

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 FOR LEAVE TO REPLY AND REPLY

For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah 6:8 Mission, Sierra Club, and the Vessel Project of Louisiana (collectively, “Movant-Intervenors”) respectfully request that the Department of Energy (“DOE”) accept this Reply to the Answer of Lake Charles LNG Export Company, LLC (“Lake Charles LNG Export”) in Opposition to Motions to Intervene and Protest, filed July 7, 2025 (“Answer”).

**I. Motion for Leave to Reply.**

Although DOE’s rules do not generally allow replies to oppositions to intervention requests or protests, DOE has permitted responsive filings that are “relevant to [DOE’s] consideration of the issues” raised. *See, e.g., Alaska LNG Project, LLC*, FE Docket No. 14-196-LNG, DOE/FE Order No. 3643-B at 11, Ordering Paragraph A (April 15, 2021) (granting Motion for Leave to Answer rehearing request because the proposed Answer was relevant to DOE’s consideration of issues raised in the rehearing request). This proposed Reply is relevant to DOE’s consideration of Lake Charles LNG Export’s assertions that DOE should reject the motion to intervene for failing to demonstrate the Movant-Intervenors’ interests in this proceeding and that arguments in the Protest should be rejected.

**II. Reply to Answer in Opposition to Motion to Intervene.**

Lake Charles LNG Export argues for an intervention standard that is not contained in DOE’s regulations and has never been articulated in a DOE order, incorrectly conflating the

substantive issues relevant to DOE’s consideration of the extension application with the range of organizational interests that can support intervention in the docket. *See, e.g., Delfin LNG*, Docket Nos. 13-129-LNG & 13-147-LNG, DOE/FECM Order Nos. 3393-C/4028-D at 19 (March 10, 2025) (granting opposed motion to intervene in extension docket, based on interests related to household consumers’ utility rates). Lake Charles LNG Export’s primary contention is that because DOE already considered environmental impacts when it originally granted non-FTA authorization, organizational interests related to air or water pollution cannot support intervention to oppose the Extension Application. Answer at 5–10. Lake Charles LNG Export’s Answer does not argue that Movant-Intervenors’ Protest raised any out-of-scope issues but only responds to the substance of the arguments. *Id.* at 11–22. The range of substantive issues DOE considers when deciding whether to grant an Extension Application may be narrower than the range of issues considered for an initial application; it does not necessarily follow, however, that the “facts upon which the petitioner’s claim of interest is based,” 10 C.F.R. § 590.303(b), are similarly narrower. Lake Charles LNG Export cites no authority for this proposition. Lake Charles LNG Export admits that unless DOE grants the Extension Application, the project will not reach final investment decision (FID) and will not be built. Answer at 5, 19. Movant-Intervenors’ injuries related to air and water pollution will not occur if DOE does not grant the Extension Application; therefore, these pollution-related injuries constitute an interest supporting intervention.

Lake Charles LNG Export is also incorrect that the interests described in the motion to intervene are not particularized enough. *Id.* at 5–10. The Movant-Intervenors here include local and regional groups with members and organizational interests that will be directly impacted by the construction of the LNG terminal, as explained in the Motion to Intervene, including leading

bird walks in the area and having members and employees living in the vicinity of the project<sup>1</sup> who will be subject to additional air pollution. Motion to Intervene and Protest at 5–9. Sierra Club, the only national organization Movant-Intervenor, explained that it has thousands of members in Louisiana who will be harmed by increased energy prices and air pollution. *Id.* at 9. Even if proposed intervenors must meet the definition of “interested person” in order to intervene—which seems somewhat circular, as one of the categories of “interested person” is “intervenors”—the Movant-Intervenors have demonstrated that they are “non-profit and public interest organizations ... with a proprietary, financial, or *other special interest* in the outcome of a proceeding” that goes beyond the “general interest” of the broader American “public as a whole” who may not live in the area of the proposed terminal or have a particular interests in this specific environment and ecosystem. 10 C.F.R. §590.102(h) (emphasis added). DOE recently granted an opposed motion to intervene that provided basic detail about the interests of the intervenor national organization, Public Citizen,<sup>2</sup> in a particular LNG project, “find[ing] that the interests of Public Citizen and its members could be affected.” DOE/FECM Order Nos. 3393-C/4028-D at 19. DOE must find that the descriptions of interests submitted here—which are more detailed and more particular to the region and ecosystems affected than the description provided in the Delfin docket—similarly support intervention. To find otherwise and announce a new, stricter standard for intervention would be an arbitrary and capricious reversal of position.

