

² *NFE Altamira FLNG*, *S. de R.L. de C.V.*, Clarifications and Comments regarding Draft Environmental Assessment, Docket No. 22-110-LNG (Oct. 23, 2023).

makes this limited supplemental filing to respond to comments by the Sierra Club and the U.S. Environmental Protection Agency (“EPA”), which were filed at the close of the comment period, in order to correct and clarify the record.³

I. RESPONSE TO COMMENTS

1. DOE should disregard Sierra Club’s late-filed attacks on NFE’s Application that are beyond the scope of the Draft EA.

The majority of the Sierra Club Comments have nothing to do with the Draft EA. Aside from its assertion that DOE should have prepared an environmental impact statement (“EIS”) instead of an EA, almost all of the Sierra Club Comments are either parroted statements from its Initial Protest to NFE Altamira’s Application or general attacks on DOE’s environmental review and public interest review for export authorizations.⁴ DOE/FECM should not permit Sierra Club to use the Draft EA as an opportunity to submit out-of-time attacks on NFE Altamira’s Application and collateral attacks on DOE procedures and policy. Therefore, to the extent the Sierra Club Comments stray beyond the scope of the Notice of EA,⁵ DOE/FECM should reject them.⁶

That said, it is incumbent upon NFE Altamira to call attention to several factually and legally inaccurate statements made in the Sierra Club Comments. Although these statements stray

³ *NFE Altamira FLNG, S. de. R.L. de C.V.*, Sierra Club’s Comments on the NFE Altamira FLNG’s Draft Environmental Assessment for Export and Re-Export Authorization, Docket No. 22-110-LNG (Oct. 23, 2023) (“Sierra Club Comments”); *NFE Altamira FLNG, S. de. R.L. de C.V.*, EPA Comments Letter for New Fortress Energy Altamira FLNG Project Draft EA, 22-110-LNG (Oct. 23, 2023) (“EPA Comments”).

⁴ *See generally, NFE Altamira FLNG, S. de. R.L. de C.V.*, Sierra Club’s Motion to Intervene and Protest of NFE Altamira FLNG’s Request for Export and Re-Export Authorization, Docket No. 22-110-LNG (Dec. 5, 2022) (“Initial Protest”).

⁵ *See Notice of EA*, 88 Fed. Reg. at 65,160 (“DOE is also announcing a public comment period **to receive comments on the Draft EA**.”) (emphasis added).

⁶ *Cf. Driftwood LNG LLC*, Order Dismissing Industrial Energy Consumers of America’s Motion to Intervene and Protest and Accepting Late-Filed Comments, FE Docket No. 16-144-LNG (Apr. 10, 2019) (“[B]ecause [movant’s] comments do not address the Supplement but pertain to issues bearing on the [a]pplication and to LNG exports generally, DOE/FE reasonably could disregard the comments as straying beyond the scope of the Notice of Supplement.”).

beyond the scope of the Draft EA, NFE Altamira is nevertheless providing limited responses in order to correct the record with respect to the inaccurate information filed by Sierra Club.

For example, as it did in its Initial Protest, Sierra Club argues that NFE Altamira's proposed exports would increase domestic gas prices. To support this, Sierra Club cites to out-of-date information that was proved to be incorrect and has been superseded by new data that reaches the opposite conclusion. Citing to the U.S. Energy Information Administration's ("EIA") Winter Fuels Outlook 2022-23 from more than a year ago, Sierra Club states that "[d]omestic energy prices are expected to be higher this year than the year before, which was higher than the year before that, etc."⁷ Sierra Club's careless cherry-picking of stale price estimates ignores the fact that EIA's assumptions regarding Winter 2022-23 were disproven,⁸ and ignores EIA's updated Winter Fuels Outlook 2023-24, which was released more than a week prior to Sierra Club filing its comments. In the Winter Fuels Outlook 2023-24, EIA stated that:

in general, we expect the prices U.S. residential consumers pay for fuels will be **lower this winter than last winter**. The lower prices are most notable for natural gas. **Retail natural gas prices have been falling on a year-over-year basis since May, the result of a steep drop in natural gas wholesale spot prices.** The wholesale spot price for natural gas at Henry Hub in Louisiana averaged \$2.74 per thousand cubic feet (Mcf) in September, 66% less than September 2022 and among the lowest on an inflation-adjusted basis in the past 20 years. The average U.S. residential natural gas price in September was down 17% from a year ago.⁹

