Letter P-8

Public Comment on the Draft EIS for the Elba III Project

ORIGINAL

☐ ORIGINAL

Name (Please print legibly): Laurie Grimes Dehil

Address, City, State, Zip: 768 Metasvillle Road, Washington, Georgia 30673

Meeting Location: Washington, Georgia, Wilkes County

I attended the FERC public meeting in Wilkes County, GA and was given an extension on the deadline for submitting this letter.

Please see the attached letter

2007 MAY 29 P 4:50
FEDERAL ENERGY REGULATORY COMMISSION

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(Use reverse side or additional sheets of paper, if necessary)

To ensure that your written comments are timely and properly recorded, please mail your comments so that they will be received in Washington, DC **on or before May 21, 2007**, and carefully follow these instructions:

- Send an **original and two copies** of your letter to:
  Kimberly D. Bose, Secretary
  Federal Energy Regulatory Commission
  888 First Street, NE, Room 1A
  Washington, DC 20426;
- Label one copy of your comments for the attention of **Gas Branch 1**; and
- Reference **Docket Nos. CP06-470-000, et al.** on the original and both copies.

Comments may also be submitted electronically. See the instructions on the Commission's web site at http://www.ferc.gov under the "e-Filing" link (Documents and Filings tab) and the link to the User's Guide.

Responses to Letter P-8

Letter P-8 Continued

Laurie Grimes Dehil
768 Metasville Road
Washington, GA 30673
Wilkes County

Public Comment on the Draft EIS for the Elba III Project

I live in Wilkes County, Georgia. I live on my husband's family farm, which was purchased in the early 1940's by his grandparents. His granddaddy planted most of the trees in the 16-acre pecan orchard. Now the original trees in the orchard date back to over 100 years old. We have a beautiful creek running through unspoiled hardwoods on the backside of our property, which provides water to our cattle. We have a 4-acre fishpond that not only gives beauty to the property, but also provides us with fish and water for our cattle in the overflow ponds below the dam of the pond. My husband and I started plans about 4 years ago to build a new log home on our property. We want the front of the house facing the pecan orchard and the back of the house on the hillside overlooking our pond. We live in the country, so of course we are on well water.

All of these plans have been put to a standstill because of the pipeline. The pipeline has been proposed to come right across the back of our property through that beautiful creek which provides water for our cattle. Then it will run straight through our pastures and through the middle of our 16-acre pecan orchard, into our hayfield and across the road. This runs right beside our house. The proposed pipeline will not benefit us in any way!! It will only destroy the beauty of the land that I have come to love. This is family land! It will be passed down to our children and grandchildren. We don't want to pass it down to our children with a gas pipeline on it that will never provide any benefit ..... it will only destroy the property...taking away the beauty, value and our rights and privileges as landowners. P8-1

I BEG OF YOU TO STOP THIS PIPELINE. It will not provide any benefits to the state of Georgia. It will only run through our Greenfield space to provide GREAT PROFIT TO PRIVATE CORPORATIONS!!!!!! They plan to use eminent domain to get what they want at the private landowner's expense. STOP THE INJUSTICE!!!! P8-2

Laurie G Dehil

Docket Nos. CP06-470-000, et. al.

Responses to Letter P-8

P8-1 Dehil Pecan Orchard, Proximity to Residence

EEC has stated that, if practicable and feasible, it would consider minor route variations to avoid mature trees and other landscape features important to landowners during easement negotiations. See section 4.8.1.2, Land Use Impacts and Mitigation - Upland Forest and Planted Pine, for further discussion. Also see section 4.8.2, Landowner and Easement Requirements.

We note that commenter's residence is about 200 feet from the edge of the proposed construction work area and about 285 feet from the proposed pipeline centerline.

Based on an on-site meeting between EEC representatives and this landowner on June 12, 2007, EEC identified that adjustments to the proposed route on this property could be implemented to minimize impact on the pecan orchard.

P8-2 Dehil Economic Benefit

The proposed project would benefit the local communities by providing natural gas to local markets and by paying tax revenues to each county through which it passes. First, we identified in section 2.2.2 and table 2.2-2 that the Elba Express Pipeline would transport and deliver (through meter stations) natural gas to three existing gas-fired electric power generation facilities (McIntosh and Effingham both in Effingham County, Georgia, and Rainey in Anderson County, South Carolina) that supply electric power in the project area. Second, EEC would pay taxes on the pipeline during both the construction and operation periods. During construction, EEC would pay sales tax revenues on the facilities in the ground. During operation, EEC would pay an annual ad valorem tax to each county crossed for the life of the project. Additional information regarding estimated annual ad valorem tax revenues has been included in section 4.9.3.

Letter P-9

Public Comment on the Draft EIS for the Elba III Project

Docket No. CP06-470-

Name (Please print legibly): David + Karen Stubbs
Address, City, State, Zip: 1654 Broad Rd Tignall, GA 30668
Meeting Location: Washington, GA (High School)

P9-1 A long clear-cut pipeline right-of-way the length of Wilkes County will interfere with normal wildlife
P9-2 movement, needlessly destroy many trees, add pollutants to the atmosphere when the downed trees are burned,
P9-3 and provide a long grassy avenue along which wildfires can spread.

P9-4 In addition to these environmental concerns is the overriding issue of the constitutionality of confiscating privately-owned land for the profit of privately-owned companies.

This proposed project contains no benefit for the citizens of Wilkes County, and should not be permitted.

(Use reverse side or additional sheets of paper, if necessary)

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  Kimberly D. Bose, Secretary
  Federal Energy Regulatory Commission
  888 First Street, NE, Room 1A
  Washington, DC 20426;
- Label one copy of your comments for the attention of **Gas Branch 1**; and
- Reference **Docket Nos. CP06-470-000, et al.** on the original and both copies.

Attn: Gas Bra

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2007 MAY 29 P 4:27
FEDERAL ENERGY REGULATORY COMMISSION

Comments may also be submitted electronically. See the instructions on the Commission's web site at http://www.ferc.gov under the "e-Filing" link (Documents and Filings tab) and the link to the User's Guide.

Responses to Letter P-9

P9-1 Stubbs Wildlife

See response to comment P5-31.

P9-2 Stubbs Vegetation burning air emissions

The air emissions associated with pipeline construction are summarized in section 4.11.1.5. Although pipeline construction is projected to require 9 to 12 months, the emissions associated with the burning of vegetation typically occur over a few days. Open burning may occur during construction; however, EEC would comply with any local ordinances on open burning. We have revised section 4.11.1.5 to incorporate this information.

P9-3 Stubbs ROW maintenance and wildfires

See response to comment P2-3 regarding ROW revegetation maintenance procedures. Establishment of a 50-foot-wide permanent ROW maintained in a grassy condition located within an otherwise open field, scrub-shrub, or forested landscape would not necessarily increase the risk or spread of fire over current conditions. The permanent ROW could in fact act as an advantageous fire break for uncontrolled forest fires that may result from either lightning strikes, accidental fires, or an uncontrolled prescribed burn associated with management of private or commercial forest lands. We have revised the text in section 4.8.1.2 to incorporate this information.

P9-4 Stubbs Eminent domain

Comment noted. The constitutionality of the eminent domain process is beyond the scope of this analysis. We discuss eminent domain and the awarding of compensation for easements obtained through condemnation in section 4.8.2.

Letter P-10

Thomas W. Wright
710 Bradley Point Road
Savannah, GA 31410-3553

H-(912) 897-1582
C-(912) 429-3350
twright3@hotmail.com

For the Attention of GAS Branch 1

May 17, 2007

2007 MAY 29 P 4: 33

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

Docket Nos. CP06-470-000, et al. Draft EIS for the Elba III Project

I attended the public meeting in Pooler, GA, on May 10, 2007.

P10-1 I disagree with the public comment that the project would threaten Right Whales. There is absolutely no scientific evidence to support this allegation.

P10-2 I disagree with the public comment about a potential catastrophic accident based on a Savannah Morning News article. The Savannah Morning News article was filled with conditional statements such as could, may, in the unlikely event. I believe the FERC evaluation of LNG leaks, fires, explosions, etc. is accurate.

P10-3 I disagree that the DEIS is incomplete. The DEIS presents a logical progression of evaluation and I am confident that any emerging issues will be addressed.

I believe that FERC, COTP Savannah and Southern LNG have done an excellent job in evaluating all actual and potential environmental issues. I recommend that ELBA III be approved.

Sincerely,

Thomas W. Wright

Responses to Letter P-10

P10-1 Wright Atlantic right whale impacts

Thank you for your comment.

P10-2 Wright Public Safety and LNG

Thank you for your comment.

P10-3 Wright DEIS

Thank you for your comment.

Letter A-1

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Elba Express
an El Paso company

ORIGINAL

May 18, 2007

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

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SECRETARY
2007 MAY 18 P 12:33

Re: **Elba Express Company, L.L.C.**
OEP/DG2E/Gas 1 Branch
Elba III Project
Docket Nos. CP06-470-000, *et al.*
Comments to Draft Environmental Impact Statement

Dear Ms. Bose:

The Federal Energy Regulatory Commission ("Commission") issued its Draft Environmental Impact Statement in the above-referenced proceeding on March 30, 2007 ("March 30 DEIS"), and requested comments on or before May 21, 2007. Elba Express Company, L.L.C. ("EEC") hereby files an original and two copies of its comments to the March 30 DEIS. As set forth in the Notice of Availability of the DEIS,[1] EEC is also providing a copy of its responses to the Office of Energy Projects, Gas Branch 1, DG2E, at Routing Code PJ-11.1.

A Certificate of Service is attached.

Please time stamp and return the enclosed copy of this letter. Any questions concerning this filing may be addressed to the undersigned at (205)325-7114.

Very truly yours,

R David Hendrickson

R. David Hendrickson
Associate General Counsel

Enclosures

cc: Mr. John Wood
FERC Staff
Routing Symbol PJ-10.2
Room No. 61-61

Mr. Laurence J. Sauter
FERC Staff
Routing Symbol PJ-11.2
Room No. 62-51

Office of Energy Projects
Gas Branch 1
DEG2E
Routing Code PJ-11.1

[1] 72 Fed. Reg. 16,779 (April 5, 2007).

Elba Express Company, L.L.C.
1900 5th Avenue North Birmingham, Alabama 35203
PO Box 2563 Birmingham, Alabama 35202-2563

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Responses to Letter A-1

Letter A-1 Continued

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ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

DEIS Section 5.5.11

Southern LNG and EEC shall file updated status reports prepared by the head EI on a weekly basis **until all construction and restoration activities are complete**. On request, these status reports will also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:

a. the current construction status of the Terminal Expansion facilities (Southern LNG) and each pipeline spread (EEC), work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally sensitive areas;
b. a listing of all problems encountered and each instance of noncompliance observed by the EIs during the reporting period (both for the conditions imposed by the Commission and any environmental conditions/permit requirements imposed by other federal, state, or local agencies);
c. a description of corrective actions implemented in response to all instances of noncompliance, and their cost;
d. the effectiveness of all corrective actions implemented;
e. a description of any landowner/resident complaints which may relate to compliance with the requirements of the Commission Order, and the measures taken to satisfy their concerns; and
f. copies of any correspondence received by Southern LNG or EEC from other federal, state, or local permitting agencies concerning instances of noncompliance, and the respective response.

A1-1 **EEC's Comment:**

EEC believes that it would be more appropriate to require that the status reports be filed on a bi-weekly basis. EEC's affiliate just completed a major pipeline expansion project where such reports were submitted on a bi-weekly basis and nothing occurred during that project that more frequent reports would have been helpful in monitoring the status of construction. In addition, the company's status reports are only one means by which the Commission's Staff is kept apprised of construction activities. The Staff receives periodic reports from its environmental inspectors, and the Commission traditionally requires that a pipeline make a same day report of any environmental noncompliance items identified during construction. EEC believes that a reasonable balance between the commitment of resources to produce the status reports and their usefulness in providing information to the Staff would require that the reports be submitted on a bi-weekly basis.

