

2.1.7 Responses to Comments from Individuals

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IN1 – Elizabeth and Brian Merrick

200701215007 Received FERC OSEC 01/21/2007 06:07:00 PM Docket# CP06-54-000, ET AL.

P.O. Box 758
Stony Brook, NY 11790
January 20, 2007

FERC
Re: Docket #CP 06-54
Broadwater LNG Project

We would like to comment on the Draft Environmental Impact Statement (DEIS) for the proposed Broadwater LNG project. First, however, we would like to express our disappointment that such an ill-conceived proposal would even get to this point in the process. It is shocking that this scale and type of facility could be considered remotely appropriate for Long Island Sound. But since it is not only being considered by FERC, but by all appearances, is being promoted by FERC, we offer these comments.

IN1-1

Each of the security and environmental risks identified within the DEIS appears to have been analyzed in a way that underestimates the impact. The effect of raising the water temperature, damage to marine and other wildlife (as well as people, and the ecosystem at large) in the event of explosion or other catastrophe, the physical disruption of the ocean floor in the course of creating the facility and pipeline extension-- all negative effects are noted but swept under the rug with faulty assumptions. Many with technical expertise have spoken at meetings and provided input on particular points, indicating that your approach is essentially biased throughout the DEIS. We urge that in the interests of integrity of this process (which is already widely doubted), independent expert consultants should be engaged to review each aspect of this report, and their input taken into account in revisions for the final version.

IN1-2

Furthermore, even if the rosy assumptions reflected in your evaluation of the risks and harms involved with this detrimental project were accurate, the risk-benefit calculation would still be in error. This is because you have overstated the potential benefit of this project by discounting the potential alternatives. For example, you do not include in any of your alternative scenarios the contributions that a really intensive, multi-faceted, government-led campaign to conserve energy would make to addressing the energy needs of the region. Yet, this would actually be the most affordable, safe, and fruitful short-term approach to addressing the energy problem. Your assumptions about investment in alternative, renewable energy sources are also faulty. Given that our government and the population at large are now recognizing the full extent of the crisis we find ourselves in due to energy, it is entirely realistic to think that there will be a major shift upwards in terms of both investing in alternative energy and conservation/efficiency -- at levels well above the assumptions in your alternate scenarios.

IN1-3

We urge you to accurately and fully document the multitude of harms that are likely to result from this project, including harms to marine life (including threatened species) and other wildlife, the ecosystem at large, the quality of life for coastal residents,

IN1-1

The final EIS has been expanded to incorporate the results of recent field studies, additional literature, and technical comments. Throughout the process, we have received input and review by federal, state, and local agencies; organizations; academia; the private sector; and the public. Where a choice between plausible scenarios to evaluate was available, we have generally examined the “worst” or most impactful scenario. In addition, Section 3.1.2.2 of the final EIS has been expanded based on a third-party review of the potential extent, magnitude, and duration of impacts to the seafloor and benthic community.

IN1-2

As discussed in Section 4.0, the final EIS evaluates a wide variety of alternatives to the proposed Broadwater Project that could provide projected natural gas and other energy demands of the New York City, Long Island, and Connecticut markets. These alternatives include energy conservation; renewable energy sources, including wind and tidal power; and other existing and proposed LNG terminal and pipeline projects. However, it should be understood that the infrastructure needed to use alternative energy sources requires a proponent willing to fund its construction and operation. While conservation is theoretically an attractive alternative, available technical information documents that it is not sufficient to meet the region’s growing energy demands.

IN1-3

As noted in response to comment IN1-1, the final EIS has been updated based on additional information. In accordance with NEPA, the text incorporates the technical determinations made by federal and state agency experts on the expected impacts of the proposed Project regarding the identified resources such as federally listed species (FWS and NMFS - Protected Resources Division), and safety and security (Coast Guard).

Individuals Comments

IN1 – Elizabeth and Brian Merrick

2007012115007 Received FERC OSEC 01/21/2007 06:07:00 PM Docket# CP06-54-000, ET AL.

IN1-3 ↑

the safety and security of the area, and tourism. And then, rejecting the corruption that can result from the influence of special interests such as oil companies, you should reject this proposal.

We here on Long Island are committed to protecting the Sound, our natural resources, and the quality of life that we are still able to retain in the face of rampant overdevelopment! If you approve this project, it will undoubtedly stand as one of the most monumental, shortsighted errors in judgment your agency has ever made. We urge you to reconsider and reject this proposal.

Elizabeth and Brian Merrick

IN2 – Edward Beutel

ORIGINAL

CP06-54-000

1/11/07

To Whom It May Concern,

Re: Public meeting on proposed Broadwater LNG Project.

IN2-1 [

First let me state that I am opposed to the Broadwater Project for as number of reasons. Clearly the Ferc has a total lack of understanding of the environmental conditions of the LI Sound. The EIS draft shows this lack of knowledge of past conditions, which with millions of dollars and public education has just begun to show some improvements. The Long Island Sound is extremely environmentally sensitive. As a life long resident who has had a close and intimate relationship with this waterway. I have seen it change dramatically over fifty six years. Dolphins no longer swim in it, and as a child to my mid teens they were very common. I have seen many species of fish & marine life disappear or dwindle winter flounder, blowfish, kingfish blue claw crabs, American eels etc.

IN2-1

Based on additional input from local experts from academia, federal and state agencies, and the private sector, the final EIS has been expanded to more completely describe the environmental setting as it pertains to identification and evaluation of potential impacts to Long Island Sound.

The tidal creek at Wading River before the Shoreham nuclear plant Fiasco was teeming with fish and marine life. It was a breeding ground & sanctuary for many juvenile marine forms of life after the power plant was built the entire ecosystem was changed and for the most part destroyed. As a federal body you must answer to a more through & stringent testing and research before you hand over this incredible body of water to a private company for their profit. Broadwater states a \$300 savings in our utility bills. This is meager compared to what we pay, near the highest in the nation.

IN2-2 [

Besides all the environmental and possible physical danger this project may do, there is the recreational factor that you have overlooked. The sound is where millions in this densely populated region go to relax and enjoy their free time in many styles.

IN2-2

Potential impacts to tourism and recreational industries are addressed in Sections 3.5.5.1, 3.6.8.2, and 3.6.8.3 of the final EIS.

IN2-3 [

I attended the FERC public meeting on Jan 11, at the Wading River Middle School. It was almost a travesty that the meeting was held at the smallest venue in the area they stated (FERC speaker) that they did not have enough time to secure the SWR High School. (After 2 years of planning they choose to rush the public input full well knowing the vast majority of citizens in the area opposed it.) There are several other high schools in a 5 mile radius, Rocky Pt, Miller Pl, Longwood and Mt. Sinai why were they not contacted?

IN2-3

The Wading River public meeting was one of nine meetings held by FERC for public input. It was the only meeting that experienced the problems you have described. The public comment meeting site was selected based on two primary criteria. First, we used the same school and meeting room for the public scoping meetings and experienced no problems. We typically try to use the same venue again for public convenience. Second, we wished to provide the best geographic location for interested parties. When we solicited feedback on the public scoping meetings, the Wading River Middle School was singled out as most convenient. We did make inquiries about the Wading River High School, but it was unavailable. At any rate, we did screen several sites in the area over a period of several months prior to the comment meeting. The decision was not rushed. However, there is no doubt that the meeting structure would have benefited from the use of a larger venue. As we stated in the public notice for the meetings and several times during the meetings, there is no limitation for the submittal of written comments and written comments are given equal weight to verbal comments expressed at the public meetings.

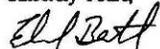
The auditorium was packed and the majority of the concerned public was herded into the gymnasium to either stand or sit on hard bleacher seats for the duration. We had to listen to the discussion on speakers with no video. I saw dozens of elderly people who had to leave due to this inconvenience. My wife having recently having hip surgery had to leave after an hour and a half. In addition the majority if the people had to park out in the streets up to a half mile away.

IN2 – Edward Beutel

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You might need to be reminded that many people do not have much interaction with the federal government very poor showing of how that government, and this travesty was a holds its citizens in low regard. Please either expand your time frames to have more public input from the taxpaying citizens or preferably reconsider the whole project.

Sincerely Yours,



Edward Beutel

IN3 – Marcia Wilkins

200701225029 Received FERC OSEC 01/22/2007 01:42:00 PM Docket# CP06-54-000, ET AL.

Re: Docket Nos. CP06-54-000 and CP06-55-000

The draft EIS which is the subject of these proceedings has not properly addressed all of the potential environmental issues that should be. Nor have the issues that are mentioned fully analyzed. A number of scientists in Conn. have commented on the lack of comprehensive study in this draft EIS.

To mention a few of the issues that have not been adequately covered::

IN3-1 [Construction of the 21.7 mile long subsea pipeline would admittedly involve disturbance of the sea floor and the benthic habitat. According to this document this construction would disturb over 2200 (2235) acres, although there are recommendations for reduction in the disturbed area. The recommendation for backfill of the pipeline trench is overly optimistic and unrealistic. The full recovery from the construction of earlier Iroquois years ago has never occurred, only partially. Needless to the destruction of habitat will result in further displacement of sea animals and plants.

IN3-2 [The section on pile-driving and construction activities is even more vague, stating only that the Government will ask for activities to minimize effects on Endangered Species. No specifics have been suggested as to the species and their habitat are or what the appropriate measures should be.

IN3-3 [As an example the North Atlantic Right Whale with its range from Nova Scotia Florida, has a population of only about 300 whales. Ship strikes are responsible for 50% of the deaths of this severely endangered species. Needless to say the ship traffic will be greatly increased with the construction and operation of Broadwater. As well the noise created during the construction would also impact species in the sea. This has been found in numerous sonar projects that the Navy has conducted.

IN3-4 [The statements regarding Essential Fish Habitat of 19 identified fish species indicate that consultation with the National Marine Fisheries Service on this subject will be initiated. However it appears that the conclusion has already been made that 10% of Essential Fish Habitat species will be adversely affected and positioning of the water intake and discharge structures will minimize these effects. The conclusion of the negative impacts appears to have already been accepted.

IN3-5 [Likewise it is true that the discharge of water into the Sound that is warmer by 3.6 degrees F and its effect on the ichthyoplankton has not been measured but estimated. Surveys on this subject are promised.

IN3-6 [Thus the position seems to be that recommendations may be requested, mitigation may be needed and hopefully there will be minimal adverse effects. However once these adverse effects are addressed and the full extent of the environmental impacts is understood the project should be rejected.

IN3-7 [Efforts to understate the environmental consequences of such a project, as well as safety, security and recreational problems, is disturbing and could be viewed as an effort to smooth the path for eventual approval.

IN3-8 [Moreover already 3-4 other LNG sites in New England have been approved besides the existing Boston Harbor site. There is no integrated plan for placement of LNG sites, contrary to what the New England Governors had called for several years ago. The question is why are so many sites needed and what is the overall strategy for their placement?

IN3-9 [I oppose the project on the grounds of adverse environmental impact and the fact that it is not needed.

IN3-1 Section 3.1.2.2 of the final EIS has been updated to incorporate additional detail regarding previous projects that used similar plowing methods and the degree to which seafloor contours were restored.

IN3-2 Section 2.3.1.3 of the final EIS discusses specific details regarding YMS installation and associated pile-driving. FERC recommends that Broadwater coordinate with NMFS to minimize impacts to marine resources, including threatened and endangered species, from pile-driving because NMFS has the authority and jurisdiction to determine appropriate mitigation and protective measures. Specific information on the occurrence and habitats of threatened and endangered species is provided in Section 3.4 of the final EIS.

IN3-3 As discussed in Section 3.4.1.1 of the final EIS, the North Atlantic right whale seldom occurs in Long Island Sound. Section 3.4.1.2 of the final EIS provides an updated discussion of right whale avoidance measures. In addition, as discussed in Section 3.7.1.4 of the final EIS, the proposed Project would result in less than a 1-percent increase in the vessel traffic in Long Island Sound. Sections 3.3.2.2 (fisheries), 3.3.4.2 (marine mammals), and 3.4.1.1 (threatened and endangered species) of the final EIS discuss potential impacts to marine resources from noise. These sections also describe appropriate measures to avoid and minimize potential impacts associated with construction and operation of the proposed Project.

IN3-4 Based on ichthyoplankton surveys, four EFH-managed species occur in the Project area. Water intakes would affect less than 0.1 percent of the total standing crop of the central basin of Long Island Sound. FERC coordinated with NMFS in preparing the EIS and the EFH assessment to evaluate potential impacts on EFH and associated species. The final EIS and EFH assessment (Appendix J of the final EIS) incorporate the specific technical input provided by NMFS.

IN3 – Marcia Wilkins

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Marcia Wilkins
56 Flax Hill Road
Brookfield, CT 06804

- IN3-5 As discussed in Section 3.2.3.2 of the final EIS, all water discharges from the FSRU would be conducted in accordance with New York State regulations and Project-specific SPDES permit requirements. Broadwater estimates that the engine cooling discharge from a steam-powered LNG carrier would return to within 1 °F of ambient levels within 75 feet of the point of discharge. Thus, no measurable impact to ichthyoplankton populations associated with temperature would be expected.
- IN3-6 The final EIS has been expanded to address public concerns, more fully assess the potential impacts of the proposed Project, and refine appropriate mitigation to avoid and minimize environmental impacts in accordance with NEPA.
- IN3-7 The potential impacts discussed throughout the final EIS are based on the best information available, using established scientific methods based on input from technical experts and federal, state, and local agencies.
- IN3-8 Section 4.3.2 of the final EIS has been updated to reflect recent approvals of LNG projects in the Northeast. The NGA and EPCRA of 2005 require FERC to review applications for LNG terminals that are onshore or in state waters, irrespective of the number of applications received, approved, or rejected. The number of projects proposed within a particular region is some indication of the strength of the future demand. The market then determines which and how many terminals are built within a particular region.
- IN3-9 Thank you for your comment. We have described the need for the Project in Section 1.1 of the final EIS.

IN4 – John Whittaker

200701225129 Received FERC OSEC 01/22/2007 11:49:00 PM Docket# CP06-54-000, ET AL.

**John Whittaker
37 Spring Street
Noank, CT 06340
860-536-7668**

January 18, 2007

FEDERAL ENERGY REGULATORY COMMISSION
Broadwater LNG Project (CP06-54-000 and CP06-55-000)

Dear Sir or Madam,

Upon review of the Draft Environment Impact Statement (DEIS) for the Broadwater LNG Project, I am compelled to submit comments in addition to those previously submitted October 6, 2005. I enclose a copy of that document for your reference.

IN4-1 Page 3-149, of the DEIS, acknowledges that lobstering in the Race "primarily coincides with time of slack water". As stated in my previous comments (B) Race lobstermen can only tend their gear at or near slack water. Since the DEIS makes no mention of any exemption to allow lobster boats entrance into the moving security zone around the LNG Carriers I must conclude that my vessel will be ordered to stand clear of this traveling security area. As a Lobsterman that has fished "The Race" for the past thirty years I deal with commercial, government, and recreational traffic on a daily basis. I am often in communication with other commercial vessels such as tankers, container ships, tugs with tows, charter and head boats etc. as they pass through and work in the Race. Government vessels i.e. Navy, Coast Guard, NOAA, etc. frequently pass my lobster boat as I work in the Race. Particularly Navy vessels have a security zone of 500 yards (1500') however I have never encountered a privately owned vessel with such an unprecedented large security area. Section 3.6.8.2, "Recreational Boating", page 3 – 119, paragraph four states that LNG Carriers require 15 to 20 minutes to transit The Race. It also states that fishing vessels could require an additional 10-15 minutes to relocate. Page 3-145, "LNG Carriers", claims that a vessel moving at slow speed will require 12 minutes to stand clear of the approaching carrier and its 2.3 mile forward security zone. According to these estimates it could take up to 47 minutes for a vessel in the path of the LNG carrier to clear, allow the Carrier to pass and relocate to its previous position. These estimates of time are based on a speed of 12 – 16 knots. This is contradictory to Broadwater's stated intent to adhere to the NMFS proposed rule (page 3-74) of a 10- knot maximum speed to protect whales. These transit speeds also do not reflect the increased passage time required during adverse conditions i.e. high wind, low visibility, and high traffic densities. When you consider that 47 minutes or more could be lost from an average of 60 –110 minutes hauling time during slack water, there is no question the passage of

IN4-1

In addition to the quote provided in the comment, Section 3.7.1.4 of the final EIS indicates that FERC expects to require that Broadwater incorporate into the Project the recommendations made by the Coast Guard in Sections 4.6.1.2 and 8.4.1 of the WSR (Appendix C of the final EIS). If authorized, it is expected that Coast Guard would require Broadwater to schedule LNG carrier transits to minimize impact to other waterway users, to the extent practical, as recommended by the Coast Guard in Section 8.4 of the WSR (Appendix C of the final EIS).

As described in Section 3.4.1.1 of the final EIS, any speed restrictions to protect right whales would be implemented seaward of Long Island Sound and would not apply to vessels in the Race because right whales seldom occur in nearshore waters, such as the Race or Long Island Sound. Therefore, the estimated LNG carrier transit speeds presented in the EIS were not contradictory. However, the issue of speed restrictions and other measures to protect right whales has been updated in Section 3.4.1.1 of the final EIS.

