MARYLAND
BOARD OF PUBLIC WORKS

Report of the Executive Secretary
in the matter of
Dominion Cove Point, LNG, LP

Before the Board of Public Works
Tidal Wetlands License 13-0338

July 8, 2014

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To: The Honorable Martin O'Malley
The Honorable Nancy K. Kopp
The Honorable Peter Franchot
From: Sheila McDonald
Date: July 8, 2014
Re: Dominion Cove Point

The Board of Public Works is presented with an application from Dominion Cove Point, LNG, LP for a tidal wetlands license on its July 23, 2014 Agenda. This Report of the Executive Secretary is submitted to the Board for its consideration in determining "if issuance of the license is in the best interest of the State, taking into account the varying ecological, economic, developmental, recreational, and aesthetic values [the] application presents."[1]

This Executive Secretary's Report comprises:

- This cover memorandum
- Advisor's report *(Attachment 1)*
- Proposed license *(Attachment 2)*
- Maryland Department of Environment Report & Recommendation (MDE R&R) (5/14/14) *(Attachment 3)*
- Written Comments from Applicant and Four Other Interested Persons *(Attachment 4)*
- Board Notice re: Distribution of MDE R&R (and list of recipients) (5/14/14) *(Attachment 5)*
- Board Notice of Meeting (6/9/14) *(Attachment 6)*
- Maryland Historic Trust correspondence (3/31/14) *(Attachment 7)*
- Department of Natural Resources memo (2/4/14) *(Attachment 8)*

[1] Section 16-202(g)(1), Environment Article, Annotated Code of Maryland.

Basis and Nature of Report. Board of Public Works regulations provide that: "The [Wetlands] Administrator shall receive the report and recommendation of the Department [of Environment] involving extraordinary cases and shall prepare a written recommendation to the Board indicating whether a license should be granted and specifying the appropriate terms and conditions."[2] During the time that this license has progressed through the Board's processes, the Board has had a vacancy in its Wetlands Administrator's position.[3]

The Attorney General long ago opined that, "the Board may delegate administrative duties of a ministerial nature and discretionary administrative functions . . . as long as it does not delegate duties specifically conferred by statute on the Board itself or another Board employee."[4] In accordance with that Opinion and my duties as Executive Secretary, I performed the ministerial duties of the Wetlands Administrator with respect to the Dominion Cove Point application; engaged a scientific consultant to prepare written advice on the tidal wetlands impacts presented by the application; and drafted a proposed wetlands license incorporating special and standard conditions.

Process.

- On May 14, 2014 MDE submitted its Report & Recommendation to the Board of Public Works.

- On May 14, this Office notified by U.S. Mail all 69 persons whom MDE identified as "interested persons" in this matter. The notice stated that this Office had received the R&R and included a copy of the R&R; and asked if the recipients took exception to MDE's recommendations. Those comments were to be submitted to this Office no later than May 30.[5] This notice was published on the Board Web site.

[2] COMAR 23.02.04.08B.
[3] This vacancy is expected to be filled simultaneously with the Board receiving this recommendation.
[4] 61 *Opinions of the Attorney General* 734, 736 (1976). The position and duties of the Wetlands Administrator is a creature of Board regulations and practices but is not a statutory conferral. In his Opinion, the Attorney General stated that although "powers and duties specifically conferred upon the Board by statute could not be delegated to the executive director; . . . the Board nonetheless may require its executive director to study and investigate these matters and to make recommendations thereupon, so that the Board eventually might exercise its discretionary powers more wisely." *Id.* at 735-36. Moreover, the Board's Executive Secretary "act[ing] as a professional administrator for the Board, . . . holds a position of enormous importance and sensitivity." *Id.* at 735.
[5] COMAR 23.02.04.08B.

- The Board received written comments from five interested persons, one of whom was the applicant in favor of the application and four of whom take exception to the MDE R&R.

- On June 9, this Office notified by U.S. Mail the applicant and the four interested persons who continue to take exception that the application was tentatively scheduled for the July 23 Board Agenda and that, "If you desire to personally appear before the Board at the meeting, your request must be in this Office no later than July 2, 2014."[6] This notice was published on the Board Web site.

- By the July 2 deadline, three of the four interested persons who took exception to MDE's R&R requested to appear personally before the Board at its July 23 meeting: *Tracey Eno, Eileen Hadley,* and *June Sevilla.*

- In addition to U.S. Mail delivery to those persons MDE identified as "interested persons," this Office has made the matter and accompanying documentation fully available to the public on the Board of Public Works Web site. A special section is devoted to this application with easy access for the public to the substantive documents and to the Board's procedure. Through that mechanism of public notice, the Board has received in excess of 75 written comments from the public concerning this application and has received more than 65 requests to address the Board at its meeting.

MES Advisor Review. This Office, while prepared administratively to perform the Administrator's regulatory ministerial functions, did not – in the absence of a Wetlands Administrator – have the technical expertise necessary to offer the Board a substantive analysis of MDE's R&R. In light of that, this Office entered into a memorandum of understanding with the Maryland Environmental Service (MES), an instrumentality of the State.[7] In that memorandum, MES agreed to provide the Board "a variety of environmental, administrative, planning, technical and engineering services from time to time with respect to the [Dominion] application."[8] MES assigned Kenna Oseroff, a senior environmental specialist, to be the primary investigator on this assignment. Ms.

[6] COMAR 23.02.04.09B ("personal appearances . . . by aggrieved persons for the purposes of opposing the issuance of a license shall be arranged with the Administrator at least 21 days in advance of the Board meeting").
[7] Section 3-103, Natural Resources Article, Annotated Code of Maryland.
[8] BPW-MES MOU dated March 12, 2014, Article I - *Scope of Work*.

Oseroff has been a wetlands scientist for nearly 15 years and has a Master of Science in Environmental Science and Policy.

Ms. Oseroff received MDE's R&R and prepared the "Advisor's Report to the Board of Public Works Concerning State Tidal Wetlands License 13-0338."[9] To prepare the Advisor's Report, Ms. Oseroff reviewed the entire record, accessed State agency resources such as Department of Natural Resources databases, made a site visit, and took into account the public comments. In her conclusion, she advises the Board:

> *[I]f the recommended special conditions are included, I conclude that the wetlands impacts resulting from construction and use of Offsite Area B will be temporary and are sufficiently minimized and mitigated. My conclusion is based on:*
>
> - *Extensive coordination of this project among local, State, and federal agencies including FERC processes, Public Service Commission review, and the Joint Federal/State wetlands application process which have resulted in special conditions included in the proposed license. Implementing these conditions will protect water quality, aquatic species, and public access and use.*
>
> - *My concurrence with MDE's Report and Recommendation.*
>
> - *Relatively small scale of project construction and limited incidence/duration of use*.[10]

License Conditions. Under the tidal wetlands law, if the Board decides to issue a license, "the terms and conditions [shall be as] the Board determines."[11] To that end, I have prepared a draft license that incorporates the Board's standard conditions as well as the special conditions set forth in MDE's R & R. Ms. Oseroff reviewed and agreed these conditions are appropriate.

State Agencies Comments. Included in this Executive Secretary's Report are materials received from MDE, the Maryland Historic Trust, and the Department of Natural Resource.

[9] The Advisor's Report is Attachment One to this Executive Secretary's Report.
[10] Advisor's Report at p. 9.
[11] Section 16-202(g)(1), Environment Article, Annotated Code of Maryland.

ATTACHMENT 1

ADVISOR'S REPORT

to the

BOARD OF PUBLIC WORKS

concerning

STATE TIDAL WETLANDS LICENSE 13-0338

ADVISOR'S REPORT
to the
BOARD OF PUBLIC WORKS
concerning
STATE TIDAL WETLANDS LICENSE 13-0338

APPLICATION OF DOMINION COVE POINT, LNG, LP:
To construct a temporary pier and mooring piles for barge and storage operations on the Patuxent River southwest of Thomas Johnson Bridge (Maryland Route 2-4).

This Report analyses and advises on the tidal wetland impacts associated with the proposed construction of a temporary pier at Offsite Area B along the Patuxent River.

I. BACKGROUND

PROJECT. Dominion Cove Point, LNG, LLC proposes to construct a temporary pier to offload from barges industrial equipment that will then be transported over land to its liquefaction facility (the LNG Terminal) located on the Chesapeake Bay in Lusby, Calvert County. When construction operations are complete, Dominion will remove the pier and mooring piles and restore the site to pre-existing conditions.

The liquefaction facility is a subsidiary of Dominion, a producer and transporter of energy. The construction of the temporary pier is part of Dominion's preparations to receive domestically-produced natural gas from the Cove Point Pipeline – the interstate pipeline grid at the facility – and then to liquefy the natural gas for exportation. Dominion states that the facility is ideally located to provide access to abundant and diverse domestic supply sources as the Cove Point Pipeline connects to the interstate natural gas transmission systems of Transcontinental Gas Pipeline Company, Columbia Gas Transmission, and DTI. For Dominion, these interconnects will allow gas to be obtained from many sources. Dominion's customers will procure their own gas supplies on the gas market and will transport the gas to the LNG Terminal for liquefaction and export. Dominion would not own the gas or the capacity at the LNG Terminal.[1]

LOCATION. The site where Dominion seeks to locate the temporary construction pier is located along the Patuxent River, in close proximity to the Governor Thomas Johnson Bridge, on Solomons Island Road in Solomons, Calvert County. This eleven-acre site, located approximately 6 miles from the LNG Terminal, is commonly referred to as Offsite Area B.

[1] Dominion has service at the LNG Terminal with two customers, Pacific Summit Energy, LLC and GAIL Global (USA) LNG LLC. These customers have entered into a 20-year agreement for the planned export/import services at the LNG Terminal, as well as a 20-year service agreement for firm transportation on the Cove Point Pipeline.

AUTHORIZATIONS. In 2011, Dominion applied to the *U.S. Department of Energy* for authorization to export LNG. That year, the Department of Energy authorized Dominion to export to free trade agreement countries and in 2013, authorized Dominion (with conditions) to export to non-free trade countries.[2]

In 2013, Dominion filed an application with the *Federal Energy Regulatory Commission* (FERC) under the Natural Gas Act seeking authority to site, construct, modify, and operate facilities to be used for liquefying natural gas for export at the LNG terminal. The FERC Environmental Assessment "concludes that approval of the proposed Project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment."[3] The public comment period for the FERC Environmental Assessment has expired. FERC has not issued its final order.

In 2013, Dominion applied to the *Public Service Commission* for a certificate of public convenience and necessity to construct a generating station with a name-plate capacity of 130 megawatts at the LNG Terminal. The Public Service Commission granted that certificate in June 2014.[4]

In 2013, Dominion submitted its joint permit application to the *State* and the *U.S. Army Corps of Engineers* to obtain approval to disturb tidal and non-tidal wetlands. Attendees at Joint Evaluation Committee meetings included:

- Board of Public Works Wetlands Administrator[5]
- Maryland Department of the Environment (MDE)
- Maryland Department of Natural Resources (DNR)
- Maryland Critical Area Commission for the Chesapeake & Atlantic Coastal Bays (CAC)
- Maryland Historical Trust (MHT)
- U.S. Army Corps of Engineers (Army Corps)
- U.S. Environmental Protection Agency (EPA)
- U.S. Fish and Wildlife Service (USFWS)
- National Marine Fisheries Service (NMFS)
- Dominion

OFFSITE AREA B. Offsite Area B is located within the Chesapeake Bay Critical Area, which is defined as all land within 1,000 feet of the mean high water line of tidal waters, the landward edge of tidal wetlands, and all waters of and lands under the Bay and its tributaries.[6] In current Calvert County zoning maps, Offsite Area B is classified as a limited development area, which permits limited new or redevelopment of land within the Critical Area. The shoreline of the Patuxent River from the mean high tide and the streambed of the river are classified as tidal wetland.

[2] DOE FE Docket No. 11-128-LNG
[3] FERC Docket No. CP13-113-000
[4] PSC Case No. 9318
[5] The Wetlands Administrator who attended the 2012 meetings retired from State service in December 2013.
[6] Section 8-1807, Natural Resources Article, Annotated Code of Maryland.

The pier would extend 166 feet channelward from the mean high water line into the Patuxent River. The length of the temporary pier is 146 feet by 40 feet wide, and will be supported by up to 24 hollow steel piles approximately 36 inches in diameter. Dominion estimates that installing the piles will take 15 days. Dominion further estimates that 42 barge deliveries will be made to the pier over the course of 18 months, which equates to an average of about 2.3 barge deliveries per month. All pilings will be removed at the end of the project.

The angle of the pier was revised to adjust the alignment into deeper water thereby avoiding any dredging that might have been required by the original design. The pier is 75 feet from the adjacent public boat launch. In addition, the pier was designed to not encroach on the 25-foot lateral-line setback required by the Calvert County Zoning Ordinance.

According to the site plan designs, the remaining portion of Offsite Area B site is on uplands. Use of Offsite Area B will affect approximately 5.8 acres of an eleven-acre site; the remaining 5.2 acres of the site will be undisturbed. Installation of the piles at the offloading pier will temporarily fill less than 0.01 acre of tidal wetland along the Patuxent River shoreline.

ALTERNATIVE SITES. Dominion selected Offsite Area B as the site for its construction-staging activities due to availability, access, and safe road and traffic patterns. Also this area required no dredging and is the shortest route to the LNG Terminal. Dominion had examined four alternative locations as part of the State and federal regulatory process.

1. *LNG Terminal*. Rejected due to grading issues from the shoreline to the facility requiring dredging, proximity to the Cove Point Marsh which is a State designated natural heritage area, and impacts to the Puritan tiger beetle, an endangered species that lives along sandy cliffs.
2. *Calvert Cliffs Power Plant Barge area.* Rejected due to both the necessity to upgrade the pier and that the increased security could delay the project.
3. *Calvert Marina*. Rejected due to the impacts to an operating marina and infrastructure upgrades required to transport the large industrial equipment.
4. *Transportation by truck from Baltimore Port*. Rejected due to upgrades required to span a 75-mile highway/roads route.

PUBLIC COMMENT. Various opportunities for public comment have arisen as both State and federal regulatory agencies have examined this project from the perspective of each agency's jurisdiction. Written comments submitted to MDE, the Board of Public Works, and to FERC (with respect to its Environmental Assessment) include concerns about:

- Stream bank erosion
- Stormwater
- Potential for fuel spill
- Essential fish habitat impacts
- Effects on aquatic species
- Turbidity in the Patuxent River
- Recreation, *e.g.*, boating and fishing
- Bridge safety due to pier location
- Positive/negative economic effects of project in its entirety
- Cultural resources
- Aesthetics

II. ANALYSIS

At the instruction of the Board's Executive Secretary, I have reviewed the entire record in the matter of State Tidal Wetlands License No. 13-0338, accessed State agency resources such as DNR databases, made a site visit, and taken into account the public comments. As your advisor on this matter (engaged due to a vacancy in the Wetlands Administrator position), I provide the following for your consideration with respect to the Board's legal duty to "decide if issuance of the license is in the best interest of the State, taking into account the varying ecological, economic, developmental, recreational, and aesthetic values [the] application presents."[7]

ECOLOGICAL CONCERNS

- The Patuxent River is a State-designated scenic and wild river. The temporary nature of Dominion's regulated activities will not alter the qualities of this designation.

- The project will not affect historic waterfowl staging areas. Colonial bird nesting sites are not typically found in areas similar to the shoreline at Offsite Area B. More suitable habitat for nesting for these species includes a larger beach area or island habitat, and some species prefer a more vegetated area. This area is also more accessible by predators such as fox or raccoons that may prey on the eggs.

- Due to the clearing and grading of vegetation, erosion along stream banks could increase. To minimize potential impacts on surface waters during construction, Dominion will implement the:
  (1) FERC Upland Erosion Control Revegetation and Maintenance Plan and Procedures.
  (2) MDE Erosion and Sediment Control approvals which conform to MDE's 2011 Maryland Standards *2000 Maryland Stormwater Design Manual (Revised 2009).*
  (3) Calvert County Stormwater Management Ordinance. MDE approvals mandate regular inspections of the sediment and erosion control measures.

- Dominion has coordinated with the Critical Area Commission whose review is complete and will approve the Buffer Management Plan required for this project once the tidal and non-tidal permits are received.[8]

- Dominion will also implement a project-specific Spill Prevention and Contaminant Control Plan to minimize potential soil and water quality impacts associated with an inadvertent spill of fuel, oil, and other hazardous fluids.

[7] Section 16-202, Environmental Article, Annotated Code of Maryland.
[8] Communications with the Maryland Critical Area Commission representatives on April 4, 2014.

- Pier construction, pile driving, and pier removal could suspend river sediment, increase local turbidity, and produce acoustic waves that could impact aquatic species. To install the piles, Dominion will employ a vibratory hammer, and all work will be completed in approximately 15 days. Should the appropriate depths be difficult to attain, Dominion will use internal strike cushions to ensure pile-driving stays within sound limits specified by the National Marine Fisheries Service. Dredging activities are avoided as related to the pier alignment. Turbidity monitoring during construction will be implemented to ensure State water quality standards are met. If State water quality standards cannot be achieved, steps should be taken to reduce turbidity such as the use of a turbidity curtain.

- In April 2014, the Army Corps authorized the pier installation based on current water depths but specified that propeller dredging is not authorized.

AQUATIC RESOURCES

Fisheries. The National Marine Fisheries Service (NMFS) has designated the Chesapeake Bay and the Patuxent River as Essential Fish Habitat for nine managed fish species These include the Windowpane flounder, Bluefish, Atlantic butter fish, Summer flounder, Black sea bass, King mackerel, Spanish mackerel, Cobia, and Red drum at various life stages.[9] The FERC Environmental Assessment indicates that NMFS managed-species concerns with respect to this project focus on juvenile and adult Summer flounder and Bluefish. Those concerns led to an Essential Fish Habitat assessment in 2012. That assessment concluded that the project would not substantially adversely affect the habitat or associated species, and that direct, secondary, and cumulative impacts on habitat and species would be minimal. Finally, the project will comply with the Magnuson-Stevens Fishery Conservation and Management Act. Based on its review of the assessment and relevant fisheries information and analyzing potential fisheries impacts, NMFS stated in 2013 that it has no concerns with the Essential Fish Habitat assessment.

