

OC29 – Citizens Campaign for the Environment



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working for a healthy community.

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January 10, 2007

Ms. Magalie Salas
Federal Energy Regulatory Commission
888 First St., N.E., Room 1a
Washington, DC 20426

Dear Ms. Salas

Although there are several deficiencies throughout the Draft Environmental Impact Statement, I will focus my comments on one of the most blaring deficiencies; the non-conclusive, non-comprehensive Air Quality Section.

In the scoping process CCE had stated our concern, both in writing and verbally at the public hearing, and requested that FERC assess the potential impact on the increase of harmful air pollutants to the surrounding area. This concern is inadequately addressed in the DEIS. In specific:

1. The DEIS reaches no conclusion on impacts from increased air emissions to the surrounding region.

It states (page 3-171), "At this time we do not have the necessary information to make a conformity determination."¹ A general conformity analysis is required for pollutant emissions that would occur in a nonattainment area, or an area that does not ~~meet~~ *meet* Federal Air Quality standards.

Many counties surrounding the FSRU, in both New York and CT, do not meet several federal air quality standards, and are nonattainment areas for both ozone and fine particulate matter.¹ The General Conformity Rule was designed to require federal agencies, such as FERC, to ensure that proposed projects conform to the applicable State Implementation Plan—to ensure that projects were not worsening harmful air quality problems in nonattainment areas.

To correct this inconclusive portion of the DEIS (page 3-172), FERC recommends that "Broadwater provide a full air quality analysis identifying all mitigation requirements

¹ <http://www.epa.gov/air/data/nonat.html?Us-USA-United%20States>

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required to demonstrate conformity.” FERC goes on to request that Broadwater’s analysis “provide a detailed explanation as to whether or not the project would meet each requirement.”

OC29-1

CCE is extremely concerned that Broadwater is asked to analyze the air emissions of Broadwater after the DEIS process has been completed. The analysis NEEDS to be done by an independent party in order to carry validity and ~~and~~ analysis also needs to be subject to public review. CCE is requesting FERC to set up a process that would allow members of the public a chance to read the air analysis and offer comments on the document.

OC29-1

Section 3.9.1 and Appendix K (General Conformity) of the final EIS provide updated information on Project-related air emissions. This information has been reviewed by the pertinent federal and state regulatory agencies.

2. The DEIS does not account for the combined air emissions of the FSRU and the LNG Carriers.

As CCE stated at the scoping hearings and requested in writing during the public comment period, the project should be evaluated as a whole and not evaluated in sections, in a segmented fashion. The DEIS lists the pollutants of the FSRU and lists the pollutants of the LNG Carriers (only as they are offloading) and the support tugs, but lacks a comprehensive review on what effect the combined air pollutants would have. The DEIS also does not evaluate the long-term/combined effects of the air pollutants.

OC29-2

According to the LISS (2006), more than 150,000 pounds of nitrogen are discharged each day from wastewater treatment plants which results in approximately 40 percent of the total nitrogen that makes its way into the Sound. While efforts to reduce this load have been successful, this source is still the main contributor to nitrogen loading in the waters of the Sound. Nitrous oxides or "NOx" is the collective term for a group of highly reactive gases containing variable amounts of nitrogen and oxygen (e.g., nitric oxide "NO" and nitrogen dioxide "NO₂") and are produced when fuel is burned at high temperatures. It is estimated that 527 tons of NOx per year would be emitted during the operation of the Project, including emissions from the FSRU, support tugs, LNG carriers etc. In comparison, coal-fired power plants emit approximately 20,000 tons per year of NOx. To the extent that some of the existing power plants convert from other fossil fuels to natural gas, it is possible that the NOx contribution from combustion engines related to operation activities would be outweighed by the benefits of increased "clean" fossil fuel that would be brought to the region by the implementation of this Project.

According to the DEIS the combined yearly pollutants would be 288,000 pounds of Carbon Monoxide, 1.1 million pounds of Nitrogen Oxide, 74,000 pounds of Volatile Organic Compounds (VOCs), 1.1 million pounds of Sulfur Dioxide and 166,000 pounds of Fine Particulate Matter. Broadwater estimates the life of the project to be 20 years. In 20 years the facility will have emitted over 5 million pounds of Carbon Monoxide, 20 million pounds of Nitrogen Oxide, over 1 million pounds of VOCs, 20 million pounds of Sulfur Dioxide, and over 3 million pounds of Fine Particulate Matter.

OC29-2

FERC needs to provide an analysis of how these accumulating pollutants will effect the air quality of the surrounding region, including the effect of increased Nitrogen in the water column of the Sound, which has not been evaluated in the DEIS. Air deposition is currently the second leading source of nitrogen contamination in the Sound.

OC29-3

FERC has not done a comprehensive analysis on the effects of the harmful air pollutants that the Broadwater facility will emit. This section needs to be further expanded to be comprehensive, combining the FSRU and the LNG carrier emissions. CCE also believes that any analysis needs to be conducted by an independent entity and available for public review.

OC29-3

Section 3.9.1 and Appendix K (General Conformity) of the final EIS provide updated information on Project-related air emissions based on updated air dispersion modeling which includes emissions from both the FSRU and the LNG carriers. The modeling protocol for the current air dispersion analysis was approved by both the NY SDEC and the USEPA in 2007. All air pollutant emission calculations prepared by Broadwater are included in the most updated version of Resource Report 9, which is publicly available on the FERC docket. The air dispersion modeling is also available on the FERC docket.

Thank you for this opportunity to comment.

Maureen Dolan Murphy

ORIGINAL

Written Comments regarding the
PROPOSED BROADWATER LNG PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT

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

Submitted by Kyle Rabin
Executive Director, Friends of the Bay



Public Meeting held by
the Federal Energy Regulatory Commission, U.S. Army Corps of Engineers New York District, U.S. Coast Guard & New York State Department of State

January 10, 2007, 7-10pm
Smithtown West High School Auditorium
100 Central Road
Smithtown, NY

Thank you for the opportunity to provide comments on the Draft Environmental Impact Statement regarding Broadwater's proposal to site a liquefied natural gas terminal in the heart of Long Island Sound.

My name is Kyle Rabin. I work for Friends of the Bay, an environmental conservation group that serves to protect the Oyster Bay/Cold Spring Harbor estuary, one of the Sound's many embayments. Our supporters are avid Long Island Sound enthusiasts and they believe that their outdoor experiences will be adversely impacted by Broadwater.

