

Movants request waiver of the limit on the number of persons who may be designated for service, *see* 18 C.F.R. § 385.203(b)(3), to allow designation of more than two persons upon whom service is to be made and to whom communications are to be addressed.

II. Request for Formal Hearing

Pursuant to NGA regulations, 18 C.F.R. § 157.10(a)(1), Movants respectfully request a formal hearing on the application of Dominion Cove Point LNG, LP (“DCP”) for authorization to construct, install, modify, own, operate, and maintain a natural gas liquefaction and export facility at Cove Point, Maryland, and associated infrastructure (the “Project”), including the environmental impacts of and public need for the Project.

III. Identity of Movants

EARTHREPORTS, INC. (dba Patuxent Riverkeeper) is a nonprofit watershed advocacy organization affiliated with the Waterkeepers Alliance in New York, an umbrella group that licenses and links Waterkeepers internationally. The purpose of the Patuxent Riverkeeper is to protect, restore, and advocate for clean water in the Patuxent River and its connected ecosystem. The Patuxent Riverkeeper patrols the river, investigates and resolves water quality and pollution complaints, launches and manages restoration projects, and raises awareness about local water resources, river ecology, and the problems of sustainability in a fast urbanizing metropolitan region. The Patuxent River drainage area covers 930 square miles overall and runs north to south for 110 linear miles through seven Maryland counties, terminating at the Chesapeake Bay. Patuxent Riverkeeper and its members, especially those in Calvert County, Maryland, have an interest in this proceeding because portions of the Project will have direct and deleterious impacts on the specific drainage of the Patuxent corridor and the waters surrounding the county.

Patuxent Riverkeeper works toward better enforcement of current laws and for better laws to protect the river and the Chesapeake Bay.

POTOMAC RIVERKEEPER, INC. is a 501(c)(3) non-profit organization dedicated to restoring and protecting the health of the Potomac River, its tributaries, and the environment these waterways support. Potomac Riverkeeper was specifically founded to be a strong advocate for the Potomac River watershed, to ensure that state and federal environmental laws governing the Potomac River watershed are effectively enforced, and to protect the Potomac River and its tributaries from exploitation and environmental degradation. Potomac Riverkeeper has over 2,500 members in Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia. Potomac Riverkeeper members live and work throughout the area that would be affected by Project, including in regions near the infrastructure that will deliver gas to the terminal for liquefaction and export overseas, and regions overlying the shale plays that will supply the gas.

SHENANDOAH RIVERKEEPER is an independently licensed Waterkeeper and a program of Potomac Riverkeeper, Inc., a 501(c)(3) nonprofit organization. Shenandoah Riverkeeper's mission is to use citizen action and enforcement of clean water laws to protect and restore water quality in the Shenandoah River watershed for people, fish, and aquatic life. Shenandoah Riverkeeper is located in Boyce, Virginia, and has over 400 members in and near the Shenandoah Valley. Shenandoah Riverkeeper members live and work throughout the area that would be affected by the Project, including in regions near the infrastructure that will deliver gas to the terminal for liquefaction and export overseas, and regions overlying the shale plays that will supply the gas.

SIERRA CLUB is a national non-profit organization incorporated in the State of California as a Nonprofit Public Benefit Corporation, with approximately 1.4 million members and supporters dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. As of March 2013, Sierra Club had 13,1873 members in Maryland; 14,536 members in Virginia; 2,311 members in Washington, DC; 1,572 members in Delaware; 23,572 members in Pennsylvania; and 36,689 members in New York. Those 91,867 Sierra Club members live and work throughout the area that would be affected by the Project, including in regions adjacent to the Cove Point terminal and shipping routes in the Chesapeake Bay, regions near the infrastructure that will deliver gas to the terminal for liquefaction and export overseas, and regions overlying the shale plays that will supply the gas.

STEWARDS OF THE LOWER SUSQUEHANNA, INC. (“SOLS”) is a non-profit environmental advocacy organization headquartered in the city of York, Pennsylvania, with approximately 250 members dedicated to protecting and improving the ecological and aesthetic integrity of the Lower Susquehanna Watershed and Chesapeake Bay. SOLS’ members use the Lower Susquehanna watershed for fishing, hunting, boating, domestic uses, and for its scenic and historic value. Dozens of SOLS’ members live, work, and recreate along the Susquehanna River and its tributaries, downstream from areas in Pennsylvania that already have experienced intensive shale gas development and associated infrastructure construction, with their attendant adverse impacts on the watershed. SOLS and its members seek to protect the Lower

Susquehanna Watershed and Chesapeake Bay from increased industrial development that will be induced by the Project.

IV. Background

In Docket No. CP13-113-000, DCP has applied for authorization under Sections 3 and 7 of the NGA to construct, install, modify, own, operate, and maintain a variety of Project facilities in Calvert County, Maryland, and in Fairfax and Loudon Counties, Virginia. The Project's liquefaction facilities would have liquefied natural gas ("LNG") production capacity of up to 5.75 million metric tons per annum. The Commission's Notice of Application for Docket No. CP13-113-000 states that motions to intervene are due on or before May 3, 2013.

