

## IN15 – Robert Fromer

200701185025 Received FERC OSEC 01/18/2007 01:01:00 PM Docket# CP06-54-000

*WELCOME TO CONNECTICUT: A STATE WHERE CONSPICUOUS CONSUMPTION  
AND ENERGY WASTE ARE OUR MOST IMPORTANT AND PROLIFIC PRODUCT.*

January 15, 2007

P.O. Box 71  
Windsor, CT 06095

Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Re: **Comments to Draft Environmental Impact Statement on the  
Broadwater LNG Project (Docket Nos. CP06-54-000, et al.),**  
Issued: November 17, 2006

Dear FERC:

### **BACKGROUND**

The Federal Energy Regulatory Commission (FERC or Commission) in cooperation with the U.S. Coast Guard (Coast Guard); U.S. Environmental Protection Agency; U.S. Army Corps of Engineers; National Oceanic and Atmospheric Administration, National Marine Fisheries Service; and the New York Department of State prepared a draft Environmental Impact Statement (EIS) for a liquefied natural gas (LNG) import terminal and natural gas pipeline (referred to as the Broadwater LNG Project) proposed by Broadwater Energy LLC and Broadwater Pipeline LLC (jointly referred to as Broadwater).

The proposed LNG terminal would be located in New York State waters of Long Island Sound, approximately 9 miles from the nearest shoreline of Long Island, and about 11 miles from the nearest shoreline in Connecticut. The terminal would be a floating storage and regasification unit (FSRU) that would be attached to a yoke mooring system (YMS) that includes a mooring tower embedded in the seafloor. The FSRU would remain moored in place for the duration of the Project (expected to be 30 years or more). The YMS would allow the FSRU to pivot or "weathervane" around the YMS, enabling the FSRU to orient in response to the prevailing wind, tide, and current conditions.

LNG would be delivered to the FSRU by approximately 2 to 3 LNG carriers per week, temporarily stored, vaporized (regasified), and then transported in a new subsea natural gas pipeline that would extend from the seafloor beneath the FSRU approximately 21.7 miles to an offshore connection with the existing Iroquois Gas Transmission System pipeline in Long Island Sound.

As part of its review of the Project, FERC staff has prepared a draft EIS to assess the environmental impacts of the Project. The Commission prepared the

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draft EIS to satisfy the regulations for implementing the National Environmental Policy Act (NEPA), 40 Code of Federal Regulations (CFR), Part 1500 *et seq.*

The draft EIS also evaluates alternatives to the proposal, including alternative energy sources, system alternatives, alternative sites for the LNG import terminal, alternative designs, pipeline alternatives, and alternatives to the Coast Guard Letter of Recommendation action. The draft EIS also includes a draft General Conformity Determination to assess the potential air quality impacts associated with construction and operation of the proposed project.

Based on the analysis included in the draft EIS, the FERC has determined that construction and operation of the proposed Project, with the adoption of the FERC and Coast Guard recommendations, would result in limited adverse environmental impacts. The assessment is the product of an interdisciplinary review by FERC staff and cooperating federal and state agencies. The assessment is based on the analysis and critical review of information compiled from field investigations by FERC staff; literature research; alternatives analysis; comments from federal, state, and local agencies; input from public groups and individual citizens; and information provided by Broadwater and its technical consultants. During construction, the primary impacts would be physical disturbance of the seafloor and related turbidity in the water column. During operation, the impacts of primary concern would consist of minor impacts to water quality, air quality, fisheries, recreational boating and fishing, and commercial vessel traffic, as well as minor to moderate impacts on visual resources. All impacts occurring during operation would continue through the life of the proposed Project.

As part of the analysis, FERC developed specific mitigation measures that we believe would appropriately and reasonably avoid, minimize, and/or mitigate for environmental impacts resulting from construction and operation of the proposed Project. The Commission believed that these measures would further reduce the environmental impact that otherwise would result from implementation of the Project, and it recommended that these measures be attached as conditions to any authorization issued by the Commission. The Commission has concluded that, if the Project is implemented as planned with the identified mitigation measures during design, construction, and operation, it would be an environmentally acceptable action.

#### **NEPA REQUIREMENTS**

##### **A. Sec. 1502.14 Alternatives including the proposed action.**

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (Sec. 1502.15) and the Environmental Consequences (Sec.

1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:

- (a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
- (b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.
- (c) Include reasonable alternatives not within the jurisdiction of the lead agency.
- (d) Include the alternative of no action.
- (e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
- (f) Include appropriate mitigation measures not already included in the proposed action or alternatives.

**B. Sec. 1502.16 Environmental consequences.**

This section forms the scientific and analytic basis for the comparisons under Sec. 1502.14. It shall consolidate the discussions of those elements required by sections 102(2)(C)(i), (ii), (iv), and (v) of NEPA which are within the scope of the statement and as much of section 102(2)(C)(iii) as is necessary to support the comparisons. The discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. This section should not duplicate discussions in Sec. 1502.14. It shall include discussions of:

- (a) Direct effects and their significance (Sec. 1508.8).
- (b) Indirect effects and their significance (Sec. 1508.8).

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(d) The environmental effects of alternatives including the proposed action. The comparisons under Sec. 1502.14 will be based on this discussion.

(e) Energy requirements and conservation potential of various alternatives and mitigation measures.

. . .

(f) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.

(h) Means to mitigate adverse environmental impacts (if not fully covered under Sec. 1502.14(f)).

## COMMENTS

### Environmental Consequences

The Broadwater terminal would supply 1 billion cubic feet of natural gas per day between 2010-2040 covering 10,950 days. Broadwater, therefore, will provide a total of 11 trillion cubic feet of natural gas. The caloric value (energy density) of natural gas is 900-1100 Btu per cubic foot. Because it lacks sufficient energy density, one thousand cubic feet of natural gas has the energy equivalence of 7.5 gallons of crude oil.

The global LNG process chain for converting methane as a natural resource into energy services requires production at the gas well, treatment and liquefaction (gas compression), storage, loading on refrigerated LNG tankers, shipping to the FSRU port facility for loading and unloading, regasification and distribution for conversion to electricity. A pictorial representation of the full spatial and logistical process is provided in *Appendix 1*.

Further, a typical liquefaction plant producing 5 million ton of LNG per year needs 110 megawatts of electric power for the compression cycle and another 60 MW (not to mention 60,000 cubic meter/hr of water) for the cooling process.

The draft EIS only examined the environmental consequences of the delivered LNG upon entry into Long Island Sound without any consideration of the global externalities associated with the full processing chain. [40 CFR Part 1508.8].

Additionally, the draft EIS requires scientific and analytical discussion of "Energy requirements and conservation potential of various alternatives and

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mitigation measures.” The terms “energy requirements” and “conservation potential” are ambiguous and vague. Does energy requirement mean energy delivered to the consumer or total energy for the entire process from extraction to consumer delivery? Does conservation potential mean conservation for the distribution process or the entire process?

IN15-1

Since the goals of federal energy policy and Connecticut’s Energy Independence Act (Public Act 05-01) and 2005 Climate Change Action Plan is to supply energy to meet essential demands for New York and Connecticut while minimizing energy waste and “greenhouse gases”, it is reasonable and rational for FERC to require from Broadwater a life cycle net energy analysis and assessment at each step of the LNG process to accomplish the goals coupled with an energy profit ratio known as Energy Return On Energy Invested (EROEI)<sup>1/</sup>.

**By definition, energy "sources" must generate more energy than they consume; otherwise, they are "sinks". Most power plants are sinks not sources based on net energy analysis over a plant's expected life.** Net energy and EROEI analyses are vital analytical tools for minimizing energy waste and greenhouse gases. They provide a computerized mathematical model for making well-reasoned energy decisions compared to the life cycle cost method commonly used today.

Life cycle (cradle-to-grave) net-energy analysis became a public controversy in 1974 when two stories made the news. In the first, *Business Week* reported that Howard Odum had developed a “New Math for Figuring Energy Costs.” Among other results, this new math indicated that stripper oil well operations were energy sinks rather than energy sources. According to this analysis, these operations could be profitable only when cheap, regulated oil was used to produce deregulated oil. The other net-energy story of 1974 was the study of Chapman and Mortimer asserting that a rapidly growing nuclear program would lead to an increased use of oil rather than to the desired substitution. See *Net-Energy Analysis* by Daniel T. Spreng, Oak Ridge Assoc. Univ. & Praeger, 1988.

As we know from physics, to accomplish a certain amount of work requires a minimum energy input. For example, lifting 15 kg of rock 5 meters out of the ground requires 735 joules of energy just to overcome gravity – and the higher the lift, the greater the minimum energy requirements. Combustion engines that actually do work – so-called “heat engines” – also consume a great deal of energy. The efficiency of heat engines is limited by thermodynamic principles discovered over 150 years ago by N. L. S. Carnot. Thus, a typical auto,

<sup>1/</sup> Cutler J. Cleveland, Robert Costanza, Charles A.S. Hall, Robert Kaufmann *Energy and the U.S. Economy: A Biophysical Perspective*, Science, New Series, Vol. 225, No. 4665 (Aug. 31, 1984), 890-897

IN15-1

While the LNG supplies that would serve Broadwater have not been identified, it is reasonable to assume that they are primarily existing facilities that are currently operating. In terms of economics, the regasification and storage of LNG at the terminal is about 15 percent of the operational cost. Transportation is a much higher cost (about 30 percent). Existing processes, then, account for at least half of the overall cost. These processes would continue with or without the Broadwater Project. Conceptually, the liquefaction, transportation, and regasification steps are all product delivery components. The LNG supply is located in areas that do not currently provide a market. Without the external market and the technology to transport the LNG, the natural gas reserves would likely remain untapped while domestic demand increases. Regardless of the outcome of a net energy analysis, the superseding consideration is the importance of delivering natural gas from a region of low demand and high supply to a region of low supply and high demand.

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bulldozer, truck, or power plant **wastes more than 50 percent of the energy contained in its fuel.**

One seldom thinks about the energy that is utilized in systems that supply energy – such as oil-fired power plants. But energy is also utilized when exploring for fuel, building the machinery to mine the fuel, mining the fuel, building and operating the power plants, building power lines to transmit the energy, decommissioning the plants, and so on. The difference between the total energy output or delivered (i.e., the electric energy to the home and business) minus all of the energy utilized to run an energy supply system equals the "net energy" (in other words, the net amount of energy actually available to society to do useful work).

Humans mine minerals and fossil fuels from the Earth's crust to produce consumer goods. The deeper is the digging, the greater the minimum energy requirements. Of course, the most concentrated and most accessible fuels and minerals are mined first; thereafter, more and more energy is required to mine and refine poorer and poorer quality resources. New technologies can, on a short-term basis, decrease energy costs, but neither technology nor "prices" can repeal the laws of thermodynamics. But technology requires both materials and energy to produce, transport, assemble, etc. and produces "greenhouse" gases simultaneously. For example, in the 1950s, oil producers discovered about fifty barrels of oil for every barrel invested in drilling and pumping. Today, the figure is only about five for one. Sometime around 2005, that figure will become **one for one**. Under that latter scenario, even if the price of oil reaches \$500 a barrel, it wouldn't be logical to look for new oil in the US because **it would consume more energy than it would recover.**

Broadwater must have built a fleet of the LNG tankers. How much energy is required for the planning, design, extraction/harvesting of natural resources, processing of raw materials into products, fabrication and assembly of the products, testing, operation and maintenance and salvage of the LNG tankers and the greenhouse gases produced at every step of the process?

Since oil and natural gas are used directly or indirectly in everything, as the energy costs of oil increase, the energy costs of everything else increase too – including other forms of energy. For example, oil provides about 50% of the fuel used in coal extraction.

The United States has 6% of the world's population using 40% of the world's fuel supply for conspicuous and often nonessential consumption and produces the bulk of "greenhouse gases." A high standard of living means that in other parts of the world, people must have a lower standard. Consequently,

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FERC should consider every available method to minimize energy waste and greenhouse gases. [40 CFR 1502.14(f)]

IN15-2

**A net energy analysis of the Broadwater proposal is likely to show a net loss; therefore, the LNG facility may prove to be a global energy sink instead of a Connecticut energy source and a more significant producer of greenhouse gases than the draft EIS suggests. Only analysis can demonstrate otherwise. The Commission has a moral global obligation to require the analysis by computer modeling, which is readily available.**

The appendices provide some examples of life cycle net energy analysis. See G.J.M. Phylipsen and E.A. Alsema, *Environmental life-cycle assessment of multicrystalline silicon solar cell modules*, a study by commission of the Netherlands Agency for Energy and the Environment, NOVEM September 1995 Report no. 95057 Department of Science, Technology and Society Utrecht University Padualaan 14 NL-3584 CH Utrecht The Netherlands (available on Internet at [www.chem.uu.nl/nws/www/publica/95057.pdf](http://www.chem.uu.nl/nws/www/publica/95057.pdf)); S.W. White and G.L. Kucinski, *Net Energy Payback and CO2 Emissions from Wind-Generated Electricity in the Midwest*, Fusion Technology Institute, University of Wisconsin-Madison, UWFD-1092, December 1998, 78 pages (available on Internet at: [fti.neep.wisc.edu/proj?rm=env&s=1](http://fti.neep.wisc.edu/proj?rm=env&s=1)).

The undersigned provided the above information to Connecticut State Senator Leonard Fasano and spent several meetings educating him on life cycle energy analysis and EROEI. After considerable effort, Senator Fasano finally grasped the usefulness of the analytical for making well-reasoned decisions involving energy planning. Nonetheless, Senator Fasano refused to brief the Long Island Sound Task Force comprised of appointed members with little to no expertise, knowledge, training and/or experience with energy matters on analysis and assessment methods.

### Consistency with Connecticut Environmental Laws

IN15-3

The standard embodied in Connecticut's Environmental Policy and Protection Acts (sections 22a-1 to 22a-20 of the General Statutes) is the reasonable likelihood of unreasonable pollution, impairment or destruction in the natural resources of the state from individual and cumulative activities. The draft EIS neglects to consider the cumulative effects of Broadwater's activities on the state's energy resources, which are likely to result in unreasonable harm to the state's natural resources. Additionally, the adverse impacts from global energy consumption associated with the proposal produces greenhouse gases, which may unreasonably affect Connecticut.

IN15-2

Please see our response to comment IN15-1. Sections 4.2 and 4.3 of the final EIS discuss a variety of other energy sources, including renewable energy and other fossil fuels; these sections also address the technical feasibility and environmental impacts associated with obtaining those energy supplies.

IN15-3

Sections 4.2 and 4.3 of the final EIS discuss a variety of other energy sources, including renewable energy and other fossil fuels. Cumulative impacts are discussed in Section 3.11 of the final EIS. Please see our response to comment OC1-64 regarding greenhouse gas emissions.

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**Alternatives**

Every step in a life cycle energy analysis for the LNG process provides a Broadwater an opportunity to mitigate energy waste by consideration of feasible and prudent alternatives. [40 CFR Sec. 1502.14(a) -(f)]

IN15-4 [ Nothing in the draft EIS provides the precise calculus for selection of the preferred alternative, which is the current proposal. For example, what is the ranking of factors for determining environmental significance in the selection of the preferred option to provide sufficient energy to satisfy demand while minimizing energy waste and greenhouse gases?

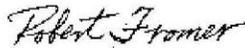
**Conclusions**

IN15-5 [ The Commission has neglected to consider the global net energy available to consumers and the greenhouse gases produced from the Broadwater proposal over its thirty-year expected life. Further, the Commission failed to consider the full LNG process with the purpose of mitigating energy waste and greenhouse gas production. Also, the proposal has neglected to examine alternatives within the LNG process to select the preferred steps, which minimize energy consumption and gases. Finally, the draft EIS provides no selection criteria or standards for selection of the preferred alternative.

**Recommendations**

IN15-6 [ The FERC should require Broadwater to conduct a life cycle analysis to determine the realistic net energy for the proposals expected life and EROEI profit ratio. The Commission should provide the ranking of the relative significance for each environmental factor as a method for selecting the preferred alternatives.

Cordially,



Robert Fromer

**IN15-4** As identified in Section 4.0 of both the draft and final EISs, we established several key criteria to evaluate the potential alternatives identified. Each alternative was evaluated in consideration of whether it would:

- Be technically and economically feasible and practical;
- Offer significant environmental advantage over the proposed Project or its components; and
- Meet the objectives of the proposed Project.

With the exception of the planned Safe Harbor Energy Project, all of the existing, authorized, proposed, and planned LNG terminals are located far from the markets proposed to be served by the Project (from 113 to 648 miles). Additional pipeline construction would be required. Any pipeline construction that is significantly greater in length than the proposed action (21.7 miles) would be expected to generate greater environmental impacts, particularly where residential and commercial development is traversed.

**IN15-5** Please see our responses to comments IN15-1 and IN15-4.

**IN15-6** Please see our responses to comments IN15-1 and IN15-4.

ORIGINAL

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Washington, DC 20426

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RE OEP/DG2G/Gas Branch 3  
Broadwater LNG Project  
Docket NO. CP 06 – 54-00, CP06 –55-00

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

Dear Ms. Salas:

This is a response to the Draft Environmental Impact Statement for the Broadwater LNG Project, FERC/EIS—196 D. After reviewing the arguments and suppositions contained in the Draft I am more convinced than ever that the proposed Long Island Sound Broadwater LNG project has little to recommend it except as a profitable enterprise for its partners. A paragraph by paragraph critique of the Draft is really unnecessary. Allow me to use the following examples taken from the Draft to indicate where some of the major flaws of the proposal lie.

