STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
INTER-OFFICE MEMORANDUM

TO: **Grover J. Fugate** **DATE: October 25, 2017**
CRMC Executive Director

FROM: **Dave Reis, Dan Goulet and James Boyd**
CRMC Permitting & Policy Staff

RE: **Staff Report - CRMC File: 2016-10-099**

Applicant's Name: National Grid LNG, LLC (NGLNG)

Project: Construct and maintain a new natural gas liquefaction facility ancillary to the existing liquefied natural gas (LNG) tank and associated vaporization plant and truck station located at 121 Terminal Road, Providence, RI. The proposed natural gas liquefaction facility (Project) will be constructed on a portion of the 42 acre property owned by Narragansett Electric Company (TNEC) d/b/a National Grid, and leased to NGLNG. The Project will be constructed adjacent to National Grid's existing LNG storage tank and vaporization plant. Nine to eleven (9-11) feet of clean fill will be placed on the Project site to elevate the proposed liquefaction facility to an elevation 21 feet (NAVD88) to avert inundation during a 100-year storm event. The fill slope constructed to support the Project will be protected by a riprap slope armoring (revetment). The natural gas supply for the Project will be provided by an existing natural gas pipeline, which runs beneath the Providence River to the site. Liquefied natural gas will be stored in the existing LNG tank that is connected to existing tank fill lines as part of the existing LNG truck station. Stormwater runoff from the Project will be directed to a sand filter for treatment before discharge to the Providence River. A variance is required from CRMP Section 140.B.1 for construction of the proposed revetment protected slope and placement of clean fill material within the 50-foot coastal feature setback.

National Grid LNG, LLC is seeking a federal license, permit or authorization from the Federal Energy Regulatory Commission (FERC) pursuant to Section 7(c) of the Natural Gas Act (U.S. Code 15 § 717). Federal actions, including the issuance of federal licenses, permits or authorizations that are reasonably likely to affect any land or water use or natural resources of a coastal zone must be consistent with the enforceable policies and standards of the federally approved state coastal management plan. While FERC's jurisdiction in this matter preempts state law, it does not impact the CRMC's federal consistency authority and jurisdiction of the Project pursuant to the federal Coastal Zone Management Act (CZMA), 16 USC §§ 1451-1464, and the CZMA's implementing regulations at 15 C.F.R. Part 930 Subpart D – Consistency for Activities Requiring a Federal License or Permit.

Therefore, the Council will not be issuing an Assent for this Project; rather the CRMC will be issuing a determination as to whether the Project is consistent with the enforceable policies and standards of the Rhode Island Coastal Resources Management Program (CRMP) in accordance with the applicable federal regulations of 15 C.F.R. Part 930 Subpart D.

Location:	121 Terminal Ave., Providence
Water Type/Name:	Type 6, Industrial Waterfronts and Commercial Navigation Channels, Providence River, Port of Providence
Coastal Feature:	Riprap revetment; vegetated low coastal bluff

Signed: _____ **Supervising Environmental Scientist**

Signed: _____ **Staff Engineer**

Signed: _____ **Coastal Policy Analyst**

Staff Summary

The Project is subject to the jurisdiction of the Federal Energy Regulatory Commission (FERC) pursuant to Section 7(c) of the Natural Gas Act (U.S. Code 15 § 717), which preempts state regulatory jurisdiction. Therefore, the Project has been reviewed by CRMC staff in accordance with the federal consistency regulations of 15 C.F.R. Part 930 Subpart D - Consistency for Activities Requiring a Federal License or Permit. The federal consistency regulations require that a project seeking a federal license or permit must be consistent with the enforceable policies and standards of the federally-approved coastal program, in this case the RI Coastal Resources Management Program (CRMP). Construction of the proposed liquefaction facility necessitates a variance from the CRMC setback requirements of CRMP Section 140. To meet the burden of proof for the granting of the variance, the CRMC must find that the Applicant has met the six (6) variance criteria of CRMP Section 120. As detailed herein, CRMC staff believe that the Applicant has provided sufficient evidence to demonstrate that the Project is eligible for a variance to the 50-foot setback standard. In addition, the pertinent CRMP policies and standards have been reviewed by CRMC staff within this report. CRMC Staff believe the Applicant has not provided sufficient details of the physical life of the liquefaction facility beyond NGLNG's reported 25 year design life or decommissioning and removal of the Project after 25 years. Since it is likely that additional information may be presented at the Council hearing(s) that were not available as part of this review, CRMC staff defers to the Council on a final decision as to whether the Project proposal meets all applicable policies and standards of the Coastal Resources Management Program for purposes of federal consistency. Should the Council determine that the Applicant has met its burdens of proof in this matter the CRMC Executive Director will issue a federal consistency concurrence in accordance with the regulations at 15 C.F.R. Part 930 Subpart D.

Staff Report

A. Project purpose and overview: National Grid LNG LLC (NGLNG) is seeking approval from the Federal Energy Regulatory Commission for the construction of a natural gas liquefaction facility to be constructed adjacent to the existing Field's Point LNG facility bordering the Providence River. NGLNG's existing facilities consists of a LNG storage tank constructed in 1974, a tanker truck scale and filling station and a LNG plant that vaporizes the stored LNG for injection into the existing natural gas distribution pipeline infrastructure owned by The Narragansett Electric Company (TNEC).

The liquefaction facility will be constructed on a clean fill platform between 9 and 11 feet above existing grades for purposes of elevating the Project above the 100 year return storm base flood elevation calculated by NGLNG to be 14.9 feet NAVD88. For comparison purposes the water

elevation resulting from the September 1938 hurricane as measured at the NOAA gauge in Providence was 12.67 feet MHHW (approximately 15 feet NAVD88). See https://tidesandcurrents.noaa.gov/stationhome.html?id=8454000. The final Project elevation of 21 feet NAVD88 accounts for the 100 year return storm elevation and future sea level rise (SLR).

The Project will receive natural gas from an existing buried natural gas pipeline that borders the north end of the site. The pipeline sourced natural gas will be cooled by the proposed liquefier to minus 260 degrees Fahrenheit, thereby transforming the natural gas into its liquid form, otherwise known as liquefied natural gas or LNG. The LNG will then be pumped into the existing LNG storage tank for use during times of peak demand, generally during the winter months when gas is used for heating. During the winter heating season when natural gas demand is higher than the existing pipeline "feed" infrastructure can support, the stored LNG will be vaporized and injected into the distribution pipeline system to supplement the natural gas supply to area customers.

Currently, LNG is supplied to the existing Fields Point LNG tank by tanker trucks that pump LNG sourced from other regional distribution affiliates for later use. Most of the tanker truck transported LNG is sourced from the Everett, Massachusetts LNG import terminal that is supplied by overseas sources. NGLNG asserts that this primarily single source LNG supply from overseas sources has resulted in price volatility including supply shortages resulting in higher costs being passed onto natural gas customers during times of peak heating demand. NGLNG indicates that having the ability to liquefy natural gas onsite during periods of less gas demand (non-heating season) for storage as LNG will help reduce local dependency on overseas imported LNG and allow NGLNG to take advantage of domestic natural gas supplies, thereby stabilizing natural gas price volatility. NGLNG further states "Constructing the liquefaction facility will reduce the need to truck LNG to the facility for storage." See NGLNG application filed with CRMC on October 31, 2016, p. 3.

