



Ronnie Adams  
Legislative Liaison  
Maryland Waterfowlers Association  
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Kimberly D. Bose  
Federal Energy Regulatory Commission  
888 First St., N.E., Room 1A  
Washington, DC 20426

**RE:** Docket Nos. CP07-62-000, CP07-63-000, CP07-64-000, and CP07-65-000 -  
Comments on the Final Environmental Impact Statement (FEIS) for the Proposed AES  
Sparrows Point LNG Terminal and Pipeline Project

Dear Ms. Bose:

While we are pleased that your agency has acknowledged some of the issues our association has provided since the nascent of the above named project and we also find it refreshing you have attempted to address some of our concerns regarding such. Our association has performed a recent cursory review of the Final Environmental Impact Statement (herein FEIS) prepared by your agency for the above named project(s), herein referred to as "project." That review reveals many questions and concerns we would like to address in this correspondence, although we wish to reserve the right for further questions, statements, comments and concerns and the ability to revisit stated issues and those that may surface later in this ongoing process.

First in Table 4.6.1-1 found on pages 4-93 and 4-94 and paragraph 2 of page 4-94 of the FEIS you have omitted the following species of waterfowl utilizing this area:

Great Scaup (*Aythya marila*)  
Lesser Scaup (*Aythya affinis*)  
Northern Shoveler (*Anas clypeata*)  
Common Goldeneye (*Bucephala clangula*)  
Old Squaw (*Clangula hyemalis*)  
Surf Scoter (*Melanitta perspicillata*)  
Green Winged Teal (*Anas carolinensis*)  
Rudy Duck (*Oxyura jamaicensis*)  
American Coot (*Fulica americana*)

Also while these raptors are not waterfowl we feel it is important to mention that there is yearly occurring group of Osprey (*Pandion haliaetus*) that nest in the immediate area (within approximately 1600 yards) of the Project and we believe these raptors are also afforded some federal and state protections and thus should also be considered. They are only mentioned as a species found in the area in the previously mentioned Table 4.6.1-1 and the impact of the project upon them is ignored.

Please correct these omissions and oversights.

Next on page 4-95 figure 4.6.1-1 fails to show the licensed offshore waterfowl blind sites on the adjacent shores of the Project as well as those hunting areas impacted by the Project, including those to be taken from the citizens of Maryland by this facility. Please provide a map that demonstrates the waterfowl hunting resources impacted by the Project and those areas restrictions will/may affect other blind sites in the area as well.

On page 4-100 your agency discusses the impact of dredging around the project on migrating waterfowl. You propose that these birds will just go somewhere else to find needed habitat. We agree that this will have an adverse impact on migratory waterfowl survival rates in the area. We do take exception to the notion that the Maryland DNR must first specifically request that the Critical Area Act protections of a winter-season time of year restriction of dredging from November 15 through March 1 be observed before these protections are implemented.

It should be rudiment and nonissue that these protections are strictly observed with or without such request from MDNR.

On page 210 of the FEIS your agency proposes that:

*“Impacts to hunting from blinds would be limited to the possible elimination of some blind locations in the immediate vicinity of the LNG terminal site due to the construction and operation of the facility, and possible shifting of waterfowl concentrations away from the terminal site and LNG transit way as discussed in section 4.6.1. Noise from the construction and operation may startle some waterfowl in the vicinity of the noise. However, this area is an industrial area with large vessels entering and leaving this area all of which produce noise. We anticipate that the Project could affect individuals with hunting blinds in the immediate vicinity of the terminal site, but that overall impacts to the larger waterfowl hunting community would be minimal and largely due to minor relocation of hunting blind locations. Due to the extent of available waterfowl habitat and blind locations in the area surrounding Sparrows Point, we do not find it likely that there would be a significant impact on overall hunting opportunities associated with construction and operation of the LNG terminal.”*