Responses to Letter A-1

A1-1 EEC Status Reports

Thank you for your comment. However, we believe more frequent reporting would enable us to more effectively monitor landowner issues during construction. As you know, landowner issues were largely absent during the Commission's review of the affiliates recent pipeline expansion, which distinguishes this project from that of your affiliate.

Letter A-1 Continued

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ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

DEIS Section 5.5.21

EEC shall file the results of its feasibility evaluations for crossing the Little River, Beaverdam Creek, and Coldwater Creek using the HDD method. If, based on the results of the evaluations, EEC determines that an HDD crossing at one or more of these waterbodies is not feasible, EEC shall submit an alternative crossing plan, along with the results of all relevant agency consultations (e.g., COE, GDNR, FWS, NPS, and NMFS). EEC's plan shall be filed for review and written approval by the Director of OEP **prior to the end of the comment period on the draft EIS**.

A1-2

EEC's Comment:

Three pipeline crossing methods were evaluated for crossing Little River, Beaverdam Creek (Richard B. Russell Lake), and Coldwater Creek. The three methods included an aerial crossing, a horizontal directional drill (HDD), and a conventional open cut crossing. Water body characteristics, geotechnical considerations, pipeline size, environmental sensitivities, constructability, and costs were factors that were considered in evaluating these three crossing methods.

- Water body characteristics are listed in Appendix 2.C of Environmental Resource Report 2.
- Geotechnical considerations are based on published soil surveys for each county and on the initial results of a bedrock evaluation which EEC has conducted along various portions of the pipeline route as part of EEC's construction planning process.
- Relevant environmental or cultural sensitivities are included in Environmental Resource Reports 2, 3 and 4.
- Constructability issues and cost factors are discussed below.

Aerial Crossing

An aerial crossing at each site was dismissed from consideration early in the evaluation process. Stream valley profiles would severely restrict the design and constructability of an aerial crossing. Also, an aerial crossing would significantly impact the aesthetics of the area and could interfere with recreational and boating activities, as well as potentially compromise pipeline security.

Horizontal Directional Drill (HDD) Crossing

HDDs were considered for each location and preliminary HDD designs were developed. The widths required to drill beneath each water body are within the maximum feasible

Responses to Letter A-1

A1-2 EEC River Crossing Methods

The text in section 4.3.3 and section 5.5 has been revised to incorporate this information.

Letter A-1 Continued

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ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

A1-2 Cont.

length for 36-inch pipelines. However, the widths of Little River (113 ft.) and Coldwater Creek (250 ft.) are significantly less than the minimum design length required for a 36-inch pipeline, thus requiring that additional footage be added to the length of these HDDs. However, solid bedrock may exist at depths which would significantly impede HDD construction, thereby increasing the construction window and cost.

Each potential HDD would allow 40 ft. of pipeline cover below the bottom of the water body. An HDD at Little River (MP 135.0) would be approximately 1800 ft. in horizontal length, 1810 ft. measured length, and 85.9 ft. maximum relief. The current pipeline alignment at the Little River would require a route variance to eliminate a bend on the entry side. An HDD at Beaverdam Creek (MP 170.8) would be approximately 2000 ft. in horizontal length, 2013 ft. measured length, and 81.0 ft. maximum relief. An HDD at Coldwater Creek (MP 178.0) would be approximately 2200 ft. in horizontal length, 2214 ft. measured length, and 99.6 ft. maximum relief to accommodate terrain variations. The entry site, where the drill rig would be located, would be approximately 400 ft. north of several residences.

Conventional Open Cut Crossing

Initial geotechnical evaluations suggest that the subsurface rock in these areas is deep enough so as not to impede significantly pipeline trench construction (open cut). The pipeline would be buried approximately 5 feet below the bottom of the water body.

Following is a comparison of the estimated construction window and cost for open cut vs HDD crossings.

Crossing Location	Open cut Crossing Length	Estimated Construction Days	Estimated $ (million)	HDD Length	Estimated Construction Days	Estimated $ (million)
Little River	135	12	0.4	1810	48	4.1
Beaverdam Creek	500	25	1.0	2013	53	4.6
Coldwater Creek	222	22	0.8	2214	56	5.0
Total			**2.2**			**13.7**

Implementing HDD crossings at these water bodies would add unnecessary cost to the project, thereby increasing the cost of the overall Elba III Project. Increasing the project's cost unnecessarily could make the project less competitive in the global LNG market, potentially hampering the project's ability to attract global LNG supplies, which is contrary to one of the project's primary purposes.

Responses to Letter A-1

Letter A-1 Continued

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ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

A1-2 Cont.

Because of the additional time and cost required to perform HDDs at these locations, and because there are no known environmentally sensitive issues or constructability limitations associated with open cut crossings at these water bodies, EEC proposes to cross these water bodies using the conventional open cut crossing method.

EEC has discussed with both the US FWS and the GA DNR its plans to employ the conventional open cut crossing method for crossing these water bodies, and though their preferences are for the HDD crossing method, neither agency objects to EEC's plans to employ the open cut crossing method.

Site-specific open cut crossing plans were prepared for each site and are included in Appendix 2.D of Environmental Resource Report 2.

Responses to Letter A-1

Letter A-1 Continued

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ELBA EXPRESS COMPANY, L.L.C.
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Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

DEIS Section 5.5.23

EEC shall adhere to a June 1 through November 30 timing restriction for warmwater stream construction unless expressly permitted to construct in all months of the year by the GDNR or SCDNR, as appropriate.

A1-3 **EEC's Comment:**

GDNR has already provided authorization for construction in warmwater streams during all months of the year (see correspondence dated December 12, 2006 (**attached**)). Construction calendar restrictions should not apply in South Carolina because the only perennial stream to be crossed in South Carolina is proposed to be crossed using the horizontal directional drilling (HDD) method (this perennial stream will be crossed as part of the HDD of the Savannah River). The only other stream to be crossed in South Carolina is identified as an ephemeral stream, unregulated by the U.S. Army Corps of Engineers.

Responses to Letter A-1

A1-3 EEC Warmwater stream timing restriction

The text in section 4.6.2.2 and section 5.5 has been revised to incorporate this information.

Letter A-1 Continued

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Noel Holcomb, Commissioner
Dan Forster, Director

Georgia Department of Natural Resources
Wildlife Resources Division
Nongame Conservation Section
2065 U.S. Highway 278, S.E., Social Circle, Georgia 30025-4743
(770) 918-6411

December 12, 2006

Ms. Magalie Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Dear. Ms. Salas:

RE: Comments on Elba Express Pipeline Project, CP06-471, Time Window for in-stream construction activities in coolwater and warmwater fisheries

We submit the following recommendations to minimize impacts to rare aquatic species from construction of the Elba Express Pipeline Project

1. The time window for construction activities may be extended to the entire year, provided that construction will only occur during normal or low water levels as stated in resource report 2, page 22.

2. The applicant must consider potential impacts to the **State Endangered** bluebarred pygmy sunfish (*Elassoma okatie*). Based on nearness to known locations, this species may occur within tributaries of the Brier Creek system. All stream crossings within the Brier Creek system between the confluence of Brushy Creek and the upstream watershed boundary should be surveyed for the presence of this species (see attached map). The surveys should be conducted by a biologist with experience sampling and identifying pygmy sunfishes. If the species or suitable habitat is detected within a stream, then the horizontal directional drill method should be used at that crossing. If the applicant chooses to use the horizontal directional drill method for all of these crossings, then these streams do not have to be surveyed.

3. We do not think it is necessary for the applicant to conduct surveys for the **State Rare** sandbar shiner (*Notropis scepticus*). It is primarily listed because of its very small range in the state and we do not think it will be negatively impacted by this particular project, especially since one of the streams it occupies (the Broad River) will be crossed using the horizontal directional drill method.

4. The **State Threatened** lean crayfish (*Cambarus strigosus*) and the **State Threatened** broad river burrowing crayfish (*Distocambarus devexus*) may occur within the Broad River watershed portion of the corridor. These species are burrowers and could be impacted by the degradation of wetland and floodplain habitats fringing streams. Suitable habitats within the box delimited on the attached map should be surveyed by a crayfish expert before construction begins. If either of these species are detected, then the horizontal directional drill crossing method should be used to minimize impacts. Since the mainstem Broad River will be crossed using the horizontal

Letter A-1 Continued

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directional drill method, it is not necessary to survey the Broad River floodplain for these species. As in item 2, surveys can be waived if the applicant chooses to use the horizontal directional drill method for all crossings within the Broad River system.

Because the mainstem Broad River will be crossed using the horizontal directional drill method, we do not think it is necessary to take additional precautions to minimize impacts to the **State Endangered** Robust Redhorse.

Thank you for considering our comments. Please contact Brett Albanese (706-557-3032) if you have any questions.

Sincerely,

Brett Albanese, PhD

CC: Ms. Trina Morris, Nongame Conservation Section, Env. Review Coordinator
CC: Mr. Matt Elliott, Nongame Conservation Section, Program Manager
CC: Mr. John Biagi, Fisheries Section, Assistant Chief
CC: Mr. James Hollingsworth, Section Manager, ENSR

Letter A-1 Continued

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ELBA EXPRESS COMPANY, L.L.C.
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Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

DEIS Section 5.5.26

EEC shall file a plan, **before the end of the draft EIS comment period,** detailing whether it intends to avoid burrows occupied by eastern indigo snake eggs during construction until the snakes hatch and vacate the burrows, or reconfigure the ROW to avoid the burrows completely.

A1-4 **EEC's Comment:**

EEC's Species Specific Mitigation Plan (SSMP) (**attached** and filed as Privileged Information - Do Not Release) has been revised to reflect mitigation of impact to eastern indigo snake eggs. Note that no potential habitat (i.e. gopher tortoise burrows) were identified during initial surveys in counties in which the eastern indigo snake is listed (Chatham and Effingham Counties). The construction areas with potential habitat for eastern indigo snakes will be monitored no fewer than 90 days prior to the commencement of construction activities in those areas. Gopher tortoise burrows that are unoccupied by gopher tortoises, eastern indigo snakes, or eggs of either species will be excavated to conclusively determine that they are unoccupied by indigo snakes, gopher tortoises or vertebrate commensals, and the work area will be fenced to prevent the immigration of these species and the laying of eggs. Any eastern indigo snakes identified will be monitored until the snake has left the proposed work area, after which the burrow will be collapsed and the area will be fenced to prevent the immigration of these species and the laying of eggs. Any eastern indigo snake eggs found within gopher tortoise burrows will be allowed to hatch and the snakes will be allowed to leave the work area before construction activity begins. Once snakes have vacated the work area, the burrow will be collapsed and the work area will be fenced to prevent the immigration of eastern indigo snakes and the laying of any eggs.

Responses to Letter A-1

A1-4 EEC Eastern indigo snake

The text in section 4.7.1 and section 5.5 has been revised to incorporate this information.

Letter A-1 Continued

ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

DEIS Section 5.5.28

EEC shall provide completed surveys of the flatwoods salamander habitat along the proposed Elba Express Pipeline route (*i.e.* MP location of suitable habitat). In addition, EEC shall further coordinate with the FWS to develop measures to avoid or minimize impacts on flatwoods salamanders during construction and operation. Copies of such coordination, including any recommended mitigation measures, shall be filed **prior to the end of the comment period on the draft EIS**.

