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GreenbergTraurig

Howard L. Nelson
Tel 202.331.3163
Fax 202.261.4762
nelsonh@gtlaw.com

March 10, 2023

Mrs. Amy Sweeney
U.S. Department of Energy
Natural Gas Regulation
FE-34 - Room 3E-056
1000 Independence Avenue, S.W.
Washington DC 20585

RE: GULFSTREAM LNG DEVELOPMENT, LLC, FECM Docket No. 23-34-LNG
Application for Long-Term Authorization to Export Liquefied Natural Gas

Dear Ms. Sweeney:

Enclosed for filing on behalf of GULFSTREAM LNG DEVELOPMENT, LLC ("Gulfstream LNG"), please find the attached application for long-term export of liquefied natural gas ("LNG"). Gulfstream LNG attests that a copy of same, including a copy of Exhibit A filed under seal, was sent via US Mail to the U.S. Department of Energy on March 10, 2023.

Gulfstream LNG seeks authorization to export on its own behalf and as an agent for others, up to 237.5 Bcf/year of LNG, which is equivalent to approximately 650 MMcf/d of natural gas converted to LNG to (1) any country with which the United States currently has, or in the future may enter into, a free trade agreement requiring national treatment for trade in natural gas; and (2) any country with which the United States does not have a free trade agreement requiring national treatment for trade in natural gas with which trade is not prohibited by United States law or policy. Gulfstream LNG seeks the described authorization for a term ending on December 31, 2050.

Should you have any questions about the foregoing, please feel free to contact the undersigned.

Sincerely,

Howard L. Nelson

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

GULFSTREAM LNG DEVELOPMENT, LLC) FECM DOCKET NO. 23-34-LNG

APPLICATION OF GULFSTREAM LNG DEVELOPMENT, LLC FOR LONG-TERM AUTHORIZATION TO EXPORT LIQUEFIED NATURAL GAS TO FREE TRADE AND NON-FREE TRADE AGREEMENT NATIONS

Vivek Chandra
Chief Executive Office
Gulfstream LNG Development, LLC
1000 N. Post Oak Rd
Suite 220
Houston, TX 77055
Phone: (832) 814-9056
Email: vc@gulfstreamllc.com

Howard L. Nelson
Kenneth M. Minesinger
William Garner
Ernesto Danache
Greenberg Traurig, LLP
2101 L. Street, NW
Suite 1000
Washington, DC 20037
Phone: (202) 331-3163
Email: nelsonh@gtlaw.com

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UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

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APPLICATION OF GULFSTREAM LNG DEVELOPMENT, LLC FOR LONG-TERM AUTHORIZATION TO EXPORT LIQUEFIED NATURAL GAS TO FREE TRADE AND NON-FREE TRADE AGREEMENT NATIONS

Pursuant to Section 3 of the Natural Gas Act ("NGA"), 15 U.S.C. § 717b, and Part 590 of the Department of Energy's ("DOE") regulations, 10 C.F.R. Part 590 (2012), GULFSTREAM LNG DEVELOPMENT, LLC ("Gulfstream LNG") hereby requests DOE's Office of Fossil Energy and Carbon Management ("DOE/FECM"), to grant for a term ending on December 31, 2050, multi-contract authorization to export, on its own behalf and as an agent for others, up to 237.5 Bcf/year, which is equivalent to approximately 650 MMcf/d of natural gas converted to LNG.

Gulfstream LNG is seeking authorization to export LNG from its proposed LNG export project, to be located in Plaquemines Parish, Louisiana to (1) any country with which the United States currently has, or in the future may enter into, a free trade agreement requiring national treatment for trade in natural gas ("FTA Nations"); and (2) any country with which the United States does not have a free trade agreement requiring national treatment for trade in natural gas with which trade is not prohibited by United States law or policy ("Non-FTA Nations").

I. DESCRIPTION OF THE APPLICANT

The exact legal name of the applicant is GULFSTREAM LNG DEVELOPMENT, LLC, ("Gulfstream LNG") a limited liability company organized under the laws of the State of Delaware. Gulfstream LNG's registered place of business is 1000 N. Post Oak Rd Suite 220, Houston, TX 77055.