I represent Friends of the Bay on the Long Island Sound Study Citizens Advisory Committee. My comments tonight are exclusively on behalf of Friends of the Bay.

It goes without saying that many Long Islanders care deeply about the Sound and greatly value its contribution to region's quality of life and to the regional economy. Many of us also believe strongly in citizen involvement and public service. Regrettably, the Draft Environmental Impact Statement (or DEIS) issued by the Federal Energy Regulatory Commission has made a mockery out of all of these.

OC30-1 Well-respected scientists and members of the academic community have blasted the quality of the DEIS. FERC should seriously consider the concerns that have been raised by these individuals. Topping the list of the Impact Statement's flaws is that the DEIS does not provide sufficient facts to determine Broadwater's impact on Long Island Sound. Also, as the DEIS acknowledges, there are still a number of questions that Broadwater needs to provide FERC with answers to. And lastly, the DEIS gave cursory review to many issues using minimal literature, analysis or synthesis to reach its conclusions of minimal impacts. More specifically, the construction of the project's pipeline will

OC30-2
OC30-3

OC30-3

OC30-1 Section 3.0 of the final EIS has been updated to address technical concerns identified by these experts, particularly Sections 3.1 and 3.3. In addition, we met with the experts to discuss their concerns, and a summary of their technical comments and our responses is provided in Table 2.2-5 (Appendix N in this final EIS).

OC30-2 The final EIS has been updated to reflect recent literature and field study results and the local technical expertise offered by a wide variety of representatives of resource agencies (federal, state, and local), organizations, academia, and the public.

OC30-3 An estimated 350,000 cubic yards of sediment would be disturbed during pipeline installation. As identified in Section 3.1.2.2 of the final EIS, we have included a recommendation that Broadwater actively backfill the large majority, if not all, of the trench with the native sediment excavated from the trench. Backfilling methods and post-construction success would be developed in coordination with federal and state resource agencies.

OC30 – Friends for the Bay

- OC30-3 move a massive amount of sediment and forever alter layers of Long Island Sound sediment structures that have taken millions of years to form. Fisheries could be impacted by invasive species brought into the Sound from the ballast water of literally hundreds of tankers planned to service the industrial complex. And then there is the impact of impingement and entrainment on aquatic life in various stages of their respective life cycles.
- OC30-4
- OC30-5
- OC30-6 FERC's evaluation of the Broadwater LNG project is, predictably, narrow-minded. It fails to adequately consider alternative means for getting gas to the region. It fails to consider how many LNG terminals the nation actually needs. It fails to consider the co-opting of public waters for one private use. It fails to consider the serious use conflicts that will arise. Most significant: It fails to consider the precedent that the Broadwater project would set for other industrial projects in the Sound. And it fails to consider the cumulative impact of Broadwater's proposal coupled with current, pending, and reasonably foreseeable projects and activities in the Sound. It fails to consider whether this project – which would siphon tens of billions of dollars out of the regional economy – really is in our interest. All of these concerns were raised at the public meetings back in 2005. Sadly, you chose to ignore them and in doing so you have done this region a great disservice.
- OC30-7
- OC30-8
- OC30-9
- OC30-10
- OC30-11
- OC30-12 FERC's actions put corporate interests over public health and the environment. How else could one explain FERC's failure to consider the factors I listed above? The federal government has been behind some major blunders of late. Certain government actions set the bar high in terms of senseless and foolish decision-making. But let me assure you, your agency's DEIS is at the top of the list. One must wonder if certain agencies and certain projects are benefiting or hoping to benefit from a public distracted by a war being waged in the Middle East. Well, that's certainly not the case here. Many local, State and Federal elected officials have spoken out against the Broadwater proposal. Few have chosen to speak in support of it. And for good reason: from a scientific, economic or common sense point of view this project, simply is foolish.
- OC30-13
- For local, state and federal policymakers with us this evening, I respectfully remind you that without a comprehensive regional energy plan, we will continue to face energy proposals like Broadwater, which epitomize shortsightedness and lazy thinking. We, as a region, must move swiftly to implement energy efficiency, energy conservation, and renewable energy initiatives. The job creation and boost to the economy from these initiatives will dwarf anything that Broadwater claims it will provide.
- OC30-14 In closing, I support the recommendation to start over and to take an objective approach this time. FERC must revisit the comments it received from the initial round of public meetings and also take under advisement the concerns raised by scientists and members of the academic community. This time prepare answers based in science instead of responses designed to duck the issue or deflect criticism. Finally, it behooves FERC to carefully heed the New York State Department of State's expertise and analysis with respect to coastal consistency. And Governor Spitzer – I assume you are represented here tonight – please strongly oppose this project.
- OC30-15
- To FERC, ACOE, and USCG, I leave you with this: Your respective agencies may not be "proponents for" or "opponents against" (as you claimed earlier), but your agencies are poised to become the lapdogs of the Broadwater corporate conglomerate. The Sound is an Estuary of National Significance; Broadwater is an exercise in extreme ignorance.
- That concludes my statement.
- [Excerpts from these written comments were read at the January 18, 2007 public meeting reference above.]*

- OC30-4 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 a carrier did discharge ballast water, the discharge would be conducted in accordance with federal and international regulations. These regulations include EPA's pending ballast water measures for foreign vessels, to be enacted in 2008, that are intended to minimize potential impacts of invasive species.
- OC30-5 Section 3.3.2.2 of the final EIS discusses entrainment and impingement impacts and measures to minimize impacts of the FSRU water intakes, such as locating the water intakes at a water depth with relatively low densities of ichthyoplankton (approximately the mid-depth of the water column), and limiting the water intake velocity (0.5 foot per second or less).
- OC30-6 As discussed in Section 4.0, the final EIS evaluates a wide variety of alternatives to the proposed Broadwater Project that could provide projected natural gas and other energy demands of the New York City, Long Island, and Connecticut markets.
- OC30-7 The number of LNG terminals needed to meet the nation's energy supply is not relevant to the assessment of a project that proposes to meet the energy demand of the Connecticut, Long Island, and New York City region.
- OC30-8 Impacts to and potential conflicts among users of the Sound are discussed throughout the EIS and the WSR (Appendix C of the final EIS), especially in Sections 3.5.5.1, 3.5.5.2, 3.6.8, and 3.7.1.4 of the final EIS. As described in Section 3.5.2.2 of the final EIS, the Broadwater Project would not serve as a stimulus for future offshore industrialization of the Sound.
- OC30-9 Section 3.11 of the final EIS discusses the cumulative impacts of recent, current, and reasonably foreseeable projects that potentially affect the Project area.
- OC30-10 As stated in Section 3.6.6 of the final EIS, construction and operation of the proposed Broadwater Project likely would result in an increase in regional economic activity and tax revenue. Operational costs are to be borne, largely, by Broadwater and the Coast Guard. A Cost-Sharing Plan would be developed in cooperation with local governments, as described in Section 3.10.6 of the final EIS.

