



Save Passamaquoddy Bay

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

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**Re: Downeast LNG, Docket Nos. CP07-52-000, CP07-53-000, and CP07-53-001
Final EIS Appendices Rebuttal**

Dear Ms. Bose,

Downeast LNG has announced to the press that it intends to significantly change its project.¹ Downeast LNG intends to reduce storage capacity, change daily output capacity, and expand capability to include liquefaction and export. Downeast LNG's current applications should be disqualified, mooted the need to comment on this docket.

Despite Downeast LNG's changed project, the following comments were in progress; thus, they are submitted to the docket.

Downeast LNG has been in the formal FERC permitting process since January 2007. **The applicant has had over seven (7) years to comply with permitting requirements. Therefore, there is no valid reason for FERC to approve permits on the speculative condition that those permitting requirements be completed after permits are granted.**

Appendix D — FERC Staff's Responses to Maine State Planning Office Safety Advisory Report

Table D-1 states that the Emergency Response Plan (ERP) be coordinated with, among others, provincial, tribal, county (in Canada: Charlotte County), and local emergency planning groups. **FERC fails to mention that the Passamaquoddy Tribe opposes Downeast LNG; and that the Canadian federal government, New Brunswick provincial government, and all impacted Canadian municipal governments oppose the project and have already indicated that they will not co-operate.**

¹ See **Accession No. 20140624-5038** containing Downeast LNG's 2014 June 20 press release announcing its changed project: http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14228338

Appendix F — Waterway for LNG Marine Traffic Maps

Map legends state: "Security Zones of Concern". **In actuality, Sandia National Laboratories defined these as *Hazard Zones*, not Security Zones of Concern. The "Security Zones of Concern" euphemism marginalizes the actual hazards to civilian life, assets, and environment.**

Appendix S — Comments on Draft EIS and Responses

Error: US Coast Guard Captain Moore states, "particular to this product [sic] are boundary concerns and sovereignty issues. The continual development of bilateral arrangements and joint protocols on a number of fronts will help to ensure that safety, security and environmental response mechanisms are in place for the protection and welfare of all communities along the shared waterway."

In fact, no "continual development of bilateral arrangements and joint protocols" of any sort have taken place, and will not take place, as Canada has firmly and repeatedly stated to FERC. Canada will not cooperate, and prohibits LNG transits into Passamaquoddy Bay. There can be assurance that **no** bilateral "safety, security and environmental response mechanisms" would ever be in place regarding Downeast LNG.

The Captain of the Port's WSA and LOR ***make demonstrably-false assumptions***, as Canada has repeatedly indicated since 2007. It is incumbent on the US Coast Guard and FERC to recognize the non-feasibility of the WSA and LOR, and to revise the LOR against the Downeast LNG project.

FA3-11 Error: FERC baldly responds that "the Downeast EIS complies with the requirements of Executive Order 12898." However, FERC has consistently refused to comply with the requirements in Executive Order 12898 re Environmental Justice. FERC's claim of compliance in this EIS lacks credibility.

Additionally, FERC claims that since the probability of an LNG release is low, there is no disproportionate impact on low income communities or Indian tribes. In reality, there is a disproportionate impact, since the entire Passamaquoddy Pleasant Point/Sipayik community would fall within LNG ships' Hazard Zones. Regardless of probability, the potential impact from an LNG release threatens a large proportion of the entire Passamaquoddy gene pool — a significantly larger proportion of that population as compared to the non-Passamaquoddy population.

Claiming that Downeast LNG would result in economic benefit to the Pleasant Point community is unsubstantiated, and is possibly incorrect. The tribal government (as well as all communities along the transit route) would need additional emergency response infrastructure, and there is no guarantee that Downeast LNG's "cost-sharing plan" would cover all of those expenses since no cost sharing plan has been developed or approved. A 100 burn-bed hospital would be required within one-hour's distance, in an economically deprived area. There is no guarantee that that would be

paid for, including infrastructure, staff, furnishings, and ongoing expenses by Downeast LNG. **Community stress from potential harm is not a “benefit,” and must taken into account.**

FA3-12 Error: FERC baldly claims “no impacts on traditional cultural properties have been identified”; and, “[since] these consultations are ongoing, we have not determined whether the project may result in any adverse affects on traditional cultural practices of the Tribe.” **Nothing could be more incorrect.** Extensive photographs were supplied to the docket of tribal prehistoric assets (Accession No. 20140311-5119) that certainly would have access restricted by the project, asset continuity certainly would be destroyed, and destruction or damage to some of those assets would certainly occur.

