

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy  
COUNTY EXECUTIVE

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**TESTIMONY ON  
BROADWATER LNG FACILITY**

**SUFFOLK COUNTY EXECUTIVE STEVE LEVY  
MAY 7, 2007**

THANK YOU FOR THE OPPORTUNITY TO SPEAK HERE THIS EVENING BROADWATER LIQUID NATURAL GAS FACILITY PROPOSED TO BE SITED IN THE LONG ISLAND SOUND.

AS COUNTY EXECUTIVE, I AM EXTREMELY CONCERNED WITH THE INTRUSION OF THE BROADWATER FACILITY IN SUFFOLK COUNTY WATERS IN THE LONG ISLAND SOUND. BROADWATER'S FLOATING STORAGE REGASIFICATION UNIT IS AN ENORMOUS FACILITY WHICH BROADWATER PROPOSES TO PERMANENTLY PLACE IN THE SOUND FOR MORE THAN 30 YEARS. THE LARGE RE-FUELING VESSELS THAT WILL TRANSPORT THE LIQUID NATURAL GAS ("LNG") FROM FOREIGN PORTS TO THE FLOATING FACILITY AND UNLOAD THE LNG WILL FORM A CONTINUOUS PARADE OF LARGE VESSELS THAT WILL TRAVEL THROUGH THE SOUND TO AND FROM THE BROADWATER FACILITY EVERY TWO TO THREE DAYS FOR YEARS TO COME.

BROADWATER ADMITS THAT THIS WOULD INVOLVE AT LEAST 312 TANKER TRIPS PER YEAR THROUGH OUR PRECIOUS LONG ISLAND SOUND. AS CHIEF EXECUTIVE OF SUFFOLK COUNTY, I CANNOT STATE STRONGLY ENOUGH THAT THIS IS AN INTOLERABLE BURDEN ON OUR RESIDENTS AND OTHERS WHO UTILIZE THE SOUND FOR MARITIME COMMERCIAL ACTIVITIES INCLUDING FISHING, LOBSTERING, AND TRANS-SOUND TRANSPORTATION.

EQUALLY IMPORTANT IS THE IMPACT BROADWATER WOULD HAVE ON RECREATIONAL USERS OF THE SOUND, WHICH IS A LIFEBLOOD FOR THE 8 MILLION RESIDENTS WHO RESIDE ON BOTH COASTS OF THE

SOUND AND THE HUNDREDS OF THOUSANDS OF TOURISTS WHO VISIT OUR SHORES EACH YEAR. THESE INDIVIDUALS USE THE SOUND THROUGHOUT THE YEAR FOR BOATING, SWIMMING, FISHING, SAILING, AND OTHER AQUATIC-RELATED ACTIVITIES. APPROXIMATELY 1,000 ACRES OF THE SOUND WILL SUDDENLY BE PERMANENTLY OFF LIMITS TO EVERY OTHER USER OF THE SOUND EXCEPT BROADWATER BECAUSE THAT IS THE EXCLUSION ZONE MANDATED BY THE COAST GUARD AROUND THE FLOATING FACILITY.

IN ADDITION, EACH OF THE SUPPLY TANKERS WILL HAVE A 1,722 ACRE EXCLUSION ZONE AROUND IT AS IT TRAVELS THROUGH THE SOUND TO AND FROM THE FSRU. WE HAVE ALL SEEN PICTORIAL REPRESENTATIONS OF THIS MONSTROSITY AND NO ONE CAN CLAIM THAT IT IS A VALUABLE ADDITION TO THE SOUND. I USE THE TERM PICTORIAL REPRESENTATION BECAUSE THIS TYPE OF FACILITY HAS NEVER BEEN BUILT ANYWHERE ELSE IN THE WORLD AND BROADWATER WANTS OUR LONG ISLAND SOUND TO BE HOME TO THIS UNPROVEN AND EXPERIMENTAL TECHNOLOGY.

LONG ISLAND SOUND IS AN EXCEPTIONAL WATER BODY, THE PRESERVATION OF WHICH HAS BEEN AND CONTINUES TO BE A PRIME FOCUS OF THE FEDERAL GOVERNMENT, THE GOVERNMENTS OF THE STATES OF NEW YORK AND CONNECTICUT, SUFFOLK COUNTY GOVERNMENT, AND LOCAL MUNICIPAL GOVERNMENTS. IT HAS BEEN DESIGNATED AN ESTUARY OF NATIONAL SIGNIFICANCE BY THE FEDERAL GOVERNMENT.

