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July 12, 2024

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Office of Fuels Programs
Fossil Energy
Office of Fossil Energy and Carbon Management
U.S. Department of Energy
Docket Room 3F-056, FE-50
Forrestal Building
1000 Independence Avenue, SW
Washington, DC 20585

Re: Lake Charles Exports, LLC, FE Docket No. 23-87-LNG
Response of For a Better Bayou, Habitat Recovery Project, Healthy Gulf Louisiana
Bucket Brigade, Micah Six Eight Mission, and Sierra Club to Lake Charles LNG's July
11, 2024 Request for Immediate Action

Lake Charles Exports LLC (“LCE”), a subsidiary of Energy Transfer, is proposing to develop a liquified natural gas (“LNG”) export facility (“Lake Charles LNG Project”) on the site of an existing LNG import facility, located roughly 10 miles Southwest of central Lake Charles in Calcasieu Parish, Louisiana. LCE has applied for an entirely new authorization to export LNG from the Lake Charles LNG Project to non-free trade agreement (“non-FTA”) countries.¹ On November 6, 2023, For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah Six Eight Mission, and Sierra Club (collectively “Environmental Advocates”) protested that application, highlighting the project’s likelihood to increase domestic gas prices, harm U.S. strategic interests in a global clean energy transition, threaten local

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.

communities, and exacerbate catastrophic climate change risks.² The Environmental Advocates also opposed LCE’s request for expedited review in light of the extensive analysis DOE would be required to conduct in response to LCE’s application.³

On July 11, 2024, LCE erroneously requested that DOE take immediate action on its pending application, citing an order from Judge Cain in the Western District of Louisiana staying DOE’s announced temporary pause on consideration of pending LNG export applications.⁴ LCE overstates the court’s order. While DOE must continue with its review of LCE’s application, the order does not mandate that DOE immediately approve—or make any decision regarding—LCE’s application. The order simply requires DOE to continue reviewing LCE’s application pursuant to the Natural Gas Act’s mandate to evaluate whether the project is consistent with public interest. It still must take the requisite time to do so. To the extent that DOE takes immediate action, DOE must deny the application: the cursory application fails to overcome the extensive record evidence demonstrating why the misguided, stale Lake Charles LNG Project is contrary to the public interest and should be denied.⁵

If—rather than issuing an immediate denial—DOE wants to evaluate approving the application, it must first comply with its obligations under the National Environmental Policy Act (“NEPA”). Regardless of any formal “pause” on LNG export applications writ large, DOE has recognized that it must “give appropriate consideration to the environmental effects” of the Lake Charles LNG Project, and “[n]o final decision will be issued” on LCE’s application “until DOE has met its environmental responsibilities.”⁶ Judge Cain’s order explicitly recognizes that DOE must comply with its NEPA obligations.⁷ And as explained at length in the Environmental Advocates’ protest of LCE’s application, DOE must supplement the NEPA analysis because FERC’s 2015 Environmental Impact Statement (“EIS”) is outdated and omits crucial

² For a Better Bayou, et al., Motion to Intervene and Protest, DOE/FE No. 23-87-LNG (Nov. 6, 2023), <https://www.energy.gov/sites/default/files/2023-11/Motion%20to%20Intervene%20-%20Sierra%20Club%2C%20et%20al%2011.06.2023.pdf> [hereinafter “Environmental Advocates Protest”].

³ *Id.* at 60.

⁴ Memorandum Ruling, No. 2:24-CV-00406 (W.D. La. July 1, 2024).

⁵ *See, e.g.*, 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>.

⁶ Notice of Application, 88 Fed. Reg. 60,670, 60,671 (Sept. 5, 2023).

