

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

BMC Durfee High School
Robert J. Nagle Auditorium
360 Elsbree Street
Fall River, MA

Wednesday
December 14, 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

(5:06 p.m.)

1
2
3 MODERATOR ROSENBERG: Good evening and
4 welcome to this public hearing regarding the
5 permit application submitted by Weaver's Cove
6 Energy, LLC and Mill River Pipeline, LLC to
7 conduct dredging in an existing federal navigation
8 channel, install structures and discharge fill
9 material in wetlands and waterways for the
10 construction of a liquified natural gas import
11 terminal and natural gas pipeline facility.

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

19 Should you need copies of the public
20 notice, the hearing procedures or any other
21 pertinent, it's available at the registration
22 table, and I should point out that the Corps of
23 Engineers has made no decision regarding this
24 permit application.

1 The agenda for this hearing is,
2 following this introduction, Col. Nelson will
3 address the hearing. Our hearing officer will
4 then be followed by the permit applicant, who will
5 provide a brief overview of the proposed work, the
6 proposed dredging of the Taunton River navigation
7 channel and the options for disposal of the
8 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 wish to speak this evening. If you did not
16 complete a card, but wish to speak or receive
17 future information regarding this permit, one will
18 be provided at the registration desk.

19 Now, since this hearing will close this
20 evening at 10:00 p.m., no later than 10:00 p.m.,
21 for your convenience, an additional stenographer
22 is available near the registration area, should
23 you wish to provide comment on the record, but
24 without the imposed time restrictions. These

1 statements, along with any written statements
2 submitted, will receive equal consideration with
3 those presented here tonight.

4 One additional comment. We are here to
5 receive your comments, not here to enter into any
6 discussion of those comments or to reach any
7 conclusion. Any questions you have should be
8 addressed to the record and not to the individuals
9 on the panel.

10 Thank you, ladies and gentlemen.

11 Lt. Col. Nelson?

12 LT. COL. NELSON: Thank you, Larry.

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

21 Before we begin, I would like to thank
22 you for your personal involvement in this
23 environmental review process. I am Lt. Col.
24 Andrew Nelson, the Deputy District Engineer for

1 the New England District of the United States Army
2 Corps of Engineers. Our headquarters is in
3 Concord, Massachusetts. Other Corps of Engineers
4 representatives with me here tonight include
5 Christine Godfrey, who is our Chief of Regulatory
6 Division, and Ted Lento, who is our Permit Project
7 Manager. Larry Rosenberg, our Chief of Public
8 Affairs, will facilitate this evening's hearing.

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

19 The LNG terminal would be located on a
20 73 acre site adjacent to the Taunton River
21 primarily at One New Street, in Fall River,
22 Massachusetts. The project facilities are subject
23 to the jurisdiction of the Federal Energy
24 Regulatory Commission. The Corps' jurisdiction

1 for this proposed activity are limited and include
2 Section 10 of the Rivers and Harbors Act and
3 Section 404 of the Clean Water Act, both of which
4 I will discuss in more detail in a moment.

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

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

21 The focus of this comment period and
22 these hearings is to receive comments on the
23 dredging and dredged material disposal aspects of
24 the project, the Corps' primary area of

1 jurisdiction for the project.

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

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

21 In accordance with these regulatory and
22 statutory authorities, our decision to issue a
23 permit will be based on an evaluation of the
24 probable impacts of the proposed activity on the

1 public interest. Our decision will reflect the
2 national concern for, both, the protection and
3 utilization of important resources.

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

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

24 The Corps conducts a broad-based public

1 interest review. This hearing is part of that
2 review. All factors affecting the public will be
3 included in our evaluation. Your comments will
4 help us in reaching a decision.

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

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

15 Thank you.

16 MODERATOR ROSENBERG: Thank you, sir.

17 Ladies and gentlemen, Weaver's Cove and
18 their contractor will present a permit application
19 overview at this point, and there is a slide show
20 so we will be leaving the stage.

21 Sir?

22 TED GEHRIG: Let me introduce myself.
23 My name is Ted Gehrig. I'm the President of
24 Weaver's Cove Energy. I'd like to thank you all

1 for coming out and participating in this
2 permitting process. I look forward to getting
3 some of the information with regards to the
4 project available to you through this process.

5 I'm not going to be giving the talk
6 tonight. I'm going to leave that up to the
7 experts. We have here to present this evening Ted
8 Barten. He's the managing principal with Epsilon
9 & Associates. Epsilon & Associates is the
10 environmental consulting firm that did much of the
11 studies associated with the dredging work and is
12 doing a lot of our state permit filings for us as
13 well.

14 So I'd introduce Ted Barten.

15 TED BARTEN: Thank you, Ted.

16 Col. Nelson, Ms. Godfrey, Mayor Lambert,
17 ladies and gentlemen, good evening. Pleasure to
18 be here. I'm going to take about ten minutes to
19 walk you through the key elements of the Corps
20 jurisdictional aspects of the Weaver's Cove
21 project, primarily, the dredging and some work
22 associated with the pipelines.

23 We'll start with a description of the
24 jurisdictional elements of the project. Weaver's

1 Cove and Mill River have requested Corps permits
2 for the following jurisdictional activities:
3 shore line straightening and stabilization
4 measures, construction of a new pile supported
5 jetty or pier for offloading the LNG ships, a boat
6 ramp for public and private security vessels, and
7 all of these are support facilities associated
8 with construction of the LNG terminal in Fall
9 River.

10 There's also construction of two Mill
11 River natural gas pipeline laterals, about six
12 miles in length, in total, and the dredging
13 activities associated with the installation of the
14 western lateral across the Taunton River.

15 There's a maintenance and improvement
16 dredging program of the existing seven mile long,
17 35 foot deep Mount Hope Bay, Fall River Harbor,
18 federal navigation channel and turning basin, and
19 lastly, there is offshore disposal of dredged
20 material in federal waters, primarily, at the
21 Rhode Island Sound disposal site and/or the Mass.
22 Bay disposal site.

23 Very briefly, a locus map of the site.
24 As you all know, it's, roughly, two miles north of

1 the Braga Bridge on the eastern shore of the
2 Taunton River.

3 Okay. I'm going to start by taking a
4 little more detailed look at the dredging program.
5 I'm having trouble with my clicker here. Thank
6 you.

7 All right. I'm going to start with just
8 a bit of history on the existing federal channel.
9 As many of you may know, the channel was initially
10 dredged back in the 1920s, and according to the
11 Corps, since 1931, there have been approximately
12 12 million cubic yards of sediment removed from
13 Fall River Harbor and the channel, much of that
14 associated with the original construction of the
15 channel and turning basin. The most recent
16 significant maintenance dredging of the channel
17 was performed in the 1970s.

18 Over this period, the Corps, a number of
19 private water-dependent industries, private
20 marinas, the state pier and other public agencies
21 have conducted dredging operations in the these
22 waters. The current authorized depth of the
23 channel is 35 feet.

24 Now, in putting together the dredging

1 program for the project, we looked at the
2 necessary horizontal and vertical dredging limits
3 in order to enable the ships to safely navigate
4 the channel to the project site, and part of this
5 analysis was modeling of the ship transit by
6 Marine Safety International, in Portsmouth, Rhode
7 Island, and that work was done in consultation
8 with, both, the Narragansett Bay pilots and the
9 U.S. Coast Guard.

10 The dredging, itself, will be conducted
11 using a number of mechanical dredges outfitted
12 with a range of different bucket types and sizes.
13 The dredges will be supported by other floating
14 equipment, tugs, to maneuver the dredges, and
15 barges, barges and scows, to receive and remove
16 the dredged material, survey vessels and support
17 vessels, such as work boats.

18 The dredged material, itself, will be
19 loaded onto barges and transported for offshore
20 disposal. That's our preferred alternative, and
21 we also have a backup alternative which is to
22 place the stabilized material on the site itself.

23 Now, a few numbers that give you a
24 feeling for the scale of the dredging project.

1 The existing federal channel will be deepened from
2 its current authorized depth of 35 feet to
3 approximately 37 feet. Large parts of the channel
4 are already at 37 feet, or deeper, and we have a
5 slide a little further on which will give you a
6 flavor for that.

7 The turning basin, which is this area
8 right off the site, basically, between the site
9 and the existing NRG Somerset Power Plant on the
10 other side of the river, will be dredged from its
11 existing depth of 35 feet down to 41 feet. All of
12 that will yield approximately 2.1 to 2.6 million
13 yards of dredged material. That's on an in situ
14 basis and includes one foot of over-dredge.

15 Now, this next slide will give you a
16 feeling for the depth of dredged cut or the depth
17 of material that's going to be removed from
18 various parts of the, of the channel and the
19 turning basin.

20 This is supposed to go through in
21 sequence, but you can see the whole thing up there
22 now. Basically, the gray area within the channel
23 limits is already at 37 feet and requires no
24 dredging at all, and that accounts for, roughly,

1 49 percent of the, roughly, 400 acre total dredge
2 footprint.

3 Another 32 percent of the channel will
4 require dredging of between zero and 5 feet, so
5 very thin cuts. Another, roughly, 10 percent of
6 the channel requires dredging between 5 and 10
7 feet, and then the balance, which is in a few
8 small areas, basically, up on either side of the
9 turning basin, a little bit along what's called
10 the S bend here and a very thin cut along part of
11 the edge of the main channel will require somewhat
12 deeper cuts, 15 feet, 20 feet in some instances.

13 The main point of this slide is to
14 convey that, roughly, 75 percent of the 400 acre
15 dredge footprint either requires no dredging or
16 very shallow cuts of 1 to 5 feet.

17 Now, our original dredge plan, which was
18 the basis of the Corps hearings that were held
19 back last summer, was based primarily on upland
20 placement of the material, and our intent there
21 was to bring the material up onto the site at a
22 controlled rate, and in fact, the pace of the
23 upland placement would be the limiting factor in
24 the dredge program schedule, and we expected to

1 need about 650 days of total production, and that
2 translates to about 975 calendar days when you
3 allow for weather and equipment delays and the
4 like.

5 This scheme also assumed that there were
6 no dredge restrictions or protection of the
7 fisheries, and with those assumptions, the
8 dredging could be accomplished in three years.

9 Now, as we moved through the regulatory
10 produce, we began to get feedback from the
11 agencies to the effect that we would need, at
12 least, some restrictions, time of year
13 restrictions, and we also had some questions from
14 the agencies on the upland placement program and
15 were encouraged to look more seriously at the
16 offshore disposal alternative, which we had also
17 included in our original filing.

18 We did that by moving through these
19 steps back in January of 2004. We put together a
20 Tier 3 Sediment Sampling and Analysis Plan
21 submitted to the Corps and EPA. They approved
22 that in September of 2004.

23 We went out, did the field work, the lab
24 work and submitted the results of that in April of

1 2005, and several months later, in September,
2 after a careful review, the Corps and EPA approved
3 the tested material which was virtually the entire
4 sediment volume for disposal at federally
5 designated offshore disposal sites.

6 So with that approval in hand, we have
7 modified the dredge program, and what I've
8 outlined on this slide gives you a flavor for
9 that. We are going to follow time of year
10 restrictions for the protection of winter
11 flounder, and that's going to run from January
12 15th through May 31st.

13 We're going to also observe, in
14 Massachusetts, a time of year restriction for the
15 protection of the anadromous fish migration.
16 That's going to run from March 15th to June 15th.
17 That allows us a seven month dredging season, and
18 with that seven month season, we believe we can
19 complete the dredging in three seasons, assuming
20 we have offshore disposal and that we can use
21 multiple dredges concurrently.

22 Now, the disposal site that we are
23 focused on at this point is the Rhode Island Sound
24 disposal site. This was designated by EPA in

1 December of 2004 and prior to that, on an interim
2 basis, was used for the placement of, roughly,
3 five million yards of material taken from the
4 Providence harbor and river dredging project, and
5 it's located about 13 miles off the mouth of
6 Narragansett Bay in federal waters, as you can see
7 from this slide.

8 Now, in the course of working the
9 project through the regulatory process, we have
10 refined the mitigation measures that the project
11 has proposed. They include the time of year
12 restrictions that I spoke of previously,
13 environmental inspectors, use of an environmental
14 or closed bucket for work in softer sediments, no
15 significant scow overflow, a water quality
16 sampling and monitoring program, a shellfish
17 habitat mitigation plan, and that includes a
18 pre-harvest survey, a pre-dredge harvesting and
19 relay and seeding and compliance monitoring at the
20 completion of that effort, and we've also been
21 working with an interagency working group to come
22 up with a winter flounder habitat mitigation
23 program.

24 With that, we're going to take a quick

1 look at some of the site development activities,
2 which are the other major focus of the Corps
3 approvals.

4 Again, we'll start with a bit of
5 history. The site, the 55 acre site, is shown in
6 this photo as it existed some decades ago when it
7 was used by Shell. It is on the federal channel.
8 It's in a designated port area, and designated
9 port areas are established by Massachusetts CZM to
10 promote marine industrial developments in port
11 areas with key industrial attributes.

12 Just a bit of history. The site was
13 first used back in the twenties. It was a
14 refinery for, roughly, a decade. It was then in
15 operation for about 70 years under Shell Oil as an
16 oil products distribution terminal. Since the
17 year 2000, it's been used by Fall River Marine
18 Terminal, primarily, for construction staging and
19 storage, and the site remains permitted for the
20 storage of approximately 64 million gallons of
21 mixed petroleum products.

22 This next slide is an overlay of the
23 current site layout on a recent aerial photo of
24 the site. This may be a bit hard to see for those

1 in the back, but basically, with the move to
2 offshore and the need not to have a land form on
3 the site, the main elements of the project have
4 been consolidated onto the 55 acre main parcel of
5 the site, which is, basically, this area.

6 JOSEPH CARVALHO: You put the legend on
7 so you could block the houses that re there. The
8 lower lefthand corner. Bet you didn't think of
9 that.

10 TED BARTEN: The tank is right here, the
11 process area here, very little activity on the
12 north parcel, that will be used for construction
13 laydown, a new jetty, and as you can see from
14 that, this is an outline of the ship. The new
15 jetty and the ship area inside the line of the
16 existing pier.

17 We've also been able to pull in some of
18 the shoreline stabilization areas here to avoid
19 the salt marsh areas on the south end of the site,
20 and this next slide gives you a little feel for
21 that.

22 Unlike the original design, we've been
23 able to modify this so that we avoid any impacts
24 to the salt marsh on the south end of the site

1 and, also, our small coastal dune area on the
2 north end of the site.

3 Then lastly, a few words on where we are
4 in the permitting process and the environmental
5 review process, and I believe Col. Nelson covered
6 some of this. The NEPA process, the federal
7 environmental review was completed with FERC's
8 issuance of the FEIS back in May. The FEIS will
9 serve as the baseline document for the Corps in
10 its evaluation of public interest factors. The
11 Federal Energy Regulatory Commission issued its
12 certificate approving the project back in July.

13 As most of you know, we had an earlier
14 round of Army Corps hearings back in September
15 2004. Those were held at the time that the DEIS,
16 DEIR was out for review, and then the last item
17 here is a quote from the public notice which,
18 again, just for emphasis, the focus of the Corps
19 review and what we hope to hear tonight are
20 comments on the dredging aspects of the project.

21 So with that, I thank you for your
22 attention, and we'll turn it back to the folks
23 from the Corps.

24 LT. COL. NELSON: To make one point of

1 clarification, and for the public, on the topic of
2 the dredged material, the speaker portrayed that
3 the Environmental Protection Agency and the Corps
4 had given approval of disposing of the dredged
5 material at the offshore disposal site.

6 What that process did was determine that
7 the material proposed to be dredged was suitable
8 to be disposed in the open ocean. A decision yet
9 about approving the disposal of that material has
10 not yet been made, so I just wanted to make that
11 clarification.

12 Is that clear to you as well?

13 (No verbal response.)

14 LT. COL. NELSON: Okay. Thank you.

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

22 The hearing this evening will be
23 conducted in a manner that all who desire to
24 express their views will be given an opportunity

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

7 We don't want to see one individual deny
8 others the right to express their views or their
9 concerns of this proposed project. Furthermore,
10 in order to make any decision regarding this
11 permit application, we, the United States Army
12 Corps of Engineers, need to have you involve
13 yourself in this environmental review process, not
14 just this evening, but throughout the entire
15 process.

16 When you came in, copies of the public
17 notice and the procedures to be followed at this
18 hearing were available. If you did not receive
19 these, both are available at the registration desk
20 at the entrance to the hall. I will not read
21 either the procedures or the public notice, but
22 both will be entered into the record.

23 A transcript of this hearing is being
24 prepared, and that record will remain open and

1 written comments may be submitted tonight or by
2 mail up until January 3, 2006. All comments
3 receive equal consideration. Anyone who wishes to
4 send written comments should forward those
5 comments to our headquarters in Concord,
6 Massachusetts.

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

15 FROM THE FLOOR: Point of procedure,
16 please. Could the transcript be made available
17 online as opposed to--

18 MODERATOR ROSENBERG: As I said, we'll
19 try not to interrupt, and you'll get all the
20 information you need. Again, we are here to
21 receive your comments, not to enter into a
22 discussion of those comments or to reach any
23 conclusions. All questions will be directed to
24 the record and not to the individuals on the

1 panel.

