

# DICKSTEINSHAPIRO<sub>LLP</sub>

1825 Eye Street NW | Washington, DC 20006-5403  
TEL (202) 420-2200 | FAX (202) 420-2201 | dicksteinshapiro.com

## By Electronic Filing

May 29, 2008

Ms. Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Re: Response to DEIS Comments  
Floridian Natural Gas Storage Company, LLC  
FERC Docket No. CP08-13-000

Dear Ms. Bose:

In connection with the Application of Floridian Natural Gas Storage Company, LLC ("FGS") for a certificate of public convenience and necessity to construct, own and operate a new natural gas storage facility filed on October 31, 2007 in the above-referenced docket, FGS hereby files the attached "FGS Responses to Comments on the DEIS."

FGS's submission contains only Public material and FGS is making this filing electronically. Electronic copies of this filing are being sent by email to all parties to this proceeding, as well as to the persons identified below.

If you have any questions about any of these submissions, please do not hesitate to contact me at (202) 420-2745 or Beth Webb at (202) 420-4782.

Sincerely,

/s/ Joan M. Darby  
Joan M. Darby  
(202) 420-2745  
darbyj@dicksteinshapiro.com

Enclosures

cc: All Parties

**DICKSTEINSHAPIRO**LLP

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Charles Brown, FERC  
David Blaha, ERM  
Tim Gray, Florida Department of Environmental Protection  
John Wrublik, US Fish and Wildlife Service  
Ted Walden, US Environmental Protection Agency, Region 4  
Eric Reusch, U.S. Army Corps of Engineers  
Tom Colios, South Florida Water Management District  
Joseph Walsh, Florida Fish and Wildlife Conservation Commission

**Floridian Gas Storage Project  
Docket No. CP08-13-000**

**FGS RESPONSES TO COMMENTS ON THE DEIS**

**May 29, 2008**

	<b>COMMENT</b>	<b>RESPONSE</b>
<b>EPA</b>		
EPA 1	Comments timely if received by May 12, 2008	FGS has no objection to FERC's consideration of all comments received by May 12, 2008 as timely.
EPA 2	Site wetlands should be protected against indirect impacts such as non-point source runoff	<p>Site wetlands will be protected against indirect impacts such as non-point source runoff during construction of the FGS Project through implementation of the Storm Water Pollution Prevention Plan (SWPPP). The preliminary SWPPP was included in the application for an Environmental Resource Permit (ERP) for the site that was filed with the Florida Department of Environmental Protection (FDEP) and included in FGS's FERC Application in Appendix 2-E to Resource Report 2 (in Volume II-B of the Application). The SWPPP defines recommended controls to protect against non-point source runoff impacts.</p> <p>During operation of the FGS Project, implementation of the Storm Water Management Plan (SWMP) will protect against non-point source runoff impacts to site wetlands. The SWMP contains the "Master Site Drainage Analysis" which describes the design measures proposed to control storm water runoff during operation of the Project. The SWMP was also included in the application for the site ERP.</p> <p>The site ERP was issued by the FDEP on March 19, 2008 and filed with FERC on March 21, 2008. Compliance with the SWPPP and the SWMP is required by the site ERP.</p>

EPA 3	<p>(a) 41 truck trips is really 82 round trips;</p> <p>(b) identify current percentage of truck traffic; and,</p> <p>(c) identify expected truck traffic during operation</p>	<p>(a) Table 5 of the Traffic Study (see Appendix 5-B to Resource Report 5) concerns the number of truck deliveries to the site in a month; accordingly, the Study assumed, in reaching its ultimate conclusions, that the 820 truck deliveries in the peak Month 17 would equate to 820 trips in and 820 trips out of the site. See May 22, 2008 letter from Kimley-Horn Associates, Inc. attached hereto as <a href="#">Appendix 1</a>.</p> <p>(b) The Traffic Study (at p. 4) states "The roadways described currently carry significant volumes of heavy vehicles, as much of the area around Indiantown contains agricultural and industrial uses." Existing truck traffic is approximately 21.4% of traffic on State Road 710 in the area of the site. See <a href="#">Appendix 1</a>.</p> <p>(c) The Traffic Study (at p. 24) states "Truck activity is expected to be low once operations begin with an estimated two daily truck trips on average (one entering trip and one exiting trip)."</p>
EPA 4	Hours of operation for fuel burning equipment should be enforceable	The FGS Project has been issued FDEP Air Permit No. 0850147-001-AC for the construction of the Project. See March 12, 2008 FDEP Notice of Air Permit filed with FERC on March 21, 2008. The air construction permit limits hours of operation and/or fuel consumption of the fuel burning equipment.

<p>EPA 5</p>	<p>(a) FEIS should address environmental justice;</p> <p>(b) demographics of surrounding neighborhoods should be provided; and,</p>	<p>(a) FGS concurs that the FEIS should address environmental justice though, as noted in FGS’s May 13 Response to the PBCEC Comments on the DEIS (at p. 10), FERC, as an independent federal agency, is not required to comply with Executive Order 12898. As further noted, FGS did consider and address environmental justice in Section 5.2.8 of Resource Report 5, concluding that the FGS Project will not cause disproportionate effects on minorities or low income populations.</p> <p>(b) Tables 5.1-1 and 5.1-2 in Resource Report 5 set forth the ethnic and economic demographics of the Indiantown CCD (unincorporated section of Martin County identified by the US Census Bureau as the Indiantown Census County Division of Martin County) and the Indiantown CDP (the unincorporated town of Indiantown identified by the the US Census Bureau as a Census Designated Place) as compared to Martin County and the State of Florida. The socioeconomic impact area of the Project, i.e., the areas where the additional employment will be based, where additional expenditures will be made, where additional taxes will be paid, and where potential environmental impacts may be felt, is non-urban and the population density is generally low. As the cited Tables show, the Project will be constructed in an ethnically and economically diverse community. It is expected to have a positive effect on the local populations, where the poverty rate is 22 percent. Conversely, the Project is not anticipated to have adverse effects on minority and low-income communities. As noted in FGS’s May 13 Response to the PBCEC Comments on the DEIS (at p. 10), the FGS Project is located in an industrial area with few residences nearby. The closest house in Booker Park neighborhood is located just over 0.8 miles from the FGS facility’s fenceline at the substation and about 0.95 miles from the bermed area; the more affluent Indianwood Golf and Country Club community is a slight 0.15 miles further away. Finally, the socioeconomic impact of the FGS Project has been reviewed by local authorities and the Martin County Board of Commissioners has approved it (see FGS Supplement to Application filed on May 16, 2008).</p>
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	(c) would minorities have access to jobs and what training programs would be offered	(c) FGS stated in Resource Report 5 (at p. 5-5): “When available, local workers will be used for construction. FGS is encouraging local training companies to implement local training programs to ensure that many of the new construction jobs can be filled by workers from the Indiantown area.” In that connection, FGS has been working with the Indian River Community College to augment its welding training program in order to train local workers to work on the FGS Project. See May 21, 2008 letter from the Assistant Dean of Industrial Education at Indian River Community College regarding these efforts attached hereto at <a href="#">Appendix 2</a> .
EPA 6	Noise impacts at the southern property line are too elevated and should be attenuated	As stated in Section 4.11.2.2 of the DEIS, because the facility is expected to contribute a noise increase at the southwestern and southeastern property boundary locations, FGS proposes to contain all major noise-generating equipment within shelters or enclosures sufficient to attenuate operational levels and ensure that the noise impacts do not exceed applicable standards.
EPA 7	Good quality of water used for hydrotest should be verified before waters are returned	The discharge of hydrostatic test water back into the St. Lucie Canal will be permitted under the FDEP NPDES program. The NPDES Permit will contain requirements for monitoring the discharge to verify protection of the quality of the receiving waters. The NPDES permit application is currently under review by FDEP. See May 13, 2008 Response of FGS, to the March 12, 2008 Request for Additional Information of the FDEP, filed by FGS with FERC on May 23, 2008 as a Supplement to Application.
EPA 8	FGS should continue to cooperate with COE on wetlands impacts and with Superfund authorities	FGS will continue on an ongoing basis to cooperate both with the Superfund authorities regarding the remediation at the site and with the Army Corps of Engineers regarding wetlands impacts.