Pursuant to the federal Coastal Zone Management Act (CZMA), 16 USC §§ 1451-1464, and the CZMA's implementing regulations at 15 C.F.R. Part 930 Subpart D – Consistency for Activities Requiring a Federal License or Permit, NGLNG filed a federal consistency determination request with the Coastal Resources Management Council On October 31, 2016. A CRMC public notice for the Project was issued on November 16, 2016 and the public comment period ended on December 23, 2016. The CRMC further extended the public comment period an additional 30 days until January 23, 2017 to accommodate the public review of this Project. The general issues contained in comments received during the public notice period are listed in this report. As provided in 15 C.F.R. § 930.60(b) the CRMC and National Grid mutually agreed to waive the CRMC 6-month review period until June 15, 2017. Subsequently, the CRMC and National Grid agreed to further waive the CRMC 6-month review period until October 31, 2017, and then again until December 31, 2017, to allow sufficient time for National Grid to obtain other needed authorizations or permits to incorporate into the record as part of these proceedings.

B. Project clarification sought through supplemental discussions with NGLNG: On February 8, 2017, CRMC staff met with NGLNG staff and their attorney Robin Main for purposes of seeking additional details about the Project and to discuss public comments received by the CRMC during the public notice period. One of the primary questions asked by CRMC Staff was: Will NGLNG's proposed facility export LNG? Following the meeting, NGLNG provided a supplemental response letter which stated: "No, the proposed liquefier project does not propose to import or export LNG by marine vessels. Moreover, the current facility is neither authorized for nor capable of the

import or export of LNG by marine vessels. LNG will still receive or ship LNG by tanker truck. This is not a change from the current operations at the facility." See March 10, 2017 p. 1.

To further address CRMC Staff's questions and public comments, additional supplemental information was submitted to the CRMC on March 15, 2017. With regard to the question of whether LNG will be exported from the facility, CRMC staff reviewed Draft Resource Report No. 10, dated March 15, 2016, which was filed with NGLNG's FERC application (Docket No. CP16-121). It states: "While it is anticipated that under the proposed operations the customers will continue to take redelivery of some of their stored LNG in vapor form (by natural gas injection into the existing distribution pipeline infrastructure) it is expected that the option to take redelivery of LNG by truck will be used more frequently than in the past" (Emphasis added). Table 10.1-1 indicates that under proposed operations LNG redelivered to transport trucks can potentially be up to 2,286 trucks per year depending on customer needs. In detailing historical LNG operations Table 10.1-1 states: "66 trucks/62,100 Dth was discharged to LNG trucks in 2014. There were no other redeliveries to trucks in the prior 10 year period." The term "redeliveries" in this context means filling or refilling tanker trucks with LNG for export from the site. Therefore, according to the information filed by NGLNG with FERC (Table 10.1-1), only 66 truckloads of LNG have been exported from the site in the 10 years prior to 2014.

The following additional statements are provided in the NGLNG Draft Resource Report No. 10:

- "…the existing LNG plant has the capacity to load or unload 20 LNG truck transports per day."
- "… the LNG storage tank will take approximately 100 days to fill under full capacity of the liquefier. This leaves sufficient time for the NGLNG customers to dispatch some of the liquefier created LNG to their LNG storage facilities in Massachusetts and Rhode Island over the non-heating season."
- "The NGLNG storage tank (at this site) is larger than existing distribution system LNG storage tanks owned by NGLNG affiliates. This provides the NGLNG customers with a measure of flexibility because they can use the proposed liquefier to supply LNG for storage in the NGLNG tank and to supply some of the LNG stored in the customer distribution system storage tanks within Massachusetts and Rhode Island."

Based on the information provided within NGLNG's application with FERC, CRMC staff conclude that the purpose of the proposed facility is twofold: (1) to manufacture LNG for storage in the existing LNG tank as needed to inject natural gas into the local pipeline distribution system to meet seasonal peak heating demands (while reducing the need for LNG truck transport to fill the existing LNG tank); and (2) to develop capability of the facility to also export LNG via transport truck to other locations in Rhode Island and Massachusetts based on customer needs. Accordingly, CRMC staff concludes that the proposed liquefaction facility represents both a new and expanded use of the site, as opposed to a modification of the existing use as represented in NGLNG's filing with CRMC.

CRMC staff again met with NGLNG on May 25, 2017 to further discuss the proposed Project and gain more insight on whether a variance to CRMP Section 140 was indeed necessary. In other words, could the Project be relocated elsewhere on the property to obviate the need for a variance to the setback standard? NGLNG filed additional materials with CRMC on June 15, 2017 to address CRMC staff questions.

C. Assessment of CRMP Section 120 variance request for fill within the 50-foot setback

A variance to CRMP Section 140 is required for the proposed fill within the CRMC 50-foot setback. The variance according to NGLNG is necessary, as there are no alternative locations for the proposed Project on the 42 acre property. An existing riprap revetment and a compacted gravel roadway are located within the 50-foot setback in the location of the Project. A portion of the proposed fill material (including new slope armoring) and the stormwater outfall will be located landward of the existing compacted gravel roadway, but still within the 50-foot setback from the shoreline feature. The new slope armoring will tie into the existing armored dike surrounding the existing LNG tank at the same distance from the coastal feature. However, the liquefaction building, associated structural support and other equipment will be located landward of the 50-foot setback. The purpose of the proposed fill is to elevate the liquefaction facility to protect it from storm surge and sea level rise. NGLNG has indicated it is not possible to avoid fill within the setback due to the size of the fill platform and other site logistics.

CRMP Section 120.A states that "Applicants desiring a variance from a standard shall make such request in writing and address the six criteria listed below in writing. Except as otherwise provided herein, the application shall then be granted a variance only if the Council finds that the following six criteria are met." The six (6) variance criteria of Section 120.A are addressed below.

(1) The proposed alteration conforms with applicable goals and policies of the Coastal Resources Management Program.

The Applicant's response is that the revetment-protected fill platform conforms to the goals and policies of the CRMP. The slope armoring (revetment) has been designed to protect the liquefaction facility during storm events and the design has incorporated the anticipated sea level rise over the design life of the liquefaction facility reported by NGLNG to be 25 years. Additionally, NGLNG indicates that the fill intrusion into the setback is the minimum necessary to acquire the necessary elevation for the Project. Furthermore, there will be no construction within the first 15 feet of the 50-foot setback where an existing roadway, chain link security fence and other utilities exist.

