APPENDIX L

RESPONSE OF THE FEDERAL ENERGY REGULATORY COMMISSION

TO THE

"STATE OF MARYLAND ADVISORY REPORT: A RESPONSE TO THE PROPOSED AES SPARROWS POINT LNG PROJECT"

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The Natural Gas Act (NGA), as modified by the Energy Policy Act of 2005 (EPAct), requires that the Federal Energy Regulatory Commission (FERC or the Commission) consult with the state in which an LNG terminal is proposed regarding state and local safety matters. The State of Maryland Governor's office designated the Power Plant Research Program (PPRP) of the Maryland Department of Natural Resources (MDNR) to be the lead agency for the purpose of coordinating with FERC throughout the AES Sparrows Point LNG project.

PPRP submitted the "State of Maryland Advisory Report: A Response to the Proposed AES Sparrows Point LNG Project" (Advisory Report) to FERC on February 7, 2007. The report addressed state and local considerations for the Project and included comments from MDNR, the Maryland Department of Agriculture (MDA), the Maryland Department of the Environment (MDE), the Maryland Department of Business and Economic Development (MDBED), the Maryland Department of Transportation (MDOT), the Maryland Department of Planning (MDP), the Maryland Energy Administration (MEA), and the Maryland Port Administration (MPA), as well as comments of several local governmental entities (Baltimore County, Harford County, and the Coastal States Organization).

The EPAct also stipulates that before the Commission may issue an order authorizing an LNG terminal, it must "review and respond specifically" to the safety matters raised by the state agency designated as the lead for the state and local safety matters. This Appendix provides FERC's response to the Advisory Report for the Sparrows Point Project.

The Advisory Report identified the following key categories of potential concerns:

- SAFETY CONCERNS
  - Overall Concerns
  - Onsite Concerns
  - Off-Site Concerns
  - Emergency Response
  - Remote Siting
- ENVIRONMENTAL CONCERNS
  - Water Use and Quality
  - Fish, Wildlife, and Vegetation
  - Cultural Resources
  - Socioeconomics
  - Land Use, Recreation, and Aesthetics
  - Air and Noise Quality
- OTHER CONCERNS
  - Coastal Facilities Review Act
  - Chesapeake Bay Critical Area Act

The "Safety Concerns" section of the Advisory Report provides a general summary of the comments of the State of Maryland.

The Advisory Report includes both general and specific safety matters that the State of Maryland requested be included in FERC's review of the Sparrows Point application. In addition, the Advisory Report addresses non-safety-related issues, many of which are within the scope of FERC's environmental review. FERC's specific responses to the concerns raised are presented in tabular format in Table L-1 in the order of the issues presented in the report. Where appropriate, the response identifies the section of the environmental impact statement (EIS) where information on the issue of concern is addressed.

Table L-1

FERC's Responses to Concerns Presented in the State of Maryland Advisory Report on the Sparrows Point LNG Project

Topic	Issue	Response [a]
SAFETY CONCERNS		
Overall Concerns	Maryland's risk study of the project concluded that the project lays within an ALARP (as low as reasonably practicable) region, when individual and societal risks are considered. Therefore, the applicant should demonstrate that they have considered and implemental all reductions to risk in the design and construction of the facility that are not disproportionate to the cost of those measures.	Section 4.12 addresses reliability and safety issues associated with the Project. The Coast Guard's Waterway Suitability Report (WSR) for the waterway for LNG marine traffic is attached as Appendix J. The Coast Guard will require that AES develop additional Risk Reduction Measures (RRMs) before the waterway is deemed suitable for LNG marine traffic to the Port of Baltimore. By its proposed conditions for final design of the LNG facility, the FERC would require that AES comply with risk reduction features in the final design of the LNG facility, before issuing a Notice to Proceed.
	Applicant proposes a 20-acre site north of the LNG facility that would be used during construction for a staging area and possibly for temporary placement of Processed Dredge Material. This 20-acre parcel is also designated as the proposed site for an ethanol plant proposed by Ecron. Show alternate plans for the placement of this 20-acre staging area if the ethanol plant goes forward.	AES has received preliminary approval from SPS (the owner of the 226-acre shipyard property) to utilize 20 to 30 acres of the shipyard property for temporary equipment laydown and a storage yard should the Ecron ethanol plant construction preclude AES's use of that 20-acre site (see section 4.8.2.1 of the EIS).
Onsite Concerns	The separation of the Security Building/Control Room from the high pressure methane [natural gas] metering facility is questioned.	Section 4.12 addresses reliability and safety issues associated with the Project. The DOT has exclusive authority to promulgate and enforce safety regulations and standards over the onshore LNG facilities beginning at the last valve immediately before the LNG storage tank(s).

