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UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT

In the matter of	)	
	)	
Rio Grande LNG Train 6, LLC	)	**Docket No. 26-67-LNG**
	)	
	)	

SOUTH TEXAS ENVIRONMENTAL JUSTICE NETWORK, SIERRA CLUB, and BORDER WORKERS UNITED's MOTION TO INTERVENE AND PROTEST OF APPLICATION

I. Introduction

South Texas Environmental Justice Network, Sierra Club, and Border Workers United ("Movants") hereby move to intervene in the above-captioned docket and submit this protest pursuant to 10 C.F.R. §§ 590.303(b) and 590.304 in response to the June 25, 2026 Notice of Application regarding Rio Grande LNG Train 6's ("NextDecade") application to export LNG from a sixth liquefaction train to non-free trade agreement countries. The applicant ("NextDecade," after Rio Grande LNG Train 6's parent company) states that this project would increase terminal capacity by 6 million tons per annum ("MTPA") and would add 510 carrier vessel calls per year. DOE should deny the Application because the proposed expansion will be inconsistent with the public interest. 15 U.S.C. § 717b(a).

II. Intervention

Movant's timely intervention motion should be granted. DOE requires would-be-intervenors filing timely intervention motions merely to set out the "facts upon which [their] claim of interest is based" and "the position taken by the movant." 10

C.F.R. § 590.303(b)–(c). The organizations' interests are based on the impact the proposed expansion will have on their members' missions, as explained below. DOE had found that similar interests are sufficient for intervention. *Lake Charles LNG Export Company, LLC*, Docket Nos. & 16-109-LNG, DOE/FECM Order No. 3868-E/4010-E, at 25–27 (August 22, 2025). The Movants' position, as explained in the following Protest, is that the application for authorization to export LNG from a sixth liquefaction train at the Rio Grande LNG terminal to non-free trade agreement countries should be denied because the expansion is inconsistent with the public interest and that DOE cannot properly use a categorical exclusion to avoid reviewing the environmental impacts of the expansion project under NEPA.

A. Interests of Movants

1. South Texas Environmental Justice Network

The exact name of South Texas Environmental Justice Network ("SOTXEJN") is South Texas Environmental Justice Network. SOTXEJN's principal place of business is 1249 E Adams St., Brownsville, TX 78520.

SOTXEJN supports the leadership of frontline BIPOC (Black, Indigenous, and People of Color) communities. SOTXEJN includes numerous organizations, campaigns, individuals, and Tribal leaders from the South Texas region that challenge the status quo and corporate power to build a future aligned in values that centers on the social and environmental health of local communities living in reciprocal relationships with our shared natural home. Members of SOTXEJN will be adversely impacted by the Train 6 expansion because they will be exposed to the project's air pollution emissions, sustain property damage due to the additional LNG ship carrier traffic, and have higher energy bills due to the additional LNG exports. Additionally, the proposed project could impact SOTXEJN's members because of the greenhouse gas emissions associated with the project that will contribute to climate change. Texans have already experienced expensive disasters related to climate change and will experience more if the project's greenhouse gas emissions are released into the atmosphere. SOTXEJN's members include the very environmental justice communities that will predominantly be affected by the adverse impacts from this project.

2. Border Workers United

Formed as a 501(c)(3) nonprofit in 2016, Border Workers United ("BWU") aims to build leadership and empower community members to become key experts and decision makers in shaping policy and a culture of change. The vast majority of its members are low-income families, including Hispanic, black, and indigenous families, and families of color.

BWU's aim is to address the challenges its community members face in these geographical areas. Though this part of the work is challenging, the organization does its best to shift the narrative of fear to courage so that its most vulnerable communities are also included in US policies by building strong cross-sectoral partnerships with labor, climate, environmental, and racial justice leaders.

Climate change is one of the most pressing global challenges of our time, posing significant threats to human well-being, social equity, and environmental sustainability and racial justice. The impacts of climate change disproportionately affect marginalized communities and developing nations, intensifying existing inequalities and injustices. In order to address these issues effectively, there is a critical need for climate justice advocacy and policy reform efforts to engage and integrate community members in decision making processes.