2 So, if there's no objection from the
3 hearing officer, I will now dispense with the
4 reading of the public notice of this hearing and
5 have it entered into the record.

6 LT. COL. NELSON: Yes.

7 MODERATOR ROSENBERG: Thank you, sir.

8

9 * * * * *

10 **PUBLIC NOTICE**

11

12 **Date:** November 1, 2005

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

14 **File Number:** 2004-2355

15 **In Reply Refer To:** Ted Lento

16

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

19

20 Weaver's Cove Energy, LLC. ("Weaver's
21 Cove") and Mill River Pipeline, LLC. ("Mill
22 River") (Collectively, the "Applicant") have
23 requested Corps of Engineers ("Corps") permits
24 under Section 10 of the Rivers and Harbors Act of

1 1899, Section 103 of the Marine Protection,
2 Research and Sanctuaries Act and Section 404 of
3 the Clean Water Act to conduct dredging in an
4 existing Federal navigation channel, install
5 structures and discharge fill material in wetlands
6 and waterways for the construction of a liquefied
7 natural gas ("LNG") import terminal and natural
8 gas pipeline facilities. The LNG terminal would
9 be located on a 73 acre site adjacent to the
10 Taunton River primarily at One New Street in the
11 City of Fall River, Massachusetts. Mill River is
12 proposing to temporarily alter wetlands and
13 waterways in order to construct two new lateral
14 pipelines (referred to as the Western Lateral and
15 Northern Lateral) that will facilitate the
16 delivery of re-gasified LNG to the existing
17 interstate pipeline network. The facilities of
18 Weaver's cove and Mill River referred to as "the
19 Project". The Project facilities are also subject
20 to the jurisdiction of the Federal Energy
21 Regulatory Commission ("FERC") pursuant to
22 Sections 3 and 7 of the Natural Gas Act. A prior
23 Corps Public Notice was issued for this project on
24 August 3, 2004 and joint Corps/FERC Public

1 Hearings were held September 8, 2004 in
2 Massachusetts and September 9, 2004 in Rhode
3 Island. Due to proposed project modifications we
4 are issuing this revised notice and will convene
5 two additional public hearings to seek comment on
6 aspects of the Project within Corps jurisdiction.
7

8 The Applicants require Section
9 10/404/103 permits because the proposed work
10 occurs within jurisdictional waters of the United
11 States. The proposed work will predominantly
12 occur in the Commonwealth of Massachusetts, but a
13 portion of the navigation channel dredging will
14 occur within the Federal Channel limits in the
15 State of Rhode Island. This terminal site is
16 located on the USGS Fall River quadrangle sheet at
17 UTM zone 19 coordinates 4622349 N and 0321927 E.
18

19 The work depicted on two sets of plans,
20 one entitled "Weaver's Cove Energy, LLC"
21 consisting of 37 sheets dated September 2005,
22 depicting the onshore disposal site configuration
23 and Attachment B consisting of two figures
24 entitled "Figure 1, Dredging Plan with Upland

1 Placement". A second separate plan set entitled
2 "Mill River Pipeline, LLC" consisting of 37 sheets
3 revised October 20, 2005 depicts proposed work for
4 construction of the Mill River pipeline laterals.
5 These plan sets are available for viewing or
6 downloading from the Corps Internet site
7 www.nae.usace.army.mil under the link for
8 Regulatory Public Notices. Copies of the permit
9 plans can also be mailed upon request.

11 **FERC National Environmental Policy Act (NEPA)**

12 **Review**

13
14 The NEPA review of the Project was
15 conducted by the FERC with the participation and
16 assistance of cooperating agencies including the
17 Corps. The Final Environmental Impact Statement
18 ("FEIS") for the Project was issued by the FERC in
19 May 2005. The FERC Commissioners voted to approve
20 construction and operation of the Project on June
21 30, 2005. The FERC subsequently issued an Order
22 (i.e., FERC Certificate) on July 15, 2005
23 authorizing construction and operation of the
24 Project that includes a number of conditions with

1 respect to facility design and environmental
2 mitigation. This FEIS will serve as the baseline
3 document for the Corps in performing its
4 evaluation of the public interest factors
5 described below. The FEIS has been placed in the
6 public files of the FERC (Reference Docket No.
7 CP04-36-000) and is available for distribution and
8 public inspection at:

9
10 Federal Energy Regulatory Commission
11 Public Reference Room
12 888 First Street, N.E., Room 2A
13 Washington, DC 20426
14 (202) 502-8371
15

16 A limited number of copies are available
17 from the Public Reference Room identified above.
18 In addition, copies of the FEIS have been mailed
19 to federal, state and local agencies; public
20 interest groups; individuals and affected
21 landowners who requested a copy of the FEIS;
22 libraries; newspapers; and parties to this
23 proceeding. The FEIS is also available on the
24 FERC Internet website (www.ferc.gov) using the

1 eLibrary link. Click on the eLibrary link, click
2 on "General Search" and enter the docket number
3 CP04-36 in the Docket Number field. Be sure you
4 have selected an appropriate date range. For
5 assistance, please contact FERC Online Support at
6 FERCONlineSupport@ferc.gov or toll free at 1-866-
7 208-3676, or for TTY. contact (202) 502-8659.

8
9 **The U.S. Coast Guard and FERC are the**
10 **federal agencies responsible for safe vessel**
11 **transit and facility operation, and the Corps will**
12 **utilize the findings of these two agencies on**
13 **these issues in its deliberations. The focus of**
14 **this comment period and these hearings is to**
15 **receive comments on the dredging and dredged**
16 **material disposal aspects of the project, which is**
17 **the Corps primary area of jurisdiction for this**
18 **project.**

19
20 **Work Proposed By Weaver's Cove**

21
22 The LNG Terminal to be constructed by
23 Weaver's Cove will include LNG transfer piping, a
24 200,000 m3 LNG storage tank, vaporization

1 equipment, an LNG truck loading area, and
2 necessary ancillary equipment. In addition, an
3 existing woodpile pier and associated ship mooring
4 structures at the LNG Terminal site will be
5 removed and replaced with a new pile supported
6 jetty and mooring structures required to support
7 the berthing and unloading of LNG vessels
8 delivering product to the terminal. Sheet piling
9 and riprap will be used to stabilize and
10 straighten approximately 2,650 ft of waterfront at
11 the proposed LNG Terminal site. The existing
12 waterfront is a mix of timber sheeting, stone
13 riprap and gravel bank. The new sheet piling will
14 be driven landward of the existing sheeting. The
15 LNG Terminal facilities will be located within the
16 55-acre portion of the site that is located
17 largely within a Massachusetts Designated Port
18 Area ("DPA"). Approximately 0.6 acres of
19 intertidal and subtidal habitat will be
20 permanently filled by shoreline site development
21 activities. The current site layout has
22 eliminated the need to fill three small salt marsh
23 areas as originally proposed. The project
24 requires maintenance and improvement dredging of

1 the existing 7-mile long Mount Hope Bay - Fall
2 River Harbor Federal Channel and Turning Basin,
3 construction of a new pier/jetty, and
4 stabilization of the shoreline at the LNG Terminal
5 site. Weaver's Cove anticipates that proposed
6 maintenance and improvement dredging operations
7 will occur within a footprint of approximately 200
8 acres and will produce approximately 2.1 to 2.5
9 million cubic yards (in situ) of dredged material.
10 Two dredge disposal alternatives remain under
11 consideration by Weaver's Cove. The Project's
12 preferred alternative is to dispose of all
13 suitable dredged material offshore in Federal
14 waters at the Rhode Island Sound Disposal Site
15 ("RISDS") and/or the Massachusetts Bay Disposal
16 Site ("MBDS"). An estimated 60,000 cubic yards of
17 material beneath and around the existing wooden
18 pier will be disposed of at an appropriate upland
19 site (other than the LNG Terminal site). The
20 second alternative proposes use of stabilized
21 dredged material as engineered fill to develop the
22 LNG Terminal site in Fall River, Massachusetts as
23 depicted on sheet 6 of 38, Attachment A.

24

Dredged Material Management Alternatives

1
2
3 The Applicant filed its December 2003
4 FERC application, its Corps permit application and
5 other documents with on-site placement of
6 stabilized dredged material as its preferred
7 dredged material management option. In the
8 original dredging plan, the pace of dredging was
9 largely controlled by the pace of the on-site
10 stabilization and placement effort. Relatively
11 high dredging and placement rates (6,000 - 8,000 -
12 10,000 CY/day) were programmed for the late
13 spring, summer and early fall months when warm,
14 generally drier conditions would be expected.
15 These conditions facilitate the stabilization,
16 drying and compaction necessary for placement of
17 the material. Much lower dredging and placement
18 rates (approximately 2,000 cy/day) were programmed
19 for the cold, wetter months of the year.

20
21 It was expected that one dredge would be
22 used with locations programmed to match the
23 seasonal placement rates (i.e., high rates in the
24 Turning Basin in the summer months, intermediate

1 rates in the "S-bend" area during the shoulder
2 months, low rates in the southern reaches of the
3 channel in the winter months). In total, the
4 dredging effort was expected to require
5 approximately 650 good production days over a
6 period of approximately 975 to 1,000 calendar days
7 (nearly 3 years). Allowances for weather delays
8 and equipment related delays account for the
9 difference between 650 days and the nearly three
10 year schedule.

11
12 However, in order to work within agency
13 recommendations for time of year restrictions for
14 the protection of winter flounder eggs and larvae
15 as well as the protection of the upstream
16 anadromous fish migration, the Project is now
17 proposing to place the suitable dredged material
18 in a designated ocean disposal site(s). In the
19 July 15, 2005 Certificate, FERC directs the
20 Project to observe a January 15 through May 31
21 dredge restriction for the protection of winter
22 flounder eggs and larvae. With respect to the
23 protection of the upstream anadromous fish
24 migration in Massachusetts, the Massachusetts

1 Wetlands Protection Act regulations stipulate a
2 March 15 through June 15 restriction. The
3 combination of the two restrictions would limit
4 dredging to a seven-month season in Massachusetts
5 (June 16 through January 14) of each year. As
6 shown in Attachment B to the Weaver's Cove plan
7 set, a dredging plan using offshore disposal and
8 multiple dredges could be completed in three years
9 while observing these time of year restrictions.

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

19
20 In support of the preferred offshore
21 disposal alternative, a Tier III Sediment Analysis
22 Plan ("SAP") was submitted to USEPA and the Corps
23 in January 2004. The Tier III SAP included plans
24 for further sediment sampling as well as the

1 necessary bioassay and bioaccumulation analyses.
2 The Tier III sampling plan was approved by the
3 Corps and the USEPA on September 10, 2004. On
4 April 11, 2005, Weaver's Cove provided the Corps
5 and the USEPA with the full laboratory results and
6 analysis from the Tier III sampling program.
7 After an extensive review of the data, USEPA and
8 the Corps concluded that all of the tested
9 sediments meet the criteria for acceptability for
10 ocean disposal as described in Sections 227.6 and
11 227.27 of the Ocean Dumping Regulations, and is
12 suitable for unrestricted ocean disposal at the
13 RISDS and/or MBDS under USEPA Region 1/USACE-NAE
14 (2004) guidance.

15 16 **Potential Offshore Disposal Sites**

17
18 The Rhode Island Sound Disposal Site was
19 designated by the Environmental Protection Agency
20 to be usable for disposal of dredged sediments in
21 December 2004. Prior to its site designation, it
22 was selected for temporary use and was employed
23 during 2003-2004 for placement of over 5 million
24 cubic yards of sediment from the Providence River

1 (primarily from the Federal Navigation Project).
2 All sediments disposed at this site have been
3 determined suitable through case-by-case analyses.
4 The site is monitored through the Corps Disposal
5 Area Monitoring System (DAMOS) program. The DAMOS
6 studies show that the site is a low energy
7 environment such that sediments deposited at this
8 location will remain within the site's boundaries.
9 The DAMOS monitoring has shown that distinct
10 dredged material mounds have been formed at the
11 site. Sediment deposited at the disposal site has
12 not been found to affect areas outside the
13 disposal site.

14
15 The Massachusetts Bay Disposal Site is
16 frequently used for disposal of bottom sediments
17 from various harbors in the Boston area.
18 Approximately 300,000 cubic yards of suitable
19 sediments (suitability determined through case-by-
20 case analyses) are deposited at this site
21 annually. The site is monitored through the Corps
22 Disposal Area Monitoring System (DAMOS) program.
23 The DAMOS studies show that the site is a low
24 energy environment such that sediments deposited

1 at this location will remain within the site's
2 boundaries. The DAMOS monitoring has shown that a
3 distinct dredged material mound has been formed at
4 the site. Levels of metals and organics in the
5 sediments within the disposal site are generally
6 above background levels, indicative of the
7 industrial nature of the areas dredged that
8 utilize the site. Sediment deposited at the
9 disposal site has not been found to affect areas
10 outside the disposal site. The USEPA has
11 designated the Massachusetts Bay Disposal Site
12 usable for disposal of dredged sediments

13
14 The dredged material has undergone
15 physical, chemical, and biological testing and has
16 satisfied the criteria for ocean disposal of
17 dredged material as specified in part 227 of the
18 Ocean Dumping Act regulations. It is our
19 determination that the material is acceptable for
20 disposal at these disposal sites.

21
22 **Proposed Mitigation For Adverse Affects To**
23 **Wetlands And Waterways**
24

1 Weaver's Cove Submitted mitigation plans
2 for permanent impacts to non-jurisdictional
3 isolated vegetated wetlands on the North Parcel of
4 the LNG Terminal site and for approximately 0.04
5 of salt marsh fill on the South Parcel of the LNG
6 Terminal site. As a result of the revised site
7 layout depicted in the drawings referenced herein
8 and Attachment A of the Weaver's Cove plan set,
9 salt marsh impacts are no longer proposed and
10 mitigation for lost functions and values is no
11 longer required. Notwithstanding, Weaver's Cove
12 will continue to evaluate approximately 0.7 acres
13 of on-site salt marsh restoration/creation in
14 conjunction with other mitigation plans being
15 developed for the project including an
16 approximately 0.18 acre Palustrine, Scrub-Shrub
17 freshwater wetland to compensate for impacts to
18 the non-jurisdictional isolated vegetated wetlands
19 on the North Parcel.

20
21 In addition to the above wetland
22 mitigation plans Weaver's Cove provided the Corps
23 with proposed shellfish habitat mitigation plans
24 and intertidal/sub tidal fill/winter flounder

1 mitigation plans for review and comment. NMFS has
2 indicated that approximately 11 acres of winter
3 flounder spawning habitat may be impacted as a
4 consequence of shoreline straightening and
5 deepening and widening of the Turning Basin at the
6 terminus of the Fall River-Mount Hope Bay Federal
7 Navigation Channel. These plans remain under
8 review by the Corps and other resource agencies
9 and are available for public review on the Corps
10 Internet site www.nae.usace.army.mil under the
11 link Regulatory Public Notices.

12 13 **Work Proposed By Mill River**

14
15 The facilities to be constructed by Mill
16 River include two 24-inch diameter pipeline
17 laterals and associated facilities that will
18 connect the Weaver's Cove LNG Terminal to the
19 existing pipeline facilities of Algonquin Gas
20 Transmission Company ("Algonquin," a subsidiary of
21 Duke Energy Corporation). The proposed
22 approximately 2.5 mile Western Lateral will be
23 located in Fall River, Somerset, and Swansea. It
24 will cross under the Taunton River and then

1 traverse in a westerly direction principally
2 within an existing electric transmission corridor.
3 Approximately 33,000 cy of material will be
4 dredged for pipeline installation under the
5 Taunton River. The proposed approximately 3.6
6 mile Northern Lateral will follow an existing
7 pipeline right-of-way from Fall River into the
8 Town of Freetown.

9
10 Approximately 14 intermittent and
11 perennial streams (not including the Taunton
12 River), 3.0 ac of inland vegetated wetlands, 0.52
13 ac of intertidal habitat (including 0.02 ac salt
14 marsh habitat) and 0.5 ac of subtidal habitat
15 (i.e., Taunton River crossing) will be temporarily
16 altered by pipeline construction activities
17 associated with the proposed Western and Northern
18 Laterals. Approximately 0.03 ac of forested
19 wetlands will be permanently converted to emergent
20 wetlands.

21 22 **General Information**

23
24 The Project purpose is to bring a new

1 natural gas supply to the New England Market. The
2 facility will provide 0.4 Bbf/day on average, with
3 the ability to provide 0.8 Bbf/day on peak demand
4 days (Nearly 20% of New England's current peak
5 demand). The facility will also introduce a
6 competitive source of LNG for delivery by truck to
7 peak shaving facilities throughout New England.