<p>EPA 9</p>	<p>Water pipeline routes and their impacts should be addressed in the FEIS</p>	<p>The hydrostatic water pipeline route is encompassed in the application to the FDEP for the pipeline ERP. The particular information relative to the water pipeline was submitted to the FDEP in FGS's Response to FDEP's December 28, 2007 Request for Additional Information, which Response was in turn filed at FERC on February 12, 2008 as Supplemental Material re: Resource Report 2 (because the pipeline ERP application was included in FGS's FERC Application in Appendix 2-E to Resource Report 2 (in Volume II-B of the Application)). The pipeline ERP application has been deemed complete and is being prepared for public notice by FDEP. See May 21, 2008 letter from FDEP filed with FERC as a Supplement to Application on May 23, 2008.</p> <p>Hydrostatic test water will be delivered to the site via a temporary irrigation-type pipe made of 20-foot sections of six-inch diameter aluminum pipe joined together with mechanical, water-tight couplings. The water will be pumped through a filter to remove a reasonable amount of suspended solids and inadvertent foreign materials. The pipe alignment will follow existing rights-of-ways (ROWs) and will be modified locally using flexible hose sections to direct the pipe to avoid crossing any wetlands. Road crossings will occur through existing culverts. Erosion and sediment control measures will be installed in the work areas prior to mobilizing the equipment into the work area.</p>
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EPA 10	FEIS should address renewables	<p>As noted in FGS’s May 13 Response to the PBCEC Comments on the DEIS (at pp. 3-4), renewables “do not offer a reasonable basis to adopt the no-action alternative *** (and the Final EIS should include the explanation): renewable sources of energy are not presently available in sufficient quantity to meet the growing need created by the substantial economic and population growth in Florida. As stated in the Florida Public Service Commission’s December 2007 <i>Review of 2007 Ten-Year Site Plans for Florida’s Public Utilities</i>, [a]s per capita use and total demand for electricity continue to outpace energy conservation, DSM, and renewable generation efforts, the need for traditional generating capacity continues to grow.’ <i>See p. 15.</i> Noting that ‘fuel diversity cannot be achieved overnight,’ the FPSC concluded that ‘the remaining baseload generation choice is likely to be natural gas for the next several years’ and therefore ‘utilities should continue evaluation of natural gas supply and delivery options, such as liquefied natural gas, alternate gas pipelines, and <u>natural gas storage.</u>’ <i>Id. (emphasis supplied).</i>”</p>
EPA 11	From a security standpoint, siting an LNG facility near power plant facilities, transportation corridors and an airport would seem undesirable	<p>As EPA notes, deference is due to FERC and the Department of Homeland Security (DHS) on siting relative to security. FERC observes in Section 4.12.6 that the site is in a remote industrial area and not in a heavily populated area more typically associated with a terrorism scenario. In any event, the referenced facilities are not located in close enough proximity to increase the security risk. The FPL power plant is located more than 4 miles from the FGS site; the Cogentrix plant is located about one-third of a mile distant from the FGS facilities. The FGS storage tanks are located 960 feet from the railroad and 1075 feet from Route 710 and are in any event shielded from both corridors by the earthen berm around the tanks; that berm is a trapezoid which is 7 feet high, with a base that is 31 feet wide and a top that is a minimum of 3 feet wide and is located 350 feet from the railroad. Finally, as noted in DEIS Section 4.12.3, the FGS storage tanks are located more than 13 miles from the William P. Guinn private airport (whereas the DOT requires a distance of one mile from the ends of an airport runway (49 CFR §193.2155)).</p>

EPA 12	The conclusion that a #dBA increase in noise levels is not detectable by the human ear should be limited to instantaneous measurements	FGS suggests that (i) p. 4-66 of the DEIS be modified to read “Noise levels that are less than 3 dBA above background levels are generally considered to be undetectable by the human ear <i>for instantaneous measurements and for quiet backgrounds (e.g., 60 DNL). For quieter backgrounds, greater increases are required for significance (+3.0 dBA).</i> Since the predicted noise level increase at the nearest NSAs would be less than 2 dBA <i>and the background levels measured at the NSAs can be classified as quiet</i> , we anticipate that typical construction activities at the LNG storage facility would result in a small and insignificant effect on the noise environment . . .” and (ii) that p. 4-105 of the DEIS be modified to read “The operation of the LNG storage facility would increase noise levels by about 2 dBA at the nearest NSA <i>resulting in insignificant impact. For quieter backgrounds, such as the site and NSAs, greater increases are required for significance (+3.0 dBA).</i> ” [Note: “increases in noise levels less than 3 dBA are generally considered to be undetectable by the human ear” would be deleted from this page.]
EPA 13	Are natural gas generators a possible alternative to diesel fired generators?	CBI evaluated the use of gas generators and determined that they would not be as cost effective as diesel generators. In addition, the purpose of the backup generators is to ensure that the facility will be able to run the electric pumps that send liquefied natural gas from the tanks to the vaporizers in order to send out vaporized natural gas into the pipelines. In the case of a total power outage of the electric grid, vaporized natural gas may not be available to power the back up generators.
EPA 14	EPA should be included as a consulting agency for FERC recommendations involving wetland assessments	FGS has no objection to EPA being included as a consulting agency.

<p>EPA 15</p>	<p>Hydrotesting should be further discussed with FWS and their state counterparts to optimize intake and discharge flow rates, mesh size, seasonal impacts, intake water depth, etc.</p>	<p>The SFWMD issued FGS Water Use Permit No. 43-02186-W authorizing the withdrawal of hydrostatic test water from the St. Lucie Canal. The application for the permit was included in FGS's FERC Application at Appendix 2-D to Resource Report 2 (in Volume II-A of the Application) and the permit was filed with FERC on April 25, 2008.</p> <p>The water discharge will be permitted under the NPDES program by FDEP. See response to EPA 7.</p> <p>It is FGS's understanding that FWS has participated in the FERC proceeding as a cooperating agency. FGS confirms will it work to optimize the referenced aspects of hydrotesting. Screening of the hydrostatic test water intake will help prevent impingement and entrainment of fish eggs. Due to the short duration, low intake velocity, screening, and artificial nature of the source water body, no significant adverse impacts to any aquatic species within the Canal are anticipated.</p>
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EPA 16	Is it ok to use water which is still being remediated for landscaping?	<p>The well designated for withdrawal of groundwater for landscape irrigation was a production well (PW-1) that was used to withdraw uncontaminated groundwater to blend with the contaminated groundwater in other parts of the site. The engineer for the design, operation, and maintenance of the groundwater remediation system informed FGS that production well PW-1 was no longer required to operate the groundwater remediation system and that it can be used for irrigation needs. The FGS Project will withdraw groundwater at rates less than or equal to the pumping rate used to operate the groundwater remediation system. Therefore, withdrawing groundwater at PW-1 will not interfere with the groundwater remediation system or affect the groundwater plume.</p> <p>The use of the designated well for withdrawal of groundwater for landscape irrigation was approved by a Water Use Permit (No. 43-021150-W) issued by the SFWMD and the potential interference with the ongoing remedial efforts was reviewed during that permitting process. The application for that permit was included in FGS's FERC Application at Appendix 2-D to Resource Report 2 (in Volume II-A of the Application) and the permit was filed with FERC on March 21, 2008.</p> <p>Further, the FDEP Hazardous Waste Cleanup Section has reviewed the use of the well designated for withdrawal of groundwater for landscape irrigation and issued a letter stating that they have no objection to this use. See November 28, 2007 letter from FDEP attached hereto as <b>Appendix 3</b>.</p>
EPA 17	It is unclear how many residences are located close to the pipeline	As stated in Resource Report 8 (at p. 8-13), "[t]here are no residences within 3,500 feet or other buildings within 50 feet of the construction space for the pipeline or the aboveground facilities associated with the Project." Accordingly, there are no residences closer than two-thirds of a mile to the pipeline.
EPA 18	EI should report to FERC as well as applicant	DEIS Recommendations 8. and 9. (at pp. 5-11 – 5-12) provide that the Environmental Inspector shall be responsible for maintaining and updating status reports that shall be filed on a bi-weekly basis with the FERC Secretary.