FA3-14 Error: The pipeline appears to go beneath a Tribal island in the St. Croix River, in violation of Passamaquoddy Tribal Government rights.

FA4-2 Error: FERC baldly obfuscates the issue. Although Downeast LNG is *now* the only LNG import terminal proposal in New England and Eastern Canada, the EPA’s question refers to conditions existing at the time of Draft EIS release. Since that time, **three LNG import terminals have been constructed in that same area.** EPA reasonably believes consideration of how many such terminals are needed. It is significant that **of the two new terminals built offshore from Boston, neither has received any LNG in three years, and one of those terminals has been taken out of service. The third terminal, Canaport LNG is currently operating at around 9% of capacity, has received authority to re-export LNG it has imported, and its majority owner (Repsol) is planning a \$2 billion LNG export terminal there.**

FA5-12 Error: FERC inconsistently dismisses, as ‘purely speculative,’ project alternatives, **while at the same time accepting other purely speculative outcomes of its own making, such as ‘ongoing consultations with the Passamaquoddy Tribe,’ and ‘resolving’ Canada’s prohibition of LNG transits into Passamaquoddy Bay.**

FA6-1 Omission: NOAA National Marine Fisheries Service has not received information it requested of FERC and Downeast LNG **as far back as 2009** regarding protected species and a whale-strike avoidance plan. FERC’s response is “Thank you for your comment.”! Five years seems adequate time for the applicant to have provided the requested plan. Permit approval conditioned on eventually providing that plan, when that plan should have and could have already been provided, tasks credulity.

FA7-1 Error: FERC states that the Maritimes and Northeast Pipeline (M&NE) would be capable of transporting the additional volume of natural gas provided by

Downeast LNG. Since Downeast LNG claims its project is needed to provide natural gas during periods of pipeline constraint, FERC's response seems to contradict the conditions that would actually exist — M&NE would be able to transport Downeast LNG's added gas, but pipelines connecting to M&NE would not, ***precisely because of*** the pipeline constraints.

NA-1 and NA2-1 Comment: In 2009, Save Passamaquoddy Bay, Nulankeyutomonen Nkihtahkomikumon, and Save Passamaquoddy Bay Canada — **intervenors in this permitting** — filed a motion to extend the Draft EIS comment period. **Not until 2014 — five years later, and in the FINAL EIS — does FERC provide a response.** We note that FERC has provided timely responses to non-intervenor elected officials' comments to the docket, while consistently providing short shrift to official intervenors, handicapping intervenors' knowledge and ability in the process. ***Save Passamaquoddy Bay strongly protests FERC's ongoing abuse of environmental justice in this issue, and FERC's discrimination against legitimate intervenors who have a right to equal treatment under the law.***

NA4-1 Speculation: FERC states that “just because a pipeline is fully subscribed (or nearly fully subscribed) at a particular time, does not mean that sufficient capacity will never be available for new subscribers.” In other words, FERC is **speculating** that room could sometimes — **but not necessarily** — be available.

FERC also states, “the lack of available capacity should not be construed as an indication of deficient volume; the current M&NE facilities have the ability to accept the flow of gas as proposed.” FERC is explicitly ignoring that pipelines connecting to the M&NE Pipeline cannot accept Downeast LNG's natural gas, because New England pipelines are constrained.

NA4-5 Speculation: FERC again **speculates** that Downeast LNG would construct and operate its facility according to their proposed methods and FERC's recommendations.

NA4-9 and others Speculation: FERC states that it would not allow construction to proceed until having concluded consultation with NOAA fisheries regarding endangered species. However, by then, FERC would have **speculatively** issued permits, rather than requiring compliance prior to issuing the permits.

