

Appendix Q

Comments on the Draft EIS and Responses

Appendix Q COMMENTS ON THE DRAFT EIS AND RESPONSES

INDEX

Document Commenter

FEDERAL AGENCIES

FA1 United States Department of Transportation/Pipeline and Hazardous Materials Administration
FA2 United States Department of Transportation/Pipeline and Hazardous Materials Administration
FA3 United States Department of Interior
FA4 United States Army Corps of Engineers
FA5 United States Environmental Protection Agency
FA6 National Marine Fisheries Service

STATE AGENCIES

SA1 New York State Senator Brad Hoylman and Assembly member Linda B. Rosenthal
SA2 New York State Senator Brad Hoylman and Assembly member Linda B. Rosenthal
SA3 New Jersey Chamber of Commerce
SA4 New Jersey State Senator Christopher J. Connors and Assembly members Brian E. Rumpf and
Dianne C. Gove
SA5 New York Power Authority
SA6 New York State Department of State/New York State Department of Environmental Conservation

LOCAL AGENCIES

LA1 City of Long Beach
LA2 The Council of The City of New York
LA3 Queens Chamber of Commerce
LA4 City of Long Beach
LA5 Queens Chamber of Commerce
LA6 Queens Chamber of Commerce
LA7 City of Ashbury
LA8 Borough Council of the Borough of Milltown
LA9 New York City Office of Sustainability
LA10 The Board of Chosen Freeholders of the County of Monmouth
LA 11 Town of Hempstead Councilwoman Dorothy L. Goosby
LA12 Town of Hempstead Councilman Edward A. Ambrosino
LA13 Village of Huntington Bay Mayor Herb Morrow

COMPANIES & ORGANIZATIONS

CO1 Construction & Marine Equipment Co., Inc.
CO2 United Brotherhood of Carpenters and Joiners of America, New York City & Vicinity District
Council of Carpenters
CO3 New Jersey Alliance for Action Inc.
CO4 International Union of Operating Engineers Local 825
CO5 Chemistry Council of New Jersey
CO6 Teamsters Joint Council No. 73 P.A.C.
CO7 Teamsters Joint Council No. 73 P.A.C.
CO8 Construction & Marine Equipment Co., Inc.
CO9 Chemistry Council of New Jersey
CO10 United Brotherhood of Carpenters and Joiners of America, New York City & Vicinity District
Council of Carpenters

CO11	Dockbuilders - Timbermen, Local Union 1556, United Brotherhood of Carpenters and Joiners of America
CO12	New York Affordable Reliable Electricity Alliance
CO13	Moffatt & Nichol
CO14	The Business Council of New York State, Inc.
CO15	Empire Government Strategies on behalf of NY Affordable Reliable Electricity Alliance
CO16	The Retired Military Officers Association Inc.
CO17	The Maritime Association of the Port of New York/New Jersey, Tug & Barge Committee
CO18	Catskill Citizens for Safe Energy
CO19	The New Jersey Society for Environmental, Economic Development
CO20	New York Building Council Congress
CO21	International Union of Operating Engineering Local 25 Marine Division, AFL-CIO
CO22	The League of Women Voters of New York State
CO23	Climate Mama and The Mothers Project
CO24	The Retired Military Officers Association Inc.
CO25	Citizens Campaign for the Environment
CO26	Surfrider Foundation
CO27	Business Council of New York State/Southern New Jersey Development Council
CO28	Recreational Fishing Alliance
CO29	Surfers' Environmental Alliance
CO30	Empire Government Strategies on behalf of NY Affordable Reliable Electricity Alliance
CO31	Citizens for Oceanfront Preservation
CO32	Migrant Corporation
CO33	The Jersey Shore Partnership, Inc.
CO34	Invictus Corporation
CO35	Kenaris Realty Group, Inc
CO36	Queens Young Professionals
CO37	Independent Power Producers of New York, Inc.
CO38	ADDAPT
CO39	Center for Workplace Solutions
CO40	Long Island Inc.
CO41	Long Island Forum for Technology
CO42	Long Island Gasoline Retailers Association Inc.
CO43	Melville Chamber of Commerce
CO44	Association for Mental Health and Wellness
CO45	HOI Agency Corp.
CO46	Suffolk County United Veterans
CO47	Two People Arguing Podcast
CO48	East Hills Dining Inc. - The Park Grille
CO49	Bangs Inc. - Eric's Italian Bistro
CO50	Island Trees Library
CO51	King Umberto
CO52	East Hills Dining Inc. - The Park Grille
CO53	Plattduetsche Park Restaurant, Catering & Biergarten
CO54	The Lido Golf Club
CO55	Umberto's Pasta Sauce
CO56	WATERSPIRIT
CO57	Ray Adell Media Enterprises, Inc.
CO58	The Coral House on Milburn Lake
CO59	Raffle Book & Ticket Specialists
CO60	Malibu Beach Camp
CO61	Quick Healthy Snack Vending
CO62	Brian Rosenberg New York
CO63	Canz
CO64	LOVE
CO65	Dover Malibu, Inc.

CO66 The Sands on Lido Beach
 CO67 Hudsons on the Mile
 CO68 Gossip Steakhouse
 CO69 Malibu Oyster Bar
 CO70 Pete's Clam Bar
 CO71 Bell Harbor Property Owners Association
 CO72 Long Island Association, Inc.
 CO73 A. Chilelli Landscaping & Design
 CO74 Avalon Pastries
 CO75 Charlie's Towing
 CO76 Ciao Baby
 CO77 Fishermen's Dock Cooperative, Inc.
 CO78 Central Long Island Surfrider Foundation
 CO79 The Holley Group, Inc.
 CO80 Island Public Affairs
 CO81 Spear Power Systems
 CO82 AAY Associates, Inc.
 CO83 AAY Associates, Inc.
 CO84 ADC Builders
 CO85 Aflac
 CO86 B&B Lounge
 CO87 BBDM Consulting
 CO88 Belanger Associates
 CO89 Bourbon Street
 CO90 BYB Elite Consulting
 CO91 Deltamine, Inc.
 CO92 Future Planning Realty
 CO93 Tangletech, Inc.
 CO94 T.F. O'Brien & Co. Cooling & Heating
 CO95 The Rockaway Republicans
 CO96 T.M.B.A.
 CO97 South Shore Audubon Society
 CO98 League of Women Voters of Monmouth County
 CO99 League of Women Voters of New Jersey
 CO100 Apple Tree Landscaping
 CO101 Area Real Estate Associates, Inc.
 CO102 The Argyle Grill & Tavern
 CO103 Buona Fortuna
 CO104 Barrique Kitchen & Wine Bar
 CO105 Clean Air Council
 CO106 Camelot Studios
 CO107 DaVinci Gourmet Market
 CO108 Creative Landscaping
 CO109 Dreamworld Shops, Inc. dba Paradise Furniture
 CO110 Frankly Thai Restaurant
 CO111 Freeport Inn & Marina
 CO112 Hart Agency
 CO113 Debbie Hart Celebrations Event Planning & Design
 CO114 K. Pacho
 CO115 Lisa's Deli and Catering
 CO116 Richie Hart Events
 CO117 Southside Automotive
 CO118 T& F Pork Store & Delicatessen
 CO119 GI Energy
 CO120 NY State Laborers' Political Action Committee
 CO121 Association of Marine Industries

CO122	Long Island Contractors' Association
CO123	Stafford Associates
CO124	Holland & Knight on behalf of Liberty Natural Gas, LLC
CO125	Clean Ocean Action
CO126	Clean Ocean Action
CO127	Clean Ocean Action
CO128	Friends of the Earth
CO129	Citizens Campaign for the Environment
CO130	Food & Water Watch
CO131	Food & Water Watch
CO132	New York Whale and Dolphin Action League
CO133	Natural Resources Defense Council, Riverkeeper, and Sierra Club
CO134	Clean Ocean Action (with signatures from numerous other NGOs)
CO135	Fisheries Survival Fund
CO136	Boulevard Florist
CO137	League of Women Voters of Monmouth County
CO138	Park Slope Food Coop
CO139	Catskill Citizens for Safe Energy
CO140	The Bagel Doctor
CO141	New Jersey Energy Coalition
CO143	Food & Water Watch
CO144	Catskills Citizens for Safe Energy
CO145	William J. Boglioi Funeral Home
CO146	League of Women Voters of New York State
CO147	Island Park Civic Association

INDIVIDUALS

IND1 to IND1759 Names included on comment letters as provided by individuals.

PUBLIC MEETINGS

SP	Scoping Meeting - Jamaica, NY; January 7, 2015
SP	Scoping Meeting - Eatontown, NJ; January 8, 2015

FEDERAL AGENCIES

FA1 U.S. Department of Transportation PHMSA

FA1

From: joseph.sieve@dot.gov
To: Roddy.Bachman@dot.gov
Cc: Meredith.secon@dot.gov; kenneth.lee@dot.gov; Robert.Smallcomb@dot.gov
Subject: Liberty Port Ambrose DWP - Design Meeting Request
Date: Tuesday, March 10, 2015 3:43:09 PM
Attachments: [PHMSA Response to DEIS Review 03102015.pdf](#)

Good afternoon Roddy,

The attached is PDF version of letter hand delivered this afternoon to the Dockets Management office at Room W12-140.

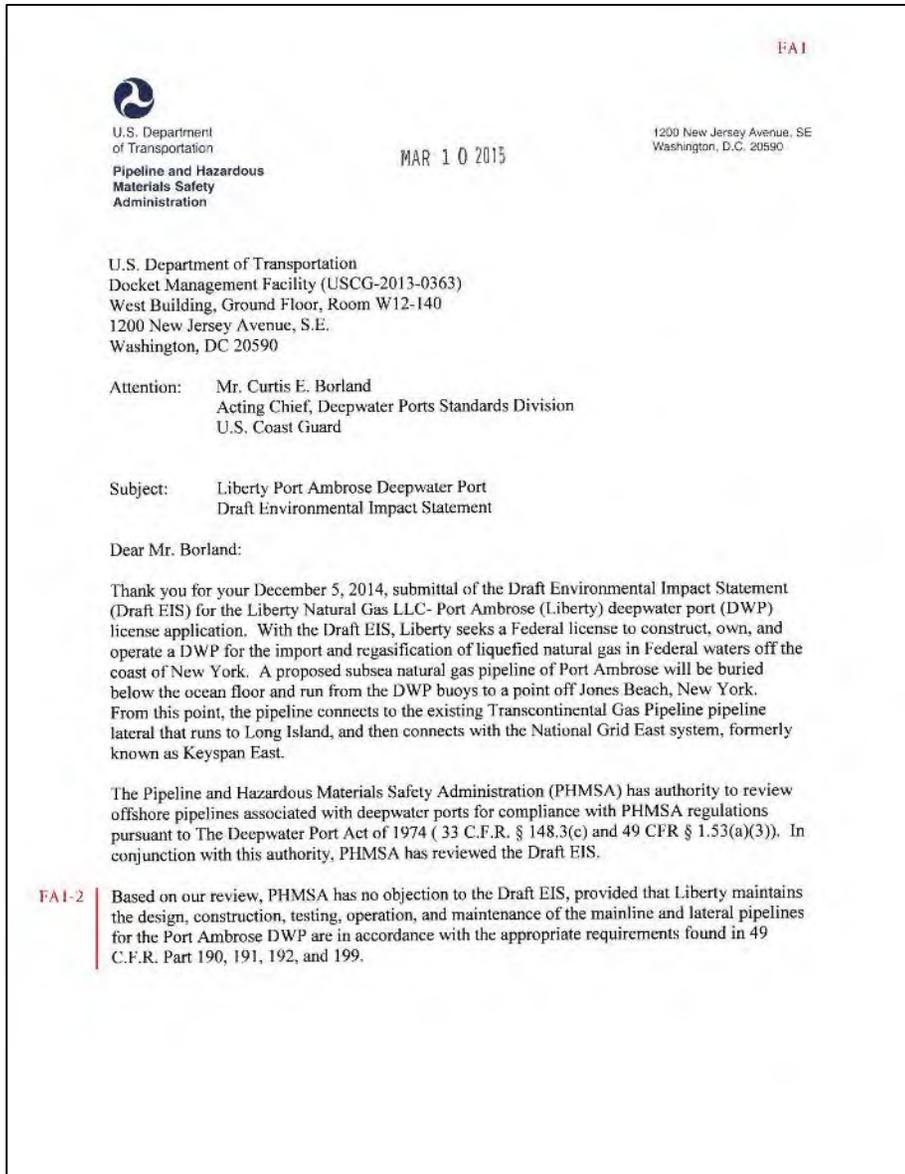
FA1-1 As previously mentioned, PHMSA requests a meeting during the design phase with the appropriate Coast Guard staff and Liberty applicants to discuss the Port Ambrose DWP. Some topics we would like to discuss include: USCG NVIC 03-05 document, USCG and DOT regulations and points of jurisdiction, maximum allowable working pressure, odorization, and pressure control and safety equipment protecting PHMSA regulated pipeline segments as they relate to the operation of the DWP.

Thank you

Joe

Joseph Sieve
General Engineer
U.S. Department of Transportation
Pipeline & Hazardous Materials Safety Administration
Office of Pipeline Safety
East Building, E22-207
1200 New Jersey Avenue, SE
Washington, DC 20590
Telephone: 202-366-5064
Fax: 202-493-2311

FA1-1 Thank you for your comment.



FA1-2 Thank you for your comment.

MAR 10 2015

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Please contact Ken Lee, Director, Office of Engineering and Research on 202-366-2694 should you require additional information.

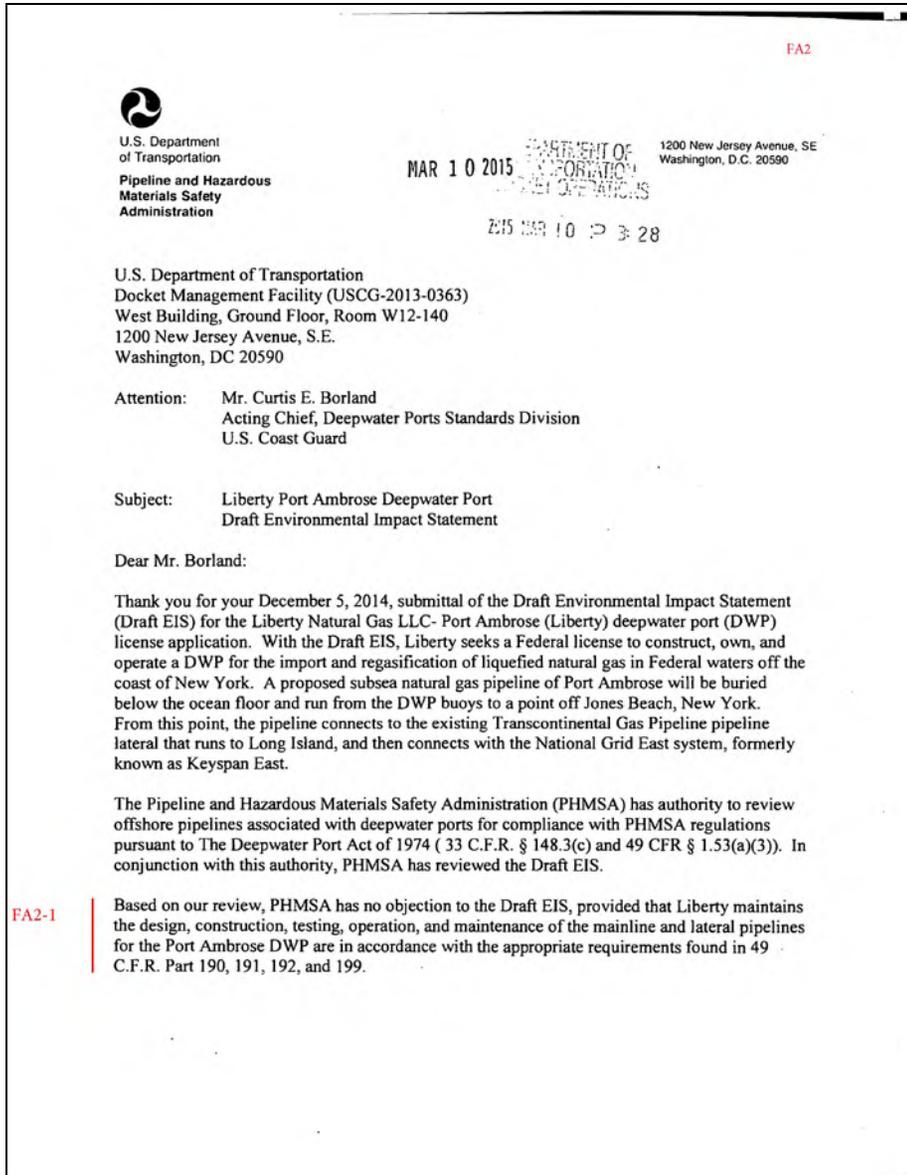
Sincerely,



Alan K. Mayberry, P.E.
Deputy Associate Administrator
Policy and Programs

cc: Roddy C. Bachman
Project Manager
Deepwater Ports Standards Division CG-OES-4 U.S. Coast Guard Headquarters

Byron Coy, Director
Eastern Region
PHMSA



FA2-1 See response to FA1-2.

FA2

MAR 10 2015

2

Please contact Ken Lee, Director, Office of Engineering and Research on 202-366-2694 should you require additional information.

Sincerely,



Alan K. Mayberry, P.E.
Deputy Associate Administrator
Policy and Programs

cc: Roddy C. Bachman
Project Manager
Deepwater Ports Standards Division CG-OES-4 U.S. Coast Guard Headquarters

Byron Coy, Director
Eastern Region
PHMSA

FA3



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
15 State Street – Suite 400
Boston, Massachusetts 02109-3572

March 18, 2015

9043.1
ER 14/0764

Commandant
Deepwater Ports Standards Division
U.S. Coast Guard Stop 7509
2703 Martin Luther King Jr. Ave., SE
Washington, DC 205

**RE: Draft Environmental Impact Statement (DEIS)
Liberty Natural Gas LLC Port Ambrose Deepwater Port
Docket Number USCG-2013-0363**

Dear Commandant:

The U.S. Department of the Interior (Department) has reviewed the DEIS for the Liberty Natural Gas LLC Port Ambrose Deepwater Port License Application, New York. The Department's comments were prepared by the U.S. Fish and Wildlife Service (Service).

COMMENTS

Project Description

The applicant is Liberty Natural Gas, LLC (hereinafter referred to as Liberty or Applicant). On September 28, 2012, an application was submitted to the USCG and Marine Administration (MARAD) seeking a federal license under the Deepwater Port Act (DWPA) of 1974, as amended [33 U.S.C. 1502(9)(A)], to construct, own, and operate a deepwater port for the import and regasification of liquefied natural gas (LNG) in federal waters of the New York Bight. LNG would be delivered from purpose-built LNG regasification vessels (LNGRVs), vaporized on site and delivered through subsea manifolds and lateral pipelines to a buried subsea mainline (Mainline) connecting to the existing Transcontinental Gas Pipe Line Company (Transco) Lower New York Bay Lateral in New York State waters.

Liberty proposes to locate the proposed Project in Bureau of Ocean Energy Management (BOEM) OCS (Offshore Continental Shelf) blocks 6708, 6709, and 6758, approximately 16.1 nautical miles off of Jones Beach, New York and 27.1 nautical miles from the entrance of New

FA3

2

York Harbor, 13.1 nautical miles east of Sandy Hook, New Jersey, and approximately 24.9 nautical miles from Long Branch, New Jersey. The 18.8-nautical-mile Mainline is proposed to connect to the existing Transco Lower New York Bay Lateral in New York state waters, approximately 2.2 nautical miles south of Long Beach, New York and 13.1 nautical miles east of Sandy Hook, New Jersey. The proposed Port facilities contained in the USCG and MARAD license application would consist of:

- Two subsea submerged turret loading buoys (STL™ Buoys);
- Two flexible risers; and
- Two pipeline end manifolds (PLEMs)

The proposed offshore pipeline facilities contained in the USCG and MARAD license application would consist of:

- Two 26-inch-diameter pipeline laterals, and
- One 18.8 nautical mile, 26-inch-diameter mainline

The proposed 26-inch mainline route would run approximately 16.8 nautical miles in a northwest direction through BOEM OCS lease blocks 6708, 6658, 6657, 6607, 6606, 6556, 6555, 6654, 6504, and 6503 where it would cross into New York state waters. The mainline would connect the proposed Port facilities to the Transco Lower New York Bay Lateral pipeline system approximately 2.2 nautical miles south of Long Beach, New York and 13.1 nautical miles east of Sandy Hook, New Jersey. The Region of Influence (ROI) for impacts on resources described in this draft EIS includes the area within and directly adjacent to the proposed Port location and proposed mainline route that could be affected by construction, operation, and decommissioning of the proposed Port Ambrose Project.

Fabrication of offshore components would require onshore facilities. A site on Quonset Point, Rhode Island, and a site on Port of Coeymans, New York have undergone initial review as potential locations for LNG regasification vessels (LNGRV) that would call on the proposed Port facilities would be purpose built to call on STL Buoys.

Construction of the proposed Project would be anticipated to take approximately 20 months over two calendar years. Off-site fabrication and pre-construction activities would commence in late 2016 and take approximately 9 to 12 months. Installation of the offshore components would begin in early 2017 and would take approximately nine months to complete. Construction and installation of the proposed Project would be completed in late fourth quarter 2017. The proposed Project would be designed, constructed, and operated in accordance with applicable codes and standards and would have an expected operating life of approximately 25 years.

Each STL Buoy would connect to a PLEM using the flexible riser assembly, and the PLEM would connect to the pipeline laterals. Purpose-built LNGRVs, each capable of transporting approximately 145,000 cubic meters of LNG, would connect to a STL Buoy to deliver natural gas to the proposed Mainline. Once securely moored and when system safety checks are

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3

complete, the LNGRV would vaporize the LNG using a two-step "closed-loop" system. The closed-loop system would use a recirculated water-glycol mixture as an intermediate heating medium, heated by steam generated by the vessel's two auxiliary boilers, which would be fired by boil-off gas (BOG) from the vessel's LNG tanks, consuming approximately 2.5 percent of each LNGRV's LNG cargo in the process.

Endangered Species Act

Section 7 (a)(2) of the ESA requires that each Federal action agency, in consultation with the Service, ensures that any action it authorizes, funds, or carries out would not be likely to jeopardize the continued existence of a listed species or result in the adverse modification of designated critical habitat. The ESA is further implemented by regulation found at 50 CFR §402, "Interagency Cooperation – Endangered Species Act of 1973, as Amended; Final Rule," which is frequently referenced below in the discussion on the consultation process.

As part of the requirements of Section 7(a)(2) of the ESA, the action agency is required to make a determination of the potential direct, indirect, and cumulative effects of its proposed action on Federally-listed species. Informal consultation is an optional process that includes all discussions, correspondence, etc., between the action agency and the Service, designed to assist the action agency in making a determination on whether the agency's action may affect a listed species. During this informal consultation process, the Service may provide recommendations to the action agency on the measures that could be implemented to avoid and minimize adverse effects to listed species. In addition, the Service can provide available information (or references) regarding these species and critical habitat, and may recommend discretionary studies or surveys that may provide a better information base for the preparation of the Biological Assessment (BA) [50 CFR Part 402.12 (d)(2)].

The contents of a BA are at the discretion of the action agency; however, 50 CFR Part 402.12(f) recommends including: (1) results of on-site inspections determining the presence of listed or proposed species, (2) views of recognized experts on the species at issue, (3) a review of the literature and other information, (4) an analysis of the effects of the action on the species or habitat, including consideration of cumulative effects and the results of related studies; and, (5) an analysis of alternate actions considered by the Federal agency for the proposed action. Sometimes information in other environmental analysis documents can substitute or be easily modified to produce the BA. However, once finalized, the action agency is required to submit the BA to this office for concurrence [50 CFR Part 402.12 (d)]. The ultimate responsibility of compliance remains with the Federal agency, however, the Federal action agency can designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Service of such designation, as provided for in 50 CFR Part 402.08.

If adverse effects cannot be avoided, formal Section 7 consultation will be required, and according to Section 7(d) of the ESA, "After initiation of consultation required under subsection (a)(2), the Federal agency and the permit or license applicant shall not make any irreversible or irretrievable commitment of resources with respect to the agency action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures which would not violate subsection (a)(2)."

The DEIS at page 1-11 states that sections 2.0 (Description of the Proposed Action and Alternatives), 3.3 (Affected Environmental, Threatened and Endangered Marine Mammals, Sea Turtles, Fish and Birds), and 4.3 (Environmental Consequences of the Proposed Action and Alternative, Threatened and Endangered Marine Mammals, Sea Turtles, Fish and Birds) serve as the BA for purposes of ESA consultation.

Federally-listed Species in the Proposed Project Area

FA3-1 Table 3.3-1 entitled, "Species Occurrence and Potential for Occurrence in ROI" includes a list of federally-listed species under the jurisdiction of the Service and National Oceanic and Atmospheric Administration (NOAA), which are or may be present, in the proposed offshore Port area. The piping plover (*Charadrius melodus*) and roseate tern (*Sterna dougalli dougalli*) are included in this table. This table does not include the red knot (*Calidris canutus rufa*) which was listed as threatened in November 2014. The northern long-eared bat (*Myotis septentrionalis*), a proposed species for listing under the ESA should also be included in Table 3.3-1. The Service notes that Section 3.3.1, "Identified Species and General Characteristics" does not include discussion of piping plover, red knot or northern long-eared bat (proposed).

As noted, the Federally-listed piping plover and roseate tern are two Federally-listed species found on bay island and barrier beaches in the New York Bight watershed. The red knot is also a listed species which migrates through the New York Bight area. The migratory pathways of these species are not well established relative to the proposed project site. As such, a significant amount of attention has been directed at the potential adverse impacts that offshore facilities may pose to these listed, particularly related to collisions between these species and illuminated offshore structures and impacts to the species and their habitats due to the accidental ignition of LNG.

USCG ESA Determination

The DEIS at section 4.3.5 (page 4-94) indicates that the USCG has reached a determination that the proposed project may affect, but would not be likely to adversely affect the piping plover or roseate tern. This determination is based on the conclusion that there would be long-term, minor impacts to these species as a result of the construction, operation or decommissioning of the proposed project, and that this would not result in population level effects to the species.

As noted in the DEIS Table 4.2-5 (at pages 4-61-62), further consultation will be necessary between the USCG and the Service to develop a lighting plan to minimize adverse impacts on wildlife during the construction, operation, and decommissioning of the proposed Port.

Endangered Species Act Comments

FA3-2 The Service looks forward to working with the USCG to develop a lighting and monitoring plan that could be included in the project description. Once finalized, the Service will work with the USCG to conclude consultation.

FA3-3 The DEIS should describe any potential impacts the proposed project may have on the proposed northern long eared bat and the listed red knot, including impacts to the species or their habitats.

FA3-1 Red knot and northern long-eared bat have been added to Table 3.3-1 and additional text has been included to accurately reflect the potential presence of piping plover, red knot, and northern long-eared bat in the Project area.

FA3-2 As discussed in Section 4.2.8 Liberty would implement measures to minimize adverse impacts on wildlife due to lighting. Additionally, non-essential lights should be set with motion sensors to automatically go off in areas that are not in use. All lighting should be directed downward and shielded from above to lessen the attraction to migratory birds.

FA3-3 See response to FA3-1 for an overview of text on red knot and northern long-eared bat that was added to the final EIS.

FA3-4 We recommend that the USCG review and address the following questions relative to this proposal and its affects on migrating birds, including the listed species noted above.

- Are the migration routes of these species along the coast or offshore? At what distance and at what altitudes?
- Do the migrating piping plovers, roseate terns or red knots fly during the day, night, or both?
- If either of the species fly at night, are they affected by (attracted to, disoriented by) aviation warning lights?
- Are these species' migration patterns the same in the spring and fall?

FA3-5 To be in compliance with Section 7 of the ESA, the Service is asked to consider that his DEIS be used as a biological assessment. At this time, the DEIS does not contain sufficient information, such as a final lighting plan, to support a not likely to adversely affect determination with respect to listed avian species.

Impacts of Project to Birds

The project area supports a number of marine bird species, generally characterized as seabirds and sea ducks. The document characterizes the major types of birds likely to be present in the New York Bight, but no site-specific surveys were conducted. There are approximately 30 species of birds that may be found in the project area; common avian taxa anticipated include petrels, shearwaters, loons, gannets, scoters, mergansers, gulls and kittiwakes. Bird densities are likely to be greater during the winter and also during spring/fall migrations.

FA3-6 The proposed project may adversely impact birds if lighting attracts and disorients birds and if tall structures at the facility pose a strike hazard. Shearwaters and petrels, for example, have be shown to be distracted and disoriented by artificial lighting, leading to mortality of fledglings (Reed et al. 1985). The applicant has indicated that they will develop a final lighting plan in consultation with the Service.

Thank you for the opportunity to review and comment on the DEIS. Please pardon any inconvenience caused by the late submission of comments. If you have questions regarding these comments, please contact Steve Papa, U.S. Fish and Wildlife Service, at (631) 286-0485. Please contact me at (617) 223-8565 if I can be of further assistance.



Andrew L. Raddant
Regional Environmental Officer

FA3-4 Coast Guard responded to your concerns via a letter to your office on May 12, 2015. Please see Appendix B.

FA3-5 See response to comment FA3-2 for a discussion of lighting.

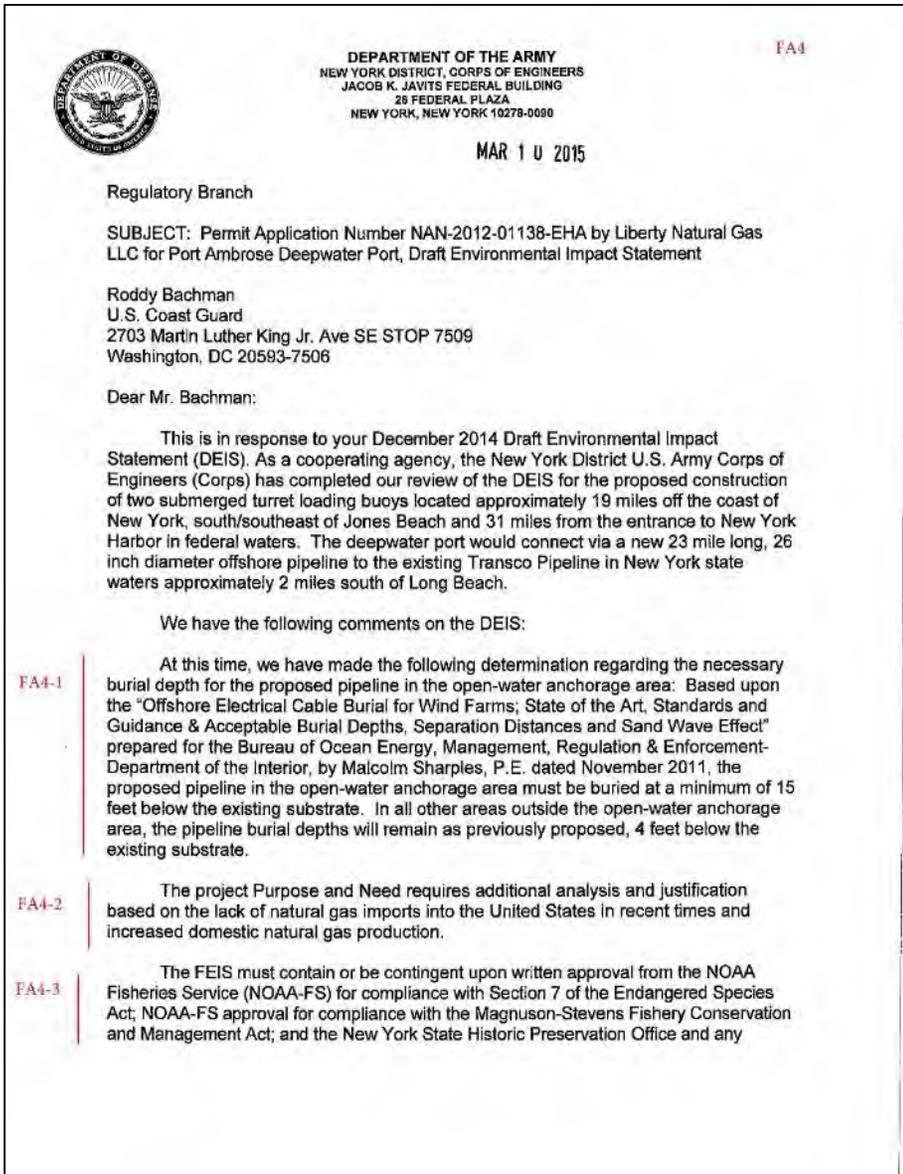
FA3-6 See response to comment FA3-2 for a discussion of lighting.

FA3

6

LITERATURE CITED

Reed, J.R., Sincok, J.L. and J.P. Hailman. 1985. Light Attraction in Endangered Procellariiform Birds: Reduction by Shielding Upward Radiation. *Auk* 102: 377- 383.



FA4-1 Liberty scheduled a meeting on June 18, 2015 to discuss with the USACE the proposal to armor the pipeline in the open water anchorage area instead of burying the pipeline to a 15 foot top of pipe depth. Liberty submitted the required revised drawings for the Port Ambrose Project's Joint Individual Permit Application. The revisions depict the three feet of rock and four feet of sand cover to achieve seven feet of cover over top-of-pipe in the Ambrose Anchor Area, in keeping with the USACE approval of July 23, 2015.

FA4-2 Please see Section 1.1. The purpose of the proposed Project is to provide a reliable and timely supply of natural gas that will increase energy diversity while considering the growing demand for residential, industrial, and electric generation in the downstate New York City and Long Island markets during periods of peak demand. Actual need for energy, or energy demand, fluctuates during the year depending on weather conditions and market conditions dictating industrial and commercial use. The periods in which demand for energy is highest is considered "peak demand". While natural gas prices have steeply declined over the last several years, critical links between supply and demand, especially on days where demand is highest, have led to unprecedented spikes in the cost of natural gas and electricity. Diversification of the natural gas supply, including pipeline expansion and LNG imports have the potential to prevent natural gas shortages caused by existing pipeline constraints and to help moderate energy costs.

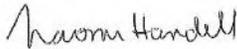
FA4-3 Thank you for your comment.

FA4

FA4-3 | applicable Tribal Historic Preservation Offices for compliance with Section 106 of the
(con't) | National Historic Preservation Act.

Thank you for the opportunity to comment as a cooperating agency. If you have any questions, need additional information, or wish to discuss any of the above issues in more detail, please contact the undersigned, at 917-790-8523.

Sincerely,


Naomi Handell
Project Manager
Eastern Section

cc: Bradley McKittrick, USCG
Jason Goldstein, Liberty Natural Gas
Lingard Knutson, USEPA

FA5



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR 16 2015

Mr. Curtis Borland
Acting Chief, Deepwater Ports Standards Division
U.S. Coast Guard
2703 Martin Luther King Jr. Ave SE Stop 7509
Washington, D.C. 20593-7509

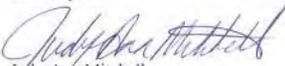
Dear Mr. Borland:

The U.S. Environmental Protection Agency has reviewed the draft environmental impact statement (DEIS) for the Port Ambrose Project Deepwater Port (CEQ # 20140356). Liberty Natural Gas, LLC proposes to own, construct, and operate the Port Ambrose deepwater liquified natural gas port in federal waters of the New York Bight, approximately 16.1 nautical miles off of Jones Beach, New York and 27.1 nautical miles from the entrance of New York Harbor. Liquified natural gas (LNG) would be delivered by purpose-built LNG regasification vessels, vaporized on board, and delivered through two permanently anchored submerged turret loading buoys, subsea manifolds and lateral pipelines to a buried mainline that will connect to the existing Transcontinental Gas Pipe Line Company's (TRANSCO) Lower New York Bay Lateral. Port Ambrose would be designed to transport an annual average of 400 million standard cubic feet per day of natural gas while the regasification vessels are in port. This review was conducted in accordance with Section 309 of the Clean Air Act, and the National Environmental Policy Act (NEPA).

EPA's technical comments on the draft environmental impact statement are enclosed with this letter. The comments address transportation, benthic impacts, general conformity, greenhouse gas emissions, and methane leakage prevention, as well as some general issues.

FA5-1 In light of the additional information recommended on potential environmental impacts from the proposed project, EPA has rated the DEIS as Environmental Concerns – Insufficient Information (“EC-2”) (see enclosed rating sheet). If you have any questions regarding this review or our comments, please contact Lingard Knutson at 212-637-3747 or Knutson.lingard@epa.gov.

Sincerely,


Judy-Ann Mitchell
Sustainability and Multimedia Programs Branch

Enclosures

Internet Address (URL) • <http://www.epa.gov>
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 50% Postconsumer content)

FA5-1 The Coast Guard believes it has identified all reasonable alternatives as described in Section 2.0 of the final EIS, including deepwater port design alternatives, deepwater port location alternatives, anchor alternatives, mainline alternatives, onshore pipe staging and CWC facility alternatives, LNG vaporization technology alternatives, a no action alternative and energy alternatives. Additional analysis has been included in the final EIS with regard to environmental impacts as described in Section 4.0. Several mitigation measures, which would prevent or minimize the adverse impacts from construction, operation and decommissioning of the proposed Project, were identified as a result of this final EIS and are discussed in the following the impact discussion for each resource in Section 4.0

**EPA's Technical Comments on the U.S. Coast Guard's
Draft Environmental Impact Statement
"Port Ambrose Project Deepwater Port Application – Docket No. USCG-2013-0363"
February 25, 2015**

Transportation:

FA5-2 Section 3.10.1 states that the regional transportation network in New York City and Northern New Jersey is managed by the Port Authority of New York and New Jersey. The Port Authority is only one of several state and local agencies that plan, construct and operate aspects of the regional transportation network. These would include state and city Departments of Transportation, metropolitan planning organizations and the Federal Highways Administration.

Benthic Impacts:

FA5-3 Both Sections 4.2.2.1 and 4.2.2.2 state that permanent benthic impacts from the construction and operation of Port Ambrose would be 3.0 acres of seafloor. However, it is not clear whether this included the anchor chain and wire array sweeping impacts when the buoys deploy or the flexible riser and umbilicals when the buoys are not deployed. This should be clarified.

General Conformity:

FA5-4 Nassau County, New York, the closest portion of the adjacent state is in non-attainment for ozone. As such, a General Conformity Applicability Analysis is required for the Port Ambrose Project. However, a General Conformity Applicability Analysis was not included in the draft environmental impact statement. If the applicability analysis is not included in the final environmental impact statement, and an analysis shows that the emissions from project construction are above the de minimus level, the Coast Guard would have to provide a separate public notice with a 30-day comment period. (40 CFR 93.156)

Greenhouse Gas Emissions:

FA5-5 In discussing greenhouse gas (GHG) emissions, the DEIS compares the project's operating emissions to total reported emissions worldwide. Recognizing that climate impacts are not attributable to any single action, but are exacerbated by a series of smaller decisions, we do not recommend comparing GHG emissions from a proposed action to global emissions. As noted by the CEQ revised draft guidance, "[t]his approach does not reveal anything beyond the nature of the climate change challenge itself: [t]he fact that diverse individual sources of emissions each make relatively small additions to global atmospheric GHG concentrations that collectively have huge impact."

Table 4.10-13 shows total GHG emissions from the proposed project operations per year. The document should state how many ships are expected each year to produce these emission totals.

Methane Leakage Prevention:

FA5-6 EPA recommends that the Coast Guard and applicant consider potential best management practices to reduce leakage of methane associated with operation of the Port Ambrose facility. EPA has compiled useful information on technologies and practices that can help reduce methane emissions from natural gas systems, including information regarding emission reduction options for Liquefied Natural Gas storage, import and export facilities.¹

¹ http://www.epa.gov/gasstar/methaneemissions/storage_import_export.html

FA5 U.S. Environmental Protection Agency (continued)

FA5-2 Text has been revised to indicate that the "regional transportation network in New York City and Northern New Jersey is managed by a network of local, state and federal organizations and agencies, including state and city Departments of Transportation, metropolitan planning organizations, the Federal Highway Administration, and the Port Authority of New York and New Jersey ". Please see section 3.10.1.

FA5-3 The estimated benthic impacts from construction and operation of Port Ambrose as presented in the final EIS as being 3.0 acres of permanent seafloor disturbance, is based on Table 1-1 - Summary of Seabed Impacts, as submitted in Liberty's Deepwater Port application (Volume II Topic Report 1 Project Description). That table factored in the displacement of all Port components (PLEM, landing pad, cable/chain assembly, tether, mooring piles) resting on the seafloor. It also factored in an assumption that the anchor cable would rise and fall with each delivery to the Port; however, there would be little "sweep" of the chain/cable assembly under most sea states. This is owing to the tautness and weight of the steel chain components limiting horizontal movement. The flexible riser and umbilicals are kept off of the seafloor by floats and therefore were not factored into the area of displacement/disturbance.

FA5-4 A separate General Conformity Determination is being issued with public notice and a 30-day comment period.

FA5-5 The text in Section 3.11.4 of the final EIS has been edited to remove the comparisons to global, regional, and New York State GHG emissions.

The text in Section 4.10.7.2 has been updated to indicate the number of LNCRV deliveries that will produce the GHG emissions presented in Table 4.10-14.

FA5-6 Further discussion of the LNCRV leak detection systems has been added to Section 4.10.8.

FA5

- General:**
- FA5-7 Section 2.0 - EPA recommends that Section 2 include a more detailed description of the project's operation. For example, the description should include how many LNG carriers will be expected to call on the port each year, and how long each carrier will be attached to the mooring. This will give stakeholders a better understanding of how Port Ambrose will work over time, and the expected environmental and navigational impacts.
 - FA5-8 In Table 4.3.2, the abbreviation MM should be defined, and placed in the list of acronyms and abbreviations.
 - FA5-9 Section 4.7.2.1 – Military Use. The final environmental impact statement should include the conclusions of any discussions with the Department of Defense (DOD) on military uses of the area, or whether it is likely that the proposed project would impact those, or other DOD uses.
 - FA5-10 Section 4.7.2.2 – Commercial Fishing. There is no Figure 3.8-1 in the draft environmental impact statement.
 - FA5-11 Section 4.7.4.1 – Scuba Diving. The section listed as 4.7.2.3 should be 4.7.2.1.
 - FA5-12 Section 4.7.6.4 - Using container equivalents as a comparison to vessels is incorrect and may mislead the public. While there may be 5 million 20-foot equivalents loaded and unloaded in the Port of New York and New Jersey (PONYNJ), it would be more reasonable to compare overall vessel calls to and from the PONYNJ to the visual impacts of the proposed project.

- FA5-7 The requested additional detail has been added to Section 2.1.4. The proposed Project would receive up to 45 LNGRVs per year. The duration to unload a single LNGRV is anticipated to range between 5 and 16 days, depending on the natural gas sendout rate, weather conditions, and other variables. The unloading of 45 LNGRVs per year corresponds to an annual average sendout rate of 400 MMscf/day, averaged over 365 operating days, or 8,760 operating hours, per year.
- FA5-8 MM has been defined as million and added to the list of acronyms and abbreviations.
- FA5-9 Thank you for your comment. Preliminary correspondence indicates that there is no conflict with military use in the Project area. This will be further addressed in the Record of Decision (ROD).
- FA5-10 Figure 3.8-1 is included in Section 4.7.2.2 of the final EIS.
- FA5-11 Comment has been addressed as noted.
- FA5-12 As discussed in Section 4.2.5, when the number of vessel roundtrips associated with Project construction is compared with the annual flux of traffic to the Port of New York and New Jersey, the construction activity would cause a relatively minor increase in vessel traffic.

FA5

SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION
Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact StatementCategory 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analysis, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.



FA6
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01830-2276

MAR 13 2015

Department of Transportation
Docket Management Facility
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue SE.
Washington, DC 20590-0001

**Re: Port Ambrose Deepwater Port Draft Environmental Impact Statement; Docket#
USCG-2013-0363**

Dear Sir or Madam,

We have reviewed the Draft Environmental Impact Statement (DEIS), and Essential Fish Habitat (EFH) Assessment for the Port Ambrose Deepwater Port. Under the current proposal, Liberty Natural Gas, LLC proposes to construct, own and operate a deepwater port and its attendant liquefied natural gas (LNG) terminal in the New York Bight, approximately 17 nautical miles southeast of Jones Beach, New York and 24 nautical miles east of Long Branch, New Jersey. The proposed facility features two Submerged Turret Loading™ buoy systems (STL Buoy) which would receive natural gas released from purpose-built LNG re-gassification vessels (LNGRVs) and subsequently introduce it into the existing Transco Lateral for distribution to customers onshore. The lateral pipeline facilities lie approximately 2.2 nautical miles south of Long Beach, New York and 13 nautical miles east of Sandy Hook, New Jersey. The proposed LNG carriers would deliver, on average, 400 million standard cubic feet of natural gas per day (MMscfd) and would use recirculation ballast water cooling systems, eliminating vessel discharges from vaporization. It is estimated that the Port Ambrose facilities will receive approximately 45 deliveries annually.

Project Setting

The New York Bight, a subset of the larger Mid-Atlantic Bight portion of the Northwest Atlantic Ocean, lies at the interface of an immense and interconnected system of open ocean waters, adjacent coastlands, estuarine embayments, and extensive upland watersheds. The extensive habitat complex of the New York Bight provides valuable habitat values and functions (i.e., migratory corridors and breeding/spawning, nursery, overwintering, and foraging grounds) for a wide variety of fishery resources. While some species occur in the New York Bight as full time residents, many are occasional or seasonal transients or highly migratory species. In recognition of these uses, essential fish habitat (EFH) has been designated throughout the New York Bight and thus, the Port Ambrose study area.



The immediate project vicinity is used for a variety of purposes ranging from fishing and marine transportation, to providing utility transmission corridors and recreation opportunities. The New York State Department of Environmental Conservation manages and maintains several successful artificial reef sites nearby, including several within or adjacent to the proposed Port Ambrose site. These reefs are visited actively by birders, recreational fishers and commercial harvesters who obtain access via private vessel, party boat charters or other watercraft hailing from docks and ports in the New York/New Jersey area. Given the important ecological values and functions that the local habitats provide for fish and wildlife, as well as the important socio-economic and recreational services that the area provides to the human community, it will be vital to evaluate fully any reasonably foreseeable direct, indirect, or cumulative effects associated with construction and use of the Deepwater Port (DWP) facilities in the DEIS. We are concerned that the DEIS is too reliant on data of opportunity or generic regional characterizations of historic species assemblages to be useful for supporting the necessary evaluations for site selection and preferred alternative identification. We enclose for your reference previous correspondence from our office on this project, namely: Comments on the Completeness of the Application (October 17, 2012), Comments on the Notice of Intent (NOI) for the EIS (August 8, 2013), and Technical Assistance regarding species listed by us under the Endangered Species Act (ESA) (August 12, 2013).

Comments on the DEIS

In our response to the NOI (see enclosed), we outlined a number of information needs and concerns. While some of those concerns were addressed in the DEIS, there are some specific issues that were not adequately addressed in the DEIS. The items listed below are outstanding information needs that are necessary to evaluate fully the proposed project.

FA6-1

FA6-2

FA6-3

FA6-4

- 1) **Purpose and Need** - The project need is not defined fully and the need for the project has not been adequately demonstrated. The document mentions a growing demand for natural gas but does not provide information to support that this demand exists or its magnitude. The applicant should present documentation that shows the proposed service area has a need or a committed customer lined up. It is also not apparent that the project must be a DWP. Since LNG facilities are not water-dependent facilities, the applicant should demonstrate why the project needs to be constructed in the ocean and why land-based alternatives are not viable.
- 2) **Project Alternatives Discussion** - This section should describe why the proposed site is being considered over other regional alternatives. It is important for the project proponents to justify why this location is the most suitable and least environmentally damaging alternative available and why other potential sites in the New York Bight were rejected. We specifically note that such an advanced stance on project siting may be premature given that the initial ichthyoplankton, benthic invertebrate, and other natural resource inventories do not adequately characterize local populations.
- 3) **Data gaps** - The data gaps and issues of concern that were raised in our completeness review comments, including the need to collect site specific benthic sampling, should be completed and the results incorporated in the FEIS. These more comprehensive findings should be used to support the rationale for selecting or rejecting particular system or

FA6 NOAA Fisheries (continued)

FA6-1 The USCG finds that the data cited in Sections 3 and 4 provides an adequate description of the existing and historic species assemblages. Additionally, as discussed in Section 3.2.1, Liberty conducted a Benthic Resource Characterization Survey to assess both the physical and biological characteristics of benthic communities in the ROI. Grab samples were collected at 33 stations, including nine in the area of the proposed Port facilities and 24 along the proposed Mainline route, at water depths ranging from 43 to 112 feet. Additional habitat impacts have been characterized in Section 4.2 of the final EIS.

FA6-2 The Coast Guard believes the analysis of an onshore LNG facility as an Alternative is outside the scope of this NEPA analysis. See response to FA4-2 for a discussion of purpose and need, and peak demand. Alternatives, including design and location alternatives for the Port Ambrose Project as well as energy alternatives and the No Action Alternative, are addressed in Section 2.2. Section 2.2.1.1 has been deleted as onshore LNG facilities are not considered an alternative to the proposed Project. Section 2.2.2, No Action Alternative, has been revised to include discussion of onshore facilities.

FA6-3 A detailed discussion of alternative port locations is provided in Section 2.2.1.3. In that section, it states that all sites are similar in regards to environmental impacts and that one site is not environmentally preferable over another. Other factors such as known fishing grounds and vicinity to the Traffic Separation Scheme contributed to the proposed site being the least impactful. Neither NEPA nor CEQ regulations require the selection of the least environmentally damaging alternative as preferred. A more detailed discussion on benthic and plankton impacts can be found in Sections 4.2.2 and 4.2.3, respectively. Impacts on ichthyoplankton, benthic invertebrates and other natural resources would be similar for all alternative port locations studied.

FA6-4 Coast Guard responded to your concerns via a letter to your office on May 12, 2015. Please see Appendix B.

FA6

- FA6-4 (cont) design alternatives; to explain how impacts would be avoided and minimized to the extent practicable; and to substantiate why the project proponents consider their proposed mitigation strategies reasonable compensation for losses or harm that would accrue during construction and over the life of the project.
- FA6-5 4) **Environmental Consequences** - The FEIS should consider how changes in sea level, habitat use and local species assemblages are likely to unfold during the life of the project and what the consequences might be.
- FA6-6 5) **Water Intakes and Discharges** - Hydrologic modeling is necessary to establish the likely areal extent and behavior of the thermal plume under various conditions to understand whether the reefs or other sensitive resources in the vicinity of the project would be adversely affected by the discharge of heated water. The FEIS should include all appropriate and practicable means of avoiding and minimizing these impacts.
- FA6-7 6) **Need for Enhanced Site Characteristics Studies** - As noted in our completeness review comments, more robust studies are necessary to understand the species assemblage that is present at the proposed site alternatives in order to facilitate evaluation of project impacts on those biota, including fisheries and benthic resources.
- FA6-8 7) **Fisheries Information** - The DEIS discusses some of the economic impacts that could result from the creation of an exclusion zone around the DWP facility. This exclusion zone would preclude commercial and recreational fishing activity in the area. We recommend a more detailed discussion of ecological effects to fishery resources as a result of the exclusion of recreational and commercial fishing operations be included in the FEIS as well. For example, issues such as displacement of existing commercial fisheries into other areas resulting in increased fishing pressure to other locations need to be addressed. We also recommend the FEIS include a comprehensive discussion of the socio-economic impacts resulting from the potential exclusion of commercial and recreational fishing operations within the vicinity of the DWP area. The FEIS should evaluate the regional impacts on fishing ports resulting from the potential closure of these fishing grounds due to LNG operations.
- FA6-9 8) **Cumulative Effects** - We recommend the FEIS clearly describe the relationship between the project and other projects in the area. The cumulative impact assessment within the DEIS mentions the proposed wind farm under consideration by the Bureau of Ocean Energy Management (BOEM) but does not expand upon the concerns BOEM expressed regarding potential conflicts between the two proposed projects. The cumulative effects on recreational and commercial fisheries within the exclusion zone, the no anchor zone and area to avoid should be evaluated. The FEIS should also discuss how these closures may affect nearby fishing grounds known as Cholera Bank. In addition, if the BOEM project also includes exclusion areas, this should be evaluated in addition to the exclusion areas of this project. While the applicant suggests the potential for compatible uses between the two facilities, the FEIS should consider cumulative effects of the two projects on fish habitat, fishery resources and commercial and recreational fishing activities.
- FA6-10

FA6-5 Climate change is most certainly a global issue with every person, country, and region contributing anthropogenic changes that could result in increases in sea level and changes in weather patterns. Such changes in weather parameters and sea level can then cascade to changes in biological communities both on land and in the ocean. The Proposed Port has been designed for a 25-year service life and sea level changes are not expected to materially affect operational activities over this time. While local habitat use and species assemblages may potentially fluctuate during the Proposed Project's serviceable lifetime, Sections 4.1 and 4.2 indicate that operation of the Proposed Port would result in direct and indirect impacts on benthic resources (e.g., benthic vegetation, shellfish and other benthic fauna) including physical loss and alteration of benthic habitat, increased turbidity from Port anchor chain and cable sweep, the entrainment of benthic larval stages in seawater used for Port operations, and the displacement of fishing effort. While these impacts would persist over the life of the Project, impacts would be minimal given the relatively small area of effect (3.2 acres).

FA6-6 All discharges from vessels associated with this project used for construction, operation and decommissioning of the project will meet current USGS and MARPOL standards to minimize impacts, as discussed in several sections of Section 4 of the final EIS. Thermal hydrologic modeling (CORMIX) has been completed and reported in Section 4.1.3.2 and Appendix J of the final EIS. This modeling indicates that thermal impacts are minimal in both magnitude and areal extent. Section 3 of the draft EIS does not identify any sensitive receptors (reefs) within the immediate area of the Port.

FA6-7 Coast Guard responded to your concerns via a letter to your office on May 12, 2015. Please see Appendix B.

FA6-8 Please see Section 5.5.2 for a description of navigational safety measures for the Proposed Port. These include the Safety Zone, no anchoring areas (NAAs), and the area to be avoided (ATBA) and would be incorporated into proposed Port operations with final dimensions and mandatory or recommendatory restrictions yet to be assessed for safety and security. The Deepwater Port Act (DWPA) requires the establishment of a zone of appropriate size around and including any deepwater port for the purpose of navigational safety. In such a Safety Zone, no installations, structures, or uses are permitted that would be incompatible with the operation of a deepwater port. The NAAs and the ATBA would appear on subsequent editions of local and regional nautical charts. No vessels would be allowed to anchor in the NAAs to prevent damage to the STL Buoy and mooring

system or damage to the proposed Port's equipment from entanglement. The restriction would likely also apply to bottom trawling. The ATBA is meant to discourage vessel traffic. It would help ensure that other vessels do not interfere with the deepwater port's operations, including the maneuvering of the LNGRV and its support vessel. Both the NAAs and the ATBA are normally recommendatory.

Construction of the Proposed Project will result in moderate, temporary impacts on commercial fishing as a result of the temporary displacement of fishing activities from within the Proposed Project Area and along the proposed Mainline Route (see Figures 3.7-1 and 3.8-1). Temporary impacts on targeted commercial ground fish, pelagic, and invertebrate species from loss and/or conversion of habitat, increased underwater noise, increased sediment disturbance from construction activities, and/or an accidental spill or releases could also affect commercial and recreational fisheries and are discussed in detail in Sections 4.7.2 and 4.7.4 of the final EIS.

Construction of the Proposed Port is anticipated to take place over a 20-month construction period inclusive of approximate 9- to 12-month off-site fabrication and pre-construction activities and a 9-month offshore component installation period. To ensure the safety of the public, work crews, and equipment, Liberty will temporarily restrict access to the proposed Project Area and along the proposed Mainline Route during construction, requiring that both mobile (trawl and rod and reel) and fixed (gillnets and traps/pots) fisheries to temporarily relocate outside of the construction area. While data shows that fixed and mobile gear activity within the Proposed Project area as compared to other locations throughout the New York Bight is low, and for the proposed Mainline Route is low to moderate, restriction of these areas will result in the temporary displacement of fishing activities. Impacts from this displacement is however expected to be short-term and minor as the area and period of restricted access will vary based on the specific activity during the construction period with access to the area being opened to use as soon as practicable.

Liberty has been in communication with the local fishing community. Open dialog and coordination between Liberty and the local industry during the planning and construction phase will assist in minimizing impacts. In addition, Liberty would issue local notice to mariners (LNMs) for construction of the proposed Project which would be available to assist in further minimizing unanticipated interactions with recreational and commercial fishing. Additionally, marine safety information broadcasts (MSIBs) would be issued whenever Port-related activities (e.g.,

construction, marine mammal monitoring or general proposed Port operations) would occur.

Operation of the Proposed Project will result in the permanent loss of 1,552 acres or 2.4 square miles around each buoy (Figure 2.1-12) of potential mobile and fixed fishing ground and introduce a potential obstacle to traditional navigation routes. However, Liberty has designed a pipeline burial depth that is sufficient to allow continued use of mobile and fixed gear along the Proposed Mainline Route. Displacement of fishing activity from the NAA around the Proposed Port could potentially cause increased fishing in adjacent areas. Evaluating the ecological impact to finfish as a result of displacement of fishing effort depends on the type of fishery, the areas to which displaced vessels move, and the extent to which the fishery intensifies in a given area, or changes as a result of displacement from the port area. Displaced fishing effort is not expected to be a major problem in the Proposed Project area for two reasons. First, the NAA is a relatively small portion of the available fishing area (the geographic area of the Proposed Port's NAA would be approximately 1.2 percent of the geographic area of Statistical Blocks 44 and 45) (see Figure 3.7-2 and Figure 4.7-1). Second, NOAA landings data indicate that the level of fishing activity occurring in the Project area is low compared to overall fishing activity in the surrounding area (see Figures 3.7-1 and 3.8-1), and as a result, any fishing activity displaced from the Proposed Project area would create a minor increase in fishing effort in other areas. In addition, displaced gear would be subject to current and future use restrictions and conservation measures.

FA6-9 The environmental effects of construction and operation of the NYPA offshore wind energy project would be considered cumulative with the Port Ambrose project if it is built and operated. However, we do not believe at this time that this project is reasonably foreseeable so it was excluded from a full review in the Port Ambrose cumulative impacts analysis. See final EIS Sections 2.2.3.1, 3.7.1.9, and 6.1.1.6.

FA6-10 See response to FA6-8.

FA6

FA6-11 9) **Mitigation** – The FEIS should include a discussion of compensatory mitigation for unavoidable permanent and temporary impacts resulting from the construction and operation of the pipeline and the DWP. We recommend that the applicant analyze the anticipated effects to and anticipated recovery times of marine fishery resources and habitats as a result of the proposed project, and propose compensatory mitigation for impacts that cannot be avoided. The compensatory mitigation plan should include temporal losses of living marine resources as a result of the proposed project. The development of the compensatory mitigation plan should be coordinated with Federal and state resource agencies.

FA6-12 10) **Monitoring** - A biological monitoring plan that contains components for both construction and operation of the DWP should be developed. Construction monitoring should focus on the recovery of the substrate from impacts of installing the pipeline and flowlines. Operational monitoring should address impacts on ichthyoplankton and zooplankton resources from the proposed seawater intake. The monitoring plan should be linked to a plan for adaptive management of the LNG facility to allow operational or mechanical modifications to prevent or minimize adverse impacts on the marine environment. The development of the biological monitoring plan should be coordinated with Federal and state resource agencies.

Pertinent Regulatory Authorities

We presented the statutes which set forth our mutual responsibilities under the Magnuson Stevens Fishery Conservation and Management Act (MSA), the Fish and Wildlife Coordination Act (FWCA), the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) in our October 17, 2012, completeness review comments and again in our August 8, 2013 comments on the NOI. These statutes collectively provide the framework and authority for our involvement in evaluating potential impacts to fish, wildlife, and their habitats which arise from a wide range of water resource development projects and other human activities.

Magnuson Stevens Fishery Conservation and Management Act

The MSA requires federal agencies such as the Department of Transportation to consult with us on any action or proposed action authorized, funded, or undertaken by the agency that may adversely affect EFH identified under the MSA. Because the construction and operation of an offshore LNG facility will have an adverse effect on EFH, this process is guided by the requirements of our EFH regulation at 50 CFR 600.905, which mandates the preparation of EFH assessments, lists the required contents of EFH assessments, and generally outlines each agency's obligations in this consultation procedure.

Essential Fish Habitat

EFH regulations allow Federal agencies to incorporate an EFH assessment into documents prepared for other purposes including National Environmental Policy Act (NEPA) documents such as this DEIS, provided certain conditions are met. If an EFH assessment is contained in another document, it must be clearly identified as an EFH assessment and include all of the following mandatory elements including: (i) a description of the action, (ii) an analysis of the potential adverse effects of the action on EFH and the managed species, (iii) the Federal agency's

FA6-11 Liberty is committed to proposing compensatory mitigation for marine fishery resources that cannot be avoided. According to Liberty, mitigation would primarily address foregone fishery yield owing to operational sweater intakes but would also address displaced fishing opportunities by commercial fishing. The development of this compensatory plan would be coordinated with the appropriate federal and state agencies. See final EIS Section 4.2-8.

FA6-12 Liberty will provide a biological monitoring plan as a component of the construction and operation phase Prevention, Monitoring, and Mitigation Program (PMMP). Construction monitoring will focus on possible impacts to, and recovery of, the benthic community from the installation of pipelines and flow lines. Operation monitoring will address possible impacts to the plankton community, including ichthyoplankton and zooplankton, from the proposed seawater intake. Development of biological monitoring plans would include adaptive measures and would be coordinated with applicable federal and state agencies.

FA6

conclusions regarding the effects of the action on EFH, and (iv) proposed mitigation, if applicable.

FA6-13 The EFH assessment contained in the DEIS does not adequately assess all of the potential direct, indirect, individual and cumulative adverse effects of the proposed project on federally managed species and their EFH, and does not contain sufficient site specific information to allow a full and complete analysis of impacts or to support assertions made in the document. For example, the DEIS states that impacts to plankton, eggs and larvae have been minimized because densities of these resources are lower in the project area. However, no site specific information or studies have been provided to support this statement. The DEIS also attempts to quantify entrainment mortality during the three phases of the project. However, while the equivalent adult values appear to be relatively minor, this method focuses solely on finfish survival to maturity and does not account for ecosystem and food web benefits derived from the egg and larvae of these species as a source of prey. In order to fully account for adverse impacts resulting from the facility, we recommend the assessment include an analysis of ecosystem and food web benefits foregone as a result of operational impacts on eggs and larvae.

FA6-14 The EFH assessment does not adequately assess impacts to the benthic community and fisheries. Further discussion needs to be provided on all impacts for all phases of the project. The evaluation should include changes in water quality, changes in water temperature, ballast water intake and discharges, mortality of a resource due to fill placement, daily operational impacts and their cumulative impacts over time. All impacts discussed in the DEIS are considered in a very general manner and do not address site specific effects. The applicant should clearly identify and summarize all the project impacts in all phases, separating out temporary from permanent impacts to federally managed species and their EFH, including prey species and water quality effects. The term "temporary" should be well defined and anticipated recovery times along with supporting data should be presented. These impacts should be assessed over both a short and long term scale.

The following data is necessary to assess impacts and develop appropriate EFH conservation recommendations for both the DWP site and the pipeline alignment.

FA6-15 1) The applicant should develop and implement a site specific benthic sampling program which includes sampling during all phases of development. This should include site specific pre-construction data collection to assist in the development of conservation recommendations.

FA6-16 2) A fisheries monitoring plan should be prepared and implemented for all phases of development. This plan should include site specific pre-construction data collection to assist in the development of conservation recommendations.

FA6-17 3) Geo-technical surveys should be completed and presented in the EFH assessment in order to evaluate the impacts of the various anchor types.

FA6-18 In addition, associated onshore activities may require consultation if those activities have the potential to impact EFH. The DEIS states that because existing marine terminals are being considered for the onshore work, further consultation would not be necessary, but this may not

FA6-13 The EFH Assessment includes additional consideration for food web effects due to the removal of prey.

FA6-14 Project impacts have been more clearly defined.

FA6-15 Liberty has agreed to develop and implement a Prevention, Monitoring, and Mitigation Program (PMMP) that would include monitoring to occur during construction and operation of the Port. Construction monitoring plans would focus on possible impacts to, and recovery of, the benthic community from the installation of pipelines and flowlines. Operational monitoring will address possible impacts to the plankton community, including possible impacts to ichthyoplankton and zooplankton communities) from the proposed seawater intake. Development of the monitoring plans would include adaptive management measures, and would be coordinated with federal and state resources agencies. See final EIS Section 4.2-8.

FA6-16 See response to FA6-12.

FA6-17 Geotechnical surveys have been included as part of Liberty's PMMP and will be included as a license condition for construction of the proposed Port, should a license be issued. Because the surficial sediments are predominately sand and sand waves it is unlikely that the geo-technical survey itself will cause any impact to EFH. The diameter of the cores to be taken is small, and the number of cores will likely be very small (less than 20) and therefore the area affected by surficial sediment removal will be very small (<100 square feet). See final EIS Section 4.2-8.

FA6-18 No alterations or expansions are planned at the proposed onshore facility locations. If any alterations or expansions to existing facilities are needed, the proposed work would be evaluated and included in a revised EFH assessment prior to work commencing.

FA6

FA6-18 (con't) be the case. If any alterations or expansions to existing facilities are needed for this project, the proposed work should be evaluated in the FEIS and included in a revised EFH assessment.

FA6-19 In order to fully evaluate all of the project's potential effects to EFH, a revised EFH assessment should be provided to us for review. This assessment can be submitted as a stand-alone document or included as a component of the FEIS. We suggest a stand-alone document be developed once the necessary site specific information is obtained. This will reduce delays in completing the EFH consultation once the FEIS is released. It will also allow for the incorporation of any necessary EFH conservation recommendations into the final NEPA document. We will continue consultation once a revised EFH assessment is received and will provide conservation recommendations at that time. It is important that the applicant clearly demonstrate steps to avoid, minimize, and mitigate for impacts to EFH and their prey species in the revised EFH assessment.

Marine Mammal Protection Act

Under the MMPA, the Secretary of Commerce, through NOAA, may authorize the take of small numbers of marine mammals incidental to otherwise lawful activities provided that the takings would have no more than a negligible impact on those marine mammal species and would not have an unmitigatable adverse impact on the availability of those species for subsistence uses. An activity has a "negligible impact" on a species or stock when it is determined that total taking by the activity is not reasonably likely to reduce annual rates of survival or annual recruitment (i.e., offspring survival, birth rates). Incidental harassment of marine mammals can result from exposure to underwater sound. In the event that any aspect of the project will result in a marine mammal "take," you or the project applicant would be responsible for obtaining an incidental take authorization in advance from us (16 U.S.C.1371(a)(5)(A) and (a)(5)(D)). We encourage the applicant to work with the Permits and Conservation Division in our Office of Protected Resources to discuss the potential need for MMPA authorizations. Please contact Jolie Harrison with any questions regarding the need for this authorization (Jolie.Harrison@noaa.gov or 301-427-8401).

FA6-20

Endangered Species Act

Section 7 of the Endangered Species Act (16 U.S.C. § 1536(a)(2)) requires Federal agencies to consult with the Secretary of Commerce, through NMFS, to insure that "any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or adversely modify or destroy [designated] critical habitat . . ." (50 C.F.R. part 402). We provided technical assistance regarding the presence of species listed by us under the ESA on August 12, 2013 (see enclosed). On December 19, 2014, the Coast Guard and MARAD requested concurrence with their determination that the proposed action may affect, but is not likely to adversely affect federally listed threatened and endangered species pursuant to section 7 of the ESA. You intend the DEIS to serve as the biological assessment (BA) for purposes of the section 7 consultation. As noted in the DEIS, and discussed in correspondence from us dated August 12, 2013, several ESA listed species of whales, sea turtles and Atlantic sturgeon are at least seasonally present in the project area.

FA6-19 The EFH Assessment has been revised to respond to comments received on the final EIS. Additional detail was included to explain how prime fishing areas were avoided in siting the mainline route. Also, the area of potential EFH overlap with Project construction and operation was estimated for each EFH-designated species, thus differentiating the magnitude of potential impacts for individual species

FA6-20 See response to CO134-62.

FA6

Vessel Traffic

Construction vessels, support vessels, and LNGRVs associated with the construction and operation of the DWP have the potential to affect listed species due to increases in the frequency of vessel transits and changes in vessel traffic patterns. The DEIS has characterized the potential effect of vessel traffic on marine mammals as direct and potentially significant as it relates to overall effects to local whale populations, and the effect to sea turtles as direct but negligible as it relates to overall effects to local populations. The applicant also indicates that a vessel collision with a sea turtle, whale, or sturgeon is unlikely.

Although available data indicate that ship strikes on marine mammals and sea turtles are rare relative to the total density of vessel traffic, the available data represent a minimum of reported interactions between ships and marine species. Many ship strike events are not recognized or reported. We have identified vessel collision as one of two primary sources of human-caused mortality to the North Atlantic right whale, and based on the precarious status of this population, we have promulgated regulations to reduce the risk of vessel collisions on right whales (73 FR 60173). The waters off New York are used by right whales moving between northern and southern waters, and a high percentage of the remaining known population may be seasonally present in these waters. Although the proposed DWP has not been sited within primary right whale foraging habitat, LNGRVs in transit to and from the DWP may pass through critical habitat (i.e., the Great South Channel), and whales may migrate near the DWP while entering and exiting important feeding grounds. Additionally, humpback and fin whales may use the waters adjacent to the proposed DWP site. We recommend that the FEIS provide a more robust evaluation of potential turtle and marine mammal/vessel interactions associated with the proposed terminal. An appropriate risk analysis should include factors such as total increase in vessel traffic associated with the project, vessel specifications, species densities, and likely vessel traffic patterns from point of origin to destination.

FA6-21 Additional analysis of risk from vessel traffic patterns has been provided in section 4.2.5 and section 4.3 of the final EIS.

The DEIS includes proposed vessel strike avoidance requirements for the vessels associated with the project. We agree that the applicant should adopt vessel strike avoidance requirements; however, we believe that a more robust risk analysis is necessary for us to determine appropriate operational measures to minimize the impact of vessel traffic on marine mammals and sea turtles.

FA6-22 Additional analysis of risk from vessel traffic patterns has been provided in section 4.2.5 and section 4.3 of the final EIS.

FA6-22 Vessel traffic can also affect listed species through noise disturbance. The DEIS has proposed minimization measures to reduce the impact of noise on listed species during construction activities, but does not include a robust analysis of the approximate underwater noise levels and frequencies generated by vessel activities. In the absence of such information, we cannot determine the potential behavioral effects to listed species.

Pile Driving

Studies have shown that pile driving can result in fish injury and mortality¹. Sea turtles and marine mammals with gas-filled cavities, such as swim bladders, lungs, sinuses, and hearing

¹Abbott, R., and E. Ding-Sawyer. 2002. Assessment of Pile Driving Impacts on the Sacramento Blackfish (*Orthodon microlepidotus*). Draft report prepared for CALTRANS. October 10, 2002.

structures may also be at risk. The sound waves produced by some pile driving projects result in fish kills and injuries, and the trauma to the fish are similar to the trauma occurring during explosions. As with explosions, the potential effects of pile driving on animals is likely proportional to body mass, such that smaller animals are more susceptible than larger animals. Although there is some potential for injury to listed species, the most likely effect is behavioral response to the sound emitted from pile driving that may disrupt feeding, mating, or resting individuals.

Of the two methods of pile driving, vibratory and impact, impact driving results in a greater acoustic impact on the surrounding environment. During pile driving, the size and maximum operating energy level of the hammer, the size and length of the piles, substrate type, water depth, and other environmental variables may affect the level of sound produced from the impact hammering. Modeling of the frequencies and decibel levels produced by pile driving should be completed to estimate potential effects to listed species in the project area. In addition to considering the potential for physiological effects (e.g., injury, mortality), the DEIS should also consider the potential for behavioral effects. The magnitude of these effects would be dependent on the decibel levels and duration of the pile driving activity as well as the behavior of listed species in the project area.

FA6-23

The applicant has not identified blasting as a project component associated with installation of the pipeline. In the event that surveys indicate blasting is necessary, the applicant will need to analyze the associated impacts. Blasting can result in similar noise and pressure wave impacts as those associated with pile driving.

FA6-24

FA6-25

At this time, we are not able to determine whether pile driving activities associated with this project may affect any ESA listed species. We recommend the applicant include additional analysis of impact pile driving, and provide a more detailed description of all pile driving activities. For example, the size and number of piles, installation technique (impact or vibratory), and time required to complete pile driving (# of days/hours). The FEIS should include a table that summarizes this information and includes the criteria and modelled distances to our "take" thresholds for injury and behavioral harassment. The applicant should develop plans to minimize noise effects to listed species. These may include time of year restrictions, the use of bubble curtains, establishment of zones of impact, use of protected species observers, or alternative pile driving and pipeline installation methods.

Ballast Water Intake

Although the applicant is proposing a closed-loop system for LNG regasification, marine organisms and their prey may become impinged or entrained during ballast water intake. The DEIS has not adequately addressed the impacts of ballast water intake in the vicinity of the unloading buoys on listed species. The FEIS must consider the risk of impingement of sturgeon and sea turtles at the intakes. Also, because the ballast water intake can impinge and entrain small organisms, including plankton, the FEIS should analyze the potential effects to listed species as a result of changes in the abundance or availability of prey species.

FA6-26

FA6 NOAA Fisheries (continued)

FA6-23 In August 2014, Liberty submitted a letter to USCG and MARAD indicating that it was changing its proposed Port anchor design from using driven piles, to one of using suction piles. This change was supported by an anchor concept verification study commissioned by Liberty and performed by Moffatt & Nichol in July 2014. The results of this study confirmed that the geology and bathymetry in the vicinity of the Port are supportive of the use of suction piles and that it is a common construction method used in the Bight. The study further confirmed that suction piles could be adequately sized and installed to achieve the holding power necessary for an APL Buoy System. The final EIS continued to list driven piles as an alternative should geotechnical studies contradict the use of suction piles. Therefore Liberty offers the following response to the impacts from pile driving.

Construction Phase: Appendix B: Impact Piling: Relationship Between Noise Metrics; and Appendix C: Impact Piling Alternative of the Report entitled, Port Ambrose Deepwater Port License Application Underwater Noise Impact Assessment, submitted in August 2014 (also Appendix N of the final EIS) provides details of the impact piling alternative. Table C-1 of Appendix C provides a summary of pile driving threshold distances for whales, dolphins and porpoises and Table C-2 provides a summary of pile driving threshold distances for seals, turtles and Atlantic sturgeon. An estimate on "...how many marine mammals would be exposed to underwater noise generated ..." by pile driving was never developed as this is commonly not developed unless there is an anticipated take. Because the proposed Project is expected to install suction piles for use as anchors during the construction phase, a low level of risk has been identified for cetaceans, sea turtles, and fishes from sound generated by suction pile placement.

Operational Phase: Operational, routine maintenance and decommissioning activities are also expected to have a low level of risk to protected marine fauna because vessel noise is expected to be comparable to that generated by common and existing vessel traffic in the surrounding area and because animals have the ability to move away from potential sound sources.

Liberty will be seeking an IHA from NOAA. The application will include an estimate of "take" or how many marine mammals would be "exposed" to various sound sources and further discuss mitigation measures to minimize impacts to listed species.

FA6-24 Blasting is not currently part of the proposed Project construction, operation, and/or decommissioning.

FA6

Habitat Alteration

FA6-27 Additional analyses of the potential effects of noise pollution, marine debris, discharges, and changes in water quality and/or temperature resulting from spills, turbidity during construction, and wastewater discharges are necessary. Such effects could potentially alter sturgeon, sea turtle, and marine mammal foraging success, health, or result in temporary abandonment of the affected area. For example, the release of fuel oils may have a direct effect on plankton. We recommend that the potential effects on plankton be further analyzed, based on the importance of plankton as prey species for whales in the vicinity of the project location.

Summary of ESA Recommendation:

In summary, additional analysis is necessary in order for the assessment of effects to ESA listed species and their habitats to be complete. Necessary additional analysis includes the following:

- FA6-22 (con't)
 - A more robust risk analysis of vessel traffic patterns and vessel operations associated with the project and the potential to impact listed whales, sea turtles and sturgeon through various direct and indirect means (e.g., noise disturbance, behavioral disruption, strikes).
- FA6-23 (con't)
 - Additional details on the method and specifications for pile-driving activity, as well as an analysis of the intensity and propagation of underwater noise and pressure waves generated by the pile-driving.
- FA6-24 (con't)
 - If blasting is necessary, provide additional information and impact analysis for any blasting that will take place during installation of the pipeline or other construction activities.
- FA6-26 (con't)
 - Address the impact of ballast water intake on sea turtles if such will be necessary at the project site.
- FA6-7 (con't)
 - Address indirect effects of marine debris, changes in water quality and changes in temperature on sea turtle and marine mammal habitat and prey species, particularly plankton.

This additional information will assist in evaluating the potential impacts of the proposed DWP on endangered and threatened species listed by us under the ESA.

We recognize that it may be difficult to model and assess these impacts on listed species and their prey based on the limited amount of data currently available. We are available to assist the applicant in identifying relevant studies and monitoring protocols that may be of use in preparing the recommended analyses.

ESA Section 7 Consultation

Section 7 consultation is required when an action "may affect" listed species and/or critical habitat. Consultation may be concluded informally if the action "may affect, but is not likely to adversely affect" listed species and/or critical habitat. A "not likely to adversely affect"

FA6-25 See response to FA6-23

FA6-26 The final EIS discusses impacts to biological resources including listed species in Sections 4.2 and 4.3. This analysis and mitigation meets these standards.

FA6-27 The final EIS discusses impacts to biological resources including listed species in Sections 4.2 and 4.3. These sections address the effects of noise, marine debris and water quality due to construction and operation.

FA6-22 (con't)

FA6-23 (con't)

FA6-24 (con't)

FA6-26 (con't)

FA6-7 (con't)

FA6

conclusion is appropriate when effects are wholly beneficial, insignificant or discountable. As explained in the joint U.S. Fish and Wildlife and NMFS Section 7 Handbook, "beneficial effects are contemporaneous positive effects without any adverse effects. Insignificant effects relate to the size of the impact and should never reach the scale where take occurs. Discountable effects are those extremely unlikely to occur. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur."

FA6-28 | You have requested our concurrence with your determination that the proposed action is not likely to adversely affect any ESA listed species under our jurisdiction. At this time, it appears the available analysis may not support this conclusion. For example, in the DEIS, you conclude the proposed action may affect, but is not likely to adversely affect endangered whales. These effects could result from the construction, operation, and decommissioning of the port, including acoustic effects and increased risk of ship strike due to the increased vessel traffic associated with the port. We remain concerned that acoustic disturbance during construction, operation, and decommissioning of the LNG terminal could result in the injury or harassment to listed marine mammals. For example, although the DEIS states that suction anchors were the preferred method for installing buoys, impact piling driving may be necessary depending on geotechnical conditions at the site. However, the DEIS did not include information about the effects of impact pile driving as an alternative anchoring method. In addition, the DEIS did not include an estimate of how many marine mammals could be exposed to underwater noise generated during the different phases of the project. In order to move forward with the section 7 consultation, you must address the information needs outlined above. Additionally, we encourage you to continue working with us and the applicant to develop measures that could minimize effects of the proposed action.

FA6-29 | Although MARAD/USCG has the option to continue discussing appropriate mitigation through the informal consultation process, it may not be possible to mitigate all adverse effects to a discountable or insignificant level and thus conclude consultation informally. As such, we recommend that formal consultation be initiated as soon as possible to prevent further delays under the DWPA. As provided in 50 CFR §402.14(c), formal consultation must be initiated by MARAD/USCG in writing. The letter should be addressed to John Bullard, Regional Administrator, and should include the information described in 50 CFR §402.14(c). In addition, this letter should include a statement designating a lead action agency for purposes of section 7 consultation. Upon receipt of the initiation package, we will determine within 30 days whether the package is complete (i.e. all information necessary to conduct consultation has been provided); however, in consideration of the timelines, we will attempt to expedite this determination. We have 135 days from the date of initiation of formal consultation (i.e., the date that NMFS received a complete initiation package) to deliver a Biological Opinion and Incidental Take Statement, as appropriate, to the lead Federal agency.

Conclusion

Thank you for the opportunity to provide these comments in response to the DEIS for the proposed Port Ambrose LNG Deepwater Port. We look forward to working with you as you prepare the FEIS and a revised EFH assessment. If you have any questions regarding Essential

10

FA6-28 Additional analysis of risk from vessel traffic patterns has been provided in section 4.2.5 and section 4.3 of the final EIS.

FA6-29 Coast Guard responded to your concerns via a letter to your office on May 12, 2015. Please see Appendix B.

FA6

Fish Habitat, please contact Melissa Alvarez, PWS of our Habitat Conservation Division (Melissa.Alvarez@noaa.gov or (732) 872-3116). For ESA listed species issues, please contact Brian Hopper of our Protected Resources Division (Brian.D.Hopper@noaa.gov or (410) 573-4592).

Sincerely,



John K. Bullard
Regional Administrator

Enclosures: (3) Correspondence from NOAA Fisheries dated August 12, 2013; August 8 2013 and October 17, 2012.

Cc L. Chiarella, M. Alvarez - F/GAR4
K. Damon-Randall, B. Hopper - F/GAR3
Casey - GCNE
J. Creed - NOAA PPI
L. Knutson - EPA Region II
J. McDonald - NY ACOE
E. Schradling - FWS Pleasantville
S. Sinkevich - FWS Islip

STATE AGENCIES

SA1 New York State Senator Brad Hoylman and Member of Assembly Linda B. Rosenthal

SA1

From: rosentl@assembly.state.ny.us on behalf of Linda Rosenthal
To: Bachman_Soddy_C.CIV; Yvette.Fields@dot.gov
Cc: hoylman@nysestate.gov; jerrid.nadler@mail.house.gov
Subject: Letter State Senator Hoylman & Assemblymember Rosenthal re: Port Ambrose LNG Facility
Date: Tuesday, December 23, 2014 6:46:52 PM
Attachments: [2014-12-23 Port Ambrose Deadline Extension Rosenthal-Hoylman.pdf](#)

Senator Brad Hoylman and I have drafted a letter (attached here) requesting an extension of the public comment period on the application of Liberty Natural Gas, LLC to build a liquefied natural gas deepwater port facility off the coast of Long Island, NY. In addition, we have also requested an additional public hearing to be held in Manhattan. Should you have any questions, please do not hesitate to contact either one of us. Thank you.

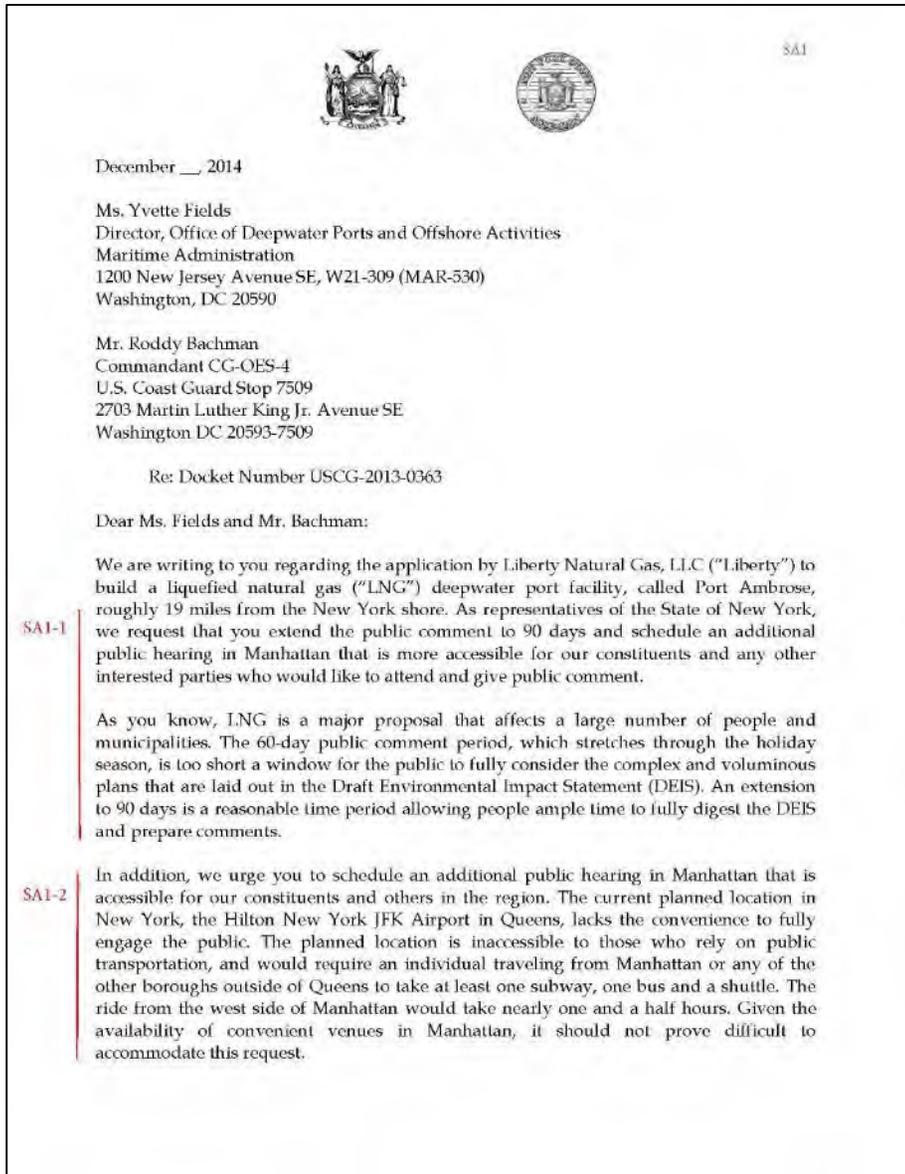
Linda B. Rosenthal

Member of Assembly – 67 AD

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Follow Linda on Twitter! <<https://twitter.com/LindaBRosenthal>>

Keep up with Linda Rosenthal on Facebook! <<http://www.facebook.com/LindaBRosenthal.UWS>>



SA1-1 On February 3, 2015, MARAD published a notification in the Federal Register (80 FR 5883) which extended the closing date for receipt of public comments on the Port Ambrose draft EIS to March 16, 2015. This 30-day extension of the mandated 60-day public comment period was issued in response to numerous requests submitted by State and local officials as well as citizens, in the affected areas, for additional time to review and comment on the draft EIS.

SA1-2 Thank you for your comment requesting an additional public hearing. As stated in a notification published by MARAD in the Federal Register (80 FR 5883), the comment period was extended for 30 days beyond the mandated 60-day public comment period. Written public comments may be submitted in lieu of, and/or in addition to, providing oral comments at a public meeting; therefore, the public has been provided with several opportunities to comment on the draft EIS and it has been determined that an additional public hearing is not necessary.

We urge you to extend the public comment period to 90 days and schedule a public hearing in Manhattan. Thank you for your consideration of these requests. ^{SA1}

Sincerely,



Brad Hoylman
State Senator
322 8th Avenue, Suite 1700
New York, NY 10001



Linda B. Rosenthal
Member of Assembly
230 West 72nd Street, Suite 2F
New York, NY 10023

SA2

NEW YORK
STATE SENATE



NEW YORK
STATE ASSEMBLY

STATE OF NEW YORK
ALBANY

TESTIMONY OF STATE SENATOR BRAD HOYLMAN AND ASSEMBLYMEMBER LINDA B. ROSENTHAL TO THE MARITIME ADMINISTRATION AND U.S. COAST GUARD REGARDING THE PROPOSED PORT AMBROSE LIQUEFIED NATURAL GAS PROJECT

JANUARY 7, 2014

Thank you for the opportunity to submit testimony to the Maritime Administration and U.S. Coast Guard regarding the application by Liberty Natural Gas, LLC (Liberty) to build a liquefied natural gas (LNG) deepwater port facility called Port Ambrose, roughly 19 miles from the New York shore. We oppose this unnecessary and environmentally irresponsible project and have serious concerns about the timeline and the public process.

SA2-1 The construction and operation of Port Ambrose would have a negative ecological impact on its surroundings, discharge millions of gallons of chemically treated seawater and require the dredging of miles of sea floor. Port Ambrose would contribute to environmental degradation by increasing New York's reliance on natural gas, a methane emitting fuel, at a time when we instead should be focusing on the development and deployment of clean, safe and renewable energy sources. According to the Intergovernmental Panel on Climate Change, the leading international body for the assessment of climate change, methane is a potent greenhouse gas that is 34 times more effective at trapping heat in our atmosphere over a 100-year period than carbon dioxide. This is, of course, in addition to the potential damage to New York's coastline if an extreme weather event, such as another Hurricane Sandy, were to damage a vulnerable offshore facility of this type.

SA2-2

SA2-3 Port Ambrose is an unnecessary project. According to the 2014 Draft New York State Energy Plan, domestic production of natural gas is at its highest level in four decades and the "need for substantial increased volumes of imported LNG has diminished for the near term." The Draft Energy Plan further states that this saturation of supply in natural gas has caused imports to decline every year from 2007 through 2012, a year in which just two of the twelve active LNG import terminals in the country received regular shipments. Adding another unused port to that tally, particularly in light of the myriad potential detrimental environmental impacts, would be both imprudent and wasteful.

SA2-1 Thank you for your comment.

SA2-2 Thank you for your comment.

SA2-3 Thank you for your comment.

SA2

SA2-4

Furthermore, the process to consider this project requires more transparency and opportunities for public input. LNG is a major proposal that will affect large numbers of people and municipalities. We appreciate the Maritime Administration's willingness to extend the public comment period from 60 to 90 days, which will allow stakeholders additional time to fully consider the complex and voluminous plans that are laid out in the Draft Environmental Impact Statement. However, we also urge you to schedule an additional public hearing in Manhattan that is accessible for our constituents and others in the region. Today's public hearing at the Hilton JFK Airport is currently the only hearing scheduled in New York and is geographically inconvenient. As a result, it is inadequate for robust public engagement. The location is inaccessible to those who rely on public transportation, and requires anyone traveling from Manhattan or any of the other boroughs outside of Queens to take at least one subway, one bus and a shuttle. The ride from the west side of Manhattan, an area we represent, takes nearly one and a half hours. Given the availability of convenient venues in Manhattan, one would not be hard-pressed to identify another, more accessible location.

In 2011 New Jersey Governor Chris Christie vetoed an application for an LNG port by Liberty off the coast of New Jersey, stating that "offshore LNG poses unacceptable risks to the state's residents, natural resources, economy and security." We urge you to oppose this project as a means of defending New York State's precious environmental assets, and also to ensure that the public is fully engaged in the process.

Thank you for your consideration of our comments.

SA2-4 Thank you for your comment.

1/21/2015
Regulations.gov - Comment
SA3



New Jersey State Chamber of Commerce

This is a Comment on the **Coast Guard** (USCG) Notice:
[Environmental Impact Statements: Availability, etc.:](#)
[Liberty Natural Gas LLC, Port Ambrose Deepwater Port](#)

For related information, [Open Docket Folder](#)

Comment Now!

Due Feb 10, 2015, at 11:59 PM ET

Comment

January 6, 2015

Commandant (CG-OES-4)
 Deepwater Ports Standards Division
 U.S. Coast Guard Stop 7509
 2703 Martin Luther King Jr. Ave SE
 Washington, DC 20593-7509

RE: Liberty Natural Gas, LLC, Port Ambrose Project, Docket:
 USCG-2013-0363

Attn: US Coast Guard

By way of background, the New Jersey State Chamber of Commerce (State Chamber) is recognized as the independent voice of business in New Jersey. With a broad-based membership ranging from Fortune 500 companies to small proprietorships, representing every corner of the state and every industry, our members provide jobs for over a million people in New Jersey. We continue to work towards promoting a vibrant business environment and economic prosperity through vision, expertise and innovation.

I am writing on behalf of the State Chamber to express our support and respectfully encourage you to approve the Liberty Natural Gas (Liberty) Port Ambrose Project. This project will soon come to a decision that will greatly impact our state. For the past few months, the State Chamber has followed the developments of this project through the USCG Deepwater Port Act licensing process.

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Tracking Number: 1jz-8gh5-5kvr

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609-989-9696

SA3-1 The State Chamber supports this project after careful consideration because of the economic benefits it will have in the region including, but certainly not limited to, the bringing of over 800 construction related jobs, the spending of over \$90 million dollars of goods and services in our local economy and an annual operating budget of \$20 million on permanent and contract

<http://www.regulations.gov/document/Detail/D=USCG-2013-0363-1156>
1/2

SA3-1 See CO2-1.

12/1/2015 Regulations.gov - Comment SA3

SA3-1 (con't) service jobs as well as revenues generated by taxes.

SA3-1 (con't) Most importantly is the projects ability to introduce competitively priced natural gas into the system at periods of peak demand, which drives down and stabilizes costs which directly affects consumers (residents and businesses) both in the lowering their costs for natural gas and electricity.

SA3-2 As a long-serving member of the NJ Clean Air Council, we have collectively worked on recommendations to reduce air emissions here in our state. We are constantly seeking ways to supply the needed energy to our state in a manner that will both meet our energy goals and benefit the overall air quality. Natural gas is a clean burning and predictable fuel source. The State Chamber believes that the Port Ambrose is a safe and environmentally friendly infrastructure project that has very low environmental impact and void of public hazards due to its location several miles offshore.

We urge you to move forward and take into consideration the economic and environmental benefits of the Port Ambrose project. Thank you for taking our views into consideration.

Sincerely,

Michael A. Egenton
Senior Vice President, Government Relations

Attachments (1)

New Jersey State Chamber of Commerce

View Attachment: 

<http://www.regulations.gov/#/documentDetail;D=USC-2013-0363-1150> 2/2

SA3-1
(con't)

SA3-2 Thank you for your comment.

SA3



January 6, 2015

Commandant (CG-OES-4)
Deepwater Ports Standards Division
U.S. Coast Guard Stop 7509
2703 Martin Luther King Jr. Ave SE
Washington, DC 20593-7509

RE: Liberty Natural Gas, LLC, Port Ambrose Project, Docket: USCG-2013-0363

Attn: US Coast Guard

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I am writing on behalf of the State Chamber to express our support and respectfully encourage you to approve the Liberty Natural Gas' (Liberty) Port Ambrose Project. This project will soon come to a decision that will greatly impact our state. For the past few months, the State Chamber has followed the developments of this project through the USCG Deepwater Port Act licensing process.

The State Chamber supports this project after careful consideration because of the economic benefits it will have in the region including, but certainly not limited to, the bringing of over 800 construction related jobs, the spending of over \$90 million dollars of goods and services in our local economy and an annual operating budget of \$20 million on permanent and contract service jobs as well as revenues generated by taxes.

Most importantly is the project's ability to introduce competitively priced natural gas into the system at periods of peak demand, which drives down and stabilizes costs which directly affects consumers (residents and businesses) both in the lowering their costs for natural gas and electricity.

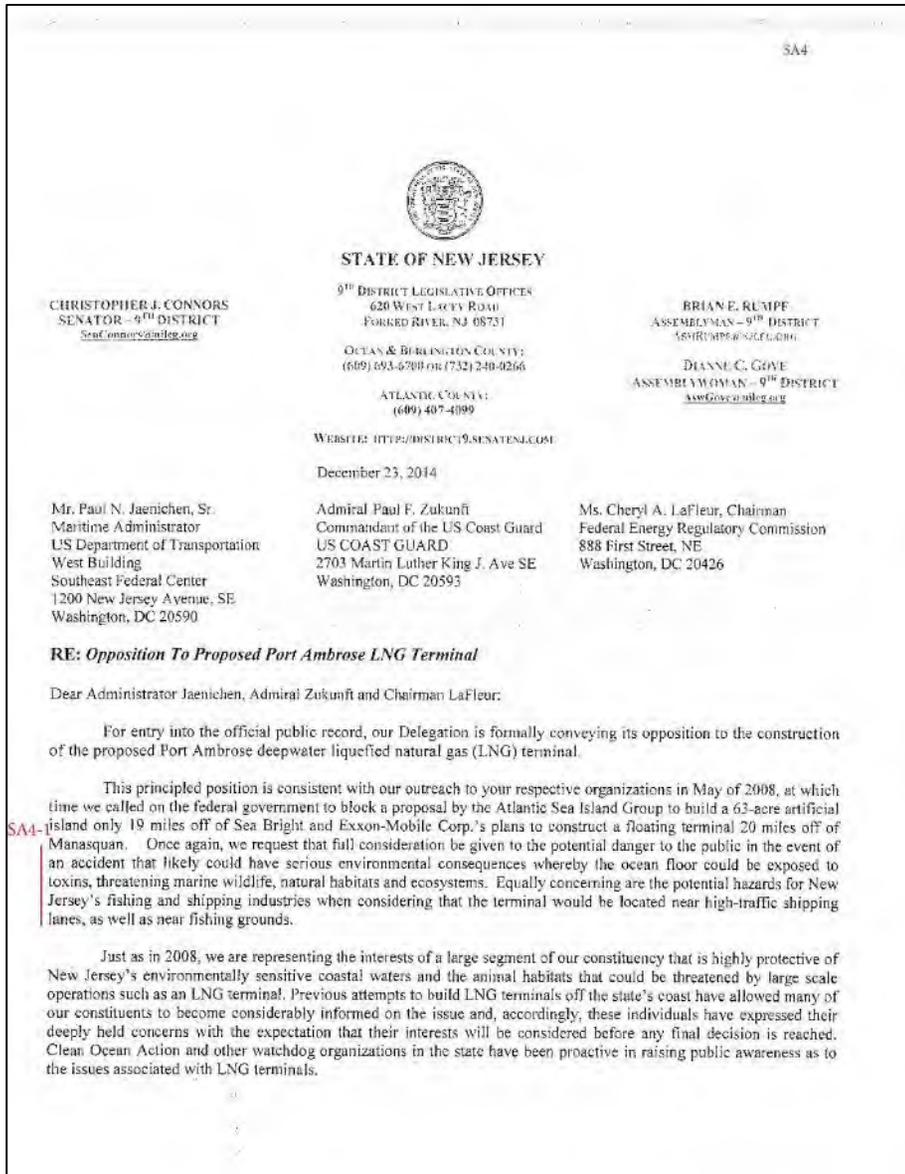
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We urge you to move forward and take into consideration the economic and environmental benefits of the Port Ambrose project. Thank you for taking our views into consideration.

Sincerely,

Michael A. Egerton - Senior Vice President, Government Relations

NJ Chamber of Commerce, 216 West State Street, Trenton, NJ 08608
(609) 989-7888 • Fax: (609) 989-9696 • www.njchamber.com



SA4-1 An evaluation of public safety and property is provided in Section 5.3.3 of the final EIS, with a specific discussion of Port security provided in Section 5.3.3.3 of the final EIS. An evaluation of the safety of the Mainline and pipeline laterals is provided in Section 5.6 of the final EIS. The Mainline and pipeline laterals are subject to, and the Applicant must comply with, the pipeline safety laws and regulations administered by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (49 U.S.C. Chapters 601 and 603 and 49 CFR 190-199), including safety standards for design, construction, testing, operation, maintenance, and reporting. Additionally, an Independent Risk Assessment (IRA) (Appendix O) was prepared to assess impacts to human and property not associated with the Port from an event that compromises LNG containment. As part of the hazard identification (HAZAD) workshop, a thorough review of potential intentional attack scenarios against an LNGRV and Port facilities were developed. From the identified hazards, six release cases were identified and chosen to bracket the worst credible range of potential release scenarios on which to base the public safety evaluation. Further details regarding the identified hazards are provided in Section 5.4. Finally, as discussed in Section 5.3.3.1 of the final EIS, a review of available information indicates there are no recorded incidents regarding impacts on public safety and property caused by deepwater port facilities. Appendix P (LNG Facility and Carrier Safety Records) provides a review of available safety record information on LNG land-based facilities and LNG carriers.

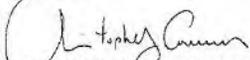
SA4

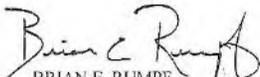
Mr. Paul N. Jaenichen, Sr., Admiral Paul F. Zukunft and Ms. Cheryl A. LaFleur,
December 23, 2014
Page 2

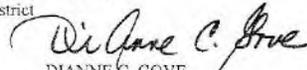
When weighing the environmental and safety considerations against any potential economic benefit, we collectively believe the proposal to build a LNG terminal in close proximity to an environmentally sensitive coastline and high traffic shipping area poses too many risks and, in the end, does not serve interests of New Jersey residents. Accordingly, we must strongly urge that the application for the Port Ambrose deepwater liquefied natural gas (LNG) terminal be denied.

Thank you, in advance, for your immediate attention to this communication that we, again, respectfully request be entered into the official public record.

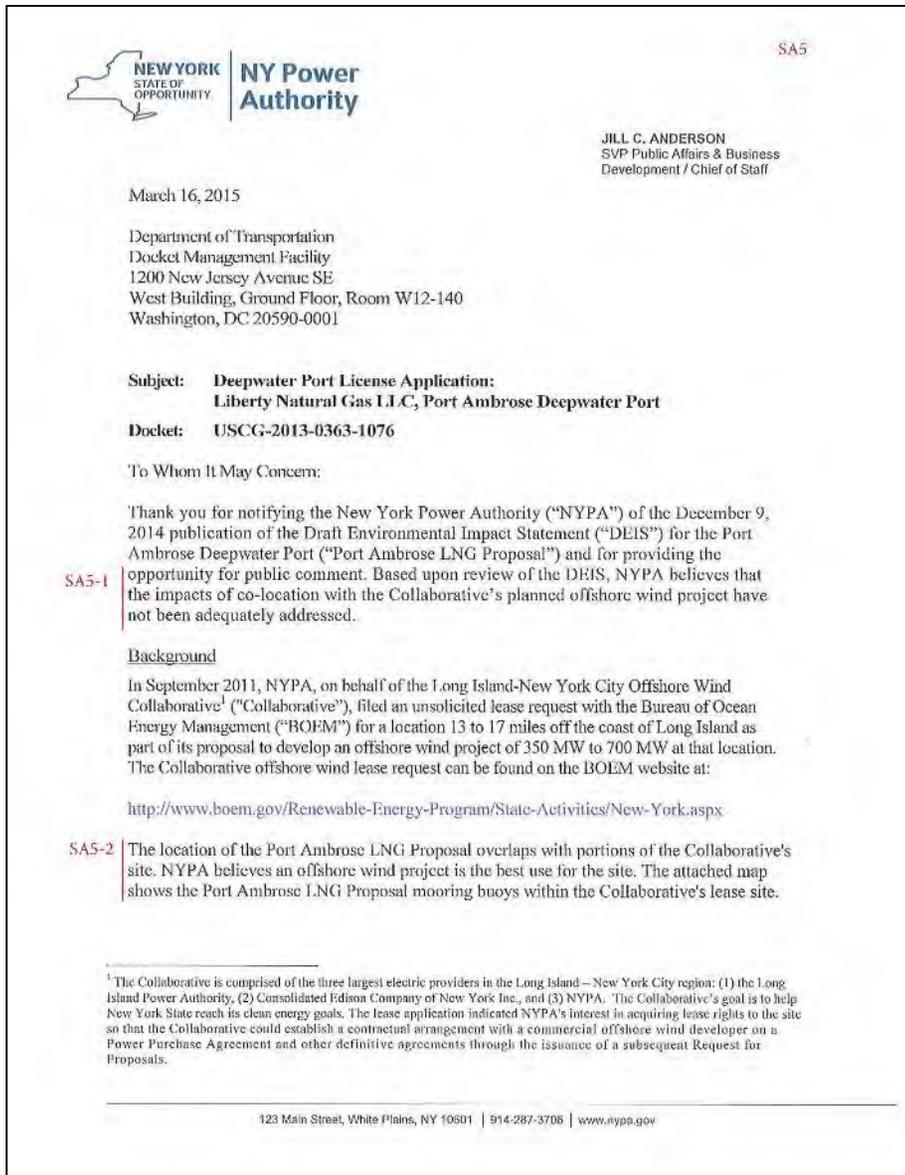
Sincerely,


CHRISTOPHER J. CONNORS
Senator – 9th District


BRIAN E. RUMPF
Assemblyman – 9th District


DIANNE C. GOVE
Assemblywoman – 9th District

Cc: Honorable Chris Christie, Governor, State of New Jersey
Ms. Yvette Fields, Director of Deepwater Ports and Offshore Activities, Maritime Administration
Mr. Curtis Borland, Acting Chief, Deepwater Ports of Standards Division, U.S. Coast Guard;
Ms. Cindy Zipf, Executive Director, Clean Ocean Action



SA5

JILL C. ANDERSON
SVP Public Affairs & Business
Development / Chief of Staff

March 16, 2015

Department of Transportation
Docket Management Facility
1200 New Jersey Avenue SE
West Building, Ground Floor, Room W12-140
Washington, DC 20590-0001

**Subject: Deepwater Port License Application:
Liberty Natural Gas LLC, Port Ambrose Deepwater Port**

Docket: USCG-2013-0363-1076

To Whom It May Concern:

Thank you for notifying the New York Power Authority ("NYPA") of the December 9, 2014 publication of the Draft Environmental Impact Statement ("DEIS") for the Port Ambrose Deepwater Port ("Port Ambrose LNG Proposal") and for providing the opportunity for public comment. Based upon review of the DEIS, NYPA believes that the impacts of co-location with the Collaborative's planned offshore wind project have not been adequately addressed.

SA5-1

Background

In September 2011, NYPA, on behalf of the Long Island-New York City Offshore Wind Collaborative¹ ("Collaborative"), filed an unsolicited lease request with the Bureau of Ocean Energy Management ("BOEM") for a location 13 to 17 miles off the coast of Long Island as part of its proposal to develop an offshore wind project of 350 MW to 700 MW at that location. The Collaborative offshore wind lease request can be found on the BOEM website at:

<http://www.boem.gov/Renewable-Energy-Program/State-Activities/New-York.aspx>

SA5-2

The location of the Port Ambrose LNG Proposal overlaps with portions of the Collaborative's site. NYPA believes an offshore wind project is the best use for the site. The attached map shows the Port Ambrose LNG Proposal mooring buoys within the Collaborative's lease site.

¹ The Collaborative is comprised of the three largest electric providers in the Long Island-New York City region: (1) the Long Island Power Authority, (2) Consolidated Edison Company of New York Inc., and (3) NYPA. The Collaborative's goal is to help New York State reach its clean energy goals. The lease application indicated NYPA's interest in acquiring lease rights to the site so that the Collaborative could establish a contractual arrangement with a commercial offshore wind developer on a Power Purchase Agreement and other definitive agreements through the issuance of a subsequent Request for Proposals.

SA5-1 Thank you for your comment.

SA5-2 Thank you for your comment.

SA5

Page 2 - Deepwater Port License Application: Liberty Natural Gas LLC, Port Ambrose Deepwater Port

Regulatory Timelines for Offshore Wind vs. Liquefied Natural Gas Import

The BOEM offshore lease process and the Port Ambrose LNG Proposal are proceeding along different regulatory timelines. The BOEM lease process is still on-going, with the BOEM competitive auction not expected to take place until on or about mid to late 2016. The Port Ambrose LNG Proposal licensing process, under the Deepwater Port Act ("DWPA"), is likely to be completed before the BOEM competitive auction process is completed. Based upon these very different regulatory timelines, NYPA, in its August 2013 comments on the Notice of Intent to prepare an Environmental Impact Statement for the Port Ambrose LNG project, explicitly requested consideration of the consequences of a co-located Port Ambrose LNG Proposal, specifically citing the issues of navigational safety, compatibility and potential conflicts of site use.

Deepwater Port Act Siting Criteria

The DWPA regulations specify siting criteria² that must be considered when evaluating proposed and alternative project locations. Specifically, proposed and alternative sites for a deepwater port are evaluated based in part on how well each "[m]inimizes the displacement of existing or potential mining, oil, or gas exploration and production or transportation uses." BOEM is authorized to issue leases for renewable energy development on the Outer Continental Shelf ("OCS")³ and the OCS Lands Act ("OCSLA")⁴ renewable energy regulations⁵ provide procedures and requirements for siting a renewable energy facility in federal waters. Based upon this, NYPA considers the Deepwater Port siting criteria in 33 CFR §148.720(l) to be inclusive of all energy uses regulated under the OCSLA (43 U.S.C § 1331 et seq), including the renewable wind energy for which the NYPA lease request area is intended. Therefore, the potential for the Port Ambrose LNG proposal to displace the potential offshore wind project needs to be further analyzed to adequately address this possibility.⁶

SA5-3

SA5-3 Thank you for your comment.

Determination of Marine Traffic Buffer Zones

A determination of marine traffic buffer zones is critical to ascertaining the potential impact of co-location, yet the DEIS states that it would be "inappropriate to establish specific setbacks" between the port, vessels, and the wind farm.⁶ Instead, the DEIS defers establishment of such specifics to an as yet-to-be developed United States Coast Guard ("USCG") Deepwater Port Operations Manual, citing lack of regulatory requirements. Estimates of impact on the proposed NYPA lease area vary greatly. According to the DEIS, "Liberty's setback recommendation...would take approximately 4 percent of the available wind turbine area."⁷ This estimate is based upon 500 meter safety zones⁸ and no other vessels besides the LNG regasification vessels transiting through the area. If estimates took

SA5-4

SA5-4 The environmental effects of construction and operation of the NYPA offshore wind energy project would be considered cumulative with the Port Ambrose project if it is built and operated. However, we do not believe at this time that this project is reasonably foreseeable so it was excluded from a full review in the Port Ambrose cumulative impacts analysis. See final EIS Sections 2.2.3.1, 3.7.1.9, and 6.1.1.6.

² 33 CFR §148.720, repeated in the DEIS at p.2-36

³ Energy Policy Act of 2005 (P.L. 109-58 § 388(a)) amendments to the Outer Continental Shelf (OCS) Lands Act

⁴ 30 CFR § Part 583

⁵ 33 CFR §148.720(l); see also 33§ CFR 148.715 and 33§ CFR 148.735(c)

⁶ Draft Environmental Impact Statement, Section 5.4.3, Safety; Deepwater Port Potential Impact, page 5-11

⁷ Draft Environmental Impact Statement, Section 6.1.1.6, Cumulative Impacts, Other Proposed Energy Projects, page 6-7

⁸ Comments submitted to BOEM by Holland and Knight on behalf of Liberty Natural Gas, June 2014

(<http://permits.boem.gov/wp-content/uploads/2014/06/1.Liberty-Natural-Gas-Comments-BOEM-2013-0087.pdf>)

SA5

Page 3 - Deepwater Port License Application: Liberty Natural Gas LLC, Port Ambrose Deepwater Port

SA5-4
(con't)

into account the USCG recommended one-nautical mile buffer under which NYPA amended its lease in 2012, and the possibility of other vessels transiting through, area lost due to the placement of the LNG submerged turret buoys would be a minimum of 13% and could be as much as 20% of total area available for wind farm development.

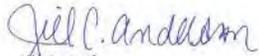
Request to Fully Consider Co-location Impacts

The DEIS has not adequately addressed the impacts of co-location with the Collaborative's planned offshore wind project. In particular, the DEIS should include the required maritime traffic setbacks between the Port Ambrose LNG Proposal facility, vessels trafficking through the area, and an offshore wind farm as proposed by NYPA in its lease application. Without such critical information, it does not seem possible to make appropriate findings about adverse impacts of the Port Ambrose LNG Proposal on offshore wind potential.

