

meaningful environmental analysis that NEPA requires. Dominion's construction and other land and water disturbing activities will adversely affect ecologically important resources in which Intervenors and their members have a significant interest. Noise, dust, and traffic from construction activities will disturb and harm the community living adjacent to the Project's construction areas. Thus, unless a stay is granted, Intervenors, through their members who live and recreate near the construction areas, will be irreparably harmed.

Initial construction and clear-cutting will change the forested area off of Maryland Route 2/4 permanently. At this area, known as Offsite Area A, Dominion has been authorized to clear-cut nearly 100 acres of forest to make room for a construction staging ground, a parking lot for 1,700 cars, and temporary offices. Dominion also has been authorized to begin building a 40-foot wide, 166-foot long pier into the Patuxent River, at an area called Offsite Area B. Building the pier will alter the bed of the river and degrade water quality. Clearing and grading the land near the pier brings with it all of the increased noise and dust typically associated with construction activities. The in-water work also will limit access to the Patuxent River, to the detriment of Intervenors' members who enjoy paddling and fishing in the river. Preconstruction activities at the planned export terminal site will subject individuals living in close proximity to degraded air quality and increased noise and traffic.

Dominion's planned construction activities will turn upside down the quiet lives of many in Calvert County. Calvert County is a largely rural community, filled with rivers and creeks, located between the Patuxent River and the treasured Chesapeake Bay. It is home to historic Solomons, a quaint maritime community bordering the Patuxent River. Clear-cutting nearly 100 acres of forest, and constructing a large pier that will jut out into the Patuxent River, will have significant impacts on this rural community. The damage to the environment, and Intervenors'

members lives, from Dominion's construction activities will be both irreversible and impossible to monetize.

In contrast, Dominion will suffer comparatively little harm and inconvenience by temporarily halting construction and pre-construction activity until the impacts of its actions are understood properly. Compliance with the law is a cost of doing business that does not trump the interest costs to the environment and the welfare of Intervenors' members. Accordingly, the balance of the harms weighs in favor of granting the stay pending rehearing. Moreover, NEPA's environmental review process plays an essential role in protecting the public from the danger of uninformed decision-making, and it is therefore in the public interest that Dominion's premature construction and site preparation activities be stayed while Intervenors seek to compel an adequate environmental review.

Because Dominion has begun grading and site preparation activities at Offsite Area B on the Patuxent River and asked to begin extensive construction activities, including clearing trees, demolishing buildings, and burying utility lines, by October 16, 2014, Intervenors request a decision on this motion as soon as possible.

I. Factual Background

On April 1, 2013, Dominion filed an application with FERC seeking authorization to construct, install, modify, own, operate, and maintain facilities for liquefaction and export of natural gas at Cove Point, Maryland, and for a Certificate of Public Convenience and Necessity. Patuxent Riverkeeper, Sierra Club, and other intervenors, filed comments on Dominion's application on May 3, 2013, Comment of Sierra Club et al. under CP13-113, Docket CP13-113 Accession No. 20130503-5215 (May 3, 2013), and CCAN submitted comments on October 23, 2013, Comment of Chesapeake Climate Action Network under CP13-113, Docket CP13-113,

Accession No. 20131023-5087 (Oct. 23, 2013). On May 15, 2014, FERC issued the Environmental Assessment (“EA”), with a recommended finding that, with appropriate mitigation, Dominion’s Project would not significantly impact the environment, a finding called a mitigated “Finding of No Significant Impact.” EA for the Cove Point Liquefaction Project, Docket CP13-113, Accession No. 20140515-4002, 186 (May 15, 2014). Patuxent Riverkeeper, Sierra Club, CCAN, and other intervenors submitted comments on the EA, questioning the Commission’s conclusion that Dominion’s Project would have minimal impacts on the environment. Comment of Sierra Club, et al., under CP13-113 re. EA, Docket CP13-113, Accession No. 20140616-5269 (June 16, 2014).

On September 29, 2014, FERC issued an Order granting Dominion Authorizations under NGA Section 3 to construct, modify, and operate LNG liquefaction and terminal facilities to export domestically-produced natural gas, and under NGA Section 7 to construct, install, own, operate, and maintain facilities associated with the Cove Point Pipeline to transport natural gas to the LNG terminal. Order Granting Section 3 and Section 7 Authorizations, Docket CP13-113-000, Accession No. 20140929-3053 (Sept. 29, 2014).

On September 30, 2014, Dominion filed two requests with FERC to commence construction and clearing activities at Offsite Area B and to move heavy equipment onto existing graveled areas at the LNG Terminal site. Supplemental Information – Implementation [sic] Plan for Offsite Area B of Dominion Cove Point LNG, LP, Docket CP13-113, Accession No. 20140930-5346 (Sept. 30, 2014); Request for Approval for Activities at the LNG Terminal of Dominion Cove Point LNG, LP, Docket CP13-113, Accession No. 20140930-5366 (Sept. 30, 2014). Patuxent Riverkeeper, Sierra Club, CCAN, and other intervenors asked the Commission to deny the request to begin the limited construction activities because of significant deficiencies

in Dominion's implementation plan. Opposition to Request to Commence Construction under CP13-113, Docket CP13-113, Accession No. 20141003-5235 (Oct. 3, 2014). On October 3, FERC approved Dominion's request, and allowed Dominion to begin work at Offsite Area B, and to bring construction equipment to the terminal site. Letter [sic] Order Approving Dominion Cove Point LNG, LP's 9/30/14 Request Proceed with the Activities and Use of Offsite Area B and the Paved/Graveled Areas of Your Existing Liquefied Natural Gas (LNG) Terminal in Calvert County, Maryland under CP13-113, Docket CP13-113, Accession No. 20141003-3002 (Oct. 3, 2014).

