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DEPARTMENT OF
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IN THE MATTER OF)
)
DOMINION COVE POINT LNG, LP) FE DOCKET NO. 16-205-LNG

SIERRA CLUB'S MOTION TO INTERVENE AND PROTEST

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OFFICE OF FOSSIL ENERGY**

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Dominion Cove Point LNG’s (“DCP”)’s request to export 250 billion cubic feet (bcf) of natural gas as “commissioning volumes” from its liquefied natural gas (“LNG”) terminal in Cove Point, Maryland, to nations that lack a free trade agreement requiring national treatment in natural gas (“non-FTA” countries), is inconsistent with the public interest and should be denied. Sierra Club opposes this application for the reasons stated in Sierra Club’s protest and other filings in DOE/FE Docket 11-115-LNG, and repeated in Sierra Club’s petition for review thereof, D.C. Circuit Case No. 16-1186. Sierra Club therefore submits this protest and motion to intervene.

I. Sierra Club Should be Granted Intervention

DOE has already determined that Sierra Club has interests in the Cove Point project sufficient to warrant intervention in DOE review thereof. DOE/FE Order 3331 at 135 (Sept. 11, 2013).¹ Sierra Club and its members continue to be concerned about and affected by the Cove Point project, and intervention should similarly be granted here, pursuant to 10 C.F.R. § 590.303(b).

Consistent with that rule, Sierra Club states that its “asserted rights and interests,” in this matter include, but are not limited to, its interests in the following:

- The economic impacts of any gas exports from the DCP facility, whether individually or in concert with exports from other such facilities, including the consequences of price changes upon its members’ finances, consumer behavior generally, and industrial and electrical generating facilities whose fuel choices may be affected by price changes. Sierra Club, in particular, works to reduce U.S. and global dependence on fossil fuels, including coal, gas, and oil, and to promote clean energy and efficiency in order to protect public health and the environment. To the extent changes in gas prices increase the use and production of fossil fuels, Sierra Club’s interests in this proceeding are directly implicated.
- The environmental consequences of any gas exports from the DCP facility. Air emissions and other impacts of facility operation will, in large part, not occur unless the facility is permitted to export gas; insofar as this application concerns exports that could not otherwise occur, granting this application will expose Sierra Club members to increased pollution, shipping traffic, and other harms.

¹ https://fossil.energy.gov/ng_regulation/sites/default/files/programs/gasregulation/authorizations/2013/orders/ord3331.pdf

- The environmental and economic consequences of any expansion or change in natural gas production, especially in shale gas plays, as a result of increased gas exports, including damage to air, land, and water resources caused by the increasing development of these plays, and the public health risks caused by these harms.
- The public disclosure, in National Environmental Protection Act and other documents, of all environmental, cultural, social, and economic consequences of DCP's proposal, and of all alternatives to that proposal.

Sierra Club has demonstrated the vitality of these interests in many ways. Most notably, Sierra Club has extensively participated in prior proceedings before both DOE and FERC concerning this facility and proposed exports therefrom.

Thus, although 10 C.F.R. § 590.303 states no particular standard for intervention, Sierra Club's interests in this proceeding would be sufficient to support intervention on any standard.²

Pursuant to 10 C.F.R. § 590.303(d), Sierra Club identifies the following persons for service of correspondence and communications regarding this application:

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II. Sierra Club Protests this Application Because It Is Not In the Public Interest and Is Not Supported by Adequate Environmental and Economic Analysis

In addition to moving to intervene, Sierra Club protests this application pursuant to 10 C.F.R. § 590.304.

In this protest, Sierra Club does not challenge DCP's request for authorization to export to "free trade agreement" countries; nor does Sierra Club challenge DCP's request to export previously-imported LNG. However, DOE must deny DCP's request for authorization to export domestically produced natural gas to "non-free trade agreement" countries. Such exports are contrary to the public interest, as that term is used in the Natural Gas Act; in addition, DOE cannot approve such exports without environmental analysis that has yet to be provided in this or any other docket.

DCP argues that DOE has already determined, in the orders regarding DCP's application for long-term export authority, that exports from this facility are consistent with the public interest.

² If any other party opposes this motion, Sierra Club respectfully requests leave to reply. *Cf.* 10 C.F.R. § 590.302 (allowing for procedural motions and briefing in these cases).

Application at 9.³ Sierra Club has challenged the validity of those prior orders, and this challenge remains pending in the federal Court of Appeals for the D.C. Circuit.

The only additional material DCP cites or discusses (*i.e.*, the only material not at issue in the above litigation) is a more recent report commissioned by DOE, “The Macroeconomic Impact of Increasing U.S. LNG Exports” (Oct. 2015).⁴ As Sierra Club explained in comments on this report,⁵ the updated report, like the previous analyses, paints an incomplete and therefore misleading picture of the economic impact of LNG exports, and further fails to address numerous environmental impacts that are contrary to the public interest.

DOE’s own environmental addendum demonstrates that increasing natural gas exports causes increases in domestic natural gas production, with potentially significant environmental impacts. The Energy Information Administration’s analyses demonstrate that increasing exports also increases the amount of coal used in the United States, causing additional harmful impacts. And numerous other materials, including DOE’s own order authorizing long-term non-free trade agreement exports from DCP’s facility, recognize that LNG exports will displace some conservation and use of renewable energy in importing markets, DOE Order 3331-A at 92-93, a change that will have still further environmental impacts.

DOE has never provided an adequate assessment of these environmental harms, much less a reasoned basis for concluding that the purported benefits of exports outweigh the adverse environmental impacts. Nor has DOE provided an adequate analysis of the impacts of exports on the *public* at large: instead, analyses to date have only considered net impact, without adequately addressing distributional concerns. Because most Americans will suffer both economic and environmental harm as a result of LNG exports—both the particular exports proposed here and exports cumulatively—DCP’s present request for authorization to export domestically produced natural gas to non-free trade agreement countries should be denied.

III. Conclusion

Sierra Club therefore moves to intervene and protests DCP’s export proposal for the reasons described above. DCP’s application is not consistent with the public interest and must be denied.

Respectfully submitted,

Nathan Matthews
Sierra Club Environmental Law Program
2101 Webster Street, Suite 1300
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(415) 977-5696

³ <https://energy.gov/sites/prod/files/2017/03/f34/16-205-LNG.pdf>

⁴ https://energy.gov/sites/prod/files/2015/12/f27/20151113_macro_impact_of_lng_exports_0.pdf

⁵ <https://fossil.energy.gov/app/DocketIndex/docket/DownloadFile/532>

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CERTIFICATE OF SERVICE

I hereby certify that I caused the above documents to be served on the applicant and all others parties in this docket, in accordance with 10 C.F.R. § 590.017, on May 12, 2017.

Dated at Oakland, CA, this 12th day of May, 2017.



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VERIFICATION

OAKLAND §
 §
CALIFORNIA §

Pursuant to 10 C.F.R. § 590.103(b), Nathan Matthews, being duly sworn, affirms that he is authorized to execute this verification, that he has read the foregoing document, and that facts stated herein are true and correct to the best of his knowledge, information, and belief.

Sworn this 12th day of May, 2017.



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**CERTIFIED STATEMENT OF AUTHORIZED
REPRESENTATIVE**

Pursuant to C.F.R. § 590.103(b), I, Nathan Matthews, hereby certify that I am a duly authorized representative of the Sierra Club, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy, on behalf of the Sierra Club, the foregoing documents and in the above captioned proceeding.

Dated at Oakland, CA, this 12th day of May, 2017.



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