



United States Department of the Interior

FISH AND WILDLIFE SERVICE

300 Westgate Center Drive
Hadley, MA 01035-9589



In Reply Refer To:
FWS/R5/ES/039426

DEC 29 2008

Jamon Bollock, Attorney-Advisor
Office of the General Counsel for Ocean Services
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
Silver Spring, Maryland 20910

Dear Mr. Bollock:

On behalf of Mr. H. Dale Hall, Director of the U.S. Fish and Wildlife Service (Service), we provide the following response to a letter dated December 2, 2008, from Joel La Biossonniere requesting comments on an administrative appeal pending before the Secretary of the Department of Commerce regarding the Broadwater Pipeline LLC (Broadwater). Broadwater is proposing to construct and operate a liquid natural gas (LNG) facility in Long Island Sound, New York, and Connecticut. The Broadwater LNG facility would include a floating storage and regasification terminal, as well as approximately 21.7 miles of subsea natural gas pipeline. Liquid natural gas would be delivered to the terminal by approximately 118 LNG carriers per year. The State of New York has objected to the proposal to construct and operate this facility on the basis that it will not be consistent with the objectives of the Coastal Zone Management Act. Broadwater is appealing the State's determination.

The Service provided comments on the 2006 Draft Environmental Impact Statement as part of a January 18, 2007, response letter from the Department of the Interior (enclosed). We maintain many of the concerns expressed in that letter. In particular, the intake of water by the LNG terminal and LNG carriers will likely entrain and impinge between 49.8 to 101.9 million fish eggs and 67.4 to 173.1 million fish larvae per year. We regard this as a substantial impact on a number of finfish, including those diadromous species that use Long Island Sound as a migratory corridor. Our understanding is that Broadwater has determined that wedgewire screens, as recommended by the Service to reduce fish impingement and entrainment, are not a feasible alternative.

The Service, in a letter dated June 8, 2007 (enclosed), concurred with the determination of the Federal Energy Regulatory Commission that the proposed LNG terminal would not be likely to adversely affect federally listed species. We have not yet completed consultation with the Coast

Guard pursuant to the Endangered Species Act of 1973, as amended (87 Stat 884, as amended; 16 U.S.C. 1531 *et seq.*), regarding impacts to federally listed species related to shipping lanes and associated hazard zones.

We hope these comments and associated enclosures are useful in your appeals process. If you would like additional specific information, please contact Anne Secord at the Service's New York Field Office, at 607-753-9334.

Sincerely,

A handwritten signature in black ink, appearing to read "Marvin Moriarty", written in a cursive style.

Marvin E. Moriarty
Regional Director

Acting

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
408 Atlantic Avenue - Room 142
Boston, Massachusetts 02210-3334



January 18, 2007

9043.1
ER 06/1115

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

Dear Ms Salas:

The Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Broadwater LNG Project, FERC Nos. CP06-54-000 and CP06-55-000. The proposed project is the construction, installation, and operation of a liquefied natural gas (LNG) import, storage, and regasification facility and new offshore gas pipeline to connect to the existing interstate natural gas system, with all project components located in Long Island Sound (Sound), New York and Connecticut.

This report of the Department is submitted for project planning purposes under the National Environmental Policy Act and the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Comments pursuant to the ESA were submitted in a letter dated February 10, 2006. Additional comments may be provided pursuant to, and in accordance with, provisions of the ESA and Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) in the future, if applicable.

PROJECT DESCRIPTION

The proposed Broadwater LNG terminal would be a floating storage and regasification unit (FSRU) that would be attached to a yoke mooring system that includes a mooring tower embedded in the sea floor. The LNG would be delivered to the FSRU by LNG carriers, temporarily stored, vaporized (regasified), and then transported to 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 which extends across the Sound.

