

Exhibit 9

Memorandum



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International Specialists in the Environment

Date: December 14, 2007
To: Jimmy Culp and John Dunn
From: Sara Allen-Mochrie
Subject: *Trip Report - Atlantic Alternative Site Visit November 13-16, 2007*

Overview of Site Visit

As part of the evaluation of the Atlantic Alternatives posed by New York State Department of State (NYSDOS), a site visit was performed by Broadwater from November 13-16, 2007 to examine the alternatives routes and point out engineering and environmental related issues and obstacles that make construction along these routes and in many adjacent locations difficult and in most cases impossible.

The objective of the site visit was to evaluate each land based route in detail by driving the entire route and examining, photographing, and documenting cover types, workspace limitations, other utilities within the proposed route corridor, conflicting uses, and any other features of the route that represented an engineering or environmental flaw, or impediment to construction. The discussion of these flaws and issues is presented below on an issue and route basis and is supported in further detail by the attached maps, aerial imagery and photo log.

Parallel Construction

The major issues in proposing a pipeline through a congested, populated, and highly-developed area such as Long Island are the parallel construction concerns which are present and evident along the entire length of any potential onshore pipeline route across Long Island. This is caused by the co-location of the pipeline with many other existing uses, activities, and infrastructure that is present on Long Island.

Parallel construction involves two major categories of concern; satisfaction of all stakeholders involved and addressing all the increased risks this type of construction poses. The stakeholders that must be considered come from many facets of the public and government and include:

- Landowners
- Occupants
- Other pipeline owners currently in the route corridor

- New pipeline owner
- Public
- Surveyors
- Construction contractors
- Environmental advocacy groups
- Regulatory agencies
- Public interest groups and community advocates
- Foreign utilities in the ROW (water, electric, transportation etc.)

In addition to the stakeholders, there are increased risks with parallel construction including:

- Damage to the pipe
- Damage to the coating
- Increased accident risk
- Increased personal injury risk
- Property damage
- Environmental damage
- Interruption of service or supply
- Restrictive easement rights
- Increased construction costs
- Increased operating costs
- Cost increases leading to changes in project economics and less benefit to the community.

Provided in this report are the photos and documentation collected during the site visit addressing each south shore route posed by NYSDOS from the Atlantic landfall location, and its crossing of Long Island to its onshore connection point indicating any crossing of this nature is not feasible and the offshore location that has been provided by Broadwater is the preferred location for an LNG facility and associated natural gas pipeline.

Parallel Construction Issues and Impacts for Long Island

There were numerous parallel construction issues evident in the evaluations that apply to nearly every onshore pipeline route proposed by NYSDOS. Each issue and its associated temporary and permanent impacts are outlined in detail below.

- 1. Workspace limitations** – At numerous locations along the proposed routes the route is co-located adjacent to or crossing homes, office buildings, railroad tracks, major 4-8+ lane highways, existing utility corridors, and sensitive wetland environments. In all these areas workspace is severely limited and in many instances not available and construction would require removal of a building or structure that is in the ROW, disruption and temporary closure of a lane of traffic from a highway since no shoulder is available, disruption of utilities in the ROW during excavation since the ROW is paralleled on both sides by residences, and workspace is limited in wetlands and open water areas that in some cases is only

crossed by one two-lane road that offers no workspace unless construction is performed in the open water area causing habitat and wildlife disturbance.

- 2. South Shore Beach Landings** – Numerous beach landings are associated with the alternatives proposed by NYSDOS including the Fire Island National Seashore, Jones Beach and Long Beach. A beach landing involves the potential for significant environmental issues including impacts to sensitive nearshore environments, failure of the installation technique and impacts in the beach area where equipment is stored and the landfall takes place. Of primary concern is a failure during installation of the horizontal directional drill (HDD). The HDD technique is intended to limit impacts when used in the appropriate environment. In the beach landing areas, sand is the predominant substrate and the failure rate for sands is significant and increases with a larger diameter HDD which will be needed for a 30” diameter pipeline. HDD and boring technologies are not a simple technology that can be applied to any type of crossing environment. These are methods that may be attempted but often have a high risk of failure and are dependent on many factors including length of the required HDD installation, type of subsurface material and its cohesive and shear-strength properties, and the availability of work space in the project area for staging of equipment for operations.