The Project is located on lands adjacent to CRMC designated Type 6 waters and subject to the policies in CRMP Section 200.6.C. The Applicant declared in their October 31, 2016 filing with the CRMC that "The proposed liquefaction facility is consistent with existing industrial activities and will continue to promote the use of the Providence Harbor as an industrial waterfront and will not impede commercial activity within the port related to shipping. This Project will not interfere with or detract from priority uses for port facilities. The liquefaction facility will improve the efficiency of the LNG tank operation by utilizing the existing natural gas line to provide a continuous supply of liquefied natural gas for the tank and by reducing the incoming truck traffic presently used to fill the LNG tank. National Grid's existing storage facility at this waterfront site has operated without incident for more than 40 years and it will not be serviced by marine vessels.

Pursuant to CRMP 200.6.C.1: "The Council's goals for Type 6 waters and adjacent lands under Council jurisdiction are to encourage and support modernization and increased commercial activity related to shipping and commercial fisheries."

CRMC staff concludes that this Project does not have any shipping or commercial fishing components, but nevertheless is within the Councils jurisdiction. Further, it is the opinion of CRMC

Staff that the Project does not encourage and support modernization and increased activity related to shipping and commercial fisheries at the Port of Providence.

Pursuant to CRMP 200.6.C.2: "Highest priority uses of Type 6 waters and adjacent lands under Council jurisdiction are: (a) berthing, loading and unloading, and servicing of commercial vessels; (b) construction and maintenance of port facilities, navigation channels, and berths; and (c) construction and maintenance of facilities required for the support of commercial shipping and fishing activities."

"The Council shall prohibit activities that substantially detract from or interfere with these priority uses." (Emphasis added.)

CRMC staff concludes that this proposal does not have any elements that meet the Council's highest priority use for Type 6 waters. Nevertheless, the current LNG facility has existed on the site for 40 years with approximately 1,400 trucks coming to the site to fill up the tank during the non-heating months. And, although the proposal is not one of the Council's highest priority uses for Type 6 waters, it is the opinion of CRMC staff that the Project (liquefaction and export trucking) does not substantially detract from or interfere with any of the Council's priority uses for Type 6 waters and adjacent lands.

(2) The proposed alteration will not result in significant adverse environmental impacts or use conflicts, including but not limited to, taking into account cumulative impacts.

NGLNG asserts that the proposed Project location was designed to minimize earth work and that the relocation of the Project farther landward to avoid the 50 foot setback would result in more earth work to extend subsurface pipes and ducts and for realignment of the truck scale access road. See: NGLNG June 15, 2017 filing at p. 3. CRMC staff believes the proposed Project will not result in significant adverse environmental impacts or use conflicts since the site is located in an existing land-based industrial area that has minimal habitat value, and there are federal security restrictions which prevent public access to the Project site and adjacent shoreline. CRMC staff has further concluded the project does not substantially detract from or interfere with the Council's priority uses for Type 6 waters (See discussion in report section C(1) above). NGLNG's variance response proclaims that the properly designed slope armoring and stormwater treatment system also serves to minimize environmental impacts.

(3) Due to conditions at the site in question, the applicable standard(s) cannot be met.

The Applicant had stated in their October 2016 filing that the "…location of the liquefaction facility was selected to access to the existing 200psig gas line and available open space not used by the NGLNG for other operations. No other location on the parcel is suitable." The Applicant also stated: "Placement of the liquefaction facility further inland would require additional piping to access the existing gas line and would require reconstruction/relocation of existing infrastructure at the LNG facility such as the existing access road to the truck scale". Additionally: "The site does not have any other open space suitable for the place for the liquefaction facility. The location of the liquefaction facility limits the length of LNG piping needed to reach the storage tank". Based on the October 2016 application filing CRMC staff had concluded that without further details or elaboration it appeared there was the possibility to relocate the Project and avoid the need for a variance to the 50-foot setback requirement. Upon meeting with NGLNG in May 2017 and the subsequent filing with CRMC of further details on June 15 to address this issue, we now learn that FERC siting requirements necessitate the Project to be located as far as possible from the NGLNG property line and residential areas. See NGLNG June 15, 2017 filing at p. 4. Further, NGLNG asserts there are site

limitations due to existing underground utilities, access to the existing 200 psig gas line, and overall lack of available space due to existing operations. Thus, CRMC staff now conclude that given the conditions at the site and the federal siting requirements that the Project appears to meet the variance requirements in accordance with CRMP Section 120.

4) The modification requested by the Applicant is the minimum variance to the applicable standard(s) necessary to allow a reasonable alteration or use of the site.

The Applicant in its June 15 filing states that there will be no changes to the first 20 feet of the 50-foot CRMC setback, and that the installation of slope armoring and stormwater outfall is proposed within the setback. However, CRMC staff review of the Project plans (Sheet 9 of 15 – Typical Revetment Section B) indicates that the slope armoring toe is located within 15 feet of the coastal feature. Thus, a 35 foot variance to the 50-foot setback standard is necessary. As noted above, the liquefaction building, associated structural support and other equipment will be located landward of the 50-foot setback. In this regard, the design layout of the Project appears to be driven by several factors unique to the site. The primary factor appears to be fitting the project between the existing truck scale/loading station to the south, the existing LNG tank to the east and the Providence River shoreline to the north. Additionally, FERC siting requirements necessitate the Project to be located as far as possible from the NGLNG property line and residential areas. Considering these factors and the need to elevate the liquefaction project components above the base flood elevation for the 100 year storm including sea level rise, CRMC staff concludes that the setback variance has been minimized for the Project. This determination is based on the use of steep fill slopes (1.5:1) retaining walls and apparent tight layout of project components on the proposed elevated fill platform proposed to support the Project.

(5) The requested variance to the applicable standard(s) is not due to any prior action of the Applicant or the Applicant's predecessors in title. With respect to subdivisions, the Council will consider the factors as set forth in (B) below in determining the prior action of the Applicant.

NGLNG has replied to this criterion stating: "This proposed Project is not the result of a previous action by NGLNG, The Narragansett Electric Company, or its predecessor in title at the Site. See NGLNG June 15, 2017 filing at p. 5. CRMC staff concurs that prior actions by the property owners or their predecessors have not directly led to the need for a variance. Although the Applicant's desire to locate the liquefier in the immediate vicinity of the existing LNG tank and the truck scale/loading station is stated as a reason for the Applicant's chosen location, an LNG tank constructed in 1974 is not considered by CRMC Staff to be a "prior action" which created the need for the variance. Variance criterion 5 is typically applied to cases where the Applicant or their predecessors in title undertook an activity subject to existing regulatory standards where activities later proposed make it difficult or impossible to meet those same standards. The CRMC regulatory standards upon which the current activity is being evaluated against did not exist in 1974. On that basis, CRMC staff believes this criterion is met.

