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FEDERAL ENERGY
REGULATORY COMMISSION

July 24, 2008

Ms. Joanne Wachholder
Project Manager
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Re: MHT Review of Draft Environmental Impact Statement, Sparrows Point LNG Terminal and Pipeline Project – Cecil, Harford, and Baltimore Counties, Maryland
Docket Nos. CP07-62-000, CP07-63-000, CP07-64-000, CP07-65-000
Corps #2007-01644-M16
MD20080501-0418, MD20080501-0417

Dear Ms. Wachholder:

In response to requests from the U.S. Army Corps of Engineers, the Maryland Department of Planning, and the Maryland Department of Natural Resources, the Maryland Historical Trust (MHT) is reviewing the above-referenced draft EIS in accordance with Section 106 of the National Historic Preservation Act and Sections 5A-325 and 5A-326 of the State Finance and Procurement Article. We understand that the proposed undertaking will entail the construction of an LNG import terminal at Sparrows Point as well as an 88-mile long pipeline that will connect the terminal with three existing interstate pipelines. The project was first submitted to our office for review in March of 2006, and since that time we have been coordinating regularly with AES Sparrows Point LNG, Mid-Atlantic Express, and their consultants in an effort to assess the project's potential effects on historic properties. Below are our comments regarding the draft EIS and a summary of the status of the historic preservation review of the proposed undertaking. Please see our letters dated December 1, 2006 and April 23, 2007 (attached) for more information.

Terrestrial Archeology: As noted in the draft EIS, a series of Phase I archeological investigations have been conducted along portions of the proposed pipeline route in Maryland, and the results of these investigations are documented in two separate reports (Locking et al. 2006a and Locking and Eldridge 2007a). We understand that the cultural resources staff have been unable to gain access to certain portions of the project area, and that yet another supplemental Phase I report will be submitted to our office when these areas have been surveyed. Once all Phase I investigations have been completed and all supplemental reports have been reviewed by MHT, a full and comprehensive Phase I report will be produced and submitted in accordance with the reporting requirements of the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). To date, we have concurred that Phase II evaluative investigations are necessary at five archeological sites (18BA550, 18HA292, 18HA291, 18CE361, and 18CE153) to interpret the sites' boundaries and determine the eligibility of the resources for the National Register of Historic Places. Based on the results of these investigations, we will be able to determine whether or not the project will have an effect on National Register eligible archeological resources, and we will make appropriate recommendations regarding measures to avoid, reduce, or mitigate any such effects.

Underwater Archeology: As noted in our December 1, 2006 and April 23, 2007 letters, we are satisfied with the results of the marine archeological survey conducted by Goodwin & Associates and have concurred that no further underwater investigations are warranted for this undertaking.

Ms. Joanne Wachholder
Environmental Impact Statement, Sparrows Point LNG Terminal and Pipeline
July 24, 2008
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Historic Built Environment: As noted in the draft EIS, both the LNG facility, including the docking, unloading, storage, and processing facilities, and the pipeline, including staging and surrounding areas, have the potential to affect historic buildings and landscapes. The site of the LNG facility is within the Sparrows Point Shipyard, Maryland Inventory of Historic Properties number BA-3208. Investigations completed by the Ottery Group in 2006 identified the Sparrows Point Shipyard as having historic significance for its association with the development of America's steel industry and World War II home front industrial activities. The district is eligible for listing in the National Register of Historic Places.

As soon as they are available, MHT should be provided with site plans of the proposed LNG facility, maps showing the route of the pipeline, and lists of all historic and potentially-historic places within their areas of potential effect. This information will allow us to continue the identification of historic properties and assessment of effects required by Section 106 of the National Historic Preservation Act. If any state or federal agencies need to proceed with permitting or other assistance before this survey work can be completed, then a Programmatic Agreement (PA) or other mechanism would be necessary to ensure that their assistance takes historic properties into account and conforms to Sections 106.

MHT concurs with the general recommendations outlined in section 4.10.4 of the draft EIS, stating that all cultural resources surveys must be complete and reviewed by MHT *prior* to any construction activities. We would like to recommend, however, that the language be revised to read, "prior to construction and/or **demolition** activities." We would also like to recommend that the draft document specify that no construction and/or demolition activities take place prior to the execution of a PA or Memorandum of Agreement (MOA) outlining the measures that will be taken to mitigate any adverse effects on historic properties.