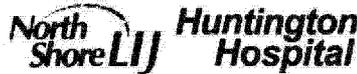
OC30 – Friends for the Bay

- OC30-11 The final EIS has been updated to address public concerns, including comments on the purpose and need (Section 1.1), alternatives (Section 4.0), and cumulative impacts (Section 3.11).
- OC30-12 We may only conclude that the commentor did not carefully review the draft EIS since these issues are addressed in the draft and final EISs. Please see our responses to comments OC30-3 through OC30-11.
- OC30-13 The EIS was prepared by experienced scientists, engineers, planners, and other technical professionals in compliance with NEPA guidelines, CEQ regulations for implementing NEPA, and FERC's regulations for implementing NEPA. They also addressed all of the commentor's concerns, as noted above.
- OC30-14 As noted in the response to comment OC30-13, the draft and final EISs were based on a scientific analysis of information for existing conditions and followed accepted procedures for federal EISs. We solicited and received input and review from our federal and state cooperating agencies. We addressed each potential impact of the Project openly and comprehensively, without regard to what negative or positive comments we might receive.
- OC30-15 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 the 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.

OC31 – Huntington Hospital

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Chief Chairman of the Board



January 10, 2007

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

RE: Docket Nos. CP06-054-000 and CP06-055-000

Dear Ms. Salas:

The recent issuance by the Federal Energy Regulatory Commission of its Draft Environmental Impact Statement supports four clear conclusions about the Broadwater Energy project.

The DEIS: 1) affirms the need for the project; 2) finds Broadwater to be the preferred environmental alternative; 3) states that natural gas supplied by Broadwater would help meet air quality objectives; and 4) reiterates the findings of the United States Coast Guard that Broadwater can be operated safely and is consistent with current uses of Long Island Sound. It is for these and other reasons, including the benefits it can bring to Long Island's hospitals, that I support Broadwater.

For many years until recently, I served as President and Chief Executive Officer of Huntington Hospital. I am also a past president of the Nassau-Suffolk Hospital Council, which comprises 23 voluntary hospitals here on Long Island and is probably one of the nation's largest regional hospital associations. That group, whose institutions directly serve a population of more than three million people, has over the years been very concerned with energy costs, and has sought various solutions.

In my capacity now as Trustee of the hospital and advisor to the Executive Management Team, I was recently briefed on this off-shore LNG project and firmly believe that the potential benefits of this project should be fully and evenhandedly reviewed by your agency. I believe Broadwater could have a very positive impact on the economic viability of this region, has the potential to help our hospitals, and upgrade our electrical power generating power plan in Northport.

As you can imagine, the world of a hospital CEO is an especially complex one in which you are responsible for running a significant enterprise with a large

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OC31-1 Thank you for your comments.

OC31 – Huntington Hospital

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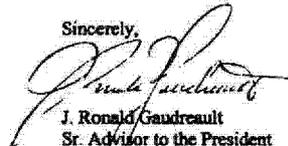
physical plant, thousands of employees and hundreds of thousands of “customers.” The greatest threat to hospitals today, in fact, are the unfunded mandates and other requirements that cost hospitals more money but for which they are not reimbursed adequately or at all. Energy is one of the largest budget items over which we have no control and for which there is no possibility for full reimbursement.

In addition, on cold Winter days, we are forced to switch from natural gas to less efficient fossil fuel to operate our hospital boilers because of supply constraints. The addition of an LNG facility would provide a more diverse supply of energy to meet peak demands.

Huntington Hospital is a few minutes drive from the Keyspan’s huge energy plant in Northport. As Trustee of an organization whose mission includes supporting initiatives that promote public health and wellness, I believe that “cleaning up” that plant should be a priority. I fully support any role that Broadwater might have in providing affordable and reliable natural gas supplies to contribute to cleaner air for residents in the region.

Time is no longer on our side; we need to address the near-term growing reliance on natural gas, current supply constraints, skyrocketing energy costs impacting business and community based healthcare institutions, and we need to modernize our aging electrical generation infrastructure. The advantages of the Broadwater project deserves our thoughtful and intelligent examination.

Sincerely,



J. Ronald Gaudreault
Sr. Advisor to the President
Huntington Hospital

JRG/cal

Copy: Governor Elliott Spitzer
NYS Department of State
Katherine Heaviside, Epoch 5

OC32 – League of Women Voters of Connecticut, Inc.

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LEAGUE OF WOMEN VOTERS OF CONNECTICUT, INC.

Federal Energy Regulatory Commission Public Hearing
January 16, 2007, Branford High School
Draft Environmental Impact Statement EIS 0196D
Broadwater LNG Project

Docket numbers PF05-4,CP06-54-000,CP06-55-000
Comments submitted by Cheryl Dunson, Vice President, Public Issues

The League of Women Voters of Connecticut, comprised of approximately 2,500 members across the state, is a nonpartisan, political organization committed to effective public policy through education and advocacy. We appreciate the opportunity to comment on the Draft Environmental Impact Statement (Draft EIS or the "Report") and the process being used to assess Broadwater Energy's application to construct an offshore liquefied natural gas (LNG) facility in Long Island Sound.

The League provides testimony on public policy issues based upon positions derived from member study and consensus. The League believes governmental policies and actions must promote resource conservation, stewardship, reduction of energy growth rates and promotion of renewable energy sources. Additionally, the League believes that wise decision-making requires adequate data and a framework within which alternatives may be weighed and intelligent decisions made.