On October 2, 2014, Dominion requested permission to commence clearing the land at Offsite Area A; install storm sewers at the LNG terminal and Offsite Area A; and build a retaining wall, bury utility lines, and demolish buildings at the LNG terminal, by October 16, 2014. Supplemental Information - IP for Initial Site Prep at Terminal and Offsite Area A of Dominion Cove Point LNG, LP under CP13-113, Docket CP13-113, Accession No. 20141002-5165 (Oct. 2, 2014). On October 8, 2014, Dominion sought approval to modify structures at its existing terminal site and work on upgrades to the tunnel to the offshore LNG pier by November 7, 2014. Supplemental Information - Implementation Plan for LNG Terminal: Volumes 5, 6, and 7 of Dominion Cove Point LNG, LP under CP13-113, Docket CP13-113, Accession No. 20141008-5173 (Oct. 8, 2014). On October 14, 2014, Dominion requested approval to begin building the foundations at the LNG terminal, and construct underground mechanical and electrical services by November 13, 2014. Supplemental Information – Implementation Plan for LNG Terminal: Volumes 8 and 9 of Dominion Cove Point LNG, LP under CP13-113, Docket CP13-113, Accession No. 20141014-5369 (Oct. 14, 2014).

On October 15, 2014, pursuant to Commission Rule 713, Intervenor requested that the Commission reconsider its decision to grant the Section 3 and Section 7 Authorizations without first preparing an Environmental Impact Statement that analyzed the full breadth of environmental impacts associated with the Project, and without conducting an adequate review of the Project's impacts under the Endangered Species Act. *See* Patuxent Riverkeeper et al., Request for a Rehearing under CP13-113, Docket CP13-113, filed concurrently with this Motion for Stay (Oct. 15, 2014).

As of October 7, 2014, Dominion commenced construction activities at Offsite Area B on the banks of the Patuxent River. Supplemental Information - Notification of Construction at Offsite Area B of Dominion Cove Point LNG, LP under CP13-113, Docket CP13-113, Accession No. 20141009-5160 (Oct. 9, 2014). Dominion plans to complete all in-water work at Offsite Area B by December 15, 2014. Supplemental Information - Implementation Plan for Offsite Area B of Dominion Cove Point LNG, LP under CP13-113, Docket CP13-113, Accession No. 20140930-5346, at 1 (Sept. 30, 2014). If this stay is not granted, Dominion soon will commence clear-cutting the 90 acres of forested land located at Offsite Area A; installing storm sewers and beginning other construction at the terminal site and Offsite Area A; demolishing buildings, building foundations, and constructing underground mechanical and electrical services at the LNG terminal site; and digging up the ground to bury utility lines. *See* Supplemental Information - IP for Initial Site Prep at Terminal and Offsite Area A of Dominion Cove Point LNG, LP under CP13-113, Docket CP13-113, Accession No. 20141002-5165 (Oct. 2, 2014); Supplemental Information – Implementation Plan for LNG Terminal: Volumes 8 and 9 of Dominion Cove Point LNG, LP under CP13-113, Docket CP13-113, Accession No. 20141014-5369 (Oct. 14, 2014).

Construction activities planned for Offsite Area B will cause irreversible harm to Intervenors' members who recreate in the Patuxent River. Dominion's plans to move forward with additional work at Offsite Areas A and the LNG terminal—by tomorrow for some activities—will significantly interfere with Intervenors' members' enjoyment of their homes and outdoor areas, and these harms will increase as Dominion continues Project development. For the reasons set forth below, Intervenors now seek a stay of the Order and any Project construction pending the Commission's review of the Order on rehearing.

II. Justice Requires the Commission to Stay Its Order.

Pursuant to the Administrative Procedure Act, the Commission has the authority to stay its actions when “justice so requires.” 5 U.S.C. § 705. In reviewing a request for a stay, the Commission will consider: (1) whether the party requesting the stay will suffer irreparable injury without a stay; (2) whether issuing the stay may substantially harm other parties; and (3) whether the stay is in the public interest. *See Ruby Pipeline, L.L.C.*, 134 FERC ¶ 61,020, ¶ 15 (Jan. 12, 2011). Here, justice requires granting Intervenors' request for a stay of the Order—without it, Intervenors and their members will be left without an adequate remedy at law to address their injuries. Construction will permanently destroy environmental resources—including forested area at Offsite Area A—that are important to Intervenors and their members. Intervenors' members will lose access to the Patuxent River, near the gateway to historic Solomons, a favored area for paddlers, and will be subject to noise, dust, and the other assaults of construction, while Dominion will experience only a temporary delay in beginning the Project.

A. A Stay Is Necessary to Avoid Irreparable Injury.

Absent a stay pending review of the Commission's Order on rehearing, Intervenor organizations, through their members, will suffer irreparable injury. Under the standard for

preliminary injunctive relief—which the Commission has applied to its assessment of requests for administrative stays—an injury is irreparable if it is “both certain and great,” as well as “actual and not theoretical,” not “something merely feared as liable to occur at some indefinite time.” *Wisconsin Gas Co. v. Fed. Energy Regulatory Comm’n*, 758 F.2d 669, 674 (D.C. Cir. 1985). Here, there is no doubt that Dominion’s planned construction will cause irreparable injury to Intervenors’ members.

