



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
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May 3, 2006

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

ORIGINAL

RE: NEPA Scoping Comments for the Downeast LNG Project, Robbinston, Maine, FERC  
Docket No. PF06-13-000

Dear Secretary Salas:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA), Section 404 of the Clean Water Act, and Section 309 of the Clean Air Act, we submit the following comments as part of the NEPA scoping process for the proposed Downeast LNG Project in Robbinston, Maine. We request that our comments be considered as you work to establish a scope of analysis for the proposed project under NEPA.

Our comments are based on information provided in the Federal Energy Regulatory Commission's (FERC) March 13, 2006 "Notice of Intent" (NOI) to prepare an EIS for the project and information obtained during briefings provided by representatives of Downeast LNG. According to this information, the project entails the construction of an LNG import terminal and storage facility and an associated 31 mile sendout pipeline. The facility will be located near the confluence of the Passamaquoddy Bay and the St. Croix River and will feature an LNG tanker berth (a 3,862 foot-long pier), one LNG storage tank with a capacity of 160,000 cubic meters and associated vaporization equipment.

EPA acknowledges the major air quality benefits associated with increased usage of natural gas in New England's power generation sector. To maintain those gains additional supplies of natural gas need to be brought into the region either through additional pipeline capacity, LNG terminals, or a combination of both. Any further development of such facilities would also have to be done in a manner that addresses the environmental concerns articulated in the NOI and in this letter, and in a manner consistent with any applicable environmental permits issued for the project.

As you know, the construction and operation of the Downeast LNG project could result in a wide range of significant direct, indirect (secondary) and cumulative impacts to resources that are within EPA's areas of jurisdiction and expertise. Based on our review of available information, we believe the NOI has identified many of the environmental concerns that should be fully

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examined in the EIS. We are particularly interested in a comprehensive assessment of potential impacts (direct, indirect, and cumulative) from construction and operation of the facility on the aquatic resources in the Passamaquoddy Bay and along the sendout pipeline. We also recognize that FERC is concurrently managing the pre-filing process for the Quoddy Bay LNG project at the Pleasant Point Passamaquoddy Indian Reservation and in Perry, Maine and that a third LNG project in nearby Calais may initiate pre-filing with FERC in the near future. EPA intends to offer scoping comments for each of these projects and expects that the NEPA analysis for each project will include a comprehensive discussion of alternatives, consider the projects as alternatives to each other, and evaluate potential cumulative impacts considering other past, present and future impacts (including the potential impacts should two or all three of these facilities be constructed). The attachment to this letter provides our scoping comments related to wetlands, air quality, water quality, environmental justice, alternatives, and marine resources. We hope that you will consider our comments and the input of local, state, federal and tribal interests (in the United States and Canada) that have offered comments on the scope for the EIS for the Downeast LNG project.

Thank you for the opportunity to provide scoping comments. We look forward to working with FERC as a cooperating agency to help refine the scope for the EIS and stand ready to review draft scopes of work or study plans/designs as appropriate and to attend interagency coordination meetings as appropriate and as our resources allow. Should you have any questions or wish to discuss our concerns, please contact Timothy Timmermann of the Office of Environmental Review at 617/918-1025.

Sincerely,



Elizabeth A. Higgins, Director  
Office of Environmental Review

## **Additional Detailed Scoping Comments for Downeast LNG Project Robbinston, Maine**

### **Alternatives**

The range of alternatives to be considered in the EIS will be determined based on the Purpose and Need established for the project. Although the Purpose and Need is not yet determined, we offer our comments on the range of alternatives that we believe should be considered based on the assumption that the underlying Purpose and Need will be to deliver natural gas to the New England market. We suggest that FERC work closely with the federal agencies during the development of the Purpose and Need early on during the EIS process. Once the Purpose and Need is established, the reasonable range of alternatives can be developed for the project. In addition, EPA believes the EIS should include a discussion of how many LNG import facilities are needed in New England and whether or not other proposed projects in the US or Canada obviate the need for the Downeast project. We also recommend that FERC address the following factors in its comparison of the Downeast LNG terminal to other proposed LNG terminals in the Northeast: (1) ability to meet regional natural gas needs through existing infrastructures (e.g., need for pipeline delivery of natural gas from onshore terminals, need for truck deliveries of LNG to satellite storage areas), and (2) relative impacts on air quality and the marine environment.

