



Preserving America's Heritage

January 15, 2009

Alisa M. Lykens, Chief
Environmental Gas Branch 2
Federal Energy Regulatory Commission
Office of Energy Projects
Washington, D.C. 20426

Ref: Proposed AES Sparrows Point LNG Project
Docket No's.CP07-62-000 and CP07-63-000
Various Counties in Maryland and Pennsylvania

Dear Ms. Lykens:

The Advisory Council on Historic Preservation (ACHP) has received expressions of concern about the measures taken by the Federal Energy Regulatory Commission's (FERC) in coordinating the Section 106 review set forth in the National Historic Preservation Act (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR 800), for the referenced undertaking. FERC provided the ACHP with a notice of adverse effect for the undertaking in October 2008. At that time, the ACHP declined to enter the consultation as it appeared that the Section 106 process was progressing appropriately.

However, according to information provided to us, FERC issued a Final Environmental Impact Statement (FEIS) on December 6, 2008, prior to the completion of the Section 106 process. We further understand that FERC is considering issuing a conditional approval for the project in the near future. The Pennsylvania State Historic Preservation Officer (SHPO) in its comments regarding the issuance of the FEIS indicated that it questions whether FERC has fulfilled its obligation to consult with PA SHPO regarding the identification and evaluation of historic properties in the Area of Potential Effects (APE) and the assessment of effects to any identified historic properties. Though FERC submitted to the PA SHPO the results of archaeological surveys in the APE, the PA SHPO advised FERC in its response that there are above-ground properties within the APE that may be eligible for inclusion on the National Register of Historic Places. As we understand, FERC has yet to respond to SHPO's request that studies focused on above-ground resources, including historic structures, buildings, objects, historic districts, and landscapes, be conducted and submitted for review in accordance with 36 CFR Section 800.4 of the ACHP's regulations.

Members of the public have also raised concerns regarding FERC's identification and involvement of other consulting parties per 36 CFR Section 800.3. The involvement of other consulting parties in the Section 106 consultation is a critical step since the reviews carried out under the National Environmental Policy Act (NEPA) are not focused on consultation but rather

ADVISORY COUNCIL ON HISTORIC PRESERVATION

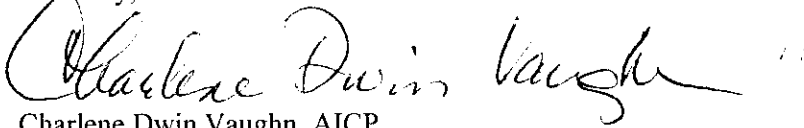
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disclosure of information. The views of other consulting parties should be taken into account through all the steps of the Section 106 process. Their involvement during the identification of historic properties and the assessment and resolution of effects of the undertaking on historic properties is particularly important if historic preservation concerns are to be properly addressed by an agency.

In light of the above, the ACHP would like to request that FERC inform us the status of the Section 106 consultation for this undertaking, and clarify whether the applicant has been given approval to proceed with this undertaking. In addition, we would like a summary of how FERC has, or intends to, involve other consulting parties to address historic preservation issues.

We thank you in advance for your prompt attention to this matter. Should you have questions, please contact Dr. John T. Eddins at (202) 606-8553 or by email at jeddins@achp.gov.

Sincerely,

A handwritten signature in cursive script that reads "Charlene Dwin Vaughn". The signature is written in black ink and is positioned above the typed name and title.

Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing, and Assistance Section
Office of Federal Agency Programs