

105 Martha Street
Fall River, MA 02720
January 15, 2006

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

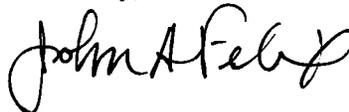
Gentlemen:

I am a resident of Fall River and live within one half a mile from the Taunton River. I oppose the LNG Terminal for many reasons, and not just because I live very close to it.

The idea of dredging the river is a bad idea. It will impact fishing, and the dredging will disturb the riverbed and will also give off terrible odors as well and contaminate the river. This toxic riverbed will take years and years to completely settle. The city of Fall River has been forced by the courts to correct it's sewer overflow into the Taunton River, to eliminate contaminating the river, so why should the LNG project be allowed to contaminate the river, by dredging operations. The large LNG vessels will churn up all the toxic materials every time they enter the river.

Thank you for your time.

Sincerely,



John A. Felix

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REGULATORY DIVISION

US Army Corps of Engineers

New England District

Attn: Ted Lento

696 Virginia Road

Concord, MA 01742-2751

Monday, January 16, 2006

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

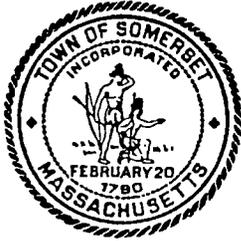
Mr. Ted Lento :

The dredge material is toxic with mercury. This plan of storing on site would cause it to spread the toxics by the blowing wind. The school and people, who live near there, would be exposed to this debris and an industrial accident if this facility is allowed. The Brightman Street Bridge isn't going anywhere. Off-shore sites are being created. It needs to be kept out of our residential neighborhoods. Dredging would also cause the destruction of the spawning grounds for the fish.

I ask you to vote no on the dredging of the Taunton River.

S. Pereira

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BOARD OF SELECTMEN

TOWN OF SOMERSET
MASSACHUSETTS

02726

TOWN OFFICE BUILDING - WOOD AND COUNTY STREETS

January 9, 2006

Lt. Colonel Andrew Nelson
USA Army Corps. of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

RE: File #2004-2355

Dear Lt. Colonel Nelson:

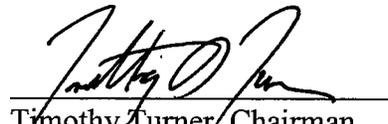
We are writing to clarify our position regarding the Weaver's Cove LNG proposal to dredge the Taunton River.

Please be advised that we remain steadfastly opposed to any dredging of the Taunton River, and have always held this position. In particular, the methodology and the aggressive timetable that is being proposed by Weaver's Cove will clearly be detrimental to our community's most precious physical resource; the Taunton River.

Please be further advised that our community is unified in our opposition to this proposal, and we respectfully request that you deny the permitting as requested by Weaver's Cove.

Sincerely,


Steven Moniz, Chairman
Somerset Board of Selectmen


Timothy Turner, Chairman
Somerset Conservation Commission

Capt. O'Connell Co.

BOAT SALES - SERVICE

Silverton
Crusader
Osco-Barr
Mercruiser



180 RIVER STREET • FALL RIVER, MASSACHUSETTS 02720 • 508 • 672 • 6303 • FAX 508 • 672 • 0922

January 10, 2006

U.S. ARMY CORPS OF ENGINEERS
ATT: TED LENTO
FILE #2004-2355

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JAN 17 2006

REGULATORY DIVISION

Dear Mr. Lento:

I am Daniel W. O'Connell, President of the CAPTAIN JOSEPH J. O'CONNELL CO., INC. LOCATED DIRECTLY NORTH OF THE WEAVERS COVE SITE. I represent the Company above and the owners of over 200 recreational boats presently at the facility.

I attended both Corps meetings on the 14th and 15th of December, I would like to say the meetings were conducted very well and all three of your personnel were very attentive and showed a sincere interest to each participant.

From both the Coast Guard and the Corps hearings the proponents all stated that LNG ships were 100% safe and the terrorist threats were negligible. That being accepted why do we need the Security Personnel and Security Zones?

What is the benefit to dredging the channel to the residents of the area and current users? NONE! We heard two nights of reasons why it should not be done so I will not repeat them.

If someone bought a Boeing 747 and wanted the New Bedford Airport enlarged to land it, your sister agency the FAA would say - Your airship is too big and the airport is too small - FORGET IT! If Shell Oil wanted to bring in a big barge and the river where it is approx 700 ft wide needed to be widened the Corps would say- FORGET IT! If Donald Trump wanted to bring the TRUMP PRINCESS up the River and the Braga Bridge was too low would the Department of Transportation raise it? FORGET IT! The port is too small and the ship is too big. PERIOD.

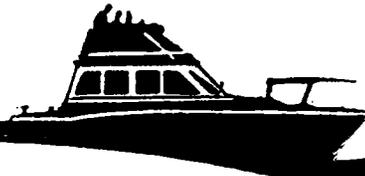
We feel that dredging the channel would be practical if it was 1000 or 2000 ft from a major channel to a facility. Dredging a channel for miles is unsafe, ecologically unsound and will silt the area for years. It will require periodical maintenance dredging that will further degrade the River and Bay water quality- where does it end?

(Cont.)

Capt. O'Connell Co.

BOAT SALES - SERVICE

Silverton
Crusader
Osco-Barr
Mer cruiser



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U. S. ARMY CORPS

(2)

#2004-2355

Dredging on this scale for unsafe cargo has other ramifications. A ship could stray out of the channel and get stuck on the artificial bank-closing the harbor to other traffic. A disgruntled employee or terrorist could go out at night and sink a small boat (i.e. 30' x 15' Steel Boat) in the channel. The ship would hit it or be stopped, again closing the harbor. It could not get around it in this small channel and have to back out-conceivably for miles. If you think a 1000 ft ship handles bad going forward try it in reverse.

Some of the real issues to recreational and commercial boating have not been addressed. The Harbor and River are too small for LNG ships of 1000 ft. If a boat is heading south on the Taunton River at point A (on the enclosed chart) and a LNG ship is coming north at point B- they are five miles apart.

The River would have to be closed at point A at that time. If the boat heading south (out) gets in this narrow River, and that ship has a two mile safety zone in front of it and 1600 ft on the sides, the southbound boat has nowhere to go but to backup. This other River traffic must wait for the ship to go miles, open a bridge and dock. THIS IS UNACCEPTABLE! an hour or two delay (at unknown times-LNG ships are not announced) would cause slow boats to miss the tide and create havoc. This is not an occasional LNG ship but a constant disruption of navigation (Est 250-300 ships a year- in 365 days).

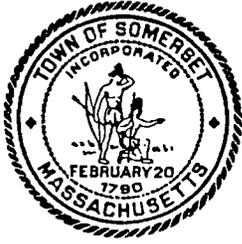
When thinking logically about the project, rights of other waterway users and citizenry one can see why there is so much opposition from all sides. Ecologists, boaters, fishermen, the Navy, Politicians, Conservation commissions, all have come together with reasons this project is unacceptable.

With all the delays this project will experience with lawsuits, the old Brightman Street Bridge and the new one (If they ever finish it) I firmly believe a SANER LNG PROJECT will be proposed and implimented.

THANK YOU!

CAPT. JOSEPH J. O'CONNELL CO., INC.


ATTY. DANIEL W. O'CONNELL
USCG LICENSE 31075049



BOARD OF SELECTMEN

TOWN OF SOMERSET

MASSACHUSETTS

02726

TOWN OFFICE BUILDING - WOOD AND COUNTY STREETS

January 9, 2006

Ms. Christine Godfrey
USA Army Corps. of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

RE: File #2004-2355

Dear Lt. Colonel Nelson:

We are writing to clarify our position regarding the Weaver's Cove LNG proposal to dredge the Taunton River.

Please be advised that we remain steadfastly opposed to any dredging of the Taunton River, and have always held this position. In particular, the methodology and the aggressive timetable that is being proposed by Weaver's Cove will clearly be detrimental to our community's most precious physical resource; the Taunton River.

Please be further advised that our community is unified in our opposition to this proposal, and we respectfully request that you deny the permitting as requested by Weaver's Cove.