CEQ's regulations implementing NEPA at Section 1502.14 explain that a reasonable range of alternatives should be presented and compared in the EIS to allow for a "clear basis for choice among options by the decision maker and the public." The EIS should fully evaluate a range of alternative sites for development of an LNG facility and supporting infrastructure and should describe site development options that can avoid or minimize impacts. In addition to the proposed project and the no action alternative, the EIS should evaluate the project sites under consideration by other applicants and other sites that may be viable for LNG terminal development. Offshore LNG terminal options should be included at least initially in the analysis as they represent a reasonable alternative even though they may not be fully under FERC jurisdiction and they may not represent an option that the proponent favors. Moreover, the EIS should also discuss any sites that were considered and eliminated from detailed analysis and the screening process used to eliminate alternatives.

Based on information currently available it appears that both the Downeast and Quoddy Bay LNG projects (and presumably the Calais LNG project) are "similar actions" (as defined in the NEPA Regulations at 40 CFR 1508.25 (a)(3)) "which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography." At this point, both projects appear to serve the same market. As such, we believe FERC should consider whether or not it makes sense to develop one EIS that fully considers the impacts of both projects. At a minimum it appears that it would be reasonable to consider the Downeast LNG, Quoddy Bay LNG and the Calais LNG project (if it is filed in the near future) as alternatives to one another

and that the cumulative impacts analysis for each of these projects will need to fully consider the impact of the other projects and other sources of past, present and future impact.

Consistent with the requirements of 40 CFR § 1502.14, EPA recommends that FERC evaluate all reasonable alternatives to the proposed design for the Downeast LNG terminal, including consideration of alternative regasification processes and air pollution control technologies proposed for other onshore and offshore LNG terminals.

We recommend that FERC evaluate reasonable alternative locations for the LNG terminal (including the pier), alternative construction methods, and alternative means to operate and maintain the terminal (including the pier), LNG tankers, and support vessels. For example, the EIS should evaluate alternative operational schemes (e.g., seasonal restrictions on operations; alternative vessel routes to minimize whale strikes). The impacts associated with each alternative should be explained and the EIS should specifically discuss how the preferred alternative (including impact minimization mitigation measures) was designed to avoid adverse effects to identified environmental, social and cultural resources. We recommend that the information be presented in a manner that allows for a comparison of impacts across alternatives.

An investigation of alternative alignments for the sendout pipeline to avoid impacts should also be included in the EIS. More detailed comments on the pipeline analysis are provided in the wetlands section below.

## **Wetlands**

According to preliminary information provided in Resource Report 1 filed by Downeast LNG with FERC, the three pipeline routes under consideration contain between an estimated 5.4 and 25.4 acres of wetland, the alignments will cross between 12 and 26 perennial waterbodies, up to two major waterbodies, and will affect between 5.1 and 20.4 acres of land within the Moosehorn National Wildlife Refuge. Given the potential for these direct impacts and the potential for indirect and cumulative effects on organisms and habitat in the wetlands, adjacent areas and water bodies, we believe the EIS should provide a detailed description of the wetlands/water bodies along the route as well as their functions and values of wetlands that may be directly or indirectly impacted.<sup>1</sup>

The EIS should describe the portions of the pipeline construction work that will involve discharging dredged or fill material in wetlands or other waters of the United States that will be

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<sup>1</sup> For overall efficiency and to minimize delays in the environmental review and permitting process, we recommend that FERC consider preparing the wetland assessment in a manner consistent with the Army Corps of Engineers New England District (formerly the New England Division) descriptive approach to wetland assessment as presented in "The Highway Methodology Workbook Supplement Wetland Functions and Values A Descriptive Approach", NEDEP-360-1-30a, dated November 1995.

subject to the permit requirements of Section 404 of the Clean Water Act. Discharge activities must comply with EPA's regulations issued under Section 404 (b) (1), referred to as "EPA's 404 (b)(1) Guidelines" (40 CFR Part 230), which require the following: that there be no less environmentally damaging practicable alternative to the proposed action; that the activity not cause or contribute to violations of state water quality standards or jeopardize endangered or threatened species; that the activity not cause or contribute to significant degradation of waters of the United States; and that all practicable and appropriate steps be taken to minimize potential adverse impacts to the aquatic ecosystem (Section 230.10). The EIS should include an evaluation of ways in which each alternative pipeline alignment (and any other LNG infrastructure) can be designed/sited to avoid impacts to wetlands.