We continue to appreciate the conscientious efforts that are being made to identify historic properties located within the project area and consider the effects that the proposed undertaking may have on both archeological resources and the historic built environment. We look forward to further consultation as project planning proceeds, and we would like to thank you for providing us with this opportunity to comment. If you have any questions or require further information, please do not hesitate to contact either Dr. Dixie Henry (for terrestrial archeology) at 410-514-7638 \ dhenry@mdp.state.md.us, Dr. Susan Langley (for underwater archeology) at 410-514-7662 \ slangley@mdp.state.md.us, or Jonathan Sager (for historic built environment) at 410-514-7636 \ jsager@mdp.state.md.us.

Sincerely,



Elizabeth J. Cole
Administrator, Project Review and Compliance
Maryland Historical Trust

EJC / DLH / JES
200801264 / 200801383 / 200801425
cc: Kimberly D. Bose (FERC)
Vance Hobbs (COE)
Joe DaVia (COE)
Amanda Sigillito (MDE)
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Bonnie Locking (NEA)



Maryland Department of Planning
Maryland Historical Trust



Robert L. Ehrlich, Jr.
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Secretary

Florence B. Burian
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December 1, 2006

Ms. Joanne Wachholder
Project Manager
Federal Energy Regulatory Commission
888 First St. NE
Washington, D.C. 20426

Re: Phase I Cultural Resources Survey for Sparrows Point LNG/Mid-Atlantic Express Pipeline Project – Cecil, Harford, and Baltimore Counties, Maryland Department of Planning

Dear Ms. Wachholder:

The Maryland Historical Trust (MHT) recently received a copy of the draft interim report on the Phase I archeological survey that is being conducted for the above-referenced project. The document was prepared and submitted by Northern Ecological Associates, Inc. (NEA) on behalf of the AES Corporation. We have carefully reviewed the draft report in accordance with Section 106 of the National Historic Preservation Act and §§ 5A-325 and 5A-326 of the State Finance and Procurement Article and are writing to provide our comments regarding the draft itself and potential effects on historic properties.

Terrestrial Archeology: The draft report, *Phase I Archeological Survey Report: Sparrows Point LNG/Mid-Atlantic Express Pipeline Project, Cecil, Harford, and Baltimore Counties, Maryland – Docket #: PF06-22-000*, presents much of the necessary information on the goals, methods, results, and recommendations of the Phase I survey in accordance with the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). Please note, however, that the following items must be addressed in the preparation of the final document.

- The archeological sites that were identified by the Phase I survey must be referenced by their appropriate Maryland inventory numbers throughout the text of the report (rather than by the numbers that currently appear in the document – 06-BA-01 etc...).
- All maps included as part of Figure 2 must be labeled with the appropriate quadrangle name(s), and each of these maps must also illustrate the location of all excavated shovel test pits (including radials).
- The report should also include artifact density and distribution maps, particularly for the areas containing newly identified sites.
- If possible, the report should also specify the repository that will permanently curate all of the material remains and field records generated by the cultural resource investigations that are being conducted for the proposed undertaking.
- The second name in the County column in Table 5 (page 36) should be corrected to read “Harford” rather than “Hartford.”

- Please note that the text (on page 32) indicates that 06-HA-01 has been identified as an isolated find and requires no further investigation. Table 5 (on page 36), however, indicates that 06-HA-01 constitutes a site and has been identified as a prehistoric lithic scatter. If NEA has, in fact, determined that 06-HA-01 is a site but requires no further investigation, then the report must include an appropriate justification and statement regarding the site's ineligibility for the National Register of Historic Places.
- As noted in the *Standards and Guidelines*, the qualifications of the principal investigator must be included in the report as an appendix.
- The final report should be double-sided, as this practice will conserve space in the MHT Library.

We understand that NEA staff were unable to gain access to certain portions of the project area prior to the submittal of the draft Phase I report. NEA has acknowledged, however, that several of these areas (particularly Segment 4, located in the vicinity of the North Point Battlefield site, 18BA455) will need to be surveyed to complete the Phase I investigation, and we understand that NEA plans to submit supplemental Phase I reports as these surveys are concluded. Once all Phase I investigations have been completed and all supplemental reports have been reviewed by MHT, a full and comprehensive Phase I report should be produced and submitted in accordance with the reporting requirements of the *Standards and Guidelines*.

The Phase I survey has so far consisted of both surface survey and the excavation of 3,122 shovel test pits and has resulted in the identification of four archeological sites and eight isolated finds (as outlined in Table 5 of the draft report). Attachment 1 lists each of the four sites along with our recommendations regarding the need for additional archeological investigations. In short, we are recommending that Phase II evaluative testing be conducted (prior to construction) at three of the sites that were identified during the Phase I study. The Phase II effort must be sufficient to: a) identify the sites' vertical and horizontal boundaries; b) interpret the sites' cultural affiliations, functions, and significance; c) evaluate the sites' integrity; d) conclusively determine the sites' eligibility for the National Register of Historic Places; and e) define the need for further archeological work. The investigations must be undertaken by a qualified professional archeologist and performed in accordance with the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). Based on the investigation's results, we will be able to determine whether or not the project will have an effect on National Register eligible archeological resources and make appropriate recommendations regarding measures to avoid, reduce, or mitigate any effects. Implementation and review of the Phase II research should be closely coordinated with our office, and we will be happy to provide guidance on the recommended work.