Section 3.6.8.1 of the final EIS has been updated to address the impacts to commercial lobstermen, trawlers, and hand line fishermen due to 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 their course, taking them through areas with high lobster pot density.

IN4 – John Whittaker

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IN4-1 ↑ these carriers will impact lobster fishing in The Race. Slack water occurs on average 14 times during daylight hours per week. The DEIS states there will be 6 LNG transits per week. The resulting lost hauling time will have significant financial consequences for my small business and represents a huge loss to the livelihoods of both my crew and me.

IN4-2 [Another concern is that of lost lobster fishing gear. As stated in my previous comments (C), the passage of these huge carriers and their escorts will certainly escalate the loss of lobster gear. The need for Cross Sound Ferries to depart from traditional routes when encountering LNG vessels will also increase gear loss, see page 3-93 paragraph five ferry route modifications.

IN4-3 [The DEIS agencies have made no apparent contact with lobstermen who fish in The Race or the Commercial Fisherman's Associations to which they belong. The Connecticut Commercial Lobsterman's Association, of which I am a member, is not listed in the Appendix B Distribution List.

IN4-4 [Of particular concern to me is the apparent disregard of my comments of 10/6/05. I am disappointed that the agencies that prepared the DEIS failed to acknowledge the impact of the LNG Carriers and their accompanying security zones on lobster fishermen and their gear along the proposed transit routes. DEIS reference: Cumulative Impacts pages ES-14, ES-15, Effects on commerce pages 3-117, 118, and 119. In spite of the fact that Block Island and Long Island Sounds are heavily trafficked by a variety of vessels, generations of licensed lobstermen have profitably fished The Race. This proposed LNG project by Broadwater LLC, a private entity, infringes on that licensed privilege to fish granted by the State of NY to lobstermen. I urge you, as contributing agencies, to recognize and include the aforementioned impacts and fully address them in the final EIS. I would certainly participate, if notified, in any future meetings discussing the passage of these LNG Carriers through The Race. If you require any clarification or additional information I may have, please contact me.

Sincerely,

Captain John Whittaker

IN4-2 Please see our response to comment IN4-1.

IN4-3 Sections 3.5.5.2, 3.6.8.1, and 3.7.1.4 have been revised in the final EIS to provide additional information on potential impacts to lobster fishermen. In addition, we have added the Connecticut Commercial Lobsterman's Association to the mailing list for the final EIS.

IN4-4 Thank you for your comment. We have revised the final EIS to provide more detail on this potential impact and hopefully have addressed your concerns.

IN4 – John Whittaker

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**John Whittaker
37 Spring Street
Noank, CT 06340
860-536-7668**

October 6, 2005

Reference: Docket No.PF05-4-000
Broadwater LNG Project

Dear Sir or Madam:

I am a commercial lobsterman. I fish primarily in Eastern Long Island Sound, NY, commonly known as "The Race." I am currently hauling and setting lobster gear in "The Race" and have been doing so for the past thirty years. Upon review of the Broadwater LNG Project, I have the following comments:

- A) I am not concerned with the LNG platform itself. However, I am concerned with the passage of LNG tank vessels and their accompanying security zones through the grounds I primarily fish.
- B) Due to the force and velocity of the tides in "The Race," I am limited to tending my gear at times of slack water. It has been my experience that this is also the time when much of the commercial traffic prefers to transit the area. The passage of these LNG vessels will require me to stand clear, shortening my limited hauling time and resulting in financial losses for both my crew and me.
- C) Loss of lobster gear from commercial shipping is a constant concern with lobstermen, and the passage of these deep draft LNG vessels will certainly increase this problem.
- D) I am also concerned that to my knowledge, there has been no communication between FERC, the U.S. Coast Guard, or Broadwater Energy and the lobstermen of LIS. All lobstermen file daily Log Reports to the NMFS, the CT DEP, and a yearly report to the NY DEC. Hence, it would seem reasonable that the lobstermen who fish in the proposed transit route could be easily identified and contacted concerning the impact of these vessels on their livelihoods. The various Commercial Fishing Associations in the area would be another avenue for contacting the people in the fishing industry affected by this plan.

IN4-5

IN4-5 Please see our response to comment IN4-1.

In closing it is my opinion that the passage of these LNG tank vessels will have substantial financial impact on the lobster industry in the area of "The Race." I am also dismayed at the lack of communication between FERC, USCG, or Broadwater Energy and the lobster industry.

Sincerely,

Captain John Whittaker

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

BROADWATER LNG PROJECT
Broadwater Energy LLC and Broadwater Pipeline LLC

Docket No. CP06-54
For the attention of Gas 3, PJ-11.3

Comments by
William D. Nordhaus
January 21, 2007

* * * * *

Background on this Comment

1. The Federal Energy Regulatory Commission (“FERC”) has asked for comments on the Broadwater Energy LNG project for Long Island Sound (“Broadwater”). Broadwater seeks permission to construct a floating storage and re-gasification unit (FSRU) and to supply that with LNG tankers that would transit Long Island Sound and the adjacent waters. The FSRU would be stationed in Long Island Sound approximately 12 miles from New Haven, Connecticut. I submit the following comment on my own behalf. It is not financed or supported by any entity, and does not represent any of the institutions with which I am affiliated.
2. For reference purposes, I am Sterling Professor of Economics at Yale University. My professional background is as follows. I have a Ph. D. in Economics from the Massachusetts Institute of Technology (1967). I am a member of the National Academy of Sciences, a Fellow of the American Academy of Arts and Sciences, and a member of the American Economic Association and several other professional organizations. From 1977 to 1979, I was a Member of the President Carter’s Council of Economic Advisers. I have served on several committees of the National Academy of Sciences on energy and risk including the Committee on Nuclear and Alternative Energy Systems, the Panel on Policy Implications of Greenhouse Warming, the Committee on National Statistics, and the Committee on the Implications for Science and Society of Abrupt Climate Change. I am the author of

IN5 – William D. Nordhaus

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several studies on energy, the environment, economics, and energy risks. I have written on the energy and environmental tradeoffs involved in nuclear power, climate change, electricity, and oil policy. I am the co-author of a leading textbook on economics (Paul A. Samuelson and William D. Nordhaus, *Economics*, Eighteenth Edition, McGraw-Hill, New York, 2005). My curriculum vitae is available at http://www.econ.yale.edu/~nordhaus/homepage/cv_current.htm.

3. I have resided in the State of Connecticut more or less continuously since 1959 in the towns of Hamden and New Haven. During that time, I have lived on, studied, and enjoyed Long Island Sound as a unique environmental and natural resource of Connecticut and the United States. It is not only the source of past, present, and presumptive future economic benefit for the communities that adjoin it, but it also has important and non-quantifiable environmental and aesthetic importance for the region.
4. I have studied the *Draft Environmental Impact Statement* (DEIS) prepared by the Federal Energy Regulatory Commission.¹ FERC has stated that, "A final approval will be granted if, after a consideration of both environmental and non-environmental issues, FERC finds that the proposed Project is consistent with the public interest."² This comment addresses whether the Broadwater project is in the public interest of the United States and the communities that adjoin Long Island Sound.

Summary

5. The Broadwater project is not in the public interest. It depends critically on economic and environmental subsidies that are necessary for its viability. More precisely, the Broadwater project relies on hidden subsidies that come through the appropriation of a public resource for private use and through imposing major risks on the public that are not covered by liability or insurance. It thereby violates the full-cost principle that all significant costs and benefits of an activity should be reflected in the prices and costs paid by market participants. Because it violates the

¹ FERC, see *Draft Environmental Impact Statement: BROADWATER LNG PROJECT*, Broadwater Energy LLC and Broadwater Pipeline LLC, Docket Nos. PF05-4, CP06-54-000, and CP06-55-000 FERC/EIS - 0196D, November 2006, available on CD-ROM, distributed January 2007 ("DEIS").

² DEIS, pp. I-18.

full-cost principle in major ways, this project is contrary to the public interest of the United States and of the communities that adjoin Long Island Sound.

The Importance of Full-Cost Pricing in Energy and Environmental Policy

6. A major goal of both environmental and energy policy is to ensure that all impacts of economic activity, both market and non-market, should be reflected in the costs and prices faced by market participants. This *full-cost principle* is central to economic efficiency, and particularly so for energy projects which have major externalities and risks.³ Full-cost pricing is necessary to ensure that energy and environmental resources are efficiently allocated.⁴ The goals of the full-cost principle are met by ensuring that there are no subsidies to particular projects or forms of energy production, and by ensuring that all significant environmental costs and risks are internalized through regulation, liability, or insurance. As will be indicated below, these goals are violated in major ways by the Broadwater project.

The Central Subsidy to the Broadwater Project

7. The economics behind the Broadwater project is simple. Its economic viability rests on an enormous subsidy arising from the uncompensated appropriation of a public resource for its commercial use. More precisely, Broadwater involves appropriating a large, central, and strategically important part of Long Island Sound for private purposes. The appropriation involves not only a large exclusion zone in the neighborhood of the platform, which will be removed from public use and enjoyment and subject to unknown degradation for an indefinite period of time, but also periodic appropriation of transit zones around LNG tankers two or three times a week (as now scheduled) to permit safe transit.

³ For the centrality of full-cost (marginal cost) pricing in economic efficiency, see Paul A. Samuelson and William D. Nordhaus, *Economics*, Eighteenth Edition, McGraw-Hill, New York, 2005, p. 161, 372.

⁴ This is the rationale behind moving toward the new price mechanisms in transmission prices, for example. Here, FERC advocated approaches that enhance the efficient allocation of constrained capacity through appropriate market clearing mechanisms. The issues of full-cost pricing with respect to environmental policy are reviewed in Charles Kolstad, *Environmental Economics*, Oxford, Oxford University Press, 2000.

IN5 – William D. Nordhaus

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- 8. Efficient energy, economic, and environmental policies require that public resources be retained for their highest and best uses. Many citizens and elected representatives in the region adjoining Long Island Sound have stated that the highest and best use of the proposed site for Broadwater is to keep it as part of an undivided and undeveloped environmental and economic asset. Before Broadwater suggested appropriating the site for a large-scale energy project, there was no indication of an evolving consensus that locating large industrial establishments in the middle of Long Island Sound was an acceptable and useful way to pursue economic development in the region.
- 9. If it is suggested that a public resource should be devoted to private uses, as with timber or oil and gas resources on Federal or state lands, then it is important that the privatization be carefully analyzed, that the extent of the privatized resource be carefully delineated, and that the privatization occur through public auction. None of these three steps has been taken for the site requested for the Broadwater site.

IN5-1

- 10. Because Broadwater is not competing for the asset in the market place, it is receiving a hidden subsidy in the provision of a subsidized site in Long Island Sound. If Broadwater were required to purchase the equivalent site and transit restrictions in the open market, it would add an enormous sum to the costs of the project, and the project would probably be economically unviable. However, by siting the plant in public space, the costs are not only hidden from view, but also paid for through an off-budget subsidy by those who would enjoy the space and through risks that neighbors are forced to incur from the project.
- 11. An analogy will help illustrate the implicit subsidy in Broadwater. Suppose a firm were to propose constructing a small graphite-moderated nuclear reactor in the middle of Central Park in New York City. This project would obviously destroy the aesthetic enjoyment of the park, and the need to transport dangerous materials to and from the site would disrupt users and would dampen enjoyment of that unique resource. No sane firm would ever make such a proposal, and it is unlikely that FERC would ever entertain it. The Broadwater proposal is conceptually similar in taking a public resource, devoting it to private purposes, and doing so with unforecastable consequences to humans and the natural environment.

IN5-1

This comment fails to appreciate or chooses to ignore the enormous costs involved in constructing and operating an LNG terminal. The construction costs alone are in the range of three-quarters of a billion dollars. Annual operation costs for purchasing LNG, transporting it, and regasifying the product are substantial. Considering costs and revenues over the proposed lifetime of the proposed Project, the purchase price of an onshore terminal site would be negligible. The proposed location of the FSRU is optimal for two factors: the proximity to an existing interstate natural gas pipeline and the separation between operations and population centers.

Risk Analysis and Common-Mode Failures

- IN5-2 [12. The Broadwater project imposes major risks to the country, to the environment, and to the communities surrounding the project. These risks are not adequately recognized in the DEIS. The Broadwater project is the first design of its kind in the world.⁵ There are *no* reliable data on the risks associated with such a project. Because we have no actuarial experience with similar plants in similar environments, any assessments must be based on theoretical models.
- IN5-3 [13. Risk analysis is a well-established field in economics and decision sciences.⁶ However, doing risk analysis based on limited or no data is particularly hazardous. It is not possible for outsiders to examine the detailed modeling behind the risk analysis for the Broadwater project, in part because the data are restricted from public access, but there appear to be major flaws. From an analytical point of view, the models used to construct the risk assessments appear to have been based on assumptions of statistical independence of risks. (Statistical independence is a technical term that indicates, for example, that the probability of a power failure is uncorrelated with the probability of a major hurricane.)
- 14. It is well-known in risk assessment that most major accidents occur because risks are not independent. This is sometimes called “common-mode failure,” where the failure rates of components of systems are not independent.⁷ Most often, common-mode failures occur when human systems or decisions are involved. Perhaps the most striking example of common-mode failure was the Chernobyl reactor disaster, which involved an inherently unsafe reactor design with multiple human failures of testing and procedures. Another example was the interaction of levee design and hurricane strength, which led to the inundation of New Orleans.
- IN5-4 [15. There is not a single mention of the problem of common-mode failure in the DEIS, in the Coast Guard Report, or in the Sandia Report that underpinned its safety

⁵ DEIS, p. 3-312f.

⁶ National Research Council, *Understanding Risk: Informing Decisions in a Democratic Society*, National Academy Press, Washington, D.C., 1996

⁷ See for example W. C. Gangloff, “Common mode failure analysis,” *IEEE Transactions on Power Apparatus and Systems*, Volume 94, Jan. 1975, pp. 27 - 30.

IN5-2 The hazards associated with operation of the proposed Project were extensively analyzed by FERC, the Coast Guard, and Broadwater using the currently recognized best model approach and conservative assumptions. The modeling approach used by FERC and the Coast Guard reflects the best available methods, conservative assumptions that would err on the side of public safety, and the most protective results. In addition, the GAO Report (GAO 2007) presented a survey of experts who work in areas related to LNG risk, hazards, and consequence modeling. The report determined that the primary hazard to the public would be heat from a fire. A total of 11 of the 15 experts were of the opinion that current methods for estimating LNG fire heat hazard distances are “about right” or too conservative. Finally, FERC and the Coast Guard evaluated in detail the technologies proposed for the Broadwater Project. While the combination of technologies proposed for the Broadwater FSRU have not been previously built or operated, the separate LNG receiving, storage, regasification, and sendout technologies are proven. The American Bureau of Shipping, a certifying entity, reviewed the preliminary design of the FSRU and stated the following in a July 27, 2005 letter to Broadwater: “Whilst the concept of combining a floating re-gasification unit and distribution network with a yoke moored LNG hull can be viewed as a first time combination of systems, the technologies employed are not in themselves novel and are covered by established Rule criteria.”

IN5-3 Please see our response to comment IN5-2. In addition, the methods used to estimate consequences are public and follow the highly scrutinized current methods for LNG consequence modeling.

IN5-4 It is incorrect to state that safety and risk management would be left to Broadwater and “managed out of sight . . . with no public accountability.” Broadwater would be required to develop a satisfactory safety and security plan as well as an Emergency Response Plan in cooperation with federal, state, and local agencies as described in Section 3.10.6 of the final EIS. If the plans are not approved by FERC and the Coast Guard, FERC would not provide Broadwater with the additional authorizations necessary for construction and operation of the Project. In addition, the Coast Guard would periodically inspect the FSRU, the YMS, and the LNG carriers; and FERC would conduct annual inspections of the FSRU. If those components of the Project do not meet the requirements of the approved designs, operating plans, safety and security plans, Emergency Response Plan, and other approved Project requirements, FERC would order that operation be terminated until the Project is in compliance with all requirements.

IN5-4 ↑ analysis.⁸ Yet, the Broadwater project is a common-mode failure waiting to happen. It is an inherently dangerous technology. It has enormous destructive potential. It is sited in the middle of the most valuable real estate in the world. There can be no containment in the waters of Long Island Sound if some unforeseen event occurs through chemical reaction or energetic disassembly of structures or vessels. It will be managed out of sight, and largely out of mind, by a profit-maximizing entity with no public accountability. The management incentives of Broadwater are poorly aligned with the risk profile because the owners do not have insurance or liability for the risks of high-consequence events.

16. Common-mode failures often occur when rare events interact with unforeseen circumstances. For example, a severe storm might disrupt control systems, cause accidents, and blow vessels, gas, and contaminants faster and further than estimated in the baseline models in the analysis because two rare but correlated events happen at the same time. With rescue systems devoted to the storm, they would be unavailable to cope with the effects of the accident. Common-mode failures are particularly difficult to analyze because they involve estimating statistical associations among variables that have low probabilities. Moreover, they are even more difficult to evaluate for systems with little or no data.