(6) Due to the conditions of the site in question, the standard(s) will cause the Applicant an undue hardship. In order to receive relief from an undue hardship an Applicant must demonstrate *inter alia* the nature of the hardship and that the hardship is shown to be unique or particular to the site. Mere economic diminution, economic advantage, or inconvenience does not constitute a showing of undue hardship that will support the granting of a variance.

The Applicant in its June 15, 2017 filing states "An undue hardship would be realized if a variance is denied." See June 15 filing at p. 5. As detailed above, CRMC staff have concluded that the Applicant has provided sufficient evidence to demonstrate that they have no other alternative location on the 42-acre parcel to construct the Project, and that they have minimized the variance requested. Further, the Applicant indicates that relocating the Project to avoid the variance would necessitate the "complete replacement of the truck scale/station and realignment of the access roads from the truck scale (which is already governed by the minimum turning radius of the trucks). These alterations to the truck station are not possible due to compliance with existing permits. For these reasons, to enforce the (CRMC setback) standard here would create an undue hardship on the applicant and the community at large if the Project was not constructed as proposed." *Id.* p. 6. CRMC staff note that should the Council grant relief from the setback standard as requested the Applicant is still responsible to comply with all other applicable coastal program requirements pursuant to CRMP Section 120.C.

D. Section 145 Climate Change and Sea Level Rise

The Applicant provided a one paragraph response to address CRMP Section 145 as follows: "NGLNG's anticipated design life for the liquefaction facility is 25 years. Therefore, the slope armoring supporting the liquefaction facility has incorporated anticipated sea lever rise over a 25-year period as well as the wave actions associated with a 100 year design storm. The most recent updates to the Coastal Resources Management Programs' Section 145-Climate Change and Sea Level Rise (effective February 22, 2016) notes that the Council relies upon the most recent NOAA seas level rise data to address planning horizons for infrastructure. As of 2016, NOAA projected the range in sea level rise change to be a maximum of approximately 1.0 foot in 2035, 2.0 feet in 2050 and 7.0 feet in 2100. For the design life of this facility, the anticipated sea level rise for the area over the next 25 years is estimated at 1.5 feet. Details regarding the slope armoring design are included in Appendix B." See Applicant's October 31, 2016 filing p.6.

CRMC staff requested the Applicant to detail how their proposed 25 year design life was deemed appropriate for a more than $100 million dollar (Providence Journal July 15, 2016) liquefaction manufacture and export facility. The facts are that it will take almost two years to construct the Project and the site has an existing LNG tank still in service after 40 years. There is no clear explanation from the Applicant as to the why the 25-year design life is appropriate in the materials filed with the CRMC. The Applicant did not provide any written statements or plans concerning the decommissioning of the Project or removal of the fill material after the 25 year design life expires.

The Applicant provided additional information in their June 15, 2017 filing to address CRMC staff questions concerning the sea level rise (SLR) issue. NGLNG indicates that the elevation of the proposed liquefaction facility platform will be at 21 feet NAVD88, which is considerably higher than the current MHHW elevation (2.37 feet NAVD88 at Providence) and above the projected NOAA maximum SLR for 2100. Importantly, the previous NOAA 2100 SLR maximum projection was 6.6 feet, however, the new NOAA 2017 high elevation is 9 feet and the extreme elevation is over 11 feet by 2100. The Applicant has provided various elevations (referenced in NAVD88) for the Project site. See June 15, 2017 filing at p. 3. CRMC staff agree that the proposed fill elevation of 21 feet NAVD88 is appropriate to avert flood inundation from the 100 year storm event and current NOAA SLR projections for a 25 year design life. Staff also concurs that the rip rap size and configuration shown on the plans and "designed" in Appendix B is appropriate for a 25 year design life. The findings of CRMP Section 145 detail that there is a great deal of uncertainty with SLR estimates and that coastal infrastructure will become increasing susceptible to SLR impacts and flooding. One

significant concern is the flooding impact during a 100 year storm event, both now and in the future due to SLR. Due to the filled area on which the liquefaction facility will sit, it will be a high point surrounded by 6-8 feet deep flood waters making emergency responder access to the Project all but impossible during a significant storm event. Given this initial CRMC staff concern, the Applicant filed additional information to address safety, isolation and emergency protocols. Essentially, NGLNG in advance of a serious storm event (e.g., hurricane) will implement "…a full range of safety systems to ensure that the facility is properly shut down." *Id.* p. 6.

CRMC Staff believe the Applicant has not provided sufficient details in writing of the physical life of the liquefaction facility beyond NGLNG's reported 25 year design life, nor has NGLNG provided an amortization schedule showing whether the cost depreciated over the 25 year life is appropriate. It should also be noted that NGLNG has not provided a suggested decommissioning and removal plan for the Project after 25 years. This is usually not required, but would provide some level of certainty to the Applicant's stated 25 year project life span. Considering that the media has reported this Project is a major investment ($100 Million), it appears that the Project may have a longer physical life than the Applicant's stated design life of 25 years.

NOAA cautions against using any particular SLR scenarios in isolation and urges coastal managers to consider a wide range of data as part of infrastructure decisions. Further, in its 2017 report NOAA states "mid-range projections are typically insufficient for many decisions" and "decision-makers charged with planning for upgrades to existing long-life critical infrastructure (e.g., power plants, military installations), or building new infrastructure, need to consider the risks across a broad range of possible outcomes, including those associated with high-consequence, low-probability situations." See NOAA Technical Report NOS CO-OPS 083 at p. 11 (https://tidesandcurrents.noaa.gov/publications/techrpt83_Global_and_Regional_SLR_Scenarios_for_the_US_final.pdf). The Applicant recently submitted data showing that the NOAA projected high SLR estimate from 2012 of 6.6 feet by the end of the century was considered in their analysis. See June 15, 2017 filing p. 3. Accordingly, it is the opinion of CRMC staff that the Applicant has not provided the necessary level of written information to support the proposed 25 year design life for the Project without addressing decommissioning and removal.

RICRMP Section 200.6 Type 6 Industrial Waterfronts and Commercial Navigation Channels

As noted above in CRMP Section 120 variance section of this report, CRMC staff conclude that the proposed Project does not substantially detract from or interfere with any of the Council's priority uses for Type 6 waters and adjacent lands.

RICRMP Section 220 Areas of Historic and Archaeological Significance

Pursuant to Section 106 of the National Historic Preservation Act, the RI Historical Preservation and Heritage Commission (RIHPHC) conducted a review of the proposed Project and issued its determination dated March 23, 2016 that stated in part "No historic properties will be affected by the proposed undertaking." RIHPHC archaeologists assess the sensitivity of project sites as part of their review process when a CRMC application is filed. Accordingly, the CRMC relies upon the RIHPHC to provide evidence that satisfies the requirements of CRMP Section 220.