NYPA reiterates its request that the EIS fully consider and address the co-location impacts and potential for displacement of renewable wind energy, including specific parameters on navigational safety buffers that will be required and the viability of an offshore wind farm as proposed by NYPA in that location.

Please continue to keep NYPA's Project Manager Robin Shanen (robin.shanen@nypa.gov) apprised of developments in the Port Ambrose LNG Proposal application, including public meetings, comment periods and opportunities, and public findings of your process.

Very truly yours,

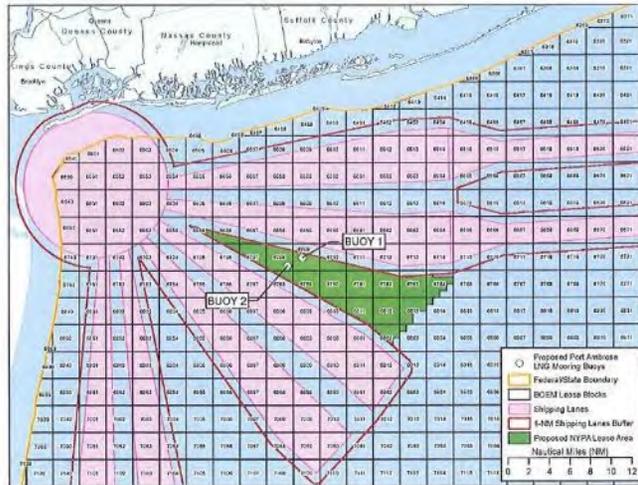

Jill C. Anderson

Enclosure

SA5-4
(con't)

SA5

Proposed Outer Continental Shelf Lease Site of Offshore Wind and Port
Ambrose LNG Mooring Buoys



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ANDREW M. CUOMO, GOVERNOR SA6

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MARCH 16, 2015

CESAR A. PERALES, SECRETARY OF STATE

JOSEPH MARTENS, COMMISSIONER

ATTN: Roddy C. Bachman
Project Manager
Deepwater Ports Standards Division

Department of Transportation
Docket Management Facility
West Building, Ground Floor
Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590-0001

**RE: USCG-2013-0363
Liberty Natural Gas LLC, Port Ambrose Liquefied Natural Gas (LNG) Deepwater Port License Application
Draft Environmental Impact Statement**

Dear Mr. Bachman:

This letter and attached documents (Appendix A, B) constitute the combined comments of the New York State Department of State (NYS DOS) and the New York State Department of Environmental Conservation (NYS DEC) (collectively "the Agencies") following their review of the Draft Environmental Impact Statement (DEIS) for the proposed Port Ambrose liquefied natural gas (LNG) deepwater port ("Port Ambrose").

Port Ambrose is proposed for a location approximately 16 nautical miles from Jones Beach State Park in New York. The project as proposed would consist of: two subsea submerged turret loading buoys (STL™ Buoys), each connected to its own separate system including a flexible riser, a pipeline end manifold (PLEM), and a 26-inch-diameter pipeline lateral, all of which would be connected to one approximately 19 nautical mile, 26-inch-diameter mainline gas pipeline. This mainline is proposed to connect to the existing Transco Lower New York Bay Lateral. The entire Port Ambrose facility is proposed for waters under federal jurisdiction, with the exception of the last approximately 2 nautical miles of the mainline, which would be located in New York State waters.

The Agencies are reviewing the portion of Port Ambrose proposed for locations in Atlantic Ocean waters under federal jurisdiction in accordance with State review authorities pursuant to the federal Deepwater Port Act (DWPA; 33 U.S.C. § 1501 et seq.), Coastal Zone Management Act (CZMA; 16 U.S.C. § 1451 et seq.; see also 33 U.S.C. § 1503 (c)(9)), and National Environmental Policy Act (NEPA; 42 U.S.C. § 4321 et seq.). The Agencies are reviewing the elements of Port Ambrose in State waters primarily pursuant to the DWPA, the CZMA, NEPA, the Clean Water Act (CWA; 33 U.S.C. § 1251 et seq.) and the State Environmental Quality Review Act (SEQRA; New York State Environmental Conservation Law, Article 8) and New York State's Water Pollution Control statute and associated regulations (Environmental Conservation Law Article 17 and 6 NYCRR Parts 700 et seq.).

Department of State

Department of Environmental Conservation

SA6

Roddy C. Bachman
Project Manager
Page 2

Port Ambrose requires a significant review by New York, a designated adjacent coastal state under the DWPA. As detailed in the attached comments, the Agencies request that the Final Environmental Impact Statement (FEIS) include additional analyses important to the State's decision-making responsibilities.

For additional information and/or questions regarding the NYSDOS comments, please contact Mr. Michael Snyder (518-486-4644; Michael.snyder@dos.ny.gov). For additional information and/or questions regarding the NYSDEC comments, please contact Mr. Kevin Kispert (631-444-0369; kevin.kispert@dec.ny.gov).

Sincerely,

Gregory Capobianco
Office of Planning and Development
Department of State

Kevin Kispert
Region 1 Main Office
Department of Environmental Conservation

CC: USCG: Daniel Hubbard
MarAd: Yvette Fields, Wade Morefield
TetraTech: Timothy Feehan, Sean Sparks
NYSDEC: William Little
NYS DOS: Kari Gathen, Michael Snyder

SA6

APPENDIX A

NYSDOS Staff Comments on USCG/MARAD DEIS

Port Ambrose Offshore LNG transfer facility

The New York State Department of State (NYSDOS) has authority to review the proposed Port Ambrose facility located in the Atlantic Ocean waters under State or federal jurisdiction pursuant to the federal Deepwater Port Act (DWPA; 33 U.S.C. § 1501 et seq.), Coastal Zone Management Act (CZMA; 16 U.S.C. § 1451 et seq.; *see also* 33 U.S.C. §1503 (c)(9)), and National Environmental Policy Act (NEPA; 42 U.S.C. § 4321 et seq.), and offers the following comments on the USCG/MARAD DEIS.

I. Description of the Proposed Action and Alternatives (DEIS Section 2)

Location of the Port Ambrose Mainline

SA6-1 DEIS Figure 2.1-2, p. 2-4: NYSDOS requests clarification on the intersection point between the Port Ambrose mainline and the existing Transco Lower New York Bay Lateral pipeline. See related comment below on Draft Environmental Impact Statement (DEIS) Figure 3.7-1 regarding the need to clarify the exact location of the existing Transco pipeline.

Analysis of Deepwater Port Location Alternatives

SA6-2 DEIS 2.2.1.3, pp. 2-36 through 2-42: The analysis of Study Area C does not sufficiently identify the potential for displacement of an offshore wind energy facility proposed by the New York Power Authority (NYPA). NYPA has submitted a non-competitive lease application to the Bureau of Ocean Energy Management (BOEM) and has identified an area of OCS lease blocks for this facility.¹ The proposed location for Port Ambrose is in the approximate center of the OCS lease area requested by NYPA. See comment below on DEIS 6.1.1.6 regarding specific analysis requests.

Identification of Deepwater Port Location Reasonable Alternatives

SA6-3 DEIS Figure 2.2-1: The alternatives analysis does not identify or analyze all reasonable alternative locations. NYSDOS requests the DEIS alternatives analysis be expanded to study the general area east of Study Area C as an alternative location. This area may meet the project requirements specified by the applicant and the DWPA regulations, but was not identified in the DEIS.

II. Description of the Affected Environment (DEIS Section 3)

Existing Offshore Pipelines

SA6-4 DEIS Figure 3.7-1, p. 3-62: Figure 3.7.1 on page 3-62 of the DEIS appears to depict two separate pipelines labelled "Pipeline" and "Existing TRANSCO Pipeline" in close proximity of each other. The DEIS does not describe two pipelines in this area and NYSDOS is unaware of a pipeline in this area other than the Transco pipeline. This figure should be revised to show only the accurate location of the Transco pipeline. Conforming edits should be made throughout the DEIS, as necessary.

¹ http://www.boem.gov/uploadedFiles/BOEM/Renewable_Energy_Program/State_Activities/BOEM%20LI-NYC_Application/93082011%28%29.pdf amended at http://www.boem.gov/uploadedFiles/BOEM/Renewable_Energy_Program/State_Activities/NYPA%20to%20BOEM%20amendment%20application%2006202012.pdf

A-1

SA6-1 The requested classification has been provided in Liberty's application. Please see Figure 1-8 in Volume 2, Report 1 in the Application.

SA6-2 The environmental effects of construction and operation of the NYPA offshore wind energy project would be considered cumulative with the Port Ambrose project if it is built and operated. However, we do not believe at this time that this project is reasonably foreseeable so it was excluded from a full review in the Port Ambrose cumulative impacts analysis. See final EIS Sections 2.2.3.1, 3.7.1.9, and 6.1.1.6.

SA6-3 We feel that a comprehensive alternatives analysis was completed and that a sufficient amount of alternative locations were analyzed. Alternative location must meet the specific project criteria, including access to traffic lanes, water depth and substrate type. These are discussed in detail in discussed in Section 2.1. Section 2.2 analyzes four potential locations within the NY Bight that generally meet the engineering requirements of the project as presented in Table 2.2-2. Study Area D, which was discussed in the alternatives analysis, is located northeast of the proposed project location.

SA6-4 The line in close proximity to the existing TRANSCO pipeline is the Neptune HVDC Cable as reflected in the legend in the upper right corner of Figure 3.7-1.

SA6

III. Cumulative Impacts (DEIS Section 6)

Existing and Proposed Transmission Line Projects

- SA6-5 DEIS 6.1.1.4, p. 6-6: The DEIS states that “[t]he proposed Mainline would be parallel to and/or would cross the underwater portion of the Poseidon Project’s HVDC line” (DEIS p.6-7). NYSDOS requests additional information be included in the DEIS to address how the two projects would co-locate at the point of intersection. For similar concerns related to co-location with the Neptune project, please see attached comments from NYSDEC (Appendix B - NYSDEC).

Project Mitigation and Impacts on Proposed Wind Energy Project

- SA6-6 DEIS 6.1.1.6 p.6-7: The DEIS provides no additional analysis of the overlap in project footprints between Port Ambrose and the NYPA offshore wind project beyond those assumed by the applicant. The DEIS instead states that “[t]he USCG is currently working on guidance to address... safe setback distances.” NYSDOS continues to support the USCG’s development of clear guidance on setback distances between offshore wind projects and transiting vessels and requests this guidance be included as a component of the Port Ambrose license review process. This guidance will inform New York’s review of the proposed facility under the Deepwater Port Act and the federal Coastal Zone Management Act, as well as NYSDOS’ offshore wind planning efforts conducted in collaboration with USCG.

A-2

- SA6-5 Liberty sent inquiries to Anbaric Transmission, project sponsors of the Poseidon Project, requesting georeferenced information for their proposed HVDC line in the location of the proposed Mainline on May 4, 2015 and May 7, 2015. On May 8, 2015, representatives from Anbaric Transmission responded to Liberty and requested a formal request identifying the regulatory requirement to provide this information. On May 8, 2015, Liberty submitted a formal request. Based on correspondence with Anbaric, Liberty’s request would go to legal review to determine necessity of furnishing this information at this time due to the confidential nature of their project location. Regardless of the proposed location for the cable, Liberty would work with the Anbaric representatives in advance of their installation to develop a crossing plan to satisfy all safety concerns. The proposed Mainline would cross the Neptune HVDC line at MP 21.2. Liberty has coordinated with USACE regarding a crossing plan that is both identified and evaluated in the Joint USACE-NYSDEC permit application. This text has been added to Section 6.1.1.4 to clarify.
- SA6-6 The environmental effects of construction and operation of the NYPA offshore wind energy project would be considered cumulative with the Port Ambrose project if it is built and operated. However, we do not believe at this time that this project is reasonably foreseeable so it was excluded from a full review in the Port Ambrose cumulative impacts analysis. See final EIS Sections 2.2.3.1, 3.7.1.9, and 6.1.1.6.

SA6

APPENDIX B

NYSDEC Staff Comments on USCG/MARAD DEIS

Port Ambrose Offshore LNG transfer facility

I. Marine Fish and Habitat ResourcesThe Atlantic Beach Artificial Reef

New York State Department of Environmental Conservation (NYSDEC) authority applicable to the Atlantic Beach Artificial Reef are found at Environmental Conservation Law (ECL) Sections 11-0105 (State ownership and control), 11-0303 (Management of fish and wildlife resources), and 13-0105 (Marine fisheries conservation and management). Also see the *Final Generic Environmental Impact Statement and Plan for the Development and Management of Artificial Reefs in New York's Marine and Coastal District*, Division of Marine Resources, NYSDEC, Stony Brook, N.Y. (1993).

SA6 7 DEIS at 3.7.1.8 (and others) and Topic Report 6, Page 6-4: The proposed pipeline (mainline) for the project is in close proximity to Atlantic Beach Artificial Reef, an important recreational fishing area, where it traverses New York State waters to its tie-in with the Transco Pipeline. There is a discrepancy between Topic Report 6, prepared by Liberty Natural Gas, and the Draft Environmental Impact Statement (DEIS) regarding the distance of the pipeline to the boundaries of the reef. Topic Report 6 locates the pipeline 845 feet from the northeast corner of the reef while the DEIS places the pipeline at over 3000 feet (0.6 miles) from the reef. This discrepancy should be explained and rectified in the Final EIS (FEIS). An accurate description of the distance to Atlantic Beach Reef is necessary because if the pipeline becomes located at the distance indicated by Liberty, the Reef would fall within the zone indicated by the DEIS that will experience moderate total suspended solids (TSS) and sediment deposition levels during pipeline construction.

SA6 8 The FEIS should model TSS and sediment deposition in New York State waters under worst case conditions for Atlantic Beach Reef (strong currents to the west). Note that the modeling done for the Rockaway Delivery Lateral Project in Resource Report 02, *Hydrodynamic and Sediment Transport Analyses for the Rockaway Delivery Lateral Project*, App. 2D, Dec. 21, 2012, as part of the application of Transcontinental Gas Pipeline Corp. to the Federal Energy Regulatory Commission filed January 4, 2013 (CP13-36), and supporting documentation, showed a different pattern of TSS and sediment deposition with approximately equal TSS and sediment deposition impacts on either side of the midline. NYSDEC understands that conditions at the proposed project may be different because it would be located inshore and to the west, but it would be fairly close and may indicate that sediment can impact the reef. The FEIS should also discuss whether construction can be timed to occur during periods of reduced fishing activity and lesser biological activity.

B-1

SA6-7 Liberty has reanalyzed the Project and Atlantic Beach Reef coordinates and confirms that the distance between the reef and closest point along the Mainline is 0.15 nautical miles (0.17 mi; see Appendix B). Modeling of TSS and sediment deposition under worst case conditions in NY State waters was updated for the Atlantic Beach Reef and the McAllister (or Fishing Line) Reef. The two reefs lie outside of the maximum extent of any elevated TSS, albeit in close proximity. As this modeling was based on conservative assumptions, no adverse impacts are anticipated to either reef due to TSS as a result of proposed Project activities.

The extent of measureable deposition under worst case conditions in NY State waters is that sediment deposition in excess of 5 mm (0.2 in) is predicted to be limited to within approximately 500 feet (152 m) of the pipeline in State waters; and in isolated areas (i.e., eastward with prevailing currents), up to approximately 2,600 feet (792 m) for 5 mm (0.2 in) thickness. Therefore, Atlantic Beach Reef, at a confirmed distance of 0.17 miles (897 feet) westward, would be anticipated to receive deposition less than 5 mm (0.2 in) thickness, and even then only under extreme circumstances. The McAlister Reef, at a confirmed distance of 1.45 miles (7656 feet), lies outside the area of potential impact and would receive no sediment deposition as a result of Project activities. Liberty will develop a PMMP in coordination with federal and state resource agencies, which will include, among other things, timing constraints.

SA6-8 Regarding comments received questioning the relationship and possible pipeline capacity limitations of the Port Ambrose project supplying the existing Transco Lower New York Bay Lateral and the new and Transco's new Rockaway Lateral (FERC docket# CP13-36-000) and the related Northeast Connector project (FERC docket # CP-13-132-000), we reference the following documents:

- Federal Energy Regulatory Commission's (FERC) Final Environmental Impact Statement of Feb 2014 Rockaway Delivery Lateral and Northeast Connector Project, especially in the Purpose and Need section. <https://www.ferc.gov/industries/gas/enviro/eis/2014/02-28-14-eis.asp>
- FERC Order Issuing Certificates and Granting Abandonment Issued May 8, 2014 for the same projects at <http://www.ferc.gov/CalendarFiles/20140508180214-CP13-36-000.pdf>
- Two reports commissioned by Liberty found at www.regulations.gov, Docket # USCG-2013-0363-1070:

- o The Adequacy and Cost of Natural Gas Capacity Serving the New York and New Jersey Energy Market - Lessons from the Polar Vortex 2013/2014 by ICF International
- o Benefits Associated with Natural Gas Supplies Delivered to New York City by Concentric Energy Advisors

• Letter from National Grid of New York to the US Coast Guard dated July 27, 2015 which can be found on [regulations.gov](http://www.regulations.gov) (USCG-2013-0363-2152)

• The Williams Transco website of expansion projects:

<http://co.williams.com/expansionprojects/>

• FERC Gas Tariff of Transcontinental Gas Pipeline Company, LLC Filed with the Federal Energy regulatory Commission at <http://www.1line.williams.com/Transco/index.html>.

In summary, the Transco Rockaway Lateral (placed in service May 15, 2015) and the related Northeast Connector project are designed to enhance gas supply capability to the National Grid’s distribution system in Brooklyn and Queens. Prior to this, Transco delivered gas via their Lower New York Bay Lateral (LNYBL) to National Grid at the Long Beach delivery point for Long Island and New York City customers.

The Rockaway Project enables gas delivery directly to New York City. This not only adds LNYBL pipeline capacity supplying the Rockaway Lateral but also in the east of the Proposed Port Ambrose tie-in toward Long Beach especially during peak demand. It would also support New York City’s goals to phase out use of heavy heating oils increasing demand for natural gas as noted in The City of New York, PlaNYC: A Greener Greater New York at 112 (2007) available at http://nytelecom.vo.llnwd.net/o15/agencies/planyc2030/pdf/full_report_2007.pdf.

Based on the information provided above:

- There is sufficient pipeline capacity for Port Ambrose gas especially during peak demand and at other times supporting overall increased demand due to conversion to natural gas from other fossil fuels in heating and power plants.
- As with the Rockaway Project, Port Ambrose would provide added efficiency, flexibility, and reliability to the National Grid distribution system.
- The additional supply source provided by Port Ambrose should aid in establishing adequate supplies and stabilizing prices for gas and electricity in peak demand periods and the additional incremental gas supplies should provide potential environmental and economic benefits to consumers.

- The Williams Transco expansion projects website shows plans to increase gas transmission to areas along the Atlantic seaboard south of New York.
- Regardless of overall Transco LNYBL pipeline capacity status, Port Ambrose could be considered a “shipper” bidding on supplying gas as noted in the Transco Tariff.

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Impacts on Commercial Fishing

NYSDEC generally regulates the marine fishery and habitat pursuant to ECL Sections 11-0303 (Management of fish and wildlife resources), 11-1303 (Open seasons, size and catch limits and manner of taking fish fixed by regulation), 13-0105 (Marine fisheries conservation and management), 13-0339 (Marine fish; size limits of marine species; sale of marine species), 13-0341 (Trawls; use prohibited in certain waters), 13-0343 (Nets other than trawls; restrictions on use of nets and trawls), 13-0349 (Taking of fish for commercial purposes), 13-0360 (Special management areas [including artificial reefs]), 13-0371 (Atlantic States Marine Fisheries Compact), as well as numerous provisions providing NYSDEC authority to manage fishing of specific species such as winter flounder and Black sea bass. NYSDEC's regulations promulgated at Part 40 of Title 6 of the New York Code of Rules and Regulations (NYCRR) also apply for Marine Fish. For Shellfisheries see ECL Sections 11-0305, 11-0309 and 6 NYCRR Part 43 (Surf Clam/ Ocean Quahog Fishery Management).

SA6 9 DEIS 2.1.15, p. 2-18: The project will restrict commercial fishing (and other activities including recreational fishing) through the Closed Safety Zone, No Anchoring Areas and Area to be Avoided that can be as large as 2.4 square miles around each STL buoy. This presents a high risk of a long-term displacement of commercial fishing opportunities in these areas. Figure 4-5 of Liberty's Topic Report 4 recognizes that some commercial fishing activity will be displaced by the location of the deep water port. Based on the figures provided in the DEIS, commercial fishing activities may not occur as frequently in the area where the LNG vessels will berth. In considering the merits of compensatory mitigation for impacts from the project as a whole, recommended below, the FEIS should also take impacts to this area into consideration.

SA6 10 DEIS 2.1.11, p. 2-15: The FEIS should address the extent to which surf clam dredging activity would interact with the concrete mats to be placed over the Neptune cable and whether or how impacts to the surf clam harvest can be avoided or, if unavoidable, mitigated. Construction of the mainline as it approaches and crosses the Neptune cable would involve placing protective concrete mats over the cable because the pipeline would not be buried as deeply. The mats would be buried for some of the pipeline length and extend up to 3.5 feet above the mudline where the cable crossing takes place. The edges of the concrete mats would be buried to a 3 foot depth to prevent interaction with fishing gear. However, extension of the concrete mats above the mudline may affect surf clam dredge activity in an area of about 0.1 acre and could affect the track that surf clam dredges take. Hydraulic surf clam dredges are more likely to be impacted by hard structures above the mudline because they are not designed to roll over such structures as other types of fishing gear.

Atlantic Sturgeon

NYSDEC regulates the endangered Atlantic sturgeon pursuant to its authority in ECL Sections 11-0105, 11-0303, 13-0105, and 13-0371 (Atlantic States Marine Fisheries Compact).

SA6 11 DEIS at 4.3.4, p. 4-94: In light of impacts identified in the DEIS, NYSDEC requests that pipeline construction activities avoid periods when large concentrations of Atlantic sturgeon are present in the project area. Recent information (unavailable for distribution at this time)

B-2

SA6-9 See response to comment FA6-8 for a discussion of potential impacts due to the implementation of navigational safety measures that would limit certain uses within the Safety Zone, no anchoring area, and areas to be avoided. See response to comment FA6-11 for a discussion of compensatory mitigation for impacts to marine fishery resources

SA6-10 In a meeting with NYSDEC's Bureau of Marine Resources in April 2012, it was verbally conveyed to Liberty that the site of the proposed Project is not located in a currently productive surf clam area and thus is not a prime surf clam dredging area. This was further substantiated by Liberty in benthic habitat studies conducted along the pipeline route and reported in an appendix to Liberty's Deepwater Port application (Volume II Topic Report 4 Biological Resources; Appendix D). This information was further substantiated by subsequent video taken by ROV in State waters of the seafloor (Appendix E) which showed significant areas of shell hash but little to no live surf clams.

Future dredging for surf clams in the area of the project, assuming at least some recovery of the surf clam population in the surrounding zone over time, may be limited by the 0.1 acre of concrete mats and could affect the track that surf clam dredges take. Location of this possible restriction would need to be identified on NOAA charts to avoid any equipment damage. This would be analogous to other shallow hazards already present in the area.

SA6-11 In a meeting with NYSDEC's Bureau of Marine Resources in April 2012, it was verbally conveyed to Liberty that the referenced Stonybrook study indicated most seasonal concentrations of Atlantic sturgeon in New York State waters occurred at the 10 meter contour interval during the spring and fall periods. No Project component is within the 10 meter contour. Construction of the subsea tie-in, the point closest to the 10 meter contour interval, will occur during the months of July and August, thus conforming to a schedule that reduces the chances for interactions with Atlantic sturgeon. Once data as to the timing and concentrations of other Atlantic sturgeon is available to Liberty, a plan for a modified construction schedule can be evaluated that may further reduce the chances for interactions with Atlantic sturgeon. See final EIS section 4.3.4.1.

SA6

SA6 11 (con't) provided to NYSDEC by researchers at the State University of New York at Stony Brook, School of Marine and Atmospheric Sciences, shows that Atlantic sturgeon congregate in New York State waters (and to a lesser extent in federal waters) in both spring (generally April – June, with peaks in May) and fall (generally September – November). The DEIS speculates (DEIS 4.3.6, p. 4-95) that sturgeon would avoid construction activities, but this discussion was apparently centered on noise impacts. It is not clear whether sturgeon would avoid or be attracted by the pipeline construction activities (due to release of benthic organisms that sturgeon use for food), but it would be preferable to avoid construction in New York State waters when sturgeon abundance is high. The FEIS should identify and evaluate a modified construction schedule that reduces the chances for interactions with Atlantic sturgeon.

Post Construction Monitoring

SA6 12 NYSDEC's authority with respect to post construction monitoring arises from ECL Sections 11-0303 (Management of fish and wildlife resources) and 13-0105 (Marine fisheries conservation and management). NYSDEC requests that a plan for a post-construction bathymetric survey and post-construction benthic monitoring be developed to document that the pipeline trench has been adequately re-filled and the benthic community has been restored.

Compensatory Mitigation

SA6 13 NYSDEC's authority with respect to post construction monitoring arises from ECL Sections 11-0303 (Management of fish and wildlife resources) and 13-0105 (Marine fisheries conservation and management) as well as ECL Article 8 (the State Environmental Quality Review Act). In its scoping comments provided via October 17, 2012 and August 8, 2013 letters, the National Marine Fisheries Service (NMFS) requested that the DEIS discuss the potential need for compensatory mitigation due to the long-term and short-term impacts of the project. NYSDEC did not see any such discussion in the document but notes that, in the Transco Lateral project, a similar but smaller project, compensatory mitigation is being performed for development of an Environmental Analysis and addition of material to Rockaway Reef. NYSDEC concurs with NMFS on the need to discuss compensatory mitigation in the FEIS to address potential long- and short-term impacts to commercial and recreational fishing, marine habitat of Atlantic Beach Artificial Reef, and marine habitat in the vicinity of the port and pipeline facility.

II. Threatened and Endangered Species

DEIS Section 3 – Affected Environment

SA6 14 P. 3-21. The citations and information regarding ocean populations of Atlantic sturgeon movements and aggregations along the coast of Long Island are out-dated. More recent information is available and should be included. Please see:

Dunton et al. 2010. Abundance and distribution of Atlantic sturgeon (*Acipenser oxyrinchus*) within the Northwest Atlantic Ocean, determined from five fishery-independent surveys. *Fishery Bulletin*, 108 (4) pp. 450-465.

B-3

SA6-11
(con't)

SA6-12 A PMMP will be developed during the engineering and design phases and be implemented during the construction and operations phases of the Project. The PMMP will include a survey plan for post-construction bathymetric survey and post-construction benthic monitoring that documents that the pipeline trench has been adequately re-filled and the benthic community has been restored.

SA6-13 See response to comment FA6-11 for a discussion of compensatory mitigation for impacts to marine fishery resources.

SA6-14 Thank you for your comment. Dunton et al. 2010 was referenced in Section 3.3.1 of the final EIS. Additional characterization of Atlantic sturgeon populations is included in Section 3.3.1 of the final EIS.

SA6

SA6-15 P. 3-25. The DEIS refers to a "small take authorization". NYSDEC Staff believes this should be changed to indicate that National Oceanic and Atmospheric Administration (NOAA), Fisheries may issue an Incidental Take Authorization for a small number of takes which must have no more than a "negligible impact".

SA6-16 P. 3-26. The best recent population estimate for Minke whales in the NE Atlantic is 20,741 according to NOAA. White-sided dolphins estimate is 48,819. Estimate for Harbor porpoises in the northeast Atlantic is 79,883. See:

Waring *et al.* 2014. U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments -- 2013. NOAA Tech Memo NMFS NE 228; p. 464.

SA6-17 P. 3-35. NYSDEC Staff finds the second paragraph confusing as written because it indicates the U.S. Coast Guard (USCG) is responsible for determining whether the proposed project would adversely affect federally listed threatened or endangered species and their critical habitat. However, the text of Section 7 of the Endangered Species Act (16 U.S.C.A. Sections 1531 – 1544) reads: "(c)(1) To facilitate compliance with the requirements of subsection (a)(2) each Federal agency shall . . . request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action. If the Secretary advises, based on the best scientific and commercial data available, that such species may be present, such agency shall conduct a biological assessment for the purpose of identifying any endangered species or threatened species which is likely to be affected by such action."

Staff believes it is the U.S. Fish and Wildlife Service (USFWS) or NOAA, not USCG, who will determine whether or not a species or habitat might be affected by the project. The Biological Assessment would then be prepared by the applicant federal agency, USCG, under the supervision of USFWS or NOAA.

SA6-18 Table 3.3-4. Atlantic sturgeon should be Common, Seasonal, primarily in depths <20 m. Information on whales starting on P. 3-38. The best and most recent population estimates for most of these whale species can be found in:

Waring *et al.* 2014. U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments -- 2013. NOAA Tech Memo NMFS NE 228; 464 p.

SA6-19 P. 3-39. Right whales were formerly believed to use the Mid-Atlantic only as a migratory corridor, however, this may be changing as they have recently been seen year round off New Jersey. From the NYSDEC Natural Heritage Program whale workshop report: Schlesinger, M. D. and L. A. Bonacci. 2014. Baseline monitoring of large whales in the New York Bight. New York Natural Heritage Program and NYSDEC, Albany and East Setauket, New York:

The North Atlantic right whale is among the rarest globally of the great whales and appears to use the New York Bight as a migratory corridor between winter calving

B-4

SA6-15 Text has been revised as recommended.

SA6-16 Text revised as requested.

SA6-17 Section 3.3 of the final EIS has been re-worded to more accurately reflect the ESA process.

SA6-18 Text revised as requested.

SA6-19 The recommended information concerning North Atlantic right whales has been added to Section 3.3.1. The potential for ship-strike has been assessed in sections 4.2.5 and 4.3.2. Vessel activity for construction and operation of the proposed Port represents a nominal increase to existing vessel traffic. The expected increase in vessel traffic during proposed Port operations would be 45 LNGRVs per year, plus routine number of support vessel transits. Compared to the annual number of deep draft vessels already transiting the approach to the Ambrose Channel (800 vessels), where the proposed Project is located, the minor increase in vessel traffic would be expected to result in only a small increased risk of vessel strikes. In addition, the LNGRVs must slow to 3 knots within the proposed Project Safety Zone surrounding each buoy. Since vessel speed is proportional to marine mammal collisions, this speed would increase both the ability of a marine mammal to avoid the vessel and the ability of the vessel to identify and avoid a marine mammal. In addition, a Marine Mammal and Sea Turtle Vessel Strike Avoidance Plan has been prepared to decrease risk of collisions, which would inform all crew to guidelines to protect marine species from collisions (Appendix L). Section 4.2.8 details the measures that would be taken by the Applicant to reduce the potential for vessel collisions with any marine animal.

SA6

SA6-19
(con't)

grounds to the south and summer feeding grounds to the north. However, historically, they were caught regularly off Long Island in the late winter and spring in the late 1600s and early 1700s by shore whalers (Reeves and Mitchell 1986). This species is infrequently but regularly detected in the Bight, with at least one sighting each year from the 1970s to early 1990s (Sadove and Cardinale 1993) and presence confirmed on about 20% of days during the Cornell Lab of Ornithology's (2010) passive acoustic study. More than any other great whales, right whales hug the coastline, putting them at increased risk of interaction with ship traffic (Kraus *et al.* 2005, Firestone *et al.* 2008). Additionally, recent studies in nearby areas off of New Jersey observed right whales year round, including mother calf pairs that appeared to be feeding (Whitt *et al.* 2013). Studies have found that this behavior puts them at greater risk of being hit by vessel (Parks *et al.* 2012).

SA6-20

P. 3-42. Kemp's Ridley Sea Turtles are still designated as critically endangered; however, NOAA considers them to be in the early stages of recovery (no longer in imminent danger of extinction): <http://www.nmfs.noaa.gov/pr/species/turtles/kemp Ridley.htm>

SA6 21

P. 3-96. There is a paper on the effects of noise exposure on Lake Sturgeon that could be helpful for evaluating effects on Atlantic sturgeon:

Halvorsen *et al.* 2012. Effects of exposure to pile-driving sounds on the lake sturgeon, Nile tilapia and hogchoker. *Proc. R. Soc. B.* 279, 4705-4714.

DEIS Section 4 - Environmental Consequences of Proposed action & Alternatives

Table 4.3-1. Atlantic sturgeon should be Common, Seasonal.

SA6 22

P. 4-41. The document should consider more current references for Right whales. The following holds that the whales may ignore ship noise, but it makes them more vulnerable to ship strike:

Nowacek *et al.* 2004. North Atlantic right whales (*Eubalaena glacialis*) ignore ships but respond to alerting stimuli. *Proc. Biol. Sci.* 271(1536):227-231.

Rolland *et al.* 2012. Evidence that ship noise increase stress in right whales. *Proc. R. Soc. B.* 279. 1737:2363-2368.

III. Impingement and Entrainment

NPDES Application p. 4, and DEIS 2.1.5.1:

NYSDEC regulates cooling water intakes structures pursuant to its authority in 6 NYCRR section 704.5, which is virtually identical to Section 316(b) of the Federal Water Pollution Control Act. See 33 U.S.C.A. Section 1326(b). It is through its 6 NYCRR Section 704.5 authority that NYSDEC minimizes adverse impacts to aquatic species from impingement and entrainment. However, NYSDEC also protects against impingement and entrainment

B-5

SA6-19
(con't)

SA6-20 The recommended information concerning the Kemp's Ridley turtle has been added to Section 3.3.1.

SA6-21 This paper has been reviewed and edits have been made in Section 3.12.4 as needed.

SA6-22 The recommended information concerning North Atlantic right whales has been added to Sections 4.3.2.1 and 4.3.2.2. The potential for acoustic harassment has been assessed in Sections 4.2.5 and 4.3.2. Vessel activity for construction and operation of the proposed Port represents a nominal increase to existing vessel traffic. The expected increase in vessel traffic during proposed Port operations would be 45 LNGRVs per year, plus routine number of support vessel transits. Compared to the annual number of deep draft vessels already transiting the approach to the Ambrose Channel (800 vessels), where the proposed Project is located, the minor increase in vessel traffic would be expected to result in only a small increased risk of vessel strikes. In addition, the LNGRVs must slow to 3 knots within the proposed Project Safety Zone surrounding each buoy. Since vessel speed is proportional to marine mammal collisions, this speed would increase both the ability of a marine mammal to avoid the vessel and the ability of the vessel to identify and avoid a marine mammal. In addition, a Marine Mammal and Sea Turtle Vessel Strike Avoidance Plan has been prepared to decrease risk of collisions, which would inform all crew to guidelines to protect marine species from collisions (Appendix L). Section 4.2.8 details the measures that would be taken by the Applicant to reduce the potential for vessel collisions with any marine animal.

SA6

through its authority to protect the best usages of waters, such as for fish propagation and survival, as set forth in 6 NYCRR Section 701.10 – 701.14 (Classifications for Surface Saline Waters).

SA6-23 There will be little to no impingement mortality caused by this facility's intake of water due to the low intake velocity. However, entrainment will occur during the 20 to 45-day construction ("Commissioning") window, resulting from cooling water withdrawals. This temporary withdrawal may be subject to Clean Water Act Section 316(b) Phase III Rule requiring that the best technology available (BTA) be applied to qualifying cooling water intake structures. For purposes of imposing BTA, NYSDEC Staff notes that the adverse impact of this entrainment could be minimized by scheduling Commissioning during the time of year when ichthyoplankton would be at the lowest density (e.g. fall and winter), and this could reduce the estimated one-time entrainment of approximately 50 million fish eggs and larvae.

SA6-24 DEIS 4.2.3.2 page 4-21: Entrainment during facility operation will occur during withdrawal of bilge water. Approximately 40 million eggs and 6 million larvae (Appendix J) will be entrained in bilge water annually, of which Atlantic mackerel eggs comprise 72%. One option that warrants exploration to reduce the entrainment at Port Ambrose is the installation of smaller slot width screens on the LNG vessels' "screened sea chests" (i.e. 1.0 mm or less slot width). If it is determined that BTA does not apply, entrainment impacts would nevertheless still be minimized using the above methods.

IV. Water Quality

A water quality certificate (WQC) is a statement from the State agency responsible for water quality indicating that the project will comply with State water quality standards. Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. Section 1341) requires that certain federal activities, including projects that require federal permits such as U.S. Army Corps of Engineers Federal Water Pollution Control Act Section 404 Permits and Federal Energy Regulatory Commission licenses, must obtain a WQC from the State. NYSDEC provides companion regulations to determine whether to issue WQCs at 6 NYCRR Section 608.9.

SA6-25 Application Volume 3.0, Affected Environment Section 3.5.6 Sediment Quality (p. 3-57): Sediment grab sampling was performed during the geophysical survey in 2012 and sediment chemistry core testing was performed in 2013. The chemical results from these sediment sampling events have not been included in the DEIS and should be included to complete the analysis contained in the FEIS.

SA6-26 Section 3.1.2, Water Quality (Volume 3.0 Affected Environment)(p. 3-10): The NYSDEC water quality classification for state jurisdictional waters is incorrectly listed as class SB for marine waters. The location of this portion of the project is in Class SA waters and the FEIS

B-6

SA6-23 Liberty will develop a PMMP in coordination with federal and state resource agencies, which will include, among other things, timing constraints.

SA6-24 The LNGRV intake screens are designed with 1-inch slots which allows for a maximum water intake velocity of 0.5 ft/sec (0.2 m/sec) or less and structural integrity of the sea chest. Discussions with the vessel design team have concluded that the 1-inch screen opening is the minimum possible for the volume of water needed to operate the vessel.

SA6-25 The report dated March 2014 that summarizes sample chemistry results has been included as Appendix H and summarized in Section 3.5.6.

SA6-26 Corrected as noted.

SA6

SA6-26 (cont) should be corrected throughout to reflect this classification. See NYSDEC's regulation for best usages of Class SA waters at 6 NYCRR §701.10 and see Nassau Waters, Table I at 6 NYCRR Part 885.6.

SA6-27 Figure 4-2 and Table 4-2, of Volume II Appendix I (I-1 Sediment Transport Study): Many samples in the New York portion of the route fall within the range of 70% to 90% sand and gravel. This material is not as predominantly sandy (greater than 90% sand and gravel) as the sediment found in previous ocean installation studies reviewed by NYSDEC. Due to the concentration of fines, for purposes of compliance with New York State's water quality standards NYSDEC prefers use of a mechanical plow for installation in the New York portion of the route.

SA6-28 Volume II, Appendix I, Addendum (I-2 Sediment Transport Study - Addendum): This describes modelling of supplemental lowering of the Mainline from mp 17.0 to mp 20.1. The FEIS should reflect that two passes of a jet sled will be necessary to achieve the required 7 ft of cover along the portion of the Mainline that will pass through this anchorage area. Jet sled trenching produces increased turbidity over that produced by mechanical plowing. A portion of this route, approximately mp 19.4 through mp 20.1, will be in New York State waters.

SA6-29 Table 2-2, Extent of Suspended Sediment Plumes State Waters: The TSS concentration of 100 ppm is predicted to occur up to a maximum distance of 3,512 feet during the jet sledding of the pipeline with a mean distance of 919 feet. Note that if NYSDEC issues a WQC for activities in New York waters it will likely contain a permit limitation of 100 ppm TSS at 1500 feet (as per NYSDEC Technical and Operation Guidance Series 5.1.9 Chapter V.C), water quality monitoring at 1500 feet, and require that this limit not be exceeded during pipeline installation.

SA6-30 Volume II, Appendix I, I-2 Sediment Transport Study - Addendum: The addendum represents a significant change in installation plans. The FEIS should be updated throughout to include the information in the Addendum, so as to accurately describe the project as currently proposed and inform the decision as to whether the project can comply with State water quality standards.

V. Air Quality, Review of Clean Air Act Title V Application

NYSDEC regulates air quality in New York State under the Clean Air Act (42 U.S.C.A. Section 7401 *et seq.*) pursuant to a delegation of authority from the Environmental Protection Agency; as well as pursuant to the authority provided in ECL Article 19 (Air Pollution Control) and the regulations promulgated at 6 NYCRR Parts 200 - 252 (Prevention and Control of Air Contamination and Air Pollution).

B-7

SA6-27 Comment noted. Plowing is proposed when possible.

SA6-28 Section 4.1.3.1 discusses the additional depth of trench required between MP17 to MP 20.1 to a depth of 10 feet. The section has been updated to reflect the final depth and protection measures agreed to with the USACE. The jet plow may require two to three passes to achieve the 10 foot depth. This requirement is included in the final EIS. The sediment transport modeling of this area accounts for this activity.

SA6-29 The modeling evaluation is based on numerous conservative assumptions and predicts maximum and mean values of TSS. It is expected that actual construction timing in relation to real time physical oceanographic conditions will meet the TSS requirements of NYSDEC permit.

SA6-30 The final EIS has been updated to reflect the agreed plan with the USACE on construction techniques between MP 17.0 and 20.1. See final EIS Sections 2.1.11, 4.1.3.1, and 4.2.2.1.

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SA6-31 DEIS Section 4.10.3.1: This does not identify how liquid condensate, collected from within the gas transfer equipment, is managed. The FEIS should seek to remedy this and should also indicate if there is a flare associated with the condensate control/removal. See 6 NYCRR Part 201 (Air Contamination Sources) and Part 617 (State Environmental Quality Review Act).

SA6-31 There will be no provision to handle liquid condensate on the LNGRVs, such as a flare. The LNGRVs are designed to handle a range of LNG specifications, which require the removal of liquid condensate at the LNG liquefaction facility prior to loading.

B-8

LOCAL AGENCIES

LA1 Long Beach New York City Council

LA1


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DEPARTMENT OF
REGULATION
AND OPERATIONS
DEC 18 A 10 47

December 12, 2014

Ms. Yvette Fields, Director
Office of Deepwater Ports and Offshore Activities
Maritime Administration
1200 New Jersey Avenue SE, W21-309 (MAR-530) Washington, DC 20590

Mr. Mark Prescott, Chief
Deepwater Ports Standards Division
U.S. Coast Guard
2703 Martin Luther King Jr. Avenue SE Washington, DC 20593

Re: Docket Number USCG-2013-0363; Public Hearing

Dear Ms. Fields and Mr. Prescott:

As you know the Draft Environmental Impact Statement (EIS) for the Port Ambrose liquefied natural gas (LNG) deep water port has been published this month. The City of Long Beach requests that MARAD and USCG permit an extension to 90 days for public comment on the proposed Port Ambrose offshore LNG facility, pursuant to federal regulations interpreting the National Environmental Policy Act, including 40 CFR 1506.6(a) and 40 CFR 1506.6(c)(1).

LA1-1 The residents of Long Beach and the greater New York area have the right to fully consider the impacts of an LNG port and to publicly voice their concerns. The proposed site poses a serious threat to security and public health, as it is located just miles from our densely populated city, not to mention the stress it will put on the surrounding ecosystems, including our beautiful beachfront. The seriousness of the proposed site, in accordance with 40 CFR 1506.6(c)(1), warrants an extension for public comment as well as an additional meeting closer to the proposed siting.

LA1-2 As such, the Long Beach City Council thinks it is vital that, in the interest of transparency and full public participation, a third meeting be held in the City of Long Beach due to its proximity to the proposed site and its convenience as a meeting location. Furthermore, because the City was designated as a Public Scoping Hearing location on July 9, 2013 at the Allegria Hotel, we believe it is logical to maintain consistency, as many statewide groups and residents from Long Beach and the surrounding communities attended the standing room only meeting.

The proposed location and time for the New York public hearing at the Hilton New York JFK Airport, in reference to 40 CFR 1506.6(a), lacks the convenience necessary to properly engage the public. Meeting at a location that is notorious for gridlock traffic, during peak rush hour, will not afford the time a South Shore resident needs to make it from their home or workplace. Furthermore, the location does not offer

LA1-1 Thank you for your comment.

LA1-2 Thank you for your comment.

Letter to Fields and Prescott

LA1
Page 2

LA1-2
(con't)

convenient public transportation, as residents, from both New York City and the South Shore, will have to make multiple transfers to get to JFK Airport. Long Beach offers a much more convenient location, as it is equipped with a LIRR Train Station approximately 50 minutes from the heart of Manhattan and Brooklyn, and for drivers, the Atlantic Beach Bridge from Queens and the Meadowbrook Parkway from Long Island.

Though we recognize and appreciate the extension of public comment from 45 to 60 days, we still believe it is unreasonable to expect residents to attend meetings that are severely restricted by both time and location, especially during the winter season, when families are more distracted by the holidays and driving can be more difficult due to snow and ice.

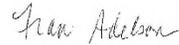
Therefore, we respectfully, yet emphatically, request an extension of time to 90 days and an additional meeting for public comment to be held in Long Beach.

Sincerely,

Long Beach City Council



Scott Mandel
President



Fran Adelson
Vice President



Eileen Goggin
Council Member



Len Torres
Council Member



Anthony Eramo
Council Member

LA2

DONOVAN RICHARDS
COUNCIL MEMBER
31ST DISTRICT, QUEENS

COMMITTEES
COMMUNITY DEVELOPMENT
ECONOMIC DEVELOPMENT
ENVIRONMENTAL PROTECTION
JUVENILE JUSTICE
VETERANS
WATERFRONTS
YOUTH SERVICES



THE COUNCIL
OF
THE CITY OF NEW YORK

December 23, 2014

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**RE: Request for Extension of Public Hearing on Environmental Impact Statement
of Port Ambrose Docket Number USCG-2013-0363**

Dear Chief Borland and Director Fields:

As the United States Coast Guard (USCG) considers the results of the Environmental Impact Statement (EIS) of the Port Ambrose Deep Water Port, I ask that you extend the date for public comment for another 90 days in addition to hosting another public hearing within the Rockaway peninsula to accommodate those who live and work closest to the proposed facility.

Last week, the EIS for the Project Ambrose project was issued. As per usual, the general public would be invited to contribute and share and discuss the findings. For those residing in New York State, the only scheduled date for a public hearing is scheduled for January 7th, 2015 with a comment period extending to February 10th, 2015. In addition having a public commentary period scheduled immediately after the holiday period, the public hearing is set to occur outside of the community that will be most directly impacted by the opening of this facility. The Rockaway peninsula is located less than 25 miles from the proposed liquefied natural gas station.

LA2-1 Thank you for your comment.

LA2

After the massive damage inflicted upon the shore during and after Super Storm Sandy, the coastal community has a vested interest in learning of the risks associated with this type of offshore activity.

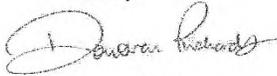
As New York City contends with increasingly inclement weather as a result of climate change, my role as a local legislator and Chair of the Committee on Environmental Protection requires that I evaluate ways for New York to decrease its reliance on fossil fuels and inefficient consumption of energy. Reversing the damage of climate change requires reevaluating not only the exploitation of natural resources but also the exploitation of human resources as well. Considering the negligible amount of financial gains to be achieved from the port, risking the lives of those living near the coast and beyond would seem short sighted and foolish.

I implore your agency to reconsider the time allotted to the current public testimony period and grant a 90 day extension. I would also encourage you to please host an additional hearing on the Rockaway peninsula for residents that will be most immediately impacted by the new facility.

LA2-2

Thank you for your time. I look forward to hearing from your office soon in regards to this matter.

Sincerely,



Donovan Richards
Chair, Committee on Environmental Protection
31st Council District, Queens

LA2-2 Thank you for your comment.



LA3

Albert F. Pennisi, President
Terri Thomson, First Vice President
Mayra DiRico, Treasurer
Vincent Petrarò, Secretary
Jack Friedman, Executive Director

75-20 Astoria Boulevard, Suite 140
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info@queenschamber.org

December 16, 2014

The Honorable Andrew M. Cuomo
Governor of New York State
NYS Capitol Building
Albany, New York 12224
Tel: 518-474-8390

Re: Support for Port Ambrose deepwater LNG port

Dear Governor Cuomo:

The Queens Chamber of Commerce, representing almost 1,000 members committed to improving the quality of life in our borough, writes to express support for the proposed Port Ambrose deep water port project, which aims to expand access to and lower the price of natural gas for the downstate region. The project is currently under federal review under U.S. Coast Guard identification number 2013-0363-1066. We hope our comments earn your support for the project as well.

LA3-1 The Queens Chamber of Commerce recognizes the growing challenges to meeting demand for heating during the winter. It is our belief that the Port Ambrose project will provide safe, clean, economically beneficial, and timely relief to Greater New York's projected heating fuel supply shortage due to system constraints.

LA3-2 The Port Ambrose Project is safe and clean: Built on the Atlantic Ocean floor almost 20 miles off the NYC shoreline, Port Ambrose will be invisible from shore, in compliance with all safety requirements, and built to sustain hurricane conditions. Furthermore the fuel it carries, LNG, is significantly cleaner to burn than the coal and oil that comprises much of the "fall back plan" when natural gas demand exceeds supply for heat and power production.

LA3-3 The Port Ambrose Project is economically beneficial: according to ICF International, the added capacity is expected to reduce prices four percent, saving New Yorkers \$325 million annually. No public money will be spent on the project, which will create 600 jobs and generate \$90 million in regional economic activity.

LA3-4 Finally, the Port Ambrose Project will deliver most of its fuel when it is needed most – in the depths of winter or sweltering heat of summer, when domestic supply of natural gas is inadequate. Thus it poses no competitive challenge to existing suppliers, while providing

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LA3-1 Thank you for your comment.

LA3-2 Thank you for your comment.

LA3-3 Thank you for your comment.

LA3-4 Thank you for your comment.



LA3

Albert E. Pennisi, President
Terri Thomson, First Vice President
Mayra DiRico, Treasurer
Vincent Petrarò, Secretary
Jack Friedman, Executive Director

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info@queenschamber.org

LA3-4 | downstate New York with potentially life-saving heat during the coldest days of the year or dog
(cont) | days of summer.

Energy diversity in the service of New Yorkers has been a hallmark of your administration's energy policy. For this reason, the Queens Chamber of Commerce is hopeful that you too support the Port Ambrose project.

Thank you for your time and considering my comments on this issue.

Sincerely,

A handwritten signature in black ink that reads "Jack Friedman".

Jack Friedman, Executive Director
Queens Chamber of Commerce

CC: Richard Kaufmann, Chairman of Energy and Finance for New York

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Thank you for your comment.

LA4
Duplicate submittal - LA1.



CITY OF LONG BEACH

1 WEST CHESTER STREET
LONG BEACH, NEW YORK 11561
(516) 431-1001
FAX: (516) 431-1389

December 12, 2014

Ms. Yvette Fields, Director
Office of Deepwater Ports and Offshore Activities
Maritime Administration
1200 New Jersey Avenue SE, W21-309 (MAR-530) Washington, DC 20590

Mr. Mark Prescott, Chief
Deepwater Ports Standards Division
U.S. Coast Guard
2703 Martin Luther King Jr. Avenue SE Washington, DC 20593

Re: Docket Number USCG-2013-0363; Public Hearing

Dear Ms. Fields and Mr. Prescott:

As you know the Draft Environmental Impact Statement (EIS) for the Port Ambrose liquefied natural gas (LNG) deep water port has been published this month. The City of Long Beach requests that MARAD and USCG permit an extension to 90 days for public comment on the proposed Port Ambrose offshore LNG facility, pursuant to federal regulations interpreting the National Environmental Policy Act, including 40 CFR 1506.6(a) and 40 CFR 1506.6(c)(1).

The residents of Long Beach and the greater New York area have the right to fully consider the impacts of an LNG port and to publicly voice their concerns. The proposed site poses a serious threat to security and public health, as it is located just miles from our densely populated city, not to mention the stress it will put on the surrounding ecosystems, including our beautiful beachfront. The seriousness of the proposed site, in accordance with 40 CFR 1506.6(c)(1), warrants an extension for public comment as well as an additional meeting closer to the proposed siting.

As such, the Long Beach City Council thinks it is vital that, in the interest of transparency and full public participation, a third meeting be held in the City of Long Beach due to its proximity to the proposed site and its convenience as a meeting location. Furthermore, because the City was designated as a Public Scoping Hearing location on July 9, 2013 at the Alegria Hotel, we believe it is logical to maintain consistency, as many statewide groups and residents from Long Beach and the surrounding communities attended the standing room only meeting.

The proposed location and time for the New York public hearing at the Hilton New York JFK Airport, in reference to 40 CFR 1506.6(a), lacks the convenience necessary to properly engage the public. Meeting at a location that is notorious for gridlock traffic, during peak rush hour, will not afford the time a South Shore resident needs to make it from their home or workplace. Furthermore, the location does not offer

LA4
Duplicate submittal - LA1.
Page 2

Letter to Fields and Prescott

convenient public transportation, as residents, from both New York City and the South Shore, will have to make multiple transfers to get to JFK Airport. Long Beach offers a much more convenient location, as it is equipped with a LIRR Train Station approximately 50 minutes from the heart of Manhattan and Brooklyn, and for drivers, the Atlantic Beach Bridge from Queens and the Meadowbrook Parkway from Long Island.

Though we recognize and appreciate the extension of public comment from 45 to 60 days, we still believe it is unreasonable to expect residents to attend meetings that are severely restricted by both time and location, especially during the winter season, when families are more distracted by the holidays and driving can be more difficult due to snow and ice.

Therefore, we respectfully, yet emphatically, request an extension of time to 90 days and an additional meeting for public comment to be held in Long Beach.

Sincerely,

Long Beach City Council

Scott Mandel
President

Fran Adelson
Vice President

Eileen Goggin
Council Member

Len Torres
Council Member

Anthony Eramo
Council Member

LA5

December 31, 2014

Department of Transportation
Docket Management Facility, West Building
Ground Floor, Room W12-140
1200 New Jersey Avenue SE.
Washington, DC 20590-0001.

Re: Support for Port Ambrose deepwater import terminal under Docket No. USCG-2013-0363

To whom it may concern:

As Chairman of the Queens Chamber of Commerce Energy Committee, I am writing to express support for the proposed Port Ambrose deep water port project to expand access to natural gas for downstate New York. The project is currently under federal review under U.S. Coast Guard identification number 2013-0363-1066.

Last year, New York, along with many other states, felt the effects of the polar vortex. The U.S. Energy Information Administration confirmed that pipeline constraints contributed price spikes in natural gas markets, which set records for the highest prices in history. As a result, New York consumers were left with an average 25 percent increase in their monthly gas bills. This hurts everyone's bottom line, especially businesses seeking growth opportunities.

LA5-1

The Port Ambrose project will place downward pressure on prices during peak demand by adding supply when it is needed most. ICF International found that the new import terminal will help the region realize over \$300 million in cost savings on high demand days. These benefits can be achieved promptly as the project is designed to tie into existing pipelines on the sea floor, importing fuel when it is needed most.

On-time supply is essential for any business. For example, if inventory for "President's Day" sales run out of stock, product scarcity typically causes the price of the hot item to become more expensive. When the item becomes available to meet demand, prices tend to fall and the product flies from the shelf. Applying this logic to Liberty Natural Gas' on-time-supply delivery model, it will keep the gas transmission system full of additional supply to meet demand. Logistically, this dynamic will help suppress price spikes, bolster reliability, and improve system resiliency.

For the above reasons, we are hopeful that you move forward with the Port Ambrose project.

Thank you for your time and considering my comments on this issue.

Sincerely,

Thomas J. Grech
Chairman, Queens Chamber of Commerce Energy Committee

cc: New York Governor Andrew Cuomo
Richard Kauffman, Chairman of Energy and Finance for New York

LA5-1 Thank you for your comment.

LA6



Albert F. Pennisi, President
Terri Thomson, First Vice President
Mayra DiRico, Treasurer
Vincent Petraro, Secretary
Jack Friedman, Executive Director

75-20 Astoria Boulevard, Suite 140
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info@queenschamber.org

January 6, 2015

Commandant (CG-OES-4)
Deepwater Ports Standards Division
U.S. Coast Guard Stop 7509
2703 Martin Luther King Jr. Ave SE
Washington, DC 20593-7509

RE: Liberty Natural Gas, LLC, Port Ambrose Project, Docket: USCG-2013-0363

Attn: US Coast Guard
I am writing on behalf of the Queens Chamber of Commerce and our 1,000 member businesses to express our support and ask you to approve Liberty Natural Gas' (Liberty) Port Ambrose Project. This Project will soon come to a decision that greatly affects our state. For the past few months, I have followed the developments of this project through the USCG Deepwater Port Act licensing process.

LA6-1 The Queens Chamber supports this project after careful consideration because of the economic benefits it will have in the region including, but certainly not limited to, the bringing of over 800 construction related jobs, the spending of over \$90 million dollars of goods and services in our local economy and an annual operating budget of \$20 million on permanent and contract service jobs as well as revenues generated by taxes.

Most importantly is the Project's ability to introduce competitively priced natural gas into the system at periods of peak demand, which drives down and stabilizes costs which directly affects consumers both in the lowering their costs for natural gas and electricity.

LA6-2 Our position is that Port Ambrose is a safe and environmentally friendly infrastructure project that has very low environmental impact and void of public hazards due to its location several miles offshore. Natural gas is a clean burning and predictable fuel source.

The importance in approving a project like Port Ambrose has never been more evident after this year's excessively cold and prolonged winter season.

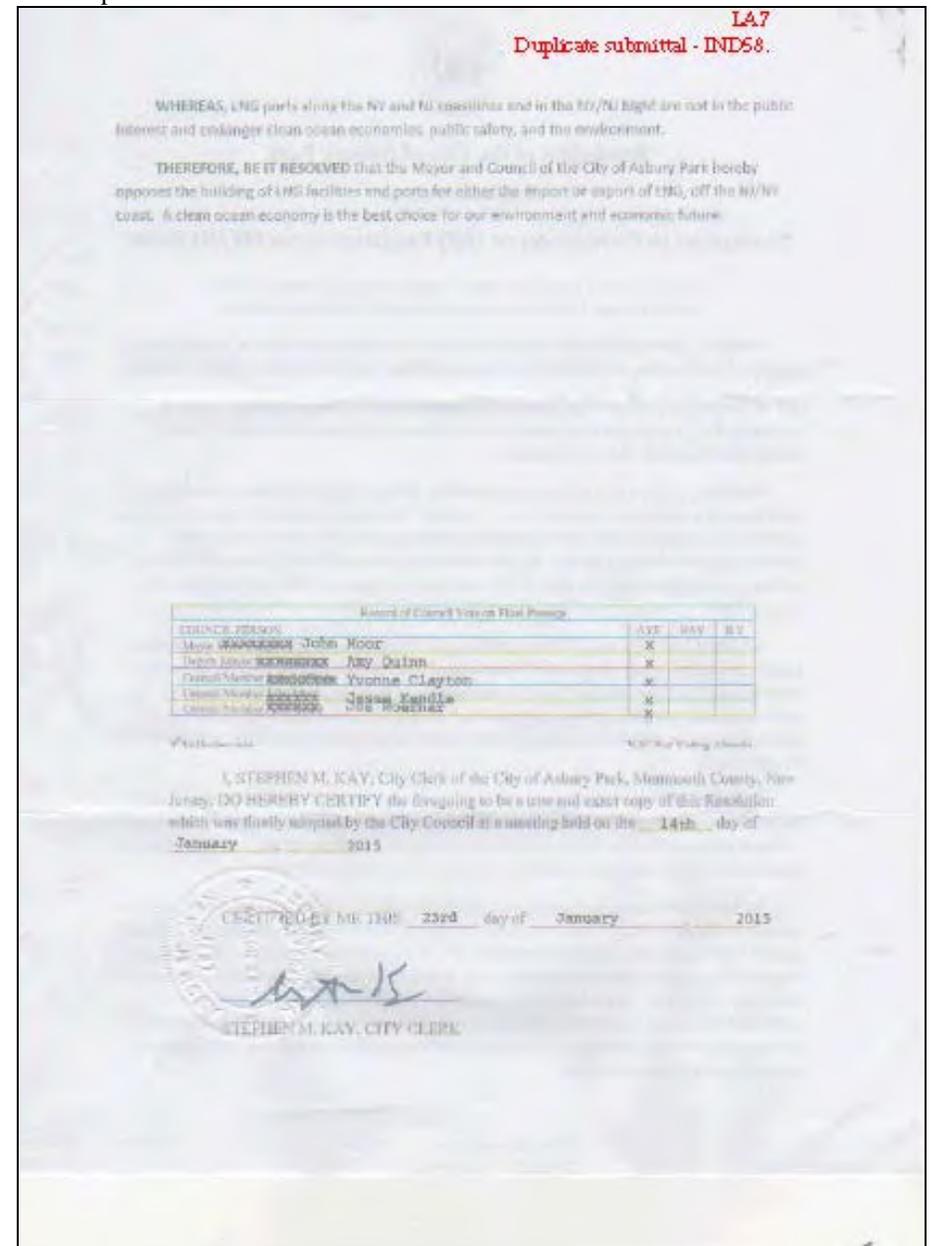
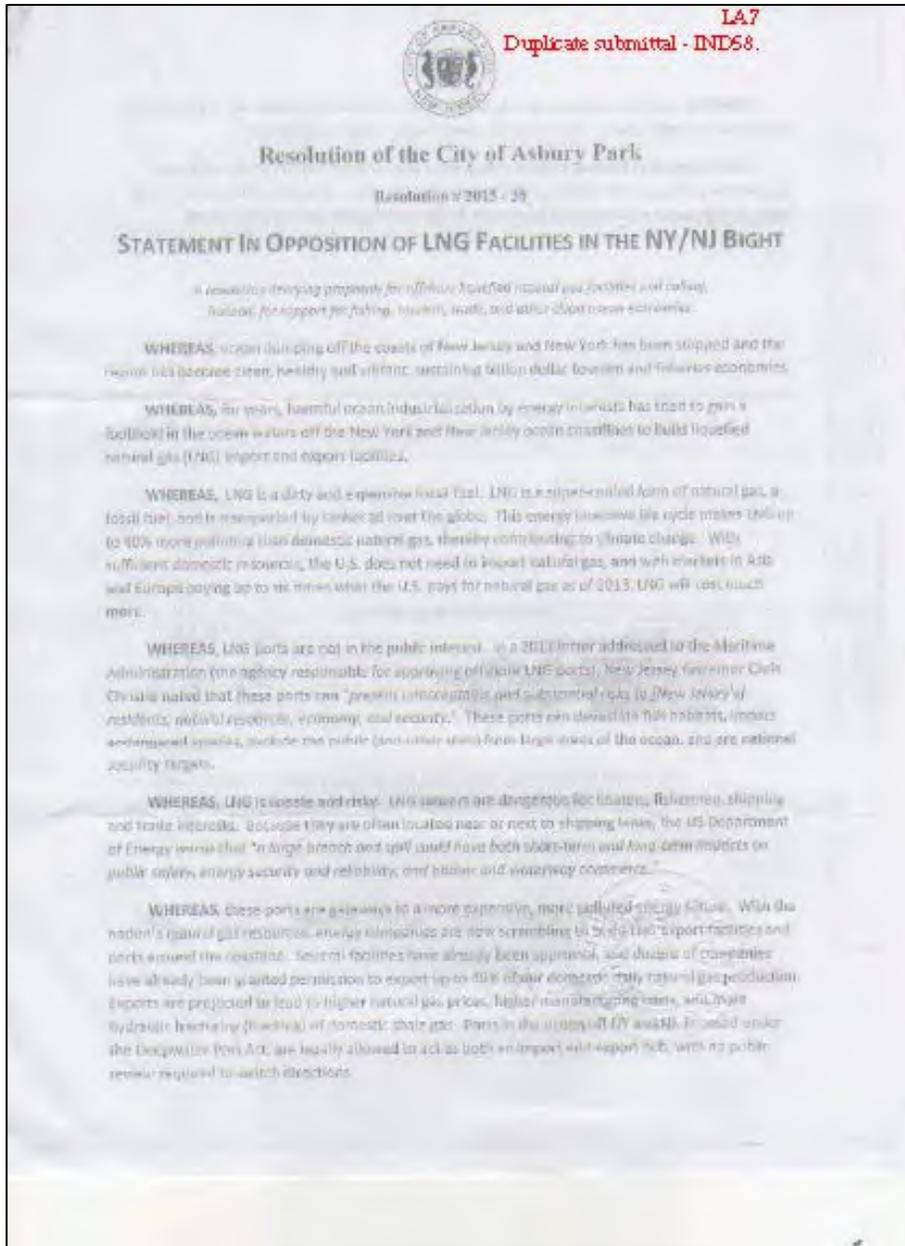
Sincerely,

Jack Friedman
Executive Director

[Get More, Net More](#)

LA6-1 See response to CO2-1.

LA6-2 See response to CO2-2.



See Response to IND58

LA8
Duplicate submittal - IND58.

Re: Docket No. (USCG-2013-0363)

RESOLUTION
R15-079

RESOLUTION EXPRESSING OPPOSITION TO LNG FACILITIES IN THE NY/NJ BIGHT

WHEREAS, ocean dumping off the coasts of New Jersey and New York has been stopped and the region has become cleaner, healthier, and vibrant, sustaining billion dollar tourism and fisheries economies; and

WHEREAS, for years, harmful ocean industrialization by energy interests has tried to gain a foothold in the ocean waters off the New York and New Jersey ocean coastlines to build liquefied natural gas (LNG) import and export facilities; and

WHEREAS, LNG is a dirty and expensive fossil fuel; LNG is a super-cooled form of natural gas, and is transported by tanker all over the globe. This energy-intensive life cycle makes LNG up to 40% more polluting than domestic natural gas, thereby increasing its contribution to climate change. With sufficient domestic resources, the U.S. does not need to import natural gas as is proposed in the current application. Rather, as of 2013, market prices in Asia and Europe are up to six times that of the U.S. Therefore LNG ports in the U.S. will encourage LNG export rather than import and will lead to an increase in domestic natural gas costs; and

WHEREAS, LNG ports are not in the public interest; in a 2011 letter addressed to the Maritime Administration, the agency responsible for approving offshore LNG ports, New Jersey Governor Chris Christie noted that these ports can "present unacceptable and substantial risks to [New Jersey's] residents, natural resources, economy, and security." These ports can devastate fish habitats, impact endangered species, exclude public and other uses from large areas of the ocean, are national security targets, and add under ocean and under ground pipelines, which experience shows frequently leak without the knowledge of the pipeline owner; and

WHEREAS, LNG is unsafe and risky and LNG tankers are dangerous for boaters, fishermen, shipping and trade interests because they are often located near or next to shipping lanes, and the US Department of Energy warns that "a large breach and spill could have both short-term and long-term impacts on public safety, energy security and reliability, and harbor and waterway commerce."; and

WHEREAS, these ports are gateways to a more expensive, more polluted energy future. With the nation's natural gas resources, energy companies are now scrambling to build LNG export facilities and ports around the coastline. Several facilities have already been approved, and dozens of companies have already been granted permission to export up to 40% of our domestic daily natural gas production. Exports are projected to lead to higher natural gas prices, higher manufacturing costs, and more hydraulic fracturing (fracking) of domestic shale gas. Ports in the ocean off NY and NJ, licensed under the Deepwater Port Act, are

LA8
Duplicate submittal - IND58.

R15-079
Page 2 of 2

legally allowed to act as both an import and export hub, with no public review required to switch directions; and

WHEREAS, LNG ports along the NY and NJ coastlines and in the NY/NJ Bight are not in the public interest and endanger clean ocean economies, public safety, and the environment;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Milltown, County of Middlesex, State of New Jersey as follows:

That the Borough of Milltown Government hereby strongly opposes the building of Liquid Natural Gas (LNG) facilities and ports for either the import or export of LNG, off the New Jersey/New York coast. A clean ocean economy is the best choice for our environment and economic future; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Governor of the State of New Jersey, the Governor of the State of New York, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, State Senator Bob Smith, Assemblyman Joseph Daniels, Assemblyman Joseph V. Egan and the Commissioner of the New Jersey Department of Environmental Protection; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to Clean Ocean Action, 18 Hartshorne Drive, Suite 2, Highlands, NJ 07732 and to Docket Management Facility, U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590-0001.

Dated: February 23, 2015

I, Michael S. Januszka, Clerk of the Borough of Milltown hereby certify that the foregoing is a true copy of a resolution duly adopted by the Borough Council of the Borough of Milltown, Middlesex County, State of New Jersey at a regular meeting held on February 23, 2015.

Michael S. Januszka
Michael S. Januszka, RMC
Borough Clerk

LA9

COUCH WHITE
COUNSELORS AND ATTORNEYS AT LAW

Couch White, LLP
540 Broadway
P.O. Box 22222
Albany, New York 12201-2222
(518) 426-4600

Jay Goodman
Direct Dial: (518) 320-3414
Telecopier: (518) 320-3492
email: jgoodman@couchwhite.com

March 16, 2015

VIA ELECTRONIC FILING

Mr. Roddy Bachman
U.S. Coast Guard

Ms. Yvette M. Fields
U.S. Maritime Administration

Re: Docket USCG-2013-0363 – Deepwater Port License Application: Liberty Natural Gas LLC – Port Ambrose Deepwater Port

Dear Mr. Bachman and Ms. Fields:

Enclosed for filing in the above-referenced docket please find the City of New York's Comments on the Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application.

Please contact me if you have any questions.

Respectfully submitted,

COUCH WHITE, LLP



Jay Goodman
Counsel to City of New York

SJG/gm
Attachment
S:\DATA\Client\11 14501-14800\14740\Corres\USCG 03-16-15.docx

Offices in: Albany, New York City, Washington, D.C. and Farmington, Connecticut

LA9

**UNITED STATES COAST GUARD
AND
UNITED STATES DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION**

**Deepwater Port License Application:
Liberty Natural Gas LLC – Port Ambrose Docket USCG-2013-0363
Deepwater Port**

**COMMENTS OF THE CITY OF NEW YORK
ON THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE
PORT AMBROSE PROJECT DEEPWATER PORT APPLICATION**

Dated: March 16, 2015

**New York City Office of Sustainability
253 Broadway, 10th Floor
New York, New York 10007**

LA9

INTRODUCTORY STATEMENT

On December 9, 2014, the United States Coast Guard and United States Department of Transportation Maritime Administration (collectively, the “Agencies”) issued a Draft Environmental Impact Statement (“DEIS”) for the Port Ambrose Deepwater Port proposed by Liberty Natural Gas, LLC (“Project”). The Project involves the construction of a submersible liquefied natural gas (“LNG”) terminal in the New York Bight approximately 16.1 nautical miles off of Jones Beach, New York. The City of New York (“City”) has a significant interest in this matter and offers the following comments on the DEIS.

New York City is a global financial and commercial center with a deep commitment to fostering the development and maintenance of clean, reliable energy sources. Two fundamental aspects of the City’s energy policies are reducing greenhouse gas emissions and expanding the use of renewable resources for electricity generation. To achieve these goals, the City has advocated for, among other things, large-scale offshore wind projects. Indeed, in *PlaNYC*, the City’s comprehensive long-term sustainability program, the City identified offshore wind projects as a potentially transformative opportunity to develop a utility scale renewable energy facility that can flow electricity directly into the City.¹

Extending and expanding upon *PlaNYC*, Mayor Bill de Blasio recently announced the ambitious Green Buildings Plan to institute sweeping changes in energy use and supply.² The Green Buildings Plan formalizes New York City’s commitment to reducing its greenhouse gas emissions by 80 percent by 2050 (“80 x 50”) through a long-term transition away from fossil fuels to renewable sources of energy. As part of this effort, the City has supported a

¹ *PlaNYC* and its updates are available at <http://www.nyc.gov/html/planyc/html/about/about.shtml>.

² *One City, Built to Last: Transforming New York City’s Buildings for A Low-Carbon Future* is available at <http://www.nyc.gov/html/builttolast/pages/home/home.shtml>.

LA9

collaborative proposal led by the New York Power Authority (“NYPA”) to develop a 700 megawatt (“MW”) offshore wind farm in the New York Bight.

LA9-1

The DEIS is deficient in that it does not take a hard look at two issues. First, the DEIS does not properly assess the potential for the Project to substantially interfere with the development and operation of the offshore wind farm because of their overlapping footprints and exclusion zones. Further, the DEIS does not properly mitigate against this potential impact, and the City respectfully urges the Agencies to refrain from taking any action on the Project that

LA9-2

would inhibit the construction or operation of the wind project. Second, the DEIS fails to properly address the impact of increased sediment disturbance and turbidity, which are anticipated to occur on a chronic basis during Project construction and operation.

COMMENTS

POINT 1

THE AGENCIES SHOULD ENSURE THAT THE PROJECT DOES NOT INTERFERE WITH THE DEVELOPMENT AND OPERATION OF OFFSHORE WIND IN THE NEW YORK BIGHT

In September 2011, the Long Island-New York City Offshore Wind Collaborative (“Collaborative”), a public-private partnership that includes NYPA, the Long Island Power Authority, and Consolidated Edison Company of New York, Inc., and which is supported by the City and others, applied to the Bureau of Ocean Energy Management (“BOEM”) for a federal underwater lands lease for an offshore wind project located in a wedge-shaped area in the Atlantic Ocean approximately 13 nautical miles from the Rockaway Peninsula and south of Nassau County, New York. As proposed, the project initially would have a capacity of 350 MW. Later phases would expand the project to a total capacity of about 700 MW.

LA9-1 The environmental effects of construction and operation of the NYPA offshore wind energy project would be considered cumulative with the Port Ambrose project if it is built and operated. However, we do not believe at this time that this project is reasonably foreseeable so it was excluded from a full review in the Port Ambrose cumulative impacts analysis.

See final EIS Sections 2.2.3.1, 3.7.1.9, and 6.1.1.6.

LA9-2 Impacts from sediment disturbance during construction and operation are discussed and analyzed in Sections 4.1.3.1, 4.1.3.2, 4.1.3.3, 4.5.2 and 4.5.3.

LA9

As shown by Figure 3.7.1 of the DEIS, the area available for wind development in the New York Bight is limited. Three corridors are used for shipping lanes and separation zones; as such, wind turbines could not be placed in those areas. The corridors adjacent to the New Jersey shoreline and to the east of the first shipping corridor are replete with fishing grounds, and their close proximity to land likely would present unacceptable aesthetic impacts from the wind farm. Thus, the Collaborative chose the corridor described above.

LA9-1
(con't)

As also shown in Figure 3.7.1, the Project would be located in the middle of the proposed area of the wind farm. Thus, the Project, combined with its exclusion zone, could severely limit the ability of the Collaborative to develop the wind farm. While the DEIS identifies this potential conflict, it does not adequately assess the issue, and it does not propose any mitigation of the potential impact on this pre-existing potential use of the same area. Although the City submitted comments on this very issue prior to the development of the DEIS, its concerns do not appear to have been addressed.

The City respectfully submits that a balancing of the merits of the two projects compels a finding that the benefits of the wind farm exceed those of the Project, and that the Project should not be permitted to interfere with the development of the wind farm. Scalable wind power sources, such as the Collaborative's wind farm, are critically needed resources and important elements in the respective efforts of the federal government, State of New York, and City of New York to reduce greenhouse gas emissions and combat climate change.³ Indeed, such projects are essential components of the City's 80 x 50 policy goal.

³ Importantly, wind energy located in a marine environment has a significantly greater capacity factor than that of comparable land-based facilities and, therefore, offers substantial benefits as compared to on-shore wind (and solar photovoltaic) resources.

LA9-1
(con't)

The environmental effects of construction and operation of the NYPA offshore wind energy project would be considered cumulative with the Port Ambrose project if it is built and operated. However, we do not believe at this time that this project is reasonably foreseeable so it was excluded from a full review in the Port Ambrose cumulative impacts analysis. See final EIS Sections 2.2.3.1, 3.7.1.9, and 6.1.1.6.

LA9

This particular wind farm could make a substantial contribution to the City's growing energy and capacity requirements, while not producing any greenhouse gas emissions. In contrast, the Project would exacerbate the problems with greenhouse gas emissions in two ways.

LA9-3 First, as discussed in Section 4.10.7 of the DEIS, there is a potential for the release of methane during the operations of the facility, and methane has a high global warming potential. Second,

LA9-4 the increased availability of natural gas in the New York area made possible by the Project could incentivize the use of fossil-fueled generation over renewable generation, further contributing to greenhouse gas emissions.

LA9-5 The City respectfully submits that further analysis of this issue is required. Although the DEIS acknowledges the potential for the Project to impact the proposed wind farm, it is inconclusive with respect to how increased shipping traffic and the Project exclusion area would affect development, operation, and maintenance of the wind farm. For instance, the DEIS did not consider the potential conflicts between the location of the wind turbines and the location of the Project, including shipping lanes for tankers and other ships needed to support each project, and it did not evaluate the effect of underwater features on the location of the wind turbines compared to the location of Project facilities or shipping lanes.

LA9-1 (con't) The DEIS estimates that the Project may consume approximately 4% of the area defined in the proposed BOEM lease for wind development. Although this may not seem like a substantial amount, the location of the Project within the wind farm footprint could inhibit the development of the wind farm. Also, it is not clear whether the DEIS has included all of the areas in which wind turbines could not be constructed. Given the proposed location of the

LA9-3 The leak detection systems used onboard LNGRVs are much more stringent than those typically used for onshore natural gas handling facilities such as transmission pipelines. In particular, the Port Ambrose LNGRVs will be equipped throughout the vessel with numerous temperature and gas sensors to immediately detect any fugitive leaks of LNG or natural gas (methane). These sensors will be alarmed and continuously monitored from the control room. Due to these measures, potential fugitive methane emissions from the LNGRVs are considered to be negligible. See final EIS section 4.10.8.

LA9-4 Thank you for your comment.

LA9-5 The environmental effects of construction and operation of the NYPA offshore wind energy project would be considered cumulative with the Port Ambrose project if it is built and operated. However, we do not believe at this time that this project is reasonably foreseeable so it was excluded from a full review in the Port Ambrose cumulative impacts analysis. See final EIS Sections 2.2.3.1, 3.7.1.9, and 6.1.1.6.

LA9-1 (con't) The environmental effects of construction and operation of the NYPA offshore wind energy project would be considered cumulative with the Port Ambrose project if it is built and operated. However, we do not believe at this time that this project is reasonably foreseeable so it was excluded from a full review in the Port Ambrose cumulative impacts analysis. See final EIS Sections 2.2.3.1, 3.7.1.9, and 6.1.1.6.

LA9

LA9-1 (con't) Project in the center of the wind farm development area, it appears that a substantially larger portion of the BOEM lease area could be adversely affected.⁴

Because the Collaborative commenced its activity related to the wind farm, and submitted a lease application to the BOEM, long before the Project application was submitted to the Coast Guard and Maritime Administration for approval, the wind farm should have been treated as a preexisting use, and the extent to which the Project could interfere with the wind farm should have been evaluated but was not. Accordingly, further analysis should be undertaken that specifically evaluates whether the Project may impede development or operation of the Collaborative's wind farm.

The City takes no position on the merits or economics of the Project except to note two factors that should inform any decision on it. As explained above, the City and State of New York, as well as the federal government, are striving to increase reliance on renewable energy while decreasing reliance on fossil fuels as part of an ambitious plan to slash greenhouse gas emissions. It is imperative that regulatory decisions regarding the use of our natural resources support those goals by facilitating renewable energy development. At a minimum, such decisions should avoid creating barriers that impede or otherwise diminish the development of renewable energy resources.

LA9-6 Also, the continuing boom in domestic shale gas development has provided New York and the Northeast United States with new, substantial supplies of natural gas. Given the projected shale play reserves, it is not apparent that a new LNG import facility is needed. Moreover, inasmuch as the Project would connect into an existing Transco pipeline, the Project is unlikely to alleviate the transmission capacity constraints that now exist in the interstate

⁴ The City understands that the New York Power Authority has estimated that as much as 20% of the area contemplated for the wind farm could be adversely impacted by the Project.

LA9-6 See response to FA4-2 for a discussion of purpose and need, and peak demand. See response to SA6-8 for a discussion of transmission capacity constraints.

LA9

LA9-6 (con't) pipeline system in the Northeast and in the New York Facilities serving New York City and Long Island.

In balancing the conflict discussed herein between the wind farm and the Project, the Agencies should consider these two factors. The City respectfully submits that these factors weigh heavily in favor of the need for action, such as the imposition of mitigation, that would avoid or minimize the effect of the Project on the development of the wind farm.

POINT II

FURTHER ANALYSIS OF PROJECT CONSTRUCTION AND OPERATION ON SEDIMENT DISTURBANCE AND TURBIDITY IS NEEDED

The DEIS identifies several water quality impacts that it describes as short-term in nature. Specifically, the DEIS states that construction, riser pipe movement, submerged turret loading (“STL”) buoy anchor chain movement, and accidental chemical releases will cause sediment disturbance and increased turbidity.⁵ Wave, wind, and water currents also will disturb sediment and increase turbidity by moving STL buoy anchor chains and wire ropes.⁶ The DEIS dismisses these impacts as minor and limited in duration.⁷

Although the activities identified as causing sediment disturbance and turbidity may be relatively limited in duration, they arise from events that will recur on a frequent – if not constant – basis. Wave, wind, and water currents are perpetual, and the STL buoys would be raised and lowered from the seafloor during port operation. According to the BOEM, there would be approximately 45 LNG carrier deliveries per year, with each vessel remaining on station for as

LA9-7 long as 17 days per delivery. The cumulative effect of these deliveries may be near-constant

⁵ DEIS at ES-15, 4-11.

⁶ *Id.* at 4-11.

⁷ *Id.*

LA9-7 Impacts from sediment disturbance are discussed and analyzed in Sections 4.1.3.2 and 4.5.3.

LA9

LA9-7 (con't) sediment disturbance and increased turbidity. The DEIS does not adequately consider the potential impact of persistent sediment disturbance and increased turbidity over time, or identify mitigation measures that might reduce the chronic effect of increased turbidity.

Accordingly, additional analysis is needed of the potential impacts of persistent sediment disturbance and turbidity on water quality during construction and throughout the 25-year course of Project operations. To the extent the analysis determines that the impacts would be adverse to water quality, identification and evaluation of mitigation options are also needed.

CONCLUSION

The City respectfully urges that the foregoing considerations be accounted for explicitly as the DEIS is converted into a final EIS. In weighing all the relevant environmental concerns and considering proposed uses that may conflict, the Agencies should evaluate the relative merits and utility of the Project and the Collaborative's wind farm. The final EIS should reflect a careful balancing of these interests and avoid any impediment to the maximal development of renewable energy in the same area of the Atlantic Ocean.

Respectfully submitted,

/s/ S. Jay Goodman

S. Jay Goodman, Esq.
Kevin M. Lang, Esq.
COUCH WHITE, LLP
Counsel for the City of New York
540 Broadway
P.O. Box 22222
Albany, New York 12201-2222
Tel.: 518-426-4600
Fax: 518-426-0376
E-mail: jgoodman@couchwhite.com
klang@couchwhite.com

Dated: March 16, 2015
Albany, New York

/s/ Anthony J. Fiore

Anthony J. Fiore
Interim Director, Energy Regulatory Affairs
New York City Office of
Sustainability
253 Broadway, 10th Floor
New York, New York 10007
Tel.: 212-676-0756
E-mail: افیore@dep.nyc.gov

Dated: March 16, 2015
New York, New York

LA9-7 (con't) Impacts from sediment disturbance are discussed and analyzed in Sections 4.1.3.2 and 4.5.3.

LA10

**THE BOARD OF CHOSEN FREEHOLDERS
OF THE
COUNTY OF MONMOUTH**

GARY J. RICH, SR.
DIRECTOR
SERENA DIMASO, ESQ.
DEPUTY DIRECTOR
LILLIAN G. BURRY
JOHN P. CURLEY
THOMAS A. ARNONE



HALL OF RECORDS
1 EAST MAIN STREET
FREEHOLD, NEW JERSEY 07728
TELEPHONE 732-431-7000

March 13, 2015

Department of Transportation
Docket Management Facility, West Building
Ground Floor Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590-0001

Mr. Roddy Bachman
Deepwater Ports Standards Division (CG-OES-4)
U.S. Coast Guard Headquarters (Room 1210)
2100 Second Street,
SW Washington, DC 20593 202-372-1451

**RE: Liberty Natural Gas Port Ambrose Deepwater Port License
Docket No. USCG-2013-0363**

Dear Sirs/Madams:

The Board of Chosen Freeholders of Monmouth County strongly opposes the Liberty Natural Gas Port Ambrose Deepwater Port License.

LA10-1 First, we do not see a need for this facility. Two LNG import facilities in Boston Harbor have been idle for years and one of them has been closed. Import facilities in the US are now seeking permission to export. Liberty has not justified why they believe that LNG from the Magnolia facility in the Gulf and elsewhere needs to be imported into the NY area.

LA10-2 Second, despite Liberty Natural Gas' comment on its website that Port Ambrose will "not require a single dollar of taxpayer money, utility rate increases, or any other kind of public money to pay for the project," over the long run this is incorrect. Our

"SEPTEMBER 2d, 1609 THIS IS A VERY GOOD LAND TO FALL IN WITH AND PLEASANT LAND TO SEE."
Entry in the log of Hendrik Hudson's Ship Half Moon made after the Dutch Explorer became
the first European to come ashore in what later was known as Monmouth County

LA10-1 See response to CO98-1.

LA10-2 See response to CO98-2.

LA10

LA10-2 (con't) taxes go to support our Coast Guard which will be tasked with protecting Port Ambrose.

If Port Ambrose should become idle, like the two LNG import terminals off Boston, losses and ultimate decommissioning will end up being subsidized by taxpayers through deductions and other accounting methods currently in use. Any approval of this application should also hold Liberty to their pledge that no taxpayer dollars be used—even if it is to subsidize their loss should their project fail. Adequate funding should be set aside by Liberty for this eventuality.

LA10-3 Third, the Liberty Natural Gas application for Port Ambrose lacks transparency. We have no idea whether Liberty Natural Gas has: the financial resources to support such a large investment, to adequately insure the Port, and to pay for expenses to other damaged ships or wind turbines in case of an accident; sufficient on-hand cash reserves in case of accidents or malfunctions; and sufficient money left over to decommission Port Ambrose should it fail - financially or in any other way.

We still do not know who is behind the funding of this Port. Lastly, there is no valid explanation as to why Liberty Natural Gas wants to build a port in an area already capable of being served by domestic gas from nearby.

LA10-4 Fourth, New York Harbor is the largest port on the Eastern Seaboard and the third largest port in our country. We should not place a security risk between two of its main shipping channels. This project will also cause a 9-12 month slowdown of shipping traffic as channels are closed while pipeline is laid. Once commissioned, should an accident occur, despite the one mile exclusion zone for all other boating, shipping in adjacent channels would be impacted. Just the construction of this port will result in a slow-down of shipping to the Ports of NY-NJ for an extended period. The economy of our region depends upon the viability of this port.

Being so near to JFK increases the possibility that a terrorist could strike by plane. As an LNG fire could melt steel vessels nearby and impact a wind farm in the area (such as the one proposed by NYPA -LI-NYC Offshore Wind Project), this port is a major security risk. Terrorists are on record as indicating they intend to target energy production and distribution. And, large container ships and ocean going vessels take many miles to either adjust course or change speed. Our clear priority would be for an unobstructed wind farm for this area.

LA10-5 Fifth, we are not reassured by the DEIS statement that, "Any incident occurring at the proposed Project would rely on emergency procedures outlined in the Deepwater Port Operations Manual." No link has been provided to a redacted/summary version of this for the public to review. The DEIS says that "outcomes and safety hazards ...from a terrorist attack" are "manageable" by implementing current daily safety

LA10-2 (con't) See response to CO98-2.

LA10-3 See response to CO98-3.

LA10-4 See response to CO98-4.

LA10-5 See response to CO98-5.

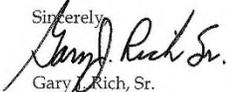
LA10

LA10-5 (con't) standards for unintentional spills." We are disturbed that operational reviews and approvals that would "increase safety" won't be completed until after this application is approved. They should occur before any approvals are given, not after.

LA10-6 Sixth, an amendment to the Deep Water Port Act in December 2012 allowed an applicant receiving a license for a Liquefied Natural Gas facility to import, export, or change from one use to the other over its lifetime, without giving public notice or allowing for further public input. There are major differences between an import and export facility; in the nature of what they are doing, in the different ways they impact the local economy and environment, and in their impact on the public health and the environmental resources of those living between the facility and the source of extraction. It is imperative that a new EIS and Public Hearing should be required upon request for a change of use.

In October 2014, MARAD proposed a change to their policy that would require any proposed Deepwater Port wanting to change from import to export of our natural gas to submit a comprehensive application, including a new Environmental Impact Statement, thus allowing for public input. MARAD should adopt this policy and it should be in effect before a final decision is made on Port Ambrose.

We strongly urge you to deny this application.

Sincerely,

Gary L. Rich, Sr.
Freeholder Director

LA10-6 See response to CO98-6.



LA11

COUNCILWOMAN DOROTHY L. GOOSBY

ONE WASHINGTON STREET
HEMPSTEAD, N.Y. 11550-4929
TEL: (516) 489-8000 EXT. 4304
FAX: (516) 469-8814
DGOOSBY@TOWNMAIL.ORG

February 2, 2015

Mr. Arthur Jerry Kremer, President
NY Area Affordable Reliable Electricity Alliance
533 Fifth Avenue, 16th Floor
New York, New York 10017

Re: Port Ambrose Natural Gas Project

Dear Mr. Kremer:

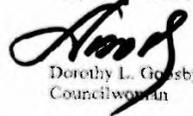
Thank you for your January 15, 2015 letter concerning the above project. I have reviewed the materials you enclosed.

LA11-1

I would be pleased to lend my support for this project. As you know, I represent many low-income communities in the Town of Hempstead. Each and every winter many of my constituents struggle to heat their homes. The Port Ambrose Natural Gas Project would help reduce natural gas heating costs for my constituents, while at the same time, have a minimal environmental impact. Also, lower natural gas costs would encourage more homeowners to convert their heating systems from oil to gas.

Again, thank you for providing me with this information.

Very Truly Yours,


Dorothy L. Goosby
Councilwoman

LA11-1 Thank you for your comment.

COUNCILMANIC DISTRICT ONE
HEMPSTEAD, LAKEVIEW, ROOSEVELT, UNIONDALE
PORTIONS OF
NORTH BALDWIN, FREEPORT, GARDEN CITY, LYNBROOK, WESTBURY AND WEST HEMPSTEAD



LA12

Councilman Edward A. Ambrosino
ONE WASHINGTON STREET
HEMPSTEAD, N.Y. 11550-4923
(516) 812-3179

March 5, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

LA12-1 The cost of living on Long Island is among the highest in the country. The time is now to help as much as we can.

I urge support of Port Ambrose, a proposed deep water port 18 miles off the coast of Long Island that would use existing pipelines to bring more natural gas to the region.

This project will help lower utility bills, preserve and create jobs and stabilize our energy infrastructure.

The Liberty Port Ambrose project deserves our collective support.

Very truly yours,


Edward A. Ambrosino
Councilman 2nd District

LA12-1 See response to IND211-1.

LA13



VILLAGE OF HUNTINGTON BAY

P.O. BOX 2184 HUNTINGTON, NEW YORK 11743-0873 631-427-2843 631-425-3063 FAX

February 6, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Capitol Building, 2nd Floor
Albany, NY 12224

Re: Port Ambrose Proposal

Dear Governor Cuomo,

I am writing to you to ask for your support of the very important Port Ambrose project.

We are now experiencing the low cost of automobile gasoline and natural gas. However, nothing is guaranteed for the long term and we need a new and safe source of natural gas for our communities in order to keep prices down. The cost of living on Long Island is the factor that is causing so many people to leave and live in other areas of the country.

The Port Ambrose project will not disturb our towns and villages and it will provide Long Island with a plentiful supply of natural gas. An underwater connection to feed more gas to Long Island is good for the consumers and people of limited means because it increases supply and competition, which helps to keep prices down.

As an elected official concerned with the future of Long Island and our State I ask you to approve the Port Ambrose proposal.

Sincerely,

A handwritten signature in black ink that reads "Herb Morrow".

Herb Morrow

Mayor

Village of Huntington Bay
244 Vineyard Road
Huntington Bay, New York 11743

LA13-1 See response to IND211-1.

LA13-1

COMPANIES AND ORGANIZATIONS

CO1 Construction & Marine Equipment Co., Inc.

CO1



Construction & Marine Equipment Co., Inc.
330 South Frost St., Elizabeth, NJ 07202 Tel. (908) 820-9500, Fax (908) 820-9505

Commandant USCG - CG DES-4
Deepwater Ports Standards Division
USCG Stop 7509
2703 Martin Luther King Ave SE
Washington, DC, 20593-7509

10 Dec 14

Re: Support for Liberty Gas Off shore LNG Project USCG 2013-0363
NAN 2012 01138 EHA

Dear Sir:

The USCG is sitting in a key position to approve this off-shore project for natural gas unloading for the greater metropolitan area. "Port Ambrose" is a privately funded project that is waiting to move forward. Port Ambrose has addressed all the safety/environmental details for the shuttle vessel, buoy system, construction, environmental emissions, mitigation and the supply source.

Based on Construction & Marine Equipment's activity in the Energy Industry & the serious need for additional natural gas in our area. We would like to recommend that the Port Ambrose offshore Natural Gas unloading project be promptly approved.

This type of off shore connection is in working use in other locations in the US, Europe & other parts of the world. There are many offshore gas lines that cross the waters of the metropolitan area. Thus this is not new technology.

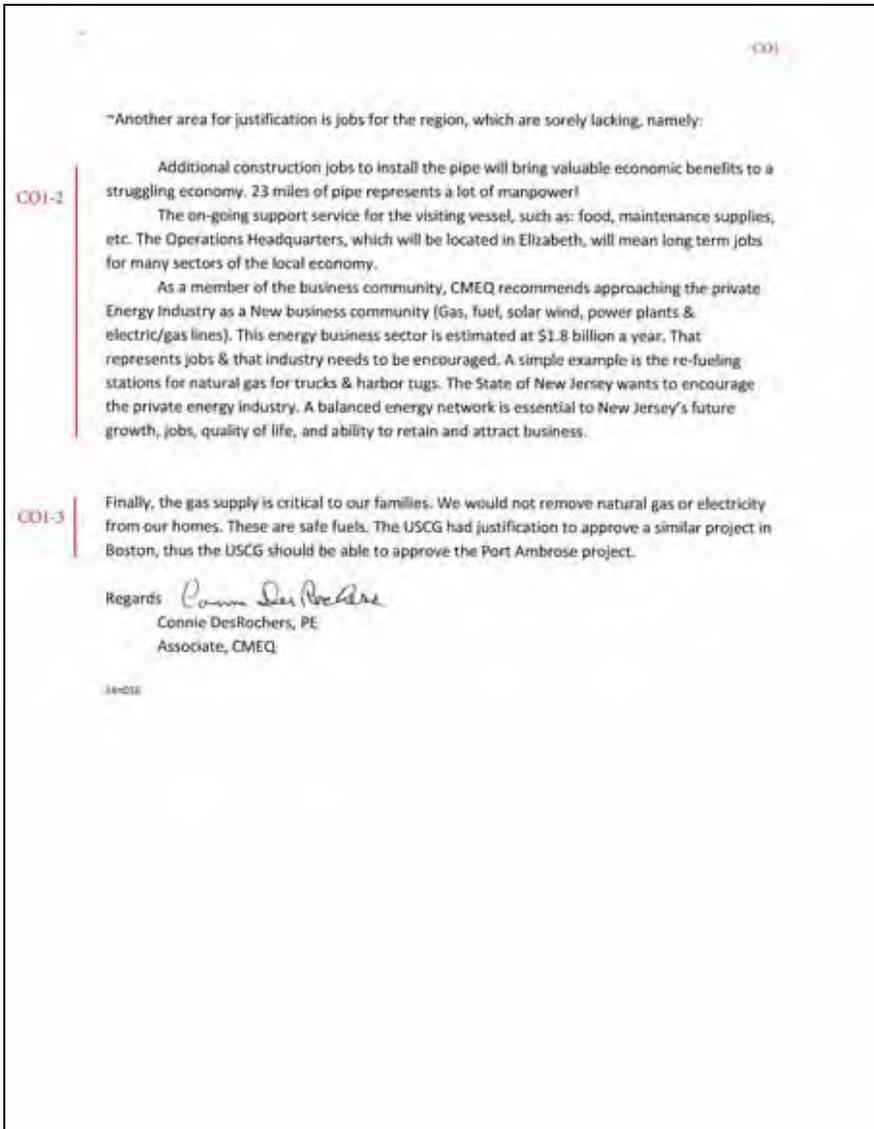
There are several justifications:

CO1-1 "The northeast needs a steady supply of natural gas. Our gas supply is routinely in short supply, resulting in curtailments to many public & private users. The Port Ambrose alternate supply represents a new source of energy to cover shortages, reduce the price & improve the reliability of supply. There is a growing need for more supply due to increase usage by residential customers, increased use in Combined -Heat & power projects and in the requirements for cleaner air.

"The proposal by several governmental agencies to establish natural gas fueling stations for large trucks and for harbor tugs will lead to greater demand. This demand will quickly lead to private firms providing commercial CNG fueling stations. Several fleet operators have been conducting trials on CNG for years.

"Serving the Marine Industry for 25 Years"

CO1-1 Thank you for your comment.



CO1-2 Thank you for your comment.

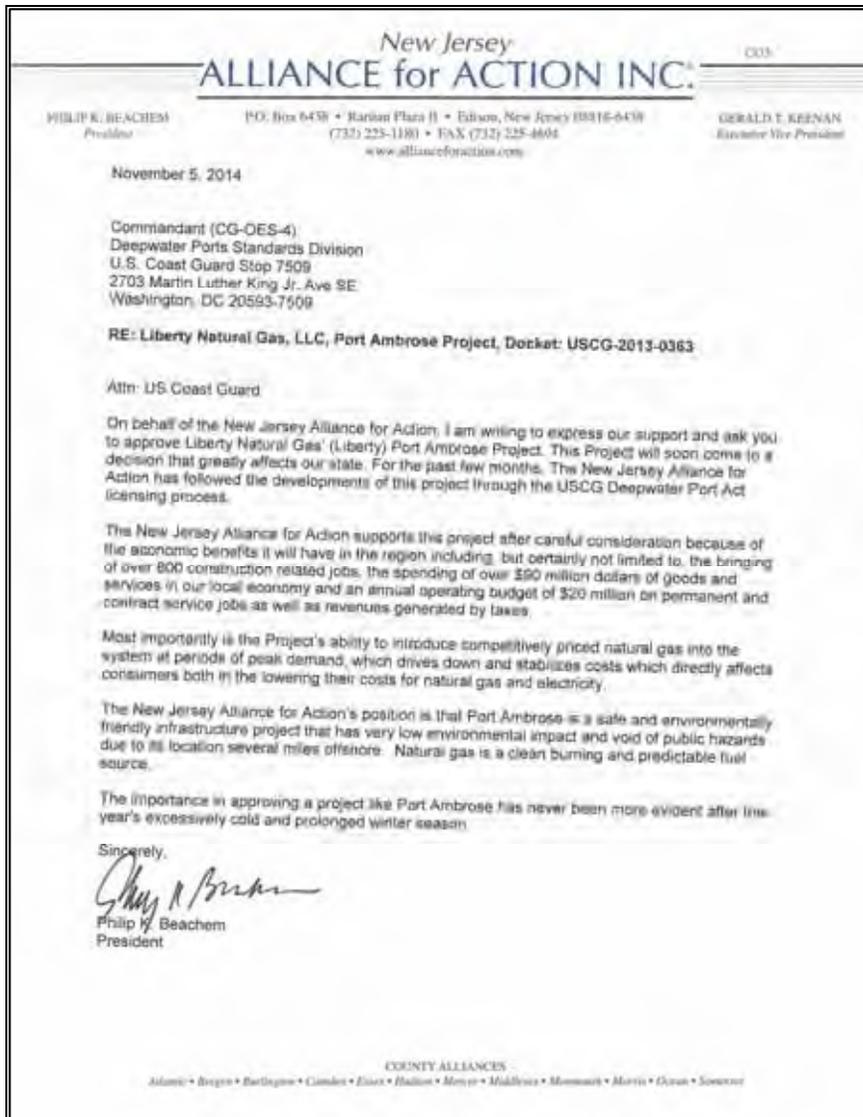
CO1-3 Thank you for your comment.



CO2-1 Thank you for your comment.

CO2-2 Thank you for your comment.

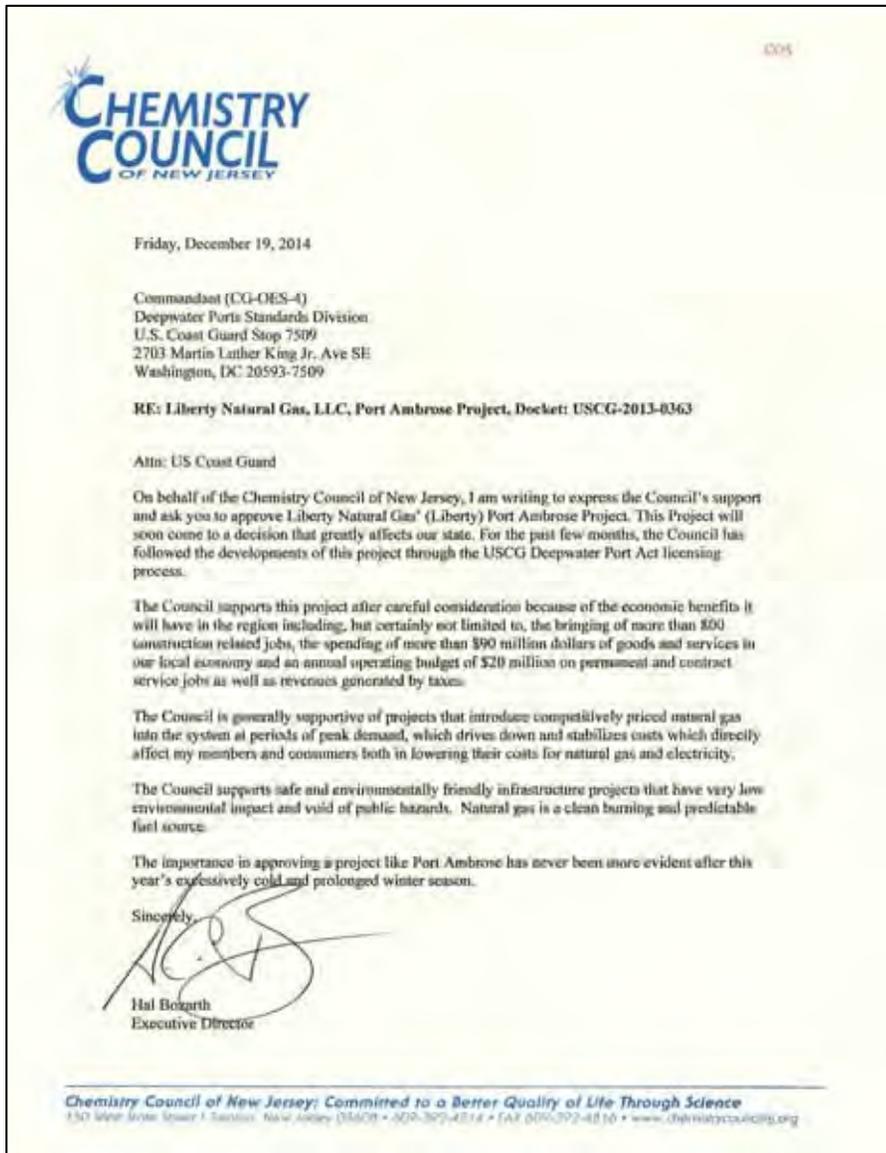
See response to CO2.



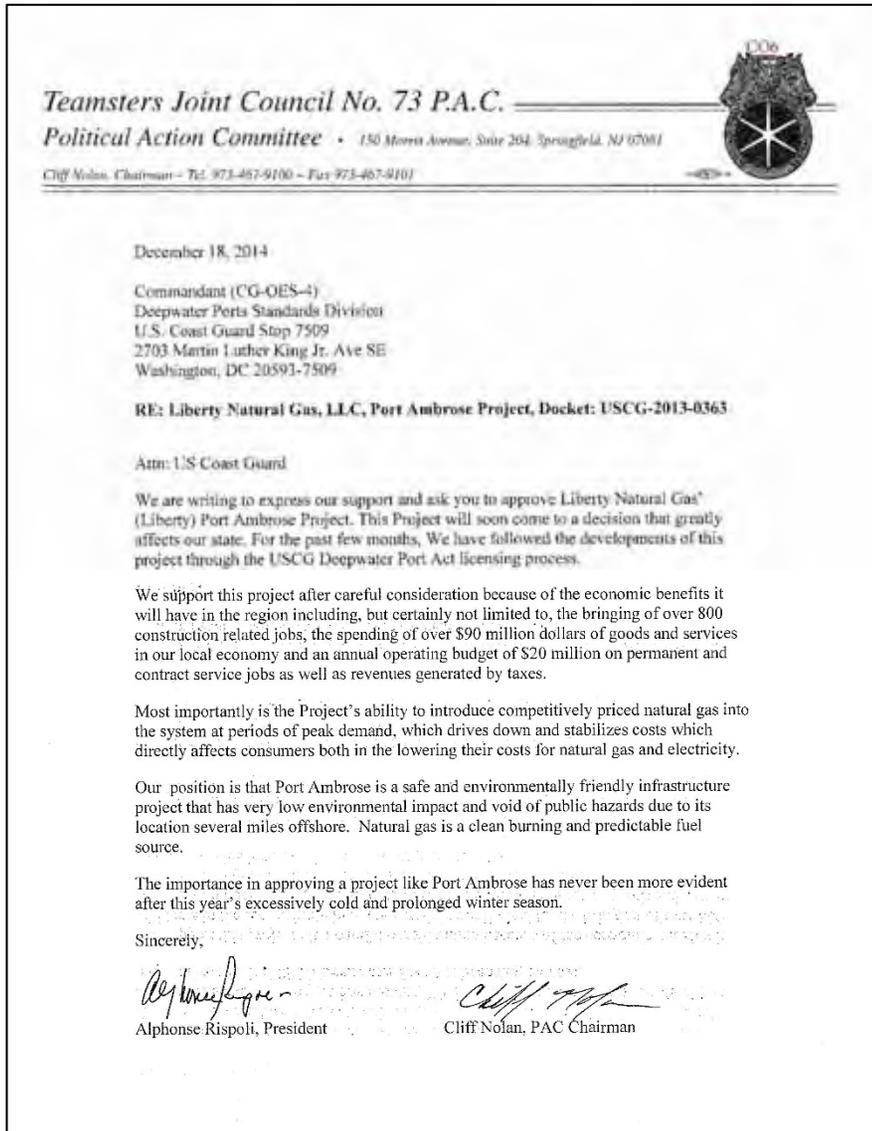
See response to CO2.



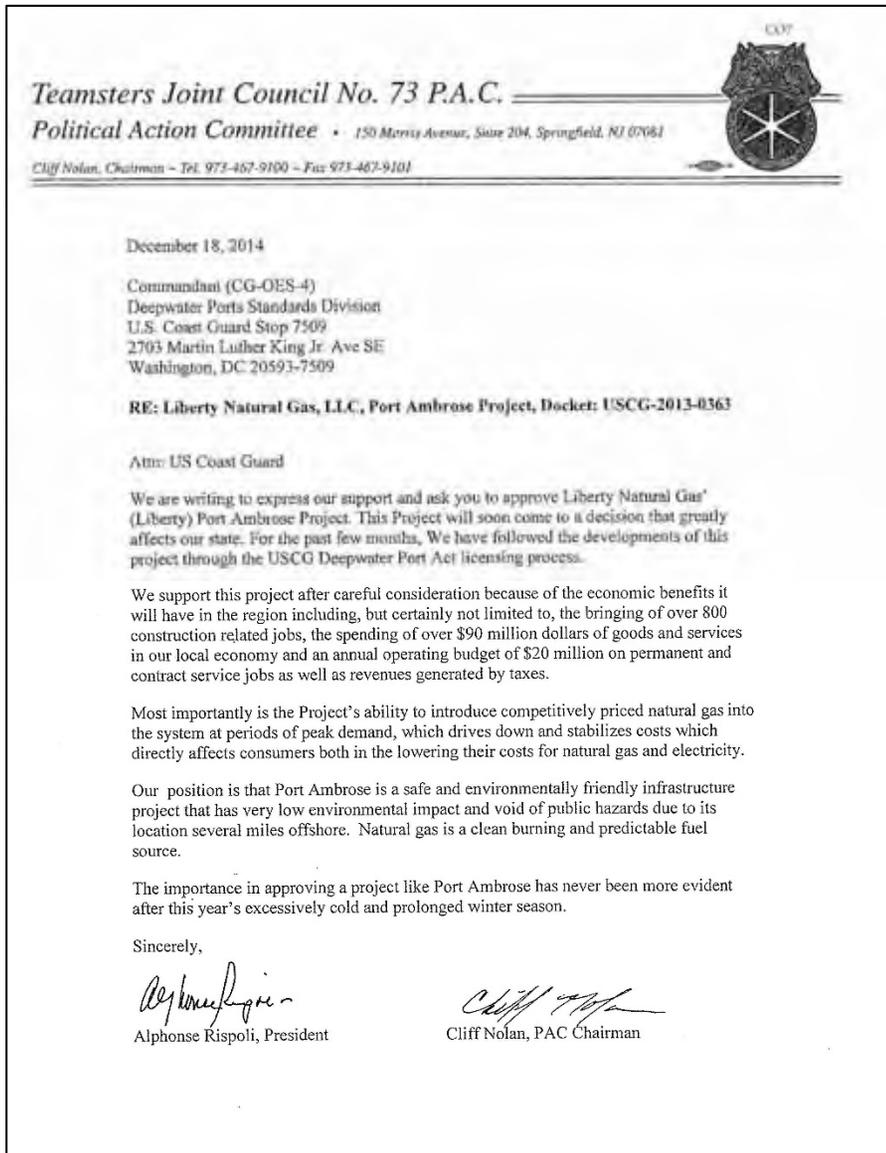
See response to CO2.



See response to CO2.



Duplicate - see response to CO6.



Duplicate - see response to CO1.



Construction & Marine Equipment Co., Inc.
330 South Front St., Elizabeth, NJ 07202 Tel. (908) 820-9500, Fax (908) 820-9505

Commandant USCG CG OES-4
Deepwater Ports Standards Division
USCG Stop 7509
2703 Martin Luther King Ave SE
Washington, DC, 20593-7509

10 Dec 14

Re: Support for Liberty Gas Off shore LNG Project USCG 2013-0363
NAN 2012 01138 EHA

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This type of off shore connection is in working use in other locations in the US, Europe & other parts of the world. There are many offshore gas lines that cross the waters of the metropolitan area. Thus this is not new technology.

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"The northeast needs a steady supply of natural gas. Our gas supply is routinely in short supply, resulting in curtailments to many public & private users. The Port Ambrose alternate supply represents a new source of energy to cover shortages, reduce the price & improve the reliability of supply. There is a growing need for more supply due to increase usage by residential customers, increased use in Combined -Heat & power projects and in the requirements for cleaner air.

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"Serving the Marine Industry for 25 Years"

CO8

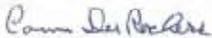
"Another area for justification is jobs for the region, which are sorely lacking, namely:

Additional construction jobs to install the pipe will bring valuable economic benefits to a struggling economy. 23 miles of pipe represents a lot of manpower!