A1-5 **EEC's Comment:**

Because biological surveys for protected species may be required to be conducted within one year of construction (see EEC's Comment to DEIS 5.5.24 above), and because the proposed construction start date is mid-2009, EEC intends to survey areas identified as potential habitat for the flatwood salamander (Ambystoma cingulatum) in the spring of 2008. If flatwood salamanders are found to inhabit these areas, measures will be developed to avoid or minimize impact to the flatwood salamander. USFWS and GDNR have verbally agreed with this approach. By letters dated May 1, 2007, EEC submitted correspondence and the revised SSMP to USFWS and GDNR requesting their review and comment to the SSMP revisions and their concurrence with EEC's proposed survey schedule (see **attached** correspondence - the revised SSMP is attached to EEC's Comment to DEIS 5.5.26 above). EEC will not commence construction until the measures have been approved by these agencies.

Responses to Letter A-1

A1-5 EEC Flatwoods salamander

The text in section 4.7.1 and section 5.5 has been revised to incorporate this information.

Letter A-1 Continued

ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

DEIS Section 5.5.33

EEC shall not construct its crossing of or withdraw water for hydrostatic testing from the Ogeechee Creek or its tributaries during the period June 1 to August 30. However, if EEC believes construction or water withdrawal must occur during this period, EEC shall develop a dry crossing plan and/or hydrostatic test water withdrawal plan for this stream in consultation with the FWS and GDNR. These plans shall contain measures to minimize impacts on the Atlantic pigtoe mussel and be acceptable to the FWS and GDNR. Either a statement indicating EEC's commitment to abide by the FWS time-of-year restriction or copies of correspondence with the FWS and GDNR approving the dry crossing plan and/or hydrostatic test water withdrawal plan shall be filed **prior to construction**.

EEC's Comment:

A1-6 The FWS and the GDNR have both indicated they would authorize construction in warmwater fisheries during all months, provided that EEC follows measures stipulated in its Upland Erosion Control, Revegetation, and Maintenance Plan (Plan); Wetland and Waterbody Construction and Mitigation Procedures (Procedures); and the Species-Specific Mitigation Plan. The USFWS indicated in correspondence dated December 21, 2006 (**attached**) that the Atlantic pigtoe mussel (Fusconaia masoni) is not a federally-listed species; therefore, the UFWS will not regulate impacts to this species. Similarly, the GDNR has not recommended alternative (dry crossing) installation methods across Ogeechee Creek. Its correspondence dated December 12, 2006, (see attachment to EEC's Comment on DEIS 5.5.23 above) concerning the time window for in-stream construction activities in coolwater and warmwater fisheries is silent on this subject, nor has the issue been raised in subsequent discussions between EEC and GDNR. Also, because the Ogeechee Creek is less than 100 feet wide, a site specific construction plan has not been submitted to the FERC. EEC maintains that a conventional crossing of this waterbody is the most suitable construction method based on available data and consultations to date. EEC will submit to the GDNR a hydrostatic test water withdrawal plan prior to construction.

Responses to Letter A-1

A1-6 EEC Ogeechee Creek and its tributaries

We recognize both the FWS and GDNR have agreed to the construction schedule. However, the FWS (which has special expertise on this species) has made a recommendation that we deem to be reasonable. This recommendation can be disregarded if EEC can show that it has consulted with the GDNR about this species, and the results of those consultations are that the Atlantic pigtoe mussel is not likely to be impacted.

Letter A-1 Continued

ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

DEIS Section 5.5.35

EEC shall file the results of consultation with the GDNR regarding avoidance or minimization of impacts on the state listed granite stonecrop, granite whitlow-grass, Indian olive, Ocmulgee skullcap, Oglethorpe oak, parrot pitcher plant, pondspice, and sweet pitcher plant **prior to the end of the comment period on the draft EIS.**

A1-7 **EEC's Comment:**

All results of consultation undertaken to date with the GDNR regarding the avoidance or minimization of impacts to granite stonecrop (Sedum pusillum), granite whitlow-grass (Draba aprica), Indian olive (Nestronia umbellula), Ogmulgee skullcap (Scutellaria ocmulgee), Oglethorpe oak (Quercus oglethorpensis), parrot pitcher plant (Sarracenia psittacina), pondspice (Litsea aestivalis), and sweet pitcher plant (Sarracenia rubra) have been filed with the FERC. The SSMP has been updated to address future surveys and minimization of impacts to these species, and the updated SSMP has been submitted to the GDNR for review and comment (see attachment to EEC's Comment to DEIS 5.5.26 above).

Responses to Letter A-1

A1-7 EEC State-listed plant species correspondence

The text in section 4.7.2 and section 5.5 has been revised to incorporate this information.

Letter A-1 Continued

ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

DEIS Section 5.5.36

EEC shall revise its Plan to limit vegetative maintenance to a frequency of not greater than once every 3 years, except in DOT Class 3 Locations where annual maintenance may be preformed *if requested by the landowner*. EEC shall file its revised Plan **prior to the end of the comment period on the draft EIS**.

A1-8 **EEC's Comment:**

EEC's Plan has been revised and a copy is attached.

Responses to Letter A-1

A1-8 EEC Vegetative maintenance plan

The text in section 4.8.3 and section 5.5 has been revised to incorporate this information.

Letter A-1 Continued

ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

DEIS Section 5.5.37

For residences located at MPs 5.65, 6.35, 6.45, 14.15, 32.27, and 39.65, EEC shall:

a. evaluate construction techniques (e.g., pipeline crossovers, reduced pipeline separation, centerline adjustments, working over existing pipelines, and using stove-pipe or drag-section construction) to increase the distance between the residences and the edge of the construction ROW; and
b. file any revised site-specific residential plans.

EEC shall file its evaluation and revised site-specific residential plans **prior to the end of the comment period on the draft EIS**.

A1-9 **EEC's Comment:**

Construction techniques and workspaces were evaluated for each of the residences listed above to determine what adjustments could be made in order to increase the distance between the residences and any proposed workspace. Based on updated site conditions discovered during site visits and evaluation of the available construction options, some changes to workspaces were necessary. As a result, modifications have been made to the construction drawings for residences located at MP 5.65, MP 6.35 & MP 6.45 and MP 14.15. **Attached** are the updated drawings reflecting these modifications. These drawings are being filed as **Non-Internet Public**. Site visits were also conducted for residences at MP 32.27 and MP 39.65. Due to site conditions at these locations, no adjustments can be made to the existing proposed construction workspace.

Responses to Letter A-1

A1-9 EEC Site-specific residential plans

We have reviewed these drawings and believe EEC's implementation of the measures depicted on the drawings would lessen impact on the affected residences. Table 4.8-4 detailing the distances of the residences from the construction work area and pipeline, and associated mitigation measures, has been updated to reflect these changes.

Letter A-1 Continued

ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

DEIS Section 5.5.38

EEC shall provide updated documentation of consultations with the appropriate developers for the Effingham Parkway, Southern Connector, Highway 17 Widening Project, Tract "B", Newport Subdivision, Braniger Estates, and Parkway Place. Following completion of these consultations, EEC shall file a summary of any site-specific construction and mitigation measures or restoration plans developed during consultation. EEC shall file this information **prior to the end of the comment period on the draft EIS**.

EEC's Comment:

Newport Subdivision

A1-10 EEC's latest contact with the developers of the Newport Subdivision was on April 10, 2007 with Mr. Michael Hussey. Mr. Hussey updated EEC on the latest schedule for extending the subdivision development from the eastern side of the existing pipeline ROW over to the western side of the ROW. In this area EEC is proposing to construct its new pipeline on the western side of the ROW. The pipeline will be located within the existing ROW, though there will be the need to use some temporary workspace outside of the ROW during the construction of the pipeline.

The expansion of the Newport Subdivision development to the western side of the ROW is identified as Phase 6 on Newport's property plat. Newport's current schedule calls for site preparation for Phase 6 to begin around the end of 2007. The schedule for the construction of the residential structures closest to the western side of the ROW has not yet been defined.

EEC will continue to monitor Newport's development plans and progress and will evaluate as needed whether any adjustments to EEC's construction plan for this area are warranted.

Braniger Estates

A1-11 The Effingham County Industrial and Economic Commission now owns the tract of land previously identified as Braniger Estates.

EEC's most recent contact with the Commission regarding its planned development of this tract was made on April 10, 2007, with Mr. John Henry, Executive Director of the Commission. The Commission's plans for developing the property currently call for developing it from east to west, eventually crossing the existing pipeline ROW.

Responses to Letter A-1

A1-10 EEC Developer consultation-Newport Subdivision

The text in section 4.8.4 has been revised to incorporate this information. In addition, we maintain the recommendation in section 5.5 that EEC file any site-specific construction and mitigation measures or restoration plans developed in consultation with the developer prior to construction.

A1-11 EEC Developer consultation-Braniger Estates

The text in section 4.8.4 has been revised to incorporate this information.

Letter A-1 Continued

ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

In this area EEC is proposing to construct its new pipeline on the western side of the ROW. The pipeline will be located within the existing ROW, though there will be the need to use some temporary workspace outside of the ROW during the construction of the pipeline. Mr. Henry indicated that he is satisfied with EEC's plan for constructing the pipeline in this area.

Parkway Place

A1-12 The tract identified as Parkway Place Subdivision is owned by Mr. Darrell Carter. EEC's latest contact with Mr. Carter was on April 10, 2007.

In this area EEC is proposing to construct its new pipeline on the western side of the ROW. The pipeline will be located within the existing ROW, though there will be the need to use some temporary workspace outside of the ROW during the construction of the pipeline.

Mr. Carter is aware of EEC's plans and feels that between one and three of the proposed lots in the Parkway Place Subdivision may be impacted by EEC's plans. Mr. Carter also questioned whether the project would impact a sedimentation pond located west of the existing ROW.

EEC will continue to monitor the development plans and progress for Parkway Place Subdivision and will evaluate as needed whether any adjustments to EEC's construction plan for this area are warranted.

Effingham Parkway (Southern Connector)

A1-13 The proposed Effingham Parkway project, also known as the Southern Connector project, is a north/south highway proposed through parts of Effingham and Chatham Counties. The project was originally proposed only for Effingham County, but consideration is being given to possibly extending it into Chatham County. The scope and schedule for the Effingham Parkway project are uncertain at this time. The preliminary route for the project parallels a portion of the existing pipeline ROW in parts of Effingham and Chatham counties – on the east side of the ROW.

EEC's plan is to construct its new pipeline on the western side of the existing ROW, within the existing ROW. EEC does not foresee any conflict between its new pipeline project and the proposed Effingham Parkway project.

EEC's most recent contact with the developers of this project was made to Mr. Bride Hale with Moreland-Altobelli on April 11, 2007. Moreland-Altobelli is a highway engineering firm that has been hired as a consultant by the Effingham County Board of

Responses to Letter A-1

A1-12 EEC Developer consultation-Parkway Place

The text in section 4.8.4 has been revised to incorporate this information. In addition, we maintain the recommendation in section 5.5 that EEC file any site-specific construction and mitigation measures or restoration plans developed in consultation with the developer prior to construction.

A1-13 EEC Developer consultation-Effingham Parkway

The text in section 4.8.4 has been revised to incorporate this information. In addition, we maintain the recommendation in section 5.5 that EEC file any site-specific construction and mitigation measures or restoration plans developed in consultation with the developer prior to construction.

Letter A-1 Continued

ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

Commissioners. Mr. Hale indicated that reconciliation of differences between the Chatham and Effingham Boards of Commissioners concerning the project is one hurdle that will need to be overcome before the project can move any further forward. Mr. Hale also indicated that there has been no timetable set as to when land acquisition for this project might begin.

EEC will continue to monitor the status of this project.

A1-14 Highway 17 Widening Project, northern Wilkes County

A section of Highway 17 in northern Wilkes County is proposed to be widened. EEC's proposed pipeline route runs just to the east of a portion of the section of highway that is proposed to be widened. EEC's route already takes into account the highway widening plans as they are currently defined.