Sincerely,

Steven Moniz, Chairman
Somerset Board of Selectmen

Timothy Turner, Chairman
Somerset Conservation Commission

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JAN 13 2006

REGULATORY DIVISION

Jerry M. Landay
25 Wendy Drive Bristol, RI, 02809
401-254-2291 – jerrylanday@cox.net January 11, 2006

Following are my remarks, as a board member of the citizens' organization Save Bristol Harbor, to the ACE panel which took public testimony on December 15th in Bristol, RI, on whether to issue a dredging permit to Weaver's Cove/Hess LNG of Fall River, MA. Note, please that many of my comments are based on a report issued in August by the Aquidneck Island Planning Commission on the impact of siting an LNG terminal in Fall River. ACE decision-makers should become intimately acquainted with this key document, if they have not done so.

We are aware of the criteria used by ACE to determine whether or not to issue dredging permits involving sensitive bodies of water:

Including "Cumulative Impacts," the "Environmental Impact", recreational impacts, "safety," and "the needs and welfare of the people." I will concentrate on safety and the impact on the public interest, leaving the technical impact of dredging to others of Weaver's Cove's destructive plan to move 3 million cubic yards of polluted spoils from the bottom of Mt. Hope Bay. The dredging of Mt. Hope Bay, as well as LNG terminal contemplated by Hess, are n o t in the public interest. We are well aware of New England's urgent need for additional supplies of natural gas. We are also aware of the New England Governor's Association's fine study on the energy needs of the region. The Governors project that by 2010, New England will run out of adequate natural gas supplies. But the sources of our supplies are well assured – without Weaver's Cove and KeySpan LNG

Excelerate Energy of Texas, which now operates America's first offshore LNG terminal off Louisiana, will open a safe, dependable natgas supply for New England by mid-2007 at the latest, beating Weaver's Cove by three years. Its energy-bridge technology in use in the Gulf of Mexico has withstood both Hurricanes Rita and Katrina. The company plans a double-bouyed system some ten miles off Gloucester, MA in the Massachusetts Bay. The LNG is re-gasified aboard ship and piped to a land-based gas grid via undersea pipeline. This all takes place without danger to homes, to businesses and schools, without danger to the economy. The Northeast Gateway will deliver more than 4 million cubic feet off natural gas to the grid daily – reliably and safely – beginning in 2007. The application process before DOT and the Coast Guard is now well underway.

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REGULATORY DIVISION

There will be **MINIMAL** impacts to both maritime activities and fishing, as well as to the environment. The short undersea pipelines from the vessels to the shore will lie in **SHALLOW** trenches in an area with little impact to fish, shellfish, and the fishing industry. In addition, the Canadian Maritime provinces of Nova Scotia and New Brunswick, where four LNG terminals are being permitted in sparsely settled shore, will sell revaporized gas LNG to New England via pipelines owned and operated by Duke Energy.

If the LNG terminal in Fall River is permitted, the flow of people, commerce, and emergency traffic will be gravely compromised. The Aquidneck Island Planning Commission tells us a series of detailed studies that "Weaver's Cove, including its projected 300 passages in and out of huge LNG carriers yearly on the high tide, will directly affect recreational and competitive sailing, tourism, life style, second-home development, commercial fishing, and the Naval Undersea Warfare Center (NUWC). These effects will be felt throughout the state economy..."

The need for large security zones around these LNG vessels, policed by armed Coast Guard chase boats, would fatally cripple recreational and tourist activities on Narragansett Bay and Mt. Hope Bay, the **SPINE** of life and commerce in this Ocean State. **IS THIS IN THE PUBLIC INTEREST?**

With each passage, the Rhode Island Turnpike and Bridge Authority will shut down the four major bridges connecting the major cities and towns of Aquidneck Island, Rhode Island to the rest of the state, and to Massachusetts. **THIS MEANS:** Traffic back-ups at key times of traffic flow would average between 36 and 67 minutes. **THIS MEANS:** during peak weekday morning rush hours, northbound traffic over the Mt. Hope Bridge from Portsmouth would back up nearly three miles. The bridge is restricted to single lanes in each direction. Traffic during the peak southbound hours would back up some 2-and-three-quarters miles, causing severe congestion on Rts. 114 and 136. The economic life of both Bristol and Portsmouth would be seriously affected. The study finds that it could take more than 45 minutes for congestion to dissipate northbound, and more than 40 minutes southbound for traffic congestion to be cleared in Bristol.

Some deem these estimates as too optimistic. **THIS MEANS:** emergency vehicles would also be trapped in these backups. Their sirens and flashing lights would be meaningless, since cars and trucks in the back-ups would have no place to go to move out of the way. This confronts us with a life-threatening issue, since it would be impossible to transport seriously ailing passengers quickly to hospitals in Newport, Fall River, Providence, and South Kingston. Fire trucks responding to reinforce fire-fighters in neighboring communities would also be blocked. Vehicles with idling engines would severely pollute the air. Incidentally, the health insurance supplied to students at Roger Williams University requires that they be rushed to Newport Hospital.

These delays are clearly unacceptable. It's self evident that they are not in the public interest, and are an unacceptable price to pay, and **ARE NOT IN THE PUBLIC INTEREST.** They pose unacceptable risks to the communities of the bay shores along which LNG carriers will travel to Fall River. Cities and towns in the

East Bay along the carrier route would be expected to bear the costs of emergency first-responder teams with each passage in and out – police, fire, and EMT personnel.

These costs would NOT be reimbursed by the company. They are so onerous that municipal budgets would erode, with the certain increase in property taxes. Citizens would not only bear the higher fuel costs involved, but also meet threats to safety out of their own pockets. To understand the scale of these costs, keep in mind that each time an LNG carrier moves in and out of Boston's Everett terminal, the state and localities pay \$93,000 in emergency stand-by costs per passage. Such payments are budget-busters, mandate higher property taxes, and, thus, are certainly NOT in the public interest.

Be aware in this regard that LNG carrier passages into the Boston-Everett MA LNG terminal currently cost \$93,000 per passage per passage to these communities in emergency first-responder costs.

Remember that THERE ARE ALTERNATIVES: LNG from Excelerate Canada ~ sufficient to satisfy the region's needs for the foreseeable future.

Your decision WILL BE THE TEST OF WHETHER THE PUBLIC INTEREST IS STILL A VALID PRINCIPLE IN WASHINGTON. YOU ARE OUR LAST LINE OF DEFENSE AGAINST THESE UNACCEPTABLE COSTS. IN THE CAUSE OF THE PUBLIC INTEREST, WE ASK THAT YOU DENY A DREDGING PERMIT TO WEAVER'S COVE/HESS LNG.

Jerry M. Landay
Bristol, RI
12-15-05

67 Highcrest Road
Fall River, MA 02720

January 10, 2006

Mr. Ted Lento
US Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751
Re: File #2004-2355

Dear Sir:

I have intentionally withheld addressing any comment to you with regard to the location of an LNG terminal in Fall River, because the various bureaus involved, in the decision-making process, appear to have made their decision.

As you are by now aware, the proposed terminal site is in a thickly settled residential district. As you are also aware, any vessel transporting LNG to the proposed site must pass beneath several bridges. In view of the existence of an ongoing terrorist threat, which aims to cause the greatest possible loss of life, the location of the terminal in question poses an ideal target, as do the bridges in question.

The City of Fall River, as a blue-collar community, is not economically capable of being burdened by the substantial costs involved in providing appropriate police, fire, and medical services in anticipation of a terrorist attack.

Fall River has long been the victim of numerous poor political decisions foisted upon it from the top. The location of the LNG terminal here could well be the coup de grace from which the city will never recover.

Admittedly, the location of the terminal in Fall River makes economical sense to Hess, but the cost to the city will be far too great. The cost to the individual citizens of the city, because of the impact on the market value of their homes, is incalculable.

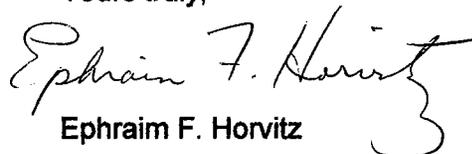
For whose greater good is the city being sacrificed on the altar of economic gain? The tacit assumption that the state's primary duty lies in the protection of its citizens' lives and property is violated, when that state acts in an unwarranted or coercive manner in the exercise of its power. This breach of duty to its citizenry is not only a violation of its responsibilities, but is indicative of bad faith, which undermines its moral authority.

