



# *The Commonwealth of Massachusetts*

*Executive Office of Environmental Affairs*

*100 Cambridge Street, Suite 900*

*Boston, MA 02114-2524*

MITT ROMNEY  
GOVERNOR

KERRY HEALEY  
LIEUTENANT GOVERNOR

STEPHEN R. PRITCHARD  
SECRETARY

Tel. (617) 626-1000  
Fax. (617) 626-1181  
<http://www.mass.gov/envir>

July 24, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME: Neptune Deepwater Port Project  
PROJECT MUNICIPALITY: Off-Shore Waters of Manchester-by-the-Sea, Beverly,  
Salem and Marblehead  
PROJECT WATERSHED: Massachusetts Coastal  
EOEA NUMBER: 13641  
PROJECT PROPONENT: Neptune LNG, LLC  
DATE NOTICED IN MONITOR: June 7, 2006

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report/Draft Environmental Impact Statement (DEIR/EIS) submitted for this DWP **adequately and properly complies** with the Massachusetts Environmental Policy Act (MEPA) (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

While the DEIR is adequate for the purpose of advancing to preparation of the Final EIR, (FEIR), the FEIR must provide additional information on a number of issues, including project alternatives; potential impacts to commercial fishermen; and cumulative impacts. The proponents for the Neptune LNG and the Northeast Gateway (EOEA # 13473) projects have proposed to locate similar delivery, regasification, and transshipment facilities in the same general area of Massachusetts Bay; the projects propose to construct separate pipelines, virtually side-by-side, to tie into the existing HubLine. As stated in my July 7, 2006 Certificate on the Northeast Gateway DEIR (EOEA #13473/13474), I question the development of duplicative infrastructure on public trust lands, particularly where, as here, the public interest has been given even greater standing through the designation of the Ocean Sanctuaries which these pipelines would traverse. I am, therefore, requiring that the FEIR provide a more complete analysis of this issue.

### Project Description

As described in the DEIR, the proposed project entails the construction of a Deepwater Port (DPW) in Massachusetts Bay, located in the federal waters of the Outer Continental Shelf (OCS) block NK 19-04 6525 and NK 19-04 6575, approximately 22 miles northeast of Boston and approximately 7 miles south-southeast of Gloucester, in a water depth of approximately 250 feet. The deepwater port, to be named Neptune, would receive and vaporize Liquefied Natural Gas (LNG) from a purpose-built and dedicated fleet of shuttle regasification vehicles (SRVs) equipped with vaporization equipment that would convert the LNG to natural gas. The Neptune Deepwater Port would be capable of mooring up to two LNG carriers, with a capacity of approximately 140,000 cubic meters, by means of a submerged unloading buoy system. The DWP will be owned and operated by Neptune LNG, LLC.

The Port would have an average throughput capacity of 500 million standard cubic feet per day (MMscfd) and a peak capacity of 750 MMscfd. Natural gas would be sent out by means of two flexible risers and a subsea flowline. The project pipelines would consist of a 24-inch flowline approximately 2.5 miles long from the southern riser manifold to the northern riser manifold. From the northern riser manifold a 24-inch gas transmission line approximately 10.9 miles long would carry the gas from the unloading buoys to the existing 30-inch HubLine in Massachusetts Bay. From shore, natural gas would be transported to serve residential, commercial, industrial and electricity generation consumers, primarily in the New England area.

The Pipeline is proposed to commence at the HubLine at a point approximately 3 miles offshore of "Marblehead Neck" in Marblehead, travel approximately 9.9 miles through the waters of the Commonwealth offshore of Salem, Beverly and Manchester-by-the-Sea and an additional one mile through federal waters where it connects with the Neptune Port's flowline. The preferred pipeline route would travel through approximately 52,000 feet of the South Essex and North Shore Ocean Sanctuaries.

As described in the DEIR, the proponent proposes to use the post-lay plow technique to install the Pipeline for nearly its entire route. The impacts associated with this construction technique include dredging a trench along the Pipeline route, laying the pipe along the ocean floor, backfilling the trench with spoils from the trenching operations, and anchor and anchor cable impacts to the ocean floor associated with the barges installing the Pipeline. According to the DEIR, the burial depth of the Pipeline in post-lay plow areas will be 3 feet. Transitional sections of the Pipeline leading to crossings of two existing cables will be installed into a trench created by diver-assisted jetting into which the pipe will be placed. Concrete mattresses are proposed to cover the Pipeline in transitional and crossing sections, resulting in permanent habitat conversion. As documented in the DEIR, construction of the pipeline will result in temporary impacts to approximately 96 acres of the seafloor, mostly within state waters.

### MEPA Jurisdiction and Permitting Requirements

The DWP is undergoing review pursuant to the following sections of the MEPA regulations:

- 301 CMR 11.03(3)(a)(1)(b) Alteration of ten or more acres of any other wetlands, in this case Land Under the Ocean; and
- 301 CMR 11.03(7)(a)(3) Construction of a new fuel pipeline more than 10 miles in length.

The DWP will require numerous state and federal permits. At the federal level, the DWP will require approvals by the U.S. Coast Guard (USCG), U.S. Department of Transportation (USDOT), the Federal Energy Regulatory Commission (FERC), the U.S. Army Corps of Engineers (USACE), and the U.S. Environmental Protection Agency (EPA). The DWP will also require consultation by several other federal agencies with resource management responsibilities. The DWP is undergoing review pursuant to the National Environmental Policy Act (NEPA), with USCG as the lead federal agency.

At the state level, the project will require the approval of the Governor under the Deepwater Port Act, and a Chapter 91 License and a 401 Water Quality Certification from the Department of Environmental Protection (DEP). The DWP will also require federal consistency review by the Office of Coastal Zone Management (CZM) and Orders of Conditions from local Conservation Commissions (and hence, Superseding Orders of Conditions from DEP if the local orders are appealed).

Because the proponent is not seeking financial assistance from the Commonwealth for the DWP, MEPA jurisdiction extends to those aspects of the DWP that have the potential to cause significant Damage to the Environment as defined in the MEPA statute and that are within the subject matter of required or potentially required state permits and approvals. In this case, given the large number of state permits required and the comprehensive subject matter of the required state permits, MEPA jurisdiction is equivalent to full scope jurisdiction.

