

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

**In the matter of**

**Mexico Pacific Limited, LLC**

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**Docket No. 18-70-LNG**

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

**I. Introduction**

The *Centro Mexicano de Derecho Ambiental* [Mexican Center for Environmental Law] (“CEMDA”), Sierra Club, Public Citizen, and Natural Resources Defense Council hereby move to intervene in the above-captioned docket and submit this protest pursuant to 10 C.F.R. §§ 590.303(b) and 590.304 to Mexico Pacific Limited, LLC’s (“MXP”) application for an extension of the commencement deadline for the approval it currently holds from the U.S. Department of Energy (“DOE”) to export liquefied natural gas (“LNG”) to non-free trade agreement (“non-FTA”) countries from December 14, 2018 through December 14, 2025. *Mexico Pacific Limited LLC*, Docket No. 18-70-LNG, Application for an Amendment to Extend the Deadline for Commencement of Export Operations and Request for Expedited Action, (June 18, 2025) (“Extension Application”).

DOE should deny the Extension Application due to MXP’s failure to demonstrate good cause for an unprecedented seven-year extension to its commencement date. At a minimum, DOE has an incomplete record on which to base a good cause determination and should therefore request additional information from MXP about the proposed facility’s environmental permits in Mexico and ongoing litigation regarding these permits. If, after obtaining additional

information, DOE nonetheless decides to grant MXP's request, the agency should issue a shorter extension consistent with prior practice.

## **II. Background**

MXP originally filed an application for long-term authorization to export 621 billion cubic feet per year ("Bcf/year") of LNG to free-trade agreement non-FTA countries from its proposed facility<sup>1</sup> in Puerto Libertad, Sonora, Mexico, in 2018. *Mexico Pacific Limited LLC*, Docket No. 18-70-LNG, Application of Mexico Pacific Limited LLC for Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Nations (June 18, 2018) ("Original Application"). The DOE granted approval of the export, subject to the condition that MXP commence re-export within seven years, or by December 14, 2025. *Mexico Pacific Limited LLC*, Docket No. 18-70-LNG, DOE/FECM Order No. 4312 (Dec. 14, 2018).

MXP subsequently filed for approval to export an additional 291.22 Bcf/year of gas to non-FTA countries on December 28, 2022. *Mexico Pacific Limited LLC*, Docket No. 22-167-LNG, Application of Mexico Pacific Limited LLC for Additional Long-Term, Multi-Contract Authorization to Export Natural Gas to Mexico and to Re-Export Liquefied Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Nations (Dec. 28, 2022) ("Additional Authorization Application"). In support of its application, MXP alleged that it had "entered into agreements with offtakers in quantities that lead MPL to conclude that it will be able to place the quantities of LNG it is currently authorized to export as well as the additional quantity sought in

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<sup>1</sup> In its Original Application for an export permit, MXP referred to the proposed plant as the "MPL Facility," Original Application at 3, and in its Extension Application as "Saguaro Energía Facility." Extension Application at 2. On Mexican permits, this facility is also referred to as the "*Terminal GNL de Sonora*" [Sonora LNG Terminal]. CEMDA Declaration ¶ 4. We shall refer to these collectively as the "Facility" or "Proposed Facility."

this application.” *Id.* at 7-8. As a result, MXP expected “to achieve debt and equity financing and to proceed with a positive Final Investment Decision for the MPL Facility in the coming months.” *Id.* at 8. MXP’s Additional Authorization Application made no mention of delays or difficulties with procuring contracts due to the COVID-19 pandemic.

Movants Sierra Club, Public Citizen, and Natural Resources Defense Council (“NRDC”) have previously moved to intervene and filed protests in both the Original Application and the Additional Authorization Application.

On June 18, 2025, MXP applied to the DOE for an amendment to extend the deadline for commencement of re-export operations for an additional seven years, or until December 14, 2032. Extension Application at 2. In this application, MXP alleged that there exists good cause for granting its request, stating that “MXP has experienced significant delays and challenges resulting from circumstances outside of its control.” *Id.* at 8. Specifically, MXP alleged that delays were due to the COVID-19 pandemic, *id.* at 9-10, the January 2024 Biden administration “pause,” *id.* at 10-11, and changes in administrations over the past 18 months in the United States and Mexico, *id.* at 11-12.

The export facility MXP proposes to use to re-export the LNG at issue here was originally permitted on November 16, 2006, as an import regassification terminal that was to receive gas from Australia, Alaska, Indonesia, Malaysia, and the Middle East. Declaration of Úrsula Garzón ¶¶9, 11 (describing authorization from Official Letter S.G.P.A./DGIRA.DDT.2277.06, SEMARNAT, Dirección General de Impacto y Riesgo Ambiental [General Office of Environmental Impact and Risk] (Nov. 16, 2006), Exhibit 2 (“Official Letter S.G.P.A./DGIRA.DDT.2277.06”)), Exhibit 1 (“CEMDA Declaration”).