The LNG would be delivered to the FSRU at a rate of about 118 LNG carriers per year. In order to accommodate the cryogenic storage tanks, the FSRU would be double hulled. The main components of the FSRU would include a single berthing and unloading facility for LNG carriers with cargo capacities ranging from 125,000 to 250,000 cubic meters, a total storage capacity of 350,000 cubic meters, a closed loop vaporization system that would heat the LNG using natural gas, utility systems, crew quarters, and service facilities.

IMPACTS TO FEDERALLY-LISTED THREATENED AND ENDANGERED SPECIES

The U.S. Fish and Wildlife Service (Service), in a letter dated February 10, 2006, indicated that the Federally-listed as threatened piping plover (*Charadrius melodus*) may occur in the vicinity of the Port Jefferson and Greenport areas. The Port Jefferson and Greenport facilities would be used for office and warehouse space, as well as for mooring tugboats. Both facilities are currently occupied by warehouses, office space, and commercial docks. The DEIS indicates that since these two onshore facilities are currently used as office space, warehouse space, and commercial docks, it is not anticipated that there would be impacts to onshore piping plovers. The DEIS concludes that with the implementation of recommendations, including coordination with both the Service and the National Marine Fisheries Service, the project would not be likely to adversely affect any Federally-listed threatened or endangered species. The Service concurs that the on-shore facilities and operations associated with the proposed action are not likely to adversely affect Federally-listed species under our jurisdiction. However, the Service is currently assessing the potential impacts of migrating/foraging piping plover and Federally-listed endangered roseate tern (*Sterna dougallii*) collisions with the proposed off-shore facility and associated structures. As such, further ESA consultation and coordination is required.

IMPACTS TO FISH AND WILDLIFE RESOURCES

Entrainment and Impingement of Aquatic Organisms

The Department has concerns regarding the effects on fish and other aquatic organisms of the FSRU and LNG carriers taking in and discharging large volumes of water. Most of the water taken in by the FSRU would be used for ballast when discharging vaporized LNG. When taking on LNG from the carriers, the ballast water in the FSRU would be returned to the Sound. The LNG carriers would take on water primarily for use in cooling and for ballast when LNG is being unloaded. The cooling water would be returned to the Sound and ballast water would remain on the LNG carrier until it departed the Sound.

Annually, the water intake of the FSRU would average about 5.5 million gallons per day (mgd), with a maximum daily intake of 8.2 mgd. In general, this water would be treated with the biocide, sodium hypochlorite. The water intake of the carriers would be about 22.7 mgd, including ballast and cooling water. Some water discharges from the carriers would be associated with cooling on-board machinery and may be an average of 3.6°F warmer than ambient temperatures.

The primary impacts to fish and other aquatic resources associated with the above described exchange of water would be the impingement and entrainment of ichthyoplankton, and possibly larger organisms; and the adverse impacts potentially associated with the discharge of water containing sodium hypochlorite. The FSRU and LNG carriers are predicted to annually impinge/entrain between 49.8 - 101.9 million eggs and 67.4 million to 173.1 million larvae. Based on ichthyoplankton surveys conducted in the project vicinity, the fish species most likely to be impacted include weakfish/scup (*Cynoscion regalis/Stenotomus chrysops*), fourbeard rockling (*Enchelyopus cimbrius*), tautog (*Tautoga onitis*), sea robin (*Chelidonichthys spinosus*), Atlantic menhaden (*Brevoortia tyrannus*), windowpane flounder (*Scopthalmus aquosus*), bay anchovy (*Anchoa mitchilli*), smallmouth flounder (*Etropus microstomus*), sand lance (*Ammodytes dubius*), and butterfish (*Poronotus triacanthus*).

Broadwater is proposing measures to reduce entrainment and impingement. Their water intake velocity would be 0.5 feet per second (fps), which is an acceptable intake velocity to protect aquatic organisms, including juveniles. The screen size on the intake to the ballast tanks of the FSRU is 0.2 inches (5.08 mm), a diameter that will not preclude entrainment and impingement of many ichthyoplankton that are taken into the sea chests. Many powerplants use a wedgewire screen with a 0.08 inches (2 mm) screen size. Weisberg et al., (1987) found that wedgewire screens with an intake velocity of 0.7 fps and slot sizes of 0.04 inches (1mm), 2 mm, and 0.12 inches (3 mm), significantly reduced fish entrainment. We recommend that Broadwater consider the use of a wedgewire screening system with a slot opening in the 1 - 3 mm range.