I have received several comment letters that continue to raise significant concerns with the proposed DWP. I wish to remind commenters that under MEPA, I do not have the authority to approve or deny the DWP. Review under MEPA is not a permitting process. Rather, it is a process designed to ensure public participation in the environmental review processes conducted by state agencies with permitting authority over the DWP, to ensure that state permitting agencies have adequate information on which to base their permit decisions and their Section 61 Findings, and to ensure that the potential environmental impacts of the DWPs are described fully and avoided, minimized, and mitigated to the maximum feasible extent.

## SCOPE

### General

I have established a Special Review Procedure for the MEPA review of this DWP to facilitate coordination among state and federal agencies and to maximize opportunities for public participation in the review of this complex DWP. Pursuant to the Special Review Procedure, the

project is undergoing coordinated review under MEPA and the National Environmental Policy Act (NEPA), and this DEIR has been filed as a combined Draft Environmental Impact Report/Draft Environmental Impact Statement (DEIR/EIS). The Special Review Procedure lays out the general requirements for outline and content of the EIR/EIS. Because of the coordinated federal and state review, I have allowed the proponent to vary the format from the usual EIR format contained in Section 11.07 of the MEPA regulations. I note that the United States Coast Guard is preparing the coordinated review document and that the Coast Guard does not allow Neptune LNG, LLC as the applicant, to participate directly in the development of the MEPA/NEPA documents. I am therefore mindful that the proponents cannot control the extent to which the DEIR/EIS is responsive to the MEPA Certificate. I therefore wish to clarify that where the MEPA certificate addresses "the proponent," the intended audience is the federal agency responsible for responding to this Certificate in the form of a Final EIR (FEIR).

The FEIR should follow the general guidance for outline and content contained in Section 11.07 of the MEPA regulations, as modified by this Certificate. The FEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to those parties that submitted comments on the DEIR, and to any additional state agencies from which the proponent will be seeking permits and approvals.

Although the proposed DWP does not trigger requirements for enhanced notification and outreach pursuant to the Executive Office of Environmental Affairs (EOEA) Environmental Justice Policy, I strongly encourage the proponent to continue to reach out to the public in coastal communities in which fishing is a major component of the local economy. Copies of the FEIR should be made available for public review at local public libraries.

In general, the FEIR should provide detailed discussion and analysis of the issues below, including any measures necessary to avoid, minimize or mitigate the project's impacts. Mapping should be based on NOAA charts or other appropriate base maps at suitable scales. State review of the DEIR has been complicated by the location of material germane to the MEPA process in other documents. State agency comments, including those incorporated in the following Scope, may therefore identify as absent information that is available in other venues. This information should be provided in the FEIR document itself.

### Alternatives Analysis

The Scope issued for the DEIR required the analysis of the preferred alternative, no-build alternative, renewable and non-renewable sources of energy, energy conservation, and other means of supplying gas to Massachusetts and New England, including on-shore and off-shore terminals and pipelines. The DEIR does provide limited information regarding each of these types of alternatives, but does not provide adequate detail regarding individual alternatives or a meaningful cross-comparison of benefits and impacts. In addition, the Scope requested that, as context for the alternatives analysis, the DEIR provide a discussion and analysis of long term regional energy needs, forecasted energy growth, and existing and planned energy infrastructure. The DEIR provides only a brief characterization of these issues. The FEIR should present a more detailed discussion regarding the balance between the demand for and supply of natural gas in the New England region, including any updated available information, to provide context and

background for the evaluation of potential project alternatives. The FEIR should respond to comments from the Energy Facilities Siting Board and the Division of Energy Resources. The FEIR should also include a discussion of the potential effect of this project on creating an opportunity for additional pipeline/port projects in the future. To address this question, the FEIR should describe the current and future capacity of the HubLine and its ability to accommodate more ocean-based pipeline spurs in the future.

### *Deepwater Port*

The DEIR summarized 5 basic deepwater port concepts that are available for use as offshore LNG ports, including: a gravity-based structure (GBS); a platform-based unit; a floating storage and regasification unit (FSRU); special purpose vessels that transport and vaporize LNG onboard, such as the SRV proposed for the Neptune project; and special purpose floating platforms that house vaporization equipment and are capable of docking with LNG carriers. The evaluation of the LNG port concept alternatives was based on environmental, technical considerations and commercial objectives. Based on the proponent's evaluation, the SRV design was the only Port design carried forward for detailed review in the DEIR.

The alternatives analysis then used a screening and site-selection process that began with the entire central New England coastal region and progressively narrowed the geographic range of locations where it would be feasible to site an offshore LNG facility. The preferred alternative area is a triangle-shaped area in Northeastern Massachusetts Bay to the north of the Boston Traffic Separation Scheme (TSS) and between the boundaries of the Stellwagen Bank National Marine Sanctuary (SBNMS) and the South Essex Ocean Sanctuary. Based on constraints from the required size of the facility footprint and the location of historic and active waste dumps in the area, there are only three alternative sites within the preferred alternative area – the Northern Port Site, the Central Port Site and the Southern Port Site. The Northern Port Site and the Southern Port Site were carried forward in the DEIR for detailed evaluation.

Beyond these engineering and locational alternatives in Massachusetts Bay, the DEIR summarized other alternatives including onshore and offshore natural gas supply projects in various stages of development in the eastern U.S. and Canada. However, these summaries provide only a statement of project status and a simple noting of issue categories. They do not provide any analysis of relative merits, or establish consistent criteria for comparative purposes. The only reference to the proposed and existing northeastern LNG terminals is their placement under the No Action Alternative, where 11 projects are listed in summary fashion. The DEIR does not adequately evaluate available information on environmental, reliability or other possible aspects of the alternatives that may have a bearing on their overall merits, or justify elimination of these alternatives from further consideration.

The FEIR should include a more robust analysis of project alternatives using publicly available information that may have a bearing on their overall merits, or justify their elimination from further consideration. In order to compare this project with remote natural gas supply projects, such as those identified in eastern Canada and Maine, alternatives should be considered in combination with the necessary pipeline infrastructure to deliver natural gas to southern New England. The FEIR should discuss the status of each project and provide an analysis of its

relative merits. The FEIR should establish consistent criteria by which to compare and contrast alternatives, and should present a clear and concise comparison of alternatives.

### *Pipeline Lateral*

The DEIR evaluated four alternative routes for the pipeline lateral connection between the Port and HubLine, ranging from approximately 9.1 miles to approximately 16.1 miles in length, depending on whether the Pipeline extends from the preferred Northern Port site or the more distant Southern Port site. Neptune's proposed route, identified as the Northern Route, is 10.9 miles long, including approximately 9.9 miles of pipeline within state jurisdiction. The alternative identified as Southern Route 1 is 16.1 miles in length, and would connect the Southern Port location to the HubLine.