⁷ Memorandum Ruling at 6. While Judge Cain’s order, at 7, also references the 2020 categorical exclusion for LNG export applications, DOE cannot invoke that exclusion here. *See* Environmental Advocates’ Protest at 31-35.

environmental considerations that have developed in the intervening nine years.⁸ DOE has already indicated that supplemental NEPA analysis is required, so this application is not ripe for immediate decision.⁹ Thus, contrary to LCE’s claim that its “unique circumstances” make it “best suited for immediate action,” DOE still has extensive work left to do before it could approve LCE’s application.

As part of DOE’s ongoing review, it must revisit the deeply flawed analysis of the climate impacts of LNG exports from its general studies and address the latest changes to LCE’s proposed project, including LCE’s proposals to use carbon capture and storage (“CCS”) and produce ammonia.¹⁰ Nor could DOE choose to exempt this project from such NEPA review.¹¹ Conducting the supplemental review necessary to do so will require DOE to issue a draft supplemental EIS, provide public notice and accept public comments, and address those comments in a final supplemental analysis. Indeed, “expeditious” action on LCE’s application cannot equate to an immediate approval.

The last eleven years have demonstrated that the Lake Charles LNG Project is failing and should not move forward. DOE recognized this project’s struggles when it denied LCE’s second extension request.¹² Yet, LCE now asks DOE to throw this faltering project a lifeline based on a cursory, stale application and outdated DOE analysis.¹³ DOE should decline to do so: the Lake Charles LNG Project is a case study in the considerations laid out in its policy statement on extensions of LNG export authorizations.¹⁴ Authorizing this clearly failing project will only contribute to an authorization overhang and deter newer projects, utilizing newer technology.¹⁵ And DOE has recognized that its studies underlying prior LNG export approvals are outdated

⁸ *See, e.g.*, Environmental Advocates’ Protest at 10-12, 27-31, 36-60.

⁹ Dep’t of Energy, Motion to Dismiss, Ex. E at 17 ¶ 43, No. 2:24-cv-00406-JDC-TPL (May 6, 2024).

¹⁰ Environmental Advocates’ Protest at 36-38; LCE Application at 21.

¹¹ Environmental Advocates’ Protest at 31-35.

¹² DOE/FECM Order No. 3324-C/4011-B (Apr. 21, 2023), https://www.energy.gov/sites/default/files/2023-04/ord3324-C_4011-B.pdf; DOE/FECM Order No. 3868-B/4010-B (Apr. 21, 2023), https://www.energy.gov/sites/default/files/2023-04/ord3868-C_4010-B.pdf.

¹³ U.S. Dep’t of Energy, Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries, 88 Fed. Reg. 25,272 (Apr. 26, 2023) [hereinafter Policy Statement].

¹⁴ *Id.*

¹⁵ *Id.* at 25,277.

and fail to account for the Lake Charles LNG Project's full harms.¹⁶ DOE therefore cannot rely on those prior studies to justify any approval here.

DOE should reject LCE's panicked request to rush a decision on its flawed application. Judge Cain's order does not require it do so. Rather, DOE must proceed with the requisite 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 U.S. consumers, U.S. global strategic interest, local communities, and the climate render LCE's proposal contrary to the public interest.

/s/ Louisa Eberle

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¹⁶ White House, Fact Sheet: Biden-Harris Administration Announces Temporary Pause on Pending Approvals of LNG Exports (Jan. 26, 2024), <https://www.whitehouse.gov/briefing-room/statements-releases/2024/01/26/fact-sheet-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.").

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

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

SIERRA CLUB CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE

Pursuant to 10 C.F.R. § 590.103(b), I, Louisa Eberle, hereby certify that I am a duly authorized representative of the Sierra Club, 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 Sierra Club, the foregoing documents and in the above captioned proceeding.

Dated at Denver, CO this 12th day of July, 2024

/s/ Louisa Eberle
Louisa Eberle
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Attorney for Sierra Club

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

SIERRA CLUB VERIFICATION

Pursuant to 10 C.F.R. § 590.103(b), I, Louisa Eberle, 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 Denver, CO on July 12, 2024

/s/ Louisa Eberle
Louisa Eberle
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UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
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IN THE MATTER OF)
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Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 590.107, I, Louisa Eberle, 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 12, 2024.