Topic	Issue	Response [a]
Tank Containment	In the event of an inner tank failure having potential to affect the containment integrity of the outer tank, then the design should allow for additional impounding area that otherwise satisfies NFPA 59A, section 5.2.1.1.	AES would comply with all applicable sections of NFPA 59A as per FERC staff review. See section 4.12 of the EIS.
Jetty & Marine Aspects	The proposed configuration of two LNG ships being at berth during offloading of one vessel could form a semi-confined volume in which vaporized methane (in the case of LNG released between the two ships) could collect prior to ignition.	In section 4.12.1, the DEIS states "Although LNG is not explosive as it is normally transported and stored, natural gas vapors (primarily methane) can explode if contained within a confined space, such as a building or structure, and ignited."
Offsite Concerns	Proximity to Mittal Steel blast furnace gives concern from standpoint of workforce congestion and multiple ignition sources for dispersing flammable gas.	This comment is addressed in section 4.12.4 of the EIS. FERC staff calculated that the vapor exclusion zone would extend approximately 361 feet from the impoundment sump and would not extend beyond the site property line.
	Potential neighboring ethanol plant (proposed by Ecron), within approximately 850 yards of the Sparrows Point LNG facility boundary, poses another source of employment and potential risk to workers from vapor cloud release and flash fire.	Addressed in section 4.12.4 of the EIS.
	Address how a pipeline would cross major grades or waterways within State rights-of-way. There is a concern for pipelines on bridges as potential terrorist targets.	AES does not propose "pipelines on bridges" as a crossing technique; see section 2.3.2 for information on pipeline construction methods. All pipeline segments will be buried.

Topic	Issue	Response [a]
	Indicate how the Emergency Response Plan would establish or enhance warning process and citizen/State employee communications at: a) the Bay Bridge; b) Francis Scott Key Bridge; and c) Sandy Point State Park. Applicant should provide funding to implement and operate such communication systems.	Section 4.12.6 discussion emergency response and evacuation planning for the Project. The Plan to be developed must address communications with appropriate officials and address potential hazard areas along the transit route. Section 4.9.3 indicates that as part of developing an ERP "AES and the appropriate response organizations would determine resources required to implement the ERP, if any, and allocate payment responsibilities for needed resources." AES expects to fully fund additional resources, including both equipment and services, and training necessitated solely as a result of the construction and operation of the project."
Emergency Response	The State of Maryland has significant concerns with respect to emergency response resources and capabilities in the event of a significant LNG release. Specifically: a) the LNG site is a peninsula which has limited roadways for ingress and egress points for an emergency. b) significant portions of the surrounding populations communicate in languages other than English, potentially leading to difficulties in communications during an emergency. c) there are a number of schools and religious establishments in the vicinity of the proposed facility, increasing potential numbers of individuals present during an emergency evacuation. d) concern with the adequacy of local emergency equipment and training to respond to an emergency at the LNG facility.	This comment is addressed in section 4.12.6 of the EIS. In this section it is recommended that AES develop an Emergency Response Plan (including evacuation) and coordinate procedures with the U. S. Coast Guard; state, county, and local emergency planning groups; fire departments; state and local law enforcement; and appropriate federal agencies. The Plan would need to include communications with appropriate officials, emergency response agencies, and residents and recreational users within areas of potential hazard along the transit route, and evacuation routes/methods for residents and other public use areas that are within any transient hazard areas along the route of the LNG marine transit.

Topic	Issue	Response [a]
Remote Siting	The State of Maryland indicates that the relatively small land parcel (of the LNG facility) and the location of the Sparrows Point site does not meet the State's concept of "Remote Siting" as addressed by the Natural Gas Act.	The Pipeline Safety Act of 1979 directed the Secretary of Transportation to issue minimum safety standards for determining the location, design, installation, construction, initial inspection, and initial testing of any new LNG facility. Section 6(d) of the Pipeline Safety Act listed several factors to consider in prescribing the rules, including "(F) the need to encourage remote siting." On January 30, 1980, DOT issued the final rule that established Federal Safety Standards for LNG Facilities. Part 193.2057 requires the establishment of thermal exclusion zones around the facility and Part 193.2059 requires flammable vapor exclusion zones in order to protect people who live or work near the facility. The DOT stated that the safety advantages of "remote siting" were essentially obtained by compliance with the exclusion zone provisions, but without incurring such potential drawbacks as poor positioning relative to existing pipelines, gas markets, or navigational needs. The thermal exclusion zone is addressed in section 4.12.4.