Additionally, NMFS concluded that the project will not impact federally-listed species within the Chesapeake Bay or Patuxent River. The shortnose and Atlantic sturgeon are rare or occasional transients in proximity to Offsite Area B. No shortnose sturgeon and only one Atlantic sturgeon have been documented in the Patuxent River as part of the Sturgeon Reward Program.[10] Dominion consulted with the U.S. Fish and Wildlife Service's (USFWS) Chesapeake Bay Field Office regarding federally-listed threatened or endangered species in or near the project areas. USFWS did not identify any federally-listed threatened or endangered species that are known to occur there.

[9] NMFS Guide to Essential Fish Habitat Designations in the Northeastern United States. (Source: http://www.nero.noaa.gov/hcd/est.htm#MARYLAND).

[10] The Sturgeon Reward Program is a a U. S. Fish and Wildlife Service (USFWS) and DNR program initiated in 1996 that pays fisherman to report the by-catch of shortnose and Atlantic sturgeon.

Natural Oyster Bar. The temporary pier at Offsite Area B would be within a natural oyster bar in the Patuxent River.[11] Field studies conducted by DNR and Dominion show the maximum anticipated area of impact on the natural oyster bar would be approximately two acres. Appropriate conditions incorporated into the license will protect the natural oyster bar during construction. These include:

- Pre-, during, and post-construction monitoring of the natural oyster bar by DNR at Dominion's expense.
- No in-water construction work between December 16 and March 14 and between June 1 and September 30 (time-of-year restrictions)

Turbidity monitoring. Sediment loading and turbidity within and immediately downstream of work areas has the greatest potential to impact aquatic resources. Turbidity monitoring during construction is a recommended license condition.

RECREATION

Marylanders enjoy using the Patuxent River to fish, crab, harvest oysters, and boat. Offsite Area B is adjacent to the Solomons Island Boat Launch and Fishing Pier, which is a Calvert County-owned recreation area leased to a private entity. The area includes trailer-parking and boat ramps with four docks that extend up to 100 feet in the Patuxent River. FERC consulted with the Calvert County Natural Resources Division and found that approximately 5,000 boat launches occur from the Solomons Island Boat Launch annually; the busiest times are weekends between Memorial Day and Labor Day. The Solomons Island Boat Launch and Fishing Pier will remain open during construction.

The construction activities do not anticipate that a security zone will be required based on coordination with U.S. Coast Guard. Coast Guard District 5 will coordinate a safety zone, including issuing a Notice to Mariners regarding activity around the Offsite Area B temporary pier and the intent to start construction. The notice will provide the public details of the work. Access to the public boat ramp will not be impeded by the temporary pier or the planned deliveries. The temporary pier will be constructed in accordance with federal requirements that take into account the risk to the public and standard measures by which to minimize risk to the boating public. The Coast Guard is requiring proper lighting to mark the channelward limits of the new installation.

Offsite Area B is currently used as overflow parking for the Calvert Marine Museum. Dominion states that its use of Offsite Area B would not impede continued use of the site as overflow parking. Dominion agreed to schedule activities at Offsite Area B so as not to interfere with using the site for overflow parking.

[11] See MD MERLIN; FERC Environmental Assessment 2014; DNR Wildlife and Heritage Program.

BRIDGE SAFETY

Dominion's construction manager will engage a professional tug company to transport the equipment and supplies from the Ports in Baltimore and Hampton Roads to the temporary pier at Offsite Area B. Lockwood Marine Inc. states in writing that it has reviewed the "drawings showing the Offsite Area B trestle and distances from the Solomon's Island bridge piers and feels comfortable that our tug/barge can navigate the transit to and from Offsite Area B in a safe manner."[12]

Lockwood Marine has the requisite certifications and employs Coast Guard-certified tug captains that routinely transport cargo on transport barges within the Chesapeake Bay and inland tidal waters. These tugs will have safety systems that are activated in the event of mechanical failure. These include:

- Twin-engine tugs provide mechanical redundancy. If power is lost in one engine, a second engine capable of controlling the load remains operational.
- Tugs will carry anchors for emergency use.
- Tugs will have back-up power generators which would supply power if primary generator malfunctions.
- Lockwood performs periodic maintenance inspections of the barges.
- Tug systems are checked before departure.

Travel precautions are taken before loading and deployment of the barge to Offsite Area B. Anticipated transit time between the Port of Baltimore or Hampton Roads and Offsite Area B temporary pier is less than 24 hours. Weather conditions are predictable based on short-term forecasts between departure and arrival. Barges will not be loaded for the journey if forecasts do not predict a clear 36± hour window. Additionally, wind direction and speed, and the direction of the tidal currents will also be considered before departure. The tug captain will not dock the barge unless it is safe to do so.

ECONOMIC FACTORS

Throughout the regulatory process, proponents and opponents have relied on potential positive or negative economic results to support their viewpoints. Potentially positive economic results include increased tax revenue and increased employment.[13] Potentially negative economic results include reducing property values for nearby homeowners.[14]

[12] Letter from John Schaffer, Lockwood Marine, Inc. dated June 12, 2014.

[13] Proponents touting socioeconomic benefits to the community at the MDE public informational hearing included: Calvert County Board of County Commissioners; Calvert County Economic Development Commission; Calvert County Ducks Unlimited; Calvert County United Way Board of Directors; Calvert County Chamber of Commerce; and trade unions including plumbing and pipefitting, iron workers, and carpenters.

[14] Opponents include the Sierra Club and the Cove of Calvert Homeowners Association.

CULTURAL RESOURCES

The Maryland Historical Trust requested an underwater survey around the area of the temporary pier to determine if any area is of historical or archaeological significance. The report and survey led the Trust to conclude that no further consideration with the Trust is necessary "unless the work results in unanticipated discoveries of potential historic properties."[15]

AESTHETICS

Temporary visual impacts during construction include removal of vegetation along the river bank and grading activities. These impacts will be noticeable from the Governor Thomas Johnson Bridge, the Patuxent River, and the Calvert Marine Museum. Housing is located directly across Route 2 on property to the south of Offsite Area B; its viewshed will include construction and a temporary pier for the length of the project. Temporary impacts will also occur during pier removal and returning the site to its original condition. Construction of the temporary barge offloading pier at the site is consistent with other shoreline piers and marinas in the area. Use of the site for equipment unloading and contractor parking would result in minor visual impacts on the surrounding area, and would be temporary and limited to the period of construction. Transportation of the large industrial equipment is mostly scheduled for nighttime hours.

OTHER CONCERNS

Project opponents have questioned the project on the basis that the United States should not export its natural gas and that doing so will have broad adverse economic and environmental impacts. Although I will note these concerns here, my analysis and advice is limited to the impact of Dominion's Offsite Area B's activities on the State's tidal wetlands.

Opponents' have expressed concerns with: fracking dangers; groundwater extraction; that FERC should have required an Environmental Impact Statement rather than an Environmental Assessment; invasive species that could potentially be introduced through ballast water; biofouling (colonization of aquatic organisms to ships' exteriors); and air quality from the LNG facility's operations.

- The U.S. Department of Energy's Office of Fossil Energy – charged with determining whether the proposed import or export of natural gas is not inconsistent with the public interest – has granted export authorization.
- Air quality is addressed in the FERC Environmental Assessment.
- Groundwater extraction is addressed in the Public Service Commission's Certificate of Public Convenience and Necessity[16].

[15] Correspondence from the Maryland Historical Trust (final email dated March 31, 2014).
[16] Maryland Public Service Commission Case Number 9318

- FERC staff states its Environmental Assessment complies with the National Environmental Policy Act; 40 CFR Parts 1500-1508; and 18 CFR 380.
- FERC staff would require Dominion to implement a ballast water management program to prevent water quality degradation and the introduction of invasive species.[17]

III. CONCLUSION

Based on my analysis, I conclude that issuing a tidal wetlands license to Dominion is appropriate. Specifically, if the recommended special conditions are included, I conclude that the wetlands impacts resulting from construction and use of Offsite Area B will be temporary and are sufficiently minimized and mitigated. My conclusion is based on:

- Extensive coordination of this project among local, State, and federal agencies including FERC processes, Public Service Commission review, and the Joint Federal/State wetlands application process which have resulted in special conditions included in the proposed license. Implementing these conditions will protect water quality, aquatic species, and public access and use.

- My concurrence with MDE's Report and Recommendation.

- Relatively small scale of project construction and limited incidence/duration of use.

Kenna Oseroff. M.S.
Environmental Specialist IV
Maryland Environmental Service
July 2, 2014

[17] Comments were submitted by Dr. Mario N. Tamburri from the University of Maryland Center for Environmental Science to FERC concerning public health, namely the potential introduction of additional toxic strains of Vibrio (two strains are already present in the Chesapeake Bay), and introduction of new harmful algal blooms, and other invasive species.

ATTACHMENT 2

PROPOSED
WETLANDS LICENSE
#13-0338

DOMINION COVE POINT LNG, LP

WETLANDS LICENSE NO. 13-0338

DOMINION COVE POINT LNG, LP

The Maryland Board of Public Works authorizes you to:

Within 260 feet channelward of the mean high water line:

- Construct a 149-foot long by 40-foot wide temporary pier supported by 24 hollow steel piles approximately 36 inches in diameter;
- Emplace four hollow steel mooring piles approximately 60 inches in diameter;
- Remove the pier and mooring piles and restore all disturbed tidal wetlands to original contours no later than the expiration date of this License.

Patuxent River, northwest of the Solomons Town Center and southwest of the Thomas Johnson Bridge and the Solomons Boat Ramp and Fishing Pier, Solomons Island Road, Solomons, Calvert County

THIS LICENSE AUTHORIZES YOU TO PERFORM THE WORK ONLY IF YOU COMPLY WITH THE FOLLOWING SPECIAL CONDITIONS:

A. Licensee may not perform in-water work from December 16 through March 14 and from June 1 through September 30 of any year.

B. Licensee shall prepare an Oyster Mitigation Plan in accordance with the Department of Natural Resources (DNR) memorandum[1] and submit the plan to the Board of Public Works Wetlands Administrator for approval before construction. Licensee shall implement the approved plan.

C. Licensee shall prepare an Artificial Reef Plan in accordance with the DNR memorandum[2] and submit the plan to the Wetlands Administrator for approval before construction. Licensee shall implement the approved plan.

D. Licensee shall conduct a pre-construction survey of the shoreline adjacent to Offsite Area B pier and submit the survey to the Wetlands Administrator. After removing the pier and mooring piles, Licensee shall conduct a post-construction survey of the same area and submit the survey to the Wetlands Administrator. These surveys will be used in determining if Licensee has returned the disturbed tidal wetlands to original contours.

[1] Authored by Robert Sadzinski (Feb. 4, 2014) at page 3, bullet 7.
[2] *Id.* at page 3, bullet 8.

E. Licensee shall monitor turbidity during construction. Compliance limits are: (1) Monthly Average: 50 NTU; and (2) Daily maximum outside established mixing zone: 150 NTU. Licensee shall submit the monitoring plan and regular readings to the Wetlands Administrator.

F. As directed by the U.S. Coast Guard, Licensee shall mark the downstream channelward mooring pile with a slow-flashing amber light with a minimum candela setting of 15. Three weeks before beginning the project, Licensee shall notify the U.S. Coast Guard Fifth Coast Guard District Office in writing so that details can be included in the Local Notice to Mariners.

THIS LICENSE AUTHORIZES YOU TO PERFORM THE WORK ONLY IF YOU COMPLY WITH THE FOLLOWING STANDARD CONDITIONS:

1. Work must be in accordance with the plans and drawings – dated April 30, 2014 – attached to this License and incorporated herein.

2. A copy of this License, including the plans and drawings, must be available at the site until the authorized work is complete.

3. At least 10 days before starting the authorized work, Licensee shall notify in writing the Maryland Department of the Environment (MDE)'s Inspections and Compliance Program of the start date. Within 30 days of completing the authorized work, Licensee shall notify in writing the MDE Inspections and Compliance Program of the completion.

4. Licensee shall maintain the authorized structure in good condition and perform the authorized activity in accordance with the plans and drawings and otherwise comply with all License conditions until the structure is removed or the activity permanently ceases.

5. Licensee shall perform the authorized work so as to eliminate or minimize adverse effects on fish, wildlife, and natural environmental values.

6. Work must be in accordance with the MDE Water Quality Certification.

7. Work must be in accordance with the Maryland State Programmatic General Permit or the U.S. Army Corps of Engineers Individual Authorization.

8. Work must be in accordance with the Critical Area requirements of Calvert County. This authorization does not authorize disturbance in the 100-foot Critical Area Buffer. Disturbance in the buffer means clearing, grading, construction activities, or removing any size tree or vegetation. Any anticipated buffer disturbance requires **prior** written approval from the local jurisdiction in the form of a Buffer Management Plan.

9. Work must be conducted in a manner consistent with the State's Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended.

10. Work must be in accordance with a Soil Erosion and Sediment Control Plan approved by the Calvert County Soil Conservation District.

11. Work must be conducted by the property owner or by a marine contractor who is registered with MDE in accordance with § 17-301, Environment Article, Annotated Code of Maryland.
Note: A list of registered marine contractors may be obtained by contacting MDE: 410-537-3837 or http://www.mde.state.md.us/registeredMarineContractors.

12. All federal, State, and local government requirements must be met.

13. Licensee may not fill, dredge, or otherwise alter or destroy marsh vegetation unless specifically authorized by this License.

14. This License does not authorize Licensee to trespass or infringe upon private or public property.

15. This License does not transfer a property interest of the State.

16. Licensee shall allow unfettered public use of State wetlands and navigable waters.

17. Licensee shall allow representatives of the Board of Public Works and MDE to make inspections at reasonable times so that the State may ensure Licensee is complying with this license.

18. Licensee shall comply promptly with MDE enforcement orders related to this License.

19. The Board of Public Works or its Wetlands Administrator may modify, suspend, or revoke this License in its reasonable discretion.

20. This License is binding on any approved assignee or successor in interest of the Licensee.

21. Licensee shall indemnify, defend and save harmless the State of Maryland, its officials, officers, and employees from and against any and all liability, suits, claims and actions of whatever kind, caused by or arising from the placement of fill or piles or construction of structures in State waters authorized by this License.

22. This License expires July 23, 2017. No later than the expiration date, License shall remove the pier and mooring piles and restore all disturbed tidal wetlands to original contours.
Note: Generally, a three-year license may be renewed for one additional three-year period if Licensee requests an extension **before** the expiration date.

By the authority of the Board of Public Works:

_____
Sheila C. McDonald
Executive Secretary

Effective Date: July 23, 2014
Approved as: Secretary's Agenda Item ____
Board of Public Works Meeting Date: July 23, 2014

I accept this License and all its conditions.

_____ _____
Date Licensee (Signature)

_____
Name (Printed)

ATTACHMENT 3

MARYLAND DEPARTMENT OF THE ENVIRONMENT

REPORT & RECOMMENDATION

5/14/14

DOMINION COVE POINT LNG, LP

Maryland Department of the Environment
Water Management Administration
Wetlands and Waterways Program

WETLAND REPORT AND RECOMMENDATION
STATE WETLANDS CASE NUMBER 13-WL-0338

Applicant: Dominion Cove Point LNG, LP
Attention: Mr. Mark D. Reaser, Director LNG Operations
2100 Cove Point Road
Lusby, Maryland 20657

Date Application Received: April 5, 2013

Public Notice Required? Yes **Comment Period Closing Date:** February 15, 2014

Maryland Coordinates: N 79942 x E 452363

Book Map Coordinates: Edition 13, Calvert County ADC Map Number 19, Coordinates 1-G

Location of Proposed Work
The project site, which is designated as Area B by Dominion Cove Point LNG, LP (Dominion), is located on Solomons Island Road in Solomons, Calvert County, Maryland. Area B is a 12-acre property leased by Dominion from the Glascock Children 2012 Dynasty Trust, CKK Family Trust, and Gregory and Blair Smith. The site is northwest of the Solomons Town Center and fronts the lower Patuxent River just southwest of the Thomas Johnson Bridge (Maryland Route 2-4) and the Solomons Boat Ramp and Fishing Pier.

Description of Proposed Work
The scope of work to be accomplished under the Tidal Wetlands License for which Dominion applied is the construction of a temporary pier and mooring piles as depicted in the attached revised plans dated 4/30/14. The work includes the following activities, all of which will be constructed within 260 feet channelward of the mean high water line:

1. Construction of a 149-foot long by 40-foot wide temporary pier supported by 24 hollow steel piles approximately 36-inches in diameter; and
2. Emplacement of four hollow steel mooring piles approximately 60-inches in diameter.

At the completion of the barge and storage operations, Dominion will remove the Area B pier and mooring piles and restore the site to pre-existing conditions.

Purpose of Proposed Work
The purpose of the proposed work is to construct a temporary pier that will be used to offload large industrial equipment from barges. The equipment will be staged at the 12-acre site, Area B, until transported by wide-load trucks approximately 6 miles to Dominion's Cove Point LNG Terminal located at 2100 Cove Point Road in Lusby, Maryland. The equipment will be used in the modification of the existing import terminal to a liquefaction facility for exporting liquefied natural gas (LNG). The proposed liquefaction facilities, combined with existing facilities, will provide a bi-directional service of import and export of LNG at the Cove Point LNG Terminal.

Requires Water Quality Certification (WQC)? No.

Qualifies for Maryland State Programmatic General Permit (MDSPGP)? Yes. The U.S. Army Corps of Engineers issued the MDSPGP for the project on April 29, 2014.

Area of Vegetated Wetland Impacts: 0 square feet.

Area of Wetlands Created: 0 square feet.

