



MARINE MAMMAL COMMISSION

17 October 2014

Ms. Jolie Harrison, Chief
Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910-3225

Dear Ms. Harrison:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the June 2014 revised application submitted by Excelerate Energy L.P. and Tetra Tech, Inc., on behalf of the Northeast Gateway Energy Bridge L.P. (Northeast Gateway) and Algonquin Gas Transmission L.L.C., seeking authorization under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA) to take small numbers of marine mammals by harassment. The taking would be incidental to operation, maintenance, and repair of the Northeast Gateway liquefied natural gas (LNG) port and the Algonquin Pipeline Lateral facilities in Massachusetts Bay during a one-year period. The Commission also has reviewed the National Marine Fisheries Service's (NMFS) 6 October 2014 notice (79 Fed. Reg. 60142) announcing receipt of the revised application and proposing to issue the authorization, subject to certain conditions. The Commission previously commented on the original application and proposed incidental harassment authorization in its 17 December 2013 letter and on similar past authorizations for the Northeast Gateway LNG project.

In its revised application, Northeast Gateway has proposed to replace the 19 marine acoustic recording units (MARU) deployed in Massachusetts Bay with a passive acoustic monitoring (PAM) program. The requirement to deploy MARUs for a five-year period was a condition of Northeast Gateway's Deepwater Port License, which ended in February 2013. The proposed short-term PAM program would measure underwater sound during the initial Energy Bridge Regasification Vessel delivery for the 2014/2015 winter season and during certain maintenance and repair operations. Additional long-term PAM (using devices such as MARUs) would be deployed if the anticipated LNG deliveries exceed 5 shipments in a 30-day period or 20 shipments in a 6-month period. All other mitigation and monitoring measures proposed in Northeast Gateway's original January 2013 application would remain the same.

The Commission believes that the revised acoustic monitoring measures are justified and, in combination with other previously proposed mitigation and monitoring measures, are sufficient to ensure that NMFS's previous findings and determinations are still valid. The Commission therefore recommends that NMFS issue the incidental harassment authorization, subject to inclusion of the proposed mitigation and monitoring measures.

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I trust these comments will be helpful to NMFS in meeting its responsibilities under the MMPA. Please let me know if you have any questions with regard to this letter.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Lent". The signature is written in a cursive style with a large initial 'R' and a distinct 'L'.

Rebecca J. Lent, Ph.D.
Executive Director

cc: Kimberly Damon-Randall, NMFS Greater Atlantic Regional Fisheries Office