

UNITED STATES OF AMERICA  
U.S. ARMY CORPS OF ENGINEERS  
NEW ENGLAND DISTRICT

In the Matter of:

PUBLIC HEARING:

RE: PERMIT APPLICATION  
DREDGING AND DREDGE MATERIAL DISPOSAL PLAN PERMIT  
FILE # NAE-2004-2355

WEAVER'S COVE ENERGY, LLC. and  
MILL RIVER PIPELINE, LLC.  
FALL RIVER, MASSACHUSETTS

Mt. Hope High School  
Performing Arts Center  
199 Chestnut Street  
Bristol, Rhode Island

Thursday  
December 15, 2005

The above entitled matter came on for  
hearing, pursuant to Notice at 5:00 p.m.

BEFORE:

Lt. Col. Andrew Nelson  
Deputy Commander and Deputy District Engineer

Larry Rosenberg, Moderator  
Chief, Public Affairs

Christine Godfrey, Chief  
Regulatory Division

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P R O C E E D I N G S

(5:07 p.m.)

MODERATOR ROSENBERG: Good evening.

Good evening and welcome to this public hearing regarding the permit application submitted by Weaver's Cove Energy and Mill River Pipeline to conduct dredging in an existing federal navigational channel, install structures and discharge fill material in wetlands and waterways for the construction of a liquified natural gas import terminal and natural gas pipeline facility.

My name is Larry Rosenberg. I'm the Chief of Public Affairs for United States Army Corps in New England, and I will be your moderator and your facilitator this evening. Our hearing officer this evening is Lt. Col. Andrew Nelson, the Deputy District Engineer for the Army Corps of Engineers in New England.

Should you need copies of the public notice, the hearing procedures or other pertinent information, it is available at the registration tables, and I should point out that the Corps of Engineers has made no decision regarding the permit application in question.

1           The agenda for the hearing this evening  
2 is, following this introduction, Col. Nelson will  
3 address the hearing. Our hearing officer will be  
4 followed by the permit applicant, who will  
5 provide, both, a brief overview of the proposed  
6 work, the proposed dredging of the Taunton River  
7 navigation channel and the options for disposal of  
8 the dredged material.

9           Now, before we begin, I'd like to remind  
10 you the importance of filling out these cards that  
11 are available at the door. These cards serve two  
12 purposes. First, they let us know that you're  
13 interested in this permit so we can keep you  
14 informed. Second, they provide me a list of those  
15 who wishes to speak this evening. If you did not  
16 complete a card, but you wish to speak or receive  
17 future information regarding this permit  
18 application, one will be provided at the  
19 registration desk.

20           Now, since this hearing will close this  
21 evening at 10:00 p.m., for your convenience, an  
22 additional stenographer is available near the  
23 registration area, should you wish to provide  
24 comment on the record, but without the imposed

1 time limits. These statements, along with any  
2 written statements you may have or will submit,  
3 receive equal consideration with those presented  
4 here this evening.

5 Now, one additional comment. We are  
6 here to receive your comments. We're not here to  
7 enter into any discussion of those comments or to  
8 reach any conclusions. All questions you have  
9 should be directed to the record and not to the  
10 individuals on the panel.

11 Thank you.

12 Ladies and gentlemen, Lt. Col. Nelson?

13 LT. COL. NELSON: Good evening, ladies  
14 and gentlemen. I'd like to welcome you to this  
15 public hearing on a request for permit by Weaver's  
16 Cove Energy and Mill River Pipeline under Section  
17 10 of the Rivers and Harbors Act, Section 103 of  
18 the Marine Protection Research and Sanctuaries Act  
19 and Section 404 of the Clean Water Act.

20 Before we begin, I would like to thank  
21 you for involving yourself in this environmental  
22 review process. I am Lt. Col. Andrew Nelson, the  
23 Deputy District Engineer for the New England  
24 District of the United States Army Corps of

1 Engineers. Our headquarters is located in  
2 Concord, Massachusetts. Other Corps of Engineers  
3 representatives with me here tonight include  
4 Christine Godfrey, our Chief of Regulatory  
5 Division, and Ted Lento. Ted is our Permit  
6 Project Manager and the technical expert from the  
7 Corps on this project. Larry Rosenberg, our Chief  
8 of Public Affairs, will facilitate tonight's  
9 hearing. You met a number of other of our  
10 representatives that are at the welcome table in  
11 the foyer.

12           Tonight's hearing is being conducted as  
13 part of the Corps. of Engineers' regulatory  
14 program solely to listen to your comments. This  
15 permit involves dredging in an existing federal  
16 navigation channel and disposal of dredged  
17 material in the open water, installing structures  
18 and discharging fill material in wetlands and  
19 waterways for the construction of a liquified  
20 natural gas import terminal and natural gas  
21 pipeline facilities.

22           The LNG terminal would be located on a  
23 73 acre site adjacent to the Taunton River  
24 primarily at One New Street, in Fall River,

1 Massachusetts. The project facilities are subject  
2 to the jurisdiction of the Federal Energy  
3 Regulatory Commission. The Corps' jurisdictions  
4 for this proposed activity are limited and include  
5 Section 10 of the Rivers and Harbors Act and  
6 Section 404 of the Clean Water Act, both of which  
7 I will discuss in more detail in a moment.

8 Joint FERC and Corps public hearings  
9 were held on September 8th and 9th in 2004 in  
10 Massachusetts and in Rhode Island. In May of  
11 2005, FERC issued a Final Environmental Impact  
12 Statement, and on July 15, 2005, FERC approved the  
13 construction and operation of the project.

14 The United States Coast Guard and FERC  
15 are the federal agencies responsible for safe  
16 vessel transit and facility operation. The Corps  
17 will utilize the findings of these two agencies on  
18 those issues during our deliberations. Both  
19 applicants have submitted revised permit  
20 application plans that include substantial changes  
21 in the work proposed within the Corps'  
22 jurisdiction necessitating a new public notice.

23 The focus of this comment period and  
24 these hearings is to receive comments on the

1 dredging and dredged material disposal aspects of  
2 the projects, which are the Corps' primary area of  
3 jurisdiction.

4 I would like to, briefly, review the  
5 Corps of Engineers' responsibilities in this  
6 process. First, the Corps' jurisdiction in this  
7 case are Section 10 of the Rivers and Harbors Act  
8 that authorizes the Corps to regulate structures  
9 and work in navigable waters of the United States,  
10 Section 404 of the Clean Water Act, which  
11 regulates the discharge of dredged or fill  
12 material in waters of the United States, including  
13 wetlands, and Section 103 of the Marine Protection  
14 Research and Sanctuaries Act, which authorizes the  
15 Corps to regulate the transportation of dredged  
16 material for the purpose of disposal in the ocean.

17 Second, the detailed regulation that  
18 explains the procedure for evaluating permit  
19 applications and unauthorized work is Title 33,  
20 Federal Code of Regulations, Parts 320 through  
21 330, and third, the Corps' decision rests upon  
22 several important factors.

23 In accordance with those regulatory and  
24 statutory authorities, our decision to issue a

1 permit will be based on an evaluation of the  
2 probable impacts of the proposed activity on the  
3 public interest. Our decision will reflect the  
4 national concern for, both, the protection and  
5 utilization of important resources.

6 The benefits that may reasonably accrue  
7 from the proposal must be balanced against its  
8 reasonably foreseen detriments. For example, we  
9 will consider the possibility of the Brightman  
10 Street Bridge remaining in place, as required by  
11 current laws, when balancing the benefits of the  
12 project against detriments. If the bridge is not  
13 removed, we understand the benefits to the general  
14 public from an increased gas supply, and more  
15 flexible energy infrastructure would not be  
16 realized, and these factors will be considered in  
17 our determination on issuance of a permit.

18 All factors which may be relevant to the  
19 proposal will be considered prior to our making a  
20 decision, and those factors include, but are not  
21 limited to, conservation, economics, aesthetics,  
22 the environment, fish and wildlife values,  
23 navigation, recreation, water supply, food  
24 production and, in general, the needs and welfare

1 of the American people.

2 The Corps conducts a broad-based public  
3 interest review. This hearing is part of that  
4 review. All factors affecting the public will be  
5 included in our evaluation, and your comments will  
6 help us in reaching a decision.

7 The record of this hearing will remain  
8 open, and written comments may be submitted  
9 tonight or by mail until January 3, 2006. All  
10 comments will receive equal consideration.

11 Lastly, to date, no decision has been  
12 made by the Corps of Engineers with regard to this  
13 permit. It is our responsibility to evaluate,  
14 both, the environmental and socioeconomic impacts  
15 prior to our decision, and in order to accomplish  
16 that, we need your input.

17 Thank you.

18 MODERATOR ROSENBERG: Thank you, sir.

19 Ladies and gentlemen, the permit  
20 applicant, Weaver's Cove, and their contractor  
21 will present a permit application overview. As  
22 you can see, the stage is set up, so we will have  
23 to leave the stage during this so you can see the  
24 slides.

1 Thank you.

2 TED GEHRIG: Thank you for coming here  
3 this evening. My name is Ted Gehrig. I'm the  
4 President of Weaver's Cove Energy. We appreciate  
5 your input in this permitting process.

6 I'd like to introduce the speaker  
7 tonight who's going to speak about the project.  
8 Ted Barten is the managing principal of Epsilon  
9 Associates. Epsilon Associates is an  
10 environmental consulting firm that has done many  
11 of the studies that are involved in this permit  
12 application.

13 Ted?

14 TED BARTEN: Thank you, Ted.

15 Col. Nelson, Ms. Godfrey, ladies and  
16 gentlemen, good evening. It's nice to be here.  
17 I'm going to take about ten minutes or twelve  
18 minutes to walk through the core jurisdictional  
19 aspects of the project we're proposing. I'll give  
20 you a little more detail on the dredging program,  
21 which is the primary focus of the Corps review,  
22 and also talk about some of the work that we  
23 proposed to do on the site and the pipeline  
24 routes, which are also subject to the Corps'

1 review.

2 The primary elements of the project for  
3 which we have requested Corps approval include  
4 shoreline straightening and stabilization  
5 measures, construction of a new pier, a new boat  
6 ramp for, both, public and private security  
7 vessels. All of those are associated with the LNG  
8 terminal, itself, that's proposed for Fall River,  
9 Massachusetts.

10 We also are looking for Corps approval  
11 for construction of two Mill River natural gas  
12 pipelines. These are about six miles in total  
13 length, and one of them will cross the Taunton  
14 River, the western lateral.

15 We've also proposed a maintenance and  
16 improvement dredging program of the existing seven  
17 mile long, 35 foot deep, Mount Hope Bay, Fall  
18 River federal navigation channel and the  
19 associated turning basin at the north end of the  
20 channel, and lastly, we have proposed as our  
21 preferred alternative offshore disposal of dredged  
22 material in federal waters at the Rhode Island  
23 Sound disposal site. We also have an alternative  
24 disposal site, the Mass. Bay disposal site.

1 I'm sure everybody, by now, knows where  
2 the site is, but just to locate it, it's in Fall  
3 River on the eastern shore of the Taunton River,  
4 roughly, two miles north of the Braga Bridge, and  
5 -- right up here. Braga Bridge is right here.

6 Okay. So let's take a look at some of  
7 the specifics of the dredging program which, as I  
8 mentioned, is the major element of the Corps  
9 jurisdictional work.

10 I'm going to start with a little bit of  
11 history on the federal channel. As some of you  
12 may know, this channel was originally dredged back  
13 in the 1920s. The Corps, in a Corps report  
14 published some years ago, they tell us that, since  
15 1931, approximately 12 million cubic yards of  
16 sediment has been dredged from Fall River Harbor  
17 and the channel. Much of that associated with the  
18 original construction of the channel. The most  
19 recent maintenance dredging of the channel was  
20 conducted back in the 1970s.

21 Over the years, the Corps, a number of  
22 private water-dependent industries, the state pier  
23 up in Fall River, as well as other public agencies  
24 have conducted dredging in this channel, and as I

1 mentioned earlier, it has a current authorized  
2 depth of 35 feet.

3 Now, in defining the extent of the  
4 dredging program, we, basically, looked at the  
5 horizontal and vertical limits that would be  
6 necessary for the LNG ships to safely transit the  
7 channel to the Fall River site, and we were  
8 assisted in that with some modeling done by Marine  
9 Safety International, down here in Portsmouth,  
10 Rhode Island, and we also worked closely with the  
11 Narragansett Bay pilots and with the Coast Guard  
12 in these determinations.

13 Now, the dredging, itself, will be done  
14 with multiple mechanical dredges outfitted with  
15 different size and types of buckets, depending on  
16 the material being dredged and the stretch of the  
17 channel being dredged. The dredges will be  
18 supported, as you might expect, by other  
19 equipment, tugboats to help maneuver the dredges,  
20 and the barges, survey vessels, work boats and the  
21 like.

22 The dredged material, itself, under our  
23 preferred alternative, will be loaded onto barges  
24 and transported for offshore disposal. Our

1 alternative is to take the material to the site,  
2 itself, bring it upland, stabilize it and use it  
3 in construction of the facility.

4 Now, this next slide gives you a few  
5 more numbers that to with the dredging program.  
6 The channel, which as I mentioned is currently  
7 authorized for a 35 foot depth, will be deepened  
8 to 37 feet. Much of the channel is already at 37  
9 feet, or deeper, but other parts of the channel  
10 have silted in somewhat and will need to be taken  
11 down to 37 feet.

12 The turning basin, which is up here,  
13 basically, right off the site, and on the other  
14 side of the river is the Montaup or Somerset Power  
15 Plant, will be taken down to 41 feet and also  
16 expanded somewhat in extent. In total, about 2.1  
17 to 2.6 million yards of material will be removed,  
18 and that's on an in situ volume basis, and it  
19 includes one foot of over-dredge. The channel  
20 area and turning basin, in total, is about 400  
21 acres, and we're proposing to dredge by varying  
22 amounts in, roughly, 200 acres of that 400 acre  
23 channel.

24 Now, this next slide which I'm going to

1 go through in sequence, gives you an idea of the  
2 relative depth dredging that will be required in  
3 various parts of the turning basin and the  
4 channel, and as I click through this, you're going  
5 to see different colors light up which denote  
6 depth of cut.

7           The first one is a very narrow strip  
8 right up hereon the edge of the turning basin  
9 inland of the existing pier, and there's another  
10 area right next to it. Those two areas will be  
11 dredged. Roughly, 20 to 30 feet of material will  
12 be taken out of those areas. They comprise,  
13 between the two of them, just over 1 percent of  
14 the total dredged area.

15           Now, around the periphery of the turning  
16 basin, there are some areas, another 1 1/2  
17 percent, or so, of the total dredged area, that  
18 have to have between 15 an 20 feet of material  
19 removed, a little bigger area, also primarily up  
20 in the turning basin, and to some extent, down  
21 here in what we refer to as the S bend. At the  
22 edge of the S bend, there's dredging of between 10  
23 and 15 feet required there.

24           These light blue areas are between 5 and

1 10 feet of material, and those are primarily,  
2 again, in the turning basin and along the edges of  
3 the S bend. The green areas, which are the bulk  
4 of the dredged area, about 30 odd percent of the  
5 channel area, will be dredged anywhere from,  
6 basically, zero to 5 feet, so these are areas  
7 where there's some fairly minor siltation, and it  
8 is primarily along the edges of both sides of the  
9 channel in Rhode Island up into Massachusetts and  
10 then most of the S bend area and the center part  
11 of the turning basin.

12 Now, the gray area, which just lit up,  
13 are areas that are already at or below 37 feet.  
14 That's, roughly, half of the channel area, and  
15 there will be no dredging done in those areas.

16 Now, our original concept for the  
17 project, or our original preferred alternative,  
18 was to do dredging with upland placement of the  
19 material at the project site, and when we  
20 developed a plan for that, basically, the pace at  
21 which we could bring material up on the site,  
22 which varied with time of year, weather  
23 conditions, et cetera, somewhere between 2,000 and  
24 10,000 yards a day, essentially, controlled the

1 dredging schedule, and our estimate was that we  
2 would need on the order of 650 working days at  
3 those rates in order to complete the program.  
4 Allowing for weather and equipment delays, that  
5 translated to about 975 days, or just about three  
6 years, and in our earlier work, based on the  
7 studies we had done, we made the assumption that  
8 we would be able to work without significant  
9 restrictions on the dredging schedule because of  
10 fisheries concerns.

11 As we moved through the permitting  
12 process and began to get feedback from the  
13 agencies and the public and took a little harder  
14 look at this, it became clear that we, in all  
15 likelihood, were going to have extensive dredge  
16 restrictions, so we started to take, at the  
17 encouragement of the agencies, a harder look at  
18 the offshore option, and in order to do that, we  
19 developed a Tier 3 sampling program which we  
20 submitted to EPA and the Corps back in January of  
21 2004. In September of 2004, we received approval  
22 from the Corps and EPA to proceed with that  
23 program.

24 We did the field work and the laboratory

1 work and provided a report to the Corps and EPA in  
2 April of 2005, and in September, we received the  
3 results of that suitability determination from EPA  
4 and the Corps and EPA, and basically, hey told us  
5 that the material we had tested, which was all but  
6 a very small part of the dredge volume, was, in  
7 fact, suitable for offshore disposal at one or two  
8 designated disposal sites.

9 Now, the actual approval to take the  
10 material offshore is one of the things that we're  
11 seeking from the Corps in this process.

12 So this next slide takes a look at what  
13 our program currently looks like with offshore  
14 disposal and with time of year restrictions. The  
15 time of year restrictions that are agreed to at  
16 this point are for winter flounder. Basically,  
17 there'd be no dredging between January 15th and  
18 May 31st, and we would also observe the  
19 Massachusetts anadromous fish time of year  
20 restriction, which is from March 15th to June  
21 15th. So that leaves us a seven month dredging  
22 season each year, basically, mid June to mid  
23 January, and we feel with that schedule and with  
24 offshore disposal, that we can complete the

1 program in, essentially, three years or three  
2 dredging seasons.

3 Now, there is some ongoing discussion on  
4 the time of year restrictions, but this is where  
5 it stands at the moment.

6 I mentioned before that our preference  
7 is to take the material to the Rhode Island Sound  
8 disposal site. I'm sure most of you have read  
9 about this before, but it was designated by EPA in  
10 December of 2004 for use by projects in Rhode  
11 Island and Southeastern Massachusetts, and it was  
12 earlier used for disposal of material from the  
13 Providence harbor and river dredging project.  
14 Roughly, five million yards of material from that  
15 project have already been placed at this disposal  
16 site, and it's about 13 miles off the mouth of  
17 Narragansett Bay in federal waters.

18 Now, the last slide on dredging takes a  
19 look at the mitigation measures that are built  
20 into the program thus far, and they include the  
21 time of year restrictions that I discussed a  
22 moment ago, environmental inspectors, both, for  
23 the dredging and disposal operations, the use of  
24 an environmental or closed bucket in softer

1 sediments, no scow overflow, a water quality  
2 sampling and monitoring program, a shellfish  
3 habitat mitigation plan, and that consists of a  
4 pre-harvest or pre-dredge survey, a pre-dredge  
5 harvesting of shellfish in the areas to be  
6 dredged, and those would be relayed in other  
7 waters, a post-dredge seeding program and then a  
8 series of compliance monitoring to make sure that  
9 the program actually worked as designed, and then  
10 we've also been working with the agencies on a  
11 winter flounder spawning habitat mitigation  
12 program.

13 So with that, let's take a quick look at  
14 the terminal site, which the other principal  
15 aspect of the Corps review, and again, we'll start  
16 with a bit of history on the site.

17 The picture on this slide is a photo of  
18 the main part of the site as it looked some years  
19 ago when it was an active Shell petroleum  
20 terminal. The part of the site you see in the  
21 picture, roughly, 55 acres, what we refer to as  
22 the south parcel, is in Massachusetts, part of a  
23 designated port area, and as you can see on the  
24 slide, those areas are established by

1 Massachusetts Coastal Zone Management to "promote  
2 marine industrial developments in port areas with  
3 key industrial attributes."

4 By way of history, the site back in the  
5 twenties was actually a refinery. Then, for  
6 about 70 years, it was an oil and petroleum  
7 product distribution facility run by Shell Oil.  
8 Since the year 2000, it's been used primarily for  
9 construction laydown and equipment storage, and  
10 the site remains permitted for the storage of  
11 about 64 million gallons of mixed petroleum  
12 products.

13 Now, this next slide is an overlay of  
14 the facility design on a recent aerial photo, and  
15 this particular design is with offshore disposal,  
16 so the land form--

17 JOSEPH CARVALHO: This legend block  
18 conveniently blocks all of the hundreds of  
19 residents and thousands of people right there--

20 MODERATOR ROSENBERG: Sir, sir--

21 JOSEPH CARVALHO: --located--

22 MODERATOR ROSENBERG: --sir--

23 JOSEPH CARVALHO: --obliterated by this  
24 project. Thank you.

1                   MODERATOR ROSENBERG: Ladies and  
2 gentlemen, we have one rule, and that is to keep  
3 order. We will not interrupt speakers--

4                   JOSEPH CARVALHO: (Unintelligible)

5                   MODERATOR ROSENBERG: --and we will not  
6 interrupt presentations. I thank you.

7                   TED BARTEN: As I said, this design does  
8 not include a land form, and by doing that, we're  
9 able to pull more of the core facilities into the  
10 central part of the site.

11                   The tank is down here in the southwest  
12 corner of the city. The processing facilities and  
13 truck loading areas are in the central part of the  
14 parcel here. The northern parcel will be used  
15 mainly for construction laydown. The new pier is  
16 right here, and you outline of an LNG ship like  
17 so, and you'll notice that the ship at the dock is  
18 well inside the current pier line.