Based on the results of surveys of the ocean floor described in the DEIR, the Northern Route and Southern Route 1 avoid exposed bedrock and surface boulders, and are characterized by predominately fine-grained sediments. However, the FEIR should clarify whether bedrock is present at the western-most end of the routes near the HubLine connection, as appears to be shown in Figure 3.4-1. Each of the four alternative routes passes through either the North Shore Ocean Sanctuary (NOS), the South Essex Ocean Sanctuary (SEOS), or both; the Northern Route would pass through 7.1 miles of the SEOS and 2.8 miles of the NOS. However, according to the DEIR, there are three proposed alignment routes for the Northern Pipeline Route that are not described in detail; the FEIR should clarify whether the final alignment of the Northern Route has been chosen and whether there are significant differences among the three Northern Route alignments. All alternatives appear to connect to the HubLine in waters deeper than 80 feet and proceed through even deeper waters to the Port. Therefore, the Pipeline will impact Land under the Ocean beyond the nearshore area (see 310 CMR 10.25).

Despite the fact that shorter routes were analyzed in the DEIR, the Northern Route and Southern Route 1 pass through predominately soft-bottom areas and therefore appear to offer the greatest potential for avoiding or minimizing significant short and long term impacts from the pipeline construction to benthic habitat and water quality. Benthic impacts can be minimized by selecting a route that avoids hard-bottom habitat, due to the more disruptive construction techniques and longer construction period that are necessary to bury a pipeline in these areas, and because such habitat appears to take a longer period of time to recover its ecological functions. In light of the advantages of a soft-bottom route, the FEIR should further analyze whether there exist alternative alignments for either of these routes that have fewer or less significant impacts on ocean sanctuaries.

The DEIR is not clear as to whether the Pipeline will be constructed using a dynamically positioning derrick lay barge or an anchored lay barge. Impacts from the use of an anchored lay barge can be significant; based on estimates of anchor and cable sweep impacts provided in the Northeast Gateway DEIR, an additional area of over 600 acres may be affected. Dynamic positioning appears to require the use of bow and stern thrusters, which are very loud. The trade-offs between using dynamic positioning for pipelaying with the anticipated noise levels should be specifically analyzed. The FEIR should provide more specificity regarding the proposed construction method and expected impacts, in order to identify the construction method that reduces impacts.

In its comments on the Environmental Notification Form (ENF) submitted for the project, CZM requested that the DEIR describe the rationale for covering the pipeline where necessary with rock or concrete mats, particularly since at the pipeline depth, the potential for scour is not likely. CZM also recommended that the proponent consider a pipeline cover method that avoids the long-term maintenance issues associated with mats and bags, which may break down over time. The DEIR indicates that concrete mats and/or grout bags are proposed to be used to cover the pipeline where necessary, but does not address the concerns raised previously. These concerns should be addressed within the FEIR.

The Pipeline will also undergo hydrostatic testing with seawater after it is buried, which may result in entrainment of plankton, however the DEIR states that no biocides will be used in this process. The FEIR should clarify the expected duration of Pipeline construction activities: on page 4-6, an estimate of 14 weeks is given for the construction of the gas transmission line, but on page 2-68, a duration of 22 days is given; neither period of time appears to correspond to the schedule shown in Figure 2.1-5.

### *Cumulative Impacts*

The DEIR presents a limited analysis of a joint pipeline approach. Information discussed includes: the likely diameter of a common pipeline; the differences in the width, length, and area of construction; differences in certain impact areas, such as a 35% reduction in benthic area impacts and a 40% reduction in air emissions with use of a joint pipeline; the relative construction duration; and some off-setting considerations related to the implementation of joint facilities. The proponent states that while construction of the larger pipeline could take slightly more time, the construction schedule evaluated for the Northeast Gateway pipeline should be sufficient to accommodate the larger pipeline. In addition, while impacts from a single pipeline would exceed impacts from the Neptune pipeline alone, a shared pipeline would reduce overall impacts by approximately one-third to one-half.

The fact that both of the proposed pipelines would cross portions of both the South Essex Ocean Sanctuary and the North Shore Ocean Sanctuary, areas of Massachusetts waters designated to provide for special protection of the marine environment argues strongly, given the regulatory mandate to consider the "mission of any Participating Agency" for serious consideration of any alternative that could significantly reduce impacts to Ocean Sanctuary resources. I have carefully considered comments from DEP, the Energy Facilities Siting Board, the Division of Energy Resources, and the National Oceanic and Atmospheric Administration that recommend that a single pipeline should be the presumptive mitigation measure to meet the standard for minimization of impact, because it would avoid an estimated  $\frac{1}{2}$  to  $\frac{1}{3}$  of the environmental impacts of constructing separate pipelines to serve the two proposed DWPs. I concur, and direct that the FEIR should, at a minimum, assess the engineering, environmental, and operational feasibility of constructing one pipeline and its advantages and disadvantages, including cost and environmental considerations, as compared to constructing two separate pipelines. In addition, in order to make a determination on the practicability of the proposed DWP alternatives, information should be provided on the ability of the HubLine to transmit the proposed volumes for both the NEG and the Neptune project.

### Pipeline Burial

One of the benefits of the extensive surveying and geophysical sampling conducted in the course of delineating a soft-sediment Pipeline route will be a greater degree of confidence that the target depth to burial of the pipe can be achieved. DEP states in its comments however that even where the pipe has been buried to the target depth, the experience with the HubLine construction demonstrated that the pipe could become buoyant when filled with gas, and breach the cover, unless proper stabilization procedures are utilized. The FEIR should examine the procedures necessary to prevent buoyancy and incorporate them into the proposed Section 61 Finding.

The FEIR should show the results of the subsurface survey work already completed so that any areas with the potential for encountering unexpected conditions can be identified; for example, areas where hard surfaces underlie the surficial soft sediments within close proximity to the bottom of the trench. Such areas may result in inadequate burial because the trench depth cannot be achieved. The FEIR should compare the environmental impacts costs and benefits of replowing versus hard covering sections where the necessary pipeline depth was not achieved on the first pass of the plow. For example, a discussion of how biological considerations for restoring benthic habitat may affect the proposed depth of burial should be provided.