NA4-16 Prevarication, Error, and Speculation: FERC's response to a comment regarding the Draft EIS baldly states, “**We do not agree that the Downeast EIS lacks critical information,**” ***and then admits information may be lacking.*** If the Draft EIS had not lacked critical information, then **there would have been no reason to alter it** into Final EIS form, as FERC obviously did. ***Additionally, throughout the Final EIS, FERC speculatively assumes critical information that is lacking will be provided sometime after FERC issues permits.*** FERC is not being honest in its response to comments — **violating its Public Interest mandate and principles of Environmental Justice.**

NA4-30 & NA4-32 Error: The EIS erroneously claims that interrupting the local ferry services would not significantly impact ferry traffic or ferry users, even though — as stated in NA4-32 — wait time could reach up to 60 minutes. In fact, due to the ferry route distances involved and time required for proposed LNG ship transits, a single interruption could result in a loss of 12% or more of Deer Island ferry operators' revenues for the day. Similarly, such interruption would then require ferry passenger traffic to wait a full hour for the next trip, resulting in a backlog of traffic, similar to the 'anaconda effect' experienced in heavy freeway automobile traffic; every subsequent passage would delay a set of passengers who otherwise would already have taken the ferry. It is quite possible on heavy-traffic days that some passengers could not acquire ferry service at all, and would have to wait another day. Knock-on impacts of LNG transits could have a significant economic impact on ferry operators, their passengers, and area commerce.

NA4-33, NA4-34, and NA4-36 Errors & Omissions: The EIS claims that Downeast LNG has developed a plan to compensate fishermen for economic losses resulting from LNG ship transits (although, in NA4-35, FERC indicates that the plan has not been completed). No mention is made of a compensation plan for other negatively-impacted businesses, such as ferry services, shops, restaurants, lodgings, gas stations, grocery stores, and hardware stores. There is no mention of compensation to land owners whose property values decline as a result of the Downeast LNG terminal, should it be built. In NA4-36, the EIS claims, "Downeast developed its Fishermen Communication, Coordination, and Compensation Plan..." **when, in fact, that plan has not been completed.** The assumption that an incomplete plan will be satisfactory at some time in the future is *a priori speculation*.

NA4-35 Speculation: This FERC response states that Downeast LNG has not completed its Fishermen Communication, Coordination and Compensation Plan, and FERC recommends that impacts on local lobster and lobster habitat be mitigated. In other words, FERC **speculates** that impacts *can be* mitigated. It is possible that they cannot.

In fact, at Downeast LNG's Maine Board of Environmental Protection (BEP) hearing in 2007, Downeast LNG could not achieve a required fishermen compensation plan, and Downeast LNG then withdrew its state permitting applications.

Downeast LNG has a long history of failing this requirement, and should not be given a *speculative* conditional "pass."

NA4-37 Prevarication & Speculation: The EIS states, in whole [bold emphasis added],

"We do not believe that Downeast's Fishermen Communication, Coordination and Compensation Plan is faulty, impractical, unenforceable, or ill-founded. Downeast has developed a draft plan; we have included a recommendation that Downeast continue to consult with the Maine DMR and appropriate representatives of the local lobster fishery to finalize this plan prior to operation of

the LNG terminal. If the Commission authorizes the Project all mitigation measures proposed by Downeast, including implementation of this plan, would be an enforceable condition of the Commission's Order."

In fact, the Plan has not been completed after already having spent over 7 years in the formal permitting process, making the above statement incorrect and speculative. Since the plan is not complete, FERC's claim that it is not faulty, impractical, unenforceable, or ill-founded cannot be known; it is baseless — a violation of FERC's public interest mandate and a violation of Environmental Justice.

NA4-38 Omission: The EIS ignores The Whole Bay Study results that document a net negative economic effect from the proposed Downeast LNG project.

NA4-205 Omission: The EIS states, "We do not believe that our analyses of safety risks and alternatives to the proposed project are inadequate and poorly supported. The basis for identification and evaluation of potential alternative LNG import terminal sites is explained in section 3.4.1 of the EIS. Section 3.4.2 discusses why additional storage would not be an option at other existing and proposed LNG facilities in New England. See response to comment NA4-80."

FERC ignores that Canaport LNG has room for an additional storage tank.

NA4-206 Prevarication, Error, and Environmental Justice Violation: The EIS states, "The EIS does not rely on lower population as a justification for claiming the risks of this facility are low."

The EIS claim is false. Risk calculation takes population size into account, as specified in NFPA 59A, "Categorization of consequences by number of people suffering injuries."²

Further, in Appendix B, Coast Guard LOR and WSR, page 43 (PDF page 52) is stated (bold emphasis added):

*"The other factor used to judge the potential impact of an LNG release is **the concentration of populace threatened. The three levels of population density**, as defined by NVICs 05- 05 and 05-08, are:*

*• **High population areas** – residential areas with a population density of 9,000 persons or more per square mile;*

*• **Medium population areas** – residential areas with 1,000 to 9,000 persons per square mile; and*

² See accompanying file: **02_Risk.LNG.pdf**, *Journal of Loss Prevention in the Process Industries*, "Risk analysis based LNG facility siting standard in NFPA 59A," Raj and Lemoff, page 8, Table 7.