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JAN 12 2006

REGULATORY DIVISION

Yours truly,


Ephraim F. Horvitz

Roger W. Hood
15 Durfee Court
Somerset, MA. 02726

January 3, 2006

Lieutenant Colonel Andrew Nelson
Deputy District Engineer, New England District
U.S. Army Corps of Engineers, Public Affairs Office
696 Virginia Road
Concord, MA. 01742 - 2751

Subject: Weaver's Cove LLC and Mill River Pipeline LLC. LNG Import
Terminal, Submittal of SSDEIR, EOE A No. 13061

Dear Colonel Nelson,

The U.S. Army Corps of Engineering Hearing on December 14, 2005 at the Durfee High School was to expose areas of application of proposed LNG Import Terminal work by the Subject designated as "The Project". The Project was recently approved by FERC on an "on shore" disposal plan that was not in agreement with the Massachusetts Environmental Policy Act. The four huge volumes of material in the Second Supplemental Draft Environmental Impact Report only became available in text form at the Somerset Library last Wednesday, Nov.30, 2005. This left only 5 days available to absorb the latest draft before your deadline. Hence this letter would be number 9 in my file on the LNG subject in the responsible State Officials Office in Boston. Thank you for extending the deadline to February 8, 2006. I was not sufficiently prepared to discuss this with you at the hearing.

The new draft appears to have reduced the excessive number of requirements for mitigation and uncertain conclusions. It also changed the many conclusions due to the decision to move the dredging discharge to an "off shore" basis for disposal. Thus this will focus upon the dredging operation itself and the handling of the generated materials, which is the primary responsibility of the Army Corps.

Hence this removes the discussion about market needs, Project Alternatives, Historical Standards, Marine Schedules, People, and Certification requirements except as needed above to satisfy Massachusetts Environmental. However, while the three agencies (Army Corps, Coast Guard, and State Environmental) are encouraged to work together, FERC makes it quite clear that any State or Local permits issued must be consistent with the conditions of any Certificate the FERC may issue. No wonder President Bush does not want to get in the middle of this undemocratic political contest. Enclosed, please see enclosed letter to Governor Romney dated July 4, 2005, which he acknowledged in his reply of July 19, 2005. It went up the ladder for the August 19 issue of the Fall River News headline was **"BUSH : FERC KNOWS BEST"** .

The primary reason for this meeting is an attempt to justify the impropriety of the contest now including the Army Corps after they have had the opportunity to hear first hand how the people most affected by the plan from Newport to Somerset for the Barges and later LNG Tankers or

some 100 Trucks a day from the proposed site.

The justification for the change to “off shore” disposal came after new sampling information became available to the Project whereby all the materials discovered in the test program showed all dredging samples should be satisfactory for off shore disposal both in Massachusetts and Rhode Island. The cost elements naturally favored The Project. It also helped reduce some of the need for mitigation on numerous points. The most questionable point seems to be centered around the vulnerable aspects of the Barge traffic bringing the dredging out to the off shore sites. This would be particularly true regarding the economic responsibility for any problems with damage to the Brightman Street Bridge, such as happened recently with the Pell Bridge and a coal barge. Remember, both Weaver’s Cove and Mill River are “LLC” companies with limited financial responsibilities. Similarly, the chemical changes in the Taunton River are covered by the Project statement “will not result in any significant adverse impact to the physical , chemical or biological integrity of the Taunton River”. This sounds great, but like most of the Project statements they appear to be more speculative than factual. Additionally, again differences between Barge traffic and LNG Tanker traffic.

Similarly, a study of the highway traffic led to the conclusion that any small change would create a manageable traffic impact. You do not have to live here. We just experienced the mess created by the Brightman Street bridge closed for ten days even with six lanes open on the Braga Bridge. Traffic would at times become backed up to Providence and at other times backed up to New Bedford. And yes you would not believe the miles of backup in Somerset in either case.

The economics of the Project have been considered by Fall River, and it looks like a no-win situation except from the Project viewpoint. The same is even worse from Somerset, as there is no income from the LNG Operation, all expenses for self preservation. We are already in trouble with the escalating taxes in Massachusetts, but few people have any idea what costs are going to emanate from the Project Plan, primarily for safety reasons. The immediate aspects even with the dredging will include extra policemen, firemen, street department maintenance and river patrols just for a beginning. The Somerset ambulance made over 40 trips each way over the Braga Bridge during the ten days. My wife’s Brother had to wait over 30 minutes for the Swansea Ambulance during a recent emergency.

We could summarize the more obvious unfavorable 12 factors included in this brief exposure to The Project’s impact of General Environmental Concerns in Somerset:

- | | |
|--------------------------------|---|
| 1. Economics | Results negative- R.E. down, Insurance up & no income |
| 2. Land use | Results negative - Long term River growth killed |
| 3. Navigation | Dangerous - Dredging activities alone, after worse |
| 4. Recreation | Boating nearly ruined during and after |
| 5. Aesthetics | Turn around area & South, River destroyed |
| 6. Wetland Impact | Dredging contaminates & After tides increase |
| 7. Fish & Wildlife | Can only reduce productivity & after Wow. |
| 8. Water Supply & Conservation | Some use and destruction & after huge water need |
| 9. Water Quality | Detrimental during and after |
| 10. Energy needs | Significant during and large after |

Roger W. Hood
15 Durfee Court
Somerset, MA. 02726

July 4, 2005

FERC's *Final Environmental Impact Statement : Vol. 1 & Vol. 2*
Weaver's Cove LNG Project

Governor Mitt Romney
Office of the Governor
Room 360
Boston, MA., 02133

Dear Governor Romney,

With reference to the above voluminous documents, an extensive review indicates the same bias that existed in the EIS has carried into the Final Statement. It results in voluminous estimated mitigating circumstances that will supposedly lower the risks while attempting to justify FERC's primary concern for the environment.

WHO IS THE BOSS IN AMERICA?

**THE FIRST SENTENCE IN PRESIDENT BUSH'S SPEECH on
June 28, 2005 after greeting America was "My greatest responsibility as President
is to protect the American People."**

**FERC's approval of the proposed LNG siting in the populated area of Fall River and
Somerset has been made with essentially complete disregard for the safety of some
12,000 American Citizens.**

WHO IS THE BOSS IN AMERICA?

Respectively yours,



Roger W. Hood



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

(617) 725-4000

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

July 19, 2005

Mr. Roger W. Hood
15 Durfee Court
Somerset, MA 02726-5013

Dear Mr. Hood:

I am writing to let you know that I have received your letter regarding construction of Liquefied Natural Gas terminals and I appreciate your taking the time to write.

Please be assured that, if appropriate, your letter has been forwarded to the proper staff member, agency or office for further review. Thank you once again for contacting my office and for caring about the future of our families and the Commonwealth.

Sincerely,

A handwritten signature in black ink that reads "Mitt Romney".

Mitt Romney

Friends of LNG

512 New Boston Rd.
Fall River, MA 02720
Phone 508 677 9871
Fax 508 6770380
copster716@aol.com

December 28, 2005

US Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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JAN - 9 2006

REGULATORY DIVISION

Dear Mr. Ted Lento,

It is with extreme necessity and importance that permits under section 10 of the Rivers and Harbors Act of 1899, section 103 of the Marine Protection, Research and Sanctuaries Act and Section 404 of the Clean Water Act as requested by Weaver's Cove Energy be issued.

America's domestic shortage of natural gas is a very serious problem. Fortunately, there is a proven technology that could enable Americans to access plentiful natural gas stores from overseas. Liquefied Gas (LNG) natural gas cooled and condensed into portable liquid, 1/600th its original volume.

Given these facts, one might expect energy-short state governments to eagerly approve proposals for new LNG facilities, instead bowing to pressure from environmentalists, they are repeatedly rejecting them.

Weaver's Cove Energy, LLC has outlined every aspect of disposal and deposit of dredged or fill material into the waters of the United States at specified disposal sites in accordance with the policies and regulations set forth by the US Army Corps of Engineers.

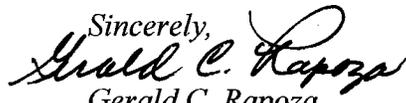
Dredging of the Taunton River in Fall River will have little or no effect on fish or wildlife values, the land is a brown field and can not be used, and there are no recreation facilities in the area to be disturbed.

Friends of LNG is a non-profit group of tax paying citizens who far

outweigh the opposition. We have done extensive research on all aspects of LNG and LNG facilities, included but not limited to safety and security.