The sole member of Gulfstream LNG is Dr. Vivek Chandra, a U.S. citizen of Asian Indian ethnicity, which qualifies Gulfstream LNG as a minority owned business. Dr. Chandra is a recognized international LNG and gas consultant, published author and expert in the fields of gas and LNG commercialization, pricing, project development, training, acquisitions and divestments, LNG markets, and engineering.

Dr. Chandra has a BSc. degree in Geophysical Engineering from the Colorado School of Mines, a MSc.in Energy Management and Policy from the University of Pennsylvania, a Diplome D'Ingenieur in Petroleum Economics from the French Petroleum Institute, a Masters in Commercial Law from Deakin University, Australia and a PhD. in International Law from Deakin University, Australia. He has over thirty years of global natural gas and LNG technical, financial, commercial and legal experience.

Dr. Chandra previously founded Texas LNG LLC & Texas LNG Brownsville LLC, a LNG export project under development in south Texas, and has served in executive positions with Texas LNG, Nexus Energy (Australia), Dubai Energy and Dolphin Energy (both in UAE), ARCO International Oil and Gas Company (Alaska, California and Texas, USA), and Schlumberger Overseas (USA and SE Asia).

II. COMMUNICATIONS AND CORRESPONDENCE

All communications and correspondence regarding this Application should be addressed to:

Vivek Chandra
Chief Executive Officer
Gulfstream LNG Development, LLC
1000 N. Post Oak Rd.
Suite 220
Houston, TX 77055
Phone: (832) 814-9056
Email: vc@gulfstreamlng.com
(email preferred)

Howard L. Nelson
Kenneth M. Minesinger
William Garner
Ernesto Danache
Greenberg Traurig, LLP
2101 L. Street, NW
Suite 1000
Washington, DC 20037
Phone: (202) 331-3163
Email: nelsonh@gtlaw.com

III. PROJECT DESCRIPTION

The Gulfstream LNG Project (the "Project") consists of natural gas treatment units, liquefaction units, compression, and storage facilities to store and deliver LNG to ocean-going vessels.[1] Other facilities include a control room, flare, marine facilities such as a single berth with marine loading arms, and other ancillary systems. Based on expected operations, the Project will have capacity of approximately 237.5 Bcf per year, equivalent to 650 MMcf/d. The Project will connect to existing natural gas pipeline systems operated by High Point Gas Transmission, LLC, and/or the Gulf South Pipeline Company, LLC, and/or other pipeline systems in the area. These pipelines are expected to supply the Project with both feed gas for liquefaction and natural gas required to fuel any gas-fired facilities, taking into account any losses or shrinkage.

Given the size and liquidity of the natural gas market in the Gulf Coast region and the significant growth of unconventional resources in the region, a diverse and reliable source of

[1] Gulfstream LNG may also deliver LNG to domestic markets via smaller ship and barge LNG vessels, as well as LNG tanker trucks. These deliveries will comply with all applicable Jones Act requirements for delivery by vessels to domestic markets and all applicable DOT regulations for deliveries via tanker trucks.

natural gas will be available to support the requested export authorization. Gulfstream LNG anticipates that the sources of natural gas will include supplies from various producing regions, including recent shale gas discoveries in the Permian, Haynesville, Eagle Ford, Barnett, and Marcellus shale plays, estimated to contain over 500 trillion cubic feet ("Tcf") of recoverable gas.

The Project will be constructed and located on an approximately 500-acre parcel of land south of the town of Belle Chasse, Plaquemines Parish, Louisiana. The land is being developed by Louisiana 23 Development Company and Plaquemines Port, Harbor & Terminal District. The Gulfstream LNG site is exclusively available through a Ground Lease and Joint Development Agreement between Gulfstream LNG and the Louisiana 23 Development Company. A copy of this confidential agreement is being filed separately under seal. Exhibit A. A map and site plan for the Project is included in Exhibit B.

The current business model, subject to modification, is for Gulfstream LNG to be both (1) a toll processor of natural gas into LNG and associated extracted natural gas liquids, without taking ownership of the feed gas or the produced LNG and (2) a seller of LNG and associated extracted natural gas liquids at the facility gates / marine port, taking ownership of the feed gas prior to processing. Gulfstream LNG anticipates that the Project will be constructed and available to commence exporting LNG within three and one-half years of receiving all required authorizations.