The on-going support service for the visiting vessel, such as: food, maintenance supplies, etc. The Operations Headquarters, which will be located in Elizabeth, will mean long term jobs for many sectors of the local economy.

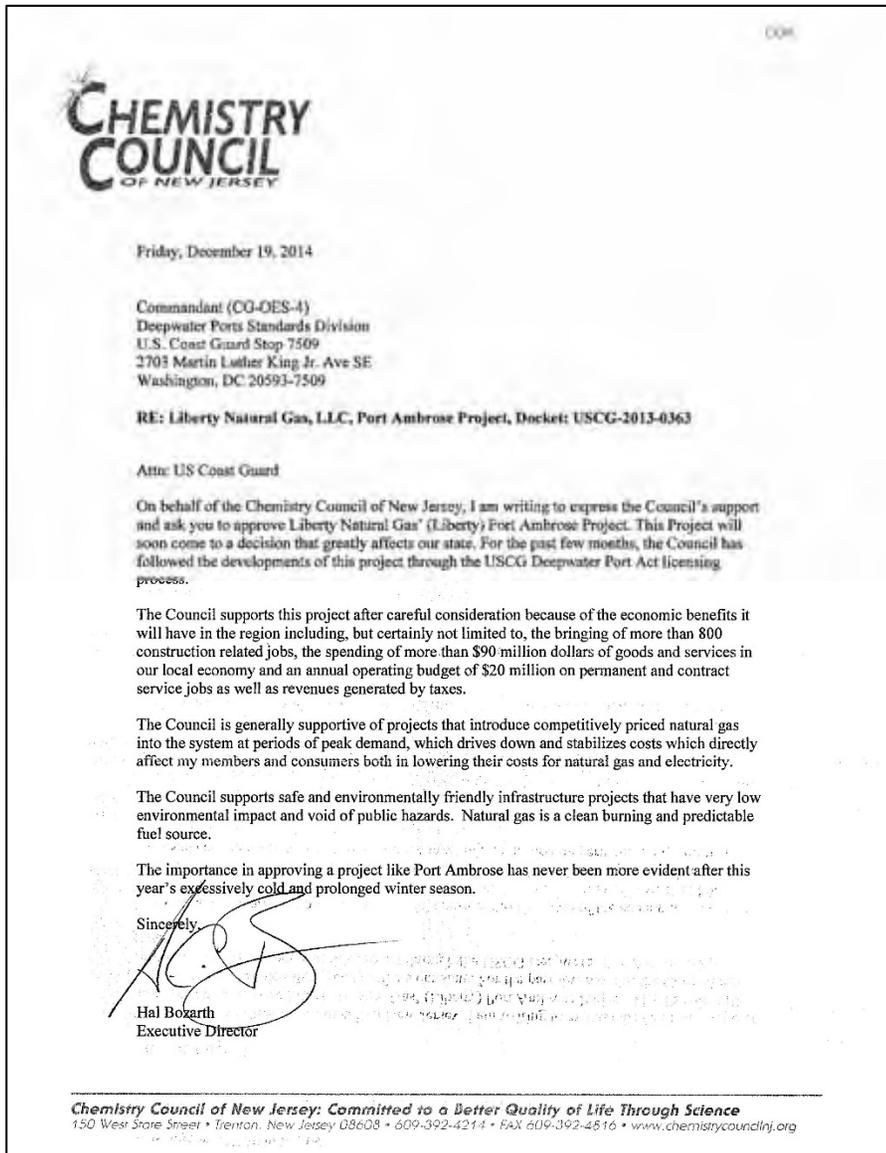
As a member of the business community, CMEQ recommends approaching the private Energy industry as a New business community (Gas, fuel, solar wind, power plants & electric/gas lines). This energy business sector is estimated at \$1.8 billion a year. That represents jobs & that industry needs to be encouraged. A simple example is the re-fueling stations for natural gas for trucks & harbor tugs. The State of New Jersey wants to encourage the private energy industry. A balanced energy network is essential to New Jersey's future growth, jobs, quality of life, and ability to retain and attract business.

Finally, the gas supply is critical to our families. We would not remove natural gas or electricity from our homes. These are safe fuels. The USCG had justification to approve a similar project in Boston, thus the USCG should be able to approve the Port Ambrose project.

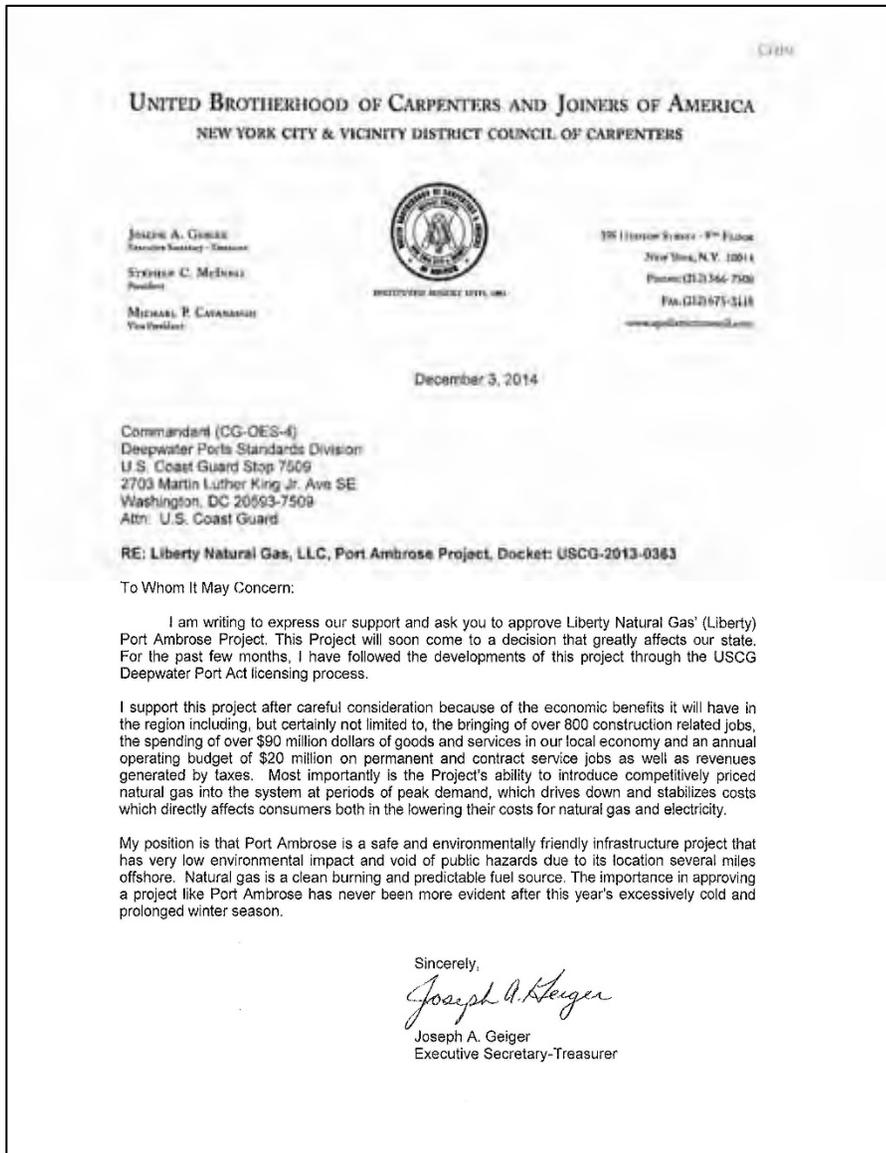
Regards 
Connie DesRochers, PE
Associate, CMEQ

14-016

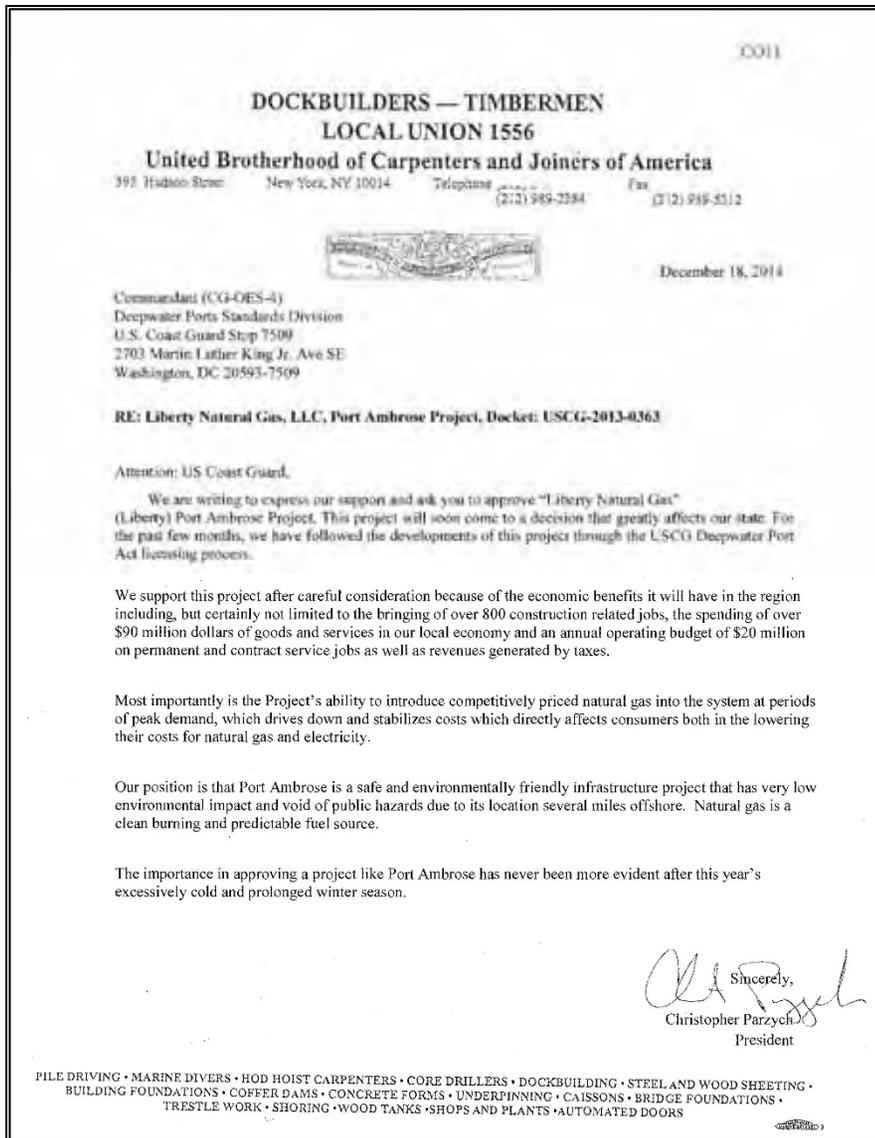
Duplicate - see response to CO5.

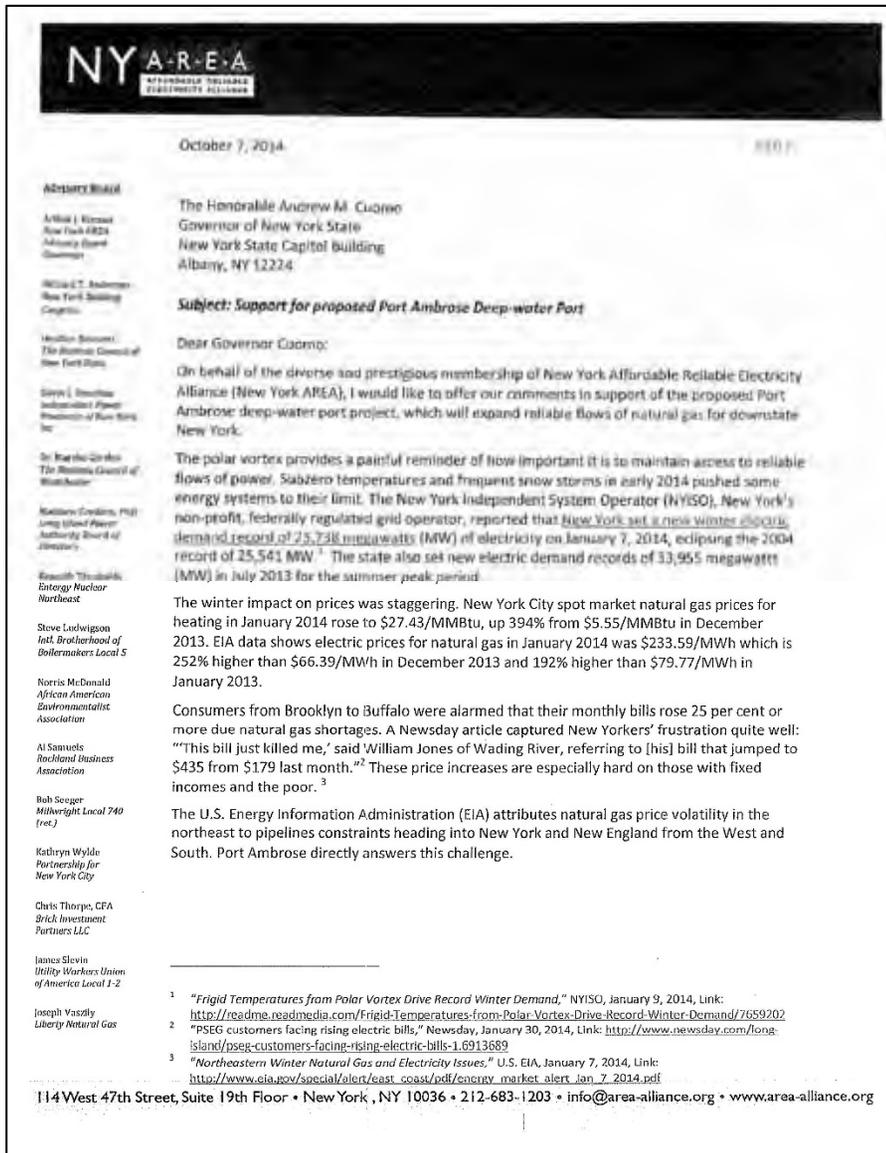


Duplicate - see response to CO2.



See response to CO2.





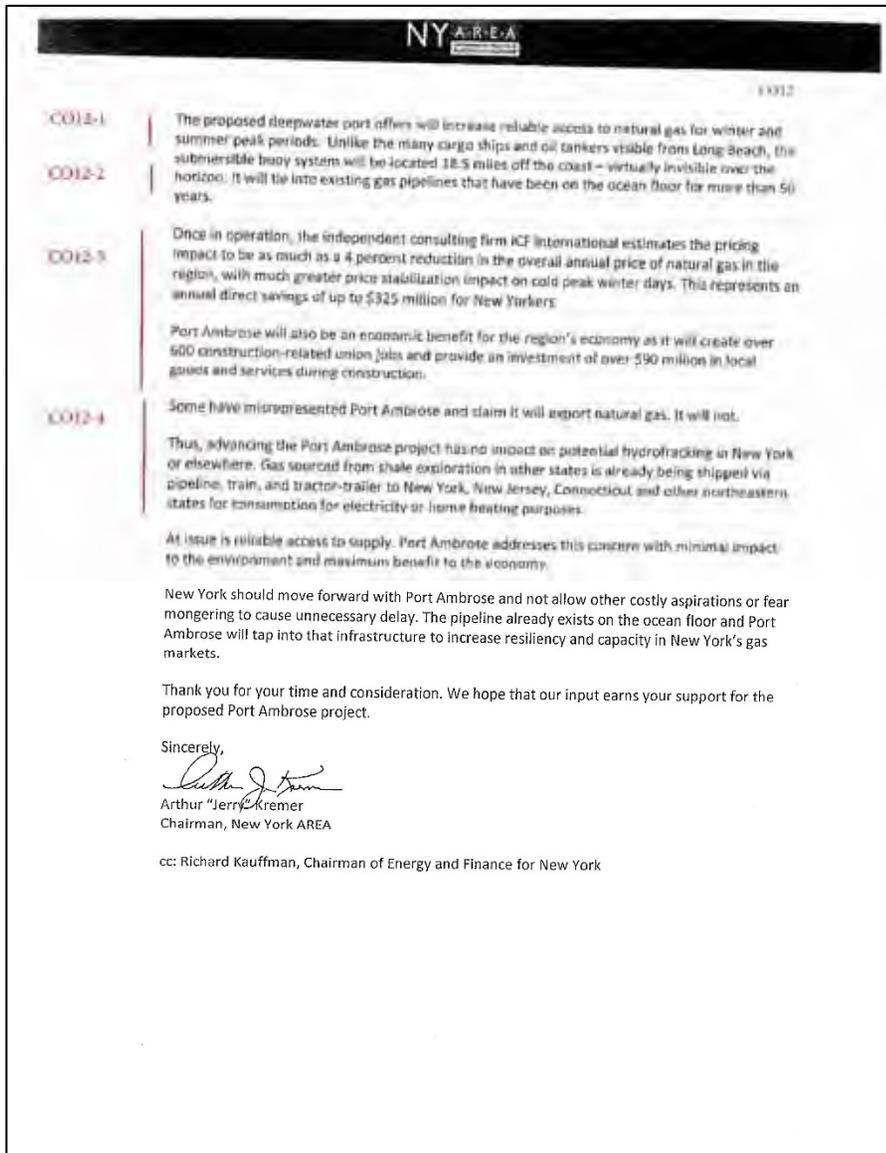
CO12 New York Affordable Reliable Electricity Alliance (NY AREA)
(Continued)

CO12-1 Thank you for your comment.

CO12-2 Thank you for your comment.

CO12-3 See response to LA3-3.

CO12-4 Thank you for your comment.

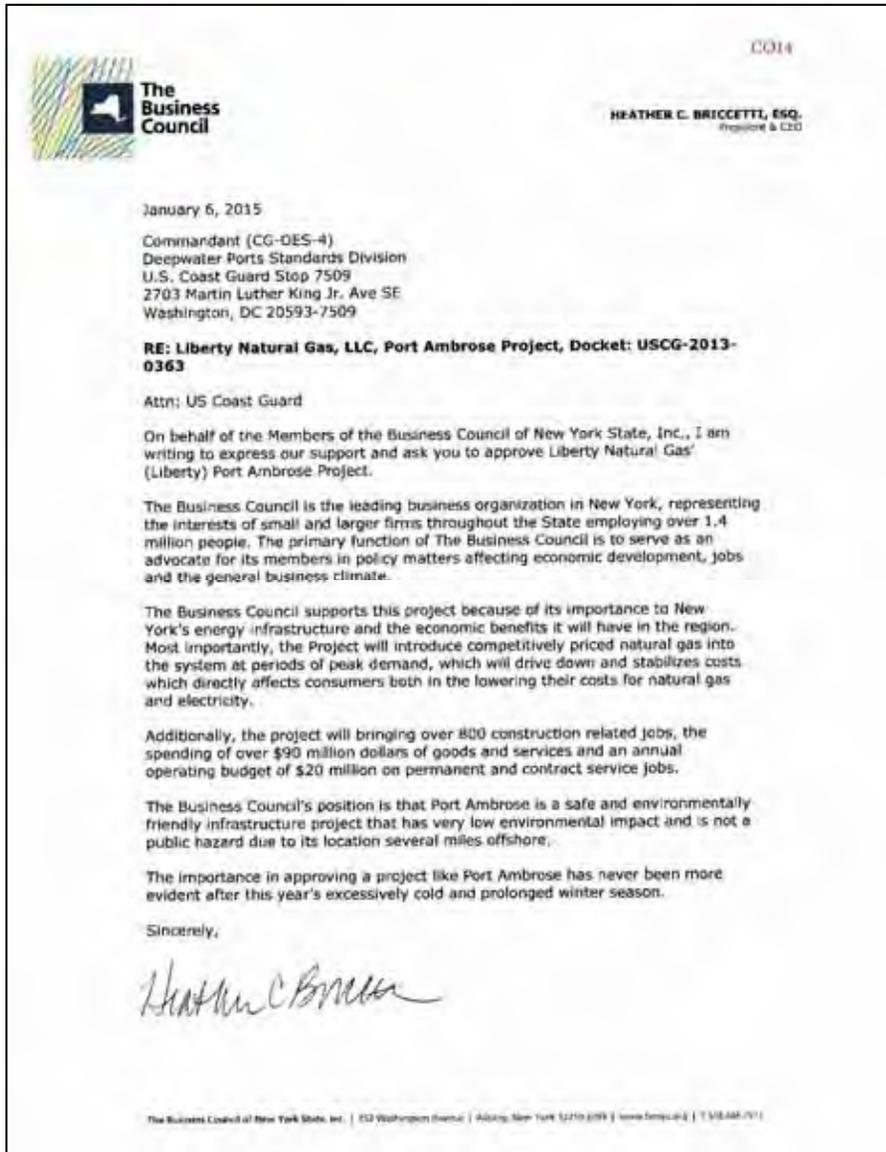




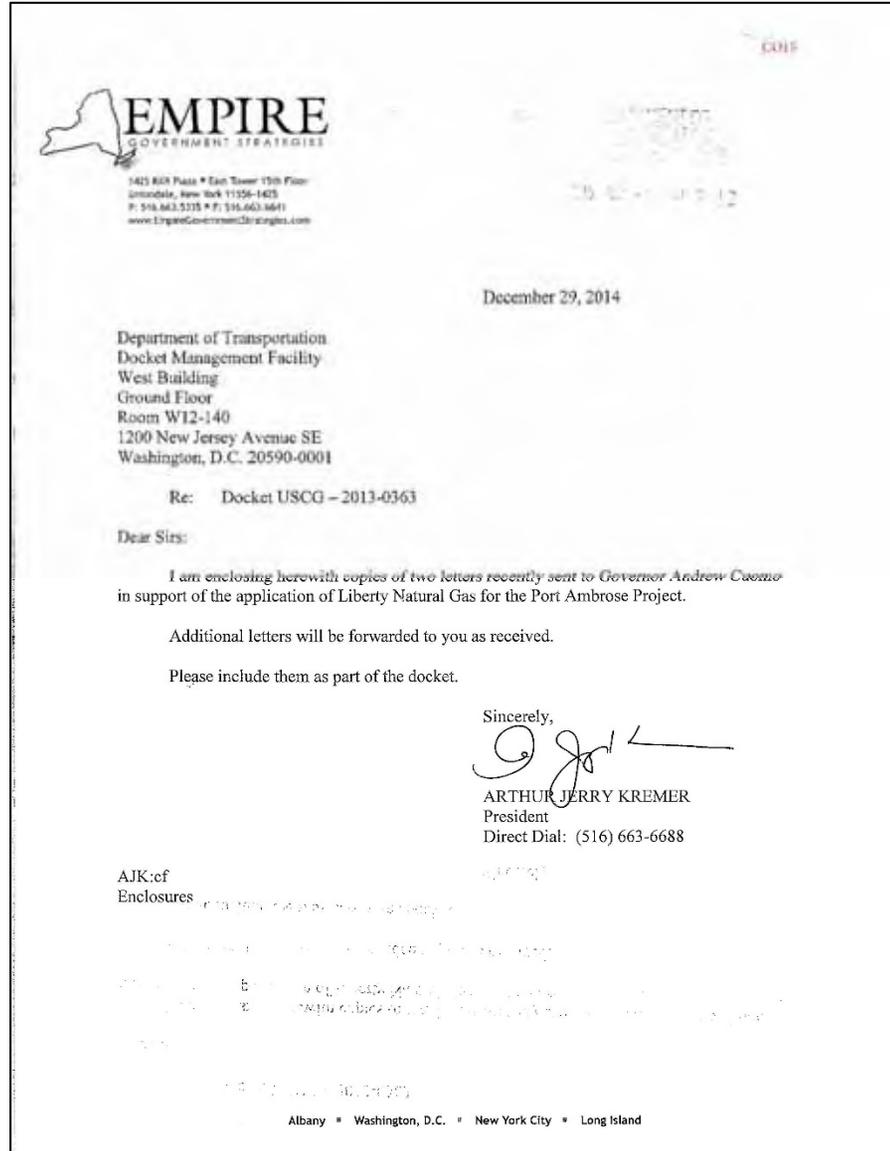
CO13-1 Thank you for your comment.

CO13-2 Thank you for your comment.

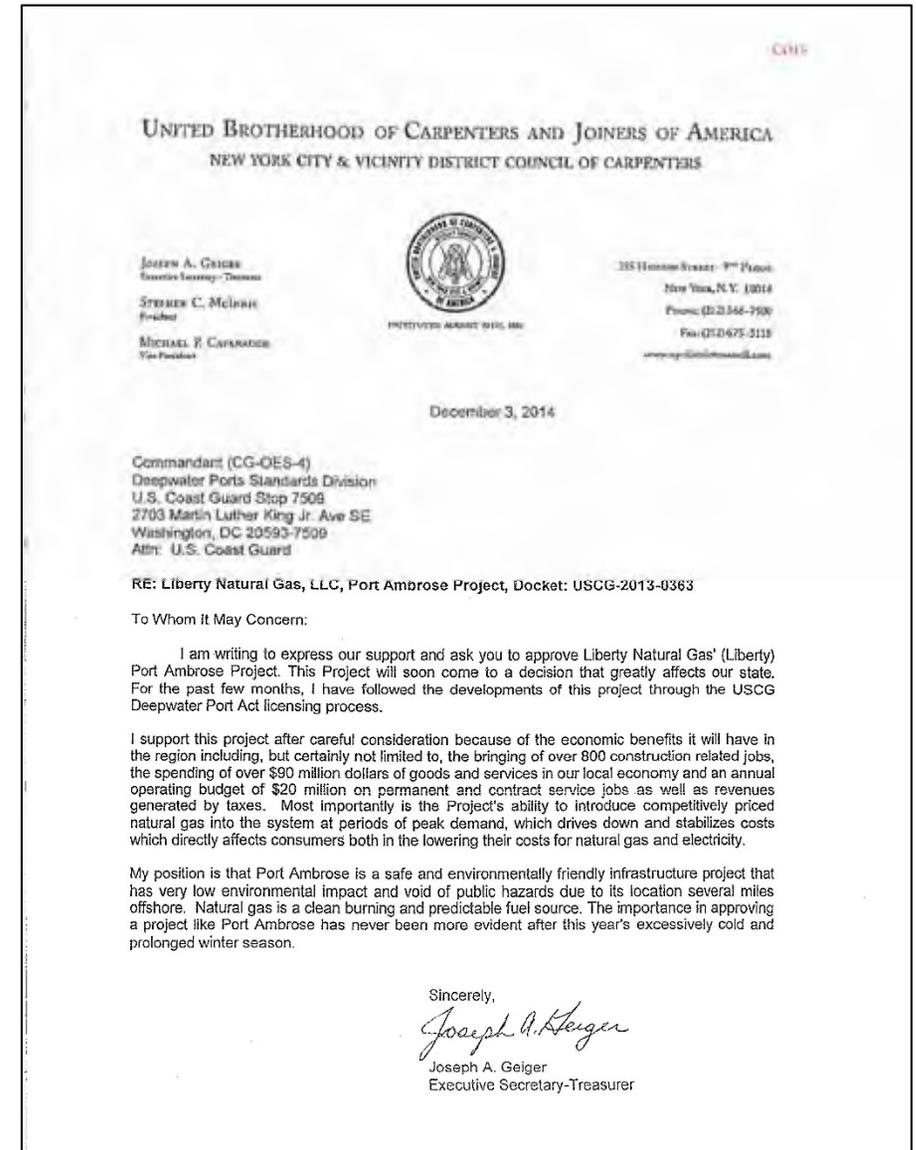
See response to CO2.



Duplicate - See response to CO2.



CO15 Empire Government Strategies on behalf of NY Affordable Reliable Electricity Alliance



Duplicate - see response to LA3.

CCHS

Queens
Chamber of Commerce

Albert F. Petrucci, President
Terri Thomson, First Vice President
Mayra DiRico, Treasurer
Vincent Petrucci, Secretary
Jack Friedman, Executive Director

75-20 Astoria Boulevard, Suite 140
Jackson Heights, NY 11378
P: 718.896.8590
F: 718.898.8599
info@queenschamber.org

December 16, 2014

The Honorable Andrew M. Cuomo
Governor of New York State
NYS Capitol Building
Albany, New York 12224
Tel: 518-474-8390

Re: Support for Port Ambrose deepwater LNG port

Dear Governor Cuomo:

The Queens Chamber of Commerce, representing almost 1,000 members committed to improving the quality of life in our borough, writes to express support for the proposed Port Ambrose deep water port project, which aims to expand access to and lower the price of natural gas for the downstate region. The project is currently under federal review under U.S. Coast Guard identification number 2013-0363-1066. We hope our comments earn your support for the project as well.

The Queens Chamber of Commerce recognizes the growing challenges to meeting demand for heating during the winter. It is our belief that the Port Ambrose project will provide safe, clean, economically beneficial, and timely relief to Greater New York's projected heating fuel supply shortage due to system constraints.

The Port Ambrose Project is safe and clean: Built on the Atlantic Ocean floor almost 20 miles off the NYC shoreline, Port Ambrose will be invisible from shore, in compliance with all safety requirements, and built to sustain hurricane conditions. Furthermore the fuel it carries, LNG, is significantly cleaner to burn than the coal and oil that comprises much of the "fall back plan" when natural gas demand exceeds supply for heat and power production.

The Port Ambrose Project is economically beneficial: according to ICF International, the added capacity is expected to reduce prices four percent, saving New Yorkers \$325 million annually. No public money will be spent on the project, which will create 600 jobs and generate \$90 million in regional economic activity.

Finally, the Port Ambrose Project will deliver most of its fuel when it is needed most – in the depths of winter or sweltering heat of summer, when domestic supply of natural gas is inadequate. Thus it poses no competitive challenge to existing suppliers, while providing

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Queens
Chamber of Commerce

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Terri Thomson, First Vice President
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Vincent Petrucci, Secretary
Jack Friedman, Executive Director

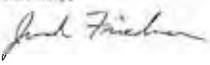
75-20 Astoria Boulevard, Suite 140
Jackson Heights, NY 11378
P: 718.896.8590
F: 718.898.8599
info@queenschamber.org

downstate New York with potentially life-saving heat during the coldest days of the year or dog days of summer.

Energy diversity in the service of New Yorkers has been a hallmark of your administration's energy policy. For this reason, the Queens Chamber of Commerce is hopeful that you too support the Port Ambrose project.

Thank you for your time and considering my comments on this issue.

Sincerely,



Jack Friedman, Executive Director
Queens Chamber of Commerce

CC: Richard Kaufmann, Chairman of Energy and Finance for New York

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Duplicate, see response to CO12.

CO12



October 3, 2014

Subject: Support for proposed Port Ambrose Deep-water Port

The Honorable Andrew M. Cuomo
Governor of New York State
New York State Capital Building
Albany, NY 12244

Dear Governor Cuomo:

On behalf of the diverse and prestigious membership of New York Affordable Reliable Electricity Alliance (New York AREA), I would like to offer our comments in support of the proposed Port Ambrose deep-water port project, which will expand reliable flows of natural gas for downstate New York.

The polar vortex provides a painful reminder of how important it is to maintain access to reliable flows of power. Subzero temperatures and frequent snow storms in early 2014 pushed some energy systems to their limit. The New York Independent System Operator (NYISO), New York's non-profit, federally regulated grid operator, reported that New York set a new winter electric demand record of 25,730 megawatts (MW) of electricity on January 7, 2014, eclipsing the 2004 record of 25,541 MW.¹ The state also set new electric demand records of 33,955 megawatts (MW) in July 2013 for the summer peak period.

The winter impact on prices was staggering. New York City spot market natural gas prices for heating in January 2014 rose to \$27.43/MMBtu, up 394% from \$5.55/MMBtu in December 2013. EIA data shows electric prices for natural gas in January 2014 was \$233.59/MWh which is 252% higher than \$66.39/MWh in December 2013 and 192% higher than \$79.77/MWh in January 2013.

Consumers from Brooklyn to Buffalo were alarmed that their monthly bills rose 25 per cent or more due natural gas shortages. A Newsday article captured New Yorkers' frustration quite well: "This bill just killed me," said William Jones of Wading River, referring to [his] bill that jumped to \$435 from \$179 last month.² These price increases are especially hard on those with fixed incomes and the poor.³

The U.S. Energy Information Administration (EIA) attributes natural gas price volatility in the northeast to pipelines constraints heading into New York and New England from the West and South. Port Ambrose directly answers this challenge.

Supporters:

- William J. Emery
New York AREA
Advisory Board
Chairman
- Richard T. Ambrose
New York Working
Business
- Heather Blumenthal
The Business Council of
New York State
- Chris J. Tomlinson
Independent Power
Producers/ New York
Inc.
- Dr. Harold Gordon
The Business Council of
Producers
- Mark Green
Long Island Power
Authority Board of
Members
- Kenneth Theobald
Energy Nuclear
Horticoast
- Steve Ludwigson
Int. Brotherhood of
Ballroomers Local 5
- Morris McDonald
African American
Environmentalist
Association
- Al Samuels
Rockland Business
Association
- Bob Steeger
Millwright Local 740
(ret.)
- Katherine Wyble
Partnership for
New York City
- Clats Thorpe, CFA
Brick Investment
Partners LLC
- James Slewin
Utility Workers Union
of America Local 1-2
- Joseph Vazally
Liberty Natural Gas

114 West 47th Street, Suite 19th Floor, New York, NY 10036 • 212 693 1303 • info@newyorkarea.com

CO12

The proposed deepwater port offers will increase reliable access to natural gas for winter and summer peak periods. Unlike the many cargo ships and oil tankers visible from Long Beach, the submersible buoy system will be located 18.5 miles off the coast – virtually invisible over the horizon. It will tie into existing gas pipelines that have been on the ocean floor for more than 50 years.

Once in operation, the independent consulting firm ICF International estimates the pricing impact to be as much as a 4 percent reduction in the overall annual price of natural gas in the region, with much greater price stabilization impact on cold peak winter days. This represents an annual direct savings of up to \$25 million for New Yorkers.

Port Ambrose will also be an economic benefit for the region's economy as it will create over 600 construction-related union jobs and provide an investment of over \$80 million in local goods and services during construction.

Some have misrepresented Port Ambrose and claim it will export natural gas. It will not.

Thus, advancing the Port Ambrose project has no impact on potential hydrofracking in New York or elsewhere. Gas sourced from shale exploration in other states is already being shipped via pipeline, train, and tractor-trailer to New York, New Jersey, Connecticut and other northeastern states for consumption for electricity or home heating purposes.

At issue is reliable access to supply. Port Ambrose addresses this concern with minimal impact to the environment and maximum benefit to the economy.

New York should move forward with Port Ambrose and not allow other costly aspirations or fear mongering to cause unnecessary delay. The pipeline already exists on the ocean floor and Port Ambrose will tap into that infrastructure to increase resiliency and capacity in New York's gas markets.

Thank you for your time and consideration. We hope that our input earns your support for the proposed Port Ambrose project.

Sincerely,

 Arthur "Jerry" Kremer
 Chairman, New York AREA

cc: Richard Kauffman, Chairman of Energy and Finance for New York



CO16

The Retired Military Officers Association, Inc. (RMOA)

HEROES IN SERVICE – HEROES IN BUSINESS – HEROES IN LIFE

RMOA Officers

COL Frank Francisco, US (Ret.)
President

MAJ Irene A. Williams USA (Ret.)
Vice President

MAJ Dalton Rhodes USA (Ret.) PhD.
Secretary

COL Harry Deussen USA (Ret.)
Treasurer

Boarding Committee Chairs

COL Alfred Elliott USA (Ret.)
Business Development

Mr. Ted Adams, III
Financial Control

M. Cheryl Maxwell
Membership & Public Information

COL James George USA (Ret.)
Major J. Blank

Special Committee Chairs

LTC Kevin Jennings USA (Ret.)
Advocacy Committee

Ms. Tanya Smith
Legislative Policy Advisor

MAJ Patricia Williams USA (Ret.)
Parliamentary

WADM Anthony Watson USN (Ret.)
Business Associates

Executive Members

100th Adelia E. Wilson USA (Ret.)

LTC John W. Bealin, Jr. USA (Ret.)

LTC Arthur J. Grogg USA (Ret.)

COL Steve B. McManis USA (Ret.)

The Retired Military Officers Association
P. O. Box 471307
Orlando Heights, MO 20713 CO16-1

Office: (301) 959-8319
Fax: (301) 859-8320
Email: rmoaoffice@gmail.com
Website: www.rmoa.org

RMOA is a non-profit 501(c)(6) business association.

January 7, 2015

Department of Transportation
Dock at Management Facility, West Building
Ground Floor, Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590-0001

Docket No. USCG-2013-0363

Re: Port Ambrose is a Safe and Sensible Opportunity for All

Dear U.S. Coast Guard:

I write on behalf of the Retired Military Officers Association (RMOA) as our members are closely following the proposed "Port Ambrose" deep-water import terminal. RMOA is an Internal Revenue section 501(c)(6) business association.

Our organization is comprised of over 100 individual members who are in 79 companies located throughout the nation. RMOA members are proud and patriotic citizens who are CEO's or a Principal decision maker in their company. Many of our members have served honorably in the defense of America through participation in this nation's armed services in peace and war. We have expanded our membership to include non-military contractors and a select group of others. Our mission is to achieve economic growth and prosperity for America and our members while advancing the ideals of diversity and minority ownership of business.

RMOA supports the proposed Port Ambrose project and offers the following preliminary insight into the many benefits a subsea natural gas import terminal presents for the New York metropolitan region. For purposes of background, I have served as a Logistician at the highest levels in the Department of Army and as a Director of Logistic Resources in the Office of the Joint Chiefs of Staff. Additionally, I served as the executive and Commander of the largest ocean terminal in the US military at Bayonne, New Jersey, with over 2,500 personnel with an annual budget of over \$125 million.

The Port Ambrose import terminal is designed for the highest level of safety and its location - 18.5 miles off the coast of Long Island - offers an additional layer of safety. The structure will not be visible from shore and its significant distance from human population minimizes the likelihood of it being targeted by known or unknown threats, including grounding in shallow waters or other collisions.

With respect to the security of liquefied natural gas (LNG) tanker vessel traffic, an extensive amount of planning has been conducted to coordinate with multiple federal and state agencies to ensure that protocols and regulated safety zones are in place to protect the American public. Further, I have been informal that LNG maritime transportation has an impressive record of safety with no known releases of LNG from over 44,000 voyages according to the U.S. Coast Guard.

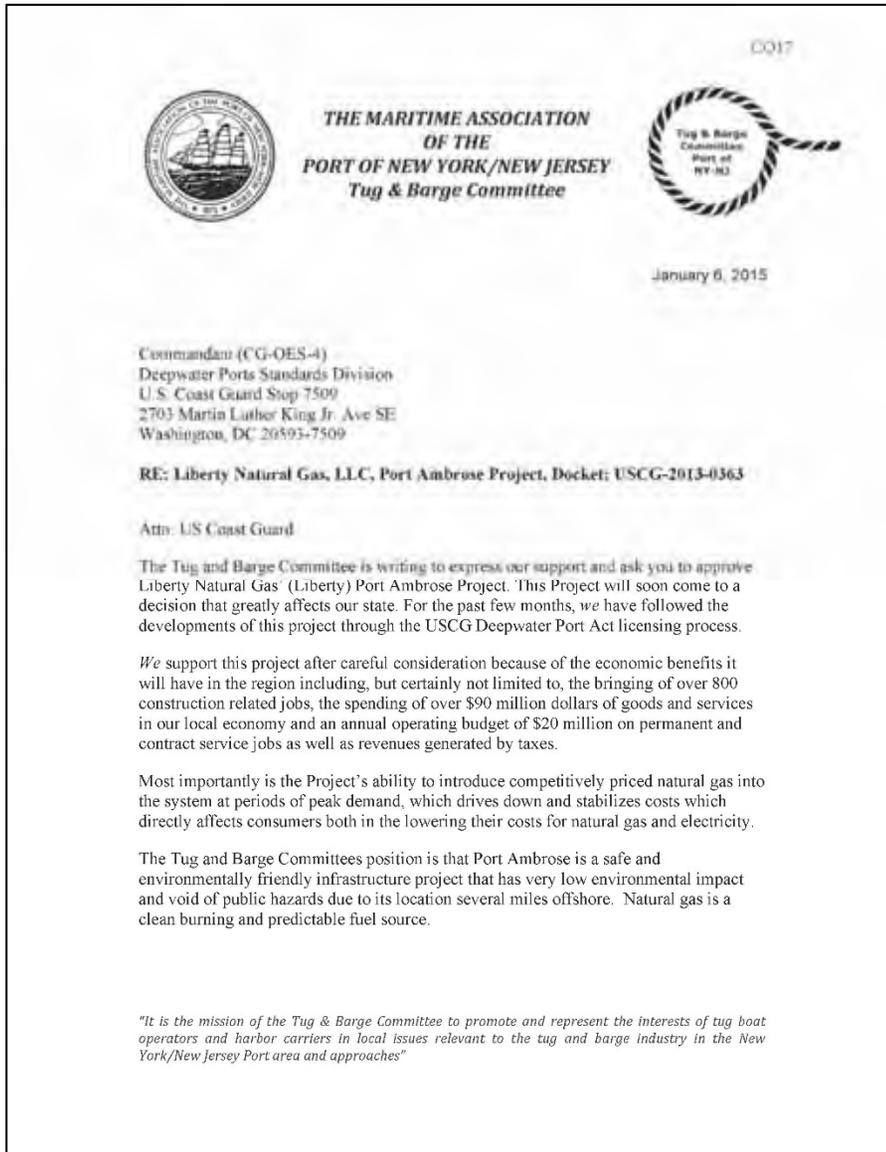
CO16-1 Thank you for your comment.



CO16-2 Thank you for your comment.

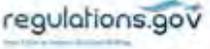
CO16-3 Thank you for your comment.

See response to CO2.





10/12/2015
Regulations.gov - Comment
CO18



Bruce Ferguson

This is a Comment on the **Coast Guard (USCG)** Notice: [Environmental Impact Statements: Availability, etc.; Liberty Natural Gas LLC, Port Ambrose Deepwater Port](#)

For related information, [Open Docket Folder](#)

Comment Now!

Due Feb 10 2015, at 11:58 PM ET

Comment

Re: USCG-2013-0363

Comments of the Draft Environmental Impact Statement (DEIS) for Liberty Natural Gas LLC, Liquefied Natural Gas (LNG) Deepwater Port License

My name is Bruce Ferguson and I represent the 14,000-member grassroots organization Catskill Citizens for Safe Energy. Before I discuss the draft Environmental Impact Statement for Port Ambrose, I would like to take note of the fact that the project sponsors, as well as the U.S. Coast Guard, and the Maritime Administration have all explicitly stated that Port Ambrose will not function as a gas export facility. This is important because during the scoping process in the summer of 2013, and now again during the comment period on the Draft EIS, we have been made to understand that comments pertaining to the upstream impacts of shale gas extraction, and those associated with exporting gas, will not be taken into consideration.

It's also worth noting that MarAd has proposed a written policy that would require all deepwater ports with import licenses to undergo a separate and completely new license application if they are to export gas. I've been told by spokespersons for both MarAd and the Coast Guard that such a licensing procedure would be a complete rerack with a new round of scoping, a new EIS, and another opportunity for adjacent state governors to veto the project.

In light of all these circumstances I will withhold comments on the disastrous impacts of fracking and gas exports until such time as the project sponsors apply for an export license. However, I also ask that MarAd and the Coast Guard to put the sponsors on notice that an investment in, and the construction of, an import facility costing hundreds of millions of dollars cannot, and will not, have any bearing whatsoever on whether or not an export license will be granted at a later date.

ID: USCG-2013-0363-1172

Tracking Number: 1jz-8ghp-mcel

Document Information

Date Posted: Jan 7, 2015

R/R: Not Assigned

[Show More Details](#)

Submitter Information

Submitter Name: Bruce Ferguson

Mailing Address: P.O. Box 202

City: Callicoon Center

Country: United States

ZIP/Postal Code: 12724

<http://www.regulations.gov/#documentDetailID=USCG-2013-0363-1172>

1/2

CO18 Catskill Citizens for Safe Energy (continued)

CO18-1 Thank you for your comment.

CO18-2 Thank you for your comment.

CO18-3 Thank you for your comment.

1/21/2015 Regulations.gov - Comment

CO18-1 All of this needs to be said because, despite protestations to the contrary, suspicions abound that Port Ambrose always has been, and still remains, a bait and switch project that will be quickly repurposed to export fracked gas. This subterfuge is presumed to be an attempt to escape the scrutiny of a highly organized and impassioned anti-fracking movement that succeeded, after almost seven years, in barring high-volume hydraulic fracturing in New York State. Far fetched? Maybe, but it makes a lot more sense than an LNG import facility off Long Island that is unneeded, and unwanted and bound to fail.

CO18-2 In my written comments I will focus on the lack of need for Port Ambrose, the fact that imported LNG cannot compete economically with the current glut of domestic shale gas, the fact that Port Ambrose will displace sustainable energy alternatives, and the fact that it will pose an unacceptable terrorist threat to millions of Americans.

CO18-3

<http://www.regulations.gov/#documentDetail;D=USCG-2013-0363-1172>

2/2

1/21/2015
Regulations.gov - Comment
CO19



The New Jersey Society for Environmental, Economic Development

This is a Comment on the **Coast Guard** (USCG) Notice: [Environmental Impact Statements; Availability, etc.; Liberty Natural Gas LLC, Port Ambrose Deepwater Port](#)

For related information, [Open Docket Folder](#) →

Comment

On behalf of The New Jersey Society for Environmental, Economic Development (NJ SEED) President Jim Benton, Vice Presidents Art Guida and Charlie Wowkanech, and the rest of the Officers and Trustees, we would like to register our support for Liberty Natural Gas's proposed Port Ambrose project that would build an offshore facility for liquefied natural gas (LNG) based on its opportunity to stabilize energy supply during peak usage and emergencies. The proposed 21 mile underwater gas pipeline would transport LNG from the port to an existing transcontinental pipeline (TRANSCO) at a point in Lower New York Bay. The project would stabilize energy prices and provide efficiency during peak usage and offer redundancy for energy supply. In fact Port Ambrose consumer benefit to New York and New Jersey natural gas consumers is estimated to be \$300 million a year from 2018, in addition to mitigating the Polar Vortex peak winter electricity shock caused by volatile fuel prices. On peak days this fuel penalty cost local consumers between \$600 million and \$900 million a day.

Attachments (1)

The New Jersey Society for Environmental, Economic Development

View Attachment: 

Comment Now!

Due Feb 10 2015, at 11:59 PM ET

ID: USCG-2013-0363-1174
Tracking Number: 1jz-8ghq-e50t

Document Information

Date Posted: Jan 7, 2015
RIN: Not Assigned
[Show More Details](#) →

Submitter Information

Submitter Name: Michael Drilla
Mailing Address: 305 West State Street
City: Trenton
Country: United States
State or Province: NJ
ZIP/Postal Code: 08618

http://www.regulations.gov/#documentDetail.D=USCG-2013-0363-1174
1/1



New Jersey Society for Environmental
Economic Development

408 West Lane Street
Trenton, NJ 08611
609-264-7720
609-264-2765 Fax
info@njseed.org
www.njseed.org

Care of the Department of Transportation
Docket Management Facility, West Building,
Ground Floor, Room W12-140,
1200 New Jersey Avenue SE
Washington, DC 20490-0001

Docket USCG-2013-0363

Re: Support for the Proposed Port Ambrose Project

On behalf of The New Jersey Society for Environmental, Economic Development (NJ SEED) President Jim Bentea, Vice Presidents Art Guida and Charlie Wolkowech, and the rest of the Officers and Trustees, we would like to register our support for Liberty Natural Gas's proposed Port Ambrose project that would build an offshore facility for liquefied natural gas (LNG) based on its opportunity to stabilize energy supply during peak usage and emergencies. The proposed 21 mile underwater gas pipeline would transport LNG from the port to an existing transcontinental pipeline (TRANSCO) at a point in Lower New York Bay. The project would stabilize energy prices and provide efficiency during peak usage and offer redundancy for energy supply. In fact Port Ambrose consumer benefit to New York and New Jersey natural gas consumers is estimated to be \$300 million a year from 2018, in addition to mitigating the Polar Vortex peak winter electricity shock caused by volatile fuel prices. On peak days this fuel penalty cost local consumers between \$600 million and \$900 million a day.

NJ SEED is a unique coalition of New Jersey's most prominent labor and business leaders. Our diverse membership includes labor advocates, construction trade groups and electrical workers unions; energy providers; environmental consultants; telecommunications firms; banks; residential and commercial development interests; insurance firms; education; law enforcement and firefighters; food manufacturers and retailers; water utilities; chemical industries; pharmaceutical companies and healthcare interests. What we all have in common is our belief that economic growth and environmental protection are not mutually exclusive. For more than thirty years, NJ SEED has supported balanced public policies that create private sector jobs, bolster our economy and enhance our environment.

CO19-1 NJ SEED supports the United States Coast Guard's Draft Environmental Impact Statement (DEIS) which was recently published. The statement demonstrates that the project is needed, the location is safe, and the impacts to the environment are minimal. The DEIS concluded that the project "would not be expected to degrade commercial, recreational, ecological, or scientific importance" of any aquatic life in the area, "nor would it cause any measurable change in population size or distribution of any species." The proposed project has been designed to be located completely offshore, avoid any impact to shoreline wetlands, and avoid sensitive fishery areas and near-shore areas that could affect tourism. The project was also shown to have no significant security risk to the region.

CO19-2 The initiatives proposed by Liberty Natural Gas represent an incredible amount of direct benefit to the residents and ratepayers of the state of New Jersey and ultimately to the state's economy. The ability to store and transport natural gas is paramount to providing reliable and low cost service to consumers in the New York metropolitan area during peak usage and emergencies. With severe and erratic weather patterns becoming more prevalent, demand for energy may spike at any given moment, most notably in the winter and summer months. Even with a current supply surplus in the energy sector the target market does not have sufficient infrastructure to transport this additional supply to end users. This facility would help relieve the bottleneck in supplying natural gas to the New York market during peak demand caused by the limited offshore pipeline delivery system.

CO19-1 Thank you for your comment.

CO19-2 Thank you for your comment.



CO19-3 See CO2-1.

CO20

We believe the DEIS adequately addresses project impacts and benefits and urge a speedy completion of the review process.

Sincerely,



Richard T. Anderson, President
New York Building Congress

See response to CO2.



CO21

International Union of Operating Engineers

LOCAL 25 MARINE DIVISION, AFL-CIO
www.iuolocal25.org

Scott A. Winter
President and
Business Manager

Paul "Jerry" Abell
Vice President

Michael J. Curry
Recording Corresponding
Secretary

Anthony Gonsiewski, Jr.
Financial Secretary

Scott A. Keever, Sr.
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BRANCH OFFICE
12610 Henderson Rd.
Tampa, FL 33625
(813) 265-0410
Fax (813) 265-0430

Commandant (CG-OES-4) January 7, 2015
Deepwater Ports Standards Division
U.S. Coast Guard Stop 7509
2703 Martin Luther King Jr. Ave SE
Washington, DC 20593-7509

RE: Liberty Natural Gas, L.L.C., Port Ambrose Project, Docket: USCG-2013-0363

Attn: US Coast Guard,

As the President of IUOE Local 25 Marine Division, I am writing to express our support and ask you to approve Liberty Natural Gas' (Liberty) Port Ambrose Project. This Project will soon come to a decision that greatly affects our state. For the past few months, we have followed the developments of this project through the USCG Deepwater Port Act licensing process.

We support this project after careful consideration because of the economic benefits it will have in the region including, but certainly not limited to, the bringing of over 800 construction related jobs, the spending of over \$90 million dollars of goods and services in our local economy and an annual operating budget of \$20 million on permanent and contract service jobs as well as revenues generated by taxes.

Most importantly is the Project's ability to introduce competitively priced natural gas into the system at periods of peak demand, which drives down and stabilizes costs which directly affects consumers both in the lowering their costs for natural gas and electricity.

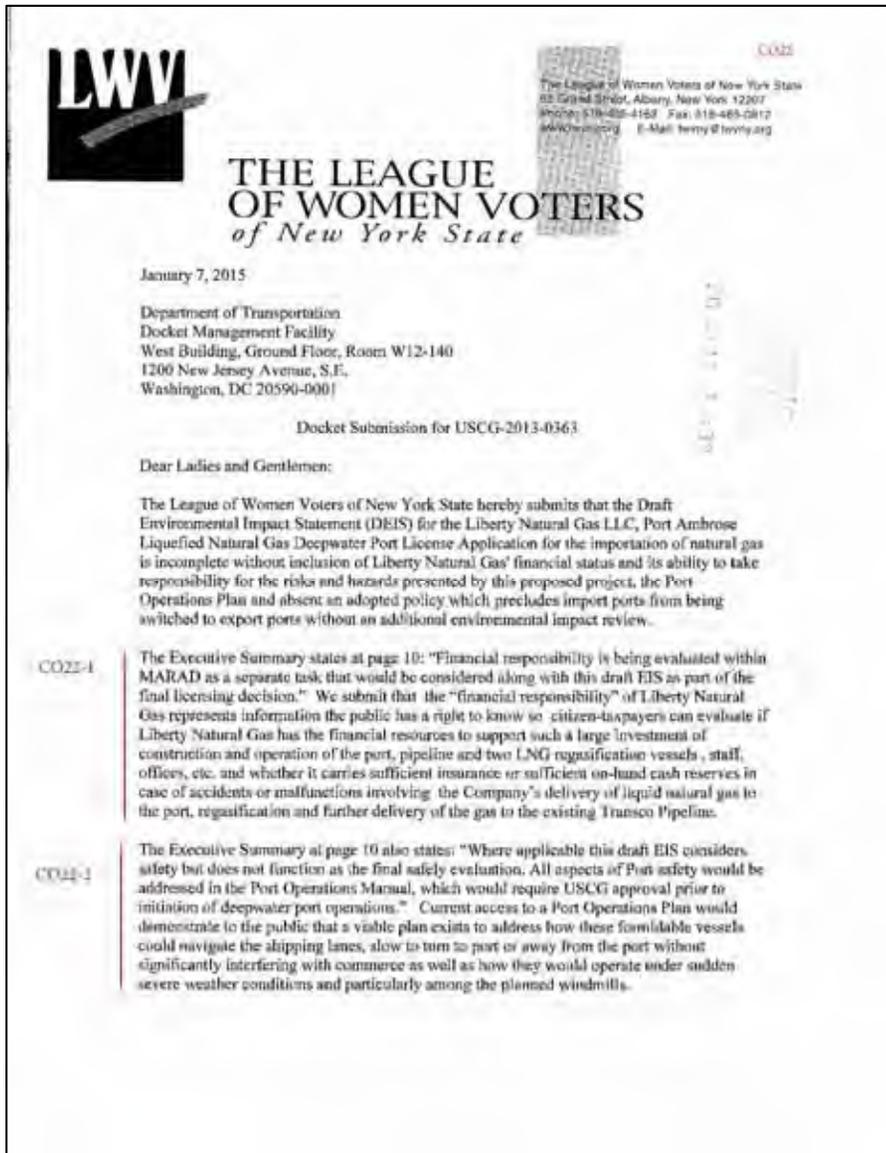
Our position is that Port Ambrose is a safe and environmentally friendly infrastructure project that has very low environmental impact and void of public hazards due to its location several miles offshore. Natural gas is a clean burning and predictable fuel source.

The importance in approving a project like Port Ambrose has never been more evident after this year's excessively cold and prolonged winter season.

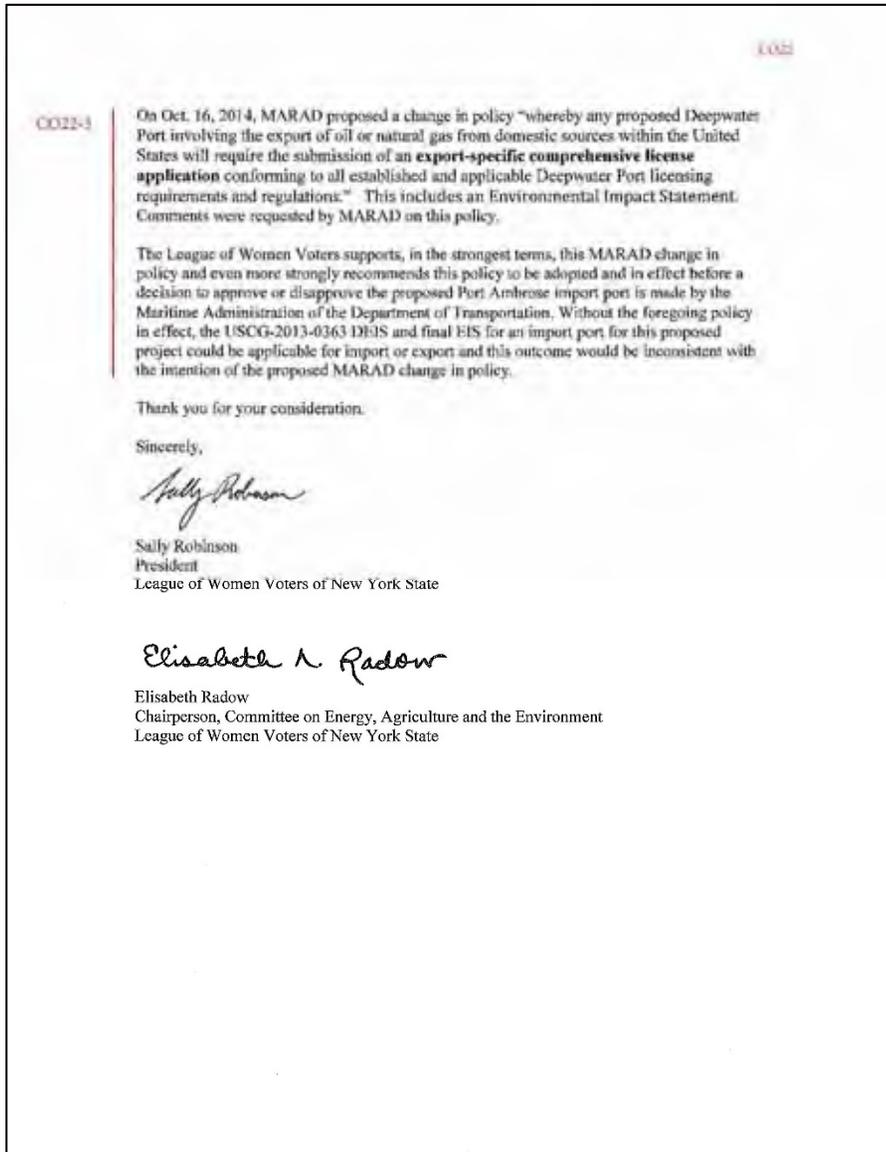
Sincerely,

Scott A. Winter
President & Business Manager
IUOE Local 25
Cell: 732-620-2142
Email: swinteriuoe25@comcast.net
Website: www.iuolocal25.org

- CO22-1 In accordance with the requirements of the Deepwater Port Act of 1974, as amended (the Act), an important part of the deepwater port licensing application review process is for MARAD to make a determination that the applicant is financially responsible and has the financial resources to own, construct, operate, and decommission the deepwater port at the end of the port's useful life. To satisfy these requirements, MARAD conducts a detailed and comprehensive evaluation and analysis of the financial wherewithal of the applicant, its affiliates and corporate owners, including an assessment of the entire corporate structure, its board members and the U.S. citizenship status of each member. Further, MARAD evaluates the management and technical expertise and performance of the entity proposed to provide such services to the port, and ensures that the applicant and/or its affiliates will maintain the financial resources necessary to assume liability for any foreseen and/or unforeseen incident and event that may occur at the port, during any portion of its lifecycle. Should a favorable Record of Decision be granted by MARAD for this application, the applicant, Liberty Natural Gas LLC and/or its designated representative, will be required to provide material evidence that demonstrates possession or the ability to readily acquire the sufficient financing to pay the total project costs of the port from commencement to decommissioning. The applicant will be required to provide such evidence to MARAD prior to issuance of the official deepwater port license.
- CO22-2 The draft DWP operations manual, that was submitted, as part of the Port Ambrose license application, is not publicly releasable because it includes proprietary and highly sensitive information (i.e., Sensitive Security Information protected in accordance 49 CFR Part 1520). If MARAD approves the Port Ambrose project and issues a license, the Applicant will be required to prepare a comprehensive operations manual (refer to 33 CFR 150.15 for required elements of the plan), subject to USCG review and approval before the port would be being authorized to commence operations. Sub-Section 5.3 also addresses port-specific issues to minimize risks and to protect life and property.



CO22-3 Thank you for your comment.



1/29/2015 Regulations.gov - Comment (003)

regulations.gov
From Title 5, Section 552, Subsection 2, Paragraph 4

Harriet Shugarman

This is a Comment on the **Coast Guard (USCG)** Notice: [Environmental Impact Statements; Availability, etc.; Liberty Natural Gas LLC, Port Ambrose Deepwater Port](#)

For related information, [Open Docket Folder](#)

Comment Now!
 Due Feb 10 2015, at 11:59 PM ET

ID: USCG-2013-0363-1199
Tracking Number: 1jr-8gl4-zzed

Document Information

Date Posted: Jan 13, 2015
RIN: Not Assigned
[Show More Details](#)

Submitter Information

Submitter Name: Harriet Shugarman
Mailing Address: 34 East Ridgewood Avenue, Suite 112
City: Ridgewood
Country: United States
State or Province: NJ
ZIP/Postal Code: 07461
Fax Number: 2018484596

Comment

My name is Harriet Shugarman, I present these comments as a stakeholder on behalf of the thousands of families in both New York and New Jersey that I represent in my role as the executive director of ClimateMama and as a board member of The Mothers Project.

We are strongly against the Port Ambrose Project.

CO23-1 Our review of the draft Environmental Impact Statement (EIS) on Port Ambrose is that the additional material submitted since the last time a very similar proposal to this one was submitted doesn't in any way negate Governor Christie's 2011 reasons for vetoing this project, which he succinctly summed up by saying that this project is just too risky. More specifically he referenced the risks to our fishing and tourism industries, and more generally he stated that this project was not what New Jersey needed. These same reasons clearly apply today. New Jersey gains nothing from this and only has the potential to see huge negatives: New York City and LI are already being supplied by pipelines that meet their current needs, so there is no inherent benefit for NY from this project either.

CO23-2 Our constituents living along the shore tell us their properties and their values have not only been shaken and damaged by Superstorm Sandy, but they continue to be threatened by extreme weather and sea level rise. These are realities they are facing now, not concerns for the future. In many places around the country we hear from people living in communities that are dealing with the reality of reduced property values because of proximity to pipelines, compressor stations and other oil and gas infrastructure. I ask if you have considered how an offshore re-gasification port will impact property values along our shore?

CO23-3 Investors around the world are getting extremely skittish about stranded fossil fuel assets, including planned and built infrastructure projects. Even with reduced energy prices, demand for gas for electricity and heating, which this project proposes to

<http://www.regulations.gov/DocumentDetail/D=USCG-2013-0363-1199> 1/2

CO23-1 Thank you for your comment.

CO23-2 Thank you for your comment.

CO23-3 Thank you for your comment.

CO23-3
(con't)

CO23-4 Thank you for your comment.

10/02/2015 Regulations - Comments

CO23-3 (con't)

supply, is remaining steady at best and in many places falling. We see energy efficiency projects and increased renewable energy in our energy mix continuing to grow and thereby replacing and reducing the demand for fossil fuels. So, is the need really there for this complicated project just off our shore, or as renewable demand increases and as we improve our energy efficiency, could we as tax payers end up being stuck with a bankrupt LNG port connected to pipelines we no longer need, buried off our coast?

On this subject of need, which must be established as rational to build these huge infrastructure projects, Port Ambrose assumes increased energy needs in our region, specifically for IMPORTED gas. We feel this need is based on outdated reasoning that is no longer accurate. Port Ambrose states in its proposal that the current capacity to supply gas to Queens and Long Island is inadequate; met only by gas coming from the Gulf and Western Canada. Since this proposal was conceived in 2009, FERC has approved numerous new pipelines projects carrying American gas from shale fields closer to home which supply NJ and NY with American gas. Several of these new pipelines in fact connect to the Transco Lower New York Bay Lateral pipeline, which serves Long Island and New York City and to which Port Ambrose proposes to connect to as well.

This increased supply comes at the same time that New York is actively exploring renewable options through its Reforming Energy Vision plan. In addition, and as has been pointed out, New York States ban on fracking because of health impacts is now setting in motion reviews around the country as well as in our region, on health impacts of other gas infrastructure. In considering the impacts of the Port Ambrose project, and the air and water emissions calculated into its design, I would ask if you have considered this latest data, the research and this new warnings?

CO23-4

Your documents state that the decision whether to issue a permit for this port will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest, and in general the needs and welfare of the people. It seems very clear to us that our health and welfare is threatened.

Our mantra at ClimateMama: Tell the truth, actions speak louder than words, and dont be afraid; I am here today to remind you that this mantra applies to you too as representatives of your respective agencies, and to our Governors in NJ and NY who will have the final decision on this project. Needs and demands are changing quickly. The world, including the United States, is actively working on plans to dramatically reduce our greenhouse gas emissions in the short-term horizon, and scientists have told us clearly that gas cannot be a transition fuel, even in the short term. This port is not the right answer for our future, nor is it the right answer for our now.

<http://www.regulations.gov/#documentDetail:D=112009-2015-1005-1189>

32



CO25-1 Thank you for your comment.

CO25

stakeholders and concerned citizens to comment on the DEIS

CO25-2

Given that the DEIS was released right before the holiday season, the 60 day public comment period is not a sufficient amount of time for review. In addition, there has been growing public interest in the proposal, particularly in Nassau County and the City of Long Beach, NY. Hosting only one public comment period, right after the holidays and in New York City, will limit public attendance and may restrict interested parties from testifying. CCE requests that the US Coast Guard extend the comment period to 90 days and schedule an additional public hearing in Nassau County, NY.

Sincerely,

Adrienne Elposito

Executive Director

Jordan Christensen

Program Coordinator

Citizens Campaign for the Environment

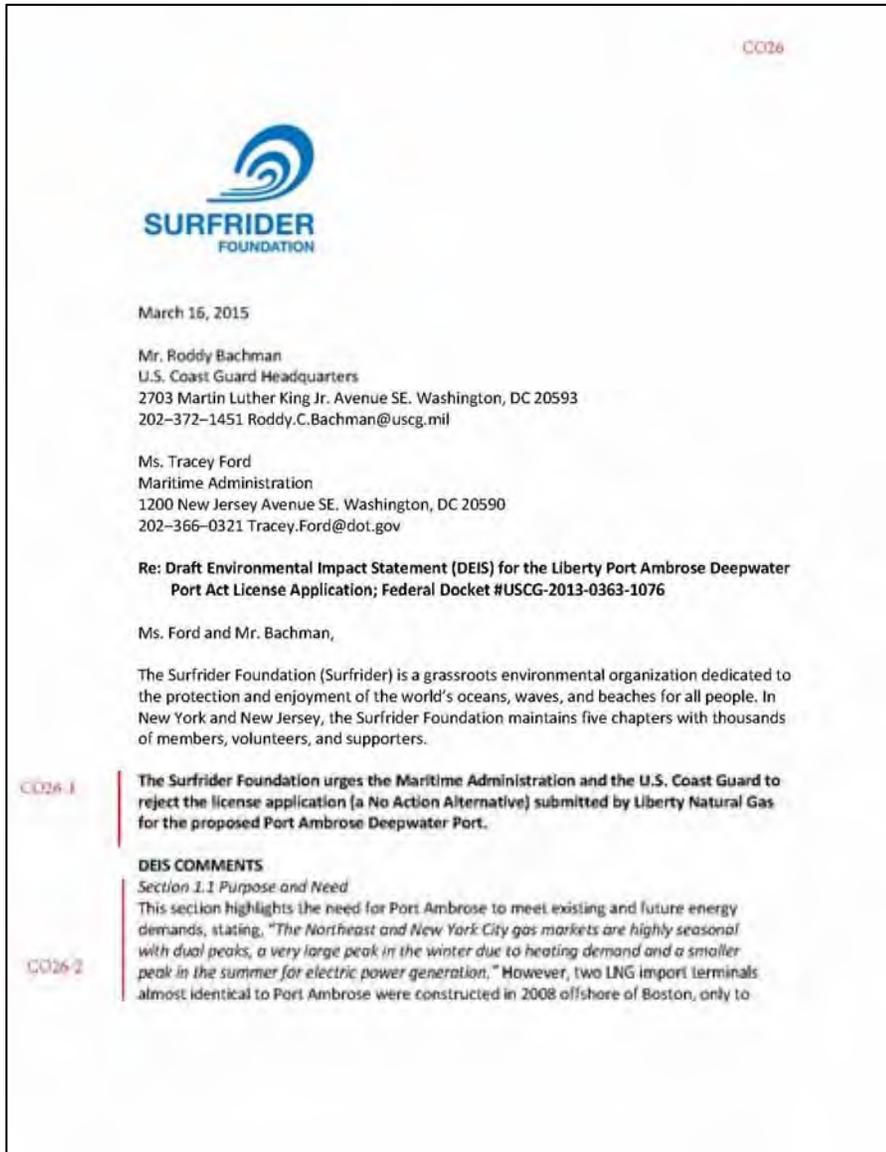
225a Main Street

Farmingdale, NY 11735

516-390-7150

CO25-2 Thank you for your comment.





CO26-1 Thank you for your comment.

CO26-2 See response to FA4-2 for a discussion of purpose and need, and peak demand.

As stated in Section 1.1 of the final EIS, the increased natural gas supply in New England for the winter of 2014-2015, including LNG imports from the Northeast Gateway Deepwater Port, off the coast of Boston, Massachusetts, contributed to reduced average wholesale energy prices from an average of \$138 per megawatt hour in the winter of 2013-2014, to an average of \$77 per megawatt hour in the winter of 2014-2015 (ISO New England 2015). Increased fuel supply during the winter peak demand directly contributed to the lower price levels in 2014-2015 (ISO New England 2015).

CO26-2 (anon1)	sit idle since 2010 because of a glut of American-made natural gas. ¹
CO26-3	<p>Section 3.2.3 Recreation Resources</p> <p>This section is of particular concern for our organization. Not only is surfing not listed as an activity occurring in New York and New Jersey, other popular activities such as kayaking and beach going are also not mentioned. These activities, especially beach going, are immensely popular along New York and New Jersey beaches and add significant economic value to coastal communities. Ocean-related tourism and recreation (not counting multipliers) in the two states adds up to around \$18 billion in GDP per year alone.²</p> <p>Surfrider recently completed a study of non-consumptive recreation in New York and New Jersey, finding wide and varied use of our coast and ocean. Our study found that the average New York and New Jersey resident surveyed spends \$56 and \$74 respectively per each coastal visit, a significant economic driver considering the millions of coastal visitors the region hosts each year.³</p>
CO26-4	<p>Section 4.0 Environmental Consequences of the Proposed Action and Alternatives</p> <p>Surfrider is concerned with a range of impacts from this project on the marine ecosystem. The DEIS lists impacts to water quality, air quality, benthic habitat, marine mammals, other marine organisms like turtles, fish and plankton, birds, and underwater noise. None of the impacts listed consider the increased magnitude from a spill or explosion, despite recorded LNG accidents.⁴ We find these impacts to be unacceptable.</p>
CO26-5	<p>New York and New Jersey's coastal economies and communities are dependent on industries such as tourism, recreation, and fishing. The Port Ambrose proposed project would put these industries, as well as coastal communities' quality of life, in jeopardy. Accordingly, the Surfrider Foundation asks that you protect New York and New Jersey's coasts and oceans by rejecting the license sought by Liberty Natural Gas (a No Action Alternative) under the Deepwater Port Act.</p> <p>Attached are 854 comments from New York and New Jersey residents to Governors Christie and Cuomo voicing opposition to the Port Ambrose project. While many of them are similar,</p>
<p>¹ Two Costly LNG Terminal Sit Idle, Boston Globe, 2013. Available at http://www.bostonglobe.com/business/2013/01/23/offshore-gas-terminals-mass-bust-for/Quidly2zFfy8NAQGNATT17/story.html</p> <p>² National Ocean Economics Program, Ocean Economy Data. Available at http://www.oceaneconomics.org</p> <p>³ Surfrider Foundation. Available at http://www.surfrider.org/images/uploads/publications/NY_Report.pdf</p> <p>⁴ CRS Report for Congress, Liquefied Natural Gas (LNG) Infrastructure Security: Background and Issues for Congress. Available at http://www.law.umaryland.edu/marshall/crsreports/crsdocuments/08132013_ORIG2003.pdf</p>	

CO26-3 The proposed Project would be located in federal waters of the North Atlantic in the Outer Continental Shelf (OCS) blocks NK 18-12 6708, NK 18-12 6709, and NK 18-12 6758 lease area, approximately 16.1 nautical miles off of Jones Beach, New York. Impacts to recreation opportunities are discussed in Section 4.7.4 of the final EIS.

CO26-4 See response to SA4-1 for a discussion of safety.

CO26-5 Thank you for your comment.

CO26

they represent the effort of residents who care enough about our coastal communities and economies to take time from their busy schedules to speak out against Port Ambrose.

Sincerely,

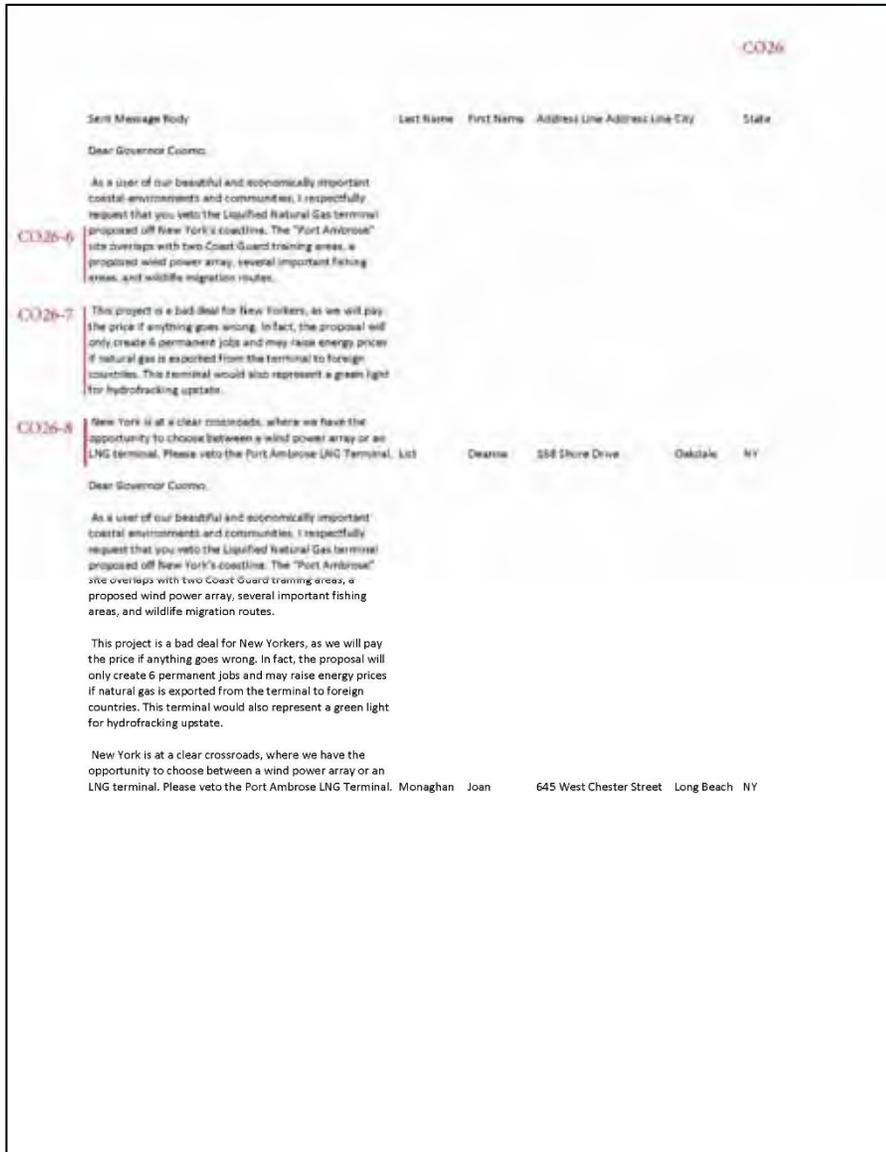
Mike Bottini
Chair, Eastern Long Island Chapter of the Surfrider Foundation

Michael Regan
Chair, Central Long Island Chapter of the Surfrider Foundation

Nick Lynn
Chair, New York City Chapter of the Surfrider Foundation

Bill Williams
Vice-Chair, Jersey Shore Chapter of the Surfrider Foundation

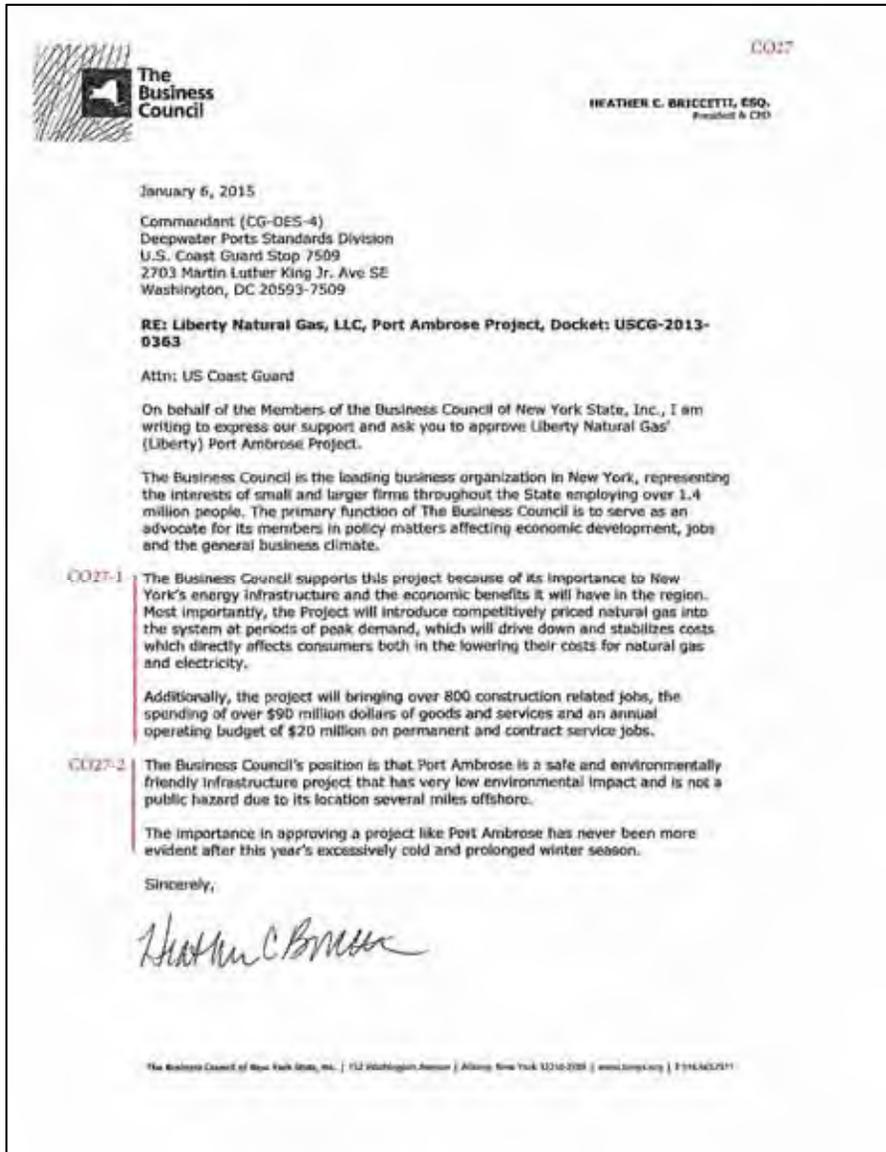
Beth Kwart
Chair, South Jersey Chapter of the Surfrider Foundation



CO26-6 Thank you for your comment.

CO26-7 Impacts of construction, operation and decommissioning of the proposed Project on socioeconomic factors such as employment are addressed in Section 4.8.3. Liberty's application is only for the construction and operation of a deepwater port that could only be used as a natural gas import facility. The considerable technical, operational, and environmental differences between import and export operations for natural gas deepwater ports is such that any licensed deepwater port facility that proposed to convert from import to export operations would be required to submit a new license application (including application fee) and conform to all licensing requirements and regulations in effect at such time of application. In addition to payment of the application fee, licensing requirements include, but are not limited to, completion of an extensive environmental impact assessment and financial resources review which would include public participation. Applications for construction and operation of offshore deepwater port facilities for the export of oil and natural gas from the U.S. to foreign markets abroad would be processed according to MARAD's final policy as described in a notification in the Federal Register (80 FR 26321) on May 7, 2015.

CO26-8 Thank you for your comment.



CO27-1 See response to CO2.

CO27-2 See response to CO2.

CO27

Jason Goldstein

From: kduschenchuk@yahoo.com
Sent: Friday, December 12, 2014 9:55 AM
To: info@jerseyport.com; inquiry@portambrose.com
Subject: New submission from Show Your Support - PortAmbrose.com

Name
kevin duschenchuk

Email
kduschenchuk@yahoo.com

Address
137 the crescent
batzford, ny 11702
United States
Mad II

Organizational Affiliation? (Ex: Chamber of Commerce, Trade Union, etc.)
oil major

Why do you support Port Ambrose?

CO27-3 | I work as a Mooring Master/Docking Pilot for an oil major on a rotational basis overseas, and I handle LNG/LPG ships at offshore terminals regularly. I am well aware of the safe record of such operations, and as a local resident of a potential offshore site, I am in favor of the opportunity for a safe increase in energy supply.

Your Gravity Forms License Key has expired. In order to continue receiving support and software updates you must renew your license key. You can do so by following the renewal instructions on the Gravity Forms Settings page in your WordPress Dashboard or by [clicking here](#).

1

CO27-3 Thank you for your comment.



CO27



January 5, 2015

Mr. Roddy Bachman, Commandant
Deepwater Ports Standards Division
U.S. Coast Guard
2703 Martin Luther King Jr. Avenue, SE
Washington DC 20593-7509

RE: Docket # USCG-2013-0363

Dear Mr. Bachman,

As a business economic development organization comprised of over 300 mid to large size businesses, the Southern New Jersey Development Council (SNJDC) and its members understand the impact of energy prices on economic development and the importance of supporting infrastructure investment.

We believe several factors point to the need for new natural gas supply infrastructure in New Jersey. There is a growing reliance on natural gas for electric generation as illustrated by two South Jersey projects. New generation projects, such as the West Deptford Energy Station Project, a 738-MW natural gas-fired combined cycle facility, are using natural gas to generate electricity. Old electric generation facilities, such as the B.L. England Generating Station in Manasquan, are converting from coal-fired to natural gas to generate electricity.

In addition to electricity demands rebounding after the Great Recession, growing "peak" electric demands require adequate natural gas capacity. The "2014 Polar Vortex" points to a stress condition in the energy market. As the lengthy cold weather conditions set in, existing pipelines reached capacity and the resulting volatility in the market caused a price spike, entirely absorbed by consumers. These conditions will occur again unless natural gas transmission capacity is increased.

CO27-4 We are pleased to learn the approximately \$600 million Port Ambrose Project will require no ratepayer or taxpayer subsidies, will create over 800 union construction jobs and could utilize several fabrication and staging areas in New Jersey. We also appreciate that the technology used in the project is state-of-the-art, designed to meet the lowest air and water impacts, and has successfully operated safely in other US and International locations.

CO27-5 Through private sector infrastructure investments such as the Port Ambrose Project, reliable and adequate natural gas capacity will reduce and stabilize natural gas prices and will mean lower energy costs in New Jersey, which has some of the most expensive electricity prices in the United States. Stable energy costs help business and industry plan for expansion and create economic development.

For these reasons we support the Deepwater Port License Application. Thank you for the opportunity to share the SNJDC's opinion on this important issue.

Sincerely,

Marlene Z. Asselta, President
Southern New Jersey Development Council

900 Route 168, Suite D-4, Toms River NJ 08012 • (856) 228-7500

CO27-4 See CO2-1.

CO27-5 See CO2-2.



January 8, 2015

The Honorable Chris Christie
Office of the Governor
PO Box 001
Trenton, NJ 08625-0001

Dear Governor Christie:

As you are aware, public hearings and a public comment period are currently underway to gather stakeholder input in regards to an application submitted by Liberty Natural Gas to construct, own and operate a deepwater port approximately 28 miles offshore of the north Jersey coast to import liquefied natural gas (LNG) during peak use periods through two offshore buoys and a pipeline that would connect to the existing Transco pipeline. In my capacity as executive director of the Recreational Fishing Alliance (RFA), I attended the first of the two public hearings which was held on January 7, 2015 in Queens, New York and where I provided the position of the RFA in regards to the project for the official public record. Based on what I observed at that hearing and the comments raised by those opposed to the project, I came to the firm conclusion that the hearings, in the manner they are being conducted, do not foster a meaningful or constructive dialog in regards to the project. I found this very troubling seeing how the hearing generated little, if any, useful or factual information while knowing how critically important such information is for those at the state level who are charged in making key decisions on this application. It would prove extremely difficult for you or your staff to review the hearing proceedings and identify rational and/or relevant information among the hundreds of commenters who were off topic, inaccurate or agenda driven. As such, the purpose of my letter is to succinctly provide the position of the RFA on the Port Ambrose application so it is clearly known by your administration.

The RFA has a very specific mission statement; to protect the rights of anglers, protect marine related jobs and to ensure the long term sustainability of our nation's marine fisheries. With these tenets as guidance, the RFA has reviewed the draft environmental impact statement and additional support materials included in the deepwater port application and has determined that the Port Ambrose deepwater port project, if constructed and operated as permitted and designed, **does not pose a significant threat to recreational fishermen's rights, to marine related jobs, the marine environment or marine fisheries.** The site chosen for the Port Ambrose deepwater port has been determined to be an area of little value to commercial and recreational fishermen as determined through analysis of vessel logbooks, electronic and seafloor monitoring and direct discussions with fishermen. The technology associated with the LNG delivery vessels that will be constructed specifically for this project will produce zero discharge and require no more ballast water than the average amount used by the hundreds of container and tanker vessels that call to port in New York and New Jersey each year. The water that is used for ballasting during offloading will result in minimal mortality of marine life as the water intake complies with National Marine Fisheries Service's entrainment/impingement reduction standards. In addition, the deepwater port is proposed to be constructed far from the inshore harbors and estuaries which are significantly more important from an ecological standpoint as they hold far greater densities of fish eggs and larvae. Our review of the geotechnical survey and proposed construction techniques for the pipeline causes little concern since

RECREATIONAL FISHING ALLIANCE
PO Box 2007 New Gretna, NJ 08224
usa.RFINRFA.usinc@rfa.org

CO28-1 Thank you for your comment.

CO28-2 Thank you for your comment.

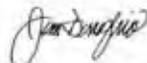
the bottom along the proposed route is sand allowing the pipeline to be laid with benign plow technology. Sand composition also ensures minimal sedimentation or release of contaminants. Finally, LNG is not oil. A loss of LNG cargo would not result in a spill as the liquid would quickly evaporate or if ignited, cleanly burn off. The scenes of oil stained beaches and wildlife are simply not applicable to LNG.

RFA has spent considerable time reviewing the materials contained within the Port Ambrose application and aside from the same technology used for the buoy system and LNG delivery vessels, the project is very different from the one proposed in 2011 which you vetoed. Understandably, based on the location of the previous project 16 miles off of the New Jersey coast with the pipeline transiting through some extremely productive fishing grounds, you cited the need to protect the residence of New Jersey, the natural resources, the state economy, security, tourism and the fishing and shellfishing industries as the grounds for your veto. It is the firm belief of the RFA that the Port Ambrose project does not stand to compromise or threaten any of these concerns important to the state of New Jersey.

While energy development is not principally a topic covered under the RFA mission statement, the conversion of energy, its delivery, its production and ultimately its cost, is critically important to our industry. Since the vast majority of recreational anglers are not professional fishermen, the act of fishing and the expenses associated with it, is considered a pastime. When the cost of energy, oil, gas, diesel, and natural gas, increases, less recreational fishing occurs because disposable income is reduced. This is a documented and quantifiable fact. With that in mind, the RFA sees the product of the Port Ambrose project, bringing more natural gas to one of the highest priced markets and stabilizing gas prices during peak use periods, as having a positive impact on the recreational fishing community. Moreover, the RFA generally supports the federal, New York and New Jersey energy plans which promote the use of natural gas as an energy source that can produce positive environmental benefits over other fossil fuel sources. The Port Ambrose project is consistent with those plans and would not interfere with any efforts to advance or develop offshore renewable energy facilities.

RFA does point out that while the proposed location for the Port Ambrose deepwater port is sited in an area of little importance to commercial or recreational fishermen, the permanent security zones around the two offload buoys will result in some loss of access. In addition, the intake of seawater for the ballast will result in some mortality of fish, approximately 22,000 age-1 equivalent fish, primarily species of little or no importance to recreational or commercial fishermen. Based on this minimal impact, the RFA encourages you to begin discussions with commercial and recreational fishermen in the state to determine adequate compensation to be included in a host state benefit package executed if the project is approved. RFA is more than willing to offer its assistance for those efforts.

Sincerely,



Executive Director

RECREATIONAL FISHING ALLIANCE
 PO Box 2600 New Gretna, NJ 08224
 888 JOINRFA, www.joinrfa.org

CO28-3 Thank you for your comment.

CO28-4 Thank you for your comment.



January 14, 2015

The Honorable Andrew M. Cuomo
 Governor of New York State
 NYS State Capitol Building
 Albany, NY 12224

RE: Port Ambrose Deepwater Port Application USCG-2013-0363-0006

Dear Governor Cuomo:

I hope this letter finds you well. The purpose of this letter is to provide you with comments from recreational fishing interests in regards to federal register docket USCG-2013-0363-0006. The referenced docket includes the application and support materials submitted by Liberty Natural Gas to construct, own and operate a deep water port 19 miles south of Jones Beach Inlet. Referred to as the Port Ambrose project, the deepwater port would consist of two submerged turret buoys and a lateral pipeline that will connect to the existing Lower New York Bay Transco pipeline which has been providing natural gas to our region for over 50 years. The intent of Port Ambrose is to provide Liberty Natural Gas the ability to deliver natural gas to the Greater New York City area and all of Long Island, a region commonly referred to as "at the end of the line" in terms of natural gas infrastructure, during peak use periods. The intended benefits of the project would support the expansion of natural gas service into communities in need of natural gas in addition to dampening price spikes that affect the region during peak use periods as experienced throughout last winter's polar vortex episode.

As you are aware, public hearings and a public comment period are currently underway to gather stakeholder input in regards to the Port Ambrose deepwater port application. In my capacity as executive director of the Recreational Fishing Alliance (RFA), I attended the first of the two public hearings which was held on January 7, 2015 in Queens, New York and where I provided the position of the RFA in regards to the project for the official public record. Based on what I observed at that hearing and the comments raised by those opposed to the project, I came to the firm conclusion that the hearings, in the manner they are being conducted, do not foster a meaningful or constructive dialog in regards to the project. I found this very troubling seeing how the hearing generated little, if any, useful or factual information while knowing how critically important stakeholder information is for those at the state level who are charged with making key decisions on this application. It would prove extremely difficult for you or your staff to review the hearing proceedings and identify rational and/or relevant information from the testimonies of the hundreds of speakers who were off topic, inaccurate or agenda driven. As such, the purpose of my letter is to succinctly provide the position of the RFA on the Port Ambrose application so it is clearly known by your administration.

The RFA has a very specific mission statement; to protect the rights of anglers, protect marine related jobs and to ensure the long term sustainability of our nation's marine fisheries. With these tenants as guidance, the RFA has reviewed the draft environmental impact statement and additional support materials included in the deepwater port application and has determined that the Port Ambrose deepwater port project, if constructed and operated as permitted and designed, **does not pose a significant threat to recreational fishermen's rights, to marine related jobs, the marine**

RECREATIONAL FISHING ALLIANCE: P.O. Box 3080, NEW GRETN, NJ 08224
 PHONE: (609) 294-3810 FAX: (609) 294-3812
 WWW.JOINRFA.ORG

environment or marine fisheries. The site chosen for the Port Ambrose deepwater port has been determined to be an area of little value to commercial and recreational fishermen as determined through analysis of vessel logbooks, electronic and seafloor monitoring and direct discussions with fishermen. The technology associated with the LNG delivery vessels that will be constructed specifically for this project will produce zero discharge and require no more ballast water than the average amount used by the hundreds of container and tanker vessels that call to port in New York and New Jersey each year. The water that is used for ballasting during offloading will result in minimal mortality of marine life as the water intake complies with National Marine Fisheries Service entrainment/impingement reduction standards. In addition, the deepwater port is proposed to be constructed far from the inshore harbors and estuaries which are significantly more important from an ecological standpoint as they hold far greater densities of fish eggs and larvae. Our review of the geotechnical survey and proposed construction techniques for the pipeline causes little concern since the bottom along the proposed route is sand allowing the pipeline to be laid with benign plow technology. Sand composition also ensures minimal sedimentation or release of relic contaminants. Finally, LNG is not oil. A loss of LNG cargo would not result in a spill as the liquid would quickly evaporate or if ignited, cleanly burn off. The scenes of oil stained beaches and wildlife are simply not applicable to LNG.

From a recreational fishing standpoint, it is difficult to point to benefits associated with the construction and operation of a deepwater port to bring more natural gas to the region and while energy development is not principally a topic covered under the RFA mission statement, the conservation of energy, its delivery, its production and ultimately its cost, is critically important to our industry. There are many more factors that influence our recreational fishing industry than the environmental conditions where we fish or the absolute abundance of the fish we pursue. In fact, all of the federally managed fisheries important to the recreational fishing community in the Mid-Atlantic are fully rebuilt with some species being assessed at historic high levels of abundance. However, one will see a contradiction if one walks the docks at Sheepshead Bay or speaks with a tackle shop owner in Point Lookout; the recreational fishing industry is struggling and it is not the consequence of low fish stock sizes or poor water quality issues. The cost of living and maintaining a household has continued to rise in the region which equates to less disposable income to set aside for recreational fishing. A recent New York Daily News article cited a report that found New York City to have the highest cost of living in the country. Projects such as the Port Ambrose project attempt to supplement natural gas supplies during peak demand periods which equates to lower gas and electric prices for consumers. As a recreational fishing organization, the easy thing would be for us to simply oppose the project. Yet, we believe that such a myopic action would do a disservice to our fishing community who clearly would benefit from lower costs of living resultant of the construction of the Port Ambrose project.

From an environmental standpoint, the Port Ambrose project will help spur the continued move toward the use of natural gas over oil and coal for heating, cooling, cooking, transportation and electrical generation. This move is consistent with federal and New York energy plans which promote the use of natural gas as an energy source that can produce positive environmental benefits over other fossil fuel sources. There is a significant amount of analysis confirming that natural gas combusts cleaner than coal and oil with less sulfur, carbon dioxide and other air pollutants. The U.S. Environmental Protection Agency (EPA) finds that the average emissions from a natural gas fired electrical generation station produces half as much carbon dioxide, a third as much nitrogen oxides and

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one percent as sulfur oxides as coal-fired generation. Moreover, the U.S. Department of Energy estimates that the combustion of natural gas in vehicles produces 6% to 11% less greenhouse gas emissions than gasoline. More state, county and local transportation fleets along with public transportation switching over to natural gas equates to cleaner burning vehicles and less demand for gasoline and diesel, the only fuel sources available for boats used by recreational fishermen. More electrical generating facilities converting to oil or coal to natural gas would result in improvements to air quality, a concept that most fishermen and citizens of New York support. The Port Ambrose project is consistent with the federal and state energy plans and would not hamper any efforts to advance or develop offshore renewable energy facilities.

The collective commercial and recreational fishing industry in the state of New York generates upwards of \$882,063,000 in economic activity, supports over 5,300 fulltime jobs and provides \$58 million in state taxes which exceeds the state's cost of managing the marine fisheries more than twenty times over. Recreational fishing provides significant economic activity for the shore communities and is a major driver in the state's tourism industry. Recent participation estimates produced by the U.S. Fish and Wildlife service find upwards of 801,000 saltwater recreational anglers in the state, 16 percentage of which are from out of state, took over 10 million fishing trips in 2011. When properly managed, recreational fishing is an economic engine for the state. Noting the economic and social importance of fishing, it is critical that efforts are made to foster its growth and stability. Studies have found that there is a direct positive correlation to the amount of disposable income and the frequency in which fishing households go fishing. The RFA believes that projects that can lower the cost of living for the fishermen in the state can spur more fishing activity thereby creating a more robust recreational fishing industry, supporting more jobs and generating more state tax revenue.

RFA does point out that while the proposed location for the Port Ambrose deepwater port is sited in an area of little importance to commercial or recreational fishermen, the permanent safety zones around the two offload buoys will result in some loss of access. In addition, the intake of seawater for offload ballasting will result in some mortality of fish, approximately 22,000 age-1 equivalent fish, primarily species of little or no importance to recreational or commercial fishermen. Based on this minimal impact, the RFA encourages you to begin discussions with commercial and recreational fishermen in the state to determine adequate compensation to be included in a host state benefit package executed if the project is approved. RFA is more than willing to offer its assistance for those efforts.

Sincerely,



Jim Donofrio
Executive Director

RECREATIONAL FISHING ALLIANCE: P.O. BOX 3080, NEW GRETN, NJ 08224
PHONE: (609) 294-3810 FAX: (609) 294-3812
WWW.JOINRFA.ORG

1/09/2015 Regulations.gov - Comment CO29

The Regulations.gov hosting facility is performing planned maintenance activities this weekend. As a result the site may have brief interruptions in service between Friday, January 30 from 9:00 pm and 3:00 am Saturday January 31 (Eastern Time).

regulations.gov

Jim Littlefield

This is a Comment on the **Coast Guard (USCG) Notice: [Environmental Impact Statements: Availability, etc.; Liberty Natural Gas LLC, Port Ambrose Deepwater Port](#)**

Comment Now!

Due Feb 10 2015, at 11:59 PM ET

For related information, [Open Docket Folder](#)

Comment

SURFERS' ENVIRONMENTAL ALLIANCE

I am the West Coast Director of S.E.A. and wish to comment on this matter. Thank you for your attention.

See attached file(s)

Attachments (1)

Jim Littlefield

View Attachment: 

ID: USCG-2013-0363-1233
Tracking Number: 1j2-8gmk-az1d

Document Information

Date Posted: Jan 15, 2015
RIN: Not Assigned
[Show More Details](#)

Submitter Information

Submitter Name: Jim Littlefield
Mailing Address: 410 Seaciff Drive
City: Aptos
Country: United States
State or Province: CA
ZIP/Postal Code: 95003

http://www.regulations.gov/documentDetail.D=USCG-2013-0363-1233 1/1

CO29

STATEMENT IN OPPOSITION OF LNG FACILITIES IN THE NY/NJ BIGHT
A resolution opposing proposals for offshore liquefied natural gas facilities and calling, instead, for support for fishing, tourism, trade, and other clean ocean economies.

WHEREAS, ocean dumping off the coasts of New Jersey and New York has been stopped and the region has become clean, healthy and vibrant, sustaining billion dollar tourism and fisheries economies.

WHEREAS, for years, harmful ocean industrialization by energy interests has tried to gain a foothold in the ocean waters off the New York and New Jersey ocean coastlines to build liquefied natural gas (LNG) import and export facilities.

CO29-1 **WHEREAS**, LNG is a dirty and expensive fossil fuel. LNG is a super-cooled form of natural gas, a fossil fuel, and is transported by tanker all over the globe. This energy intensive life cycle makes LNG up to 40% more polluting than domestic natural gas, thereby contributing to climate change. With sufficient domestic resources, the U.S. does not need to import natural gas, and with markets in Asia and Europe paying up to six times what the U.S. pays for natural gas as of 2013, LNG will cost much more.

CO29-2 **WHEREAS**, LNG ports are not in the public interest. In a 2011 letter addressed to the Maritime Administration (the agency responsible for approving offshore LNG ports), New Jersey Governor Chris Christie noted that these ports can "present unacceptable and substantial risks to [New Jersey's] residents, natural resources, economy, and security." These ports can devastate fish habitats, impact endangered species, exclude the public (and other uses) from large areas of the ocean, and are national security targets.

CO29-1 (cont) **WHEREAS**, LNG is unsafe and risky. LNG tankers are dangerous for boaters, fishermen, shipping and trade interests. Because they are often located near or next to shipping lanes, the US Department of Energy warns that "a large breach and spill could have both short-term and long-term impacts on public safety, energy security and reliability, and harbor and waterway commerce."

CO29-2 (cont) **WHEREAS**, these ports are gateways to a more expensive, more polluted energy future. With the nation's natural gas resources, energy companies are now scrambling to build LNG export facilities and ports around the coastline. Several facilities have already been approved, and dozens of companies have already been granted permission to export up to 40% of our domestic daily natural gas production. Exports are projected to lead to higher natural gas prices, higher manufacturing costs, and more hydraulic fracturing (fracking) of domestic shale gas. Ports in the ocean off NY and NJ, licensed under the Deepwater Port Act, are legally allowed to act as both an import and export hub, with no public review required to switch directions.

WHEREAS, LNG ports along the NY and NJ coastlines and in the NY/NJ Bight are not in the public interest and endanger clean ocean economies, public safety, and the environment.

CO29-1 **THEREFORE, BE IT RESOLVED** that, on this date, 12/14/2014, the undersigned Jim Littlefield hereby opposes the building of LNG facilities and ports for either the import or export of LNG, off the NY/NY coast. A clean ocean economy is the best choice for our environment and economic future.

Municipality/Group/Entity: Surfers' Environmental Alliance

Authorized by: Jim Littlefield  West Coast Director
 NAME SIGNATURE TITLE

Address: 410 Seacliff Drive, Aptos, California, 95003

Telephone: _____ **Email:** scseasurfer@gmail.com

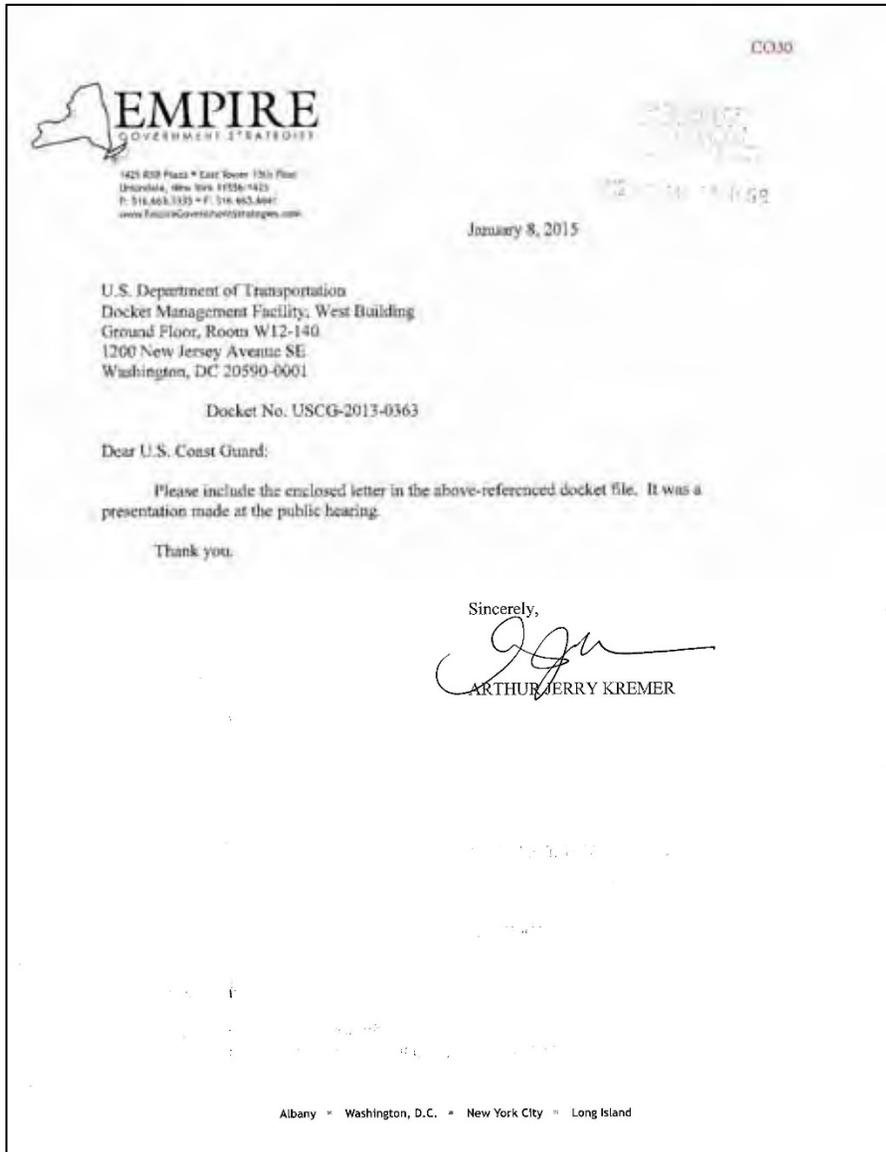
PLEASE SEND A COPY OF THIS SIGNED RESOLUTION TO:
 1. The Honorable Chris Christie, Governor of New Jersey, PO Box 001, State House, Trenton, NJ 08625-0001 - FAX 609-292-3454
 Or The Honorable Andrew Cuomo, Governor of New York, State Capitol, Albany, NY 12224 - FAX (518)474-3767
 2. Clean Ocean Action, 18 Hartshorne Drive, Suite 2, Highlands, NJ 07732 - FAX-732-572-8041

Updated 12/2014

CO29-1 Thank you for your comment.

CO29-2 Thank you for your comment.

CO29-3 Thank you for your comment.



NY AREA
Affordable Reliable Electricity Alliance

Arthur J. Kremer
New York AREA Advisory Board Chairman

Richard L. Anderson
New York Building Congress

Heather Stewart
The Business Council of New York State

Garth J. Donohue
Independent Power Producers of New York

Dr. Martha Gordon
The National Council of Marchbanks

Matthew Cortese, PhD
Long Island Power Authority Board of Directors

Steve Lathigian
Act. Brotherhood of Railroadmen Local 5

Kerrie McDonald
African American Environmentalists Association

Al Semuels
Rockland Business Association

Bob Siegel
Millersville Local #88 (ret.)

Kathryn Wyke
Partnership for New York City

Chris Thomas, CPA
Chartered Accountant
Brook Investment Partners

James Beville
Duffy Workers Union of America Local 1-2

Joseph Vesilli
Managing Director
Liberty Natural Gas

CO30

Commandant (CG-OES-4)
Deepwater Ports Standards Division
US Coast Guard Stop 7509

Re: Docket: USCG-2013-0363

I am Arthur "Jerry" Kremer, Chairman of NYAREA, the New York Affordable Reliable Electricity Alliance. We are the major energy policy organization in the New York State. We have over 200 members representing chambers of commerce, unions, energy organizations and consumers. We provide testimony at hearings throughout the state on sound energy policy and the state's future needs.

I want to thank the panel for scheduling this hearing in a centrally located place so that all types of entities and individuals can speak about an issue that is critical to the New York City and Long Island area. This is not just an issue for one community as the need for new natural gas supply over a long period is critical to the future of this region.

New York State is current in a state of gridlock when it comes to supply of natural gas and other energy sources. Community after community rises up and says no hydrofracking, no solar facilities in Suffolk County, no windmills in the ocean or western New York, close the nuclear plants wherever they are. Some areas oppose even new wooden poles to give them the assurance of power during major storms. No one wants their streets dug up, their lawns shortened or any inconvenience.

CO30-1

CO30-1 Thank you for your comment.

CO30

In the meantime, more and more homeowners and businesses are converting to natural gas, or are on a long waiting list to get natural gas. At least six projects to expand natural gas pipelines around the state are being opposed by local groups. These are existing lines that could help get more gas supply into our area. That is why NYAREA supports the Port Ambrose project in a far distant area of the Atlantic Ocean. Last year when the Polar Vortex hit our area natural gas bills went up 125% because the utility companies faced a strained system. We are in dire need of more supply to keep consumer costs down. The most practical way to get more natural gas to our area is through an existing pipeline that runs under the South Shore. That line was built over 40 years ago and there has never been an accident involving it. As for the issue of transportation of LNG according to the U.S. Coast Guard, there have been no accidental releases of LNG from over 44,000 voyages to parts of this country.

Everyone wants more new sources of energy. Solar, wind energy conservation. They are the future but they are too far away to give us a steady and reliable source of energy to power our homes and businesses. Yes, they will come but that will take time and we don't have the luxury of time for Long Island and New York City.

We urge that you take all necessary measures to see that this project is safe and environmentally secure. But we need new supply and this is the answer. We strongly support the Port Ambrose project.

Respectfully submitted,
Arthur Jerry Kremer
Chair, NYAREA

CO30-2 Thank you for your comment.

CO31

PUBLIC COMMENTS

PUBLIC COMMENT MEETING

U.S. Coast Guard and the Maritime Administration
Port Ambrose Project (USCG-2013-0363)

January 8, 2014 ♦ 5:00 - 8:00 PM (Public Comment Meeting) ♦ Eatontown, New Jersey

Comments can be: (1) left at the sign-in table in the comment repository; (2) mailed to the address below; OR (3) submitted electronically through the web site for the Docket Management System, at www.regulations.gov.

Please send one copy referenced to Docket No. (USCG-2013-0363) to the address below:

Docket Management Facility, U.S. Department of Transportation
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue, S.E.,
Washington, D.C. 20590-0001

Comments: (Please Print; Attach an additional sheet if necessary)

I am the founder of the Citizens for Oceanfront Preservation. I am opposed to the Port Ambrose project because of the devastating effects on marine mammals, the fishing industry, to the ocean through pollution discharge, to the sea floor by project construction to the Jersey Shore + tourist economy from possible leaks and spills, to the safety of the 1/5 by installing terrorist nets, by something NOT needed, to the air through greenhouse.

Commenter's Name and Mailing Address: (Please Print)

Joyce GRANT
1707 Ocean Avenue, 17J
Asbury Park, NJ
07712

Re: Docket No. (USCG-2013-0363)

CO31-1 Thank you for your comment.

CO31-2 Thank you for your comment.

CO31-3 Thank you for your comment.

CO31

Comments: (Please Print, Additional sheet, if necessary) Page 2 of 2

CO31-2 gas from project construction and port
operation, noise pollution through drilling,
trenching, to install 20 miles of pipes, and the
CO31-3 closeness to a fault + live a danger to surrounding
land and communities.

Are these reasons NOT ENOUGH to stop the
Port ombrose project? Impossible to
understand persons bent on hurting the
ocean, the land that sustains all the creatures
of the earth, the air we breathe, our future.

Joyce Grant, January 10, 2015



CO32-1 Thank you for your comment.

CO33

The Jersey Shore Partnership, Inc.
The Sound on the Beach People

OPPOSITION TO LIBERTY NATURAL GAS APPLICATION FOR A LIQUEFIED NATURAL GAS FACILITY
Public Hearing January 8, 2015

My name is Margot Walsh. I represent the Jersey Shore Partnership, an advocacy organization for beach protection along the 137 mile New Jersey coast. We are voicing our opposition to the application by Liberty Natural Gas, LLC ("Liberty") to build a proposed liquefied natural gas ("LNG") deep water port facility, called Port Ambrose, 38 miles off the Jersey coast, east of Monmouth Beach.