Terrorism

17. A particular concern in recent years is the risk of terrorist attack. This is an instance where common-mode failures are particularly important. Failure usually involves an element of luck on the part of attackers and lack of imagination or preparation on the part of the attacked – the example of September 11 being a signal example.

IN5-5 ↓ 18. It is not possible to assess the terrorism-risk analysis of the Broadwater project because it has been in part removed from public review by its designation as Critical Energy Infrastructure Information. The public therefore cannot judge the

IN5-5 The definition of what should or should not be classified as Critical Energy Infrastructure Information (CEII) is beyond the scope of an EIS. However, FERC has authorized Broadwater to release most CEII information to individuals who sign a non-disclosure agreement; therefore, the public and outside experts do have access to the documents needed to assess the quality of the analyses.

⁸ *Guidance on Risk Analysis and Safety Implications of a Large Liquefied Natural Gas (LNG) Spill Over Water*, SAND2004-6258, Mike Hightower, Louis Grizzo, Anay Luketa-Hanlin, John Covan, Sheldon Tieszen, Gerry Wellman, Mike Irwin, Mike Kaneshige, Brian Melof, Charles Morrow, Don Ragland, Sandia National Laboratories Albuquerque, New Mexico, December 2004 (“Sandia Report”).

IN5 – William D. Nordhaus

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IN5-5 ↑
quality of the analysis. I have examined several public documents, including the Sandia Report and ones prepared by the National Research Council of the National Academies, on the risk of terrorist threats to LNG tankers and facilities.⁹ I have discussed these reports with a prominent expert on combustion and chemical engineering. Those discussions led me to conclude that some major threats to LNG tankers and facilities have not been properly and completely analyzed in the public studies, but it is not possible to judge the analysis in the non-public sources. The lesson here is that public policies should discourage facilities whose safety cannot even be vetted and discussed in a public forum by outside experts. If the security and safety risks are so severe that they must be hidden from public view, then this is a prima facie case that the project is dangerous. Why would the nation ever allow a project that *augments* the list of highly sensitive sites?

Major accidents

IN5-6 [19. The environmental and economic consequences of major accidents have not been appropriately analyzed. Even with the flawed risk analysis, the analysis assumes that accidents could occur “with major consequences once every 100 or more years,” and accidents could occur “with minor or moderate consequences once every 10 – 50 years.”¹⁰ Yet, the implications for the communities of moderate or major accidents have not been seriously addressed. The DEIS is akin to an analysis of automobile accidents that looks at the risk of 1 million dented bumpers but ignores the costs of 20,000 fatalities a year. Accidents with annual frequency of 1 to 10 percent per year are extremely high societal risk (for example in comparison to the expected risks of nuclear power). Given the possibility of severe environmental and economic consequences along with the likelihood that these probabilities are underestimated because of human and common-model failures, the DEIS is deeply flawed by omitting a careful estimate of the impact of these moderate and major consequence events.

IN5-6 Impacts of major releases of LNG were addressed in Section 3.10.5, and the resource sections throughout Section 3.0 of the final EIS have been updated to further address the impacts of major releases of LNG along the carrier transit route.

As noted throughout the final EIS, the FSRU would be about 9 miles from the nearest shoreline and a major release of LNG from the FSRU would not affect any community. The LNG carrier routes also would be substantially distant from most shorelines. A release of LNG from a carrier would not affect any community unless the carrier veered from the route, except for the theoretical possibility of an unignited vapor cloud reaching a shoreline (see Section 3.10.3.2 of the final EIS).

⁹ See Sandia Report, *op. cit.* and National Research Council, *Making the Nation Safer: The Role of Science and Technology in Countering Terrorism*, National Academy Press, Washington, D.C., 2002, Chapter 6. Also see the analysis in the Clarke Report, *LNG Facilities in Urban Areas*, GHC-RI-0505A, May 2005.

¹⁰ DEIS, p. 4-111 and 4-115.

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Failure to Provide Insurance

- IN5-7 [20. The imposition of uncompensated large risks on the nation and the communities surrounding the Broadwater project is yet another implicit subsidy to the project. There is no apparent requirement that the owners of Broadwater provide insurance coverage for large potential damages. There are more than \$1 trillion worth of capital, structures, and land adjacent to the Sound. It is clear that Broadwater's owners could not purchase insurance for the major risks, and if insurance were purchased it would likely be prohibitively expensive. In the case of catastrophic damages, the company would go bankrupt, and the costs would therefore be incurred by private parties and public expenditures. This is yet another hidden subsidy behind the proposal.
- IN5-8 [21. The risks from terrorist attacks to humans, the environment, and economic activity are yet another economic subsidy to the Broadwater project. Many of these risks are excluded from standard insurance coverage, and the Federal government currently provides subsidized insurance or co-insurance through its Federal Terrorism Reinsurance Program.¹¹ By providing a potential target, Broadwater exposes uninsured parties and the Federal government to uncompensated risks.

Conclusion on Major Risks

- IN5-9 [22. The report is extremely casual about major risks and about the appropriate estimation and consequences of major risks. They are simply not taken seriously. I live in a community on Long Island Sound that is almost four centuries old, and I work in a university that has just embarked on its fourth century of continuous teaching and research. Even accidents of "minor or moderate" consequences would be frightening to citizens, workers, faculty, and students in our community. We have seen the consequence of such casual and flawed risk analysis in the destruction of the fabric of the city of New Orleans. The idea that a project could be located close to 10 miles from our community and university, and might have a moderate accidents every decade and a major accident every hundred years or so, is entirely unacceptable and contrary to the public interest.
- IN5-10 [

¹¹ Congressional Budget Office, *Federal Terrorism Reinsurance: An Update*, January 2005.

IN5-7 Legal liability issues are not a component of our environmental review process and therefore are not included in the final EIS. The individual resource sections throughout Section 3.0 of the final EIS have been expanded to describe the potential impacts of a major LNG release from a carrier along the transit route.

IN5-8 The financial liability associated with a terrorist attack is beyond the scope of this EIS.

IN5-9 Please see our responses to comments IN5-2 and IN5-6.

IN5-10 Locating the FSRU 9 miles from the nearest shore and a substantially greater distance from the commentor's community and university protects both from impacts due to a major accident at the FSRU. As described in Section 1.4.4 of the WSR (Appendix C of the final EIS) and in Section 3.10.3.2 of the final EIS, the maximum possible distance an unignitable vapor cloud would extend from the FSRU is 4.7 miles, and FERC believes that situation is extremely unlikely (see Section 3.10.3.2 of the final EIS). The greatest distance the heat hazard zone would extend from the FSRU with a major LNG release and fire would be about 1 mile. The community of the commentor and all other shoreline communities are well beyond those hazard distances.

IN6 – Patricia Patterson Hauck

Docket Nos. CP06-54-000 and CP06-55-000

ORIGINAL January 10, 2007

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

FILED
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2007 JAN 22 P 3:18
FEDERAL ENERGY
REGULATORY COMMISSION

Dear Ms. Salas and the FERC,

Please take a stand for the people and say NO to Broadwater!

- IN6-1 **Just say NO to the Corporate Takeover and Industrialization of Long Island Sound .**
The EPA just spent \$4 Million to clean up Long Island Sound, designated by Congress as an **ESTUARY OF NATIONAL SIGNIFICANCE**. Why would you allow Broadwater to negate this positive action?
 - IN6-2 **Just say No to increasing the Sound's water temperature by 4°.**
The Sound serves as a habitat, spawning grounds, and nursery for various marine life--Broadwater's 4° increase surely will have a detrimental impact on this! My husband is a diver and he has personally seen the decrease in aquatic life from the Shoreham power plant's outflow pipes.
 - IN6-3 **Just say NO to further changing the ecosystem in the sound.**
Even the sediment floor of the Sound provides feeding, nesting, nursing, and hiding places for all the types of aquatic wildlife. Don't let Broadwaters pipelines destroy this.
 - IN6-4 **Just say NO to Noise and Light Pollution.**
The sound is not only a sanctuary to birds and aquatic life. It is a sanctuary to humans as well. There is nothing more soothing than being able to walk the beach, listening to the natural sounds of the surf and birds, of gazing upon wide open vistas that only a place like this can provide, of seeing all the stars in the sky at night. I live on Eastern Long Island so I can regularly take part in these activities. Every major decision we have made in my family's life includes a brain cleansing walk on the beach during the process. You can't place a dollar value on this. Please don't destroy this sanctuary with Broadwater's Industrial Structure, Lights and Tankers.
- Just say NO to repeating historical mistakes.**
Wading River Beach already has one ugly giant gumball machine (the never fully operational Nuclear Power Plant) that does absolutely nothing but loom over us. Please, let it stand as a reminder of what happens when we don't look at the WHOLE picture. And let the lone windmill that also stands on that site remind us that there are alternatives to fossil fuel energy.
- Just say NO to any LNG terminal or any long term fossil fuel project.**
It's not a matter of my backyard vs someone else's backyard. It's a matter of finding REAL alternative solutions to our growing energy and ENVIRONMENTAL concerns and it is time to aggressively ACT NOW! I am willing to cut back and do my part, are you? Are you willing to set the laws and guidances we need as a global community to preserve our natural resources?

- IN6-1 As noted in the environmental impact assessments throughout Section 3.0 of the final EIS, we believe that the overall impact of the Project on the Sound would be minor and would not negate the work done to improve the environmental conditions of the Sound. 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.
- IN6-1 As described in Section 3.2.3.2 of the final EIS, any minimal impact to water temperatures would be highly localized. The general water temperature of Long Island Sound would not increase; any increases that did occur would be measurable only within the immediate vicinity of some Project components. Specifically, there would be no impact to water temperatures associated with the FSRU and the subsea pipeline. The temperature of the water discharge from LNG carriers would return to within 1 °F of ambient levels within 75 feet of the point of discharge from the vessels. Water temperatures would return to ambient conditions within 4 feet of the exposed riser connecting the FSRU to the subsea pipeline. Thus, thermal impacts to spawning or nursery habitat, if any, would be minimal.
- IN6-3 Section 3.3.1.2 of the final EIS discusses benthic habitat recovery estimates. This section also discusses post-construction monitoring results for several similar pipeline projects, including instances where seafloor recovery has been successfully accomplished and others where it has not. In Section 3.1.2.2 of the final EIS, FERC has included a recommendation that Broadwater mechanically backfill the trench, using native sediments, and assess post-construction success in coordination with appropriate federal and state resource agencies.
- IN6-4 Noise and visual assessments are presented in Sections 3.9.2 and 3.5.6 of the final EIS. Potential impacts to birds are addressed in Section 3.3. As noted in those sections, operation of the Project would not result in significant impacts to use along the shorelines of the Sound.

IN6 – Patricia Patterson Hauck

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Just say NO to the pressures of Big Corporations

We all know the clout Big corporations enjoy and how it affects decisions such as these. We need someone to take a stand and say NO MORE... like Gov. Schwarzenegger just did with California laws regulating automobile emissions. He wasn't influenced by GM or any OIL corporations. He knows that someone must take a stand in order for the right thing to be finally done...cut down on automobile emissions, cut down on processing fossil fuels.

Remember it's of the people, by the people, for the people...not the corporation. **Please take a stand for the people and just say NO to Broadwater!**

Sincerely,



Patricia Patterson Hauck
42 Tide Ct.
Wading River, NY 11792

IN7 – Thornton H. Lathrop

ORIGINAL

Thornton H. Lathrop
49 Prospect Ave
Niantic, CT 06357

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

RE: Draft Environmental Impact Statement
Reference Docket No. CP06-54-000 and CP06-55-000
Gas 3, PJ 11.3

FILED
OFFICE OF THE
SECRETARY
JAN 22 P 3:10
FEDERAL ENERGY
REGULATORY
COMMISSION

Dear Ms. Salas:

I am writing in response to the Federal Energy Regulatory Commission's (FERC) November 27, 2006 issuance of the Draft Environmental Impact Statement (DEIS) for the proposed Broadwater LNG Project.

It is my understanding that a number of coastal Connecticut communities, including the Town of East Lyme, have adopted resolutions opposing the Broadwater Project because of the potential safety, environmental, and economic consequences of the proposed LNG facility.

As a property owner in East Lyme and someone who enjoys the quality of life afforded by the Long Island Sound I oppose the Broadwater floating storage regasification unit (FSRU) and offer the following comments on the DEIS.

Environmental: Construction of the FSRU will have significant deleterious effects on the existing natural resources of LIS. The DEIS fails to assess the direct impacts of the yoke mooring system (YMS) and drilling/plowing 25 miles of connector pipelines on benthic habitats of LIS, which support rich and diverse populations of fish and shellfish. The DEIS presents no credible evidence that shellfish, shellfish habitat and overall water quality will not be damaged by both disturbed sediment and materials used in the construction of the YMS and lubrication for drilling that will be released into the water and ultimately settle on the surrounding seafloor. Recently, for a second time, the CT DEP denied a Water Quality Certificate to install a similar sub-seafloor pipeline between CT and NY because natural soils and sediment that create a habitat for commercially valuable oysters and clams, as well as other aquatic life, would be permanently altered. The CT DEP concluded that the proposed Islander East pipeline project was "inconsistent" with the state's Water Quality Standards. Furthermore, the CT DEP said state and federal law directs the agency to enforce these standards to safeguard existing uses of the Sound and the levels of water quality necessary to protect those uses. It is puzzling that the subject DEIS draws different conclusions for constructing a project with similar consequences

IN7-1

IN7-2

IN7-1

Direct impacts from installation of the proposed YMS and pipeline on benthic organisms and habitats (including shellfish) are discussed in Section 3.3.1.2 of the final EIS. Impacts to water quality are discussed in Section 3.2.3 of the final EIS. No drilling is associated with the proposed Project.

IN7-2

Section 3.11.1.1 of the final EIS discusses specifics regarding the Islander East Pipeline Project. The proposed Broadwater Project would affect 2,500 fewer acres of seafloor than the Islander East pipeline. The Islander East Project has been approved by FERC but has been delayed for several years because the State of Connecticut denied issuance of a water quality certificate for the project. On October 5, 2006, the U.S. Court of Appeals ruled that the State of Connecticut did not sufficiently support its decision to deny a water quality certificate to the Islander East Pipeline Company, LLC. On August 15, 2007, a U.S. District Judge remanded the U.S. Commerce Department's decision to overrule the State of Connecticut's denial of coastal zone consistency. In addition, the Islander East Project would impact nearshore oyster areas. The proposed Broadwater Project would be limited to the offshore areas of Long Island Sound.

Honorable Magalie R. Salas

IN7-2 ↑

IN7-3

IN7-4

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IN7-8

just 11 miles from the CT shore in NY waters of LIS.] Operation of the FSRU will also impact the water quality and existing aquatic resources of LIS for as stated in the DEIS, "a minimum of 30 years". The effects of increased seawater temperature in LIS are well documented in the scientific literature. The DEIS indicates that the FSRU could use up to 8.2 million gallons of seawater per day for ballast maintenance and machinery cooling. Water discharges from the FSRU would be on average nearly 4°F warmer than surrounding conditions and potentially effect growth and development of planktonic life-stages of important fish and shellfish. Some marine organisms such as lobsters are very sensitive to temperature elevations and a one-degree rise in average water temperatures can have profound effects on this commercially important fishery. The DEIS ignores the vast amount of scientific information collected on the lobster population since the 1999 western LIS die-off and dramatic decline in abundance. The DEIS indicates that no significant impacts to essential fish habitat (EFH) resources would occur during construction and operation of the FSRU. However, the resource agency responsible for EFH (National Marine Fisheries Service -NMFS) has not completed their assessment of the project. There is little discussion in the DEIS on the impacts of more invasive non-native species being carried into the Sound in ballast water and on the hulls of LNG vessels coming from natural gas-rich nations in Africa, Asia and the Caribbean. The massive size of the FSRU and LNG carriers will increase the potential for collisions with federally threatened or endangered species (including marine mammals) that occasionally transit LIS during seasonal migrations. LIS is a major flyway for migratory birds; the DEIS fails to address the potential impacts of bird-collisions with the FSRU, which stands nearly 100 feet above the surface water. Other environmental impacts associated with operation of the FSRU include impaired air quality from emissions of re-vaporization machinery, elevated noise impacts to humans and aquatic biota from the FSRU turbines and fire protection systems, discharge of biocides used to control growth of fouling organisms, and the potential for oil leaks or chemical spills associated with operating a large industrial facility on the water. The DEIS has dismissed these potential environmental impacts as being negligible or insignificant.