- IN16-1 [ 1. The Safety Zone specified for the moored storage vessel is .7 mile, or 1210 yards in diameter. Yet the LNG carriers supplying the storage vessel would be required to have a Safety Zone of .4 mile from the center of those carriers, or fewer than 600 yards in diameter. The question naturally arises: why is the safety zone for one LNG waterborne vessel only about one half of what is required of another? Whether LNG carriers of the dimension to be employed in supplying the proposed Long Island Sound FSRU have navigated waters so near populated areas is an issue not addressed by the FERC staff. In the event an LNG carrier on Long Island Sound experienced a fire and its crew were to lose control of the vessel, it certainly would not remain stationary since Long Island Sound is tidal. If such a catastrophe were to occur, a 600-yard diameter safety zone would quickly prove insufficient, endangering property and life on shore points. Of course were the Broadwater advocates to specify a safety zone for carriers substantially in excess of 600 yards, the carriers in navigating the eastern Race would choke off all other maritime traffic at that point while in transit through the Race. Could the variation in safety zone parameters noted above indeed have to do with the "choke point" of the Race at the eastern end of Long Island Sound? This "variation" indeed may help explain why neither Connecticut nor Rhode Island State agencies participated, perhaps were even asked to participate, in the preparation of the Environmental Impact Study. We on the "outside" cannot know the full answer to this latter question.
- IN16-2 [
- IN16-3 [
- IN16-4 [ 2. The writers of the Draft assert that, following the construction period for the permanent mooring of the storage vessel and related pipeline work, the "benthic community *should* [my italics] recover within 1 to 2 years." There is scant scientific evidence or

IN16-1 The distances of the zones are consistent: the distance from the LNG carriers or FSRU to the end of the zone is 750 yards (0.4 mile). The distance from the aft (rear) end of the FSRU to the edge of the proposed safety and security zone is 750 yards; the distance from the center of the YMS to the aft end of the FSRU is 460 yards, for a total distance of 1,210 yards; the distance from the side of each LNG carrier to the edge of the safety and security zone is also 750 yards.

IN16-2 While the purpose of the safety zone is to protect the public and the maritime transportation system from the hazards posed by a breach of the LNG carriers or FSRU tanks, the size of the zone is not tied directly to the thermal hazards posed by such a breach. The function of the safety zone is to reduce the probability of such a release occurring by creating a buffer zone around the LNG carriers and the FSRU. Additionally, it provides adequate distance and time for escort vessels to take mitigating measures to prevent accidents. The size and shape of the proposed safety and security zone have been carefully evaluated by both FERC and the Coast Guard to ensure public safety and to minimize the effects on vessel traffic. As described in Section 3.7.1.4 of the final EIS, while an LNG carrier transits the Race, there would be room between the edge of the proposed safety and security zone and the edge of the Race for use by marine vessels.

IN16-3 Our Notice of Intent, issued August 11, 2005, stated: "With this notice, we are asking federal, state, and local agencies with jurisdiction and/or special expertise with respect to environmental issues, in addition to those agencies that have already agreed to serve as cooperating agencies (as noted above), to formally cooperate with us in the preparation of the EIS. These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Additional agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this Notice." No Connecticut or Rhode Island agencies requested this participation. However, we did meet with agencies in these states and they did have input into the scope of impacts considered in our review.

IN16-4 Section 3.3.1.2 of the final EIS has been expanded to more fully describe the potential impacts and recovery of benthic habitat based on pertinent literature, including post-construction monitoring results for several similar linear projects. In addition, we have included a recommendation that Broadwater develop methods to mechanically backfill the trench in coordination with appropriate federal and state resource agencies and conduct post-construction monitoring.

IN16-4 historical precedent to support such an assertion. It is thus an assumption, only one of many on which the Draft Study rests.

IN16-5 3. The writers assert that “LNG carriers would not be expected to discharge any ballast water into Long Island Sound or Block Island Sound.” The phrase “not be expected” used here is disturbing. Again this Draft confronts the reader with an unsettling assumption. The writers of the Draft, however, acknowledge that the FSRU would periodically (how frequently is not disclosed) discharge water ballast into Long Island Sound. Such discharges would be treated with a biocide, according to the Draft. With no estimate of the frequency of such treated discharges one cannot reliably conclude, as the Draft writers blithely do, that the effect on local aquatic and marine life should be “minor.”

IN16-6 4. The Study acknowledges that the FSRU would result in a “moderate long-term visual impact in a limited portion of Long Island Sound and associated shorelines.” This is simply a matter of opinion and can hardly be subject to scientific verification. Considering that the vast majority of the written responses (the Study provides no detailed statistics on the 4,200 letters received by the commission re the Broadwater Proposal) were opposed to the Long Island Sound FSRU, one may conclude that those on the to-be-affected “associated shorelines” hold quite a different opinion from the writers of the Draft. Further, why would the Broadwater Partners contemplate “paint schemes,” i.e. camouflage, were the installation to have only a ‘moderate visual impact’ on the affected shoreline? Camouflage, after all, is intended to conceal and the proposed Broadwater FSRU is a mammoth vessel to attempt to “conceal.”

IN16-7 5. It would be impossible with or without camouflage to “conceal” a permanently moored vessel the size of an *Eisenhower* Class Aircraft Carrier (over 1200 feet in length) in Long Island Sound or anywhere else. Some attempts during WWII were made to paint *Essex* Class Aircraft Carriers, e.g. The USS *Hornet*, CV 12 or the USS *Intrepid*, CV 13, operating in the Pacific Theatre, to confuse hostile submarine and aircraft (*kamikaze*) regarding the type of warship which was their potential target. However, the US Navy was under no illusion that any camouflage “paint scheme” could in the slightest degree *conceal* a vessel the size of an *Essex* Class Carrier. The typical *Essex* Class Carrier was approximately 900 feet stem to stern; the proposed Long Island Sound FSRU would be over one third longer than the *Essex* Class Carrier, and the proposed FSRU elevation would be comparable to the *Essex* Class elevation overall. Regardless of FERC Draft Proposal writers’ assertions to the contrary, the intrusive visual presence of the FSRU on Long Island Sound cannot be mitigated.

IN16-8 6. The Draft writers further assert that the presence of the FSRU in its proposed location “is not expected to change the public value of the viewshed [*sic*] or alter the value of the shorefront property or recreation.” Once again the writers of the Draft advance assertions [“not expected” represents a highly tenuous language in any event] which are not subject to prior validation, in other words are simply gratuitous assumptions. Nowhere in the Draft Study do the writers advance any precedent for a vessel the size of the Broadwater FSRU having been moored in an estuary nor do they produce any study of adjacent subsequent changes to land property values. Recognizing the complete absence of such data, the writers produce a bibliography in which land values (houses, etc) are discussed in relation to (1) solid waste facilities, (2) landfills, and (3) power lines. In short, the writers of the Draft Study offer no comparable basis for their assertion of a non-expectation of impact on real estate values along the Long Island shoreline. No marine facility example is included in their “supporting documentation.”

IN16-5 There appears to be some confusion between discharges from the LNG carriers and from the FSRU. The LNG carriers, as with other marine vessels, would use ballast water to maintain trim and balance, especially when they do not have cargo. LNG carriers would arrive in Long Island Sound full of LNG. During off-loading they would take on ballast water to replace the weight of the cargo being off-loaded. Thus, under normal operations, LNG carriers would not discharge ballast water in Long Island Sound. In the unlikely event that LNG carriers did discharge ballast water, it would be conducted in accordance with federal and state regulations – including pending EPA requirements, to be enacted in 2008, to minimize potential problems with invasive species. During Project operations, the FSRU would only discharge water obtained onsite in Long Island Sound. Section 3.2.3.2 of the final EIS provides the volume of water discharged from the LNG carriers and FSRU on a daily and annual basis, and addresses the potential impacts of biocide in the discharge water.

IN16-6 As described in Section 3.5.6.4 of the final EIS, Broadwater could select a color scheme that could reduce the contrast between the horizon and the FSRU as a mitigation measure that could reduce the visual impact of the Project.

IN16-7 As noted in Section 3.5.6 of the final EIS, some viewers may find the FSRU to be an intrusive visual presence. However, as also noted in Section 3.5.6, the overall impact to visual resources would be moderate.

IN16-8 Section 3.6.5 of the final EIS presents an assessment of the potential impacts of the FSRU on property values, using the most appropriate comparisons available. In that section, we stated our opinion about property values based on that analysis.

IN16-9 The obvious explanation for the absence of such an example is that none exists. The FERC staff writers, quite inadvertently, have acknowledged by implication that they can produce *no precedent* for the proposed Broadwater Long Island Sound FSRU. That overriding fact cuts to the very center of the weakness of the staff writers' exposition. To have forthrightly acknowledged the unprecedented nature of the Broadwater Long Island Sound Proposal would have dramatically weakened their "case," perhaps as a consequence urging their Broadwater Partners to withdraw their application. One must question the intellectual integrity of Draft Study Proposal writers who would indulge in such a "Through the Looking Glass" subterfuge. (Possible contributors to the just noted property evaluation conclusion are: E. Armbruster, H. Byrd, J. Cefalu, J. Klein, and J. Wakefield). The honest and forthright thing to say about future contingent property values on Long Island Sound after an LNG vessel mooring would have been: 'we just don't know or cannot measure its potential impact on shoreline property values.' Of course as advocate for Broadwater Partners, the FERC staff writers by such an admission would have weakened their biased and specious case. One has a sort of pity for the staff of the FERC who are required, in order to conform to a predetermined conclusion, to compromise their intellectual integrity and their academic credentials to produce such fatuous justifications in the name of the "public good." The term "intellectual prostitution" has been used to characterize such adulterated "research" practice. And it must be added that this is only one example of irrelevant "data." It is more than likely that other even more egregious examples may be found in the Draft Study.

IN16-10 7. An essential consideration in this context of suitability for the Broadwater LNG Project must be the United States Environmental Protection Administration declaration that Long Island Sound is a waterway of "National Significance." To this writer this means that Long Island Sound belongs to all of the people of the United States. This is categorical declaration of public ownership which is not subject to private encroachment, which would be a direct consequence of the FSRU installation implementation. Its realization would be analogous to the locating of a theme park --a Disney World-- with the sanction of the National Parks Service, on Yosemite National Park, or even locating a theme park on the National Mall in Washington, DC. Perversely, a US Government agency could make a case for the "economic benefit" accruing from such enterprises, just as the FERC has done in the instance of the Broadwater Long Island Sound Proposal. The National Parks and the Washington, DC National Mall are undeniably public spaces of "National Significance," as is all of Long Island Sound, or so the US EPA has declared. Therefore, the Broadwater Partners' claim that 950 acres of Long Island Sound surface area is needed for its FSRU (safety zone parameter) is directly in conflict with this legal concept of public space. While it has broad powers given it by Congress, the Federal Energy Regulatory Commission, in its preliminary tantamount approval of the Broadwater application, has apparently disregarded the concept of public space as defined by the US Congress decades ago.

IN16-11 8. The writers of the Draft Study estimate that the timeline operation for an LNG carrier servicing the proposed FSRU is 35 hours. Broadwater Partners estimates that two to three LNG carriers per week would offload their cargoes onto the FSRU (Draft Study Table 2.4-1) during the first year of operations. Assuming the transit of three LNG carriers per week to and from the FSRU, the total time for FSRU operations per week is 105 hours, or 4.375 days. This implies that the above operations would take place

IN16-12

IN16-9 Please see our response to comment IN16-8. The commentor's statement that FERC attempted to hide the fact that the proposed Project has no precedent indicates that he did not read the entire section on property values. In Section 3.6.5.4, we state that the "... Broadwater Project would be a unique facility. ..." and that "... it is not possible to directly compare the Project's impact on property values to those of similar projects."

IN16-10 As for all LNG terminal applications submitted to FERC, we reviewed the Broadwater proposal without a preconceived outcome. The EIS was prepared by highly competent and experienced scientists, engineers, planners, and economists. Because there is no existing facility to compare directly to the proposed Project, we presented an assessment of the potential impacts of the FSRU on property values using the most appropriate comparisons available and clearly stated that in the EIS.

IN16-11 The commentor is inaccurate in stating that Broadwater has determined that a 950-acre safety and security zone is needed. The Coast Guard conducted safety and security evaluations and proposed the dimensions of the safety and security zones, as described in Sections 4.6.1.4 and 4.6.1.5 of the WSR (Appendix C of the final EIS). Section 3.5.7.4 of the final EIS addresses environmental issues associated with the Public Trust Doctrine. Legal issues related to public trust lands are not a component of our environmental review process and are not addressed in the EIS; however, FERC is of the opinion that the public benefit of obtaining a diversified and increased energy supply from the Project with minimal impacts to public use of coastal waters, public lands, and public resources, is consistent with the objectives of the Public Trust Doctrine.

IN16-12 The commentor is incorrect in stating that the "... Draft writers assert that the FSRU ... does not represent an industrialization of Long Island Sound." We did not make that statement anywhere in the EIS. In Section 3.5.2.2 of the EIS, we state that we do not expect that the Project would spur industrialization of the Sound.

IN16 – Warren E. Spehar

IN16-13 [ day and night. The FSRU Draft writers assert that the FSRU, despite the initial estimates of weekly timeline operations, does not represent an industrialization of Long Island Sound. Looked at objectively, the use of Long Island Sound waters for 4.375 days per week (and far more than 2,036 acres in the aggregate would be involved in those operations) constitutes a *de facto* significant industrialization of those waters. Further, there can be no “mitigation” of that timeline which is Broadwater Partners’ own projection. However, the estimate of 105 hours per week for the operation of the proposed FSRU is for its *initial* operations. The reader is left only to guess (Broadwater Partners know precisely what the ultimate capacity of the Long Island FSRU will be) what the maximum offload and related pipeline discharge of CH4 might be. Instead of 105 hours per week, the LNG related activities on Long Island Sound can be expected to be substantially above those preliminary “estimates.” One could not unreasonably expect, at some future date, that the Broadwater Partners may well conduct LNG operations on Long Island Sound a full seven days per week, an even higher utilization. The estimated 70 to 105 hour per week estimates will ultimately, we can be sure, prove to be significantly lower than the numbers which are deliberately being withheld from the public, perhaps also being withheld from the FERC. Thus, what is now proffered as “low” or “minor” industrialization will eventually result in a major industrialized facility in the center of Long Island Sound. The writers of the Draft, for obvious reasons, do not address this issue of a *single* FSRU capacity utilization and its resulting future impact on Long Island Sound. The facility will not remain static in terms of its initial utilization. Such would not be in the interest of the Broadwater Partners in their quest for greater and greater revenues and their large commitment of capital for such an installation (another glaring omission of course is any discussion whatsoever of a future increase planned by Broadwater Partners of the number of additional FSRU units to be located in Long Island Sound to supply the Iroquois pipeline demand). Such corporate motives, hardly to be challenged in a *capital-first economy*, cannot be justified in light of the consequent and sure-to-follow degradation of a natural US waterway, of inestimable value in itself, of “National Significance.” There are those citizens, and the FERC well knows they are in the majority, who really must strenuously oppose the ultimate determination of the “public good” being left in the hands of a government agency with such a clear bias toward huge private capital interests, a government agency with almost unlimited power in its respective area.

9. The writers of the Draft end the Executive Summary (ES 18 & 19) with the following: “The environmental inspection and mitigation monitoring system would ensure compliance with the mitigation measures that would become conditions if the Project is authorized by the Commission.” At the very best this assertion is tautological [‘mitigation monitoring system ensures compliance with mitigation measures’ (?)], at worst it is a thinly veiled acknowledgement that the Project already has the tacit approval of the FERC Review Committee. If the former is the case, the reader of the Draft is merely a witness to the tangled language of an inexperienced writer (hardly an encouraging event in the light of the stakes involved in Broadwater’s Proposal). If the latter, we have disturbing evidence that the FERC is a voluntary if not eager advocate for advancing the interests of “Big Oil” (in this instance “Big Gas.”) In short, on the basis of the distinct bias evident in the Draft “Study,” one is led to conclude that Broadwater Partners is a client of the FERC. One must wonder if such an unholly relationship was the intent of the Congress when it passed the enabling legislation

IN16-14 [

IN16-15 [

IN16-16 [

IN16-17 [

IN16-13 Nowhere in the EIS do we state that the Broadwater Project would not be an industrial project on the Sound. In Section 3.5.2.2, we do address the potential for the Project to stimulate additional industrialization of the Sound. However, that issue is quite different from the one raised in this comment.

IN16-14 As described in Section 2.0 of the EIS, the FSRU would operate continually with a maximum sendout volume into the subsea pipeline of 1.25 bcfd and an average daily sendout of 1.0 bcfd. Neither Broadwater nor IGTS has proposed any expansion plans to accommodate larger volumes of regasified LNG from the proposed Broadwater FSRU.

IN16-15 Please see our response to comment IN16-14.

IN16-16 Please see our response to comment IN16-14.

IN16-17 The commentator has confused a monitoring system with the actual mitigation measures. The monitoring system would be designed to determine whether or not the required mitigation measures have been accomplished. The text of the EIS has not “veiled” anything and has certainly not given “tacit approval” of the Project by the Commissioners. The EIS will be considered by the Commissioners during their deliberations on the Project. As stated in Section 5.1 of the final EIS, “. . . We recommend that these [mitigation] measures be attached as conditions to any authorization issued by the Commission.” This does not mean that an authorization would be issued by the Commission. The Commission would not approve the Project unless (1) the impacts to the environment are acceptable; and (2) the safety of the public is adequately protected. Finally, we are not aware of the “distinct bias” the commentator is referring to and cannot respond to his claim. The EIS was prepared by experienced scientists, engineers, and planners in accordance with NEPA guidelines, CEQ regulations for implementing NEPA, and FERC’s regulations for implementing NEPA.

establishing the FERC in the first place. The public is witness here of Big Oil in league with Big Government. The following conclusion is inevitable: The FERC staff preparing this Draft Study was given the mandate to *justify* the implementation of the Broadwater Partners' Long Island Sound FSRU Proposal and to skew whatever data that could be accumulated (very often of no relevance at all) toward that end. This "process," Ms. Salas, is not objective research. The US citizen-taxpayer deserves better from its public servants. Just how the public is short-changed by such transparently inept work is a scandal in itself needing investigative reportorial exposure.

