

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

In the matter of Lake Charles LNG Export Company, LLC)))))	Docket Nos. 16-109-LNG 13-04-LNG
--	-----------------------	---

**MOTION TO INTERVENE AND PROTEST OF APPLICATION FOR
EXTENSION OF COMMENCEMENT DEADLINE**

I. Introduction

For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah 6:8 Mission, Sierra Club, and the Vessel Project of Louisiana hereby move to intervene in the above-captioned dockets and submit this protest pursuant to 10 C.F.R. §§ 590.303(b) and 590.304 to Lake Charles LNG Export Company, LLC’s (“Lake Charles LNG Export”) application for an extension of the commencement deadline for the approval it currently holds from the U.S. Department of Energy (“DOE” or “Department”) to export liquefied natural gas (“LNG”) to non-free trade agreement (“NFTA”) countries from December 16, 2025 to December 31, 2031. Application of Lake Charles LNG Export Company, LLC for an Amendment to Extend the Commencement of Operations Deadline and Request for Expedited Action, Docket Nos. 13-04-LNG & 16-109-LNG (Apr. 17, 2025) (“2025 Extension Application”).

DOE should deny the application for the same reasons that it previously denied Lake Charles LNG Export’s request to extend the commencement deadline beyond December 16, 2025.

II. Background

In 2013, Lake Charles LNG Export first applied for a long-term authorization to export LNG from its planned export terminal in Lake Charles, Louisiana. *Lake Charles LNG Export*

Company, formerly known as Trunkline LNG Export, LLC, Docket No. 13-04-LNG, Application for Long-Term Authorization to Export Liquefied Natural Gas (Jan. 9, 2013). Later in 2013, DOE granted Lake Charles LNG Export approval to export to free-trade agreement nations. *Trunkline LNG Export, LLC*, FE Docket No. 13-04-LNG, DOE/FE Order No. 3252 (March 7, 2013).

In 2016, DOE granted Lake Charles LNG Export approval to export up to 730 Bcf/year of LNG to NFTA countries with a commencement deadline of July 29, 2023. *Lake Charles LNG Export Co., LLC*, FE Docket No. 13-04-LNG, DOE/FE Order No. 3868 (July 29, 2016). DOE later authorized exports of up to an additional 121 Bcf/year with a deadline of June 29, 2024. *Lake Charles LNG Export Co., LLC*, FE Docket No. 16-109-LNG, DOE/FE Order No. 4010 (June 29, 2017). An affiliated company, Lake Charles Exports, LLC (“LCE”), was also granted overlapping, non-additive authority to export the same volume of gas. *LCE*, FE Docket No. 11-59-LNG, DOE/FE Order No. 3324 (Aug. 7, 2013); *LCE*, FE Docket No. 11-59-LNG, DOE/FE Order No. 3324-A (July 29, 2016).

Both companies applied in 2020 for an extension of the commencement deadline to December 16, 2025, and DOE issued notice of the applications in the Federal Register and opened a protest and intervention period. 85 Fed. Reg. 18,946 (Apr. 3, 2020) (Lake Charles LNG Export); 85 Fed. Reg. 18,944 (Apr. 3, 2020) (LCE). DOE then granted the extension. *Lake Charles LNG Export Co., LLC*, FE Docket Nos. 13-04-LNG & 16-109-LNG, DOE/FE Order Nos. 3868-A et al. (Oct. 6, 2020); *LCE*, FE Docket Nos. 11-59-LNG & 16-110-LNG, DOE/FE Order Nos. 3324-B et al. (Oct. 6, 2020).

In 2022, both companies applied for a second extension of the commencement deadline for their authority to export up to 851 Bcf/year. *Lake Charles LNG Export Company, LLC*,

Docket Nos. 13-04-LNG & 16-109-LNG, Application for Amendment to Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Countries (June 21, 2022) (“2022 Extension Application”); *LCE*, Docket Nos. 11-59-LNG & 16-110-LNG, Application for Amendment to Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Countries (June 21, 2022). DOE similarly issued notice of the extension applications in the Federal Register and opened an intervention and protest period. 87 Fed. Reg. 45,093 (July 27, 2022) (Lake Charles LNG Export); 87 Fed. Reg. 45,091 (July 27, 2022) (LCE). In 2023, DOE granted the motions of Sierra Club, Healthy Gulf, and Louisiana Bucket Brigade to intervene and denied the extension applications. *Lake Charles LNG Export Company, LLC*, Docket Nos. 13-04-LNG & 16-109-LNG, DOE/FECM Order No. 3868-B/4010-B (Apr. 21, 2023); *LCE*, Docket Nos. 11-59-LNG & 16-110-LNG, DOE/FECM Order No. 3324-C/4011-B (Apr. 21, 2023)

