Association**

OC20-10

12. The DEIS contains no discussion of the varying heat content/ Btu content of LNG imported from various areas. The FEIS should deal with and specify whether it is Broadwater's intent to acquire supply from Nigeria LNG. The FEIS should also detail who is responsible for adjusting the heat value of the natural gas imported by Broadwater, the importer or the pipeline company?

OC20-11

13. The DEIS does not deal with the issue of whether mercaptan will be used as an odorant on the FSRU. If use of mercaptan is contemplated the FEIS should review issues related to transporting, storing and injecting the smelly gas on the FSRU.

OC20-12

14. The DEIS contains no review of the use of Ammonia on the FSRU. The FEIS should clarify if and when it will be detectable downwind on local beaches.

Sincerely,



Sid Bail  
President

OC20-10

Section 2.4.2 of the final EIS has been revised to include additional information on gas interchangeability. Regardless of the source country, natural gas delivered into the IGTS pipeline would be required to meet the tariff requirements.

OC20-11

Sections 2.1.1.6 and 3.10.2.4 of the final EIS address the use of odorant on the FSRU. If Broadwater receives initial authorization from FERC, it would be required to prepare an Emergency Response Plan (see Section 3.10.6 of the final EIS), an SPCC plan (see Section 3.2.2.1 of the final EIS), and a hazardous materials Facility Response Plan (as outlined in 33 CFR 154). These plans would address the use and potential for release of hazardous and toxic materials, including the odorant used, and the emergency response procedures that would be followed if an incident were to occur during operation of the Project. FERC must approve the Emergency Response Plan prior to final approval to begin construction. Consequently, Broadwater would have approved plans for the transport, storage, and use of odorants prior to operation.

OC20-12

The required plans described in our response to comment OC20-11 would address the use of ammonia on the FSRU. Section 3.10.2.4 of the final EIS addresses the potential consequences of an accidental release of ammonia on the FSRU.

*Statement Regarding the Federal Energy Regulatory Commission's  
Draft Environmental Impact Statement on Broadwater Energy  
Submitted on January 9, 2007 by*

*The Honorable Richard J. Sheirer, Senior Vice President, Giuliani Partners LLC  
Commissioner of Emergency Management for the City of New York (Retired)*

*The Honorable Thomas Von Essen, Senior Vice President, Giuliani Partners LLC  
Commissioner of the Fire Department of the City of New York (Retired)*

We are pleased to submit our comments as part of the Federal Energy Regulatory Commission's public hearings on its Draft Environmental Impact Statement ("DEIS") for Broadwater Energy. Broadwater's central goal is to bring a safe, secure, and reliable new source of clean-burning natural gas to our region, while minimizing risks to the public. This solution is needed, and, having conducted an extensive security analysis of the project, we support Broadwater.

In September 2004, Giuliani Partners LLC was retained to provide objective analysis and strategic consulting regarding the security of the proposed Broadwater LNG facility. Our consulting team for Broadwater includes Rudolph W. Giuliani, Brigadier General Kenneth Bergquist (U.S. Army, Ret.), ourselves, and a strong team of security, crisis management, risk mitigation, and public safety experts from Giuliani Partners and SeaSecure LLC, our maritime security partner.

Safety, security, and reliability have been top priorities for Broadwater from the outset. The proposed facility will have stringent security measures, technologies, and procedures that will meet or exceed international and federal requirements, including those set forth in the DEIS and the U.S. Coast Guard's recent Waterways Suitability Report ("WSR"). In fact, this is one of the principal reasons that Giuliani Partners agreed to provide consulting services to the project.

Since late 2004, our team has conducted an extensive analysis of the security of the proposed facility, and we submitted our preliminary security assessment to the U.S. Coast Guard in mid-2005. We anticipate that this work will continue throughout the design and construction of the facility. Our analysis has determined that the proposed Broadwater facility can be secured effectively and, when secured properly, should not present a threat to the populations along Long Island Sound. We strongly support the formal regulatory process, which has and continues to subject Broadwater to rigorous and extensive analysis of all aspects of the proposal.

Because of our involvement as security consultants, most of our comments necessarily relate to the U.S. Coast Guard's Broadwater WSR, which is a fundamental part of the DEIS. The WSR, which was the product of a collaborative process with a large number of stakeholders from all around Long Island Sound, determined that Broadwater can be made suitable for Long Island Sound, given the implementation of a number of appropriate safety and security measures outlined in the WSR.

The U.S. Coast Guard is the lead federal agency responsible for navigation safety and port security issues associated with Broadwater, and it is a key participant in the regulatory review of the project. The WSR, which took over a year to prepare, is an objective and analytical assessment of the suitability of Long Island Sound for Broadwater, from a safety and security perspective. We have the utmost confidence in the analytical rigor and integrity of the WSR.

**OC21 – Giuliani Partners, LLC**

Broadwater fully expected the WSR to outline security and safety requirements, as is customary for major energy infrastructure projects. In fact, Broadwater has been diligently preparing for those requirements through a broad and significant effort on safety and security, from threat assessments and mitigation measures, to sophisticated scientific consequence modeling.

The WSR states that: “There are currently no known, credible threats against the proposed Broadwater Energy facility.” The WSR also notes that the offshore location of the facility, over 9 miles from New York and 10 miles from Connecticut, provides significant safety and security benefits and reduces the facility’s attractiveness as a terrorist target. Our analysis agrees with these conclusions.

According to the Sandia Report on Risk Analysis and Safety Implications of a Large LNG Spill Over Water, the marine transport of LNG has an exemplary safety record of approximately 80,000 carrier voyages over 40 years, covering over 100 million miles without major accidents. Neither a major release of LNG, nor a fatality directly related to LNG has ever occurred in maritime LNG operations.

Nonetheless, Broadwater continues vigilantly planning to ensure that the facility is safe and secure and that the consequences of an incident would be mitigated. As recommended by the WSR, Broadwater will continuously monitor the threat environment and regularly update threat assessments. Also, the U.S. Coast Guard has proposed and will enforce a safety and security zone around both the facility and its LNG carriers, and Broadwater is prepared to lend as much assistance as the U.S. Coast Guard requires. It is important to note that the WSR makes clear that an accident or attack on the facility, however unlikely, would not result in damage on either shore of the Sound.

Some see a risk in allowing LNG carriers to enter the Sound, but the two or three LNG carriers making deliveries to the facility each week will travel existing shipping routes that 4,450 to 7,450 domestic and foreign-flagged commercial vessels use each year. They will be guided by local pilots and accompanied by tugboats and escorts, as per the WSR. The WSR confirms that the Sound is already a “mixed-use” waterway. LNG carrier transits will be flexible, and the WSR states that: “The impacts of the moving safety and security zone around LNG carriers on other waterway users could be managed.” Examples of other waterway users include regattas, ferries, and regular commercial traffic.

Over the coming months, the project team will continue to work with the Coast Guard, as well as many local, state, and federal agencies. It has always been a central goal of the project to maintain a productive relationship with all the relevant agencies at each jurisdictional level. Broadwater has been keeping local and state security and safety officials updated on the project over the last two years. In the coming months, Broadwater will begin engaging federal, state, and local safety and security officials in the development of the comprehensive emergency response plan.

Although our firm’s work has centered on security consulting, we wish to note two important aspects of the DEIS. First, the DEIS notes the need for energy in this region, given increasing energy demands. Second, the DEIS’ analysis of alternative solutions to meet this need determined that Broadwater has the fewest environmental impacts of any alternative considered. It is important to note that we have the utmost confidence in the objectivity and rigor of the DEIS.

OC21-1

OC21-1 Thank you for your comments.

## OC21 – Giuliani Partners, LLC

In the context of our work on security, we often remind ourselves that there is risk inherent in any action, but that, often, action is required to solve a problem. In the case of Broadwater, there is a need for the project, and its risks can be managed and minimized.

The security and safety of the facility and the surrounding populations are paramount to our team. Based on our work to date, we believe that the proposed Broadwater facility should be secure and should pose no threat to the populations onshore around Long Island Sound. Giuliani Partners and SeaSecure look forward to continuing our objective research and analysis of the threats, consequences, vulnerabilities, and risks of the proposed facility throughout its design and construction, if approved. We strongly believe, based on our analysis, that the Broadwater project is a reasonable, safe, and secure solution to our region's need for energy.