8
9 This project will potentially impact
10 approximately 200 acres of Essential Fish Habitat
11 (EFH) for the following species and life stages:
12 haddock (larvae), red hake (larvae, juveniles, and
13 adults), winter flounder (all life stages),
14 windowpane flounder (all life stages), American
15 plaice (larvae, juveniles, and adults), American
16 sea herring (larvae, juveniles, and adults),
17 bluefish (juveniles, and adults), Atlantic
18 mackerel (all life stages), summer flounder
19 (larvae, juveniles, and adults), Scup (all life
20 stages), black sea bass (juveniles, and adults),
21 King mackerel (all life stages), spanish mackerel
22 (all life stages), and cobia (all life stages).
23 This habitat consists primarily of subtidal
24 bottom. The impacts on essential fish habitat

1 from this project include shading of the bottom
2 from the fixed structures (note: shading from new
3 pier will be offset by removal of existing pier)
4 temporary water quality impacts from suspended
5 sediment during the dredging, the permanent loss
6 of approximately .6 acres of the aquatic habitat
7 areas as a result of filling inter-tidal areas for
8 site development, and temporary loss of bottom
9 habitat during the Taunton River pipeline
10 construction (dredging and refilling of trench).
11 To minimize these impacts, the Applicants have
12 agreed to use a closed or "environmental bucket
13 for all work in soft depositional sediments and
14 will conduct the dredging operations without
15 significant scow overflow. As previously
16 described, time of year restrictions for the
17 protection of winter flounder eggs and larvae as
18 well as the upstream anadromous fish migration
19 will be observed. All suitable dredged material
20 will be placed in a designated offshore disposal
21 site (RISDS and/OR MBDS).

22
23 The Corps District Engineer has made a
24 preliminary determination that the site-specific

1 impacts may be more than minimal. An expanded EFH
2 Assessment is being reviewed by the NMFS and
3 further consultation with NMFS regarding EFH
4 conservation recommendations will be concluded
5 prior to the final permit decision.

6
7 In order to properly evaluate the
8 proposal, we are seeing public comment. Anyone
9 wishing to comment is encouraged to do so.
10 Comments should be submitted in writing by the
11 date in the title block above. If you have any
12 questions, Please contact Ted Lento at (978) 318-
13 8863 or (800) 362-4367, if calling from within
14 Massachusetts.

15
16 PUBLIC HEARING LOCATIONS

17
18 December 14, 2005
19 BMC Durfee High School
20 Robert J. Nagle Auditorium
21 360 Elsbree Street
22 Fall River, MA
23
24 December 14, 2005

1 Mt. Hope High School
2 Performing Arts Center
3 199 Chestnut Street
4 Bristol, RI

5
6 Registration begins at 4:00 p.m.

7 Hearing begins at 5:00 p.m.

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

10
11 All interested Federal, State and local
12 agencies, interested private and public
13 organizations, and individuals are invited to
14 attend either of these public hearings. Persons
15 wishing to provide oral comments are required to
16 register prior to the start of each hearing. Time
17 limitations may be imposed on all comments
18 received during the hearings.

19

20 /s/

21 Karen K. Adams

22 Chief, Permits & Enforcement Branch

23 Regulatory Division

24

1 * * * * *

2
3 MODERATOR ROSENBERG: A transcript of
4 this hearing is being made to assure a detailed
5 review of all the comments. A copy of the
6 transcript is available at our Concord,
7 Massachusetts, headquarters for your review, on
8 our Web site for your use or you may make
9 arrangements with the stenographer for a copy at
10 your own expense. It will take about four weeks
11 to get that transcript on the Web site, and that
12 Web site address is available at the registration
13 table.

14 FROM THE FLOOR: Another point of
15 procedure. The deadline for comments, written
16 comments, which really are very important to
17 governmental agencies, is now January 4th, which
18 is the day after the holiday and the intervening
19 Christmas and holiday season, and you're telling
20 us that we won't be able to review the comments by
21 the public here in order to synthesize those
22 comments into a written submission sitting on the
23 Corps of Engineers.

24 So as a point of procedure, I think the

1 Corps really needs to consider extending the
2 deadline for formal written comments.

3 MODERATOR ROSENBERG: Thank you, sir.
4 Thank you.

5 Individuals speaking today will be
6 called to the microphone in the order they signed
7 in and provided by the hearing protocol that we've
8 distributed in the reception area.

9 When making a statement, please, come
10 forward to the microphone, state your name and the
11 interest you represent. As there are many who
12 wish to provide comment, you will be provided five
13 minutes to speak, no more. Once again, please,
14 try to keep to the time restriction so you will
15 avoid denying others their right to speak. Thank
16 you.

17 Now, the traffic light in front of me
18 will indicate the following. The green light will
19 come on indicating -- when the green light comes
20 on, it will indicate two minutes remaining. The
21 amber light indicates one, and of course, the red
22 indicates the time has expired.

23 Please, identify if you're speaking for
24 or representing a position of an organization. If

1 you're speaking for yourself, just say so. Now, I
2 want to emphasize that all who wish to speak will
3 have an opportunity to do so.

4 Since we will close this hearing at
5 10:00 p.m., those who have signed up to speak, but
6 may be denied that opportunity, will be contacted
7 by the Corps, individually, to coordinate further
8 arrangements.

9 Once again, we have an additional
10 stenographer located outside the hearing room,
11 should you wish to dictate an individual statement
12 for the record. There are no time limits on those
13 individual statements.

14 We will now begin to receive your
15 comments according to our hearing protocol. Our
16 first speaker is Mayor Edward Lambert.

17 (Applause.)

18 MAYOR EDWARD LAMBERT: Thank you very
19 much.

20 And I'd like to, if I could, if it's all
21 right, I think we maybe requested this beforehand,
22 also, bring with me Carol Wasserman, the City's
23 environmental consultant, so she can be part of my
24 comments and presentation, if that's acceptable to

1 you.

2 MODERATOR ROSENBERG: Yes, sir.

3 MAYOR EDWARD LAMBERT: Okay. Oh, here
4 she is. Ladies and gentlemen, thank you very
5 much. Thank you for being here. Thank you for
6 hearing us.

7 Welcome to the great city of Fall River,
8 a city I'm very proud of and a city that I really
9 believe, over the course of the last several
10 years, has stood very tall in public participation
11 process that agencies like yours have provided to
12 us and, hopefully, one that we are allowed to
13 influence, not only through this process, but as
14 we go forward.

15 We are here, and you will hear from
16 other people here tonight, and it's important to
17 hear from those as well, recognizing that you have
18 a narrowed focus of consideration relative to this
19 project and what you have the ability to permit,
20 but we also ask you to consider the larger issues,
21 the larger context and the passion of the people
22 of this community who, in a democracy, ought to
23 have their voices heard, who ought to have their
24 intent met, who ought to be able to look to you as

1 allies in stopping what we consider to be a
2 dangerous and foolish project in a densely
3 populated area.

4 This fight for Fall River really ought
5 to be America's fight because, frankly, while we
6 are parochial in our interest, we would hope and
7 expect that governmental agencies would do nothing
8 that would approve a foolish policy that would
9 allow for a terminal of this size for transport of
10 these ships in densely populated areas.

11 The scientists of this--

12 (Applause.)

13 MAYOR EDWARD LAMBERT: The scientists of
14 this nation have determined that there is the
15 potential for very significant risk and, in a
16 breach of either the ship or the tank, the
17 potential for lives and property to be lost.
18 There are alternatives, and we strongly believe
19 that, in the analysis that the Army Corps is to
20 provide, that there has to be a review of those
21 alternatives if there's going to be degradation of
22 the river through dredging, which we fully expect
23 and anticipate there will be, and what the
24 benefits versus the potential risk is.

1 The Sandia National Laboratories have
2 determined that there is a potential for what they
3 call, euphemistically, a high consequence event,
4 and therefore, many of us in the community have
5 taken to asking why are the people of this
6 community, this working class community,
7 acceptable risks.

8 No American who, from any working class,
9 from any neighborhood, ought to be put in harm's
10 way in a rush to facilitate increased energy
11 supply in this country. We recognize and embrace
12 the notion that we need an increased energy supply
13 and that there have to be decisions made
14 consequent to that.

15 But there are alternatives, and those
16 alternatives have been reviewed in great measure,
17 alternatives for New England, alternative
18 locations that would not allow this to be put in a
19 populated area.

20 In fact, we wonder, given recent events,
21 why this hearing may even be taking place here
22 tonight because, obviously, this dredging, as
23 proposed by the company, was necessary to bring in
24 the level of ship and the quantity of liquified

1 natural gas that was in their proposed project,
2 which they cannot do now given federal
3 transportation law which requires the old
4 Brightman Street Bridge to stay standing.

5 So if they are bringing liquified
6 natural gas in by canoe at this point, then this
7 dredging permit would not be necessary, and so we
8 have to ask the obvious question, whether or not
9 the company continues to want to go ahead with a
10 dredging project that would only be necessary if
11 they can bring in ships that cannot come through
12 this old Brightman Street Bridge.

13 They've yet to answer that. They didn't
14 answer that here in their presentation tonight,
15 and we think that that federal transportation law
16 obviates their ability to be able to bring this
17 material in and, therefore, obviates the need for
18 them to continue to pursue a permit for dredging
19 from the Army Corps.

20 The economic and the safety impacts on
21 our community would be incredibly significant.
22 The time of year restrictions spoken of by the
23 company here tonight are only now in their
24 proposal because they were forced into their

1 proposal by the Federal Energy Regulatory
2 Commission, and quite frankly, under continued
3 consideration of Massachusetts law, we fully
4 expect that time of year restrictions will be
5 extended beyond what is currently proposed due to
6 shellfish issues that are in this particular
7 river, which could lead to maybe a two month
8 window for dredging, an 11 to 12 year project for
9 dredging within this community.

10 This river, this Taunton River, which
11 now the Department of Interior has also determined
12 would be severely impacted as a wild and scenic
13 river, is one that we in our community have worked
14 very diligently to clean up over the last several
15 years.

16 We just completed a nearly \$60 million
17 CSO correction project to close out fall pipes and
18 improve the quality of this river. Five, seven,
19 ten years of dredging, on top of the safety
20 issues, is not something that is going to benefit
21 us economically, as we try to continue to bring
22 more cruise ship activity to our community, more
23 fishing activity and the like, and the impacts are
24 going to be very significant on us.

1 We ask for your help in looking at a
2 project that we think is enormous in scope and
3 completely unnecessary given the potential
4 alternatives that exist around the New England
5 region for increasing liquified natural gas, and
6 so, again, we ask for your help.

7 We appreciate your presence here
8 tonight, and for a more technical presentation of
9 the city's case, I'm going to ask Carol Wasserman,
10 from ESS, the city's environmental consultant, to
11 speak to you, but again, thank you very much for
12 being here. We are hoping that our voices are
13 heard here tonight, and we appreciate the fact
14 that your presence here is an important part of
15 this process.

16 Thank you very much.

17 (Applause.)

18 MODERATOR ROSENBERG: Thank you, sir.

19 CAROL WASSERMAN: Good evening. I'm
20 Carol Wasserman. I'm a Senior Scientist at ESS
21 Group, an environmental consulting firm who has
22 been working since 2004 with the city in reviewing
23 the Weaver's Cove Energy Project.

24 At the outset, I want to observe that,

1 while this project is being reviewed at several
2 levels of government by a veritable alphabet soup
3 of agencies, it really is the Corps of Engineers,
4 through consideration of, both, the 404(b)(1)
5 guidelines under the Clean Water Act and the
6 public interest factors, that it's particularly
7 well suited to consider and appreciate the scope
8 of the issues, the impact and the consequences of
9 this project.

10 The purpose of Section 404(b)(1) of the
11 Clean Water Act is to restore and maintain the
12 chemical, physical and biological integrity of the
13 waters of the United States. Central to
14 fulfilling the purpose are answers to the
15 following questions:

16 Are there other practicable alternatives
17 to this project that would have less adverse
18 impacts on the aquatic environment; will the
19 discharge generated by the project adversely
20 impact water quality or violate state water
21 quality standards; will the discharge generated by
22 the project cause or contribute to significant
23 degradation of waters of the United States?

24 The project requires answers in the

1 affirmative to all of these questions. There are
2 other practicable alternatives; the discharges
3 will adversely impact water quality and they will
4 violate water quality standards; the discharges
5 will absolutely contribute to the degradation of
6 the Taunton River, a water of the United States
7 that has been designated for study under the Wild
8 and Scenic Rivers Act.

9 Those aren't solely the conclusions of
10 the city of Fall River. They're the conclusions
11 of the United States Department of the Interior,
12 the United States Environmental Protection Agency
13 and the National Oceanic and Atmospheric
14 Administration, National Marine Fisheries Service.

15 All of these agencies have articulated
16 significant concerns to the point of suggesting
17 that review by the Council on Environmental
18 Quality may become appropriate.

19 The full scope of the adverse impacts
20 that will be imposed on the fishery resources, on
21 what the Mayor has alluded to as the slow, painful
22 and very costly progress that's been made to
23 improve the values and the quality of the Taunton
24 River, and on the natural and the built

1 environment of the city of Fall River and the
2 South Coast will be addressed fully in the city's
3 written comments.

4 Moving to the public interest factors
5 the Corps must consider, I believe a review of the
6 complete record of this project, not just the
7 information that's been somewhat selectively
8 provided with this application, but a complete
9 record of the issues the Corps must consider will
10 result in the conclusion that the balance of
11 public benefits versus detriments and the extent
12 and permanence of those benefits and detriments
13 tips inexorably to the detriments end of the
14 scale.

15 The Corps maintains a list of 22
16 potential public interest factors to consider. I
17 submit that this project requires consideration
18 of, at least, seventeen of those factors. For the
19 sake of brevity, I'm only going to touch on three
20 here: economics, safety and the needs and welfare
21 of the people.

22 With regard to economics, the project
23 will condemn any realistic plan for economic
24 revitalization in Fall River. The existence of an

1 LNG project in the heart of the downtown
2 waterfront will destroy any hope of attracting
3 tourism, new waterfront development and the goods
4 and services that support both.

5 The waterfront would be turned into an
6 exclusion zone. Public use, recreation access
7 would practically, if not literally, disappear,
8 and any possibility of bringing in new permanent
9 employment opportunities to replace the old
10 manufacturing base that exists here would vanish.

11 With regard to safety, no one questions
12 screeners of the airports who take away your
13 tweezers in the name of public safety and
14 security, and no one objects to metal detectors in
15 public buildings, but when the communities of the
16 South Coast raise concerns about LNG tankers
17 traversing their coastline and containment systems
18 being constructed in the heart of their
19 neighborhoods, they're accused of being
20 short-sighted and selfish and ignorant. Their
21 concerns are dismissed with the label NIMBY.

22 (Applause.)

23 CAROL WASSERMAN: Adding insult to the
24 Corps' NEPA requirement for meaningful public

1 review, the safety and security concerns that are
2 dismissed out of hand provide the very basis to
3 deny the community the information that they seek.
4 You cannot, on the one hand, say there are no
5 credible safety and security concerns and then, on
6 the other, say that safety and security concerns
7 require the public to be shut out of the process.
8 Nonetheless, up to this point, that has happened
9 here.

10 The testimony provided to the Federal
11 Energy Regulatory Commission by experts in
12 chemical engineering, Homeland Security and
13 emergency planning have eloquently described the
14 risk this process will impose upon the South
15 Coast.

16 The United States Navy has concluded
17 that the presence of LNG tankers traversing their
18 operating space presents a national security risk.

19 While this information has been
20 collected in the FERC docket, it's clearly
21 relevant to the Corps' consideration, and it
22 hasn't been offered with this application. It
23 will become part of this record because the city
24 of Fall River will submit it, and the Corps, I

1 know, will fully consider it.

2 With regards to the needs and welfare of
3 the people, I offer the following. A fundamental
4 need exists for full and complete information
5 about this project to be provided in a forum where
6 all may participate. There's no possibility of
7 understanding and appreciating the cumulative
8 effects of this project, which the Corps must do,
9 when the issues and the information relevant to
10 the project are divided up and selectively handed
11 out among various agencies.

12 The three blind men and the elephant is
13 not an approved approach for conducting a
14 cumulative effects analysis.

15 The Corps, itself, has been the victim
16 of the selective review of issues presented here.
17 Back in 2004, the Corps provided comments in the
18 Draft Environmental Impact Statement, but many of
19 those comments have been ignored because of this
20 selective review process.

21 The Corps commented, in 2004, that time
22 of year restrictions should be considered by the
23 project to minimize adverse impacts on the central
24 fish habitat. Until the FERC ordered the

1 imposition of a limited time of year restrictions,
2 the project refused to consider it.

3 The project still refuses to consider
4 time of year restrictions that would enable it to
5 comply with Massachusetts 401 water quality
6 certification requirements, and the Corps cannot
7 permit this project without a 401 water quality
8 cert from Massachusetts.

9 If you review the pending application,
10 you won't find anything about this refusal or the
11 expressed and anticipated violation of water
12 quality standards. The Corps also requested in
13 2004 that a precise project schedule acknowledging
14 the 2010 demolition date of the Brightman Street
15 Bridge be provided. The Corps has not yet been
16 given a response, at least, not in the public
17 record.

18 When the FERC, however, asked a very
19 similar question, there was a response, but I'll
20 let you judge the value of it. The response
21 stated that, while Weaver's Cove ultimately might
22 not meet its original proposed schedule, that's no
23 reason to slow down the processing of the
24 application or focus unduly on one single element

1 of the project schedule when many knowns and
2 unknowables must, by necessity, be taken into
3 account in a project of this magnitude and
4 complexity.

