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Office of Fuel Programs
Fossil Energy
Office of Fossil Energy and Carbon Management
U.S. Department of Energy
Docket Room 3F-056, FE-50
Forrestal Building
100 Independence Avenue, SW
Washington, DC 20585

Re: Lake Charles Exports, LLC, FE Docket No. 23-87-LNG, Response of Center for Biological Diversity to Lake Charles LNG's July 11, 2024 request for Immediate Action

Lake Charles Exports LLC ("LCE"), a subsidiary of Energy Transfer, has applied for an authorization to export LNG from the Lake Charles LNG Project to non-free trade agreement ("non-FTA") countries.¹ On July 11, 2024, LCE requested that DOE take immediate action on its pending export application, citing an order from Judge Cain in the Western District of Louisiana staying the Department of Energy's ("DOE") pause on the consideration of pending non-FTA LNG export authorizations.² However, Judge Cain's decision does not require immediate action from DOE.

Pursuant to the Natural Gas Act ("NGA"), DOE must determine that an authorization comports with the overall public interest.³ When reviewing applications, DOE considers public comments, policy guidelines, prior authorizations, as well as economic and environmental studies.⁴ Further, Judge Cain's order clearly acknowledges DOE must comply with the National Environmental Policy Act ("NEPA") before reaching a final decision on any non-FTA application.⁵ In the nine years since FERC's 2015 Environmental Impact Statement ("EIS") for LCE's prior authorization, substantial new information has become available on the adverse effects of increased LNG export prompting supplemental review.⁶ Additionally, DOE has also acknowledged that the studies utilized to inform the public interest are outdated and lack the most recent economic and environmental information necessary for proper decision-making.⁷

¹ Lake Charles Exports, LLC, Application for Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Countries, DOE/FE No. 23-87-LNG (Aug. 18, 2023),

https://www.energy.gov/sites/default/files/2023-08/23-87-LNG_Lake%20Charles%20Exports%20NFTA%20Application.pdf

² Memorandum Ruling, No. 2:24-CV-00406 (W.D. La. July 1, 2024).

³ 15 U.S.C. § 717b(a)

⁴ Dep't of Energy, Motion to Dismiss at 10, No. 2:24-CV-00406-JDC-TPL (May 6, 2024).

⁵ Memorandum Ruling, *supra* note 2 at 6.

⁶ FERC, Lake Charles Liquefaction Project Final Environmental Impact Statement, FERC/EIS-0258F, DOE/EIS-0491, FERC Docket Nos. CP14-119-000, CP14-120-000, and CP14-122-000, DOE Docket Nos. 11-59-LNG and 13-04-LNG at 4-97-98, 5-16 (Aug. 2015); *See generally* Environmental Advocates Protest; Intervention and Protest of Public Citizen, Inc., DOE/FE No. 23-87-LNG (Nov. 6, 2023), <https://www.energy.gov/sites/default/files/2023-11/Intervention%20and%20Protest%20of%20Public%20Citizen%2C%20Inc.%2011.06.2023.pdf>.

⁷ White House, Fact Sheet: Biden-Harris Administration Announces Temporary Pause on Pending Approvals of

Final actions on LNG export applications can only occur “when DOE has sufficient information on which to base a public interest determination”⁸ and the agency is not bound to a specific timeline for review. Thus, DOE must continue to update its studies as well as conduct additional analysis and publish a supplemental EIS prior to considering LCE’s application.

For the reasons discussed herein and others pertaining to the public interest, DOE should reject LCE’s request to rush a decision on its flawed application. Instead, DOE must proceed with updating the studies relied upon to evaluate the public interest and review of the Lake Charles LNG Project’s impacts, including by conducting supplemental NEPA analysis. If DOE chooses to take immediate action, DOE should deny the application because the project’s extensive impacts on the climate, economy, public health, national security, local communities and the pursuit of environmental justice render LCE’s proposal contrary to the public interest.⁹

/s/ Lauren A. Parker
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LNG Exports (Jan. 26, 2024), <https://www.whitehouse.gov/briefing-room/statements-releases/2024/01/26/factsheet-biden-harris-administration-announces-temporary-pause-on-pending-approvals-of-liquefied-natural-gas-exports/> (“The current economic and environmental analyses DOE uses to underpin its LNG export authorizations are roughly five years old and no longer adequately account for considerations like potential energy cost increases for American consumers and manufacturers beyond current authorizations or the latest assessment of the impact of greenhouse gas emissions.”).

⁸ Proposed Procedures for Liquefied Natural Gas Export Decisions, 79 Fed. Reg. 32261, 32263 (June 4, 2014).

⁹ See generally Center for Biological Diversity, Factors the Department of Energy Must Consider for a Robust and Defensible Public Interest Determination, https://www.biologicaldiversity.org/programs/climate_law_institute/energy_and_global_warming/pdfs/Public-Interest-Baseline_FINALSUBMISSION.pdf

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF)
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Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

**CENETR FOR BIOLOGICAL DIVERSITY CERTIFIED STATEMENT OF
AUTHORIZED REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b), I, Lauren A. Parker, hereby certify that I am a duly authorized representative of the Center for Biological Diversity, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of the Center for Biological Diversity, the foregoing documents and in the above captioned proceeding.

Dated at Washington, DC on this 18th day of July, 2024

/s/ Lauren A. Parker

Staff Attorney

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Attorney for Center for Biological Diversity

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY
IN THE MATTER OF

Lake Charles Exports, LLC

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FE Docket No. 23-87-LNG

CENTER FOR BIOLOGICAL DIVERSITY VERIFICATION

Pursuant to 10 C.F.R. § 590.103(b), I, Lauren A. Parker, 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 at Washington, DC on July 18, 2024

/s/ Lauren A. Parker

Staff Attorney

Center for Biological Diversity

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Attorney for Center for Biological Diversity

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IN THE MATTER OF

Lake Charles Exports, LLC

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FE Docket No. 23-87-LNG

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 590.107, I, Lauren A. Parker, hereby certify that I caused the above documents to be served on the persons included on the official service list for this docket, as provided by DOE/FE, on July 18, 2024.

/s/ Lauren A. Parker

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