IV. <u>AUTHORIZATION REQUESTED</u>

Gulfstream LNG requests authorization to export up to the equivalent of approximately 237.5 Bcf/year of domestically produced LNG, which is equivalent to approximately 650 MMcf/d of natural gas converted to LNG (assuming 365 days/year operations), to both Free Trade and Non-Free Trade Nations, on its own behalf and as agent for others. Consistent with DOE's 2020 Policy Statement extending the term of LNG export authorizations, Gulfstream LNG requests export authority commencing on the date of first export following the start of commercial operation of the Project to December 31, 2050.[2] To ensure all exports are permitted and lawful under United States laws and policies, Gulfstream LNG will comply with all DOE requirements for an exporter or agent, including the registration requirements set forth in DOE's regulations at 10 C.F.R., Part 590, and applicable DOE orders.

V. COMMERCIAL AGREEMENTS

Gulfstream LNG has not to date entered into any natural gas supply or LNG contracts in connection with the Project. Gulfstream LNG anticipates that after receiving the export authorization requested herein, it will enter into long-term agreements that run concurrently with Gulfstream LNG's export authorization. The terms and conditions related to the use of the Gulfstream LNG Terminal facilities will be set forth in agreements with Project customers.

DOE's regulations require applicants to submit information regarding the terms of the transaction, including long-term supply agreements and long-term export agreements. In prior orders, DOE's Office of Fossil Energy ("DOE/FE") has found that applicants need not submit this information with their applications if such transaction specific information is not available because neither the supply contracts nor the long-term export contracts have been executed. Consistent with DOE policy, Gulfstream LNG will file executed long-term contracts with DOE/FECM, along will all information required by DOE's regulations and orders.[3]

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[2] Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050, 85 Fed. Reg. 52,237 (Aug. 25, 2020).

[3] *See* 10 C.F.R. § 590.202(b); *Sabine Pass Liquefaction, LLC,* Order No. 4800 (March 16, 2022); *Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC,* Order No. 4799 (March 16, 2022).

VI. GULFSTREAM LLC MEETS THE STANDARD FOR EXPORT AUTHORITY TO FTA NATIONS

NGA section 3(c) provides that:

> [T]he exportation of natural gas to a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas, shall be deemed to be consistent with the public interest, and applications for such importation or exportation shall be granted without modification or delay. [4]

Under this statutory presumption, that portion of this Application that seeks to export LNG to FTA Nations shall be deemed to be consistent with the public interest. As required by the NGA, DOE/FECM should grant such authorization without modification or delay. Indeed, DOE/FECM promptly grants authorizations, as it should do here, for export to FTA nations as a matter of statutory requirement.[5]

VII. GULFSTREAM LNG MEETS THE STANDARD FOR EXPORT AUTHORITY TO NON-FTA NATIONS

NGA section 3(a) sets forth the general standard of review for export applications:

> [N]o person shall export any natural gas from the United States to a foreign country or import any natural gas from a foreign country without first having secured an order of the [Secretary of Energy] authorizing it to do so. The [Secretary] shall issue such order upon application, unless, after opportunity for hearing, [the Secretary] finds that the proposed exportation or importation will not be consistent with the public interest. The [Secretary] may by [the Secretary's] order grant such application, in whole or in part, with such modification and upon such terms and conditions as the [Secretary] may find necessary or appropriate.[6]

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[4] 15 U.S.C. § 717b(c).

[5] *See, e.g., Alaska LNG Project LLC,* Order No. 3554; *Magnolia LNG, LLC*, DOE/FE Order No. 3406 (Mar. 5, 2014); *Annova LNG,* LLC, DOE/FE Order No. 3394 (Feb. 20, 2014); Delfin LNG LLC, DOE/FE Order No. 3393 (Feb. 20, 2014); *ConocoPhillips Alaska Natural Gas Corporation,* DOE/FE Order No. 3392 (Feb. 19, 2014); *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 3384 (Jan. 22, 2014); *Barca LNG LLC*, DOE/FE Order No. 3365 (Nov. 26, 2013).