3. Sierra Club

Sierra Club states that the exact name of the movant is the Sierra Club, and the movant's principal place of business is 2101 Webster Street, Suite 1300, Oakland, CA 94612.

Sierra Club runs national advocacy and organizing campaigns dedicated to reducing American dependence on fossil fuels, including natural gas, and to protecting public health. These campaigns, including its Beyond Coal and Dirty Fuels campaigns, are dedicated to promoting a swift transition away from fossil fuels and towards reducing global greenhouse gas emissions.

Sierra Club has approximately 19,800 members within Texas, including members who live, work, and recreate near the proposed project. These members will be harmed by the additional ship traffic, air pollution, and other impacts of the proposed expansion, as discussed below.

B. Identification of Contacts for the Service List

Pursuant to 10 C.F.R. § 590.303(d), South Texas Environmental Justice Network, Sierra Club, and Border Workers United identify the following persons for the official service list:

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III. Protest

The proposed exports are contrary to the public interest because the exports will have foreseeable adverse environmental impacts, as well as non-environmental impacts such as contributions to domestic gas price increases, that make majority of the American public worse off.

A. DOE's NEPA Categorical Exclusion for LNG Exports Is Arbitrary and Unlawful, both on Its Face and As Applied Here, and DOE Cannot Approve the Proposed Exports without Project-Specific NEPA Review.

NEPA requires all federal agencies to prepare an environmental impact statement ("EIS") before taking any final agency action that may have a foreseeable significant impact on the environment. 42 U.S.C. § 4332(C); 42 U.S.C. § 4336(b)(1). NEPA defines a "categorical exclusion" as "a category of actions that a Federal agency has determined normally does not significantly affect the quality of the human environment." 42 U.S.C. § 4336e(1). NextDecade requests that DOE apply DOE's Categorical Exclusion B5.7, which covers "[a]pprovals or disapprovals of new authorizations or amendments of existing authorizations to export natural gas under section 3 of the Natural Gas Act and any associated transportation of natural gas by marine vessel".[1] DOE may not lawfully do so and must instead prepare an EIS for the application.

The categorical exclusion is facially unlawful. It is justified on the mistaken premises that DOE need not consider any harms flowing from construction and operation of the export terminal itself because those fall under the jurisdiction of FERC and that DOE need not consider upstream and downstream impacts. DOE also has not demonstrated that ship traffic impacts from exports are categorically insignificant.

Even if the categorical exclusion were facially lawful, DOE could not lawfully apply it here, because the effects of upstream production within the state of Texas are foreseeable and there are "extraordinary circumstances" that preclude application of the categorical exclusion.

The Supreme Court's *Seven County* decision does not support the application of the categorical exclusion here or a failure of DOE to examine upstream and downstream effects when determining whether exports are consistent with the public interest.

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[1] 10 C.F.R. Part 1021, App. B, Categorical Exclusion B5.7; *National Environmental Policy Act Implementing Procedures*, 85 Fed. Reg. 78197, 78205 (Dec. 4, 2020); DOE Technical Support Document, Notice of Final Rulemaking, National Environmental Policy Act Implementing Procedures (10 C.F.R. Part 1021) (Nov. 2020) (TSD-NG-10-CFR-1021-2020-11), https://www.regulations.gov/document/DOE-HQ-2020-0017-0021 ("TSD").

1. The Natural Gas Act and NEPA Require DOE to Consider the Effects of LNG Export Terminals, in Addition to Exports' Other Effects

DOE's conclusion that it had no statutory authority to consider terminal impacts, and thus no obligation to do so, is refuted by the plain text of the NGA. Elsewhere, DOE has argued that legislative history demonstrates that Congress intended "Commission" in 15 U.S.C. § 717b(e) to mean FERC, rather than the Federal Power Commission. But courts have consistently held that legislative history cannot trump the plain text of the statute, and here the statutory definition controls. As courts have repeatedly affirmed, those statutory definitions vest authority over LNG terminals with DOE. DOE's administrative delegation of that authority to FERC did not divest DOE of authority to consider terminal impacts: DOE explicitly retained authority to disapprove terminals, and even without such retention, FERC's delegated authority would not be exclusive with respect to DOE. Because DOE is the only agency with authority to consider the big picture of both the terminal and the exports the terminal enables, it is imperative that DOE do so.

