

Responses to Comments on the Draft EIS

State Agencies

SA1 - Pennsylvania Department of Environmental Protection, Southeast Regional Office, Dams and Waterways Section, Todd Schaible, Water Pollution Biologist Supervisor, Wetland Biologists Work Unit

<p>20080515-5039 FERC PDF (Unofficial) 5/15/2008 11:50:38 AM</p> <p>Comment of Todd Schaible in Docket(s)/Project(s) CP07-62-000 Submission Date: 5/15/2008</p> <p>Dear Sir or Madam:</p> <p>My name is Todd Schaible, and I am a Water Pollution Biologist Supervisor in the Wetland Biologists Work Unit, Dams and Waterways Section, Watershed Management Program, Southeast Regional Office of the Pennsylvania Department of Environmental Protection. Our section performs permitting and ensures compliance with 25 Pa. Code 105 for water obstructions and encroachments, which includes activities and / or structures, located within or along Regulated Waters of the Commonwealth, including wetlands, streams and the 100-year floodway (for example, the construction of bridges, culverts and utility line stream crossings would fall under this section). Our section also deals with the enforcement work necessary to achieve compliance with the DSEA and processing permits regulated by the Floodplain Management Act. Also covered in this program are site inspections and pre-application meetings. Please note that our section's jurisdiction is limited to Chester County and that permitting and compliance in Lancaster County is administered by our Southcentral Regional Office.</p> <p>I have received a Joint Evaluation Comment Form from USACE - Baltimore regarding a public notice (PN-08-26) to construct and maintain a 30-inch diameter steel natural gas pipeline and appurtenant works from Baltimore, MD to Eagle, PA. Approximately 40 miles of the pipeline will be located in Lancaster and Chester Counties in Pennsylvania, with a majority of that 40 miles in Chester County. In total, the project will impact approximately 20 acres of wetlands and three miles of streams. A mitigation plan has not been submitted, as the project is in the draft EIS phase of development. Also, the public notice states that we have one year to make a 401 WQC decision.</p> <p>Based on the public notice information submitted to our office, it appears that the applicant will need to submit a Chapter 105 Joint Permit Application to our office for review (pipeline appears to cross EV waters). If the Department issues a permit for the proposed project, then we will issue a 401 Water Quality Certification at that time. If the applicant would like to meet with our office prior to application submittal, then they may call us to schedule a preapplication meeting. Contact information for regional DEP offices can be found on our website: http://www.dep.state.pa.us.</p> <p>Sincerely, Todd Schaible</p>	<p>SA1-1 The PDEP Chapter 105 permit has been added to table 1.3-1, table of Major Permits, Approvals, and Consultations.</p>
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SA2 - Pennsylvania Department of Conservation and Natural Resources, Office of Conservation Science, Greg Podniesinski, Manager, Pennsylvania Natural Heritage Program



Pennsylvania Department of Conservation and Natural Resources

Office of Conservation Science
Rachel Carson State Office Building
PO Box 8764
Harrisburg PA 17105
June 11, 2008

Kimberly D. Bose
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, D.C. 20426

Re: Sparrows Point LNG Terminal and Pipeline Project

Docket Nos. CP07-62-000, CP07-63-000, CP07-64-000, and CP07-65-000

Dear Ms. Bose:

The Pennsylvania Department of Conservation and Natural Resources (DCNR) has reviewed the draft environmental impact statement for the Sparrow's Point Liquid Natural Gas Terminal and Pipeline Project (DEIS), dated April 2008. The DEIS presents the preferred route which includes approximately 40 miles of pipeline in Pennsylvania, extending from approximately MP 48 near Rock Springs, Maryland to MP 87.6 near Eagle, Pennsylvania. The DEIS discusses the environmental impacts of the preferred route. By this letter and accompanying enclosure, DCNR is providing its comments on the DEIS.

Please be advised that DCNR is researching whether any land restricted under our grant program could be affected by this project. All park land or preserved land that DCNR provided funding for and that is affected by this project will require mitigation.

If you have any questions or wish to discuss any aspect of our response to the proposed plan, please contact Greg Podniesinski at 717-214-7513.

Sincerely yours,


Greg Podniesinski
Manager, Pennsylvania Natural Heritage Program

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SA2 - Pennsylvania Department of Conservation and Natural Resources, Office of Conservation Science, Greg Podniesinski, Manager, Pennsylvania Natural Heritage Program

<p>Comments:</p> <p>SA2-1 1) Pennsylvania Natural Diversity Inventory (PNDI) review indicated a number of potential conflicts with 47 occurrences of species of special concern, one rare plant community type and two rare terrestrial invertebrates. PNDI staff have forwarded their review with comments directly to the applicant's consultant, Northern Ecological Associates, Inc. (attention: Matthew J. Stetter) and will coordinate avoidance and mitigation actions.</p> <p>SA2-2 2) DCNR notes that while the pipeline will primarily run along an existing right-of-way, it will run through a number of forested stands. Forested habitat is a limited resource in the southeast portion of the Pennsylvania. and efforts should be made to limit additional forest loss during the installation of the proposed pipeline. Where feasible, disturbance to forested stands should be limited to 15 feet on either side of the centerpoint.</p> <p>SA2-3 3) The Bureau of State Parks notes that the portion of the project in Upper Uwchlan, Uwchlan and East Brandywine Townships, Chester County, PA lies approximately one-third mile from the boundary of Marsh Creek State Park. The Pennsylvania Bureau of State Parks facility at Marsh Creek State Park includes a high hazard dam. We are requesting that the Park Manager at Marsh Creek State Park is notified 72 hours prior to any blasting that might be required for your project.</p> <p>SA2-4 4) As noted, the proposed pipeline will impact two state designated Scenic River Systems in Pennsylvania, the Octoraro Creek and the Lower Brandywine. The Octoraro Creek Corridor will be crossed at MP 56.3. The Lower Brandywine will be crossed at MP 72.14 on Buck Run, MP 74.25 on West Branch of Brandywine Creek and MP 76.54 on Broad Run. All four crossings are subject to Pennsylvania Scenic River Program Review. The DEIS has recommended that open cut construction techniques be used at these river crossings; however, we recommend that Horizontal Directional Drilling techniques be used at these river crossings instead. The crossing at M.P. 82.31 on the East Branch of Brandywine Creek is not located within a designated Scenic River Corridor and is not subject to Pennsylvania Scenic River Program Review.</p>	<p>SA2-1 The 47 occurrences of species of special concern, one rare plant community type, and two rare terrestrial invertebrates identified by PNDI staff are discussed in section 4.7 of the FEIS.</p> <p>SA2-2 We have addressed this comment in section 4.5.1 <i>Pipeline Facilities</i>.</p> <p>SA2-3 We have added a recommendation in section 4.8.1.2 that the Park Manager be notified 72 hours prior to any blasting within 5 miles of the Marsh Creek State Park and dam.</p> <p>SA2-4 Section 4.8.1.2 contains a discussion on designated Scenic River Systems in Pennsylvania. In section 4.3.2.5 of the FEIS, we recommend that Mid-Atlantic Express commit to crossing Octoraro Creek at MP 56.31 by HDD unless the Chester Water Authority objects to the HDD design. Additionally, in section 4.8.1.2, we recommend Mid-Atlantic Express develop, in consultation with the PDCNR, the Octoraro Creek Watershed Association, CCPRD, PFBC, and the Brandywine Conservancy, construction and mitigation plans for the Octoraro Creek (MP 56.31) and each of the four crossings of the Brandywine Creek system (i.e., MPs 72.14, 74.25, 76.54, and 82.31) and file the plans with the Secretary for review and written approval by the Director of OEP.</p>
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MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Eric Schwaab, Deputy Secretary

June 16, 2008

Kimberly D. Bose
Federal Energy Regulatory Commission
888 First St., N.E., Room 1A
Washington, DC 20426

Attention: Gas Branch 2

RE: Docket Nos. CP07-62-000, CP07-63-000, CP07-64-000, and CP07-65-000 –
Comments on the Draft Environmental Impact Statement (DEIS) for the Proposed AES
Sparrows Point LNG Terminal and Pipeline Project

Dear Ms. Bose:

The purpose of this letter is to transmit the State of Maryland's response to the Draft Environmental Impact Statement (DEIS) for the AES Sparrows Point LNG licensing project (hereinafter "the Project"). Pursuant to Section 311 of the Energy Policy Act of 2005 and Section 3, 15 USC §717b-1(b), of the Natural Gas Act, the Maryland Department of Natural Resources (DNR) Power Plant Research Program (PPRP) was designated by the State of Maryland Governor's office to be the lead agency for the purpose of coordinating with FERC throughout the FERC licensing process for the Project. Consistent with this role, PPRP has been the lead agency in coordinating the State's review of the DEIS for the Project and in developing the State's response to the DEIS.

The Maryland State agencies (herein referred to collectively as the "State of Maryland") that have participated in the review of the DEIS and provided input to this response, and who will continue to provide support throughout the FERC licensing process, include the following:

- Maryland Department of Natural Resources (DNR);
- Maryland Department of Agriculture (MDA);
- Maryland Department of the Environment (MDE);
- Maryland Department of Business and Economic Development (DBED);
- Maryland Department of Planning (MDP);
- Maryland Department of Transportation (MDOT);
- Maryland Energy Administration (MEA); and the
- Maryland Port Administration (MPA).

The State of Maryland's comments and concerns related to the Project are substantial and numerous, and are outlined in the attachment to this letter. However, an overarching concern of the State of Maryland with regard to the DEIS and the information provided

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SA3-G1

by the applicant (AES) thus far in the licensing process is the completeness of that information. Of the 151 licensing conditions being recommended by FERC in the DEIS, approximately a third (41) require the applicant to provide additional information "prior to the end of the DEIS comment period." Many of the issues to which this additional information relates will require significant review by FERC (and hopefully the State of Maryland); therefore, this information should have been available for review prior to issuance of the DEIS. All of the information requested prior to the close of the comment period on June 16, 2008, should have been previously requested and included in the DEIS to allow sufficient opportunity for both State and public review. Given the extensive amount of additional information required by FERC prior to the close of the comment period, the State of Maryland recommends that a Supplemental DEIS be released for public review and comment, prior to finalization of the EIS for the project.

SA3-G2

We fully understand that the issue of energy supply is an important one; however, we also feel that additional work is necessary before reaching definitive determinations regarding potential impacts associated with the AES Sparrows Point LNG Terminal and Pipeline Project. We believe that review of additional issues is necessary and the State of Maryland has a significant amount of information potentially relevant to the outstanding issues requested by FERC and USCG. Therefore, please continue to consider the State of Maryland as an informational resource if you need assistance in evaluating any of the ongoing issues related to this project. We appreciate the opportunity to comment on the DEIS and please do not hesitate to contact me if we can be of any assistance, or should you have questions regarding the attached comments.

Sincerely,



Bruce Michael
Director, Resource Assessment Service

SA3-G1

FERC has made all of the AES responses to DEIS conditions available to the public through the Docket. Please see response to comment FA5-2.

SA3-G2

Thank you for your offer of information. All filings by the applicant have continued to be posted for public review on the Docket. All written and oral comments received on the DEIS prior to the FEIS being sent to the printer were considered and evaluated in the preparation of the FEIS.

<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p><u>Introduction</u></p> <p>The State of Maryland has reviewed the Federal Energy Regulatory Commission (FERC) staff's <i>Draft Environmental Impact Statement Sparrows Point LNG Terminal and Pipeline Project (April 2008)</i>. The following is a list of numerous environmental, socioeconomic, and safety concerns of the State of Maryland associated with the proposed project. The Maryland State agencies that have participated in the preparation of this response and that will continue to provide support throughout the FERC licensing process includes the following:</p> <ul style="list-style-type: none"> • Maryland Department of Agriculture (MDA); • Maryland Department of the Environment (MDE); • Maryland Department of Business and Economic Development (DBED); • Maryland Department of Natural Resources (DNR); • Maryland Department of Planning (MDP); • Maryland Department of Transportation (MDOT); • Maryland Energy Administration (MEA); and the • Maryland Port Administration (MPA). <p>While the issues of concern expressed by the MDP are contained in the body of this report, the comments collected by the MDP Clearinghouse in response to the Draft Environmental Impact Statement (DEIS) are included in their entirety as Appendix A. The summary of findings by the MDP Clearinghouse includes input from MDP, MDA, the Maryland Historical Trust (MHT), the Public Service Commission (PSC), and the local governments of Baltimore County, Cecil County, and Harford County. It is important to note the comments expressed within the MDP Clearinghouse summary of findings are not necessarily endorsed by or incorporated into the findings of the State of Maryland.</p> <p>The comments submitted by the State of Maryland are organized below based on the structure of the DEIS.</p> <p><u>Comments to the Executive Summary</u></p> <p>SA3-1</p> <p>1. [p. ES-3] The last paragraph on page ES-3 of the <i>Environmental Impacts and Mitigation</i> subsection states "Impacts to aquatic organisms near the LNG facility could result from pressure waves associated with pile driving activities..." Shock waves caused by pile driving have been associated with fish kills in other areas of the State. There is no mention of mitigation for potential losses in the body of the DEIS. The Draft and Final EIS should indicate that preventive measures should be employed, monitoring of the impacts should be specified, and that appropriate mitigation/compensation will be undertaken or provided to the State in the event of fish kills resulting from pile driving activities. If authorized, the State's Tidal Wetlands License will include these requirements.</p> <p>SA3-2</p> <p>2. [p. ES-3] The 5th paragraph states that "No significant impacts would occur to terrestrial or aquatic vegetation...along the pipeline route." However, FERC requires that management/mitigation plans be developed in order to minimize potential impacts to "sensitive wildlife habitat". The State of Maryland believes these two statements are</p> <p style="text-align: center;">1</p> <p style="text-align: right;">6/16/08</p>	<p>SA3-1</p> <p>Sections 4.6.2.2 and 4.6.3.2 of the FEIS include additional discussion of the impacts of pile driving and the proposed monitoring and mitigation measures to be employed. AES is obligated to comply with state laws and regulations regarding fish kills and compensation. AES has committed to monitors during pile driving and has committed to "soft start up" technique during sheet pile driving activities. In section 4.6.3.2, FERC has recommended that AES develop a construction plan for the unloading dock, and incorporate NMFS comments on the use of existing pilings and any recommended mitigation measures, including pressure and sound wave mitigation. FERC would require that AES incorporate recommendations of the NMFS regarding mitigation to reduce impacts from pressure and sound waves. In addition, in a comment letter to the FERC, NMFS (see Accession No. 20080616-5092) has recommended that if AES uses hollow steel piles exceeding 48-inch diameter, that AES develop a detailed protocol for mitigation shock waves during pile driving operations. FERC has included this recommendation in the FEIS (see section 4.6.3.2 of the FEIS). Any requirements the State makes for state permits or licenses would obligate the applicant.</p> <p>SA3-2</p> <p>FERC statements regarding significance of impacts imply that FERC or other agency or state regulations are followed and that FERC conditions of the Certificate are enforced. Recommended mitigation measures are designed to reduce/minimize potential impacts to wildlife. The MDNR would continue to be included in consultation regarding all permits and processes covered by state laws or regulations.</p>
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<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>↑ inconsistent. Also note that in addition to continued consultation with USFWS and NMFS, that DNR should be included in the review process as well.</p> <p>SA3-3 3. [p. ES-4] The 5th paragraph on page ES-4 of the <i>Environmental Impacts and Mitigation</i> subsection states “We have recommended that, prior to construction, AES and Mid-Atlantic Express receive concurrence that the Project is consistent with the Coastal Zone Management Act.” This sentence should be changed to read as follows: “Prior to construction, AES and Mid-Atlantic Express must receive concurrence from the State of Maryland that the project is consistent with the State’s Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.”</p> <p><i>Comments to Section 1.0 – Introduction</i></p> <p>Project Purpose and Need (Section 1.2)</p> <p>SA3-4 4. [p. 1-2 to 1-3] The justification for the project is based on numerous energy forecasts from the Energy Information Administration (EIA). The accuracy and dependability of EIA projections, which are generated by their National Energy Modeling System (NEMS), have increasingly come into question.</p> <p>In “Do EIA Natural Gas Forecasts Contain Systematic Errors” (August 20, 2007), authors from Penn State University, Timothy J. Considine, Ph.D. (Professor of Natural Resource Economics) and Frank Clemente, Ph.D. (Senior Professor of Social Science and Energy Policy) conclude that the “analysis suggests that considerable caution should be exercised when using EIA forecasts to the future price, supply, and consumption of natural gas. Similar caution should be exercised when using EIS’s NEMS to assess the broader economic impacts of energy policy initiatives, e.g. carbon cap and trade programs.” Some examples of EIA errors found by the authors include:</p> <ul style="list-style-type: none"> • “In 2002, the EIA projected the cost of natural gas to electric generators in 2006 would be \$3.82 per mcf. Actual cost per mcf was \$7.15 (all in 2006 dollars). • In 2003, the EIA overestimated domestic NG production in 2006 by almost 2 trillion cubic feet – more than the annual production in Oklahoma. • In 2005, the EIA projected LNG imports would reach 1,190 bcf in 2006. Actual imports in 2006 were only 583 bcf, a miss of over 600 bcf just one year out.” <p>Major Acts That This Document Addresses (Section 1.3.3)</p> <p>SA3-5 5. [p. 1-9 to 1-10] The following are recommended changes to Table 1. 3-1, Major Permits, Approvals, and Consultations:</p> <ul style="list-style-type: none"> • Federal Consistency should be listed as a separate approval under MDE. It should be placed after “CWA, Section 401 WQC” and read as follows: “CZMA, Section 307 Federal Consistency Determination for FERC License and COE Section 404 Permit.” The third column should indicate the State’s denial of this necessary approval. <p style="text-align: center;">2</p> <p style="text-align: right;">6/16/08</p>	<p>SA3-3 We have revised the Executive Summary to indicate that on June 26, 2008, the Secretary of Commerce determined that the Project is consistent with the objectives of the CZMA.</p> <p>SA3-4 Statements relating to Energy Information Administration (EIA) forecasting in section 1.2 of the FEIS have been updated. Regarding the article “Do EIA Natural Gas Forecasts Contain Systematic Errors,” if we take the message of the article at face value, the overall point of the article is that EIA forecasts are too optimistic, i.e. that well-head prices of natural gas are higher than projections and that domestic production of natural gas is overestimated. Thus, the demand for natural gas in the U.S. market should continue the trend of supply being less than demand with the result that natural gas would cost more to the consumer. This does not negate the need for additional sources of natural gas, but rather reconfirms the need.</p> <p>SA3-5 Table 1.3-1 has been modified. However, the final column also indicates that the Secretary of Commerce has upheld AES’s appeal that the Project is consistent with the Coastal Zone Management Plan, and that the US Court of Appeal has remanded a lower court ruling regarding the CZM provisions of the County of Baltimore. Also, please see response to comment SA3-3.</p> <p>The Stormwater Management Plan and other county and local approvals would be addressed by AES. Table 1.3-1 is reserved for major federal and state permits and approvals.</p> <p>Scenic rivers are discussed in section 4.8.1.2 <i>Special Status Waterbodies</i>.</p>
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<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <ul style="list-style-type: none"> • Immediately following Federal Consistency, place the Coastal Facilities Review Act to read as follows: “Coastal Facilities Review Act (CFRA) Permit.” The third column should indicate that this permit is “pending”. • Although the DNR provides valuable resource information/comments for MDE’s consideration, the Federal Consistency and CFRA decisions are the sole responsibility of MDE. The State of Maryland requests DNR be removed as a co-responsible agency for these decisions. • On page 1-10, under the MDOT, the table should note that AES officially applied to the State Highway Administration (SHA) for an exception to SHA’s Utility Policy for use of SHA right-of-way on December 10, 2007. The third column should indicate that SHA denied exception on June 5, 2008. A copy of this denial is included as Appendix B. • The table should also include local approvals that are necessary. A Storm Water Management Plan for the terminal is required from Baltimore County. Additionally, Erosion and Sediment Control Plans for the pipeline must be approved by Baltimore, Harford, and Cecil Counties. • The table should refer to coordination with the MD Wild and Scenic Rivers Program on crossings of Deer Creek and its tributaries, which is currently omitted. Note that the Department’s Secretary (or designee) must specifically approve any dam or other structure (including temporary) impeding the natural flow of a scenic and wild river. Any Federal authorization of the project should include adequate coordination of the State Scenic and Wild River Program issues, and DNR’s final signoff may involve a list of best management practices to strictly minimize temporary and permanent impacts to the designated waterways and associated riparian buffers. <p>Public Review and Comment (Section 1.5)</p> <p>6. [p. 1-11 to 1-12] The State of Maryland is aware of previously submitted EIS documents that have included copies of natural resource scoping letters from various State and Federal agencies. Inclusion of these letters in the EIS would help members of the public adequately understand the natural resource issues that are involved. The State did not observe these letters in the DEIS for use by the general public or other agencies and requests they be included.</p> <p><u>Comments to Section 2.0 – Description of Proposed Action</u></p> <p>Dredging and Dredged Material Disposal (Section 2.3.1.3)</p> <p>7. [p. 2-22] According to the <i>Dredging</i> subsection, approximately 3.7 million cubic yards of dredged material will be removed from approximately 118 acres of the Patapsco River bottom to a depth of 45 feet for the channel and turning basin. The Army Corps of Engineers, Baltimore District, estimates that 4.4 MCY of dredged material are produced annually from the Chesapeake Bay and the Port of Baltimore shipping channels. Therefore, the amount of dredged material from the proposed LNG facility represents</p> <p style="text-align: center;">3</p> <p style="text-align: right;">6/16/08</p>	<p>SA3-6 The FERC’s NEPA document is not the depository of the record for the proceeding. The Docket, available through eLibrary, includes all correspondence related to the Project for use by the public and by state and local agencies. In addition, all written and oral comments received on the DEIS prior to the FEIS being sent to the printer were considered and evaluated in the preparation of this FEIS.</p> <p>SA3-7 The Project would modify approximately 118 acres of Baltimore Harbor bottom, but a substantial portion of this area is already channelized or modified by previous channels and ship basins. The 118 acres would indeed be a modified bay bottom, and would support different, and typically less-diverse, benthic communities and fish communities. Also, FERC has addressed dissolved oxygen impacts due to dredging in sections 4.6.2.2 and 4.3.2.5 of the FEIS. The inability of the Baltimore Harbor to achieve 100% compliance for DO standards is parallel to a widespread problem for harbors and channelized areas across the nation. The DO issue is also not limited to the issue of channelization or water depth but also linked to the nutrification of the entire bay system due to point source and non-point sources of nutrients and other chemicals. The solving of the DO issue and the achieving of the TMDL for nutrients is beyond the scope of this EIS. However, the achievability of the TMDL would be a factor in whether the COE and the EPA permit the proposed dredging and channelization of the Project through the section 404 permit process and whether these agencies require mitigation or compensation for the impacts of this Project.</p>
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SA3-6

SA3-7

ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT

↑ approximately 84% of the annual amount that must be placed at a suitable location. The project would also require an additional 500,000 cubic yards of material placed as a result of maintenance dredging every six years.

MDE has recently completed a nutrient Total Maximum Daily Load (TMDL) for Baltimore Harbor and determined that water quality standards for dissolved oxygen were not achievable. This is a consequence of excessive nutrients and the inability of the bottom waters to mix with the upper layers where atmospheric oxygen and algal generated oxygen can replenish losses of oxygen associated with bacterial decomposition of organic matter. Even with the removal of all human impacts, the navigation channel cannot achieve dissolved oxygen standards because of a lack of mixing caused by the configuration of the channel (its relative depth) and the high-density saline waters entering along the channel bottom from the Chesapeake Bay. The proposed dredging activities would be an impediment on the State's plans (i.e., TMDL) to restore water quality in the Baltimore Harbor and Patapsco River, especially with respect to low dissolved oxygen (DO) standards. The proposed project will result in an additional 118 acres of Baltimore Harbor bottom that will have no potential for supporting aquatic life. While the existing relatively shallow bottom is restricted in quality by contaminants and low oxygen caused by excessive nutrients (as a reference, the long-term mean bottom dissolved oxygen concentration at the DNR's monitoring station near the Key Bridge (WT5.1) is below 5 mg/L (the State standard) between April and October and less than 1 mg/L from June through August), the TMDL has been prepared for the entire harbor and is serving as the foundation of a plan to restore the aquatic life through reductions in nutrient and other contaminant loadings from both point and nonpoint sources. The DEIS should address mitigation for the projected loss of current or future viable habitat associated with the 118 acres that would be deepened.

The Draft and Final EIS should clearly acknowledge that this project would result in the permanent loss of the area being dredged as a viable component of the ecosystem. The EIS should also note that appropriate mitigation/compensation will be provided to offset the environmental loss. If authorized, the State's Tidal Wetlands License will require mitigation/compensation for this loss.

- SA3-8
- 8. [p. 2-22 to 2-24] The State of Maryland is concerned about the increased nitrogen and phosphorus loads to the Patapsco River that will be generated by dredging. The State of Maryland requests that the EIS include an assessment on the depth to which the sediment will be dredged, the water content of the sediment, and the pore water concentrations of nitrogen and phosphorus. The assessment should determine if the additional nutrient loads generated by the project are significant and if the nutrient loads will result in more algae blooms and lower dissolved oxygen. The assessment should describe potential methods of dredging and material placement that will minimize the amount of nutrients released to the water column. In addition, the assessment should consider that the turning basin may become a sink for organic matter; these areas are generally hypoxic/anoxic and are very efficient at re-mineralizing nitrogen and phosphorus to the water column.

SA3-8

During the section 404 permit process, the COE and EPA would be responsible for assessing if the potential increase in nitrogen and phosphorus loads generated by dredging would be a significant issue, and whether the dredging could result in significant algal blooms and lower dissolved oxygen.