In addition, any HDD installation requires a contingency plan that must be approved as an alternative method in the event that the HDD fails. The contingency plan for any construction on the south shore Atlantic beaches would include an open cut trench. This would be the approved method for installation in these beach areas in the event of an HDD failure and would require approval from multiple resource agencies, due to the significant increase in adverse effects related to an open cut installation across significant coastal habitat areas, ranging from 0.19 to 5.37 miles, which contain nursery habitat for marine organisms and provide important food and shelter for marine life. Finding additional working space for an open cut trench would likely be very difficult, in view of the environmental sensitivity of the locations chosen and the population density.

Any FERC required contingency plan will include a secondary HDD option for moving off the route centerline and a retry of the HDD, and continual retry until successful and a contingency plan for crossing the area in the event the HDD is unsuccessful, using methods such as open cut. This further expands the corridor of disturbance and potential impacts along the shoreline and beach area if numerous HDD attempts are needed or an open cut becomes the crossing method (FERC Wetland and Waterbody Construction and Mitigation Procedures Section V. (B) (6) (d) 1/17/2003 Revision). Also, HDD operations require a 24 hour installation activity which is likely to create a nearshore noise, lighting and visual impact to local communities and associated beach users.

- 3. Federal, State, and Local Park Impacts** - For each south shore Atlantic Alternative evaluated, there are park related impacts since all routes make landfall at a beach location on the south shore that is designated park land. These impacts

include Fire Island National Seashore and Smith Point County Park, Robert Moses State Park, Captree State Park, Jones Beach State Park, and Long Beach Park. There are three main categories when examining park impacts; the potential for significant disturbance to the beach if a HDD fails and an open cut installation is needed and the associated disturbance for necessary staging areas; the disturbance to beach goers who use the beach well into the winter months which was documented even during the site visit in November; and the difficulty in gaining approval from the local, state, and federal park service agencies to disturb these very valuable beach front areas that are a significant environmental as well as community resource. Even though impacts to these beach areas would be temporary and only during construction, the potential for significant impacts to a pristine beach environment is very high due to the potential failure of an HDD. Impacts from an HDD failure would be significant and not only result in a physical beach impact, but would be subject to extreme community and agency scrutiny. In contrast, the Broadwater Preferred Alternative in Long Island Sound has no associated beach impacts since there is no shore crossing and does not have the potential to cause such significant environmental damage.

- 4. Wetland Impacts** – As part of the onshore and offshore evaluation of the south shore Atlantic Alternatives, numerous wetland impacts have been identified including impacts to submerged wetlands for nearly every landfall location and onshore wetland impacts for the pipeline installation across Long Island. Impacts to large open water wetland complexes include Mill Pond County Park, the East Bay, Great South Bay, Hempstead Bay, Valley Stream Park, Little Neck Bay, and Frank Turner Inlet and its connection to Oakland Lake. Construction of a pipeline in these areas can lead to increased sedimentation and siltation in these delicate wetland environments, especially in the back bay areas on the south shore which contain critical submerged vegetation and habitat. Impacts to freshwater wetlands onshore may include alternation of natural flow and drainage patterns which may lead to a loss of wetland function and the introduction of invasive species. These onshore wetland complexes also serve as habitat to numerous waterfowl and aquatic species. Impacts to these species would occur during construction and in very sensitive areas could result in long-term damage. The Broadwater Preferred Alternative as well as the proposed onshore facilities do not impact sensitive submerged or onshore wetland environments, and therefore, have no associated wetland impacts.
- 5. Noise, Lighting, and Property impacts to residents during construction** – Densely populated residential neighborhoods are present along every onshore pipeline route proposed by NYSDOS. During the site visit, these areas were photographed and documented at numerous locations along every route to provide an example of the type of homes and development that is present and the residents that would be impacted by construction of a 30” diameter pipeline. As part of the existing landscape in many of these neighborhoods, homes are already adjacent to existing utilities and infrastructure. In many instances along the Long Island Power Authority (LIPA) ROW, homes are only 20-30 feet from the transmission towers and the towers are literally in a resident’s backyard. NYSDOS has