The League of Women Voters of Connecticut believes that this project should be denied because:

- 1) The Draft EIS fails to provide adequate scientific data required to support its conclusions.
2) The federal government has failed to promote coordinated energy-planning and decision-making to enhance states' capabilities for resource management.

1)The Draft EIS Fails To Provide Adequate Scientific Data Required To Support Its Conclusions

The Draft EIS states "we believe that the impacts associated with the proposed Broadwater Project would be relatively minor..." Yet, Connecticut's leading scientists on Long Island Sound were unanimous in their assessment that the Draft EIS fails to provide adequate scientific data required to support its conclusions regarding minimal environmental impacts. It was with alarm that the League listened to the expert testimony submitted at the 12/7/06 Long Island Sound LNG Task Force public hearing in Hartford.

Ralph Lewis, a retired state marine geologist, former member of the National Academy of Sciences Ocean Sciences Board and author of over 100 papers on the geology of Long Island Sound, noted that the Draft EIS uses a report that is over 35 years old (i.e., Williams 1981) to describe the geology of Long Island Sound rather than the recent 2005 Stone, et al., USGS Scientific Investigations Map 2784. As a result, while the Draft EIS acknowledged that lake clay

OC32-1

OC32-1 FERC has reviewed the December 7, 2006 testimony to the Connecticut LNG Task Force. Responses to the specific technical comments by the experts who testified before the Connecticut LNG Task Force are provided in Table 2-2-5 (Appendix N in this final EIS).

1 Draft Environmental Impact Statement, Broadwater LNG Project, FERC/EIS-0196D, page ES-15.

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OC32-1

deposits were present in Long Island Sound,² it did not present a good understanding of the extensiveness of clay deposits which in some areas are up to 600' thick. In terms of construction implications, he notes that rather than the 165' long pilings needed to reach bedrock as suggested in the report, pilings 3 times that length may be needed. **Clearly, a detailed and accurate understanding of the geology of Long Island Sound must be demonstrated before approval can be considered.**

Another concern was the Draft EIS' description of seismic activity in this region. The Report references a USGS database and states "there are no active faults that run through Long Island Sound"³ as if this were "cut and dried." However, Mr. Lewis noted that seismic activity is not well understood in the Northeast because we do not have the type of plate-boundary faults characteristic of California. He noted that the Report failed to incorporate the work of the Weston Observatory that is the leading center of information on Northeastern US seismic activity.

Even a cursory review of Weston Observatory website notes that this region indeed has faults but they are different in nature. "The occurrence of earthquakes in the northeastern United States apparently violates the plate tectonic model. The past several decades of research on this topic, however, have demonstrated that it may be possible to explain the occurrence of earthquakes in the Northeast within the framework of plate tectonics. The challenge in figuring out why the Earth quakes in New England is that the earthquake process in plate interiors is more complex than at plate boundaries. Unlike the situation in California, *there is no obvious relationship between earthquakes and geologically mapped faults in most intraplate areas.*"⁴ [original emphasis] A map and companion narrative based upon the Weston Observatory archives of earthquakes recorded by the Northeastern United States Seismic Network from 1975-1999 notes "An interesting feature of the pattern of earthquake activity in the Northeast is that between 1975 and 1999, some relatively large earthquakes occurred in areas that were not particularly active in the earlier part of the century."⁵ This newly active area includes 2 earthquakes within Long Island Sound! **The absence of a clear understanding of seismic activity alone should be a basis for a denial at this juncture.**

Roman Zajac, Professor of Biology and Environmental Science at the University of New Haven, noted that no detailed statistical analysis was provided in the report regarding the marine organisms found during the April and May 2005 surveys referenced in the report.⁶ For example, while the report suggests it would be unusual for mollusks to be located in the middle of Long Island Sound, he notes that clams typically are found in the middle of Long Island Sound. While the report focuses on the presence of lobsters, it fails to include mention of any data from the Connecticut Department of Environmental Protection that gathers lobster data annually. He also

² Ibid., p.3-7.

³ Ibid., p.3-5.

⁴ http://www2.bc.edu/~kafka/Why_Quakes/why_quakes.html Why Does the Earth Quake in New England? The Science of Unexpected Earthquakes by Alan L. Kafka, Ph.D., Weston Observatory, Dept. of Geology and Geophysics, Boston College.

⁵ Ibid.

⁶ Draft Environmental Impact Statement, Broadwater LNG Project, FERC/EIS-0196D, page 3-39-41.

OC32 – League of Women Voters of Connecticut, Inc.

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noted that the Report uses recovery estimates based upon research from dredged "mounds" even though pits and trenches are hydrologically different; while there may be applicability, the lack of quantitative data brings into question the recovery assessment. Prof. Zajac stressed that a detailed environmental baseline is crucial to make any predictions about marine community recovery and that given the report's low level of quantification, there is no basis for the conclusions.

Peter Auster, an Associate Professor with the University of Connecticut's National Undersea Research Center and Department of Marine Sciences, made similar observations regarding the lack of critical data and analyses. For example, the report indicates that the potential for introducing invasive species from ballast water is minimal because Broadwater will follow Coast Guard requirements and standard shipping practices.⁷ The Report fails to take into account coastal shipping of LNG from the Gulf of Mexico and the type of mitigation measures for invasive species that would be necessary for ships that stay within 200 miles of the coast. Another example is when the Report acknowledges potential impacts of underwater sound pressure to fish during the construction phase but fails to provide any data or analysis on the effects of chronic sound from the operation of the facility. Prof. Auster also noted that there were no works on disturbance ecology referenced in the report to substantiate the recovery dynamics outlined for the construction and operational phases of the project. Given the importance of Long Island Sound's fisheries to the economic health of the region, the lack of data and analysis should be a basis for denial.

Lance Stewart, an Associate Professor at the College of Agriculture and Natural Resources at the University of Connecticut and Chairman of the Connecticut's Lobster Restoration Commission, expressed concern that the Draft EIS states that water temperature would be affected on a "very limited basis"⁸ but fails to provide any entropy studies that would support that conclusion (i.e., the potential impact the project could have in raising water temperatures thereby impacting the health of marine populations in the Sound). Additionally, he noted that the report failed to assess the affects of light-attraction on marine populations (e.g., the potential for increased mortality of certain species such as squid which are attracted to light). In other words, the Report's conclusion that lighting "would not significantly alter the migratory, spawning, or feeding behaviors of the aquatic species in the vicinity" is unsubstantiated. Again, given the importance of Long Island Sound's fisheries to the economic health of the region, the lack of data and analysis should be a basis for denial.