19                   Now, one of the other things we were  
20 able to do in the revision to the layout was,  
21 basically, pull some of the shoreline structures  
22 back a bit in order to avoid the salt marsh that's  
23 along the south edge of the site, and there's a  
24 picture of that on this next slide, so that's been

1 avoided in this design, as has the coastal dune  
2 area that's up on the north part of the site.

3 Now, just to close, and I'll do this  
4 briefly because Col. Nelson already covered most  
5 of this in his remarks. The NEPA process has,  
6 basically, been completed with the issuance of the  
7 FEIS back in May of this year. That document will  
8 serve as the baseline resource for the Corps in  
9 performing its evaluation of public interest  
10 factors. The FERC has moved to approve the  
11 project back in July of this year. Col. Nelson, I  
12 believe, covered the rest of this, so I'll end it  
13 at that.

14 I thank you for your attention, and we  
15 look forward to hearing your comments. Thank you.

16 MODERATOR ROSENBERG: Ladies and  
17 gentlemen, it is crucial to this public process  
18 that your voice is heard, and we're here to  
19 listen. We're here to listen to your comments, to  
20 understand your concerns and to provide you an  
21 opportunity to put your thoughts on the record,  
22 should you care to do so.

23 This hearing this evening will be  
24 conducted in a manner that all who desire to

1 express their views will be given an opportunity  
2 to do so. To preserve the right of all to express  
3 their views, I ask, one, that there be no  
4 interruptions and that, two, all speakers abide by  
5 the time restrictions so that all who wish to  
6 speak this evening will have an opportunity.

7 We do not want to see one individual or  
8 two individuals deny others the right to express  
9 their views or their concerns of this proposed  
10 project, as we do have to end at 10:00 p.m. this  
11 evening.

12 Furthermore, in order to make any  
13 decisions regarding this permit application, we,  
14 the United States Army Corps of Engineers, need to  
15 have you involve yourself not just tonight, but  
16 throughout the entire environmental review  
17 process.

18 When you came in, copies of the public  
19 notice and the procedures that are to be followed  
20 at this hearing were available. If you did not  
21 receive them, they are still available at the  
22 registration desk. Now, I will not read either  
23 the procedures or the public notice for the  
24 hearing, but they will be entered into the record.

1           A transcript of this hearing is being  
2 prepared, and that record will remain open and  
3 comments may be submitted tonight or by mail until  
4 January 3, 2006. All comments receive equal  
5 consideration. Anyone who wishes to send written  
6 comments should forward those comments to our  
7 headquarters in Concord, Massachusetts. The  
8 address is available at the registration desk.

9           Lastly, I'd like to reemphasize that the  
10 Corps of Engineers has made no decision with  
11 regard to this permit. Now, it is our  
12 responsibility to fully evaluate Weaver's Cove  
13 Energy and Mill River Pipeline's proposed dredging  
14 and wetland activity and its impacts prior to any  
15 decision, and in order to accomplish that, we need  
16 to hear from you.

17           Again, we are here to receive your  
18 comments, not to enter into a discussion of those  
19 comments or to reach any conclusions. Any  
20 questions you have should be directed to the  
21 record and not to the individuals on the panel.

22           So, if there's no objection, I will now  
23 dispense with the reading of the public notice of  
24 the hearing and have it entered into the record.

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LT. COL. NELSON: Please, do.

MODERATOR ROSENBERG: Thank you, sir.

\* \* \* \* \*

**PUBLIC NOTICE**

**Date:** November 1, 2005

**Comment Period Ends:** January 3, 2006

**File Number:** 2004-2355

**In Reply Refer To:** Ted Lento

**Revised Public Notice and Announcement of a Public  
Hearing**

Weaver's Cove Energy, LLC. ("Weaver's Cove") and Mill River Pipeline, LLC. ("Mill River") (Collectively, the "Applicant") have requested Corps of Engineers ("Corps") permits under Section 10 of the Rivers and Harbors Act of 1899, Section 103 of the Marine Protection, Research and Sanctuaries Act and Section 404 of the Clean Water Act to conduct dredging in an existing Federal navigation channel, install structures and discharge fill material in wetlands and waterways for the construction of a liquefied

1 natural gas ("LNG") import terminal and natural  
2 gas pipeline facilities. The LNG terminal would  
3 be located on a 73 acre site adjacent to the  
4 Taunton River primarily at One New Street in the  
5 City of Fall River, Massachusetts. Mill River is  
6 proposing to temporarily alter wetlands and  
7 waterways in order to construct two new lateral  
8 pipelines (referred to as the Western Lateral and  
9 Northern Lateral) that will facilitate the  
10 delivery of re-gasified LNG to the existing  
11 interstate pipeline network. The facilities of  
12 Weaver's cove and Mill River referred to as "the  
13 Project". The Project facilities are also subject  
14 to the jurisdiction of the Federal Energy  
15 Regulatory Commission ("FERC") pursuant to  
16 Sections 3 and 7 of the Natural Gas Act. A prior  
17 Corps Public Notice was issued for this project on  
18 August 3, 2004 and joint Corps/FERC Public  
19 Hearings were held September 8, 2004 in  
20 Massachusetts and September 9, 2004 in Rhode  
21 Island. Due to proposed project modifications we  
22 are issuing this revised notice and will convene  
23 two additional public hearings to seek comment on  
24 aspects of the Project within Corps jurisdiction.

1                   The Applicants require Section  
2 10/404/103 permits because the proposed work  
3 occurs within jurisdictional waters of the United  
4 States. The proposed work will predominantly  
5 occur in the Commonwealth of Massachusetts, but a  
6 portion of the navigation channel dredging will  
7 occur within the Federal Channel limits in the  
8 State of Rhode Island. This terminal site is  
9 located on the USGS Fall River quadrangle sheet at  
10 UTM zone 19 coordinates 4622349 N and 0321927 E.

11  
12                   The work depicted on two sets of plans,  
13 one entitled "Weaver's Cove Energy, LLC"  
14 consisting of 37 sheets dated September 2005,  
15 depicting the onshore disposal site configuration  
16 and Attachment B consisting of two figures  
17 entitled "Figure 1, Dredging Plan with Upland  
18 Placement". A second separate plan set entitled  
19 "Mill River Pipeline, LLC" consisting of 37 sheets  
20 revised October 20, 2005 depicts proposed work for  
21 construction of the Mill River pipeline laterals.  
22 These plan sets are available for viewing or  
23 downloading from the Corps Internet site  
24 [www.nae.usace.army.mil](http://www.nae.usace.army.mil) under the link for

1 Regulatory Public Notices. Copies of the permit  
2 plans can also be mailed upon request.

3  
4 **FERC National Environmental Policy Act (NEPA)**  
5 **Review**

6  
7 The NEPA review of the Project was  
8 conducted by the FERC with the participation and  
9 assistance of cooperating agencies including the  
10 Corps. The Final Environmental Impact Statement  
11 ("FEIS") for the Project was issued by the FERC in  
12 May 2005. The FERC Commissioners voted to approve  
13 construction and operation of the Project on June  
14 30, 2005. The FERC subsequently issued an Order  
15 (i.e., FERC Certificate) on July 15, 2005  
16 authorizing construction and operation of the  
17 Project that includes a number of conditions with  
18 respect to facility design and environmental  
19 mitigation. This FEIS will serve as the baseline  
20 document for the Corps in performing its  
21 evaluation of the public interest factors  
22 described below. The FEIS has been placed in the  
23 public files of the FERC (Reference Docket No.  
24 CP04-36-000) and is available for distribution and

1 public inspection at:

2

3

Federal Energy Regulatory Commission

4

Public Reference Room

5

888 First Street, N.E., Room 2A

6

Washington, DC 20426

7

(202) 502-8371

8

9

A limited number of copies are available  
10 from the Public Reference Room identified above.

11

In addition, copies of the FEIS have been mailed

12

to federal, state and local agencies; public

13

interest groups; individuals and affected

14

landowners who requested a copy of the FEIS;

15

libraries; newspapers; and parties to this

16

proceeding. The FEIS is also available on the

17

FERC Internet website ([www.ferc.gov](http://www.ferc.gov)) using the

18

eLibrary link. Click on the eLibrary link, click

19

on "General Search" and enter the docket number

20

CP04-36 in the Docket Number field. Be sure you

21

have selected an appropriate date range. For

22

assistance, please contact FERC Online Support at

23

[FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-866-

24

208-3676, or for TTY. contact (202) 502-8659.

1                   The U.S. Coast Guard and FERC are the  
2 federal agencies responsible for safe vessel  
3 transit and facility operation, and the Corps will  
4 utilize the findings of these two agencies on  
5 these issues in its deliberations. The focus of  
6 this comment period and these hearings is to  
7 receive comments on the dredging and dredged  
8 material disposal aspects of the project, which is  
9 the Corps primary area of jurisdiction for this  
10 project.

#### 11                   **Work Proposed By Weaver's Cove**

12                   The LNG Terminal to be constructed by  
13 Weaver's Cove will include LNG transfer piping, a  
14 200,000 m3 LNG storage tank, vaporization  
15 equipment, an LNG truck loading area, and  
16 necessary ancillary equipment. In addition, an  
17 existing woodpile pier and associated ship mooring  
18 structures at the LNG Terminal site will be  
19 removed and replaced with a new pile supported  
20 jetty and mooring structures required to support  
21 the berthing and unloading of LNG vessels  
22 delivering product to the terminal. Sheet piling  
23  
24

1 and riprap will be used to stabilize and  
2 straighten approximately 2,650 ft of waterfront at  
3 the proposed LNG Terminal site. The existing  
4 waterfront is a mix of timber sheeting, stone  
5 riprap and gravel bank. The new sheet piling will  
6 be driven landward of the existing sheeting. The  
7 LNG Terminal facilities will be located within the  
8 55-acre portion of the site that is located  
9 largely within a Massachusetts Designated Port  
10 Area ("DPA"). Approximately 0.6 acres of  
11 intertidal and subtidal habitat will be  
12 permanently filled by shoreline site development  
13 activities. The current site layout has  
14 eliminated the need to fill three small salt marsh  
15 areas as originally proposed. The project  
16 requires maintenance and improvement dredging of  
17 the existing 7-mile long Mount Hope Bay - Fall  
18 River Harbor Federal Channel and Turning Basin,  
19 construction of a new pier/jetty, and  
20 stabilization of the shoreline at the LNG Terminal  
21 site. Weaver's Cove anticipates that proposed  
22 maintenance and improvement dredging operations  
23 will occur within a footprint of approximately 200  
24 acres and will produce approximately 2.1 to 2.5

1 million cubic yards (in situ) of dredged material.  
2 Two dredge disposal alternatives remain under  
3 consideration by Weaver's Cove. The Project's  
4 preferred alternative is to dispose of all  
5 suitable dredged material offshore in Federal  
6 waters at the Rhode Island Sound Disposal Site  
7 ("RISDS") and/or the Massachusetts Bay Disposal  
8 Site ("MBDS"). An estimated 60,000 cubic yards of  
9 material beneath and around the existing wooden  
10 pier will be disposed of at an appropriate upland  
11 site (other than the LNG Terminal site). The  
12 second alternative proposes use of stabilized  
13 dredged material as engineered fill to develop the  
14 LNG Terminal site in Fall River, Massachusetts as  
15 depicted on sheet 6 of 38, Attachment A.

### 17 **Dredged Material Management Alternatives**

18  
19 The Applicant filed its December 2003  
20 FERC application, its Corps permit application and  
21 other documents with on-site placement of  
22 stabilized dredged material as its preferred  
23 dredged material management option. In the  
24 original dredging plan, the pace of dredging was

1 largely controlled by the pace of the on-site  
2 stabilization and placement effort. Relatively  
3 high dredging and placement rates (6,000 - 8,000 -  
4 10,000 CY/day) were programmed for the late  
5 spring, summer and early fall months when warm,  
6 generally drier conditions would be expected.  
7 These conditions facilitate the stabilization,  
8 drying and compaction necessary for placement of  
9 the material. Much lower dredging and placement  
10 rates (approximately 2,000 cy/day) were programmed  
11 for the cold, wetter months of the year.

12  
13 It was expected that one dredge would be  
14 used with locations programmed to match the  
15 seasonal placement rates (i.e., high rates in the  
16 Turning Basin in the summer months, intermediate  
17 rates in the "S-bend" area during the shoulder  
18 months, low rates in the southern reaches of the  
19 channel in the winter months). In total, the  
20 dredging effort was expected to require  
21 approximately 650 good production days over a  
22 period of approximately 975 to 1,000 calendar days  
23 (nearly 3 years). Allowances for weather delays  
24 and equipment related delays account for the

1 difference between 650 days and the nearly three  
2 year schedule.

3  
4           However, in order to work within agency  
5 recommendations for time of year restrictions for  
6 the protection of winter flounder eggs and larvae  
7 as well as the protection of the upstream  
8 anadromous fish migration, the Project is now  
9 proposing to place the suitable dredged material  
10 in a designated ocean disposal site(s). In the  
11 July 15, 2005 Certificate, FERC directs the  
12 Project to observe a January 15 through May 31  
13 dredge restriction for the protection of winter  
14 flounder eggs and larvae. With respect to the  
15 protection of the upstream anadromous fish  
16 migration in Massachusetts, the Massachusetts  
17 Wetlands Protection Act regulations stipulate a  
18 March 15 through June 15 restriction. The  
19 combination of the two restrictions would limit  
20 dredging to a seven-month season in Massachusetts  
21 (June 16 through January 14) of each year. As  
22 shown in Attachment B to the Weaver's Cove plan  
23 set, a dredging plan using offshore disposal and  
24 multiple dredges could be completed in three years

1 while observing these time of year restrictions.

2

3           The National Marine Fisheries Service  
4 (NMFS) has recommended that an expanded  
5 restriction be implemented for the protection of  
6 the upstream anadromous fish migration,  
7 specifically March 1 through July 31. When  
8 combined with the winter flounder restriction,  
9 this would limit dredging to a 5 1/2 month season  
10 (August 1 through January 14 of each year).

11

12           In support of the preferred offshore  
13 disposal alternative, a Tier III Sediment Analysis  
14 Plan ("SAP") was submitted to USEPA and the Corps  
15 in January 2004. The Tier III SAP included plans  
16 for further sediment sampling as well as the  
17 necessary bioassay and bioaccumulation analyses.  
18 The Tier III sampling plan was approved by the  
19 Corps and the USEPA on September 10, 2004. On  
20 April 11, 2005, Weaver's Cove provided the Corps  
21 and the USEPA with the full laboratory results and  
22 analysis from the Tier III sampling program.  
23 After an extensive review of the data, USEPA and  
24 the Corps concluded that all of the tested

1 sediments meet the criteria for acceptability for  
2 ocean disposal as described in Sections 227.6 and  
3 227.27 of the Ocean Dumping Regulations, and is  
4 suitable for unrestricted ocean disposal at the  
5 RISDS and/or MBDS under USEPA Region 1/USACE-NAE  
6 (2004) guidance.

### 7 8 **Potential Offshore Disposal Sites**

9  
10 The Rhode Island Sound Disposal Site was  
11 designated by the Environmental Protection Agency  
12 to be usable for disposal of dredged sediments in  
13 December 2004. Prior to its site designation, it  
14 was selected for temporary use and was employed  
15 during 2003-2004 for placement of over 5 million  
16 cubic yards of sediment from the Providence River  
17 (primarily from the Federal Navigation Project).  
18 All sediments disposed at this site have been  
19 determined suitable through case-by-case analyses.  
20 The site is monitored through the Corps Disposal  
21 Area Monitoring System (DAMOS) program. The DAMOS  
22 studies show that the site is a low energy  
23 environment such that sediments deposited at this  
24 location will remain within the site's boundaries.

1 The DAMOS monitoring has shown that distinct  
2 dredged material mounds have been formed at the  
3 site. Sediment deposited at the disposal site has  
4 not been found to affect areas outside the  
5 disposal site.

6  
7 The Massachusetts Bay Disposal Site is  
8 frequently used for disposal of bottom sediments  
9 from various harbors in the Boston area.  
10 Approximately 300,000 cubic yards of suitable  
11 sediments (suitability determined through case-by-  
12 case analyses) are deposited at this site  
13 annually. The site is monitored through the Corps  
14 Disposal Area Monitoring System (DAMOS) program.  
15 The DAMOS studies show that the site is a low  
16 energy environment such that sediments deposited  
17 at this location will remain within the site's  
18 boundaries. The DAMOS monitoring has shown that a  
19 distinct dredged material mound has been formed at  
20 the site. Levels of metals and organics in the  
21 sediments within the disposal site are generally  
22 above background levels, indicative of the  
23 industrial nature of the areas dredged that  
24 utilize the site. Sediment deposited at the

1 disposal site has not been found to affect areas  
2 outside the disposal site. The USEPA has  
3 designated the Massachusetts Bay Disposal Site  
4 usable for disposal of dredged sediments

5  
6 The dredged material has undergone  
7 physical, chemical, and biological testing and has  
8 satisfied the criteria for ocean disposal of  
9 dredged material as specified in part 227 of the  
10 Ocean Dumping Act regulations. It is our  
11 determination that the material is acceptable for  
12 disposal at these disposal sites.

13  
14 **Proposed Mitigation For Adverse Affects To**  
15 **Wetlands And Waterways**

16  
17 Weaver's Cove Submitted mitigation plans  
18 for permanent impacts to non-jurisdictional  
19 isolated vegetated wetlands on the North Parcel of  
20 the LNG Terminal site and for approximately 0.04  
21 of salt marsh fill on the South Parcel of the LNG  
22 Terminal site. As a result of the revised site  
23 layout depicted in the drawings referenced herein  
24 and Attachment A of the Weaver's Cove plan set,

1 salt marsh impacts are no longer proposed and  
2 mitigation for lost functions and values is no  
3 longer required. Notwithstanding, Weaver's Cove  
4 will continue to evaluate approximately 0.7 acres  
5 of on-site salt marsh restoration/creation in  
6 conjunction with other mitigation plans being  
7 developed for the project including an  
8 approximately 0.18 acre Palustrine, Scrub-Shrub  
9 freshwater wetland to compensate for impacts to  
10 the non-jurisdictional isolated vegetated wetlands  
11 on the North Parcel.

12  
13 In addition to the above wetland  
14 mitigation plans Weaver's Cove provided the Corps  
15 with proposed shellfish habitat mitigation plans  
16 and intertidal/sub tidal fill/winter flounder  
17 mitigation plans for review and comment. NMFS has  
18 indicated that approximately 11 acres of winter  
19 flounder spawning habitat may be impacted as a  
20 consequence of shoreline straightening and  
21 deepening and widening of the Turning Basin at the  
22 terminus of the Fall River-Mount Hope Bay Federal  
23 Navigation Channel. These plans remain under  
24 review by the Corps and other resource agencies

1 and are available for public review on the Corps  
2 Internet site [www.nae.usace.army.mil](http://www.nae.usace.army.mil) under the  
3 link Regulatory Public Notices.

#### 4 5 **Work Proposed By Mill River**

6  
7 The facilities to be constructed by Mill  
8 River include two 24-inch diameter pipeline  
9 laterals and associated facilities that will  
10 connect the Weaver's Cove LNG Terminal to the  
11 existing pipeline facilities of Algonquin Gas  
12 Transmission Company ("Algonquin," a subsidiary of  
13 Duke Energy Corporation). The proposed  
14 approximately 2.5 mile Western Lateral will be  
15 located in Fall River, Somerset, and Swansea. It  
16 will cross under the Taunton River and then  
17 traverse in a westerly direction principally  
18 within an existing electric transmission corridor.  
19 Approximately 33,000 cy of material will be  
20 dredged for pipeline installation under the  
21 Taunton River. The proposed approximately 3.6  
22 mile Northern Lateral will follow an existing  
23 pipeline right-of-way from Fall River into the  
24 Town of Freetown.



1 approximately 200 acres of Essential Fish Habitat  
2 (EFH) for the following species and life stages:  
3 haddock (larvae), red hake (larvae, juveniles, and  
4 adults), winter flounder (all life stages),  
5 windowpane flounder (all life stages), American  
6 plaice (larvae, juveniles, and adults), American  
7 sea herring (larvae, juveniles, and adults),  
8 bluefish (juveniles, and adults), Atlantic  
9 mackerel (all life stages), summer flounder  
10 (larvae, juveniles, and adults), Scup (all life  
11 stages), black sea bass (juveniles, and adults),  
12 King mackerel (all life stages), spanish mackerel  
13 (all life stages), and cobia (all life stages).

14 This habitat consists primarily of subtidal  
15 bottom. The impacts on essential fish habitat  
16 from this project include shading of the bottom  
17 from the fixed structures (note: shading from new  
18 pier will be offset by removal of existing pier)  
19 temporary water quality impacts from suspended  
20 sediment during the dredging, the permanent loss  
21 of approximately .6 acres of the aquatic habitat  
22 areas as a result of filling inter-tidal areas for  
23 site development, and temporary loss of bottom  
24 habitat during the Taunton River pipeline

1 construction (dredging and refilling of trench).  
2 To minimize these impacts, the Applicants have  
3 agreed to use a closed or "environmental bucket  
4 for all work in soft depositional sediments and  
5 will conduct the dredging operations without  
6 significant scow overflow. As previously  
7 described, time of year restrictions for the  
8 protection of winter flounder eggs and larvae as  
9 well as the upstream anadromous fish migration  
10 will be observed. All suitable dredged material  
11 will be placed in a designated offshore disposal  
12 site (RISDS and/OR MBDS).