5 There's nothing in this docket that
6 actually provides the answers sought by the Corps
7 in 2004. How can the Corps, charged with the
8 obligation to find the least environmentally
9 damaging practicable alternative, known to us who
10 have to work with it every day as the LEDPA
11 standard or the public, who has an absolute right
12 to understand and participate in consideration of
13 a project that they're going to have to live with,
14 assess a project when this is the quality of the
15 information that's being provided?

16 Turning to the needs and welfare of the
17 people, we really do have to ask how the people
18 will benefit from the continued consideration of a
19 project that cannot fulfill its self-stated
20 purpose and needs.

21 Within the past six months, the
22 project's suffered the imposition of two fatal
23 flaws that make it functionally impossible to
24 permit or to construct. On July 5, 2005, the

1 Department of the Interior informed the FERC that
2 it could not agree with the FERC's conclusion that
3 the impact from the Taunton River would be
4 insignificant. In fact, the Department of
5 Interior determined that the impacts imposed on
6 fisheries resources were likely to be profound,
7 cumulative and permanent.

8 The Department of Interior's inability
9 to concur with the FERC means that, under Section
10 7(b) of the Wild and Scenic Rivers Act, the Corps
11 is prohibited from issuing a permit for the
12 project. Unless and until that situation changes,
13 there's no further reason to consider this.

14 Going back to the Corps' 2004 request
15 for a project schedule, that's the second fatal
16 flaw to which Mayor Lambert alluded. I won't
17 dwell on that. The Safe, Accountable, Efficient
18 Transportation Act, known as SAET, now preserves
19 the Brightman Street Bridge, and no LNG tanker is
20 going to be able to traverse the river to the
21 site.

22 According to resource reports prepared
23 by Weaver's Cove, that's limited to 28 feet of
24 vertical clearance above mean high water and 98

1 feet of horizontal clearance. Weaver's Cove's own
2 siting criteria requires that any site it
3 considered had to offer minimal bridge access of
4 135 feet of vertical clearance and horizontal
5 clearance of not less than 165 feet.

6 Had Weaver's Cove honestly and openly
7 applied those criteria in this application, this
8 hearing wouldn't be taking place.

9 In evaluating the needs and welfare of
10 the people, which is No. 22 on the list of public
11 interest factors, I'd ask the Corps to consider
12 two final points.

13 While there's no question that the
14 energy appetite in this region and across this
15 country is voracious and it is growing, what is
16 needed is a comprehensive plan to respond to that
17 appetite that incorporates additional supply,
18 energy efficiency, conservation and the best
19 practicable infrastructure available.

20 What is also needed is a community free
21 from risk, free from continuing economic,
22 environmental and aesthetic deprivation, afforded
23 an opportunity to responsibly address those needs.

24 The cumulative impacts imposed on the

1 project, coupled with the functional impossibility
2 of performance, brings to mind Shakespeare's
3 admonition in Lear, "Reason not for need, but for
4 true need." If the Corps considers the true needs
5 here, it cannot permit this project, and Fall
6 River and the South Coast won't suffer the fate
7 that Lear suffered.

8 Thank you for the opportunity to speak.

9 (Applause.)

10 MODERATOR ROSENBERG: Thank you, ma'am.
11 Thank you very much.

12 I'd like to knowledge Mr. Charles
13 Hawkins, who is here representing Senator Lincoln
14 Chafee. Thank you, sir, for coming.

15 Our next speaker, Christopher D'Ovidio.
16 Did I pronounce that correctly? Mr. D'Ovidio will
17 be followed by Paul Vidal. Sir?

18 CHRISTOPHER D'OVIDIO: Yes. My name is
19 Christopher D'Ovidio, D, apostrophe, capital O-V,
20 as in Victor, I-D-I-O. I'm an attorney for the
21 Conservation Law Foundation.

22 The Conservation Law Foundation, or CLF,
23 is a non-profit member-based organization with
24 offices throughout New England, including

1 Massachusetts and Rhode Island. We work to
2 protect and enhance the natural and built
3 environment and work to solve issues and problems
4 such as energy needs throughout the region and the
5 nation.

6 I just want to begin by not trying to
7 repeat what has been said already, but quite
8 frankly, the application that the Corps is
9 considering is dead on arrival. I mean, the
10 Transportation Act makes the project purpose, that
11 is, bringing an LNG tank to a terminal cannot
12 occur.

13 Now, Weaver's Cove tried to respond to
14 the Transportation Act of Secretary Pritchard in
15 the MEPA comments by suggesting that the Weaver's
16 Cove opponents make a big to-do about the
17 Transportation Act, but they claim that the
18 Transportation Act is unlawful and
19 unconstitutional, but offer no substantiation as
20 to why it is unlawful and/or unconstitutional.

21 Quite frankly, they didn't because they
22 can't. It is the law, and again, it's beyond
23 caval to suggest that a continued review by the
24 Corps should move forward. If the project

1 description cannot be accomplished, why have the
2 Corps do this review?

3 The second, as Ms. Wasserman used the
4 word, fatal flaw is the imposition imposed by the
5 Wild and River Scenic Act which, in July of 2005,
6 clearly, identified that this river being under
7 study to be included into the Wild and River
8 Scenic system, no project, and that is, no federal
9 agencies are allowed to issue a license or permit
10 that would cause an adverse impact on those values
11 which make it available for that designation, so
12 there's another prohibition, or a bar, that
13 prohibits the Army Corps from further review on
14 this matter.

15 And in fact, it's quite clear that FERC
16 clearly stated that, if the National Park Service
17 objects to the permit under the provisions of the
18 Act, the Corps would not issue the permit, and in
19 fact, reading your September 2004 comments on the
20 Draft Environmental Impact Statement, you very
21 clearly identify that concurrence from the
22 National Park Service is required under the Wild
23 and River Act, and the Corps permit cannot be
24 issued until we have determined that the proposed

1 work in our jurisdiction complies with these Acts.

2 Well, the DOI has clearly made it, has
3 made it very clear that this project would not
4 comply with the Act. That's the first thing that
5 stands out in your comments to the DEIS and the
6 FERC MEPA review process.

7 The other very interesting component of
8 this review is that I feel that, from a legal
9 perspective, that this project can't be permitted
10 because of the fact that it cannot satisfy the
11 factors enumerated in the public interest review
12 process, and in fact, it quite clearly states, in
13 Section 320.4, which I know you're quite familiar
14 with because it's sort of the Bible which guides
15 the Army Corps review process, that you must fully
16 consider the comments of federal, state and local
17 agencies and other experts on matters within their
18 expertise dealing with economics, historical
19 values, water quality and so forth.

20 Well, the EPA, NOAA, DOI and the
21 Massachusetts Division of Marine Fisheries has,
22 clearly, criticized this project and said it's
23 going to have adverse impacts on the environment
24 and water quality and wildlife and fish habitat,

1 and so if the project benefit, if at all there is,
2 is to provide LNG supplies, liquid natural gas
3 supplies, to this region, and you balance that
4 against the detriments that have been clearly
5 articulated by these agencies, which you must
6 fully consider, I think it's very clear that it's
7 already been demonstrated that this will not, in
8 the balance of things, provide a greater public
9 benefit as opposed to the detriments, and that's
10 under your public interest review process.

11 And, of course, there's the Clean Water
12 Act 404 guideline which specifically states that,
13 when there are practical alternatives, the permit
14 shouldn't be approved, and specifically, again,
15 referring back to your September 2004 letter to
16 FERC on the Draft Environmental Impact Statement,
17 you specifically point out a couple of things
18 about the alternatives analysis. That is, there
19 was a lack of adequacy in the alternatives
20 analysis, specifically, referring to the offshore
21 proposals.

22 Well, interestingly, in the last six
23 months, certainly, in this summer and in
24 September, there's been significant developments

1 and alternatives which would, if there was no
2 other option than to bring in natural gas, one
3 might begin to raise the level of credibility of
4 this project, but in light of the fact that there
5 are two offshore proposals that are in the permit
6 process off of Massachusetts, there's already been
7 an application to FERC to increase the pipeline
8 capacity double of the amount of natural gas that
9 Weaver's Cove is proposed to bring into the
10 region, and there are two LNG terminals that have
11 already been approved, and some of them area
12 already in operation in the Canadian Maritime that
13 are going to bring that supply down here.

14 In September of '04, Pat Wood, of all
15 the things that he could say, this was the one
16 that he said that was right, he says, if those
17 Canadian supplies and the pipeline infrastructures
18 do happen, that would obviate the need for the
19 Weaver's Cove project.

20 Well, that is a reality. Over a year
21 later, those projects are going to become on line.
22 There is no public interest in adding Weaver's
23 Cove when we have these other alternatives
24 existing and very likely potential.

1 I just want to say, in closing, in year
2 2004, you did specifically ask Weaver's Cove to
3 address the issue of the Brightman Street Bridge
4 delay in terms of timing, that you recognized that
5 as something that would obstruct the project
6 process, so you recognized that bridge was
7 something that was critically important to the
8 overall scope of this project. Well, again, we
9 have the Transportation Act that clearly states
10 that it is going to obstruct it in permanency.

11 And just one last thing I want to remind
12 the Corps of is the issue of water quality. EPA,
13 in their comments, and actually in this FEIS found
14 that there will be exceedences of water quality
15 of, both, copper and zinc, but EPA has warned that
16 the dredging would violate water quality
17 standards. Under Section 404(b)(1), if that is
18 the case, the Corps is prohibited from issuing a
19 permit.

20 MODERATOR ROSENBERG: Thank you, sir.

21 CHRISTOPHER D'OVIDIO: I just want to
22 add that the EPA, also, in terms of grading, gave
23 the analysis an EU-3, which is like getting an F.
24 That meant that the FEIS analysis of the issues,

1 of their concern, okay, gave them an F, so I think
2 that look at those agencies that you're required
3 to consider their expertise, please, look at that,
4 those documents from the FEIS.

5 MODERATOR ROSENBERG: Thank you, sir.
6 Just a reminder that we do have to close the
7 hearing at 10:00 and if you do not abide by the
8 time restrictions, there will be individuals that
9 will not have the opportunity to speak this
10 evening, and we do want to hear from everybody.
11 If you have longer statements than five minutes,
12 please, take advantage of the stenographer in the
13 back. There's two microphones here, one on each
14 side.

15 Our next speaker is Paul Vidal. He will
16 be followed by Gus Suneson, I believe. Sir?

17 PAUL VIDAL: Good evening. My name is
18 Paul Vidal. I'm a retired college professor. I
19 was born in Fall River. I raised my family here.
20 I've lived here all my life.

21 I guess, officially, I'm representing
22 only myself, but I feel that I'm representing the
23 people that are not here tonight because they're
24 out earning a living, they're taking care of their

1 families or they're doing their other every day
2 things that they do.

3 I won't use my whole five minutes. What
4 I have to say is very short and to the point. I'd
5 like to look at the math of some of this. When
6 you throw around numbers like 2.5 million cubic
7 yards of material, dredge material, to me, that
8 doesn't tell me very much unless I put it in terms
9 that I can understand.

10 Well, if you put it in terms of a bread
11 box, it's an unbelievable number, but if you put
12 it as something covering a football field, 2.5
13 million cubic yards would cover a football field
14 to 500 feet. That's how much dredge material is
15 coming out of there.

16 In the literature that we received
17 today, it said the footprint was 200 acres, but I
18 heard Mr. Barten say that it was 400 acres, so I'm
19 not really sure which one it is, but if it's 200
20 acres, that's over three square miles, and if it's
21 the 400 acres, that's almost seven square miles of
22 dredged material.

23 I don't think you have to be an
24 environmental expert to realize that that's not

1 going to exactly help the bay, the fish population
2 and that sort of thing. I remember on the
3 Columbia River, in the Northwest, they built a
4 dam, and the name escapes me right now, but it's a
5 big hydroelectric dam, and they said that it would
6 not affect the fish population, the salmon
7 population.

8 Well, I visited that dam. Oh, they have
9 an elaborate scheme of fish ladders. They even
10 have a viewing area for the public to see the fish
11 going up the fish ladders through these glass
12 windows. It looks very nice. You see the fish
13 going up.

14 The trouble is though, the Columbia
15 River has 5 percent of the salmon left, and now
16 there's a very real danger that the salmon will be
17 extinct in the Columbia River.

18 So all of these nice things that you
19 read over here that there will not be any damage
20 to the area, well, I just don't believe it. Fall
21 River is not really a port city. This dredging is
22 taking place only for the tankers. Maybe with a
23 dredged waterway, it might invite other ships, but
24 they may not be too willing to come with LNG

1 tankers over here.

2 Now, some people say to the people that
3 are against the LNG, it's NIMBY-ism, not in my
4 backyard. Well, I don't want it in anyone's
5 backyard.

6 The last thing I'd like to say, where is
7 the benefit to us over here. What is the benefit?
8 I can't believe the unbelievable expense it will
9 cost to dredge that harbor. What is the benefit
10 to Hess? It must be huge, and why do they want it
11 here?

12 Thank you very much.

13 MODERATOR ROSENBERG: Thank you, sir.

14 (Applause.)

15 MODERATOR ROSENBERG: Thank you very
16 much.

17 Our next speaker, Gus S-U-H-E-S-O-N
18 (sic), followed by Brian Pearson.

19 GUS SUNESON: The name is Gus Suneson.
20 I appreciate your--

21 MODERATOR ROSENBERG: Thank you, sir.

22 GUS SUNESON: I'm just a citizen. It's
23 nice to follow our political leaders, scientists,
24 lawyers, environmentalists. I'm just a salesman.

1 See, I believe things can get done.

2 When I look up at the head table, I see
3 the Army. I see how things get done. This city
4 used to be known as the can-do city. Now, all I
5 hear is it can't be done, we can't do this and we
6 can't do that, the snail is this, and this will be
7 affected by it. I don't believe it.

8 We have a harbor. All our lives, we
9 talked about a harbor. I believe in shipping. I
10 believe in the traffic of sea traffic. I envision
11 a city with commercialism being the paramount
12 issue where jobs are created and families can grow
13 and flourish, not an area of negativity and fear.

14 We have our Army battling tourists
15 around the world, and yet we talk about tourists
16 visiting Fall River, scaring our population,
17 unrealistic outcries.

18 This harbor should be dredged. It is a
19 huge, huge natural asset. Sea traffic is
20 important, and when you opened up -- is it Colonel
21 or Major?

22 LT. COL. NELSON: Colonel.

23 GUS SUNESON: Colonel. You talked about
24 the needs of the nation. You serve in the Army.

1 You do serve the nation, and energy supplies do
2 serve the nation. We heat our homes, we fire up
3 our plants. We do all those things with energy,
4 and yet, today, the enemy is the energy industry.
5 Why? Why is that?

6 We look for people in leadership to
7 protect us, and I'm convinced that that can be
8 done rather easily, and personal situations
9 shouldn't be dictated by fear and fear mongering
10 slogans. I, personally, think this is a wonderful
11 idea. I'm not affiliated with Hess. I've never
12 been down there. I don't even know these people,
13 but I do know what this nation needs.

14 It needs people who have a can-do
15 philosophy like our city used to be. Maybe the
16 slogan is can't do any more, but we can do it.
17 This harbor can be dredged safely. The
18 environmental concerns can be handled. Energy
19 supplies can be reached. This facility can be
20 safe and will be safe, and to let negativity enter
21 into this picture as if they are the big bad wolf,
22 and we are all going to be victims of this
23 industry, to me, is very, very disheartening.

24 So, welcome to Fall River, the former

1 city that used to be can-do. So I hope when you
2 realize that everyone in this city is not against
3 this project, I'm just a salesman, and I'm
4 delighted to be able to work in the field of
5 sales, just like you as engineers. Your job is to
6 get the job done, and I hope the job does get
7 done.

8 Thank you.

9 MODERATOR ROSENBERG: Thank you, sir.

10 Our next speaker is Brian Pearson, who
11 will be followed by Ronald Thomas.

12 BRIAN PEARSON: Good evening, my name is
13 Brian Pearson, and I was born and brought up in
14 Fall River, and I'm representing myself.

15 The issue before us this evening is a
16 two-sided issue. On one side, we have Weaver's
17 Cove Energy wanting to build an LNG facility that
18 would be located in a densely populated area. The
19 dredging they plan to do will destroy and disrupt
20 the spawning ground for several important species
21 of fish.

22 It will have tremendous negative impact
23 on the local waterways. Recreational boating and
24 recreational fishing will suffer not only through

1 the dredging period, but also during the transit
2 of the LNG tankers.

3 Other species, such as osprey, eagles
4 and various gulls, will be impacted. Most
5 importantly, Weaver's Cove intends to negatively
6 impact thousands of human beings from Newport to
7 Fall River.

8 On the other side is the uniqueness of
9 the Taunton River, Mount Hope Bay and Narragansett
10 Bay. These three waterways are ecological gems.
11 They are teeming with an abundant amount of
12 aquatic life. We have fish, shellfish, sea birds
13 and other animals that call this area home.

14 If we allow the sea floor to be ripped
15 and raped by Weaver's Cove, we will lose a unique
16 aquatic habitat. Is the Army Corps of Engineers
17 willing to roll the dice and hope everything will
18 be done perfectly by a huge money hungry
19 corporation?

