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- **Roosevelt Campobello International Park Commission**



ROOSEVELT CAMPOBELLO INTERNATIONAL PARK COMMISSION

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March 29, 2010

Ms. Susan M. Lessard, Chair
Board of Environmental Protection
c/o Terry Hanson
17 State House Station
Augusta, Maine
04333

Re: Applications of Calais LNG for a liquefied natural gas storage facility and necessary infrastructure.

**Notice of Petition to Participate as a Government Agency
of the
Roosevelt Campobello International Park Commission**

In the matter of Calais LNG's Air Emissions Application (# A-1029-71-A-N), Site Location of Development Application (# L-24843-26-A-N), Natural Resources Protection Act Application (# L-24843-TG-B-N, # L-24843-IW-C-N, # L-24843-L6-D-N, and # L-24843-4P-E-N), and Waste Discharge application # W 9056-50-A-N.

Following the Board of Environmental Protection's *Notice of Hearing and Opportunity for Intervention*, the Roosevelt Campobello International Park Commission (RCIPC) hereby files this letter of intent and request of the RCIPC to participate in the above identified proceeding as a government agency. The RCIPC does have a direct and substantial interest which may be affected by the proceedings. In support of this letter of intent and request to participate as a government agency, the RCIPC states:

I. Position on the Applications

The RCIPC is opposed to the application by Calais LNG to site, construct, and operate a liquefied natural gas (LNG) terminal and associated storage facilities in Washington County, Maine for the purpose of importing LNG into the United States. The RCIPC is also opposed to approval of Calais LNG's Calais, Maine import terminal as the place of entry for imported LNG supplies.

In the past, large vessels waiting to enter nearby ports have used the a holding area in Friar Roads, directly in front of the RCIPC's Franklin D. Roosevelt Summer Home and the Park's historic core. As stated

regarding earlier applications relating to other area LNG terminal proposals, the RCIPC is opposed to LNG tankers anchoring or holding in this area directly in front of the Park's irreplaceable historic resources.

The RCIPC believes that if any "accident" were to take place, whether by mechanical failure, human oversight or error, or due to terrorism, the results would be catastrophic and devastatingly compounded by the absence in this remote area of Canada and Maine of both trained personnel and proper response equipment necessary to fight either explosion or fire or to treat the likely number of human burns and injuries.

Because of the obligations and the responsibilities of the Commission, placed on the Commission by treaty as well as by the respective enabling legislation in both countries, the Commission opposes the location of an LNG terminal at in any area in the vicinity of Campobello Island that would require the transport of LNG through Head Harbour Passage, or any area proximate to Campobello Island.

II. Description of Proceedings

On December 18, 2010, Calais LNG Project Company, LLC (Calais LNG), Inc. filed with Federal Regulatory Energy Commission (FERC) in Docket No. CP10-32-000 an application under Section 3 of the Natural Gas Act (NGA) and Part 153 of FERC's regulations for authorization to site, construct and operate a new liquefied natural gas import, storage, and vaporization terminal and associated facilities on the St. Croix River in Calais, Maine, for the purpose of importing LNG into the United States.

Calais LNG has now filed applications with the State of Maine pursuant to provisions of the Protection and Improvement of Air Laws, Site Location of Development Act, Natural Resources Protection Act, and the Department of Environmental Protection's Rules Concerning the Processing of Applications and Other Administrative Matters.

III. Background

The Roosevelt Campobello International Park and its Commission were established in 1964 by treaty between the United States and Canada, and implemented by authorizing legislation in each country. The Park is governed by a Commission consisting of equal numbers of Canadians and Americans, appointed by the

respective heads of state of each country. Located on Canadian soil, memorializing a United States president, funded, administered, and staffed by the peoples of the United States and Canada, the Park is the only international park of its type.