We thank you for your attention to this matter.

OC22 – South Nassau Communities Hospital

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FEDERAL ENERGY  
REGULATORY COMMISSION

Joseph A. Quagliata  
President and CEO

January 9, 2007

Officers of the Board  
Harold Mahony, Esq.  
Chairman of the Board

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

Harry Kassel  
Immediate Past Chairman

RE: Docket Nos. CP06-054-000 and CP06-055-000

Henry R. Pupke  
Steven Sauer  
Michael Schamroth  
George A. Schieren, Esq.  
Vice Chairmen

Dear Ms. Salas:

OC22-1

I am providing this letter in conjunction with the public comment period of the FERC's review of the Draft Environmental Impact Statement for Broadwater Energy.

Robert B. Tunick  
Secretary

Like other healthcare providers in New York State, in my role as president of South Nassau Communities Hospital, I am greatly concerned about the high cost and dependable supply of energy. With 435 beds, 820 attending physicians and 2,200 employees, we are one of the largest community based, teaching hospitals in the state. We are also among a handful of financially independent hospitals on Long Island.

Richard Streim  
Assistant Secretary

Robert M. Whyte, Jr.  
Treasurer

**Directors**  
John Aloia, M.D.  
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Marilyn Cohen  
Mihai Dimancescu, M.D.  
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Welquis Raimundo Lopez  
John Mesloh  
Harriette P. Thayer  
Candy Misner  
Robert G. Morvillo, Esq.  
Joseph A. Quagliata  
Eugene Thompson, M.D.  
Edwin H. Wegman  
Marvin Wolf  
Michael Yohai

South Nassau Communities Hospital has recently concluded one of the largest hospital expansions on Long Island in recent years. Planning for this 170,000 square foot project, including modeling the cost to operate this new facility, occurred several years ago. As you can imagine, energy costs and a much needed additional supply of natural gas are of great concern to us, especially as the expansion has significantly increased our energy consumption.

I am writing to express my support for the Broadwater Energy liquefied natural gas facility. I base this support of Broadwater on four factors:

1. The Federal Energy Regulatory Commission's recently released Draft Environmental Impact Statement found that Broadwater would have limited adverse environmental impacts to Long Island Sound. The DEIS concluded that the impacts could be further reduced with suggested recommendations and mitigation procedures.

OC22-1 Thank you for your comments.

One Healthy Way, Oceanside, NY 11572 • 516-632-3939  
www.southnassau.org

## OC22 – South Nassau Communities Hospital

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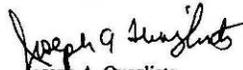
Ms. Magalie R. Salas  
January 9, 2007

-2-

2. The U.S. Coast Guard found that Broadwater can be operated safely and securely in the Sound and is a use that is consistent with other commercial activities there. The Coast Guard report found that with additional measures to manage risks to navigation safety or maritime security, the Sound is a suitable location for this facility.
3. The project is vitally important for the region's economy and quality of life as our residents and businesses already pay some of the highest natural gas prices in the nation. The DEIS said that the region's demand for natural gas is rising, and unless new supplies become available, we will face increasing price pressure and volatility.
4. The project presents an opportunity to increase the amount of cleaner energy generated on Long Island, while greatly increasing the efficiency of our electrical generation. The older, oil-fired plants that produce most of our power are among the region's largest polluters. Broadwater could be important both in operating new cleaner plants, and cleaning up our old plants.

Finally, as the NYS Department of State reviews Broadwater's Coastal Zone Management Act application in the coming months, the agency should carefully consider the need for this project and the difficulty in building new energy infrastructure onshore. The environmental concerns should be dispassionately evaluated based on the best available science in reaching a conclusion that best serves the interest of Long Island and the greater Metropolitan area.

Sincerely,



Joseph A. Quagliata  
President and CEO

cc: Governor Elliott Spitzer  
Consistency Review Unit, Division of Coastal Resources

# OC23 – New York City Economic Development Corporation

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January 23, 2007 **JAN 24 A 11: 56**

FEDERAL ENERGY  
REGULATORY COMMISSION

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

Dear Secretary Salas:

Re: Broadwater LNG Energy Project, FERC Docket Nos. CP06-54-000, CP06-55-000

In November of 2006, the Federal Energy Regulatory Commission, following a review conducted in conjunction with the United States Coast Guard and a number of other agencies, issued a Draft Environmental Impact Statement (DEIS) for the Broadwater Liquefied Natural Gas (LNG) Energy Project (hereafter, Broadwater). Broadwater is a proposal to moor a floating liquefied natural gas facility, approximately nine miles off the coast of Riverhead, New York. The facility would receive shipments of LNG, which would then be stored, regasified and transported to Long Island and New York City through an interconnection with the Iroquois Gas Transmission System. In sum, the DEIS concluded that with appropriate mitigation measures, the Project would have limited environmental impacts.

If New York is to remain the preeminent financial, corporate and communications capital of the world, and to continue to attract and retain businesses and residents, it must have a dependable source of reliable, affordable and clean electricity. As the overwhelming percentage of the generating capacity in the City uses natural gas as a primary fuel, there is a very close relationship between the availability of natural gas and the ability to ensure adequate and affordable electricity generation resources here.

Mayor Michael Bloomberg in 2003 directed the New York City Economic Development Corporation to organize and lead a public-private Energy Policy Task Force, which would comprehensively assess the City's energy needs and recommend specific policies and programs to meet those needs. The Task Force released its initial findings in January 2004 in a Report entitled "New York City Energy Policy: An Electricity Resource Roadmap" that details an integrated strategy comprising energy supply, energy delivery infrastructure, distributed resources and governmental initiatives from New York City. Among the central recommendations made in the Task Force Report is to "support diversity of fuel supply," including the "development of gas supply projects."

# OC23 – New York City Economic Development Corporation

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As proposed, Broadwater would diversify the City's energy supply by providing a significant amount of natural gas that is not subject to existing North American supply and transmission constraints. At present, the principal source of gas supply to the City is delivery over long-haul pipelines, primarily from the Gulf Coast and Western Canada. If placed into service, Broadwater would create an additional and far more proximate natural gas supply source.

At a peak send-out of approximately one billion cubic feet per day, Broadwater would appreciably increase the delivery capability of natural gas to New York City. Such production from Broadwater would supply enough gas to fuel substantial gas-fired electricity generation capacity. To the extent these projections are borne out, Broadwater would also improve system reliability, and exert downward pressure on the energy prices that would prevail in the absence of such an alternative fuel source.

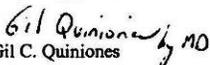
An abundant supply of natural gas would not only help ensure that energy demands are met as the City continues to grow, it would do so with the most efficient and clean-burning fossil fuel. In order to meet anticipated air quality and climate change reduction goals and to repower the City's older power plants, it is critical to have an affordable and reliable supply of natural gas. Such plants are characterized by higher levels of air emissions, and their replacement would itself benefit the entire regional environment.

The prospect of an alternate source of reliable natural gas is thus a critically important one. To the extent that it can be made compatible with environmental requirements, as is suggested by the DEIS issued by the Commission, I strongly encourage your consideration of the Broadwater Project as a means to help ensure the energy diversity, reliability and affordability that is vitally needed for the future of New York City and the metropolitan region.

OC23-1 Thank you for your comments.

OC23-1

Very truly yours,

  
Gil C. Quinones

Chair,  
New York City Energy Policy Task Force

Senior Vice President,  
Energy & Telecommunications Department  
New York City Economic  
Development Corporation

OC24 – Connecticut Harbor Management Association



January 12, 2007

Mr. Richard L. Tomer  
Chief, Regulatory Branch  
U.S. Army Corps of Engineers New York District  
Jacob K. Javits Federal Building  
26 Federal Plaza  
New York, New York 10278-0090

**Subject: Public Notice Number 2006-00265-L6**

Dear Mr. Tomer:

The Board of Directors (Board) of the Connecticut Harbor Management Association (CHMA) has reviewed Public Notice Number 2006-00265-L6 issued by the U.S. Army Corps of Engineers New York District (USACE) concerning a proposal by Broadwater Energy LLC and Broadwater Pipeline LLC to create an offshore Liquefied Natural Gas (LNG) terminal and pipeline in Long Island Sound. The Board has also reviewed the Draft Environmental Impact Statement (Draft EIS) issued by the Federal Energy Regulatory Commission (FERC) concerning the proposal.