13  
14 The Corps District Engineer has made a  
15 preliminary determination that the site-specific  
16 impacts may be more than minimal. An expanded EFH  
17 Assessment is being reviewed by the NMFS and  
18 further consultation with NMFS regarding EFH  
19 conservation recommendations will be concluded  
20 prior to the final permit decision.

21  
22 In order to properly evaluate the  
23 proposal, we are seeing public comment. Anyone  
24 wishing to comment is encouraged to do so.

1 Comments should be submitted in writing by the  
2 date in the title block above. If you have any  
3 questions, Please contact Ted Lento at (978) 318-  
4 8863 or (800) 362-4367, if calling from within  
5 Massachusetts.

6  
7 PUBLIC HEARING LOCATIONS

8  
9 December 14, 2005

10 BMC Durfee High School

11 Robert J. Nagle Auditorium

12 360 Elsbree Street

13 Fall River, MA

14  
15 December 14, 2005

16 Mt. Hope High School

17 Performing Arts Center

18 199 Chestnut Street

19 Bristol, RI

20  
21 Registration begins at 4:00 p.m.

22 Hearing begins at 5:00 p.m.

23 Hearing Ends when public comments are  
24 complete (not later than 10 p.m.)

1 All interested Federal, State and local  
 2 agencies, interested private and public  
 3 organizations, and individuals are invited to  
 4 attend either of these public hearings. Persons  
 5 wishing to provide oral comments are required to  
 6 register prior to the start of each hearing. Time  
 7 limitations may be imposed on all comments  
 8 received during the hearings.

9  
 10 /s/  
 11 Karen K. Adams  
 12 Chief, Permits & Enforcement Branch  
 13 Regulatory Division

14  
 15 \* \* \* \* \*

16  
 17 MODERATOR ROSENBERG: A transcript of  
 18 this hearing is being made to assure a detailed  
 19 review of all the comments. A copy of that  
 20 transcript will be available at our Concord,  
 21 Massachusetts, headquarters for review, on our Web  
 22 site for your use for downloading, and that should  
 23 be available within two or three weeks, or you may  
 24 make your own arrangements with the stenographer

1 for a copy at your own expense.

2 Individuals speaking today will be  
3 called to the microphone in the order they signed  
4 in and as provided for by our hearing protocol  
5 that is distributed in the reception area.

6 When making a statement, come forward to  
7 one of the microphones on either side at the  
8 bottom of each aisle, state your name and the  
9 interest you represent.

10 Now, as we have many that are here and  
11 want to provide comment, you will be provided five  
12 minutes, no more. Once again, please, try to keep  
13 within this time restriction so we avoid denying  
14 others at the end of this day the opportunity to  
15 speak. Thank you.

16 Now, the traffic signal in front of me  
17 indicates the following. The green light will  
18 come on indicating that there are two minutes  
19 left. The amber light indicates one, and of  
20 course, the red indicates the time has expired.

21 Please, identify if you're speaking for  
22 or representing a position of an organization. If  
23 you're speaking for yourself, just say so. Now, I  
24 want to emphasize, again, that all who wish to

1 speak will have an opportunity.

2           Once again, we have an additional  
3 stenographer located outside the hearing room,  
4 should you wish to dictate an individual statement  
5 for the record. Now, once again, there are no  
6 time restrictions on those statements.

7           We will now begin to receive your  
8 comments. Before we start, I'd like to thank  
9 Nancy Langrall representing Senator Jack Reed for  
10 coming this evening and Charlie Hawkins from  
11 Senator Lincoln Chafee's office and Paula Bradley  
12 from Congressman Kennedy's office.

13           Thank you all for coming to see this  
14 hearing.

15           First speaker this evening, Raymond  
16 Gallison, Representative. Thank you, sir.

17           REP. RAYMOND GALLISON: Good afternoon.  
18 Thank you for allowing me to testify this evening.

19           From the outset, let me, once again,  
20 state my disappointment that we are even here  
21 today and how disappointed I am with the Army  
22 Corps of Engineers.

23           Initially, when the Federal Energy  
24 Regulatory Commission held their environmental

1 impact hearings, you attempted, in my opinion, to  
2 sneak these dredging hearings through at the same  
3 time. You stated that you would use the testimony  
4 at the FERC hearings in your decision-making  
5 process for the proposed dredging of Mount Hope  
6 Bay by Weaver's Cove Energy.

7 Thankfully, the congressional  
8 delegations from Rhode Island and Massachusetts  
9 interceded, and we're here this afternoon. I am  
10 disappointed with the time of this hearing; 5:00  
11 p.m. is, by far, much too early to allow greater  
12 participation by those citizens still working or  
13 on their way home. This can only lead to the  
14 conclusion that this hearing, as were the FERC  
15 hearings and the Coast Guard hearings, a put up  
16 jobs just to placate the opponents of the Weaver's  
17 Cove, LLC proposal.

18 After all, as Baker/Botts, the law firm  
19 hired by many LNG terminal operators, stated in  
20 their IGRA Foundation mid-year term meeting on May  
21 5, 2005, and I quote, "President Bush has touted  
22 he wants five new LNG terminals," along with the  
23 need to improve LNG siting procedures. FERC wants  
24 it, and as the opposition, we use scare tactics,

1 raise hair triggering and emotional arguments and  
2 non-factual information about the safety of LNG.

3 From these statements, it is quite  
4 obvious that the Army Corps of Engineers, FERC and  
5 the Coast Guard have their marching orders, which  
6 are push the thing through and to hell with the  
7 citizens living in the area of the Weaver's Cove  
8 facility, as well as those residents living and  
9 working along the route of the LNG super tankers.

10 This last statement is evidenced by the  
11 Army Corps of Engineers' own public notice dated  
12 November 1, 2005. In that notice, you stated that  
13 the dredged material is acceptable for disposal at  
14 offshore disposal sites. You also state that you  
15 will only permit dredging at certain times of the  
16 year to mitigate possible harm to winter flounder  
17 and other species in Mount Hope Bay.

18 I believe your assessments are totally  
19 flawed, and I know your conclusions will be  
20 refuted by experts here today. They will totally  
21 dispel the myth that these materials are  
22 acceptable for dumping offshore. Also, we will  
23 hear from people like Bob Morris, who I hope made  
24 it here this afternoon, who's a commercial

1 fisherman who is trying to make his living on  
2 Mount Hope Bay and who has extensive knowledge and  
3 information regarding the chemicals that are in  
4 Mount Hope Bay.

5 In my 27 years of living on Mount Hope  
6 Bay, I have personally witnessed the decline of  
7 fish stocks in Mount Hope Bay. This fact has been  
8 substantiated by Mark Gibson, from the Rhode  
9 Island Department of Environmental Management, as  
10 well as the staff of the Environmental Protection  
11 Agency. They have attributed the declines of fish  
12 stocks to the problems being caused to Mount Hope  
13 Bay by the Brayton Point Power Plant and the  
14 chemical dumping into the Taunton River.

15 We know that carcinogenic chemicals such  
16 as mercury and arsenic have been dumped into the  
17 Taunton River and Mount Hope Bay. These elements  
18 are now sitting on the bottom. Disturbing these  
19 elements by dredging the channel in Mount Hope Bay  
20 will only increase these chemicals to become  
21 disbursed in other areas of Mount Hope Bay.

22 We know that Mount Hope Bay only flushes  
23 itself out seven times per year, which means that  
24 these chemicals will float around that body of

1 water before settling in another location. The  
2 result will be a chemical barrier in Mount Hope  
3 Bay that will prevent fish from entering these  
4 waters, along with the destruction of larvae, as  
5 well as fish kills.

6 What we have to do is to look at the  
7 experience in Greenwich Bay two summers ago when  
8 we had tremendous fish kills. Let us not forget  
9 that people also will use Mount Hope Bay for  
10 boating and swimming. They will face increased  
11 risk through chemical exposure.

12 As I stated earlier, it's quite evident  
13 that the federal agencies have their marching  
14 orders from the current administration in  
15 Washington. After all, we don't have a national  
16 energy policy. What we have is a pro big  
17 corporate administration that seeks to maximize  
18 the profits of energy companies.

19 Case in point, the state of Wyoming has  
20 a tremendous natural gas reserve, and what is  
21 Wyoming looking to do? They're looking to export  
22 natural gas to China. November 14th and 15th of  
23 this year, I had the opportunity to attend a  
24 conference at George Washington University, in

1 Washington, DC. I had the honor of meeting the  
2 Speaker of the House of Representatives from  
3 Wyoming. He told me his purpose in attending that  
4 conference was to learn how his state could export  
5 natural gas to China.

6 Wyoming is looking at a natural gas  
7 pipeline up through Montana, through Canada, into  
8 the West Coast. They will liquify the natural gas  
9 to LNG and then transport it to China. Something  
10 is drastically wrong with this picture. We should  
11 be transmitting the natural gas to the New England  
12 region and not exporting it to China.

13 But what can we expect when we have a  
14 President who touts the need to construct five new  
15 LNG import terminals? He would rather import  
16 natural gas from foreign countries than have the  
17 U.S. become energy self-sufficient, but we can't  
18 let that flawed mentality prevail.

19 So today I call upon Rhode Island  
20 Governor Carcieri and Massachusetts Governor  
21 Romney, along with the rest of the New England  
22 governors, to seriously explore with the Governor  
23 of Wyoming the construction of a trans-Wyoming/  
24 Montana/Canadian natural gas pipeline to supply

1 the New England region with Wyoming natural gas.

2           While it is disappointing that the  
3 Federal Government will not listen to the people,  
4 so much for government of the people, by the  
5 people and for the people. I find it  
6 unconscionable that our Federal Government would  
7 rather put its citizens in harm's way by siting an  
8 LNG facility in Fall River, as well as allowing  
9 1,000 foot super tankers to travel 29 miles from  
10 the mouth of Narragansett Bay, in Newport, up to  
11 Fall River with tankers traveling under Fall River  
12 bridges along with totally destroying the ecology  
13 of Mount Hope Bay.

14           But why am I not surprised? After all,  
15 as the editorial staff of the East Bay Newspaper  
16 aptly stated, Weaver's Cove Energy and Mr. Hess  
17 will gain billions of dollars if we allow the  
18 dredging of Mount Hope Bay, and all we will get is  
19 mud, contaminated mud, at that.

20           Thank you.

21           (Applause.)

22           MODERATOR ROSENBERG: Thank you, sir.

23           (Applause.)

24           MODERATOR ROSENBERG: Thank you, sir.

1           Our next speaker is Bruce Long.

2           REP. BRUCE LONG: Gentlemen, my name is  
3 Bruce Long. I'm a State Representative, District  
4 74, in Rhode Island. I represent Middletown and  
5 Jamestown, and like many of the people who are  
6 here tonight, I have followed this process from  
7 the very beginning, to the earliest hearings up at  
8 Rhode Island College to where we are today.

9           This hearing today is located  
10 appropriately, but as Representative Gallison  
11 says, a 5:00 hearing is very difficult. I came  
12 from Middletown, and there was no way off of the  
13 island in which I reside because both roads are  
14 under construction.

15           The issue of the suitability  
16 determination was another one that bothered me a  
17 great deal because, in the report that was filed  
18 by the Army Corps, I couldn't find it. I actually  
19 thought I was going to come here and ask why are  
20 we meeting without a suitability determination of  
21 the dredge. After greater research, I found that  
22 it was available. It had been completed.

23           In regard to Mr. Carvalho, granted, he  
24 did get up and speak out of turn, but I thought

1 the point that he made was appropriate because I'd  
2 not really seen such a large overview of the  
3 project site and could really understand the  
4 impact of how the neighbors are affected. I've  
5 heard them speak about the distance between the  
6 facility, proposed facility, and neighbors, but it  
7 makes it so clear when you see the picture.

8           Gentlemen, ma'am, I have been opposed to  
9 the LNG facility proposed by Weaver's Cove Energy  
10 since they first came to my attention. My  
11 opposition has been based on my concerns about the  
12 economic and environmental impacts, as well as the  
13 safety concerns highlighted in the Sandia Report.

14           I'm here tonight though to voice my  
15 concerns about the environmental and economic  
16 impacts associated with this project and,  
17 specifically, the 2.5 million cubic yards of  
18 dredging that will be necessary.

19           The Final Environmental Impact Statement  
20 acknowledges that the dredging will negatively  
21 affect many species of fish, including winter  
22 flounder. I understand that Weaver's Cove Energy  
23 has agreed to observe a dredging window that will  
24 restrict the time of year that dredging can occur,

1 as was presented, though I'm curious as to the  
2 comment that was made regarding they're looking at  
3 that more. I don't know if that means they're  
4 looking at more dredging time or less dredging  
5 time in order to avoid the winter flounder  
6 spawning and larvae presence and anadromous fish  
7 migration.

8 A dredging window will reduce, but not  
9 eliminate, impacts to the fisheries. Considering  
10 that many species, including winter flounder, are  
11 already stressed in Mount Hope Bay to the impacts  
12 of the Brayton Power Plant, I believe that any  
13 further impacts are unacceptable.

14 In addition to the turbidity caused by  
15 the dredging, itself, and the associated  
16 suspension of contaminants that will affect the  
17 fisheries, the dredging will permanently alter 11  
18 acres of flounder spawning habitat, and I don't  
19 believe that that had been mentioned. It is in  
20 the report. There's a great deal of horizontal  
21 dredging that will take place.

22 Mount Hope Bay serves as a nursery area  
23 for winter flounder and other species that inhabit  
24 Rhode Island waters. Although most of the

1 dredging takes place in Massachusetts waters, I  
2 believe, as a representative of Rhode Island, I  
3 must express my concerns because the fish that  
4 will be affected by this project do not recognize  
5 state boundaries.

6           What happens in Mount Hope Bay will  
7 affect the fisheries in Narragansett Bay and Rhode  
8 Island's territorial waters. The applicant has  
9 proposed mitigation for the permanent loss of  
10 these 11 acres of winter flounder spawning  
11 habitat; however, there has been no analysis in  
12 the Environmental Impact Statement of the economic  
13 losses associated with either the short or long  
14 term impact to the fisheries.

15           In my opinion, if we consider the  
16 historical value of winter flounder to the economy  
17 and the cultural heritage of, both, Massachusetts  
18 and Rhode Island, the proposed \$500,000 mitigation  
19 is woefully inadequate.

20           I understand that the suitability  
21 determination has been made by the EPA and that  
22 almost all the dredged material will be taken to  
23 Site 69B. However, the Secretary of Commerce has  
24 ruled that Weaver's Cove Energy application must

1 be approved by the Coastal Resources Management  
2 Council before the project can move forward.

3 Now, this is interesting because it was  
4 the contention of Weaver's Cove that that wasn't  
5 necessary and that CRMC in Rhode Island petitioned  
6 the Secretary of Commerce, and the Secretary ruled  
7 in the people's favor in Rhode Island. I'm  
8 disappointed that we have to go through that  
9 process to reach that point.

10 I want my constituents to know that I  
11 will be following this project through the CRMC  
12 Category B application process. I will be sure  
13 that the council hears my testimony against this  
14 project as the Corps is hearing tonight.

15 Now, I've avoided all of the testimony  
16 in regard to the issues of danger and -- FERC went  
17 through that and, with all of that, still granted  
18 approval. And so we're relying on the Army Corps  
19 of Engineers looking at the science and the impact  
20 to our local fishing economy, the impact of -- and  
21 since it seems apparent that the dredge would be  
22 moved back out into Rhode Island Sound, the  
23 spillage of the dredge being moved is something I  
24 have great concern with. I understand that there

1 was some slight spillage when they did the  
2 Providence River dredging.

3           So I present this to the Corps, and I  
4 anticipate, unlike Representative Gallison, I  
5 anticipate that you will come back and say that it  
6 is inappropriate and that what these folks are  
7 here tonight are asking for -- we need and want  
8 more energy, but we want a suitable appropriate  
9 siting of LNG facilities, and that's all that  
10 we're asking for.

11           Thank you.

12           (Applause.)

13           MODERATOR ROSENBERG: Thank you, sir.

14           Our next speaker, Mr. Patrick Lynch.

15           ATTY. GEN. LYNCH: Coming.

16           MODERATOR ROSENBERG: Sir?

17           ATTY. GEN. LYNCH: Good evening. I  
18 don't know if this will work. Will this pick up  
19 my voice okay for all of you? I know I'm standing  
20 close to you.

21           I want to, first of all, thank you for  
22 taking the time to allow me and so many of the  
23 citizens of Rhode Island and Massachusetts joined  
24 in unison, and across the board, public officials,

1 citizenry, to reach out to wherever we can to  
2 demand a full, fair, thorough review of this, and  
3 you providing this forum I think goes a long way  
4 to allowing just that.

5 I will be taking advantage of an  
6 opportunity to present more full comments in  
7 writing to you, so I'll try, just as briefly as I  
8 can, recognizing the number of people that are  
9 interested in speaking today, to try to just hit  
10 the highlights of my comments, and some of you may  
11 have heard me speak before because I know you have  
12 involvement in the ongoing FERC analysis as well.

13 However, with that said, I want to, at  
14 least, set the context. To me, context is always  
15 important. I usually try to start with that. I  
16 am the Attorney General of Rhode Island. I also  
17 serve as a district attorney in that capacity.  
18 Nobody calls me that. Some people call me a lot  
19 of other things.

20 But it's important, in as much that  
21 while I recognize fully, I should say at the  
22 outset of my comments as well, that the primary  
23 focus of your analysis at this point is the  
24 dredging and the impact on our environment, the

1 disposal of what I call sludge, what I think is  
2 more politically convenient term that sells better  
3 is dredged material, that that's the primary  
4 focus, and certainly, I'd like to comment on that  
5 briefly, but I also will touch upon other issues  
6 which I think are critically important and I think  
7 fall under the umbrella of responsibilities to the  
8 Army Corps of Engineers, perhaps less or moreso to  
9 the Army and less so to the Engineer Division of  
10 it, but I think the health and safety issues are  
11 important, so I'll refer to them, briefly.

12 I guess the first point to make is the  
13 question of why are we all here. Not only is it,  
14 I don't know, nine days until Christmas, so I  
15 haven't started shopping yet, but people have  
16 mentioned the bridge and the passage of a law in  
17 Washington which, essentially, at this point, and  
18 I would highlight the Coast Guard saying that  
19 they're not going to change the law or do anything  
20 against with the laws change, is that the  
21 Brightman Street Bridge, with that change in  
22 Washington, the question is, why are we spending  
23 tax dollars and our time assembling here until  
24 that hurdle is passed.

1 I guess it's in anticipation of  
2 something happening in the future that would  
3 change that, but it strikes me as somewhat  
4 potentially as a waste of time for all of us here,  
5 but however, with that said, I guess I'll just  
6 state my concerns on the record.

7 One, to the environment. I mean, I  
8 think immediately, and again, I say context, not  
9 only as the Attorney General, I'm a citizen, not  
10 only a resident of Pawtucket originally, I lived  
11 in Touisset Point in the summer for all of my  
12 young life because it is my parents' home, and  
13 spend most of my summer afternoons, when I can  
14 steal away from the office, with my kids on a Bay  
15 that I consider my Bay, along with everybody else  
16 around here. I know there are some Touisset  
17 residents and everyone else, but I literally grew  
18 up on those waters.

19 More importantly, when I think of the  
20 impact that this is going to have, and this gets  
21 more, I guess, as societal impacts that I think  
22 are part of what your considerations are, I  
23 learned how to fish, learned how to swim, learned  
24 how to sail, although not well, on that Bay.

1           My children, now nine and eight, and  
2 their 15 cousins or my nephews and nieces, all of  
3 our family members and our friends assemble each  
4 day to look out at that water. I spend a great  
5 deal of my time kayaking. One of my favorite  
6 places to go with my children is Spar Island to  
7 picnic and hang around.

8           I, both from a scenic perspective and,  
9 frankly, from a safety perspective, fear that for  
10 three years I'll be crossing out in those waters  
11 while there's this monstrous fork going down and  
12 ripping up our Bay. I think that's wrong on its  
13 face, both, from a visual perspective, a visceral  
14 perspective and, also, obviously, literally.

15           Literally, you've heard some of the  
16 great comment. I got here a little bit late, but  
17 I heard Representative Long, the incredible damage  
18 that will only deepen. The real tragedy that's  
19 been ongoing in our Bay, I think a lot of it, in  
20 measure that I've been involved with fighting  
21 Brayton Point during my administration of damages  
22 done, this will only further cause further damage  
23 to those beds even with, I know you've tried to be  
24 respectful of a certain period of time, but

1 frankly, all that does is extend it from a three  
2 year window, to my calculation, to a five or six  
3 year window of dredging during the maximum summer  
4 hours when we, as a community, are enjoying it at  
5 its fullest. I think that's wrong.

6 The dredge materials, themselves, I  
7 think an important thing to highlight is that this  
8 isn't about maintaining a seven mile duct by  
9 scraping some to maintain a depth. The petition,  
10 as I have read it and my staff has read it, is  
11 that it increases that from 35 to 37 feet.

12 Now, I think that brings up a host of  
13 other issues which may bring us, in all  
14 likelihood, to other forums, which I'll address in  
15 the future, but I think for your consideration,  
16 this isn't a maintenance dredging.

17 This is a dramatic change of the use of  
18 the Bay by scraping away what, in my estimation,  
19 both, for the bay state and for the Ocean State,  
20 is a literal, a literal, taking of land, land  
21 that, obviously, is precious, again, from a human  
22 perspective, but also from the environmental  
23 perspective and all the things that we enjoy, live  
24 and nourish off that land that will be literally

1 ripped away, and while some may diminish, the  
2 content of that soil, and you say that we can all  
3 live with "x", you know, volume of mercury and "x"  
4 volume of arsenic, I cannot.

