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February 28, 2006

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FEDERAL ENERGY
REGULATORY COMMISSION

Honorable Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Room 1-A209
Washington, D.C. 20426

Re: Docket No. CP06-54-000 - Broadwater Energy LLC;
Docket Nos. CP06-55-000, CP06-56-000 - Broadwater
Pipeline LLC

Dear Secretary Salas:

For filing, please find the Advisory Report of the New York State Department of Public Service in the above-entitled proceedings. We request that Appendix E, related to spill control matters, be withheld from public disclosure in accordance with 18 C.F.R. §388.112, as it contains Critical Energy Infrastructure Information (CEII). An original plus fourteen copies of the public version, and an original plus two copies of Appendix E containing CEII are being submitted. Should you have any questions, please feel free to contact me at (518) 473-8178.

Very truly yours,

David G. Drexler
Assistant Counsel

Attachment

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Broadwater Energy LLC) Docket No. CP06-54-000
)
Broadwater Pipeline LLC) Docket No. CP06-55-000
) Docket No. CP06-56-000

**SAFETY ADVISORY REPORT
OF THE NEW YORK STATE
DEPARTMENT OF PUBLIC SERVICE**

INTRODUCTION

On January 30, 2006, Broadwater Energy LLC (Broadwater) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) for authority to site, construct and operate a liquefied natural gas (LNG) floating storage and regasification unit (FSRU) import terminal. The LNG terminal and associated facilities would be located in Long Island Sound, approximately nine miles from the shore of Long Island, in New York State (NYS) waters. Also on January 30, 2006, Broadwater Pipeline LLC filed an application for authorization to construct, own, operate, and maintain a single-use pipeline to transport natural gas approximately 22 miles from the terminal to a subsea interconnection with an existing pipeline.

The NYS Department of Public Service (NYSDPS) hereby submits its Safety Advisory Report¹ on State and local safety considerations relative to Broadwater's application pursuant the Natural Gas Act (NGA) (15 US.C. §717b-1).

Copies of all correspondence regarding matters raised in this Safety Advisory Report should be addressed to:

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BACKGROUND

Pursuant to the NGA, as amended by the Energy Policy Act of 2005, the Commission is required to consult with the State in which an LNG terminal is proposed to be located regarding State and local safety matters.² In a December 29, 2005 letter from Governor Pataki to Chairman Kelliher, the NYSDPS was designated as the appropriate State agency for purposes of consulting with

¹ This Advisory Report incorporates comments from the NYS Department of State (DOS), the NYS Emergency Management Office (SEMO), the NYS Department of Transportation (DOT), the NYS Office of Homeland Security (OHS), the NYSDPS, as well as several local governmental entities, including the County of Suffolk and Town of Huntington.

² 15 U.S. C. §717b-1.

FERC on all siting and safety matters regarding Broadwater's applications.

The NGA provides that the NYSDPS, as the designated State agency, may furnish FERC with an advisory report on State and local safety considerations, which include:

- 1) the kind and use of the facility;
- 2) the existing and projected population and demographic characteristics of the location;
- 3) the existing and proposed land use near the location;
- 4) the natural and physical aspects of the location;
- 5) the emergency response capabilities near the facility location; and
- 6) the need to encourage remote siting.

Before the Commission may issue an order authorizing Broadwater to site, construct, expand or operate the proposed LNG terminal, it is required to "review and respond specifically" to the safety matters raised herein.³

SAFETY ADVISORY REPORT
ON STATE AND LOCAL
SAFETY CONSIDERATIONS

PRELIMINARY MATTERS

In preparing this report, the NYSDPS coordinated background material and comments from various State and local entities with potential safety concerns regarding Broadwater's application. Several responses were received from State agencies, including

³ Id.

the NYSDOS, SEMO, NYSDOT, NYSOHS and the NYSDPS. To assist the Commission in its review and analysis, a background survey of the natural and physical aspects, existing and proposed land use, and existing and projected population and demographic characteristics of Long Island Sound and the surrounding locations, was prepared by the NYSDOS, and is included as Appendix A. A general summary of the State agencies comments is provided in the Safety Matters section, while specific concerns are referenced in Appendices B through D and incorporated herein.

Spill control safety concerns identified in NYSDPS' review of Critical Energy Infrastructure Information (CEII) submitted as part of the application (i.e., Resource Report 13) are incorporated herein as Appendix E, and we request that this Appendix be treated as privileged CEII in accordance with 18 C.F.R. §388.112 of the Commission's regulations. Comments received from local entities within New York, including the County of Suffolk, the Town of Huntington, the Town of Riverhead, and the Village of Poquott, are incorporated herein as Appendix F.

We have reviewed the sixteen volumes, as well as additional information, submitted as part of Broadwater's application, and provided the Commission with a comprehensive list of safety considerations within the 30-day deadline for providing a Safety

Advisory Report. However, in light of the extremely short deadline for submitting this report to FERC, and due to the preliminary stage of the review process, it is difficult to identify the entire universe of safety matters that should be addressed by FERC. For example, the Waterway Suitability Assessment, and the Draft Environmental Impact Statement, which are not yet publicly available, are expected to contain information relevant to the State's review of safety matters. Therefore, we request the right to submit additional comments for FERC's consideration as information becomes available and is reviewed.

SAFETY MATTERS

Broadwater's application to construct an LNG terminal presents a unique set of safety concerns given the projects design as an FSRU located within Long Island Sound. Several safety concerns are raised in the context of applying NYS laws to the FSRU, such as the Uniform Fire Prevention and Building Code, and the Executive Law. The topics areas covered herein encompass alert and notification procedures, emergency planning and response, water safety, security zones, National Fire Protection Association (NFPA) standard 59A, fire protection, natural gas safety, design and operation, alternatives, safety inspections, and homeland security issues.

Specifically, the following safety matters should be addressed in FERC's review of Broadwater's application:

Alert and Notification Procedures

- » Development of adequate alert and notification policies and procedures from the facility operators to off-site authorities under various circumstances and scenarios.
- » Notification of the schedules for LNG vessel traffic, including impacts on commercial and non-commercial vessels.

Emergency Planning and Response

- » Identification and evaluation of potential impacts of an accident at the facility, including, but not limited to, failure of the yoke mooring system and disconnection of the FSRU from the gas pipeline; and, impacts on land-based population centers as a result of accidents.
- » Development of an emergency plan, which includes, but is not limited to, a system for warning the population that may be endangered, centralized coordination of resources, personnel and services, and communications to efficiently activate emergency operations centers. An analysis of all applicable local, State and Federal emergency planning standards and jurisdictional responsibilities is recommended.
- » Establishment of emergency planning assumptions based on sound technical information. These assumptions should be shared and validated by all involved local, County, State and Federal agencies.
- » Ensuring coordination of any emergency plans and procedures among local, State and Federal entities.
- » Ensuring that the United States Coast Guard (USCG) will include local, County, State and Federal agencies with responsibility for response or recovery activities in its on-going process to develop emergency plans.
- » Ensuring consistency of operating plans and procedures with the National Incident Management System (NIMS) principles and methods.
- » Training of entities, such as the USCG, in NIMS to ensure the highest level of proficiency and coordination.

- » Analyzing minimum emergency response capabilities, including the potential need for sophisticated fire vessels and specialized teams to respond to LNG incidents.
- » Identification of gaps in municipal emergency, medical services, and fire response capabilities, and how those gaps will be addressed.
- » Ensuring that the emergency contact list identified in Resource Report 11, page 64 is comprehensive and inclusive of all appropriate State, Federal and local entities, including the United States Department of Transportation, the NYS Department of Transportation, and the NYSDPS.
- » Ensuring that the employees, including any contractors, involved in operations and maintenance activities for the FSRU, tug boats, and the pipeline are qualified and periodically retested to ensure proper knowledge and the ability to perform critical operations; and identify the safety-related labor standards which are applicable to the project.
- » Developing a plan to address the event of a gas odorant spill.

Water Safety

- » Identification of potentially unsafe conditions for recreational boaters, fishers, and other vessels in relation to the FRSU and LNG carriers.
- » Identification and analysis of potential accidents, risks, impacts and damages, to people, vessels (e.g., oil and naval), and other facilities, based upon the timing of LNG carrier deliveries to the FSRU (i.e., night versus day), the proximity to commonly-used commercial shipping lanes, the frequency of use of the shipping lanes, and with respect to breach/ship interactions, ignition of escaping natural gas, and the LNG vapor dispersion.
- » Analyzing water use conflicts and safety, such as barge and tug boat traffic during construction of the pipeline and to service the FSRU when operational.
- » Assessing the impact of water currents, particularly through the Race on the eastern part of Long Island Sound, on the safety analyses.

Security Zone

» Analyzing the size and scope of the security zone around the FSRU and associated vessels, including how the security zone compares to the zones for other existing or proposed off-shore LNG facilities. Any differences in the zones should be justified.

» Analyzing the adequacy of all applicable safety standards relating to the design, construction and operation of the FSRU and related onshore facilities and vessels.

NFPA-59A

» Analyzing consistency with NFPA-59A and the New York State Building Code, as identified by the NYSDOS in Appendix B.

Fire Protection

» Analyzing consistency with the New York State Fire Code, as identified by the NYSDOS in Appendix C.

» Analyzing fire protection and safety issues, as identified by the NYSDOS in Appendix D.

Gas Safety

» Analyzing the interchangeability of the vaporized gas leaving the FSRU, including the BTU content, the Wobbe Index range, and the concentration of inert gas to ensure the safe operation of the gas transportation and distribution systems and gas utilization equipment.

» Ensuring compliance of the design, construction, operations, and maintenance of the pipeline with the applicable requirements in 49 CFR Part 192.

» Ensuring compliance of the operation and maintenance of the LNG transfer, storage, and regasification facilities and processes with applicable requirements of 49 CFR Part 193 and NFPA 59A (See Appendices B, C, and D). If there are overlapping requirements, the more stringent operations and maintenance standards should be adopted.

» Specification of minimum fracture toughness in the design of the pipeline. Proper clearance and construction methods must be addressed where the pipeline will cross any and all cables or other facilities.

Design and Operation

- » Evaluating the design feasibility of either moving the FSRU out of Long Island Sound or to a safer location in preparation of severe weather events. Specific design considerations, as well as the reduction of the stored volume of LNG, should be addressed.

- » Examination of the anticipated method and frequency of the delivery of chemicals used onboard the FSRU listed in Resource Report 11.

- » Development of a size threshold (or other criteria) which will determine a "small" carrier as opposed to a "large" carrier, and exactly when additional tugs will be required.

Alternatives

- » Assessing the comparability of any safety concerns by locating the facility at another viable alternative site, such as within the Atlantic Ocean.

Safety Aspects of Operations and Maintenance of Facility

- » Identification of applicable safety requirements regarding maintenance and operation, including which entities and the specifics of the programs that will be applicable in ensuring compliance with those requirements.

- » Identification of public health and safety risks for people living on-shore and recreating at public parks within the vicinity of the FSRU.

- » Analyzing how the Commission will accommodate State safety inspections, as provided for under the NGA, to ensure continued safe operation and maintenance.

Homeland Security

- » Ensuring that all recommendations made by the USCG regarding security measures required at both the onshore and offshore facilities of the project are carefully considered.

- » Ensuring that employees' backgrounds are screened prior to being hired, and security clearances are required as necessary.

We appreciate the opportunity to provide the Commission with these comments and look forward to working with local,

State and Federal officials to ensure that all safety concerns raised herein and in the future are adequately addressed.

Respectfully submitted,



William M. Flynn, Chairman
New York State Department of
Public Service

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Dated: February 28, 2006
Albany, New York

Appendix A

BACKGROUND ON LONG ISLAND SOUND AND SURROUNDING LOCATIONS New York State Department of State

Natural and Physical Aspects of the Location

For the basis of this analysis, the proposed project area is defined as including the Long Island Sound watershed area of the Towns of Huntington, Smithtown, and Brookhaven (location of connecting pipeline) the Long Island Sound watershed area of the Towns of Riverhead (location of the FSRU and affected by increases in LNG vessel traffic and docking) and the Town of Southold, which may also be affected by LNG vessel traffic.

The natural and physical aspects of the proposed project area encompass the open water of Long Island Sound, the immediate shore front land, the natural resources and viewshed, and dynamic features of the system. The Long Island Sound region was established by retreating ice sheets about 20,000 years ago. The current shoreline of Long Island was formed in the last 3,000 years as embayments, bluffs, depressions and other topographic details began to emerge. In western Suffolk County, irregular shorelines project into Long Island Sound creating headlands known as "necks." These projecting headlands separate Northport Bay and Port Jefferson within the proposed project area. Bluffs fronting these headlands can reach as much as 75 feet high in Lloyd Harbor and 100 feet in Nissequogue and are composed of glacial outwash and morainal materials. Narrow beaches and spits, mainly formed by erosion of the headlands and bluffs, are commonly found on the Long Island Sound shore front. While bluffs and headlands are relatively sheltered to the west of the proposed project area, the impact of coastal processes and erosion typically increases as one moves east to Port Jefferson.

A significant difference occurs east of Port Jefferson and Mount Sinai continuing to Orient Point. The topography in this central and eastern section of the proposed project area contains a more undulating plateau with a nearly unbroken stretch of coastal bluffs. Bluff elevations in the Town of Riverhead can exceed 140 feet and decline to about 30 feet near Orient. Significant headlands extend into the Long Island Sound at Herods and Roanoke Points in Riverhead and at Horton Point in Southold. Erosion of the bluffs is constant, nourishing downstream beaches and creating a continuously changing landscape. Tidal marshes are commonly found near inlets and at breaks in the bluffs.

At Plum and Fishers Islands, farther east in Southold, the topography changes again to a rocky coast with multiple inlets and bays. Farther off of Fishers Island are small, natural rock and marsh islands known as the Hungry Point Islands. An important feature of this area is the Race, an extremely unusual physical feature in New York State. The Race is an area of open water located between the western edge of Fishers Island and Race Point and is an approximately 150 foot deep channel roughly one mile wide. The edge depths rise to less than 30 feet on either side of the channel. The approximately 2,500 acre area of the Race separates Long Island and Block Island Sounds.

Perhaps the most significant natural features on the north shore of Long Island are the surface waters. Long Island Sound is the most apparent single area of surface water within the project area. There are approximately 90 miles of Long Island Sound within the proposed project area. As an estuary, the Long Island Sound is a point of interaction between fresh water draining from the land on Long Island and salt water flowing in from the Atlantic Ocean. Estuaries are typically of high ecological and environmental value because of the diverse levels of biological interactions that they support.

Long Island Sound is an area of high ecological values and functions caused by unique geophysical conditions, including bathymetry, water and sediment chemistry, circulation and tidal patterns. Variation in the geophysical parameters throughout the region aid in the ability for diverse ecological systems to form. The geophysical characteristics of the complex shoreline around the Nissequogue in the western Sound, are coupled with a reduced salinity due to the freshwater inputs from the Nissequogue River. In comparison, the relatively uniform bluff system of eastern Long Island Sound is coupled with a higher salinity rate due to the significant influence of ocean water entering the estuary through the Race.

The geophysical structure of underwater lands also dictates to great extent the benthic ecological community that exists and develops. Parameters such as rate and duration of sedimentation, temporal dynamics, light availability and level of dissolved oxygen help to determine what types of ecological communities exist and influences their stability and vigor. Depth and strength of current are other specific parameters that have an effect on the types of flora and fauna that exist in the Sound.

The depth of Long Island Sound in most of the western and central proposed project does not exceed 100 feet. Further to the east, particularly near the Race, depths have been measured in excess of 250 feet. Likewise, the average

current speed is significantly higher in the eastern portion of the proposed project area due to the proximity of Atlantic Ocean and the constriction of the passage. This speed and bottom topography are factors in the predominantly westward transport of sediment from eastern Long Island.