Was the Applicant's Original Project Modified? Yes, the pier in Dominion's initial proposal was placed east of the pier's final orientation. As part of the Maryland Department of the Environment's requirement to avoid and minimize impacts to wetlands, the proposed pier was shifted slightly to the west. This provided Dominion access to deeper water without dredging the channel bottom, while providing further protection to the area's aquatic resources.

Background

The Dominion Cove Point LNG Terminal is located on the Chesapeake Bay in Lusby, Maryland. The facility is a subsidiary of Dominion, one of the nation's largest producers and transporters of energy. The Cove Point LNG Terminal was originally constructed in the 1970's to import LNG using a deep water loading platform located approximately one mile offshore of the site. The facility presently consists of the loading platform with two ship berths, transmission piping from the loading facility, and a storage tank farm with a capacity of 14.5 cubic feet of natural gas. The Cove Point LNG Terminal has equipment on site to convert LNG to gaseous form and transmit the gas via a pipeline to various points on the East Coast. Due to pricing and various economic factors, the Cove Point LNG Terminal receives ships on an infrequent basis, only offloading LNG several times a year.

Recent developments in the extraction of natural gas have prompted Dominion to move forward with modifying the current LNG import terminal to an import/export facility. In order to export LNG, Dominion must modify its facility, which was built to receive natural gas, to one that can also compress and liquefy the natural gas in a process called liquefaction. Dominion is proposing to design the facility to export up to 5.75 million metric tons of LNG per year.

Other Approvals, Permits and Authorizations

Prior to the construction and operation of the liquefaction facility and the exportation of LNG, Dominion is required to secure numerous federal, State and local approvals in addition to this Tidal Wetlands License. (See Attachment 1, which is a table provided by Dominion tracking the permits, approvals and consultations applicable to the proposed project).

Pre-Application Coordination

On August 22, 2012 and on December 19, 2012, Dominion presented its liquefaction project to local, State, and federal resource agencies at their Joint Evaluation Meeting. Joint Evaluation Meetings, which are coordinated by the Maryland Department of the Environment (Department or MDE), in cooperation with the U.S. Army Corps of Engineers (USACE), provide both pre-applicants and applicants with an opportunity to discuss their projects with local, State and federal agencies. In addition to MDE and the USACE, meeting participants included the U.S. Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), the State Board of Public Works Wetlands Administration, the Maryland Department of Natural Resources (DNR), the Critical Area Commission for the

Chesapeake and Atlantic Coastal Bays (CAC), and the Maryland Historical Trust (MHT). In the case of Dominion, representatives from Calvert County also participated in these Joint Evaluation Meetings.

These Joint Evaluation Meetings provided local, State, and federal resource agencies with an opportunity to highlight potential problems and concerns with Dominion's proposal. More importantly, the meetings allowed Dominion to resolve those problems prior to submittal of the application. The issues identified during these meetings included: avoiding damage to a natural oyster bar; eliminating the need to dredge the area around the proposed pier; securing a lease from the riparian property owner; and maintaining access to the Solomons Boat Ramp and Fishing Pier. Dominion submitted its application at the conclusion of the pre-application process.

The Joint State/Federal Application, which was received by MDE on April 5, 2013, requested authorization to conduct regulated activities to facilitate the construction of a liquefaction facility. The proposal would allow Dominion to modify its existing Cove Point LNG Terminal to receive domestically produced natural gas from the interstate pipeline grid and liquefy the natural gas. The proposed liquefaction facilities, combined with the existing facilities, will provide a bi-directional service of importing and exporting LNG at the Cove Point LNG Terminal. The application addressed activities at three separate sites:

Cove Point LNG Terminal – Liquefaction Facility
Offsite Area A – Temporary Construction Laydown and Parking Site
Offsite Area B – Temporary Barge Offloading Site.

The Department's application review process for regulated activities in tidal wetlands, nontidal wetlands and nontidal waterways was conducted in cooperation with the USACE to insure consistent State and federal regulatory decisions. The USACE issued the Maryland State Programmatic General Permit-4 (MDSPGP-4) for the project on April 29, 2014. The Department's Nontidal Wetlands Division and Waterway Construction Division evaluated proposed impacts to regulated resources as a result of construction activities at the Cove Point LNG Terminal and Offsite Area A. The Department has completed its review, and the issuance of the Nontidal Wetlands and Waterways Permit (13-NT-0137) will be concurrent with a decision by the Board of Public Works to issue a Tidal Wetlands License. The Department's Tidal Wetlands Division evaluated the proposed impacts from Offsite Area B, which are regulated under Title 16 of the Environment Article, Annotated Code of Maryland. The results of this evaluation are presented in this Report and Recommendation.

Comments by Local, State or Federal Agencies and Elected Officials

Maryland Department of Natural Resources (DNR)

DNR's Integrated Policy and Review Unit advised that the Area B Pier and mooring piles will impact natural oyster bar (NOB) 22-8, and is in close proximity to an area of the NOB called Back of the Island Bar. DNR noted that NOB 22-8 serves as an oyster spawning indicator site for the Chesapeake Bay. The spawning indicator site measures the success of oysters throughout the Patuxent River. Due to these protected resources, DNR requested that the Tidal Wetlands License incorporate a number of monitoring and mitigation requirements on Dominion. Specifically, DNR

requested that Dominion perform oyster surveys prior to construction of the pier and that Dominion monitor the NOB after removal of the pier. DNR also requested that Dominion prepare and implement an oyster mitigation plan that includes restoring hard bottom and planting oyster shell/spat in the vicinity of the Area B Pier. According to DNR, the mitigation area should encompass a minimum of four acres, which represents a 2:1 mitigation ratio for an anticipated impact area of two acres. Additionally, DNR requested that no pier or piling construction work be conducted from December 16 through March14 and from June 1 through September 30 of any year to minimize impacts to oysters in the vicinity of the proposed pier. DNR also requested that Dominion prepare and implement an artificial reef plan to utilize as artificial reef components those materials that may be suitable for such use at the end of the construction period. The Department concurs with DNR's recommendations, which are addressed in Special Condition F and Special Condition G.

Maryland Historical Trust (MHT)

During the course of the application review, MHT requested that Dominion perform an underwater survey to conclusively determine if there were any archeological resources in the vicinity of the project. The survey, which was performed according to MHT requirements, found that the project would not impact any archeological resources of concern. Subsequently, MHT provided its determination that the proposed project would not have any significant effect on historical or archeological resources.

U.S. Coast Guard (USCG)

To address any potential navigational issues with the Area B Pier and mooring piles, the USCG requested that Dominion place a marker beacon on the downstream channelward mooring pile and notify the USCG when the project begins so that it can be included in a Local Notice to Mariners. The Department incorporated USCG's recommendation into Special Condition J.

Critical Area Commission for the Chesapeake and Atlantic Coastal Bays (CAC)

After several coordination meetings with Calvert County, the CAC stated that the preliminary plans submitted by Dominion show adequate mitigation for proposed impacts to the Critical Area and the 100-foot Critical Area Buffer. The CAC does not foresee any considerable issues, provided there are no significant changes to the proposed project during the development of final plans by Dominion.

Calvert County Commissioners

At the Department's February 5, 2014 Public Informational Hearing, Calvert County Commissioner Steven Weems spoke in favor of the overall Liquefaction Project, including the Area B pier. Commissioner Weems highlighted Dominion's record of wetland protection and noted that Dominion had reduced impacts associated with the proposed project. Commissioner Weems also noted that, once barging and storage operations at Area B had concluded, the pier and pilings would be removed and the area restored to existing conditions.

Public Participation

As required by § 5-204(b) of the Environment Article, the Department issued a public notice by posting the public notice on its web site from January 15, 2014 to February 15, 2014 and by publishing the public notice for the proposed project in the January 17, 2014 edition of the Calvert Recorder. In addition, the public notice was provided to adjacent property owners and Calvert County elected officials. A Public Informational Hearing was held on February 5, 2014 from 7 PM to 9 PM at the Holiday Inn Solomons Conference Center & Marina in Solomons, Maryland. The public informational hearing record remained open until March 7, 2014, providing interested persons additional time to comment on the application. (The list of adjacent property owners notified of the application and the attendance sheets for the Public Informational Hearing were provided to the Board under separate cover.)

Written comments were received during the comment period, oral and written comments were received during the Public Informational Hearing, and additional written comments were received during the period the hearing record remained open. The comments received by MDE were both in support of and in opposition to the proposed project. Individuals commenting in support of the project focused on economic and social benefits. They described the job opportunities the proposed project would bring to the community and explained that Dominion was a good environmental steward, a good neighbor, and a positive force in the community. On the other hand, individuals opposing the project focused on the environmental damage associated with natural gas extraction methods such as hydraulic fracturing (fracking); problems associated with handling and transporting liquefied natural gas and the potential impacts on the community; noise related to increased activity at Dominion's Cove Point LNG Terminal in Lusby; air and water pollution resulting from the liquefaction process; danger of explosions; increased traffic problems; and the destruction of nontidal wetlands and upland forests at Offsite Area A and the main facility.

While many of the comments received by the Department during the application review process did not specifically relate to Dominion's application for a Tidal Wetlands License, relevant concerns considered by the Department included:

- Potential structural damage to the Governor Thomas Johnson Bridge from barges coming loose from their moorings and striking the bridge pilings;
- Potential effects of the Area B Pier on the adjacent Solomons Boat Ramp and Fishing Pier;
- Potential effects of the Area B Pier on the use of the Patuxent River; and
- Length of time the Area B Pier will remain in place.

It is important to note that the Department's recommendation is confined to the issues relevant to the tidal wetlands statute and regulations and discussed further below. Certain issues raised during the public participation process are not directly within the scope of the Department's review, but are being analyzed and evaluated under other federal statutes, State statutes, and County ordinances (See Attachment 1, which is a table provided by Dominion tracking the permits, approvals and consultations applicable to the proposed project). For example, safety issues fall under the purview of the Federal Energy Regulatory Commission (FERC). Consequently, while recognizing that the Area B Pier plays an integral role in the logistics of delivering equipment necessary for the construction of the liquefaction facility, the Department's role under the Tidal Wetlands Act is to

focus on the proposed project – the construction of the Area B Pier and mooring piles in Solomons, Calvert County, Maryland – and the project's effect on the State's tidal wetland resources.

Findings of the Maryland Department of the Environment

Alternatives Analysis

In its application, Dominion provided an alternative site analysis to using Area B to offload and stage equipment. Dominion considered four waterfront locations in the vicinity of the Cove Point LNG Terminal. Dominion's analysis, which was acceptable to MDE, concluded that Area B was the only suitable option due to availability and safe traffic and road infrastructure constraints involved in transporting the equipment. Area B allows access to the water for barge offloading with no need for dredging and minimal road upgrades with a short direct route to the Cove Point LNG Terminal. Environmental impacts associated with the use of Area B are considered temporary and have been minimized to the greatest extent practicable.

The four alternatives evaluated by Dominion were rejected for the following reasons.

1. Construction of a Barge Unloading Pier at the Cove Point LNG Terminal. This alternative was rejected due to the difference in grade between the shoreline and the facility, the proximity of the pier to the Cove Point Marsh, a State designated natural heritage area, the need for dredging to increase water depths, and the potential to impact the federally-listed endangered species known as the Puritan tiger beetle, which lives in sandy cliffs along the shoreline.
2. Use of the Calvert Cliffs Nuclear Power Plant Barge Area. This alternative was rejected due to the necessity to upgrade the barge pier and access road, and the inability to access a secure area of the nuclear power facility.
3. Use of the Calvert Marina. This alternative was rejected due to operational impacts on an active marina and the infrastructure upgrades necessary to transport the equipment from the marina to the Cove Point LNG Terminal.
4. Transportation of the Equipment by Truck from the Port of Baltimore. This alternative was rejected due to required infrastructure upgrades over the 75-mile route to the Cove Point LNG Terminal.

Evaluation Criteria

In reviewing the proposed project, the Department determined that:

- Dredging activities were avoided;
- Filling activities are temporary, and limited to 24 pier pilings and 4 mooring piles, which will be removed at the end of the project;
- The Area B Pier is water-dependent;
- The Area B Pier will not alter or destroy tidal wetlands;
- The Area B Pier will not affect potential habitat areas such as historic spawning and nursery grounds for anadromous and semi-anadromous fisheries species;

- The Area B Pier will not affect shallow water areas suitable to support populations of submerged aquatic vegetation;
- The Area B Pier will not eliminate or substantially reduce marine commerce, recreation, and aesthetic enjoyment;
- The Area B Pier will not affect the natural ability of vegetated tidal wetlands to reduce flood damage and adversely affect the public health and welfare;
- The Area B Pier will not reduce the capacity of tidal wetlands to trap sediment or increase silting of channel and harbor areas to the detriment of free navigation;
- The Area B Pier will not alter natural water flow, water temperature, water quality, and natural tidal circulation regimes;
- The Area B Pier will not alter littoral drift;
- The Area B Pier is consistent with State and federal laws and the Calvert County Critical Area Program;
- The Area B Pier will not affect navigational safety;
- The Area B Pier will not alter the scenic and wild qualities of a designated State scenic and wild river; and
- The Area B Pier will not impact historic waterfowl staging areas and colonial bird-nesting sites.

Natural Oyster Bar 22-8

During the application review process, it was determined that Natural Oyster Bar 22-8 would be directly impacted by the construction of the Area B Pier and mooring piles. While Dominion was able to situate the Area B Pier to reduce impacts to NOB 22-8 by eliminating the need to dredge, Dominion was unable to avoid direct construction impacts. Consequently, DNR requested that the Tidal Wetlands License incorporate a number of monitoring and mitigation requirements on Dominion. As discussed in detail above, the Department concurs with DNR's requests and recommends the inclusion of Special Condition F and Special Condition G to address these impacts to NOB 22-8.

Other Relevant Issues

In addition to the environmental considerations discussed above, the proximity of the Area B Pier and mooring piles to the Solomons Boat Ramp and Fishing Pier was raised by commenters and taken into consideration during the application review process. The boat ramp/pier is operated by the Solomons Boat Ramp and Fishing Center, under contract with the Calvert County Board of County Commissioners. The facility consists of several boat ramps, fishing and crabbing pier, tack and bait shop, and comfort stations. The Department confirmed that the Area B Pier and mooring piles will not cross the 25-foot lateral line setback established by Calvert County, which will ensure that ingress and egress to and from the Solomons Boat Ramp and Fishing Pier is not adversely affected.

Another concern raised by commenters was the proximity of the Area B Pier to the Governor Thomas Johnson Bridge. Based on the configuration of the barge mooring area, the rear of a barge docked at the Area B Pier should be at least 100 feet from the piles supporting the bridge. Once the proposed Area B Pier is constructed and barging operations begin, Dominion projects approximately 3-4 deliveries per month and barges will only be docked while equipment is being actively offloaded

to the staging area. Dominion will coordinate with the State Highway Administration to move the equipment from the staging area to the Cove Point LNG Terminal during times of low traffic on Maryland Route 2-4. Because the Area B Pier is located in a relatively protected and calm area of the Patuxent River, well away from the main channel, tug boats can safely maneuver and secure barges. Given these considerations, the Department does not anticipate any significant effects from the Area B Pier on the public's use of the Patuxent River.

A commenter questioned the length of time the Area B Pier will remain in place. The Area B Pier is a temporary structure. At the completion of the construction project, the pier and mooring pilings will be removed and the site will be restored to pre-existing conditions. The Department is recommending that Special Condition I be placed in the License, which establishes a date certain (i.e., December 31, 2016) for the removal of the structures.

Conclusion and Recommendation

The Department's evaluation of this project has taken into account ecological, economic, recreational, developmental, and aesthetic considerations appropriate for this proposal as well as other requirements set forth in the Code of Maryland Regulations. To insure that impacts to resources are avoided and minimized to the maximum extent possible and to insure that all work is performed in accordance with critical area and local regulations, the Department has recommended a number of special conditions. Provided all general and special conditions are adhered to, the work proposed will not cause significant deleterious impacts to marsh vegetation, submerged aquatic vegetation, finfish, shellfish, or navigation. In consideration of the site characteristics and the nature of the proposed work, the Department concludes that the application represents a reasonable exercise of riparian rights.

Recommended Special Conditions

A. The Maryland Department of the Environment has determined that the proposed activities comply with, and will be conducted in a manner consistent with the State's Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended.

B. All work shall be permitted under, and performed in accordance with, the Critical Area requirements of Calvert County. This License does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. "Disturbance" in the Buffer means clearing, grading, construction activities, or removal of any size of tree or vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land disturbing activity, from the local jurisdiction in the form of a Buffer Management Plan.

C. All work performed under this Tidal Wetlands License shall be conducted by the property owner or by a marine contractor registered with the Maryland Department of the Environment in accordance with Chapter 286 of the 2010 Laws of Maryland. A list of registered marine contractors can be obtained by contacting the Department at 410-537-3837 or by visiting the Department's web page at:

http://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/RegisteredMarineContractors.aspx

D. The Licensee shall perform all work shall be performed in accordance with the required Soil Erosion and Sediment Control Plan approved by the Calvert County Soil Conservation District.

E. The Licensee shall not fill, dredge, or otherwise alter or destroy marsh vegetation unless specifically authorized by this License.

F. The Licensee shall not perform in water work from December 16 through March 14 and from June 1 through September 30 of any year, in order to protect the existing natural oyster bar.

G. The Licensee shall submit an Oyster Mitigation Plan and an Artificial Reef Plan in accordance with the memorandum from Mr. Robert Sadzinski, Biologist with the Maryland Department of Natural Resources, dated February 4, 2014. The Plans shall be submitted to the Water Management Administration, Tidal Wetlands Division and the Department of Natural Resources, Fisheries Division, for review and approval. Upon approval by the Water Management Administration, Tidal Wetlands Division, the Licensee shall implement the Plans.