Harm to one’s interest in the environment is almost always irreparable as damage to the environment “by its nature, can seldom be adequately remedied by money damages and is often permanent or at least of long duration, *i.e.*, irreparable.” *Amoco Prod. Co. v. Vill. Of Gambell*, 480 U.S. 531, 545 (1987). Without a stay, Dominion will continue to implement its initial phases of the Project, including clearing nearly 100 acres of forest at Offsite Area A, and driving piles into the bed of the Patuxent River.¹ There is no dispute that these actions will result in extensive environmental damage that will permanently change the natural features of Calvert County. *See, e.g., League of Defenders/Blue Mountains Biodiversity Project v. Connaughton*, 752 F.3d 755, 764 (9th Cir. 2014) (finding that the logging of thousands of mature trees “cannot be remedied easily if at all” because “[n]either the planting of new seedlings nor the paying of money damages can normally remedy such damage.”); *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011) (finding that injury to one’s “ability to view, experience, and utilize [recreational areas] in their undisturbed state” was irreparable and weighed in favor of a stay). Permanently altering the natural landscape in Calvert County injures Intervenors’ members, who enjoy seeing the forested area at Offsite Area A, and enjoy paddling and fishing

¹ Dominion has begun work to grade the land at Offsite Area B, but plans more extensive in-water work to be completed by December 15, 2014. Supplemental Information - Notification of Construction at Offsite Area B of Dominion Cove Point LNG, LP under CP13-113, Docket CP13-113, Accession No. 20141009-5160 (Oct. 9, 2014); Supplemental Information - Implementation [sic] Plan for Offsite Area B of Dominion Cove Point LNG, LP under CP13-113, Docket CP13-113, Accession No. 20140930-5346 (Sept. 30, 2014).

in the Patuxent River. *See* Declaration of Kenneth Hastings (“Hasting Decl.”), attached hereto as Exhibit 1; Declaration of Rachel Heinhorst (“Heinhorst Decl.”), attached hereto as Exhibit 2; Declaration of Holly Herzog (“Herzog Decl.”), attached hereto as Exhibit 3; Declaration of David Linthicum (“Linthicum Decl.”), attached hereto as Exhibit 4; Declaration of Tracy McCullough (“McCullough Decl.”), attached hereto as Exhibit 5.

Dominion’s construction activities also will harm Intervenors’ members’ ability to enjoy their homes and their quiet lives in Calvert County. Construction at the LNG terminal site, Offsite Area B on the shores of the Patuxent River, and in the forest at Offsite Area A, threatens to undermine Calvert County residents’ quality of life. Construction will be noisy, contribute to air pollution, and increase truck traffic to the areas where Intervenors’ members live and recreate. Over the next several months, Dominion plans on conducting extensive construction in all three areas, including demolishing a building and conducting foundation and hydrostatic testing work at the LNG terminal; dismantling and burying utility lines; installing sewer systems and other infrastructure at Offsite Area A and the terminal site; and grading and clearing the land next to the Patuxent River at Offsite Area B and ultimately driving piles into the river to construct the pier.

All this construction will require heavy machinery and will result in excessive noise, dust, and ground disturbance in normally quiet areas—including the residential community along Cove Point Road, and the historic Solomons community bordering the Patuxent River. Intervenors’ members living near the terminal site will be kept awake at night, or be otherwise disturbed, by the construction noise. Herzog Decl.; Heinhorst Decl.; McCullough Decl. Some members are afraid of allowing their children to recreate outside, where they could be hit by additional truck traffic. Herzog Decl. Members who previously enjoyed paddling, fishing, and

swimming in the Patuxent River and Chesapeake Bay are concerned that clearing the land and building the pier at Offsite Area B will interfere with their enjoyment of the otherwise quiet river, and impair water quality. Hastings Decl.; Herzog Decl.; Linthicum Decl.; McCullough Decl. The soil disturbance and increased dust and noise, along with the other aesthetic injuries from construction are irreparable, because they cannot be compensated with monetary damages, even if the impacts will only last for the construction period. *See San Luis Valley Ecosystems Council v. U.S. Fish & Wildlife Serv.*, 657 F.Supp.2d 1233, 1241 (D. Colo. 2009).

If the Commission does not grant a stay pending review of the Order on rehearing, Dominion will be able to complete extensive construction work in advance of a decision on the adequacy of the review of the Project's impacts on the environment. If construction is allowed to continue, Intervenor's members who live in the immediate vicinity of the proposed Project areas will suffer irreparable harm, including the irretrievable loss of pristine forest lands,² extensive ground disturbance in close proximity to their homes, and irreversible changes to the banks and river bottom of the Patuxent River.³ The construction at all areas will interfere with their access to outdoor recreation, alter the unique character of their rural community, and devalue their property. *See* Hastings Decl.; Heinhorst Decl.; Holly Herzog Decl.; Linthicum Decl.; McCullough Decl.

While the Order adopts the recommendation of the EA and concludes that the Project "would not have a significant impact on the quality of the human environment," Order ¶ 275,

² Intervenor's note that, while this would be inadequate to remedy the loss of the 90 plus acres of forest Dominion will clear at Offsite Area A, Dominion does not even plan to reseed the entirety of Offsite Area A. Forest Mitigation Plan for Offsite Area A of Dominion Cove Point LNG, LP under CP13-113, Docket CP13-113, Accession No. 20140411-5269 (Apr. 11, 2014). Instead, Dominion intends to preserve only 13 acres of forest at Offsite Area A. Dominion's remaining preservation efforts will occur at other sites. *Id.*

³ While Dominion plans on dismantling the Patuxent pier after the construction period, it cannot guarantee that it will remove all of the piles, and may leave some embedded in the floor of the Patuxent, where they may interfere with wildlife. EA at 13, 28-29.