The ecological communities of the Long Island Sound within the proposed project area have been investigated as part of the Long Island Sound Coastal Management Program and categorized into the following ecological complexes: the Harbors Complex; Nissequogue River Complex; Central Bays Complex; Eastern Bluffs Complex; the Deep, Open Water Complex; and the Fishers Island Complex.

The Harbors Complex includes the western bays of Suffolk County, located at the western extent of the proposed project area. This complex is made up of deep water embayments connected by the Sound, headlands and bluffs with tidal and freshwater wetlands, sandy beaches, maritime shrubland, oak-tulip forests, and chestnut oak forests. Undeveloped barrier beaches are rare in this area, although one is located at Eatons Neck Point. The Harbors Complex extends east to central Smithtown.

This complex supports an array of resident and migratory birds, fish, and other animals, and is the most significant waterfowl wintering and migratory stopover on the north shore of Long Island. The bays and open water areas are extensively used by foraging shorebirds. This area is also productive for marine finfish and shellfish, and Oyster Bay Harbor has been identified as one of the most important oyster producing areas in New York State. Ten areas within this reach have been designated as Significant Coastal Fish and Wildlife Habitats by New York State because of their exceptional values and importance for fish and wildlife.

The Nissequogue River Complex represents the area around Nissequogue River in the Town of Smithtown. This ecological area extends from the headwaters of the Nissequogue River, the largest river on the north shore, to Smithtown Bay. The Nissequogue River has been designated as a Scenic and Recreational River by the State of New York, and nearly half of this complex is protected by state, county, local and private conservation ownership. The diversity of fish and wildlife populations in this complex is linked to the diverse types of habitat. This complex includes beaches, a tidal river, salt marsh, intertidal mudflats, freshwater wetlands, red maple-swamps, spring-fed freshwater streams, successional southern hardwoods, and a large, mostly undisturbed mixed hardwood forest at the Kings Park Psychiatric Center and parks along the River.

The complex supports important nesting, foraging, resting and wintering habitat for many shorebirds, waterfowl and passerines, as well as active osprey nests, and nesting for threatened and endangered shorebirds of statewide significance. The complex is also important for finfish and shellfish, supporting the only sea-run brown trout fishery on Long Island Sound, significant recreational fishing, and many species of commercially important shellfish, particularly in Smithtown Bay. Diamondback terrapin have been observed nesting within the complex, and the presence of Tiger salamanders has also been confirmed. Two areas within this reach have been designated as Significant Coastal Fish and Wildlife Habitats by New York State because of their exceptional values and importance for fish and wildlife.

The Central Bays Complex is located in central and eastern Suffolk County in the eastern portion of Smithtown and into Brookhaven and includes the eastern portion of Smithtown Bay, Stony Brook Harbor, Port Jefferson Harbor and Mount Sinai Harbor. These harbors are joined together by the Long Island Sound while Setauket Harbor, Little Bay and Conscience Bay are more closely connected directly, feeding into Port Jefferson Harbor. This area includes open water, headlands and bays, salt marshes and intertidal mudflats, bluffs and beaches, as well as large, contiguous mixed hardwood stands. A major wintering and stopover are for waterfowl, this complex is also extensively used for nesting and foraging by shorebirds, passerines and waterfowl, and several threatened or endangered shorebirds are confirmed nesting on barrier beaches. The largest concentrations of snowy egret and black-crowned night heron on Long Island are found within this complex. The bays receive moderate recreational fishing use, and the area is productive for marine finfish and shellfish. This complex may also provide important developmental habitat for the kemp's ridley sea turtle, particularly during late summer and early fall. Six areas within this complex have been designated as Significant Coastal Fish and Wildlife Habitats by New York State because of their exceptional values and importance for fish and wildlife.

The Eastern Bluff Complex includes the nearly contiguous bluff habitat typified in areas east of Wading River in the Town of Riverhead, east through Southold including the Sound, the shoreline, and the adjacent upland area. Between gently curving bluffs, headland protrusions and tidal inlets nourish intertidal mudflats and salt marshes. The high bluffs create an extremely unique physical and biological system in this complex. The Wading River Marsh is one of few relatively undisturbed tidal marshes remaining on Long Island's north shore, and due to the limited number of freshwater rivers and creeks, nearshore salinities in this

complex are higher. Maritime beech communities, a globally rare plant community, are found around Friars Head, and large mixed hardwood forests, active farm land, and successional fields are found along the bluffs.

With limited protected harbor areas, marine finfish and shellfish are commonly productive in pockets, particularly around Mattituck Creek. Loggerhead and Kemp's ridley sea turtles utilize the nearshore waters of Long Island Sound, and green crabs are extensive throughout the complex. Two areas wholly within this complex have been designated as Significant Coastal Fish and Wildlife Habitats by New York State because of their exceptional values and importance for fish and wildlife.

The Deep, Open Water Complex includes Plum Gut and the Race in the Town of Southold. The Sound in this reach is characterized by steep underwater slopes rising up to relatively shallow water shoals. The result is highly turbulent water, which coupled with higher salinities from the Atlantic Ocean, create optimal conditions for many marine finfish, and especially sport fish. This habitat is extremely rare in New York State and the complex is notable for its diverse and productive finfish habitat, including a significant striped bass migratory route for Long Island Sound. Plum Gut has also been studied as a major corridor for Atlantic salmon returning to the Connecticut and Pawtucket Rivers. Because of these high concentrations of marine finfish, both the Race and Plum Gut are considered to be nationally renowned for sport fishing. Commercial net trapping and lobster harvests are regionally important from this complex.

Right whales, harbor porpoises, seals and Kemp's ridley sea turtles frequent the complex. Upland habitat includes maritime dune communities, mixed hardwood forests, lowlands and freshwater ponds, and freshwater marshes, particularly on Plum Island. Offshore islands also provide habitat of national significance to threatened and endangered shorebird species. Two areas within this complex have been designated as Significant Coastal Fish and Wildlife Habitats by New York State because of their exceptional values and importance for fish and wildlife.

The Fishers Island Complex is located around Fishers, Plum and Hungry Islands. Surrounded by the highest quality marine waters in New York State, Fishers Island maintains a wide variety of ecological communities including coastal salt ponds, brackish and slat marshes, sheltered bays and coves, sandy beaches, rocky intertidal communities, and small offshore islands. Upland habitats also include freshwater ponds, coastal plain and pond shores, red maple-hardwood swamps, oak-hickory forests, maritime beech forest

communities, and maritime grasslands. About 45 species of plants found on the island are listed as rare, endangered or threatened, and over 90 species of breeding birds utilize the complex. Undeveloped off shore islands host the State's largest colony of double-crested cormorants, and seals commonly use the area as haul-out sites. There are two areas within this complex that have been designated as Significant Coastal Fish and Wildlife Habitats by New York State because of their exceptional values and importance for fish and wildlife.

A major component of the value of Long Island's north shore within the proposed project area is the existing scenic resources. Special landscape features and natural views contribute to the visual character of the developed communities. Areas of open coastline, particularly those located within view from publicly owned properties such as parks or natural preserves, the open water of the Long Island Sound, tidal and freshwater wetlands, forested areas, and coastal bluffs and beaches are regarded as high value natural scenic features.

Throughout most of western and central Suffolk County within the proposed project area, the shoreline is highly developed, though large wooded lots provide disguise the level of construction and provide significant rural view sheds. The long and mostly unobstructed view over Long Island Sound from numerous coastal parks and open space areas noted by the Long Island Sound Comprehensive Management Program as a particularly significant scenic resource. In the eastern area of the proposed project area, view shed are more common and include agricultural lands, small hamlets and extensive coastal views. Parks again provide the highest concentration of scenic view sheds for the public and elevations along the bluffs create additional opportunity for views across Long Island Sound.

Existing and Proposed Land Use Near the Location

Land uses are varied within the proposed project area and consist mainly of a mix of three categories: residential, recreational or open space uses, and commercial or industrial uses. Residential uses dominate the Long Island Sound shoreline, comprising between 70% and 80% of the land uses. Open space and recreational waterfront uses comprise approximately 10 to 20% of the shoreline, commercial and industrial uses comprise between 5% and 10%, and vacant shore front land makes up the remaining 5%. Land use and existing patterns and styles of development are common factors in defining the community character of north shore neighborhoods.

Surveys performed as part of the analysis for the Long Island Sound Coastal Management Program indicated an increasing decline in the amount of vacant and agricultural land uses and a general increase in other land uses. According to these reports, Suffolk County added more than 15,000 acres of waterfront residential uses, and doubled the previous acreage of commercial land uses. These trends have been observed to be continuing, with some historic water-dependent commercial uses being converted to residential uses throughout coastal Suffolk County.

The Long Island Regional Planning Board prepared an analysis of land uses on Long Island in 1993. The Board identified 12 distinct land uses including residential, commercial, commercial-recreation, industrial, institutional, open space and recreational, agricultural, transportation and utilities, and vacant. The analysis yielded estimates of the area available for development or redevelopment based on the existing zoning and land uses, which was incorporated into the Long Island Sound Coastal Management Program in 1996. Shoreline land uses were found to differ slightly between western and eastern Suffolk County. In the highly developed western and central parts of the County, residential uses are dominant. Along the eastern portion of the proposed project area, shoreline development is somewhat lighter and the level of non-residential uses, primarily agricultural and open space, is higher in comparison. The terrain and large, wooded lots help to hide the intensity of shoreline development in many areas of the western and central County shoreline, establishing a semi-rural community character. Open space and agricultural lands found in the coastal areas of eastern Suffolk County help create a more rural community character emphasized by long viewsheds over land and water across Long Island Sound.

The majority of the County's western shoreline is fully developed for low and medium density residential uses, often clustered around downtown or harbor areas. Industrial and commercial uses are typically located within pockets on the waterfront. State, County and local parklands and recreation areas, and some large areas of institutional or open space land uses are scattered along the waterfront. Significant port-related commercial uses are clustered in Port Jefferson and around Huntington Harbor.

The Town of Huntington represents approximately 64 miles of Long Island Sound shore front and includes the western boundary of Suffolk County. The Villages of Asharoken and Northport are located in the Town within the proposed project area. Land use within the Town and Villages is predominantly residential, with numerous large single family homes built on large lots. No commercial or industrial uses

are located within the Village of Asharoken, although a large power generating plant and commercial maritime uses are located near the Village of Northport. Caumsett State Park and Target Rock National Wildlife Refuge are both large acre open space and recreational uses located within the Town's coastal area.

The Town of Smithtown has a shoreline of approximately 36 miles and includes the Village of Nissequogue and Head-of-the-Harbor. Low and medium residential uses are predominant on the Sound, although due to the extensive amount of publicly owned property the population of these areas is generally lower than nearby Towns. Numerous parks and recreational open space exist in the Town's coastal area including Sunken Meadow State Park. A significant institutional use, the Kings Park Psychiatric Center, is located on the waterfront and comprises nearly 565 acres. This site is being planned for redevelopment, including the possible inclusion of residential uses which may increase the population density in the Town along the proposed project area.

The Town of Brookhaven, including the Villages of Old Field, Poquott, Port Jefferson, Belle Terre and Shoreham, incorporates approximately 50 miles of Sound shoreline. Land uses within the Town's coastal area are primarily single family residential with some significant commercial, industrial and utility land uses located primarily in Port Jefferson. Recreational and open space uses are mainly concentrated along the Town's western shoreline. Marine commercial uses are scattered along the shoreline, and are primarily consolidated around the Village of Port Jefferson. A cross-Sound ferry terminal is located in Port Jefferson, as are some mixed commercial and industrial uses. Mount Sinai Harbor is an important recreational area, heavily utilized by boaters and recreational shellfishers, and is the only port of safety in this section of the Sound until Mattituck Creek.

The Town of Riverhead has approximately 27 miles of shoreline on Long Island Sound. Land uses in the coastal area include primarily residential between the Brookhaven Town line to Wildwood State Park, and historically seasonal residential uses, open space and agriculture east to the Southold Town line. Riverhead contains some of the highest concentrations of agricultural land uses in Suffolk County and the Town's recent Comprehensive Plan indicates the strong desire to deter uncontrolled residential development of these parcels, partly by increasing residential density around the Sound. Maritime commercial uses are severely limited by the lack of natural harbors, although two industrial sites were formerly zoned at the Long Island Power Authority site in Jamesport and the Northville Oil

Terminal. The Jamesport site was acquired by the State and has been converted into Jamesport State Park.

The Town of Southold has approximately 58 miles of coastline on the Long Island Sound, which includes Fishers, Great and Little Gull, and Plum Islands. Agricultural uses are nearly equal to the percent of residential land uses on the Sound in Southold. Large tracts of land zoned for agricultural uses are located near consolidated clusters of low to moderate density single family residences, many of which are seasonal homes. According to the Town's Local Waterfront Revitalization Program, there is an increasing trend in converting seasonal residences for year-round use. Marine commercial and marine recreational uses are located around Mattituck Creek.

Most former industrial waterfront uses on Mattituck Creek, including oil storage, has been phased out and has been identified for redevelopment for recreation. Other land uses include recreational areas and scattered commercial uses. Plum Island is wholly owned by the Federal government and is used as a scientific research laboratory. Fishers Island is primarily seasonal residential area with few recreational or commercial land uses.

The Suffolk County Department of Planning routinely undertakes inventories of land uses found within north shore watershed communities, the most recent of which was published in April, 2004. This study mapped land uses in the Long Island Sound watershed in the Towns of Huntington, Smithtown, Brookhaven and Islip. Previously in 1999, the County produced an existing land use inventory for eastern Suffolk County. A specific objective of both studies was to quantify existing land use acreage by general categories within the municipal jurisdictions. These studies provide the most current information on land uses within the proposed project area.

Using town tax assessor codes to ensure consistency among the data, individual parcels within north shore watersheds were grouped into 13 general land use categories. These land use categories include low density residential (1 dwelling unit or d.u./ acre); medium density residential (> 1 or < 5 d.u./acre); high density residential (>5 d.u./acre); commercial; industrial; institutional; recreation and open space; agriculture; vacant; transportation; utilities; waste handling and management; and surface waters.

Examples of residential land uses identified by the County's study included one or two family year-round residences, seasonal residences, mobile homes, or apartments. Examples of commercial land uses included

hotels, retail services, banks, marinas, or entertainment establishments. Industrial land uses included storage, warehouse and distribution facilities, junkyards, manufacturing and processing, and gasoline or fuel storage and distribution facilities. Institutional land uses included educational facilities, police and fire stations, cultural or recreational facilities, and animal shelters. Recreation and open space land uses included improved beaches, public parks, cemeteries, and camping facilities. Agriculture land uses included farms, nurseries and greenhouses. Vacant lands were categorized by their surrounding or permitted land use, such as commercial vacant or residential vacant. Transportation uses included roads, streets and highways, as well as flood control uses. Utilities land uses were represented by electric power generation plants, water supply, and communication infrastructure uses. Waste handling and management uses included landfills and sewage treatment facilities. Surface water uses included aquatic oysterlands, underwater vacant land and canals.

The results of the studies indicated that residences comprise the majority of land uses within the proximity of the proposed project area. In western and central Suffolk County, 53% of the north shore watershed acreage was comprised of residential uses. In eastern Suffolk County, as much as 30% of the land uses are residential with approximately 25% of the remaining land uses being zoned for recreation and open space uses. Industrial uses represented about .5% of the land uses in the Long Island Sound north shore watershed of western and central Suffolk County, and less than .5% of land uses in the eastern Suffolk County watershed.