H. The Licensee shall conduct a pre-construction survey of the shoreline adjacent to the Area B Pier and submit the survey to the Water Management Administration, Tidal Wetlands Division. After removal of the Area B Pier and mooring piles, the Licensee shall conduct a post-construction survey of the shoreline and submit the survey to the Water Management Administration, Tidal Wetlands Division. If a comparison of the pre-construction and post-construction surveys demonstrates that excessive shoreline erosion has occurred, the Licensee shall restore the shoreline to the pre-construction conditions.

I. In accordance with the lease agreement dated May 24, 2013 between Dominion and the riparian property owners, the Licensee shall remove the Area B Pier and mooring piles, authorized to be constructed by this License and shown in the attached plans, and restore all disturbed tidal wetlands to original contours on or before December 31, 2016.

J. As directed by the U.S. Coast Guard, the Licensee shall mark the downstream channelward mooring pile with a slow flashing amber (yellow) light with a minimum candela setting of 15. Three weeks prior to the beginning of the project, the Licensee shall notify the U.S. Coast Guard Fifth Coast Guard District Office by email, letter, or fax so that details of the proposed project can be included in the Local Notice to Mariners.

DEPARTMENT OF THE ENVIRONMENT PLANNER: Thomas Blair DATE: 05/06/14

Gary T. Setzer

DEPARTMENT OF THE ENVIRONMENT APPROVAL: Gary T. Setzer DATE: 05/13/14

CONCURRENCE: DATE:

ATTACHMENT 4

WRITTEN COMMENTS
from
APPLICANT
and
FOUR OTHER INTERESTED PERSONS

Pamela F. Faggert
Chief Environmental Officer and
Vice President-Corporate Compliance

Dominion Resources Services, Inc.
5000 Dominion Boulevard, Glen Allen, VA 23060
Phone: 804-273-3467

dom.com

May 27, 2014

BY U.S. POSTAL SERVICE CERTIFIED AND OVERNIGHT DELIVERY:

Ms. Sheila McDonald, Executive Secretary
Maryland Board of Public Works
80 Calvert Street
Annapolis, Maryland 21401

RE: Dominion Cove Point LNG Terminal: Liquefaction Project (FERC Docket No. CP13-113), Tidal Wetland License #: 13-WL-0338 / Tracking # 201360606 / AI # 88559

Dear Ms. McDonald:

Dominion Cove Point LNG, LP (DCP) has reviewed the Report and Recommendation (R&R) prepared by the Maryland Department of the Environment (MDE) for the Maryland Board of Public Works (BPW). DCP is providing the following point-by-point comments (*in italics*) to address inconsistencies between the report and United States Army Corps of Engineer Section 10 Permit recommendations as well as accurate design specifications and MDE application details.

1. On page 1 of 9, in the *Description of Proposed Work* section, the text states, "The work includes the following activities, all of which will be constructed within 260 feet channelward of the mean high water line:
    a. Construction of a 149-foot long by 40-foot wide temporary pier supported by 24 hollow steel piles approximately 36-inches in diameter; and
    b. Emplacement of four hollow steel mooring piles approximately 60-inches in diameter."

    - *DCP would like to clarify that the pier extends 149 feet channelward from the mean high water line, but total channelward extent of the pier is 166 feet, as depicted on the Offsite Area B stream and wetland impact plate (revised April 30, 2014).*

    - *The preliminary drawing depicting the mooring pile detail provided typical dimensions of a mooring pile; however, the mooring piles that will be used for this Project will be approximately 36-inches in diameter, which is the same size as the 24 hollow steel piles that will be used to support the pier.*

2. On page 4 of 9, in the *Comment by Local, State, and Federal Agencies and Elected Officials* section, the text states, "Specifically, DNR requested that Dominion perform oyster surveys prior to construction of the pier and that Dominion monitor the NOB after removal of the pier."

   - *DCP requests the language on page 4 be revised to concur with condition B-8 of the Final Recommended Licensing Conditions provided by the reviewing state agencies to the PSC, which requires Dominion provide funding to the Maryland Department of Natural Resources (MDNR) to perform pre, during, and post-construction period surveys of the Natural Oyster Bar.*

3. On page 8 of 9, in the *Findings of the Maryland Department of the Environment* section, the text states, "The Department is recommending that Special Condition I be placed in the License, which establishes a date certain (i.e., December 31, 2016) for the removal of the structures."

   - *DCP requests that MDE provide additional flexibility on the removal date given the time-of-year restriction for in-water construction activities at Offsite Area B, and the unknown Project construction start-date. The removal of structures will occur once all equipment which requires barge transport is delivered. DCP requests that the date for removal be revised to December 31, 2017 if a specific date is required.*

4. Condition G of the *Recommended Special Conditions* section states, "The Licensee shall submit an Oyster Mitigation Plan and an Artificial Reef Plan in accordance with the memorandum from Mr. Robert Sadzinski, Biologist with the Maryland Department of Natural Resources, dated February 4, 2014. The Plans shall be submitted to the Water Management Administration, Tidal Wetlands Division and the Department of Natural Resources, Fisheries Division, for review and approval. Upon approval by the Water Management Administration, Tidal Wetlands Division, the Licensee shall implement the Plans."

   - *Enclosed is the draft Oyster Mitigation Plan which was submitted to the MDNR/Power Plant Research Program on March 28, 2014 (updated May 2014) (Enclosure 1). DCP will forward the draft Artificial Reef Plan to the MDE Tidal Wetlands Division and MDNR Fisheries Division when the plan is submitted to MDNR/Power Plant Research Program for review.*

5. Condition H of the *Recommended Special Conditions* section states, "The Licensee shall conduct a pre-construction survey of the shoreline adjacent to the Area B Pier and submit the survey to the Water Management Administration, Tidal Wetlands Division. After removal of the Area B Pier and mooring piles, the Licensee shall conduct a post-construction survey of the shoreline and submit the survey to the Water Management Administration, Tidal

Wetlands Division. If a comparison of the pre-construction and post-construction surveys demonstrates that excessive shoreline erosion has occurred, the Licensee shall restore the shoreline to the pre-construction conditions."

- *Enclosed is the pre-construction survey which was conducted in June 2013 to support the Calvert County Planning Department's review of the Grading Permit application and to support design of the structures (Enclosure 2). A post-construction survey of the shoreline will be completed after removal of structures and will be supplied to the Water Management Administration, Tidal Wetlands Division.*

6. Condition I of the *Recommended Special Conditions* section states, "In accordance with the lease agreement dated May 24, 2013 between Dominion and the riparian property owners, the Licensee shall remove the Area B Pier and mooring piles, authorized to be constructed by this License and shown in the attached plans, and restore all disturbed tidal wetlands to original contours on or before December 31, 2016."

   - *As stated above, DCP requests that MDE provide additional flexibility on the removal date given the time-of-year restriction for in-water construction activities at Offsite Area B, and the unknown Project construction start-date. DCP requests that the date for removal be revised to December 31, 2017 if a specific date is required.*

We appreciate your time and efforts in reviewing the information provided above and look forward to moving forward with the Project. If you have any questions or require additional information, please contact Richard Gangle at 804-273-2814 or Richard.B.Gangle@dom.com.

Sincerely,

Pamela F. Faggert

Pamela F. Faggert

Enclosures

cc: Tom Blair, Tidal Wetland Division, MDE
Richard Gangle, DCP

From: [redacted]
Date: Wed, May 28, 2014 at 11:10 AM
Subject: Tidal Wetlands Case No. 13-0338
To: Angela.Parks@maryland.gov

Angela Parks
Wetlands Associate

I am informing you that I take exception to MDE's granting a license to Dominion Cove Point LNG,LP. I will take the opportunity that you have offered me to have my comments heard by the Board of Public Works.
Thank you .

Sincerely ,
Eileen Hadley

To: Ms. Angela Parks, Wetlands Associate, State of Maryland Board of Public Works
From: June Sevilla, Lusby MD resident (email: [redacted]
Date: May 30, 2014, 4pm via electronic mail

Re: Tidal Wetlands Case No. 13-0338

Cc: Diana Dascalu-Joffe, Senior General Counsel/CFO Chesapeake Climate Action Network, Ms Tracy Eno; Josh Berman/Counsel, Sierra Club; Sean Canavan/Counsel AMP Creeks Council; Jocelyn D'Ambrosio/Counsel Earth Justice
Patuxent River Sail and Power Squadron Bridge Officers:
Commander Wayne Rogers, SN
Executive Officer Lt/C Scott McConnell, AP
Administrative Officer Lt/C Laura Magdeburger, SN
Member Pat Farrar, AP

Dear Ms Parks,

I, June Sevilla join Ms Tracey Eno in her concerns and echo the same concerns that is why her email to you is included with my submission. I likewise have my own concerns which I am submitting as a formal exception to MDE's and DPW's recommendations. My conclusions are contrary to MDE's and eventually your recommendations if you concur, that the building of this pier at DCP Area B is contrary to public interest and safety – not just the oysters which are vital to the Pax River Ecosystem and Health of the Chesapeake Bay, but for safe navigation not only at the Pax River Channel, but for the transportation hazards this pier and its purpose will bring. I am sure the health of the roads and the TJ Bridge are part of your departmental concern and I present them to you in light of MDE's recommendations when taken in conjuction with yours. Regarding the following issues:

1) In Dominion Cove Point's application, it states that for Area B, they will build a temporary 166-foot long by 40-foot wide pier. In the 1st page of MDE's/ (also referred to as "your report"), MDE/you generalize that the proposed work is "from the mean high water line" and within 260 ft channelward of the mean high water line. This is very confusing to the general public because Dominion throws around so many figures, usually quoting the lower value when it suits them in their public claims. Furthermore, MDE/your stating that there has been a change makes it appear as if the pier became shorter by 17 feet—no wonder Ms Eno asked this question of how long is this pier and what are the changes.
    a. As a state agency the up-front narrative of the scope of work should be clear to all and the narrative should have also included that the pier is indeed physically 166 ft from shore and that the mooring piles would extend the pier structure up to 260 ft channelward. The extra 94 feet makes a whole world of difference when one is physically navigating in the channel, even when there are no barges and tugboats moored at the pier.
    b. I could only verify these details of the dimensions of the pier and how long the obstruction extends from the engineering drawings which are so very hard to read because of the very fine print. And yes, I am an engineer and

-------- Forwarded message --------
From: **J Sevilla** [redacted]
Date: Fri, May 30, 2014 at 4:39 PM
Subject: Re: Comments on Tidal Wetlands Case No. 13-0338
To: angela.parks@maryland.gov
[redacted], Wayne Rogers [redacted] Scott McConnell
[redacted], "Magdeburger, Laura" [redacted], Pat Farrar
<[redacted]
Jocelyn D'Ambrosio [redacted] Joshua Berman [redacted]

To: Ms. Angela Parks, Wetlands Associate, State of Maryland Board of Public Works
From: June Sevilla, Lusby MD resident
Date: May 30, 2014, 8 AM, via electronic mail
Re: Tidal Wetlands Case No. 13-0338
Cc: Diana Dascalu-Joffe, Senior General Counsel/CFO Chesapeake Climate Action Network; Ms Tracy Eno; Josh Berman/Counsel, Sierra Club; Sean Canavan/Counsel AMP Creeks Council; Jocelyn D'Ambrosio/Counsel Earth Justice

Patuxent River Sail and Power Squadron Bridge Officers:
Commander Wayne Rogers, SN
Executive Officer Lt/C Scott McConnell, AP
Administrative Officer Lt/C Laura Magdeburger, SN
Member Pat Farrar, AP

Attachments: June Sevilla pdf file submission

Dear Ms Parks,
I, June Sevilla join Ms Tracey Eno in all her concerns and submit my own in addition, in the attached pdf file. Please consider my comments and concerns as part of the public record for DPW and comment on MDE's recommendations.
Thank you,
June Sevilla
[redacted]

[redacted]

I do read the fine print and pour over engineering drawings to verify my research and conclusions. I apologize for including DPW as if they were in conjunction with MDE, but if you concur with MDE, then DPW likewise.

c. Note that I have taken pictures of Area B in April/May 2014 and they are included in my comments herewith.
d. Below is a picture of scenic Area B today, annotated with comments.

2) The safety and current deplorable condition of the TJ Bridge I am sure is not news to your department (DPW). However, allow me to provide this information: http://www.smcm.edu/slackwater/about-us/TJbridge/Bridge.html

Eleven years later (*after the TJ Bridge opened for service*), in 1988, cracks discovered in the structure's deep-water piers forced the temporary closing of the bridge while steel braces were added to reinforce the pilings. For two months, travelers took a passenger ferry between Solomons and Town Creek, or drove 25 to 30 miles north to the Benedict Bridge. So began an uneasy anxiety in the public's mind about this once hopeful symbol of the region's growth and prosperity.

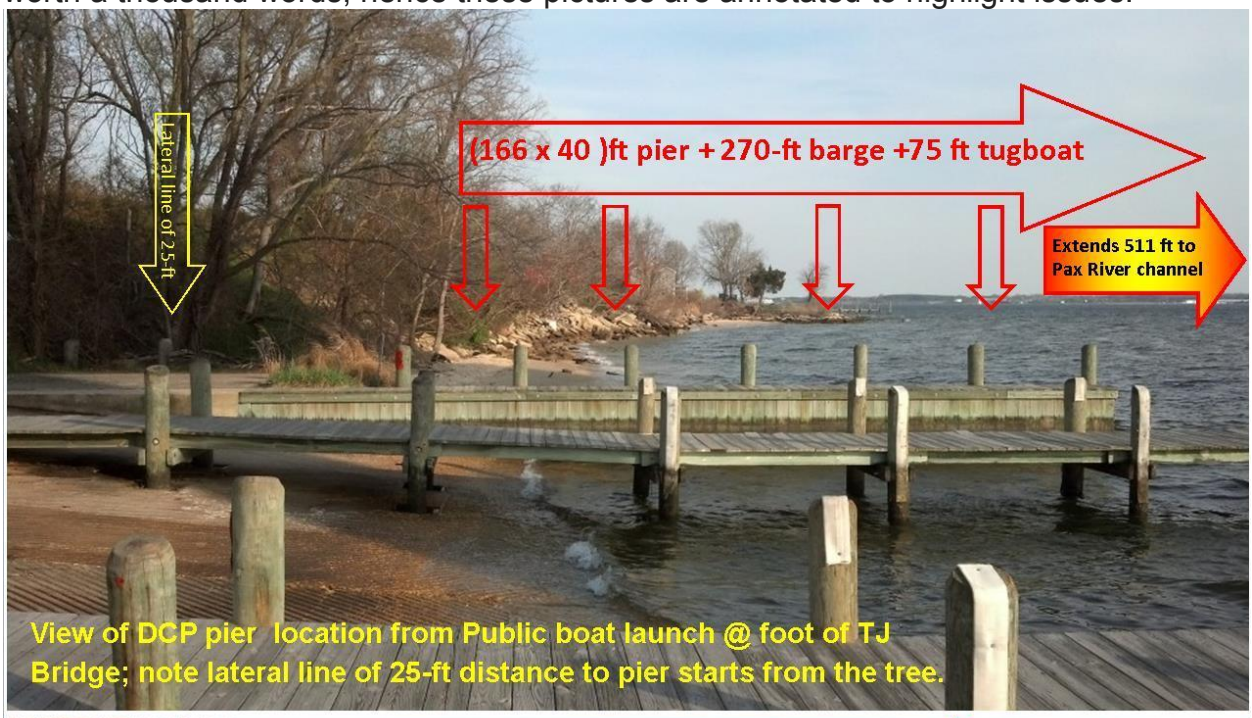
Now in 2013, the Thomas Johnson Bridge carries nearly 30,000 vehicles on a daily basis. The bridge handles far more traffic than it was originally designed for and represents one of Maryland's pressing transportation needs.

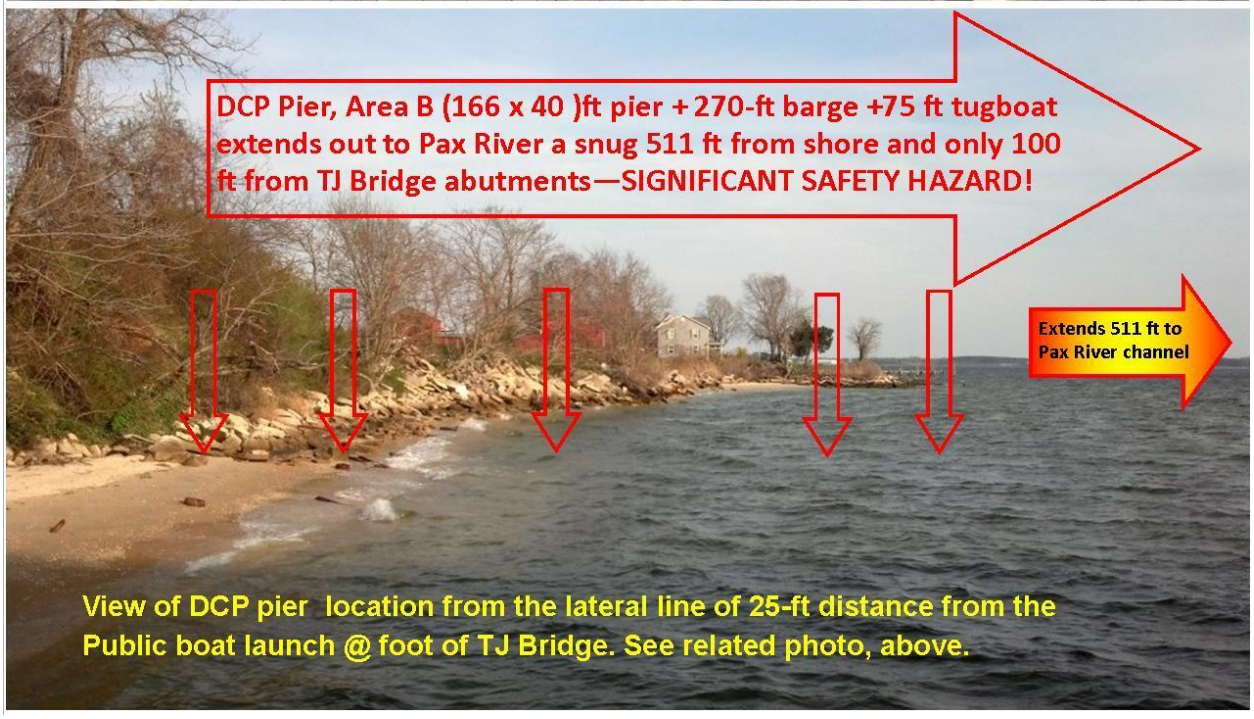
The Thomas Johnson Bridge was built at a cost of $26 million. Estimates to replace or otherwise add capacity stand at $670 million to $790 million, more than 25 times the bridge's original cost.