CO33-1 The construction and operation of Port Ambrose would have a strongly negative ecological impact on its surroundings, discharge millions of gallons of chemically treated seawater, and require the dredging of miles of sea floor. In addition, we must consider the potential havoc wrought to New Jersey's coastline if an extreme weather event, such as another Hurricane Sandy, were to damage a vulnerable offshore facility of this type.

CO33-2 Our coastline has already experienced a natural disaster brought on by Sandy. We have yet to recover economically and emotionally and are still taking stock of what's needed to rebuild. To now approve a mega project in a heavily industrialized and populated coastal area that borders New Jersey's coast is asking for disaster.

We have learned never to say "if" – it is now "when." The LNG project brings risks for New Jersey and New York. An accident at Port Ambrose will immediately impact New Jersey's coastline, disrupting shore tourism, recreation, boating, commercial and recreational fisheries – all economic engines for the state and major quality of life issues.

New Jersey is not ready or willing to risk destruction of our coastline again through a mega project that we will have no control over, no financial benefit, no job creation, and no benefits to our environmental landscape.

CO33-3 The project benefits LNG – not New Jersey. We, therefore, stand with Clean Ocean Action and many other concerned citizens in opposing the proposed Port Ambrose project.

Margot Walsh
Executive Director
Jersey Shore Partnership
732-212-4145 (O)
732-718-6274 (C)
mwalshispf@gmail.com

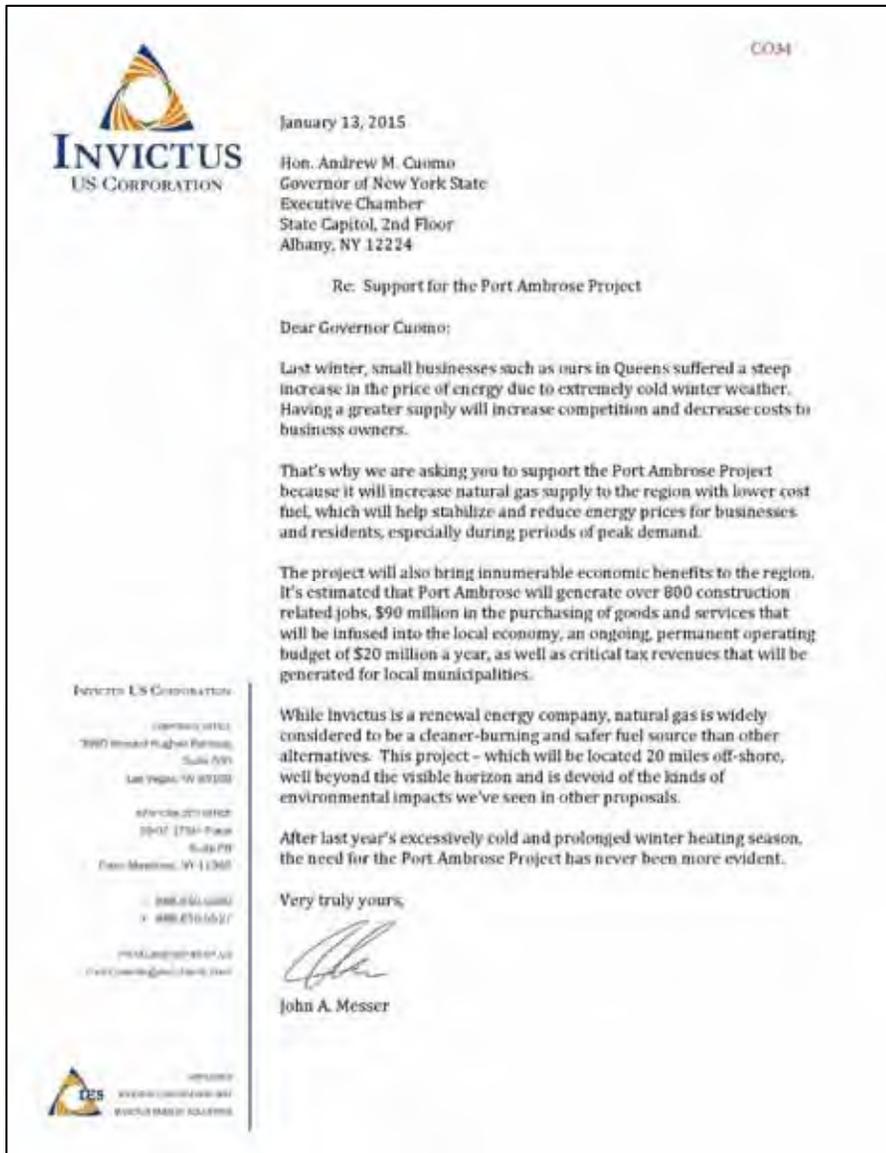
USCG - 2013 - 0368

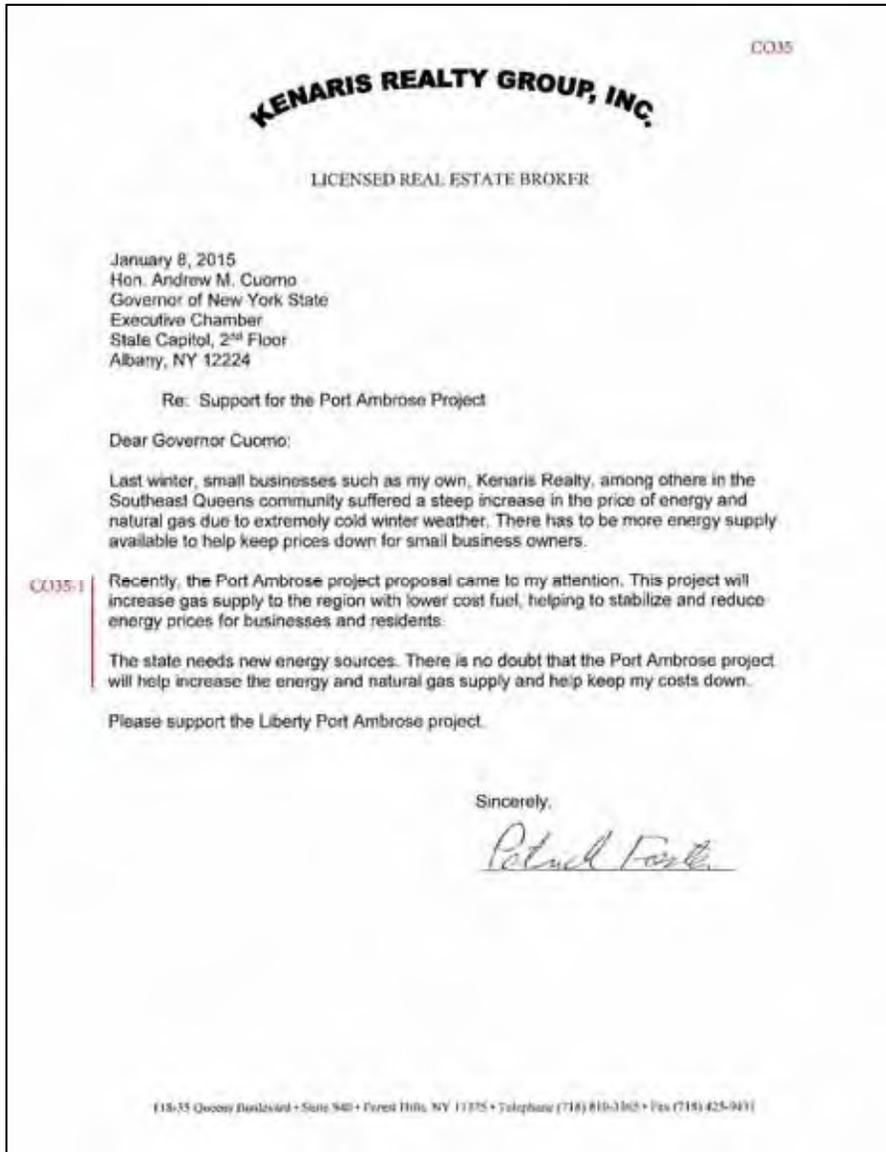
CO33-1 Thank you for your comment.

CO33-2 Thank you for your comment.

CO33-3 Thank you for your comment.

See response to CO2.





CO35-1 Thank you for your comment.



CO36-1 Thank you for your comment.



CO37

194 Washington Avenue, Suite 310
Albany, NY 12210
phone: 518-436-3749
fax: 518-436-0300
www.ippony.org

Gavin J. Dunham, President
Chief Executive Officer

January 22, 2015

Commandant (CG-OES-4)
Deepwater Ports Standards Division
U.S. Coast Guard Stop 7509
2703 Martin Luther King Jr. Ave SE
Washington, DC 20593-7509

Re: Liberty Natural Gas, LLC, Port Ambrose Project, Docket: USCG-2013-0363

Dear US Coast Guard:

I am writing on behalf of the Independent Power Producers of New York (IPPNY). We understand that the United States Coast Guard (USCG) recently issued its draft Environmental Impact Statement (DEIS) related to the Port Ambrose Project (Project). Further, we are advised that the USCG is currently accepting public comments related to the DEIS. IPPNY submits this letter in accordance with the public comment period.

CO37-1

IPPNY urges USCG to strongly consider the impact increased capacity of natural gas will have in New York, including upon power production, potential cost savings to users and other economic benefits to the region. The Project's supply of natural gas to the downstate New York market would benefit power producers and industrial, commercial and residential users with competitively priced natural gas than those from long-haul pipelines during peak winter months. During January 2014, for instance, the spot market price for natural gas in the New York City region exceeded \$120 per thousand cubic feet; while the same supply of gas in nearby Pennsylvania - was a fraction of that cost, approximately \$5. IPPNY generally supports initiatives that provide low-cost energy sources that assist our members in providing economical energy to our customers.

CO37-1 Thank you for your comment.

CO37-2

IPPNY also supports the increased economic benefits associated with natural gas infrastructure development, since it contributes to a vibrant economy that is good for everyone. The workers who construct and maintain natural gas pipelines, the increase in local economic activity, and the enhanced tax revenues received by host states, are all hallmarks of the energy sector doing its part to improve New York's economy, and IPPNY supports such initiatives.

CO37-2 Thank you for your comment.

Board of Directors

Ableco Energy, LLC ■ Brookfield Renewable Energy Group ■ Brooklyn Navy Yard Corporation Partners ■ Calpine Corporation
Cathlamet Long Island, LLC ■ Cadenas Commodities International ■ Dominion Energy, Inc. ■ Florida Generating Co., LLC
Energy Corporation ■ Enbridge Corporation ■ First Wind ■ Inverness, LLC ■ New Albany Generating Company, LLC
Northco Energy Resources, LLC ■ NRG Energy, Inc. ■ PSEG Power New York, LLC ■ Summit Drive Partners, LLC
Schick Capital Partners, LP ■ TC Renaissance, LLC ■ Upstate New York Power Producers ■ US Power Generating Company

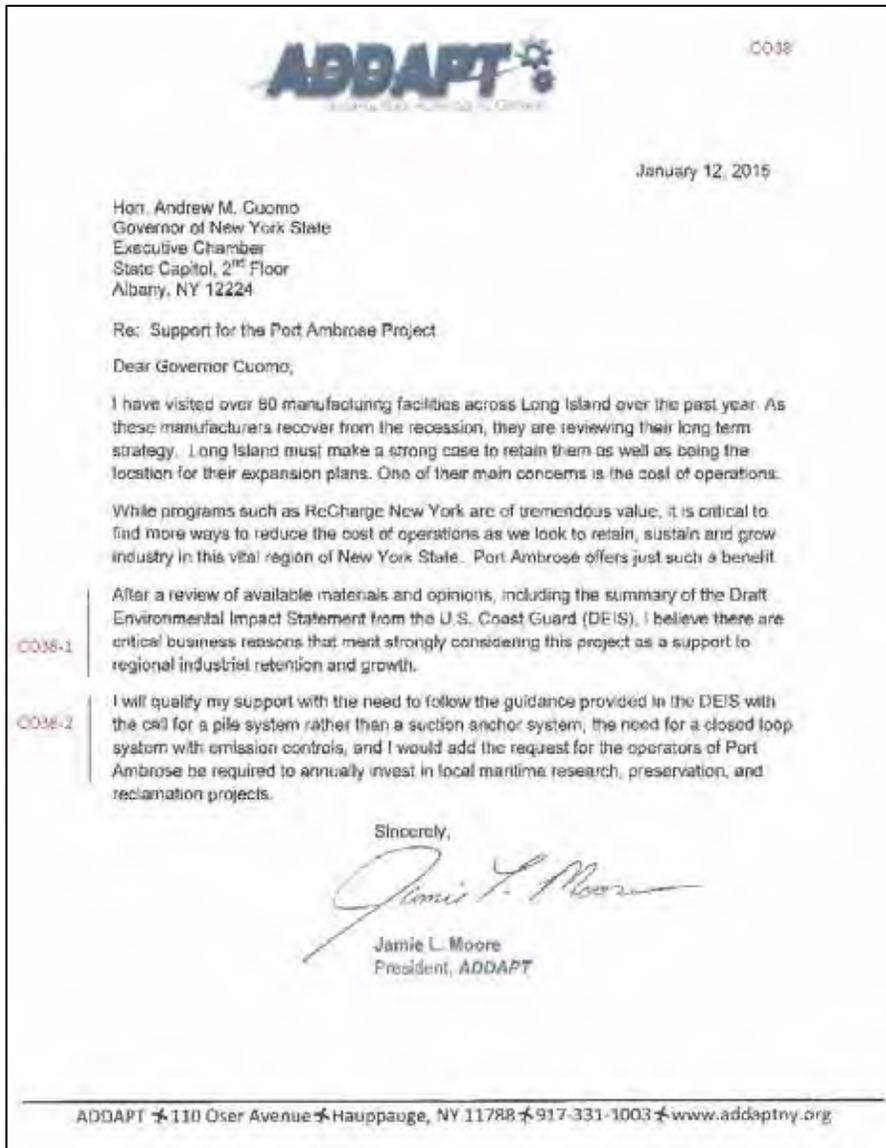
CO37

Established in 1986, IPPNY is the largest energy trade association in the state representing over 65 companies in the electric power supply industry. Member companies generate over 75 percent of the state's electricity using a wide variety of generating technologies and fuels including hydro, nuclear, wind, coal, oil, natural gas, biomass, energy-from-waste, and landfill gas. IPPNY Members do more than just meet New York's energy demands; they benefit the economies of the communities they serve, including investments of over \$10 billion to purchase, construct, and operate their facilities, employment of more than 10,000 individuals, payment of annual taxes of over \$600 million, and the investment of more than \$50 million in their host communities.

If you have any questions, please do not hesitate to contact me.

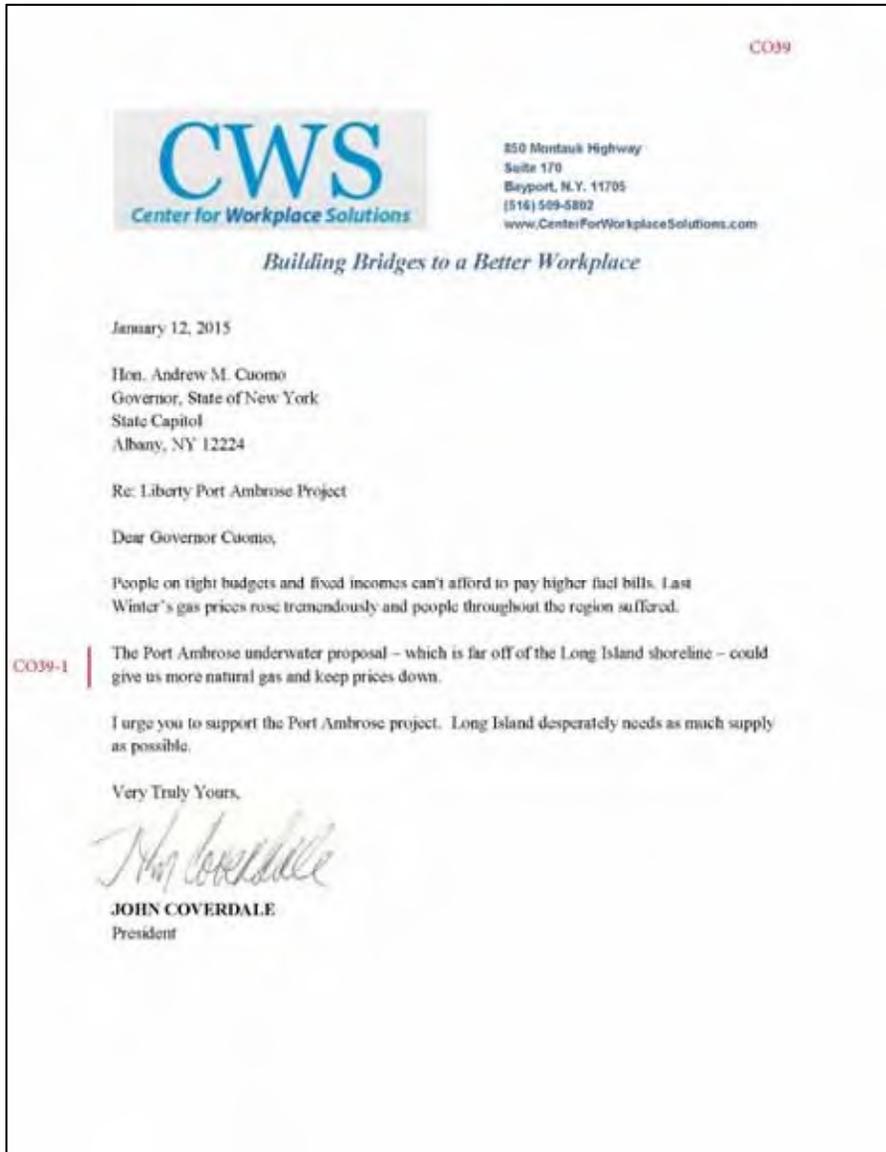
Sincerely,

Garvin D'Onofrio
President & CEO



CO38-1 Thank you for your comment.

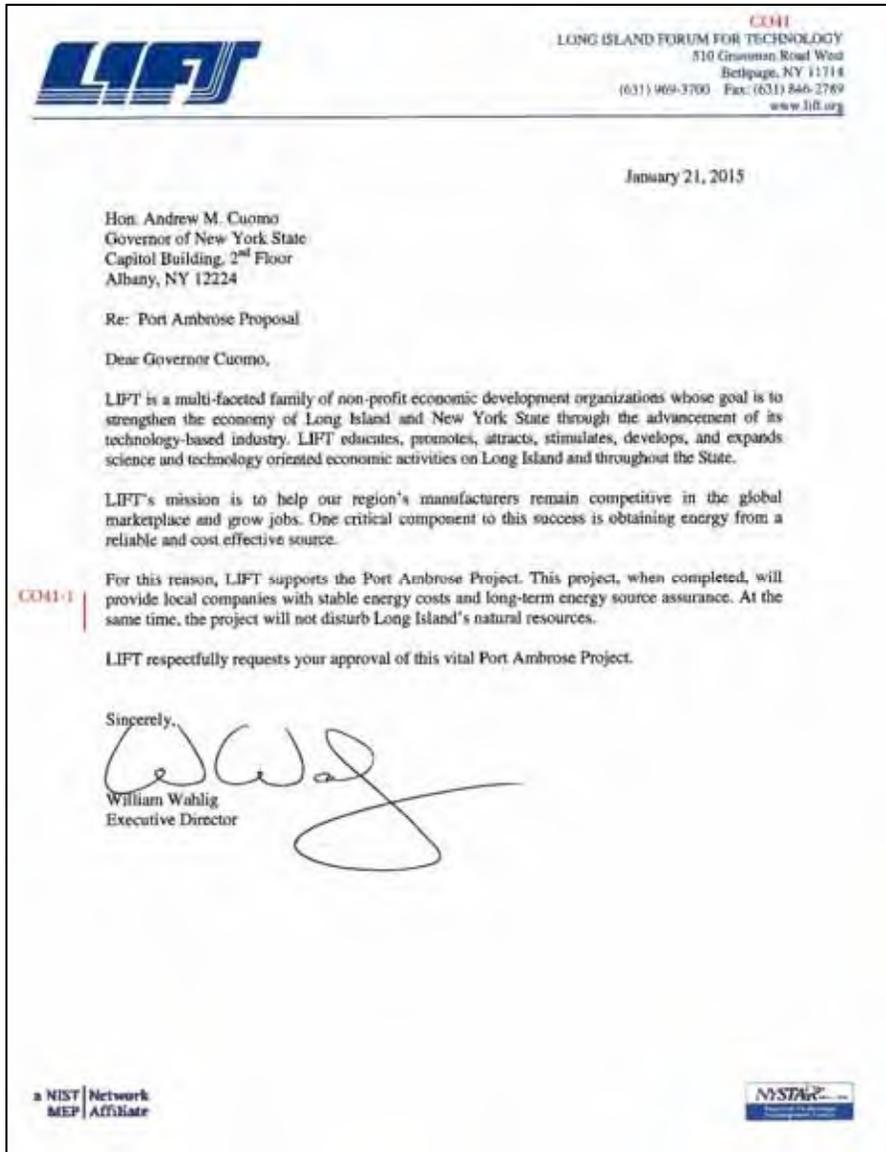
CO38-2 Thank you for your comment.



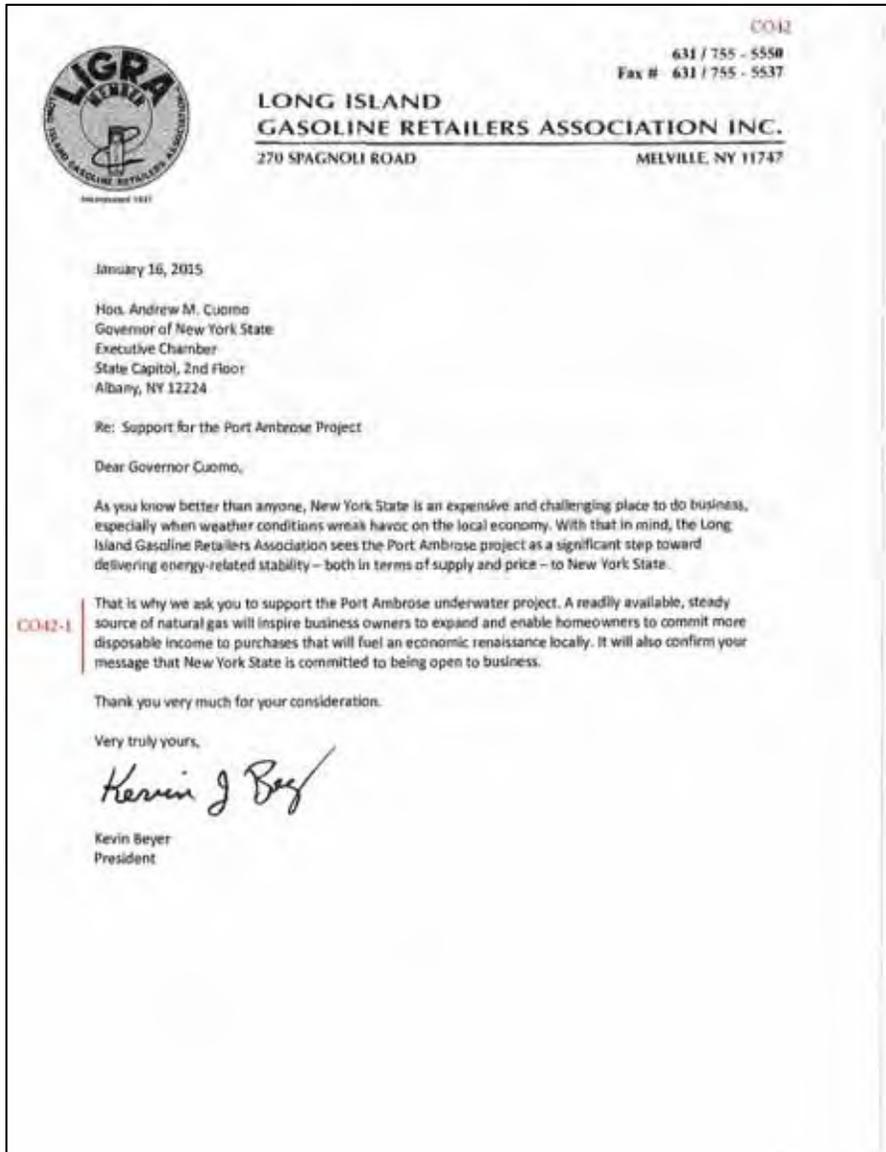
CO39-1 See response to IND46-1.



CO40-1 See response to IND130-1.



CO41-1 See response to IND130-1.



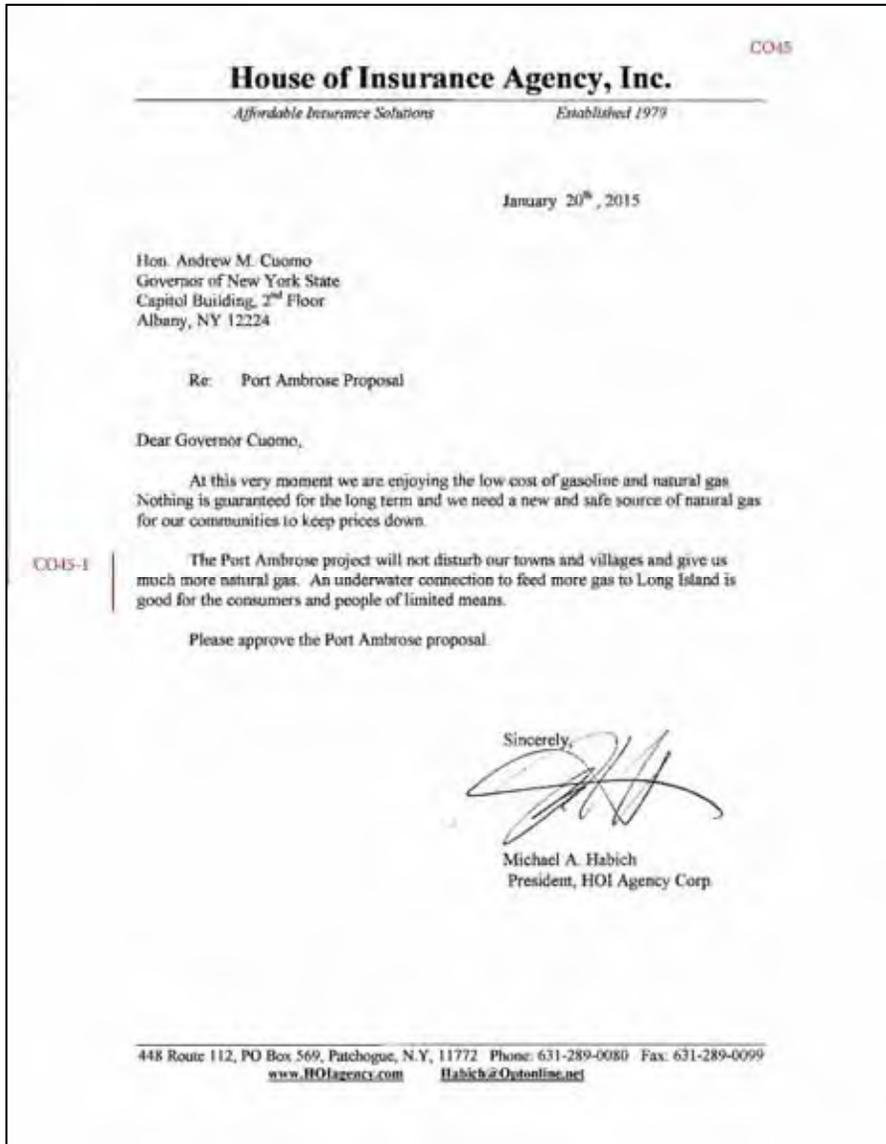
CO42-1 See response to IND130-1.



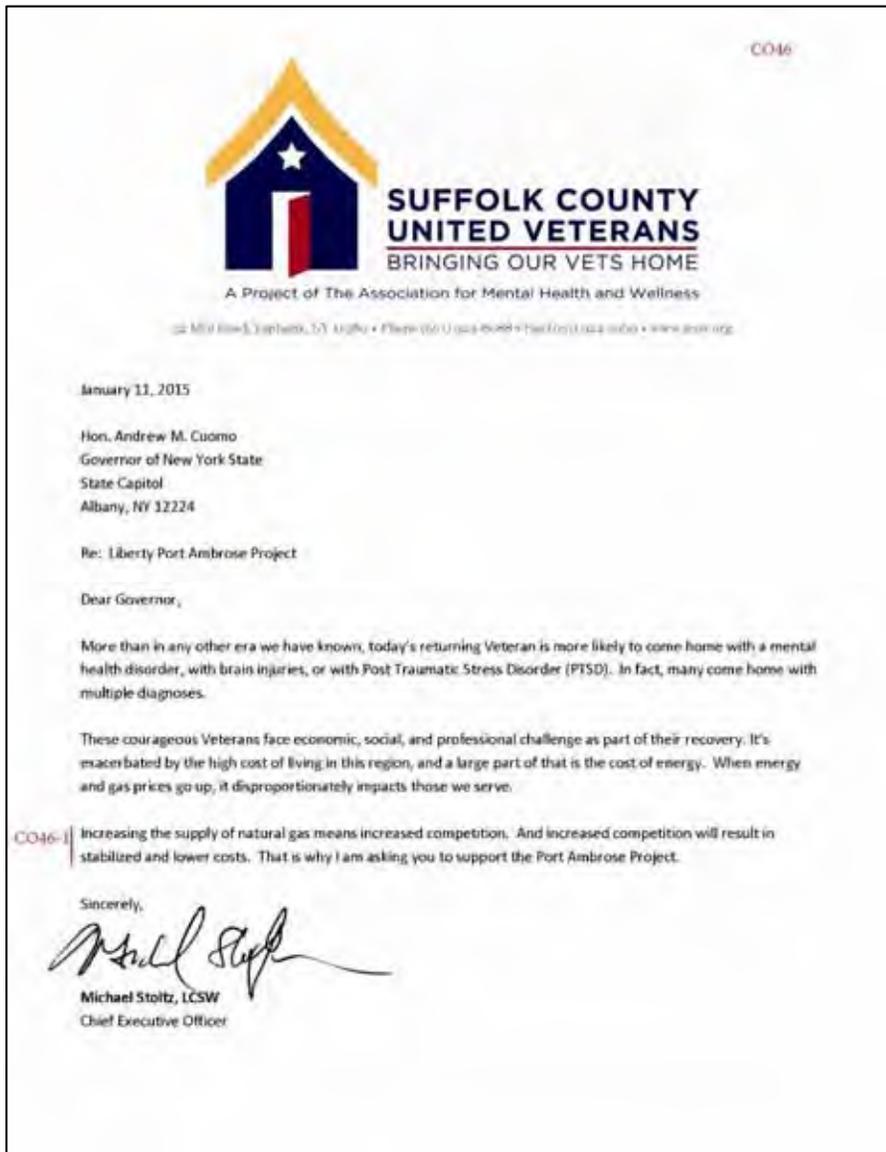
CO43-1 Thank you for your comment.



CO44-1 See response to IND130-1.



CO45-1 See response to IND52-1.



CO46-1 See response to IND130-1.



CO47-1 See response to IND130-1.

See response to CO2.

CO48

Bri Bri Inc.

94 Lucille Ave. Elmont NY 11003
(516) 668-0848

Dear Governor Cuomo,

I am writing to express my support and ask you to approve Liberty Natural Gas Port Ambrose Project. This Project will soon come to a decision that greatly affects our state. For the past few months, I have followed the developments of this project through the USCG Deepwater Port Act licensing process.

I support this project after carefully consideration because of the economic benefits it will have in the region including, but certainly not limited to, the bringing of over 800 construction related jobs, the spending of over \$90 million dollars of goods and services in our local economy and an annual operating budget of \$20 million on permanent and contract service jobs as well as revenues generated by taxes. Most importantly is the Project's ability to introduce competitively priced natural gas into the system at periods of peak demand, which drives down and stabilizes costs which directly affects consumers both in the lowering their costs for natural gas and electricity.

My position is that Port Ambrose is a safe and environmentally friendly infrastructure project that has very low environmental impact and void of public hazards due to its location several miles offshore. Natural gas is a clean burning and predictable fuel source. The importance in approving a project like Port Ambrose has never been more evident after this year's excessively cold and prolonged winter season.



Sincerely,

Fanny Echeverria

Fanny Echeverria
President East Hills Dining Inc.
The Park Grille

See response to CO2.

CO49

Eric's Italian Bistro

70 E. Old Country Rd. Mineola NY 11501
(516) 280-5675

Dear Governor Cuomo,

I am writing to express my support and ask you to approve Liberty Natural Gas Port Ambrose Project. This Project will soon come to a decision that greatly affects our state. For the past few months, I have followed the developments of this project through the USCG Deepwater Port Act licensing process.

I support this project after carefully consideration because of the economic benefits it will have in the region including, but certainly not limited to, the bringing of over 800 construction related jobs, the spending of over \$90 million dollars of goods and services in our local economy and an annual operating budget of \$20 million on permanent and contract service jobs as well as revenues generated by taxes. Most importantly is the Project's ability to introduce competitively priced natural gas into the system at periods of peak demand, which drives down and stabilizes costs which directly affects consumers both in the lowering their costs for natural gas and electricity.

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Sincerely,

George Echeverria

George Echeverria
President BANGS Inc.
Eric's Italian Bistro



CO50-1 See response to CO2.



CO51-1 See response to CO2.

CO52-1 See response to IND130-1.

CO52-2 See CO2-1.

CO52-3 See CO2-2.

CO52

The Park Grille E Hill

209 Harbor Hill Road - Roslyn, NY 11576

Dear Governor Cuomo,

CO52-1 Business owners are the one who create jobs and take risks. Most of us have put our life savings into our businesses. We need help. Each day, cost of doing business increases. It seems the burden is always on us. When NY State defaults on its Federal Insurance Payments. Business owners pick up the tab. Eventhough its at no fault of our own. WE NEED HELP!

Owning a restaurant, gas cost play a significant role in our overhead. We need increased supplies to bring down cost. Lower cost means we hire more employees.

Please support the Port Ambrose project which I believe will be a huge help for businesses.

CO52-2 I support this project not only for myself, but it will create jobs. Over 800 construction related jobs, the spending of over \$90 million dollars of goods and services in our local economy and an annual operating budget of \$20 million on permanent and contract service jobs as well as revenues generated by taxes. Most importantly is the Project's ability to introduce competitively priced natural gas into the system at periods of peak demand, which drives down and stabilizes costs which directly affects consumers both in the lowering their costs for natural gas and electricity.

CO52-3 Natural gas is a clean burning and predictable fuel source. The importance in approving a project like Port Ambrose has never been more evident after this year's excessively cold and prolonged winter season.

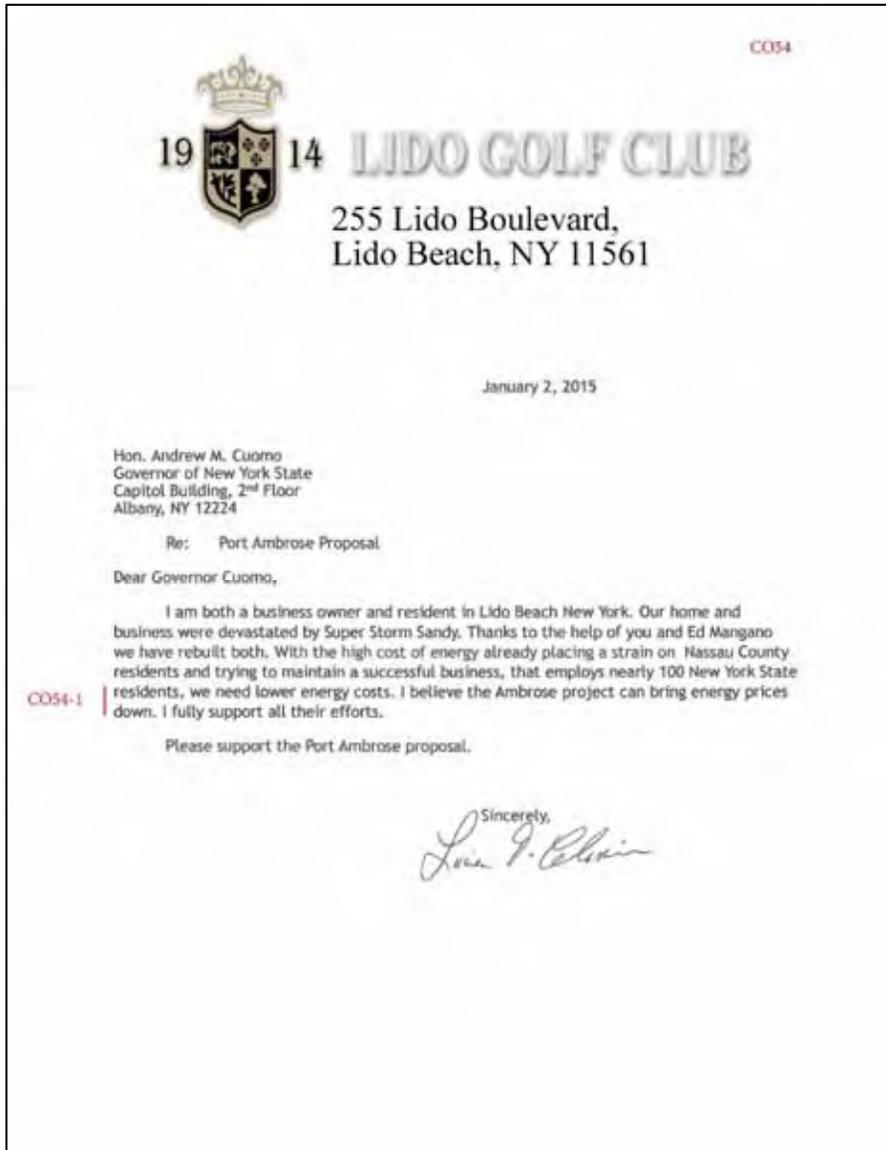
Sincerely,



George Echeverria
President East Hills Dining Inc.
The Park Grille E Hill

See response to CO2.





CO54-1 See response to IND130-1.



CO55-1 See response to IND130-1.

3/7/2015 Regulations.gov - Comment CO56

regulations.gov
U.S. DEPARTMENT OF JUSTICE

Suzanne Golas

This is a Comment on the **Coast Guard (USCG) Notice: [Environmental Impact Statements: Availability, etc.: Liberty Natural Gas LLC, Port Ambrose Deepwater Port](#)**

For related information, [Open Docket Folder](#)

Comment Now!

Due Feb 10 2015, at 11:58 PM ET

ID: USCG-2013-0363-1336
Tracking Number: 1jz-8px8-jy2h

Document Information

Date Posted: Feb 2, 2015
RN: Not Assigned
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Submitter Information

Submitter Name: Suzanne Golas, csgt
Mailing Address 2: 951 Ocean Avenue
City: Elberon
Country: United States
State or Province: NJ
ZIP/Postal Code: 07740

Comment

Docket# USCG-2013-0363

WATERSPIRIT is a spirituality and ecology organization that advocates and educates on water issues and the care of creation. WATERSPIRIT is sponsored by the Sisters of St. Joseph of Peace, a community of Catholic Nuns.

We are opposed to Port Ambrose. We are opposed to Port Ambrose for many reasons, that include but are not limited to, the large amounts of seawater that are used and polluted, the pollution of the ocean from the discharge of the toxic chemicals mixed with the seawater and discharged into the ocean which children and families swim in, the threat to the marine life, the threat to jobs in NJ & NY from the pollution of the ocean, the extreme threat to the safety of all life in the area from a LNG explosion (which is not far fetched because accidents happen every day in the United States with fossil fuels and fossil fuel infrastructure), and the threat to the safety of this facility in storms, which compounds the threat to the safety of the surrounding communities of life in the area.

CO56-1
CO56-2
CO56-3
CO56-4

Additionally, we are concerned about the environmental impact that this facility will have on the climate change crisis and the global fresh water crisis. This proposed Port Ambrose facility is directly interconnected to many other presently destructive fossil fuel infrastructures that exist, are being built, or are being proposed. Port Ambrose is a means to increase the production of a destructive fossil fuel at a time when we should be building renewable energy infrastructures.

1. Port Ambrose will increase the production of natural gas through the process of hydraulic fracturing, which science is increasingly finding releases a large amount of methane into the atmosphere which accelerates climate change.
2. Port Ambrose will increase the tremendous amount of fresh water that is used in the extraction of natural gas through hydraulic fracturing. Port Ambrose will also facilitate the use of

<http://www.regulations.gov/#documentDetail/D=USCG-2013-0363-1336> 1/2

CO56-1 Thank you for your comment.

CO56-2 Thank you for your comment.

CO56-3 Thank you for your comment.

CO56-4 Thank you for your comment.

2/7/2015 Regulations.gov - Comment

CO56-1
(from 1)

CO56

vast amounts of seawater in the process of liquifying the natural gas. These processes make the water used toxic and the hydraulic fracturing waste toxic and radioactive.

3. This interconnected LNG infrastructure compounds the destruction of life supporting ecosystems and sources of fresh water for all of life in the areas that extraction and processing occurs and in other states.

As a government organization, and employees of a government organization, you should be aware that the U.S. Department of Defense says that climate change and the global fresh water crisis are substantial threats to the safety and security of the United States. We should not be approving facilities that increase that threat.

The proposed Port Ambrose facility is a climate change intensive and water intensive fossil fuel infrastructure that is not needed. What we do need is more renewable energy infrastructure, that does NOT contribute to the climate change crisis and the global fresh water crisis.

We ask that you choose a true no action alternative.

Sr. Suzanne Golas, csjp, Director
WATERSPIRIT 961 Ocean Avenue Long Branch, NJ 07740
732-823-9786
waterspirit@stellamaris.comcastbiz.net

<http://www.regulations.gov/#documentDetail;D=USCG-2013-0363-1336>

2/2

See response to CO2.



See response to CO2.



See response to CO2.

CO59



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January, 31, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

Businesses on Long Island are suffering. Costs are on the rise and we need help. Every year the price of doing business becomes unbearable. The price of energy due to extremely cold winters is out of control. We need alternatives and excess of supply. This will create competition and decrease costs to business owners.

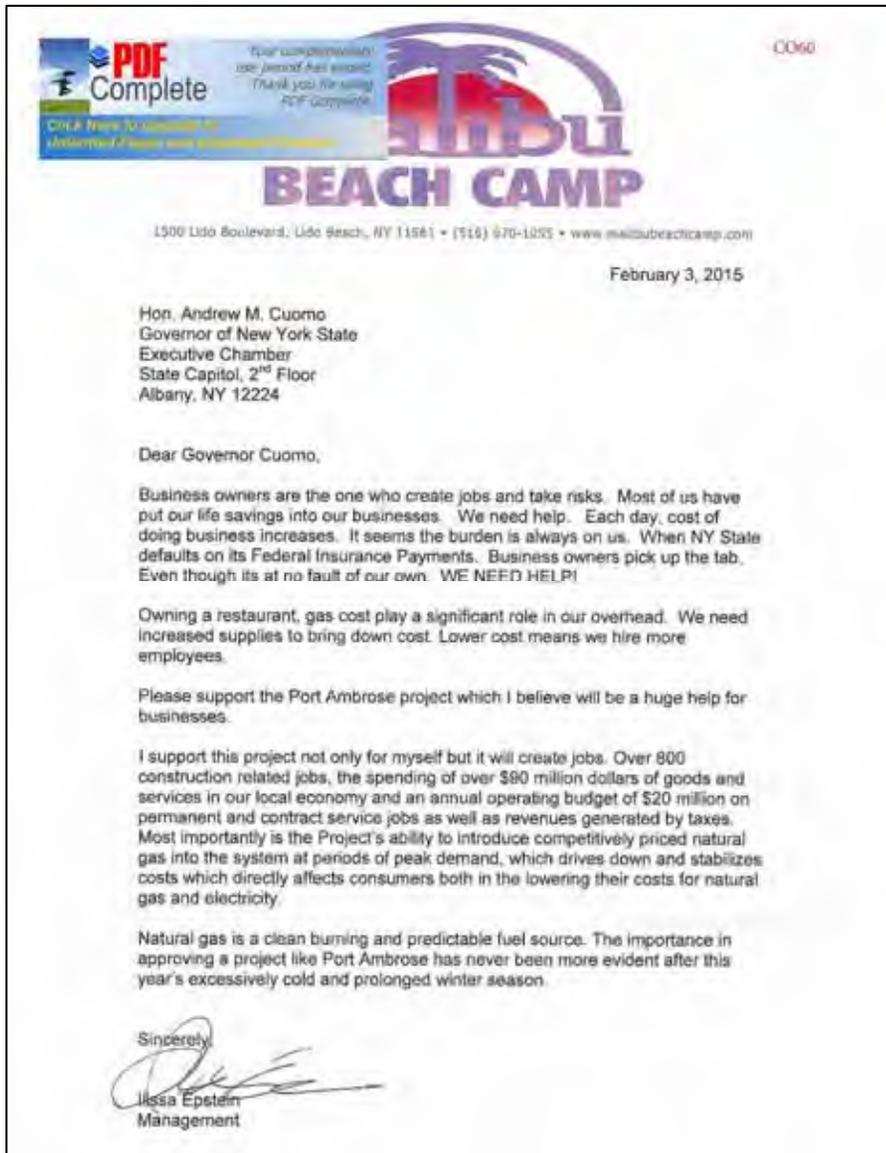
CO59-1 That's why we are asking you to support the Port Ambrose Project because it will increase gas supply to the region with lower cost fuel, which will help stabilize and reduce energy prices for businesses and residents, especially during periods of peak demand.

CO59-2 Natural gas is widely considered to be a clean-burning and safe fuel source. This project – which will be located 20 miles off-shore, well beyond the visible horizon – is devoid of the kinds of environmental impacts we've seen in other proposals.

After last year's excessively cold and prolonged winter heating season, the need for the Port Ambrose Project has never been more evident.

Very truly yours,
Noreen Carro
Noreen Carro

See response to CO2.



See response to CO2.



CO61

27 St. Johns Place • Freeport, NY 11803 • (516) 933-4444 • Fax (516) 933-8117

February 3, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Dear Governor Cuomo,

Business owners are the one who create jobs and take risks. Most of us have put our life savings into our businesses. We need help. Each day, cost of doing business increases. It seems the burden is always on us. When NY State defaults on its Federal Insurance Payments, Business owners pick up the tab. Even though its at no fault of our own. WE NEED HELP!

Owning a restaurant, gas cost play a significant role in our overhead. We need increased supplies to bring down cost. Lower cost means we hire more employees.

Please support the Port Ambrose project which I believe will be a huge help for businesses.

I support this project not only for myself but it will create jobs. Over 800 construction related jobs, the spending of over \$90 million dollars of goods and services in our local economy and an annual operating budget of \$20 million on permanent and contract service jobs as well as revenues generated by taxes. Most importantly is the Project's ability to introduce competitively priced natural gas into the system at periods of peak demand, which drives down and stabilizes costs which directly affects consumers both in the lowering their costs for natural gas and electricity.

Natural gas is a clean burning and predictable fuel source. The importance in approving a project like Port Ambrose has never been more evident after this year's excessively cold and prolonged winter season.

Sincerely,

Ricky Lafonte

See response to CO2.



CO63



1610 Old Country Rd. Road – Westbury, NY – (516)227-2269

January 31, 2015

Hon. Andrew M. Cuomo
Governor of New York State
State Capitol
Albany, NY 12224

Dear Governor Cuomo:

Business owners need your help. As taxes increase and overall costs are on the rise we need some type of relief. We need to find other sources of energy so costs drop. We are looking to create jobs, not lose them.

Nassau County in New York has some of the highest energy bills in the United States. Most people are on tight budgets and/or fixed incomes. To afford living here most people need a two income salary to get by.

CO63-1

Last winter our heating and power bills were astronomical. I understand the Port Ambrose underwater proposal, which is far enough off of the Long Island shore, could give us more gas and therefore provide sufficient quantities of fuel for heating and power. Hopefully that will reduce prices to levels comparable to many other states in our country.

I therefore urge you to support the Port Ambrose project. We desperately need as much supply as possible and must do whatever is necessary to make living in Nassau County affordable and competitive.

Sincerely,

Joe Rubo

CO63-1 See CO2-2.

See response to CO2.



See response to CO2.



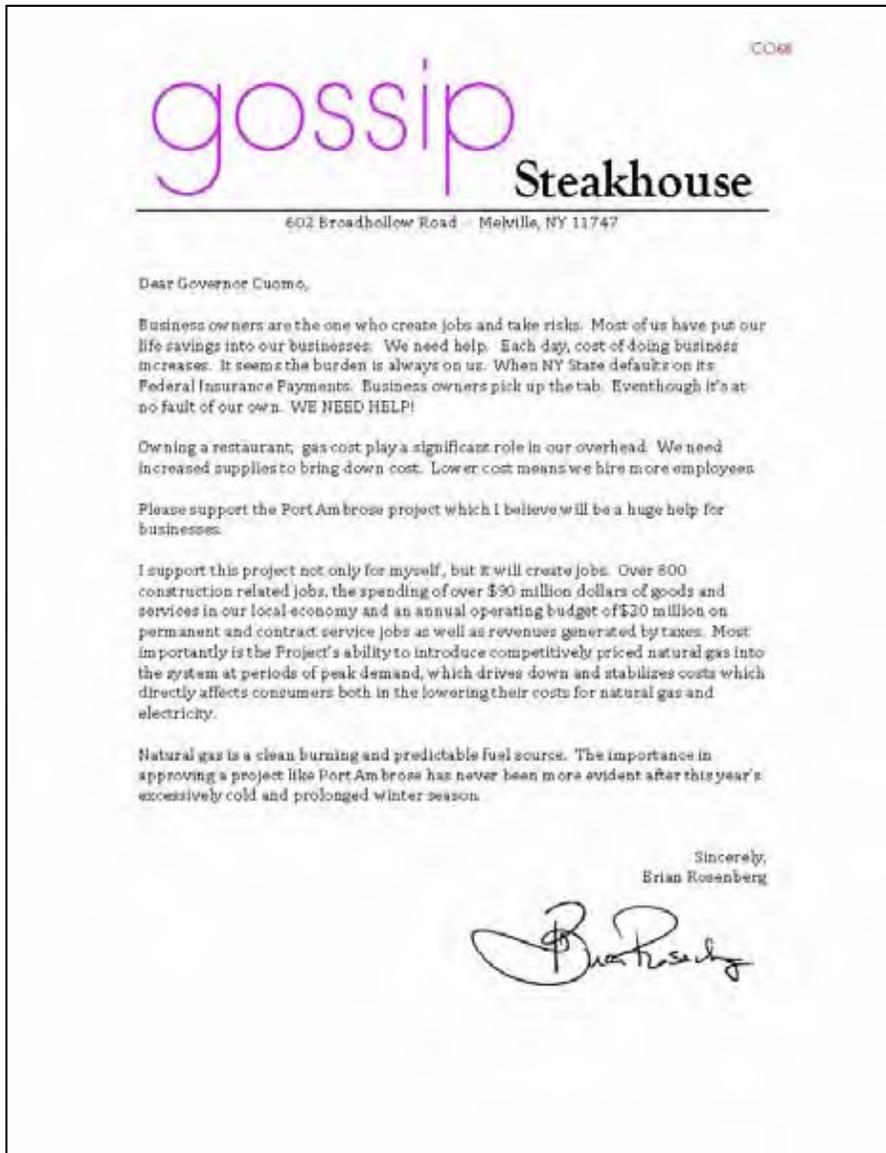
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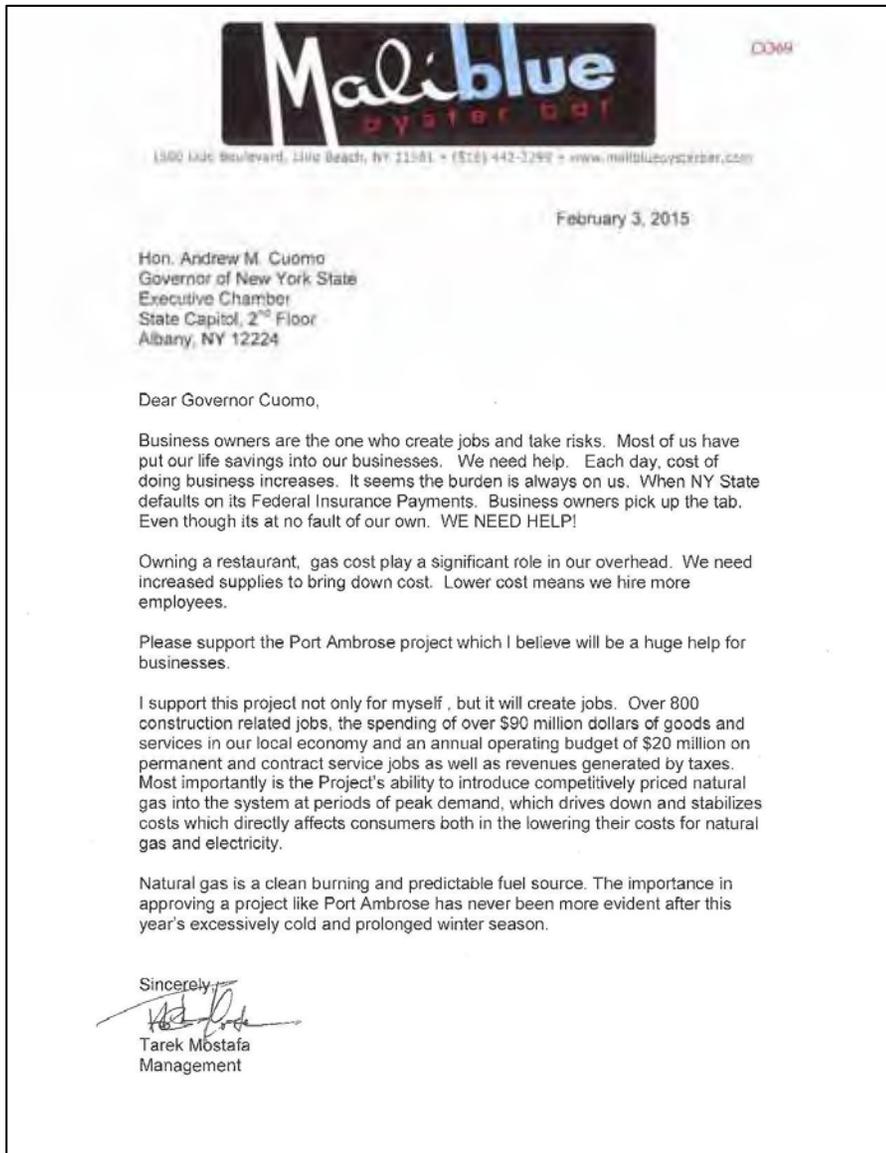
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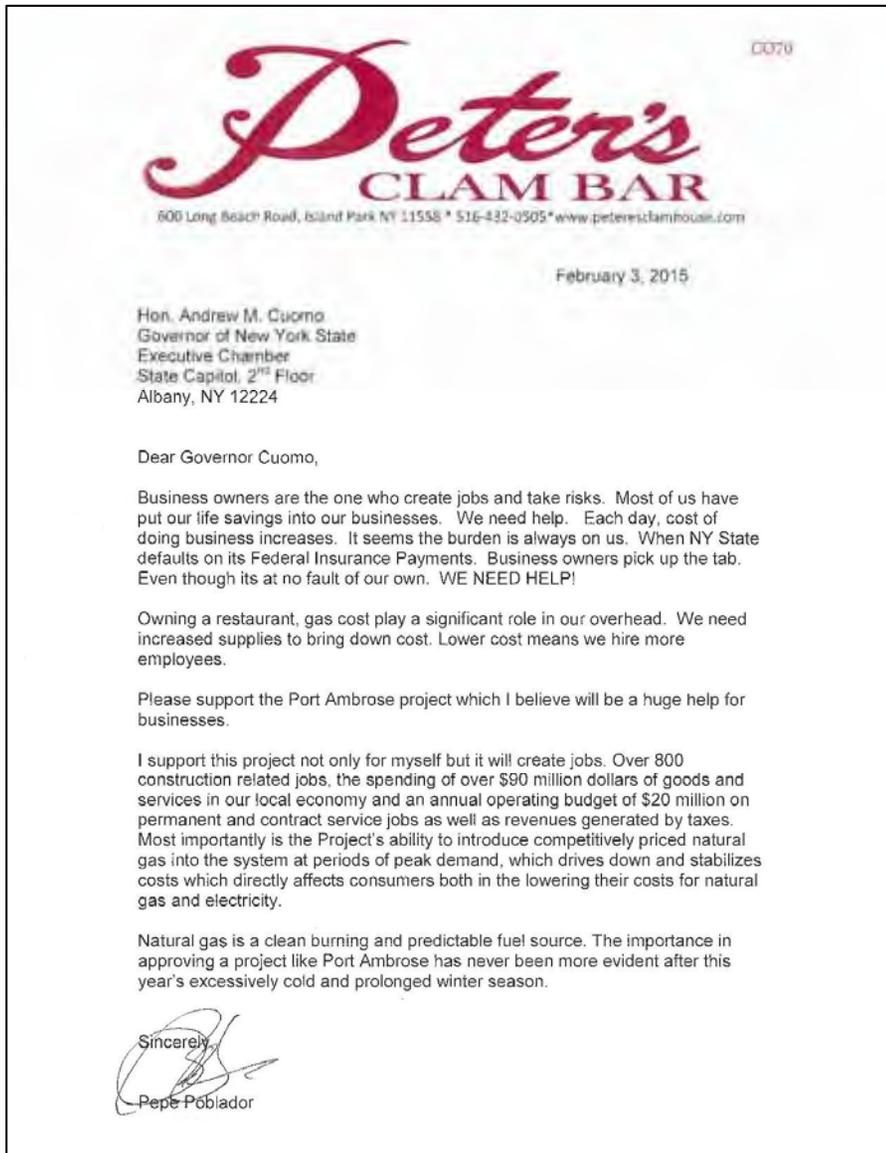
See response to CO2.

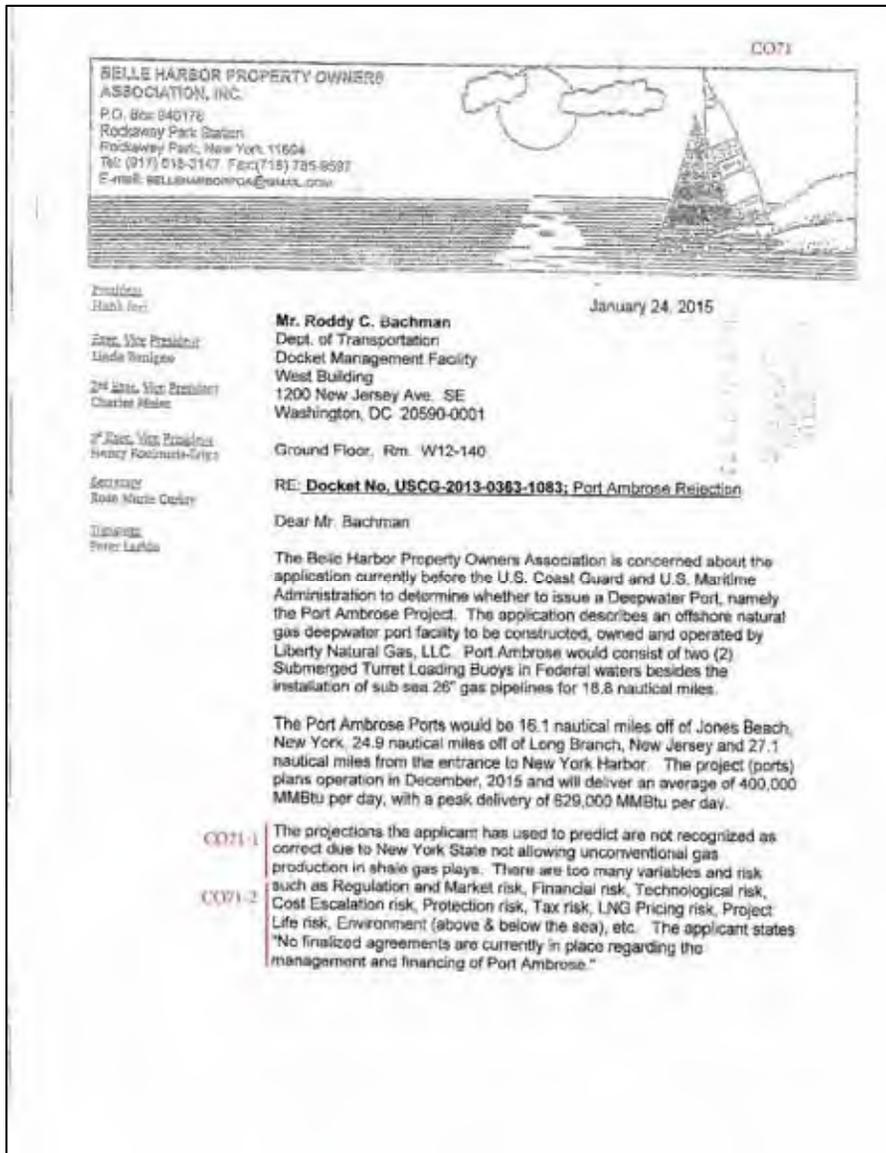


See response to CO2.



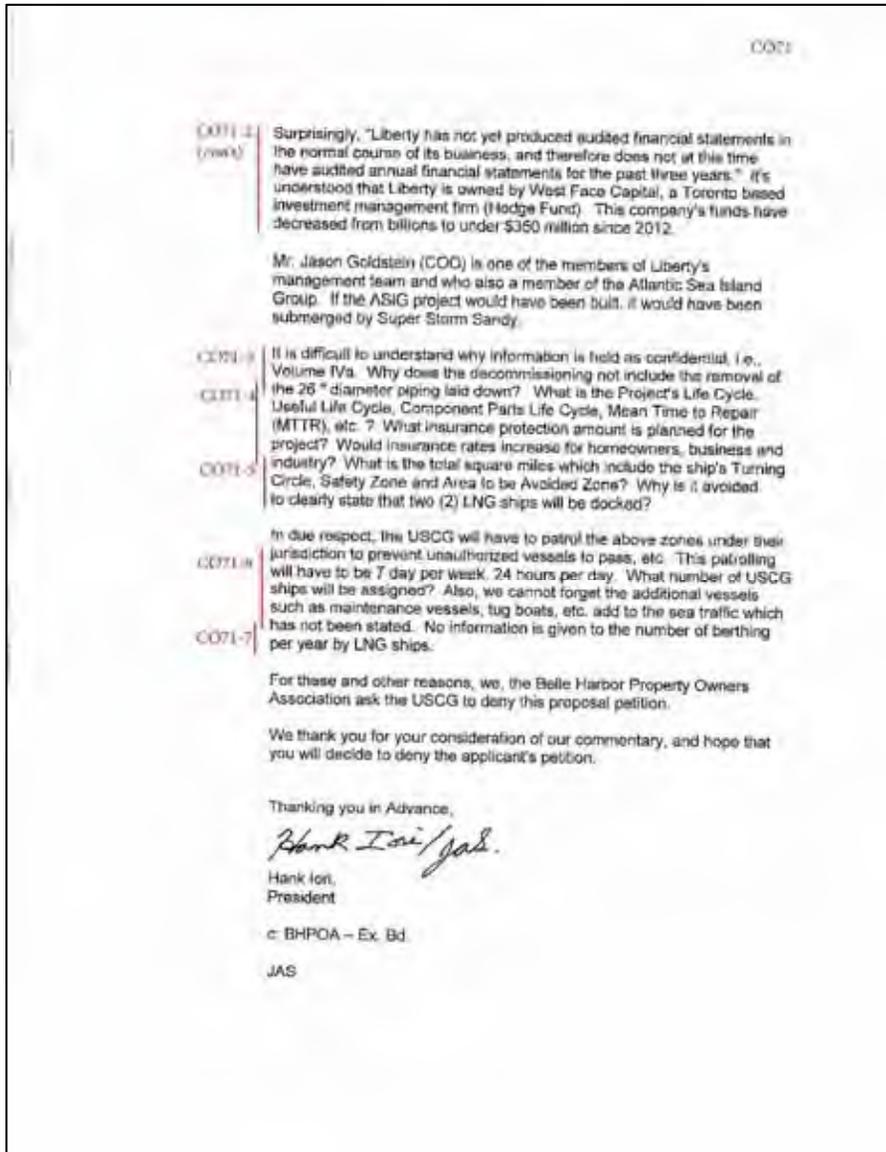
See response to CO2.





CO71-1 Thank you for your comment.

CO71-2 See response to IND104-1.



CO71-3 See response to IND104-3.

CO71-4 See response to IND104-2.

CO71-5 See response to IND110-1.

CO71-6 See response to SA4-1 for a discussion of safety.

CO71-7 Sections 2.1.4 and 4.10.3 provide additional discussion of operational activity at the proposed Port. The proposed Project would receive up to 45 LNGRVs per year. The duration to unload a single LNGRV is anticipated to range between 5 and 16 days, depending on the natural gas sendout rate, weather conditions, and other variables. Unloading corresponds to an annual average sendout rate of 400 MMscf/day, averaged over 365 operating days, or 8,760 operating hours, per year. Prior to LNGRV arrival at the proposed Port facilities, the support vessel would inspect the STL Buoy messenger line and marker buoys. In addition to these inspections and normal Port facilities' security functions, the support vessel would perform weekly inspections of the surface components. These inspections would take place during the transportation of personnel/supplies to the LNGRVs at the proposed Port facilities or while attending to specific needs of the proposed Port facilities. It has been assumed that each LNGRV will have 2 hours of operation per arrival within the safety zone prior to regasification and one hour per departure within the safety zone after regasification. This equates to 135 hours per year of no-sendout LNGRV operation within the safety zone based on 45 LNGRV visits to the Port.



Long Island Association, Inc.
300 Broadhollow Road, Suite 110W
Melville, NY 11747

CO72

February 3, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo:

The Long Island Association (LIA) supports diverse solutions to Long Island's short- and long-term energy demands. In fact, our annual list of energy priorities includes a wide-range of proposals that will reduce energy costs for all consumers, protect the environment and create new jobs for the citizens of Long Island. By taking a smart, balanced approach to our energy challenges, we will find the solutions that can serve as an example for others across the country.

It is with that in mind that the LIA supports the Port Ambrose project. This project is intended to deliver energy benefits to Long Island and the lower New York region. It should help stabilize energy costs for both residential and business customers during peak seasons and help meet our long-term energy demands while providing a cleaner energy source for New Yorkers. The LIA also supports off-shore wind efforts and our commercial fishing industry and have been advised this project will be complimentary and consistent with those priorities as well.

During the winter and summer months, New Yorkers often see natural gas price spikes. Those peak demand times not only cost New York ratepayers millions of dollars, but it places enormous stress on our energy infrastructure. Projects like Port Ambrose should help improve the way energy is delivered and help stabilize prices.

The Port Ambrose project would be beneficial to the economy. In particular, it will invest approximately \$90 million while creating approximately 800 jobs. It is estimated energy costs for New York businesses and consumers will be reduced by up to \$325 million annually. Moreover, Port Ambrose is not expected to use any taxpayer resources. Instead, Port Ambrose will actually add to the tax base by providing taxes from operations, which will help support our communities.

The LIA supports the Port Ambrose project for all of the benefits it would provide to the region. Thank you for your consideration. If you have any questions, please feel free to contact me at (631) 493-3002.

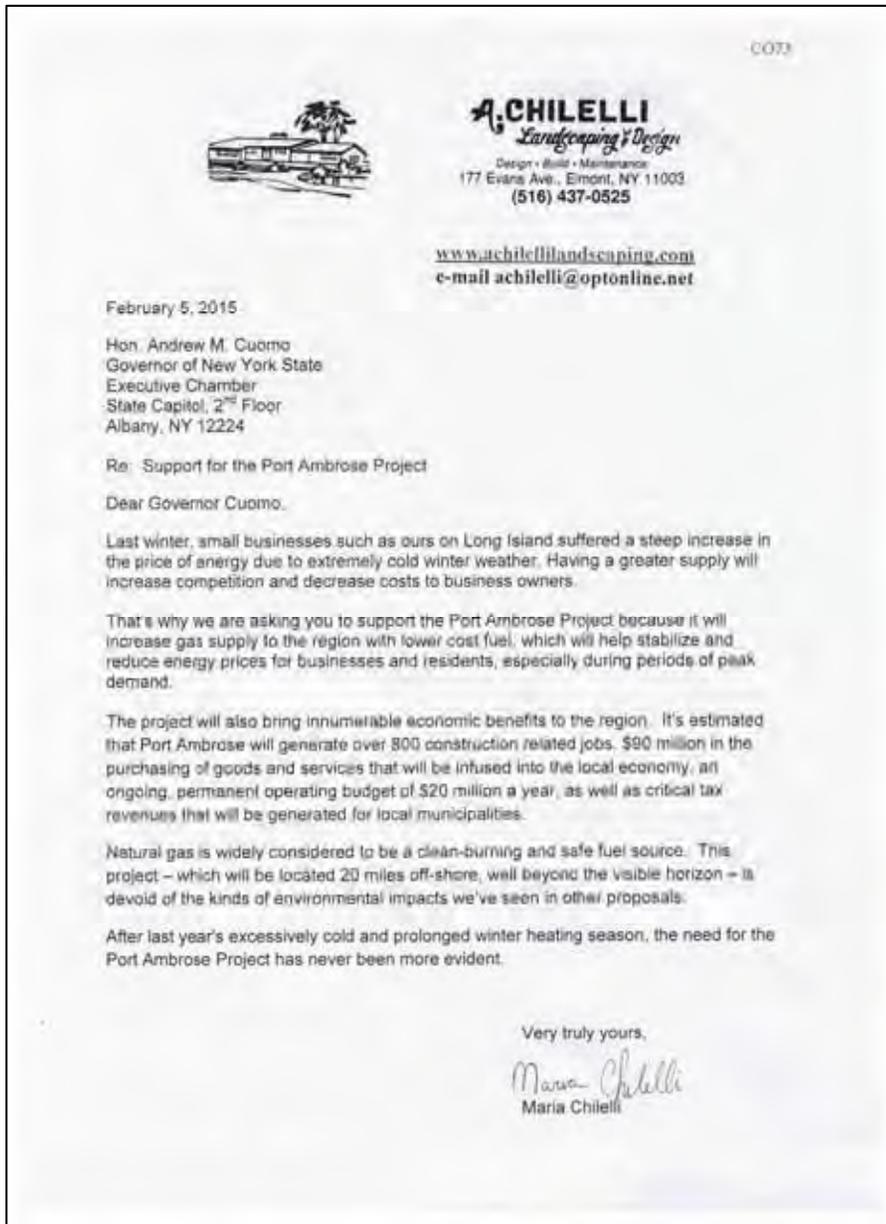
Respectfully submitted,

Matthew Cohen
Vice President of Government Affairs
Long Island Association

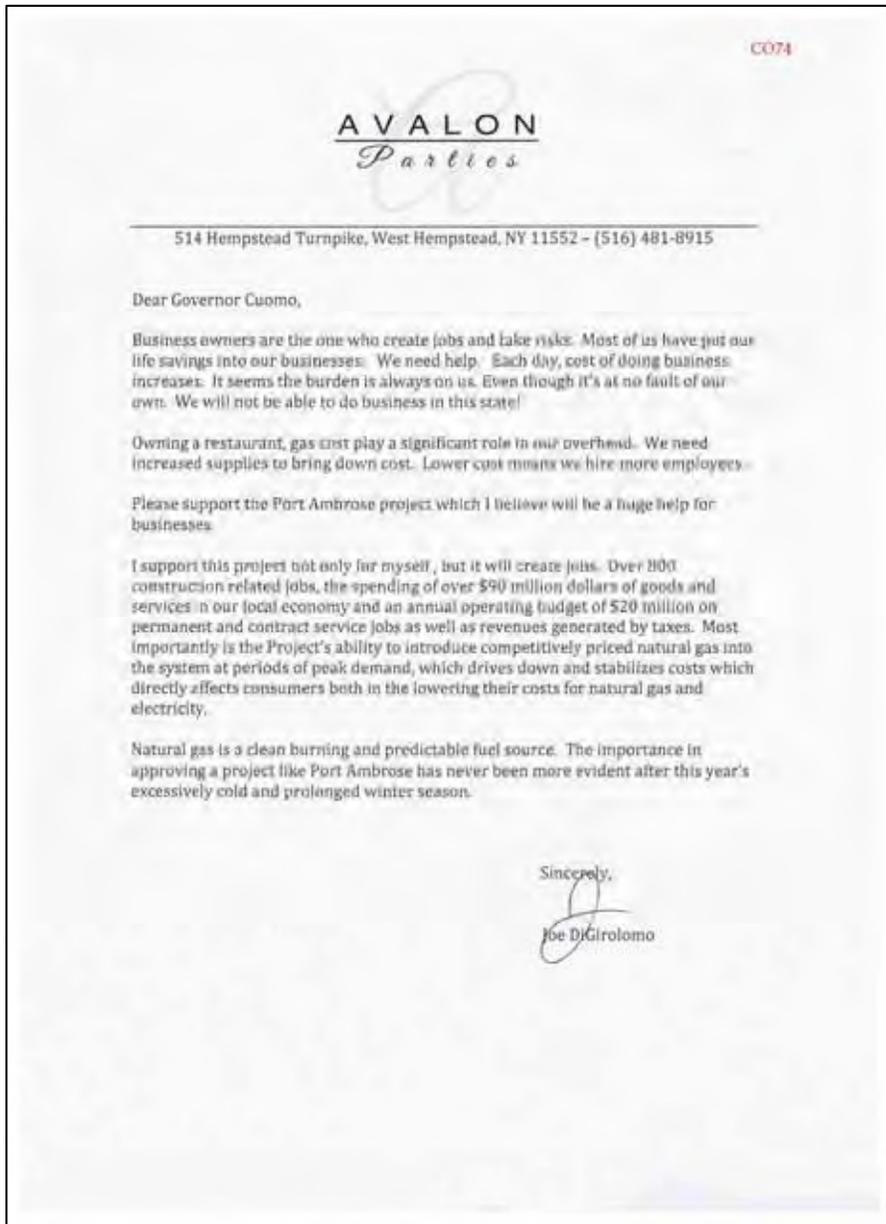
CO72-1

CO72-1 See CO2-1.

See response to CO2.



See response to CO2.





CO75-1 See response to IND130-1.

CO75-2 See CO2-1.

CO75-3 See CO2-2.



CO76-1 See response to IND130-1.

FISHERMEN'S DOCK COOPERATIVE, INC.

**P.O. BOX 1314 - 57 CHANNEL DRIVE
PT. PLEASANT BEACH, N.J. 08742
OFFICE 732-899-1872 DOCK 732-899-1697
FAX 732-899-3294**

CO77

Department of Transportation

Docket [USCG-2013-0363]

2/3/2015

Comments on Port Ambrose application

Please accept these comments from the Fishermens Dock Co-operative of Point Pleasant N.J. concerning the Liberty Natural gas application for a deep water port facility called Port Ambrose, situated in and around our historic fishing grounds. The Fishermens Dock Co-op presently consists of 12 members and 10 fishing vessels that average 77 feet in length. We are one of the oldest continuously operating fishing Co-op's in the country, incorporating in 1952. we land between 8 and 12 million dollars [dockside price] of seafood a year, and directly employ more then 50 people year round, besides also packing out and servicing dozens of non member and out of state fishing vessels every year. We vehemently oppose Liberty Natural Gas's Proposed Port Ambrose LNG "Import" Facility.

For decades we have had to deal with government permitted dumping of sewerage sludge, toxic dredge spoils, burning barges and the wreckage of pilings and old docks, acid wastes, and even old military ordinance, all in our fishing grounds. The utter carelessness of these operations are now, with hindsight unbelievable. Our industry has been fighting for over 30 years to stop the madness and total disregard of our ocean's environment, and the marine species we rely on to feed the American public. Hence it is appalling to us that, a proposal wrapped in lies on top of lies, that has previously been denied by MARAD, and vetoed by New Jersey's governor just 2 years ago has risen from the dead, and is rolling full steam ahead with the full support of MARAD and the US Coast Guard. I attended and testified against Liberty Natural Gas at the Etontown NJ hearing, [and at previous ones over the last 5 years] and still can't believe to hear US government officials, insisting to 500 members of the public by stating that this proposed facility could not be converted into an export facility. We are not morons, and we expect for our government to make an honest attempt to tell the truth about something like a private enterprise attempting to create a billion dollar industrial facility on public property.

President Obama has pledged to double US exports over the next few years, and LNG will be the leading commodity. A number of LNG import facilities have already been granted approval to export LNG and many more are now lining up for the huge windfall profits expected as we sell our cheap domestic gas into a hungry world market where it sells for more than 3 times as much. Our country is totally self sufficient in our gas production and use. We have absolutely no need to import any LNG. As a matter of fact a few years ago there was a facility built on fishing grounds off of Boston to receive imported LNG. They are now closed down for the next 5 years as they have only received a couple of shipments since being built. So how can

CO77-1

CO77-1 Thank you for your comment.

CO77

anybody in the US government support a proposal that is based on lies? Liberty Natural Gas is a front company that does all the dirty work to get a facility like this approved, when they accomplish that task they will then sell it to another company that will undertake construction and immediately apply for a permit to convert into an export facility claiming that market conditions have now changed. By working this way, the conversion of the permit to export would avoid new public hearings, use their old environmental impact study, and bypass any NEPA requirements. By intense lobbying and the right amount of campaign contributions to some integrity challenged politicians, and financial promises to affected industries, proposals like Liberty’s get approved. Its truly disturbing to see the US Coast Guard have to be a part of this sham, as I have the utmost respect for the life saving work they do. But I guess when an important politician, on an important committee, [who has received X amount of campaign contributions] tells them that they have to go along with this or their budget will be cut, I guess integrity no longer matters. It is all about the Benjamin’s.

CO77-2 | it doesn’t matter that the fishing industry has been fishing these grounds before there was even a United States, the Oil industry now runs our country, and watch out anybody who stands in their way. So the hundreds of fishing industry jobs that could be lost by this project doesn’t matter because liberty will create a few temporary ones, and about a half dozen long term jobs. Sounds like a fair trade to me.

So here is a list of reasons why this project should not be approved;

CO77-3 | 1, It has already been vetoed by Governor Christie.

CO77-1 (con’t) | 2. The proposal is based on lies, there is absolutely no one in their right mind who would spend the huge amount of money needed to build this facility to import LNG when there is absolutely no need to import LNG into this country. The facts speak for themselves. The Marcellus shale deposits are sitting just a stones throw away from the NY bight, and big energy is just itching to get our Natural Gas into the over seas market, where they will accomplish a double whammy of profits by selling for 3 times more then they get in the domestic market, and because of that, will drive up the domestic price as demand internationally increases, and they refuse to sell cheap domestically.

CO77-4 | 3. The fishing industry will suffer severe and maybe even catastrophic consequences from the construction, operation and any “accidents” that take place at Port Ambrose, or its pipeline. New Jerseys commercial fishing industry contributes over a billion dollars a year to our economy and feeds millions of people with one of the healthiest foods on the earth. This is apparently a matter of our jobs are better then yours because we can contribute more money to politicians.

CO77-5 | 4. After decades of hard work cleaning up the New York bight from years of government approved degradation, we would be right back at square one with a huge, dangerous natural

CO77-2 Thank you for your comment.

CO77-3 Thank you for your comment.

CO77-1 (con’t)

CO77-4 Thank you for your comment.

CO77-5 Thank you for your comment.

CO77

gas pipeline/facility that is an accident waiting to happen. What are the impacts of a pipeline rupture? Can the facility withstand a direct hit by a cat 4 hurricane? Do we want the NY bight to turn into the polluted waters of the Gulf of Mexico?

- CO77-6 5. The facility is sited between two major shipping lanes, a collision waiting to happen.
- CO77-7 6. The LNG tankers will be a terrorist target, as it wouldn't be too hard to blow one up with a speed boat full of explosives and a fanatic looking to meet god. Since the blast zone would be five miles it would be visible from both NJ and NY serving the purpose of terrorizing our citizens, while also causing hundreds of millions in economic losses.

7. To prevent such an attack it would be required to have a huge security zone around the facility anytime a LNG tanker was present, and a number of CG vessels and possibly even the navy would be needed, thus weakening our defenses in other areas., while expanding a huge safety area where fishermen could no longer work.
- CO77-8 8. The local marine environment not only supports both huge commercial and recreational fisheries, but also is home to many endangered species that could suffer harm from its construction and operation. These include Northern Right Whales, Fin Whales, Loggerhead, Kemp's ridley, leatherback, and green sea turtles, along with other threatened species including many other Whales and dolphins.
- CO77-9 9. This facility will speed up the production of natural gas in Pennsylvania and New York state and because it is produced by Fracking, could contaminate the drinking water of 40 million people. If this was not so, there would have been no need to have Vice President Cheney ram through legislation that absolves the gas companies from any legal responsibility if ground water contamination occurs from fracking. This is known as the Haliburton exemption to the clean water act, which was paid for fair and square by the oil companies, who, thanks to the Supreme Court are now considered people.
- CO77-10 10. LNG export facilities will have a negative effect on the US economy, as it will force domestic gas prices up to the international level, and force already struggling families to choose between eating and heating. While oil/gas company executives laugh all the way to the banks, which they also own along with our politicians.
- CO77-11 11. There are absolutely no benefits to this proposal except the oil/gas industry gets to grease a few palms, and those lucky few palms, may trickle some of that money down to the rest of us.

In conclusion; There are no benefits to the citizens of New Jersey and New York from the Port Ambrose proposal, we will just see higher energy costs, a net loss of jobs as the historic full time fishing jobs are replaced by temporary construction work, and a severely degraded environment that we have fought so hard to clean up.

Thanks, James Lovgren

3

Fishermens Dock Co-operative

CO77-6 An evaluation of public safety and property is provided in Section 5.3.3 of the final EIS, with a specific discussion of Port security provided in Section 5.3.3.3 of the final EIS. An evaluation of the safety of the Mainline and pipeline laterals is provided in Section 5.6 of the final EIS.

CO77-7 Thank you for your comment.

CO77-8 Thank you for your comment.

CO77-9 Thank you for your comment.

CO77-10 Thank you for your comment.

CO77-11 Thank you for your comment.

2/13/2015 Regulations.gov - Comment CO78

Regulations.gov will undergo infrastructure maintenance and be unavailable from 5am (ET) through 12 pm (ET), Saturday, February 14.

regulations.gov
Your Voice in Federal Decision-Making

Marvin Weiss

This is a Comment on the **Coast Guard (USCG)** Notice: [Environmental Impact Statements: Availability, etc.; Liberty Natural Gas LLC, Port Ambrose Deepwater Port](#)

For related information, [Open Docket Folder](#)

Comment Period Closed
Feb 10 2015, at 11:59 PM ET

ID: USCG-2013-0363-1385
Tracking Number: 1jz-8h4n-y8st

Document Information

Date Posted:
Feb 12, 2015
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Submitter Information

Submitter Name:
Marvin Weiss
Mailing Address:
2 Kirkwood Street
City:
Long Beach
Country:
United States
State or Province:
NY
ZIP/Postal Code:
11561

Comment

Sirs,

CO78-1 Thank you, please continue to protect our waters not just on top but from below. Also from the positioning of a LNG plant off our shores so close to such a populated area. I have friends from the

CO78-2 Maritime that were schooled back in the 70s as to how dangerous and devastating LNG can be. The people supporting this venture are only looking at the \$. Saying that it will create

CO78-3 800 jobs, these jobs will be short lived and in the end there will only be 6 real jobs. If something goes wrong 100s of thousands of peoples lively hoods will be destroyed. Our Ocean and Beaches will never recover.

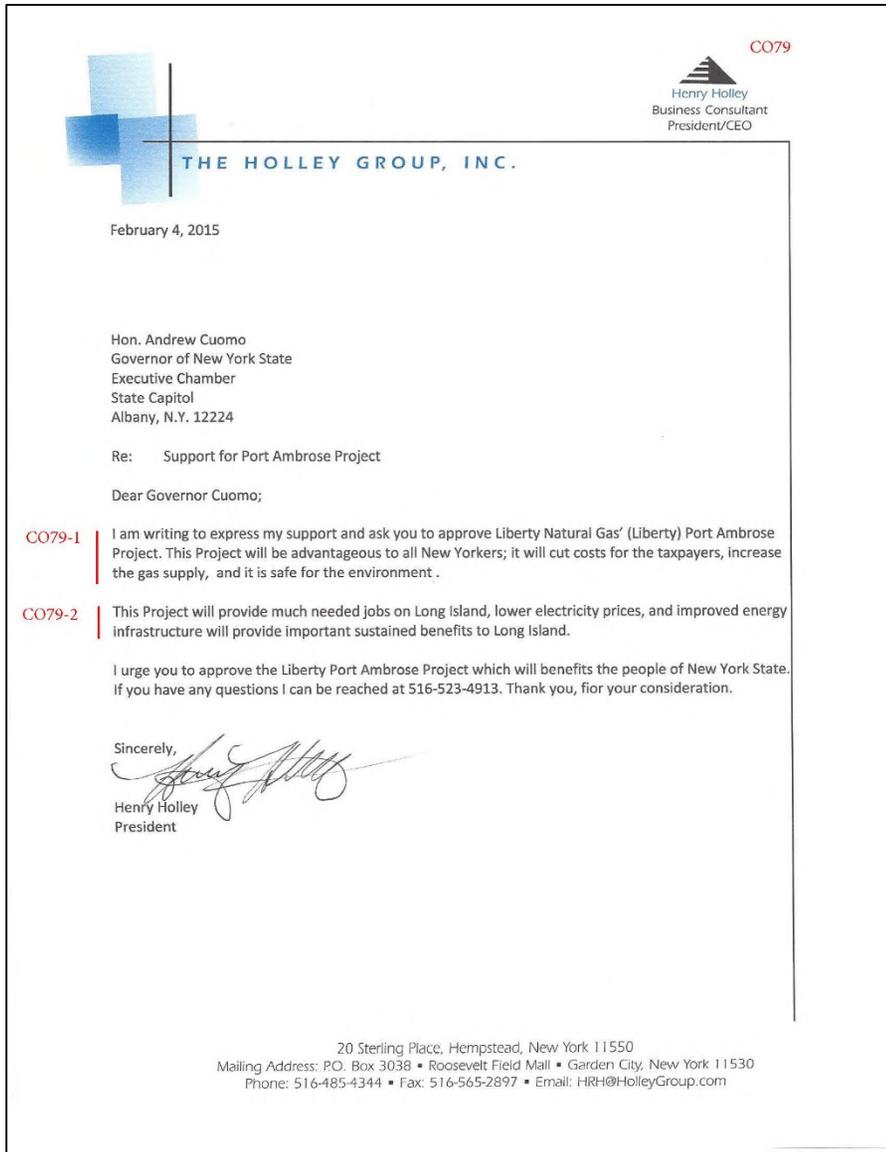
Thank you again
Regards
Marvin Weiss
Vice Chairman Central Long Island Surfrider Foundation

<http://www.regulations.gov/#documentDetail;D=USCG-2013-0363-1385> 1/1

CO78-1 Thank you for your comment.

CO78-2 Thank you for your comment.

CO78-3 Thank you for your comment.



CO79-1 See response to IND211-1.

CO79-2 Thank you for your comment.

CO80



Steven A. Moll
President

277 Indian Head Road
Kings Park, NY 11754

P. 631-724-0017
F. 631-460-9004

February 6, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Capitol Building, 2nd Floor
Albany, NY 12224

Re: Port Ambrose Proposal

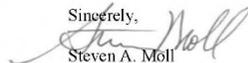
Dear Governor Cuomo,

CO80-1

At this moment we are enjoying the low cost of automobile gasoline and natural gas. However, nothing is guaranteed for the long term and we need a new and safe source of natural gas for our communities in order to keep prices down.

The Port Ambrose project will not disturb our towns and villages and it will provide Long Island with a plentiful supply of natural gas. An underwater connection to feed more gas to Long Island is good for the consumers and people of limited means because it increases supply and competition, which helps to keep prices down.

Please approve the Port Ambrose proposal.

Sincerely,

Steven A. Moll
President

CO80-1 See response to IND211-1.

CO82

Name of Business: AAY Associates, Inc
Address: 108-18 Queens Blvd
Forest Hills, NY 11355

February 12, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

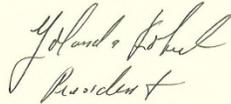
CO82-1

Last winter our businesses suffered a large increase in the price of natural gas due to extremely cold winter weather. There is no doubt that the Port Ambrose project will help increase gas supply and keep our costs down.

The state needs new energy sources and this proposal will give us that help.

Please support the Liberty Port Ambrose project.

Sincerely,



Yolanda P. Pineda
President

CO82-1 Thank you for your comment.

Name of Business: AAY Associates, Inc ^{CO83}
Address: 108-18 Queens Blvd. Suite 602
Forest Hills, NY 11375

February 12, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

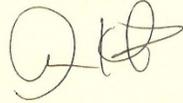
Dear Governor Cuomo,

Last winter our businesses suffered a large increase in the price of natural gas due to extremely cold winter weather. There is no doubt that the Port Ambrose project will help increase gas supply and keep our costs down.

The state needs new energy sources and this proposal will give us that help.

Please support the Liberty Port Ambrose project.

Sincerely,



See response to CO82.

CO84

Name of Business: ADC BUILDERS

Address: 42-02 215th ST

BAYSIDE, NY 11361

February 12, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

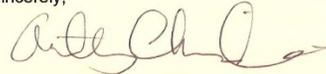
Dear Governor Cuomo,

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The state needs new energy sources and this proposal will give us that help.

Please support the Liberty Port Ambrose project.

Sincerely,



See response to CO82.

CO85

Name of Business: Aflac

Address: 214-25 42 Ave

Bayside ny 11361

February 12, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

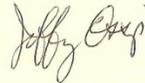
Dear Governor Cuomo,

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The state needs new energy sources and this proposal will give us that help.

Please support the Liberty Port Ambrose project.

Sincerely,



See response to CO82.

Name of Business: B+B Coverage ^{CO86} B+B Coverage
Address: Valley Stream Valley Stream

February 12, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

Last winter our businesses suffered a large increase in the price of natural gas due to extremely cold winter weather. There is no doubt that the Port Ambrose project will help increase gas supply and keep our costs down.

The state needs new energy sources and this proposal will give us that help.

Please support the Liberty Port Ambrose project.

Sincerely,



See response to CO82.

Name of Business: BBDM Consulting CO87
Address: 243 Mason Drive
Nanuetz, NY 11030

February 12, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

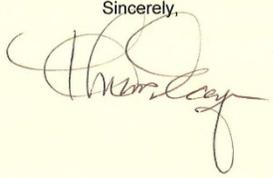
Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

Last winter our businesses suffered a large increase in the price of natural gas due to extremely cold winter weather. There is no doubt that the Port Ambrose project will help increase gas supply and keep our costs down.

The state needs new energy sources and this proposal will give us that help.

Please support the Liberty Port Ambrose project.

Sincerely,


See response to CO82.

ASSOC

Name of Business: Belanger Associates CO88

Address: 131 W. 36th St, 8th Fl Suite M199
NY NY 10018 (Mailing only)

February 12, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

Last winter our businesses suffered a large increase in the price of natural gas due to extremely cold winter weather. There is no doubt that the Port Ambrose project will help increase gas supply and keep our costs down.

The state needs new energy sources and this proposal will give us that help.

Please support the Liberty Port Ambrose project.

Sincerely, 

CO89

Name of Business: Bourbon Street
Address: 40-12 B-11 Blvd
Bayside N.Y 11361

February 12, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo:

Last winter, businesses in Queens were impacted by large increases in the price of natural gas due to the extremely cold winter weather.

CO89-1 The Port Ambrose project will increase gas supply to the region with lower cost fuel, helping to stabilize and reduce energy prices for businesses and residents.

That is why I am writing to ask you to support the Port Ambrose project, which is 20 miles off of the Long Island shoreline. It will have the ability to provide business and residential customers with a greater supply of less expensive natural gas.

Thank you very much for your consideration.

Sincerely,

CO89-1 Thank you for your comment.

See response to CO82.

CO90

Name of Business: BYB Elite Consulting

Address: 111-09 76th RD B9

Forest Hills NY 11375

February 12, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

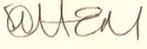
Dear Governor Cuomo:

Last winter, businesses in Queens were impacted by large increases in the price of natural gas due to the extremely cold winter weather.

The Port Ambrose project will increase gas supply to the region with lower cost fuel, helping to stabilize and reduce energy prices for businesses and residents.

That is why I am writing to ask you to support the Port Ambrose project, which is 20 miles off of the Long Island shoreline. It will have the ability to provide business and residential customers with a greater supply of less expensive natural gas.

Thank you very much for your consideration.

Sincerely, 

See response to CO82.

CO91

Name of Business: DELTAMINE INC

Address: 207-40 27th Ave

Bayside NY 11360

February 12, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

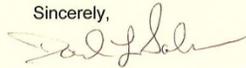
Dear Governor Cuomo,

Last winter our businesses suffered a large increase in the price of natural gas due to extremely cold winter weather. There is no doubt that the Port Ambrose project will help increase gas supply and keep our costs down.

The state needs new energy sources and this proposal will give us that help.

Please support the Liberty Port Ambrose project.

Sincerely,



See response to CO89.

CO92

Name of Business: Future Planning Realty
Address: 142-13 Rockaway Blvd
Southern Park NY 11436

February 12, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

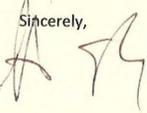
Dear Governor Cuomo:

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The Port Ambrose project will increase gas supply to the region with lower cost fuel, helping to stabilize and reduce energy prices for businesses and residents.

That is why I am writing to ask you to support the Port Ambrose project, which is 20 miles off of the Long Island shoreline. It will have the ability to provide business and residential customers with a greater supply of less expensive natural gas.

Thank you very much for your consideration.

Sincerely,


See response to CO82.

CO93

Name of Business: Tangletech, Inc
Address: 201 East 87th St
Ny Ny 10128

February 12, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

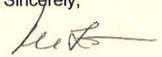
Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

Last winter our businesses suffered a large increase in the price of natural gas due to extremely cold winter weather. There is no doubt that the Port Ambrose project will help increase gas supply and keep our costs down.

The state needs new energy sources and this proposal will give us that help.

Please support the Liberty Port Ambrose project.

Sincerely,


See response to CO82.

Name of Business: ^{CO94} T. F. O'Brien & Co. Cooling & Heating
Address: 100 Darius Ave
New Hyde Park NY 11040

February 12, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

Last winter our businesses suffered a large increase in the price of natural gas due to extremely cold winter weather. There is no doubt that the Port Ambrose project will help increase gas supply and keep our costs down.

The state needs new energy sources and this proposal will give us that help.

Please support the Liberty Port Ambrose project.

Sincerely,



The Rockaway Republicans

CO95

561.843.6052
pjsfutures@gmail.com

Port Ambrose, The Rockaways

*A Rockaway Chronicle
Alan Zwirn & Pete Stubben*

CO95-1 | Let's be clear: the proposed Port Ambrose, as an import natural-gas hub to be built 22-miles off the New York coast and 30-miles off the Jersey coast, will be great for New York & New Jersey, and good for Rockaway. We support passage of the proposal.

Were the port to be placed five miles offshore we'd be adamantly against it as a security threat, and as a sensationally dangerous target for extremist terrorists from around the world. But it isn't, and we're not.

A remarkable American drilling process popularized in the 1980's, Horizontal Drilling, has now put the US back – finally! - on a fast track to energy independence; and so we enter a new age of now-abundant, 50% cheaper, and a 30% cleaner alternative to crude-oil: Natural Gas. Canada and The United States (and maybe Mexico) have hundred year supplies we barely knew existed 50 years ago. This 'nat-gas' abundance is being exploited to warm our homes, power our utilities, and maybe someday soon, fuel our cars. We need infrastructure to transport and process natural gas, and Port Ambrose is one such proposed development. Another large hub is being planned and built outside Houston as well.

CO95-2 |

Naturally, the environmentalists – led by 'big' Al Gore, former US VP - are against Port Ambrose, and are whipping up hysteria against this project. Environmentalism (with a capital E) is a good thing, and yes, we need to be sensible stewards of our resource-rich state and nation, and the 1960's disasters such as NY's Love Canal, Cleveland's Lake Erie and Pittsburgh's Monongahela River woke the nation to the destructive power of unprotected waste discharges into our bays, rivers and oceans. Natural gas is cleaner and greener than crude oil, and until we've discovered a sensible, more efficient, and pragmatic alternative, it's a fabulous step forward. Underground gas pipelines are common and in fact some 250,000 miles of pipeline crisscross America, and despite the hysterics, the pipelines have proven entirely safe. Is methane and nat gas combustible?

CO95-3 |

CO95-1 See response to IND211-1.

CO95-2 Thank you for your comment.

CO95-3 Thank you for your comment.

CO95

Yes, of course, but so is the engine in your car and the Hess station on 160th Avenue, for instance, where you pump your gas.

CO95-4 Other interest groups and parties are against this project because they say, Port Ambrose might soon flip the switch from an import hub to an export hub. OMG, break Russia's back of monopolistic control over Europe's energy dependence, and bring revenue into the US. There may come a day when the Marcellus Shale deposits provide surplus energy for our East Coast needs, and then we would be in the enviable position to export energy for great profits to the developers and New York State (& Pennsylvania too).

CO95-5 Certainly, safety and safeguards are priorities for us. With Port Ambrose sufficiently offshore, no horrific catastrophe will obstruct NY Harbor, nor impact our beautiful beach-side community. The proposed underground pipe to the offshore LNG hub will hook up with an ALREADY-EXISTING and trouble-free underground pipe that links natural gas deliveries from New Jersey to New York. LNG transport is a common practice across the Mediterranean and the Pacific, and soon, we hope, across the North Atlantic!!!

We want this project to go forward!

Zwim & Stubben are President and Secretary, respectively, of The Rockaway Republicans.

###

CO95-4 Thank you for your comment.

CO95-5 Thank you for your comment.

See response to CO82.

CO96

Name of Business: TMBA
Address: 79 HAZEL ST
GLEN COVE NY 11050

February 12, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

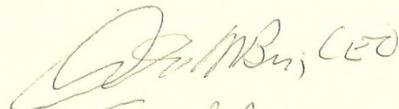
Dear Governor Cuomo,

Last winter our businesses suffered a large increase in the price of natural gas due to extremely cold winter weather. There is no doubt that the Port Ambrose project will help increase gas supply and keep our costs down.

The state needs new energy sources and this proposal will give us that help.

Please support the Liberty Port Ambrose project.

Sincerely,


T.M.B.A

3/11/2015
Regulations.gov - Comment
CO97



South Shore Audubon Society

This is a Comment on the **Coast Guard** (USCG) Notice: [Deepwater Port License Applications: Liberty Natural Gas LLC, Port Ambrose Deepwater Port](#)

For related information, [Open Docket Folder](#)

Comment Now!

Due Mar 16 2015, at 11:59 PM ET

ID: USCG-2013-0363-1511
Tracking Number: 1jz-8hjs-5iqq

Document Information

Date Posted:
Mar 6, 2015
RIN:
Not Assigned
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Submitter Information

Submitter Name:
Jim Brown
Mailing Address:
560 Long Beach Road
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Apartment 2
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Island Park
Country:
United States
State or Province:
NY
ZIP/Postal Code:
11558
Organization Name:
South Shore Audubon Society
Submitter's Representative:
Jim Brown

Comment

South Shore Audubon Society Comments on Port Ambrose Deepwater Port License Application

The South Shore Audubon Society is a local chapter of the National Audubon Society and represents approximately 1700 households on Long Island. We offer the following comments on the DEIS of Liberty Natural Gas Port Ambrose LNG facility:

Various LNG projects have been proposed for Long Island for years and the South Shore Audubon Society has opposed them all. This one, which was vetoed by New Jersey Governor Christie in 2011, has unfortunately been revived, and moved a bit closer to New York. This plan was rejected once, for many reasons, and we hope that it will again be rejected.

The proposed Port Ambrose facility will have a number of negative impacts the most important one perhaps being that this deepwater LNG project will foster increased fracking throughout the United States. Governor Cuomo fortunately has banned hydraulic fracturing in New York State, but hydrofracking still occurs in other parts of the country. LNG projects such as Port Ambrose will only increase the production, transportation and burning of fracked gas, thereby adding to global warming and climate change. Fracking, a method for extracting fossil fuels such as natural gas from shale formations, is an extremely polluting activity, dangerous to human health, wildlife and air and water quality. The use of injection wells to store the polluted, toxic water created by fracking has even caused significant earthquakes. The production cycle of liquefied natural gas from fracked gas is itself a highly polluting process adding to the negative climate impacts of fossil fuel production.

Even if Port Ambrose is used only for imports and this assertion by Liberty Natural Gas strains credulity we would still oppose it. Liquefied Natural Gas is just another fossil fuel, of which we should be using less, not more. Long Islanders, especially after experiencing the effects of Hurricane Sandy, are acutely aware of the dangers posed by excess carbon emissions, global

<http://www.regulations.gov/#documentDetail;D=USCG-2013-0363-1511> 1/2

CO97-1 See response to IND93-3.

CO97-2 Thank you for your comment.

3/11/2015

Regulations.gov - Comment

CO97

CO97-2
(cont) warming, sea level rise and extreme and rapid climate change.
We need more renewable energy projects, energy conservation
and a rapid move away from fossil fuel technologies like LNG.
Permitting the construction of Liberty Natural Gas Port Ambrose
would be a mistake, and the South Shore Audubon Society
strongly urges a rejection of the companys application.

Jim Brown
Conservation Chair
South Shore Audubon Society

March 5, 2015

http://www.regulations.gov/#documentDetail_ID=USCG-2013-0363-1511

2/2

CO98



League of Women Voters of
Monmouth County

PO Box 414
Oakhurst, NJ
07755

Department of Transportation
Docket Management Facility, West Building
Ground Floor Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590-0001

Mr. Roddy Bachman
Deepwater Ports Standards Division (CG-OES-4)
U.S. Coast Guard Headquarters (Room 1210)
2100 Second Street,
SW Washington, DC 20593 202 372 1451

March 6, 2015

RE: Docket # USCG-2013-0363-1083

**Comment on Liberty Natural Gas Port Ambrose Deepwater Port License
Application's Draft Environmental Impact Statement (DEIS)**

The League of Women Voters of Monmouth County, a non-partisan, non-profit organization, has long held positions supporting clean air, clean water and the protection of our critical natural resources. Accelerated climate change comes largely from the use of fossil fuels. Methane, which makes up 99% of natural gas, is eighty-six times more potent as a greenhouse gas than carbon dioxide in the short term. The League strongly supports efforts to move toward more renewable energy sources as soon as possible. Monmouth County has already experienced both the subsidence of land at our shore and impacts from sea level rise. Our economy is heavily dependent on tourism, beaches, commercial and recreational fishing, whale watching, and other activities associated with the shore areas. Port Ambrose poses a serious threat to these activities.

CO98-1 | First, we do not see a need for this facility. Two LNG import facilities in Boston Harbor have been idle for years and one of them has been closed. Import facilities in the US are now seeking permission to export. Liberty has not justified why they believe that LNG from the Magnolia facility in the Gulf and elsewhere needs to be imported into the NY area.

CO98-2 | Second, despite Liberty Natural Gas' comment on its website that Port Ambrose will "not require a single dollar of taxpayer money, utility rate increases, or any other kind of public money to pay

CO98-1 Thank you for your comment.

CO98-2 See CO22-1 for a discussion of MARAD's determination of financial responsibility.

CO98

for the project," over the long run this is incorrect. Our taxes go to support our Coast Guard which will be tasked with protecting Port Ambrose.

CO98-2 (con't) If Port Ambrose should become idle, like the two LNG import terminals off Boston, losses and ultimate decommissioning will end up being subsidized by taxpayers through deductions and other accounting methods currently in use. Any approval of this application should also hold Liberty to their pledge that no taxpayer dollars be used—even if it is to subsidize their loss should their project fail. Adequate funding should be set aside by Liberty for this eventuality.

CO98-3 Third, the Liberty Natural Gas application for Port Ambrose lacks transparency. We have no idea whether Liberty Natural Gas has: the financial resources to support such a large investment, to adequately insure the Port, and to pay for expenses to other damaged ships or wind turbines in case of an accident; sufficient on-hand cash reserves in case of accidents or malfunctions; and sufficient money left over to decommission Port Ambrose should it fail – financially or in any other way.

We still do not know who is behind the funding of this Port. Lastly, there is no valid explanation as to why Liberty Natural Gas wants to import more gas into an area so close to domestic reserves.

CO98-4 Fourth, New York Harbor is the largest port on the Eastern Seaboard and the third largest port in our country. We should not place a security risk between two of its main shipping channels. This project will also cause a 9-12 month slowdown of shipping traffic as channels are closed while pipeline is laid. Once commissioned, should an accident occur, despite the one mile exclusion zone for all other boating, shipping in adjacent channels would be impacted. Just the construction of this port will result in a slow-down of shipping to the Ports of NY-NJ for an extended period. The economy of our region depends upon the viability of this port.

Being so near to JFK increases the possibility that a terrorist could strike by plane. As an LNG fire could melt steel vessels nearby and impact a wind farm in the area (such as the one proposed by NYPA –LI-NYC Offshore Wind Project), this port is a major security risk. Terrorists are on record as indicating they intend to target energy production and distribution. And, large container ships and ocean going vessels take many miles to either adjust course or change speed. Our clear priority would be for an unobstructed wind farm for this area.

CO98-5 Fifth, we are not reassured by the DEIS statement that, "Any incident occurring at the proposed Project would rely on emergency procedures outlined in the Deepwater Port Operations Manual." No link has been provided to a redacted/summary version of this for the public to review. The DEIS says that "outcomes and safety hazards ...from a terrorist attack" are "manageable" by implementing current daily safety standards for unintentional spills." We are disturbed that operational reviews and approvals that would "increase safety" won't be completed until after this application is approved. They should occur before any approvals are given, not after.

CO98-6 Sixth, an amendment to the Deep Water Port Act in December 2012 allowed an applicant receiving a license for a Liquefied Natural Gas facility to import, export, or change from one use

CO98-3 See response to IND24-4.

CO98-4 See response to comment FA6-8 for a discussion of potential impacts due to the implementation of navigational safety measures that would limit certain uses within the Safety Zone, no anchoring area, and areas to be avoided.

CO98-5 The draft DWP operations manual, that was submitted, as part of the Port Ambrose license application, is not publicly releasable because it includes proprietary and highly sensitive information (i.e., Sensitive Security Information protected in accordance 49 CFR Part 1520). If MARAD approves the Port Ambrose project and issues a license, the Applicant will be required to prepare a comprehensive operations manual (refer to 33 CFR 150.15 for required elements of the plan), subject to USCG review and approval before the port would be being authorized to commence operations. Sub-Section 5.3 also addresses port-specific issues to minimize risks and to protect life and property.

CO98-6 See response to CO132-13 for a discussion of the mandated review of deepwater natural gas export ports.

CO98

CO98-6
(con't)

to the other over its lifetime, without giving public notice or allowing for further public input. There are major differences between an import and export facility; in the nature of what they are doing, in the different ways they impact the local economy and environment, and in their impact on the public health and the environmental resources of those living between the facility and the source of extraction. It is imperative that a new EIS and Public Hearing should be required upon request for a change of use.

In October 2014, MARAD proposed a change to their policy that would require any proposed Deepwater Port wanting to change from import to export of our natural gas to submit a comprehensive application, including a new Environmental Impact Statement, thus allowing for public input. MARAD should adopt this policy and it should be in effect before a final decision is made on Port Ambrose.

We strongly urge you to deny this application.

Marie Curtis, Co-President

Louise Usechak, Co-President
LWV-ILO Monmouth County, NJ
louiseusechak@comcast.net

C. Governor Christie
Governor Cuomo

3/12/2015
Regulations.gov - Comment
CO99



Kerry Busch

This is a Comment on the **Coast Guard (USCG)** Notice:
[Deepwater Port License Applications: Liberty Natural Gas LLC, Port Ambrose Deepwater Port](#)

For related information, [Open Docket Folder](#)

Comment Now!

 Due Mar 16 2015, at 11:59 PM ET

ID: USCG-2013-0363-1541
Tracking Number: 1jz-8hns-bnvp

Document Information

Date Posted:
Mar 12, 2015

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Submitter Information

Submitter Name:
Kerry Butch

Organization Name:
League of Women Voters of New Jersey

Submitter's Representative:
Kerry Butch

Comment

Docket Submission for USCG-2013-0363

Dear Ladies and Gentlemen:

The League of Women Voters of New Jersey concurs with the League of Women Voters of New York State and hereby submits that the Draft Environmental Impact Statement (DEIS) for the Liberty Natural Gas LLC, Port Ambrose Liquefied Natural Gas Deepwater Port License Application for the importation of natural gas is incomplete without inclusion of Liberty Natural Gas' financial status and its ability to take responsibility for the risks and hazards presented by this proposed project, the Port Operations Plan and absent an adopted policy which precludes import ports from being switched to export ports without an additional environmental impact review.

The Executive Summary states at page 10 Financial responsibility is being evaluated within MARAD as a separate task that would be considered along with this draft EIS as part of the final licensing decision. We submit that the financial responsibility of Liberty Natural Gas represents information the public has a right to know so citizen-taxpayers can evaluate if Liberty Natural Gas has the financial resources to support such a large investment of construction and operation of the port, pipeline and two LNG regasification vessels , staff, offices, etc. and whether it carries sufficient insurance or sufficient on-hand cash reserves in case of accidents or malfunctions involving the Companys delivery of liquid natural gas to the port, regasification and further delivery of the gas to the existing Transco Pipeline.

The Executive Summary at page 10 also states: Where applicable this draft EIS considers safety but does not function as the final safety evaluation. All aspects of Port safety would be addressed in the Port Operations Manual, which would require USCG approval prior to initiation of deepwater port operations. Current access to a Port Operations Plan would demonstrate to

<http://www.regulations.gov/#documentDetail;D=USCG-2013-0363-1541> 1/2

CO99-1 See CO22-1.

CO99-2 See CO22-2.

3/12/2015 Regulations.gov - Comment CO99

CO99-1 (con't) the public that a viable plan exists to address how these formidable vessels could navigate the shipping lanes, slow to turn to port or away from the port without significantly interfering with commerce as well as how they would operate under sudden severe weather conditions and particularly among the planned windmills.

CO99-3 On Oct. 16, 2014, MARAD proposed a change in policy whereby any proposed Deepwater Port involving the export of oil or natural gas from domestic sources within the United States will require the submission of an export-specific comprehensive license application conforming to all established and applicable Deepwater Port licensing requirements and regulations. This includes an Environmental Impact Statement. Comments were requested by MARAD on this policy.

The League of Women Voters supports, in the strongest terms, this MARAD change in policy and even more strongly recommends this policy to be adopted and in effect before a decision to approve or disapprove the proposed Port Ambrose import port is made by the Maritime Administration of the Department of Transportation. Without the foregoing policy in effect, the USCG-2013-0363 DEIS and final EIS for an import port for this proposed project could be applicable for import or export and this outcome would be inconsistent with the intention of the proposed MARAD change in policy.