Safety and Recreation: The Broadwater Project would permanently alter recreational use of Long Island Sound. The waterways suitability report (WSR) prepared by the Coast Guard outlines measures necessary to ensure safe, secure passage of LNG vessel traffic and operation of the FSRU. The WSR assessed the potential risk associated with the project in terms of risk-threat, risk-vulnerability, and risk consequence. The WSR concludes that, at present, there are no known credible threats against the FSRU and associated LNG carriers; however, periodic risk assessments must be conducted to ensure the safety of the project. The events of 9/11 have clearly demonstrated our nation's vulnerability to terrorism; the consequences of a terrorist attack on the FSRU or an LNG carrier transiting the Sound are unimaginable. Provided enough funding exists, USCG staff will accompany LNG carriers transiting through LIS to the FSRU and establish an off-limit boundary around the vessel, much the same way the Coast Guard currently accompanies vessels traveling to and from the submarine base in New London, CT. The off-limit or exclusion-zone around the LNG carriers would extend 2 miles ahead, 1 mile

IN7-3

As discussed in Section 3.2.3.2 of the final EIS, discharges from the FSRU would not influence water temperatures. Broadwater estimates that the cooling water discharge from a steam-powered LNG carrier would approximate ambient conditions (within 1°F) 75 feet of the point of discharge from the vessel and would readily comply with NYSDEC thermal water quality criteria (see Section 3.2.3.2 of the final EIS). Being warmer, and therefore less dense, the slightly warmer water would tend to rise towards the surface. The area affected would be extremely small and would not be lobster habitat. Thus, any impacts of water temperature on lobsters would be negligible or nonexistent.

IN7-4

FERC prepared the draft EFH assessment (Appendix E in the draft EIS) in coordination with NMFS, to evaluate potential impacts to EFH and associated species. The final EIS presents the technical input provided by NMFS to protect EFH (Appendix J).

IN7-5

Section 3.2.3.2 of the final EIS has been updated to discuss invasive species. LNG carriers are not expected to discharge ballast water into Long Island Sound.

IN7-6

Section 3.3.4.2 of the final EIS discusses potential impacts to marine mammals from collisions with vessels.

IN7-7

Additional information has been provided in Section 3.3.5 of the final EIS to address potential impacts on bird migrations and collisions with the FSRU and LNG carriers.

IN7-8

The final EIS addresses these potential impacts in Sections 3.9.1.2, 3.9.2.2, 3.3.2.2, 3.3.4.2, 3.4.1.1, 3.4.1.2, 3.2.3.2, and 3.10.2.4.

IN7 – Thornton H. Lathrop

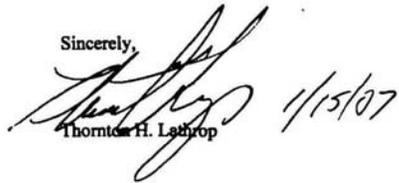
Honorable Magalie R. Salas

behind and 1/2 mile aside the vessel while traveling to the FSRU; no recreational, commercial or military traffic would be allowed inside the exclusion-zone. In addition, a permanent exclusion-zone measuring 1.5 square miles would be established around the FSRU eliminating recreational and commercial boating activity in this area for the life of the project (a minimum of 30 years). With the exception of submarines occasionally traveling the short distance from "the Race" (the narrow channel 7 miles from East Lyme at the Sound's eastern end) to the submarine base in New London, this restriction in navigable waters of LIS is unprecedented. The many recreational and commercial fishermen who frequent "the Race" would be temporarily shut out each time an LNG tanker sails into the Sound. The DEIS is silent regarding this impact to the many users of public trust waters. The WSR also recommends that additional measures are necessary to responsibly manage the safety and security risks associated with the proposed project. The DEIS indicates that "Broadwater would develop and implement an emergency response plan that includes local municipalities and jurisdictions to meet the requirements of the FERC, the Coast Guard and other federal agencies". However, the DEIS provides no insight as to the magnitude of additional resources needed by local municipalities to meet these requirements and accomplish the security and safety recommendations found in the Coast Guard report.

The DEIS fails to adequately assess a number of direct and indirect environmental impacts associated with construction and operation of the Broadwater Project. The safety analysis is based on flawed assumptions and modeling that would place an untried design in a body of water of national significance, closely surrounded by tens of millions of people. A more in depth analysis of alternatives would find that the Broadwater Project is speculative, unnecessary, and inconsistent with the public's interest.

Long Island Sound is a national resource enjoyed by millions of U.S. citizens every year. The Broadwater Project represents an expansion of industrial uses on the Sound. Apart from the environmental, safety, and recreational concerns, carving off any piece of the Sound sets a dangerous precedent and represents the first time waters of Long Island Sound are proposed to be given to a corporation.

Sincerely,



Thornton H. Lathrop 1/15/07

IN7-9 The issues raised by the commentator were addressed in the EIS in Sections 3.5.5.1 and 3.7.1.4. These sections have been revised in the final EIS to provide additional information. Section 3.6.8.1 of the final EIS also has been revised to further address the impacts to commercial lobstermen, trawlers, and hand line fishermen from the proposed moving safety and security zones around LNG carriers as they enter and exit the Sound.

IN7-10 As described in Section 3.10.6 of the final EIS, during development of the Emergency Response Plan, Broadwater, the Coast Guard, and the involved agencies would consider a wide spectrum of response needs and the resources necessary to accomplish the associated security and response activities. If the plan is not sufficient, or if either FERC or the Coast Guard has additional concerns regarding safety or security associated with implementation of the plan, Broadwater would not be authorized to initiate construction.

IN7-11 The commentator has not indicated which impacts he believes were not addressed in the draft EIS. We believe that the final EIS addresses all relevant potential impacts. The safety analyses reported in Section 3.10.3 of the draft EIS and in the WSR (Appendix C of the final EIS) were prepared using commonly accepted methods. Section 4.0 of the final EIS addresses a wide spectrum of reasonable alternatives and has been prepared in compliance with NEPA regulations and CEQ implementation requirements and guidelines. Section 1.1 of the final EIS presents our analysis of the supply and demand of energy for the region and identifies the need for an additional supply of natural gas.

IN7-12 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.

IN8 – Kenneth Fox

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ORIGINAL

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admitted to connecticut
state and federal courts

January 16, 2007

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

Attention: Gas 3, PJ-11.3
Reference Docket No. CP06-54

2007 JAN 22 12:00

Dear Secretary:

I have been a resident of Connecticut for most of my sixty-two years, living close to Long Island Sound first in Stamford and now in New Haven. I have reviewed the draft Environmental Impact Statement on the Broadwater LNG Project and I am writing to indicate the inadequacy of the statement.

The statement fails to account for the central fact that for the entire recent history of the Sound and the areas bordering it, beginning with the end of World War II, development has been grounded in the assumption that industry would steadily decline and that the natural beauty and recreational advantages of the area would become the basis for its economy and its means of attracting and retaining population. Along with this development there have been constant efforts to reduce the demand for energy, particularly improved construction and insulation in homes and buildings. This effort specifically impacts demand for natural gas for heating and cooling.

IN8-1

Industrial demand for natural gas is not going to increase because of new industrial development in the area. New industrial development is going elsewhere in the northeast and nationally. Our area understands those trends and has planned its development in ways that do not rely on industrial growth.

The statement is also flawed in its assumption that Broadwater is justified by the reduced cost of natural gas it will facilitate. This is meaningless unless it is considered in the context of the impact of detriment to our area environment. In fact, as opposition to Broadwater is demonstrating, the value our population places on having the Sound

IN8-2

IN8-1

We recognize that measures to reduce demand for electricity and natural gas have been undertaken in the region and will continue in the future. As described in Section 1.1 of the final EIS, however, the demand for electricity and natural gas in the region is expected to increase with per capita energy consumption and potential population growth, and electrical generators increasingly switch to gas-fired generating technology.

IN8-2

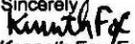
An analysis of specific cost savings to individual citizens is not a part of our environmental review process and therefore was not addressed in the EIS. The EIS does not state or imply that the Project would be “justified by the reduced cost of natural gas it will facilitate.” However, we addressed the general issue of price stability in Section 1.1 of the EIS.

IN8 – Kenneth Fox

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IN8-2 ↑
free of the Broadwater project far outweighs any increased cost of natural gas that might have to be borne through expansion of existing land pipelines.

In short, the draft statement is fatally flawed.

Sincerely,

Kenneth Fox, Esq.

FEDERAL ENERGY REGULATORY COMMISSION

ORIGINAL

BROADWATER LNG PROJECT (CP06-54-000 AND CP06-55-000)

DRAFT ENVIRONMENTAL IMPACT STATEMENT
COMMENT FORM

<p>Comments may be left at the FERC table or mailed to the FERC:</p> <p>If you prefer to mail your comments, please send an original and two copies of your comments to:</p> <p>Magalie R. Salas, Secretary Federal Energy Regulatory Commission 888 First St., N.E., Room 1A Washington, DC 20426</p> <p>Reference Docket Nos. CP06-54-000 and CP06-55-000 on the original and both copies, and label one copy of your comments for the attention of the Gas Branch 3, DG2E.</p>	<p>Comments may be submitted to the FERC via the Internet on the FERC's website:</p> <p>See the instructions at http://www.ferc.gov under the "e-Filing" link and the link to the User's Guide. Prepare your comments in the same manner you would if you were providing a letter and save the comments to a file on your hard drive. Before you can submit comments you will need to create an account by clicking on "Sign-up" under "New User?". You will be asked to select the type of submission you are making. This submission is considered a "Comment on Filing."</p>
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COMMENTS (PLEASE PRINT) –additional space on opposite side of page

IN9-1

Two years ago, when I first learned about Broadwater's plans to build a LNG Terminal in Long Island Sound, I wrote urging you not to approve this project. Since I knew so many Long Islanders, along with our elected officials, opposed this project, I incorrectly assumed it would never go any further.

In November, I received a CD Rom with a Draft Environmental Impact Statement describing Broadwater as if it were a done deal. Since then, I have read the DEIS report, researched the Coast Guard's findings, read interviews with Amy Kelley and John Hritcko, and attended the January 11 meeting in Shoreham. I was not alone, as you probably know. More than one thousand of us Long Islanders who live and work and play and pay taxes here attended. We couldn't all fit in the building, but our legislators and citizen group leaders spoke for us. Each one expressed their opposition to this project.

I am again writing to express my absolute opposition to Broadwater because of

IN9-1

The NGA and EPAct of 2005 require FERC to review the applications for LNG terminals that are onshore or in state waters. The EIS presents information on the proposed Project and the safety concerns and environmental impacts that could occur if the Project is approved.

Commentor's Name and Mailing Address (Please Print Clearly)

Patricia Liano	_____
8 Vineyard Way	_____
Mt. Sinai, NY 11766	_____
Phone: (631) 331-0412	_____

Docket Nos. CP06-54-000 and CP06-55-000

COMMENTS (continued)

IN9-2 **Threat of Terrorism concerns**
 The United States Coast Guard report has concluded that the possibility of an unknown terrorist threat must be addressed before the project can be approved. Since we cannot be certain when, where or how terrorists may strike next, the Broadwater project should not be approved.

IN9-3 **Accident concerns**
 Broadwater says we Long Islanders should not worry about a gas leak or explosion because the vapor cloud or fire will quickly dissipate. What if this should happen in the narrow opening closest to land called The Race? What if there were high winds at the time, a Nor'easter or hurricane? Since no one has ever built a floating, rotating terminal like this before, how can we know how it would react in a violent storm?

Environmental Safety Concerns
 My husband and I have lived on Long Island for 44 years. Why? Because we love swimming in the clean waters of Long Island Sound, dining at waterside restaurants, taking the Orient Point Ferry to New England, and watching the sunlight sparkle on the waves. We have paid high taxes to clean up pollution and keep Long Island Sound beautiful. Now we learn that a foreign-owned company wants to take over part of our Long Island Sound, put a huge floating barge smack in the middle of it and tell us they are doing it for our benefit, to save us money?

IN9-4 Not only will this terminal hold 200,000 tons of Liquefied Natural Gas, but it will take in millions of gallons of our clean, life-giving Long Island Sound water each and every day. Then, this water will be dumped back into our Sound, after it has been chlorinated and heated so that it raises the ambient temperature 3.6 degrees! How can anyone say that this can possibly be beneficial for Long Island?

IN9-5 I urge you to consider alternatives, existing sources such as the Millennium and Islander East Pipelines, alternate energy such as solar, windmills, energy conservation, but, please, please, please do not allow this monstrosity to be built.

Sincerely,
Patricia Liano
 Patricia Liano
 8 Vineyard Way
 Mt. Sinai, NY 11768
 Phone: (831) 331-0412

IN9-2

The Coast Guard evaluated potential threats from terrorists, as reported in Sections 5 and 8 of the WSR (Appendix C of the final EIS). As noted in Section 8.2 of the WSR, if the Letter of Recommendation recommends approval and the Project is approved by FERC, then in accordance with facility and vessel regulations found in 33 CFR 101-105, the facility and vessel security plans would require annual adjustments of security measures. Additionally, security postures and procedure could change based on threat assessments reflected in changes to the MARSEC conditions. Overall, the Coast Guard has made the preliminary determination that the risks associated with the FSRU and LNG carriers are manageable with implementation of the mitigation measures recommended in the WSR.

IN9-3

An LNG carrier incident would not occur in the Race during a major storm such as a Nor'easter or hurricane because an LNG carrier would not enter the Race during severe weather. As stated in Section 3.10.4.5 of the final EIS, "Minimum visibility conditions would need to be satisfied before the LNG carrier would be allowed to proceed inbound." Incoming LNG carriers would remain at sea, outside Long Island Sound, until there is a sufficient period of suitable weather for the carrier to enter, berth, unload, de berth, and depart the Sound.

The American Bureau of Shipping, a certifying entity, reviewed the preliminary design of the FSRU and stated the following in a letter dated July 27, 2005: "Whilst the concept of combining a floating re-gasification unit and distribution network with a yoke moored LNG hull can be viewed as a first time combination of systems, the technologies employed are not in themselves novel and are covered by established Rule criteria." Although the technologies proposed for the FSRU have not been previously combined into a single facility, the separate LNG receiving, storage, regasification, and sendout technologies are proven. Further, as stated in Section 3.10.2 of the final EIS, regulations, industry standards, and classification society rules would govern the safe design, construction, and operation of the FSRU; and the YMS would be designed to withstand a Class 5 hurricane.

IN9-4

As discussed in Section 3.2.3 of the final EIS, the discharges from the FSRU would not be heated. Residual chlorine levels would be monitored and treated, as appropriate, to comply with NYSDEC standards for protection of aquatic life.

IN9-5 Section 4.0 of the final EIS evaluates a wide variety of alternatives to the proposed Broadwater Project that could provide projected natural gas and other energy demands of the New York City, Long Island, and Connecticut markets. These alternatives address renewable energy sources, including wind and tidal power, as well as other existing and proposed LNG terminal and pipeline projects.

IN10 – Ann Carter

200701235001 Received FERC OSEC 01/23/2007 02:02:00 AM Docket# CP06-54-000

*Ann Carter
PO Box 226
Miller Place, NY 11764*

January 22, 2007

Ms. Magalie R. Salas
Federal Energy Regulatory Commission
888 First St, N.E. Room 1A
Washington, DC 20426
www.FERC.gov (E-Filed)

Mr. Steve Ressler
Consistency Review Unit, Division of Coastal Resources
NY State Department of State
41 State Street
Albany, NY 12231
FAX: (518) 473-2464

Capt. Peter J. Boynton
Sector Long Island Sound
United States Coast Guard
120 Woodward Ave.
New Haven, CT 06512
FAX: (203) 468-4443

Re: Docket Nos. CP06-54-000, CP06-55-000, CP06-56-000
(Broadwater LNG Project, Long Island Sound)
Comments on Draft Environmental Impact Statement dated November 2006 and
Coastal Zone Consistency Determination

Dear Ms. Salas, Mr. Ressler, and Capt. Boynton:

I am writing on behalf of myself and my family who are opposed to this preposterous proposal. I signed up to speak at the Jan. 11, 2007 public hearing in Shoreham, NY, but was not afforded the opportunity due to the inadequate size of the facility and the time allotted for the hearing. I concur with all of the comments that I was able to hear that night from my neighbors and elected officials who are also adamantly opposed to this abomination and will not attempt to repeat them here.

IN10-1 [Broadwater should be encouraged to withdraw this application because it will NEVER be approved and is a waste of a very large sum of our hard earned tax dollars at ALL levels of

IN10-1 As reported in Section 3.6.6 of the final EIS, construction and operation of the proposed Project would likely result in a minor net increase in tax revenue.

IN10 – Ann Carter

200701235001 Received FERC OSEC 01/23/2007 02:02:00 AM Docket# CP06-54-000

government. If the application will not be withdrawn, please consider these additional comments that were not expressed by other opponents at the hearing. I have integrated many of my comments on the DEIS with my comments regarding consistency with the Coastal Zone Policies.

IN10-2 **The DEIS is blatantly self-serving and seriously flawed and should be rejected, not only by FERC, but by New York State and Long Island agencies who are empowered to do so pursuant to the NY State Environmental Quality Review Act (SEQRA), Part 615.15. Rather than rushing forward now to prepare an FEIS, a revised DEIS must be prepared that is acceptable to NY State and local agencies and a new public comment period and public hearings on the revised DEIS must be scheduled.** The revised DEIS must be sufficient and must conform to the requirements of SEQRA. Conclusions drawn must be scientifically justified. NY State and local agencies will be basing their findings and decisions on this document, including their decisions to approve or deny permission for a private for-profit corporation to exclusively use our public trust property and decisions to approve or deny funding for the development and implementation of local emergency response and evacuation plans, and decisions to approve or deny onshore facilities and operations.