*“• **Low population areas** – residential areas with less than 1,000 persons per square mile.*

*“Using the above criteria, Downeast LNG concluded in their WSA that **the transit route passes through relatively low population areas, i.e., predominantly fewer than 1,000 persons per square mile.** By definition, the Pleasant Point Passamaquoddy Tribal Reservation, having a population density of 1,376 persons per square mile and located about 7 nautical miles downstream of the proposed terminal site and approximately $\frac{3}{4}$ nautical miles from the centerline of the transit route, is considered a **borderline medium population area** (other sources report the population density as being 984 persons per square mile). By contrast, the popular tourist area of St. Andrews, New Brunswick, is located geographically opposite from the proposed Downeast LNG site, and is home to approximately 2500 residents with **a population density of 88 persons per square mile.** The next highest population area affected by a transiting LNG carrier is the City of Eastport, ME, with **a population density of 448 persons per square mile.** Comparatively, Campobello Island, New Brunswick, Deer Island, and Robbinston, ME, have **population densities of 78, 58, and 19 persons per square mile,** respectively. Obviously, **the demographics of the Passamaquoddy Bay port area do not meet the NVIC criterion for high population density,** both with regard to the vessel’s transit route or surrounding the proposed facility site. This statement is not meant to minimize the significance and/or importance of the surrounding communities, environment, and population living, working or using the waterway. Rather, it simply concludes that **the risk of LNG movement through the waterway has been evaluated against pre-determined criteria** in order to measure and prioritize those areas that would be most severely impacted.”*

The Coast Guard and FERC attempt unsuccessfully to dance around this issue. Risk calculations incorporate magnitude of consequence: **lower population-density risk calculations result in lower risk result values.** Human life in sparsely-populated areas is held at a lower value — **an intrinsic Environmental Justice violation.**

NA4-207 Error & Omissions: The EIS claims (bold emphasis added),

*“...**We have revised section 3.3.25 of the final EIS** to explain further why conceptual combinations of projects, including conceptual natural gas storage projects in New England, are not evaluated as alternatives in the EIS.”*

There ***is no section 3.3.25*** in the final EIS.

Also, **only those alternatives considered by the applicant are given credence, when other, more valid, alternatives exist.**

NA4-208 Error & Omissions: This FERC response suffers the same problems as NA4-207 for the same reasons as explained above.

NA4-216 Error, Prevarication, and Obfuscation: The EIS states,

*“Section 3.3.2 of the Downeast EIS discusses approved and proposed offshore LNG or natural gas projects. **The EIS specifically evaluates the combination of existing offshore LNG projects in section 3.3.2.5. Most of the offshore LNG projects that have been proposed are too far removed from the New England market to be considered reasonable alternatives to the proposed project.** FERC’s mandate is to determine if the project as proposed by the applicant is in the public interest, not whether it should be sited offshore. Ultimately, the market will decide if the Downeast LNG Project is constructed. The Coast Guard’s analysis of the safety of the waterway was thorough and comprehensive. The text cited by the commenter is from page 46 of the WSR, where the Coast Guard explains that its waterway suitability assessment closely paralleled SIGTTO’s Quantitative Risk Assessment methodology and that it referred to SIGTTO’s documents throughout the process.”*

There is no section 3.3.2.5 in the EIS.

FERC states that “most of the offshore LNG projects that have been proposed are too far removed from the New England market to be considered reasonable alternatives to the proposed project.” Please refer specifically to **Neptune LNG and Northeast Gateway — two offshore LNG import terminals — are in Massachusetts Bay, in New England, squarely in the market Downeast LNG proposes to serve.** And, **the market has demonstrated that these new terminals are unneeded; they have had no LNG imports in over three (3) years,** and Neptune LNG has been taken out of service “for the foreseeable future.” **FERC is disingenuous in its response to this issue.**

FERC states that the Coast Guard’s WSR uses similar procedure as SIGTTO’s Quantitative Risk Assessment. **And yet, SIGTTO’s terminal siting best safe practices advise against siting terminals under the conditions present in Passamaquoddy Bay.**