Section 3 vests authority over both exports and terminals in the "Commission." 15 U.S.C. § 717b(a), (e). The NGA defines "Commission" to mean "Federal Power Commission." 15 U.S.C. § 717a(9). In 1977, Congress dissolved that body and explicitly transferred its authority to DOE, with enumerated exceptions not including NGA section 3. 42 U.S.C. §§ 7151(b), 7172(a); *see Sierra Club v. DOE*, ("*Alaska LNG*"), 134 F.4th 568, 570 n.2 (D.C. Cir. 2025). "Commission" in NGA section 3(e) therefore means DOE.

This statutory definition is controlling, notwithstanding DOE's argument that legislative history indicates that some members of Congress intended to vest this authority in FERC directly. "When Congress takes the trouble to define the terms it uses, a court must respect its definitions as 'virtually conclusive.'" *Sturgeon v. Frost*, 587 U.S. 28, 56 (2019) (internal quotation marks omitted). "[L]egislative history [can] never … be used to muddy the meaning of clear statutory language." *Food Marketing Institute v. Argus Leader Media*, 588 U. S. 427, 436 (2019). Nothing about the NGA's definition of "Commission," or subsequent statutes redelegating the Federal Power Commission's authority, is unclear.

Moreover, this is not a case where there is any absurdity, or even difficulty, in giving effect to the statutory definition. Courts have interpreted the NGA to vest authority over LNG export infrastructure together with authority to regulate exports since 1974. *Distrigas Corp. v. Fed. Power Comm'n*, 495 F.2d 1057, 1064 (D.C. Cir. 1974). Since 1984, DOE has delegated this authority to FERC, subject to DOE oversight. Policy Guidelines and Delegation Orders Relating to the Regulation of Imported Natural Gas, 49 Fed. Reg. 6,684 (Feb. 22, 1984). DOE has chosen to partially delegate authority over terminals to FERC, but its delegation orders, issued both before and after promulgation of the Exclusion Rule, entail the premise that the authority was DOE's to delegate. *See id.* at 6,690; 2006 Delegation Order at 1.21.A; 2023 Redelegation Order at 1.5.A.2 (affirming DOE's ability to override FERC's exercise of delegated section 3(e) authority). If section 3(e) vested authority in FERC directly, there would be no need for DOE to delegate it.

Because this system has been in place for over 40 years, and DOE has provided no examples of it producing unworkable outcomes, DOE cannot argue that it would be absurd or unreasonable to give effect to statutory language vesting this authority in DOE, and to DOE's decision to retain oversight authority while delegating this authority to FERC.

Even if DOE had not explicitly retained authority to disapprove FERC's decisions, FERC's authority over terminals still would not be exclusive. DOE does not overstep the bounds of the authority it received from Congress if DOE considers terminal impacts. FERC, on the other hand, would overstep the bounds of its delegated authority if it were to consider exports, because DOE did not delegate this authority to FERC. *Sierra Club v. FERC* ("*Freeport I*"), 827 F.3d 36, 40-41, 46 (D.C. Cir. 2016). FERC and DOE's situations are not symmetric.

The Exclusion Rule provided no support for its statement that "FERC has exclusive statutory authority to approve construction and operation of natural gas export facilities" and that DOE thus has "no authority" over those facilities. Exclusion Rule, 85 Fed. Reg. 78,197, 78199 (Dec. 4, 2020); *accord id.* at 78198, 78201. Nor did it acknowledge or distinguish the authorities reaching the contrary conclusion. Because the categorical exclusion was premised on a legal error regarding the scope of DOE's own authority, the categorical exclusion was arbitrary, and it would be arbitrary for DOE to rely on it here.

Because DOE has disapproval authority over LNG terminal infrastructure (here, the sixth liquefaction train), DOE has both the ability to prevent the harms caused by that infrastructure and the authority to consider those harms in DOE's decisionmaking. DOE's exercise of that disapproval authority cannot be separated from DOE's review of the export application, because the two are concurrently proposed, inextricably intertwined, and causally interdependent.