Some trends and issues affecting future land uses have been noted in north shore communities' Comprehensive Plans, Local Waterfront Revitalization Programs, and within the Long Island Sound Coastal Management Program and Long Island Sound Study. Among the most notable land use issues are the continued increase in residential development, including both development in previously undeveloped areas and redevelopment at higher densities. Despite uneven population changes throughout the proposed project area, increases in residential development have been consistent. Seasonal housing, primarily located in the eastern portions of the proposed project area, is increasingly being converted for year-round use. Another apparent trend is the municipal out-zoning of industrial waterfront uses.

As part of the Town of Riverhead's Comprehensive Plan, former industrial uses at the Northville terminal were zoned to be phased out and redeveloped. The Village of Port Jefferson has been active in removing obsolete and non-water

dependent industrial uses along its waterfront and replacing them with recreational and public access uses. In areas where industrial uses have traditionally been located, some are being rezoned for less intense Light Industrial Use or for office and laboratory space. Clean-up and redevelopment of underutilized and brownfield sites for both commercial and residential uses have accelerated, in part due to State and County incentive programs established by State and County programs. Finally, revitalization and linkages to enhance the economic and social vitality of downtown areas by encouraging mixed commercial and residential land uses and enhanced pedestrian access and services have become common themes in planning in Suffolk County.

According to the Long Island Sound Coastal Management Program, underutilized waterfront areas exist in Port Jefferson Harbor and at the former Shoreham Nuclear Power Plant. More recent studies have indicated that the former Northville Oil Terminal site in Riverhead could also be redeveloped.

Existing and Projected Population and Demographic Characteristics

The **Town of Huntington** includes the Villages of Asharoken, Huntington Bay, Lloyd Harbor and Northport, with only Asharoken and Northport existing wholly within the proposed project area. Huntington has approximately 64 miles of shoreline along the Long Island Sound and covers a total of 94 square miles. The Town's population of 195,289 from the 2000 census represents an increase from the 191,474 population in 1990. The population density is approximately 2,078 people per square mile, and the racial demographics are 88% White/Caucasian, 6.6% Latino, and 4% Black/African-American. Of the 195,289 residents over the age of 16 years, 94,922 are employed and the median income (in dollars) is \$82,528. There are 67,708 homes in Huntington with an occupancy rate of 97% and of those homes only 1% is seasonal or second residences. The median home value is \$277,900.00 in Huntington. The Long Island Regional Planning Board projects a population increase of 9,541 people between 2000 and 2010.

The **Village of Asharoken** has a population of 647 and encompasses 1.37 square miles with a population density of 457 people per square mile. The Village is predominantly Caucasian with 96% of residents claiming this as their racial identity. Primary occupations and industries employing Asharoken residents are management, business, finance, computers, architecture/ engineering, education, sales, healthcare, construction and production. The median household income is \$103,262.00 and there are 307 housing units in Asharoken with an occupancy rate of 83%. 17% of

the housing stock is vacant and 15% are seasonal and/or second homes. The median home value in Asharoken is \$586,600.00.

The **Village of Northport**, comprising approximately 2 square miles, has a population of 7,606, as reported by the 2000 census survey, with a density of 3,287 people per square mile. Ninety-seven percent of the residents are White/Caucasian and occupation types represented in the Village include management/professional, sales and office positions, service, construction and production. The median household income for the Village of Northport is \$86,456.00. The median home value is \$309,100.00 with 97% of housing units occupied and only 1% are used as occasional residences.

Within the proposed project area, the **Town of Smithtown** includes Smithtown Bay, central portions of the Long Island Sound, and the Villages of Nissequogue and Head-of-the-Harbor. The Town's Long Island Sound shoreline encompasses about 36 miles. The total population of the Town according to the 2000 census is 115,715 with a population density of 2,160 people per square mile, up from 113,406 in 1990. The Town's demographics include 95% White/Caucasian, 3.3% Latino, 2.4% Asian and the remaining reporting Black or African-American or other races. Of residents over the age of 16 years, 55,369 are employed and major occupations include management/professional positions, sales and office positions, service, construction and production. The median household income in Smithtown is \$80,421.00. There are 38,487 housing units located in Smithtown with an occupancy rate of 98% with less than 1% being seasonal homes. The median home value in the Town of Smithtown is \$248,400.00. The Long Island Regional Planning Board projects an 8,881 rise in population for the town between 2000 and 2010.

The **Village of Nissequogue** has a population of 1,543 and covers 3.77 square miles. The population density is 409 people per square mile and Village residents report themselves as 97% White/Caucasian. Major occupations of Nissequogue residents include management/professional, sales/office occupations, service, construction and production. The median household income is \$140,786.00 in Nissequogue. The total number of housing units is 570 and the occupancy rate is at 94% with 3.5% used as seasonal and/or recreational housing. The median home value in Nissequogue is \$589,200.00.

The **Village of Head-of-the-Harbor** encompasses nearly 3 square miles and has a population of 1,503 as reported in 2003. The population density for Head of the Harbor is 514 people per square mile, with 95% of the Village identified as White/Caucasian. Roughly half of the Village residents

over the age of 16 are employed, with primary occupations of Villages residents being management/professional, sales and office positions, service occupations, production/transportation and construction. The median household income in Head of the Harbor is \$117,450.00. The Village has an occupancy rate of nearly 97% with 1.2% of the units identified as seasonal and recreational homes. The median home value in the Village of Head of the Harbor is \$534,700.00.

The **Town of Brookhaven** includes the Villages of Old Field, Poquott, Port Jefferson, Belle Terre and Shoreham. The Town encompasses almost 260 square miles of Long Island and about 50 miles of Long Island Sound shoreline. Brookhaven has a total population of 448,248, significantly up from 407,915 in 1990, and has a current population density of over 1,729 people per square mile. The population of Brookhaven is 88% White/Caucasian, 8% Latino, 4% Black or African-American, 3% Asian, and about 2% other. The primary occupations are management/professional, sales and office positions, construction, service occupations and production and transportation. The median household income in the Town of Brookhaven is \$62,475.00. Ninety-five percent of the housing units in Brookhaven are occupied with about 3% used as seasonal and/or recreational homes. The median home value is \$159,100.00. The Long Island Regional Planning projects a population increase of 57,000 residents between 2000 and 2010.

The **Village of Old Field** had an estimated population of 997 in 2003. Encompassing just over 2 square miles, the Village has a population density of 498 people per square mile. Ninety-four percent of Old Field's population is White/Caucasian. The main occupations in Old Field are management/professional, sales and office positions, service occupations, construction and production. Ninety percent of the housing units in the Village of Old Field are occupied and 7% are seasonal and/or recreational homes.

The **Village of Poquott** has a population of 975 and encompasses almost a half of a mile. Of the 975 residents, 92% are White/Caucasian, 4% are Latino and the remaining races include Black/African American or others. Main occupations include management/professional careers, sales and office occupations, construction, service and production/transportation. The median household income in the Village is \$99,309.00. Of the 378 housing units, 93% are occupied with 3% are used as seasonal and/or recreational residences. The median home value in Poquott is \$384,400.00.

The **Village of Port Jefferson** has a population of 7,837, according to the 2000 census, and covers 3 square mile. The

Village has a population density of 2,587 people per square miles with 92% of residents identifying themselves as White/Caucasian, 5% as Latino, 3% as Asian and the remaining residents claiming Black/African-American or some other race. The primary occupations held by Port Jefferson residents include management/professional, service occupations, sales and office occupations, production, construction and farming/fishing. Important marine related industries in the Village include aggregate transshipment, marinas, and petroleum off-loading facilities. The median household income is \$65,119.00. The median home value in Port Jefferson is \$251,000.00, and 97% of the housing units are occupied with 1% being used for recreational and/or seasonal use.

The Village of Belle Terre has a population of 835 as reported by the 2000 census. The Village covers less than one square mile (.87). Belle Terre's population is 92% White/Caucasian with 5% Asian. Primary occupations of the Village include management/professional, sales and office positions, service occupations, construction and production. The average household income is \$132,155.00 in Belle Terre. Ninety-six percent of the housing units in Belle Terre are occupied, with 2% being seasonal and/or recreational homes.

The Village of Shoreham has a population of only 417 and is one of the smaller municipalities on Long Island. The Village covers .44 square miles and the density per square mile cannot be accurately reported. Ninety-five percent of the Village identifies themselves as White/Caucasian, 3% as Latino, 2% as Asian, and the remaining residents are of other races. Management/professional occupations are among the most widely held in the Village, followed by sales and office positions, construction, service and production. The median household income in the Village of Shoreham is \$109,719. Of the available housing units, 89% are occupied year-round and 9% are used for seasonal and/or recreational use. The median home value in the Village of Shoreham is \$291,700.00.

The Town of Riverhead has approximately 27 miles of shoreline along the Sound and a population of 27,680, up from 23,011 in 1990. Riverhead covers just over 67 square miles and has a population density of 411 people per square mile. Of that population, 85% identifies themselves as White/Caucasian, 11% as Black/African-American, 6% as Latino and the remainder of residents are either Asian, or other racial ancestry. The main occupations of the Town include management/professional, sales and office positions, service, production, construction and farming/fishing. The median household income for the Town of Riverhead is \$46,195.00 per year. Eighty-six percent of the available

housing units are occupied and 9% of the units are used as seasonal or second-residences. The median home value in the Town of Riverhead is \$166,000.00. The Long Island Regional Planning Board projects an increase of 12,516 residents between 2000 and 2010.

The **Town of Southold** has a coastline of about 58 miles on the Long Island Sound and a population of 20,600, according to the 2000 census, up slightly from 19,836 in 1990. The Town has a population density of 384 people per square mile. Ninety-four percent of Southold residents identify themselves as White/Caucasian, 5% as Latino, and 3% as Black/African-American. The primary occupations held by Southold residents include management/ professional careers, sales and office occupations, construction, service, production and farming/fishing. The median household income in the Town of Southold is \$49,898.00. The median home value is \$218,400.00. Sixty-one percent of the available housing units are occupied year round, 34% of the housing units are seasonal and/or recreational homes and 5% are vacant. An increase of 2,650 residents is expected between 2000 and 2010 based on population projections from the Long Island Regional Planning Board.

Appendix B

NEW YORK STATE BUILDING CODE
New York State Department Of State

This review presumes the *Building Code*, which is part of the *Uniform Fire prevention and Building Code of New York State* would be applicable to the FSRU and the Sections referenced are from the 2002 Edition. The NFPA 59A standard for LNG facilities discussed in Attachment C would technically not apply to the FSRU since it is a mixed use facility under the *Building Code* and consists of both Group H-2 structures (materials that present a deflagration hazard or a hazard from accelerated burning) and R-1 and R-2 (residential) structures. A minimum fire resistance rating of at least four hours is required between Group H and Group R structures. No design information on how this standard would be met has been provided.

It is unclear what the appropriate height limitation should be for this facility under the *Building Code*. The true height above grade cannot be determined since it varies depending upon the payload of the facility and grade plane can not be measured from the water line. However, the facility sits at least 80 feet above any measurable plane.

The construction type is unknown, therefore, it is difficult to evaluate the fire resistance of the building elements of the facility. Furthermore, no design information has been submitted for this facility. Information regarding the surfaces of the facility has not been provided in order to evaluate exposure fire spread, interior finishes, or roof fire classification.

The submitted information provides a listing of different fire suppression systems to be utilized in the facility. Since the facility is Group H and Group R occupancy, the complete structure shall be protected by an automatic sprinkler system or approved alternative fire suppression system. Complete information has not been provided. Emergency alarms to detect leaks are required. Complete information has not been provided.

Since the structure is floating on water, the exiting system of the facility could never terminate at a public way. Therefore, the exiting system cannot meet the requirements of the *Building Code*.

No drawings or plans have been provided to evaluate the applicable components of the exiting system including corridors, stairs, and travel distance as well as accessibility for the physically disabled.

The wind design load of 75 miles per hour is below that required by the *Building Code*. Openings within the facility need to be designed to resist the effects of wind borne debris. Complete calculations need to be provided for seismic and snow loads. Due to the height of the building, further information is required on the installation of elevators.

Appendix C

NEW YORK STATE FIRE CODE
New York State Department Of State

The *Fire Code* of New York State is one of seven referenced standards that wholly comprise the *Uniform Fire Prevention and Building Code of New York State*. The scope of the *Fire Code* addresses both construction and fire safety operations. This analysis presumes the *Fire Code* applies to the parts of the FSRU structure which involve LNG operations. The structure is located within the State and the Town of Riverhead's boundaries. The *Fire Code* (Section 3201.1) provides requirements for storage, use, and handling to be done in accordance with NFPA 59A, *Standard for Production, Storage and Handling of Liquefied Natural Gas*.

This analysis addresses the components of the FSRU that meet NFPA 59A, those that do not meet 59A, and describes the elements of NFPA 59A that do not have a direct application to the layout of the FSRU. Unless otherwise noted, the following sections are from NFPA 59A, 2001 Edition.

2.1.1 Plant Site Provisions

Condition (b) states the site shall have all weather accessibility for fire protection and personnel safety. Submitted documents do not provide any information on this requirement.

Condition (c) states the site shall be protected against the forces of nature. More information needs to be provided regarding the anchoring system and the ability of the FSRU to withstand storms. As an example, the *Building Code* has a substantially higher wind speed than proposed in the Resource Report.

Condition (d) states the site shall include provisions for plant personnel safety. Evacuation, isolation, or rescue procedures shall be provided and their effectiveness assessed compared to potential incidents.

2.1.1 Spill Retention

The site shall include provisions for retaining spilled LNG within the limits of plant property. The submitted documents call for a spill system that dumps LNG to the port side of the FSRU. This does not meet the intent of isolation.

2.2.1.1 Isolation from Waterways

Unless waived by the AHJ in Section 2.2.1.3, an impounding area shall be provided to protect against spills. Even though the FSRU will be double-walled, it doesn't meet the requirements of 2.2.1.1.

2.2.3.8 Navigable Waterways

Impounding areas for LNG spill protection shall be at least 50 feet from navigable waterways. The submitted information shows no separation.

2.2.5 Vaporizer Spacing

2.2.6 Process Spacing

2.2.7.2 Loading and Unloading Facility Spacing

The aforementioned sections require specific spacing requirements from specific items, such as sources of ignition. The submitted documentation does not provide any information regarding these requirements.

2.3.1 Buildings and Structures

2.3.2 Perimeter Protection

2.3.2 Ventilation system

Structures that handle LNG shall be of lightweight, noncombustible construction with non-load bearing walls and meet pressure and opening requirements. Based on the submitted documentation, the FSRU does not meet these design parameters or does not address these items.

2.4 Designer and Fabricator Competence

Designers and fabricators of LNG facilities shall be competent in design and construction for these specific systems and equipment. No standard of design competency has been provided. As a point of information, a registered design professional registered in the State of New York would be required for the design of the FSRU.

2.7 Concrete

Concrete use for LNG facilities requires specific design methods and fabrication in accordance with referenced design standards. The submitted information does not provide any reference to concrete design methods.

3.1 Process Equipment

The submitted information does not provide detailed information; including schematics, plans, or calculations, regarding the arrangement of the process equipment.

The details missing include but are not limited to the locations and environmental conditions for valving, pumps, compressors, relief valves, boilers, heat exchangers, generators and flash gas handling systems.

4.1 Stationary LNG Storage Containers

The submitted information does not provide detailed information such as maximum working pressures, piping connections, top and bottom filling provisions, exposure, container removal, seismic design of the FSRU and the attachment tower, wind and snow loads, and container insulation.

4.1.7 Foundations

Foundations shall not be in contact with water. Since the FSRU and the support tower are in the water, this violates the applicable Section.

4.2 Containers

4.5 Testing of containers

4.7 Relief Valves

Metal containers shall meet either the API 620 low pressure storage standard or the ASME pressure vessel code. The submitted documentation does not provide information for compliance for either standard.

5.1 Vaporizers

The type of vaporizers as well as the arrangement of such devices regarding manifolding, design and construction, isolation, shutoff valves, relief valve and combustion air supplies are required by the Section. The submitted documentation does not provide the required information.