Unavoidable impacts to wetlands, surface water resources, and wildlife should be fully disclosed in the EIS. These impacts include but are not limited to: direct filling of wetlands for pipeline construction and/or operation; temporary impacts to wetlands resulting from access to wetland areas for construction purposes; indirect impacts, such as clearing impacts resulting in a change (either permanent or temporary) of cover type within a wetland (e.g., converting a forested wetland to an emergent or scrub/shrub wetland); indirect impacts resulting from erosion or sedimentation into wetlands or waterbodies; and secondary impacts which can result from construction of the project (i.e. additional development induced by the development of the pipeline). The discussion of unavoidable impacts should include a conceptual discussion of anticipated compensatory mitigation for losses to wetlands and other waters and cover type conversions from construction and operation of the project, as well as impacts to state and federally listed endangered species. In addition, all construction practices which will be utilized to minimize impacts should be documented. Specifically, standard conditions to protect wetlands should be documented in addition to steps which may be taken to reduce impacts to particularly sensitive areas such as vernal pools. The EIS should also provide comprehensive information to explain how stream and river crossings will be conducted to avoid and minimize impacts. In addition, we recommend that the EIS:

- discuss the advantages and disadvantages associated with each of the alternatives and the rationale for preferring one particular pipeline alignment over another;
- identify any wetlands along the pipeline route (either within the right-of-way or immediately adjacent to it) that support rare and exemplary natural communities. If any of these areas exist, we recommend that the EIS describe specific mitigative measures to ensure that they will be protected from potential direct and indirect impacts. The locations of temporary and permanent access roads should be clearly identified relative to these unique wetland areas and a discussion provided to explain how the wetland ecosystems will be protected from indirect impacts associated with these roads;
- describe the long-term right-of-way maintenance techniques planned for the project. The discussion should include an analysis of the effects of maintenance techniques on plant life and wildlife habitat and should explain whether herbicides will be used and whether

specific buffer zones will be established around wetlands where herbicide application would be prohibited. We recommend that the analysis be expanded to discuss the potential for the introduction of invasive species and methods to control their spread as a result of the project. This analysis is especially important for any areas within the wildlife refuge where the loss of tree cover, even in areas that may not contain wetlands, may result in a range of potential direct and indirect impacts to wetlands and wildlife habitat;

- discuss and describe appropriate buffer zones to avoid or reduce indirect effects of construction to streams and wetlands (which may vary depending on the wetland community type described). We recommend that the EIS include information to describe the type and location of wetlands in the project area. This information will help us to understand the potential impacts of the proposed action and to determine the effectiveness of the mitigative measures proposed;
- include a comprehensive discussion of measures to further reduce impacts to water bodies and aquatic organisms along the pipeline routes including the use of directional drilling and time of year restrictions to control instream construction work periods. The EIS should also provide detailed contingency plans that fully describe the process that will be followed should the chosen construction technique prove unsuitable (for example, failure of the directional drilling). This process description should identify other potential construction techniques and the approvals necessary before a major modification can be made to agreed upon (and permitted) construction protocols.

### **Cumulative Impacts**

As discussed above, we believe the impacts of both the Downeast and Quoddy Bay LNG (as well as Calais LNG if the pre-filing process begins promptly) facilities (both construction and operational impacts) should be analyzed relative to existing sources of impact, as well as other proposed projects (LNG and non-LNG) that could affect land and water resources in the project area. It will also be important for the EIS to describe the relationship of the Downeast LNG project to Maritimes and Northeast project and whether or not additional expansion of that pipeline will be necessary to support the Downeast and/or Quoddy Bay and Calais projects. It is our understanding that the current Maritimes and Northeast pipeline expansion project does not include capacity for any of the three northern Maine LNG projects, and that another expansion of the pipeline would be needed for any one of the three Maine proposals. While we assume that FERC would prepare an EIS for any such pipeline expansion, we believe this EIS should include a discussion of the cumulative impacts of pipeline expansion in combination with the LNG import terminals.