No information was provided in the DEIS regarding the screening of water taken into the LNG carriers. We note that the LNG carriers will take in greater volumes of water and potentially significant numbers of ichthyoplankton than the FSRU. All of these organisms would likely suffer mortality, either as a result of biocide use in the carrier or ballast water exchange in the ocean. We recommend that the Final EIS discuss this topic in greater detail.

Use of Biocide, Sodium Hypochlorite

The ballast water within the FSRU will be treated with the biocide, sodium hypochlorite, a high pH oxidizing and disinfecting agent. The treated ballast water would subsequently be discharged to the Sound. Broadwater is predicting that the discharged water would contain sodium hypochlorite at concentrations between 0.01 and 0.05 parts per million (10 - 50 parts per billion [ppb]). We recommend that Broadwater estimate the likely concentrations of total chlorine likely to be released and compare those concentrations with the New York State Department of Environmental Conservation water quality standard for chlorine of 5 ppb to assess potential biological effects. Although very little information exists on the biological effects of this chemical on aquatic organisms, the PAN Pesticides database (2006) provides some toxicological endpoints. Most relevant to the Sound, the larvae of American lobster exhibited altered growth at sodium hypochlorite water concentrations of 150 ppb, with larval LC₅₀s ranging from 2,500 - 16,300 ppb (http://www.pesticideinfo.org/List_AquireAll.jsp?Rec_Id=PC34390). Broadwater should more thoroughly describe the water quality monitoring plan, linking their monitoring with water quality standards and biological endpoints, such as the one mentioned above for the American lobster.

Effects on Migratory Birds

Little detail is provided in the document regarding aviation and navigation warning lighting. Based on concerns about lights attracting birds, especially in inclement weather (Manville 2005), we encourage the applicants to use minimum intensity, red or white, strobe lights at night on outbuildings, tall structures, and any other facilities requiring warning lights. We discourage use of bright, high-intensity, high-lumen sodium or mercury vapor lighting. These have been well documented to attract birds, especially during inclement weather at night (Manville 2005).

On structures regulated by the Federal Aviation Association (FAA), unless otherwise requested by the FAA, only white strobe lights should be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute (longest duration between flashes) allowable by the FAA. Solid red or pulsating red incandescent lights should not be used, as they appear to attract night-migrating birds at a much higher rate than white strobe lights. For more information see the Service's Best Management Practices at <http://www.birdsandbuildings.org/docs/AlManvilleTallStructures.pdf>.

SPECIFIC COMMENTS

Maps in the draft EIS do not show latitude or longitude. Without precise location information, it is difficult to determine where the pipeline, yoke mooring system, and floating storage and regasification unit will be sited.

Section 2.3.2.2 Special Construction Techniques, Installation at Stratford Shoal, pages 2-30 and 2-31

It is stated in the DEIS that the proposed “post-lay plowing technique” of pipeline installation may not work in the coarse, potentially bouldery, sediments expected on the southern flank of Stratford Shoal Middle. It is also stated that, “Broadwater would conduct additional investigations to determine whether or not geotechnical conditions across Stratford Shoal would allow pipeline installation using the post-lay plowing method.... If the additional investigations indicate that the post-lay plowing method would not be appropriate, Broadwater would develop an alternative installation method for this portion of the route.” It is suggested that Broadwater consult the seismic-reflection sub-bottom profiles available for the project area. These profiles, which could be used to clarify geological issues involved with pipeline installation and geohazards at the floating storage and regasification unit, are available in Poppe et al. (2002) at: <http://woodshole.er.usgs.gov/openfile/of02-002/>.