⁷ *Sierra Club Comments*, at 6 (citing U.S. Energy Info. Admin., *Winter Fuels Outlook 2022-23* (Oct. 12, 2022)).

⁸ See U.S. Energy Info. Admin., *Short Term Energy Outlook – March 2023*, at 8 (Mar. 7, 2023), <https://www.eia.gov/outlooks/steo/archives/mar23.pdf> ("Reduced natural gas consumption in January and February slowed withdrawals from natural gas inventories to less than the five-year average and reduced natural gas prices. The spot price of natural gas at the U.S. benchmark Henry Hub averaged \$2.38 per million British thermal units (MMBtu) in February, the lowest monthly average since September 2020.").

⁹ U.S. Energy Info. Admin., *Short Term Energy Outlook – October 2023, Winter Fuels Outlook 2023-24* (Oct. 11, 2023), <https://www.eia.gov/outlooks/steo/report/perspectives/2023/10-winterfuels/article.php#expend> (emphasis added).

Additionally, Sierra Club repeats several arguments from its Initial Protest with respect to non-environmental issues that are beyond the scope of the Draft EA and should be disregarded here. Sierra Club repeats its arguments from its Initial Protest with respect to distributional impacts.¹⁰ As NFE Altamira has previously highlighted, precedent from the U.S. Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”) and DOE is clear on this point as to what is required from Sierra Club.¹¹ The D.C. Circuit has affirmed DOE’s conclusion that, “given that exports will benefit the economy as a whole and absent stronger record evidence on the distributional consequences, it could not say that ... exports were inconsistent with the public interest on these grounds.”¹² In its Initial Protest, Sierra Club failed to put forth any record evidence that distinguishes this case under DOE and D.C. Circuit precedent and has failed to do so in its comments on the Draft EA. Therefore, DOE should disregard Sierra Club’s repeated argument with respect to distributional impacts.

2. Preparation of an EA is appropriate under NEPA.

Under the circumstances of this proceeding, and consistent with DOE and court precedent, DOE was not required to prepare an EIS for NFE Altamira’s Non-FTA export authorization. As a preliminary matter, the National Environmental Policy Act (“NEPA”),¹³ does not require an analysis of environmental impacts that occur within another sovereign nation that result from

¹⁰ *Id.* at 7.

¹¹ *See Freeport LNG Expansion, L.P., et al.*, DOE/FECM Order No. 4961, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, Docket No. 21-98-LNG (Mar. 3, 2023) (“Order No. 4961”) (“Protests have not provided an analysis of the distributional consequences of authorizing LNG exports at the household level. Given the evidence of broad net macroeconomic benefits and absent stronger record evidence on the alleged distributional consequences, we cannot say that increased LNG exports are inconsistent with the public interest on these grounds.”); *see also Sierra Club v. DOE*, 703 F. App’x. 1 (D.C. Cir. 2017).

¹² 703 F. App’x. at *3 (cleaned up).

¹³ 42 U.S.C. §§ 4321 *et seq.*

actions approved by that sovereign nation.¹⁴ Therefore, as DOE correctly found in the Draft EA, DOE is not required “to evaluate impacts outside the United States when the foreign nation is participating with the United States or is otherwise involved in the action.”¹⁵

