



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Eastern Regional Office
545 Marriott Drive, Suite 700
Nashville, TN 37214

Trust Services
Natural Resources

FEB 29 2008

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

**RE: Motion to intervene and comments on environmental issues for the
proposed Downeast Liquid Natural Gas Project (Docket No. CP07-53-001)**

Dear Secretary Bose:

The Bureau of Indian Affairs (BIA) appreciates the opportunity to provide comments on environmental issues and to intervene on the proposed Downeast Liquid Natural Gas (LNG) Project (Docket No. CP07-53).

The BIA has broad obligations under the laws of the United States to protect and preserve Indian trust resources.

The Downeast LNG Project is located along the St. Croix River in eastern Maine, an area of long occupancy of the Passamaquoddy Indian Tribe which has extensive cultural properties, both known and unknown, and resource sites of historic and current fishery importance for the Tribe.

Siting of the proposed pipeline route may have impacts on unknown cultural sites through its ground disturbing and tunneling activities.

The environmental impact statement should include analyses of the potential impacts of both the LNG plant and its associated pipelines on the cultural resources of the Tribe; on the qualitative worth and usage availability of the fishery resources by tribal members; and on any changes in the terrestrial hunting rights of tribal members.

The BIA, in the exercise of its statutory responsibility on behalf of the people of the United States and the Passamaquoddy Indian Tribe, moves to intervene in the above-captioned proceedings pursuant to 18 C.F.R. § 385.214. In support of this motion, the BIA states as follows:

1. The BIA has statutory responsibilities and represents public and Indian interests that are directly affected by the Notice of Intent to prepare an

environmental impact statement for the proposed Downeast LNG Project issued on February 13, 2008.

2. The BIA has broad obligations under the laws of the United States to protect and preserve Indian trust resources; and to protect, develop, restore, and enhance natural resources that are subject to the effects of developments such as this Project.
3. The Project is located within an area which the Passamaquoddy Tribe, with the two Passamaquoddy Tribal Reservations constituting political subdivisions of the federally-recognized Passamaquoddy Tribe have identified as part of their aboriginal territories and an area to which they attach religious and cultural significance. Consequently, the Project may have an impact on the cultural and religious interests of this Tribe.
4. The grant of intervenor status in this proceeding is appropriate to assist the BIA in participating in the resolution of outstanding concerns regarding the protection of, and mitigation of possible damage to, fish and wildlife resources as well as enhancement of these resources, and the protection of, and mitigation of possible damage to, tribal religious and cultural resources in the area of the Project. It is appropriate to grant intervention to the BIA because other parties will not represent the agencies' statutory responsibilities adequately if intervention is not granted.
5. The Project is located on the St. Croix River in an area historically and extensively used by the Passamaquoddy Indian Tribe and possibly other tribes over hundreds of years.
6. The Project is located along and will use the St. Croix River, a major tributary in Maine within which the Passamaquoddy Indian Tribe has extensive fishing and hunting rights. Consequently, any actions taken at this Project would have a significant impact on the ability of the BIA to execute its public and trust responsibilities.
7. The Project may also have an effect on wetland habitats and may impact the water quality and quantity in the surrounding area.
8. For the foregoing reasons, it is submitted that: (1) the BIA is authorized to participate in these proceedings; (2) the BIA has interests, which shall be directly affected by the outcome of these proceedings; and (3) the BIA's participation is in the public interest.

9. All notices in this matter should be served upon the following:

Dr. James Kardatzke
Bureau of Indian Affairs – Eastern Region
545 Marriott Drive, Suite 700
Nashville, TN 37214

If you have any questions or need additional information, please contact Dr. James Kardatzke, BIA, at (615) 564-6830.

Sincerely,

A handwritten signature in dark ink, appearing to read "MullinKee", is written over the typed name. The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Director, Eastern Region

CC: Service List

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding this 29th day of February, 2008.

James T. Kardatzke