



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

AUG 27 2010

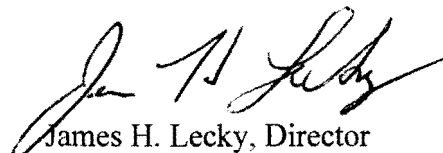
Mr. Mike Trammel
Northeast Gateway Energy Bridge, L.P.
1450 Lake Robbins Drive, Suite 200
The Woodlands, Texas 77380

Dear Mr. Trammel:

Enclosed is an Incidental Harassment Authorization (IHA) issued to the Northeast Gateway Energy Bridge, L.P. and Algonquin Gas Transmission, L.L.C. under the authority of Section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), to take by harassment small numbers of marine mammals incidental to operating a deepwater LNG facility in the Massachusetts Bay.

You are required to comply with the conditions contained in the IHA. In addition, you must cooperate with any Federal, state or local agency authorized to monitor the impacts of your activities. If you have any questions concerning the IHA or its requirements, please contact Shane Guan, Office of Protected Resources, NMFS, at (301) 713-2289.

Sincerely,



James H. Lecky, Director
Office of Protected Resources

Enclosure





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DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

Incidental Harassment Authorization

Northeast Gateway Energy Bridge, L.P. (Northeast Gateway), 1450 Lake Robbins Drive, Suite 200, The Woodlands, Texas 77380 is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(D)) and 50 CFR 216.107 to harass small numbers of marine mammals incidental to operation of a liquefied natural gas (LNG) facility in the Massachusetts Bay, contingent upon the following conditions:

1. This Authorization is valid from August 31, 2010, through August 30, 2011.
2. This Authorization is valid only for activities associated with the operations of an LNG facility in the Massachusetts Bay, of the Commonwealth of Massachusetts, as specified in the Northeast Gateway and Algonquin Gas Transmission, LLC's, (Algonquin's) June 2010, request.
3. Species Impacted and Level of Takes
 - (a) The taking, by incidental Level B harassment only, is limited to the species listed under condition 3(b) below. The taking by injury or death of these species is prohibited and may result in the modification, suspension, or revocation of this Authorization.
 - (b) The species authorized for takings by incidental harassment are:

North Atlantic right whale (*Eubalaena glacialis*)
Humpback whale (*Megaptera novaeangliae*)
Fin whale (*Balaenoptera physalus*)
Minke whale (*B. acutorostrata*)
Pilot whale (*Globicephala* spp.)
Atlantic white-sided dolphin (*Lagenorhynchus acutus*)
Common dolphin (*Delphinus delphis*)
Bottlenose dolphin (*Tursiops truncatus*)
Killer whale (*Orcinus orca*)
Harbor porpoise (*Phocoena phocoena*)
Harbor seal (*Phoca vitulina*)
Gray seal (*Halichoerus grypus*)



(c) The taking of any marine mammal in a manner prohibited under this Authorization must be reported within 48 hours to the Director, Northeast Regional Office, National Marine Fisheries Service (NMFS), Telephone (978) 281-9300 and the Director, Office of Protected Resources, NMFS, Telephone 301-713-2332.

4. The holder of this Authorization is required to cooperate with the NMFS and any other Federal, state, or local agency authorized to monitor the impacts of the activity on marine mammals.

5. Monitoring and Mitigation Requirements

The holder of this Authorization must suspend operation activities immediately if a dead or injured marine mammal is found in the vicinity of the project area and the death or injury of the animal could be attributable to the liquefied natural gas (LNG) facility operations.

In addition, the holder of this authorization must follow the conditions listed below when conducting the Port operation activities:

5 Port Operation Measures

(a) Monitoring

(i) All individuals onboard the Energy Bridge Regasification Vessels (EBRVs) or LNG Regasification Vessels (LNGRVs) responsible for the navigation and lookout duties on the vessel must receive training on marine mammal sighting/reporting and vessel strike avoidance measures. Crew training of EBRV or LNGRV personnel shall stress individual responsibility for marine mammal awareness and reporting.

(ii) If a marine mammal is sighted by a crew member, an immediate notification must be made to the Person-in-Charge on board the vessel and the Northeast Port Manager, who must ensure that the required reporting procedures are followed.

(b) Vessel Strike Avoidance

(i) All LNGRVs or EBRVs approaching or departing the port shall comply with the Mandatory Ship Reporting (MSR) system to keep apprised of Dynamic Management Areas (DMAs) in the vicinity. Vessel operators shall also receive active detections from an existing passive acoustic array prior to and during transit through the northern portion of the Boston Traffic Separation Scheme (TSS) where the buoys are installed.