We are confident that the Army Corps of Engineers are experts in the field and will issued all necessary permits required by law to insure Fall River and the Northeast region gets the energy that will insure our future energy consumption.

Thank you in advance for your consideration in the above matter.

Sincerely,

Gerald C. Rapoza
Chairman
Friends of LNG



Town of Somerset
Conservation Commission

December 22, 2005

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

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

Dear Officer Lento,

The Somerset Conservation Commission has issued a denial Order of Conditions for the project based upon many issues and environmental concerns that remain unresolved in spite of a five (5) month hearing process.

Many of these issues are still unresolved based upon the SSDEIR and new ones have arisen due to the WCE now considering offshore disposal of dredge material. The Somerset Conservation Commission feels that this would result in an accelerated dredge schedule that has the potential for increased turbidity thus potentially having an increased harmful effect on fisheries and shellfish. The Taunton River is the second largest watershed in Massachusetts and is home to the region's largest herring run. WCE plans to dredge throughout this migration period. This would have a negative effect not only on the Taunton River fish population but also to its contribution to Narragansett Bay, which is designated by the EPA as a nationally significant resource.

While the Taunton River is closed to shell fishing locally it has still been designated by the Division of Marine Fisheries as "Significant Shellfish Habitat". In our opinion, the proposed dredging would have a significant negative impact on the shellfish in the Taunton River.

Somerset is the only town on the Taunton River to maintain a public beach; the dredge may also have a negative impact on water quality, which would affect recreational use of our swim waters.

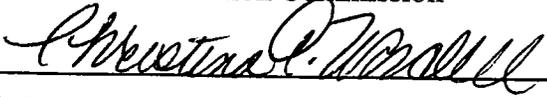
Overall, it is the opinion of the community leaders of Somerset that this proposal is not in the best interest of our citizens. That there are other proposals for alternative energy sources for the region with less environmental impacts and that this project should be denied. Further, the Somerset Conservation Commission believes that:

1. The details of the work proposed are still insufficient to enable the government a clear understanding of the nature and magnitude of immediate and long-term impacts of the dredging of the Taunton River.
2. In some instances, the Applicant's proposal identified a range of possible construction techniques that may, or may not, be employed during construction, or indicates that construction details will be determined during the final design phase of the project. No approvals should be granted to this project until the final design of the project has been completed.
3. We believe that the Applicant has inaccurately described dredging impacts as temporary when in fact several government agencies have described impacts as being permanent.
4. The Applicant has not adequately evaluated alternatives for the Western Lateral Crossing of the Taunton River. The Somerset Conservation Commission disagrees that the open cut pipeline construction technique is a "best available measure for minimizing impacts on protected resources" (310 CMR 10.24 (7)(b)(2) and rejects the Applicant's claim that the open cut crossing technique is the least impact alternative.
5. The Applicant has yet to provide adequate information on contaminated sediments that may effect compliance with performance standards pertaining to water quality.
6. The removal and disposition of dredged materials, at a faster rate than originally proposed, still does not adequately address potential harm to the fish runs, shellfish beds, and water bodies of the Taunton River and Mt. Hope Bay.

Thank you for allowing the local government and citizens to be heard on this important issue, we have faith in the system and trust that the decision will be made in the best

interest of our environment and that the facts speak for themselves and this project will be denied in the best interest of the environment.

Somerset Conservation Commission

A handwritten signature in cursive script, appearing to read "Christina A. Wordell", is written over a horizontal line.

Christina A. Wordell, secretary

cc: Lt. Colonel Andrew Nelson

Christine Godfrey

Commission

caw

Louis A. Bousquet
194 Warren Street West
Raynham, Massachusetts 02767

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

Dear Mr. Lento:

I am writing to ask you to support the denial of the request from the Amarada Hess Corporation to perform dredging in the Taunton River. This work in conjunction with the construction of a Liquified Natural Gas terminal in Fall River will do serious long term damage to the Taunton River and the Mount Hope Bay areas. I realize the first step is to obtain approval for dredging in order to bring the tankers into this area. Everyone's concern should be the effects this dredging will have on the fisheries and health of the human inhabitants of this area, not only locally but out into the Mount Hope Bay and ultimately the Narragansett Bay. When the Braga Bridge was constructed it took twenty (20) years for the sediment to finally settle. We should learn from past experiences and mitigate the future damage to our environment. For years silversmith industries, tanneries, and chemical industries operated upriver. The heavy metals dumped by them and the former Shell Corporation tank farm are heavily embedded in the sediment of the river. It has taken years for the river and bay to bury these hazards and gradually life is returning to the estuary in the forms of fish and other wildlife. The damage to the Taunton River and the Mount Hope Bay will be disastrous should dredging be allowed.

Not only would the dredging be damaging, but the proposed berm to be built from this sediment will leach back into the river. The changing tides and resulting plume, will cause long term, potentially devastating impacts on the entire estuary.

This project brings up many issues of concern, but the immediate concern is the dredging. Please help protect the Taunton River, the Mount Hope Bay, the Narragansett Bay and the entire estuary by denying this proposed project and allowing future generations to enjoy this beautiful resource.

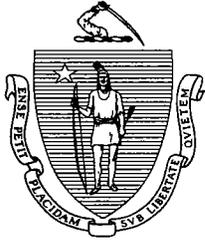
Thank you for your support.

Sincerely,



Louis A. Bousquet

RECEIVED
JAN 10 2006
REGULATORY DIVISION



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

PATRICIA A. HADDAD
REPRESENTATIVE
5TH BRISTOL DISTRICT

TOWN OFFICE BUILDING
140 WOOD STREET
SOMERSET, MA 02726
TEL (508) 646-2821

Chair:
Committee on Education

ROOM 473G, STATE HOUSE
TEL (617) 722-2070
FAX (617) 722-2817

January 6, 2006

Mr. Ted Lento
United States Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742

RECEIVED
JAN 10 2006
REGULATORY DIVISION

RE: File Number 2004-2355

Dear Mr. Lento:

I am writing to express my opposition to Weaver's Cove Energy's request for permits to conduct dredging in the Taunton River and Mount Hope Bay. As the state representative whose district includes the town of Somerset, I have many concerns with the effects of dredging on the area.

It is my understanding that this project will impact about 200 acres of the bay and waterfront. Much of the river will have to be deepened by 2 feet from 35 to 37, and the turning basin for the LNG tankers will have to be deepened from 35 to 41 feet. This dredging will result in the removal of approximately 2.6 million cubic yards of sediment.

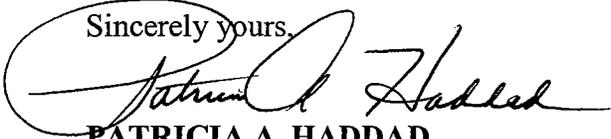
I fear the effects of this work will significantly harm the numerous fish habitats in the river and bay. This area is home to all different types of fish species, from haddock to bluefish to at least two different types of mackerel. All of these habitats will be considerably disturbed and possibly destroyed by the sediment removal. Specifically, the project will negatively impact 21 acres of quahog habitat and oyster beds, which are already in danger, and 17.2 acres of winter flounder egg habitat.

Moreover, dredging will likely stir up hazardous materials such as lead, zinc, and mercury, which will harm fish and water quality. As this area is heavily used for fishing, swimming, and recreational boating, these hazardous materials could seriously affect humans as well. There are numerous beaches along the river, and swimming in these dangerous chemicals will surely jeopardize public health. Furthermore, the effect on the population of the dredging material being exposed to the air cannot yet be adequately determined. I feel the deleterious impact on public health is one of the most important considerations when reviewing this dredging application.



I must echo the thoughts of former Secretary of Environmental Affairs Ellen Roy Herzfelder when she summarized, "I continue to have significant concerns about the project as it relates to impacts from dredging on water quality and fisheries habitat, the management and reuse of dredge material on a site undergoing extensive remediation, and public safety." Thank you very much for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Patricia A. Haddad". The signature is written in a cursive style with a large, looping initial "P".

PATRICIA A. HADDAD

Chairwoman

Committee on Education

**CECILE T. SCOFIELD
515 DICKINSON ST.
FALL RIVER, MA 02721
508-675-3871 (EVENINGS)**

January 4, 2006

RECEIVED
JAN 10 2006
REGULATORY DIVISION

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

**RE: FILE #2004-2355 - WEAVER'S COVE ENERGY AND MILL RIVER
PIPELINE PROJECT, FALL RIVER, MASSACHUSETTS**

I AM STRONGLY OPPOSED TO THIS PROJECT!

