CHÉRI FASO OLF
RONALD CHARLES OLF
209 HORIZON DRIVE
TIVERTON, RHODE ISLAND
02878

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DEC 28 2005
REGULATORY DIVISION

Mr. Ted Lento
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

RE: Weaver's Cove Energy / File# 2004-2355

Dear Mr. Lento:

We send along this plea, in hopes that you will advocate for those of us who live here on the shores of Mt. Hope Bay. We are terrified by the possibility that the Weaver's Cove project will come to fruition, and remind you of a few key points:

- The Brightman Street Bridge issue has been resolved. A federal law has been passed that mandates that the bridge stay in place.

- Accelerate Gas plans to build and have open by 2007 an LNG receiving terminal 12 miles off the coast of Gloucester, Mass., which eliminates the need for the Fall River plan. Beyond that, there are offshore solutions which would virtually eliminate all of the problems associated with locating an LNG terminal in a densely populated area such as Fall River.

- Dredging of the channel will stir up contaminants such as zinc, copper and arsenic that have settled in the Bay's bottom. They these poisons would then be carried by the tides to the shore where our small children play every day, and will flow along to pollute other parts of the bay. Killing fish and marine mammals, and destroying their habitats. *Please*...do not allow this sleeping monster to be disturbed.

When we weigh the one known pro - an increased and *possibly* cheaper source of natural gas - against the myriad cons: environmental and economic impacts, traffic disruptions on land and sea, homeland security issues, the health and welfare of human beings – the Army Corps' answer should be clear.

Think of the efforts put forth to preserve your own Walden Pond. We who *LIVE* here on Mt. Hope Bay deserve just as much in the way of preservation. Please act on our behalf, and in the best interests of our children.

Sincerely, from the shores of Mt. Hope Bay,

Cheri Faso Olf & Ronald C. Olf
Evan - Age 8, Aidan - Age 5, Camryn – Age 2

Watershed Action Alliance
of Southeastern Massachusetts

December 27, 2005

U.S. Army Corps of Engineers
New England District
Regulatory Division
Attn: Ted Lento, Permit Project Manager
696 Virginia Road
Concord, MA 01742-2751

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JAN - 2 2006
REGULATORY DIVISION

Re: File # NAE 2004-2355 Weaver's Cove LNG Project, Fall River, MA

Dear Mr. Lento,

I am writing on behalf of the Watershed Action Alliance of Southeastern Massachusetts, a coalition of eleven watershed groups committed to the preservation and restoration of water and natural resources in the region and the state. As a group we are concerned with the location of the proposed LNG project and the long-term adverse impacts the related dredging will have on the health of the river, on the viability of spawning habitat for multiple species, and how the location of the project, at the mouth of the Taunton River Estuary and Mount Hope Bay, significantly undermines a ten year effort of multiple communities to create a stewardship plan that calls for the Wild and Scenic designation and protection for the most ecological important and valuable habitats in the entire Narragansett Bay Watershed.

We appreciated the Army Corp willingness to receive public comment on this proposed project and request that the sponsor's application for a 404 permit be denied because they have not met the following requirement of Section 404 of the Clean Water Act:

1) The permit applicant has not demonstrated that the dredging is unavoidable and represents the least environmentally damaging practical alternative to achieving the basic purpose of the project. We recommend that the Army Corp ask the applicant, in cooperation with government and regional stakeholders, to evaluate alternative project locations based on a comprehensive set of criteria that will help identify an environmentally preferable site.

2) The 404 permit requires an evaluation of the cumulative dredge and fill impacts. The EIR as written does not include the many pollution sources that already have compromised the natural conditions of the lower Taunton River and Mount Hope Bay including Dominion Energy's Brayton Point Station which has been implicated in an 87% decline in fish populations in Mount Hope Bay since 1986.[1]

3) Proposed mitigation as outlined in the EIR does not recognize the significant loss and degradation of spawning habit nor propose to offset this loss by preserving, enhancing, or restoring similar spawning area in the watershed.

Lastly, the Southeastern Regional Planning Economic Development District has championed a ten year effort with multiple communities in Massachusetts and Rhode Island to have the Taunton River federally designated as Wild and Scenic. It is likely that the legislation formalizing this designation will be heard in Congress soon and the permitting of this project has the potential to undermine its positive outcome. We urge the Army Corp to effectively employ its regulatory authority and deny the permitting of the Weaver Cove project to protect the public trust resources of the Taunton River and the Mount Hope Bay as intended by the Clean Water Act.

Thank you for your time and consideration. Please feel free to contact me at 617-697-0922 if you would like to discuss these issues further.

Sincerely,

Jill Cowie

Jill Cowie
Watershed Action Alliance

Taunton River Watershed Alliance
Jones River Watershed Association
North and South Rivers Watershed Association
Fore River Watershed Association
Save the Bay-People for Narragansett Bay
Weir River Watershed Association

Copy to: Senator Kerry
Senator Kennedy
Congressman Barney Frank
Senator Pacheco

---

[1] Gibson, M.R. 1996. Comparison of trends in the finfish assemblage of Mt. Hope Bay and Narraganset Bay in relation to operations at the New England Power Brayton Point Station. RI Division Fish and Wildlife Research Reference Document 95/1. Revised, August, 1996

December 29, 2005

Mr. Ted Lento
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, Ma. 01742-2751

File # 2004-2355

Dear Mr. Lento,

I have reviewed the above application and revisions for dredging and installation of piping beneath the Taunton River. The problem with the plan is that it will possibly destroy the habitat of fish species that are in some cases unique to this river and tributaries as a result of over dredging of the river for no apparent reason.

Due to the passage of the 2005 Federal transportation bill, the existing Brightman Street bridge has been designated as a foot bridge, bike path and emergency vehicle passageway to Fall River from Somerset. Because of this, the bridge will have to continue as a functioning bridge. This means that the present 96 foot opening will be maintained. With this limitation of possible width of any transportation vessel, the draft of these vessels will need to be in direct proportion to the width of these vessels, the present depth should suffice under these circumstances. Also because of this limitation the area just south of Borden Light and north of same would not have to be dredged to the requested depth or channel width. This would significantly reduce the impact on the volume of dredged materials to be removed which would reduce the possible disturbance of the sediment that these fish species are dependant upon.

This same logic would apply to the state of Rhode Island federal waters. Why take the chance of widening the channel for no apparent reason. No other major vessels would be allowed to utilize the channel due to the exclusion zones set by the Coast Guard regulations.

Sincerely,

Ronald M. Thomas
160 Mount Pleasant Street
Fall River, MA. 02720-4316

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JAN - 4 2006
REGULATORY DIVISION

The Rev. James H. Hornsby, licsw
Rector Emeritus,
Saint Luke's Episcopal Church
Fall River, Massachusetts

Office and home:
260 Lake Avenue
Fall River MA 02721- 5423

phone: 508-672-6607
fax 508-676-1876
email jjhornsby@aol.com

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JAN - 4 2006
REGULATORY DIVISION

Re: LNG Plant in Fall River (2004-2355)

First, I want to thank you for extending the time allowed for statements. The previous deadline proved impossible, as I could not digest the project sufficiently to comment. Two major issues were not discussed in the new material, the issue of terrorism and the issue of the permanency of the current Brightman Street Bridge.

I write in opposition to any dredging. There is simply no need for the project, it will become outdated and abandoned, and the project will cause danger and damage to the environment and great expense.

There is no need:

Better sites are available both in this country and in Canada. Recent reports of Canada's willingness not only to accept but also even to encourage LNG plants in isolated areas make site redundant. To argue, as Weaver-Hess has done, that we are more reliable or secure makes a mockery of international cooperation with one of our closest allies.

In this country, no full evaluation has yet been done of Boston Harbor offshore islands, the Elizabeth islands, offshore Gloucester or other offshore spots, or the coastline from Fall River to the Canadian border. Might not this be a good idea before implementing 2004-2355?

It will become redundant very quickly.

Better sites will attract more tankers. The combination of new and larger tankers plus the filling of what is dredged will make the channel unusable. Even if the current Brightman Street Bridge is taken down (Federal law now calls for its maintenance) the new Brightman Street Bridge will barely fit current tankers and probably will not fit new and larger tankers. Hence you will again be asked to dredge, and perhaps to widen passageways in the new bridge.

The Brightman Street Bridge will remain.

Federal law calls for the current bridge to remain for non-motored activities such as walking, cycling and skating. Thus the dredging in 2004-2355 will be useless in providing LNG to the site and to the public. This is a valid use of the old bridge, one

which would contribute much to SEMASS, especially Fall River and Somerset. Certainly the Corps of Engineers does not wish to engage in useless dredging.

Project 2004-2325 will damage the environment.

I cite the studies by and analyses of 2004-2355 done by Save the Bay, the Conservation Law Foundation and Green Futures. The plan has changed from piling up the sludge and dredged material on the plant site to dumping it in the ocean, presumably because it was too toxic to put on land. Is the material not too toxic to place in the ocean? No discernible ecological rationale is given for the change in the new EIS.