IN10-3 In DEIS Section 5.2, entitled “FERC Staff’s Recommended Mitigation”, many of the staff recommendations are to require Broadwater to provide additional information at some point in the future that SEQRA requires to be analyzed **NOW** in the DEIS. The DEIS should be revised to address significant issues that FERC staff has erroneously concluded can wait until after the public comment period has ended.

IN10-4 The DEIS does not contain an identification and thorough analysis of all reasonable alternatives, as required. It only pays lip service to other reasonable alternatives such as the “no action” alternative, and to the development of alternative technologies wind, solar, and hydroelectric power.

IN10-5 The DEIS’s analysis of the proposal’s consistency with coastal zone policies is self-serving and inadequate and must be rejected. The 901 page consistency review analysis should have been physically included with the DEIS and made readily available to the public pursuant to SEQRA Part 617.9 (b) (7) that requires any referenced documents be made available for inspection by the public within the time period for public comment in the same places where the agency makes available copies of the EIS. Due to its size, the 901 page coastal consistency document could not be downloaded from the FERC website by the average person so most, if not all, of the public has not had the opportunity to review and comment on it. Even if they could have downloaded it, they would find that it’s missing important appendices. The proposed actions related to this project are inconsistent with the following Long Island Sound Coastal Policies:

Policy 1

The proposed FSRU in the middle of Long Island Sound is clearly inconsistent with this policy because it does not avoid disturbance of waters in open space areas, it is contrary to this policy’s

IN10-2 In accordance with the requirements of the NGA and the EPAct of 2005, FERC is making a federal decision on the application submitted by Broadwater. That process includes conducting an environmental review in compliance with NEPA, and the EIS for the Broadwater Project was prepared as a part of that review process. As described in Section 1.2, the final EIS complies with NEPA guidelines, CEQ regulations for implementing NEPA, and FERC’s regulations for implementing NEPA.

The New York State Environmental Quality Review Act (SEQRA) mandates a state environmental review process as a part of the application review process for state agencies. However, because our decision on the proposed Project will be a federal action, the EIS does not address the requirements of SEQRA. Some of the assessments and other information included in the EIS may be similar to those required for a SEQRA impact analysis and may be useful to state agencies – many of which were involved in developing the analysis presented in the final EIS – in their reviews of the Project.

IN10-3 Please see our response to comment IN10-2.

IN10-4 Section 4.2 of the final EIS has been updated to provide additional discussion of renewable energy, energy conservation, and other measures to provide energy needs. We determined that each of these alternatives could either (a) not meet the projected energy needs of the New York City, Long Island, and Connecticut markets; or (b) not meet these needs without resulting in greater environmental impacts than the proposed Broadwater Project. In addition, Sections 4.3 through 4.9 of the final EIS address a wide variety of other alternatives.

IN10-5 Broadwater submitted a coastal consistency certification to NYSDOS and to FERC that contains Broadwater’s analysis of the Project’s consistency with New York State coastal policies, including applicable policies of the Long Island Sound CMP and applicable local land management plans. The public portions of that document are available in the FERC docket for the Project, as required by NEPA (note that this is a federal environmental review process, not a SEQRA environmental review process). 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.

goals to preserve open space, it does not avoid loss of environmental and aesthetic values associated with these open space areas, and it does not maintain and enhance natural areas, recreation, and open space. This policy recognizes the importance of protecting our unique pattern of developed maritime centers and open space areas. The proposed FSRU location is clearly an open space area. To attempt to claim that the area is already industrialized and use, as an example, the facility at Northville that was constructed long before we spent billions of dollars and passed many laws to protect Long Island Sound, is ludicrous and insulting.

Policy 2

The proposed project is not consistent with policies to preserve historic resources of the LI Sound coastal area. The DEIS does not adequately address potential impacts of Broadwater’s onshore facilities to be constructed in Port Jefferson or Greenport, two historic seaports that are special to me as a visitor by land and by boat. Preservation of the historic character, navigability, water dependent recreational access, marine, and visual resources in both of these historic seaports are important issues to me. Both of these quaint villages contain historic homes and other artifacts of my ancestors lives. With the addition of large support vessels that need permanent dock space, high security fencing, and the potential addition of large cranes, I am concerned about the potential loss of recreational space, additional boat traffic congestion, degradation of historic resources, degradation of scenic resources, and degradation of revitalization plans for these harbors that taxpayers and lawmakers have supported over the years. My Dad, a woodworker, has been very busy at the Port Jefferson harbor front helping to build a real timber frame boat shed near what used to be a site containing huge fuel storage tanks that have been removed. Folks are working hard to create a beautiful, publicly accessible waterfront and we must protect this historic setting from a new, fenced in industrial use that excludes the public.

IN10-6

IN10-6

Impacts associated with use of the onshore facilities are addressed in Sections 3.5.2.3, 3.7.2.3, and 3.8.5 of the final EIS. As noted in those sections, the onshore facilities would be used to support the offshore operations. This would include providing warehouse space for supplies and materials, office space for workers, and docking areas for tugs. With use of existing facilities for Project-related activities that would be similar to the current use of the facilities, we do not anticipate significant additional impacts.

IN10-7

The proposed site in Port Jefferson contains what appears to be an historic building that should be preserved and maintained in an historically appropriate manner with it’s unique historic features protected. Proposals to clear vegetation and build a fenced in fortification around the onshore site will create an eyesore that will degrade the historic visual character of the surrounding historic waterfront and will be out of character with all we’re trying to restore. The vegetation removal that is proposed to occur at the site must be quantified and characterized. Residents in newly restored historic homes on Beech St. will be affected by new industrial traffic carrying toxic chemicals; this may compromise the historical integrity of these structures and their setting. This would be inconsistent with Policy 2.1 to avoid potential adverse impacts of development on nearby historic resources. The site plans and architectural renderings of proposed docks and site improvements for the onshore activities proposed for this project should be reviewed and analyzed in the DEIS, otherwise this would be considered a segmented review which is not legal under SEQRA.

IN10-7

Potential impacts of the Project on historic properties in Port Jefferson are addressed in Section 3.8.5 of the final EIS.

IN10-8

Long Island Sound itself is an historic resource worthy of protection from the visual assault of the FSRU. One only needs to visit the many local museums that hold thousands of artifacts and works of art depicting the wild, natural openness that has historically characterized Long Island Sound from the time before European settlement all the way up to the present day.

IN10-8

As currently proposed, no significant impacts would be expected with the use of existing onshore facilities by the Project. When the specific facilities are chosen and the final use plan is prepared, FERC is requiring Broadwater either (1) to confirm that no environmental impacts would be associated with the facilities; or (2) if the final use plans indicate a potential for currently unforeseen impacts, to comply with environmental permit requirements in order to ensure that any impacts that may occur are acceptable to state and local permitting authorities.

IN10 – Ann Carter

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IN10-9 [Middle Ground Lighthouse and its setting (the surrounding wild, open expanse of Long Island Sound and the fishing grounds at Stratford Shoal) are also historic resources not protected by the proposed FSRU and pipeline. The DEIS does not analyze impacts to this historic, scenic, and recreational resource, and does not analyze impacts of a contingency plan for a Stratford Shoal pipeline reroute.

IN10-11 [The proposed project also has the potential to destroy archaeological resources in Long Island Sound, which is inconsistent with this policy. The DEIS does not provide adequate protective measures and there is no government oversight to ensure that unauthorized collection of artifacts does not occur before, during, and after construction.

Policy 3

IN10-12 [The proposed project is clearly inconsistent with this policy to enhance visual quality and protect scenic resources in Long Island Sound. The DEIS’s analysis of visual impacts was sorely inadequate. The 623 page Visual Resource Assessment (Appendix K) should have been physically included with the DEIS and made readily available to the public pursuant to SEQRA Part 617.9 (b) (7) that requires any referenced documents be made available for inspection by the public within the time period for public comment in the same places where the agency makes available copies of the EIS. Due to its size, the 623 page visual impact analysis document could not be downloaded from the FERC website by the average person so most, if not all, of the public has not had the opportunity to review and comment on it.

IN10-13 [The DEIS claims that there will be “minor to moderate impacts on visual resources”. The simulations in the Visual Resource Assessment show that the FSRU will be an ugly visual intrusion and discordant feature, degrading a scenic landscape that has been the subject of artists for centuries and assaulting the senses, especially to us when we are out sailing in our Sound. The proposal is inconsistent with Policy 3.1 that requires the protection of scenic values associated with public lands, including public trust lands and waters, and natural resources. Elements of the FSRU will be well over 100 ft tall, with the tower being 279 feet high. The undisclosed lighting plan, will likely also have negative visual impacts that were not adequately addressed in the DEIS. The lighting will completely ruin some of our best local views of the night sky that we appreciate and expect on clear nights in the Sound during evening sailboat racing and night time crossings. Because migratory birds must be protected, the lighting on the tower might have to be bright white strobe lights, which would be an eyesore from land or from the water.

IN10-14 [Visual impacts to recreational sailors were inadequately addressed or grossly underestimated in the DEIS. The 603 page visual resource assessment is severely flawed in that it doesn’t consider the visual impact to sailors traveling near the facility, sometimes at speeds of less than ½ knot in light winds. The duration of the severe visual assault will be long. The DEIS seems to indicate that sailors don’t use the middle of the Sound very much, which is completely untrue.

The FSRU will also permanently degrade our natural views from Long Island’s north shore,

IN10-9 We addressed historic, scenic, and recreational resources in the EIS (see Sections 3.8, 3.5.6, and 3.5.5, respectively).

IN10-10 Sections 3.1.2.2 and 3.2.3.1 of the final EIS provide an expanded discussion of the Stratford Shoal contingency plan.

IN10-11 Potential impacts of the Project on cultural resources are addressed in Section 3.8.5 of the final EIS.

IN10-12 The visual resources assessment presented in Section 3.5.6 of the final EIS fulfills NEPA requirements. The potential impacts to visual resources that we described were based in part on information from the Visual Resources Assessment prepared by Broadwater’s consultant. That report followed the guidelines and requirements of NYSEDEC for visual resources assessment. We have made the document available to the public in the Project docket, in compliance with NEPA. Issues related to consistency with coastal zone policies are addressed in response to comment IN10-5.

IN10-13 As described in Section 3.5.6 of the final EIS, our evaluation of the potential impacts to visual resources concludes that there would be a minor to moderate impact. In addition, FERC has included a recommendation in Section 3.3.5 of the final EIS that Broadwater work with FWS and NMFS to develop a detailed lighting plan that would minimize impacts to avian species and marine resources. Issues related to consistency with coastal zone policies are addressed in response to comment IN10-5.

IN10-14 Section 3.5.6 of the final EIS has been updated to further address the potential visual impacts of the FSRU and LNG carriers on recreational boaters.

IN10 – Ann Carter

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IN10-15 [including its bluff tops. These bluff tops are daily destinations for many hikers from my community who go to look out over the wild and natural Sound; nobody wants their natural view permanently scarred by the FSRU. The FSRU cannot be compared to small passing ships in the distance. Knowing and seeing that the massive FSRU is stationary and permanent, visually and psychologically would be an assault on the senses. The natural views of the Sound have historically been the subject of thousands of works of art; one example being the beautiful old oil painting by William Davis of a view of LI Sound looking from an historic cordwood landing in Miller Place toward the direction of the proposed FSRU. This location was not assessed in the visual analysis, nor were the bluff views not far from there from the same nature preserve. If impact are similar to those in the photo simulations from Shoreham Beach in Appendix K, they are horrendous.

IN10-16 [How the DEIS could possibly twist facts to say this is consistent with Policy 3.2 (Prevent impairment of scenic components that contribute to high scenic quality) is laughable. FERC staff seems to think the lighting plan can be dealt with later. It needs to be address NOW in a revised DEIS.

IN10-17 [**Policy 4**
This policy regarding flooding and erosion cannot be fully evaluated with respect to the proposed project because the DEIS does not provide sufficient information about the proposed onshore facility. The DEIS should be revised to include site plan details for the proposed onshore facilities and should consider impacts of sea level rise on the onshore facility.

IN10-18 [**Policy 5**
The proposal is inconsistent with this policy to protect and improve water quality in the Long Island Sound coastal area. Up to 30,900,00 million gallons per day of water will be taken in near the FSRU and significant discharges will also occur. Biocide treated water may be discharged to the Sound with the pipeline construction. Chlorinated water will also be discharged to the Sound. Scientists have recently found that drinking, bathing or swimming in chlorinated water may increase the risk of bladder cancer.¹ Many other hazardous chemicals will be used that were inadequately analyzed in the DEIS and they will pose many opportunities for water quality degradation in LI Sound (see Policy 8 comments).

IN10-19 [**Policy 6**
The proposal is inconsistent with this policy to protect and restore the quality and function of the Long Island Sound ecosystem. The intake of up to 30,900,000 gallons per day of seawater near the FSRU and the intake of water to hydrostatically test the pipeline will suck in and kill ichthyoplankton, small fish and their eggs. The DEIS does not describe what will happen to larger creatures, like seals, porpoises, dolphins, sea turtles and larger fish that get near the water intakes of the FSRU and carriers. The lighting and the discharge of large amounts of heated water near the FSRU will also have negative impacts on marine life and is not adequately

IN10-20 [

¹ American Journal of Epidemiology, January 2007.

IN10-15 As described in response to comment IN10-12, the visual analysis was conducted in accordance with New York state agency requirements and guidelines. The assessment presents views from many locations that are representative of sensitive views of the Sound; it was not reasonable to include an assessment of the visual impacts from all viewpoints.

IN10-16 Issues related to consistency with coastal zone policies are addressed in response to comment IN10-5. The night lighting plan is addressed in response to comment IN10-13.

IN10-17 Please see our response to comment IN10-8.

IN10-18 Section 3.2.2 of the final EIS provides information on the requirement for an SPCC plan and an assessment of potential water quality impacts; Section 3.10.2.4 provides information on the receipt and storage of hazardous materials. In addition, as is customary for all shipping traffic in Long Island Sound, vessels associated with the Project would be required to comply with MARPOL, an international convention that aims to prevent operational or accidental pollution of the marine environment by ships (IMO 1978).

IN10-19 Marine mammals, sea turtles, and other large marine species near the proposed water intakes would not be affected due to the slow velocity of the intake (0.5 foot per second or less) and the small screen size (less than 0.2-inch mesh screen).

IN10-20 Sections 3.3.2.2 and 3.3.4.2 of the final EIS have been expanded to more fully describe the potential impacts of lighting and water discharges on marine resources. These findings conclude that no significant impact to marine resources is associated with the proposed Project.

IN10 – Ann Carter

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IN10-21 [addressed in the DEIS. Why doesn't the DEIS mention the seals, porpoises and dolphins? We have seen seals hauled out on the rocks in winter all along LI's north shore, including stretches of beach between Miller Place and Riverhead. As a child we all but lived on the beach all summer long and every day we saw lines of porpoises traveling far off shore in the middle of the Sound. We thought that with all our taxes and legislation that have gone to improve habitats in Long Island Sound, that they would someday return. Last week, dolphins were found off of the Long Island shoreline. Lighting, required by FAA on the 279 ft. tall tower at the FSRU may have impacts on migratory birds that must be analyzed in a revised DEIS. FERC seems to think that they can mitigate threats to the ecosystem by requiring Broadwater to consult with agencies later, prior to construction. They also want to slough off doing the lighting plan and analyzing impacts to locally important species, including NY listed species, until later. This should all be addressed NOW in a revised DEIS so that we can review and comment on it.

Policy 7

The proposal will cause air pollution which is inconsistent with this policy to protect and improve air quality in the Long Island Sound coastal area. The idea that bringing in air pollution credits will somehow lessens the impact on Long Island Sound is ridiculous. The bottom line is that air quality will be degraded, no matter how you look at it. Appendix F, which pertains to air quality impacts, contains sections that are highlighted by FERC to be addressed. FERC staff seems to think that it will be alright for Broadwater to do a full air quality impact analysis later. This should be addressed in a revised DEIS so that the public has the opportunity to comment.

Policy 8

The proposal is inconsistent with this policy which calls for the elimination or reduction in the generation of hazardous wastes and the prevention of release of toxic pollutants or substances hazardous to the environment that would have a deleterious effect on fish and wildlife resources. Many hazardous substances and wastes will be generated by the project and introduced into the ecosystem and they will not all be contained during construction and operation of the FSRU, the pipeline, and the onshore facility. Huge volumes of biocide treated water will be generated, handled, and discharged with the project, including the hydrostatic testing of the pipeline. Some of the hazardous chemicals that will be stored and transported to the FSRU through Port Jefferson or Greenport (see Appendix K which was not readily available for public review with the DEIS) include like mercaptan and aqueous ammonia. "The United States material safety data sheet (MSDS) lists methanethiol..." [also known as methyl mercaptan]... "as a colorless, flammable gas with an extremely strong and repulsive smell. At very high concentrations it is highly toxic and affects the central nervous system. Its penetrating odor provides warning at dangerous concentrations. An odor threshold of 0.002 ppm has been reported. The United States OSHA Permissible Exposure Limit is listed as 10 ppm." (Wikipedia). Another source says that "aqueous ammonia reacts violently with most acids. It forms explosive compounds with mercury, silver oxide, and other compounds of silver. It corrodes many metals, notably those in Groups IIA, IIB, IIIA, and IIIB. With the halogens it forms the shock-sensitive, explosive nitrogen trihalides. With household bleach (sodium hypochlorite solution) it forms toxic and explosively unstable chloramines. The concentration of ammonia in the air above solutions of aqueous

IN10-21 Section 3.3.4 of the final EIS discusses marine mammals that occur in Long Island Sound, including seals and dolphins, and the potential impacts on these species from the proposed Project.

