



US Army Corps
of Engineers ®
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: December 27, 2005
Comment Period Ends: February 8, 2006
File Number: 2004-2355
In Reply Refer To: Ted Lento

Revised Public Notice to Extend Comment Period

Weaver's Cove Energy, LLC. ("Weaver's Cove") and Mill River Pipeline, LLC. ("Mill River") (collectively, the "Applicant") have requested Corps of Engineers ("Corps") permits under Section 10 of the Rivers and Harbors Act of 1899, Section 103 of the Marine Protection, Research and Sanctuaries Act and Section 404 of the Clean Water Act to conduct dredging in an existing Federal navigation channel, install structures and discharge fill material in wetlands and waterways for the construction of a liquefied natural gas ("LNG") import terminal and natural gas pipeline facilities. The LNG terminal would be located on a 73 acre site adjacent to the Taunton River primarily at One New Street in the City of Fall River, Massachusetts. Mill River is proposing to temporarily alter wetlands and waterways in order to construct two new lateral pipelines (referred to as the Western Lateral and Northern Lateral) that will facilitate the delivery of re-gasified LNG to the existing interstate pipeline network. The facilities of Weaver's Cove and Mill River are together referred to as "the Project". The Project facilities are also subject to the jurisdiction of the Federal Energy Regulatory Commission ("FERC") pursuant to Sections 3 and 7 of the Natural Gas Act. A prior Corps Public Notice was issued for this project on August 3, 2004 and joint Corps / FERC Public Hearings were held September 8, 2004 in Massachusetts and September 9, 2004 in Rhode Island. Due to proposed project modifications we issued a revised notice on November 1, 2005 and held two additional public hearings on December 14, 2005 and December 15, 2005 to seek comment on aspects of the Project within Corps jurisdiction. Copies of the public notice and permit plans are available for viewing or downloading from the Corps Internet site www.nae.usace.army.mil under the link for Regulatory Public Notices.

Based upon requests received during the public hearings to allow for additional time to prepare written comments, the comment period has been extended to February 8, 2006. Transcripts of the hearings will be posted to the Corps internet site www.nae.usace.army.mil as soon as possible.

Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the date in the title block above. If you have any questions, please contact Ted Lento at (978) 318-8863 or (800) 362-4367, if calling from within Massachusetts.

SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS

Karen K. Adams
Chief, Permits & Enforcement Branch
Regulatory Division

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The following authorizations have been applied for or will be obtained:

- (X) Permit, License or Assent from State (Rhode Island and Massachusetts).
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State(s) concurrence or objection to the applicant's consistency statement.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____

ADDRESS: _____