The project will be dangerous.

You list "safety" as one of the concerns, and talk about "reasonably foreseeable detriments." The public safety danger has been well documented in many places. Although your guidelines do not specifically list public safety as a consideration, I ask you to include human beings within five miles of the plant and the tanker pathway. It seems strange, perhaps even Orwellian, to ask you to refuse to dredge because dangerous vessels may burn or explode, causing extreme damage to the environment, but that is precisely what I as you to do.

Weaver-Hess continually states is that 2004-2355 is safe, and that no member of the public has been killed. They seem not count the deaths in Algeria for some reason. Even if one would grant (and I do not so grant) that accidental burning/explosion is unlikely, at least two problem areas remain.

Accident: One is that an infrequent accident could be devastating, whether on a tanker or at the proposed site, because both the pathway and the site are in much too close to populated land. Even my elementary knowledge of statistics tells me that the more sites there are, with more and more shipments, the more likely we are to have an accident at one of the sites. The ramification of an accident are similar to those laid out below, except that an accident might not occur at the time and place suitable for most destruction, since, by definition, accidents are not planned.

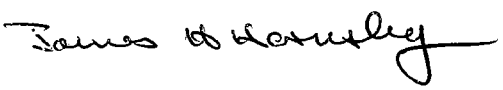
Terrorism: Weaver-Hess does not comment on the possibility of terrorist attacks. The EIS makes vague references to an evacuation plan; because of the density of the population and proximity of the population, no workable plan is possible. Materials from the EIS, from studies of terrorism and of terrorism and its impacts are widely available. This is especially true of terrorism with fanatical religious motivation. The purpose of theattack on LNG ship or facility would be to cause terror, fear, shock and awe in the US population in order that the terrorist might make religio-political gains, as the terrorist perceives these gains. Exploding/burning a tanker or tank site or both if done at the right time could result in immediate damage of the sort modeled by Professor Kay or Sandia labs, Green Futures or others. Damages from the initial burning/explosion and subsequent firestorm fed by the very common stiff wind from the bay, could result in the deaths of thousands of persons. Fall River has within it some very densely populated neighborhoods (Census 2000), which are largely composed of flammable wooden three-deckers and flammable mills. My own evaluation of the shoreline (bicycle and foot)

indicates that approach is feasible within a half mile (and much less in some places) of the tanker and/or Hess-Weaver site, especially if the individuals involved are willing to sacrifice their lives. Air and boat attack are documented in other places. We simply should not provide the opportunity for terrorists, here or anywhere else.

Omission by Hess-Weaver:

I ask you to consider the failure of the 2004-2325 proponents either to discuss terrorism or the ramifications of the permanency of the Brightman Street Bridge as admission that the project is not wise or feasible.

Thank you for this opportunity to comment.



The Rev. James. Hornsby

North End Association
1769 North Main Street
Fall River, Ma 02720-2925
Phone: 508 672-1831
January 2, 2006

Mr. Ted Lento
U.S. Army Corps of Engineers
New England District
696 Virginia Rd.
Concord, MA. 07142-2751

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REGULATORY DIVISION

Dear Mr. Lento: Re: File # 2004-2355

My name is Lillian S. Correia. As president of the North End Association I represent the 9100+ residents in the North End of the city of Fall River, Massachusetts, namely in the area of the proposed LNG facility, located at the former Shell Oil Company on North Main Street, who will be effected by this proposal; as well as the dredging, construction, and alterations of the area in and around 1 New Street, where the site will primarily be located.

We wish to go on record as saying that we are strongly opposed to Hess/Weaver Cove Energy, LLC and Mill River Pipelines LLC to construct a terminal at that proposed site.

Please bear in mind that we are not opposed LNG per sé, however we *do* feel that Weavers Cove should investigate an area to construct a liquidified natural gas plant that is larger and less densely populated than the 65 acre area where this facility will be located.

We are an area that is inhabited by families with children, elderly residents who have lived in the area for over 50 years, two nursing homes, several schools, churches, and a HUD housing project located directly adjacent to the site. All of which can potential be displaced or adversely effected by the construction, or in a worst case scenario, potential accidents, at the proposed site.

But human life will not be the only life affected by the facility. Fall River and the surrounding waterways are well known for their undersea wildlife; many towns being founded for the fishing industry, and many of which, to this day, rely on it to live. The proposed dredging of Mount Hope Bay will "relocate" dozens of native fish species that live in the sub tidal bottom.. Of the over 200 acres of Essential Fish Habitat affected, over 3.5 acres will be placed in offshore disposal sites, with at least 1 acre being permanently converted, thus changing the undersea environment and displacing spawning areas and natural habitats.

This is not a "not in my back yard" petition. This letter is in concern of the following issues:

1) Primarily, the safety of our residents, some of whom live on dead end streets or have limited mobility in case of an emergency.

2) The inability of our fire and police departments to assist the public in the event of catastrophic happenings due to closed roadways or altered routes.

3) The effect the dredging of the Taunton River Channel/Mount Hope Bay would have on local residents of wildlife.

4) The closing of the bridge when the vessel travels up the Bay, and it's potential to stop emergency vehicles from crossing to reach area hospitals.

5) The narrow opening of the new Brightman Street Bridge, currently under construction, leaving only a 25' buffer zone for the vessel to move forward, not to mention the narrowing of the Taunton River where such a vessel would turn around to return to open sea.

6) The economic impact it would have on the proposed planned development of our shore line and rail line, which would bring much needed commerce, including cruise ships, hotels, and tourism to our area.

With the United States' eastern coastline being so long, we ask that your agency intercede for us to the Federal Energy Regulatory Commission, presenting our opposition to the Hess/Weavers Cove/Mill River Pipeline Proposal. Surely there is another area much less populated by man and fish where such a facility can be constructed.

Thank you for your time and understanding.

Sincerely Yours,

Lillian S Correia

Lillian S Correia

NEW ENGLAND REGIONAL COUNCIL OF CARPENTERS, AFL-CIO

United Brotherhood of Carpenters and Joiners of America

MARINE INDUSTRIAL PARK/EDIC
22 DRYDOCK AVENUE, SUITE 304
BOSTON, MA 02210-2386

DAVID WOODMAN
BUSINESS REPRESENTATIVE
DAW@PILEDRIVERSLU56.ORG

PILE DRIVERS
LOCAL UNION 56

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DAN KUHS
BUSINESS REPRESENTATIVE
DRK@PILEDRIVERSLU56.ORG

December 29, 2005

Ted Lento
U.S. Army Corp of Engineers
New England District
696 Virginia Road
Concord, Mass 01742-2751

File #2004-2355

Dear Sir,

I am offering these comments on the Weavers Cove Energy Project, on behalf of the membership of Pile Drivers Local Union #56.

Local Union #56 strongly supports the Weavers Cove Project, both for the much needed employment it will bring to the area, and the long term benefit of lower more stabile energy costs using environmentally friendly Natural Gas.

ISO New England has warned the citizens of Mass. of the potential of rolling blackouts this winter due to the limited and uncertain supply of Natural Gas to the region.

It is imperative to Residential and Industrial growth of the area that there is a adequate supply of Natural Gas to New England.

I commend the Army Corp of Engineers for their through review of this project, and urge you to continue your review based on the energy and environmental needs of all the citizens this project will impact.

It is crucial that this project be judged on its merits and not be influenced by N.I.M.B.Y attitude that affects many potential energy projects.

Sincerely,

Dan Kuhs, Business Manager
Local Union 56

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The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

DAVID B. SULLIVAN
STATE REPRESENTATIVE

Committees:
Mental Health & Substance Abuse
Housing
Public Safety & Homeland Security

ROOM 279, STATE HOUSE
TEL. (617) 722-2230
FAX (617) 722-2821
6TH BRISTOL DISTRICT
799 N. MAIN STREET
FALL RIVER, MA 02720
TEL. (508) 676-1008
E-Mail: Rep.DavidSullivan@hou.state.ma.us

December 13, 2005

US Army Corps of Engineers
Attn: Ted Lento
New England District
696 Virginia Road
Concord, MA 01742—2751

Re: Weaver's Cove Energy / File # 2004-2355

Dear Mr. Lento,

I am writing in regards to the Weaver's Cove Energy LNG terminal proposal and the damage it will inflict to the waterways located in Massachusetts and Rhode Island. Document after document filed by Weaver's Cove Energy, whether it was the Draft Environmental Impact Report or the Second Supplemental Draft Environmental Impact Report, has lacked sufficient information, lacked answers to many questions posed by environmental agencies, it has lacked a detailed study on alternative siting, and it has lacked a comprehensive examination on the negative impact on aquatic resources in and around Mount Hope Bay, Narragansett Bay, and the Taunton River.