Located on Campobello Island, New Brunswick, Canada, near the border with Lubec, Maine, U.S.A., and connected to Lubec by an International Bridge dedicated in 1962, the Park's main attraction is the historic summer home of U.S. President Franklin Delano Roosevelt (FDR), who vacationed on Campobello with his family over a period of 56 years (1883-1939). Over the last ten years, an average of approximately 117,000 people have visited the Park annually.

The Park was created to commemorate FDR and as a symbol of friendship between the U.S. and Canada. It encompasses an area of 2,800 acres/1,120 hectares that provides a natural setting for the Roosevelt Cottage and an historic summer-cottage district. The district includes four other turn-of-the-century cottages, which are used by the Park as a governmental/academic Conference Center. The setting of coastal headlands, rocky shores, wetlands, fields, and forest offers a variety of natural habitats, and there are numerous trails, drives, overlooks, and picnic areas for visitors to explore and enjoy. Herring Cove Provincial Park, adjacent to the north, offers 730 acres/290 hectares for recreation. The two parks occupy the southern one-third of Campobello Island; the northern two thirds of the island are privately owned, with the northern and western shoreline being primarily residential. Most of the two-thirds remain undeveloped.

The Park is a major tourist attraction in the Province of New Brunswick, and as such is a major draw of tourism visitors to downeast Maine. Most of the people visiting the Park enjoy the spectacular unbroken views of rugged coastline, estuarine bays, and open ocean. Enjoyment of scenic vistas is often the main purpose of their trip to the area. Many also enjoy watching waterfowl and seabirds and/or hiking to enjoy the scenic views from several locations along the trails and roadways of the Park. Tourism dollars attracted to the Park and the immediate area have a significant and positive "ripple" effect on the economic health of the area.

The purpose and mission of the Park and its Commission are to memorialize FDR and to protect and enhance for current and future generations these irreplaceable and valuable historic, cultural and natural

resources that both Canada and the United States have found worthy of protection and preservation in the national interests of both nations.

The Roosevelt Campobello International Park is administered by a commission created under an international treaty signed by Prime Minister Lester B. Pearson and President Lyndon B. Johnson on January 22, 1964. Comprised of six members and six alternate members, the *Roosevelt Campobello International Park Commission* has equal representation from Canada and the United States. On the recommendation of the Minister of Foreign Affairs and International Trade, Canada, the Governor General in Council appoints three Canadian commission members and three alternates. Three U.S. commission members and three alternates are appointed by the President of the United States.

Article 1. of the treaty creating the Park states that RCIPC has, among its functions, administering as a memorial the "Roosevelt Campobello International Park" comprising the Roosevelt estate and such other lands as may be acquired.

Article 2. of the treaty gives the RCIPC juridical personality and all powers and capacity necessary or appropriate for the purpose of performing its functions under the agreement including, but not by way of limitation, the powers and capacity to enter into contracts, to sue in either the United States or Canada, to delegate to its Executive Secretary responsibilities of the Commission as it deems desirable and appropriate, and to adopt such rules of procedure as it deems desirable to enable it to perform the functions set forth in the agreement.

Article 9 of the treaty states that arrangements may be made with the competent agencies of Canada and the United States for rendering, without reimbursement, such services as the Commission may request for the orderly development, maintenance and operation of the Park, and Article 10 directs the RCIPC to take appropriate measures to emphasize the international nature of the Park.

Although in Canada, the RCIP enjoys protection under the U.S. *Clean Air Act*, as amended in August 1977. The act contains legislation to "preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special national or regional

natural, recreation, scenic or historic value." The Clean Air Act also establishes stringent requirements for "Class I" areas, of which the RCIP is one. Federal land managers with direct responsibility for each area have been given an affirmative responsibility to protect air quality-related values from adverse impacts. [Air quality-related values are "visibility and those scenic, cultural, biological, and recreation resources of an area that are affected by air quality" (43 Federal Register 15016).]