Among the reasons DOE gave for denying the extension, DOE found that the reasons Lake Charles LNG Export provided were inadequate to justify its delay in commencing exports. Order No. 3868-B/4010-B at 15. DOE noted that the effects of the COVID-19 pandemic that Lake Charles LNG Export cited had “largely subsided” by the time Lake Charles LNG Export asked for its second extension, *id.*, and that other holders of export authorizations had been able to weather those same events and start exporting within the original seven-year window DOE provided, *id.* at 16–17. The Department also reiterated that:

[B]y providing seven years for authorization holders to commence exports, DOE’s export commencement period already was designed to provide authorization holders with a buffer against challenging circumstances inherent in LNG project development. If DOE did not enforce these commencement deadlines, an authorization holder might seek extension after extension without ever being ready to proceed with its project. DOE has an obligation to ensure performance of its statutory responsibilities, including ensuring that non-FTA authorizations are utilized in a timely manner.

Id. at 18.

DOE subsequently denied the companies' requests for rehearing of the denial of the second extension. *LCE*, Docket Nos. 11-59-LNG & 16-110-LNG, DOE/FECM Order No. 3324-D/4011-C (Jun. 21, 2023); *Lake Charles LNG Export Company, LLC*, Docket Nos. 13-04-LNG & 16-109-LNG, DOE/FECM Order No. 3868-C/4010-C (Jun. 21, 2023). In those rehearing orders, DOE explained that it had denied the second extension applications on the basis of DOE's long-standing approach to extension requests (requiring good cause shown), rather than on the basis of a new policy statement on extensions of export commencement deadlines that it separately announced the same day it denied the extensions (which required a showing that delay in commercialization was due to circumstances beyond the company's control and that construction had commenced). Order No. 3868-C/4010-C at 4, 22, 39; Order No. 3324-D/4011-C at 4, 22, 39; DOE, *Policy Statement on Export Commencement Deadline in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries*, 88 Fed. Reg. 25,272 (Apr. 26, 2023) (codified at 10 C.F.R. pt. 590). The DOE further explained that it denied the extensions based on concerns about the request for a second extension—spanning so many years beyond the initial authorization and the lack of progress toward the commencement of exports. Order No. 3868-C/4010-C at 24–34; Order No. 3324-D/4011-C at 23–33.

LCE then filed a new application for NFTA export authority, *LCE*, Docket 23-87-LNG, Application for Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Countries and Request for Expedited Consideration (Aug. 18, 2023), but Lake Charles LNG Export did not.

On April 2, 2025, DOE formally revoked its policy statement on export commencement deadlines. *Rescission of Policy Statement on Export Commencement Deadlines in Authorizations*

To Export Natural Gas to Non-Free Trade Agreement Countries, 90 Fed. Reg. 14,411 (April 2, 2025) (codified at 10 C.F.R. pt. 590). Lake Charles LNG Export subsequently filed this extension request. 2025 Extension Application. DOE issued notice of the extension application and set a deadline of July 2 for motions to intervene and protests, noting that “[s]tatus as an intervenor in prior proceeding(s) in the Lake Charles LNG Export dockets does not continue to this proceeding evaluating the Extension Application, and therefore any person interested in intervening to address the Extension Application must file a new motion to intervene.” *Lake Charles LNG Export Company, LLC; Application for an Amendment To Extend the Commencement of Operations Deadline in Long-Term Authorizations To Export Liquefied Natural Gas*, 90 Fed. Reg. 23,324, 23,325 n.9 (June 2, 2025).

III. Intervention

Movants’ 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 Lake Charles LNG Project will have on their members and missions, as explained below. The movants’ position, as explained in the following section, is that the 2025 Extension Application should be denied.