5 I am troubled by the fact that that will  
6 be disrupted, put up into the water, itself, and  
7 then, as the water changes and comes in with the  
8 tides, it will affect the full expanse of  
9 Narragansett Bay.

10 And then, of course, the issue which I  
11 was involved with, with the Providence dredging,  
12 it took 15 years to get that done, and the most  
13 important issue there was where are we going to  
14 put it. We finally identified spots with the help  
15 of the Army Corps of Engineers and other great  
16 talents. Now, we're going to fill up those  
17 allotted spots just so we can put millions of  
18 dollars in some energy interest's pockets. That's  
19 wrong.

20 It goes back to me, it goes back to the  
21 basic thing that I'll stand here and say LNG is a  
22 good thing, but when we look at these elements,  
23 and we look at the cost associated with them,  
24 environmental society, and I must mention, as I

1 said, the safety impacts, Army, we have the Navy  
2 now joining us to say that the safety is at risk  
3 here, too. Everything is at risk.

4 The things are at stake when, most  
5 importantly, there are other viable alternatives.  
6 Recently, if you look, there are 20 alternatives  
7 listed. I've never seen anyone suggest that we  
8 need any more than, you know, two places, total,  
9 in all of New England. Yet, we get in these  
10 proceedings, we drag everybody out just before  
11 Christmas, and we all come and torture you by  
12 yelling at you or begging of you to respond to  
13 save our environment, to save our precious Ocean  
14 State when there are other viable alternatives.

15 To me, it just quite simply shocks the  
16 conscience that we have to go through these  
17 rituals, and force you through it as well, hoping  
18 that you will go against the tide, and the tide,  
19 in this instance, is one that will become muddied  
20 with discharge that you're ripping from our  
21 valuable Bay and scarring forever, forever, the  
22 great place that we call the Ocean State that the  
23 energy interests want to stick in their pocket and  
24 run away with the profit from it.

1 I beg of you to make a fair analysis,  
2 recognize the dramatic changes that are being  
3 made, hear the people of those two states and  
4 force those interests to seek another alternative.

5 Merry Christmas.

6 MODERATOR ROSENBERG: Thank you, sir.

7 (Applause.)

8 MODERATOR ROSENBERG: Thank you, sir.

9 (Applause.)

10 MODERATOR ROSENBERG: I've been handed a  
11 note from the fire marshal. There are three cars  
12 parked against the exit doors and they must be  
13 moved immediately. We have a Mazda from Rhode  
14 Island, plate number BI382, a Toyota from  
15 Massachusetts, JG-1 and a Mercury from  
16 Massachusetts, license number 5276SP or 5P. I  
17 would move them before they are moved for you.

18 Our next speaker is David Barbozza.

19 DAVID BARBOZZA: Mr. Moderator, if I  
20 may, while I am a member of the town council, our  
21 highest elected official is here, Diane Mederos,  
22 and if you wouldn't mind, I would rather switch  
23 spots with her, let her go first. I believe she's  
24 probably next on the list.

1 MODERATOR ROSENBERG: She is.

2 DIANE MEDEROS: Thank you, and thank  
3 you, Councilman Barbozza.

4 I am Diane Mederos. I am Bristol Town  
5 Administrator, and as the chief elected official  
6 of the Town of Bristol, I am here today to voice  
7 my concern and objection on behalf of the citizens  
8 of Bristol to the application of Weaver's Cove  
9 Energy and Mill River Pipeline to conduct dredging  
10 in Mount Hope Bay.

11 I will not invoke the words of  
12 Shakespeare, however, appropriate they may be,  
13 though I think that the sentiments voiced at  
14 yesterday's hearing in Fall River, as reported  
15 today in The Journal, were fitting. I will not go  
16 into detail regarding Bristol town officials'  
17 early and aggressive efforts against the  
18 application of Weaver's Cove to construct and  
19 operate an LNG terminal in the city of Fall River.  
20 That is well known.

21 Although we, in Bristol, have been in  
22 the forefront in our vigorous opposition to this  
23 project, as it is referred to in this current  
24 application, for more than two years now, there

1 have been many public remarks by Bristol officials  
2 made concerning this opposition in other forums  
3 and before other government entities, including  
4 the Federal Energy Regulatory Agency and the U.S.  
5 Coast Guard.

6 Our Representatives Gallison and Long  
7 and Attorney General this evening have touched on  
8 environmental concerns, and others will do that  
9 this evening as well. What I'm here to emphasize  
10 in response to the application to dredge the  
11 channel is the following:

12 Bristol has been ferocious in its effort  
13 to hold onto our status as a small town community.  
14 A good part of our character and our personality,  
15 and certainly one of our strengths, is Bristol's  
16 strong association with our shellfishing  
17 community, which is an active and important  
18 element of our daily life here.

19 Our concern is that approval to dredge a  
20 deep channel and basin for LNG tankers, as is  
21 being proposed, will negatively impact for all  
22 time the fish and shellfish habitat. It will be  
23 dramatic, disruptive and we believe potentially  
24 devastating in spite of efforts to mitigate this

1 impact.

2           So I'm here on behalf of those Bristol  
3 citizens who make their living in Mount Hope Bay,  
4 those shellfishermen who provide for their  
5 families by working on the water and those in my  
6 community who would be negatively impacted by this  
7 proposal to dredge a seven mile long channel in  
8 the bay over a period of what could be several  
9 years producing some 2.6 cubic yards of sediments  
10 and disposing of it in a yet undetermined area.  
11 In other words, all of us.

12           I join with those who spoke last evening  
13 and those who will speak this evening in opposing  
14 this application before you.

15           Thank you.

16           MODERATOR ROSENBERG: Thank you, ma'am.

17           (Applause.)

18           MODERATOR ROSENBERG: Next speaker,  
19 Mr. Barbozza.

20           DAVID BARBOZZA: Good evening and  
21 welcome to Bristol, which can be likened to the  
22 mouse that has roared. We're a small town and a  
23 small state, but as Ms. Mederos has stated, we've  
24 been at the forefront, thanks to the leadership of

1 Representative Ray Gallison, in opposing LNG.

2 We've had a lot of mice that have  
3 followed us, and we didn't have to entice them  
4 with cheese. They came along knowing of the  
5 potential disaster that this poses to not only the  
6 town of Bristol, but all of the shoreline  
7 communities.

8 I've spent over 30 years in public  
9 safety, and I'm certainly not going to reiterate  
10 what you have probably heard, the unparalleled  
11 hazard that this LNG terminal presents to all of  
12 us, but I would ask that the Army Corps of  
13 Engineers take the common sense approach to this,  
14 and Colonel, I'm glad that you mentioned that you  
15 can reasonably foresee a problem with the  
16 Brightman Street Bridge.

17 A parallel I could give you would be  
18 like someone coming before your agency that you  
19 would have jurisdiction that would like build a  
20 road because someone at the end of the road wants  
21 to be able to build a bridge to the moon. You,  
22 certainly, can build the road, but you're not  
23 going to get to the moon. It's not going to  
24 happen.

1           In this particular case, with the  
2 Brightman Street Bridge being there, as you're  
3 well aware, certainly, this is not feasible.

4           I also read with interest, and I know  
5 this came up at last night's hearing, regarding  
6 Mass. 401 certification which, certainly, could  
7 drag this project on for ten to twelve years, as  
8 far as the dredging is concerned, which is under  
9 your auspices, and you know, that certainly has  
10 the socioeconomic impact on all of us, especially,  
11 in the summer months.

12           Most of this dredging is going to be  
13 done in prime boating season, and as the Attorney  
14 General pointed out, we're known as the Ocean  
15 State. Imagine people wanting to use their water  
16 craft and being out there enjoying the Bay,  
17 enjoying Mount Hope Bay, Narragansett Bay with all  
18 this going on.

19           This project is certainly flawed on so  
20 many fronts, which I know that you've heard  
21 before, and my purpose of being here today is just  
22 to reiterate not only my personal support, but  
23 also that of the resolve of the public officials  
24 from the Town of Bristol. I know there are some

1 other ones here beside myself and Ms. Mederos, our  
2 constituency. I mean, I drive through Bristol. I  
3 see the "No LNG" signs, and I think we've been  
4 loud and clear.

5 So I want to be on the record that,  
6 certainly, our resolve is firm. We're not going  
7 away, even though FERC is trying to ram this down  
8 our throats. I thought it was quite interesting  
9 and almost incongruous that it's nice of Weaver's  
10 Cove to say, well, we're going to protect the salt  
11 marsh, that's wonderful, when all of us could be  
12 blown up. I mean, that certainly doesn't make a  
13 lot of sense.

14 So I'd ask, once again, just to try to  
15 wrap this up, please, use common sense and realize  
16 the probable impact that this will have on the  
17 public, and I thank you once again for being here.

18 MODERATOR ROSENBERG: Thank you, sir.

19 (Applause.)

20 MODERATOR ROSENBERG: Our next speaker  
21 is Halsey Herreshoff.

22 HALSEY HERRESHOFF: Good evening, and  
23 thank you very much. I, first of all, want to  
24 thank the Corps of Engineers for having this

1 hearing, which is a very welcome opportunity for  
2 those of us who are interested in this to speak  
3 out, and I thank the Chairman for conducting the  
4 hearing in such a courteous way.

5 I speak in opposition to this whole  
6 idea, like my colleagues in government. We feel  
7 that this is an unwarranted hazard to what we  
8 consider a very beautiful place and to a citizenry  
9 who don't want anything to disturb what is here, a  
10 very special and fine way of life.

11 My opposition relates to a number of  
12 factors. Each one of them is enough to say, don't  
13 have this LNG come in, but when you put together  
14 all the different factors of ecology, beauty of  
15 our place, the disruption, the hazards and  
16 somebody else from the outside that we didn't  
17 invite coming in and altering so much of our way  
18 of life. All those things together mean that we  
19 just should not have this project at all.

20 Now, what have we got here? We've got  
21 what many people from outside, as well as we Rhode  
22 Islanders, regard as the finest waterway for  
23 recreational boating in the whole United States.  
24 Narragansett Bay and Buzzards Bay and Mount Hope

1 Bay are just very, very special, and yet they're  
2 fragile.

3 Now, as far as the ecology goes, there's  
4 been a tremendous effort in recent years  
5 spearheaded by the fine organization of Save the  
6 Bay to clean up Mount Hope Bay, and it's been  
7 quite successful, and that's a big help to the  
8 interests that have been mentioned by other  
9 speakers and to the sailors at Roger Williams  
10 University and all of us who like recreational  
11 boating, and to come in here and suddenly for  
12 years, apparently, be digging around and  
13 disrupting this great ecology that we have would  
14 be a great mistake.

15 Just as an example, about 15 years ago,  
16 the towns of Bristol and Warren had to put a  
17 pipeline across the Providence River to bring  
18 fresh water to our towns, and it was judged that  
19 we shouldn't open a 3 foot wide trench for a  
20 period of six weeks because it would hurt the  
21 Providence River's ecology, and consequently,  
22 these towns had to spend about \$15 million to bore  
23 a hole under the river, quite an expensive  
24 process, just to save having that 3 foot trench.

1           So now you're talking about coming in  
2           and taking out millions and millions of cubic feet  
3           in a huge trench, the process occupying three plus  
4           years. It's just so much larger than the small  
5           hazard that we endured that I think it makes no  
6           sense at all.

7           Now, I happen to be a sailor, and that  
8           means something for a couple of regards. It means  
9           I have a special appreciation of the Bay. It also  
10          means that, as a former naval officer and somebody  
11          who's sailed thousands of miles, I'm very familiar  
12          with the management of ships.

13          Twenty-five years ago, we had a ship hit  
14          one of the towers of the Mount Hope Bridge.  
15          Fortunately, it was a small ship. It pretty  
16          nearly knocked it down, but it wasn't enough to do  
17          that.

18          Secondly, I'm very conscious of the fact  
19          that this trench that is proposed, even though  
20          it's big in regard to the fish and clams and  
21          ecology and our young people swimming, it's not  
22          very wide when you're talking about a mammoth  
23          thousand foot ship, and I'm understanding that the  
24          long term plan is to build even bigger ships.

1           What's going to happen is that they're  
2 going to come in here and try to thread the needle  
3 of this narrow channel that's proposed, and  
4 there's going to be a gale or there's going to be  
5 a little lapse by the operators of the ship, and  
6 they're going to get a little off course, and  
7 they're going to run aground, and they're going to  
8 be out there for a long, long time until they  
9 finally get off.

10           Well, if they survive that on most of  
11 the trips, then they might hit the Braga Bridge  
12 and knock it down, and that'll be disruptive, and  
13 certainly, the other bridge, the historic bridge,  
14 is an impossible one for them to transit, so that  
15 shouldn't happen.

16           But my being a sailor relates also to a  
17 huge desire that we preserve the great  
18 recreational waterway that we in Bristol and all  
19 of Narragansett Bay and Newport enjoy. We conduct  
20 yacht races every year. We had the America's Cup  
21 here for a long time.

22           We have great organizations all the way  
23 from the New York Yacht Club to Save the Bay to  
24 Bristol Yacht Club and other organizations, and

1 we're told that if this unwanted intrusion comes  
2 in here, that there are going to be a lot of  
3 regulations that, if we're in the middle of a  
4 race, we'll have to quit it and get out of the way  
5 because the requirement will be that we keep a  
6 certain distance from this hazardous ship coming  
7 in, and oh, they say, we'll come in when it  
8 doesn't matter, but the truth is they're going to  
9 come in whenever the tide and circumstances call  
10 for them doing it.

11 In summary, I'd like to just say that  
12 the symbol of this state on the top of the State  
13 House is the independent man, and a lot of us who  
14 live in this area feel a kinship to that point of  
15 view. I'm an independent man, and I don't want  
16 some uninvited outsider coming in here and telling  
17 us what to do, keeping our boats out of the way,  
18 disrupting the traffic over the Mount Hope Bridge.  
19 We don't want that. It's, if I may say, it's a  
20 little bit like an uninvited big brother coming in  
21 and telling us what to do.

22 It's kind of like Darth Vader coming in  
23 here and saying, you can't have the wonderful life  
24 you have, we're going to have you do something

1 different, and I say to Hess Oil, and I say to  
2 Weaver's Cove, get out of here, don't come in here  
3 and disrupt our lives, take your business  
4 somewhere else. If it costs you some millions of  
5 dollars to build a proper offshore facility and a  
6 vaporization plant there and a pipeline to shore,  
7 spend the millions of dollars, but don't ruin our  
8 lives.

9 Thank you.

10 (Applause.)

11 MODERATOR ROSENBERG: Thank you, sir.

12 Next speaker, Jerry Landay. He'll be  
13 followed by Stephen Brigidi.

14 JERRY LANDAY: Welcome to Bristol. I'm  
15 a Board member of Save Bristol Harbor. We've got  
16 to do some saving around here.

17 This is the fifth hearing, federal  
18 hearing, at which I've spoken. Clearly, the  
19 hearing aides of the previous four were turned  
20 down because the FEIS shows no sign of anybody  
21 having listened, and I rather fear the same  
22 thing's going to happen here.

23 We note Bristol Harbor, Save Bristol  
24 Harbor has been for the last two years in the

1 vanguard of trying to stop this project. We were  
2 instrumental in recruiting a top notch Washington  
3 legal team which is prepared to take this to a  
4 federal appeals bench, if it comes to that, so try  
5 and save those resources and save the money and  
6 kill it when you have the chance.

7 I note that the Federal Army Corps uses  
8 some 15 criteria to make its decision. They  
9 include cumulative impacts, environmental impact,  
10 recreation, safety and the needs and welfare of  
11 the people. In short, the public interest. I  
12 want to talk about that.

13 Before I do, let me tell you why this  
14 whole proceeding is moot. By early 2007, three  
15 years before Rhode Island and New England faces  
16 the ultimate crisis in a natural gas shortage,  
17 Excelerate Energy, of Texas, will have operating  
18 ten miles off Gloucester a double-buoyed LNG  
19 offshore system. It will unload, revaporize four  
20 million cubic feet of natural gas into the New  
21 England grid every day.

22 Number two, the Maritime Provinces of  
23 Canada will be selling lots of natural gas down  
24 the Dukey, Algonquin pipelines, to New England

1 long before Weaver's Cove ever goes on line in  
2 2010. The market will render Weaver's Cove moot,  
3 so why waste the time and the resources, dredging  
4 and all the rest of it?

5 Now, let me talk about the public  
6 interest and the public safety. The Aquidnick  
7 Island Planning Commission, in a series of serious  
8 detailed studies, tell us that Weaver's Cove,  
9 including its projected 300 LNG carrier passages  
10 in and out very year on the high tide, will  
11 directly affect recreational and competitive  
12 sailing, tourism, lifestyle, second home  
13 development and first home development, commercial  
14 fishing, investment and the Naval Undersea Warfare  
15 Center which daily conducts experiments in the  
16 natural security interest, which will be  
17 interrupted by the passages 300 times a year of an  
18 LNG carrier. Is this in the public interest?

19 Now, the Rhode Island Turnpike and  
20 Bridge Authority will shut down the four major  
21 bridges connecting the major cities and towns of  
22 Aquidnick Island, Rhode Island, to the rest of the  
23 state into Massachusetts to preserve us from  
24 threats from above. This means traffic backups at

1 key times of traffic flow which would average  
2 between 36 and 67 minutes.

3 This means, during peak weekday morning  
4 and rush hours in the evening, northbound traffic  
5 over Mount Hope Bridge from Portsmouth involved in  
6 a backup of nearly three miles. The bridge is  
7 restricted to single lanes, by the way, in each  
8 direction. Traffic during the peak southbound  
9 hours would back up some two and three-quarters  
10 miles. It would take between 40 and 45 minutes  
11 each time to dissipate this congestion. Is this  
12 in the public interest?

13 What it means is emergency vehicles will  
14 be trapped in these backups. That includes  
15 ambulances to Fall River, Newport, Providence and  
16 South Kingston, fire trucks responding to  
17 reinforce fire fighters in neighboring communities  
18 and police would also be blocked.

19 Incidentally, the health insurance of  
20 Roger Williams University students requires that  
21 they be rushed, if ailing, to Newport Hospital.  
22 We're talking about a death threat here. This is  
23 not in the public interest.

24 Finally, the cost to municipalities.

1 Each passage would require unreimbursed costs to  
2 communities from Newport north, would requite the  
3 outlay of emergency first responder costs,  
4 astronomical costs which would bust the budge and  
5 raise property taxes. Let me, as a yardstick,  
6 tell you that each passage in and out of Boston  
7 Harbor, each one, costs \$93,000 in standby  
8 responder costs. Are we going to saddle the towns  
9 and cities a budget buster along the banks of the  
10 east passage with these costs?

11 Finally, there are alternatives,  
12 Excelerate Energy and Canada, and they will  
13 compete Weaver's Cove out of business.

14 Now, what you decide will be a test of  
15 whether the public interest is still a valid  
16 principle in Washington. You are, essentially,  
17 the last line of defense in this, in the cause of  
18 public safety. If you deny a dredging permit to  
19 Weaver's Cove, LNG, then the public interest still  
20 prevails in Washington. If not, there will be a  
21 large bill to pay.

22 Thank you.

23 MODERATOR ROSENBERG: Thank you, sir.

24 (Applause.)

1                   MODERATOR ROSENBERG: Next speaker,  
2 Stephen Brigidi who will be followed by Tom Padwa.

3                   STEPHEN BRIGIDI: For the record, sir,  
4 Stephen Brigidi. I am the President of Save  
5 Bristol Harbor. We are a grass roots, nonprofit  
6 environmental group whose mission is to safeguard  
7 and protect our local waters and to advocate for  
8 the preservation of our air and land.

9                   From the beginning of this proposed LNG  
10 transport project involving Rhode Island waters,  
11 as well as Massachusetts waters, our group has  
12 been adamantly opposed to the grave dangers and  
13 disruptions of the possibility of massive tankers  
14 entering Narragansett Bay bringing LNG fuel.

15                   We've been very active in our  
16 opposition, and we claim the support of more than  
17 2,000 residents of our town and a nearby area who  
18 have signed onto our petitions opposing this  
19 reckless plan of Weaver's Cove. Our petitions are  
20 held in our clerk's office in the local town hall.  
21 We will very gladly make them available to you to  
22 verify this.

23                   I also want to thank you for this  
24 opportunity to speak and to have our group

1 represented. I'm very delighted to hear our local  
2 town officials and state officials amplify their  
3 opposition as well.

4 Let me state the obvious, as has been so  
5 said already, and I think that redundancy is a  
6 good thing because you need to hear, clearly, over  
7 and over again, we don't want this thing.

8 We live here in what we regard as a  
9 cradle of the American Industrial Revolution.  
10 From Pawtucket to Fall River, Bristol, we've been  
11 involved in it. What we're left with, that  
12 dubious honor, is the aftermath, the fallout. The  
13 sediment of the bay contains, which you've already  
14 heard, the arsenic, the mercury, the metallic  
15 residue of centuries of waste. It's also the  
16 American century, so to speak, of ignorance. We  
17 very ignorantly laid waste to our own waters and  
18 our land in the process.

19 Now, we've been trying to clean this up  
20 for decades. This project would set us back  
21 beyond our comprehension. We can't even imagine.  
22 This is a nightmarish kind of plan.