[6] 15 U.S.C. § 717b(a) (2006) (emphasis added). This authority has been delegated to the Assistant Secretary for Fossil Energy pursuant to Redelegation Order No. 00-002.04D (Nov. 6, 2007).

According to DOE/FE, "[a]pplying the foregoing statutory language, DOE has consistently ruled that Section 3(a) of the NGA creates a rebuttable presumption that proposed exports of natural gas are in the public interest."[7] Accordingly, DOE/FECM "must grant such an application unless opponents of the application overcome that presumption by making an affirmative showing of inconsistency with the public interest."[8]

In evaluating the "public interest" DOE/FECM applies the principles set forth in its *Policy Guidelines and Delegation Orders Relating to the Regulation of Imported Natural Gas*, which are intended to promote free and open trade by minimizing federal government interference.[9] Under the Policy Guidelines:

> "The market, not government, should determine the price and other contract terms of imported [or exported] gas ... The federal government's primary responsibility in authorizing imports [or exports] should be to evaluate the need for the gas and whether the import [or export] arrangement will provide the gas on a competitively priced basis for the duration of the contract while minimizing regulatory impediments to a freely operating market."

DOE/FE has affirmed that "it continues to subscribe to the principle set forth in our 1984 Policy Guidelines that, under most circumstances, the market is the most efficient means of

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[7] Order No. 4800, at 26; *Sierra Club v. DOE,* 867 F.3d 189, 203 (D.C. Cir. 2017). *See also Panhandle Producers and Royalty Owners Assoc. v. ERA*, 822 F.2d 1105, 1111 (D.C. Cir. 1987) ("A presumption favoring import authorization, then, is completely consistent with, if not mandated by, the statutory directive.").

[8] *Jordan Cove Energy System, L.P.,* DOE/FE Order No. 3413 at 6 (Mar. 24, 2014); *Cameron LNG, LLC*, DOE/FE Order No. 3391 at 6 (Feb. 11, 2014); *FLNG Liquefaction, LLC, FLNG Liquefaction 2, LLC and FLNG Liquefaction 3*, LLC, DOE/FE Order No. 3357 at 8 (Nov. 15, 2013); *Dominion Cove Point LNG, LP*, DOE/FE Order No. 3331 at 7 (Sept. 11, 2013); *Lake Charles Exports, LLC*, DOE/FE Order No. 3324 at 6-7 (Aug. 7, 2013); *Freeport LNG Expansion, L.P., Freeport LNG Expansion, L.P. and FLNG Liquefaction, LLC*, DOE/FE Order No. 3282 at 6 (May 17, 2013).

[9] Policy Guidelines and Delegation Orders Relating to the Regulation of Imported Natural Gas, 49 Fed. Reg. 6,684 (Feb. 22, 1984) ("Policy Guidelines").

allocating natural gas supplies."[10] While the Policy Guidelines solely address imports, DOE/FE has found that the principles are applicable equally to exports.[11]

DOE/FE has identified a range of factors it evaluates when reviewing an application for export authorization. These factors include domestic need for the gas to be exported, whether the proposed exports propose a threat to security of domestic natural gas supplies, whether the exports promote market competition, and other factors bearing in the public interest such as international and environmental impacts. [12]

As discussed below, all of the above factors demonstrate that the proposed exports to Non-FTA Nations is not inconsistent with the public interest and should be approved by DOE/FECM.

1. Domestic Need for Natural Gas

Current projections of future supply and demand of domestically produced natural gas indicate that natural gas reserves will be more than sufficient to meet the demand for both natural gas in this country, as well as global demand for LNG. Natural gas production in the U.S. is at record levels. The U.S. Energy Information Administration ("EIS") stated in its latest published Short-Term Energy Outlook ("STEO") that natural gas production has increased steadily throughout 2022, and dry gas production is forecasted to average 99.7 Bcf per day in 2023, 2% more than in 2022.[13] EIS's 2022 Annual Energy Outlook forecasted that by 2050 natural gas

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[10] Freeport LNG Expansion, L.P. and FLNG Liquefaction, LLC, DOE/FE Order No. 3282 at 112 (May 17, 2013).