A. Interests of Movants

1. For a Better Bayou

For a Better Bayou states that the exact name of the movant is For a Better Bayou. For a Better Bayou is a community-based organization in Southwest Louisiana which is raising awareness and building a community-based movement to ensure protections for a sustainable bayou. Its mission is to build a movement in Southwest Louisiana that holds the fossil fuel industry accountable for the harm it causes to people and the environment, and transforms the

regional economy to one based in love, culture, and environmental stewardship. For a Better Bayou hosts events to educate community members on the global climate crisis and how that impacts Southwest Louisiana and the bayous in the region, which provide a myriad of benefits to the surrounding communities. For a Better Bayou also hosts outings such as bird walks to educate the community on the value of a robust and diverse ecosystem. The construction and operation of the Lake Charles LNG Project will impact For a Better Bayou's work and mission by producing harmful air and water pollution that will deter members from engaging in outdoor activities in the region.

2. Habitat Recovery Project

Habitat Recovery Project ("HRP") states that the exact name of the movant is Habitat Recovery Project, and the movant's principal place of business is 1636 Arledge Rd, Vinton, LA 70668. Habitat Recovery Project is a 501(c)(3) organization and represents a community-focused conservation movement dedicated to restoring, regenerating, and conserving wildlife habitats in contaminated communities, through supporting and benefiting the communities around them. This work will be directly affected by the construction and operation of the Lake Charles LNG Project.

HRP, a Louisiana-based nonprofit conservation organization, asserts a direct and substantial interest in the regulatory and environmental implications of LNG infrastructure expansion in Cameron Parish. This interest is grounded in HRP's creation and operation of The FACTS—Fisherfamily Advisory Council for Tradition & Stewardship—an advisory body composed of multi-generational coastal fisherfolk and cultural stewards who work or reside in and are directly impacted by industrial development within the region. The FACTS serves as a formalized community-driven mechanism through which HRP obtains guidance, traditional

ecological knowledge, and consent-informed direction for its programmatic, legal, and advocacy work related to coastal ecosystems. Council members serve as public advisors and active participants in legal strategy development, citizen science, and policy engagement relating to coastal health, industrial pollution, and environmental justice. Accordingly, HRP's participation in any public, administrative, or legal process involving LNG development in Cameron is inherently shaped by its obligation to represent and uplift the perspectives and rights of the affected fishing communities whose interests it is structured to serve.

3. Healthy Gulf

Healthy Gulf states that the exact name of the movant is Healthy Gulf, and the movant's principal place of business is 935 Gravier Street, Suite 700, New Orleans, LA 70112. Healthy Gulf is a 501(c)(3) organization with several hundred members in Louisiana. Healthy Gulf also employs staff members, primarily based in Louisiana, who work to protect the integrity of wetlands, waters, wildlife, and other ecological resources throughout Louisiana and the Gulf Region. This work will be directly affected by the construction and operation of the proposed facilities.

4. Louisiana Bucket Brigade

Louisiana Bucket Brigade states that the exact name of the movant is Louisiana Bucket Brigade, and the movant's principal place of business is 4731 Canal Street, New Orleans, LA 70119. Louisiana Bucket Brigade is a 501(c)(3) organization with several hundred members in Louisiana, including members in the Lake Charles area who will be impacted by the Project. The Louisiana Bucket Brigade works with communities across the state that are disproportionately impacted by industrial pollution, with the goal of addressing environmental injustices and holding large polluters accountable. Lake Charles LNG is yet another threat to Southwest

Louisiana's communities which are already overburdened with toxic emissions from numerous fossil fuel and petrochemical facilities. Louisiana Bucket Brigade also employs staff members, primarily based in Louisiana, who work to inform Louisiana residents on the adverse environmental impacts of the petrochemical and oil and gas industry.

5. Micah Six Eight Mission

Micah Six Eight Mission states that the exact name of the movant is Micah Six Eight Mission, and the movant's principal place of business is 624 W. Verdine, Sulphur, LA 70663. Micah Six Eight Mission is a 501(c)(3) organization serving the communities in Calcasieu and Cameron parishes. Micah Six Eight Mission, our staff, board, and volunteers will be impacted by the Project. We work to inform Louisiana residents on the adverse environmental impacts of the petrochemical and oil and gas industry. Micah Six Eight Mission also supports communities in Calcasieu and Cameron parishes whose health and homes are devastated by the petrochemical industry, as well as the oil and gas industry. This work is directly affected by the construction and operation of the Project.