OC24-1

For reasons stated below, the Board contends that no final action by either the USACE or FERC should be taken on the proposed project until the coastal management agency of the State of Connecticut has reviewed the proposal to evaluate its potential impacts on the coastal zone of Connecticut and has determined the consistency of the proposal with Connecticut's Federally approved Coastal Management Program. Failure to conduct such a review would violate the purpose and intent of the Federal Coastal Zone Management Act (CZMA).

On behalf of the Board I herewith submit the following comments to the USACE and FERC.

Comments:

1. The CHMA is a State-wide, not-for-profit organization representing municipal harbor management commissions, State of Connecticut harbor masters appointed by the Governor, and others concerned with Connecticut's harbors and marine resources. The mission of the CHMA is to share information and facilitate coordination to address issues of common interest to its members.

OC24-1

All fixed facilities associated with the Project are located entirely within the state of New York's coastal zone. Only the proposed moving safety and security zone surrounding an LNG carrier could extend into Connecticut waters when deviating from the planned transit route in response to traffic or weather conditions within Long Island Sound. The Coast Guard is responsible for ensuring compliance with the CZMA as it relates to the Coast Guard's establishment of the safety and security zones affecting Connecticut state waters. A coastal state's authority to review federal authorizations under the CZMA is approved through the Office of Ocean and Coastal Resource Management (OCRM) National Ocean Service, National Oceanic and Atmospheric Administration (NOAA). A coastal program must apply for and receive authorization to review proposed activities in other states. The Commission has no legal authority to grant Connecticut a formal role under the CZMA.

## OC24 – Connecticut Harbor Management Association

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Mr. Richard L. Tomer

2

January 12, 2007

2. Connecticut's harbors are important centers of recreational boating, commercial fishing, and other water-dependent activities in Long Island Sound. Our harbors serve as the home ports of tens of thousands of recreational vessels that use and enjoy the Sound. In addition, our coastal communities expend considerable resources to encourage maritime tourism and provide facilities for visiting boaters. Connecticut harbors are major attractions for visiting boaters who travel to and from harbors on both sides of the Sound. These resident and visiting boaters generate significant economic benefits both locally and regionally. The viability of all these boating activities and the enjoyment of those who participate in them are influenced by the quality of environmental and navigation conditions in Long Island Sound.
3. Connecticut's harbors are also important natural resources; their tidal wetlands, intertidal flats, beaches, shellfish beds, fish and wildlife, and other resources, including the Stewart B. McKinney National Wildlife Refuge and many other State and privately owned natural areas, provide a variety of irreplaceable ecological functions and values as well as recreational opportunities. The environmental quality of our harbors is an important determinant of Connecticut's quality of life and is determined in great part by the environmental quality of Long Island Sound.
4. Pursuant to the Public Trust Doctrine, ownership of the tidewaters within Connecticut's Long Island Sound jurisdiction, the submerged lands beneath those waters, and the plant and animal life inhabiting those waters is held by the State of Connecticut in trust for the benefit of the general public.
5. Long Island Sound is an Estuary of National Significance as designated by the U.S. Congress which has determined there is a national interest in protecting the natural values and beneficial quality of life associated with the Sound. Many millions of dollars have been allocated by Congress for the purpose of implementing the Long Island Sound Comprehensive Conservation and Management Plan for protecting and improving the health of the Sound.
6. The states of Connecticut and New York share jurisdiction in Long Island Sound. It is recognized by both states and by Federal courts and agencies, including the USACE, that actions and conditions in one state's jurisdiction in the Sound may have impacts on the other state's jurisdiction.
7. Both Connecticut and New York have state coastal management programs approved by the United States Secretary of Commerce pursuant to the CZMA. The CZMA envisions coordination between coastal states sharing jurisdiction in a coastal water body such as Long Island Sound.

OC24-2 [

OC24-2 Please see our response to comment OC24-1.

OC24 – Connecticut Harbor Management Association

Mr. Richard L. Tomer

3

January 12, 2007

- OC24-3 [ 8. The proposed project would be located in New York waters a short distance from the Connecticut/New York boundary in Long Island Sound. Neither the USACE's Public Notice and attached plans nor FERC's Draft EIS declare the distance from the proposed LNG terminal to the Connecticut/New York boundary in the Sound. The Connecticut Department of Environmental Protection has stated that the fixed, 0.7-mile radius safety and security zone that would be established by the U.S. Coast Guard around the LNG terminal would extend into Connecticut's jurisdiction. Therefore, we may infer that the LNG terminal would be located less than 0.7 miles from the Connecticut/New York boundary. In addition, it is our understanding that vessels delivering LNG to the proposed terminal and the moving safety and security zone that would be imposed by the Coast Guard around those vessels may pass through Connecticut waters.
- 9. The proposed project would be the first of its type in Long Island Sound. As a result, use and operation of the LNG terminal would affect a change in the existing and traditional uses and character of the Sound and it is reasonable to expect that the terminal and the vessels serving it would have an impact on the existing and traditional uses and character of the Sound within the jurisdiction of the State of Connecticut.
- OC24-4 [ 10. Neither the USACE's Public Notice nor FERC's Draft EIS acknowledge or address the impact of the proposed project on the coastal zone of the State of Connecticut in Long Island Sound, including the impact on the State's tidal and navigable waters and environmental resources.
- OC24-5 [ 11. Section 307(1)(A) of the CZMA requires that each activity of a Federal agency within or outside [emphasis added] the coastal zone of each coastal state with an approved coastal management program shall be consistent with that program to the maximum extent practicable. Neither the USACE's Public Notice nor FERC's Draft EIS acknowledge or address this requirement.
- OC24-6 [ 12. The Board contends that no final action by any Federal agency, including but not limited to the USACE and FERC, should be taken on the proposed project until the coastal management agency of the State of Connecticut has reviewed the application to evaluate the proposed project's impacts on the coastal zone of Connecticut and has determined the consistency of the application with Connecticut's Coastal Management Program. Failure to conduct such a review would violate the purpose and intent of the CZMA.

OC24-3 The proposed FSRU would be located in New York waters approximately 0.6 mile from the New York/ Connecticut boundary.

OC24-4 The individual resource sections in Section 3.0 of the final EIS have been revised to provide additional information on the potential impacts of LNG carrier transits. Sections 3.3.1 (benthic resources), 3.3.2 (fisheries resources), 3.3.3 (fisheries of special concern), 3.3.4 (marine mammals), 3.3.5 (avian species), and 3.4 (threatened and endangered species) of the final EIS, among other sections, discuss potential impacts to the resources of Long Island Sound independent of state lines.

OC24-5 Please see our response to comment OC24-1.

OC24-6 Please see our response to comment OC24-1.

## OC24 – Connecticut Harbor Management Association

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Mr. Richard L. Tomer

4

January 12, 2007

In conclusion, the Board urges Connecticut's Congressional delegation and the Attorney General of Connecticut to intervene in this process as necessary to ensure: 1) that the Broadwater proposal may be properly evaluated by the State of Connecticut for consistency with Connecticut's Coastal Management Program; and 2) that any decisions by FERC and the USACE regarding the proposal are consistent with Connecticut's Coastal Management Program to the maximum extent practicable.

Thank you for your attention to our comments. If you have any questions or require any additional information, please contact me at (203) 853-3493 or pintoj@optonline.net.