Comments of the Mashapaug Nahaganset Tribe concerning the proposed Project were included as Appendix E as part of the No LNG in PVD January 23, 2017 filing with the CRMC. The Tribe indicates that no commercial entity possess any formal contract with the Tribe authorizing

development on its ancestral lands. Further, the Tribe indicates in its comments that it will seek "any and all actions deemed appropriate to safeguard the integrity of its ancestral lands…" Based on this letter from the Tribe, CRMC staff sought further clarification from RIHPHC and as to whether the Tribe's objection would alter the March 23, 2016 RIHPHC determination. RIHPHC staff indicated that the response from the Mashapaug Nahaganset Tribe does not change its determination that there will be no effect on any significant archaeological resources. RIHPHC staff clarified that the Project requires a review under Section 106 of the National Historic Preservation Act (NHPA). RIHPHC staff also indicated that the NHPA does not require that the Mashapaug Nahaganset, a non-federally recognized tribe, be invited to consult under the RIHPHC process. Pursuant to the federal Advisory Council on Historic Preservation (ACHP) regulations at Section 800.2(c)(5), "the Federal agency may invite such groups to participate in consultation based on a demonstrated interest in the undertaking's effects on historic properties." However, the term "Indian tribe" in NHPA refers only to federally recognized Indian tribes. Accordingly, under NHPA and ACHP's regulations, only a federally recognized Indian tribe has the right to participate in Section 106 consultation. Nevertheless, the CRMC staff have considered the Tribe's comments as it would any group of concerned citizens as part of the CRMC review process.

E. Assessment of Section 300.1 - Category B Requirements

The Applicant has addressed all eleven (11) criteria of Section 300.1 between the original CRMC application and the supplemental information submitted on March 15, 2017. While reiterating all eleven criteria and the Applicants responses to these criteria are unnecessary for the purposes of this report, CRMC staff offers the following summary of Section 300.1 as it applies to this Project:

- **300.1(1) Demonstrate the need for the proposed activity or alteration:**

The need for the facility is addressed in the Applicant's supplemental project narrative (dated March 15, 2017). Currently, LNG is trucked to the site during the non-heating season months for storage in the existing LNG tank. The LNG stored in tank is then used to meet peak heating demand during the winter months. When the demand for natural gas exceeds the pipeline supply capacity, LNG is vaporized for injection into the natural gas pipeline distribution system to supply customers. NGLNG states that the need to supplement the natural gas supply by vaporizing LNG has occurred each year during the facility's 43 years of operation. The specific need for the liquefying facility now proposed is to create the capacity to liquefy LNG from the existing natural gas supply pipeline which borders the north end of the site (the pipeline is not shown on the plan for security reasons). The need argument presented by the Applicant indicates LNG has been historically sourced from the LNG import terminal in Everett, Massachusetts. The liquefier will provide the ability to liquefy domestically sourced natural gas to produce lower cost LNG that will not be affected by supply interruptions sometimes associated with imported LNG. The Applicant further states that the ability to produce lower cost LNG to supplement the natural gas supply when natural gas prices are higher during the heating season will result in lower natural gas costs including improved supply reliability. CRMC Staff defers to the Council as to the determination of need for this project where additional evidence and public testimony will be provided during the public hearings scheduled for this application.

- **300.1(2) Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for nontidal portions of a project in Sections 300.2, 300.3, 300.6, 300.8, 300.9, 300.11, 300.13, 300.15 and**

300.17; for projects on state land, the state building official, for the purposes of this section, is the building official;

CRMC staff defers to the Applicant's written response with regard to the satisfaction of other necessary approvals.

- **300.1(3) Describe the boundaries of the coastal waters and land area that are anticipated to be affected;**

The project borders CRMC designated Type 6 waters of the Providence River (Industrial Waterfronts and Commercial Navigation Channels). See Applicant's response for additional detail.

- **300.1(4) Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters;**

As noted by the Applicant's response, no work is proposed in tidal waters and the stormwater outfall will be protected by a riprap apron/splash pad. What should be further noted is the placement of proposed fill within the setback. This material will be subject to flooding and storm impacts during coastal storms due to its proposed location within a FEMA flood zone. However, as recommended by CRMC Staff when the fill was initially proposed, the seaward face of the fill slope will be protected by a riprap revetment designed to meet the shoreline protection facility standards specified by CRMP Section 300.7. Consequently, the opportunity for the erosion of fill materials and subsequent deposition of sediment in tidal waters and along the shoreline is minimized.

- **300.1(5) Demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life;**

CRMC staff conclude that no impacts on the diversity and abundance of plant and animal life will occur in association with the proposed Project. The site has current use as a pre-existing industrial area with minimal existing land-based habitat available and that no work is proposed in adjacent tidal waters except for a treated stormwater runoff discharge.

- **300.1(6) Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore;**

Due to the project location within the Port of Providence and since both existing and proposed activities are subject to U.S. Department of Homeland Security requirements, and due to the lack of public access under both existing and proposed conditions, CRMC staff agrees with the Applicant's response that the Project will have no impact on public access or use of the shoreline. Further, no activities are proposed in tidal waters nor are the activities on land expected to impact the use of tidal waters. Furthermore due to the Project being located within the Port of Providence and its status as an energy facility, Section 140.4(d) of the Metro Bay Special Area Management Plan exempts the Project from Coastal Greenway (public shoreline access) requirements.

- **300.1(7) Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation;**

Since no work is proposed within tidal waters and erosion and sediment controls are planned as part of this Project, CRMC staff agrees with the Applicant's conclusion that there will be no significant impacts on water circulation, flushing, turbidity and sedimentation. With regard to the stormwater outfall proposed, runoff will be treated in accordance with State standards through filtration in a sand

filter. No impacts to turbidity are expected and the discharge velocity will not be significant enough to impact water circulation.

300.1(8) Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM;

As proposed, stormwater runoff will be properly treated in accordance with the standards in CRMP 300.6. During construction the site will be managed in accordance with a soil erosion and sediment control plan pursuant to the state RIPDES construction general permit. Further, contaminated soils associated with former site uses will be managed in accordance with a RIDEM approved soil management plan (SMP). The work will result in minimal soil disturbance since the facility is to be built on fill placed over the existing contaminated soils. The Applicant further indicates that a qualified environmental inspector will be on site to assure that best management practices and erosion and sediment controls are implemented during the construction phase. FERC has indicated in correspondence dated April 7, 2017 that NGLNG should file with RIDEM a Short Term Response Action Plan (STRAP) for managing soil disturbance at the Project site. NGLNG filed its STRAP with RIDEM on May 12, 2017 and RIDEM Public Involvement Plan hearings were held in Providence on July 13 and August 9, 2017. CRMC staff anticipate that RIDEM will issue an approval for the NGLNG STRAP in the coming weeks, and that it will provide reliable evidence that the Project will not result in significant deterioration in water quality in the immediate vicinity of the Project. On this basis, CRMC staff conclude the Project is not likely to result in a significant deterioration of water quality.

- **300.1(9) Demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance;**

With regard to the proposed Project, the Rhode Island Historical Preservation and Heritage Commission (RIHPHC) determined through a letter issued March 23, 2016 that "No historic properties will be affected by the proposed undertaking."