6. Sierra Club

Sierra Club states that the exact name of the movant is Sierra Club and the movant's principal place of business is 2101 Webster Street, Suite 1300, Oakland, CA 94612. Sierra Club is a non-profit organization that promotes the responsible use of the Earth's ecosystem and resources and works to restore the quality of the natural and human environment. In addition to organizing nature outings and public education campaigns, Sierra Club and its members pursue advocacy and litigation on issues including clean air, clean water, solid waste reduction, and sustainable land use policies.

The Lake Charles LNG exports will harm Sierra Club and its members by increasing the prices they pay for energy, including both gas and electricity, over the long term. The proposed export term extension will further harm Sierra Club members by increasing gas production and associated air pollution, including (but not limited to) the emission of greenhouse gases and ozone precursors. Sierra Club has over 3,500 members in Louisiana, including many in the Barnett Shale region and other areas that will likely be impacted by increased gas production. Sierra Club accordingly contends that the extension should be denied, as further described in the following protest.

7. The Vessel Project of Louisiana

The Vessel Project of Louisiana states that the exact name of the movant is The Vessel Project of Louisiana. The Vessel Project of Louisiana is a grassroots mutual aid and disaster relief organization founded in Southwest Louisiana. The Vessel Project of Louisiana's founder lives in Southwest Louisiana and works to provide emergency relief to the most vulnerable communities in this region, such as Black and Indigenous people of color, as well as low-income individuals. This work will be directly affected by the construction and operation of the proposed facility by the release of toxic pollutants into the air and water, which will decrease the health and wellness of the nearby communities. Moreover, the lifecycle greenhouse gas emissions from the operation of the Lake Charles LNG facility will contribute to climate change, which will increase storm intensity, requiring additional aid and disaster relief.

B. Identification of Contacts for the Service List

Pursuant to 10 C.F.R. § 590.303(d), For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah 6:8 Mission, and the Vessel Project of Louisiana identify the following persons for the official service list:

Moneen Nasmith
Director, National Climate, Fossil Fuel Infrastructure
Earthjustice
48 Wall Street, 15th Floor
New York, NY 10005
mnasmith@earthjustice.org
212-845-7384

Ann Jaworski
Senior Associate Attorney
Earthjustice
311 S. Wacker Drive, Suite 1400
Chicago, IL 60606
ajaworski@earthjustice.org
773-245-0837

Pursuant to 10 C.F.R. § 590.303(d), Sierra Club identifies the following person for the official service list:

Rebecca McCreary
Staff Attorney
1650 38th Street, Suite 103W
Boulder, CO 80301
rebecca.mccreary@sierraclub.org
(303) 449-5595 ext. 103

IV. Protest

DOE should deny this application for an extension. The reasons DOE gave for denying Lake Charles LNG Export’s 2022 Extension Application —both those relating to the specific facts of this project and those relating to the broader policy purposes served by export commencement deadlines—still exist with equal, if not greater, force. None of Lake Charles LNG Export’s arguments about circumstances or progress that have occurred since then suffice to demonstrate good cause for its requested extension.

As DOE has previously explained, the Natural Gas Act “establish[es] two requirements” for the grant of extensions of export approvals: “a finding that the authorization, as modified, is not inconsistent with the public interest, and a showing that a modification is for good cause.”

Order 3868-C/4010-C at 17. In its most recent official statement on how it plans to handle extension requests, DOE stated that it will henceforth “grant such extensions for good cause shown on a case-by-case basis, an approach consistent with DOE’s practice prior to the issuance of the Policy Statement.” 90 Fed. Reg. 14,411. DOE denied Lake Charles LNG Export’s 2022 Extension Application on the basis of its pre-policy statement practice, Order 3868-C/4010-C at 4, 22, 39, finding that Lake Charles LNG Export’s second extension request “at the very least raises questions about whether the authorization would remain in the public interest,” *id.* at 18, and that it failed to demonstrate good cause for an extension, Order 3868-B/4010-B at 14–19; Order 3868-C/4010-C at 24–34. Lake Charles LNG Export’s 2025 Extension Application similarly fails to demonstrate either that the project remains in the public interest or that good cause exists to extend the commencement deadline.

A. DOE should deny the requested extension for the same reasons it previously denied Lake Charles LNG Exports an extension.