One necessary component of the restoration decision process is “real time” monitoring of whether the appropriate depth of burial is being achieved, in order to plan for and implement timely and appropriate steps to correct pipeline exposures/depressions so habitat conversion is avoided and natural topography is restored. The DEIR suggests that a post-trenching survey will be performed to evaluate burial depth, but elsewhere appears to suggest that bottom topography will be allowed to restore naturally through the action of currents. The FEIR should describe the basic components of a real time monitoring plan that evaluates both burial depth and topography, and integrate the monitoring plan into the Section 61 findings.

### Impacts to Land Under the Ocean

The DEIR does not discuss the project’s compliance with the Massachusetts Wetlands Protection Act nor is this permit listed in Table 1.5-1, entitled Major Permits, Approvals, and Consultations for Natural Gas Deepwater Ports, on page 1-16 of the DEIR. However, if the Pipeline is determined to be a water-dependent use project that impacts Land Under the Ocean, measures must be implemented, pursuant to 310 CMR 10.25(6), to minimize adverse effects on marine fisheries and shellfish habitat caused by: alterations in water circulation; alterations in the distribution of sediment grain size; and changes in water quality, including turbidity and pollutant levels. The FEIR should provide such a discussion and demonstrate that the DWP meets any applicable performance standards in the MA Wetlands Protection Act.

### Chapter 91 Waterways

The pipeline lateral component of the project, which is proposed to be located in Commonwealth waters, is subject to the Chapter 91 Waterways Regulations, 310 CMR 9.00. The



DEIR does not address the water-dependency of the project in the context of the criteria in 310 CMR 9.12, nor has the proponent filed a Chapter 91 License application. The regulations at 310 CMR 9.12(b)(1) classify “marine terminals and related facilities for the transfer between ship and shore, and the storage of, bulk materials or other goods transported in waterborne commerce” as a water dependent industrial use. Applying these provisions to the project, the Neptune Port would need to be considered to be a “marine terminal” and the Pipeline a “related facility” to be determined a water-dependent use. The FEIR should further address this issue due to its importance in the c.91 and Wetlands Protection Act review processes.

The Waterways Regulations at 310 CMR 9.37(4) require that pipelines be buried so that they will not present a hazard to navigation or to fishing gear, will be protected from scour and sediment transport processes, and in a manner that restores bottom contours to the extent feasible. Within the context of further discussion of burial depth, the FEIR should more specifically discuss how the project meets these requirements. The FEIR should also describe the means by which the project will measure pre-and post-construction contours to document the extent to which these standards have been met.

### Ocean Sanctuaries

Under the Massachusetts Ocean Sanctuaries Act (“The Act,” or “OSA”; M.G.L., Chapter 132A, sections 13-16 and 18) and implementing regulations (302 CMR 5.00 et seq.), the Department of Conservation and Recreation (DCR) is responsible for the care and control of the five state-designated ocean sanctuaries. The proposed Neptune LNG Deepwater Port facility will not lie within the boundaries of the North Shore Ocean Sanctuary (NSOS) or the South Essex Ocean Sanctuary (SEOS). However, the proposed pipeline route, connecting the Deepwater Port facility with the existing HubLine will cross a portion of both sanctuaries.

Section 15 of the Act prohibits, within the sanctuaries, the “building of any structure on the seabed or under the subsoil.” Section 16 of the Act, modifies this prohibition to allow for certain limited activities. As in the Algonquin/HubLine pipeline case, construction of the Neptune LNG facility pipeline in state waters may be within the scope of the Section 16 exemption due to the above-described activities. The construction of the Neptune LNG facility may also be within the scope of the exemption for projects authorized by the Massachusetts Department of Environmental Protection (“DEP”) under Chapter 91 of the Massachusetts General Laws, and be deemed to be of “public necessity and convenience” (“PNC”), as was the case for the HubLine pipeline. The FEIR should more specifically address the six factors required to meet the OSA standards for PNC in order for DCR to determine whether the project fully meets the PNC requirements for a c.91 permit.

### Water Quality

The DEIR states that impacts to water quality may result from the temporary resuspension of solids and increase in turbidity in the water column during Port and pipeline installation; operation and decommissioning; the discharge of water from hydrostatic testing of the pipelines; and the discharges from construction and support vessel engine-cooling water, barge and carrier deck drains, and other miscellaneous drains during Port construction and

operations.

The Proposed Section 61 Findings included in the DEIR note that turbidity monitoring will be conducted but does not offer a detailed monitoring plan, or provide the results of a bioassay that may be required prior to work in the siltier portions of the pipeline route. The FEIR should review the need for water quality monitoring during construction based on factors including time of year restrictions, species present in the area during construction, and turbidity and pollutant impacts.

In Section 4, the applicant describes the sediment size classes found within the project site. However, the DEIR did not respond to CZM's request to present model results for potential suspended sediment concentrations under various scenarios, ranging from high sediment concentration/low dilution to lower sediment concentration/greater dilution, and include a discussion of compliance with water quality standards. This discussion is important for evaluating the potential impact that the plowing and jetting activities and chain scour would have upon nonmotile benthic resources. In particular, the amount of sediment drape on demersal fish eggs in the project footprint should be assessed. Because the applicant used NOAA's MARMAP and ECOMON ichthyoplankton data for estimating impacts, impacts to demersal eggs could not be assessed. Comments from NOAA and DMF describe the need for ongoing monitoring of project operations, particularly with regard to ichthyoplankton and fish egg resources. Therefore, monitoring for these resources should be addressed in construction and operation monitoring plans being developed by the proponent in consultation with appropriate state and federal agencies.

In response to concerns raised through the initial review of the proposed project, the proposed water usage has been reduced to an average usage of 2.39 million gallons of water per day (mgd) for ship operations and ballast water. However, these estimates represent times when the vessel is at port, and do not include water usage occurring during approach and docking. Table 4-8 of the DEIR estimates the number of eggs and larvae entrained within the vessel for a range of representative species, as well as "equivalent adults." Such impact estimates include 8.5 million Atlantic mackerel eggs and larvae (76 equivalent adults), 7.8 million pollock eggs and larvae (121 equivalent adults), 411,000 yellowtail flounder eggs and larvae (311 equivalent adults), and 569,000 Atlantic cod eggs and larvae (3 equivalent adults).