Topic	Issue	Response [a]
ENVIRONMENTAL CONCERNS **Water Use and Quality**		
Dredging	Clarify the apparent discrepancy in volume of material to be dredged: a) approximately 4 MMcy; b) 2.6 MMcy for disposal site yet to be determined. Identify reasonable, affordable and viable alternative disposal options for excess dredged material.	AES has clarified the amount of dredging as 3.7 MMcy in the 404 application to the COE. (See section 2.3.1.3 of the EIS). Maryland misinterpreted the statement of 2.6 MMcy, in which AES was referring to dredging permit of Barletta Willis. Section 4.3.2.5 includes a recommendation that AES provide a comprehensive Dredged Material Placement Plan which includes alternatives for material placement.
	Address if the AES proposal would affect the ability of the Maryland Port Administration (MPA) to locate a future Dredged Material Containment Facility (DMCF) at the Sparrows Point peninsula. The Sparrows Point location is currently the only site identified by the DMMP Harbor that can meet the 2013 deadline [time when current dredged material placement area capacity is exceeded] and the capacity needs.	The potential future alternative uses of the proposed site and surrounding shipyard areas are not within the jurisdiction of the FERC to review and are not relevant to the issues of concern under the NGA.
PCB Levels	The PCB analytical method used by AES is not sensitive enough to estimate PCB toxicity. Additional sediment and elutriate testing using congener-specific methods should be performed. Maryland proposed a series of PCB quantifications to be performed by AES.	AES has performed additional sediment testing as requested by the COE and MDNR during their review of the joint applications for dredging. Section 4.3.2.4 presents detailed information regarding a range of sediment data across the potential dredge area and notes "[b]ased upon the review of these analytical results by the COE and MDE, the permit process may impose conditions on the dredging permit if, in their opinion, conditions are warranted to protect the marine environment or to protect human health."

Topic	Issue	Response [a]
Permitting	Any withdrawal of water from a Maryland water body (for hydrostatic testing or other purpose) will require an appropriation permit from MDE in accordance with COMAR 26.17.06.	This comment is addressed in Section 4.3.2.8 of the EIS
	Maryland would like to impose the limit to the through screen intake velocity to less than 0.5 ft/s for intake of any water for the project.	See sections 4.3.2.8 and 4.6.2.2. For Hydrostatic testing the DEIS states that "Screen intakes would consist of a 2 mm wedgewire screen and the intake velocity would be limited to 0.5 feet per second with a flow rate of approximately 1,200 to 3,600 gpm." For Ballast Water intake the DEIS states that "Since AES does not own or expect to own any of the LNG vessels that would deliver product to the LNG terminal, AES cannot commit that ballast water would be screened through 2 mm mesh screens and an intake velocity of less than 0.5 fps would be maintained. However, AES would recommend these restrictions to the LNG vessel operators."
Fish, Wildlife and Vegetation	In the vicinity of the LNG terminal location, the piers that would be demolished/removed may include the removal of species associated with this hard substrate. Maryland disagrees with AES statement that the removal of the piers may result in positive benefit to the benthic community.	A statement about the existing piers providing intertidal habitat is found in section 4.6.2.1. FERC staff does not agree with the AES statement that removal of the piers may result in a positive benefit to the benthic community; thus, this statement is not in the DEIS.
	The marine exclusion zone that will be imposed by the US Coast Guard to ensure safety of the LNG vessels will negatively impact recreational boaters.	This comment is addressed in sections 4.8.5.2 and 4.9.4.2 of the DEIS.
	AES has reported the occurrence of zebra mussels in the area of the terminal. According to Maryland, this is in error, since zebra mussels are only found in freshwater and have not been documented in the estuarine waters of the Baltimore Harbor and vicinity.	Zebra mussels are not referred to in the EIS