EPA 19	Permit table should include EPA's continued supervision of Superfund site as a form of consultation and EPA's oversight of Florida NPDES program	FGS has no objection to EPA's suggested additions to Table 1.3-1.
EPA 20	GHG leaks should be prevented (are refrigerants GHGs?)	FGS confirms that it will make extensive efforts to prevent leaks. Refrigerants include methane, nitrogen, ethylene, propane, and isopentane; only methane is considered a GHG.
EPA 21	Second truck entrance is paramount	There will be a second truck entrance to the FGS site. Martin County requires the second entrance. Indiantown Commerce and Technology Park, which is also required to have two points of access, is building an access road that will connect the railroad crossing at the FGS site with the railroad crossing in Indiantown. That access road, called SW Commerce Parkway, is currently under construction; it will be a public road and it will provide access to the second truck entrance to the FGS site. The Martin County Board of Commissioners recently approved FGS's final site plan (see FGS Supplement to Application filed on May 16, 2008). That site plan identifies a connection to the new road and labels it "Emergency Access;" accordingly, the County approval gives FGS the right to use that second entrance for emergency ingress and egress purposes.
EPA 22	Confirm no blasting during construction	FGS confirms that there will be no blasting during construction.
<b>Sisco (typed)</b>		
Sisco 1	He lives near the FGS Project (referred to as the "Williams Energy (Floridian Nat. Gas & Storage) LNG or liquefied natural gas plant")	Mr. Sisco resides at 2907 SW Lakemont Place, Palm City, FL 34990, which according to <a href="http://www.google.com/maps">www.google.com/maps</a> is at least 15 miles "as the crow flies" from the FGS Project site; see map attached hereto at <b>Appendix 4</b> .  FGS is confused by the reference to "Williams Energy." FGS is not in any manner affiliated with any company with the name Williams.

Sisco 2	Property values will plummet	Mr. Sisco offers no evidence to support his assertion regarding diminished property values. To the contrary studies have shown that LNG facilities do not adversely affect property values. A study of the impact of the Distringas LNG terminal in Everett, Massachusetts (commissioned by KeySpan LNG and conducted by KTR Newmark LLC), concluded that all properties in the area of a two-mile radius of the terminal experienced an average annual appreciation rate over the 20-year period ending in 2004 that exceeded the rates for Massachusetts, Boston and Middlesex County. Similarly, a real estate study prepared by the Real Estate Counseling Group of Connecticut, Inc. for the planned Granite State Gas facility in Maine based on interviews of tax assessors near numerous LNG storage facility locations concluded that in no case did the LNG facilities play a role in the assessment and no requests for lower valuations had been made and none were granted. See Final Environmental Impact Statement, KeySpan LNG Facility Upgrade Project, FERC Dockets Nos. CP04-223-000, CP04-293-000 and CP04-358-000, May 2005 at pp. 4-80 – 4-81..
Sisco 3	The explosion would decimate an area of nearly 5-6 miles in radius	Mr. Sisco offers no citation or support for his claimed explosion area. In fact, as noted in DEIS Section 4.12.1, LNG, as a liquid, will neither burn nor explode. Any risks associated with a vapor release and resulting fire were thoroughly evaluated and thermal and vapor dispersion zones were shown to remain on the FGS site. See DEIS Section 4.12.3.
Sisco 4	The risk of an explosion was not completed in the DEIS; risk from derailment was not considered, nor was the risk of a terrorist attack as required by DHS	The risks referenced by Mr. Sisco have been addressed. With regard to an explosion, see response to Sisco 3. Any risk related to a derailment would be minimized by the distance of the railroad from the storage tanks and by the earthen berm that surrounds the storage tanks and shields them from the CSX tracks; in this regard see response to EPA 11. The risk of terrorist attack was addressed in DEIS Section 4.12.6; additionally, FGS will comply on a timely basis with the new DHS Regulations for chemical facilities referenced in that DEIS Section. See response to EPA 11.

Sisco 5	Areas to the east and north would be more suitable	<p>In response to a comment made by Mr. Sisco at the April 16, 2008 FERC public meeting on the DEIS, suggesting this same alternative siting, FGS filed with FERC (1) on April 25, 2008, a letter dated April 22, 2008 from Mr. Crady of Lucido &amp; Associates and (2) on May 7, 2008, a letter dated April 23, 2008 from Nicki van Vonno, AICP, Growth Management Director for Martin County, Florida. Both letters address why the areas suggested by Mr. Sisco are not suitable. Additionally, the area to which Mr. Sisco refers (and for which he attaches a map in connection with comment Sisco 10 below) encompasses the Allapattah Flats project. This project, which is described on the FDEP Website (see <a href="http://www.dep.state.fl.us/lands/FLForever/FF%20Closed%20Projects/Allapattah.pdf">http://www.dep.state.fl.us/lands/FLForever/FF%20Closed%20Projects/Allapattah.pdf</a>, attached hereto as <b>Appendix 5</b>), is a joint endeavor of the Florida Forever program, the SFWMD, Martin County and the Fish and Wildlife Conservation Commission that seeks to “protect and restore a large part of this area, protecting habitat for rare wildlife like sandhill crane and game animals like deer and turkey, and providing the public with an area for hunting, hiking and other recreational pursuits.” In view of the Allapattah Flats project, the alternative suggested by Mr. Sisco is not more suitable.</p>
Sisco 6	No notice was given to landowners in the area; FERC has a responsibility to contact landowners who may be impacted; my home would be obliterated	<p>FGS met its responsibilities under the FERC Regulations to give notice of FGS’s FERC Application to landowners. A letter dated November 14, 2007, setting forth all required information, was sent by certified mail to all required to be notified. Mr. Sisco’s residence, located at least 15 miles distant from the FGS site (see response to Sisco 1), is well beyond the geographic area covered by those requirements. FGS, also in conformity with FERC Regulations, posted notice of the FGS Application in the local newspaper in November 2007. As to Mr. Sisco’s claim that his home would be obliterated, see response to Sisco 3.</p>