Contaminants within sediments in the project area are broadly described in the DEIR. A map should be included in the FEIR to show the location of samples, highlighting contaminants found above regulatory thresholds. The FEIR should include a full description of a spill prevention, control, and countermeasures plan. It should also list all chemicals (including oils, grease, and other normal ship operations materials) used onboard the ship and describe containment plans for these chemicals.

### Marine Habitats and Fisheries

#### *General*

The construction of the LNG terminal and pipeline will likely have both short- and long-

term impacts on the numerous species of finfish and invertebrates in Massachusetts Bay. These impacts will include direct mortality of juveniles and adults within the footprint of the terminal and pipeline during construction, as well as permanent loss of habitat within and adjacent to the construction footprint. Larval life-stages will experience mortality due to entrainment.

Maps and data showing the extent and nature of the seafloor environment are critical to understand the affected environmental consequences of the project on marine habitat and fisheries. As a result, in its comments on the ENF, CZM requested that the DEIR fully describe all survey results, including sidescan sonar, sub-bottom profile, multi-beam bathymetry, grab samples, sediment profile imagery, and other data collection efforts. Additionally, it was requested that bottom areas determined to be unsuitable for pipeline burial be identified on the maps, and the rationale for the determination of unsuitability be discussed in the DEIR. CZM's comments on the DEIR indicate that the document lacks a thorough description of the seafloor environment for the project area and does not appear to contain any new data.

Sediment thickness is important to evaluate the proposed lateral pipeline route, and surficial grain size and sediment classes are needed to understand the potential distribution of benthic organisms and demersal fishes and crabs, and any potential impacts to these benthic resources. The lack of data in the DEIR hinders the ability to understand the affected environment and environmental consequences of this proposed project. Therefore, and at a minimum, maps showing the distribution of sediment thickness as related to fish habitat should be incorporated into the FEIR. In addition, the MA Division of Marine Fisheries (DMF) has pointed to several data deficiencies in the DEIR's estimates of potential impacts on marine resources and habitat. The FEIR should include a more detailed assessment of fisheries resources in the project area based on existing data sources including data that may be available from NOAA and MA DMF.

I understand that much of the data requested by the agencies is contained in project applications filed with the U.S. Coast Guard. As discussed above, this information should be provided in the FEIR.

### *Benthic Communities*

According to the description of the Pipeline construction process in the DEIR, the proponent proposes to bury the pipe with 3 feet of cover from back plowing the side-cast spoils along the majority of the Pipeline route to be installed using a plow. For the 24" pipe proposed for this project, this would involve creating a trench approximately 5.5 feet deep and 24.5 feet wide, with adequate trench spoils adjacent to the trench for back filling. The construction of the pipeline would result in temporary adverse impacts to approximately 96 acres resulting from plowing activities and flowline installation and the installation of anchors/chains within the seabed.

The FEIR needs to provide more information on the impact of benthic topographic changes and the standard to which the bottom topography must be restored upon completion of construction. The performance target for the placement of the pipe should be, to the extent feasible, full restoration of the topography and composition of the sea floor with sufficient burial of the Pipeline to ensure adequate sediment depth for biological activity for the recolonization of

the area, and to prevent damage to fishing gear. The amount of cover should also be sufficient in the event that scour effects remove some of the material. Exposed pipe, or pipe that is covered by hard substrate such as concrete mats or rock instead of native soft substrate, also represents the additional impact of habitat conversion.

According to the DEIR, approximately 63.5 acres of seafloor will be converted from sand/mud substrate to artificial substrate as a result of the installation of the buoy anchors, anchor chains, flexible risers, riser manifolds, and flowline transition areas. The DEIR notes that armor stone would potentially be utilized to ensure adequate pipeline burial. This impact should be addressed in the FEIR. NMFS considers the conversion of natural habitat to an artificial substrate to be a permanent loss of habitat.

CZM believes that the assessment of the chain-scour associated with the mooring system underestimates the degree and duration of this impact, and that impacts associated with this aspect of the project will be long-term, relatively constant, and will prevent the benthic community in these areas from achieving significant recovery. The lack of recovery will diminish prey abundance important to benthic organisms and demersal fishes and crabs while the port is in operation. Increased turbidity from chain scour will likely reduce habitat quality for foraging creatures in the area, and will also likely decrease foraging efficiency because of reduced water clarity, making this area less suitable to a variety of creatures including mobile crabs, squid and fishes. CZM recommends that the FEIR describe how the applicant intends to prevent or minimize chain scour, including a discussion of using anchor chain floats and/or adaptive chain management using tension sensors or other such technologies to keep the anchor chains off the ocean bottom.

The project will result in additional habitat conversion, from soft-bottom to hard bottom associated with Port-related structures and concrete mattresses placed over pipeline crossings. The FEIR should more closely examine what steps can be taken to minimize the addition/substitution of hard material for soft at planned tie ins/crossings and unanticipated exposures particularly if hard substrate must be substituted for soft to cover the pipe and/or where the pipe is buried insufficiently or where the back plow did not fully cover the pipe. The proponent should also consider alternative techniques and materials that may be used to armor the pipeline where it cannot be buried, and the mitigation measures, for example tremmie pipe, that can be employed to minimize impacts from the placement of cover material.

A key factor in evaluating the extent of the long-term impacts to the benthos is the timing and character of the re-colonization. The DEIR provides examples from other dredging projects with a recovery period ranging from 4 weeks to ten years. The DEIR also makes reference to the initial benthic and aquatic environmental impact data coming from the HubLine project's post construction monitoring. Reaching conclusions on the dredge-related impacts based on preliminary HubLine data may be premature. Recovery has not been documented at some HubLine sites, surface restoration of the ocean bottom was not accomplished in all cases, and inadequate burial depth was a problem during construction. Definitive conclusions about the impact of the Neptune project should not exclusively rely on HubLine data.

An essential component of the assessment and mitigation of the impacts of the project on

benthic characteristics and ecology is an effective pre/post construction monitoring plan. In the Proposed Section 61 Findings, the DEIR briefly outlines A plan to monitor habitat recovery from construction impacts using a before-after control-impact (BACI) design for the monitoring program. The proponents of the Northeast Gateway project have proposed a significantly different monitoring approach that does not rely on extensive baseline monitoring, but rather, establishes post construction benthic monitoring stations based on a statistical power analysis. The FEIR should evaluate these two monitoring methodologies and assess which method, or combination of methods, would provide more relevant, quality data. To the extent feasible, the FEIR should detail the proposed monitoring program, including the results of pre-construction surveys, methods for collecting and analyzing post-construction data, statistical analyses, and evaluation techniques.