proposed we follow and co-locate with the LIPA ROW for many of the proposed onshore routes. Co-location within the ROW is not possible in many areas since the homes are too close to the ROW and there is not enough workspace for construction since the transmission towers are in the middle of the ROW which does not leave ample area for the pipeline installation work to take place. Even the more open areas, the ROW is bordered by residential development on both sides and impacts to these residents during construction would be significant. Major impacts would occur from lighting, noise, and disturbance that would be constant during construction. These impacts would only occur during construction but would be of a significant duration and impact numerous residents due to the length of the pipeline and the timeframe needed for construction. Construction in these areas would be of a longer duration due to the difficulties of working in a confined workspace and the “time-windows” that would likely be established.

Pipeline construction is generally a 12-hour a day operation ensuring the shortest construction schedule possible which minimizes impacts and costs. In sensitive noise environments such as densely populated residential neighborhoods and around schools, there will likely be work time restrictions in an attempt to limit the noise and lighting disturbance which will only serve to lengthen the construction schedule and the duration of impacts. Also, in areas where the ROW does not provide ample work space there would be significant private property impacts if resident’s yards adjacent to the ROW are needed for construction to ensure proper and safe workspace for trench excavation and pipeline laying operations.

- 6. Excessive Length of Pipeline** – As part of this evaluation, Broadwater also examined the length of each pipeline route that was proposed by NYSDOS. Pipeline lengths ranged from 37.5 to 41.7 miles onshore in contrast to the 21.7 sub-sea pipeline route for the Broadwater Preferred Alternative. This excessive pipeline length would lead to increased disturbance from noise and lighting in residential areas, impacts to traffic patterns and highway use during construction, all resulting in an extended time-frame for construction and greater construction related impacts which are avoided by installation of a sub-sea pipeline.
- 7. Construction along the LIPA ROW** - As noted in several sections above, the routes posed by NYSDOS are co-located with extensive existing infrastructure including the LIPA ROW. Described above were the difficulties of construction within this ROW where is it adjacent to homes due to workspace restrictions, noise and lighting. There are several other issues and impacts related to construction along this existing utility ROW. The primary issue or impact is a concern for safety. It is not uncommon for pipeline work to take place adjacent to existing utilities; however in this instance the LIPA transmission lines are located in the middle of the ROW which may lead to construction and earth work taking place on both sides of the transmission line. This leads to risks from electrical hazards, damage to the transmission towers and the potential for impact to their stability during earthwork operations. Another concern is disturbance of utility operation and interruption of electric service. The LIPA ROW carries a main

transmission line that aids in the delivery of electricity to all of Long Island. Interruption of service could impact thousands of customers including businesses and residences.

- 8. Construction within Long Island Rail Road (LIRR) ROW-** Nearly the entire length of the Long Island Rail Road (LIRR) on Long Island is an elevated track, where the track line is 5-10 feet above street level on a berm or running on an elevated track line on bridges crossing many highways and major roadways. With this type of track structure, construction of a pipeline cannot take place within the existing LIRR ROW since it would destabilize the earthen materials around the track and compromise the operation. In addition, nearly all of the track line observed during the site visit is bordered on both sides by extensive infrastructure including commercial businesses, shopping centers, office parks and residential development. This eliminates the availability of suitable workspace and the ability to co-locate the pipeline with the LIRR corridor.

Besides workspace restrictions, several other aboveground utilities are already co-located within the LIRR ROW as evidenced in the attached photo log which shows the extensive amount of electrical lines and utility poles adjacent to the track. This restricts the area and side of the ROW that could be considered for pipeline construction. Another concern for co-location along the LIRR ROW is the potential for service interruptions during pipeline construction. Since these areas offer limited or no workspace, construction is not easy and in some cases not feasible. The added difficulty and limited workspace could lead to sections of track needing to be shut down while the pipeline is installed. Impacts from pipeline construction in the ROW would likely be major since the NYSDOS proposed routes are contained within the LIRR ROW from 2 to 10 miles, depending on the alternative. Service interruptions are a major concern and impact since this is the main commuter line for residents on Long Island to reach work locations in New York City and areas beyond with trains at the busiest times of day every 10-15 minutes. Also, construction near commuter stations would be difficult if not impossible since commuter lots at these stations are already at capacity and any limitations on parking would have a negative impact on commuters and their ability to park-and-ride to work, also, these lots can't be used to stage equipment so alternative locations would need to be identified likely further away from the actual construction site resulting in additional secondary impacts. Overall, the complex nature of the LIRR system which is 2, 3, and 4 tracks wide in many areas and the land locked nature of the line which is bordered by buildings, parking lots, highways, homes, and other utilities offers no work space or area for a pipeline to be installed. In many of these areas installation is not possible.