Sisco 7	The model used to estimate volatility of LNG if it makes contact with water was flawed; a wind speed of over 100 mph was used (Sisco attachment is marked with claim that a wind speed of 183 mph was used); even FERC has identified this as a fatal flaw, yet not one new model was included; if it is included in the FEIS, no chance to comment	At the outset, it should be noted that the 183 mph wind speed referenced by Mr. Sisco is the wind speed that the FGS facilities are designed to withstand, not the wind speed used in the dispersion models. With respect to the dispersion models, on February 15, 2008, FGS submitted to FERC vapor generation and flammable dispersion modeling; FERC first requested model reruns (or “new models”) in the DEIS, which reruns were to be submitted prior to the end of the period for comments on the DEIS. To the extent that the DEIS required revisions of certain parameters in the vapor generation and flammable dispersion modeling, FGS complied fully and timely by submitting revised model runs on May 5, 2008. The revised data will be reflected in the Final EIS which will in fact be subject to public comment (see 40 C.F.R. §1503.1(b)).
Sisco 8	Begin with a new Supplemental DEIS	There is no basis for a Supplemental DEIS for the FGS Project. Under the governing Council on Environmental Quality Regulations, an agency shall prepare a supplemental DEIS (or FEIS) if “(i) [t]he agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) [t]here are significant new circumstances or information relevant to environmental concerns or bearing on the proposed action or its impacts.” 40 CFR §1502.9(c)(1). Neither circumstance exists in this proceeding, where FGS has responded fully to comments on the DEIS, none of which raises “significant new circumstances or information,” and FERC is in the position to address those comments in the FEIS without “substantial changes” in the proposed FGS Project. <i>See Southeast Supply Header, LLC, Southern Natural Gas Company</i> , 120 FERC ¶61,257 (2007) at PP 24-33; <i>see also Weaver’s Cove Energy, LLC, Mill River Pipeline, LLC</i> , 112 FERC ¶61,070 (2005) at PP34-36.

<b>Sisco (hand-written)</b>		
Sisco 9	No contact or outreach done for minority communities within 2-5 miles as required by NEPA and federal codes, as evidenced by the contact list, which is limited to persons of wealth or financial interest (Fatal Flaw 1)	<p>See response to Sisco 6 regarding FGS’s compliance with the notice requirements under FERC Regulations. In addition, FGS conducted significant outreach to the community. In response to a comment made by Mr. Sisco about outreach at the April 16, 2008 FERC public meeting on the DEIS, FGS on April 29, 2008 filed with FERC a list of FGS community outreach efforts for the period from June 2006 through April 2008, including public notices, open houses, site visits, public meetings with local officials and stakeholders, participation in local events and news articles. Also included with that filing was a compendium of local news articles (Palm Beach Post, Stuart News, and Indiantown News) about FGS during the same period, including two front-page stories in the Indiantown News and an editorial in support of the FGS Project in the local county paper.</p> <p>The “contact list” to which Mr. Sisco refers and which he appended to his comments is in fact the last page of the 10-page Distribution List for the DEIS set forth in Appendix A to the DEIS. The persons on the list that he has marked as investors are simply the contact persons for Florida Power &amp; Light Company, an intervenor in the FGS proceeding at FERC. They have no financial interest in the FGS Project (and are certainly not investors).</p>
Sisco 10	DEIS fails to address alternative sites in agricultural areas; the facility was “pre-sited” (Fatal Flaw 2)	<p>Section 3.2.2 of the DEIS makes clear that the facility was not pre-sited; to the contrary, while the proposed site was ultimately determined to be the preferred site, five other sites were evaluated using specific siting criteria. The DEIS addresses those alternatives.</p> <p>With respect to Mr. Sisco’s subsequent suggestion that the FGS Project be sited in agricultural areas, see response to Sisco 5. FERC likely will address Mr. Sisco’s suggestion in the Final EIS.</p>

Sisco 11	<p>Model runs for vapor dispersion analysis used wind speeds in excess of 180 mph; at cryogenic conference (public excluded; NEPA violation), FGS was directed to rerun models prior to issuance of DEIS; this was not done; therefore public could not comment;</p> <p>two LNG tanks cannot be sited in such proximity in compliance with federal codes (Fatal Flaw 3)</p>	<p>With respect to wind speeds and model runs, see response to Sisco 7.</p> <p>Contrary to Mr. Sisco's assertion that the public was excluded from the cryogenic conference, intervenors in the proceeding were permitted to attend provided that they signed appropriate non-disclosure agreements.</p> <p>Mr. Sisco offers no citation or support for his allegation regarding the proximity of the FGS tanks. The FGS Project has been sited to comply with all applicable FERC and Department of Transportation Regulations, including 49 CFR 193, Subpart B and the NFPA 59A requirements incorporated therein. Section 4.12.3 of the DEIS reviews the design of the FGS Project in light of these regulatory requirements; in response to the DEIS Recommendations, FGS on May 5, 2008 submitted to FERC additional data which will be reflected in the Final EIS.</p>
Sisco 12	LNG tanks are too closely sited within 500' and gas dispersion overlap rules prohibit such close distances (Fatal Flaw 4)	Mr. Sisco offers no citation or support for his allegation that the FGS tanks are sited unacceptably close. With respect to compliance with applicable codes, see response to Sisco 11.
Sisco 13	LNG tanks are sited in proximity to wetlands; LNG will vaporize in contact with water; this is illegal (Fatal Flaw 5)	All wetlands are located outside the earthen berm (see response to EPA 11). As noted in DEIS Section 4.12.3, the berm would fully contain an LNG spill. With respect to compliance with applicable codes, see response to Sisco 11.
Sisco 14	LNG tanks are sited in proximity to CSX tracks with derailment risks not evaluated in DEIS (Fatal Flaw 6)	See response to Sisco 4 regarding any derailment risk. With respect to compliance with applicable codes, see response to Sisco 11.
Sisco 15	Alternative sites in non-populated areas were not considered; the facility was pre-sited (Fatal Flaw 7)	See responses to Sisco 5 and Sisco 10.

Sisco 16	Numerous bullet points were not covered in DEIS and public review cannot be completed without this information (Fatal Flaw 8)	FGS will submit all information required by FERC; the information will be reflected in the FEIS, which is subject to public comment. See response to Sisco 7.
Sisco 17	FERC failed to address risks associated with CSX system;  failed to include Highway 710 reroute alternatives and overpasses to reduce risk; and,  failed to analyze the “blast risk”	See responses to EPA 11 and Sisco 4 regarding proximity to CSX.  There is no need for rerouting or overpasses; see response to EPA 11.  See response to Sisco 3 regarding blast risk.
<b>Manning</b>		
Manning 1	No notice given to residents	See response to Sisco 6.
Manning 2	Area not isolated; hundreds of people in Indianwood, Booker Park and Fox Brown	See response to EPA 5(b).

**Appendix 1**

**May 22, 2008 letter from  
Kimley-Horn and Associates, Inc.  
re: traffic data**



Kimley-Horn  
and Associates, Inc.

May 22, 2008

Brad Williams  
Floridian Natural Gas Storage, LLC.  
1000 Louisiana  
Suite 4361  
Houston, TX 77002

■  
Suite 103  
10521 SW Village Center Drive  
Port Saint Lucie, Florida  
34987

RE: Floridian Natural Gas Storage Facility  
Indiantown, Florida

Dear Mr. Williams:

Per your request, we have summarized traffic data regarding the two inquiries below.

State Road 710 – Existing Truck Percentages

We have obtained truck traffic data for State Road 710 (north of County Road 609) in the Indiantown area. This data is collected annually by the Florida Department of Transportation and published as part of their Traffic Information Data. The existing (2006) truck percentage is approximately 21.4% on State Road 710 in this area.

Truck Trip Generation

We have reviewed the truck data provided by CB&I that was summarized in Table 5 of the traffic analysis submittal. As suggested by EPA, our review indicates that the 820 trucks as projected in Month 17 are truck deliveries (“arriving trips”) and thus should imply a “departing” trip. Our traffic analysis did quantify the truck traffic in this manner (as independent “arriving” and “departing” trips) and therefore no additional analysis would be required at this time.