6.1 Piping Systems and Components

The type, jointing, purging, supporting, marking, testing, and inspecting of piping materials is required by the Section. The submitted documentation does not provide the required information.

7.1 Instrumentation and Electrical Services

Instrumentation to monitor the operation of facilities and the interior environment of containers is required by the Section. The submitted documentation does not provide the required information.

8.1 Transfer of LNG and Refrigerants

The piping, pumps, compressors, and tank vehicle construction and operation shall be in accordance with this Section. An unloading 'safety philosophy' has been developed, however, no particulars of the system layout have been provided.

Section 8.5.1.2, requires tank vehicles under the jurisdiction of the United States Department of Transportation to comply with their regulations.

9.1 Fire Protection

This Section of the *Fire Code* requires a fire protection evaluation and appropriate design conditions. An Emergency Shutdown System (ESD) and several fire protection/suppression systems have been proposed, however, a report or documentation detailing the identified hazards, mitigation techniques, or specifics on system coverage, capability, or design has not been provided.

11.1 Operation, Maintenance and Personnel Training

Information regarding the operational safeguards of the facility, including site inspection and employee training programs has not been submitted.

Appendix D

FIRE PROTECTION AND SAFETY ISSUES New York State Department Of State

Jurisdictions

Although the FSRU is sited within the Town of Riverhead's boundaries, fire protection is not a town governmental function. In towns, fire protection may be provided through the establishment of districts: fire protection districts and fire districts. In Riverhead, fire protection is provided to the town through fire districts. Fire district boundaries are not required to be coterminous with town boundaries. Based on the information available, it appears that the boundaries of the fire districts in the Town of Riverhead end at the shore line.

Fire districts in Riverhead have no legal responsibility to provide fire protection to an offshore facility. In the past, fire districts have responded to emergencies within 1 mile off shore. Fire districts may have one or two fire boats which tend to be small motor boats with an outboard engine and a small water hose. (Suffolk County has a total of seventy-three (73) fire boats stored on trailers). Firefighters within the fire districts in Riverhead are volunteers.

Fire districts in Riverhead do not have the capability to timely respond to an incident on the FSRU which is located nine miles offshore. From time of receipt of notification of a fire or explosion, to the time of arrival on scene, response time would likely be upwards of 30-60 minutes depending on sea and weather conditions. If a fire occurred on the FSRU it would likely take too long for firefighters to safely reach the facility. Due to the offshore location of the FSRU, the fastest and most effective response to a fire or emergency would be to require Broadwater to establish a private fire brigade.

The same analysis would apply to the towns located along the route of the LNG carriers through the Sound should a fire occur on those vessels.

Fire safety issues are implicated by the mooring of transportation vessels and tug boats to service the FSRU, the construction of waterfront facilities and temporary facilities for pipeline construction. These onshore facilities are discussed in a separate Resource Report. The Town of Greenport and the Village of Port Jefferson within the Town of Brookhaven) are proposed sites for these facilities. Similar fire protection district boundary issues

arise with respect to the transport vessels and the tug boats. It appears that the Village of Port Jefferson is part of a joint fire district within the Town of Brookhaven.

Fire Safety

Broadwater maintains that Sandia Report is applicable to the proposed FSRU. In terms of safety and reliability, we question whether the Sandia Report should be used since it reviewed studies of smaller facilities and carriers with volumes half the size of the Broadwater FSRU. At this time, we do not have sufficient information to justify reliance on the Sandia Report.

Broadwater's Resource Report No. 11 identifies various types of accidents that could occur on the FSRU, including natural force, system failures and intentional acts. Throughout Report No. 11, Broadwater asserts that it will develop procedures outlined in the Emergency Response Plan. Broadwater contends that it will complete and submit an Emergency Response Plan for the FSRU and pipeline prior to receipt of final approval to begin construction. The time line set forth in Resource Report No. 11 indicates that the development and documentation of the Emergency Response Plan will not occur until December 2006 and Broadwater will not submit the Plan until July 2007.

The Emergency Response Plan is critical for pre-planning the federal, state and local emergency response for onshore and offshore incidents. Broadwater acknowledges the limited resources and responsibility at the local level but recognizes the necessity of coordination between Broadwater, the Coast Guard and onshore emergency responders. Broadwater contends that the Emergency Response Plan will be developed in consultation with the Coast Guard and State and local agencies. The Department of State, through its Office of Fire Prevention and Control, should have a role in the development of the Emergency Response Plan.

A meeting between Broadwater and the State Fire Administrator at the Department of State is referenced in Resource Report No. 11 and Appendix B. This informal meeting was an initial meeting, with no follow up. At that meeting Broadwater asked for the Department's assistance as a liaison between Broadwater and the local fire departments on Long Island. Broadwater indicated they would like the State Fire Administrator's assistance in the development of the emergency response plans

Broadwater proposes that they will be self-sufficient for purposes of fire safety. The FSRU will have firefighting capabilities augmented by the use of tug boats with firefighting capabilities. The Department does not

have the requisite expertise to properly evaluate whether the firefighting capabilities onboard the FSRU or the tug boats would be sufficient for safety purposes. If an incident were to occur on the FSRU and the onboard fire protection systems were not functioning properly, it would be critical to have a secondary means of fire protection immediately available. At a minimum, Broadwater should be required to have one or two tug boats available for fire protection at the FSRU at all times.

If an emergency occurs on the FSRU, and a local or State disaster is declared, SEMO would be the Agency coordinating the response efforts. If there is a need for fire resources, then the Department of State, through the Office of Fire Prevention and Control, would coordinate state fire resources to assist in the response.

Appendix F

COMMENTS OF LOCAL ENTITIES

County of Suffolk



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Our File No.
19301-100

February 22, 2006

BY FEDERAL EXPRESS AND E-MAIL

Barbara (Charlie) Murphy
Director, Division of Local Governments
State of New York, Department of State
41 State Street
Albany, NY 12231-0001
Email: cmurphy@dos.state.ny.us

Thomas G. Dvorsky
Director, Office of Gas and Water
New York State Department of Public Service
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Email: thomas_dvorsky@dps.state.ny.us

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

Dear Ms. Murphy and Mr. Dvorsky:

This firm represents the County of Suffolk, New York ("Suffolk County") in the Broadwater Energy LNG proposed project (the "Broadwater Project"). I am in receipt of copies of letters that you wrote earlier this month to local governmental officials requesting information about safety issues of concern to local officials to be included in the review being conducted by the Federal Energy Regulatory Commission ("FERC").

Suffolk County has many serious safety concerns about the Broadwater Project. Enclosed are copies of the following documents that specify Suffolk County's safety concerns, as well as specifying other types of adverse impacts of concern to Suffolk County, associated with the Broadwater Project. These documents include oral and written comments submitted to FERC by the Hon. Steve Levy, Suffolk County Executive, at the September 14, 2005 public hearing; Suffolk County's Comments to FERC in Opposition to the Broadwater Project, filed October 6, 2005 and Suffolk County's Supplemental Comments to FERC, filed December 12,

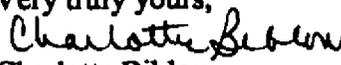
Barbara (Charlie) Murphy
Thomas G. Dvorsky
February 22, 2006
Page 2

2005. These documents identify many safety concerns with the Broadwater Project and demonstrate why FERC must deny the application.

In addition, these documents demonstrate that FERC and the applicant, Broadwater Energy LLC, ("Broadwater Energy") have withheld from public disclosure and scrutiny crucial safety information, as well as other types of information. FERC and Broadwater Energy's refusal to release this information prevents Suffolk County from fully evaluating the safety issues and other detrimental impacts posed by the Broadwater Project. For example, FERC issued a blanket policy withholding engineering and design information about proposed new LNG terminals, such as Broadwater, because FERC believes that the information would be useful to terrorists or saboteurs because incapacity or destruction of an LNG terminal would "negatively" impact public health and safety. This fact alone demonstrates that the Broadwater Project presents unacceptable safety concerns and that the Broadwater Project is inherently unsafe. As a result of the above circumstances, Suffolk County reserves the right to supplement its comments.

Suffolk County reminds you that the New York State Department of State ("NYSDOS") has a significant role to play in evaluating safety issues. The Broadwater Project cannot be approved unless the NYSDOS establishes on the public record that the project is consistent with the Long Island Sound Coastal Zone Management Plan (LIS CMP). One LIS CMP policy is particularly relevant to the discussion about safety. Policy 13.4 of the LIS CMP provides that "LNG facilities must be safely sited and operated." Given that crucial safety documents are being withheld from the public record by FERC and Broadwater Energy, NYSDOS cannot determine on the *public record* that Broadwater can be safely sited and operated nor can it determine that the project is "consistent" with the LIS CMP.

We request that the safety issues identified in this letter and in the enclosed documents be considered in the review of the Broadwater Project.

Very truly yours,

Charlotte Biblow

Encls.

- cc: John M. Armentano, Esq. (w/encls) (via e-mail)
- Christine Malafi, Esq. (w/encls) (via e-mail)
- George Nolan, Esq. (w/encls) (via e-mail)
- G.S. Peter Bergen, Esq. (w/encls) (via e-mail)
- George R. Stafford, Director, Division of Coastal Resources and Waterfront Revitalization, New York State Department of State (w/encls) (via Federal Express)
- FERC (via electronic filing)

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION
U.S. DEPARTMENT OF HOMELAND SECURITY,
U.S. COAST GUARD

JOINT PUBLIC MEETING
BROADWATER LNG PROJECT
DOCKET NO. PF05-4-000

Shoreham-Wading River
Middle School
100 Randall Road
Shoreham, New York

September 14, 2005

7:00 p.m.

JIM MARTIN, Presiding

1 I will say something that your time is over about the same
2 time the three-minute mark comes around. I apologize, but
3 that is the only way we will get through all the speakers
4 we have on the list tonight.

5 We will start with some elected representatives
6 of your community. Speaking first, Steve Levy.

7 MR. LEVY: Thank you, gentlemen and lady. You
8 threw me for a loop with the three minutes. I will do the
9 best I can here. I had some prepared text.

10 Let me just start by noting that it was just a
11 couple of weeks ago that I had the honor of joining many of
12 the elected officials in this room and many of the
13 community activists to meet with Senator Clinton at the
14 Long Island Sound waterfront. It was ironic because on one
15 side we were viewing the amazing landscape of the Long
16 Island Sound and on the other side was the white elephant
17 of the Shoreham nuclear power plant and it harkened back
18 the memories for me, about twenty years ago when I was out
19 there with droves of people, such as those behind me, who
20 were trying to get across to the federal government that
21 this was not something that was wanted in our very
22 environmentally sensitive area.

23 I just can't help think what would have
24 happened, how much money would have been saved, how much
25 aggravation could have been spared had the federal
26

1 government heard from these people and listened very early
2 on.

3 With the case of the Shoreham nuclear power
4 plant it was 1965 that there were first licensing
5 procedures taking place. It was in the late seventies that
6 the community started to become active in regard to that
7 particular facility and throughout the eighties we engaged
8 in court battles and eventually it was closed down.

9 We are at the early stages here. In this
10 particular case, we are looking to nip this in the bud
11 right now, so we don't have to go through...

12 We don't need to spend tens of millions of
13 dollars from our legal fees or from the perspective of the
14 federal government as well.

15 These crowds are not going away. They are going
16 to get bigger, they are going to get bigger, they are going
17 to get bigger. The bottom line is, this community does not
18 want this facility in the Long Island Sound.

19 I speak as their representative, someone who is
20 in charge of public health and safety in this area, but
21 also from an economic perspective. Not only does this
22 community not want it, we don't believe we need it. There
23 are plenty of other alternatives. We have a new pipeline
24 coming down that is going to provide us ample natural gas
25 and other facilities.

26

1 Finally, we have been spending on the state
2 level, the federal level, the local level, not millions of
3 dollars, not tens of millions of dollars. Hundreds of
4 millions of dollars to take care of Long Island Sound,
5 which is officially designated as an estuary, and to
6 replenish it, to bring it to its pristine state. In one
7 fell swoop with this particular structure, all of that hard
8 work, all of that money could go down the drain. It is not
9 worth it. It is not needed. It is not wanted.

10 Most of all, what I think the community doesn't
11 want is to be the test case, the guinea pig. This is an
12 untested type of situation of this magnitude. There was
13 nothing ever this large that has been placed in such an
14 environmentally sensitive area. We, in Suffolk, have put
15 our money where our mouths are when it comes to
16 environmental preservation. We spend millions of dollars
17 to preserve our open spaces. We fought the dumping of
18 dredge spoils into that Long Island Sound, successfully I
19 might add. And thanks to the federal government, who
20 listened to people like this, we were successful in
21 stopping that attempt to place dredge spoils into the
22 Sound.

23 Now we are asking you once again to please
24 listen. Let's not make the mistake we did with Shoreham.
25 We let millions and millions of dollars go down the rat
26

1 hole. We had lawsuit after lawsuit, and in the end it
2 didn't open anyway. Let's avoid that. Let's do what we
3 have to do with energy conservation, with other
4 alternatives to provide the needs to meet our energy
5 requirements. We will meet them. We are doing fine. We
6 don't need another white elephant this time in the Long
7 Island Sound.

8 I thank you very much and I will present my
9 comments.

10 MR. STAEGER: The next speaker will be Jennifer
11 Gund, representing Congressman Bishop's office.

12 MS. GUND: Good evening. Jennifer Gund,
13 Congressman Bishop's office.

14 Congressman Bishop has asked me to read the
15 following statement.

16 "I would like to thank the FERC, U.S. Department
17 of Homeland Security and the U.S. Coast Guard for holding
18 this meeting tonight. I regret I am unable to attend in
19 person as the House of Representatives is back in session.
20 While I appreciate this hearing, I oppose the process that
21 Congress and the administration have created where FERC has
22 the ability to dismiss state, county and local concerns. I
23 would urge FERC to remember a piece of school yard wisdom.
24 Just because you can doesn't mean you should.

25 "I would especially like to thank all the
26

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

TESTIMONY ON NOTICE TO PREPARE EIS FOR BROADWATER LNG FACILITY

SUFFOLK COUNTY EXECUTIVE STEVE LEVY
SEPTEMBER 14, 2005

THANK YOU FOR THE OPPORTUNITY TO SPEAK HERE THIS EVENING ON THE NOTICE TO PREPARE AN EIS AND A SAFETY AND SECURITY ANALYSIS FOR THE BROADWATER LIQUID NITROGEN GAS FACILITY PROPOSED TO BE SITED IN THE LONG ISLAND SOUND.

AS THE SUFFOLK COUNTY EXECUTIVE, MY FOREMOST RESPONSIBILITY IS TO PROTECT THE HEALTH AND SAFETY OF OUR NEARLY ONE AND A HALF MILLION RESIDENTS. SUFFOLK COUNTY HAS A LONG AND RICH HISTORY IN PROTECTING AND PRESERVING OUR ENVIRONMENT. OUR RESIDENTS HAVE CONSISTENTLY AND OVERWHELMINGLY SUPPORTED A WIDE RANGE OF ENVIRONMENTAL INITIATIVES, FROM THE PRESERVATION OF THE PINE BARRENS AND DRINKING WATER PROTECTION PROGRAMS TO THE RESTORATION OF SIGNIFICANT BODIES OF WATER – AND AT THE OUTSET I WOULD NOTE THAT THE LONG ISLAND SOUND IS A FEDERALLY DESIGNATED ESTUARY OF SIGNIFICANCE.