Underwater Archeology: We are satisfied with the results of the marine archeological survey as undertaken by the subconsultant, R. Christopher Goodwin and Associates, Inc., and their recommendations for no further action. We had some concerns about an apparent anomaly external to the periphery of the survey area but within the area affected by the overall project, however, these were allayed by a conversation with the survey

archeologists. We are requesting, however, that we be provided with a bound copy of the survey report, when it becomes available.


Historic Built Environment: As noted in our July 5, 2006 letter, we believe that the proposed undertaking may have the potential to have direct and/or visual effects on nearby historic buildings or structures, including some that have not yet been documented or evaluated in regard to their eligibility for the National Register of Historic Places. We therefore requested that we be provided with the following items:

- Drawings and/or a written scope of work illustrating any plans to construct, demolish, or remodel buildings or structures.
- Photographs (print or digital) of the project site including images of all buildings and structures that may be affected by the project.
- A defined Area of Potential Effect (APE) for both direct and visual effects on the historic built environment.

We understand that these materials are currently being prepared for submittal, and we look forward to receiving them when they become available.

The Phase I survey conducted by NEA has generated important information regarding the identification of resources within the proposed project area. We appreciate the conscientious efforts that are being made by the AES Corporation to recover this information and to consider the effects that the proposed pipeline and associated facilities may have on both archeological resources and the historic built environment. We look forward to further consultation as project planning and Phase II investigations proceed, and we also look forward to receiving a copy of the complete Phase I report, when it becomes available. If you have any questions or require additional information, please do not hesitate to contact either Dr. Dixie Henry (for terrestrial archeology) at 410-514-7638 or dhenry@mdp.state.md.us, Dr. Susan Langley (for underwater archeology) at 410-514-7662 or slangley@mdp.state.md.us, or Jonathan Sager (for historic built environment) at 410-514-7636 or jsager@mdp.state.md.us. Thank you for providing us with this opportunity to comment.

Sincerely,



Elizabeth L. Cole
Administrator
Project Review and Compliance

Attachment

DLH/JES/SL/200603213

cc: Joe DaVia (COE)
Amanda Sigillito (MDE)
Bob Rosenbush (MDP)
Vincent B. Dick (Haley & Aldrich)
Bonnie L. Locking (NEA)

ATTACHMENT 1
MHT Recommendations for Archeological Sites Identified During Phase I Survey
Sparrows Point LNG/Mid-Atlantic Express Pipeline Project Area
Baltimore, Harford, and Cecil Counties, Maryland Department of Planning

Site Number	National Register Status	Recommended Action
06-BA-01	Insufficient data	Phase II
06-HA-01	Ineligible	No further study
06-HA-04	Insufficient data	Phase II
06-CE-01	Insufficient data	Phase II

ATTACHMENT 1**MHT Recommendations for Archeological Sites Identified During Phase I Survey
Sparrows Point LNG/Mid-Atlantic Express Pipeline, Baltimore, Harford, and Cecil Counties, MD**

Site Number	Site Type	National Register Status	Recommended Action
18BA550	Prehistoric lithic scatter	Insufficient data	Phase II
18HA292	Prehistoric lithic scatter	Insufficient data	Phase II
18HA291	Prehistoric lithic scatter	Insufficient data	Phase II
18CE361	Prehistoric lithic scatter	Insufficient data	Phase II
18CE153	Prehistoric lithic scatter	Insufficient data	Phase II



**Maryland Department of Planning
Maryland Historical Trust**

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April 23, 2007

Ms. Joanne Wachholder
Project Manager
Federal Energy Regulatory Commission
888 First St. NE
Washington, D.C. 20426

Re: Supplemental Phase I Archeological Investigations for Sparrows Point LNG/Mid-Atlantic Express Pipeline Project - Cecil, Harford, and Baltimore Counties, Maryland - Docket #: PF06-22-000

Dear Ms. Wachholder:

The Maryland Historical Trust (MHT) recently received a copy of the draft addendum report on the supplemental Phase I archeological studies that have been conducted for the above-referenced project. The document was prepared and submitted by NEA on behalf of the AES Corporation. We have carefully reviewed the draft addendum report in accordance with Section 106 of the National Historic Preservation Act and §§ 5A-325 and 5A-326 of the State Finance and Procurement Article and are writing to provide our comments regarding effects on historic properties.

