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Groups Urge Court to Reverse Approval of Cove Point LNG Export Facility

Federal regulator approved construction of massive \$3.8 billion liquefied natural gas export facility on the Chesapeake Bay without considering all environmental and safety impacts

(Washington, DC) Several groups have [filed arguments](#) against the continued construction of the Cove Point liquefied natural gas (LNG) export facility on the Chesapeake Bay at Lusby, Maryland. In September 2014, the Federal Energy Regulatory Commission (FERC) authorized the controversial LNG export facility despite widespread criticism of FERC's Environmental Assessment (EA) for Dominion Cove Point. Since that time, Dominion has been constructing the massive \$3.8 billion facility on the Chesapeake Bay. Groups and residents across the Bay region say that FERC's decision fails to address the LNG export facility's role in speeding fracking across the region, polluting the Bay, worsening the climate crisis, and threatening the health and safety of nearby residents in Calvert County.

On Friday, November 20, 2015, Waterkeepers Chesapeake, Potomac Riverkeeper, Lower Susquehanna Riverkeeper, and several local groups represented by the Institute for Public Representation at Georgetown University Law Center filed an amicus brief in support of petitioners [EarthReports, Inc., et al.'s challenge](#) [link to challenge] to FERC's decision to license Dominion's LNG export facility. They argue that FERC's EA is impermissibly narrow in geographic scope and ignores significant project-related environmental impacts.

"We are happy to finally to get our day in court despite the fact that the construction of the LNG export facility has continued unabated. For far too long, FERC and our public officials have dismissed the health and safety of the residents of Calvert County and people throughout the Chesapeake region," said Betsy Nicholas of Waterkeepers Chesapeake. "Pollution impacts to the Bay, the Patuxent River and upstream rivers, streams and drinking water sources have been ignored."

FERC was required to determine the environmental consequences of the LNG export facility in its EA, including the impacts of induced natural gas production for the Chesapeake Bay watershed. Instead, FERC concluded it was 'not feasible to more specifically evaluate localized environmental impacts' from increased drilling, even though Dominion knew its customers will source the fracked gas from the mid-Atlantic region and knew that new compressor and pipeline capacity will be built. FERC's conclusion ran

contrary to the Environmental Protection Agency's recommendation that FERC consider the gas production stimulus effect of the export facility in its licensing decision.

The groups are urging the Court to find that FERC's review of the project's environmental impacts suffers from fatal flaws, and that the EA should be vacated and remanded to FERC to be replaced with either a more complete EA or a full Environmental Impact Statement.

"Exporting shale gas from Cove Point will only lead to more fracking in states like Pennsylvania," said Ryan Talbott, executive director of the Allegheny Defense Project. "That means more roads, well pads, waste water impoundments, compressor stations and pipelines fragmenting Pennsylvania's forests and public lands. Pennsylvania's wild forests should not be turned into industrial frackscapes so the gas industry can make more profits exporting shale gas to Asia."

"Proposed export facilities have a great impact on areas that are distant from the project itself. Right now hundreds of miles of pipelines are being built and many more proposed through people's farms and yards, and our parks and streams in the Susquehanna Watershed...all on the speculation of exporting gas from Cove Point," said Lower Susquehanna Riverkeeper Michael Helfrich. "Do they not factor into the equation of what is "Public Good"? People are losing their rights, their environment is being degraded, and we are told that we don't count! All so that gas can go to foreign countries. This is not the America I knew. This is making us a third-world resource country."

"Building a significant shale gas exporting operation at Cove Point will inevitably incentivize further fracking in the Marcellus shale region, and further construction of natural gas pipelines and other infrastructure required for the transportation of gas from the Marcellus shale fields to Cove Point," said Joseph O. Minott, Esq., Executive Director and Chief Counsel of the Clean Air Council. "FERC must do a better job of considering the harm all this development will do to the environment and the citizens of Pennsylvania."

"Dominion and FERC have violated NEPA by failing to include the environmental impacts of natural gas supply lines to Cove Point including the air, soil, water and habitat damage of Atlantic Coast Pipeline and the Mountain Valley Pipeline, said Ernie Reed, Wild Virginia President, "since the great majority of gas flowing through those lines will be exported from Cove Point."

Groups filing the amicus brief in support of petitioners EarthReports, Inc., *et al.*'s challenge to FERC's decision to license Dominion's Cove Point LNG export facility include: [Waterkeepers Chesapeake](#), [Potomac Riverkeeper](#), [Lower Susquehanna Riverkeeper](#), [Clean Air Council](#), [Allegheny Defense Project](#), [Wild Virginia](#), [Calvert Citizens for a Healthy Community](#), and [Myersville Citizens for a Rural Community](#).