Sincerely,



John T. Pinto, Ph.D.  
President, CHMA

for Members of the Board:

Mary H. von Conta, Vice President,  
Town of Fairfield Harbor Management Commission  
Louis Allen, Secretary,  
Town of Mystic Harbor Management Commission  
Robert H. Sammis, Treasurer  
Town of Stratford Harbor Management Commission  
Ross Byrne  
Town of Old Saybrook Harbor Management Commission  
Patrick Carroll (Alternate member of the Board)  
State of Connecticut Harbor Master, Southport  
Michael Griffin  
State of Connecticut Harbor Master, Norwalk  
Norman Hewitt  
Town of Old Lyme Harbor Management Commission  
Peter Holecz  
City of Bridgeport Harbor Management Commission  
John Roberge, P.E. (Alternate member of the Board)  
Representing associate members  
Joel Severence  
Town of Chester Harbor Management Commission  
Geoffrey B. Steadman  
Representing associate members

JTP/GBS/gbs

## OC24 – Connecticut Harbor Management Association

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Mr. Richard L. Tomer

5

January 12, 2007

cc:  
Governor M. Jodi Rell  
Officers of the Connecticut General Assembly  
U.S. Senator Christopher Dodd  
U.S. Senator Joseph Lieberman  
U.S. Representative Joseph Courtney  
U.S. Representative Rosa DeLauro  
U.S. Representative John B. Larson  
U.S. Representative Christopher Murphy  
U.S. Representative Christopher Shays  
Attorney General Richard Blumenthal  
Commissioner of Environmental Protection Gina McCarthy  
Federal Energy Regulatory Commission  
Broadwater Energy, LLC

OC25 – Connecticut Harbor Management Association



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COMMISSION  
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WASHINGTON, DC 20426

January 14, 2007

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

Reference: Docket No. CP06-54-000 and CP06-55-000

Dear Ms. Salas:

The Board of Directors (Board) of the Connecticut Harbor Management Association (CHMA) has reviewed the Draft Environmental Impact Statement (Draft EIS) issued by the Federal Energy Regulatory Commission (FERC) concerning a proposal by Broadwater Energy LLC and Broadwater Pipeline LLC to create an offshore Liquefied Natural Gas (LNG) terminal and pipeline in Long Island Sound. The Board has also reviewed Public Notice Number 2006-00265-L6 issued by the U.S. Army Corps of Engineers New York District (USACE) concerning the proposal.

OC25-1

For reasons stated below, the Board contends that no final action by either FERC or the USACE should be taken on the proposed project until the coastal management agency of the State of Connecticut has reviewed the proposal to evaluate its potential impacts on the coastal zone of Connecticut and has determined the consistency of the proposal with Connecticut's Federally approved Coastal Management Program. Failure to conduct such a review would violate the purpose and intent of the Federal Coastal Zone Management Act (CZMA).

OC25-1

All fixed facilities associated with the Project are located entirely within the state of New York's coastal zone. Only the proposed safety and security zones would extend into Connecticut waters. As described in Section 3.5.7.1 of the EIS, the Coast Guard determined that the State of Connecticut effectively waived its right for a coastal consistency determination. See also response to SA6-4.

On behalf of the Board, I herewith submit the following comments to FERC and the USACE.

Comments:

- 1. The CHMA is a State-wide, not-for-profit organization representing municipal harbor management commissions, State of Connecticut harbor masters appointed by the Governor, and others concerned with Connecticut's harbors and marine resources. The mission of the CHMA is to share information and facilitate coordination to address issues of common interest to its members.

## OC25 – Connecticut Harbor Management Association

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2. Connecticut's harbors are important centers of recreational boating, commercial fishing, and other water-dependent activities in Long Island Sound. Our harbors serve as the homeports of tens of thousands of recreational vessels that use and enjoy the Sound. In addition, our coastal communities expend considerable resources to encourage maritime tourism and provide facilities for visiting boaters. Connecticut harbors are major attractions for visiting boaters who travel to and from harbors on both sides of the Sound. These resident and visiting boaters generate significant economic benefits both locally and regionally. The viability of all these boating activities and the enjoyment of those who participate in them are influenced by the quality of environmental and navigation conditions in Long Island Sound.
3. Connecticut's harbors are also important natural resources; their tidal wetlands, intertidal flats, beaches, shellfish beds, fish and wildlife, and other resources, including the Stewart B. McKinney National Wildlife Refuge and many other State and privately owned natural areas, provide a variety of irreplaceable ecological functions and values as well as recreational opportunities. The environmental quality of our harbors is an important determinant of Connecticut's quality of life and is determined in great part by the environmental quality of Long Island Sound.
4. Pursuant to the Public Trust Doctrine, ownership of the tidewaters within Connecticut's Long Island Sound jurisdiction, the submerged lands beneath those waters, and the plant and animal life inhabiting those waters are held by the State of Connecticut in trust for the benefit of the general public.
5. Long Island Sound is an Estuary of National Significance as designated by the U.S. Congress which has determined there is a national interest in protecting the natural values and beneficial quality of life associated with the Sound. Many millions of dollars have been allocated by Congress for the purpose of implementing the Long Island Sound Comprehensive Conservation and Management Plan for protecting and improving the health of the Sound.
6. The states of Connecticut and New York share jurisdiction in Long Island Sound. It is recognized by both states and by Federal courts and agencies, including the USACE, that actions and conditions in one state's jurisdiction in the Sound may have impacts on the other state's jurisdiction.
7. Both Connecticut and New York have state coastal management programs approved by the United States Secretary of Commerce pursuant to the CZMA. The CZMA envisions coordination between coastal states sharing jurisdiction in a coastal water body such as Long Island Sound.
8. The proposed project would be located in New York waters a short distance from the Connecticut/New York boundary in Long Island Sound. Neither FERC's Draft EIS, nor the USACE's Public Notice and attached plans declare the distance from the proposed LNG terminal to the Connecticut/New York boundary in the Sound. The Connecticut Department of Environmental Protection has stated that the fixed, 0.7-mile radius safety and security zone that would be established by the U.S. Coast Guard around the LNG terminal would extend into Connecticut's jurisdiction. Therefore, we may infer that the LNG terminal would be located less than 0.7 miles from the Connecticut/New York boundary. In addition, it is our understanding that vessels delivering LNG to the proposed terminal and the moving safety and security zone that would be imposed by the Coast Guard around those vessels may pass through Connecticut waters.

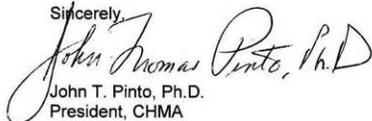
OC25-2 We have encouraged technical input from Connecticut state agencies to assist in determining the relevant issues to consider in developing this final EIS. We believe that all coastal effects, regardless of the state boundary, have been analyzed and are included in this analysis.

**OC25 – Connecticut Harbor Management Association**

- OC25-3 [ 9. The proposed project would be the first of its type in Long Island Sound. As a result, use and operation of the LNG terminal would affect a change in the existing and traditional uses and character of the Sound and it is reasonable to expect that the terminal and the vessels serving it would have an impact on the existing and traditional uses and character of the Sound within the jurisdiction of the State of Connecticut.
- OC25-4 [ 10. Neither FERC's Draft EIS nor the USACE's Public Notice acknowledge or address the impact of the proposed project on the coastal zone of the State of Connecticut in Long Island Sound, including the State's tidal and navigable waters and environmental resources.
- OC25-5 [ 11. Section 307(1)(A) of the CZMA requires that each activity of a Federal agency within or outside [emphasis added] the coastal zone of each coastal state with an approved coastal management program shall be consistent with that program to the maximum extent practicable. Neither FERC's Draft EIS nor the USACE's Public Notice acknowledge or address this requirement.
- OC25-5 [ 12. The Board contends that no final action by any Federal agency, including but not limited to FERC and the USACE, should be taken on the proposed project until the coastal management agency of the State of Connecticut has reviewed the application to evaluate the proposed project's impacts on the coastal zone of Connecticut and has determined the consistency of the application with Connecticut's Coastal Management Program. Failure to conduct such a review would violate the purpose and intent of the CZMA.

In conclusion, the Board urges Connecticut's Congressional delegation and the Attorney General of Connecticut to intervene in this process as necessary to ensure: 1) that the Broadwater proposal may be properly evaluated by the State of Connecticut for consistency with Connecticut's Coastal Management Program; and 2) that any decisions by FERC and the USACE regarding the proposal are consistent with Connecticut's Coastal Management Program to the maximum extent practicable.