In October 2017, Mexico Pacific Land Holdings, S. de R.L. de C.V. (“Mexico Pacific Land Holdings”) purchased the rights to develop the proposed facility and the 2006 environmental permit. *Id.* ¶ 12. On May 28, 2018, Mexico Pacific Land Holdings requested a modification of the environmental permit to change the proposed facility from a regassification import terminal to a liquefaction export terminal. *Id.* ¶ 13. Mexican authorities denied this first modification request because the new proposal “completely chang[ed] the nature of the project for which the authorization for the construction and operation was granted.” *Id.* ¶ 14 (citing Official Letter ASEA/UGI/DGGPI/1219/2018, *Agencia Nacional de Seguridad Industrial y de Protección al Medio Ambiente del Sector Hidrocarburos* [National Agency for Industrial Safety and Environmental Protection in the Hydrocarbons Sector] (“ASEA”), Dirección General de Gestión de Procesos Industriales [General Office of Industrial Process Management] (“DGGPI”) (June 14, 2018), Exhibit 3 (“Official Letter ASEA/UGI/DGGPI/1219/2018”)). Because of this denial by Mexican authorities, Mexico Pacific Land Holdings was required to restart the environmental approval process anew under a separate application. *Id.*

Later in 2018, Mexico Pacific Land Holdings filed another request to modify its existing permit to construct an import regassification facility. Despite having previously denied a similar request, the Mexican authorities reversed their position and granted the request to modify on August 9, 2018. *Id.* ¶ 15 (citing official letter numbered ASEA/UGI/DGGPI/1629/2018). This approval, which was a “very unusual reversal,” *id.* ¶ 16, allowed the original 2006 proposal to be modified from a regassification terminal to a liquefaction terminal without a new environmental review. *Id.* ¶ 15.

Neither MPX’s Extension Application nor its Original Application mention the 2006 environmental permit or the modification.

In 2024, at least two lawsuits were filed in Mexico alleging that the proposed facility’s environmental permitting process violated Mexican law. One lawsuit, filed by CEMDA and other Mexican environmental groups, alleged that the 2018 modification should not have been granted, because the change from a regassification plant to a liquefaction plant was a significant change in the nature of the project, requiring a new environmental impact evaluation. *Id.* ¶ 18. A separate lawsuit, filed by other groups, alleged failures to enforce compliance with the conditions established in the proposed facility’s 2006 environmental permit. *Id.* ¶ 21. On March 14, 2024, in this second lawsuit, the Fourteenth District Court of the State of Sonora granted a preliminary injunction which effectively halted any activity taken pursuant to the 2006 permit, as modified. *Id.* ¶ 19; 14<sup>th</sup> District Court in the State of Sonora, *Incidente de suspensión* [interlocutory injunction order], Indirect *amparo* case No. 408/2024, Judge Rocío Monter Reyes (March 14, 2024), Exhibit 4 (“*Incidente de suspensión* [interlocutory injunction order]”). This injunction is still in place and the lawsuits are pending as of the date of this filing. *Id.* ¶ 25.

MXP did not mention either lawsuit in its application for an extension. MXP also did not inform DOE of any additional delays that might result from these lawsuits or how the lawsuits and the preliminary injunction might affect investor willingness to back the project or otherwise threaten the long-term viability of the project.

One year later, on March 19, 2025, SEMARNAT published a press release stating that a lawsuit had “halted construction of the liquefaction plant” in Puerto Libertad, Sonora, and noted the existence of at least three other lawsuits. SEMARNAT, Press Release, *Semarnat informa que en la presente Administración no se ha emitido autorización ambiental para el proyecto Saguario* [Semarnat reports that the current administration has not issued an environmental permit for the Saguario project] (March 19, 2025), Exhibit 5 (“SEMARNAT Press Release”).

The press release also clarified that “the current administration has not granted any environmental authorization for the construction, equipping, use, or exploitation of a private port facility for the handling of liquefied natural gas in Puerto Libertad, Sonora.” *Id.*

On July 9, 2025, the DOE published the notice of application for MXP’s application of extension, setting the deadline to file protests, motions to intervene, and written comments as August 8, 2025 at 4:30pm, Eastern time. The notice clarified that any person interested in the application of extension and who has filed a prior intervention in docket No. 18-70-LNG must file a new motion to intervene. DOE, *Mexico Pacific Limited LLC; Application for an Amendment to Extend the Deadline for Commencement of Export Operations in Long-Term Authorization to Re-Export Liquefied Natural Gas*, 90 Fed. Reg. 30,223 (July 9, 2025).

### **III. Intervention**

Movants’ timely intervention motion should be granted. DOE requires that would-be-intervenors filing timely intervention motions 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 facility will have on their members and missions. The movants’ position, as explained in the following section, is that the Extension Application should be denied. Because DOE should not grant the extension on an incomplete record, the agency should require MXP to submit additional facts needed to make its good cause determination, including information regarding the proposed facility’s environmental permits and ongoing litigation in Mexico. In the case that DOE approves the application, the agency should ensure that the length of any extension granted is consistent with DOE’s prior practice.

## **A. Interests of Movants**

### **1. CEMDA**

CEMDA states that the exact name of the movant is *Centro Mexicano de Derecho Ambiental A.C.* [Mexican Center for Environmental Law] (“CEMDA”) and the movant’s principal place of business is Atlixco 138, Colonia Hipódromo Condesa, Mexico City, Mexico. CEMDA is a public interest, non-profit organization incorporated in Mexico, that has worked for more than 30 years promoting and defending the human right to a healthy environment and Mexico’s natural heritage. Since its founding, CEMDA has worked in 23 states of the republic, collaborating with more than 200 civil society organizations, producing more than 100 publications on issues such as water, air, energy, climate change, human rights, and environmental defense. CEMDA has represented individuals, communities, and organizations in multiple legal proceedings, achieving more than 100 relevant precedents in environmental matters.

