August 25, 2026

U.S. Department of Energy
Office of Fossil Energy and Carbon Management
Hydrocarbons and Geothermal Energy Office
Forrestal Building, FE-34
1000 Independence Avenue SW
Washington, DC 20585

Re: Comments of Intervening Environmental and Public Interest Coalitions on the Application of Rio Grande LNG Train 6, LLC for Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations

Docket No. 26-67-LNG | 91 Fed. Reg. 38,699 (June 26, 2026)

The Department of Energy's Hydrocarbons and Geothermal Energy Office ("DOE/FECM") cannot approve Docket No. 26-67-LNG under the Administrative Procedure Act ("APA"), 5 U.S.C. § 706, the NGA, and the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4321 *et seq.*, without committing fatal administrative error. First, DOE's public interest evaluation suffers from structural "Quantification Asymmetry", accepting precise, long-term GDP and revenue models supplied by the Applicant while dismissing local air toxics, regional domestic rate volatility, and cumulative environmental burdens as "speculative." Second, under post-*Chevron* judicial review (*Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024)), courts independently enforce the NGA's core statutory mandate: protecting American energy consumers from corporate rate exploitation. Third, approving Train 6 illegally segments an integrated multi-decade facility extension from the underlying operational baseline of Trains 1–5, while improperly attempting to adopt an uncorrected FERC environmental record previously set aside in relevant part under D.C. Circuit precedent (*City of Port Isabel v. FERC*, 106 F.4th 108 (D.C. Cir. 2024)).

B. Summary of Core Deficiencies

1. **Arbitrary Economic Balancing:** DOE fails to quantify the "LNG Price Drag" on domestic utility consumers in Texas and the Gulf Coast caused by linking domestic natural gas supplies to volatile international spot markets.
2. **Structural Segmenting & Lifecycle Extension:** The application treats Train 6 as an incremental marginal addition while relying on shared jetties, feed-gas pipelines, and storage infrastructure, thereby illegally masking a 30-year operational life-extension of the entire Rio Grande complex.
3. **Flawed NEPA Baseline:** Adopting an environmental review that omits localized cumulative fine particulate matter (PM2.5) and volatile organic compound ("VOC") emissions loadings in Cameron County violates 40 C.F.R. § 1506.3.

The Applicant requests an authorization of 312.05 Bcf/yr for Train 6. Added to previously authorized volumes for Trains 1–5 (3.61 Bcf/d or ~1,318 Bcf/yr), the total export commitment from the Rio Grande complex will exceed 1.63 Trillion cubic feet ("Tcf") per year through 2050+.

Evidentiary Refutation of Agency Economic Assumptions
DOE's past practice of relying on generalized, macroeconomic equilibrium models (e.g., NEMS projections) to presume export benefits is empirically unsupportable under current market conditions.

- **The LNG Price Drag:** Exporting an incremental 312.05 Bcf/yr from the Permian basin takeaway network forces regional domestic utilities to compete directly with European and Asian spot prices. Empirical market data from 2022–2025 demonstrates that during peak winter freeze events, Permian takeaway constraints combined with maximum export drawdown create localized price spikes up to 400% above the Henry Hub baseline.
- **Quantification Asymmetry:** DOE accepts the Applicant's macro-level claim of localized job creation calculated down to individual employment units, yet classifies the localized health care costs associated with increased criteria pollutant exposure in Cameron County as "unquantifiable." This selective reliance on data models violates *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29 (1983).

Post-*Loper Bright* Construction of the Natural Gas Act
Under 15 U.S.C. § 717b(a), DOE must determine whether an export authorization is "inconsistent with the public interest." Following *Loper Bright Enterprises v. Raimondo*, courts owe zero deference to DOE's historical policy balances. The NGA's legislative purpose, as consistently interpreted by the Supreme Court, is to underwrite stable, affordable domestic energy supplies for American consumers. An export license that induces domestic rate volatility to secure global spot-market profits is statutorily inconsistent with § 717b(a).

Recommendation A: Conditional Volumetric Cap and Environmental Baseline Trigger
- **Mechanism:** Limit any initial non-FTA authorization to a maximum of **100 Bcf/yr** for a restricted 5-year trial period, contingent upon real-time, continuous ambient air monitoring (PM 2.5 and VOCs) at the facility boundary in Cameron County showing zero exceedances of National Ambient Air Quality Standards (NAAQS).
- **Severable Purpose:** Addresses the Applicant's commercial interest while preventing irreversible, long-term environmental degradation in an Environmental Justice community.

Recommendation B: Dynamic Domestic Market Curtailment Condition
- **Mechanism:** Condition the export authorization on an automated, mandatory domestic supply ratchet: whenever domestic gas prices at Henry Hub exceed **$4.50/MMBtu** or regional Gulf Coast electrical reserve margins drop below 8% during extreme weather events, Train 6 export volumes must be curtailed by up to 100% to support domestic energy security.

- **Severable Purpose:** Directly satisfies the core statutory requirement of NGA § 3(a) under *Loper Bright* by ensuring domestic consumer protection supersedes export merchant profits.

1. Question: What specific document-backed economic model and mathematical parameters did the Department utilize to verify that authorizing an incremental 312.05 Bcf/yr of export demand will exert zero upward pressure on residential natural gas utility rates and winter electricity generation costs in the Texas and Gulf Coast markets during peak demand scenarios?
2. Question: What specific document-backed air quality dispersion modeling and baseline monitoring data confirm that cumulative fine particulate matter (PM2.5) and volatile organic compound (VOC) emissions from Train 6, when aggregated with the operational baseline of Trains 1–5, the Texas LNG project, and regional vessel traffic, will maintain strict compliance with National Ambient Air Quality Standards (NAAQS) at the Port Isabel and Cameron County municipal boundaries without violating 40 C.F.R. Part 50?
3. Question: What specific document-backed engineering and operational record confirms that Train 6 can function completely independently of shared marine jetties, feed-gas pipelines, and storage facilities without extending the physical design life and functional authorization baseline of Trains 1–5 past their original projected retirement dates?
4. Action: Docket No. 26-67-LNG / NGA § 3(a) — Perform independent econometric modeling of Permian takeaway bottlenecks and Gulf Coast winter utility rate shock scenarios under 15 U.S.C. § 717b(a) and 5 U.S.C. § 706(2)(A).
5. Action: 40 C.F.R. § 1506.3 / NEPA — Issue an independent DOE Supplemental Environmental Addendum evaluating combined PM2.5 and VOC loads from Train 6, Trains 1–5, and Texas LNG pursuant to 42 U.S.C. § 4321 et seq. and City of Port Isabel v. FERC.
6. Action: 40 C.F.R. § 1502.4 — Evaluate the entire integrated terminal complex's 30-year life-extension baseline under a unified cumulative impact review pursuant to 40 C.F.R. § 1508.1(g) and State Farm, 463 U.S. at 43.