IN 2006, IN THE LONG ISLAND STEWARDSHIP ACT, THE FEDERAL GOVERNMENT SPECIFICALLY ACKNOWLEDGED THAT THE LONG ISLAND SOUND IS “A NATIONAL TREASURE OF GREAT CULTURAL, ENVIRONMENTAL AND ECOLOGICAL IMPORTANCE” WORTHY OF PROTECTION AND WORTHY OF THE HUNDREDS OF MILLIONS OF DOLLARS TO CLEAN IT UP AND TO RESTORE IT SO THAT THE PUBLIC CAN ENJOY AND UTILIZE IT. THAT 2006 FEDERAL ACT FURTHER NOTED THAT THE SOUND CONTRIBUTES MORE THAN \$5 BILLION TO THE REGIONAL ECONOMY. AN APPROVAL OF BROADWATER BY FERC CONTRAVENES THESE FEDERAL POLICIES REGARDING LONG ISLAND SOUND.

THE FEDERAL GOVERNMENT AND OUR OWN STATE DEPARTMENT OF STATE, IN EXERCISING THEIR COASTAL ZONE AUTHORITY, RECOGNIZE THE UNIQUE CHARACTER OF THE LONG ISLAND SOUND FOR APPROPRIATE AND COMPATIBLE RECREATIONAL AND MARITIME COMMERCE. INTO THIS TRANQUIL SCENE, BROADWATER SEEKS TO PERMANENTLY PLUNGE ITS MASSIVE FLOATING GAS FACILITY. IT WILL

CREATE AN UNACCEPTABLE INDUSTRIALIZATION OF THE SOUND, ONE THAT VIOLATES THE CENTURIES-OLD DOCTRINE KNOWN AS THE PUBLIC TRUST DOCTRINE WHICH HOLDS THAT THE SOUND AND OTHER SIMILAR BODIES OF WATER ARE HELD IN TRUST FOR THE USE AND ENJOYMENT OF THE PEOPLE OF NEW YORK STATE AND NOT FOR THE USE AND EXPLOITATION BY A PRIVATE COMPANY.

AS YOU KNOW, SUFFOLK COUNTY IS SO ADAMANTLY OPPOSED TO BROADWATER THAT IT PASSED A LAW BANNING SUCH LNG FACILITIES. THIS LAW WAS NOT LIGHTLY ENACTED AND IS BASED UPON A SERIOUS AND THOROUGH EVALUATION OF THE RISKS AND BENEFITS OF SUCH A PROPOSAL, AND THE RISKS OVERWHELM AND OUTWEIGH THE BENEFITS. I ALSO NOTE THAT OUR LAW WAS BASED UPON NEW YORK STATE STATUTES THAT GIVE SUFFOLK COUNTY COMPLETE AUTHORITY AND JURISDICTION TO REGULATE THE USE OF LONG ISLAND SOUND TO THE CONNECTICUT BORDER TO THE NORTH AND TO NASSAU COUNTY TO THE WEST.

ALL OF THIS IS BEING THRUST UPON THE RESIDENTS OF SUFFOLK COUNTY AND UPON OUR NEIGHBORS IN CONNECTICUT FOR A RUMORED 15% OF THE GAS DELIVERED TO THE FACILITY. THERE IS NO INFORMATION IN THE RECORD THAT CLEARLY DEMONSTRATES THAT ANY OF THE LNG DELIVERED TO BROADWATER WOULD BE USED ON LONG ISLAND. HOWEVER, EVEN IF THAT 15% IS TRUE, IT STILL DOES NOT WARRANT THE HUGE RISKS AND PROBLEMS THAT BROADWATER WOULD BRING TO OUR SHORES. THERE ARE OTHER PIPELINES AND LNG FACILITIES APPROVED OR IN THE APPROVAL PROCESS THAT MAKE BROADWATER UNNECESSARY.

THE COUNTY ALSO HAS CONCERNS ABOUT THE SAFETY OF THIS PROPOSED FACILITY. FIRST, THE COAST GUARD, IN A VERY DETAILED REPORT THAT IT ISSUED IN SEPTEMBER 2006, SPECIFICALLY STATES THAT:

BASED ON CURRENT LEVELS OF MISSION ACTIVITY, COAST GUARD SECTOR LONG ISLAND SOUND CURRENTLY DOES NOT HAVE RESOURCES TO IMPLEMENT THE MEASURES THAT HAVE BEEN IDENTIFIED AS BEING NECESSARY TO EFFECTIVELY MANAGE THE POTENTIAL RISK TO NAVIGATION SAFETY AND MARITIME SECURITY ASSOCIATED WITH THE BROADWATER ENERGY PROPOSAL.