JRS NOTE: This aging TJ Bridge is constantly being inspected. This is the only emergency escape route for southern Calvert County in the event of a nuclear incident or LNG incident. The construction of the DCP pier with only 100 ft OR LESS distance from the TJ bridge supports further jeopardizes the safety of residents should a barge incident compromise the already compromised condition of the TJ Bridge. Furthermore, the added traffic of ultra-heavy trucks crossing the TJ Bridge to get to Area B is another

factor contributing to the high probability of disaster and SIGNIFICANT impact to both Calvert County and St Mary's County residents and commuters as well as impact tourism and commerce in these counties along the Chesapeake Bay and Patuxent River. The impact to loss of the TJ bridge is also a matter of national security,

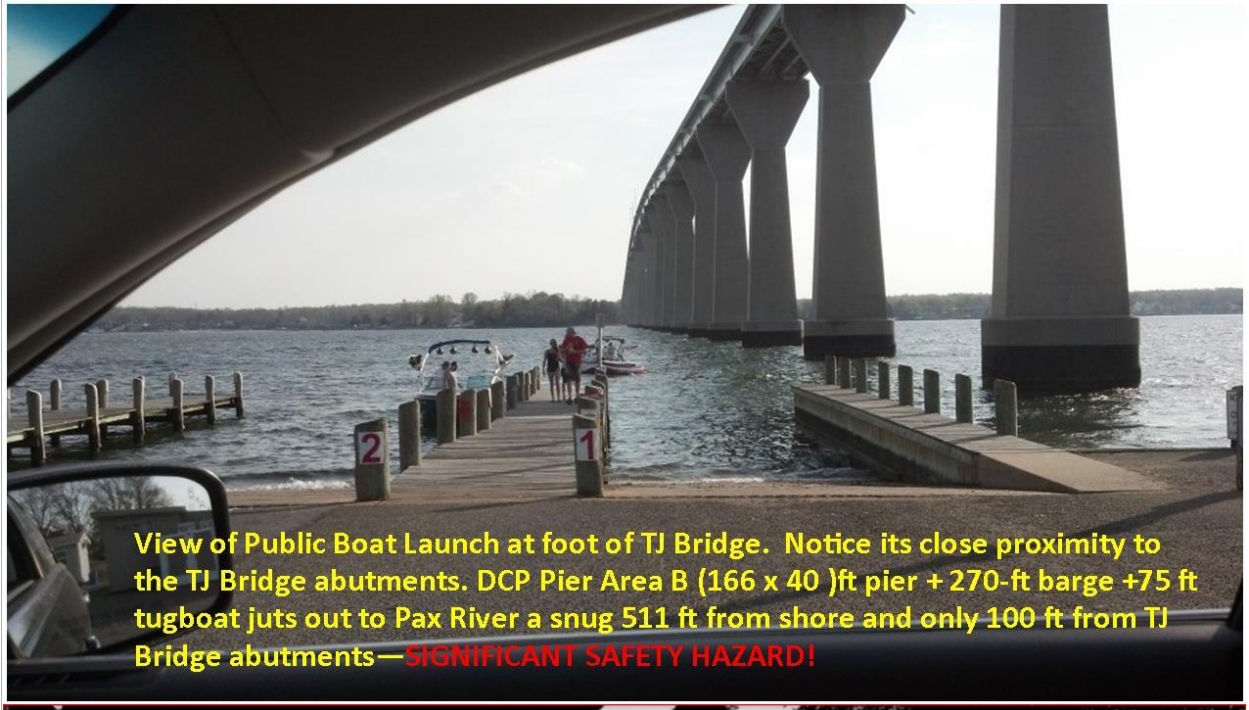
3) Here is what concerns me about this pier and moorings structure. Pictures are worth a thousand words, hence these pictures are annotated to highlight issues.



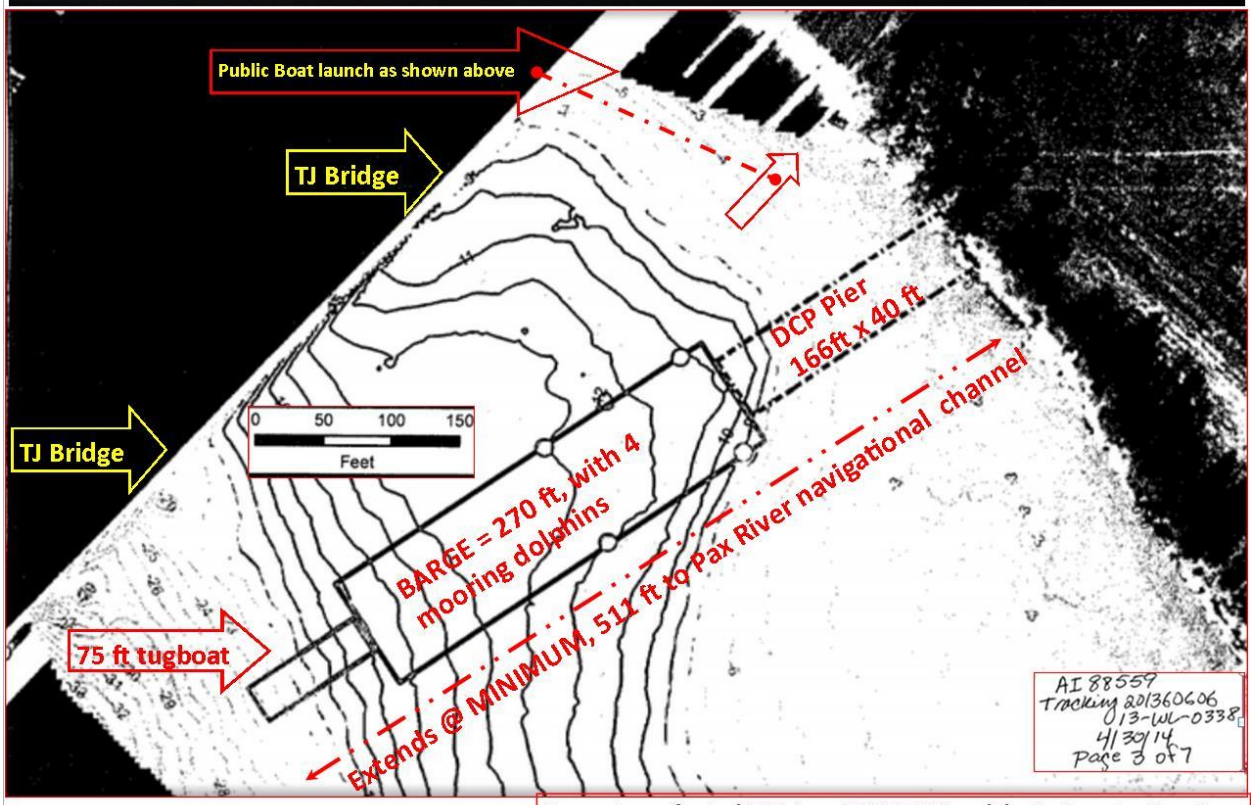


4)

5)



View of Public Boat Launch at foot of TJ Bridge. Notice its close proximity to the TJ Bridge abutments. DCP Pier Area B (166 x 40)ft pier + 270-ft barge +75 ft tugboat juts out to Pax River a snug 511 ft from shore and only 100 ft from TJ Bridge abutments—SIGNIFICANT SAFETY HAZARD!



EA Engineering, Science, and Technology, Inc.

Figure 2: Plan View of Moored Barge and Tug

Comparison of actual DCP Area B PICTURES and the Engineering Drawings submitted. How can DPW and FERC justify this scenario to be anything but a SIGNIFICANT SAFETY RISK to an integral transportation structure (TJ Bridge) and marine navigation at scenic and wild Patuxent River!

6) Figure 3, MDE's Engineering drawing side view: shows that the pier (166 ft) + barge (270 ft) + tugboat (75 ft) will encroach 511 ft into the channel of Pax River. Since lateral distance of the pier is only 100 ft from the TJ Bridge abutments, a 75-ft tugboat + a 270 ft barge docking at the pier—would have us believe this docking maneuver poses no significant safety risk? Furthermore, the lateral line of just over 25 ft between the pier and the public boat launch is considered "plenty of room" to avoid a small boat collision with the pier? NOT at all, in fact, it is a probability. I have launched a small boat (23 ft) in that boat launch and we usually steer the boat eastward (towards the proposed pier area) in order to avoid heading directly into the TJ Bridge abutments. Even with just the pier alone as an easterly obstruction to marine traffic, the recreational boater will have to head westward towards the TJ bridge to avoid collision with the DCP pier! For MDE/DPW to conclude that this pier and moorings will not affect navigational safety is erroneous. I also noticed MDE caveat that safety was considered, but MDE jurisdiction is only wetlands, therefore MDE scope is limited. This is just another turf excuse—every government agency whether or not safety is their purview is obliged to consider safety in their recommendation and not use the excuse that it is not their job! Deferring to FERC on safety is a cop-out. It is very clear the "tolerances" if you can even call it that are not only very short, they are barely there. And the RISK on SAFETY IS SIGNIFICANT to bothe bridge and channel navigators.
7) Relating to the impact on natural oyster bar (NOB) 22-8: "DNR requested that Dominion perform oyster surveys prior to construction of the pier and that Dominion monitor the NOB after removal of the pier." The fact that this oyster bar is critical to Pax River and the Bay, it is appalling that a very tight plan of monitoring and skirting around the spawning season is abhorrent, especially coming from MDE which is supposed to be looking after these matters! I further agree with Ms Eno: Dominion is in the business of transporting, processing and selling liquid natural gas. How is it that they are qualified to perform an oyster survey and monitoring program? Why would DNR ask the Dominion to do this self-monitoring? It would seem more appropriate to have an independent marine biology research organization (perhaps Chesapeake Biological Lab) perform these tasks.

Thank you for including my comments and concerns in your consideration at DPW. Please include me in further communications and updates regarding this matter.

Sincerely,

June Sevilla

[redacted]

On Fri, May 30, 2014 at 2:24 AM, Tracey Eno [redacted] wrote:

To: Ms. Angela Parks, Wetlands Associate, State of Maryland Board of Public Works
From: Tracey Eno, Lusby MD resident
Date: May 30, 2014, 2:24 AM, via electronic mail
Re: Tidal Wetlands Case No. 13-0338
Cc: Diana Dascalu-Joffe, Senior General Counsel/CFO Chesapeake Climate Action Network
Patuxent River Sail and Power Squadron Bridge Officers:
Commander Wayne Rogers, SN
Executive Officer Lt/C Scott McConnell, AP
Administrative Officer Lt/C Laura Magdeburger, SN
Member Pat Farrar, AP
Attachments: Cover letter from Board of Public Works to Dominion Cove Point, MDE Wetland Report and Recommendation

Dear Ms. Parks,
Thank you for your time on the phone yesterday and quick response in providing electronic copies of the Board of Public Works cover letter and MDE Report.
I attended and spoke at the Public Informational Hearing on 2/5/14 in Solomons, MD. I received and reviewed a hard copy of the MDE Wetland Report and Recommendation dated 5/14/14 for Tidal Wetlands Case No. 13-0338. I want to go on record as having several concerns and questions that have come to light with the information in this document. I am concerned with the transparency of the proposal, the safety of recreational boaters and people driving on the Governor Thomas Johnson Bridge, and the environmental impacts. After speaking to you yesterday I spoke to Tom Blair at MDE and Mark Reaser at Dominion. Neither was able to confidently answer my questions. Please present my questions/comments to the Board of Public Works.

1) At the February hearing, the discussion was of a 160-foot long by 40-foot wide pier. The MDE report references a 149-foot long by 40-foot wide pier.
When did the size of the pier change, and why?

2) The applicant's original project was modified. The Report says "As part of the Maryland Department of the Environment's requirement to avoid and minimize impacts to wetlands, the proposed pier was shift slightly to the west."
When was this change made, how far was it shifted, and why?

3) Relating to the impact on natural oyster bar (NOB) 22-8: "DNR requested that Dominion perform oyster surveys prior to construction of the pier and that Dominion monitor the NOB after removal of the pier."
Dominion is in the business of transporting, processing and selling liquid natural gas. How is it that they are qualified to perform an oyster survey and monitoring program? Why would DNR ask the Dominion to do this self-monitoring? It would seem more appropriate to have an independent marine biology research organization (perhaps Chesapeake Biological Lab) perform these tasks.

4) Thank you for considering the relevant concern of "Potential structure damage to the Governor Thomas Johnson Bridge from barges coming loose from their moorings and striking the bridge pilings". It appears as though the barge pier is now planned to be situated EVEN CLOSER to the bridge, presenting unacceptable risk to the thousands of people who drive across the bridge every day. The Report states "Based on the configuration of the barge mooring area, the rear of a barge docked at the Area B Pier should be at least 100 feet from the piles supporting the bridge." However, Figure 2: Plan View of Moored Barge and Tug clearly shows that that distance is LESS than 100 feet. As a member of the United States Power Squadron, I am familiar with recreational boats and docking procedures. In the best weather conditions, maneuvering and docking a small vessel takes skill. Maneuvering and docking a 270 foot barge with a 75 foot tug boat takes extreme skill. Having less than 100 feet distance between the final docking position and the Governor Thomas Johnson Bridge with a combined barge/tug length of 345 feet (3 ½+ times the size of that distance) is extremely risky and allows for ZERO margin of error.

The barge is propelled by a tug boat; if the tug boat has mechanical difficulties, what protects the barge from drifting into the bridge pilings and compromising the bridge and anyone driving over it?
What safety net exists to protect the bridge if a barge is subject to winds and currents and misses the pier during

a docking attempt?

5) The report states "All work performed under this Tidal Wetlands License shall be conducted by the property owner OR by a marine contractor registered with the Maryland Department of the Environment in accordance with Chapter 286 of the 2010 Laws of Maryland." My understanding is that the property owner is "the Glascock Children 2012 Dynasty Trust, CKK Family Trust and Gregory and Blair Smith". These appear to be ordinary citizens. Does this mean that the members of this family trust are authorized to perform the work to build this project? If so, are they certified in marine construction or in any way qualified to do so?

6) Effects of the Area B Pier on the adjacent Solomons Boat Ramp and Fishing Pier: The Report states "The Area B Pier will not eliminate or substantially reduce marine commerce, recreation, and aesthetic enjoyment."
Now that the pier is proposed to be "shifted slightly to the west", what is the (new) distance between the southernmost structure of the boat launch and the barge pier?
Will the boat launch remain open to public use throughout the construction and operation of the barge pier?
Will there be security zones enforced during construction, during docking, and/or during offloading of the barges? If so, who will enforce the security zone?
What risks are there to recreational boaters wishing to launch a vessel from the ramp?

Thank you for your assistance.

Sincerely,

Tracey Eno

[redacted]

RECEIVED

2014 MAY 21 PM 2:04

BOARD OF PUBLIC WORKS

[redacted]

5/19/2014

Maryland Board of Public Works

Dear Ms. Sheila McDonald;

The Cove Point LNG plant seems a short-lived, under-funded enterprise that could have a long-term negative impact on the environment of the Chesapeake Bay. Short-lived due to rising sea-levels and diminishing returns on natural gas (see Daten Bothkopf report on natural gas recovery). Under-funded in that costs for evacuation and treatment of residents in the event of a disaster or just regular operations is ignored.

All in all, a short-term solution to a long-term problem with bad side-effects,

Sincerely,

Deborah H. Daniel

[redacted]

ATTACHMENT 5

BOARD NOTICE

DISTRIBUTION OF MD DEPT OF ENVIRONMENT REPORT & RECOMMENDATION

5/14/14

DOMINION COVE POINT LNG, LP

State of Maryland
Board of Public Works
Wetlands Administration
Post Office Box 1510
Annapolis, Maryland 21404
410-260-7791
Fax: 410-974-5240
Toll Free: 1-877-591-7320

May 14, 2014

TO: Dominion Cove Point LNG, LP
c/o Mark D. Reaser, Director, LNG Operations and
Persons Interested in the Subject Application
for a State Wetlands License

RE: Tidal Wetlands Case No. 13-0338

You are receiving this letter because the Maryland Department of the Environment (MDE) has identified you as an interested person with respect to the Dominion Cove Point LNG's application to the Board of Public Works for a tidal wetlands license. The application seeks authorization from the Board of Public Works to construct a temporary pier on the Patuxent River to be used for offloading large industrial equipment from barges.

MDE has prepared a Report and Recommendation for the Board of Public Works that recommends granting the license. Enclosed with this letter is a copy of MDE's Report and Recommendation.

This is your opportunity to review the Report and Recommendation to see if you agree with, or take exception to, MDE's recommendations. If you do take exception and would like your comments taken into account by the Board of Public Works, you must notify this Office no later than **May 30, 2014** of your concerns. COMAR 23.02.04.08B.

Written comments should be sent to: Sheila McDonald, Executive Secretary
Maryland Board of Public Works
80 Calvert Street, Room 117
Annapolis, MD 21401

Sometime after the deadline, we will notify you of the date of the Board of Public Works meeting at which the application is scheduled to be considered and let you know how to request a personal appearance at the Board meeting. (The Board meeting date is not currently set.) COMAR 23.02.04.09.