Three important factors that led DOE to deny Lake Charles LNG Export’s previous extension application in 2023 remain relevant today and demonstrate why DOE should deny the current extension application as well. First, this application would require DOE to rely on even more stale information than the previous extension application. Second, DOE is still not bound by FERC’s extension decisions. Third, the reasons why export commencement deadlines are important to DOE’s ability to evaluate whether new export applications are not inconsistent with the public interest remain today.

DOE’s concern that granting an extension in 2023 would require it to rely inappropriately on a prior public interest determination made using stale data remains even more relevant today, in 2025. DOE noted in 2023 that approving a second extension on the existing record would require DOE to rely on facts from a 2013 application, despite many facts that had changed since

then. Order 3868-C/4010-C at 21. Those facts are even more stale in 2025 than they were in 2023. In denying rehearing of its order denying the second extension, DOE noted that while it had found that Lake Charles LNG Export’s first extension request “did not alter its original public interest determination, DOE was concerned that an extension of this duration—extending the commencement date to almost 16 years from the initial application for export authorization and 12 years from DOE’s initial authorization—would alter the underlying public interest determination.” *Id.* at 22. Here, Lake Charles LNG Exports is asking for an extension from 2025 to 2031, 2025 Extension Application at 1—twice as long as the extension from 2025 to 2028 contained in its second extension request, 2022 Extension Application at 2. This new request seeks to extend the commencement date to nearly 19 years from the initial application, and 14 and a half years from DOE’s initial authorization for NFTA exports, and therefore holds an even higher risk of altering the underlying public interest determination than the shorter request DOE denied in 2023.

Lake Charles LNG Export repeats its argument that, because the facts it presents were sufficient for FERC to grant extensions, DOE should likewise accept them as sufficient. 2025 Extension Application at 22. As DOE explained in 2023, however, “there can be no expectation of one-for-one deadline extensions between FERC and DOE.” Order No. 3868-B/4010-B at 18. DOE’s precedent establishes that “an authorization holder obtaining an extension of its FERC deadline is a prerequisite to DOE considering an extension of the export commencement deadline; it does not mean, however, that DOE has an obligation to match every FERC extension.” *Id.* at 18–19.

The reasons the DOE explained in 2023 that export commencement deadlines are important to the DOE’s ability to effectively do its job under the Natural Gas Act remain just as

valid today. DOE continued to include a seven-year commencement deadline as a condition of its export authorizations because such a deadline was “necessary ‘to ensure that other entities that may seek similar authorizations are not frustrated in their efforts to obtain those authorizations by authorization holders that are not engaged in actual export operations.’” *Id.* at 14.¹ DOE explained that if it “did not enforce these commencement deadlines, an authorization holder might seek extension after extension without ever being ready to proceed with its project. DOE has an obligation to ensure performance of its statutory responsibilities, including ensuring that non-FTA authorizations are utilized in a timely manner.” *Id.* at 18. DOE also explained that enforcing commencement deadlines provides several benefits:

- (i) to better assess whether any new non-FTA applications are in the public interest;
- (ii) to provide more certainty to the U.S. and global LNG export markets; and (iii)
- to ensure that DOE is making decisions utilizing the latest market information and analytical tools available, and not based on stale analysis.

Id. at 19. DOE explained that Lake Charles LNG Export’s extension request was therefore being denied in part because of “the extent to which the requested extension would significantly alter a condition DOE had found ‘necessary and appropriate’ to its public interest evaluation.” Order 3868-C/4010-C at 23. All of DOE’s stated reasons to enforce commencement deadlines still exist today, as there are still numerous pending export applications and numerous projects holding export approvals that have not yet commenced export, and this new extension request similarly seeks to significantly alter a condition DOE found necessary to its initial public interest evaluation.

¹ Quoting, e.g., *Corpus Christi Liquefaction Stage III, LLC*, Docket No. 18-78-LNG, DOE/FE Order No. 4490, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, at 49 (Term and Condition B) (Feb. 10, 2020); see also *Vista Pacifico LNG, S.A.P.I. de C.V.*, Docket No. 20-153-LNG, DOE/FECM Order No. 4929, Order Granting Long-Term Authorization to Re-Export U.S.-Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Non-Free Trade Agreement Nations, at 73-74 (Term and Condition B) (Dec. 20, 2022).

B. Lake Charles LNG Export has not established circumstances or progress since 2022 that demonstrate good cause for the extension.