[11] *See, e.g., Jordan Cove Energy System, L.P.,* DOE/FE Order No. 3413 at 7 (Mar. 24, 2014) (citing Phillips Alaska Natural Gas Corp. and Marathon Oil Co., DOE/FE Order No. 1473 at 14 (Apr. 2, 1999)).

[12] Order 4800 at 28; *Freeport LNG Expansion, L.P. and FLNG Liquefaction, LLC*, DOE/FE Order No. 3282 at 6 (May 17, 2013).

[13] U.S. Energy Information Administration, *Short-Term Energy Outlook* (November 8, 2022), at 6. Available at: https://www.eia.gov/outlooks/steo/archives/Nov22.pdf.

production will grow twice as fast as consumption, with 25% more natural gas produced than consumed in the United States.[14] Therefore, natural gas supply will sufficient to meet the demand for such gas in this country if the export authorization requested herein is granted for the term requested. This factor is consistent with the presumption that the grant of export authorization to Gulfstream LNG is in the public interest.

2. Domestic Benefits of the Project in the Public Interest

The Gulfstream LNG Project will provide numerous benefits in the public interest. As DOE itself has noted, it has "advanced its commitment to promoting clean energy, job creation, and economic growth by approving additional exports of domestically produced natural gas" and such approval "furthers this Administration's commitment to promoting energy security and diversity worldwide."[15] The public interest of such exports is supported by studies commissioned by DOE/FE. The most recent DOE/FE commissioned study on the potential macroeconomic impacts of LNG exports stated that "[e]ven the most extreme scenarios of high LNG exports that are outside the more likely probability range, which exhibit a combined probability of less than 3%, show higher overall economic performance in terms of GDP, household income, and consumer welfare than lower export levels associated with the same domestic supply scenarios."[16]

[14] U.S. Energy Information Administration, *Annual Energy Outlook*, at 26 (March 3, 2022). Available at: https://www.eia.gov/outlooks/aeo/pdf/AEO2022_Narrative.pdf

[15] DOE, *Department of Energy Authorizes Additional LNG Exports from Freeport LNG* (May 29, 2019), available at: https://www.energy.gov/articles/department-energy-authorizes-additional-lng-exports-freeport-lng.

[16] NERA Econ. Consulting, *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports,* at 21 (June 7, 2018). Available at: https://www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf.

Gulfstream LNG estimates that at its peak, more than 500 onsite engineering and construction jobs will be created during the design and construction period for the Project. Furthermore, hundreds of offsite jobs will be created to support the design, fabrication, and construction of these facilities. Once constructed, the Project is expected to create approximately 150 new permanent positions to manage the company and operate the facilities. A large number of new American jobs will be indirectly created by production of natural gas required to feed the Project and by the associated maritime operations resulting from the Project.

The Project is also expected to generate revenues for state and local municipalities and their residents through additional income tax, state and local sales tax and use taxes as the company and its workers spend money on services and supplies, and as property subject to a use tax is brought into the state.

3. <u>International Benefits of the Project in the Public Interest</u>

The Project will also have very positive economic, security and environmental impacts in the countries to which LNG will be exported and on our nation's relationship with our allies abroad. In 2013 DOE/FE found that exports can have a positive impact on national energy security:

> to the extent U.S. exports can counteract concentration within global LNG markets, thereby diversifying international supply options and improving energy security for many of this country's allies and trading partners, authorizing U.S. exports may advance the public interest for reasons that are distinct from and additional to the economic benefits identified in the [DOE/FE-sponsored] LNG Export Study. [17]

DOE/FE also analyzed the positive "international consequences" of approving LNG exports and concluded:

[17] *Freeport LNG Expansion, L.P., FLNG Liquefaction, LLC, FLNG Liquefaction 2, LLC and FLNG Liquefaction 3, LLC*, DOE/FE Order No. 3357 at 153 (Nov. 15, 2013).