neither the finding of no significant impact nor the proposed mitigation measures diminish Intervenor's claims of irreparable injuries. To find otherwise would make it effectively impossible for a party challenging the adequacy of an environmental review ever to secure a stay pending the resolution of such a challenge. The purpose of a stay is to preserve the *status quo* pending the Commission's review of its decision. *See, e.g., Alaska v. Andrus*, 580 F.2d 465, 485 (D.C. Cir. 1978), *vacated in part on other grounds sub nom. W. Oil & Gas Ass'n v. Alaska*, 439 U.S. 922 (1978) ("By maintaining the *Status quo* [sic], while additional environmental studies are performed, or additional alternatives are considered, an injunction ensures that there will be at least a possibility that the agency will change its plans in ways of benefit to the environment. It is this possibility that courts should seek to preserve." (internal quotations omitted)). The Commission should not prejudge the outcome of Intervenor's Request for Rehearing by allowing construction to proceed before the issues about the inadequacy of the NEPA review are fully resolved. For this reason, when a showing of potential environmental injury is combined with a procedural violation of NEPA, "courts have not hesitated to find a likelihood of irreparable injury." *Brady Campaign to Prevent Gun Violence v. Salazar*, 612 F. Supp. 2d 1, 24 (D.D.C. 2009).

B. The Balance of Equities Favors the Granting of a Stay.

Dominion will not be harmed significantly by a Stay of the Order and Authorization. Any short-term delay to Dominion's construction schedule that would result from the grant of a stay would not outweigh the permanent environmental damages, nor the damage to Intervenor's members' health and welfare from suffering through a noisy and air-polluting construction period, that would occur absent a stay. *See Citizen's Alert Regarding the Env't v. U.S. Dep't. of Justice*, No. 95-1702 (GK), 1995 WL 748246, *11 (D.D.C. Apr. 15, 1995) (finding that potential

loss of revenue, jobs, and monetary investment that would be caused by project delay did not outweigh “permanent destruction of environmental values that, once lost, may never again be replicated”). Dominion’s proposed construction will permanently alter the rural landscape in Calvert County. Clearing nearly 100 acres of forest will denude the landscape and cut into the area’s rural charm. Heavy construction at Offsite Area B, on the shores of the Patuxent River at the gateway to historic Solomons, will significantly affect many in this quiet, maritime community. The short term delay to ensure that Dominion’s project complies with the law is a normal part of doing business, not a grievous harm. This delay does not trump the costs that will be borne by Intervenors’ members and the public if construction goes forward before the Commission answers serious questions about whether the legally-mandated environmental review was sufficient.

C. A Stay Is in the Public Interest.

The public interest weighs heavily in favor of preventing irreparable harm to the environment and the community. The grant of Intervenors’ request for a stay will preserve existing conditions pending review of the adequacy of a lead agency’s analysis of the environmental impacts of a major federal action, thus promoting the goals of NEPA. In enacting NEPA and demanding compliance “to the fullest extent possible,” Congress has underscored the public interest in fully vetting environmental consequences of federal actions. *See* 42 U.S.C. § 4332.

For the people living in Calvert County, the stakes are high. Members of Intervenors’ organizations live and recreate near one or more of the three sites slated for construction, and will be impacted directly by Dominion’s disruptive and harmful activities at those sites. The destruction of almost 100 acres of wooded land at Offsite Area A will permanently alter the

natural landscape of the area. The land grading and in-water construction on the Patuxent River near Offsite Area B will irreversibly alter the river banks and bed, and significantly mar Intervenor's aesthetic and recreational enjoyment of this maritime community. Grading the land next to the river will kick up dust and dirt, and interfere with the serene quality of historic Solomons. In addition, for those who live near the Dominion terminal facility, construction and utility line work near the LNG terminal will cause a significant increase in noise, air pollution, traffic, and the presence of heavy machinery on residential streets near the site, which permanently will alter the experience of living in homes near the site.

As the D.C. Circuit recognizes, NEPA is “an extremely important statutory requirement to serve the public and the agency *before* major federal actions occur.” *Found. on Econ. Trends v. Heckler*, 756 F.2d 143, 157 (D.C. Cir. 1985) (emphasis in original); *see also Brady Campaign to Prevent Gun Violence*, 612 F. Supp. 2d at 24 (citing to *id.*); *Ctr. for Biological Diversity v. Bureau of Land Mgmt.*, 937 F. Supp. 2d 1140, 1157 (N.D. Cal. 2013) (“[T]he basic thrust of NEPA is to require that agencies consider the range of possible environmental effects before resources are committed and the effects are fully known.”). Therefore, complete, thorough environmental review is in the public’s interest. To allow construction to continue while Intervenor’s appeal is heard would contravene NEPA’s entire purpose, and deprive Intervenor and their members of the chance to obtain a full remedy under the law. Because Intervenor seeks to compel the Commission to follow federal laws designed to protect the environment, and because granting a stay pending review of the Order on rehearing would in fact preserve existing environmental resources and the rural and quiet community character, the granting of the stay would serve the public interest.

III. Conclusion

For all the reasons set forth above, Intervenors request that the Commission grant a stay pending review of the Order on rehearing and prohibiting Dominion from commencing any construction or land-disturbing activities until the Commission completes its review of the Order on rehearing.

Respectfully submitted on this 15th day of October, 2014,

/s/ Jocelyn D'Ambrosio and Moneen Nasmith

Jocelyn D'Ambrosio
Moneen Nasmith
Deborah Goldberg
Earthjustice
48 Wall Street, 19th Floor
New York, NY 10005
Phone: 212-845-7376
jdambrosio@earthjustice.org
mnasmith@earthjustice.org
dgoldberg@earthjustice.org

Counsel for:
Sierra Club
EarthReports, Inc. (dba Patuxent Riverkeeper)

Diana Dascalu-Joffe
Chesapeake Climate Action Network
Phone: (240) 396-1984
diana@chesapeakeclimate.org

Exhibit 1

DECLARATION OF KENNETH HASTINGS

1. I, Kenneth Hastings, set forth that I am over the age of 18 years and am competent to attest to the facts contained in this Affidavit.

