

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

In the matter of)
)
Plaquemines Expansion, LLC) Docket No. 25-143-LNG
)
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HEALTHY GULF, LOUISIANA BUCKET BRIGADE, AND SIERRA CLUB’S MOTION TO INTERVENE AND PROTEST OF APPLICATION

I. Introduction

Healthy Gulf, Louisiana Bucket Brigade, and Sierra Club 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 a Venture Global subsidiary, Plaquemines Expansion, LLC’s (“Venture Global”) application for approval from the U.S. Department of Energy (“DOE”) to export liquefied natural gas (“LNG”) in the amount of 31 metric tons per annum (“MTPA”) to non-free trade agreement (“NFTA”) countries.¹

DOE should deny the Application because the proposed exports will be inconsistent with the public interest. 15 U.S.C. § 717b(a). The proposed exports constitute the largest-volume single export application DOE has ever considered.² This

¹ Application of Plaquemines Expansion, LLC for Authorization to Export Liquefied Natural Gas to Free Trade and Non-Free Trade Agreement Nations, Docket No. 25-143-LNG (Nov. 17, 2025) (“Application”).

² 31 MTPA is the equivalent of 1,624.25 billion cubic feet (bcf) per year, Application at 12, or 4.45 bcf/day, which larger than any other export authorization DOE has ever granted or considered. See DOE, *List of LNG Export Applications of the Lower 48 States before the Department of Energy as of December 4, 2025* (Dec. 4, 2025), <https://www.energy.gov/fecm/articles/summary-lng-export-applications-lower-48-states> (listing all export applications and their volume in bcf/day) (attached as **Exhibit 1**).

large volume of exports would cause price increases, shipping traffic increases, increased upstream and downstream pollution, and impacts from construction and operation of the Plaquemines Expansion LNG terminal that individually and collectively render the Application inconsistent with the public interest. Additionally, DOE cannot lawfully apply its Categorical Exclusion B5.7 to avoid reviewing the Application under the National Environmental Policy Act (“NEPA”) because the categorical exclusion is unlawful both facially and as applied to this Application.

II. 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 exports will have on their members and missions, as explained below. DOE had found that similar interests are sufficient for intervention. *Lake Charles LNG Export Company, LLC*, Docket Nos. 13-04-LNG & 16-109-LNG, DOE/FECM Order No. 3868-E/4010-E, at 25–27 (August 22, 2025). The Movants’ position, as explained in the following Protest, is that the application for authorization to export LNG to NAFTA nations should be denied because the exports are inconsistent with the public interest and that DOE cannot properly use a categorical exclusion to avoid reviewing the environmental impacts of the Expansion Project under NEPA.

A. Interests of Movants

1. 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) nonprofit membership organization with approximately 150 members in Louisiana. Healthy Gulf's members in Louisiana will be impacted by the air pollution, traffic, socioeconomic impacts, visual and noise impacts, and wetland and waterway impacts caused by construction and operation of the planned Plaquemines Expansion terminal, the pipeline to supply it, and the additional marine vessel trips necessary to transport the Expansion Project's exported gas. Increased ship traffic will also harm wildlife that Healthy Gulf's members enjoy viewing or studying, such as the giant manta ray, whitetip shark, and Rice's whale. Healthy Gulf's members in gas-producing regions of the state will also be impacted by the additional gas extraction and processing that will occur in Louisiana to supply the proposed exports, including the additional air pollution this extraction and processing will cause. Additionally, Healthy Gulf's members, both in Louisiana and in other states, will be harmed as consumers because increased exports will increase the price of natural gas, electricity, and manufactured goods. 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 and the staff engaging in it will be

directly affected by the proposed exports, including the increased shipping traffic they will create.

2. 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) nonprofit membership organization dedicated to preserving and enhancing the environment of Louisiana as well as promoting environmental justice and protecting the people, communities, and public resources of the Louisiana Gulf Coast—all of which the proposed exports threaten to significantly undermine and degrade. Louisiana Bucket Brigade represents interests that will be directly affected by the outcome of the proceeding, including the interests of its several hundred members in Louisiana. Louisiana Bucket Brigade members will be affected by the construction and operation of the Plaquemines Expansion terminal through additional exposure to air pollution, water pollution, traffic, noise pollution, and visual impacts. Members will also be exposed to additional air pollution from the extraction and processing of additional gas within the state of Louisiana to supply the proposed exports via a proposed intrastate gas pipeline. Louisiana Bucket Brigade's members will also face harm because increased gas exports will cause them to pay higher prices for gas, electricity, and domestically-manufactured goods as consumers. Louisiana Bucket Brigade also employs staff members in Louisiana, who work to inform Louisiana residents of the adverse

environmental impacts of the oil and gas industry.³ And Louisiana Bucket Brigade supports communities in Louisiana whose health and homes are devastated by this industry. The construction of new liquefaction capacity at the Plaquemines Expansion facility to support the proposed exports means greater exposure to pollution and other environmental risks for the communities and for Louisiana Bucket Brigade's staff working in the communities.⁴

3. 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 nonprofit membership organization and has over 2,600 members throughout Louisiana. Sierra Club's members will be impacted by the proposed increase in export volumes at local, regional, and national scales. These members will be affected, among other things, by air pollution resulting from the operation of pretreatment and liquefaction equipment at the Plaquemines Expansion terminal and by the increase in shipping traffic needed to transport the additional LNG. This tanker traffic will emit air pollutants, including carbon monoxide and ozone-forming nitrogen oxides. Increased ship traffic will also harm wildlife that Sierra Club members enjoy viewing, studying, etc., including the threatened giant manta ray,⁵

³ *Team and Board*, Louisiana Bucket Brigade, <https://labucketbrigade.org/about-us/team-and-board/> (last accessed Feb. 11, 2026).

⁴ *Id.*

⁵ *Final Rule to List the Giant Manta Ray as Threatened Under the Endangered Species Act*, 83 Fed. Reg. 2916 (Jan. 22, 2018).

threatened oceanic whitetip shark,⁶ and endangered Rice’s whale.⁷ Sierra Club’s Louisiana members, and its members across the nation, will also be impacted by the gas production needed to supply these additional exports, by the incremental increase in domestic gas and electricity prices that will result from additional export volumes, and by greenhouse gas emissions resulting from the use of the gas after delivery. As DOE has recognized, increasing LNG exports will increase gas production,⁸ and increasing gas production and processing will increase emissions of air pollutants such as volatile organic compounds and nitrogen oxides (the precursors to ozone), particulate matter, sulfur dioxide, and hazardous air pollutants, including benzene, that have adverse health impacts.⁹ Venture Global’s application states

⁶ *Listing the Oceanic Whitetip Shark as Threatened Under the Endangered Species Act*, 83 Fed. Reg. 4153 (Jan. 30, 2018).

⁷ *Technical Corrections for the Bryde’s Whale (Gulf of Mexico Subspecies)*, 86 Fed. Reg. 47022 (Aug. 23, 2021).

⁸ See, e.g., U.S. Energy Info. Admin. (“EIA”), EFFECT OF INCREASED LEVELS OF LIQUEFIED NATURAL GAS EXPORTS ON U.S. ENERGY MARKETS 12 (Oct. 2014), <https://www.eia.gov/analysis/requests/fe/pdf/lng.pdf> (explaining that “[n]atural gas markets in the United States balance in response to increased LNG exports mainly through increased natural gas production,” and “[a]cross the different export scenarios and baselines, higher natural gas production satisfies about 61% to 84% of the increase in natural gas demand from LNG exports,” with “about three-quarters of this increased production [coming] from shale sources.”); DOE, ENERGY, ECONOMIC, AND ENVIRONMENTAL ASSESSMENT OF U.S. LNG EXPORTS, APPENDIX B: DOMESTIC ENERGY, ECONOMIC, AND GHG ASSESSMENT OF U.S. LNG EXPORTS B-17 (Dec. 2024), https://www.energy.gov/sites/default/files/2025-10/LNGUpdate_AppendixB_Dec2024.pdf (explaining that in modeling “U.S. natural gas production increases in each *Model Resolved* LNG export scenario compared with the corresponding scenario with *Existing/FID Exports* volumes to maintain projected export volumes”) (“DOE 2024 Study App. B”) (attached as **Exhibit 2**).

⁹ DOE, Energy, ECONOMIC, AND ENVIRONMENTAL ASSESSMENT OF U.S. LNG EXPORTS, APPENDIX D: ADDENDUM ON ENVIRONMENTAL AND COMMUNITY EFFECTS OF U.S. LNG EXPORTS D-11–D-13, D-47 (Dec. 2024),

that the Expansion Project will be supplied with gas via a new intrastate pipeline that will deliver gas extracted in Louisiana.¹⁰ Sierra Club has over 2,600 members in Louisiana, including many in the Barnett Shale region and other areas that will likely be impacted by increased gas production. Sierra Club runs national advocacy and organizing campaigns dedicated to reducing American dependence on fossil fuels, including natural gas, and to protecting public health. These campaigns, including its Beyond Coal and Dirty Fuels campaigns, are dedicated to promoting a swift transition away from fossil fuels and towards reducing global greenhouse gas emissions.

B. Identification of Contacts for the Service List

Pursuant to 10 C.F.R. § 590.303(d), Healthy Gulf, Louisiana Bucket Brigade, and Sierra Club identify the following persons for the official service list:

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https://www.energy.gov/sites/default/files/2025-10/LNGUpdate_AppendixD_Dec2024.pdf (“DOE 2024 Study App. D”) (attached as **Exhibit 3**).

¹⁰ Application at 13.

III. Protest

A. DOE Should Deny the Application Because the Proposed Exports Are Inconsistent with the Public Interest.

The proposed exports, which constitute the largest volume of exports ever proposed in a single application to DOE,¹¹ should be rejected because they are inconsistent with the public interest, 15 U.S.C. § 717b(a). The Natural Gas Act (“NGA”) requires consideration of “all factors bearing on the public interest.” *Atl. Ref. Co. v. Pub. Serv. Comm’n of N.Y.*, 360 U.S. 378, 391 (1959). The U.S. Court of Appeals for the D.C. Circuit has upheld a balancing of benefits against harms, including environmental harms, as consistent with the standard in Section 3 of the NGA that presumptively favors approval of LNG terminals and their exports. *See Ctr. for Biological Diversity v. FERC*, 67 F.4th 1176, 1188 (D.C. Cir. 2023) (accepting FERC’s section 3(e) determination as weighing whether “benefits” of a project are “outweighed by the projected environmental impacts”). All of the Project’s impacts must be considered holistically when doing this weighing to determine whether the Project is consistent with the public interest.

Even if DOE confines itself to considering only the exports’ economic effects, the exports are inconsistent with the public interest. Regardless of any positive macroeconomic impact, such as an increase in GDP or a decrease in the U.S. trade deficit, the proposed exports will harm U.S. consumers by increasing domestic natural gas prices, thereby increasing the prices consumers pay for their gas and electric

¹¹ See *List of LNG Export Applications of the Lower 48 States before the Department of Energy as of December 4, 2025*, *supra* note 2.

utility bills and for domestically manufactured goods. Exports also have harmful distributional impacts: lower-income Americans face greater harm from higher domestic gas prices and are less likely to share in any macroeconomic benefits.