IN16-18 10. The writers of the Broadwater Long Island Sound FSRU proposal address the issue of potential hurricane risk in an equally shocking manner. The Proposal specifies that the FSRU mooring design would enable the FSRU to sustain a systems integrity of up to the force of a Category 3 hurricane, with the expectation of a 100-year timeline for such a naturally occurring event. To engineer and construct a mooring facility to restrain an FSRU of the sort Broadwater Partners proposes in above Category 3 hurricane conditions is probably not feasible, hence the "Category 3" proposal "limitation." However, whether this 100-year timeline was determined by Broadwater Partners or the FERC is not revealed in the study. Moreover, in this context the Draft Study writers completely ignore or avoid any mention of the US Government Weather Bureau forecasts for an increase in Atlantic hurricanes in the years immediately ahead. That the Draft writers do not even mention that prospect is either simply a demonstration of expository incompetence or gross interdepartmental ignorance. Furthermore, were the Northeast coast of the United States and in particularly Long Island Sound (and Block Island Sound) to experience a hurricane of the magnitude of the storm which devastated those coastal areas (and more) in 1938, the proposed Broadwater FSRU would be severed from its mooring mast and run aground on an adjacent shoreline. In 1938 the National Weather Bureau had not begun ranking hurricanes by their potential destructive forces, i.e. top wind velocity, potential rainfall, and expected storm surges. It is clear from the damage to shoreline structures and the infrastructure damage to the New York, New Haven and Hartford Railroad that this catastrophic '38 storm was no less than a Category 5 Depression. There is plenty of historical data documenting the severity of that storm and the devastation it caused: long sections of NYNHH trackbed along the shoreline were ripped up and certain mainline trackage simply disappeared altogether as a result of the storm surge. As the hurricane moved eastward out of Long Island Sound the resulting storm surge inundated the downtown district of Providence, Rhode Island to a depth of nine feet. Conclusion: Long Island Sound is and will remain in the path of Category 3 and above Atlantic hurricanes. The FERC staff writers have simply not done an adequate hurricane risk analysis so far as a proposed FSRU in Long Island Sound is concerned. A trip by the FERC staff to the Library of Congress to view photographs of the '38 hurricane devastation to New York, Connecticut and Rhode Island coastlines might—just might—begin an enlightenment of what the stakes are in positioning a huge waterborne natural gas facility in an area of demonstrated exposure to such enormously destructive powers of nature. It is simply naïve to believe that an FSRU in Long Island Sound, in the event of a major hurricane, would not pose immense danger to human life and property all along the New York, Connecticut and Rhode Island shorelines bordering the Sound waters. How would the senior staff and Secretary of the FERC address questions, after the fact, from congressional investigations into their approval

IN16-19

IN16-18 The comment that the mooring system would be designed to only withstand the forces of a Category 3 hurricane is incorrect. As stated in Section 4.3.5 of the WSR (Appendix C of the final EIS) and in Sections 2.1.2, 3.2.1.2, 3.7.1.4, and 3.10.2.2 of the final EIS, the YMS would be designed to withstand the forces equivalent to those of a Category 5 hurricane. Project designs would be reviewed by FERC and the Coast Guard and (as addressed in Section 4.6.2 of the WSR and in Section 3.10.2.1 of the final EIS) by an independent third-party contractor.

IN16-19 As discussed in the WSR, (Appendix C of the final EIS), the design of the YMS must be based on the sustaining wind and wave conditions equivalent to a Category 5 hurricane at levels significantly greater than those historically reported in Long Island Sound, including the 1938 hurricane.

IN16 – Warren E. Spehar

of a facility which intensified the calamity in the event of a hurricane above a Category 3 striking Long Island Sound?

11. So far as alternative siting proposals for a gas reservoir to serve the New York region are concerned (an estimated 80% of the fuel from this facility would go to New York City and Long Island, a large part of that to fuel electric power generating facilities), nowhere do the writers of the Draft acknowledge the *disadvantage* of continuing to use CO2 producing fuels for electric power generation. While CH4 is "cleaner" burning than coal or oil (less SO2, etc.), its combustion nonetheless produces an abundance of CO2, a major contributor to atmospheric degradation—a greenhouse gas—, with the inevitable consequence of what is popularly known as "global warming." If the Broadwater Proposal were to be implemented, huge amounts of CO2 would be produced and released into the atmosphere from the combustion of the CH4 delivered via the Broadwater FRSU. (Instead of curtailing fossil fuel use in electric power generation, the FERC is herewith proposing to increase it!). The ratio of a unit of CH4 to one of CO2 is 2.75 to 1 (CH4 atomic weight = 16; CO2 atomic weight = 44). Once free of the insidious influence of the oil and gas industry and its powerful lobbyists, the FERC needs to begin making a complete reevaluation of the use of massive amounts of fossil fuels of any sort for electric power generation. A rational *alternative* to the industrialization and consequent degradation of Long Island Sound and the long-term further perilous degradation of our atmosphere is nuclear-powered generating facilities. Unfortunately, our schools in their failure to teach even the rudiments of nuclear physics and the federal government itself have left the American public ill-prepared and badly misinformed about that viable and safe alternative to fossil fuel electricity generation. One consequence of that ill preparation is the Hobson's choice which the FERC Secretary will face when she proceeds to a final review of the current Broadwater Partners' Long Island Sound FSRU application. The public opprobrium which would follow an FERC approval of that application will be a mere shadow of how a future generation, yet unborn, will view the agents of degradation of Long Island Sound in the wake of implementation of this Project. Even leaving the enormous issue of atmospheric degradation aside, we, this generation, have an obligation to our descendants to preserve for them the great natural water resources of the United States. Long Island Sound, like the Chesapeake Bay, Puget Sound, Albermarle and Croatan Sounds, and other great US waterways, is a priceless natural legacy for those who are to come after us. The best recourse Secretary Salas has in this awkward instance is to request Broadwater Partners to withdraw its pending application for the proposed Long Island Sound FSRU.

IN16-20

IN16-20

The commentor is correct that natural gas is a fossil fuel, and the burning of natural gas produces CO<sub>2</sub>, a greenhouse gas. Section 4.2 of the final EIS evaluates the use of renewable energy sources and non-fossil fuels to meet the projected energy needs of the New York City, Long Island, and Connecticut market areas.

Sincerely,

  
Warren E. Spehar

HCR 74 Box 21008  
El Prado, NM 87529

And 1 Hemingway Street  
Branford, CT 06405

January 9, 2007

6

Spehar

## IN17 – Scott Carlin

200701165005 Received FERC OSEC 01/16/2007 10:00:00 AM Docket# CP06-54-000, ET AL.

January 16, 2007

My name is Scott Carlin. I am an Associate Professor of Geography at the C.W. Post Campus of Long Island University. The comments below are my own.

IN17-1 [ The Broadwater Liquid Natural Gas (LNG) facility proposed for the Long Island Sound is based upon the faulty national and state premise that demand for natural gas will continue in future years and the New York City region lacks adequate supplies to meet that demand. These premises are outlined in 1.1.2 Natural Gas Demand in the Environmental Impact Statement.

IN17-2 [ The reality of global climate change will very quickly change these forecasts. The region and nation cannot continue to increase its fossil fuel consumption without dire effects. Since alternatives to expanding regional natural gas supplies are readily available, the proposed facility is not economically or environmentally viable.

The largest users of natural gas are power plants. Regional power plants can be "repowered" to dramatically reduce their fuel consumption needs because today's power plants have much higher fuel efficiency ratings.

In addition, the proposed plant:

- IN17-3  ❖ Increases regional reliance upon foreign sources of fossil fuels;
- IN17-4  ❖ Degrades the water quality of the Long Island Sound;
- IN17-5  ❖ Runs contrary to the goals and objectives of the Long Island Sound Estuary Program run by the U.S. Environmental Protection Agency;
- IN17-6  ❖ Creates an unnecessary security risk for the region; and
- IN17-7  ❖ Displaces existing fishing operations.

Based on these factors, I ask that the Federal Energy Regulatory Commission deny this application.

IN17-1 As described in Section 1.1 of the final EIS, our analysis of energy and natural gas supply and demand in the region that Broadwater would serve included review of a wide variety of studies. The authors of the reports we reviewed included government agencies, task forces, industry groups, private consulting firms, and utilities. As indicated in Section 1.1, there is a general consensus that demand for natural gas is expected to increase due to a combination of increasing demand from electrical generators, increasing population, and increasing per capita energy consumption. At the same time, net pipeline imports, primarily from Canada, are expected to decrease substantially.

IN17-2 We have addressed alternatives to providing a diversified natural gas supply in Section 4.0 of the final EIS. Further, as described in Section 1.1 of the final EIS, there is no indication that the region will not continue to use natural gas to meet energy needs.

IN17-3 Although implementation of the proposed Project would increase dependence on foreign sources of fossil fuels, as noted by the commentor, it would diversify the regional energy portfolio.

IN17-4 The impact of operations on water quality was determined to be minor and highly localized; operations would be conducted in compliance with all federal and state regulations and permitting requirements. Section 3.2 of the final EIS provides additional detail.

IN17-5 The Comprehensive Conservation and Management Plan, developed as a requirement of the National Estuary Program, has a stated goal of encouraging environmentally sensitive development and land use planning, and avoiding net degradation of the environment. The proposed Project is consistent with each of these goals.

- IN17-6** As reported in Section 8.4 of the WSR (Appendix C of the final EIS), the Coast Guard evaluated the safety and security of operation of the FSRU and the LNG carriers and made the preliminary determination that the risk of operating those facilities would be manageable with implementation of its recommended mitigation measures. FERC expects that these mitigation measures would be required if the Broadwater Project is authorized. Section 3.7.1.4 of the final EIS has been revised to more clearly describe FERC's approach to this issue. In addition, Section 5.5.4 of the WSR includes a recommendation that Broadwater be required to prepare a Facility Security Plan at least 6 months before operation begins, in accordance with federal requirements in 33 CFR 105. Neither FERC nor the Coast Guard would allow operation of the Project until the appropriate safety and security measures are in place.
- IN17-7** Impacts to commercial and recreational fishing are presented in Sections 3.5.5.1, 3.5.5.2, and 3.7.1.4 of the final EIS. As noted in those sections, the impacts would be minor.

IN18 – Marian Phillips

**ORIGINAL**

FERC  
888 First Street, N. E.  
Washington, D. C. 20426

FILED  
OFFICE OF THE  
SECRETARY  
2006 DEC 27 A 9 36  
CP06-54-c  
FEDERAL ENERGY  
REGULATORY COMMISSION

Re : Draft Report 20061117-4003

Members of the Commission :

I respectfully urge that the Commission review its decision in the matter of the application of the Broadwater Company for permission to construct a liquid gas facility in Long Island Sound. The draft report seems to not address fully the public's interest.

IN18-1 [ The Coast Guard has expressed concern about the enormous size of the complex and has stated that it lacks the resources to mitigate safety and security risks associated with it. Careful consideration of those risks—collisions, leaks, explosions, terrorist attacks from underwater or from the air—is imperative. The risks have been minimized by Broadwater's representatives and we must rely on the Commission for an objective analysis, one which is driven not by the profit motive but instead by a genuine concern for the overall well-being of the residents of the area. Certainly also this huge structure would affect the tides and the flow of the current in ways we cannot predict, especially in times of storms—Nor'easters, tropical depressions, hurricanes.

IN18-2 [ Surely, also, it would affect commercial and recreational uses of the Sound, which in turn would affect negatively the economy of the shoreline communities on both sides of the Sound. ( The governing bodies of many of those communities have asked the New York Office of General Services to reject the Broadwater request. ) Perhaps the Commission is not required to consider potential economic impact as it evaluates a proposal, but surely in the aftermath of Hurricane Katrina we have all learned that major economic distress in any area has a ripple effect which goes well beyond local areas and governments.

An additional consideration is the common-sense of permitting the erection of this visually, economically, ecologically polluting facility, the utility of which is likely to be short-lived. The strong trend now is towards " green energy", and concern about global warming will intensify that trend. If this gargantuan construction is approved, Broadwater will profit, and then perhaps in a decade will shut down, but a priceless natural resource will have been permanently defaced and two states will have sustained severe damage in a number of ways. Please do not ignore the thinking of the many groups who are protesting this facility.

Marian Phillips  
2 Putnam Hill 4D  
Greenwich, Connecticut 06830

December 18, 2006  
*Marian R. Phillips*

IN18-1

The Coast Guard has made a preliminary determination, pending completion of the NEPA analysis, that with implementation of the mitigation measures it has proposed, the risks associated with operation of the Project would be manageable. If the Project receives initial authorization to proceed, Broadwater would work with federal, state, and local agencies to develop a Facility Security Plan (as outlined in 33 CFR 101-105) and a Facility Response Plan (as outlined in 33 CFR 154). Further, FERC would need to approve the Emergency Response Plan developed by Broadwater as described in Section 3.10.6 of the final EIS. Final operation of the facility would not be authorized until these plans were completed and approved. In addition, as described in Section 8.4 of the WSR (Appendix C of the final EIS), if FERC authorizes the Broadwater Project, the Coast Guard would prepare a proposal to obtain additional personnel and equipment to implement its safety and security recommendations.

IN18-2

The FSRU would be a structure much like a barge at anchor in that it would float and weathervane around the YMS. The YMS would be an open tower structure that allows for flowing water to pass between the legs that comprise the structure, much like a dock. Thus, this Project would have no discernable effect on the tides or current flow of Long Island Sound.

IN18-3

Section 3.5.5.1 of the final EIS addresses the impact to tourism and recreational industries. Section 3.6.8.1 addresses the economic impact of the Project. Section 3.7.1.4 describes the impacts to commercial shipping and fishing. As noted in those sections, implementation of the proposed Project would result in a minor impact to tourism, recreational fishing and boating, the recreation industry, and commercial shipping and fishing.

IN18-4

Economic impacts due to implementation of the proposed Project are addressed in Section 3.6 of the final EIS.

**IN19 – Leigh A. Russo**

nonofficial FERC-Generated PDF of 20061218-0030 Received by FERC OSEC 12/14/2006 in Docket#: CP06-54-UU

*CP06-54-000*

**ORIGINAL**

December 5, 2006

Magalie R. Salas  
Federal Energy Regulatory Commission  
888 First St., NE, Rm1A  
Washington, DC 20426

FILED  
OFFICE OF THE  
SECRETARY  
2006 DEC 14 P 4:37  
FEDERAL ENERGY  
REGULATORY COMMISSION

Dear Madam:

I am writing to you in reference to the release of the Broadwater Safety & Security Report. As you know Broadwater is a joint venture by Shell Oil and TransCanada to place a Liquefied Natural Gas terminal in the middle of LI Sound about 9 miles from Rocky Point.

- IN19-1 [ Aside from setting a dangerous precedent of industrializing LI Sound the report outlines Broadwater LNG terminal as being too costly, too dangerous, and too disruptive for LI Sound. The proposed facility will be located in a heavily used marine traffic area. There will be a permanent no public access zone as well as an additional "moving" no access zone (armed escort boats for gas tankers.)
- IN19-2 [ Coast Guard analysis shows that if there was an accident at the facility or a tanker current emergency and firefighting services are INADEQUATE to handle the flammable vapor cloud that would be released. The cloud could travel up to 5 miles depending upon the prevailing winds.
- IN19-3 [ And who shoulder the costs of the additional resources needed to protect the facility. Currently state, town and county government budgets are stretched to the point to raising taxes while cutting services.

This fiasco is reminiscent of the Shoreham Nuclear Power plant. No one wanted it due to the danger of a nuclear accident and limited escape routes. But LILCO built it anyway and when the whole thing was scrapped the taxpayers were the ones who paid.

This facility is an abomination to the environment and is fiscally irresponsible. Please say NO to Broadwater.

Thank you for your time.

Sincerely,

Leigh A Russo  
8 Camelot Lane  
Saint James, NY 11780

IN19-1 We assume that the commentor is referring to the Coast Guard's WSR (Appendix C of the final EIS) when commenting on the "Broadwater Safety and Security Report." Neither the WSR nor the EIS refers to the proposed Broadwater Project as being "too costly, too dangerous, and too disruptive for LI Sound."

IN19-2 The Coast Guard has made a preliminary determination, pending completion of the NEPA analysis, that with implementation of the mitigation measures it has proposed, the risks associated with operation of the Project would be manageable. The Coast Guard also stated that it currently does not have the resources required. However, as described in Section 8.4 of the WSR (Appendix C of the final EIS), if FERC authorizes the Broadwater Project, the Coast Guard would prepare a proposal to obtain additional personnel and equipment to implement its safety and security recommendations. Further, as stated in Section 3.10.6 of the final EIS, Broadwater would be required to develop an Emergency Response Plan in consultation with federal, state, and local agencies, and the plan would need to be approved by FERC before Broadwater would receive approval to begin construction.

IN19-3 The Coast Guard would be responsible for the safety and security of the FSRU and LNG carriers. If the Coast Guard requires assistance from state or local agencies, Broadwater would be responsible for funding those efforts as described in Section 3.10.6 in the final EIS.

**IN20 – Robert W. Ramage, Jr.**

200701235028 Received FERC OSEC 01/23/2007 01:25:00 PM Docket# CP06-54-000

**ROBERT W. RAMAGE, JR.**  
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January 23, 2007

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

Re: Broadwater Energy LLC, et al.  
CP06-54

Dear Ms. Salas:

I enclose brief comments in strong support of Broadwater Energy's application to site a marine-based Floating Storage and Re-gasification Unit, Yoke Mooring System, and related pipeline in Long Island Sound midway between Wading River, NY and New Haven, Ct.

Please contact the undersigned if you have any questions.

Very truly yours,

/s/ Robert W. Ramage, Jr

Robert W. Ramage, Jr.