23 Weaver's Cove and Hess intends to wake  
24 up what I would regard as the sleeping monster of

1 the sediment in our Bay, and it would then,  
2 basically, reign terror upon our waters for many,  
3 many miles killing fish, perhaps, or worse,  
4 poisoning them to poison us by our consumption of  
5 the fish.

6 Weaver's Cove, if permitted, may wipe  
7 out our shellfishing industry for all time. We  
8 can't let that happen. As Councilman Herreshoff  
9 also stated, not only the working men and people  
10 of these waters are important, but also, the  
11 recreational people. Tourism is a very  
12 significant industry to Rhode Island and  
13 Massachusetts. The health of our waters is  
14 absolutely vital to the tourism industry.

15 I must ask you to do the obvious, as you  
16 are so empowered, to deny this ludicrous and  
17 insane plan of greed by Weaver's Cove and Hess and  
18 deny them this dredging permit. You have the  
19 power to make this recommendation to your  
20 leadership. Every person in this room, everyone,  
21 I believe even our Weaver's Cove friends, and I  
22 would regard them as friends because I think that  
23 they probably think that they're doing a good  
24 thing, but we're asking them to do the good thing

1       somewhere else.

2                   LNG may be, in fact, needed, but we  
3       don't even know that for sure because we've been  
4       denied by FERC a regional study to really validate  
5       and understand our truest energy needs, so we  
6       don't know if LNG is needed right here in our  
7       local Southern New England area or if, in fact,  
8       coming in from Maine is the best idea or even  
9       further off from Canada, but certainly, not in  
10      these heavy populated areas.

11                   The many citizens and I look to you for  
12      fairness, impartiality, wisdom, but mostly courage  
13      to do the right thing, to do the humane thing and  
14      deny this permit to Weaver's Cove to protect us  
15      from harm and the worst possible dangers to our  
16      waters and our lives.

17                   Thank you.

18                   MODERATOR ROSENBERG: Thank you, sir.

19                   (Applause.)

20                   MODERATOR ROSENBERG: Next speaker, Tom  
21      Padwa who will be followed by Joanne Devoe.

22                   THOMAS PADWA: Good evening. Thank you.  
23      I'm Thomas Matthew Padwa from Warren, Rhode  
24      Island, concerned citizen.

1 Warren is the next town over. When I  
2 was a child, and you did things in the absolute  
3 best way possible and the most modern, we said,  
4 now you're cooking with gas. When we moved here,  
5 we converted our house from oil heat to gas heat,  
6 and I, personally, ripped out our electric stove  
7 and put a gas stove in. I'm a big fan of natural  
8 gas.

9 Having said that, we don't need this LNG  
10 terminal in Weaver's Cove. It is, both,  
11 unnecessary and potentially very dangerous.  
12 You've heard another speaker talk about the  
13 offshore siting alternatives, and I think those  
14 are wonderful ideas. If we look across the sea,  
15 our British cousins have shown us that you can put  
16 these facilities in the North Sea, in some of the  
17 roughest water in the world, I'm told. We can,  
18 certainly, do it, as is planned, off the coast of  
19 New England.

20 You heard another gentleman talk about  
21 the possible dangers caused by unscheduled and  
22 unnotified bridge closings. We're a community of  
23 rivers and the bridges that cross them, and  
24 certainly, I don't want to see, I don't think any

1 of us want to see, ambulances and other public  
2 safety vehicles hindered in their passage without  
3 any notice, without any warning, without any  
4 alternative route that threatens us all.

5 My one last comment on the dangers of  
6 this, we can also look to England, and we can see  
7 last week what happened when a fuel storage  
8 facility, either by deliberate sabotage or by  
9 human error or by just plain dumb misfortune,  
10 caught fire and for days spewed fire up to the  
11 heavens. We don't need to do this here. We need  
12 the energy, but not in Fall River, not in Weaver's  
13 Cove.

14 Thank you.

15 MODERATOR ROSENBERG: Thank you, sir.

16 (Applause.)

17 MODERATOR ROSENBERG: Next speaker,  
18 Joanne Devoe followed by Ann Morill.

19 JOANNE DEVOE: I am also from Warren,  
20 and I want to support what everybody has said  
21 about the problems with this proposal.

22 I've read in your papers here that one  
23 of the things you have to do is to make sure that  
24 the benefit that may reasonably accrue from the

1 proposal must be balanced against its reasonable  
2 foreseeable detriments. You've heard all these  
3 detriments.

4 We need natural gas, but it seems to me  
5 that you can build these things offshore. It  
6 might cost you some more, but you would be  
7 damaging this community severely if you went ahead  
8 with this.

9 Thank you.

10 MODERATOR ROSENBERG: Thank you, ma'am.

11 (Applause.)

12 MODERATOR ROSENBERG: Next speaker, Ann  
13 Morill followed by Peter Hufstader.

14 ANN MORILL: I represent the Kickemuit  
15 River Council. We're a 501(c)(3) organization,  
16 all volunteer, incorporated in the state of Rhode  
17 Island, a member of the Rhode Island Rivers  
18 Council with standing in the state of Rhode  
19 Island, formed in 1973, composed of approximately  
20 350 families along the salt water Kickemuit River  
21 and Warren and Bristol, Rhode Island. The  
22 Kickemuit River Council exists to preserve,  
23 protect and improve the water quality of the  
24 Kickemuit River.

1           We object to the siting of the LNG plant  
2 in Fall River and/or Mount Hope Bay because of the  
3 following considerations:

4           Conservation. We've developed and  
5 worked on the Kickemuit River project since 1991.  
6 The towns of Warren and Bristol have worked hard  
7 and invested financially in projects to improve  
8 the rivers and Mount Hope Bay's water quality.

9           This project improved the water quality  
10 of the Kickemuit River and is open to shellfishing  
11 conditionally. Since shellfish do not absorb the  
12 sediment, but the water, the putting of  
13 contaminants into the water of Mount Hope Bay by  
14 dredging would poorly affect the shellfish.

15           We worked to help Fall River receive  
16 funding to separate their storm water discharge  
17 from their sewage outfall. This project that Fall  
18 River has faithfully executed has improved Mount  
19 Hope Bay for conditional shellfishing. Dredging  
20 would put sediments with the additional pollutants  
21 into the water and poorly affect the shellfish and  
22 the subsequent effect on humans.

23           Fish and Wildlife Values. The dredging  
24 would disturb 191 acres of subtidal habitat. It

1 has the potential for creating low oxygen zones  
2 that will affect fish and shellfish. This project  
3 would affect some 200 acres of Bay bottom  
4 identified as essential fish habitat vital to,  
5 both, the hatching of fish and their migration.

6 The fishery resources of Mount Hope Bay  
7 are not protected by this project. Dredging would  
8 seriously interfere with the natural migration of  
9 Atlantic sturgeon, blueback herring, rainbow  
10 smelt, white perch, oysters and quahogs and winter  
11 flounder. This would contribute to the  
12 extinction.

13 Navigation. This project would affect  
14 the navigation in Mount Hope Bay and Narragansett  
15 Bay for all our citizens. When the tankers came  
16 through, navigation would be halted to allow their  
17 passage. Offshore siting of an LNG facility would  
18 not affect navigation in the bays and rivers. The  
19 cost of Coast Guard protection would affect all  
20 taxpayers.

21 Energy Needs. The energy needs of the  
22 area would be better served by an offshore  
23 facility. It would be able to be more protected  
24 more easily than in a populated area close to

1 shore, vulnerable to terrorist attack.

2 The LNG port off Louisiana was  
3 unaffected by Hurricane Katrina. This Gulf  
4 Gateway Energy bridge, deep water port developed  
5 by Excelerate Energy came through Hurricane  
6 Katrina with flying colors. The anticipated  
7 completion date of the Excelerate Energy's new  
8 double-buoyed LNG terminal safely offshore is  
9 scheduled for early to mid 2007. This is three  
10 years earlier than Weaver's Cove's likely  
11 completion.

12 Supplies from the Excelerate Northeast  
13 Gateway, together with supplies of liquid natural  
14 gas from Canada, will satisfy New England's energy  
15 needs. No one disputes the necessity of LNG. The  
16 siting in the populous Northeast is crucial.  
17 Offshore siting is the best.

18 Safety and Needs and the Welfare of the  
19 People. The citizens of this country do not need  
20 2.5 to 3.1 million cubic yards of possibly  
21 polluted sediment dredged up and dumped in Rhode  
22 Island Sound, in an area 6.5 miles east of Block  
23 Island.

24 Children and adults swimming in the bays

1 and rivers would be poorly affected by the  
2 stirring up of this sediment. The dredging will  
3 take place from June to January when our citizens  
4 are using the waters for swimming. The sediment  
5 contains high content of zinc and copper which  
6 would have a harmful effect on human beings. The  
7 sediment has not been tested in many locations to  
8 know what other contaminants it contains.

9           These tankers would necessitate the  
10 shutting down of the bridges when passing under  
11 them. This would have a very poor effect on the  
12 tourist industry and those depending on it for  
13 their income. This will poorly affect the local  
14 economy and way of life for Rhode Islanders. It  
15 has the possibility of affecting those headed for  
16 work in other professions and those headed for  
17 hospital care. It would hurt our fishermen,  
18 shellfishermen and commercial shipping.

19           Recreation. This siting will poorly  
20 affect the recreational and competitive sailing  
21 and boating that many people in Rhode Island  
22 enjoy. It would affect the use of the bays and  
23 rivers. Marine activities is one of Rhode  
24 Island's primary assets. LNG carries must float

1 in and out of the high tide. Tourist vessels,  
2 yacht club racers, students sailing craft and all  
3 recreational boaters would be affected. All  
4 marine traffic will be affected, and the -- excuse  
5 me. I'm trying to rush.

6 National Security Concerns. The U.S.  
7 Navy's Undersea Warfare Center in Newport would be  
8 adversely affected and impacted by this for the  
9 Navy's vital program of weapons research,  
10 development and testing of weapons in Newport.

11 The LNG siting would not serve the  
12 public interest, nor the Navy's interest in  
13 protecting the safety and security of the public.

14 The wetlands we were shown on the  
15 display were not the only wetlands around Mount  
16 Hope Bay, and this project would contribute to the  
17 ongoing depletion of wetlands and wildlife who use  
18 the wetlands for habitat.

19 LNG is a gas and is highly flammable and  
20 burns at very high temperatures. We've been  
21 warned that a major LNG fire would cause great  
22 damage to people and buildings within a mile of a  
23 leak, even an accidental leak. Testimonies at  
24 public hearing in Warren, Rhode Island, said that

1 the damage could occur up to five miles away. If  
2 you were near the blast, you'd have 37 seconds to  
3 seek shelter before you were burned, and within  
4 two minutes, all wooden structures would be on  
5 fire. This testimony equated an accidental or  
6 terrorist breach as equal to the Hiroshima bomb.

7 Super heated air could affect our  
8 citizens' lungs. Accidental leaks are always  
9 possible. It's unconscionable to site an LNG  
10 plant near such population centers.

11 Cities and towns in the East Bay would  
12 be expected to bear the costs of emergency first  
13 responder team, police, fire and EMT personnel.  
14 These costs would not be reimbursed by the  
15 company. To understand the scale of these costs,  
16 keep in mind that each time an LNG carrier moves  
17 in and out of Boston's Everett terminal, the  
18 localities pay \$93,000.

19 I just wanted to ask a question. At  
20 Bristol, a young man stood up and asked the  
21 representative from Weaver's Cove if Baker, on  
22 their law firm, was the same Baker on FERC, and he  
23 said, yes, and I wondered if Mr. Baker had excused  
24 himself from the vote in Washington.

1           The Kickemuit River is against the  
2           siting of an LNG plant in Fall River or Mount Hope  
3           Bay.

4           Thanks.

5           MODERATOR ROSENBERG: Thank you, ma'am.

6           (Applause.)

7           MODERATOR ROSENBERG: Next speaker,  
8           Peter Hufstader followed by Stan Dimock.

9           PETER HUFSTADER: Good evening. My  
10          name's Peter Hufstader. I'm a resident of  
11          Bristol. I've lived here with my wife since 1993.  
12          I first came to Mount Hope Bay and Narragansett  
13          Bay when I was a teenager in 1950, and I've been  
14          sailing here off and on ever since, particularly,  
15          the last 12 years.

16          I've tried to keep a balanced approach  
17          to the whole issue of LNG here in Narragansett Bay  
18          and Fall River. I've tried to balance what I take  
19          to be the need for LNG supplies to be increased  
20          with the need to protect the public and the safety  
21          of the environment, and the more I think about  
22          these issues, two things stick in my craw.

23          The first is I cannot, for the life of  
24          me, see what sense it makes to take LNG carriers

1 that are about 1,000 feet long, the draft, I  
2 presume, is close to 35 feet, up a narrow  
3 congested waterway like ours, which is one of the  
4 most beautiful sailing centers in the United  
5 States, if not in all of North America.

6 The second thing is I cannot see, for  
7 the life of me, that it makes any sense to put an  
8 LNG facility inside a densely populated area up at  
9 the top of this waterway. This makes no sense to  
10 me at all.

11 I hope that, given the alternatives,  
12 which strike me as viable, and I've done an awful  
13 lot of reading and research on the Internet about  
14 this, I hope that the alternatives to LNG will  
15 come to supersede this particular project which I  
16 oppose.

17 I speak for no group at all, except for  
18 myself and my wife just gave me grudging approval  
19 to speak for her, too.

20 Thank you very much.

21 MODERATOR ROSENBERG: Thank you, sir.

22 (Applause.)

23 MODERATOR ROSENBERG: Next speaker is  
24 Stan Dimock who will be followed by Harry Staley.

1           STAN DIMOCK: Good evening. My name is  
2 Stan Dimock. I'm just here as a private citizen.  
3 The only reason I'm here, believe me, there are a  
4 million things I'd rather be doing. The thought  
5 of speaking in front of you and these people is  
6 very intimidating, but I'm here because I feel  
7 very strongly about trying to stop this project.

8           I just wanted to relay to you that I  
9 moved to Bristol 11 years ago. Since then, I've  
10 devoted my life to the environment and,  
11 specifically, to the Narragansett Bay watershed.

12           In the past year alone, I volunteered  
13 over 1,200 of my personal hours at Save the Bay,  
14 and I've also spent an additional 200 hours  
15 conducting my own one-man shoreline cleanups of  
16 the Bristol Harbor shoreline. I think that speaks  
17 for the fact that I'm extremely passionate about  
18 the environment, specifically, the Narragansett  
19 Bay environment, but I'm only one of many  
20 individuals throughout Rhode Island and  
21 Southeastern Massachusetts committed to the  
22 conservation of our local waters.

23           You can't allow one corporation to rape  
24 the environment we're all working so hard to

1 protect. Please, please, I beg of you, take note  
2 of the objections made by the people who spoke  
3 more eloquently previous to my speech and  
4 demonstrate the decency and common sense to stop  
5 the Weaver's Cove Energy proposal dead in its  
6 tracks.

7 Thank you very much.

8 MODERATOR ROSENBERG: Thank you, sir.

9 (Applause.)

10 MODERATOR ROSENBERG: Next speaker,  
11 Harry Staley. Is that how you pronounce that,  
12 sir?

13 HARRY STALEY: Staley.

14 MODERATOR ROSENBERG: Staley. Thank  
15 you. And you'll be followed, sir, by James  
16 Cahill.

17 HARRY STALEY: Thank you very much for  
18 the opportunity to speak here tonight.

19 I'm here to speak in opposition, and I  
20 represent the Rhode Island Shoreline Coalition.  
21 The Rhode Island Shoreline Coalition, or RISC, as  
22 I'll refer to it, is a group, an advocacy  
23 organization, of some 4,000 people, most of whom  
24 live along the shoreline in Rhode Island.

1           As I've listened to my predecessors at  
2 this microphone tonight, I hope that their  
3 statements have been as compelling to you as they  
4 are important to us. They have stated, I think,  
5 virtually all of the arguments that one could  
6 think of that make sense in opposition to this  
7 matter.

8           I want to add just a few comments.

9           We became involved in this, and by that,  
10 I mean, RISC, early in the game, and I've attended  
11 a number of the public hearings, and I've heard so  
12 many of these statements made before.

13           Initially, our interest was in  
14 Providence, trying to oppose the enlargement of an  
15 LNG terminal in Providence, and we won that  
16 battle, but no sooner had we won it then we found  
17 out that FERC had approved a site in Fall River  
18 which meant that our victory was greatly  
19 diminished because the site in Fall River meant  
20 that the boats had to come up the full length of  
21 Narragansett Bay, so what seemed a victory to us  
22 was quickly quashed, and we still remain a subject  
23 to the same concerns for safety and economy that  
24 the citizens of Fall River do.

1           So I'm here tonight to oppose it and to  
2           hope that this project will, and the comments that  
3           have preceded will, end in the denial of this  
4           project.

5           If I could say just a moment about the  
6           effect on Rhode Island, and I'm going to adopt our  
7           friends and brothers and sisters from Fall River  
8           as Rhode Islanders in my comment.

9           I can't speak too much as an authority  
10          on the environment. I'll leave that to others who  
11          have already said it and others who will speak who  
12          have technical expertise in that area that I don't  
13          have, but there are economic and safety issues of  
14          the first magnitude involved here.

15          The economy in Rhode Island is dependent  
16          on, basically, two major centers. One of them is  
17          the city of Providence, itself, and the business  
18          community that is housed there. The second is  
19          Narragansett Bay and what takes place on that Bay  
20          commercially and recreationally.

21          The loss of either one of those major  
22          centers for any period of time at all would be a  
23          death blow to the economy of a state the size of  
24          Rhode Island. I would submit that if anything

1 happened in Fall River, while it may not bring the  
2 state of Massachusetts to its knees, would be a  
3 terrible blow to that state and, certainly, to the  
4 citizens of that community.

5           We've heard tonight that there are  
6 alternate sources of solving this problem.  
7 Offshore, Jerry Landay has spelled out what we  
8 know in terms of plans to build an offshore site  
9 which would not expose the citizens of Fall River  
10 or any other city to the kind of damage and loss  
11 of life and property that something in Fall River  
12 would occur.

13           As a matter of fact, I think if you went  
14 around the country, and you asked people as an  
15 academic question whether anybody would approve  
16 the placement of that kind of a danger in a  
17 populated area, I think you and I know what the  
18 answer to that would be. It makes no sense to  
19 anyone to place something of that magnitude in the  
20 middle of a populated area.

21           We've heard from Ray Gallison that there  
22 are natural gas supplies in Wyoming. Obviously,  
23 cost a lot of money to bring natural gas from  
24 Wyoming all the way to the East Coast, but before

1 I left my home today, on the news it was announced  
2 that President Bush is about to back a plan to  
3 spend \$3 billion to restore the city of New  
4 Orleans and to bring those people back into their  
5 homes in New Orleans.

6 Now, I have nothing against the people  
7 of New Orleans. They've suffered terribly. I  
8 don't want to see the people of Fall River suffer  
9 anything remotely close to that, but if we can  
10 spend \$3 billion to restore the people of New  
11 Orleans, and if that's what it'll take, then let's  
12 do it, but I would ask the President, if he were  
13 here tonight, and I would ask the head of Weaver's  
14 Cove, and I would ask the shipping magnates who  
15 are going to make money coming up and down the  
16 shore whether they're willing to give the citizens  
17 of Fall River a written guarantee, each one of  
18 them, a written guarantee, that if anything  
19 happens here, and they lose their lives or their  
20 property, that they will be recompensed to the  
21 extent that they're entitled.

22 Now, obviously, one can't pay for life,  
23 for a human life, but you can do the best that you  
24 can, as you would in any court of law. I know

1 what the answer to that question would be. Such a  
2 written guarantee will never be made because we've  
3 been told how safe LNG is, but I can tell you now,  
4 I would not want to live where the people of Fall  
5 River are living. I thank God I don't.

6 But I sympathize from the bottom of my  
7 heart with each and every one of them because  
8 they're going to be living in an absolute hell  
9 worrying every day whether some human error, let  
10 alone a terrorist attack, is going to take their  
11 life, their property and their future with it.

12 Thank you very much.

13 MODERATOR ROSENBERG: Thank you, sir.

14 (Applause.)

15 MODERATOR ROSENBERG: Next speaker is  
16 James Cahill who will be followed by Paul  
17 S-A-H-R-O-M-A, I believe that is. Sir?

18 JAMES CAHILL: Thank you. Mr. Chairman,  
19 thank you for allowing us to speak tonight, and  
20 good evening to the lady and gentlemen from the  
21 Army Corps of Engineers, and I would personally  
22 like to thank you for your service to our country.

23 My name is Jimmy Cahill. I live on Two  
24 Weaver Street in the North End of Fall River,

1 which is approximately 1,200 feet from the  
2 proposed site, and I am associated with the  
3 Coalition for the Responsible Siting of LNG  
4 Facilities.

5 I'd like to read an article from the  
6 edition of The Fall River Herald News that came  
7 out the day that the FERC approved the site in the  
8 North End of Fall River:

9 This is about the Federal Government's  
10 ongoing abandonment of poor and working class  
11 Americans. The Republican party's ethos of  
12 letting business run the country is directly  
13 responsible for declining wages, decreasing union  
14 membership, vanishing health benefits,  
15 under-funded social programs and ability of  
16 companies like Hess LNG to force themselves on  
17 unwilling communities.

18 The American Government is not and never  
19 was intended to function as a wholly owned  
20 subsidiary of corporate America. People are more  
21 important than profits. Babies are more important  
22 than bottom lines. Your home is more important  
23 than a hundred board rooms.