EEC's latest contact with the Georgia DOT regarding this widening project was made on April 11, 2007, with Mr. Otis Clark in the Georgia DOT office in Atlanta, GA. Mr. Clark indicated that the project was effectively on hold for at least one year due to changes required to the project design, and he also indicated that there is presently no schedule for right-of-way acquisition for the project.

There have been no changes to this highway widening project which would have any effect on EEC's proposed pipeline route. EEC will continue to monitor this project.

A1-15 Highway 17 Widening Project, southern Wilkes County

A section of Highway 17 in southern Wilkes County is proposed to be widened. EEC's proposed pipeline route crosses Highway 17 in this area. EEC's route and pipeline design already takes into account the highway widening plans as they are currently defined.

EEC's latest contact with the Georgia DOT regarding this widening project was made on April 30, 2007, with Mr. George Brewer in the Georgia DOT office in Tinnal, GA. Mr. Brewer indicated that he does not expect any activity on this project until 2008, at which time they expect to begin acquiring right-of-way. Mr. Brewer also indicated that the budget for construction of this project has been moved to the "Long Range Budget" forecast of Georgia DOT, meaning that construction will not begin for a considerable time after the acquisition of land is complete.

EEC will continue to monitor this project.

Responses to Letter A-1

A1-14 EEC — Developer consultation-Highway 17 widening project, northern Wilkes County

The text in section 4.8.4 has been revised to incorporate this information. In addition, we maintain the recommendation in section 5.5 that EEC file any site-specific construction and mitigation measures or restoration plans developed in consultation with the developer prior to construction.

A1-15 EEC — Developer consultation-Highway 17 widening project, southern Wilkes County

The text in section 4.8.4 has been revised to incorporate this information. In addition, we maintain the recommendation in section 5.5 that EEC file any site-specific construction and mitigation measures or restoration plans developed in consultation with the developer prior to construction.

Letter A-1 Continued

ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

DEIS Section 5.5.39& 5.5.40

EEC shall provide updated documentation of consultations with the appropriate local officials or managers of the Di-Lane Plantation and Clark Hill WMAs regarding field surveys, easement acquisitions, and permitting processes. **Prior to the end of the comment period on the draft EIS**, EEC shall file site-specific construction plans for these areas, including any agreed-upon mitigation measures or restoration plans developed during consultations.

EEC shall provide updated documentation of consultation with the COE for the Hartwell, Richard B. Russell, and J. Strom Thurmond Projects regarding field surveys, easement acquisitions, and permitting processes. **Prior to the end of the comment period on the draft EIS**, EEC shall file site-specific construction plans for these areas, including any agreed-upon mitigation measures or restoration plans developed during consultations.

A1-16

EEC's Comment:

EEC met with USACE and GA DNR on May 7, 2007, regarding plans for crossing the properties owned and managed by USACE and GA DNR. Below are the notes taken at that meeting.

Notes from USACE Meeting concerning Elba Express Project
Augusta, GA - May 7, 2007

Attendees

I.B. Parnell	GA DNR
Scott Watson	USACE
Jeff Brooks	USACE
Susan Kanyor	USACE
Alex Coley	GA DNR
Vic VanSant	GA DNR
Dave Wymond	FERC
Larry Sauter	FERC
William Bailey	USACE
Bill Freeman	SNG
Stephen Weems	SNG
George Bramlette	USACE
Chris Bradberry	SNG
Jamey Hollingsworth	SNG (ENSR)
James Rhodes	SNG (WRC)

Responses to Letter A-1

A1-16 EEC **COE managed property site-specific construction and mitigation plans**

We have revised the text in section 4.8.5, COE Mitigation Lands, to incorporate this information, and included the mitigation plan in Appendix M. This mitigation plan was developed by EEC and COE for the crossings of COE-managed properties.

Letter A-1 Continued

ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

A1-16 Cont.

1. SNG reviewed its project plan and schedule for the Elba Express Project. Different construction methods were reviewed and SNG presented the following plans for crossing the four properties owned by the USACE.
   a. Dilane Plantation – Conventional land/wetland construction techniques per BMPs.
   b. Little River (J. Strom Thurmond) – Open cut trench construction per SNG's crossing plan filed with its application in Resource Report 2, Volume III (Non-Internet Public) Appendix 2.D labeled Detailed Drawings of Major Waterbody Crossings and HDD Crossings (Drawing 3 of 5 - No. MD-687). Such plans currently call for using a drag line to dig the trench across the river. The pipeline would be buried with approximately 5 ft of cover.
   c. Beaverdam Creek (Richard B. Russell) – Open cut trench construction per SNG's crossing plan filed with its application in Resource Report 2, Volume III (Non-Internet Public) Appendix 2.D labeled Detailed Drawings of Major Waterbody Crossings and HDD Crossings (Drawing 4 of 5 - No. MD-688). Such plans currently call for using a barge and track hoe to dig the trench across the river. The pipeline would be buried with approximately 5 ft of cover.
   d. Coldwater Creek – same as Beaverdam - crossing plan filed with its application in Resource Report 2, Volume III (Non-Internet Public) Appendix 2.D labeled Detailed Drawings of Major Waterbody Crossings and HDD Crossings (Drawing 5 of 5 - No. MD-689).
   e. Savannah River (Hartwell) – Horizontal Directional Drill per SNG's crossing plan filed with its application in Resource Report 2, Volume III (Non-Internet Public) Appendix 2.D labeled Detailed Drawings of Major Waterbody Crossings and HDD Crossings (Drawing 2 of 5 - No. MD-685).
2. SNG discussed its construction and environmental procedures which include wetland and waterbody mitigation procedures and BMPs, the use of turbidity curtains as appropriate, soil and erosion control mitigation procedures, comprehensive environmental training for project and construction personnel, and the use of environmental inspectors and FERC inspectors.
3. SNG distributed draft copies of its response to DEIS 5.5.21 (above). This recommendation pertains to the evaluation of crossing methods for Little River, Beaverdam Creek, and Coldwater Creek. SNG's conclusion in the draft response recommends the crossing plans which are outlined in note No. 1 above.

Letter A-1 Continued

ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

A1-16 Cont.

4. GA DNR asked about plans for crossing the wetlands within DiLane Plantation, noting that some of them are "grady" type wetlands. It was noted that these wetlands have been crossed twice before by pipeline construction (when SNG built its original 14" line in the 1950s and again when the 20" line was built in the 1970s), and that the wetlands are still intact. Therefore, we expect that construction of a new pipeline would not cause permanent damage to the wetlands. Soil segregation was discussed as a way to ensure proper restoration of these wetlands. SNG plans to take core samples near these wetlands to determine soil conditions down to approximately 20 ft. Samples will be taken approximately every 2.5 ft.
5. USACE presented its proposed mitigation requirements for the USACE properties. The proposal is for an acreage mitigation ratio of 3:1 for permanent impacts and 1:1 for temporary impacts. This totals 112.3 acres of mitigation for all of the USACE properties. For the Hartwell project the USACE does not want acreage for acreage mitigation but rather wants something else of comparable value. Therefore, the Hartwell project acreage will need to be appraised. For the other USACE projects the USACE prefers acreage for acreage mitigation but might also want other types of project improvements such as access easements and roads.
   - During a follow-up discussion on 5/8/07 between Jeff Brooks of the USACE and Chris Bradberry of SNG, it was mentioned that appraisals should be done of the impacted acreage from all of the projects, not just Hartwell. USACE asked if SNG could provide the appraisals. SNG had already commissioned an appraisal market study for the entire pipeline route and thought that it could probably be used as the basis for the USACE appraisals. SNG discussed this with Conrad Coolidge of the USACE Real Estate Dept, and Mr. Coolidge was agreeable to using the appraisal study commissioned by SNG. SNG will provide Mr. Conrad with a copy of the appropriate parts of the study once the study has been completed, which will be within approximately two weeks.
6. For the Hartwell Project, within two weeks the USACE will provide a list of mitigation options. For the other projects, within two weeks the USACE will provide a preferred list of land tracts which the USACE feels have "willing sellers." The list will likely total in excess of 200 acres so that hopefully there will be enough willing sellers on it for SNG to be able to come up with the majority of the mitigation acreage. The USACE will also develop a list of other non-acreage mitigation (e.g. access roads) that may be used if enough acreage cannot be secured from willing sellers.

Letter A-1 Continued

ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

A1-16 Cont.

7. In return for the acreage mitigation and non-acreage mitigation that SNG will deliver to the USACE, the USACE will issue SNG the necessary easement for the Elba Express Pipeline. Though the mitigation will be segregated by USACE project, it is expected that a single easement will be issued.
    a. In a phone conversation on 5/16/07 between Jeff Brooks of the USACE and Chris Bradberry of SNG, USACE clarified that the acreage and non-acreage mitigation would only satisfy USACE's mitigation requirements, and that SNG would still be required to pay the Fair Market Value for the permanent easement which will total approximately 13 acres.
8. In addition to acreage and non-acreage mitigation, the USACE requested other environmental measures be implemented, including most notably soil segregation, mowing restrictions, hardwood replanting, and monitoring of the DiLane Plantation's Grady Pond for proper restoration. SNG will evaluate these environmental measures.
9. Due to the Elba Express Pipeline being larger than 24" diameter, congressional notification is required in order for the pipeline to cross USACE property. USACE will determine the appropriate steps for doing this and will advise SNG.
10. Both SNG and USACE recognized that everything necessary for SNG to secure the USACE easement will likely not be in place before the issuance of the FEIS. SNG and USACE agreed that a mutually agreeable mitigation plan would be in place before the issuance of the FEIS, though the specific mitigation measures will not have been executed at the time the FEIS is issued. The mutually agreeable plan would include a list of both acreage and non-acreage mitigation measures from which SNG will work in order to satisfy the required amount of mitigation.

Responses to Letter A-1

Letter A-1 Continued

ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

DEIS Section 5.5.42

EEC shall revise the unexpected discovery plan to delete "significant" in the second paragraph, and add, in the appropriate places in the plan, notification of the COE for discoveries on COE property.

A1-17 **EEC's Comment:**

Attached is the revised Plan for the Unexpected Discovery of Cultural Resources and Human Remains.

Responses to Letter A-1

A1-17 EEC Unanticipated discovery plan

The text in section 4.10.2 and section 5.5 has been revised to incorporate this information.

Letter A-1 Continued

ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

DEIS Section 5.5.43

EEC shall consult further with the Eastern Band of Cherokee to determine if they have information relevant to the Project.

A1-18 **EEC's Comment:**

Attached is a letter dated April 20, 2007, from Goodwin & Associates, Inc. to Dr. Lucian Lamar Sneed of the Georgia Tribe of Eastern Cherokee requesting his continued consultation on the Elba Express Pipeline Project.

Responses to Letter A-1

A1-18 EEC Eastern Band of Cherokee consultation

We requested that EEC provide documentation on further consultation with the Eastern Band of Cherokee Indians, rather than the Georgia Tribe of Eastern Cherokee. EEC has subsequently provided the documentation. We have revised the text in section 4.10.3 to incorporate this information.

Letter A-1 Continued

ELBA EXPRESS COMPANY, L.L.C.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 20, 2007

DEIS Section 5.5.45

EEC shall file, **prior to the end of the comment period on the draft EIS**, a drilling noise analysis, mitigation and compliance plan. This plan shall demonstrate that noise due to drilling operations would be below an L_{dn} of 55 dBA at the nearest NSAs, or specify all noise mitigation equipment necessary to reduce noise below this level. EEC shall conduct surveys during drilling operations to ensure compliance with this requirement, and where surveys indicate that noise attributable to drilling exceeds an L_{dn} of 55 dBA at an NSA, EEC shall:

a. immediately stop drilling and mitigate the noise at the affected NSAs to reduce the noise levels at those NSAs to an Ldn of 55 dBA or below; or
b. offer temporary housing until L_{dn} levels at the NSAs are 55 dBA or below.