THE MANY UNIQUE NATURAL FEATURES OF OUR ISLAND – OUR WATERWAYS, OUR BEACHES AND OUR SHORELINES – HELP MAKE SUFFOLK COUNTY ONE OF THE MOST DESIREABLE PLACES IN THE WORLD TO LIVE, AND IT IS NOT A STRETCH OF THE IMAGINATION TO SAY THAT SUFFOLK COUNTY RESIDENTS HAVE ENTRUSTED THEIR ELECTED REPRESENTATIVES, FROM THE LOCAL LEVEL ON UP TO WASHINGTON, D.C., TO WORK TOWARDS PROTECTING THE ENVIRONMENT AND PRESERVING THIS WAY OF LIFE FOR GENERATIONS TO COME.

FOR THAT REASON IT IS PARTICULARLY IMPORTANT THAT THE LOCAL AND STATE REPRESENTATIVES – FROM BOTH NEW YORK AND CONNECTICUT – AS WELL AS OUR FEDERAL OFFICIALS BE HEARD DURING EVERY STEP OF THIS PROCESS AND THAT OUR JURISDICTIONAL AND REGULATORY POWERS BE RESPECTED. AND IT IS EQUALLY IMPORTANT TO REALIZE THAT THE CONCERNS RAISED BY LOCAL OFFICIALS ARE REFLECTIVE OF THE CONSTITUENTS WE REPRESENT.

WHILE MANY OF THE SPECIFIC DESIGN ELEMENTS, TECHNOLOGIES, PROCEDURES AND PLANS FOR THE PROPOSED FACILITY HAVE NOT YET BEEN FORMULATED OR RELEASED, IT IS MY OPINION THAT THE RISK OF LEAKS AND SPILLS, THE NEGATIVE IMPACT ON THE LONG ISLAND SOUND ECOSYSTEM AND THE POTENTIAL FOR CATASTROPHIC FAILURE OR DESTRUCTION OF THE BROADWATER LNG FACILITY OUTWEIGH ANY POTENTIAL BENEFITS OF THIS PRIVATE, COMMERCIAL VENTURE.

A PROJECT OF THIS SIZE, WITH UNTESTED TECHNOLOGY, WROUGHT WITH SAFETY AND SECURITY CONCERNS, LOCATED IN THE MIDDLE OF AN ESTUARY OF SIGNIFICANCE AND IN PROXIMITY TO DENSELY POPULATED AREAS IS JUST A BAD IDEA FROM THE START.

ENVIRONMENTAL IMPACTS

GIVEN THE SIZE AND SCOPE OF THE PROJECT – A 1,200 FOOT-LONG FLOATING STORAGE UNIT WHICH WILL HOLD 8 BILLION CUBIC FEET OF NATURAL GAS, WITH TANKERS TRAVELING TO AND FROM THE SITE EVERY TWO DAYS CARRYING 3.5 BILLION CUBIC FEET OF GAS – WE ARE CERTAINLY JUSTIFIED IN OUR CONCERNS REGARDING THE POTENTIAL SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS.

SHORT-TERM IMPACTS INCLUDE SIGNIFICANT DISTURBANCE TO THE UNDERWATER ECOSYSTEM OF THE LONG ISLAND SOUND AS THE 1,200 FOOT-BY-800 FOOT FLOATING FACILITY AND SUPPORTING PIPELINE SYSTEMS ARE CONSTRUCTED. LONG-TERM IMPACTS, SUCH AS THE CONTINUED STORAGE, USE AND TRANSMISSION OF TOXIC AND HAZARDOUS MATERIALS, COULD HAVE A DEVASTATING EFFECT ON THE SOUND.

THE LOCATION OF THIS FACILITY IS PARTICULARLY INAPPROPRIATE GIVEN THE VAST SUMS OF PUBLIC MONEY WHICH HAVE BEEN SPENT TO RESTORE AND PRESERVE THE WATER QUALITY AND HABITATS OF THE LONG ISLAND SOUND AS PART OF THE NATIONAL ESTUARY PROGRAM.

THERE ARE NO FLOATING STORAGE REGASIFICATION UNITS OF THIS TYPE IN OPERATION ANYWHERE IN THIS COUNTRY. PICTURES ARE STILL FRESH IN EVERYONES' MINDS OF GAS AND OIL PLATFORMS RIPPED FROM THEIR BASES IN THE GULF OF MEXICO DURING HURRICANE KATRINA AND THROWN TO SHORE, AND THIS MUST LEAD US TO QUESTION THE WISDOM OF A PLACING A FACILITY OF THIS SCOPE AND SCALE IN A REGION NOT ONLY SUSCEPTIBLE TO HURRICANES BUT KNOWN FOR ITS FEROCIOUS NOR'EASTERS.

IT IS ALSO FAIR TO CALL INTO QUESTION THE NEED OF SUCH A PROJECT WHILE THERE ARE OTHER ENERGY RESOURCES WHICH ARE BEING PURSUED BOTH PUBLICLY AND PRIVATELY ON LONG ISLAND WHICH CAN MEET OUR FUTURE ENERGY NEEDS WITHOUT THE POTENTIAL DEVASTATING HEALTH, SAFETY AND ENVIRONMENTAL RISKS OF THIS LNG FACILITY. FURTHERMORE, SUCH A HEAVY INVESTMENT INTO THE FINITE SUPPLY FOSSIL FUELS IS CONTRARY TO THE PURSUIT OF RENEWABLE ENERGY SOURCES.

SAFETY CONCERNS

THE BROADWATER PROPOSAL RAISES A NUMBER OF SERIOUS AND SIGNIFICANT SAFETY CONCERNS.

AS WE HAVE LEARNED FROM SEPTEMBER 11, AS WELL AS THE RECENT NATURAL DISASTER OF HURRICANE KATRINA, EMERGENCY AND DISASTER PLANNING REQUIRES US TO PLAN FOR THE WORST AND TO IMAGINE EVERY CONTINGENCY.

THE WORST-CASE SCENARIO OF A CATASTROPHIC LNG SPILL WITHOUT FIRE COULD RESULT IN A LARGE, UNIGNITED LIQUID NITROGEN GAS VAPOR CLOUD THAT COULD MIGRATE OVER POPULATED AREAS OF SUFFOLK COUNTY.

JUST AS SUFFOLK COUNTY CONCLUDED IN THE CASES OF THE SHOREHAM NUCLEAR POWER PLANT IN THE 1980s, AND MORE RECENTLY THE MILLSTONE NUCLEAR PLANT, THERE IS NO GUARANTEE THAT SAFE AND TIMELY EVACUATION OF A LARGE SEGMENT OF THE COUNTY IS POSSIBLE, GIVEN THE UNIQUE GEOGRAPHY OF OUR ISLAND, OUR POPULATION AND OUR LIMITED TRANSPORTATION INFRASTRUCTURE.

OF EQUAL CONCERN IS THAT IT IS ANTICIPATED THAT EVERY TWO DAYS A LNG TANKER CAPABLE OF CARRYING UP TO 3.5 BILLION CUBIC FEET OF GAS WILL BE TRAVELING THROUGH THE LONG ISLAND SOUND, POSING THE POTENTIAL OF ACCIDENTS OR COLLISIONS WITH OTHER COMMERCIAL OR PRIVATE CRAFT.

THERE WOULD BE THE NEED TO RESTRICT MARINE TRAFFIC IN THE AREA AROUND THE PERMANENT FLOATING FACILITY, AND THE IN-TRANSIT LNG TANKERS, WHICH WOULD IMPACT COMMERCIAL MARINE TRANSPORTATION, COMMERCIAL FISHERIES AND RECREATIONAL USE OF PORTIONS OF THE LONG ISLAND SOUND. ADDITIONALLY, THE PROJECT WOULD IMPACT THE FINANCIAL, TECHNICAL AND PERSONNEL RESOURCES OF SUFFOLK COUNTY AND TOWN GOVERNMENTS IN TERMS OF ADDITIONAL POLICE, FIRE, EMERGENCY AND MARINE SAFETY SERVICES. IT IS ESTIMATED THAT THE ANNUAL COST OF PROTECTING TANKERS COMING IN AND OUT OF THE REGION COULD BE AS HIGH AS \$12.5 MILLION.

FINALLY, AS THE EVENTS OF SEPTEMBER 11, 2001 TAUGHT US, THERE ARE FACTIONS ACROSS THE GLOBE DETERMINED TO STRIKE AGAINST THE UNITED STATES WITH HEINOUS AND PREVIOUSLY UNTHINKABLE TERRORIST ACTS. ANY ENVIRONMENTAL IMPACT STATEMENT OR SAFETY ANALYSIS MUST SERIOUSLY CONSIDER THE FLOATING FACILITY AND THE TANKERS ACCESSING THE SITE AS POTENTIAL TARGETS AND EXAMINE THE WORST-CASE SCENARIO. QUITE FRANKLY, TO DATE, PROPONENTS OF THE BROADWATER PLAN HAVE ALL-TOO-CASUALLY DISMISSED THE IDEA OF A TERRORIST ATTACK AGAINST AN LNG SITE; MUCH IN THE SAME WAY OUR U.S. INTELLIGENCE DISMISSED THE NOTION OF HIJACKING PLANES AND FLYING THEM INTO BUILDINGS.

QUALITY OF LIFE ON THE LONG ISLAND SOUND

ACCORDING TO THE ENVIRONMENTAL PROTECTION AGENCY, THE LONG ISLAND SOUND GENERATES \$5.5 BILLION PER YEAR FOR OUR REGIONAL ECONOMY.

LONG ISLANDERS RELY ON OUR WATERWAYS NOT JUST FOR COMMERCIAL AND TRANSPORTATION PURPOSES BUT FOR RECREATION AND RELAXATION. THE BROADWATER PERMANENT FACILITY AND THE TANKER TRAFFIC WILL HAVE A PROFOUND AND UNAVOIDABLE IMPACT ON NAVIGATION ROUTES, WILL RESULT IN THE LOSS OF FISHING AREAS AND PROHIBIT THE USE OF SEVERAL SQUARE MILES OF OPEN WATER AND ITS RESOURCES.

A FULLY-ILLUMINATED, 100-FOOT-TALL ACTIVE LOADING, STORAGE AND UNLOADING FACILITY WITH ITS REQUISITE TANKER TRAFFIC IN THE MIDDLE OF THE LONG ISLAND SOUND WOULD RESULT IN THE PERMANENT INDUSTRIALIZATION OF THIS FEDERALLY-DESIGNATED ESTUARY OF SIGNIFICANCE AND FOREVER ALTER THE ECOLOGICAL AND AESTHETIC BALANCE OF THE NORTH SHORE.

CONCLUSION

IN CONCLUSION, I APPRECIATE THE OPPORTUNITY FOR MYSELF AND MY COLLEAGUES IN LOCAL, STATE AND FEDERAL GOVERNMENTS TO WEIGH IN ON THIS PROPOSAL. IN THE COMING DAYS I WILL BE FORWARDING A SPECIFIC LIST OF ISSUES AND CONCERNS DEVELOPED BY SEVERAL COUNTY AGENCIES THAT NEED TO BE STUDIED IN-DEPTH AT THE OUTSET OF THIS PROCESS.

HOWEVER, AS I SAY THIS, GIVEN THE POTENTIAL NEGATIVE IMPACTS ON THE HEALTH, SAFETY, ENVIRONMENT AND ECONOMY OF THE LONG ISLAND SOUND AND THE SURROUNDING REGION, I DO NOT BELIEVE THE BROADWATER LNG FACILITY BELONGS IN THE LONG ISLAND SOUND.

I URGE THE FEDERAL GOVERNMENT AND THE APPLICANTS TO COMMIT TO LOCAL REVIEW OF DETAILED DESIGNS AND TECHNICAL DOCUMENTS, INCLUDING ENGINEERING REPORTS, EQUIPMENT AND PIPING SCHEMATICS AND OPERATING SPECIFICATIONS AS WE SEEK TO DETERMINE THE JURISDICTION OF THE SUFFOLK COUNTY SANITARY CODE AND LOCAL GOVERNMENTS FOR THE BROADWATER FACILITY.

I HOPE THAT THE AGENCIES HERE TONIGHT WILL HEAR THE COLLECTIVE AND NEARLY UNANIMOUS CALL FROM A BI-PARTISAN GROUP OF ELECTED OFFICIALS – AS WELL AS THE VOICES OF EDUCATED AND INFORMED COMMUNITY GROUPS – WHO ARE ALL ACTING IN THE SAME INTEREST: TO PROTECT THE ENVIRONMENTAL INTEGRITY OF OUR LONG ISLAND SOUND FOR GENERATIONS TO COME.

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**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

Broadwater Energy

Docket No. PF05-4-000

**COMMENTS OF THE COUNTY OF SUFFOLK, NEW YORK
IN RESPONSE TO FERC'S REQUEST FOR COMMENTS
ON THE ENVIRONMENTAL ISSUES FOR THE
PROPOSED BROADWATER ENERGY LNG FACILITY¹**

The County of Suffolk, New York ("Suffolk" or the "County"), by its attorneys, Farrell Fritz, P.C. hereby submits these comments in response to the Federal Energy Regulatory Commission's ("FERC's") Request for Comments on Environmental Issues, dated August 11, 2005, in connection with the Broadwater Energy LNG ("Broadwater") proposed project. Suffolk urges FERC to deny the license and authorization requested by Broadwater.

Both branches of Suffolk's government are on record as opposing the project. In response to FERC's August 11, 2005 Notice, the Hon. Steve Levy, Suffolk County Executive, verbally testified at one of FERC's Public Meetings, held on September 14, 2005 at the Shoreham-Wading River Middle School, and expressed Suffolk's strenuous opposition to this project. Mr. Levy also submitted written comments to FERC and to the U.S. Coast Guard. In addition, the Suffolk County Legislature adopted resolutions also expressing Suffolk's strong opposition to this proposed project.

Suffolk's opposition is founded upon both legal and technical grounds. Suffolk has significant concerns about the serious negative environmental, health, economic and safety risks posed by the proposed project. Suffolk's concerns are widely shared by the 1.5 million residents of Suffolk County, as well as by residents of surrounding communities, including those residing

¹ These comments are supplemental to those presented by County Executive Steve Levy, Legislator Daniel Losquadro and Legislator Jay Schneiderman at the FERC/U.S. Coast Guard Hearing on September 14, 2005.

in Nassau County and the State of Connecticut as evidenced by the thousands of comments already submitted to FERC by these residents, including many local, state and federal elected officials, in opposition to the proposed project.

A. The Issues.

The County urges FERC to fully and publicly explore all issues related to the proposed project's environmental, health, safety, security and financial impacts during the NEPA process, as is required by FERC's regulations at 18 CFR Part 380 and the Council on Environmental Quality's (CEQ's) regulations at 40 CFR Parts 1500 et seq. These categories of issues are identified in FERC's August 11, 2005 Notice, and are the subject of Resource Reports being filed by the Applicant. In particular, Suffolk has major concerns about the following issues.

1. Secrecy.

Suffolk is concerned that FERC has designated various environmental Resource Reports filed by Broadwater as "Critical Energy Infrastructure Information ("CEII"), making such reports "non-public" and available only to certain requesters under the Freedom of Information Act ("FOIA") or related FERC procedures under 18 CFR Part 388. Suffolk is concerned that FERC's CEII designation is overbroad and essentially prevents a full and open discussion of the proposed project's safety – and conversely, its serious dangers. Indeed, Suffolk understands that the CEII designation is intended to keep secret information that could aid terrorists who might choose to attack the facility, a fact, which, *per se*, seems to strongly support Suffolk's concerns that the proposed project poses a serious public danger and should not be authorized. (See Section (A)(4) below.) Suffolk will explore the possibility of seeking access to filings designated CEII, but is gravely concerned as to whether it would be allowed to use any such information in a public forum, and what the consequences would be in cases where CEII

information was disclosed accidentally, and who would be allowed to review and use it. In short, Suffolk is concerned that FERC's CEII designation will severely hamper the efforts of Suffolk and its residents to participate in the FERC process and related proceedings on the proposed Broadwater project.