MXP’s proposed LNG export facility in Sonora, Mexico will affect CEMDA because it poses serious risks to the environment and climate in Mexico and the Gulf of California where the proposal would be located. The Gulf, dubbed “the world’s aquarium,” is a vital ecosystem for marine biodiversity and coastal communities in Mexico that CEMDA has worked for many years to protect. It is a UNESCO World Heritage Site, contains 30 wetlands of international importance protected under the Ramsar Convention, 26 natural protected areas under Mexican law, and 46 areas for the Importance of Bird Conservation.

The Proposed Facility would greatly increase the traffic of large tankers through sensitive areas of the Gulf of California and cause significant impacts to over 30 species of whales and dolphins there due to ship strikes and underwater acoustic noise. In addition, the Proposed

Facility would lead to increased greenhouse gas emissions that will exacerbate global climate change and significantly hinder Mexico's progress toward emissions targets under the Paris Agreement.

These impacts would cause serious detriment to CEMDA's work defending the environment and human rights of communities in the Gulf of California region and across Mexico. CEMDA has an interest in DOE's Extension Application because the DOE's decision will determine whether the Proposed Facility can move forward—without DOE's authorization to reexport LNG, the export terminal will not be constructed. There is no indication that MXP could obtain the gas it needs from any source outside the United States and so DOE's authorization is a necessary precondition to the export terminal being able to move forward. DOE's approval of MXP's export application thus will have a material outcome on the preservation of the Gulf of California and CEMDA's interests in Mexico. CEMDA, as a Mexican environmental organization and a party to litigation regarding MXP's permits, has unique interests regarding this proceeding not represented by other groups and also specific knowledge regarding the regulatory permitting process and litigation in Mexico. Therefore, CEMDA's intervention is in the public interest.

## **2. 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. Sierra Club is already an intervenor and participant in MXP's DOE Docket 18–70–LNG.

The exports associated with the MXP project will harm Sierra Club members by increasing gas production and associated air pollution, including (but not limited to) emission of greenhouse gases and ozone precursors. As DOE has recognized, increasing exports of liquified natural gas will increase gas production, and increasing gas production increases ozone pollution, including risking creation of new or expanded ozone non-attainment areas or exacerbating existing non-attainment. Sierra Club has many members throughout the southwest, including within the Permian Basin region and other areas that will likely be impacted by increased gas production as a result of the MXP project.

### **3. Public Citizen**

Public Citizen, Inc. is already an active intervenor and participant in MXP's DOE Docket 18–70–LNG. Established in 1971, Public Citizen, Inc. is a national, not-for-profit, non-partisan, research and advocacy organization representing the interests of American household consumers. Public Citizen is active before the DOE seeking to ensure that applications to export U.S. natural gas are consistent with the public interest. Public Citizen has an interest in MXP's Extension Application, as its operations may come at the expense of higher domestic energy prices for Americans and decrease sufficient availability of domestic gas supply, thereby raising concerns whether the request is consistent with the public interest. Furthermore, Public Citizen was a joint petitioner to the DC Circuit in its recently decided lawsuit *Sierra Club and Public Citizen v. FERC* (case 24-1199) challenging FERC's decision to approve the Saguaro pipeline that would supply U.S. natural gas to MXP's Proposed Facility. Indeed, Mexico Pacific Limited LLC is a formal intervenor in this lawsuit. Public Citizen's interests in this proceeding are unique, and

cannot be represented by any other party. Financial details about the organization are on Public Citizen's web site: [www.citizen.org/about/annual-report/](http://www.citizen.org/about/annual-report/).

#### **4. Natural Resources Defense Council**

Natural Resources Defense Council is a national non-profit membership organization that is committed to the preservation and protection of the environment, public health, and natural resources. To this end, NRDC develops and advocates for policies that reduce greenhouse gas emissions and other forms of pollution and that accelerate the deployment of energy efficiency and renewable energy. NRDC also has a longstanding commitment to protecting biodiversity, public lands and wildlife habitat, and environmentally vulnerable populations, including in and around the Gulf of California. NRDC supports need-driven and efficient energy resource development, protecting consumers from fossil fuel infrastructure overbuild and stranded assets, expanding clean energy resources, and protecting the general public from environmental threats. NRDC and its members have an interest in MXP's Extension Application, because MXP's Proposed Facility is in direct conflict with NRDC's mission.

MXP's facility would impede the development of clean technologies, and it would harm vulnerable lands, wildlife, and communities. Accordingly, NRDC has an interest that may be materially affected by the outcome of these permit proceedings. No other parties can represent NRDC's interests, particularly its interest in representing its members who reside in, visit, or recreate in California, Arizona, New Mexico, Texas, and the Gulf of California region. Because NRDC's participation in this docket would give voice to these members, as well as promote discussion of issues that affect public resources and many communities, NRDC's intervention is in the public interest.