Public trust and confidence are severely undermined – and potentially disastrous projects can be approved - when a federal agency bases its decision on an EIS that is data-light. The League of Women Voters of Connecticut believes that this project should be denied because the Draft EIS fails to provide the scientific data required to support its conclusions.

⁷ Draft EIS, p.3-54.

⁸ Ibid., p.3-247.

2.The Federal Government Has Failed To Promote Coordinated Energy-Planning And Decision-Making To Enhance States' Capabilities For Resource Management.

Certainly one of the most densely populated areas in the nation is going to have future energy needs. But where is the framework for comprehensively evaluating all energy strategies within the region? How many LNG facilities does our region need? According to a Briefing Paper prepared by Northeast Gas Association in December 2006, there are 17 proposals stretching from Delaware to Nova Scotia to supply LNG to the Northeast U.S. and Eastern Canadian markets.⁹ Which of these alternatives have the most promise of providing additional supply to this region with the least environmental impact and public safety risk? According to this data-light Draft EIS, it's Broadwater.¹⁰

OC32-2

Five of the 17 proposals have received US federal, state or Canadian approval and a sixth is currently under construction in Canada.¹¹ In this LNG marathon, these lucky 6 made it to the finish line first. The Draft EIS acknowledges that "gas from the Canaport pipeline not consumed in Canada and New England potentially could be transported to other markets...through existing interconnections...but no specific information regarding project upgrades or associated impacts has been made available."¹²As has been pointed out, "the Bear Head and Canaport LNG import terminals in eastern Canada, for example, are expected to begin receiving deliveries and transporting gas to the northeast United States as soon as 2008...these supplies will be available at least two years earlier than Broadwater could begin operations. **These facilities, which are already under construction, are among a number of supply and demand alternatives which do not threaten the integrity of a national environmental treasure.**"¹³ [emphasis added]

Additionally, the Draft EIS concludes that "renewable energy sources or energy conservation would individually reduce energy demands in the region by only a small amount."¹⁴ The League believes that federal policies and actions must encourage energy conservation and the use of renewable sources through research and development, financial incentives, rate-setting policies and mandatory standards, including standards for energy-efficient buildings, appliances and automobiles.

Lest there be any doubt regarding the critical role of efficiency in maintaining a reliable supply, a study conducted by the International Energy Agency concluded that energy efficiency improvements, as opposed to structural changes, were primarily responsible for the drop in

⁹ The Role Of Liquefied Natural Gas (Lng) In The Northeast U.S. Gas And Energy Markets, Briefing Paper Prepared by the Northeast Gas Association, December 2006 Update, page4

¹⁰ Draft EIS, p.4-21

¹¹ Ibid., Crown Landing, NJ and Weaver's Cove, MA have received US federal approvals, Neptune LNG and Northeast Gateway Project off Cape Ann have received state of Massachusetts approval, Bearhead LNG New Brunswick has received Canadian approval and Canaport LNG New Brunswick is under construction.

¹² Draft EIS, p.4-20

¹³ The Proposed Broadwater LNG Import Terminal: An Analysis and Assessment of Alternatives Synapse Energy Economics, March 2, 2006,

¹⁴ Draft EIS, p4-6

OC32-2

The target market for the proposed Broadwater Project consists of New York City, Connecticut, and Long Island, not the eastern seaboard of the United States. This is an important distinction when evaluating alternatives to the Broadwater proposal. Alternatives must be evaluated based on their ability to accomplish the same objectives as the applicant's proposal. Since only one proposed LNG project, the proposed Safe Harbor Energy Project, is designed to service the New York City segment of the market area, all other proposals must be substantially modified (expanded) to achieve the same objective.

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energy use per unit of GDP in Organization for Economic Cooperation and Development Countries (OECD), including the US, over the last 30 years.¹⁵
The IEA study further concluded:

“Experience across different OECD countries demonstrates that appliance and vehicle efficiency standards, funding of home energy retrofits, utility DSM programmes, and other types of energy efficiency initiatives are very cost-effective even when factors such as rebound effect, free riders, and real world performance are taken into account.”¹⁶

OC32-3

Efficiency is a “resource” that, by reducing energy needs, achieves the same benefits as increasing the supply of energy but without the disadvantages. Contrary to the draft EIS conclusion, there is ample evidence that efficiency can lead to significant reductions in the demand for energy. Reducing energy needs through increased efficiency should be a higher priority than seeking new LNG energy sources.

There is wide consensus that increasing our national “energy security” requires reducing the amount of oil we import from politically unstable regions of the world. That goal applies equally to imported LNG. A federal policy that promotes increased importation of LNG runs counter to that goal since most of the LNG will come from equally unstable regions. According to the Northeast Gas Association Briefing Paper¹⁷, the leading supply areas to the U.S., ranked by volume, 2005, were:

1. Trinidad & Tobago
2. Algeria
3. Egypt
4. Malaysia
5. Nigeria

With the exception of Trinidad and Tobago, the US State Department is posting significant warnings on each of the remaining top 4 exporting nations. The warnings include reports of kidnappings, bombings, ambushes, assassinations, attacks on oil company facilities, and al-Qaeda linked terrorist groups capable of carrying out transnational attacks in locations where Westerners congregate.¹⁸

¹⁵ Howard Geller and Sophie Attali, *“The Experience With Energy Efficiency Policies and Programmes in IEA Countries: Learning from the Critics,”* International Energy Agency, August 2005, p.2.

¹⁶ *Ibid.*, p.36.

¹⁷ The Role Of Liquefied Natural Gas (Lng) In The Northeast U.S. Gas And Energy Markets, Briefing Paper Prepared by Northeast Gas Association, December 2006 Update, page 2.