With respect to environmental impacts occurring within the United States resulting from DOE/FECM’s authorization to export to Non-FTA nations, these impacts will not be significant and an EIS is not required. Consistent with Council on Environmental Quality regulations, for proposed actions that are “not likely to have significant effects or [for which] the significance of the effects is unknown,” an EA should be prepared rather than an EIS.¹⁶ Sierra Club misstates this standard. Through a string of misquoted case law from the U.S. Court of Appeals for the Ninth Circuit, Sierra Club falsely claims that the “threshold for ‘significance’ is ‘low’.”¹⁷ First, the line of cases that Sierra Club cites to for this dubious proposition is inapplicable here, which involved agencies’ failures to undertake *any* environmental study prior to implementation of a Federal action.¹⁸ Second, none of these cases stand for the premise that the threshold for “significance” is low.¹⁹ Finally, Sierra Club has not provided any information, or raised any substantial questions that DOE/FECM’s authorization of exports from the Project might result in significant impacts.

¹⁴ See Exec. Order No. 12,114 (Jan. 4, 1979).

¹⁵ *Draft EA*, at 8.

¹⁶ *Lowman v. Fed. Aviation Admin.*, 83 F.4th 1345, 1350 (11th Cir. 2023) (citing 40 C.F.R. § 1501.5).

¹⁷ *Sierra Club Comments*, at 3 (citing *Cal. Wilderness Coal. v. DOE*, 631 F.3d 1072, 1097 (9th Cir. 2011)).

¹⁸ *Cal. Wilderness Coal. v. DOE*, 631 F.3d at 1097 (addressing DOE’s failure to proceed in the absence of an EIS or EA when designating national interest electric transmission corridors) (*quoting Klamath Siskiyou Wildlands Ctr. v. Boody*, 468 F.3d 549, 562 (9th Cir. 2006) (noting that “not only did [the Bureau of Land Management] fail to conduct an EIS prior to implementing either of the [Annual Species Review] Decisions, it did not even conduct an EA.”)).

¹⁹ See *Klamath Siskiyou Wildlands Ctr. v. Boody*, 468 F.3d at 561-62 (*quoting Idaho Sporting Congress v. Thomas*, 137 F.3d, 1146 (9th Cir. 1998), *overruled*, *The Lands Council v. McNair*, 537 F.3d 981 (9th Cir. 2008)).

Moreover, in a clumsy attempt to misleadingly bolster its argument, Sierra Club falsely states “DOE has adopted a specific presumption that LNG exports require an EIS,” citing to 10 C.F.R. Part 1021, Subpart D, App. D, D8-D9.²⁰ However, Sierra Club fails to mention that this provision was repealed by DOE nearly three years ago, and there is currently no such presumption—a fact that Sierra Club should be aware of.²¹

Environmental impacts from the Project have been subject to a thorough review by Mexican regulatory agencies, and the Project has already undergone a robust environmental and social impact review.²² Preparation of an EIS would be duplicative, expensive, unnecessary and counter to the goals and requirements of NEPA.²³

3. Upstream and downstream emissions are not reasonably foreseeable indirect effects in this case, despite assertions by EPA and Sierra Club.

Contrary the claims in the EPA Comments and Sierra Club Comments, DOE is not required to quantify greenhouse gas (“GHG”) emissions associated with alleged induced production of natural gas (upstream emissions) or the construction and operation of the Project and end-use combustion of natural gas exported from the Project (downstream emissions).²⁴ EPA’s assertion that “[b]oth upstream and downstream GHG emissions are clearly reasonably foreseeable indirect

²⁰ *Sierra Club Comments*, at 3.

²¹ *See* U.S. Dep’t of Energy, National Environmental Policy Act Implementing Procedures, 85 Fed. Reg. 78,197 (Dec. 4, 2020), codified at 10 C.F.R. Part 1021, Subpart D, App. D, D8-D9 (2023).

²² *See NFE Altamira FLNG, S. de. R.L. de C.V.*, Project Update, Docket No. 22-110-LNG (Jun. 16, 2023).

²³ *See Dep’t of Transp. v. Pub. Citizen*, 541 U.S. 752, 768–69 (2004) (“NEPA’s purpose is not to generate paperwork—even excellent paperwork—but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment”) (internal citations and quotation marks omitted).