The proposed Fall River site is one of the worst locations that could be chosen for such a huge facility, not only in Massachusetts, but also in all of New England. The huge amount of dredging that would occur places a gigantic burden on all aquatic life forms in the river and bay. Mount Hope Bay and the Taunton River are home to a vast array of life and would be negatively impacted by the huge amount of dredge spoils ripped from the sea floor. There is currently a delicate balance allowing plant and animal life to flourish within these waterways and that balance will be destroyed as long as dredging and future maintenance dredging is carried out. As you know, maintenance dredging will have to take place every few years, as long as Weaver's Cove is in operation, since the channel depth will be so great and the tank ships so large.

By impacting benthic invertebrates and other aquatic forage species, this project would also negatively impact commercial and recreational fish species important to New

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England fisherman. Not only man, but ospreys, bald eagles, various gulls and other seabird species, marine mammals and predatory fish will all suffer from the destruction of Mount Hope Bay and the Taunton River habitat.

Lack of comprehensive testing of the sediment is another serious concern. Mercury, cadmium, lead, copper and other metals have been deposited for many years into the waters of the river and into Fall River's harbor where the river meets the bay. More core samples are needed. It is especially telling that no core samples were taken along some of the most heavily industrialized stretches of the river. The section between the former Slades Ferry Bridge site and the existing Brightman Street location is just one area that, according to maps in from the SSDEIR, shows that core samples were not taken.

Dredging and transportation of the sediment will cause resuspension and redistribution of heavy metals and other toxins, especially during the change of the tides, and will contaminate areas well away from the dredging apparatus.

Weaver's Cove LNG has not done a credible job when it comes to alternative siting. Alternative siting must be examined more closely since there are better options available than the ill-conceived proposal put forth by Weaver's Cove LNG. Offshore siting continues to be downplayed by them for obvious reasons. The technology for offshore LNG facilities has been proven ever since the first facility became operational in the Caribbean. The need to destroy fragile estuarine habitats and fish and shellfish nursery areas ends when a LNG facility is located offshore.

Another alternative not considered by Weaver's Cove Energy is the utilization of various islands and other less densely populated and less environmentally sensitive areas that dot the coastal areas of Massachusetts and New England. Nomans Land Island, owned by the federal government, seems a logical choice for an alternatives study and there are other locations that would be as or more appropriate. The LNG project is a regional project and Weaver's Cove Energy should be forced, since it appears they will not do it willingly, to look at all alternative sites including offshore, anywhere in New England.

Another viable alternative comes from our neighbor to the north. Canada is currently planning and building several LNG facilities along their Atlantic coast. Several Canadian companies are extending existing gas lines into New England and New York. This would remove the environmental hazards, the security dangers, and hazards from human error that would eventually occur, sooner or later, at a facility such as the one Weaver's Cove Energy is proposing. To ignore this safe and viable alternative borders on the criminal.

In closing, I must reiterate that the Taunton River, Mount Hope Bay and Narragansett Bay are unique ecological gems that must be protected. They are assets of tremendous value to both Massachusetts and Rhode Island. To allow a project to jeopardize the well being of these waterways, especially when there are alternatives, would be disgraceful. Weaver's Cove Energy continues to ignore the damage that will be done to the environment by placing an LNG terminal at the wrong location. It lacks factual

information, it lacks a comprehensive study of alternative sites and most importantly, it lacks respect for the environment we all live in.

I request that the Army Corp of Engineers deny any and all permits requested of them by Weaver's Cove Energy based on their lack of comprehensive sediment testing, lack of a serious study of alternative sites, and the environmental flaws and resulting damage they would cause if their project moved forward. Thank you for your attention to this important matter.

Sincerely,

David B. Sullivan
State Representative

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

THOMAS F. REILLY
ATTORNEY GENERAL

(617) 727-2200
www.ago.state.ma.us

December 6, 2005

Ted Lento, Project Manager
U.S. Army Corps of Engineers
New England District
Regulatory Division
696 Virginia Road
Concord, MA 01742-2751

Re: File Number 2004-2355
Weaver's Cove Energy, LLC, and Mill River Pipeline, LLC

Dear Mr. Lento:

As you know, the U.S. Army Corps of Engineers recently solicited public comments as part of its review of requests for various permits associated with the construction and operation of a proposed liquefied natural gas (LNG) terminal and piping facilities in Fall River, Massachusetts. *See* Revised Public Notice and Announcement of a Public Hearing, dated November 1, 2005. Specifically, the Notice focuses on "the dredging and dredged material disposal" aspects of the proposed Project. As a threshold matter, however, a recently-enacted Federal law has made implementation of the proposed Project a practical impossibility. As a result, the need for dredging no longer exists. Given these circumstances, which I explain below, the Corps's review of these dredging-related issues is now moot and should be dismissed.

On August 10, 2005, President Bush signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), P.L. 109-59. Section 1948 of this Act expressly prohibits the obligation or expenditure of federal funds "for the demolition of the existing Brightman Street Bridge" and requires that "the existing Brightman Street Bridge shall be maintained for pedestrian and bicycle access and as an emergency service route." In addition, the Governor of Massachusetts has expressly informed the Federal Energy Regulatory Commission (Commission) of the Commonwealth's "intention to preserve the existing bridge," as required by the Act.

As reflected in the Final Environmental Impact Statement (at 3-75) and the Commission's Order (¶109), the continued existence of the Brightman Street Bridge eliminates the Project's viability in that the LNG carriers necessary for the operation of the proposed terminal would be

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unable to fit under the Bridge. Further, these LNG carriers are the vessels for which the proposed dredging would be needed. Thus, because no vessel that would require dredging would be able to pass under the existing Bridge, there would be no point even to conduct the proposed dredging.

In light of this fact, the Corps's substantive review of the dredging-related proposals at this time would constitute evaluation of a hypothetical situation, at best. Moreover, as the justification for the proposed dredging no longer exists, evaluation of the technical merits of the proposals is simply unwarranted. To go forward with such substantive review now, when any outcome would be without meaning in light of current Federal law, would be an exercise in futility and, in my view, would be an unwise use of taxpayer funds.

In conclusion, because Federal law mandates the continued existence of the Brightman Street Bridge, so that LNG vessels that would require dredging will not be able to fit through the intended waterways, there is no longer any justification for conducting dredging. As such, the pending dredging-related proposals should be dismissed as moot.

Respectfully submitted,

Thomas F. Reilly

Gail S Holmes
281 Wolcott Avenue
Middletown, RI 02842
December 21, 2005

Mr. Ted Lento
US Army Corps of Engineers
New England Division
696 Virginia Road
Concord, MA 01742-2751

Dear Mr. Lento,

I was unable to attend the public hearing on December 15, 2005 held by the U.S. Army Corps of Engineers on an application by Weaver's Cove Energy to dredge the Mount Hope Bay and the Taunton River. I would like to voice my opposition to dredging of the bay and to the locating of an LNG facility in Fall River, MA. I echo a number of the comments made at the hearing including that the dredging proposed is not simply maintenance dredging but a significant alteration of the bay. They have made significant progress in recent years to clean up the bay. This extensive dredging will stir up contaminants such as mercury and arsenic and pollute other parts of the bay, undoing all the work that has been done so far. The 2.5 cubic yards of dredged material will have to be disposed further polluting our coastal waters. The dredging will also destroy spawning grounds for local fish and impact the local fishing industry. It is my understanding that additional dredging will be required in the future further compounding the environmental impact.

The environmental and safety risks of locating an LNG in a heavily populated area such as Fall River and transporting LNG through the Narragansett Bay seem ludicrous given the alternatives. Without even considering alternative energy source, there are efforts underway such as Accelerate Gas plans to build a LNG receiving terminal off the coast of Glocester, MA that should eliminate the need for the Fall River receiving terminal. I was also reading about an effort by the New England governors to negotiate increasing our gas import from the Canadian LNG facility, the source of most of the natural gas brought into New England at present. From my perspective, this project is the efforts of a greedy multinational company that is more interested in profit potentials than the health and well being of Rhode Island residents.

I would like to reiterate the obstacle of the existing Brightman Street Bridge and the provision in the recently enacted federal transportation bill that precludes the bridge from being torn down. Thank you for your time and for considering these thoughts.

Sincerely,

Gail S. Holmes

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DEC 22 2005
REGULATORY DIVISION

356 Kaufman Road
Somerset, Ma 02726
December 21, 2005

Mr. Ted Lento
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, Ma 01742-2751

Dear Mr. Lento:

I am writing to urge you to reject the application of Weaver's Cove Energy to dredge Mount Hope Bay and the Taunton River so that they will be able to build and use an LNG tank on that spot. This would be an environmental disaster of many dimensions.

First, the actual process of removing 2½ million cubic yards from the area is slated to take three years. During that time all other types of boat traffic would be disrupted. The smell would make the use of pleasure boats impossible.