Section 3.0 General Setting, page 3-2, first paragraph, fourth sentence

Several geographic features are misnamed and mislocated. The sentence currently reads “A relatively shallow area called the Norwalk Shoal Complex separates the east basin from the central basin.” This sentence should be revised to read, “A relatively shallow area formed by a submerged marine delta and provincially referred to as the Mattituck Sill separates the east basin from the central basin.”

Section 3.1.1.1 Geologic Setting, page 3-3, second paragraph, fourth sentence

The sentence currently ends with the phrase “...from the North Fork.” Add “of Long Island” for clarity -- change to “...from the North Fork of Long Island.”

Section 3.1.1.1 Geologic Setting, page 3-4, third paragraph

Replace the references to “Norwalk Shoal Complex” in the second and fourth sentences with “Mattituck Sill”, and replace the references to the “Stratford Shoal Complex” in the fourth and last sentences with “Stratford Shoal Middle Ground Complex.”

Section 3.1.1.3 Geologic Hazards, Seismicity, and Faulting, page 3-5, first paragraph

The last sentence states that no New England earthquakes have exceeded a magnitude of 6.0. This is incorrect; the Cape Ann earthquake is currently estimated to have had a magnitude of 6.2 (Ebel, 2006).

Section 3.1.1.3 Geologic Hazards, Soil Liquefaction, page 3-5, second paragraph, second sentence

The sentence currently begins: “The surface substrate is composed of soft sediment (clays and sands)....” The wording should be revised to read, “The surface substrate is composed of soft muddy sediment (primarily clayey silt)....”

Section 3.1.2 Sediments

The text in this section confuses sedimentary environment with sediment texture, and uses the related terms interchangeably. Figures 3.1-2 and 3.1-3 both show sediment type in the background. If one of these figures showed the sedimentary environment data layer available from the same source (Paskevich and Poppe, 2000), some of the resultant confusion would be rectified.

Section 3.1.2.1 Existing Environment, page 3-7, first paragraph, last sentence

Change “Lacustrine glacial deposits....” to “Glaciolacustrine deposits....”

Section 3.1.2.1 Existing Environment, page 3-7, second paragraph, third sentence

Change “Fine-grained material covers....” to “Environments characterized by fine-grained deposition cover....”

Section 3.1.2.1 Existing Environment, page 3-7, second paragraph, fourth sentence

Change it to read “Environments characterized by sorting cover approximately 22 percent of the seafloor, and environments characterized by coarse bedload transport cover approximately 16 percent.”

Section 3.1.2.1 Existing Environment, page 3-7, second paragraph, fifth sentence

Change “Coarse-grained material is present mainly in....” to read “The main area of coarse-grained bedload transport is present in....”

Section 3.1.2.1 Existing Environment, page 3-7, second paragraph, sixth sentence

Change it to read “Environments characterized by erosion cover approximately 10 percent of the seafloor, primarily at the eastern entrance to the Sound and on the shallower parts of the Stratford Shoal Middle Ground and Norwalk Shoal complexes.”

Section 3.1.2.1 Existing Environment, page 3-7, third paragraph, first sentence

Change “...sediment associated....” to “...sedimentary environment associated....” and change “...sediment composition.” to “...the distributions of these environments.”

Section 3.1.2.1 Existing Environment, page 3-7, fourth paragraph, first sentence

Change the reference to Poppe et al. (2001) to Knebel and Poppe (2000).

Section 3.1.2.1 Existing Environment, page 3-7, fourth paragraph, third sentence

Change sentence to read: “Environments of erosion or nondeposition occur on the shallower parts of Stratford Shoal Middle Ground.”

Section 3.1.2.1 Existing Environment, page 3-7, fourth paragraph, fourth sentence

Change “in sediments composed of various proportions of sand, silt, and clay.” to “in muddy sediments composed primarily of clayey silt (Poppe et al. 2000).”

Section 3.1.2.1 Existing Environment, page 3-7, fourth paragraph, fifth, sixth, and seventh sentences

Change all references to “Stratford Shoal” to “Stratford Shoal Middle Ground.”

