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July 02, 2009

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First St. N.E. Room 1A  
Washington DC USA 20426

Project Docket Numbers: CP07-52-000, CP07-53-000, and CP07-53-001

Response to FERC Draft Environmental Impact Statement for Downeast LNG

Impact of LNG on the Environment in Passamaquoddy Bay

My name is Richard E. Berry. I am a 68 year old male who worked in the paper industry for 41 years. In 1990 I started boating with my wife and family on the St. Croix River, Passamaquoddy Bay and beyond. Having boated only on fresh water lakes I was amazed by the beauty of the salt waterway and area. I enjoy the outdoors and all nature has to offer in the abundance of different species of birds, seals, whales and porpoises. We built our retirement home on Passamaquoddy Bay and moved in Oct. 2000. Katherine and I enjoy our surroundings, our walks on the beach, the peacefulness of this wondrous place. Our children and grandchildren & friends visit quite often, they too benefit from being here.

Impact of LNG: The Passamaquoddy Bay is an estuary in the northwest of the Bay of Fundy along the Canada and Maine Border. It would be hard to match this beautiful unspoiled area in the US or Canada, if not the world over. The unique contour of the Bay & surrounding islands protect the essential elements that contribute to continuing marine life. The environment could not withstand the impact of LNG or heavy industry without suffering dire consequences. Future generations deserve to experience and enjoy this wonder of nature as it is today.

**THE ENVIRONMENT**

Laws & Rules were enacted by various State and Federal Agencies to protect the environment. The fundings for these Agencies are from tax payers' monies. The reason the laws and rules were enacted by the various Federal and State Agencies was to protect the environment, land, water, & air from breathing pollution; from erosion to protect the birds, mammals, and all humans.

A heavy industrial business that produces so many adverse impacts to the area's environment, as indicated in the draft EIS, should not be allowed. In reading the DEIS there are many areas connected to the DELNG project that need extensive mitigation. Section 5.2 of the DEIS contains a compilation of 96 mitigation measures. DELNG claims LNG shipping and regasification is very safe. Why, then, does the process need to develop so many different mitigation techniques? Mitigation techniques mentioned indicate that they only reduce the adverse impacts, not remove them.

Methods needed to perform the mitigation measures recommended by the FERC in the DEIS should

become part of a revised DEIS, as should any permits that cover the areas where the mitigations are designated.

There will be a spill trough beneath the unloading platform & LNG transfer line. LNG must be quite potent if it cannot be contained in the transfer pipeline a distance of 3862 feet. If there is any amount of spillage, how can the vapors from the LNG be mitigated?

I am concerned that the DEIS does not fully address these safety and environmental issues. FERC should include all information necessary for evaluating the safety of the proposed Project in the draft EIS so that the public can comment on the potential impacts and the proposed mitigation measures intended to address them. I have included my comments on specific sections of the DEIS below.

### **QUOTES FROM THE DEIS & RICHARD BERRY'S COMMENTS**

1. Page 2-34: Downeast has erroneously applied of NFPA 59A (2006ed) (Which has not been adopted by DOT), in determining the required seismic design ground motions. Staff recommends that certain additional data be provided prior to the end of the draft EIS comment period to ensure an adequate Front-End Engineering Design has been developed prior to Commission authorization. (see pg. 4.12).

**COMMENT:** In talking about seismic activity, there is no mention of the Oak Bay Fault. The fault follows the international border between Maine and New Brunswick, Canada. Ref. Neotectonics of Maine Bulletin 40-1989. Edited by WA Anderson & HW Borns JR.

2. Page 3-40: Water Usage from and discharges into Passamaquoddy Bay

15 million gallons for ballast water for each vessel. 40.8 million gallons per day while vessel is at the terminal will be used for engine cooling, etc. which will return to the Bay. Entrainment of eggs & larvae would occur with withdrawals from Passamaquoddy Bay for ballast water.

**COMMENTS:** What impact will the different uses of the sea water have on aquatic organisms? We see lobster boats almost daily in front of our home, the exact location where the LNG vessel will be docked... from a 3862' pier, that will extend across the mouth of the Mill Cove area.

3. Page 2-46: Nitrogen Snuffing

**COMMENTS:** The DEIS does not discuss where nitrogen will be used. Would it be purging of vessel LNG storage tanks & all lines? Would it have anything to do with the explosive nature of the LNG vapors?