- **300.1(10) Demonstrate that the alteration or activity will not result in significant conflicts with water-dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce, and;**

Due to the project being land-based with no in-water work or activities CRMC staff concludes the project will not interfere with water-dependent activities including recreational boating, swimming or navigation. As stated in the Applicant's response, U.S Department of Homeland Security requirements and existing uses currently prevent such activities from the immediate shoreline. With regard to commerce, please refer to the analysis of the Project's consistency with Type 6 waters as discussed above in this report.

- **300.1(11) Demonstrate that measures have been taken to minimize any adverse scenic impact (See Section 330).**

With regard to potential scenic impact concerns, the Applicant's response describes comparisons to the existing industrial nature of the shoreline at the Port of Providence and Field's Point. The Applicant concludes that the project is in keeping with the existing infrastructure in the "neighborhood". The Applicant further indicates that the elevated height of the project will be no higher than the existing LNG tank or other existing infrastructure. CRMC staff tend to agree with this

conclusion, but we defer to the Council and public hearing process for further assessment of potential scenic impacts.

RICRMP Section 300.2 - Filling, Removing or Grading of Shoreline Features.

The data and information submitted by the Applicant as it pertains to this section was included in the March 15, 2017 submittal. The Applicant addressed all of the policies and standards and it is the opinion of CRMC staff that the proposed Project meets the requirements of CRMP Section 300.2. This opinion presumes that the Council agrees that the Applicant has satisfied the variance criteria of CRMP Section 120 for the proposed fill material.

RICRMP Section 300.3 - Residential, Commercial, Industrial and Recreational Structures.

There are three (3) polices within CRMP Section 300.3 that this Project must be consistent with in order to meet the requirements for a federal consistency certification. CRMP Section 300.3.B.1 states:

"It shall be the policy of the Council to undertake all appropriate actions to prevent, minimize or mitigate the risks of storm damage to property and coastal resources, endangerment of lives and the public burden of post-storm disaster assistance consistent with policies of the State of Rhode Island as contained in the Hazard Mitigation Plan element of the State Guide Plan when considering applications for the construction of residential, commercial, industrial and recreational structures, including utilities such as gas, water and sewer lines, in high hazard areas."

The Applicant intends to elevate the Project to protect the new equipment (liquefaction facility) from flooding, wave action or floating debris that may be caused by flood waters and storm surges. See NGLNG June 15, 2017 filing at p.6. During a significant storm event the area surrounding the Project site will be flooded and the Project with its elevated fill area will be surrounded by floodwaters. The facility could potentially suffer damage that requires emergency response, but it will be difficult to access the site due to the floodwaters. It should also be noted that the existing truck fill station, which is directly connected to the existing LNG tank and the proposed liquefaction facility, will be submerged during a significant storm event and subject to debris impacts that may create a post-storm burden. The Applicant, however, has filed additional information regarding safety and emergency protocols to address these issues. *Id.* Pursuant to the U.S. Department of Homeland Security requirements for similar facilities, much of the Project storm response details are not available for public disclosure due to security reasons. Notwithstanding this issue, CRMC staff conclude that the design elevation and the revetment-protected fill platform supporting the Project combined with the emergency systems protocol that the Applicant plans to implement as specified in their June 15 filing are intended to minimize the risk of storm damage to property and coastal resources.

CRMP Section 300.2.B.2 states "It is the Council's policy to require a public access plan, in accordance with Section 335, as part of any application for a commercial or industrial development or redevelopment project in or impacting coastal resources". This is a secure area that falls under the jurisdiction of the federal Department of Homeland Security. Accordingly, public access is severely restricted for national security matters. There is currently no public access nor is any proposed. CRMC Staff concurs with the Applicant that the proposal does not require public access nor will it impact current pubic use of the area. Thus, it is CRMC staff opinion that due to the federal security restrictions a variance to this policy is not required for the Project.

CRMP Section 300.2.B.3 states "All commercial and industrial structures and operations located within tidal waters shall obtain a structural perimeter limit (SPL). Owners/operators of these facilities may apply to the Council for definition and establishment of this structural perimeter at any time. However, the Council shall establish a structural perimeter limit (SPL) when an application subject to this section is under review". As stated previously this Project does not currently have any in-water facilities nor are any proposed. The Project as proposed does not require the establishment of a CRMC structural perimeter limit.

RICRMP Section 300.6 - Treatment of Sewerage and Stormwater

The Applicant has addressed the requirements of CRMP Section 300.6 within the initial application submittal to the CRMC. This included a narrative that provided a synopsis of the proposed stormwater treatment systems both temporary (soil management plan) and the proposed sand filter with calculations in an appendix. It is the opinion of CRMC staff that the information provided meets the policies and standards for CRMP Section 300.6.

RICRMP Section 300.7 - Construction of Shoreline Protection Facilities

The Applicant was not required to address this section of the RICRMP as part of the application filed with the CRMC since no structural shoreline protection structures are proposed as defined by the coastal program. Structural shoreline protection facilities include revetments, bulkheads, seawalls, groins, breakwaters, jetties and other structures, the purpose of which is to control the erosion of coastal features. The Applicant has proposed only armoring the proposed fill slope and the application states that the "the northern slope of the raised area will be protected from wave action using rip rap slope armoring". Thus, since the proposed fill slope is within the 50-foot setback and not located on a coastal feature CRMP Section 300.7 does not apply to the Project.

F. RICRMP Section 300.8 - Energy-Related Activities and Structures

The prerequisite for energy-related structures pursuant to Section 300.8.B.1 requires the Applicant to "demonstrate that all relevant local zoning ordinances, building codes, flood hazard standards, and all state safety codes, fire codes, and environmental requirements have or will be met." The Applicant has stated in their application that NGLNG "is responsible for complying with all applicable laws, rules, regulations and orders of governmental authorities having jurisdiction over NGLNG and the use of the leased premises, including without limitation securing and maintaining the necessary and applicable state and local permits to permit the installation and operation of LNG facilities and equipment." See October 31, 2016 filing at p.1. Based on the Applicants submittal CRMC staff conclude that the Applicant has or will meet this prerequisite prior to construction of the Project.

Pursuant to Section 300.8.D, Additional Category B Requirements, the Applicant is required to address: "(a) environmental impacts, (b) social impacts, (c) economic impacts, (d) alternative sites, (e) alternative means to fulfill the need for the facility, (f) demonstration of need, and (g) consistency with state and national energy policies. Shorefront sites shall demonstrate the need for access to navigable waters or cooling and/or process water."