Cc: James Martin-FERC  
Governor Elliot Spitzer  
U. S. Senator Hillary R. Clinton  
U. S. Senator Charles Schumer  
U. S. Senator Christopher Dodd  
U. S. Senator Joseph Lieberman  
U. S. Representative Steven Israel  
NY State Department of State, Division of Coastal Resources  
John Hritcko, Broadwater Energy

Broadwater Energy LLC, et al  
FERC Docket Nos. CP06-54, et al

**Comments of Robert W. Ramage Jr. on application of Broadwater Energy LLC and Broadwater Pipeline LLC to site a Floating Storage and Re-gasification Unit (FSRU), Yoke Mooring System, and related Pipeline in Long Island Sound, NY**

**1. Background of Commenter.**

I write as a resident of Long Island since 1979, as a former commercial banker with long experience in the energy business and as a former treasurer of Northville Industries, the leading independent petroleum terminal operator and wholesale petroleum products distributor on long Island. In the latter position, I was involved with the construction and operation of tank terminals and related assets at Port Jefferson, NY, Setauket, NY, Holtsville, NY, Northville, NY, the petroleum pipeline extending from Holtsville, NY to Plainview, NY, and the off-shore platform at Northville, NY. I have also been involved with financing for many other global energy firms both inside and outside the United States. I am currently a resident of Huntington, NY and have watched the development of the Broadwater Energy Project carefully since it was proposed.

**2. Quality of DEIS**

I have thoroughly read the DEIS and attended initial and subsequent open houses hosted both by Broadwater and by FERC. I believe the work performed by Broadwater and its consultants has been thorough and balanced. The Waterway Suitability Report is thorough and identifies critical issues (i.e. The Race) and I believe the US Coast Guard has proposed appropriate mitigations to reduce the risks of large vessel transits.

**3. Footprint**

The overall footprint to be occupied by the Broadwater assets is minimal in the scope of Long Island Sound and in my opinion the project will have minimal impact on other recreational and commercial users of the Sound. The project itself is situated well off-shore and will have minimal impact on anyone on-shore.

**4. Long Island Sound Comprehensive Master Plan**

The Long Island Sound Comprehensive Master Plan (LIS CMP) referenced in the DEIS contains numerous references to the development of LI Sound assets, and many other commenters have asserted that the Broadwater project is in conflict with the LIS CMP. I do not believe this is the case. The LIS CMP mainly deals with shoreside development and makes some references to near-shore recreational use of the waterways of the Sound. It also notes in Plan Item #33 that historically

IN20-1



IN20-1

Thank you for your comments. In reference to the EIS, all work was performed by FERC, our consultants, and cooperating agencies, which includes the Coast Guard.

IN20-2



IN20-2

Thank you for your comment. Broadwater submitted a coastal consistency certification to NYSDOS and to FERC that contains Broadwater’s analysis of the Project’s consistency with New York State coastal policies, including applicable policies of the Long Island Sound CMP and applicable local land management plans. NYSDOS is responsible for determining whether the Project is consistent with those policies. It is our understanding that NYSDOS will file its determination with FERC after the final EIS has been issued.

IN20-2

the Sound has been an important asset for waterborne and water-dependent commercial uses. In fact, these uses were the prevalent uses of the Sound in the earliest days of the 13 Colonies before the establishment of the United States in 1776. Over the centuries the nature of these activities has changed as technology and advances in commerce have evolved. But the basic attribute of the Sound remains: it is a body of water that is an important, indeed critical, asset for certain types of large scale marine commerce. Use of the Sound for these purposes lessens the need for use of and impact by other assets, such as greater land-based pipelines, on the environment. Further, the carriage of energy products by water (historically these have been petroleum products) provides a diversification to the energy distribution system and allows buyers and consumers of such products on Long Island to have increased and varied sources of supply. This results in greater security of supply and enhanced price competition, ultimately resulting in benefits to all consumers.

It is highly important that FERC recognize this historical role played by Long Island Sound as it balances various considerations in determining whether to grant a permit to Broadwater.

IN20-3

**5. Alternatives Analyses**  
 In its Alternatives Analyses, the DEIS points out the impacts that pipeline expansions will have on the environment (~12 acres/mile of pipeline laid). However, there has been no real attempt to quantify in detail the many upstream pipelines that would have to be expanded. Undoubtedly this would be an intricate and complicated analysis and I believe that FERC should emphasize both the scope and scale of such required adjustments if the increased gas energy requirements for Long Island and southwestern Connecticut were met solely by increased pipeline supplies.

IN20-4

**6. Benefits of New Committed Supplier**  
 FERC has not described thoroughly the benefits to the region from having a major LNG supplier such as Shell committed to supplying natural gas via LNG to the region. While price and netbacks to suppliers are always key considerations, it should be obvious that Shell (and its partner TransCanada) are not planning to invest more than \$750 million dollars in assets for this project and not use them. The very fact that two of the largest players in the world in natural gas want to site this project in this region suggests that future availability of direct supply to this region will be enhanced from sources that will not otherwise be available. This is a major POSITIVE benefit to the region and suggests that strong regional support is merited.

**7. PILOT Payments**  
 I note from the DEIS that Broadwater will make PILOT payments to local governments and schools in the initial amount of \$15 million per year. These payments will contribute to the local tax based with very little demand for additional local services.

IN20-3 As discussed in Section 1.0 of the final EIS, the proposed Project was designed to provide a source of gas near the target market, in part, to avoid the need to expand the existing pipeline infrastructure.

IN20-4 Thank you for your comment. In Section 1.1 of the final EIS, we note that the Project would diversify the supply of natural gas to the region.

**8. New Business Activity**

In a high cost area that has lost major business activities in recent decades (especially the loss of Grumman Aerospace manufacturing and related aerospace activities), the entry of a major new energy source serving Long Island can act as a future stimulus to the rejuvenation of such activities. In addition, it is possible that Shell as a supplier can work with large commercial and industrial buyers of gas to sell gas at fixed prices, helping moderate the adverse impact of volatile prices on such users. This would be an obvious benefit to gas users such as educational systems and institutions, hospitals, and government units whose budgets must often be set well in advance and whose cash balances can be adversely affected by sudden, unexpected and unfavorable surges in the cost of fuel supplies.

In addition, the successful siting of a major asset like the Broadwater Energy Project on Long Island will send a message that “Long Island is Open to Business” and will encourage other major corporations to consider siting here and elsewhere in New York State. This is a major theme of the prior and current New York State government leadership as it attempts to rejuvenate the business climate in New York.

**9. Short-term vs. Long-term Considerations**

Long Islanders have a history of looking at the short term impact of commercial asset investments to the detriment of good long-term decisions. I would like to remind FERC that in the 1980’s local opposition to the Shoreham Nuclear Power Plant resulted in a fully built and tested nuclear power plant that had been licensed to operate at 10% of capacity but failed to gain a full-power license because strenuous local opposition resulted in political pressures on local government units not to participate in testing Shoreham’s emergency evacuation plan. Without a successfully tested emergency evacuation plan, the Nuclear Regulatory Commission (NRC) was unable to issue a full power license. In retrospect, it seems that those public officials who failed to cooperate with Long Island Lighting Company, Shoreham’s owner and builder, failed in their public duties to cooperate with the local utility in providing safe, secure, and reliable sources of electric power to Long Island as required by Lileco’s utility franchise agreement with the State. Since Shoreham’s de-construction in the early 1990’s, the forecasts for increased demand for electricity—which Shoreham was originally built to meet—have come true. The result is that the increased demand for electricity on Long Island is partially driving the need for increased gas supplies and the need to import more natural gas via projects like Broadwater. The tragedy is that Long Islander’s are paying for Shoreham in exorbitant electric rates (among the highest in the USA) three times: once to build Shoreham, once to tear it down, and once to replace it with gas-fired, combined-cycle electric generation units. Had the opponents to Shoreham been more farsighted, Long Island today would not be so dependent upon foreign sources for energy. I urge

FERC to be far-sighted as it considers the extended future benefits of Broadwater and to avoid the fate that fell to Shoreham

**10. Geographical Diversity of LNG Re-gas Terminals**

The interruption of crude oil and petroleum product imports into Gulf Coast terminals as a result of Hurricane Katrina reinforced the importance to the US as a Nation of geographical diversification of its energy logistics assets. Siting all or a majority of LNG import terminals on the Gulf coast provides an over-concentration of such assets in one geographical area and makes them potentially subject to future extreme meteorological events. This risk can be mitigated by the approval of projects proposed for other areas of the country. I urge FERC to take the desirability of such diversification into consideration as it evaluates the Broadwater application.

# IN21 – Dr. Syma Ebbin

200701235012 Received FERC OSEC 01/23/2007 11:09:00 AM Docket# CP06-54-000, ET AL.

Ms Magalie R. Salas, Secretary  
FERC  
Room 1A  
888 First St NE  
Washington DC 20426

Dear Ms. Salas,

I am writing to oppose the proposed Broadwater LNG project (CP06-54-000 and CP06-55-000) in Long Island Sound. Contrary to FERC's fact sheet distributed at the Draft EIS Hearing in New London CT on January 9, 2007, it is my informed opinion that the Draft EIS does not constitute an adequate or thorough examination of the potential impacts arising from the proposed project.

IN21-1

There has been inadequate evaluation of the impact arising from the intake of water to the platform or to the bilge of tankers carrying the LNG to the platform. Long Island Sound serves as a critical habitat to hundreds of commercially and recreationally important species of fish and shellfish. The vast majority of the species begin life as planktonic organisms, floating in the surface layers of the Sound. The adults may remain in the Sound; others migrate offshore and contribute to fisheries in other New England and Mid-Atlantic states. The proposed pressurized and screened intake of millions of gallons of water, in addition to the use of disinfectants, will profoundly impact the survival of these organisms and the stability of the populations, threatening fisheries in Connecticut and New York as well as other states, and the health of the Sound's ecosystem.

IN21-2

I also believe that continuing to invest in fossil fuels is both short sighted and inappropriate. Natural gas, although lower in contaminants such as sulfur and nitrates, still emits green house gasses when combusted. As a society it is long overdue that we recognize the impracticality of these sources of fuel and start investing our energies and money in renewable and non-polluting energy sources.

IN21-3

Finally, I find it outrageous that FERC would consider the idea of giving rights over Long Island Sound waters to a private for-profit corporation. These waters are held in trust by the states of Connecticut and New York. They are not for sale and this trust should not be abrogated.

I strongly urge you to reject this Broadwater LNG proposal and join with the concerned citizens of this country to look for sustainable and non-polluting energy sources. This project is neither and is not the basis for a sustainable future for the US or for this region.

Sincerely,

Syma Ebbin, PhD. Environmental  
Management

IN21-1

The final EIS discusses entrainment and impingement impacts in Section 3.3.2.2. Measures to minimize impacts of water intakes would be utilized, such as locating the water intakes of the FSRU at a water depth with relatively low densities of marine organisms (approximately mid-depth of the water column) and limiting the water intake velocity (0.5 foot per second or less). The resulting losses would represent approximately 0.1 percent of the standing crop of the fish eggs and larvae in the central basin of Long Island Sound and are not expected to affect the overall finfish population within Long Island Sound.

IN21-2

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

IN21-3

Lands held in public trust by the State of New York are regulated by NYSOGS. Broadwater has submitted an application to NYSOGS for an easement for the Project. Section 3.5.7.4 of the final EIS addresses environmental issues associated with the Public Trust Doctrine. However, legal issues related to public trust lands are not a component of our environmental review process and therefore are not addressed in the final EIS.

## IN22 – No Name

200701235068 Received FERC OSEC 01/23/2007 04:27:00 PM Docket# CP06-54-000, ET AL.

- IN22-1 [ I am deeply concerned about the impact of the Broadwater LNG Project from an environmental, security, and quality of life perspective. This project appears to be moving ahead as a business-and-politics-as-usual project with little recognition of the long term consequences on the health and vitality of Long Island Sound. The acknowledgment in the FERC Draft Environmental Impact Statement that Broadwater could cumulatively affect water quality, air quality, marine resources, and marine transport should be reason enough to reject this project. Long Island Sound is one of the few bodies of water in the United States to be congressionally designated an "Estuary of National Significance." Citizens, environmentalists, local, state, and federal governments have been working for years to address problems and ensure its health. After much success but much yet to do, this LNG Project would be a major setback. ] The precedent for the industrialization of Long Island Sound is of deep concern.
- IN22-2 [ ]
- IN22-3 [ ]
- IN22-4 [ As a citizen of a shoreline town, I am very aware of the importance of Long Island Sound for my town's recreation, tourist industry, and general economic health. As a board member of the Friends of Hammonasset and Friends of Connecticut State Parks, I am very aware of the importance of Long Island Sound for the entire state of Connecticut. Hammonasset Beach State Park, with very unique wetlands features and recognized by the Audubon Society as one of the premier bird-watching spots in America, hosts over 1.7 million visitors each year. Indeed, the state of Connecticut's *three* beach parks (Hammonasset, Rocky Neck, and Sherwood) account for 80% of Connecticut State Parks revenue from a statewide system with 107 state parks and 32 state forests. Any damage to the Long Island coastline or waterway would be devastating.
- IN22-5 [ To conclude that placing a huge LNG facility in the middle of such a multi-use, environmentally-sensitive, important waterway is a sign of disparate, iterative decision-making. I respectfully urge you to reconsider the horrendous negative impact of this particular facility in the light of the many other regional facilities currently under construction or under consideration.

- IN22-1 Section 3.11.6 of the final EIS states that the cumulative impacts of the proposed Project when considered in addition to those of other past, current, and reasonably foreseeable projects in the region of influence would be minor.
- IN22-2 FERC, with input from cooperating agencies, has included many recommendations in the EIS that Broadwater must comply with in order to proceed with the Project, if it receives initial authorization. Implementation of these recommendations would avoid or minimize impacts as described throughout the final EIS.
- IN22-3 The potential that the proposed Project could further stimulate industrialization of the Sound is addressed in Section 3.5.2.2 of the final EIS.
- IN22-4 As described throughout the final EIS, construction and operation of the proposed Project would not affect the Connecticut shoreline or its residences, except for a minor but long-term impact to visual resources associated with a vessel-like structure being located at least 11 miles offshore (see Section 3.5.6 of the final EIS).
- IN22-5 Section 3.11.6 of the final EIS describes the expected cumulative impacts of the Project. Section 4.0 of the final EIS evaluates a wide variety of alternatives to the proposed Broadwater Project and concludes that they could not satisfy projected natural gas and other energy demands of the New York City, Long Island, and Connecticut markets. These alternatives encompass energy conservation; renewable energy sources, including wind and tidal power; and other existing and proposed LNG terminal and pipeline projects.

**IN23 – Lenore Stelzer**

200701235091 Received FERC OSEC 01/23/2007 05:05:00 PM Docket# CP06-54-000, ET AL.

RE: Docket numbers CP06-54 and CP06-55:

Please consider the following position against approval of the Broadwater LNG Project :

Any risks of environmental damage and diminishment of aesthetic value in a coastal zone, not to mention increased catastrophic accident potential, are risks that are too great when the need for such risks are not warranted except to benefit a private enterprise.

For documentation of this position, please take note of the research report by “Synapse Energy Economics” which:

- Negates Broadwater Energy’s studies of the additional natural gas needs in the NY and CT markets
- Specifies environmentally preferable approaches for resolving any anticipated peak load shortfalls such as: better utilization of local storage facilities, repowering existing gas-fired power plants to increase fuel efficiency, etc.
- Mentions The Bear Head and Canaport LNG’s plans to transport gas to the NE US through upgraded pipeline as soon as 2008 which is two years earlier than Broadwater could begin operations
- States that “the proposition that LNG will represent an abundant and inexpensive source of natural gas is not supported by the existing and projected dynamics of the global LNG market.”

IN23-1

IN23-2

Additionally, a review of the draft EIS pages 3-54 to 3-57 lists several negative results and minimizes each one without taking into account what the combined effects might be.

A last comment for brevity’s sake, is from my perspective as a long time Real Estate Broker and a property owner in this region. “Highest and best use” is a term I hear used frequently as well as “location, location, location”. “Congressional findings cite recreational and esthetic resources as being of value to the present and future well-being of the nation” and “are essential to the well-being of all citizens”. There’s a “need for resolution of serious conflicts among important and competing uses and values in these waters” (CZMA www.Yoto98.noaa.gov/yoto/meeting/tour\_rec\_316.html)

Please consider “highest and best use” in this instance to be preservation of Long Island Sound since it is the treasure of the region and an intangible influence on property values.

Thank you for your time.

Sincerely,  
Lenore Stelzer

IN23-1 We have addressed the Synapse report in Section 1.1.5.4 of the final EIS.

IN23-2 The specified text is related to the impacts of Project construction on fisheries resources. As stated in Section 3.3.2.2 of the final EIS, the primary construction impact to fisheries resources would be disturbance of less than 0.1 percent of the seafloor of Long Island Sound, which would constitute a minor and short-term impact. In general, the other construction impacts to fisheries resources would be temporary, negligible, and separated in time and space from the seafloor disturbance. Thus, there would be no significant construction impact to fisheries resources.

IN24 – Hugh MacLean

ATTENTION: GAS BRANCH 3, DG2E

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

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2007 JAN 24 P 343

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

On 1/16/2007 I attended the Federal Energy Regulatory (FERC) public hearing regarding the Broadwater LNG terminal/pipeline proposed for the middle of Long Island Sound. I attended the meeting in opposition to the approval of the facility and as result of my attendance have been exposed to a number of other sources of information. Upon further study I must report that I now appose the project in the strongest possible terms. Unfortunately, FERC's draft report and the defensive posture adopted at the public hearing suggest that this application will be rubber stamped for approval after the public comment period ends. My strong impression is that FERC's approach to public comment is to view it as vehicle to identify a few issues of greatest concern to the public, find a way to mitigate those and effect a "compromise", so as to appear to be, being responsive to the concerns of both the public and private sector.

While I have only a limited grasp of the legislative mandate under which FERC operates, I am led to believe that regional or national energy planning is not part of the mandate. In the absence of any credible federal planning it would be my fervent hope that FERC would at least find a way to accommodate that issue. Instead FERC seems content to get the applicants (major energy companies) to line up in an orderly fashion like homesteaders at a land grab.