4. Page 3-38: Submerged Combustion Vaporizers (proposed)

- 1) 3 SCV's on line on a regular basis
- 2) Air emissions generated during the combustion period are released.

**COMMENTS:** At the first meeting held by FERC in Robbinston, I asked Mr. Richard Hoffman if the gases from the LNG regasification process would be detrimental to one's health and he replied yes, especially during foggy weather...and we have many documented foggy days.

5. Pages 4-111 & 112: Shorebirds & Overhead Structures

Areas shaded by the pier would be unavailable to feeding shorebirds due to behavioral avoidance of overhead structures.

**COMMENTS:** Can DELNG or Maine DIFW please explain what the term “advancing the science” means in reference to shorebirds?

6. Page 4-62: SCV technology

The SCV technology will produce 122,400 to 156,960 gallons of SCV discharge water per day. The condensate water from the combustion process will be acidic. DELNG will be required to treat the water with sodium hydroxide. DELNG proposes to sell the water.

**COMMENTS:** Will there be a discharge line for the contaminated water directly to Passamaquoddy Bay?

7. Pages 4-164–4-167: Essential Fish Habitat (EFH)

EFH is defined as the waters and substrate necessary to fish for spawning, breeding, feeding, & growth to maturity.

**COMMENTS:** The DEIS states that the EFH for all species that might be present in the area of the pier and vessel berth was not established. Why wasn't this done?

8. Pages 4-169–4-200: Threatened, Endangered and other Status Species

Whales are likely to be adversely affected in the waterways. Near the project area in the Bay of Fundy between 1976 to 2006 there were 25 reported right whale strikes. Of these incidences, 18 resulted in deaths.

**COMMENTS:** What kind of safety measures have been established to prevent the killing of whales?

9. Pages 4-201–4-214: Land Use, Recreation, and Visual Resources

The DEIS states that residents in proximity to the LNG Terminal site may experience temporary effects associated with construction such as noise, dust, etc. During operation of the proposed terminal (tanks) the primary impact on those residents would be visual.

**COMMENTS:** What about the noise and light pollutants and the gases from the SCV regasification process in the terminal area during the operation of the proposed terminal? Also, why was there no mention made of all the residents who would be greatly impacted by the docking of the LNG vessels directly in front of several waterfront residences in very, very close proximity to said docking and the 3862-foot pier? With the construction of the pier, the residents of these homes would lose their views from the Mill Cove area in Robbinston, ME to Campobello Island New Brunswick, Canada.

10. Pages 4-214–240: Waterway for LNG Marine Traffic

The moving safety zone around each LNG vessel will impact recreational boating, fishing, and sight seeing, restrict Huntsman Marine Science Center’s research vessels and the Tidal Energy Conducting Vessels. The added security around the LNG vessel berthed at the pier could have a large impact on all activities on the waterway.

**COMMENTS:** How can DELNG say the impacts will be minor or of short duration?

11. Pages 4-247, 4-248: Socioeconomics, US Coast Guard has defined 3 Hazard Zones

Zone 1: There is a high potential for major injuries or significant structural damage resulting from a pool fire and/ vapor cloud.

Zone 2: There is potential for injuries and limited property damage consequent to a pool fire or vapor cloud.

Zone 3: The other limit of zone 3 is defined based on the lower flammability limit of LNG vapors.

**COMMENTS:** The words “incident heat flux” and “thermal radiation” that would be expected from an intense vapor fire are very troublesome. How can an incident of that nature be mitigated to protect the Environment, the land, the marine life, and the people along the waterway and in the vicinity of the components of the LNG facility?

12. Pages 4-294–4-315: Air Quality

The Bay of Fundy is among the foggiest in the world . The term ‘air quality’ refers to relative concentrations of pollutants in the ambient air. Ambient air quality standards (AAQS) are designed to protect human health and welfare.

**COMMENTS:** How is DELNG going to mitigate the pollutants from the LNG re-gasification process, pollution from LNG vessels, assist boats, tug boats and USCG boats to keep the present ambient air quality from deteriorating?

13. Pages 4-317–4-435: Noise

Noise levels will be increased during construction and operation of the facility. During the 3 years of construction noise levels in the area will be severely increased. Noise levels will be increased by the vessel activities, assist boats, tug boats, and US Coast Guard Boats. Underwater noise will have an impact on marine animals in Passamaquoddy Bay.