<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>SA3-9 9. [p. 2-24] The DEIS indicates that dredging generally has limited local impacts with regard to turbidity, a measure of water clarity. However, it further states that dredging activities will last approximately 24 months, with a dredging season of 243 days per year. The State of Maryland does not consider 243 days for each of two years as limited. In addition, the area is tidally influenced, the turbidity plume would move in and out of the dredging area with the tide. Potential aesthetic impacts in the Baltimore Harbor as a result of prolonged dredging should be considered.</p> <p>SA3-10 10. [p. 2-25] The <i>Dredged Material Handling/Disposal</i> subsection should provide additional information regarding the process of assessing the chemical characteristics of the processed dredged material (PDM). At a minimum, there should be an acknowledgement that the PDM would be monitored by regulatory agencies. If authorized, the State's Tidal Wetlands License will require monitoring of the PDM.</p> <ul style="list-style-type: none"> • The discussion acknowledges that the PDM would be used as allowed under acceptable use guidelines. This discussion should note that "acceptable use guidelines" do not exist in Maryland except in limited situations for industrial and residential cleanup. As noted in Chapter 3 (Alternatives) on page 3-31, the only approved facilities in Maryland for the placement of dredged material from Baltimore Harbor are Hart-Miller Island, Cox Creek, and the recently approved Masonville facility. These facilities are not available for use by AES. • There is no mention in the DEIS of the potential for the PDM to develop acidic conditions and the potential for leaching contaminants. This may not occur if the admixtures are formulated to prevent this from occurring, but this should be presented in the EIS. If the potential does exist, the EIS should note that appropriate treatment will be required to prevent environmental contamination. The EIS should clearly state that the admixture will prevent the formulation of acidic conditions that would lead to leaching of contaminants. <p>SA3-11 11. [p. 2-25 and 2-26] The <i>Dredging Material Handling/Disposal</i> subsection notes that AES intends to utilize the PDM for innovative uses such as abandoned mine land and quarry reclamation, brownfields redevelopment, landfill capping and closure, alternate grading materials, etc. The State of Maryland notes that AES has not identified any specific applications or end users for the PDM to date. In addition, the DEIS states on page 2-26: "Although AES does not know the final placement of dredged material, they intend to pursue the beneficial uses indicated above. In the event these options are not viable, AES has given example placement areas managed by Waste Management and Allied Waste Services. These waste placement areas would be in Virginia."</p> <p>AES has provided to MDE correspondence from Waste Management and Allied Waste indicating that they could accept "environmentally approved" and "clean and approved non-hazardous" material, respectively. In its response to MDE's January 23, 2008 information request, AES stated that a preliminary review of the data for the Sparrows Point project indicates that PDM is acceptable for disposal at these facilities. However, a final determination would be made upon actual application for acceptance of PDM at the facility, including the final shipment schedule, at the time of execution of the project.</p> <p style="text-align: center;">5</p> <p style="text-align: right;">6/16/08</p>	<p>SA3-9 We may disagree on the definition of "limited" and "local." To the FERC limited indicates an action that is not permanent and has impacts limited to a portion of the system that is being affected. This Project would affect a limited portion of the Patapsco River estuary, which is limited portion of the Chesapeake Bay system. Although the actions of this Project may be intense locally, and for a substantial time period (243 days per year for 2 years) these actions are still very localized. "Local" to FERC means local portion of a system such as the Patapsco River estuary. The area affected by increased turbidity during dredging, for example, is typically measured in tens to hundreds of feet. We see the impacts of this plume as "local" because it would not impact the opposite or north bank of the mouth of Bear Creek, which is approximately 3,400 feet across. Although the turbidity plume from dredging may be unsightly for occupants in boats in proximity to the dredging activities (several hundred feet), the turbidity plume would be no different than other dredging activities in the harbor for maintenance dredging or creation of new boat basins or slips in the harbor. Muddy water, or turbidity plumes, are also created naturally after rainfall and river runoff, and after storms where shorelines are eroded or shallow sediments are disturbed by wave action.</p> <p>SA3-10 Admixtures are discussed in the Consolidated Dredge Plan (see appendix D) and section 2 of the FEIS.</p>
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<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>Based on the information contained in the DEIS and the information provided to MDE, no definite assurance has been provided to date for an end-user or placement site for use/disposal of the PDM.</p> <p>Specialized Construction Techniques (Section 2.3.2.2)</p> <p>SA3-12 12. [p. 2-32 and 2-33] The <i>Wetland Crossings</i> subsection should indicate that it is the State’s policy that temporary construction trailers or structures, staging areas, and stockpiles shall not be located in nontidal wetlands, nontidal wetlands buffers, or the 100-year nontidal floodplain, unless specifically approved by MDE.</p> <p>SA3-13 13. [p. 2-33] The <i>Roads and Railroads</i> subsection indicates that Mid-Atlantic Express use horizontal bores at crossings. Review of the DEIS indicates that horizontal bores occur at only three sites. This method can substantially reduce site impacts and consideration the State of Maryland recommends that this method be given a wider use along the 88 miles of pipeline.</p> <p><u>Comments to Section 3.0 – Alternatives</u></p> <p>Other Non-Renewable Fuels (Section 3.1.1)</p> <p>SA3-14 14. [p. 3-3] The DEIS states that “it [is] unlikely that another nuclear power plant would be sited in the Project area in the foreseeable future.” The status of Calvert Cliff’s Unit 3 project should not be easily dismissed. In the event that Unit 3 moves forward as planned, it affects the viability of the proposed Sparrows Point LNG project, especially with respect to the proposed cogeneration plant. It is important to note that the nuclear energy option produces electricity without emitting carbon dioxide and that an increasing number of investors, fund managers, and companies are considering climate risk when assessing the viability of businesses and projects.</p> <p>Renewable Energy Sources (Section 3.1.2)</p> <p>SA3-15 15. [p. 3-3] The State of Maryland believes that the renewable energy alternative is not given sufficient weight in terms of its ability to meet Maryland’s energy, economic and environmental needs. This alternative has greater potential when integrated with energy efficiency (not identified in the DEIS) and increased investments in distributed generation. The following illustrates both the growth potential and benefits of renewable energy/energy efficiency in Maryland:</p> <p>Bracken Hendricks of the Center for American Progress describes how energy efficiency and renewable energy (via EmPower Maryland Energy Efficiency Act of 2008) will benefit Marylanders in his testimony before the Maryland State Senate Finance Committee on February 12, 2008: “The two main efficiency provisions in Senate Bill 205 – a 15 percent reduction in per-capita electricity and a 15 percent reduction in peak demand (from 2007 levels) by 2015 – will save consumers money on energy bills through</p> <p style="text-align: center;">6</p> <p style="text-align: right;">6/16/08</p>	<p>SA3-11 Section 2.3.1.3 of the FEIS has been revised to discuss the ultimate disposal of the PDM, if all attempts to use the material in a beneficial end-use fails. We feel that the scenario discussed would be the “worst case” disposal option in view of truck traffic of PDM on the highways, and associated air emissions. This option is now discussed and evaluated in sections 4.3.2.5, 4.9.4.1 and 4.11.1 of the impacts discussion of the FEIS.</p> <p>SA3-12 See section 2.3.2.2 <i>Wetland Crossings</i>.</p> <p>SA3-13 “Horizontal bores” referred to in the section 2.3.2.2 <i>Roads and Railroads</i> are not the same as horizontal directional drills (HDD). Typically, horizontal bores would be used at all railroad crossings and many if, not most, hard-top public roads. The decision to use horizontal bore versus open cut for roads would be a function of the crossing permits obtained by Mid-Atlantic Express at the state, county or local level.</p> <p>HDDs are discussed in greater detail in section 4.3.2.5.</p> <p>SA3-14 Section 3.1.1 has been revised to acknowledge your statement.</p> <p>SA3-15 FERC does not dispute that renewable energy is an attractive and desirable alternative to burning fossil fuels for energy. However, all current indications are that over the next several decades, even allowing for increased use of renewable energy sources, the energy demands of the Mid-Atlantic region would not be met by existing domestic sources of fossil fuels and specifically cleaner burning fossil fuels such as natural gas.</p>
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↑ overall demand management and by reducing demand during peak load, when prices are highest. Achieving these targets will be facilitated by the Public Service Commission's expanded ability to require electric companies to implement rate decoupling and demand response programs."

Senate Bill 209, entitled 'Renewable Portfolio Standard (RPS) Percentage Requirements-Acceleration,' ramps up the RPS from 9.5 percent to 20 percent in 2022 (including at least 2 percent derived from solar energy), and sets targets for the intermediate years. This bill will create new markets for renewable energy production in Maryland and establish the secure policy environment sought by renewable energy companies looking for investment opportunities. Moreover, energy supply diversification through increased renewable energy generation increases Maryland's energy security by reducing the vulnerability of the grid and the likelihood of future supply disruptions, and it shields ratepayers from price spikes due to rising fossil fuel costs.

The expanded RPS is also an excellent job creator. Renewable energy production creates, on average, 100 percent more jobs per unit of energy per dollar invested than traditional fossil energy production, and benefits both rural (i.e., wind and biomass) and urban (i.e. rooftop solar) areas alike. The Union of Concerned Scientists estimates that a nationwide 20 percent RPS would create nearly 100 new jobs in Maryland; leverage \$485 million in new capital investment; bring \$437 million in new income to farmers and rural land owners who produce biomass or lease their land to wind projects; generate \$8 million in new tax revenues for communities; and save consumers \$60 million in electricity and natural gas bills by 2020. Recent Maryland state-specific studies by the Alliance of an Energy Efficient Economy indicate even greater returns are possible.

The State of Maryland currently derives 96% of its energy from fossil fuels and nuclear power, leaving ample room for deployment of renewable energy resources. Moreover, the State of Maryland can be reassured of the feasibility of its RPS by the successes of other states such as Minnesota, Texas, California, and Colorado, which have all made excellent progress toward their own ambitious RPS targets.

In addition, it's important to note that as the U.S. Congress seriously considers federal legislation mandating a nationwide 15 percent RPS by 2020, it is in the State of Maryland's best interest to proceed both on renewable generation and in attracting the industries that will be required to serve this market. This bill aligns Maryland's economy with future trends to U.S. energy markets, as well as building a more resilient, diverse, and reliable foundation of energy resources for the state in years to come.

Lastly, according to the Renewable Energy Policy Project, coal-powered electricity (including mining and transporting) produce just under four jobs per Megawatt (MW). By comparison integrated renewable energy and energy efficiency yield the following benefits:

- Solar PV creates over 35 new jobs per MW;
- Wind power creates over 4.8 jobs per MW;

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- Biomass us creates between 12 and 20 new jobs per MW depending on whether it's used for co-firing with coal or in dedicated facilities;
- Small hydropower projects (less the 30 MW) produce an average of 2 jobs per MW; and
- Energy efficiency programs produce an average of 37 jobs per million dollars of investment, compared to seven jobs for conventional energy supplies including natural gas and coal.

Conclusions Regarding Alternative Energy Sources (Section 3.1.3)

16. [p. 3-3] The conclusions regarding alternative energy sources are reached without any discussion of investments in energy efficiency in Maryland, the least-cost alternative to the proposed project. Energy efficiency (including demand-side management) is the least cost and most beneficial alternative to help residents of Maryland and the Mid-Atlantic region address rising energy costs, reliability problems, a struggling economy, energy security, and climate change. To illustrate this point, the State of Maryland has provided the following examples:

According the American Council for an Energy-Efficient Economy (ACEEE), energy efficiency and demand management solutions cost about 2 to 3 cents per kilowatt hour (KWh), a fraction of the costs of new power, transmission, and distribution. For comparison, transmission and distribution costs are about 2.7 cents per kWh for residential customers in Maryland. Power generation adds another 10 cents per kWh. Thus, saving energy or not using energy costs a fraction (about one-sixth to one-fourth) of the combined power generation, transmission, and distribution (which totals over 12 cents per kWh).

Similarly, Environment Northeast demonstrated to the State of Massachusetts that energy savings costs 3.2 cents/kWh while electrical supply costs about 10 cents/kWh. In terms of natural gas, the study also revealed that energy savings cost \$2.6/Mcf (\$0.25/therm) while developed new supply costs about \$11/Mcf (\$1.1/therm). The key point of the Environment Northeast study was that Massachusetts' citizens should invest in the least cost alternative to secure their energy future. The same case can be made for citizens of Maryland and other Mid-Atlantic states.

Additionally, the cost difference between energy supply development and energy efficiency is even greater than what is stated above. For instance, large energy supply projects create externalities such as government-related costs borne by taxpayers (Coast Guard and other security, staff involved in DEIS review of a large project, etc.), environmental impacts (habitat loss and pollution), and socioeconomic impacts (how the transport of LNG will disrupt marine and tourist related activities, and offer a target for terrorists). By comparison, energy efficiency investments do not generally require these public-borne costs generated by large energy supply projects such the proposed project.

SA3-16

SA3-16

As part of the NEPA process we are required to consider reasonable alternatives to the proposed Project, but we are not required nor empowered to find the most cost effective way of delivering energy to the region or the nation. The U.S. marketplace and the consumers make those decisions and choices by the way the consumer selects their source of energy and how they use it.

<p>20090616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>↑ According to the Environment Northeast, ACEEE and other sources, the benefits of the energy efficiency alternative include:</p> <ul style="list-style-type: none"> • Improved price stability for natural gas and electricity, reducing the demand for natural gas and electricity (through the energy efficiency alternative not presented) helps stabilize both the price of gas and electricity; • For every \$1 invested in energy efficiency, more than \$2.70 is saved; • Energy efficiency creates more local, long-term jobs than energy supply projects; • Energy efficiency reduces greenhouse gas and other emissions while reducing vulnerability to imported energy and terrorism; and • Less dependence on fossil energy imports (which translates to lower military and security expenditures to control the supply line). (Note: the AES LNG project would increase dependence on imported energy). <p>In summary, saving energy is by far the smartest choice for Maryland economically, environmentally, and socially. It delivers greater economic opportunity, helps Maryland meet greenhouse reduction goals, puts more money into the pockets of Maryland citizens and businesses, creates jobs, and reduces (rather than increasing) dependence on imported fossil energy. Further, energy efficiency is more in step with Governor O'Malley's goal to reduce per capita electricity consumption by 15% by 2015 and the recently enacted EmPower Maryland Energy Efficiency Act of 2008.</p> <p>LNG Terminal Onshore Site Alternatives (Section 3.2.3)</p> <p>SA3-17 17. [p. 3-21] Additional information should be provided on the Mittal Steel site alternative and the decision to eliminate it from further consideration. The discussion notes that this site increases the distance between the proposed terminal site and residential areas to approximately 1.9 miles and that it would require less dredging due to its proximity to the main channel. The discussion concludes that this site does not offer significant environmental advantage over the proposed site. Dredging and dredged material disposal is a major issue with this project. The discussion should provide an estimate of the reduction in the amount of dredging required. It appears that the reduction could be significant. If so, this would be an environmental advantage over the proposed site.</p> <p>Dredging Method and Dredged Material Disposal Alternatives (Section 3.2.7)</p> <p>SA3-18 18. [p. 3-29] The DEIS presents a thorough discussion of the various dredging methods and placement options. Options discussed and dismissed lead to innovative use as the only viable option. Mechanical dredging is optimal for the proposed site due to the contaminated nature of the surface sediments and the potential for mixing with the overlying water as dredging occurs. The DEIS requests comments from agencies on whether or not a requirement to use an environmental bucket (or equivalent) is appropriate. Given the potential for environmental contamination to occur as a consequence of the dredging operations, and in consideration of agency and public concerns with the potential, it would be appropriate to use the most protective means of dredging, that being the use of the environmental bucket with closing lids and even</p> <p style="text-align: center;">9 6/16/08</p>	<p>SA3-17 The sale of Mittal Steel Sparrows Point facilities to Severstal has been completed in 2008. See section 3.2.3 for updated information on the Mittal Steel alternative site for the LNG facility.</p> <p>SA3-18 Thank you for your comment, see section 4.6.3.2 <i>LNG Terminal</i> for an updated discussion of dredging techniques.</p>
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<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>↑ rubber gaskets. If authorized, the State’s Tidal Wetlands License will require the use of the environmental bucket.</p> <p>Conclusions of Preferred Dredged Material Disposal/Placement Method (Section 3.2.8)</p> <p>19. [p. 3-31] Innovative use or reuse, such as abandoned mine and quarry reclamation, brownfields redevelopment, landfill capping, highway embankments, etc., is identified in the DEIS as the only viable option for PDM. The DEIS identifies four other dredged material placement alternatives that were evaluated but not considered viable options (open water disposal, ocean disposal, beneficial uses, and existing contained placement facilities). Specifically, page 3-30 states the “...use of existing or proposed contained placement facilities would not be viable alternatives to the Sparrows Point Project.” The State of Maryland would like to reiterate that the MPA <u>cannot</u> accommodate AES’s dredged material. There is a very limited amount of capacity for harbor dredged material and it is constrained to the point where MPA may restrict new dredging projects in the future. The MPA facilities cannot serve as the facility of last resort should AES’s plans for innovative reuse be ultimately unsuccessful. In addition, the DEIS should contain a more comprehensive discussion of the options for accumulating PDM onsite if there are no buyers/end users. Should AES’s plans for innovative use become unsuccessful or determined to not be feasible, the MPA facilities cannot serve as the facility of last resort and the State of Maryland has no assurance that there is any end use/placement site for the PDM.</p> <p>Major Route Alternatives (Section 3.3.2)</p> <p>20. [p. 3-32] This section identifies various major route alternatives along portions of the proposed line. With regards to DNR owned and managed lands, comments have previously been provided to the applicant by the State of Maryland pertaining to alignment options being considered that affect DNR lands. In general, protection of public lands involves concentrating disturbances on the landscape scale to areas where they already exist. Transecting and fragmenting forest, especially public forest lands, should be strictly avoided where possible. Avoiding alignment options that transect Gunpowder Falls State Park is an important goal that should be carried forward to further planning and review phases.</p> <p>Also, compensation/mitigation for any DNR lands that may be affected by unavoidable impacts must be fully reviewed, and potential forest impacts should be carefully evaluated to develop adequate compensation and mitigation that addresses the full natural resource functions and values of those lands.</p> <p>State Route 136 Alternative (Section 3.3.2.3)</p> <p>21. [p. 3-40] This section of the report notes that the SR 136 Alternative crosses a Rural Legacy “District.” The term “Rural Legacy District” should be replaced by “Rural</p> <p style="text-align: center;">10 6/16/08</p>	<p>SA3-19 Thank you for your comment, see section 2.3.1.3 for an updated discussion of disposal techniques.</p> <p>SA3-20 Thank you for your comment. See section 4.8 for updated discussions of crossing DNR lands. Route alternatives are discussed in section 3.3.2 and 3.3.3.</p> <p>SA3-21 Section 3.3.2.3 of the FEIS has been revised.</p>
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<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>Legacy Area.” It should also be noted within this section that the proposed route crosses the Deer Creek Rural Legacy Area.</p> <p>Route Variations (Section 3.3.3)</p> <p>22. [p. 3-43] This section identifies various route variations that AES should incorporate as part of its proposed pipeline route. The EIS should identify a <u>specific</u> preferred pipeline route and the wetlands and waterways impacts of this route provided to MDE for consideration in its Nontidal Wetlands and Waterways Permit review.</p> <p>In addition, MDE notes that a significant portion of the pipeline route has not been surveyed for nontidal wetlands impacts because access has not been granted by property owners. For these areas, estimated impacts have been provided based on a desk-top review. AES has been informed that MDE will not consider the application for a Nontidal Wetlands and Waterways Permit complete until field surveys are completed for these properties.</p> <p>23. [p. 3-45] The section titled <i>Background on Maryland State Highway Administration (SHA) Exceptions to Utility Policy</i> should note that AES officially applied for an exception to SHA’s Utility Policy on December 10, 2007 and that the application was reviewed by several departments within SHA. The findings were that the project did not satisfactorily meet the requirements stated in SHA’s Utility Procedures. This exception denial is included as Appendix B to this attachment.</p> <p>24. [p. 3-49] The Variation 4 subsection displays the pipeline inside the Maryland Transportation Authority (MdTA) right-of-way. The MdTA is a separate entity from MDOT and this variation would be of concern to the I-95 ETL and Section 200 MdTA future mitigation projects.</p> <p>In addition, the proposed pipeline route variations throughout Section 3.0 do not accurately describe the new interchange at MD 43 but only refer to the existing interchange. The State of Maryland recommends the proposed routes accurately describe the new interchange.</p> <p>25. [p. 3-66] FERC recommends that “Mid-Atlantic Express should also file a site-specific plan for the construction of Variation 12a which would include measures for reducing tree cutting and the replanting of temporary work areas.” The State of Maryland requests that the EIS indicate the importance of including the Maryland Rural Legacy Program easements among the subjects to be addressed by the development of site specific plans.</p> <p><u>Comments to Section 4.0 – Environmental Analysis</u></p> <p>Waterbody Classifications (Section 4.3.2.2)</p> <p>11</p> <p>6/16/08</p>	<p>SA3-22 The preferred route is the proposed route with the recommended route variations. Section 3.3.3 contains a discussion on route variations. See section 4.4 for impacts to wetlands and 4.3 for impacts to streams.</p> <p>SA3-23 Comment noted. See revisions to pipeline alignment in section 3.3.3 for the sections of the pipeline where the exceptions to SHA’s Utility Policy were denied.</p> <p>SA3-24 Variation 4 was not incorporated by the applicant nor by FERC. Therefore, the segment of the pipeline that may affect Maryland Transportation Authority (MdTA) right-of-way is not part of the Project.</p> <p>SA3-25 Thank you for your comment.</p>
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SA3 - Maryland Department of Natural Resources, Bruce Michael, Director

SA3-26	<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>26. [p. 4-31 to 4-32] According to the State of Maryland, surveys over the past several years have demonstrated that many of the streams on the western side of Cecil County, which flow into the Susquehanna River or Octoraro Creek, support or could potentially support reproducing brown trout populations. DNR has requested that MDE to regulate streams in this area as use III waters to preserve the coldwater characteristics of the streams. The same request would apply for the proposed project.</p>	SA3-26	Thank you for your comment. Surface water classifications are codified by state regulatory agencies. Any surface water classification change needs to be made by the responsible state regulatory agency.
SA3-27	<p>Surface Water Resources Impacts and Mitigation (Section 4.3.2.5)</p> <p>27. [p. 4-52] In addition to the State of Maryland’s General Permit for Construction Activity for Storm water Discharges Associated with Industrial Activity as noted in the <i>LNG Terminal Construction Impacts</i> subsection, it should be noted that Storm Water Management Plan approval is required from Baltimore County.</p>	SA3-27	See section 4.3.2.5.
SA3-28	<p>28. [p. 4-53] The final paragraph of the <i>Dredging</i> subsection notes that “[a]pproximately 7,613 cubic yards (CY) of material would be produced daily and continue for about 24 months, with a dredging season of approximately 243 working days in a dredging year. Further, it is stated that “AES proposes to ship PDM offsite at an average rate of approximately 5,000 CY per day, 365 days per year.” Under ideal conditions, assuming these numbers are achieved, only minor amounts of material would have to be stockpiled onsite. However, no specific innovative use end users/buyers have been identified by AES to date. These need to be identified to determine the number of days the end users/buyers are able and willing to receive the material.</p>	SA3-28	See sections 2.3.1.3 <i>Dredged Material Handling/Disposal</i> and 4.3.2.5 of the FEIS. The final users/buyers of the PDM would not be known until months before final use/disposal. In the FEIS, we discuss the “worst case” outcome – that AES uses disposal capacity at commercial landfills. We have revised the potential disposal method in section 4.3.2.5 of the FEIS. Please also see response to comment FA4-2.
SA3-29	<p>29. [p. 4-55] The DEIS notes that AES has submitted a draft Dredging Management Plan which is contained in Appendix D of the DEIS. In the same paragraph, the DEIS requires AES to submit a comprehensive Dredged Material Placement Plan (DMPP) <u>prior to the end of the DEIS comment period</u> addressing:</p> <ul style="list-style-type: none"> • Where the PDM is going; • The capacity of the temporary placement areas onsite; • The daily takeaway capacity for the PDM; • How many daily truck trips would be necessary to haul the PDM, the impacts of those trucks on the traffic in the area, and the probable routes the trucks would take; and • A contingency plan for the PDM after it is processed should there be no buyers. <p>Based on this requirement, the State of Maryland assumes that FERC agrees that the information provided by AES to date on the dredged material disposal is not adequate to support approval of the project. The State of Maryland continues to have <u>serious</u> concerns with the proposed dredged material disposal and, based on the information provided to date, the potential for PDM to be stockpiled onsite with no innovative use, end-users, or other final placement sites. In addition, the comprehensive DMPP as a late requirement will not be subjected to the same level of comment that would have been possible if the plan were available as part of the DEIS. <u>The State of Maryland</u></p>	SA3-29	These issues are addressed in the CDP (see appendix D).
	<p>12 6/16/08</p>		

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SA3-30	<p>↑ <u>recommends that a supplemental DEIS be released for public review and comment prior to finalization of the EIS for the project.</u></p> <p>30. [p. 4-56] Resuspension of organic materials and sediment may increase biological and chemical oxygen demand and lead to low DO levels within the proposed ship channel and turning basin. In addition, the potential effects of re-suspended sediments on the toxicity of metals to aquatic organisms should be evaluated. Suspended sediments and organic compounds have the potential to complex with toxic metals and provide a possible mechanism for entry into biological systems; these processes are salinity-dependent. The proposed dredging activities could have impacts on aquatic organisms well beyond the immediate dredging areas, depending on mitigation measures used during the dredging process. Mitigation measures should also be considered to prevent the spread of contaminated suspended sediment.</p>
SA3-31	<p>LNG Terminal Operation Impacts (Section 4.3.2.6)</p> <p>31. [p. 4-57] The <i>Intake and discharge of ballast/ship boiler cooling water</i> subsection notes that LNG carriers have a maximum ballast capacity of 80,000 cubic meters (22.736 million gallons per ship). The EIS should include more information regarding the rate of intake and the velocities at the intake. It should also include an assessment of the potential for impingement of aquatic life, and whether there will be any need for mitigation or compensation. The EIS should quantify the potential aquatic life loss associated with the projected three ships per week with each appropriating the estimated 22.736 million gallons of ballast water. The evaluation should be made for each season of the year to reflect the occurrence of the different species that might be present and the various life stages.</p>
SA3-32	<p>32. [p. 4-58] The <i>Tug and vessel movement</i> subsection references a Propeller Wash Sediment Impact Study conducted by AES which indicates that resuspended sediments due to tugboat operations would not be transported into Bear Creek north of the MD I-695 bridge. The State of Maryland recognizes that tug boats attempting to maneuver a loaded tank vessel would, at times, be required to utilize extreme power to counter strong winds and currents. Such events would likely result in the tug boats being proximal to the edge of the turning basin where sediment might easily be dislodged from the bottom. The EIS should note that “propeller wash” or “prop-dredging”, as referenced in Maryland’s Tidal Wetlands regulations, is illegal in Maryland. If propeller wash sediment is likely to occur at times, the area of the proposed dredging should be enlarged to ensure that this will not take place.</p>
SA3-33	<p>33. [p. 4-58] The State of Maryland is concerned with storm water management at the facility. According to the DEIS, storm water would go into storm drains, an oily water separator, and then into the Patapsco River through a discharge outlet. In the event the project is approved, the State of Maryland requests an added condition that requires AES to construct an artificial wetland (i.e., rain garden) onsite that will allow storm water to infiltrate naturally.</p>
SA3-30	<p>SA3-30 See section 4.3.2.5 for a discussion of dissolved oxygen. Other mitigation measures are provided in the Consolidated Dredge Plan (appendix D).</p>
SA3-31	<p>SA3-31 See FEIS sections 4.3.2.6 and 4.6.2.2 <i>Ballast Water Impacts</i>.</p>
SA3-32	<p>SA3-32 Thank you for your comment. Section 4.3.2.5 has been revised to address the illegality of “propeller wash” or “prop-dredging”.</p> <p>In comments from MDNR, we have noted that “propeller wash” or “prop-dredging” activities, as referenced in Maryland’s Tidal Wetland regulations, are prohibited in Maryland. If the Project is certificated by FERC, AES would be required to comply with this state regulation.</p>
SA3-33	<p>SA3-33 This could be a condition of AES’s NPDES permit, but this permit is not under the control or authority of the FERC. See table 1.3-1 for major permits and revised section 4.3.2.5.</p>
	<p>13</p> <p>6/16/08</p>