None of Lake Charles LNG Export's arguments about circumstances or progress that have occurred since 2022 suffice to demonstrate good cause for its requested extension. The minimal pre-construction work and contracts that have been signed so far do not demonstrate substantial progress toward commercialization. The excuses Lake Charles LNG Export provides do not justify its failure to move its project forward within the allotted time. Contrary to Lake Charles LNG Export's arguments, the COVID-related contractor delays it has faced are not on par with the circumstances of other LNG projects to which DOE has recently granted extensions, and Lake Charles LNG Export cannot blame DOE for its own failure to advance its project.

First, the progress made by Lake Charles LNG Export towards commercialization of the project is not significant enough to establish good cause for an extension, especially a second extension. DOE denied Lake Charles' extension request in 2023 because all of the LNG export projects that were operational in 2023:

[H]ad at least one fully executed contract prior to obtaining their DOE non-FTA authorization, reached a final investment decision (FID) within 6 years of applying for the DOE non-FTA authorization, and commenced exports within 9 years from their original DOE application, whereas Lake Charles LNG Export only executed long-term offtake contracts after 9 years from its original DOE application and has yet to reach FID.

Id. at 27. And little has changed. The company still has only offtake contracts for approximately 10.0 mtpa of LNG (60% of the FERC-approved production capacity of the project). *See* 2025 Extension Application at 29–31. Lake Charles LNG also has not reached FID, despite having had nine years since its original NFTA authorization to do so. *Id.* at 31–33. Further, Lake Charles LNG Export has undertaken only minimal pre-construction activity at the terminal site. *Id.* at 26 (noting that the only construction activities have been tree clearing, drilling test piles for foundation, conducting geotechnical investigations, relocating an existing road and existing

pipeline, and plugging an oil and gas well). These limited activities do not show a likelihood of having an operational terminal in any near timeline, as construction of the terminal will take 5 years after the project reaches FID. *Id.* at 32.

The same facts that led DOE to deny the extension request in 2023 remain, and there is no basis for arriving at a different outcome. The three 20-year LNG Sale and Purchase Agreements that Lake Charles LNG Export has signed since its previous extension application, *id.* at 29–30, should not materially change DOE’s analysis. DOE, in fact, expressly concluded in its previous denial that Lake Charles LNG Export’s execution of long-term offtake contracts did not demonstrate sufficient progress to justify granting an extension. Order 3868-C/4010-C at 26.

The progress made by Lake Charles LNG Export also stands in stark contrast to the only other grant DOE has made of a second extension to an export authorization. DOE granted a second extension to the Golden Pass LNG Terminal, which had reached FID and commenced physical construction of its export facilities in 2019, shortly before filing its *first* request for a 17-month extension of its NFTA export deadline, from April 25, 2024, to September 30, 2025. *Golden Pass LNG Terminal, LLC*, Docket Nos. 12-88-LNG & 12-156-LNG, DOE/FE Order No. 3147-B/3978-C at 1, 4–5. By the time DOE granted a second extension in 2025 for only 18 months, Golden Pass had already completed “a majority of the work” on the terminal. *Golden Pass LNG Terminal, LLC*, Docket Nos. 12-88-LNG & 12-156-LNG, DOE/FECM Order No. 3147-F/3978-G at 7 (Mar. 5, 2025). The grant of a second extension for a period of 18 months for a project that was financially viable and mostly constructed provides no support for granting Lake Charles LNG Export’s request to extend its authorization for six years for a project that is years away from being operational, assuming it ever reaches FID, which is far from assured.

Second, the excuses Lake Charles LNG Export reiterates related to delays stemming from the COVID pandemic have already been rejected by DOE. It points to the general impacts of the pandemic on the market for natural gas, arguments that DOE previously denied as “too vague and generic for DOE to act upon.” Order 3868-C/4010-C at 31. DOE observed that global events like the COVID pandemic and Russia’s invasion of Ukraine “created both challenges *and* opportunities for participants in the U.S. LNG market.” Order 3868-B at 16. “Although Lake Charles LNG Export has executed some long-term offtake contracts since 2020, it has not achieved the level of commercial progress that other authorization holders have reached in a similar time period.” *Id.* While Lake Charles LNG Export’s 2025 application provides slightly more detail on the difficulties it faced during the COVID pandemic, 2025 Extension Application at 21–22, these elaborations do not change the fact that, unlike other LNG companies that faced the same types of challenges, Lake Charles LNG Export has made little progress moving its project forward.