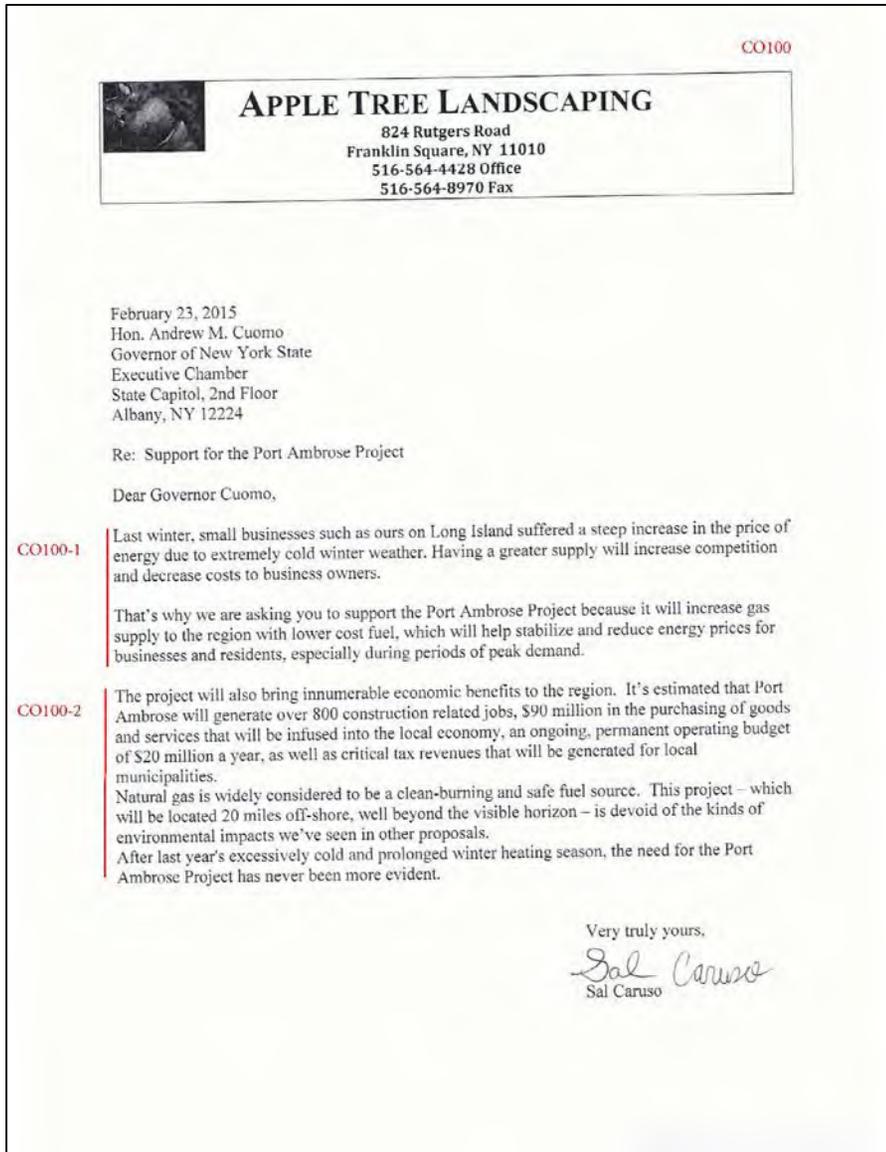
Thank you for your consideration.

Sincerely,

Kerry Margaret Butch
Executive Director, League of Women Voters of New Jersey

<http://www.regulations.gov/#documentDetail;D=USCG-2013-0363-1541> 2/2

CO99-3 See CO22-3.



CO100-1 See response to IND211-1. See CO2-2.

CO100-2 See CO2-1.



Commercial Realty Re/Development Specialists

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February 24, 2015
Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,
Last winter our businesses suffered a large increase in the price of natural gas due to extremely cold winter weather. There is no doubt that the Port Ambrose project will help increase gas supply and keep our costs down.
The state needs new energy sources and this proposal will give us that help.
Please support the Liberty Port Ambrose project.

CO101-1

Very truly yours,



Irwin R. Krasnow
President

Irwin R. Krasnow – Licensed Broker
irwin@areaassoc.com

CO101-1 See response to IND211-1.



CO102

90 Deer Park Ave
Babylon, NY 11702
Phone: (631) 321-4900

March 9, 2015
Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

CO102-1 I own numerous businesses and I am a resident of Long Island. Businesses like mine need relief. We suffered a steep increase in the price of energy due to extremely cold winter weather. Having a greater supply will increase competition and decrease costs to business owners.

That's why we are asking you to support the Port Ambrose Project because it will increase gas supply to the region with lower cost fuel, which will help stabilize and reduce energy prices for businesses and residents, especially during periods of peak demand.

CO102-2 The project will also bring benefits to Long Island. It's estimated that Port Ambrose will generate over 800 construction related jobs, \$90 million in the purchasing of goods and services that will be infused into the local economy as well as critical tax revenues that will be generated for local towns.

CO102-1 (con't) Natural gas is SAFE! This project - which will be located 20 miles off-shore, well beyond the visible horizon - is devoid of the kinds of environmental impacts we've seen in other proposals.

After the long and cold and winter heating seasons, the need for the Port Ambrose Project has never been more evident.

Very truly yours,

Keith Hart

CO102-1 See CO89-1.

CO102-2 See CO2-1.

CO103



March 13, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

Last winter, small businesses such as ours on Long Island suffered a steep increase in the price of energy due to extremely cold winter weather. Having a greater supply will increase competition and decrease costs to business owners.

CO103-1 That's why we are asking you to support the Port Ambrose Project because it will increase gas supply to the region with lower cost fuel, which will help stabilize and reduce energy prices for businesses and residents, especially during periods of peak demand.

The project will also bring innumerable economic benefits to the region. It's estimated that Port Ambrose will generate over 800 construction related jobs, \$90 million in the purchasing of goods and services that will be infused into the local economy, an ongoing, permanent operating budget of \$20 million a year, as well as critical tax revenues that will be generated for local municipalities.

CO103-2 Natural gas is widely considered to be a clean-burning and safe fuel source. This project – which will be located 20 miles off-shore, well beyond the visible horizon – is devoid of the kinds of environmental impacts we've seen in other proposals.

After last year's excessively cold and prolonged winter heating season, the need for the Port Ambrose Project has never been more evident.

Very truly yours,

John Balbi, Owner

MLJB Pizza of Bohemia, Inc. 876 Church Street Bohemia, NY 11716

CO103-1 See CO2-1.

CO103-2 See CO2-2.

See CO2

CO104

BARRIQUE

kitchen & wine bar

69 Deer Park Ave, Babylon, NY 11702
Phone:(631) 321-1175

March 9, 2015
Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

I own numerous businesses and I am a resident of Long Island. Businesses like mine need relief. We suffered a steep increase in the price of energy due to extremely cold winter weather. Having a greater supply will increase competition and decrease costs to business owners.

That's why we are asking you to support the Port Ambrose Project because it will increase gas supply to the region with lower cost fuel, which will help stabilize and reduce energy prices for businesses and residents, especially during periods of peak demand.

The project will also bring benefits to Long Island. It's estimated that Port Ambrose will generate over 800 construction related jobs, \$90 million in the purchasing of goods and services that will be infused into the local economy as well as critical tax revenues that will be generated for local towns.

Natural gas is SAFE! This project - which will be located 20 miles off-shore, well beyond the visible horizon - is devoid of the kinds of environmental impacts we've seen in other proposals.

After the long and cold and winter heating seasons, the need for the Port Ambrose Project has never been more evident.

Very truly yours,



Keith Hart

See response to FA4-2 for a discussion of purpose and need, and peak demand.



CO105

March 16, 2015

Via First Class Mail and E-Filing

Attn: Docket ID No. USCG-2013-0363

Yvette Fields, Maritime Administration
Office of Deepwater Ports and Offshore Activities
1200 New Jersey Avenue SE, W23-323 (MAR-530)
Washington, DC 20590-0001

Roddy C. Bachman, Project Manager, Deepwater Ports
Vessel and Facility Operating Standards CG-OES-2
U.S. Coast Guard Headquarters
Commandant (CG-OES-2)
ATTN: Vessel and Facility Operating Standards Division
US Coast Guard Stop 7509
2703 Martin Luther King JR Ave SE
Washington, DC 20593-7509

**RE: Comments on Liberty LNG's Port Ambrose Deepwater Port License Application
Draft Environmental Impact Statement; Federal Docket #USCG-2013-0363.**

Dear Ms. Fields and Mr. Bachman,

Clean Air Council ("Council") hereby submits the following comments in response to Liberty LNG's Draft Environmental Impact Statement ("DEIS") for the Port Ambrose Deepwater Port License Application, (Docket #USCG-2013-0363).¹ These comments are timely submitted.

Clean Air Council is a non-profit environmental organization headquartered at 135 South 19th Street, Suite 300, Philadelphia, Pennsylvania 19103. For more than 40 years, the Council has fought to improve air quality across Pennsylvania, Delaware and New Jersey. The Council has members throughout the tri-state region, including those proximate to the proposed Port Ambrose, who support its mission to protect everyone's right to breathe clean air. The Council hereby submits these comments with the full backing of our members, and, by reference, intends to incorporate the comments submitted by Clean Ocean Action, dated March 16, 2015, under this same docket number. The Council, and its members, fully supports those

¹ 79 FR 74808, December 16, 2014.

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Harrisburg 107 N. Front Street | Suite 113 | Harrisburg, PA 17101 | 717-233-8805 | Fax 717-233-8808 | www.facebook.com/cleanaircouncil
Wilmington 100 W. 10th Street | Suite 607 | Wilmington, DE 19801 | 302-491-0112 | www.twitter.com/cleanaircouncil

CO105

comments as well. Based on the following comments, and those submitted by Clean Ocean Action, Clean Air Council believes that the only appropriate action to take on this application is to issue a “No Action Alternative.”

Background on Deepwater Port License Application

On September 28, 2012, Maritime Administration (“MARAD”) and the United States Coast Guard (“USCG”) received an application from Liberty Natural Gas, LLC for all federal authorizations required for a license to own, construct, and operate a deepwater port as authorized under the Deepwater Port Act of 1974 (“DWPA”).² The proposed Port Ambrose deepwater port would consist of two submerged turret loading (“STL”) buoys in federal waters roughly 17 nautical miles southeast of Jones Beach, New York, roughly 24 nautical miles east of Long Branch, New Jersey, and 27 nautical miles from the entrance to New York Harbor in a water depth of 103 feet.³ Liquid natural gas (“LNG”) would be delivered from purpose-built LNG regasification vessels (“LNGRVs”), vaporized on site, and delivered through the buoys to a buried 19 nautical mile subsea Mainline, connecting to the existing Transco Lower New York Bay Lateral line roughly 2.2 nautical miles south of Long Beach, New York and roughly 13 nautical miles east of Sandy Hook, New Jersey.⁴ The 140,000 cubic meter LNGRVs would be expected to have an annual average send-out of 400 million standard cubic feet per day, with the port receiving as many as 45 LNGRVs per year.⁵

Summary of Comments

In order to issue a license under DWPA, the issuing agencies must comply with the National Environmental Policy Act (“NEPA”).⁶ In order to fulfill its duties under NEPA the licensing agencies must determine whether a purpose and need exist for the proposed Project and prepare an Environmental Impact Statement (“EIS”).⁷ An EIS must consider alternatives to the proposed action, which includes “[o]ther reasonable courses of action” as well as the alternative of no action.⁸ The alternatives analysis is the “heart” of NEPA and is necessary to provide the decision maker and the public with a “clear basis for choice” among the options.⁹ This DEIS does not adequately show that there is a sufficient purpose or need to license this Project, nor does it adequately show that alternatives such as renewable energy sources and energy efficiency would not be capable of providing the total energy proposed to be supplied by this Project to the New York City metro area. These comments will address energy efficiency as a viable alternative to this proposed Project and the cumulative effects of energy efficiency and renewable energy.

CO105-1

CO105-1 See response to FA4-2 for a discussion of purpose and need, and peak demand.

² Liberty Natural Gas, LLC Deepwater Port License Application, 78 Fed. Reg. 36,014 (June 14, 2013).

³ *Id.* at 36,015.

⁴ *Id.*

⁵ *Id.*

⁶ Maritime Transportation Security Act of 2002, § 106(f).

⁷ 42 U.S.C. §§ 4321 *et. seq.* (2013).

⁸ 40 C.F.R. § 1508.25(b).

⁹ *Id.* § 1502.14.

CO105

Comments

CO105-1
(con't)

NEPA and its implementing regulations¹⁰ require MARAD and USCG to consider feasible alternatives to the proposed action. Although the DEIS does briefly analyze “Energy Conservation Alternatives,”¹¹ it does not adequately present the full range of programs available to this “target market,”¹² or the stated ability to achieve the energy reduction goals put forth by the area’s legislators. The DEIS also fails to analyze the cumulative effect that energy efficiency can add, along with other measures like renewable energy, in reducing the target market’s energy use and needs.

CO105-2

1. Energy Efficiency will achieve a much greater reduction in energy use than the DEIS states

The DEIS section on energy conservation begins by saying that energy conservation will play a role in “offsetting the target market’s increasing energy demand,” it goes on to say that energy conservation “will reduce the energy demands of the target market by only a small fraction for the foreseeable future,” and concludes the section by saying “energy conservation would not replace the need for the proposed Project.”¹³

CO105-2
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The DEIS erroneously discounts the role energy efficiency can and does play in reducing the energy needs in the New York City (“NYC”) metro area, the “target market.” Although it is true that NYC does use the most energy out of the entire target market,¹⁴ it has made tremendous strides in reducing energy use, mostly through efficiency gains; NYC is one of the nation’s most energy efficient cities.¹⁵ In NYC, like most large cities, commercial buildings consume a tremendous amount of the energy used; NYC’s buildings consume 80% of the total energy used in the city.¹⁶ Recently, NYC Mayor de Blasio committed the city to reducing its greenhouse gas emissions by 80% by 2050.¹⁷ This plan calls for “[e]very single city-owned building with any significant energy use . . . [to] be retrofitted within the next ten years, by 2025”¹⁸ The

¹⁰ 40 C.F.R. §§ 1500 *et. seq.*

¹¹ Energy conservation and energy efficiency are technically two different terms, however, the authors of the DEIS appear to use them interchangeably.

¹² The “target market” for this proposed project is described as lower New York and Long Island. Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application, §2, 2-54 (*hereinafter* “DEIS”).

¹³ *Id.* at 2-53.

¹⁴ New York Independent System Operator, 2014 Reliability Needs Assessment, Final Report Sept. 16, 2014, available at http://www.nyiso.com/public/webdocs/media_room/press_releases/2014/Child_Reliability_Needs_Assessment/2014%20RNA_final_09162014.pdf (*hereinafter* NYISO 2014).

¹⁵ Every year the EPA produces a list of America’s most energy efficient cities based on the number of ENERGY STAR certified buildings. See ENERGY STAR, *Top 25 cities with the most ENERGY STAR certified buildings*, available at <http://www.energystar.gov/buildings/press-room/top-10-cities-2014/top-25-cities>.

¹⁶ ENERGY STAR, *About EPA’s list of top cities with the most ENERGY STAR certified buildings*, available at <http://www.energystar.gov/buildings/press-room/top-10-cities-2014/about-epa%E2%80%99s-list-top-cities-most-energy-star-certified-buildings>.

¹⁷ This reduction would be from a base year of 2005. The Official Website of the City of New York, *Mayor de Blasio Commits to 80 Percent Reduction of Greenhouse Gas Emissions by 2050, Starting with Sweeping Green Buildings Plan*, Sept 21, 2014, available at <http://www1.nyc.gov/office-of-the-mayor/news/451-14/mayor-de-blasio-commits-80-percent-reduction-greenhouse-gas-emissions-2050-starting-with/> (*hereinafter* de Blasio Commits).

¹⁸ *Id.*

CO105-1
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CO105-2 See response to FA4-2 for a discussion of purpose and need, and peak demand.

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CO105

CO105-2
(con't) energy savings, as measured in cost, will be \$8.5 billion over the next ten years.¹⁹ The DEIS does not adequately analyze the effect on the target market of NYC reducing its energy consumption by this amount over the next ten years. Hence, the DEIS is flawed in its analysis of energy conservation and this section must be reevaluated in the EIS to reflect the true nature of energy efficiency in the target market.

The DEIS does not discuss Local Law 84 (“LL84”) and its effect on NYC’s ability to achieve its energy efficiency goals. This law requires yearly benchmarking of energy and water use for all buildings greater than 50,000 gross square feet (“covered buildings”). Each year the owners of these covered buildings must enter both energy and water use into a website called Portfolio Manager.²⁰ This new law was meant to have the long term effect of lowering all covered buildings’ energy use in NYC; as one reporter put it, “[t]he effort is seen as a way to shame energy wasters into action”²¹ By just the first three years of implementation, LL84 has driven down energy use by 13% among office buildings, and 12% among multifamily properties.²² Local Law 84 has been so successful that Mayor de Blasio has indicated that the law will be expanded to cover all buildings with greater than 25,000 square feet,²³ this will greatly expand the amount of buildings covered and significantly reduce NYC’s energy usage. In consideration of this, the EIS should analyze the effect that LL84 has had on energy use and how it will affect future usage.

CO105-2
(con't) The DEIS relies on an out of date and misleading report to base its conclusion that energy conservation could not feasibly replace the need for the proposed Project. The almost nonexistent analysis used in the DEIS is based, for the most part, on a 2012 statewide energy report conducted by the New York Independent System Operator (“NYISO”). The authors of the DEIS erroneously use the total New York state energy information and attempt to use this data to prove that the target market shares these same characteristics. The DEIS also ignores the most recent NYISO report which shows an overall forecasted reduction in NYC’s energy use from 2014 to 2024 versus the 2012 NYISO report which forecasted an overall growth in NYC’s energy use from 2012 to 2022.²⁴ The EIS must use the most up-to-date reports available in order to properly analyze how effective energy conservation will be in the target market. The EIS must also breakout the energy used in the target market versus that of the entire state of New York.

The only other source the authors of the DEIS rely on to conclude that energy conservation is not sufficient is a 2012 report by Pace Law School (“Pace Report”).²⁵ The DEIS conveniently picks

¹⁹ *Id.*

²⁰ <https://portfoliomanager.energystar.gov/pm/login.html>.

²¹ Elisa Wood, *Green Biz, New York: The nation's most energy efficient city?*, Jun 18, 2013, available at <http://www.greenbiz.com/blog/2013/06/18/new-york-nations-most-energy-efficient-city>.

²² PlanNYC, *New York City Local Law 84 Benchmarking Report*, Sept. 2014, available at

http://www.nyc.gov/html/planyc/downloads/pdf/publications/2014_nyc_ll84_benchmarking_report.pdf.

²³ de Blasio Commits.

²⁴ NYISO 2012 forecasted NYC’s annual energy use to grow from 53,663 GWh in 2012 to 59,118 in 2022, whereas NYISO 2014 forecasts a decrease from 53,498 in 2014 to 52,556 in 2024. See New York Independent System Operator, *2012 Reliability Needs Assessment, Final Report* Sept. 18, 2012, available at http://www.nyiso.com/public/webdocs/markets_operations/services/planning/Planning_Studies/Reliability_Planning_Studies/Reliability_Assessment_Documents/2012_RNA_Final_Report_9-18-12_PDF.pdf.

²⁵ Jackson Morris & Jordan Stutt, Pace Energy and Climate Center, *Energy Efficiency in New York: Midcourse Status Report of 15 by 13*, Oct. 2012, available at

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one line from the Pace Report to reinforce its conclusion that energy efficiency is not a realistic option: “[Pace] has indicated that New York is not on track to meet this goal [of reducing the state’s energy use 15% by 2015].”²⁶ Again, the authors have confused a statewide program for one of the target market. Although the Pace Report does indicate that the goal of “15 by 15” may not be achieved, the report highlights many other achievements and concludes by saying “there is massive potential for incremental economic electric efficiency above and beyond ‘15 by 15’—as much as 43% below forecasted demand by 2030.”²⁷ The DEIS does not explain why a 15% reduction is of any significance for this project. If the DEIS believes that 15% energy efficiency is the amount that needs to be achieved in order for energy conservation to supplant the need for this proposed Project then that must be explained in the EIS.

2. The Alternatives Analysis Must Consider the Cumulative effects of Renewable Energy Sources, Energy Conservation, and Efficiency Measures

The DEIS is fatally flawed due to the failure of the authors to consider the combination of energy conservation (efficiency) and renewable energy. As stated above, the target market is scheduled to achieve significant energy efficiency over the following ten to thirty-five years.²⁸ The 80% reduction in greenhouse gas emissions will be accomplished through a combination of energy efficiency and renewable energy.

Renewable energy and energy efficiency measures offer a compelling alternative to a complacent reliance on fossil fuels. According to the CEO of BELECTRIC, a Germany-based global solar developer, large-scale solar power in Germany is already “approaching the costs” of conventional power, at 10 euro cents per kilowatt-hour.²⁹ Moreover, advances in renewable technologies are making these energy sources more reliable for consistent grid use.³⁰ For example, in 2011, a concentrated 19.9 megawatt solar plant in Spain, already providing electricity for roughly 20 hours a day on average, produced power for 24 hours straight on numerous occasions.³¹

The U.S. Department of Energy has, as it happens, created the SunShot initiative to lead research into this very technology.³² As a matter of fact, “[c]oncentrating solar power [“(CSP)”) is experiencing a resurgence domestically,” with several CSP facilities in Arizona and California being completed this year.³³ Likewise, the largest coal company in the world, Coal India, is

http://energy.pace.edu/sites/default/files/publications/Energy%20Efficiency%20in%20New%20York%2015x15_0.pdf (hereinafter *Pace Report*).

²⁶ DEIS at 2-53.

²⁷ Pace Report at 15.

²⁸ See de Blasio Commits (stating that Mayor de Blasio “is committing [New York City] to reducing its greenhouse gas emissions by 80 percent over 2005 levels by 2050”).

²⁹ Tina Casey, *Solar Power Cheaper Than Coal Foreseen by German Solar CEO* (July 10, 2013),

<http://cleantechica.com/2013/07/10/solar-power-cheaper-than-coal-foreseen-by-german-solar-mogul/>.

³⁰ *Id.*

³¹ Stephen Lacy, *Solar Can Be Baseload: Spanish CSP Plant with Storage Produces Electricity for 24 Hours Straight* (July 5, 2011), <http://thinkprogress.org/climate/2011/07/05/260438/solar-can-be-baseload-spanish-csp-plant-with-storage-produces-electricity-for-24-hours-straight/>.

³² Sean Pool & John Dos Passon Coggin, *Fulfilling the Promise of Concentrating Solar Power*, Ctr. for American Progress: Science Progress 1 (May 2013) [available at <http://www.americanprogress.org/wp-content/uploads/2013/06/PoolSolarPower-report-3.pdf>].

³³ *Id.* at 3.

CO105-2
(con't)

CO105

aiming to cut down its own utility bills by installing solar photovoltaic panels.³⁴

Whereas with respect to wind energy, in 2013, General Electric ("GE") announced a new line of wind turbines (1.6-100 and 1.7-100) that generate 20-24% more power than the previous best in class, incorporating key innovations.³⁵ These turbines use a short-term, grid-scale battery storage system, dramatically increasing efficiency and capacity.³⁶ What is more, in India wind is now cost competitive with new coal, with record installations in 2014 and solar likely to reach parity with new coal in 2016-2018.³⁷ All this to say, renewable energy is becoming cheaper and more effective everyday. In point of fact, the site proposed by Liberty Natural Gas is the same location as a significant offshore wind power project proposed by the New York Power Authority ("NYPA").³⁸

CO105-3 Thus, by virtue of promoting wholly unnecessary natural gas production, Port Ambrose would stifle critical renewable energy development. In sum, there are increasingly distinct, profitable alternatives to further natural gas reliance and development that offer a significantly smaller impact on the climate, public health and safety, and the environment in general.

Conclusion

For the foregoing reasons, the scope of the EIS for the proposed Port Ambrose deepwater port should be broadened to reflect the above concerns. A more thorough analysis of energy efficiency and renewable energy is needed for an accurate assessment of the ability for energy efficiency and renewable energy to supplant the need for this Proposed project. Clean Air Council urges that a "No Action" alternative be selected.

Sincerely,



Joseph Otis Minott, Esquire
Executive Director, Chief Legal Counsel

³⁴ Ryan Koronowski, *The World's Biggest Coal Company is Turning To Solar Energy To Lower Its Utility Bill* (June 6, 2013), <http://thinkprogress.org/climate/2013/06/06/2104601/the-worlds-biggest-coal-company-is-turning-to-solar-energy-to-lower-its-utility-bill/>.

³⁵ Ryan Koronowski, *Gamechanger: Next Generation Wind Turbines With Storage Are Cheap, Reliable And Brilliant* (July 14, 2013), <http://thinkprogress.org/climate/2013/07/14/2297591/gamechanger-next-generation-of-wind-turbines-storage-are-cheap-reliable-brilliant/>.

³⁶ *Id.*

³⁷ Charanjit Singh et al., *India Renewables: Good bye winter, hello spring*, HSBC Global Research: Climate Change 1 (Apr. 30, 2013).

³⁸ NYPA, *Bureau of Ocean Energy Mgmt. Offshore Wind Project Application and Lease Request* (available at http://www.boem.gov/uploadedFiles/BOEM/Renewable_Energy_Program/State_Activities/BOEM%20LI-NYCApplcation09082011%282%29.pdf).

CO105-3 See response to FA4-2 for a discussion of purpose and need, and peak demand.



CO106
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MARCH 2, 15

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

I was a victim of hurricane sandy. Now more than ever we need alternative methods of energy. Having more supply of natural gas will be beneficial during natural disasters or any other problems that could hurt the supply coming into NY.

CO106-1

Last winter, small businesses such as ours on Long Island suffered a steep increase in the price of energy due to extremely cold winter weather. Having a greater supply will increase competition and decrease costs to business owners.

That's why I am asking you to support the Port Ambrose Project because it will increase gas supply to the region with lower cost fuel, which will help stabilize and reduce energy prices for businesses and residents, especially during periods of peak demand.

CO106-2

Natural gas is widely considered to be a clean-burning and safe fuel source. After last year's excessively cold and prolonged winter heating season, the need for the Port Ambrose Project has never been more evident.

Sincerely,

Rocco Chilelli

CO106-1 See CO35-1.

CO106-2 See CO2-2.



902 Hempstead Turnpike
Franklin Square, NY 11010
(516) 358-2247

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

As a small business owner I feel like we get hit the hardest when the economy is tough. Tax breaks help large corporations but small business pays more in fees and taxes.

We are the economy. We are the job creators.

CO107-1 That's why we are asking you to support the Port Ambrose Project because it will increase gas supply to the region with lower cost fuel, which will help stabilize and reduce energy prices for businesses and residents, especially during periods of peak demand. We need more competition and increased supply. We need help!

Natural gas is safer than most alternatives. We are running out of time and options

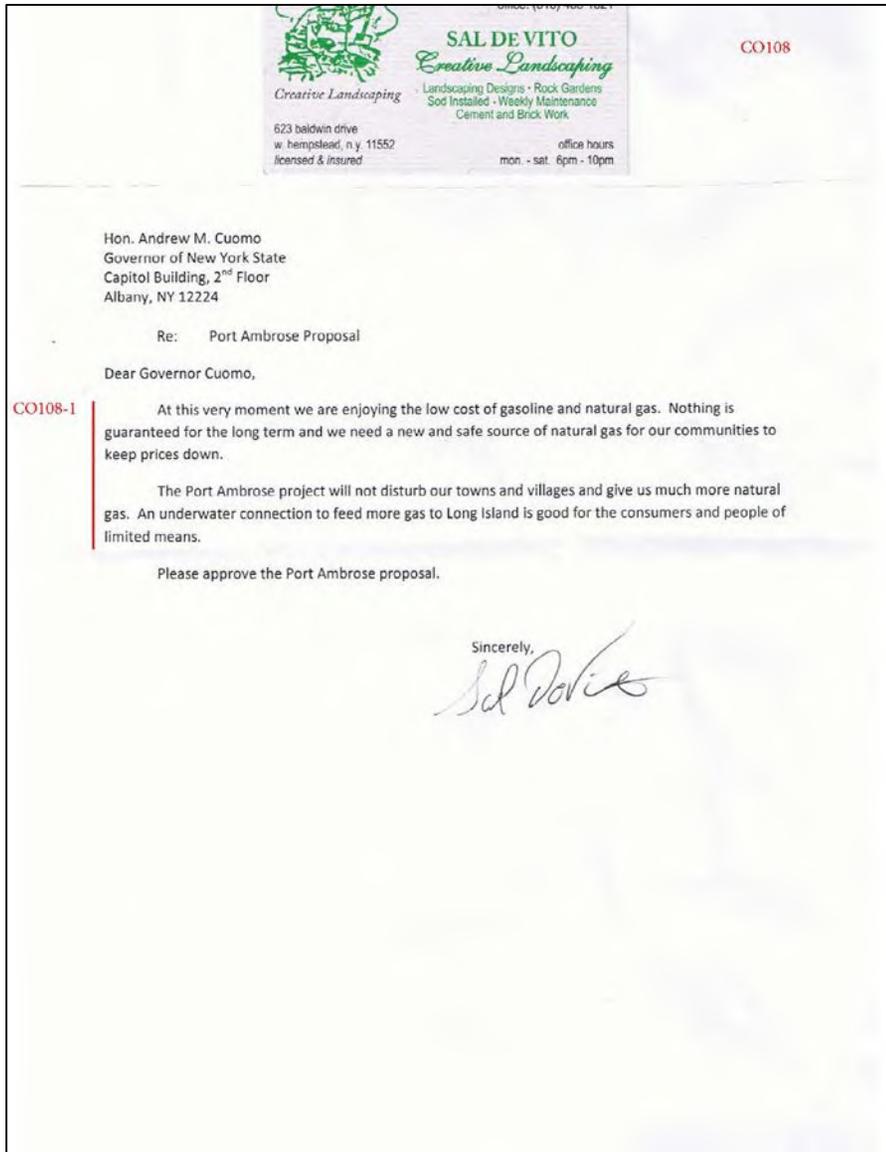
After the long and cold and winter heating seasons, the need for the Port Ambrose Project has never been more evident.

Very truly yours,

Vincenzo Davi

CO107-1 See CO35-1.

CO108-1 See CO35-1.



DREAMWORLD SHOPS, INC.
dba PARADISE FURNITURE

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March 2, 2015
Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

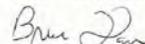
CO109-1 Small business is what controls our economy. Taxes, increased regulations, and increased costs, we just can't make it. We suffered a steep increase in the price of energy due to extremely cold winter weather. Having a greater supply will increase competition and decrease costs to business owners.

That's why we are asking you to support the Port Ambrose Project because it will increase gas supply to the region with lower cost fuel, which will help stabilize and reduce energy prices for businesses and residents, especially during periods of peak demand.

CO109-2 Natural gas is safer than most alternatives. We are running out of time and options. This project - which will be located 20 miles off-shore, well beyond the visible horizon - is devoid of the kinds of environmental impacts we've seen in other proposals.

After the long and cold and winter heating seasons, the need for the Port Ambrose Project has never been more evident.

Very truly yours,


Bruce Davis

CO109-1 See CO35-1.

CO109-2 See CO2-2.



CO110
Frankly Thai Restaurant
959 Hempstead Turnpike
Franklin Square, NY 11010
516.616.4393
www.franklythai.com

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

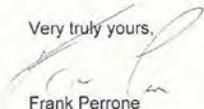
Long Island already pays some of the highest taxes in the Country. Property taxes are out of control. State taxes and fees have made it one of the worst states in the Country to do business. Small business who are the real job creators are being put in a strangle hold.

CO110-1 Last winter, small businesses such as ours on Long Island suffered a steep increase in the price of energy due to extremely cold winter weather. Having a greater supply will increase competition and decrease costs to business owners.

That's why we are asking you to support the Port Ambrose Project because it will increase gas supply to the region with lower cost fuel, which will help stabilize and reduce energy prices for businesses and residents, especially during periods of peak demand.

CO110-2 Natural gas is widely considered to be a clean-burning and safe fuel source. This project – which will be located 20 miles off-shore, well beyond the visible horizon – is devoid of the kinds of environmental impacts we've seen in other proposals.

After last year's excessively cold and prolonged winter heating season, and record low temperatures this year, the need for the Port Ambrose Project has never been more evident.

Very truly yours,

Frank Perrone

CO110-1 See CO35-1.

CO110-2 See CO2-2.

CO111



445 South Main Street, Freeport, NY 11520

March 1, 2015
Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

CO111-1

Now more than ever we need alternative methods of energy. Having more supply of natural gas will be beneficial during natural disasters or any other problems that could hurt the supply coming into NY.

My business is a seasonal business and cutting cost during the winter months is a necessity. Higher cost and taxes mean less jobs and hurts us all.

That's why I am asking you to support the Port Ambrose Project because it will increase gas supply to the region with lower cost fuel, which will help stabilize and reduce energy prices for businesses and residents, especially during periods of peak demand.

CO111-2

Natural gas is widely considered to be a clean-burning and safe fuel source. After last year's excessively cold and prolonged winter heating season, the need for the Port Ambrose Project has never been more evident.

Very truly yours,



Joe Creamer

CO111-1 See CO35-1.

CO111-2 See CO2-2.

See CO2-2.

CO112



1140 Broadway #203,
New York, NY 10001
Phone:(212) 989-4288

March 9, 2015
Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

I own numerous businesses and I am a resident of Long Island. Businesses like mine need relief. We suffered a steep increase in the price of energy due to extremely cold winter weather. Having a greater supply will increase competition and decrease costs to business owners.

That's why we are asking you to support the Port Ambrose Project because it will increase gas supply to the region with lower cost fuel, which will help stabilize and reduce energy prices for businesses and residents, especially during periods of peak demand.

The project will also bring benefits to Long Island. It's estimated that Port Ambrose will generate over 800 construction related jobs, \$90 million in the purchasing of goods and services that will be infused into the local economy as well as critical tax revenues that will be generated for local towns.

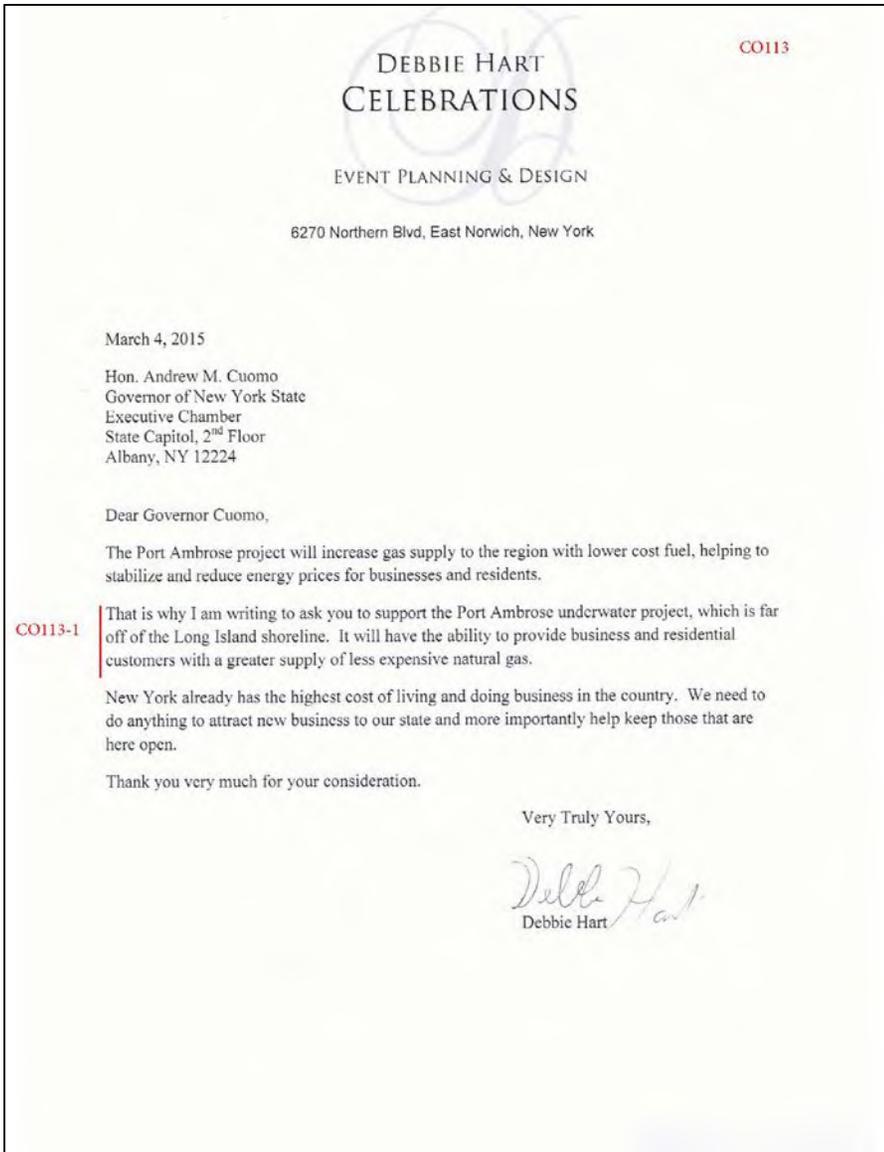
Natural gas is SAFE ! This project - which will be located 20 miles off-shore, well beyond the visible horizon - is devoid of the kinds of environmental impacts we've seen in other proposals.

After the long and cold and winter heating seasons, the need for the Port Ambrose Project has never been more evident.

Very truly yours,

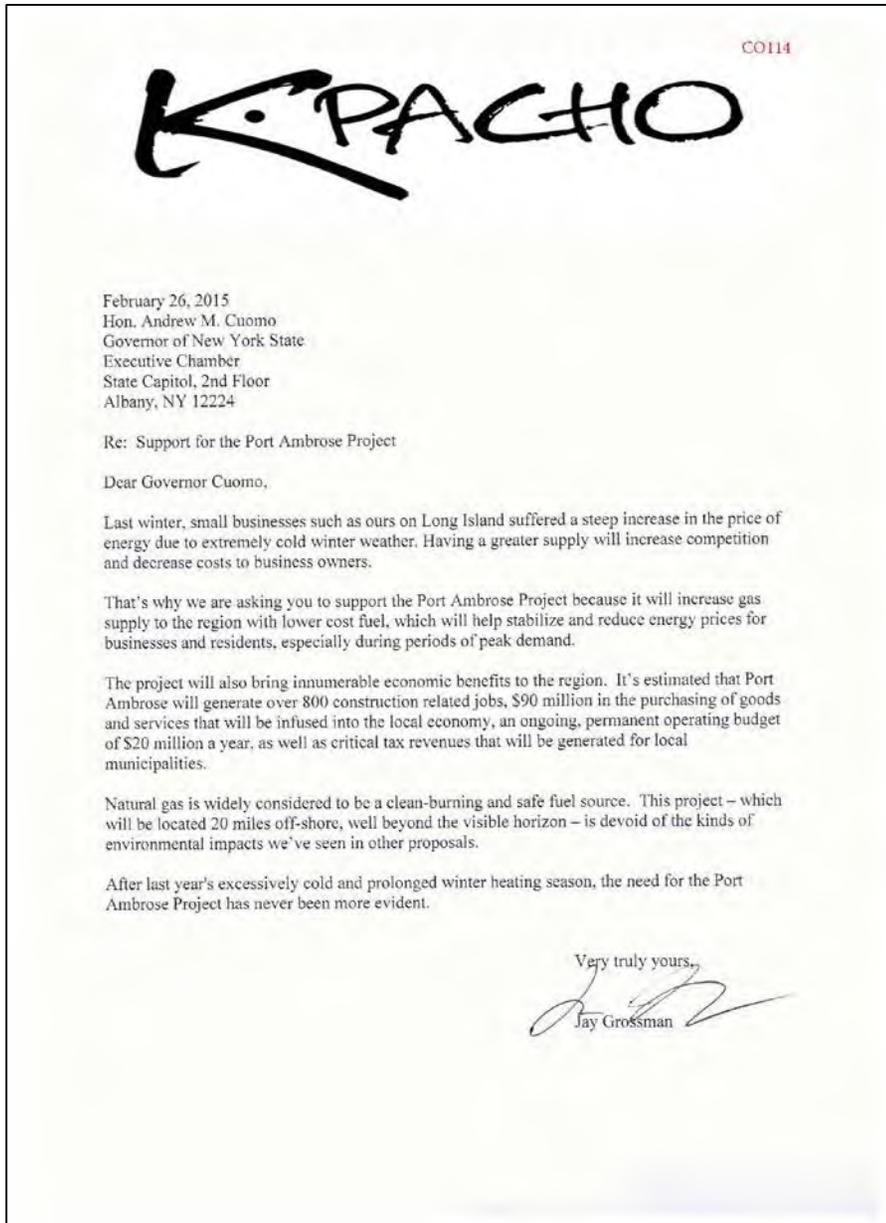
A handwritten signature in blue ink that reads "Keith Hart".

Keith Hart



CO113-1 See response to IND89-1.

See CO2



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CO115



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Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

As a small business owner I feel like we get hit the hardest when the economy is tough. Tax breaks help large corporations but small business pays more in fees and taxes.

We are the economy. We are the job creators.

CO115-1 That's why we are asking you to support the Port Ambrose Project because it will increase gas supply to the region with lower cost fuel, which will help stabilize and reduce energy prices for businesses and residents, especially during periods of peak demand. We need more competition and increased supply. We need help!

Natural gas is safer than most alternatives. We are running out of time and options

After the long and cold and winter heating seasons, the need for the Port Ambrose Project has never been more evident.

Very truly yours,


Elisabetto Lobau

CO115-1 See CO35-1.



CO116

March 4, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Dear Governor Cuomo,

Where is help for small business? Last winter, businesses were impacted by large increases in due to the extremely cold winter weather. Business was down and costs continued to go up. Minimum wage, food cost, and heating cost and the list goes on and on. We can no longer carry the burden.

In order to survive we need to cut cost anyway possible. Everyone's first idea is to cut jobs. That has a negative impact on our business and our economy.

CO116-1 The Port Ambrose project will increase gas supply to the region with lower cost fuel, helping to stabilize and reduce energy prices for businesses and residents.

That is why I am writing to ask you to support the Port Ambrose underwater project, which is far off of the Long Island shoreline. It will have the ability to provide business and residential customers with a greater supply of less expensive natural gas.

Thank you very much for your consideration.

Very Truly Yours,

Rich

Richie Hart

CO116-1 See CO35-1.

CO117

Southside Automotive



Expert Auto Repairs
1597 Dutch Broadway • Valley Stream, N.Y. 11580
(516) 823-3383
NY Reg #7074389

February 23, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

CO117-1

Businesses on Long Island are suffering. Costs are on the rise and we need help. Every year the price of doing business becomes unbearable. The price of energy due to extremely cold winters is out of control. We need alternatives and excess of supply. This will create competition and decrease costs to business owners.

That's why we are asking you to support the Port Ambrose Project because it will increase gas supply to the region with lower cost fuel, which will help stabilize and reduce energy prices for businesses and residents, especially during periods of peak demand.

Natural gas is widely considered to be a clean-burning and safe fuel source

After last year's excessively cold and prolonged winter heating season, the need for the Port Ambrose Project has never been more evident.

Very truly yours,

Gordon Bosman

CO117-1 See CO35-1.



CO118

928 Hempstead Turnpike
Franklin Square, NY 11010

March 11, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

CO118-1 Last winter, small businesses such as ours on Long Island suffered a steep increase in the price of energy due to extremely cold winter weather. Having a greater supply will increase competition and decrease costs to business owners.

That's why we are asking you to support the Port Ambrose Project because it will increase gas supply to the region with lower cost fuel, which will help stabilize and reduce energy prices for businesses and residents, especially during periods of peak demand.

CO118-2 The project will also bring innumerable economic benefits to the region. It's estimated that Port Ambrose will generate over 800 construction related jobs, \$90 million in the purchasing of goods and services that will be infused into the local economy, an ongoing, permanent operating budget of \$20 million a year, as well as critical tax revenues that will be generated for local municipalities.

CO118-3 Natural gas is widely considered to be a clean-burning and safe fuel source. This project – which will be located 20 miles off-shore, well beyond the visible horizon – is devoid of the kinds of environmental impacts we've seen in other proposals.

After last year's excessively cold and prolonged winter heating season, the need for the Port Ambrose Project has never been more evident.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John Antonelli', is written over the typed name.

CO118-1 See CO35-1.

CO118-2 See CO2-2.

CO118-3 See CO2-1.



CO119

January 15th, 2015

Hon. Andrew M. Cuomo
Governor of the State of New York
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Port Ambrose Project

Dear Governor Cuomo:

Last winter, small businesses such as ours in Queens have suffered a steep increase in the price of energy due to extremely cold winter weather. Having a greater supply will increase competition and decrease costs to business owners.

CO119-1 That's why we are asking you to support the Port Ambrose Project because it will increase gas supply to the region with lower cost fuel, which will help stabilize and reduce energy prices for businesses and residents, especially during periods of peak demand.

CO119-2 The project will also bring innumerable economic benefits to the region. It's estimated that Port Ambrose will generate over 800 construction related jobs, \$90 million in the purchasing of goods and services that will be infused into the local economy, an ongoing permanent operating budget of \$20 million a year, as well as critical tax revenues that will be generated for local municipalities.

CO119-3 Natural gas is widely considered to be a clean-burning and safe fuel source. This project – which will be located 20 miles off-shore, well beyond the visible horizon – is devoid of the kinds of environmental impacts we've seen in other proposals.

After last year's excessively cold and prolonged winter heating season, the need for the Port Ambrose Project has never been more evident.

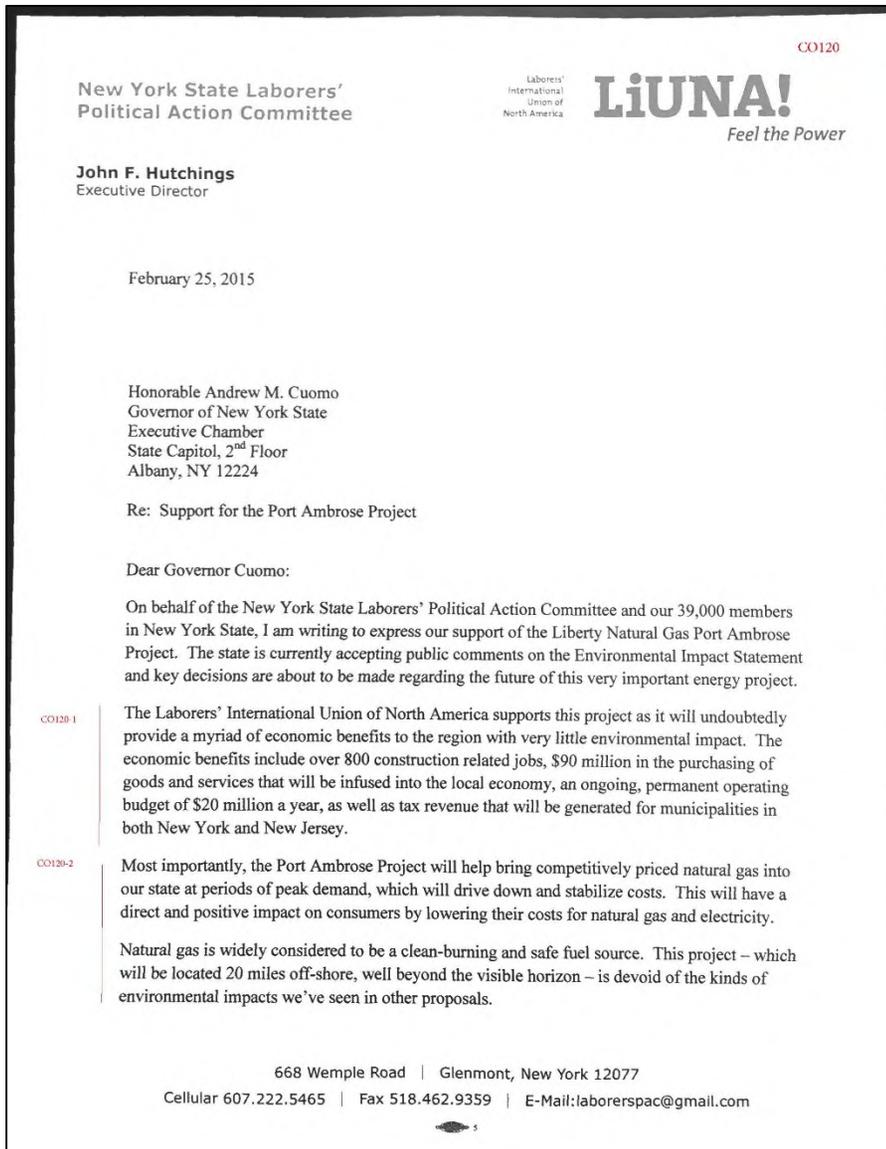
Very truly yours,

David Gianni, Vice President

CO119-1 See CO35-1.

CO119-2 See CO2-2.

CO119-3 See CO2-1.



CO120-1 See CO2-2.

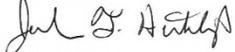
CO120-2 See CO2-1.

CO120

Your support of the Liberty Natural Gas' Port Ambrose Project is crucial as the approval process moves forward in New York. As New Yorkers continue to suffer through an excessively cold and prolonged winter heating season, the need for a safe, affordable and accessible energy has never been greater.

I thank you for your time and consideration in this matter, if you require any additional information, please do not hesitate to contact me at your earliest convenience.

Sincerely,



John F. Hutchings
Director
New York State Laborers' Political Action Committee

Feb 27 15:06:27a

Jim Wickey/Kellogg Marine

631-744-1733

p.1
CO121



association of marine industries

P.O. Box 781, Shoreham, New York 11786 • Tel: (631) 849-4232 • Fax: (631) 744-1733
Website: www.boattli.org • E-mail: info@boattli.org

February 25, 2015

The Honorable Andrew M. Cuomo
Governor of New York State
Executive Chamber
NYS State Capital Building, 2nd Floor
Albany, NY 12224

Dear Governor Cuomo:

Last winter, our members, comprised of mostly small businesses on Long Island, suffered a steep increase in the price of energy due to extremely cold winter weather. Having a greater supply will increase competition and decrease costs to business owners.

CO121-1 That's why we are asking you to support the Port Ambrose Project because it will increase gas supply to the region with lower cost fuel, which will help stabilize and reduce energy prices for businesses and residents, especially during periods of peak demand.

CO121-2 The project will also bring innumerable economic benefits to the region. It's estimated that Port Ambrose will generate over 800 construction related jobs, \$90 million in the purchasing of goods and services that will be infused into the local economy, an ongoing, permanent operating budget of \$20 million a year, as well as critical tax revenues that will be generated for local municipalities.

CO121-3 Natural gas is widely considered to be a clean burning and safe fuel source. This project, which will be located 20 miles off-shore, well beyond the visible horizon, is devoid of the kinds of environmental impacts we have seen in other proposals.

After the last two years of excessively cold and prolonged winter heating seasons, the need for Port Ambrose Project has never been more evident.

Very Truly Yours,

Eric Kreuter
President

CO121-1 See CO35-1.

CO121-2 See CO2-2.

CO121-3 See CO2-1.

See CO2

JAMES J. PRATT, III
Chairman

PAUL FARINO
Secretary-Treasurer

MARC HERBST
Executive Director

SHERYL BURO
Deputy Executive Director
Chief Financial Officer



CO122
Board of Directors:
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NELSON FERNANDES
JASON GOLDEN
JAMES HANEY, III
WILLIAM HAUGLAND, JR.
JOHN LIZZA
JOSEPH K. POSILLICO
PETER SCALAMANDRE

February 26, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Dear Governor Cuomo:

As Executive Director of the Long Island Contractors' Association (LICA), and on behalf of our members who represent over 150 of Long Island's premier heavy construction general contractors, subcontractors, suppliers and industry supporters, we ask you to support the Port Ambrose Project.

According to Project Ambrose developers, this project will have significant economic benefits for our members and the Long Island region. It's estimated the project will generate over 800 construction-related jobs as well as add \$90 million to the local economy (through the purchasing of goods and services). It will also represent an ongoing \$20 million/year permanent operating budget, which will generate additional tax revenues for our local municipalities.

We believe this project will help both our region and our members in many ways: with potential decreases in energy costs, through increased supply and competition; by bringing new construction jobs to the area; and by increasing municipality revenues, which should allow these municipalities to dedicate more funding toward Long Island infrastructure repair and revitalization.

Therefore, we respectfully request you support the Port Ambrose proposal. Thank you.

Sincerely,

Marc Herbst
Executive Director
Long Island Contractors' Association

The Voice of Long Island's Highway & Infrastructure Professionals

150 Motor Parkway, Suite 307 • Hauppauge, New York 11788
Tel: 631.231.LICA (5422) • Fax: 631.231.4291 • Email: info@licanys.org • www.licanys.org

See response to CO2.

CO123



March 5, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Support for the Port Ambrose Project

Dear Governor Cuomo,

CO123-1 Last winter, small businesses such as ours on Long Island suffered a steep increase in the price of energy due to extremely cold winter weather. Having a greater supply will increase competition and decrease costs to business owners.

That's why we are asking you to support the Port Ambrose Project because it will increase gas supply to the region with lower cost fuel, which will help stabilize and reduce energy prices for businesses and residents, especially during periods of peak demand.

CO123-2 The project will also bring innumerable economic benefits to the region. It's estimated that Port Ambrose will generate over 800 construction related jobs, \$90 million in the purchasing of goods and services that will be infused into the local economy, an ongoing, permanent operating budget of \$20 million a year, as well as critical tax revenues that will be generated for local municipalities.

CO123-3 Natural gas is widely considered to be a clean-burning and safe fuel source. This project – which will be located 20 miles off-shore, well beyond the visible horizon – is devoid of the kinds of environmental impacts we've seen in other proposals.

After last year's excessively cold and prolonged winter heating season, the need for the Port Ambrose Project has never been more evident.

Very truly yours,

Dolores V. Stafford, Pres.

21 Bennett's Rd. Ste 200 Setauket NY 11733 P 631-751-6620 F 631-751-6895

CO124

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hkllaw.com

Daron T. Threet
(202) 469-5176
daron.threet@hkllaw.com

March 16, 2015

Via E-mail and FedEx

Mr. Roddy Bachman
Commandant (CG-OES-4)
Deepwater Ports Standards Division
U.S. Coast Guard Stop 7509
2703 Martin Luther King Jr. Ave., SE
Washington, D.C. 20593-7509

Re: Port Ambrose Deepwater Port Project
Liberty Natural Gas, LLC
Docket No. USCG-2013-0363

Dear Mr. Bachman:

On behalf of Liberty Natural Gas, LLC, please find attached comments on the Draft Environmental Impact Statement for Port Ambrose, issued by the U.S. Coast Guard and Maritime Administration on December 16, 2014.

Please feel free to contact me if you have any questions regarding this submission.

Sincerely,

Holland & Knight LLP



Daron T. Threet

Counsel for Liberty Natural Gas, LLC

cc: Curtis Borland, USCG
Wade Morefield, Maritime Administration
Jason Goldstein, Liberty Natural Gas, LLC
Timothy Feehan, Tetra Tech

Attachment

Anchorage | Atlanta | Austin | Boston | Chicago | Dallas | Denver | Fort Lauderdale | Jacksonville | Lakeland | Los Angeles | Miami
New York | Northern Virginia | Orlando | Portland | San Francisco | Tallahassee | Tampa | Washington, D.C. | West Palm Beach

CO124-X

Comment Matrix for the Port Ambrose Draft EIS

Comment Number	DEIS Section	Page Number	Source	Comment
1	ES	ES-5	Liberty	Distance measurements need to be confirmed throughout the DEIS. For example, on Page ES-5, the point of interconnection with the Transco line is listed as '2.2 nautical miles south of Long Beach.' This should read 1.9 nautical miles (i.e., 2.2 statute miles). See also comment number 13 below.
2	2.1.5.1	2-8	Liberty	There will be no ballast tank flushing during initial commissioning, or for that matter, during operation. Liberty suggests deleting the sentence in the first paragraph under "Cooling and Ballast Water" that reads "Ballast tank flushing may also be required during initial commissioning."
3	2.2.3.1	2-52	Liberty	Project schedule references need to be updated throughout the DEIS. The current schedule is for construction to be completed in 2017 and for project commissioning to occur by the end of 2017.
4	3.1.1	3-5, 3-11 (and fig. on 3-2)	Liberty	The "Currents" section on page 3-5 indicates a current monitoring location (Station D) is shown on Figure 3.1-1 (Bathymetry and Water Monitoring Points; page 3-2). Station D is not shown on Figure 3.1-1 and should be added. Also, the "Salinity" section on page 3-11 indicates that NOAA NDBC Buoy No. 44025 is identified on Figure 3.1-1. The NDBC Buoy is not shown on Figure 3.1-1 and should be added.
5	3.3	3-35	Liberty	The CFR citations on the bottom of page 3-35 (e.g., 33 CFR 1501.4) appear to be citations to Title 33 of the U.S. Code (i.e., 33 U.S.C. 1501 et seq.) and should be corrected.
6	4.1.3.1	4-6	Liberty	The second sentence of the second paragraph on page 4-6 lists the pipeline burial depth as 10 feet in the anchorage area. The burial depth required by the Army Corps in this area is 7 feet, and it is likely that 10 feet of excavation will be needed to meet the 7 foot burial depth requirement.
7	4.1.3.2	4-7	Liberty	The last sentence of the second paragraph under "Routine Discharges" discusses discharges of ballast water associated with "loading of LNG." As no ballast water discharges will occur at the Port, this sentence should either be clarified to indicate that ballast water discharges will occur at foreign ports during the LNG loading process or the sentence should be deleted.
8	4.1.3.2	4-11	Liberty	Under the "Salinity, DO, Trace Elements, Nutrients" section, the second paragraph, which discusses cooled water discharges, should be clarified to indicate that there are no cooled water discharges from the LNGRVs or support vessel during port operations and that engine cooling water (thermal) discharges are limited only to the support vessel.
9	4.1.5	4-14	Liberty	Liberty has the following comments on the bulletted mitigation measures. 1) As there are no water discharges from the Port during operations, water quality monitoring should only be necessary during construction and decommissioning. 2) In lieu of annual bathymetry monitoring, Liberty suggests after the pipeline is constructed, as-buils of the pipeline location and depth below the seafloor with new bottom contours be performed to demonstrate compliance with burial depth and backfill requirements. Liberty does not believe annual monitoring is necessary, nor would it yield useful information. 3) Liberty has already conducted pre-construction sediment chemical sampling. As no contaminants were found, the Project avoids dump sites, and conditions should remain the same prior to construction, Liberty believes that additional sampling is unnecessary.
10	4.3.3.3	4-94	Liberty	The first sentence on page 4-94 (final sentence in the "Alteration to Key Species Abundance and Distribution" section) should read "ESA-listed sea turtles" and not marine mammals. In the "Air Emissions" section that follows, the last sentence should read "ESA-listed sea turtles" and not marine mammals.
11	4.10.3.1	4-132	Liberty	The "Stationary Source Descriptions" on page 4-132 need to be corrected in a couple of instances. In the second paragraph, Liberty suggests replacing the second, third and last sentence of the paragraph with the following: "While at the proposed Port facilities, NOx emissions from the engines would be controlled through the use of SCR, Emissions of other pollutants would be limited through the firing of LNG and BOG, CO catalyst, and good combustion practices. The engines are assumed to operate continuously." Also, in the last sentence of the third paragraph, replace "LNGRV arrival," with "low or" to read: "LNGRV operations would be managed such that GCU operation would not be required during normal regasification periods but only during low or no sendout periods, and system upsets."

Port Ambrose Draft EIS

Page 1 of 2

March 2015

- CO124-1 Distance measurements were confirmed throughout the final EIS.
- CO124-2 The third paragraph in Section 3.3.2.2 of Topic Report 3. "Discharges may occur during specific unique events, such as the commissioning of the Port and/or during the commissioning of a new LNGRV at the Port. For the purpose of this evaluation (to identify potential water quality impacts), it is assumed that commissioning of the Port will be performed simultaneously with the commissioning of a new LNGRV."
- CO124-3 Project schedule has been updated throughout the final EIS to reflect the schedule received from Liberty on August 14, 2015.
- CO124-4 Station D and NOAA NDBC Buoy No. 44025 have been added to Figure 3.1-1 as recommended.
- CO124-5 Thank you for your comment. Recommended edits have been made to Section 3.3.
- CO124-6 In order to achieve the 7 foot depth to the top of the pipe the trench needs to be excavated to 10 feet. The final plan which meets the current USACE requirements has been updated in the final EIS.
- CO124-7 Sentence was clarified to indicate that this process will happen at a foreign port.
- CO124-8 Text has been revised to clarify that this is in reference to the support vessel.
- CO124-9 1. Thank you for your comment.
2. Text on modification measures has been edited in Sections 4.1.4 and 4.2.8.
3. Sediment chemistry has been included in Section 3.5.6. The sample results indicate no significant contamination and therefore there appears to be no reason to include additional sediment sampling in Section 4.1.4.
- CO124-10 Thank you for your comment. Recommended edits have been made to Section 4.3.3.3.
- CO124-11 The suggested text corrections have been made.

Comment Matrix for the Port Ambrose Draft EIS

Comment Number	DEIS Section	Page Number	Source	Comment
12	4.10.3.1	4-134	Liberty	In Table 4.10-2, "a" and "b" (in the table header under "Exhaust Emission Factors," and "Project Emission Rate," respectively) are not defined.
13	4.10.3.2	4-139	Liberty	The second paragraph under "Operational Air Quality Impacts" states the distance to shore as 13 nautical miles. The correct value is 16.1 nautical miles (consistent with Section 1 Quick Reference and Section 1.0). This distance figure should be corrected throughout the DEIS.
14	6.2.2, 6.2.3	6-10, 6-11	Liberty	The first sentence in the first full paragraph on page 6-10 states "Sources of underwater construction noise associated with the proposed Project include impact pile driving (from anchor pile installation), proposed Mainline and pipeline lateral installation, and construction vessel transit." As Liberty decided to use suction piles instead of driven piles to reduce acoustic impacts during construction, this section should be clarified to indicate that suction piles are proposed for the Project. Similar language regarding impact piles appears in the first paragraph on page 6-11 and should be revised.

CO124-12 The references have been corrected.

CO124-13 The distance figures have been corrected.

CO124-14 To clarify, the text has been changed as follows:

pg. 6-10: Sources of underwater construction noise associated with the proposed Project include anchor pile installation (suction anchors are proposed; however, impact pile driving would be used in the unlikely case that geotechnical conditions preclude use of suction anchors; see section 2.1.6.2), proposed Mainline and pipeline lateral installation, and construction vessel transit.

pg. 6-11: Sources of underwater construction noise associated with the proposed Project include anchor pile installation, proposed Mainline and pipeline lateral installation, and support vessels.

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C Clean Ocean Action - LNG Petitions 683 Signatures

This is a Comment on the **Coast Guard (USCG) Notice: Deepwater Port License Applications: Liberty Natural Gas LLC, Port Ambrose Deepwater Port**

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Attachments (5)

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- Clean Ocean Action - LNG Petitions 64 Signatures, December 16, 2014
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- Clean Ocean Action - LNG Petitions 49 Signatures, January 13, 2015
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- Clean Ocean Action - LNG Petitions 2 Signatures, December 30, 2014
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- Clean Ocean Action - LNG Petitions 545 Signatures, December 16, 2014
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Document Information
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Submitter Information
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State or Province: NJ
ZIP/Postal Code: 07732
Organization Name: Clean Ocean Action
Submitter's Representative: Cate

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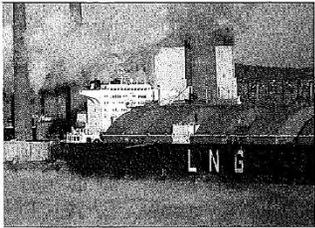
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KEEP US FREE FROM LNG!

CO125

OPPOSE DANGEROUS OFFSHORE LIQUEFIED NATURAL GAS TERMINALS AND OCEAN INDUSTRIALIZATION



Liberty Natural Gas (Liberty LNG) is proposing to build 'Port Ambrose,' a deepwater port that would bring combustible Liquefied Natural Gas tankers to the NY/NJ region. The tankers are as long as the Empire State Building is tall. The deepwater port license allows both the import and export of liquefied natural gas (LNG).

Liquefied Natural Gas is more expensive, will increase energy costs, and is dirty —the carbon footprint is almost as bad as coal. CO125-1

The Ambrose LNG Port in the ocean is a navigational hazard near the entrance to the busiest harbor on the East Coast, blocks NY Power Authority's premier proposed offshore renewable wind energy location, located in the pathway of hurricanes which are increasing in intensity, is harmful to marine-life, and threatens commercial fishing. CO125-2

The Ambrose LNG Port is a gateway to exports which will trigger an explosion of hydro-fracking in the Northeast exacerbating the devastating impacts, lead to increased energy costs in the US, and endanger our future. CO125-3

Liberty tried to build this same port before – and it was vetoed. "This project would present unacceptable and substantial risks to the State's residents, natural resources, economy and security," said NJ Governor Chris Christie in a letter vetoing the project in 2011. CO125-4

We, the undersigned, vehemently object to "Liberty Natural Gas Port Ambrose." Liquefied Natural Gas facilities pollute our ocean and promote destructive fossil fuel activities.

We call on Governor Christie to re-affirm his veto of this project, and call on Governor Cuomo to also step up and say no.

- | <u>Name</u> | <u>Address (Street/POB, City, State, Zip)</u> |
|-----------------------|---|
| 1. Christine Palazzo | 833A Westminster Ct Manchester, NH 03109 |
| 2. David A. Stone | 3 Parkway Dr Ocean NJ 07712 |
| 3. Dr. Nancy Conforti | 48 Allen St Ransom, NJ 07760 |
| 4. [Signature] | 1968 Granville Rd Scotch Plains, NJ |
| 5. _____ | _____ |
| 6. Marguerite Kras | 228 Ransom Dr Lincroft NJ 07738 |
| 7. JoAnn Miller | 44 William St Glenhead NY 11545 |
| 8. Davis Mical CSP | 148 Lembeck Ave Jersey City, NJ 07305 |
| 9. _____ | _____ |
| 10. _____ | _____ |

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 For more information visit www.cleanceoanaction.org or call (732) 872-0111.

Updated by Clean Ocean Action 07/10/2013

CO125-1 Thank you for your comment.

CO125-2 Thank you for your comment.

CO125-3 Thank you for your comment.

CO125-4 Thank you for your comment.

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Submitter Information
Submitter Name: Cade Tobin
Mailing Address: 18 Hartstone Drive, Suite 2
City: Highlands
Country: United States
State or Province: NJ
ZIP/Postal Code: 07732
Organization Name: Clean Ocean Action

Comment

Our ocean is at risk. Many polluting, climate-changing, expensive fossil fuel industries are attempting to invade our ocean, including liquefied natural gas (LNG) facilities. The real answers to U.S. energy independence are conservation, efficiency, and renewable sources.

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Attachments (9)

- Clean Ocean Action - 149 Signatures, March 13, 2015
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- Clean Ocean Action - 104 Signatures, March 13, 2015
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- Clean Ocean Action - 167 Signatures, March 13, 2015
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- Clean Ocean Action - 191 Signatures, March 13, 2015
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- Clean Ocean Action - 1364 Signatures, March 13, 2015
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- Clean Ocean Action - 1581 Signatures, March 13, 2015
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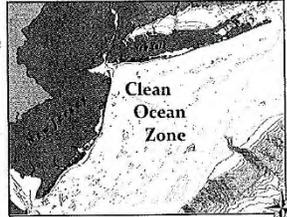
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KEEP YOUR OCEAN INDUSTRY FREE!
SUPPORT THE "NJ/NY CLEAN OCEAN ZONE"

CO126

CO126-1 Our ocean is at risk. Many polluting, climate-changing, expensive fossil fuel industries are attempting to invade our ocean, including offshore oil and gas exploration and drilling along the Atlantic coast and liquefied natural gas (LNG) facilities just off the NJ/NY coast.
 We must choose green, renewable domestic energy that creates thousands of good, sustainable jobs. The real answers to U.S. energy independence are conservation, efficiency, and renewable sources.
 Existing laws and regulations are insufficient to protect the vast value of this ocean region and its living marine resources. Therefore, we need the passage of "The NJ/NY Clean Ocean Zone" legislation.



We, the undersigned, vehemently object to activities that pollute or harm our ocean and support the Clean Ocean Zone legislation.

Name Address (Street/POB, City, State, Zip)

1. Stephen Szalecki, 116 Highland Ave, Highlands, NJ 07732
2. Jane P. Frimiano, 3436 Allen St, Bethlehem PA 18020
3. Alex Weintraub, 60 Inlet Terrace, Belmar, 07719
4. Nandana Srinivasan, 40 George Davison Rd, Cranbury, NJ 08512
5. Michael DeBello, 117 Linden Ave, Pine Beach, NJ 08474
6. Jan Cambria, Ave 2 Rivers, Rumson, NJ 07760
7. Jill Weiss, Long Branch, NJ
8. Thomas Brazil, 413 Chestnut St, Roselle, NJ 07068
9. Emily DeLoraine, 141 Mine Mount Rd, Bernardsville, NJ 07924
10. Erin Becker@gmail.com, 20 Chillsworth Ave, Bernardsville, NJ 07924
11. Ann VanZutphen, 454 Osborn Ave, Brick, NJ 08723
12. Roger
13. Jenny M. Hernandez, P.O. Box 7372, North Bergen, NJ 07049
14. Michelle Zimmer, 1212 Main St, Belmar, NJ 07719
15. Gail Fettham, 5 Martens Bend, Brielle, NJ 08730
16. Navin Srinivasan, 40 George Davison Rd, Cranbury, NJ 08512
17. Amanda Riker, 1857 Beach Blvd, Pt. Pleasant, NJ 08424
18. Brian McWeeny, 501 1st, Belmar, NJ 07719
19. Donna Cetrulo, 18 1/2 The Fellowship Ocean, NJ
20. Sherry Milchman, 506 Evergreen, BB, NJ 07720

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 Updated by Clean Ocean Action 6/21/12

CO126-1 Thank you for your comment.

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C Clean Ocean Action - Multiple Signatures

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Our ocean is at risk. Many polluting, climate-changing, expensive fossil fuel industries are attempting to invade our ocean, including liquefied natural gas (LNG) facilities. The real answers to U.S. energy independence are conservation, efficiency, and renewable sources.

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- Clean Ocean Action - Multiple Signatures 1 of 4
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- Clean Ocean Action - Multiple Signatures 3 of 4
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Submitter Information

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Country: United States
State or Province: NJ
ZIP/Postal Code: 07732
Organization Name: Clean Ocean Action

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CO127

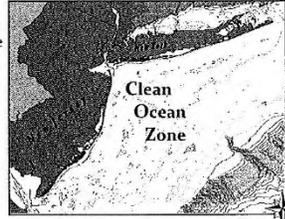
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SUPPORT THE "NJ/NY CLEAN OCEAN ZONE"**

CO127-1

Our ocean is at risk. Many polluting, climate-changing, expensive fossil fuel industries are attempting to invade our ocean, including offshore oil and gas exploration and drilling along the Atlantic coast and liquefied natural gas (LNG) facilities just off the NJ/NY coast.

We must choose green, renewable domestic energy that creates thousands of good, sustainable jobs. The real answers to U.S. energy independence are conservation, efficiency, and renewable sources.

Existing laws and regulations are insufficient to protect the vast value of this ocean region and its living marine resources. Therefore, we need the passage of "The NJ/NY Clean Ocean Zone" legislation.



We, the undersigned, vehemently object to activities that pollute or harm our ocean and support the Clean Ocean Zone legislation.

- | Name | Address (Street/POB, City, State, Zip) |
|------------------------|---|
| 1. Doris Lin | 26 Winchester Dr. Freehold NJ 07728 |
| 2. Nikko Valvede | 2 West St Rumson NJ 07070 |
| 3. Will Okruh | 22 Lynx Ave Rumson NJ 07070 |
| 4. Chris Allee | 220 Littleton Rd # D6 Parsippany NJ 07054 |
| 5. Lisa Miller-Zenver | 213 5th Ave Bradley Beach, NJ 07720 |
| 6. Stephanie Pavonic | 20 Deer Hollow Dr, Howell NJ 07731 |
| 7. Coren Hendrickson | 23 Clove Dr. Colonia N.J. 07067 |
| 8. Jean Capasso | 558 Walnut Ave Bogota NJ 07603 |
| 9. John Ninivaggi | 4306 New Kirk Ave North Bergen, NJ 07047 |
| 10. Dorothy Hopf | 207 LA Reine Ave Bradley Beach 07720 |
| 11. Donna Cusano | 305 Compass Ct. Neptune, NJ 07753 |
| 12. R. Fadelg | Copersburg, PA. 18036 |
| 13. Jerek Capasso | 145 Kentucky way, freehold, NJ |
| 14. Dale Eikel | 2030 Fox Field Circle |
| 15. Pat Nyalo | 42 Little Leaf Ln Howell NJ |
| 16. Kelly Trespalacios | 302 Barday Court Langhorne PA 19047 |
| 17. Kristen Nicot | 516 Declaration Lane Jackson NJ 08527 |
| 18. John Baba | 103 BEACH AVE BRADLEY BEACH 07720 |
| 19. [Signature] | |
| 20. [Signature] | 70E 13th St Linden NJ |

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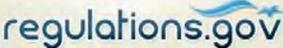
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CO127-1 See CO126-1.

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C Multiple Submitters (2995)

This is a Comment on the **Coast Guard (USCG) Notice: Deepwater Port License Applications: Liberty Natural Gas LLC, Port Ambrose Deepwater Port**

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On behalf of our members, Friends of the Earth would like to submit 2,995 comments opposing the Port Ambrose liquefied natural gas import facility.

Attachments (1)

Multiple Submitters (2995)

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Organization Name: Friends of the Earth
Submitter's Representative: Kate DeAngelis

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The U.S. Coast Guard

CO128

To whom it may concern:

I urge you to reject the Port Ambrose liquefied natural gas import project because it would:

CO128-1|- Endanger our beaches, ocean ecology, and tourism and fishing industries;

CO128-2|- Undermine a wind power project proposed for the same location; and

CO128-3 |- Present a threat to the public, with the explosive gas risking thousands of lives.

CO128-4 |The project could also have impacts far beyond New York and New Jersey. While it is being billed as an import facility, it is likely that Port Ambrose will end up being used as an export facility. In the United States, this would increase fracking, a dangerous method of drilling for natural gas that threatens our water, health and climate.

CO128-5 |If constructed, Port Ambrose would increase our reliance on dirty fossil fuels. I urge you to protect public safety, our health and the environment and to help lead a transition to renewable energy.

Thank you for taking the time to consider my comments.

Sincerely,

Carrie Mann
1100 15th St NW
1100 15th St NW
Washington, DC 20005

2022220759

CO128-1 Thank you for your comment.

CO128-2 Thank you for your comment.

CO128-3 Thank you for your comment.

CO128-4 Thank you for your comment.

CO128-5 Thank you for your comment.

CO129

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C Citizens Campaign for the Environment

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Submitter Information

Submitter Name: Jordan Christensen
Organization Name: Citizens Campaign for the Environment

Comment

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CO129

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Empowering Communities, Advocating Solutions.

Re: Port Ambrose Liquefied Natural Gas Facility (LNG), Docket Number USCG-2013-0363

Citizens Campaign for the Environment (CCE) is an 80,000 member not-for-profit, non-partisan advocacy organization working for the protection of public health and the natural environment on behalf of its members in New York and Connecticut. The protection of waterways, especially our estuaries and ocean, is of the utmost importance to CCE. CCE has several concerns with the possible impacts the proposed Port Ambrose liquefied natural gas (LNG) facility deep water port, including possible impacts to wildlife, reduced public access to waterways, and interference with renewable energy projects.

New York should be moving toward renewable energy, not furthering the state’s reliance on fossil fuels. The Port Ambrose LNG facility is being proposed in an area off the coast of New York and New Jersey that is currently used for commercial shipping and already quite busy. In this same area, a Long Island-New York City offshore wind project has also been proposed and is in the planning stages. Because this area is already busy, it is not feasible for the natural gas and the offshore wind project to be built in this area. According to the NYS Department of Energy, the state has enough wind energy potential to fulfill 50% of our energy needs. New York State’s focus now should be on furthering renewable projects.

The DEIS, when weighing alternatives to the project, incorrectly dismisses renewable energy sources due to intermittent yields. Perhaps they are unaware that according to several wind studies, the wind speeds in this area are a minimum of 18.3 mph and are in fact, concluded to be a valuable and profitable wind resource. Investing in wind, solar, geothermal, and other renewable technologies would create a more stable energy grid for New York. Unfortunately, Port Ambrose only offers to keep New York shackled to fossil fuels instead of moving towards more sustainable, renewable energy sources.

The area sited for the LNG and offshore wind proposals was hit by Superstorm Sandy, and the surrounding communities are still not fully recovered. As New York and New Jersey residents see more extreme weather events and sea level rise due to climate change, the public have urged state elected officials and agencies to be leaders in coastal resiliency and renewable energy. There has been growing opposition to this project, particularly in Nassau County and the City of Long Beach, NY, where residents are concerned over possible spills and damage during future

1

CO129-1 Thank you for your comment.

CO129-2 See response to FA4-2 for a discussion of purpose and need, and peak demand.

CO129-3 Thank you for your comment.

CO129-3 (con't) storms. This area is a microcosm of New York State's energy crossroads and the public has overwhelmingly called for offshore wind and renewable alternatives to natural gas. CO129

CO129-4 **There is no demonstrable need for the LNG facility.** In addition to illogically dismissing renewable alternatives, the DEIS does not establish a need for the Port Ambrose LNG facility. According to the 2014 draft NYS energy plan, domestic natural gas production is at its highest point in four decades, while natural gas imports have been steadily declining since 2007. With LNG facilities across the country are experiencing declining shipments, this is not the time to build a new LNG port. In fact, the Neptune Deepwater Port in Massachusetts, which opened in 2010 to meet growing demand for natural gas, was shut down in 2013 due to inactivity. With the increase in domestic natural gas over the last decade, there was no need for imported gas. There is no substantiated reason presented in the DEIS that identifies new or changing market conditions to ensure the Liberty LNG, a similar project, would not meet the same fate. In light of the lack of need for imported natural gas, there is growing concern in New York communities that the Port Ambrose terminal, if built, will be converted to an export facility in order to stay financially relevant.

CO129-5 New York State's recent decision not to allow hydrofracking was a critical step in moving the state away from fossil fuels and protecting water and air resources. Allowing an export facility would only diminish New York's leadership on this issue and may foster renewed efforts to increase hydrofracking.

CO129-6 **The DEIS does not sufficiently address potential long-term wildlife and water quality impacts.** This project has the potential to degrade water quality and adversely impact fisheries around the proposed site and vessel routes. By dredging up 20 miles of sea floor, permanently removing 3 acres of sea floor, increasing water turbidity, releasing chemically-treated discharges from hydrostatic tests, and entraining zooplankton, fish eggs, and larvae, this project will negatively impact the ecosystem during its construction and operation. In addition to the loss of benthic habitat, the DEIS states that over 80 million fish eggs and 10 million larval fish will be entrained during construction and operation of this project. The loss of benthic habitat, larvae and plankton could adversely impact larger species, including whales, fish, seabirds, and crustaceans, who feed on food sources including plankton and larvae.

CO129-7 However, on the topic of overall impacts to fish populations, the DEIS is often lacking and dismissive. For example, section 4.2.4.1 states "Juvenile and adult fish have sufficient mobility to evacuate or avoid unfavorable conditions" as the sole reason that fish will not be impacted by discharges during the construction of this project. The DEIS glosses over many of the important sections on possible lasting impacts to wildlife, and this lack of data makes it difficult to weigh in on the actual impact of this project. A similar problem is presented when we look at impacts to marine mammals and endangered species.

CCE has worked with the NYS Department of Environmental Conservation (DEC) to improve whale monitoring data in this exact region. The first year of data has shown that the endangered Blue Whale migrates through waters in and around the proposed pipeline site. In addition, the

CO129-4 See response to FA4-2 for a discussion of purpose and need, and peak demand.
As stated in Section 1.1 of the final EIS, the increased natural gas supply in New England for the winter of 2014-2015, including LNG imports from the Northeast Gateway Deepwater Port, off the coast of Boston, Massachusetts, contributed to reduced average wholesale energy prices from an average of \$138 per megawatt hour in the winter of 2013-2014, to an average of \$77 per megawatt hour in the winter of 2014-2015 (ISO New England 2015). Increased fuel supply during the winter peak demand directly contributed to the lower price levels in 2014-2015 (ISO New England 2015).

CO129-5 Thank you for your comment.

CO129-6 Utilizing Best Available Practices (BAT) and operational controls, impacts from proposed Port operations to ichthyoplankton would be minor as documented in Appendix K. As analyzed and reported in Appendix K, the location and operation of the proposed Port are designed to minimize impacts to the aquatic environment. Impacts from impingement and entrainment impacts expected to be minor, as intake velocities will be less than 0.5 foot per second during construction, operation, and decommissioning. Entrainment impacts from proposed Project are expected to be minor due to its location in a low productivity, off-shore area and its relatively limited water withdrawals. As discussed in Section 4.2.3, the total loss of ichthyoplankton throughout the life of the proposed Project (construction, operation, and decommissioning) equates to 3,270 pounds of fishery yield, valued at \$2,262; far less than 1 percent of annual commercial and recreational harvest.

CO129-7 Thank you for your comment. Appropriate subsections of section 4.2 have been updated.

CO129

North Atlantic Right Whale, one of the most endangered whale species in the world, has been documented to use these waters. More substantive monitoring and data is gravely needed to assess potential impacts to these endangered species. Currently, the migratory patterns of endangered whales, fish, and sea turtles which use these waters are not clearly known. Therefore, the proposed project's impact on these species cannot be scientifically validated. The impacts are not sufficiently assessed in the DEIS and the document only provides a cursory look.

CO129-8

CO129-9

The creation of an exclusion zone is unacceptable. Fishing and recreation is a vital part of the local economy and our way of life in New York. Billions of dollars have been invested to improve water quality and restore fisheries in this area and throughout NY's five estuaries. CCE is not only concerned about the impacts on wildlife and fisheries, but we are also concerned over the larger issue of the exclusion zone. Waterways are part of the public trust, and allowing a private company to create an exclusion zone and prevent the public from enjoying and engaging in the use of these public trust resources is unacceptable. New York has never allowed this privatization of a public waterway and such a precedent should not be established.

CO129-8 Thank you for your comment. Known migratory habits and seasonal occurrence of the noted species are included in the analysis and can be found in sections 3.3 and 4.3. Additional information has been added to augment these discussions.

CO129-9 See response to comment FA6-8 for a discussion of potential impacts due to the implementation of navigational safety measures that would limit certain uses within the Safety Zone, no anchoring area, and areas to be avoided.

See CO128

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C Food & Water Watch - Multiple Submitters (24163)

This is a Comment on the **Coast Guard (USCG) Notice: Deepwater Port License Applications: Liberty Natural Gas LLC, Port Ambrose Deepwater Port**

For related information, [Open Docket Folder](#)

Comment Period Closed
Mar 18, 2015, @ 11:59 PM ET

ID: USCG-2013-0363-1975
Tracking Number: 1z-8rf6-pj45

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Document Information

Date Posted: Mar 18, 2015
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Submitter Information

Organization Name: Food & Water Watch
Submitter's Representative: Meredith Begin

Comment

See attached file(s)

Attachments (5)

- 
[Food & Water Watch - Multiple Submitters \(5000\)](#)
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- 
[Food & Water Watch - Multiple Submitters \(5000\) 3](#)
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CO130

Carol Glandorf
129 Mathis Dr
Brick, NJ 08723-7418

Feb 2, 2015

President Barack Obama
The White House, 1st Floor, West Wing
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Subject: Please veto the Port Ambrose LNG facility

Dear President Obama,

Re: Docket ID: USCG-2013-0363

Please reject Port Ambrose, a proposed liquefied natural gas (LNG) facility that threatens our health, communities and environment.

The Port Ambrose project would:

- Present a terrorist threat, with the explosive gas risking thousands of lives
- Endanger our beaches, ocean ecology, and tourism and fishing industries
- Undermine a wind power project proposed for the same location

The project would also have impacts far beyond New York and New Jersey. Because it would likely be used to export gas, Port Ambrose would promote fracking, a dangerous method of drilling for natural gas that threatens our water, health and climate.

Port Ambrose would increase our reliance on dirty fossil fuels. I urge you to protect public safety, our health and the environment and to help lead a transition to renewable energy.

Please use your authority to veto Port Ambrose.

Sincerely,
Carol Glandorf

Regulations.gov - Comment

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C Food & Water Watch - Multiple Submitters (3347)

This is a Comment on the **Coast Guard (USCG) Notice: Deepwater Port License Applications: Liberty Natural Gas LLC, Port Ambrose Deepwater Port**

For related information, [Open Docket Folder](#)

Comment Period Closed
Mar 18, 2015, @ 11:59 PM ET

ID: USCG-2013-0363-1981
Tracking Number: 1z-8ra5-5red
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Document Information
Date Posted: Mar 18, 2015
RIN: Not Assigned
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Submitter Information
Organization Name: Food & Water Watch
Submitter's Representative: Amanda Byrnes

Comment

Attached please find 3,347 individual public comments (in seven files) submitted by members of Food & Water Watch opposing the Port Ambrose Deepwater Port application.

Attachments (7)

- 
[Food & Water Watch - Multiple Submitters 1of7](#)
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- 
[Food & Water Watch - Multiple Submitters 2of7](#)
View Attachment: 
- 
[Food & Water Watch - Multiple Submitters 3of7](#)
View Attachment: 
- 
[Food & Water Watch - Multiple Submitters 4of7](#)
View Attachment: 
- 
[Food & Water Watch - Multiple Submitters 5of7](#)
View Attachment: 
- 
[Food & Water Watch - Multiple Submitters 6of7](#)
View Attachment: 
- 
[Food & Water Watch - Multiple Submitters 7of7](#)
View Attachment: 

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CO131

Meredith Begin
100 Bayard St
New Brunswick, NJ 08901-2165

Jun 5, 2015

President Barack Obama
The White House, 1st Floor, West Wing
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Subject: Please oppose the Port Ambrose LNG Port

Dear President Obama,

Re: Docket ID: USCG-2013-0363

Please reject Port Ambrose, a proposed liquefied natural gas (LNG) facility that threatens our health, communities and environment.

CO131-1 The proposed facility threatens residents of nearby communities. An accident there could endanger the lives of tens of thousands of people in New York, New Jersey and beyond.

CO131-2 Plus, opening this facility would likely increase the demand for fracked natural gas in New Jersey by providing a convenient place to export that gas. There is no reason for people to endure poisoned water and air to increase profits for industry executives.

Fracking for natural gas is inherently unsafe. In states across the country, fracking has led to water contamination, air pollution, an increase in earthquakes and losses to agricultural operations.

What's more, fracking is also a climate issue. Fracking for gas will mean increasing greenhouse gas emissions and harming our already threatened atmosphere.

Please use your authority to veto Port Ambrose.

Sincerely,
Meredith Begin

Marie DeAnna
516 Russell Ave
Ridgefield, NJ 07657-2111

Jun 5, 2015

President Barack Obama
The White House, 1st Floor, West Wing
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Subject: Please oppose the Port Ambrose LNG Port

Dear President Obama,

Re: Docket ID: USCG-2013-0363

Please reject Port Ambrose, a proposed liquefied natural gas (LNG) facility that threatens our health, communities and environment.

The proposed facility threatens residents of nearby communities. An accident there could endanger the lives of tens of thousands of people in New York, New Jersey and beyond.

Plus, opening this facility would likely increase the demand for fracked natural gas in New Jersey by providing a convenient place to export that gas. There is no reason for people to endure poisoned water and air to increase profits for industry executives.

Fracking for natural gas is inherently unsafe. In states across the country, fracking has led to water contamination, air pollution, an increase in earthquakes and losses to agricultural operations.

What's more, fracking is also a climate issue. Fracking for gas will mean increasing greenhouse gas emissions and harming our already threatened atmosphere.

Please use your authority to veto Port Ambrose.

Sincerely,

CO131-1 See response to SA4-1 for a discussion of safety.

CO131-2 Thank you for your comment.

CO132



191 Westchester Ave. / Tuckahoe, NY 10707 / 914-793-9186 / 407-404-2046 cell

March 1, 2015

Docket ID: USCG-2013-0363
Agency: Coast Guard (USCG)
Parent Agency: Department of Homeland Security (DHS)

Comments Re: Deepwater Port License Applications: Liberty Natural Gas LLC, Port Ambrose Deepwater Port

I am writing as a representative of the officers and membership of NY4Whales, the New York Whale and Dolphin Action League (ny4whales.org), a 501c-3 non-profit cetacean advocacy organization, and the NY project of Cetacean Society International, who stand opposed to the Port Ambrose Project Deepwater Port Application by the Liberty Natural Gas LLC (LNGLLC) for the formation and operation of a terminal for the transport of Liquid Natural Gas (LNG).

WHO IS LIBERTY NG LLC?

Liberty Natural Gas, LLC, the developer of the Port Ambrose project, is a portfolio company of a fund advised by West Face Capital, a Toronto, Canada based investment management firm. In addition to the Port Ambrose project, West Face Capital and its affiliates are currently developing a deepwater port project in northwest England (United Kingdom), known as Port Meridian, and are actively exploring opportunities for other international regasification/import projects. Both Port Ambrose and Port Meridian are being developed in coordination with Høegh LNG (Norway), which has extensive design and operations experience in both LNG terminals and LNG delivery vessels. When operational, Port Ambrose and Port Meridian can be used as an integrated LNG system to deliver cargos on a seasonal basis to both the New York and UK markets. More information about the Port Meridian project can be found at <http://portmeridian.com/>.

CO132-1 This is a foreign entity seeking enrichment by exploitation of the market forces of the US. Whether as an export or import port, this foreign corporation places the American public, the eastern coast of the United States, its economy, its marine-based recreational activities, commercial and recreational fishing and adjoining industries, the marine resources, the fisheries, the property, the water quality and quality of life of residents of the east coast at risk. The risk does not benefit the American public, as only 5 permanent jobs will be made. This project is hardly worth the risk.

PROJECT DESCRIPTION
 The DEIS tells us:

CO132-1 Impacts of construction, operation and decommissioning of the proposed Project on ocean use and recreation are addressed in Sections 4.7.2 and 4.7.5 of the final EIS. Impacts of construction, operation and decommissioning of the proposed Project on socioeconomic factors such as employment are addressed in Section 4.8.3 of the final EIS. Liberty's application is only for the construction and operation of a deepwater port that could only be used as a natural gas import facility. The considerable technical, operational, and environmental differences between import and export operations for natural gas deepwater ports is such that any licensed deepwater port facility that proposed to convert from import to export operations would be required to submit a new license application (including application fee) and conform to all licensing requirements and regulations in effect at such time of application. In addition to payment of the application fee, licensing requirements include, but are not limited to, completion of an extensive environmental impact assessment and financial resources review which would include public participation. Applications for construction and operation of offshore deepwater port facilities for the export of oil and natural gas from the U.S. to foreign markets abroad would be processed according to MARAD's final policy as described in a notification in the Federal Register (80 FR 26321) on May 7, 2015.

CO132

"Port Ambrose is a deepwater port consisting of a submerged buoy system for natural gas deliveries that will be located in federal waters approximately 19 miles from the New York shore. Liquefied Natural Gas (LNG) supplies will arrive at Port Ambrose via specially designed Shuttle & Regasification Vessels (SRVs). Once the SRV is connected to the submerged buoy system, the LNG will be re-gasified on board and natural gas will be transferred into a new twenty-two mile subsea pipeline that will connect offshore into the existing Transco Lower New York Bay Lateral pipeline serving Long Island and New York City." (<http://portambrose.com/project-description/>)

Two buoys would be tethered to the ocean floor and connect ships to a proposed undersea pipeline that would deliver into existing gas infrastructure on Long Island. <http://saneenergyproject.org/port-ambrose-liquefied-natural-gas-off-long-islands-shores/>

CO132-2

Massive public opposition has already been recorded against this project. The commercial and recreational and commercial fishing industries, whale watching industry, environmental groups, scientists, dozens of organizations and businesses as well as the general population have spoken against this project. This is not surprising. the project is a very bad idea. NY4Whales has major concerns about the unreliable and unlikely promise of "safety" in construction and operation of an LNG port which is a high risk activity threatening this extensive and critical shoreline economy and environment, as well as the health and well-being of its population and wildlife.

Commonplace predictable pipeline accidents, seepage and leaking from infrastructure, even ballast water exchanges during shipping among other problems make this project completely unacceptable. This dangerous facility is in close proximity of New York City, the world's most densely populated metropolitan area. An inevitable mishap would present devastating consequences to the entire region as well as the surrounding environment.

Impact assessments from the DEIS:

Proposed Action: Water quality impacts during construction would consist primarily of short-term increases in turbidity associated with bottom sediment disturbances during proposed Mainline lowering/backfilling and during the installation of the STL Buoy systems. Other short-term minor water quality impacts would be anticipated in association with routine discharges from the construction vessels and the discharge of proposed Mainline hydrostatic test water at the PLEM locations in federal waters. Operation of the proposed Port facilities would be expected to result in short-term minor adverse water quality impacts resulting from sediment disturbance and turbidity caused by riser pipe movement and STL Buoy anchor chain movement, as well as accidental releases of petroleum products, LNG, and/or other chemicals.... Vessels used during decommissioning would have routine vessel discharges and the potential for accidental releases, but since the proposed Mainline would be abandoned in-place, the extent of the impacts would be over a much smaller area than that associated with the original construction. (DEIS. ES21)

ESSENTIAL FISH HABITAT (EFH)

CO132-2 Thank you for your comment.

CO132

The DEIS would have the public believe that the construction and operation of the project would have no significant impact on essential fish habitat.

Construction, operation, and decommissioning of the proposed Project would have no significant impact on a number of designated EFH species. However, direct, short-term impacts from these activities are expected via displacement from the water column to designated EFH species. In addition, direct and short- to long-term impacts from construction, operation, and decommissioning have the potential to exist from the displacement of benthic habitat. Construction, operation, and decommissioning of the proposed Project would have no significant impact on EFH within the ROI. Impact that does occur would be highly localized direct impacts within the footprint of the proposed Project ranging from short- to long-term on the habitat and associated prey species for the duration of activities. However, since the ROI represents only a very small portion of this type of available offshore benthic and water column EFH in the New York Bight, only a commensurately small portion of available EFH would be potentially exposed to adverse impacts. (DEIS, ES-19)

CO132-3 NY4Whales questions this reasoning. If displacement and pollution from the project causes EFH to degrade and fish to disappear, this is a major impact. The detriment affects the entire ecosystem, from benthic species that feed the overall and nektonic food web, as well as the fishing industry that relies on safe clean water and the marine life it provides for human consumption. Pollution is pervasive, wide-reaching and long-lasting. Critical benthic habitat will be destroyed; tethers attached to buoys will continue to shift making recovery impossible. As stated earlier, persistent pollutants previously dumped in the bight will be churned up and accessible to the water column, further exacerbating the loss of EFH, a detriment to all species in the area.

From the 1800's, the NY Bight has been a dumping ground, receiving raw sewage, garbage, contaminated dredgings, sewage sludge, acid waste, incinerated toxic waste

The waters of the NY Bight have been used as a dumping ground since at least the 1800s. Until the early 1900s, disposal of raw sewage, garbage, refuse, and street sweepings occurred in the inner NY Harbor. As the local population soared, raw sewage and dead animals putrefied rivers, public health suffered, and odors and debris became gruesome and fearsome. As a solution, disposal activities were moved to the outer Harbor and then, eventually, to the ocean waters of the Bight. In 1984, with eight ocean dumpsites, the Bight was the "Ocean Dumping Capital of the World." The eight dumpsites included those for contaminated dredged spoils, sewage sludge (two sites), acid waste, wood incineration, construction rubble, incinerated toxic wastes, and industrial wastes. (<https://cleanocean.wordpress.com/bight/>)

and

Existing Dump Sites in the New York bight

There are currently five dump sites in the New York Bight... These sites are all located within the Bight Apex (Figure 2). They include the sewage sludge site, the dredged material (mud) site, the collar dirt (rubble and debris) site, the acids wastes site, and the wreck (derelict vessel) site (Table 1). A sixth dump site, the chemical wastes site, is located approximately 196 km (106 n mi) from the harbor entrance, on the edge of the continental shelf. This dump site is just outside the New York Bight (Figure 1 and Table 1). Roughly 70 percent of the municipal wastes and 60 percent of the industrial wastes that are ocean dumped in the United States are dumped at these six sites (USEPA, July 1974). Environmental Impact Statement on the Ocean Dumping of Sewage Sludge in the new York Bight Draft February 1976.

CO132-3 Thank you for your comment. The proposed Project has been sited to avoid impacts to critical habitat. The total acreage of disturbance is inconsequential when compared to the habitat generally available in the New York Bight. The isolated areas of impact would not result in population-level effects to the benthic community or the dependent fish species of the New York Bight. In addition, as discussed in section 4.1.3, pollution controls would be in place to prevent associated impacts.

CO132

CO132-4 Lethal toxins having settled on the seafloor will be disturbed by construction and operation of the port.

The New York Bight sediment has been a subject of research for almost a century.... Some pollutants derive from past dumping, which is documented in the sediment by persistent compounds such as polycyclic aromatic hydrocarbons (PAHs) and dicarboxylic acids. Sites located closer to the Dredged Material Dump Site are richer in hydrocarbons, whereas sites located closer to the Sewage Sludge Dump Site are richer in plasticizers (dicarboxylic acids).... Styrene (straight-chain hydrocarbon) and plasticizers present in the sediment samples originate from sewage sludge. High amounts of PAHs (polycyclic aromatic hydrocarbons) originate from both ash and petroleum.... The highest concentrations of organic matter and fine-grained sediment were found in cores located close to Sandy Hook and in Hudson Shelf Valley. The sediment samples are predominantly sandy with only a minor amount of silt, clay and gravel. The solid particles of the waste such as ash, synthetic fibers, pieces of bricks, porcelain, plastic, and glass introduced into the sediment changed its natural texture. Most of the sediment samples represent a reducing to strongly reducing environment causing the depletion of oxygen and of aquatic life as well as the increase in time of pollutants decomposition. The presence of hydrogen sulfide makes the environment toxic for most of the biota. Some of the detected hydrocarbons are polycyclic aromatic hydrocarbons (PAHs) which have been shown to be carcinogens and/or mutagens. (Moch Aleksandra; Friedman Gerald M., 1999: The impact of organic-rich waste released into New York Bight sediment. *Northeastern Geology and Environmental Sciences* 21(1-2): 49-101)

Construction at this site will resuspend these persistent pollutants, causing them to migrate throughout the region creating a hazard to biological life. This should not be considered a minor impact, as the hazards presented by sediment materials is well-known. Because of the location and geography of the bight, and the increase risk of ocean surges, it is certain that the chemicals churned up from sediments will be carried, along with the the 3.5 million gallons of chemically treated saltwater throughout the bight and beyond to wreak havoc along the way.

GEOGRAPHICAL HIGH RISK FOR OCEAN WATER STORM SURGES

Hurricanes or tropical storms that hit the Northeast are pushed by prevailing winds in a northeasterly direction. While the frequency of strong non-tropical storms in all seasons are increasing, their origins and course are unpredictable. Storms and concomitant storm surges are driven by winds that may originate from the north, or south, easterly or westerly. This movement of waters, along with natural tidal and wave action will cause the polluted waters laden with the toxins released from sediments disturbed by the Port Ambrose construction into other regions. As was demonstrated by Hurricane Sandy, strong storm surges may drive ocean waters far inland. When pollution-laden waters comprise a storm surge, hazardous sediment particles are likely deposited onshore, far inland, into residential areas, creating a serious public health hazard. Fortunately, it will be possible to identify the "fingerprint" (via molecular "DNA" or specific chemical composition) of these toxins from their origins at the Port Ambrose construction site to anywhere along the east coast, such as up into waterways and estuaries such the Hudson and even Connecticut Rivers, as well as points south. LNGLLC as well as cooperating agencies will be responsible for the pollution that raises levels of identified toxins that emanate from the Port Ambrose construction site for failing to protect both local and far-reaching ecosystems and overall public health.

CO132-4 Sediment data collected by Liberty and reported in the United States Army Corps of Engineers New York State Department of Environmental Conservation Section 10/Section 404 Joint Permit Application. The data reported in the document indicates that the chemical constituents tested for are within Sediment Quality Guidelines derived from EPA and NYSDEC. The section of the permit application is discussed in Section 3.5.6 of the final EIS.

CO132-5 Sediment data collected by Liberty and reported in the United States Army Corps of Engineers New York State Department of Environmental Conservation Section 10/Section 404 Joint Permit Application. The data reported in the document indicates that the chemical constituents tested for are within Sediment Quality Guidelines derived from EPA and NYSDEC. The section of the permit application is discussed in Section 3.5.6 of the final EIS.

CO132

Hurricane Sandy brought impacts that were actually worse than the 500-year surge event calculated by the 2012 study, since the combination of the storm surge and astronomical high tides caused the peak storm tide during Hurricane Sandy at The Battery in Lower Manhattan to reach about 4.23 meters above mean sea level. That was about 1 meter higher than the 500-year storm tide calculated for the 2012 study. By hitting the coast at a nearly perpendicular angle, Sandy brought its strongest winds and maximum storm surge to the New Jersey and New York coastlines. The [storm surge](#) was aided by the timing of high tide and the geographical features of the coastline, which tends to maximize the potential surge in certain areas depending on the wind direction, including New York Harbor.

Typically, the tropical storms and hurricanes that strike the Northeast are pushed in a northeasterly direction by the prevailing upper level winds. That was the case, for example, with Hurricanes Gloria in 1985 and Bob in 1991. Those storms hit the coast at a grazing angle, and only areas of land that stick out into the ocean, such as Cape Hatteras, N.C., and Cape Cod, Mass., have a long history of experiencing storms that hit at a more perilous perpendicular angle. *ibid* climatecentral.

INEVITABLE DEAD ZONE

CO132-6 Resuspension of toxic sediments, admitted "routine discharges" and "accidental releases of petroleum products, LNG, and/or other chemicals" are unacceptable. It is well known that roughly half of the oil pollution in our oceans originates from "minor" accidents, infrastructure (pipeline, valve, fittings, joint) failings as well as the ballast water exchanges that are "routine", even if illegal. If one gallon of oil contaminates one million gallons of water (http://www.nccwep.org/help/did_you_know.php), and "one quart of motor oil can create an oil slick two acres in size" (*ibid*), our shoreline, the local fisheries, the marine life, from the plankton to the whales will writhe through an increasingly sickly soup that will certainly result in a new and very large dead zone - right at the place that has been the livelihood, economic life and beach playground, of tens of millions of people living on the east coast. With the inevitable and anticipated massive dead zone caused by the "minor, accidental and routine discharges of petroleum products" this one facility will cause economic failure effecting the beaches of New Jersey and New York, including Atlantic City, Asbury Park, Wildwood, Cape May, the south shore of Long Island and the Hudson River coastline.

The amount of pollution generated by this project is so great it defies calculation. 3.5 million gallons of chemically treated saltwater will be discharged into the Atlantic Ocean just for the purpose of testing the integrity of the pipeline! This pollution should not be tolerated by the USCG, MARAD, or any of the cooperating agencies.

"MINOR" SPILLAGE UNREPORTED, UNACCEPTABLE

In fact, most of the fossil fuel pollution of our oceans and waterways remains unreported simply because it is not a "major" headline-grabbing oil spill. No, this incremental but nefarious and destructive pollution originates from the very nature of the applicant's activity. In short, the Applicant is requesting approval to release petroleum products in the presence of the NJ/NY shoreline. However, the marine environment can not tolerate any petroleum product pollution. The economies that are supported by this region's rich marine ecosystem, the area around Port Ambrose north, south and east, will suffer and eventually be unable to support the

CO132-6 Thirteen samples of sediment collected by Liberty and reported in the United States Army Corps of Engineers New York State Department of Environmental Conservation Section 10/Section 404 Joint Permit Application. The data reported in the document indicates that the chemical constituents tested for are within Sediment Quality Guidelines derived from EPA and NYSDEC. The section of the permit application is discussed in Section 3.5.6 of the final EIS. Construction and operation vessels would comply with all USGG and MARPOL requirements to minimize impacts to water quality. Potential oil spills are discussed and analyzed in Section 4.1.3.1 and were found to have minimal impact at the Port location.

CO132-7 Thank you for your comment.

CO132

CO132-7 (con't) existing economy, especially with the increase of the latent pollutants and a growing dead zone over time. This is absolutely intolerable.

CO132-8 UNQUANTIFIED RELEASES NOT ACCEPTABLE
 Furthermore, "routine discharges" and "accidental releases" are unquantified in the DEIS. How much petroleum product and LNG is acceptable for release? One teaspoon? Or one hundred million gallons? The DEIS provides no limitations on the amount of contaminants being released, which it identifies as "minor" and "insignificant". Routine seepage and leakage in infrastructure are all too common on projects that cause local and far reaching environmental devastation. Lack of quantification allows undefined amounts of released materials, however large they may be. If they are routine and expected, they should not be allowed. The release of ANY of these contaminants is unacceptable. It is unfair and unreasonable to inflict the fisheries, the aquatic life, the ecosystems and the well-being of the residents of NY and NJ with this kind of assault.

"The Region of Influence (ROI) for impacts on water resources includes the area within and directly adjacent to the proposed Port location and Mainline route that could be affected by the proposed Project. Construction, operation, and decommissioning of the proposed Project is expected to have no significant impact on the physical oceanography of the New York Bight. Any impact that does occur would be minor and localized." (DEIS ES-15)

ESSENTIAL FISH HABITAT (EFH)

The DEIS would have the public believe that the construction and operation of the project would have no significant impact on essential fish habitat.

Construction, operation, and decommissioning of the proposed Project would have no significant impact on a number of designated EFH species. However, direct, short-term impacts from these activities are expected via displacement from the water column to designated EFH species. In addition, direct and short- to long-term impacts from construction, operation, and decommissioning have the potential to exist from the displacement of benthic habitat. Construction, operation, and decommissioning of the proposed Project would have no significant impact on EFH within the ROI. Impact that does occur would be highly localized direct impacts within the footprint of the proposed Project ranging from short- to long-term on the habitat and associated prey species for the duration of activities. However, since the ROI represents only a very small portion of this type of available offshore benthic and water column EFH in the New York Bight, only a commensurately small portion of available EFH would be potentially exposed to adverse impacts. (DEIS, ES-19)

CO132-3 (con't) NY4Whales questions this reasoning. If displacement and pollution from the project causes EFH to degrade and fish to disappear, this is a major impact. The detriment affects the entire ecosystem, from benthic species that feed the overall nectonic food web, as well as the fishing industry that relies on safe clean water and the marine life it provides for human consumption. Pollution is pervasive, wide-reaching and long-lasting. Critical benthic habitat will be destroyed; tethers attached to buoys will continue to shift making recovery impossible. As stated earlier, persistent pollutants previously dumped in the bight will be churned up and accessible to the water column, further exacerbating the loss of EFH, a detriment to all species in the area.

New York State has warned of the inability of fisheries to withstand storm surges and their concomitant pollution they bring:

CO132-8 Construction and operation vessels would comply with all USGG and MARPOL requirements to minimize impacts to water quality. Potential oil spills are discussed and analyzed in Section 4.1.3.1 and were found to have minimal impact at the Port location. This analysis includes modeling of an unlikely oil spill of 2,500 barrels of diesel oil using the NOAA ADIOS model. The model indicated at this location the spill would be dissipated within 11 hours. Section 4.1.3.2 discusses the unlikely accidental release of LNG, which would have a short term impact on the nearby vertical water column, but would quickly be dissipate.

CO132

NYS has designated Bird Conservation Areas along the NY Bight, including Clay Pit Ponds, Long Island's South Shore Tidal Wetlands, the Sarnoff Pine Barrens Preserve, Napeague at Montauk. <http://www.dec.ny.gov/animals/32121.html>. These would not be safe from incoming contaminated surges. Shellfish Harvest Areas along the south shore of Long Island also will be affected. Long Island is ideally situated so that both southern and northern fish species frequent our waters. You can fish for Atlantic cod, winter flounder and mackerel in the spring, or try your luck for bluefish, summer flounder and Spanish mackerel when school is out. <http://www.dec.ny.gov/outdoor/7755.html> commercial lobster, crab and whelk fisheries and commercial squid fishery. <http://www.dec.ny.gov/outdoor/26821.html>

The NYS DEC stresses the need for conservation among a large number of species that use the area and waters around the Port Ambrose site for habitat:

CO132-9

NYS Species of Greatest Conservation Need (SGCN) list includes a number of marine species, birds, mammals and aquatic species for which conservation action is urgent as they are in decline. This partial list of species find habitat along the NJ/NY coastline of the NY Bight and the waters directly connected to Ambrose:
 Pipine plover, sei, sperm whales, buff-breasted sandpiper, cape May warbler, roseate tern, saltmarsh sparrow, seaside sparrow, semipalmated sandpiper, upland sandpiper, blue whale, fin, harbor porpoise, NA Rt. whale, atlantic coast leopard frog, green, kemp's ridley, leatherback, loggerhead, American eel, bigeye chub, Atlantic sturgeon, American shad, dinky shark, lined seahorse, northern pipefish, porbeagle shark, rougtail stingray, sand tiger shark, winter flounder, American lobster, horseshoe crab, bay scallop, dwarf wedgemussel, hard clam, oyster, yellow lampmussel, Atlantic salmon.
http://www.dec.ny.gov/docs/wildlife_pdf/sgcnlist.pdf

CO132-9 Thank you for your comment.

DNA IDENTIFICATION OF TOXINS FROM PORT AMBROSE

CO132-5 (con't)

Hurricanes or tropical storms that hit the Northeast are pushed by prevailing winds in a northeasterly direction. While the frequency of strong non-tropical storms in all seasons are increasing, their origins and course are unpredictable. Storms and concomitant storm surges are driven by winds that may originate from the north, or south, easterly or westerly. This movement of waters, along with natural tidal and wave action will cause the polluted waters laden with the toxins released from sediments disturbed by the Port Ambrose construction into other regions. As was demonstrated by Hurricane Sandy, strong storm surges may drive ocean waters far inland. When pollution-laden waters comprise a storm surge, hazardous sediment particles are likely deposited onshore, far inland, into residential areas, creating a serious public health hazard. Fortunately, it will be possible to identify the "fingerprint" (via molecular "DNA" or specific chemical composition) of these toxins from their origins at the Port Ambrose construction site to anywhere along the east coast, such as up into waterways and estuaries such the Hudson and even Connecticut Rivers, as well as points south. LNGLLC as well as cooperating agencies will be responsible for the pollution that raises levels of identified toxins that emanate from the Port Ambrose construction site for failing to protect both local and far-reaching ecosystems and overall public health.