<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>SA3-34 34. [p.4-58] In line 7 of the <i>Stormwater discharges</i> subsection, “Coastal Zone Management Areas regulations” should be changed to “Chesapeake Bay Critical Area regulations.” Also, the paragraph should note that Storm Water Management Plan approval is required from Baltimore County.</p> <p>SA3-35 Pipeline Construction and Operation Impacts (Section 4.3.2.7)</p> <p>SA3-35 35. [p. 4-59] The State of Maryland is concerned about the effects of constructing 48 miles of pipeline to invertebrates, fishes, and amphibians that inhabit the 177 streams that need to be crossed. Many streams in Maryland already have a high sediment loads and are impacted by high turbidity levels due to land use management practices such as agriculture and urbanization. The impacts of diverting streams while pipes are placed across them, creating access and staging areas, moving heavy equipment in and out of sensitive areas, and removal of stream bank vegetation are anticipated to have serious negative effects on aquatic populations. If this project is approved, the State of Maryland requests FERC to include a condition to require AES to restore the affected areas and perform stream mitigation throughout the affected watersheds at some multiple number of stream miles for each mile impacted.</p> <p>SA3-36 36. [p. 4-59] The DEIS indicates that the horizontal directional drilling (HDD) crossing of Little Gunpowder Falls is still being evaluated by AES. It should be noted that, based on preliminary investigations, AES has determined that HDD is feasible at Wild Cat Branch, a Nontidal Wetland of Special State Concern, which is located in Gunpowder Falls State Park. This effort should be coordinated with MDE and the Land Acquisition and Planning Group. MDE will require HDD at this crossing if technically feasible.</p> <p>SA3-37a 37. [p. 4-60] The DEIS requests that the applicant consult with USFWS and NMFS regarding time of year restrictions. The State of Maryland requests that FERC include DNR as a required consultant.</p> <p>SA3-37b It is not clear to the State of Maryland if directional drilling techniques will be conducted at the Deer Creek Crossing. The State advocates this method at that location, as well as any other moderately sized flowing stream, is not feasible, unless adequate demonstration can be made on a location by location basis.</p> <p>SA3-38 Regulatory Permits (Section 4.4.1)</p> <p>38. [p. 4-64] The 3rd, 4th, and 5th paragraphs of this section should be corrected as follows:</p> <ul style="list-style-type: none"> • Maryland’s Tidal Wetlands Act regulates proposed dredge and fill activities in tidal wetlands (tidal submerged bottom and vegetated tidal wetlands). The State does not regulate a buffer to tidal wetlands. • Nontidal wetlands and a 25-foot nontidal wetlands buffer (expanded to 100 feet for Nontidal Wetlands of Special State Concern) are regulated under the State’s <p style="text-align: center;">14</p> <p style="text-align: right;">6/16/08</p>	<p>SA3-34 Comment noted. See revisions in section 4.3.2.5 of the FEIS.</p> <p>SA3-35 Mid-Atlantic Express’s ECP (appendix T) includes all of FERC’s Plan and Procedures requirements for stream bed and bank restoration. If these procedures are rigorously enforced, the impacts to streams from pipeline crossing would be temporary and localized. FERC monitors would inspect final stream restoration to ensure compliance with stream crossing and restoration procedures.</p> <p>SA3-36 Mid-Atlantic Express has committed to crossing Little Gunpowder Falls using HDD. See section 4.3.2.5 <i>HDD and Dry Crossings</i>. Per your recommendation, we are requiring that AES evaluate the feasibility of using the HDD method at Wild Cat Branch (a special nontidal) and consult with MDE. See section 4.4.2.1 <i>Unique and Sensitive Wetlands</i> and appendix I.</p> <p>SA3-37a Comment Noted. This requirement in the DEIS was to ensure AES consultation with federal agencies regarding federally managed or protected species. Note that stream crossing restrictions for Deer Creek, and other Maryland streams and rivers are indicated in appendix I under the column “Seasonal Restrictions.” The indicated restrictions are a product of AES consultation with MDNR and other state agencies in Maryland and Pennsylvania.</p> <p>SA3-37b We have evaluated the feasibility of crossing Deer Creek using HDD. We do not feel that HDD is a practicable option at this location. See section 4.3.2.5 <i>HDD and Dry Crossings</i>.</p>
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<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>↑ Nontidal Wetlands Protection Act. Projects are authorized by either a Letter of Authorization (activities with less than 5,000 square feet of impact) or a Nontidal Wetlands Permit.</p> <ul style="list-style-type: none"> • The State’s Waterway Construction Statute regulates proposed activities impacting nontidal waterways and/or the 100-year nontidal floodplain. • The Chesapeake Bay Critical Areas Act (now identified as The Chesapeake and Atlantic Coastal Bays Critical Area Protection Program) is implemented through DNR. <p>Wetlands Located at the Proposed LNG Terminal Site and Along the Proposed Pipeline Route (Section 4.4.2.1)</p> <p>39. [p. 4-70] The State of Maryland is concerned about the temporary and permanent impacts to wetlands that will be caused by the proposed pipeline. The conversion of 4.5 acres and impacts to 19.4 acres of regulated wetlands is potentially a significant impact to regulating high streams, maintaining good water quality, and providing habitat. If this project is approved, the State of Maryland requests that FERC include a condition to require the applicant to create or restore wetlands in each watershed where they are impacted.</p> <p>40. [p. 4-71] The <i>Unique or Sensitive Wetlands</i> subsection discusses Nontidal Wetlands of Special State Concern (NTWSSC) and the pipeline crossing of a NTWSSC on Wild Cat Branch in Gunpowder Falls State Park at milepost 22.23 and a second NTWSSC which runs parallel to the pipeline right-of-way from milepost 46.45 to 46.63. The discussion states that AES has evaluated, but not committed to, the option of utilizing HDD to cross the NTWSSC at milepost 22.23. Note that AES’s May 30, 2007 response to MDE’s May 7, 2007 information request states the following: “AES has performed a preliminary HDD feasibility assessment of the referenced area and has determined that, based on information available at this time, it is technically feasible to avoid impact to the NTWSSC between milepost 22.22 and 22.23 on Wild Cat Branch, by utilization of horizontal directional drilling (HDD).” As previously noted, MDE will require HDD at this wetland crossing.</p> <p>Wetlands Construction and Maintenance Procedures and the Aquatic Resources Mitigation Plan (Section 4.4.4)</p> <p>41. [p. 4-73] The list of agencies that must be coordinated with during the development of the Aquatic Resources Mitigation Plan (ARMP) does not include DNR. As the State’s natural resource agency, The State of Maryland requests that DNR have the opportunity for full participation in any ARMP discussions and coordination for this project, and requests that DNR have the opportunity for formal concurrence on all aspects of the ARMP.</p> <p>15 6/16/08</p>	<p>SA3-38 Comments noted. See revisions in section 4.4.1 of the FEIS.</p> <p>SA3-39 AES/MAE has committed to wetlands mitigation in addition to wetlands restoration in its ARMP, submitted June 16, 2008 (see Accession No. 20080618-0018, Response D47-B). Note the ARMP was also sent to MDNR and MDE, by AES on the CC list of the letter dated June 16, 2008. We have reviewed AES’ draft ARMP. AES has filed a revised ARMP on September 2, 2008. This version is being reviewed by the COE and other agencies. The final wetlands mitigation plan for the Project would depend upon the review of the ARMP by the COE, MDE and MDNR, and PCDNR during the development of the final 404 permit.</p> <p>SA3-40 Comment noted. As AES has indicated to MDE, the HDD crossing of NTWSSC at MP 22.22 – 22.23 is technically feasible. FERC would concur that this wetland crossing should be accomplished by HDD. See the revised section 4.4.2.1.</p> <p>SA3-41 Please see response to comment SA3-39. MDNR may respond with comments on the ARMP directly to AES and should copy FERC and COE. COE would consider comments on the ARMP any time during the 404 permit process, which includes consultation with MDE. FERC would consider any comments on the ARMP during the development of the applicant’s Implementation Plan (if the Project is approved by the Commission).</p>
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SA3-39

SA3-40

SA3-41

<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>SA3-42 42. [p. 4-73] The State of Maryland requests that the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays the opportunity to review the Aquatic Resources Mitigation Plan upon its completion.</p> <p>Vegetation Management Programs (Section 4.5.2)</p> <p>SA3-43 43. [p. 4-77 to 4-78] The Forest Conservation Act requires that before the issuance of a grading or sediment control permit, the applicant shall have an approved Forest Conservation Plan and Forest Stand Delineation (Nat. Res. Art. 5-1601B5-16122, Annotated Code of Maryland). The Forest Service recommends that a forest conservation plan be submitted to the State when the applicant’s sediment and erosion control plan or grading plan is submitted for review to the State or local jurisdiction. The Act provides for the retention of forested areas in sensitive areas on the subject property as one method of mitigation.</p> <p>Wildlife Resources Impacts and Mitigation (Section 4.6.1.2)</p> <p>SA3-44 44. [p. 4-83] It is the recommendation of the State of Maryland that there should be a reference to wintering waterfowl concentration areas in the vicinity of Section 4.6.1.2. The State is concerned that this issue, as described in its sensitive species scoping letters, is being confused with other waterbird issues. Winter season waterfowl concentration areas are separate from other concerns and comments related to reproductive seasons.</p> <p>Affected Environment – Aquatic Species (Section 4.6.2.1)</p> <p>SA3-45 45. [p. 4-87] Benthic communities in the areas to be dredged are surprisingly rich, with 13 infaunal and epifaunal species dominated by amphipods, clams, and worms. This type of assemblage does not generally occur in severely degraded areas of Chesapeake Bay, suggesting that these areas may be important productive grounds for demersal fish and crabs that feed on benthic organisms. The State of Maryland requests that the EIS include these impacts.</p> <p>Impacts and Mitigation – Aquatic Species (Section 4.6.2.2)</p> <p>SA3-46 46. [p. 4-90] The State of Maryland agrees with FERC’s assessment that the AES prediction of higher DO from increased circulation is invalid. Instead, the State of Maryland expects DO levels to decrease as a result of the proposed dredging activities. AES has offered to monitor DO levels in the project area but provides no mitigation options if a DO problem is detected; such a plan is required in the DEIS. One suggested form of mitigation is the restoration of submerged aquatic vegetation (SAV) in an appropriate location in the Baltimore Harbor Area.</p> <p>SA3-47 47. [p. 4-90] Pioneering benthic invertebrates are stated to likely colonize the dredged area soon after completion of dredging. However, changes in the characteristics of the</p> <p style="text-align: center;">16 6/16/08</p>	<p>SA3-42 Please see response to comment SA3-39. MDE and MDNR may provide the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays the opportunity to review the ARMP, as they see appropriate.</p> <p>SA3-43 Comment noted. This is a state permit issue, but FERC would agree that AES should comply with this recommendation during the State permitting process.</p> <p>SA3-44 Wintering Waterfowl Concentrations are addressed in the revised section 4.6.1 of the FEIS.</p> <p>SA3-45 FERC does not disagree that the area to be dredged may support blue crab to some extent. The impacts of modification of the bay bottom by the proposed dredging is a matter of degree, i.e. areas that are already within the existing channel or boat basins would be deeper, but may not change drastically in bottom fauna, nor in use by fish and crabs. Areas that are currently shallow (< 10-ft) and that are dredged to 20 – 45-ft, may be substantially altered in bottom fauna and in utilization by fish and crabs. See section 4.6.2.</p> <p>SA3-46 Comment noted. Mitigation by restoration of submerged aquatic vegetation (SAV) is regulated by the COE.</p> <p>SA3-47 Comment noted.</p>
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	<p>↑ substrate after dredging may render sediments unsuitable for the settlement and colonization of the original community. Substrate composition, structure, and stability affect the types of benthos found in any particular bottom habitat. Not only is composition (e.g., grain size) important to the benthic community, but a number of other factors are often overlooked, such as the fabric, water content, shear strength, and compaction of sediments. Dredging removes the more fluid top layer of sediment and may expose deeper layers of clay that are usually more compacted and of reduced porosity and permeability. These factors influence the type of organisms that can colonize the sediments. For example, the ability of infaunal burrowers to live and move through the sediments is a function of the sediment water content and the state of compaction. Hard consolidated clays are less than ideal for infaunal colonization of newly available habitat. Less permeable sediments also restrict the amount of oxygen that can diffuse into the sediment.</p>
SA3-48	<p>48. [p. 4-90] The FERC requirement states that prior to the end of the DEIS comment period, "AES should consult with the NMFS, MDNR and the ASMFC..." The State of Maryland requests an additional requirement that states "prior to construction, AES shall obtain approval from the NMFS, MDNR and the ASMFC..."</p>
SA3-49	<p>49. [p. 4-91] The State of Maryland requests that any unloading dock consultation recommendations should include DNR in addition to NMFS.</p>
SA3-50	<p>50. [p. 4-94] The potential request for instream work time of year restrictions in tidal waters in the project study area, including the proposed dredge area, would be coordinated between the DNR Environmental Review Unit and NMFS as the project proposal details become further defined. Note that the previous DNR scoping letter on fisheries information served as general guidance and was not a final determination of restriction period recommendations for any given project, since project details can change significantly during planning. As details are worked out for the dredging activities, the nature and scope of the project could potentially warrant a time of year restriction to protect anadromous fish species in Bear Creek. This restriction period, if applied, could potentially be from February 15 through June 15.</p> <p>Water dependant construction activities including dredging also have the potential to impact wintering waterfowl in designated concentration areas, and could result in a winter-season time of year restriction from November 15 through March 1 to minimize disturbance to this resource. According to the State of Maryland, while waterfowl concentration areas were referenced in DNR's scoping letters from the Wildlife and Heritage Service, the DEIS document does not seem to discuss this resource adequately. In general, additional information on project construction techniques would be needed to determine final best management practices for aquatic resources in the harbor vicinity.</p>
SA3-51	<p>51. [p. 4-94] Boring or directional drilling should be used at any pipeline stream or wetland crossing where one is judged to be the technique that best minimizes surface resource impacts. Please note that the State of Maryland's review experience has shown that</p> <p>↓</p>
	<p>SA3-48 In section 4.6.2.2 of the FEIS, we recommend that, "AES continue to consult with NMFS, MDNR, and ASMFC on the potential for depressed dissolved oxygen in the Patapsco River due to its dredging and maintenance of the ship channel.</p> <p>SA3-49 We have modified the consultation recommendation to include MDNR. See section 4.6.2</p> <p>SA3-50 AES has incorporated seasonal restrictions for in stream work, including the proposed dredging area, to protect anadromous fish species into its final ARMP See section 4.6.2.2, <i>Pipeline Construction and Operation</i> and appendix Q. In section 4.4.4 of the FEIS, we recommended that, Mid-Atlantic Express file this final ARMP developed in consultation with COE, NMFS, FWS, EPA, MDE, and PDEP with the Secretary."</p> <p>SA3-51 See section 4.6.2.2, <i>Pipeline Construction and Operation</i> of the FEIS.</p>
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SA3-52	<p>↑ “frac-out” events can be relatively common, and can result in instream impacts harmful to resident and migratory fish spawning. Therefore, the State of Maryland requests that the appropriate instream work restriction periods for the designated stream Use I, Use II, Use III, or Use IV be applied to every stream crossing, whether trenched, bored, or directionally drilled. The only locations where no time of year restriction would be necessary is where frac-out events are assured to not occur.</p> <p>52. [p. 4-94] The State of Maryland requests that the required consultation on time of year restrictions for instream work include DNR and MDE in addition to USFWS and NMFS.</p> <p>Potential Impacts to EFH-Designated Species, Conservation Measures, and Mitigation Plans (Section 4.6.3.2)</p>	SA3-52	See section 4.6.2.2, <i>Pipeline Construction and Operation</i> of the FEIS.
SA3-53	<p>53. [p. 4-102] The DEIS states that the dredging area does not contain SAV. While this may be true, the absence of high quality habitat in the Baltimore Harbor/Patapsco River estuary area does not provide a reason to allow more degradation. Although the dredging of 118 acres of tidal bottom habitat in an already degraded industrial setting might not seem of significant concern, it is the cumulative impact of these activities which needs to be addressed. The goals of restoration efforts in the Chesapeake Bay are to improve the water quality and habitat quality of the estuary. This cannot be done by simply protecting the estuary from further degradation, but it has to be done by reversing current degradation. Extensive restoration efforts are underway to improve water quality and bring back essential fish habitat, such as SAV beds. The Baltimore Harbor/Patapsco River estuary may have historically supported SAV. If so, the affected area should be evaluated in terms of its potential, not of its status quo. The construction of new terminals and elimination of potentially productive bottom will make it harder to reach the goal of restoring the Chesapeake Bay. Thus, the State of Maryland requests that cumulative impacts of dredging be addressed and mitigation measures provided, such as restoration of SAV habitat with plantings in appropriate areas of the Baltimore Harbor area.</p> <p>Threatened, Endangered, and Other Special Status Species (Section 4.7)</p>	SA3-53	We agree that absence of a resource does not allow an applicant to degrade water quality. However, actions that are allowed by permit authorization, such as dredging activity permitted under a Section 404 permit with the COE allows reasonable activities which do not exceed state water quality standards. FERC cannot condition an approval concerning a resource, such as SAV, that may potentially return to this area in the future. For the cumulative impact of dredging, see section 4.13.3.
SA3-54	<p>54. [p. 4-109] The State of Maryland requests that DNR be included in the required consultations that need to be completed regarding rare, threatened, and endangered species prior to the start of construction for this project.</p> <p>Marine Mammals and Sea Turtles (Section 4.7.1.1)</p>	SA3-54	The MDNR would be consulted regarding state listed rare, threatened and endangered species prior to the start of construction for this Project. See section 4.7.
SA3-55	<p>55. [p. 4-114 to 4-116] Table 4.7-2 does not include the Serpentine aster or the Bog turtles. Although both occur elsewhere in the DEIS, it is important to have the tables precise in the document.</p>	SA3-55	See table 4.7-2 in section 4.7 for Serpentine Aster. See comment under the title of table 4.7-2 regarding the state listed status of federally listed species. The Bog Turtle is already listed on table 4.7-1 with both its federal and state status hence we did not include it in table 4.7-2.
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Bog Turtle (Section 4.7.1.5)

56. [p. 4-128 to 4-130] The State of Maryland has reviewed the proposed route, bog turtle sites, and potential impacts to bog turtles. The following is a list of potential bog turtle wetland sites below, which the State recommends be surveyed for bog turtles (in addition to any other sites previously identified and surveyed) following the standard survey protocol found in the Federal Recovery Plan, using Qualified Bog Turtle Surveyors. DNR can provide a list of qualified consultants to conduct such surveys, and can also provide the current survey guidelines.

- The pipeline crosses upstream of HA-220, a known bog turtle site that has not been surveyed since 1977 due to the absence of landowner permission. This is near MP37 on the draft EIS map. Not knowing how many stream crossings might be conducted, the State notes that impacts could range from no impact up to "take" if bog turtles using the stream to traverse between sites are killed or excessive siltation from pipeline construction washes over and buries wetland, effecting hydrology. Whether such sites will be bored or drilled are important factors for the State to review.
- Potential bog turtle site HA-219 near MP37, which appears to be crossed directly by the pipeline proposed route.
- Potential bog turtle site HA-209 (all of the remaining potential sites below were surveyed for suitability in the 1976-78 period; the State used Taylor et al. marked-up soil maps to screen). This wetland is SSE of Scarboro and between MP38 and MP39 and could be impacted directly by the pipeline.
- Potential bog turtle sites HA-213B and HA-210. The former is NW of the intersection of Boyd Road and Scarboro Road (MP38). The latter is north and upstream of the pipeline.
- Potential bog turtle site HA-218, which appears to be crossed directly by the pipeline proposed route. This site is approximately half way between MP36 and MP37.
- Potential bog turtle sites HA-192B and HA-193, at or just north of MP34.
- Known bog turtle site HA-194. Turtles were last found here in 1979; a search was unsuccessful in 1994. This site appears to be crossed directly by the proposed pipeline route or it will cross just to the south. The site is located between MP3 and MP34.
- Potential bog turtle site HA-259. This site is located between MP32 and MP33 and appears to be crossed directly by the proposed pipeline route.
- Potential bog turtle site HA-260. This site is located by MP31 or is just downstream of it.
- Potential bog turtle site HA-318. This site is approximately at MP30.
- Known bog turtle site HA-321. A volunteer last surveyed this site in 1993 and found a bog turtle (site previously known from Taylor et al.). No surveys have been attempted since then due to a lack of landowner permission. This site is upstream of MP30 and there are potentially direct impacts to the site based on the proposed pipeline route.

SA3-56

SA3-56

See section 4.7.1 of the FEIS. AES completed Phase I surveys for 31 additional areas (including the 14 sites identified by MDNR) identified as potential bog turtle habitat during the fall of 2008.

<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <ul style="list-style-type: none"> ▲ Potential bog turtle sites HA-319B and HA-320B. These are east of the proposed pipeline route and upstream of the pipeline stream crossing just north of MP29. • Potential bog turtle sites HA-22B, HA-23B, and HA-24B. These sites are just south of MP26 where the proposed pipeline route crosses Elbow Brook and Watervale Road. The proposed pipeline route appears to directly cross HA-22B and HA-24B. • Potential bog turtle site HA-354B. This site is located just north of MP25 and the stream crossing and has the potential to be directly crossed by the proposed pipeline route. <p>SA3-57 57. [p. 4-129] The State of Maryland requests that DNR be included in the recommended consultation for development of a bog turtle management plan in addition to the USFWS.</p> <p>Existing and Planned Residences and Developments (Section 4.8.2)</p> <p>SA3-58 58. [p. 4-140] Any tree that originates within a public road right-of-way is considered a roadside tree under the Maryland Roadside Tree Care Law (NRA 5-406) and Regulations (COMAR 08.07.02). Any plans to remove, trim, or plant trees within the public right-of-way are required to obtain a permit from the DNR Forest Service.</p> <p>Federal Coastal Zone Management Act (Section 4.8.3.1)</p> <p>SA3-59 59. [p. 4-145] The first two sentences of the 4th paragraph read as follows: "Maryland's CZMP requires completion of a Coastal Facilities Review Act (CFRA) application. The MDNR is the lead agency for implementing the CZMP." The State of Maryland requests these sentences be deleted and replaced with the following: "The proposed AES Sparrows Point LNG terminal and pipeline project requires a permit from MDE pursuant to Maryland's CFRA. The State's Section 307 Federal Consistency decision will be based on the outcome/decision on AES's CFRA permit application. Although DNR is the lead agency in Maryland for implementing the overall CZMP, MDE is the lead agency for implementing the Section 307 Federal Consistency provisions."</p> <p>In addition, this section concludes with the following recommendation which will be a condition in FERC's license: "Prior to construction, AES and Mid-Atlantic Express shall file with the Secretary documentation that the Project is consistent with the Coastal Zone Management Act." The State of Maryland requests that "the Coastal Zone Management Act" be changed to "Maryland's Coastal Zone Management Program."</p> <p>Maryland Critical Areas Act (Section 4.8.3.2)</p> <p>SA3-60 60. [p. 4-145 to 4-146] According to the Critical Area Commission, many of the Critical Area resources, including forests, streams, and tidal and nontidal wetlands, are managed or regulated by various government agencies and private landowners. However, mitigation for unavoidable impacts to distinct Critical Area resources would be required for, among others, buffers (areas within a minimum of 100 feet landward from tidal</p> <p style="text-align: center;">20 6/16/08</p>	<p>SA3-57 See revised section 4.7.1.</p> <p>SA3-58 Thank you for the information. If the Project is approved AES would be required to comply with all appropriate permits.</p> <p>SA3-59 Please see response to comment SA3-3.</p> <p>SA3-60 Comment noted. Mid-Atlantic Express is responsible for obtaining all applicable permits and approvals.</p>
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<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>SA3-65 65. [p. 4-159] The <i>Conservation Easements</i> subsection states that “the proposed pipeline route crosses several Rural Legacy Program and Agricultural Land Preservation easements.” It is correct that “Maryland’s Rural Legacy Program is designed to preserve large blocks of contiguous open space that are among the State’s most valuable because of their agricultural, natural and cultural resources.” For this very reason, DNR is very cautious about amending conservation easements within Rural Legacy Areas, from the perspective of both the large scale Rural Legacy Area and from the property specific resources protected by the conservation easement.</p> <p>SA3-66 66. [p. 4-159] The <i>Conservative Easements</i> subsection states that Mid-Atlantic Express would consult with the Rural Legacy Program director, the local municipality, or the Brandywine Environmental Management Center to determine if the proposed activities related to construction of the pipeline would need to be reviewed for consistency with the terms of the easements held. However, FERC fails to include any specific conditions or direction in the event that the proposed activities are inconsistent with easement terms and construction of the pipeline requires condemnation of a Maryland Environmental Trust easement.</p> <p>It is correct that the Mid-Atlantic Express would need to consult with not only the Rural Legacy program Director but they would also need to consult with the landowner of the property under easement and Harford County, the easement grantee. Mid-Atlantic Express must understand that:</p> <ul style="list-style-type: none"> • it is preferable that the landowner make the initial contact to DNR regarding easement terms and their impact on proposed pipeline construction and operation; • amendment requests must originate from the landowner; and • agreements that convey rights that are inconsistent with the easement terms should not be executed or recorded prior to the approval and recordation of the amendment to the easement (failure to do so, may result in a violation of the conservation easement). <p>As noted previously, it is very possible that the conservation easement would not allow for the subdivision of the right-of-way, the permanent structures, access, or for any temporary construction uses.</p> <p>In addition, many of the easement related comments in the DEIS appear to be focused on agriculture. Under the Rural Legacy Program, all of the easement properties are not strictly under agricultural land use. Some of these easements are purchased to protect water quality, wetlands, forest lands etc. Therefore, required restoration would not be limited to “agricultural usage”. Also, with no prior knowledge of FERC’s Plan for Crossing Agricultural Lands, it is not clear that Mid-Atlantic’s implementation of the Plan would be beneficial to the purposes of the Rural Legacy Program conservation easements. A copy of the Plan for Crossing Agricultural Lands should be provided to the Land Acquisition and Planning Staff of DNR in order to determine it’s relevance to RLP easements.</p> <p style="text-align: center;">22</p> <p style="text-align: right;">6/16/08</p>	<p>SA3-65 Thank you for the information.</p> <p>SA3-66 Thank you for the information.</p>
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SA3-67	<p>67. [p. 4-160] All of the easements listed as being crossed by the pipeline route in Table 4.8.5-2 are listed as "Agricultural Easement." It is not clear if this list includes Rural Legacy Program easements, County Agricultural Preservation Program, or Maryland Agricultural Preservation Program easements. The State of Maryland requests a more specific list be developed.</p>
SA3-68	<p>68. [p. 4-161] The <i>Conclusions</i> subsection states: "We recommend that Mid-Atlantic Express prepare for several designated recreational and public interest area discussed above with several of these plans requested to be provided during the comment period for the DEIS." It is recommended that one of the proposed plans address conservation and agricultural preservation easements. Given the variety and complexity of conservation and agricultural preservation easements and the significance of Rural Legacy Areas it would be more than helpful to the State of Maryland to have a specific plan focused on the potential impacts to them and proposed steps to mitigate those impacts. The State of Maryland also requests that the conclusions indicate the importance of including the Maryland Rural Legacy Program easements among the subjects to be addressed by the development of site specific plans.</p>
<p>Vehicle Traffic (Section 4.9.4.1)</p>	
SA3-69	<p>69. [p. 4-175] This section states that "vehicle trips would be generated by employee commutes to and from the site, deliveries of equipment, and transportation of bulk materials. The Dredged Material Recycling Facility would transport processed dredged material offsite by truck, or possibly a combination of truck and rail transportation. Construction of the power plant would require hauling of materials removed during site demolition and clearance." Note that transporting some construction materials on State Highways may require special permitting. The State of Maryland request that SHA's Motor Carrier Division be consulted to obtain information on permitting requirements associated with oversized vehicles or loads.</p>
SA3-70	<p>70. [p. 4-175] This section requires that AES, prior to the end of the DEIS comment period, prepare and file with the MDE Secretary a Construction Traffic Management Plan that addresses and minimizes potential problems with worker access to other employment centers of the Sparrows Point industrial complex. The discussion notes that during peak construction, 220 trucks per day will be transporting PDM from the site. This breaks down to 9 trucks per hour or 1 truck every 6.6 minutes. Wherever the PDM is going, it appears there would be a continuous line of trucks, 365 days a year, for 2 years from Sparrows Point to the end user site(s).</p>
SA3-71	<p>71. [p. 4-177 to 4-179] The <i>Roadway and Highway Construction Impacts</i> subsection discusses coordination with MDOT SHA concerning Mid Atlantic's proposed use of the right of way of MD I-695 and I-95. It further indicates that no expansions are planned for any of the affected areas. The DEIS does not seem to clearly distinguish between the different transportation agencies and the limits of their authority; I-95 is owned and operated by MdTA. It appears the proposed pipeline route will cross a section of White</p>
	<p>23</p> <p>6/16/08</p>
SA3-67	<p>SA3-67 Table 4.8.1-4 in the FEIS includes Deer Creek Rural Legacy Program Lands. The sources searched included the Rural Legacy Programs, state agencies, and conservancy organizations.</p>
SA3-68	<p>SA3-68 Comment noted.</p>
SA3-69	<p>SA3-69 FERC recognizes that there are numerous state and local permits for construction that are not dealt with in the EIS document. This does not imply that AES and Mid-Atlantic Express would not have to comply with these state and local regulations and permits. Permitting for oversize vehicles is a good example of a permit that would be necessary during the construction phase. However, the obtaining of this permit does not affect our ability to assess the environmental impact of this Project, and is, thus, not within the scope of this EIS.</p>
SA3-70	<p>SA3-70 Comment noted. The volume of truck traffic from the DMRF and the potential load on the existing infrastructure is discussed in section 4.9.4.1, specifically in <i>Level of Service Analysis</i> and in table 4.9.4-3 of the FEIS. The air emissions that would be associated with these trucks and the impacts on air quality are included in the discussion in section 4.11.1.5 <i>General Conformity</i> of the FEIS.</p>
SA3-71	<p>SA3-71 Section 4.9.4.1 includes reference to discussions between AES and MTA. Mid-Atlantic Express would work with the appropriate agency for each highway or road that would be impacted.</p>