2. Adverse Environmental Impacts to Long Island Sound.

Suffolk is very concerned about the proposed project's adverse impacts on a unique natural resource, the Long Island Sound. That body of water is a federally designated estuary of significance for which there has been a Comprehensive Conservation and Management Plan ("CCMP") developed and being implemented by federal, state and local government officials. In addition, the Long Island Coastal Zone Management Plan, along with a whole host of other Coastal Zone Revitalization Plans, including local waterfront revitalization zones, were implemented precisely to preserve open space, encourage recreational uses, minimize adverse development and non-water dependent development, preserve historical resources, enhance scenic resources, minimize loss of life and natural resources, manage navigational channels, improve and protect water quality by prohibiting discharges, limit development of public trust lands, protect the health of marine resources, and minimize adverse impacts from fuel storage facilities. These noble and laudable policies are all threatened by the proposed project.

Broadwater admits that its proposed location is within "an area of aesthetic, environmental and economic value to many people." It also admits that the proposed project will have both short-term and long-term impacts, during all phases of the project - construction, operation, dismantling and removal. (See Broadwater Project Description, Section 5, Potential Impacts, p. 30.) These admitted impacts include, among other things, the following concerns:

- (1) significant sediment disturbances;

- (2) extensive interference with marine species, some of which are classified as threatened or endangered under federal and state law;
- (3) extensive disturbances of essential fish habitat, including impacts to several significant fisheries with both commercial and recreational import to residents of Suffolk and the surrounding communities;
- (4) water quality impacts both during construction and operation, including discharges of process water, ballast, and sewage;
- (5) thermal discharges; and
- (6) air emissions.

(Id at pp. 31-33.) It is incumbent upon FERC to thoroughly and completely evaluate and analyze these impacts since many of these impacts have been ignored by the applicant's submissions and many of these adverse impacts cannot be mitigated by Broadwater.

There are also a myriad of other impacts to Long Island Sound, all of which need to be fully and fairly assessed. The proposed technology, an enormous floating storage unit anchored to a tether in the middle of Long Island Sound, is unproven technology, and no other similar type of massive floating storage unit has ever been constructed and operated in the world. Thus, this untested technology and its engineering details must be subject to heightened scrutiny. The proposed project will involve the storage of 350,000 cubic meters of liquefied natural gas ("LNG") which equates to 8 billion cubic feet of gasified natural gas anchored right in the middle of a highly utilized body of water. The Long Island Sound is one of two federally-designated estuaries of national significance and hundreds of millions of dollars in public funds have been expended to restore and enhance it. It is also located in one of the most populated regions of the nation - between Long Island and Connecticut - and the proposed project would

require significant security exclusion zones and would eliminate significant portions of the Long Island Sound to recreational and commercial boaters.

In addition, the storage unit is to be refilled by frequent shipments of LNG that are made via large tanker ships. Broadwater states that these refill shipments will occur every two days and will take 12 to 18 hours to unload. As part of Broadwater's proposed safety precautions, each LNG delivery requires a virtual shut down of Long Island Sound. Thus, out of every 48 hours, 18 will be required to unload and the Long Island Sound will be shut down for these periods. Each shipment will be met by armed Coast Guard ships that will escort the tankers to the floating storage unit. During these frequent deliveries, other recreational and commercial uses of Long Island Sound will be stopped. In other words, Broadwater concedes that the Sound will be virtually closed for 18 out of every 48 hours or 37% of the time. This is in addition to the exclusion zone required around the LNG floating storage unit, which will be off-limits 100% of the time. The continuous disruption posed by these shipments must be fully evaluated from an economic, recreational and safety standpoint. It is simply insufficient and unacceptable for the applicant to state that such interruptions will be without impact.

In addition, the construction and operation of the facility involves frequent tanker shipments that will interfere with important fisheries located in the Long Island Sound. For example, the Long Island Sound lobster industry is just beginning to recover from a catastrophic decrease in population, believed in part to be caused by low oxygen levels in Long Island Sound. The Broadwater project includes construction of the tethering mechanism and installation of 25 miles of pipeline and will involve extensive dredging and disturbance of the seabed, precisely in the environment in which lobsters, clams and other sea-life reside and reproduce. The proponent admits these activities will cause hypoxic conditions, a condition which is fatal to these vital

fisheries. It is also fatal to other marine resources found in the Long Island Sound. Remarkably, the applicant has provided little assessment of the impacts to threatened and endangered species that utilize the Long Island Sound or to the impact on the recreational and commercial fishing and shell fish industries in Suffolk and Connecticut.

Moreover, the project involves construction of a 25-mile pipeline connecting the Broadwater floating facility to the Iroquois Pipeline. That pipeline will be installed into the seabed extending the zone of adverse impacts well beyond the floating storage unit locale well into Long Island Sound. Significantly, very little information is provided by Broadwater about ancillary on-shore structures that are necessary to service the off-shore components. The cumulative impacts of these massive intrusions into the Long Island Sound, its sea-bed and its shores must be fully explored.

3. Safety Hazards.

FERC must also fully investigate the enormous safety hazards posed by the Broadwater project. These include fire hazards that will overwhelm the region's ability to handle such disasters in light of the billions of cubic feet of LNG that will be contained in the floating storage unit and in the tankers. There are three types of fire hazards, pool fires, jet fires and flash fires associated with LNG. Pool fires are believed to be the most likely problem, but the other two types cannot be ruled out. Pool fires involve releases of the LNG from the floating storage unit or the tankers which rapidly vaporize and ignite, placing into jeopardy the entire stored material. This is no guarantee that this fireball will remain at the 9 mile off-shore location as the tethering mechanism can become compromised, resulting in a wandering floating fireball, subject to waves, tides and winds found in Long Island Sound. Moreover, since the LNG tankers will be moving around in the waters, they could be virtually anywhere in the Long Island Sound during

such pool fires. Although Broadwater asserts that jet fires and flash fires are less likely to occur, it must be remembered that this is untested technology and Broadwater's calming assertions cannot alone be the basis to exclude thorough evaluation of all three types of fire hazards. In addition, the project will require thermal exclusion zones, pursuant to 49 CFS §193, further spreading out the impacts of the proposed project and further increasing the restricted area that will become unavailable to other users of the Long Island Sound.

In addition, FERC must fully evaluate the impacts of a catastrophic spill of most or all of the LNG stored in the floating storage unit. Such analysis must also include an evaluation of a similar loss of LNG from one of the tankers. FERC must also evaluate the simultaneous catastrophic loss of LNG from both a tanker and the floating storage unit occurring at the same time. The latter assessment must take into account the fact that the simultaneous losses may be temporal in nature but occur in different parts of the Long Island Sound. The assessed impacts must consider the population density surrounding the Long Island Sound as well as the impacts that the diverse weather patterns found in this region would have in carrying these catastrophic events to on-shore locations.

Furthermore, FERC must fully examine energy supply impacts that could result from the proposed project. If the project is built as proposed, it will influence the flow of natural gas in the entire region. The existing patterns of pipeline activity will be altered by the proposed project, but no thought has been given to alternative supplies for the region if the floating storage unit suffers a catastrophic loss, is unable to be refilled because of weather-related conditions or due to other disruptions in supplies, or simply malfunctions.

Long Island Sound is also used by hundreds of thousands of people for recreational boating. In addition, thousands of commercial boating operations already regularly use the Long

Island Sound for fishing and for cross-Sound transportation. All of these users will be adversely impacted by the floating storage unit and frequent refill tanker traffic. The area gobbled up by the proposed project and the closing of the broader area for 37% of the time is significant and is located in the middle of the Sound. The resultant water-based traffic hazards must also be fully evaluated.

The impacts posed by weather conditions in the Long Island Sound must also be properly investigated. Suffolk is quite concerned about the impacts hurricanes, storms, blizzards, nor'easters and other common weather events can have on the proposed project. Given the damage incurred by sturdy off-shore rigs from Hurricanes Katrina and Rita, it is imperative that the impact of weather to the fragile tethering device must be appropriately evaluated. Broadwater should be required to study and produce a plan of action if the storage facility is ripped from the tether and moorings and sent adrift in a storm. How would it be handled in a fire? Without a fire? How would it be "recaptured"?

The Environmental Impact Statement must also include a full assessment of the impacts on the professional and volunteer first responders, including state and local police, fire, and emergency medical and rescue personnel. The assessed impacts must include economic, safety and physical constraints that these responders are likely to encounter.

4. Terrorism

It cannot be emphasized strongly enough that this proposed project, if built, will be a target for terrorism, not just the floating storage unit but also the refill tankers. While the proposal includes an exclusion zone, recent history from the Persian Gulf has shown us that such a zone is an insufficient barrier to prevent terrorist attacks on floating vessels. Moreover, the sources of the LNG cited to by Broadwater, and thus, the sources of the refill tankers, in fact

increase the level of the threat as the LNG is expected to be shipped into Long Island Sound from Iran, Algeria, and Malaysia, among other countries. The mere fact that armed escorts are needed to escort the refill tankers to the floating storage unit emphasizes the terrorism and safety issue.

5. Danger Inherent In LNG Facilities.

The history of problems at other more traditional LNG facilities must be fully evaluated. While Broadwater asserts that there have been a limited number of accidents at LNG facilities, Broadwater ignores the fact that when accidents have occurred at such facilities, they have been catastrophic in nature, with extensive loss of life. Moreover, Broadwater has given no thought to the longitudinal increase in such dangers posed by such accidents occurring in the middle of Long Island Sound.

6. Use of Lands Under the Long Island Sound.

Broadwater proposes to anchor its massive floating storage unit and 25-mile pipeline into the seabed of the Long Island Sound. That land is owned by the State of New York under the public trust doctrine. Broadwater states that it will obtain an easement from the New York State Offices of General Services ("NYSOGS") for this purpose. As the underwater land in question is public trust land, the NYSOGS cannot issue an easement without an act of the New York State Legislature. Moreover, even if the easement is so authorized, a complete and thorough review under the New York State Environmental Quality Review Act would be mandated prior to its issuance as the State would be acting in its proprietary capacity. Furthermore, easements applicable to public trust lands are restricted and FERC must evaluate in its review the impacts of such restrictions on the economics and safety of the proposed project.

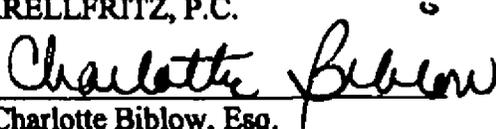
B. Conclusion.

Suffolk is cognizant of the fact that reliable sources of energy are necessary for the citizens of this country. That does not mean that any and every project involving supplying natural gas must be approved as requested by an applicant. The Broadwater project presents too many adverse impacts and inherent risks that cannot be mitigated. Based on these comments, as well as those suggested by County Executive Levy, members of the Suffolk County Legislature, numerous elected officials and members of the public, FERC must reject the proposed project and deny Broadwater the license and authorization it seeks.

Dated: Uniondale, New York
October 6, 2005

Respectfully submitted,

FARRELLFRITZ, P.C.

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**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

Broadwater Energy LNG

Docket PF05-4-000

**Supplemental Comments of the
County of Suffolk**

**The Broadwater Energy LNG Pre-Application Process
Must Be Terminated Because Engineering Information
Necessary To Show Whether The Project Would Be Safe
And In The Public Interest Can Not Be Publicly Disclosed**

The County of Suffolk, New York ("Suffolk County"), by its attorneys, Farrell Fritz, P.C., submits these supplemental comments to the Federal Energy Regulatory Commission ("FERC") on the Broadwater Energy LNG ("Broadwater") proposed project. Broadwater seeks authorization to build an LNG terminal and connecting underwater pipeline in the middle of Long Island Sound. In its initial submission, filed October 6, 2005, Suffolk County urged FERC to deny Broadwater its LNG license. Suffolk County submits this supplemental filing to demand that FERC terminate the Broadwater proceeding because the governmental agencies with jurisdiction over this project are unable to publicly disclose certain information necessary to make the statutory determinations required to authorize the project. These agencies include FERC, the New York State Department of State ("NYSDOS") and the New York State Office of General Services ("NYSOGS").

The standards are safety and the public interest

To authorize an LNG terminal under §3 of the Natural Gas Act (NGA), FERC must find that the project is safe and "in the public interest." See 15 USCA § 717b(a). To authorize a

pipeline, FERC must determine whether to issue a certificate of “public convenience and necessity” under 15 USCA § 717f (c), which is also a public interest test.¹ Safety is a necessary component of FERC’s required findings under the NGA. See § 3A of the NGA as amended by the Energy Policy Act of 2005 and 18 CFR § 380.12(m) requiring submission and analysis of safety data for proposed new LNG facilities.

Similarly, NYSDOS would need to find that the proposed Broadwater project is consistent with the Long Island Sound Coastal Zone Management Plan (LIS CMP) in order for the project to be approved. The LIS CMP provides at Policy 13.4 that “LNG facilities must be safely sited and operated.” Unless NYSDOS is able to rationally determine on the public record that Broadwater will be safely sited and operated, it may not find that the project is “consistent” with the LIS CMP, and FERC would not be able to authorize the project.²

NYSOGS may not grant easements for mooring the LNG storage unit or the pipeline on State-owned lands beneath Long Island Sound unless it determines that such grants are in the public interest. New York Public Lands Law §§ 3 and 75.

Important facts necessary to examine and determine public interest and safety have been classified “Critical Energy Infrastructure Information” (CEII) and may not be made public

FERC and Broadwater have classified all of Resource Report 13, Engineering and Design Material, as CEII. See Letter dated September 23, 2005 from Brian McNealy of LeBoeuf Lamb to FERC Secretary Salas, posted in Docket PF05-4. In fact, Resource Report 13 for all LNG projects has been classified as CEII by FERC Order 630 as amended by Order 630-A, stating that:

1 FERC, as guardian of the public interest, must determine in every proceeding whether the certificate applied for is in the public interest or whether that interest calls for some other disposition. See *Panhandle Eastern Pipe Line Co. v FPC*, 386 F.2d 607, 610 (3d Cir. 1967); *Ecee, Inc. v. FPC*, 526 F.2d 1270 (5th Cir. 1976).

2 See 16 USCA § 1456(c)(3)(A).

“[T]he Commission considers the following gas information to qualify as CEII...‘environmental resource report 13 for LNG facilities.’”³

Order 630 explains that FERC made this judgment because the engineering and design information for an LNG terminal “provides more than just location” information about “critical energy infrastructure”.⁴ FERC defines “critical energy infrastructure” to be:

“...proposed or existing infrastructure [that relates to energy transportation and transmission, and] could be useful to a person in planning an attack on critical infrastructure...”⁵

FERC defines “critical infrastructure” as:

“...proposed systems and assets ... the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters.”⁶

Thus, FERC has determined that the engineering and design information about proposed new LNG terminals, such as Broadwater, would be useful to terrorists or saboteurs because incapacity or destruction of an LNG terminal would “negatively” impact public health and safety. This fact alone shows that the Broadwater project can not be found to be safe or in the public interest. At best, the only presumption that can be drawn from the publicly available information is that Broadwater is inherently unsafe, and therefore, it must be concluded that Broadwater is not approvable.⁷

Earthquake, tsunami, hurricane and flood tide analysis is missing

Broadwater has not provided any analysis showing how the LNG Terminal (the “FSRU”) would survive catastrophic winds, waves and high water caused by natural disasters. The brief information on hurricanes and earthquakes in Resource Report 6 at §6.3, and in Resource Report

3 FERC Order 630, 102 FERC ¶61,190 (Feb 21, 2003) at p. 26 as amended by FERC Order 630-A, 104 FERC ¶ 61,106 (July 23, 2003) at pp. 13-14.

4 Order 630, Id.

5 18 CFR § 380.13(c)(1).

6 18 CFR § 380.13(c)(2).