24 Fall River has been abandoned by the

1 very government agency that should have been  
2 looking out for the city. The LNG project doesn't  
3 belong here, not in the middle of a residential  
4 neighborhood. A fool could see that, but FERC  
5 refuses or cannot or will not.

6 In the past few years, Fall River has  
7 gone up against one company's dangerous, callous,  
8 arrogant plan to put an LNG tank in a densely  
9 populated area.

10 In closing, on behalf of the Coalition  
11 for the Responsible Siting of LNG Facilities, we  
12 respectfully would urge you to voice your  
13 disapproval of this dredging permit along with the  
14 various state and local governments, police and  
15 fire departments, et cetera. Site it offshore or  
16 in a remote area. Ladies and gentlemen, there are  
17 alternatives.

18 Thank you.

19 MODERATOR ROSENBERG: Thank you, sir.

20 (Applause.)

21 MODERATOR ROSENBERG: Next speaker, Paul  
22 Sanroma. Sir, you will be followed by Ronald  
23 Thomas.

24 PAUL SANROMA: The name is Paul Sanroma,

1 S-A-N, as in Nancy. I'm with the Save Bristol  
2 Harbor, Incorporated organization.

3 I have three major issues I'd like to  
4 speak on, and I'm in opposition to this  
5 permitting. The first is environmental and  
6 ecological objections. Weaver's Cove intends to  
7 construct its LNG terminal in the heart of Fall  
8 River on the banks of the Taunton River; however,  
9 the projected designation of the Taunton River,  
10 under federal law, as a wild and scenic river  
11 places the river under federal protection against  
12 commercial intrusion.

13 This serves as a rather fatal flaw that,  
14 on its face, makes it impossible for Hess LNG to  
15 build its in shore project. On top of that, the  
16 impact of the required dredging, both, on the  
17 habitat of fish and shellfish and on wetlands  
18 vital to the integrity of the shoreline of Mount  
19 Hope Bay would harm the fisheries, and therefore,  
20 that makes it wholly unacceptable to the people  
21 and to the public interest.

22 FERC has totally disregarded the  
23 complaint of the Federal Department of the  
24 Interior. The Weaver's Cove in its proposal has

1 failed to adequately protect the fishery resources  
2 of Mount Hope Bay. For this and other reasons,  
3 the Massachusetts Environmental Protection Agency  
4 has strongly opposed a go ahead for the Weaver's  
5 Cove project.

6 Further, the dredging that Weaver's Cove  
7 proposes would seriously interfere with the  
8 natural migration of many fish, and it would also  
9 destroy the oyster beds, quahog beds, and one of  
10 the most important items is winter flounder. This  
11 would contribute to their extinction. It would  
12 also gravely impact the local fishing and  
13 shellfishing industries.

14 My second item to be presented is water  
15 quality. The spoils to be dredged under the terms  
16 of the Weaver's Cove contain a high content of  
17 zinc and copper which would be stirred up by the  
18 dredging with harmful effect to, both, the  
19 fisheries and to human beings. For this reason,  
20 under the terms of the Federal Clean Water Act and  
21 state requirements, Weaver's Cove fails to meet  
22 the required water quality standards.

23 A document prepared for the Army Corps  
24 of Engineers by the City of Fall River states:

1 Currently, ambient copper concentrations are well  
2 above the applicable copper criteria that had been  
3 established to protect aquatic organisms against  
4 acute and chronic toxicity. Therefore, sensitive  
5 marine organisms are already at risk of lethal and  
6 sublethal effects.

7 As for the impact on Rhode Island Sound  
8 waters where dredge spoils would be dumped, CRE  
9 (phonetic) has complained that this public  
10 resource should not be used as a dumping ground to  
11 advance corporate for-profit enterprises.

12 The Conservation Law Foundation says the  
13 dredge spoils have not been sufficiently tested to  
14 determine the amounts and scope of the pollution  
15 in the sediments to be dredged.

16 The Conservation Law Foundation also  
17 warns of the ongoing depletion of wetlands, along  
18 with wildlife habitat associated with it. The  
19 wetlands, it says, serve as a natural resource  
20 used by eagles for wintering and nesting purposes,  
21 by other land-based animals and by fish, as well  
22 as serving as a shellfish habitat. Wetlands  
23 protect water quality. Functioning echo systems  
24 in the wetlands are essential to life. The

1 wetlands also help maintain habitat for bats and  
2 birds that help control mosquito infestations,  
3 also, water fowl and turtles. They serve as a  
4 buffer between the land and storm waters. They  
5 are vital to flood control.

6 Alternative site is my last item for  
7 concern. Remember these two dates: the Northeast  
8 Gateway of Excelerate Energy, completion date,  
9 2007; the Weaver's Cove Energy facility, complete  
10 date, 2010.

11 The Northeast Gateway of Excelerate  
12 Energy intends to construct its deep water LNG  
13 port 10 to 13 miles in 250 feet of water offshore  
14 from the coast of Gloucester, Mass., well away  
15 from any close proximity to the general population  
16 of Gloucester. It is well along with the required  
17 approvals and will be in operation by 2007.

18 The Northeast Gateway is strategically  
19 located on the New England natural gas grid  
20 allowing supplies to be delivered to key areas  
21 without the construction of new or onshore  
22 facilities by way of Algonquin's existing hub line  
23 pipeline. There are no threats to the  
24 environment. There will be no dredging such as

1 what Weaver's Cove requires in Mount Hope Bay.

2           Excelerate Energy already has an  
3 offshore facility known as Gulf Gateway, which has  
4 weathered the last two hurricanes, Katrina and  
5 Rita, in the Gulf of Mexico, while offloading  
6 natural gas during these hurricanes. There are no  
7 threats to the environment. There will be no  
8 dredging, such as what Weaver's Cove requires in  
9 Mount Hope Bay.

10           Weaver's Cove Energy facility, on the  
11 other hand, won't be in operation until 2010, if  
12 it is allowed to proceed.

13           Thank you.

14           MODERATOR ROSENBERG: Thank you, sir.  
15 Thank you very much.

16           (Applause.)

17           MODERATOR ROSENBERG: Next speaker,  
18 Ronald Thomas. He'll be followed by Christopher  
19 Jenson.

20           RONALD THOMAS: Good evening. My name  
21 is Ronald Thomas, and I'm a member of the  
22 Coalition. I'm speaking for myself.

23           There are a few facts that I'd like to  
24 present as far as how this thing actually came

1 about. Okay. One fact is they're contrived to  
2 delineate the graphic scope of siting the LNG  
3 facility, so it would only apply to Hess LNG  
4 Weaver's Cove site.

5 The alternative sites would be  
6 eliminated resulting in Hess/Weaver's Cove being  
7 the only site where LNG could possibly go. Are we  
8 surprised?

9 Okay. Fact number two is that Pat  
10 Woods, III, refused to meet with concerns citizens  
11 and only granted the Mayor of Fall River one  
12 meeting after numerous requests from the local,  
13 state and federal elected officials, a 30 plus  
14 meetings for Hess/Weaver's Cove LNG proponents  
15 versus one for the city. Something doesn't seem  
16 fair here.

17 At this one meeting, disingenuous Pat  
18 Woods, III, had the gall to say his parents live  
19 close to an LNG facility that FERC certified in  
20 Port Arthur, Texas. How close, Pat? Over 10  
21 miles away. That's how close, not 1,200 feet.

22 Hess/Weaver's Cove site is the right  
23 site to import massive quantities of LNG into the  
24 Mid-Atlantic and Northeast sections of the United

1 States because Cashman Construction came to Fall  
2 River to build a new bridge and saw opportunity.  
3 Cashman Construction purchased the old shell tank  
4 farm under the pretense of operating a marine  
5 equipment leasing business there realizing Hess  
6 LNG import mania was sweeping through the energy  
7 establishment and that there were brazens to be  
8 made by the first out of the gate.

9 Cashman Construction principals told  
10 their buddies back in Boston, Chelsea Creek, where  
11 Cashman's construction home base is located, they  
12 had a site for an LNG facility, and it was the old  
13 tank farm at Weaver's Cove, Fall River, a proud,  
14 but poor blue collar city with a large population  
15 of elderly immigrant families, minimum wage jobs  
16 and a work force with little formal education  
17 would be ripe for the picking and wouldn't be able  
18 to put up much of a fight. Who cares if the site  
19 is too small or too close to homes, schools and  
20 nursing homes?

21 New England needs gas, but more  
22 importantly, there are those bagazillions to be  
23 made. By the way, guess who else is up there in  
24 Boston, Chelsea Creek, with Cashman Construction?

1 Why, none other than Mirana Hess and Distrigas,  
2 where Weaver's Cove's principals were formerly  
3 employed.

4 Fact number five is that FERC refuses to  
5 hear Weaver's Cove LNG proposal despite the fact  
6 that the top U.S. LNG experts, Drs. Fay, West and  
7 Havens, have said repeatedly, under oath, that  
8 there are safety and security risks with locating  
9 such a facility in a densely populated residential  
10 area.

11 Government studies, local, state and  
12 federal elected officials will say it is not right  
13 to site such a huge LNG facility in a populated  
14 area. All of them agree. None disagree. Is  
15 everyone wrong except FERC?

16 Item number seven is FERC met over 30  
17 times with Hess/Weaver's Cove LNG principals.  
18 Although publicly funded with our tax dollars,  
19 Federal Commission, FERC, has refused to answer  
20 the Freedom of Information Act requests seeking  
21 what was said during these secret meetings.

22 I've also got a questions I'd like to  
23 know. Why is it that only one town, a city,  
24 Conservation Commission, out of four has embraced

1 this project? I mean, they had all their hearings  
2 where they were allowed to provide testimony, and  
3 only one out of four agreed to grant a permit.

4 Why was no evacuation plan presented  
5 prior to issuance of a permit by FERC? They're  
6 putting the cart before the horse.

7 First generation LNG tankers were  
8 designed for their tanks to be purged, okay, after  
9 unloading and prior to going back to sea. Now,  
10 according to Weaver's Cove officials, they've  
11 stated the state-of-the-art condition, there will  
12 be some LNG left in the tank, but unpressurized.  
13 Is this really progress? Now, you're increasing  
14 the danger in both directions, in and out of the  
15 port.

16 I ask that the Army Corps of Engineers  
17 submit to FERC that the present permit be  
18 rescinded, and that Weaver's Cove or Hess may  
19 resubmit a revised proposal, if they wish to do  
20 so, at a later date, which by then, we probably  
21 wouldn't need their gas.

22 Thank you.

23 MODERATOR ROSENBERG: Thank you, sir.

24 (Applause.)

1                   MODERATOR ROSENBERG: Next speaker,  
2 Christopher Jenson. He'll be followed by Joseph  
3 Carvalho.

4                   CHRISTOPHER JENSON: Good evening,  
5 ladies and gentlemen. Good evening, Colonel.

6                   First of all, I'm going to lie to you.  
7 I'm going to try and keep this brief. Okay?  
8 There's a couple of points that I wanted to bring  
9 up. Another gentleman spoke of we're at Ground  
10 Zero of what is left of the Industrial Revolution,  
11 and basically, we have all that sediment.

12                   Taunton, Mass., was once known as the  
13 Silver City, and that said, Taunton River has all  
14 that heavy sediment of silver, lead and mercury,  
15 what the industry called coke, in the sediment,  
16 and it's trickling down, you know, all the way  
17 down to Brightman Street Bridge and beyond. It's  
18 been spoken before that we really shouldn't be  
19 stirring this stuff up. You don't know what's  
20 down there.

21                   New Bedford wanted to put in a ferry  
22 boat project for Nantucket, and that meant  
23 dredging the Acushnet River. This was proposed in  
24 the early eighties, and it got shot down because

1 the Acushnet River was filled with so much  
2 sediment.

3           The other point I wanted to bring up was  
4 what about port security in regards to the MARSEC  
5 levels when the ship comes in and comes out. I  
6 live up in Assonet, Mass., which is north of Fall  
7 River, so if I'm going down in my boat, they're  
8 going to close the harbor when the ship's  
9 transiting, so basically, we're not going to have  
10 use of our boats. This was spoken many times  
11 before.

12           The other thing is, the proximity of  
13 Weaver's Cove to Fall River. This was spoken many  
14 times before. Folks, we're trying to play  
15 baseball in a closet. It ain't going to work.

16           Then the other thing I wanted to ask,  
17 and I don't mean to put you folks on the spot, but  
18 U.S. Army Corps of Engineers, you answer directly  
19 to President Bush; is that not correct? Because  
20 isn't the President really trying to push this  
21 project through? That's another point I wanted to  
22 bring about. You know, that's pretty much all  
23 I've got.

24           Have a good night.

1 MODERATOR ROSENBERG: Thank you, sir.

2 (Applause.)

3 MODERATOR ROSENBERG: Next speaker,  
4 Joseph Carvalho who will be followed by Raymond  
5 Edler.

6 JOSEPH CARVALHO: Good evening. My name  
7 is Joseph Carvalho. I'm the President of the  
8 Coalition for Responsible Siting of LNG  
9 Facilities, an incorporated nonprofit grass roots  
10 organization that's committed to people's safety,  
11 basically. On our Web site, we truly agree that  
12 we are not opposed to liquified natural gas. We  
13 are emphatically opposed to siting it in  
14 inappropriate residential areas.

15 Throughout the hearing, you've heard  
16 lots of testimony. I'm not going to duplicate a  
17 lot of it. I will say though that two governors,  
18 two attorneys general, one who spoke tonight quite  
19 eloquently, every town council of affected areas  
20 of transit of the ships and in Massachusetts, Save  
21 the Bay, Conservation Law Foundation, the Sierra  
22 Club, the stack -- and 13,000 people that I  
23 represent, and countless others, I'm sure, who  
24 have just not as yet signed our petitions, if you

1 stacked up all of the evidence and all of the  
2 entities, agencies and regular folks who are  
3 opposed to this project, they would reach from the  
4 floor to the ceiling of this auditorium.

5 On the other side, you have what seems  
6 to be the compelling reason for this project even  
7 still being discussed, and that's greed, the  
8 excessive greed of this corporation, an extremely  
9 limited liability corporation, I might add.

10 You know, Mr. Staley spoke eloquently,  
11 also, about what would happen. You know, where's  
12 the liability for this company? It's nowhere.  
13 And never, in terms of what we've been able to  
14 research, never in the annals of corporations in  
15 this United States have we seen a federal agency  
16 take a corporation by the hand and baby step them  
17 through a process in the face of massive public  
18 outrage against this project, never before, and a  
19 lot of it has to do with the duplicity between  
20 this agency, the Federal Energy Regulatory  
21 Commission and Weaver's Cove Energy, Hess LNG.

22 We have memos to the Governor of Maine  
23 released through the Freedom of Information Act  
24 where a former Governor of Maine, Dick Curtis,

1 tells the current Governor of Maine, John  
2 Baldacci, that Gordon Shearer, the CEO of Hess  
3 LNG, told his good friend, Joe Kennedy, that he's  
4 going to side step all of the agencies, all of the  
5 permitting things and go right to the Federal  
6 Government in order to get this project pushed  
7 through.

8 In a town council meeting in this very  
9 town, Bristol, Rhode Island, way back, Mr. Shearer  
10 sat there and bristled, perhaps, at the suggestion  
11 that offshore is much better, much safer, even  
12 cost-effective, if you will, and he bristled at  
13 that, and he says, oh, I don't know about you, but  
14 I don't like anything that would be the first of  
15 anything, I think he used Patent No. 1, I don't  
16 want anything that has U.S. Patent No. 1 on it.

17 Yet, when he was questioned about has  
18 any LNG terminal ever been located nearly 29 miles  
19 up river from open ocean; no. Has this type of  
20 facility, this large a tank, ever been built  
21 before in the United States; no. Has the  
22 technology for the roof of this tank ever been  
23 tested before; well, no. Well, that makes us U.S.  
24 Patent No. 1 then; doesn't it? And he's

1 hypocritical about that.

2           And I dare say that I'm not going to  
3 leave my safety and the safety of my community, my  
4 loved ones and our way of life, our quality of  
5 life issues, to his decision whether we're  
6 acceptable risks or not. I thought that this was  
7 the United States of America and that individuals  
8 had a say on just where the acceptability of their  
9 risk would be and not some corporation. They're  
10 disingenuous, they're duplicitous, I don't trust  
11 them.

12           What do you say about a CEO of a company  
13 that tells a city like Fall River that he will  
14 give them two vehicles, one to the police  
15 department, one to the fire department, that's run  
16 on natural gas instead of, in his words, "those  
17 filthy polluting diesel vehicles" that you use  
18 now, knowing, knowing full well that, on a cold  
19 winter day, there would be 100 LNG gas tankers,  
20 diesel, mind you, traversing the streets of Fall  
21 River?

22           The standard statistical metropolitan  
23 district that includes Fall River and Providence  
24 has the eleventh worst air quality in the United

1 States of America, the eleventh worst, so on a  
2 cold winter's day, Mr. Shearer would add 100  
3 diesel powered trucks to that equation. I guess  
4 he wants us to be number one in that regard, not  
5 something I'm looking forward to, to be honest  
6 with you.

7 The Taunton River, which we've made some  
8 tremendous gains cleaning up, he would have it  
9 ravaged again, all in the name of corporate greed.  
10 This project is doable offshore in remote areas.  
11 Dominion Gas, in Cold Point, Maryland, is on an  
12 almost 1,200 acre site with conservation land  
13 abutting it. There's no secret why the legend  
14 covered all of the homes right near the project.  
15 I'd love to see a gigantic LNG tank within 1,200  
16 feet of Dover, Mass., where somebody we know  
17 lives, and not the poor people of Fall River.

18 This is an outrage. It's an outrage  
19 that it's gotten this far. Trust me, it's an  
20 outrage, absolutely, and if it wasn't for the  
21 collusion of FERC with this company, we wouldn't  
22 be standing here now.

23 Thank you.

24 (Applause.)

1                   MODERATOR ROSENBERG: Thank you, sir.  
2 Thank you very much.

3                   Sir, the stenographer has indicated that  
4 he's going to need to take a break, so after the  
5 next speaker, if we could. Thank you.

6                   Our next speaker before the break will  
7 be Raymond Edler.

8                   RAYMOND EDLER: Thank you. My name is  
9 Raymond Edler. I live at Four Avenir Court, which  
10 is in Bristol Landing, which is on Mount Hope Bay.

11                   I'd like to thank the moderator and the  
12 members of the Army Corps of Engineers, and I'd  
13 like to point out that what I think you've been  
14 listening to tonight is one huge Ben Franklin  
15 close.

16                   Now, Benjamin Franklin is one of our  
17 founding fathers, whose 300th birthday is going to  
18 be in about two weeks, as I understood it in the  
19 news last night, and when I contemplated coming  
20 here tonight before that, I wanted to bring out  
21 what's called the Ben Franklin close.

22                   Benjamin Franklin had a method that he  
23 used to discern the advantages and disadvantages  
24 of a controversial subject, and it was a

1 two-column T chart, and in the lefthand, he would  
2 list the advantages. In the righthand column, he  
3 would list the disadvantages. And this would help  
4 him make a decision. I think you've been  
5 listening to a Ben Franklin close this evening.

6 Now, I have a very short personal one.  
7 I'm probably not going to get to your yellow  
8 light, but in the advantage column, I simply wrote  
9 down that, well, the advantage would be reduced  
10 cost to the utilities for storage and distribution  
11 of liquid natural gas, and of course, they would  
12 pass on to the consumers these savings in the form  
13 of reduced rates.

14 (Laughter.)

15 RAYMOND EDLER: We have some  
16 disbelievers. That's the only thing I have in the  
17 advantages column on my Ben Franklin chart. On  
18 the disadvantages column, I have a few items.

19 First of all, we will be exacerbating  
20 the stress already placed upon Mount Hope Bay by  
21 introducing to the thermal pollution already  
22 present because of the Brayton Point Power Plant  
23 the chemical pollution that everyone's been  
24 talking about here tonight from the dredging, so

1 you're going to take thermal pollution, plus  
2 chemical pollution, and the results, basically,  
3 speak for themselves.

4 Secondly, these tankers coming up  
5 Narragansett Bay under the Pell Bridge, then under  
6 the Mount Hope Bridge, in this narrow channel are  
7 going to need to be accompanied by security  
8 vessels from the United States Coast Guard to,  
9 hopefully, prevent and overt terrorist threats.

10 Ladies and gentlemen, the possibility of  
11 death and destruction is real, and I know, having  
12 grown up in this town, and then lived for 32 years  
13 in the New York area, that terrorism is real  
14 because, on September 11, 2001, my two daughters  
15 were working in Manhattan, and they were stuck in  
16 New York overnight. They couldn't get home to New  
17 Jersey where I lived at the time. And to me,  
18 personally, terrorism is a very real threat, and a  
19 lot of people seem to have the notion that, well,  
20 terrorism is not going to be a real threat around  
21 here. Oh, yes, it can.

22 We have security here tonight. Why else  
23 would we have these Coast Guard contingencies  
24 every time a tanker comes into these bays to

1 accompany that? So it's a real possibility.

2 We have highway and waterway traffic  
3 disruptions as a given as part of this project 200  
4 times per year. Mount Hope Bay and the Taunton  
5 River are upper tributaries of a very narrow  
6 channel bay system that is already challenged  
7 environmentally.

8 The Corps of Engineers, quite honestly,  
9 I'm not sure of what your record is in  
10 consideration of a lot of projects around this  
11 nation. I know you were involved in New Orleans  
12 in some of the decision making with the levies  
13 that went on there and so forth. I would simply  
14 ask you to look at this Ben Franklin close and  
15 close this deal on behalf of the people in the  
16 right manner.