Last, the proponent should develop in consultation with the state and federal agencies an on-going operational monitoring program to determine whether assumptions regarding project performance and projected impacts are valid.

### *Shellfish and Mollusks*

The distribution and abundance of burrowing shellfish species, such as Atlantic surf clam and ocean quahog, were not assessed in the DEIR, thereby hindering an evaluation of potential environmental impacts to this resource. In addition, video surveys conducted along the lateral pipeline route do not adequately characterize burrowing shellfish species. This lack of data precludes an adequate assessment of potential impacts to shellfish in the project area, and more robust data should be included in the FEIR. The FEIR should provide this information and the proponent should consult with appropriate agencies to develop a satisfactory characterization of this resource and potential impacts.

The construction of the project will have both short- and long-term impacts on American lobster within Massachusetts Bay, including direct mortality of juveniles and adults during construction, and permanent loss of habitat within and adjacent to the project footprint. The lobster fishery in Massachusetts Bay is currently in a depressed state and the project is proposed to be located in open water adjacent to high quality productive lobster habitat. The potential disturbance of hard-bottom habitat is of particular concern, although adult lobsters make use of soft-bottom habitat as well. As a component of the operational monitoring plan, the FEIR should include a component that provides for on-going assessment of impacts to lobster resources.

### *Finfish*

Impacts to fisheries habitat will result from installation of the lateral pipeline. Direct mortality of finfish from operation of the port is likely to be limited. However, as with lobster eggs and larvae, mortality is likely due to entrainment of fish eggs and larvae. Mortality estimates contained in the DEIR very likely underestimate loss due to the limitations of the ichthyology data used to drive the model. Comparisons of finfish loss via comparison of adult equivalence models (based on ichthyology data) and commercial landings data are flawed and can only result in underestimation of the loss. Due to the on-going fisheries management process,

effort and/or landings of regulated species are tightly regulated. Accordingly, the introduction of an additional year-round source of local mortality may have a greater than estimated effect.

The Essential Fish Habitat (EFH) Assessment included in the DEIR provides an adequate review of the current understanding of habitat requirements of federally managed fishes, clams and squid. However, the construction and operation of the port and lateral line will disturb a significant area of relatively stable soft sediment habitats. This disturbance will particularly affect flounder species (windowpane, witch flounder, American plaice, winter flounder and yellowtail flounder), hakes and burrowing clams. The impacts to soft sediment habitats and flounder species should be summarized and highlighted in the EFH assessment. This is particularly important given the selection of the longer northern pipeline route based on the rationale that "soft-bottom habitats generally support fewer important commercial species." While cobble substrate is valuable to several exploited species, most notably Atlantic cod, many federally managed species along with non-managed benthic organisms (e.g., worms, anemones, etc.) prefer soft sediments. The assumption that recovery in soft substrate will occur more quickly compared to other seafloor environments needs to be justified with a thorough review of existing literature on habitat recovery and effects to commercial fishes, and included within the FEIR.

### *Marine Mammals*

The proposed DWP would be located in an area important to marine mammals, including endangered North Atlantic right, humpback and fin whales. The construction and operation of this DWP would place these species in increased jeopardy of direct mortality from ship strike as well as disruption from high levels of noise, potential entanglements, and the loss of the waters that will be occupied by this DWP. Of particular concern are the DWP's potential impacts to the North Atlantic right whale because this species is so critically endangered that the loss of even a single individual is unacceptable; the coast of Massachusetts provides very important foraging habitat for a large portion of the population; and the proposed location of the DWP is in an area of high use by right whales. Comments from the Natural Heritage and Endangered Species Program state that the operation of the DWP will render the area it occupies, as well as its immediate surroundings, unavailable for foraging by right whales, other endangered whales, and marine turtles. Based on comments received, the mitigation proposed in the DEIR is not adequate to address these concerns.

Ship strike and noise harassment are the most serious impacts resulting from the proposed project. While the relationship between increased ship traffic and increased risk of ship strike is fairly clear, there is considerable uncertainty regarding how noises generated by the project will effect marine mammal populations. Based on noise levels presented in the DEIR and the Acoustic Modeling Study, construction and operation activities will generate sounds that exceed the 120 dB criteria for acoustic harassment under the Marine Mammal Protection Act. Pile installation and use of thrusters during docking will likely require Neptune to apply for an Incidental Harassment Authorization (IHA) under the MMPA. An acoustic monitoring array used around the construction site could help determine the potential for marine mammals to be exposed to certain noise levels. The proponent should note recommendations from DMF

regarding protected species issues during construction of the Port and Pipeline and during operation of the Port.

The FEIR should further assess potential impacts based on additional supporting scientific literature and/or specific data on whale abundance and behavior in the project area. Specifically, the FEIR should more fully address: the threat from entanglement given the anchor lines proposed, the potential for vessel strikes, the characterization of ambient noise levels, and the influence of increased noise associated with port and lateral pipeline construction and operation.

The use of ship-based visual observation is not an effective method to reliably detect the presence of whales, particularly right whales. The use of acoustic buoys may be an effective means of detecting the presence of whales in the project area and within the shipping lanes approaching the DWP. The proponent is also investigating the applicability of active acoustic technology that could allow the LNG vessels to avoid whales. The proponent is currently discussing with state and federal agency staff the need for, and necessary components of, measures to avoid, minimize and mitigate impacts to whales. These may include an acoustic array developed around the site with protocols established that will avoid the exposure of right whales to levels of noise that are considered by the National Marine Fisheries Service (NMFS) to cause a disturbance to the species. After construction, approaching ships may be required to use the Traffic Separation Scheme and the Automated Identification System to provide information on ship speed, position and heading. Based on the outcomes of these discussions, the FEIR should provide additional information regarding the extent of potential impacts, and identify all measures taken to avoid, minimize and mitigate impacts. The Draft Section 61 Findings should reflect this information.

#### *Construction Time-of-Year*

The DEIR reviewed three construction schedule alternatives: a summer construction period from May to September (the proponent's preferred alternative); a winter alternative from September to May; and a third alternative extending from January to July. The report provides an analysis of the wide range of shellfish, crustaceans, finfish and mammals that reside in or migrate through the Project area, including several species that are endangered or under protection due to their depleted populations. The report also documents that during their various life stages and migratory patterns these populations are somewhere present within the Project area throughout the year. It therefore is infeasible to select a seven-month work window within which impacts to all species can be avoided or minimized.