2. I have been a member in good standing of Patuxent Riverkeeper, a nonprofit watershed protection group, for approximately 8 years and have paid and renewed my annual dues consistently.

3. I am an active volunteer at Patuxent Riverkeeper, having contributed countless hours to projects to improve water quality and conserve the living resources while helping to maintain the Patuxent Water Trail, which provides free and safe public access to the river for citizens.

4. I reside in the Patuxent Watershed at 39044 Holly Drive; Mechanicsville, MD 20659.

5. I am an avid boater, angler, and user of the Patuxent River for both recreational and stewardship purposes. I frequently pursue these activities in Solomons, Maryland, in the area where Dominion plans to construct a pier to receive heavy construction materials

6. Constructing a 40-foot wide pier that extends 166 feet into the Patuxent River, right near the base of the Thomas Johnson Bridge, will greatly impair my customary uses of the river.

7. The presence of heavy construction equipment, pile driving equipment, and other construction materials on the land near the pier will interfere with the views of the otherwise scenic Solomons area.

8. The in-water work to construct the pier, and the imminent shipping to the pier, will interfere with my boating and angling by restricting water access to the existing publicly funded boat ramps adjacent to the bridge.

9. Moreover, I believe the living and marine resources in the vicinity of the construction will be adversely effected. This includes harvesting areas and fisheries that are already greatly challenged by the onslaught of a wide range of impairments to the river. The pile driving will stir up sediment at the bottom of the Patuxent, which can be harmful to the existing oyster reefs in the immediate area. As an angler, I am concerned that the increased noise and incidental pollution from large commercial vessels will alter the established patterns of movement for fish such as striped bass, white perch, spot, flounder, and croaker that frequent the immediate area.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on October 15, 2014 in Mechanicville, Maryland.



Kenneth Hastings

Exhibit 2

DECLARATION OF RACHEL A. HEINHORST

I, RACHEL A. HEINHORST, declare as follows:

1. I have been a member of the Chesapeake Climate Action Network (“CCAN”) since November 2013. I joined CCAN because I am concerned about climate change and the lasting impact that the nation’s energy policy is having on the environment. In particular, I am concerned that proper precautions are not being taken while organizations like Dominion Cove Point (“DCP”) are putting communities in harm’s way without fully investigating or disclosing the future ramifications of their actions. I feel strongly that the desire to earn short-term profit leads towards the simplest and easiest approaches to creating power when there are other more environmentally desirable alternatives available. CCAN represents not only my environmental concerns but also the concerns I have for the surrounding community and the quality of life experienced there. I feel that CCAN represents the morally defensible position that favors honesty, compassion, and prudence over profit and haste.

2. In addition to my membership in CCAN, I have participated personally in the Federal Energy Regulatory Commission (“FERC”) process about whether to allow DCP to build a terminal to export liquefied natural gas (“LNG”). I attended the May 31st FERC hearing at which I testified in opposition to the DCP’s proposal to build the LNG export terminal and submitted my comments in writing.

3. I live at 2115 Cove Point Road Lusby, Maryland with my husband and children. I have lived at this address for the last seven years. The existing DCP LNG import terminal is located directly across the street from my home. My front door is approximately 100 feet from the front entrance to the facility and my driveway is about 20 feet from theirs.

4. Over the past seven years my family has experienced and been frightened by loud noises from the operations at the facility. We also have occasionally been exposed to gaseous sulfur-like odors emanating from the facility. I am extremely concerned that the FERC authorization of construction of a new LNG export facility will dramatically increase these impacts.

5. Due to the extremely close proximity of my home to the LNG facility, I am able to hear and see all the traffic in and out of the facility. If construction is allowed to proceed, it will cause increased traffic and noise and subject my family to hardship.

6. I live on Cove Point Road and travel on it at least four times a day. The school buses that pick up my children in the morning drive along Cove Point Road. The existing LNG import facility with its attendant industrial-scale traffic has been a safety concern for me. My children travel on the road, and my property is close to the road, so my family and I are often near the industrial-scale traffic, and could be hurt in the event of an accident.. If construction on the LNG export facility is allowed to proceed, I am concerned that industrial-scale traffic will increase in size and frequency along my road. Cove Point Road is quite narrow—only 23 wide—so I am concerned that increasing the oversized, industrial traffic on the road poses a danger to those who use the narrow road, like me and my family, as well as the children living in the area, who like to play outside near the road. I also am concerned that the increased traffic brings with it increased noise that will disturb me and my family.

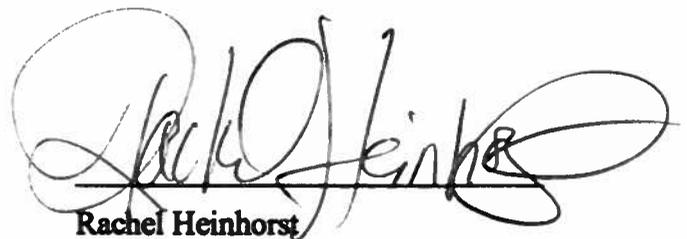
7. My family, along with the other residents of Lusby, enjoys the frequent use of Cove Point Park and Cove Point Beach for outdoor activities such as running, walking, bicycle riding and picnicking. I want to continue to engage in these activities but if construction of a new LNG export facility proceeds, these recreational areas, which are in the vicinity of the facility,

will be impacted by the industrial construction project. During construction, I am concerned that there will be a lot of dust and noise that will make it unpleasant to be outside. When the facility is built, I am concerned that it will be too noisy to be outside.