DOE has acknowledged that it must consider the impacts of increased LNG carrier traffic when evaluating whether proposed exports are inconsistent with the public interest. *Categorical Exclusion: National Environmental Policy Act Implementing Procedures*, 85 Fed. Reg. 78197, 78197 (Dec. 4, 2020); *Venture Global CP2 LNG, LLC*, Docket No. 21-131-LNG, DOE/FECM Order No. 5264-A, at 55–57 (Oct. 21, 2025). The impacts of the increased shipping traffic, including increased air and water pollution and harm to aquatic ecosystems from ship noise, vessel strikes, and other impacts, renders the proposed exports inconsistent with the public interest.

The NGA does not permit DOE to ignore the upstream, downstream, and terminal-related impacts of these exports. Those impacts also render the exports inconsistent with the public interest. Additionally, DOE cannot ignore the information it has developed about those impacts in its 2024 Study.

1. The Proposed Exports Are Inconsistent with the Public Interest Because They Will Cause Price Increases for Consumers, Which Will Affect Lower-Income Americans More Negatively.

Because approving these exports will lead consumers to pay higher prices than they otherwise would, DOE should reject the proposed exports as inconsistent with the public interest. Even if there are some macroeconomic benefits of increased exports, such as increased GDP or jobs in the gas sector, DOE must consider the effects of these price increases and their distributional impacts, including the fact

that many lower income Americans do not directly benefit from increases in GDP or in the stock prices of gas companies, but do spend a high percentage of their incomes on gas and electricity bills, which, along with domestically-manufactured goods, will increase in price due to increased domestic gas prices.

DOE must consider economic impacts to U.S. consumers as part of its determination whether the exports are inconsistent with the public interest. “The NGA was enacted with the primary purpose of “encourag[ing] the orderly development of plentiful supplies of ... natural gas at reasonable prices,” and “protect[ing] consumers against exploitation at the hands of natural gas companies.” *New Jersey Conservation Found. v. FERC*, 111 F.4th 42, 50 (D.C. Cir. 2024) (quoting, first, *NAACP v. Fed. Power Comm’n*, 425 U.S. 662, 669–70 (1976), then *Fed. Power Comm’n v. Hope Nat. Gas Co.*, 320 U.S. 591, 610 (1944)) (citations omitted). Furtherance of this purpose necessarily requires considering how the proposed exports would affect U.S. consumers.

Considering economic impacts to consumers is also consistent with this administration’s policies. The Unleashing Energy Executive Order specifically directs that “[i]n assessing the ‘Public Interest’ to be advanced by any particular application” to export LNG under NGA Section 3(a), DOE “shall consider the economic and employment impacts to the United States.”¹² Another executive order declaring a

¹² Exec. Order No. 14154, 90 Fed. Reg. 8353, 8357 (Jan. 20, 2025).

“national energy emergency” concluded that higher energy prices “devastate Americans, particularly those living on low- and fixed-incomes.”¹³

DOE itself has found that increasing LNG exports will raise prices. DOE’s 2024 Study predicts that, under the “model resolved” scenario, if DOE continues to approve exports, Henry Hub gas prices will be 31% higher than they otherwise would be.¹⁴ Higher gas prices lead to three types of price increases for consumers: higher natural gas bills, higher electric bills, and higher prices for domestically manufactured goods whose manufacturers face higher gas and/or electricity costs.¹⁵ A recent report by DOE’s Energy Information Administration (“EIA”) estimates that natural gas prices at Henry Hub will increase from \$3.53 in 2025 to \$4.31 in 2026, and further increase to \$4.38 in 2027.¹⁶ The EIA has also previously noted that one reason for upcoming predicted increases in gas prices is “because growth in demand—led by expanding liquefied natural gas exports and more natural gas consumption in the electric power sector—will outpace production growth.”¹⁷ Venture

¹³ Exec. Order No. 14,156, 90 Fed. Reg. 8433, 8433 (Jan. 29, 2025).

¹⁴ DOE, ENERGY, ECONOMIC, AND ENVIRONMENTAL ASSESSMENT OF U.S. LNG EXPORTS S-4 (Dec. 2024), https://www.energy.gov/sites/default/files/2025-10/ENERGY%20ECONOMIC%20AND%20ENVIRONMENTAL%20ASSESSMENT%20OF%20U.S.%20LNG%20EXPORTS_0.pdf (“DOE 2024 Study Summary Report”) (attached as **Exhibit 4**).

¹⁵ DOE, Statement from U.S. Sec’y of Energy Jennifer M. Granholm on Updated Final Analyses (Dec. 17, 2024), https://www.energy.gov/sites/default/files/2024-12/Statement%20from%20U.S.%20Secretary%20of%20Energy%20Jennifer%20M.%20Granholm%20on%20Updated%20Final%20Analyses_12.17.2024.pdf (attached as **Exhibit 5**).

¹⁶ EIA, SHORT-TERM ENERGY OUTLOOK 2–3 (Feb. 2026), <https://www.eia.gov/outlooks/steo/archives/Feb26.pdf> (attached as **Exhibit 6**).

¹⁷ EIA, SHORT-TERM ENERGY OUTLOOK 2–3 (Jan. 2026), <https://www.eia.gov/outlooks/steo/archives/Jan26.pdf> (attached as **Exhibit 7**).

Global has not submitted any evidence to contradict DOE’s own findings of price increases for U.S. consumers due to increased LNG exports.¹⁸

Venture Global’s argument that any domestic price increases will be within the range of prices observed in the past five years¹⁹ is beside the point; DOE must evaluate whether approving additional exports will make consumers worse off than they otherwise would be, not whether it will make them worse off than they were at some point in the past. Likewise, DOE’s recent observation, which Venture Global cites, that current Henry Hub prices are lower than the prices DOE projected in its 2018 study²⁰ is irrelevant to the question of whether *approving these exports now* would make consumers worse off than *denying these exports now* would. DOE cannot ignore the reality that price increases—even increases lower than those predicted in 2018 or increases to levels equivalent to prices from the last five years—harm domestic consumers. It would be arbitrary and capricious for DOE to conclude that additional LNG exports are consistent with the public interest without evaluating these harms, because that would constitute ignoring “an important aspect of the problem” that Congress intended the agency to address. *Motor Vehicle*

¹⁸ Application at 26 (“Plaquemines Expansion is not submitting any additional studies to bolster this Application.”).

¹⁹ *Id.* at 30 & n.72 (quoting DOE, ENERGY, ECONOMIC, AND ENVIRONMENTAL ASSESSMENT OF U.S. LNG EXPORTS: RESPONSE TO COMMENTS 46–47 (May 2025), https://www.energy.gov/sites/default/files/2025-10/ENERGY%2C%20ECONOMIC%2C%20AND%20ENVIRONMENTAL%20ASSESSMENT%20OF%20U.S.%20LNG%20EXPORTS_RESPONSE%20TO%20COMMENTS_0.pdf (“2025 Response to Comments”) (attached as **Exhibit 8**)).

²⁰ Application at 29 & n.70 (citing *Venture Global CP2 LNG, LLC*, Order No. 5264-A, at 46).

Manufacturers Ass’n of the United States, Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983).

The fact that there may be some macroeconomic benefits of gas exports, such as some job creation, an increase in GDP, or a decrease in the U.S.’s trade deficit,²¹ does not allow DOE to ignore these very real harms to American consumers or the distributional impact of these harms. DOE acknowledges in the 2024 Study that focusing on GDP does not capture “secondary effects (*e.g.*, effects resulting from changes in the price of consumer goods) [that] may moderate th[e] relationship” between GDP impacts and increased LNG exports.²² DOE also admits that “an increase in GDP does not necessarily correlate with a positive effect on broader public and consumer welfare.”²³ While DOE predicts a 0.2% GDP increase by 2050 in “model resolved” case,²⁴ 75% of that amount comes from the oil and gas sector. DOE has acknowledged that because most Americans do not own stock in fossil fuel companies, the benefits that accrue to oil and gas companies from LNG exports do not flow to average households. *Venture Global CP2 LNG, LLC*, Order No. 5264-A, at 37. Likewise, DOE has “acknowledge[d] that national GDP is only one measure of general welfare,” and that other relevant metrics include “incremental household energy burden” and “additional energy costs to industry.”²⁵

²¹ *see id.* at 30–32

²² DOE 2024 Study Summary Report at S-5.

²³ *Id.*

²⁴ *Id.* at S-29

²⁵ 2025 Response to Comments at 23.

In the 2024 Study, DOE estimates that continuing to export more LNG would increase natural gas and electricity costs for the average American household by well over \$100 per year by 2050.²⁶ While this number may seem insignificant to some, a \$100 annual increase is life-altering for many Americans who live paycheck to paycheck. DOE found that:

Gas expenditure impacts per household as a percentage of household income are 8 to 10 times higher for the lowest income group (income of less than \$30,000) than for the highest income group in Model Resolved scenarios relative to Existing/FID Exports, under both the Defined Policies (with reference U.S. supply assumption) and Defined Policies Low US Supply. For electricity, this range increases to 9 to 12 times higher.²⁷

The National Energy Assistance Directors' Association's winter outlook estimates that U.S. home heating costs are expected to rise 9.2% for winter 2025–26, as compared to the prior winter, with an 8.4% increase expected for households that use natural gas for heat and a 12.2% increase for households that rely on electricity for heat.²⁸ These price increases also do not affect all geographic regions equally. DOE's 2024 Study found that “the Gulf Coast and Southwest regions experience the greatest price impacts from increased LNG exports in model projections.”²⁹

Any increase in exports that increases domestic gas prices, further exacerbates the energy affordability crisis devastating lower-income Americans, and further burdens Gulf Coast residents, is not consistent with the public interest. The

²⁶ DOE 2024 Study Summary Report at S-4–S-5.

²⁷ DOE 2024 Study App. B at B-48.

²⁸ Nat'l Energy Assistance Dir. Ass'n, WINTER HEATING COSTS EXPECTED TO JUMP 9.2%, PUTTING MILLIONS OF FAMILIES AT RISK (Dec. 16, 2025), <https://neada.org/wp-content/uploads/2025/12/winterheatingdec25PR.pdf> (attached as **Exhibit 9**).

²⁹ DOE 2024 Study Summary Report at S-4.

proposed exports, as the largest-volume single export application ever presented to DOE, would significantly contribute to this affordability crisis and, therefore, should be rejected.

2. The Environmental Impacts of the Shipping Traffic Render the Proposed Exports Inconsistent with the Public Interest.

Approving the proposed exports would lead to a large number of additional vessel trips which would have substantial impacts on the environment both individually and cumulatively when combined with the many other LNG vessel trips through the lower Mississippi River and the Gulf, including trips to and from the existing Plaquemines LNG facility adjacent to the Expansion Project. DOE should reject the Application because these impacts render the proposed exports inconsistent with the public interest.