Sincerely,

Angela Parks

Angela Parks
Wetlands Associate

Enc.: MDE Report & Recommendation

MDE List of Interested Persons

Dominion Cove Point

Tom Hance
2155 Solomons Island Road So.
Prince Frederick, MD 20678

Dan Loveless
1607 Sloop Drive
Annapolis, MD 21401

Steve Weems, Commissioner
Calvert Co. Bd. Of Co. Comm.
175 Main St. – 2nd Floor
Prince Frederick, MD 20678

Jeff Guido
6070 Manor Lane
LaPlata, MD 20646

Kelly Chambers
P.O. Box 560
Prince Frederick, MD 20678

Chris Moore
3021 Soper Road
Huntingtown, MD 20639

Mark Ginffrida
11349 Mesquite Lane
Lusby, MD 20657

Eileen Hadley
11380 Cove Lake Road
Lusby, MD 20657

Hank Sorensen
8500 Pennsylvania Ave.
Upper Marlboro, MD 20772

Luno Cressutti
3915 Howard Road
Beltsville, MD 20705

Bill Scarafin
St. Mary's Chamber of Commerce
Airport Road
California, MD 20619

Morris Suit
3980 Dunn Road
Huntingtown, MD 20639

Steven Hickmann
3830 Fish Hawk Drive
Roomes Island, MD 20615

Brad Karbowsky
3230 Christines Way
Huntingtown, MD 20639

Theodora Watts
620 Willow Road
Lusby, MD 20657

Tom Endrusick
12860 Spring Cove Drive
Lusby, MD 20657

Horacio Moronta
2018 Dasher Drive
Lusby, MD 20657

Zane Rettstatt
11448 Stirrup Lane
Lusby, MD 20657

Connie Palombi
5345 Mackall Road
St. Leonard, Md 20685

Mack Coles
16220 Pennsbury Drive
Bowie, MD 20716

John Rayner
9100 Old Marlboro Pike
Upper Marlboro, MD 20672

Bob Priddy
425 Swaggers Point Road
Solomons, MD 20688

Dennis DiBello
5943 Cordial Ct.
St. Leonard, MD 20685

Charles Russell
481 Chippingwood drive
Port Republic, MD 20676

Sahara Watts
620 Willow Road
Lusby, MD 20657

Dave Weigel
132 Main Street
Prince Frederick, MD 20678

Christine Finamore
Calvert County CPB
150 Main St., 3rd Floor
Prince Frederick, MD 20678

Terence Gibson
4900 Sixes Road
Prince Frederick, MD 20678

Elroy McLeod
4800 Paul Hance Road
Huntingtown, MD 20639

Todd Buckner
5879 Allentown Road
Camp Springs, MD 20646

Roberta Baker
2735 Garrity Road
St. Leonard, MD 20685

W. Freeman
P.O. Box 1654
Lusby, MD 20657

Peter Holt
12983 Mills Creek Dr.
Lusby, MD 20657

Judy Rose Seibrert
13011 Daley SF
Silver Spring, MD 20906

Dennis Baker
217 Leason Cove Dr.
Lusby, MD 20657

Michael Teoford
156 Cross Point Dr.
Owings, MD 20736

Bernard C. Young
5370 Sheridan Point Rd.
Prince Frederick, MD 20678

Cidy Pier
3120 Hickory Ridge Rd.
Dunkird, MD 20654

Leonard J. Elter
2470 Emmanuel Ct.
Huntingtown, MD 20639

John Zolusky
12875 Lake View Drive
Lusby, MD 20657

Cathy Zumbrun
1167 El Paso Ct.
Lusby, MD 20657

Lillian Mattingly
24680 Paradise Lane
Hollywood, MD 20636

Tracey Eno
11440 Cove Lake Rd.
Lusby, MD 20657

Anne Harrison
11622 Mesa Terrace
Lusby, MD 20657

Deb Daniel
982 Crystal Rock Road
Lusby, MD 20657

Rice Bourne
1699 Ball
Port Repubic, MD 20676

John P. Hawkins
1434 Knight Ave.
Dunkirk, MD 20754

June Sevilla
Cove Point Beach
Lusby, MD 20657

Margaret K. Duffy
P.O. Box 1568
Lusby, MD 20657

Melroy Quasney
5113 Krgs (?) Road
St. Leonard, MD 20685

Richard Loveless
545 Plum Pt. Rd.
Huntingtown, MD 20639

Bill Peil
3120 Hickory Ridge Rd.
Dunkirk, MD 20754

Karen Zuza
13278 St. Johns Creek Rd.
Lusby MD 20657

Amy Rispin
5300 Saratoga Ave.
Chevy Chase, MD 20815

Bill Nichols
271 Cove Drive
Lusby, MD 20657

Ronald Clark
540 Hutchins Road
Dowell, MD 20629

Dawn & Steve Bochinski
10310 Breeden Road
Lusby, MD 20657

Lenny Elter
5675 Buena Vista Rd.
Prince Frederick, MD 20678

Mina Kim
1985 Matapeake Ct.
St. Leonard, MD 20685

Trish Douglass
2255 Brians Way
Lusby, MD 20697

Deb McClure
11165 Beacon Way
Lusby, MD 20657

Calvert Co. Bd. Of Co. Cmsnrs.
c/o Calvert County Treasurer
175 Main Street
Prince Frederick, MD 20678

Sara E. Smith, Trustee
P.O. Box 1314
Solomons, MD 20688

Henry Gabelnick
11135 Hatteras Ct.
Lusby, MD 20657

Randal L. Rogers, Jr.
Dominion Cove Point LNG, LP
445 West Main Street
Clarksburg, WV 26301

Chuck Johnson, Director
Calvert Co. Dept. of Community
Planning & Building
150 Main St. – Suite 304
Prince Frederick, MD 20678

Peter Holt
12983 Mills Creek Dr.
Lusby, MD 20657

William Glascock et al.
P.O. Box 382
Solomons, MD 20688

Bedford C. Glascock
P.O. Box 1132
Solomons, MD 20688

ATTACHMENT 6

NOTICE OF MEETING

State of Maryland
Board of Public Works
Wetlands Administration
Post Office Box 1510
Annapolis, Maryland 21404
410-260-7791
Fax: 410-974-5240
Toll Free: 1-877-591-7320

June 9, 2014

Tracey Eno
11440 Cove Lake Road
Lusby, MD 20657

RE: Tidal Wetlands License No. 13-0338

Dear Ms. Eno:

The **application of Dominion Cove Point, LNG, LP** to construct a temporary pier and mooring piles for barge and storage operations on the Patuxent River southwest of the Thomas Johnson Bridge (Maryland Route 2-4) in Calvert County is tentatively scheduled to be presented to the Board of Public Works at its regular meeting on Wednesday, July 23, 2014.

The Board will begin its regular meeting (including a general-obligation bond sale) at 10 AM in the Assembly Room, Treasury Building, Annapolis. I anticipate that the Board will complete all meeting business other than the Dominion Cove Point application by mid-day at which point we will suspend the meeting for a short break for re-location.

The Board will then re-convene its meeting to consider the Dominion Cove Point application:

Approximately 1:00 PM
Wednesday, July 23, 2014
Joint Hearing Room
Legislative Service Building
100 State Circle, Annapolis

- ***If you desire to personally appear before the Board at the meeting, your request must be in this Office no later than July 2, 2014.***
- Your request must: "Specify the items of contention, any wetlands-related concerns, and reasons for opposing the issuance of a license." COMAR 23.02.04.09.
- You may: email your request to angela.parks@maryland.gov; call 410-260-7335; or deliver to 80 Calvert Street, Room 117, Annapolis.

Please note that at the meeting, individuals or organization representatives who speak "shall make their positions concisely within a reasonable time limit." *Id.* Finally, "The Board reserves the right to decline to hear personal appearance testimony based upon the merits of the information before it."

Same letter delivered by U.S. Mail
also to: Sovilla, J
Hadley, E
Daniel, D
DOMINION COVE POINT

Sincerely,

Sheila McDonald

ATTACHMENT 7

MARYLAND HISTORIC TRUST

MARYLAND

Re: Dominion Cove Point Submerged Cultural Resources Investigation Offsite Area B

1 message

Troy Nowak -MDP- <troy.nowak@maryland.gov> Mon, Mar 31, 2014 at 9:00 AM
To: Tom Blair -MDE- <tom.blair@maryland.gov>

I attached a copy of the letter showing that MHT concurs with the recommendations of Dominion's contractor,

Troy J. Nowak
Asst. State Underwater Archeologist
Maryland Historical Trust
(410) 514-7668 - office
(410) 987-4071 - fax
troy.nowak@maryland.gov

On Fri, Mar 28, 2014 at 4:51 PM, Tom Blair -MDE- <tom.blair@maryland.gov> wrote:
Ok, so as long as they keep the pier and mooring piles where they are then they are ok? What I was saying was, all I got was a copy of the letter, so I didn't see the attachments to know where the avoidance of Targets were.

Tom

Tom Blair
Natural Resources Planner
MDE Tidal Wetlands Division
410-537-3527

On Fri, Mar 28, 2014 at 4:48 PM, Troy Nowak -MDP- <troy.nowak@maryland.gov> wrote:
Hi Tom,

As far as I am aware nothing has changed related to project plans since the Sept. 23 letter.

We received a copy of the final report dated on October 1, 2013 that addressed our minor editorial comments and we concured with the recommendations in that report.

As long as Dominion is able and willing to follow those recommendations (Avoidance of Targets 1,3,7,9 and 10 by distances shown in Table 7.1), no further consultation with MHT is necessary for this portion of the project unless the work results in unanticipated discoveries of potential historic properties.

Let me know if you have any questions. Email is best.

Have a great weekend,

Troy J. Nowak
Asst. State Underwater Archeologist
Maryland Historical Trust
(410) 514-7668 - office
(410) 987-4071 - fax
troy.nowak@maryland.gov

On Fri, Mar 28, 2014 at 4:33 PM, Tom Blair -MDE- <tom.blair@maryland.gov> wrote:

Troy,

I have a copy of a letter to Dominion from you concerning the above site dated 9/23/13. I am almost ready to recommend to the Board of Public Works on issuance of a license for the project and would like to know if you are satisfied with what Dominion has done and is the proposed pier and pilings OK or do they need something more to satisfy you. The letter talks about avoidance of Targets 1,3,7,9 and 10 by distances shown on Table 7.1 (I didn't get that table in Dominion's submittal only the letter).

Let me know. Thanks
Tom Blair
Natural Resources Planner
MDE Tidal Wetlands Division
410-537-3527

Dominion Cove Point Offsite Area B.pdf
247K

September 23, 2013

Pamela F. Faggert
Vice President and Chief Environmental Officer
Dominion Resources Services, Inc.
5000 Dominion Boulevard
Glen Allen, Virginia 23060

RE: MHT review of *Phase I Submerged Cultural Resources Investigation Offsite Area B for Dominion Cove Point LNG at Solomons, Maryland* – Draft Report

Dear Ms. Faggert:

The Maryland Historical Trust (MHT) has reviewed the updated draft report for the Cove Point Liquefaction Project detailing comprehensive Phase I Reconnaissance and limited Phase I Identification studies in accordance with Section 106 of the National Historic Preservation Act of 1966 and the Maryland Historical Trust Act, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland. MHT concurs with the authors' findings that include avoidance of Targets 1, 3, 7, 9 and 10 by the distances shown in Table 7.1.

The following items should be addressed in preparation of the final report:

- Magnetic anomaly table headings should include units for Amplitude and Duration.
- The footers and bolded text that designate revisions should be removed.
- The final report should be single-spaced, double-sided, and comb-bound.

We look forward to receiving a copy of the final report. Thank you for providing this opportunity to comment.

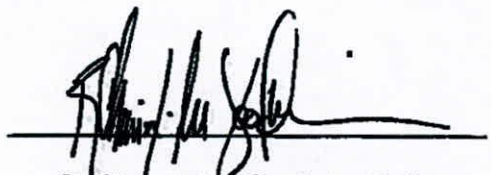
Sincerely,

Troy J. Nowak
Asst. State Underwater Archeologist

TJN/201303264
cc: Kathy Anderson (COE) Randal Rogers (Dominion)
Rod Schwarm (COE) Jennifer Broush (Dominion)
Cindy Kates (MDE) James Schmidt (Goodwin & Associates)

PHASE I SUBMERGED CULTURAL RESOURCES INVESTIGATION OFFSITE AREA B FOR DOMINION COVE POINT LNG AT SOLOMONS, MARYLAND

Final Report



R. Christopher Goodwin, Ph.D.
Principal Investigator

by

James S. Schmidt, M.A., Kathryn A. Ryberg, M.Sc., Martha Williams, M.A., M.Ed., David A. McCullough, Ph.D., William P. Barse, Ph.D., and R. Christopher Goodwin, Ph.D.

R. Christopher Goodwin & Associates, Inc.
241 E. Fourth Street, Suite 100
Frederick, MD 21701

October 2013

for

EA Engineering, Science, and Technology, Inc.
225 Schilling Circle
Hunt Valley, MD 21031

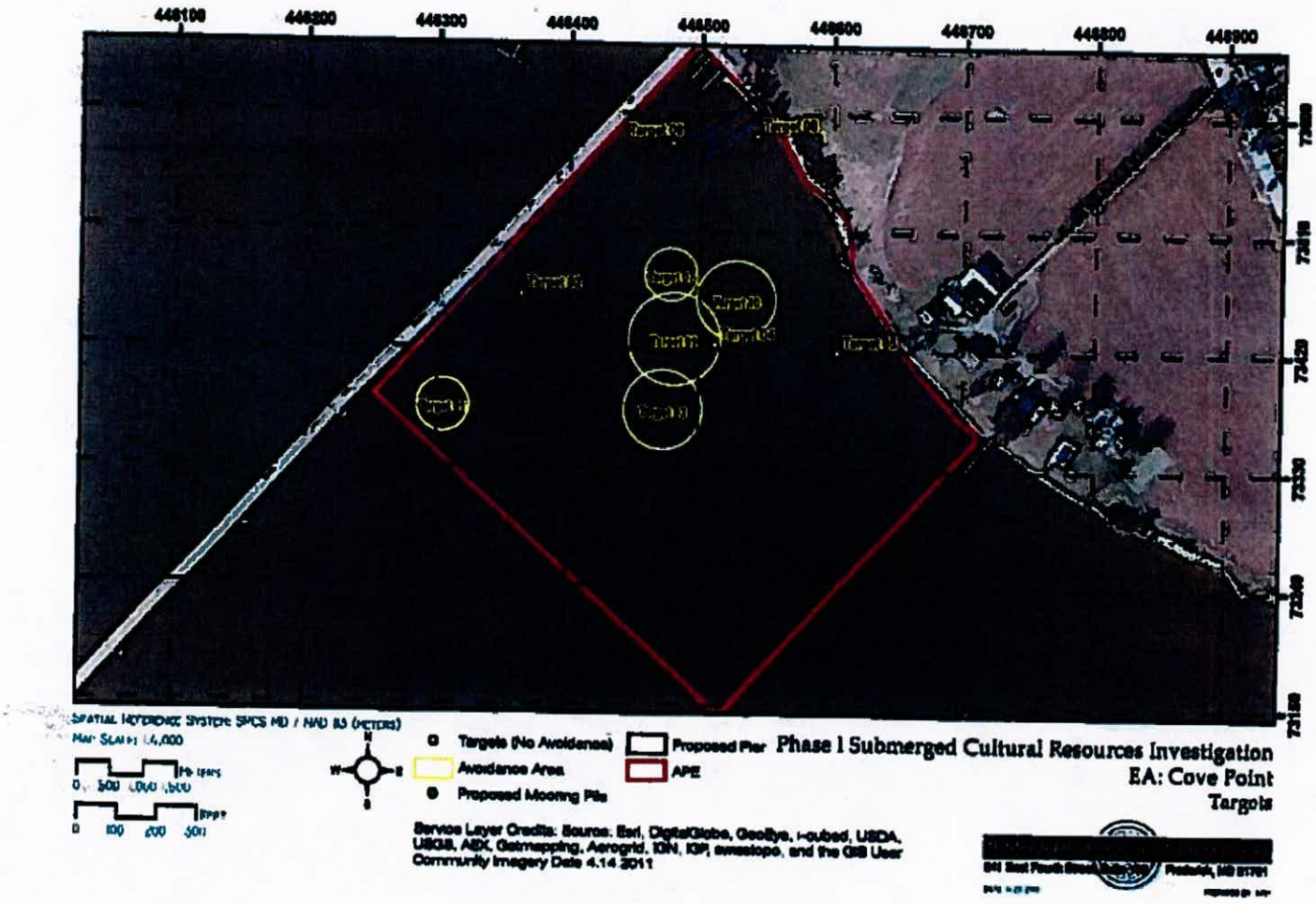


Figure 7.1. Target Overview.

Table 7.1. Target table.

Target	Anomalies	X[1]	Y[1]	Identification	Avoidance distance from center point
Target 01	Line4_Item27, Line5_Item42	446305.284	73375.648	Potential Cultural Resource	20.0 m
Target 02	Line9_Item122, Line11_Item146	446364.522	73460.3	Debris	N/A
Target 03	Line9_Item113, Line10_Item135, Line10_Item136, Line10_Item137, Line11_Item153, Line12_Item157, Lane11_Item2, 29, 31	446472.986	73373.7	Potential Cultural Resource	30.0 m
Target 04	Line14_Item191, Line14_Item192, Line15_Item244, 45	446512.153	73423.347	Debris	N/A
Target 05	Line18_Item275, Line19_Item289, 80	446605.055	73418.205	Debris	N/A
Target 06	Line20_Item292, Line21_Item312, 89	446478.332	73576.847	Steel I-beam	N/A
Target 07	Line15_Item238, Line17_Item262, T28, 54	446478.194	73476.347	Potential Cultural Resource	20.0 m
Target 08	Line23_Item338	446542.427	73582.777	Debris	N/A
Target 09	T21, 32, 36, 37, 47, T61	446476.54	73424.959	Potential Cultural Resource	35.0 m
Target 10	T9, T30, T31, 58, 64, 75, Lane11X_Item3, Lane17_Item4	446527.116	73457.103	Potential Cultural Resource	30.0 m

[1]X/Y coordinates referenced to Maryland State Plane, NAD 83, meters.