8. I have spent my entire life enjoying the Chesapeake Bay, including near where the Patuxent River empties into the Bay. My family and I often enjoy boating and swimming and regard the Chesapeake Bay a treasured water body. We intend to continue enjoying the Chesapeake Bay for as long as we are able. However, if construction on the LNG export facility is allowed to proceed, the quality of the water in the Patuxent River will be degraded from the construction of the pier at Offsite Area B. I am concerned that constructing the pier will stir up sediment. I also am concerned about all the ships that will come to the Patuxent River loaded with heavy construction equipment. Once the facility is operational, I am concerned about the increased LNG tanker traffic in the Bay. Additional pollution and ship traffic in the Patuxent River and the Chesapeake Bay will decrease the value of these waters and diminish my enjoyment of them.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on October 14, 2014 in Lusby, Maryland



Rachel Heinhorst

Exhibit 3

DECLARATION OF HOLLY W. HERZOG

I, Holly W. Herzog, declare as follows:

1. I am a member of the Chesapeake Climate Action Network (CCAN). CCAN's mission is to build and mobilize a powerful grassroots movement in Maryland, Virginia, and Washington, D.C. to call for state, national, and international policies that transition our country away from fossil fuels, and toward clean energy sources.

2. Protection of the Chesapeake Bay, and the wildlife and clean water that we enjoy because of the Bay, is a centerpiece of CCAN's mission. CCAN understands that we cannot protect the Chesapeake Bay without actively protecting other areas of Maryland from threats posed by the extraction, piping, and export of natural gas and related infrastructure development. I have been involved personally CCAN's work to preserve the Chesapeake Bay, our vital resource. For example, I have attended CCAN's events focused on protecting the Bay and my community from the proposed Dominion Cove Point (DCP) liquefied natural gas (LNG) export facility.

3. I am a resident of Lusby, Maryland. I have lived in Lusby with my husband and three children since November 2004. I am a homemaker and an active participant in my children's school functions here in Calvert County. I am a military wife and prior to buying our home in Lusby, our family moved around a lot for my husband's naval career. I have lived in my current home the longest of any home since my husband and I got married.

4. Allowing Dominion Cove Point (DCP) to liquefy and export natural gas from its facility would be a big change for me and my family given that we are a retired military family who finally found a real and settled home in the Lusby community. I am very concerned about the controversial natural gas drilling process commonly known as "fracking" and its impacts on

the environment, including impacts that will be directly felt by my family living so close to a facility that will be processing and liquefying massive amounts of fracked natural gas for export.

5. My home is located 1600 feet away from the existing LNG import terminal. I have seen, heard, and felt impacts from the existing LNG import facility here in Lusby for many years and I am very concerned those impacts will increase tremendously now that the Federal Energy Regulatory Commission (FERC) has authorized the construction of the LNG export facility.

6. I can see the existing LNG import facility when driving toward my community on Cove Point Road, which I do on average of two times a day, and will continue to do as long as I live here. I often hear the facility when I am at my home and in the community. Sometimes I even hear the facility at night, when I am trying to sleep. The noise from the existing facility is already impacting my quality of life and health, and I am very concerned that the noise will only get much worse once DCP begins to construct the facility. During construction, DCP will bring in a lot of materials on big, noisy trucks that will rumble through my community. I also will hear the work to construct the facility. I also am very concerned that the noise when the facility is fully operational will be constant, as opposed to the intermittent noise at the existing facility.

7. I am concerned about the immediate danger associated with construction of the new export facility, given that my daughter uses a bus and my teenage son drives on Cove Point Road to get to school. Cove Point Road is a fairly narrow two-lane road, which will now be full of massive trucks carrying construction equipment and materials during the three year construction period. I am concerned for my children's safety on the school bus and for my teenage son since he is a new driver traveling up and down Cove Point Road to get to school. My oldest children sometimes run for cross country training along Cove Point Road, but I do not want them to run on that road when there are lot of trucks in the street.

8. My family will be exposed to increased dust from construction and emissions from the trucks when we drive on Cove Point Road, when we leave our house to get in our cars, and when we open our windows. I am concerned about my family breathing in this pollution, especially my youngest daughter, who has asthma.

9. I'm also concerned about Dominion's plans to clear-cut trees to the west of Route 4, past where Route 4 intersects with Cove Point Road. Dominion has already cut down trees to install a new traffic light and expand the road, and plans to cut down even more trees to support its construction activities. I used to enjoy seeing the forested areas as I drove out to Route 4 on the way to church on Sundays with my family. I already miss seeing the trees that are gone because of the road work, and am upset about Dominion's plans to cut down over 90 more acres of forest.

10. In addition to concerns about construction, I have concerns about the facility's operation. I play tennis at Cove Point park located right next to the LNG facility once a week. My children recreate (play basketball, Frisbee, and attend group gatherings) at the Cove Point park in the summer, and my son runs cross country in Calvert Cliffs state park, which also borders the facility to the north. I am especially concerned about air pollution from the new export facility impacting my family's health and enjoyment of our local parks. My youngest daughter suffers from asthma, and I am very concerned that the increased air pollution from the facility will impact her breathing. I am also aware that natural gas that comes from the fracking drilling process, and will be processed onsite for export at the DCP facility, is laced with mercury and other chemicals which are cancer-causing agents and could expose my family to greater health risks.

11. I am also concerned about increased water pollution to the Chesapeake Bay at the terminal site. My children swim in the Chesapeake Bay at Cove Point beach but we have to stop

now that the increased tanker traffic will mean more water pollution and potential invasive species entering into the Bay from the tankers' ballast water. The increased tanker traffic will also pose a safety hazard for water enthusiasts like me and my family who enjoy boating and fishing at Cove Point beach.

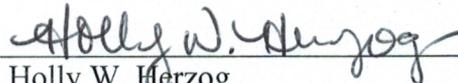
12. What concerns me most about the DCP LNG export project is the direct safety risks to my children, husband, and myself from the highly volatile nature of storing, liquefying, and exporting LNG by tanker at the DCP facility.