GEOGRAPHICAL HIGH RISK FOR OCEAN WATER SURGES AND FLOODING

CO132

CO132-10 The New York Bight describes an area of the Atlantic coast that ranges from Cape May inlet in New Jersey to Montauk Point at the eastern end of Long Island. The area and its geographic features are considered high risk for ocean-water surges and flooding:

The geography of the bight is such that the coast makes a nearly right angle bend at the mouth of the Hudson. This feature has long been of major concern to meteorologists in the study of tropical storm patterns along the east coast, and is one of the primary reasons why the New York Metropolitan Area is considered a high danger zone for storm generated ocean-water surges, despite its northerly latitude. (Larson, Erik. "Hurricanes on the Hudson". *The New York Times*. September 25, 1999) Specifically, in the presence of a hurricane off the coast of New Jersey, the easterly cyclonic winds along the northern edge of the storm could drive a strong surge to the west, laterally along the southern coast of Long Island and straight into Lower New York Bay. The angle bend of the New Jersey coast would leave little outlet for the surge, leading to widespread flooding throughout New York City, especially along the southern coast of Staten Island and Manhattan; storm surges of up to 30 feet (9.1 m) were reported in the hurricane of 1893. [Naparstek, Aaron. "THE BIG ONE: Experts say it's only a matter of time before a major hurricane". *New York Press*. July 27, 2005; and Richard Davis, Duncan FitzGerald: *Beaches and coasts*, p.96 Wiley-Blackwell; (2004) ISBN 0-632-04308-3] and [Michael J. Kennish: *Pollution impacts on marine biotic communities*, p. 103; CRC Press; (1997) ISBN 0-8493-8428-1] in http://en.wikipedia.org/wiki/New_York_Bight.

CO132-11 There is no guarantee that "minor" and "routine" accidental seepage of petroleum products and ballast exchange from transport vessels will not permeate the NJ/NY Bight. While the "geography" of the NY Bight may not be impacted by terminal, its climate instability has increased high-intensity storms throughout the northeastern US.

The track of [Hurricane Sandy](#) was unprecedented in the historical record of North Atlantic Ocean Basin hurricanes, and its deadly storm surge — while exceedingly rare — is likely to become a more frequent event as the climate continues to warm due in large part to manmade greenhouse gas emissions. Those are the conclusions of a forthcoming study from researchers at NASA and Columbia University's Lamont-Doherty Observatory. (<http://www.climatecentral.org/news/hurricane-sandy-unprecedented-in-historical-record-study-says-15505>)

NEED IN QUESTION

CO132-12 NY4Whales questions the need for this project at all. The project is to chiefly facilitate the import of liquified natural gas (LNG) into the US. LNGLLC and the DEIS claims that the demand for LNG is growing. However, in reality, the demand for LNG has dropped so significantly that out of 18 projects that were approved, to this date only 3 are actually operating. Shortly after construction, it is expected that the terminal will be used to chiefly facilitate the export of LNG, which will lead to addition undesirable fracking across the US. Profits for LNGLLC will rise since foreign markets for LNG fetch higher prices. The American people at risk by the project will not benefit from this project.

In fact, subshale fracking has increased gas availability in the US, negating a need to import gas. Many believe Port Ambrose could easily be converted to an export terminal, increasing

CO132-10 Thank you for your comment.

CO132-11 Thank you for your comment.

CO132-12 See response to FA4-2 for a discussion of purpose and need, and peak demand.

Liberty's application is only for the construction and operation of a deepwater port that could only be used as a natural gas import facility. The considerable technical, operational, and environmental differences between import and export operations for natural gas deepwater ports is such that any licensed deepwater port facility that proposed to convert from import to export operations would be required to submit a new license application (including application fee) and conform to all licensing requirements and regulations in effect at such time of application. In addition to payment of the application fee, licensing requirements include, but are not limited to, completion of an extensive environmental impact assessment and financial resources review which would include public participation.

Applications for construction and operation of offshore deepwater port facilities for the export of oil and natural gas from the U.S. to foreign markets abroad would be processed according to MARAD's final policy as described in a notification in the Federal Register (80 FR 26321) on May 7, 2015.

CO132

fracking throughout the US and its undesirable environmental consequences, including destroying drinking water supplies. Such a conversion could take place without public input, as a simple application amendment, and the public would have no recourse for opposition. <http://www.longislandpress.com/2013/07/31/long-islands-offshore-lng-port-proposals-critics/>

"Five years ago companies were building terminals to import natural gas at the cost of billions of dollars because analysts believed that the U.S. was gonna need natural gas from overseas," said Rep. Ted Poe (R-Texas) in an April hearing on exporting LNG. "Today that scenario has changed 180 degrees." <http://www.longislandpress.com/2013/07/31/long-islands-offshore-lng-port-proposals-critics/>

Critics note that exports of LNG from the US will cause a drop in availability, and an increase in price to consumers here in the US. Who would profit? LNGLLC.



FRACKING MAD: Craig Stevens, who drove from Pennsylvania to Long Beach for the July 9 hearing on a proposed LNG port off the coast of Long Island, argues that the plan is a ruse to export natural gas from a drilling boom that he blames for poisoning drinking water with toxic chemicals.

ibid.

CO132-13 Many are convinced that the project is being set up for imports and a quick turnaround for exports, to increase profit.

[One representative] of the Connecticut Energy Marketers Association, isn't buying it, saying he "would not put it past them to do a bait-and-switch."
 "Natural gas companies are in business to make money," he says. "I would not be surprised if the real purpose of the construction was not to stabilize prices, but to maximize profits."
 Kevin Rooney of the Long Island Home Heating Oil Association... notes that if the Department of Energy approves LNG exports to non-free trade agreement nations, more demand will cause a domestic natural gas prices spike.
 "Once we become the biggest gas exporter in the world, you're going to see the same thing happen in their market that's happened in ours," he says, referring to oil prices

CO132-13 Liberty's application is only for the construction and operation of a deepwater port that could only be used as a natural gas import facility. The considerable technical, operational, and environmental differences between import and export operations for natural gas deepwater ports is such that any licensed deepwater port facility that proposed to convert from import to export operations would be required to submit a new license application (including application fee) and conform to all licensing requirements and regulations in effect at such time of application. In addition to payment of the application fee, licensing requirements include, but are not limited to, completion of an extensive environmental impact assessment and financial resources review which would include public participation. Applications for construction and operation of offshore deepwater port facilities for the export of oil and natural gas from the U.S. to foreign markets abroad would be processed according to MARAD's final policy as described in a notification in the Federal Register (80 FR 26321) on May 7, 2015.

CO132

subject to the mercy of Wall Street and foreign powers. "They are setting themselves up for a rapid escalation in prices," *ibid*.

Opposition to the project has been unrelenting, vocal and constant, even coming from elected officials:

Capt. Jim Lovgren, a commercial fisherman on the board of directors for the Point Pleasant Beach Fishermen's Dock Cooperative, said the proposed site would interfere with fishermen.

"It's in the fluke, squid and monkfish grounds for us trawlers. It's a prime breeding ground for squid that lay a lot of eggs there," Lovgren said.

The Deepwater Act prohibits the U.S. Maritime Administration from issuing a license without the approval of the governor of each adjacent state. In 2011, the same company tried to build an LNG port 16 miles off the coast from Asbury Park but Gov. Chris Christie vetoed the project. He said it would present unacceptable and substantial risks to the state.

"I have been opposed to this for several years now. I don't know what it's going to take to have LNG understand that we don't want the Port Ambrose project. For those of us who live at the Jersey Shore why would we want the industrialization of the ocean that holds so many environmental risks, that threatens our beaches and fisheries?" said Sen. Jennifer Beck, R-Monmouth.

<http://www.app.com/story/news/local/2015/01/08/liberty-natural-gas-deepwater-port-faces-tough-opposition/21477635/> (Asbury Park Press)

CO132-14 NJ's beaches are vital to the recreation and tourism industry of the Jersey shore. Since [Hurricane] Sandy our focus has be to promote recovery efforts to the region not needlessly invite additional problems that would delay or impede the recovery of our long suffering area. This port would discharge 3.5 million gallons of chemically treated saltwater and require 20 miles of seaport dredging to accommodate this pipeline. This pipeline brings no benefits to the state of NJ!" Caroline Cassagrande, Assemblywoman 11th district. *ibid*.

IS THIS ABOUT INCREASING FRACKING?

Opponents ask why we need an LNG import terminal in the first place, citing a falling demand for LNG, and more than adequate supply here in the US from fracked gas. Prevailing suspicions are that after construction the port will be converted (with an amended application) into an export terminal. As an export facility, Port Ambrose will send LNG to foreign markets for higher prices. The source: American fracked gas! If LNG is exporting fracked gas there will be a rise in demand, i.e., increased domestic fracking! Although there is plenty of resistance to an LNG import terminal, there would be even more against an export facility dependent on more fracking in the US! Building Port Ambrose as an import facility with a quick paper conversion to export, will cause a rise in demand for fracked gas, as domestic gas is liquified and sent overseas. This in turn will cause domestic gas prices to rise. No doubt about it, this LNG port represents a big win for Big Oil and Big Gas.

CO132-15

CO132-14 A subset of accidental and intentional scenarios was analyzed in the IRA to identify the results of the potential worst-case credible scenarios. The HAZID identified 12 potential accidental release scenarios that have the potential to result in a release of LNG. These accidental scenarios included severe weather as Scenario 5, as described in Section 5.4.3.1 of the final EIS and Appendix O. As discussed in Section 5.5.3.3 of the final EIS, the LNGRVs would monitor current and forecasted weather conditions through regular monitoring of the vessel's equipment (such as radar, barometer, anemometer, and visual observation from the bridge) as well as monitoring National Weather Service internet and VHF voice broadcasts of current and forecasted marine conditions, Dial-A-Buoy service from Station 44065-Entrance to NY Harbor, real-time weather radar satellite imagery via internet, and mass media weather broadcasts available by satellite on the vessel's TV system. At the first sign of significant weather, the Port Manager and LNGRV Master would determine the Master's needs and plans for storm evasion, such that any order to evacuate would be done in a manner timely enough to allow safe weather evasion.

Due to the relatively predictable weather around the proposed Port facilities, combined with the robust ship and equipment design, procedures to predict adverse weather conditions, and the ability to disconnect from the buoy should severe weather develop suddenly during transfer operations, significant damage to an LNGRV or the deepwater port due to severe weather is considered unlikely.

CO132-15 Thank you for your comment.

CO132

CO132-16 What will happen to the 26 cetaceans species, the fisheries, the marine life abundant in these waters? How will they cope with the admitted “routine discharges” and “accidental releases of petroleum products, LNG, and/or other chemicals.” These threats are unacceptable. “Minor” operation accidents, infrastructure (pipeline, valve, fittings, joint) failings as well as the ballast water exchanges that are “routine” are unacceptable.

CO132-6
(con't) The amount of pollution generated by this project is so great it defies calculation. 3.5 million gallons of chemically treated saltwater will be discharged into the Atlantic Ocean just for the purpose of testing the integrity of the pipeline! As toxic sediments resuspend, and as ocean water becomes increasingly polluted, dead zone(s) that grow in size are generated. This pollution should not be tolerated by the USCG, MARAD, or any of the cooperating agencies as it will lead to ruin. What about the marine mammals, seabirds, wildlife along the shores and the all-important fisheries? While the DEIS tells us effects will be short term and minimal, scientists, the environmental community and the public isn't buying it.

Please do not approve this project.

Sincerely,

Taffy Williams, President
NY4Whales

CO132-16 Thank you for your comment.

Natural Resources Defense Council
Riverkeeper
Sierra Club

CO133

March 16, 2015

Comments filed electronically to Docket No. USCG-2013-0363

U.S. Department of Transportation
Docket Management Facility
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590-0001

Re: Port Ambrose Deepwater Port Application: Notice of Availability of the Draft Environmental Impact Statement (Docket No. USCG-2013-0363)

Dear Sir or Madame:

The Natural Resources Defense Council (NRDC), Riverkeeper, and the Sierra Club respectfully submit this letter in response to the request for public comments by the Maritime Administration (MARAD) and the U.S. Coast Guard (USCG), on the Draft Environmental Impact Statement (DEIS) prepared under the National Environmental Policy Act (NEPA) for the Deepwater Port License Application submitted by Liberty Natural Gas LLC (Liberty Natural Gas). Liberty Natural Gas proposes to construct, own, and operate the Port Ambrose deepwater port and liquefied natural gas (LNG) terminal in the New York Bight, approximately 16.1 nautical miles southeast of Jones Beach, New York, 24.9 nautical miles east of Long Branch, New Jersey and 27.1 nautical miles from the entrance to New York Harbor.

NRDC is a national non-profit environmental advocacy organization with its headquarters in New York City. NRDC has nearly 119,000 members and e-activists in New York State and over 41,000 members and e-activists in New Jersey. NRDC's top institutional priorities include curbing global warming, building the clean energy future, and protecting our oceans and ocean ecosystems. We are a leading advocate for sustainable and well-sited renewable energy, including the deployment of offshore wind energy off the Atlantic coast. NRDC is actively engaged in supporting clean energy policies across New York State and in New Jersey.

Riverkeeper is a member-supported watchdog organization dedicated to defending the Hudson River and its tributaries and protecting the drinking water supply of nine million New York City and Hudson Valley residents. Riverkeeper is actively involved in litigation, advocacy, and public education surrounding the issue of natural gas production and related infrastructure, particularly because of the potentially adverse impacts on New York State's drinking water supplies.

Founded in 1892, the Sierra Club is the nation's oldest grassroots environmental organization with approximately 600,000 members in all 50 states, including 40,000 members in the State of New York.

Comments on Port Ambrose Deepwater Port Draft Environmental Impact Statement
 March 16, 2015

CO133

2

The Sierra Club's mission involves promoting the responsible use of the earth's resources and protecting and restoring the quality of the natural and human environments. In view of this mission, the Sierra Club seeks to ensure the availability of safe and reliable energy in a manner that protects human health and promotes a healthy environment.

Our organizations' comments focus on conflicts posed by the Port Ambrose LNG project to an offshore wind electricity project proposed for the same ocean area by the New York Power Authority (NYPA), Long Island Power Authority (LIPA), and Consolidated Edison. The federal government, New York State, and New Jersey should reject the Port Ambrose LNG facility because the facility would prevent or substantially complicate movement forward on what could be New York State's first offshore wind project. The United States, New York State, and the region should be working together to build a clean energy future dominated by renewable energy. It would be the height of irony – and a damaging energy policy – to privilege the construction of a fossil fuel import facility over a much-needed and overdue renewable offshore wind facility that represents a cleaner, healthier future for our children and future generations of New Yorkers.

CO133-1

Our organizations' comments also highlight data gaps and deficiencies within the DEIS, including inadequate analysis of the stated "need and purpose" for the Port Ambrose LNG project. Further, these comments discuss other potential environmental impacts that should be considered in further detail in the final EIS, as well as the appropriate scope for the alternatives analysis.

MARAD and USCG Responsibilities under the Deepwater Port Act

Under the Deepwater Port Act, before a deepwater port license may be issued to an applicant, MARAD must determine that "the construction and operation of the deepwater port will be in the national interest and consistent with national security and other national policy goals and objectives, including energy sufficiency and environmental quality."¹ Thus, the proposed Port Ambrose LNG import facility may only move forward if MARAD and USCG, based on the record, make a finding that the facility is "in the national interest." In the Final EIS, MARAD and USCG should explicitly make a determination whether or not the facility is in the national interest. In doing so, the agencies should consider the likely impacts of an LNG import facility, including continued reliance on greenhouse gas-emitting fossil fuels, the displacement of renewable energy investment and development, and the actual interference with a proposed offshore wind facility. All of these considerations weigh heavily against a finding that the Port Ambrose project is in the national interest.

CO133-2

Furthermore, MARAD and USCG must ensure that the proposed Port Ambrose LNG facility would be "consistent with national security and other national policy goals and objectives, including energy sufficiency and environmental quality." For years, the Obama Administration has made clear that the rapid and responsible development of offshore wind energy is a high priority initiative.² The fact that

¹ 33 U.S.C. § 1503(c)(3).

² DOI, Press Release, Salazar Launches "Smart from the Start" Initiative to Speed Offshore Wind Energy Development off the Atlantic Coast, Nov. 23, 2010, available at <http://www.doi.gov/news/pressreleases/Salazar->

CO133-1 The environmental effects of construction and operation of the NYPA offshore wind energy project would be considered cumulative with the Port Ambrose project if it is built and operated. However, we do not believe at this time that this project is reasonably foreseeable so it was excluded from a full review in the Port Ambrose cumulative impacts analysis.

See final EIS Sections 2.2.3.1, 3.7.1.9, and 6.1.1.6.

CO133-2 As discussed in Section 1.1 of the final EIS, the Deepwater Port Act of 1974, as amended, requires the Secretary of Transportation to approve or deny a deepwater port license application. The Congressional intent is codified in nine requirements set forth in 33 U.S.C. 1503 (c), including a requirement that "construction and operation of the deepwater port will be in the national interest and consistent with national security and other national policy goals and objectives, including energy sufficiency and environmental quality".

CO133

Comments on Port Ambrose Deepwater Port Draft Environmental Impact Statement
March 16, 2015

3

CO133-3

the Port Ambrose LNG facility may prevent what could be New York State's first offshore wind project suggests that Port Ambrose would not be consistent with national policy goals and objectives. Similarly, President Obama's Climate Plan and EPA's proposed carbon regulations demonstrate national policy efforts to curb global warming by reducing greenhouse gas emissions. Approving an LNG import facility that may lead to increased greenhouse gas emissions – while also slowing or preventing the development of clean, carbon-free electricity – clearly runs counter to the important national policy goal of reducing greenhouse gas emissions. To ensure compliance with the Deepwater Port Act, MARAD and USCG must disapprove the Port Ambrose LNG facility if the agencies find, as the evidence indicates, that the project would not be in the national interest and would in fact be inconsistent with national policy goals and objectives.

Conflict with the New York Power Authority Offshore Wind Lease Application

In September 2011, NYPA submitted an unsolicited request for a commercial wind lease offshore of New York to the Bureau of Ocean Energy Management (BOEM). NYPA submitted the request on behalf of itself, LIPA, and Con Edison, which together form a public-private entity known as the Long Island-New York City Offshore Wind Collaborative. The proposed Long Island-New York City Offshore Wind Project (NYPA Offshore Wind Project) would be located in the Atlantic Ocean in a long wedge-shaped area, with its westerly most point approximately 14 nautical miles due south of Nassau County, though its exact proposed location will not be known until the completion of feasibility, environmental and wind-strength studies. As proposed, the project is designed to generate 350 megawatts of clean electricity for the Long Island and New York City region, with the ability to expand generation capacity to as much as 700 megawatts, sufficient to power almost 250,000 homes.³ Our organizations strongly support the NYPA lease application, with appropriate mitigation measures to protect the marine environment and wildlife.⁴

In May 2014, BOEM published a "Call for Information and Nominations" to obtain nominations from companies interested in commercial wind energy leases for the area proposed for the NYPA Offshore Wind Project.⁵ BOEM also published a Notice of Intent to prepare an Environmental Assessment for the

[Launches Smart from the Start Initiative to Speed Offshore Wind Energy Development off the Atlantic Coast.cfm](#); see also DOI, Factsheet on elements of Smart from the Start Initiative, available at <http://www.doi.gov/news/pressreleases/loader.cfm?csModule=security/getfile&PageID=73317> ("A top priority of this Administration is developing renewable domestic energy resources to strengthen the nation's security, generate new jobs for American workers and reduce carbon emissions.").

³ Long Island-New York City Offshore Wind Project, Frequently Asked Questions, <http://www.linycoffshorewind.com/faq.html> (last visited Mar. 5, 2015).

⁴ Comments from the Natural Resources Defense Council on the January 4, 2013 Public Notice of an Unsolicited Request for a Commercial OCS Wind Lease, Request for Interest, and Request for Public Comment on a request submitted by the New York Power Authority on behalf of the Long Island-New York City Offshore Wind Collaborative (Mar. 5, 2013), available at <http://www.regulations.gov/#documentDetail=D:BOEM-2012-0083-0023> (last visited Jan. 5, 2015).

⁵ BOEM, New York Activities, available at <http://www.boem.gov/Renewable-Energy-Program/State-Activities/New-York.aspx> (last visited Mar. 16, 2015).

CO133-3 Thank you for your comment.

CO133

Comments on Port Ambrose Deepwater Port Draft Environmental Impact Statement
 March 16, 2015
 4

CO133-1 (cont') proposed area.⁶ Given that BOEM is moving forward to designate a Wind Energy Area offshore New York and has determined that NYPA is legally, technically, and financially qualified to hold a lease, USCG and MARAD must give due consideration to these developments and the fact that the siting of the proposed Port Ambrose LNG facility would pose a substantial conflict to the successful implementation of the NYPA Offshore Wind Project.

As illustrated by Figure 1⁷ below, the lease area proposed by NYPA consists of a 127 square mile area forming a triangular wedge, the top third of which is located in shallower waters situated closer to New York City and Long Island, with the lower portion located in deeper waters (over 50 meters at the southeastern end) and substantially further from the metropolitan New York region. The upper third of the lease is thus the easiest and least expensive area for offshore wind development, both because, given current technologies, it is easier to build turbines in shallower waters and because areas closer to New York City and Long Island will require shorter transmission cables. The proposed NYPA lease area is also located between two shipping lanes for large vessels traveling to and from the Port of New York and New Jersey. To avoid the risk of collision, the USCG has initially recommended that there should be a minimum setback of one nautical mile between the proposed NYPA Offshore Wind Project and these shipping lanes.⁸

⁶ Id.

⁷ Figure 1 is a map prepared by the Bureau of Ocean Energy Management (BOEM) and submitted as an attachment to its scoping comments on the Port Ambrose Project. See BOEM's Scoping Comments on Port Ambrose Deepwater Port Application, available at <http://www.regulations.gov/#!documentDetail;D=USCG-2013-0363-0360> (last visited Jan. 7, 2015).

⁸ Potential Commercial Leasing for Wind Power on the Outer Continental Shelf (OCS) Offshore New York, Request for Interest, 78 Fed. Reg. 760, 761 (Jan. 4, 2013).

CO133

Comments on Port Ambrose Deepwater Port Draft Environmental Impact Statement
 March 16, 2015
 5

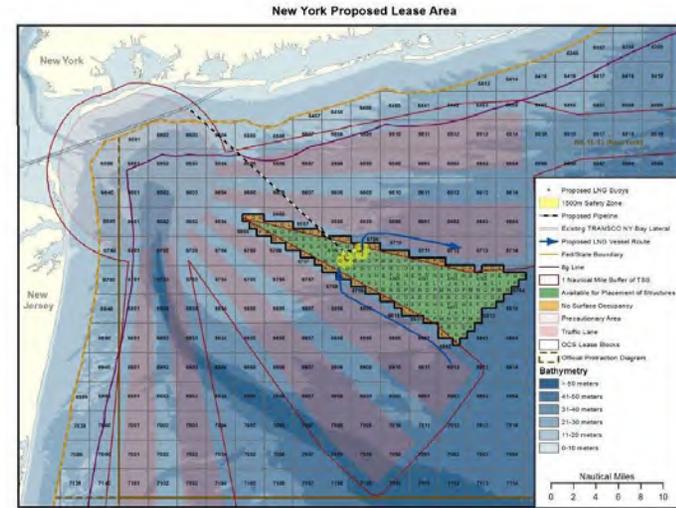


Figure 1 (Map prepared by BOEM).

The proposed Port Ambrose LNG facility would fall directly inside NYPA's proposed offshore wind lease area. The LNG facility consists of two buoy systems which would receive natural gas from LNG regasification vessels and send the gas via a pipeline to the Transco Lower New York Bay Lateral for delivery to shore. The LNG carriers would deliver an average of 400 million standard cubic feet of natural gas per day.⁹ The Port Ambrose facilities are estimated to receive up to 45 deliveries annually, with deliveries taking between 5 and 16 days to complete.¹⁰ According to BOEM – the federal agency charged with approving and siting offshore wind projects in federal waters – it may be necessary to require a safety zone of 1500 meters (almost a mile) around the buoy system when the LNG carriers are delivering LNG, for the same reason that a significant buffer is recommended for the wind turbines – to avoid collision and navigational risk.¹¹

⁹ Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application (hereinafter "DEIS"), Port Ambrose Deepwater Port Quick Reference, at xvi.

¹⁰ Id.

¹¹ BOEM, Scoping Comments on Port Ambrose Deepwater Port Application.

Comments on Port Ambrose Deepwater Port Draft Environmental Impact Statement
 March 16, 2015
 6

CO133

CO133-4 The proposed Port Ambrose LNG facility – and the associated exclusion zone for the two buoys and the LNG delivery vessels – would be located in the upper northwestern third of the NYPA lease site – just the area that is likely best suited for turbine construction. Thus, the Port Ambrose facility would not only compete directly with the Offshore Wind Project for lease space – it would do so in the prime area for offshore wind construction, making construction and operation of the offshore wind project substantially more difficult and expensive, and potentially threatening the viability of the project as a whole. As BOEM stated in its comments: “the proposal to construct a LNG Port in the same area proposed for a large wind facility could result in serious conflicts – or at the minimum, complicating factors – that may impact the overall viability of one or both projects.”¹²

The DEIS does acknowledge that the proposed Port Ambrose location would conflict with the NYPA lease area.¹³ However, it largely avoids analyzing the conflict, citing assessment constraints due to lack of specific details regarding the NYPA Wind Project.¹⁴ The DEIS also assumes that the applicant, Liberty Natural Gas, is correct in its calculations that “the area occupied by the proposed Port itself, including the Safety Zone, [no anchoring areas], and the [areas to be avoided], would eliminate approximately 1 percent of the lease for turbine installation.”¹⁵ With the addition of its setback recommendation, Liberty Natural Gas claims that the proposed Port and setbacks between shipping routes and wind turbines would take “approximately 4 percent of the available wind farm area.”¹⁶

Elsewhere in the DEIS, the sizes of the likely exclusion zones are clarified. In addition to Liberty Natural Gas’s proposed Safety Zone, the USCG would require that the Safety Zone be expanded when the LNG carriers are present and on the buoy.¹⁷ Furthermore, although Liberty Natural Gas proposes that the no anchoring areas (NAAs) and area to be avoided (ATBA) be identical in size, it is common practice for the USCG to require the ATBA to have a radius longer than that of the NAA.¹⁸ Given this information, Liberty Natural Gas appears to be substantially underestimating the exclusion zones likely to put in place around the Port Ambrose facility. These exclusion zones, along with the recommended setbacks, could very well take up more of the Wind Lease Area than Liberty Natural Gas is suggesting.

CO133-5

¹² Id., at 2.

¹³ DEIS, § 5.4.3, at 5-11 (“The proposed Project falls within the proposed area of interest for the wind energy project(s) proposed for offshore New York as described in the Bureau of Ocean Energy Management’s (BOEM) Call for Information of May 28, 2014”); § 5.1.1.6, at 6-7 (“Should the Long Island-New York City Offshore Wind Project move forward, the proposed Port Ambrose Project would be located within some of the same lease blocks.”).

¹⁴ DEIS, § 5.4.3, at 5-11 (“[B]ecause of the lack of specific wind project details, the assessment is necessarily constrained in its ability to provide an analysis of the navigational safety risks that operation of the deepwater port may have on a future wind farm siting and operation.”).

¹⁵ DEIS, § 6.1.1.6, at 6-7.

¹⁶ Id.

¹⁷ DEIS, § 3.7.1.1, at 3-61. Liberty Natural Gas’s proposed Safety Zone would encompass a combined area of approximately 388 acres or 0.6 square mile. When LNG vessels are present, the Safety Zone would be extended by a distance of 2,624 feet.

¹⁸ Id. The NAA would expand the exclusion zone to a radius of 3,281 feet or 2.4 square miles around each buoy. The larger ATBA would further expand the exclusion zone to a radius of 4,101 feet.

CO133-4 The environmental effects of construction and operation of the NYPA offshore wind energy project would be considered cumulative with the Port Ambrose project if it is built and operated. However, we do not believe at this time that this project is reasonably foreseeable so it was excluded from a full review in the Port Ambrose cumulative impacts analysis.

See final EIS Sections 2.2.3.1, 3.7.1.9, and 6.1.1.6.

CO133-5 The environmental effects of construction and operation of the NYPA offshore wind energy project would be considered cumulative with the Port Ambrose project if it is built and operated. However, we do not believe at this time that this project is reasonably foreseeable so it was excluded from a full review in the Port Ambrose cumulative impacts analysis.

See final EIS Sections 2.2.3.1, 3.7.1.9, and 6.1.1.6.

CO133

Comments on Port Ambrose Deepwater Port Draft Environmental Impact Statement
March 16, 2015

7

Given these concerns, in the Final EIS, MARAD and USCG must take a hard look at the potential conflict between the proposed Port Ambrose LNG facility and the NYPA Offshore Wind Project. The current DEIS does not meet this standard as it makes conclusory assertions like "should both [projects] move forward, risk management strategies would be developed to address the coexistence and simultaneous activities of both projects"¹⁹ and "careful siting would avoid potential impacts."²⁰ In terms of avoiding the conflict, the DEIS only provides some suggestions for risk management strategies, including "simultaneous operations procedures, communications and coordination plans, emergency response plans, LNG carrier tug-assist, and specialized equipment and training as required."²¹ Additional analysis must be done to show the safety and navigational implications of siting Port Ambrose LNG facility in the lease area for the proposed NYPA Offshore Wind Project.

Both Liberty Natural Gas and the DEIS treat the entire lease area as equal for the purposes of offshore wind siting, which is incorrect for the reasons explained above. Moreover, Liberty Natural Gas appears to assume that its project would be the only conflict to be avoided within the entire lease area.

CO133-5
(cont) Depending on the results of the environmental review process, however, it may well be that other areas within the lease area will be off limits or limited, including areas that may be significant for ecosystem uses, like fishing and other maritime or recreational purposes. Such limitations would heighten the conflict between Port Ambrose and the offshore wind project by further reducing the buildable portion of the lease. MARAD and USCG must consider these limitations more fully in the Final EIS.

Deficiencies and Data Gaps in the Needs Assessment

Under NEPA, a key aspect of a draft EIS is the statement of the underlying purpose and need.²² This statement will inform the basis for identifying the reasonable alternatives that meet the identified purpose and need, often called the "heart of the NEPA analysis."²³ The DEIS prepared for the Port Ambrose LNG import facility states the purpose of licensing LNG deepwater ports is "to provide a reliable and timely supply of natural gas and increase energy diversity, while considering impacts on the environment, safety, and security."²⁴ The identified need is to "distribute the natural gas into the downstate New York City and Long Island markets to meet existing and future demand requirements, particularly during periods of peak winter and summer demand."²⁵

While it is true that downstate New York City and Long Island markets can experience relatively high demand for natural gas during peak periods, this typically only occurs during periods of extreme cold weather, such as the highly publicized "Polar Vortex" of 2014.²⁶ During these times of increased

¹⁹ DEIS, § 5.4.3, at 5-11.

²⁰ DEIS, § 4.8.5.1, at 4-125.

²¹ DEIS, § 5.4.3, at 5-11.

²² CEQ NEPA Regulations, 40 C.F.R. § 1502.13.

²³ CEQ, A Citizen's Guide to the NEPA, 16, available at https://ceq.doe.gov/nea/Citizens_Guide_Dec07.pdf.

²⁴ DEIS, § 1.0, at 1-3.

²⁵ *Id.*

²⁶ Denver Nicks, Polar Vortex Sends Natural Gas Prices on Rollercoaster, TIME, Jan. 7, 2014, available at <http://science.time.com/2014/01/07/polar-vortex-sends-natural-gas-prices-on-rollercoaster/>.

CO133

Comments on Port Ambrose Deepwater Port Draft Environmental Impact Statement
March 16, 2015

8

demand, the price of natural gas-driven electricity prices and/or the price of natural gas for heating may spike. Liberty Natural Gas asserts, and the DEIS accepts, that there is an unsatisfied demand for natural gas in the New York City and Long Island markets and that an additional supply of natural gas, in the form of imported LNG, could alleviate Polar Vortex-induced price spikes by providing more natural gas to a constrained market.²⁷ This assertion is unsupported for several reasons.

CO133-6 | *The DEIS relies on an outdated New York State Energy Plan from 2009, though it cites to the 2014 Draft New York State Energy Plan, for its assertion that there is unsatisfied demand*

A significant portion of the “Purpose and Need” section of the DEIS discusses the Natural Gas Outlook for New York.²⁸ In this section, the DEIS makes several conclusions, supposedly relying on the Draft New York State Energy Plan that was released in 2014.²⁹ Oddly, the assertions made in the DEIS are nowhere to be found in the 2014 Draft New York State Energy Plan. Indeed, the 2014 Draft New York State Energy Plan provides information that contradicts the DEIS’s analysis of demand for natural gas:

“Another source of the U.S. natural gas supply is from imported LNG. However in 2012, U.S. LNG imports continued to decline with only 175 Bcf received. This is 23 percent of the 2007 levels which were at 771 Bcf. The 2012 annual LNG imports represent less than 1 percent of total U.S. natural gas requirements. The principal reasons for the decline include low domestic natural gas prices that made it difficult to attract LNG cargo to the U.S. Of 12 active U.S. terminals, only Everett LNG in Massachusetts and Elba Island in Georgia received regular LNG cargo throughout the year, albeit with lower frequency than in past years. Both have long-term contracts. Figure 24 illustrates LNG price variations around the world.”

“The U.S. domestic production in the lower 48 states has increased with the development of new supply basins, so the need for substantial increased volumes of imported LNG has diminished for the near term. It is anticipated that if natural gas production from Shale basins outstrips demand in the U.S., LNG may be exported from the continental U.S. to Asia or Europe. This could cause price volatility in the future and should be monitored.”³⁰

²⁷ ICF International, The Adequacy and Cost of Natural Gas Capacity Serving the New York and New Jersey Energy Market: Lessons from the Polar Vortex Winter of 2013/2014, prepared for Port Ambrose LNG, July 2014, available at <http://portambrose.com/wp-content/uploads/2014/07/ICF-NY-NY-Polar-Vortex-Gas-Market-White-Paper-July-17-2014-Final.pdf> (last visited Mar. 13, 2015).

²⁸ DEIS, § 1.0 Introduction, at 1-6, 1-8.

²⁹ *id.* (citing “Draft New York State Energy Plan (NYSEP 2014)”).

³⁰ 2014 Draft New York State Energy Plan. Volume 2: Sources, at 79-80, available at <http://energyplan.ny.gov/Plans/2014.aspx> (last visited Mar. 16, 2015).

CO133-6 Thank you for your comment. Information included in section 1.1 included information and conclusions for natural gas demand as reported in the 2014 Draft New York State Energy Plan. It has been noted that the citation for NYSEP 2014 was omitted from section 11.0 References. This has now been corrected. Please also see response to comment FA6-2.

CO133

Comments on Port Ambrose Deepwater Port Draft Environmental Impact Statement
March 16, 2015

9

CO133-6 (cont'd) The DEIS, despite its citations to the 2014 Draft New York State Energy Plan, is actually relying on outdated information from the 2009 New York State Energy Plan.³¹ The fact that the DEIS – whether purposefully or accidentally – relying on an outdated report from 2009 raises substantial questions regarding the accuracy of the analysis of the Need and Purpose for the Port Ambrose LNG import facility.

Indeed, as the actual 2014 New York State Energy Plan makes clear and as further explained below, there is substantial evidence that shows the need for imported LNG has diminished and the current trend is for LNG to be exported from the United States.³²

CO133-7 Exports have displaced imports, numerous export facilities have been proposed, and many import facilities remain underutilized

Fourteen onshore LNG export facilities are currently proposed³³ with an additional thirteen potential export terminal sites identified.³⁴ Four export facilities have already received FERC approval.³⁵ One of these approved export facilities is the Dominion Cove Point LNG Terminal, which was originally an import facility but has switched to an export facility.³⁶ A deepwater port applicant, Freeport-McMoRan Energy (Main Pass Energy Hub), has received Department of Energy authorization for LNG exports from its offshore deepwater port.³⁷ The fact that facilities originally intended for importing LNG are switching to exports highlights concerns regarding the accuracy of the DEIS's needs assessment.

In addition to the clear trend toward export facilities, several LNG import facilities have either decommissioned or have not been utilized in recent years. Excelerate's Gulf Gateway Deepwater Port has been decommissioned, notably "due primarily to declining pipeline capacity issues, significant operational challenges, and changes in the global natural gas market."³⁸ Similarly, in July 2013, the Neptune Deepwater Port offshore of Boston, Massachusetts, petitioned for a license amendment (which was granted) to shut down operations for five years. MARAD explained that "...recent conditions within

³¹ 2009 New York State Energy Plan, available at <http://energyplan.ny.gov/Plans/2009.aspx> (last visited Mar. 16, 2015).

³² 2014 Draft New York State Energy Plan, Volume 2: Sources, at 79-80.

³³ FERC, North American LNG Export Terminals – Proposed, Jan. 5, 2015, available at <http://www.ferc.gov/industries/gas/indus-act/lng/lng-export-proposed.pdf>.

³⁴ FERC, North American LNG Export Terminals – Potential, Jan. 5, 2015, available at <http://www.ferc.gov/industries/gas/indus-act/lng/lng-export-potential.pdf>.

³⁵ Maria Gallucci, Feds Approve Fourth LNG Export Terminal Amid Growing Pressure to Cash In On US Energy Boom, International Business Times, Sept. 30, 2014, available at <http://www.ibtimes.com/feds-approve-fourth-lng-export-terminal-amid-growing-pressure-cash-us-energy-boom-1697255>.

³⁶ James Polson & Mark Chediak, Dominion Cove Point LNG Terminal Wins Federal Approval, Bloomberg, September 30, 2014, available at <http://www.bloomberg.com/news/articles/2014-09-30/dominion-cove-point-lng-terminal-wins-federal-approval>.

³⁷ U.S. DOE, Freeport-McMoRan Energy LLC – FE Dkt. No. 13-26-LNG, available at http://www.fossil.energy.gov/programs/gasregulation/authorizations/2013_applications/Freeport-McMoRan_Energy_LLC_-_13-26-LNG.html.

³⁸ MARAD, Notice of Gulf Gateway Deepwater Port Decommissioning and License Termination, 78 Fed. Reg. 49603 (Aug. 14, 2013), available at <http://www.gpo.gov/fdsys/pkg/FR-2013-08-14/pdf/2013-19687.pdf>.

CO133-7 See response to FA4-2 for a discussion of purpose and need, and peak demand.

See response to CO132-13 for a discussion of the mandated review of deepwater natural gas export ports.

CO133

Comments on Port Ambrose Deepwater Port Draft Environmental Impact Statement
March 16, 2015

10

the Northeast region's natural gas market had significantly impacted the Neptune Port's operational status and its ability to receive a consistent supply of natural gas imports. As a result, the Neptune Port has remained inactive over the past several years and will likely remain inactive for the foreseeable future.³⁹

Another deepwater port, Excelerate Energy's Northeast Gateway, only received one shipment this winter (December 2014), and this was the first shipment since March 2010.⁴⁰ While some have questioned whether LNG shipments to Boston's LNG import facilities have reduced peak price spikes in the market this year,⁴¹ experts attribute the increased shipments to an abnormal change in the market, where worldwide LNG prices were unusually low last summer causing producers to enter into futures contracts with the Boston LNG terminals to provide LNG during this winter.⁴²

CO133-7 (con't) Given the recent trend of LNG import facilities switching to export facilities, MARAD and USCG should view skeptically the purported need for an LNG import facility offshore of New York. Furthermore, given the significant environmental and economic impacts such conversions may cause, the agencies should clarify that, if the LNG import facility is approved (which it should not be), any future switch to an export facility would require a second full environmental review, with public participation and another opportunity for Governors Cuomo and Christie to exercise their disapproval power under the Deepwater Port Act.⁴³

CO133-8 | *Price spikes and pipeline capacity would not necessarily be alleviated by an LNG import facility*

Even with clear evidence showing increased supply in domestic natural gas and the national trend toward LNG exports – both of which would suggest decreasing natural gas prices – Liberty Natural Gas's application asserts that the Port Ambrose LNG facility could lead to "a \$0.25 to \$6.00 per MMBtu price savings" for New York consumers, relying on a report by ICF International that utilized outdated data.⁴⁴ The 2012 ICF report projected that Henry Hub gas prices "will decline to under \$4.00 per MMBtu (in

³⁹ MARAD, Notice of Amendment of the Neptune LNG LLC Deepwater Port License and Temporary Suspension of Operations at the Neptune LNG Deepwater Port, 78 Fed. Reg. 42587 (July 16, 2013), available at <https://www.federalregister.gov/articles/2013/07/16/2013-17052/deepwater-port-license-amendment-of-the-neptune-lng-llc-deepwater-port-license-and-temporary>.

⁴⁰ Jay Fitzgerald, No quick relief for electricity customers, Boston Globe, Jan. 25, 2015, available at <http://www.bostonglobe.com/business/2015/02/25/wholesale-electric-prices-lower-than-expected-but-residential-rates-remain-high/MNWQa1oERLXr1g1xBxVDO/story.html> ("Excelerate Energy of Texas is finally using its \$350 million offshore floating buoy system, which receives natural gas from LNG ships anchored about 13 miles off the coast of Gloucester and transports it via underwater pipelines into the land-based pipeline system. Excelerate's Northeast Gateway Deepwater Port, as the buoy system is known, hadn't been used since 2010; this year it has received one shipment of LNG.")

⁴¹ Tux Turkel, Deliveries of liquefied natural gas take edge off region's supply gap, Press Herald, Feb. 1, 2015, <http://www.pressherald.com/2015/02/01/deliveries-of-liquefied-natural-gas-take-edge-off-regions-supply-gap/>.

⁴² Rick Margolin, Another LNG Cargo Expected for New England Ahead of Next Week's Cold Snap, Genscape, Jan. 23, 2015, <http://www.genscape.com/blog/another-lng-cargo-expected-new-england-ahead-next-weeks-cold-snap>.

⁴³ 33 U.S.C. § 1508. ("The Secretary shall not issue a license without the approval of the Governor of each adjacent coastal State.")

⁴⁴ Liberty LNG Application, Volume IVb, at 2.

CO133-8 Port Ambrose will interconnect with the existing Transco Lower New York Bay lateral in order to deliver natural gas into the Transco system that serves the downstate New York market. The point of interconnection on the Transco lateral is merely the point of entry into the Transco system. The purpose of Port Ambrose is not to alleviate capacity constraints in a single pipeline, but to, among other things, allow competitively priced natural gas to be bid into the Transco system to help provide incremental supply relief and reduce constraints in the delivery system further downstream. See response to FA4-2 for a discussion of purpose and need, and peak demand.

CO133

Comments on Port Ambrose Deepwater Port Draft Environmental Impact Statement
March 16, 2015

11

2010 constant dollars) in 2012 and increasing to \$6.00 per MMBtu by 2020 and almost \$7.50 per MMBtu by 2025.⁴⁵

Recent data from the Energy Information Administration (EIA), however, confirms that in 2012, "high natural gas storage inventories[] and high natural gas production that put significant downward pressure on domestic natural gas prices ... contributed to a decrease in natural gas prices at the Henry Hub to about \$2.75 per thousand cubic feet (Mcf) on average in 2012, the lowest level since 1999."⁴⁶ Such low domestic prices would not justify the increased cost of \$2-\$4 per MMBtu on imported LNG (imported LNG is typically \$2-\$4 per MMBtu more than pipeline-delivered natural gas due to costs of the liquefaction process and shipping).⁴⁷

CO133-8 (cont) Furthermore, the claim that an offshore LNG import facility would alleviate pipeline capacity in the New York City and Long Island markets does not appear to be adequately supported. The DEIS states that two submerged turret loading buoys would be the receiving connection for the natural gas unloaded from the LNG regasification vessels and delivered to the proposed Mainline, which will then connect to Transco's Lower New York Bay Lateral for delivery to shore.⁴⁸ Because the natural gas will be delivered to an existing pipeline that currently transports about half of the natural gas consumed in New York City, it is not clear that Port Ambrose would provide a new "delivery point."⁴⁹ MARAD and USCG should closely analyze whether Port Ambrose would in fact alleviate pipeline capacity restraints or whether it would merely provide additional supply to an existing pipeline.

CO133-9 Even assuming without conceding that an LNG import facility could relieve heightened demand during these relatively rare occasions, it still does not make financial sense to invest in a facility that will be rarely used, especially when alternatives such as adequate natural gas storage, expanded pipeline capacity, and decreased natural gas demand through energy efficiency measures and increased renewable energy dispatch could also meet this need.⁵⁰ An adequate analysis of the identified need, as

⁴⁵ Liberty LNG Application, Volume IVb, at 11.

⁴⁶ U.S. Natural Gas Imports & Exports 2012, available at <http://www.eia.gov/naturalgas/imports/exports/annual/archives/2013/> (last visited Feb. 26, 2015).

⁴⁷ FERC, Energy Primer, July 2012, available at <http://www.ferc.gov/market-oversight/guide/energy-primer.pdf> ("The cost of the LNG process is \$2-\$4 per million British thermal units (MMBtu), depending on the costs of natural gas production and liquefaction and the distance over which the LNG is shipped.")

⁴⁸ DEIS, § 2.0, at 2-1.

⁴⁹ DEIS, § 1.0, at 1-6 (claiming that "[n]ew delivery points at New York City market locations would relieve existing capacity constraints and increase the reliability of the gas system").

⁵⁰ For example, the DEIS, at 2-54, 2-55, recognizes that the Transco Rockaway Delivery Point Project and the Iroquois Eastern Long Island Project are expected to deliver additional natural gas to meet market need and location. See also FERC, Winter 2014-15 Energy Market Assessment, available at <http://www.ferc.gov/market-oversight/reports-analyses/mkt-views/2014/10-16-14-A-3.pdf> ("The Transco Rockaway Delivery Point Project will enable Transco to deliver an additional 647 MMcf/d into the New York City distribution system, which is fully contracted by local distribution companies. The project will work directly with Transco's 100-MMcf/d Northeast Connector Project adding capacity from the mainline at Station 195 near the Pennsylvania-Maryland border to delivery points at Long Island."); ICF International, 2012 Assessment of New York City Natural Gas Fundamentals and Life Cycle Fuel Emissions, 25, available at http://www.nyc.gov/html/cm/pdf/2012/ict_natural_gas_study.pdf ("Spectra and

CO133-9 See response to CO22-1 for a discussion of the financial review completed by MARAD as part of the deepwater port licensing application review process.

CO133

Comments on Port Ambrose Deepwater Port Draft Environmental Impact Statement
 March 16, 2015
 12

CO133-9 (con't) well as Liberty Natural Gas's claim that Port Ambrose would fulfill that need, requires the Final EIS to adequately assess impacts from the following: (1) contracting practices (whether the LNG would be purchased on the spot market or through long-term supply contracts); (2) the effect of increasing domestic gas production; (3) declining natural gas demand due to energy efficiency programs; and (4) declining demand for natural gas-powered electricity due to displacement of natural gas with renewables. The Final EIS developed for Port Ambrose must take a hard look at all of these considerations.

Insufficient Alternatives Analysis

CO133-10 Under NEPA, reasonable alternatives "include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant."⁵³ The alternatives considered in the DEIS prepared for the Port Ambrose LNG facility are limited in scope and most are deemed "outside the scope" of the deepwater port application for Port Ambrose.

For example, regarding the alternative of non-renewable sources of energy that could be used to meet the lower New York and Long Island market's energy needs, the DEIS states that "United States domestically sourced gas is not an alternative energy source for the Port Ambrose project" because the purpose of the "proposed project, as stated in [Liberty Natural Gas's] application, is to supplement U.S. domestic supplies delivered through existing land-based pipelines with natural gas from foreign sources."⁵² Earlier in the DEIS, however, the identified purpose of deepwater port licensing is "to provide a reliable and timely supply of natural gas and increase energy diversity, while considering impacts on the environment, safety, and security."⁵³ Because the appropriate scope of the alternatives analysis largely depends on the stated purpose of the proposed federal action, MARAD and USCG should clarify that the purpose of the proposed federal action is the one supported by the Deepwater Port Act's text, and not the excessively narrow and transparently self-serving purpose put forth by Liberty Natural Gas in its application.

Even where the DEIS does recognize that other alternatives would meet the purpose of the Port Ambrose facility, it dismisses those alternatives by relying on outdated "projections that indicate a continued increase in demands, requiring further expansion and diversification of the natural gas supply."⁵⁴ For example, although the completion of Spectra Energy's New Jersey-New York Expansion Project would meet the same need as an LNG import facility by improving "reliability and diversity of gas supplies for the region," the DEIS concludes that the need for Port Ambrose would still not be satisfied

Williams expansions into Transco Zone 6-NY, which also interconnect with New York City LDCs, will alleviate gas pipeline constraints and reduce gas prices in the region relative to Henry Hub.⁵¹

⁵² CEQ, A Citizen's Guide to the NEPA, 16, available at https://cea.doe.gov/nepa/Citizens_Guide_Dec07.pdf.

⁵³ DEIS, § 2.2.3.1, at 2-51.

⁵⁴ DEIS, § 1.0, at 1-3.

⁵⁴ DEIS, § 2.2.3.3, at 2-55.

CO133-10 Thank you for your comment. Sections 1.1 and 2.2.3.1 have been updated to provide clarification for the Purpose and Need. Please also see response to comment FA6-2.

Comments on Port Ambrose Deepwater Port Draft Environmental Impact Statement
 March 16, 2015
 13

CO133

CO133-10 (con't) because "demand for natural gas continues to increase."⁵⁵ Based on this reasoning, seemingly any infrastructure project that would deliver natural gas to the New York region would be approved, without regard to sufficient existing infrastructure or other, more cost-effective and environmentally-friendly alternatives.

CO133-11 The DEIS's analysis of alternatives such as renewable energy sources and energy conservation measures is also insufficient. For example, the DEIS summarily dismisses renewable energy sources, such as wind power, as an alternative to an LNG import facility because "[w]ind power, like solar, is intermittent and cannot be scheduled based on demand. Therefore, it is likely that during times of peak energy needs, these sources would not be available to provide the additional energy required."⁵⁶ In making this conclusion, the DEIS fails to consider significant data that suggests renewable energy sources, especially offshore wind power, do in fact provide additional energy during times of peak energy needs.⁵⁷ The final EIS must recognize, as New York State has, that renewable energy has the potential to meet a significant portion of New York State's energy needs.⁵⁸ And with New York's technical potential for offshore wind power estimated at 146 GW, this single resource has the potential to provide enough energy to exceed New York's total energy needs.⁵⁹ Additionally, the NY-Sun initiative, launched by Governor Cuomo in 2012 and expanded in 2014, is expected to result in 3 GW of installed capacity by 2023.⁶⁰ The fact that renewable energy is already meeting significant portions of New York State's energy needs⁶¹ and is expected to grow, demonstrates that the final EIS must include renewable energy as a true alternative to Port Ambrose.

CO133-12 Furthermore, the DEIS ignores recent advancements in energy storage technologies for intermittent renewable energy sources. New York State has recognized the promise of energy storage and recently committed \$65 million to Brookhaven National Laboratory to help commercial developers expand battery storage research and development.⁶² Likewise, the Long Island Power Authority (LIPA) has made

⁵⁵ DEIS, § 2.2.3.3, at 2-54.

⁵⁶ DEIS, § 2.2.3.1, at 2-53.

⁵⁷ National Wildlife Federation, *Catching the Wind: State Actions Needed to Seize the Golden Opportunity of Atlantic Offshore Wind Power*, 2014, at 2, http://www.nwf.org/~media/PDFs/Global-Warming/Reports/Offshore-Wind/NWF_2014OffshoreWind7-9Pagesopt.pdf (noting that "meteorological towers have confirmed strong, consistent wind speeds off of New England and New York during critical high electricity demand periods when the most expensive and polluting power sources are used – afternoons, summer heat waves, and winter cold snaps.")

⁵⁸ NYSERDA, *Energy Efficiency and Renewable Energy Potential Studies*, July 2014, available at <http://www.nyseda.ny.gov/Cleantech-and-Innovation/EA-Reports-and-Studies/EERE-Potential-Studies> (last visited Mar. 16, 2015).

⁵⁹ National Renewable Energy Laboratory, *U.S. Renewable Energy Technical Potential: A GIS-Based Analysis*, July 2012, available at <http://www.nrel.gov/docs/fy12osti/51946.pdf> (last visited Mar. 16, 2015).

⁶⁰ New York State, *NY-Sun Initiative Frequently Asked Questions*, available at <http://ny-sun.ny.gov/About/NY-Sun-FAQ> (last visited Mar. 16, 2015).

⁶¹ New York Independent System Operator, *NYISO Marks New Wind Power Record*, Mar. 9, 2015, available at http://www.nyiso.com/public/webdocs/media_room/press_releases/2015/Wind%20Peak%20-%20NYISO%20Marks%20New%20Wind%20Power%20Peak_3_5_15_DRAFT.pdf (last visited Mar. 16, 2015).

⁶² Governor Andrew M. Cuomo, *2015 Opportunity Agenda*, at https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/2015_Opportunity_Agenda_Book.pdf.

CO133-11 See response to FA4-2 for a discussion of purpose and need, and peak demand.

CO133-12 See response to FA4-2 for a discussion of purpose and need, and peak demand.

CO133

Comments on Port Ambrose Deepwater Port Draft Environmental Impact Statement
 March 16, 2015
 14

CO133-12 (con't) efforts to increase energy storage by requesting proposals for up to 150 MW of energy storage resources to complement planned increases in renewable resources.⁶³ Because renewable energy sources in conjunction with energy storage technologies could meet peak energy demand in the New York region, MARAD and USCG must reevaluate renewable energy sources and energy storage technologies as true alternatives to an LNG import facility.

CO133-13 The DEIS does recognize that “[e]nergy conservation measures will likely continue to play an increasingly prominent role in offsetting the target market’s increasing energy demand.”⁶⁴ Yet, it concludes that “energy conservation will reduce the energy demands of the target market by only a small fraction for the foreseeable future” and “[t]herefore, energy conservation would not replace the need” for Port Ambrose.⁶⁵ This conclusion, based largely on an outdated NYISO report from 2012,⁶⁶ ignores many studies that demonstrate the significant impact energy efficiency measures can have on reducing load growth and demand.⁶⁷ Indeed, a recent report by the International Energy Agency (IEA) found that the energy efficiency market is increasingly growing, with innovative new products and standards helping energy efficiency measures significantly reduce energy consumption.⁶⁸ The 2014 Draft New York State Energy Plan includes a state commitment to energy efficiency programs through 2020, though historical performance and various analyses demonstrate that a more ambitious goal of meeting roughly 20% of forecasted demand in 2025 through energy efficiency measures is both possible and desirable.⁶⁹

Other Environmental Issues

CO133-14 As noted in the comments submitted by the National Oceanic and Atmospheric Administration,⁷⁰ the Port Ambrose project poses risks to the North Atlantic Right Whale, including the risk of vessel collision with whales and other impacts during construction, operation and delivery of LNG. The right whale is a

⁶³ LIPA, Request for Proposal for New Generation, Energy Storage and Demand Response Resources, October 18, 2013, at <http://www.lipower.org/proposals/GSDR.html>.

⁶⁴ DEIS, § 2.2.3.2, at 2-53.

⁶⁵ *Id.*

⁶⁶ NYISO has since released a 2014 report that adjusts downward New York’s projected electricity demand. See NYISO 2014 Reliability Needs Assessment, Table 3-1 at 7, available at http://www.nyiso.com/public/webdocs/media_room/press_releases/2014/Child_Reliability_Needs_Assessment/2014%20RNA_final_09162014.pdf.

⁶⁷ EPA, Energy Efficiency Fact Sheet, available at http://www.epa.gov/cleanenergy/documents/suca/consumer_fact_sheet.pdf (“Studies show that these efforts could help reduce the nation’s total energy demand by 20 percent by 2025, cutting the expected growth in electricity demand in half and the growth in natural gas use by 50 percent or more.”); see also McKinsey & Company, Unlocking energy efficiency in the US economy, July 2009, available at http://www.mckinsey.com/client_service/electric_power_and_natural_gas/latest_thinking/unlocking_energy_efficiency_in_the_us_economy.

⁶⁸ IEA, Energy Efficiency Market Report 2014, October 2014, available at <http://www.iea.org/Textbase/npsum/EEMR2014SUM.pdf>.

⁶⁹ Shaping the Future: 2014 Draft New York State Energy Plan, Vol. 1 January 2014, at 31; see also Testimony of Jackson Morris to the New York State Energy Planning Board, Mar. 6, 2014.

⁷⁰ NOAA Comments on the Port Ambrose Deepwater Port Notice of Intent, August 8, 2013, available at <http://www.regulations.gov/#documentDetail=D-USCG-2013-0363-0521> (last visited Mar. 13, 2015).

CO133-13 See response to FA4-2 for a discussion of purpose and need, and peak demand.

CO133-14 Please refer to Section 4.2.8, Table 4.2-5, as well as Section 4.3.7. Marine Mammal and Sea Turtle Vessel Strike Avoidance Plan (Appendix L) has been prepared to decrease collision risk. Vessels would adhere to all appropriate speed restrictions, on site and in transit, and would always remain in navigation channels. Compliance with this plan would ensure the greatest reduction in collision risk. In addition to the slower speeds used upon approach to the proposed Port, vessels 65 feet or longer would also adhere to any speed restrictions in-place. For example, from 1 November to 30 April, vessels 65 feet or longer within the SMA and within 20 nautical miles of major ports must maintain speeds below 10 knots.

Comments on Port Ambrose Deepwater Port Draft Environmental Impact Statement
March 16, 2015
15

CO133

CO133-14 (cont) critically endangered species with an estimated global population between 450-500 individual animals. Right whales may migrate through the area proposed for the Port Ambrose project (as well as the lease area for the NYPA Offshore Wind Project) while traversing between their southern calving grounds and northern feeding and mating grounds.

The DEIS concludes that both the preferred project and its alternatives "may affect, but [are] not likely to adversely affect" the North Atlantic right whale.⁷¹ This is found to be the case for potential impacts during construction from vessel traffic⁷² and potential entanglement,⁷³ and noise.⁷⁴ In order to further minimize potential impacts, MARAD and USCG should require effective measures such as limiting vessel speeds, requiring enhanced marine mammal monitoring, and limiting construction activities and LNG deliveries during periods when right whales are particularly vulnerable and are likely to be in the area.

CO133-15 The final EIS should further evaluate the Port Ambrose location in terms of the substrate the facility would be constructed on and adjacent to, relative to other potential uses for the area. The DEIS claims that the only substrate disturbed by the Port Ambrose facility would be soft bottom.⁷⁵ It appears, however, that the facility might sit within a patch of coarse sand substrate,⁷⁶ which could become an increasingly valuable resource for beach and coastal restoration in the face of a predicted increase in Atlantic seaboard hurricane occurrence and intensity.⁷⁷

CO133-16 The final EIS for Port Ambrose should also more closely analyze the impact that Port Ambrose's exclusion zones would have on the commercial and recreational fishing industries during any Shuttle and Regasification Vessel (SRV) activity, particularly during the winter and summer seasons when Port Ambrose would receive the bulk of its expected 45 yearly deliveries.⁷⁸ The DEIS acknowledges that the exclusion zones around the Port Ambrose facility, including the safety zone, NAAs, and the ATBA, would restrict commercial fishing operations.⁷⁹ The DEIS also claims that "recreational fishers are unlikely to fish in close proximity to the proposed Port site due to the lack of relief or structure on the ocean bottom in this area" even though remote sensing data has shown the presence of miscellaneous debris from potential shipwrecks.⁸⁰ Additional analysis should be done to estimate how large of an impact Port

⁷¹ DEIS, Table 4.3-1, at 4-64.

⁷² DEIS, § 4.3.2.1, at 4-67 ("The short-term and minor increase in vessel traffic associated with construction activities may affect, but not likely to adversely affect ESA-listed marine mammals.")

⁷³ *Id.*, at 4-69 ("With adherence to best management practices for detection of ESA-listed marine mammals in the area, the potential for entanglement associated with construction activities can be minimized.")

⁷⁴ *Id.*, at 4-66 ("The short-term and moderate increase in noise associated with construction activities may affect, but not likely to adversely affect ESA-listed marine mammals.")

⁷⁵ DEIS, § 4.5.1, at 4-100.

⁷⁶ New York State Department of State, Offshore Atlantic Ocean Study, July 2013, available at http://www.eenews.net/assets/2013/07/11/document_gw_01.pdf (last visited Mar. 13, 2015).

⁷⁷ Cornelia Dean, Costs of Shoring Up Coastal Communities, The New York Times, Nov. 5, 2012, available at http://www.nytimes.com/2012/11/06/science/storm-raises-costs-of-shoring-up-coastal-communities.html?r=2&_r=2& (last visited Mar. 13, 2015).

⁷⁸ DEIS, § 2.1.4, at 2-7.

⁷⁹ DEIS, § 4.8.2.2, at 4-118.

⁸⁰ DEIS, §§ 4.8.2.2, at 4-119, and 4.6.2, at 4-104.

CO133-15 Section 3.5.2 discusses the geologic stratigraphic sequences of the New York Bight. The USGS and the data collected for this project indicate a high degree of grain size variability over short distances. Based on sediment samples the immediate surface was coarser (medium) grained, immediately below the surface which in some cases was up to 70 percent silt and clay. This material if placed on a beach or other high energy near shore environment would cause long term turbidity issues and impact near shore biology. Section 3.5.5 discusses the five burrow areas currently permitted in the Bight.

CO133-16 See response to comment FA6-8 for a discussion of potential impacts due to the implementation of navigational safety measures that would limit certain uses within the Safety Zone, no anchoring area, and areas to be avoided.

CO133

Comments on Port Ambrose Deepwater Port Draft Environmental Impact Statement
March 16, 2015
16

CO133-16 (cont) Ambrose and its exclusion zones would have on fishing industries. Finally, while Port Ambrose's ballast water cooling system would recirculate onboard the vessels, it may be possible for invasive species to enter the waters by attaching to boat hulls, which should be addressed in the final EIS.

Alternative Proposed Location

CO133-17 The alternative proposed location, referred to as Study Area D, also raises serious concerns. While Study Area D does not conflict with the lease area for the proposed NYPA Offshore Wind project, it does conflict with military operations, as it is located within a Restricted/Prohibited Airspace. In addition, the alternative proposed location would require LNG vessels to cross the incoming TSS lane when the vessels depart from the Port, thereby creating additional safety concerns. Another potential concern is that the alternative proposed location would place the project within or at least near a large sport fishing ground known as the "Yankee Spot." Given these concerns, the final EIS should more thoroughly analyze the viability of the alternative proposed location, in addition to the preferred proposed location.

Conclusion

New York State has worked hard to recover from the devastating impacts of Superstorm Sandy and has adopted new climate resilience strategies for the future. In addition, President Obama's Climate Plan has injected new energy into federal efforts to curb global warming. We urge the federal government to work with New York State and neighboring states to double-down on renewable energy solutions such as the NYPA Offshore Wind Project and to reject alternatives that would stand in the way of, or pose distractions to, a clean energy future. Because evidence shows that the Port Ambrose LNG project is not needed to meet the energy needs of the New York region and because the project would pose a significant obstacle to the development of the NYPA Offshore Wind Project, MARAD and USCG should reject the Port Ambrose project application as not in the national interest.

Respectfully submitted,

CO133-17 The USCG has developed regulations to aid in controlling the introduction and spread of invasive species in waters of the United States (33 CFR 151.2050). These regulations include mandatory requirements such as to rinse anchors and anchor chains during retrieval to remove organisms and sediments at their place of origin and to remove fouling organisms that may be affixed to ship hulls, piping, and tanks. The removal of organisms will be conducted on a regular basis and the disposal of any removed substances will be in accordance with local, state, and federal regulations. In addition vessels are required to maintain a ballast water management plan which includes detailed fouling maintenance removal procedures.

Comments on Port Ambrose Deepwater Port Draft Environmental Impact Statement
March 16, 2015
17

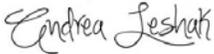
CO133



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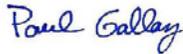


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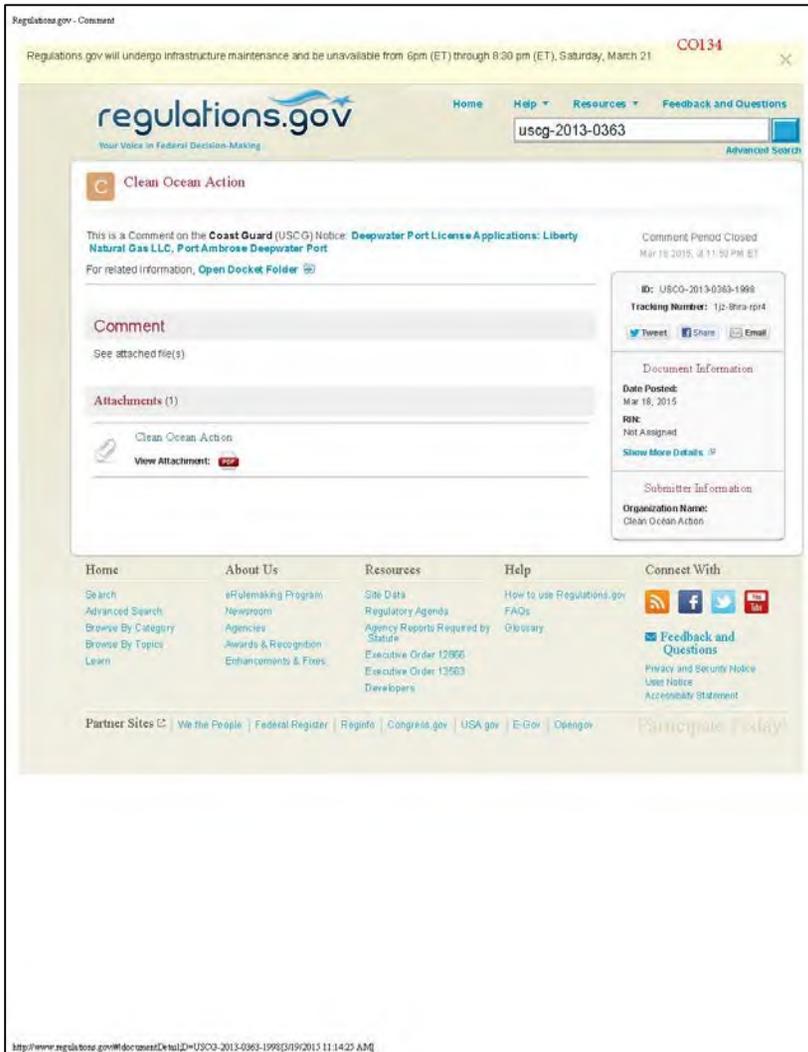
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CO134

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March 16, 2015

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CO134

RE: Comments on Liberty LNG's Port Ambrose Deepwater Port License Application Draft Environmental Impact Statement; Federal Docket #USCG-2013-0363

Dear Sir or Madam:

On behalf of the undersigned organizations, Clean Ocean Action ("COA")¹ submits the following comments in response to the U.S. Maritime Administration ("MARAD") and U.S. Coast Guard's ("USCG") request for comments on the draft environmental impact statement ("Draft EIS" or "DEIS") for the Liberty Natural Gas ("Liberty LNG" or "Liberty") Port Ambrose Deepwater Port License Application (Docket #USCG-2013-0363).²

Liberty Natural Gas proposes to build an offshore natural gas deepwater port facility that would be located approximately 17 nautical miles southeast of Jones Beach, New York, 24 nautical miles east of Long Branch, New Jersey, and about 27 nautical miles from the entrance to the New York Harbor in a water depth of approximately 103 feet.³ LNG tankers that would call upon the Port are up to 1600 feet in length, which is as long as the new World Trade Center Tower is tall.⁴

These comments to the DEIS for the proposed deepwater port are to be considered in addition to those already given by representatives of a few of the undersigned organizations at the hearings held on January 7 and 8, 2015, in Queens, NY, and Eatontown, NJ, as well as in other written submissions made to the federal docket.

TABLE OF CONTENTS

INTRODUCTORY COMMENTS.....5

COMMENTS ON DRAFT EIS BY SECTION.....6

1.0 INTRODUCTION.....6

 1.1 Purpose and Need.....6

 A. Port Ambrose Would Not Meet "Purpose and Need".....6

 B. DEIS reliance on 2009 NY Report.....7

 C. Marketplace Shift to Exports.....8

 D. Updated Data Yields Different Conclusions.....11

 E. Exports have displaced need for imports.....12

 F. Additional Comments.....13

 G. Conclusions Regarding Stated Purpose and Need15

2.0 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES.....16

¹ Clean Ocean Action is a regional, broad-based coalition of 125 conservation, environmental, fishing, boating, diving, student, surfing, women's, business, civic and community groups with a mission to improve the degraded water quality of the marine waters off the New Jersey/New York coast (www.cleanoceanaction.org).

² Notice of Availability, 79 FR 74808 (Tuesday, December 16, 2014) (hereafter "DEIS Notice").

³ Ibid.

⁴ Shell Prelude Floating Liquefied Natural Gas Facility at http://www.largestshipintheworld.com/largest_ships_in_the_world/shell-prelude-floating.php (last visited March 16, 2015).

CO134

3.0 AFFECTED ENVIRONMENT.....17

 3.7.1.9 Renewable Energy Projects.....17

 A. The Future is Renewables.....17

 B. The Dirty Face of Natural Gas.....19

 C. The Potential for Renewal Energy: Offshore Wind.....20

 D. Economic Impacts of Renewable Energy.....21

 3.8 Socioeconomics.....22

 3.9 Environmental Justice.....23

4.0 ENVIRONMENTAL CONSEQUENCES OF PROPOSED ACTION AND ALTERNATIVES.....24

 4.1 Water Resources.....24

 A. Construction.....24

 (1) Turbidity.....24

 (2) Other Water Quality Impacts.....25

 (3) Duration of Construction.....25

 B. Operation.....25

 (1) Not a Closed-Loop System.....26

 C. Accidents.....27

 D. Native and Non-Native Species.....27

 E. Impacts During Anchoring/Maintenance.....28

 F. Conclusions Regarding Water Resources.....28

 4.2 Biological Resources.....28

 A. Construction.....30

 B. Operation.....31

 (1) Food Chain Disruption.....31

 (2) Noise.....32

 (3) Vessel Strikes on Fish.....33

 C. Conclusions Regarding Biological Resources.....33

 4.3 T&E Mammals, Sea Turtles, Fish and Birds.....33

 A. North Atlantic Right Whale.....34

 B. Construction, Operation and Decommissioning.....35

 (1) Vessel Traffic.....35

 C. Sea Turtles.....36

 D. Atlantic Sturgeon.....36

 E. Coastal and Marine Birds37

 F. Noise.....37

 G. T&E Habitat.....38

 H. Invasive Species.....38

 I. Conclusions Regarding Threatened and Endangered Species.....39

 4.4 Essential Fish Habitat.....39

 A. Construction.....40

 B. Operation41

CO134

4.5 Geological Resources.....	42
A. NY Bight Fault Zone.....	42
B. Pipeline Impacts.....	43
C. Anchoring Impacts.....	43
D. Conclusions Regarding Geological Resources.....	43
4.7 Ocean Uses, Land Uses, Recreation and Visual Resources.....	43
A. Port of NY/NJ.....	43
B. Commercial and Recreational Fishing Vessels.....	44
C. Other Commercial Users.....	45
D. Conclusions Regarding Other Uses and Resources.....	46
4.8 Social Economics.....	46
4.10 Air Quality	47
A. Air Pollution.....	47
1. Onshore Air Pollution.....	48
2. Air Pollution Impacts on Water Quality.....	48
B. Greenhouse Gas Impacts on the Environment.....	49
4.11 Noise	49
A. Generally.....	50
(1) Mooring and Anchoring System.....	51
(2) Marine Animals.....	51
(3) Lack of Available Data on Noise Impacts.....	53
B. Impacts of Construction (4.11.2).....	54
C. Impacts of Operation (4.11.3).....	55
D. Impacts of Decommissioning (4.11.4) / Repairs.....	56
E. Mitigation and Monitoring (4.11.6).....	56
F. Conclusions Regarding Noise.....	56
5.0 SAFETY.....	57
A. The Inherent Hazards of LNG.....	57
B. Safety Reviews	59
C. Coast Guard Capacity.....	60
(1) Response Capacity.....	61
6.0 CUMULATIVE IMPACTS	62
7.0 COASTAL ZONE CONSISTENCY.....	62
CONCLUSION.....	64

CO134 Clean Ocean Action (continued)

CO134

INTRODUCTORY COMMENTS

The primary purpose of an Environmental Impact Statement is to “provide full and fair discussion of significant environmental impacts and inform decision makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts.”⁶ Here, the DEIS does not provide a full discussion of the impacts, nor a fair portrayal of the application, the applicant, or the impacts. As such, it is procedurally and substantively flawed.

CO134-1 First, the Draft EIS is incomplete, inconsistent, contradictory, and misleading. The document distorts information to fabricate and inflate a need for natural gas supply where none exists, minimizes potential impacts to marine life, and air quality, underestimates security threats and catastrophic events, and falsely and wrongfully represents the “no action alternative” skewing the analysis document. The DEIS fails to discuss the true magnitude and extent the port will be in use. By only providing that the port “expects 45 deliveries of LNG per year,”⁶ there is no meaningful description of how many days the port will be in operation. This is particularly vexing since the stated purpose of the need for the project is to meet peak energy demand in the winter and summer,⁷ which at most constitutes a few days. Understanding the qualitative anticipated use in days, hours, weeks, of this port is essential for the evaluation of the impacts and threats from hurricanes and security, but also to the harm to marine life. Perhaps most egregiously, the DEIS ignores the concerns and information submitted by the public during the scoping process.

CO134-2 Second, it is unacceptable that Liberty remains an unknown entity. A reasonable expectation of an EIS is to understand and consider “who” is proposing the activity. The ownership remains hidden in a bank account within the Cayman Islands, which fails to allow for evaluation and consideration of the company’s legality, liabilities, and veracity. Liberty’s ownership and intentions are clearly a vital element to be considered, particularly because numerous concerns regarding impact significance are considered as addressed by promises made by Liberty. To give a shell company with no ties to the United States complete deference with respect to community, economic, public safety, and environmental risks is dangerous and poor public policy.

CO134-3 Third, Liberty’s first application for a deepwater LNG port in the NY/NJ region was soundly rejected by concerned citizens and communities and was vetoed by Governor Chris Christie in a letter dated February 2011,⁸ which veto was affirmed by the New Jersey Attorney General in 2012.⁹ There has been no record submitted by Liberty, or included in the DEIS, showing how the concerns of the State of New Jersey have been addressed. The location of the proposed port has not significantly changed (except by name), and certainly not in a way that ameliorates or avoids many, if not most, of the impacts cited by the Governor – especially the concerns related to public safety, lack of need, national security, first responder burdens and fisheries impacts.

⁶ 40 CFR 1502.

⁷ Liberty LNG Draft Environmental Impact Statement, Section 4 at 4-108

⁸ Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application. 1.0 Introduction, at 1-3.

⁹ New Jersey Governor Chris Christie License Issuance Disapproval Letter, Liberty Deepwater Port Docket # USCG-2010-0993-0038.

⁵ State of New Jersey - Office of the Attorney General, Liberty Deepwater Port Docket # USCG-2010-0993-0114.

CO134-1 Please refer to response to comment SP80-3 and IND480-2. In addition, sections 2.1.4 and 4.10.3 provide additional discussion of operational activity at the proposed Port. The proposed Project would receive up to 45 LNGRVs per year. The duration to unload a single LNGRV is anticipated to range between 5 and 16 days, depending on the natural gas sendout rate, weather conditions, and other variables. Unloading corresponds to an annual average sendout rate of 400 MMscf/day, averaged over 365 operating days, or 8,760 operating hours, per year. Prior to LNGRV arrival at the proposed Port facilities, the support vessel would inspect the STL Buoy messenger line and marker buoys. In addition to these inspections and normal Port facilities’ security functions, the support vessel would perform weekly inspections of the surface components. These inspections would take place during the transportation of personnel/supplies to the LNGRVs at the proposed Port facilities or while attending to specific needs of the proposed Port facilities. It has been assumed that each LNGRV will have 2 hours of operation per arrival within the safety zone prior to regasification and one hour per departure within the safety zone after regasification. This equates to 135 hours per year of no-sendout LNGRV operation within the safety zone based on 45 LNGRV visits to the Port.

CO134-2 Thank you for your comment.

CO134-3 Thank you for your comment.

CO134

As described in detail below, the DEIS lacks a full and fair discussion of significant environmental impacts threatened by this project. Moreover, there is no demonstrated need to import natural gas to the region. For all of the above reasons, the DEIS fails to conduct a full and fair discussion of significant environmental impacts threatened by Port Ambrose, as required. The signatories urge that a *true No Action Alternative* be selected, which will avoid these extensive harms and threats to the region.

COMMENTS ON DRAFT EIS BY SECTION

1.0 INTRODUCTION.

1.1 Purpose and Need.

CO134-4 The needs assessment in the DEIS misleads the public and mischaracterizes the state of existing LNG energy markets. “Need” is a vital element of NEPA review. The needs assessment included in the DEIS is misleading and outdated. According to DPA regulations, “MARAD may issue a license to construct a deepwater port under the Act, with or without conditions, if certain specified conditions are met.”¹⁰ The first enumerated consideration requires that “[c]onstruction and operation of the deepwater port [must] be in the national interest.”¹¹ While Liberty LNG attempts to argue that a need for “new and diverse natural gas supplies in New York” exists, the evidence and data on actual natural gas trends prove otherwise.¹²

A. The Port Ambrose facility would not meet the stated “Purpose and Need”

The DEIS maintains that accomplishing the “Purpose and Need” for Port Ambrose would require

“construction of appropriate facilities for receiving the LNG ... would distribute the natural gas into the downstate New York City and Long Island markets to meet existing and future demand requirements, particularly during periods of peak winter and summer demand.”¹³

CO134-4 (cont) There is no compelling national interest for the proposed project. Given the sharp increase in the domestic production of natural gas, imported LNG is relatively expensive. Because the price of imported LNG reflects at least an additional cost of \$2 to \$4 per million British thermal units more than pipeline-delivered natural gas,¹⁴ it is usually not competitive with domestic natural gas.¹⁵ Depending on market conditions, such as the trend over the last few years,¹⁶ the price discrepancy between imported LNG and pipeline-delivered natural gas can be even greater. In extreme instances, such as during the “Polar

¹⁰ 33 C.F.R. § 148.710(a).

¹¹ 33 C.F.R. § 148.710(a)(1).

¹² Liberty LNG Application for the Port Ambrose Project Deepwater Port, Volume II, Report 2, at 2-1.

¹³ Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application. 1.0 Introduction, at 1-3.

¹⁴ FERC, Energy Primer, July 2012, available at <http://www.ferc.gov/market-oversight/guide/energy-primer.pdf>

¹⁵ FERC, Energy Primer, July 2012, available at <http://www.ferc.gov/market-oversight/guide/energy-primer.pdf> (“The cost of the LNG process is \$2-\$4 per million British thermal units (MMBtu), depending on the costs of natural gas production and liquefaction and the distance over which the LNG is shipped.”).

¹⁶ Natural Gas Prices, U.S. Energy Information Administration, 2015, available at http://www.eia.gov/dnav/ng/ng_pri_sum_dcu_nus_m.htm (last visited March 16, 2015).

CO134-4 See response to FA4-2 for a discussion of purpose and need, and peak demand.

CO134

Vortex” of 2014, the price of domestic natural gas in the downstate New York City and Long Island markets may experience a short-term spike in cost. However, even in such limited instances, it is speculative to suggest that the proposed project is needed to provide (or would provide) price relief.¹⁷ First alternatives such as adequate natural gas storage, expanded pipeline capacity, and decreased natural gas demand through energy efficiency measures could also meet this need.¹⁸

CO134-5

CO134-5 See response to FA4-2 for a discussion of purpose and need, and peak demand.

CO134-6

Furthermore, the claim that an offshore LNG import facility would alleviate pipeline capacity in the New York City and Long Island markets is not adequately supported by the DEIS or by the realities of existing natural gas pipeline infrastructure. The DEIS states that two submerged turret loading buoys would be the receiving connection for the natural gas unloaded from the LNG regasification vessels and delivered to the proposed Mainline, which will then connect to Transco’s Lower New York Bay Lateral for delivery to shore.¹⁹ Since the imported natural gas will be delivered to an existing pipeline that currently transports natural gas to NYC and Long Island, the LNG facility would not be providing a new “delivery point.”²⁰ Rather, Port Ambrose would provide additional supply to an existing pipeline that already has capacity restraints.

CO134-6 See CO133-8.

B. The DEIS relies on an outdated New York State Energy Plan from 2009 and incorrectly cites to the 2014 Draft New York State Energy Plan

CO134-7

A significant portion of the “Purpose and Need” section of the DEIS discusses the Natural Gas Outlook for New York.²¹ In this section, the DEIS makes several conclusions based upon information and data cited as being from the Draft New York State Energy Plan that was released in 2014 (“NYSEP 2014”).²² Incredibly, however, the assertions made in the DEIS are nowhere to be found in the 2014 Draft New York State Energy Plan. Indeed, the 2014 Draft New York State Energy Plan provides information that contradicts the DEIS’s analysis of demand for natural gas:

“Another source of the U.S. natural gas supply is from imported LNG. However in 2012, U.S. LNG imports continued to decline with only 175 Bcf received. This is 23 percent of the 2007 levels which were at 771 Bcf. The 2012 annual LNG imports represent less than 1 percent of

CO134-7 See CO133-6.

¹⁷ Polar Vortex Sends Natural Gas Prices on Rollercoaster, Time, 2014, available at <http://science.time.com/2014/01/07/polar-vortex-sends-natural-gas-prices-on-rollercoaster/> (last visited March 16, 2015).

¹⁸ The DEIS, at 2-54, 2-55, recognizes that the Transco Rockaway Delivery Point Project and the Iroquois Eastern Long Island Project are expected to deliver additional natural gas to meet market need and location. See also <http://www.ferc.gov/market-oversight/reports-analyses/mkt-views/2014/10-16-14-A-3.pdf> (“The Transco Rockaway Delivery Project will enable Transco to deliver an additional 647 MMcf into the New York City distribution system, which is fully contracted by local distribution companies. The project will work directly with Transco’s 100-MMcf Northeast Connector Project adding capacity from the mainline at Station 195 near the Pennsylvania-Maryland border to delivery points at Long Island.”); http://www.nyc.gov/html/om/pdf/2012/cf_natural_gas_study.pdf (“Spectra and Williams expansions into Transco Zone 6-NY, which also interconnect with New York City LDCs, will alleviate gas pipeline constraints and reduce gas prices in the region relative to Henry Hub”).

¹⁹ Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application. 2.0 Description of the Proposed Action and Alternatives, at 2-1.

²⁰ See Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application. 1.0 Introduction, at 1-6 (claiming that “[n]ew delivery points at New York City market locations would relieve existing capacity constraints and increase the reliability of the gas system.”)

²¹ *Ibid* at 1-6, 1-8.

²² *Ibid.* (citing “Draft New York State Energy Plan (NYSEP 2014”).

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total U.S. natural gas requirements. The principal reasons for the decline include low domestic natural gas prices that made it difficult to attract LNG cargo to the U.S. Of 12 active U.S. terminals, only Everett LNG in Massachusetts and Elba Island in Georgia received regular LNG cargo throughout the year, albeit with lower frequency than in past years. Both have long-term contracts. Figure 24 illustrates LNG price variations around the world.²³

"The U.S. domestic production in the lower 48 states has increased with the development of new supply basins, so the need for substantial increased volumes of imported LNG has diminished for the near term. It is anticipated that if natural gas production from shale basins outstrips demand in the U.S., LNG may be exported from the continental U.S. to Asia or Europe. This could cause price volatility in the future and should be monitored."²³

Clearly, the 2014 Draft New York State Energy Plan does not support the notion that imported LNG is needed by the State of New York.

The information and data used to support the needs assessment is actually outdated information from the 2009 New York State Energy Plan.²⁴ Regardless of whether this outdated information was presented and inaccurately cited purposefully or accidentally, the fact remains that the DEIS uses the wrong data gathered at a time when the energy market was nearly the opposite of what it is today. As such, the DEIS fails to portray the need, the market or other relevant conditions that exist today. Indeed, as the actual 2014 New York State Energy Plan makes clear, there is substantial evidence that shows the need for imported LNG has diminished and the current trend is for LNG to be exported from the United States.²⁵ Thus, the DEIS and, indeed, the agency record is fatally flawed. We submit that it is highly "arbitrary and capricious" to knowingly use outdated, incorrect, inapplicable data when one knows there is updated, reliable, and applicable data readily available. Moreover, commenters raised this during the scoping process, and this egregious error was still not corrected.

C. Marketplace Shift to Exports

CO134-8 Liberty LNG submitted with their application a report titled "Needs Assessment for Port Ambrose" written on July 12, 2012. The DEIS cites to this report in its "Natural Gas Outlook" section of the DEIS.²⁶ In the report, Liberty claims it uses a nation-wide natural gas demand model to suggest that demand will be rising in the future, and that Liberty LNG should therefore build an import port to supply the NYC and Long Island markets. At the crux of their analysis is this assertion: "New York prices will decline \$0.25 to \$6.00 per MMBtu compared to prices without Port Ambrose."²⁷ Liberty claims, based on data which (as we describe below) is flawed, that imports from Port Ambrose will save New Yorkers money.

The needs analysis is further deficient because (1) impacts to the price of natural gas in New Jersey from either imports or exports are not assessed, (2) the use of nationwide models for local extrapolation is

²³ 2014 Draft New York State Energy Plan. Volume 2: Sources, page 79-80, available at <http://energyplan.ny.gov/Plans/2014.aspx>.

²⁴ 2009 Draft New York State Energy Plan. Available at <http://energyplan.ny.gov/Plans/2009.aspx>.

²⁵ 2014 Draft New York State Energy Plan. Volume 2: Sources, page 79-80, available at <http://energyplan.ny.gov/Plans/2014.aspx>.

²⁶ Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application. 1.0 Introduction, at 1-6, 1-8.

²⁷ Liberty LNG Application, Volume IVb, at 2.

CO134-8 See response to FA4-2 for a discussion of purpose and need, and peak demand.

CO134

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(cont)

improper (as noted by federal agencies reviewing this assertion), and (3) the low end of the estimated savings is slightly more than 4% the top end (a 24-fold range in price that begs the question “how is this reliable energy forecasting”).

The underlying data used to show there is a “need” are all wrong. Among the many examples of erroneously used data are the following:

First, Liberty claims that “[w]hile there is an abundant domestic gas resource base, [costs of production are high], and that is likely to translate into higher gas prices.”²⁸ In truth, gas prices and costs of production are low, and have been declining for almost five years.

Second, Liberty uses an entirely disproven forecast of LNG import demand (nationwide). According to the applicant, “[b]y 2035, U.S. [LNG] imports are projected to reach 0.66 Tcf per year, a little less than twice the volume of imports in 2010.”²⁹ While ICF delivered this report to Liberty LNG in 2012, they used data from many years earlier. According to a report by the Energy Information Administration (EIA), also published in 2012, “[i]n the face of unprecedented levels of domestic natural gas production, net imports of natural gas into the United States fell 23 percent in 2011,” and 2012 “LNG imports decreased by 50 percent from the 2011 level to 175 Bcf, the lowest level since 1999.”³⁰ Liberty LNG’s consultant should have updated their report to reflect the most recent data – certainly in the two intervening years. Moreover, commenters raised this inaccuracy in Scoping, and the USCG – shockingly – has failed to change the Liberty-submitted projections to reflect the known state of energy markets as presented in dozens of EIA energy outlooks and energy reports issued over the past few years.

More recent data demonstrates that net imports of natural gas fell even further in 2013, “continuing a decline that began in 2007.”³¹ As the EIA concludes, “[r]obust natural gas production in the United States likely displaced imports...and helped maintain a high price differential between domestic and foreign markets outside of North America, increasing interest in the potential export of U.S. liquefied natural gas (LNG).”³² Indeed, natural gas net imports fell by 14% to 1,311 Bcf in 2013, the lowest level since 1989.³³

The 2014 EIA Annual Energy Outlook projections show that LNG imports are actually expected to bottom out at 0.15 Tcf per year – a little less than a third of the 0.45 Tcf imported in 2010.³⁴ Additionally, the EIA forecasts net natural gas imports to decline to zero by 2018.³⁵ This is backed up in the February 2015 “Short Term” energy update which concludes that LNG imports “have fallen over the past five years because higher prices in Europe and Asia are more attractive to LNG exporters than the relatively low

²⁸ Ibid. at 7.

²⁹ Liberty LNG Application, Volume IVb, at 10 (emphasis added).

³⁰ U.S. Natural Gas Imports & Exports 2012, available at <http://www.eia.gov/naturalgas/importsexports/annual/archives/2013/> (last visited February 26, 2015).

³¹ U.S. Natural Gas Imports & Exports 2013, available at <http://www.eia.gov/naturalgas/importsexports/annual/> (last visited February 26, 2015).

³² Id.

³³ Id.

³⁴ EIA, Annual Energy Outlook 2014, Natural Gas Imports and Exports Table, available at <http://www.eia.gov/coal/aec/tablebrowser/#?release=AEO2014&subject=8-AEO2014&table=76-AEO2014®ion=0&cases=ref2014-d102413a> (last visited February 26, 2015).

³⁵ EIA, Market Trends, Natural Gas, 2014, available at http://www.eia.gov/forecasts/aec/mt_naturalgas.cfm (last visited March 16, 2015).

CO134

prices in the United States.”³⁶ The energy update further provides, “[f]orecast LNG gross imports average 0.2 Bcf/d in both 2015 and 2016.”³⁷

CO134-8
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In its 2012 application, Liberty LNG claimed that “[n]ot including Port Ambrose, ICF forecasts U.S. LNG imports to grow from approximately 0.5 Tcf in 2010 to 0.7 Tcf by 2035.”³⁸ Given that the EIA’s estimates from 2011 project LNG imports to shrink to 0.14 Tcf by 2028 and remain at low levels, Liberty LNG’s baseline rationale to support its claim that there is a need for imported LNG was **off the mark by approximately 500%**.³⁹ This is particularly worrisome because the DEIS cites the Liberty report for concluding “that there will be substantial growth in natural gas demand throughout North America and that increased supplies are required to meet growing demand.”⁴⁰

This is all to say that the Liberty LNG report is wrong. The USCG wrongly decided to not conduct its own analysis of the veracity of these claims. Taken together, there was arbitrary and capricious agency inaction here. The entire basis of need shown by the applicant (that there’s a strong and growing need for LNG imports that are in the national interest) is a clearly disproven fact – LNG imports are weak and growing weaker, with no long-term independently demonstrated national need for import capacity. In fact, the EIA Annual Energy Outlook 2014 also predicts that net natural gas imports will be zero by 2018.⁴¹ As such the DEIS is deeply and fatally flawed.

Third, in developing its projection that Port Ambrose will lead to a \$0.25 to \$6.00 price savings for New York consumers, Liberty LNG relies on yet another set of outdated data. The Liberty report projects that Henry Hub gas prices “will decline to under \$4.00 per MMBtu (in 2010 constant dollars) in 2012 and increasing to \$6.00 per MMBtu by 2020 and almost \$7.50 per MMBtu by 2025.”⁴² In reality, the EIA reports that:

“In 2012, the United States experienced its warmest year on record in the lower 48 states, high natural gas storage inventories, and high natural gas production that put significant downward pressure on domestic natural gas prices. These factors contributed to a decrease in natural gas prices at the Henry Hub to about \$2.75 per thousand cubic feet (Mcf) on average in 2012, the lowest level since 1999.”⁴³

The Bureau of Ocean Energy Management (BOEM), in reviewing Liberty LNG’s application for completeness, discussed the issue of “need” at length. In the data gaps comments prepared by the Office of Renewable Energy Programs, the agency noted:

³⁶ EIA, Short Term Energy Update, at 8, available at http://www.eia.gov/forecasts/steo/pdf/steo_full.pdf (last visited February 26, 2015).

³⁷ Id.

³⁸ Liberty LNG Application, Volume IVb, at 2.

³⁹ EIA, Market Trends, Natural Gas, 2014, available at http://www.eia.gov/forecasts/aec/mt_naturalgas.cfm (last visited March 16, 2015).

⁴⁰ Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application. 1.0 Introduction, at 1-8.

⁴¹ Annual Energy Outlook, U.S. Energy Information Administration, 2014, available at http://www.eia.gov/forecasts/aec/mt_naturalgas.cfm (last visited March 16, 2015).

⁴² Liberty LNG Application, Volume IVb, at 11.

⁴³ U.S. Natural Gas Imports & Exports 2012, available at <http://www.eia.gov/naturalgas/importsexports/annual/archives/2013/> (last visited February 26, 2015).

CO134

"[Natural gas] prices in the USA are very low at present and are expected to stay low for the foreseeable future. This seems to be ignored in this ICF report or the ICF report is mischaracterized as it seems to be focused only on increasing demand and lessening supply. The most recent EIA report indicates there is considerable export of USA [natural gas] via LNG and there is talk of exporting more of USA [natural gas] via LNG."⁴⁴

In sum, the data contained in the DEIS use to support the alleged need for LNG imports are significantly outdated. It is undisputed that:

- Where Liberty says something goes up, it has gone down (production, supply, demand);
- Liberty's estimates of long-term LNG import need are off by 500%; and
- Prices of natural gas are not, contrary to Liberty LNG's assertions, reaching record highs, they are reaching record lows.

Given that this information was generally readily available at the time Liberty LNG applied for this deepwater port license, this needs assessment should never have been deemed acceptable by the USCG or MARAD or relied upon in the DEIS. The Final EIS developed for this Port must reexamine the "need" of LNG imports by entirely reanalyzing the LNG marketplace. Without a rational basis in fact, approving this DEIS would be arbitrary and capricious agency action by the USCG. With evidence at hand that clearly shows that the facts supplied are entirely inaccurate, approval of the DEIS would be egregiously arbitrary and capricious agency action.

D. Updated data analyzed by Liberty's own consultant yields different conclusions

CO134-9 On May 15, 2013, Liberty LNG's consultant for its needs assessment, ICF International, released a report prepared for another client, the American Petroleum Institute, containing entirely different conclusions about the future of LNG imports/exports are made.⁴⁵ According to ICF, there are some key differences in the trajectory of this market which we contend (and contended in the scoping process) should have been incorporated into the DEIS "needs" analysis, the baseline "status quo" alternative, and the socioeconomic impact assessment.

First, in the report for Liberty LNG, ICF claims the U.S. needs imports, and that continued expansion of nationwide LNG imports will reduce the price of natural gas by \$0.20. For the API, on the other hand, ICF concludes that the U.S. needs exports, and that expansion of export capacity will lead to an increase in the cost of natural gas by up to \$1.02.⁴⁶ By relying on a flawed "need" assessment (which likely influenced the alternatives reviewed and baselines for many of the economic reviews), the DEIS failed to take a hard look at the information supplied by ICF and Liberty LNG.

Second, for Liberty LNG, ICF noted that LNG imports would double by 2035 (noted above as being a projection off the mark by 500%). This data gap (or "mischaracterization" as BOEM described it) was directly contradicted by the ICF in the API report when it noted the fact that "U.S. [import] demand grew

⁴⁴ Data Gaps, Item 120, Docket # USCG-2013-0363-0013.

⁴⁵ ICF International, U.S. LNG Exports: Impacts on Energy Markets and the Economy. Available at <http://www.api.org/~media/Files/Policy/LNG-Exports/API-LNG-Export-Report-by-ICF.pdf> (last visited August 1, 2013) (hereinafter "API Report").

⁴⁶ *Ibid.* at 2.

CO134-9 The ICF report refers to price fluctuations during peak demand where periods of extreme temperatures have the potential to burden existing natural gas delivery systems. The winter of 2013-14 demonstrated that there were significant constraints in the natural gas supply system created by a combination of increased demand from residential, commercial and industrial conversions; cold weather affecting traditional demand; and new natural-gas fired power generation. Please refer to response to comment FA6-2.

CO134

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slightly through 2007 before declining as a result of the shale gas revolution.⁴⁷ Clearly, the natural gas consultant for Liberty LNG is aware of this 5-year-long decline in LNG import demand now; it should have also been aware of this market trend in mid-2012, four years into this stated decline.

Third, this API report developed by ICF paints a gruesome economic picture of what exports will lead to:

*"...for each of the three export cases, the majority of the incremental LNG exports (79%-88%) is expected to be derived from increased domestic natural gas production. Another 21% to 27% stems from consumer demand response (i.e., price increases lead to a certain decrease in domestic gas demand). In addition, 7% to 8% of the remaining rebalancing supply is from changes to net imports (primarily Canadian gas imports and some reduction in exports to Mexico)."*⁴⁸

That means that for each unit of LNG sent overseas, over three-quarters will likely come from new drilling. Another quarter comes from people, businesses, and industries cutting back on gas use due to cost increases. These impacts from exports should have been considered in the DEIS and should, at the very least, be taken into consideration in the environmental, socioeconomic, and economic reviews included in the Final EIS.

For the above reasons, updated data analyzed by Liberty's own consultant demonstrates that there is no need for the proposed LNG import facility.

E. Exports have displaced import need, numerous export facilities have been proposed, and many import facilities remain underutilized

CO134-10 To further underscore the inaccuracy of the needs assessment presented in the DEIS, we note that presently, LNG exports have displaced import need, numerous export facilities have been proposed, and many import facilities remain underutilized.

Fourteen onshore LNG export facilities are currently proposed⁴⁹ with an additional thirteen potential export terminal sites identified.⁵⁰ Four export facilities have already received FERC approval.⁵¹ One of these approved export facilities is the Dominion Cove Point LNG Terminal, which was originally an import facility *but then switched to an export facility*.⁵² A deepwater port applicant, Freeport-McMoRan Energy (Main Pass Energy Hub), has joined with United LNG to secure a license for LNG exports from their offshore deepwater port – and has already received Department of Energy authorization for such

⁴⁷ Ibid. at 60.

⁴⁸ Ibid. at 71.

⁴⁹ FERC, North American LNG Export Terminals Proposed, 2015, available at <http://www.ferc.gov/industries/gas/indus-act/lng/lng-export-proposed.pdf> (last visited, March 16, 2015).

⁵⁰ Ibid.

⁵¹ Feds Approve Fourth LNG Export Terminal Amid Growing Pressure to Cash In On US Energy Boom, International Business Times, 2014, available at <http://www.ibtimes.com/feds-approve-fourth-lng-export-terminal-amid-growing-pressure-cash-us-energy-boom-1697255> (last visited March 16, 2015).

⁵² Dominion Cove Point LNG Terminal Wins Federal Approval, BloombergBusiness, 2014, available at <http://www.bloomberg.com/news/articles/2014-09-30/dominion-cove-point-lng-terminal-wins-federal-approval> (last visited March 16, 2015).

CO134-10 See response to FA4-2 for a discussion of purpose and need, and peak demand. As stated in Section 1.1 of the final EIS, the increased natural gas supply in New England for the winter of 2014-2015, including LNG imports from the Northeast Gateway Deepwater Port, off the coast of Boston, Massachusetts, contributed to reduced average wholesale energy prices from an average of \$138 per megawatt hour in the winter of 2013-2014, to an average of \$77 per megawatt hour in the winter of 2014-2015 (ISO New England 2015). Increased fuel supply during the winter peak demand directly contributed to the lower price levels in 2014-2015 (ISO New England 2015).

CO134

exports.⁵³ The fact that facilities for importing LNG are switching to exports highlights concerns regarding the accuracy of Liberty LNG's needs assessment.

In addition to the clear trend of increased export facilities, several LNG import facilities have either decommissioned or have not been utilized in recent years. In a notice posted to the Federal Register on August 14, 2013, the final decommissioning of the Gulf Gateway Deepwater Port was announced. MARAD stated that "Excelerate's decision to decommission the Gulf Gateway Deepwater Port was due primarily to declining pipeline capacity issues, significant operational challenges, and changes in the global natural gas market."⁵⁴

Just a month earlier, on July 16, 2013, the Neptune Deepwater Port offshore of Boston, Massachusetts, petitioned for a license amendment (which was granted) to shut down operations for five years. The stated reason for this shut down was, according to MARAD, that

"...recent conditions within the Northeast region's natural gas market had significantly impacted the Neptune Port's operational status and its ability to receive a consistent supply of natural gas imports. As a result, the Neptune Port has remained inactive over the past several years and will likely remain inactive for the foreseeable future. For these reasons, Neptune requested MarAd's authorization to suspend port operations for a period of five years."⁵⁵

Another deepwater port, Excelerate Energy's Northeast Gateway, only received one shipment this winter (December 2014), and this was the first shipment since the facility's 2010 commissioning season.⁵⁶

The needs assessment contained in the DEIS simply does not reflect the realities of the LNG market today. With increased domestic production, there is simply no need for the proposed import facility.

F. Specific Comments Regarding Section 1.1, Purpose and Need

CO134-11 **Comment 1, Page 1-6, Paragraph 1:** "The U.S. Department of Energy (DOE), Energy Information Administration (EIA) estimates that total energy consumption in the United States will increase by 0.3 percent per year, to 107.6 quadrillion British thermal units (Btu) from 2011 to 2040 (EIA 2013a)." *The DEIS references a 2013 report completed by the Energy Information Agency. However, this report is only a Short Term Energy and Winter Fuels Outlook Report. Therefore, there are no projections*

⁵³ U.S. DOE, Freeport-McMoRan Energy LLC – FE Dkt. No. 13-26-LNG, available at http://www.fossil.energy.gov/programs/gasregulation/authorizations/2013_applications/Freeport-McMoRan_Energy_LLC_-_13-26-LNG.html

⁵⁴ 78 F.R. 49603 (Wednesday, August 14, 2013).

⁵⁵ 78 F.R. 42587 (Tuesday, July 16, 2013).

⁵⁶ <http://www.bostonglobe.com/business/2015/02/25/wholesale-electric-prices-lower-than-expected-but-residential-rates-remain-high/MNwQJa1oERLXr1qjxBxVDO/story.html> ("Excelerate Energy of Texas is finally using its \$350 million offshore floating buoy system, which receives natural gas from LNG ships anchored about 13 miles off the coast of Gloucester and transports it via underwater pipelines into the land-based pipeline system. Excelerate's Northeast Gateway Deepwater Port, as the buoy system is known, hadn't been used since 2010; this year it has received one shipment of LNG.")

CO134-11 The noted references are incorrect and should point to EIA 2014. Edits have been made to section 1.1.

CO134 Clean Ocean Action (continued)

CO134

CO134-11 | *for total energy consumption in the United States. The EIS preparer must utilize proper citations for the sake of full transparency and disclosure.*

CO134-12 | **Comment 2, Page 1-6, Paragraph 1:** "Natural gas use in the industrial sector increased by 16 percent, from 6.8 trillion cubic feet (tcf) per year in 2011 to 7.8 tcf per year in 2025 (EIA 2013a)." *The referenced report makes no mention of natural gas use in the industrial sector. However, Volume 2 of the 2014 New York State Energy Plan (page 91) indicates that natural gas demand in the industrial sector has decreased by 10 percent over the last decade. Hence, the DEIS should be updated to reflect the industrial sector's actual natural gas demand.*

CO134-13 | **Comment 3, Page 1-6, Paragraph 1:** "In addition, the natural gas share of electricity generation is expected to grow to approximately 39 percent, potentially reaching 14.8 tcf by 2040 (EIA 2013a)." *The referenced report makes no mention of natural gas's share of electricity generation. However, Volume 2 of the 2014 New York State Energy Plan (page 93) indicates that natural gas grows from a 24 percent share or 7.5 Tcf in 2011 to a share of only 27 percent or 9.0 Tcf in 2035. Hence, the DEIS should be updated to reflect the actual share projections for natural gas electricity generation.*

CO134-14 | **Comment 4, Page 1-6, Paragraph 3:** "New delivery points at New York City market locations would relieve existing capacity constraints and increase the reliability of the gas system. In addition, these would also reduce both the volatility of downstate market gas prices and the delivered price of natural gas. New supplies increase gas market reliability and minimize price volatility by providing other sources of supply that are available when other supplies, such as those from the Gulf of Mexico, are disrupted as a result of hurricanes or other factors."

According to the 2014 New York State Energy Plan (page 115) "The combination of increased availability of shale gas and improved take away capacity from this supply basin has led to a general reduction in price volatility. As such, the claim that the proposed project would reduce downstate market gas prices is unfounded. Furthermore, the DEIS indicates the need for the proposed project due to potential weather events, such as hurricanes, which would disrupt supply routes from the Gulf of Mexico. However, according to an EIA report entitled Natural Gas Explained, LNG imports only accounted for 0.4% of natural gas consumption in 2013. Moreover, the majority of U.S. LNG imports are currently from Norway, Qatar, Trinidad and Tobago and Yemen, accounting for 97% of total imports. Further, the EIA report suggests that LNG originally imported to the U.S. is re-exported to other destinations where prices are higher. Hence, operation of the proposed project as an import facility appears untenable, financially. Therefore, there appears no need for the proposed project and the true No Action Alternative should be implemented.

CO134-15 | **Comment 5, Page 1-8, Paragraph 1:** "In addition, the PlaNYC introduces Energy Initiative 13, which encourages the development of clean distributed generation. These initiatives were codified in New York City regulations that require all new heating systems to burn only No. 2 oil, natural gas, or the equivalent in terms of emissions beginning May 2011, with a conversion of all No. 4 or No. 6 oil systems by 2030 (NYCDEP 2011). Without additional natural gas capacity, New York City utilities 'will be unable to respond to growing demand for new service as customers pursue clean distributed generation and conversions from dirty heating oil' (NYCDEP 2011)."

14

CO134-12 Thank you for your comment. Edits have been made to Section 1.1.

CO134-13 The noted references are incorrect and should point to EIA 2014. Edits have been made to Section 1.1.

CO134-14 Please see response to comment FA6-2.

CO134-15 The noted reference was incorrect and should point to PlaNYC 2011. Edits have been made to section 1.1.

CO134

CO134-15 (cont) | The DEIS reference, "NYDCEP, 2011" refers to a May 23, 2011 press release from the New York City Department of Environmental Protection entitled, "Department of Environmental Protection and Department of Buildings Unveil New Program to Streamline Approval Process For Upgrading Boilers." The press release does mention a new regulation that will eventually require all boilers in New York City to only burn Number 2 oil, natural gas, or any fuel that is cleaner. However, the press release makes no mention of New York City's ability to respond to a "growing demand for new service." Furthermore, the DEIS in this case is basing its conclusion on a report prepared for New York City Mayor's Office of Long-Term Planning and Sustainability entitled, "Assessment of New York City Natural Gas Market Fundamentals and Life Cycle Fuel Emissions." The report concludes a need for new facilities to transport natural gas if ALL new boiler in New York City solely utilize natural gas in lieu of Number 2 oil or cleaner sources. As it is impossible to determine what type of fuel every future boiler will utilize, the conclusions of this report, based on an improbable scenario, are unfounded.

CO134-16 | **Comment 7, Page 1-8, Paragraph 2:** "Given the established need for new supply, the Applicant commissioned a study (the ICF Report) by ICF International (ICF 2012), the firm hired by the State of New York to assist in the preparation of the NYSEP. The ICF Report concluded that there will be substantial growth in natural gas demand throughout North America and that increased supplies are required to meet growing demand in the Northeast United States, particularly in New York City, which accounts for approximately 20 percent of the total gas demand in the Northeast."

It is hereby requested that the Applicant make the ICF 2012 report available for public review, pursuant to the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508), and the Department of Energy's NEPA Implementing Procedures (10 CFR Part 1021).

Overall, based on projections that call for price stabilization coupled with trends that indicate that the country is looking for more opportunities to export LNG rather than import it, the proposed project would essentially be obsolete.

G. Conclusions Regarding Stated Purpose and Need

CO134-17 | Because of the global increase in LNG import and export capacity, and because of the historic lows of domestic U.S. natural gas price, including either imports or exports into the energy network of New York City may actually drive up prices – not save consumers money. An adequate analysis requires the Final EIS to adequately assess the need for an LNG import facility by considering price impacts from the following: (1) contracting practices (whether the LNG would be purchased on the spot market or through long-term supply contracts); (2) the effect of increasing domestic gas production; (3) declining natural gas demand due to energy efficiency programs; and (4) declining demand for natural gas-powered electricity due to displacement of natural gas with renewables. The Final EIS developed for Port Ambrose must take a hard look at all of these considerations and publicly, openly, and thoroughly appraise the actual economics of LNG imports and exports in this new marketplace.

CO134-16 This is part of the Port Ambrose Application (Vol IVb) which is filed electronically on regulations.gov.

CO134-17 See response to FA4-2 for a discussion of purpose and need, and peak demand.

CO134

2.0 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES.

The DEIS contains a distorted evaluation of the No Action Alternative.⁵⁷ The DEIS states that the “development of an onshore LNG terminal is not considered a true alternative to the proposed Project.”⁵⁸ The DEIS inappropriately provides “an analysis of onshore LNG terminal siting alternatives”⁵⁹ anyway because of the assumed need for an additional energy source. As stated above, the EIA’s Annual Energy Outlook 2014 estimates that net gas imports will shrink to zero by 2018.⁶⁰

CO134-18 A reasonable analysis of the no action alternative (i.e., *status quo*) would be based upon the premise that no facility is constructed and the license is not awarded. The DEIS contains no such analysis. Instead, the no alternative analysis contained in the DEIS erroneously includes the building of a land-based LNG terminal, which as the DEIS states, has no place in the no action analysis. Indeed, the DEIS affirms that by saying the “...development of an onshore LNG terminal is not considered a true alternative to the proposed Project”.⁶¹ Thus, this assessment of a land-based LNG terminal should have been limited to section 2.2.1.1. In fact, “[t]he No Action Alternative would avoid the potential for environmental impacts associated with proposed Project construction and operation.”⁶² This is a gross distortion of a fair evaluation of the requirement for a “no action” assessment. While such an assessment could include a review of some conceivable or plausible result, the building of an onshore facility is arbitrary and unreasonable, serving only to skew the outcome. Therefore, the DEIS, at its core, is deficient.

CO134-19 It is further noted that the proposed project would prevent the construction and operation of a wind power farm. Yet, the creation of an offshore wind farm was not reviewed in the DEIS as an alternative to the proposed project. This was a significant oversight. According to the 2014 New York State Energy Plan, estimates of offshore wind power potential total more than 38,000 MW.⁶³ When combined with onshore potential (25,000 MW), wind power could provide more than 1.6 million GWh/year, which is eight times greater than all of New York’s projected electric consumption for 2030. The proposed project may significantly impair New York’s capacity for wind power and therefore it should have been reviewed in the DEIS as an alternative to the proposed LNG project.

CO134-20 Importantly, the DEIS also fails to be clear and specific about how often, and the length of time tankers will be in operation—docked and active at the port. Liberty claims to be importing LNG to “meet existing and future demand requirements particularly during peak winter and summer demand.”⁶⁴ What is stated is that the port expects 45 deliveries of LNG per year.⁶⁵

⁵⁷ Liberty LNG Draft Environmental Impact Statement, Section 2 at 2-50

⁵⁸ *Ibid.* at 2-50

⁵⁹ *Ibid.* at 2-50

⁶⁰ EIA, Market Trends, Natural Gas, 2014, available at http://www.eia.gov/forecasts/aec/mt_naturalgas.cfm (last visited March 16, 2015).

⁶¹ *Ibid.* at 2-50

⁶² *Ibid.* at 2-50

⁶³ 2014 Draft New York State Energy Plan. Volume 3: page 88, available at

<http://energyplan.ny.gov/Plans/2014.aspx>.

⁶⁴ Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application. 1.0 Introduction, at 1-3.

⁶⁵ Liberty LNG Draft Environmental Impact Statement, Section 4 at 4-108

CO134-18 Section 2.2.1.1 has been deleted as onshore LNG facilities are not considered an alternative to the proposed Project. Section 2.2.2, No Action Alternative, has been revised to include discussion of onshore facilities. The Coast Guard believes the analysis of an onshore LNG facility as an Alternative is outside the scope of this NEPA analysis.