**COMMENTS:** How will it be possible to mitigate these levels of noise disturbances? Water is a conductor of sound. As we can hear conversations from folks pleasure boating to lobster fishing from our home and deck...noises from a heavy industrial LNG facility would be unbearable. There are several residences along the shoreline where the LNG terminal is proposed...., the vessel berth at the pier is only a thousand feet or so from our doorsteps. The Maine coast is approx 3500 miles long. By this very nature, certainly, there must be many other places in Maine where siting an LNG facility would be safer, and have less impact on the environment and residents. We cannot be

fooled into believing there is no other, better place for LNG in Maine except Passamaquoddy Bay. LNG should be located well off shore, or in already heavy industrial areas, or a remote location away from civilians.

We urge FERC not to approve any LNG project in Passamaquoddy Bay.

Sincerely,

Richard E. Berry

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P.O. Box 8  
Robbinston, ME 04671

**PREFILED TESTIMONY OF RICHARD BERRY**

Q: Please state your name.

A: Richard Berry.

Q: Where do you live?

A: Robbinston, Maine.

Q: How long have you lived in Robbinston?

A: I have lived in Robbinston for six years. Prior to that I lived in Calais, Maine – twelve miles north – for 38 years.

Q: What is your job?

A: My wife and I are real estate brokers.

Q: Are you familiar with the Downeast LNG proposal?

A: Yes.

Q: Where is your home in relation to the proposed Downeast LNG facility?

A: The proposed Downeast LNG facility will be directly across Mill Cove from the front of our home. The pier where the tankers will unload will be one-quarter to one-half mile from our home and overwhelm our view of Passamaquoddy Bay, Navy Island, Deer Island, and Campobello Island, New Brunswick.

Q: How would the siting of the Downeast LNG facility near your home impact you?

A: To get our regular exercise we walk along the beach in front of our home to Mill Cove. We walk pretty much daily. We walk from our house south to Mill Cove, at least six days a week and back and forth three to five times each day to get in our mileage. On occasion, we walk the length of Mill Cove to U.S. Route 1 highway. Sometimes then we

walk to Liberty Point, just north of Mill Cove, about ¼ mile north from our home. We probably walk all the way through Mill Cove a couple times a month.

With the Downeast LNG terminal, we would not be able to enjoy this walk. Our walking routes enable us to take in whole view shed of what is now a beautiful and scenic area, and what would be a heavy industrial pier, facility, and tankers. Of course, we would no longer be able to access most of those areas if the facility is built. Even if we did not hit the exclusion zones around the facility itself, we would be within the safety zones in the Sandia report. For safety reasons plus the exclusion zone areas, we would be greatly limited in our healthy daily walk.

We also enjoy and moved here because this area is peaceful and scenic. Along with this facility, there would be Coast Guard boats with machine guns and the threat of terrorism. This is severely upsetting to us because we have always lived in an area where doors are rarely locked and life is peaceful. In short, the area's scenic and peaceful character would drastically change for the worse.

The pier would be the prominent feature that we would view from our living room and almost every other room in our house. The enormous LNG tankers would completely block our view of most of Bay. Currently we enjoy unspoiled, highly scenic views of all Passamaquoddy Bay from St. Andrews to Campobello Island, including Navy Island & Deer Island.

The light from the facility would also ruin our home. The facility would be extensively lit at night. We enjoy the night sky and regularly watch stars and meteors. This would be lost to us because of the extensive light pollution that this facility would emit. We would no longer be able to enjoy the moon shining on the water.

We also live here for the tranquility. The Downeast LNG facility would produce very loud and constant noise. More noise would be produced by the tug boats, tankers, and Coast Guard boats. This noise would severely affect our enjoyment of our home, property and the Bay and our environs.

The smells from such a heavy industry on the Bay would be very offensive, taking away the 'salt air freshness' we so enjoy now with open windows and being outside. We understand that on foggy, low-ceiling days, emissions from the re-gasification process would be hazardous to one's health. We have many days at a time when fog is present on the Bay. This health issue has us worried and very concerned for our health.

We have had a lot of soil erosion on our shore – we have lost at least 8 feet of shore frontage from erosion since buying the property in 1995. We are concerned that the construction and operation activities at the terminal, the tugboats, and the tankers will accelerate this process.

We would be forced to move if the Downeast LNG facility was approved. I wouldn't chance living here. Our home is within the Downeast LNG Sandia report "safety zone." Any accident or explosion could instantaneously incinerate our home along with any occupants within. We would not feel or be safe living so close to a facility. We do not want to move. We have lived in this area all of our lives and know this part of Washington County as only life-long inhabitants can know it. This cannot be re-created if we move to another area. This is a serious cost resulting from the loss of our (and other's) existing use of Passamaquoddy Bay.