13. Since 2005, my children have enjoyed camping with the girl scouts and boy scouts at Bay Breeze, the state park adjacent to Calvert Cliffs. Yet I would be concerned about letting them camp there after the expansion given that there is no sound or vapor wall on that side and only a one lane dirt road for evacuation.

14. I'm concerned that FERC has not considered whether there are other options—including rejecting the project—that would protect me and my family from having to live next to a dangerous facility. I also am concerned that the project will harm not only my property, and my family's health and welfare, but also the surrounding natural resources—the air, water, forests, and wildlife—that make this area the special place it is to me.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on October 14, 2014 in Lusby, Maryland.



Holly W. Herzog

Exhibit 4

DECLARATION OF DAVID LINTHICUM

1. I, David Linthicum, set forth that I am over the age of 18 years and am competent to attest to the facts contained in this Affidavit.

2. I have been a member in good standing of Patuxent Riverkeeper, a nonprofit watershed protection group, for approximately ten years and have paid and renewed my annual dues consistently and made donations in addition to membership dues from time to time.

3. I am an active volunteer at Patuxent Riverkeeper, having contributed countless hours on the river helping to maintain the Patuxent Water Trail, which provides free and safe public access to the river for citizens.

4. I reside on the waterfront of the Patuxent River at 6020 Pindell Road, Bristol, Maryland 20711.

5. I am an avid kayaker and I frequently paddle throughout the Patuxent watershed both for recreational purposes and in the course of my work in orienteering (teaching people how to navigate) and mapping. I often paddle in Solomons, Maryland, in the area immediately adjacent to the location where Dominion plans to construct a pier into the Patuxent River.

6. I design, draw, manufacture and sell maps of the Patuxent River. My maps are the foremost navigational aid used to assist Patuxent paddlers seeking to identify various landmarks and navigational hazards on the Patuxent River. I sell these maps through various web sites and outlets that retail them to the public. I have earned several thousand dollars in income since 2009 from the sales of these maps.

7. The Solomons Boat Ramp (aka Pepper Langley boat ramp) is contiguous with Offsite Area B in Solomons, where Dominion Cove Point LNG, LP ("Dominion") is proposing to construct the pier into the Patuxent River. This site is identified on my maps as a prominent

geographical destination and prime paddle tourism feature on the River. It is described as destination #3(a) in the maps.

8. The presence of construction activity, such as driving piles into the river to build the pier and bringing in the construction materials via water, will interfere with customary uses and safety of kayakers, like myself, who frequent that area for both launching and docking.

9. I understand that Dominion plans to use the pier to receive heavy equipment and construction materials to build a facility to export liquefied natural gas. I understand that Dominion expects to receive 42 barges at the pier that will be loaded with heavy construction materials. Dominion's use of the pier, too, will affect my ability to launch kayaks and enjoy the river.

10. I am concerned that the process of building the pier, and the presence of barge traffic and other motorized traffic at the pier, will endanger and inconvenience me as well as other kayakers and canoeists while destroying the desirability and feasibility of this location for future uses for paddle tourism.

11. The topography of the area near the pier makes it difficult and hazardous for paddlers, like myself, to cross the river in order to avoid obstructions, construction barges, and large motorized vessels that could be used to build the pier. The prevailing winds that commonly blow down the channel attenuate wave action and surf conditions and strong currents, making it difficult for paddlers to maneuver out of harm's way. Usually, paddlers launch at the Solomons Boat Ramp and stay close to shore. Construction at the pier, and receiving ships there, will prevent paddlers from following their normal route.. Paddlers will have to launch out to the middle of the river, where conditions are difficult. Moreover, the topography of the area near the pier makes it

difficult and hazardous for paddlers, like myself, to cross the river in order to avoid obstructions, construction barges, and large motorized vessels that could be used to build the pier. The prevailing winds that commonly blow down the channel attenuate wave action and surf conditions and strong currents, making it difficult for paddlers to maneuver out of harm's way. I don't like paddling in such dangerous conditions, and plan on limiting my paddling in this area once Dominion begins building the pier

12. My #1 course of action (as would any skilled paddler) on any wide river like the Patuxent is to get to the put-in, see if the wind is bad/waves choppy (can't rely on forecasts), and if so (and often even if calm) hug the shore. That's safer in that "bail-outs" and protected coves are nearby (unlike mid-river) and the waves and winds can often be less in protected coves. But having a pier block off 50% of my potential route (ie., I can only go one direction along the river shore, not either, unless I am fine with being forced out 170 feet to choppy, mid-channel, less-protected waters to get around the pier and boats) is a very real impediment and increases the chances of me dropping that site off my list of potential paddling spots. An option of paddling under the pier, if presented, is often no solution, with dangling wires, falling debris, and waves pushing one into pilings ever-present. Paddlers with less skill or unfamiliar with this site are far more prone to running afoul of these hazards.

13. The planned construction and operation of the pier will necessitate kayakers, like myself, using alternate routes to access the river to paddle in near Solomons, but there are not any good options. Using alternate paddling approaches to the historic Solomons area via water to avoid activity while Dominion builds and uses the pier would expose paddlers to unsafe

winds, chop and challenging water conditions that would greatly endanger all but the most skilled and experienced paddlers. While I am an experienced paddler, I do not want to navigate the winds and chop to paddle in the River near Solomons, and would prefer to use the Boat Ramp. Dominion's pier, thus, interferes with my ability to continue to use the water.

14. Because of the serious safety and aesthetic concerns, I plan on limiting my paddling in this area once Dominion begins to build the pier.