- 9. Construction along State Parkways** – Long Island is criss-crossed by 132 miles of state parkways that were established by the Long Island Park Commission in 1924. On February 13, 1987, the New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) determined that the Meadowbrook State

Parkway (south of the Southern State Parkway), Wantagh State Parkway (south of the Southern State Parkway), Ocean Parkway, Loop Parkway, Bay Parkway and Bethpage State Parkway, retained sufficient historic integrity to be eligible for inclusion in the State and National Register of Historic Places as the "Robert Moses Historic Long Island Parkways," system. The inclusion of the entire system in the National Register has not yet been determined but they are recognized at the State level. The Long Island Parkway System was designed and constructed as great ribbon parks, stretching east-west and north-south across Long Island, providing scenic access and linkage between the existing state parks including Jones Beach and Captree State Parks. The Long Island Parkway System followed the same design characteristics as the parks themselves and the two were visually linked through common design themes. The parkway system employs stone-faced arched bridges, grassy shoulders, decorative light posts, and extensive plantings on the border of the parkway. These plantings were put in place when the parkways were first constructed and now comprise a vegetative buffer forming a complete tree-lined parkway. The major difficulties and impacts of construction along any state parkways are two-fold, with permanent removal of the vegetative buffer and restricted access for construction along the parkways since tractor trailers and commercial vehicles are excluded from using the state parkway system on Long Island per regulations promulgated by the New York State Department of Transportation. These traffic restrictions would make transport of construction equipment for earthwork and pipeline construction materials very difficult if not impossible since no other access roads serve many of the parkway areas.

Removal of the vegetative buffer that is present on the parkways also represents a major impact to the scenic quality and purpose of the parkways and the community character they provide for Long Island and its parkway history. The parkway system is designed to furnish access to individual parks from congested centers of population, and to provide for travel between New York City's centers and outlying Long Island without interference from commercial traffic. Skilled and strategically placed landscaping has made them attractive to the eye, and engineering ability makes them safe arteries of rapid travel. These strategic mature plantings would be removed during construction resulting in a major permanent impact on community character since this is the only viable location for the pipeline to be buried within the parkway ROW.

The residential communities adjacent to all roads in the parkway system along the pipeline would also experience impacts during construction, as noted above. Currently, the vegetative buffer is comprised of 50-70 foot tall mature trees that line the ROW on each side of the parkway and were planted generally in the middle of the ROW area. This vegetative screen serves to buffer the adjacent residents from the visual and noise impacts associated with 4-6 lanes of parkway traffic. In nearly every area that was observed during the site visit, the parkway is landlocked on both sides by homes then a single row buffer of mature trees. The only possible location for pipeline installation along these parkways is in this buffer which means complete tree removal leading to permanent increases in

visual and noise impacts for any homes adjacent to the parkways since mature trees of this size can't be replaced after pipeline construction. Construction in these areas would also take place 10-30 feet from these homes and in many instances would be directly in their back or front yard increasing the disturbance during pipeline construction and the impacts related to noise, lighting and private property disturbance.