<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>↑ Marsh Run that the MdTA will be reconstructing as part of the future planned mitigation for the I-95 ETL Project. The State of Maryland is not aware of any specific coordination with the MdTA concerning this conflict.</p> <p>The figures representing the route of the pipeline show that the pipeline crosses MdTA right-of-way in 3 locations:</p> <ul style="list-style-type: none"> • across I-695 between Peninsula Expressway and Cove Road (2 locations); and • on I-95 just north of Raphael Road (1 location). <p>The pipeline also is very close to MdTA right-of-way from the Peninsula Expressway exit to the Cove Road Exit. The State of Maryland recommends that FERC’s condition to coordinate with MDOT SHA be revised to also include MdTA.</p> <p>SA3-72 72. [p. 4-178] The <i>Roadway and Highway Construction Impacts</i> subsection notes that SHA is currently reviewing requests for exceptions to SHA’s Utility Policy. Location of the 30” gas pipeline within or adjacent to the controlled-access right of way of MD I-695 requires an exception to SHA’s Utility Policy. An Exception Application was submitted by AES and that application was reviewed by several departments within SHA. The findings were that the project did not satisfactorily meet the requirements stated in SHA’s Utility Procedures. Included as Appendix B to this attachment is SHA’s denial of the longitudinal encroachment of the proposed 30” gas line within the controlled access right of way of MD I-695. This denial requires modification to some of the alternates presented.</p> <p>SA3-73 Vessel Traffic (Section 4.9.4.2)</p> <p>73. [p. 4-179 to 4-180] The DEIS does not take into account the anticipated increase in barge traffic to the CPSG Brandon Shores Power Plant. CPSG operations currently generate 618 barge trips per year. Barges also deliver approximately 250 thousand tons of oil to the Wagner Oil Dock, accounting for another 45 barges per year. Operation of the recently permitted FGD system at Brandon Shores would require up to 740,000 tons of limestone to be delivered to the facility annually, and the export of up to 1.2 million tons of gypsum. If 5,000 ton barges are used to transport limestone and gypsum, this would add another 146 and 240 barges, or a total of 772 transits annually in the Brewerton Channel to or from the channel leading to the Wagner and Brandon Shores docks. Since security restrictions will limit vessel activity in the Brewerton Channel between the LNG project site and Fort Carroll when LNG ships are being moved from the channel to the berth, the impact to CPSG operations should be properly assessed.</p> <p>SA3-74 74. [p. 4-179 to 4-180] The State of Maryland has concerns with the potential conflict between 120 to 150 LNG vessels per year (2 to 3 vessels per week) and the existing commercial vessel traffic at the Port of Baltimore as described in the subsection titled, <i>Impacts on Commercial Shipping and Fishing</i>. The United States Coast Guard (USCG) will require an aggressively enforced 500-yd moving exclusion zone around all loaded LNG vessels as they transit the Chesapeake Bay to their terminal. This will impede the free movement of other vessel traffic to and from the Port of Baltimore, causing delays</p> <p>24 6/16/08</p>	<p>SA3-72 Comment noted. The applicant has been required to produce alignment sheets that address the SHA denial of longitudinal encroachment along I-695. The FEIS has re-assessed impacts along this segment of the pipeline right-of-way.</p> <p>SA3-73 The CPSG Brandon Shores Power Plant is installing a FGD unit (wet gas scrubber) which is expected to be complete in the first quarter of 2010. CPSG operations currently generate 618 barge trips per year and the operation of the FGD unit is expected to add another 772 barge trips per year, for a total of 1,390 trips per year, or 26 to 27 transits per week. AES anticipates that the LNG terminal would receive approximately two to three ships per week. Therefore, of the 26 to 27 weekly transits associated with CPSG operations, 2 to 3 could be impacted by delays of up to 45 minutes due to the safety/security zone for loaded LNG ships. To minimize disruption of transits, we recommend that CPSG and AES work together during development of the Transit Management Plan to coordinate mutual schedules of marine traffic in the Brewerton Channel.</p> <p>SA3-74 Potential impacts to commercial shipping, including cruise ships, are addressed in section 4.9.4.2.</p>
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SA3-78	78. [p. 4-202 to 4-204] On May 8, 2008, EPA issued the final New Source Review (NSR) implementation rule for fine particulate matter (PM _{2.5}). The project will likely be subject to this new rule. The State of Maryland recommends the <i>NSR/PSD/NNSR</i> subsection of the DEIS be updated to include a discussion of the NSR rule and its impacts on the project.
SA3-79	79. [p. 4-203] The reference to Table 4.11.1-4 should be changed to Table 4.11.1-5.
SA3-80	80. [p. 4-204] Table 4.11.1-4 <i>Estimated Emissions from LNG Terminal and Pipeline Interconnect Construction</i> , should be moved from Section 4.11.1.3 to Section 4.11.1.4 under <i>Construction Air Pollutant Emissions</i> .
SA3-81	81. [p. 4-204] The proposed facility is within 300 km of the Shenandoah National Park, the Brigantine National Wildlife Refuge, the Otter Creek Wilderness Area, and the Dolly Sods Wilderness Area. If a Prevention of Significant Deterioration (PSD) permit application is required, the Federal Land Managers (FLM), representatives from the National Park Service, Forest Service, and Fish and Wildlife Service must be contacted to assess whether a full PSD Class I analysis is required. It should be noted that a full PSD Class I analysis may be requested at the discretion of the FLMs or other reviewing agencies, despite the fact that no Class I areas are within 100 km of the proposed project.
SA3-82	82. [p. 4-205] The reference to Table 4.11.1-4 should be changed to Table 4.11.1-5.
SA3-83	83. [p. 4-209] The <i>Construction and Air Pollutant Emissions</i> subsection refers to Table 4.11.1-4, <i>Estimated Emissions from LNG Terminal and Pipeline Interconnect Construction</i> for projected emissions resulting from construction. The table should include a detailed breakdown of the emissions sources and assumptions used to estimate emissions. It is not clear from Table 4.11.1-4 that the projected emissions included construction activities related to the optional power plant. Additionally, the State of Maryland supports FERC's recommendation for an updated construction emissions estimate, including fugitive dust from mobile construction equipment, to be provided by AES and Mid-Atlantic Express.
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SA3-78	A discussion of EPA's PM2.5 NSR implementation rule and the Project's compliance with these requirements is provided in section 4.11.1.3.
SA3-79	Table 4.11.1-4 has been renumbered to 4.11.1-5 in the FEIS.
SA3-80	Table 4.11.1-4 has been moved from section 4.11.1.3 to 4.11.1.4 in the FEIS.
SA3-81	See section 4.11.1.3.
SA3-82	Table 4.11.1-4 has been renumbered to 4.11.1-5 in the FEIS.
SA3-83	Table 4.11.1-4 is a summary table and the FEIS is a summary document, and therefore, these do not need to include the detailed breakdown of all emissions. A detailed breakdown of construction emissions sources and emission factors are included in appendix 9A to Resource Report 9 (dated August 25, 2008). Construction emissions presented in table 4.11.1-4 include emissions from the construction of the optional power plant. Assumptions used have been included in the text in section 4.11.1.4.

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SA3-84	84. [p. 4-211] The <i>Air Pollutant Emissions from Operations</i> subsection should quantify CO ₂ emitted from the proposed project. The State of Maryland is a participant in the Regional Greenhouse Gas Initiative (RGGI), thus potential new sources of greenhouse gases are of interest to the State.
SA3-85	85. [p. 4-211] The State of Maryland recommends that the <i>Air Pollutant Emissions from Operations</i> subsection include a clear description of all proposed equipment to be used during project operations. The section should include information such as capacity ratings for the optional power plant, tugboats, and security/escort boats; annual hours of operation for each piece of equipment; types of power systems for LNG ships expected at the terminal (i.e., percent of ships with steam turbine boilers, dual fuel electric systems, etc.); and number of tugboats and security/escort boats per ship call. This section should also include the source of emission factors used for estimating emissions from terminal and mobile sources during project operations.
SA3-86	86. [p. 4-211] The last paragraph on page 4-211 states: "No air emissions would be directly generated by the pipeline during normal operation." The aboveground breakout stations consist of valves and flanges, which are components subject to leaks. The State of Maryland requests that FERC require AES to provide an emissions estimate for applicable leaking components associated with the breakout stations. If applicable, this subsection should describe a program for leak detection and repair.
SA3-87	87. [p. 4-213] The last two bullets on page 4-213 describe the proposed emissions controls for the hot water heaters and turbine/duct burner, including selective catalytic reduction (SCR) for NO _x control. Typically, SCR systems use ammonia as a reactant with the catalyst to reduce NO _x emissions; a portion of the ammonia, referred to as ammonia slip, is emitted to the atmosphere. There is no discussion of ammonia slip in this section, nor are ammonia emissions presented in Table 4.11.1-5. Furthermore, ammonia (anhydrous and aqueous ammonia in concentrations greater than 20%) is a listed substance under the Clean Air Act Risk Management Program (RMP). The State of Maryland requests that this subsection provide specifications for the ammonia to be used in the NO _x control systems and identify whether RMP requirements will be applicable to the project.
SA3-88	88. [p. 4-214] This subsection should include a detailed discussion of the input data used in the air quality modeling analysis described. Specifically, information pertaining to the layout of air emissions sources and structures on the site, physical parameters associated with the air emissions sources, and the source of the monitored background pollutant concentrations used should be presented for each modeled scenario. All other supporting information related to the air quality modeling analysis should be included as an appendix to the EIS.
SA3-89	89. [p. 4-215] The modeling results presented in Table 4.11.1-7 reflect three possible facility configurations. Scenario A is for the LNG facility only, while scenarios B and C include
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SA3-84	Greenhouse gas emissions for the Project are included in section 4.11.1.6 of the FEIS.
SA3-85	Information on capacity factors for the LNG terminal is included in section 4.11.1.4. In addition, updated information on marine mobile emissions has been included in table 4.11.1-6. Detailed information on equipment capacity and activity factors for operation of the Project are included in appendix 9A to Resource Report 9 (dated August 25, 2008).
SA3-86	Section 4.11.1.4 of the FEIS has been updated to include emissions for potential leaks along the pipeline during normal operations.
SA3-87	Section 4.11.1.3 of the FEIS has been updated to clarify that the ammonia to be used for control of NO _x emissions would be aqueous ammonia at a concentration of 19 percent or less. Detailed information on ammonia emissions for the Project is included in appendix 9A to Resource Report 9 (dated August 25, 2008).
SA3-88	The FEIS is a summary document. However, detailed information on the air quality modeling analysis is presented in appendix 9A to Resource Report 9 (dated August 25, 2008) and the Project docket.
SA3-89	If the applicant chooses to construct the optional power plant, MDE has the authority to require full PSD permitting requirements, including increment consumption and significant monitoring concentration analyses.

<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>↑ an optional power plant. The emissions for Scenario A do not trigger PSD permitting requirements, while Scenarios B and C would require PSD review. The EIS notes that although the significant impact levels (SILs) are exceeded for several pollutants for each modeled scenario, the cumulative modeled impacts including background concentrations and an off-site source, Ecron Ethanol, do not violate the National Ambient Air Quality Standards (NAAQS). It is important to note that the maximum modeled 24-hr PM₁₀ concentration exceeds the 24-hr PM₁₀ increment for Scenarios B and C. If the applicant chooses to construct the facility with the optional power plant, a complete PSD air quality modeling analysis, including a full modeling inventory of surrounding sources of PSD pollutants, would need to be conducted to address this potential PM₁₀ increment violation, as well as fully address compliance with the NAAQS. Other PSD modeling requirements, such as monitoring significance, will also need to be addressed by the applicant as part of the PSD permitting process. In addition, it is important to note that as a result of the aforementioned EPA NSR rule dated May 8, 2008, requirements pertaining to air quality modeling analyses to demonstrate net air quality benefits may stem from this promulgated rule.</p> <p>General Conformity Determination (Section 4.11.1.5)</p> <p>SA3-90 90. [p. 4-216 to 4-217] The DEIS states on page 4-216 that “because the 8-hour O₃ nonattainment designation went into effect on June 15, 2004, a SIP addressing attainment with the standard for this pollutant has not yet been submitted to the EPA.” As noted on page 4-217, MDE submitted an 8-hour ozone SIP to EPA in June, 2007. In addition, as noted on page 4-217, AES needs to provide information to MDE related to the preparation of the draft General Conformity Determination and emission mitigation measures that will be used. MDE’s preference for emissions mitigation would be onsite emission reduction programs that can be used to offset increases in emissions.</p> <p>Noise (Section 4.11.2)</p> <p>SA3-91 91. [p. 4-218 to p. 4-224] This section notes that monitoring for existing ambient conditions was conducted by AES on Sunday, October 22, 2006. Sunday would have likely produced the lowest readings for the week, and thus provide the most desirable worst-case comparisons for the study. The Leq goal in MDE regulations for industrial land (70 dBA) would be exceeded at the eastern property line. Since the MDE noise program is complaint driven, it is unclear as to whether this would result in a complaint since the adjacent use might not be concerned with elevated noise levels (Figure 4.11.2-9). The ramifications of the elevated Leq should be discussed. If the reported conditions are in violation of the goal, there should be a discussion of mitigation options.</p> <p>Projected noise impacts on all surrounding properties were likely calculated under a zero wind condition and without atmospheric inversion. The impact evaluation should be projected under the most adverse weather conditions and not those representing optimal conditions. If worst-case conditions were used, those conditions should be stated. A map showing projected noise contours under various conditions should be presented.</p> <p>28 6/16/08</p>	<p>SA3-90 Section 4.11.1.5 of the FEIS has been updated to reflect MDE’s 8-hour ozone SIP submittal to EPA. A draft general conformity determination for the project was issued by FERC on October 2, 2008 and includes real mitigation measures.</p> <p>SA3-91 Section 4.11.2 of the FEIS has been updated to reflect that the noise modeling was based on worst-case ambient conditions and the worst-case noise generating activities (pile driving activities). Predicted impacts from pile driving activities would be less than the State of Maryland noise threshold for daytime construction activities and are exempt between the hours of 8 am and 5 pm. Pile driving would not be conducted during night-time hours. Details of the noise modeling have been provided as appendix 9C to Resource Report 9.</p>
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<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>Noise Impacts and Mitigation (Section 4.11.2.3)</p> <p>SA3-92 92. [p. 4-221] The State of Maryland agrees with FERC’s recommendation to provide an updated noise analysis. In addition, due to the close proximity of construction impacts along the pipeline to residents and the large number of residents impacted, it is recommended that a condition be added to require AES to conduct periodic monitoring of pipeline construction noise at the nearest residential property boundaries and submit those results to FERC. Copies of the construction noise monitoring results should be submitted within a week of taking the measurements to the relevant State and County agencies as well as the DNR Power Plant Research Program (PPRP) where construction takes place. The FERC condition should also require that, if noise measurements exceed the 90 dBA daytime limit, or the 55 dBA nighttime limit, during construction, AES cease construction until mitigation measures are in place. Whenever construction is planned to take place during nighttime hours, such as when horizontal directional drilling is performed at the Susquehanna River crossing site, noise monitoring should be performed during nighttime construction and results reported within one week to FERC, to the appropriate County and to PPRP.</p> <p>SA3-93 93. [p. 4-223] It appears Table 4.11.2-6 is mislabeled. The table should be fixed to make it clear that it differs from Table 4.11.2-8 in that it refers only to construction and maintenance dredging activities, not to the operation of the LNG facility.</p> <p>SA3-94 94. [p.4-223 to p.4-225] Although it is likely that proposed project operations would not result in any significant effect on noise environment due to the distances to NSAs, the compliance demonstration with FERC and the State of Maryland noise standards (i.e., 55 dBA, Ldn) should compare the combined ambient plus proposed facility levels to the State standards, rather than comparing the proposed facility noise levels alone to the standards. In addition, the noise results should include separate daytime and nighttime results.</p> <p>SA3-95 95. [p. 4-224] The projections of estimated operational noise include the optional power plant. However, the discussion of EIS scope at the beginning of the document specifically excludes the optional power plant. Given the speculative nature of the power plant, FERC should revise the noise evaluation section of the DEIS to exclude the optional power plant. Noise impacts from that facility should be analyzed as part of the State’s Certificate of Public Convenience and Necessity (CPCN) licensing process, if and when AES submits an application for a generating station.</p> <p>LNG Hazards (Section 4.12.1)</p> <p>SA3-96 96. [p. 4-227 to 4-228] The State of Maryland requests that worst-case scenarios from this section be presented in plume dispersion GIS map format.</p> <p style="text-align: center;">29 6/16/08</p>	<p>SA3-92 Section 5.2 Recommendation 7 of the FEIS contains a requirement for an environmental complaint resolution procedure for identification and resolution of landowner environmental concerns. Condition 2 provides the Director of OEP the authority to issue a stop work order.</p> <p>SA3-93 Table 4.11.2-6 has been relabeled to reflect that these noise impacts are for construction and maintenance dredging, and not operations.</p> <p>SA3-94 Table 4.11.2-8 provides the combined existing ambient and modeled noise impacts for the Project.</p> <p>SA3-95 The LNG terminal would emit a constant noise of equal level day or night. The constant noise level Leq would be below Maryland’s daytime and nighttime levels. The State of Maryland’s comment is acknowledged, however, including the optional power plant in the noise analysis allows FERC to evaluate potential cumulative worst-case impacts.</p> <p>SA3-96 As stated in section 4.12.1, the primary hazards to the public from an LNG spill on land or on water would be from dispersion of flammable vapors or from radiant heat generated by a pool fire. Consequence assessments related to these hazards are presented in the exclusion zone discussion in section 4.12.5 and the marine spill modeling discussion in section 4.12.5.3.</p>
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<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>Storage and Retention Systems (Section 4.12.3)</p> <p>97. [p. 4-235] The proposed floodwall to be constructed is at an elevation of 8 feet to retain the contents of one tank in the event of catastrophic failure. It is unclear if large proportions of the tank contents will overtop the barrier rather than being retained. The State of Maryland recommends that FERC require AES to demonstrate the effectiveness of the floodwall in retention of tank contents.</p>	<p>SA3-97 As discussed in section 4.12.3, the floodwall's volumetric capacity was verified to contain one LNG tank's maximum liquid capacity.</p>
<p>LNG Vessel Transit to the AES LNG Terminal (Section 4.12.5.4)</p> <p>98. [p. 4-252] Zones 2 and 3, as described in the <i>Hazard Zones Associated with the Proposed Route</i> subsection, include or are adjacent to portions of the Francis Scott Key Bridge Facility. While the operation of the terminal will not directly affect the Francis Scott Key Bridge Facility, the MDTA is concerned that the Authority, especially the Authority Police, are kept informed in the event of an incident. Advance information on terminal activities would allow the police to enhance the patrol during these times. The State of Maryland requests that FERC require that the MDTA be included in all notification procedures regarding the hazard zones.</p> <p>In addition, the State of Maryland requests the MDTA police are notified in the event of vessel dockings. This communication will help prevent potential traffic issues at or near the facility.</p>	<p>SA3-98 AES would be required to develop an Emergency Response Plan (ERP) and coordinate procedures with the Coast Guard; state, county, and local emergency planning groups; fire departments; state and local law enforcement; and appropriate federal agencies. We agree that MDTA should be consulted in development of the ERP and any plans required by the U.S. Coast Guard.</p>
<p>Requirements for LNG Operations in Chesapeake Bay and the Patapsco River (Section 4.12.5.5)</p> <p>99. [p. 4-254 to 4-256] The <i>Coast Guard Waterway Suitability Report</i> subsection notes that the Waterway Suitability Report submitted by the USCG to FERC on February 25, 2008 concludes that the Chesapeake Bay "is not currently suitable, but can be made suitable, for the type and frequency of LNG marine traffic associated with the proposed Sparrows Point LNG facility" contingent upon the incorporation of numerous additional measures necessary to manage the maritime safety and security risks. Although it is assumed that AES will bear the costs of implementing these additional measures necessary to compensate for the lack of local resources to provide security and emergency response, the State of Maryland requests this is specifically stated in the EIS. Also, the State of Maryland recommends that the EIS clearly identify the responsible party for implementing these additional measures, the USCG or AES.</p> <p>It should also be noted that a condition of receiving a suitable rating was that "the port community and the various agencies involved have sufficient resources (including support infrastructure) with the authorities, capabilities, competencies, capacities and partnerships necessary to implement the Risk Management Measures (RMM) required to responsibly manage the risks of the LNG marine traffic associated with the anticipated frequency of vessel arrivals." The report also states that the source agencies needed for the proposed and required RMMs do not have those resources and the State of Maryland</p> <p style="text-align: center;">30 6/16/08</p>	<p>SA3-99 In comments to the DEIS, AES has stated that they would make the appropriate arrangements to pay for additional resources needed to satisfy the Coast Guard's recommendations for LNG ship transits associated with the Project.</p>

<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>↑ recommends the need to provide those resources be considered as a socioeconomic impact.</p> <p>SA3-100 100. [p. 4-254] The <i>Coast Guard Waterway Suitability Report</i> indicates that a “Transit Management Plan” and additional “Risk Mitigation Measures” will be required. These as yet unknown requirements may have additional impacts to shipping that cannot be assessed by the State of Maryland as part of this review. <u>The State of Maryland requests this information be available for public review and comment as part of a supplemental DEIS, prior to finalization of the EIS for the project.</u></p> <p>SA3-101 101. [p. 4-255] The <i>Coast Guard Waterway Suitability Report</i> requires interoperable communication between the LNG vessel and all participating agencies involved in maritime safety. The State of Maryland requests that the MdTA police (Francis Scott Key Detachment) be included in this section as well as included in the notification section regarding any security breach.</p> <p>SA3-102 102. [p. 4-256 to 4-258] In the event of an occurrence out of the ordinary, the Francis Scott Key Bridge Facility would, in all probability, be a response route and as such would need to be able to take the necessary steps to provide responders the access required. The State of Maryland requests coordination with the MdTA police be included as part of the Emergency Response requirements.</p> <p>Emergency Response and Evacuation Planning (Section 4.12.6)</p> <p>SA3-103 103. [p. 4-257] The State of Maryland recommends that the proposed condition to develop an emergency response plan should be expanded to include coordination and approval from the USCG, State, county, and local groups.</p> <p>Terrorism and Security Issues (Section 4.12.8)</p> <p>SA3-104 104. [p. 4-258 to 4-259] The State of Maryland requests coordination with the MdTA police be included as part of the requirements for maintaining security.</p> <p>Impact on Public Safety (Section 4.12.11)</p> <p>SA3-105 105. [p. 4-265] The risk of fatalities to the public from the terminal should be considered in addition to FERC’s assessment on the risk from pipelines. The State of Maryland has conducted its own independent risk assessment of the proposed AES LNG terminal. The risk assessment has concluded that AES should demonstrate that all reasonably practicable measures available to reduce risks have been implemented in order to conform to established US and international risk acceptance criteria.</p> <p>SA3-106 106. [p. 4-265] According to the State’s independent risk study, the current layout would present a greater risk of escalation to the possible future power generation facility than if the principal process units were to be relocated or reoriented. AES should provide</p> <p>31 6/16/08</p>	<p>SA3-100 Development of the Transit Management Plan required by the U.S. Coast Guard would typically occur after issuance of a FERC authorization, if the Commission specifies the proposed Project as being in the public interest. The other specific risk mitigation measures required by the U.S. Coast Guard are listed in the WSR, included as appendix J of the FEIS. The U.S. Coast Guard’s Letter of Recommendation, to be issued pursuant to 33 CFR 127, would specify any additional risk mitigation measures required by the Captain of the Port.</p> <p>SA3-101 Please see response to comment SA3-98.</p> <p>SA3-102 Please see response to comment SA3-98.</p> <p>SA3-103 In accordance with the Energy Policy Act of 2005, AES would be required to develop an Emergency Response Plan in consultation with the Coast Guard and state and local agencies.</p> <p>SA3-104 Please see response to comment SA3-98.</p> <p>SA3-105 Public safety issues related to the LNG terminal were considered during both the engineering review done by FERC staff and the U.S. Coast Guard’s waterway suitability assessment process. The results of these reviews are provided in section 4.12. The FEIS provides 55 recommendations to ensure that the LNG terminal would be constructed and operated in a manner that does not impact public safety.</p> <p>SA3-106 AES has demonstrated all equipment and buildings would comply with the spacing requirements in NFPA 59A (2001 edition).</p>
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<p>SA3-107</p>	<p>20090616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>supporting information as to what extent risk escalation was considered in the engineering design of the proposed facility.</p> <p>Threatened, Endangered, or Other Special Status Species (Section 4.13.7)</p> <p>107. [p. 4-274] It is the State of Maryland’s opinion that the conclusion reached in this section that the impacts to the State-listed Rare, Threatened, and Endangered species is premature. This determination should not be made until coordination is completed on surveys, construction proposals, and best management practices for minimizing impacts associated with these species.</p> <p><u>Comments to Section 5.0 – Conclusions and Recommendations</u></p> <p>Water Resources (Section 5.1.3)</p> <p>108. [p. 5-4] Other than settling, treatment of any discharge water from decant water or other operation of the facility is not discussed in the Surface Water section or elsewhere in the DEIS. The EIS should provide additional discussion of the nutrient problems in the harbor and consideration of nutrient trading options, treatment, etc., for at least the nutrients released from the dredged material, but also other impairing substances for the harbor. The current listing of impairments for the Patapsco River include:</p> <ul style="list-style-type: none"> • Trash (a new listing in 2008); • Degraded fish/benthic communities; • Zinc; • Chromium and Lead (proposed for delisting); • Chlordane (TMDL completed); • PCBs; • Fecal coliform (only Furnace and Marley Creeks); • Nutrients (nitrogen and phosphorus – TMDL completed for all portions and uses except for the Deep Channel/Trough portion); • Sediments; and • Copper, mercury, nickel (on Part 4B – technical fix is available). <p>Since new discharges of impairing substances may not be discharged into waters that are impaired unless a plan of compliance has been established, there should be a discussion of how the facility’s construction and operation would not result in the discharge of any impairing substance into the surrounding waters.</p> <p>Land Use, Recreation, and Aesthetics (Section 5.1.8)</p> <p>109. [p. 5-11] The <i>Pipeline Facilities</i> subsection states that: “The viewsheds of points along the pipeline could be affected during construction and operation of the pipeline, particularly in the riparian zones of some of the more forested segments of the route, including Gunpowder Falls and little Gunpowder Falls (Gunpowder Falls State Park) Deer Creek. However, we are recommending that prior to the end of the DEIS</p>	<p>SA3-107 The determination for those species that require further surveys (i.e. bog turtle and Indiana bat) has been revised to "may effect" in section 4.7 of the FEIS. Once surveys and agency consultations are completed, a final determination for these species would be made. As noted in section 4.7, Mid-Atlantic Express may not proceed with construction until FERC staff has completed any necessary consultations with the appropriate agencies.</p>
<p>SA3-108</p>	<p>SA3-108 Please see response to comment SA3-33.</p>	<p>SA3-108 Please see response to comment SA3-33.</p>
<p>SA3-109</p>	<p>32</p> <p>6/16/08</p>	<p>SA3-109 We have recommended that Mid-Atlantic Express consult with landowners to develop mitigation measures for impacts on protected resources.</p>

<p>20080616-5079 FERC PDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p>ATTACHMENT – COMMENTS OF THE STATE OF MARYLAND ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE AES SPARROWS POINT LNG TERMINAL AND PIPELINE PROJECT</p> <p>↑ comment period, Mid-Atlantic Express prepare site-specific construction plans in consultation with the MDNR..... to minimize conflict with park use, park user safety issues and to specify restoration and revegetation plans.” The State of Maryland requests that a similar approach condition be required for Rural Legacy Areas and easements (in coordination with the landowner of the property under easement).</p> <p>Socioeconomics (Section 5.1.9)</p> <p>SA3-110 110. [p. 5-12 to 5-13] As noted in the comments on Vehicle Traffic (Section 4.9.4.1), in addition to requiring continued coordination with MDOT on construction along MD I-695, the State of Maryland recommends that FERC require coordination with the MdTA on construction involving the I-95 corridor and access ramps.</p> <p>FERC Staff’s Recommended Mitigation (Section 5.2)</p> <p>SA3-111 111. [p. 5-18 to 5-38] This section recommends 151 conditions to FERC’s approval of a license for the project. Forty-one (41) of these conditions require additional information from AES “prior to the end of the DEIS comment period (June 16).” These additional information requirements indicate that the DEIS was released prematurely. Many of these issues require detail review by the State of Maryland (e.g., MDOT’s review of modified alignments, MDE’s review of the DMPP, etc...) and should have been submitted prior to issuance of the DEIS. All of the information requested prior to the close of the comment period on June 16, 2008, should have been previously requested and included in the DEIS to allow time for both State and public review. Given the extensive amount of additional information required by FERC prior to the close of the comment period, <u>the State of Maryland recommends that a supplemental DEIS be released for public review and comment, prior to finalization of the EIS for the project.</u></p> <p>33 6/16/08</p>	<p>SA3-110 Comment noted.</p> <p>SA3-111 FERC has made all of the AES responses to DEIS conditions available to the agencies and the public through the Docket. Any items requiring review by State of Maryland agencies were also provided directly to these agencies by the applicant. The Commission would ensure compliance with all statutory and regulatory requirements and verify that the required mitigation measures are implemented at the appropriate points in the Project. Please see response to comments FA5-1 and FA5-2.</p>
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<p>20080616-5079 FERC EDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p><i>Appendix A Comments Collected by the Maryland Department of Planning (Clearinghouse)</i></p>	
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Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary
Matthew J. Power
Deputy Secretary

June 11, 2008

Mr. Joseph P. DaVia
U.S. Army Corps of Engineers
Attn: CENAB-OP-RMN
P.O. Box 1715
Baltimore, MD 21203-1715

REVISED STATE CLEARINGHOUSE RECOMMENDATION

State Application Identifier: MD20080501-0418

Applicant: U.S. Army Corps of Engineers, and AES Sparrows Point LNG, LLC and Mid-Atlantic Express LLC

Project Description: Draft Environmental Impact Statement (EIS): Sparrows Point LNG Project: construct import terminal and natural gas pipelines; proposed dredging; possible impact to wetlands, architectural resources, existing land uses, and viewsheds

Project Location: Baltimore County

Approving Authority: Federal Energy Regulatory Commission (FERC)

Summary of Findings during the Intergovernmental Review Process

Dear Mr. DaVia:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 14.24.04, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter constitutes the Summary of Findings.