The analysis appears to favor a summer construction schedule from May-September (or November in the event of delay), which appears to best avoid conflicts with North Atlantic right whales, but it does not avoid such conflicts altogether. The DEIR does not make the tradeoffs as clear as they should be. In addition to continuing to analyze these alternative schedules, finer scale planning alternatives should be analyzed to avoid conflicts as much as possible within the broad construction schedule windows outlined in the DEIR. It must be made clear in the final decision what the construction window is for the purpose of analyzing the impacts and determining any appropriate mitigation or compensation.

Identifying the preferred alternative or ranking them is a key component in evaluating contingency plans and mitigation strategies. The FEIR should recommend/rank the preferred work windows based on an analysis of factors including:

- the potential for impacts to certain species (e.g., whales) balanced against impacts to other species (e.g., lobsters) based on anticipated impacts to benthic habitat;
- the potential impact of weather conditions for prolonging the construction period;
- the likelihood that mitigation measures can substantially reduce impacts to species and life stages affected by the preferred construction window; and
- the probability that sequencing construction activities can reduce impacts by avoiding significant habitats and locales.

### *Commercial Fishing and Recreational Boating*

The Waterways regulations at 310 CMR 9.36(3) requires that a project not disrupt any existing water-dependent use at an off-site location within the proximate vicinity of the site. Table 4.6-1 of the DEIR asserts that the construction of the Pipeline will have an economic impact to commercial fishermen of approximately \$125,925 (note however, that a lower figure is provided in Table 4.6-2). This figure is significantly less than the \$350,000 to \$378,000 construction period economic impact estimate provided by Northeast Gateway in Appendix J of the DEIR filed for that project. Recognizing that these two projects are expected to have similar impacts, these disparate estimates should be reconciled in the FEIR. In addition, the DEIR estimates that approximately \$3.2 million in revenue would be lost to the commercial fishing industry over the life of the project; this figure is again inconsistent with the \$2.6 million estimated by Northeast Gateway, and this disparity should also be reconciled in the FEIR. The proponent should consult with NMFS on this issue as discussed below

However, this analysis does not appear to account for potential indirect costs to associated shoreside businesses. Moreover, because of existing restrictions on fishing, many members of the fishing community are operating on the margin of profitability and even small impacts to individual fishermen may result in significant adverse ripple effects through the local economies of coastal communities. The FEIR should consider the comments submitted regarding the socio-economic impacts of the project. Given the role of the National Marine Fisheries Service (NMFS) under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act, which includes assessing the socio-economic impacts of fishery management measures, I recommend the proponent to consult with NMFS and develop an assessment that more accurately characterizes the project's potential impacts to commercial fishing interests. The FEIR should present this revised analysis of potential impacts.

The FEIR should detail proposed measures to communicate with commercial fishermen during the construction period; and establish a gear replacement program that provides compensation for gear lost during the construction period (including anchor impacts) and subsequent to the construction period in the event that the Pipeline becomes exposed and presents a hazard to fishing gear. The FEIR should include a program to monitor the Pipeline to determine whether in the normal course of events or as a result of extreme weather events the



pipe is uncovered, potentially resulting in loss of habitat, fishing gear entanglement and other intrusions with existing uses. The FEIR should discuss the likelihood of such exposures, the options to address the problem, and their relative advantages and disadvantages and appropriate mitigation or compensation.

In response to comments from the Massachusetts Marine Trades Association (MMTA) the proponent should discuss how to will work with the USCG to develop communications systems so that recreational boaters have adequate information about their responsibilities and options while navigating near the proposed port or SRVs under transit. The FEIR should also respond to MMTA's comment that estimates of recreational boating traffic and existing marine facilities may be underestimated in the DEIR.

### Contingency Planning

Additional information should be provided regarding the appropriate planning and contractual commitments that need to be in place to minimize the risk that bad weather or unanticipated events will disrupt the approved construction schedule and potentially increase adverse impacts from project construction to priority aquatic resources and the fishing community. The absence of appropriate contingency measures and an implementation process was a chief cause of the HubLine project's failure to meet its approved construction schedule, resulting in considerable intrusion into the Time of Year restricted period. As much detail as is feasible at this stage of the project regarding contingency planning should be set out in the FEIR.

While the DEIR includes a contingency construction schedule that adds a month to the work schedule in consideration of possible delays, the FEIR should include, for example, a discussion about the proponent's ability to mobilize additional equipment should schedule disruptions occur, the use of an adequate number, kind and size of vessels and appropriate construction methodologies to minimize the construction period and ensure compliance with the depth to burial performance standards. The planning should also consider what steps will be taken if construction is unavoidably delayed such that certain construction activities planned for certain times to avoid or minimize adverse impacts are unable to be completed on schedule. Contingency planning should also take into account the respective roles the federal and state regulatory agencies would play in reviewing contingency-based revisions to the terms and conditions of licenses and permits, and how those reviews could be facilitated in the interest of environmental protection.

### Air Quality

The DEIR addresses the general conformity requirements of Section 176(c)(1) of the US Clean Air Act and the General Conformity regulations promulgated by EPA in 1993 (40 CFR Part 51, Subpart W, and 40 CFR Part 93) and the applicability of the regulations to the Neptune project. The USCG and Maritime Administration (MARAD) are the lead federal agencies for licensing the project and a draft general conformity determination will be available for public comment before these agencies issue a final determination on the project. The General Conformity Determination is required because the project is estimated to generate 208 tons per year of nitrogen oxides in the construction period (see Table 4.8.1), exceeding the 100 tons per

year threshold in the general conformity regulations for this pollutant.

Eastern Massachusetts is designated as a moderate ozone nonattainment area under the 8-hour ozone standard. The criteria for determining conformity for ozone nonattainment areas are as follows (see 40 CFR Part 51.858):

1. The total of the direct and indirect emissions from the project are included in the State Implementation Plan (SIP);
2. The state air agency makes a determination that the total of the direct and indirect emissions from the project would not exceed the emission budgets in the SIP;
3. The state air agency makes a commitment to a SIP revision to achieve the necessary reductions prior to the federal action; or
4. The total of the direct and indirect emissions from the project are fully offset within the same nonattainment area through revision to the SIP or a similarly enforceable measure that affects emission reductions so that there is no net increase in emissions of that pollutant;

The emissions from the project do not meet criteria 1 through 3 and, as the DEIR indicates, offsets will be required to demonstrate conformity with the SIP. DEP recommends that the USCG and MARAD include in the FEIR the projected schedule for the required General Conformity determination, including plans to notify the U.S. Environmental Protection Agency and DEP of the availability of the determination and the 30-day public comment period. DEP will consult and work with the USCG and the project proponent to identify mitigation measures to meet the conformity requirements.