Q: Do you use the waters of Passamaquoddy Bay for recreation?

A: Yes. We have a 22-foot Sea Ray motor boat. We regularly boat on the Bay and intend to continue doing so. This is our favorite form of recreation and we regularly entertain friends and family on our boat. We have been boating on the Bay for the last 20 years and have invested heavily in our boat, piloting courses, and other boat-related activities and equipment. We boat regularly, a few times a month from June through October. We leave from the Robbinston boat landing, head south through the Western Passage, through Head Harbour Passage and along Campobello Island to the East Quoddy Head lighthouse and beyond, looking for whales and other marine life. We usually come back the same way, although sometimes we come back the other side of Deer Island, through Letete Passage. Other times, we boat to Cobscook Bay and up into Whiting Bay. We also go way out, through the Lubec Narrows, to the West Quoddy Head Lighthouse.

Q: Describe how the Downeast LNG facility would impact your existing uses of the local waterways and recreational opportunities at Mill Cove.

A: The Downeast LNG facility would adversely and severely affect our ability to go boating because of the exclusion zones and the tankers. It could eliminate it altogether at some times because of the proximity of the facility to where we launch our boat at the Robbinston boat landing. I understand that the exclusion zones will extend as far as the boat landing when the tanker is arriving at the pier. The other major factors that will interfere with our boating are the lack of notice of the tankers, the frequency of the tankers, and our boating routes overlapping with the tanker routes.

The Robbinston boat landing is the only landing north of Gleason Cove in Perry. There is really nothing up the St. Croix River to the north. Some smaller boats could

launch behind the post office up north in Calais, but not the bigger boats. The Robbinston boat landing is heavily used.

Even if the exclusion zones are smaller when the tankers are berthed at the pier, the Robbinston boat landing is still within the safety zones set by the Sandia Lab. I would not risk putting my boat in water when a tanker was berthed. Even if we launched the boat and transited the other way, south to St. Andrews and then through the Letete Passage, we would still come quite close to the tanker facility when we depart and would be within the Sandia safety zones.

The weather already limits our available boating days. We don't boat in the fog or heavy winds. The exclusion zones, and safety and security zones for the tankers, would compound that challenge to our regular use, navigation, and enjoyment of the waters.

Q: What specific scenic and natural characteristics of Mill Cove are important to you?

A: We regularly enjoy observing birds, porpoises, seals, whales, and other marine life when we are walking, boating, and from our home. We have observed whales north of Pleasant Point Reservation in the Western Passage. We greatly enjoy watching the marine life, do so regularly, and intend to continue doing so. We also enjoy watching the several lobster boats and fishermen working on the water next to our home.

We also clammed at Mill Cove last year, four or five times. It opened for the first time last year in many years. It is my understanding that a portion of the southern side of Mill Cove is still open for clamming – where the terminal and pier would be located. We would not be able to take advantage of this use of the shore if the terminal is constructed.

Q: Explain how the proposed Downeast LNG facility will affect your enjoyment of these scenic and natural resources.

A: Construction of the Downeast LNG facility would destroy our ability to observe birds and marine life from our walks, boat rides, and from our home. It would severely impair our ability to go to other areas and obtain such enjoyment from other areas. We are also concerned that the tankers will harm whales and other marine life. Furthermore, the activities of the lobstermen and fishermen, and the enjoyment we get from watching them, would cease or significantly diminish upon construction of this proposed facility.

Q: Do you have any other thoughts that you would like to share with the Board?

A: We had planned for years to live on Passamaquoddy Bay and to build our dream home and retire on the Bay. We worked long and diligently so that we could enjoy the quiet and peacefulness of the Bay. We bought our lot in 1995, improved it, and built our dream and retirement home in 1999-2000.

Heavy industrialization of Passamaquoddy Bay and Mill Cove would forever spoil it and all of the reasons that we moved here. The proposed Downeast LNG facility would adversely affect our way of life and bring heavy industry to an area that is pristine and highly scenic, thus changing the character of the area that we love and enjoy.

Richard Berry  
Richard Berry

Date: 5/31/07

State of Maine  
County of Washington

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of May, 2007 by Richard Berry.

Jeanne A. Guisinger  
(notary signature)

Jeanne A. Guisinger  
(notary printed name)  
Notary Public

My commission expires: 3-24-11