Please feel free to contact me if you have any further questions.

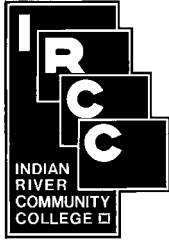
Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

  
By: Jason B. Matson, P.E.  
Vice President

## **Appendix 2**

**May 21, 2008 letter from  
Indian River Community College  
re: welding training**



**INDIAN RIVER COMMUNITY COLLEGE**  
3209 VIRGINIA AVENUE, FORT PIERCE, FLORIDA 34981-5596  
TELEPHONE (772) 462-7656 E-MAIL [drivett@ircc.edu](mailto:drivett@ircc.edu)

- ASSISTANT DEAN OF INDUSTRIAL EDUCATION

May 21, 2008

Re: Floridian Natural Gas Storage Company

To Whom It May Concern:

As Assistant Dean of Industrial Education at Indian River Community College (IRCC), I have been working with representatives from the Floridian Natural Gas Storage Company, the American Welding Society, Chicago Bridge & Iron, and the Workforce Development Board of the Treasure Coast since April 2007 to enhance the college's welding program. IRCC currently offers a basic welding curriculum but does not provide the level of training or certification that will be needed for welders employed on the Floridian Gas storage project.

Brad Williams and Dave Sharp, the principals of Floridian Natural Gas Storage Company, first contacted Indian River Community College in the spring of 2007 to introduce their project to us and to explore the possibility of the college's participation as a training partner for the construction phase of their project. Mr. Williams and Mr. Sharp were emphatic in their desire to hire the bulk of their workforce from our local Treasure Coast labor pool.

Over the past year, we have been working together to develop the necessary curriculum, identify the tools and equipment needed to upgrade the welding workstations at our main campus, find a location and equipment to set up a satellite training program in Indiantown, identify and engage additional partners and funding sources, locate available adjunct instructors, and apply for program funding from state and local grantors.

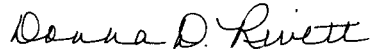
On November 1, 2007, the Workforce Development Board held a job fair in Indiantown. One of the purposes of this job fair was to gauge the level of interest in Indiantown for the welding training program, to try to determine if enrollment at a satellite training location in Indiantown would be high enough to be feasible. The College, Floridian Natural Gas Storage, and Chicago Bridge & Iron were among the employers who had booths at the job fair. Over 129 attendees registered as job seekers – which is an extremely successful turnout given the size of Indiantown's population. Of these 129 attendees, 71 were interested in welding, construction, or re-training opportunities.

We are working toward the goal of certifying as many local welders as possible prior to the commencement of construction on the gas storage facility and continuing to train and certify

industrial welders as they are needed for Floridian Gas, Chicago Bridge & Iron, and our other partners.

If you need any further information, please do not hesitate to contact me at (772) 462-7656 or drivett@ircc.edu. While the upgraded welding curriculum is still under development, I have included a copy of the 2007-08 IRCC college catalog pages that describe the welding curriculum at the close of this letter.

Sincerely,



Donna D. Rivett  
Assistant Dean of Industrial Education

---

**2007-2008**  
**(APPLIED) WELDING TECHNOLOGY – Program Major #50570**  
**(1200 clock hours)**

This program prepares students for employment in a variety of occupations in the welding industry. The program focuses on broad, transferable skills and stresses understanding and demonstration of the following elements of the welding industry: planning, management, finance, technical and product skills, underlying principals of technology, labor issues, community issues and health, safety, and environmental issues.

**REQUIRED PROGRAM:**

PMT V123	Oxyfuel Welding/Cutting I	.....	150 hours
PMT V124	Oxyfuel Welding/Cutting II	.....	150 hours
PMT V164	ARC Welding I	.....	150 hours
PMT V165	ARC Welding II	.....	150 hours
PMT V147	Gas Metal ARC Welding I	.....	150 hours
PMT V141	Flux Core ARC Welding	.....	150 hours
PMT V150	Gas Tungsten ARC Welding	.....	150 hours
PMT V161	Pipe Welding	.....	150 hours

## **Appendix 3**

**November 28, 2007 letter from  
FDEP re: use of production well**



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

November 28, 2007

Floridian Natural Gas Storage Company, LLC  
Attn: Bradley Williams  
6 Bask Place, Suite 100  
Houston, TX 71027

Subject: Floridian Natural Gas Storage Facility, Proposed on Florida Steel Superfund Site  
Marin County, Florida.

Dear Mr. Williams:

I am writing in response to your request to use Production Well One (PW-1), on the above referenced property for purposes of irrigation and fire control. This production well was installed as part of the Operable Unit 2 (OU-2) groundwater remediation. The OU-2 remedy consists of groundwater extraction through recovery wells within the plume area, blending the water from the plume with water from deep production wells, and treatment and disposal of the blended water through land application on upgradient on-site spray fields. PW-1 was one of five production wells installed within the upgradient area of the site; this well was deactivated on April 9, 2004.

The Florida Department of Environmental Protection (DEP) Hazardous Waste Cleanup Section has no objection to the use of PW-1 if Floridian Natural Gas Storage Company, LLC ensures that the following conditions are met:

- The proposed well and groundwater withdrawal is permitted in accordance with all applicable state, and federal, or local permitting requirements;
- The extracted groundwater will be used for irrigation and fire control purposes only;
- The pumping capacity for PW-1 will not exceed the pumping capacity specified in the approved remedial design for OU-2;
- The groundwater withdrawals will not cause the contaminated groundwater plume to migrate or interfere with the remediation of the contaminated groundwater under OU-2.

Please note that DEP is not providing a warranty, guarantee, or determination of compatibility and it is your responsibility to maintain liability protection status and not exacerbate contamination conditions at the site. If you have any questions or require additional clarification, please contact me at 850-245-8937.

Sincerely

Jennifer Farrell  
Project Manager

Attachments: Site Irrigation Conceptual Plan (Figure 1)