Summary of comments received to date:

Review comments were requested from the Maryland Departments of Agriculture, the Environment, Transportation, Natural Resources, the Public Service Commission, the Governor's Office of Homeland Security, the Maryland Emergency Management Agency; Baltimore City; Harford, Anne Arundel, Cecil, and Baltimore Counties, and the Maryland Department of Planning, including the Maryland Historical Trust. As of this date, the Maryland Departments of Transportation, Natural Resources, the Environment, the Governor's Office of Homeland Security, the Maryland Emergency Management Agency, Anne Arundel County; and Baltimore City have not submitted comments. **Any comments received will be forwarded.**

Baltimore County stated that the project raises problems concerning compatibility with their plans, programs, and objectives, and affirmed that the project conflicts with plans they have for the area." They asked for an extension of the review period for nine (9) months or until additional information is provided which would allow for the adequate evaluation of the (project's) impacts.

301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2305
Telephone: 410.767.4500 • Fax: 410.767.4480 • Toll Free: 1.877.767.6272 • TTY Users: Maryland Relay
Internet: www.MDP.state.md.us

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Baltimore County seeks additional information about:

- dredging, and the management of dredged materials;
- how will contaminants be handled?;
- public safety from transport to the facility, and from the operation of the facility;
- disruption to our highways;
- complications from groundwater contamination at, and adjacent to the site;
- negative impacts on our communities;
- the answers to more than 150 issues in the review document that are directed to AES Sparrows Point LNG, LLC;
- the contents of the "largely-classified" Waterway Suitability Study prepared by the U.S. Coast Guard;
- the identity of (a location for) the ultimate disposition of processed materials;
- the Applicant's response to the U.S. Department of Housing and Urban Development's pending "statement of the Acceptable Separation Distance between HUD-assisted projects [such as the public improvements made in the Turner Station community during the last thirty (30) years] and the proposed LNG facility"; and
- compliance with the U.S. Department of Transportation's Emergency Response Guidebook requirements for the creation of evacuation zones as related to LNG emergencies involving rail cars. "How is it possible to create an evacuation zone for a (proposed facility that) stores 94.5 millions gallons of LNG?"

Furthermore, Baltimore County expressed its "continuing opposition to the proposed LNG facility at Sparrows Point" based on: (1) the fairness of the FERC evaluation process; (2) the inadequacy of the proposed exclusion and safety zones; (3) the consideration of other options to placing LNG facilities in the midst of their communities; and (4) the need for a Supplemental Environmental Impact Statement that would allow "equitable public access to information dealing with actions that may impact people's safety and quality of life." See the attached letter, and remarks, comments, and testimony presented at the Public Hearing sponsored by FERC on June 9, 2008.

The Maryland Department of Agriculture; Harford County; and the Maryland Historical Trust stated that their findings of consistency are contingent upon the Applicant taking the actions summarized below.

The Maryland Department of Agriculture found that "the proposed pipeline path is intersecting with two Foundation easements (both located in Harford County: Ehlers Easement 12-90-33A; and O'Neill Easement 12-83-02e), and two districts (one located in Harford County: the Fristoe District 12-97-10A; and one located in Cecil County: the Oakwood District 07-01-11). The Maryland Department of Agriculture will need to work closely with the Applicants to mitigate impacts to these properties. The Applicants should bring a proposal to the Board of the Maryland Agricultural Land Preservation Foundation."

Harford County addressed issues relating to: potential interference with construction and operation of permitted landfill cells and recommendation to develop a site-specific plan concerning pipeline construction and operation; the avoidance of aquatic and riparian impacts; its support for a Spills, Prevention, Control, and Countermeasures Plan to be developed prior to construction; a correction on page 4-33 of the DEIS; an offer to provide data regarding planned developments; impacts to the Lower Deer Creek Valley Historic District; proposed encroachment of pipeline on land owned by Harford County; realignment of the proposed pipeline to stay within the existing Columbia Gas right-of-way; and the evaluation and local participation from local landowners whose properties with septic systems and wells will be crossed by the pipeline. See the attached response forms.

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The Maryland Historical Trust (MHT) divided their comments into these three (3) sub-sections.
Terrestrial Archeology: As noted in the draft EIS, a series of Phase I archeological investigations have been conducted along portions of the proposed pipeline route in Maryland, and the results of these investigations are documented in two separate reports (Locking et al. 2006a and Locking and Eldridge 2007a). We understand that the cultural resources staff have been unable to gain access to certain portions of the project area, and that yet another supplemental Phase I report will be submitted to our office when these areas have been surveyed. Once all Phase I investigations have been completed and all supplemental reports have been reviewed by MHT, a full and comprehensive Phase I report will be produced and submitted in accordance with the reporting requirements of the Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole 1994). To date, we have concurred that Phase II evaluative investigations are necessary at five archeological sites (18BA550, 18HA292, 18HA291, 18CE361, and 18CE153) to interpret the sites' boundaries and determine the eligibility of the resources for the National Register of Historic Places. Based on the results of these investigations, we will be able to determine whether or not the project will have an effect on National Register eligible archeological resources and we will make appropriate recommendations regarding measures to avoid, reduce, or mitigate any such effects.

Underwater Archeology: As noted in our December 1, 2006 and April 23, 2007 letters, we are satisfied with the results of the marine archeological survey conducted by Goodwin & Associates and have concurred that no further underwater investigations are warranted for this undertaking.

Historic Built Environment: Ongoing consultation is taking place between MHT and the project proponents to evaluate the project's potential effects on the historic built environment. We are requesting that we be provided with detailed site development plans of the Sparrows Point LNG terminal so that we can evaluate the potential effect on the Sparrows Point Shipyard (eligible for the National Register).

MHT concurs with the recommendations outlined in section 4.10.4 of the draft EIS recommending that all cultural resources surveys must be complete and reviewed by MHT prior to any construction activities. They commented that they recommend the language be revised to read "prior to construction and/or demolition activities", and they also recommend that the draft document specify that no construction and/or demolition activities take place prior to the execution of a Memorandum of Agreement (MOA) outlining the measures that will be taken to mitigate any adverse effects on historic properties.

The Maryland Historical Trust appreciates the conscientious efforts that are being made to identify historic properties located within the project area and consider the effects that the proposed undertaking may have on both archeological resources and the historic built environment. We look forward to further consultation as project planning proceeds."

This Department stated that this project was generally consistent with their plans, programs, and objectives but "may not be consistent with the local comprehensive plans, and zoning."

The Public Service Commission, and Cecil County found this project to be consistent with their plans, programs, and objectives.

Any statement of consideration given to the comments should be submitted to the approving authority, with a copy to the State Clearinghouse. The State Application Identifier Number must be placed on any correspondence pertaining to this project.

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Please remember, you must comply with all applicable state and local laws and regulations. If you need assistance or have questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at brosenbush@mdp.state.md.us.

Thank you for your cooperation with the Maryland Intergovernmental Review and Coordination process.

Sincerely,



Linda C. Janey, J.D., Assistant Secretary
for Clearinghouse and Communications

LCJ:BR

Enclosures

cc: Beth Cole - MHT
Gloria Mimitck - MDA
Ruth Mascari - MEMA
Joane Mueller - MDE
Cindy Johnson - MDOT
Roland Limpert - DNR

Donald Eveleth - PSC
Andrew Lauland - GOHS
Denise Lynch - HRFD
Andrea Housenman - BCIT
John Dodds - ANARP

Eric Senstrom - CECL
Jessie Bialek - BLCO
Bruce Michael - DNR
Kimberly D. Bose - FERC

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MD 2008 0501-0418

Baltimore County Executive James T. Smith, Jr.
LNG Hearing Remarks
June 9, 2008

- * Good evening. I am Baltimore County Executive Jim Smith and I am here tonight on behalf of the citizens of Baltimore County to voice our continuing opposition to the proposed LNG facility at Sparrows Point.
- * I begin first by raising serious concern with the entire FERC evaluation process, which provides that the Federal Energy Regulatory Commission both develop the environmental and safety impact statement and then review its own document.
- * Asking FERC to engage in an evaluation of its own work is not only unfair to the people of our communities, but is also a disservice to all engaged in this process.
- * That being said, FERC has raised more than 150 issues in the Draft Environmental Impact Statement (DEIS) directed to AES, but AES is allowed to respond to these issues after all the public hearings. AES gets to hear the people. The people don't get to hear AES. The comment period for FERC's review ends next week! How can governments or citizens fully evaluate the impact of this project without the information FERC has requested and AES has not yet furnished.
- * I also have concerns about the Coast Guard's Waterway Suitability Study being a largely classified document. There is very little, if any, detailed information provided in the Draft EIS. State and local governments are unable to evaluate the public safety implications without detailed information like the extent of the Coast Guard's security responsibilities, local coordination, and plans for emergency responses.
- * In April of 2007, I supported the Secretary of Maryland's State Department of Transportation in his letter to the Captain of the Port denying State resources to cover the enormous expenses related to providing security for this private LNG facility. I likewise will not burden Baltimore County's taxpayers or endanger the safety of our emergency responders. Your review of the security requirements for the proposed LNG facility should not assume ANY security role by Baltimore County.
- * It is also alarming to learn that the exclusion zones that move with these tankers in transit, and the safety zones around the actual facility used by FERC are considered woefully inadequate by a major international LNG safety organization of which I believe AES is a member. The Society of International Gas Terminal and Tanker Operators (SIGTTO), which represents nearly all the world's LNG businesses, is acknowledged as the authoritative voice of LNG shipping and terminals.
- * The SIGTTO list of recommendations for site selection for LNG ports, if applied to this project, would exclude an LNG plant from locating in the upper Chesapeake Bay and the Port of Baltimore.

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* Baltimore County has also amended its Chesapeake Bay Critical Area program to prohibit LNG facilities in our County's Chesapeake Bay Critical Area. The entire State Critical Area Commission unanimously approved that prohibition, and as a result amended Maryland's Coastal Management program. AES Corporation has taken us to court.

* The recent Fourth Circuit Court of Appeals decision instructed the County that additional federal review of our proposed change was required by NOAA. We are following the Federal Court's direction and look forward to NOAA's approval and the inclusion of our amendment in the State program.

* Baltimore County also requests that you consider other options to placing LNG facilities in the midst of our communities. In a recent op ed article in the Asbury Park Press, J. Roger Whelan, President of Liberty Natural Gas in New Jersey discussed their proposed placement of "natural gas receiving bouys" some 15 to 17 miles off the Jersey coast. This follows the approach of the recently opened facility off the coast of Boston and the proven facility off the Norwegian North Sea coast.

* When speaking of his Jersey coast proposal, Mr. Whelan notes the concerns of local communities and the negative impacts and security risks of LNG facilities.

* It is my hope that FERC will take into account the legitimate and understandable concerns of the citizens of Baltimore County that you will hear tonight. I will be followed by several Department heads to present more of our concerns and to seek additional information regarding issues raised by this proposal. Baltimore County will also submit as full a response as possible under the circumstances to the draft EIS by the June 16th deadline.

* I want to be clear that our objections to the adequacy of this Draft EIS, or this LNG Plant do not end with my remarks tonight. We are committed to keeping the people in our communities, our natural environment, and our national treasure, the Chesapeake Bay, safe and secure.

* Thank you for giving me this opportunity to speak on this matter of utmost importance to the people of Baltimore County.

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MD2008 0501-0418

JAMES T. SMITH JR.
County Executive
June 10, 2008

Kimberly D. Bose
Federal Energy Regulatory Commission
888 First Street, N. E., Room 1A
Washington, D.C. 20426

Re: Docket Nos CP07-62-000, CP07-63-000, CPO7-64-000, CPO7-65-000; Sparrows Point LNG Terminal and Pipeline Project, Draft Environmental Impact Statement; Comments by Baltimore County Government

Dear Ms. Bose:

Attached please find copies of comments per the instructions contained in the Draft Environmental Impact Statement document for the above referenced project. These comments will also be e-filed.

As indicated in testimony offered by County Executive Jim Smith, other officials, and citizens our first concern is the lack of completeness of the Draft EIS. There are major portions of the proposed project; dredging, safety and adequacies for protection of the public while ships are in transit that are missing from the document. It is extremely difficult to make a substantive evaluation of many of the aspects of this project that will have major impacts on the quality of life in this region and the safety of our residents. As pointed out numerous times at the June 9th hearing the process that allows the applicant to respond to major issues raised in the current DEIS prior to the close of the public comment period on June 16th, fails to provide interested parties access to the responses. This is counter to the concept of equitable public access to information dealing with actions that may impact their safety and quality of life. We believe the public, local and state governments have a right to access and review a complete DEIS with the responses requested by FERC prior to the close of the review period. That cannot be accomplished utilizing the current review dates and process. We hope that FERC will consider a supplemental DEIS to address this issue.

If there are additional questions concerning our submission please feel free to contact me via email at: dcarroll@baltimorecountymd.gov, or 410 887-4471.

Very truly yours,


David A. C. Carroll
Director of Sustainability

400 Washington Avenue | Towson, Maryland 21204-1665 | Phone 410-887-2450 | Fax 410-887-4049 | jimsmith@baltimorecountymd.gov
www.baltimorecountymd.gov

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MD 20080501-0418

Comments Presented at the FERC Public Hearing, June 9, 2008 Regarding the Proposed Sparrows Point LNG Terminal and Pipeline Project. FERC/EIS-0222D

David A. C. Carroll, Director of Sustainability
Executive Office
400 Washington Avenue
Towson, Maryland 21204
dcarroll@baltimorecountymd.gov

My name is David Carroll and I am the Director of Sustainability for Baltimore County.

Baltimore County will be submitting comprehensive comments relative to this project prior to the June 16th deadline.

I would also like to raise the concern, as noted by the County Executive, that many of the issues raised by FERC are to be responded to by the applicant prior to the end of the DEIS comment period. Since that is next Monday this means that interested parties will not have the opportunity to review, digest and comment on the many issues raised in the DEIS.

I would like to highlight tonight several major areas of concern that the County has voiced for well over a year and unfortunately remain unanswered in the DEIS.

I.Dredge Material Management. Baltimore County maintains one of the largest dredging programs for channels for recreational boating in the State of Maryland. We have worked cooperatively with the Maryland Port Administration through the Baltimore Harbor Options Team process to identify viable, long-term dredging handling facilities for the Port. We are all too aware of the complications and permitting requirements of managing dredging operations.

The proposal included in the DEIS is hardly credible. There are numerous issues, which are not adequately addressed:

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- The site is hardly adequate to manage the scale of dredging and material handling required by this project in an environmentally responsible manner,
- The ability to adequately dewater and treat the material for contaminants is vague and presents little data as to how contaminants might be handled,
- The impacts of moving processed material off-site seems to run for almost two years involving thousands of cubic yards daily, yet there is little or no acknowledgement of the impacts of hundreds of trucks on local roads and the Interstate system;
- There is no discussion as to the possible need for supplements to aid in the dewatering process. Given the small site materials may need to be added to dredge material to advance dewatering. There is also no discussion of the required truck impacts that may be required.
- The ultimate disposition of the processed material remains unidentified, a condition not afforded to local or state dredging projects when they submit dredging proposals to the Corps of Engineers. Local government and state agencies are required to present a comprehensive and detailed management plan for all aspects of the dredging and disposal.
- The long-term needs for maintenance dredging are vaguely mentioned with no plan.
- FERC should also be aware that the State of Maryland made the use of State owned facilities for the initial or maintenance dredging off-limits. If the plant is up and operating the options for rehandling on site are virtually non-existent. This approach apparently assumes that adjacent property will be available, as AES requires. That is an assumption neither FERC, the Corps of Engineers nor AES should make.

2. Site Contamination. There is only passing mention of the Voluntary Cleanup Program relative to this site. There apparently is an assumption that this process may move ahead. We believe that to be a questionable assumption given the new information concerning contamination at the adjacent property. Significant plumes of benzene and naphthalene have been found in the groundwater. The benzene contamination is immediately south of the shipyard property and the naphthalene is just to the southeast. The extent of the contamination, movement direction and rate is as yet undocumented. Both of these contaminants are highly flammable and will

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require considerable, additional investigation. Their presence calls into question the safety and wisdom of segregating the shipyard site from the former Sparrows Point property as proposed under the Voluntary Cleanup Program. Management of these kinds of contaminants, especially in groundwater was meant to be exhaustive and comprehensive as clearly defined in the EPA and Department of Justice Consent Order. Any remedial action plan (RAP) must include both sites as a combined groundwater system. To do otherwise is to undercut the Consent Order, further endanger users of these properties and limit the protection options for Baltimore Harbor and the Chesapeake Bay.

3. Coastal Facilities Review Act. I would remind FERC and the Corps of Engineers that Baltimore County has stayed its decision on the required local certification for Coastal Zone Consistency until the State completes the review of this project as required under the Coastal Facilities Review Act, (CFRA). It is our understanding that that review is underway however there are significant gaps in information, as we have indicated here tonight. The current DEIS raises significant additional questions in a number of areas concerning the feasibility of this project's development, public safety and the impacts not only to the site but surrounding properties, the community and the Chesapeake Bay. We find that there are significant outstanding informational needs yet unmet.

4. Safety of Ship Transit and Facility Location. As has been mentioned in other testimony Baltimore County believes the current standards utilized by FERC to evaluate exclusion zones for both LNG tankers and the site are outdated and inadequate. SIGTTO has made it clear that the 500-yard exclusion zone for vessel transit is inadequate. SIGTTO's standards for location are far more protective of the public and should be utilized by FERC and the Coast Guard in evaluating this project.

In closing it should be clear that Baltimore County Government believes this is an ill conceived proposal that seriously undercuts the safety and quality of life of our citizens and has the potential to devastate the environmental quality of Baltimore Harbor and the Chesapeake Bay. While we have heard much of the safety record of LNG movement and processing the past cannot protect us from the future and the consequences of a catastrophic accident. We do not believe it is in the national public interest nor a reflection of wise public policy to continue to permit LNG facilities in heavily populated areas.

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MD 20080501-0418

*LNG Testimony
Federal Energy Regulatory Commission
June 5, 2006*

John Hohman
Fire Chief
Baltimore County Fire Department

I am Fire Chief John Hohman of the Baltimore County Fire Department. It is impossible to talk about locating a Liquefied Natural Gas plant in the midst of a residential community without talking about the hazardous properties of LNG. LNG is extremely cold and its release can cause structural failure in nearby tanks, vessels and supporting structures. The extreme temperatures of LNG can cause severe injuries and death.

LNG is easily ignited by heat, sparks, and flame, and its ignition results in extremely high temperature fires. Its vapors become extremely explosive when they come into contact with the air. Although LNG is lighter than air at normal temperatures, when it transitions from liquid to a gas, the vapor cloud is extremely cold and initially heavier than the surrounding air. Vapors can accumulate in storm sewers and other low-lying areas and travel until they find an ignition source. Even in situations when there has been no ignition source, there have been situations like the one in Indonesia in 1993 where LNG enters a storm drain system and undergoes rapid vapor expansion, resulting in extensive property damage from the resulting explosive expansion of gas. LNG containers may explode when heated and ruptured cylinders become missiles threatening neighboring communities.

To give the committee an idea of just how significant the LNG threat is in our communities, we only need to review the evacuation zone requirements developed by the Department of Transportation in its Emergency Response Guidebook in 2004 for LNG emergencies involving rail cars. The immediate evacuation zone for a large spill on a rail car is 1/2 mile downwind. The evacuation zone for a fire involving a tank car is one mile in all directions. Compare the recommended evacuation zones to the zones that would be needed to address a breach at the Sparrows Point facility. Rail cars hold a maximum of 33,000 gallons of LNG. The three tanks proposed at Sparrows Point will hold a total of 94.5 million gallons of LNG. Should this facility be located in the midst of a residential community? The answer is crystal clear, and we know the answer to the question!

Let me close with a few final reminders:

- Accidental spills will pose a risk to individuals within 1/2 mile of the spill.
- A medium to large spill (5-7 square yard breach) will cause a risk to people within one mile.
- A large-scale release will have a cascade effect because of the effects of a cryogenic liquid on the surrounding tank structures and vessels. This would involve a large fire or fireball, cause extensive property damage, and place people more than one mile away at risk.

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- These risks do not even take into account the land-based part of the operation including three large storage tanks, processing equipment to boil off the LNG into vapor, and a compression system to pressurize the gas for transportation through a high pressure pipeline to Pennsylvania.

In summary, I would like to add that as Fire Chief I have been asked repeatedly what would the fire department need to be adequately prepared to respond to a disaster at an LNG plant. The response to that question is very straightforward: there is no way to prepare for that kind of disaster, and if we believe there is, we are simply fooling ourselves and our citizens. I ask that the members of the commission stop this proposal immediately out of the respect for the safety and well being of the citizens of eastern Baltimore County. Thank you.

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A. D20080501-0418

LNG Testimony
Draft Environmental Impact Statement
Sparrows Point LNG Terminal and Pipeline Project
FERC Hearing
June 9, 2008

My name is Mary Harvey and I am the director of the Baltimore County Office of Community Conservation and I am here with my colleagues from county government and the community to oppose the LNG facility at Sparrows Point.

Baltimore County is fortunate to have several million dollars in federal funds from the U. S. Department of Housing and Urban Development each year to assist the county in its revitalization efforts within our communities. Often these federal funds are combined with local, state and private resources to provide much needed improvements to infrastructure and housing. Many communities throughout Baltimore County have benefited from this funding but Turner Station particularly has benefited from the consistent use of federal funds over the last 30 years. Baltimore County has provided infrastructure, built a community center and assisted private housing developers through the use of federal HUD funds.

With that in mind, the Baltimore County Office of Community Conservation has initiated a formal inquiry seeking comment from HUD regarding the LNG facility. Federal regulations specifically speak to concerns about siting HUD-assisted projects near hazardous operations handling conventional fuels or chemicals of an explosive or flammable nature. The proposed Sparrows Point LNG facility is such an operation.

HUD regulations indicate that such a facility should not be placed in close proximity to HUD-assisted projects. Furthermore, HUD states that there needs to be an "acceptable separation distance" between HUD-assisted projects and a facility that handles hazardous material.

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We have asked HUD for a formal interpretation of their regulations and a statement of the Acceptable Separation Distance between HUD-assisted projects and the proposed LNG facility at Sparrow's Point. We have been told that we will receive an official reply within a matter of days.

Clearly HUD's intention is to protect its investment and the communities that are served by this public investment. We are requesting that every effort be made to protect this 100 year-old historic African-American community and the investments that these citizens have made in their homes and families.

Later this year we will engage the residents of Turner Station in a planning process that will set a vision for the next generation. The possibility of a LNG facility threatens to undermine this effort and all the progress we have made in this part of the county in recent years. Tonight, we ask that you help us protect our citizens by looking elsewhere for this facility.

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MD 20080501-0418

*LNG Testimony
Federal Energy Regulatory Commission
Monday, June 9, 2008
7PM Patapsco High School*

*Mark F. Hubbard
Interim Director, Baltimore County Office of Homeland Security and Emergency
Management
Assistant Fire Chief, Baltimore County Fire Department*

My name is Mark Hubbard; I am the interim director of Baltimore County's Office of Homeland Security and Emergency Management and Assistant Fire Chief for the Baltimore County Fire Department. I am here this evening to ask the Federal Energy Regulatory Commission to disapprove the location of a liquid natural gas terminal in the Sparrows Point area of eastern Baltimore County.

Since the 9/11 attacks, Baltimore County has sought to reduce and mitigate the number of hazards in our communities. The presence of a LNG plant in Sparrows Point would constitute a new hazard of major proportions. Inherently dangerous, the proposed plant would create a high-value target to those with malicious intentions and be a constant source of accidental disaster. It would severely stress, and possibly overwhelm, our emergency planning and emergency response resources.

Let me summarize our concerns:

- The proposed location is near densely populated residential and commercial centers. About 35,000 Baltimore County residents live within three miles of Sparrows Point; thousands of Baltimore City residents live nearby as well. In addition, thousands of motorists, employees and school children inhabit this area at any given time. We believe that, in preparing for a catastrophic event at the LNG plant, we simply could not devise an effective evacuation plan for so many people. And such planning is further complicated by the challenges presented by the peninsula geography.
- The huge amounts of LNG planned for storage at this terminal – 94.5 million gallons -- would create an unacceptable level of risk to our community. LNG is dangerous on many levels. Its extreme coldness can cause structural failure in nearby tanks and vessels, and can cause severe injuries and death. It is highly explosive; its ignition causes extremely high temperature fires. LNG's vapor cloud is heavier than air, which means the vapor accumulates in low-lying areas and underground pipes and can travel until it finds an ignition source.

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Please note that, according to the U.S. Department of Transportation's 2004 Emergency Response Guidebook for LNG emergencies involving rail cars, the evacuation zone for a fire involving a tank car carrying a mere 33,000 gallons of LNG is one mile in all directions. How, we ask, is it possible to create an evacuation zone for a plant storing 94.5 million gallons?

- Baltimore County is not prepared to secure such a large, dangerous facility nor do we believe it is possible to prepare for the extreme consequences of a significant event.
- We do not have the police resources necessary to provide security to the LNG terminal; ingress and egress to the facility on land or by water; or for the miles of pipelines from the terminal. Current staffing of local precinct and marine law enforcement units would not allow significant security for the LNG transport ships, pipelines or for the facility itself. Any police staffing devoted to the LNG facility would result in a reduction of other police services to the community.
- The presence of a LNG plant in Sparrows Point inevitably would force Baltimore County to abandon or divert attention and resources from other serious emergency preparedness concerns, such as our ability to respond to transportation-related emergencies and weather-related disasters.

Quite simply, Baltimore County's Office of Homeland Security and Emergency Management and local fire and law enforcement experts believe that a dangerous plant of this magnitude has no business existing in a densely populated, urban or suburban area. We believe that even our best efforts to prepare for an emergency at such a facility will be insufficient, and we fervently ask your help in stopping this ill-conceived, potentially disastrous proposal.

I thank you for the opportunity to present my serious concerns.

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P.04/07

Comments regarding State Clearinghouse Project #MD20080501-0418: Draft Environmental Impact Statement (EIS): Sparrows Point LNG Project

1. Since the proposed pipeline route crosses County-owned property near milepost 39 that contains the Harford County Waste Disposal Center, the potential exists for interference with the construction and operation of permitted landfill cells. See comments submitted by the Harford County Department of Public Works regarding recommendations for addressing this potential conflict.

2. The County agrees with the recommendation of the National Marine Fisheries Service that Mid-Atlantic Express evaluate using HDD at the Deer Creek stream crossing in order to avoid aquatic and riparian impacts. The EIS states that there is a significant stretch of forest to be cleared between milepost 35.5 and 37; this is the same location as the Deer Creek stream crossing. Use of HDD may help preserve the riparian buffer in this area. The County completed a Deer Creek Watershed Plan in 2007 that focused on both protection and restoration in the Deer Creek watershed, with provision of riparian buffers a major implementation strategy.

3. Harford County is in the process of adopting source water protection regulations for community and nontransient/noncommunity drinking water supplies. The pipeline route does not fall within the wellhead protection district of these supplies; however, it comes close in a number of instances. The County supports the recommendation in the EIS that a Spill, Prevention, Control and Countermeasures Plan be developed prior to construction. Since MDE has designated the Piedmont as a High Risk Groundwater Use Area due to the fact that most individual wells are located in unconfined rock aquifers that are susceptible to contamination by VOCs, it is important that the SPCC Plan be developed.

4. On page 4-33 the EIS states that Atkisson Reservoir serves as the water supply for Bel Air, Maryland and is located in the Patapsco Watershed. It does not serve as the water supply for Bel Air. Atkisson Reservoir is located in the Winter's Run watershed and is located downstream of the Bel Air drinking water intake on Winter's Run.

5. On page 4-144, Table 4.8.2-1, regarding planned developments within .25 mile of the proposed route, the Harford County Department of Planning & Zoning can provide updated data upon request. This data can also be used to update Appendix F.