While Venture Global's application to DOE does not disclose the expected number of vessel trips attributable to the proposed exports, applications it has submitted to FERC reveal that the existing Plaquemines LNG terminal, which has recently applied for a second uprate in liquefaction capacity,³⁰ and the Plaquemines Expansion (which would supply the exports proposed in this application) together

³⁰ An application for second uprate has been submitted to FERC. Abbreviated Application of Venture Global Plaquemines LNG, LLC for Limited Amendment of Authorization Under Section 3 of the Natural Gas Act, *Venture Global Plaquemines LNG, LLC*, Docket No. CP26-53, Accession No. 20251219-5605 (Dec. 19, 2025), https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20251219-5605 ("Second Uprate Application") (attached as **Exhibit 10**). As of the date of this filing, no application related to the second uprate has been filed with DOE.

would lead to 950 vessel trips per year—an average of more than 2.5 trips per day.³¹ These trips to and from the neighboring facilities would affect the same 55 miles of the lower Mississippi River,³² leading to significant cumulative impacts. The existing facility was already expected to create approximately 356 vessel trips per year after its first uprate in liquefaction capacity—an additional 46 beyond the 310 yearly trips originally proposed.³³ Therefore, the Expansion and the second uprate of the existing facility will lead to an additional 594 vessel trips per year, though Venture Global does not specify how that number breaks down between the two. Assuming that the number of vessel trips is proportional to liquefaction capacity, then the 31 MTPA of the Expansion Project would account for 474.6 trips, and the 7.8 MTPA of the second uprate³⁴ would create 119.4 trips. Venture Global’s application

³¹ Venture Global has stated that the Expansion, together with the existing Plaquemines LNG terminal, would collectively lead to 950 trips per year. Resource Report 1: General Project Description, *Plaquemines Expansion, LLC; Venture Global Plaquemines LNG, LLC*, Docket CP26-27, Accession No. 20251117-5293, at 1-9, (Nov. 17, 2025), https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20251117-5293 (attached (without appendices) as **Exhibit 11**). See also Second Uprate Application, *supra* note 30, at 12. (“[T]he 950 annual approved [by the U.S. Coast Guard] Carrier visits is more than sufficient to cover the export of LNG covered by the Uprate Order, this proposed uprate Amendment and the unrelated expansion submitted in November 2025 (pending before the Commission in Docket No. CP26-27).”).

³² Application at 6 (noting existing terminal is near mile marker 55); *id.* at 12 n.19 (noting that the new loading berth for the Expansion Project “will be constructed in the Mississippi River between river mile markers 54 and 55”).

³³ Venture Global Plaquemines LNG Uprate Amendment Project Environmental Assessment, *Venture Global Plaquemines LNG, LLC*, Docket No. CP22-92, Accession No. 20230106-3019, at 27 (Jan. 2023), https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20230106-3019 (“Uprate EA”) (attached as **Exhibit 12**).

³⁴ See Second Uprate Application, *supra* note 30, at 2.

to DOE for an increase in NFTA exports corresponding to the already-approved FERC uprate of the existing terminal's liquefaction capacity is still pending.³⁵ Therefore, DOE has also not yet considered the impacts of the additional 46 vessel trips that the first uprate will lead to, above the approximately 310 for the already-approved volume of exports, in connection with its decision about whether the proposed exports are consistent with the public interest.

DOE must consider the harms that these additional vessel trips will cause to humans and to the environment. LNG tankers, which tower 115 feet above the waterline,³⁶ would create significant visual impacts to people on or near the Mississippi River and in nearby Gulf waters. The tankers' large wakes and the security zones that are enforced around them would also disrupt recreational and commercial users of the River and the Gulf, including cruise ships.³⁷ Increased vessel traffic

³⁵ Application of Venture Global Plaquemines LNG, LLC, for Limited Amendment to Existing Long-Term, Multi-Contract Authorizations to Export Liquefied Natural Gas to Free Trade and Non-Free Trade Agreement Nations, *Venture Global Plaquemines LNG, LLC*, Docket No., 16-28-LNG (Mar. 11, 2022), <https://www.energy.gov/fecm/venture-global-plaquemines-lng-llc-fe-dkt-no-16-28-lng>.

³⁶ Resource Report 8: Land Use, Recreation, and Aesthetics, *Plaquemines Expansion, LLC; Venture Global Plaquemines LNG, LLC*, Docket CP26-27, Accession No. 20251117-5293, at 8-9 (Nov. 17, 2025), https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20251117-5293 (attached as **Exhibit 13**).

³⁷ In its filings to FERC, Venture Global admits that “[w]aterway use and recreation on and along the waterway may be affected by any safety and security zones that may be established by the USCG for the Expansion Facilities and LNG carriers during transit and while berthed.” Resource Report 11: Reliability and Safety, *Plaquemines Expansion, LLC; Venture Global Plaquemines LNG, LLC*, Docket No. CP26-27, Accession No. 20251117-5293, at 11-19 (Nov. 17, 2025), https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20251117-5293 (attached as **Exhibit 14**).

may impede the Pointe à la Hache Ferry,³⁸ one of the few transportation options for residents of the area near the Plaquemines LNG terminal. Each tanker would emit air pollutants, including NO_x, carbon monoxide, VOCs, particulate matter, SO₂, hazardous air pollutants, and greenhouse gases including CO₂ and methane.³⁹ Each tanker trip would also disrupt the aquatic ecosystem by, among other impacts, releasing ballast water, increasing marine light pollution, increasing the risk of ship strikes to marine mammals, and generating noise that carries for long distances underwater, disrupting fish and other aquatic organisms.⁴⁰ Increased vessel traffic could have cumulative impacts on marine animals—including the bottlenose dolphin, West Indian Manatee, sea turtles, and the endangered Rice’s whale⁴¹—that

³⁸ The Pointe à la Hache Ferry operates from 6:30 AM–5:45 PM Monday–Sunday, with its West Side Landing on the Mississippi River just downstream from Plaquemines LNG, near West Pointe à la Hache, and its East Side Landing at 118 Capone Ln, Pointe à la Hache, LA 70082. *See Routes and Schedules*, Louisiana Gateway Port, <https://www.louisianagatewayport.com/ferry-schedule> (last accessed Feb. 11, 2026) (attached as **Exhibit 15**).

³⁹ Resource Report 9: Air and Noise Quality, App. 9.D at Table 9.D.1.2, *Plaquemines Expansion, LLC; Venture Global Plaquemines LNG, LLC*, Docket CP26-27, Accession No. 20251117-5293 (Nov. 17, 2025), https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20251117-5293 (attached as **Exhibit 16**) (estimating operational emissions for LNG carriers associated with the Plaquemines Expansion facility that will export the proposed exports that are the subject of this application).

⁴⁰ Uprate EA at 13, 15–16; Final Environmental Impact Statement for the Plaquemines LNG and Gator Express Pipeline Project, *Venture Global Plaquemines LNG; Venture Global Gator Express, LLC*, Docket No. CP17-66, Accession No. 20190503-3020, at 4-28 (May 2019), https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20190503-3020 (“2019 FEIS”) (excerpts attached as **Exhibit 17**).

⁴¹ Uprate EA at 15; *Rice’s Whale*, NOAA Fisheries, <https://www.fisheries.noaa.gov/species/rices-whale> (last updated Jan. 6, 2026) (attached as **Exhibit 18**).

use the waterways within or around the Mississippi River, the Mississippi River Delta, and the Gulf.

DOE must also consider the large (and ever-increasing) cumulative impact from all U.S. LNG vessel traffic, especially given that the majority of this vessel traffic transits through and impacts the Gulf. Of the 1399 LNG export vessel trips that occurred from U.S. ports in 2024, 1312 (93.7%) were from facilities located in the Gulf.⁴²

3. The NGA Requires DOE to Consider the Upstream and Downstream Impacts, Which Render the Exports Inconsistent with the Public Interest.

DOE cannot ignore upstream and downstream impacts in its decisionmaking under the NGA. The NGA’s “principle aim[s]” are ““encouraging the orderly development of plentiful supplies ... of natural gas at reasonable prices’ ... and ‘protect[ing] consumers against exploitation at the hands of natural gas companies,’” with the ““subsidiary purposes”” of addressing ““conservation, environmental, and antitrust’ issues.” *Minisink Residents for Env’t Pres. & Safety v. FERC*, 762 F.3d 97, 101 (D.C.

⁴² U.S. LNG Exports and Re-Exports Details (Jan 2016-Nov 2025) (Jan. 23, 2026), spreadsheet available at *Natural Gas Imports and Exports Monthly 2025*, DOE: Hydrocarbons and Geothermal Energy Office, <https://www.energy.gov/fecm/articles/natural-gas-imports-and-exports-monthly-2025> (attached as **Exhibit 19**). The total number for 2024 was reached by using the “By Vessel and ISO Container” tab of the spreadsheet, filtering the “Activity” column for “Exports,” the “Mode of Transport” column for “Vessel,” and the “Point of Entry or Exit” column for U.S. (*i.e.*, non-Mexico) locations, and the “Arrival/Departure Date” column for dates in 2024, resulting in 1399 rows, each representing a specific vessel transit. Further filtering the “Point of Entry or Exit” for only Gulf Coast locations (*i.e.*, removing Cove Point, Maryland) results in 1312 rows, each representing a specific vessel transit.

Cir. 2014) (quoting first, *NAACP*, 425 U.S. at 669–70, second, *Fed. Power Comm’n v. Hope*, 320 U.S. at 610, third *Pub. Utils. Comm’n of Cal. v. FERC*, 900 F.2d 269, 281 (D.C.Cir.1990) (quoting *NAACP*, 425 U.S. at 670 & n. 6)). Given these statutory aims and purposes, how exports will impact production, whether that production will be “orderly,” and what environmental impacts it will have are all plainly pertinent to the “public interest” protected by the statute.

Additionally, to the extent DOE rests its decision on *benefits* related to upstream or downstream effects, it must also consider upstream and downstream *harms*; failing to evaluate the same scope of harms as benefits would be internally inconsistent and arbitrary and capricious. *See Air All. Hou. v. EPA*, 906 F.3d 1049, 1067–68 (D.C. Cir. 2018) (vacating delay of Clean Air Act rule for touting benefits but failing to adequately address harms). For example, DOE’s approval of exports often rests on the alleged national security benefits that it claims will result from selling U.S.-produced LNG to foreign nations. *See, e.g., Venture Global CP2 LNG, LLC*, Order No. 5264-A, at 52–54. Those benefits will not arise unless exported LNG is actually used abroad, which DOE has acknowledged creates environmental effects.⁴³ Venture Global also asks DOE to consider the alleged environmental benefits of exporting LNG, which it claims will lead to lower emissions from electricity generation in foreign countries.⁴⁴ It would be arbitrary and capricious for DOE to

⁴³ DOE 2024 Study Summary Report at S-38–S-42.

⁴⁴ Application at 34–37.

rely on any alleged downstream benefits of overseas gas use without examining downstream harms.

DOE also relied on its prediction of upstream effects in the 2024 Study, which predicts that additional exports will be supplied almost entirely by increased production, rather than by displacement of existing gas consumption. Under the “model resolved” case, DOE predicted that production would increase by an amount equal to 93% of the volume of additional LNG exports (30.2 bcf/d of additional production, compared to 32.6 bcf/d of additional exports).⁴⁵ DOE has continued to stand by these estimates.⁴⁶ Because DOE’s NGA responsibilities include gas supply, gas prices, and environmental concerns, DOE cannot rationally find that production increases will limit exports’ impacts on prices, yet simultaneously claim that other effects of increased production are outside the scope of DOE’s concern. DOE cannot look at only one side of the ledger and rely on the alleged benefit of a particular effect of LNG exports without also examining that effect’s costs.