The Applicant has previously filed information to address subsections (a), (d), (e), (f), and (g) above as part of its application to CRMC. The demonstration of need (f) and consistency with national energy policies (g) will be determined through the pending FERC process (Docket No. CP16-121). As to subparts (b) social impacts and (c) economic impacts, CRMC staff requested additional

information on these two issues from the Applicant, which was provided in an August 18, 2017 letter from National Grid. The Applicant states that "social and economic impacts of the proposed project have been addressed in Resource Report Number 5 – Socioeconomics that was provided to the Federal Energy regulatory Commission in March 2016." See August 18 Letter at p.1. NGLNG estimates within the federal report that the Project will generate 155 construction-phase jobs (temporary) and up to 5 operational-phase (long-term) jobs. NGLNG anticipates that "Approximately 65% of these workers will come from the local workforce, including local union halls. However, given the small number of permanent workers (up to five permanent workers), the project would not have a significant impact on the permanent population, economy, or employment." See Resource Report Number 5 at 5-4. Additionally, NGLNG states that "the Project's impact on employment is anticipated to be beneficial during the construction phase and minimal during the operational phase. To the extent that construction employees would spend wages within in the primary and secondary socioeconomic areas, the potential impact on employment resulting from construction of the Project would be beneficial." *Id.* NGLNG also anticipates that the Project will have a beneficial impact on local property tax revenues for the City of Providence, and that construction of the Project "will result in short-term, beneficial impacts on payroll and local material purchases." *Id.* at 5-24.

Based on the above information, CRMC staff conclude that the Applicant has satisfactorily addressed the required criteria of CRMP Section 300.8.

G. Applicability of the Providence Harbor Special Area Management Plan

The Providence Harbor Special Area Management Plan (SAMP) was adopted by the CRMC on November 22, 1983. The Providence Harbor SAMP was amended by the Council on October 29, 2003 for purposes of adopting polices and regulatory standards specific only to the Capitol Center District in downtown Providence. CRMC Staff reviewed the Providence Harbor SAMP including the original policies and goals going back to 1983 and have determined that there are no policies, goals or regulatory standards contained in the SAMP that apply to this Project. It is recognized that Harbor Policy13 states: "Facilities for handling, storing or shipping of any fuel, including petroleum, coal or gas (LPG, LNG) shall be given low priority." This policy, however, only applies to situations where any new filling of tidal waters would be proposed to support future port expansion at southern Field's point as detailed in Figure III-2 of the SAMP. Accordingly, since the Project is proposed on existing land at the northern end of the Port of Providence rather than on new filled tidal lands associated with an effort to expand the port in the designated area shown in Figure III-2 of the SAMP, this policy does not apply to the Project.

H. Applicability of the Metro Bay Region Special Area Management Plan

The Metro Bay Region SAMP was adopted on October 10, 2006 to develop policies and regulations specific to the Council's Urban Coastal Greenway Policy. The proposed NGLNG project is specifically exempt from the requirements of the Metro Bay SAMP pursuant to Section 140.4(d), which exempts energy facilities and any other Port related activities that are subject to U.S Department of Homeland Security and U.S. Coast Guard Maritime Security (MARSEC) jurisdiction. Accordingly, the provisions of the Metro Bay SAMP do not apply to this Project.

I. RICRMP Section 335 Protection and Enhancement of Public Access to the Shore

Due to the project location within the Port of Providence and since both the existing and proposed activities are subject to U.S. Department of Homeland Security requirements, and due to the lack of public access under both existing and proposed conditions, CRMC staff agrees with the Applicant's response that the Project will have no impact on public access or use of the shoreline.

J. Federal Energy Regulatory Commission (FERC) and Coastal Zone Management Act (CZMA) jurisdiction

The Project is subject to a federal license from the Federal Energy Regulatory Commission (FERC) pursuant to the Natural Gas Act USC 15 § 717. NGLNG filed its application for Certificate of Public Convenience and Necessity with FERC on or about April 1, 2016, and the application has been assigned Docket Number CP16-121. In accordance with federal law FERC has the exclusive authority to approve or deny an application for the exportation or importation of natural gas and LNG terminals pursuant to U.S. Code 15 § 717b(e)(1).

The Project is subject to the federal consistency review process pursuant to the Coastal Zone Management Act (CZMA), 16 USC §§ 1451-1464, and the CZMA's implementing regulations at 15 C.F.R. Part 930 Subpart D – Consistency for Activities Requiring a Federal License or Permit. While state law is preempted pursuant to U.S. Code 15 § 717, FERC jurisdiction in this matter does not impact the State's authority and jurisdiction and under the Coastal Zone Management Act. As part of its filing with the CRMC on October 31, 2016, NGLNG certified that the Project "will be consistent with Rhode Island's federally approved Coastal Resources Management Program." See October 31, 2016 filing at 1.

K. Applicability of 1978 Energy Amendments

The CRMC Energy Amendments to the Coastal Resources Management Program (CRMP) were adopted by the Council in 1978 and were intended to require a Council permit for the siting, construction, alteration and operation of petroleum processing, transfer or storage facilities regardless of their location within the State of Rhode Island. The term "petroleum products" is defined by the Council to include "natural gas and liquefied natural gas (LNG)" as specified in the Coastal Resources Management Program (CRMP) Glossary. The proposed LNG liquefaction Project is therefore a petroleum processing facility, because the Project will use a petroleum product (natural gas) and process that product into LNG. In addition, the Project will also have the capability to transfer LNG into a storage facility (the existing LNG tank).

Section 610.2-2.A of the CRMC Energy Amendments requires "a Council permit when there is the reasonable probability demonstrated by reliable and probative evidence that the proposal will: (1) conflict with any Council Management Plan or Program; (2) make any area unsuitable for any uses or activities to which it is allocated by a Council Plan or Program; or (3) significantly damage the environment of the coastal region." In this matter, NGLNG has applied for a federal license from FERC as required by the federal Natural Gas Act. Therefore, the Project is subject only to the federal consistency review process pursuant to the Coastal Zone Management Act. Thus, a Council permit is not required, as it is preempted by federal law. However, a federal consistency review must be conducted by the CRMC to determine whether or not the Project is consistent with the enforceable policies and standards of the CRMP. Moreover, notwithstanding the fact that federal law preempts

state law in this matter, the applicability of the Energy Amendments to a proposed petroleum processing, transfer or storage facility project and the requirement of a Council permit would be triggered only if one or more of the three threshold criteria in Section 610.2-2 were met. The threshold questions and CRMC Staff responses regarding these three criteria follow.

1.) Does the Project conflict with any Council Management Plan or Program?

The pre-existing LNG storage tank was constructed in the late 1970's at Field's Point and is recognized as an existing facility in both the CRMC Providence Harbor Special Area Management Plan (See Section 230 Existing Conditions of the Providence Harbor Shore) and the CRMC Energy Amendments (See Section 640.2-1 Findings for Storage and Processing of Liquefied Gases). The proposed Project does not conflict with either of these documents. In addition, as previously detailed within this CRMC Staff report, it appears that the proposed Project does not conflict with CRMP Section 200.6 (Type 6 waters), because the Project would not substantially detract from or interfere with any of the CRMC identified priority uses for Type 6 waters and associated shorelines. Accordingly, the Project does not appear to conflict with any Council Management Plan or Program.