NA4-217 Speculation & Violation of Public Interest: The WSR and FERC are suggesting a conditioned permit approval based on a purely speculative basis that they know is impossible to achieve. Canada has already determined that LNG transits are inappropriate in the subject waterway, and have repeatedly indicated — including from the highest level in the Canadian government to the highest level in the US government — that LNG transits are prohibited. The EIS repeatedly states that Downeast LNG must “resolve” this issue, when it is very clear that **the issue has already been resolved** (albeit not to Downeast LNG’s, FERC’s, and the Coast Guard’s liking) — **a clear and intrinsic violation of the public interest.**

NA4-218 Error & Prevarication: The EIS claims that ships delivering to the Northeast Gateway and Neptune LNG import terminals do not provide storage. That is incorrect. They provide storage aboard ship, with the ability to send that storage to where it is needed — **an advantage not possessed by Downeast LNG.**

The EIS baldly claims, without substantiation, that Canaport LNG does not serve the same New England market as proposed by Downeast LNG!

Canaport LNG was constructed, in part, to send natural gas to the New England market — precisely the market Downeast LNG proposes to serve.

Canaport LNG, itself, states (emphasis added),

- *“We have a maximum send out capacity of 1.2 billion cubic feet (BCF) or 28 million cubic metres of natural gas per day. **Canaport LNG is able to supply 20% of the natural gas needs of the northeast US** as well as Canadian needs.”³*
- *“**Canaport LNG expects to supply approximately 20 percent of current natural gas demand in New England**”⁴*

Canaport LNG’s *intended* market may be exactly the same market as intended by Downeast LNG. Canaport’s baseload delivery demonstrates actual demand.

Downeast LNG’s *intended* market can *never* be its actual market, as FERC is well aware, due to Downeast LNG’s inability to receive LNG, and due to the lack of market for Downeast LNG’s natural gas.

The EIS statement on this matter is false and irrelevant.

The EIS lacks veracity, and fails to meet its public interest obligation.

There *is no* section 3.3.2.5 in the EIS.

³ See accompanying file, **03_CanaportLNG_AboutUs.pdf**, http://www.canaportlng.com/about_us.php

⁴ See attached file, **04_CanaportLNG_NeedForLNG.pdf**, http://www.canaportlng.com/need_for_lng.php

NA4-219 Errors, Omissions, and Speculation: Since vapor fencing along the marine trestle could be destroyed in the event of a ship allision, aircraft allision, bomb, or missile, *the vapor fence would then not prevent LNG vapor from reaching private property along the north shore of Mill Cove* — as was confirmed in Downeast LNG's initial design release modeling in which no vapor fence was present on the trestle.

Also, *the public has the unimpeded right under Maine's prescriptive use law to be present at any time in the intertidal zone immediately beneath the trestle; therefore, the mentioned hazards would pose a danger to the public.*

The EIS artificially limits considering possibility for unconfined vapor explosion by considering only culverts as the precipitating confined-explosion source. Similar results could occur from **ship hulls, tugboat wheel houses, piers, trees, and fences.**

NA4-219a Obfuscation, Contradiction, and Prevarication: We pointed to a contradiction in the DEIS: The DEIS states that the local acreage converted to industrial use is unknown, but the DEIS then goes on to claim, “This conversion to industrial use would have minor cumulative impact on land use in the region.” *Without knowing how much local acreage would be converted to industrial use, the DEIS claims the impact would be minor — a contradictory conclusion. FERC then compounds the problem by using ignoratio elenchi — an unrelated logical argument — bringing up marine vessel traffic in an effort to obfuscate the contradiction.*

The EIS lacks credibility.

NA4-220 Obfuscation & Contradiction: *FERC continues to euphemistically mislabel Sandia-defined hazard zones as ‘Sandia zones of concern.’* Nowhere in either Sandia Report (2004 or 2011) does Sandia refer to “zones of concern”; it specifically calls them “hazard zones.” This persistent attempt to mischaracterize the seriousness of hazard zones **contradicts FERC’s public safety mandate in violation of public interest.**

NA4-222 Omission & Prevarication: In the “Conclusions About Cumulative Impacts,” we pointed out that there was no substantiation that Downeast LNG would provide “competitively priced natural gas,” or that “[a]dverse indirect impacts would be insignificant.” FERC has entirely ignored “The Whole Bay Study,”⁵ a credible report on the economic impacts from an LNG terminal in Passamaquoddy Bay that demonstrates a net negative economic outcome for the area.