The upstream impacts that DOE must consider include the impacts of extracting and processing the gas within the state of Louisiana before it is transported to the Expansion terminal via intrastate pipeline.⁴⁷ Venture Global does not specify how long it will be relying on gas produced in Louisiana to feed the Project.⁴⁸

⁴⁵ DOE 2024 Study Summary Report at S-31.

⁴⁶ 2025 Response to Comments at 18 (“DOE is confident that the natural gas supply curves incorporated in the study were soundly developed based on EIA’s assessment of the best available data.”).

⁴⁷ Application at 13.

⁴⁸ *Id.*

Extracting and processing gas causes many impacts. As DOE itself recognized in its 2024 Study, increasing gas production and processing increases emissions of air pollutants, including volatile organic compounds and nitrogen oxides (precursors to ozone), particulate matter, sulfur dioxide, and hazardous air pollutants such as benzene, that have adverse health impacts.⁴⁹ DOE's 2024 Study also recognized that gas production often involves large water withdrawals and risks water pollution.⁵⁰ The 2024 Study also noted that gas production can cause induced seismicity.⁵¹

Given that Venture Global is identifying where it will source its gas with such specificity, there is no difficulty in predicting where these upstream impacts will occur. The gas-producing regions of Louisiana are largely in the northwest part of the state, including the Haynesville Shale.⁵² DOE's 2024 Study noted that a prior EPA study had found impacts to local groundwater drinking water resources in the Haynesville Shale area from increased hydraulic fracturing activity.⁵³ Therefore, DOE must consider the potential impacts on Louisiana's drinking water resources. The closest EPA air quality monitors to the Haynesville shale region in Louisiana (in Bossier and Caddo Parishes) had 2024 ozone design values of 60 and 66 parts

⁴⁹ 2024 DOE Study App. D, *supra* note 9, at D-11–D-13, D-47.

⁵⁰ *Id.* at D-16–D-22.

⁵¹ *Id.* at D-25–D-33.

⁵² *Haynesville Shale*, Louisiana Department of Energy and Natural Resources: Office of Conservation, <https://denr.louisiana.gov/page/haynesville-shale> (last accessed Feb. 11, 2026) (attached as **Exhibit 20**); *Analysis*, EIA: Louisiana, <https://www.eia.gov/states/LA/analysis> (last updated Aug. 21, 2025) (attached as **Exhibit 21**).

⁵³ 2024 DOE Study App. D, *supra* note 9, at D-17.

per billion (ppb), respectively,⁵⁴ not far below the National Ambient Air Quality Standard (“NAAQS”) for ozone of 70 ppb. The air quality monitor in Caddo Parish had a 2024 annual design value of 9.7 µg/m³ for PM_{2.5},⁵⁵ exceeding the current NAAQS of 9.0 µg/m³. Even if additional pollution from increased gas production does not lead to additional exceedances of the NAAQS, DOE cannot rationally ignore the health impacts of increased pollution at levels below the NAAQS. EPA has stated that there is no evidence of a threshold below which PM_{2.5} is harmless.⁵⁶ EPA similarly stated that, if there were a threshold below which ozone is harmless, studies indicated that it must be at or below 40, or even 30, parts per billion, well below the 70 parts per billion NAAQS and the current ozone concentrations in northwest Louisiana.⁵⁷ Therefore, additional air pollution from increased gas production, which the exports will induce, will cause health harms to residents of Louisiana.

The downstream impacts DOE must consider include increased GHG emissions resulting from the use of the gas, the effects of substituting gas use for

⁵⁴ EPA, Ozone Design Values, 2024, Table 5 (excel spreadsheet available at *Air Quality Design Values*, EPA; Air Trends <https://www.epa.gov/air-trends/air-quality-design-values> (last accessed Feb. 11, 2026)) (excel spreadsheet attached as **Exhibit 22**; pdf of excerpts attached as **Exhibit 23**).

⁵⁵ EPA, PM_{2.5} Design Values, 2024, Table 5a (excel spreadsheet available at *Air Quality Design Values*, EPA; Air Trends <https://www.epa.gov/air-trends/air-quality-design-values> (last accessed Feb. 11, 2026)) (excel spreadsheet attached as **Exhibit 24**; pdf of excerpts attached as **Exhibit 25**).

⁵⁶ *Reconsideration of the National Ambient Air Quality Standards for Particulate Matter*, 89 Fed. Reg. 16202, 16226 (Mar. 6, 2024).

⁵⁷ *National Ambient Air Quality Standards for Ozone*, 80 Fed. Reg. 65292, 65303, 65306, 65309 (Oct. 26, 2015).

renewable energy, and the effects of increasing total energy usage in destination countries.

4. DOE Should Consider the Impacts of the Terminal Itself.

DOE has explicit statutory authority under the NGA to decide whether to approve LNG export terminals and their exports. The fact that DOE later delegated to FERC the authority to approve export infrastructure does not rob DOE of any of its authority to consider the effects of that terminal infrastructure when deciding whether to approve applications for exports from a terminal. Because DOE’s approval of a terminal’s planned exports are a proximate cause of the construction and operation of the terminal, it is appropriate to consider the impacts of the terminal’s construction and operation when deciding whether the exports are consistent with the public interest—indeed, doing so provides a more complete picture to better inform DOE’s decision-making on consistency with the public interest.

The NGA grants authority to the now-defunct Federal Power Commission to approve both terminal facilities and the exports from such terminals. 15 U.S.C. § 717b (granting such power to “the Commission”); *id.* § 717a(9) (stating that “‘Commission’ ... means the Federal Power Commission” for purposes of NGA). The Federal Power Commission’s authority to approve both terminals and their exports was then transferred to DOE. 42 U.S.C. § 7151(b). FERC’s authority over export facilities derives from a later DOE delegation.⁵⁸ Because DOE delegated to FERC only a

⁵⁸ DOE, Delegation Order No. S1-DEL-FERC-2006 to the Federal Energy Regulatory Commission, at 1.21.A (May 16, 2006), <https://www.directives.doe.gov/delegations-documents/s1-del-ferc-2006>; 42 U.S.C. § 7172(f).

narrow scope of authority—approval of the terminal infrastructure, *Sierra Club v. FERC*, 827 F.3d 36, 40 (D.C. Cir. 2016) (“*Freeport I*”)—FERC cannot consider the broader upstream and downstream effects of exports in its NGA decisionmaking, or even under NEPA in the connected action context, *Alabama Mun. Distributors Grp. v. FERC*, 100 F.4th 207, 213–14 (D.C. Cir. 2024). DOE, however, is not excluded from considering effects related to the terminal facilities—effects over which Congress granted DOE statutory authority. In fact, DOE’s order delegating authority over export infrastructure to FERC explicitly reserved to DOE “disapproval authority” over delegated FERC decisions.⁵⁹ DOE has also stated that:

[T]he Assistant Secretary for Fossil Energy and Carbon Management or a delegate is authorized to disapprove the construction and operation of particular facilities, the site at which such facilities shall be located, and, with respect to natural gas that involves the construction of new domestic facilities, the place of entry for imports or exit for exports.⁶⁰

DOE, therefore, has explicitly recognized that it has the authority to consider the big picture regarding exports: the impacts of associated gas production, use, and terminal construction and operation. It would be arbitrary and capricious for DOE to ignore some of these effects in its decisionmaking, robbing itself of information that is relevant to its public interest decisionmaking. *State Farm*, 463 U.S. at 43 (stating that it is arbitrary and capricious for agencies to “entirely fail[] to consider an important aspect of the problem”).

⁵⁹ *Id.*

⁶⁰ DOE, Redelegation Order S4-DEL-FE1-2023 to the Assistant Secretary for Fossil Energy and Carbon Management, at 1.5.A.2 (April 10, 2023), <https://www.directives.doe.gov/delegations-documents/s4-del-fe1-2023>.

5. DOE Cannot Rationally Ignore the Information in Its 2024 Study.

DOE cannot lawfully ignore the environmental information regarding upstream and downstream impacts contained in its 2024 Study when making decisions whether to approve exports under the NGA. In an October 7, 2025 “update” posted on its electronic docket index for the 2024 LNG export study, DOE stated that “in pending and future export application proceedings under NGA section 3(a), DOE will not consider the environmental analysis in the 2024 LNG Export Study or the related Response to Comments.”⁶¹ Failing to consider that information, however, is unlawful because the NGA requires DOE to consider this information as part of its decision whether exports are consistent with the public interest.

As explained above, DOE has explicitly recognized that it has the authority to consider the big picture regarding exports. Neither FERC nor any other agency has similar authority to holistically consider all the effects of exports—the impacts of associated gas production, use, and terminal construction and operation—and DOE is the only agency with the power to prevent any and all of these effects by denying exports. Therefore, it would be arbitrary and capricious for DOE to ignore some of these effects in its decisionmaking or ignore the information in its 2024 Study on these effects, robbing itself of information that is relevant to its public interest decisionmaking, because that would amount to ignoring an “important aspect of the problem” that Congress directed DOE to address. *State Farm*, 463 U.S. at 43.

⁶¹ See *2024 LNG Export Study: Energy, Economic, and Environmental Assessment of U.S. LNG Exports*, at Update 10/7/2025, DOE: Electronic Docket Index, <https://fossil.energy.gov/app/docketindex/docket/index/30> (last updated Oct. 7, 2025) (attached as **Exhibit 26**); Application at 37, n.92 (citing *id.*).

B. DOE Cannot Lawfully Use the Categorical Exclusion to Avoid NEPA Review of the Project.

NEPA requires all federal agencies to prepare an environmental impact statement (“EIS”) before taking any final agency action that may have a foreseeable significant impact on the environment. 42 U.S.C. § 4332(C); 42 U.S.C. § 4336(b)(1). NEPA defines a “categorical exclusion” as “a category of actions that a Federal agency has determined normally does not significantly affect the quality of the human environment.” 42 U.S.C. § 4336e(1). Venture Global requests that DOE apply DOE’s Categorical Exclusion B5.7, which covers “[a]pprovals or disapprovals of new authorizations or amendments of existing authorizations to export natural gas under section 3 of the Natural Gas Act and any associated transportation of natural gas by marine vessel,”⁶² to its Application.⁶³ DOE may not lawfully do so and must instead prepare an EIS for the application.

The categorical exclusion is facially unlawful. It is justified on the mistaken premises that DOE need not consider upstream and downstream impacts because they are categorically unforeseeable and that DOE need not consider any harms flowing from construction and operation of the export terminal itself because those

⁶² 10 C.F.R. Part 1021, App. B, Categorical Exclusion B5.7; *National Environmental Policy Act Implementing Procedures*, 85 Fed. Reg. 78197, 78205 (Dec. 4, 2020); DOE Technical Support Document, Notice of Final Rulemaking, National Environmental Policy Act Implementing Procedures (10 C.F.R. Part 1021) (Nov. 2020) (TSD-NG-10-CFR-1021-2020-11), <https://www.regulations.gov/document/DOE-HQ-2020-0017-0021> (“TSD”) (attached as **Exhibit 27**).

⁶³ Application at 37–39; 10 C.F.R. Part 1021, App. B, Categorical Exclusion B5.7.

fall under the jurisdiction of FERC. DOE also has not demonstrated that ship traffic impacts from exports are categorically insignificant.