Maryland Department of Planning
Maryland Historical Trust

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary

Matthew J. Power
Deputy Secretary

April 26, 2013

Mr. Rod Schwarm
Regulatory Branch
Baltimore District
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715

Re: MHT Review of Cultural Resources Investigations for the Cove Point Liquefaction Project
Dominion Cove Point, LNG – Calvert County, Maryland

Dear Mr. Schwarm:

The Maryland Historical Trust (MHT) has been provided with draft copies of the Phase I terrestrial and underwater archeological survey reports detailing the results of the cultural resources investigations that have been conducted for the above-referenced project. The proposed construction of a natural gas liquefaction facility at the existing Cove Point LNG Terminal and the associated use of temporary construction laydown and parking areas will require a variety of federal and state permits and is therefore subject to state and federal historic preservation law. We have therefore reviewed the draft documents in accordance with Section 106 of the National Historic Preservation Act and §§ 5A-325 and 5A-326 of the State Finance and Procurement Article and are writing to provide the following comments and recommendations regarding potential effects on historic properties.

Terrestrial Archeology: MHT has been provided with a draft copy of the Phase I archeological report detailing the results of the terrestrial survey work that has been conducted for the above-referenced project. The report was prepared by R. Christopher Goodwin & Associates, Inc. on behalf of Dominion Cove Point LNG, LP. The document, *Phase I Archeological Survey for the Proposed Dominion Cove Point Liquefaction Project, Calvert County, Maryland* (Maymon et al. 2013) is consistent with the reporting requirements of the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). The report is also very well-written and well-organized and presents the necessary documentation on the goals, methods, results, and recommendations of the Phase I survey work that has been conducted within the project area. Please note, however, that the following items should be addressed in the preparation of the final report:

- The final report should be single-spaced, as this practice will help to conserve space in the MHT Library.
- The site forms for the four newly identified sites should *not* be included in the appendices of the report.
- The final report should specify the final disposition of the material remains and field records generated by the Phase I survey.

The archeological investigations were carried out between May and September of 2012 and resulted in the identification of six archeological sites (two previously identified and four newly-identified) within the project area – 18CV172, 18CV301, 18CV502, 18CV503, 18CV504, and 18CV505. Attachment 1 lists each of these sites along with brief site descriptions and our recommendations regarding each resource. In short, we concur that sites 18CV301, 18CV504, and 18CV505 do not meet the criteria for eligibility in the National Register of Historic Places given their loss of integrity and lack of research potential. Further investigation of these three sites is not warranted for *Section 106* purposes. We also concur that sites 18CV502 and 18CV503 are both located in areas that will *not* be impacted by the proposed project as it is currently designed. It is therefore our opinion that the proposed natural gas liquefaction facility and the use of its associated laydown and parking areas will have *no effect* on sites 18CV502 and 18CV503 and that no further archeological investigations are needed at these two sites at this time. Please note, however, that any proposed changes and/or realignments of the project's impact areas will need to be submitted to MHT for review and comment and that additional survey work will be needed at sites 18CV502 and 18CV503 if they are to be impacted by the undertaking.

As noted on page 106 of the draft Phase I report, a portion of previously-identified site 18CV172 (the 19th century Baltimore and Drum Point Railroad bed) extends into the northeastern portion of the Patuxent Business Park parcel that is located along Route 765. Several portions of this railroad bed (including a section located immediately north of the Patuxent Business Park parcel) have been determined to be eligible for the National Register of Historic Places under Criteria A and C. We therefore concur that the portion of site 18CV172 that extends into the current project area should be preserved in place and avoided during all construction activities associated with the proposed undertaking. If site avoidance is not feasible, then further consultation with MHT will be required.

Finally, it is important to note that archeological testing at the Offsite Area B (Barging Area) was limited by the presence of deep and highly compacted fill material that prevented the Phase I test pits from extending into the Pleistocene soils. Deep testing that was conducted for the Thomas Johnson bridge project has indicated that cultural deposits could remain intact beneath the modern fill starting at 65 cm (2.1 ft). As noted on page 127 of the draft report, current construction plans for this parcel include the construction of a 50 ft wide haul road. Given the

results of the deep testing that has taken place just north of the Barging Area, we are recommending that the grading that will be required to build this haul road **not extend more than 2 ft below the current surface.** If the construction of the haul road requires soil disturbance below 2 ft, then deep testing will be recommended to determine if any intact archeological deposits are located within the proposed impact areas. Given these concerns regarding deep deposits, we would like to request that MHT be provided with detailed site plans illustrating the proposed impacts and grading depths for the Offsite Area B (Barging Area), so that we may complete our assessment of potential effects on cultural resources in this area.

Underwater Archeology: MHT has been provided with a draft copy of the Phase I reconnaissance report detailing the results of the underwater survey work that has been conducted for the above-referenced project. The report was prepared by R. Christopher Goodwin & Associates, Inc. on behalf of Dominion Cove Point LNG, LP. The document, *Phase I Submerged Cultural Resources Investigation, Offsite Area B for Dominion Cove Point LNG at Solomons, Maryland* is largely consistent with the reporting requirements of the *Standards and Guidelines for Archeological Investigations in Maryland* (Shaffer and Cole 1994). Please note, however, that the following items should be addressed in the preparation of the final report:

- The report should be single-spaced, double-sided, and comb-bound as this practice will help to conserve space in the MHT Library.

We concur with the authors' recommendations to avoid Targets 01, 03, 06, and 07 by the suggested avoidance distances; however, we additionally recommend avoidance of Targets 08, 09 and 10. We recommend avoidance of Target 08 by 25 meters from its center point and request that the report authors establish appropriate avoidance areas for Targets 09 and 10 in consultation with the Maryland Historical Trust considering the positions and durations of the magnetic anomalies that compose these targets plus an additional 10 meter buffer.

We look forward to further coordination regarding avoidance of Targets 01, 03, 06, 07, 08, 09, and 10 and receipt of an updated final version of *Phase I Submerged Cultural Resources Investigation, Offsite Area B for Dominion Cove Point LNG at Solomons, Maryland*, when it becomes available.

The cultural resources investigations that have been conducted to date for the Dominion Cove Point Liquefaction project have generated important information regarding the presence of historic properties within the project's Area of Potential Effect. We appreciate the conscientious efforts that are being made to recover this information and to consider the effects that the proposed activities may have on cultural resources. We look forward to further coordination as project planning proceeds and to receiving a copy of the final reports, when they become available. Once the evaluation of all cultural resources is complete, we will be able to provide

our comments on the project's effect on historic properties and make appropriate recommendations regarding measures to avoid, reduce, or mitigate any adverse effects. If you have any questions or require further information, please do not hesitate to contact either Dixie Henry (for inquiries regarding terrestrial archeological resources) at 410-514-7638 or dhenry@mdp.state.md.us or Troy Nowak (for inquiries regarding underwater resources) at 410-514-7668 or tnowak@mdp.state.md.us. Thank you for providing us with this opportunity to comment.

Sincerely,

Dixie Henry

Dixie Henry
Preservation Officer
Maryland Historical Trust

DLH/TJN
201300258/201301576
cc: Kathy Anderson (COE)
Cindy Kates (MDE)
Randal Rogers (Dominion)
Jennifer Broush (Dominion)
Jeff Maymon (Goodwin & Associates)

Attachment 1

MHT Recommendations for Archeological Sites Identified During Phase I Survey of Dominion Cove Point Liquefaction Project Area, Calvert County, Maryland

Site Number	Site Description	National Register Status	Recommended Action
18CV172	portion of 19th c. Baltimore and Drum Point Railroad bed	Eligible	Avoidance
18CV301	Mid to late-19th c. domestic site, heavily disturbed/graded. No intact features i.d.	Ineligible	No further study warranted
18CV502	Multicomponent – scatter of prehistoric lithics and late 19th-20th c. domestic materials	Insufficient data	Site to be avoided – no further work necessary at this time
18CV503	Multicomponent – diffuse scatter of prehistoric and historic materials	Insufficient data	Site to be avoided – no further work necessary at this time
18CV504	Early to late 20th c. Hipple house and farmstead, most structures razed, heavy disturbance	Ineligible	No further study warranted
18CV505	Small stone foundation, no diagnostics	Ineligible	No further study warranted

Maryland Department of Planning
Maryland Historical Trust

Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary
Matthew J. Power
Deputy Secretary

December 5, 2012

Mr. Rod Schwarm
Regulatory Branch
Baltimore District
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715

Re: Review of Cove Point Liquefaction Project, Dominion Cove Point LNG - Calvert County, Maryland

Dear Mr. Schwarm:

In response to a request from Dominion Cove Point LNG (DCP), the Maryland Historical Trust is reviewing the above-referenced undertaking to assess potential effects on historic properties in accordance with Section 106 of the National Historic Preservation Act and the Maryland Historical Trust Act, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland. We received a letter and attachment dated November 16, 2012 from Dominion in response to our October 1, 2012 request for a copy of the proposed scope of work for Phase I underwater archeological investigations within the offshore portion of the project area that is adjacent to Laydown Area 1. We have completed review of that scope of work and we have determined that the proposed methods of data acquisition, analysis, and reporting outlined in Tasks 3 – 4 of the attached document are appropriate for a Phase I Reconnaissance investigation in the area under consideration.

We look forward to further coordination as project planning proceeds. If you have questions or require further assistance, please contact me at tnowak@mdp.state.md.us or (410) 514-7668 for inquiries relating to submerged archeological resources or Dixie Henry at dhenry@mdp.state.md.us or (410) 514-7638 for inquiries relating to terrestrial archeological resources.

Sincerely,

Troy J. Nowak
Assistant State Underwater Archaeologist
Maryland Historical Trust

cc: Kathy Anderson (COE)
Cindy Kates (MDE)
Randal L. Rogers (Dominion)
Jennifer Broush (Dominion)
Ann Markell (Goodwin & Associates)
Steve Schmidt (Goodwin & Associates)
Dixie Henry (Maryland Historical Trust)
Susan Langley (Maryland Historical Trust)

100 Community Place • Crownsville, Maryland 21032-2023
Telephone: 410.514.7600 • Fax: 410.987.4071 • Toll Free: 1.800.756.0119 • TTY Users: Maryland Relay
Internet: www.marylandhistoricaltrust.net

Enclosure 1. Proposed Underwater Cultural Resources Survey at Cove Point Liquefaction Project Barging Site (rev. 10-19-12)

EA Engineering, Science, and Technology (EA) and R.C. Goodwin and Associates (RCG&A) will perform the geophysical data acquisition necessary to satisfy the anticipated cultural resource requirements of the Maryland Historical Trust (MHT) prior to disturbing the seafloor adjacent to a potential barge unloading site for the Cove Point Liquefaction Project.

The study area is situated in the Patuxent River offshore of a proposed temporary project location in Solomons, Maryland (Figure 1) that may be used to unload heavy equipment brought in by barges. These facilities are still in design, but currently the objective is to construct a temporary pier up to an estimated 200 feet offshore where a barge will offload heavy equipment to then be transported to the Liquefaction facility in Lusby, Maryland. Based on preliminary design and bathymetric results, dredging is not anticipated. If dredging is deemed necessary, Dominion will consult with MHT to determine if the methods contained herein are sufficient or if additional work will be required.

All work will be conducted under the direct supervision of qualified individuals who meet, at a minimum, the appropriate qualifications presented in "Professional Qualifications Standards" (36 CFR Part 61, Appendix A) and the Secretary of the Interior's Standards and Guidelines (48 FR44738-44739). The work will be performed in accordance with applicable federal guidance, including Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations (36 CFR Part 800); the Archeological Resources Protection Act of 1979; and Article 5A-325 and 5A-326 of the Maryland Annotated Code.

Task 1 - Single beam bathymetry (completed July 2012)

The base survey program consisted of the collection of single beam bathymetry data over a 1,200 ft X 1,200 ft survey area established offshore of the potential barge unloading site in Solomons, Maryland (Figure 1). The northwestern and southeastern extents of the survey aligned with the established terrestrial site boundaries for Area 1, and extended from the approximate low tide line out to the to the into deeper waters of the Patuxent River to the southwest. Individual depth soundings were collected over 25 survey lines, oriented northeast-southwest (shore normal) and spaced 50 ft (15 m) apart.. EA's R/V Belle, a 28 ft SeaArk hydrographic survey vessel was used to perform the survey operations over the bulk of the defined survey area. A 14 ft, shallow draft jon boat was used to collect soundings in areas too shallow to support the safe operation of the R/V Belle.

Depth soundings were collected using an Odom Echotrac CVM precision, survey fathometer interfaced with a 200 kHz, narrow beam (3°) transducer. The transducer was set to a fixed depth below the waterline (draft) and a correction will be applied to the soundings by the fathometer to reflect the actual depth between the water surface and seafloor. A series of bar check and lead line measurements will be conducted at the start of each survey day to adjust water column sound velocity settings within the fathometer and verify the data output is accurate prior to commencing survey operations.

The raw depth soundings obtained by the fathometer were ported directly to HYPACK navigation and data acquisition software running on a laptop computer aboard the survey vessel via a serial connection. During the survey operation, HYPACK merged the raw depth soundings with time and position information, and stored those data in files for post-processing. In addition, HYPACK was used to manage the survey effort by proving a real-time helmsman display showing the position of the vessel relative to the pre-planned survey lines, as well as the data stream being logged by the software.

Precision positioning and heading information for the survey vessel was provided by a Trimble R6 Global Positioning System (GPS) receiver. Since design engineers require the bathymetry data to be tied into an existing vertical and horizontal control system at Area 1, EA employed a Real-Time Kinematic (RTK) element to the bathymetric survey described above. EA employed a commercial, Virtual Reference

Station Network (VRS/VSN) known as KeyNetGPS to obtain GPS correctors in real-time via broadband modem.

Quality assurance of the vertical control for the bathymetric soundings was achieved with the use of water level observations recorded at the nearby NOAA tide station 8577330 located at Solomons Island, MD. The validity of the Solomons Island observations for use in processing of the soundings was also verified through the use of an independent pressure sensor/tide recorder deployed in the survey area. The tide sensor was placed on the seafloor and left undisturbed for approximately 18 hours. The pressure measurements recorded by the tide sensor were then used to measure water level variations within the survey area and directly compare the timing, height and phase of the tides recorded at Solomons Island.

In order to determine the sound velocity in the water column throughout the survey, multiple profile measurements of the physical characteristics of the water column were obtained each day using a Seabird SBE 19 Conductivity, Temperature and Depth (CTD) probe. Sound velocity is a product of water density, which is in turn a function of temperature and salinity, and therefore will vary over the course of each day in a tidal system. The CTD profiles were then used to calculate a series of sound velocity correctors that were later employed in the post-processing phase of the project to adjust the raw soundings obtained by the fathometer using a fixed, assumed sound velocity.

During the post-processing phase, all the raw depth soundings were reviewed, corrected for water column sound velocity, and then normalized to a vertical datum of MLLW in HYPACK's single beam editor module. At the conclusion of the processing step, the data were compiled into a single *.XYZ text file consisting of X and Y position information and depth represented as Z. The files will be ported to a geographic information system (GIS) database for gridding and development of a digital elevation model (DGM) for the site and used to produce various types of maps (contour, smooth sheet, 3D renditions, etc.) of water depths and seafloor morphology. The final bathymetry information were made available to the site design engineers in any file format necessary, as well as referenced to the coordinate system (MD state plane, UTM, geographic), horizontal datum (WGS 84, NAD 83, NAD 27) and vertical datum (MLLW, MHHW, NAVD 88, etc.) desired.

The hydrographic survey was designed to collect single-beam soundings in accordance with the US Army Corps of Engineers methods described in the USACE Hydrographic Survey manual EM 1110-2-1003. The survey approach was designed to yield the necessary accuracies in the horizontal and vertical planes to support planning efforts and will be reviewed by a certified hydrographer prior to submittal. However, these data were **NOT** certified as conforming to International Hydrographic Organization (IHO) standards and therefore limited to planning purposes only.

Task 2 - Land-Water Interface Elevation Survey (completed July 2012)

EA continued the bathymetric survey above the low tide line and completed the survey of the land water interface by measuring and mapping elevations of the beach and landforms along the shore. This required the use of VRS and focused on elevations of the beach face and nearby upland areas. A Trimble R6 roving GPS mounted to a surveying rod was be used to obtain position and elevation data along a series of points and survey lines established for the offshore survey which were placed on shore. These data were then used to establish shoreline profiles that extend from below the low tide line to approximately +10 ft elevation above MLLW.

Task 3 - Archeological Data Collections

Under Task 1, EA and RCG&A will collect side scan sonar, sub-bottom profiling and marine magnetometer data within the 1,200 ft X 1,200 ft survey area adjacent to the upland Area 1. These data will be collected concurrent with a bathymetric survey effort similar to the initial bathymetric survey (Task 1). The geophysical survey will extend from the southwestern limits of the study area in the mouth

of the Patuxent River into the shallow subtidal zone adjacent to Area 1, ending at the operational limits of the individual sensors. Where possible these data will be collected concurrently to maximize overlap and data point collocation to promote inter-comparison of data types and maximize the value of the data set.

Remote Sensing Survey - The remote sensing survey will be performed by EA, with RCG&A Remote Sensing Specialist/Archeologist, Kathryn A. Ryberg, M.Sc. onboard to ensure data quality for archeological analyses. The survey will follow transects spaced at 15 m (50.0 ft) intervals and oriented parallel to the adjacent shoreline (northwest-southeast). All data will be presented in Maryland State Plane Coordinate System, FIPS ZONE 1900, NAD 83 (meters).