⁵ “The Whole Bay Study” is the short title for “Report on Potential Economic and Fiscal Impacts of LNG Terminals on the Whole Passamaquoddy Bay,” Yellow Wood Associates, 2006, June 20, Accession No. 20130620-5039.

FERC, without substantiation, responds that it disagrees that the EIS contains omissions, inconsistencies, and faulty analysis; whereas, **we have provided substantiation contradicting FERC's claim.**

The EIS lacks credibility.

NA4-223 Prevarication & Error: FERC baldly claims that Downeast LNG “would not be responsible for introducing industrialization to the area.” **An LNG terminal, itself, is intrinsic industrialization.**

FERC states that the proposed LNG transit route is essentially the same route used by all deep-draft vessels to the existing local ports, and that commercial shipping has coexisted with fishing for some time. **FERC fails to recognize that LNG ships are not typical of freighters currently arriving at Passamaquoddy Bay ports — LNG ships are accompanied by federally-defined Hazards Zones.** No other ships arriving here have that distinction.

FERC claims there is a nuclear power plant at “Point a la Croix” that is supposedly “in the area.” There is a Point a la Croix in Campbellton, on the north shore of New Brunswick, and in the province of Quebec, but none in the Passamaquoddy Bay area.

FERC states that the terminal would have no adverse social or environmental impacts. **FERC has completely ignored even mention of “The Whole Bay Study,” produced by a reputable rural economic development firm that demonstrates net negative economic impacts from such an LNG terminal.**

The EIS lacks credibility.

NA4-224 Obfuscation: The Town of St. Andrews observes that the social, economic, and safety threats are so extreme that they outline them in bullet form. FERC's response merely states that an Emergency Response Plan (ERP) and a Cost Sharing Plan are required of Downeast LNG — **an impossibility since Canada, the Province of New Brunswick, and affected Canadian municipalities have already indicated they will not cooperate.**

The EIS response lacks credibility.

NA4-225 Obfuscation & Prevarication: FERC states, *“Commercial marine activities and the tourism industry have co-existed in the area for many years. There is no evidence that the LNG facility would detract from the eco-tourism attractions and educational opportunities of the area.”*

FERC ignores that LNG ships are not typical marine activity; they are accompanied by federally-defined 2-mile-radius Hazard Zones.

FERC baldly claims that there is no evidence that LNG ships or terminal would detract from tourism. **LNG ships would intrinsically disrupt boating and ferry services — both are negative tourism impacts.**

The EIS response lacks credibility.

NA4-235 Speculation: Downeast LNG has not provided a customer for its SCV water; therefore, FERC *speculates* that discharging that water into the bay or local aquifer could be done acceptably sometime *after* issuing permits.

Downeast LNG has already had seven (7) years to complete its applications, including proper disposition of its SCV water, but has provided no solution. **It is unacceptable for FERC to kick this can down the road.**

The EIS response lacks credibility.

NA4-238 Obfuscation: An impacted resident questions how light pollution would be handled, since light from the pier would impact residents' nighttime view southward to Campobello Island. FERC responds that "cutoff fixtures" would be used to minimize the amount of light seen by area residents. **"Minimizing" would not eliminate the visual impact of light reflecting off of the illuminated pier and trestle surfaces. Visual esthetics would be reduced.**

This issue, along with visual impacts during daytime, would impact property values, despite FERC's claims to the contrary elsewhere in its response to comments in the EIS.

Conclusion

Downeast LNG has had over seven (7) years to comply with permitting requirements — a history riddled with deadline abuse.

There is no valid reason for FERC to believe Downeast LNG would have any better response to a "Commission's Order" than it has exhibited since 2007.

There is no reason to approve permits on the *speculative* condition that those requirements would be completed *after* permits are granted.

The EIS contains a shocking number of prevarications, speculation, errors, omissions, violations of environmental justice, contradictions, and violations of public interest.

FERC EIS dismisses project flaws or deficiencies as being speculative in nature, but then, many times over, FERC itself uses speculation to justify 'no negative impacts.'

EIS credibility is lacking to the point that it fails as a document to be trusted for a permitting decision.

Since Downeast LNG announced on 2014 June 20 that it is replacing its current project with a different project, but withheld that information from FERC until the last minute, **the issues considered in the EIS are no longer valid. FERC must either dismiss Downeast LNG from permitting with prejudice or deny permits with prejudice.**

Very truly,

Robert Godfrey
Researcher & Webmaster

CC: Sen. Angus King
Sen. Susan Collins
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