6. A very small portion of the proposed pipeline (approximately 2,500 feet) crosses the Lower Deer Creek Valley Historic District between mileposts 36 and 37 in the vicinity of the proposed alignment variation.

Submitted by: Pat Pudelkewicz, Chief of Environmental Planning
Harford County Government

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P.05/07

**MARYLAND STATE CLEARINGHOUSE
AGENCY RESPONSE TO THE CLEARINGHOUSE**

State Application Identifier: MD20080501-0418

Description: Draft Environmental Impact Statement: Sparrows Point LNG Project

Applicant: U.S. Army Corps of Engineers, and AES Sparrows Point LNG, LLC, and Mid-Atlantic Express, LLC

COMMENTS:

1. *Page ES-4, Paragraph 2 states that site specific plans to mitigate impacts will be prepared to address certain types of sites. The proposed pipeline is shown to cross property owned by Harford County Government in the vicinity of milepost 39. This property contains the landfill and related operations of the Harford Waste Disposal Center (HWDC). Construction and operation of permitted landfill cells in proximity to the proposed pipeline is scheduled to begin in 2008 and will continue for ten or more years. Landfill related activities in this area will include blasting of bedrock, operation of large construction equipment and hauling of soil and waste materials. A site specific plan should be developed to address any issues related to pipeline construction and operations from this land use.*
2. *Table 1.3-1 should include Harford County grading permits.*
3. *Table 4.13-1 provides a list of activities or projects that could contribute to cumulative impacts associated with the proposed action. Was the construction and operation of the landfill noted in comment No. 1, above, considered in preparing this evaluation?*
4. *As indicated on Figure B-14, the proposed alignment of the pipeline varies from existing Columbia Gas right of way between mileposts 38 and 39, to the west of Scarboro Road. The proposed alignment encroaches on property owned by Harford County and will impact future use of the parcel.*
5. *As indicated on Figure B-15, the proposed pipeline crosses property that is associated with the Harford Waste Disposal Center near milepost 39. Based upon the figure, it appears that pipeline alignment is near, but deviates south from the existing Columbia Gas right of way between its crossings of Scarboro Road and Dublin Road. Please verify that this is correct. This will impact Harford County's planned use of the property for activities related to future landfill development. Provided this alignment can be adjusted to stay within the existing Columbia Gas right of way, and that all parties can coordinated work on the site, this modified alignment should not significantly impact the construction activities and operations at the landfill. A site specific construction mitigation plan should be developed to coordinate work with landfill-related activities.*

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<p>20080616 10:52:33 AM (Unofficial) 6/16/2008 3:29:41 PM P.06/07</p> <p>Page 2 Re: MD20080501-0418</p> <p>COMMENTS SUBMITTED BY: <i>Daniel Pazdursky, Acting Deputy Director of Environmental Affairs</i></p> <p>20</p>	
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<p>20080616 10:57:26 (Unofficial) 6/16/2008 3:29:41 PM P.07/07</p> <p>MARYLAND STATE CLEARINGHOUSE AGENCY RESPONSE TO THE CLEARINGHOUSE</p> <p>State Application Identifier: MD20080501-0418</p> <p>Description: Draft Environmental Impact Statement: Sparrows Point LNG Project</p> <p>Applicant: U.S. Army Corps of Engineers, and AES Sparrows Point LNG, LLC, and Mid-Atlantic Express, LLC</p> <p>COMMENTS:</p> <p><i>All properties with septic systems and wells which are crossed by the pipeline should be individually evaluated and include local participation and input. Harford County requires a 100 ft. separation between a well and a potential source of contamination. How will the future septic system repair area be established and protected?</i></p> <p>COMMENTS SUBMITTED BY:</p> <p><i>Fred Faulkner, Acting Director of Environmental Health</i></p> <p>21</p> <p>TOTAL P.07</p>	
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<p>20080616-5079 PERC EDF (Unofficial) 6/16/2008 3:29:41 PM</p> <p><i>Appendix B State Highway Administration Response to Utility Exception Request</i></p>	
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MEMORANDUM

TO: David J. Malkowski
District Engineer
District #4

FROM: Douglas Rose
Deputy Administrator/Chief Engineer for Operations

DATE: June 5, 2008

SUBJECT: Utility Policy Exception Request to Place 30" Gas Line within I-695
Right-of-Way
Mid-Atlantic Express, LLC/AES Sparrows Point LN, LLC (AES)

This memorandum is in response to District 4's request dated April 17, 2008 to review the above referenced Utility Policy Exception Request. This office has required comments and recommendations from numerous departments within SHA in order to complete an extensive review of AES's request. This office concurs with District 4's denial for AES to place a 30" gas line within the controlled access right-of-way along I-695.

Several departments echoed District 4's comments that AES did not satisfactorily meet all the requirements stated in SHA's Utility Procedures Manual. In particular, the requirements and comments are as follows:

- A. The accommodation will not adversely affect highway and traffic safety.

Comments from OOM's Homeland Security Coordinator cited a catastrophic incident with a similar 30" gas line facility. Considering the inherent risk associated with gas line facilities the construction and maintenance activities typically performed within SHA right-of-way could result in a similar incident which could conceivably shut down the Beltway not to mention the loss of life.

- B. The alternate locations are not available or cannot be implemented without placing a hardship on the utility/state from a cost standpoint.

In a letter from Christopher Diez, Vice-President for AES to Elder Ghigiarli, Jr. of Maryland Department of Environment dated December 21, 2007, AES stated that it had an alternate route which would avoid longitudinal placement of the 30" pipeline within SHA's controlled access right-of-way entirely.

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David J. Malkowski
Page 2

C. The accommodation will not adversely affect the design, construction and maintenance of the highway.

Comments from OPPE stated that the proposed gas line route will have major impacts to SHA owned roadways, right-of-ways and potential areas designated for future improvements.

In conclusion, the SHA's position is to deny the longitudinal encroachment of the proposed 30" gas line within the controlled access right-of-way of I-695.

If you have any further questions, please contact me or Nelson Smith, Statewide Utility Engineer at (443) 572-5267.

Enclosure

cc: Meg Andrews, Environmental Planning Manager OPCP-MDOT
Karen Arnold, Environmental Analyst OPPE
Leif Dornjo, Chief of Staff - MDOT
Mark Flack, Director Office of Construction, State Highway Administration
Heather Murphy, Deputy Director for OPCP - MDOT
Dave Peake, Deputy Director for OOC (Field Operations)
Neil Pedersen, Administrator, State Highway Administration
Doug Simmons, Deputy Administrator/ Chief Engineer for Planning Engineering
Donald Sparklin, Deputy Division Chief OPPE
Nelson Smith, Statewide Utility Engineer OOC

20080619-0076 FERC PDF (Unofficial) 06/12/2008



ORIGINAL

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAME COMMISSION
2001 ELMERTON AVENUE, HARRISBURG, PA 17110-9797

May 30, 2008

FEDERAL ENERGY
REGULATORY COMMISSION
JUN 12 P 2:51
FILED
SECRETARY OF THE
COMMISSION

Ms. Kimberly D. Bose
Federal Energy Regulation Commission
888 First Street, N. E., Room 1A
Washington, D.C. 20426

In re: CP07-62-000, CP07-63-000, CP07-64-000, and CP07-65-000
AES Sparrows Point LNG Terminal & Mid-Atlantic Express LLC Pipeline Project
Lancaster and Chester Counties, PA

Dear Ms. Bose:

This is in response to your letter dated April 2008, regarding the potential impacts of your project on special concern species of birds or mammals and State Game Lands.

Our office review has determined that the project should not cause any adverse impacts to any special concern species of birds or mammals recognized by the Pennsylvania Game Commission (PGC). This determination is based on information contained in Pennsylvania Natural Diversity Inventory. In addition, the proposed pipeline construction activities should not impact State Game Lands.

It is recommended that during the construction of the pipeline, Mid-Atlantic Express use the wetland construction methods and measures proposed in their Environmental Construction Plan to minimize impacts to wetlands to the maximum extent possible. The PGC considers wetlands to be critical and unique wildlife habitat.

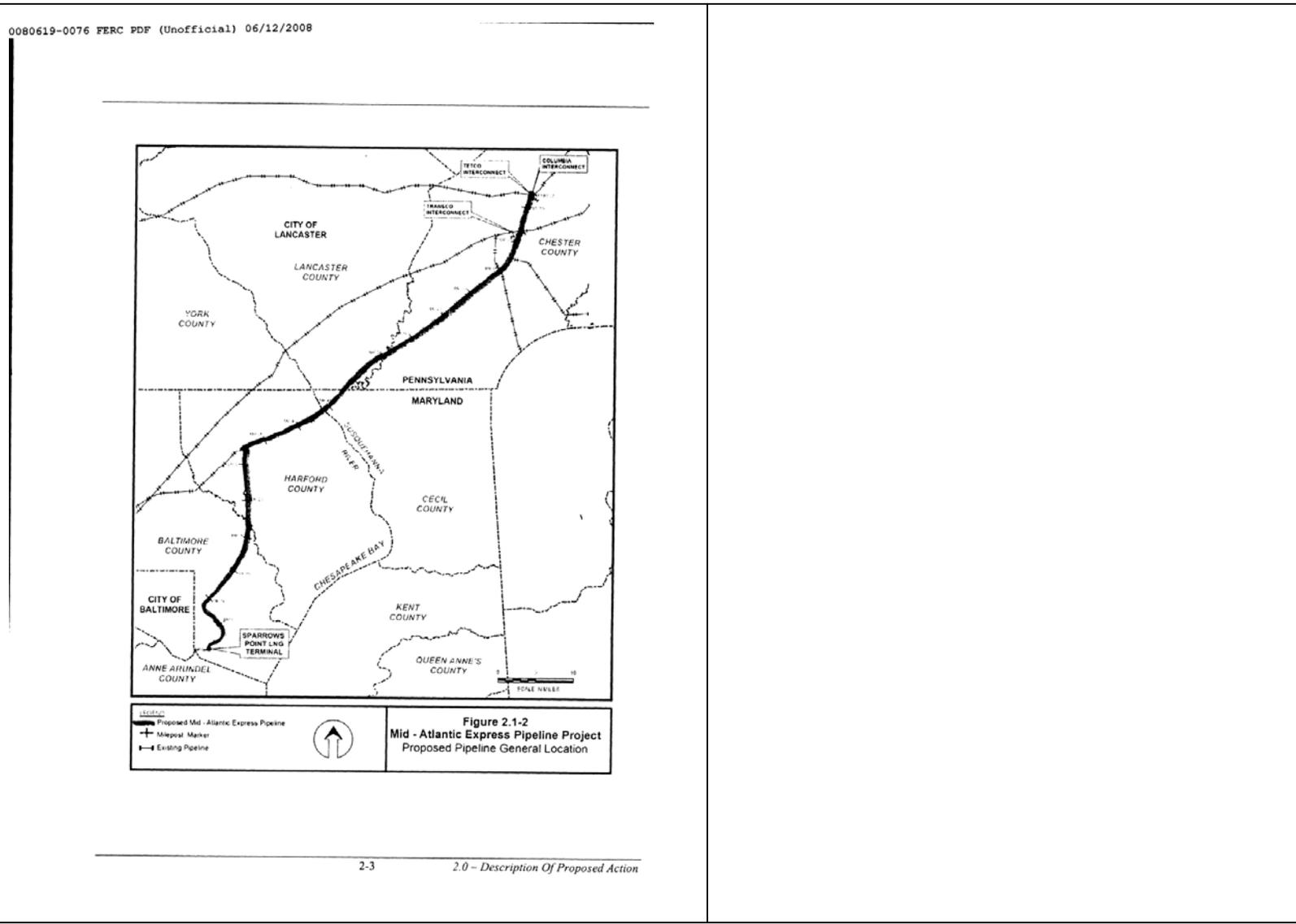
If project plans change or extend beyond the present project area, or if additional information becomes available on special concern species, this determination may be reconsidered. Please be advised that this determination is only valid for one year from the date of this letter.

If you have any questions, please contact me at (717) 787-4250.

ADMINISTRATIVE BUREAUS:
PERSONNEL: 717-787-7836 ADMINISTRATION: 717-787-5670 AUTOMOTIVE AND PROCUREMENT: 717-787-6594
LICENSE DIVISION: 717-787-2084 WILDLIFE MANAGEMENT: 717-787-5529 INFORMATION & EDUCATION: 717-787-6286
WILDLIFE PROTECTION: 717-787-5740 WILDLIFE HABITAT MANAGEMENT: 717-787-6818 REAL ESTATE: 717-787-6568
AUTOMATED TECHNOLOGY SYSTEMS: 717-787-4076
WWW.PGC.STATE.PA.US

SA4-1

SA4-1 Thank you for your comments.



20080619-0076 FERC PDF (Unofficial) 06/12/2008

JOINT EVALUATION COMMENT FORM
U.S. ARMY ENGINEER DISTRICT, BALTIMORE

COMMENT AGENCY: EPA, FWS, NMFS, MHT, MDE, DNR, PA FISH AND BOAT, PA DEP, PA DEP SOUTHCENTRAL, STATE COLLEGE FWS, CHESTER COUNTY CONSERVATION, PA GAME COMMISSION, PA DNR, LANCASTER COUNTY CONSERVATION

APPLICATION: CENAB-OP-RMN(AES SPARROWS POINT LNG & MID-ATLANTIC EXPRESS LLC/DREDGING & PIPELINE) 2007-01644-M16

DESCRIPTION OF WORK: "SEE ATTACHED PUBLIC NOTICE"

DATE: 25 APRIL 2008

COMMENT PERIOD: APRIL 25, 2008 TO JUNE 26, 2008

COMMENT:

1. NO COMMENT
2. NO OBJECTION
3. CONCUR
4. WILL SEND LETTER INDICATIONS COMMENTS
5. STANDARD MARINA CONDITIONS (EPA)
6. STANDARD FILL CONDITIONS (EPA)
7. STANDARD DREDGE CONDITIONS (EPA)
8. STANDARD DREDGE AND/OR FILL CONDITIONS (EPA)
9. STANDARD WETLAND CONSTRUCTION CONDITIONS
10. WATER QUALITY CERTIFICATION APPROVED W/ FOLLOWING CONDITIONS:

WETLANDS LICENSE/PERMIT:
 HAS BEEN ISSUED
 WILL PROBABLY BE ISSUED WITH THESE SPECIAL CONDITIONS:

OTHER COMMENTS: SEE ATTACHED LETTER FOR PSC COMMENTS TO FERC.

(ATTACH SHEET TO CONTINUE)

SIGNATURE: James R. Leigey **DATE:** 6-2-08

20080619-0090 FERC PDF (Unofficial) 06/16/2008

CP07-62-000, et al



Maryland Department of Planning

Richard Eberhart Hall
Secretary

Matthew J. Power
Deputy Secretary

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

June 6, 2008

FEDERAL ENERGY REGULATORY COMMISSION

2008 JUN 16 P 3 25

FILED
SECRETARY OF THE
COMMISSION

Mr. Joseph P. DaVia
U.S. Army Corps of Engineers, Baltimore District
Attn: CENAB-OP-RMN
P.O. Box 1715
Baltimore, MD 21203-1715

STATE CLEARINGHOUSE RECOMMENDATION
State Application Identifier: MD20080501-0417
Applicant: U.S. Army Corps of Engineers, Baltimore District and AES Sparrows Point LNG LLC and Mid-Atlantic Express LLC
Project Description: Permit Application for AES Sparrows Point LNG LLC and Mid-Atlantic Express LLC/Dredging and Structures in waters of U.S., and the discharge of dredged, excavated and fill material into waters of U.S. (see MD20060720-0816)
Project Location: Baltimore County
Approving Authority: U.S. Department of Defense
Summary of Findings during the Intergovernmental Review Process

Dear Mr. DaVia:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 14.24.04, and in coordination with the Maryland Department of Natural Resources' Power Plant Research Program, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter constitutes the Summary of Findings.

Background:
 The State Clearinghouse provided notification of and an opportunity to comment about the Permit Application for AES Sparrows Point LNG LLC and Mid-Atlantic Express LLC/Dredging and Structures in waters of U.S., and the discharge of dredged, excavated and fill material into waters of U.S. during the period of May 1, 2008 and June 6, 2008.

Summary of comments received to date:
 Review comments were requested from the Maryland Departments of Agriculture, the Environment, Transportation, Natural Resources, the Maryland Emergency Management Agency, the Public Service Commission, the Governor's Office of Homeland Security, the Counties of Cecil, Harford, and Baltimore, Baltimore City, and the Maryland Department of Planning, including the Maryland Historical Trust. As of this date, the Maryland Departments of Natural Resources, the Environment, and Transportation, Agriculture, the Maryland Emergency Management Agency, the Public Service Commission, the Governor's Office of Homeland Security, and Baltimore City have not submitted comments. Any comments received will be forwarded.

Baltimore County stated that the project raises problems concerning compatibility with their plans, programs, and objectives, and affirmed that the project conflicts with plans they have for the area." Baltimore County asked for an extension of the review period for nine (9) months or until additional information (concerning "dredging and the management of dredged materials, public safety from transport to the facility and from the operation of the facility, disruption to our highways, complications from groundwater contamination at and adjacent to the site, and negative impacts on our communities") is provided which would allow for the adequate evaluation of the (project's) impacts.

301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2305
 Telephone: 410.767.4500 • Fax: 410.767.4480 • Toll Free: 1.877.767.6272 • TTY Users: Maryland Relay
 Internet: www.MDP.state.md.us

SA5-1

SA5-1 The applicants provided additional data in June, 2008. FERC has made all of the AES responses to DEIS conditions available to the public through the Docket at <http://elibrary.ferc.gov> (Docket #CP07-62, CP07-63, CP07-64 and CP07-65). See responses to comments FA5-1 and FA5-2.

20080619-0090 FERC PDF (Unofficial) 06/16/2008

Mr. Joseph P. DaVia
 June 6, 2008
 Page 2

SA5-2

The Maryland Historical Trust stated that their findings of consistency are contingent upon the Applicant taking these actions. The Maryland Historical Trust (MHT) stated that "ongoing consultation is taking place between MHT; AES Sparrows Point LNG, LLC; and Mid-Atlantic Express, LLC in an effort to assess the project's potential effects on historic properties. In short, we concur with the recommendations outlined in section 4.10.4 of the draft Environmental Assessment recommending that all cultural resources surveys must be complete and reviewed by MHT prior to any construction activities. We would like to recommend, however, that the language be revised to read "prior to construction and/or demolition activities." We would also like to recommend that the draft document specify that no construction and/or demolition activities take place prior to the execution of a Memorandum of Agreement outlining the measures that will be taken to mitigate any adverse effects on historic properties."

SA5-3

Harford County, and this Department found this project to be generally consistent with their plans, programs, and objectives, but included certain qualifying comments summarized below. Harford County addressed issues relating to: "coordination with the Applicants, and the Harford County Department of Public Works about future operation of the Harford Waste Disposal Center; local participation and input from property owners with septic systems that will be crossed by the (proposed) pipeline; and septic system repair areas." See the attached response forms.

SA5-4

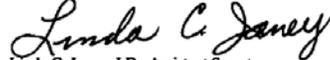
This Department stated that this project was generally consistent with our plans, programs, and objectives, but "may not be consistent with all of the local comprehensive plans, and zoning."

Cecil County found this project to be consistent with their plans, programs, and objectives.

Any statement of consideration given to the comments should be submitted to the approving authority, with a copy to the State Clearinghouse. The State Application Identifier Number must be placed on any correspondence pertaining to this project.

Please remember, you must comply with all applicable state and local laws and regulations. If you need assistance or have questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at brosenbush@mdp.state.md.us. Thank you for your cooperation with the MIRC process.

Sincerely,



Linda C. Janey, J.D., Assistant Secretary
 for Clearinghouse and Communications

LCJ:BR

Enclosures

cc: Beth Cole - MHT

Cleria Minnick - MDA

Ruth Maszari - MEMA

Josue Mueller - MDE

Cindy Johnson - MDOT

Roland Limpert - DNR

Donald Eveleth - PSC

Andrew Laudland - GOHS

Denise Lynch - HRFD

Erie Sennstrom - CECL

Jessie Bialek - BLOC

Andras Houserman - BCIT

08-0417_CRR.CLS doc

SA5-2

We have made the requested revision. A draft Programmatic Agreement for treatment of historic properties has been submitted to the Maryland State Historic Preservation Officer and other consulting parties. We anticipate that the Programmatic Agreement would be executed prior to the Commission making its decision on the certification of the Project.

SA5-3

Comment noted.

SA5-4

Comment noted.

20080619-0054 FERC PDF (Unofficial) 06/16/2008

ORIGINAL *CP01-62-000, et al.*



Pennsylvania Department of Environmental Protection

FILED 2 East Main Street
SECRETARY OF THE COMMONWEALTH, Harrisburg, PA 17101
June 10, 2008

2008 JUN 16 P 3 26

Southeast Regional Office Phone: 484-250-5970
FEDERAL ENERGY REGULATORY COMMISSION Fax: 484-250-5971

Ms. Kimberly D. Bose
Federal Energy Regulatory Commission
888 First Street, Northeast, Room 1A
Washington, D.C. 20426

Re: Mid-Atlantic, AES, Sparrows Point Pipeline Project

Dear Ms. Bose:

Reference is made to public notice for the subject project consisting of the installation of a new 30-inch natural gas pipeline across 32 miles in Chester County and 8 miles in Lancaster County.

In accordance with page 3, paragraph 3 of the public notice, please be advised that the Pennsylvania Department of Environmental Protection (Department) has not received a Water Obstruction and Encroachment permit application for the Mid-Atlantic Express/AES, Sparrows Point Pipeline project thus far. The Department reserves the right to issue a 401 Water Quality Certification (WQC) for this project. Once the Department receives a complete Chapter 105 application, we will conduct a thorough environmental and engineering review of this project to determine compliance with our applicable regulations. Upon completion of our review, the Department will issue a permit, including the 401 WQC for the project to the applicant.

Other anticipated state permitting required for this project includes an NPDES PAG-10 for Hydrostatic Testing of Tanks and Pipelines from this office, and an Erosion and Sediment Control General Permit (ESCGP-1) from the Chester County Conservation District.

If you have any questions, you can contact Ms. Zahra Nucci, Chief of Dams and Waterways Section at 484-250-5171.

Sincerely,
Joseph A. Evola for
James Newbold, P.E.
Regional Manager
Watershed Management

cc: Mr. DeVia - U.S. Army Corps of Engineers, Baltimore District
Mr. Green - U.S. Army Corps of Engineers, Philadelphia District
Mr. Feola
Mr. Newbold
Ms. Nucci
Mr. Rocco
Re 30 (AR08)162-7

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SA6-1

SA6-1

Thank you for your review and comment. Table 1.3-1, table of Major Permits, Approvals and Consultations, has been updated to include 401 Water Quality Certification (subject to completion of PADEP's Chapter 105 Application process).

<p style="text-align: right;">CP07-62-000 CP07-63-000</p> <div style="text-align: center;">  <p>Maryland Department of Planning</p> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <p><i>Martin O'Malley</i> Governor</p> <p><i>Anthony G. Brown</i> Lt. Governor</p> </div> <div style="width: 30%; text-align: center;"> <p>FILED SECRETARY OF THE COMMISSION</p> <p>2008 JUN 23 P 1:46</p> <p>FEDERAL ENERGY REGULATORY COMMISSION</p> </div> <div style="width: 30%;"> <p><i>Richard Eberhart Had</i> Secretary</p> <p><i>Matthew J. Power</i> Deputy Secretary</p> </div> </div> <p style="text-align: center;">June 11, 2008</p> <p>Mr. Joseph P. DeVia U.S. Army Corps of Engineers Attn: CENAB-OP-RMN P.O. Box 1715 Baltimore, MD 21203-1715</p> <p>REVISED STATE CLEARINGHOUSE RECOMMENDATION State Application Identifier: MD20080501-0418 Applicant: U.S. Army Corps of Engineers, and AES Sparrows Point LNG, LLC and Mid-Atlantic Express LLC Project Description: Draft Environmental Impact Statement (EIS); Sparrows Point LNG Project: construct import terminal and natural gas pipelines; proposed dredging; possible impact to wetlands, architectural resources, existing land uses, and viewsheds Project Location: Baltimore County Approving Authority: Federal Energy Regulatory Commission (FERC) Summary of Findings during the Intergovernmental Review Process</p> <p>Dear Mr. DeVia:</p> <p>In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 14.24.04, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter constitutes the Summary of Findings.</p> <p>Summary of comments received to date: Review comments were requested from the Maryland Departments of <u>Agriculture, the Environment, Transportation, Natural Resources, the Public Service Commission, the Governor's Office of Homeland Security, the Maryland Emergency Management Agency, Baltimore City, Harford, Anne Arundel, Cecil, and Baltimore Counties, and the Maryland Department of Planning, including the Maryland Historical Trust.</u> As of this date, the Maryland Departments of Transportation, Natural Resources, the Environment, the Governor's Office of Homeland Security, the Maryland Emergency Management Agency, Anne Arundel County; and Baltimore City have not submitted comments. Any comments received will be forwarded.</p> <p>Baltimore County stated that the project raises problems concerning compatibility with their plans, programs, and objectives, and affirmed that the project conflicts with plans they have for the area." They asked for an extension of the review period for nine (9) months or until additional information is provided which would allow for the adequate evaluation of the (project's) impacts.</p> <p style="text-align: center; font-size: small;">301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2305 Telephone: 410.767.4300 • Facs: 410.767.4480 • Toll Free: 1.877.767.6272 • TTY: Users: Maryland Relay Internet: www.MDP.state.md.us</p>	<p style="text-align: center; font-size: 2em; opacity: 0.5;">ORIGINAL</p> <p>SA7-1 Comment noted.</p> <p>SA7-2 The applicants provided additional data in June, 2008. FERC has made all of the AES responses to DEIS conditions available to the public through the Docket at http://elibrary.ferc.gov (Docket #CP07-62, CP07-63, CP07-64 and CP07-65). See responses to comments FA5-1 and FA5-2.</p>
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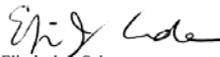
SA7-1
SA7-2