Even if the categorical exclusion were facially lawful, DOE could not lawfully apply it here, because the effects of upstream production within the state of Louisiana are foreseeable and there are “extraordinary circumstances” that preclude application of the categorical exclusion.

The Supreme Court’s *Seven County* decision does not, contrary to Venture Global’s assertions and DOE’s past characterizations, support the application of the categorical exclusion here or a failure of DOE to examine upstream and downstream effects when determining whether exports are consistent with the public interest.

1. DOE’s Categorical Exclusion is Facially Unlawful.

a. The categorical exclusion is premised on an incorrect notion that DOE need not consider upstream and downstream impacts.

i. Foreseeability of impacts is a case-by-case, fact-specific determination that cannot be the basis for a categorical exclusion.

A categorical exclusion can only be adopted when an agency can foresee the effects of an action and conclude that those effects are insignificant. NEPA permits agencies to adopt a “categorical exclusion” for “a category of actions that a Federal agency has determined normally does not significantly affect the quality of the human environment.” 42 U.S.C. 4336e(1). If the significance of an action’s effects is “unknown,” NEPA requires an environmental assessment to be prepared. 42 U.S.C. § 4336(b)(2). The undersigned are not aware of any other categorical exclusion

premised on the notion that effects cannot be foreseen in detail sufficient to support analysis, rather than, as NEPA requires, on the conclusion that there will be no effects or that effects can conclusively be shown to be insignificant.

The distinction matters. DOE has not denied, nor could it, that DOE's own numerous analyses demonstrate that increasing LNG exports will cause additional gas production, that gas production will have potentially significant effects, and that exports will have downstream effects. Instead, DOE's position has been that while these effects will occur, their magnitude, location, and details can be challenging to precisely foresee.

Whether, and to what extent, those effects can be foreseen is necessarily a fact-specific question. Foreseeability turns on the facts of individual cases, as demonstrated by DOE's supplemental environmental impact statement for the Alaska LNG project, in which DOE determined that the effects of producing the gas that the project would export *were* foreseeable, including both climate and non-climate effects.⁶⁴ As already explained, *see supra* Section III.A.3, the record here demonstrates another example of a situation in which upstream effects are foreseeable because the source of gas for the proposed exports is known with more specificity: the gas for the Plaquemines Expansion will be supplied to the terminal via an intrastate pipeline, and therefore is known to originate in Louisiana.⁶⁵

⁶⁴ DOE, DOE/EIS-0512-S1: FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT ALASKA LNG PROJECT: SUMMARY (Jan. 6, 2023), <https://www.energy.gov/nepa/articles/doeeis-0512-s1-final-supplemental-environmental-impact-statement-january-6-2023> (attached as **Exhibit 28**).

⁶⁵ Application at 13.

As to the foreseeability of downstream effects, an individual project’s contracts can enable reasonable forecasting about the destination for that project’s exports. This destination information would enable the estimation of the exports’ effects, including the length and climate impact of ship transit and whether, in the particular destination country, U.S. LNG is likely to displace coal, gas, renewable energy, or instead, contribute to increased energy consumption.

Beyond project-specific factual information, foreseeability also turns on the evolving capability of available modeling tools. For example, the 2024 Study relies on the Global Change Analysis Model.⁶⁶ The development of this model and DOE’s recognition of its increased capabilities demonstrate that an agency’s ability to foresee impacts can evolve over time. In such instances where the ability to foresee certain impacts is rapidly evolving due to improved modeling, it is inappropriate to categorically determine whether those impacts can be foreseen.

ii. DOE has foreseen upstream and downstream effects.

In addition to the fact that DOE may be able to foresee upstream and downstream impacts for specific LNG projects, using specific modeling or forecasting techniques, DOE has, in fact, foreseen the upstream and downstream impacts of LNG exports generally.

In the 2024 Study, DOE predicted that through 2050, additional exports (beyond those DOE had already approved) would entail an additional net 711 million metric tons of carbon dioxide equivalent global emissions in the “model resolved”

⁶⁶ DOE 2024 Study Summary Report at S-2, S-15.

scenario, or 1,452 million tons in the “high exports” scenario.⁶⁷ The 2024 Study similarly demonstrates that DOE can provide meaningful information regarding the non-climate effects that additional exports will have relating to gas production.⁶⁸ These effects are foreseeable in meaningful ways, even if DOE cannot provide quantitative or geographically specific forecasts of these effects, as the D.C. Circuit recognized in *Sierra Club v. DOE*, 867 F.3d 189 (D.C. Cir. 2017) (“*Freeport II*”).

DOE’s later arguments for ignoring the 2024 Study’s quantitative analysis of climate impacts in its decision-making on individual NFTA applications⁶⁹ are arbitrary. DOE first errs by asserting that “the Study found increases in GHG emissions from higher U.S. LNG exports to be minimal.”⁷⁰ DOE’s predicted cumulative climate impact of approving additional exports is comparable to the cumulative impact of EPA’s 2024 rules on greenhouse gas emissions from existing coal and new gas-fired power plants, which were expected avoid 1,380 million metric tons of carbon dioxide equivalent through 2047.⁷¹ It is arbitrary for DOE to assert, without support or explanation, that an effect of similar magnitude to one of EPA’s key

⁶⁷ *Id.* at S-41.

⁶⁸ *Id.* at S-47–S-50.

⁶⁹ 2025 Response to Comments at 12.

⁷⁰ *Id.*

⁷¹ Biden-Harris Administration Finalizes Suite of Standards to Reduce Pollution from Fossil Fuel-Fired Power Plants, U.S. Env’t Prot. Agency (April 25, 2024), available at <https://www.epa.gov/newsreleases/biden-harris-administration-finalizes-suite-standards-reduce-pollution-fossil-fuel> (discussing EPA, *New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule*, 89 Fed. Reg. 39798, 39863 (May 9, 2024)).

climate rules would have only a “minimal” effect on greenhouse gas emissions. Although the 2024 Study estimated that these increases would constitute only a small percentage increase of global greenhouse gas emissions, a small part of a massive problem can itself be individually significant. Indeed, DOE’s estimates of the social cost of these additional emissions (ranging from \$84 to \$500 billion dollars, depending on the discount rate⁷²) demonstrate that the impact of these emissions is not “minimal” in any meaningful sense of the word.

DOE also errs in arguing that increases in emissions from additional exports are too uncertain to be reasonably analyzed or considered. NEPA requires “[r]easonable forecasting and speculation.” *Delaware Riverkeeper Network v. FERC*, 753 F.3d 1304, 1310 (D.C. Cir. 2014) (quoting *Scientists’ Inst. for Pub. Info., Inc. v. Atomic Energy Comm’n*, 481 F.2d 1079, 1092 (D.C.Cir.1973)). The fact that DOE cannot “definitively determine whether GHG emissions would increase with rising levels of U.S. LNG exports”⁷³ does not mean that DOE can ignore its own analyses showing that additional exports are likely to have this effect. This is especially so where DOE has not offered any criticism of the methodology or assumptions used in the 2024 Study—to the contrary, DOE’s 2025 Response to Comments generally affirms the soundness of the 2024 Study’s approach. Comments on the 2024 Study similarly demonstrated that DOE’s approach was consistent with approaches used

⁷² DOE 2024 Study Summary Report at S-41–S-42, Tbl. 16.

⁷³ 2025 Response to Comments at 12

in the scientific community.⁷⁴ In light of this analysis, DOE cannot dismiss the climate impacts of its export approvals as categorically unforeseeable or categorically insignificant.

Again, where DOE has already foreseen effects, DOE cannot argue that those effects are so unforeseeable that they can categorically be dismissed as insignificant or as not constituting “effects” of the action at all.

iii. The Categorical Exclusion is premised on a misreading of D.C. Circuit Caselaw regarding upstream and downstream effects.

No court has held that LNG exports do not have foreseeable environmental impacts relating to the production or use of the gas exported. DOE’s claim that *Freeport II* supports adopting Categorical Exclusion B5.7, 85 Fed. Reg. at 78200, 78201, badly misreads this case. The D.C. Circuit in *Freeport II* credited DOE for having foreseen and examined many such impacts and merely held that DOE was not required to provide *additional* analysis, resting in part on the conclusion that impacts could not be foreseen *in greater detail* than what DOE had already done.

In *Freeport II*, DOE’s environmental review, including the lengthy 2014 Environmental Addendum, the Life Cycle Report on greenhouse gas emissions, and other supporting DOE reports, was extensive. 867 F.3d at 197. The Court considered all these documents in reviewing DOE’s NEPA compliance because the parties had not challenged the form or process of DOE’s analysis. *Id.* This case did not present or decide the question of whether DOE could lawfully approve exports without

⁷⁴ Comments of Earthjustice, et al, at 2–3 (Jan. 17, 2025), <https://fossil.energy.gov/App/DocketIndex/Docket/DownloadFile/740> (attached as **Exhibit 29**).

conducting and considering those analyses; it merely rejected arguments that DOE was required to do more. *Freeport II*, therefore, does not support a categorical exclusion permitting DOE to avoid environmental review altogether.

In particular, in *Freeport II*, DOE provided robust analysis of GHG impacts. The 2014 Environmental Addendum that was the foundation for DOE's analysis, *id.* at 195, acknowledged that GHGs and climate change were an "exception" to DOE's assertion that "potential impacts of expanded natural gas production and transport would be on a local or regional level."⁷⁵ Therefore, DOE could predict the climate impact of additional gas production without specific information on where that production would occur. The 2014 Addendum estimated that "[e]ach incremental increase in natural gas production of 1 trillion [standard cubic feet]/year is expected to increase upstream GHG emissions by an estimated 6.8 teragrams (Tg) of CO₂-e/year initially to 5.8 Tg CO₂-e by 2035."⁷⁶ DOE argued that it was not *certain* how much production would increase in response to any given export volume, but DOE's approval rested on price and supply forecasts on this exact issue, demonstrating that reasonable forecasting and speculation were possible. While *Freeport II* noted the "difficulty" with predicting how production would increase in response to exports, *Freeport II* did not hold that the *amount* of increased production was unforeseeable. 867 F.3rd at 198–99. Rather, *Freeport II* held that DOE had in fact foreseen

⁷⁵ DOE, ADDENDUM TO ENVIRONMENTAL REVIEW DOCUMENTS CONCERNING EXPORTS OF NATURAL GAS FROM THE UNITED STATES 2 (Aug. 15, 2014), <https://www.energy.gov/sites/prod/files/2014/08/f18/Addendum.pdf> ("2014 Addendum") (attached as **Exhibit 30**).

⁷⁶ *Id.* at 44.

this effect and “provided” it in the Life Cycle Report. *Id.* at 202. The Court similarly credited DOE for in fact foreseeing downstream GHG emissions and merely rejected—on the basis of the record before it—the claim that DOE should have provided additional detail concerning the possibility that exported LNG would displace renewables. *Id.* Holding that DOE adequately addressed an effect is a far cry from holding that the effect is *per se* unforeseeable.