> An efficient, transparent international market for natural gas with diverse sources of supply provides both economic and strategic benefits to the United States and our allies. Indeed, increased production of domestic natural gas has significantly reduced the need for the United States to import LNG. In global trade, LNG shipments that would have been destined to U.S. markets have been redirected to Europe and Asia, improving energy security for many of our key trading partners. To the extent U.S. exports can diversify global LNG supplies, and increase the volumes of LNG available globally, it will improve energy security for many U.S. allies and trading partners. [18]

More current world events have heightened the need for LNG exports to address the energy needs and security of our allies. Russia's invasion of Ukraine has increased Europe's demand for LNG supply from other sources, including the United States. A recent study concluded that without Russian pipeline gas, Europe's demand for LNG is projected to increase 150% from 2021-2040.[19] LNG is projected to meet approximately 50% of Europe's natural gas demand through 2030.[20] After 2030, LNG will meet an even greater share, reaching about 75% of demand by 2040.[21] As a result, DOE/FE has recently cited to Russia's invasion of Ukraine as further justification for authorizing additional LNG exports to improve energy security for many U.S. allies and trading partners.[22] The Gulfstream LNG Project will also contribute toward meeting the demand for LNG created by this invasion and furthering the current administration's

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[18] *Jordan Cove Energy System, L.P.,* DOE/FE Order No. 3413 at 142 (Mar. 24, 2014).

[19] New Study: U.S. LNG to Meet Europe's Energy Needs in Short- & Long-Term (Sept. 26, 2022), available at: *https://www.api.org/news-policy-and-issues/news/2022/09/26/us-lng-to-meet-europe-energy-needs-in-short-and-long-term#:~:text=Without%20Russian%20pipeline%20gas%2C%20Europe's,natural%20gas%20demand%20through%202030*.

[20] *Id.*

[21] *Id.*

[22] *Golden Pass LNG Terminal LLC,* DOE/FE Order No. 3978-E at 39 (Apr. 27, 2022); *Magnolia LNG LLC,* DOE/FE Order No. 3909-C at 53 (Apr. 27, 2022).

goals of lessening our allies' dependence on Russian energy sources and thereby strengthening European energy security.[23]

4. Environmental Impacts

Gulfstream LNG's intended LNG exports will require the siting, construction, and operation of the Project by the Federal Energy Regulatory Commission ("FERC"). As part of its review, FERC will examine the potential environmental impacts of constructing and operating the Project facilities in an Environmental Impact Statement ("EIS"). It is anticipated that DOE/FECM will participate as a cooperating agency in FERC's environmental review, and ultimately will adopt FERC's EIS.[24]

While FERC will review of the environmental impacts stemming from the construction and operation of the Project, DOE/FECM must determine the extent, if any, of its obligation under the National Environmental Policy Act ("NEPA") to review the environmental impacts that might result from LNG exported from the Project. DOE/FECM is not, however, required by NEPA to quantify and evaluate environmental impacts that are not reasonably foreseeable. The D.C. Circuit Court of Appeals has affirmed DOE's findings that (1) any potential increase in upstream gas production indirectly induced by exports is not reasonably foreseeable; and (2) modelling the impact of exports on net global emissions in LNG-importing nations would be "too speculative to inform the public interest determination." *Sierra Club v. DOE,* 867 F.3d 189 (D.C. Cir. 2017).

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[23] *See* White House Fact Sheet: United States and European Commission Announce Task Force to Reduce Europe's Dependence on Russian Fossil Fuels (March 25, 2022), available at *https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/25/fact-sheet-united-states-and-european-commission-announce-task-force-to-reduce-europes-dependence-on-russian-fossil-fuels/*.

[24] *See* 10 C.F.R. § 1021.342; 40 C.F.R. §§ 1501.6, 1501.8 & 1506.3.

Similar to the LNG project reviewed in *Sierra Club v. DOE,* the gas that will supply the Gulfstream LNG Project will be sourced from the integrated gas pipeline network. Therefore, projecting how much and where any induced gas production will occur is not reasonably foreseeable. *Id.* at 199. DOE/FECM should also find, consistent with *Sierra Club v. DOE,* that it would be speculative to estimate the extent to which LNG from the Project would substitute for nuclear, coal or renewable fuel sources in downstream consuming countries in order to forecast net global emissions resulting from the grant of export authorization. *Id.* at 202.