Thank you for your attention to our comments. If you have any questions or require any additional information, please contact me at (203) 853-3493 or pintoj@optonline.net.

Sincerely,  
  
 John T. Pinto, Ph.D.  
 President, CHMA

- for Members of the Board:
- Mary H. von Conta, Vice President,  
Town of Fairfield Harbor Management Commission
  - Louis Allyn, Secretary,  
Town of Mystic Harbor Management Commission
  - Robert H. Sammis, Treasurer  
Town of Stratford Harbor Management Commission
  - Ross Byrne  
Town of Old Saybrook Harbor Management Commission

OC25-3 The individual resource sections in Section 3.0 of the final EIS have been revised to provide additional information on the potential impacts of LNG carrier transits.

OC25-4 The ability of a state to review for consistency activities that occur within an adjacent state is only possible if that state is granted that authority by the Department of Commerce. In general, it is expected that the coastal effects of a project fall within the scope of a NEPA analysis and are covered in the EIS. Further, the consistency review by the state in which the project resides should be fundamentally inclusive of the adjacent state's concerns regarding coastal impacts. However, it is possible that differences may exist between states regarding coastal policies.

OC25-5 We have addressed the issue of the Connecticut Coastal Zone Management Program consistency review in response to comment OC24-1.

## OC25 – Connecticut Harbor Management Association

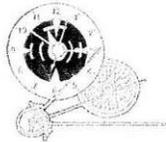
Unofficial FERC-Generated PDF of 20070126-0090 Received by FERC OSEC 01/18/2007 in Docket#: CP06-54-00

Patrick Carroll (Alternate member of the Board)  
State of Connecticut Harbor Master, Southport  
Michael Griffin  
State of Connecticut Harbor Master, Norwalk  
Norman Hewitt  
Town of Old Lyme Harbor Management Commission  
Peter Holecz  
City of Bridgeport Harbor Management Commission  
John Roberge, P.E. (Alternate member of the Board)  
Representing associate members  
Joel Severence  
Town of Chester Harbor Management Commission  
Geoffrey B. Steadman  
Representing associate members

JTP/GBS/gbs

cc:

Governor M. Jodi Rell  
Members of the Connecticut General Assembly  
U.S. Senator Christopher Dodd  
U.S. Senator Joseph Lieberman  
U.S. Representative Joseph Courtney  
U.S. Representative Rosa DeLauro  
U.S. Representative John B. Larson  
U.S. Representative Christopher Murphy  
U.S. Representative Christopher Shays  
Attorney General Richard Blumenthal  
Commissioner of Environmental Protection Gina McCarthy  
U.S. Army Corps of Engineers  
Broadwater Energy, LLC



OC26 – Southern New England Fishermen’s and Lobstermen’s Association

Unofficial FERC-Generated PDF of 20070126-0090 Received by FERC OSEC 01/18/2007 in Docket#: CP06-54-0

ORIGINAL

Southern New England Fishermen’s and Lobstermen’s Association

P.O. Box 90  
Stonington, CT 06378  
860-535-3930

January 19, 2007

Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 1<sup>st</sup> St. Capitol NE Rm 1A  
Washington, D.C. 20426

Attn: Gas 3 PJ-11.3

Dear Commission, Ref CP 06-54

My name is Arthur Medeiros, I am the President of the Southern New England Fishermen’s and Lobstermen’s Association which has a membership of one hundred and ten, which is engaged in fishing inshore and offshore, clamming, and lobstering. The majority of our member’s homeport is in Stonington, CT. Fishermen from Stonington have fished and traversed the public trust lands off Stonington for over one hundred years. We are concerned that these lands will not be freely accessible to us when ships delivering product to the proposed Broadway Pass.

Without having free access to the area where the delivery ship passes and the areas adjacent to the path, we will suffer severe economic loss. Our Lobstermen fish the Race and in the path of the delivery ship. If our lobstermen cannot lay gear or tend their pots at least two, three or four times a week. The loss would be tremendous.

Our inshore druggers fish in this same vicinity. They too will have a great loss. Our off shore fisherman must advise NOAA when they will be leaving port and returning. They are monitored very closely. Having few days at sea, this presents a problem. I ask, what are the consequences, when a returning fishing boat is held up hours waiting for an incoming tanker to pass. We have several questions as to how we can come and go from our homeport and who will compensate us for our inability to fish public trust lands.

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SECRETARY  
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FEDERAL ENERGY  
REGULATORY COMMISSION

OC26-1 Section 3.7.1.4 of the final EIS has been updated to provide additional information on the potential impacts to commercial fishing in the Race and in other areas of the Sound. This assessment includes lobster fishing, trawling, and hand line fishing. Section 3.6.8.1 of the final EIS has been updated to include a discussion on impacts to commercial lobstermen from the proposed moving safety and security zones around LNG carriers as they enter and exit the Sound. This analysis considers the potential that other large vessels entering or exiting the Race may alter course, taking them through areas with high lobster pot density.

OC26-2 Please see our response to comment OC26-1.

OC26-3 Section 3.7.1.4 of the final EIS addresses the potential impacts on marine traffic of the LNG carriers and their proposed safety and security zones. As stated in that section, some vessels could experience minor delays if they were transiting the Race at the same time that a carrier is passing through; there would be room in the Race for some vessels while an LNG carrier is present with its safety and security zone. Fishing boats would not be delayed for hours, as the carrier and its associated safety and security zone would pass a single point within approximately 15 minutes. 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.

OC26-1

OC26-2

OC26-3

OC26-4

**OC26 – Southern New England Fishermen’s and Lobstermen’s Association**

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OC26-5 [ It is our request that if the Broadway Project is permitted that Federal Energy Regulatory Commission take into consideration our Financial losses and the hardship that we will face us as the last commercial port.

Sincerely



Arthur J. Medeiros  
President

OC26-4 Please see our response to comment OC26-1. As described in Section 3.6.8.1 of the final EIS, Broadwater would be offering a compensation package to affected fishermen, and we do not anticipate that implementation of the Project would result in more than a minor economic impact to some fishermen.

OC26-5 Please see our responses to comments OC26-1 and OC26-4.

ORIGINAL

**NORWALK**

**Norwalk Shellfish Commission**

Department of Health  
137 East Avenue  
Norwalk, Ct. 05851-5766  
(203) 854-7821

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2007 JAN 24 P 3:44  
FEDERAL ENERGY  
REGULATORY COMMISSION

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

Wednesday, January 17, 2007

Docket number CP06-54

attention of Gas 3, PJ-11.3;

Royal Dutch Shell and Transcanada's ¼ mile Broadwater floating storage and regasification unit (FSRU) does not belong in Long Island Sound. It requires numerous variances or exemptions from FERC and ARMY CORPS rules. It cannot meet **FEDERAL SAFETY STANDARDS PART 193—LIQUEFIED NATURAL GAS FACILITIES**. It will generate constant noise louder than a Concorde aircraft at take off. It will cause major security headaches for the Coast Guard, which cannot be delegated to private security, and will require a lot more people and equipment, paid for by us taxpayers. It will set a terrible precedent. It will permanently alter the character of Long Island Sound. It will reduce property values in NY and CT. It will require exclusive use of 1000 acres of heavily used Long Island Sound waters. The LNG tankers will require exclusive use of a moving 2,240 acres, passing through the race, every 33 hrs. Bold quotes are cut and pasted from the draft EIS by FERC staff, and appendices.