IN OTHER WORDS, THE COAST GUARD SEES SEVERE SAFETY RISKS ASSOCIATED WITH THE PROPOSED PROJECT AND SPECIFICALLY SAYS THAT IT DOES NOT HAVE THE RESOURCES TO MANAGE THAT RISK EFFECTIVELY. IN ITS REPORT, THE COAST GUARD SPECULATES THAT LOCAL AGENCIES, SUCH AS SUFFOLK COUNTY OR THE TOWNS LOCATED IN THE COUNTY COULD ASSIST IN PROVIDING SECURITY (AT THE COST OF SUFFOLK COUNTY TAXPAYERS!). DESPITE ITS OWN SPECULATION ABOUT LOCAL MUNICIPALITIES TAKING ON THIS ENORMOUS BURDEN, THE COAST GUARD ADMITS IN THE SAME REPORT THAT:

“CURRENTLY THE AGENCIES THAT COULD POTENTIALLY PROVIDE ASSISTANCE DO NOT HAVE THE NECESSARY PERSONNEL, TRAINING OR EQUIPMENT.”

THUS, ACCORDING TO THE COAST GUARD, NEITHER IT NOR LOCAL AGENCIES ARE CAPABLE OF PROVIDING FOR THE SAFETY AND SECURITY OF THE FLOATING GAS FACILITY, THE TANKERS, AND THE OTHER USERS OF THE SOUND.

MOST ASTONISHINGLY IS THE COAST GUARD’S SUGGESTION IN ITS REPORT THAT SINCE THE FEDERAL, STATE, AND LOCAL GOVERNMENTS DO NOT HAVE THE CAPABILITIES TO SAFEGUARD THE BROADWATER PROJECT, THAT BROADWATER COULD HIRE PRIVATE SECURITY COMPANIES TO PROVIDE SAFETY FOR ITSELF AND THE SUPPLY TANKERS. WE CANNOT HAVE ARMED PRIVATE, UNTRAINED PERSONNEL ROVING THE SOUND. THIS IS NOT SOME MOVIE-SET, LIKE PIRATES OF THE CARIBBEAN, THIS IS OUR HOME. IT IS SIMPLY UNREALISTIC AND UNACCEPTABLE.

IN CONCLUSION, I APPRECIATE THE OPPORTUNITY FOR MYSELF, MY FELLOW ELECTED REPRESENTATIVES AND –MOST IMPORTANTLY – THE PUBLIC, TO BE HEARD TONIGHT BY OUR FEDERAL AND STATE AGENCIES THAT ARE ADMINISTERING THIS PROCESS.

IT IS PARTICULARLY IMPORTANT THAT WE BE HEARD DURING EVERY STEP OF THIS PROCESS AND THAT OUR JURISDICTIONAL AND REGULATORY POWERS BE RESPECTED.

SUFFOLK COUNTY HAS A LONG AND RICH HISTORY IN PROTECTING AND PRESERVING OUR ENVIRONMENT.

THE MANY UNIQUE NATURAL FEATURES OF OUR ISLAND – OUR WATERWAYS, OUR BEACHES AND OUR SHORELINES – HELP MAKE SUFFOLK COUNTY ONE OF THE MOST DESIRABLE PLACES IN THE WORLD TO LIVE, AND IT IS NOT A STRETCH OF THE IMAGINATION TO SAY THAT SUFFOLK COUNTY RESIDENTS HAVE ENTRUSTED THEIR ELECTED REPRESENTATIVES, FROM THE LOCAL LEVEL ON UP TO ALBANY AND WASHINGTON, D.C., TO WORK TOWARDS PROTECTING THE ENVIRONMENT AND PRESERVING THIS WAY OF LIFE FOR GENERATIONS TO COME.

WHILE MANY OF THE SPECIFIC DESIGN ELEMENTS, TECHNOLOGIES, PROCEDURES AND PLANS FOR THE PROPOSED FACILITY HAVE NOT YET BEEN FORMULATED OR RELEASED, IT IS MY OPINION THAT THE RISK OF LEAKS AND SPILLS, THE NEGATIVE IMPACT ON THE LONG ISLAND SOUND ECOSYSTEM AND THE POTENTIAL FOR CATASTROPHIC FAILURE OR DESTRUCTION OF THE BROADWATER LNG FACILITY OUTWEIGH ANY POTENTIAL BENEFITS OF THIS PRIVATE, COMMERCIAL VENTURE.

A PROJECT OF THIS SIZE, WITH UNTESTED TECHNOLOGY, WROUGHT WITH SAFETY AND SECURITY CONCERNS, LOCATED IN THE MIDDLE OF AN ESTUARY OF NATIONAL SIGNIFICANCE AND IN PROXIMITY TO DENSELY POPULATED AREAS IS JUST A BAD IDEA.

SUFFOLK COUNTY DEMANDS THAT FERC AND ALL OTHER AGENCIES INVOLVED IN THIS APPLICATION RESOUNDLY REJECT IT. SIMPLY PUT, THIS APPLICATION IS NOT IN THE BEST INTEREST OF THE PUBLIC AND MUST BE DENIED.

RESPECTFULLY SUBMITTED,

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STEVE LEVY  
COUNTY EXECUTIVE