Second, fish habitats would be impacted, and both shellfish and regular fish of several species would be unable to breed and flourish in the river and bay. It would be years if ever before these populations would be able to reestablish themselves.

Third, and worst of all, the dredging would stir up contaminants such as zinc, copper, and arsenic. Because of tidal movement these contaminants would pollute not just the area dredged, but the whole bay.

As a person who resides near the location of the proposed tank, I am definitely concerned that a terrorist attack could kill thousands of residents, including me. Whatever the probability, it is certainly more than zero. The environmental degradation, of course, is not probable, but absolutely certain.

I hope and trust that you will reject this request.

Yours truly

Shirley T. Denison

Shirley T. Denison

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DEC 22 2005
REGULATORY DIVISION

356 Kaufman Road
Somerset, Ma 02726
December 21, 2005

Dear Mr Sentor —

This letter is to urge you to reject Weaver's Cove Energy's application to dredge Mount Hope Bay and the Taunton River. The process of removing 2.5 yds^3 is slated to take three years, disrupting boat traffic and causing a constant stench.

Several species of fish and shellfish would have their habitats destroyed. It would be years before they could be reestablished, if they ever would be.

Dredging would stir up all kinds of contaminants, including arsenic, zinc, and copper. These would be spread through the entire bay by tidal flow. In short the whole process would be an environmental disaster.

Besides the environmental issues — and these are not probable but certain — there is the danger of terrorism. How probable? Certainly not zero. Thousands would be killed. As I live near the area, I could well be one of the victims.

Please reject this assault on our environment.

Sincerely yours,

Peter B Denison

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DEC 22 2005
REGULATORY DIVISION

US Army Corps of Engineers
Attn: Ted Lento
696 Virginia Road
Concord, MA 01742-2751

December 18, 2005

Mr. Lento;

I am furnishing you with a copy of a submission of comments that I forwarded to the Federal Energy Regulatory Commission concerning my strong displeasure with USACE public hearings recently held in Fall River, MA and in Bristol, RI on Dec.13 and 14, 2005. There is widely held general public displeasure that the hearings were not fully publicized to the public at large. There is greater public displeasure that the hearings were scheduled at all, given the resolution by Federal Law proclaiming that Federal funds for the Brightman Bridge demolition shall be withheld and provided instead for renovation and maintenance.

I have also posted formal comments of protest to you by separate letter.

At the Fall River public hearing, I did not speak to the panel. I did submit a folder with information concerning the storage of natural gas in salt dome depositories as a viable and cost effective alternative that is being embraced by government agencies as a different approach to a national dilemma. An important statement in the study follows:

"This project was a successful collaboration of the National Energy Technology Laboratory (US Department of Energy) and more than 30 companies from the energy industry which has validated a technical and operational alternative to tank based LNG receiving terminals. Commercial applications of the technologies described in this report can improve the National energy security and accommodates large scale importation of LNG."

I firmly believe that siting of LNG terminals in populated areas is NOT the best way to solve one problem (energy) only to create multiple offshoot problems that affect several other major considerations, not the least of which is safety for longevity. (Energy infrastructure will remain a high risk, costly mitigation process over extended decades).

I pray that the deliberations to take place at USACE on the dredging proposal will consider a wider scope of thought to the social, environmental and economic issues, the human factors, and not limit themselves to dehumanized government pressures.

Respectfully,

W. Cordeiro

310 Palmer St

Somerset, MA 02726

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DEC 20 2005

REGULATORY DIVISION

Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

December 18, 2005

Revised Public Notice and Announcement of a Public Hearing (CP04-36-000)

I strongly oppose the decision of the FERC to permit the proposal of Weaver's Cove Energy, LLC to move forward. The existing Brightman Bridge has been denied Federal funds for demolition. The LNG siting approval certification was granted in June of 2005 under FERC stipulations that Weaver's Cove was to revise certain dredge material disposal procedures and to further comply with Federal and State regulatory commissions concerning dredging schedules in order to lessen environmental impact on winter flounder, for example. The assumed demolition of the older Brightman Bridge was a condition inherent in the Weaver's Cove original proposal. The proposal specified a tanker capacity which will not be possible until bridge demolition takes place.

On Dec. 13 and 14 of 2005, the Army Corps held a rehearing in Fall River, MA and in Bristol RI to take comments on the proposed altered dredging program offered by Weaver's Cove. These hearings were ***not*** sufficiently publicized to the general public at large. Those who gave comments to the primary hearing were the only citizens notified. The Corps Internet site under the "Public Notices" link for Massachusetts does ***not*** list the announcement of a Public Hearing for the printed dates of the rehearing.
[Public notice must include sufficient information to give a clear understanding of the nature and magnitude of the (revised) activity in order to generate meaningful comments.] **(33 CFR 325)**
During the **USACE** introduction at the rehearing, there was ***no*** statement by the Army Corps relevant to the status change of the existing bridge, (a revised status) which in the proposal by Weaver's Cove to FERC was assumed would be demolished before tanker traffic could pass on through to the new bridge currently under construction and tentatively scheduled for completion in 2010. **The status of the existing bridge is a direct impediment to the qualification of proposed dredging in the Taunton River.**
Two days later, in a newspaper release, (Newport Daily News, Dec. 16) a statement to the press was made by Tony Lento of the Army Corps;

> **"If the bridge stays, then there are no benefits (to the plan)", Lento said. "We need some resolution (to the bridge issue)."**

It was highly irregular to conduct such a low key hearing lacking crucial information and to restrict publicity to a limited audience. The **USACE** comment period will expire on Jan 3. Mr. Lento's statement should have been made widely public much sooner. The Army Corps Hearing Moderator, Mr. Larry Rosenberg should have summarily postponed all comments until such time a "resolution" had been contemplated and entered into the rehearing proceedings. A large area of planned dredging is north of the older Brightman bridge and will ***not*** be accessible to any tanker traffic of the magnitude planned under the

present **CP04-36** proposal. There can be no justification to license dredge permits for this area lacking any planned variance to the proposed tanker importation of LNG through a barrier bridge. An alternative ***should*** have been specified by the Weaver's Cove team before this rehearing ever took place and should be made known to the FERC ***now*** and to the public record. Weaver's Cove has made ***no*** such submission. The dredge petition must be disallowed and not proceed to delivery by the Army Corps.

Resolutely and Respectfully,

William Cordeiro
310 Palmer St.
Somerset, MA 07026

December 18, 2005

US Army Corps of Engineers
Attn: Ted Lento
New England District
696 Virginia Road
Concord, MA 01742-2751

Re: Weaver's Cove Energy / File# 2004-2355

I strongly protest the Hearings of Dec 13 and 14 for **Weaver's Cove Energy / File# 2004-2355** that was inappropriately held in Fall River, MA and in Bristol, RI.

The Army Corps Website does not indicate a public notice had been dutifully posted on its public access platform.

There are no meaningful consequences to be gained by dredging the Taunton River at Weaver's Cove in Fall River at anytime in the near future. There is no likelihood that there will ever be a large LNG tanker getting its hull wet north of the existing Brightman St. Bridge and therefore Weaver's Cove Energy has ***failed*** to comply with their proposal as presented to the FERC in **CP04-36** which presumed the demolition of the present bridge. Public notice must have included sufficient information to give a clear understanding of the nature and magnitude of the revised activity to generate meaningful comment. Weaver's Cove has not made it sufficiently clear how they intend to proceed through, under, or over the existing bridge that is protected against demolition.

Weaver's Cove Permit for Construction issued by the FERC in June 2005 is moot and must be rescinded. The conditions under which the permit was issued are no longer valid and Weaver's Cove should revise their application to reflect the present circumstances. The claim by Weaver's Cove Energy/Hess that they allege will allow LNG tanker passage to Weaver's Cove must be specified in a revised application with the FERC followed by hearings on those so-called modifications.

The following statement by Tony Lento of the Army Corps in a story taken from the Newport Daily News on Dec. 16, 2005 reads:

> "If the bridge stays, then there are no benefits (to the plan)," Lento said. "We need some resolution (to the bridge issue)."

Mr. Lento has commented publicly on the "bridge issue" **AFTER** the hearing, but no such introductory public comment was given by Mr. Larry Rosenberg, Chief of Public Affairs, nor by Lt. Col. Andrew Nelson DDE during "hearing" proceedings days earlier. This omission did not provide a "clear understanding" of the "hearing" process. **(33 CFR 325)**

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Mr. Lento has used the speculative word "**if**" but the hard fact of the matter is that legislation was enacted into national law by the United States Congress via the Federal Transportation Bill of 2005 and bears the signature of the President of the United States. The bridge **WILL** stay. In addition, the wording of Mr. Lento's statement strongly suggests that the underlying objective of the hearings was to rubber stamp the eventual dredging approval by the Army Corps. Is the "bridge issue" now regarded by the Army Corps to be an "obstacle" to that approval, a serious obstacle, and is not merely a "temporary annoyance"? as stated by the Weaver's Cove CEO?

