



**TOWN OF JAMESTOWN
TOWN COUNCIL
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April 18, 2011

VIA E-MAIL ONLY (Regulations.gov)

Docket Management Facility (M-30)
U.S. Department of Transportation
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue SE
Washington, D.C. 20590-0001

RE: USCG-2009-1131

The US Coast Guard has proposed the decommissioning of “an obsolete Naval explosives anchorage in Narragansett Bay, Rhode Island and the addition of a new offshore anchorage in Rhode Island Sound south of Brenton Point, Rhode Island for use by vessels waiting to enter Narragansett Bay.” (the “New Anchorage”)(Fed. Reg./Vol. 76. NO. 54/Mon., Mar. 21, 2011). The Town of Jamestown and the Jamestown Committee on LNG Threat (“Jamestown”) jointly interposes this request for a public meeting and objection to the New Anchorage proposed rulemaking referenced above.

“The National Environmental Policy Act of 1969 (NEPA), 83 Stat. 852, requires federal agencies “to the fullest extent possible” to prepare an environmental impact statement (EIS) for “every . . . major Federal actio[n] significantly affecting the quality of the human environment.” 42 U.S.C. §4332(2)(C) (2000 ed.). An agency is not required to prepare a full EIS if it determines—based on a shorter environmental assessment (EA)—that the proposed action will not have a significant impact on the environment. 40 CFR §§1508.9(a), 1508.13 (2007).” Winter, et al. v Natural Resources Defense Council, et al., ___ U.S. ___ (2008), 129 S.Ct 365, 372.

This comment applies to the “Small Entities” (as a jurisdiction with a population of less than 50,000, Jamestown constitutes a “small entity”), “Public Meetings” and “Environment” provisions of the proposed rule. Jamestown is opposed to Weaver’s Cove Energy’s proposal to establish an LNG delivery terminal in Mount Hope Bay and the transport of LNG by supertanker cargo vessel in and through Narragansett Bay to the proposed delivery terminal. Jamestown desires the public meeting to inform the US Coast Guard of the various environmental concerns related to the establishment of the new anchorage at Brenton Point, Rhode Island due to the potential for its use by LNG supertanker cargo vessels prior to entering Narragansett Bay. Jamestown is of the opinion that the new anchorage requires review under NEPA due to the potential for its use by LNG supertanker cargo vessels prior to entering Narragansett Bay. Jamestown disagrees with the Coast Guard’s assertion that their preliminary

determination does not trigger a NEPA EA or EIS.¹ Jamestown is concerned that this action by the Coast Guard is attempting to avoid NEPA review of this federal action to establish the New Anchorage through an incremental agency action seemingly unrelated to the Weaver's Cove LNG delivery terminal proposal. Jamestown desires the opportunity to have a frank and candid discussion with the Coast Guard, in conjunction with Weaver's Cove Energy, regarding the many potential adverse environmental impacts associated with LNG supertanker cargo vessel use of the new anchorage site at Brenton Point, Rhode Island.

Even if the public meeting is not held based on this request, Jamestown submits the following information as evidence to justify its assertion that the new anchorage at Brenton Point, Rhode Island must be subject to NEPA review:

1. The proposed anchorage is approximately 11 square miles situated in close proximity to the mouth of Narragansett Bay, east of the Town of Narragansett and south of Jamestown and Newport.
2. The Town of Jamestown is located on an island at the mouth of the Narragansett Bay, an environmentally sensitive area that is part of the EPA's National Estuary Program. The Town of Jamestown has an economy that is heavily dependent upon maritime trades and activities including charter fishing, commercial fishing, ferry services around the bay, boat yards, yacht racing, piloting, recreational boating generally, and revenue brought to local small businesses by those who participate in these trades and activities. The scenic beauty of Jamestown and its proximity to the waters of Narragansett Bay are its greatest economic assets.
3. An environmental disaster at the mouth of Narragansett Bay would cripple Jamestown's economy, as well as endanger the public health and safety of its residents.
4. Weaver's Cove Energy's proposed LNG berthing facility for Mount Hope Bay is likely to be subject to an exclusion zone that has a 1,000-yard radius, which is a diameter of 6,000 feet or more than mile. Under the proposal, when the supertanker cargo vessels are in transit through Narragansett Bay, the proposed exclusion zone surrounding the supertankers will be expanded to be three miles long and 1,000 yards on either side, which Jamestown has long maintained will cause substantial negative impact to the local economy. Weaver's Cove Energy has expressed that it anticipates 70 round trip transits to the berthing facility a year (140 one-way transits).
5. The Coast Guard has not provided any indication of what the exclusion zone would be for an LNG tanker at anchor in the proposed anchorage, which, if the LNG vessels sat at anchorage for up to 96 hours, 70 times a year, would be a semi-permanent exclusion zone. If the exclusion zone were a mile or more in diameter it could easily have the potential to adversely affect other ships seeking anchorage in the proposed zone as well as fishing vessels, recreational boaters, and the racecourse configurations for yacht regattas. This would be contrary to what is stated in the Coast Guard's Environmental Analysis Checklist, answer 7(g), which suggests that fishing activities will not be prohibited within the established boundaries. Moreover, as an LNG supertanker weighs anchor and proceeds into Narragansett Bay, the change in configuration of the exclusion zone to one that is three miles long would cause further disruption.

¹ For further discussion on why James town disagrees with the Coast Guard's assertion that its preliminary determination does not trigger a NEPA EA or EIS, see the Comments of the City of Fall River submitted in relation to Docket # USCG-2009-1131 and dated April 14, 2011, and incorporated herein by reference.

6. There has never been an environmental impact analysis performed for the proposed 11-square mile anchorage that adequately assesses the environmental impact or analyzes alternatives. The Coast Guard has not provided adequate review of the proposed anchorage and has only emphasized that it is formalizing what has been done informally. Moreover, the Coast Guard's analysis, such as it is, does not take any consideration of the potential environmental impact of the use of the anchorage by LNG supertanker cargo vessels.
7. Many of the responses in the Coast Guard's Environmental Analysis Checklist suggest that there will be NO impact to the following: aquatic life, marine/aquatic vegetation, cultural resources of state or local significance, economic interests, the possibility of accidental spills of hazardous materials, and restriction of waterway uses near shore uses. Based upon the facts stated above, it is clear that these determinations must be revisited.

For these reasons, Jamestown believes that the proposed federal action to establish the New Anchorage by the US Coast Guard necessarily invokes the requisites for review pursuant to NEPA.

Sincerely,

s/s Bruce Keiser
Bruce Keiser, Administrator
Town of Jamestown, RI

s/s Dan Wright
Dan Wright, Chair
Jamestown Committee on LNG Threat

CC: Jamestown Town Council