The yoke mooring system requires driving four, 6.7 ft diameter, steel pilings 230 ft. into the bottom. Each will take a week to drive. Pilings will be at the corners of a 115 ft square. A 224 ft mooring tower will attach to the pilings. We can only imagine the size and sound of the pile driver. They plan to start gently each day to scare away people, or animals the underwater pulse could kill or injure. Sound travels much faster and further in water. The effect on fish, or people in the water, will be deadly. Over how big an area will the pile-driving contractor be responsible for people in the water? **"According to the Washington State Department of Transportation (WADOT 2006b), the underwater peak sound pressure from driving a 2-foot-diameter steel pile ranges between 202 and 210 dB; the diameter of the steel piles that would be used for the YMS would be 6.7 feet, which would likely generate sound pressures greater than those observed in the WADOT study."** (Nine or ten times greater) **"While the effects of pile-driving on fisheries resources are not fully understood, intense sound pressure waves are known to alter fish behavior or injure / kill fish by rupturing swim bladders or causing internal hemorrhaging (NOAA 2003). Fish tolerance to sound waves depends on peak sound pressure and frequency. Underwater sound levels often are expressed in decibels, which represent the intensity of sound. The decibel scale is not linear, but logarithmic, such that a sound level of 70 dB is twice as loud to the listener as a sound of 60 dB (WADOT 2006a). According to Hastings (2002), underwater sound pressure levels below 190 dB (at 1 microPascal) will not harm fish. NMFS has established a threshold of 180 dB for physical harm to fish for other projects (NOAA 2004a, 2004b)"**

Broadwater proposes a massive construction project, directly affecting large parts of the Sound. **"As proposed by Broadwater, the direct impacts to sediment during pipeline installation would affect a total of 2,235.5 acres of the seafloor or 351,816 cubic yards of sediment". "Broadwater proposes the use of subsea plowing as the primary method for pipe laying and installation. Once the pipe is placed on the seafloor, the subsea plow would traverse the pipeline route and excavate underlying sediments.**

OC27-1 Section 3.3.2.2 of the final EIS has been updated to more fully describe potential noise impacts associated with pile-driving. Construction activities would occur during fall and winter, approximately 9 to 10 miles from shore. In addition, the final EIS includes a recommendation that Broadwater coordinate with NMFS to develop adequate mitigation measures to minimize potential impacts of underwater noise during construction and operation.

OC27-1

*As the plow moves and a trench is formed, displaced sediments would be cast to either side of the trench. This process would generally result in 25-foot-wide berms on both sides of a 25-foot-wide trench. Two passes could be required to achieve the minimum depth of 7 to 9 feet required for the length of the pipeline"*

*"As proposed by Broadwater, the large majority of the excavated trench (about 20 miles) would be allowed to backfill naturally. Preliminary modeling by Broadwater indicates that most of the trench would be backfilled naturally within a year and virtually all of the trench would be filled naturally within 3 years, since most of the area where the pipeline is to be installed is considered depositional. However, the modeling estimate is based on certain assumptions that may not prevail during the post-construction period. Further, the results from other linear projects in the area indicate that the modeled results may not be accurate".* The record shows that natural self-backfill does not happen reliably, if at all. The open trench and hot pipe will form a deadly lobster and crab trap, killing unimaginable numbers for years. The FSRU will pump up to 1.25 billion cubic feet of 144° F gas each day into a pipe at extremely high (1400 lbs/sq in) pressure.

OC27-2

OC27-3

OC27-4

Broadwater estimates the normal pipe temperature, on the bottom, at 80° to 90° above surrounding water, in winter. That will raise water temperatures, reduce already marginal dissolved oxygen levels, and kill large amounts of marine life. *"As proposed by Broadwater, heat dissipation from the subsea pipeline theoretically could result in highly localized impacts to water temperatures and benthic prey species along the pipeline route."*

*"In winter, the temperature differential between the pipeline and the surrounding water column could reach from 80° to 90°F."* Yet, they talk about a theoretical beneficial effect for lobster. *"In addition, Project construction and operation could enhance the local lobster population because of improving lobster habitat along some portions of the pipeline route by providing preferred substrate (rocks) and by eliminating fishing pressure within the Coast Guard-determined safety and security zone".*

The Sound is already a struggling, fragile estuary of National Significance. *"At the request of New York and Connecticut, the U.S. Congress has designated Long Island Sound as an Estuary of National Significance. Established in 1987, the National Estuary Program requires establishment of a Comprehensive Conservation and Management Plan to meet the goals of Section 320 of the Clean Water Act."* *"In fall 1999, a massive die-off of lobsters in Long Island Sound has been attributed to above-average water temperatures and low DO levels near the seafloor, storm events, parasites, and possibly chemicals sprayed to control mosquitoes"* We also lost most of the oysters in the western part of the Sound.

The toxic chemicals required for their process are prohibited within 100 ft of any waterbody. They propose two 6000 gallon tanks of ethyl or butyl mercaptan, a deadly neurotoxin for marine life, replenished at regular intervals. The risk of a spill in handling that chemical in the Sound is not justifiable. *"LNG and Chemical Spills General fisheries communities could be affected in the event of a spill of LNG or other hazardous material".* Broadwater proposes pumping millions of gallons of biocide and seawater (typically, 6.6 MGD) through the FSRU continuously, and larger amounts (17.2 mgd) during loading operations. Biocide (chlorine) is a toxin that kills barnacles, plankton, and algae. Plankton and algae are basic essentials in the marine food chain. *"According to Broadwater, the maximum ballast water discharge volume for the proposed FSRU would be 17.2 mgd"* *"Ichthyoplankton communities could be affected by impingement/entrainment during standard FSRU operations."* *"Broadwater estimates that the discharged cooling water from the steam-powered LNG carrier would be 3.6°F higher than ambient water temperatures."* Shellfish larva (spat) are ichthyoplankton

Noise

OC27-5

OC27-2

As described in Section 3.1.2.2 of the final EIS, FERC has included a recommendation that Broadwater actively backfill the trench to avoid and minimize potential impacts of an open trench.

OC27-3

As stated in Section 3.2.3.2 of the final EIS, the subsea pipeline would be actively backfilled. Section 3.2.3.2 of the final EIS has been substantially expanded to more thoroughly describe the minor and highly localized impacts associated with water temperature. As discussed throughout Section 3.3 of the final EIS, thermal impacts to biological resources would be minor and extremely localized.

OC27-4

Section 3.3.1.2 of the final EIS has been updated to provide a more complete discussion of potential impacts to lobsters, based on recent field studies.

OC27-5

Section 2.1.1.6 of the final EIS describes the use of odorant (mercaptans) on the FSRU. If the Project is authorized by FERC, Broadwater would need to develop an SPCC plan (see Section 3.2.2.1 of the final EIS), and a hazardous materials Facility Response Plan (as outlined in 33 CFR 154). These plans would address the use and potential for release of hazardous and toxic materials, including the odorant used, and the emergency response procedures that would be followed if an incident were to occur during operation of the Project. If the plans are not sufficient or if either FERC or the Coast Guard has additional concerns regarding safety, security, or environmental impacts associated with implementation of the plans, FERC would not authorize Broadwater to operate the Project. Consequently, prior to construction, Broadwater would have approved plans for the transport, storage, and use of odorants.

OC27-6   
 OC27-7

*“Based on a similar FSRU project (C.J. Engineering Consultants 2004), it is anticipated that underwater noise generated from the FSRU during operations would attenuate to approximately 120 dB at 1 microPascal) within 0.6 mile, 118 dB within 1 mile, and 108 dB within 1.9 miles of the FSRU.”* By contrast, FAA calls the Concorde the loudest aircraft at takeoff generating 113 dB.