Section 3.1.2.1 Existing Environment, page 3-7, fourth paragraph, sixth sentence

Change the phrase “...gravel or bedrock.” at the end of the sentence to “...gravel.”

Section 3.1.2.1 Existing Environment, page 3-7, fourth paragraph, last sentence

Change the phrase “...sediment type is a combination of sand, silt, and clay.” at the end of the sentence to “...sediment type progressively fines until it becomes clayey silt.”

Section 3.1.2.2 Potential Impacts and Mitigation - Physical Disturbance, page 3-15, first full paragraph

The applicant’s contention that the excavated trench would backfill naturally within 3 years (or even 10 years) is unlikely, based on the geology of the area. Active backfilling of the pipeline trench, as recommended by the EIS authors, is most consistent with minimizing environmental impacts along the pipeline route and reducing potential releases from any contaminated sediments that might be exposed during excavation. The rate of natural backfill in most of the depositional areas of the Sound is not rapid enough to refill the pipeline trench in the time envisioned (greater than 2 years). The authors are referred to Mecray and Buchholtz ten Brink (1999), which shows dated sediment profiles from the area using Pb-210 and Cs-137 indicating the low sedimentation rates, and Knebel (1998), which shows areas of deposition and erosion. The natural sedimentation rate is generally less than 1/8 inch per year. The only backfill would come from slumping or transport of excavated material back into the trench by bottom currents.

Section 3.1.2.2 Potential Impacts and Mitigation - Sedimentation, page 3-16

The applicant used the MIKE3 modeling method to predict transport and fate of sediment disturbed during construction. However, they did not specify if or whose near-bottom current models were incorporated into the modeling and what range of storm energy the currents reflected. The MIKE3 system is indeed a state-of-the-art modeling system capable of representing the complex processes of sediment resuspension and sediment transport by wind, waves, and currents in a semi-enclosed basin such as Long Island Sound. These modeling systems, however, require initial conditions, boundary conditions, specification of many tunable parameters, and, therefore, the public can have no confidence in the model results without knowing how the model was actually configured, calibrated, and assessed. A detailed technical

appendix that describes how the model was configured, calibrated, and assessed is recommended. The reliability of these findings can not be ascertained due to the insufficiency of information provided in the DEIS about how the modeling was actually performed.

Section 3.1.2.2 Potential Impacts and Mitigation - Scouring, page 3-17, first (partial) paragraph, last sentence

Although field measurements indicated that average current speeds across Stratford Shoal Middle Ground were less than 1.3 fps, these data were probably not collected during storm conditions. These potentially higher storm-related current speeds should be factored in when finalizing plans for backfilling.

Section 3.2.3.1 Construction

Consideration should be given to conducting a detailed geotechnical study of the terminal site and pipeline route prior to beginning construction on this project. Possible difficulties with pipeline construction across Stratford Shoal in particular should not be minimized, and merit additional sidescan and seismic surveying, as well as detailed examination of existing data available in Poppe and others (2002).

Section 3.2.3.1 Construction, page 3-25

In this section, copper release from antifouling paint used on the floating facility and mooring structure is presumed to come only from leaching into the dissolved phase. The reviewer would assume that over the operational life of the facility (greater than 30 years) particulates from spot rusting and flaking of paint from the hull of the facility and the mooring are likely to deposit particulates with elevated copper concentrations in the sediments in non-negligible concentrations.

Section 4.5 Pipeline Route Alternatives, pages 4-33 to 4-38

Project features are shown on the figures without navigational information and, in this case, without underlying data germane to the topic. Sediment texture, sedimentary environments, bathymetry, habitats, contaminant distributions, sea-floor features, etc., are discussed in the text in reference to the proposed routes, but are not shown in any of the figures.