A1-19 **EEC's Comment:**

Attached is a document prepared for the Elba Express Pipeline Project by Hoover & Keith Inc. entitled "Noise Assessment of the Planned Horizontal Directional Drilling (HDD) Operations Associated with the Elba Express Pipeline Project."

Responses to Letter A-1

A1-19 EEC HDD noise analysis

We have revised the text in section 4.11.2.2 accordingly.

Letter A-2

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PUBLIC

Southern LNG
an El Paso company

ORIGINAL

May 21, 2007

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

2007 MAY 21 P 2: 32

FILED
OFFICE OF THE
SECRETARY

Re: Southern LNG Inc.
OEP/DG2E/Gas 1 Branch
Elba III Project
Docket Nos. CP06-470-000, *et al.*
Comments to Draft Environmental Impact Statement

Dear Ms. Bose:

The Federal Energy Regulatory Commission ("Commission") issued its Draft Environmental Impact Statement in the above-referenced proceeding on March 30, 2007 ("March 30 DEIS"), and requested comments on or before May 21, 2007. Southern LNG Inc. ("SLNG") hereby files an original and two copies of its comments to the March 30 DEIS. As set forth in the Notice of Availability of the DEIS,[1] SLNG is also providing a copy of its responses to the Office of Energy Projects, Gas Branch 1, DG2E, at Routing Code PJ-11.1.

A Certificate of Service is attached.

Please time stamp and return the enclosed copy of this letter. Any questions concerning this filing may be addressed to the undersigned at (205)325-7696.

Very truly yours,

Patricia S. Francis
Senior Counsel

Enclosures

cc: Mr. John Wood
FERC Staff
Routing Symbol PJ-10.2
Room No. 61-61

Mr. Laurence J. Sauter
FERC Staff
Routing Symbol PJ-11.2
Room No. 62-51

Office of Energy Projects
Gas Branch 1
DEG2E
Routing Code PJ-11.1

[1] 72 Fed. Reg. 16,779 (April 5, 2007).

PUBLIC

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1900 5th Avenue North Birmingham, AL 35203
PO Box 2563 Birmingham, AL 35202-2563
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Responses to Letter A-2

Letter A-2 Continued

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SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

DEIS Section 5.5.9

Southern LNG shall employ at least one EI, while EEC shall employ a team of EIs per construction spread. The EIs shall be:

a. responsible for monitoring and ensuring compliance with all mitigation measures required by the Commission Order and other grants, permits, certificates, or other authorizing documents;
b. responsible for evaluating the construction contractors' implementation of the environmental mitigation measures required in the respective contracts (see condition 6 above) and any other authorizing document;
c. empowered to order correction of acts that violate the environmental conditions of the Order, and any other authorizing document;
d. a full-time position, separate from all other activity inspectors;
e. responsible for documenting compliance with the environmental conditions of the Order, as well as any environmental conditions/permit requirements imposed by other federal, state, or local agencies; and
f. responsible for maintaining status reports.

Southern LNG's Comment:

A2-1 Southern LNG proposes to employ Mr. Durango Meyer as Environmental Inspector for the Elba III Project. Mr. Meyer is familiar with Southern LNG's environmental compliance program, applicable federal, state, and local environmental requirements, and is particularly familiar with FERC environmental policies. Mr. Meyer is a State of Georgia "Certified Professional" in erosion and sedimentation control pursuant to Georgia's NPDES Storm Water Program. An additional inspector assisting Mr. Meyer will also have this credential.

In the now completed Elba II Project, Mr. Meyer functioned as both the Environmental Inspector and the Chief Inspector for the project. Because the Elba II construction site was relatively small and in a compact area that is owned by Southern LNG, Mr. Meyer was able to successfully implement all chief inspection duties for the Elba II Project as well as the environmental inspection responsibilities identified in Condition No. 5.5.9 above. Southern LNG proposes to duplicate the successful Elba II process and again employ Mr. Meyer on a full time basis as both the Environmental Inspector and the Chief Inspector.

- 1 -

Responses to Letter A-2

A2-1 SLNG Environmental Inspector

Comment noted.

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

Mr. Jason Goldstein, Environmental Manager for the Elba III Project, will coordinate with Mr. Meyer pertaining to the implementation of the project's environmental compliance program. Mr. Goldstein will make site visits as necessary to confirm the successful implementation of the environmental compliance program.

Southern LNG seeks clarification that its plans as stated above represent an acceptable approach to comply with Section 5.5.9 above.

DEIS Section 5.5.11

Southern LNG and EEC shall file updated status reports prepared by the head EI on a weekly basis **until all construction and restoration activities are complete**. On request, these status reports will also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:

a. the current construction status of the Terminal Expansion facilities (Southern LNG) and each pipeline spread (EEC), work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally sensitive areas;
b. a listing of all problems encountered and each instance of noncompliance observed by the EIs during the reporting period (both for the conditions imposed by the Commission and any *environmental conditions/permit requirements imposed by other* federal, state, or local agencies);
c. a description of corrective actions implemented in response to all instances of noncompliance, and their cost;
d. the effectiveness of all corrective actions implemented;
e. a description of any landowner/resident complaints which may relate to compliance with the requirements of the Commission Order, and the measures taken to satisfy their concerns; and
f. copies of any correspondence received by Southern LNG or EEC from other federal, state, or local permitting agencies concerning instances of noncompliance, and the respective response.

A2-2 **Southern LNG's Comment:**

Southern LNG comments that compliance with the monthly reporting requirement in Section 5.5.72 should be sufficient to report progress on the Elba III expansion project and requests that these two conditions be combined into one monthly reporting obligation. Southern LNG believes that the condition set forth in Section 5.5.11 was

Responses to Letter A-2

A2-2 SLNG Status Reports

We concur with Southern LNG's assessment of the adequacy of monthly status reports, and have revised the text in section 5.5 to incorporate this information.

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

written to be more applicable to pipeline construction and that the condition in Section 5.5.72 is more applicable to LNG terminal construction. Such monthly reporting requirement as set forth in Section 5.5.72 is consistent with the reporting obligation followed by Southern LNG for the Elba II expansion project. The scope and nature of the Elba III project is not materially different from the Elba II project and no problems in that project arose which suggest that more frequent reports are necessary.

A2-2 Cont.

Given the concentrated location of the construction which will be on property owned and operated by Southern LNG, the potential for encountering frequently changing conditions which may affect the environment is unlikely. Further, with respect to the construction of the terminal, there are no stream crossings, wetland crossings, sloped topography, or landowner issues which tend to contribute to more frequent problems. Additionally, the condition in Section 5.5.72 which requires the reporting of significant problems encountered within 24 hours should satisfy the Commission's concerns about receiving proper and timely notification in the event of an environmentally sensitive event. Accordingly, Southern LNG requests to file a monthly status report on construction status, including status on environmentally sensitive events, consistent with the terms as written in the DEIS of Section 5.5.72.

Regardless of the Commission's conclusions with respect to the timing of the reports, Southern LNG does not believe it is appropriate for Southern LNG to have to file two status reports and Southern LNG requests clarification that the obligations of Southern LNG in Sections 5.5.72 and 5.5.11, as applicable, may be provided in one status report.

DEIS Section 5.5.18

Prior to construction, Southern LNG shall conduct a study comparing the current and future size requirements of the turning basin, in consultation with the Coast Guard, to determine whether the Terminal Expansion would result in any changes in the amount or location of dredging.

Southern LNG's Comment:

A2-3

Southern LNG states that a study has already been conducted with respect to the future size requirements of the turning basin. Such study was conducted in consultation with the U.S. Coast Guard. Southern LNG requests clarification that, while further consultation may be necessary, no further study is required by this condition beyond the study which was filed by Southern LNG in the Resource Report 11 of the Environmental Report to its Application in this Docket. Such study was referenced in Section 11.4.7 of RR11 as Appendix 11.H and entitled, "QMAX Proof of Concept Evaluation for QMAX Size LNG Vessels Operating into the Southern LNG Terminal at Elba Island."

- 3 -

Responses to Letter A-2

A2-3 SLNG Turning basin study

Comment noted. We have reviewed EEC's turning basin study and revised section 4.3.3 to incorporate the additional information.

Letter A-2 Continued

Official FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

A summary of such study is as follows:
Marine Safety International (MSI), at the request of Shell Trading (US) Company (STUSCO), performed a three and one half day simulation evaluation of the marine aspects of transiting the Savannah River and mooring a QMAX 264,000 m^3 capacity membrane Liquefied Natural Gas Carrier (LNGC) at both the North or South berth of the new pocket berth arrangement at the Southern LNG (SLNG) Terminal at Elba Island, Savannah, Georgia. The pocket berth was under construction at the time of this simulation exercise and prior ship handling experience was limited to earlier extensive simulation runs conducted in October 2005. The first cargo to be discharged within the new arrangement was scheduled for late 2005.

A2-3 Cont.

In the study, twenty-two simulations were conducted for this evaluation. Specific simulation objectives were:

- Prove that vessels of this size can safely transit to, and moor at, the new SLNG basin at Elba Island.
- Identify initial optimum conditions for docking and undocking operations.
- Determine the initial maximum weather parameters (wind and current) to be used for a vessel of this size.
- Identify whether the turning basin is adequate for this size LNGC or if further modifications are required.
- Identify whether a LNGC of this size can moor safely while the other berth is occupied.

Identify whether the planned tugs, Le. "Bulldog" & "Edward Moran" plus two conventional, tugs are adequate for the planned operations.

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

Of the twenty-two simulations conducted, sixteen simulations were arrivals and six were departures. One arrival was bow in at the south berth, the remaining fifteen arrivals required turning the inbound LNGC approximately 90 degrees clockwise in the adjacent turning basin for a stern first entry and a· bow out mooring at the north or south berth. One departure was from a bow in mooring at the south berth. The remaining five departures were made from a bow out mooring position from either the north or south berth. Ten simulations were conducted at the south berth and twelve simulations were conducted at the north berth. The initial familiarization simulation was executed with an empty mooring basin. The remaining twenty one simulations were conducted with the opposite berth being occupied by a 200,000 m^3 LNGC vessel (similar size to the QMax).

A2-3 Cont.

Environmental conditions simulated included winds from southwest to northwest ranging *from no wind to 20 knots sustained, gusting to 25 knots, and tidal currents ranging from* high slack water to 1.5 knots of flood current and 1.0 knots of ebb current.

The initial eight simulations were conducted with two Azimuth Stem Drive (ASD) tugs of 80 tonnes static bollard pull and two conventional twin screw tugs of 40 tonnes static bollard pull. In the final fourteen simulations, the two conventional tugs were replaced by two ASD tugs of 60 tonnes static bollard pull. The 80 tonne ASD tugs were used to simulate the Bull Dog and the Edward Moran that were planned for LNGC assist work at the SLNG terminal. The 60 tonne ASD tugs were used to simulate the Diane Moran and the Savannah, two ASD tugs currently serving the SLNG terminal at Savannah, Georgia.

The simulations were conducted using a full mission simulator by one Savannah River Pilot, and two docking pilots affiliated with Moran Towing and Crescent Towing, the two local Savannah, Georgia companies providing tug services to SLNG. The pilots based their conning decisions on visual observations of the area, effects of environmental forces on the LNGC's and movements of the LNGC resulting from tug forces. The pilots conning orders were executed by an MSI systems operator in a manner that would be expected of a ship's bridge team and the assisting tug operators. The tugs were positioned as directed by the docking pilots to gain optimum effectiveness and achieve appropriate safety margins.

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

A2-3 Cont.