Traffic volume charts used in EIS are misleading as they show only 12 days, not 12 months, volume in 2005 and ignore 97% of traffic. They plan on putting commercial fishermen out of business. *“Vessel tracks displayed represent a sample based AIS (Automated Identification System) shipping data for a single day during each month of 2005. Dates sampled were the 5th day of each month.”* *“Recreational boating and fishing activities could be affected by the presence of the FSRU and YMS and the permanent safety and security zone. Although the majority of the regattas occur in nearshore waters, several regattas are known to pass through central portions of the Sound (as described above). Regattas include those with a fixed course and those with courses that vary from year to year. Regattas with fixed courses may require a course change to avoid conflict with the FSRU and its safety and security zone. Recreational boating and fishing could be disrupted by passage of the LNG carriers and their associated safety and security zones. Disruptions could occur along all portions of the routes but could be particularly acute as carriers enter the Sound through the Race. The shipping channel through the Race is relatively narrow, and the area already experiences periodic marine traffic congestion. In addition, the Race is popular among recreational fishermen, who access the area from marinas and boat launching areas on eastern Long Island, Fishers Island, and Connecticut. In summer, particularly on weekends and holidays, dozens of recreational fishing boats may be in or near the Race at any one time. Because the Race is relatively narrow, a significant proportion of the recreational vessels in the channel when a carrier is present could be required to leave the area until the moving safety and security zone passes.”* *“As part of its fishermen outreach program, Broadwater identified 26 commercial lobster fishermen who, by informal agreement, have established fishing areas in the vicinity of the proposed locations of Project components. Fifteen of these fishermen expressed the belief that at least some of their fixed fishing gear would need to be removed during pipeline construction”.* *“As a part of its outreach program, Broadwater determined that as many as five lobstermen have been setting pots in the area proposed for the FSRU safety and security zone. These fishermen would need to relocate pots or reduce the number of pots they fish for the lifetime of the Project.”* *“Prior to initiation of operation, Broadwater file with the Secretary documentation of completion of the final compensation agreements between Broadwater and the commercial lobster and trawl fishermen from their usual fishing grounds within the fixed safety and security zone.”*

CRS Report for Congress.. Marine Security of Hazardous Chemical Cargo  
 This report shows that marine shipments of EPA / RMP hazardous chemicals are comparable in volume to quantities stored at large chemical plants, and are typically many times larger than shipments in individual rail or highway tankers. Marine vessels carrying hazardous chemicals often pass near populated areas along U.S. waterways and through the largest and most commercially important U.S. ports. Available studies and anecdotal evidence suggest that these shipments may be attractive terrorist targets and, if successfully attacked or used as a weapon, could cause catastrophic injuries among the general public.  
*“Broadwater should develop an Emergency Response Plan and coordinate procedures with the Coast Guard; state, county, and local emergency planning*

OC27-6

Vessel traffic data in Section 3.7.1.3 of the final EIS and in Section 2.2 of the WSR (Appendix C of the final EIS) were obtained from many sources. The only analysis that used traffic data for 1 day per month was the development of the vessel track lines depicted in Figures 2-5 and 2-6 of the WSR and Figures 3.7-2 and 3.7-3 in the final EIS. The Automated Identification System (AIS) data supporting the vessel track line presentation are extensive, and simultaneous plotting of every day of a year would not be decipherable on an illustration. However, the tabular information in Section 3.7.1.3 of the final EIS and in Section 2.2 of the WSR for vessel port calls is based on cumulative data by year, and the AIS vessel traffic density charts in Appendix E to the WSR use all AIS data for a year, sorted by month. The vessel track lines based on limited data closely align with the vessel density patterns based on the complete data and therefore are representative of normal vessel traffic patterns.

OC27-7

Impacts to commercial fishing are addressed in Sections 3.5.2.2 and 3.7.1.4 of the final EIS. As noted in those sections, interruptions to these activities would be localized and brief during carrier transits. The associated potential for economic impacts to commercial fishing due to the proposed safety and security zones around the FSRU and the LNG carriers is addressed in Section 3.6.8.1 of the final EIS, including potential impacts to commercial lobster fishing and commercial trawling. As described in Section 3.6.8.1 of the final EIS, Broadwater would offer a compensation package to affected fishermen, and we anticipate that implementation of the Project would result in no more than a minor economic impact to some fishermen.

**OC27 – Norwalk Shellfish Commission**

**groups; fire departments; state and local law enforcement; and appropriate Federal agencies"**

OC27-8

If permitted, this will be the first and only floating FSRU in the world. With a 282 ft steel mast tower supporting a flare and aircraft warning lights, making it the very highest point for many miles, it will be a prime target for lightning. With 8 billion cubic feet of natural gas on board and a continuous flow of hot, high pressure gas, through flexible connections, overboard into a pipeline, how many times will it be struck by lightning before there is a spectacular fire.?

**U.S. COAST GUARD CAPTAIN OF THE PORT LONG ISLAND SOUND**

**"Enforcement of security zones is a law enforcement function and is the responsibility of the Coast Guard, 254 and thus it cannot be delegated to a private entity, e.g., Broadwater Energy or its private security contractor." "It should be noted that the purpose of the flight restrictions is to protect the FSRU and LNG carrier from external threats, not protect the public from a potential fire. Public safety and navigation concerns are addressed primarily through the use of a safety zone".**

**NORWALK SHELLFISH COMMISSION  
JOHN FRANK, CHAIR**

OC27-8

The FSRU would be designed and built in accordance with established codes and standards as described in Section 3.10.2.1 of the EIS. As with any crude oil or petroleum product tanker or LNG carrier, the FSRU would be designed to shed the effects of lightning strikes.

OC28 – Nassau Hiking & Outdoor Club, Inc.

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ORIGINAL



Nassau Hiking & Outdoor Club, Inc.

Affiliated With N. Y. - N. J. Trail Conference

<http://www.nhoc.org>

Friday, January 12, 2007

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

Re: FERC Docket Nos. CP06-54-000 and. CP06-55-000, Broadwater Energy LLC

Dear Secretary Salas:

We value the opportunity to comment on the proposed Broadwater Project. On behalf of our 550-member, forty-year-old organization, I wish to add our voice to the objections that have been raised over the past two years. While I did have the opportunity to provide oral testimony at the Wednesday, January 10<sup>th</sup> Public Hearing in Smithtown, my written comments as provided in this letter are more extensive than the comments made publicly on 1-10-07.

Our negative conclusions about this proposal are even stronger than they were prior to the release of your agency's DEIS. The DEIS has redoubled our resolve in calling for a complete rejection of this proposal. We believe that the approval of this project would engender a far greater negative impact on the region than a positive one. Whatever potential benefits such a facility would provide are far outweighed by the potential risks to not only the Sound's well being but our own as well. Most importantly, it's being proposed without a Regional Energy Plan in place, without a Regional Emergency Evacuation Plan in place and without the guidance of appropriate scientific environmental impact studies of comparable projects.

Broadwater's proposal would radically and forever change the Long Island Sound and pose a variety of environmental threats. Considering the years of efforts and millions of dollars spent to revitalize the Sound, this proposal flies in the face of Sound logic. Turning back the clock on the restoration of tidal wetlands and improved water quality is foolhardy.

This plan is inconsistent with New York's Coastal Management Plan. The construction of more than 25 miles of new undersea pipeline would negatively impact the Sound's life rhythms. Once the plant is operational, the notion that sucking up and then returning heated, chlorinated water to the Sound would have no environmental impact smacks of a DEIS that ignores common sense. Obviously, organisms unlucky enough to be in the water being sucked out of the Sound are going to die. Then the returned water will kill more. This potential thermal pollution could negatively impact lobster larvae, Jonah crabs, rock crabs and blue-shelled crabs as well as other species and, consequently, disrupt commercial and recreational fisheries.

2007 JAN 25 P 2:13  
SECRETARY  
OFFICE OF THE  
FEDERAL ENERGY REGULATORY COMMISSION

OC28-1

OC28-2

OC28-3

OC28-1

FERC, with input from cooperating agencies, has included many recommendations in the final EIS that if implemented, would result in minimal impacts. The Project would not affect tidal wetlands or the ongoing efforts to reduce nitrogen pollution from wastewater treatment plants.

OC28-2

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 the 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.

OC28-3

The EIS concluded that fish eggs and larvae would be killed by entrainment and impingement in water intakes, although the magnitude would be minor. Discharges from the FSRU would not be heated, and these discharges would be monitored to comply with SPDES permitting requirements designed to protect the environment.

**OC28 – Nassau Hiking & Outdoor Club, Inc.**

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OC28-4 [ You can't alter an ecosystem, and conclude that there's no impact. ] It's more reasonable to say that the potential impact over time is unknown. That's what's so troubling about this proposal: the element of the unknown.

Even though your agency's DEIS states that Broadwater could have a cumulative negative affect on water quality, marine and visual resources, air quality and marine transport, your tentative findings give hope to any and all industrial complexes that might desecrate this national treasure, a gem citizens have invested a billion dollars and thousands of hours restoring.

OC28-5 [ This behemoth would strictly limit access to the Sound and set a dangerous precedent for the continued future industrialization of the Sound. It would only be a matter of time before some other or the same multinational corporation seeks to build a "Broadwater 2." In effect, it would be a taking of a public waterway for private profit making.