Before addressing my concerns, I will first briefly describe the tenor of the 1/16/2007 hearing- out of concern that the representatives you had in attendance may not have fully reflected the level of opposition in their notes: The Branford High School auditorium was filled to capacity. 100 members of the public signed up to speak following the public and elected officials. A large contingent traveled from Long Island, NY to be in attendance. The meeting ran from 7PM to 12:15AM, despite the late hour a great many of the 100 speakers stayed late and stated their concerns. Unfortunately many others found it necessary to leave due the late hour on a week night. I do not feel that the public was provided with sufficient time to comment. **Not one of the public or private sector individuals who spoke were in favor of the project.** The quality of testimony from the engineers, scientists, first responders, and a host of others who spoke was not to be believed. Tremendous time and effort was expended in research because these people were deeply concerned by the inappropriateness of the project.

To my concerns:

I have a great deal of sympathy for the concerns of business- particularly with regard to excessive governmental regulation and meddling. However, the sighting of this project makes no sense whatsoever. Capacity for the product will be very adequately met by other LNG projects already approved, not mention the long list of other projects which have been proposed. The design and sighting (in a fragile, recovering, sound) of the broadwater facility are new and unproven- essentially an experiment. Previous projects in open water have been sighted there for specific reasons. The known environmental impacts of the Broadwater project are represented to be a long list of "minor" impacts- the cumulative effect of which does not seem to have been properly accounted for. The unknown, long term, environmental impacts are simply unacceptable. The visual blight is unacceptable. The restriction of public access to areas of the sound is unacceptable. Safety concerns from the standpoint of accidents, weather events, and terrorist activities are all valid and would require tremendous resources to attempt to address- no doubt, at public expense. The analytical models used for extreme weather events were below the thresholds for wind and wave heights achieved during the 1938 hurricane. This project would set an unacceptable precedent for industrial development of protected waters.

Very often I listen quietly to stories of governmental foolishness- not this time. In my opinion this project is

IN24-1

The final EIS has been revised to provide additional information on potential impacts of the proposed Project and appropriate mitigation to avoid and minimize potential impacts. Section 3.10 of the final EIS has been revised to further address potential safety and security issues associated with accidental and intentional releases of LNG; and our review incorporated extreme weather conditions in excess of those historically recorded in Long Island Sound, including the 1938 hurricane. The final EIS includes a section that assesses potential cumulative impacts (Section 3.11). The proposed Project would be constructed and operated in accordance with all federal and state regulations, as well as a wide variety of Project-specific permits designed to protect the environment of Long Island Sound, including the human environment.

IN24-1

too outrageous to be believed. Allowing this project to change Long Island Sound forever would be a sad legacy for my generation to leave behind. Many years ago practices were accepted that severely impacted Long Island Sound- in fairness, those generations didn't full understand the impact of what they were doing. We don't have that excuse. FERC doesn't have that excuse. Personally, I resent being highjacked by an unresponsive regulatory process. Public comment, as an excersise in futility, for the purpose of reaching a compromise solution, does not accomplish the object intended by the public when we send people to Washington, DC either directly by electing them, indirectly through appointment, or by hiring into government service. You guys work for us- and when the citizens and elected officials of an impacted region speak with one voice in opposition to a project FERC has an obligation to deny approval of a project on that basis alone. You do not serve the interests of the energy companies- you serve the interests of the public.

Sincerely,



Hugh MacLean  
6 Woodvale Road Ext.  
Branford, CT 06405

**IN25 – Michael Theiler**

200701235080 Received FERC OSEC 01/23/2007 04:43:00 PM Docket# CP06-54-000, ET AL.

Michael Theiler  
595 Vauxhall St. Ext.  
Waterford, CT  
January 23, 2007

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

Dear FERC,

Please accept this document as public comment on the Broadwater proposal in Long Island Sound.

The area of Long Island Sound known as The Race represents some of the most historical and productive lobster grounds in the northeast. It hosts a unique fishery where lobstering can only be done at times of slack tide during hauling hours (one-half hour before sunrise to one-half hour after sunset). The transient security zone around the LNG tankers as proposed in the Draft Environment Impact Statement will have a significant adverse financial impact on my crew and me. We can typically haul lobster gear for a period of 60 to 120 minutes around slack water. Any LNG tanker transiting The Race during this time will most certainly inhibit our ability to lobster during that tide. This issue was not addressed in the DEIS.

IN25-1

Not only will the transient security zone and LNG tankers cause us to miss time hauling, but also cause extreme gear loss. Additional gear loss will occur when traffic is diverted from traditional shipping channels.

IN25-2

Having lobstered in The Race for eighteen years, and, realizing the impact this proposal will have on our fishery, I will oppose this project. It is disappointing to see that neither the DEIS nor Coast Guard Report addressed the concerns of the lobstermen in The Race. Please contact me for additional information or dialogue.

IN25-3

Michael Theiler  
F/V Jeanette T  
New London, CT

IN25-1 Sections 3.6.8.1 and 3.7.1.4 of the final EIS have been updated to address the impacts to commercial lobstermen of the proposed moving safety and security zones around LNG carriers as they enter and exit the Sound. These analyses consider the potential that other large vessels entering or exiting the race may alter their course, taking them through areas with high lobster pot density. In addition, if authorized, it is expected that Coast Guard would require Broadwater to schedule LNG carrier transits to minimize impact to other waterway users, to the extent practical, as recommended by the Coast Guard in Section 8.4 of the WSR (Appendix C of the final EIS). As stated in Section 3.7.1.4, Broadwater has committed to avoiding LNG carrier transit through the Race around slack tide (contingent on Coast Guard approval of specific transits). As part of implementing the proposed moving safety and security zone, the Coast Guard would conduct routine Broadcast Notice to Mariners to notify the public of the implementation of the safety and security zones. Escort tugs and any Coast Guard vessels escorting the LNG carriers would also serve as an additional layer of on-scene notification. These measures would minimize impacts to lobstermen.

IN25-2 Please see our response to comment IN25-1.

IN25-3 Thank you for your comment. As noted in the responses above, we have addressed your concerns in the final EIS.

## IN26 – No Name

200701245018 Received FERC OSEC 01/24/2007 11:28:00 AM Docket# CP06-54-000, ET AL.

- I am strongly opposed to Broadwater's LNG Proposal:
- IN26-1 [ Environmental and financial impacts have not been fully explored. Damage would be irreversible.
  - IN26-2 [ The Coast Guard report indicates more resources needed to safeguard the project, who pays for those resources, who will be in charge  
Public domain for private profit unacceptable.
  - IN26-3 [ Other ways to fulfill our energy needs with exposure to such high risks in safety and environmental impact
  - IN26-4 [ FERC's report didn't explore disaster possibilities. Local emergency responders have indicated not equipped to handle a disaster. There is no science to know what the disaster would or could be.
  - IN26-5 [ Project of this scope should be located out at sea, not in estuary with delicate environment and too close to population.

- IN26-1 Section 3.0 of the final EIS provides a detailed assessment of potential environmental impacts, including those to the human environment.
- IN26-2 Because the Coast Guard has not yet prepared a proposal for additional resources (see Section 8.4.2 of the WSR [Appendix C of the final EIS]), we cannot identify the funding source for the additional resources. The Coast Guard would be responsible for enforcing the safety and security zones but may share that responsibility with state or local law enforcement agencies.
- IN26-3 Section 4.0 of the final EIS evaluates a wide variety of alternatives to the proposed Broadwater Project and concludes that they could not satisfy the projected natural gas and other energy demands of the New York City, Long Island, and Connecticut markets with less environmental impact. These alternatives encompass energy conservation; renewable energy sources, including wind and tidal power; and other existing and proposed LNG terminal and pipeline projects.
- IN26-4 Please see Section 3.10.6 of the final EIS for a discussion of the requirement for and the development of an Emergency Response Plan.
- IN26-5 Section 4.4 of the final EIS evaluates alternatives to the proposed location for the Broadwater terminal, including offshore in the Atlantic Ocean.

**IN27 – Diane Scully**

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*CP 06-54-000*

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FEDERAL ENERGY  
REGULATORY COMMISSION

November 18, 2006

Diane Scully  
27 Brainerd Rd  
Niantic, Ct.

FERC

Office of Secretary

Washington, D.C.

To Those Who Wrote the FERC Report of the Broadwater LNG,

IN27-1 [ Your report did not include who would explain to our children and grandchildren why we  
IN27-2 [ destroyed our beautiful, natural resource, the Long Island Sound. Why would we allow a  
IN27-3 [ private group to use a gift, which belongs to all of us, to move in and make a profit by  
permanently defacing this amazing body of water? There are alternatives for delivering  
natural gas. Is there another Long Island Sound? Look again, listen, learn, do what is  
right and honest and write another report.

Please put me on record as opposing the Broadwater Liquefied Natural Gas proposal.

Diane Scully

*Diane Scully*  
Niantic, Ct

IN27-1 After extensive review, we have concluded that if the Project is implemented as planned with the identified mitigation measures during design, construction, and operation, it would be an environmentally acceptable action.

IN27-2 Section 4.0 of the final EIS evaluates a wide variety of alternatives to the proposed Broadwater Project that could provide projected natural gas and other energy demands of the New York City, Long Island, and Connecticut markets.

IN27-3 Both the draft and final EISs were prepared by experienced scientists and engineers with input from other federal, state, and local agencies. The final EIS provides a thorough evaluation of the potential environmental impacts of the proposed Project.

**IN28 – Chad M. Lyons**

200701225034 Received FERC OSEC 01/22/2007 02:04:00 PM Docket# CP06-54-000, ET AL.

Dear FERC,

I am a Connecticut resident born and raised. By now I have live in Connecticut on or near the Long Island Sound shore nearly 50 of my 54 years. One of the most cherished experiences from my childhood was wading in Long Island Sound. Once proficient at swimming I took an interest in sailing. Skills refined on the Sound have taken me to far away places to compete. While there are many places on this planet that offer higher winds to challenge my advanced skills I still cherish Long Island Sound. My roots are here on land and the water to our South. No mater where I live this will never change. As someone whose life has been enriched by the use of Long Island Sound I have a sense of responsibility for this Estuary of National significance. That said I am writing you today in an effort to protect and preserve our Long Island Sound. We are facing a challenge here unlike any we have ever seen. We are facing the sale of part of Long Island Sound to big energy. The Broadwater proposal includes the permanent mooring of a floating barge in the middle of the Sound. This barge, if built will be the size of the Queen Elizabeth II. It will ingest large volumes of LNG that would be delivered by LNG tankers. It would also take in 5.5 million gallons of salt water from the Sound daily to be used as part of the re-gasification process. When this water is discharged it will be significantly warmer (current estimate is nearly four degrees F) thus adversely affecting sea life. See the letter to FERC dated January 18, 2007 from the Department of the Interior's Office of Environmental Policy. The proposal of this floating storage and re-gasification terminal represents an attack on what we cherish. In recent years the Sound has experienced a major drop in lobster. Some of the research has been contradictory regarding lobster depletion. The lobstermen say that an insecticide was the cause. Yet other research did not point to the insecticide. If Broadwater were allowed to take in millions of gallons of water and discharge it the sea life in the area could be greatly impacted. There is virtually no disagreement among scientists regarding the anticipated damage to the health of the Sound. A dozen years ago the Iroquois pipeline was installed across the Sound. At that time we were told the minor damage would heal. We now know it has not repaired. Don't make the same mistake again. The project threatens years of efforts to restore the vitality of Long Island Sound.

I ask you to reject the Broadwater proposal. We have other options to get more clean energy for the region that does not destroy a national treasure.

Chad M Lyons  
51 Montoya Dr.  
Branford, CT

IN28-1 [ ]  
IN28-2 [ ]  
IN28-3 [ ]  
IN28-4 [ ]

- IN28-1 As described in detail in Section 3.2.3.2 (Table 3.2.3-1), the FSRU intake would be used primarily for ballast water. No water taken from the Sound would be used in the regasification process (see Section 2.1.1.4 of the final EIS).
- IN28-2 As stated in Section 3.2.3.2 of the final EIS, water discharges from the FSRU would approximate ambient temperatures because they would be primarily associated with ballast water. The temperature of the cooling water that would be discharged from LNG carriers could be elevated above ambient seawater temperatures but would be less than New York State surface water quality standards within 75 feet from vessel. Please see our response to comment OC2-24.
- IN28-3 Section 3.3.2.2 of the final EIS specifies the primary biological impact associated with water intake and discharge, specifically including entrainment and impingement. As identified, the magnitude of the impact would not affect the overall finfish and lobster populations of Long Island Sound. As discussed in response to comment FA1-5, all FSRU discharges would be conducted in accordance with SPDES requirements throughout the life of the Project (see Section 3.2.3.2 of the final EIS). The volume of water used by the Project is not only orders of magnitude smaller than the static volume of the Sound, it is also substantially less than the daily inflow of fresh seawater.
- IN28-4 Section 4.0 of the final EIS evaluates a wide variety of alternatives to the proposed Broadwater Project and concludes that they could not satisfy the projected natural gas and other energy demands of the New York City, Long Island, and Connecticut markets with less environmental impact than the proposed Project. These alternatives encompass energy conservation; renewable energy sources, including wind and tidal power; and other existing and proposed LNG terminal and pipeline projects.

IN29 – Maureen Ward

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att: Gas Branch  
DG2E

ORIGINAL

Maureen Ward  
40 Soundview Drive  
Shoreham, NY 11786

FILED  
OFFICE OF THE  
SECRETARY  
2007 JAN 18 P 3 36  
REGULATORY COMMISSION

January 12, 2007

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

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

Dear Ms. Salas:

This letter is regarding the proposed LNG terminal known as "Broadwater" that Shell Oil and TransCanada are proposing to put in Long Island Sound, right off Wading River. I would just like you to know that I vehemently oppose this proposal. I live in Shoreham and will be adversely affected by this terminal. There are several reasons why I am opposing its installation. They are:

1. **SAFETY** Since 9/11, we are faced with a completely different environment in which to live. Do we want to have a major "target" right off our shore that would be a potential for disaster if terrorists decide to attack? We can no longer assume that this will not happen. At the FERC Meeting on January 11, 2007 in Shoreham, we were advised that the Coast Guard is not able to supply all the security that will be needed to guard both the terminal and the ships coming and going to load and unload. It was first suggested that we, the taxpayers, would need to absorb these costs along with the two companies. This would be a disgrace – what will the people here on Long Island gain from this? We are now paying some of the highest real estate taxes in the country. Is this fair to burden us additionally for Broadwater's gain? Another scenario that might be possible would be that the companies would be responsible for the security and so we would basically have unskilled armed personal that would be responsible for the security and, ultimately, our security. I certainly am not comfortable with two foreign nations selecting the personnel who would be responsible for such an important job. Additionally, there are no guarantees that this terminal is safe. According to Broadwater, they do not know what could happen if there was an accident (whether

IN29-1  
IN29-2  
IN29-3

IN29-1 Because the Coast Guard has not yet prepared a proposal for additional resources (see Section 8.4.2 of the WSR [Appendix C of the final EIS]), we cannot identify the funding source for the additional resources. However, if additional funding is required for the Coast Guard, it would most likely be generated from the federal budget, not from a local or state budget.

IN29-2 The Coast Guard is responsible for accomplishing the tasks that by law, only it is authorized to conduct but may share other law enforcement responsibilities with state or local law enforcement agencies. Enforcement of the safety and security zones is a law enforcement function that cannot be delegated to private security forces. Private security forces could provide notification to vessels approaching the safety and security zone around the FSRU and provide on-board security for the FSRU, but private security forces cannot act as law enforcement representatives. Broadwater would provide funding for state or local law enforcement agencies for their involvement in the emergency response and security actions, including enforcing the safety and security zone, as described in Section 3.10.6 of the final EIS. FERC must approve the Emergency Response Plan prior to final approval to begin construction.

IN29-3 While the combination of technologies proposed for the FSRU is a new concept, the separate LNG receiving, storage, regasification, and send-out technologies are proven. The American Bureau of Shipping, a certifying entity, reviewed the preliminary design of the FSRU and stated the following in a July 27, 2005 letter to Broadwater: "Whilst the concept of combining a floating re-gasification unit and distribution network with a yoke moored LNG hull can be viewed as a first time combination of systems, the technologies employed are not in themselves novel and are covered by established Rule criteria."

**IN29 – Maureen Ward**

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IN29-3 ↑

by one of their workers or an outsider). They do not have sufficient data to back up their claims since they have no experience with a facility of this magnitude. Are we to be the "guinea pigs" upon which they will work out their problems?

IN29-4

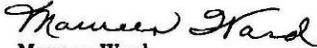
2. **ENVIRONMENT** The Long Island Sound is just beginning to come back to life. Much money has been spent by different government agencies and now we are going to allow two foreign companies to undo so much that has been done. Why are we allowing this? What right do we have to ruin this wonderful natural asset for future generations? Broadwater will negatively impact the waters of Long Island Sound. Because of water being discharged from the terminal, there will be an increase in water temperature on an average of 3.6 degrees. This will severely impact cold-water species. In addition, this water will also be chlorinated.

IN29-5

3. **FINANCIAL** A large area needs to be cordoned since there is a "no public access zone" of 1.5 square miles that surrounds the LNG terminal. In addition, this "no public access zone" around the incoming LNG tankers will be 2 miles in front, 1 mile in back and 750 yards on each side. During this time, all vessels would be required to leave the area. Where does this leave our fisherman? The area for our fishing industry is now compromised. Are we willing to take jobs away from our locals for a private concern? What happened to a government's responsibility to protect its citizens from such an injustice? How can you justify such a detrimental action?

I ask you to be responsible and not let a private concern cause such an upheaval here on Long Island.

Sincerely,



Maureen Ward  
40 Soundview Drive  
Shoreham, NY 11786

IN29-3

As stated in the final EIS (Sections 2.1.1.1, 2.3.1.1, 3.10.2.1, and 3.10.2.2), federal regulations, industry standards, and classification society rules would govern the safe design, construction, and operation of the FSRU. The Coast Guard evaluated the safety and security aspects of operation of the FSRU (and the LNG carriers) and made the preliminary determination, as reported in Section 8.4 of the WSR (Appendix C of the final EIS), that with implementation of the mitigation measures it has recommended, the risks associated with operation of the FSRU and LNG carriers would be manageable. Section 3.10.3 of the final EIS describes the potential consequences of an accidental or intentional release of LNG from the FSRU; as described in Section 3.10.6 of the final EIS Broadwater would be required to prepare an Emergency Response Plan.