2. DOE Must Consider The Already-Foreseen Indirect Effects of Export-Induced Gas Production and Use.

In reviewing NextDecade's application, DOE must also consider the foreseeable effects arising from production and use of the exported gas. In particular, DOE must consider foreseeable upstream and downstream increases in greenhouse gas emissions. The Exclusion Rule's assertion that these effects are unforeseeable is refuted by the fact that DOE has already foreseen them, including foreseeing quantified upstream emissions increases prior to promulgation of the exclusion rule, and both upstream and downstream increases in DOE's 2024 LNG study. In addition, DOE has demonstrated that individual projects can present facts that allow upstream and downstream effects to be foreseen with greater specificity, further demonstrating that a categorical finding of unforeseeability is inappropriate, and DOE must investigate whether any such project-specific factors are present here.

a. The Natural Gas Act Requires DOE to Consider Upstream and Downstream Environmental Impacts, and DOE's NEPA Inquiry Must Inform This Consideration

The NGA requires DOE to consider both environmental effects and effects on gas supply. *Sierra Club v. DOE* (*"Freeport II"*), 867 F.3d 189, 202–03 (D.C. Cir. 2017). These obligations intersect to require that DOE consider foreseeable environmental effects of impacts on gas supply and production.

NGA section 3 requires DOE to determine whether exports are "consistent with the public interest." 15 U.S.C. § 717b(a). In making this determination, DOE must consider the purposes furthered by the NGA. *Freeport II,* 867 F.3d at 202–03. One of the "subsidiary purposes" of the NGA is to address "conservation" and "environmental" issues. *Id.* (citing *NAACP v. Fed. Power Comm'n*, 425 U.S. 662, 669-70 (1976)). The NGA therefore provides authority to deny a project on the basis of "adverse effects []such as deleterious environmental impact," and the obligation to determine whether such denial is warranted. *New Jersey Conservation Found. v. FERC*, 111 F.4th 42, 62 (D.C. Cir. 2024) (quoting *City of Oberlin, Ohio v. FERC*, 937 F.3d 599, 602 (D.C. Cir. 2019)); *accord Sierra Club v. FERC ("Sabal Trail")*, 867 F.3d 1357, 1373 (D.C. Cir. 2017), *abrogation on other grounds recognized in Sierra Club v. FERC* ("*Cumberland*"),
153 F.4th 1295 (D.C. Cir. 2025).

DOE's NGA obligation to consider environmental effects in general includes a specific obligation to consider upstream and downstream environmental effects. DOE's consistent position has been that energy markets will respond to exports by dramatically increasing gas production, and DOE has relied on this increase to conclude that exports will have a limited impact on gas prices and a positive impact on gross domestic product. But DOE cannot determine whether that predicted and relied-upon increase in gas production is "consistent with the public interest," 15 U.S.C. § 717b(a), without determining whether that production has adverse environmental impacts that outweigh its benefits. Similarly, any claim that exports will provide national security benefits rests on the view that LNG will be put to use abroad, which DOE's 2024 study acknowledged has environmental effects.

Because DOE's NGA authority requires DOE to consider effects of DOE's export authorization on gas supply (and, by extension, production), and because DOE choses to consider global strategic issues as part of its NGA analysis, NEPA requires a commensurately broad analysis of environmental effects. The Supreme Court's decision in *Seven County* is not to the contrary. The guiding principle in determining the scope of NEPA analysis is the "rule of reason," which looks to the "usefulness" of information "to the decisionmaking process." *Seven Cnty.*, 605 U.S. at 183 (quoting *Dept. of Transportation v. Public Citizen*, 541 U.S. 752, 767 (2004)). The scope of useful information necessarily depends on the decision being made: an agency's NEPA obligations expand or contract corresponding to the substantive statutory decision being informed. Although NEPA does not require agencies to undertake a drastically broader analysis than that required by the substantive statutes agencies act under, NEPA does not narrow an analysis that is already broad. In applying the NGA, DOE already considers issues over which DOE does not exercise direct regulatory authority, such as whether exports will spur additional gas production. In this particular context, the fact that DOE does not exercise regulatory authority over that gas production does not permit DOE to exclude this foreseen and relied-upon effect from DOE's NEPA analysis.