²⁴ NFE Altamira notes that, with respect to direct emissions from the Project, NFE Altamira has quantified and disclosed operational air emissions for the Project for DOE/FECM to consider. *See NFE Altamira FLNG, S. de. R.L. de C.V.*, Response to Request for Clarifications for Environmental Assessment, Docket No. 22-110-LNG, at Annex A, App. F (Rev. 3) (Aug. 24, 2023).

impacts for the NFE Altamira project”²⁵ is incorrect and inconsistent with DOE and D.C. Circuit precedent.

The D.C. Circuit has affirmed DOE’s determination that the indirect effects of export-induced natural gas production are not reasonably foreseeable.²⁶ In *Freeport*, the D.C. Circuit recognized that DOE had described upstream natural gas impacts generally, and affirmed DOE’s explanation that particularized impacts are highly location-dependent, and could not be attributed to any given export application.²⁷ Further, the court explained that “the [DOE’s] obligation to drill down into increasingly speculative projections about regional environmental impacts is also limited by the fact that [DOE] lacks any authority to control the locale or amount of export-induced gas production, much less any of its harmful effects.”²⁸ Similarly, the court in *Freeport* rejected challenges to DOE’s examination of the potential downstream emissions resulting from the indirect effects of exports (*i.e.*, those resulting from the transport and usage of U.S. LNG abroad).²⁹

The Altamira Project will source natural gas feedstock from multiple producing basins throughout the U.S. pipeline grid, and the particular source of natural gas is not reasonably foreseeable. Similarly, the ultimate destination of LNG cargoes shipped from the Altamira Project is not known, and intended end-users may change. Neither the EPA Comments nor the Sierra

²⁵ *EPA Comments*, at 3.

²⁶ *Sierra Club v. DOE*, 867 F.3d 189, 198 (D.C. Cir. 2017) (“Freeport”) (concluding that DOE “offered a reasoned explanation as to why it believed the indirect effects pertaining to increased gas production were not reasonably foreseeable.”).

²⁷ *Id.* at 198-199. In this regard, DOE has noted that “[f]undamental uncertainties constrain [its] ability to foresee and analyze with any particularity the incremental natural gas production that may be induced by permitting exports of LNG to non-FTA countries[.]” *Delfin LNG LLC*, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from a Proposed Floating Liquefaction Project and Deepwater Port 30 Miles Offshore of Louisiana to Non-Free Trade Agreement Nations, DOE/FE Order No. 4028, at 147, FE Docket No. 13-147-LNG (Jun. 1, 2017).

²⁸ *Freeport*, 867 F.3d at 200.

²⁹ *Order No. 4961*, at 22 (citing *Freeport*, 867 F.3d at 201).

Club Comments offer any basis for DOE/FECM to deviate from its prior precedent. Nevertheless, potential upstream and downstream emissions are properly taken into consideration by incorporation of the DOE's GHG Studies, Addendum and Technical Support Document.³⁰

4. DOE should dismiss Sierra Club's general comments attacking DOE's Lifecycle GHG Analyses.

Sierra Club's comments with respect to climate provide no discussion of Altamira Project-specific impacts or of the Draft EA. Rather, Sierra Club spends the climate section of its comments deriding DOE's GHG Studies, parroting the same arguments it has made numerous times to DOE (especially with regard to leak rates, emission reduction targets, export destinations), including in its Initial Protest to NFE Altamira's Application.³¹ For the sake of brevity, to the extent that Sierra Club has raised issues identical to those in its Initial Protest, NFE Altamira incorporates by reference the responses in its Answer.