The evaluation team for this study consisted of the following:

Captain Guy Nicholls - Shell Trading (US) Company
Commander DaWayne Penberthy -SLNG
Captain Tommy Browne - Savannah Pilots
Captain Sam Meyer - Savannah Pilots
Commander Dave Murk - USCG Captain of the Port
Captain Victor Schisler - Harbor Consultant
Ed Bazemore - Crescent Towing
Derek Dragon - Crescent Towing
Ron Droop - Moran Towing
Robert Davis Moran Towing
Captain Robert de Koning RasGas - Pilot for Ras Laffan Port
Captain Bill Mackay - MSI

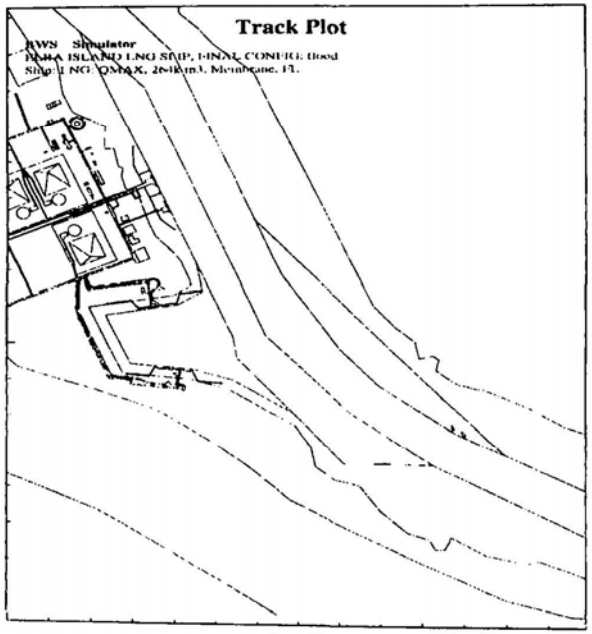
- All of the professional mariners in attendance, including the local USCG Captain of the Port concluded that LNGC vessels of these principal dimensions could safely transit the Savannah River.
- As a result of the 22 simulations, conducted for this evaluation, it was determined that the SLNG Terminal berths will accommodate a QMAX LNGC while a 200,000 m^3 LNGC (similar size to the Q-Max) is moored on the opposite berth.
- The initial limiting conditions for docking was winds of 20 knots or less and tidal currents of 0.75 knots or less.
- The new turning basin is considered adequate.
- The evaluated "new" turning basin is depicted below:

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

A2-3 Cont.



- Note: The above evaluated "new" turning basin was available during all simulations. However, none of the simulated LNG Tankship maneuvers used the turning basin outside the federally maintained channel or throat of the slip already available without a separate turning basin. This indicates a potential for safe reduction or elimination of the turning basin and commensurate reduction in the negative environmental impact of dredging.
- The two new 80 tonne ASD tugs should be accompanied by two 60 tonne ASD tugs to provide flexibility, versatility and adequate reserve power to cope with unexpected events. When the two conventional tugs were used, in lieu of the 60 tonne ASD tugs, they were operated at full power for long periods of time and were lacking reserve power to cope with unexpected events and equipment failures.

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

A2-3 Cont.

- The simulation sponsors made it clear that these initial "Proof of Concept studies" will be supported by further dedicated large LNGC simulator training, closer to the operational timeframe. This subsequent training will involve all of the appropriate parties engaged in the safe transit and berthing of these sized vessels, to ensure that they are armed with the most up to date training. At this time the operating criteria for the berths will be set, taking into account:
- The operational experience gained during the present phase where LNGC's of various sizes and descriptions have operated into the new pocket berths.
- Up to date information on the varying external factors that affect both the transit and berthing operations, including but not limited to, currents in and around the berths, changes in ship design, propulsion systems etc.
- Operational experience gained during the preceding timeframe when LNGC's of various sizes and descriptions have operated into the new pocket berths.
- Up to date information on the varying external factors, including but not limited to currents in and around the berths, changes in ship design, propulsion systems etc.

This future training will be completed in the months leading up to the first planned cargo on these sized LNGC's.

Discussions with the USCG and other port stakeholders will continue over the next couple of months to develop the appropriate sizing of the new turning basin. Balancing safety and economics as well as reducing the negative environmental impact of further dredging will be considered by the stakeholders.

Responses to Letter A-2

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

DEIS Section 5.5.22

In order to protect aquatic species, Southern LNG shall employ a brief soft start of the pile driver of no more than several minutes duration for each pile during construction of the new sheet pile bulkhead.

A2-4 **Southern LNG's Comment:**

The use of a vibratory hammer is planned for installation of the sheet piling at the toe of the slip. The vibratory hammer is considered to be a mitigation measure that reduces the environmental impact of a piling operation (RPS Energy, 2006). RPS Energy. 2006. "Underwater noise impact assessment on marine mammals and fish during pile driving of proposed round 2 offshore wind farms in the Thames Estuary." RPS Report No.: EOR0523.

Vibratory hammering has been documented previously to produce noise values within the range of background levels (i.e., similar to that caused by ships and tugs; ATM, 2004). Applied Technology and Management Inc. 2004. "Evaluation of Underwater Noise Impacts Related to Pile-Driving." Container Berth 8 Savannah Harbor, Georgia, U.S. Army Permit No. 200105980. Prepared for Georgia Ports Authority. Use of the vibratory hammer will not require soft starting and therefore, SLNG requests clarification that it may use the vibratory hammer for the construction of the new sheet pile bulkhead in place of the soft start requirement set forth above in condition 5.5.22.

A2-5 In addition, Southern LNG seeks to clarify the statement on page 4-8 of the DEIS, Section 4.1.3 related to the new sheet pile bulkhead. Specifically, the second paragraph on said page 4-8 reads, "Because hurricane storm surge and wave action could potentially cause damage to the stone armored shoreline at the recessed berth, Southern LNG would armor this area with vertical sheet pile to prevent significant erosion."

Southern LNG clarifies that the purpose of the sheet piling is to effectuate the extension of the 46 foot depth further west to the end or toe of the slip and not for the purposes stated in the DEIS, Section 4.1.3. This will allow for the longer ships to safely enter, maneuver and dock at the slip. The sheet piles will only be installed at the end of the slip, not along the sides of the slip. Finally, the top of the sheet piles will be installed below the existing shore protection (concrete armor matting) at a depth of 5 below mean low water.

A2-6 In contrast to the construction of the sheet pile, the use of conventional diesel pile drivers will be required for construction of the open water mooring dolphins, and this equipment can create damaging levels of impulsive noise. On May 14, 2007 Southern LNG met

Responses to Letter A-2

A2-4 SLNG Pile driver noise impacts on marine mammals and fisheries

Comment noted. The text in section 4.6.2.2 and section 5.5 has been revised to incorporate this information.

A2-5 SLNG Sheet pile bulkhead

Comment noted. The text in section 4.1.3 has been revised to incorporate this information.

A2-6 SLNG Pile driver noise impacts on EFH

The text in section 4.6.2 and appendix J (EFH Assessment) has been revised to incorporate this information.

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

with NOAA National Marine Fisheries Service ("NMFS") Protected Resources Division fisheries biologists to discuss noise issues related to pile driving during the construction of the two open water mooring dolphins. A start-stop procedure is one of the harm avoidance mitigation methods being considered, but there may be other methods that are more technically feasible and just as or more effective for this project. Southern LNG will continue to coordinate with NMFS to prepare an acceptable harm avoidance plan for pile driving associated with the installation of the mooring dolphins. Attached as Exhibit 5.5.22 are the meeting minutes from such consultation.

DEIS Section 5.5.25

Before the end of the draft EIS comment period - Southern LNG shall coordinate with NMFS to determine the appropriate measures for avoiding vessel strikes with the right whale for LNG ships transiting to and from Southern LNG's terminal and file copies of related correspondence.

SLNG's Comment:

A2-7 On April 16, 2007 representatives of Southern LNG met with NMFS, to discuss right whale protection measures. In attendance were: Kyle Baker (NMFS); Laura Engleby (NMFS); Barbara Zoodsma (NMFS); DaWayne Penberthy (Southern LNG); Jason Goldstein (Southern Natural Gas); Chae Laird (ENSR); and, Allen Brooks (ENSR). In the meeting, the attendees agreed to prepare a document which would include their agreements on measures to protect right whales. Such measures including vessel strike avoidance and protective species identification and notification were reached in principal.

On May 14, 2007, representatives of Southern LNG met again with NMFS at Southern LNG's Elba Island facility and via teleconference to discuss questions about the proposed measures. Southern LNG agrees to file such measures with the Commission when they are finalized.

Responses to Letter A-2

A2-7 SLNG Atlantic right whale strike avoidance

The text in section 4.7.1 and section 5.5 has been revised to incorporate this information.

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

DEIS Section 5.5.53

Prior to initial site preparation - file an updated Emergency Response Plan (including evacuation) and coordinate procedures with the Coast Guard; state, county, and local emergency planning groups; fire departments; state and local law enforcement; and appropriate federal agencies.

This updated plan shall include at a minimum:

a. Designated contacts with state and local emergency response agencies;

b. Scalable procedures for the prompt notification of appropriate local officials and emergency response agencies based on the level and severity of potential incidents;

c. Procedures for notifying residents and recreational users within areas of potential hazard along the transit route and in the South Channel;

d. Evacuation routes/methods for residents and other public use areas that are within any transient hazard areas along the route of the LNG marine transit;

e. Locations of permanent sirens and other warning devices; and

f. An "emergency coordinator" on each LNG carrier to activate sirens and other warning devices.

Southern LNG shall notify FERC staff of all planning meetings in advance and shall report progress on the development of its Emergency Response Plan at **3-month** intervals.

A2-8 **Southern LNG's Comment:**

Security and Safety consequences and risks along the LNG vessel transit route and at the Southern LNG facility were appropriately evaluated during the eight month USCG Waterway Suitability Assessment process. Notably, the evaluation included members of the maritime community, first response agencies (fire and police) the USCG Captain of the Port ("COTP") and Southern LNG. This condition (item 53) is not consistent with nor substantiated by the findings of that assessment.

- 11 -

Responses to Letter A-2

A2-8 SLNG Security and Safety

As stated in section 4.12.5 of the EIS, Section 3A(e) of the Natural Gas Act, added by Section 311 of the Energy Policy Act of 2005, stipulates that in any Order authorizing an LNG terminal, the Commission shall require the LNG terminal operator to develop an Emergency Response Plan in consultation with the Coast Guard and state and local agencies. In addition, Section 3A(e) specifies that the Emergency Response Plan shall include a Cost-Sharing Plan that contains a description of any direct cost reimbursements the applicants agree to provide to any state and local agencies with responsibility for security and safety at the LNG terminal and in proximity to LNG carriers that serve the facility. The Energy Policy Act of 2005 mandated that FERC must approve the Emergency Response Plan and associated Coast-Sharing Plan prior to any final approval to begin construction.

The existing terminal has an Emergency Response Plan. However, this plan is for the existing facility and for current operations and will need to be updated for the proposed expansion. The *Savannah Area Liquefied Natural Gas (LNG) Vessel Management and Emergency Plan* is a separate Coast Guard document which they may also update for the proposed expansion.

Regarding the "emergency coordinator", we agree that this does not have to be an additional person, but that Southern LNG must ensure that a person aboard each ship has the ability to perform this responsibility during the vessel transit.

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

Southern LNG has been operating under the USCG developed and issued Savannah Area Liquefied Natural Gas (LNG) Vessel Management and Emergency Plan since September, 2001, when it commenced operations as a result of its recommissioning.

Southern LNG recommends that appropriate items considered in such emergency response plan be left to the discretion of the approving COTP. For example: Southern LNG believes that the "emergency coordinator" on each LNG carrier need not be an additional person, but that the notification duties of this objective can be incorporated in other methods agreeable to the developers of the plan. This distinction is important due to the balance of the risk of boarding vessels underway and the benefit of timely communication, and the recognition that siren and other warning devices are not likely to be activated from the vessel, but from established emergency management operations centers ashore. The risk of boarding vessels underway and the benefit of mitigating opportunities once aboard is a common explanation for even professional Coast Guard Personnel not boarding vessels underway.