IN29-4

As described in Section 3.2.3.2 of the final EIS, no impact to water temperatures in Long Island Sound would be associated with discharges from the FSRU. Broadwater estimates that the cooling water discharge from a steam-powered LNG carrier would approximate ambient temperature conditions (within 1°F) within 75 feet of the vessel discharge point. Any water discharges with residual chlorine concentrations would be monitored in accordance with federal and state regulations and Project-specific permitting requirements.

IN29-5

Sections 3.5.5.2, 3.6.8.1, and 3.7.1.4 of the final EIS describe the potential impacts to commercial fishermen from implementation of the Project.

## IN30 – Berman Family

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### A. Introduction

I stand here before you with 3 generations of my family. Four generations of my family have lived within 15 miles of where we stand today and all have been diligent stewards of Long Island Sound. I stand before you showing generations because we have a duty to do so under the National Environmental Policy Act (NEPA).

NEPA describes one of the government's fundamental responsibilities as

*"... fulfill the responsibilities of each generation as trustee of the environment of succeeding generations"*  
(Exhibit 1 – NEPA Title 1(b) 1 - 2<sup>nd</sup> page)

The law directs FERC to consider Environmental Impact Statements in a generational context.

I am former adjunct faculty to the Lally School of Management at Rensselaer Polytechnic Institute as a professor in Environmental Management and Policy. I am a United States Coast Guard licensed Master Captain (license number – 996158).

I am hear tonight to send 3 three messages

- one to FERC
- one to our political leaders
- one to Shell.

I am prepared to demonstrate that if the current system continues to unfold in the way it is currently rolling that our generation is on the brink of opening the door to surface industrialization of Long Island Sound to the detriment of future generations. I submit that action is inconsistent with the intent of NEPA.

Show (Exhibit 2 - figure 10-12 from the Broadwater Application)

What you are now looking at is exhibit 10-12 from the Broadwater application. It demonstrates the first of the two components that will result in the first step down the irreversible path toward surface industrialization.

1. The first component is the failure to understand and appreciate the intrinsic value and unique characteristics of the Sound to such a degree that it allows an organization or government to sit before a chart of the sound and carve it up like this.
2. The second component of the path to surface industrialization lies in the inconsistent review and approval process by FERC. Through my research I have learned that is a process which has lost all credibility and I will demonstrate this with several examples.

## IN30 – Berman Family

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### B. Background

I spent several days at our state library in Hartford reviewing the Broadwater Application. I spent a day in Fall River at the public library reviewing the recently approved Weavers Cove terminal in that city. When you actually put your hands on the applications, compare them, it is amazing what you can learn. I will share what I have learned.

Who is Broadwater? . . . Broadwater has no corporate officials ?

*"As an LLC, Broadwater has no company officials. It has a single member, Broadwater Energy, LLC."*  
(Exhibit 3 – Broadwater Pipeline LLC Exhibit C)

We are really talking about Royal Dutch Shell and TransCanada Corporation (Exhibit 4 – Broadwater Pipeline LLC Exhibit D pages 2 & 3)

I'm dropping the name "Broadwater" and pulling down the façade. From now on I will refer to this project as a Shell project. My third message is for Shell tonight. We will return to that later, but keep in mind that this is a Shell project and that . . .

*"Shell is already involved in over a quarter of all LNG cargoes delivered"*  
Linda Cook - Executive Director, Shell Gas and Power.  
(Exhibit 5 – Shell Press Release – November 18, 2006)

### C. Message 1 of 3: to FERC

To the FERC representatives present, I will demonstrate through select examples from Section 10, the Alternatives Analysis of the Shell application that FERC has failed to meet its obligations under NEPA but more importantly that the review process has lost all scientific credibility and is not worthy of our public trust.

Through my review of the applications, it is clear to me that FERC will accept any premise in an application as long as it is buried in a mountain of documentation rationalizing the position, no matter how ridiculous the premise.

#### **Example 1 – Proximity to population centers & public safety**

The Alternative Analysis presents 24 potential sites that were considered; eight (8) of those sites are land based. (Exhibit 23 - Broadwater Application – page 10-33) In an application that takes up 4 feet of shelf space at the library, the applicant was able to explain away the land based sites in 8 lines of text citing.

*"Population densities" and "perceived safety concerns"*  
(Exhibit 6 - Broadwater Application page 10-26)  
(Exhibit 7 - Broadwater Application page 10-35)

# IN30 – Berman Family

In Everett Mass there is a LNG terminal which is located such that 1.7 million people live within a 10 mile radius (Exhibit 8 – Broadwater Application page 8-6). Ships to supply the Everett terminal pass within 3000' of downtown Boston. (Exhibit 9 – pages 1 & 2). Yet despite FERC finding this type of facility is safe and appropriate, FERC allows Shell to explain away all its land based approaches due to "population densities" and "perceived safety concerns". Where is the consistency, where is the credibility?

As an additional example of FERC's liberal review criteria, proximity to people was justified using the followings supplement at the Weavers Cove site,

*"research found no evidence that LNG storage facilities had a negative impact on property values of abutting residential properties"*  
(Exhibit 10 – Weavers Cove – Application Supplement)

In the draft EIS for the Broadwater application FERC concludes.

*Residential neighborhoods occur proximal (within 0.5 mile) of port areas at Northport, Port Jefferson and New Haven. Therefore, none of the existing deepwater port sites offer land availability and the desired distance from the public for development of an onshore terminal*  
(Exhibit 26 - FERC Draft EIS – page 4-23)

Yet at Weavers cove FERC approved a site where residential neighborhoods were within 1500 feet of the site (Exhibit 27 – from the Weavers Cove Website)

FERC is not providing any leadership on the safety considerations. It is accepting any approach as long as it is rationalized under a mountain of documentation, despite any credibility gaps. The citizens of this country and the residents of the community of Long Island Sound have a right to demand that FERC do better.

### Example 2 – the floating FSRU

Another example of how FERC is not applying policy and science consistently is the approach to the FSRU. In this case, quotes from other accepted applications tell the whole story.

*"To date the ABS has published only provisional standards and codes for floating LNG terminals and final design requirements are uncertain, creating a further concern"*

*"Floating LNG terminals do not appear to offer the same cost advantages as on-shore terminals"*  
(Exhibit 11 – Weavers Cove Application page 10-17)

IN30-1

As stated in the text in question (Section 4.4.1.1), proximity to residential communities was only one of several environmental criteria against which the potential siting of onshore LNG terminals was considered. Other criteria considered included the availability of developable land, the need for nearshore dredging, the potential for impacts to marine traffic, and new pipeline construction needed to connect the terminal site with an existing pipeline with access to the target market areas.

IN30-1

IN30-2

*"The technical feasibility of these off-shore LNG terminals and the ultimate costs remain untested and unproven"*  
(Exhibit 12 - Weavers Cove Application page 10-13)

*Offshore LNG terminals can not support LNG truck deliveries and therefore only an onshore LNG terminal can provide an incremental and competitive supply of LNG in liquid form to meet the needs of the growing LNG peakshaving market of the Northeast and especially New England"*  
(Exhibit 13 – Weavers Cover Application page 10-15)

The most important quote of all comes from FERC. The following is a quote from the findings in the final Environmental Impact Statement at the proposed Hackberry Terminal for Cameron LNG.

*"Although offshore storage and vaporization structures may eventually find a role for importing LNG into the United States, the current level of information and limited operational experience is not sufficient to justify consideration of this emerging application of offshore technology as a reasonable alternative to the proposed Hackberry Terminal"*  
(Exhibit 14 – Page 10-19 from the Weavers Cove Application)

IN30-2

FERC clearly supported the rejection of FSRU technology in its support of a land based approach. Now approximately 30 months later FERC has made a determination that, the current level operational experience is sufficient to justify approval of this offshore technology.

Where is the technical or policy based justification for that significant change in policy?

30 months ago, FERC wouldn't consider it as a viable alternative for comparison and now FERC is willing to permit its deployment in one of the nations most valuable estuaries.

These are the kind of inconsistencies that congressional investigations are made of.

**Example 3 – The Connecticut Carve Out**

Of the three examples I am highlighting tonight, this is the most (and I thought long and hard about using this word) dishonest. It is a dishonest approach by the applicant and it is a sloppy, insufficient review by FERC that lets it move forward unchallenged.

Connecticut is clearly identified as a market for this LNG and is part of the Region (Exhibit 15 – Broadwater Application page 10-4) however Shell uses every bit of manipulative science and policy to intentionally keep our state from having a formal position in the permitting and approval process.

Although the commentor has accurately quoted a portion of the final EIS for the Hackberry LNG Project, the meaning of those statements can best be understood by considering the following statements that precede the quote (emphasis added):

*"Information on the environmental, economic, and engineering feasibility of an offshore LNG storage and vaporization site alternative is being collected and evaluated by the Coast Guard for the Port Pelican Project. Certainly, as demonstrated by the need for additional pipeline described above, the economic and potential environmental affects associated with the construction of an additional 50 miles of 36-inch-diameter pipeline would be substantially greater for an offshore alternative site. Additionally, technical issues associated with the feasibility of construction and operations of an offshore LNG facility have not yet been demonstrated in practice and can not be fully evaluated within the timeframe of the Hackberry LNG Project. The evaluation of an offshore facility as an alternative to the Hackberry LNG Project is not merely the process of transposing the onshore facility footprint to an offshore location. Rather it represents a complete redesign of the entire facility such that the feasibility in meeting the operational and economic objectives of the proposal is highly questionable. Although offshore storage and vaporization structures may eventually find a role for importing LNG into the United States, the current level of information and limited operational experience is not sufficient to justify consideration of this emerging application of offshore technology as a reasonable alternative to the proposed Hackberry Terminal."*

The Hackberry LNG Project final EIS was published in August 2003, which is more than 52 months ago as opposed to the 30 months mentioned in the comment. At that time, a single deepwater port application, Port Pelican, was under consideration by the Coast Guard. The final EIS for Hackberry addressed a gravity-based offshore system (concrete structure) in comparison to the proposed Hackberry Project and rejected it only as an alternative to the Hackberry proposal. However, after review of the safety and environmental issues associated with Port Pelican, the Coast Guard licensed the facility (the Applicant did not construct the facility). As of the date of issuance of this final EIS, the Coast Guard had licensed three other offshore LNG facilities that include regasification facilities onboard marine vessels (the Gulf Gateway, Neptune, and Northeast Gateway Projects), and was reviewing several other applications for offshore LNG terminals.

**IN30-2 (Continued)**

While the combination of technologies proposed for the FSRU is a new concept, the separate LNG receiving, storage, regasification, and sendout technologies are proven. As stated in the final EIS (Sections 2.1.1.1, 2.3.1.1, 3.10.2.1, and 3.10.2.2), federal regulations, industry standards, and classification society rules would govern the safe design, construction, and operation of the FSRU. The Coast Guard evaluated the safety and security aspects of operation of the FSRU (and the LNG carriers) and made the preliminary determination, as reported in Section 8.4 of the WSR (Appendix C of the final EIS), that the risks associated with operation of the FSRU and LNG carriers would be manageable with implementation of the mitigation measures it has recommended.

# IN30 – Berman Family

The basis for the Connecticut Carve Out is found on page 10-45 of the application. (Exhibit 16 – Broadwater Application page 10-45) The text clearly indicates that all the applicable energy project moratoriums had expired as of June 3, 2005. In other words, the door was wide open. But judging from the behavior of Shell, they steered clear of Connecticut at every opportunity using faulty and dishonest environmental science to justify their positions and avoid crossing over the line that would have required Connecticut's DEP to review and approve some of the activities.

It bears additional note that even FERC concedes that the project impacts Connecticut's water's.

*LNG carriers that would transit through waters subject to federal jurisdiction, as well as waters under the jurisdiction of the state of New York, and in some cases may transit water under the Jurisdiction of the states of Rhode Island and Connecticut.*  
(Exhibit 28 – FERC draft EIS – page 2)

This conclusion alone should warrant formal participation in the process by the State of Connecticut.

The starkest example of this dishonest manipulation is found in Shells elimination of Route 5 in the discussion of the alternative piping routes from the FSRU to the Iroquois Gas Line.

The application states

*"it is reasonable to consider an alternative pipeline route from the proposed FSRU terminal site to the IGTS pipeline located partly in Connecticut waters as this would be the shortest route owing to the location and orientation of the IGTS pipeline"*  
(Exhibit 17 – Broadwater Application – page 10-64)

Route 5 is the shortest at 12.4 miles, but the selected route is route 2 at 21.7 miles. How does the applicant justify this nearly doubling of the trenching length?

Contaminated sediments

Route 5 would cross some areas previously identified as having higher concentrations of certain contaminants in sediment. Route 2 (the preferred route) also crosses known areas of contaminated sediments. In dismissing route 5 the Alternatives Analysis is woefully incomplete for three reasons.

1. Because both routes cross identified areas of contamination the application should compare the total mass of contaminated sediment upheaval. In short it is better to upheave 21.7 miles of less contaminated sediments or only 12.4 miles of which some part

IN30-3

As discussed in Sections 4.4.2 and 4.5.2 of the final EIS, we considered many variables in evaluating the potential environmental impacts of the proposed pipeline routes. The commentor is correct in stating that the North Route Alternative would shorten the length and associated construction impacts of the pipeline needed to tie-in with the existing IGTS pipeline. However, the sendout pipeline would tie into the IGTS pipeline much farther upstream than would the pipeline route proposed by Broadwater. Section 4.5.1 of the final EIS explains that the IGTS pipeline would need to be modified if the interconnection were much closer to Connecticut than the proposed location. These modifications could include construction of a pipeline loop (with its associated impacts to the seafloor of the Sound) and construction of an aboveground compressor station onshore or in Long Island Sound. The Broadwater Project, as proposed, would provide natural gas directly or via displacement to all three markets while avoiding the environmental impacts associated with IGTS upgrades and construction of additional compression facilities.

IN30-3

# IN30 – Berman Family

IN30-3

may be more contaminated. The net upheaval comparison was never done and accordingly the justification for abandoning Route 5 for consideration is not credible.

2. More manipulative however is the applicant's failure to consider a modification to route 5 that would avoid the most contaminated areas and still be much shorter than the accepted route but would cross into Connecticut. (Exhibit 25 – Broadwater Application figures 10-17 through 10-22)

3. Broadwater never sampled sediment quality on Route 5 (or any modification of Route 5), although they did sample Route 2

If this application were honest and driven by legitimate environmental science the pipeline route would clearly cross into Connecticut. As an alternative the applicant could be honest and say "We used every approach we could justify to stay out of Connecticut waters". As it reads today – the application is not honest and the FERC should reject the routing analysis as presented. Furthermore, FERC should be embarrassed by letting credibility gaps like this slide through unchallenged. We have a right to expect better from FERC.

### Example #4 Also – The No Build Alternative

What would be the impacts?

*"customers will have fewer and potentially more expensive options for obtaining NG and possible face shortages"*  
(Exhibit 18 – Broadwater Application – page 10-5)

According to the application there is approximately 18.9 billion cubic feet (Exhibit 19 – Broadwater Application – figure 10-5 & tables 10-4, 10-5 and 10-7) in the FERC approval process as expanded capacity. There is also a dramatically expanding service grid that services this region from the south, west and north (Exhibit 20 – Broadwater Application Figure 10-4)

In fact,

*Experts agree that there are too many projects seeking approval*  
(Exhibit 21 – Work Boat Magazine December 2006)

LNG has the market status of a commodity, is it really worth the first step down this slippery slope toward surface industrialization and allocate these magnificent public trust areas to allow for this unnecessary facility?

### Example 5 – Location of Connecticut Cities

## IN30 – Berman Family

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For a good laugh and another example of FERCs poor review, consider exhibit 23 and review the placement and the names of the Connecticut towns. (Exhibit 23 - Broadwater Application figure 10-1)

I have shown profound flaws with these four primary examples.

1. – The proximity to population centers
2. – The inconsistencies in the floating terminal (FSRU) approach
3. – The Connecticut Carve Out
4. – The no build alternative.

FERC has been at best sloppy and at worst negligent in its review of this application. I respectfully request that based on the manipulation of pipeline route 5 and the other issues presented orally and contained in this written testimony you reverse your finding and reject the application.

### Message # 2 of 3: To our political leaders

So many of our local political leaders have presidential aspirations. First I will address Senators Dodd and Clinton. While you are “exploring” the right forums to showcase your national leadership – there is trouble on the home front. Take care of things at home, the Federal Government is on the cusp of making an ecological mistake of historic proportions. The quickest, cleanest way of stopping this is in Washington and we are watching you. Show strong leadership and results to your constituents and make that the basis of your presidential aspirations.

It is not enough to speak out against this, you must act to stop it.

Former mayor and potential presidential candidate Giuliani, I think I speak for the vast majority of Americans who feel we don't want our political leaders all tangled up with compensation from energy companies, we are just sick of it.

### Message # 3 To Jeroen van der Veer the Chief Executive at Royal Dutch Shell

As we know, Broadwater has no corporate officials, so who, what human being, is accountable for the application. Accordingly I have decided to address Jeroen van der Veer, the Chief Executive at Royal Dutch Shell.

According to the Shell General Business Principles

*“The Shell General Business Principles govern how each of the Shell companies which make up the Shell Group conduct its affairs”*  
(Exhibit 22 – Shell General Business Principles – page 2)

## IN30 – Berman Family

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According to your letter August 2005 that closes the Shell document on business principles.

*"Our shared core values of honesty, integrity and respect for people underpin all the work we do and are foundation of our business principles"*  
(Exhibit 22 – Shell General Business Principles)

This application is not honest the way it is written. If it was honest it would read. "We chose rout 2 for the pipeline expressly to stay out of Connecticut waters.

According to what you have written, you cite and value honesty as your first core value. I do as well and I choose not do business with dishonest companies.

I will leave these scissors on the podium in case there are others like me who were doing business with Shell but no longer feel comfortable with doing so.