17 Thank you very much.

18 MODERATOR ROSENBERG: Thank you, sir.

19 (Applause.)

20 MODERATOR ROSENBERG: Ladies and  
21 gentlemen, we need to take a short break. It is  
22 now about twenty after seven. We'll begin again  
23 at seven thirty-five. Thank you very much.

24 (Whereupon, a recess was taken.)

1                   MODERATOR ROSENBERG: The next speaker  
2 will be Walter Felag.

3                   WALTER FELAG: Thank you, Mr. Moderator,  
4 and members of the Army Corps of Engineers.

5                   For the record, my name is Walter S.  
6 Felag, Jr. I'm the State Senator from District  
7 10. I represent the towns of Warren, Bristol and  
8 Tiverton.

9                   Having served in that capacity for the  
10 past seven years, my constituents are opposed to  
11 this particular project, and I thank you for  
12 allowing us the opportunity to have this forum in  
13 the town of Bristol, which is convenient for a lot  
14 of our residents within our particular district.

15                   As stated by many of the speakers, the  
16 reason for this particular opposition is because  
17 of public safety, economic development and, last  
18 by not least, when you're concentrating on today,  
19 the environmental impact.

20                   Public safety, from the perspective as  
21 other speakers have spoken, is that this  
22 particular Weaver's Cove project is a 23 miles  
23 inlet within a densely populated area. That, in  
24 itself, causes a public safety problem.

1           Also, you add to it the fact that you're  
2 going through three bridges, Pell Bridge, Mount  
3 Hope Bridge and the Brightman Street Bridge,  
4 causes a potential of particular traffic jams.  
5 Those particular traffic jams, if you note, the  
6 particular areas were established in colonial  
7 eras. The roads are very small. We have major  
8 traffic problems within those particular areas.

9           Also, from a public safety perspective  
10 is the fact that the Coast Guard now probably  
11 doesn't have the resources to proceed with the 70  
12 plus tanker runs per a particular year. They have  
13 to clear all the area out. From a Rhode Island  
14 perspective, this causes a hardship to our  
15 citizens.

16           From an economic development  
17 perspective, any time you have congestion in  
18 traffic, congestion down near the Bay area, your  
19 roadways, you cause problems there.

20           The state of Rhode Island has invested a  
21 lot of money in Narragansett Bay to clean it for  
22 tourism. Tourism is one of our major resources  
23 from economic development. We utilize the Bay.  
24 We've made major efforts in cleaning up the Bay,

1 so that outsiders from around the country can  
2 utilize our Bay in terms of public safety,  
3 enjoyment, recreation, which is dollars to the  
4 communities of Newport and the surrounding south  
5 county areas.

6 From an environmental perspective, do we  
7 really know what the impact is going to be on this  
8 dredging? We go from the long era of having  
9 fishing industry. Our fishermen can suffer  
10 greatly with moving of this particular sediment to  
11 other areas.

12 So, overall, as you can see, this is not  
13 a good project for the state of Rhode Island, even  
14 though it's within the county of Massachusetts,  
15 and so for the constituents of the Fall River area  
16 and the East Bay area, I strongly hope that you  
17 will look at all the facts that are going to be  
18 presented to tonight and strongly reject this  
19 project.

20 Thank you.

21 MODERATOR ROSENBERG: Thank you, sir.

22 (Applause.)

23 MODERATOR ROSENBERG: Thank you very  
24 much.

1           Just a reminder that, in case of  
2 emergency, the fire exits are on my right, to your  
3 left, and of course, the doors in the rear.

4           Our next speaker is William West, and  
5 Mr. West will be followed by Michael Campbell.

6           WILLIAM WEST: Good evening. My name is  
7 William West. I am a councilman in the town of  
8 Portsmouth. I'm here as an individual tonight,  
9 but just to let the Army Corps know that the town  
10 of Portsmouth has been on record as being against  
11 this particular plan, along with the communities  
12 of Middletown, Newport, Bristol and Fall River.

13           Concerns it might have are environmental  
14 about the dredging material that's going to be  
15 dredged, the amount of dredge that's going to be  
16 taken out of Mount Hope Bay, and my concern would  
17 be the Portsmouth end of Mount Hope Bay.

18           The fact that we have quite a lot of  
19 development going on, on the west side now, an  
20 approval has been given for a west side master  
21 plan to redevelop that area from Pell Bridge,  
22 basically, north to the Mount Hope Bridge is a big  
23 concern of ours.

24           Another concern I have, and I have this

1 as a councilman, is safety aspects. We have  
2 Prudence Island, part of the population of  
3 Portsmouth. Emergency vehicles or emergency  
4 responders have to go there by boat. If someone  
5 has a heart attack, and a tanker is coming up the  
6 Bay, they're not allowed at that point to go on  
7 the water if they're in that particular zone when  
8 a tanker is traversing the Bay.

9 Basically, I agree with what people have  
10 said tonight. I believe it's wrong for the area.  
11 We do need LNG, definitely, we need the resource,  
12 but I don't believe we need it in a particular  
13 residential area. I look at the economic factors  
14 that are involved bringing tankers up the Bay,  
15 dredging of the Bay, and I'd like to say that I  
16 know that you will be diligent when you make your  
17 decision, and I know that you will take everything  
18 into effect.

19 And I thank you very much for the chance  
20 to make this presentation.

21 MODERATOR ROSENBERG: Thank you, sir.  
22 Thank you very much.

23 (Applause.)

24 MODERATOR ROSENBERG: Next speaker,

1 Michael Campbell who will be followed by Spofford  
2 Woodric -- Woodrich -- Woodruff. Excuse me.

3 MICHAEL CAMPBELL: Good evening. I'm  
4 going to start, and I'm going to get off the  
5 subject of the dredging, but dredging is the  
6 beginning of it, and I want to highlight some  
7 things that have happened in this state and how  
8 important Narragansett Bay is to this state  
9 because there's a lot of activities and many  
10 things that have happened in this state that would  
11 never have happened, and there's a lot of people  
12 employed in this state that wouldn't be employed  
13 in the boating industry, if this had happened  
14 before we got into this, if this had happened many  
15 years ago, and it's going to disrupt it when it  
16 happens, and the beginning of it is the dredging.

17 Sailing Magazine selected the ten best  
18 harbors in the country, and Bristol Harbor was one  
19 of the ten. Then, they had a poll on their Web  
20 site, and Bristol was selected the third best  
21 harbor in the entire country.

22 Now, water in this town, in this state,  
23 is important because of the fishermen, because of  
24 industry and because of the children. I don't

1 know if many people know, but we've had so many  
2 successes in the country. We have a five time  
3 American Cup sailor that lives in Bristol, and he  
4 won the American Cup one time.

5 We have a person from Warren who sailed  
6 in a little American Cup. He won in Australia,  
7 and then he brought it home to Bristol, and he won  
8 it again in Bristol.

9 We have four strong sailing colleges in  
10 this state, Roger Williams, University of Rhode  
11 Island, Salve Regina and Brown. They all have  
12 finished from time to time in the top 20 teams in  
13 the country. Brown University, two years ago,  
14 came in first in the country.

15 We had a team that just recently, in  
16 2004, went down to Annapolis and sailed in the  
17 National Collegiate Keelboat Championship racing  
18 44 foot boats. Six of those eight members were  
19 from Rhode Island. Two of them were from Bristol.  
20 They came in first. They went on to represent the  
21 United States in France a year ago October and  
22 finished second in the world in the Collegiate  
23 Keelboat Worlds.

24 Now, these things wouldn't be happening

1 if it wasn't for Narragansett Bay the way it is  
2 now, not the way it would be when you finish. We  
3 have a member that sailed in the canoe, which a  
4 canoe is a sailboat, international championship  
5 and won. I can go on and on of the people in this  
6 state who've won national championships. We had a  
7 member that lost by one point, came in second, in  
8 the national to represent the United States in the  
9 Tornado (sic) Olympics. I mean, this, you've got  
10 to think, these people wouldn't have, done, had  
11 the opportunity.

12 We have so many junior sailors  
13 throughout this state that this will interrupt,  
14 and these people are the ones that are advancing  
15 and doing these things to make Rhode Island known  
16 in the world.

17 There was a French team that wanted to  
18 come. They loved the Rhode Island sailors so  
19 much, and France is not a happy country with us,  
20 they wanted to come here. They tried their best  
21 to come here for the summer because they loved the  
22 team from URI. That wouldn't have happened.  
23 They're making good will in France because of  
24 Rhode Island people, and we wouldn't have that if

1 we had what you want, and the dredging is going to  
2 be the beginning of stopping that.

3 Now, the Roger Williams team races in  
4 Mount Hope Bay. Now, where are they going to go?  
5 They can't do it if they're going to be  
6 interrupted and have the danger of those big  
7 ships.

8 A few years ago, I was sailing on  
9 somebody else's boat, not my boat, I race my boat,  
10 but we were going to a race, and we were coming  
11 up into Narragansett Bay, and there was an LNG  
12 coming up the harbor with the Coast Guard keeping  
13 boats away. The wind was blowing 25 to 30 knots.  
14 We had a very difficult time keeping that boat  
15 away from even the Coast Guard boats because they  
16 were circling us, so they create a danger for us,  
17 and it was scary.

18 Now, the other thing is safety. You  
19 know this Mount Hope Bridge, a lot of things  
20 happened on that bridge other than traffic, and if  
21 your boats are coming there, and you're dredging,  
22 and the dredge boats are going out with a lot of  
23 supply on them to bring out, and somebody goes in  
24 the water, how are we going to rescue them with

1 all the problems around it? You know, people  
2 could die just because of that, and this has  
3 happened many times near the bridge, and that  
4 could happen many other places in Mount Hope Bay.

5 I was born in Fall River. I lived there  
6 until I was in the third grade; then, moved to  
7 Rhode Island. And I am so happy I live in Rhode  
8 Island. I just had an opportunity to get a good  
9 job in another state, and I chose to retire than  
10 leave Rhode Island. It is very important to me  
11 and very important to the people of Rhode Island.

12 The industry, we have people making  
13 American Cup masts We've had American Cup boats.  
14 We have some of the best boats in the world built  
15 in Bristol and Rhode Island.

16 MODERATOR ROSENBERG: Thank you, sir.

17 (Applause.)

18 MODERATOR ROSENBERG: Thank you very  
19 much.

20 Next speaker, Spofford Woodruff.

21 Mr. Woodruff will be followed by Emese Wood.

22 SPOFFORD WOODRUFF: Well, thank you. I  
23 actually scratched my name off that application,  
24 but given the opportunity, I will say something,

1 and thank you for the opportunity.

2 I grew up in Barrington, and I live in  
3 Barrington now. I dug clams over my lifetime for  
4 much of that time, during summers and while I was  
5 in school. I'm a sailor, and we live on the Bay,  
6 and I enjoy the Bay. We live on a small cove in  
7 Barrington which is, for much of the year, closed  
8 to shellfishing because of pollution mainly coming  
9 out of Providence so I am accustomed to realizing  
10 what can happen to a body of water when too many  
11 foul elements get into that water.

12 I'd like to just toss out one anecdote  
13 which is not particularly related to dredging, but  
14 last summer, I was sailing my boat down from  
15 Newport to Barrington, where I keep it much of the  
16 time, and a large ship which looked from when it  
17 came up astern to me, looked like a tanker came  
18 up, but it was surrounded by three or four small  
19 boats, each one of which had three or four people  
20 on them, uniformed men and armed men, and they  
21 came over to me and very politely, with a bull  
22 horn, told me to get out of the channel, to get  
23 over to the east side of the channel, and it was  
24 then I realized what this could do to disrupt

1 sailing and recreational activity on the waters.

2 It not only forced me to go over to the  
3 side, which I didn't mind, but lobstermen were out  
4 there, and they had to get out of the way of this  
5 tanker which, apparently, was a small LNG tanker,  
6 I learned subsequently.

7 But I am strongly opposed to this for  
8 all of the reasons I think that have been stated  
9 tonight, and I particularly appreciated the  
10 gentleman's remarks about the Franklin close. It  
11 seems to me there is one on the positive side, not  
12 on the positive side, but on the side in favor of  
13 it, and that happens to be profit for a company  
14 and possibly a lower price for LNG for consumers.

15 On the other hand, however, there are a  
16 large number of disadvantages, and I would just  
17 say, please, look at those disadvantages as  
18 opposed to the advantages in coming to a decision.

19 Thank you.

20 MODERATOR ROSENBERG: Thank you, sir.

21 (Applause.)

22 MODERATOR ROSENBERG: Next speaker,  
23 Emese Wood.

24 (No response.)

1 MODERATOR ROSENBERG: Shawn Fitzgerald?

2 (No response.)

3 MODERATOR ROSENBERG: James Slattery,  
4 Jr.?

5 JAMES SLATTERY: Good evening. My name  
6 is James Slattery. I'm from Fall River, and I've  
7 been listening last night and tonight, and we have  
8 some very real concerns here, and I think it's  
9 fear, it's the unknown and it's change, and  
10 they're all very real things.

11 I, obviously, right now am in the  
12 minority. I'm in favor of the project. I think  
13 it will generate a lot of work for the Fall River  
14 area. I was a commercial fisherman for twenty  
15 some years, and due to regulatory things and  
16 changes, it, basically, put me out of business,  
17 but I learned a lot in that time by spending most  
18 of my life at sea.

19 I started private shellfishing 40 years  
20 ago, commercially shellfishing 35 years ago, and I  
21 never stopped. I've spent most of my life at sea,  
22 and I'm not scientist, but by living in the marine  
23 environment, you have to know what you're catching  
24 is doing when they do it. You actually live with

1 it, and that's an unbelievable knowledge that you  
2 get.

3           Then I had a change, but I kept that  
4 with me, and now I'm in a different industry, and  
5 I think this project will benefit people. Yes, it  
6 will benefit people. I think what they're saying  
7 about, you know, the security type of problems  
8 they're going to have, well, there's going to be  
9 private sector involved that's going to generate  
10 work, and I've been in dredging projects. I've  
11 been on the hub pipeline with Duke Energy. I've  
12 towed spoiled dredged material. I've moved clean  
13 dredged material. I've done land reclamation.  
14 We've built beaches.

15           But the one thing I think my theory is a  
16 little different as far as the dredging aspect of  
17 it. I think one of, other than the people, I've  
18 done marinas, so the marinas get deep berthing,  
19 and they can bring more boats in there. Like I  
20 mentioned last night, municipalities, from  
21 dredging in Greenwich and dredging in Warwick, and  
22 the Newport landfill, was capped at a fraction of  
23 the cost. That worked out.

24           I mean, there's dredging going on at

1 Brayton Point right now, but there's no opposition  
2 there. I'm working up at the Brightman Street  
3 Bridge. The hydraulics of the river have changed  
4 there, also, the change of the configuration in  
5 the river with the protective barriers of the  
6 piers and the struts, but the Taunton River, it's  
7 a closed inlet.

8           The head of the river, which does feed  
9 this magnificent river, every time you have a  
10 rainfall, the estuaries start, it's called Taunton  
11 River, it goes way beyond the Taunton River. It  
12 goes into Western Mass. I, personally, believe it  
13 goes to Brockton and maybe farther. Every time  
14 you have a big rainfall, you have runoff, you have  
15 silt built up, and it feeds down.

16           And with the rain, I firmly believe that  
17 Taunton River is slowly starving by the head of  
18 the river because of every time you have a storm,  
19 but not only that, the highways, the malls, all  
20 the oil, all the transmission fluids, all of that,  
21 that's all feeding in. That's not going to stop.  
22 We can do all the cleaning we want, but every time  
23 we have a big storm or have a rainfall, we have  
24 contaminants coming into that river all the time.

1 There's nothing we can do about it. Just think  
2 about it.

3           You see, when it rains out, you go out  
4 into the street, you have that sheen there. That  
5 river's going to starve from the head of the river  
6 down, and it's never going to stop. I think, as  
7 far as the dredging aspect of it, the river will  
8 benefit from it because you're going to cause a  
9 flushing agent. I see every time it rains how  
10 much debris comes down there, never mind organic  
11 or otherwise, chemicals or whatever it may be.

12           I think that dredging, every time we've  
13 ever done any type of dredging, the increase of  
14 flow in those areas, in the closed inlets, the  
15 environmental area has benefitted from it, and I  
16 think that, as far as the project, itself,  
17 creating jobs and doing that dredge work, would  
18 greatly increase keeping that river clean,  
19 especially, from the head of the river because,  
20 with all the experience I've had in my life and  
21 all the dredging projects and all the fishing I've  
22 done, that's what I've seen.

23           I've quahogged, I've clammed and  
24 everything. I've seen areas close up just because

1 of stagnant water. They've just closed up. The  
2 shellfish have left, and I think, as far as the  
3 dredging aspect of it, that would open that up and  
4 keep this river a lot cleaner for a longer period  
5 of time.

6 Thank you.

7 MODERATOR ROSENBERG: Thank you very  
8 much. Thank you, sir.

9 Next speaker, Barry Brown.

10 BARRY BROWN: Thanks. My name is Barry  
11 Brown. I live in Warren, Rhode Island, and I  
12 appreciate the opportunity to speak here today. I  
13 just want to talk some common sense to you. I  
14 think you've heard a lot of common sense, and I'm  
15 really privileged to be amongst the speakers  
16 tonight.

17 The first thing I want to say is that I  
18 don't know where you folks are from, but there are  
19 some wealthy communities in Rhode Island. One of  
20 them is Barrington, and one of them is East  
21 Greenwich, and I don't want to cast aspersions on  
22 the people of Fall River or Barrington. I worked  
23 in Fall River for 15 years. I have many friends  
24 in Barrington.

1           But common sense tells me, and I'm sure  
2 everyone that's here and anyone else, that if we  
3 took all the citizens from Barrington and East  
4 Greenwich, and we moved them into Fall River, and  
5 if we took all the citizens from Fall River, and  
6 we moved them to Barrington and East Greenwich, we  
7 would not be here right now. That is a fact.  
8 Trust me when I tell you that.

9           We're here right now, and we're looking  
10 at Fall River rather than Marblehead or Rockport  
11 or other wealthy communities because of Fall  
12 River. I'm very proud to have worked in Fall  
13 River, that the people of Fall River had stood up  
14 for themselves in the way that they have. I want  
15 to say that.

16           The next thing I want to talk about is  
17 NIMBYism. I'm amazed that no one has brought  
18 that up, the not in my backyard notion. A lot of  
19 people have said that that's what's really  
20 happening here. The people in Fall River just  
21 don't want industry in their backyard. Fall River  
22 has had the Brayton Point Power Plant, Globe  
23 Manufacturing, the dump and lots of other things  
24 for many, many years.

1           The reason that they're standing up in  
2 the way that they are right now is simply because  
3 they're standing up for their lives, which brings  
4 me to the next point.

5           I was a social worker in Fall River for  
6 15 years. During that time, I got a chance to go  
7 all over, actually, the Greater Fall River area,  
8 and in my work, I came to know four little girls.  
9 They live about 3,000 feet from the entrance to  
10 Weaver's Cove, beautiful little girls, all four of  
11 them adopted at various different times by the  
12 same family. I really told them many times I  
13 thought they needed their heads examined. They  
14 have four daughters, all of whom are very close in  
15 age.

16           When I came to know them, they were  
17 preschoolers and kids that were in, you know,  
18 first and second grade. If they were the only  
19 family living on North Main Street over there,  
20 that would be reason enough not to site this LNG  
21 terminal where it is, but there are hundreds and  
22 hundreds of people.

23           If I've learned anything in my life,  
24 it's that accidents happen, and I think that

1 probably most of us would agree with that. One  
2 accident that happens there, whether it's an  
3 accident or whether it happens as a result of a  
4 terrorist attack, there will be hell to pay, and I  
5 guarantee you, ten years from now, there will be a  
6 front line, and the Army Corps of Engineers will  
7 be featured in that, and FERC will be featured in  
8 that, the administration, Hess, and I would hate  
9 to see that happen. It would be an awful, awful  
10 thing.

11 But even if there's no accident, and  
12 even if there's no terrorist attack, people will  
13 die as a result of this. I now work in Newport.  
14 I actually work in Middletown. I go over the  
15 Mount Hope Bridge twice. You have a student that  
16 has something medically wrong with them, and they  
17 need to get to Newport Hospital, and they're  
18 caught in a three mile traffic jam, that student  
19 will die, and if they do, it's not as a result of  
20 an accident or a terrorist threat. It's a result  
21 of intransigence in terms of understanding that  
22 you can't have 23 miles, you know, 1,000 foot  
23 tankers going 23 miles down a Bay. It makes  
24 absolutely no sense.

1           So that's what I wanted to say. I want  
2 to tell you that, as a four year military veteran,  
3 as a U.S. citizen, I'm confident that you're going  
4 to look at the science, that you're going to  
5 search your conscience and that you're going to  
6 make the right decision.

7           Thank you very much.

8           MODERATOR ROSENBERG: Thank you, sir.

9           (Applause.)

10          MODERATOR ROSENBERG: Next speaker,  
11 Sarah Ricci.

12          SARAH RICCI: Thank you for being here.  
13 Thank you for your time, and it seems that it's up  
14 to you guys about whether this dredging happens or  
15 not, and everybody, nearly everybody, I've heard  
16 tonight has been asking you to be on their side  
17 and to maintain their lives as they are as opposed  
18 to tearing them apart in a way that they can only  
19 perceive as bad, and I'd just like you to hear the  
20 request to be on our side.

21          MODERATOR ROSENBERG: Thank you, ma'am.

22          (Applause.)

23          MODERATOR ROSENBERG: Next speaker,  
24 Erick Baumann.

1 (No response.)