IN10-22 Thank you for your comments. The discussion in Section 3.3.5 of the final EIS has been expanded regarding the potential impacts of lighting on migratory birds based, in part, on an updated lighting plan. In addition, we have included a recommendation that Broadwater coordinate with FWS and NMFS to develop a detailed lighting plan that will be protective of avian species, fish species, and marine mammals. Potential impacts to threatened and endangered species are discussed in Section 3.4 of the final EIS. The lighting plan is publicly available in FERC's docket for the Broadwater LNG Project (Docket No. CP06-54-000, Accession #20070515-4011).

IN10-23 As described in Section 3.9.1 of the final EIS, regulatory review and permitting for air emissions are the responsibility of EPA and NYSDEC. Therefore, the final EIS describes what the potential emissions are, identifies proposed mitigation, and describes the status of agency review and permitting. The proposed Project cannot proceed without its federal and state air permits.

IN10-24 It is not clear what hazardous materials the commentor believes would be dumped into Long Island Sound, but Section 3.10.2.4 of the final EIS provides information on the receipt, storage, and proper disposal of hazardous materials, all of which would be done in accordance with all federal and state regulations and permits.

IN10-25 Hazardous materials would be transported on land in accordance with then-current state and federal regulations regarding the transport of hazardous materials.

IN10-26 ammonia can be within the explosive limits for ammonia (15–28%).^{2 2} Large volumes of sodium hypochlorite will be also be used that can react violently with the ammonia.

IN10-27 The DEIS states that anti-fouling paint won't be necessary on the FSRU. How will growth be controlled below the waterline during the expected life of the FSRU and what are its impacts?

IN10-28 FERC staff seems to think that analysis of a worst case spill scenario can wait until later. Identification and analysis of all components of a spill containment and cleanup plan need to be addressed NOW in a revised DEIS.

IN10-28 The DEIS does not thoroughly analyze potential impacts of all chemical delivery, storage, transportation, use, and disposal, including at the onshore facility, and potentially toxic and dangerous chemical interactions. FERC seems to think that they can mitigate this problem later on by requiring Broadwater to provide additional information about the hazardous substances that will be used. This needs to be addressed NOW in a revised DEIS.

Policy 9

The proposal is inconsistent with this policy to protect, maintain, and improve public access and water-related recreation in Long Island Sound and to preserve the public interest in and use of lands and waters held in public trust. Approval of this project would constitute an alienation of land in the public trust. I have been a Long Island Sound boater hailing from Mount Sinai Harbor since the early 1960's, like many of my ancestors dating back several centuries. Like most of the public, I am adamantly opposed to the alienation of public trust land that this project demands around the FSRU and LNG carriers. Long Island Sound, by its very nature, is considered a park by recreational boaters. Nobody would have ever dreamed an assault such as Broadwater could ever happen with all of the protections we have placed on it, otherwise we would have had the Sound designated a National Park by now.

IN10-29 The DEIS does not adequately address impacts to recreational sailors. The proposed 1.4 mile diameter circular area of our Sound that will be permanently lost to us and the rest of the public along with the wind shadow created by the mass of the FSRU could cause negative impacts to a sailor ranging from a nuisance to a life threatening hazard. Under certain combinations of conditions, including light wind speeds, swift currents, unfavorable wind directions, and FSRU wind shadow effects, sailors may have to add hours to their trips having to tack to avoid the FSRU exclusion area. Local sailors know very well how the bluffs on Long Island's north shore affect the winds that power their vessels. Why weren't FSRU wind shadow effects on sailboats analyzed in the DEIS?

The FSRU and LNG carriers will obstruct and interfere with our pleasure sailing, racing, and cruising trips to places like Block Island, Connecticut, and other New England destinations. The DEIS claims that the estimated transit time for the LNG carrier's moving safely and security zone

² <http://membership.acs.org/e/acs/pubs/CLIPS/JCE20030024.pdf>

IN10-26 Aqueous ammonia would be containerized and stored on the FSRU. Sodium hypochlorite would not be stored on the FSRU but would be generated onboard the FSRU as needed. We recognize that these chemicals are incompatible; however, the use of them on the FSRU would comply with the manufacturer's material safety data sheets for the materials and the requirements of Broadwater's Operations Manual which would incorporate the applicable regulatory requirements (as described in Section 3.10.2.4 of the final EIS).

IN10-27 While the draft EIS explicitly stated that anti-fouling paint would be necessary on the FSRU, Section 3.2.3.1 of the final EIS includes a recommendation that Broadwater initially use silicon paint for the hull of the FSRU instead of using the copper-based paint proposed by Broadwater. There would be no re-application of paint on the hull below the waterline during Project operations.

IN10-28 Section 3.10.2.4, which has been updated to include a discussion on a spill of ammonia at the FSRU, includes information on hazardous materials used on the FSRU. Section 3.2.2.1 of the final EIS includes a recommendation for Broadwater to prepare an SPCC plan. Broadwater would be required to prepare an Emergency Response Plan as described in Section 3.10.6 of the final EIS. These plans would address the use and potential for release of hazardous materials and the emergency response procedures that would be followed if an incident were to occur during construction or operation of the Project. FERC must approve the Emergency Response Plan prior to any final approval to begin construction. If the plans are not sufficient, or if FERC or the Coast Guard has additional concerns regarding safety, security, or environmental impacts associated with implementation of the plans, Broadwater would not be authorized to operate the Project. Further, if the Project receives initial authorization to proceed, Broadwater would work with federal, state, and local agencies to develop a Facility Security Plan (as outlined in 33 CFR 101-105 and a Facility Response Plan as outlined in 33 CFR 154).

IN10-29 The FSRU would weathervane around the YMS in response to wind, tide, and currents. In most windy situations, the bow would likely be headed into the wind, and the FSRU would not create a substantial wind shadow. If the FSRU is not turned into the wind due to heavy currents or tidal action, the effects of a wind shadow would likely be minimal outside of the nearly 0.7-mile distance between the FSRU and the edge of the proposed safety and security zone.

IN10-29 (Continued)

The closest point of the proposed safety and security zone around the FSRU would be over 8 miles from the New York shoreline and more than 10 miles from the Connecticut shoreline. That would leave a substantial area for sailboats to traverse that portion of the Sound.

In addition, as noted in Section 3.1.2.3 of the WSR (Appendix C of the final EIS) and in Section 3.5.5.1 of the final EIS, the highest density of recreational boating is within 3.5 miles of the shoreline. Therefore, most recreational boating would not be affected by the proposed safety and security zone around the YMS and FSRU. Finally, we do not believe that it is appropriate to compare the effects on the wind that may be exerted by the bluffs on Long Island's north shore with the possible effects on wind of a facility (the FSRU) that is orders of magnitude smaller. As noted above, we do not anticipate that the FSRU would create a wind shadow that would affect sailing vessels outside of the proposed safety and security zone.

IN10 – Ann Carter

IN10-30 [past a fixed point would be about 15 minutes. This was based on a 12 knot speed for the carrier. This is inconsistent with other statements that say the LNG carrier speed will be 10 knots to protect marine wildlife. Furthermore, the DEIS did not analyze the huge areas that will be lost to use by sailboats during the LNG carrier’s decelerating approach and maneuvering while docking the LNG carriers at the FSRU. When the winds are out of the north, I assume the LNG carrier will have to approach slowly from the south of the FSRU, impacting miles of our sailing grounds due to the 2.3 mile exclusion zone fore, and 1.2 mile exclusion zone aft of the carrier. The 15 minute transit time is inaccurate.

The constant noise from the FSRU operating will interfere with the peace and quiet that we are used to enjoying midway on crossings between Mount Sinai Harbor and the Thimble Islands, CT, one of our favorite destinations.

IN10-32 [Throughout the DEIS, sailboats were often lumped in with recreational motorboats in the impact analyses, which is misleading. For example, when we are sailing through The Race, the DEIS seems to imply that we can simply sail along the edges to avoid the LNG carriers and their massive exclusion zones or that we can time our use of the Race to avoid the carriers. Again, the wind shadow affects that the these massive carriers will have on sailboats is not considered.

IN10-33 [The outside edges of The Race are often the most dangerous portion of it to be in for a sailboat who is constricted by super strong currents and limited options for direction of travel, because sometimes we have to tack through The Race. Due to strong currents, timing for passage through The Race is critical to a sailboat captain, otherwise we will have to wait for the next tide cycle. The last harbor for us heading east is Mattituck, which has a long creek. If we stay over in Mattituck before going on to Block Island, we have to take extra care to be sure that we time our departure correctly so that we can exit the creek and navigate through the Race with the currents in our favor, which means sometimes traveling at night. In light winds and strong currents, sailboats can lose control of their steering; the outside edges of The Race are the last place you’d want to be then. To tell a sailing family that they have to take a detour around the other side of Fisher’s Island or wait for another tide cycle is ludicrous when it could add many hours to a trip. Our free time is so precious. We shouldn’t be any more restricted in The Race than we already are under existing conditions. FERC seems to think that our understaffed Coast Guard will be able to come up with safety plans for The Race sometime later on, but this should be

IN10-34 [Broadwater’s responsibility and it should be done NOW in a revised DEIS so that the public has the opportunity to comment. The substantial interference and obstruction of public use of our navigable waters cannot be mitigated and this is clearly inconsistent with Policy 9.

Policy 10

IN10-35 [The proposal is not consistent with this policy to protect the existing Long Island Sound water-dependent uses in Long Island Sound, primarily boating, visual access, fishing, and lobstering. The proposed onshore facility in Port Jefferson Harbor is located very close to a busy public boat ramp and the entire area of Port Jefferson Harbor is bustling with existing boat traffic, especially in the spring, summer, and fall. I have sailed into this harbor many times and note that it can be a

IN10-30 As stated in the draft EIS, any speed restriction for right whales would be implemented in the Atlantic Ocean, not in Long Island Sound. Section 3.4.1.2 of the final EIS provides an updated discussion of right whale avoidance measures. Within Long Island Sound, LNG carriers typically would travel at a speed of 12 knots based on current navigation practices in those areas.

IN10-31 The 15-minute transit time is based on a 12-knot LNG carrier speed, applicable to general transit activities. The carrier would decrease speed during final approach to the FSRU and during berthing and deberthing activities. However, much of the slowing would be within the proposed fixed safety and security zone around the YMS and FSRU and therefore would not affect marine traffic.

The direction of approach to the FSRU would vary depending on the prevailing wind and current vectors at the time. As noted in Section 3.1.2.3 of the WSR (Appendix C of the final EIS) and in Section 3.5.2.1 of the final EIS, the highest density of recreational boating is within 3.5 miles of the shoreline. Therefore, most recreational boating would not be affected by the LNG carriers, even if slowing and turning into the FSRU from either the north or the south. Sailors that are far enough offshore to be in the general area of an LNG carrier could slow their vessels to avoid a conflict with the proposed moving safety and security zone around the LNG carrier; or if the zone is directly in the path of the sailing vessel, the sailor could alter course to pass in front of or behind the moving safety and security zone.

IN10-32 Section 3.7.1.3 of the final EIS and Tables 2-1 and 2-5 of the WSR (Appendix C of the final EIS) make it clear that large commercial vessels would not be new to Long Island Sound. Tankers, cargo ships, and passenger vessels commonly transit Long Island Sound. Any wind shadow effect of an LNG carrier would be comparable to that of similar-sized vessels that already transit the Race.

IN10-33 As described in Section 3.7.1.4 of the final EIS, it would take between approximately 25 and 35 minutes for the entire proposed moving safety and security zone of an LNG carrier to pass through the 2.3-mile-wide area the Coast Guard defines as the Race, and this would occur no more than once per day. This would require a minor delay for sailors and would allow sufficient time to pass through the Race during the generally calm period from about 1 hour before until 1 hour after a slack tide. In addition, if authorized, it is expected that Coast Guard would require Broadwater to schedule LNG carrier transits to minimize impact to other waterway users, to the extent practical, as recommended by the Coast Guard in Section 8.4 of the WSR (Appendix C of the final EIS). Section 3.7.1.4 of the final EIS has been revised to more clearly describe FERC's approach to this issue. 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.

Finally, as noted in Section 3.7.1.4 of the final EIS, there are alternative routes for vessels without deep drafts to enter or exit Long Island Sound on the east, including the area between Valiant Rock and Little Gull Island.

IN10-34 Please see our response to comment IN10-28.

IN10-35 Please see our response to comment IN10-6. Potential impacts to marine traffic associated with the use of onshore service facilities are addressed in Section 3.7.1.4 of the final EIS. By selecting existing facilities for Project-related use that would be similar to current use, we do not anticipate that significant impacts would be associated with the use of service boats and tugs.

IN10 – Ann Carter

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IN10-35 ↑
real challenge to navigate when the ferries and commercial vessels are maneuvering in this harbor. My children participated in the small sailboat racing lessons in the harbor that are still in operation today, and there were many conflicts and safety issues then. The DEIS does not adequately describe the size of Broadwater’s proposed support vessel fleet and their potential operations in the harbor and potential for additional congestion and conflict among uses, and safety issues, all important in evaluating consistency with Policy 10.7.

IN10-36
Policy 11
The proposal is clearly inconsistent with this policy to promote sustainable use of living marine resources in LI Sound. The closing off of a huge area of the Sound around the FSRU and along the LNG carrier routes to commercial and recreational fishing and lobstering is in gross violation Policy 11.3 to protect commercial fishing from interference or displacement by competing water uses. To think that this can be mitigated by paying off some of our existing commercial fisherman is ludicrous. Are the commercial guys that are to be paid off expected to never return to the business? What about all the 75% of commercial lobster men who stopped working out there after the lobster die off? We’re all expecting a return of the lobsters when many can return to the business. What about all of the commercial and recreational users that will never again have the opportunity to use the proposed exclusion areas? As a teenager, I had the wonderful experience of maintaining ½ dozen lobster traps in the Sound between Miller Place and Wading River and I want my grandchildren to have the same opportunity. Even back then (35 years ago), it was tricky to find spots where there wouldn’t be conflicts with the commercial guys. At the hearing, a lobster man explained how the Broadwater proposal will force a shift in trap lines. This could cause a displacement of small recreational users, like I was. FERC seems to imply that the impacts to the fishermen can be mitigated with a compensation agreement between them and Broadwater to be worked out later on. The details of such an agreement should be presented for public review and comment NOW in a revised DEIS. Would an easement or lease of underwater land to Broadwater allow for them, their, employees, or any of its affiliated companies to harvest the lobsters in the exclusion zone under the FSRU or to sublease the exclusion zone to others for harvest?

Policy 13
The proposed project is in gross violation of this policy to promote appropriate use and development of energy resources. This policy recommends conservation of energy and greater use of sustainable energy resources, such as solar, wind, and hydroelectric power as the first order of preference, rather than constructing new energy generating facilities. If Broadwater were constructed, we will lose the incentive to develop clean, low impact alternative energy sources. Broadwater says it will save me \$300 in fuel bills, but at the hearing, one politician told us that we could save this much by replacing 5 conventional light bulbs in our homes with 5 efficient light bulbs. I’d rather install the lightbulbs, or buy a hybrid car, or turn my thermostat down, or dry my laundry on a clothesline than lose my Long Island Sound to Broadwater. All of the professional resources that are being wasted on developing and reviewing this ridiculous Broadwater plan could be used to design mass transportation plans for Connecticut and for Long Island that would be much more consistent with policy 13.1. Policy 13.3 calls for the siting of

IN10-36 As noted in Section 3.6.8.1 of the final EIS, Broadwater would be required to file with FERC documentation of a compensation agreement with commercial fishermen. Confidential agreements between Broadwater and the fishermen would not be made available for public review. The proposed safety and security zone around the FSRU represents only 0.1 percent of the area of the Sound, and implementation of the zone therefore would result in a minor impact on recreational lobster fishing. Further, the Coast Guard would allow only Project-related activities within the proposed safety and security zone around the YMS and FSRU; this would not include lobster fishing by anyone, including Broadwater employees.

IN10 – Ann Carter

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new major energy generating facilities close to load centers. The load center for this project is New York City. If this project is as safe as it is touted to be, build it there!