### Conclusion

Show fig 10-12

This is a system that is out of control, it is not providing leadership to citizens on safety issues and is not providing consistent or appropriate application of policy or credible review of environmental science. Left unchecked it will lead to industrialization of Long Island Sound.

I thank you for your time and I do have some extra copies of this testimony and the 23 exhibits for any interested parties or press representatives.

## IN30 – Berman Family

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### Exhibits

Exhibit 1 – NEPA Title 1(b) 1  
Exhibit 2 – figure 10-12 from the Broadwater Application  
Exhibit 3 – Broadwater Pipeline LLC Exhibit C  
Exhibit 4 – Broadwater Pipeline LLC Exhibit D pages 2 & 3  
Exhibit 5 – Shell Press Release – November 18, 2006  
Exhibit 6 - Broadwater Application page 10-26  
Exhibit 7 - Broadwater Application page 10-35  
Exhibit 8 – Broadwater Application page 8-6  
Exhibit 9 – Weavers Cove Application figures 10-2b and 10-2c  
Exhibit 10 – Weavers Cove – Application Supplement  
Exhibit 11 – Weavers Cove Application page 10-17  
Exhibit 12 - Weavers Cove Application page 10-13  
Exhibit 13 – Weavers Cove Application page 10-15  
Exhibit 14 – Weavers Cove Application page 10-19  
Exhibit 15 – Broadwater Application page 10-4.  
Exhibit 16 – Broadwater Application page 10-45  
Exhibit 17 – Broadwater Application page 10-64  
Exhibit 18 – Broadwater Application page 10-5  
Exhibit 19 – Broadwater Application – figure 10-5 & tables 10-4, 10-5 and 10-7  
Exhibit 20 – Broadwater Application Figure 10-4  
Exhibit 21 – Work Boat Magazine December 2006  
Exhibit 22 – Shell General Business Principles  
Exhibit 23 – Broadwater Application figure 10-1  
Exhibit 24 - Broadwater Application – page 10-33  
Exhibit 25 - Broadwater Application figures 10-17 through 10-22  
Exhibit 26 - FERC Draft EIS – page 4-23  
Exhibit 27 – from the Weavers Cove Website  
Exhibit 28 – FERC draft EIS – page 2

After reading the DGEIS, I was dumbfounded by how one-sided the report is. To sum it up, it says that we absolutely need this or our energy needs won't be met. Any risks are very minimal and if by some chance anything did happen, there wouldn't be much impact.

IN31-1 [

I had to stop and check if the report was authored by Broadwater or by the FERC. The conclusions are presented in such a way that the report is almost useless in doing a proper cost-benefit analysis.

I have no ill will towards Broadwater. Like it or not, our country's society has evolved in such a way that corporations are expected to do whatever possible to maximize their profits. They are not expected to take steps that might benefit society as a whole at their own expense.

IN31-2 [

But I can't say I feel the same way about our government. It is supposed to do what is in the best interests of the country and its citizens. And I find the way that it has championed this project to be unconscionable. Are we really to believe that there are no reasonable alternatives to this project?

IN31-3 [

Where does this madness end? We have allowed corporations to cause terrible damage to waterways in NY, such as PCBs in the Hudson. Once we let this in, there will be no turning back the clock. Long Island Sound will be forever industrialized. And if energy needs keep growing and this is the only reasonable alternative, why stop at one facility? Why not a whole slew of them?

The reason of course is that the Sound should and MUST be preserved as it is for the people of New York and Connecticut. How will we be able to explain to our children how we allowed the Sound to become industrialized on our watch?

Because most people who cared were too apathetic to do anything? Because we allowed a corporation to buy influence from the federal government via campaign contributions? Because our political leaders were unwilling to ask us to make sacrifices that would free us from our addiction to fossil fuels?

The time is now. Keep industry out of the Sound.

ANDREW & ELIZABETH GREENE  
30653 Canton Rd 48  
PECONIC, NY 11958

IN31-1

The socioeconomic section of the EIS (Section 3.6) fulfills the requirements of the NEPA environmental review process for the Project. A cost-benefit analysis is not a part of that process and was not included in the EIS.

IN31-2

Section 4.0 of the final EIS identifies a wide range of alternatives to the proposed Broadwater Project that could provide projected natural gas and other energy demands of the New York City, Long Island, and Connecticut markets. As described in that section, each of the alternatives would result in environmental impacts that would be greater than those of the proposed Project.

IN31-3

No expansion of this proposed facility has been proposed by Broadwater, nor have other proposals to construct LNG terminals in Long Island Sound been identified. Given the capacity of Broadwater to provide natural gas for the foreseeable future, it seems very unlikely that another applicant would invest hundreds of millions of dollars in a second terminal. Were such a proposal to be brought before FERC, we would conduct a separate and complete EIS to evaluate its potential environmental impacts, including an analysis of cumulative impacts on the Sound with other existing and proposed infrastructure.

FEDERAL ENERGY REGULATORY COMMISSION

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

DRAFT ENVIRONMENTAL IMPACT STATEMENT  
COMMENT FORM

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COMMENTS (PLEASE PRINT) –additional space on opposite side of page

IN32-1

<p>Reference to Nov 2006 document on disk, pg. 3-33. Inert Gas scrubber overboard - I do not agree with the sentence that Broadwater has not proposed specific measures to protect water quality associated with this discharge. . . . How come the state does not have limits for this thermal discharge determined for the LNG since its 2004 inception? I have major concerns with respect to thermal pollution and this <del>volume</del> volume with the ecosys. of L.I. Sound.</p>	<p>I am also concerned with invasive species in ballast water although the document states ballast water will not be discharged!</p>
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IN32-2

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

IN32-3

<p>Rose Peraza 96 Randall Rd Sheeham NY 11786</p>	<p>Also, ~300,00 savings per year is an absolute joke!!! Not worth &lt; 1.00/day! And, other alternative sources... such as the proposed pipeline from Conn. to L.I. is less disruptive. →</p>
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IN32-4

IN32-1

The discussion of this issue has been expanded in Section 3.2.3.2 of the final EIS. This discharge would occur once every 5 years, and the temperature of this discharge would be 20 F above ambient seawater temperature (not the 52-degree increase identified in the draft EIS). The discharged water would mix with the ambient seawater, and the temperature would be reduced to a maximum of 4 F above ambient temperatures within approximately 40 feet of the FSRU discharge point. Thus, the existing State temperature compliance criteria would be met within the typical regulatory mixing zone. In addition, all discharges would be required to comply with Project-specific SPDES permit requirements.

IN32-2

As discussed in response to comment LA15-6, LNG carriers are not expected to discharge ballast water into Long Island Sound because they would arrive in Long Island Sound laden with cargo (see Section 3.2.3.2 of the final EIS). In the unlikely event that they did discharge ballast water, it would be conducted in accordance with federal and international regulations, including EPA's pending ballast water measures for foreign vessels, to be enacted in 2008, that are intended to minimize potential impacts of invasive species.

IN32-3

Broadwater's claim regarding cost savings did not appear in the draft EIS nor does it appear in the final EIS.

IN32-4

Section 4.0 of the final EIS evaluates a wide variety of alternatives to the proposed Broadwater Project and concludes that they could not satisfy the projected natural gas and other energy demands of the New York City, Long Island, and Connecticut markets with less environmental impact than the Broadwater Project. These alternatives encompass energy conservation; renewable energy sources, including wind and tidal power; and other existing and proposed LNG terminal and pipeline projects.

**IN32 – Rose Peraza**

**COMMENTS (continued)**

IN32-5

The FSEU has proposed tapping into pipelines already in existence, however they are apparently already maxed out.

IN32-6

(Gottlieb et al 2008)

With reference to p. 3-41, TP 4 the lobster pop. has decreased dramatically mainly attributed to above-ave. water temp & low D.O. levels & in addition to a few other reasons. Once again, the thermal pollution is a major concern to me the the fragile ecosystem. The TP states that a slow recovery has started, tho the LNG would just decimate this improvement.

**IN32-5** As discussed in Section 4.5.1 of the final EIS, IGTS has agreed to transport up to 1 bcf/d of natural gas from the Broadwater LNG terminal through its existing 24-inch pipeline across Long Island Sound. IGTS further indicates that this gas could be transported to the target markets without requiring upgrades to the existing IGTS pipeline system.

**IN32-6** Operation of the proposed Project would not affect general DO levels within Long Island Sound (see Section 3.5.7.2 of the final EIS). As discussed in Section 3.2.3.2 of the final EIS, operation of the proposed FSRU would not generally alter the ambient water temperatures of Long Island Sound. Broadwater estimates that the cooling water from the steam-powered LNG carriers would approximate ambient temperature conditions (within 1°F) within 75 feet of the discharge point. Because all discharges would be conducted in accordance with Project-specific SPDES requirements, impacts to marine resources (including lobster) are not expected.

IN33 – Ann Marie Testa

Ann Marie Testa  
821-8481

As a concerned student of the Shoreham Wading River School District I would like to take a moment to express my opinion on the Broadwater Project. I have considered the Long Island Sound to be my backyard for the past 17 years, and I am now fearful for its future. The negative effects of the construction of this proposed liquefied natural gas terminal far outweigh the mere financial benefit to fuel users and their suppliers.

- IN33-1 [ The LGN terminal would pose a serious threat to those working on or nearby the terminal, nearby residents, and marine life. It would also be a potential terrorist target, further endangering thousands of lives of Connecticut and Long Island citizens. It would use tax payers' money to fund the security involved in guarding the terminal. It does not make sense to place a dangerous eyesore like the 1,200 foot LGN terminal in the middle of a beautiful body of water and have the taxpayers bear the cost, as well as the threat of a dangerous malfunction.
- IN33-2 [ Aside from potential threats to humans, life under the Sound will be impacted as well. The pipeline used to transport gas will disrupt life on the floor of the sound including shellfish, plants, fish and their eggs, and the already suffering lobster population. There is also the long-term damage to the water be considered. The proposed terminal would use seawater to cool the machinery. It is estimated that when that water is replaced back into the Sound it is 3.6 degrees warmer. Over time this will raise the overall temperature of the water, disrupting the habitat of so many sea creatures and contributing to global warming.
- IN33-3 [ The LGN terminal appears to offer no benefits to anyone other than LIPA. The profit and money saved through use of natural gas is not worth the cost of the damage to the environment of the sound and the potential harm the LGN could bring to the many citizens of both Connecticut and Long Island.
- IN33-4 [ Thank you for your consideration on this important matter, and I hope that an alternative solution can be found.
- IN33-5 [
- IN33-6 [

- IN33-1 If an accident occurred on the FSRU, Broadwater workers would be at risk. However, the risk associated with the FSRU would be mitigated through inspections, training exercises, the safety zone, and associated plans-all of which are designed to reduce the risk to an acceptable level. Further, no residents would be near the FSRU since its proposed location would be 9 miles from the nearest shoreline, which is a substantially greater distance than the heat hazard zones described in Section 3.10.3 of the final EIS. The impacts to marine life from a major accidental or intentional release from the FSRU are addressed in Section 3.3 of the final EIS.
- IN33-2 Because the Coast Guard has not yet prepared a proposal for additional resources (see Section 8.4.2 of the WSR [Appendix C of the final EIS]), we cannot identify the funding source for the additional resources. However, if the Coast Guard's evaluation confirms a need for additional resources, the resources would likely be federally funded rather than locally funded.
- IN33-3 Thank you for your comment. As noted in Section 3.5.6 of the final EIS, we anticipate that the FSRU would result in a moderate impact on visual resources.
- IN33-4 As stated in Sections 3.3.1.2 (benthic resources), 3.3.2.2 (fisheries), and 3.3.3 (fisheries of special concern) of the final EIS, construction and operation of the Project as proposed by Broadwater would result in a limited environmental impact. Impacts to resources would be avoided or further minimized with incorporation of the recommendations we have identified throughout the final EIS.
- IN33-5 As stated in Section 3.2.3.2 of the final EIS, discharges from LNG carriers and the FSRU would not increase the general water temperature of Long Island Sound. Discharges from the terminal (FSRU) would not be above ambient temperatures. However, there would be marginal water temperature increases in the immediate vicinity of some of the berthed LNG carriers due to the discharge of cooling water from the carriers. The temperature of the water discharge from steam-powered LNG carriers is estimated to return to within 1 °F of ambient temperature conditions within 75 feet of the point of discharge (see Section 3.2.3.2 of the final EIS). Additional details are provided in response to comment OC2-24.

**IN33-6** As described in Section 1.1.1 of the final EIS, approximately half the natural gas from the Project would be transported to New York City, about 25 to 30 percent would go to Long Island, and the remainder would go to Connecticut. We have determined that the Project would result in limited impacts if constructed and operated with implementation of the recommendations specified through Section 3.0 of the final EIS. The Coast Guard has determined that the risks associated with the FSRU and the LNG carriers would be manageable with implementation of the mitigation measures recommended in the WSR (Appendix C of the final EIS).

FEDERAL ENERGY REGULATORY COMMISSION

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

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COMMENTS (PLEASE PRINT) – additional space on opposite side of page

<p>The DEIS may conclude there will be little environmental impact from this facility. I do not agree with this conclusion. My family and I sail, swim, and eat from LI Sound. Do not allow the industrialization of LI Sound. It is a beautiful place full of marine life and habitat to birds and many species. We do not need the LNG. The burning of fossil fuels is causing major climate change. We need to use solar panels for electricity and wind generators, and wood for heat instead. This is a</p>
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Commentor's Name and Mailing Address (Please Print Clearly)

Heather Cusack
7980 N. Bayview
Southold, NY 11971

COMMENTS (continued)

IN34-1	Temporary solution that will cause long term
	harm. After 30 years we still will need to
	use alternative energy. Support that now!
IN34-2	Pumping 100 million of gallons of water will harm
	the zoo and phytoplankton that are the base of
IN34-3	the food chain of all life in the sound. The
	shading of 1200 ft x 200 feet of LI
IN34-4	sound bottom will affect the life below. The
	transport 2-3x/week will add pollution to
	the sound. You are given the job of protecting
	the beautiful natural resources of this
	country and providing the regulation of
	safe energy. It is time to use the smart
	technology of solar + wind to produce
	electricity, no natural gas. LI sound
	is a public resource, do not give it away to
	a big corporation.
	Deny the Broadwater proposal.
	Please say <u>No</u>
	We do not want it.
	Do the Right Thing.
	Deny the permit for Broadwater.

IN34-1 Section 3.3.2.2 of the final EIS has been expanded to describe potential impacts to phytoplankton and zooplankton.

IN34-2 As discussed in Sections 3.3.1.2 and 3.3.2.2 of the final EIS, the physical presence of the FSRU and YMS may provide a limited amount of artificial habitat conditions for the finfish community in the middle of Long Island Sound due to shade from the FSRU and YMS and vertical hard substrate from the YMS. Weathervaning of the FSRU around the YMS would eliminate long-term shading at any one location. It is anticipated that these artificial habitat conditions may be both beneficial and adverse to different species, but any effect would be highly localized and would result in a negligible influence on the biological communities of Long Island Sound.

IN34-3 Section 3.2.3.2 of the final EIS describes potential impacts of LNG carriers to the water quality of Long Island Sound.

IN34-4 As described in Section 1.1 of the final EIS, wind power, solar power, and other sources of renewable energy can help to reduce the growing energy demand of the region. However, these solutions lack the ability to provide the scale of energy currently expected to comprise the region's future demand.

**IN35 – David Kiremidjian**

The following is submitted by David Kiremidjian; I live in Southold; my mailing address is Box 1555, Southold, NY 11971.

I would like to comment on a few matters.

The first has to do with the DEIS, and the degree to which Broadwater will impact upon the Sound. It was said that it will occupy one-tenth of one percent of the area of the Sound, but I do not believe that evaluation has any practical accuracy from the standpoint of how visible and audible it will actually be. (If these are not categories in a DEIS, they ought to be considered deeply for this case anyway). At eighty feet over the water, and from an eyelevel position on a boat deck ten feet above the water, Broadwater will be seen for a distance of about 14 miles in every direction, which makes it into a presence of an arguably monstrous ugliness visible over at least one-third of the entire Sound. (To mitigate such an effect, perhaps the corporate owners of Broadwater could hire someone to paint a mural on its sides, so it might resemble a breaching whale, or, obeying their bottom-line responsibilities, could transform its sides into a gigantic illuminated billboard urging us to buy sunscreen and canned tuna fish.) At night, the situation would be even worse: a 1200 foot-long factory blazing with lights.

Then, how much noise does it make, and what are the characteristics of that noise? Does it rumble, or groan, or grind, or whistle; emit vibrations, shocks, roars, or the like? Perhaps a few occasional blasts, as well? Would it be equipped with an underwater sonar security system, and what would be that intensity? Are the noises continuous or intermittent? Would they be audible, for instance, to people walking on the beach, or equally important, would they encourage or discourage the presence of marine life? Fish seem to get along with the sounds of tankers, tugs, and motorboats, which approach, then peak, and finally recede, but how would they react to continuous noise from one single location? What sort of noise or vibration would the pipeline make along its long length? A soft whispering as the gas sped through? Would a lobster, for example, want to lay eggs anywhere near it? Would a scuba diver hear it as he explored a favorite underwater attraction at a given distance away?

Further, it needs to be asserted that natural gas is not a clean energy, not clean by a long shot; the environmental, moral, and health costs of its extraction are immense and in some ways worse than oil. We, the citizens of

IN35-1 [

IN35-2 [

IN35-3 [

IN35-1 The area of the proposed safety and security zone around the FSRU and YMS would be approximately 0.1 percent of the area of Long Island Sound. We have not equated that area with either noise or visual impacts. Section 3.5.6 of the final EIS addresses the impact of the Project on visual resources, and Section 3.9.2.2 addresses airborne noise impacts.