20 What is unique about Weaver's Cove LNG
21 terminal site? What is unique about it? Are we
22 all foolish enough to believe that, if they do not
23 site an LNG terminal at Weaver's Cove, that there
24 is no other location in all of New England? How

1 can an LNG terminal that can be sited in a more
2 suitable area be allowed to destroy a unique
3 ecological environment?

4 Other corporations have already shown an
5 interest in offshore terminals. Canada has
6 several companies, not only willing to build LNG
7 terminals, but they wish to extend existing
8 pipelines to New England and New York.

9 Tonight, I respectfully ask that the
10 Army Corps of Engineers take into account the
11 damage that will affect the abundant wildlife
12 along the unique waterways from Newport to Fall
13 River. Once we allow Weaver's Cove to destroy the
14 waterways in this area, we will never be able to
15 reclaim what we lost.

16 The key word to remember is "unique."
17 An LNG terminal is not unique. When it is long
18 out of service, 20 or 30 years from now, the
19 people in this area will still suffer from the
20 destruction it brought. Please, do not allow a
21 security hazard, an ecological hazard and a public
22 safety hazard to be built along these waterways.

23 Just recently, we've been told over the
24 last two years that the security on this type of

1 vessel coming in will be immense, that there's two
2 miles in front, one mile back, and I don't know
3 how many feet on the side, you can't get close to
4 these ships, don't worry about it.

5 But just recently, one of the top
6 officers for Weaver's Cove told a Newport
7 newspaper, I believe, I think it was in Newport,
8 that there's no worry, he sails his ship, a little
9 sailboat, up in Boston Harbor, and he's able to
10 hit, if he wanted to, the side of one of these LNG
11 tankers with a baseball. Well, that makes me feel
12 really good, that he can get that close to an LNG
13 tanker in Boston.

14 Plus, I heard the last speaker say
15 you're with the Army. I think one of your prime
16 duties is the protection of public safety of the
17 individuals here tonight and the people that live
18 along this waterway.

19 (Applause.)

20 BRIAN PEARSON: And just to close, we
21 ask you to deny Weaver's Cove Energy any and all
22 permits. Thank you.

23 (Applause.)

24 MODERATOR ROSENBERG: Thank you, sir.

1 The next speaker, Ronald Thomas followed
2 by Norman Parent.

3 RONALD THOMAS: Good evening. My name
4 is Ronald Thomas. I'm a member of the Coalition
5 Against the Siting of LNG, and I'm speaking for
6 myself now.

7 I've done a little thinking about my
8 family and my neighbors and stuff. I mean, we
9 live, you know, a little more than a quarter of a
10 mile away from this proposed facility, and we're
11 talking a tank, okay, that will hold 2,000 cubic
12 meters of LNG. Okay?

13 Now, the tanker, itself, only holds
14 145,000. What's the reason for this? They want
15 that safety factor in there just to make sure they
16 don't run out, but what about the human beings'
17 safety that live in the neighborhoods and stuff?

18 I mean, here they're talking of 100
19 trucks per day potential, of taking this LNG and
20 putting it into the roadways. What happens to all
21 the neighborhood people that live in that area?
22 Are they going to be able to get out of their
23 driveways? Are they going to be able to access
24 the highways and stuff while these LNG tankers are

1 pulling in and out? And we're talking 24 hours a
2 day that these trucks will be hauling in and out.

3 I mean, there's something wrong with
4 this picture. I don't think enough thought has
5 been put into the ecological effect that this is
6 going to have. You know, we're talking real risk
7 here. It's not something that, you know, we're
8 trying to reach out of the sky for and say, yeah,
9 what if. A potential is there.

10 I mean, this is something we cannot live
11 with, and as far as I'm concerned, the bottom
12 line, their profit margin is not worth anybody's
13 life. Okay? Or to even impose upon the people in
14 that area.

15 Thank you very much.

16 (Applause.)

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

19 Next speaker, Norman Parent followed by
20 Joseph Callahan.

21 NORMAN PARENT: First of all, I would
22 like to take this opportunity to thank you very
23 much for allowing me to speak here this evening.
24 My name is Norm Parent. I've lived most of my

1 life on the banks of or close to the Taunton
2 River, both, in Fall River and Somerset.

3 As a young boy, the shore was my yard
4 because my home was a boat house located just
5 south of the proposed terminal, Weaver's Cove LNG
6 Terminal. I remember very well how dirty the
7 water was and the pollution on the shore.

8 Now, as an adult, I live in Somerset,
9 just north and across the river from the proposed
10 terminal. My family walks, runs, bikes, canoes
11 and kayaks on and along the river enjoying its
12 beauty.

13 Presently, the river has cleaned up
14 significantly with all the work that has been done
15 to do so through the years. I, personally, feel
16 that Weaver's Cove absolutely cannot be given a
17 permit to dredge our river because of the
18 contaminants that are presently undisturbed on the
19 river bottom. This would cause the water to be
20 greatly degraded with contaminants suspended
21 within the tidal flow.

22 Even if the heavy metals and pollutants
23 settled, the continuation of tankers with their
24 huge tugs and enormous prop wash will stir it up

1 and resuspend all of the disturbed sediment over
2 and over again. Never will the waters of the
3 Taunton River be clean and clear again.

4 The city of Fall River has been forced
5 by the courts to redesign their sewage system and
6 eliminate storm water outflows that are presently
7 connected to the river, all for its protection,
8 costing millions and millions of dollars.

9 How illogical or hypocritical would this
10 be to grant this permit for Weaver's Cove to
11 dredge and ruin our river, undoing all that I've
12 personally witnessed in my 43 years that has been
13 so successful in cleaning up and improving our
14 beautiful Taunton River?

15 I thank you very much.

16 (Applause.)

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

19 Next speaker, Joseph Callahan who will
20 be followed by Cecile Scofield.

21 JOSEPH CALLAHAN: Hello. My name is Joe
22 Callahan, and I am on the Board of Directors for
23 the Taunton River Watershed Alliance, or TRWA.
24 I'm here today to express our firm opposition to

1 the proposed Weaver's Cove Energy LNG Terminal in
2 Fall River.

3 TRWA is an alliance of concerned
4 citizens, businesses and organizations who are
5 dedicated to protecting and restoring the Taunton
6 River watershed, its tributaries, wetlands, flood
7 plains, river and lake corridors and wildlife.

8 The Taunton River watershed encompasses
9 all or part of 38 communities in Southeastern
10 Massachusetts and provides the essential resource
11 for drinking water, aquifers, flood storage areas
12 and significant fish and wildlife habitat.

13 The Taunton River most recently has been
14 nominated for congressional distinction as a
15 national wild and scenic river, a distinction well
16 deserved on the basis of several identified
17 outstanding characteristics, including its
18 extensive estuary resources, fisheries, habitat
19 and recreational opportunities and scenic beauty.

20 Wild and scenic designation would
21 officially recognize the Taunton River as a river
22 of national significance.

23 The Weaver's Cove Energy LNG Project, if
24 allowed to go through as proposed, would cause

1 likely irreparable harm to the regional efforts to
2 gain that wild and scenic river distinction.

3 The Taunton River estuary is a
4 remarkably healthy and intact ecosystem that
5 provides a nursery habitat for juvenile fish and
6 shellfish and is a habitat for anadromous fish who
7 spend their adult lives in the ocean, but migrate
8 up the river periodically in order to spawn.

9 It is an essential fish habitat for 14
10 species of fish and wildlife. Abundant fish in
11 the estuary include Atlantic silversides, Atlantic
12 menhaden, winter flounder, windowpane flounder,
13 weakfish, striped bass and river herring.
14 Documented fish also include the American eel, the
15 American shad, rainbow smelt and the extremely
16 rare Atlantic sturgeon.

17 The extensive dredging of up to 2.6
18 million cubic yards of sediment from 191 acres of
19 river bottom, that coupled with the planned
20 withdrawals of 32 million gallons of river water
21 for testing and up to 980 million gallons of river
22 water per year for ship ballasting will have
23 devastating and most likely long term effects on
24 the fish and shellfish of the Taunton River

1 estuary, and thus, the fisheries of the upper
2 Taunton River and its tributaries as well.

3 In addition, the LNG project will
4 prevent recreational boaters from boating and
5 fishing within, at least, 3,000 feet, the zone of
6 security, for up to 24 hours every time a ship
7 comes into the terminal, which is, at least, 50 to
8 70 times a year for now.

9 I wanted to make this, well, I have to
10 make this testimony brief, but there are a lot of
11 issues that can be argued why this project should
12 not go through. First and foremost, the location
13 so far inland, close to residential areas, is
14 extremely and logically wrong. There are much
15 better suitable locations. Because it is less
16 expensive than other alternatives is not an
17 argument to offset the cost to the environmental
18 and recreational values of the river and to public
19 safety.

20 A Second Supplement Draft Environmental
21 Impact Report has been prepared by the opponent,
22 or should I say FERC, and they still have not
23 presented substantial evidence to support
24 requested limits on time of year restrictions for

1 dredging.

2 And we request dredging be restricted to
3 a November 1st through January 15th window, in
4 accordance with Corps regulations or real
5 geotechnical data to support open cut trenching
6 versus horizontal directional drilling.

7 And we request geotechnical boring to
8 determine suitability and use of an open-bucket
9 dredge in the turning basin, we request, using an
10 environmental, or closed-bucket, dredge in the
11 turning basin or thoroughly address accumulative
12 impacts to aquatic resources issue, which really
13 means to evaluate other sources like Brayton
14 Point, Manchester Street Station, in addition to
15 the impacts from dredging, hydrostatic testing
16 vessel operations on an already stressed marine
17 fisheries population.

18 Let's go forward, not backwards, with
19 our thinking in regards to the Taunton River. It
20 is a unique asset deserving of the status of wild
21 and scenic. TRWA respectfully requests denial of
22 all dredging permits for this project.

23 Thank you for the opportunity to
24 comment.

1 (Applause.)

2 MODERATOR ROSENBERG: Thank you, sir.

3 Next speaker, Cecile Scofield followed
4 by Jeanne Azar Padilla.

5 CECILE SCOFIELD: May I approach? I
6 have a photograph. Good evening. My name is
7 Cecile Scofield. I'm here representing myself and
8 my family.

9 A productive and ecologically important
10 area, the Mount Hope, Narragansett Bay watershed,
11 covers 112 square miles encompassing all or part
12 of eight municipalities, the Taunton River
13 watershed, five smaller rivers and numerous lakes,
14 including the North Watuppa Reservoir that
15 supplies drinking water to the 100,000 residents
16 of the city of Fall River.

17 The Narragansett Bay estuary was
18 designated as an estuary of national significance
19 by the EPA in 1987. The proposed dredge channel
20 and turning basin would permanently impact 191
21 acres of river bottom, including 144 acres of
22 shallow habitat specifically identified as
23 spawning beds for winter flounder.

24 Dredging stirs up sediments on the river

1 bed and resuspends dirt particles creating a
2 blanket of silt on the downstream river bed
3 killing native plants and animals. In this case,
4 the sediment is impacted by oil and other
5 hazardous materials, including metals, polycyclic
6 aromatic hydrocarbons and polychlorinated
7 biphenyls, PCBs.

8 The DEIS failed to identify and assess
9 potential environmental impacts from the proposed
10 dredging and dredge disposal. Speaking about
11 disposing of 2.6 to 3.1 million cubic yards of
12 dredge spoils, does anyone remember the garbage
13 barge? Can anyone possibly predict or know what
14 the environmental impact will be from the proposed
15 dredging depth of 37 feet below the mean lower
16 water level?

17 Salt marshes in this designated port
18 area protect marine fisheries, storm damage
19 prevention and flood control, as well as
20 groundwater supply, prevention of pollution and
21 protection of wildlife habitat.

22 Wetland regulations protect salt marshes
23 and coastal dunes against any alteration or
24 adverse impacts from construction related

1 activities. To think that dredging 2.6 to 3.1
2 million cubic yards of contaminated sediment from
3 the river bottom would not result in any serious
4 adverse environmental impact is really a
5 no-brainer.

6 A river's reaction to dredging is to
7 fill the hole. Sand or dirt near bridge supports,
8 water intakes or other structures upstream from
9 the dredge site begin to erode near or under these
10 structures causing damage that is costly to
11 repair, and repairs are usually paid for by our
12 tax dollars.

13 The proposed LNG site is a listed
14 contaminated site under MGLC 21E and is regulated
15 under MCP 310 CRM 40, former Shell terminal
16 release tracking number 4-0749.

17 A comprehensive response action
18 consisting of a recovery system designed to
19 prevent nonaqueous phase liquid from migrating
20 into the river and, ultimately, to facilitate NAPL
21 recovery is currently being operated at the site.
22 Pursuant to 310 CMR 40.0021, no person shall
23 tamper with, alter, destroy, disturb or otherwise
24 unlawfully interfere with any response action,

1 including, but not limited to any recovery or
2 control mechanism or system or any monitoring
3 device required pursuant to MGLC 21E and 310 CMR
4 40.

5 If dredging causes damage to the ongoing
6 environmental remediation at the Weaver's Cote
7 site, I sincerely hope that the city of Fall River
8 would use all legal means available, including
9 garnering assistance from the Massachusetts
10 Attorney General to ensure that violators of 310
11 CMR 40.0021 are prosecuted to the fullest extent
12 of the law.

13 Dredging of this magnitude would require
14 a Chapter 91 license permit from the DEP Waterways
15 Program which would require approval from the city
16 of Fall River's Planning and Zoning Boards prior
17 to a licensing being issued.

18 Since the city of Fall River would never
19 approve such a license, today's hearing just might
20 be a moot point. The health and future of
21 Narragansett Bay relies on a robust and
22 environmentally protected Taunton River, and Mount
23 Hope Bay is too fragile to sustain long and short
24 term impacts on fish habitat that would be

1 permanently destroyed by such massive dredging.

2 The true fact about this LNG proposal is
3 that the proponents are choosing to ignore and
4 distort the true environmental facts. To travel
5 back in time, take a ride up to the mouth of the
6 Taunton River at high tide. I promise you, you
7 will see and experience beauty, peace and
8 tranquility beyond your wildest imagination.

9 Please, help us to save our river and
10 the quality of life we have come to know, enjoy
11 and appreciate living on the shores of Mount Hope
12 Bay.

13 In closing, rivers are alive and react
14 to, both, acts of nature and man. While we are at
15 the mercy of acts of nature, acts of man that hurt
16 our environment are done deliberately and by
17 choice, and only man can stop the insanity of the
18 proposed LNG site on the banks of our beautiful
19 Taunton River.

20 Thank you.

21 (Applause.)

22 MODERATOR ROSENBERG: Thank you, ma'am.

23 Next speaker, Jeanne Azar Padilla
24 followed by David Frederick.

1 JEANNE AZAR PADILLA: Good evening. I'm
2 Jeanne Azar Padilla. That was quite an emotional
3 ending and beautiful. Thank you very much.

4 Beginning with Mayor Lambert, it is
5 obvious to me that I have little knowledge of the
6 details regarding all the LNG issues. I praise
7 and respect his ability and passionate efforts,
8 along with all of you who care enough to be here,
9 including our environmental activists.

10 While listening to a local radio station
11 today, I heard this was happening tonight, and I
12 was told, go and speak, stop being at home and
13 listening and talking about how you really feel,
14 go and do something and say something.

15 So I'm Jeanne Azar Padilla. I was born
16 and raised in Fall River and just turned a half a
17 century. My 89 year old parents, who were brought
18 here by Lebanese immigrants, reared me in this
19 safe city where I knew all my neighbors, felt
20 safe, comfortable and so happy to call Fall River
21 my home.

22 Not only a lifetime resident, I have
23 pursued the American dream by opening a business
24 in Fall River on its waterfront. In 1994, and

1 against all odds, I opened my dream restaurant in
2 Battleship Cove. It's been 11 years of struggle,
3 and I am proud to say that the Water Street Cafe
4 is alive and well, although the challenges in this
5 industry brew day to day.

6 Hopeful for my future, I begged and
7 borrowed to survive and bought the building that
8 we were in, in hopes that some day I'd be able to
9 retire, and happy to be a part of our waterfront
10 neighborhood, we strive to promote the arts and
11 tourism in order to survive. It's been difficult.
12 Fall River's waterfront needs all the help we can
13 get to expand our tourism.

14 Our future depends on more tourism, more
15 incentive, more boaters and cruise ships. People
16 I've brought to the table, and customers have
17 asked me for years how and when they can bring
18 their boats up to the waterfront to come enjoy
19 what we have to offer. Eleven years I have
20 struggled and worked 80 hours a week to build what
21 I have and what I've shared with this city.

22 Simply put, more business and more
23 success for Fall River will happen if the
24 waterfront expands and becomes what it needs to

1 be. We felt our future was bright with better
2 days ahead. Unfortunately, LNG, if permitted,
3 will destroy the balance of the thriving
4 waterfront community and cause multiple business
5 failures, which will be a huge impact on Fall
6 River's economy.

7 While listening to what the woman after
8 Mayor Lambert had to say tonight, she's an expert,
9 she's a pro. She guarantees the waterfront will
10 die. That scares me. I have worked my whole life
11 to fulfill this dream. I've stayed in this city
12 when so many others have moved off. So many of my
13 friends have left, and I've always said, I'm proud
14 to be in this city.