CO134-19 The environmental effects of construction and operation of the NYPA offshore wind energy project would be considered cumulative with the Port Ambrose project if it is built and operated. However, we do not believe at this time that this project is reasonably foreseeable so it was excluded from a full review in the Port Ambrose cumulative impacts analysis. See final EIS Sections 2.2.3.1, 3.7.1.9, and 6.1.1.6.

CO134-20 See response to CO134-1.

CO134

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Based on an assessment conducted by Clean Ocean Action, if the tankers were unloaded continuously, the proposed size tanker could take approximately 4 to 8 days to vaporize and offload a full LNG tanker cargo. At such rates, it would appear that ***an LNG tanker would be attached to a Port Ambrose buoy not for 45 days a year but rather up to 345 days.*** Nowhere in the DEIS is such an intensive use of Port Ambrose mentioned or considered. Accordingly, the DEIS fails to fully and fairly describe the number of hours, days, weeks or months that the port will be in use, and its impacts upon the human and marine environment. Assessments of maximum and minimum use must be provided for evaluation.

3.0 AFFECTED ENVIRONMENT:

Note: Our comments pertaining to many of the topics in this section appear in our comments to corresponding topics in section 4.0 ("Environmental Consequences of the Proposed Action and Alternatives")

3.7.1.9 Renewable Energy Projects

CO134-21

The proposed Port Ambrose project is not, of course, a renewable energy project. In fact, it is the antithesis of clean, renewable energy. Natural gas is a dirty fossil fuel, a finite resource that our country, our region and our government should be discouraging for numerous reasons, including air pollution. This section will highlight the reasons why our ocean resources should not be used for a fossil fuel project.

A. The Future is Renewables. Renewable sources of energy have much less impact on the environment; conservation and efficiency have even less of an impact on the environment. Sources like sun and wind, as one would surmise, "do not produce any harmful air emissions, such as nitrogen oxides, sulfur oxides, or particulate matter, commonly associated with fossil fuel energy production."⁶⁶ There is a clear environmental and public health benefit to utilizing renewable sources of energy as opposed to using the natural gas that the DEIS would provide.

By definition, renewable forms of energy are sustainable. The supply of "renewable energy from the sun and wind is inexhaustible" which makes "the ability to harness these resources vital to the United States' future, especially as the nation's population and energy needs continue to grow."⁶⁷ Investing in renewable forms of energy such as wind means investing in energy sources (and the technologies) that will continue to return dividends.

The renewable energy sector is rapidly expanding. Renewable power (excluding large hydropower) has continued to account for an increasing share of the overall generation capacity added worldwide. In 2004, just 10% of the new capacity came from renewable sources.⁶⁸ Six years later that proportion more than tripled to 34%, and just a year later it rose to 44%.⁶⁹ In 2004, only 4.3% of the world's total

⁶⁶ The Potential Environmental and Economic Benefits of Renewable Energy Development in the U.S.-Mexico Border Region, Good Neighbor Environmental Board, <http://www.epa.gov/ofacmo/gneb/gneb14threport/English-GNEB-14th-Report.pdf> (last visited August 15, 2013).

⁶⁷ *Ibid.*

⁶⁸ Global Trends in Renewable Energy Investment 2012, Frankfurt School-UNEP Collaborating Center for Climate & Sustainable Energy Finance, <http://fs-unep-centre.org/sites/default/files/publications/globaltrendsreport2012.pdf> (last visited August 15, 2013).

⁶⁹ *Ibid.*

CO134-21 Thank you for your comment.

CO134

generating capacity came from renewable energy (excluding large hydro).⁷⁰ Seven years later, 9.2% of the total world generating capacity came from renewable sources- more than double the capacity just 7 years prior.⁷¹

As energy capacity increases within the renewable energy sector, the cost of production declines. For example, solar photovoltaic technology has an annual growth rate of 80-100% per year.⁷² The price of solar panels has fallen from \$5 per watt in 2005 to just over \$1 per watt in 2009.⁷³ Wind energy production has grown worldwide, with an annual growth rate of 25%.⁷⁴ From 2011 to 2012 there was a significant drop in the cost of generating a MWh of power from onshore wind (down 9%).⁷⁵ The cost of energy from fossil-fuel sources, however, was little changed over the same period of time. Coal-fired generation costs were down just 1%.⁷⁶ Offshore wind prices are expected to fall a great deal in the next few years as competition within the industry increases and more efficient technology is produced.⁷⁷

A new study from Stanford University found that it is technically and economically feasible for New York State to convert its all-purpose energy infrastructure to one powered by wind, water and sunlight. The plan, usually referred to as the "Jacobson Study" for its author, is hailed as an inexpensive, reliable energy plan which would create local jobs and save the state billions of dollars in pollution-related costs.⁷⁸ The Jacobson Study calls for the creation of 12,770 offshore 5-megawatt wind turbines and the development of the offshore wind farms alone is estimated to create 320,000 full-time jobs and more than \$21.4 billion in earnings during construction and 7,140 annual full-time jobs and \$514 million in annual earnings post-construction.⁷⁹ Proponents of the Jacobson Study estimates that \$33 billion in health related costs could be saved each year and that savings alone would pay for the new power infrastructure needed within about 17 years.⁸⁰ In addition to the economic benefits, this study finds that air-pollution related death would decline by about 4,000 annually in New York State.⁸¹

CO134-22 Liberty Natural Gas would only provide dirty fossil fuel energy to the New York region. Liberty only estimates that about 600 jobs would be created during the construction of Port Ambrose and only 5 permanent jobs would be created post-construction.⁸² New York State has the potential to rely completely on renewable energy, creating far more jobs in the process. This study demonstrates that

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² A Global Green New Deal for Climate, Energy, and Development, United Nations Department of Economic and Social Affairs, http://www.un.org/esa/dsd/resources/res_pdfs/publications/sdt_cc/global_green_new_deal.pdf (last visited August 15, 2013).

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Global Trends in Renewable Energy Investment 2012, Frankfurt School-UNEP Collaborating Center for Climate & Sustainable Energy Finance, <http://fs-unep-centre.org/sites/default/files/publications/globaltrendsreport2012.pdf> (last visited August 15, 2013).

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Jacobson, Mark Z., *et al.*, 2013. Examining the feasibility of converting New York State's all-purpose energy infrastructure to one using wind, water, and sunlight, *Energy Policy*, 57: 585-601.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Liberty LNG Port Ambrose, Draft Environmental Impact Statement, Section 4, page 4-122-123.

CO134-22 See response to FA4-2 for a discussion of purpose and need, and peak demand.

CO134

CO134-22 (cont) there is no need for Port Ambrose as renewable energy sources are more than capable of meeting New York's energy demand.

Deficiencies in Liberty LNG's energy analysis must be remedied in the DEIS. In the application, Liberty makes baseless claims that dismiss the benefits of renewable energy and conservation. While there is mention of alternative energy options, there is no data that explains what these alternative energy sources are capable of producing, and what their environmental impact would be in comparison to the Port Ambrose facility.

The DEIS must disclose the metrics used to compare the different environmental impacts of Port Ambrose to the environmental impacts of renewable energy sources. Liberty's application does not review the socioeconomic impacts that renewable energy sources and conservation and efficiency methods. As previously stated, renewable energy investment produces more jobs than natural gas investment.

The long-term estimates of the application are not in the best interests of the public when compared to the long-term benefits of renewable energy and efficiency measures. The DEIS must thoroughly investigate the socioeconomics of renewable energy sources and conservation.

According to Liberty, while renewable energy sources are an important and growing part of the region's energy portfolio, they will not be sufficient to meet the growing energy need. This is a completely baseless claim, as certain studies suggest that New York State's energy sector could be completely based on renewables.

B. The Dirty Face of Natural Gas. Liberty's Port Ambrose project is just another example of the energy sector in the United States moving in the wrong direction. Natural gas is a fossil-fuel and produces an excess of carbon emissions that ultimately lead to climate change. It is imperative for the nation to make a clear shift towards investing in and relying on renewable energy sources, for both environmental and economic reasons. Port Ambrose would provide New York with a dirty fossil fuel and discourage the city from investing in sustainable energy sources, conservation, and efficiency.

CO134-23

CO134-24

Natural gas is often referred to by Liberty LNG as a "cleaner" fossil fuel - there is nothing, however, clean about it. The process of obtaining natural gas alone has vast detrimental impacts to human health and the environment including the contamination of drinking water, marring forests and landscapes, degrading roads and highways, and releasing dangerous gasses that contribute to global warming.⁸³

Over the lifecycle of natural gas (mining, transport, and use for electric power) it produces a great deal of harmful pollutants that "results in at least 60-80 times more carbon-equivalent emissions and air pollution mortality per unit of electric power generated than does wind energy over a 100-year time frame."⁸⁴ Over a 10 to 30 year timeframe "natural gas is a greater warming agent relative to all [wind,

⁸³ Who Pays the Cost of Fracking?, PennEnvironment Research & Policy Center, <http://pennenvironmentcenter.org/sites/environment/files/reports/Who%20Pays%20the%20Cost%20of%20Fracking.pdf> (last visited August 15, 2013).

⁸⁴ Jacobson, Mark Z., et al., 2013. Examining the feasibility of converting New York State's all-purpose energy infrastructure to one using wind, water, and sunlight, Energy Policy, 57: 585-601.

CO134-23 Thank you for your comment.

CO134-24 Thank you for your comment.

CO134

water, and sunlight] technologies and a danger to the Arctic sea ice due to its leaked methane and black carbon flaring emissions.”⁸⁵

CO134-25 As an import facility, transport and liquefaction further add to the deleterious environmental and social effects of natural gas. If the facility were to be used for exports, the impacts will drastically increase – especially when coupled with land-based impacts exacerbated by the availability of a gateway for domestic U.S. natural gas to be sent to foreign markets. These impacts must be clearly assessed in the Draft EIS.

Natural gas is a fossil-fuel, and as such is not a sustainable form of energy. “Fossil fuels form so slowly in comparison to our rate of energy use that we are essentially mining finite, nonrenewable resources and will eventually exhaust quality supplies.”⁸⁶ Investing in nonrenewable resources such as natural gas means investing in a resource that will not be available one day.

Perhaps most critically, Port Ambrose is dependent on a limited natural resource – the history of fossil fuels is one of boom and bust, and it is inevitable that this current gas boom will eventually bust. When supplies of natural gas become too costly, too rare, or too dirty, Port Ambrose will be rendered useless and unnecessary – the technology will have been of little to no long-term use while the pollution will have caused significant long-term damage.

C. **The Potential for Renewable Energy: Offshore Wind.** Port Ambrose is not only the wrong project at the wrong time and in the wrong place, but conflicts with proposals for offshore wind. According to BOEM,

“The study [BOEM’s Identification of Outer Continental Shelf Renewable Energy Space-Use Conflicts and Analysis of Potential Mitigation Measures] concludes that submarine gas pipelines are potential issues for offshore renewable energy because the pipelines can suffer damage from construction, maintenance, and repair activities. These issues could result in potential impacts, including costly rerouting of the pipe and pollution if a pipeline were damaged by renewable energy project activity.”⁸⁷

CO134-26 It would also conflict with Governor Christie’s Energy Master Plan of producing 3,000 MW of energy from off-shore wind, and his own Off-Shore Wind Economic Development Act, which calls for 1,100 MW of energy by 2020 shows the tremendous conflict posed by a project like Port Ambrose. Indeed, Governor Christie’s 2011 veto of this Liberty LNG project, he expressed his concern that this port would harm New Jersey’s sustainable energy sector:

“New Jersey has invested much time, energy, and resources into encouraging renewable energy, a commitment that has made the state a national leader. This project could stifle investment in renewable energy technologies by increasing our reliance on foreign sources,

⁸⁵ Ibid.

⁸⁶ A Global Green New Deal for Climate, Energy, and Development, United Nations Department of Economic and Social Affairs, http://www.un.org/esa/dsd/resources/res_pdfs/publications/sdt_cc/cc_global_green_new_deal.pdf (last visited August 15, 2013).

⁸⁷ Liberty LNG Draft Environmental Impact Statement, Section 4 at 4-109

CO134-25 See response to CO132-13 for a discussion of the mandated review of deepwater natural gas export ports.

CO134-26 The environmental effects of construction and operation of the NYPA offshore wind energy project would be considered cumulative with the Port Ambrose project if it is built and operated. However, we do not believe at this time that this project is reasonably foreseeable so it was excluded from a full review in the Port Ambrose cumulative impacts analysis. See final EIS Sections 2.2.3.1, 3.7.1.9, and 6.1.1.6.

CO134

which would undermine progress made by New Jersey and this nation to promote sustainable energy.”⁸⁸

CO134-26
(con't)

However, the DEIS does little to acknowledge the incompatibility. The DEIS must report on what the energy capacity of the wind area would be, and how that specifically compares to the energy capacity of Port Ambrose. DEIS should address, in detail, the possible complications that could arise from building an LNG facility in the middle of an offshore wind facility. The DEIS is clearly slanted in favor of only type of energy – natural gas – and needs to be remedied to acknowledge offshore wind.

The NYS2100 Report also emphasized the importance of investing in renewable energy in recommendations to improve the strength and resiliency of New York State’s energy infrastructure:

“Fuels such as coal, natural gas, heating oil, gasoline, and diesel, most of which are imported into New York State, contribute to climate change and make the State’s system dependent on various delivery systems that themselves are vulnerable to climate change and other disasters. By diversifying our energy supply to include renewable energy sources ... the State will be more energy secure and reduce its contribution to climate change.”⁸⁹

D. Economic Impacts of Renewable Energy. Investing in renewable energy leads to the creation of many jobs. In 2011, wind and solar power alone accounted for an estimated 1.2 million full-time jobs worldwide.⁹⁰ According to the Wisconsin Energy Bureau, “investment in locally available renewable energy generates more jobs, greater earnings, and higher output ... than a continued reliance on imported fossil fuels.”⁹¹ Overall, the Bureau estimates that renewable energy creates three times as many jobs as the same level of spending on fossil fuels.⁹²

A 2009 report found similar numbers for wind energy alone; for every \$1,000,000 invested in energy, oil and natural gas sources produce 5.2 jobs, whereas wind sources produce 13.3 jobs.⁹³ These economic impacts are maximized when indigenous resources can replace imported fossil fuels at a reasonable price, and when a large percentage of the inputs can be purchased within the state.⁹⁴

⁸⁸ New Jersey Governor Chris Christie License Issuance Disapproval Letter, Liberty Deepwater Port Docket # USCG-2010-0993-0038.

⁸⁹ Recommendations to Improve the Strength and Resilience of the Empire State’s Infrastructure, NYS 2100 Commission, <http://www.governor.ny.gov/assets/documents/NYS2100.pdf> (last visited March 16, 2015).

⁹⁰ Global Trends in Renewable Energy Investment 2012, Frankfurt School-UNEP Collaborating Center for Climate & Sustainable Energy Finance, <http://fs-unep-centre.org/sites/default/files/publications/globaltrendsreport2012.pdf> (last visited March 16, 2015).

⁹¹ 100% Renewable Energy and Beyond for Cities, HafenCity University Hamburg and World Future Council Foundation, http://www.worldfuturecouncil.org/fileadmin/user_upload/PDF/100_renewable_energy_for_cities_for_web.pdf (last visited March 16, 2015).

⁹² *Ibid.*

⁹³ The Economic Benefits of Investing in Clean Energy, Department of Economics and Political Economy Research Institute (PERI) University of Massachusetts, Amherst, http://www.peri.umass.edu/fileadmin/pdf/other_publication_types/green_economics/economic_benefits/economic_benefits.PDF (last visited March 16, 2015).

⁹⁴ Dollars from Sense- The Economic Benefits of Renewable Energy, U.S. Department of Energy- National Renewable Energy Laboratory, <http://www.nrel.gov/docs/legosti/fv97/20505.pdf> (last visited March 16, 2015).

CO134

CO134-27 Port Ambrose would not create nearly as many jobs as energy projects from renewable resources would. The port would only produce 5 permanent, fulltime jobs.⁹⁵ Utilizing local renewable power allows money to remain in the community or region, thus boosting the local economy.⁹⁶ Utilizing imported fossil fuels sends that money to entirely different countries. Once it has left the region, that money is not available to foster additional economic activity. This means that every dollar spent on importing energy is a dollar lost from the local economy, which is a detriment to local businesses in terms of income and jobs.⁹⁷

CO134-28 Liberty is currently applying for Port Ambrose to be an import facility. The natural gas that comes into the facility will be from foreign nations, and the money that is paid for that gas will go back to those nations. Renewable energy is inherently local energy, meaning money that is invested into it will remain in the local economy.

Investing in renewable energy is a more economically sound option than importing fossil fuels. In 2008, the United Nations Environmental Programme (UNEP) stressed that investing heavily in green energy can significantly repair the economic problems associated with the global financial crash for cities.⁹⁸ If renewable energy can help repair an economy, then it can certainly help it to grow. From an economic standpoint, renewable energy technologies have two advantages over conventional electricity generation technologies: (1) they are labor-intensive which means they generally create more jobs per dollar invested, and (2) they use primarily indigenous resources, so most of the energy dollars stay local.⁹⁹

3.8. Socioeconomics

CO134-29 The applicant proposes two possible locations as a base of construction operations. One is in Rhode Island, the other in Coeymans, New York. These facilities are over one hundred miles from the proposed port locations, dramatically increasing the environmental cost of the project due to the carbon footprint. Furthermore, it is inappropriate to characterize these activities as "local" to the proposed project location.

See also Section 4.8.

DEIS Excerpt: "Richmond, Kings, Queens, Nassau, and Suffolk counties would likely be utilized for onshore construction and operation support and would also be expected to be the primary source of the workforce to the extent feasible. Although other counties in New York and along the Northeast coast may be impacted due to labor force needs and material purchases, impacts are expected to be concentrated in the five counties listed above. This section provides a baseline description of population

⁹⁵ Liberty LNG Port Ambrose, Draft Environmental Impact Statement, Section 4, page 4-123.

⁹⁶ Recommendations to Improve the Strength and Resilience of the Empire State's Infrastructure, NYS 2100 Commission, <http://www.governor.ny.gov/assets/documents/NYS2100.pdf> (last visited March 16, 2015).

⁹⁷ Dollars from Sense- The Economic Benefits of Renewable Energy, U.S. Department of Energy- National Renewable Energy Laboratory, <http://www.nrel.gov/docs/legosti/fy97/20505.pdf> (last visited March 16, 2015).

⁹⁸ 100% Renewable Energy and Beyond for Cities, HafenCity University Hamburg and World Future Council Foundation, http://www.worldfuturecouncil.org/fileadmin/user_upload/PDF/100_renewable_energy_for_cities_for_web.pdf (last visited March 16, 2015).

⁹⁹ Dollars from Sense- The Economic Benefits of Renewable Energy, U.S. Department of Energy- National Renewable Energy Laboratory, <http://www.nrel.gov/docs/legosti/fy97/20505.pdf> (last visited March 16, 2015).

CO134-27 Thank you for your comment.

CO134-28 Thank you for your comment.

CO134-29 Additional data and analysis has been added to Section 3.8.2 to address the potential socioeconomic impacts due to staging activities conducted at one of the three proposed onshore locations. As stated in Section 3.9, onshore construction-related activities would be limited to a staging area and would not affect residential areas as the three proposed locations are all located in existing industrial use zones.

	CO134
	and demographics, housing, employment and income, and recreation and tourism in the counties identified within the ROL. ¹⁰⁰
CO134-29 (cont)	Comment 1: The DEIS methodology of studying potential impacts at the county level precludes the analysis of potential localized impacts. The entire section should be updated such that more localized and specific geographic areas, such as Census Tracts or Block Groups, are analyzed. This process will allow the public and decision makers to determine if specific areas proximate to the proposed project would be disproportionately impacted and allow for the development of mitigation measures to avoid and/or minimize potential impacts.
	3.9 Environmental Justice
	DEIS Excerpt: “Environmental justice concerns are inherently incorporated in the public meetings open houses, meetings with community groups, etc., since public participation is a key tenet of EO 12898, as well as other guidance related to environmental justice. The goal of the public meetings and open houses is to engage all people that would potentially be affected by the proposed Project regardless of race or income status. Open houses were held by Liberty in conjunction with public scoping meetings held by the Maritime Administration (MARAD) and USCG on July 9 and July 10, 2013 in Long Beach, New York and Edison, New Jersey.” ¹⁰¹
CO134-30	Comment 1: The DEIS should provide specific instances/statements of when Environmental Justice concerns were raised during the July 9 and 10, 2013 Public Meetings. The Applicant should also explain why neither meeting was held in an area with a high concentration of minority citizens who would be potentially affected by the proposed project. The Applicant should further disclose specific community groups the consulted with or, alternatively, provide an explanation as to why community groups that represent the interests of specific minority groups known to reside/work in the ROI were not consulted.
CO134-31	Comment 2: The Environmental Justice analysis includes major discrepancies that diminish its integrity. Rather than relying on an average of the five counties that make up the ROI, the DEIS must include an analysis of potential localized impacts. Impacts to minority citizens are typically local in nature; therefore, impacts should be analyzed at the Census Tract or Block Group level.
CO134-32	Comment 3: Table 3.9-1 does not include Hispanics in the aggregate for total minority population. Pursuant to EPA Region 2 Guidelines for Conducting Environmental Justice Analysis, EPA’s office of Environmental Justice has defined the term “minority” for EJ purposes to include Hispanics, Asian-Americans and Pacific Islanders, African Americans, and American Indians and Alaskan Natives. As such, two of the counties referenced in Table 3.9-1(Kings County and Queens County) both have minority populations that warrant an analysis to determine if these populations would be disproportionately impacted by the proposed project. Moreover, while the EPA recommends a threshold of 51.51 percent of minorities for urban areas and 34.73 percent for rural areas, it is common practice to compare the minority population of a local geography (i.e. a Census Tract or Block Group) to a larger area (i.e. a county or city) since EJ impacts tend to be local in nature. If the minority population of a local geography is meaningfully greater than a larger area, an Environmental Justice analysis is warranted to determine if the given population would experience disproportionate impacts. As such, the DEIS should complete an EJ analysis for local geographies and compare them to larger areas.
	¹⁰⁰ Liberty LNG Draft Environmental Impact Statement, Section 3.8.2, page 3-77 (“Onshore Economic Conditions”)
	¹⁰¹ Liberty LNG Draft Environmental Impact Statement, Section 3.9, page 3-81

CO134 Clean Ocean Action (continued)

- CO134-30 Liberty provided highlights of outreach activities to minority community in the May 2015 Response to Comments (Item 34), including the following:
- Letter of support from Town Board of Town of Hempstead member Dorothy Goosby (February 2, 2015). Councilwoman Goosby is the only minority on the Board representing 800,000 residents. Her district approaches 100% minority and her letter speaks for people of limited income.
 - Meeting with Gil Bernardino, President of Circulio Hispanidad, the largest Hispanic services operation on Long Island providing program assistance to over 18,000 residents (February 9, 2015).
 - Letter of support from Henry Holley, President of 100 Black Men Chapter of Long Island, and a major leader in the minority community (February 4, 2015); in addition, Liberty met with Mr. Holley on March 24, 2015.
 - Letter of support from Norris McDonald, President of the Center for Environment, Commerce & Energy and the African American Environmentalist Association (May 27, 2015).
 - Meeting with Carrie Solages, Nassau County legislator representing the 3rd District, a large Hispanic, African American and Central American community (March 5, 2015).
 - Meeting with Duwayne Gregory, Presiding Officer of Suffolk County Legislature, first minority to ever hold the Presiding Officer position (March 11, 2015).
- Additionally, public open houses were held in conjunction with public scoping meetings held by MARAD and USCG on July 9 and July 10, 2013 in Long Beach, New York and Edison, New Jersey, respectively. More recently, public open houses were held on January 7, 2015 (Queens, New York) and on January 8, 2015 (Eatontown, New Jersey); these open houses were held just prior to the public hearings on the draft EIS on the same dates and locations. See response to CO135-4 for a discussion of public review and outreach.
- CO134-31 Environmental justice is addressed in Section 3.9. Additional data has been added to discuss potential impacts due to the three proposed locations for the onshore staging yards in Albany County, NY; Union County, NJ; and, Washington County, RI.
- CO134-32 See response to CO134-31.

CO134

4.0 ENVIRONMENTAL CONSEQUENCES OF PROPOSED ACTION AND ALTERNATIVES

4.1 Water Resources

This section outlines those impacts to water resources as they relate to the project construction, operation (including LNGRV anchoring), accidents, invasive and non-native species, and impacts during LNGRV port maintenance. As shown in the DEIS Chart¹⁰² below, Port Ambrose will require vast amounts of seawater, and is a direct threat to the water resources of the NY Bight throughout construction, operation and decommissioning.

Table 2 – Annual Water Use for the Port Ambrose Facility over Project Life

Phase	Volume (M ³ /year)	Intake / Discharge point	MARMAP/ECOMON data used
Construction	8,462,497	Mainline	Within 5 miles of Mainline
Operation	4,419,420	Port	Within 5 miles of Port
Emergency/Maintenance	86,688	Port	Within 5 miles of Port
Total Operation + Emergency/Maintenance	4,506,108	Port	Within 5 miles of Port
Decommissioning	494,653	Mainline	Within 5 miles of Mainline

In gallons, the water used annually for operations alone would equal 1,167,487,020.¹⁰³ To put this volume into perspective, it would fill an Olympic size pool 56 miles long every year.

In addition, of great concern are the impacts that this water abuse will have on marine life as discussed below.

A. Construction.

(1) Turbidity. Construction will cause re-suspension of sediments, which will adversely affect water quality. For instance, the DEIS states that the average annual water intake, as it relates to construction, is expected to be approximately 8,462,497 m³/yr.¹⁰⁴ As that water is drawn into the proposed project, it will impact water quality by suspending sediments and increasing turbidity.

Seafloor disturbances and increases in turbidity negatively impact water quality in multiple ways. "Resuspended sediments may obstruct filter-feeding mechanisms and gills of fishes and sedentary invertebrates."¹⁰⁵

¹⁰² Ibid., Appendix J, page 6

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Brief Overview of Gulf of Mexico OCS Oil and Gas Pipelines: Installation, Potential Impacts, and Mitigation Measures OCS Report MMS 2001-067, Minerals Management Services, Department of the Interior, 2001, p. 14, at <http://www.boem.gov/BOEM-Newsroom/Library/Publications/2001/2001-067.aspx> (last visited March 16, 2015).

CO134-33 At the Port, the depth to the ocean bottom is approximately 103 feet. If water is drawn onto the LNG the intake for that water is approximately 22 to 32 feet below the ocean surface (depending on load). Based on the vertical separation between the sea bottom and intake, no sediment disturbance from potential water intake (which may not be needed) would occur. Sediment transport modeling described in Section 4.1.3.1 and Appendix J indicate that disturbance during jet plowing would be minimal and localized based on sediment characteristics and the local physical oceanography. The impacts from anchors are discussed in in Section 4.1.3.2 and Section 4.5.3. These impacts are similar to what would be seen in storms and because they are of short duration and limited area. The impact would be minimal compared to the widespread effects to physical oceanography seen during a storm.

CO134

CO134-33 (con't) The expected trench excavation of 10 feet¹⁰⁶, required by the Army Corps of Engineers, for Port Ambrose would increase turbidity at larger distances. As a result, more material will be disturbed due to the use of a jet sled while excavating the deeper trench. Sediment plumes will increase in the water column because more sediment would be disturbed.¹⁰⁷

The excavation is just one example in which Port Ambrose would create more turbidity. The anchor cables, for example, move continually, re-suspending sediments over a given area. The DEIS lacks the understanding of such impacts on the water resources of the NY Bight. The 'short-term' and 'adverse' impacts that would result are grossly underrated.

CO134-34 (2) **Other Water Quality Impacts.** The conclusion that "[c]onstruction, operation, and decommissioning of the proposed Project would have no significant impact on the physical oceanography within the ROI" is poorly supported and more information is needed.¹⁰⁸ "Construction support vessels alone would have varying quantities of fuel, other oil (hydraulic oil, lubricating oil, greases, etc.), and other chemicals stored and/or in use in support of construction. Accidental releases can happen, and are likely to have serious adversely direct impacts on local water quality."¹⁰⁹

CO135-35 (3) **Duration of Construction.** The assessment of water quality impacts is, in part, dependent on the length of construction activity. However, the overall timeframe of construction activities is unclear within the DEIS. At some points, a nine-month period¹¹⁰ is stated; at other points, a twelve-month period¹¹¹ is stated. An additional three months would allow for more significant impacts to water quality.

B. Operation. The DEIS states that the average annual water intake for operation of Port Ambrose is expected to be approximately 2,663,040 million cubic feet/yr.¹¹² The Support Vessel (SV) will also intake an average annual water volume of as much as 1,756,380 million cubic feet for cooling water and other purposes. This brings the operations water intake to an estimated total of 4,419,420 million cubic feet/yr.¹¹³ For the proposed 25 year projected use, that would equate to a total of nearly 110,500,000 million cubic feet.¹¹⁴

Since the use of cubic meters understates the water use to the general U.S. public, it is more relevant and appropriate to present the water volume in gallons. The water used annually for operations alone would equal 1,167,487,020 gallons¹¹⁵ (4,506,108 x 264.172). To put this volume into perspective, it would fill an Olympic size pool 56 miles long every year.

CO134-36 This seawater is rich with life which will be harassed, maimed or killed. The section does not discuss these impacts to the broad impacts to all phyla of animal life, nor does phytoplankton.

¹⁰⁶ Liberty LNG Draft Environmental Impact Statement, Section 4 at 4-6

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.* at 4-2

¹⁰⁹ *Ibid.* at 4-3

¹¹⁰ *Ibid.* at 4-1

¹¹¹ *Ibid.*, Appendix I, 1-2

¹¹² *Ibid.*, Appendix J, page 6

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*, Executive Summary, ES-6

¹¹⁵ *Ibid.*

CO134-34 The effects to the physical oceanography of the project are discussed in Section 4.1.2.1. Physical Oceanography refers to the dynamic characteristics of the ocean in that area, specifically, bathymetry, tide, current and wind. The relatively small size of the Project area impacted will have minimal impact on the overall ocean.

CO134-35 Construction of the proposed Project is anticipated to take approximately 20 months over two calendar years. Off-site fabrication and pre-construction activities would commence in late 2017 and take approximately 9 to 12 months. Off-site fabrication and pre-construction would occur overseas and would not be under the jurisdiction of general conformity. Onshore construction at the local pipe staging and concrete weight coating facility would begin in early 2018 and take approximately four months. Installation of the offshore components would begin in early 2018 and would take approximately nine months to complete. Construction and installation of the proposed Project would be completed in late fourth quarter 2018.

CO134-36 Thank you for your comment.

CO134

Entrainment of sea-life including plants during extensive water uptake is another major harm associated with Port Ambrose that is overlooked within the DEIS. For operations, seawater is routinely pumped through metal mesh screens, entraining, impinging, and killing marine life. Marine life that is small enough to fit through the screens become entrained, flowing in with the seawater through the system. Larger marine creatures, such as squid, fish, seals, and turtles, can become impinged, colliding with the screen and becoming stuck, injured, or killed as a result. The DEIS focuses mainly on entrainment impacts.¹¹⁶

During entrainment, many organisms die due to fluctuations in environmental conditions, such as temperature and pulses of chlorine or other biocides. All organisms entrained during tanker ballast water intake are permanently removed from the local ecosystem, transported by the tanker, and released in distant waters during refueling. Since “[o]nly a small percentage of newly hatched eggs or larvae typically survive to adulthood,”¹¹⁷ any impact to organisms can devastate local food webs when non-native species that survive are released into receiving waters from the ballast.

CO134-37 As mentioned in the above paragraph, entrained organisms will come in contact with biocides via hydrostatic testing of the Mainline and Laterals. These biocides will be neutralized with hydrogen peroxide,¹¹⁸ but the DEIS does not specify if and how this mixture will be tested prior to discharge or describe its impact to water quality or marine life.

CO134-38 Additionally, the DEIS purports that “[i]mpingement impacts from the facility are not likely” because of the EPA standard intake velocity of 0.5 foot per second, which “allows most small fish to swim away from the intake.”¹¹⁹ However, no data (i.e. swimming velocities of specific fish species) to support this conclusion is provided within the DEIS.

CO134-39 The total amount of seawater intake/discharge over the life of the Project was calculated with the assumption that maintenance would occur only every 5 years.¹²⁰ More data is needed to support this conclusion since the “actual frequency of these ‘as needed’ activities is not certain.”¹²¹ If more maintenance is required, then more entrainment and impingement impacts could be seen.

(1) Port Ambrose’s Water Use is not limited to a Closed-Loop System.

CO134-40 The DEIS purports that a closed-loop system will be used because it uses less water, however, Appendix H suggests that the use of the closed-loop system might not be adequate enough: “[d]ue to the limited operation of the regasification system, recirculation of ballast water may not always provide sufficient cooling to meet all of the vessel’s cooling water needs.”¹²² This likelihood will come to fruition in the summer months, which is labeled in some sections of the DEIS as one of the two important seasons throughout the year that this port will be in use.¹²³ Further clarity and assessment of volumes of water anticipated to be used is needed to determine the impacts if recirculation of ballast water is determined

¹¹⁶ Ibid., Appendix J, page 1

¹¹⁷ Ibid., page 8

¹¹⁸ Ibid., Section 4 at 4-5

¹¹⁹ Ibid., Appendix J, page 1

¹²⁰ Ibid., page 7

¹²¹ Ibid.

¹²² Ibid., page 1-1

¹²³ Ibid.

CO134-37 The USEPA has previously determined that treated discharges on a similar project would be small in volume and that the anticipated treatment of biocides (using hydrogen peroxide) will not contribute to unreasonable degradation of the ocean and environment, and that neutralized biocide treated flood water will display low toxicity (USEPA 2007). Section 4.1.3.1 has been updated to include this clarification.

CO134-38 The EPA has determined that reducing intake velocities to 0.5 feet per second (FPS) or less provides a rate at which most fish can swim away and avoid impingement. The 0.5 fps velocity is based on the analysis of fish burst swim speeds, and is therefore based on the thousands of intake structures where such fish and shellfish may be located. Intake velocities of 0.5 FPS or less meet the impingement mortality standard (Vol. 79, Federal Register, Friday, August 15, 2014, No. 158 pp 48300-48439). In addition, please see response to comment CO129-7.

CO134-39 Thank you for your comment.

CO134-40 Section 4.1.3.2 discusses the potential for discharges during the commission period. Hydrologic modeling indicating minimal impact from this potential discharge is included and indicates minimal impact in both magnitude and areal extent. If this discharge would occur it would be regulated under the Port’s NPDES Permit.

CO134

CO134-40 (con't) not to be adequate. Additionally, impingement impacts should have been investigated based on the efficacy of the closed-loop system.¹²⁴

CO134-41 Additionally, an evaluation of the discharge associated with the vessel's auxiliary steam dump condenser is also needed. While although the likelihood of requiring this condenser is "rare" according to the DEIS, the DEIS does mention that it could happen if "an upset condition...develops during the commissioning period."¹²⁵ If operating, the seawater intake/discharge rate "could increase to as much as 13,900 gpm."¹²⁶ The DEIS recognizes the possibility of use, but a "separate evaluation of the discharge at the higher rate associated with this rare upset condition has not been performed."¹²⁷

Start-up activities will require millions of gallons of seawater for hydrostatic testing of pipelines and storage tanks and other start-up processes. Seawater is required for daily operations, and the proposed closed-loop heating systems will require seawater heated for use in these regasification systems.

Finally, daily LNG operations utilize seawater for engine cooling and ballast water, among other uses. Ballast water for LNG tankers results in the most seawater use – and it is vast. LNG tankers are now up to 1600 feet in length, which is longer than the new World Trade Center Tower is tall. As they unload their cargo, each needs to be filled with millions of gallons of seawater to refill ballasts to stabilize the ship.¹²⁸

CO134-42 C. **Accidents.** More data is needed in order to conclusively state that impacts of accidental spills would be negligible. Some data suggests that accidents could increase dissolved gas levels in the water column during the sudden release of natural gas (methane) into the marine environment may raise to toxic levels.¹²⁹

The LNGRVs and the support vessels, for example, will be harboring varying quantities of fuel, other oil (e.g., hydraulic oil, lubricating oil, greases, etc.), and other chemicals (e.g., aqueous urea, mercaptan, etc.) stored and/or in use in support of facility operations. If accidental release of these substances were to occur "the waters surrounding the proposed Project could cause potentially direct, adverse impacts on local water quality."¹³⁰

CO134-43 D. **Invasive and Non-Native Species.** The Draft EIS fails to assess the increased risk of invasive species to the region and other ocean regions due to LNG operations and ballast water exchanges. LNG tankers will bring non-native species into the region and given the amount of time each tanker will remain at Port Ambrose, these species may have time to colonize in the region, possibly displacing native species. LNG tankers can transport invasive species during ballast water exchanges and by biofouling of hulls or anchor chains. The risk of support vessels transporting invasive or non-natives from LNGRV's to near shore areas where the vessels are docked needs to be assessed. Community

¹²⁴ Ibid. ("...the focus of this assessment is on entrainment impacts [only]")

¹²⁵ Ibid., Appendix H, page 1-2

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Shell Prelude Floating Liquefied Natural Gas Facility at http://www.largestshipintheworld.com/largest_ships_in_the_world/shell-prelude-floating.php (last visited March 16, 2015).

¹²⁹ Liberty LNG Draft Environmental Impact Statement, Section 4 at 4-10

¹³⁰ Ibid. at 4-9

CO134-41 Section 4.1.3.2 discusses the potential for discharges during the commission period. Hydrologic modeling indicating minimal impact from this potential discharge is included and indicates minimal impact in both magnitude and areal extent. If this discharge would occur it would be regulated under the Port's NPDES Permit.

CO134-42 There is no evidence that LNG released to the water column has toxic effects. However based on the Henry's and Fick's Gas Laws any gas release would rise rapidly to the surface and be dissipated to the atmosphere. This is discussed in Section 4.1.3.2. Fuel and other chemicals that would be present on vessels that would support facility operations are discussed and analyzed in Section 4.1.3.

CO134-43 The USCG has developed regulations to aid in controlling the introduction and spread of invasive species in waters of the U.S. (33 CFR 151.2050). These regulations include mandatory requirements such as to rinse anchors and anchor chains during retrieval to remove organisms and sediments at their place of origin and to remove fouling organisms that may be affixed to ship hulls, piping, and tanks. The removal of organisms will be conducted on a regular basis and the disposal of any removed substances will be in accordance with local, state, and federal regulations. In addition, vessels are required to maintain a ballast water management plan which includes detailed fouling maintenance removal procedures.

CO134

CO134-43 | changes to introduction of invasive or attraction of non-native species to the Port area and onshore facilities need to be assessed as well as the larger ecological impacts these changes will have.

CO134-44 | E. **Impacts During LNGRV Anchoring and Port Maintenance.** The DEIS indicates that there will be “[p]ermanent impacts of the Project on benthic EFH are expected only at the footprint of each of the two landing pads (2,000 square feet each), buoy and tether assemblies, and anchoring, for a total impacted area of 4.0 acres.”¹³¹ This is in contrast to unsupported conclusions that impacts to the seafloor and increased turbidity will be minor and localized. It is also recognized that anchor chain movement on the seafloor could adversely impact fish eggs and larvae.¹³² The area impacted is described as minimal (4 acres) which seems to be an underestimation, and it is not clear how this determination was made.¹³³ The loss of these benthic resources needs to be assessed in terms of the larger ecological impacts to fish populations and other sea life that depend on the benthos as a source of food. The biological impacts from turbidity and disturbance need to be assessed and quantified with site specific information.

It is critical that all potential maintenance needs, schedules, and activities are accurately identified and impacts assessed.

F. **Conclusions Regarding Water Resources.** The enormous volumes of marine water will be polluted and degraded in the process and then released back into the environment, negatively impacting the surrounding water quality. The proposed LNG facilities would further contribute to the recurrent dissolved oxygen depletion that typically occurs in the summer in the NY Bight, notably in the northern region near the proposed facility sites.^{134,135} In addition, “spills, leaks, or accidental releases of fuels, lubricants, or other hazardous substances” can occur during construction and operations even with preventative measures in place.¹³⁶

The NY Bight is an ecologically important area, which supports various industries, including, but not limited to, fishing, tourism, and boating. For example, the NY Bight supports one of the largest recreational fisheries in North America in addition to a substantial commercial shell fishing industry that harvests surf clams, quahogs, and sea scallops.¹³⁷

Under the *true No Action alternative* defined above, none of these impacts would occur. Since there is no demonstrated need to the proposed project, Port Ambrose, this alternative must be selected.

4.2 Biological Resources.

According to the Environmental Protection Agency, habitat is defined as the “area which provides direct support for a given species, population, or community. It includes all environmental features that

¹³¹ Ibid., Appendix E, page 25

¹³² Ibid.

¹³³ Ibid.

¹³⁴ Glenn, *et al.*, Biochemical impact of summertime coastal upwelling on the New Jersey Shelf, *Journal of Geophysical Research*, 2004, 109 (C12S02): 1-15.

¹³⁵ Glenn, *et al.*, Wind-driven response of the Hudson River Plume and its effect on dissolved oxygen Concentrations, *Environmental Research, Engineering and Management*, 2007, 1 (39): 14-18.

¹³⁶ Broadwater Final Environmental Impact Statement, Federal Energy Regulatory Commission, Docket Nos. CP06-54-000, *et al.*, p. 3-63 (Jan. 11, 2008).

¹³⁷ LNG: An UnAmerican Source – page 42

CO134-44 The estimated benthic impacts from construction and operation of Port Ambrose as presented in the final EIS as being 3.2 acres of permanent seafloor disturbance, is based on Table 1-1 - Summary of Seabed Impacts, as submitted in Liberty’s Deepwater Port application (Volume II Topic Report 1 Project Description). That table factored in the displacement of all Port components (PLEM, landing pad, cable/chain assembly, tether, mooring piles) resting on the seafloor. It also factored in an assumption that the anchor cable would rise and fall with each delivery to the Port; however, there would be little “sweep” of the chain/cable assembly under most sea states. This is owing to the tautness and weight of the steel chain components limiting horizontal movement. The flexible riser and umbilicals are kept off of the seafloor by floats and therefore were not factored into the area of displacement/disturbance. Please see Table 2.1-2 of the final EIS.

CO134

comprise an area such as air quality, water quality, vegetation and soil characteristics and water supply (including both surface and ground water).¹³⁸ Port Ambrose directly impacts the ecosystem not just within the footprint of the facility, but beyond.

CO134-45 | A habitat is the sum of all of its parts. The services associated with an ecosystem include “servicing as a store or sink for energy or materials, providing a pathway for nutrient support, acting as a buffer against chemical changes, and producing the natural resources...such as minerals, wood, food, water, and air.”¹³⁹ Port Ambrose is directly impacting this ecological balance.

CO134-46 | In contrast to the DEIS stating that “[c]onstruction, operation, and decommissioning of the proposed Project would have no significant impact on commercial, recreational, ecological, or scientific importance of any biological resource, nor is it expected to cause any measureable change in population size or distribution for any species in the ROI,”¹⁴⁰ there will be impacts. The port’s impacts will not only be seen during construction due to pipeline alignment, but the benthic invertebrates, as well as pelagic species, will experience long-term impacts because of the STL Buoy structure affecting substrate.¹⁴¹

The DEIS specifically states that there will be impacts to resources due to water use, sediment disturbance activities as well as turbidity.¹⁴² In addition, “[w]hile in-place, the footprint of the proposed Project (e.g., PLEMS, STL Buoy landing pads, mooring piles) would not be a suitable habitat for benthic organisms; this habitat loss would persist throughout the duration of operation. A permanent loss of benthic habitat would also occur with the installation of mooring piles, even after decommissioning, in the event that suction anchors cannot be removed.”¹⁴³ These “permanent loss[es]” should be considered a “measureable change.”

CO134-38 (con't) | Entrainment of sea-life including plants during extensive water uptake is another major harm associated with Port Ambrose that is overlooked within the DEIS. Entrainment impacts alone have the potential to affect eggs and larvae of fish during each phase of the project. For example, “estimated entrainment for the construction phase of the facility is 44,027,806 eggs and 5,075,044 larvae of fish. Estimated annual entrainment during operation, emergency and maintenance activities of the facility is 40,070,732 eggs and 5,986,906 larvae. Estimated annual entrainment during decommissioning of the facility is 2,573,528 eggs and 296,648 larvae.”¹⁴⁴ These eggs and larvae would contribute to the ecosystem, are essential to supporting the food web, and threaten to undermine the fisheries industry. This annual loss of marine resources due to Port Ambrose is unacceptable and will cause significant cumulative impact to the loss of living marine resources in the region, especially when one multiplied the loss of fish eggs and larvae over the 25 year use of the port.

While, the destruction of these fish eggs is significant, the DEIS gravely underrepresents the eggs and larvae of all impacted phyla, including invertebrates which have commercial and recreational value.

¹³⁸ Habitat Evaluation: Guidance for the Review of Environmental Impact Assessment, Environmental Protection Agency, <http://www.epa.gov/compliance/resources/policies/nepa/habitat-evaluation-pg.pdf> (last visited February 24, 2015).

¹³⁹ *Ibid.*

¹⁴⁰ Liberty LNG Draft Environmental Impact Statement, Section 4 at 4-15

¹⁴¹ *Ibid.*, Appendix E, page 25

¹⁴² *Ibid.*, Section 4 at 4-15

¹⁴³ *Ibid.* at 4-15

¹⁴⁴ *Ibid.*, Appendix J, page 38

CO134-45 Thank you for your comment. Impacts to habitat are discussed in section 4.2.

CO134-46 Thank you for your comment. Please see response to comment CO129-7. Appropriate subsections of section 4.2 have been updated.

CO134

CO134-38 (cont) | Scallops, clams, lobsters, shrimp, squid, to name a few are critically important to the ecosystem, and are minimally assessed within this DEIS.

CO134-47 | Moreover, the DEIS fails to assess and evaluate key species of concern in the Mid-Atlantic region, including the American eel, which "is at very high risk of extinction in the wild."¹⁴⁵ The International Union for Conservation of Nature (IUCN) added the eel to its Red List, where it joins the endangered Japanese eel and critically endangered European eel.¹⁴⁶ Nor does the DEIS adequately assess threats to the Atlantic Sturgeon, which is an endangered species.

CO134-48 | The DEIS does not adequately assess impacts of Port Ambrose within each season. Biological resources within this region have varying activity for breeding, spawning and migration, throughout the year. The DEIS fails to assess the seasonality of the impacts from Port Ambrose.

CO134-49 | The DEIS fails to assess the wide ranging impacts as they relate to the proximity of the Hudson Raritan Estuary. The construction, operation, and decommissioning activities are occurring at the entrance to the estuary system. Avoidance or elimination of these resources to the estuary ecosystem could have significant consequences.

In addition, the DEIS does not consider adequately the consequences to biological resources should a tanker(s) rupture or explode.

The following section outlines those impacts to biological resources as they relate to construction and operation.

A. Construction. Port Ambrose's construction activities that could impact biological resources, include, but is not limited to, the following: routine discharges, increased vessel traffic, noise, lighting, marine debris, bottom sediment disturbance, hydrostatic testing, and inadvertent spills.¹⁴⁷

Sediment dispersion, as it relates to construction, is expected to take place during the months of January through October¹⁴⁸ as it relates to plowing, backfill plowing, supplemental lowering of the Mainline, supplemental lowering at utility crossings, and areal excavation.¹⁴⁹ All of the listed activities will "result in the disturbance of bottom sediments, generation of suspended plumes, and re-deposition of sediment in the vicinity of the construction footprint."¹⁵⁰ As a result of sediment disturbance, "...overturned, deeper sediments may be hypoxic, resulting in longer periods of recolonization."¹⁵¹

CO134-50 | In addition to sediment disturbance, construction activities will also impact biological resources via noise. For example, "[s]hort-term, potentially moderate to potentially major, adverse impacts on non-threatened and non-endangered marine mammals during construction would result from marine noise from the proposed Mainline installation and STL Buoy anchoring."¹⁵² In this context, it is not clear how

¹⁴⁵ American Eel Is In Danger of Extinction, Scientific American, 2014, available at <http://www.scientificamerican.com/article/american-eel-is-in-danger-of-extinction/> (last visited March 16, 2015).

¹⁴⁶ Ibid.

¹⁴⁷ Liberty LNG Draft Environmental Impact Statement, Section 4 at 4-15

¹⁴⁸ Ibid., Appendix I, page 3-2

¹⁴⁹ Liberty LNG Draft Environmental Impact Statement, Appendix I at 5-1

¹⁵⁰ Liberty LNG Draft Environmental Impact Statement, Appendix I, page 5-1

¹⁵¹ Ibid., Section 4 at 4-15

¹⁵² Ibid.

CO134-47 Thank you for your comment. Appropriate subsections of sections 4.2 and 4.3 have been updated.

CO134-48 Thank you for your comment. Please refer to response to comment CO129-8.

CO134-49 The proposed Project would be located in federal waters of the North Atlantic in the Outer Continental Shelf (OCS) blocks NK 18-12 6708, NK 18-12 6709, and NK 18-12 6758 lease area, approximately 16.1 nautical miles off of Jones Beach, New York and 27.1 nautical miles from the entrance of New York Harbor. As such, the proposed project would be located outside of the estuary system, and significant impacts to estuary resources are not expected.

CO134-50 Thank you for your comment.

CO134

CO134-50 (con't) | "potentially" is defined, and given the significance of the substance of the above quote, it is critical that it be clearly defined.

Construction activities will also disturb habitat via construction of the PLEMs, which would permanently impact 3.0 acres of seafloor for the two STL Buoys and anchor chain arrays.¹⁵³ In addition, "soft-bottom habitat would be permanently displaced by the STL Buoy landing pad, PLEMs, flexible riser and tether systems, and movement of the anchor chain and wire mooring lines."¹⁵⁴

CO134-51 | The DEIS purports the impacts to biological resources as it relates to habitat disturbance would be localized and thus "long-term and moderate impacts" are negligible, but the EPA's definition of habitat is not limited by acreage.

CO134-35 (con't) | Once again, we note that the assessment of biological impacts is dependent in part upon the length of construction activities, the DEIS does not consistently state the anticipated duration of construction. At some points, a nine-month period¹⁵⁵ is stated; at other points, a twelve-month period¹⁵⁶ is stated. An additional three months will lead to more significant impacts to biological resources.

Regardless of the acreage of impact throughout construction activities, the biological resources associated with the NY Bight are vital in sustaining a healthy ecosystem. Under the true No Action Alternative defined above, none of these impacts would occur. Since there is no demonstrated need to the proposed project, Port Ambrose, this alternative must be selected.

B. Operation. The life expectancy of Port Ambrose is 25 years¹⁵⁷, yet within that brief tenure, the centuries-old habitat of the NY Bight will continually be disturbed throughout operation activities. For example, as the DEIS recognizes, "[l]ong term, minor to moderate, adverse impacts on biological resources from increased vessel traffic, noise, lighting, marine debris, routine discharges, LNG spills, inadvertent spills, bottom sediment disturbance, marine facilities and proposed Mainline presence, and seawater intake (impingement and entrainment)."¹⁵⁸

As in the construction phase, the DEIS mentions that permanent impacts would only impact a small subset of the project's footprint. Specifically, as it relates to operation, "[p]ermanent impacts from operation of the proposed Project would be limited to the movement of the mooring lines and anchor chain sweep and the approximate 3.0 acres of seafloor required for the PLEMs, STL Buoy landing pads and anchoring system."¹⁵⁹

CO134-18 (con't) | **(1) Food Chain Disruption.** The DEIS purports that the peak activity for operation of the Port is during the winter and summer months.¹⁶⁰ In the marine environment, each season has important biological activity for spawning and migration, particularly the summer months. The DEIS fails to assess the seasonal impacts of Port Ambrose.

¹⁵³ Ibid. at 4-16

¹⁵⁴ Ibid.

¹⁵⁵ Ibid. at 4-1

¹⁵⁶ Ibid., Appendix I, 1-2

¹⁵⁷ Ibid., Executive Summary, ES-6

¹⁵⁸ Ibid., Section 4 at 4-15

¹⁵⁹ Ibid. at 4-17

¹⁶⁰ Ibid. at 4-21

CO134-51 Thank you for your comment.

CO134

CO134-48 (cont) For example, as mentioned in the Threatened and Endangered Species section below, the copepod population will be greatly impacted by the operation of Port Ambrose, especially during the summer months.¹⁶¹ Many species, such as North Atlantic Right Whales, rely on copepods as a food source. This direct impact to their population will indirectly impact other marine species, including E&T species.

In addition to the copepod population, other species can be gravely impacted by operation activities. For example, activities associated with re-suspension of sediments can cause negative impacts on the early life stages of demersal fish species.¹⁶² In addition,

*"Turbidity-related impacts may include reductions in growth and feeding rates, and the clogging of respiratory structures. Impacts on demersal fish species from excess suspended sediments from the proposed construction activities have the potential to result in four types of effects: 1) no effect; 2) behavioral effects (e.g., alarm reaction or avoidance response); 3) sub-lethal effects (e.g., reduction in feeding rate or feeding success); and 4) lethal effects (e.g., direct mortality from increased predation or significant degradation of habitat)."*¹⁶³

Fish species that readily rely on benthic resources, such as crab-eaters, amphipod, shrimp eaters, and benthivores, will be temporarily impacted, but "[i]f turbidity increase throughout the water column, though, all trophic guilds would be affected."¹⁶⁴

The phytoplankton population will also suffer mortalities as a result of impingement and entrainment from LNGRV ballast water intake over the life of the proposed Project.¹⁶⁵ While although the DEIS projects these impacts will be "long-term" they are unacceptably considered "minor."¹⁶⁶

(2) **Noise.** Similar to construction activities, operation of the port will add new noise sources to the NY Bight. How those new noise sources will impact biological resources, such as fish species, has yet to be quantified: "[h]earing capabilities of fish have been studied in less than 0.01 percent of fish species."¹⁶⁷

Noise impacts on fish are highly variable, but "[p]otential impacts of continuous sounds on marine fish include temporary threshold shifts (TTS), physiological stress response, and behavioral response (e.g., startle, alarm, avoidance), physiological damage to hearing structures, or in more severe instances, hemorrhaging in the body cavity (permanent threshold shift or PTS)."¹⁶⁸

CO134-52 More data is needed in order to make the assumption "...most adult fish would leave the construction area temporarily because of in-water disturbances, and the distance between the fish and the noise source would increase, thereby minimizing the change of injury."¹⁶⁹

¹⁶¹ Ibid.
¹⁶² Ibid. at 4-26
¹⁶³ Ibid. at 4-26
¹⁶⁴ Ibid. at 4-26
¹⁶⁵ Ibid. at 4-22
¹⁶⁶ Ibid.
¹⁶⁷ Ibid. at 4-28
¹⁶⁸ Ibid.
¹⁶⁹ Ibid. at 4-29

CO134-52 Thank you for your comment. Please see response to comment CO129-7.

CO134

CO134-53

(3) Vessel Strikes on Fish. In addition to increased noise being an indirect result of stationing a Port in the busiest port on the East Coast, increased vessel traffic will also result.¹⁷⁰ In contrast to the DEIS' assumption that a "slight increase in vessel traffic would be negligible in comparison to existing vessel traffic in the area,"¹⁷¹ an increase in the number of vessels trafficking the port, increases the probability of vessel strikes in relation to marine species.

It has been documented that species such as sturgeon, whale sharks (*Rhincodon typus*), basking sharks (*Cetorhinus maximus*), ocean sunfish (*Mola* species), and manta rays (*Manta birostris*) have a history of being hit by vessels.¹⁷² However, the DEIS suggests that "...the isolated areas of impact would not result in population-level effects to the benthic community, and thus fish populations, of the New York Bight."¹⁷³ Any impacts should raise concern.

C. Conclusion Regarding Biological Resources. Each of the biological resources mentioned above play an integral role in the NY Bight ecosystem. Any disturbance, even the slightest in terms of numbers, at any level, could be compounded throughout the ecosystem. The DEIS suggests that the impacts to biological resources associated with construction, operation, and decommissioning of the proposed Port would be negligible and only within the footprint of Port Ambrose. Sufficient data is lacking to support these conclusions. Furthermore, the DEIS analyzes impacts such as noise, turbidity and vessel strikes individually, the DEIS fails to evaluate such impacts collectively, and the collective impacts could pose an even greater threat to biological resources.

It is further noted that under the "Appropriate No Action" defined above, none of these impacts to biological resources would occur, individually or collectively.

4.3 Threatened and Endangered Marine Mammals, Sea Turtles, Fish and Birds

Many federally-listed endangered and threatened species live and migrate in the vicinity of the proposed offshore facilities, pipeline routes, and shipping lanes. The Port Ambrose proposal will significantly alter the physical environment within the NY Bight by disrupting the benthic community and habitat with "noise pollution, release of marine debris, discharges (i.e., heated water), and changes in water quality and/or temperature resulting from fuel spills, turbidity during construction, and wastewater discharges."¹⁷⁴ Threatened and endangered species (T&E) will suffer from food chain and migration disruption along with intra and interspecies communication complications. Such disturbances to threatened and endangered species will have a negative economic impact on the NY Bight.

CO134-54

According to the Endangered Species Act, "...species of fish, wildlife, and plants in the United States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation."¹⁷⁵

The Endangered Species Act defines an "endangered species" as "any species which is in danger of extinction throughout all or a significant portion of its range,"¹⁷⁶ and "threatened species" as "any

¹⁷⁰ About the Port, Port Authority of New York and New Jersey, available at <http://www.panynj.gov/port/about-port.html> (last visited March 15, 2015).

¹⁷¹ Liberty LNG Draft Environmental Impact Statement, Section 4 at 4-29

¹⁷² Ibid.

¹⁷³ Ibid. at 4-31

¹⁷⁴ Data Gaps, item #13, Docket # USCG-2013-0363-0013.

¹⁷⁵ 16 U.S.C. § 1531 (a)(1).

CO134-53 Additional analysis of risk from vessel traffic patterns has been provided in section 4.2.5 and section 4.3 of the final EIS.

CO134-54 Thank you for your comment.

CO134

species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.¹⁷⁷

CO134-55 In a letter posted to the Federal Docket during the scoping period in the summer of 2013, the National Oceanic and Atmospheric Administration (NOAA), stated their concern regarding the potential effects to T&E species from proposed construction, operation (including maintenance and repair), and decommissioning of Port Ambrose.¹⁷⁸ Specifically, “these concerns include, but are not limited to, large whale ship strike/vessel collision; listed species interactions with project equipment, alteration of the physical environment and essential habitat; phytoplankton/zooplankton entrainment via seawater withdrawal; and acoustic disturbance that could result in injury or harassment to our listed species.”¹⁷⁹ These concerns have not been adequately addressed in the DEIS.

The following section outlines impacts associated with T&E species as they relate to the following areas: North Atlantic Right Whale, construction/operation/decommissioning, sea turtles, Atlantic sturgeon, noise, habitat, and invasive species.

A. North Atlantic Right Whale. Throughout the DEIS, the North Atlantic Right Whale is labeled as a species of concern. Specifically, “[a]mong the species listed as threatened or endangered in the proposed Project area, the North Atlantic right whale is the only endangered species for which recent population modeling exercises by NOAA indicate that the loss of a single individual could have a negative effect on the survival of the species.”¹⁸⁰

CO134-56 With respect to the critically endangered North Atlantic right whale, the DEIS fails to take into account the best available science on population size, cumulative effects, or species presence in the proposed area. Because of the critically low population level (NOAA estimates that the western population of the North Atlantic right whale contains only about 400 individuals),¹⁸¹ the DEIS has stated that “the death of even one individual is above the acceptable limit and, should it occur, would be considered a long-term and major adverse impact.”¹⁸² The DEIS mentions that “the North Atlantic right whale is particularly susceptible to vessel strikes;”¹⁸³ however, given the low population level and the DEIS’ own prior statements, the taking of even one individual would constitute more than a negligible impact and would therefore violate the Marine Mammal Protection Act (MMPA).

The DEIS purports that the North Atlantic Right Whale is of most concern during the months of November to April; however, a recently published paper suggests their occurrence more readily in the area throughout the year. This study involved the use of passive acoustic monitoring at several locations off the New Jersey coast over the course of two years and found that “North Atlantic right whales are

¹⁷⁶ 16 U.S.C. § 1532 (6).

¹⁷⁷ 16 U.S.C. § 1531 (20).

¹⁷⁸ National Oceanic and Atmospheric Administration, Liberty Deepwater Port Docket # USCG-2013-0363-0521

¹⁷⁹ National Oceanic and Atmospheric Administration, Liberty Deepwater Port Docket # USCG-2013-0363-0521

¹⁸⁰ Liberty LNG Draft Environmental Impact Statement, Section 4 at 4-67

¹⁸¹ North Atlantic Right Whale (*Eubalaena glacialis*), NOAA Fisheries, available at <http://www.fisheries.noaa.gov/pr/species/mammals/whales/north-atlantic-right-whale.html> (last visited March 16, 2015).

¹⁸² Liberty LNG Draft Environmental Impact Statement, Section 4 at 4-67

¹⁸³ *Ibid.* at 4-68

CO134-55 Thank you for your comment. Please see response to comments FA6-21, FA6-22, and CO129-8.

CO134-56 Thank you for your comment. Please see response to comment SA6-22.

CO134

CO134-56
(con't)

present off New Jersey throughout the year and not only during 'typical' migratory periods.¹⁸⁴ The numbers of up-call detections per day were highest from March through June, which indicates that right whales communicate extensively during this time of year off the New Jersey coast.¹⁸⁵

Since the proposed Project partially overlaps the Mid-Atlantic seasonal management area (SMA) for this protected marine mammal, Port Ambrose must comply with the Marine Mammal and Sea Turtle Vessel Strike Avoidance Plan that says "vessels 65 feet or longer must maintain speeds less than 10 knots within this area from 1 November to 30 April to reduce collision risk."¹⁸⁶ However, of particular concern is the most recent data, which demonstrates North Atlantic right whale presence off the New Jersey coast year-round, particularly in the spring and summer months, has not been incorporated into the DEIS. Inclusion of this information is critical to ensuring that the DEIS is based on the best available science.

While although the DEIS recognizes the importance of this species and the grave implications of even the slightest impacts which could negatively affect the survival of the species, the DEIS suggests that this proposal should still move forward. For this reason, a true, "Appropriate No Action" defined above, would be in the best interest for the continuation of the endangered North Atlantic right whale.

CO134-57

B. Construction, Operation and Decommissioning. In addition to the North Atlantic right whale, other T&E species will be impacted by the construction, operation and decommissioning of Port Ambrose. The DEIS reviews the impacts associated with each of the three phases of Port Ambrose, but inadequately purports that the effects will be negligible and thus overlooks the associated harm.

The DEIS puts forth conflicting messages regarding the implications. For example, the DEIS states that "[m]ost impacts are negligible, but others, such as noise and vessel traffic, may have long-term effects to different ESA-listed species."¹⁸⁷ However a few paragraphs later, the DEIS states that "ESA-listed marine mammals would not experience long-term or permanent impacts from the construction, operation, and decommissioning of the proposed Project."¹⁸⁸ Further clarification is needed.

We again note that the impacts from construction activities is variable based upon the duration and that the DEIS is inconsistent as to said duration.

(1) Vessel Traffic. Especially during construction, the NY Bight would experience an increase in vessel traffic. The two types of traffic will involve vessels that mobilize and demobilize once and crew boats that transit the site more frequently.¹⁸⁹

The DEIS contains the admission that "each of the federally listed marine mammal species potentially occurring in the ROI would be susceptible to vessel strike during construction of the proposed Project, as there are recorded incidents of each of these species being involved in a vessel collision."¹⁹⁰

¹⁸⁴ Whitt, A.D., Dudzinski, K., and Laliberte, J.R. 2013. North Atlantic right whale distribution and seasonal occurrence in nearshore waters off New Jersey, USA, and implications for management. *Endangered Species Research* 20: 59-69.

¹⁸⁵ *Ibid.*

¹⁸⁶ Liberty LNG Draft Environmental Impact Statement, Section 4 at 4-68

¹⁸⁷ *Ibid.* at 4-62

¹⁸⁸ *Ibid.* at 4-63

¹⁸⁹ *Ibid.* at 4-67

¹⁹⁰ *Ibid.*

CO134-57 Thank you for your comment. The recommended edit has been addressed.

CO134

The DEIS states, “[t]he short-term and minor increase in vessel traffic associated with construction activities may affect, but not likely to adversely affect ESA-listed mammals,¹⁹¹ but then states, “the proportional probability of that risk [increase in vessel traffic to increase risk of collision] associated with construction vessels cannot be quantified.”¹⁹² Further data and analysis is needed in order to insist that marine mammals, especially E&T species will not be harmed as a result of increased vessel traffic, especially since there have been known incidents.

CO134-58

CO134-58 Thank you for your comment. Please see response to comments FA6-21, FA6-22, and CO129-8.

Overall, the assumption that “[i]f one of these animals [threatened or endangered marine mammals] approaches the impacted area during construction, the animal would likely move away from the activity,¹⁹³ must be analyzed.

CO134-59

CO134-59 Thank you for your comment. Text in sections 4.2.5 and 4.3.2 have been edited accordingly.

The DEIS states that “...even if these [threatened or endangered marine mammals] animals do not vacate or avoid the disturbance, they are not expected to experience long-term negative effects,¹⁹⁴ yet any type of disturbance to T&E species could greatly impact the continuation of the species (i.e. North Atlantic Right Whale).

CO134-60

CO134-60 Thank you for your comment.

The reason these species are endangered or threatened is because they are low in numbers, thus if even one animal comes in contact and is adversely impacted by Port Ambrose, breeding could be impacted and thus the continuation of the species.

C. Sea Turtles. The NY Bight is ecologically significant for sea turtles. The potential impacts are similar with those listed above, as well as artificial lighting. Artificial lighting has also been known to “...confuse turtles making their way to nesting habitat, or turtle hatchlings moving toward the water, possibly resulting in an increased risk of mortality.”¹⁹⁵

While although sea turtles’ presence is seasonal (spring into early summer), they are still susceptible to stated impacts.

D. Atlantic Sturgeon. Atlantic Sturgeon is also a species of concern in the proposed port area. This species is the only ESA-listed species within the ROI.¹⁹⁶ According to NOAA, there is an estimated 870 adults spawning each year in the Hudson River.¹⁹⁷ In that same source, NOAA lists the following threats to the Atlantic sturgeon population: habitat degradation and vessel strikes.¹⁹⁸ Dredging, in particular, is singled out by NOAA as a threat to their habitat. “Dredging...can displace sturgeon while it is occurring and affect the quality of the habitat afterwards by changing the depth, sediment characteristics, and prey availability.”¹⁹⁹ The dredging associated with Port Ambrose is only one way in

CO134-61

CO134-61 Thank you for your comment. Please see response to comment CO129-7.

¹⁹¹ Ibid. at 4-68

¹⁹² Ibid. at 4-67

¹⁹³ Ibid. at 4-63

¹⁹⁴ Ibid.

¹⁹⁵ Ibid. at 4-69

¹⁹⁶ Ibid. at 4-94

¹⁹⁷ Atlantic Sturgeon on New York Bight Distinct Population Segment: Endangered, NOAA Fisheries Service, available at http://www.nmfs.noaa.gov/pr/pdfs/species/atlanticsturgeon_nybight_dps.pdf (last visited March 16, 2015).

¹⁹⁸ Ibid.

¹⁹⁹ Ibid.

CO134

CO134-61 (con't) which the Atlantic sturgeon population will be impacted. Entrainment and impingement also need to be evaluated.

Additionally, the DEIS underrepresents the noise impact Port Ambrose could have on Atlantic Sturgeon especially since there is no published underwater noise criteria available.²⁰⁰ The DEIS isn't even able to estimate the "harassment distance"²⁰¹ because there is "no data on behavioral shifts in Atlantic sturgeon due to noise from similar construction activity exists."²⁰² Without this data, the DEIS is gravely incomplete.

E. Coastal and Marine Birds

CO134-62 Coastal and marine birds, such as grebes, loons, and some sea ducks, are known to frequent the proposed area.²⁰³ Indeed, the proposal is located within the Atlantic Flyway which is managed by the US Fish and Wildlife Service along with partner agencies, known as the Atlantic Flyway Council.²⁰⁴ The DEIS fails to properly assess the impacts to T&E coastal and marine birds causing "direct habitat loss or change (direct effects) or through temporary displacement or disturbance during the construction and operation phase of the proposed Project."²⁰⁵

Non-threatened and non-endangered coastal and marine birds will be impacted during all phases of the proposed Project due to "changes to benthic foraging habitat, increases in water turbidity, changes to ambient noise levels, increased vessel traffic, changes to ambient lighting, vessel discharge and spills, ingestion of marine debris, and entanglement."²⁰⁶ In addition to these, the 15 endangered species and 10 threatened species that occur in the NY Bight²⁰⁷, could be exposed to and be adversely affected by these impacts.

CO134-62 (con't) A full and specific analysis of T&E coastal and marine species, in compliance with all state and federal regulations is needed in order to determine that there will be minimal impacts.

F. Noise. The current marine habitat associated with the NY Bight harbors pre-existing sounds that marine species have adapted to, however adaptation to extensive new noise can severely impact the species. The analysis of noise throughout the DEIS indicates that noise impacts to marine life in the NY Bight will be minimal due to pre-existing background noise already present. However, the specifics of the DEIS tell a different story.

CO134-63 The DEIS states, "[a]mbient noise levels in the proposed Project area and surrounding waters are elevated and variable due to current levels of shipping, fishing and recreational vessel traffic. As a result, temporary increases due to construction vessel traffic would have a minimal contribution to that

²⁰⁰ Liberty LNG Draft Environmental Impact Statement, Appendix M, page 5-5

²⁰¹ Ibid., page 5-3

²⁰² Ibid.,

²⁰³ Ibid., page 4-54

²⁰⁴ Migratory Bird Flyways, U.S. Fish & Wildlife Service, available at <http://www.fws.gov/migratorybirds/flyways.html> (last visited March 16, 2015).

²⁰⁵ Ibid., Section 4 at 4-54

²⁰⁶ Ibid., Section 4 at 4-54

²⁰⁷ Regional Species and Community Characterizations, U.S. Fish and Wildlife Services, available at http://nctc.fws.gov/resources/knowledge-resources/pubs5/web_link/text/esfed8st.htm (last visited March 16, 2015).

CO134-62 The USCG is currently engaged in informal consultation with NOAA Fisheries and USFWS regarding the potential impacts, monitoring plans, and subsequent mitigation of the proposed action on federally listed threatened and endangered species. Any consultation would be initiated before the Record of Decision (ROD) on the proposed Project and within the time allowed in 33 U.S.C. 1501 et seq. for the U.S. Environmental Protection Agency (USEPA) to notify the Secretary that the proposed Project would not conform with all applicable provisions of the CAA, the Federal Water Pollution Control Act of the MPRSA and 33 U.S.C. 1501 et seq. All consultation correspondence to date is located in Appendix B of this final EIS.

CO134-63 The USCG is currently engaged in informal consultation with NOAA Fisheries and USFWS regarding the potential impacts, monitoring plans, and subsequent mitigation of the proposed action on federally listed threatened and endangered species. Any consultation would be initiated before the Record of Decision (ROD) on the proposed Project and within the time allowed in 33 U.S.C. 1501 et seq. for the U.S. Environmental Protection Agency (USEPA) to notify the Secretary that the proposed Project would not conform with all applicable provisions of the CAA, the Federal Water Pollution Control Act of the MPRSA and 33 U.S.C. 1501 et seq. All consultation correspondence to date is located in Appendix B of this final EIS.

CO134

CO134-63 (con't) ambient noise.²⁰⁸ However, Port Ambrose, by design and purpose, will increase vessel traffic in this already noisy environment throughout the year, and not just during the construction period.

The DEIS states that "construction noise created by construction vessels could create masking effects among ESA-listed marine mammals in the same manner as for non-endangered marine species. Masking occurs when underwater noise interferes with an animal's ability to hear biologically relevant sounds."²⁰⁹ Marine mammals rely heavily on inter/intra species communication for migration and foraging purposes. Any masking of such activities, even if temporary, could significantly harm the T&E species.

G. T&E Habitat. According to the Environmental Protection Agency, habitat is defined as the "area which provides direct support for a given species, population, or community. It includes all environmental features that comprise an area such as air quality, water quality, vegetation and soil characteristics and water supply (including both surface and ground water)."²¹⁰

The Port Ambrose proposal will significantly alter the physical environment within the NY Bight by disrupting the benthic community and habitat with "noise pollution, release of marine debris, discharges (i.e., heated water), and changes in water quality and/or temperature resulting from fuel spills, turbidity during construction, and wastewater discharges."²¹¹ The DEIS continues to confirm that alteration. The DEIS purports that the events such as increase in turbidity, routine discharges, hydrostatic testing intake and discharge, etc. will not have any impact on the T&E species, but any impact could harm the continuation of the species.

CO134-48 (con't) The mere impact to the copepod population as outlined in the DEIS raises alarms as it relates to ESA-listed whales, which have been estimated to consume about "4 percent of their body weight per day [via copepod ingestion]."²¹² Since summer is a "time of high copepod abundance" and the "peak activity at the proposed Port would occur in the...summer," the assumption that there will be little impacts to ESA-listed species as a result of pre species abundance and distribution is invalid.²¹³ The DEIS specifically states that "...other construction, operation, and decommissioning activities, would remove an estimated total of 1.4 to 57.6 billion copepods, depending on the season" after previously stating that "large whales can ingest up to 461 million copepods per day, totaling approximately 14 billion copepods per month."²¹⁴ Clearly, the numbers tell a different story relating to impact.

CO134-64 **H. Invasive Species.** The DEIS does not adequately analyze the impacts associated with invasive species and in particular, how it affects the Threatened and Endangered Species discussed above. Introduction of other species can also lead to habitat alteration. The LNG vessels that will be responsible for the movement of the liquefied natural gas from Port Ambrose represent a diverse environment that introduces new species into the NY Bight. These new species can greatly impact the local habitat for the threatened and endangered species because of food alteration and predator/prey

²⁰⁸ Ibid., Section 4 at 4-66

²⁰⁹ Ibid.

²¹⁰ Habitat Evaluation: Guidance for the Review of Environmental Impact Assessment, Environmental Protection Agency, <http://www.epa.gov/compliance/resources/policies/nepa/habitat-evaluation-pg.pdf> (last visited August 5, 2013).

²¹¹ Data Gaps, Item #13, Docket # USCG-2013-0363-0013.

²¹² Liberty LNG Draft Environmental Impact Statement, Section 4 at 4-69

²¹³ Ibid.

²¹⁴ Ibid.

CO134-64 The USCG is currently engaged in informal consultation with NOAA Fisheries and USFWS regarding the potential impacts, monitoring plans, and subsequent mitigation of the proposed action on federally listed threatened and endangered species. Any consultation would be initiated before the Record of Decision (ROD) on the proposed Project and within the time allowed in 33 U.S.C. 1501 et seq. for the U.S. Environmental Protection Agency (USEPA) to notify the Secretary that the proposed Project would not conform with all applicable provisions of the CAA, the Federal Water Pollution Control Act of the MPRSA and 33 U.S.C. 1501 et seq. All consultation correspondence to date is located in Appendix B of this final EIS.

CO134

CO134-64
(con't)

alteration. Liberty LNG states in the application that "several species have been introduced into the marine and estuarine environment by human actions, including ballast water exchange or boat hull fouling transference, as well as aquaculture and other means."²¹⁵ Liberty LNG adds that "these introduced species may pose a threat to endangered species and to biodiversity."²¹⁶ LNG tankers will bring non-native species into the region and given the amount of time each tanker will remain at Port Ambrose, these species may have time to colonize in the region. Port Ambrose will amplify the introduction and threat of new species into the environment, but the DEIS does not discuss this threat.

I. Conclusions Regarding Threatened and Endangered Species. Congress declared it to be a national policy that "all Federal departments and agencies shall seek to conserve endangered species and threatened species."²¹⁷ The DEIS reviews the various impacts Port Ambrose will have on threatened and endangered species, but specifically states that there will be little to no impact to the species. While sufficient data is lacking to support these conclusions, the impacts, such as noise, habitat destruction, and vessel strikes, are analyzed individually, but combined, could pose an even greater threat to threatened and endangered species. Cumulative impacts were not adequately assessed. The DEIS does not do an adequate job of analyzing the impacts, nor the potential devastating effects the proposed liquefied natural gas port will have on endangered and threatened species.²¹⁸

The impacts discussed in the DEIS are underestimated as threats to these species, including the critically endangered Right Whale. Accidents do happen, LNG spills could happen, but the assessment of impacts is minimal and needs to include more data as it relates to threatened and endangered species.

4.4 Essential Fish Habitat

Essential Fish Habitat (EFH) is a federal designation that requires the National Oceanic and Atmospheric Administration (NOAA) to review fisheries operations and proposed federal projects in order to reduce impacts and protect these important habitats.²¹⁹ Federally managed fish species that depend on the NY Bight include Atlantic cod, whiting, red hake, flounders (5 species), ocean pout, Atlantic sea herring, monkfish, bluefish, scup, sea bass, king and Spanish mackerel, cobia, as well as various species of shark and tuna.²²⁰ The NY Bight supports one of the largest recreational fisheries in North America,²²¹ in addition to a substantial commercial shell fishing industry that harvests surf clams, quahogs, and sea scallops.²²²

²¹⁵ Liberty LNG Application, Volume II, Report 4, at 4-58.

²¹⁶ Ibid.

²¹⁷ 16 U.S.C. § 1531 (c)(1).

²¹⁸ Data Gaps, item #134, Liberty LNG Docket # USCG-2013-0363-0013.

²¹⁹ Who is involved in conserving EFH and how does it work? Essential Fish Habitat, Office of Habitat Protection, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, at http://www.nmfs.noaa.gov/habitat/habitatprotection/efh/index_e.htm (last visited Aug. 4, 2008).

²²⁰ Summary of Essential Fish Habitat Designations, National Oceanic and Atmospheric Administration, at http://www.nrc.noaa.gov/hcd/STATES4/conn_li_ny/40207340.html (last visited Aug. 1, 2008).

²²¹ J.B. Pearce, The New York Bight, *Marine Pollution Bulletin*, 2000, 41 (1-6) p. 44-55.

²²² Ibid.

CO134

CO134-65 As recognized in the DEIS, “[t]here are micro-regions within the NY Bight with their own special features that attract and support a variety of important species, including the Cholera banks and the Mud Hole.”²²³ Port Ambrose, located near, Cholera Bank, threatens the livelihood of EFH.

Within the ROI, there are 38 federally managed marine species that have had EFH designation.²²⁴ The DEIS purports that “[c]onstruction, operation, and decommissioning of the proposed Project would have no significant impact on a number of designated EFH species.”²²⁵ However, immediately thereafter suggests that “direct, temporary impacts from these activities are expected via displacement from the water column to the designated EFH species. In addition, direct and temporary to long-term impacts from construction, operation, and decommissioning have the potential to exist from the displacement of benthic habitat.”²²⁶ These statements are contradictory in nature.

The following section outlines those impacts to Essential Fish Habitat as they relate to construction and operation.

A. Construction. The construction of Port Ambrose will impact EFH in the following ways:

- Mud pump: “submersible pump that is capable of either sucking or blowing the seabed materials from the area being excavated and depositing those materials a short distance away from the site, pending completion of the installation processes.”²²⁷
- Installation of the Mainline and port structures: responsible for impacts to 250 acres of seafloor.²²⁸
- Resuspension of sediments: has the “potential to negatively impact early lifestages of susceptible fish species whose egg or larval stages are demersal. Turbidity-related impacts often include reductions in growth and feeding rates, and the clogging of respiratory structures.”²²⁹
- Dissolved Oxygen: “The DO may drop from ambient levels temporarily when bottom sediments are re-suspended in the water column...”²³⁰
- Dredging: “expected to have longer-term adverse impacts on the benthic infauna occupying the sediment to be dredged within the ROI.”²³¹
- Trenching: “[w]hile the trenching would be expected to have long-term adverse impacts on the benthic infauna occupying the sediment to be dredged within the proposed Project area, the indirect effects of the loss of those prey resources for EFH species would not adversely affect those EFH species. Therefore, additional mitigation measures are not necessary.”²³²

²²³ Liberty LNG Application, Volume II, Report 4, at 4-58.

²²⁴ Liberty LNG Draft Environmental Impact Statement, Appendix E, page 32.

²²⁵ *Ibid.*, Section 4 at 4-96

²²⁶ *Ibid.*

²²⁷ *Ibid.*, Appendix E, page 24

²²⁸ *Ibid.*

²²⁹ *Ibid.*, page 28

²³⁰ *Ibid.*

²³¹ *Ibid.*, page 29

²³² *Ibid.*, Section 4 at 4-97

CO134-65 The mainline and ports were sited so as to avoid prime fishing areas. The loss of benthic habitat for surfclams and quahogs is now categorized as permanent, instead of long-term. Food chain and the removal of prey resources has been included.

CO134

CO134-65
(con't)

Specifically, when discussing dredging as it relates to EFH, the DEIS suggest that no additional mitigation measures are needed even though dredging is "expected to have longer-term adverse impacts on the benthic infauna occupying the sediment to be dredged within the ROL."²³³ The DEIS purports that "the indirect effects of the loss of those prey resources for EFH species would not adversely affect those EFH species."²³⁴ However, this is not substantiated.

One of the most immediate and direct harms comes from offshore LNG terminals and their destruction of seafloor habitats. LNG port construction and pipeline installation smother seafloor (benthic) habitat, alter the seafloor substrate, and cause re-suspension of sediments.

Seafloor disturbances and increases in turbidity negatively impact water quality in multiple ways. "Resuspended sediments may obstruct filter-feeding mechanisms and gills of fishes and sedentary invertebrates."²³⁵ Turbid conditions and resuspended sediments can also cause habitat avoidance by finfish, delay their development, and injure their surface membranes.²³⁶ Resting cells and cysts of diatoms and dinoflagellates could also be resuspended and become active in the water column forming harmful algal blooms.²³⁷ Also, sediment-bound contaminants and nutrients can be released, increasing the biological and chemical oxygen demands and depleting dissolved oxygen levels.²³⁸

The expected trench excavation of 10 feet for Port Ambrose, as per the request of the Army Corps of Engineers, "would create more turbidity at greater distances from the trench because more material would be disturbed and the deeper trench would require excavation using a jet sled, pushing sediment plumes higher into the water column because more sediment would be disturbed."²³⁹

Resuspension of sediments and turbidity alone can cause great harm to EFH. Some of the benthic community may be able to recolonize post-construction, however, the recolonization period could take months to years.²⁴⁰ While although this may be considered "short-term," impacts could be seen throughout the food chain.

As stated above, the effects from construction activity are dependent upon duration and the DEIS does not, with any consistency, state the expected period of construction.

B. Operation. The operation of Port Ambrose will impact EFH in the following ways:

²³³ Ibid., Appendix E, page 29

²³⁴ Ibid.

²³⁵ Brief Overview of Gulf of Mexico OCS Oil and Gas Pipelines: Installation, Potential Impacts, and Mitigation Measures OCS Report MMS 2001-067, Minerals Management Services, Department of the Interior, 2001, p. 14, at <http://www.mms.gov/td/pubs/2001/2001-067.pdf> (last visited Aug. 26, 2008).

²³⁶ Broadwater Final Environmental Impact Statement, Federal Energy Regulatory Commission, Docket Nos. CP06-54-000, *et al.*, p. 3-87 (Jan. 11, 2008).

²³⁷ Northeast Gateway Final Environmental Impact Statement, Docket No. USCG-2005-22219, p. 4-3 (Oct. 2006).

²³⁸ Broadwater Final Environmental Impact Statement, Federal Energy Regulatory Commission, Docket Nos. CP06-54-000, *et al.*, p.3-36 and 3-76 (Jan. 11, 2008).

²³⁹ Liberty LNG Draft Environmental Impact Statement, Section 4 at 4-6

²⁴⁰ Ibid., Appendix E, page 25

CO134

- Prey Removal: "An indirect effect on EFH would be the removal of prey resources via entrainment."²⁴¹
- Displacement: "Direct temporary impacts are expected from displacement from the benthic habitat for the following EFH species: Atlantic cod, black sea bass, little skate, monkfish (adults), ocean pout, Pollock, red hake, scup, summer flounder, whiting/silver hake, windowpane flounder, winter flounder, winter skate, and yellowtail flounder."²⁴²
- Introduction of invasive species

CO134-65 (con't) Permanent impacts due to Port Ambrose do exist. For example, the Atlantic surfclam and ocean quahog, specifically, will experience loss of benthic habitat.²⁴³ Additionally, permanent impacts will be seen at the footprint of each of the two landing pads, buoy and tether assemblies, and anchoring.²⁴⁴

3.5 Geological Resources

The following section outlines those impacts to Geological Resources as they relate to the following areas: New York Bight fault zone, pipeline impacts, and anchoring impacts.

CO134-66 **A. New York Bight Fault Zone.** The proposed pipeline crosses the New York Bight Fault Zone and more investigation of the safety of the pipeline in this area is needed. According to the DEIS, "this fault has not been active for at least 1.8 million years."²⁴⁵ The DEIS does little to investigate this characteristic further. A study which examined earthquakes from 1677 through 2004 stated that "[t]he greatest activity ... occurs in a belt about 35 km wide to the east and southeast of the Newark basin."²⁴⁶

The largest historic shock, mf 5.25 in 1884, occurred along that zone.²⁴⁷ The 5.25 magnitude was determined over the area it was felt and sizable aftershocks occurred; oceanographic instrumentation was obviously not available at that time and the depth is not known. The epicenter of this quake is mapped in close proximity to where the pipeline connects to the Transco pipeline.²⁴⁸ As of 2008, there are no seismic stations operating in the coastal plain area where the 1884 earthquake occurred; and "knowledge of which faults [in the region] are active is in its infancy."²⁴⁹

CO134-66 (con't) It is not clear how it was determined that faults in the area were inactive as claimed. The conclusion of risk must be validated by an independent expert. A more thorough analysis is needed.

²⁴¹ Ibid.

²⁴² Ibid., page 29

²⁴³ Ibid.

²⁴⁴ Ibid., page 25

²⁴⁵ Ibid., Section 4 at 4-100

²⁴⁶ Sykes, L.R., Armbruster, J.G. Won-Young Kim, W.Y., and L. Seeber 2008 "Observations and Tectonic Setting of Historic and Instrumentally Located Earthquakes in the Greater New York City-Philadelphia Area" Bulletin of the Seismological Society of America, Vol. 98, No. 4 pp. 1696-1719.

<http://www.earth.columbia.edu/sitefiles/file/pressreleases/1696.pdf>. (Visited 8/1/13)

²⁴⁷ Ibid.

²⁴⁸ Ibid.

²⁴⁹ Ibid.

CO134-66 The conclusion that the New York Blight Fault Zone is not active was determined by numerous independent geologic experts as cited in Section 3.5.1.

CO134

CO134-67

B. Pipeline Impacts. Pipeline installation is disruptive to hundreds of acres of seafloor and causes re-suspension of sediments that negatively impacts water quality. Other shellfish, surf clams, ocean quahogs, shrimp, and sea scallops, may also be buried, injured or killed during trenching. Any dredging through gravel or rocky areas and blasting through exposed outcrops for pipeline installation will cause additional seafloor disruption and environmental harms.

C. Anchoring Impacts. Anchoring is needed during pipeline installation, LNG facility construction, and possibly by tankers during storm events. For constructing the two turret buoys for the Northeast Gateway LNG terminal off Boston, 16 suction-embedment anchors were installed, impacting 33 acres.²⁵⁰ When LNG tankers connect to the turret buoys at the Northeast Gateway terminal, for example, their anchor chains move and drag across the seafloor repeatedly impacting up to 38 acres that result in "long-term reduction to benthic productivity."²⁵¹ Anchoring can destroy a wide swath of habitat if the anchor is dragged or the vessel swings at anchor, causing the anchor chain to drag the seafloor... Accidental anchor impacts, however, could be extensive, with recovery taking longer than 20 years, and they could be permanent, depending on the severity of the impact.²⁵² The DEIS specifically states that there will be permanent impacts to the benthic community as it related to anchoring.²⁵³

D. Conclusions Regarding Geological Resources. The geological resources of the NY Bight will clearly be impacted by the proposed project, though the DEIS fails to adequately investigate some of those impacts, including those related to the New York Bight Fault Zone.

4.7 Ocean Uses, Land Uses, Recreation and Visual Resources

CO134-68

The NY Bight is an ecologically important area, which supports various industries, including, but not limited to, fishing, tourism, and boating. For example, the NY Bight supports one of the largest recreational fisheries in North America in addition to a substantial commercial shell fishing industry that harvests surf clams, quahogs, and sea scallops.²⁵⁴ The health of these waters is the fundamental driving force behind sustaining these industries.

The following section outlines those impacts to the ocean uses, land uses, recreation and visual resources as they relate to the following areas: Port of New York and New Jersey, commercial and recreational fishing vessels, and other industries.

A. Port of New York and New Jersey. The Port of New York and New Jersey is the largest port on the East Coast and the third largest port in the nation.²⁵⁵ It provides access to one of the economically viable regions in the nation. In 2014 alone, the Port of New York and New Jersey handled 3,342,286 cargo containers, a 5.4 percent increase in total container traffic from 2013.²⁵⁶ The DEIS

²⁵⁰ Northeast Gateway Final Environmental Impact Statement, Docket No. USCG-2005-22219, p. 4-2 and 4-3 (Oct. 2006).

²⁵¹ 73 Fed. Reg. 29489 (May 21, 2008).

²⁵² Brief Overview of Gulf of Mexico OCS Oil and Gas Pipelines: Installation, Potential Impacts, and Mitigation Measures OCS Report MMS 2001-067, Minerals Management Services, Department of the Interior, 2001, p. 14, at <http://www.mms.gov/itd/pubs/2001/2001-067.pdf> (last visited Aug. 26, 2008).

²⁵³ Liberty LNG Draft Environmental Impact Statement, Appendix E, page 25

²⁵⁴ LNG: An UnAmerican Source – page 42

²⁵⁵ About the Port, Port of New York and New Jersey, available at <http://www.panynj.gov/port/about-port.html> (last visited March 16, 2015).

²⁵⁶ Ibid.

CO134-67 Thank you for your comment.

CO134-68 Thank you for your comment.

CO134

purports that “the Port of New York and New Jersey would not experience direct impacts from the construction of the proposed Project.”²⁵⁷

CO134-68 (cont) During the construction phase of Port Ambrose, the DEIS points out that “existing vessel traffic patterns would be temporarily affected from installation of the proposed Mainline, which would cross through the Ambrose to Nantucket Traffic Lane and the Hudson Canyon to Ambrose Traffic Lane,”²⁵⁸ but continues to purport that there will be little to no impacts on the Port of New York and New Jersey.

During operation of Port Ambrose, the DEIS states that “[o]utside of these areas [Safety Zones], the proposed Project would not impact offshore transportation when not in use.”²⁵⁹ Additional details are needed to determine how often the Port will not be in use, especially since it expects 45 deliveries of LNG per year.²⁶⁰

CO134-68 (cont) The Port Authority of NY and NJ expressed their concern about the conflicts associated with Port Ambrose to the Federal Docket on July 29, 2013, stating that the “proposed location of the STL Buoys lies between two major Traffic Separation Schemes utilized by marine traffic entering and exiting the Ambrose Channel and the Port of New York and New Jersey.”²⁶¹ The Port Authority additionally mentions “[t]he potential for conflicts between the needs of the maritime community and those of Port Ambrose Deepwater Port will become even more pronounced over time as ocean going vessels increase in size, mass and number, or as the number of STL Buoys increase.”²⁶² Since the DEIS has shown that there will be an increase in the number of vessels as it relates to construction, operation and decommissioning of Port Ambrose, the concerns that the Port Authority mentions, are affirmed.

CO134-69 **B. Commercial and Recreational Fishing Vessels.** The proposed site is located approximately 10 nautical miles from the following commercial fishing grounds: Cholera Bank, Middle Ground, Angler Bank, Mussel Ridge, Atlantic Beach Reef and Hampstead Town Reef.²⁶³ The impacts associated with the construction of Port Ambrose, according to the DEIS, are expected to be “short term, localized, and minor” as it relates to ocean uses, recreation and visual resources.²⁶⁴ Commercial and recreational vessels, however, would experience “displacement of fishing activities in the proposed Project area” since they will be excluded from the construction area during the construction period.²⁶⁵ While although the DEIS purports that the impacts seen by commercial and recreational fishing will be negligible, they fail to recognize the timeframe of construction. The overall timeframe of construction activities is unclear within the DEIS. At some points, a nine month²⁶⁶ timeline is proposed whereas at other times, twelve months²⁶⁷ is mentioned. If the latter is the case, a greater impact on commercial and recreational fishing will result in a greater loss of crop yield for that given year. The DEIS must

²⁵⁷ Liberty LNG Draft Environmental Impact Statement, Section 4 at 4-107

²⁵⁸ Ibid.

²⁵⁹ Ibid. at 4-108

²⁶⁰ Ibid.

²⁶¹ Port Authority of New York & New Jersey, Liberty Deepwater Port Docket # USCG-2013-0363-0334

²⁶² Ibid.

²⁶³ Liberty LNG Draft Environmental Impact Statement, Appendix N, 15

²⁶⁴ Ibid., Section 4 at 4-106

²⁶⁵ Ibid. at 4-107

²⁶⁶ Ibid. at 4-1

²⁶⁷ Ibid., Appendix I, 1-2

CO134-69 See response to comment FA6-8 for a discussion of potential impacts due to the implementation of navigational safety measures that would limit certain uses within the Safety Zone, no anchoring area, and areas to be avoided. See response to comment CO134-35 for clarification on the proposed construction timeframe.

CO134

CO134-69 (con't) clarify the timeframe of construction and include the losses experienced by the commercial and recreational fishing industries if the twelve month²⁶⁸ timeframe is chosen.

Additionally, during the normal operations of Port Ambrose, enforcement of the NAAs surrounding the Port facilities will displace fishing activities. The DEIS assumes that the impacts as they relate to the NAAs would be "minor,"²⁶⁹ yet provides no independent assessment to validate the conclusion. This industry is still suffering from their losses from Superstorm Sandy. In a resolution calling for more federal funding for fishery disaster relief, the New Jersey Assembly stated:

"Hurricane Sandy had caused an estimated \$77,802,318 to \$120,603,234 in uninsured losses to New Jersey's fishing industries, and an estimated \$76,599,149 in uninsured losses to New York's fishing industries ... [estimates which] account only for physical damages suffered by fishing industries, and do not account for income lost by the recreational or commercial fishing industries during the time period immediately following Hurricane Sandy."²⁷⁰

In New York, for Superstorm Sandy, "[d]amages to the recreational fishing sector totaled \$58 million (\$36 million, marinas; \$17 million, for hire; \$5 million, bait and tackle shops) while damages to the commercial fishing sector totaled \$19 million (\$9 million, seafood dealers; \$5 million federally-permitted commercial fishermen; and \$5 million, seafood processors)."²⁷¹

In New Jersey, losses to the "recreational fishing sector exceeded \$62 million, with losses including \$30 million to marinas and operations co-located and affiliated with the marina; \$16 million to bait and tackle shops; and \$16 million to for-hire operations" while "damages to the commercial fishing sector included \$11 million to seafood dealers; \$3 million to federally-permitted commercial fishermen, and \$100,000 to seafood processors."²⁷²

In comments submitted to the Federal Docket on February 12, 2015 in response to the DEIS for Port Ambrose, James Lovgren, President of the Fishermens Dock Co-operative of Point Pleasant NJ, described the devastating impacts threatened by the proposed project: "the fishing industry will suffer severe and maybe even catastrophic consequences from the construction, operation and any 'accidents' that take place at Port Ambrose, or its pipeline. New Jersey's commercial fishing industry contributes over a billion dollars a year to our economy and feeds millions of people with one of the healthiest foods on the earth."²⁷³

The commercial and recreational fishing industries cannot afford another loss. Port Ambrose would do just that. It is imperative that a *true No Action Alternative* be chosen so as not to compound the losses seen by this industry as a result of Superstorm Sandy.

CO134-70 C. **Other Commercial Users.** The commercial and recreational fishing industries are not the only ones that would be impacted by the construction, operation and decommissioning of Port

²⁶⁸ Ibid.

²⁶⁹ Ibid., Section 4 at 4-108

²⁷⁰ NJ Legislature; Resolution AR178/SR110. Available at http://www.nileg.state.nj.us/2012/Bills/AR/178_11.HTM (last visited August 1, 2013).

²⁷¹ Sandy Report, *supra*.

²⁷² Ibid.

²⁷³ Fishermen's Dock Cooperative, Liberty Deepwater Port Docket # USCG-2013-0363-1384

CO134-70 Impacts of construction, operation and decommissioning of the Project on ocean uses including cruises ships and wildlife viewing businesses are adequately addressed in Section 4.7.2.

CO134

Ambrose. For example, American Princess Cruises, which is known to cross the Project area, will be forced to re-route. Based on the 2014 calendar for this cruise line, they have events all year round.²⁷⁴

Other wildlife viewing businesses will also be impacted by Port Ambrose, though the DEIS suggests that they will only experience "short-term, minor impacts from increased vessel traffic in the proposed Project area during construction of the proposed Project."²⁷⁵ Further information is needed about the impacts associated with operation of the Port, specifically increased vessel traffic, on these industries. These industries, which are a foundation of the NY/NJ coastal economies, will be expected to amend their businesses due to the construction, operation, and decommissioning of Port Ambrose. Additionally, adequate assessment on impacts to air traffic was not considered in the DEIS.

CO134-71 D. **Conclusions Regarding Other Uses and Resources.** Whatever nominal gross benefit the proposal project represents, if any, it is clear that it has no net economic benefit to the region given the existing (and competing) uses of the subject area. Moreover, the inherent risk of a catastrophic accident puts these economically significant uses in jeopardy of closure. The NY/NJ Region should not be asked to undertake such a risk for such a nominal alleged benefit.

4.8 Socioeconomics.

Note: In addition to the specific comments regarding Socioeconomics set forth in Section 3.8 above, we submit these comments.

Comment 1. Commercial Fisheries, Recreational Fisheries, and Marine Based Tourism and Recreation.

Page 4-116: "Impacts on commercial fishing from the proposed Mainline and Port facilities construction would be short-term, minor, direct, and adverse. Disturbance of the seafloor and creation of noise from proposed Mainline trenching and installation and placement of the STL Buoys would result in short-term displacement of fish, followed by rapid recolonization. Most commercial fish species would avoid the construction areas; however, relocation of species would be reversible."

Page 4-117: "A majority of recreational fishing is done nearshore, where the installation of the proposed Mainline would have a minimal impact. Impacts on recreational fisheries performed farther offshore would be similar to impacts on commercial fisheries. Impacts include short-term displacement of fish due to seafloor and noise disturbance in the work area during construction. Recreational fishing opportunities are not concentrated in the vicinity of the proposed Project, and as construction activities would progress along the proposed Mainline route, any impacts would be localized, short-term, and minor."

Page 4-117: "Increased vessel traffic traversing to and from the proposed Project during construction would result in short-term, minor, direct, and adverse impacts on marine-based tourism and recreation, including boating, scuba diving, and wildlife watching."

CO134-72 The DEIS does not include an economic impacts analysis of these impacts to substantiate the conclusion that this range of impacts would be "minor". Given the economic significance of both of these industries,

²⁷⁴ American Princess Cruises, available at http://www.americanprincesscruises.com/dolphin_whale_watching.htm (last visited March 16, 2015).

²⁷⁵ Liberty LNG Draft Environmental Impact Statement, Section 4 at 4-112

CO134-71 See response to SA4-1 for a discussion of safety.

CO134-72 See response to comment FA6-8 for a discussion of potential impacts due to the implementation of navigational safety measures that would limit certain uses within the Safety Zone, no anchoring area, and areas to be avoided.

CO134

CO134-72 (con't) as outlined in Section 3.8 of the DEIS, and in order to garner a better idea of how short term impacts would affect these industries, the DEIS should include a breakdown of economic losses, including impacts to employment and wages, for the anticipated construction phase as well as economic impacts during the operation and decommission phases.

4.10 Air Quality.

CO134-73 A. **Air Pollution Generally.** In addition to the CO₂ emissions and impacts, other significant pollutants are emitted from the terminals, tankers, and the numerous support vessels needed for construction and operations, negatively impacting air and water quality. LNG ports burn fossil fuels for energy and emit many air pollutants including: particulate matter, methane, nitrogen oxides (NO_x), sulfur oxides (SO_x), volatile organic compounds (VOCs), and other toxins.^{276,277} Construction of LNG facilities and installation of pipelines are energy intensive and require significant vessel activity and transport. All of this results in widespread air pollution.

On-site tanker activities and long transit distances emit extensive pollution. Indeed, “[l]arge vessels are among the fastest-growing sources of air pollution” and a “single ship coming into harbor can generate the smog-forming emissions of 350,000 new cars.”²⁷⁸ “[f]oreign-registered ships – the majority of commercial ships – do not operate under any EPA emissions standards while in U.S. waters,”²⁷⁹ and no LNG tankers are U.S. flagged.²⁸⁰ “Ships are the last major sulfur dioxide (SO₂) source category that burns high sulfur fuels in New Jersey.”²⁸¹ “Researchers report that international shipping emissions could be responsible for more than 60,000 deaths a year.”²⁸² Factors contributing to the premature mortalities include “exposure to particulate matter, nitrogen oxides (NO_x), and sulfate in global ship emissions.”²⁸³ In the same way that LNG results in greater CO₂ emissions, the liquefaction, shipping, and regasification stages of LNG results in far greater emissions of other pollutants than from domestic natural gas consumption. A study by Carnegie Mellon researchers on lifecycle emissions from LNG states that “[f]or SO₂ and NO_x, we find there are significant emissions in the upstream stages of the NG/LNG life-cycles, which contribute to a larger range in SO₂ and NO_x emissions for NG/LNG than for coal.”²⁸⁴ Significant NO_x emissions particularly come from LNG liquefaction plants.²⁸⁵ The LNG lifecycle can result in NO_x

²⁷⁶ Crown Landing Final Environmental Impact Statement, Federal Energy Regulatory Commission, Docket Nos. CP04-411-000, *et al.*, p. 3-4 (Apr. 26, 2006).

²⁷⁷ Statement by Lisa P. Jackson, Commissioner, New Jersey Department of Environmental Protection, Before the United States Senate Committee on Environment And Public Works On S.1499, the Marine Vessel Emissions Reduction Act of 2007, (Feb. 14, 2008).

²⁷⁸ Gregory Richards, *Ships are an increasing source of air pollution*, *The Virginian-Pilot*, Nov. 2, 2007.

²⁷⁹ *Ibid.*

²⁸⁰ A message from Maritime Administrator Sean T. Connaughton, Deepwater Port Licensing for LNG and Oil, U.S. Maritime Administration, July, 2008.

²⁸¹ Statement by Lisa P. Jackson, Commissioner, New Jersey Department of Environmental Protection, Before the United States Senate Committee on Environment And Public Works On S.1499, the Marine Vessel Emissions Reduction Act of 2007, Feb. 14, 2008.

²⁸² Death from Shipping, *Environmental Science & Technology*, 2007, 41 (24) p. 8206.

²⁸³ *Ibid.*

²⁸⁴ Paulina Jaramillo, W. Michael Griffin, and H. Scott Matthews, Comparative Life-Cycle Air Emissions of Coal, Domestic Natural Gas, LNG, and SNG for Electricity Generation, *Environmental Science & Technology*, 2007, 41, p. 6290.

²⁸⁵ *Ibid.*, p. 6294.

CO134-73 Air quality dispersion modeling was conducted to predict impacts of operational emissions at overwater and shoreline receptors. The maximum predicted increases in pollutant concentrations at overwater and shoreline receptors were all less than the amount of increase allowed by EPA.

CO134

emissions of up to 15.4 pounds (lb) per megawatt hour (MWh), while it is only 9.69 lb/MWh for the lifecycle of coal.²⁸⁶

CO134-73 (con't) While the DEIS evaluates the impact of these emissions on the attainment of air quality standards at the project site, the DEIS is deficient because it contains no recognition or analysis of the impact of such emissions upon (1) onshore areas and (2) water quality, as further discussed below.

(1) Onshore Air Pollution. The DEIS does not give adequate consideration to the impact of onshore air pollution from the proposal project. As the New Jersey Department of Environmental Protection has recognized:

"SO₂ and oxides of nitrogen (NO_x), and the particles formed from SO₂ and NO_x, as well as direct emissions of fine particles, can be transported over long distances and deposited far from their point of origin, contributing to air quality problems far beyond the areas where they were emitted. Emissions from sources in the New Jersey – New York Metropolitan area are blown by the winds along the coast many miles, impacting [Long Island, Connecticut], Rhode Island, Massachusetts and beyond."²⁸⁷

CO134-73 (con't) Therefore, placing LNG terminals and their tanker traffic offshore will simply relocate onshore air pollution problems, not eliminate them. Given the variability in wind directions, LNG facility emissions in the NY Bight would also be blown toward the Jersey Shore by northeast winds.

(2) Air Pollution Impacts on Water Quality. The DEIS fails to adequately consider air pollution impacts on water quality due to the proposed project. Air pollution from natural gas combustion negatively impacts water quality. Because LNG facilities are often in coastal waters that are already polluted by excess nitrogen, increased NO_x emissions can exacerbate the frequency of massive algal blooms and detrimental low dissolved oxygen conditions.^{288, 289} Indeed, the NY Bight is already experiencing such harms. Adding more NO_x is contrary to current efforts to reduce nitrogen loading.²⁹⁰ Existing NO_x emissions from combustion of natural gas and other fossil fuels significantly contribute to eutrophication of coastal waters worldwide, and these emissions are expected to increase in the future.²⁹¹ NO_x and SO_x emissions are also of concern as they form acids in the atmosphere, which results in acid rain.

²⁸⁶ Ibid.

²⁸⁷ Statement by Lisa P. Jackson, Commissioner, New Jersey Department of Environmental Protection, Before the United States Senate Committee on Environment and Public Works On S.1499, the Marine Vessel Emissions Reduction Act of 2007, Feb. 14, 2008.

²⁸⁸ Human Alteration of the Nitrogen Cycle: Threats, Benefits and Opportunities, Scope Policy Briefs, No. 4, UNESCO, Apr. 2007, at <http://unesdoc.unesco.org/images/0015/001509/150916E.pdf> (last visited August 7, 2008).

²⁸⁹ H. Pearl, Coastal eutrophication and harmful algal blooms: Importance of atmospheric deposition and groundwater as "new" nitrogen and other nutrient sources, *Limnology and Oceanography*, 1997, 42 (5, part 2) p. 1154-1165.

²⁹⁰ Action Plan for the New York-New Jersey Harbor Estuary Program, USEPA Harbor Estuary Program, (Draft June 17, 2008), at http://www.harborestuary.org/reports/HEP_Action_Plan-061708.pdf (last visited Aug. 22, 2008).

²⁹¹ Galloway, et al., Nitrogen cycles: past, present, and future, *Biogeochemistry*, 2004, 70 p.153-226.

CO134-73
(con't)

CO134

B. Greenhouse Gas Impacts on the Environment. Greenhouse gases, such as carbon dioxide, NO_x, and methane, are well known to contribute to global warming and climate change.^{292, 293.} There is a wealth of information on how global warming already has altered the planet and what changes are predicted for the future.^{295, 296} Impacts range from sea level rise, changes in ocean circulation patterns and rates, increased number and intensities of storms, ocean acidification, and water temperature changes resulting in spatial and temporal shifts in population distributions and dynamics affecting entire ecosystems and their productivity.

In Section 3.11.4, the DEIS contains a discussion of the dangers of greenhouse gases and climate change. The DEIS even recognizes the fact that NYDEC has reported that "key impacts of climate change have already begun in New York and Northeastern United States." And in Section 4.10.7 of the DEIS, it is acknowledged that the proposed project would have significant GHG emissions during both construction and operation. However, rather than analyze the impact of an additional 200,000 tons of GHG emissions into our region, the DEIS downplays its significance by comparing it to personal vehicle emissions. This is an extremely weak analysis and comparison; it wholly ignores the cumulative effect of these climate changing emissions at a time when it is acknowledged that GHG emissions need to be reduced to avoid drastic global consequences. The DEIS is deficient in this regard as well.

CO134-74

4.11 Noise

Note: In addition to the specific comments regarding noise set forth in Section 4.2(B)(2) and 4.3(E) above, we submit these additional comments.

Sound is capable of traveling "five times faster through sea water than through air, and low frequencies can travel hundreds of kilometers with little loss in energy."²⁹⁷ Sound proliferation is most influenced by "(i) frequency of sound (ii) water depth and (iii) density differences within the water column, which vary primarily with temperature and pressure."²⁹⁸

²⁹² *Climate Change 2007: The Physical Science Basis, Fourth Assessment Report, Intergovernmental Panel on Climate Change*, 2007, (S., Solomon et al., Eds.). (Cambridge University Press, Cambridge, UK) 996 pp. at <http://www.ipcc.ch/ipccreports/ar4-wg1.htm> (last visited Aug. 26, 2008).

²⁹³ Health and Environmental Impacts of NO_x, U.S. Environmental Protection Agency, at <http://www.epa.gov/airprog/coar/urbanair/nox/hlth.html> (last visited July 23, 2008).

²⁹⁴ Human Alteration of the Nitrogen Cycle: Threats, Benefits and Opportunities, Scope Policy Briefs, No. 4, UNESCO, Apr. 2007, at <http://unesdoc.unesco.org/images/0015/001509/150916E.pdf> (last visited August 7, 2008).

²⁹⁵ *Climate Change 2007: The Physical Science Basis, Fourth Assessment Report, Intergovernmental Panel on Climate Change*, 2007, (S., Solomon et al., Eds.). (Cambridge University Press, Cambridge, UK) 996 pp. at <http://www.ipcc.ch/ipccreports/ar4-wg1.htm> (last visited Aug. 26, 2008).

²⁹⁶ Assessment of observed changes and responses in natural and managed systems, C. Rosenzweig, et al., in *Climate Change 2007: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*, (M.L. Parry, et al., Eds.), p. 79-131 (Cambridge University Press, Cambridge, UK) at <http://www.ipcc.ch/ipccreports/ar4-wg2.htm> (last visited Aug. 26, 2008).

²⁹⁷ Nowacek, Douglas P., et al., 2007. Response of cetaceans to anthropogenic noise. *Mammal Review* 37: 81-115

²⁹⁸ *Ibid.*

CO134-74 The comparison of Project emissions to New York personal vehicle emissions has been removed from Section 4.10.7.2 of the final EIS.

Regarding cumulative effects of GHG emissions, EPA and other regulatory agencies have pointed out that climate change impacts cannot be attributed to any single action, but are the collective result of actions taken worldwide. The climate change impacts directly attributable to the Project's additional GHG emissions cannot be meaningfully quantified. Therefore, no attempt is made to do so. Section 3.11.4 of the final EIS instead addresses existing and projected climate change impacts in the Project area as a result of worldwide cumulative emissions, without specific reference to the Project's contribution.