¹⁸ http://travel.state.gov/travel/cis_pa_tw/tw/tw_929.html Algeria This information is current as of today, Sat Jan 13 15:59:47 2007. “This Travel Warning is being updated to alert Americans to recent terrorist attacks in Algeria. The threat from terrorism in many areas continues to pose a significant security risk. This supersedes the Travel Warning issued on November 22, 2006. The Department of State urges U.S. citizens who travel to Algeria to evaluate carefully the risk posed to their personal safety. Sustained small-scale terrorist attacks including bombings, false roadblocks, kidnappings, ambushes, and assassinations occur...”

http://travel.state.gov/travel/cis_pa_tw/tw/tw_928.html Nigeria This information is current as of today, Sat Jan 13 2007. “The security situation in the Delta region has deteriorated significantly. Travel to the region remains very

OC32-3

We recognize that measures to reduce demand for electricity and natural gas can be effective and that they have been undertaken and will continue in the future. As discussed in Section 1.1 of the final EIS, however, the demand for electricity and natural gas is expected to increase in the region despite those measures.

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Additionally, Algeria and Nigeria, as members of the Organization of Petroleum Exporting Countries (OPEC), are notorious for cutting production to prop up market prices and can be expected do the same for LNG export. Indeed, just this weekend Algeria's Energy and Mines Minister Chakib Khelil announced that OPEC members are considering another cut in oil production to address a 15 percent price drop as a result of curbed oil demand due to a mild winter.¹⁹

In conclusion:

OC32-4

1) **The Draft EIS fails to provide adequate scientific data to support its conclusions on a number of important issues.** Expert witnesses have testified to the failure to use up-to-date data and to overlook instances where data is lacking that are essential for properly characterizing the environmental impact of the Broadwater project. In addition, the complex and uncertain behavior of earthquakes that appears to have been inadequately considered. Furthermore, according to expert testimony, the depth of the mud layer at the mooring site, in the absence of adequate data, remains highly uncertain, possibly requiring much longer pilings to reach bed rock.
2) **The federal government has failed to promote coordinated energy-planning and decision-making for energy resource management.** The U.S. government has failed to create a comprehensive long-term energy plan. Part of such a plan would define regional requirements for energy growth and conservation. In the absence of adequate guidelines, realistic alternatives to the Broadwater project have been inadequately addressed in the draft EIS. The role of greater energy efficiency and alternative energy generation have been dismissed as having little impact on growing energy needs. Yet several independent studies strongly support the opposite conclusion. Finally national "energy security" requires reducing our dependence on imported energy from unstable regions of the world. That goal applies to imported LNG as well as oil.

OC32-4

We have reviewed the information provided by the four experts and have included this information, as appropriate, in our analysis. It is at least arguable, however, that the information provided was "essential".

Broadwater is not a [Long Island] Sound project and should be denied.

dangerous and should be avoided... Over the last several months, the region has been subjected to a series of attacks on oil company facilities that may be coordinated and have resulted in the death of over twenty security personnel." http://travel.state.gov/travel/cis_pa_tw/cis/cis_960.html Malaysia This information is current as of today, Sat Jan 13 2007. "The Department of State reiterates its ongoing concern about the safety of American citizens... The United States Government has designated Jamaah Islamiyah (JI) as a Foreign Terrorist Organization. It is an extremist group linked to al-Qaeda and other regional terrorist groups, such as the ASG, and has cells operating throughout Southeast Asia. Extremist groups in the region have demonstrated the capability to carry out transnational attacks in locations where Westerners congregate. Terrorist groups do not distinguish between official and civilian targets." http://travel.state.gov/travel/cis_pa_tw/cis/cis_1108.html Egypt This information is current as of today, Sat Jan 13 2007. "Egypt suffered a series of deadly terrorist attacks in or near tourist sites in late 2004, 2005, and 2006 - often coinciding with major local holidays... A heavy security presence is apparent to travelers throughout the country... While the Egyptian Government took effective measures against the perpetrators of the 2004 and 2005 attacks, the April 2006 bombings reflect a persistent, indigenous threat of terror activities..."
¹⁹ http://news.yahoo.com/s/nm/20070113/bn_nm/opec_algeria_dc_1 "OPEC consulting on emergency meeting"

CITIZENS
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- 520 Elmwood Avenue, Suite 4 • Buffalo, NY 14222
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- 466 Westcott Street, 2nd Floor • Syracuse, NY 13210
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Protecting the environment and working for a healthy community.

Citizens Campaign for the Environment
Comments on the Broadwater LNG Terminal Proposal for Long Island Sound
Wednesday, January 10, 2007

Good evening. My name is Kasey Jacobs Long Island Program Coordinator with Citizens Campaign for the Environment.

The Draft Environmental Impact Statement does NOT adequately assess the ecological impacts this project will cause to our already threatened Estuary of National Significance. In fact, CCE concurs with leading scientists on both sides of the Sound whom have researched the Sound ecology and geology for decades and have found the DEIS to be vastly deficient for assessing probable impacts.

OC33-1

For instance, to quote Dr. Stephen Tettelbach of Long Island University, "the DEIS states, without any references, that juvenile or epibenthic phase lobsters are located in shallow water less than 30 feet deep and thus pipeline installation would have little if any effect on lobsters during these stages of their lives. However, Sclafani (2001) stated that, more juvenile lobsters were expected to occur in deeper than shallower waters [in Long Island Sound]." The DEIS also concludes that installing the pipeline during winter would avoid impacts to a portion of the adult lobster population because they would have migrated offshore. Dr. Tettelbach reminds FERC that "It is well known that lobsters in LI Sound are essentially **non-migratory** and thus confining pipeline installation to winter months would not be expected to reduce mortality of adult lobsters because they would not have migrated out of the area." These are just two examples of several incorrect assumptions which the DEIS uses to provide an overall assessment.

As you are aware, the American lobster is a representative of a recreationally and commercially fished species of the Sound. There has been a dramatic decline of lobster populations since the Fall of 1999. There are many possible factors that could have contributed to declines on an ecosystem-wide basis. These environmental, physiological, and biological stresses include: water quality conditions including elevated temperature and changes in salinity, environmental conditions such as storm events, pollution, lobster crowding, disease-causing organisms, pesticides, and other anthropogenic causes. Broadwater would be yet again, another pressure on our dwindling lobster population and thus loss of our historical lobster industry.

Broadwater will not only impact biological species, but also will degrade the Sound's historical maritime culture and the economy. Financially compensating individual fisherman for the loss of prime lobster and fishing grounds would be an adequate remedy

OC33-1

As discussed in our response to Dr. Tettelbach's comment in IN40-1, Section 3.3.1.1 of the final EIS has been updated to discuss recent lobster studies in Long Island Sound.