7 The issues raised herein apply not just to the off-shore components but also to any on-shore components of the Broadwater proposal.

11 at § 11.3.2.2 is self-serving and unsupported by facts. The public interest demands disclosure of all of the facts concerning the FSRU's ability to withstand natural hazards. FERC staff's September 23, 2005 letter to Broadwater has noted this deficiency in Resource Report 11. FERC's November 23, 2005 letter to Broadwater has also requested further information on Resource Report 13, including details on the structural design and integrity of the yoke mooring system (YMS). Perhaps these important issues will be more adequately addressed in Broadwater's future responses. However, the engineering and design information which might even conceivably support Broadwater's hazard studies have been and will continue to be classified CEII, and, therefore, can not be made public.⁸

Tsunami or tidal wave events are not even mentioned, notwithstanding that earthquake or volcanic activity in the mid-Atlantic are predicted to generate tidal waves that could threaten the East coast of North America, including Long Island Sound and the FSRU.⁹ There is no way that Broadwater can be declared safe and in the public interest given the potential consequences of an accident involving separation of the FSRU from its mooring in a hurricane, high water or earthquake. Yet the consequences of such events are not even discussed by Broadwater.

The CEII classification means that "public interest" and "safety" can not be determined, and the FERC process should be terminated

There is tremendous public anxiety about Broadwater, especially skepticism and doubt as to its safety, visual impacts, and impairment of Long Island Sound as a public resource. This is clearly shown by the near-universally negative comments of thousands of Suffolk County citizens, in addition to citizens in Nassau County and Connecticut filed in this docket. See FERC

⁸ It is quite interesting that FERC publicly released its comments about the deficiencies in Resource Report 13. (See letter of Jim Martin, FERC's Environmental Project Manager to Broadwater, dated November 23, 2005.) This highlights the need for public evaluation of Resource Report 13. It also casts doubt on FERC's need for secrecy since FERC did not classify its own comments about Resource Report 13 as CEII.

⁹ NOAA's National Data Center has tsunami information. Go to <http://www.ngdc.noaa.gov/seg/hazard/tsu.shtml>. See also <http://www.huttoncommentaries.com/ECNews/GntWavesHitAtlantic.html>.

Docket PF05-4. Given this degree of public concern, neither FERC, nor NYSDOS, nor NYSOGS could properly or lawfully make determinations that the project is in the public interest or safe unless the basis for their determinations was fully disclosed and publicly explained. The thousands of citizens who are frightened, anxious and concerned about Broadwater are entitled to full disclosure of any FERC determination to authorize the Project, especially with regard to the basis for any determination of public safety.

FERC, in Order 630 at ¶36, rather cavalierly claims that protection of sensitive information, other than location, will not interfere with the NEPA process. FERC blandly states, without any support or justification, that “most NEPA commenters” won’t need diagrams of valve and piping details, flow diagrams or where security and computer operations will be housed. This facile dismissal belittles the long-established public NEPA process.¹⁰ NEPA commenters, as well as participants in the Coastal Zone Management consistency analysis, are absolutely entitled to evaluate for themselves, and with their own experts, the structural integrity of the proposed LNG storage facility, the likelihood of its tearing away from its moorings in catastrophic conditions, and the impacts on public health and safety in the event of a “worst case” accident. However, FERC keeps secret the facts allowing analysis of these and similar matters, and thereby emasculates the established, open public NEPA process. Apparently FERC made a policy choice to extend CEII treatment to all proposed LNG projects on the ground that “a patient terrorist” could collect CEII type information during the NEPA/permitting process and use it later, assuming that the project as proposed was eventually built.¹¹ However, the “patient terrorist” hypothesis hardly justifies undermining long-established public NEPA

¹⁰ NEPA’s purposes include informing the public of the environmental consequences of proposed actions. See NEPA § 102(2)(C), 42 USCA § 4332(2)(C).

¹¹ Order 630, at ¶ 35.

processes. Moreover, FERC's CEII designation clashes fatally with state agency procedures, which must be public and unclassified.

Suffolk County submits that FERC can not reasonably expect interested parties, such as the County and its citizens to accept a determination to authorize Broadwater on the basis of secret information. Any such determination would have to be open and based on a public record, after full opportunity for interested parties to evaluate all the facts. Suffolk County understands that one or more of its attorneys or employees could apply and may be granted access to the CEII information but those persons must sign a non-disclosure agreement (NDA). That procedure does not address Suffolk County's concern as the information obtained via an NDA can not be publicly used or referenced in briefs or arguments, and each NDA signatory would be at risk of severe civil and criminal penalties in the event that the CEII becomes public, even inadvertently.¹² Moreover, gaining access to CEII implicates the NDA signatory in the secrecy process and further undermines long-standing NEPA policies and public confidence.

Since full public disclosure of Broadwater's engineering information has been classified by FERC Order, public use of that information is not possible. Accordingly, Suffolk County submits that FERC can not authorize the project, and the application process for Broadwater should be terminated.

Moreover, New York law does not allow NYSDOS and NYSOGS to act under a veil of secrecy. Filings with these agencies need to be maintained in public files, and are subject to disclosure under New York's Open Meetings Law and Freedom of Information Law (FOIL)¹³. NYSDOS and NYSOGS must disclose on the record all the facts and information on which they

¹² FERC Order 662 (June 21, 2005) at ¶ 23 emphasizes that criminal and civil penalties can be imposed where CEII is released in violation of a non-disclosure agreement.

¹³ NY Public Officers Law Articles 6 and 7.

base their decisions, including whether Broadwater is safe and in the public interest. To properly make these determinations, NYSDOS and NYSOGS would need to evaluate all the facts, including the CEII engineering and design materials set forth in Resource Report 13 and in part in other Resource Reports, and make them available on the public record. They would need to show that their determinations were rationally based on the record, and were not arbitrary and capricious. However, FERC has determined in Orders 630 and 630-A that public disclosure of the CEII in these Resource Reports is prohibited. This means that NYSDOS is unable to determine whether Broadwater would be safe and consistent with the LIS CZM, and NYSOGS is unable to determine whether Broadwater is in the public interest.

The County is aware that FERC recently noted that “[t]he Commission’s regulations in no way hinder a prospective applicant providing CEII information as is required by permitting agencies as part of their normal deliberations.” (FERC Order 665 (Oct 7, 2005) at fn 18; 70 FR 60426, 60434, fn 18 (Oct 18, 2005)). However this assertion appears to be totally contradicted by FERC’s determination that LNG engineering and design materials, if disclosed, would aid terrorists and negatively impact safety and the public interest. Moreover, disclosure of such information could subject the persons making the disclosure to civil and criminal penalties.

Therefore it appears that neither NYSDOS nor NYSOGS could publicly review the facts necessary to determine consistency and public interest in accordance with New York law. Accordingly, the Project can not be approved, and the FERC application process should be terminated forthwith.

Conclusion

Clearly the people of Suffolk County can not be expected to take on faith Broadwater’s assertions that their safety and other concerns have been addressed in classified documents.

Moreover, it is not sufficient for FERC to claim that citizens can gain access to CEII if they can show need and promise not to disclose it, on pain of civil fines and criminal prosecution. The CEII is worthless if it can not be discussed and used by interested parties in a public forum. Given FERC's CEII classification of Broadwater's engineering and design information, the public can have no confidence in the FERC process, and the NYSDOS and NYSOGS are unable to publicly evaluate Broadwater as required by New York law. Since FERC will not allow the facts to be publicly evaluated, the Broadwater Project should be discontinued.

Accordingly, Suffolk County respectfully submits that FERC should terminate the Broadwater application process and close FERC Docket PF05-4.

Dated: Uniondale, New York
December 8, 2005

Respectfully submitted,

FARRELLFRITZ, P.C.

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February 22, 2006

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Albany, New York 12231-0001

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New York State Department of Public Service
Three Empire State Plaza
Albany, NY 12223

Re: *Broadwater Energy LLC*
FERC Docket Nos. CP06-54-000
DP06-55-000
DP06-56-000

Dear Ms. Murphy and Mr. Dvorsky:

We represent the Town of Huntington, Long Island, New York in connection with the proposed Broadwater Energy LLC liquefied natural gas Floating Storage and Regasification Unit ("FSRU") and subsea pipeline in Long Island Sound (collectively the "Broadwater Project"). We are writing on behalf of Huntington in response to your letter dated February 8, 2006, a copy of which is attached, regarding the Broadwater application filed with the Federal Energy Regulatory Commission ("FERC") for the FSRU. The letter provides Huntington with an opportunity to identify issues regarding local safety to be considered by FERC. It is our understanding that pursuant to the federal Natural Gas Act, Governor Pataki has designated the New York State Department of Public Service as the State agency responsible for coordinating State and local safety matters with FERC.

First and foremost, it must be stated that the thirty (30) day deadline from January 30, 2006 respecting these comments, apparently enforced by FERC, fails to give Huntington proper notice and fair opportunity to be heard on this very serious and important issue. Broadwater filings, from the best we can see on the various dockets on the FERC website, involve hundreds and hundreds of pages of reports. This unrealistic time limitation is compounded by the fact that, notwithstanding the volumes

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attorneys at law**

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of materials filed, significant relevant information is still being withheld about the proposed Broadwater Project specifically related to public health and safety. Therefore, we appreciate the notice provided by your letter and that of the Department of State and welcome the opportunity to participate. However, at best the submittal made to meet the deadline is clearly preliminary; and we must reserve the right to provide supplemental comments as the additional information and details about the Broadwater Project is made available.

Attached please find a copy of an October 6, 2005 letter we submitted on behalf of Huntington in response to a prior Notice regarding the Broadwater Project. Please note the comments and questions presented at paragraph 7 on pages 6 through 8 of the referenced letter specifically on public safety and security. We would respectfully request that the entire October 6, 2005 letter be put into the record in conjunction with the Department of Public Service comments pursuant to the Natural Gas Act. This letter along with our comments at the FERC public hearings demonstrate Huntington's opposition to the Project and why the Broadwater applications must be denied by FERC. As you can see, besides the particularized comments in paragraph 7, a number of other comments and questions set forth in the other paragraphs in the body of the letter are also relevant to local safety matters.

In conclusion, we appreciate the opportunity at this time to provide comments, but find it impossible to fully comply given the unrealistic deadline. Based upon the information withheld to date by Broadwater and FERC, this can only be an initial filing and Huntington expressly reserves the right to supplement these comments.

Very truly yours,

Michael E. White

MEW:kp

cc. Town of Huntington
Federal Energy Regulatory Commission

D#476339P#45253



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GAS BRANCH 3, DG2E

October 6, 2005

VIA FEDERAL EXPRESS

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

***Re: Town of Huntington – Comments
Notice of Intent to Prepare an Environmental Impact Statement
For the Broadwater LNG Project Notice of Joint Public Meetings
Docket No. PF05-4-000***

We represent the Town of Huntington in connection with the application of Broadwater Energy for a LNG facility in Long Island Sound. Huntington is the westernmost Town in Suffolk County, New York on Long Island Sound. Huntington has a particular interest and involvement in the proposed Broadwater Project, as Broadwater proposes to make a connection to the Iroquois Gas Transmission System which runs through the length of the Town, both on land and in Long Island Sound. As the proposed recipient of the gas flow from Broadwater, there are particular risks and impacts to the Town. Huntington is also the home of numerous recreational boaters and commercial and sports fishers who utilize fisheries in Long Island Sound, as well as a community dedicated to the protection of Long Island Sound and its ecosystem.

We have been directed by the Huntington Town Board to present comments on behalf of the Town in response to the above-referenced Notice of Intent and Notice of Joint Public Meetings. We have already presented brief verbal comments for Huntington at the Public Scoping Meetings held in Stony Brook, New York and Shoreham, New York. This letter presents more details on the issues and questions Huntington demands be included in the Scope of the Draft Environmental Impact Statement ("DEIS").

As a preliminary matter, the Supervisor of the Town, Frank P. Petrone, sent a letter on behalf of the Town to the Federal Energy Regulatory Commission protesting the fact there was no public Scoping meeting scheduled in Huntington or any location on Long Island west of Stony Brook. A copy of the letter is attached as Exhibit "A". Supervisor Petrone offered Huntington Town Hall as a venue for such an additional Scoping meeting to accommodate the public in Huntington and other nearby Long Island Sound communities, who have specific concerns regarding the use and operation

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of the Iroquois Pipeline and the proposed Broadwater Project. The letter received no response and, therefore, an important segment of the affected public has not been heard in regard to the Scoping of the DEIS. We unfortunately note that FERC was similarly unresponsive to the Town respecting the Town's request to have a public meeting in Huntington when the Iroquois Pipeline application was being processed.

This lack of responsiveness is notably compounded when one recognizes the substantial ownership interest that Trans Canada Pipeline, part of the Broadwater joint venture, has in the Iroquois Gas Transmission System. Furthermore, the Town has also been received Notice that FERC is proceeding with a Pre-Filing Review of a new pipeline proposed by Iroquois from Huntington to the proposed Caithness Project, near Yaphank, New York. If existing natural gas pipelines are moving close to capacity volumes of gas to Long Island as Broadwater suggests, then regrettably it seems FERC is already proceeding with review of the Iroquois addition as if Broadwater's existence has been predetermined. We trust this is not the case and that the pre-filing review of the Broadwater application is proceeding according to the law. A corollary question is whether existing pipeline capacity exists on Long Island to move natural gas from Iroquois in Huntington to the proposed Caithness project in Yaphank, in which case an additional pipeline would simply be duplicative. This is of course an issue the Town will raise in connection with the new Iroquois Notice, but a potential cumulative impact related to the Broadwater Scoping.

Also, for the record, the Town Board of the Town of Huntington unanimously adopted Resolution 2005-431 on June 7, 2005 opposing the siting of the Broadwater Project and its related infrastructure in Long Island Sound. In the Resolution the Town specifically noted the Project would have a negative effect on the environmental stability and economic viability of Long Island Sound, thereby impacting all who avail themselves of the Sound's resources for recreational and commercial use. The Resolution cites particular concern for the protection of coastal resources of high environmental and recreational value in the Town, such as Crab Meadow and Soundview Beaches and the Jerome Ambro Preserve. Attached as Exhibit "B" hereto is a certified copy of Resolution 2005-431.

The following presents a list of specific issues and questions to be part of the Scope of the DEIS:

Is There a Need for Broadwater?

1. Before launching into a Project that will dictate energy use in this region for the next 20 years, an independent and objective analysis of the need for the Project must be completed. The scope of this analysis must include:
 - The need for more natural gas versus other viable alternatives such as energy conservation and renewable energy resources to meet current and future energy needs.
 - The consistency of the Broadwater Project with any Long Island, Regional or even Federal Energy Plan.

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- Addressing whether the Broadwater Project may actually cause the use of more fossil fuels such as natural gas, specifically from foreign sources, rather than alternative energy sources.
- Identifying the nature of the supply of LNG; is it reliable given the fact that it comes from potentially unstable foreign sources.
- An objective view of the alternatives to Broadwater to supply more natural gas to Long Island if more natural gas is actually needed, specifically an additional pipeline such as Islander East.
- The impact of natural gas from Broadwater on natural gas prices to Long Islanders.
- An assessment of Broadwater's claims that existing natural gas pipelines supplying Long Island are at or near capacity, against their plan to have the natural gas from the Broadwater facility flow through the existing Iroquois Gas Transmission System.
- An assessment of the energy lost generally in the process of turning natural gas into liquid then regasifying it to turn back to natural gas.

What is the Regulatory Framework for the Broadwater Project?

2. The DEIS must include a complete detailed description and explanation of the regulatory process of the Broadwater application, including the impact of the "pre-filing" review and preparation of a DEIS, including the following:
 - The Federal, State and Local Laws which apply to the review and approval process.
 - The various permits and approvals required, including the specific Federal and State and Local agencies and/or offices involved and their actual jurisdiction over the Project.
 - The standards and criteria that these agencies and/or offices are required by law to utilize in their review and determination.
 - The approximate schedule for the process, along with setting forth the opportunities for the public and local governments to be heard and participate.