Lake Charles LNG Export’s reference to the decisions DOE made in the Golden Pass LNG and Delfin LNG dockets, 2025 Extension Application at 22 n.89 (citing *Delfin LNG*, Docket Nos. 13-129-LNG & 13-147-LNG, DOE/FECM Order Nos. 3393-C/4028-D at 10 (March 10, 2025); *Golden Pass LNG Terminal LLC*, Docket Nos. 12-88-LNG & 12-156-LNG, DOE/FECM Order Nos. 3147-F/3978-G at 10 (March 5, 2025))², does not support DOE granting an extension here. DOE granted an extension to Golden Pass LNG upon finding that construction of the facility was more than 80% complete and that the inability to meet the commencement deadline was due to circumstances beyond its control: the bankruptcy of Golden Pass’s EPC

² Although DOE evaluated the Golden Pass LNG and Delfin LNG extension requests under the now-rescinded Policy Statement, its factual evaluation of whether the inability to meet the export commencement deadline was due to circumstances beyond the control of the export authorization holder remains instructive.

contractor, Zachry Industrial Inc. (“Zachry”). Order Nos. 3147-F/3978-G at 15. In early 2024, while the project was under construction, Zachry, after initially asking for cost and schedule adjustments for COVID-related delays and transportation cost increases, went bankrupt and stopped work on the project. *Id.* at 10. DOE “[f]ound it particularly compelling that, despite the unanticipated demands and actions of Zachry ultimately resulting in its exit from the Project, GPLNG has continued to complete construction activities with its two other contractors within the scope of their responsibility.” *Id.* Delfin also was able to identify multiple circumstances beyond its control, in addition to COVID-related disruptions to LNG financing, including: the company’s change in ownership and significant updates to the original project design; a trade dispute that upended its original plans to employ a Chinese shipbuilder; the timing of when shipyards in South Korea would now be able to build the floating LNG vessels for the project; and the company’s provision of additional environmental analysis to MARAD in order to secure its final Deepwater Ports Act license. Order Nos. 3393-C/4028-D at 10–12. Additionally, the onshore infrastructure on which the Delfin project would rely had already been constructed, and DOE found that the evidence demonstrated “that Delfin is continuing to do all it can—within its control—to complete the Project and commence export operations.” *Id.* at 20–21.

In sharp contrast, as discussed above, Lake Charles LNG Export has made almost no construction or financing progress—a reality that cannot be pinned solely to the actions of its EPC contractor. The 2025 Extension Application makes clear that receiving updated bids from EPC contractors resulted in a nine-month delay, from August 2022 to May 2023. 2025 Extension Application at 15. That nine-month delay does not fully explain why Lake Charles LNG Export has made so little progress on its project between April 2023, when DOE denied its 2022 Extension Application, and April 2025, when it submitted the 2025 Extension Application.

Third, Lake Charles LNG Export tries to inappropriately blame DOE's denial of the 2022 extension request and DOE's lack of action on a separate company's export application for its own delay. Lake Charles LNG Export argues that "DOE's failure to grant Lake Charles LNG Export's extension and its failure to act on LCE's application for a new export authorization based on the 'pause' has significantly affected the commercialization of the Project for nearly two years." *Id.* at 22–24. Lake Charles LNG Export's assertion that it needs an extension because DOE has not yet given it an extension is nothing but a circular argument. As DOE pointed out in denying the 2022 Extension Application, "[a] statement of fact that an active authorization is necessary to reach FID does not explain why, in the past six years, Lake Charles LNG Export could not reach FID." Order 3868-C/4010-C at 30. Nor does it explain why Lake Charles LNG Export still has not reached FID, nine years after first receiving approval to export to NFTA countries. Additionally, Lake Charles LNG Export should not be able to invoke DOE's failure to act on its affiliate, LCE's, new application for export approval as a reason why Lake Charles LNG Export needs an extension of its separate export approval for an overlapping volume of LNG. This is especially true as Lake Charles LNG Export admits that, while LCE filed a new application with DOE when its second extension was denied, "Lake Charles LNG Export elected at that time not to make a further filing at DOE." 2025 Extension Application at 16.

CONCLUSION

For the reasons explained above, For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah 6:8 Mission, Sierra Club, and the Vessel Project of Louisiana respectfully request that DOE grant their timely motion for intervention and deny the 2025 Extension Application.