Even so, to ensure that DOE/FECM has the most up-to-date record evidence to inform its decisions, NFE Altamira notes that certain information in the Sierra Club Comments is stale and factually inaccurate. Sierra Club states that "EIA has recently confirmed that export-driven gas price increases are, in fact, propping up U.S. coal use."³² This similarly cites to the outdated EIA

³⁰ U.S. Dep't of Energy, Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States, 79 Fed. Reg. 32,260 (Jun. 4, 2014) & Nat'l Energy Tech. Lab., *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States: 2019 Update* (DOE/NETL-2019/2041) (Sep. 12, 2019) (collectively, "GHG Studies"); U.S. Dep't of Energy, Addendum to Environmental Review Documents Concerning Exports of Natural Gas from the United States, 79 Fed. Reg. 48,132 (Aug. 15, 2014) ("Addendum") U.S. Dep't of Energy, Technical Support Document, Notice of Final Rulemaking, National Environmental Policy Act Implementing Procedures (10 C.F.R. Part 1021) (Nov. 2020) ("Technical Support Document").

³¹ See generally *Sierra Club Comments*, at 9-15; compare *Initial Protest*, at 7-14.

³² *Sierra Club Comments*, at 13.

Winter Fuels Outlook 2022-23 from over a year ago.³³ However, the most recent data from EIA concludes that:

[a] more important contributor to the record levels of natural gas generation is the continued retirement of coal-fired capacity. Coal-fired power plants are less economical to operate than they have been in the past because of sustained low costs for competing power sources including natural gas The amount of coal capacity operating at the end of 2022 was 66 GW lower than in 2017 (a decrease of 26%), and we expect the amount operating in October 2023 will be 10 GW lower than October 2022. We forecast coal will provide about 15% of total U.S. generation in winter 2023–24, down from a share of 18% last winter.³⁴

Sierra Club’s consistent filing of stale, inaccurate and misleading information betrays its feigned concern with respect to the accuracy of the information in the Draft EA, and undermines its testament that the “facts stated [in the Sierra Club Comments] are true and correct....”³⁵

In sum, NFE Altamira notes that DOE’s practice of incorporating its GHG Studies is consistent with past precedent for similarly situated projects intended to re-export U.S.-sourced natural gas from Mexico in the form of LNG;³⁶ DOE’s incorporation of its GHG Studies has been expressly upheld by the courts;³⁷ and DOE’s decision to incorporate its GHG Studies here is well-

³³ See *supra* § I(1).

³⁴ U.S. Energy Info. Admin., *Short Term Energy Outlook – October 2023, Winter Fuels Outlook 2023-24*.

³⁵ See *Sierra Club Comments*, at Verification; see also 10 C.F.R. § 590.103(b) (“All documents shall also be verified under oath or affirmation by the person filing, or by an officer or authorized representative of the firm having knowledge of the facts alleged.”).

³⁶ See, e.g., *Energía Costa Azul, S. de R.L. de C.V.*, Environmental Assessment (DOE/EA-2193), Docket No. 18-145-LNG (Oct. 28, 2022); *Vista Pacifico LNG, S.A.P.I. de C.V.*, Environmental Assessment (DOE/EA-2192), Docket No. 20-153-LNG (Oct. 28, 2022).

³⁷ See *Freeport*, 867 F.3d at 198-200.

supported by record evidence contained in NFE Altamira’s responses to multiple environmental information requests.³⁸

5. Discussion of mitigation measures is not necessary.

DOE’s Draft EA appropriately did not discuss mitigation measures considered for the Altamira Project. DOE has no jurisdiction over the siting, design or construction of the extraterritorial Altamira Project and therefore, has no jurisdiction to require mitigation of the Project, which has already been permitted by the Mexican government.³⁹ Nevertheless, issues with respect to mitigation have not been ignored in the permitting and development of the Project. As stated in NFE Altamira’s Application, mitigation of environmental impacts is covered under Mexico FLNG, S. de R.L. de C.V.’s⁴⁰ *Manifestación de Impacto Ambiental* (“MIA”), *Estudio de Riesgo Ambiental* (“ERA”) and Environmental Impact Authorization.⁴¹ Moreover, with regard to activities in the United States, NFE Altamira is proposing to use an existing approved pipeline for exports, for which the Federal Energy Regulatory Commission (“FERC”) reviewed the environmental impacts and developed an EA,⁴² and which included mitigation measures deemed

³⁸ See *NFE Altamira FLNG, S. de R.L. de C.V.*, Response to Informational Questions for DOE’s Environmental Assessment, Docket No. 22-110-LNG (Jul. 26, 2023); *NFE Altamira FLNG, S. de R.L. de C.V.*, Response to Request for Clarifications for Environmental Assessment, Docket No. 22-110-LNG (Aug. 24, 2023).