## **Appendix 4**

### **Google Map of Sisco Residence**

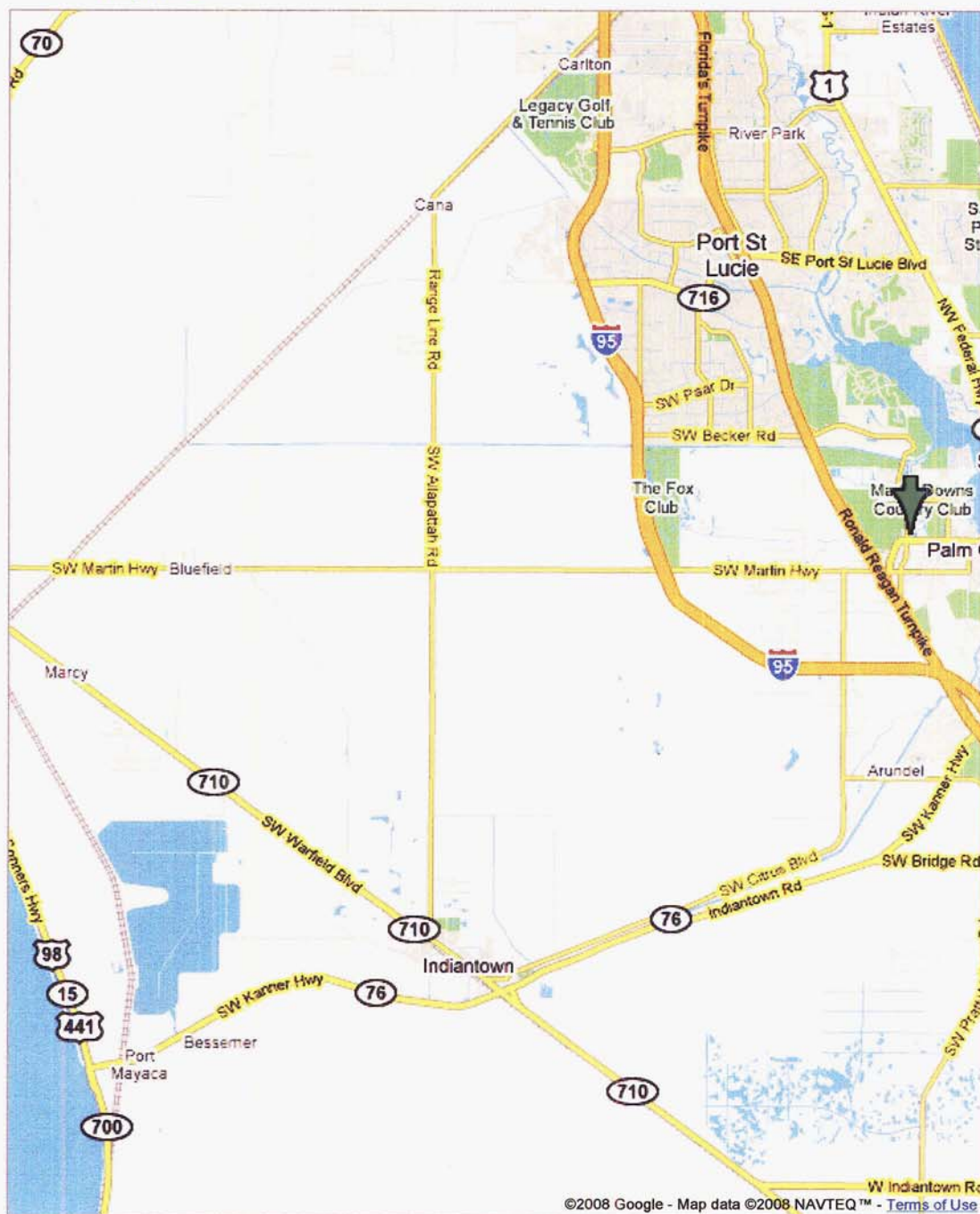


Address **2907 SW Lakemont Pl**  
**Palm City, FL 34990**

Get Google Maps on your phone



Text the word "GMAPS" to 466453



## **Appendix 5**

### **Allapattah Flats project description**

# Allapattah Flats

## Group A Full Fee

### Martin County

#### Purpose for State Acquisition

The vast area of marshes and flatwoods that once extended from the upper St. Johns River basin to the heads of the St. Lucie River, the Allapattah Flats, has become cattle ranches and citrus groves. The Allapattah Flats project will protect and restore a large part of this area, protecting habitat for rare wildlife like sandhill crane and game animals like deer and turkey, and providing the public with an area for hunting, hiking, and other recreational pursuits.

#### Manager

Fish and Wildlife Conservation Commission (FWC).

#### General Description

The project is a largely disturbed expanse of Bahia-grass pastures (making up over half the project area), South Florida slash pine flatwoods, and depression marshes with a forested wetland on the west side. Two rare plants are known from this wetland. The project is also an important habitat to rare animals, particularly sandhill cranes, wood stork, crested caracara, wading birds, and raptors, and to game species such as white-tailed deer and wild turkey. Canals drain the wetlands on much of the area.

No archaeological sites are known. The natural communities in the project are vulnerable to further drainage and conversion to improved pasture; growth pressures are low in this part of the county, so endangerment is low.

#### Public Use

This project qualifies as a wildlife management area, with uses such as hiking, horseback riding, bicycling, and hunting, and possibly fishing and canoeing.

#### Acquisition Planning and Status

The essential parcels are the Allapattah Ranch, Bessemer, Stuart 2000, and Bar-B Ranch tracts. The Allapattah Ranch was purchased by the South Florida Water Management District (SFWMD) in 2002.

On April 6, 2001, the Council transferred this project to the full fee group.

#### Coordination

Acquisition of this project is intended as a joint endeavor among the Florida Forever program, the SFWMD, Martin County, and the FWC.

#### Management Policy Statement

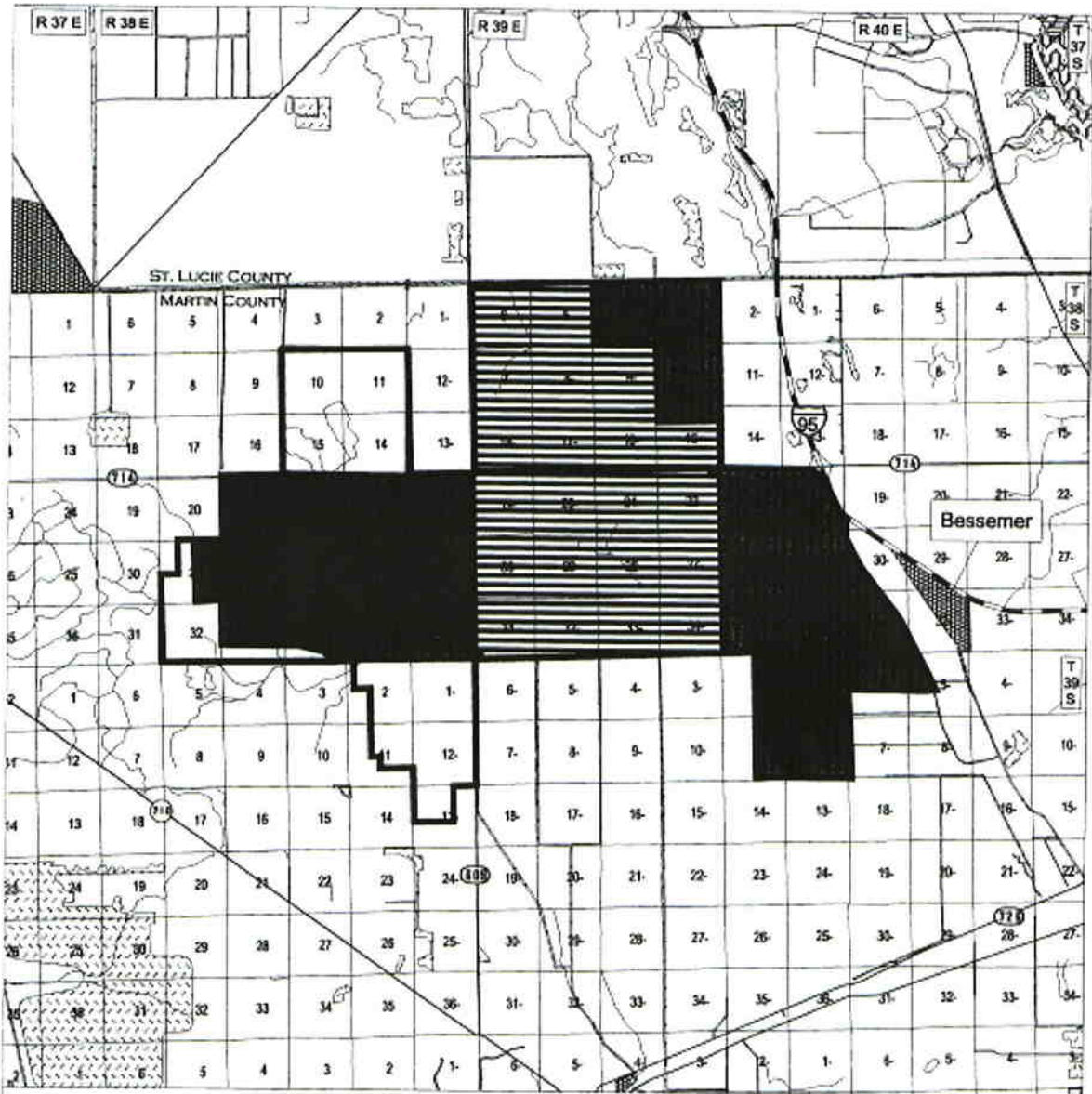
The primary objective of management of the Allapattah Flats project is to preserve and restore the mosaic of pine flatwoods and wetlands in northwestern Martin County. Achieving this objective will provide a refuge for threatened animals like the Florida sandhill crane, wood stork, and crested caracara, protect habitat for game species like white-tailed deer and turkey, and provide the public with a large area for natural-resource-based recreation.