2 MODERATOR ROSENBERG: Richard  
3 C-A-B-E-C-E-I-R-A-S.

4 RICHARD CABECEIRAS: Hello. My name is  
5 Richard Cabeceiras--

6 MODERATOR ROSENBERG: Thank you.

7 RICHARD CABECEIRAS: I'm a student  
8 senator at Bristol Community College, which is a  
9 college which has more than 5,000 students at the  
10 school. We are the third most populated community  
11 college in the state of Massachusetts. As well, I  
12 am a MASSPIRG and Water Watch State  
13 Representative. I'm here speaking on behalf of  
14 both of those organizations, as well as my school.

15 Massachusetts has one of the worst water  
16 qualities in the nation, and that is something  
17 that we shouldn't be able to say about  
18 Massachusetts, considering that Massachusetts is  
19 called the Bay State. Right there, am I correct?  
20 I think everybody could get behind me on that one.

21 We have the second worst water quality  
22 in the nation. New Jersey has the first, and I'm  
23 sure you've been to New Jersey before. I've seen  
24 the water in New Jersey. You understand why New

1 Jersey has the worst water quality in the nation.

2 Part of the reason why that is, is  
3 because we used to have mills in Fall River, and  
4 we still have mills, but there's historic proof  
5 that we had mills that used to dump their stuff  
6 into our water supply, and we had to put a river  
7 into a pipe because it smelled so bad, so what  
8 they did to cover it up is, they put a river into  
9 a pipe, and now the thing that our city was named  
10 after, which was the Quickisham Waterfall, Fall  
11 River, doesn't exist any more because of the fact  
12 that we didn't think that our water supply  
13 mattered.

14 Now, we've taken some great steps in  
15 trying to clean that water supply. Water Watch  
16 and MASSPIRG, and the community of Fall River have  
17 been going to cleanups, have been working on the  
18 Taunton River, have been working on the Quickisham  
19 River and have been working in various other  
20 places in order to clean our water supply. We've  
21 been working actively to clean our water supply.

22 And when I look at what we're going to  
23 be doing to the water supply when we start  
24 dredging this water and the stuff that is settled

1 at the bottom of the water that we're going to be  
2 pulling up again, we're taking a step back. We  
3 really are taking a step back.

4 I'm sure most of the people who are  
5 sitting in this room who live or have driven by  
6 Taunton River about ten years ago can remember the  
7 horrendous stink that came off of that river.  
8 I've only been alive for 21 years, and I can  
9 remember ten years ago, we couldn't even go near  
10 that river because it smelled so bad. It doesn't  
11 do that any more. It doesn't stink unless, for  
12 some reason, if it's a really, really hot day, and  
13 it hasn't rained for ages, then it will stink, but  
14 now, compared to stinking every day to stinking  
15 sometimes in the summer, I'll take that.

16 What we're going to do is, we're going  
17 to pull all that stuff up and make that water  
18 stink again, and all the people in the surrounding  
19 areas are going to smell that again. That isn't a  
20 good thing.

21 Also, I'm going to speak a little bit on  
22 your terms, sir. Putting an LNG plant in Fall  
23 River is like putting an IED on the road and  
24 waiting for the right time to set it off. You're

1 just saying, hey, we're going to wait for you to  
2 drive by, and when you do, we're going to set this  
3 thing off. Unfortunately, that is the way that I  
4 am seeing this LNG plant.

5 We are a densely populated community,  
6 and because of the fact that we don't make as much  
7 income as some of the wealthier communities in the  
8 area, people think that we don't have a voice, and  
9 I'm here to say that we do, and not only do the  
10 people in the densely populated poor communities  
11 have a voice, but the people who go to our school  
12 who are in the wealthy communities, they also have  
13 a voice, and the voice of the students is saying  
14 that we don't want this LNG plant in our city. We  
15 don't want it at all.

16 Personally, I live less than a mile away  
17 from where this projected site is going to be, and  
18 I'm one of the lucky ones because I'm going to go  
19 quick if that thing goes off, but what about the  
20 people who live further away?

21 Thank you.

22 MODERATOR ROSENBERG: Thank you, sir.

23 (Applause.)

24 MODERATOR ROSENBERG: Next speaker, Ann

1 Turilli.

2 ANN TURILLI: Thank you for the  
3 opportunity to address you at this hearing.

4 I'm speaking as a private citizen and,  
5 also, as a resident of Jamestown, Rhode Island,  
6 and I'd like to say that I am in opposition to the  
7 Weaver's Cove project, and I'm also speaking  
8 tonight in the hopes that, after you weigh all of  
9 the comments that were made and all of the facts  
10 in this situation, that you will deny the  
11 application permit.

12 I adopt all of the comments that were  
13 previously said, all of the articulate and  
14 sometimes emotional comments that were made  
15 earlier this evening.

16 I'd like to say, in addressing the  
17 environmental and economic impacts of this  
18 application, dredging, along with the other  
19 portions of the application as well, that it  
20 doesn't at all take into account the unique shape  
21 of Rhode Island.

22 Rhode Island, if you look at it on a  
23 map, is a U, and what's in the middle of Rhode  
24 Island is Narragansett Bay. It goes straight up

1 the middle, and as everyone's been saying already  
2 tonight, 23 miles of a narrow Bay, a 1,000 foot  
3 tanker that I believe is approximately 43 feet  
4 wide at the beam, is going to go all the way up  
5 Narragansett Bay to Fall River, and I think what  
6 we keep hearing is S curves, and at other points  
7 in the debate, during the FERC proceedings, pinch  
8 points, four bridges and all of their bridge  
9 pilings. I mean, it's madness. I really is  
10 madness.

11 When you talk about S curves and pinch  
12 points and a 1,000 foot LNG tanker, 43 feet at the  
13 beam, I think that it's right here with the U.S.  
14 Army Corps of Engineers that we have to stop and  
15 look at environmental and economic impacts of  
16 letting this come to pass.

17 Now, the Taunton River, and I'm not  
18 scientist, and I'll say that right at the outset,  
19 but this is a matter of common knowledge, that the  
20 Taunton River and Southeastern Massachusetts are  
21 the watershed for the entire East Narragansett  
22 Bay, east passage of Narragansett Bay. It's very  
23 important to the ecosystems of Narragansett Bay,  
24 and Narragansett Bay is a nationally recognized

1 protected estuary. It's considered one of, it not  
2 the most pristine bays in the country, and we'd  
3 like to keep it that way.

4 The dredging that's being proposed,  
5 however many cubic yards, 6.5 million cubic yards,  
6 or so, of this contaminated sludge spoils and  
7 bringing up the mercury and the arsenic and the  
8 copper and the zinc and spilling that along  
9 through this pristine estuary along 23 miles from  
10 Mount Hope Bay and, also, I believe, the northern  
11 part there above -- from Mount Hope Bay all the  
12 way down and out to this spot in the sound would  
13 ruin fish habitat that are already in a declining  
14 state, and DEM has recognized that in Rhode  
15 Island, that the fish stocks are declining,  
16 ruining 11 acres of winter flounder. That cannot  
17 be recompensed with money.

18 We don't know the science of whether  
19 that would ever come back, that habitat, and  
20 furthermore, as far as mercury goes, it's well  
21 known, the CDC has done reports on this, that that  
22 bio accumulates in shellfish. So I hope the Army  
23 Corps will look at these issues.

24 I want to go ahead and go over now to

1 the issue of the economic impacts of this  
2 proposal, this application, on Rhode Island.  
3 Rhode Island's economy is largely still driven by  
4 tourism, and as beautiful as a lot of other places  
5 are in this state, most of that tourism revolves  
6 around Newport.

7 Newport actually feeds the rest of the  
8 state. People come to Rhode Island. They land at  
9 Green Airport, they go to Newport, and then they  
10 also often flow off into other parts in this  
11 state. And why do they go to Newport? It's the  
12 yachting capital of the world, it's been called.

13 One of my neighbors is Hannah Swett.  
14 She is one of the best women sailors in the world.  
15 She's from Jamestown. She learned on Narragansett  
16 Bay. That's where my son Nicholas is learning.

17 When he was eight years old with  
18 Conanicut Yacht Club, one of the oldest yacht  
19 clubs in the country, he went out, just like  
20 hundreds and hundreds of children like him, in  
21 their opties, which are these tiny, tiny  
22 sailboats, and they sailed toward the federal  
23 channel, and they do that every day, as do all of  
24 those yacht clubs, all of them, whether you're

1 looking at the Newport Yacht Club, whether you're  
2 looking at the Conanicut Yacht Club or Newport  
3 Offshore. All of these communities will be  
4 affected.

5 My son was in a sailboat that was blown  
6 about 14 to 15 knots, and he went off course away  
7 from the others, and he was in the middle of the  
8 channel. Now, I can tell you, he wouldn't have  
9 been able to negotiate around a 1,000 foot long,  
10 43 foot at the beam, LNG tanker. He didn't even  
11 have a cup to bail the boat out.

12 I just want to, in closing on that, and  
13 I see I have a red light, I just want to say that  
14 tour boats, charter boats, as well as the cruise  
15 ships, they drive the Newport economy, and tourism  
16 in Newport would be incredibly, substantially,  
17 materially, detrimentally affected by, both, the  
18 dredging, the process of the dredging, as well as,  
19 ultimately, if these tankers are permitted to go  
20 up the Bay.

21 They would be affected by the huge  
22 security zones that would be maintained around  
23 these ships which would, essentially, close off  
24 the Bay, particularly, at these so-called pinch

1 points and S curves and all the other meanderings  
2 of this narrow Bay that these ships have to take.

3 Thank you.

4 MODERATOR ROSENBERG: Thank you, ma'am.

5 (Applause.)

6 MODERATOR ROSENBERG: Next speaker,  
7 Shawn Fitzgerald.

8 (No response.)

9 MODERATOR ROSENBERG: Erick Baumann.

10 (No response.)

11 MODERATOR ROSENBERG: That's the end of  
12 the cards. Is there anybody here that has not  
13 spoken that wishes to speak, although did not  
14 indicate on a card?

15 DAVID FREDERICK: Yes, I would.

16 MODERATOR ROSENBERG: Yes, sir. Please,  
17 come up to the microphone, state your name and the  
18 interest you may represent.

19 DAVID FREDERICK: My name is David  
20 Frederick. I'm a resident of Fall River. I'm  
21 here representing myself. Good evening, sirs and  
22 ma'am.

23 The first thing I'd like to do is, on  
24 the record, formally request an extension of the

1 public comment period due to the fact that this  
2 record won't be posted until after that date, and  
3 I believe that to have informed opinions, people  
4 who would wish to review the record would need to  
5 see that record before they could submit those  
6 comments.

7 One point that's been brought to me  
8 tonight is the fact of when they say that they  
9 need the high tide to come in, the concern it  
10 raises with me is, if there were a delay in the  
11 offloading, would low tide impinge upon a berthed  
12 LNG ship's ability to withdraw from the pier.

13 Since the Sandia Report was released, I  
14 can confidently say that, if you were to have a  
15 catastrophic incident marine release, you'd  
16 release 75 Hiroshimas of energy in 75 minutes.  
17 That affects the people at the Bay.

18 I spoke last night, and I referenced the  
19 diking systems, which with a full containment  
20 tank, isn't used for the thermal exclusion zone.  
21 It's used only to contain the flammable vapor.

22 In the Final Environmental Impact  
23 Statement, the FERC admits that disruption of the  
24 outer tank is a possibility and that that berm

1 could become full of LNG, and we're offered no  
2 thermal exclusion zone, based on the flame that  
3 would come off the 580,000 square foot dike.  
4 These raise great concerns to me.

5 In reviewing the Congressional Research  
6 Report to Congress from Marine Security of  
7 hazardous chemical cargo, August 26, '05, I was  
8 shocked to find that the Environmental Protection  
9 Agency has a risk management plan which includes  
10 off-site consequence reports. Those are not  
11 called for with LNG -- well, they are called for  
12 with LNG if you have over 10,000 pounds, but it's  
13 used for process. If it's used for fuel, there's  
14 no requirement for that. That shocked me.

15 I think that was about all I had to say.

16 MODERATOR ROSENBERG: Thank you, sir.  
17 Thank you very much.

18 (Applause.)

19 MODERATOR ROSENBERG: Is there anyone  
20 who has not spoken that wishes to add comment for  
21 the record? Please, state your name and any  
22 interest you may represent.

23 MAUREEN JERNIGAN: My name is Maureen  
24 Jernigan. I'm a resident here in Bristol and a

1 teacher in the district.

2 I came here mostly to get information  
3 for my students because we are discussing the  
4 energy situation in our country today, but I also  
5 came because I wanted to know, for myself and for  
6 my family, how we would be affected by something  
7 that's going to be so close to home, and I think,  
8 when we heard Richard get up, that really drove  
9 the point home to me again that we have to think  
10 not only of ourselves, but of the coming  
11 generation.

12 Working with children every day, being a  
13 mother, myself, and seeing very active college  
14 students, like himself, just drives home the point  
15 again that what we're talking about is not only  
16 going to affect us, but generations to come, so I  
17 hope that in all the considerations, with all the  
18 facts we've heard tonight and the many people who  
19 spoke very eloquently and had many good detailed  
20 information, that we put all this information into  
21 account thinking not only what's going to happen  
22 today, but what's going to happen a decade down  
23 the road, several decades, when our children and  
24 grandchildren are grown and have to live with the

1 decisions we make today.

2 Thank you.

3 MODERATOR ROSENBERG: Thank you, ma'am.

4 (Applause.)

5 MODERATOR ROSENBERG: Is there anyone  
6 who would like to speak that has not spoken this  
7 evening? Don't rush. Safety first, safety  
8 always.

9 CLAUDETTE WEISSINGER: Hi. I'm  
10 Claudette Weissinger from Portsmouth, and I have a  
11 question about advertising for this meeting. I  
12 haven't seen, I didn't see any advertising, and I  
13 thought we're supposed to get some advertising  
14 ahead of time on things like this.

15 I just read a newspaper article and  
16 happened to see it in last night's paper.

17 LT. COL. ANDREW NELSON: Why don't you  
18 address the advertising?

19 MODERATOR ROSENBERG: Actually, for  
20 everybody here, we had a public notice. It was  
21 mailed to probably over 2,700 individuals. It was  
22 online. Press releases went out, but no, we don't  
23 take out advertising in newspapers. Every  
24 newspaper in this area has -- and I'll be happy to

1 talk about this right after we close the hearing.

2 CLAUDETTE WEISSINGER: Yes, because I  
3 think that's a requirement for a public hearing.

4 MODERATOR ROSENBERG: No, but I'll be  
5 happy to talk to you about this later.

6 CLAUDETTE WEISSINGER: First of all.  
7 And second of all, I was wondering if there's any  
8 possibility of that extension period on comment  
9 because I'm with an organization, and we have to  
10 get town agreement and just talked with the town  
11 councilmen, and they're not meeting until the 9th  
12 of January, so we can't comment--

13 MODERATOR ROSENBERG: Okay--

14 CLAUDETTE WEISSINGER: --because of the  
15 time of the year and things like that.

16 MODERATOR ROSENBERG: We'll take that on  
17 the record.

18 CLAUDETTE WEISSINGER: I appreciate it.

19 MODERATOR ROSENBERG: Thank you.

20 CLAUDETTE WEISSINGER: And I don't  
21 believe that it should be in Fall River. I have a  
22 mother in the nursing home, 350 people in that  
23 nursing home. They don't deserve to die by  
24 burning. Just remember what happened to the

1 people in the nursing homes during Katrina. Okay?

2 MODERATOR ROSENBERG: Thank you.

3 (Applause.)

4 CLAUDETTE WEISSINGER: It's a safety  
5 issue.

6 (Applause.)

7 MODERATOR ROSENBERG: Is there anyone  
8 else who has not made comment that wishes to  
9 provide comment for the record?

10 (No response.)

11 MODERATOR ROSENBERG: No. Colonel?

12 LT. COL. ANDREW NELSON: Ladies and  
13 gentlemen, we have heard a great many thoughtful  
14 statements this evening. Careful analysis will be  
15 required before a determination can be made and a  
16 decision rendered.

17 We have stated that written statements  
18 may be submitted to the Corps of Engineers until  
19 January 3rd of 2006, and those statements will  
20 receive equal consideration with those presented  
21 tonight.

22 As there have been requests on the  
23 record for us to consider extending that closure  
24 of the public comment period, we certainly will

1 consider it.

2           Each question or issue raised will be  
3 addressed in our Statement of Findings on the  
4 Corps determination regarding the Weaver's Cove  
5 Energy and Mill River Pipeline permit  
6 applications.

7           We, at the Corps of Engineers, extend  
8 our appreciation to all who took the time to  
9 involve themselves in this public review process,  
10 and finally, before I conclude this hearing, I'd  
11 like to extend my appreciation to the Town of  
12 Bristol, the Bristol School Department and the  
13 Mount Hope High School for use of this fine  
14 facility tonight.

15           I'd also like to thank the Bristol  
16 Police and Fire Department for their support, and  
17 I'd personally like to thank each of you for  
18 taking the time to provide us with your thoughtful  
19 comments, your thoughts and your heartfelt  
20 concerns.

21           I wish you all a safe trip home. Good  
22 evening.

23           (Whereupon, at 8:28, December 15, 2005,  
24 the above hearing was concluded.)

P R O C E E D I N G S

(6:46 p.m.)

1  
2  
3 MATTHEW LINDBLAD: Okay. My name is  
4 Matthew Lindblad. I represent Roger Williams  
5 University Waterfront and Sailing Team.

6 At Roger Williams, we are working very  
7 hard to increase local and campus community access  
8 to the Bay through kayak and sailing camps,  
9 swimming and other educational opportunities.

10 The proposed plans represent not only a  
11 disruption to this, our hard work, but also, the  
12 dredge sediments that would be stirred up would be  
13 a serious safety hazard, as they are directly in  
14 the Bay that we access.

15 Lt. Col. Nelson spoke about the Corps'  
16 evaluation process and criteria. He said they  
17 evaluate detrimental impact versus positive public  
18 effects. I think the process needs to evaluate  
19 alternatives to the proposed plan and say no to  
20 this poorly planned idea and force these parties  
21 to solve New England's energy needs the right way.

22 EMESE WOOD: My name is Emese Wood. I'm  
23 a home owner in Bristol, Rhode Island. I believe  
24 that there have been many eloquent arguments made

1 against this proposal with which I'm in  
2 wholehearted agreement. I think it is a very  
3 ill-conceived idea which poses threats to our  
4 personal safety, to the environment, as well as to  
5 the simple possibility of transportation in our  
6 area which is, in the summertime, already quite  
7 congested.

8 I hope very much that the Corps will  
9 take all of these considerations into balance,  
10 look at the offshore alternatives and reject this  
11 proposal.

12 Thank you.

13 DAVID CASTRO: Thank you. My name is  
14 Dave Castro, of Tiverton, Rhode Island, and I'd  
15 just like to address my incredulousness with the  
16 fact that this LNG tank is planned to be located  
17 within a quarter of a mile of three nursing  
18 facilities and a public housing project, all  
19 within plain sight of it and well within the  
20 danger zone, and I don't think that has been duly  
21 noted.

22 CHRISTOPHER JENSON: Okay. Basically,  
23 the only thing I wanted to address to the Army  
24 Corps of Engineers here that I didn't address up

1 front, okay, you know, was I talked about the  
2 heavy metals of what was known as the Silver City,  
3 of Taunton, Massachusetts, and you have Rogers  
4 Silver Company, ICI Americas, in Dighton,  
5 Massachusetts, and Princess House, in Taunton, and  
6 they dumped a lot of stuff during the 1800s and on  
7 known as slag or coke, and that was dumped into  
8 the river and its sediment.

9 The sediment settled, and it's  
10 encapsulated, and it's fine. Dredging it is going  
11 to cause problems because this stuff has trickled  
12 down, you know, all the way south into the Bay.  
13 In New Bedford, they wanted to have the ferry boat  
14 project in the late eighties, and it was denied  
15 due to the sediment in the Acushnet River.

16 Then I spoke of the port security with  
17 the MARSEC levels. They say, we're going to shut  
18 down the harbor when these ships are coming in.

19 The last thing that I did want to speak,  
20 and I did not want to speak in the public quorum  
21 is Army Corps of Engineers, you're active Army.  
22 That means colonels are subject to the UCMJ. He  
23 answers to the Commander in Chief. George Bush  
24 seems to be adamant about pushing these through.

1                   Okay. I did not want to embarrass the  
2 Colonel in front of a room of people, but is he  
3 going to just push and follow his orders if the  
4 Commander in Chief says push this agenda through?  
5 That was pretty much all I wanted to speak about.

6                   Thank you very much.

7                   (Whereupon, at 7:13 p.m., December 15,  
8 2005, the above hearing was concluded.)

CERTIFICATE OF REPORTER AND TRANSCRIBER

This is to certify that the attached  
proceedings

in the Matter of:

RE: PERMIT APPLICATION  
DREDGING AND DREDGE MATERIAL DISPOSAL PLAN PERMIT  
FILE # NAE-2004-2355

WEAVER'S COVE ENERGY, LLC. and  
MILL RIVER PIPELINE, LLC.  
FALL RIVER, MASSACHUSETTS

Place: Bristol, Rhode Island

Date: December 15, 2005

were held as herein appears, and that this is the  
true, accurate and complete transcript prepared  
from the notes and/or recordings taken of the  
above entitled proceeding.

Jeffrey Mocanu  
Reporter

December 15, 2005  
Date

Susan Hayes  
Transcriber

December 27, 2005  
Date