<p>Mr. Joseph P. DeVia June 11, 2008 Page 2</p> <p>Baltimore County seeks additional information about:</p> <ul style="list-style-type: none"> • dredging, and the management of dredged materials; • how will contaminants be handled?; • public safety from transport to the facility, and from the operation of the facility; • disruption to our highways; • complications from groundwater contamination at, and adjacent to the site; • negative impacts on our communities; • the answers to more than 150 issues in the review document that are directed to AES Sparrows Point LNG, LLC; • the contents of the "largely-classified" Waterway Suitability Study prepared by the U.S. Coast Guard; • the identity of (a location for) the ultimate disposition of processed materials; • the Applicant's response to the U.S. Department of Housing and Urban Development's pending "statement of the Acceptable Separation Distance between HUD-assisted projects [such as the public improvements made in the Turner Station community during the last thirty (30) years] and the proposed LNG facility"; and • compliance with the U.S. Department of Transportation's Emergency Response Guidebook requirements for the creation of evacuation zones as related to LNG emergencies involving rail cars. "How is it possible to create an evacuation zone for a (proposed facility that) stores 94.5 millions gallons of LNG?" <p>Furthermore, Baltimore County expressed its "continuing opposition to the proposed LNG facility at Sparrows Point" based on: (1) the fairness of the FERC evaluation process; (2) the inadequacy of the proposed exclusion and safety zones; (3) the consideration of other options to placing LNG facilities in the midst of their communities; and (4) the need for a Supplemental Environmental Impact Statement that would allow "equitable public access to information dealing with actions that may impact people's safety and quality of life." See the attached letter, and remarks, comments, and testimony presented at the Public Hearing sponsored by FERC on June 9, 2008.</p> <p>The Maryland Department of Agriculture, Harford County; and the Maryland Historical Trust stated that their findings of consistency are contingent upon the Applicant taking the actions summarized below.</p> <p>The Maryland Department of Agriculture found that "the proposed pipeline path is intersecting with two Foundation easements (both located in Harford County: Ehlers Easement 12-90-33A; and O'Neill Easement 12-83-02e), and two districts (one located in Harford County: the Fristoe District 12-97-10A; and one located in Cecil County: the Oakwood District 07-01-11). The Maryland Department of Agriculture will need to work closely with the Applicants to mitigate impacts to these properties. The Applicants should bring a proposal to the Board of the Maryland Agricultural Land Preservation Foundation."</p> <p>Harford County addressed issues relating to: potential interference with construction and operation of permitted landfill cells and recommendation to develop a site-specific plan concerning pipeline construction and operation; the avoidance of aquatic and riparian impacts; its support for a Spills, Prevention, Control, and Countermeasures Plan to be developed prior to construction; a correction on page 4-33 of the DEIS; an offer to provide data regarding planned developments; impacts to the Lower Deer Creek Valley Historic District; proposed encroachment of pipeline on land owned by Harford County; realignment of the proposed pipeline to stay within the existing Columbia Gas right-of-way; and the evaluation and local participation from local landowners whose properties with septic systems and wells will be crossed by the pipeline. See the attached response forms.</p>	<p>SA7-3 The CDP has been updated and is included in appendix D in the FEIS.</p> <p>SA7-4 Details regarding disposal of PDM are provided in section 4.3.2.5 and the CDP.</p> <p>SA7-5 Safety issues, including potential for terrorist attacks, related to the offshore, onshore, and pipeline components of the Project were considered during both the engineering review done by FERC staff and the Coast Guard's waterway suitability assessment process. The results of these reviews are provided in section 4.12.</p> <p>SA7-6 Section 4.9.4.1 contains discussions on potential impacts associated with vehicle traffic during construction and operation as well as a discussion on roadway and highway construction impacts.</p> <p>SA7-7 AES is required to prepare a Spill Prevention, Control and Countermeasures Plan (SPCC) to prevent groundwater contamination. The SPCC Plan would be finalized following the completion of the final Project design and selection of a construction contractor. The applicant's draft SPCC Plan is contained in appendix W. AES would conduct soil and groundwater sampling as discussed in section 4.3.1.1.</p> <p>SA7-8 See sections 4.8.1 and 4.9.7 of the FEIS.</p>
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<p>SA7-20</p> <p>SA7-21</p> <p>SA7-22</p> <p>SA7-23</p> <p>SA7-24</p> <p>SA7-25</p>	<p>Mr. Joseph P. DaVia June 11, 2008 Page 3</p> <p>The Maryland Historical Trust (MHT) divided their comments into these three (3) sub-sections. “Terrestrial Archeology: As noted in the draft EIS, a series of Phase I archeological investigations have been conducted along portions of the proposed pipeline route in Maryland, and the results of these investigations are documented in two separate reports (Locking et al. 2006a and Locking and Eldridge 2007a). We understand that the cultural resources staff have been unable to gain access to certain portions of the project area, and that yet another supplemental Phase I report will be submitted to our office when these areas have been surveyed. Once all Phase I investigations have been completed and all supplemental reports have been reviewed by MHT, a full and comprehensive Phase I report will be produced and submitted in accordance with the reporting requirements of the Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole 1994). To date, we have concurred that Phase II evaluative investigations are necessary at five archeological sites (18BA550, 18HA292, 18HA291, 18CE361, and 18CE153) to interpret the sites’ boundaries and determine the eligibility of the resources for the National Register of Historic Places. Based on the results of these investigations, we will be able to determine whether or not the project will have an effect on National Register eligible archeological resources and we will make appropriate recommendations regarding measures to avoid, reduce, or mitigate any such effects.</p> <p>Underwater Archeology: As noted in our December 1, 2006 and April 23, 2007 letters, we are satisfied with the results of the marine archeological survey conducted by Goodwin & Associates and have concurred that no further underwater investigations are warranted for this undertaking.</p> <p>Historic Built Environment: Ongoing consultation is taking place between MHT and the project proponents to evaluate the project’s potential effects on the historic built environment. We are requesting that we be provided with detailed site development plans of the Sparrows Point LNG terminal so that we can evaluate the potential effect on the Sparrows Point Shipyard (eligible for the National Register).</p> <p>MHT concurs with the recommendations outlined in section 4.10.4 of the draft EIS recommending that all cultural resources surveys must be complete and reviewed by MHT prior to any construction activities. They commented that they recommend the language be revised to read “prior to construction and/or demolition activities”, and they also recommend that the draft document specify that no construction and/or demolition activities take place prior to the execution of a Memorandum of Agreement (MOA) outlining the measures that will be taken to mitigate any adverse effects on historic properties.</p> <p>The Maryland Historical Trust appreciates the conscientious efforts that are being made to identify historic properties located within the project area and consider the effects that the proposed undertaking may have on both archeological resources and the historic built environment. We look forward to further consultation as project planning proceeds.”</p> <p>This Department stated that this project was generally consistent with their plans, programs, and objectives but “may not be consistent with the local comprehensive plans, and zoning.”</p> <p>The Public Service Commission, and Cecil County found this project to be consistent with their plans, programs, and objectives.</p> <p>Any statement of consideration given to the comments should be submitted to the approving authority, with a copy to the State Clearinghouse. The State Application Identifier Number <u>must</u> be placed on any correspondence pertaining to this project.</p>	<p>SA7-9 FERC has made all of the AES responses to DEIS conditions available to the public through the Docket at http://elibrary.ferc.gov (Docket #CP07-62, CP07-63, CP07-64 and CP07-65). See response to comment FA4-5.</p> <p>SA7-10 As indicated in the WSR, (see appendix J), requests for copies of the material used in developing the Coast Guard’s preliminary determination on the suitability of the waterway should be made to the Coast Guard.</p> <p>SA7-11 Details regarding disposal of PDM are provided in section 4.3.2.5 and the CDP.</p> <p>SA7-12 See revised HUD comment letter FA6.</p> <p>SA7-13 The proposed facility must comply with DOT safety standards in 49 CFR 193 specific to on-shore LNG facilities. Specifically, the facility would have to comply with 49 CFR 193.2509, which requests coordination with appropriate local officials in preparation of an emergency evacuation plan.</p> <p>SA7-14 We are unsure of what you mean by “fairness.” The FERC as the lead federal agency prepared a DEIS and this FEIS in compliance with the requirements of NEPA, the CEQ regulations for implementing NEPA, and the FERC’s regulations implementing NEPA. All written and oral comments received on the DEIS prior to the FEIS being sent to the printer were considered and evaluated in the preparation of this FEIS. Notification and public involvement activities are further discussed in sections 1.4 and 1.5. See response to comment IN10-16.</p>
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<p>Mr. Joseph P. DaVia June 11, 2008 Page 4</p> <p>Please remember, you must comply with all applicable state and local laws and regulations. If you need assistance or have questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at brosenbush@mdp.state.md.us.</p> <p>Thank you for your cooperation with the Maryland Intergovernmental Review and Coordination process.</p> <p>Sincerely,  Linda C. Janey, J.D., Assistant Secretary for Clearinghouse and Communications</p> <p>LCJ:BR Enclosures cc: Beth Cole - MHT Gloria Minnick - MDA Ruth Mascari - MEMA Joane Mueller - MDE Cindy Johnson - MDOT Roland Limpert - DNR</p> <p>Donald Eveleth - PSC Andrew Lauland - GOHS Denise Lynch - HRFD Andrea Houseman - BCIT John Dodds - ANARP</p> <p>Eric Seannstrom - CECL Jessie Bialek - BLCO Bruce Michael - DNR</p> <p>08-0418_CRR.CLS.doc</p>	<p>SA7-15 The proposed design complies with federal siting standards contained in 49 CFR 193.</p> <p>SA7-16 Section 3.2 contains a discussion on alternative locations for the LNG terminal.</p> <p>SA7-17 FERC has made all of the AES responses to DEIS conditions available to the public through the Docket. See response to comment FA5-2.</p> <p>SA7-18 Thank you for the information.</p> <p>SA7-19 See sections 3 and 4 of the FEIS and response to comment SA7-7.</p> <p>SA7-20 Comment noted.</p> <p>SA7-21 Comment noted.</p> <p>SA7-22 Please see response to comment SA5-2.</p> <p>SA7-23 Please see response to comment SA5-2.</p> <p>SA7-24 Comment noted.</p> <p>SA7-25 Thank you for your comment.</p>
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<p>20080805-0108 FERC PDF (Unofficial) 08/01/2008</p> <p style="text-align: center;">MDP Maryland Department of Planning Maryland Historical Trust</p> <p style="text-align: right;">ORIGINAL</p> <p style="text-align: center;">FILED SECRETARY OF THE COMMISSION</p> <p style="text-align: center;">2008 AUG -1 P 4: 20 FEDERAL ENERGY REGULATORY COMMISSION</p> <p>Martin O'Malley Governor</p> <p>Anthony G. Brown Lt. Governor</p> <p>Richard Eberhart Hall Secretary</p> <p>Matthew J. Power Deputy Secretary</p> <p>July 24, 2008</p> <p>Ms. Joanne Wachholder Project Manager Federal Energy Regulatory Commission 888 First Street NE Washington, DC 20426</p> <p>Re: MHT Review of Draft Environmental Impact Statement, Sparrows Point LNG Terminal and Pipeline Project – Cecil, Harford, and Baltimore Counties, Maryland Docket Nos. CP07-62-000, CP07-63-000, CP07-64-000, CP07-65-000 Corps #2007-01644-M16 MD20080501-0418, MD20080501-0417</p> <p>Dear Ms. Wachholder:</p> <p>In response to requests from the U.S. Army Corps of Engineers, the Maryland Department of Planning, and the Maryland Department of Natural Resources, the Maryland Historical Trust (MHT) is reviewing the above-referenced draft EIS in accordance with Section 106 of the National Historic Preservation Act and Sections 5A-325 and 5A-326 of the State Finance and Procurement Article. We understand that the proposed undertaking will entail the construction of an LNG import terminal at Sparrows Point as well as an 88-mile long pipeline that will connect the terminal with three existing interstate pipelines. The project was first submitted to our office for review in March of 2006, and since that time we have been coordinating regularly with AES Sparrows Point LNG, Mid-Atlantic Express, and their consultants in an effort to assess the project's potential effects on historic properties. Below are our comments regarding the draft EIS and a summary of the status of the historic preservation review of the proposed undertaking. Please see our letters dated December 1, 2006 and April 23, 2007 (attached) for more information.</p> <p>SA8-1 Terrestrial Archeology: As noted in the draft EIS, a series of Phase I archeological investigations have been conducted along portions of the proposed pipeline route in Maryland, and the results of these investigations are documented in two separate reports (Locking et al. 2006a and Locking and Eldridge 2007a). We understand that the cultural resources staff have been unable to gain access to certain portions of the project area, and that yet another supplemental Phase I report will be submitted to our office when these areas have been surveyed. Once all Phase I investigations have been completed and all supplemental reports have been reviewed by MHT, a full and comprehensive Phase I report will be produced and submitted in accordance with the reporting requirements of the <i>Standards and Guidelines for Archeological Investigations in Maryland</i> (Shaffer and Cole 1994). To date, we have concurred that Phase II evaluative investigations are necessary at five archeological sites (18BA550, 18HA292, 18HA291, 18CE361, and 18CE153) to interpret the sites' boundaries and determine the eligibility of the resources for the National Register of Historic Places. Based on the results of these investigations, we will be able to determine whether or not the project will have an effect on National Register eligible archeological resources, and we will make appropriate recommendations regarding measures to avoid, reduce, or mitigate any such effects.</p> <p>SA8-2 Underwater Archeology: As noted in our December 1, 2006 and April 23, 2007 letters, we are satisfied with the results of the marine archeological survey conducted by Goodwin & Associates and have concurred that no further underwater investigations are warranted for this undertaking.</p> <p style="text-align: center;">100 Community Place • Crownsville, Maryland 21032-2023 Telephone: 410.514.7600 • Fax: 410.987.4071 • Toll Free: 1.800.756.0119 • TTY Users: Maryland Relay Internet: www.marylandhistoricaltrust.net</p>	<p>SA8-1 Comment noted.</p> <p>SA8-2 Comment noted.</p>
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<p>200801264 - 0108 FERC PDF (Unofficial) 08/01/2008</p> <p>Ms. Joanne Wachholder Environmental Impact Statement, Sparrows Point LNG Terminal and Pipeline July 24, 2008 Page 2 of 2</p> <p>Historic Built Environment: As noted in the draft EIS, both the LNG facility, including the docking, unloading, storage, and processing facilities, and the pipeline, including staging and surrounding areas, have the potential to affect historic buildings and landscapes. The site of the LNG facility is within the Sparrows Point Shipyard, Maryland Inventory of Historic Properties number BA-3208. Investigations completed by the Ottery Group in 2006 identified the Sparrows Point Shipyard as having historic significance for its association with the development of America's steel industry and World War II home front industrial activities. The district is eligible for listing in the National Register of Historic Places.</p> <p>As soon as they are available, MHT should be provided with site plans of the proposed LNG facility, maps showing the route of the pipeline, and lists of all historic and potentially-historic places within their areas of potential effect. This information will allow us to continue the identification of historic properties and assessment of effects required by Section 106 of the National Historic Preservation Act. If any state or federal agencies need to proceed with permitting or other assistance before this survey work can be completed, then a Programmatic Agreement (PA) or other mechanism would be necessary to ensure that their assistance takes historic properties into account and conforms to Sections 106.</p> <p>MHT concurs with the general recommendations outlined in section 4.10.4 of the draft EIS, stating that all cultural resources surveys must be complete and reviewed by MHT <i>prior</i> to any construction activities. We would like to recommend, however, that the language be revised to read, "prior to construction and/or demolition activities." We would also like to recommend that the draft document specify that no construction and/or demolition activities take place prior to the execution of a PA or Memorandum of Agreement (MOA) outlining the measures that will be taken to mitigate any adverse effects on historic properties.</p> <p>We continue to appreciate the conscientious efforts that are being made to identify historic properties located within the project area and consider the effects that the proposed undertaking may have on both archeological resources and the historic built environment. We look forward to further consultation as project planning proceeds, and we would like to thank you for providing us with this opportunity to comment. If you have any questions or require further information, please do not hesitate to contact either Dr. Dixie Henry (for terrestrial archeology) at 410-514-7638 \ dhenry@mdp.state.md.us, Dr. Susan Langley (for underwater archeology) at 410-514-7662 \ slanglev@mdp.state.md.us, or Jonathan Sager (for historic built environment) at 410-514-7636 \ jsager@mdp.state.md.us.</p> <p>Sincerely,  Elizabeth J. Cole Administrator, Project Review and Compliance Maryland Historical Trust</p> <p>EJC / DLH / JES 200801264 / 200801383 / 200801425 cc: Kimberly D. Bose (FERC) Vance Hobbs (COE) Joe DaVia (COE) Amanda Sigillito (MDE) Rick Ayella (MDE) Bob Rosenbush (MDP) Bruce Michael (DNR) Bonnie Locking (NEA)</p>	<p>SA8-3 Comment noted.</p> <p>SA8-4 Surveys to identify historic districts and other aboveground historic properties have not yet been completed. Copies of the reports documenting these investigations would be provided to the MD-SHPO.</p> <p>SA8-5 Please see response to comment SA5-2.</p>
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MDP
Maryland Department of Planning
Maryland Historical Trust

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2008 AUG -1 P 4:20
Richard Eberhart Hall
Secretary
Matthew J. Pinner
Deputy Secretary

Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor

April 23, 2007

Ms. Joanne Wachholder
Project Manager
Federal Energy Regulatory Commission
888 First St. NE
Washington, D.C. 20426

Re: Supplemental Phase I Archeological Investigations for Sparrows Point LNG/Mid-Atlantic Express Pipeline Project – Cecil, Harford, and Baltimore Counties, Maryland – Docket #: PF06-22-000

Dear Ms. Wachholder:

The Maryland Historical Trust (MHT) recently received a copy of the draft addendum report on the supplemental Phase I archeological studies that have been conducted for the above-referenced project. The document was prepared and submitted by NEA on behalf of the AES Corporation. We have carefully reviewed the draft addendum report in accordance with Section 106 of the National Historic Preservation Act and §§ 5A-325 and 5A-326 of the State Finance and Procurement Article and are writing to provide our comments regarding effects on historic properties.

Terrestrial Archeology: The draft addendum report, *Addendum Phase I Archeological Investigation Report: Sparrows Point LNG/Mid-Atlantic Express Pipeline Project, Cecil, Harford, and Baltimore Counties, Maryland*, presents the necessary information on the goals, methods, results, and recommendations of the supplemental Phase I studies and is consistent with the reporting requirements of the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). Please note, however, that the following items should be addressed in the preparation of the final document:

- The typographical error on the title page (“investigation”) should be corrected to read “investigation.”
- The final report should specify the repository that will permanently curate all of the material remains and field records generated by the cultural resource investigations that are being conducted for the proposed undertaking.
- A Maryland Inventory of Historic Properties UPDATE form for site 18CE153 should be included as an appendix.

We understand that NEA staff have still been unable to gain access to certain portions of the project area. NEA has acknowledged, however that these areas (particularly Segment 4, located in the vicinity of the North Point Battlefield site, 18BA455) will need to be surveyed to complete the Phase I investigation, and we understand that NEA will submit yet another supplemental Phase I report when the survey has been concluded. As noted in our December 1, 2006 letter, a full and comprehensive Phase I report must be produced and submitted in accordance with the reporting requirements of the *Standards and Guidelines* once all Phase I investigations have been completed and all supplemental reports have been reviewed by MHT.

The supplemental Phase I studies that were carried out during October of 2006 consisted of both surface survey and the excavation of 135 shovel test pits. To date, 39.49 miles of the 47.21 mile long project area has been surveyed for archeological resources. The supplemental work revealed that a portion of a previously identified prehistoric site (18CE153) is located within the proposed pipeline's Area of Potential Effects (APE). The site appears to contain the remains of a short-term resource procurement camp that may have been repeatedly occupied during the Late Archaic and Late Woodland periods. As a result of these findings, NEA has recommended that a Phase II investigation be conducted at site 18CE153. Based on the information presented in the addendum Phase I report, we concur that additional investigations are needed to interpret the site's boundaries and determine the eligibility of the resource for the National Register of Historic Places. Attachment 1 lists all of the sites that have been identified to date within the

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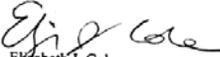
APE along with brief site descriptions and our recommendations regarding the need for further investigations. The Phase II efforts must be sufficient to: a) identify the sites' vertical and horizontal boundaries; b) interpret the sites' cultural affiliations, functions, and significance; c) evaluate the integrity of each site; d) conclusively determine the sites' eligibility for the National Register of Historic Places; and e) define the need for further archeological work. The investigations must be undertaken by a qualified archeologist and performed in accordance with the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994).

Based on the investigation's results, we will be able to determine whether or not the project will have an effect on National Register eligible archeological resources, and make appropriate recommendations regarding measures to avoid, reduce, or mitigate any such effects. Implementation and review of the Phase II research should be coordinated with our office, and we will be happy to provide guidance on the recommended work.

Please note that the addendum Phase I report has also provided additional information on site 18HA291, which was mistakenly identified in the initial Phase I report as an isolated find (06-HA-01). As indicated in Attachment 1, we now concur that Phase II evaluative testing is, in fact, warranted at this site.

Underwater Archeology: This office also recently received the draft report, *Phase I Marine Archeological Remote Sensing Survey of a 600.0 x 300.0 Ft (182.9 x 91.4 M) Turning Basin Area for the Sparrows Point LNG Dock and Facility Project Baltimore Harbor, Baltimore County, Maryland*. The latter adequately addresses the concerns expressed by this office with respect to the area in question. Some minor editorial comments have been forwarded to R. Christopher Goodwin and Associates, Inc. for inclusion in the final version of this report.

We continue to appreciate the conscientious efforts that are being made by the AES Corporation to identify historic properties located within the project area and consider the effects that the proposed undertaking may have on both archeological resources and the historic built environment. We look forward to further consultation as project planning and Phase II investigations proceed, and we also look forward to receiving a copy of the complete Phase I report, when it becomes available. If you have any questions or require additional information, please do not hesitate to contact either Dr. Dixie Henry (for terrestrial archeology) at 410-514-7638 or dhenry@mdp.state.md.us, Dr. Susan Langley (for underwater archeology) at 410-514-7662 or slangley@mdp.state.md.us, or Jonathan Sager (for historic built environment) at 410-514-7636 or jsager@mdp.state.md.us. Thank you for providing us with this opportunity to comment.

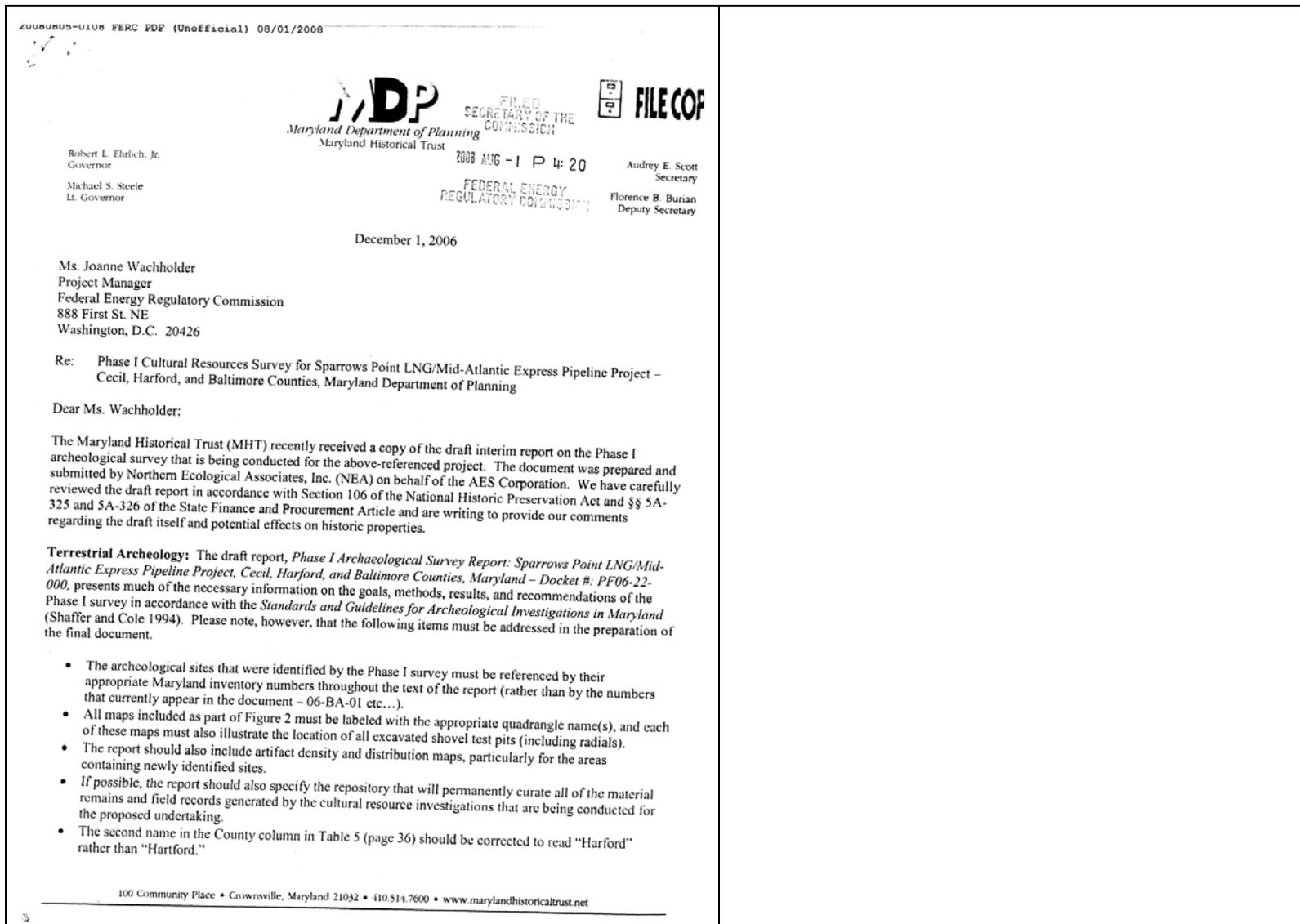
Sincerely,

Elizabeth J. Cole
Administrator
Project Review and Compliance

Attachment
DLH/SL/200700846
cc: Joe DaVia (COE)
Amanda Sigillito (MDE)
Rick Ayella (MDE)
Bob Rosenbush (MDP)
Vincent B. Dick (Haley & Aldrich)
Bonnie L. Locking (NEA)

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ATTACHMENT 1
MHT Recommendations for Archeological Sites Identified During Phase I Survey
Sparrows Point LNG/Mid-Atlantic Express Pipeline, Baltimore, Harford, and Cecil Counties, MD

Site Number	Site Type	National Register Status	Recommended Action
18BA550	Prehistoric lithic scatter	Insufficient data	Phase II
18HA292	Prehistoric lithic scatter	Insufficient data	Phase II
18HA291	Prehistoric lithic scatter	Insufficient data	Phase II
18CE361	Prehistoric lithic scatter	Insufficient data	Phase II
18CE153	Prehistoric lithic scatter	Insufficient data	Phase II



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- Please note that the text (on page 32) indicates that 06-HA-01 has been identified as an isolated find and requires no further investigation. Table 5 (on page 36), however, indicates that 06-HA-01 constitutes a site and has been identified as a prehistoric lithic scatter. If NEA has, in fact, determined that 06-HA-01 is a site but requires no further investigation, then the report must include an appropriate justification and statement regarding the site's ineligibility for the National Register of Historic Places.
- As noted in the *Standards and Guidelines*, the qualifications of the principal investigator must be included in the report as an appendix.
- The final report should be double-sided, as this practice will conserve space in the MHT Library.

We understand that NEA staff were unable to gain access to certain portions of the project area prior to the submittal of the draft Phase I report. NEA has acknowledged, however, that several of these areas (particularly Segment 4, located in the vicinity of the North Point Battlefield site, 18BA455) will need to be surveyed to complete the Phase I investigation, and we understand that NEA plans to submit supplemental Phase I reports as these surveys are concluded. Once all Phase I investigations have been completed and all supplemental reports have been reviewed by MHT, a full and comprehensive Phase I report should be produced and submitted in accordance with the reporting requirements of the *Standards and Guidelines*.

The Phase I survey has so far consisted of both surface survey and the excavation of 3,122 shovel test pits and has resulted in the identification of four archeological sites and eight isolated finds (as outlined in Table 5 of the draft report). Attachment 1 lists each of the four sites along with our recommendations regarding the need for additional archeological investigations. In short, we are recommending that Phase II evaluative testing be conducted (prior to construction) at three of the sites that were identified during the Phase I study. The Phase II effort must be sufficient to: a) identify the sites' vertical and horizontal boundaries; b) interpret the sites' cultural affiliations, functions, and significance; c) evaluate the sites' integrity; d) conclusively determine the sites' eligibility for the National Register of Historic Places; and e) define the need for further archeological work. The investigations must be undertaken by a qualified professional archeologist and performed in accordance with the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). Based on the investigation's results, we will be able to determine whether or not the project will have an effect on National Register eligible archeological resources and make appropriate recommendations regarding measures to avoid, reduce, or mitigate any effects. Implementation and review of the Phase II research should be closely coordinated with our office, and we will be happy to provide guidance on the recommended work.

Underwater Archeology: We are satisfied with the results of the marine archeological survey as undertaken by the subconsultant, R. Christopher Goodwin and Associates, Inc., and their recommendations for no further action. We had some concerns about an apparent anomaly external to the periphery of the survey area but within the area affected by the overall project, however, these were allayed by a conversation with the survey

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archeologists. We are requesting, however, that we be provided with a bound copy of the survey report, when it becomes available.

Historic Built Environment: As noted in our July 5, 2006 letter, we believe that the proposed undertaking may have the potential to have direct and/or visual effects on nearby historic buildings or structures, including some that have not yet been documented or evaluated in regard to their eligibility for the National Register of Historic Places. We therefore requested that we be provided with the following items:

- Drawings and/or a written scope of work illustrating any plans to construct, demolish, or remodel buildings or structures.
- Photographs (print or digital) of the project site including images of all buildings and structures that may be affected by the project.
- A defined Area of Potential Effect (APE) for both direct and visual effects on the historic built environment.

We understand that these materials are currently being prepared for submittal, and we look forward to receiving them when they become available.

The Phase I survey conducted by NEA has generated important information regarding the identification of resources within the proposed project area. We appreciate the conscientious efforts that are being made by the AES Corporation to recover this information and to consider the effects that the proposed pipeline and associated facilities may have on both archeological resources and the historic built environment. We look forward to further consultation as project planning and Phase II investigations proceed, and we also look forward to receiving a copy of the complete Phase I report, when it becomes available. If you have any questions or require additional information, please do not hesitate to contact either Dr. Dixie Henry (for terrestrial archeology) at 410-514-7638 or dhenry@mdp.state.md.us, Dr. Susan Langley (for underwater archeology) at 410-514-7662 or slangley@mdp.state.md.us, or Jonathan Sager (for historic built environment) at 410-514-7636 or jsager@mdp.state.md.us. Thank you for providing us with this opportunity to comment.