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<sup>1</sup> While the description for Habitat Recovery Project explained its work in Cameron Parish, Lake Charles LNG Export is wrong to imply that the organization has no interest in a project located in Calcasieu Parish; tankers from the proposed terminal in Calcasieu Parish will need to pass through neighboring Cameron Parish on their way to the Gulf, and pollution does not stop at Parish boundaries.

<sup>2</sup> Motion to Intervene and Protest of Public Citizen, Inc., *Delfin LNG LLC*, Docket No. 13-147-LNG (Apr. 29, 2024), <https://www.energy.gov/sites/default/files/2024-04/DelfinLNG.pdf>.

### **III. Reply to Answer in Opposition to Protest.**

The Answer to the Protest largely repeats the information in the Extension Application, which, as the Protest explained, Protest at 10–18, is not sufficient to demonstrate good cause and that the project would, with the extension, remain in the public interest. The two additional contracts signed since submission of the Extension Application, Answer at 16, do not change that fact. Lake Charles LNG Export also attempts to conflate spending money with making progress toward commercialization, *id.* at 16–17, which is nonsensical. DOE has never treated spending money by itself as sufficient good cause for an extension but has looked to factors such as construction progress or progress toward reaching FID.

Lake Charles LNG Export’s argument that the Protest ignores recent executive orders and the revocation of the policy statement on extensions, *id.* at 11–13, is a red herring. The DOE orders denying Lake Charles LNG Export’s 2022 Extension Application were issued under the pre-policy statement practice and therefore apply the same extension standard to which DOE has now returned. *Lake Charles LNG Export Company, LLC*, Docket Nos. 13-04-LNG & 16-109-LNG, DOE/FECM Order No. 3868-C/4010-C at 4, 22, 39 (Jun. 21, 2023). Executive Orders also cannot change agencies’ statutory duties, and do not alter DOE’s obligations under the Natural Gas Act. *Clinton v. City of New York*, 524 U.S. 417, 438 (1998) (“There is no provision in the Constitution that authorizes the President to enact, to amend, or to repeal statutes.”).

### **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 this motion for leave to reply and consider the reply.

Respectfully submitted,

/s/ Ann Jaworski

Ann Jaworski  
Senior Associate Attorney  
Earthjustice  
311 S. Wacker Drive, Suite 1400  
Chicago, IL 60606  
[ajaworski@earthjustice.org](mailto: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](mailto: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](mailto:rebecca.mccreary@sierraclub.org)  
(303) 449-5595 ext. 103

*Counsel for Sierra Club*

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	)	<b>13-04-LNG</b>
	)	

**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 10, 2025

/s/ Ann Jaworski  
Ann Jaworski  
Senior Associate Attorney  
Earthjustice  
311 S. Wacker Drive, Suite 1400  
Chicago, IL 60606  
[ajaworski@earthjustice.org](mailto:ajaworski@earthjustice.org)  
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**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 July 10, 2025

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

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**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) and 28 U.S.C § 1746, 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 10, 2025

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



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	)	

**SIERRA CLUB VERIFICATION**

Pursuant to 10 C.F.R. § 590.103(b) and 28 U.S.C § 1746, 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 July 10, 2025.

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

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**CERTIFICATE OF SERVICE**

Pursuant to 10 C.F.R. § 590.107, I, Ann Jaworski, hereby certify that on July 10, 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 10, 2025

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