Topic	Issue	Response [a]
	Coordination with the Department of Natural Resources Wildlife and [sic] Heritage Division for any disturbance to threatened or endangered species in habitats that are inside Critical Areas.	Section 4.8.3.2 discusses the Maryland Critical Areas Act; a recommendation is included that AES consult with appropriate state/local agencies to prepare a "Critical Area Management Plan" that would provide for avoidance and/or minimization of impacts to Critical Areas impacted by the Project. Potential impacts to be considered would need to include habitat for threatened or endangered species which would require coordination with the MDNR Wildlife and Heritage Division. AES has consulted with MDNR's Wildlife Heritage Division with regard to potential impacts on Maryland-listed threatened and endangered species. Endangered and threatened species are addressed in section 4.7. Much of the information in that section was obtained in AES's consultation with MDNR's Wildlife Heritage Division.
	Mitigation required for any clearing of designated Forest Interior Dwelling Bird (FID) [sic] habitat by creation of new FIDs [sic] habitat.	FIDS habitat is addressed in Section 4.6.1 Terrestrial Species. We are recommending that Mid-Atlantic Express consult with appropriate FIDS habitat management entities in Maryland and file with FERC the results of that consultation, including any agency-required FIDS habitat mitigation plans.
Cultural Resources	Potential impacts to the Sparrows Point Shipyard Historic District if designated a National Historic District should be considered.	Section 4.10.1 of the EIS addresses potential impacts to the Sparrows Point Shipyard; consultation between AES and MHT to develop an appropriate mitigation plan for potential adverse impacts to the shipyard is ongoing. Section 106 of the NHPA (16 USC 470) requires the FERC to take into account the effects of its undertakings (including issuances of a Certificate) on properties listed, or eligible for listing, on the NRHP and to provide the ACHP an opportunity to comment on its undertakings. AES and Mid-Atlantic Express, as non-federal parties, are assisting the FERC in meeting its obligations under Section 106 and the implementing regulations at 36 CFR 800.

Topic	Issue	Response [a]
Socioeconomics		
Marine Impacts	Use of the Sparrows Point Shipyard for an LNG terminal may not be the best use in terms of economic development.	This is not a safety concern. The consistency of the proposed Project with local and regional development plans is addressed in part through Maryland's Critical Areas Act and is also discussed in section 4.9.7. Specifically, the proposed development at the terminal site is compatible and consistent with existing use and long-range plans identified for the area. Plans for the terminal site would have no negative impact on these proposed plans or revitalization efforts included in *Dundalk, A Second Century Vision*. Similarly, construction and operation of the terminal facility would have no negative impacts on the community redevelopment and revitalization concepts included in the *Turner Station Community Conservation Plan*. The *Baltimore County Master Plan* identifies the terminal site as industrial for purposes of land use, an area of industrial employment for development policy purposes.
	LNG vessel security zones will impede free movement of marine traffic, lead to economic losses at the Port of Baltimore; impacts to commercial and recreational water uses.	See sections 4.8.5.2 and 4.9.4.2 for discussions regarding potential impacts to the Port of Baltimore and marine traffic. FERC recommends that AES continue its discussions with the Port of Baltimore and other major shipping and commercial and recreational fishing interests along the transit route and develop specific operational and communication guidelines to address any concerns raised regarding impacts to these interests along the transit route and within the Port of Baltimore.
Land Impacts	Traffic impact study incomplete.	See section 4.9.4.1 for updated traffic study information.
	Real estate value study questions.	See section 4.9.5 for discussion regarding potential impacts to real estate values. Several studies reviewed indicate no significant effect on property values. AES-commissioned study of real estate values in vicinity of Cove Point not directly applicable to the AES project.

Topic	Issue	Response [a]
	Public services must be maintained when roads temporarily closed for pipeline construction activities, needs to be specifically addressed in emergency services routing plans.	Section 2.3.2.2 discusses construction of the pipeline along roads. Where pipeline construction activities would occur within public roadways, provisions would be made for appropriate signage and, when necessary, temporary detours or other traffic control measures would be established to allow safe traffic flow (including for emergency vehicles) during construction. Such measures would be in compliance with state and local regulations and in accordance to rights-of-way agreements with the entity that holds the transportation easement. Also see section 4.9.4.
	Turner Station is an economically distressed community.	Section 4.9.7 addresses Environmental Justice issues associated with the Project, including potential impacts to the Turner Station community. The median household income for Turner Station is $28,324, which is greater than the median income values reported for Baltimore County and the State of Maryland. Turner Station is considered an environmental justice area based on its minority population (US Census Bureau 2000). FERC finds that implementation of the proposed terminal facility development would not disproportionately or otherwise result in adverse human health or environmental effects on minority or low income communities or Native American programs.
Land Use, Recreation, and Aesthetics		
Terminal Concerns	Various issued also addressed under other headings.	As noted elsewhere.
	Storm water runoff at the terminal site will need to comply with requirements under Coastal Zone Management program.	Stormwater is addressed in section 4.3.2.5. In accordance with Coastal Zone Management Areas regulations, the redirection of the process area stormwater runoff will result an approximate 50% reduction of stormwater discharged to the Patapsco River.