I challenge the **USACE** to claim validity for conducting a dredging hearing for a project that was not properly publicized and that cannot possibly provide gain to public interest. The present Brightman Bridge protects the Taunton River and Mount Hope Bay from the onslaught of damage to the river bottom by invasive dredging and protects the objections already on record by Massachusetts State and Federal Environmental Agencies who have challenged the dredging proposition on the valid threats of damage to protected species. There are a myriad of conservation, economical and societal damages to the River and to the Bay that will merit court decisions in their own right in the unlikely event that the Bridge issue becomes "resolved".

Resolutely and respectfully submitted:

William Cordeiro
310 Palmer St.
Somerset, MA 02726

The Taunton River Watershed Campaign

December 19, 2005

Ted Lento
Reference File #2004-2355
US Army Corps of Engineers New England District
6969 Virginia Road
Concord, MA 01742-2751

RE: ACOE Sect. 10/404/103 Dredging Permits File # 2004-2355
Weaver's Cove LNG Terminal

Dear Mr. Lento:

The Taunton River Watershed Campaign is a coalition of environmental and planning organizations working to conserve the unique resources of the Taunton watershed. We strongly recommend that all dredging permits for this project be denied on the basis that the environmental damage would be irreparable and impacts to an Essential Fish Habitat for 14 species can be neither avoided nor mitigated.

We write to express support for the testimony given by two of our members: Taunton River Watershed Alliance (TRWA) and Save The Bay, Narragansett Bay (STB). Our mission is to protect critical water and land resources throughout the Taunton River watershed; link environmental groups and municipalities working to protect natural resources; and identify environmental priorities to help ensure growth happens in a manner that supports biodiversity and water quality while preserving the character of our communities. The proposed extensive dredging of the lower Taunton River to accommodate this project directly contradicts our work to both preserve existing resources and restore the river to its maximum health.

As noted in the comments made by TRWA and STB, the Taunton River has been nominated for Congressional distinction as a National Wild and Scenic River. This nomination was supported by votes of ten municipal governments along the Taunton River. The river is considered by many to be one of the most ecologically diverse water bodies in the Commonwealth. In addition to its diverse natural resources, the Wild & Scenic Stewardship Plan also enumerates the outstanding recreation and historic values of the Taunton.

In particular, the estuary of the Taunton is a resource which many entities, including state, regional and local governments, are working to protect and enhance. The River has long suffered from the impacts of a number of large facilities which are located in the estuary. Recent permits for several of these facilities have addressed the need to reduce environmental impacts and restore natural functions in the Taunton. We

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believe that the extraordinary size of this dredging operation would intensify the cumulative impacts on aquatic life in the river. The Corps decision should be based on NEPA and Clean Water Act requirements that the applicant may not further degrade the condition of this waterway.

We believe that alternatives to this site at Weaver's Cove are available. There is no need to cause catastrophic disturbance to this fragile estuary system which provides essential habitat for more than a dozen species of fish and shellfish. What is needed is an objective, government-sponsored planning process to identify the least environmentally damaging alternatives to meet LNG demand in Massachusetts and throughout New England.

We believe it is a wise policy decision to deny this request for permits to dredge 2.6 million cubic yards of sediment from 191 acres of river bottom in the estuary of the Taunton River – a river that may soon become the Nation's next Wild and Scenic River.

Thank you for the opportunity to comment on this proposal.

Susan P Speers

Susan P. Speers
Coordinator
Email: tauntonwatershedcampaign@verizon.net Telephone (508) 520-2273
Mailing Address: c/o TRWA, PO Box 146, Bridgewater, MA 02324

E. Heidi Ricci
Senior Environmental Policy Specialist
Mass Audubon
208 South Great Road
Lincoln, MA 01773

Nancy Goodman
Vice President for Policy
Environmental League of Massachusetts
14 Beacon St. Suite 714, Boston, MA 02108

Joe Callahan
Board of Directors, Taunton River Watershed Alliance
PO Box 146, Bridgewater, MA 02324

Cc: Richard Bourre, MEPA Analyst, re: EOEA #13061 Weaver's Cove Energy LNG Project, MEPA, 100 Cambridge Street, Boston, MA 02114

December 17, 2005

Mr. Ted Lento
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

Dear Mr. Lento,

On December 16, 2005 the Newport Daily News ran an article about the hearing that was held by the Army Corps of Engineers in regards to the Weaver's Cove LNG project proposed for Fall River. The article points out that the main obstacle to the construction of the LNG terminal was the newly enacted federal law that does not allow for the demolition of the old Brightman Street Bridge.

Within the same article you are quoted as follows:

"If the bridge stays, then there are no benefits (to the plan)," Lento said. "We need some resolution (to the bridge issue)."

Mr. Lento, this issue has been resolved. The old Brightman Street Bridge must remain standing due to federal law passed by Congress and signed by President Bush. How much resolution do you need?

Your words have caused great concern within me. Are you privy to information that we are not? Do you know of some backdoor maneuver by Weaver's Cove? Even if this is the case, the law is the law and you and the Army Corps of Engineers must base your decision on the law.

Thousands of federal laws have been passed from housing to education. Using your logic should we say that these laws are to be ignored because they need to be resolved? The answer to that question is of course, NO!

The Army Corps of Engineers have many reasons to deny Weaver's Cove's permit such as the grave environmental damage the project would cause to the area. The passing of the federal law that denies the demolition of the bridge makes the issue moot. Mr. Lento, as a citizen of the United States I request that the Army Corps of Engineers deny Weaver's Cove's permit based upon the "Federal Law" that prohibits the demolition of the Brightman Street Bridge. The Army Corps of Engineers, a federal agency, must obey the current laws of this great Republic. I trust you will do the right thing.

Sincerely,

Brian Pearson
886 Cherry Street
Fall River, MA 02720
508-678-3814

CC: Media outlets

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NEW ENGLAND REGIONAL COUNCIL OF CARPENTERS, AFL-CIO

United Brotherhood of Carpenters and Joiners of America

P.O. BOX 587
FALL RIVER, MA 02722

TELEPHONE (508) 672-6612
FAX (508) 676-0771

RON RHEAUME
REGIONAL COUNCIL REPRESENTATIVE
LOCAL UNION 1305

US Army Corps of Engineers

File Number: 2004-2355

Re: Ted Lento

Dear Mr. Lento, December 19, 2005

I write to express my opinion and that of many sportsman and building trade people here in Fall River. I had intended to speak at the public hearing on 12-14-05, but unfortunately my schedule had me at 2 places at the same time and unfortunately had to leave before I was called upon.

A lot of people here in Fall River believe that Congressmen McGovern's ability to attach some language in the Federal Transportation Bill not allowing the dismantling of the old Brightman St. Bridge with federal money is the savior of the city's fight against Hess Weaver Cove project. I for one, cannot see how this structure that needed to be replaced 35 years ago, can even be considered saved for emergency and pedestrian traffic. We have spent 35 years putting band aids on a bridge that needs to be replaced.

To me, this would be a waste of money and one of the best acts of political grandstanding I have seen in my 50+ years of being a citizen of Southeastern Ma. Our elected officials are in a win, win situation politically if they lose their NIMBY fight, they can say that they tried and blame everything on the FERC and the numerous other agencies needed to give the go ahead for the project. I cannot see how they can be so adamantly apposed to a 300 million dollar project that would be a tremendous boost to the construction and related economy this project would create for our community.

Their adamant opposition to a gas supply, which is so greatly needed in the area, just baffles me. Being in construction for over 30 years and having built a number of schools that could not use natural gas to heat these facilities because of the low volume in the supply lines, has kept us dependent on foreign oil to heat our new schools. It has also contributed to the lack of new industry wanting to move here to create better jobs for the people of the South Coast. These grandstanding elected officials are keeping us in a depressed state for the sake of a few skeptics.

Now, to address the issue of the dredging of the Federal Channel, at the time of the dredging itself, the water quality may not be the best but the results far outweigh the idea of doing nothing to remove the sediment of the river and Mt. Hope Bay. To me, the

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results in the short term could be equally as good as the dredging of the Acushnet River and New Bedford Harbor, two highly contaminated sites which in a very short time has brought back an incredible amount of bait fish and sport fish to an area that had been dead. Along with the fish and other species that have regenerated, comes the birds and wildlife creating an eco system that restores the great beauty that our fore fathers encountered when they settled here. With the improvements to Fall River, CSO, treatment plants in Somerset, MA., and Fall River, we could see a new birth of a waterfront that has long been neglected and created an eye sore to the children and adults who live and enjoy a relaxing day on our precious resources.

I would close by asking you not to fall to NIMBY's and the political showman and to make the decisions that could make things better for the people who live in this hard working community we call home.