### **Water Quality/Marine Impacts**

#### **National Pollutant Discharge Elimination System (NPDES) Permit Requirements**

Discharges of pollutants from the proposed LNG terminal into Passamaquoddy Bay will be subject to Clean Water Act (CWA) technology standards and the State of Maine's water quality standards (WQSs). Specifically, discharges of toxics or non-toxic, non-conventional pollutants will have to satisfy the CWA's Best Available Technology (CWA-BAT) standard, while discharges of any conventional pollutants subject to CWA technology standards will have to satisfy the CWA's Best Conventional Technology standard (CWA-BCT). In addition, while heat is a non-toxic, non-conventional pollutant generally subject to CWA-BAT standards, discharges of heat may also be authorized pursuant to a CWA 316(a) variance from such technology standards, if the applicable standards are met (see CWA § 316(a) and 40 CFR § 125.122(b)). Finally, any cooling water intake structures (CWIS) subject to CWA § 316(b) will ultimately need to satisfy that provision's Best Technology Available (CWA -BTA) standard, which requires that the design, location, capacity, and construction of the CWIS reflect the BTA for minimizing adverse environmental impacts. Where the permitting authority determines that permit limits more stringent than technology-based limits are necessary to maintain or achieve state WQSs, the permit limits will be based on such WQSs. CWA §§ 301(b)(1)(C), 401. Maine's NPDES permit program requirements, are at Chapters 2, 543, and 520 through 529 of the Department's rules.

We note that water pollutant discharges from vessels operating as a means of transportation in, and seaward of, the contiguous zone are not considered discharges of pollutants under the CWA and do not require authorization by an NPDES permit. See 33 U.S.C. 1362(12)(B), 40 C.F.R. 122.3(a). Accordingly, if the LNG tankers servicing the Downeast terminal will operate only as a means of transportation for LNG (i.e., they will not engage in an industrial activity such as onboard regasification), pollutants discharged from the tankers will not be subject to NPDES permitting requirements.

ME DEP is authorized to implement all NPDES permitting requirements in the state of Maine's jurisdiction except for CWA § 316(b), which governs CWISs. As such, ME DEP will need to evaluate alternative means of controlling all pollutant discharges from the terminal to determine the NPDES permit requirements that will satisfy the applicable CWA and state standards. EPA, however, will determine any applicable intake requirements, based on an evaluation of alternative technologies for minimizing impacts from CWISs at the facility.

The applicant will need to submit to ME DEP a complete NPDES permit application containing all required information. If the facility will have any CWISs subject to CWA § 316(b), the applicant will also need to obtain a supplemental permit from EPA. Given the detailed and complex analyses required to meet these CWA standards and state WQSs, we suggest that FERC encourage the applicant to meet with ME DEP early in the environmental review process to discuss the applicable NPDES permitting requirements.

#### Impact Assessment

We recommend that FERC evaluate water quality and marine impacts and pollution control technology alternatives as part of its preparation of the EIS in conjunction and coordination with

ME DEP's consideration of impacts and alternatives to support its NPDES permitting determinations, in consultation with EPA as a cooperating agency. We note, however, that while NPDES permitting requirements may apply only to pollutant discharges from (and CWISs at) the onshore terminal itself, FERC's evaluation of impacts and alternatives under NEPA should encompass all reasonably foreseeable impacts to the marine environment due to construction and operation of the facility, including impacts associated with construction vessels and LNG tanker traffic.

As part of FERC's coordinated assessment of water quality/marine impacts with ME DEP and EPA, we recommend that FERC seek, at a minimum, the following critical information from the applicant:

#### *Construction Impacts*

- Pier construction - impacts from the filling of benthic habitat, shading, and changes in hydrology due to placement of the pilings. In particular, the EIS should evaluate potential impacts to sensitive benthic habitats (including but not limited to shellfish beds and eelgrass) due to shading and sediment resuspension caused by construction vessels.

#### *Operational Impacts*

- estimates of all water withdrawals from the onshore terminal and from the LNG tankers (including ballast water and engine cooling water withdrawals);
- estimates of the loss of fish eggs and larvae resulting from entrainment through CWISs at the terminal and CWISs on the LNG tankers (assuming 100% mortality for any eggs and larvae that travel through a CWIS);
- identification of the types and quantities of pollutant discharges from both the onshore terminal and from the LNG tankers including quantities of ballast water and how the ballast water will be managed;
- quantification and assessment of the potential impact to marine mammals from increased LNG tanker and other vessel traffic - in particular, the potential for increased whale strikes and vessel noise impacts;
- evaluation of the potential adverse environmental impacts of transporting exotic species to the project area on the hulls, or in the ballast water, of the LNG tankers - the EIS should identify where possible the port of origin for the tankers that will service the terminal and compare the climatic conditions at the port of origin with climatic conditions at the proposed terminal location.

