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JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF CONSERVATION
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AUGUSTA, MAINE
04333-0022

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PATRICK K. MCGOWAN
COMMISSIONER

2006 MAY -2 P 2: 26

April 14, 2006

REGULATORY DIVISION

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First St., N.E., Room 1A
Washington, DC 20426

Subject: DOCKET No. PF06-13-000, Downeast LNG Project
Notice of Intent to Prepare an Environmental Impact Statement
and Request for Comments

Dear Ms. Salas:

In response to the above cited notice, the Maine Department of Conservation, Bureau of Parks and Lands has the following comments.

The Bureau of Parks and Lands serves as the State agency responsible for the management of public submerged lands extending from the mean low water line of tidal waters seaward to Maine's 3-mile territorial limit. Private development on these lands requires a conveyance from the State to provide a limited legal interest in the project site for the purpose of environmental permitting, project construction, and operation of the facility. Submerged lands conveyances are authorized upon a finding that the proposed development will not unreasonably interfere with customary or traditional public access ways to or public trust rights in, on, or over the submerged lands and waters above those lands. The Bureau may refuse to lease submerged lands, or place conditions on the conveyance to address public trust concerns, or require compensation for loss of public trust rights or access.

The proposed terminal facility proposed by Downeast LNG will require a submerged lands lease from the Bureau of Parks and Lands. Based on our understanding of the project as described at the scoping meeting in Augusta on March 27, 2006, the Bureau recommends that the EIS and Waterway Suitability Assessment conducted by the Coast Guard carefully evaluate the proposed terminal location and pier design, as well as vessel transiting and berthing for impacts to existing commercial and recreational navigation, and commercial fishing and other marine activities. Although we are confident that many environmental issues will be appropriately addressed under Maine law in the State permitting process required to obtain a lease, from our initial review, it appears that potential impacts to public waters and other waterway users were given less consideration than other factors in the site selection process.

BUREAU OF PARKS AND LANDS
DAVID J. SOUCY, DIRECTOR



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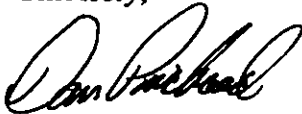
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The proposed pier at Mill Cove in Robbinston is located in an area about 1 mile south of where the St. Croix River opens up into Passamaquoddy Bay and the waterway widens from approximately one mile to two miles across including both U.S. and Canadian waters. According to Downeast LNG officials, the proposed pier would extend approximately 3,800 to 4,050 feet from shore, or more than half the distance to the U. S. and Canadian boundary at this point. Ship berthing space and security zones around the facility would further reduce the U.S. waters open and available for other boating traffic and waterway users.

As proposed, the Downeast LNG pier would be over three times longer than the largest terminal facility currently in Maine waters. The stated reason for the length is to reach the minimum necessary water depth (45 feet at mean low water) for berthing LNG tankers without the need for dredging.

Under the Bureau's rules, structures may not extend more than 1000 feet from shore unless the applicant can document that no reasonable alternative exists. Given the length of Maine's coastline and the shallow depth and narrow waterway at the proposed terminal site relative to the navigation and berthing requirements of the LNG vessels, it is difficult to imagine that the proposed site is the most suitable. The Bureau recommends that the EIS and Waterway Suitability Assessment carefully examine the applicant's site selection criteria and methodology, and impacts to existing marine activities.

Sincerely,



Dan Prichard
Submerged Lands Program
Bureau of Parks and Lands

Cc: Lt. Dan McLean, USCG
Uldis Vanags, State Planning Office
Kathy Eikenberg, Bureau of Parks and Lands