V. Intervention

For the factual and legal reasons set forth in their accompanying comments, which are incorporated by reference in full herein, *see* 18 C.F.R. § 385.214(b)(1), Movants contend that approval of DCP's application is inconsistent with the public interest and will not serve the public convenience or necessity. Movants seek to intervene in this proceeding because, if the application is granted, Movants and their members will be immediately and permanently harmed by the economic, environmental, and other impacts of the Project and induced gas development and infrastructure. Specifically, in addition to Movants' informational interests in public disclosure and comprehensive analysis, pursuant to the National Environmental Protection Act ("NEPA") and other law, of all direct, indirect, and cumulative environmental, cultural, social, and economic consequences of the Project and of reasonable alternatives to that proposal, Movants and their members have substantive interests that will be adversely affected by the following Project impacts, if DCP's application is granted:

- The direct, indirect, and cumulative environmental impacts of Project construction and operation on Movants' members who live, work, or engage in recreational activities in the Project area.
- The upstream environmental impacts of expanded natural gas production and infrastructure construction, especially in shale gas regions, induced by gas exports at the DCP facility.
- The downstream environmental impacts of any gas exports from the DCP facility during all phases of the export process, from overseas shipping of LNG to re-gasification and transmission to combustion of the exported fuel.
- The environmental impacts of any increased production and combustion of fossil fuels other than gas, especially coal, as a result of gas price increases caused by exports from the Project.
- Impacts on aesthetics and recreational opportunities, including fishing and wildlife viewing, that Movants and their members enjoy on and along the rivers, bay, and other undeveloped land and water bodies in the Project area.
- The economic impacts of the Project and the environmental damage it causes, including but not limited to the costs of impaired ecosystem services; lost property value; harm to tourism, recreation, agriculture, and other non-extractive industries; and increased demands on local social services.
- The economic impacts of the Project and induced gas development as a result of exports from the DCP facility, whether individually or in concert with exports from other such facilities, including the consequences of price changes upon Movants' members' finances, consumer behavior generally, and industrial and electrical generating facilities whose fuel choices and other business decisions may be affected by price changes.

Movants have demonstrated the vitality of their interests in many ways. For example, Sierra Club runs national advocacy and organizing campaigns dedicated to reducing American dependence on fossil fuels, including natural gas, and to protecting public health. These campaigns, including its Beyond Coal campaign and its Natural Gas Reform campaign, promote a swift transition away from fossil fuels and seek to reduce the impacts of any remaining natural gas extraction. Moreover, the Maryland Chapter of the Sierra Club and the Patuxent Riverkeeper have a long history of involvement with the Cove Point facility in particular. The Chapter's litigation and organizing efforts in response to DCP's earlier application to expand the site for

import secured a settlement with DCP that limited the facility's expansion and channeled significant funds towards conservation goals. The Chapter remains focused on managing the environmental impacts of operations on the Cove Point site. Similarly, the Patuxent Riverkeeper has a consistent track record of engagement with the Cove Point facility operators and the public with respect to impacts of DCP's commercial activities, including piping, dredging, and other activities that influence the health of the surrounding water resources and wetlands, the host ecosystem of the Chesapeake Bay Watershed, and the quality of life for Patuxent Riverkeeper's members.

Movants' members in and around the shale gas plays associated with the Project are particularly active. Members of SOLS and the Sierra Club's Pennsylvania and Maryland Chapters are focusing many of their advocacy efforts on gas issues and are deeply engaged in permitting and regulatory processes in those states. Potomac Riverkeeper is focusing many of its advocacy efforts in Maryland and West Virginia on gas issues, is deeply engaged in permitting and regulatory processes in those states, and is working with other citizen groups to monitor active and potentially active drilling sites. Shenandoah Riverkeeper is working with citizens groups to monitor potential drilling activity in the Shenandoah Valley and is engaged with local county governments in permitting and regulatory processes at the local and state levels. Both Potomac Riverkeeper and Shenandoah Riverkeeper work to protect national forest resources from the impacts of remaining natural gas extraction.

Finally, Movants' members will be directly affected by the Project in many ways. Members living in the shale gas region will, according to DCP, see development intensify as a result of the Project. Based on prior experience in that region, the expansion of drilling and related infrastructure can be expected to industrialize previously rural communities, fragment

formerly intact forests and fields, degrade major water bodies and their watersheds, and cause serious air pollution, loud noises, foul odors, and crushing traffic—to name just a few of the documented problems. Members living near the Project site will have to contend with the pollution and nuisance caused by export operations and supporting facilities. And members throughout the country will be burdened by higher gas prices and increased climate change harms caused by Project.

In short, in addition to their informational interests in disclosure pursuant to NEPA, Movants and their members have vital environmental, economic, aesthetic, and recreational interests—both professional and personal—that will be directly and adversely affected by the Project. Those interests— including interests specifically as consumers—will not be represented by any other party and therefore will not be adequately protected unless Movants are permitted to intervene and to participate as formal parties in this proceeding. Finally, Movants’ participation in this proceeding will lead to better informed decision-making and more reliable protection of affected public resources. Movants therefore satisfy the conditions for intervention both as representatives of interested consumers and because their participation is in the public interest. *See* 15 U.S.C. § 717n(e); 18 C.F.R. § 385.214(b)(2).

WHEREFORE, Movants respectfully request that the Commission grant this motion to intervene and authorize Movants to participate fully as parties in this proceeding.

New York, NY
May 3, 2013

Respectfully submitted,



Deborah Goldberg
Jocelyn D' Ambrosio
Moneen Nasmith
EARTHJUSTICE
156 William Street, Suite 800
New York, NY 10038
Phone: 212-845-7376
Fax: 212-918-1556
dgoldberg@earthjustice.org
jdambrosio@earthjustice.org
mnasmith@earthjustice.org

Counsel for Movants

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the Applicant and requested interveners in this proceeding.

New York, NY
May 3, 2013.

/s/ Deborah Goldberg

Deborah Goldberg
Jocelyn D'Ambrosio
Moneen Nasmith
EARTHJUSTICE
156 William Street, Suite 800
New York, NY 10038
Phone: 212-845-7377
Fax: 212-918-1556
dgoldberg@earthjustice.org