FNAI Elements	
Florida sandhill crane	G5T2T3/S2S3
Wood stork	G4/S2
Crested caracara	G5/S2
Florida tree fern	G5/S2
Florida peperomia	G5/S2
SCRUBBY FLATWOODS	G3/S3
Cooper's hawk	G4/S3?
21 elements known from project	

Placed on list	1997
Project Area (Acres)	35,999
Acres Acquired	12,948*
at a Cost of	\$22,380,003
Acres Remaining	23,049
with Estimated (Tax Assessed) Value of	\$46,466,807








\* Acquired by the SFWMD

**Allapattah Flats - Group A/Full Fee**



**Allapattah Flats**

**MARTIN COUNTY**

-  Acquired
-  Essential parcel(s) remaining
-  Florida Forever BOT Project Boundary
-  Federal land
-  State land
-  Local or private managed area
-  Other Florida Forever BOT projects



July 2002

## Allapattah Flats - Group A/Full Fee

The project should be managed under the multiple-use concept: management activities should be directed first toward preservation of resources and second toward integrating carefully controlled consumptive uses such as hunting. Managers should control access to the project; limit public motor vehicles to one or a few main roads; thoroughly inventory the resources; restore hydrological disturbances as much as possible; burn the fire-dependent pine flatwoods in a pattern mimicking natural lightning-season fires, using natural firebreaks or existing roads for control; attempt to restore the groundcover of the extensive Bahia-grass pastures; strictly limit timbering in old-growth stands; and monitor management activities to ensure that the resources are being preserved. Managers should limit the number and size of recreational facilities, avoiding the most sensitive resources and siting them in already disturbed areas when possible.

The project includes almost all the land in northern Martin County not already planted in citrus. It consequently has the size and location to achieve its primary objective.

### Management Prospectus

**Qualifications for state designation** The Allapattah Flats project has the resource diversity to qualify as a wildlife management area. Priority will be given to the conservation and protection of environmentally unique native habitats and threatened and endangered species. The tract will also provide opportunities for hunting, fishing, camping, hiking and other natural resource-based recreational activities. Fisheries management activities will be confined to the artificially created 80-acre lake and surrounding dike. Management programs will strive to provide access and opportunity for quality fishing.

**Manager** The FWC is recommended as lead Manager. The Division of Forestry (DOF), Department of Agriculture and Consumer Services is recommended as a cooperating agency.

**Conditions affecting intensity of management** The Allapattah Flats proposal generally includes lands, which have been impacted by improving them for grazing cattle. Restoration of these areas will range from the introduction of a summer burning program to active planting and managing of Florida slash pines and saw palmettos to develop the basic structure for restoration. On portions of existing disturbed areas, native and non-native agronomic plantings will be used to benefit both game and nongame wildlife on the area and to promote special hunting and wildlife viewing opportu-

nities for the general public. Development of facilities, as on all wildlife management areas, would be kept to the minimum level necessary to assure a high quality recreational experience.

The Allapattah Flats floodplain supplies the lake with low-nutrient water. Natural fish productivity is expected to be low and therefore inadequate to meet the needs of anglers. An intense fisheries management program will be necessary to provide a quality fishing experience to multiple users.

### **Timetable for implementing management and provisions for security and protection of infrastructure**

During the first year after acquisition, emphasis will be placed on site security, posting boundaries, public access, fire management, exotic plant control, resource inventory and removal of existing refuse. A conceptual management plan will be developed by the FWC describing the goals and objectives of future resource management.

Long range plans will stress ecosystem management and the protection and management of threatened and endangered species. Essential roads will be stabilized to provide for all-weather access for the public and for management operations. Programs providing multiple recreational uses will also be implemented. An all-season prescribed burning management plan will be developed and implemented using conventional and biologically acceptable guidelines. Management activities will strive to manage plant communities to benefit natural wildlife values.

Timber resources include pine flatwoods (19%) and variously impacted historical flatwood communities (up to 54%). Where appropriate and practical, these resources will be managed using acceptable silvicultural practices as recommended by the DOF, including extensive efforts to reestablish the basic pineland structural habitat to the impacted areas.

Environmentally sensitive areas will be identified and appropriate protective measures will be directed to those areas. Unnecessary roads, fire lanes and hydrological disturbances will be abandoned or restored as practical. Minimal infrastructure development will be required to allow public access, provide facilities for the public, and provide security and management of the property.

Infrastructure development for fisheries improvement will be limited to the artificial lake or nearby disturbed sites.

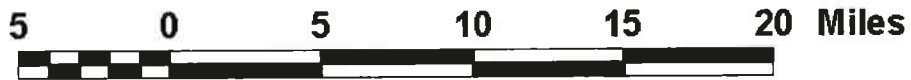
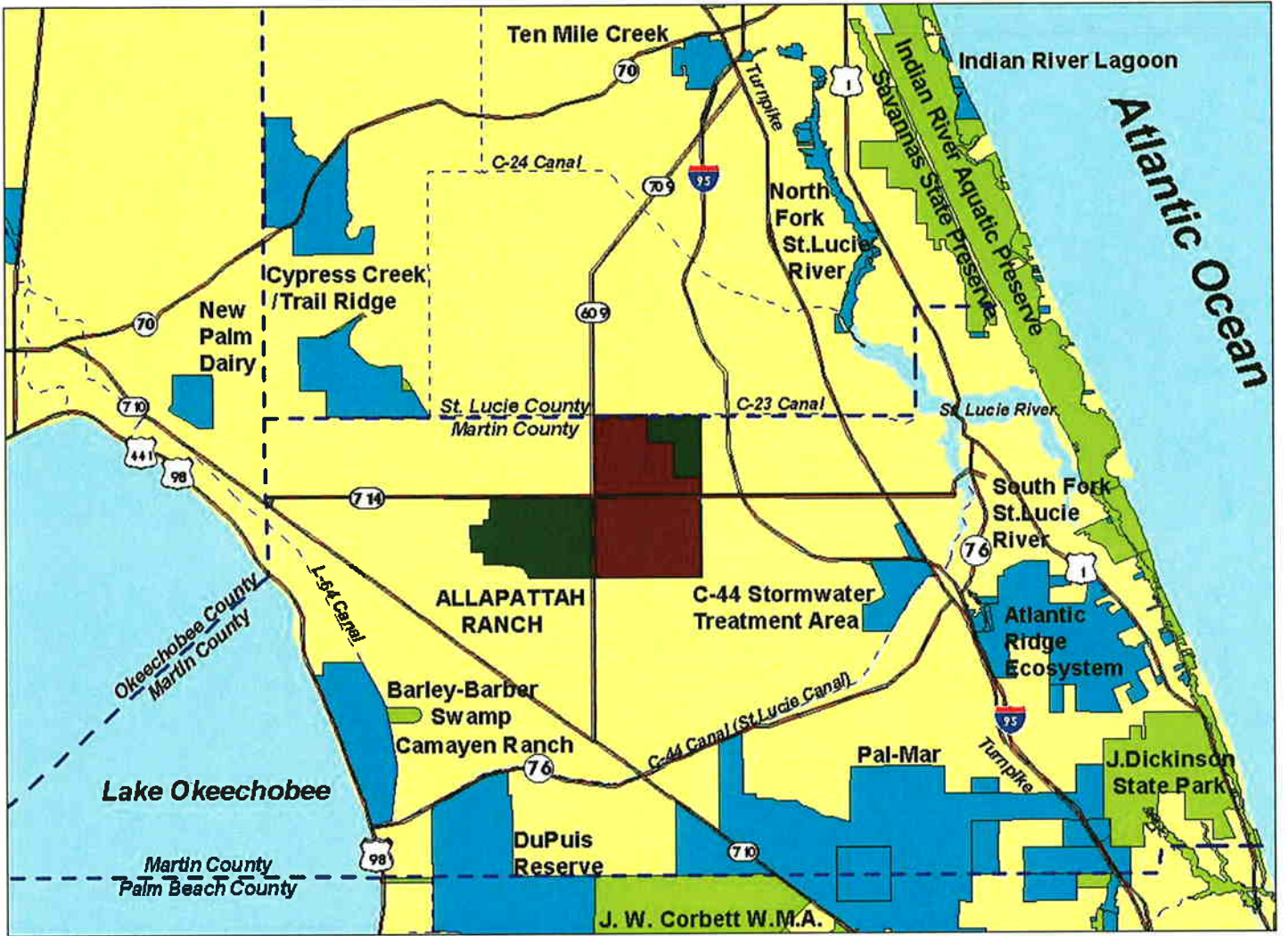
**Revenue-generating potential** Up to 94% of Allapattah Flats consists of pine flatwoods, depression marshes