Sincerely

Ron Rheaume

Ron Rheaume
Business Manager
Carpenters Local 1305

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
OFFICE OF COASTAL ZONE MANAGEMENT
251 Causeway Street, Suite 800, Boston, MA 02114-2136
(617) 626-1200 FAX: (617) 626-1240

MEMORANDUM

TO: Stephen Pritchard, Secretary, EOEA
ATTN: Rick Bourre', MEPA Unit
FROM: Susan Snow-Cotter, Director, CZM
DATE: December 8, 2005
RE: EOEA 13061 – Weaver's Cove Energy LNG Project; Fall River

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The Massachusetts Office of Coastal Zone Management (CZM) has reviewed the above-referenced Weaver's Cove Energy LNG Project Second Supplemental Draft Environmental Impact Report (SSDEIR) noticed in the November 9, 2005 Environmental Monitor. The SSDEIR was required by the Secretary to provide additional information that was lacking in the DEIR and SDEIR regarding how the project would meet state regulatory requirements. Adequate information was particularly lacking on the full suite of project alternatives considered, on the final proposed dredging and dredged material disposal plan and its environmental impacts, as well as other issues raised by state and federal agencies and the local communities. As discussed below, CZM finds that the SSDEIR is responsive to the issues raised by CZM in our comment letters on the DEIR and SDEIR. The timing of the SSDEIR submittal has also allowed important threshold determinations to be made by the Department of Environmental Protection (DEP) and the U.S. Army Corps of Engineers (USACE) regarding fundamental aspects of the project.

CZM's comment letters on the DEIR and SDEIR focused on three areas where the analysis was deficient or where important information was not presented for public review, and that would be necessary for CZM's federal consistency review of the project: 1) management of the proposed large-scale dredge operations; 2) dredge material disposal/reuse; and 3) the analysis of alternatives. Recent DEP and USACE determinations have resulted in significant project changes with respect to the overall dredging program. Instead of disposing of the dredge material on-site as was originally proposed, and following a positive suitability determination by the USACE, Weaver's Cove is now proposing to dispose of the dredge material offshore at either the Rhode Island Dredge Material Disposal Site or the Massachusetts Bay Dredge Material Disposal Site. Disposal of dredge material in open waters removes the limiting constraint of processing the dredge material on-site. This in turn facilitates a change in the overall dredge program that will now use up to three dredges instead of one. Multiple dredges allow dredging activities to be accomplished in a shorter time frame, thus allowing the project to be responsive to many of the time-of-year conditions requested by state and federal regulatory agencies.

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MITT ROMNEY GOVERNOR, **KERRY HEALEY** LIEUTENANT GOVERNOR, **STEPHEN R. PRITCHARD** SECRETARY, **SUSAN SNOW-COTTER** DIRECTOR
www.mass.gov/czm

The SSDEIR also includes an alternatives analysis that more fully considers and compares the environmental and safety impacts of various alternatives, as is required by CZM's Energy Policy #1. CZM's review of the alternatives analysis and the weighing and balancing of the safety and environmental impacts associated with this large energy infrastructure project will continue beyond the MEPA process and throughout CZM's Federal Consistency Review of the Weaver's Cove Project. During this time, CZM will continue to look to federal and state agencies that have public safety expertise to assist in our Federal Consistency Review. CZM anticipates reviewing comments received during the MEPA process that are related to the public safety aspects of the project, and will also consider comments made in the Request for Rehearing submitted to the Federal Energy Regulatory Commission by the City of Fall River, the Attorneys General of Massachusetts and Rhode Island, and the Massachusetts Energy Facilities Siting Board (FERC Docket Nos. CP04-36-001, CP04-41-001, CP04-42-001 and CP04-43-001).

Finally, while CZM acknowledges that we have not raised the issue previously, we have learned through our review of other current proposals for LNG facilities that the volumes of cooling water associated with those projects can be substantially reduced from the original projections. Therefore, CZM recommends that additional information be provided on the associated cooling water requirements for the LNG tankers anticipated at this site, and that the proponents of this project also explore options for reduction of those intakes.

For further information on the CZM Federal Consistency Review process, please contact Truman Henson, CZM Acting Project Review Coordinator, at 617-626-1219 or visit the CZM web site at www.state.ma.us/czm/fcr.htm. For questions regarding CZM's review of this project, please contact David Janik, CZM South Coastal Regional Coordinator, at (508) 291-3625 x20.

SSC/dsj/th

cc:

John Felix, MA DEP, Boston
Elizabeth Kouloheras, MA DEP, SERO
Paul Diodati, MA DMF
David O'Connor, MA DOER
Joanne McBrien, MA DOER
William Febiger, EFSB
Jolette Westbrook, EFSB
Rich Mcguire, FERC
Ted Lento, USACE
David Janik, CZM

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

STEPHEN R. PRITCHARD
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

December 9, 2005

Stephen R. Prichard, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street
Boston MA, 02114

RE: Weaver's Cove LNG Project
EOEA/SSDEIR-MEPA File No.13061

Attn: MEPA Unit

Dear Secretary Prichard:

The Massachusetts Department of Environmental Protection (DEP) has reviewed the Second Supplemental Draft Environmental Impact Report (SSDEIR) for the proposed Weaver's Cove Energy (WCE) Liquefied Natural Gas Project in Bristol County, Massachusetts. (EOEA MEPA File # 13061 and FERC Reference Docket No. CP04-36-000).

Many of the environmental concerns previously raised by DEP for this project centered on the proponents plans to place 2.6 to 3.1 million cubic yards of dredge material on the 73-acre project site. These issues included potential impact to on-going groundwater remediation that is occurring on the site; possible increase in the level of contaminants that currently exist on the project site; possible introduction of new contaminants to the project site; direct and indirect impacts to salt marsh and shellfish areas; and compliance with the Department's current policies/regulations for sediment reuse. With revised plans showing a preferred alternative disposing the dredge material off-shore, many of these concerns become reduced or moot.

Nonetheless, the Department continues have a number of concerns about this project. These include:

DREDGING AND WATER QUALITY

As noted in Section 4.1 of the SSDEIR, the project proponent submitted a draft Water Quality Monitoring Plan to the Department on August 22, 2005. An approved Water Quality Monitoring Plan is required by the Department as part of its review for Section 401 the Clean Water Act Certification.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: http://www.mass.gov/dep
Printed on Recycled Paper

The Department determined the draft Water Quality Monitoring Plan submitted last August to be deficient in a number of areas. The project proponent has been notified of this and it is our understanding that a revised plan to address the deficiencies is being developed.

The Department has concerns regarding the 60,000 yd^3 of sediment that would be dredged from the vicinity of the pier and transported off-site for disposal. As noted in the SSDEIR, this sediment was not tested as part of the Tier III program, and therefore not suitable for offshore disposal. While no specific information about quality of this sediment was provided in the SSDEIR, it was noted that the sediment contains elevated levels of lead and polycyclic aromatic hydrocarbons (PAHs). The proponent should be aware that if the results of sediment analysis demonstrate that the sediment fails to meet the criteria listed in COMM-94-007, the Department's Interim Policy for Sampling, Analysis, Handling and Tracking Requirements for Dredged Sediment Reused or Disposed at Massachusetts Permitted Landfills, other Departmental approval(s) for sediment disposal may be required. If the concentration of reactive sulfides in the sediment exceeds 500 mg/kg, the addition of a liming agent will be required to reduce the risk of generation of hydrogen sulfide gas as per the Department's Interim Management Procedures for Upland Reuse/Disposal of Contaminated Marine Dredged Sediment – Sulfide Reactivity Considerations.

The SSDEIR also provided no details regarding how and where the 60,000-yd^3 of sediment are to be dewatered. The proponent must ensure that any discharge to the river meets the standards of the Massachusetts' Surface Water Quality Standards, 314 CMR 4.00, at a minimum and will be subject to permitting under NPDES.

The SSDEIR briefly addressed mitigation for impacts to winter flounder and their habitat. The proponent should be aware that the Department will require that mitigation projects be planned and permitted with sufficient assurance that the mitigation will actually be accomplished in the required time frame. Such assurance is typically better able to be provided by the proponent undertaking the project themselves, rather than merely providing funding for mitigation. The Department also has concern about the extent of the proposed shellfish mitigation plan and will continue to work with the proponent and state and federal agencies to develop a suitable mitigation plan.

The SSDEIR indicated that the results of the suspended sediment modeling, described on page 10-22, "were used to develop a simple series for graphics (Attachment 2) [provided in Appendix 10-3]." Appendix 10-3 was the shellfish mitigation plan. The results of the modeling should be provided for review.

SITE CONTAMINATION

Although the SSDEIR notes off-shore disposal of dredge material is now the preferred alternative, the project proponent has not abandoned the possibility of pursuing the upland reuse alternative. The Department's comments regarding contaminated soil issues are therefore given in light of the potential for the project to move forward by pursuing one or both options.

If the upland reuse alternative is pursued, the Department requests that the Sampling and Analysis Plan (SAP) dated December 10, 2002, and "endorsed" by the Department on January 7, 2003, be correlated with the borings that were installed and evaluated in the Conceptual Site Model (CSM).