Moreover, DOE has also determined more generally that the grant of LNG export authorization would have minimal or positive impacts on the environment. In 2019, DOE commissioned a study by the National Energy Technology Laboratory ("NETL") of the life cycle domes of greenhouse gas ("GHG") emissions resulting from LNG exports. The study concluded that when examined from a life cycle perspective, LNG exports will not increase, and in fact are likely to reduce, global GHG emissions when compared to regional coal extraction and power production consumption.[25] In 2020, DOE granted a categorical exclusion from NEPA review for LNG exports based on its conclusion that "potential environmental effects associated with marine transport, the only reasonably foreseeable environmental impacts associated with DOE natural gas export authorizations, are minimal."[26]

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[25] *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States: 2019 Update* (DOE/NETL-2019/2041) (Sept 12, 2019), available at: https://www.energy.gov/sites/prod/files/2019/09/f66/2019%20NETL%20LCA-GHG%20Report.pdf. A subsequent lifecycle analysis prepared by NETL in connection with a draft Supplemental EIS issued by DOE in Docket No. 14-96-LNG concluded that because global demand for LNG would need to be fulfilled, GHG emissions associated with LNG produced and supplied from the lower 48 would remain whether or not the subject project was built. 87 Fed. Reg. 38,730 (June 29, 2022). DSEIS at § 4.19.2.

[26] U.S. Dep't of Energy, National Environmental Policy Act Implementing Procedures, Final Rule; 85 Fed. Reg. 78,197, 78,199 (Dec. 4, 2020). *See* 10 C.F.R. § Part 1021, Subpart D, App. B, Categorical Exclusion B5.7.

Gulfstream LNG submits that DOE's conclusion that (1) upstream and downstream emissions resulting from the grant of export authorization are not reasonably foreseeable; (2) its categorical exclusion of LNG exports: and (3) the life cycle analyses of global emissions performed by NETL on its behalf, all support a finding that any environmental impacts indirectly caused by the grant of export authorization for the Project are not sufficient to overcome the statutory presumption under NGA Section 3 that such authorization is in the public interest.

VIII. APPENDICES

Exhibit A: Ground Lease and Joint Development Agreement

Exhibit B: Gulfstream LNG Map and Site Plan

Exhibit C: Opinion of Counsel

Exhibit D: Verification

IX. CONCLUSION

For the reasons set forth above, Gulfstream LNG respectfully requests that the DOE issue an order granting Gulfstream LNG authorization to export LNG,on its own behalf and as an agent for others, for a term ending on December 31, 2050, up to 237.5 Bcf/year, which is equivalent to approximately 650 MMcf/d of natural gas, to (1) any country with which the United States currently has, or in the future may enter into, a free trade agreement requiring national treatment for trade in natural gas; and (2) any country with which the United States does not have a free trade agreement requiring national treatment for trade in natural gas with which trade is not prohibited by United States law or policy.

Dated: March 10, 2023

Respectfully submitted,

Howard L. Nelson

Howard L. Nelson
Kenneth M. Minesinger
William Garner
Ernesto Danache
Greenberg Traurig, LLP
2101 L. Street, NW
Suite 1000
Washington, DC 20037
Phone: (202) 331-3163
Email: nelsonh@gtlaw.com