The project instrumentation will include the following:

- **Positioning.** A precision GPS and differential corrections (DGPS) will be used to achieve sub-meter accuracy (a Trimble SPS461 Global Positioning System receiver coupled with VRS, see above). NMEA (GGA) messages will provide positioning data to HYPACK navigation software all remote sensors. An Applied Acoustics, Ltd EASYTRAK Ultrashort Baseline (USBL) system will be used to resolve precision positions of towed sensors within the deeper waters of the survey area.
- **Echosounder.** The remote sensing survey will utilize the same Odom Echotrac CVM survey fathometer utilized as part of Task 1 operations summarized above. Raw soundings will be collected via a vessel-mounted, 200 kHz transducer. A Seabird CTD will be used to obtain water column sound velocity profiles for post processing. The single beam bathymetry data collected to support dredging/hazard survey will be provided to RCG&A as an aid to cultural resource analyses (see above).
- **Marine Magnetometer.** A Geometrics G882 marine Cesium magnetometer, or equivalent, will be used to locate and record magnetic anomalies. For position accuracy, the magnetometer will be linked to the navigation system and the DGPS via a USBL acoustic link, providing real-time regardless of layback. The magnetometer will be towed or positioned at an optimum distance and depth to minimize magnetic interference from the surrounding environment (sensor height will not exceed 6 m (20 ft) off the bottom during data acquisition).
- **Side Scan Sonar.** It is planned to use either an Edgetech 4200 or Edgetech 4125 dual frequency side scan sonar to record acoustic data. The side scan sonar will provide at least 100% coverage of the study area. Sonar data acquisition will be guided through an interface with EdgeTech Discover software. In the deeper waters, the USBL will be used to derive actual fish position based on acoustic telemetry. In the shallows, post processing system will correct the side scan data based on vessel position, sensor height, and layback/cable out).
- **Sub-bottom Profiler.** Sub-bottom data will be collected with an Edgetech 216 subbottom profiler that can penetrate subsurface sediments to at least the depth of impact.

Task 4 - Archeological Data Assessment

Task 4 will support the post-survey processing and cultural resource analyses of the geophysical data collected as part of Task 3.

Data Analyses - Detailed data analyses will be conducted by Steve Schmidt, M.A., and Kathryn A. Ryberg, M.Sc. Historical research will be conducted to help characterize any submerged cultural resources discovered during analyses. All data will be correlated with a variety of shipwreck and historical site databases, geomorphic and historical research results, nautical charts, aerial photographs, and observations noted during the investigation.

Side scan sonar records will be analyzed to help distinguish topographic features of the river bottom and any objects protruding above the bottom sediments. The interpretation of side scan sonar records will

include any distinct patterns indicating projection or depression, and it will describe each sonar target including geometric measurements such as length, area, and approximate height above the riverbed.

Each magnetic anomaly will be examined in profile to determine amplitude, duration, and signature (dipole or monopole). Contour mapping via Hypack will be used to help ascertain the nature of any features and the distribution of magnetic anomalies. This information is essential to comparing and correlating anomaly characteristics with known or suspected magnetic sources.

Sub-bottom data will be analyzed to determine whether intact paleo-landforms with the potential to preserve prehistoric sites may be present in the project area.

Report Production - RCG&A will prepare a cultural resource report following MHT (SHPO) guidelines. This report will include overviews of the natural setting, archeology, and history of the study areas as they relate to the potential for the discovery of significant submerged cultural resources. Field methods used during the remote sensing survey will be described, as will data analyses, findings, and recommendations.

Enclosure 1. Proposed Underwater Cultural Resources Survey at
Cove Point Liquefaction Project Barging Site
(rev. 10-19-12)

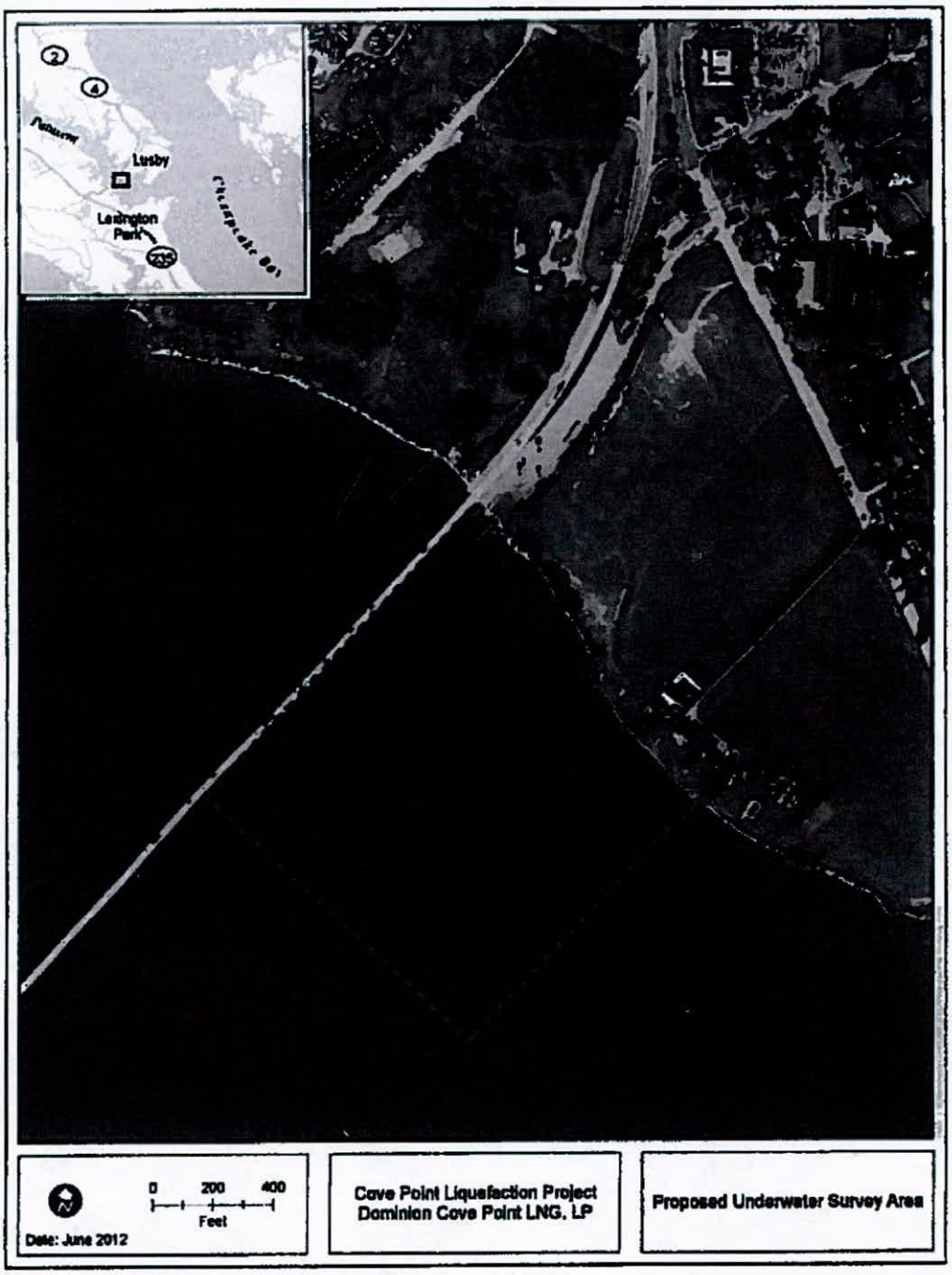


Figure 1. Underwater survey boundaries established in the offshore area adjacent to the Temporary Laydown/Parking Area 1.

ATTACHMENT 8

DEPARTMENT OF NATURAL RESOURCES

MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

4 February 2014

To: Tom Blair, Tidal Division, MDE
Jeff Thompson, Nontidal Division, MDE

From: Robert Sadzinski, Integrated Policy and Review

Subject: Comment for MDE Tracking No.: **201360606/AI 88559**, Dominion Cove Point Liquefied Natural Gas Terminal/ Liquefaction Project, Terminal, Offsite Area A and Offsite Area B, Solomon's Island, Patuxent River Area, Calvert County, Maryland.

The Maryland Department of Natural Resources (Department) has continued our review for the above reference project and this memo serves as a follow-up to previous memos dated 14 August and 12 June 2013. Upon review of latest material, we present the following comments which are based on review items and language found within the recommended licensing conditions that the Department's Power Plant Research Program filed in the Dominion Cove Point Certificate of Public Convenience and Necessity licensing proceeding.

To ensure that impacts to natural and living resources on the project site and vicinity are first avoided and then, if unavoidable, minimized to the maximum extent possible, the Department requests that the following recommendations be fully incorporated into the review of the proposed activities:

- Dominion Cove Point (DCP) should implement 100-foot buffers along all streams and nontidal wetlands at Offsite Area A. These practices and techniques will include but not be limited to use of adequately sized temporary sediment traps, bioretention, super silt fencing, and other specialized techniques specifically needed for limiting the quantity of sediment entering existing forested wetlands and streams during the construction process.
    - In addition, within Offsite Area A, a double row of super silt fence should be used within 100 feet of all streams, wetlands, rare, threatened and endangered species and other known sensitive resources. The first row of super silt fence must be cleared as needed.
    - At a minimum, stormwater management plans for all aspects of this project should include:
        I. groundwater infiltration and peak flow attenuation;
        II. grading to encourage overland flow;
        III. slope minimization to decrease flow velocities and reduce erosion;

IV. conveyance of runoff via a closed stormwater sewer system discharging into an engineered stormwater management facility consistent with the latest MDE guidelines when overland flow is not desirable;

V. utilize a stormwater drain collection system;

VI. minimize slopes to decrease flows;

- All portions of the main plant and Offsite Areas disturbed during construction should be stabilized as soon as practicable after the cessation of construction activities within that portion of the construction footprint, followed by seed application, in accordance with the best management practices presented in the MDE document *2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control*, and as approved by Calvert County.

- DCP should advise the Public Service Commission (PSC) and DNR's Power Plant Research Program (PPRP) that copies of contract specifications for tree clearing, construction, and rehabilitation of the construction footprints are available sixty (60) days prior to the beginning of construction. During any site clearing, DCP and its contractors should leave tree roots and stumps in place, except where such roots and stumps interfere with structure locations, access roads, or other components of the power or linear facilities. Cleared trees may be cut and windrowed along the edges of the construction footprint for wildlife habitat where acceptable. Brush may be shredded and distributed along the edges of the cleared construction footprint as groundcover to stabilize the soil surface.

- DCP should reduce tree clearing or trimming to the maximum extent practicable. At least sixty (60) days prior to clearing or construction within these areas DCP will submit to the Maryland Department of Natural Resources, Department of Forestry (DNR Forestry) and PPRP for approval, all Calvert County-approved Forest Conservation Plans.

- DCP should cooperate with DNR and Calvert County to determine areas within Offsite Area A where trees can be planted after construction of the proposed project is complete and will replant those areas as requested by Calvert County. In addition, DCP should provide mitigation for the loss of mature forest and other natural resources at Offsite Area A. This mitigation should consist of a combination of property purchase and preservation in perpetuity of existing forest tracts; purchase of transferable development rights (TDRs); and new tree planting in Calvert County and/or surrounding areas. All tree planting areas should be maintained on at least an annual basis for a minimum of five years, and must be preserved in perpetuity. At least sixty (60) days prior to clearing or construction within Offsite Area A, DCP will submit for approval a draft mitigation/preservation plan to the Maryland Department of Natural Resources and Calvert County. At a minimum, this mitigation/preservation plan should include the following:
  a. Preservation of an additional 13.5 acres of the Forest Retention Area on Offsite Area A above the County's required retention threshold.
  b. Preservation in perpetuity of Offsite Area E, which is already owned by Dominion, in an undeveloped condition.
  c. Purchase of 88 TDRs from one or more landowners in Calvert County, to be applied to the Offsite Area E property.
  d. Arranging for the 88.8 forested acres on Offsite Area E to be designated as Forest Retention Area to be reviewed and approved by Calvert County.
  e. Purchase of Preservation Site 1 (Barrett site), and preservation in perpetuity of 26.2 acres, resulting in 13.1 acres of mitigation credit.

f. Preservation in perpetuity of 9.64 acres on Preservation Site 2 (DOH site, already owned by Dominion), resulting in 4.82 acres of mitigation credit.
g. Tree planting at sites within Calvert County or, if necessary, outside the county, totaling 15.0 acres.

- Prior to the permitted construction, DCP should submit comprehensive protection plans for rare, threatened and endangered species at Offsite Area A for approval by DNR Wildlife and Heritage Service and PPRP. These will include plans for protection and future expansion of tobaccoweed (*Elephantopus tomentosus*) populations at Offsite Area A. The plans must be prepared by qualified personnel and will contain exact current mapping of the known site populations of this species with reference to the proposed Offsite A facilities, depicted at an appropriate scale. The plans will also contain, at a minimum, a description of effective measures for avoiding impacts to this species, as well as all other appropriate mitigative measures.

- DCP should prepare and implement an oyster mitigation plan that includes restoring hard bottom and planting oyster shell/spat in the vicinity of Offsite Area B. DCP should obtain DNR approval of the plan prior to the start of construction. The plan must include the following elements:

a. The area of mitigation should encompass a minimum of four acres, and should entail placing 2 to 4 inches of a shell/cultch base with a top layer of spat on shell. This represents 2:1 mitigation for the anticipated maximum impact area of two acres.

b. DCP should provide funding to DNR to support the following surveys of the natural oyster bar near Offsite Area B: once prior to the start of construction, at least once during construction, and at the conclusion of the construction period.

c. Based on an evaluation of the survey results, DNR will determine the extent of impacts to the natural oyster bar as a result of DCP's construction activities. If the extent of impacts exceeds the anticipated two acres, DCP will conduct additional mitigation at a 2:1 ratio, with a minimum of one additional acre of mitigation to be implemented.

d. If there is any incidence of tug or barge grounding or other direct impacts observed during the construction period, DCP should notify DNR regarding the date and time of such incident, the likely cause of the incident and the steps that DCP will take to prevent recurrence. Barge deliveries to Offsite Area B should not continue until DCP receives approval from DNR.

- DCP should prepare and implement a plan to utilize as artificial reef components those materials that may be suitable for such use at the end of the construction period. Suitable materials may include some portion or all of the barge pier and concrete foundations removed from the terminal site. DCP should submit a draft plan prior to the start of construction and should obtain DNR approval of the plan prior to the start of operation. The plan must cover the following elements:
  a. Maryland's Artificial Reef Management Plan must be followed: (http://www.dnr.maryland.gov/fisheries/reefs/MarylandReefPlanFINALWOAPPENDIXB.pdf)
  b. DCP should contact DNR twelve months (one year) prior to pier dismantling so that DNR can provide to DCP updated material requirements and confirmation of the deposition site. In addition, DNR also requests a three-month notice prior to reef material deposition.
  c. Pier material must be dismantled in such a way to eliminate exposed rebar or metal that would pose an underwater hazard.
  d. Pier material must be deposited on a DNR approved site.

e. The proposed reef material will be sized appropriately for an oyster and fish reef.
f. Placement of reef material will minimize fine material deposition (to less than two inches) including sediment attached to the pier material.
g. DCP will wet the material prior to onsite deposition to minimize airborne material.
h. The DNR Artificial Reef Coordinator or a designated DNR staff person must be on site to inspect the material before overboard deployment. DNR may reject the material if it does not meet specifications.
i. DCP must place DNR buoys at the four corners of the proposed reef site to ensure proper deposition and to warn boaters of potential hazardous conditions. Once the deposition of reef material is complete, the site must be inspected to ensure stability of the material on the bottom and that no hazardous conditions exist resulting from deposition such as sharp edges, exposed rebar, or structurally unsound stacking. After underwater inspection and DNR review ensuring that the material is safely deposited on the bottom, the buoys may be removed, but long-term buoy placement at this reef site is at the discretion of the United States Coast Guard (USCG) regional commander.
j. Reef material must have a minimum of 15 feet of top clearance at mean-low-water to ensure navigational access.
k. Two months prior to the first deployment of reef material, DCP must contact the USCG so that the USCG can prepare a "notice to mariners" (NTM) and Marine Information Broadcast (MIB) and provide two weeks notice for any additional buoy deployments.
l. DCP must provide a schedule for material deposition on the reef to DNR to ensure that staff will have sufficient time to observe and confirm coordinates and location of material deployment. Where practicable, DNR staff should be allowed to ride on the tug and/or barge. DNR staff must be provided 3 months notice prior to first deployment date, to ensure that DNR staff have sufficient time to confer with USCG.
m. DNR will not take ownership of this material until it is deposited on the bottom and it has been inspected and the inspection report provided to DNR for review and concurrence.

- To minimize potential impacts to oysters near Offsite Area B, DCP should not conduct any in-river construction work, including pier and piling installation and removal during the periods 16 December through 14 March and 1 June through 30 September of any year.

- DCP should ensure that the dock, barges, tugs, and all other facilities do not delay public ingress/egress from the public boating ramp adjacent to Offsite Area B.

- DCP should not commence construction on any aspect of the project that is under the jurisdiction of the Chesapeake Bay Critical Area Commission (CAC) until it has received approval from the CAC. All site preparation and construction activities should be implemented in accordance with the CAC-approved plans.

- Topsoil to be graded on Offsite Area A located between the populations of known rare, threatened, and endangered plants should be separately stockpiled and later re-spread in the same areas for final grading of the project. These stockpiled topsoils should be placed in upland areas, and should be protected during construction by using double rows of super silt fence until they are used and re-spread.

- DCP Should establish an archeological protection zones for sites identified by Maryland Historical Trust (MHT) in Offsite Area A by erecting temporary protective fencing around identified MHT historic structures during construction and avoiding any ground disturbance within the perimeter of a set area, except with the written approval of the MHT. In addition there is also an identified MHT historic structure in Offsite Area B

that could represent submerged cultural resources by the following minimum recommended distances. In the event that relics of unforeseen archeological sites are revealed and identified during construction within the LNG Terminal site, Offsite Area A, or Offsite Area B, DCP should consult with the MHT and should develop and implement a plan for avoidance and protection, data recovery, or destruction without recovery of such relics or sites, subject to MHT's written approval.

Thank you for the opportunity to comment and please contact me at 410-260-8312 or E-mail: bsadzinski@dnr.state.md.us if you have any comments or questions.

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