Moreover, this project puts the cart before the horse. We first need to ensure our national and state electric and gas efficiency programs have been maximized, and then we must develop a national LNG plan that is based on reason and science. Private energy conglomerates cannot be allowed to dictate our local energy and environmental future in this first come, first served manner.

OC28-6 [ We face no imminent energy crisis on Long Island, and there are other projects in the works. There are already two LNG terminals, one in Boston and another in Maryland that are being upgraded and expanded. There is also the proposed Islander East Pipeline. Furthermore, there is a planned offshore wind project that will be located in the Atlantic Ocean; it will provide power for about 44,000 Long Island homes. Wind power is the fastest growing clean energy technology, and, as Long Islanders, we are proud to be a part of this bold, environmentally friendly initiative. Therefore, there should be no rush to "fix" our energy problems with this Broadwater proposal.

What's worse, the proposal is more of the same old reliance on foreign, dirty fossil fuels. The facility would not replace but merely add to existing facilities that spew pollutants into the environment. Instead, as visionaries we must invest more in cleaner, safer renewable domestic resources such as wind and solar technology. Your agency is in a position to promote clean, renewable energy as a genuine solution for the world's growing power needs. Your rejection of this monstrous proposal would go a long way toward helping our region advance a more positive, clean and technologically advanced energy future.

We agree with the recommendations of the March 2005 Draft Interim Report released by the Long Island Sound Citizens Advisory Committee's Ad-hoc Committee on Broadwater Energy Proposal. We also concur with the following general comments made by Sound Alliance and the Anti-Broadwater Coalition:

1) The Broadwater terminal and the related pipeline and tankers would pose short-term and long-term environmental risks of unknown magnitude to the Sound, an Estuary of National Significance, which is already under considerable stress.

OC28-4 We concluded that there would be an impact. However, with implementation of our recommendations those impacts would not be significant. Please see our response to comment OC28-3.

OC28-5 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.

OC28-6 As described in Section 1.1 of the final EIS, Broadwater is proposing to provide natural gas to the region, not just to Long Island. The section provides a summary of the energy supply and demand in the region and discusses several of the projects referred to by the commentor. The section concludes that these projects cannot meet the energy needs of the region without greater environmental impact than the proposed Broadwater Project. Section 4.0 of the final EIS further addresses these and other projects as potential alternatives to the proposed Project.

## OC28 – Nassau Hiking & Outdoor Club, Inc.

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2) The Broadwater project would create a precedent-setting, privatized, industrial zone in the Sound that would have negative economic, recreational and environmental impacts and would forever change the Sound.

3) The project would compromise our region's energy security by creating a false dependency on Broadwater.

4) The project would cause the region to become more exposed to natural gas price volatility - the result of the electric system becoming more dependent on natural gas availability.

5) The Broadwater project would increase our nation's reliance on foreign fossil fuel from parts of the world that are vulnerable to political instability, thereby reducing the region's economic and energy security.

6) The project would be an economic burden on the region by negatively impacting the regional economy over the lifespan of the terminal's operation.

7) The project would provide terrorists with a prime target with the potential to disrupt the New York Metropolitan Area economy and threaten public health, i.e., the tankers would pass dangerously close to populated areas near the entrance to the Sound.

Lawmakers, municipalities, environmental and civic organizations from both sides of the Sound and both sides of the political aisle are on record opposing it. Several Long Island governmental bodies have passed resolutions opposing Broadwater's plans: the Town of Oyster Bay, the Town of Huntington, the Town of Smithtown, the Town of Brookhaven, the Town of Riverhead, the Town of Southold, the Town of Shelter Island and the Suffolk County Legislature. Several other local, State and Federal lawmakers, including Senators Clinton and Schumer, have publicly opposed this industrialization of the Long Island Sound.

Suffolk County Executive Steve Levy eloquently summarized the resolve of New Yorkers at the September 14, 2006 Public Hearing: "We do not believe we need it," Levy said, as many in the Shoreham-Wading River Middle School auditorium clapped. Levy urged the federal agencies to stop the project before the county is forced to spend tens of thousands of dollars in legal fees to fight the project." (*Newsday*, "Broadwater Hearing Draws Hundreds," By Bill Bleyer, September 15, 2005).

OC28-7 [ Four well-known Long Island Sound scientists testified at the Connecticut LNG Taskforce  
OC28-8 [ hearing that your commission's DEIS contained numerous inadequacies. Furthermore,  
Synapse Energy Economics, a national energy expert, highlighted facts demonstrating that  
Broadwater is not needed. See: <http://www.cfenv.org/STS/broadwater/news/alternatives-analysis.pdf>

With reports like this, citizens are fearful, and rightly so. This plan is not what local residents on either side of the Sound want. The safety of the entire New York Metropolitan area is at risk

OC28-7 Responses to the specific technical comments by the experts who testified before the Connecticut LNG Task Force are provided in Table 2.2-5 (Appendix N in this final EIS).

OC28-8 Section 1.1.5.4 of the final EIS addresses the March 2006 Synapse report, updates to the report, and additional information provided by Synapse during the public comment period. As noted in this section, although we agree that the proposed solutions to the long-term energy needs of the region presented in the Synapse report are conceptually sound, they are not practical for meeting the overall energy demand. Those projects would require major (currently unidentified) commitments of money for development of renewable resource energy projects and a major commitment by energy users to change use habits, including financial commitments to replace existing equipment.

## OC28 – Nassau Hiking & Outdoor Club, Inc.

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OC28-9 [ if this dangerous plan is enacted. Eight million NYC residents, three million Long Islanders and over three million Connecticut residents could be in harm's way if anything were to go wrong.

Such fears summon images of the entire NY Metropolitan region being viewed through a test tube. Test tubes belong in laboratories, period. Your agency must protect us from such a precarious scheme.

Developing a commercial island in the middle of the Sound would provide jobs and energy, but it's not worth the cost. At the heart of this proposal are the convergence of several significant environmental issues and the potential confluence of a variety of environmental disasters. To ignore them is to risk the well being of our families, of our future.

Instead, we need to develop a comprehensive, holistic Regional Energy Plan that evaluates and integrates the following factors: safety, the value of the historic regional economy, the sanctity of the LI Sound and its surrounding wetlands, regional air quality and the comparison of energy resource alternatives. Hopefully, out of this controversy over Broadwater's proposal, we will be engaged and ready to write one. Such a plan should include the participation of all regional municipalities, the input of all regionally elected officials and the participation of all stakeholder groups.

After weighing the costs and risks against the potential benefits, it is easy to understand why so many divergent voices have come together to fight the enactment of this plan. Out of this turmoil, let us come to together to dialog, to plan, to reason, to find common ground.

Many local citizens believe that the Federal government would like to force something on us that we don't want and don't need. Quite frankly, the Federal Energy Regulatory Commission has a serious public relations problem. Please do what's right for the people, not what benefits the profits of a multinational corporation that has its own public relations problems.

For all the reasons outlined above, we urge your office to reject this project in its entirety. Thank you for your thoughtful consideration. We look forward to hearing from you soon.

For a Safer Long Island,



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Nassau Hiking & Outdoor Club, Inc.  
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Elmont, NY 11003

Cc:  
The Honorable Hillary R. Clinton, United States Senate  
The Honorable Charles Schumer, United States Senate  
Patrick McGloin, President, Nassau Hiking & Outdoor Club, Inc.

OC28-9 Sections 3.10.3 and 3.10.4 of the final EIS describe the consequences of an accidental or intentional release of LNG from the FSRU and the LNG carriers. The risk assessments in those sections indicate that even with a worst-case incident, the hazard zones for the FSRU and along the proposed carrier routes would not reach the shoreline. Each of the resource sections in Section 3.0 of the final EIS addresses the potential impacts of an LNG release from an LNG carrier along the proposed routes, and the impacts of an LNG release from the FSRU would be similar. Section 3.10.4.4 of the final EIS addresses the potential hazards associated with an incident that results in an LNG carrier grounding. As described throughout Section 3.10, no scenario would support the commentor's claim that 14 million residents of the general area would be at risk if an incident occurred.