Southern LNG recommends that this condition be reworded to require that the Savannah Area Liquefied Natural Gas (LNG) Vessel Management and Emergency Plan be "reviewed and updated prior to commissioning."

DEIS Section 5.5.70

Prior to commissioning Southern LNG shall - Coordinate, as needed, with the Coast Guard to define the responsibilities of Southern LNG's security staff in supplementing other security personnel and in protecting the LNG tankers and terminal.

Southern LNG's Comment:

A2-9 Southern LNG's security responsibilities are regulated under the Maritime Transportation Security Act, 33 CFR 101 and 105 ("MTSA"). As such, the facility presently operates under and in compliance with a USCG approved Facility Security Plan ("FSP"). All vessels (including LNG tankers) are regulated under the International Ship and Port Facility Security Code (ISPS Code) and operate under approved Ship Security Plans. Southern LNG will continue to operate under a USCG required FSP. The Southern LNG Elba Island facility has been in continuous operation since September, 2001, and under an existing USCG approved FSP since the implementation of the MTSA on June 14, 2004. Southern LNG's FSP has been reviewed, revised and approved by the USCG several times subsequent to initial approval of the plan. Southern LNG believes that the present FSP satisfactorily addresses the responsibilities of its security staff. With respect to the engagement of non-USCG personnel for security duties in the State of Georgia, the State Constitution forbids state-certified law enforcement personnel to enforce federal law. Accordingly, they cannot be hired by Southern LNG to do so. Further, it is unclear

- 12 -

Responses to Letter A-2

A2-9 SLNG Security coordination

The condition requires Southern LNG to coordinate and supplement security staff, such as under the MTSA and/or the FSP, rather than to substitute for Coast Guard enforcement.

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

A2-9 cont.

what, if any, legal mechanism exists for the USCG to empower Southern LNG's security staff or other uncertified law enforcement personnel to enforce federal security regulations beyond what is in Southern LNG's FSP. Southern LNG's existing FSP is appropriate and consistent with state and federal law. Accordingly, Southern LNG seeks clarification that Item 70 above does not require Southern LNG to take any action outside of the MTSA and/or the FSP, as approved by the USCG. Should circumstances change, or should the USCG develop additional requirements for security and enforcement of federal regulations under its jurisdiction, Southern LNG will certainly at that time work with the USCG to ensure appropriate amendments or revisions to its FSP.

DEIS Section 5.5.74

Semi-annual operational reports submitted within 45 days after each period ending June 30 and December 31 - Semi-annual operational reports to identify:

a. Changes in facility design and operating conditions;

b. Abnormal operating experiences including but not be limited to:

(1) unloading/shipping problems;

(2) potential hazardous conditions from offsite vessels;

(3) storage tank stratification or rollover;

(4) geysering;

(5) storage tank pressure excursions;

(6) cold spots on the storage tanks;

(7) storage tank vibrations and/or vibrations in associated cryogenic piping;

(8) storage tank settlement;

(9) significant equipment or instrumentation malfunctions or failures;

(10) non-scheduled maintenance or repair (and reasons therefore);

(11) relative movement of storage tank inner vessels;

Responses to Letter A-2

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

(12) vapor or liquid releases;

(13) fires involving natural gas and/or from other sources;

(14) negative pressure (vacuum) within a storage tank and higher than predicted boiloff rates; and,

(15) Adverse weather conditions and the effect on the facility.

c. Activities (including ship arrivals, quantity and composition of imported LNG, vaporization quantities, boil-off/flash gas, etc.); and,

d. *Plant modifications including future plans and progress thereof.*

A2-10 **Southern LNG's Comment:**

The provisions set forth above will be incorporated into appropriate sections of Southern LNG's Emergency Response Plan, and Operation and Maintenance procedures and manuals, and semi-annual operational report guidance and Southern LNG agrees to provide the FERC Staff with such reports, as applicable.

DEIS Section 5.5.75

Within 24 hours - the Commission shall be notified in the event the temperature of any region of any secondary containment becomes less than the minimum specified operating temperature for the material. Procedures for corrective action shall be specified.

A2-11 **Southern LNG's Comment:**

The provisions set forth above will be incorporated into appropriate sections of Southern LNG's Emergency Response Plan, and Operation and Maintenance procedures and manuals, and semi-annual operational report guidance and Southern LNG agrees to provide the FERC Staff with such reports, as applicable.

DEIS Section 5.5.76

Immediately, but not later than within 24 hours - Notify FERC staff of significant non-scheduled events, including safety-related incidents (i.e., LNG or natural gas releases, fires, explosions, mechanical failures, unusual over pressurization, and major injuries) and security related incidents (i.e., attempts to enter site, suspicious activities) shall be reported to FERC staff. In the event an abnormality is of significant magnitude to

- 14 -

Responses to Letter A-2

A2-10 SLNG Operational Reporting

Comment noted.

A2-11 SLNG Temperature Reporting

Comment noted.

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

threaten public or employee safety, cause significant property damage, or interrupt service, notification shall be made **immediately**, without unduly interfering with any necessary or appropriate emergency repair, alarm, or other emergency procedure. In all instances, notification shall be made to Commission staff **within 24 hours**. This notification practice shall be incorporated into the LNG facility's emergency plan. Examples of reportable LNG-related incidents include:

a. fire;

b. explosion;

c. estimated property damage of $50,000 or more;

d. death or personal injury necessitating in-patient hospitalization;

e. free flow of LNG that results in pooling;

f. unintended movement or abnormal loading by environmental causes, such as an earthquake, landslide, or flood, that impairs the serviceability, structural integrity, or reliability of an LNG facility that contains, controls, or processes gas or LNG;

g. any crack or other material defect that impairs the structural integrity or reliability of an LNG facility that contains, controls, or processes gas or LNG;

h. any malfunction or operating error that causes the pressure of a pipeline or LNG facility that contains or processes gas or LNG to rise above its maximum allowable operating pressure (or working pressure for LNG facilities) plus the build-up allowed for operation of pressure limiting or control devices;

i. a leak in an LNG facility that contains or processes gas or LNG that constitutes an emergency;

j. inner tank leakage, ineffective insulation, or frost heave that impairs the structural integrity of an LNG storage tank;

A2-12 **Southern LNG's Comment:**

The provisions set forth above will be incorporated into appropriate sections of Southern LNG's Emergency Response Plan, and Operation and Maintenance procedures and

Responses to Letter A-2

A2-12 SLNG Notification Procedures

Comment noted.

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

manuals, and semi-annual operational report guidance and Southern LNG agrees to provide the FERC Staff with such reports, as applicable.

DEIS Section 5.5.77

Annually - review WSA relating to LNG marine traffic for the project; update the assessment to reflect changing conditions which may impact the suitability of the waterway for LNG marine traffic; provide the updated assessment to the cognizant COTP/FMSC for review and validation and if appropriate, further action by the COTP/FMSC relating to LNG marine traffic. A copy of any necessary updated assessment will be provided to FERC staff.

Southern LNG's Comment:

A2-13 SLNG seeks to clarify that such annual review of the WSA will end once the expansion facilities are placed in service. Extension of the annual review post-construction is unnecessary and not consistent with the US Coast Guard protocol. Specifically, U. S. Coast Guard guidance on assessing the suitability of a waterway for liquefied natural gas (LNG) marine traffic is detailed in the USCG Navigation and Vessel Inspection Circular (NVIC) number 05-05 dated June 14, 2005. Paragraph 5.b.(21) of NVIC 05-05 clearly provides that applicants may be required to "annually review and update their WSA to reflect changing conditions, such as changes to the project itself and./or changes within the port, until such time when the LNG facility goes into operation." Although the facility itself is and has been in continuous operation since September, 2001, Southern LNG believes that the intent is to update the WSA relevant to the Elba Island Terminal III Expansion until such time as the expansion is complete. This is consistent with regulatory guidance and Southern LNG intent.

DEIS Section 5.5.78

Prior to the end of the comment period on the draft EIS - how either Southern LNG or a government agency would legally control all activities in the portions of the thermal radiation and vapor dispersion exclusion zones that extend onto land areas located outside of the LNG terminal property line in accordance with sections 193.2057 and 193.2059 of the DOT regulations for as long as the facility is in operation, as specified by 49 CFR 193.2007.

A2-14 **Southern LNG's Comment:**

The requirement and overarching intent of 49 CFR 193 and the incorporated references of NFPA 59A is to minimize the probability of off-site influence of the effects of

- 16 -

Responses to Letter A-2

A2-13 SLNG WSA Review

On June 18, 2007, the Coast Guard sent a letter to the FERC, based on the WSA review, providing input on the capability of the port community to implement the risk management measures necessary to responsibly manage the risks of LNG marine traffic in the Port of Savannah. As described in this letter, the Coast Guard made a preliminary determination that the Savannah River, based on existing measures and additional conditions, is suitable for the larger LNG carriers and the increase in LNG marine traffic associated with this expansion. One of these conditions states:

- Throughout the period of construction and until such time when the LNG facility goes into operation, the applicant must conduct an annual review of the WSA to identify changes that have occurred to the project scope and/or port community since submission of the initial WSA. The applicant shall provide a written statement to the COTP annually coinciding with the date of this letter attesting as to whether or not any changes have occurred. If this annual review identifies changes to the project and/or port that may invalidate portions of the WSA, the applicant must describe the changes in detail and describe any actions necessary to update the WSA. If updating the WSA is required, the applicant shall include a timeline for actions to take place. Prior to the start of operations, the applicant shall conduct a final review of the WSA and submit documentation to the COTP attesting that the most recent WSA on file with the COTP is current and up to date. Documentation of the final review shall be submitted to the COTP between 30 and 60 days prior to the start of operations.

The condition has been revised to apply until the LNG terminal expansion facilities go into operation.

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, *et al.*
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

flammable vapors or radiant heat from fire. The requirements address two particular areas of concern: (i) property that can be built upon, and (ii) LNG vessels.

The Elba Island Terminal III Expansion has been designed with provisions to minimize the possibility of a flammable mixture of vapors from a design spill prevent or the damaging effects of fire reaching beyond a property line that can be built upon and that would result in a distinct hazard. This can be seen in the depictions of the radiant heat and vapor dispersion zones attached as Exhibit 5.5.78. Although the models indicate that the 10,000 BTU/HR-FT^2 and 2.5% LFL extend across the South Channel, approximately 50% of the property involved is owned and maintained by Southern LNG as the sole access roadway and easement. In addition, although the model indicates that 10,000 BTU/HR-FT^2 may be experienced by an LNG vessel at the north dock, the extent and minimal temperatures are insufficient to cause structural damage to any LNG marine carrier or prevent its movement.

A2-14 Cont.

The balance of the property lies on either side of the Southern LNG easement and is characterized in the Chatham County GIS database as "Marine – Open Water - Intertidal" and "Estuarine – Open Water - Intertidal". The Coastal Resources Division of the Georgia Department of Natural Resources ("GCRD") controls this property. The property has little or no commercial value beyond its natural state and further development would be impractical and extremely unlikely based on its size, location and designation as a coastal marshland.

Any attempts to develop the property would require the approval of the Army Corps of Engineers, and the GCRD. Specifically, a permit is necessary to alter coastal marshlands in Georgia as per the Coastal Marshlands Protection Act, O.C.G.A. §12-5-280 (2002). In approving an application for a permit, the State of Georgia Coastal Marshlands Protection Committee must consider the public interest which includes the following considerations:

"(1) Whether or not unreasonably harmful obstruction to or alteration of the natural flow of navigational water within the affected area will arise as a result of the proposal;

(2) Whether or not unreasonably harmful or increased erosion, shoaling of channels, or stagnant areas of water will be created; and

(3) Whether or not the granting of a permit and the completion of the applicant's proposal will unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, clams, or other marine life, wildlife, or other resources, including but not limited to water and oxygen supply."

