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Our File No.
19301-100

October 17, 2006

Via Electronic Filing

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

Re: Broadwater Energy – LNG Project
FERC Docket Nos.: CP06-54-000
CP06-55-000
CP06-56-000

Dear Secretary Salas:

This firm represents the County of Suffolk, New York, an intervenor party in the above-referenced proceedings. I enclose herewith Resolution No. 821 of 2006 of the Suffolk County Legislature, which adopted a local law prohibiting the construction and operation of a Liquefied Natural Gas (“LNG”) Floating Storage Regasification Unit (“FSRU”) in the waters of Long Island Sound under the jurisdiction and control of Suffolk County. In addition, I enclose Chapter 695, of the Laws of 1881, in which the New York State Legislature granted Suffolk County jurisdiction over the waters of Long Island Sound to the Connecticut state line.

In particular, I call your attention to the Suffolk County Legislature’s findings that LNG facilities may pose significant health, economic, safety, security and environmental hazards to the Long Island Sound. These findings are consistent with the findings contained in the September 21, 2006 United States Coast Guard Waterways Suitability Report, which was filed with your agency in connection with the Broadwater proposal. The Coast Guard report determined that the Broadwater project posed significant threats to the safety and security of the Long Island Sound and the surrounding population and property.

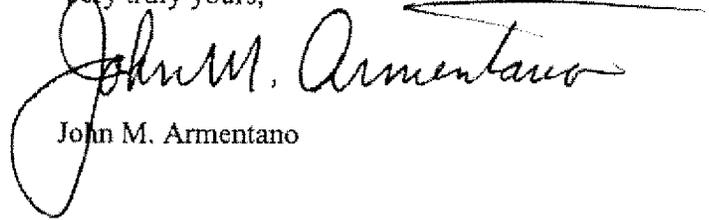
Based on the New York State and Suffolk County laws mentioned above, Suffolk County

Federal Energy Regulatory Commission
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has prohibited the construction and operation of the LNG facility proposed by Broadwater.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink that reads "John M. Armentano". The signature is written in a cursive style with a large, looping initial "J". A horizontal line is drawn above the signature, extending to the right.

John M. Armentano

JMA:mm
Enclosures
cc: Charlotte Biblow, Esq. w/encl.
All parties on the service list.

FFDOCSI\709964.01

Intro. Res. No. 1809-2006

Laid on Table 6/13/2006

Introduced by Presiding Officer, on request of the County Executive, Deputy Presiding Officer Vilorio-Fisher and Legislator Cooper

RESOLUTION NO. 821 -2006, ADOPTING LOCAL LAW NO. 40 -2006, A LOCAL LAW TO PROHIBIT THE CONSTRUCTION AND OPERATION OF LIQUEFIED NATURAL GAS (LNG) FLOATING STORAGE REGASIFICATION UNITS IN THE LONG ISLAND SOUND

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 27, 2006, a proposed local law entitled, **"A LOCAL LAW TO PROHIBIT THE CONSTRUCTION AND OPERATION OF LIQUEFIED NATURAL GAS (LNG) FLOATING STORAGE REGASIFICATION UNITS IN THE LONG ISLAND SOUND,"** and said local law in final form is the same as when presented and introduced; now, therefore, be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 40 -2006, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO PROHIBIT THE CONSTRUCTION AND OPERATION OF LIQUEFIED NATURAL GAS (LNG) FLOATING STORAGE REGASIFICATION UNITS IN THE LONG ISLAND SOUND

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the New York State Legislature has conferred upon Suffolk County the right to regulate its abutting navigable and tidal waters.

This Legislature hereby finds and determines that the ecology of Long Island Sound and the health, safety and security of those who are adjacent, or approximate to those waters must be protected.

This Legislature further finds and determines that the State's codification of the County's jurisdiction is historical in origin and is derived from royal land grants, patents, and laws establishing the boundaries of the County over the waters of the Long Island Sound to the Connecticut State Line, as evidenced by, among other laws and documents, Chapter 695 of the Laws of 1881, "An Act Extending Jurisdiction of Queens and Suffolk Counties . . . Over the Waters of Long Island Sound."

This Legislature further finds and determines that the New York State Legislature, through Navigation Law § 1 and 2(4), further established the County's jurisdiction to protect the waters of the Long Island Sound by exempting from the definition of "navigable waters of the state" all tidewaters bordering on and lying within the boundaries of Nassau and Suffolk Counties.