DOE expects that, if it continues to approve exports, by 2050 U.S. gas production may increase by 28% beyond what would occur otherwise (i.e., beyond a 2024 baseline that included all existing DOE export authorizations). DOE, Energy, Economic, and Environmental Assessment of U.S. LNG Exports: Summary Report (Dec. 17, 2024) at S-31. No other agency has authority over whether such an increase in gas production occurs, nor is any other agency in a position to decide whether this drastic expansion of U.S. gas production would be consistent with the public interest. Other agencies can prohibit drilling in particular places, but according to DOE's economic analysis, this would merely change where the drilling occurs, not prevent it altogether. There is no one for DOE to pass the buck to, nor does DOE intrude on any other agency's authority by considering these issues.

b. Upstream and Downstream Greenhouse Gas Emissions Are Foreseeable, and Have Already Been Foreseen by DOE.

Since DOE first began authorizing exports from the lower-48 states, DOE's analyses of impacts on price, supply, the economy, and other non-environmental impacts have all been predicated on modeling providing quantitative estimates of how domestic gas production will increase in response to different volumes of LNG exports. DOE cannot dispute that exports will cause foreseeable increases in gas production. Insofar as the exclusion rule does so, it is arbitrary. DOE has demonstrated that the greenhouse gas impact of this additional production is also foreseeable, and nothing in the exclusion rule or since calls that into question. DOE has similarly demonstrated, in the 2024 studies, that it can reasonably foresee the downstream greenhouse gas impacts of additional LNG exports. DOE cannot now dismiss these effects as unforeseeable.

DOE predicts that for any increase in exports, natural gas production will increase by a nearly equivalent volume, DOE, Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports (June 7, 2018) at 79, and that that every additional trillion cubic feet of gas production emits 6.8 million metric tons of carbon dioxide equivalent. DOE, Addendum to Environmental Review Documents Concerning Exports of Natural Gas from the United States, at 44 (August 2014).

DOE's 2024 study again demonstrated that upstream and downstream greenhouse gas emissions are foreseeable. It found that in its "defined policies" scenario, unconstrained additional LNG exports would lead to a 711- to 1,452-million-ton net cumulative increase in global carbon dioxide equivalent emissions, depending on the level of exports. DOE, Energy, Economic, and Environmental Assessment of U.S. LNG Exports: Summary Report at S-41. DOE estimated that the cumulative social cost of these additional emissions will range from $140 to $290 billion (using a central 2% discount rate). *Id.* at S-41, Tbl. 16. While DOE's 2025 response to comments on this study downplayed this finding by stating that DOE cannot "*definitively* determine whether GHG emissions would increase with rising levels of U.S. LNG exports," DOE, Energy, Economic, and Environmental Assessment of U.S. LNG Exports: Response to Comments, at 12 (May 19, 2025) (emphasis added), NEPA does not permit agencies to demand certainty. NEPA requires "reasonable forecasting," and DOE has not demonstrated that these estimates are unreasonably speculative. *Scientists' Inst. for Pub. Info., Inc. v. Atomic Energy Comm'n*, 481 F.2d 1079, 1092 (D.C. Cir. 1973).

3. The Categorical Exclusion Failed to Demonstrate that the Impacts of Ship Traffic Associated with Exports Will Be Insignificant

The only environmental impacts that the Exclusion Rule agreed were foreseeable and that DOE must consider were the impacts of additional vessel traffic. Exclusion Rule, 85 Fed. Reg. at 78199. DOE failed to support its conclusion that ship impacts are categorically insignificant, both individually and cumulatively, as is required for a categorical exclusion. *See Sierra Club v. Bosworth*, 510 F.3d 1016, 1027-28 (9th Cir. 2007). DOE's insignificance conclusion rests on DOE's finding that LNG ship traffic constituted less than 1% of total U.S. shipping traffic in 2017. Exclusion Rule at 78202. DOE noted that LNG-associated ship traffic was increasing—209 shipments in 2017, 330 in 2018, and 563 in 2019—and would continue to increase, but DOE stated that "[e]ven with increased LNG exports, the relative proportion of LNG shipments to total shipping is not expected to change substantially." *Id.* DOE's reasoning is arbitrary for three reasons.