In early 1981, the U.S. Environmental Protection Agency (EPA) published regulations (F.R. Vol. 45, No. 233 p. 80084 -Dec. 2, 1980) to assure reasonable progress toward "the prevention of any future, and remedying of any existing, impairment of visibility in mandatory Class I Federal areas in which impairment results from man-made air pollution." The Clean Air Act of 1977, as amended [Section 162 (a) (1)], included international parks as mandatory Class I areas. The EPA recognized the RCIP as a mandatory Class I area in 40 C.F.R. 81.437. EPA's visibility regulations [40 C.F.R. 51.301 (9)] provide that the chair of the RCIPC is the Federal Land Manager for the Park, and as such has substantial authority and responsibility to protect the air quality and air quality-related values of the Park.

As the body managing the mandatory Class I area, the RCIP Commission identified and documented vistas associated with the Park that are integral to the visitors' experience. Four of these vistas (Liberty Point, Friar's Head, Con Robinson's Point, and Roosevelt cottage) have been accepted by the U.S. EPA and the State of Maine as integral vistas and are afforded protection for visibility and other air quality-related values. The State of Maine, through its Department of Environmental Protection (DEP) developed a State Implementation plan that includes protection of the RCIP and its integral vistas.

In October of 1989, the RCIPC and the National Park Service (NPS) Air Quality Division (AQD), entered into an agreement by which the AQD reviews "Prevention of Significant Deterioration" permit applications for new major pollution sources or proposed modifications to old pollution sources that have the potential to impact visibility and other air quality-related values at the RCIP. Review of permit applications comprises the following: (1) An analysis to ensure the use of the best available technology to minimize

emissions (2) the use of models that predict the dispersion of air pollution in the area of concern and (3) potential biological effects imposed by the project.

The agreement authorizes the AQD to submit routine comments on non-controversial projects for the Commission, with the understanding that they will notify the Commission, or its agent, before submitting the comments. Also acknowledged in the agreement is the Commission's desire to take an active part in the review of potentially controversial issues, such as adverse impact determinations. In such cases, the AQD will notify the Commission, or its designee, as soon as possible if they believe emissions from a proposed new or modified source may cause or contribute to an adverse impact on the air quality-related values (including integral vistas) of the RCIP. In such cases the AQD will prepare technical review comments to give the Commission with the information it needs to make a policy judgment.

The Roosevelt Campobello International Park employs approximately 53 full-time and part-time or seasonal employees, about equally divided between citizens of Canada and the United States. The contribution of this payroll to the economic health of the communities of Campobello Island and Lubec is significant.

IV. Statement of Interest

Because it is charged by the governments of both Canada and the United States of America with the administration, maintenance, and preservation of the memorial that is the Roosevelt Campobello International Park, the RCIPC has an interest in protecting Park natural, historic, cultural, and physical resources; an interest in the conservation of natural resources that draw visitors to the area and then to the Park; an interest in the only direct all-Canadian route to the Park; an interest in the economic viability of local tourism businesses that also draw visitors to the area and to the Park; and an interest in the safety of the Park's visitors and staff.

V. Conclusion

As stated above, the Roosevelt Campobello International Park Commission has a direct and substantial interest in the outcome of this proceeding. RCIPC's interest cannot be completely represented by any other party. Therefore, the RCIPC should be allowed to participate in these proceedings as a government agency.

VI. Communications and Correspondence

The RCIPC requests that the following individual be placed on the Board of Environmental Protection's communications list and that correspondence regarding this proceeding be directed to:

Paul B. Cole, III
Executive Secretary/Superintendent
Roosevelt Campobello International Park Commission
P.O. Box 129
Lubec, ME 04652
Telephone: (506) 752-2922
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Please carbon electronic any electronic communications to:

Harold Bailey
Natural Resource and Planning Manger
www.fdr.net

This letter of notifying the Board of the Commission's letter of intent to participate as a government agency has been reviewed and authorized by RCIPC Chairman Christopher D. Roosevelt and Vice-chairman Fred R. Drummie, and is respectfully submitted on behalf of the Roosevelt Campobello International Park Commission.



Paul B. Cole, III
Executive Secretary/Superintendent
Roosevelt Campobello International Park Commission