#### Water Cumulative Impacts Assessment

In addition, the BIS should include a cumulative impact assessment focusing on the additive effects of construction and operation of multiple projects on water quality/marine resources. For example, if two or more terminals are built in close proximity to one another, the magnitude and duration of construction impacts could significantly increase. As another example, the operation of multiple deepwater ports may amplify noise impacts on whales and other marine mammals.

## **Air Quality Impacts**

### **Clean Air Act permit requirements**

The Clean Air Act (CAA) requires states to develop permit regulations that meet the federal New Source Review requirements. The specific requirements that apply to a new source of emissions depends on several factors including the air quality designation of the area and the stringency of the state's general permit rules. Since Washington county in Maine is classified attainment for all pollutants, the Prevention of Significant Deterioration (PSD) program requirements would apply to all new major sources of attainment pollutants. In addition, since Washington county is part of the Ozone Transport Region (OTR), nonattainment NSR rules would apply to new major sources of VOC emissions. Nonattainment NSR would not apply for nitrogen oxides (NOx) since Maine received a NOx waiver from EPA for Washington County. Maine's minor New Source Review program, which includes a Best Available Control Technology (BACT) requirement, applies to all sources in Maine that require an air emissions license.

The following requirements may apply to the Downeast LNG terminal, depending on the expected emissions of specified pollutants (see below):

- For sources that emit at least 40 tons per year (tpy) of VOCs: major source Nonattainment New Source Review (NNSR) requirements at Maine Regulations Chapters 100, 113, and 115.
- For sources that emit at least 100 tpy of SO<sub>2</sub>, NO<sub>x</sub>, CO, PM<sub>10</sub>, or lead: major source Prevention of Significant Deterioration (PSD) program requirements at Chapters 100 and 115.
- For sources that emit at least 10 tpy of a single hazardous air pollutant (HAP) or at least 25 tpy of all HAPs combined: major source license requirements at Chapters 100 and 115 that meet the requirements of CAA section 112.
- For sources that emit less than all "major source" thresholds: minor source permit requirements at Chapter 115, including BACT.
- For PSD sources that locate within 100 kilometers of a Class I area or, if located further, its emissions may impact a Class I area: PSD Class I Impacts Analysis, in consultation with the Federal Land Manager as required by Chapters 100 and 115.

- For all major sources (and minor sources subject to standards under CAA 111 or 112): Title V operating permit requirements at Chapter 140.

(General information about Maine's air permitting requirements is available at <http://www.maine.gov/dep/air/licensing/>)

These CAA permitting programs require the applicant to develop and submit highly technical, fact-specific analyses of the proposed project and its projected air pollutant emissions. For example, Maine's major source PSD permitting program requires the applicant to conduct in-depth air quality analyses based on specific information about the project's air pollutant emission rates, local meteorological wind patterns, and monitored ambient air quality. Both the major and minor source permit programs require the applicant to carefully evaluate the most effective control technologies (e.g., selective catalytic reduction systems) and combustion practices (e.g., low NO<sub>x</sub> burners, flue gas recirculation) that could be installed or implemented to reduce emissions. Both permitting programs also require the applicant to identify the monitoring mechanisms it will employ to adequately assure compliance with permit requirements. In addition, because Maine is part of the Ozone Transport Region (OTR), sources in Maine that emit more than 40 tpy of VOCs are subject to Maine's nonattainment New Source Review requirements at Chapters 113 and 115, including the requirement to obtain offsets and the requirement to achieve the Lowest Achievable Emission Rate (LAER).

We note that the applicant will need to submit to ME DEP a complete air permit application containing all required information. Given the detailed and complex analyses required by these air permitting programs, we suggest that FERC encourage the applicant to meet with ME DEP early in the environmental review process to discuss applicable CAA permitting requirements.