Thank you for the opportunity to review and comment on this DEIS. If you have any questions concerning our comments on Federally-listed threatened or endangered species or other fish and wildlife impacts, please contact Anne Secord, with the U.S. Fish and Wildlife Service at 607-753-9334 (anne_secord@fws.gov). For questions concerning the specific comments, please contact William Schwab at the USGS Woods Hole Science, at 508-457-2211 (bschwab@usgs.gov).

Sincerely,



Andrew L. Raddant
Regional Environmental Officer

REFERENCES

- Ebel, J., 2006, The Cape Ann, Massachusetts, earthquake of 1755: A 250th anniversary perspective, Geological Society of America, Abstracts with Programs, Northeastern Section-41st Annual Meeting (20-22 March 2006).
- Knebel, H.J., 1998, Sedimentary Environments in Long Island Sound: A Guide to Sea-Floor Management in a Large Urbanized Estuary, USGS Fact Sheet 041-98. <http://marine.usgs.gov/fact-sheets/fs41-98/>
- Knebel, H.J. and L.J. Poppe, 2000, Sea-floor Environments within Long Island Sound - A Regional Overview: Journal of Coastal Research. Special Thematic Section, v.16:3, p. 535-550.
- Manville, A.M., II. 2005. Bird strikes and electrocutions at power lines, communication towers, and wind turbines: state of the art and state of the science - next steps toward mitigation. Bird Conservation Implementation in the Americas: Proceedings 3rd International Partners in Flight Conference 2002, C.J. Ralph and T.D. Rich, Editors. U.S.D.A. Forest Service, GTR-PSW-191, Albany, CA. 25 pp.
- Mecray, E.L., M.R. Buchholtz ten Brink, and S. Shah, 2000, Metal Distributions in the Surface Sediments of Long Island Sound: U.S. Geological Survey Open-file Report 00-304, Chapter 6. <http://pubs.usgs.gov/of/2000/of00-304/htmldocs/chap06/index.htm>
- Mecray, E.L. and M.R. Buchholtz ten Brink, 1999, Contaminant Distribution and Accumulation in Sediments of Long Island Sound: Initial Results: The Impact of Human Activity in Long Island Sound, USGS Fact Sheet 113-99. <http://pubs.usgs.gov/fs/fs113-99/>
- New York State Department of Environmental Conservation, 2004, Division of Water. Technical and Operational Guidance Series 5.1.9: In-Water and Riparian Management of Sediment and Dredged Material. November 2004.
- PAN Pesticides Database. 2006. A Project of the Pesticide Action Network North America. http://www.pesticideinfo.org/Detail_Chemical.jsp?Rec_Id=PC34390
- Paskevich, V.F. and L.J. Poppe, 2000, Georeferenced Sea-floor Mapping and Bottom Photography in Long Island Sound: U.S. Geological Survey Open-file Report 00-304. <http://pubs.usgs.gov/of/of00-304/htmldocs/toc.htm>.
- Poppe, L.J., V.F. Paskevich, R.S. Lewis, and M.L. DiGiacomo-Cohen, 2002, Geological Framework Data from Long Island Sound, 1981-1990: A Digital Data Release: U.S. Geological Survey Open-File Report 02-002. <http://woodshole.er.usgs.gov/openfile/of02-002/>.
- Poppe, L.J., H.J. Knebel, B.A. Seekins, and M.E. Hastings, 2001, Map Showing the Distribution of Surficial Sediments in Long Island Sound: U.S. Geological Survey Open-file Report OFR 00-304, Chapter 4. <http://pubs.usgs.gov/of/2000/of00-304/htmldocs/chap04/index.htm>

Poppe, L.J., H.J. Knebel, Z.J. Mlodzinska, M.E. Hastings, and B.A. Seekins, 2000, Distribution of surficial sediment in Long Island Sound and adjacent waters: Texture and total organic carbon: *Journal of Coastal Research, Special Thematic Section*, v. 16, no. 3, p. 567-574.

Weisberg, S.B., W.H. Burton, F. Jacobs, and E.A. Ross. 1987. Reductions in Ichthyoplankton Entrainment with Fine-Mesh, Wedge-Wire Screens. *North American Journal of Fisheries Management* 7:386-393.