Dear Mr. Lento:

I read the attached Public Notice prepared by you, and I also attended the Public Hearing on this matter held at B.M.C. Durfee High School in Fall River on December 14, 2005.

In reviewing the Public Notice (copy attached), there is one very important piece of information that is missing, and that is the fact that the Weaver's Cove proposed LNG site is a listed contaminated site under M.G.L. 21E and is regulated under MCP 310 CRM 40.0000 (former Shell Terminal Tracking No. 4-0749). I believe this constitutes a serious omission on your part.

While Weaver's Cove Energy would lead us to believe that that proposed Weaver's Cove site is an abandoned "brownfield," a comprehensive response action consisting of a recovery system designed to prevent non-aqueous phase liquid from migrating into the Taunton River and ultimately to facilitate NAPL recovery is currently being operated at the site. Pursuant to 310 CMR 40.0021, no person shall tamper with, alter, destroy, disturb or otherwise unlawfully interfere with any response action, including but not limited to, any recovery or control mechanism or system, or any monitoring device required pursuant to M.G.L. C.21E and 310 CMR 40.0000.

The existing timber bulkhead at the Weaver's Cove site is proposed to be replaced with steel, inter-locking sheet piling. According to the MADEP, a timber bulkhead located along the northwest shoreline, combined with the NAPL recovery system, appears to be

preventing the NAPL from discharging into the Taunton River. As part of the LNG Project, this timber bulkhead is to be removed and replaced with steel, interlocking sheet piles. If any activity conducted during the replacement of the bulkhead results in a release of NAPL into the Taunton River, the person conducting that activity may be liable for response actions and other damages pursuant to M.G.L. c. 21E, Section 5. Has WCE provided you with a detailed plan that identifies the procedures that will be established to prevent the discharge of NAPL into the Taunton River during the proposed replacement of the bulkhead? The DEP also notes that the sheet piling is proposed to be driven significantly deeper than the existing timber bulkhead. The increased depth of the bulkhead may alter the groundwater elevation and flow direction. Changes in groundwater elevation may trap NAPL below the water table, interfering with NAPL recovery and the change in groundwater flow direction may result in a change in NAPL migration. Have you seen a groundwater flow model that depicts current conditions and changes resulting from the replacement of the bulkhead and placement of any Portland cement/sediment mixture? Again, any person whose actions result in a change of the groundwater elevation or flow may be liable for response actions and other damages pursuant to M.G.L. c. 21E, Section 5.

In September, 2004, the MADEP did not concur with the conclusions of the DEIS/DEIR that the sediment was comprehensively sampled or its evaluations of the significance of the concentrations of PAHs and metals in relation to MCP compliance for reuse of contaminated media. Have you seen a Conceptual Site Model demonstrating that a sufficient understanding of sediment deposition and potential sources of contamination exists to justify the sediment sampling conducted to date?

If dredging of the Taunton River were to cause damage to Shell Oil's ongoing environmental remediation at the site, I sincerely hope that the City of Fall River, et al, would pursue any and all legal means available, including garnering assistance from the Massachusetts Attorney General's office, to insure that violators of 310 CMR 40.0021 are prosecuted to the fullest extent of the law.

My concerns about damage to the existing comprehensive remediation system at the Weaver's Cove site are echoed by Michael P. Bingham, the Licensed Site Professional (LSP) of Record for the Fall River Marine Terminal at 1 New Street, Fall River, Massachusetts (the proposed Weaver's Cove LNG project site). As the LSP of Record for RTN 4-0749, Mr. Bingham is tasked with ensuring that the regulations contained in the Massachusetts Contingency Plan are met and that "human health, the environment, and public safety are protected."

In Mr. Bingham's letter dated September 16, 2004, to Magalie R. Salas, Secretary, Federal Energy Regulatory Commission in Washington, D.C., regarding the Weaver's Cove LNG Project (copy attached), Mr. Bingham notes: "The Draft EIS neither provides nor refers to any detailed plan for maintaining and appropriately modifying the existing remediation system during construction activities, notwithstanding the anticipated placement of over 2 million tons of dredged material on the site." I understand the plan to dump most of the dredge spoils onto the Project site has been modified to some degree

and that the current plan is to dump the materials at a site off the coast of Rhode Island. At the Public Hearing, a spokesperson for WCE said that the site had been approved for dumping of the dredged spoils. Someone from the audience at the Public Hearing corrected this statement, noting that the type of dredged material had been approved, but not the actual dumping.

Mr. Bingham's letter goes on to say, "It is imperative that the treatment system remain fully operational and effective during the construction activities in order to prevent release of LNAPL or impacted groundwater to the Taunton River." In conclusion, Mr. Bingham states, "**Accordingly, as LSP of record for this site, I conclude that a revised Phase IV RIP that is based on the Draft EIS will be insufficient to comply with the MCP and may fail to protect human health, the environment and public safety.**"

Please note the footnote at the bottom of Mr. Bingham's letter, which states, "**Although Weaver's Cove apparently expects to submit a revised Phase IV Remedy Implementation Plan (RIP) to the MADEP to address system modifications (see Draft EIS, page 4-40), Weaver's Cove has not discussed any of the proposed plans with myself (the LSP of Record) or with Shell (the responsible party under the existing RTN), and Weaver's Cove does not have authorization to modify the existing remedy on its own behalf.**"

On August 9, 2005, I sent a letter to Mr. Bingham, asking him if the serious environmental questions he had raised regarding the Weaver's Cove Project had been answered to his satisfaction. In my August 9th letter, I noted that Item 4.8.5. *Hazardous Waste Sites* section of the Final Environmental Impact Statement, Volume I, of the Weaver's Cove LNG Project dated May, 2005, states, "Historical operations at the site resulted in contamination of soil and groundwater by petroleum products. Releases were documented from ASTs, USTs, loading racks, pipelines, and ship loading areas." This section of the Final Environmental Impact Statement makes no mention that Shell Oil representatives are present at the site to operate and maintain the remedial system and conduct regulatory compliance monitoring of the system, the NPDES outfall associated with the remediation system, and site groundwater.

Mr. Bingham did not answer my letter. Before the US Army Corps of Engineers grants a Permit to WCE to dredge the Taunton River, I sincerely hope that you will contact Mr. Bingham yourself to discuss this matter in great depth and detail to assure that Shell Oil is satisfied with the answers to the questions proposed by Mr. Bingham and that he is no longer concerned about possible negative impacts to the health and welfare of the residents of the city Fall River from the LNG Project.

In addition to Shell Oil's very real concerns about the Weaver's Cove LNG Project, in a letter dated September 20, 2004, to Magalie Salas of FERC, Mr. John Felix, Deputy Associate Commission for the Massachusetts Department of Environmental Protection, stated, "The Massachusetts Department of Environmental Protection has reviewed the Draft Environmental Impact Statement/Draft Environmental Impact Statement Report

(DEIS/DEIR) for the proposed Weaver's Cove Energy (WCE) Liquefied Natural Gas Project in Bristol County, Massachusetts, (FERC Reference Docket No. CP04-36-000 and EOEPA MEPA File #13061). **The proposed project will have substantial impact on the environment; especially in areas of air quality, water quality, wetlands, waterways, and dredge spoils management.** It is the Department's opinion that the DEIS/DEIR is deficient in evaluating the extent of impacts and proposing alternatives to avoid or minimize the likely environmental impacts, and therefore a Supplemental Draft EIS should be required by FERC." Do you know if FERC has requested and received such a Supplemental Draft EIS?

Section 3.4 of the DEIS/DEIR states that "an alternative configuration that avoids impacts to salt marsh is possible but contends that the alternative site layout is not a reasonable alternative to the proposed design. The reasons given for not recommending the alternative layout included higher costs for design and construction, and security concerns." The bottom line appears to be "Profits over People"!

The Taunton River Watershed drains into Mount Hope Bay and five smaller rivers, including the Lees, Cole, Kickamuit, Palmer, and Runnins Rivers. These five rivers generally flow in a southern direction through Rhode Island and empty into Narragansett Bay. There are numerous lakes within this watershed, including two that are over 500 acres in size; namely, North Wattupa Reservoir (1,750 acres) **that provides drinking water for the 100,000 residents of the city of Fall River** and South Wattupa Pond in Fall River and Westport (1,660 acres). Can anyone know for certain what impact a dredging project of this magnitude could ultimately have on the North Wattupa Reservoir and South Wattupa Pond?