#### **B. Identification of Contacts for the Service List**

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

Erik Woodward  
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Jacob Kopas  
Senior Attorney  
Earthjustice  
48 Wall Street 15<sup>th</sup> Floor  
New York, NY 10005  
jkopas@earthjustice.org

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

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(303) 449-5595 ext. 103

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

Tyson Slocum  
Director, Energy Program  
215 Pennsylvania Ave SE  
Washington, DC 20003  
tslocum@citizen.org  
(202) 454-5191

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

Joel Reynolds  
Western Director, Senior Attorney  
Natural Resources Defense Council  
1314 Second Street  
Santa Monica, CA 90401  
jreynolds@nrdc.org  
(210) 434-2300

#### **IV. Protest**

DOE should deny this application for an extension. DOE only extends commencement deadlines under the National Gas Act (“NGA”) section 3(a) when the applicant shows that there is “good cause” to do so. *See* 15 U.S.C. § 717b(a); *see also* DOE, *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 (Apr. 2, 2025) (codified at 10 C.F.R. pt. 590) (stating that DOE “will consider applications to extend an authorization holder’s export commencement deadline and grant such extensions for good cause shown on a case-by-case basis, an approach consistent with DOE’s [prior] practice.”) (“DOE Policy Statement”).

MXP has not shown sufficient evidence of a good cause for the delay in commencing re-export of LNG. MXP failed to demonstrate how geopolitical events caused project delays and has to explain why it has failed to make meaningful construction progress. DOE should accordingly deny the application.

In addition, DOE does not have a complete record before it that would show whether good cause exists. MXP neglected to inform DOE that it is facing ongoing litigation over the environmental permit it must have from Mexican regulatory authorities to build the Proposed Facility’s export terminal, including that the permit has been preliminarily enjoined. DOE should request that MPX clarify these facts and provide information on the status of the Proposed

Facility’s environmental permits and related litigation and how those factors influence the long-term viability of the Proposed Facility.

In the case that DOE approves the request, the agency should issue a shorter extension that is consistent with prior practice. A seven-year extension is unprecedented in DOE practice and unsupported by the facts in this context

**A. DOE Must Deny the Application for an Extension.**

**1. MXP Failed to Demonstrate Delays that Justify Granting an Extension.**

The excuses MXP provides in support of its Extension Application do not justify its failure to move the Proposed Facility forward within the allotted time because they fail to show how these events caused the seven-year delay and, therefore, do not establish that good cause exists for granting the extension request. Consistent with DOE’s prior practice, “generalized statements [that] do not demonstrate with specificity how, in fact, the development and construction of the Liquefaction Project has been delayed by global events” do not justify a finding of good cause. *Lake Charles LNG Export Co., LLC*, Docket Nos. 13-04-LNG & 16-109-LNG, DOE/FECM Order Nos. 3868-B/4010-B at 15 (Apr. 21, 2023). MXP relies on precisely such vague assertions here.

Foremost, MXP alleged that “[b]eginning in early 2020, the COVID-19 pandemic presented very significant challenges to the MXP project that have prevented MXP from being in a position to commence exports to Non-FTA nations by the end of this year.” Extension Application at 9. Specifically, MXP cited an inability to negotiate commercial and construction agreements, frozen global demand for LNG, interrupted discussions with potential EPC contractors, increased costs, and disrupted supply chains. *Id.* at 9-10.

However these contentions are contradicted by MXP’s own prior DOE filings made during the tail-end of the COVID pandemic when its effects had already subsided.<sup>2</sup> In its December 2022 Additional Authorization Application, MPX neglected to mention business complications attributable to COVID, and instead highlighted the Proposed Facility’s supposed momentum, telling DOE that it “expects to achieve debt and equity financing and to proceed with a positive Final Investment Decision for the MPL Facility in the coming months.” Additional Authorization Application at 8. If the COVID pandemic had materially hindered project development in 2020 as MXP now claims, it would have disclosed those impacts in its 2022 application and requested an extension then. As such, MPX has not properly explained how the pandemic caused delays that were not evident in 2022, but rather three years later in 2025.

Furthermore, MXP references the Biden Administration’s pause on DOE’s review of non-FTA export authorizations, resulting in “uncertainty in the LNG markets generally,” and “concern about the regulatory environment” among investors. Extension Application at 10-11. However, this general uncertainty does not explain MXP’s delays in finalizing its contracts under its export permit. As MXP notes, the Biden pause affected only “pending and future” export applications, *id.* at 10; MXP’s 2018 export permit was unaffected.

The only specific impact on MXP was to delay its separate Additional Authorization Application. *See id.* Investors imposed “a precondition to their investment in the project” that MXP first receive approval from its separate application. *Id.* at 11. This belies what may be the

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<sup>2</sup> On May 5, 2023, five months after MXP filed the Additional Authorization Application, the World Health Organization (“WHO”) declared an end to the COVID-19 pandemic. *See WHO chief declares end to COVID-19 as a global health emergency*, UN News (May 5, 2023), <https://news.un.org/en/story/2023/05/1136367> (“The head of the UN World Health Organization (WHO) has declared ‘with great hope’ an end to COVID-19 as a public health emergency.”).

actual reason for its delay: its error in waiting an additional four years before applying for the full quantity of gas it needed to export.

