



Save Passamaquoddy Bay

A 3-Nation Alliance

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Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE Room 1A
Washington, DC 20426

eFiled on 2014 July 1

Re: Downeast LNG, Docket Nos. CP07-52-000, CP07-53-000, and CP07-53-001 FERC Abuse of Stakeholder Interests

Dear Ms. Bose,

Throughout these proceedings, along with now-dead Quoddy Bay LNG (CP07-38) and Calais LNG (CP10-31), it has become evermore obvious that FERC abuses stakeholder interests. The Downeast LNG final EIS makes the abuse even more severe and obvious.

Ever since Downeast LNG entered formal permitting, FERC has failed to fulfill its obligations to the public interest. Motions, questions, and comments deserving timely answers have not been answered appropriately. On the contrary, FERC policy apparently is to delay answering such matters only until including them in the Draft EIS and Final EIS, providing stakeholders limited opportunity to rebut or take other action. On the other hand, FERC communicates frequently with the applicant. FERC even responds in a timely fashion to elected officials and bureaucrats who are not parties to these proceedings. And, FERC gives the applicant multiple bites at the apple — continuing to do so until the applicant “finally” gets it right. Stakeholders are regularly handicapped by FERC’s hypocritical, abusive service to the public interest.

Further, preparers of the Final EIS have ignored critical, credible information provided to the docket (e.g., “The Whole Bay Study” and the significant religious and cultural Passamaquoddy asset upon which the Downeast LNG project would sit), while swallowing whole the contrary claims of the applicant. The Final EIS is rife with errors, omissions, prevarications, obfuscations, contradictions, false assumptions, and speculations. It even dismisses several public comments by referring to a non-existent section of the EIS.

The FERC website and docket system are a confusing morass. There are no clear, comprehensive sources for the inexperienced public to follow (although some improvements have occurred in the last 10 years). It can take years for stakeholders to

learn some aspects of the permitting process that should have been made clear to the public at the outset.

FERC provides incomplete, incorrect, and misleading online information regarding public involvement in the permitting process. The “Applicant’s Planning Process” schematic, “Processes for Natural Gas Certificate”¹ fails to indicate that the public can comment (“Public Input Opportunities”) after issuance of the Final EIS. That same schematic indicates that intervenors or the public can ask for a rehearing or take FERC to court **only if FERC denies the permit**, implying that intervenors have no right to take action if FERC **approves** the permit.

FERC’s schematic for “EIS Pre-Filing Environmental Review Process”² **fails to indicate a public or intervenor comment period after issuance of the Final EIS**. The schematic indicates, after a FERC final decision, that parties can request a final decision rehearing, but **omits mentioning the ability to take FERC to court**.

The FERC permitting process, online information, and EIS are an offense to the public’s and stakeholders’ interests and rights.

The fact that FERC has **never** denied an LNG terminal applicant for environmental reasons — and has ever **only once denied** an LNG terminal applicant — defies credibility. **The Downeast LNG EIS needs to be rewritten properly and objectively, giving legitimate regard and attention to stakeholders, rather than simply being a reflection of the applicant’s and industry’s wishes.**

Very truly,

Robert Godfrey
Researcher & Webmaster

CC: Office of the Inspector General
Sen. Angus King
Sen. Susan Collins
Rep. Mike Michaud
Rep. Chellie Pingree
Service List

¹ Accompanying file: **02_FERC_Processes_for_Natural_Gas_Certificate.pdf**,
<http://www.ferc.gov/help/processes/flow/gas-2.asp>

² Accompanying file: **03_FERC_EIS_Pre-filing_Env_Review_Process.pdf**,
<http://www.ferc.gov/help/processes/flow/process-eis.asp>