The Maryland Waterfowlers Association takes great umbrage to this paragraph and the cavalier attitude exhibited by these statements. We would respond by first stating that waterfowl hunting in this stated area has been an ongoing activity by the citizens of Maryland for over approximately 200 years as demonstrated by historical accounts and records. This area also holds unique and important historical significance to waterfowl

hunting in the United States including but not limited to the direct development of Maryland's state dog, the famous Chesapeake Bay Retriever. The notion that there **MAY** be the elimination of some blinds in the area is preposterous. There is no may; they will be in fact eliminated, thus ending approximately 200 years of ongoing heritage and cultural history for the citizens of Maryland in this area. There will be no "minor relocation of blind sites" as stated in this paragraph. Once these blind sites are gone, they will in essence be gone forever and there is nothing minor about it. No additional shoreline for additional blind site relocation is ever going to materialize unless some freak act of nature produces additional land which is highly unlikely. There are no additional available blind site locations in the area as stated within this paragraph. This resource is exhausted. This is not some minimal inconvenience for Maryland's waterfowl hunting community as stated by the FEIS, but a catastrophic loss of public assets, heritage and culture. It will be a federal government sanctioned taking of valuable state public resources for the sole financial benefit of a large corporate private entity. With the continued yearly loss of valuable waterfowl hunting resources along the Chesapeake Bay from the ubiquitous built environment development such as this project represents this taking is in fact intrinsically significant and a growing crisis.

Which brings us to the next omission of the FEIS, how will the citizens of Maryland and the Maryland waterfowl hunting community specifically be compensated for this taking? What compensation has been recommended by FERC or offered by AES? Please provide such for consideration.

On page 4-237 it is stated that:

*"The locations of hunting blinds in the immediate vicinity of the LNG terminal site may be precluded due to security concerns."*

Again we ask to be provided with the specific locations of those affected blind sites areas in question.

It is also stated in that same page that:

*"Additionally, some hunting blinds [sic] could be indirectly affected by vessel traffic or facility lighting affecting waterfowl use of the habitat. However, the proposed activities would be consistent with existing vessel traffic and industrial facility use and are not expected to result in significant disturbance to hunting blinds or waterfowl use of the area."*

We disagree with this statement as being erroneous.

Further down in the same paragraph it is stated that:

*"Furthermore, we note that significant habitat is located near the terminal site, and the number of hunting blinds in the immediate vicinity of the terminal site is small relative to the total number licensed in Baltimore Harbor and the mainstem of the Patapsco River. We anticipate that the Project could affect individuals with hunting blinds in the immediate vicinity of the proposed terminal, but that overall*

*impacts to the larger waterfowl hunting community would be minimal and largely due to minor relocation of hunting blind locations.”*

In regards to these statements, first of all there are no blind sites are located in the Baltimore Harbor as they are precluded by existing restrictions. Secondly unless AES and FERC plan on producing additional land all of the blind sites available for the main stem of the Patapsco River are already taken. Thirdly as stated before there can be no relocation of blinds; blind sites are not a producible commodity. They are limited in number and once lost do not “grow” somewhere else.

As also stated before we are curious as to what compensation will be provided for these government sanctioned takings. Again as stated before there is no minimal impact here, it is significant in many veins of importance. There can be no relocation, once lost, always lost. If we are erroneous on this matter will FERC and AES please provide us with the plans, methods and locations where they will “grow” additional future blinds sites to replace those that are eliminated by this taking?

At the end of said paragraph it is stated:

*“...the licensing process for hunting blinds would provide adequate oversight of potential impacts to waterfowling as a recreational activity in the vicinity of the LNG terminal.”*

Please further explain this statement and how the blind site licensing process will provide adequate oversight for the impacts to waterfowling in the project area. We fail to see any correlation regarding these matters.

While we are deeply disturbed, alarmed and disappointed by FERC’s findings and attitudes in regards to waterfowl hunting, cultural resources and issues of regional heritage and recreation in this matter, we do find it refreshing that FERC finally is starting to recognize and take measures to address the harm that will be done to the many species of migratory water birds and their habitat as a direct consequence of this project. We would encourage FERC to expand and further consider the negative and inconsistent affects this project will undoubtedly manifest in its final decision for approval/disapproval of the project. We eagerly await your prompt response to our numerous concerns and questions raised in this correspondence regarding this proposed project.

Best Regards,

Ronnie Adams  
Legislative Liaison  
Maryland Water fowlers Association

**CERTIFICATE OF SERVICE**

In accordance with Rule 2010 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2006), I hereby certify that I have this day, February 15, 2007, served the document Maryland Waterfowlers Association's "Amended Motion to Intervene" upon each person designated on the official service lists compiled by the Secretary in these proceedings at the time of its filing.

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