The Narragansett Bay Estuary, designated an *Estuary of National Significance* by the Environmental Protection Agency in 1987, supports numerous wildlife and marine species, including the Kemp's Ridley Sea Turtle, a federally-endangered species of sea turtles. In addition, did you know that recent tests of shellfish in the waters off of Swansea, Massachusetts, shores show that quahogs and clams may soon be safe to harvest locally? The testing was performed by the Massachusetts Division of Marine Fisheries, and the sample results have been very promising. Man destroyed his environment, and man is now working hard to clean it up! I believe that the Weaver's Cove LNG Project will set us back decades in that effort.

In addition, I believe that dredging of the proposed magnitude would require a Chapter 91 License/Permit from the DEP Waterways Program, which would require approval from the City of Fall River's Planning and Zoning Boards prior to a license being issued. I believe it is safe to assume that the City of Fall River would never approve such a License/Permit and, if necessary, would be extremely well prepared to fight its position in any Court of Law in the Commonwealth.

WCE has a vision for the Weaver's Cove site: "There are many solid benefits that this project will bring to Fall River: up to 600 union construction jobs over a three-year period, more than 40 well-paying permanent jobs, close to triple that number in contract

positions, and approximately \$3 million annually in property taxes. The proposed location in North Fall River represents a return to productive use of a contaminated industrial site that has few viable alternative uses." Sounds good on paper...

However, I have a different vision for the site. Shell Oil is responsible for continuing its clean-up efforts at the site until the Massachusetts DEP gives the site a clean bill of health. We have 75 acres of prime waterfront property. The possibilities for a positive reuse of this property are endless. The City of Fall River can bring new life to this wasted natural resource, including creating new permanent jobs; new life that will not threaten the health and welfare of our citizens; new life that will generate tax dollars for our city; and new life that will help beautify our waterfront.

Does man learn from his mistakes? The Mississippi River Gulf Outlet channel is a 76-mile long man-made navigation channel connecting the Gulf of Mexico to the Port of New Orleans' Inner Harbor Navigation Canal in eastern New Orleans. The MRGO channel was excavated through 40 miles of the virgin wetlands of lower St. Bernard Parish and cut through four natural levees to a depth of 36 feet, a surface width of 650 feet, and a bottom width of 500 feet. The channel has continued to erode over the years, and as a result, the channel is now over 2,000 feet wide at the surface. The economic rationale for building the MRGO was to provide deep draft vessels and ships with access to the Port of New Orleans' inner harbor navigation canal from the Gulf of Mexico. The MRGO was also supposed to bring industrial development to St. Bernard Parish. However, there are no benefits being derived from the operation of the MRGO which could ever outweigh the risk to the lives and property and the environmental damage caused by it. The MRGO has proven to be an environmental disaster which destroyed wetlands, increased the flooding risk to thousands of people, their homes and businesses, and millions of tax dollars are wasted each year dredging the MRGO.

Will the same be said someday of the Weaver's Cove proposed LNG Project in Fall River, Massachusetts? I am sure the MRGO project looked great on paper, but obviously somebody was sold a bill of goods! The health and future of Narragansett Bay relies on a robust and environmentally protected Taunton River. Mount Hope Bay is too fragile to sustain the long-term and short-term impacts on fish habitat that would be permanently destroyed by such massive dredging.

There are too many unanswered questions. The proponents of the Weaver's Cove LNG Project appear to have one thing in mind--making money! I don't think Hess really cares whether or not my house is warm during the winter--or if I have energy available for cooking. You cannot ignore their obvious hidden agenda, which is making money.

The Preamble to the Constitution of Massachusetts (1780) states:

The end of the institution, maintenance, and administration of government is to secure the existence of the body-politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights and the blessings of life; and whenever these great objects are

not obtained the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

I refuse to allow Hess LNG to destroy the quality of life that my family and I enjoy living in Fall River, Massachusetts, and I implore you to do whatever is necessary to help me and my fellow citizens in that fight.

If you want to travel back in time, take a boat ride to the mouth of the Taunton River--at high tide. I promise you that you will see and experience a beauty, peace and tranquility beyond your wildest imagination. Please help save our River and the quality of life we have come to know, enjoy and appreciate living on the shores of Mount Hope Bay.

Rivers are alive and react to both acts of man and nature. While we are at the mercy of acts of nature, acts of man that hurt our environment are done deliberately and by choice, and only man can stop the insanity of the proposed LNG site on the banks of our beautiful Taunton River.

In closing, I add my voice to all of our public officials who strongly oppose this Project, including Senator Edward F. Kennedy, Senator John Kerry, Massachusetts Governor Mitt Romney, Massachusetts Attorney General Tom Reilly, Congressman Barney Frank, Congressman James McGovern, the Massachusetts House of Representatives, the Massachusetts Senate, Homeland Security and Federal Affairs House Committee, the Fall River City Council, the Fall River Chamber of Commerce, Fall River Mayor Edward Lambert, Rhode Island Governor Donald Carcieri, Rhode Island Attorney General Patrick Lynch, Rhode Island State Representative Raymond Gallison, the Freetown Board of Selectmen, the Somerset Board of Selectmen, the Swansea Board of Selectmen, the Bristol Rhode Island Town Council, the Portsmouth Rhode Island Town Council, the Tiverton Rhode Island Town Council, the Newport Rhode Island City Council, the Jamestown Rhode Island Town Council, and the Middletown Rhode Island Town Council.

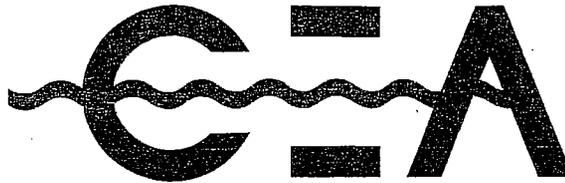
Sincerely,



Cecile T. Scofield

cts
Attachments

LETTER FROM SHELL OIL TO FERC

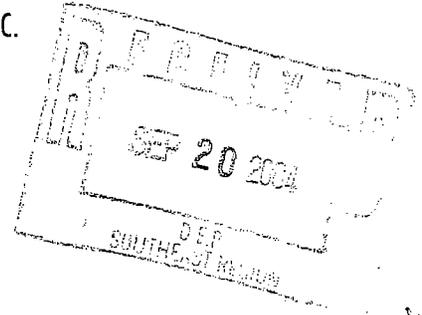


COPY

September 16, 2004

CORPORATE ENVIRONMENTAL ADVISORS, INC.

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, D.C. 20426



508-835-1480

**Ref: Docket No. CP04-36-000
Weaver's Cove LNG Project
Fall River, Massachusetts**

Dear Ms. Salas:

My name is Michael P. Bingham. I represent Shell Oil Products US (Shell) as the Licensed Site Professional (LSP) of Record for the Fall River Marine Terminal at 1 New Street. The Massachusetts Department of Environmental Protection has assigned Release Tracking Number (RTN) 4-0748 to a release at this site. Weaver's Cove Energy, LLC (Weaver's Cove) is proposing to construct and operate a liquefied natural gas (LNG) facility on the site, which is the subject of a draft Environmental Impact Statement (Draft EIS) prepared at the direction of the Federal Energy Regulatory Commission (FERC).

A groundwater and light non-aqueous phase liquid (LNAPL) recovery system has been operating at the former petroleum distribution terminal since 1989. To date, over 1,150,000 gallons of petroleum product (LNAPL) have been recovered from the subsurface. In addition to source removal, the remedial system maintains hydraulic control of impacted groundwater and prevents movement of LNAPL and impacted groundwater to the Taunton River. As the LSP of Record for RTN 4-0749, I am tasked with ensuring that the regulations contained in the Massachusetts Contingency Plan (310 CMR 40.0000 - the MCP) are met and that human health, the environment, and public safety are protected.

The Draft EIS, dated August 2004, details the design process, alternative site selection, environmental analyses and community impact of the proposed LNG facility. I have reviewed the Draft EIS in detail, including Section 4.2 (Soils and Sediment) and Section 4.3 (Water Resources) relating to planned activities to be conducted during the construction of the proposed LNG facility.