Topic	Issue	Response [a]
Pipeline Concerns	Use of highway rights-of-way for pipeline; SHA engineers need to review detailed engineering plans; alternative alignments; conflicts with expansion plans; permits required.	Alternative alignments to address potential issues with highways discussed in section 3.3. Potential conflicts of pipeline construction with planned highway projects discussed in section 4.9.4.1. FERC recommends that Mid-Atlantic Express continue to consult with Maryland Department of Transportation, SHA and file with the Secretary prior to the end of the DEIS comment period the results of any additional consultations with SHA and the results of SHA's review of the Mid-Atlantic Express application for exceptions. Construction methods for crossing of the roadways would include boring or other similar means that would minimize traffic disruption. Mid-Atlantic Express would work with the appropriate agencies to submit applications for road crossing permits, as necessary, for all proposed road crossings and ensure that mitigation measures are in place for future expansion plans as requested by the agencies.
	Railroad crossings and potential service interruptions.	Section 4.9.4.1 addresses pipeline impacts at railroad crossings. We do not anticipate that construction or operation would interfere with operation of any railroads.
	Mitigation for clearing within Critical Area, should be coordinated with local governments.	Section 4.8.3.2 addresses the Maryland Critical Area Act. FERC recommends that Mid-Atlantic Express consult with appropriate state/local agencies to prepare a "Critical Area Management Plan" that would provide for avoidance and/or minimization of impacts to the Critical Areas. Such a plan would address all applicable requirements including mitigation for clearing.

Topic	Issue	Response [a]
	Storm water runoff along pipeline route within Coastal Zone will need to comply with requirements under Coastal Zone Management program.	Water quality impacts from pipeline construction and operation are addressed in section 4.3.2.7, including stormwater impacts. Mid-Atlantic Express would follow its ECP. This plan includes requirements for preconstruction planning, environmental inspection, construction methods at waterbody and wetland crossings, streambank stabilization, sediment and erosion control, restoration, decompaction, and post-construction maintenance. It includes provisions to handle stormwater and to protect waterbodies and wetlands from accidental spills of fuels or hazardous materials. In addition, Mid-Atlantic Express would implement the measures contained in its SPCC Plan. Consistency with the Coastal Zone Management Program is addressed in section 4.8.3. FERC recommends that AES and Mid-Atlantic Express file documentation with the Secretary of concurrence from the MDE that the project is consistent with the Maryland Coastal Zone Management Plan prior to construction.
	Potential impacts to lands in the Maryland Agricultural Land preservation Foundation and Rural Legacy Program conservation easements; impacts to existing residential areas and close proximity to schools. Mitigation plans are generic.	Section 4.8.5.1 addresses impacts to designated recreation and public interest areas, including conservation lands, schools, churches and public use properties. Section 4.8.2.3 addresses existing and planned residences and developments along the pipeline route. Section 3.3 addresses potential alternative routes for segments in densely populated areas. FERC recommends Mid-Atlantic Express develop site specific plans for pipeline crossings of conservation lands, schools, churches and public use properties, existing and planned residences and developments.
Air and Noise Quality		
Air Draft General Conformity	Applicant needs to specify plan to acquire necessary emission offsets.	Plans to acquire offsets will be reviewed as part of the air permitting process.

Topic	Issue	Response [a]
	SIP conformity issues related to transport of ozone.	General Conformity is addressed in section 4.11.1.5. In that section FERC recommends that AES provide information, including full air quality analysis identifying all mitigation requirements needed to demonstrate conformance with the applicable State Implementation Plan (SIP); and detailed information documenting how the project would demonstrate conformity in accordance with 40 CFR 51.858, and other information to enable FERC to complete a general conformity evaluation.
	Vehicle emissions associated with construction and operation.	Section 4.11.1.4 discusses emissions associated with construction and operation, including vehicle emissions. FERC recommends measures be implemented to reduce emissions during construction.
	Exhaust velocities in Resource Report 9 appear to be high.	AES provided revised data which is the basis of the modeling results presented in section 4.11.1.4. The Project will require air permits for construction and operation.
Air Permitting	Applicant should address LAER for emissions from ship unloading activities.	Section 4.11.1.4 addresses air quality impacts, including emissions from LNG vessels at berth. LAER requirements will apply to the LNG terminal and optional power plant.
	Cumulative impact analysis for air quality should consider emissions from ethanol production plant proposed within Sparrows Point Industrial complex.	See section 4.13.11 for a discussion of cumulative air quality impacts which addresses the proposed ethanol production plant.