or disturbed areas that could be managed to offset operational costs, including limited timber management and light cattle grazing. Future revenue from timber resources will depend on successful reforestation and management of deforested areas. Additional revenue would be generated from sales of special opportunity access permits, hunting licenses, fishing licenses, wild-life management area stamps and other special hunting stamps.

***Cooperators in management activities*** The FWC will cooperate with other state and local governmental agencies in managing the area.

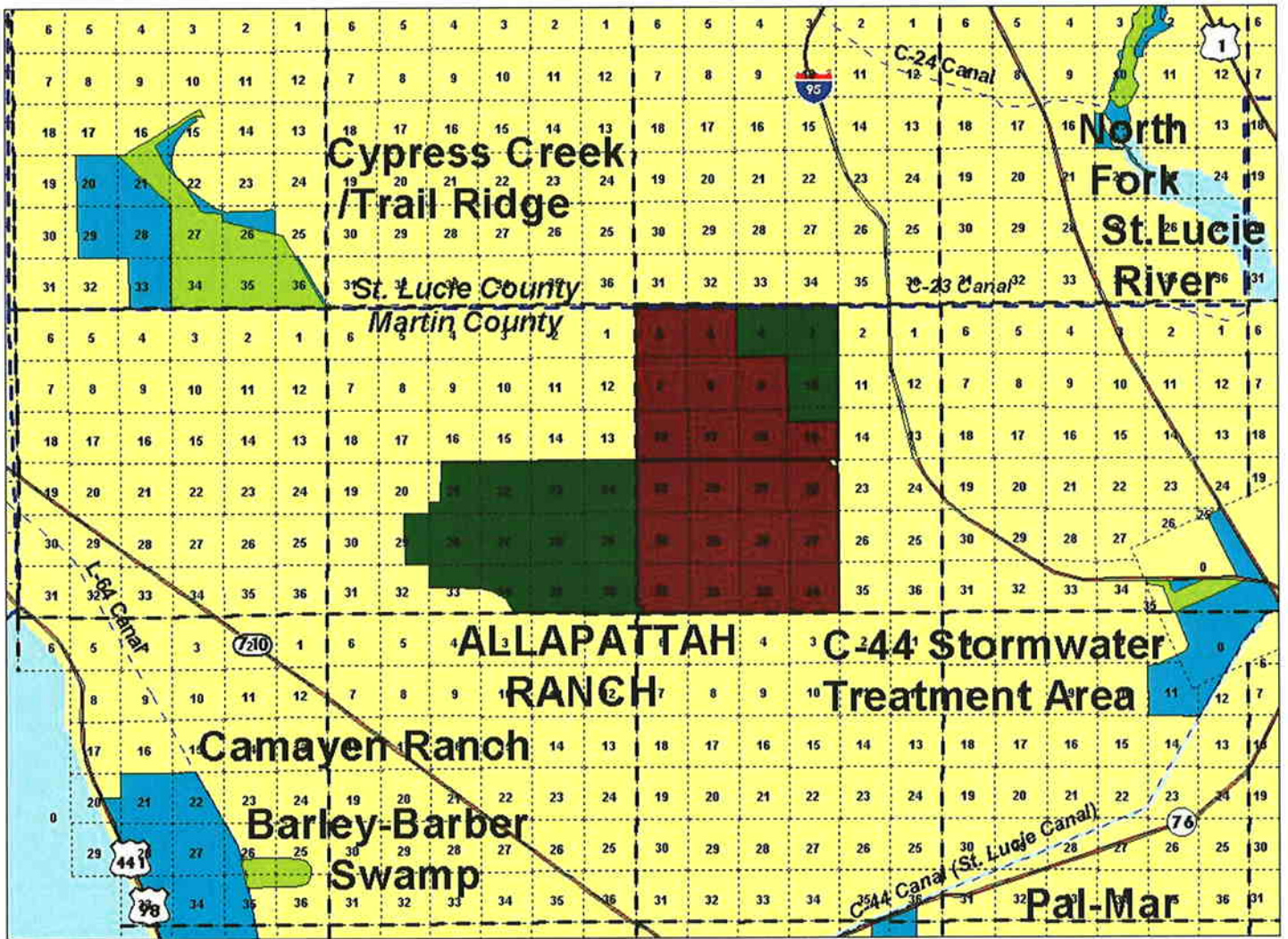
**Management Cost Summary/FWC**

<b>Category</b>	<b>Startup</b>	<b>Recurring</b>
<b>Source of Funds</b>	<b>CARL</b>	<b>CARL</b>
<b>Salary</b>	<b>\$212,374</b>	<b>\$237,269</b>
<b>OPS</b>	<b>\$15,000</b>	<b>\$16,000</b>
<b>Expense</b>	<b>\$408,000</b>	<b>\$285,700</b>
<b>OCO</b>	<b>\$292,600</b>	<b>\$150,000</b>
<b>FCO</b>	<b>\$10,000</b>	<b>\$50,000</b>
<b>TOTAL</b>	<b>\$927,974</b>	<b>\$738,969</b>



-  Major Roads
-  District Boundary
-  County Lines
-  SFWMD Canals
-  SOR Lands Acquired
-  Potential Acquisition Areas
-  2001 SOR Project Additions
-  Other SOR Project Areas
-  Other Conservation Lands
-  Water Bodies





- Township/Range Lines
- Section Lines
- Major Roads
- District Boundary
- County Lines
- SFWMD Canals
- SOR Lands Acquired
- Potential Acquisition Areas
- 2001 SOR Project Additions
- Other Conservation Lands
- Other SOR Project Areas
- Water Bodies