First, expressing LNG traffic as a fraction of total U.S. ship traffic, including traffic on the Pacific Coast, obscures the extent by which LNG exports increase traffic in the Gulf of Mexico. One of the potential impacts of ship traffic is to harm the critically endangered Rice's whale, which resides solely in the Gulf. The Gulf is home to the vast majority of the U.S.'s approved LNG export terminals. Including shipping traffic from other areas ignores the extent to which increasing traffic in the Gulf specifically has the potential to cause significant local and regional harms, including potential impacts to the dwindling Rice's whale population.

Second, the fact that there was relatively little LNG ship traffic in 2017 does not demonstrate that LNG ship traffic cannot become a large and cumulatively significant problem. In 2017, the year DOE used for its analysis, U.S. LNG exports were in the early stages of ramping up: the 209 LNG shipments in 2017 exported 0.7 trillion cubic feet of gas. Exclusion Rule at 78202. At the time DOE issued the Exclusion Rule, DOE had authorized at least 16.4 trillion cubic feet per year, over twenty-three times this amount. *See, e.g.,* Texas LNG Brownsville LNG, DOE/FE Order 4489, at 44 (Feb. 2, 2020) (tallying approvals granted as of that date). Of course, the purpose of the Exclusion Rule was to inform DOE's decision to authorize still further exports, and in 2024, DOE analyzed scenarios in which the U.S. would export 20 trillion cubic feet per year by 2050. 2024 LNG Export Study Appendix A: Global Energy and Greenhouse Gas Implications of U.S. LNG Exports, at A-42, over 28 times the volume exported in 2017. DOE's conclusion that 209 annual shipments did not cause a significant impact does not demonstrate that more than 5,800 will not.

Third, DOE failed to address the possibility that even a proportionately small increase in ship traffic could have significant environmental effects, especially on endangered species including the Rice's whale. The status quo has already endangered these whales: the fact that other vessels will continue to harm the whales with or without added LNG does not itself mean that additional LNG traffic will not be the straw that breaks the camel's, or whale's, back.

B. Increasing LNG Exports Will Increase Domestic Gas Prices and Harm the General Public.

Because approving these exports will lead consumers to pay higher prices than they otherwise would, DOE should reject the proposed exports as inconsistent with the public interest. Even if there are some macroeconomic benefits of increased exports, such as increased GDP or jobs in the gas sector, DOE must consider the effects of these price increases and their distributional impacts, including the fact that many lower income Americans do not directly benefit from increases in GDP or in the stock prices of gas companies, but do spend a high percentage of their incomes on gas and electricity bills, which, along with domestically-manufactured goods, will increase in price due to increased domestic gas prices.

DOE must consider economic impacts to U.S. consumers as part of its determination whether the exports are inconsistent with the public interest. "The NGA was enacted with the primary purpose of "encourag[ing] the orderly development of plentiful supplies of ... natural gas at reasonable prices," and "protect[ing] consumers against exploitation at the hands of natural gas companies." *New Jersey Conservation Found. v. FERC*, 111 F.4th 42, 50 (D.C. Cir. 2024) (quoting, first, *NAACP v. Fed. Power Comm'n*, 425 U.S. 662, 669–70 (1976), then *Fed. Power Comm'n v. Hope Nat. Gas Co.*, 320 U.S. 591, 610 (1944)) (citations omitted). Furtherance of this purpose necessarily requires considering how the proposed exports would affect U.S. consumers.

Considering economic impacts to consumers is also consistent with this administration's policies. The Unleashing Energy Executive Order specifically directs that "[i]n assessing the 'Public Interest' to be advanced by any particular application" to export LNG under NGA Section 3(a), DOE "shall consider the economic and employment impacts to the United States."[2] Another executive order declaring a "national energy emergency" concluded that higher energy prices "devastate Americans, particularly those living on low- and fixed-incomes."[3]

DOE itself has found that increasing LNG exports will raise prices. DOE's 2024 Study predicts that, under the "model resolved" scenario, if DOE continues to approve exports, Henry Hub gas prices will be 31% higher than they otherwise would be.[4] Higher gas prices lead to three types of price increases for consumers: higher natural gas bills, higher electric bills, and higher prices for domestically manufactured goods whose manufacturers face higher gas and/or electricity costs.[5] A recent report by DOE's Energy Information Administration ("EIA") estimates that natural gas prices at Henry Hub will increase from $3.53 in 2025 to $4.31 in 2026,

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[2] Exec. Order No. 14154, 90 Fed. Reg. 8353, 8357 (Jan. 20, 2025).