For example borings XYZ as identified in the SAP, were advanced adjacent to ABC company's outfall. Samples were collected and analyzed per the SAP to determine contaminant concentrations near the permitted outfall.

Further, it is the Department's understanding that Weavers Cove expects to purchase the real property where the current 21E site is located as well as take control of the remediation of the site. As a property owner and operator of the site Weavers Cove must submit a Minor Permit Modification and Permit Transfer to the Department prior to conducting or modifying the Comprehensive Response Actions at the site.

Weavers Cove has proposed a Sheet Pile Wall be installed as part of the project to allow for additional fill to be added to the site. Prior to initiating construction activities within a 21E site, a Construction Remedial Abatement Measure must be submitted. Alternatively, Weavers Cove may include the sheet pile wall as part of the modifications to the current remedial alternative. Prior to initiating any alternative remedial measures, Weavers Cove must submit a revised Remedial Alternatives Analysis (Phase III) and Remedy Implementation Plan (Phase IV) as part of any upgrades, modifications or alterations planned for the site.

WATERWAYS

In its comments on the SDEIR, the Department requested a finalized "Navigation Work Plan" for construction of the facility, and all phases of dredging and pipeline installation. As noted in the SSDEIR, the final Navigation Work Plan is still being developed in conjunction with the U.S. Coast Guard, Northeast Marine Pilots, Local Harbor Masters, U.S. Army Corp of Engineers and other parties. The Department requires this information to determine Chapter 91 impacts, if any, on water-dependent commercial and recreational uses within the area. An update of progress in developing the final Navigation Work Plan should be presented in any future MEPA submittal for this project.

WETLANDS

As noted in the SSDEIR, the project proponent has modified the shoreline configuration to avoid temporary or permanent impact to salt marsh resource areas. Although mitigation for impact to function and value of salt marsh is no longer required, the project proponent will "consider" on-site salt marsh restoration/creation in conjunction with other mitigation plans. The Department strongly recommends the project proponent pursue this effort to mitigate impact to fish egg and larvae populations during hydrostatic testing and when taking on ballast following delivery of LNG to the facility.

In regards to proposed impacts to Coastal Dunes and Coastal Bank in the Designated Port Area, the Department will review information provided through the MEPA review process as well as information gathered through the permitting process for a Superseding Order of Conditions.

AIR QUALITY

Although the Department acknowledges that many of the environmental concerns DEP had with this project have been reduced with the new off-shore disposal option, the Department is concerned this new option will trigger new or additional environmental impacts. For example, the preferred alternative will require 90 to 116 trucks trips per day oven an 18-month period to deliver 700,00 to 900,000 cu yds of clean fill to the site for site earthwork and grading. In any future MEPA submittal, the project proponent should propose measures to offset this impact, including measures to control dust and other possible impacts to the air quality.

Participation in the MassDEP Diesel Retrofit Program is a way to mitigate adverse construction-period impacts from diesel emissions. Based on the level of on-site activity and proximity to public facilities, the Department believes it is appropriate and necessary to mitigate construction-period impacts to the maximum extent feasible, including diesel emissions. Therefore, MassDEP recommends that the project proponent work with MassDEP to implement construction-period diesel emission mitigation, which could include the addition of after-engine emission controls such as oxidation catalysts or particulate filters. Additional information is available on the following MassDEP Web site: http://www.state.ma.us/dep/brp/mf/files/diesel.pdf. In addition, MassDEP recommends that project proponents require their contractors to use on-road low sulfur diesel (LSD) fuel in their off-road construction equipment; LSD fuel having a sulfur content of approximately 500 ppm versus the lower grade off-road diesel fuel with a sulfur content of 3,000 ppm. The use of LSD fuel, in conjunction with after-engine emission controls, can increase particulate matter (PM) removals by an additional 25 percent beyond that obtainable with after-engine controls only.

Finally, the project proponent is advised that consistent with DEP's interpretation of the federal Clean Air Act and to ensure that the Weaver's Cove LNG project meets its General Conformity obligations, DEP is considering adopting a regulation to require projects offset any emissions greater than the General Conformity thresholds applicable under the one-hour ozone standard (50 tons per year of NOx and HC). Depending when/if such a regulation is promulgated, this project may be required to comply with this new standard.

The DEP appreciates the opportunity to comment on this proposed project. Please do not hesitate to contact me at (617) 348-4045 if you have any questions regarding these comments.

Sincerely,

John Felix

John Felix
Deputy Associate Commissioner

cc: Magalie R. Salas, Secretary, FERC, Washington D.C.
Commissioner David O'Connor, Division of Energy Resources
Tim Timmerman, EPA New England, Region 1
Vincent Malkoski, Massachusetts Division of Marine Fisheries
Mayor Edward Lambert, City of Fall River
Brian Valiton, US Army Corps of Engineers
Chris Boelke, National Marine Fisheries Service
David Janik, Massachusetts CZM

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PUBLIC COMMENTS

Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street • Suite 400
Boston, Massachusetts 02114
(617) 626-1520
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Paul J. Diodati
Director

December 9, 2005

Stephen R. Pritchard
Secretary, Executive Office of Environmental Affairs
Attn: MEPA Office, Rick Bourre
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: EOEA #13061, Weaver's Cove Energy LNG Import Terminal Project Second Supplemental Final Environmental Impact Report

Dear Secretary Pritchard:

The Division of Marine Fisheries (*MarineFisheries*) has reviewed the Second Supplemental Draft Environmental Impact Report (SSDEIR) for Weaver's Cove Energy, LLC and Mill River Pipeline LLC to construct an LNG import terminal, associated pipelines and to conduct necessary dredging of the Massachusetts portion of the existing Federal Channel and Turning Basin located in the lower Taunton River and Mount Hope Bay, with respect to potential impacts to marine fisheries resources. We offer the following comments and recommendations for your consideration.

It is well established and documented that Mount Hope Bay and the Taunton River provide valuable habitat for a diverse assemblage of finfish and invertebrates. Winter flounder and many diadromous fish species use all or part of the Taunton River for passage, spawning, nursery, and forage habitat, in turn providing forage for other predatory species and helping to support important recreational fisheries. Various life stages of numerous other finfish species transit and/or inhabit the river during the year. In addition, the extremely productive shellfish habitat and resources found within and adjacent to the proposed project footprint have been characterized by *MarineFisheries* as "Significant Shellfish Habitat" and the largest horseshoe crab spawning beach on the Massachusetts' side of Mount Hope Bay is located in the Taunton River upstream of the proposed facility.

Regarding potential impacts to marine fisheries habitat and resources, the SSDEIR provides no relevant data or support for the applicant's general premise that this project will have only short-term and negligible impacts to the environment. Much of the material contained within the SSDEIR was presented in previous documents and contained numerous unsupported conclusions, faulty and/or missing analyses, and invalid assumptions; this material has already been determined to be inadequate for the task at hand.

The following issues continue to be of great concern to *MarineFisheries*:

spawning success and increased incubation periods), a risk aversive approach should be required (i.e. a January 15 – May 31 TOY restriction recommended by the State and Federal fisheries agencies). Discussions regarding appropriate compensatory mitigation in the event that this project moves forward must take into consideration that fact that the common practice of applying out-of-kind/out-of-place mitigation such as salt marsh restoration do not address habitat loss and, when viewed on a larger scale, may in fact constitute an unsupportable cumulative loss of habitat.

- The SSDEIR continues to dismiss discussions of impacts to the many diadromous species that move through the area. In addition to alewife, blueback herring, American shad, and rainbow smelt, species such as sturgeon, American eel, white perch, hickory shad, tomcod, and lamprey all spawn and/or live in the Taunton River. Division biologists emphasize the need for risk aversive management to protect these species.

- As a result of region-wide declines in population levels, *MarineFisheries* recently placed a three-year ban on the harvest of river herring (blueback and alewife). These species spawn in seventeen tributaries of the Taunton River north of the Weaver's Cove site and many of these runs are declining or nearly depleted. In consideration of this severe closure action, appropriate TOY limits are required to protect these herring enroute to their spawning grounds, without which river herring population decline may be exacerbated.

- The SSDEIR failed to note that blueback herring and alewife runs occur in the same tributaries, but do not spawn at the same time; with blueback spawning in the Taunton River following after alewife spawning. Also, there is a major blueback herring spawning run located in Assonet Bay just north of Weaver's Cove.
- The SSDEIR lists a *Marine Fisheries'* report as a reference for the Nemasket River alewife spawning season, but fails to note that the Nemasket River is approximately thirty miles upstream of the Weaver's Cove site. Because of the distance between the Nemasket River and Weaver's Cove, herring remain in the Taunton River and migrate downstream over a prolonged period.