MXP's third alleged justification, that "political changes" due to the presidential transitions in both the United States and Mexico created "general uncertainty" and "hesitancy" in capital markets, *id.* at 11-12, is simply a "generalized statement[]" on global markets.

DOE/FECM Order Nos. 3868-B/4010-B at 15. MXP does not provide any specific detail on how changes in administration affected specific contacts or negotiations that pertain to its Proposed Facility, and as such "do not demonstrate with specificity how, in fact, the development and construction of the Liquefaction Project has been delayed by global events." *Id.*

Finally, similar to the COVID-19 pandemic, the timeline of the above events does not support MXP's assertions. The change in administration in Mexico took place in October 2024, and the recent Trump administration began in January 2025. None of these recent events, all occurring within the eight months prior to MXP's filing, adequately explain the nearly seven-year delay in investment contracts nor the failure to achieve a final investment decision. This lack of explanation is particularly noteworthy considering that in December 2022—almost two years before change in administration in Mexico—MXP had boasted that it expected "to achieve debt and equity financing and to proceed with a positive Final Investment Decision for the MPL Facility in the coming months." Additional Authorization Application at 8.

MXP's failure to move the Proposed Facility forward stands in stark contrast to the progress of peer companies that have successfully developed LNG projects in Mexico on timelines corresponding with the COVID pandemic, the Biden Administration's "pause," and presidential transitions in Mexico and the United States. For example, Energía Costa Azul applied for long-term authorization to export both FTA and non-FTA countries for two proposed

liquefaction and export terminal facilities on September 27, 2018. *Energía Costa Azul, S. de R.L. de C.V.*, FE Docket No. 18-145-LNG, Application for Long-Term, Multi-Contract Authorizations to Export Natural Gas to Mexico and to Export Liquefied Natural Gas from Mexico to Free Trade Agreement and Non-Free Trade Agreement Nations (Sept. 27, 2018). DOE granted the requested authorizations on January 25 and March 29, 2019. *Energía Costa Azul, S. de R.L. de C.V.*, Docket No. 18-145-LNG, DOE/FE Order No. 4318 (Jan. 25, 2019); *Energía Costa Azul, S. de R.L. de C.V.*, Docket No. 18-145-LNG, DOE/FE Order No. 4365 (Mar. 29, 2019). Since then, construction has proceeded without delay and the facility is expected to commence exports by Spring, 2026, within its original seven-year commencement date.<sup>3</sup>

Similarly, NFE Altamira FLNG, S. de R.L. de C.V. received its long-term authorization relating to the development of a floating liquefaction and export terminal project on March 3, 2023, *NFE Altamira FLNG, S. de R.L. de C.V.*, Docket No. 22-110-LNG, DOE/FECM Order No.4960 (Mar. 3 2023), and submitted to DOE notification of its first export approximately 18 months later on August 23, 2024. *NFE Altamira FLNG, S. de R.L. de C.V.*, Docket No. 22-110-LNG, Notification of First Export (Aug. 23, 2024). The completion of these projects in the same country and within a like timeframe undermines MXP’s assertion that its delays were caused by “circumstances and challenges outside [of its] control.” Extension Application at 4.

## **2. MXP has Failed to Commence Significant Construction on the Proposed Facility.**

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<sup>3</sup> Melisa Cavcic, *Sempra hits 85% construction mark at natural gas liquefaction project in Mexico drawing closer to first LNG*, Offshore Energy (Aug. 7, 2024), <https://www.offshore-energy.biz/sempra-hits-85-construction-mark-at-natural-gas-liquefaction-project-in-mexico-drawing-closer-to-first-lng/>.



DOE has consistently evaluated an “authorization holder’s progress in constructing the proposed export facility” when considering such requests. DOE, *Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries*, 88 Fed. Reg. 25,272, 25,275 (Apr. 26, 2023) (codified at 10 C.F.R. pt. 590) (describing prior DOE practice). In the nearly seven years since MPX was granted authorization to export U.S.-sourced natural gas to non-FTA countries, the company has failed to advance significant construction. MXP concedes in its request that progress has been limited to “early construction work,” including site clearing and terrain leveling activities. Extension Application at 12. By contrast, in a recently approved extension request, the facility in question attested that it had completed 65% of its physical construction. *Golden Pass LNG Terminal LLC*, Docket Nos. 12-88-LNG & 12-156-LNG, DOE/FECM Order Nos. 3147-F/3978-G at 4 (Mar. 5, 2025) (noting that Golden Pass LNG asserts that has completed 65% of physical construction) (citation omitted).

#### **B. DOE Should Not Grant the Extension in the Absence of a Complete Record.**

MXP has failed to provide DOE with complete information on the status of its required federal environmental authorizations, which will affect the likelihood of the Proposed Facility being able to export LNG by even the extended deadline. Undisclosed facts regarding the Proposed Facility’s nearly two-decade history suggests a pattern of poor planning and irregularities in handling the Mexican permitting that casts serious doubt on whether MXP and its affiliates will maintain its required permits. In particular, MXP neglected to inform DOE that the permit it needs to construct its LNG export terminal and, therefore, to make good on any future deadline to export has been suspended pursuant to a preliminary injunction. While DOE

should deny MXP's extension request based on the reasons discussed above, it also should not grant MXP's request absent a complete record of all material facts, which it currently lacks. *See* 88 Fed. Reg. 25,275-6 n. 39 (when reviewing applications for extension, the DOE also considers whether the applicant has made progress in "obtaining all required federal, state, and local authorizations" as a relevant factor.).