[3] Exec. Order No. 14,156, 90 Fed. Reg. 8433, 8433 (Jan. 29, 2025).

[4] DOE, ENERGY, ECONOMIC, AND ENVIRONMENTAL ASSESSMENT OF U.S. LNG EXPORTS S-4 (Dec. 2024), https://www.energy.gov/sites/default/files/2025-10/ENERGY%2C%20ECONOMIC%2C%20AND%20ENVIRONMENTAL%20ASSESSMENT%20OF%20U.S.%20LNG%20EXPORTS_0.pdf ("DOE 2024 Study Summary Report").

[5] DOE, Statement from U.S. Sec'y of Energy Jennifer M. Granholm on Updated Final Analyses (Dec. 17, 2024), https://www.energy.gov/sites/default/files/2024-12/Statement%20from%20U.S.%20Secretary%20of%20Energy%20Jennifer%20M.%20Granholm%20on%20Updated%20Final%20Analyses_12.17.2024.pdf.

and further increase to $4.38 in 2027.[6] The EIA has also previously noted that one reason for upcoming predicted increases in gas prices is "because growth in demand—led by expanding liquefied natural gas exports and more natural gas consumption in the electric power sector—will outpace production growth."[7]

DOE must evaluate whether approving additional exports will make consumers worse off than they otherwise would be, not whether it will make them worse off than they were at some point in the past. Likewise, DOE's recent observation that current Henry Hub prices are lower than the prices DOE projected in its 2018 study[8] is irrelevant to the question of whether *approving these exports now* would make consumers worse off than *denying these exports now* would. DOE cannot ignore the reality that price increases—even increases lower than those predicted in 2018 or increases to levels equivalent to prices from the last five years—harm domestic consumers. It would be arbitrary and capricious for DOE to conclude that additional LNG exports are consistent with the public interest without evaluating these harms, because that would constitute ignoring "an important aspect of the problem" that Congress intended the agency to address. *Motor Vehicle Manufacturers Ass'n of the United States, Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

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[6] EIA, SHORT-TERM ENERGY OUTLOOK 2–3 (Feb. 2026), https://www.eia.gov/outlooks/steo/archives/Feb26.pdf.

[7] EIA, SHORT-TERM ENERGY OUTLOOK 2–3 (Jan. 2026), https://www.eia.gov/outlooks/steo/archives/Jan26.pdf.

[8] *Venture Global CP2 LNG, LLC*, Order No. 5264-A, at 46.

The fact that there may be some macroeconomic benefits of gas exports, such as some job creation, an increase in GDP, or a decrease in the U.S.'s trade deficit,[9] does not allow DOE to ignore these very real harms to American consumers or the distributional impact of these harms. DOE acknowledges in the 2024 Study that focusing on GDP does not capture "secondary effects (*e.g.*, effects resulting from changes in the price of consumer goods) [that] may moderate th[e] relationship" between GDP impacts and increased LNG exports.[10] DOE also admits that "an increase in GDP does not necessarily correlate with a positive effect on broader public and consumer welfare."[11] While DOE predicts a 0.2% GDP increase by 2050 in "model resolved" case,[12] 75% of that amount comes from the oil and gas sector. DOE has acknowledged that because most Americans do not own stock in fossil fuel companies, the benefits that accrue to oil and gas companies from LNG exports do not flow to average households. *Venture Global CP2 LNG, LLC*, Order No. 5264-A, at 37. Likewise, DOE has "acknowledge[d] that national GDP is only one measure of general welfare," and that other relevant metrics include "incremental household energy burden" and "additional energy costs to industry."[13]

In the 2024 Study, DOE estimates that continuing to export more LNG would increase natural gas and electricity costs for the average American household by

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[9] *see id.* at 30–32
[10] DOE 2024 Study Summary Report at S-5.
[11] *Id.*
[12] *Id.* at S-29
[13] 2025 Response to Comments at 23.