OC33 – Citizens Campaign for the Environment

for those individuals however, compensating lobsterman and fisherman is not a remedy to preserving this maritime culture and use of the water body. CCE believes this will contribute to the decline of our region's tourism, recreation, and fishing economies that annually bring to the area \$5.5 billion.

Another researcher, Professor Ralph Lewis, the former Connecticut State geologist who has published over 100 papers on LI Sound's geology and who's cited numerous times in the DEIS, recently stated that the basic sediment distribution data used by FERC, in addition to many other geological pieces, were outdated and have since been superceded by more recent studies. **This outdated information was used to assess the impacts of the pipelines and terminal during construction and operation.**

Also, the Executive Summary of the DEIS states, "Since some water discharges for the LNG carriers would be associated with cooling on-board machinery, water discharged from carriers berthed at the FSRU has been estimated to be an average of 3.6 degrees F warmer than ambient conditions...as a result, the impacts to water quality would be minor but would occur for the life of the Project." Later on in the assessment section the pipeline thermal impacts states "During periods of low gas flow, the temperature of the natural gas within the riser would decrease from 130 degrees F as it exits...to approximately 120 degrees F at the foot of the riser on the seafloor...the water temperature approximately three feet down-current of the exposed pipeline would be elevated to a maximum of three degrees F above ambient temperatures, regardless of season." It goes on to say, "No significant impact to ambient water temperatures in Long Island Sound is expected to be associated with this thermal exchange."

No studies are cited in the DEIS to back this statement up for either case and no consideration for the wide-known fact that thermal pollution typically decreases the level of dissolved oxygen in the water could be found. This is already a huge problem for LI Sound with numerous monitoring programs in place on both sides of the Sound, such as the LI Sound Water Quality Monitoring Program, to start remedying this problem. Broadwater would only multiply this situation more and obstruct years of funding and research for mitigation efforts.

According to the Long Island Sound Study, which was not referenced in this section of the DEIS, low DO in Long Island Sound causes lethality in fishes, juvenile crustaceans, planktonic larvae of crustaceans and crabs, and growth reductions in lobsters and shrimp.

There were numerous other scientific gaps and misrepresentations of data in the DEIS and CCE will be submitting more detailed written comments before the end of the public comment period.

If the basic biology and geology of LI Sound were not conveyed accurately, what other areas and more critical assessments of this project were poorly conducted? CCE has submitted the full comments of these leading researchers and others to FERC and the Department of State for further review.

OC33-2 Section 3.1.2 of the final EIS has been updated to incorporate comments by Dr. Lewis. Our technical responses to Dr. Lewis' concerns are provided in Table 2.2-5 (Appendix N in this final EIS).

OC33-3 As described in Section 3.2.3.2 of the final EIS, highly localized increases in water temperatures associated with the proposed Project would have no measurable influence on DO levels in the immediate vicinity of the Project, much less in Long Island Sound in general. The level of oxygen dissolved in water is inversely related to the water temperature. The lower the temperature, the more oxygen can dissolve in the water. Heating water does not require a decrease in the observed oxygen levels if they are not already saturated. If the DO is at saturation, the decrease would not approach levels of concern for biota. Given the small area influenced and the small decrease in the saturation potential, we determined that this is not a significant factor. Additional information on this topic is provided in our response to OC2-14.

OC33-4 The Long Island Sound Study is referenced multiple times in Section 3.2.1 of the EIS, as well as in other sections. As indicated above, there is no technical basis to support the claim that that dissolved oxygen levels associated with operation of the proposed Project would affect the marine resources of Long Island Sound, much less cause mortality.

In conclusion, the fate of LI Sound and the surrounding maritime economy should NOT be based on an inadequately researched and analyzed scientific literature. It's premature to accept this document as adequate to approve the Broadwater project. The Department of State and the Federal Energy Regulatory Commission needs to reject Broadwater.

OC35 – Conservationists United for Long Island

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C⁰06-54

Conservationists United for Long Island

Founded 1956

Box 2973, Holbrook, New York 11733

According to the wishes of our Founder, the late Dr. Grace E. Barstow Murphy, we are dedicated to protect and preserve Long Island's Unique Environment.

October 22, 2007

OFFICE OF
EXTERNAL AFFAIRS
2007 OCT 30 P 4:28
FEDERAL ENERGY
REGULATORY COMMISSION

Federal Energy Regulatory Commission
Ms. Suedeen G. Kelly

Re: The Proposed Broadwater Energy LNG Project

It is our purpose through the enclosed letter to Governor Eliot Spitzer with a copy to those involved in the decision-making process, to present a clear understanding of federal and state environmental protection legislation applicable to the Broadwater proposal.

Sincerely,

Grace Vander Voort
Grace Vander Voort
President

Enc.

OC35 – Conservationists United for Long Island

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Conservationists United for Long Island

Founded 1956

Box 2973, Pelham, New York 11733

According to the wishes of our Founder, the late Dr. Grace E. Barstow Murphy,
we are dedicated to protect and preserve Long Island's Unique Environment.

October 22, 2007

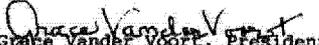
Governor Eliot Spitzer
Executive Chamber
State Capitol
Albany, New York 12224

Re: The Proposed Broadwater Energy LNG Project

Dear Governor Spitzer:

In our continuing effort to oppose the above referenced
proposal, we enclose our October 16th statement, "The
Broadwater Challenge."

Sincerely,


Grace Vander Voort, President

Enc.