IN35-2 The visual impact of the FSRU at night is addressed in Section 3.5.6 of the final EIS. At night, the lights on the FSRU and YMS (aids to navigation lights, aviation obstruction lights, and operational lights) would be visible from at least some shoreline locations on about 292 nights per year. Lights on LNG carriers at berth or transiting the Sound and on support vessels also would be visible from some locations. The visual resources assessment prepared for the proposed Project states that on clear nights and at distances greater than 9 miles, Project lighting would appear as a dim white or yellow/orange cluster on the horizon and would have a shimmering effect due to optical refraction. In addition, we believe that individual blinking lights related to the Project may be visible to some shoreline viewers under clear viewing conditions.

IN35-3 Section 3.9.2.2 of the final EIS describes potential noise impacts to humans; and Sections 3.3 and 3.4 describe potential noise impacts to biological resources, including fish, marine mammals, and threatened and endangered species. In general, the operational noise of the Project would be comparable to large ship noises in transit and at anchor. Noise from the FSRU would not be perceptible from shore and would not be noticeable to most marine users except possibly those close to the safety and security zone when no other substantial ambient noise was present (such as motors, wind, and conversation).

**IN35 – David Kiremidjian**

the USA, will be complicit in that extraction no matter where it occurs on this earth. In our own country, in some of the southwestern states, the underground mining rights are sold separate from the above ground land rights, so it is perfectly possible that even if your family has owned a 40-acre farm for generations, a corporation can and has come in to drill virtually wherever it wishes to extract the underground gas. The associated pollution is great, and health problems abound in the vicinity of such undertakings. Now, we might ask, how will the gas be extracted in foreign countries? Will the rights of workers be respected? Will there be just wages? Will environmental standards be in place and enforced? Not likely in each case, judging from past performance.

IN35-4

Then, the issue of fear. Someone at the Smithtown hearing mentioned how the tranquility and repose of a person delighting in grandeur of this beautiful body of water would be ever saturated with the fear that Broadwater could explode at any time. Well and good, perhaps overstated, but for sure its presence will forever be one of menace, in both its grossly overbearing physical reality and in its destructive potential. But beneath this, there is a far greater and more virulent fear, manipulated to appeal to our very sense of survival, that unless we acquiesce to this manifestly ill-planned and incompletely thought-through project we will literally be left out in the cold. And that is what is so insidiously wrong about it, that it will be one more bizarre extension of a failed and futile energy strategy, one more invitation to go just a bit further down the road into our doomed and suicidal illusion that we can go on and on with the repeated irrationality of our course and not wake up some day in cold homes with dark furnaces in winter. This is to surrender to a barbaric coercion driven by greed and blindness, and to abandon everything that has become so plain and obvious before our very eyes.

Deny this project. It is wrong in all its aspects. Resolve instead to develop a course which recognizes the true realities of the future which is approaching us.

IN35-4

The commentor inappropriately correlates energy content with explosive potential. Section 3.10.1 of the final EIS describes why it is incorrect to correlate energy content with explosive potential for LNG; in summary, LNG is not explosive.

**IN36 – Nick Madden**

Nick Madden  
250 Rt. 25a  
Shoreham, NY 11786  
Participation in Government  
Broadwater Position

I am a senior at Shoreham Wading River High School and a member of the 6<sup>th</sup> period Participation in Government class. Recently it has come under our attention the debate over a liquefied natural gas terminal proposed for the Long Island Sound located approximately 10 miles off the shore of Wading River Beach. We have been studying the effects on Long Island and Connecticut the massive Broadwater LNG Terminal will have.

I do not agree with plans set forth to construct this massive Broadwater terminal off the shore of Wading River. The issue at bar is a report by Federal Energy Regulatory Commission called the draft environmental impact statement (DEIS). The FERC determined that the construction and operation of the Broadwater liquid natural gas terminal in the Long Island Sound would have minimal environmental impact if certain conditions were met. However scientists from New York and Connecticut have questioned the reports conclusion saying it downplays potential damage to marine life. They say the terminals construction and the nearby pipelines would cause serious harm to lobsters and other creatures such as sponges and coral on the Sound's floor. Stephen Tettelbach, a professor of biology at C.W. Post said, "Given the current sad state of the lobster stocks in Long Island Sound, any additional impacts would not be helpful." I do not think it is a good idea to negatively impact the already deteriorating lobster population in the Long Island Sound to preserve their existence. Also the issue brings a concern of drawing millions of gallons of water each day from the sound for the terminals operation. Environmentalists claim that sucking millions of gallons out of the sounds could kill an untold amount of fish larvae, shellfish larvae, plankton and other tiny plants and disrupt the food web. The then release of used cooling water would increase the temperature of the water by 3.6 degrees. This water would then be chlorinated which can be harmful to marine life and algae. I also agree with Local officials and residents who oppose the plan fiercely saying that the facility will create a potential terrorism target and disrupt commercial fishing and recreation use of the sound. Also the terminal will be unsightly for residents who frequently use the beach.

The negative effects of the potential construction of the Broadwater terminal can be drastic. I feel that it is necessary to preserve the environment and this project could have drastic effects on doing that.

My contact information is (631) 821-8140 and the email address is [kmann@swr.k12.ny.us](mailto:kmann@swr.k12.ny.us).

IN36-1

IN36-2

IN36-3

IN36-4

IN36-5

IN36-1

As stated in Section 3.3.1.2 of the final EIS, no significant impact to the lobster population is anticipated due the relatively small size of the construction footprint (substantially less than 0.1 percent of the seafloor in Long Island Sound). In addition, the concerns raised by the identified scientists have been addressed throughout the final EIS, especially in Sections 3.1 and 3.3.

IN36-2

The water usage by the Project would primarily be associated with cooling water for the LNG carriers bringing product to the FSRU. Virtually all commercial vessels, and many recreational vessels, currently transiting the Sound uptake cooling water. Section 3.3.2.2 of the final EIS discusses entrainment and impingement impacts. As identified in the EIS, losses of planktonic organisms would be minimized by locating the FSRU water intakes at a water depth with relatively low densities of marine organisms (approximately mid-depth of the water column) and limiting the water intake velocity (0.5 foot per second or less). Impacts to fish eggs and larvae likely would constitute less than 0.1 percent of the standing stock of the central basin of Long Island Sound.

IN36-3

As reported in Section 5.3 of the WSR (Appendix C of the final EIS), the Coast Guard considered terrorism in its assessment of safety and security. In Section 8.4 of the WSR, the Coast Guard reported its preliminary determination that the risks associated with the operation of the FSRU and the LNG carriers would be manageable with implementation of its recommended mitigation measures.

Sections 3.7.4.1 and 3.5.5.2 of the final EIS address impacts to commercial fishing, and Section 3.5.5.1 of the final EIS addresses recreational fishing. As described in those sections, the FSRU and LNG carriers and their proposed safety and security zones would have a minor impact on commercial and recreational fishing.

IN36-4

Section 3.5.6 of the final EIS describes the impact of the Project on visual resources. The Visual Resources Assessment prepared by Broadwater, which is available on the FERC docket, includes simulated views from Shoreham Beach. As noted in Section 3.5.6, we anticipate that the FSRU would result in a moderate impact on visual resources.

IN36-5

As described throughout the final EIS, all construction and operational activities would comply with federal and state Project-specific permitting requirements developed to protect water quality, biological resources, and the habitat quality of Long Island Sound.

IN37 – Nick Kapatos

Let me introduce myself. My name is Nick Kapatos, a senior at the Shoreham-Wading River High School in Shoreham, New York. I have been a resident of the Shoreham-Wading River area since 2002, and I have grown to love the country-like setting. When I first heard of the Broadwater Energy Company proposing a floating liquefied natural gas (LNG) terminal in the Long Island Sound which would deliver the LNG to Long Island, I was in favor of the proposal because I thought it would be great because the LNG would be cheap.

However, after I researched the details about the gas terminal and its possible effects to the area, I have since been opposed to the floating terminal. Its common sense: The risks outweigh the benefits. Here are a few risks and rewards but as you can see, there are more risks than rewards:

- **Environment (risk)** - To cool off all the machinery of this terminal, the structure would suck gallons of water into the terminal, use it to cool the machinery and dump it back into the Sound. This is dangerous because fish eggs and other aquatic life could get sucked into the pump and killed, which would disrupt the food web. Also, the release of the once cooled water back into the Sound would raise the temperature an estimated 3.6 degrees and could lead to what scientists dub "thermal pollution." Also, if a pipe ruptured, gallons of LNG would be spewed into the Long Island Sound causing massive deaths to aquatic wildlife.
- **Cheap cost (reward)** – The proposed LNG that would be distributed to Long Island, other parts of New York and Connecticut would save buyers an estimated \$300 on their heating bill.
- **Distribution (risk)** – According to Newsday, the amount that would reach Long Island is only a fraction of what is being distributed elsewhere. Supposedly, only Western Suffolk County and Nassau County would get 25%-30% of the LNG (Wading River is out east), Manhattan would get 50%, and Connecticut would receive whatever is remaining.
- **Safety (risk)** – A large floating gas terminal like the proposed Broadwater terminal has the potential to be a target for a future terrorist attack. The terminal being close to my town on Long Island (9.2 miles) would cause great destruction to Long Island and Connecticut if it ever blew up. Also, if a fire from the receiving side were to ever happen, that could also lead to the terminal being destroyed.
- **Scenery (risk)** – Imagine this: You're walking along the Wading River beach on a hot summer day. You look in the direction of Connecticut expecting to see the coastline of Connecticut. However, instead of seeing Connecticut, you see a massive 1200 foot facility floating in the Sound, with oil tankers arriving and departing from the object constantly.

If you would like to contact me on anything previously mentioned, you could reach me at:

[kmann@swr.k12.nv.us](mailto:kmann@swr.k12.nv.us)  
(631)821-8162 [fax]  
(631)821-8148 [phone]

IN37-1

IN37-2

IN37-3

IN37-4

IN37-1

As discussed in response to comment LA15-6, normal operations of the FSRU would not influence water temperatures because the water primarily would be used for ballast, and all discharges would be conducted in accordance with Project-specific SPDES permit requirements. The temperature of the water discharge from steam-powered LNG carriers is estimated to be return to within 1 °F of ambient temperatures within 75 feet of the point of discharge. This would occur within the typical regulatory mixing zone and would readily comply with NYSDEC thermal water quality criteria. Section 3.3.2.2 of the final EIS discusses entrainment and impingement impacts, including NMFS-recommended measures to minimize impacts of water intakes. The proposed FSRU and LNG carriers would impinge/entrain a tiny fraction of the standing crop of the central basin of Long Island Sound (less than 0.1 percent), and these losses are not expected to affect the overall finfish or lobster population within Long Island Sound.

IN37-2

Release of natural gas is discussed in Section 3.10.9.3 of the final EIS. Should an LNG release occur, the waters of the Sound would act as a heat source causing the LNG to convert to gas. The gas would rise and dissipate in the atmosphere or burn back to the release point, if an ignition source were encountered. No residual product would be expected to persist in the Sound in the unlikely event of a release.

IN37-3

As reported in Section 5.3 of the WSR (Appendix C of the final EIS), the Coast Guard considered terrorism in its assessment of safety and security. In Section 8.4 of the WSR, the Coast Guard reported its preliminary determination that risks associated with operation of the FSRU and the LNG carriers would be manageable, with implementation of its recommended mitigation measures that may be included in the Letter of Recommendation.

The commentor inappropriately correlates energy content with explosive potential. Section 3.10.1 of the final EIS describes why it is incorrect to correlate energy content with explosive potential for LNG; in summary, LNG is not explosive. If a major release from the FSRU occurred and resulted in a fire, it is likely that the FSRU would be damaged, as noted by the commentor. Potential consequences of such a release are described in Section 3.10.3.2 of the final EIS.

**IN37-4** Section 3.5.6 of the final EIS describes the impact of the Project on visual resources. The Visual Resources Assessment prepared by Broadwater, which is available on the FERC docket, includes simulated views from Wading River. From 9 miles, the FSRU would appear as a small, boat-like object holding a fixed position. As noted in Section 3.5.6, we anticipate that the FSRU would result in a moderate impact on visual resources. No oil tankers would serve the FSRU. Because only one LNG carrier would be allowed in the Sound at any one time, the carriers would not be constantly arriving at and departing from the FSRU.

**IN38 – C. Thomas Paul**

Response to FERC on DEIS for the Broadwater Project  
Docket no. PF 05-4, CP06-54-000 and CP 06-55-000.  
By C. Thomas Paul, 813 Summer Hill Road, Madison, CT. January 16, 2007

I am a resident of Madison, CT, a user of Long Island Sound and have 40 plus years experience in the Engineering for Industry. I am the CT Sierra Club representative to the Sound Alliance Steering Committee, formed by CT Fund for the Environment and Save the Sound. This letter is a response to the Draft Environmental Impact Statement on the Broadwater Project issued by FERC on November 2006.

- The DEIS reports that there are two major concerns about the Broadwater Project,
1. Safety
  2. Potential Environmental impact.

I believe there is a third major concern, the industrializing of the Long Island Sound.

**SAFETY**

One item on safety reported in the DEIS I believe has been under stated. This is to the potential problems with the FSRU – Mooring (YMS). The mooring system design using a fixed yoke is a new for this application. No one knows what design is best. Page 2-12 states that the connection should take a 127 mph wind for an hour or a 198 mph wind for one minute. What would happen with 150 mph wind for two hours? There is some discussion on page 3-202 about a detachment of the FSRU but it is not a worst case scenario. Page 3-225 shows high density areas. Both New Haven and Bridgeport are mark so. What if the FSRU broke loose and drifted to New Haven then broke up at the Q Bridge and was set afire? There is no probability stated about the Yoke connection being disconnected. I believe there are a number of scenarios where this could happen.

**ENVIRONMENT**

There are a number ways that the environment can be affected by this project.

This could happen during;

1. Construction – digging the trench
  - a. killing marine life
  - b. siltation
  - c. disturbing about 2200 acres
2. Plant operation
  - a. FSRU swing around the yoke
  - b. Ballast water
  - c. Air quality
  - d. Water intake (mesh size large)
  - e. Water discharge
  - f. Night lighting during bird migration
3. Accidents occurring
  - a. spills
  - b. fire
  - c. collisions
  - d. gas release
  - e. yoke damage
  - f. FSRU break away

**IN38-1** As stated in Section 4.3.5 of the WSR (Appendix C of the final EIS), the YMS would be designed to withstand the forces equivalent to those of a Category 5 hurricane; all design reviews of the facility would be conducted by FERC, the Coast Guard, and an independent certifying entity, as described in Section 4.6.2 of the WSR. Further, during the past 150 years, seven hurricanes have passed through Long Island Sound, with the largest considered a Category 3 hurricane. If the Project is authorized to proceed to operation by FERC, that authorization would be based on the detailed design information required for the continuing evaluation of reliability and safety.

Section 3.10.2.3 of the final EIS and Sections 4.3.5 and 4.6.2.1 of the WSR address the possibility and the risk of the FSRU breaking away from the YMS. As described in Section 3.10.6 of the final EIS Broadwater would be required to prepare an Emergency Response Plan. The plan would address a wide spectrum of emergency situations and appropriate responses, including the actions that would be taken by the Broadwater support tugs and the Coast Guard if the FSRU separated from the YMS. The Emergency Response Plan would need to be approved by FERC before Broadwater could receive approval to begin construction of the facility.

**IN38-2** These potential impacts are discussed throughout the final EIS, including the specified benthic impacts (Sections 3.1.2.2. and 3.3.1); water intake and discharge (Section 3.2.3.2); air quality (Section 3.9.1); lighting impacts to birds (Section 3.3.5); and accidents including spills, fires, collisions, and gas releases (Section 3.10.5 among others).

IN38-1

IN38-2

IN38-3 [

Bird migration is not mentioned in the report. The Hammonasset State park is in my town of Madison. The park goes two miles out into the sound. Every year about 260 different species of bird pass through during migration in the spring and the fall. The Broadwater Project is in the flight path of these migrating birds. There is a high probability that many birds will be killed while flying at night. They will fly into the superstructures located by the lights. To verify this check the internet about an organization called FLAP (Fatal Light Awareness Project).

IN38-4 [

The gas platform, FSRU, will be located about 1/2 mile from the Connecticut line, page 3-9. The environmental problems listed above will affect Connecticut this short distance away. Storms, wind and currents move affected water and air to the Connecticut side. This is more than enough reason that Connecticut should be part of the DEIS review and permitting process.

IN38-5 [

I believe that the safety concerns and environmental impact on the Long Island Sound are enough to reject this project.

**ALTERNATIVES**

IN38-6 [

For the last 24 years I have been on a land use board. If an applicant looking for a permit approval but has a regulation problem there is a standard question we might ask. Does the project have a *prudent and feasible alternative*? The answer to the Broadwater project is clear yes. There are two new FERC approved projects; (page 4-16)

- a. Weaver Cove – MA
- b. Crown Point – NJ

And two newly state approve projects;

- a. Neptune Deep Water – MA
- b. Northeast Gateway – MA

And several planned projects;

- a. Safe Harbor energy – NJ
- b. AES battery Rock – MA
- c. Down East – ME
- d. BP Consulting - ME
- e. Cutler Tidal Power Project – ME.

Another alternative was mentioned at last weeks hearing in New London by Dr. David Bingham. He suggested that we as a nation are addicted to fusel fuel and we have to brake away from this addition. We need to find more alternative to fusel fuel.

Thank you for the opportunity to respond.

IN38-3 Section 3.3.5.2 of the final EIS has been updated to discuss potential impacts to bird migrations.

IN38-4 The final EIS describes the potential impacts to the resources of Long Island Sound independent of state lines.

IN38-5 Connecticut state agencies were involved in developing the scope of issues that were addressed in the EIS. Through the submittal of comments on the draft EIS from the public and agencies, Connecticut has contributed to the analyses presented in the final EIS.

IN38-6 Thank you for your comments. Section 4.3.2 of the final EIS evaluates the potential of each existing, approved, and planned LNG terminal to serve as an alternative to the proposed Broadwater Project. Perhaps the greatest limitation for each of these alternatives is that they do not provide for delivery of natural gas to the markets that would be served by Broadwater. Each of these alternatives would need to be modified and expanded to be a true alternative to Broadwater. It is the modifications and expansions that would cause impacts to exceed those projected for Broadwater.