well over $100 per year by 2050.[14] While this number may seem insignificant to some, a $100 annual increase is life-altering for many Americans who live paycheck to paycheck. DOE found that:

> Gas expenditure impacts per household as a percentage of household income are 8 to 10 times higher for the lowest income group (income of less than $30,000) than for the highest income group in Model Resolved scenarios relative to Existing/FID Exports, under both the Defined Policies (with reference U.S. supply assumption) and Defined Policies Low US Supply. For electricity, this range increases to 9 to 12 times higher.[15]

The National Energy Assistance Directors' Association's winter outlook estimated that U.S. home heating costs are expected to rise 9.2% for winter 2025–26, as compared to the prior winter, with an 8.4% increase expected for households that use natural gas for heat and a 12.2% increase for households that rely on electricity for heat.[16] These price increases also do not affect all geographic regions equally. DOE's 2024 Study found that "the Gulf Coast and Southwest regions experience the greatest price impacts from increased LNG exports in model projections."[17]

Any increase in exports that increases domestic gas prices, further exacerbates the energy affordability crisis devastating lower-income Americans, and further burdens Gulf Coast residents, is not consistent with the public interest. The proposed exports, as the largest-volume single export application ever presented to

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[14] DOE 2024 Study Summary Report at S-4–S-5.

[15] DOE 2024 Study App. B at B-48.

[16] Nat'l Energy Assistance Dir. Ass'n, WINTER HEATING COSTS EXPECTED TO JUMP 9.2%, PUTTING MILLIONS OF FAMILIES AT RISK (Dec. 16, 2025), https://neada.org/wp-content/uploads/2025/12/winterheatingdec25PR.pdf.

[17] DOE 2024 Study Summary Report at S-4.

DOE, would significantly contribute to this affordability crisis and, therefore, should be rejected.

IV. Conclusion

For the reasons stated above, the above organizations move to intervene in this docket. The proposed expansion is contrary to the public interest and should be denied.

Respectfully submitted this 25th day of August, 2026,

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Counsel for South Texas Environmental Justice Network, Border Workers United, and Sierra Club

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT

In the matter of	)	
	)	
Rio Grande LNG Train 6, LLC	)	**Docket No. 26-67-LNG**
	)	
	)	

SOUTH TEXAS ENVIRONMENTAL JUSTICE NETWORK, SIERRA CLUB, and BORDER WORKERS UNITED AUTHORIZED REPRESENTATIVE

Pursuant to 10 C.F.R. § 590.103(b), I, Nathan Matthews, hereby certify that I am a duly authorized representative of South Texas Environmental Justice Network, Sierra Club, and Border Workers United, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of South Texas Environmental Justice Network, Sierra Club, and Border Workers United the foregoing documents in the above captioned proceeding.

Executed in Oakland, CA on August 25, 2026

<u>/s/ Nathan Matthews</u>
Nathan Matthews
EARTHJUSTICE
180 Steuart St., #194330
San Francisco, CA 94105
T: (415) 217-2183
F: (415) 217-2040
nmatthews@earthjustice.org

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT

In the matter of	**)**	
	)	
Rio Grande LNG Train 6, LLC	**)**	**Docket No. 26-67-LNG**
	)	
	)	

SOUTH TEXAS ENVIRONMENTAL JUSTICE NETWORK, SIERRA CLUB, and BORDER WORKERS UNITED VERIFICATION

Pursuant to 10 C.F.R. § 590.103(b) and 28 U.S.C § 1746, I, Nathan Matthews, hereby verify under penalty of perjury that I am authorized to execute this verification, that I have read the foregoing document, and that the facts stated therein are true and correct to the best of my knowledge.

Executed in Oakland, CA on August 25, 2026

/s/ Nathan Matthews
Nathan Matthews
EARTHJUSTICE
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UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
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In the matter of	**)**	
	)	
Rio Grande LNG Train 6, LLC	**)**	**Docket No. 26-67-LNG**
	)	
	)	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 590.107, I, Nathan Matthews, hereby certify that on August 25, 2026, I caused the foregoing document to be served on the persons included on the official service list for this docket.

Executed in Oakland, CA on August 25, 2026

/s/ Nathan Matthews
Nathan Matthews
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