- *MarineFisheries* strongly disagrees with the SSDEIR recommendation for a March 15 start date for a rainbow smelt TOY. *MarineFisheries'* Technical Series Report #5 (Chase and Childs, 2002) studied smelt in the Fore River in Weymouth and based upon three years of observations, recommends a smelt TOY beginning in mid February or March 1st at the latest.

- Appropriate TOY windows for diadromous species of concern would be as follows:
  <u>Inward migration</u>
  - Alewife - mid-March through mid-June
  - Atlantic sturgeon - April through June
  - Blueback herring – mid-April through July
  - Rainbow smelt - March 1 through mid-May
  - White perch – mid-February through May
  - American eel/Elver (juveniles) inward migration - March through June

  <u>Outward migration</u>
  - Alewife – mid-June through September
  - Atlantic sturgeon - June through November

similar activities within the embayment and with due consideration of the greater impact such activity may have during periods of drought or seasonal low water.

- As required by the Secretary's Certificate, *MarineFisheries'* request for a more comprehensive discussion of the contribution that dredging and vessel operations associated with the Weaver's Cove project will make to the overall cumulative impacts imposed upon the marine fisheries resources and habitats in the project area have not been addressed. As in previous documents, the SSDEIR does nothing more than provide a list of some of the many sources of impact to this embayment and fails to incorporate the additional impacts that may be caused by this new activity.

The SSFEIR has been prepared as an attempt to address numerous and serious deficiencies noted in the SFEIR and other submissions. Regrettably, little or no attempt is made to correct this precedent in the SSDEIR. Accordingly, *MarineFisheries* considers the failure to address these avoidable impacts a violation of the regulations governing NEPA, MEPA, and CZM Federal Consistency and recommends that the SSDEIR be deemed inadequate.

Questions regarding this review may be directed to Vin Malkoski in our New Bedford office at 508-910-6318.

Sincerely,

Paul J. Diodati
Director

Cc: Representative David B. Sullivan
Mayor Edward Lambert, City of Fall River
David Swearingen, FERC
Brian Valiton, USACE
Theodore Barton, Epsilon Associates
Tim Timmerman & Eric Nelson, US EPA
Chris Boelke, NMFS
John Felix, DEP
Truman Henson & David Janik, MCZM
Hickey, Whittaker, Sawyer, & Brady, MDMF

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
HISTORICAL PRESERVATION & HERITAGE COMMISSION
Old State House • 150 Benefit Street • Providence, R.I. 02903-1209
TEL (401) 222-2678 FAX (401) 222-2968
TTY (401) 222-3700 Website www.preservation.ri.gov

1 November, 2005

Mr. Michael J. Elliott
US Army Corps of Engineers
696 Virginia Road
Concord MA 01742-2751

Re: Weaver's Cove/Mill River ?
Dredging, structures and fill
Mount Hope Bay, Rhode Island

Dear Mr. Elliott:

The Rhode Island Historical Preservation and Heritage Commission staff has reviewed the what project? information provided by you regarding this proposal. It is our conclusion that this project will have no effect on any significant cultural resources (those listed on or eligible for listing on the National Register of Historic Places).

These comments are provided in accordance with Section 106 of the National Historic Preservation Act. If you have any questions, please contact Richard Greenwood, Project Review Coordinator for this office.

Very truly yours,

Charlotte Taylor for

Edward F. Sanderson
Executive Director
Deputy State Historic
Preservation Officer

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11/7 → email Charlotte Taylor
File #? PM?

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State of Rhode Island and Providence Plantations

COASTAL RESOURCES MANAGEMENT COUNCIL
Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879
(401) 783-3370

Michael M. Tikoian
Chairman

Grover J. Fugate
Executive Director

December 12, 2005

Mr. Ted Lento
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

Re: File Number 2004-2355

Dear Mr. Lento:

In response to your Public Notice dated November 1, 2005, please be advised that the Rhode Island Coastal Resources Management Council's ("RICRMC") Federal Consistency Review of the Weaver's Cove Energy, LLC ("Weaver's Cove") project has not yet commended because Weaver's Cove has failed to provide CRMC all the necessary data and information as required by 15 C.F.R §930.58 for CRMC to begin its review.

When CRMC receives all the necessary data and information and deems the application complete for consistency review purposes, the CRMC will timely notify the ACOE whether the State concurs or objects to the applicant's consistency statement.

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

Sincerely,

Grover J. Fugate, Executive Director
Coastal Resources Management Council

GJF/lam

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File Number: 2004-2355
Refer To: Ted Lento

Dear Mr. Lento,

Please copy all members of the board that will be deciding the fate of our community. I attended the recent US Army Corps of Engineers Public Hearing at BMC Durfee High School in Fall River, MA. As the committee that attended will recall there was staunch local opposition to this project. The only attendees in favor were those with a vested interest in Hess- Weavers cove and 2 local citizens. Those with a vested interest are simply motivated by the substantial profits at stake so to be frank I don't believe they care about the local community. The 2 local citizens have a right to their opinion as do those of us in opposition. If you look at the head count that evening I would say there were approximately 100 citizens against the project and 2 for it. That works out to 2% in favor and 98% against. I am 48 years old. I grew up in Somerset, lived in Fall River for about 15 years and moved back to Somerset. I have a lot of friends and family in the area and I work as field based sales representative. I cover Fall River and the surrounding communities including Newport and the East Bay in Rhode Island. I have spoken with thousands of area residents in the past two years and would honestly say that at least 98% of the population is vehemently opposed to this project.

As you weigh your decision please keep some important things in mind. The dredging proposal will benefit one company and destroy our river and community. Fall River was forced to spend millions of taxpayer dollars on a CSO sewer overflow project in recent years. That helped clean up our river substantially and was a good use of resources. The greater Fall River area was largely a Textile area throughout the industrial revolution and there was very little environmental insight in that time. I believe the environmental experts would agree that there were substantial amounts of industrial pollutants dumped into the Taunton River in that era. Disturbing the pollutants buried here with a dredging project of this magnitude will be severely detrimental to local fish and wildlife habitat. The great strides that the CSO made in the cleanup of our river will be set back for decades to come. In addition to the devastation of fish and wild life please do not forget the most important component of our local environment, the people that live here. Approximately 10,000 people live, work and attend schools within a 1 mile radius of the proposed tank. Please think of these people as the most important component of our environment. The proposed turn around basin between Weavers Cove and Mount Hope Electric will change the dynamics of river forever and inconvenience local residents with noise pollution and terrible stench for years. Also, the magnitude of ship itself and the sea water ballast required will be detrimental to the river. Vote no to the dredging to protect our beautiful river, the fish the wildlife and the people.

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The purpose of this letter is to bring to your attention the grave concerns that the citizens of Fall River and Somerset Massachusetts have regarding the proposed LNG site by Hess- Weavers Cove in Fall River, Docket CP04-36. We have concerns about our river and our local environment as well as other important factors. While we understand our country needs the energy that LNG can provide we believe that LNG facilities should be sited responsibly and away from densely populated areas.

Officials from Everett, Mass. have informed us that that it is their belief that the existing LNG site in that location would not be approved today due to security and public safety concerns. In addition, the Tobin Bridge is shut down every time an LNG tanker passes underneath. In our community the most likely scenario is that our 2 bridges, the Braga Bridge and Brightman St. Bridge would both be shut down simultaneously when the LNG tankers pass through. This would shut down access for emergency vehicles that must pass over these bridges to access the only 2 area hospitals which are located on the Fall River side of the river.

Common sense tells me that the same security procedures that are presently utilized in Everett would be instituted here. Because of terrorism concerns LNG tankers follow no set schedule and would enter our area twice a week. The bridges would be tied up on a regular basis! This would create a traffic nightmare for area residents as I'm certain it does on the Tobin Bridge. Please educate yourself by speaking with officials in Everett and I sure they will in form you that it is "quite a production" every time a tanker enters Boston Harbor.

Recently there was a terrorist plot uncovered that targeted a mall in Ohio. Homeland Security describes targets such as a Mall as "soft targets" because they are not highly secured. By approving an LNG storage tank in Fall River you would be effectively placing an 18 story tall "soft target" with approximately 9000 residents living, working and going to school within the two mile potential "burn area". That 180 foot tall "soft target" would be filled with a substance that could cause a massive fireball should a group of terrorists set in motion the right chain of events. Five years ago most of us would not be expect terrorists to target shopping malls within our borders. In the event of an accident or attack thousands of area residents, including school children, would in all likelihood be killed. The world has become a more dangerous place and that should be taken under consideration when determining responsible locations for LNG facilities. New LNG facilities should be located away from densely populated areas!

The greater Fall River area is not an affluent area of our state. Those residents that are middleclass enough to own their own homes for the most part have the majority of what small amount of wealth they have tied up in the value of their homes. One does not have to be a Real Estate expert to realize that property located in close proximity to a very large LNG tank would more than likely be worth less on the open market. This would adversely affect the property values of area homeowners' most valuable asset. In addition, local real estate experts including our own Tax Assessor agree property values will fall.