IN10-37 [The DEIS does not demonstrate that the LNG fuel facility can be safely sited and operated as required by Policy 13.4. Our Coast Guard, while competent, does not have the capacity to protect us from the threats that this project introduces to our region. We need all of the Coast Guard resources that we currently have PLUS more, just to protect us WITHOUT this project. As sailors and boaters from Mount Sinai Harbor, we have all seen tragic events on Long Island Sound where the Coast Guard was not readily available; not long ago, a fatal accident involving a local young lobster man while working his traps. We always had to fight hard to keep what little Coast Guard presence we do have for Long Island boaters. My son worked on lobster and clam boats in LI Sound, even in sub-zero weather with the boat icing over and I worried so much knowing he was probably on his own out there if something went awry. It would be enraging if government funding comes forth to provide protection for this proposed private for-profit project by a wealthy company, when we average tax paying citizens have not been deemed worthy enough to receive reinforced protection.

IN10-38 [The Race is a dangerous place, as noted above under Policy 9. In the DEIS, the velocities of water flowing through The Race are expressed as averages rather than maximum velocities, which would better demonstrate the hazards associated with this body of water. Maximum current velocities in The Race should also be analyzed for events such as hurricanes and prolonged nor'easters when larger than normal volumes of water can enter or exit the Long Island Sound through this dangerous choke point.

IN10-39 [The DEIS should be revised to provide a complete and detailed analysis sufficient enough so that local decision makers can decide whether or not it is economically and physically feasible to develop and implement a local emergency response and evacuation plan for us Long Islanders in the event of an accident or act of terrorism. All of the necessary components of such a plan must be identified and thoroughly analyzed. FERC staff seems to think that we can wait until later for Broadwater to devise a realistic emergency response and evacuation plan, complete with funding provisions. This needs to be done NOW in a revised DEIS; the FEIS should NOT be prepared until the public has had the opportunity to review and comment on a realistic and sufficiently detailed plan that is analyzed in a revised DEIS.

IN10-40 [Furthermore FERC seems to think that Broadwater is capable of coming up with an emergency response plan that includes a list of emergency responders to coordinate with in case of an accident. Just take a look at all of the errors in the DEIS distribution list in the appendix which is a good indication that Broadwater isn't capable of doing this!

IN10-41 [**Additional Comments**
A revised DEIS should analyze potential impacts of the predicted increased intensity and frequency of hurricanes caused by global climate change. In fact, throughout the DEIS, impacts of global climate change must be considered and addressed for many of the topics, including

IN10-37 As described in Section 3.10 of the final EIS, FERC has assessed the safety of operation of the FSRU and would continue to review the continuing designs; operating manuals; and other aspects of construction; design; and operation before issuing authorization to operate. FERC also would conduct annual inspections of the FSRU, and if it is found to be out of compliance with the authorized operating conditions, FERC would order Broadwater to terminate operation. As documented in the WSR (Appendix C of the final EIS), the Coast Guard made the preliminary determination that the risks associated with operation of the FSRU and the LNG carriers could be properly managed with implementation of its recommended mitigation measures in the WSR.

IN10-38 An LNG carrier would not need to deal with currents or wind conditions in the Race during a major storm, such as a Nor'easter or hurricane, because an LNG carrier would not enter the Race during severe weather (as described in Section 3.10.4.5 of the final EIS). Incoming LNG carriers would remain at sea, outside Long Island Sound, until there is a sufficient span of suitable weather for the carrier to enter and complete berthing, unloading, deberthing, and departure transit.

IN10-39 We agree that the appropriate local and state agencies should agree to the provisions of an Emergency Response Plan. We have addressed much of this comment above in our response to comment IN10-28. The extent to which Broadwater would fund the costs incurred by state and local agencies would be established during development of the Emergency Response Plan and stipulated in the Cost-Sharing Plan portion of the document, as described in Section 3.10.6 of the final EIS. If funding agreements cannot be developed to the satisfaction of the participating agencies and Broadwater, FERC would not approve the plan or authorize initiation of construction.

IN10-40 We apologize for any errors in the distribution list (the commentor did not specify what errors are present); however, FERC prepared that appendix, not Broadwater. We have updated the list based on comments and returned mailers. Nevertheless, we believe that it is inappropriate to equate minor errors in listing names and affiliations with the major planning efforts of Broadwater; the Coast Guard; and other federal, state, and local agencies.

IN10-41 As discussed in Section 3.2.1.2, the most severe hurricane historically recorded in Long Island Sound was a Category 3. However, Section 3.10.2.3 of the final EIS includes a recommended design and construction criteria that the YMS be designed and constructed to withstand the weather conditions of a Category 5 hurricane. It is not clear what technical basis there would be to support the claim that the minor, highly localized impacts of the proposed Project would somehow influence global climate change, or exacerbate those changes if they were to occur.

IN10 – Ann Carter

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IN10-41 ↑ animal migratory patterns, emergency planning, invasive species proliferation, sea level rise, affects of warm water discharges from the project combined with sea temperature rise from global warming, etc...

IN10-42 [Would the proposed lease or easement from New York State also permit Broadwater to use or sublease the tower for antenna structures, such as private wireless telecommunications facilities? If so, impacts of these facilities should also be reviewed in a revised DEIS.

IN10-43 [I could not access most of the documents on the FERC website for Docket # CP06-56-000 (Broadwater). They should be made available to the public. Is this a different Broadwater project?

Approval of this project would result in an irreversible and irretrievable commitment of environmental resources that cannot be mitigated.

Again, the Broadwater project CANNOT be approved and Broadwater should be encouraged to withdraw its application to save us from any further waste of tax dollars.

Thank you for considering my comments.

Sincerely,
Ann Carter

cc: Governor Elliot Spitzer
FERC Gas 3, PJ-11.3
US Army Corps of Engineers, NY District
NYS OPRHP
NYS Office of General Services
NYS DEC

IN10-42 It is our understanding that, if an easement is granted by the State of New York, it would address subsea land uses and would not impose conditions on use of the FSRU or the YMS. The only communications systems proposed by Broadwater are for Project-related communications.

IN10-43 The standard Request for Blanket Certificate Authority is referenced by Docket No. CP06-56-000 and involves no environmental impacts. No facilities are proposed for construction under the blanket certificate at this time. All Project-related information is filed under public Docket No.

IN11 – James C. Dunlop

200701105903 Received FERC OSEC 01/10/2007 09:34:00 AM Docket# CP06-54-000, ET AL.

James C Dunlop
 53 Cedar Hill Terrace
 Miller Place, NY 11764
 January 10, 2007

Dear Federal Energy Regulatory Commission,
 I am writing this letter in response to the Draft Environmental Impact Statement on the Broadwater project, FERC/EIS - 0196D dated November 2006. As a private citizen living in Miller Place, NY, by the Sound, I feel that the full impact of this project is not properly addressed in this document. See Dockets Docket Nos. CP06-54-000, CP06-55-000, CP06-56-000.

- IN11-1 [First, Long Island Sound is a public waterway, on which large amounts of money and resources have been spent in recent years to ensure that this national treasure is available to future generations. The siting of the large, private Broadwater project in the center of the Sound runs counter to this history. The 950 acres directly around the platform that would need to be taken out of public use and placed into private, restricted use lie in the center of the main trawling lane on the New York side of the Sound, as clearly shown in Figure 3.5-2. This will cause the permanent loss of a commercial fishery in public waters.
- IN11-2 [Beyond this permanent loss of a commercial fishery, the passage of vessels with the Liquefied Natural Gas throughout the Sound will lead to a significant loss of public use of this public waterway, especially in the highly congested Race area at the entrance to the Sound. This is used both for commercial vessels on their way to the harbors along the north coast of the Sound, as well as for recreation. Essentially every vessel that needs to leave the Sound needs to pass through this narrow passage.
- IN11-3 [This will place large portions of the Sound out of public use multiple times in a week, and, in the case of an accident, may place it out of public use for periods of days or even weeks until the accident is cleared. The statement on p. 3-119 that "After reviewing the recreational economic literature, FERC believes that disruptions of this nature are not likely to affect, in any quantifiable manner, participation levels among recreators in the Race." is unsubstantiated.
- IN11-4 [Beyond this direct loss of public use of the waterways, the visual impact of a lighted industrial platform, visible for 80% of the time by large fractions of the coastline on both coasts of the Sound will lead directly to a loss of a highly prized visual economic value. The analysis of the economic loss induced by this viewscape alteration in sections 3.5.6 is flawed, as it does not take into account the specific pattern of property values on Long Island. One needs only to look at the increase in value of property that has a "waterview", as noted in Wakefield 2001, or at the beaches and harbors filled with tourists in the summer to see this. The comparison to high-voltage transmission lines in 3.5.6.2 is misplaced, as the perceived danger and visual impact of these lines falls off far more rapidly with distance than those introduced by the Broadwater project. This expanded radius of danger is the main reason that the project is proposed to be sited at the widest point of the Sound. Similarly, as noted in 3.6.5.3, on landfills, "when the industrial processes could no longer be observed, prices partially rebounded." Landfills cannot be observed over 93 miles of Connecticut coastline and 44 miles of Long Island coastline.
- IN11-5 [The dangers of the project will lead to an increased burden on local communities. Beyond the humanitarian consequences of a disastrous leak, due to the catastrophic consequences of a leak, either accidental or from terrorist activity, communities will need to have emergency procedures and resources in place. All of Fishers Island, Plum Island, Orient, NY, and parts of Southold, NY lie in an ignition hazard zone, Hazard Zone 3, as noted in the Coast Guard report of Sept. 2006, section 3.2.6.4. There are often

IN11-1 Impacts to commercial fishing are addressed in Sections 3.5.5.2, 3.6.8.1, and 3.7.1.4 of the final EIS.

IN11-2 As described in Section 3.7.1.4 of the final EIS, an LNG carrier and its proposed moving safety and security zone would pass through the 2.3-mile length of the Race in 25 to 35 minutes, depending on the speed of the carrier. The entire safety and security zone would pass a single point within about 15 minutes, and carriers would be present in the Race no more than once per day. Vessels in the path of an oncoming LNG carrier and its safety and security zone would be required to temporarily move from their positions.

As indicated in Sections 3.5.5.1 and 3.7.1.4 of the final EIS, the Race would not be closed when a carrier passes through. Vessels could transit the Race while a carrier is present by using the area between the limits of the Race and the edge of the carrier's safety and security zone. Alternative routes are available for recreational vessels to enter or exit eastern Long Island Sound in lieu of using the Race. In addition, if authorized, it is expected that Coast Guard would require Broadwater to schedule LNG carrier transits to minimize impact to other waterway users, to the extent practical, as recommended by the Coast Guard in Section 8.4 of the WSR (Appendix C of the final EIS). FERC expects that this and the other mitigation measures presented in Section 8.4 of the WSR (Appendix C of the final EIS) would be required if the Broadwater Project is authorized. Section 3.7.1.4 of the final EIS has been revised to more clearly describe FERC's approach to this issue. Therefore, use of the Race by LNG carriers would not "place large portions of the Sound out of public use multiple times in a week."

Response to an LNG carrier accident in the Race or elsewhere would be accomplished in accordance with the protocols and procedures of the Project's Emergency Response Plan, which would be developed by Broadwater and the appropriate federal, state, and local agencies and would require approval by FERC prior to authorizing construction (see Section 3.10.6 of the final EIS). Because of the importance of the Race to marine traffic, it is unlikely that an accident would close the Race for "days or even weeks before an accident is cleared."

IN11-3 Please see our response to comment IN11-2. Vessels in the path of an oncoming LNG carrier and its safety and security zone would be required to temporarily move from their positions. This would result in a temporary and localized impact for some vessels during carrier transits for the life of the Project.

In addition, if authorized, it is expected that Coast Guard would require Broadwater to schedule LNG carrier transits to minimize impact to other waterway users, to the extent practical, as recommended by the Coast Guard in Section 8.4 of the WSR (Appendix C of the final EIS). FERC expects that this and the other mitigation measures presented in Section 8.4 of the WSR (Appendix C of the final EIS) would be required if the Broadwater Project is authorized. Section 3.7.1.4 of the final EIS has been revised to more clearly describe FERC's approach to this issue. The statement on page 3-119 of the draft EIS includes the words "FERC believes that," and it is FERC's opinion based on our assessment of the potential impacts to recreational boating.

IN11-4 As described in Section 3.6.5 of the final EIS, FERC reviewed the existing economic literature to assess the potential for property value decreases associated with the presence of the FSRU. This literature, which includes studies related to LNG facilities, indicates that effects do not extend beyond a few miles. Because the Broadwater Project would be a unique facility that would be 9 miles from the nearest shoreline, and even greater distances from most properties, we also reviewed studies assessing loss of value associated with the presence of landfills, power lines, and offshore wind farms. Based on that review, the visual impacts assessment reported in Section 3.5.6 of the final EIS, the risk assessment reported in Section 3.10.3, and the conclusion reached for the impacts of the Cabrillo Port Project's FSRU (CSLC 2006), it is unlikely that construction and operation of the proposed Project would affect property values.

IN11-5

As described in Section 3.10.6 of the final EIS, Broadwater would be responsible for preparing an Emergency Response Plan; federal, state, and local agencies would participate in development of the plan, and the plan would include a Cost-Sharing Plan to provide funding for agency participation in emergency response actions. The plan would need to be approved by FERC before Broadwater could receive approval to begin construction of the facility.

Although the areas listed as being within Zone 3 are accurate, it is important to note that, in essence, Hazard Zone 3 is theoretical and is unlikely to occur. FERC staff believe that scenarios that would cause a large enough hole to result in a vapor cloud of this extent would require the use of explosives. Therefore, an ignition source would be present to ignite the vaporized LNG and create an LNG pool fire; there would not be a vapor cloud. If a release from an LNG carrier occurred and the maximum size unignited vapor cloud formed, it could extend onshore in some areas until reaching an ignition source, most likely close to the shoreline, and burn back to the LNG source. This is substantiated by the GAO Report (GAO 2007), which found that some experts polled indicated that such a cloud would not penetrate beyond the perimeter of a populated area because it would rapidly find a source of ignition and burn back toward the LNG carrier. However, we have revised individual resource sections throughout Section 3.0 of the final EIS to include information on potential impacts due to ignition of a vapor cloud within Hazard Zone 3.

IN11 – James C. Dunlop

200701105903 Received FERC OSEC 01/10/2007 09:34:00 AM Docket# CP06-54-000, ET AL.

- IN11-6 [wildfires on Long Island, and so an ignition event on the North Fork is not guaranteed to remain isolated. In addition, though the terminal itself is to be built to withstand a Category 5 hurricane, it is not at all clear in the report what would occur to supply vessels in the event of a hurricane. Were one of these to wash up on local beaches, as occurs with regular frequency with oil tankers throughout the world, the consequences would be disastrous. Hazard response and evacuation procedures, along with the procurement of resources to implement these procedures, will need to be identified and secured indefinitely through the life of the project. The DEIS is extremely vague as to who would pay for these resources; I suspect that the local communities could end up bearing the brunt, as the history with the Shoreham Nuclear Power plant shows.
- IN11-7 [
- IN11-8 [In short, the Draft Environmental Impact Statement is insufficient and flawed in multiple ways. The Broadwater project would have a much greater impact on the Sound than the DEIS states, an impact that is not outweighed by a minor influx of natural gas from foreign sources.

Sincerely,
James C. Dunlop

IN11-6 LNG carriers would not be present in any of the waterways used by the Project during a major storm such as a hurricane. Incoming LNG carriers would remain at sea until there is a sufficient period of suitable weather for the carrier to enter, berth, unload, de berth, and depart the Sound.

As stated in Section 3.10.6 of the final EIS, if FERC provides initial authorization for the Project, Broadwater would be required to prepare an Emergency Response Plan; the plan would address the emergency responses required for a wide spectrum of scenarios, including grounded LNG carriers. FERC must approve the Emergency Response Plan prior to final approval to begin construction.

IN11-7 As described in Section 3.10.6 of the final EIS, Broadwater would be responsible for preparing an Emergency Response Plan; federal, state, and local agencies would participate in development of the plan, and the plan would include a Cost-Sharing Plan to provide funding for agency participation in emergency response actions. The plan would need to be approved by FERC before Broadwater could receive approval to begin construction of the facility.

IN11-8 Preparation of the draft EIS was based on a scientific analysis of information on existing conditions and followed accepted procedures for federal EISs. We addressed each potential impact of the Project openly and comprehensively. Therefore we do not agree that the draft EIS “is insufficient and flawed in multiple ways.” We have revised the final EIS to respond to comments we received and appreciate your input.

IN12 – Verna B. Lilburn

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ORIGINAL

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Paralegal
Joanne O'Leary

January 16, 2007

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

Reference Docket No. CP06-54

Dear Secretary:

As a twenty-two year resident of the shoreline community of Madison, Connecticut, I strongly urge rejection of the Broadwater LNG Project. I am shocked and I must say, horrified to learn that this blight upon a natural resource and treasure is actually being considered. Throughout the past twenty years, reclamation of Long Island Sound has been an environmental priority for those of us who have lived on the shoreline. Review of the draft Environmental Impact Statement is doubly horrifying as it constantly draws the conclusion that the loss of small numbers of life forms is acceptable. This is application of a cost benefit analysis at its most absurd.