CO134

The DEIS briefly makes mention of the characteristic of sound to travel "about four-and-a-half times in water than air,"²⁹⁹ but fails to recognize the implications of that characteristic on the sound produced by Port Ambrose. In the light-limited ocean environment, marine mammals depend on sound for survival. From crustaceans to dolphins and whales, the sense of hearing is critical for many species' biological functions. Over 700 fish species produce low frequency, species-specific sounds.³⁰⁰ Sea turtles, squid, octopus, shrimp, crab, and even coral and fish larvae have been found to respond to sound. In the ocean, hearing and sound are vital to life. Noise pollution can interfere with animal behaviors, including communication, mating, food identification, prey avoidance, and nursing. Noise pollution can also be fatal by injuring hearing and other organs in sea life.

CO134-75

The NY Bight is a heavily congested area that contains both natural and anthropogenic sounds. The natural sources of sound may differ, but the species local to the environment have learned to coexist. Disruption to the natural sources of sound can have a significant impact on biological functions such as inter and intra-species communication, mating, and feeding. Construction and operation of Port Ambrose will provide a constant new source of sound that will be unavoidable for the marine environment.

A. Generally. From the start of construction to the end of the Port's life expectancy, noise will constantly be present at varying degrees. Specifically, "[u]nderwater noise generation is likely to occur during construction and operation phases (including normal operations and routine maintenance), decommissioning and during unplanned events (e.g., unplanned repairs or incidents)."³⁰¹

CO134-75
(con't)

As stated in the DEIS, "[s]hipping noise is considered to be the dominant source, with the Port located approximately 2.5 km from the closest traffic lane,"³⁰² but the implications are negated in another section that states that "[n]oise from LNGRV and Support Vessel movements at Port Ambrose will be of similar magnitude and character to other shipping movements within the NY Bight, and as such the Project vessels should be treated like other vessels."³⁰³ In other words, the addition of vessel numbers in the NY Bight will have little impact; however, the DEIS fails to recognize that there will be an increase in traffic flow and thus an increase in noise.

The DEIS states, "[a]dditional trips made by the support vessel would be within navigation channels and the noise produced would not exceed that of existing vessel traffic."³⁰⁴ Given the main time of year that Port Ambrose will predominately be used (i.e., peak energy demand periods in the winter and summer), there will be increased noise in an area that is heavily used for migration purposes in the summer. Additionally, any increase in the number of vessels, exceeds the existing vessel traffic and thus exceeds the preexisting noise.

The noise associated with the construction, operation, and decommissioning of Port Ambrose will be compounded by the increase in vessels in the area. All of these sources combined will have a tremendous impact on the marine life of the NY Bight.

²⁹⁹ Liberty LNG Draft Environmental Impact Statement, Appendix M, page 2-1.

³⁰⁰ Luczkovich, Joseph J., Mann, David A., Rountree, Rodney A. 2008. Passive Acoustics as a tool in Fisheries Science. *Transactions of the American Fisheries Society* 137: 533-541

³⁰¹ Liberty LNG Draft Environmental Impact Statement, Appendix M, page 2-2.

³⁰² *Ibid.*, page 2-4.

³⁰³ *Ibid.*, page 8-1.

³⁰⁴ *Ibid.*, Section 4 at 4-159.

CO134-75 Thank you for your comment. Please see response to comments FA6-21, FA6-22, and CO129-8.

CO134

As stated elsewhere, the noise impacts during the construction phase have not been adequately quantified as the DEIS is inconsistent in its references to the duration of construction activities^{305, 306}.

(1) **Mooring and Anchoring System.** The DEIS states, “[c]onstruction of the proposed Project would have insignificant impacts on species of marine mammals, turtles, and fish relative to the ‘harm’ criteria (PTS), as the greatest noise impact of underwater sound (use of driven pilings as a mooring anchoring system) has been removed from the proposed Project scope.”³⁰⁷

CO134-76 At several points, the DEIS claims that suction pile installations will be utilized instead of driven pilings as a mooring and anchoring system.³⁰⁸ This ‘certainty’ is later contradicted within the same document by saying “[i]f suction piles cannot be used during the construction phase of the Project, impact piling may be considered.”³⁰⁹ Even though “[t]his source [driven pilings] of underwater noise was removed from the proposed Project scope and was replaced with suction piling,”³¹⁰ other parts of the DEIS (including the next sentence) prove discrepancies that lead the reader to believe that impact driven pilings is not completely off the table, but could be needed depending on the “unlikely event geotechnical conditions preclude use of suction anchors.”³¹¹ Noise implications associated with such construction activities must be evaluated in case they are decided to be used.

CO134-75 (con’t) Even if driven pilings as a mooring anchoring system aren’t used, no conclusive evidence is available that suction pile installations won’t cause any harm since “[u]nderwater sound measurements of suction pile installations are not available...”³¹² Yet, without this data, the DEIS still claims that “...the noise from this method of anchor placement [suction pile installations] would be negligible relative to other construction methods because the only noise source is the suction pump.”³¹³ But, “[s]uction piling noise levels are predicted to exceed the TTS threshold for LF cetaceans within 3.5 km of piling, and the PTS criterion within 130 m of suction piling.”³¹⁴

Regardless of the lack of data, the DEIS still claims that “[b]ecause suction piles will be used during construction phase of the project, a low level of risk has been identified for cetaceans, sea turtles, and fishes from sound generated by pile placement. Operational, routine maintenance and decommissioning activities are also expected to have a low level risk to protected fauna because vessel noise is expected to be comparable to that generated by common and existing vessel traffic in the surrounding area and because animals have the ability to move away from the potential sources.”³¹⁵

(2) **Marine Animals.** The Marine Mammal Protection Act describes “harassment’ [as] any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild; or (ii) has the potential to disturb a marine mammal or marine mammal stock

³⁰⁵ Ibid., at 4-1

³⁰⁶ Ibid., Appendix I, 1-2

³⁰⁷ Ibid., Section 4 at 4-159

³⁰⁸ Ibid., at 4-166

³⁰⁹ Ibid., Appendix M, page 2-2

³¹⁰ Ibid., Section 4 at 4-166

³¹¹ Ibid.

³¹² Ibid., Appendix M, page vii

³¹³ Ibid.

³¹⁴ Ibid., page 7-3

³¹⁵ Ibid., page viii

CO134-76 See response to FA6-23.

CO134

in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, feeding, or shelter.”²¹⁶ The Marine Mammal Protection Act requires impacts on marine mammal populations to be assessed. However, we lack critical information on populations of endangered and threatened whales and other sea life that will be adversely affected even if these were properly assessed based on available data.

CO134-77 Marine mammals, for example, “use sound in social interactions as well as to forage, to orient, and to respond to predators.”²¹⁷ Any interference with their behavior and/or hearing could have drastic consequences on the continuation of species. “When observable reactions do occur, they may include orientation or attraction to a sound source; increased alertness; modification of characteristics of their own sounds; cessation of feeding or social interaction; alteration of movement/diving behavior; temporary or permanent habitat abandonment; and, in severe cases, panic, flight, stampede, or stranding, sometimes resulting in injury or death.”²¹⁸

Noise exposure is capable of significantly impacting a species physiological effects (i.e. non-auditory structures), whether directly or indirectly.²¹⁹ An animal’s exposure history “with a particular sound affects whether it is subsequently less likely (habitation) or more likely (sensitization) to respond to a stimulus such as sound exposure.”²²⁰ Significantly, a liquefied natural gas port would be new to the NY Bight. The installation and construction of Port Ambrose would create a new wave of sounds that the marine species in the NY Bight have not grown accustomed. Thus, their “exposure history” would be significant.²²¹

Liberty LNG’s DEIS states that there will be no long-term effects on the biological resources of the NY Bight. Closer examination of the DEIS proves otherwise. The National Marine Fisheries Services (NMFS) has recognized construction and operation data deficiencies of noise impacts to sea turtles, Atlantic sturgeon marine mammals, and other invertebrates.²²² These deficiencies are still evident based on the lack of available data. The DEIS fails to recognize that “any underwater noise levels produced during the construction and operations of the deepwater port that is above ambient for any period of time has the potential to cause behavioral and/or physiological changes in listed species.”²²³ Such changes could have drastic consequences on survival of the species, yet the DEIS claims that there will be little impacts to the marine life in the NY Bight as a result of construction, operation, and decommissioning.

The Liberty LNG application specifically states that the “[e]xisting underwater noise levels in the Project area in the New York Bight are expected to be higher than ambient natural conditions due to vessel traffic (both recreational and commercial).”²²⁴ Pre-existing conditions of the NY Bight are already above ambient; thus, the addition of noise associated with Port Ambrose will affect the marine life. If pre-existing conditions of the NY Bight are already above ambient, then how will the addition of the noise associated with Port Ambrose not affect the marine life?

²¹⁶ 16 U.S.C. §1361 (2)(a).

²¹⁷ Marine Mammal Noise Exposure Criteria: Initial Scientific Recommendations, European Association for Aquatic Mammals, http://sea-inc.net/assets/pdf/mmnoise_aquaticmammals.pdf (last visited August 8, 2013).

²¹⁸ *Ibid.*

²¹⁹ *Ibid.*

²²⁰ *Ibid.*

²²¹ *Ibid.*

²²² Data Gaps, Item #72, Liberty LNG Docket #USCG-2013-0363-0013.

²²³ *Ibid.*

²²⁴ Liberty LNG Application, Volume 2, Report 9, at 9-59.

CO134-77 Thank you for your comment. Noise impacts to marine species have been addressed in section 4.2 and 4.3. In addition, please see response to comment FA6-28 and SA6-22.

CO134

CO134-77
(cont)

Behavioral disturbances on marine mammals and invertebrates are of a major concern based on noise impacts associated with the operation and maintenance of Port Ambrose. Examples of behavioral changes that could be directly related to noise impacts include "the abandonment of an important activity (e.g. feeding, nursing) or location in response to some sound, and the repeated abandonment of such vital activities can lead to detrimental consequences for the animal(s) affected."³²⁵ The DEIS purports that "[g]iven the volume of existing traffic in the area, it is expected that any noise attributable to the additional LNG vessels will not be noticed by species tolerant of existing shipping."³²⁶ However, any change in habitat (including noise pollution) can be extremely detrimental to the continuation of a species.

Many species of whales, for example, are known to transit the area at various points throughout the year, specifically, fin whales, humpback whales, and the North Atlantic right whale.³²⁷ Combined, these species transit the project area during the winter, spring, summer and fall.^{328, 329, 330} There is no good time for Port Ambrose.

Even with the above data, the DEIS purports that little harm will result from construction, operation and decommissioning of the port: "[a]lthough species abundance varies by season in the Project area the likelihood of "harm" (PTS) or "harassment" (TTS) from the Project to individuals or species due to underwater sound is Rare to Unlikely because of the transient and seasonal nature of the species moving through the Project area, and the ability of animals to move away from sound sources."³³¹ Why should these species have to change their course in their habitat to move away from an anthropogenic sound?

(3) Lack of Available Data on Noise Impacts

The DEIS is not able to adequately anticipate the impacts of noise on marine life because there is a lack of available data, specifically, when it relates to fish species and turtles. The DEIS mentions that "[r]esearch studies and/or acoustic guidance or regulations related to fish and underwater sound is lacking."³³² Additionally, "[t]here are no published underwater noise criteria for turtles in U.S. waters."³³³

CO134-78

Similar to construction activities, operation of the port will add new noise sources to the NY Bight. How those new noise sources will impact biological resources, such as fish species, has yet to be quantified: "[h]earing capabilities of fish have been studied in less than 0.01 percent of fish species."³³⁴ Noise impacts on fish are highly variable, but "[p]otential impacts of continuous sounds on marine fish include temporary threshold shifts(TTS), physiological stress response, and behavioral response (e.g., startle, alarm, avoidance), physiological damage to hearing structures, or in more severe instances,

³²⁵ Nowacek, Douglas P., et al., 2007. Response of cetaceans to anthropogenic noise. *Mammal Review* 37: 81-115

³²⁶ Liberty LNG Application, Volume 2, Report 9, at 4-68.

³²⁷ Liberty LNG Draft Environmental Impact Statement, Appendix M, page 4-1

³²⁸ Ibid.

³²⁹ Ibid., page 4-6

³³⁰ Ibid., page 4-7

³³¹ Ibid., page 7-2

³³² Ibid., page 3-2

³³³ Ibid., page 5-3

³³⁴ Ibid., Section 4 at 4-28

CO134-78 Regarding fish, the text has been revised to indicate that it is "possible" (as opposed to "probable") that fish could leave the area and to acknowledge the possibility that some individuals could experience other effects ranging in severity from behavioral responses (e.g., alarm, startle, avoidance) to temporary or permanent physiological harm. More severe impacts are not likely to affect large numbers of fish. Therefore, as stated in section 4.2.4.1, the EIS concludes that the impacts of construction noise on fish would be indirect, short-term, and minor. No change to text.

Regarding sea turtles, the EIS does indicate that noise would impact sea turtles. As stated in section 4.3.3, noise impacts on sea turtles would be short-term moderate adverse during construction, long-term moderate adverse during operations, and short-term minor adverse during maintenance. No change to text.

CO134

hemorrhaging in the body cavity (permanent threshold shift or PTS).³³⁵ Specifically, data is needed for Atlantic sturgeon because there is “no data on behavioral shifts in Atlantic sturgeon due to noise from similar construction activity exists.”³³⁶ Since there is no data, “harassment distance for Atlantic sturgeon is not estimated in this report.”³³⁷

CO134-78 (con't) | More data is needed in order to make the assumption “...most adult fish would leave the construction area temporarily because of in-water disturbances, and the distance between the fish and the noise source would increase, thereby minimizing the change of injury.”³³⁸

The NY Bight is ecologically significant for sea turtles, of which all species are endangered. A small amount of data is available for turtles and their use of hearing. For example, there is “[n]o information on Kemp’s ridley sea turtle [the most endangered sea turtle] or leatherback sea turtle hearing.”³³⁹ It is hypothesized that “turtles likely use sound for navigation, location of predators/prey, and environmental awareness.”³⁴⁰

CO134-78 (con't) | It is a gross failure of the DEIS to assume that the turtle population will not be impacted by the noise associated with Port Ambrose when there is little data to support it.

CO134-79 | Additionally, the DEIS references NOAA’s *Draft Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammals* when discussing noise impacts. This document is in its draft phase and will be released once it has been peer reviewed and public comments incorporated.³⁴¹ These guidelines will provide “acoustic threshold levels for onset of permanent threshold shift (PTS) and temporary threshold shifts (TTS) for all sound sources.”³⁴² The data to be provided by this document should be an integral component of the review of noise impacts. Until this is released, the DEIS is incomplete.

Since there is a lack of available data, the DEIS cannot adequately assume that no marine life will be harmed as a result of Port Ambrose. It is imperative that a *true No Action Alternative* be selected.

B. Impacts of Construction (DEIS Section 4.11.2)

The DEIS purports that “[a]ll sound sources from the construction phase of the Project are considered to have a Minor impact to species of marine mammals, turtles, and fish”³⁴³ and that “[t]he radiation of sound to marine waters during the construction phase of this Project will be within the immediate vicinity of the Project and effects are expected to be temporary, hence “harassment” (TTS) for all species are ranked as Negligible to Minor.”³⁴⁴ But sound is capable of traveling “five times faster through

³³⁵ Ibid.

³³⁶ Ibid., Appendix M, page 5-3

³³⁷ Ibid., page 5-3

³³⁸ Ibid., Section 4 at 4-29

³³⁹ Ibid., Appendix M, page 5-3

³⁴⁰ Ibid.

³⁴¹ NOAA’s Marine Mammal Acoustic Guidance, NOAA Fisheries, available at <http://www.nmfs.noaa.gov/pr/acoustics/guidelines.htm> (last visited March 16, 2015).

³⁴² Ibid.

³⁴³ Liberty LNG Draft Environmental Impact Statement, Appendix M, page 7-2

³⁴⁴ Ibid.

CO134-79 Thank you for your comment.

CO134

sea water than through air, and low frequencies can travel hundreds of kilometers with little loss in energy.³⁴⁵

CO134-80 Noise associated with various construction activities will harm the marine species of the NY Bight. For example:

- **Blasting and pile driving:** "The pressure pulses generated by high energy noise sources, such as blasting and pile driving of large diameter piles, can cause the swim bladder of fish to rupture or tear. This generally occurs in the immediate vicinity of the source where the pressure rises and reduces quickly to its positive and negative peak pressure level. The sudden increase and decrease in pressure level causes gas oscillations that can rupture or tear the swim bladder."³⁴⁶
- **Installation of the lateral pipeline:** "Installation of the lateral pipeline will produce noise levels that are predicted to exceed the PTS criterion for LF cetaceans within 250 m."³⁴⁷

Since sound can travel hundreds of kilometers, the radiation of sound in the marine waters will be compounded by the ability of noise to travel farther through water. Thus, it is imperative that a *true No Action Alternative* is selected so as not to cause potential harm to marine life in the immediate vicinity and those further away.

Additionally the overall timeframe of construction activities is unclear within the DEIS. At some points, a nine month timeline³⁴⁸ is proposed whereas at other times, twelve months³⁴⁹ is mentioned. The two month discrepancy would allow for greater water quality impacts. The assessments of impacts are, in part, dependent the length and time of year of the activity.

C. Impacts of Operation (DEIS Section 4.11.3)

The DEIS claims that "[t]he radiation of sound to marine waters during operations is expected to be short-term,"³⁵⁰ but ignores the consistency of noise that will result with the operation of the Port. "The proposed Port would be operational all year long; however, LNGRV and regasification activities would predominately occur during winter during the peak of the heating season."³⁵¹ Yet this ignores earlier statements of increased activities during the summer months as well. Regardless, the DEIS claims that "...all sound sources are considered to have minor consequences to species of marine mammals, sea turtles, and fish relative to harm criteria (PTS)."³⁵²

CO134-81 During normal, operational periods, "[u]nderwater noise is anticipated to be produced by the LNGRVs during the approach, mooring, maneuvering on the buoy and regasification procedures."³⁵³ The highest-energy source of underwater sound during the operation phase would be from vessel transits

³⁴⁵ Nowacek, Douglas P., et al., 2007. Response of cetaceans to anthropogenic noise. *Mammal Review* 37: 81-115

³⁴⁶ Liberty LNG Draft Environmental Impact Statement, Appendix M, page 5-5

³⁴⁷ *Ibid.*, page 7-3

³⁴⁸ *Ibid.*, Section 4 at 4-1

³⁴⁹ *Ibid.*, Appendix I, 1-2

³⁵⁰ *Ibid.*, Section 4 at 4-166

³⁵¹ *Ibid.* at 4-162

³⁵² *Ibid.* at 4-166

³⁵³ *Ibid.* at 4-162

CO134-80 Thank you for your comment.

CO134-81 The sentence that starts "The highest-energy source..." is meant to distinguish between the sound energy levels associated with the different types of operational underwater sounds (e.g., transit and mooring activities produce higher sound energy levels than regasification). The sentence is not meant to indicate that any operational sounds would exceed existing vessel noise, which they would not.

To clarify, the sentence has been reworded from:

"The highest energy source of underwater sound during the operation phase would be from vessel transits near the proposed Port and from mooring activities."

To:

"The LNGRV and support vessel would produce the highest-energy underwater sounds when they were transiting near the proposed Port and during mooring activities; however, the sound levels associated with these activities would not exceed existing vessel noise levels."

CO134

CO134-81 (con't) near the proposed Port and from mooring activities,³⁵⁴ but earlier excerpts from the DEIS state that these vessel transits will not exceed existing vessel noise. Consistency within the DEIS is lacking.

CO134-82 **D. Impacts of Decommissioning (DEIS Section 4.11.4)/Repairs.** The DEIS states, “[u]nderwater sound generated from planned maintenance, decommissioning and unplanned events would be similar to those from the construction and operation phases of the proposed Project and as such were not modelled as unique sound sources.”³⁵⁵ However, “[m]ajor repairs to the proposed Project would likely generate additional underwater sound in the area. During repair of the proposed Project, underwater sound levels would be temporarily elevated...These types of repairs could take up to two to four weeks.”³⁵⁶ A comparison of other LNG ports of similar make is needed to evaluate the consistency and type of repairs. All potential sound sources should have been modeled in the DEIS.

CO134-83 **E. Mitigation and Monitoring (DEIS Section 4.11.6).** The DEIS outlines mitigation procedures as it relates to noise impacts. Mitigation measures assume that all marine animals can be seen at all times of potential impacts³⁵⁷, but other data suggests that marine mammals stay underwater much longer than originally expected and thus might not be seen at the appropriate times.

Additionally, “...visual observations would occur continuously during daylight hours to monitor for sea turtles and whales in the area...If pile driving commences during daylight hours, pile driving may continue into nighttime hours provided that there has been no interruption in activity. However, pile driving would not be mitigated during nighttime hours when visual clearance of the zone cannot be conducted.”³⁵⁸ This notion that the lack of visual presence of turtles and whales during the day means a lack of presence of such creatures at night is erroneous. Most species of turtles are nocturnal, and therefore are more likely to be present during nighttime hours. In addition, whales are not strictly diurnal creatures, some species have been documented to communicate and hunt during the night. Allowing piling activity during times when the presence of such animals cannot be confirmed by visual observation presents an unacceptable risk that the DEIS fails to consider.

F. Conclusions Regarding Noise. As stated previously, disruption to the natural sources of sound can have a significant impact on biological functions such as inter and intra-species communication, mating, and feeding. Liberty specifically states in its application “man-made sounds...are relatively new and have the potential to disturb behavior and interfere with important biological functions.”³⁵⁹ The Liberty LNG application does not adequately analyze the impacts of noise pollution on marine life in the NY Bight. Construction, maintenance, and repair represent times at which marine life will be exposed to potentially detrimental noises. Construction and operation of Port Ambrose will provide a constant new source of sound that will be unavoidable in the marine environment. As NMFS has pointed out “any underwater noise levels produced during the construction and operations of the deepwater port that is above ambient for any period of time has the potential to cause behavioral and/or physiological changes in listed species.”³⁶⁰

³⁵⁴ Ibid.

³⁵⁵ Ibid. at 4-166

³⁵⁶ Ibid.

³⁵⁷ Ibid. at 4-169

³⁵⁸ Ibid. at 4-169 to 4-170

³⁵⁹ Liberty LNG Application, Volume 2, Report 4, at 4-62.

³⁶⁰ Data Gaps, Item# 72, Liberty LNG Docket # USCG-2013-0363-0013.

CO134-82 As described in Section 2.1.5.2, maintenance activities would be similar to those conducted during construction but reduced in scope. Therefore, noise impacts during maintenance activities would not exceed those during construction so were not modeled separately. No change to EIS.

CO134-83 The USCG is currently engaged in informal consultation with NOAA Fisheries and USFWS regarding the potential impacts, monitoring plans, and subsequent mitigation of the proposed action on federally listed threatened and endangered species. Any consultation would be initiated before the Record of Decision (ROD) on the proposed Project and within the time allowed in 33 U.S.C. 1501 et seq. for the U.S. Environmental Protection Agency (USEPA) to notify the Secretary that the proposed Project would not conform with all applicable provisions of the CAA, the Federal Water Pollution Control Act of the MPRSA and 33 U.S.C. 1501 et seq. All consultation correspondence to date is located in Appendix B of this final EIS. In addition, the applicant will be required to coordinate with, and apply to, NOAA Fisheries for an incidental harassment authorization, which will further address mitigation and monitoring required for proposed Project construction and operation.

CO134

Nevertheless (and once again), the DEIS dismisses serious risks due to environmental factors that are not adequately understood. On the issue of noise, the DEIS concludes, “[b]ecause the behavioral response of marine mammals to a perceived marine sound depends on a range of factors...it is more difficult to predict behavioral shifts to anthropogenic sounds,”³⁶¹ and classifies any such noise impacts as “minor.” A conclusion based upon a blind assumption is without merit, and accordingly, the DEIS is deficient with respect to its analysis of noise impacts.

5.0 SAFETY.

A. The Inherent Hazards of LNG

*LNG “is more than just a potential weapon of mass destruction in the right locale. It also offers terrorists an awesome economic target wherever in the world it can be found—even on the high seas.”*³⁶²

CO134-84 Due to LNG having a volume 620 times smaller than in its natural gaseous state,³⁶³ LNG represents highly compressed energy. As a result, “[t]he energy content of a single standard LNG tanker (one hundred twenty-five thousand cubic meters) is equivalent to seven-tenths of a megaton of TNT, or about fifty-five Hiroshima bombs.”³⁶⁴ While the energy content might not be released at the same rate and in the same format as a Hiroshima bomb, not enough is known as to the full-scale results of a large LNG release.

“Impact estimates for LNG tanker attacks are largely based on engineering models, however, each with its own input assumptions—so it is difficult to assert definitively how dangerous a real attack would be.”³⁶⁵ In citing LNG ports, researchers rely primarily on modeling reports, which can vary largely.³⁶⁶ But researchers have found the threats to be real.

A Congressional Research Service Report for Congress found that LNG “is a hazardous fuel,”³⁶⁷ poses a serious hazard of explosion or fire,³⁶⁸ and “can be vulnerable to terrorist attack.”³⁶⁹ The Congressional Report also discusses the various hazards that LNG terminals pose, including what follows.

³⁶¹ Liberty LNG Draft Environmental Impact Statement, Section 4 at 4-66

³⁶² Lieutenant Commander Cindy Hurst, *Is Liquefied Natural Gas an Economic Target?*, Spero News (adapted from a report for the Institute for the Analysis of Global Security and a contributor to *The Cutting Edge News*), June 30, 2008, at <http://www.speroforum.com/site/article.asp?id=15596> (last visited March 16, 2015).

³⁶³ Amory Lovins and L. Hunter Lovins, *Brittle Power* (Jack Howell ed., Brick House Publishing Co. 1982) (1982), p. 87.

³⁶⁴ *Ibid.*, p. 88.

³⁶⁵ CRS Report for Congress, *Liquefied Natural Gas (LNG) Infrastructure Security: Background and Issues for Congress*, Congressional Research Service, The Library of Congress, Order Code RL 32073, Sep. 9, 2003, p. CR-12.

³⁶⁶ Government Accountability Office, Report to Congressional Requesters, *Maritime Security, Public Safety Consequences of a Terrorist Attack on a Tanker Carrying Liquefied Natural Gas Need Clarification*, GAO-07-316, Feb. 2007, p. 2 of 45.

³⁶⁷ CRS Report for Congress, *Liquefied Natural Gas (LNG) Infrastructure Security: Background and Issues for Congress*, Congressional Research Service, The Library of Congress, Order Code RL 32073, Sep. 9, 2003, Summary.

³⁶⁸ *Ibid.*, p. CR-8.

³⁶⁹ *Ibid.*

CO134-84 See response to SA4-1 for a discussion of safety. Additionally, potential LNG hazards are identified and discussed in Section 5.2.

CO134

CO134-84
(con't)

First, there are the threats of pool fires that would spread and burn "far more hotly and rapidly than oil or gasoline fires. They cannot be extinguished—all the LNG must be consumed before they go out. Because LNG pool fires are so hot, their thermal radiation may injure people and damage property a considerable distance from the fire itself. Many experts agree that a pool fire, especially on water due to thermal effects, is the most serious LNG hazard."²⁷⁰ According to a Coast Guard review of the proposed Calypso LNG port offshore Florida, "[i]n the worst-case scenario, with tanks breached and the pooled gas catching fire, the blaze could kill people half a mile away and cause second-degree burns at 1.6 miles, according to the review. If the leaked gas vaporized, the flammable cloud could extend 3.7 miles from the leak."²⁷¹

Second, there are flammable vapor clouds that result if an LNG spill does not immediately ignite as in a pool fire. A vapor cloud "would not likely explode all at once, but the fire could still cause considerable damage. An LNG vapor cloud fire would gradually burn its way back to the LNG spill where the vapors originated and would continue to burn as a pool fire."²⁷² One government study put the hazard range for a vapor cloud up to more than one and a half miles.²⁷³ Researchers from a Pentagon commissioned study found that a gas cloud "might extend at least three miles downwind from a large tanker spill within ten to twenty minutes. It might ultimately reach much farther – perhaps six to twelve miles. If not ignited, the gas is asphyxiating. If ignited, it will burn to completion with a turbulent diffusion flame reminiscent of the 1937 *Hindenberg* disaster but about a hundred times as big. Such a fireball would burn everything within it, and by its radiant heat would cause third-degree burns and start fires a mile or two away."²⁷⁴ "[A] single cubic meter of spilled LNG can make up to twelve thousand four hundred cubic meters of flammable gas-air mixture."²⁷⁵ An LNG tanker holding 125,000 cubic feet of LNG "can form between about twenty and fifty billion cubic feet of flammable gas-air mixture."²⁷⁶

A vapor cloud explosion at an LNG liquefaction plant in Algeria, which killed 27 people and injured dozens, took eight hours to extinguish. According to scientific studies, including one by Sandia National Laboratories in New Mexico, the radiated heat from an ignited vapor cloud "could burn skin on those outside up to a mile away."²⁷⁷ "Jerry Havens, a professor of chemical engineering at the University of Arkansas, said the Federal Energy Regulatory Commission...[has] misused two models he devised to calculate how far a vapor cloud would travel should LNG spill from an import terminal. He also said the

²⁷⁰ Ibid.

²⁷¹ David Flesher, *Floating gas plant proposal off Fort Lauderdale 'crazy idea'*, South Florida Sun-Sentinel, May 17, 2008.

²⁷² CRS Report for Congress, *Liquefied Natural Gas (LNG) Infrastructure Security: Background and Issues for Congress*, Congressional Research Service, The Library of Congress, Order Code RL 32073, Sep. 9, 2003, p. CR-8-9.

²⁷³ Mike Hightower, et al., *Guidance on Risk Analysis and Safety Implications of a Large Liquefied Natural Gas (LNG) Spill Over Water*, Sandia Report, Sandia National Laboratories, SAND2004-6258, Dec. 2004, p. 15.

²⁷⁴ Amory Lovins and L. Hunter Lovins, *Brittle Power* (Jack Howell ed., Brick House Publishing Co. 1982) (1982), p. 88.

²⁷⁵ Ibid.

²⁷⁶ Ibid.

²⁷⁷ Armen Keteyian and Phil Hirschhorn, *Safety Concerns Tie Up LNG Development*, CBS News, Oct. 27, 2007, at http://www.cbsnews.com/stories/2007/10/27/cbsnews_investigates/main3419576.shtml?source=search_story (last visited March 16, 2015).

CO134

data FERC has used assumes a relatively small spill, which skews projections for how far vapor rising off leaking LNG could spread."²⁷⁸

CO134-84
(con't)

Third, there is the potential for flameless explosions that could result from LNG spills on water. Known as a "rapid phase transition," LNG could heat up and regasify almost instantly in a "flameless explosion."²⁷⁹

Other threats include vapor clouds causing asphyxiation by displacing breathable air, as well as cryogenic injuries and equipment damage.²⁸⁰ Cryogenic injuries are less of a threat "as a major spill would likely result in a more serious fire."²⁸¹

Historically, one frequently cited accident was the shattering of an LNG storage tank in Cleveland, Ohio in 1944. While this is an old accident, it provides insight into the potential scale for an LNG accident. When the storage tank shattered, "LNG spilled over the containment dikes, into the streets, and into the sewer system, where it vaporized and ignited. A large area of Cleveland was destroyed, and 133 people died."²⁸² "The subsequent explosion shot flames more than half a mile into the air. The temperature in some areas reached three thousand degrees Fahrenheit."²⁸³ That incident involved a small storage tank with a capacity of only 5,000 cubic meters.²⁸⁴ A modern-size storage tank is 160,000 cubic meters.²⁸⁵ The Atlantic Sea Island Group island terminal proposed off New York and New Jersey would have four 180,000 cubic meter storage tanks for a total of 720,000 cubic meters.²⁸⁶ Exxon, another company proposing an LNG terminal off New Jersey, has ordered the world's largest LNG tanker, which has 266,000 cubic meters of capacity.²⁸⁷ That is over fifty times larger than the storage tank in Cleveland.

B. Safety Reviews

The DEIS states that "[t]he addition of the proposed Project would minimally increase the safety and hazardous risk in the region. Any incident occurring at the proposed Project would rely on emergency procedures outlined in the Deepwater Port Operations Manual."²⁸⁸ The DEIS also maintains that "outcomes and possible safety hazards resulting from an attack on an [LNG Regasification Vessel] are manageable by implementing the current daily safety standards for unintentional spills." But Section 5 states that operational reviews and approvals that would increase safety will be completed after the

²⁷⁸ Tony Lystra, *LNG expert: Vapor model misused*, The Daily News, Nov. 10, 2007, at http://tdn.com/business/local/lng-expert-vapor-model-misused/article_4f8726ab-4301-5b6f-8680-cd3ca9421969.html (last visited March 16, 2015).

²⁷⁹ CRS Report for Congress, *Liquefied Natural Gas (LNG) Infrastructure Security: Background and Issues for Congress*, Congressional Research Service, The Library of Congress, Order Code RL 32073, Sep. 9, 2003, p. CR-9.

²⁸⁰ Ibid., p. CR-9.

²⁸¹ Ibid.

²⁸² Theo van de Klettersteeg, *LNG: Birth of a New Industry*, Canadian Sailings, June 23, 2008.

²⁸³ Amory Lovins and L. Hunter Lovins, *Brittle Power* (Jack Howell ed., Brick House Publishing Co. 1982) (1982), p. 89.

²⁸⁴ Theo van de Klettersteeg, *LNG: Birth of a New Industry*, Canadian Sailings, June 23, 2008.

²⁸⁵ Ibid.

²⁸⁶ Terminal Design Specifications, Safe Harbor Energy, Atlantic Sea Island Group, at http://www.atlanticseaislandgroup.com/terminal_design_specifications.shtml (last visited March 16, 2015).

²⁸⁷ Jeff Florian, Exxon to get world's biggest LNG tanker, AME Info, July 8, 2008, at <http://www.ameinfo.com/162819.html> (last visited July 20, 2008).

²⁸⁸ Liberty LNG Port Ambrose, Draft Environmental Impact Statement, Section 6, page 6-15

CO134

application is approved, not before.³⁸⁹

CO134-85 It is not clear how a plan to deal with spills would be able to deal with a terrorist attack. Redacted versions of safety plans regarding Emergency Response, Mitigation, and Vessel Security should be available for the public to evaluate whether Liberty Natural Gas and the Coast Guard will be able to provide an adequate level of protection under extreme circumstances. Operational reviews and approvals related to safety should occur before, not after, approval of the Port Ambrose application.

C. Coast Guard Capacity

Originally submitted in December, 2010, plans for the Liberty LNG "Liberty Deepwater Port" were quickly derailed by a veto letter submitted to MARAD and the USCG by New Jersey Governor Chris Christie. The Governor's letter, sent in February, 2011, stated that "under my authority as Governor of the State of New Jersey, I hereby disapprove the issuance of a license to Liberty."³⁹⁰ The Governor's veto was explicitly clear as to why the port "would present unacceptable and substantial risks to the State's residents, natural resources, economy, and security":

"...the Liberty project would also present significant security risks to our State through increased demands on the U.S. Coast Guard and our State Homeland Security personnel and first responders. The Liberty project would create a heightened risk in a densely developed region, including potential accidents or sabotage disrupting commerce in the Port of New York and New Jersey."³⁹¹

Based on these economic, environmental, and security arguments, as well as habitat destruction and exclusion area concerns, the Governor disapproved of the port license, and review of Liberty LNG's initial application was stopped.³⁹²

CO134-86 This proposal will require significant and costly patrolling activities by the Coast Guard to ensure compliance with exclusion zones and possibly even the Navy and Air Force for protection. Thus, it does not promote "support[ing] ocean stewardship in a fiscally responsible manner" as directed by the NOP Executive Order.³⁹³

CO134-87 This port, situated in the middle of the shipping lanes leading into and out of the busiest port on the east coast, surrounded by the most densely-populated coastline in the nation, at the gateway of the financial capital of the world, is a clear terrorist target. The agencies charged with policing and protecting the LNG port, according to internal Coast Guard reports and New Jersey Governor Christie, do not have the

³⁸⁹ Liberty LNG Port Ambrose, Draft Environmental Impact Statement, Section 5, page 5-9

³⁹⁰ New Jersey Governor Chris Christie License Issuance Disapproval Letter, Liberty Deepwater Port Docket # USCG-2010-0993-0038. Note that the USCG, which maintains the docket, titled this letter as the "License Disapproval Letter" – indicating the agency's acceptance of the letter as an official DPA ACS veto letter, despite MARAD's later decision to accord this veto "no legal significance" (see MARAD Veto Letter, *infra*).

³⁹¹ *Ibid.*

³⁹² Note that these concerns are all still issues for Liberty LNG's Port Ambrose proposal – reliance on foreign fossil fuels, strain on first responders and national security personnel, direct competition for renewable energy investment, exclusion areas, impacts on fisheries, and risks to the environment, Port of NY/NJ commerce and shipping, and endangered species, to name a few.

³⁹³ NOP Order, at 3.

CO134-85 See response to SA4-1 for a discussion of safety.

CO134-86 See response to SA4-1 for a discussion of safety.

CO134-87 See response to SA4-1 for a discussion of safety.

CO134

CO134-87 (con't) capacity. The nature of the facility, and the new World Trade Center Tower-size LNG vessels which will be calling on the port, creates an additional layer of risk – accidentally or intentionally, LNG leaks, explosions, or fires can engulf the ocean for miles around each vessel in flames, shutting down commerce, fisheries, and recreation across an entire swath of the ocean. To put it mildly, this port presents a significant safety and security risk to the people, first responders, commerce, economy, and environment of the Mid Atlantic Ocean.

The DEIS section on safety and security makes no meaningful attempt to analyze the burden this port would generate on the region's already over-burdened security agencies. Placing a possibly highly explosive tanker within this area without concrete plans as to ensure the safety of the millions of people is completely unethical and necessitates further review by the agency that reviews that.

CO134-88 (1) **Response Capacity.** Liberty LNG broadly assumes that the United States Coast Guard would be capable of patrolling, securing, and protecting the Port Ambrose facility, despite reports from the USCG that conclude the opposite – that the USGS is over-stretched with aging fleets that do not have the existing capacity to protect existing ports, much less new ones.³⁹⁴ According to GAO testimony on the report “legacy vessels have become increasingly costly to maintain and their degraded condition has negatively affected the Coast Guard’s operational capacity to meet mission requirements.”³⁹⁵ Even if the USGS had sufficient financial resources, the agency, according to the GAO, does not possess the speed necessary to fully protect the tanker from small fast boats which could cause the most damage and potential terror threat. In the application, Liberty LNG states several times that it is the responsibility of the USCG to escort the LNG tanker into port, yet no analysis is made as to the costs associated with training, maintaining, and operating a USCG presence for LNG tankers in the NY Bight, or where revenues for those costs will come from.³⁹⁶

Shortfalls in Coast Guard (or local first responder) response capacity can impact, among other things, the time it takes for personnel to get to an LNG emergency over 25 miles from the nearest marinas, the ability of those first-on-scene professionals to address emergencies on LNG vessels the size of the new World Trade Center Tower, and the ability to respond to cascading impacts from events such as explosions and pool fires to nearby cargo vessels, fishing vessels, or wind facilities. In order to fully review the proposal, all of the costs, burdens, and constraints of the Port Ambrose proposal must be made available to the people and agencies bearing those burdens.

Under DPA implementing regulations, the “deepwater port proposal and reasonable alternatives will be evaluated on the basis of how well they ... [p]ose no compromise to national security.”³⁹⁷ In developing the Final EIS, the USCG must provide an analysis of its current capacity around the Port Ambrose project area, specifically noting the reductions in capacity planned at (or already carried out at) several of the region’s USCG bases, as well as the impact of Superstorm Sandy on Coast Guard capacity. Without this

³⁹⁴ U.S. GAO - Coast Guard: Legacy Vessels' Declining Conditions Reinforce Need for More Realistic Operational Targets [Reissued on August 30, 2012] (hereafter “USCG GAO Report”). US Government Accountability Office, July 2012. Available at <http://www.gao.gov/assets/600/593163.pdf> (last visited August 1, 2013).

³⁹⁵ *Coast Guard Mission Performance Challenged by the Declining Condition and Rising Costs of its Legacy Vessel Fleet*. Testimony Before the Subcommittee on Coast Guard and Maritime Transportation, Committee on Transportation and Infrastructure, House of Representatives, Statement of Stephen L. Caldwell, GAO. Available at <http://www.gao.gov/assets/650/648657.pdf> (last visited August 1, 2013).

³⁹⁶ Liberty LNG Application, Volume I, Report 10, at 10-4.

³⁹⁷ 33 C.F.R. 148.735.

CO134-88 See response to SA4-1 for a discussion of safety.

CO134

information, the public (and the USCG) cannot know the extent to which this port compromises natural security.

Furthermore, the USCG and MARAD must specifically assess the burdens that would be added to local first responders, state-level security, and Port of NY/NJ security. This analysis should clearly describe the status quo of the regional, state, and local capacity, especially given Governor Christie's concern from 2011 that:

"the Liberty project would also present significant security risks to our State through increased demands on the U.S. Coast Guard and our State Homeland Security personnel and first responders. The Liberty project would create a heightened risk in a densely developed region, including potential accidents or sabotage disrupting commerce in the Port of New York and New Jersey."³⁹⁸

Additionally, the effect of Liberty LNG on this capacity must be assessed prior to Port licensing, as outlined in the DEIS, in order to understand the full impacts on the United States Coast Guard.³⁹⁹ The DEIS notes that "much of this activity [Liberty's collaboration with USCG] is completed in the post-licensing phase of the application." This would mean that such concerns will not be fully reviewed during the EIS process, which is unacceptable and inadequate.⁴⁰⁰

6.0 CUMULATIVE IMPACTS.

CO134-89 The DEIS fails to adequately consider analysis of all reasonable foreseeable projects, current projects and past projects in the ROI and proximate to the ROI as per NEPA requirements. Rather, the DEIS only considers aggregated impacts from similar projects to Port Ambrose. Such items that need to be evaluated include additional air emissions, waterway traffic, transportation issues associated with onshore construction and preparation for offshore construction, influx of new residents/employees under socioeconomics, etc.

Prior to the completion of the Final EIS, the applicant must provide a table listing such projects, their quantitative and qualitative impacts as well as a comprehensive methodology that explains why each project was selected. Further, as no staging area(s) have been confirmed, the analysis must include a cumulative analysis for EACH potential staging area discussed throughout the DEIS. In sum, the entire section is inadequate and more information is required.

7.0 COASTAL ZONE CONSISTENCY.

CO134-90 The below signatories' position on federal consistency requirements pursuant to the Coastal Zone Management Act (CZMA) has not substantially changed from our comment letter dated August 22, 2013

³⁹⁸ New Jersey Governor Chris Christie License Issuance Disapproval Letter, Liberty Deepwater Port Docket # USCG-2010-0993-0038.

³⁹⁹ Liberty LNG Draft Environmental Impact Statement, Section 4 at 5-9

⁴⁰⁰ Ibid.

CO134-89 Thank you for your comment.

As discussed in Section 2.1.13, since all of the onshore construction yard sites are located at existing industrial facilities, the following environmental resources would not be impacted: biological, cultural and geological resources; recreation and aesthetics; transportation; noise; land and ocean use. Therefore, a cumulative impact analysis for the onshore construction yard sites is not applicable.

CO134-90 Thank you for your comment.

CO134

CO134-90
(cont)

on Liberty LNG's Port Ambrose Deepwater Port License Application.⁴⁰¹ We maintain that the processing of this application without the DPA-required New Jersey and New York coastal zone consistency certifications is illegal.

According to the Deepwater Port Act (DPA) implementing regulations, an application must contain "a request for each [adjacent coastal state's coastal zone consistency] certification required by section 307 of the Coastal Zone Management Act of 1972."⁴⁰² The DPA clearly states that, with respect to deficient applications, the Maritime Administration must "take no further action with respect to the application until such deficiencies have been remedied."⁴⁰³

In response to a letter sent to the USCG and MARAD notifying both agencies of this missing application requirement, the USCG sent a response acknowledging the deficiency:

*"As you note, the requirement for an applicant to submit a consistency certification in accordance with the Coastal Zone Management Act is required by 33 Code of Federal Regulations 148.105(j). ... Despite the fact that Liberty had not prepared its New Jersey consistency certification at the time it submitted its application, the Maritime Administrator determined that the application contained sufficient information to commence processing it."*⁴⁰⁴

In other words, the USCG and MARAD admit that the application is deficient, yet are allowing the processing of the application to continue.

It is unclear whether Liberty has submitted CZMA consistency certifications to either New York or New Jersey. Contradictory statements can be found in the DEIS and the table, "Expanded Port Ambrose Combined Comment Data Request Matrix (hereinafter "Data Gaps") posted to the federal docket. Liberty responded to questions about CZMA federal consistency in the Data Gaps table: "December 20, 2013. Ongoing. Liberty is continuing its effort on an application for a Coastal Zone Consistency determination, which will be submitted to New Jersey upon completion." They later posted this statement: "February 28, 2014. Liberty submitted a draft application for a Coastal Zone Consistency determination to New Jersey DEP on January 10, 2014."⁴⁰⁵

However, the December 9, 2014 DEIS states that, "Liberty has provided a "Draft Statement of Compliance with the New York State Coastal Zone Management Program;" however, a formal submittal to the New York State Department of State has not been made as of the writing of this draft Environmental Impact Statement (EIS). Similarly, a submittal to the New Jersey Department of Environmental Protection (NJDEP) has not been made to date."⁴⁰⁶ Incredibly, the DEIS does not advise

⁴⁰¹ Clean Ocean Action. Comments on Liberty LNG's Port Ambrose Deepwater Port License Application; Federal Docket #USCG-2013-0363. Available at <http://www.regulations.gov/#docketDetail:D=USCG-2013-0363>. August 22, 2013.

⁴⁰² 33 CFR 148.105(j).

⁴⁰³ 33 U.S.C. 1504(c)(1).

⁴⁰⁴ Response Letter to Clean Ocean Action from U.S. DHS/CG and U.S. DOT/MARAD, Liberty LNG Docket # USCG-2013-0363-0015.

⁴⁰⁵ Expanded Port Ambrose Combined Comment Data Request Matrix (hereinafter "Data Gaps"), Page 55. Docket # USCG-2013-0363-0013.

⁴⁰⁶ Draft Environmental Impact Statement for the Port Ambrose Project Deepwater Port Application. Page 7-1. Available at <http://www.regulations.gov/#documentDetail:D=USCG-2013-0363-1076>. December 9, 2014.

CO134

the public that the failure of the application to have these approvals at this point in the process is contrary to its regulations.

CONCLUSION

As described above, the DEIS is procedurally and substantively flawed. Draft EIS is incomplete, inconsistent, contradictory, and misleading about the project details. The DEIS also fails to disclose important and essential details about the applicant, Liberty Natural Gas, who they are and their interests and capacity. Finally, the below signatories find that, based upon the fatally flawed purpose and need for the project, the strong public opposition to LNG imports, including by the Governor of New Jersey, the continued pursuit of this application by federal agencies is to affront the public trust and the purpose of good government.

Sincerely,

Cindy Zipf
Executive Director
Clean Ocean Action

Kyle Gronostajski
Executive Director
Alliance for a Living Ocean

Tim Dillingham
Executive Director
American Littoral Society

Captain Paul Eidman
Founder/Director
Anglers Conservation Network

Rick Anthony
President
Atlantic Surfing Federation, NY/NJ Chapter

Bellmore Merrick Democratic Club
Bellmore, NY

Karen Feridun
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Berks Gas Truth

Biltmore Shores Civic Association

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CO134

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Harbor Green Civic Association

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Daniel Mundy Sr.
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Paul Haertel
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Jersey Coast Anglers Association

Ida Sanoff
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Tim Burden
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New Jersey Beach Buggy Association

Jeff Tittel
Director
New Jersey Sierra Club

Carol Gray
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New Jersey State Industrial Union Council

Susan B. Elbin, PhD
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New York City Audubon

Norgate Civic Association

North and Central Merrick Civic Association

Northside Civic Association

Taffy Williams
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NY 4 Whales

Edie Kantrowitz
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Old Lindenmere Civic Association

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CO134

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Surfrider Foundation, NYC Chapter

Terrace Manor Civic Association

Ling Tsou
United for Action

Susan Golas, csjp
WATERSPIRIT

Wharfside Condominium Association

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March 16, 2015

VIA ELECTRONIC SUBMISSION

Mr. Paul “Chip” Jaenichen, Maritime Administrator
U.S. Department of Transportation
Docket Management Facility
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590-0001

Re: USCG-2013-0363 – Port Ambrose Deepwater Port Draft Environmental Impact Statement

Dear Mr. Jaenichen:

We represent the Fisheries Survival Fund (“FSF”). FSF’s participants include over 250 active full-time Atlantic scallop limited access permit holders. FSF respectfully submits these comments regarding the Maritime Administration (“MARAD”) and United States Coast Guard’s publication of the Draft Environmental Impact Statement (“DEIS”) for Liberty Natural Gas, L.L.C.’s Port Ambrose Project Deepwater Port Application for the construction and operation of a liquefied natural gas port in the New York Bight (the “LNG Terminal”).

DOT must consider, under its governing authority, established competing uses for the area in question and site any LNG Terminal so as to minimize conflicts. Unfortunately, the DEIS fails to appropriately account for either the scallops in this area or the impact the project would have upon the fishery. The proposed site for the port contains significant scallop resources and is actively fished by our members. Accordingly, we request that you consult with representatives of the scallop industry to further develop the DEIS analysis and consider an alternative location for the LNG Terminal that will not cause such adverse effects to one of our region’s historic fisheries and the communities that rely upon it.

CO135-1 Densities of sea scallops are considered commercially viable at one scallop per four square meters and/or several hundred scallops collected during a 15 minute survey tow. Underwater video transects conducted by Liberty at the proposed Port and along the proposed Mainline indicate that sea scallop densities are low in the vicinity of the proposed Port, while this species is virtually non-existent along the proposed Mainline (see Appendix E). Additional analysis has been included in section 4.2 of the final EIS. It is the intent of Liberty to propose compensatory mitigation for impacts to marine fishery resources that cannot be avoided, including mitigation for commercial and recreational fisheries that would be impacted by the Safety Zone, NAAs, and the ATBA. Mitigation would address displaced fishing opportunities by commercial fishing. The development of this compensatory mitigation plan will be coordinated with federal and state resource agencies.

CO135

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March 16, 2015
Page Two**I. THE COMMERCIAL LEASING PROCESS HAS FAILED TO MEET SEVERAL REQUIREMENTS ESTABLISHED BY LAW****A. Existing Uses in the OCS Must Be Protected**

Pursuant to the relevant statutory authority, MARAD and the Coast Guard must protect existing fishery activities when evaluating an offshore LNG facility application. The Outer Continental Shelf Lands Act ("OCSLA"), as amended by the Energy Policy Act of 2005, governs the development, production, and transportation of resources in the seabed, subsoil, and all installations attached to the seabed.¹ It explicitly preserves "the character of the waters above the outer Continental Shelf as high seas" and demands that "the right to navigation and fishing therein shall not be affected" by leasing of OCS submerged lands.²

The Deepwater Port Act of 1974 and its subsequent amendments built upon the OCSLA to develop specific measures for the licensing, construction, and operation of deepwater ports on the OCS. That act imposes upon the agencies the legal obligation to "prevent or minimize any adverse impact which might occur as a consequence of the development of such ports" in relation to the marine and coastal environment.³ Further, nothing in the act may "affect the legal status of the high seas, the superjacent airspace, or the seabed and subsoil, including the Continental Shelf."⁴

Finally, in order to issue a license for ownership, operation, and construction of a deepwater port, the Secretary of Transportation must determine "that the deepwater port will not unreasonably interfere with international navigation or other reasonable uses of the high seas, as defined by treaty, convention, or customary international law."⁵ A full consideration of the information and analysis contained in the DEIS is critical to this determination.

¹ 43 U.S.C. § 1333(a)(1).

² *Id.* at § 1332(2).

³ 33 U.S.C. § 1501(a)(2).

⁴ *Id.* at § 1501(b).

⁵ *Id.* at § 1503(c)(4).

CO135

KELLEY DRYE & WARREN LLP

March 16, 2015
Page Three

B. The LNG Terminal Licensing Process Is Fraught with Bias

1. The Process Does Not Provide for Meaningful Input

Under the Deepwater Port Act, an interested party may submit an unsolicited application for a license to own, construct, and operate a deepwater port essentially anywhere on the OCS. The applicant is required to provide site plans, project financial information, and construction-related studies, among other information,⁶ in addition to an application fee of \$350,000.⁷ Only after this application is developed, submitted, and reviewed, and the application fee paid, does any environmental analysis begin. In effect, a private company thus may claim an area within the U.S. Exclusive Economic Zone (“EEZ”) without consulting—or even meaningfully notifying—any of the current users of the area. This process encourages private adverse possession of the ocean.

CO135-2 In developing this final EIS, the USCG adhered to the procedural requirements of NEPA, the Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 Code of Federal Regulations [CFR] 1500-1508), Department of Homeland Security Management Directive 23-01, Environmental Planning Program, USCG procedures for implementing NEPA (COMDTINST M16475.1D, National Environmental Policy Act Implement Procedures and Policy for Considering Environmental Impacts), and the USCG’s final rule for deepwater ports for LNG. See response to CO135-4 for additional information on public review and participation in the NEPA process.

CO135-2

The developer-driven nature of the leasing process creates much confusion for other ocean resource users who wish to weigh in on the development process. When a fishing industry, such as the scallop industry represented by FSF, is organized enough to comment on severe conflicts with a proposed offshore development site such as Port Ambrose, there are no clear guidelines for when those comments would be most useful. Moreover, there are no known criteria that would determine when there is too much of a conflict to proceed with the offshore development. In order to address these concerns, the agencies must consult with affected stakeholders.

2. The Agencies Have Failed to Consult with Affected Parties As Required By Law

In addition to heeding statutory requirements of non-interference with customary fishing practices, as described above, the agencies have a duty to consult with the fishing industry and to take existing uses of the resources into account during project siting as a matter of law and policy.

CO135-3 Thank you for your comment.

CO135-3

Here, the agencies have failed to engage in this consultation, both in the development of the DEIS and throughout the Port Ambrose application process. As detailed in previous comments to other agencies regarding offshore energy activities, FSF remains extremely alarmed at the slipshod approach to a rapidly increasing number of such projects along the Atlantic coast.

⁶ 33 C.F.R. 148.105.

⁷ 33 C.F.R. 148.125.

CO135

KELLEY DRYE & WARREN LLP

March 16, 2015
Page Four

The National Ocean Policy prioritizes the adoption of coastal and marine spatial planning (“CMSP”): “a comprehensive, adaptive, integrated, ecosystem-based, and transparent spatial planning process, based on sound science, for analyzing current and anticipated uses of ocean, coastal, and Great Lakes areas.”⁸ Under this approach, areas should be identified that are “most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to meet economic, environmental, security, and social objectives.”⁹ As part of the CMSP approach, extensive consultation and stakeholder engagement is required in order to enhance mutual understanding of existing uses and to improve development planning.¹⁰

In addition to the National Ocean Policy, the Deepwater Port Act subjects such ports to the law of the nearest adjacent coastal state.¹¹ While the State of New York does not have regulations specific to offshore LNG facilities, it is in the late stages of development of its Ocean Action Plan.¹² The draft plan states that “the siting of ... LNG deepwater port facilities or other energy development projects in federal waters will require much more detailed spatial planning and data collection for environmental impact analyses.”¹³ It also highlights commercial fishing as one of the areas that the analysis will need to address in detail.¹⁴ In response to the development of its Ocean Action Plan, the New York Department of State (“NY DOS”) has initiated a proactive, interdisciplinary, stakeholder-inclusive planning process to identify ocean areas that are suitable for this type of development. Under the plan, it will develop a stakeholder engagement process and an ocean advisory committee, establish baseline monitoring and ocean indicator systems for the New York Bight, and assemble and analyze resource and use data for offshore planning. These activities, widely acknowledged as best management practices for ocean planning, are not yet completed, making collaborative advance planning even more essential to the process.

⁸ White House Council on Environmental Quality, *Final Recommendations of the Interagency Ocean Policy Task Force* (July 19, 2010) at 41.

⁹ *Id.*

¹⁰ *Id.* at 47.

¹¹ 33 U.S.C. § 1518(b).

¹² The Draft New York Ocean Action Plan is currently in the public comment phase.

¹³ New York State Department of Environmental Conservation, *New York Ocean Action Plan 2015 – 2025 (Draft version 14.13)* (Jan. 14, 2015) at 14.

¹⁴ *Id.*

CO135

KELLEY DRYE & WARREN LLP

March 16, 2015
Page Five

Further complicating matters, New York itself neglected to collaborate with the industry, resulting in serious mistakes in the draft Ocean Action Plan. For instance, the plan relied upon a faulty study that characterized scallops as a “groundfish” and derived information on their abundance from the National Marine Fisheries Service’s Northeast Fisheries Science Center trawl surveys.¹⁵ Scallops biomass is estimated through an annual federal dredge survey, as well as dredge and video surveys by partner academic institutions. Further, scallops are not caught in the groundfish trawl survey. This mistake was overlooked by reviewers, as results were “ground truthed” by NY DOS-identified ocean users—selected from a group of individuals and organizations who had worked with DOS in the past.¹⁶ Because, due to harbor conditions, scallops caught offshore New York are regularly landed in New Jersey, no persons with knowledge of the fishery were involved in the process—despite the massive value of scallops located offshore New York. This series of errors highlights the risks involved when ocean planning is not inclusive and collaborative.

CO135-4 Not only is it nonsensical to rush to licensing the Port Ambrose project before a comprehensive offshore plan is developed, but the agencies have not even attempted to consult with affected stakeholders throughout this process. There is no evidence in publicly available documents that members of the affected commercial fishing community, either in the States of New York and New Jersey or beyond their borders, were consulted in the development of this DEIS. Certainly, no representatives of the scallop industry were involved—an industry which the DEIS concedes has a significant presence in the area.

We urge MARAD to consult with representatives from the fishing industry, the New England Fishery Management Council, the Mid-Atlantic Fishery Management Council, and National Marine Fisheries Service (“NMFS”) to further develop the DEIS analysis related to the extensive existing fishing activity at the proposed Port Ambrose site. Furthermore, if a license is issued for this project, the agencies must include mitigation measures in the leases that protect commercial fishing interests to the highest degree,¹⁷ and such measures will only be effective with the thorough input of affected communities.

¹⁵ New York Department of State, *Offshore Atlantic Ocean Study* (July 2013) at 132.

¹⁶ *Id.*

¹⁷ 43 U.S.C. §§ 1332, 1337(p)(4).

CO135-4 As discussed in Section 1.3 of the final EIS, stakeholders have been provided with numerous opportunities to participate in the NEPA review process for this project, including the initial scoping period which began on June 24, 2013 and included two scoping meetings held in July 2013. A comment period was also held starting on December 16, 2014, with two public meetings held in January 2015. Concerned citizens as well as local, state and federal agencies and organizations provided comments during these review periods which helped to inform the NEPA review and decision-making process. Additionally, Liberty initiated an outreach program with agencies and organizations, including the fishing community, to describe potential impacts and to hear concerns from these stakeholders. Liberty is also required to receive permits and approvals from several state and federal agencies, as described in Section 1.4 of the final EIS. Additional information about public outreach and correspondence can be found in Appendix B (Agency Consultation and Correspondence).

CO135

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March 16, 2015
Page Six

II. THE DEIS FAILS TO ADEQUATELY CONSIDER IMPACTS TO THE SCALLOP FISHERY

A. The Limited Data the DEIS Provides Indicates that Scallops Comprise Approximately 92% of Pounds Landed by Commercial Fisheries in Block 45

The DEIS provides limited data on scallop resource abundance and fishing activity in the proposed LNG Terminal area. Specifically, in a chart identifying the total pounds landed from commercial fishing trips in Blocks 44 and 45 through 2008, the DEIS states that 41,293 pounds were landed in Block 44 in 2008, while 1,211,956 pounds were landed in Block 45 in that same year.¹⁸ “The top commercial species, by weight, caught in Block 45 in 2008 were sea scallops and shells (1,109,072 pounds).”¹⁹ This means that scallops comprised 91.51% of commercial fishing landings in the most recent year the DEIS provides data, albeit and astoundingly, that year was 2008. In short, nearly all commercial fishing in the proposed LNG Terminal site was conducted by scallop fishermen.

CO135-5

That said, the origin and accuracy of this data is unclear. Scallop abundance is estimated annually using dredge surveys from the National Marine Fisheries Service (“NMFS”) and the Virginia Institute of Marine Science (“VIMS”) and video surveys from the University of Massachusetts School of Marine Science and Technology (“SMAST”). This data, in addition to informing biomass estimates, can be used to identify key aggregations of scallops over time, helping identify biologically and economically critical areas for the scallop resource and fishing industry. Additional information from NMFS, in the form of Vessel Trip Reports (“VTR”), the Vessel Monitoring System (“VMS”) program, and the Northeast Fisheries Observer Program (“NEFOP”), show where scallop fishing effort is concentrated. Finally, sophisticated estimates of scallop biomass can be derived from HabCam, a system of towed array cameras operated by NOAA and Arnie’s Fisheries under the scallop industry co-operative research program.

The data provided in the DEIS purports to show fishery landings specific to Blocks 44 and 45 through 2008. Presumably, this information was obtained through NMFS VTR data, as this is the only reliable and comprehensive source of information on landings. Of particular concern is the fact that the landings are characterized as “scallops and shells.” The fishery is required to shuck scallops at sea, and information on shell weight is never collected. Rather, NMFS only catalogs fishery landings based on meat weight. It may very well be the preparers of

¹⁸ DEIS at 3-64.

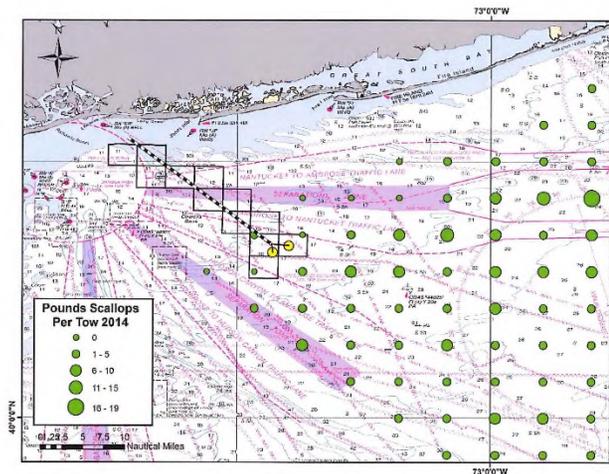
¹⁹ *Id.*

CO135-5 See response to CO135-1. Fishing effort in the multispecies, scallop, monkfish and surf clam/quahog fisheries, is based on NOAA Fisheries vessel monitoring system (VMS) data. Impacts on physical oceanographic conditions (currents, tides and wave patterns) associated with the presence of these structures would be anticipated to be short-term and negligible, as the ROI covers a minor area within the context of the larger New York Bight oceanographic environment.

March 16, 2015
Page Seven

CO135-5 (con't) the DEIS did not even know scallops are required to be shucked at sea.²⁰ Furthermore, VTR data can only be aggregated to ten minute squares on the smallest possible scale, and even then, the aggregates are highly uncertain due to inaccuracies or omissions in reporting of latitude and longitude. Finally, it is unclear why the DEIS only includes landings data through 2008, as NMFS currently has fully analyzed data through Fishing Year 2014.

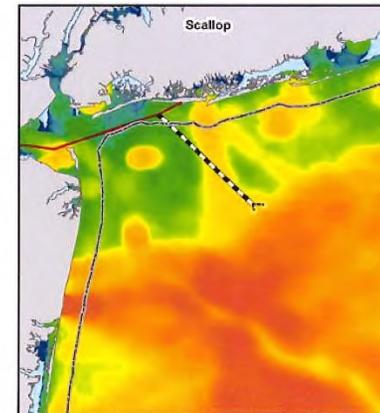
The 2014 VIMS survey identified the following scallop abundance (expressed in pounds of scallop meats yielded from each individual survey tow) in the area around the proposed Port Ambrose site.



²⁰ If the identified weight of 1,109,072 pounds is in fact landed scallop meat, and does not include shell weight, this would mean that approximately 15-20 million individual scallop meats were landed from this area in 2008. (There is one meat per scallop.)

March 16, 2015
Page Eight

A better source of data for fine-scale fishing effort estimation is VMS, which was used to develop the DEIS figure reproduced below.



CO135-5 (con't) This effort map,²¹ while appearing to show the significance of the area to the scallop fishery, does not readily translate into landings, as it merely presents likely fishing activity based on vessel speed. Further, the map, which only appears as an errata to the DEIS, does not contain any explanation as to its significance or how it should be interpreted. It is not clear why the DEIS authors never followed up to investigate this information or its significance. In general, a vessel moves more slowly when it is fishing than when it is transiting.

A third source of data—NEFOP observer reports—could also provide detail on a finer fishing location scale, but would still be highly uncertain. For both larger commercial vessels and dayboats, there were few observed trips prior to 2009, making it difficult to verify the

²¹ DEIS at Figure 3.8-1 (errata addition to DEIS).

CO135

KELLEY DRYE & WARREN LLP

March 16, 2015
Page Nine

CO135-5 (con't) information in the DEIS. However, NEFOP observer data—particularly from more recent years—is readily available and should be fully considered during this environmental review.

It is unclear what effect a large LNG facility would have on scallop settlement, but it is hard to imagine how disrupting ocean currents and flows near major scallop areas would be beneficial to the scallop resource. The area of the proposed LNG Terminal is heavily fished for scallops and other species including monkfish, squid, and fluke. At a minimum, the DEIS should note the high level of uncertainty in the fishery data, and the agencies must make an effort to include and analyze more recent and larger-scale data.

B. LNG Terminal Construction Will Have Significant Impacts to the Scallop Fishery

1. An LNG Terminal Will Have Significant Adverse Effects on Scallop Biomass

CO135-6 Construction of the Port Ambrose Terminal, as proposed, would cause a multitude of negative impacts on the scallop fleet. The DEIS tellingly admits that benthic organisms—e.g., scallops—would be permanently displaced by the LNG Terminal:

During construction, operation, and decommissioning, potential impacts on benthic resources would result from bottom sediment disturbance activities. Turbidity would temporarily increase during these activities and would adversely impact benthic communities. While in-place, the footprint of the proposed Project (e.g., PLEMs, STL Buoy landing pads, mooring piles) would not be suitable habitat for benthic organisms; this habitat loss would persist throughout the duration of operation. A permanent loss of benthic habitat would also occur with the installation of mooring piles, even after decommissioning, in the event that suction anchors cannot be removed.²²

CO135-6 (con't) The DEIS neglects to specifically identify scallops as an impacted displaced species; however, it acknowledges the area “would not be suitable habitat for benthic organisms.”²³ Scallops live on the ocean floor, qualifying them as “benthic organisms.”

In addition to mere displacement, the construction and operation of an LNG Terminal in Blocks 44 and 45 would have significant impacts on scallop population health, extending far

²² DEIS at 4-15.

²³ *Id.*

CO135-6 See response to CO135-1 and CO135-5.

CO135

KELLEY DRYE & WARREN LLP

March 16, 2015
Page Ten

CO135-6 (con't) beyond the terminal's footprint. Any foreign object at or near the seafloor will create turbulence and eddies, which influence scallop spat settlement and the viability of scallop beds as a whole. Scallop larvae are planktonic, meaning that they are suspended in the water column during the early stage of their lives. Although planktonic scallops travel with currents, these larvae generally settle in similar places from year to year, as they mature into spat.

Further, "[s]patfall (the settling of larval scallops to the bottom), and the period immediately following, is thought to be particularly important in the formation of scallop beds and in determining year class size."²⁴ There is no evidence of mass migrations by scallops after spatfall.²⁵ The movements of sea scallops are usually localized, and random or current-assisted.²⁶ Once aggregations of adults are formed, they remain essentially stationary.²⁷ Changes in an existing scallop bed's benthic environment, therefore, pose significant risks to future scallop generations and the scallop resource as a whole.²⁸

CO135-8 Scour effects from the proposed LNG Terminal pose another critical threat to scallop biomass. Scour from construction activities will change the dominant substrate beneath the LNG Terminal. It will also, along with other construction activities, lead to greatly increased sedimentation in the water column. Adult scallops are sessile organisms that attach to the seabed and feed by filtering plankton from water as it moves past. As such, they can only survive in areas with firm sand, gravel, or cobble substrate and low levels of inorganic suspended particulates.²⁹ Scallops will therefore disappear from areas in which the substrate is replaced with rocks and concrete and sedimentation clouds the water column.

CO135-9 While the potential loss of benthic habitat and sedimentation in key scallop grounds are sufficiently alarming by themselves, multiple additional impacts would occur from the construction of the proposed LNG Terminal. The facility could introduce harmful sound

²⁴ Deborah Hart & Antonie Chute, *Essential Fish Habitat Source Document: Sea Scallop, Placopecten magellanicus, Life History and Habitat Characteristics Second Edition*, NOAA Technical Memorandum NMFS-NE-189 (Sept. 2004), at 1-2 (internal citations omitted).

²⁵ *Id.* at 2.

²⁶ *Id.*

²⁷ *Id.*

²⁸ To the extent structures placed into the ocean upset ocean gyres, this will cause further disruption to spatfall throughout the Mid-Atlantic.

²⁹ National Marine Fisheries Service, *Sea Scallop, Placopecten magellanicus, Life History and Habitat Characteristics (Second Edition)*, NOAA Technical Memorandum NMFS-NE-189 (Sept. 2004), at 13.

CO135-7 See response to CO135-1 and CO135-5.

CO135-8 See response to CO135-1 and CO135-5.

CO135-9 See response to CO135-1 and CO135-5.

CO135

KELLEY DRYE & WARREN LLP

March 16, 2015
Page Eleven

CO135-9 (cont) frequencies, cause heat impacts, and potentially experience a catastrophic LNG spill, among other issues. Furthermore, the terminal construction would entirely change the ecosystem composition. As stated in the DEIS, “The anchor cables and flexible risers would disturb the seafloor as they sweep along the bottom substrate during routine operations. The continual disturbance of these soft substrates would result in the loss of food and habitat resources for fish that utilize soft substrates.”³⁰ Although, as noted above, scallops live on hard substrate like gravel and cobble, this degree of disruption in complex ecosystem interactions would have far-reaching, radiating effects all along the food chain, as the predator and prey species of affected animals would experience compounding disturbances. It would also affect bycatch composition in all regional fisheries—further exacerbating the biological impacts.

Taken together, these effects from an LNG Terminal will jeopardize the health of the scallop resource in the Mid-Atlantic region and greatly decrease scallop abundance. These impacts will be much greater than those described in the DEIS and must be fully considered during the environmental review process. If requested, FSF will gladly provide DOT with additional studies and information about these topics.

2. *The Closure of Scallop Fishing within Blocks 44 and 45 Will Have Significant Direct Economic Impacts throughout the Atlantic Seaboard*

CO135-10 It is axiomatic that a decrease in scallop abundance will have direct effects on catch limits and economic revenue in the fishery. The DEIS fails to consider *any* direct socioeconomic impacts of the proposed LNG Terminal in the New York Bight to the scallop fishery, as well as the more complex indirect effects that are certain to occur as described in the next section. However, available information shows that those impacts will be significant.

As stated previously, Blocks 44 and 45 overlap prime scallop grounds where both FSF participants and other “General Category” scallop fishing vessels conduct extensive fishing operations. Due to severe navigational and safety hazards, the scallop fishery simply cannot operate within the footprint or vicinity of an LNG Terminal. Thus, any area in which an LNG Terminal is constructed will effect a fishery closure. Stated differently, the fishery will lose access to all scallops that had previously grown within Block 44 and 45 during the period of construction and operation of the terminal. These concerns have not been addressed or seriously investigated in any way during the review of this project to date.

Sea scallop landings are the economic backbone of many coastal communities and major commercial fishing ports on the East Coast from New Bedford, Massachusetts south to the New

³⁰ DEAS at 4-31.

CO135-10 In general, adult sea scallops are found at depths ranging from 59-361 feet; however, scallops in the Mid-Atlantic Bight occur mostly between 131-230 feet with highest densities found near Hudson Canyon and off of Delaware Bay (Hart and Shute 2004). In order to be commercially viable, an area would require a density of one scallop per four square meters and/or several hundred scallops collected during a 15 minute survey tow. Underwater video transects conducted by Liberty at the proposed Port and along the proposed Mainline indicate that sea scallop densities are low in the vicinity of the proposed Port, while this species is virtually non-existent along the proposed Mainline. Sea scallop density, as report for NOAA Fisheries scallop survey data, indicate that commercial densities are not found within the proposed Port or Mainline location and are found to the south and east (Figure 3.8-1). Within Area 612 (Figure 3.7-2), scallop catch in Block 44 represents only 0.04 percent of total pounds. While the scallop catch represents approximately 23.3 percent of total pounds in Block 45, successful commercial dredging occurs in the southern portions of the Block, well south of the proposed Port location.

CO135

KELLEY DRYE & WARREN LLP

March 16, 2015
Page Twelve

CO135-10
(cont) Jersey shore, Newport News, Virginia and North Carolina. The right of federally-licensed fishermen to fish in Blocks 44 and 45 is limited by species-specific Fishery Management Plans (“FMPs”), promulgated under the Magnuson-Stevens Fishery Conservation and Management Act.³¹ Because of regulatory complexities and the need for efficiency, fishermen travel throughout the Atlantic scallop range in order to catch their allocated yield. Blocked access to one fishing area, therefore, impacts fishermen along the entire coast.

Coastwide, the scallop fishery’s revenue has been approximately \$500 million in recent years. In New Jersey alone, annual revenue from the fishery is approximately \$100 million.³² Scallop fishery participants, for their part, have a high degree of dependence on the fishery. Greater than 90% of permit holders that fish using full-time scallop vessel permits derive more than 90% of their revenue from the scallop fishery.³³ However, scallop revenue does not only benefit permit holders. The industry directly creates many jobs, with an average of 7 crew members participating in offshore trips. Furthermore, shoreside infrastructure industries, including fuel and ice suppliers, seafood dealers and processors, gear manufacturers, vessel construction and repair companies, restaurants, and hotels, are all impacted by economic shifts in the fishery.

3. *The Cumulative Effects of Offshore Development Projects Will Multiply Both the Biological and Economic Impacts of the LNG Terminal*

CO135-11 It is critical that development at the proposed site, as well as any other federal actions in the area, not be considered in geographic isolation. Because the Atlantic scallop fleet regularly fishes and transits throughout the coast, each individual offshore development has a cumulative effect and must be rigorously assessed through the environmental review process in accordance with the National Environmental Policy Act.³⁴ However, the DEIS fails to consider any cumulative effects.

The scallop fishery is managed using a spatially explicit rotational model, with a combination of “open areas” subject to a days-at-sea regime and controlled “access areas” of

³¹ See generally 50 C.F.R. Part 648 (regulating gear, time, and areas fished).

³² New England Fishery Management Council, *Framework 26 to the Atlantic Scallop Fishery Management Plan* (Feb. 2015), at 191.

³³ *Id.* at 195.

³⁴ 40 C.F.R. § 1508.25(a)(3) (The scope of an EIS must include “Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.”).

CO135-11 Cumulative impacts are analyzed in section 6 of the final EIS. See response to CO135-1 and CO135-5.

CO135

KELLEY DRYE & WARREN LLP

March 16, 2015
Page Thirteen

high abundance. The access areas are treated much like farmland, in that they are open to fishing when mature scallops are abundant, and left to grow out in years of increased juvenile biomass. The open areas, including the area around the proposed Port Ambrose terminal (referred to as "The Mudhole"), are heavily utilized by scallop fishery participants home-ported from Massachusetts south to Virginia and North Carolina.³⁵ This model has led the scallop fishery to be fully sustainable, with biomass well above the level required for sustainable yield in recent years, and has made the fleet the most economically important fishery in the entire United States.

Due to the complexities involved with setting catch limits among open and access areas, a constriction of scallop fishing areas not only limits fishing opportunities in that area, but decreases overall allowable catch levels under the applicable fishery management regime. Moreover, the cumulative effects of multiple offshore energy areas, including those for deepwater ports and wind facilities, will be amplified. The success of the rotational management system, which incorporates shifting scallop distributions and is responsive to present real-world conditions, is dependent on the fishery's ability to access traditional fishing grounds as necessary. Nips and tucks from a series of offshore leases thus have a cumulative impact not only on where scallopers fish, but on allowable catch levels resource-wide.

In addition to consideration of the Port Ambrose terminal, the Bureau of Ocean Energy Management is establishing wind energy areas along the entire Atlantic Coast. One of those areas in fact overlaps this proposed project, and others are proposed offshore Massachusetts, Rhode Island, New Jersey, and Delaware, among others. Fisheries habitat closures off of New England also contribute to this cumulative effect. To date, no federal agency has addressed this segmentation of development, nor considered the full effects of any of these actions as required by law.

C. The DEIS Fails to Address the Devastating Impact An LNG Terminal Would Cause to the Scallop Fishery

The DEIS entirely fails to address the impact on shore-side communities dependent on the scallop fishery. This is especially troubling given the importance of the area to the scallop fishery—a fact the DEIS openly acknowledges. The DEIS further recognizes, albeit indirectly, that an LNG Terminal would permanently displace scallop fishing in the area. And yet, in a report with the stated purpose of "provid[ing] an environmental analysis sufficient to support the Secretary's licensing decision," and "assess[ing] the potential environmental impacts associated with the installation, operation, and decommissioning of the proposed Project," including

³⁵ Put differently, the Mudhole is an important enough fishing area for scallop vessels to use valuable, regulatorily limited sea-time to steam to.

CO135-12 See response to CO135-1 and CO135-5. In total, the NAA will affect 776 acres (314 hectares) around each Buoy. Using a conservative estimate that scallops are present in half of the NAA for Buoy 1, this results in an estimated loss of approximately 388 acres (157 hectares) in area to commercial scallop fisheries.

As stated in response to CO135-1, it is the intent of Liberty to propose compensatory mitigation for impacts to marine fishery resources that cannot be avoided, including mitigation for commercial and recreational fisheries that would be impacted by the Safety Zone, NAAs, and the ATBA. Mitigation would address displaced fishing opportunities by commercial fishing. The development of this compensatory mitigation plan will be coordinated with federal and state resource agencies.

CO135-11
(cont)

CO135-12

CO135

KELLEY DRYE & WARREN LLP

March 16, 2015
Page Fourteen

“biological resources ... fish ... essential fish habitat ... ocean uses ... [and] socioeconomics,”³⁶ the DEIS completely fails to evaluate the significant impact this would cause to the scallop fishery. This is unacceptable and shows a flagrant disregard for one of the most vital and venerable pre-existing ocean users.

CO135-12
(con't)

Despite recognizing that scallops constitute approximately 92% of all commercial fishing by landings in this area, the DEIS entirely fails to account for the impact the LNG Terminal would cause to the scallop fishery. While recognizing that the LNG Terminal would permanently destroy scallop habitat in the area, the DEIS limits its analysis to commercial fisheries comprising the remaining 8% of landings. In short, the DEIS entirely overlooks the predominant fishery of the proposed LNG Terminal area.

As discussed above, the DEIS implicitly acknowledges the devastating impact the LNG Terminal would cause to the scallop resource and fishery in the area, broadly defined. Notably, for its part, the DEIS neglects even to specify that scallops, the predominant source of fishing in the area, are “benthic organisms” that would suffer a permanent loss of their habitat from the proposed LNG Terminal.

CO135-13

The DEIS is replete with this neglect for the scallop fishery. Most alarming, the DEIS excludes scallops from its impact assessment. Appendix F to the DEIS, which contains “a complete impact analysis organized by ecological guild,”³⁷ fails to include scallops. Furthermore, and equally troublesome, Appendix E to the DEIS sets forth an Essential Fish Habitat (“EFH”) assessment. Scallops are omitted from the list of species with designated EFH in the proposed LNG Terminal area. In 2007, the New England Fishery Management Council adopted the following EFH for Atlantic scallops:³⁸

CO135-13 See response to CO135-1.

³⁶ DEIS at ES-4.

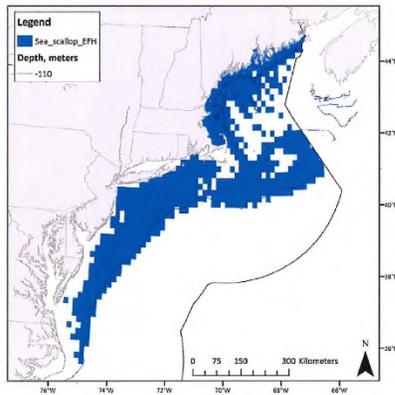
³⁷ DEIS at 4-25.

³⁸ New England Fishery Management Council, *Draft Omnibus Essential Fish Habitat Amendment 2 Volume 2: EFH and HAPC Designation Alternatives and Environmental Impacts* (Oct. 1, 2014), at 165.

CO135

KELLEY DRYE & WARREN LLP

March 16, 2015
Page Fifteen



The EFH very clearly overlaps the entire New York Bight area, including the site proposed for this LNG Terminal. Any federal agency that proposes an action that may adversely affect EFH is required to consult with the NMFS.³⁹ The relevant fishery management councils must then provide comments and recommendations to NMFS concerning the activity if it is likely to substantially affect the EFH.⁴⁰ That process has not occurred with respect to the scallop resource.

CO135-14

Section 4 of the DEIS concerning the Environmental Consequences of the Proposed Action and Alternatives similarly fails to include the scallop fishery when assessing the LNG Terminal's impact on the commercial fishing industry. For instance, the "Socioeconomics" section only considers non-scallop fisheries. Under the "Impacts of Construction – Commercial Fisheries" section, the DEIS provides that "Most commercial fish species would avoid the construction areas; however, relocation of species would be reversible."⁴¹ Scallops, as bottom-

CO135-15

³⁹ 16 U.S.C. § 1855(b)(2).

⁴⁰ *Id.* at § 1855(b)(3)-(4).

⁴¹ DEIS at 4-116.

CO135-14 Thank you for your comment.

CO135-15 See response to CO135-1 and CO135-12.

CO135

KELLEY DRYE & WARREN LLP

March 16, 2015
Page Sixteen

CO135-15 (cont) dwelling organisms incapable of avoiding construction areas, are entirely excluded from the socioeconomic discussion. Under the “Impacts of Operation – Commercial Fisheries” section, the DEIS concludes that “No major reduction in populations of the commercial and recreationally important species available to the fishing industries is anticipated. Therefore, secondary economic impacts, such as reduced employment in fishing or fishing-related industries, are also not anticipated.”⁴² This comes in stark contrast to the earlier admission that “the footprint of the proposed Project (e.g., PLEMs, STL Buoy landing pads, mooring piles) would not be suitable habitat for benthic organisms.”⁴³ Even more ludicrously, it entirely contradicts the previously-discussed statement that “A permanent loss of benthic habitat would also occur with the installation of mooring piles, even after decommissioning.” Presumably, the DEIS does not consider scallops to be an “important species,”⁴⁴ despite scallopers being the predominant fishery in the area.

CO135-16 As another illustration of the DEIS’s disregard for the scallop industry, the DEIS limits its focus to “commercial fishing vessels with homeports in New York and New Jersey, because in more recent years, due to the increase in fuel costs and decrease in searching for fish, vessel captains were able to maximize catch and profit at locations closer to their homeport.”⁴⁵ This broad characterization of a vessel’s fishing range is entirely inapplicable to scallop fishing. In fact, no scallop boats are currently homeported in New York; yet, as discussed above, scallops account for approximately 92% of commercial fishery landings by weight. As explained above, the area in question is routinely fished by full-time vessels from New England to North Carolina.

D. The DEIS Fails to Include Mitigation Measures for Impacts as Required by Law

CO135-17 Given the significant impacts the LNG Terminal would cause to scallops and the industry that depends upon them, we would expect the DEIS to include mitigation measures. Such measures are not only statutorily required,⁴⁶ but are one of the components of the alternatives

⁴² DEIS at 4-118-119.

⁴³ DEIS at 4-15.

⁴⁴ DEIS at 4-15.

⁴⁵ DEIS at 3-63-64. *See also* DEIS at 3-72.

⁴⁶ *See, e.g.*, 16 U.S.C. § 1855(b)(3)-(4) (stipulating that, when a proposed agency action is likely to substantially affect an EFH, fishery management councils must make recommendations to mitigate impacts and the implementing agency is required to detail measures to do so); 43 U.S.C. § 1332(4)(B) (allowing a portion of the receipts from mineral resource development to be distributed to affected coastal states for the purposes of mitigating economic and environmental impacts).

CO135-16 See response to CO135-1 and CO135-12.

CO135-17 Thank you for your comment.

CO136



Boulevard Florist

272 Main Street, Center Moriches, NY 11934 ☎ 631-875-0468

March 13, 2015

Hon. Andrew M. Cuomo
Governor of New York State
Executive Chamber
State Capitol, 2nd Floor
Albany, NY 12224

Re: Port Ambrose Project

Dear Governor Cuomo:

One thing we can all agree on is that the cost of living on Long Island is very high and energy prices may be the number-one reason why.

CO136-1

That is why, Governor Cuomo, I am writing to ask you to consider supporting the Port Ambrose underwater project. It has the great potential to provide businesses and residents with a greater supply of less expensive natural gas.

Refrigeration is a large part of our business so we consume a lot of electricity. There is no doubt that the Port Ambrose project is our best hope to stabilize and even lower the costly of energy.

The state needs Port Ambrose proposal. I hope you will support it.

Regards,

Pamela Peluso

Pamela Peluso
Proprietor/Manager

CO136-1 Thank you for your comment.

CO137



**League of Women Voters of
Monmouth County**

PO Box 414
Oakhurst, NJ
07755

Department of Transportation
Docket Management Facility, West Building
Ground Floor Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590-0001

Mr. Roddy Bachman
Deepwater Ports Standards Division (CG-OES-4)
U.S. Coast Guard Headquarters (Room 1210)
2100 Second Street,
SW Washington, DC 20593 202-372-1451

March 6, 2015

RE: Docket # USCG-2013-0363-1083

Comment on Liberty Natural Gas Port Ambrose Deepwater Port License Application's Draft Environmental Impact Statement (DEIS)

The League of Women Voters of Monmouth County, a non-partisan, non-profit organization, has long held positions supporting clean air, clean water and the protection of our critical natural resources. Accelerated climate change comes largely from the use of fossil fuels. Methane, which makes up 99% of natural gas, is eighty-six times more potent as a greenhouse gas than carbon dioxide in the short term. The League strongly supports efforts to move toward more renewable energy sources as soon as possible. Monmouth County has already experienced both the subsidence of land at our shore and impacts from sea level rise. Our economy is heavily dependent on tourism, beaches, commercial and recreational fishing, whale watching, and other activities associated with the shore areas. Port Ambrose poses a serious threat to these activities.

CO137-1 | First, we do not see a need for this facility. Two LNG import facilities in Boston Harbor have been idle for years and one of them has been closed. Import facilities in the US are now seeking permission to export. Liberty has not justified why they believe that LNG from the Magnolia facility in the Gulf and elsewhere needs to be imported into the NY area.

CO137-2 | Second, despite Liberty Natural Gas' comment on its website that Port Ambrose will "not require a single dollar of taxpayer money, utility rate increases, or any other kind of public money to pay

CO137-3 |

CO137-1 Socioeconomic impacts are discussed in Section 4.8 of the final EIS.

CO137-2 See response to FA4-2 for a discussion of purpose and need, and peak demand.

As stated in Section 1.1 of the final EIS, the increased natural gas supply in New England for the winter of 2014-2015, including LNG imports from the Northeast Gateway Deepwater Port, off the coast of Boston, Massachusetts, contributed to reduced average wholesale energy prices from an average of \$138 per megawatt hour in the winter of 2013-2014, to an average of \$77 per megawatt hour in the winter of 2014-2015 (ISO New England 2015). Increased fuel supply during the winter peak demand directly contributed to the lower price levels in 2014-2015 (ISO New England 2015).

CO137-3 See response to CO98-2.

CO137

CO137-3 (con't) for the project.” over the long run this is incorrect. Our taxes go to support our Coast Guard which will be tasked with protecting Port Ambrose.

If Port Ambrose should become idle, like the two LNG import terminals off Boston, losses and ultimate decommissioning will end up being subsidized by taxpayers through deductions and other accounting methods currently in use. Any approval of this application should also hold Liberty to their pledge that no taxpayer dollars be used—even if it is to subsidize their loss should their project fail. Adequate funding should be set aside by Liberty for this eventuality.

CO137-4 Third, the Liberty Natural Gas application for Port Ambrose lacks transparency. We have no idea whether Liberty Natural Gas has: the financial resources to support such a large investment, to adequately insure the Port, and to pay for expenses to other damaged ships or wind turbines in case of an accident; sufficient on-hand cash reserves in case of accidents or malfunctions; and sufficient money left over to decommission Port Ambrose should it fail – financially or in any other way.

We still do not know who is behind the funding of this Port. Lastly, there is no valid explanation as to why Liberty Natural Gas wants to import more gas into an area so close to domestic reserves.

CO137-5 Fourth, New York Harbor is the largest port on the Eastern Seaboard and the third largest port in our country. We should not place a security risk between two of its main shipping channels. This project will also cause a 9-12 month slowdown of shipping traffic as channels are closed while pipeline is laid. Once commissioned, should an accident occur, despite the one mile exclusion zone for all other boating, shipping in adjacent channels would be impacted. Just the construction of this port will result in a slow-down of shipping to the Ports of NY-NJ for an extended period. The economy of our region depends upon the viability of this port.

Being so near to JFK increases the possibility that a terrorist could strike by plane. As an LNG fire could melt steel vessels nearby and impact a wind farm in the area (such as the one proposed by NYPA –LI-NYC Offshore Wind Project), this port is a major security risk. Terrorists are on record as indicating they intend to target energy production and distribution. And, large container ships and ocean going vessels take many miles to either adjust course or change speed. Our clear priority would be for an unobstructed wind farm for this area.

CO137-6 Fifth, we are not reassured by the DEIS statement that, “Any incident occurring at the proposed Project would rely on emergency procedures outlined in the Deepwater Port Operations Manual.” No link has been provided to a redacted/summary version of this for the public to review. The DEIS says that “outcomes and safety hazards ...from a terrorist attack” are “manageable” by implementing current daily safety standards for unintentional spills.” We are disturbed that operational reviews and approvals that would “increase safety” won’t be completed until after this application is approved. They should occur before any approvals are given, not after.

CO137-7 (con't) Sixth, an amendment to the Deep Water Port Act in December 2012 allowed an applicant receiving a license for a Liquefied Natural Gas facility to import, export, or change from one use

CO137-4 See response to IND24-4.

CO137-5 An evaluation of public safety and property is provided in Section 5.3.3 of the final EIS, with a specific discussion of Port security provided in Section 5.3.3.3 of the final EIS. An evaluation of the safety of the Mainline and pipeline laterals is provided in Section 5.6 of the final EIS.

CO137-6 See response to CO98-5.

CO137-7 See response to CO22-3.

CO137

CO137-7
(con't)

to the other over its lifetime, without giving public notice or allowing for further public input. There are major differences between an import and export facility; in the nature of what they are doing, in the different ways they impact the local economy and environment, and in their impact on the public health and the environmental resources of those living between the facility and the source of extraction. It is imperative that a new EIS and Public Hearing should be required upon request for a change of use.

In October 2014, MARAD proposed a change to their policy that would require any proposed Deepwater Port wanting to change from import to export of our natural gas to submit a comprehensive application, including a new Environmental Impact Statement, thus allowing for public input. MARAD should adopt this policy and it should be in effect before a final decision is made on Port Ambrose.

We strongly urge you to deny this application.

Marie Curtis, Co-President

Louise Usechak, Co-President
LWV-ILO Monmouth County, NJ
louiseusechak@comcast.net

C. Governor Christie
Governor Cuomo

CO138

Park Slope Food Coop
"Good Food at Low Prices for Working Members through Cooperation since 1973"

March 8, 2015

Maritime Administration and US Coast Guard
 Department of Transportation
 Docket Management Facility, West Building, Ground Floor, Room W12-140
 1200 New Jersey Avenue SE.
 Washington, DC 20590-0001

2015 MAR 17 AM 11:28

RE: Liberty Natural Gas Port Ambrose Liquefied Natural Gas (LNG) project

To whom it may concern,

There are many reasons to oppose the Liberty Natural Gas Port Ambrose Liquefied Natural Gas (LNG) project proposed for just 19 miles south of Long Beach, Long Island. Many others will write or have already written to detail the issues of national security, long term employment numbers, coastal community economies, and innumerable others.

The Park Slope Food Coop (PSFC) is a retail food cooperative that is owned by our 16,400 member/owners who spent over \$49 million dollars at the coop last year. Our member/owners are committed to working to protect our environment and the long-term sustainable supply of good food.

More than four years ago we voted to support a statewide ban on hydrofracking. We took our participation in the movement against hydrofracking very seriously and participated in many ways. We at the PSFC were thrilled when Governor Cuomo, announced the ban on high volume hydraulic fracturing (fracking) in New York State. Given our strong opposition to fracking, and all it entails, I now write to urge you to continue on the path set by our Governor and reject Port Ambrose.

CO138-1 Port Ambrose is extremely problematic for environmental issues, specifically related to climate change and ocean eco-systems, which both directly affect our food in the following ways:

1. During construction, hydrostatic testing at the port and pipeline will lead to the discharge of millions of gallons of chemically treated seawater into the ocean. Once this facility is operating, the LNG tankers will be drawing in massive amounts of water for ballast as they offload LNG. This water will contain tiny plankton, eggs, and larvae, which support an ecosystem upon which many jobs rely. All of the water used in these processes will have chemicals in them that harm or kill marine life
2. Seafloor disturbance

CO138-2 It is no secret that any form of ocean industrialization will negatively impact the seafloor. The Liberty Natural Gas proposal is no different. In addition to the disruptions from the actual construction of the port consisting of two buoys with tethers to connect to the ships.

782 Union Street Brooklyn, NY 11215 Tel: 718-622-0560

CO138-1 See response to comment CO134-74.

CO138-2 See response to comment CO129-7. The estimated benthic impacts from construction and operation of Port Ambrose as presented in the final EIS as being 3.0 acres of permanent seafloor disturbance, is based on Table 1-1 - Summary of Seabed Impacts, as submitted in Liberty's Deepwater Port application (Volume II Topic Report 1 Project Description). That table factored in the displacement of all Port components (PLEM, landing pad, cable/chain assembly, tether, mooring piles) resting on the seafloor. It also factored in an assumption that the anchor cable would rise and fall with each delivery to the Port; however, there would be little "sweep" of the chain/cable assembly under most sea states. This is owing to the tautness and weight of the steel chain components limiting horizontal movement. The flexible riser and umbilicals are kept off of the seafloor by floats and therefore were not factored into the area of displacement/disturbance.

Park Slope Food Coop

CO138
page 2

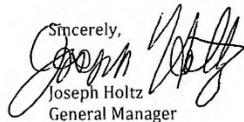
CO138-2 (cont) These tethers will continuously scrape the ocean floor not only destroying marine life and eco-systems, but preventing those systems from repairing themselves. This could have major impacts on the fishing industry in the area. And this is all true if the Port operates as it is intended. If there should happen to be a leak or an explosion, the situation could be far worse. Construction of the project will impact up to 250 acres of the seafloor. This action will kill shellfish such as lobsters, crabs, clams and scallops, and disturb the seafloor habitats they rely upon. Some of these habitats require decades to form, and they will all be destroyed in a few months of dredging for pipeline laying and the installation of anchoring devices. Once damaged, it can take years to be restored to its original state.

CO138-3 3. Marine Mammals
stress to marine mammals during construction and operation including noise; disruption of migratory paths from vessel traffic increases; disruption of the food chain (which will affect not just marine mammals); increased noise production.

CO138-4 4. Climate change
Further, the climate change impacts from continued use of fossil fuels, the gasification and liquification processes, and transportation are drastic - their carbon footprint is 40% larger than domestic shale gas (and "natural" gas is 86 times more potent a greenhouse gas than carbon). Climate change and rising ocean temperatures will also affect fisheries as well as food growth and production on land.

CO138-5 5. Proposed in same location as a proposed wind farm
This LNG project is proposed for the same location as a wind farm, that would not only provide clean energy and not exacerbate climate change, but would create human-made "reef" systems at the base of the turbines that would help ocean eco-systems to repair themselves and even flourish.

In the next few months our member/owners will be deciding on whether or not to put considerable effort into the movement against Port Ambrose. If we decide to go ahead we will act as an organization and ask our member/owners to get involved individually as well. We would also encourage other cooperatives to get involved. Cooperatives follow the seven international principles of cooperation, one of which is "Concern for Community: "Co-operatives work for the sustainable development of their communities through policies approved by their members" (International Co-operative Alliance). In addition to concern for the environment, our food cooperative (as well as many others) has historically been a leader in protecting the safety of consumers.

Sincerely,

Joseph Holtz
General Manager

CO138-3 Thank you for your comment.

CO138-4 Thank you for your comment.

CO138-5 See response to IND269-1.

CO139



RE: Federal Docket #USCG-2013-0363

Comments on Liberty LNG's Port Ambrose Deepwater Port License Application Draft Environmental Impact Statement.

Submitted by Catskill Citizens for Safe Energy, March 16, 2015.

Purpose and Need:

The Draft Environmental Impact Statement (DEIS) frequently relies on out-of-date data and fails to consider more recent data that convincingly demonstrates that a multi-decade expansion of domestic natural gas production is likely to render imported liquefied natural gas (LNG) uncompetitive in the target market for the foreseeable future. The DEIS fails to explain how Port Ambrose will be able to withstand the same long-term market forces that are forcing other East Coast import facilities to curtail operations, shut down altogether, or turn to gas exports in order to remain viable.

According to the federal Energy Information Agency (EIA), U.S. natural gas production increased by more than 45 percent between 2005 and 2014.¹ Fueled by shale gas extraction, EIA predicts that domestic production will continue to increase at least through 2040.² In other words, America's "shale gas boom" is likely to outlast the useful life of the Port Ambrose Deepwater Port.

As domestic gas supplies have increased, the demand for imported LNG has plummeted. U.S. imports peaked in 2007 at 777,000 million cubic feet (MMcf). By 2014 that figure had dropped by over 90 percent, to just over 59,000 MMcf.³ EIA's Annual Energy Outlook 2014 forecasts:

The United States transitions from being a net importer of 1.5 Tcf [trillion cubic feet] of natural gas in 2012 to a net exporter of 5.8 Tcf in 2040, with 88% of the rise in net exports (6.5 Tcf) occurring by 2030, followed by slower growth through 2040 (Figure MT-42).

The rapid increase in the production of domestic natural gas has predictably led to steep and sustained price declines for both natural gas and LNG. In 2008 the annual spot price of natural gas on the Henry Hub was \$8.86/million British Thermal Units (MMbtus). By 2013 the price had plummeted 58 percent to \$3.73.⁴

CO139

EIA predicts that the Henry Hub spot price will continue to decline in 2015, to \$3.07.⁵

And as the EIA recently reported:

Liquefied natural gas (LNG) imports have fallen over the past five years because higher prices in Europe and Asia are more attractive to LNG exporters than the relatively low prices in the United States.⁶

A survey of recent "World LNG Estimated Landed Prices"⁷ published by the Federal Energy Regulatory Commission (FERC) demonstrates that LNG typically sells for two to five times more in Europe and Asia than in the U.S. An LNG exporter in Trinidad or Qatar is unlikely to sell their product for \$2.36 or \$2.70 in the U.S. when it can be sold for \$7.00 or more in the United Kingdom or Spain. (Figures are drawn from FERC's "World LNG Estimated March 2015 Landed Prices.")

CO139-1

In short, there is overwhelming evidence that U.S. LNG import facilities such as Port Ambrose will be unable to withstand the macroeconomic trends that are likely to shape the natural gas and LNG markets for the foreseeable future. As evidence consider what has happened to the five existing LNG import facilities on the East Coast:

- The Distrigas LNG terminal in Everett, Massachusetts is the oldest LNG import facility in the U.S., and arguably one of the more successful ones. It benefits from long-term contracts with both suppliers and customers. Nevertheless, by 2013 the *Boston Globe* reported Distrigas has experienced, "a huge drop in imports as domestic supplies have soared."⁸ The *Globe* also reported that Distrigas now retains just one primary customer, a power plant that is bound by a contract that does not expire for more than ten years.
- Boston harbor contains the only two existing deepwater LNG ports on the East Coast. Together they cost approximately \$750 million. One, the Northeast Gateway Deepwater Port, opened in 2008. It received several shipments of gas during its first years of operation, but has received just one LNG shipment in the last five years.
- The other, Neptune Deepwater Port received a few shipments of gas when it became operational in 2011. In 2013, it voluntarily suspended operations after two years of inactivity.
- Imports at Dominion's Cove Point terminal in Maryland dropped by 90 percent between 2007 and 2014.⁹ Its sponsors are currently modifying the facility in order to be able to export domestically produced gas overseas.
- The fifth LNG import facility on the East Coast is located at Elba Island,

CO139-1 See response to FA4-2 for a discussion of purpose and need, and peak demand.

CO139

GA. It began importing LNG in 2011 but quickly went into decline. Imports decreased by 78 percent between 2012 and 2013.¹⁰ As with Cove Point, Elba Island's sponsors are seeking to add liquefaction and export capacity to their facility

As a new venture, Port Ambrose would not benefit from long-term, contracts that advantageously lock in suppliers and customers. There will be nothing to help it overcome the enormous disparity between the landed price for LNG in the U.S. and the much higher prices in the rest of the world, a disparity that is likely to persist for many years to come. In light of these established, long-term economic trends, there is no reason to believe that Port Ambrose will somehow succeed while all other East Coast LNG import facilities shut down, lose business, or are reconfigured to export gas overseas.

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The claim that Port Ambrose is needed because "the target market does not have sufficient infrastructure to transport [domestic natural gas] to the end users" is suspect.¹¹ In fact, one major new pipeline, and others already under construction or awaiting approval, are dramatically increasing capacity in lower New York State and on Long Island, the target markets for Port Ambrose gas. The DEIS fails to rigorously analyze the impact of these new or potential infrastructure improvements.

- Spectra's New Jersey-New York Expansion Project became operational in November 2013. It now delivers up to 888 million standard cubic feet per day (MMscf/day) to Manhattan, effectively doubling the amount of gas into that borough.
- Later this month Williams expects to complete construction of the Transco Rockaway Lateral, which will provide Brooklyn with an additional 647 MMscf/day of capacity.
- An April 2014 report¹² prepared by Concentric Energy Advisors for Liberty Natural Gas states that several existing regional pipelines can be modified to increase gas deliveries to the target market. These include the Iroquois Pipeline, which could be expanded to handle an additional 400 MMscf/day.
- The Concentric report also notes that "market area natural gas storage could also provide numerous benefits to the NYC/LI Metro Region"¹³, yet the DEIS fails to consider the potential impact of a new gas storage facility at Seneca Lake, NY with a capacity of 1.5 billion cubic feet (bcf).

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It is not clear that Port Ambrose will be able to deliver significant quantities of LNG to the target market. The DEIS states that Port Ambrose would be designed to transport an average of 400 MMscf/day, but it fails to quantify

CO139-2 See response to FA4-2 for a discussion of purpose and need, and peak demand.

CO139-3 See response to FA4-2 for a discussion of purpose and need, and peak demand.

CO139

CO139-3 (con't) how much gas it will actually be able to deliver at a profit during periods of peak demand.

If Liberty Natural Gas has to compete with European markets for available LNG supplies, it is obvious that it will normally be unable to buy gas that can be sold at a profit in the target market. For this reason, the project sponsors are forced to fall back on the claim that Port Ambrose might be made viable by supplying gas during peak demand periods, when gas sells at a premium. Liberty Natural Gas commissioned a report ICF International report¹⁴ to buttress this claim. The report subtitled *Lessons of the Polar Vortex of 2013-2014* found that

... although the 2014 Polar Vortex temperatures were not unique to NY/NJ, the region's natural gas price spikes were. **Only New England, which like NY/NJ is situated at the terminus of the North American natural gas pipeline grid, experienced triple-digit natural gas prices.** [Emphasis added.] Other areas from the upper Midwest to the Southeast U.S. also saw temperatures plummet, but did not experience the same degree of natural gas price volatility ... largely because they do not have the same natural gas delivery constraints.¹⁵

On the website, <http://portambrose.com>, under "Project Need", the project also compares the constrained New York and New England gas markets and asserts:

The introduction of LNG into New England markets via new projects similar to Port Ambrose has been proven to reduce winter average pricing spikes by over 50% in 2009 and 2010.¹⁶

Why, in the spring of 2015, does the sponsors' website cite the positive impact of "new projects similar to Port Ambrose", but reference data from 2009 and 2010? The answer is simple. The unnamed, "new projects" referenced by Liberty Natural Gas are none other than the Northeast Gateway and the Neptune, the two deepwater ports in Boston Harbor that have been rendered obsolete by America's prolonged domestic shale gas boom. Despite the Polar Vortex of 2013-2014 and this year's record cold winter, Gateway received a single gas shipment in December 2014 (its first since 2010) while Neptune remains closed.

CO139-4 Unlike New England, New York has vastly expanded its gas delivery infrastructure in the past few years. If even two extraordinarily cold winters cannot create a market for imported LNG in the delivery-constrained New England market, why is it reasonable to suppose expensive imported LNG will be able to compete with cheap natural gas in the much less constrained New York market?

Section 5.3.3 Port Security

CO139-5 If Port Ambrose does become operational, even sporadically, it will pose an unnecessary and unacceptable risk to the region. LNG is a known terrorist target, yet the DEIS fails to analyze some obvious scenarios that could put

CO139-4 See response to FA4-2 for a discussion of purpose and need, and peak demand.

As stated in Section 1.1 of the final EIS, the increased natural gas supply in New England for the winter of 2014-2015, including LNG imports from the Northeast Gateway Deepwater Port, off the coast of Boston, Massachusetts, contributed to reduced average wholesale energy prices from an average of \$138 per megawatt hour in the winter of 2013-2014, to an average of \$77 per megawatt hour in the winter of 2014-2015 (ISO New England 2015). Increased fuel supply during the winter peak demand directly contributed to the lower price levels in 2014-2015 (ISO New England 2015).

CO139-5 See response to SA4-1 for a discussion of safety.

CO139

CO139-5 (con't) | **American lives and property at risk. It also fails to determine the cost of protecting the public, and it makes no attempt to determine if the required security resources even exist.**

CO139-6 | There are many small airports within the vicinity of Port Ambrose where pilots and passengers are not subjected to the same screening regimen that is employed at major international airports. What is to prevent a terrorist from loading a small private plane with explosives and flying it into an liquefied natural gas regasification vessel (LNGRV) containing more than 5 million cubic feet of LNG, which, on exposure to ambient air temperature, would immediately form an immense, explosive vapor cloud? Unaccountably, the DEIS does not even consider such a scenario.

CO139-5 (con't) | The DEIS also fails estimate the cost that would have to be borne by taxpayers if Port Ambrose were to become operational. The *Boston Globe* reports that LNG tankers supplying the Distrigas facility in Everett, MA "require a small navy of Coast Guard ships and other armed escorts."¹⁷ The cost of this "small navy" may be justified in the case of Distrigas because it is an established and important part of the New England's gas delivery system, but Port Ambrose is, at best, a highly speculative business venture that is unlikely to ever play a significant role in its target market.

CO139-5 (con't) | In February 2011 New Jersey Governor Chris Christie vetoed a license application¹⁸ for a deepwater port similar to Port Ambrose because he was concerned that it would place an undue burden on the U.S. Coast Guard, Homeland Security personnel and first responders. The DEIS makes no attempt to determine if these resources have the capacity to adequately protect the public from the risks inherent in operating a deepwater LNG port near important shipping lanes and in a densely populated region of the country.

Section 2 Description of the Proposed Action and Alternatives:

CO139-7 | As the DEIS acknowledges, the construction of Port Ambrose could interfere with the construction of a proposed wind farm in the same area. This alone is reason enough to deny Liberty Natural Gas' license application. Offshore wind can play an important role in developing sustainable energy systems for the region; all the evidence suggests that imported LNG, a polluting and dangerous fossil fuel, will only play a minor and increasingly unimportant role in the regional energy market.

Footnotes:

1. U.S. Energy Information Administration, U.S. Natural Gas Marketed Production <http://www.eia.gov/dnav/hg/hist/n9050us2a.htm>
 Year: 2005 18,927,095 Million Cubic Feet
 Year: 2014 27,259,815 Million Cubic Feet

CO139-6 See response to SA4-1 for a discussion of safety.

CO139-7 See response to IND269-1.

CO139

2. The Annual Energy Outlook 2014 with projections to 2040 published by the U.S. Energy Information Administration predicts a 56% increase in natural gas production between 2012 and 2040. (Page MT 23) [http://www.eia.gov/forecasts/aeo/pdf/0383\(2014\).pdf](http://www.eia.gov/forecasts/aeo/pdf/0383(2014).pdf)
3. U.S. Energy Information Administration, Liquefied Natural Gas Imports <http://www.eia.gov/dnav/ng/hist/n9103us2A.htm>
4. U.S. Energy Information Administration, Henry Hub Natural Gas Spot Price <http://www.eia.gov/dnav/ng/hist/mgwhhdA.htm>
5. U.S. Energy Information Administration, Short-Term Energy Outlook, March 10, 2015. <http://www.eia.gov/forecasts/steo/report/natgas.cfm>
6. Ibid.
7. FERC's "World LNG Estimated March 2015 Landed Prices" can be viewed at <http://www.ferc.gov/market-oversight/mkt-gas/overview/ngas-ovr-ling-wld-pr-est.pdf>. Other recent overviews can also be readily found online.
8. "2 costly LNG terminals sit idle" by Jay Fitzgerald, The Boston Globe, January 23, 2013. <http://www.bostonglobe.com/business/2013/01/23/offshore-gas-terminals-mass-bust-far/Qu8dyZzF6yBNAsDNaT1ZJ/story.html>
9. "Reversing the flow: With Cove Point, U.S. seeks to become a gas exporter" by Lawrence Lanahan posted on America.aljazeera.com, May 14, 2014. <http://america.aljazeera.com/articles/2014/5/14/cove-point-us-wantstonaturalgas.html>
10. U.S. Energy Information Administration, Elba Island, GA Liquefied Natural Gas Imports from Qatar. http://www.eia.gov/dnav/ng/hist/ngm_epg0_iml_yelba-nga_mmca.htm
11. Executive Summary Port Ambrose DEIS Volume 1, page 19
12. Benefits Associated With Incremental Natural Gas Supplies Delivered to New York City, Prepared by Concentric Energy Advisors for Liberty Natural Gas/ Port Ambrose, April 2014.
13. Ibid. Page 11.
14. Cost of Natural Gas Capacity Serving the New York and New Jersey Energy Market Lessons from the Polar Vortex Winter of 2013/2014, Prepared for Port Ambrose LNG by ICF International, July 2014. Page 2.
15. Ibid. Page 2
16. <http://portambrose.com/project-need/>
17. "2 costly LNG terminals sit idle" by Jay Fitzgerald, The Boston Globe, January 23, 2013. <http://www.bostonglobe.com/business/2013/01/23/offshore-gas-terminals-mass-bust-far/Qu8dyZzF6yBNAsDNaT1ZJ/story.html>
18. Re: Application of Liberty Natural Gas for the LNG Deepwater Port Offshore of Monmouth County, New Jersey Docket Number USCG-20010-0993, February 8, 2011. See <http://catskillcitizens.org/learnmore/christie%20veto.PDF>