Respectfully submitted,

/s/ Ann Jaworski

Ann Jaworski
Senior Associate Attorney
Earthjustice
311 S. Wacker Drive, Suite 1400
Chicago, IL 60606
ajaworski@earthjustice.org
773-245-0837

Moneen Nasmith
Director, National Climate, Fossil Fuel Infrastructure
Earthjustice
48 Wall Street, 15th Floor
New York, NY 10005
mnasmith@earthjustice.org
212-845-7384

Counsel for For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah 6:8 Mission, and the Vessel Project of Louisiana

/s/ Rebecca McCreary

Rebecca McCreary
Staff Attorney
1650 38th Street, Suite 103W
Boulder, CO 80301
rebecca.mccreary@sierraclub.org
(303) 449-5595 ext. 103

Counsel for Sierra Club

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

In the matter of)	
)	
Lake Charles LNG Export Company, LLC	)	Docket Nos. 16-109-LNG
	)	13-04-LNG
)	

**FOR A BETTER BAYOU, HABITAT RECOVERY PROJECT, HEALTHY GULF,
LOUISIANA BUCKET BRIGADE, MICAH 6:8 MISSION, AND THE VESSEL
PROJECT OF LOUISIANA CERTIFIED STATEMENT OF AUTHORIZED
REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b), I, Ann Jaworski, hereby certify that I am a duly authorized representative of For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah 6:8 Mission, and the Vessel Project of Louisiana, 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, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah 6:8 Mission, and the Vessel Project of Louisiana, the foregoing documents in the above captioned proceeding.

Executed in Chicago, IL on July 2, 2025

/s/ Ann Jaworski
Ann Jaworski
Senior Associate Attorney
Earthjustice
311 S. Wacker Drive, Suite 1400
Chicago, IL 60606
ajaworski@earthjustice.org
773-245-0837

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

In the matter of)	
)	
Lake Charles LNG Export Company, LLC	)	Docket Nos. 16-109-LNG
	)	13-04-LNG
)	

SIERRA CLUB CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE

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

Executed in Boulder, CO on June 30, 2025

/s/ Rebecca McCreary
Rebecca McCreary
Staff Attorney
1650 38th Street, Suite 103W
Boulder, CO 80301
rebecca.mccreary@sierraclub.org
(303) 449-5595 ext. 103

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

In the matter of)	
)	
Lake Charles LNG Export Company, LLC	)	Docket Nos. 16-109-LNG
	)	13-04-LNG
)	

**FOR A BETTER BAYOU, HABITAT RECOVERY PROJECT, HEALTHY GULF,
LOUISIANA BUCKET BRIGADE, MICAH 6:8 MISSION, AND THE VESSEL
PROJECT OF LOUISIANA VERIFICATION**

Pursuant to 10 C.F.R. § 590.103(b), I, Ann Jaworski, 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 Chicago, IL on July 2, 2025

/s/ Ann Jaworski
Ann Jaworski
Senior Associate Attorney
Earthjustice
311 S. Wacker Drive, Suite 1400
Chicago, IL 60606
ajaworski@earthjustice.org
773-245-0837

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

In the matter of)	
)	
Lake Charles LNG Export Company, LLC	)	Docket Nos. 16-109-LNG
	)	13-04-LNG
)	

SIERRA CLUB VERIFICATION

Pursuant to 10 C.F.R. § 590.103(b), I, Rebecca McCreary, 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 Boulder, CO on June 30, 2025.

/s/ Rebecca McCreary
Rebecca McCreary
Staff Attorney
1650 38th Street, Suite 103W
Boulder, CO 80301
rebecca.mccreary@sierraclub.org
(303) 449-5595 ext. 103

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

In the matter of)	
)	
Lake Charles LNG Export Company, LLC	)	Docket Nos. 16-109-LNG
	)	13-04-LNG
)	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 590.107, I, Ann Jaworski, hereby certify that on July 2, 2025, I caused the foregoing document to be served on the persons included on the official service list for this docket.

Executed in Chicago, IL on July 2, 2025

/s/ Ann Jaworski
Ann Jaworski
Senior Associate Attorney
Earthjustice
311 S. Wacker Drive, Suite 1400
Chicago, IL 60606
ajaworski@earthjustice.org
773-245-0837