IN12-1 [The Environmental Impact Statement simply promotes the interests of the energy industry to the disadvantage fish, sea mammals, boaters, fishermen, nature lovers and avian life by referring to the demise of creatures and air as "minimal." Once again, the interests of the environment and the population are marginalized by a government agency that is committed to promoting the interests of the energy industry.

IN12-2 [The sight of a monstrous facility on the horizon where my children learned about sea life and the goodness of nature is horrible. Even the smallest spill that would endanger our natural habitat is totally unacceptable. It would take a totally naive person to believe that poor air quality hovers in one place and does not move or that a gas spill is quickly reabsorbed. I can already hear the excuses of the energy lobby after a series of gas spills and days of poor air quality---- "Ooops, we didn't know this could happen. Our science was not precise enough."

IN12-4 [It is time for the federal government to protect its citizens rather than broadening opportunities for the energy industry. No wonder people have lost trust in Washington!

IN12-1 Both the draft and final EISs were prepared by experienced scientists, engineers, and planners in compliance with NEPA guidelines, and with input and assistance from our cooperating agencies (COE, EPA, Coast Guard, NMFS, and NYSDOS). We believe that the final EIS openly and accurately addresses all relevant potential impacts.

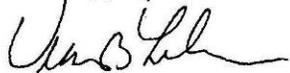
IN12-2 We have recommended to the Commission that Broadwater be required to prepare an acceptable SPCC plan (see Section 3.2.2.1 of the final EIS). Natural gas is generally not miscible in water. An LNG spill would not mix in the water but would result in a vapor developing over the water prior to assimilation into the atmosphere.

IN12-3 Section 3.9.1.2 of the final EIS describes the potential impacts of emissions generated during construction and operation. The assessment did not consider, and the text does not indicate, that pollutants would remain in one place.

IN12-4 In the event of an LNG spill, the LNG would vaporize and the resultant natural gas would either dissipate or, if ignited, would burn if the concentration in air was conducive (between 5 and 15 percent) and an ignition source was present.

IN12 – Verna B. Lilburn

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Very truly yours,


Verna B. Lilburn

IN13 – Tony DuMula

200701185054 Received FERC OSEC 01/18/2007 03:56:00 PM Docket# CP06-54-000, ET AL.

**G. S. PETER BERGEN
ATTORNEY AT LAW
27 PINE STREET
PORT WASHINGTON, NY
11050**

January 18, 2007

Via Electronic Filing

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

**Re: Broadwater Energy, LLC – Docket No. CP06-54-000
Broadwater Pipeline, LLC – Docket Nos. CP06-55-00
CP06-56-000**

Dear Secretary Salas:

On behalf of Mr. Tony DuMula, a resident of Mattituck, Town of Southold, NY, I submit the within comments for filing in the above captioned dockets.

Sincerely yours,
s/ G. S. Peter Bergen
G. S. Peter Bergen,
Attorney for the Town of Southold

PHONE: 516-767-3449
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Individuals Comments

IN13 – Tony DuMula

200701185054 Received FERC OSEC 01/18/2007 03:56:00 PM Docket# CP06-54-000, ET AL.

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

Broadwater Energy LLC)	Docket Nos. CP06-54-000
Broadwater Pipeline LLC)	CP06-55-000
)	CP06-56-000

**COMMENTS OF
TONY DEMAULA**

My name is Tony DeMaula, and I reside in Mattituck, Town of Southold, New York. I have been a lobsterman for 47 years. I submit these comments to point out deficiencies in the DEIS with respect to impacts upon the lobster industry.

Lobstering is my livelihood and my life. My son is a third generation lobsterman and it is my fervent hope that I can pass my business on to him. I do not want a "compensation contract" as Broadwater proposes.

IN13-1 [The DEIS does not account for the fleet of 17 men from Mattituck who set pots and trawl the area just west of Orient, known as Rocky Point, to the west for 35 or 40 miles to the eastern edge of the proposed security zone for the proposed LNG barge, and north to the New York/Connecticut State line.

IN13-2 [The area proposed for the LNG facility and security zone is exactly the area fished by the Mattituck lobstermen. Should the Broadwater proposal be approved, the pots in this 35 to 40 mile area will be extremely vulnerable due to the increased traffic in the area. In fact, I liken the vulnerability of the lobster pots in the security zone to eggs left out on the Long Island Expressway for the day. They will not survive. Commercial lobstering in the area will become very, very costly due to the gear loss. The industry will be destroyed.

IN13-1 Sections 3.6.8.1 and 3.7.1.4 of the final EIS have been updated to address the impacts to commercial lobstermen, trawlers, and hand line fishermen from the proposed moving safety and security zones around LNG carriers as they enter and exit the Sound.

IN13-2 As noted in Section 3.7.1.4 of the final EIS, the proposed Project would increase commercial shipping by about 1 percent. The proposed moving safety and security zone surrounding each LNG carrier would be about 0.2 percent of the total area of the Sound, and only one carrier would be allowed in the Sound at any one time. Therefore, except for pots currently set in the area proposed for the safety and security zone around the FSRU, there would not be a reason to move pots normally set to the east of that zone. Based on these considerations, we do not believe that the lobster industry would be destroyed due to implementation of the Broadwater Project.

MTL/D530570v1/M048569/C0115980

IN13 – Tony DuMula

200701185054 Received FERC OSEC 01/18/2007 03:56:00 PM Docket# CP06-54-000, ET AL.

IN13-3 [In addition, the DEIS does not account for the fact that the security zone along the northern New York boundary will push navigation traffic south. Furthermore, the lobstermen who utilize the northern area will be forced south so that the area will become more congested, reducing the productivity per pot.

IN13-4 [The authors of the DEIS did not come to the port in Mattituck to interview me or the other Mattituck lobstermen.

January 18, 2007

IN13-3 As stated in Section 3.7.1.4 of the final EIS, the proposed location of the FSRU and the surrounding safety and security zone is not an area of heavy commercial traffic. The primary east-west shipping route along the Sound passes just south of the proposed FSRU location. As stated in Section 4.6.1.5 of the WSR (Appendix C of the final EIS), the presence of the proposed safety and security zone around the FSRU would require some vessels to transit either more to the north or to the south. The proposed Project would cause a minor but long-term impact on commercial vessels traveling that route.

IN13-4 Please see our responses to comments IN13-1, IN13-2, and IN13-3.

IN14 – Tamara L. Fowls and Sarosh N. Wahla

200612215135 Received FERC OSEC 12/21/2006 09:02:00 PM Docket# CP06-54-000, ET AL.

UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

BROADWATER ENERGY, LLC	Docket Nos.	CP06-54-000
BROADWATER PIPELINE LLC		CP06-55-000
BROADWATER ENERGY LIQUIFIED NATURAL GAS PROJECT		CP06-56-000

COMMENT IN RESPONSE TO DRAFT ENVIRONMENTAL IMPACT STATEMENT ISSUED ON NOVEMBER 17TH, 2006

Pursuant to Rule 211, Tamara Fowls and Sarosh Wahla, third year students at the University of Connecticut School of Law (collectively hereinafter “Student at the University of Connecticut School of Law” or “Law Students”), respectfully submit this Comment/Protest to the Federal Energy Regulatory Commission (hereinafter “FERC” or “Commission”) in the above captioned proceedings. 18 CFR § 385.211(a)(1). Law Students are residents of the State of Connecticut and their participation in these proceedings is in the public interest.

I. Summary of Argument

Law Students propose that the Commission consider: (a) the likelihood of a company deviating from the methods of construction and operation detailed in their application with FERC, and (b) the harm that deviations in methods of construction or operation of a liquefied natural gas marine terminal will cause to the environment.

II. Procedural Background

Broadwater Energy LLC and Broadwater Pipeline LLC (collectively hereinafter “Broadwater”) have filed an application with FERC for a proposed Broadwater Liquefied Natural Gas Project (hereinafter “Project”) pursuant to Sections 3(a) and 7(c) of the Natural Gas Act (hereinafter “NGA”). On November 17th, 2006, FERC staff issued a draft environmental impact statement, listed in the record at accession number 20061117-4003 in the above captioned proceedings (hereinafter “Draft”), to discharge their obligations under the National Environmental Policy Act (hereinafter “NEPA”). Under *Sierra Club v. Peterson*, the NEPA “requires federal agencies to evaluate the environmental consequences of their actions prior to commitment to any actions which might affect the quality of the human environment.” 717 F.2d 1409, 1415 (D.C. Cir. 1983) This is when “the critical agency decision is made which results in irreversible and irretrievable commitments of resources to an action which will affect the environment.” *Id.*, (internal citations omitted).

The purpose of the Project is construction and operation of a liquefied natural gas (“LNG”) marine terminal capable of receiving imported LNG from LNG carriers, storage, and regasification. The LNG marine terminal would provide natural gas to the Long Island, New York City, and Connecticut markets via the existing subsea natural gas

IN14-1

The EIS is just one step in the agency review and approval process for the proposed Project, which would include periodic inspection and monitoring throughout construction and operation. For example, Broadwater would be required to use environmental monitors during all Project construction, as described in Section 5.2 of the final EIS. These monitors would have the authority to order work to stop if there were concerns regarding compliance with any federal and state regulations and permitting requirements. Further, a standard condition of any FERC authorization is a requirement that the applicant complete the project as described in its application and subsequent submittals to the FERC record. Any deviation from this, without express permission from FERC, would violate the condition; this could result in a cessation of construction or operation activities and could be subject to civil penalties, depending on the severity of the noncompliance.

IN14-1

IN14 – Tamara L. Fowls and Sarosh N. Wahla

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pipeline system owned by Iroquois Gas Transmission System. See Draft's Executive Summary p. ES-1. FERC "found that the demand for natural gas in each of these areas is rising and is projected to generate increasing price pressure and volatility in the future if the supply remains at its current level." *Id.*

The Draft concludes that the construction and operation of the Project would result in limited adverse environmental impacts. Draft's Conclusions and Recommendations, p. 5-1. Specifically, that during construction of the Project, "the primary impacts would be physical disturbance of the seafloor and related turbidity in the water column," and that "[d]uring operation, the impacts of primary concern would consist of minor impacts to water quality, air quality, fisheries associated with impingement and entrainment, recreational boating and fishing, and commercial vessel traffic, as well as minor to moderate impacts on visual resources." *Id.* Any adverse environmental impacts "occurring during operation would continue through the life of the proposed Project." *Id.* Neither renewable energy sources nor "existing or proposed pipeline systems or LNG terminals could meet the energy needs for the target markets without substantial system upgrades that would result in greater environmental impacts than those of the proposed Project." *Id.* at 5-15. In addition, the Draft proposed a series of seventy-nine measures that would further mitigate the environmental impacts associated with the construction and operation of the Project. *Id.* at 5-17 to 5-28.

III. Argument

Law Students assert that the Commission should consider the rationale and analytical framework underlying Newcomb's Paradox when promulgating a final environmental impact statement. Specifically, Law Students encourage the Commission to analyze the impact and probability of an applicant employing environmentally unsound methods in the construction or operation of an LNG marine terminal.

A. Newcomb's Paradox

The traditional formulation of Newcomb's Paradox involves two parties, the Chooser and the Predictor, who are involved in a game.² The game entails the Chooser deciding whether to take either the contents of two boxes, A and B, or just the contents of box B. In the game, box A will always contain \$1,000. The contents of box B, however, will be determined by the Predictor before the Chooser decides which box(es) to take. If the Predictor predicts that both boxes will be taken, then box B will contain nothing. If the Predictor predicts that only box B will be taken, then box B will contain \$1,000,000. Thus, by the time the Chooser is making a decision, box B contains either \$0 or \$1,000,000. The caveat to the game is that the Predictor is nearly infallible, and has never before incorrectly guessed which box(es) a Chooser will take.

Each Chooser knows the information outlined in the preceding paragraph, and has to choose between two conflicting strategies that can both theoretically lead to maximizing their payout. The first theory (hereinafter, "Theory 1") suggests that taking

² The description of Newcomb's Paradox found above was based off of the explanation provided at Wikipedia, available at http://en.wikipedia.org/wiki/Newcomb's_paradox. Further analysis was based on the work of Waldemar Stronka, *Newcomb's Paradox and Neuroeconomics, Proposal of an Experimental Investigation*, The Poznan University of Economics (2006).

IN14-2 Please see our response to comment IN14-1.

IN14-2

IN14 – Tamara L. Fowls and Sarosh N. Wahla

200612215135 Received FERC OSEC 12/21/2006 09:02:00 PM Docket# CP06-54-000, ET AL.

only B is optimal. Under this line of thinking, making a return of \$0 or \$1,001,000 are impossible since they would require an incorrect prediction from the Predictor. Thus, the Chooser really must simply elect between whether to receive \$1,000 (boxes A and B) or to receive \$1,000,000 (box B only). This theory has drawn criticism for its inapplicability to real world situations since it relies on an infallible Predictor.

The second theory (hereinafter, "Theory 2") is that, regardless of the Predictor's prediction, taking both boxes yields more money. According to this theory, if the prediction is for both A and B to be taken, then the Chooser's election of boxes A and B (\$1,000) produces a greater yield than taking just box B (\$0). Likewise, if the prediction is for the Chooser to take only B (\$1,000,000), then taking both boxes still will increase the payout (to \$1,001,000). This theory further suggests that the best solution is for a Chooser to convince a Predictor that they are going to choose only box B, but then to actually choose both boxes.

B. Newcomb's Paradox Applied

Broadwater's application is a real world example of Newcomb's Paradox. FERC is the Predictor and Broadwater is the Chooser. The Chooser, Broadwater, must decide whether to submit an application indicating that it will construct and operate an LNG marine terminal by environmentally sound and unsound means in conjunction (i.e., boxes A and B), or solely by environmentally sound means (i.e., box B only). Similarly, the Predictor, FERC, has the opportunity to put either \$0 or \$1,000,000 into box B when it decides whether to accept or reject Broadwater's application. As the Draft has concluded that Broadwater will employ only environmentally sound methods in the construction and operation of the LNG marine terminal, FERC has made a prediction that Broadwater will select only box B. Accordingly, FERC has put the equivalent of \$1,000,000 into box B by approving the application.

However, since this application is a real world instance of Newcomb's Paradox, it is important to determine with accuracy whether Broadwater will elect Theory 1 or Theory 2 to maximize its payout of application approvals. If Broadwater elects Theory 1, it will fully disclose all activities to FERC in its application, and will assume that it is not possible to state one position in the application while performing another. Conversely, if Broadwater elects Theory 2, Broadwater will attempt to convince FERC that it will only use environmentally sound methods in the construction and operation of the LNG marine terminal, while actually planning to use both sound and unsound methods.

Unless Broadwater selects Theory 1 (which is improbable because Theory 1 requires the Predictor, FERC, to be wholly infallible), Broadwater will be likely to not fully disclose in its FERC application the unsound environmental methods it plans to use. Furthermore, since it is likely that Broadwater subscribes to Theory 2, it is important that FERC fully consider the environmentally unsound methods that might be employed in the construction and operation of a LNG marine terminal, even if Broadwater does not explicitly state that they will be using such methods.

FERC may argue that Broadwater is unlikely to use Theory 2 because, in the past, there have not been many instances in which companies switched their methods of

IN14-3 Please see our response to comment IN14-1.

IN14-3

IN14 – Tamara L. Fowls and Sarosh N. Wahla

200612215135 Received FERC OSEC 12/21/2006 09:02:00 PM Docket# CP06-54-000, ET AL.

IN14-4 [construction and operation after their applications with FERC have been approved.³ It may point out that the Recommended Mitigation, and possible sanctions for non-compliance, are deterrents that will ensure that Broadwater complies with the terms outlined in its application. However, while these methods may lower the probability with which corporations will deviate from the actions outlined in their FERC applications, it does not *fully* ensure that all deviations will be eradicated. As such, in addition to considering the environmentally unsound methods that might be employed by an applicant, FERC should determine with what probability a company is expected to deviate from the actions set forth in their application.⁴ Doing this analysis will allow for FERC to complete an appropriately comprehensive risk analysis.

IN14-4 Please see our response to comment IN14-1.

IV. Conclusion

IN14-5 [In summary, Law Students urge the Commission to apply Newcomb's Paradox when considering the likelihood of a company deviating from the methods of construction and operation detailed in their application with FERC, and the harm that deviations in methods of construction or operation of a liquefied natural gas marine terminal will cause to the environment. This should allow the Commission to better understand and account for the risk of noncompliance when issuing its final environmental impact statement.

IN14-5 Please see our response to comment IN14-1.

³ Reasoning based on past inference does allow for an inference of probability. As John Leslie points out in his article *Doomsday Revisited*, if one were to go into a casino and observe a roulette table which came up "red" thirteen times in a row, it would indicate that there was an increased probability that the table was rigged. *THE PHILOSOPHICAL QUARTERLY*, Vol. 46 No. 166 (1992). Likewise, if FERC observes a past trend of adherence to proposed Projects, it may likewise make inferences regarding the probability of Broadwater's will adhere to the specifics detailed in its proposed Project.

⁴ Law Students suggest that the optimal method of calculating the probability would be through the use of Bayes' Theorem. Details regarding this theorem may be found in Stanford Encyclopedia of Philosophy, available at <http://plato.stanford.edu/entries/bayes-theorem/>.