10. Construction Across Bridges, Highways, and Multiple Interchanges – As described above, Long Island is a highly developed and densely populated area which contains many major highway systems comprised of numerous bridges and complex interchanges. In some areas, as documented in the photos and aerial imagery, the NYSDOS proposed pipeline routes would cross 12-14 lane highways and interchanges leading to complexities during construction and associated construction impacts. The greatest concern for construction in these areas is safety. One example where the pipeline is co-located with a major highway is the Long Island Expressway. Observations made during the site visit indicate this highway is bordered on both sides by residential development with no buffer area suitable for construction next to the highway. The only possibility for construction in these areas is in a lane of the highway leading to single or multiple lane closures which would result in construction taking place next to existing traffic which is traveling between 65-75 miles per hour. This is a safety concern not only for the construction crew but also for vehicles and increases the likelihood of an incident occurring. Other concerns with the possible lane closures are traffic disruptions and delays in a system that is already congested and has escalated commute times. Aside from the safety and disruption concerns, there are issues with the feasibility of construction especially in the area of multiple interchanges. As proposed by NYSDOS, many of the pipeline routes cross very complex highway interchanges that would require HDDs under each portion of the roadway. In many cases this amounts to 5-7 HDDs to cross one interchange and additional workspace is needed to properly set-up equipment the pipeline section for this type of operation. In these interchange areas this workspace is not available and would limit the feasibility of construction.

Atlantic Alternatives Site Visit November 2007
Representative Photos of Routes Showcasing Engineering and Environmental Concerns

Picture Descriptions:

1. **Alt P3** – Photo taken along Sunrise Highway showing elevated track line and densely developed area on both sides of the track. Pipeline route was proposed by NYSDOS adjacent to this track line passing over the road and through the office building pictured in the photo. No space is available on either side of the track.
2. **Alt P4** – Photo taken along the pipeline route that would go up the Wantagh State Parkway. This picture shows the vegetation that would need to be removed to install a pipeline adjacent to the State Parkway. Significant impact to the community character the State Parkways provide on Long Island and the visual screen of vegetation. Vegetation can't be immediately replaced since it contains several mature trees and any revegetation after construction would use much smaller plantings.
3. **Alt P5** – Photo taken of the Long Island Railroad (LIRR) corridor on Long Island Avenue. NYSDOS proposed the pipeline route adjacent to the rail line. Note the numerous utilities already within the LIRR ROW and there are homes and businesses immediately adjacent to the rail line on both sides offering no workspace to install a pipeline. Disruptions would occur in the residential areas, to other utilities along the ROW, traffic on Long Island Avenue would need to be re-routed, and rail use by commuter and commercial trains would likely be interrupted.
4. **Alt P6** – Photo taken at location of landfall for this alternative on Gilgo beach represents the extent of sensitive tidal wetlands, homes, and beachfront that could be impacted by an HDD if a drilling failure occurred during pipeline installation.
5. **Alt P7** – Photo of pipeline route through Fire Island Inlet and the Robert Moses Parkway Bridge. Contains several tidal wetlands and note the numerous boats and fisherman which are significant since these photos were taken in November. Likely hundreds more boater and fisherman using these areas in the summer and fall that could be disrupted by construction. More boaters and fisherman were noted here than the satellite imagery of the FSRU location taken over Labor Day weekend.
6. **Alt P8** – Photo of location where pipeline route would cross the Long Island Expressway (north to south at Frontage Road) to make connection with the LIPA ROW. Note the entry ramps and lanes of traffic that would require lane closures and difficult installation using HDD techniques since very limited workspace is available.
7. **Alt P8** – Photo of the LIPA ROW at Robin Lane and the route proposed by NYSDOS follows this ROW for several miles through a residential neighborhood. The ROW is bounded on both sides by vegetation and homes approximately 20 feet from the power lines. Since the transmission towers are in the middle of the ROW, workspace is limited and homes and the vegetative buffer would be significantly impacted during construction.

8. **Alt P8** – Photo of the LIPA ROW described above and the homes that are adjacent to the transmission towers on Robin Lane that would be significantly impacted by pipeline construction in such close proximity.
9. **Alt P8** – Fire Island National Seashore, NYSDOS proposed landfall location
10. **Alt P3** – Long Beach Boardwalk, NYSDOS proposed landfall location
11. **Alt P4 & P5** - Jones Beach Boardwalk, NYSDOS proposed landfall location, same location as new Donald Trump facility development for weddings and parties (shown on the left in the photo with blue signs).
12. **Alt P6** – Example of construction difficulty along LIRR and commuter lots. This is commuter lot on North Carl Avenue, rail road is behind the vegetation on the left side next to the numerous utility lines, and the building in the background is a high school. The NYSDOS proposed route is through the middle of the commuter lot.