/s/ Louisa Eberle

Louisa Eberle

Sierra Club

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Attorney for Sierra Club

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
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IN THE MATTER OF)
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Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

**FOR A BETTER BAYOU CERTIFIED STATEMENT OF AUTHORIZED
REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b), I, James Hiatt, hereby certify that I am a duly authorized representative of For a Better Bayou, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of For a Better Bayou, the foregoing documents and in the above captioned proceeding.

Dated at Lake Charles, LA this 12th day of July, 2024

/s/ James Hiatt

James Hiatt
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UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

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

FOR A BETTER BAYOU VERIFICATION

Pursuant to 10 C.F.R. § 590.103(b), I, James Hiatt, 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 Lake Charles, LA this 12th day of July, 2024

/s/ James Hiatt
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DEPARTMENT OF ENERGY
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Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

**HABITAT RECOVERY PROJECT CERTIFIED STATEMENT OF AUTHORIZED
REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b), I, Alyssa Portaro, hereby certify that I am a duly authorized representative of Habitat Recovery Project, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Habitat Recovery Project, the foregoing documents and in the above captioned proceeding.

Dated at Vinton, LA this 12th day of July, 2024

/s/ Alyssa Portaro
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Founder/Director
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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

HABITAT RECOVERY PROJECT VERIFICATION

Pursuant to 10 C.F.R. § 590.103(b), I, Alyssa Portaro, 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 Vinton, LA this 12th day of July, 2024

/s/ Alyssa Portaro
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UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
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IN THE MATTER OF)
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Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

**LOUISIANA BUCKET BRIGADE CERTIFIED STATEMENT OF AUTHORIZED
REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b), I, Anne Rolfes, hereby certify that I am a duly authorized representative of Louisiana Bucket Brigade, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Louisiana Bucket Brigade, the foregoing documents and in the above captioned proceeding.

Dated at New Orleans, LA this 12th day of July, 2024

/s/ Anne Rolfes

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UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
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IN THE MATTER OF)
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Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

LOUISIANA BUCKET BRIGADE VERIFICATION

Pursuant to 10 C.F.R. § 590.103(b), I, Anne Rolfes, 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 New Orleans, LA this 12th day of July, 2024

/s/ Anne Rolfes
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DEPARTMENT OF ENERGY
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IN THE MATTER OF)
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**MICAH SIX EIGHT MISSION CERTIFIED STATEMENT OF AUTHORIZED
REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b), I, Cynthia Robertson, hereby certify that I am a duly authorized representative of Micah Six Eight Mission, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Micah Six Eight Mission, the foregoing documents and in the above captioned proceeding.

Dated at Sulphur, LA this 12th day of July, 2024

/s/ Cynthia P. Robertson
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UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF)
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MICAH SIX EIGHT MISSION VERIFICATION

Pursuant to 10 C.F.R. § 590.103(b), I, Cynthia Robertson, 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 Sulphur, LA this 12th day of July, 2024

/s/ Cynthia P. Robertson
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UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
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IN THE MATTER OF)
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Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

HEALTHY GULF CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE

Pursuant to 10 C.F.R. § 590.103(b), I, Breon Robinson, hereby certify that I am a duly authorized representative of Healthy Gulf, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Healthy Gulf, the foregoing documents and in the above captioned proceeding.

Dated at New Orleans, LA this 12th day of July, 2024

/s/ Breon Robinson
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PO Box 2245
New Orleans, LA 70176

UNITED STATES OF AMERICA
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IN THE MATTER OF)
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HEALTHY GULF VERIFICATION

Pursuant to 10 C.F.R. § 590.103(b), I, Breon Robinson, 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 New Orleans, LA this 12th day of July, 2024

/s/ Breon Robinson
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