Terrestrial Archeology: The draft addendum report, *Addendum Phase I Archaeological Investigation Report: Sparrows Point LNG/Mid-Atlantic Express Pipeline Project, Cecil, Harford, and Baltimore Counties, Maryland*, presents the necessary information on the goals, methods, results, and recommendations of the supplemental Phase I studies and is consistent with the reporting requirements of the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). Please note, however, that the following items should be addressed in the preparation of the final document:

- The typographical error on the title page ("inestigation") should be corrected to read "investigation."
- The final report should specify the repository that will permanently curate all of the material remains and field records generated by the cultural resource investigations that are being conducted for the proposed undertaking.
- A Maryland Inventory of Historic Properties UPDATE form for site 18CE153 should be included as an appendix.

We understand that NEA staff have still been unable to gain access to certain portions of the project area. NEA has acknowledged, however that these areas (particularly Segment 4, located in the vicinity of the North Point Battlefield site, 18BA455) will need to be surveyed to complete the Phase I investigation, and we understand that NEA will submit yet another supplemental Phase I report when the survey has been concluded. As noted in our December 1, 2006 letter, a full and comprehensive Phase I report must be produced and submitted in accordance with the reporting requirements of the *Standards and Guidelines* once all Phase I investigations have been completed and all supplemental reports have been reviewed by MHT.

The supplemental Phase I studies that were carried out during October of 2006 consisted of both surface survey and the excavation of 135 shovel test pits. To date, 39.49 miles of the 47.21 mile long project area has been surveyed for archeological resources. The supplemental work revealed that a portion of a previously identified prehistoric site (18CE153) is located within the proposed pipeline's Area of Potential Effects (APE). The site appears to contain the remains of a short-term resource procurement camp that may have been repeatedly occupied during the Late Archaic and Late Woodland periods. As a result of these findings, NEA has recommended that a Phase II investigation be conducted at site 18CE153. Based on the information presented in the addendum Phase I report, we concur that additional investigations are needed to interpret the site's boundaries and determine the eligibility of the resource for the National Register of Historic Places. Attachment 1 lists *all* of the sites that have been identified to date within the

APE along with brief site descriptions and our recommendations regarding the need for further investigations. The Phase II efforts must be sufficient to: a) identify the sites' vertical and horizontal boundaries; b) interpret the sites' cultural affiliations, functions, and significance; c) evaluate the integrity of each site; d) conclusively determine the sites' eligibility for the National Register of Historic Places; and e) define the need for further archeological work. The investigations must be undertaken by a qualified archeologist and performed in accordance with the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994).


Based on the investigation's results, we will be able to determine whether or not the project will have an effect on National Register eligible archeological resources, and make appropriate recommendations regarding measures to avoid, reduce, or mitigate any such effects. Implementation and review of the Phase II research should be coordinated with our office, and we will be happy to provide guidance on the recommended work.

Please note that the addendum Phase I report has also provided additional information on site 18HA291, which was mistakenly identified in the initial Phase I report as an isolated find (06-HA-01). As indicated in Attachment 1, we now concur that Phase II evaluative testing is, in fact, warranted at this site.

Underwater Archeology: This office also recently received the draft report, *Phase I Marine Archeological Remote Sensing Survey of a 600.0 x 300.0 Ft (182.9 x 91.4 M) Turning Basin Area for the Sparrows Point LNG Dock and Facility Project Baltimore Harbor, Baltimore County, Maryland*. The latter adequately addresses the concerns expressed by this office with respect to the area in question. Some minor editorial comments have been forwarded to R. Christopher Goodwin and Associates, Inc. for inclusion in the final version of this report.

We continue to appreciate the conscientious efforts that are being made by the AES Corporation to identify historic properties located within the project area and consider the effects that the proposed undertaking may have on both archeological resources and the historic built environment. We look forward to further consultation as project planning and Phase II investigations proceed, and we also look forward to receiving a copy of the complete Phase I report, when it becomes available. If you have any questions or require additional information, please do not hesitate to contact either Dr. Dixie Henry (for terrestrial archeology) at 410-514-7638 or dhenry@mdp.state.md.us, Dr. Susan Langley (for underwater archeology) at 410-514-7662 or slangley@mdp.state.md.us, or Jonathan Sager (for historic built environment) at 410-514-7636 or jsager@mdp.state.md.us. Thank you for providing us with this opportunity to comment.

Sincerely,



Elizabeth J. Cole
Administrator
Project Review and Compliance

Attachment
DLH/SL/200700846

cc: Joe DaVia (COE)
Amanda Sigillito (MDE)
Rick Ayella (MDE)
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Bonnie L. Locking (NEA)