Topic	Issue	Response [a]
Other Air Compliance	Additional air compliance issues including availability of NOx allowances; mitigation of PM emissions from construction sources; compliance with NAAQS for PM 2.5 and PSD increments for PM 10; and use of latest version of air impact modeling software.	Air quality is addressed in section 4.11.1, including detailed information on regulatory requirements, air quality impacts and mitigation. FERC has recommended that AES provide additional information to support FERC's General Conformity Determination (see section 4.11.1.5). As noted in section 4.11.1.3, the proposed project is potentially subject to a variety of federal, state, and local regulations pertaining to the construction or operation of air emission sources. The MDE, PDEP, and VDEQ have the primary jurisdiction over air emissions produced by the proposed project in Maryland, Pennsylvania, and Virginia, respectively. Each agency enforces its own regulations as well as EPA's federal requirements. A full assessment of air compliance issues will be conducted through the review of the various air permit applications and FERC review of requested information from AES.
Noise Quality	Noise impacts associated with construction of the pipeline within 50 feet of a residence is expected to exceed state of Maryland noise limits for construction. Directional drilling activities on a 24-hour continuous basis will result in an exceedance of FERC's 24-hour day-night average noise limit of 55 dBA. The State of Maryland recommends that the noise mitigation measures that the applicant lists on pages 12-13 of Resource Report 9 be incorporated as requirements of any approval to construct and operate the Project.	Section 4.11.2.3 discusses noise impacts from construction and operation of the Project and identifies mitigation to be incorporated.

Topic	Issue	Response [a]
OTHER CONCERNS		
Coastal Facilities Review Act	Application from AES for State Coastal Facilities Review Act (CFRA) permit received by MDE on January 9, 2007.	This statement is present in section 4.8.3.1 - Federal Coastal Zone Management Act
	The following State permits/approvals required for the LNG facility will be processed as part of the CFRA permit application: • Tidal Wetlands License • Nontidal Wetlands and Waterways Permit • Air Quality Permits, and • State Water Appropriations Permit and State Discharge Permit	• Tidal Wetlands License is addressed in section 4.4.1 • Nontidal Wetlands and Waterways Permit is addressed in section 4.4.1 • Air Quality Permits addressed in section 4.11.1.3 • State Water Appropriations Permit and State Discharge Permit addressed in section 4.3.2.8
	The federal permit approvals and consistency determinations that will be addressed through the CFRA process include: • Clean Water Act Section 401 Water Quality Certification for Section 404 permits, and • Federal Consistency determination, for Section 307 of the Coastal Zone Management Act.	• CWA Section 401 Water Quality Certification for Section 404 permits is addressed in section 4.4.1 • Federal Consistency determination for Section 307 of the Coastal Zone Management Act is addressed in section 4.8.3.1

Topic	Issue	Response [a]
Chesapeake Bay Critical Area Act	Specific uses prohibited within the boundaries of the Critical Area, which is a minimum of 1,000 feet landward of from tidal waters.	Critical Areas are discussed in section 4.4.1, 4.5.2, 4.6.1.1, and 4.8.3.2. Adverse impacts to Critical Areas are primarily managed by local governments which are responsible for implementing the measures needed to protect water quality, conserve plant and animal habitat, and direct growth and development. The means by which this is accomplished is through permitting or management plans that incorporate mitigation and restoration. FERC recommends that Mid-Atlantic Express consult with appropriate state/local agencies to prepare a "Critical Area Management Plan" that would provide for avoidance and/or minimization of impacts to those Critical Areas.
	The Chesapeake Critical Area Commission must approve local programs. On January 16, 2007 Bill No. 9.07 was introduced into the Baltimore County Council prohibiting the establishment or expansion of a LNG facility in the Chesapeake Bay Critical Area of Baltimore County. The measure received final approval by the Council and was signed into law on February 5, 2007. The prohibition has also been included in the Baltimore County Zoning Regulations. On June 6, 2007, the Chesapeake Critical Area Commission approved Baltimore County's amendment to its critical area regulations.	The federal courts are currently reviewing an appeal by AES to address this issue.

a. Sections listed are the relevant sections of the Environmental Impact Statement for the Sparrows Point LNG Project.