

## Lawyer validates board's Dominion stance

Posted by [TBN Editor](#) On 10/29/2014

**Prince Frederick, MD** – Amid criticism from citizens and some county commissioner candidates that they mishandled the issue of Dominion Cove Point's export project, the current Calvert board received a report Tuesday, Oct. 28 that virtually absolved them of any misdeeds.

The presentation was made at the behest of County Attorney John Norris by Alan Robbins of Jennings, Strouss and Salmon PLC. Robbins essentially told the commissioners that because of federal law the decision to move the controversial project forward never was in the county's purview.

Robbins, an attorney who has specialized in the energy industry, presented a summary of the firm's research, entitled "Federal Preemption and Calvert County."

"Preemption is a principle that emanates from the supremacy clause of the U.S. Constitution," Robbins stated. "Preemption means that when there is a conflict between federal law and state or local law, federal law governs."

Robbins noted that the Natural Gas Act gives the Federal Energy Regulatory Commission (FERC) "exclusive authority to approve or deny an application for the siting, construction, expansion or operation of a LNG [liquefied natural gas] terminal. State and local governments cannot 'second guess,' override or interfere with federal decisions where the state or local government is preempted. Preemption does not mean that the public does not have a voice. The appropriate venue to raise questions and concerns on the LNG terminal is FERC."

According to Robbins, if the county government had ordered a quantitative risk assessment (QRA) be conducted or an environmental impact statement (EIS), it would have been interfering with FERC and the actions could be deemed unconstitutional. Opponents of Dominion's plan to construct a \$3.8 billion liquefaction unit have repeatedly called for the commissioners to demand a QRA. Per FERC's instructions, an environmental assessment, rather than an EIS, was conducted as part of the permit application phase.

The construction project was approved by FERC last month.

"FERC is driving the bus," said Robbins.

"It's good to hear confirmation from an expert," said Commissioner Evan K. Slaughenhaupt Jr. [R], who added the board would have been "throwing the taxpayers' money down the toilet" had it attempted to fight FERC on the Dominion project.

Norris pointed out that none of the attorneys who provided research contributing to the Jennings, Strouss and Salmon PLC report have ties to Dominion.

"You confirmed something we already knew but couldn't convince certain persons of," Commissioner Gerald W. "Jerry" Clark [R] told Robbins. "My support for this project is because I believe this is the future of Calvert County."

As they have for the past several commissioners' meetings, numerous opponents of the Dominion Cove Point addressed the board during the public comment segment.

Clark dismissed the comments of one of the speakers, Cove Point Beach resident June Sevilla, who claimed \$1.17 million spent on the Solomons Sidewalk project was to benefit Dominion in the area where a pier is being constructed. The pier is to be an offloading site for components needed for Dominion's construction project. Clark noted the sidewalk project has been in Solomons' Master Plan for over 20 years and placing utility lines underground was done in response to concerns raised by the Solomons Civic Association.

Contact Marty Madden at [marty.madden@thebaynet.com](mailto:marty.madden@thebaynet.com)

---

Copyright © 2019 thebaynet.com. All rights reserved.