EXHIBIT A

GROUND LEASE AND JOINT DEVELOPMENT AGREEMENT

Filed Under Seal

EXHIBIT B

MAP AND SITE PLAN

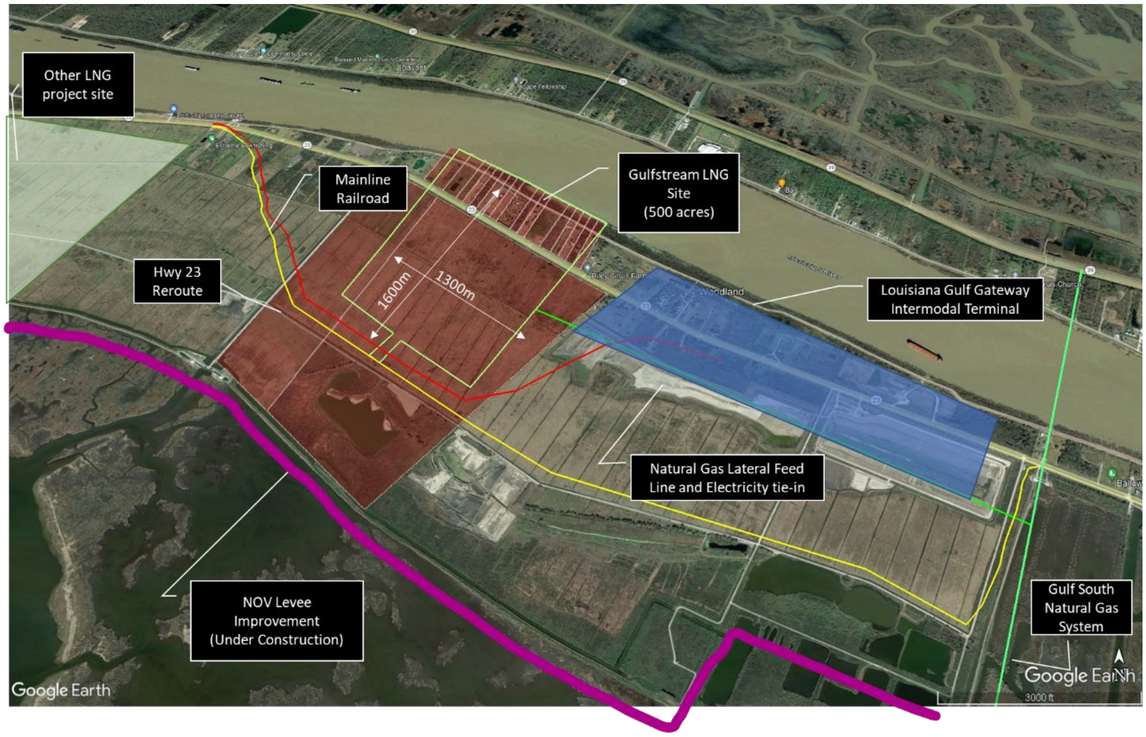
Other LNG project site
Mainline Railroad
Gulfstream LNG Site (500 acres)
Hwy 23 Reroute
1600m
1300m
Louisiana Gulf Gateway Intermodal Terminal
Natural Gas Lateral Feed Line and Electricity tie-in
NOV Levee Improvement (Under Construction)
Gulf South Natural Gas System
Google Earth
3000 ft

EXHIBIT C

OPINION OF COUNSEL

March 9, 2023

U.S. Department of Energy
Natural Gas Regulation
FECM-34 - Room 3E-056
1000 Independence Avenue, S.W.
Washington DC 20585

RE: GULFSTREAM LNG DEVELOPMENT, LLC, FECM Docket No. 23-___-LNG

Application for Long-Term Authorization to Export Liquefied Natural Gas

Dear Sir/Madam:

This opinion of counsel is provided in accordance with the requirements of Section 590.202(c) of the US Department of Energy's regulations, 10 CFR 590.202(c) (2022). I have examined the organizational and governance documents of GULFSTREAM LNG DEVELOPMENT, LLC ("Gulfstream LNG"), a Delaware limited liability company, and other documents and authorities as necessary for purposes of this opinion. On the basis of the foregoing, it is my opinion that the proposed long-term, multi-contract export of liquefied natural gas by Gulfstream LNG, as described in the above-referenced application, is within the limited liability company powers of Gulfstream LNG.

Respectfully submitted,

William Garner

William Garner
Greenberg Traurig, LLP
1000 Louisiana Street
Suite 6700
Houston, TX 77002
Tel: +1 713 374 3500
Fax:+1 713 374 3505
garnerw@gtlaw.com

EXHIBIT D

VERIFICATION

I, Howard L. Nelson, being sworn, do hereby affirm that I am counsel to GULFSTREAM LNG DEVELOPMENT, LLC and that I am familiar with the contents of this application; and that the matters set forth therein are true and correct to the best of my knowledge, information and belief.

Howard L. Nelson

Howard L. Nelson

SWORN TO AND SUBSCRIBED before me, a Notary Public, in and for the District of Columbia this 10th day of March, 2023.

JEAN C. JACKSON
NOTARY PUBLIC
EXP.
6-30-24
DISTRICT OF COLUMBIA

Jean C. Jackson

Name: Jean C. Jackson

JEAN C. JACKSON
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires June 30, 2024