Freeport II similarly held that DOE provided an adequate analysis of non-climate upstream effects, not that DOE could ignore these effects entirely. The Court summarized how DOE had “examined the effects” of additional gas production even without being able to foresee where that production would occur. *Id.* at 201. The court held that DOE had “candidly discussed significant risks associated with increased gas production,” but could not reasonably foresee the information needed to address these risks in greater detail. *Id.* at 199–200. *See Mid States Coal. for Progress v. Surface Transp. Bd.*, 345 F.3d 520, 549 (8th Cir. 2003) (holding that “when the *nature* of the effect is reasonably foreseeable, but its *extent* is not, ... [an] agency may not simply ignore the effect” in its NEPA review) (emphasis original).

Freeport II, therefore, did not hold that all effects of DOE’s authorization of exports, other than additional ship traffic, are so unforeseeable that DOE could ignore them entirely, *contra* 85 Fed. Reg. at 78200, 78201. Instead, it affirmed what was undisputed in that case: that DOE can provide significant discussion of many of these effects, even without predicting their location, and can reasonably predict many of the climate and GHG impacts of LNG export authorizations. *Freeport II*

does not support categorically excluding the effects that DOE analyzed in that case from NEPA review, and DOE's misreading of *Freeport II* is one reason the categorical exclusion is arbitrary.

b. The Categorical Exclusion is premised on the mistaken notion that DOE lacks authority to consider impacts of the terminal.

Contrary to DOE's statements in adopting the categorical exclusion, DOE is not prohibited from considering the effects of the terminal itself when deciding whether to approve exports; therefore, DOE must consider the impacts of the terminal as a connected action to the exports' upstream and downstream effects. In adopting the categorical exclusion, DOE stated that effects of "LNG terminal construction and operation" are "beyond [DOE's] decision-making authority," and that "FERC has exclusive statutory authority to approve construction and operation of natural gas export facilities." 85 Fed. Reg. at 78199. DOE also stated that because DOE has no authority to act based on the terminal's impacts, the DOE and FERC authorizations are not "connected actions" that must be considered in the same NEPA review. 85 Fed. Reg. 78199. The premise that DOE lacks authority to consider impacts from terminal infrastructure when deciding whether exports are consistent with the public interest, however, is legally incorrect.

The Natural Gas Act grants DOE the authority (previously vested in the Federal Power Commission) to approve both terminal facilities and the exports from such terminals. 15 U.S.C. § 717b; *id.* § 717a(9); 42 U.S.C. § 7151(b). DOE's later

delegation⁷⁷ to FERC of a narrow subset of that authority—approval of the terminal infrastructure, *Freeport I*, 827 F.3d at 40—means that FERC cannot consider the broader upstream and downstream effects of exports even in the connected action context, *Alabama Mun. Distributors Grp.*, 100 F.4th at 213–14. DOE, however, is not excluded from considering effects related to the terminal facilities, and, in fact, the order delegating authority over export infrastructure explicitly reserved to DOE “disapproval authority” over delegated FERC decisions.⁷⁸ DOE has also stated that:

[T]he Assistant Secretary for Fossil Energy and Carbon Management or a delegate is authorized to disapprove the construction and operation of particular facilities, the site at which such facilities shall be located, and, with respect to natural gas that involves the construction of new domestic facilities, the place of entry for imports or exit for exports.⁷⁹

Thus, the preamble to the rule adopting Categorical Exclusion B5.7 errs in asserting that “DOE lacks the authority to prevent effects stemming from the construction and operation of such a facility,” 85 Fed. Reg. at 78201; DOE was granted that authority by statute and has explicitly reserved such authority to itself.

Recognizing the terminal as a connected action does not require DOE to reinvent the wheel: prior to 2025, DOE adopted NEPA documents FERC had prepared for export infrastructure and considered them in DOE’s own export determinations. Relying on FERC’s analysis of environmental effects is different, however, from

⁷⁷ DOE, Delegation Order No. S1-DEL-FERC-2006 to the Federal Energy Regulatory Commission, at 1.21.A (May 16, 2006), <https://www.directives.doe.gov/delegations-documents/s1-del-ferc-2006>; 42 U.S.C. § 7172(f).

⁷⁸ *Id.*

⁷⁹ DOE, Redelegation Order S4-DEL-FE1-2023 to the Assistant Secretary for Fossil Energy and Carbon Management, at 1.5.A.2 (April 10, 2023), <https://www.directives.doe.gov/delegations-documents/s4-del-fe1-2023>.

asserting that there are no effects to discuss. DOE will frequently be able to meet its obligation to consider the impacts of export infrastructure by adopting another agency’s NEPA document, but such adoption is a process distinct from reliance on a categorical exclusion, with different implications for public participation and agency decisionmaking. For example, DOE’s NEPA Implementing Procedures have one provision explaining that “DOE may rely on an environmental assessment, environmental impact statement, or portion thereof, issued by any Federal agency” and a separate provision which governs “[a]pplying one or more categorical exclusions to a proposal.”⁸⁰

c. DOE Has Not Shown that Ship Traffic Is Categorically Not a Significant Impact.

Even if DOE were correct that the only environmental effects of LNG exports it need consider are those of the ship traffic, the categorical exclusion would still be unlawful because DOE has not established that the ship traffic’s individual and cumulative impacts are categorically not significant for any LNG terminal of any size, in any location, no matter how many other LNG vessels are affecting the same shipping channels and ocean waters.

In the notice adopting Categorical Exclusion B5.7, DOE stated that “[b]ased on prior NEPA reviews and technical reports, DOE has determined that transport of natural gas by marine vessel normally does not pose the potential for significant environmental impacts.” 85 Fed. Reg. at 78198. The prior NEPA reviews and the

⁸⁰ DOE, NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) IMPLEMENTING PROCEDURES 3.3, 5.4 (Feb. 2, 2026), <https://www.energy.gov/sites/default/files/2026-01/DOE-NEPA-Implementing-Procedures-2026-02-02.pdf> (attached as **Exhibit 31**).

technical support document for the categorical exclusion considered a world very different from the one in which we now live, however. In adopting Categorical Exclusion B5.7, DOE noted that total “LNG shipments associated with DOE export authorizations numbered 209 in 2017, 330 in 2018, and 563 in 2019.”⁸¹ 85 Fed. Reg. at 78202. At the time it adopted Categorical Exclusion B5.7, DOE found that LNG shipments “comprise less than one percent of vessel calls from U.S. ports annually,” and stated that “[e]ven with increased LNG exports, the relative proportion of LNG shipments to total shipping is not expected to change substantially.” 85 Fed. Reg. at 78202.

DOE’s conclusion that LNG vessels carrying future authorized exports would not create significant impacts therefore appears to be based on a finding that the historical number of LNG vessels (through 2019) that it reviewed did not have significant impacts and on the notion that even if LNG vessel trips increased in number, they would not drastically increase as a percentage of total U.S. shipping traffic. This conclusion fails to support a categorical exclusion for several reasons.

First, LNG vessel trips have increased *significantly* in number, thereby increasing their environmental impact. Recent DOE data shows that there were 1399 LNG exports from the U.S. via vessel during 2024⁸² and that during the eleven-

⁸¹ TSD, *supra* note 62, at 9.

⁸² U.S. LNG Exports and Re-Exports Details (Jan 2016-Nov 2025), *supra* note 42. The total number for 2024 was reached by using the “By Vessel and ISO Container” tab of the spreadsheet, filtering the “Activity” column for “Exports,” the “Mode of Transport” column for “Vessel,” and the “Point of Entry or Exit” column for U.S. (i.e., non-Mexico) locations, and the “Arrival/Departure Date” column for dates in 2024, resulting in 1399 rows, each representing a specific vessel transit.

month period from January through November 2025, there were 1487 LNG exports via vessel.⁸³ The approximately 594 annual vessel trips⁸⁴ that will be caused by the proposed exports and the second uprate to the neighboring Plaquemines LNG terminal, therefore, would alone be more than the greatest number of annual trips DOE reviewed in adopting the categorical exclusion (563 trips in 2019), and would constitute a significant increase in total annual U.S. LNG vessel trips compared to the most recent year. Even for new proposed export projects with much lower volumes, DOE must grapple with the fact that the cumulative impacts of shipping traffic increase with each new export approval. In 2019, the US exported 1.8 trillion cubic feet of gas.⁸⁵ That’s a small fraction of what the U.S. exports now (in 2024, 4.4 trillion cubic feet),⁸⁶ and an even smaller fraction of the level of exports DOE expects to occur if DOE issues additional authorizations—roughly 20 trillion cubic feet per year by 2050.⁸⁷ Pointing out that levels of LNG-export vessel traffic were low through 2019 provides no support for the conclusion that such traffic will not have significant impacts in the future as the traffic sharply increases.

⁸³ U.S. LNG Exports and Re-Exports Details(Jan 2016-Nov 2025), *supra*, note 42. This number was reached by using the “By Vessel and ISO Container” tab of the spreadsheet, filtering the “Activity” column for “Exports,” the “Mode of Transport” column for “Vessel,” and the “Point of Entry or Exit” column for U.S. (i.e., non-Mexico) locations, and the “Arrival/Departure Date” column for dates in 2025, resulting in 1487 rows, each listing a specific vessel transit.

⁸⁴ *See, supra*, notes 31–33 and accompanying text.

⁸⁵ *Data – Liquefied U.S. Natural Gas Exports*, EIA: Natural Gas, <https://www.eia.gov/dnav/ng/hist/n9133us2A.htm> (last accessed Feb. 12, 2026) (attached as **Exhibit 32**).

⁸⁶ *Id.*

⁸⁷ DOE 2024 Study Summary Report at S-3.

DOE also failed to rationally justify its illogical conclusion that increasing volumes of exports—and therefore increasing numbers of vessel trips—would not increase environmental impacts. In adopting the categorical exclusion, DOE stated that:

[T]he degree of potential environmental effects are [sic] not expected to vary significantly based on the type or volume of natural gas to be exported, to the extent they comport with established applicable maritime safety regulations and shipping methods and safety standards. This is due, in part, to the safety controls imposed on vessels permitted to carry natural gas products.

85 Fed. Reg. at 78200. DOE's conclusion that the magnitude of environmental effects would not meaningfully increase with an increase in export vessel trips appears to center around the protective effects of "safety regulations," "safety standards," and "safety controls." *Id.* While DOE claims it "did not rely in the Technical Support Document only on the safety aspects of existing regulations," DOE does not provide any substantiation for its conclusion that "the effectiveness of those regulations and industry practices over decades of LNG transport provide strong evidence that there is normally no potential for significant environmental impacts due to marine transport of LNG." 85 Fed. Reg. at 78202. DOE does not explain how safety regulations, largely designed to minimize the risks of breach, spill, or collision,⁸⁸ would minimize the cumulative environmental effects from impacts like ship noise, lights, or ship strikes on marine mammals. While the Technical Support Document does contain a brief discussion of regulations intended to reduce SO₂ emissions of

⁸⁸ TSD, *supra* note 62, at 1–2, 3–6 (discussing the double-hulled ship design, measures intended to reduce risk of spills or terrorism, and the lack of any instances of breach or failure of LNG tanks).

individual ships and minimize the introduction of non-native species through ballast water discharge,⁸⁹ this cursory discussion does not establish that the cumulative impact of increasing numbers of vessels would be categorically insignificant. The Technical Support Document excerpts text about turtles, marine mammals, and essential fish habitat from the Rio Grande LNG EIS.⁹⁰ That EIS estimated that Rio Grande LNG would result in 312 carrier trips per year,⁹¹ and its cumulative impacts analysis addressed only 4 other proposed LNG terminals and only examined impacts to aquatic resources within the same subwatershed.⁹² Even assuming that the discussion in the Rio Grande EIS were sufficient to comply with NEPA, the fact that 312 yearly vessel trips were found to not create significant environmental impacts does not in any way support a finding that the impact of 950 yearly vessel trips on the lower Mississippi River, in combination with thousands of other yearly vessel trips through the Gulf, would so clearly be cumulatively insignificant as to warrant forgoing NEPA review. DOE's unsubstantiated and illogical conclusion that safety standards will prevent a greater number of vessel trips from creating correspondingly greater environmental impacts does not support a categorical exclusion for an industry that is growing at a sharp rate.