Although MXP states that its environmental permit was granted in 2018, that approval was for a modification request. CEMDA Declaration ¶¶ 13-15. The Proposed Facility was originally approved in 2006 as a regasification terminal for LNG imports. *Id.* ¶¶ 9-11; Official Letter S.G.P.A./DGIRA.DDT.2277.06 (Exhibit 2). More than a decade later and after the original facility failed to materialize, MXP acquired the rights to the site with the intention of developing an LNG liquefaction plant and export facility. *Id.* ¶ 12. However, rather than filing a new application and a separate environmental impact evaluation for the liquification plant, MXP's affiliate, Mexico Pacific Land Holdings, opted to cut corners instead. It simply requested a modification of the original 2006 environmental permit from a regassification terminal to a liquefaction terminal, *id.* ¶ 13, a move which the Mexican regulator initially rejected because the new proposal "completely chang[ed] the nature of the project for which the authorization for the construction and operation was granted." *Id.* ¶ 14; Official Letter ASEA/UGI/DGGPI/1219/2018 (Exhibit 3). Even though ASEA reversed its position in 2018 and allowed the export terminal to use a modification to the import terminal's permit to proceed, this was a "very unusual reversal," CEMDA Declaration ¶ 16, that MXP and its affiliates should have known would make the Proposed Facility more vulnerable to legal challenges.

Unsurprisingly, allowing an export terminal to proceed under a modified permit for an import terminal from 2006 has been challenged in at least two separate lawsuits. *Id.* ¶¶ 18-19.<sup>4</sup> One lawsuit has alleged that the 2018 modification violated the Mexican constitution because the change from a regassification to a liquefaction terminal required a new environmental permit application. *Id.* ¶ 18. A second lawsuit alleged that ASEA violated the plaintiff's constitutional rights through the regulator's failure to (1) verify that mitigation measures were satisfied—a key condition of the environmental permit, Official Letter S.G.P.A./DGIRA.DDT.2277.06 (Exhibit 2), which authorized the facility in question; (2) verify that conditions in the authorization of the environmental impact evaluation were met; and (3) supervise, inspect, and monitor the company's initiation of construction activities. *Id.* ¶ 21; *Incidente de suspensión* [interlocutory injunction order] (Exhibit 4). MXP failed to disclose these lawsuits to DOE in its extension request.

These self-inflicted problems and delays might have been avoided if MXP and its affiliates had not sought to cut corners. While both lawsuits challenge the actions of Mexican authorities, compliance with the conditions set out in the environmental permit and the decision to file for a modification are both responsibilities of the project promoter, Mexico Pacific Land Holdings. CEMDA Declaration. ¶¶ 22 & 24. Accordingly, these lawsuits raise serious questions as to whether the promoter complied with the conditions necessary to obtain its permit.

The second lawsuit led to a temporary injunction, suspending the execution of activities approved under ASEA's official letter S.P.G.A./DGIRA.DDT.2277.06—i.e. the Proposed Facility's environmental permit. *Id.* ¶ 23. While the injunction is in effect, the Proposed

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<sup>4</sup> A public statement by SEMARNAT has revealed the existence of at least three other lawsuits for a total of five pending suits against the Proposed Facility's permits. SEMARNAT Press Release. We do not have further information regarding the basis of these other suits.

Facility's promoters cannot construct or operate the Proposed Facility. *Id.*; SEMARNAT Press Release. Although the ruling is not a final determination on the merits of the plaintiff's claims, it is a judicial determination that there is a colorable claim that the Proposed Facility's environmental permit threatens rights guaranteed under the Mexican Constitution and the environment. CEMDA Declaration ¶ 23.

Temporary injunctions of this kind are known to remain in place for several years in Mexico. *Id.* ¶ 25. If these lawsuits prevail the court will likely order the revocation of the facility's environmental permit, meaning that the Proposed Facility would not be able to continue without significant revisions such as the preparation of an entirely new environmental evaluation. *Id.* ¶ 24. As the project promoter, these revisions would primarily be the responsibility of MPX to complete. *Id.*

Given the initial success of the plaintiffs' challenges to the issuance of the export terminal's permits, there is good reason to question whether MXP will ever get its exports online, nevermind within the timeline for which it now is seeking approval from DOE. Indeed, in a recent press release regarding these lawsuits, SEMARNAT stated that "the current administration has not granted any environmental authorization for the construction, equipping, use, or exploitation of a private port facility for the handling of liquefied natural gas in Puerto Libertad, Sonora." SEMARNAT Press Release. It is not clear which specific permits SEMARNAT was referring to in this press release. However, this statement, in combination with the ongoing litigation in Mexico, casts doubt not only on the question of whether construction of the export terminal will ever be complete but also on whether investors will be willing to finance a project that is so uncertain.