15. I am concerned that these winds and challenging water conditions will reduce paddle tourism to the Patuxent River, near Solomons. Reduced paddle tourism on the Patuxent River is likely to have an adverse impact on the sales and demand for my paddling maps, causing me harm.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on October 15, 2014 in Bristol, Maryland.

David Linthicum

David Linthicum

Exhibit 5

DECLARATION OF TRACY MCCOLLOUGH

I, Tracy McCollough, declare as follows:

1. My name is Tracy McCollough. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information.

2. I am a member of the Sierra Club. I joined the Sierra Club in September 2014.

3. My primary residence is in Laurel in Howard County, Maryland 20723. I have lived at my current address for about 25 years.

4. My husband and I own two vacation properties on Bay Drive in Lusby in Calvert County, Maryland. We bought the first property in 2001 and the second one approximately five or six years later. We vacation approximately twelve to thirteen days a month in the spring, summer, and fall at the first property. We have opened the second property to our friends and family for their use and entertain visitors often. For instance, my two sisters-in-law visit almost every weekend we are there along with my niece and 14-year old nephew.

5. When we visit our vacation home in Lusby, we spend as much time as possible outside. Our two properties front approximately 75 feet of beach on the Chesapeake Bay near the mouth of the Patuxent River. We engage in a number of outdoor activities there, including kayaking, beachcombing, playing horseshoes,

and viewing wildlife such as eagles and ospreys, as well as maintenance and upkeep on the properties. We spend a lot of time outside just enjoying the beautiful views and the calm, quiet nature of the location. We visit the property to relax and to spend time with family and friends who join us.

6. Our properties are approximately 4.1 miles downstream from the existing Dominion Cove Point liquefied natural gas (“LNG”) import facility. I am aware that Dominion has proposed expanding its existing import facility in order to export LNG. I have been following Dominion’s proposal by attending meetings, reading information, and speaking with people from the Sierra Club and other local conservation groups. I also attended the rally against fracking and LNG exports in Washington, D.C. this past July.

7. I am very concerned about the impacts to me and my family from the Dominion expansion, including impacts affecting our safety, health, and enjoyment of the area and the outdoor lifestyle I love so much.

8. My biggest concern is the impact to the health and safety of me, my family, and my friends from a potential accident at the Dominion export facility. In the event of a major accident, fire, or explosion at the export terminal, I think it would be very difficult to escape the area. A number of roads in the area are small, winding, and poorly maintained. In the event of an evacuation, my family, friends and I would be forced to escape the Cove Point peninsula by travelling south over

a two-lane, high bridge with no shoulders that spans the Patuxent River. The bridge already experiences traffic jams during small events like local concerts. In the event of a major accident or similar event at the facility, there would be thousands of people trying to leave via the same roads.

9. Additionally, I do not believe that the surrounding community has the training or specialized knowledge that would be needed in the event of an explosion or fire at the facility. I am also concerned about the close proximity of the Calvert Cliffs Nuclear Power Plant. I worry that the two facilities being so close together make the area a good target for terrorism.

10. I am also very concerned about the impacts to my aesthetic and recreational enjoyment of my property from the LNG tankers visiting the export facility. My properties sit at the mouth of the Chesapeake Bay and the Patuxent River and we will be able to see the LNG tankers in the shipping channels, which will lessen my aesthetic enjoyment by marring the beautiful views of the surrounding waters. Additionally, when we kayak, we pull our kayaks into the water directly in front of our properties and paddle in the shoals around nearby Drum Point. The passing LNG tankers will create additional waves hitting the shore, which will make it difficult for my visitors, including smaller children, and me to handle the kayaks in the water, especially during entry and exit.

11. I am also concerned about the environmental impacts to the health of the Chesapeake Bay and its surrounding wildlife from the billions of gallons of ballast discharges from the LNG tankers. The Bay is already very fragile and I am worried about invasive species or pollution from the LNG tankers negatively impacting the water quality of the Bay and the birds and other wildlife I enjoy watching so much.

12. I am also concerned about the impacts from construction of the export facility on local traffic and aesthetics. Our primary residence is located approximately 1.5 hours away via car. In the past, I really enjoyed the rural, agricultural landscapes I could view on our drives down to Lusby. Dominion plans to clear a lot of the trees and greenery to make way for the parking lots needed to bus in construction workers for the proposed facility, and a construction staging area, among other uses. This tree clearing will affect my ability to enjoy the landscape.

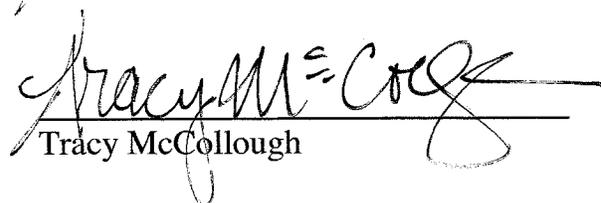
13. I already have been impacted by an increase in traffic due to some preliminary work. Dominion plans to ramp up its construction activities, and I fear these traffic-related impacts will continue and get worse as Dominion brings in large construction materials on massive trucks over the course of constructing the facility.

14. Previously, my husband and I were very committed to staying in the area and were considering building another home on our property that we could enjoy with our family for years to come. However, we have put those plans on the back-burner and have even discussed selling our two properties due to my concerns with the proposed Dominion expansion and the mind-set that welcomes the increasing industrialization of the surrounding area. We enjoy vacationing on these properties so much with our family, and are concerned that we would not be able to find another property we like as much.

15. I understand that Sierra Club is asking the Federal Energy Regulatory Commission to reconsider its decision to allow this project to go forward with a faulty environmental review that failed to adequately analyze the adverse impacts from the Dominion LNG export facility. I support the Sierra Club's efforts to obtain a better environmental review.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed October 14, 2014, in Maryland.


Tracy McCollough