See, O.C.G.A. §12-5-286(g)(2002).

Further, Section 12-5-288 of the Georgia Code requires that, "If the project is not water related or dependent on waterfront access or can be satisfied by the use of an alternative nonmarshland site or by use of existing public facilities, a permit usually should not be granted pursuant to Code Section 12-5-286." *See,* O.C.G.A. §12-5-288(a). Under the

- 17 -

Responses to Letter A-2

A2-14 SLNG Control of Exclusion Zones

On June 13, 2007, Southern LNG was requested to demonstrate that the GDNR understands Southern LNG would have exclusion zone requirements for these land areas, as defined in 49 CFR 193.2007, 193.2057, and 193.2059.

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-00

SOUTHERN LNG INC.
OEP/DG2E/Gas 1
Elba III Project
Docket Nos. CP06-470-000, et al.
COMMENTS TO SECTION 5.5 OF FERC's
DEIS DATED MARCH 30, 2007

terms of Section 12-5-288(a), a permit for any development in this area could only be granted in highly unusual circumstances, not for general development, and Southern LNG would for obvious reasons oppose any application for a permit if necessary to meet the terms of 49 CFR 193.2007.

[See attached Exhibit 5.5.78: D 5 Thermal Zones; D 5 Thermal Zones; D 5 Vapor Zones; D 6 Thermal Zones; D 6 Vapor Zones; Impoundment Thermal Zones; Retention Area 2 Vapor Zones; and, the SAGIS Screen Shot.]

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

Exhibit 5.5.22

SLNG – ELBA ISLAND TERMINAL EXPANSION

Meeting Minutes

Date: May 14, 2007

Prepared By: Brooks, ENSR

Project File No. : 06208-098

PURPOSE OF MEETING:

Subject: Met with NOAA Fisheries Protected Resources to discuss noise issues related to pile driving during the construction of two offshore mooring dolphins.

MEETING DATE / TIME / LOCATION:

Meeting Date: May 14, 2007

Meeting Time: 10:30 AM EST

Meeting Location: Elba Island, Savannah, Georgia

Attendees:

NAME	COMPANY
Kyle Baker, Barbara Zoodsma, Kay Davy	NOAA
Jeff King	USACE
Bridget Callahan, Francis Way	ATM
Dawayne Penberthy, Jason Goldstein, Adrienne Mason	Southern LNG
Larry Wadman	TIC
Allen Brooks	ENSR

Meeting Summary:

The meeting was a discussion of the location, pile type, and construction method for the proposed offshore mooring dolphins. The potential noise effects upon protected species were discussed along with potential mitigative measures.

Minutes of Meeting:

- Allen Brooks (ENSR) introduced the location of the two proposed moorings. Both moorings are an extension of the present slip and will extend the current footprint by approximately 100 feet. Specifically, the two moorings will be located 1,715 and 2,040 feet from the South Carolina shoreline.
- Larry Wadman (TIC) stated that the piles will be 18" diameter concrete piles. The piles will be batter piles which means they are driven in at an angle to increase the support of the structure. The batter piles will take

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-0

Exhibit 5.5.22

SLNG – ELBA ISLAND TERMINAL EXPANSION

approximately 30-60 minutes to drive into the substrate depending upon the substrate that is encountered. The piles will be arranged within a prefabricated template prior to being hammered into the substrate. Approximately, two to four piles (piling group) will be placed into the template during each pile driving session. A diesel-powered impact hammer will be used to set the piles. A typical day will include three hours of actual impact hamming, per set of piles (a typical template of piles was between two and three). Up to two sets of piles could be driven in a single day.

- Jason Goldstein (SLNG) explained that the time of year for construction has not been determined. The proposed storage tank will take three years to construct and the customer will dictate the schedule, which will determine when the batter piles will need to be driven. Kyle Baker (NMFS) explained that it would be beneficial for shortnose sturgeon (SNS) if pile driving could be done from April to December. Recent telemetry data shows that SNS do use the Elba Island area of the river from January to March.
- Mr. Baker confirmed that pile driving is estimated to have a minimal effect upon dolphin behavior at long distances, but exposure to noise needs to avoided at relatively close distances to the pile to avoid potentially adverse affects on hearing. In addition, sea turtles are not expected to be common in the area, but should be included in the mitigation plan in the event they are present. The main protected species of concern is the SNS because it cannot be directly observed and effects avoided.
- A general discussion took place over the presence/absence of a potential pinch point. It was agreed upon that construction will not create a pinch-point situation. This is due to the presence of a 400-500 foot corridor that will be below 155 dB along the South Carolina shoreline and the fact that the South Channel will be unobstructed.
- Mr. Baker explained that his concern is providing enough time for SNS to be alerted and able to leave the impact area prior to standard impact hammering. Mr. Brooks introduced that SLNG would like to select an alternative acoustic mechanism for "ramping up" prior to pile driving. Providing an acoustic warning that isn't related to the pile driving machine itself would be beneficial to ensure that a "continual alarm" can be sounded during pile-driving activities. For example, if a short window of equipment downtime (15-20 min.) is required to alter a cushion block, change a pile driver setting or reposition the pile driver. The alternative device could be used to help decrease the likelihood of any sensitive species entering the construction zone. SLNG's suggestion for an alternative warning signal was banging on a steel pipe. Mr. Baker explained that the NMFS could not recommend any activity that wasn't "directly" related to the pile-driving activities itself as it would be considered harassment.
- Mr. Baker requested that dry-firing of the pile driver be performed prior to driving in each piling group. This would satisfy the "ramping up" recommendation. Mr. Wadman, however, explained over the course of the meeting that this couldn't be done for the following reasons:
  - This is not recommended by the manufacturer;
  - It only takes eight blows or less than 20 seconds (30 blows per minute) to reach maximum impact levels depending upon soil thickness;
  - There is concern over personnel safety as construction crew members would be required to climb the leads in order to change the fuel setting of the hammer; and
  - There is concern over engineering safety, because this might create structural damage to the pile, as it is suspended in the template. After a batter pile is "stuck" based upon Mr. Wadman's experience in this location up to 50% of the pile will be above the template. The pile in this position is in a most vulnerable state as far as potential damage to the pile due to excessive bending stresses in the pile causing cracking and even failure. The pile lead is a 3 sided box with hammer guides that permit the hammer to slide up or down the lead. When the leads are placed, aligned with the pile, the leads permit the hammer and pile to stay aligned during the pile driving process. Damage to the pile generally occurs when the hammer and pile become misaligned causing bending stresses rather than compressive stresses in the concrete. The bottom of the leads are pinned to the template and then "leaned" over the pile until the hammer and pile are aligned. The

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

Exhibit 5.5.22

SLNG – ELBA ISLAND TERMINAL EXPANSION

single crane holding the leads has two independent hoist lines. One holding the leads and one attached to the hammer. During hammer starting the line holding the hammer has a latch which engages the hammer cylinder. The line is raised pulling the hammer ram up inside of the hammer cylinder. At the max height at trip releases the ram and hammer operation commences. During the initial firing operation it is extremely critical that as the ram is being raising the lead is not raised also. This operation is fairly simple during driving plumb piles but is much more difficult as the batter (or angle of the pile) in the piles increase. The piles in the existing dolphins were driven at a 4:12 batter which is fairly severe.

- It was decided that at this time that shutting the fuel off was the only way to create a warning signal using the pile driver. Effectively, this will be similar to a miss-fire of the pile driver and will be referred to as a start-stop procedure. However, this mechanism is still not preferred; therefore, it will only be performed for a minimal amount of time and only during the time frame when SNS are of concern. SLNG/TIC is hesitant to commit to an extended start-stop procedure for the engineering and safety concerns described above.

  It was agreed that when the start-stop procedure is required, the contractor will start and stop the pile driver once prior to the commencement of pile driving. It is anticipated that this will cause the hammer to strike the pile several times (i.e., bounce) causing a reverberation of sound and creating a warning signal.
- In lieu of being able to dry-fire the pile driver or use the start-stop procedure for an extended time, it was estimated that template construction and placement of the piles into the template created an increase in noise and provides some level of "ramping up" prior to construction. The following standard operating procedure is used once the mooring's template has been set into place:
  - Placement of two to four piles into the template (~ 30 min.);
  - Placement of the cushion onto the pile driver (~10 min.);
  - Positioning the hammer's cap over the pile (~10 min.); and
  - Placement of the pins that hold the leads (~5 min.).

  All of these activities produce noise. For example, placement of the steel pins commonly involves that they be driven into place. SLNG's construction personnel will make sure they drive the pins in each time to increase the noise levels prior to pile driving.
- Fran Way (ATM) asked whether peak or RMS sound levels should be used when modeling the potential for species disruption. Mr. Baker explained that peak levels should be used to assess hearing loss/damage and RMS levels should be used to assess behavioral modifications. Presently, NMFS considers 182 dB to be the threshold for hearing loss and 160 dB the threshold for behavioral modification.
- Mr. Baker requested that SLNG use the Container Berth 8 Study (ATM, 2004 – Port of Savannah) to determine the radius of hearing loss/damage sound levels. The level of interest is the Temporary Threshold Shift (TTS) of 182 dB. It was preliminarily estimated in the meeting that it was approximately 10-20 m.
- Kay Davy (NMFS) asked if a cofferdam could be used to avoid impacts. She explained that one is presently being used in the Savannah River for historic restoration. SLNG replied that a coffer dam wasn't feasible in this project location due to the amount of currents. In addition, it would require pile driving to set it in place.
- Mr. Baker inquired if SLNG was anticipating the use of a bubble curtain. SLNG replied that they had researched bubble curtains in the literature but felt that it would be minimally effective (to ineffective) for this project. The majority of bubble curtains have been designed to provide containment around single vertical piles and not for batter piles.

  The currents in the river reach up to seven to eight miles per hour, which is problematic for bubble curtain deployment and success. In addition, the piling arrangement is such that the inter-pile spacing isn't receptive to the typical placement of a curtain around a single pile (or pile by pile basis). Therefore, a bubble curtain will not be constructed that encloses the footprint of the dolphin (40 x 40 x 40 ft).

Letter A-2 Continued

Unofficial FERC-Generated PDF of 20070523-0043 Received by FERC OSEC 05/21/2007 in Docket#: CP06-470-000

Exhibit 5.5.22

SLNG – ELBA ISLAND TERMINAL EXPANSION

- Ms. Davy explained that in terms of EFH, fall and winter construction is preferential. However, this is contrary to the best window to avoid SNS impacts. The selection of optimal construction window is problematic due to species-specific differences. It appeared that the general consensus was that the endangered SNS was the most important species to consider in the area for noise impacts; however, Mr. Goldstein indicated that a construction window may be difficult to adhere to since project planning was still underway.Mr. Baker concurred that since the impact area was relatively small, a construction window would not be required, although preferential.
- Mr. Goldstein introduced that SLNG has adopted manatee-protection measures for dredging operations at Elba Island. SLNG will apply these measures as applicable to pile-driving activities. Using these measures, a Marine Species Protection Plan will also be developed for dolphins and sea turtles.

Action Items:

- Prepare a Marine Species Protection Plan for dolphins and sea turtles (ENSR/SLNG)
- Using the Container Berth 8 study, determine the estimated radius of hearing loss/damage sound levels (ATM/ENSR)
- Identify any additional sound-producing actions that take place during pre-pile driving standard operating procedures (TIC/SLNG)
- Propose a pile driving protocol to be considered for ESA consultation, including a description of the ramp-up procedures, the duration of the energy ramp-up, approximate strikes per minute (recommended 5 minutes by NOAA), requirement to ramp-up for each pile template, and protected species observations (dolphins and turtles). The previous measures sent by NOAA would be used as a template to prepare the new harm avoidance plan for pile driving.