⁸⁹ *Id.* at 2.

⁹⁰ *Id.* at 7–9.

⁹¹ FERC, RIO GRANDE LNG PROJECT: FINAL ENVIRONMENTAL IMPACT STATEMENT VOL. 1, DOCKET NOS. CP16-454-000, CP16-455-000, FERC/EIS-0287F, at ES-5 (April 2019), <https://www.energy.gov/sites/default/files/2019/04/f62/eis-0519-final-rio-grande-lng-2019-vol-1.pdf> (excerpts attached as **Exhibit 33**).

⁹² *Id.* at 4-394, Tbl. 4.13.1-1; *id.* at 4-396, Tbl. 4.13.1-2.

Second, the fact that LNG vessel traffic may constitute a small percentage of total U.S. ship traffic does not demonstrate that it constitutes a small percentage of traffic in the Gulf or the lower Mississippi River, or that it has a small cumulative impact on those specific geographic regions. Of the 1399 LNG export vessel trips that occurred from U.S. ports in 2024, 1312 (93.7%) were from facilities located in the Gulf.⁹³ Of the 1487 vessel exports from the U.S. in January to November of 2025, 1409 (94.8%) were from Gulf coast facilities.⁹⁴ The Bureau of Transportation Statistics notes that in 2022 “Natural Gas and other Fossil Products” accounted for 36% (by weight) of commodities exported by water from the Gulf Coast.⁹⁵ There is no evidence that when DOE adopted the categorical exclusion, it considered the

⁹³ U.S. LNG Exports and Re-Exports Details (Jan 2016-Nov 2025), *supra* note 42. The total number for 2024 was reached by using the “By Vessel and ISO Container” tab of the spreadsheet, filtering the “Activity” column for “Exports,” the “Mode of Transport” column for “Vessel,” and the “Point of Entry or Exit” column for U.S. (i.e., non-Mexico) locations, and the “Arrival/Departure Date” column for dates in 2024, resulting in 1399 rows, each representing a specific vessel transit. Further filtering the “Point of Entry or Exit” for only Gulf Coast locations (i.e., excluding Cove Point, Maryland) yields 1312 rows, each representing a specific vessel transit.

⁹⁴ U.S. LNG Exports and Re-Exports Details (Jan 2016-Nov 2025), *supra* note 42. The total for January to November 2025 was reached by using the “By Vessel and ISO Container” tab of the spreadsheet, filtering the “Activity” column for “Exports,” the “Mode of Transport” column for “Vessel,” and the “Point of Entry or Exit” column for U.S. (i.e., non-Mexico) locations, and the “Arrival/Departure Date” column for dates in 2025, resulting in 1487 rows, each listing a specific vessel transit. Further filtering the “Point of Entry or Exit” for only Gulf Coast locations (i.e., excluding Cove Point, Maryland) yields 1409 rows, each representing a specific vessel transit.

⁹⁵ *Maritime Exports and Imports by Coast – Top 10 Commodities Exported by Water: Contribution of Commodities to Each Coast*, Bureau of Transp. Stat.: Freight Transportation, <https://www.bts.gov/explore-topics-and-geography/topics/freight-transportation/maritime-exports-and-imports-coast> (last accessed Feb. 12, 2026) (attached as **Exhibit 34**).

potential cumulative impact of 950 LNG carrier vessels per year traveling the same 55 miles of the Mississippi River,⁹⁶ let alone that an additional LNG export terminal would be proposed less than 7 miles downriver.⁹⁷ Including Pacific Coast and the East Coast shipping traffic in the denominator in an attempt to claim LNG exports are a small percentage of total U.S. shipping traffic improperly obscures the reality that the LNG export industry and the environmental impacts of LNG vessels are incredibly geographically concentrated.

Third, DOE ignores the possibility that a small part of a very large problem can be individually significant. Even if LNG vessel traffic constitutes only a small percentage of the pertinent total, it does not follow that additional traffic cannot have significant individual and cumulative environmental effects, especially on endangered species. DOE, however, has not provided any analysis of this issue.

2. DOE Cannot Lawfully Use Categorical Exclusion B5.7 as Applied to This Application.

Even if Categorical Exclusion B5.7 were facially lawful, DOE could not lawfully apply it here because the gas that will be exported has a known source and because extraordinary circumstances apply.

⁹⁶ Application at 6 (noting existing terminal is near mile marker 55); *id.* at 12 n.19 (noting that the new loading berth for the Expansion Project “will be constructed in the Mississippi River between river mile markers 54 and 55”).

⁹⁷ The Gulfstream LNG export facility is proposed to be built at approximately Mississippi River Mile Marker 48. Application of Gulfstream LNG Development LLC, for Authorization Under Section 3 of the Natural Gas Act, *Gulfstream LNG Development, LLC*, Docket No. CP25-519, Accession No. 20250707-5217, at 2 (July 7, 2025), https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20250707-5217 (attached as **Exhibit 35**).

The notion that upstream effects that might take place at unknown locations are unforeseeable, upon which Categorical Exclusion B5.7 is premised, does not apply to this Application, where the geographic source of gas is known. DOE’s categorical exclusion relies on the premise that upstream production effects are not reasonably foreseeable when DOE cannot estimate the locale of production. 85 Fed. Reg. at 78201 (quoting *Freeport II*, 867 F.3d at 199). When exported gas is sourced from the interstate gas system, with no way of knowing where within the lower 48 the gas originated, the D.C. Circuit has found that DOE would be “in no position to conduct an environmental analysis of corresponding local-level impacts.” 85 Fed. Reg. at 78201 (quoting *Freeport II*, 867 F.3d at 199). Here, there is no such difficulty predicting the source of the gas, because the application states that it will come from within Louisiana: “Given the reliance on a new intrastate pipeline to transport feed gas to the Expansion Project, Plaquemines Expansion initially will rely on gas produced in Louisiana for feed gas to be exported.”⁹⁸ In its supplemental EIS for the Alaska LNG project, which similarly would rely on intrastate gas, DOE determined that the effects of producing the gas that the project would export, including both climate and non-climate effects, were foreseeable.⁹⁹ Therefore, the upstream environmental impacts here, including air pollution, induced seismicity, and impacts to water resources, are foreseeable. *See supra*, Section III.A.3.

⁹⁸ Application at 13.

⁹⁹ *Alaska LNG* 2023 Final EIS, *supra* note 64, at 1-1.

Venture Global should not be allowed to manufacture uncertainty regarding the long-term source of gas through its vague statements that “[a]fter that initial period, however, [the Expansion Project] will have access, through the interconnected pipeline grid, to a wide variety of natural gas sources and production areas.”¹⁰⁰ Venture Global has not made clear how it would source out-of-state gas for the Project—by converting the intrastate pipeline to interstate service, constructing a new interstate pipeline, or some other means. In the absence of any concrete or specific plans to source interstate gas, DOE should find it foreseeable that the Project will continue to rely on intrastate gas, the production of which will cause foreseeable impacts within the state of Louisiana.

There are also several extraordinary circumstances that preclude the application of Categorical Exclusion B5.7. DOE’s NEPA regulations require that, in order to apply a categorical exclusion to a particular project, DOE must make a case-by-case determination that “[t]here are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal.” 10 C.F.R. § 1021.102(b)(2). DOE’s NEPA implementing procedures impose the same requirement.¹⁰¹ The Application presents several extraordinary circumstances. First, the proposed exports constitute the largest volume of exports ever proposed to DOE in a single application and would lead to over 470 LNG carrier

¹⁰⁰ Application at 13.

¹⁰¹ DOE Implementing Procedures, *supra* note 80, at 5.4(c)(3).

vessel trips per year.¹⁰² Second, this large volume of proposed exports would originate from an Expansion Project located adjacent to the large existing Plaquemines LNG terminal, creating a cumulative 950 vessel trips per year,¹⁰³ or over 2.5 trips per day. Because both the Expansion Project and the neighboring Plaquemines LNG terminal would be located at approximately Mississippi River mile marker 55,¹⁰⁴ these 950 vessels per year would all traverse the same 55 miles of the lower Mississippi River, creating a concentrated and significant cumulative impact to a small geographic area. Any accident or delays caused by an LNG vessel traveling on these 55 miles of the lower Mississippi River has the potential to cause massive shipping disruptions. The Port of South Louisiana was the number 2 top U.S. port by tonnage in 2022, the Port of New Orleans was number 6, and the Plaquemines Port District was number 12.¹⁰⁵ Sixty percent of all grain exported from the U.S. is shipped on the Mississippi River through the Port of New Orleans and the Port of

¹⁰² See *List of LNG Export Applications of the Lower 48 States before the Department of Energy as of December 4, 2025*, *supra* note 2.

¹⁰³ See Resource Report 1: General Project Description, *supra*, note 31, at 1-9; Second Uprate Application, *supra* note 30, at 12.

¹⁰⁴ Application at 6 (noting existing terminal is near mile marker 55); *id.* at 12 n.19 (noting that the new loading berth for the Expansion Project “will be constructed in the Mississippi River between river mile markers 54 and 55”).

¹⁰⁵ BUREAU OF TRANSP. STAT., PORT PERFORMANCE FREIGHT STATISTICS 2025 ANNUAL REPORT 7, Tbl. 2 (Jan. 1, 2025) https://www.bts.gov/sites/bts.dot.gov/files/2025-03/BTS_Port-Performance-2025_Annual-Report_for%20web_20250224-1232.pdf (attached as **Exhibit 36**); *id.* at 8, Fig. 4 (showing approximate geographic location of top ports).

South Louisiana.¹⁰⁶ An accident downriver of these ports could effectively cut off their access to the Gulf.

The large volume of exports and the cumulative effects with the adjacent existing large LNG terminal are “unique situations presented by [this] specific proposal[],” which “may affect the significance of the environmental effects of the proposal.” 10 C.F.R. § 1021.102(b)(2).

3. *Seven County* Does Not Support Use of the Categorical Exclusion Here.

DOE and Venture Global both misread *Seven County*; the decision does not support either use of the categorical exclusion here or a failure to consider upstream and downstream impacts of LNG exports. Venture Global argues that the *Seven County* decision supports the use of a categorical exclusion here.¹⁰⁷ In its October 7, 2025, “update” posted on its electronic docket index for the 2024 LNG export study, DOE stated that “in pending and future export application proceedings under NGA section 3(a), DOE will not consider the environmental analysis in the 2024 LNG Export Study or the related Response to Comments.”¹⁰⁸ DOE explained that its position that it need not consider upstream and downstream effects under NEPA “is informed by and consistent with the Supreme Court’s holdings in *Dep’t of Transportation v. Public Citizen*, 541 U.S. 752 (2004), and *Seven County* ... which make clear

¹⁰⁶ *Mississippi River Facts*, National Park Service: Mississippi <https://www.nps.gov/miss/riverfacts.htm> (last updated Feb. 15, 2025) (attached as **Exhibit 37**).