What Are the Alternatives to the Broadwater Project?

3. An analysis of alternatives to the Broadwater Project, inclusive of a "no-action" alternative, to include other methods of supplying natural gas to Long Island and the region must be reviewed, including:
 - An assessment of the existing sources of LNG and the viability of obtaining additional natural gas from them through existing and/or newly constructed pipelines.
 - A regional land based LNG facility versus the Broadwater LNG Floating Storage and Regasification Unit ("FSRU").

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- A review of alternative water sites to Broadwater's proposal to locate the LNG FSRU in Long Island Sound, an estuary of National significance.
- The criteria utilized by Broadwater to determine that Long Island Sound is the preferred location for a LNG FSRU of this magnitude.

What are the Cumulative Impacts of the Broadwater Project?

4. There is no doubt that placing the Broadwater LNG FSRU in the middle of Long Island Sound along with its attendant refueling tankers will create conflicts with other uses and users of this natural resource. The DEIS must provide an analysis of:
 - The other uses and users that will be impacted, to include recreational boaters and commercial and sports fishers, as well as land based stakeholders who currently have the benefits and amenities of Long Island Sound being held in the public trust and not granted to any individual or corporate entity.
 - The Broadwater Project as to its consistency with New York State and Federal coastal zone management criteria and policies.
 - The Broadwater Project as to its consistency with relevant Local Waterfront Revitalization Plans.
 - Whether the Broadwater Project actually advances any objective of coastal zone management, as it is not a water dependent use.
 - The degree to which the mere physical presence of the Broadwater LNG FSRU and its attendant refueling tankers will preclude other lawful existing and potential uses of Long Island Sound.
 - The existing and projected congestion of vessel traffic in Long Island Sound and the added burden of Broadwater and its attendant refueling tankers along with their inherent exclusionary zones.
 - The visual and aesthetic impacts of the Broadwater LNG FSRU and its attendant refueling tanks, including their elimination of public and scenic vistas.
 - The addition of lighting sources and adding industrial operation sounds to the middle of Long Island Sound where none presently exist, which will impact the natural and human environment.

Initial Baseline Resource Studies are Necessary

5. The Broadwater Project and the attendant refueling tankers will have short and long term impacts on various natural and cultural resources in and around Long Island Sound, including but not limited to the surface water, coastal beaches, shoreline, wetlands, water quality, aquatic habitats, air quality and coastal communities. The DEIS must provide an analysis of these impacts, but first various resource studies must be undertaken to provide a baseline of these resources, including:
 - A complete description of existing uses and users, commercial and recreational, of Long Island Sound and their reliance upon Long Island Sound.

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- A review of coastal communities that rely on Long Island Sound for commercial and recreational purposes and the related economic and social benefits presently accruing to these communities.
- Monitoring of the present physical, chemical and biological water quality in the Race and Long Island Sound.
- An assessment of currents, flow patterns, weather patterns and circulation of the waters of the Race and Long Island Sound, particularly as they relate to the migration of an LNG spill.
- An assessment of fishery resources in the Race and Long Island Sound and related essential fish habitat, including stock assessments and evaluation of the economic value of these recreational and commercial fisheries.
- An assessment of benthic habitat, particularly in the area where the Broadwater LNG FSRU its mooring system and the new pipeline are proposed to be located.
- An assessment of the existence of invasive species and their current impact to natural resources in Long Island Sound.
- Undertaking such resource studies for a minimum of two years of data collection in the field respecting these issues, with such studies undertaken, or at least reviewed by, the various responsible resource agencies.

What are the Impacts of the Broadwater Project to Maritime Resources?

6. As an estuary of National significance the Long Island Sound is both fragile, easy to harm, and inherently slow to recover from adverse environmental conditions. The DEIS must include an analysis of the following potential impacts to Long Island Sound from Broadwater:
 - Natural resource damages in the event of a release of LNG to the surface waters, water column, benthic habitat and air quality, to include changes in natural characteristics of these environmental media and impacts to living organisms therein.
 - The release of ballast water from the refueling tankers and the Broadwater LSU FSRU to maintain their stability, with at least in the case of the tankers, coming from distant foreign waters, focusing on introduction of invasive species.
 - The impingement and entrainment of marine organisms in connection with the operation of the Broadwater LNG FSRU as well as its attendant refueling tankers.
 - As Long Island Sound is the home of some threatened and endangered species during certain times of the year, a description of the steps to be taken to monitor same during construction and operation of Broadwater must be provided, including a discussion of the "appropriate steps" that would be taken to provide protection to these species and an analysis of the anticipated effectiveness of any such steps.

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- The impact of additional stationary lighting to pelagic fish and migrating birds in an area of Long Island Sound that is normally remote from such light sources.
- The details of impacts on natural resources of a catastrophic event such as the full release of 8 billion cubic feet of LNG from the Broadwater FSRU and/or its refueling tankers and/or the release of natural gas from the proposed pipeline. The assessment of such a release of LNG should be provided with and without ignition/combustion.
- An analysis of the possible and probable response to restore the natural resources impacted by such a catastrophic release of LNG and the time to implement such restoration, as well as the likelihood of success.
- The impact to Long Island Sound, particularly to the water column and benthic organisms, during construction and maintenance of the pipeline and mooring platform, including steps to mitigate such impacts and to restore benthic habitat after installation of the pipeline and mooring platform.
- The impact of the vaporization process to the waters of Long Island Sound and overlying air quality.
- The impact of fluids, such as fuel oil, hydraulic fluid, battery acid/fluids, sanitary wastewater, from the LNG FSRU and attendant refueling tankers on water quality and organisms in Long Island Sound.
- The impact of bottom paints and antifouling substances, including biocides, that will be used on the Broadwater FSRU and its attendant refueling tankers to the ecosystem of the Long Island Sound.
- The impact of any dredging activities that may be required to maintain sufficient water depth in Long Island Sound and the Race for the Broadwater LNG FSRU and attendant refueling tankers.

The Broadwater Project Will Threaten Public Safety and Security

7. In addition to creating a threat to the environment, natural resources and the Long Island Sound ecosystem, the Broadwater Project will create a threat to public safety and security. As the National Environmental Policy Act requires a review of the impacts of a proposed Project on the natural and human environment, the following issues must be addressed in the DEIS, as well as by the Coast Guard's review of the risks of the Project:
 - While the Coast Guard must review the threat of the Project, the vulnerability of the public and the consequences to public safety of the existence and operation of the Project, in the event of accidental and intentional failure of the Project, the DEIS must also include an assessment of the lack of vital information on such issues and obtain and include such missing information in any analysis of such impacts. As an example, it has been reported that Broadwater relies on the Sandia Report respecting consequences of failure of an LNG facility and release of LNG.

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- The DEIS must assess the applicability of that report to the Broadwater Project and to the extent it is inapplicable, provide such additional engineering, environmental and safety analysis as necessary.
- The size and impact of the exclusionary zones, both for the Broadwater LNG FSRU and the attendant refueling tankers, as well as the construction of the pipeline, on existing uses and users of Long Island Sound.
 - A determination of the area that would be impacted in the event of a worst case catastrophic release of LNG from the Broadwater FSRU and/or its refueling tanking and/or the natural gas in the pipeline.
 - A description of the type of warning system that would be in operation in connection with the exclusionary zones and for any emergency situation that arises from Broadwater.
 - A determination of whether there needs to be an evacuation plan prepared and available in the event of an emergency or failure of the Broadwater LNG FSRU, the attendant refueling tankers or the pipeline and should the area to be covered involve the surface water of Long Island Sound as well as any coastal communities.
 - A determination as to whether the Broadwater FSRU and its mooring system will withstand the winds, waves and storm surge of a hurricane and up to what class of hurricane.
 - In the event there is a breakaway of the Broadwater LNG FSRU from the mooring system, the DEIS needs to identify the possible fate of the FSRU and its contents and present a detailed plan on steps to mitigate impacts resulting from the stranding of the FSRU.
 - As the Coast Guard has identified a lack of first responders, particularly fire fighting capability, on the waters of Long Island Sound, what emergency response services will be required to respond in the event of an accidental or intentional catastrophe; what entity will provide the services; where will they be stationed, who will pay for such services and will special equipment and training be necessary.
 - In the event of a catastrophic failure of the Broadwater LNG FSRU, what precautions will be in place to prevent impact to the pipeline and the Iroquois Transmission Gas System itself.
 - Will there be a restricted air space zone in addition or in conjunction with the surface water exclusionary zone.
 - Is there sufficient water depth and channel width in the Race and Long Island Sound to handle the Broadwater LNG FSRU and its attendant refueling tankers under all water and weather conditions and will routine dredging be necessary to maintain sufficient water depth and channel width.
 - In addition to the possibility of an intentional attack on the Broadwater LNG FSRU or accidental damage from a severe weather event, how will the facility be protected from a collision with a drifting or underway vessel.

Magalie R. Salas
October 6, 2005
Page 8

- What precautions will be undertaken to assure that the hull of the Broadwater LNG FSRU and the refueling tankers are precluded from damage during hurricane conditions and maximum wave trough depths, such as contingency plans to stop refueling tanks from entering the Race and Long Island Sound and even removal of the Broadwater FSRU from its mooring to another more protected location.
- In the event the attendant refueling tankers are lined up waiting for safe connection to the Broadwater FSRU, will they be anchored and where and what measures will be taken to avoid collision with another drifting or underway vessel.
- What safety measures will be used in the event of an LNG spill and pool fire; who will be responsible for implementing same and how far from the Broadwater FSRU or refueling tankers will such impact occur.

In summary, there is no information or data on the actual use and operation of a facility such as the proposed Broadwater LNG FSRU in an area like Long Island Sound. While the number one concern is public safety, concerns about the environmental impacts of such an experiment cannot be overstated. Given the lack of information on the catastrophic failure, accidental or intention, of such a facility, combined with the omnipresent notion that what can go wrong will go wrong, one can only speculate on the possible catastrophe that could result in a worst case scenario – the release of all the LNG from the FSRU with or without combustion, or perhaps weather conditions allowing a huge “cloud” of vaporized LNG natural gas to drift to shore engulfing a coastal community and asphyxiating part of the population. It is questions like these and many more which have not been answered, as well as its own conclusions that has prompted the Town to oppose the Broadwater Project.

We request you to keep the Town apprised of any response to the comments from the public Scoping meetings and process, particularly any further opportunity to comment. We also request you provide a copy to the Town of any report or document produced in the environment review process led by FERC and the safety and security review process being undertaken by the Coast Guard.

Very truly yours,

Michael E. White

cc: U.S.Coast Guard
Town of Huntington

D#451600

Town of Riverhead



TOWN OF RIVERHEAD

PHIL CARDINALE, SUPERVISOR

200 HOWELL AVENUE
RIVERHEAD, NEW YORK 11901
(631) 727-3200 EXT. 251
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February 22, 2006

VIA FAX TO: (518) 473-4992

Mr. Thomas G. Dvorsky, Director
Office of Gas and Water
NYS Department of Public Service
Three Empire State Plaza
Albany, New York 12223

Dear Director Dvorsky:

In response to your February 8, 2006 letter seeking comments concerning the Broadwater Energy LLC application filed with the Federal Energy Regulatory Commission (FERC) to site, construct and operate a liquefied natural gas import terminal in the Long Island Sound, the Town of Riverhead wishes to go on record with the following comments and concerns.

The Town of Riverhead Police Chief, Bay Constable and Fire Marshal have been participating in Security and Safety Assessment work groups under the direction of the United States Coast Guard. These work groups are just beginning the evaluation process of the various security and safety risks associated with this project for the purpose of determining appropriate risk mitigation strategies. Both the Security and Safety Assessment work groups have a lot of work yet to be completed; in identification of the risks and hazards associated with Broadwater and the determination of appropriate mitigation strategies for those risks. Much more work and coordination in both risk review and mitigation planning, involving all local law enforcement, fire, rescue and EMS agencies from both Long Island (New York) and Connecticut needs to be completed before the Town of Riverhead can make its final security and safety comments.

Presently, neither the Town of Riverhead, the County of Suffolk, the State of New York nor any of the local Fire Districts or EMS Providers has the capability or resources in place to effectively respond to anticipated emergencies or security threats that may arise if the Broadwater facility is constructed and operated. As the Security and Safety Assessment continues, Broadwater will need to work with the U.S. Coast Guard and the New York State, Suffolk County and local law enforcement agencies and emergency

response agencies (fire and EMS) to ensure trained personnel and equipment are in place to address all anticipated events that would affect public safety in New York, Connecticut and the waters of the Long Island Sound.

We urge the State of New York Department of Public Service and FERC to require Broadwater LLC to continue working with the Coast Guard and the Security and Assessment work groups until their work is complete and all associated risks and hazards have been satisfactorily addressed through effective mitigation planning.

We further urge FERC to await the final reports from the U.S. Coast Guard lead Security Assessment and Safety Assessment work groups before taking final action on the Broadwater application.

The Town of Riverhead has substantial reservations about the safety and viability of this project.

Sincerely,



Phil Cardinale
Town Supervisor

Village of Poquott

FROM :POQUOTT

FAX NO. :3310402

Feb. 24 2006 02:21PM P1



INCORPORATED VILLAGE OF POQUOTT

VILLAGE HALL
45 BIRCHWOOD AVENUE
POQUOTT, NEW YORK 11733

TELEPHONE 631-476-4043

FACSIMILE 631-331-0402

February 24, 2006

Thomas G. Dvorsky, Director
Office of Gas and Water
NYS Department of Public Service
Three Empire State Plaza
Albany, NY 12223

Dear Mr. Dvorsky:

I am writing in response to your letter to Barbara Donovan, the Mayor of the Village of Poquott in Suffolk County, asking for concerns about safety issues raised by the proposed Broadwater project in Long Island Sound.

The Village of Poquott is located on a peninsula between Port Jefferson and Setauket Harbors, about ten miles west of the proposed Broadwater project. There are only two roads out of the Village leading to a state highway (Rte. 25A). We have serious concerns about our ability to evacuate about 1,000 residents should the LNG facility cause a dangerous situation.

We are particularly concerned about:

- the projects' vulnerability to terrorist attack. LNG infrastructures are highly visible and easily identified. They are major security concerns, as they may be attacked through a variety of means, and tankers may be attacked or commandeered for use as weapons against coastal targets, such as power plants (the Port Jefferson LIPA facility is adjacent to our Village);
- natural disasters, such as hurricanes, which could cause the facility to break loose from its moorings and drift onshore;
- pool fires: LNG can spill into the water and ignite the air, and cannot be extinguished until all of the fuel is consumed. Thermal radiation emitted may damage property or injure people that are a considerable distance away;
- flammable vapor clouds, which can drift some distance from the spill and could encounter an ignition source which can burn in a similar fashion to pool fires, further jeopardizing our community.
- in any case, we would have to modify our emergency preparedness plan, now in draft form, to provide for additional training for code officers and Village officials, modify our evacuation plan, and purchase monitoring equipment to alert us to impending disaster. Although this would place severe hardships on a small community with limited resources, this is not our major concern. Our major concern is for the safety and well being of our residents, which we believe will be compromised by the presence of the LNG facility proposed by Broadwater.

Sincerely,

Carol M. Lane
Deputy Mayor

CERTIFICATE OF SERVICE

I, Leann Ayer, do hereby certify that I will serve on February 28, 2006, the foregoing Advisory Report of the Department of Public Service of the State of New York upon each of the parties of record, indicated on the official service list compiled by the Secretary in this proceeding.

Date: February 28, 2006
Albany, New York


Leann Ayer

2/14

2006-02-28