MXP neglected to provide DOE with any information about its permitting problems in Mexico. As a result, DOE lacks key information about key questions, including whether delays in constructing the export terminal were of MXP and its affiliates' own making and how these problems affect the long-term viability of the Proposed Facility. DOE, therefore, lacks a complete picture of whether there is good cause to grant MXP's extension request, including whether granting this request will serve any purpose if the Proposed Facility is unlikely to ever move forward. MXP's failure to address these problems is a glaring gap in the record. At a minimum, DOE should order that MXP provide this information before making any decision to extend MXP's export deadline.

**C. In the Alternative, Any Extension Granted should be Consistent with DOE's Prior Practice.**

Under DOE's current policy, commencement date extensions should be limited to timelines consistent with prior DOE practice. 90 Fed. Reg. 14,411. MXP's request for a seven-year extension is unprecedented and contrary to DOE's practice. Where, as here, a project has failed to either achieve FID or commence significant construction, DOE has issued extensions of only 17 and 34 months. *See Golden Pass LNG Terminal LLC*, Docket Nos. 12-88-LNG & 12-156-LNG, DOE/FE Order Nos. 3147-B/3978-C (Mar. 24, 2020) (granting approximately a 17-month extension); *Cameron LNG, LLC*, Docket Nos. 15-36-LNG & 15-90-LNG, DOE/FE Order Nos. 3680-A/3846-A (Nov. 2, 2020) (granting approximately a 34-month extension). Even for facilities that have reached FID, DOE's prior practice generally provides for only marginally longer extensions, ranging from 17 to 36 months. *See Port Arthur LNG, LLC*, Docket Nos. 15-53-LNG & 15-96-LNG & 18-162-LNG, DOE/FECM Order Nos. 3698-C/4372-B, (Apr. 21, 2023) (granting approximately a 25-month extension); *Lake Charles Exports, LLC*, Docket Nos.

11-59-LNG & 16-110-LNG, DOE/FE Order Nos. 2987-A/3324-B/4011-A (Oct. 6, 2020) (granting extensions of approximately 28.5 and 17.5 months); *Golden Pass LNG Terminal LLC*, Docket Nos. 12-88-LNG & 12-156-LNG, DOE/FECM Order Nos. 3147-F/3978-G (Mar. 5, 2025) (granting an 18-month extension). Only one extension request has ever been granted for more than 3 years, and that project had already received FID. *See Delfin LNG LLC*, Docket Nos. 13-129-LNG & 13-147-LNG, DOE/FECM Order Nos. 3393-C/4028-D (Mar. 10, 2025) (granting an extension of approximately 60 months). MXP's request would be the largest ever granted by DOE, and would accordingly be contrary to "prior DOE practice." 90 Fed. Reg. 14,411.

Facts in the record do not support MXP's request to sharply depart from DOE's prior practice. As noted above, despite nearly two decades of development the Proposed Facility remains stalled. Under MXP's management the Proposed Facility has repeatedly missed its own projected milestones, including claims by executive leadership that it would first reach FID in "late 2021 or early 2022." Corey Paul, *Mexico Pacific is lining up deals for 'black pearl of North American LNG'*, S&P Global (Apr. 21, 2021), <https://www.spglobal.com/market-intelligence/en/news-insights/articles/2021/4/mexico-pacific-is-lining-up-deals-for-black-pearl-of-north-american-lng-63678274>. In later representations to DOE, MXP stated that it would reach FID in early 2023. Additional Authorization Application at 8 (claiming in Dec. 2022 that it expected "a positive Final Investment Decision for the MPL Facility in the coming months."). MXP's request for an extension equal in length to the original time period effectively concedes that the company has made no meaningful progress on the Proposed Facility, and is, in substance, at the same stage it was at when the authorization was first granted. DOE should not reward the Proposed Facility's mismanagement with the longest extension request in agency

history. Instead, if an extension is warranted, it should be consistent with timelines established by DOE's prior practice.

## **V. CONCLUSION**

For the reasons explained above, CEMDA, Sierra Club, Public Citizen, and Natural Resources Defense Council respectfully request that DOE grant their timely motion for intervention and deny the extension application, or in the alternative grant an extension request on a timeline consistent with DOE's prior practice.

## **VI. Exhibits**

Movants attach the following exhibits to support this protest and to include in the docket:

- 1) Declaration of CEMDA Attorney Úrsula Garzón Aragón.
- 2) Official Letter S.G.P.A./DGIRA.DDT.2277.06, *Secretaría de Medio Ambiente y Recursos Naturales* [Secretary of the Environmental and Natural Resources] (“SEMARNAT”), *Dirección General de Impacto y Riesgo Ambiental* [General Office of Environmental Impact and Risk] (Nov. 16, 2006).
- 3) Official Letter ASEA/UGI/DGGPI/1219/2018, *Agencia Nacional de Seguridad Industrial y de Protección al Medio Ambiente del Sector Hidrocarburos* [National Agency for Industrial Safety and Environmental Protection in the Hydrocarbons Sector] (“ASEA”), *Dirección General de Gestión de Procesos Industriales* [General Office of Industrial Process Management] (“DGGPI”) (June 14, 2018)

- 4) 14<sup>th</sup> District Court in the State of Sonora, *Incidente de suspensión* [interlocutory injunction order], Indirect *amparo* case No. 408/2024, Judge Rocío Monter Reyes (March 14, 2024)
- 5) SEMARNAT, Press Release, *Semarnat informa que en la presente Administración no se ha emitido autorización ambiental para el proyecto Saguario* [Semarnat reports that the current administration has not issued an environmental permit for the Saguario project] (March 19, 2025) <https://www.gob.mx/semarnat/prensa/semarnat-informa-que-en-la-presente-administracion-no-se-ha-emitido-autorizacion-ambiental-para-el-proyecto-saguaro>.