2.) Will the Project make any area unsuitable for any uses or activities to which it is allocated by a Council Plan or Program?

The Project is being located on industrial port facility land that has been highly altered over the decades. The Project will be co-located with an existing LNG tank located along the shoreline. The Project is not being located immediately on the shoreline; rather it will be located landward of the existing LNG tank. In addition, the property where the Project will be located is owned by National Grid and will be part of a secured area that prohibits unauthorized access. Ongoing industrial port activities do not need access through the National Grid site. Thus, the Project if constructed and operated as proposed would not appear to make the area unsuitable for other priority industrial port uses for Type 6 waters.

3.) Will the Project significantly damage the environment of the coastal region?

As previously noted, the Project site is highly altered due to past and present uses. The site presently includes an industrial facility that supports an existing natural gas pipeline, an LNG storage tank and truck fueling station, among other elements. The proposed Project will not involve any fill within tidal waters, will not result in the alteration of any existing coastal buffer zone or natural habitat, and stormwater runoff will be treated in accordance with the requirements of CRMP Section 300.6. The Applicant further indicates the proposed Project will be constructed in compliance with all applicable state and federal standards.

Due to existing historic soil contamination on site, the Applicant has filed a Short Term Response Action Plan (STRAP) with the RI Department of Environmental Management (RIDEM) Division of Waste Management which has jurisdiction in this matter. The STRAP has been posted on the RIDEM website. See: http://www.dem.ri.gov/programs/wastemanagement/site-remediation/Providence-Gas-Co.php. Additionally, the RIDEM has undertaken the review of proposed remediation of the site and potential environmental issues associated with the disturbance of contaminated soils and groundwater. The RIDEM review process included approval of a Public Involvement Plan (PIP) in June 2017. See: (http://www.dem.ri.gov/programs/benviron/waste/Prov-Co/170628pa.pdf).

The RIDEM PIP process included two (2) public hearings that were held on July 13 and August 9, 2017 respectively. In the interim, RIDEM in coordination with the Applicant has been evaluating and

responding to numerous public comments and objections to the Project. It is CRMC Staff understanding that RIDEM intends to issue responses to public comments in the very near future, followed by a STRAP Comment Letter, and the likely issuance of a STRAP approval letter (anticipated in mid-October 2017, pending the Applicant's satisfactory responses to RIDEM's STAP Comments). Consistent with past practice, the CRMC will rely upon the review conducted by the RIDEM to demonstrate that environmental contamination issues are properly addressed through adherence to the rules, practices and procedures established by RIDEM on behalf of the State of Rhode Island. Accordingly, the CRMC relies upon the anticipated issuance of the RIDEM STRAP approval to conclude that the activities associated with site disturbance and remediation would not significantly damage the environment of the coastal region.

In conclusion, due to the existing industrial use of the site, the lack of any alteration of natural habitat, the protection of water quality through proper stormwater management and the impending issuance of a STRAP Approval by the RIDEM, which signifies existing environmental contamination issues will be appropriately addressed during proposed remediation activities at the site, CRMC Staff concludes that the proposed project will not significantly damage the environment of the coastal region. Further, based on the findings herein, CRMC staff conclude that the Project would not trigger any of the three threshold criteria in Section 610.2-2.A of the CRMC Energy Amendments. Therefore, the underlying subsections (B through E) of Section 610.2-2 of the Energy Amendments do not apply in this matter. Nonetheless, a federal consistency review of the Project by the CRMC is required pursuant to 15 C.F.R. Part 930 Subpart D.

Notwithstanding CRMC Staff opinion on applicability of the CRMC Energy Amendments, the Applicant previously filed responses to Section 610.2-2 in their October 31, 2016 CRMC application.

J. Listing of Public Comments and Objections

There have been a significant number of public comments filed with the CRMC regarding this Project and they are included within the Councils package for review. CRMC staff have created the list below of the main issues raised by each of the major objectors/commenters. This list is not a complete listing of each of the public comments, but is a quick synopsis to allow the Council to see the general issues raised by the comments. Many of the comments and objections are not within the purview and jurisdiction of the RICRMP, and therefore not addressed in this staff report.

No LNG in PVD	**Environmental Justice League of Rhode Island**
• Environmental Contamination and release of contaminants from the site • Need for the Project • Sea Level Rise, Climate Change and Storms • Cumulative Impacts • Setback (failure to meet 50' setback) • Variance criteria inconsistency • Type 6 waters inconsistency • Revetment design	• Need for the Project • Federal Consistency Issues • 300.8 and Energy Amendments • Export of LNG • Public Participation and Notice • Risk/High Risk Area • Environmental Racism • Climate Change (contributions) and Storms • Need to reduce Greenhouse gases

• Historic and Archaeological Resources (HPHC, Indian Tribe) • 300.1 Concerns • 300.8 and Energy Amendments • Export of LNG • LNG Storage Tank Risks	• Natural Gas Leaks and Emissions • RI State Energy Plan 2015 • Public Health • Economic Inequality • Project (energy program) Alternatives
Audubon Society of Rhode Island	**Save The Bay**
• Sea Level Rise, Climate Change and Storms • Setback (failure to meet 50' setback • 300.8 and Energy Amendments • Fracking concerns • Providence Harbor SAMP Harbor Policy 2 and Metro Bay SAMP greenway amendments • Ocean SAMP Global Climate Change	• Public Access • Buffer Zone • Sea Level Rise, Climate Change and Operational Life of the Project
Providence Mayor Jorge O. Elorza	**Mashapaug Nahaganset Tribe**
• Sea level Rise, Climate Change and Flooding Risk • Type 6 waters inconsistency • 300.8 and Need for the Project • Need to reduce Greenhouse Gases	• Negative Environmental Impact • Failure to obtain Tribe's Authorization
Sign-on Letter Opposing Fields point LNG Liquefaction Facility	**Misc. Individual Objections (primarily submitted by email)**
• Storms and other Risks • Proximity to Toxic Industrial and Chemical Facilities • Proximity to Hospital and other medical/care facilities • Need for the Project • Electrical Demand for the Project • Flawed Public Outreach • Contributions to Pollution • Need for Renewable Energy	• General Objections to Project • Facility in Urban Area, Residential Neighborhood Proximity • Environmental Risks, Health and Safety Risks • Fire Hazard and Blast Zone • Concentration of Polluting Facilities • Preference for Renewable Energy over Fossil Fuels • Supports Fracking to Supply Gas for Liquefaction • Sea Level Rise, Flooding and Storm Damage • Site Contamination and Release of Contaminants • NGRID Rejection of RIDEM Public Involvement Plan • Economic and Social Impacts • Environmental Justice, Proximity to

	Low Income Communities • Noncompliance with Resilient Rhode Island Act • Facility does not meet current Federal Safety and Siting Standards • Facility is in the Vicinity of Hospitals, Day Care Facilities, School Children • Concerns that FERC process avoids need for State and Local Permits