(2) In response to active right whale sightings or DMAs (detected acoustically or reported through other means such as the MSR or Sighting Advisory System (SAS)), and taking into account safety and weather conditions, LNGRVs or EBRVs

will take appropriate actions to minimize the risk of striking whales, including reducing speed to 10 knots or less and alerting personnel responsible for navigation and lookout duties to concentrate their efforts.

(iii) LNGRVs or EBRVs shall maintain speeds of 12 knots or less while in the TSS until reaching the vicinity of the buoys (except during the seasons and areas defined below, when speed will be limited to 10 knots or less). At 1.86 mi (3 km) from the Northeast Gateway port, speed will be reduced to 3 knots and to less than 1 knot at 1,640 ft (500 m) from the buoy.

(iv) LNGRVs or EBRVs shall reduce transit speed to 10 knots or less over ground from March 1 - April 30 in all waters bounded by straight lines connecting the following points in the order stated below. This area is known as the Off Race Point Seasonal Management Area (SMA) and tracks NMFS regulations at 50 CFR 224.105:

42°30'00.0" N – 069°45'00.0" W; thence to 42°30'00.0" N – 070°30'00.0" W; thence to 42°12'00.0" N – 070°30'00.0" W; thence to 42°12'00.0" N – 070°12'00.0" W; thence to 42°04'56.5" N – 070°12'00.0" W; thence along charted mean high water line and inshore limits of COLREGS limit to a latitude of 41°40'00.0" N; thence due east to 41°41'00.0" N – 069°45'00.0" W; thence back to starting point.

(v) LNGRVs or EBRVs shall reduce transit speed to 10 knots or less over ground from April 1 - July 31 in all waters bounded by straight lines connecting the following points in the order stated below. This area is also known as the Great South Channel SMA and tracks NMFS regulations at 50 CFR 224.105:

42°30'00.0" N–69°45'00.0" W; 41°40'00.0" N– 69°45'00.0" W; 41°00'00.0" N– 69°05'00.0" W; 42°09'00.0" N– 67°08'24.0" W; 42°30'00.0" N– 67°27'00.0" W; and 42°30'00.0" N– 69°45'00.0" W

(vi) LNGRVs or EBRVs are not expected to transit Cape Cod Bay. However, in the event transit through Cape Cod Bay is required, LNGRVs or EBRVs shall reduce transit speed to 10 knots or less over ground from January 1 - May 15 in all waters in Cape Cod Bay, extending to all shorelines of Cape Cod Bay, with a northern boundary of 42°12'00.0" N latitude.

(vii) A vessel may operate at a speed necessary to maintain safe maneuvering speed instead of the required ten knots only if justified because the vessel is in an area where oceanographic, hydrographic and/or meteorological conditions severely restrict the maneuverability of the vessel and the need to operate at such speed is confirmed by the pilot on board or, when a vessel is not carrying a pilot, the master of the vessel. If a deviation from the 10-knot speed limit is necessary, the reasons for the deviation, the speed at which the vessel is operated, the latitude and longitude of the area, and the time and duration of such deviation shall be entered into the

logbook of the vessel. The master of the vessel shall attest to the accuracy of the logbook entry by signing and dating it.

(c) Passive Acoustic Monitoring Program

(i) Northeast Gateway shall monitor the noise environment in Massachusetts Bay in the vicinity of the Northeast Gateway Port and Algonquin Pipeline Lateral using an array of 19 Marine Autonomous Recording Units (MARUs). These MARUs shall remain in the same configuration during full operation of the NEG Port and Algonquin Pipeline Lateral.

(ii) Northeast Gateway shall monitor 10 Auto-Detection Buoys (ABs) within the TSS for the operational life of the Northeast Gateway Port and Algonquin Pipeline Lateral. The AB system shall be the primary detection mechanism that alerts the LNGRV/EBRV and/or Algonquin Pipeline support vessel captains to the occurrence of right whales, and heightens LNGRV/EBRV or pipeline support vessel awareness.

6. Reporting

(a) During all phases of project operation, sightings of any injured or dead marine mammals must be reported immediately, regardless of whether the injury or death may have been caused by project activities.

(b) Annual Report


(i) An annual report on marine mammal monitoring and mitigation must be submitted to NMFS Office of Protected Resources and NMFS Northeast Regional Office within 90 days after the expiration of the IHA.

(ii) The annual report shall include data collected for each distinct marine mammal species observed in the project area in the Massachusetts Bay during the period of LNG facility operation. Description of marine mammal behavior, overall numbers of individuals observed, frequency of observation, and any behavioral changes and the context of the changes relative to operation activities shall also be included in the annual report.

7. A copy of this Authorization must be in the possession of each observer or group operating under the authority of this Incidental Harassment Authorization.

8. Penalties and Permit Sanctions

Any person who violates any provision of this IHA is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA.



James H. Lecky
Director
Office of Protected Resources
National Marine Fisheries Service

AUG 27 2010
Date