I commend the proponent on the commitments it has made since the initial proposal of the project to substantially reduce emissions through innovative retrofits to its SRVs. The proponent should note comments from the EPA regarding air quality issues discussed in the DEIR. In addition, the proponent should consult and work with DEP and USEPA to identify mitigation measures to meet the conformity requirements. To the extent practicable, the FEIR should report on the results of these consultations.

### Historic Resources

The Draft EIS/EIR indicates that the proponent's intention is to avoid adverse effects to significant cultural resources. The Massachusetts Historical Commission (MHC) states in its comments however that the conclusions made in the DEIR/DEIS about the presence of and the effects on significant cultural resources are premature. The proponent has not yet provided sufficient information to allow MHC to determine whether the project will adversely impact cultural resources. MHC has been recently contacted by the project's cultural resources consultants, who plan to submit a proposed research design and methodology for additional proposed field investigations and data analysis for MHC review and comment. The proponent should continue to consult with MHC on the evaluation of project effects to cultural resources to ensure that the project does not adversely impact significant historic or archaeological resources. In the FEIR/FEIS the proponent should present a final plan for avoidance of archaeologically sensitive areas and a plan for addressing unexpected discoveries.

### Mitigation and Compensation

The construction and operation of a DWP of this scale will result in unavoidable impacts to coastal and marine resources. The MEPA process can serve an important role in coordinating the requirements for compensation and mitigation related to this DWP. The MEPA process should be used as an opportunity for resource and management agencies to recommend mitigation requirements at an early stage so that a comprehensive program that addresses priority issues related to the DWP can be developed in a coordinated fashion. This is particularly important for large infrastructure projects such as this one that involve multiple agencies, and raise important policy issues regarding the use of public trust resources. The permanent occupation of the seafloor by the DWP may preclude or detrimentally affect other potential long-term future uses of the surrounding seabed and marine resources. Therefore, the FEIR should include proposals for compensatory mitigation, in consideration of the predicted 20-year life expectancy of the DWP versus any proposed restrictions on activity within the proposed safety exclusion around the DWP and potential impacts to marine habitat and fisheries and their anticipated recovery periods. In addition to regulatory mitigation requirements, compensation may be required for this project under Chapter 91. In addition, the DWP Act at Section 1504(h)(2) and (3) provides for the potential payment of a fee to the adjacent state for the construction and operation of a DWP, subject to various conditions and limitations. The proponent should consider and describe mitigation related to natural resources, the fishing economy, energy infrastructure, recreation, and ocean management data.

I strongly encourage the proponent to continue consulting with local, state and federal agencies to develop a comprehensive package of mitigation measures for the proposed project that are designed to offset and rectify the direct and indirect impacts of the DWP to living marine resources, marine habitats, and lost or impaired human uses. The Proposed Section 61 Findings provide a good list of necessary mitigation measures; the Findings should be revised accordingly based on comments received during the review process and further project development. The FEIR should include a summary of all mitigation measures to which the proponent has committed, based on the outcome of the ongoing consultation process. The FEIR should also include Draft Section 61 Findings for use by the state permitting agencies that are consistent with the outcome of the consultation process and that include clear commitments to implement mitigation measures, including costs and the schedule for implementation. Comprehensive contingency planning and a valid monitoring program are two core components of an effective mitigation strategy.

### Responses to Comments

The FEIR should respond to the substantive concerns raised in the comment letters to the extent that they are within MEPA jurisdiction. I also encourage the proponent to review the comments submitted into the USCG public record and to use this opportunity to address concerns that may not have been formally raised in the MEPA process. The FEIR should include a copy of each comment letter submitted to the Secretary of Environmental Affairs (listed at the end of this Certificate) and respond to each substantive comment. The proponent should circulate a hard copy of the FEIR to each state and local agency from which the

proponent will seek permits or approvals.

### Circulation

To save paper and other resources, I will allow the proponent to circulate the FEIR in CD-ROM format to individual commenters, although the proponent should make available a reasonable number of hard copies available on a first come, first served basis, to accommodate those without convenient access to a computer. In the interest of broad public dissemination of information, I encourage the proponent to send a notice of availability of the FEIR (including relevant comment deadlines, locations where hard copies may be reviewed and electronic copies obtained and appropriate addresses) to those who submitted comment letters to the USCG. This notification may take the form of electronic notification for those comments submitted via e-mail.

July 24, 2006

Date

  
Stephen R. Pritchard

### Comments received:

6/20/2006	Alice & Delores Jordan
6/27/2006	Christine Tremblay
6/28/2006	Whale and Dolphin Conservation Society
6/30/2006	Commonwealth of Massachusetts, Division of Energy Resources
7/6/2006	Massachusetts Historical Commission
7/6/2006	The Whale Center of New England
7/11/2006	Michael E. Capuano, Member of Congress
7/11/2006	Massachusetts Marine Trades Association
7/12/2006	Board of Selectmen, Town of Marblehead
7/12/2006	Susan Maguire, Nahant SWIM (Safer Waters in Massachusetts)
7/13/2006	James W. Hunt, III, Chief of Environmental and Energy Services, City of Boston
7/13/2006	Gloucester Fishermen's Wives Association
7/14/2006	Department of Environmental Protection
7/14/2006	Margaret Hinrichs
7/14/2006	Massachusetts Office of Coastal Zone Management
7/14/2006	John Bell, Mayor, City of Gloucester,
7/14/2006	United States Department of the Interior
7/14/2006	Department of the Army, New England District, Corps of Engineers
7/17/2006	Polly Bradley, Nahant SWIM (Safer Waters in Massachusetts)
7/17/2006	Alessandro & Kathy Cagiati
7/17/2006	Massachusetts Division of Marine Fisheries
7/17/2006	Northeast Seafood Coalition

7/17/2006 Conservation Law Foundation  
7/17/2006 Nick Mango & Liz Garthe  
7/17/2006 Massachusetts Energy Facilities Siting Board  
7/17/2006 Department of Conservation and Recreation  
7/17/2006 National Oceanic and Atmospheric Administration  
7/18/2006 U.S. Environmental Protection Agency  
7/21/2006 MA Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program

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