The Draft EIS neither provides nor refers to any detailed plan for maintaining and appropriately modifying the existing remediation system during construction activities, notwithstanding the anticipated placement of over 2 million tons of dredged material on the site. Necessary modifications to the existing system would include raising the entire treatment system (including recovery wells, piping, and treatment shed) concurrently with the placement of dredge material on-site, while maintaining at all times at least the level of system effectiveness currently achieved. It is imperative that the treatment system remain fully operational and effective during the construction activities in order to prevent release of LNAPL or impacted groundwater to the Taunton River. Furthermore, the impact of the placement of dredge material on the performance of the remediation system has not been fully evaluated, and the preliminary determination of the potential for increased risk to human health or the environment is not adequate and does not meet the MCP requirements for Response Action Performance Standards (RAPS) as defined in 310

CMR 40.0191. Accordingly, as LSP of record for this site, I conclude that a revised Phase IV RIP¹ that is based on the Draft EIS will be insufficient to comply with the MCP and may fail to protect human health, the environment and public safety.



Sincerely,
Corporate Environmental Advisors, Inc.

Michael Bingham

Michael P. Bingham, L.S.P.
Senior Project Manager

CC:

Mr. Jaime Goncalves
Southeast Regional Office, MADEP
20 Riverside Drive
Lakeville, MA 02347

James Hunt
Director, MEPA
Executive Office of Environmental Affairs
100 Cambridge St. Suite 900
Boston MA 02114
Attn: MEPA Office

Robert W. Gollidge, Jr.
Commissioner
Massachusetts Department of Environmental Protection
One Winter Street, 2nd Floor
Boston, MA 02108

¹ Although Weaver's Cove apparently expects to submit a revised Phase IV Remedy Implementation Plan (RIP) to the MADEP to address system modifications (see Draft EIS, page 4-40), Weaver's Cove has not discussed any of the proposed plans with myself (the LSP of Record) or with Shell (the responsible party under the existing RTN), and Weaver's Cove does not have authorization to modify the existing remedy on its own behalf.



CECILE T. SCOFIELD
515 DICKINSON ST.
FALL RIVER, MA 02720
508-675-3871

COPY

August 9, 2005

Mr. Michael P. Bingham, LSP
Corporate Environmental Advisors, Inc.
127 Hartwell St.
West Boylston, MA 01583

**RE: DOCKET NO. CP04-36-000
WEAVER'S COVE LNG PROJECT
FALL RIVER, MASSACHUSETTS**

Dear Mr. Bingham:

I have obtained a copy of a letter dated September 16, 2004, that you sent to Magalie R. Salas, Secretary, Federal Energy Regulatory Commission (see copy attached).

In your letter you state, "The Draft EIS neither provides nor refers to any detailed plan for maintaining and appropriately modifying the existing remediation system during construction activities, notwithstanding the anticipated placement of over 2 million tons of dredged material on the site." In your last paragraph, you also state, "...I conclude that a revised Phase IV RIP that is based on the Draft EIS will be insufficient to comply with the MCP and may fail to protect human health, the environment and public safety."

My question is whether these matters have been resolved to your satisfaction. Did Weaver's Cove submit a revised Phase IV Remedy Implementation Plan to the MADEP to address system modifications? Has Weaver's Cove discussed any of the proposed plans with you or with Shell ("the responsible party under the existing RTN")? If not, why not? Does Weaver's Cove have authorization to modify the existing remedy on its own behalf?

Item 4.8.5. *Hazardous Waste Sites* section of the Final Environmental Impact Statement, Volume I, of the Weaver's Cove LNG Project dated May, 2005, states, "Historical operations at the site resulted in contamination of soil and groundwater by petroleum products. Releases were documented from ASTs, USTs, loading racks, pipelines, and ship loading areas." This section of the Final Environmental Impact Statement makes no mention that Shell Oil representatives are present at the site to operate and maintain a sophisticated remedial system and conduct regulatory compliance monitoring of the

remedial system, the NPDES outfall associated with the remediation system, and site groundwater.

It seems to me that remediation of the Weaver's Cove site is well underway with average NAPL thickness in all monitoring wells, except MW-229, less than the year 2000 average reported in May of 2005. Obviously, for self-serving purposes, the remediation efforts of Shell Oil appear to have been deliberately excluded from the Final Environmental Impact Statement. Also, has Weaver's Cove Energy developed a *Discovery and Management of Contaminated Soils and Groundwater Plan* as is recommended in the Final Environmental Impact Statement?

In closing, if you have access to a small boat, take a ride up the Taunton River someday. You will travel back in time. The scenery and wildlife are breathtaking. Make sure you travel during high tide. The water can get shallow in places. It's certainly worth the trip. Bring a picnic lunch along with you...

I look forward to hearing from you.

Sincerely,



Cecile T. Scofield
Tax Payer - City of Fall River

cts

Did you know??



Earthquake Hazards Program

Latest
Quakes

EQ Facts &
Lists

Hazards &
Preparedness

For Kids
Only

Regional
Websites

Science &
Technology

HOME

ABOUT
US

EQ
GLOSSARY

FOR
TEACHERS

PRODUCTS &
SERVICES

DID YOU FEEL
IT?

FAQ | SEARCH

Earthquake Activity

Magnitude 2.5 SOUTHERN NEW ENGLAND

Thursday, November 17, 2005 at 17:39:28 UTC

Current Earthquakes

[USA](#)
[World](#)

[ShakeMaps](#)

[Seismogram Displays](#)

[Historical Earthquakes](#)

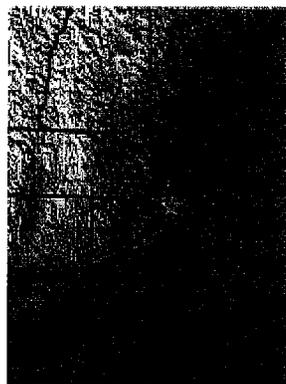
[Earthquake E-Mail Notification](#)

[Earthquake Activity in the Last 8 - 30 Days](#)

[Large/Significant Earthquakes This Year](#)

[Significant Earthquake Posters](#)

[Fast Moment](#)



Preliminary Earthquake Report

U.S. Geological Survey, National Earthquake Information Center
World Data Center for Seismology, Denver

Magnitude 2.5

Date-Time Thursday, November 17, 2005 at
17:39:28 (UTC) - Coordinated Universal
Time
Thursday, November 17, 2005 at 12:39:27
PM local time at epicenter
[Time of Earthquake in other Time Zones](#)

Location 41.92N 70.66W

Depth 5.0 kilometers

Region SOUTHERN NEW ENGLAND

Reference 35 km (20 miles) ESE of Brockton,
Massachusetts
35 km (20 miles) E of Taunton,
Massachusetts
40 km (25 miles) NW of Barnstable,
Massachusetts
60 km (35 miles) SE of BOSTON,
Massachusetts

**Location
Quality** Error estimate not available, held by USGS
NEIC to another agency's solution

**Location
Quality
Parameters** not available

Source Weston Observatory, Boston College,
Weston, Massachusetts, USA

Remarks Felt (IV) at Plymouth.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

DEC 27 2005

Christine Godfrey
Chief, Regulatory Division
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

RE: NAE-2004-2355, Weaver's Cove Energy LNG Project; Revised Public Notice

Dear Ms. Godfrey:

The National Marine Fisheries Service (NMFS) has reviewed the revised public notice (NAE-2004-2344) for the construction of a Liquefied Natural Gas (LNG) import facility along the Taunton River in Fall River, Massachusetts. NMFS provided earlier comments to the Army Corps of Engineers (ACOE) on September 17, 2004, and outlined foreseeable adverse effects to fishery resources and habitats resulting from construction and operation of the facility. Within our September 17, 2004 comments, NMFS provided conservation recommendations on this project and invoked the elevation process outlined in Part IV, Paragraph 3(b) of our interagency Memorandum of Agreement (MOA). Furthermore, NMFS has provided similar comments to the Federal Energy Regulatory Commission (FERC) and the Massachusetts Executive Office of Environmental Affairs (EOEA) regarding the Environmental Impact Statement (EIS) and the Environmental Impact Report (EIR) processes, respectively.