#### NEPA Cumulative Air Impacts Assessment

Unlike the specific analyses required by the CAA permitting programs, NEPA requires that the EIS evaluate the cumulative impacts of all reasonably foreseeable air pollutant emissions in the vicinity of the proposed port. See 40 CFR §§ 1502.16, 1508.7, 1508.8. For purposes of the EIS, therefore, EPA recommends that FERC obtain estimates of all air pollutant emissions resulting from construction and operation of the Downeast LNG terminal and all other reasonably foreseeable sources of air pollutant emissions within a 25-mile radius seaward of the terminal. EPA recommends that FERC then determine, based on these estimates and the types of pollutants emitted, whether further air quality assessments are necessary to evaluate the cumulative air impacts in the vicinity of the proposed Downeast facility.

Specifically, the air pollution impacts assessment should include, but not be limited to: (1) all emissions associated with LNG regasification, (2) all air pollutants emitted by the LNG tankers while moored and offloading LNG, (3) all air pollutants emitted by LNG tankers and support vessels traveling within 25 miles of the terminal, and (4) all other reasonably foreseeable air pollutant emissions within 25 miles of the terminal that result from its construction and

operation. Once these expected emissions are quantified, we recommend that FERC consult with EPA Region I to determine whether additional air impact analyses are appropriate. Since the project is upwind of a Federal Class I area, FERC should also consult with the responsible Federal Land Manager to determine the appropriateness of additional class I area impact analyses.

Second, we note that the Quoddy Bay LNG proposal is also in the FERC pre-filing process and that another LNG terminal project may be filed for a site in Calais, Maine in the near future. EPA recommends that FERC assess the air pollution impacts of the Downeast LNG project in combination with all reasonably foreseeable air pollution impacts of such other proposal(s). See 40 CFR § 1508.7.

Finally, we note that the New England region's increasing need for LNG is largely a result of the widespread conversion of power plants in this region from oil to natural gas over the past decade, and a concomitant improvement in air quality due to the cleaner combustion of natural gas. We recommend that FERC include in its cumulative air impacts analysis a general assessment of (1) the regional air quality improvements expected from the increase of natural gas-fired electric generation, and (2) conversely, the increased air pollution expected from shortages of natural gas leading to increased oil-fired electric generation.

#### Design Alternatives

Consistent with the requirements of 40 CFR § 1502.14, EPA recommends that FERC evaluate all reasonable alternatives to the proposed design for the Downeast LNG terminal, including consideration of alternative regasification processes and air pollution control technologies proposed for other onshore and offshore LNG terminals. The EIS for the Downeast LNG terminal should include an evaluation of any such alternative regasification processes and related air pollution control technologies.

#### **Environmental Justice**

EPA New England has a strong commitment to promote the principles of environmental justice that are outlined in Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority and Low-Income Populations. According to the Executive Order, "Each Federal Agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by NEPA. Mitigation measures outlined or analyzed in an environmental assessment, environmental impact statement, or record of decision, whenever feasible, should address significant and adverse environmental impacts of proposed Federal actions on minority communities and low-income communities."

EPA defines environmental justice principles as fair treatment, meaningful involvement and public health protection. Fair treatment means that no group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental

consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. Meaningful involvement means that: (1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected.

EPA became aware of concerns related to the proposed project through a number news reports and phone calls from concerned tribal members, citizens and environmental groups. Concerns raised by the various parties include concerns about environmental, safety and economic impacts of three simultaneous LNG project proposals in the immediate area and concerns about fair treatment and meaningful involvement in the decision-making process for these projects. As part of our strategy to implement the Executive Order, our office has identified several of the communities in the proposed project area as potential environmental justice areas of concern. Specifically, impacts on the significant population of low-income and minority residents in Robbinston, Maine, should be considered in the EIS.

*We recommend that FERC evaluate the proposed project in light of environmental justice principles outlined above, including fair treatment, meaningful involvement and public health protection. The potentially impacted communities should continue to be consulted about their specific environmental justice concerns. EPA acknowledges Downeast LNG's and FERC's efforts thus far to inform the public about the proposed project. We encourage FERC to make every effort to involve residents of the communities impacted by this project, including tribes, in its decision-making. EPA is willing to work with FERC to help shape the evaluation so that environmental justice principles are fully considered. Please feel free to contact Davina Wysin, of EPA's Office of Civil Rights and Urban Affairs, at 617-918-1020 to discuss how EPA can assist in this effort.*