15 I am proud to have Fall River as my
16 heritage that my grandparents began with my
17 family. I want my nieces and nephews and my
18 friends and their children to stay in this city,
19 but if the waterfront is affected by this, and we
20 know by the professionals, by the pros, that it
21 will be, that's it for me. Everything I've worked
22 for is done.

23 And this example is only regarding my
24 business and the businesses in Battleship Cove,

1 the Battleship Massachusetts, which is all about
2 tourism. Who's going to let their Boy Scouts come
3 walk around, which is their main draw, who's going
4 to want to come tour Fall River with this LNG
5 proposal happening?

6 What about the proud home ownership in
7 Fall River? I own a home in Fall River. Since
8 we've heard those letters LNG, I've spotted
9 multiple Fall River homes for sale. I drive up
10 and down the neighborhoods and see for sale, for
11 sale, for sale, for sale, and the values going
12 down already.

13 My business and my home could be added
14 to that list. The LNG proposal goes far beyond
15 the not in my backyard mentality. We will lose
16 our businesses and watch our residents leave the
17 city. My parents raised me to be a proud citizen
18 of this city and of our country.

19 You represent our country. Understand
20 how we feel in this city. Don't make our dreams
21 become the impossible dream. How would you feel
22 if you lived in this city tonight?

23 Thank you.

24 (Applause.)

1 MODERATOR ROSENBERG: Thank you, ma'am.

2 Next speaker, David Frederick followed
3 by Joseph Carvalho.

4 DAVID FREDERICK: Good evening.
5 Lieutenant Colonel, I'd like to congratulate you
6 on your promotion. I believe the last time I saw
7 you, you were a Major.

8 Regarding the diking systems that are
9 used for single wall containment, their function
10 is to capture the LNG if the tank were to leak.
11 The flammable vapor exclusion zone would roll out
12 of the dike, and the thermal exclusion zone would
13 be based on a flame the size of the footprint of
14 the diking system. The full containment systems
15 offer neither of these.

16 When you consider the tankers coming
17 down the river, they're also offered neither a
18 thermal exclusion zone or a flammable vapor
19 exclusion zone. As a matter of fact, they're
20 inversely proportionately protected from marine
21 releases, which are correspondingly larger event,
22 request for rule making appending with the Coast
23 Guard for thermal exclusion zones and flammable
24 vapor exclusion zones.

1 I'd like to quote from Admiral Gilmore
2 in his statement to the Subcommittee on Energy
3 Policy, Natural Resources and Regulatory Affairs,
4 the Committee and Government Reform, the House of
5 Representatives:

6 "It is important to note that all the
7 work in this area of science is theoretical, as
8 large scale marine releases of LNG has not
9 occurred in the history of the industry;
10 therefore, the Coast Guard is focusing on
11 detriment measures."

12 I'd also like to quote from a
13 presentation to the TRB Marine Board by Donald
14 Juckett, PhD, former Director of the Office of
15 Petroleum and Natural Gas Import and Export with
16 the U.S. Department of Energy:

17 In his summary of the conclusions from
18 the Lloyds Report, he says that, "If containment
19 loss should occur under specific conditions,
20 holing may not be visible." That's H-O-L-I-N-G.
21 I see no other reference to that phrase in any of
22 my research on LNG. I try to stay pretty up on
23 these things.

24 I'll also be submitting a summary from

1 the Sandia National Laboratories on Guidance on
2 Risk Analysis and Safety Implications of Large
3 Liquified Natural Gas Spills over Water where they
4 mention fire whirls increasing the hazard. Again,
5 fire whirls, I see no reference to that in any
6 other literature.

7 Sandia also mentions, in the Sandia
8 report, that turbulence increases the potential
9 for explosions. I don't know if they expect it to
10 be a calm event if something were to happen. They
11 also mention, on Page 153, "the deflagration to
12 detonation transition." In military parlance,
13 that's a fuel air explosion.

14 American Institute of Chemical Engineers
15 and the Center for Chemical Process Safety
16 Commission DNV, who released a report entitled
17 Consequence of Marine Incidents for LNG, in the
18 report, they thank Sandia several times for their
19 assistance. I would like to mention that, in
20 their conclusions, they mention the uncertainty
21 involved in these sciences.

22 In Sandia, we have rapid phase
23 transitions that deflagration to detonation,
24 holing, flame whirls, things that we're not very

1 familiar with.

2 And I would like to go to the Army Corps
3 of Engineers Guidelines for Risk and Uncertainty
4 Analysis in Water Resource Planning quoting,
5 "Outcome uncertainty is perhaps the most serious
6 type of uncertainty. At one extreme of outcome
7 uncertainty, we are at a complete loss as to say
8 what will happen either about the pathways of
9 failure or the outcome."

10 For example, what would be the
11 ecological, social and economic outcome of a
12 collision between a liquified natural gas vessel
13 and a super tanker loaded with oil? Although a
14 reasonably credible series of studies based on
15 hypothetical scenarios can be accomplished to
16 bound the problem, perhaps the most honest answer
17 is we simply don't know with any reasonable level
18 of accuracy.

19 What's called for here are large scale
20 test, and I would suggest that, if such large
21 scale test were to be performed, that the fuel
22 load of a city and fire storms be considered in
23 that analysis.

24 Thank you.

1 (Applause.)

2 MODERATOR ROSENBERG: Thank you, sir.

3 Next speaker, Joseph Carvalho followed
4 by John Torgan.

5 JOSEPH CARVALHO: Good evening. My name
6 is Joe Carvalho. I'm the President of the
7 Coalition for Responsible Siting of LNG
8 facilities, which is a grass roots organization
9 that was instituted to stop this horrific project
10 from coming into our communities.

11 We have nearly 13,000 signatures on
12 petitions in opposition to this project from,
13 signed by people from Dighton, Massachusetts, to
14 Newport, Rhode Island. We also have two new
15 members that I want to touch on because, as I was
16 outside earlier this afternoon, two students from
17 this high school came up to me and said, we want
18 one of those signs, where can I get one of those
19 "No LNG" signs? And one of them said, I've wanted
20 to write a letter to the editor in opposition to
21 this project.

22 So while you have fifty-ish people like
23 myself, we also have the future of this community
24 speaking out. At two other separate events, we've

1 had scores of students from Bristol Community
2 College, just down the road from this high school,
3 in opposition to this project. There's widespread
4 opposition, and I would only say that any decent
5 corporation that really cared about the community
6 that it was about to enter would acquiesce to the
7 wishes of that community and leave, not press
8 themselves on a community that doesn't want them.

9 Do the right thing. Be really good
10 corporate citizens, as happened in Mobile,
11 Alabama, Harpswell, Maine, Vallejo, California,
12 Exxon Mobil. Exxon Mobil, that giant energy
13 corporation, turned away from Mobile, Alabama,
14 because of the public opposition to siting a
15 terminal there.

16 But no, I guess we don't have really
17 responsible corporations in our midst. What we
18 have is opportunistic profiteers, that's who we
19 have, who see loads of money to be made at the
20 expense of a community and an environment,
21 especially, a river whose very existence has been
22 brought back to some semblance of beauty again,
23 and the future looks very good for it, very good
24 for the Taunton River and Mount Hope Bay.

1 But instead, we have LNG, Weaver's Cove,
2 Hess LNG trying to shove a project down a
3 community's throat that doesn't want it, not just
4 because it doesn't want it in its neighborhood,
5 but because it doesn't make any sense
6 economically, securitywise, safetywise and
7 environmentally.

8 When you consider that two governors,
9 two attorneys general, both state congressional
10 delegations from the areas affected, every state
11 representative from Fall River and Somerset down
12 to Newport, every town council has voiced its
13 opposition to this, but no, never mind that. We
14 see excessive profits to be made here, and we want
15 to come here. Public be damned. That's the logic
16 here.

17 We also have a bridge, an old Brightman
18 Street Bridge, that's going to stay up, excuse the
19 expression, come hell or high water really, and
20 really should put the death knell on this project.

21 So there's a part of me that wonders why
22 we're even here. You know, earlier I had kind of
23 thought that I was going to respectfully request
24 that these hearings be closed, truly, since the

1 Hess/Weaver's Cove project is no longer possible
2 as originally proposed, and therefore, we are here
3 on a very cold winter evening during the holiday
4 season wasting our time and taxpayer dollars.

5 The Wild and Scenic Rivers Act prevents
6 the Hess/Weaver's Cove project from proceeding.
7 Retention of the Brightman Street Bridge prevents
8 ships from reaching the inappropriate site that
9 the Hess/Weaver's Cove principals unwisely chose.
10 Hess/Weaver's Cove's ill-conceived proposal is
11 dead on arrival. Dredging of the Taunton River
12 and Mount Hope Bay is therefore, moot.

13 Thank you.

14 (Applause.)

15 MODERATOR ROSENBERG: Thank you, sir.

16 Next speaker, John Torgan who will be
17 followed by Michael Miozza.

18 JOHN TORGAN: Thank you very much.

19 I'm John Torgan with Save the Bay. Save
20 the Bay appreciates the opportunity to provide
21 comments on the dredging and dredge sediment
22 disposal aspect of this. Save the Bay is
23 Southeastern New England's largest nonprofit
24 environmental organization.

1 The location of this proposed project at
2 the mouth of the Taunton River estuary in Mount
3 Hope Bay is among the most ecologically important
4 and valuable habitats in the entire Narragansett
5 Bay watershed.

6 The Army Corps deserves credit for
7 giving the public an opportunity to be heard on
8 this critical issue. Unfortunately, both, the
9 FERC and the applicant have been unresponsive to
10 the concerns of environmental groups and, clearly,
11 do not value the interest of Massachusetts, Rhode
12 Island or the other state and federal resource
13 agencies.

14 Perhaps by denying these 404 and 103
15 permits, they'll listen to the Corps, but at this
16 point, we don't know.

17 Apparently, Weaver's Cove officials are
18 planning to revise and resubmit this application
19 for an LNG facility, despite the fact that the
20 preservation of the Brightman Street Bridge makes
21 the project as described in the FEIS we're here
22 commenting on no viable, and as other speakers
23 have said, to proceed with the study and
24 consideration of a project we know not to be

1 viable is an astounding waste of time and taxpayer
2 resources, and I don't know if the Corps staff
3 feels the same way that the speakers feel tonight
4 on that.

5 As stated in prior comments and
6 testimony, Save the Bay believes that this project
7 would result in unacceptable, severe and permanent
8 impacts to the Taunton River and Mount Hope Bay.

9 Those of you on the panel, I've been
10 testifying on dredging projects now for more than
11 a decade before you. This is the worst dredging
12 project I've ever seen. The impacts would be
13 direct result of the dredging and dredge disposal
14 components of this project. We disagree with the
15 conclusions of the FERC staff in the EIS that it's
16 designed its proposal to mitigate most of the
17 adverse impacts and has developed specific
18 mitigation measures.

19 In fact, this project would cause
20 permanent and irreversible loss of critical
21 habitat. It would impact the migratory and
22 spawning ecology of marine species, and mitigation
23 includes nothing to offset these losses of public
24 trust resources. The mitigation referred to in

1 the presentation tonight and in the EIS allows a
2 net loss of submerged and wetland habitat,
3 including spawning habitat for locally depressed
4 populations of winter flounder and tautog and
5 quahogs.

6 The project offers clear environment
7 economic benefits to the private applicant, but no
8 public compensation, no environmental restoration.
9 Simply observing dredging windows does not
10 constitute mitigation and will not adequately
11 protect marine species in the Taunton River, all
12 of which will have to pass through the impacted
13 areas, not only during project construction, but
14 permanently thereafter.

15 Comparing this project to the Providence
16 River project is totally inappropriate. I was on
17 the committee for the Providence River project and
18 on three governor's commissions working closely
19 with the Corps on that. That was very different.
20 That was a maintenance project for an existing
21 federally designated channel. The Providence
22 River project was for an expressly public purpose,
23 and the disposal strategy was developed
24 specifically to address the problems caused by

1 shoaling in that channel.

2 Weaver's Cove is a private project that
3 is performing deepening and new dredging to create
4 a turning base in the area of the Taunton River so
5 a sole beneficiary, the applicant.

6 The vessel channel that exists north of
7 the bridge, of the Braga Bridge, would not be
8 dredged if not for this applicant. Characterizing
9 that as public navigational safety benefit is
10 misleading since it will increase tank vessel
11 traffic in an area that presently experiences
12 little commercial vessel traffic.

13 Dredging will allow more and larger
14 vessels to come up the Taunton increasing risk of
15 collisions and other marine casualties.

16 If there is a lesson to the Corps from
17 the Providence River project, it should be that
18 Narragansett Bay and its tributaries are highly
19 valued by Rhode Island and Massachusetts and that
20 these states are willing to pay more and wait
21 longer for environmentally sound dredging.

22 The lesson should not be just observe
23 windows, and there will be no impact. Rather, it
24 should be anything that's bad for Narragansett Bay

1 is a non-starter.

2 The conclusion that implementation of
3 these mitigation recommendations in the EIS is
4 just incorrect. How does avoiding dredging during
5 peak spawning period mitigate permanent loss of
6 spawning, nursery and foraging habitat?

7 In fact, creating this deep channel and
8 turning basin will compound and exacerbate
9 existing low dissolved oxygen conditions in the
10 river. It will likely lead to chronic hypoxia in
11 the bottom waters. Presently, these shallows are
12 typically not hypoxic, but recent studies confirm,
13 and I'll give you the cites, that hypoxic and
14 anoxic conditions do exist seasonally in the
15 dredged channel in Mount Hope Bay and the lower
16 Taunton River.

17 Deepening it in the turning basin has a
18 high likelihood of causing these low oxygen
19 conditions across the entire river in the vicinity
20 of the project forcing animals to swim a narrow
21 gauntlet between two coal fired power plants,
22 Brayton Point and Montaup and this LNG facility in
23 order to reach suitable habitat.

24 I won't go into it, but Brayton Point

1 has already had significant impact on this. Fall
2 River CSOs, although they've done a lot to address
3 sewer overflows, have significantly degraded water
4 quality, but these communities along the river,
5 the city of Fall River and Brayton Point are being
6 required to upgrade their operations to meet water
7 quality standards. This facility needs to be
8 considered in that cumulative context, the
9 cumulative impacts of it, in addition to the other
10 sources of pollution on the river.

11 This project is interfering with efforts
12 to designate the Taunton River as a national wild
13 and scenic river by making it a political process.
14 The wild and scenic process is a culmination of
15 over a decade of hard work by people in these
16 communities who know the river and care about the
17 river, had nothing to do with LNG, and we have
18 worked to support that.

19 We want to see that designation move
20 forward, and this project threatens the very
21 designation. If it's permitted, the construction
22 and operation of the facility will make it
23 difficult even to access the Taunton River by boat
24 in the vicinity of the project.

1 In short, Save the Bay urges you to deny
2 these permits. This is not properly before you
3 now. We think the Corps does have the authority
4 and has the responsibility to deny these permits.

5 Thank you very much.

6 (Applause.)

7 MODERATOR ROSENBERG: Thank you, sir.

8 Next speaker, Michael M-I-O-Z-Z-A,
9 followed by John Keppel.

10 MICHAEL MIOZZA: Good evening. My name
11 is Michael Miozza. I'm here representing myself
12 and my lovely wife. My wife Susan and I live
13 one-half mile from the proposed LNG facility.
14 Living so close, we both have a vested interest in
15 the outcome of tonight's proceedings, as well as
16 the entire LNG siting process.

17 I profess I don't know a whole lot about
18 dredging, other than what I've read, and I don't
19 know the intimate details about how the dredging
20 contaminants will impact the ecology of the
21 Taunton River; however, I suspect, and we've
22 already heard tonight many people speak
23 intelligently and passionately about those very
24 issues.

1 What I do know is that Weaver's Cove
2 Energy wants to dump 2.5 cubic yards of dredged
3 contaminated material to an offshore site about 10
4 miles east of Block Island. My research on
5 dredging activities suggests that even clean
6 sediment dumped at sea has an adverse
7 environmental impact because the sediment smothers
8 whatever it settles on.

9 If Weaver's Cove is allowed to dredge,
10 then it is my understanding that there are
11 definite short term impacts for the Taunton River
12 and the very distinct probability of long term
13 negative impacts for such a project.

14 It also looks as if the dredging project
15 solely benefits a private entity, Weaver's Cove
16 Energy, and has no real public benefits of value.

17 While I lack expertise in dredging
18 matters and environmental impacts, I do have quite
19 a bit of experience in safety matters; however, I
20 do not intend to speak about safety here tonight.

21 What I do want to do is use my time and
22 speak to the panel briefly about a matter that I
23 feel has been missing from the start of this
24 entire LNG process, and that matter deals with the

1 values of integrity and ethics.

2 Having followed the Weaver's Cove LNG
3 siting process for nearly two years, I am of the
4 opinion that the process has been tainted from the
5 very start. I'm sure the panel has heard the line
6 from the play Hamlet, by William Shakespeare, that
7 goes, "Something is rotten in the state of
8 Denmark." This line was used by Shakespeare to
9 describe a situation in which something was wrong
10 or corrupt.

11 Well, I believe there's something rotten
12 in Washington, DC, and the stench of that
13 rottenness can be smelled all the way to Fall
14 River, Massachusetts.