Copies to:

Federal Energy Regulatory Commission
Joseph T. Kelliher, Chairman
Sudeen G. Kelly
Philip D. Moeller
Mark Spitzer
Jon Wellinghoff
Senator Hillary Clinton
Senator Charles Schumer
Senator Christopher Dodd
Senator Joseph Lieberman
Congressman Tim Bishop
Congressman Steve Israel
Congressman Christopher Shays
Connecticut Governor M. Jodi Rell
Co-chairpersons Connecticut Long Island Sound LNG Task Force
Senator Len Fasano and Senator Andrea Stillman
Connecticut Attorney General Richard Blumenthal
New York State Attorney General Andrew Cuomo

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Copies to: continued

Page 2

Mr. Mark Tedesco, Director EPA LIS Office
Secretary of State Lorraine Cortés-Vázquez
Mr. Steve Resler, NYS DOS Division of Coastal Resources
NYS DEC Commissioner Alexander B. Grannis
Connecticut DEP Commissioner Gina McCarthy
Mr. Peter Scully NYS DEC Regional Director
Senate Majority Leader Joseph Bruno
Speaker of the Assembly Sheldon Silver
Senator John Flanagan
Senator Owen Johnson
Senator Kenneth LaValle
Senator Carl Marcellino, Chairman
Senate Environmental Conservation Committee
Assemblyman Marc Alessi
Assemblyman Steven Englebright
Assemblyman Robert Sweeney, Chairman
Assembly Environmental Conservation Committee
Assemblyman Fred Thiele
Suffolk County Executive Steve Levy
Presiding Officer William Lindsay and Members of the
Suffolk County Legislature
Brookhaven Supervisor Brian Foley and the Town Council
East Hampton Supervisor William McGintee and Town Council
Huntington Supervisor Frank Petrone and Town Council
Riverhead Supervisor Philip Cardinale and the Town Council
Smithtown Supervisor Patrick Vecchio and the Town Council
Southold Supervisor Scott Russell and the Town Council
Greenport Mayor David Nyce and the Village Trustees
Port Jefferson Mayor Brian Harty and the Village Trustees
Mr. Richard Johannesen, President Anti-Broadwater Coalition
Mr. Donald Strait, Executive Director Save the Sound
CEO Kevin Law Long Island Power Authority
CEO Matthew Crosson Long Island Association
Royal Dutch Shell CEO Jeroen van der Veer
TransCanada CEO Harold N. Kvisle
Newspapers
Long Island Advance
Community Journal
Dan's Papers
East Hampton Star
The Hartford Currant
The Independent
The Long Islander
Montauk Sun
Newsday
New York Times
The Northport Observer
North Shore Sun
Southampton Press
Suffolk Life
Times Beacon Record Newspapers
Chambers of Commerce
Brookhaven Chambers of
Commerce Coalition
Huntington
Smithtown
Riverhead
Greenport-Southold

Organizations and Companies Comments

N-838

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*Conservationists United for Long Island
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THE BROADWATER CHALLENGE

The Broadwater 30 year proposal to “industrialize” Public Trust Lands, the submerged lands and waters of Long Island Sound, is in direct conflict with mandated federal legislation to restore, protect and preserve the Sound for the use and enjoyment of this and future generations.

The justifiable opposition to this proposal can be substantiated in the progression of state and federal legislation resulting in the ongoing 21 year Long Island Sound Study (LISS), the Long Island Sound Comprehensive Conservation and Management Plan and the Connecticut and New York State Coastal Management Programs. The LISS is a collaborative effort sponsored by the U.S. Environmental Protection Agency and the states of Connecticut and New York in partnership with federal, state, interstate, and local government agencies, industries, universities and the public to restore and protect the Sound.

The presently scenic and tranquil mid-Sound would be transformed into a patrolled exclusionary industrial zone. In comparison, the zone is 100 plus acres greater than Central Park. The floating liquefied natural gas (LNG) regasification and storage terminal proposed by Broadwater requires a 3.9 mile security and safety channel located at the easterly constricted entrance to the Sound for the weekly shipments of foreign LNG in foreign owned tankers. The massive terminal would be tethered to a pivoting platform anchored to the Sound’s floor and would require a new 21.7 mile underwater pipeline. The exclusionary zone would be restricted solely for uses related to the privately owned facility, Shell and TransCanada. Broadwater is a subsidiary of Shell.

As the required regulatory review process moves forward, the indisputable data of the Long Island Sound Study has proven the Broadwater precedent-setting proposal is environmentally, economically and socially unacceptable short and long term, negatively impacting our vital natural resource of national and local significance. Viable alternatives to Broadwater are included in the record of the review process. The importance of requiring absolute oversight and accountability is confirmed in the regulatory review process. Example: The significant issue of emissions associated with the facility and the foreign owned LNG supply tankers.

Based on the Long Island Sound Study, millions and millions of dollars have been invested in the restoration of the Sound which has resulted in an annual return of \$5 billion while Broadwater calculates an annual savings of approximately \$680 million. Most importantly, the cost of the proposal’s “industrialization” with its known negative impacts and future unknown consequences is incalculable.

OC35-1 As described in Section 1.3 of the final EIS, the proposed Project would be conducted in accordance with all federal and state regulations and permits. While the proposed Project would be the only LNG terminal in Long Island Sound, it would not be precedent setting in regard to industrialization or the use of public trust lands in Long Island Sound. As described in Sections 3.5.2, 3.5.5, 3.5.7.4, and 3.7.1.3 of the final EIS, the public land and water of Long Island Sound are currently used by a vast array of commercial endeavors including oil platforms, industrial and commercial docks, pipelines, submarine cables, power plants, ferries, and commercial shipping and fishing. Section 3.5.7.3 of the final EIS describes the potential impacts of the Broadwater Project relative to the Comprehensive Conservation and Management Plan. Section 3.0, especially Section 3.10, of the final EIS and the WSR (Appendix C of the final EIS) in the final EIS describe the potential impacts associated with accidental or intentional releases of LNG. They conclude that the Project-specific risks, including the threat of a terrorist attack, would be manageable with implementation of the Coast Guard’s recommended Project-specific mitigation measures.

OC35-1

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OC35-1

The \$700 million world's first floating LNG terminal would serve a widespread densely populated area including New York City. Its massive size would increase the magnitude of any malfunction and would heighten not only the potential of a terrorist attack, but also the untried forces of nature effectively disrupting the region's energy supply. From the Connecticut and New York State legislative hearings and legislation to the overwhelming public response, the unresolved Broadwater safety and security issue remains a critical matter of paramount concern.

In retrospect, Broadwater's challenge to take over Public Trust Lands has given us the opportunity to realize the phenomenal importance of the Long Island Sound Study supported by federal and state environmental protection legislation. Following the rule of law, it has been 21 years of progress in restoring, protecting and preserving the Sound, a remarkable achievement in the wise stewardship of our unique and valuable natural resource.

Collectively, we all have the responsibility to fulfill our obligation to protect and preserve Long Island Sound in its entirety for the use and enjoyment of this and future generations.

Grace Vander Voort
President

October 16, 2007