The current proposed project involves dredging within an existing federal navigation channel, installing structures, and discharging fill material in wetlands and waterways for the construction of the LNG import terminal and natural gas pipeline facilities. Specifically, the applicant has proposed to dredge approximately 2.5 million cubic yards of material from within a footprint of approximately 200 acres; replace a pier with jetty structure; install sheet pilings to stabilize and straighten approximately 2,650 feet of shoreline; and permanently fill approximately 0.94 acres of intertidal habitat, and 0.17 acres of subtidal habitat. Previously proposed salt marsh impacts have been removed from the project. Currently, the proposed project has revised the preferred alternative to include the offshore disposal of dredged material. As stated within the ACOE public notice for this project, the US Environmental Protection Agency and the ACOE have determined that material is suitable for open water disposal at the Rhode Island Sound Disposal Site and/or the Massachusetts Bay Disposal Site.

As indicated within earlier comments, the primary concern of NMFS is the proposed dredging. We have previously recommended that time of year dredging restrictions be included for the protection of winter flounder spawning and juvenile development and the upstream spawning migrations of anadromous fish. In addition, we have recommended that methods be utilized in order to minimize impacts on anadromous fish during the fall downstream migratory periods, and that compensatory



mitigation be required to offset unavoidable impacts on fish habitat. At this time, NMFS maintains that these recommendations are necessary to sequentially avoid, minimize, and mitigate adverse effects to fishery resources and habitats.

Issues related to winter flounder

Within our previous comment letters, NMFS described a series of habitat parameters that indicated the proposed project site was utilized as EFH for winter flounder, including location in the estuary, water depth, and water temperature. Throughout our involvement in the federal and state review processes, NMFS has expressed concern that suspended sediments resulting from the construction of the proposed project will have substantial and unacceptable impacts on winter flounder spawning habitat. As such, NMFS has provided ACOE, FERC, and the EOEA with an EFH conservation recommendation to avoid all silt producing activity between January 15-May 31 of any year in order to protect winter flounder spawning and juvenile development. Within the Final Environmental Impact Statement (FEIS), FERC has recommended that this time of year restriction be adopted. At this time, NMFS maintains that a January 15-May 31 time of year dredging restriction should be required in order to protect winter flounder spawning and juvenile development.

The applicant has utilized the SSFATE modeling program to predict approximately 6.2 acres of adverse impact on winter flounder EFH resulting from dredging-induced suspended sediment. As stated consistently throughout our comment letters, NMFS maintains that inputs to the SSFATE model have underestimated the habitat parameters of winter flounder spawning conditions and dredge operational requirements, and, therefore, the impacts on EFH have been substantially underestimated. In particular, NMFS maintains that model inputs regarding spawning depth of winter flounder, egg incubation duration, and depth of sediment which will cause adverse impacts on winter flounder have been underestimated. Furthermore, NMFS questioned operational inputs to the model including percentage of bucket loss during dredging and the inclusion of barge overflow in the model calculations. In our opinion, the adverse impacts on winter flounder EFH would be significantly greater than 6.2 acres, if our previously recommended parameters had been utilized in the SSFATE model.

As described previously within our comment letters, there will be approximately 11 acres of permanent loss of winter flounder spawning habitat resulting from depth changes associated with the expansion of the turning basin and portions of the channel. While the expansion of this area may be necessary to fulfill the project purpose, there will be substantial impacts on winter flounder EFH within the Taunton River. Loss of this habitat will contribute to the cumulative adverse impact on winter flounder habitat within the Mount Hope Bay/Taunton River complex. NMFS has previously recommended that permanent losses to winter flounder EFH should be mitigated. Mitigation projects should be project specific and adequately compensate for lost functions and values, and should be coordinated with federal and state resource agencies.

Issues related to anadromous fish

The Taunton River serves as an important migratory pathway for a number of anadromous fishery resources, including Alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*), rainbow smelt (*Osmerus mordax*), and American shad (*Alosa sapidissima*). These anadromous fishery resources serve as prey for a number of federally managed species, and are considered a component

of EFH pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. In addition, these resources are considered important NMFS trust resources, covered under the Fish and Wildlife Coordination Act review process.

In previous comment letters, NMFS raised concerns over dredging impacts on anadromous fishery resources and had recommended a time of year dredging restriction from March 1–July 31. The Second Supplemental Draft Environmental Impact Report (SSDEIR), required by the Massachusetts Secretary of Environmental Affairs, provides information regarding the timing of local fish runs in an attempt to demonstrate that upstream migrations are completed during the months of March–June. Notwithstanding the fact that site specific information on the occurrence of American shad in the Taunton River is not presented, the SSDEIR notes that this species has been found in the Connecticut River and Pawcatuck River into July, both of which are located south of the Taunton River. As water temperature determines the timing of migration into natal rivers, the spawning runs of American shad proceed generally from south to north. At a minimum, we anticipate that the timing to the American Shad upstream migration will occur during a similar time frame as the Connecticut and Pawcatuck rivers. Furthermore, colder water temperatures in a given year can delay upstream spawning migrations further. As such, NMFS maintains that anadromous fish may be present in the Taunton River until July 31.

Although the SSDEIR concludes that anadromous fishery resources migrating through the area will not be adversely affected by dredging operations, NMFS continues its position that construction activities and associated sediment plumes may impair migration of anadromous species in the Taunton River. As stated previously within our comment letters, NMFS maintains that suspended sediment concentrations during dredging have been underestimated, and that “minimum” effects thresholds utilized for anadromous fish focus on lethal and sublethal effects and do not consider the behavioral effects to migrating fish. Therefore, NMFS continues to maintain that adverse effects on anadromous fish have been underestimated. As such, NMFS maintains that a time of year dredging restriction between March 1 and July 31 should be required for anadromous fishery resources.

In addition to the time of year restriction for the protection of upstream migrating fish, NMFS has previously recommended that downstream migrations of anadromous fishery resources in the Taunton River need protection between June 15 and October 31. At this time, the proposed project has not identified methods to avoid and minimize adverse effects to downstream migrations of anadromous fish. While NMFS maintains that adverse impacts should be avoided during the downstream migration period, we remain concerned that the current proposal to utilize offshore disposal will result in additional work performed during the downstream migration. Under the previous scenario of placement of dredged material at the upland terminal site, the rate of dredging was limited by the rate of preparation and placement on the site (i.e., dewatering, addition of Portland cement, and landform construction). Under the current proposal for offshore disposal, the project will no longer be constrained by the production rate, and proposes to utilize multiple dredges in order to complete the project. In developing methods to avoid and minimize adverse effects to downstream fish migrations, the applicant should account for the interactive and additive impacts resulting from the use of multiple dredges and the anticipated levels and extent of suspended sediments. Alternatives that avoid and minimize adverse effects on downstream migrations of fish, including project sequencing and restrictions on the number of dredges

operating between July 31 (end of the recommended upstream dredging restriction) and October 31, should be analyzed. NMFS has recommended that this issue be addressed within the Final Environmental Impact Report (FEIR).

Additional impacts on fishery habitat

As noted within our September 17, 2004 letter, there will be a permanent loss of approximately 1.11 acres of aquatic habitat, including approximately .94 acres of intertidal habitat and .17 acres of subtidal habitat, associated with proposed shoreline modifications. Intertidal mudflats have been designated by the US Environmental Protection Agency as "Special Aquatic Sites" pursuant to Section 404 (b)(1) of the Federal Clean Water Act (40 CFR section 230.41; 40 CFR section 230.42), due to their importance to the aquatic ecosystem. Shallow subtidal areas serve as feeding habitat and shelter for a number of juvenile fish species. Permanent loss of these habitats will contribute to the overall degradation of habitat within the Mount Hope Bay/Taunton River complex. NMFS has previously recommended that compensatory mitigation be required to offset permanent losses of this habitat. At this time, compensatory mitigation for intertidal and subtidal losses has not been presented.

Conclusions

The Taunton River and Mount Hope Bay serve as important habitat for a number of living marine resources. As noted above, NMFS maintains that adverse impacts on fishery resources and habitats resulting from dredging operations may be minimized through the use of appropriate time of year work restrictions. As such, NMFS maintains that no in-water silt producing activity should occur between January 15 and May 31 of any year in order to minimize adverse impacts on winter flounder spawning and juvenile development habitat. In order to provide protection for upstream spawning migrations of anadromous fishery resources within the Taunton River, we maintain that no in-water, silt-producing activity should occur between March 1 and July 31 of any year. In order to protect downstream migrations of anadromous fishery resources, alternatives that avoid and minimize impacts, such as project sequencing and restrictions on the number of dredges operating between July 31 and October 31, should be analyzed further. In order to offset the