Sincerely,



Elizabeth J. Cole
Administrator
Project Review and Compliance

Attachment

DLH/JES/SL/200603213

cc: Joe DaVia (COE)
Amanda Sigillito (MDE)
Bob Rosenbush (MDP)
Vincent B. Dick (Haley & Aldrich)
Bonnie L. Locking (NEA)

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ATTACHMENT 1
MHT Recommendations for Archeological Sites Identified During Phase I Survey
Sparrows Point LNG/Mid-Atlantic Express Pipeline Project Area
Baltimore, Harford, and Cecil Counties, Maryland Department of Planning

Site Number	National Register Status	Recommended Action
06-BA-01	Insufficient data	Phase II
06-HA-01	Ineligible	No further study
06-HA-04	Insufficient data	Phase II
06-CE-01	Insufficient data	Phase II

<p>20080922-0064 FERC PDF (Unofficial) 09/16/2008</p> <p style="text-align: center;">ORIGINAL</p> <div style="display: flex; justify-content: space-between;"> <div data-bbox="241 332 499 479">  <p>MARYLAND DEPARTMENT OF BUSINESS & ECONOMIC DEVELOPMENT</p> </div> <div data-bbox="625 349 808 495" style="text-align: center;"> <p>FILED SECRETARY OF THE COMMISSION</p> <p>2008 SEP 16 P 2:34</p> <p>FEDERAL ENERGY REGULATORY COMMISSION</p> </div> <div data-bbox="892 332 1008 454" style="text-align: center;"> <p>Martin O'Malley <i>Governor</i> Anthony G. Brown <i>Lt. Governor</i> David W. Edgerley <i>Secretary</i> Clarence T. Bishop <i>Deputy Secretary</i></p> </div> </div> <p style="text-align: center;">September 4, 2008</p> <p>Ms. Kimberly D. Bose Federal Energy Regulatory Commission 888 First Street, N.E., Room 1A Washington, D.C. 20426</p> <p>Dear Ms. Bose:</p> <p>The Maryland Department of Business and Economic Development (DBED) wishes to comment on the draft EIS reference Docket Numbers CP07-62-000, CP07-63-000, CP07-65-000 and CP07-65-000. The Department has major concerns about the negative aspects of locating a Liquid Natural Gas (LNG) plant in a vital economic development area such as Sparrows Point.</p> <p>The site of the proposed LNG plant lies at the heart of the area where nationally significant events of the War of 1812 took place, and is within a mile of the site where Francis Scott Key bore witness to the British bombardment of Fort McHenry and penned the poem that is our national anthem. The site lies within the historically significant view corridor between Fort McHenry National Monument and Historic Shrine and the Patapsco River to the bay. This is no ordinary cultural landscape, but the setting for Maryland's most significant national heritage story. The words of the Star-Spangled Banner, "O say can you see...." demand that great care be taken not to diminish that landscape, waterscape, view corridor, or opportunities for public enjoyment of the many extant resources associated with that story. With the bicentennial of the War of 1812 fast upon us, the State of Maryland, the Maryland War of 1812 Bicentennial Commission and its partners are anticipating investing tens of millions of dollars in stewardship, educational and cultural tourism enhancements.</p> <p>The placement of an LNG Facility at Sparrows Point also precludes the re-development of the Sparrows Point Shipyard into a fully operational shipbuilding entity that would contribute considerably to the economy of Sparrows Point and the State of Maryland.</p> <p style="font-size: small;">OFFICE OF THE SECRETARY 217 EAST REDWOOD STREET BALTIMORE, MARYLAND 21202 PHONE 410-767-6200 TOLL FREE 1 888-CHOOSEMD FAX 410-333-8628</p>	<p>SA9-1 The applicant conducted archaeological surveys of the Project area and found no archaeological sites directly associated with the War of 1812. The applicant is currently conducting surveys of aboveground historic structures and other historic properties to determine what impacts, if any, the Project would have on them. An assessment of the proposed Project's viewshed would be part of that investigation.</p> <p>SA9-2 The AES Sparrows Point LNG Project would not preclude development at the Sparrows Point Shipyard.</p>
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<p>20080922-0064 FERC PDF (Unofficial) 09/16/2008</p> <p>Federal Energy Regulatory Commission September 4, 2008 Page 2</p> <p>As such we are strongly concerned about:</p> <p><u>Impacts of the project to the resources of the Star-Spangled Banner National Historic Trail (SSBNHT)</u></p> <p>The SSBNHT existed only as a legislative proposal in 2006 when consultation with the Maryland State Historic Preservation Office took place. It became a reality on May 8, 2008 when signed into law as one of 26 National Trails. The National Park Service (NPS) will soon embark on preparation of a comprehensive management plan (CMP) for the SSBNHT over the next 18 months to define its boundaries and management and investment priorities. Planning of the LNG plant should be suspended until the completion of the CMP and take into account its recommendations.</p> <p><u>Impacts of the project to the Star-Spangled Banner Byway (SSBB)</u></p> <p>The SSBB was created by the Maryland Department of Transportation in Spring 2007, just one of 19 Maryland byways. The Maryland Office of Tourism will soon embark on preparation of a corridor management plan (CoMP) for the SSBB over the next 18 months to define its boundaries and management and investment priorities. Planning of the LNG plant should be suspended until the completion of the CoMP and take into account its recommendations.</p> <p><u>Impacts of the project to the Star-Spangled Banner Chesapeake Bay Gateway (SSBCBG)</u></p> <p>The SSBCBG was designated by the NPS in May 2008, one of about 160 Bay Gateways. The Maryland Office of Tourism will soon embark on preparation of a stewardship, access and interpretation plan for the SSBCBG over the next 18 months to define management and investment priorities. Planning of the LNG plant should be suspended until the completion of the plan and take into account its recommendations.</p> <p><u>Impacts to Fort McHenry National Monument and Historic Shrine</u></p> <p>The draft EIS failed to take into account the potential for an expanded National Register eligible boundary for the Fort McHenry NMHS (a designated National Historic Landmark) and the potential for effects of the project. It is critical to perform this assessment, at least including the view corridor between the Fort, the Patapsco and the bay. The new city-, state- and federally-funded \$14 million Visitor Center for the Fort, scheduled to open June 2010, is oriented specifically to focus the view of newly arriving visitors down the river to what would be the 17-story tanks of the LNG plant as their introductory experience at the Fort.</p> <p><u>Impacts to submerged National Register-eligible archeological resources</u></p> <p>The area proposed for dredging and disturbance is replete with War of 1812-associated submerged archeological resources which have not been adequately identified nor assessed for potential effects.</p>	<p>SA9-3</p> <p>Comment Noted. As discussed in section 4.8.1.2, the pipeline would cross the Star-Spangled Banner National Historic Trail (SSBNHT) at MP 2.0, in an area where both the SSBNHT and the pipeline would parallel I-695. Based on information provided by the National Park Service (NPS), it is anticipated that the SSBNHT would be a driving route in this area. Construction and operation of the pipeline would not have an impact on the use of the SSBNHT as a driving route in this area.</p> <p>SA9-4</p> <p>The AES Sparrows Point LNG Project, nor any other industrial project on Sparrows Point, would interfere with the Maryland Department of Tourism's ability to develop a corridor management plan (CoMP) for the Star Spangled Banner Byway.</p> <p>SA9-5</p> <p>Comment noted.</p> <p>SA9-6</p> <p>The applicant is currently consulting with the MD-SHPO to determine the affective viewshed of the proposed Project. The applicant would assess the potential for adverse visual impacts the Project would have on historic properties within its viewshed. It is our understanding that the Project area is not within the Ft. McHenry viewshed.</p> <p>SA9-7</p> <p>Marine archaeology was performed by the applicant for the dredging area and did not find any shipwrecks.</p>
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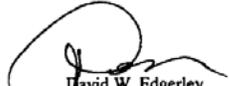
	<p>20080922-0064 FERC PDF (Unofficial) 09/16/2008</p> <p>Federal Energy Regulatory Commission September 4, 2008 Page 3</p> <p><u>Major disruption of interpretive, educational and recreational activities</u></p> <p>NPS already provides educational cruises from the Fort out to the Key Bridge to interpret the stories associated with the movements of British and Americans during the Battles of Baltimore and North Point, and the writing of the anthem. That service is proposed for significant expansion beginning 2008. The Commission expects that by 2012 and beyond that there will be a robust program of guided and self-guided touring options by water. This will involve the transporting of tens of thousands of students and tourists annually by boat around the Sparrows Point peninsula in close proximity to the proposed LNG site. Bear Creek and Old Road Bay in particular were sites for significant action. The proposed dredging and construction - particularly if undertaken during the core bicentennial years (2012-2015) - will cause major economic, educational and environmental hardship. The visitor experience to the area will be dramatically compromised.</p> <p><u>Impacts the effort to re-ignite the shipbuilding industry at the Sparrows Point Shipyard</u></p> <p>Currently there is a major shipbuilding entity that must remain confidential that has seriously professed interest in developing the Shipyard into an active state-of-the-art operating fully functional shipyard. There is a distinct possibility that such an operation will utilize the existing graving dock and surrounding area to build and service both commercial and military ships ranging from three hundred feet to one thousand feet in length. The addition of a fully functional modern shipyard is also in the best interests of National Security as America's shipbuilding capability must be made competitive in today's market to ensure that our ships are built on-time, on-budget and with world class technology.</p> <p>The shipyard would support from 1,000 to 3,000 high paying skilled jobs and would draw ancillary industries for support. Estimated average salaries in excess of \$60,000 would create an annual wage impact of from \$60 million to \$180 million. The estimated capital expense of the operation would be in excess of \$200 million. This proposed facility would have a greater economic impact on Maryland than the proposed LNG facility.</p> <p>The location of the AES LNG facility is too close to the graving dock to allow for the competitive use of the graving dock and adjacent land to be co-located with the LNG plant in its current proposed configuration. In order to be commercially competitive, the construction and assembly of ship sections must be in a linear mode with direct line transfer to efficiently allow for minimum movement of the sections into the dock for assembly into a vessel.</p> <p>The use of the shipyard for an LNG facility does not provide the same economic development possibilities as does the full use of the shipyard and, in fact, causes negative impact due to lost opportunity costs to the economy of the State, while requiring the additional safety measures and the risk mitigation, whether perceived or real from terrorism or industrial disaster with the plant in such close proximity to a highly populated City such as Baltimore.</p>	<p>SA9-8</p> <p>Based on the current project schedule, the proposed dredging and construction of the LNG terminal would be completed by 2011. As a result, dredging and construction would not overlap with the core bicentennial years (2012-2015) and would not result in any negative economic or educational impacts. Environmental impacts associated with the proposed dredging and construction are discussed in sections 4.3.2.5 <i>Dredging</i> and 2.3.1.3.</p> <p>SA9-9</p> <p>FERC cannot control, nor plan for other projects that have not been announced. The FERC would consider the findings in this FEIS in its determination of whether the Project should be approved. A final approval would only be granted if, after consideration of both environmental and non-environmental issues, the FERC finds that the proposed Project is in the public interest.</p>
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Federal Energy Regulatory Commission
September 4, 2008
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In summary, The Department of Business and Economic Development has a number of concerns about the location of a LNG plant in the Sparrows Point area. These concerns cover the historical nature of the area, probable impacts to proposed projects, and socioeconomic preclusion of developing and active ship building facility at the shipyard.

Sincerely,



David W. Edgerley
Secretary

20080922-0064 FERC PDF (Unofficial) 09/16/2008

Federal Energy Regulatory Commission
September 4, 2008
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bcc: Hannah Byron, Assistant Secretary, Office of Tourism Development, Maryland
Department of Business and Economic Development
John R. Griffin, Secretary, Maryland Department of Natural Resources
Kassie Lewis, Director, Maryland Department of Business and Economic Development
Robert McGlotten, Assistant Secretary, Maryland Department of Business and Economic
Development
Bruce Michael, Director Resource Assessment Service, Maryland Department of
Natural Resources
Bill Pencek, Director of Heritage and Cultural Tourism Office of Tourism
Development, Maryland Department of Business and Economic Development
Roger Satin, Manager, Maryland Department of Business and Economic Development

20081008-4002 FERC PDF (Unofficial) 10/08/2008



COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.
Secretary of Natural Resources

Department of Historic Resources
2801 Kensington Avenue, Richmond, Virginia 23221-0311

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.virginia.gov

October 8, 2008

Mr. Van Button
Office of Energy Projects
Federal Energy Regulatory Commission
888 First St., N.E.
Washington, DC 20426

RE: Sparrows Point LNG Terminal and Pipeline Project
DHR File No. 2008-1636; FERC Docket Nos. CP07 – 62, 63, 64, and 65

Dear Mr. Button:

We have received the draft Environmental Impact Statement (DEIS) for the project referenced above. As presented, the project includes the construction of an LNG terminal and 88 miles of pipeline. The Virginia SHPO comments are provided to address the potential impacts of LNG tanker traffic on historic properties within and adjacent to established shipping channels within the Chesapeake Bay.

Our Archives show no recorded historic properties within Zones 1 and 2 of the proposed transit route. Zone 3 borders, but does not include, several coastal historic resources within Virginia. Given that all activities will take place within existing maintained shipping channels, it is our opinion that this undertaking will have *no adverse effect* to historic properties within Virginia. We do request, however, that if submerged resources are encountered during the implementation of this project, FERC or its permittee contact our office for guidance on the treatment of the discovered resource.

If you have any questions concerning these comments or our review procedures, please do not hesitate to contact me at (804) 367-2323 x153 or at roger.kirchen@dhr.virginia.gov.

Sincerely,

Roger W. Kirchen, Archaeologist
Office of Review and Compliance

Administrative Services
10 Courthouse Avenue
Petersburg, VA 23803
Tel: (804) 863-1624
Fax: (804) 862-6196

Capital Region Office
2801 Kensington Ave.
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Tidewater Region Office
14415 Old Courthouse Way, 2nd Floor
Newport News, VA 23608
Tel: (757) 886-2807
Fax: (757) 886-2808

Roanoke Region Office
1030 Penmar Ave., SE
Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7588

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7031
Fax: (540) 868-7033

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Thank you for your comments.

Responses to Comments on the Draft EIS

State Elected Officials

<p>20080627-0119 FERC PDF (Unofficial) 06/23/2008</p> <p>DELEGATE JOHN A. OLSZEWSKI, JR. 6th Legislative District Baltimore County Ways and Means Committee</p> <p>ORIGINAL</p> <p>6-9-08 Annapolis Office The Maryland House of Delegates 6 Bladen Street, Room 308 Annapolis, Maryland 21401 410-841-3458 - 301-858-3458 Fax 410-841-3123 John.Olszewski@house.state.md.us</p> <p>FILED SECRETARY OF THE COMMISSION</p> <p>2008 JUN 23 4 10 PM THE MARYLAND HOUSE OF DELEGATES ANAPOLIS, MARYLAND 21401 FEDERAL ENERGY REGULATORY COMMISSION</p> <p>Testimony in reference to docket # CP07-62 CP07-63</p> <p>To members of the Federal Energy Regulatory Commission:</p> <p>SE1-1 It feels like déjà vu all over again. I write to you, again, in staunch opposition to the liquefied natural gas facility being proposed by the company known as AES, who proposed to place an LNG facility in Sparrows Point, MD. I felt compelled to respond to what I felt was an inappropriate, and quite frankly, insulting decision in your Draft Environmental Impact Statement (EIS). Specifically, you wrote that the project, overall, will have "no adverse environmental impact." The truth could not be further from your report.</p> <p>SE1-2</p> <p>SE1-3 For example, it appears you do not properly consider that the proposed AES Pipeline construction will irreparably impact 177 water bodies, 9 tidal wetlands, 6 sections of Maryland state Critical Areas, 13 DNR registered and protected sensitive species areas, 50 Registered Historical Sites, 4 registered state agricultural easements, and 1700 privately owned properties throughout Maryland and Pennsylvania. Moreover, there is inadequate discussion of issues relating to environmental justice – specifically, the additional burdens residents of Turner Station will be asked to bear. Below, I have included several other points of concern that have been raised via community dialogue and investigation. I discuss issues such as safety and security and community quality of life, which were also ignored in your draft EIS. I hope that you will reconsider the direction in which you are heading in relationship to an LNG plant at Sparrows Point.</p> <p>SE1-4</p> <p>Like most others, I have many serious concerns about the construction of this facility. Whether one discusses safety and security issues, eminent domain concerns, quality of life points, or the health of the environment, all answers point to <u>no</u> on the question of construction of a liquefied natural gas plant. Full consideration of any one point, I contend, should be enough to rule out an LNG plant at Sparrows Point on its own merits. Taken as a whole, I believe any serious contemplation at moving forward with plans would be not only the wrong thing; it would be a real injustice.</p> <p>For the well being of my family and the well-being of the thousands of families that live in this area, please hear our plea and do not allow the construction of this plant!</p> <p>As a government teacher at Patapsco High School and Center for the Arts here in Dundalk, I teach my students about the principles that the government is founded on; Foundations that include consent of the governed and the protection of rights. It is my sincere hope that you help us uphold these foundations and prevent the creation of this</p>	<p>SE1-1 Comment noted.</p> <p>SE1-2 The FERC as the lead federal agency prepared a DEIS and this FEIS in compliance with the requirements of NEPA, the CEQ regulations for implementing NEPA, and the FERC's regulations implementing NEPA. Section 4 of the FEIS contains the environmental analysis completed for the Project and section 5 contains FERC staff's conclusions and recommendations.</p> <p>SE1-3 Impacts to these resources have been evaluated and are discussed in Section 4 (Environmental Analysis) of the FEIS. The FERC as the lead federal agency prepared a DEIS and this FEIS in compliance with the requirements of NEPA, the CEQ regulations for implementing NEPA, and the FERC's regulations implementing NEPA.</p> <p>SE1-4 Environmental Justice and the community of Turner Station are discussed in section 4.9.7. The proposed terminal location lies within an existing industrial area in which heavy industry manufacturing facilities currently exist and function. Development of the terminal is consistent with existing development and does not represent a new or inconsistent development with respect to existing environmental conditions. Neither the construction nor the operation of the terminal would disproportionately result in adverse human health or environmental effect on minority or low income communities.</p>
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<p>20080627-0119 FERC PDF (Unofficial) 06/23/2008</p> <p>facility. FERC should take into consideration the fact that nearly any group affected by this proposal are lined up strongly against it: elected officials at all levels (our Governor, County Executive, US Senators, Congressman, not to mention all of our local officials), community and civic organizations, and everyday citizens</p> <p>I would also like to take the time to highlight points of concern:</p> <p>Concern: Safety and Security</p> <ul style="list-style-type: none"> • Terrorist Attack: Models and studies on LNG spills have varied on just how far an LNG leak and explosion could go. Several have stated that there was a likelihood that areas outside two miles can and would be affected. Why take a chance that one of these models is the accurate one? When it comes to community safety, we can never err too far on the side of caution. Surely there are more and, indeed, better opportunities to place an LNG site farther away from communities. When LNG tankers are coming into the dock, they will be less than one mile away from a heavily populated African-American residential population. This should not be the case, and it raises huge environmental justice issues, to the point where contacting the Department of Justice seems an appropriate action. • Boat Traffic: Without question, we know that there are many people that use the Chesapeake Bay for recreation as well as for commerce. Should an accident or attack occur, these boaters would be within the danger zone identified in essentially ALL of the studies, endangering the lives of all those who enjoy our waterways on a regular basis. • Workers and steel plant facility: There will also be a considerable amount of people working at and near the facility in Sparrows Point. Moreover, there are many other workers at the facility that are closer than the often-quoted closest home statistic. If something were to happen at the proposed site, not only would the LNG workers lives be endangered, but the thousands of those working in and around the steel plant would also be placed directly in harms way. Not to mention, Sparrows Point has one of the largest blast furnaces in the country, only adding more problems in the event of an accident or attack. • Beyond the safety and well-being of our people, we should also consider the impact that a spill or attack might have on our marine life. How much would survive, and what would be the impact on commerce in our area? • Bridges: If we are to fully appreciate the potential risks of an LNG-related attack or accident, we must be aware of the dangers presented by the two major bridges the proposed tankers would be going under: the William Preston Lane, Jr. Memorial (Bay) Bridge and the Francis Scott Key Bridge. Based on the calculations in all studies, respecting the possibility for attack would require both bridges to be closed as the tankers passed under them. Doing so would disrupt traffic, recreation, business, and the way of life for countless citizens. Not doing so endangers the lives of those using those roadways. • All this does not mention the 80 miles of proposed pipeline that would need to be installed in order to connect the Sparrows Point site to the main gas lines in the country. It makes little sense to position a plant so far away from the connection 	<p>SE1-5 As discussed in section 4.12.5.3, the Coast Guard used criteria developed by Sandia to define the outer limits of the hazard zones to assess the potential risks associated with an LNG vessel. The zones in the Sandia Report should not be misconstrued as impact areas, but rather identify the level of security measures needed to protect the public and infrastructure.</p> <p>The exclusion zones associated with the Project would not extend beyond land owned by SPS Limited Partnership LLP (the owner of the terminal site).</p> <p>SE1-6 The Waterway Suitability Report (WSR) addresses the transportation of LNG from entrance into U.S. territorial waters through its transit to and from the LNG receiving facility, including operations at the LNG vessel/facility interface. Issues related to navigational safety and port security introduced by the proposed LNG operation are considered and addressed in the WSR. The WSR is included in appendix J of the FEIS.</p> <p>SE1-7 Please see response to comment IN56-3.</p> <p>SE1-8 The impacts of a release on marine life and commerce have been analyzed and documented in the FEIS (sections 4.5.1, 4.6.2, 4.6.3, 4.8.4.1 and 4.9.4.2). Cumulative impacts are discussed in section 4.13.</p> <p>SE1-9 The LNG tankers associated with the Project would not pass under the Francis Scott Key Bridge. Passage of LNG carriers under the William Preston Lane Jr. Memorial Bridge was examined by the Coast Guard during review of the waterway suitability. The conclusions of that analysis are presented in the WSR included in appendix J and discussed in section 4.12.5.5.</p>
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<p>20080627-0119 FERC PDF (Unofficial) 06/23/2008</p> <p>↑ point when there must be other, and indeed better, opportunities for plant locations. In fact, every mile creates another opportunity for an accident or attack. A gas line near residential areas, major highways (such as Interstate 695), and people presents another opportunity for terrorists to strike or for a serious accident to lead to disaster.</p> <p>SE1-11 It has been established that security protocols will involved armed escorted, underground divers to sweep below ships, and land based and/or aerial surveillance, just to name a few. That seems like a lot for something that is supposed to be safe. And what happens when an unsuspecting jet ski heads in front of a ship to catch its wake? Do the gun boats open fire?</p> <p>Concern: Eminent Domain</p> <p>SE1-12 • AES has already admitted that they are willing to use the power of <u>eminent domain</u>, if necessary, to construct their LNG system. This, after area residents recently rallied to fight a law that would have expanded eminent domain powers. The people have been clear on this issue: the right to private property is not a right that should be easily discarded, and this LNG facility is not a reason to allow that to happen.</p> <p>Concern: Quality of Life</p> <p>SE1-13 • The huge tankers that would be used to transport the liquefied natural gas not only present safety issues, but also negatively impact our <u>quality of life</u>. Whether these tankers are holding up the already overly congested traffic on the Bay Bridge or forces boaters to leave their locations on the Chesapeake Bay as they come up the waterway, the negative impact an LNG plant has on everyday living is a variable that cannot be measured but must nonetheless be considered.</p> <p>• The headaches that could potentially be caused by the tankers, advocates might argue, are only temporary. However, the fact is that even temporary headaches are real and, moreover, the <u>eyesore</u> that would be created by the massive proposed facility would dwarf its surroundings and be a permanent reminder of all the problems the plant brings with it.</p> <p>Concern: The Environment</p> <p>SE1-14 • Perhaps the most pressing concern before our community is the potential for <u>considerable environmental damage</u> that will be caused by the massive dredging that would be required in order to accommodate for the ships that would be coming to offload the gas.</p> <p>• It is no secret that <u>our area has struggled with combating environmentally unfriendly toxins and poisons</u> that have been dumped into our Chesapeake Bay</p>	<p>SE1-10 Section 3, Alternatives provides an in-depth discussion related to the issue of LNG facility siting, along with consideration given to the location of existing/alternative natural gas pipeline systems.</p> <p>SE1-11 The WSR provided by the Coast Guard is based on specific levels of protection that must be provided in order to manage LNG traffic in the waterway. Unless the required measures to ensure safe and secure operations were in place and serving their intended purpose, neither the Commission nor the Coast Guard would allow operation of the proposed facility.</p> <p>SE1-12 The use of eminent domain is specific only to obtaining the appropriate easement for the siting and construction of facilities. If an easement cannot be negotiated with the landowner and a project has been certificated by the Commission, the Certificate Holder may use the right of eminent domain granted to it under Section 7(h) of the NGA to obtain the right-of-way and additional workspaces identified in the Certificate.</p> <p>SE1-13 We agree that quality of life impacts are not readily subject to quantification. They are highly subjective for each individual. Throughout our extensive EIS process we have been made aware of and have considered many individuals' concerns for their quality of life. We have developed almost 200 specific mitigation measures designed to ensure the Project meets current environmental, safety, and regulatory standards to minimize the negative impacts to the natural and human environment.</p>
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↑ over the years. Why, we wonder, would anyone – in good conscience – allow for those same toxins to be reintroduced into the local ecosystem by dredging them up? We certainly hope the answer is not in the name of big profits that AES stands to gain from this project.

The motivations behind the opposition must have some logical, understandable root if there has been such a groundswell of opposition asking that such a facility not be located here. Many arguments have been presented before you about why an LNG plant is bad for this area. Choose one, choose them all, but choose to **say NO to this proposal**. I look forward to your reply, and pray that you do what is right by the people of this area.

Regards,



Delegate John A. Olszewski, Jr.

SE1-14

Dredging impacts and specific measures to minimize and mitigate these potential impacts are addressed in detail in sections 4.3.2.4 and 4.3.2.5.

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FEDERAL ENERGY
REGULATORY COMMISSION

HEARING BEFORE FEDERAL ENERGY REGULATORY COMMISSION (FERC) COMMISSION
IN THE MATTER OF LNG PERMIT
Monday, June 9, 2008
Putapasco High School

COUNCILMAN JOHN OLSZEWSKI, SR.

Good Evening Members of the Commission, Elected Officials, and most important, residents of our concerned community. We are here once again to appear before this distinguished Commission to voice our concerns and opposition to the permitting of an LNG facility in our community.

This battle has been long and enduring, but has lost none of its commitment and perseverance for an issue that all of us, elected officials, community activists, residents and government officials firmly believe should never be permitted at the chosen site.

I have continually been impressed by the knowledge gained and the strength and endurance shown by the LNG Opposition Team. Equally impressed by the level of support from every elected official representing this community from the Governor, U.S. Senators, Congress People, County Executive and all elected officials in between to stand so firm in opposition to the facility.

What does this say of the level of absolute concern and fear? Are not our voices being heard? What started with a band of concerned residents has now grown into an army who has come forward armed with facts and knowledge of why this facility should not be permitted at the Sparrows Point site.

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The time and money spent by the AES people could have been better used in seeking another more suitable site for the plant.

I am a great believer in the voice of the people. It is the very foundation of our society - our Democracy. It was the loud cries of the people in the early days of our nation who came together to protest what they felt was unfair and unjust. And from this endeavor our form of government was born. A government with its roots firmly planted in the premise that we are guaranteed the right to speak out for what we feel in our hearts and minds are not right.

A great defender of the peoples right to be heard and play an important part in decisions that would affect them said long ago "*a government of the people, by the people, for the people shall not perish from this earth.*" Simply applied at this point in time, I believe what President Lincoln said so eloquently has occurred. The people in Baltimore County and most importantly in the Southeastern part of the County have spoken loud and clear. They have worked extremely hard to educate themselves about this issue.

We all have done this and we are not speaking from emotions. I fully understand the need for alternative energy sources, but I also think we can't operate on the premise of "at any cost."

There are suitable sites for this plant and the pipeline that would have to be constructed over miles of land. The proposed site is fraught with every negative from threats of terrorism to environmental degradation to the awful impact on the nearby heavily populated communities that would put them at ground zero should a catastrophe occur.

I ask you ladies and gentlemen of the Commission to deny this permit. Thank you for your kind indulgence.

SE2-1

SE2-1

An evaluation of a range of alternatives to the Project is contained in section 3 of the FEIS. Facility reliability and safety concerns are analyzed and addressed in section 4.12. Section 4 contains the environmental analysis completed for the Project.