This Legislature also finds and determines that Suffolk County has consistently maintained jurisdiction and regulation of all tidal waters/tidewaters bordering on and lying within its boundaries.

This Legislature hereby finds that Liquefied Natural Gas ("LNG") facilities may pose significant health, economic, safety, security and environmental hazards to the Long Island Sound.

Therefore, the purpose of this law is to prohibit, by the exercise of the County's jurisdiction over its tidal waters/tidewaters, the construction and/or operation of LNG floating storage regasification units or similar LNG facilities in Long Island Sound for health, safety, security and environmental reasons.

Section 2. Amendments.

1. The Suffolk County Code is hereby amended by the addition of a new Chapter 109 to Part II of the Administrative Local Laws as follows:

Chapter 109, Liquefied Natural Gas (LNG) Floating Storage Regasification Units, Prohibition

§ 109-1 – Definitions

A. "Person" shall mean an individual, a partnership, an unincorporated association, a corporation or any other legal entity.

B. "Construct" shall mean to build, assemble, place, erect or install.

C. "Action" shall mean any steps taken to initiate or advance a liquefied natural gas (LNG) floating storage regasification unit project.

§ 109-2 Prohibited Acts

It shall be unlawful for any person to construct any type of liquefied natural gas (LNG) floating storage regasification unit in or on the tidal waters/tidewaters of the Long Island Sound bordering on and lying within the boundaries of Suffolk County.

Section 3. Applicability.

This law shall apply to any action taken at any time to initiate or advance a liquefied natural gas (LNG) floating storage regasification unit project.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision,

section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5 (c) (20) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Article 8 of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect upon filing in the Office of the Secretary of State and apply to any action taken at any time to initiate or advance a liquefied natural gas (LNG) floating storage regasification unit project.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: August 8, 2006

APPROVED BY:

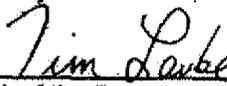

County Executive of Suffolk County

Date: August 28th, 2006

SUFFOLK COUNTY
County Legislature
RIVERHEAD, N.Y.

This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County, on August 8, 2006, and signed by the County Executive on August 28, 2006, after a public hearing duly held on August 22, 2006, and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk on


Clerk of the County Legislature

03-0254-010800

CHAP. 695.

Laws of 1881

AN ACT extending the jurisdiction of Queens and Suffolk counties, and of certain towns thereof, over the waters of Long Island Sound.

Special

PASSED August 12, 1881.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The boundary line between the counties of Queens and Suffolk is hereby extended northwardly into Long Island Sound at a right angle to the general trend of the coast until it intersects the boundary line between the states of New York and Connecticut, as lately established by the commissioners of the said states, and confirmed by the respective legislatures thereof.

Boundary line of counties.

§ 2. The boundary lines of the several towns in the counties of Queens and Suffolk that adjoin Long Island Sound are hereby extended northwardly into Long Island Sound at right angles to the general trend of the coast at their several respective points, until they intersect the boundary line between the states of New York and Connecticut as lately established by the commissioners of the said states, and confirmed by the respective legislatures thereof.

Of towns

§ 3. The jurisdiction of the legally constituted officers of Queens and Suffolk counties, and of the respective towns of said counties bordering on Long Island Sound, is hereby extended over the waters of said sound to the Connecticut state line.

Jurisdiction.

§ 4. This act shall take effect immediately.

Amended Chap. 267 Laws 1885

CHAP. 696.

AN ACT to further amend article four of title one of chapter sixteen of part one of the Revised Statutes, entitled "Of the laying out of public and private roads, and of the alteration or discontinuance thereof."

PASSED August 12, 1881; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventy-five of article four of title one of chapter sixteen of part one of the Revised Statutes, entitled "Of the laying out of public and private roads, and of the alteration or discontinuance thereof," as amended by chapter four hundred and sixty-five of the laws of eighteen hundred and seventy-seven is hereby further amended so as to read as follows:

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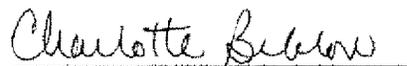
§ 75. In all cases of the alteration of any road, or the laying out of any new road, except where the same is altered, opened or laid out with the consent in writing of the owner or owners of the land to be taken for such alteration or opening, the person or persons applying for the same shall serve a notice on the town clerk of the town, and on a

Proceedings on laying out roads, etc.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list in this proceeding in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure.

Dated at Uniondale, New York, this 17th day of October, 2006


Charlotte Biblow, Esq.

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