



United States Department of the Interior

NATIONAL PARK SERVICE
Saint Croix Island International Historic Site
c/o Acadia National Park
P.O. Box 177
Bar Harbor, Maine 04609

IN REPLY REFER TO:

July 14, 2010

VIA ELECTRONIC AND U.S. POSTAL MAIL

L7619(SACR)

Ms. Susan M. Lessard, Presiding Officer
Maine Board of Environmental Protection
c/o Terry Hanson
#17 State House Station
Augusta, Maine 04333-0017

Re: Calais LNG Project Co., LLC and Calais LNG Pipeline Co., LLC (CLNG) Applications for Site Location of Development Act, Natural Resources Protection Act, Air Emissions, and Water Discharge

Dear Ms. Lessard:

We are responding to an email dated July 13, 2010, from Ms. Cynthia S. Bertocci, Executive Analyst, Board of Environmental Protection, which states that comments on CLNG's request for postponement of the hearing are due by 9:00 a.m. on July 14, 2010.

In a letter to the Board dated July 13, 2010, CLNG made the extraordinary request to postpone the hearing scheduled for July 19 – 23, 2010, because it had failed to provide the Department of Environmental Protection with "certain relevant information." In response, Ms. Bertocci requested that CLNG provide "a description/listing of the relevant information that Calais LNG has not yet provided to the Department that warrants postponement."

The National Park Service has reviewed CLNG's description/listing of relevant information and offers the following comments for your consideration:

1. "A second level of soils data regarding the sendout pipeline route."

CLNG's Site Location of Development Application (Section 11) provides "...a summary of soils resources and conditions in the Project Area, including a discussion of the soil types present at the Terminal Site and within the Pipeline Route Corridor, the characteristics of these soils, the potential effects of the Project on the soils in the Project Area, and mitigation measures for

reducing or eliminating these potential effects.” In a letter to the Board dated July 7, 2010, CLNG emphasizes the need for the hearing to focus on major issues in dispute and provides a list of 22 topics that it requests the parties to stipulate as uncontested, *including “soils.”* CLNG now claims that the soils data provided in its application are insufficient and that this information is important enough to warrant the postponement of the hearing.

2. “Tabular summary of functions and values for wetlands.”

CLNG has already submitted this information to the Department of Environmental Protection. It is found in Table 3 of the *Calais LNG - Final Wetland Delineation and Assessment Report* prepared by Vanasse Hangen Brustlin, Inc. in April 2010.

3. “Further information relating to analysis of and data sheets for completed field work that had noted wetlands with geomorphic characteristics that were similar to vernal pools but were determined not to be vernal pools.”

The Natural Resource Protection Act seeks to protect “significant wildlife habitat,” which by definition includes “significant vernal pool habitat” [38 M.R.S.A. § 480-B.10.B(1)]. While there are geomorphic characteristics that contribute to the development of vernal pools, the *significance* of a vernal pool is “determined by the number and type of poolbreeding amphibian egg masses in a pool, or the presence of fairy shrimp, or use by threatened or endangered species...” [06-096 Code of Maine Rules, Chapter 335 § 9]. Wetlands are delineated by vegetation type, hydric soils, and hydrology—not geomorphic characteristics. Further information relating to the analysis of geomorphic characteristics to distinguish wetlands from all vernal pools is superfluous and would not contribute to the Board’s review of how the project may impact “significant vernal pool habitat” under the Natural Resource Protection Act.

4. “Comments and information sought by the Department of Marine Resources regarding diadromous fish (e.g., Atlantic salmon), lobsters, marine mammals, and Marine Patrol resources.”

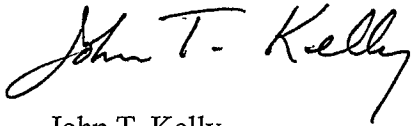
We are unable to comment on the relevance of this request without knowing the nature and extent of the “comments and information” sought by the Department of Marine Resources. In terms of procedure, the National Park Service’s review of the project and subsequent testimony is based on the understanding that CLNG’s applications were determined complete at the time that the Board assumed jurisdiction over the project.

Based on the information provided above, the National Park Service does not believe that CLNG has substantiated its request to postpone the hearing. CLNG’s perceived need to provide this information does not warrant the postponement. Moreover, we disagree with CLNG’s statement in its letter to the Board dated July 13, 2010, that the postponement is in the best interest of the National Park Service, as one of the parties to the proceeding.

If the Board agrees to postpone the hearing, we request that it limit the submission of new information by CLNG to the list it has provided. We also request the same opportunity to submit additional information that we believe is relevant to the Board's review of the project.

Thank you for considering our comments.

Sincerely,

A handwritten signature in cursive script that reads "John T. Kelly". The signature is written in dark ink and is positioned above the typed name.

John T. Kelly
Park Planner

cc: Board of Environmental Protection Service List (05-11-10) for Calais LNG