³⁹ *Cf. Env’t Def. Fund, Inc. v. Massey*, 986 F.2d 528, 533 (D.C. Cir. 1993) (“NEPA is designed to regulate conduct occurring within the territory of the United States, and imposes no substantive requirements which could be interpreted to govern conduct abroad....”).

⁴⁰ The Altamira Project is permitted, owned and operated by Mexico FLNG, S. de R.L. de C.V., an affiliated but separate and distinct legal entity, which is not a party to this proceeding.

⁴¹ *Application*, at 20 (“The MIA/ERA application includes ... strategies for the prevention and mitigation of cumulative and residual environmental impacts of the regional environmental system.”); *id.* at 21 (based on the outcome of the MIA/ERA review, if the Mexican regulatory agency “finds that the project is environmentally viable, it will issue a resolution approving the MIA and issue an [Environmental Impact Authorization] and ERA containing the compulsory terms and conditions, including mitigation measures, of the authorization.”); *see also id.* at App. E, § IV.

⁴² See *Valley Crossing Pipeline, LLC*, Border Crossing Project Environmental Assessment, Docket No. CP17-19-000 (Jun. 30, 2017). In addition to FERC, the Valley Crossing Pipeline was required to obtain permits, approvals

necessary and appropriate.⁴³ Thus, DOE appropriately declined to include mitigation measures in the Draft EA.

6. DOE is not required to consider whether GHG emissions from the Altamira Project are consistent with GHG emission-reduction targets.

EPA recommends that DOE consider whether estimated GHG emissions from the Project are consistent with national GHG reduction targets.⁴⁴ As NFE Altamira has explained before, there are no new Project facilities located within the boundary of the United States and therefore, no new impacts on domestic GHG emissions. NFE Altamira proposes to operate the Project offshore in Mexican territorial waters, using existing natural gas pipeline capacity on existing cross-border facilities. Whether and how the GHG emissions associated with the extraterritorial Altamira Project will impact national climate goals is not reasonably foreseeable, and is not required under NEPA. Aside from the unique nature of the Project, the sheer volume of variables that DOE/FECM would need to consider, many of which are wholly beyond DOE's control and/or are unknown, prevent DOE from gathering information that would meaningfully inform DOE or the public. However, consistent with prior conclusions by DOE, to the extent that domestically-sourced LNG is replacing use of coal or higher-carbon intensive energy sources, GHG emissions are likely to decrease as a result.⁴⁵

and regulatory consultations from various state and Federal agencies, including the U.S. Army Corps of Engineers, EPA, Texas Historical Commission, Texas Railroad Commission and the Texas General Land Office. *See id.* at 9-10.

⁴³ NFE Altamira also requested that it be permitted to utilize future cross-border pipelines that are constructed, independent of the requested export authorization, which interconnect with the Sur de Texas – Tuxpan Pipeline offshore natural gas pipeline system. A similar review would be conducted for any new or expanded FERC jurisdictional border-crossing pipelines that may be proposed in the future.

⁴⁴ *EPA Comments*, at 4.

⁴⁵ *See, e.g., Order No. 4961*, at 68-69 (“[T]he LCA GHG Update shows that, to the extent U.S. LNG exports are preferred over coal in LNG-importing nations, U.S. LNG exports are likely to reduce global GHG emissions on a per-unit of energy consumed basis for power production.”) (internal citations omitted).

7. Issues with respect to stranded assets and carbon lock-in are not relevant to DOE's authorization of the Altamira Project.