Faxed to LIFO 06/08/2007



United States Department of the Interior



FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045

In Reply Refer To:
FWS/R5/ES-LIFO/2007-FA-0130

June 8, 2007

Mr. James Martin
Federal Energy Regulatory Commission
Office of Energy Projects
888 First Street, NE
Washington, DC 20426

Dear Mr. Martin:

This is in reference to the on-going informal consultation which is being conducted between the U.S. Fish and Wildlife Service (Service) and Federal Energy Regulatory Commission (FERC) pursuant to the Endangered Species Act of 1973, as amended (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) for the proposed Broadwater Liquid Natural Gas (LNG) Project in the waters of the Long Island Sound (OEP/DG2E/Gas Branch 3/Broadwater LNG/Docket No. CP06-054-000/Docket No. CP06-054-000). Subsequent to your latest correspondence related to the consultation on February 7, 2007, we have had several communications via telephone on the potential impacts of the proposed project on the Federally-listed piping plover (*Charadrius melodus*) and roseate tern (*Sterna dougallii dougallii*) and received additional supporting environmental documentation from LeBoeuf, Lamb, Greene, and MacRae, LLP, legal representatives of Broadwater.

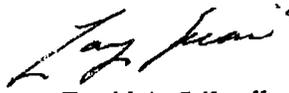
In our comments on the Draft Environmental Impact Statement (EIS) found in the Department of the Interior's (DOI) January 18, 2007, letter to FERC, the Service indicated that further consultation was necessary to assess the potential for collisions between Federally-listed avian species and the floating storage and regasification unit (FSRU) or LNG carriers in Long Island Sound. We received your letter of February 7, 2007, which reiterated the following measures that were included in the Draft EIS to reduce the potential for bird collisions at the FSRU: (1) lighting would be limited to the number and wattage necessary to perform work safely; (2) lights would be shielded so that the beam falls on the workplace; and (3) lights on the water would be limited to the areas immediately around vessels but in manner that provide safe navigation and worker safety. In their letter dated March 26, 2007, LeBoeuf, Lamb, Greene, and MacRae, LLC, indicated that "Steady light will be required at the FSRU for safe operation" and "...events of increased bird and bat collision occur on nights with poor visibility at structures with steady lights." This information taken together suggests that possibility of collisions between migratory birds and the FSRU or LNG carriers based on the best available information.

In order to assist FERC during the informal consultation process, our office further explored this issue as it related specifically to Federally-listed species by consulting with our endangered species experts at the Service's Northeast Region 5 Office in Hadley, Massachusetts, and the U.S. Geological Service's Biological Resources Division, located in Patuxent, Maryland. As a result of this additional consultation, the Service is concurring with the FERC's determination that the proposed offshore barge facility would not be likely to adversely affect Federally-listed species as the impacts would likely be insignificant or discountable. We are able to concur because the proposed FSRU is not in the vicinity of likely foraging areas for either species (shoal areas for roseate terns and intertidal zones for piping plovers) nor is it expected that the location of the FSRU is within major migratory pathways of these species or in the vicinity of migratory stopovers or staging areas. Further, our concurrence takes into consideration the FERC's requirement that Broadwater adhere to "best management practices for minimizing lighting impacts.." recommended in the Department's January 18, 2007, correspondence.

We hope this information is useful for you in reaching your final determination on potential impacts of this project on Federally-listed species. Should project plans change or if additional information about the status of the species becomes available, this concurrence may be reconsidered.

If you have any questions or require additional information, please contact Steve Papa of the Long Island Field Office at (631) 776-1401.

Sincerely,



David A. Stilwell
Field Supervisor

cc: DOI, Boston, MA (A. Raddant)
NYFO, Project & BR Files
LIFO, Project & BR Files
Papa File
ES:LIFO:NYFO:SPapa:sp:lb:mvd
A. Secord