Respectfully Submitted,

/s/ Erik Woodward

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Associate Attorney  
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/s/ Jacob Kopas

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*Counsel for Centro Mexicano de Derecho Ambiental*

/s/ Rebecca McCreary

Rebecca McCreary  
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Sierra Club  
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(303) 449-5595 ext. 103

*Counsel for Sierra Club*

/s/ Tyson Slocum

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*On behalf of Public Citizen*

/s/ Joel Reynolds

Joel Reynolds  
Western Director, Senior Attorney  
Natural Resources Defense Council  
1314 Second Street  
Santa Monica, CA 90401

*Counsel for Natural Resources Defense Council*

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

**In the matter of**

**Mexico Pacific Limited, LLC**

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**Docket No. 18-70-LNG**

**CENTRO MEXICANO DE DERECHO AMBIENTAL CERTIFIED STATEMENT OF  
AUTHORIZED REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b), I, Jacob Kopas, hereby certify that I am a duly authorized representative of Centro Mexicano de Derecho Ambiental, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Centro Mexicano de Derecho Ambiental the foregoing documents in the above captioned proceeding.

Executed in Seattle, WA on August 6, 2025

/s/ Jacob Kopas

Jacob Kopas  
Senior Attorney  
Earthjustice  
48 Wall Street 15<sup>th</sup> Floor  
New York, NY 10005

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

**In the matter of**

**Mexico Pacific Limited, LLC**

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**Docket No. 18-70-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 August 6, 2025

/s/ Rebecca McCreary  
Rebecca McCreary  
Staff Attorney  
Sierra Club  
1650 38<sup>th</sup> Street, Suite 103W  
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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**

**Mexico Pacific Limited, LLC**

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**Docket No. 18-70-LNG**

**PUBLIC CITIZEN CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE**

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

Executed in Washington, DC on August 6, 2025

/s/ Tyson Slocum

Tyson Slocum  
Director, Energy Program  
Public Citizen  
215 Pennsylvania Ave SE  
Washington, DC 20003  
tsolcum@citizen.org  
(202) 454-5191

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

**In the matter of**

**Mexico Pacific Limited, LLC**

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**Docket No. 18-70-LNG**

**NATURAL RESOURCES DEFENSE COUNCIL CERTIFIED STATEMENT OF  
AUTHORIZED REPRESENTATIVE**

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

Executed in Santa Monica, CA on August 6, 2025

/s/ Joel Reynolds

Joel Reynolds  
Western Director, Senior Attorney  
Natural Resources Defense Council  
1314 Second Street  
Santa Monica, CA 90401

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

**In the matter of**

**Mexico Pacific Limited, LLC**

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**Docket No. 18-70-LNG**

**CENTRO MEXICANO DE DERECHO AMBIENTAL VERIFICATION**

Pursuant to 10 C.F.R. § 590.103(b), I, Jacob Kopas, 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 Seattle, WA on August 6, 2025

/s/ Jacob Kopas

Jacob Kopas

Senior Attorney

Earthjustice

48 Wall Street 15<sup>th</sup> Floor

New York, NY 10005

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

**In the matter of**

**Mexico Pacific Limited, LLC**

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**Docket No. 18-70-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 August 6, 2025

/s/ Rebecca McCreary  
Rebecca McCreary  
Staff Attorney  
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(303) 449-5595 ext. 103

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

**In the matter of**

**Mexico Pacific Limited, LLC**

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**Docket No. 18-70-LNG**

**PUBLIC CITIZEN VERIFICATION**

Pursuant to 10 C.F.R. § 590.103(b), I, Tyson Solcum, 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 Seattle, WA on August 6, 2025

/s/ Tyson Slocum

Tyson Slocum  
Director, Energy Program  
Public Citizen  
215 Pennsylvania Ave SE  
Washington, DC 20003



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

**In the matter of**

**Mexico Pacific Limited, LLC**

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**Docket No. 18-70-LNG**

**NATURAL RESOURCES DEFENSE COUNCIL VERIFICATION**

Pursuant to 10 C.F.R. § 590.103(b), I, Joel Reynolds, 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 Santa Monica, CA on August 6, 2025

/s/ Joel Reynolds

Joel Reynolds

Western Director, Senior Attorney

Natural Resources Defense Council

1314 Second Street

Santa Monica, CA 90401

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

**In the matter of**

**Mexico Pacific Limited, LLC**

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**Docket No. 18-70-LNG**

**CERTIFICATE OF SERVICE**

Pursuant to 10 C.F.R. § 590.107, I, Erik Woodward, hereby certify that on August 8, 2025, I caused the foregoing document to be served on the persons included on the official service list for this docket.

Executed in Denver, CO on August 6, 2025

/s/ Erik Woodward  
Erik Woodward