The EPA Comments state that DOE should “consider and address the potential for projects to lock in natural gas production” and urge DOE to analyze “whether the project could result in stranded assets due to market factors and other policies that reduce demand for natural gas in the new project’s intended market.”⁴⁶ As a preliminary matter, EPA’s comments are speculative and issues with respect to risk of stranded assets are beyond the scope of DOE’s NEPA analysis.⁴⁷ Unlike proceedings before agencies such as FERC,⁴⁸ DOE does not make a project-level need determination when determining whether to authorize exports to Non-FTA Nations, but rather focuses on broader domestic need for the gas to be exported.

Although section 3(a) of Natural Gas Act does not define “public interest” or identify criteria that must be considered in its evaluation, DOE looks to principles established in its 1984 Policy Guidelines.⁴⁹ As DOE has explained, “[t]he goals of the Policy Guidelines are to minimize federal control and involvement in energy markets and to promote a balanced and mixed energy resource system.”⁵⁰ Moreover, as DOE has consistently noted, there is:

continuing uncertainty that all or even most of the proposed LNG export projects will ever be realized because of the time, difficulty, and expense of commercializing, financing, and constructing LNG export terminals, as well as the uncertainties and competition inherent in the global market for LNG. More generally, DOE continues to subscribe to the principle set forth in our 1984 Policy

⁴⁶ *EPA Comments*, at 4.

⁴⁷ 15 U.S.C. § 717b(a).

⁴⁸ *See, e.g., Port Arthur LNG Phase II, LLC, PALNG Common Facilities Co., LLC*, EPA comments on FERC PALNG Expansion Supplemental EA, Docket No. CP20-55-000 (May 30, 2023), https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20230530-5263&optimized=false (note that EPA’s comment on stranded assets is nearly identical to comments it has filed on NEPA documents prepared by FERC).

⁴⁹ U.S. Dep’t of Energy, *New Policy Guidelines and Delegations Order Relating to Regulation of Imported Natural Gas*, 49 Fed. Reg. 6684 (Feb. 22, 1983) (“1984 Policy Guidelines”).

⁵⁰ *Order No. 4961*, at 26.

Guidelines that, under most circumstances, the market is the most efficient means of allocating natural gas supplies.⁵¹

Finally, NFE Altamira notes that, in this case, there is a diminished risk of carbon lock-in or stranded assets of new natural gas transportation infrastructure. The Altamira Project requires no new domestic infrastructure, as it will source gas via existing cross-border facilities, using existing capacity that is already used to export natural gas to Mexico. Additionally, LNG is fungible, and changes in the “intended markets” for LNG cargoes from the Project present little risk to the public interest, as availability of U.S. LNG in the international marketplace allows for the market to efficiently direct LNG cargoes where need is the greatest.

II. CONCLUSION

WHEREFORE, NFE Altamira respectfully requests that DOE/FECM consider these comments during the preparation of the final EA and order on NFE Altamira’s Application.

Respectfully submitted,

/s/Lisa M. Tonery

Lisa M. Tonery

Mariah T. Johnston

Jacob I. Cunningham

Attorneys for

NFE Altamira FLNG, S. de R.L. de C.V.

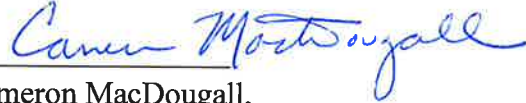
Dated: November 7, 2023

⁵¹ *Id.* at 71 (internal citations omitted).

VERIFICATION

I, Cameron MacDougall, declare that I serve as counsel to NFE Altamira FLNG, S. de R.L. de C.V. and I am duly authorized to make this Verification; that I have read the foregoing instrument and the facts therein stated are true and correct to the best of my knowledge, information, and belief.

Signed on this 7th day of November, 2023, at New York, NY.

/s/ 

Cameron MacDougall,

Counsel on behalf of

NFE Altamira FLNG, S. de R.L. de C.V.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list in this proceeding.

Dated at Washington, D.C., this 7th day of November, 2023.

/s/ Jacob Cunningham

Jacob Cunningham

Attorney on behalf of

NFE Altamira FLNG, S. de R.L. de C.V.