15 Environmental laws that guarantee us
16 clean air and water, protect us from toxic waste
17 and preserve our natural resources is our
18 birthright as Americans. These environmental laws
19 are designed to benefit the living, and the
20 continuity in the enforcement of these laws offers
21 protection to future generations. On paper, these
22 environmental laws are quite impressive. In
23 reality, these laws are often ignored.

24 Anyone who's been involved in this

1 dispute over this proposed LNG project during the
2 past two years has seen many examples of
3 questionable ethics, political interference in the
4 process and blatant disregard for many of the
5 environmental laws that are on the books.

6 Most people affected by this project are
7 keenly aware that there would be less of an
8 environmental impact from an offshore project than
9 there would be from this Weaver's Cove project.
10 We also know this is not a viable project for a
11 number of sound reasons, many of which we heard
12 tonight.

13 The people of Fall River and Somerset
14 can only hope that, at least, one of the federal
15 agencies involved in this siting process will
16 stand up and say there are better options, options
17 that minimize the impacts on the environment and
18 options that clearly address the public health and
19 safety issues associated with this ill-conceived
20 project.

21 We hope that the Army Corps of Engineers
22 is finally that agency, an agency that will
23 demonstrate it is ethical and has integrity.
24 Members of the panel, you can demonstrate you

1 possess these values by taking morally correct
2 action and denying Weaver's Cove Energy a dredge
3 and disposal permit.

4 Thank you for listening.

5 (Applause.)

6 MODERATOR ROSENBERG: Thank you, sir.

7 Next speaker, John Keppel followed by
8 Ronald R-H-E-A-U-M-E.

9 JOHN KEPPEL: I want to thank the Army
10 Corps of Engineers for holding this hearing more
11 generally, and more generally, the role that you
12 play in helping to provide a safe environment, not
13 only for Southern New England, but for the people
14 of the United States.

15 As with the meetings I have attended
16 with the EPA, MEPA, MEPA, the Mass. Attorney
17 General's office and multiple state and federal
18 hearings, I ask for your integrity and honesty.

19 Michael and I didn't talk before this
20 hearing, and it's kind of ironic that there's a
21 theme here, but I would tell you that one year ago
22 this month, there was a hearing by a federal
23 agency, and there are a lot of people in this room
24 that could testify that there was less than

1 candor, egregious less than candor, in that
2 agency, and so I share with Michael, and I share
3 with the other people the hope that the Army Corps
4 of Engineers, that you have the personal integrity
5 and honesty to deal with the issues that we have
6 to deal with.

7 As a protector of the American people,
8 there are few agencies that have the
9 responsibility and authority that you do. You
10 have authority. Some agencies exist, but you have
11 authority here.

12 The people of this area have witnessed
13 the courage of other federal agencies regarding
14 this project, including the EPA, the Department of
15 the Interior, Coastal Zone Management, NOAA, the
16 Marine Fisheries and more. All have stood up to
17 defend their respective charges against corporate
18 pressure and politically appointed bias of FERC.

19 One of the preeminent arguments of Hess,
20 LNG and the LNG industry -- and I'm going to talk
21 about people a little bit because I believe people
22 are an integral part of the environment, as well
23 as the other species that we co-habitate with --
24 Hess, LNG and the LNG industry, itself, is the

1 historical record of safety the LNG industry has
2 had over the last 40 years.

3 One of the key things that is true about
4 history is that it does not predict the future. I
5 teach history, and I've taught history for 33
6 years. It doesn't predict the future. It can act
7 as a guide, but not a predictor.

8 Hess' claim ignores Skikda, Algeria, in
9 which 27 workers were killed in which more
10 catastrophic consequence was not forthcoming
11 because it was remotely sited. That's a theme
12 here. Accidents are defined as unforeseen
13 unfortunate circumstances. One cannot foresee
14 them from history except to mitigate the potential
15 of them. Most major catastrophic accidents are a
16 combination of events and human error.

17 Three Mile Island, Chernobyl, the Exxon
18 Valdez oil spill, the sinking of the Titanic.
19 Even the massive gas fire in Texas last year was
20 exacerbated by state-of-the-art safety equipment
21 in which a valve shut so fast when a problem was
22 detected that the gas line burst, causing a fire
23 which took days to put out.

24 The Sandia Study and the ABS Study are

1 in agreement that, if an accident or terrorist
2 event does occur, the consequences could be
3 catastrophic. Both studies describe fire in which
4 thermal radiation could burn residents to death a
5 mile away or a vapor cloud that could spread as
6 much as two to three miles inland before igniting.

7 NATO, the North Atlantic Treaty
8 Organization, has identified LNG carriers in their
9 waterways as potential terrorist targets, in part,
10 because of the expressed interest of terrorist
11 groups to attack high consequence targets related
12 to energy infrastructure and population centers

13 Given these facts, I'd ask the Army
14 Corps of Engineers to protect the people of
15 Massachusetts and Rhode Island through preventive
16 action rather than reactive damage control of a
17 catastrophe. It's not necessary to place either
18 the public or military personnel at risk. The
19 commandant of the Coast Guard has stated that it
20 could probably not stop a determined terrorist
21 from attacking an LNG tanker. Why give them the
22 opportunity?

23 The real terrorist threat in the Hess
24 LNG project is Hess, itself. The potential of

1 placing a 200,000 cubic meter LNG facility on a 73
2 acre parcel, 1,200 feet from the nearest resident
3 is a threat to the safety of the entire city of
4 Fall River and Somerset.

5 The path through the Mount Hope and the
6 Narragansett Bays in which the tankers would
7 travel is unnecessarily put at risk. It's a form
8 of economic terrorism in which politically a
9 influential corporation would knowingly endanger
10 thousands for money.

11 I've been in the homes of senior
12 citizens along the river, and they're afraid.
13 They're afraid. Seeing the fear in their eyes,
14 sitting in their living room and having them talk
15 to you, I am afraid, and the hope here, you're the
16 Army. We were raised believing that we will be
17 defended by the Army. We can be defended without
18 placing this tank here by remote siting, by siting
19 offshore.

20 The only real way to protect the safety
21 of the public is to site LNG facilities remotely
22 as described in the Pipeline Safety Act of 1979,
23 or offshore. The Hess LNG Environmental Impact
24 Statement does not adequately address alternative

1 sites. Currently, there's even one relatively
2 recent one proposed two miles from the nearest
3 resident, a mile and a half from existing
4 underwater gas lines, outside the shipping lanes
5 and recessed in a stone quarry.

6 The people of this area are adamant in
7 their determination to protect their safety. We
8 ask the Army Corps of Engineers to stand up to
9 whatever economic or political administrative
10 pressures and reject this project based on
11 environmental safety based issues which include
12 people. We ask you to defend the people of this
13 region and their right to a sense of safety.

14 Thank you very much for being here.

15 (Applause.)

16 MODERATOR ROSENBERG: Thank you, sir.

17 Next speaker, Ronald R-H-E-A-U-M-E
18 followed by Stephen Clynes.

19 (No response.)

20 MODERATOR ROSENBERG: Stephen Clynes,
21 C-L-Y-N-E-S?

22 (No response.)

23 MODERATOR ROSENBERG: Donald Church.

24 DONALD CHURCH: Yes. Good evening,

1 ladies and gentlemen. I thank you very much for
2 your patience in listening to the rhetoric and the
3 causes and concerns of all the citizens.

4 However, I wouldn't want to get confused
5 between theoretical problems and actual problems.
6 When they're saying that this project is strictly
7 for the benefit of Weaver's Cove, that's far, far
8 from the truth. This dredge channel will go by
9 Brayton Point. It will pass Borden and Remington.
10 It will pass the state pier, and it will be off
11 Montaup Electric. All of these facilities are
12 shipping facilities that desperately need deeper
13 water.

14 At the present time, in an effort to
15 lessen the cost of electrical energy, Brayton
16 Point is buying coal from, both, Colombia and
17 Venezuela in the largest ships possible,
18 self-discharging vessels, to try to cut down the
19 cost of their base product.

20 These ships are so large, so deep, they
21 can't get into Brayton Point, so the alternative
22 plan is to take them down into Long Island Sound
23 where they discharge into barges. Then, they come
24 back to Brayton Point to discharge.

1 On any given day, you can probably see,
2 at least, one barge anchored off Prudence waiting
3 for berth, sometimes as many as three. Those
4 barges are costing somewhere in the neighborhood
5 of \$20,000 a day that you, as a consumer, are
6 paying for because Brayton Point Channel, up to
7 Brayton Point, has never been dredged. For years,
8 it's silted in.

9 The same thing with Montaup. Montaup
10 gets its product by very small ships, and it's
11 costing you, the consumer, a lot of money. I
12 would say if the general public were really
13 concerned about the cost of energy and where
14 you're going with it, there should be a revolt
15 that your public and civic leaders have not
16 insisted upon this channel being dredged 20 years
17 ago.

18 My background is that of a Marine pilot.
19 I was a guy who would go out and get aboard a ship
20 and safely guide it through the bridges to Fall
21 River and/or Providence. You hear the statements
22 being made about you're going to close down the
23 Bay.

24 Well, as a point of information, there

1 are two products, to cargoes, that are very, very
2 similar, and they come under the same general
3 heading. They're called hazardous cargo, as all
4 petroleum products are when they're being
5 transported by water, and the cryogenic, which
6 means they're reduced to a liquid from a gas
7 through refrigeration.

8 I've piloted I don't know how many,
9 many, many ships carrying LPG, which is a
10 cryogenic product, to Providence under the
11 guidelines as set forth by the Coast Guard. There
12 has never been a collision of any type between a
13 small vessel and any commercial vessel in
14 Narragansett Bay or Mount Hope Bay. There has
15 never been an incident of any kind with an LPG
16 ship. It hasn't happened.

17 When you go worldwide, and you take a
18 look at the LNG record, all of the scenarios that
19 you're hearing are theoretical because there has
20 never been an incident. They can give you
21 incident after incident with petroleum carriers.
22 They cannot give you an incident with LNG.

23 I don't know the circumstances of it.
24 I've heard rumors, and I've seen write-ups when an

1 LPG carrier at a dock, during the Iraqi war, they
2 never said who, but somebody fired two air to
3 surface missiles into this thing, and the crew
4 came out and patched up the holes, and they went
5 back for permanent repair. No fire, no holocaust,
6 nothing.

7 As far as economic development is
8 concerned, when I first started piloting, they
9 were talking then about removing the Brightman
10 Street Bridge, and I thought that this would be a
11 wonderful opportunity because the area above the
12 Brightman Street Bridge is pretty much a desolate
13 area, and I thought that there was a possibility
14 you could have little shipyards, marinas, yacht
15 clubs and whatever else up there.

16 To leave that bridge in, that whole area
17 up there will never be developed. You'll never
18 see anything happen because all of your yachting
19 community has got to go down through the bridge.
20 You're going to double up the cost. You're going
21 to have a bridge tender on the Brightman Street
22 Bridge, you're going to have a bridge tender on
23 the new Brightman Street Bridge.

24 To have economic development in any

1 area, you've got to have energy, and I don't care
2 what industry or what business you want to talk
3 about, you've got to have a stable cost of energy
4 and available.

5 I think there's one point that we all
6 agree upon. You've got to have natural gas. You
7 can't get away without it. For those people who
8 are saying, well, go somewhere else, many of them
9 mentioned Canada, I'll give you not theoretical,
10 I'll give you an example.

11 In the sixties, one of the seven
12 sisters, one of the very large oil companies,
13 wanted to build a refinery somewhere on the East
14 Coast where they could get in very large crude
15 carriers, and then disburse the refined product up
16 and down the East Coast.

17 They couldn't find one in this country.
18 They went to Canada. They built a refinery, they
19 built the docks, they built the storage facilities
20 under an agreement with the Canadian Government
21 that said that any oil that came into Canada to be
22 refined for export is tax free. If it came into
23 Canada to be refined and sold in Canada, it would
24 be taxed. That lasted right up until the time

1 they were ready to start the refinery, and then it
2 was oh, wait a minute, we've changed our mind.

3 They changed their mind to the point
4 where they gave up the refinery. They were no
5 longer competitive in supplying product to the
6 East Coast. That refinery is at Point Tupper by
7 the Straits of Cancel.

8 If you want to put your livelihood in
9 the hands of the Canadian Government, good luck.

10 Thank you.

11 MODERATOR ROSENBERG: Thank you, sir.

12 Our next speaker, Nancy Frazee,
13 F-R-A-Z-E.

14 And sir, I've been given notification by
15 our stenographer that he needs to take a break to
16 change tapes, so if we could go on break right
17 after the next speaker, it would be appreciated.
18 Thank you.

19 Nancy F-R-A-Z-E?

20 (No response.)

21 MODERATOR ROSENBERG: Joan Kasher?

22 JOAN KASHER: I'll forfeit my time.

23 MODERATOR ROSENBERG: Lillian Goldsmith?

24 LILLIAN GOLDSMITH: My name is Lillian

1 Goldsmith. I'm a resident of Somerset. I agree
2 with most everything that everybody said against
3 the LNG proposal.

4 But one of the factors, it's great about
5 being concerned with all of the environmental
6 factors, I agree with that, but the biggest
7 environmental factor to me is the human factor,
8 the effect on all of the humans that this will
9 have, number one.

10 Number two, I'm not going to go into a
11 lot of detail. A lot of people here know much
12 more than I do about the detail. I agree with the
13 gentleman that said we should be can-do. I don't
14 agree with his conclusions. We should be can-do
15 on the fact that we should be concerned about our
16 environment. This planet is the only thing we've
17 got left. We're not ready to go to Mars or
18 someplace else, and the effect of everything that
19 we do creates a problem if it's negative on the
20 environment and, therefore, on us.

21 I have one question I would like to ask
22 you. We are in Iraq to bring democracy to the
23 world, to Iraq, and the president wants to do it
24 for the world, and we're spending a lot of our

1 beautiful young lives over there, over 2,000
2 who've died, plus all of those that have been
3 wounded, and a lot of our fortune. We've lost
4 billions over there they can't even account for.
5 That's all in the name of bringing democracy to
6 Iraq.

7 Why, in the process, do we have to
8 sacrifice ours? We don't have a right to have a
9 say in the things that will control our lives? We
10 should have a right to our democracy and not lose
11 it.

12 Thank you.

13 (Applause.)

14 MODERATOR ROSENBERG: Thank you, ma'am.

15 Ladies and gentlemen, we'll take a short
16 recess, 15 minutes, and we'll start back up at
17 7:35 p.m. Thank you.

18 (Whereupon, a recess was taken.)

19 MODERATOR ROSENBERG: Gentlemen, are we
20 ready? Okay. We're back. The next speaker,
21 David Dionne followed by Roger Hood.

22 DAVID DIONNE: I was going to say I'll
23 keep it short. Never mind. I'm David Dionne.
24 I'm a citizen not of Fall River, but of Westport,

1 and you folks may remember me. About a year ago,
2 I chatted with you down the Cape, down, I think,
3 in Harwichport, and I'm a selectman in Westport,
4 and that night, I was representing the Board of
5 Selectmen at the Cape Wind hearing, and I'm here
6 tonight -- I was there a year ago in support of
7 Cape Wind, and you folks are great listeners, I
8 might add, and I'm here tonight to ask you to
9 refuse these permits to the Weaver's Cove group,
10 and just to let you know that I don't think my
11 positions are inconsistent.

12 Weaver's Cove is asking us to import
13 more foreign fuel, and when you burn fossil fuel,
14 you create more greenhouse gas, and when I was
15 representing the Board of Selectmen a year ago, my
16 pitch was, and the Board of Selectmen's pitch was,
17 simply this, that we are in a rapidly changing
18 environment.

19 And in fact, the night we were down in
20 Harwichport, there was a mini hurricane going on,
21 and I'm sure you drove through it, just like I
22 did, after the hearing, and you know, if you sit
23 in on some conservation hearings these days, and
24 one of my, somebody else you're going to hear

1 from, from Fall River tonight is the conservation
2 agent, he'll tell you that when you design a
3 development today, the 100 year storm event
4 happens two times or one time a year now.

5 We are really truly seeing a dramatic
6 change in our environment, so I'm here to say that
7 not only is this dangerous and maybe, you know,
8 has -- not maybe, but represents a danger to the
9 local environment, this is also the wrong
10 direction to go in.

11 The United States Government, the state
12 of Massachusetts and local governments should all
13 be prioritizing conservation of energy. In your
14 opening remarks, you folks mentioned a flexible
15 energy mix, and truly, you get the greatest bang
16 for your buck from conservation of energy, not in
17 the squandering of energy which is what is
18 promoted often today by government at all levels.

19 Renewables, like Cape Wind, do not add
20 greenhouse gases to our environment. Once they're
21 built, there is zero energy producer, and you know
22 what else? They're bombproof. You can't put
23 enough terrorist action on a wind farm to make a
24 difference, and I'll close with this. Whether you

1 support the national effort in the Middle East
2 today or not, we're spending, I don't know, \$2
3 billion a month, or possibly more. If you took
4 half of that, and you put solar panels on every
5 roof in New England, and you built wind farms, and
6 you put the money into conservation, we wouldn't
7 be having this discussion about importing any more
8 foreign fuel at all.

9 I really, you know, you folks represent
10 the national government, and I hope you take this
11 message back, that even the gentleman who talked
12 about Brayton Point, we're talking about coal from
13 Colombia, which is part of plan Colombia, and I
14 don't want my electricity that I use to be part of
15 that, so you know, we need to shift our focus.

16 Things like renewables, things like
17 conservation, that's where our National security
18 in the future lies. No more incursions into
19 foreign countries. We need to produce our energy
20 in a sustainable way right here in the United
21 States.

22 Thank you very much.

23 (Applause.)

24 MODERATOR ROSENBERG: Thank you, sir.

1 Next speaker, Roger Hood.

2 (No response.)

3 MODERATOR ROSENBERG: Tom Souza?

4 (No response.)

5 MODERATOR ROSENBERG: James Slattery?

6 JAMES SLATTERY: Good evening, all. My
7 name is Jim Slattery. I'm a resident of Fall
8 River, and I came here tonight to grow and educate
9 myself on the feelings and concerns in the
10 progression of this project.

11 I have a passion for the sea, and I've
12 been blessed with my career. I've sailed out of
13 Fall River starting back in 1976, 15 years just
14 with one company there. I've sailed out of
15 Sakonnet Point, Sakonnet River, Westport, Newport,
16 off the Tiverton Bridge at Manchester Seafood. I
17 probably figure I've probably transited
18 Narragansett Bay, I did the math while I was
19 sitting here, 750 to 1,000 times.

20 I've worked from the grand banks of
21 Newfoundland to Peru, the outer continental shelf,
22 Blake Plateau, the Bahamas, Yucatan Peninsula,
23 Gulf of Mexico. I love what I do.

24 On the other hand, I've changed my

1 career, and I'm now in the marine industry, and
2 I'm still involved in Narragansett Bay,
3 ironically, again. I've been in Narragansett Bay
4 now for five years. I was involved with capping
5 the landfill in Newport with dredge materials from
6 Warwick and Greenwich. I was in the environmental
7 cleanup of the naval base, Gould Island, the old
8 torpedo installation. I was involved with that,
9 and right now, currently, I am involved with the
10 construction of the Brightman Street Bridge. I
11 also have interest with the dredging project at
12 Brayton Point at this time.

13 So it's kind of a mixed bag of feelings.
14 I love the Bay, but I think we do have a supply
15 problem with energy. I also believe that it would
16 help economically in the area. I totally believe
17 that there's some dredging that is necessary.

18 This summer, I saw a ship going into
19 Montaup that had grounded, so I just want to
20 continue to be abreast of this and watch it, and I
21 just wanted to give you a short, you know, comment
22 here on how I feel. I'm just going to continue to
23 follow through open-minded, and I just think it,
24 you know, it could, there's no reason, I don't

1 think there's a problem with this going either
2 way.

3 Thank you.

4 MODERATOR ROSENBERG: Thank you, sir.

5 Next speaker, Lorne Lawless.

6 LORNE LAWLESS: Good evening, panel. I
7 see just about everybody left because they knew I
8 was going to speak.

9 Lieutenant Colonel Nelson, Christine and
10 Moderator Larry, I just want to say it's almost
11 three years now. Three years ago, I was going to
12 move to Somerset. I was looking at moving to
13 Somerset, and I knew of the project. I knew that
14 this project was proposed. I even came down, and
15 I looked at the site, and I said to myself,
16 there's no way, this is insanity to put an LNG
17 facility in a residential area.

18 The reason I said that, I think you were
19 on the Coast Guard panel, I think you were,
20 Lieutenant Colonel, when I spoke, the reason I
21 said it was insanity to myself, and I'd talked to
22 some people in the industry about the project
23 before I bought my house in Somerset, and the
24 reason I said it was insanity is because I had 17

1 years in the oil industry.

2 I was an area supervisor of a hydrogen
3 plant, crude unit, an isomax, sour gas plant. I
4 just about worked every plant in the Irving
5 Refinery. The gentleman before said, 1960, we
6 were going to rely on our oil. Well, far as I
7 know, the only refinery on the East Coast that
8 went out of business was come by chance. Irving
9 Oil is still supplying down to here, right down to
10 Boston.

11 And let me just hit a few points why I
12 think this is insanity. Number one, we haven't
13 had a large LNG facility sited in over 30 years in
14 a residential area. We can take out all the
15 terrorist threats we want. Let's just take that
16 out of the picture, but we do have human error.

17 I have seen human error. I have seen it
18 on plants. It does happen. We do have equipment
19 failure. We just had the one in London. That's
20 an oil refinery. We're not talking about LPG.
21 The C-3 propane and C-4 is taken out of LNG, and
22 it's methane is very volatile product. No place
23 in the world do we bring in an LNG tanker under
24 three bridges, and we know, once it's here, God

1 forbid, they shut down traffic. All we need is a
2 threat. Traffic's going to be shut down.

3 We're going to dredge this Taunton River
4 for two years and maintenance dredge it every
5 other year because you're going to have that.
6 You've already heard the testimony that it is
7 going to destroy some of the fish species. We
8 know it is. Not only that, with the tanker coming
9 in, with the security around it, two miles ahead,
10 one mile behind and a mile on each side, I don't
11 know how you're going to do that in the narrow
12 channel in the Taunton River, that is going to
13 disrupt the whole quality of life for everyone in
14 Somerset and all the Narragansett communities.

15 If we do get a breach in one of these
16 ships, it is possible -- I'm not here, you know,
17 to add fear to people, but I do know it could
18 happen, and you can see all the reports out there
19 that show, if it does happen, especially, bringing
20 it into this river, we're going to have a large
21 problem. We could have many lives lost.

22 And where is this all going to go? It's
23 going to go to the point that it's going to be --
24 if I look around here, I'd like to ask those in

1 here, there's not many here now, I want those to
2 stand up that are against LNG. Stand up.

3 When you get up tomorrow morning, I want
4 you to remember one thing. I want you to put
5 these three letters in your mind, and remember
6 these day in and day out. It's called P-O-P, pop,
7 and pop is profit over people. I can remember not
8 too long ago that the question was proposed to
9 Hess, why don't we put these things off shore, and
10 their answer at the time was, we don't have the
11 technology.

12 The technology was there at the time,
13 but it's interesting, recently, in The Herald
14 News, someone from Hess, I won't mention any
15 names, said, oh, we can't put it offshore, it's
16 too expensive.

17 You, as the Army Corps of Engineers, you
18 have the right to do the right thing and protect
19 the people of Fall River and the Narragansett
20 communities. If we look at the Irving project,
21 there's no comparison. They're building the same
22 plant in St. John, New Brunswick, at Canaport.
23 They bring the tankers in. At low tide, it's 128
24 feet. They're putting it on 1,600 acres. I know

1 the area. I used to swim there.

2 I do know that putting it on 65 or 70
3 acres and putting a tank 235 feet high, it's 195
4 feet and 40 feet from engineering grade, I've
5 never seen anything like that put in a residential
6 area. Irving Oil, in their refinery, the highest
7 vessel I can remember was like 80 feet or 88 feet.

8 And we're going to do this to this
9 community. We are going to ruin the economy here,
10 and all I can say, do the right thing and don't
11 give them the dredging permits.

12 (Applause.)

13 MODERATOR ROSENBERG: Thank you, sir.

14 Next speaker, Lyzette Soares.

15 (No response.)

16 MODERATOR ROSENBERG: Priscilla Chapman?

17 PRISCILLA CHAPMAN: Good evening. My
18 name is Priscilla Chapman, and I'm a resident of
19 Fall River, and I'm here to urge you to deny the
20 404 permit for this project.

21 Many of us who live in Fall River and
22 the surrounding communities have worked for a long
23 time to try to make the Taunton River better in
24 various forums, different committees, different

1 groups.

2 The river bottom is a very special
3 enriched place. It's a place, as you know, where
4 many forms of aquatic life feed, spawn, hang out.
5 I'm very concerned that the massive extensive
6 dredging that's proposed will, essentially, wipe
7 out those communities on the river bottom, and
8 because there is going to have to be maintenance
9 dredging, I don't believe that those communities
10 have a very good chance of reviving themselves,
11 and as John Torgan mentioned earlier, there is the
12 possibility of the condition of hypoxia that may
13 develop.

14 So I think that there's a high
15 likelihood that there is going to be some very
16 extensive environmental damage to the benthic
17 community. There will also be many shellfish
18 areas that will suffer serious damage as a result
19 of this dredging, and as you know, the city of
20 Fall River has undertaken a massive combined sewer
21 overflow project to try to clean up the river, and
22 one of the main goals of that project is to try to
23 reestablish the shellfish beds.

24 I'm concerned that the maneuvering of

1 vessels as they come in and out and the turning of
2 vessels is also going to stir up sediment that is
3 going to have an additional deleterious effect on
4 the benthic communities.

5 The fact that the vessels must come in
6 on the rising tide seems to imply that there is
7 not very much of a margin of error between the
8 draft of the vessels and the river bottom, so it
9 seems that we are very likely to see some
10 additional damage, just from maneuvering of
11 vessels.

12 And also, we are very concerned, those
13 of us who have worked, especially, on the wild and
14 scenic designation for the river, that this vast
15 extent of dredging is going to interfere with fish
16 runs to the upper reaches of the Taunton River.

17 Finally, we don't know yet what the
18 impacts of managing and transferring very large
19 amounts of dredged materials are going to be.
20 They may be managed on site. We don't know what
21 impact that activity may have in terms of
22 pollutants entering the Taunton River and
23 affecting the water quality in a very negative
24 way.

1 I intend to submit some written comments
2 before the end of the comment period. I just
3 wanted to touch on the main issues, but in
4 closing, I'd just like to emphasize once again
5 that so many of us have worked for so long to try
6 to make the Taunton River a better river. It's
7 already a wonderful river. It's being considered
8 for wild and scenic designation, but we don't want
9 to see all that work go for naught.

10 Thank you very much.

11 (Applause.)

12 MODERATOR ROSENBERG: Thank you, ma'am.

13 Next speaker, Timothy Bennett.

14 FROM THE FLOOR: Lyzette Soares was
15 outside and is now back. I'll let her go before
16 me.

17 MODERATOR ROSENBERG: Mr. Bennett, I'm
18 sorry. Ms. Soares, would you, please, go now, and
19 Mr. Bennett, you will follow. Sorry for any
20 confusion. Thank you.

21 LYZETTE SOARES: Thank you for allowing
22 me to speak. I am Lyzette Soares, a social worker
23 for the elderly, a wife and mother of five
24 beautiful children.

1 As such, today I felt the urge to
2 express strong opposition to LNG tankers from
3 coming to Fall River. It would not only cause
4 psychological unrest to our families, but would
5 also be a total disrespect and an insult to our
6 human dignity, as well as destruction to our water
7 resources.

8 On behalf of my family and all of those
9 that I serve, I strongly request that the U.S.
10 Army Corps of Engineers deny any permits for LNG
11 tankers to navigate our Taunton River.

12 Thank you.

13 (Applause.)

14 MODERATOR ROSENBERG: Thank you, ma'am.
15 Thank you very much.

16 Mr. Bennett?

17 TIMOTHY BENNETT: Thank you. My name is
18 Timothy Bennett. I'm the President of Green
19 Futures, a local environmental organization based
20 here in Fall River. I just have a quick comment
21 or two to make about the ludicrousness of this entire
22 project.

23 Fall River is a nice river port, and
24 we're trying to look into possible development

1 along the river to enhance the city of Fall River.
2 This particular project here is quite out of
3 character for a river port.

4 We're taking an ocean going vessel the
5 size of the LNG tankers and trying to reconfigure
6 a very small river basin to accommodate the need
7 for greed, and it's something that the entire city
8 of Fall River is galvanizing itself against, and
9 I'm here tonight to say, as one extra citizen,
10 that the project is doomed for failure. It's
11 doomed to wreck the environment, and it's doomed
12 because it just doesn't belong here. It's not a
13 necessary piece for the character of the city of
14 Fall River, and I just wanted to add my name to
15 the list of people against the project.

16 Thank you.

17 MODERATOR ROSENBERG: Thank you, sir.

18 (Applause.)

19 MODERATOR ROSENBERG: Ronald Rheaume,
20 R-H-E-A-U-M-E?

21 (No response.)

22 MODERATOR ROSENBERG: Stephen Clynes,
23 C-L-Y-N-E-S?

24 (No response.)

1 MODERATOR ROSENBERG: Nancy Fraze,
2 F-R-A-Z-E?

3 (No response.)

4 MODERATOR ROSENBERG: Joan Kasher,
5 K-A-S-H-E-R?

6 (No response.)

7 MODERATOR ROSENBERG: Roger Hood?

8 (No response.)

9 MODERATOR ROSENBERG: Tom Souza?

10 (No response.)

11 MODERATOR ROSENBERG: That's the end of
12 the cards that I have from the individuals that
13 have filled out requesting to speak. Is there
14 anybody in the audience now that did not fill out
15 a card requesting to give comment that would like
16 to at this time?

17 (No response.)

18 MODERATOR ROSENBERG: Sir?

19 LT. COL. NELSON: Ladies and gentlemen,
20 we've heard a great many thoughtful statements
21 this evening. Careful analysis will be required
22 before a determination can be made and a decision
23 rendered.

24 I'll remind you that written statements

1 may be submitted to the Corps of Engineers until
2 January 3, 2006. They will receive equal
3 consideration with those presented tonight.

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

8 We, at the Corps of Engineers, extend
9 our appreciation to all who took the time to
10 involve themselves in this public review process,
11 and finally, before I conclude this hearing, I'd
12 like to extend my appreciation to the City of Fall
13 River, the Fall River School Department and the
14 Robert J. Nagle Auditorium for the use of this
15 fine facility.

16 I'd also like to thank the City of Fall
17 River Police and Fire Departments for their
18 support, and I'd like to thank you all for taking
19 the time to provide us with your thoughts, your
20 comments and your concerns.

21 Thank you, again, and good night.

22 (Applause.)

23 MODERATOR ROSENBERG: Ladies and
24 gentlemen, this concludes the hearing. You're

1 welcome to stand around. We'll be here for a
2 little while if you want to talk to us, and just a
3 reminder that we will have another hearing
4 tomorrow at the Mount Hope High School Performing
5 Arts Center at 199 Crystal Street, in Bristol,
6 Rhode Island.

7 Thank you and good night.

8 (Whereupon, at 8:20, December 14, 2005,
9 the above hearing was concluded.)

P R O C E E D I N G S

(7:27 p.m.)

1
2
3 TERENCE TIERNEY: My name is Terence
4 Tierney, and I'd like to provide a comment in this
5 matter with regard to the availability of the
6 hearing transcript.

7 At the start of the hearing, we were
8 told that the transcript of this hearing will be
9 available by either traveling to Concord to view
10 it at the Corps of Engineers Headquarters or
11 accessing it through the Web site; however, the
12 Web site won't have the transcript available for
13 approximately four weeks, we were told.

14 Four weeks from today is January 14th.
15 The public comment period ends January 3rd, so by
16 not having the transcript from tonight's hearing
17 and tomorrow night's hearing available for us to
18 use, it prejudices my ability to comment
19 intelligently to the Corps of Engineers on the
20 issues presented and up for consideration.

21 So on that basis, I am respectfully
22 requesting an extension of the comment period, at
23 least, 30 days after the Web site makes the
24 transcript available to the public on these

1 hearings.

2 So that's the sum and substance of my
3 comments. I want to reserve my ability to add
4 more when the transcript is available, but that is
5 a request I'd like to make to the people running
6 this whole hearing process.

7 Thank you very much.

8 PAUL ROBERTI: I'm Paul Robert. I'm an
9 Assistant Attorney General in Rhode Island, and I
10 wanted to follow up on a point I raised earlier.
11 I did have a discussion with the Colonel during
12 the break on this issue, and it's a procedural
13 issue that relates to the deadline for submitting
14 written comments and the fact that the transcript
15 from these public hearings will likely not be
16 available until after the deadline.

17 As background, I do a lot of regulatory
18 work in Rhode Island, and normally, when we speak
19 as the Attorney General's office, we speak on
20 behalf of the citizens of the state.

21 The public hearing process that the
22 Corps is conducting right now is a very critical
23 component of the feedback from the public that we
24 like to review and synthesize and then submit

1 formal comments based upon the record in the case,
2 and so there's much public comment here that
3 occurs where we learn a lot from the members of
4 the public because of their uses of the waterway
5 or their observations or their historical
6 experiences, and it can be anything from a safety
7 issue to an environmental issue, and there were a
8 number of things that were said tonight that I
9 would like to have the opportunity to review and
10 to synthesize and to include in my formal comments
11 on behalf of the citizens of Rhode Island.

12 So what I would like to ask is that the
13 deadline be extended to some period, you know,
14 some period, perhaps 30 days after the
15 availability of the transcript from these two
16 public hearings so that we have that opportunity
17 because we feel it's very important to our mission
18 on behalf of the citizens.

19 So I will likely follow up with either a
20 written letter to the Corps formalizing that
21 request, but I did want to just state it for the
22 record tonight.

23

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: Fall River, Massachusetts

Date: December 14, 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 14, 2005
Date

Susan Hayes
Transcriber

December 28, 2005
Date