¹⁰⁷ Application at 37–38.

¹⁰⁸ See 2024 LNG Export Study Oct. 7, 2025 Update, *supra* note 61; Application at 37, n.92 (citing *id.*).

that ‘agencies are not required to analyze the effects of projects over which they do not exercise regulatory authority.’”¹⁰⁹ *Seven County* does not, however, change the fact that the scope of an agency’s NEPA review must be tailored to the information useful to inform the agency’s substantive decisionmaking—as information about the upstream and downstream impacts of LNG exports is useful to DOE’s NGA decisionmaking—and *Seven County* does not support any categorical rule that indirect effects need not be examined. Therefore, the case neither supports the application of the categorical exclusion here nor does it support DOE ignoring existing data regarding upstream and downstream effects, which is reliable and which relates to factors the NGA requires it to consider.

Seven County reaffirms several longstanding general principles regarding NEPA review. The “goal” of NEPA review is “to inform agency decisionmaking,” 605 U.S. at 173. An agency always must consider at least “those effects” that “are relevant to the agency’s decision-making process.” *Id.* at 187. While the Court recognized that there may be a question as to “how far” down the causal chain agencies must “go in considering the indirect effects that might occur outside the area of the immediate project,” *id.* at 182, it held that “indirect effects can sometimes fall within NEPA.” *Id.* at 187. The Court also stated that “the environmental *effects* of the project at issue may fall within NEPA even if those *effects* might extend outside

¹⁰⁹ 2024 LNG Export Study Oct. 7, 2025 Update, *supra* note 61 (quoting *Seven County*, 605 U.S. at 188); *See also Venture Global Calcasieu Pass, LLC*, Docket No. 15-25-LNG, DOE/FECM Order No. 4346-B, at 12–13, 15–16, 36–38 (Aug. 4, 2025).

the geographical territory of the project or might materialize later in time”—that is, if they are not direct effects. *Id.* (emphasis original). To the extent that *Seven County* required a “course correction of sorts,” it was not for agencies, but for courts, “some” of which “ha[d] assumed an aggressive role in policing agency compliance with NEPA.” *Id.* at 184.

Seven County’s holding about why the Surface Transportation Board did not need to consider specific indirect impacts in its NEPA review for the decision to approve a railroad is specific to the Board’s statutory authority, which provides a narrower scope of “relevant” issues than does DOE’s statutory authority to approve exports under the NGA. Determining “the usefulness of any new potential information to the decisionmaking process,” *id.* at 181 (quoting *Public Citizen*, 541 U.S. 752, 767 (2004)), necessarily depends on the relevant substantive statute. In *Seven County*, the Board was deciding, pursuant to 49 U.S.C. § 10901, whether to approve construction of an 88-mile railroad that would transport oil. The Court held that, in the exercise of that specific statutory authority, it was not “reasonable to hold the agency responsible for [the] effects” of geographically distant oil production or refining, or to hold that those effects were “relevant to the agency’s decisionmaking.” 605 U.S. at 187. The Court juxtaposed these effects with the effects that were pertinent to the agency’s decisionmaking, primarily the direct effects of the railroad itself.

The NGA, unlike the statute at issue in *Seven County*, both permits and requires DOE to “consider” and “analyze” some effects and activities “over which [DOE] do[es] not exercise regulatory authority.” *Id.* at 187–89. Congress, through

the NGA, instructed DOE to consider impacts on nationwide gas supply and prices, which requires predictions about how gas production will increase, even though DOE has no direct regulatory authority over prices and production. Similarly, DOE's analysis of whether LNG exports further global strategic concerns turns on which other countries will use exported gas, and what they would do without additional U.S. exports. NEPA analysis of those issues, therefore, usefully informs DOE's NGA decisionmaking. While it may have been reasonable for the Court to equate the Board's authority to consider an effect in the exercise of its substantive "statutory authority," *id.* at 188 (citing *Public Citizen*, 541 U.S. at 770), with the question of whether the agency had "regulatory authority" over that effect, *id.*, the scope of issues DOE directly regulates is not the same as the scope of issues appropriate for DOE to consider in NGA decisionmaking.

DOE's authority to consider issues it does not directly regulate also distinguishes the *Seven County* concurrence's discussion of whether the Surface Transportation Board had authority to reject the railroad because of the harms of increased oil refining, etc. *Id.* at 193 (Sotomayor, J., concurring). DOE has authority to reject an export application because it would cause gas price increases that are inconsistent with the public interest, notwithstanding the fact that DOE does not directly regulate gas prices.

Another distinction from *Seven County* is that there is no other agency to which DOE can effectively pass the buck. *Cf. id.* at 187–88 (noting that other agencies regulate the effects at issue). DOE expects that, if it continues to approve

exports, an *additional* 32.6 bcf/d of gas will be exported by 2050 (beyond exports that would occur under authorizations DOE has already issued), leading to a 30.2 bcf/d increase in U.S. gas production.¹¹⁰ EPA regulates the manner in which gas is produced, and states and land managers regulate whether and how gas production occurs in particular places, but no other agency has authority comparable to DOE's over whether to expose the U.S. energy market to such a tremendous additional source of gas demand. The fact that Congress intended DOE to consider the big-picture effects on domestic gas markets, which no other agency considers, in its NGA determinations sharply distinguishes *Seven County*, in which the Board had no unique ability to address oil extraction or refining. It also distinguishes cases in which the D.C. Circuit held that FERC was not required to second-guess other agencies' decisions about building new gas-fired power plants to be supplied by FERC-jurisdictional pipelines. *See, e.g., Sierra Club v. FERC*, 153 F.4th 1295, 1306 (D.C. Cir. 2025); *Citizens Action Coal. of Indiana, Inc. v. FERC*, 125 F.4th 229, 237 (D.C. Cir. 2025).

Seven County also relied on the finding that the railroad was not the proximate cause of the indirect effects at issue, 605 U.S. at 187, while here, DOE's approval of exports is a proximate cause of the predicted increase in gas production and use. *Seven County* held that the chain of proximate causation was broken because oil refineries and wells were "separate projects" that "other agencies possess[ed] authority to regulate." *Id.* at 187–88. An intervening or superseding act can

¹¹⁰ DOE 2024 Study Summary Report at S-31.

break the chain of proximate causations in some circumstances, but when an actor *intends* their action to have a particular effect, even if the effect ultimately depends on additional action by a third party, the action can be *a* (though not the only) proximate cause of the effect. *Staub v. Proctor Hosp.*, 562 U.S. 411, 419 (2011). In *Seven County*, the upstream and downstream indirect effects were not the purpose or intent of the Board’s action. In contrast, upstream effects related to increased gas production that DOE has foreseen have at times been part of DOE’s justification for approving exports, both insofar as they are integral to DOE’s price analysis and insofar as much of the economic activity constituting DOE’s predicted GDP increase pertains to gas production.¹¹¹ *See Venture Global CP2 LNG, LLC*, Order No. 5264-A, at 51 (finding that authorized “exports would spur other domestic economic activity and benefits, including the potential for supporting upstream production and related employment”). Similarly, the downstream use of LNG is foreseen, intended, and often part of DOE’s justification for action. *See, e.g., Venture Global CP2 LNG, LLC*, Order No. 5264-A, at 51–53 (finding that exports are in the public interest if they cause foreign countries to use U.S. LNG in lieu of other energy sources). Thus, while *Seven County*’s reading of proximate cause into NEPA should be treated narrowly, *see CSX Transp., Inc. v. McBride*, 564 U.S. 685, 701–02 (2011) (cautioning against reading proximate cause requirements into statutes that do not explicitly

¹¹¹ *See* 2024 DOE Study App. D at D-48-D-49 (predicting economic activity related to induced gas production).

call for it),¹¹² under traditional principles of proximate cause (to the extent they can be applied prospectively to agency decisionmaking), it is “reasonable to hold [DOE] responsible for,” *Seven County*, 605 U.S. at 187, the indirect effects of increased gas production and use.

C. DOE Cannot Approve the Proposed Exports Until All Environmental Impacts of the Exports, Including the Terminal, Have Been Subject to NEPA Review.

Historically, DOE has relied on FERC’s NEPA documents for review of the impacts of terminal infrastructure associated with the exports DOE approves.¹¹³ DOE must either rely on FERC’s analysis of terminal impacts or review those impacts itself; it cannot simply fail to do its own analysis while issuing an approval prior to FERC completing NEPA review of the terminal. To do so would be to violate NEPA’s requirement that environmental review occur prior to agencies taking any major Federal action. 42 U.S.C. § 4332(C).

IV. Conclusion

For the reasons explained above, Healthy Gulf, Louisiana Bucket Brigade, and Sierra Club respectfully request that DOE grant their timely motion for intervention and deny the Application to export LNG to NAFTA nations. They further respectfully request that DOE perform the environmental review that is required under NEPA and decline to apply Categorical Exclusion B5.7 to the Application.

¹¹² See also *Cnty. of Maui, Hawaii v. Hawaii Wildlife Fund*, 590 U.S. 165, 174 (2020) (“the term ‘proximate cause’ derives from general tort law, and it takes on its specific content based primarily on ‘policy’ considerations”).

¹¹³ See, e.g., *Rio Grande LNG, LLC*, Docket No. 15-190-LNG, DOE/FE Order No. 4492, at 43, (Feb. 10, 2020).

Respectfully submitted this 13th day of February, 2026,

/s/Ann Jaworski

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LIST OF EXHIBITS

DOE, <i>List of LNG Export Applications of the Lower 48 States before the Department of Energy as of December 4, 2025</i> (Dec. 4, 2025)	Exhibit 1
DOE, Energy, Economic, and Environmental Assessment of U.S. LNG Exports, Appendix B: Domestic Energy, Economic, and GHG Assessment of U.S. LNG Exports (Dec. 2024) (“2024 DOE Study App. B”).....	Exhibit 2
DOE, Energy, Economic, and Environmental Assessment of U.S. LNG Exports, Appendix D: Addendum on Environmental and Community Effects of U.S. LNG Exports (Dec. 2024) (“2024 DOE Study App. D”).....	Exhibit 3
DOE, Energy, Economic, and Environmental Assessment of U.S. LNG Exports (Dec. 2024) (“DOE 2024 Study Summary Report”)	Exhibit 4
DOE, Statement from U.S. Sec’y of Energy Jennifer M. Granholm on Updated Final Analyses (Dec. 17, 2024).....	Exhibit 5
EIA, Short-Term Energy Outlook (Feb. 2026).....	Exhibit 6
EIA, Short-Term Energy Outlook (Jan. 2026).....	Exhibit 7
DOE, Energy, Economic, and Environmental Assessment of U.S. LNG Exports: Response to Comments (May 2025) (“2025 Response to Comments”)	Exhibit 8
Nat’l Energy Assistance Dir. Ass’n, Winter Heating Costs Expected to Jump 9.2%, Putting Millions of Families at Risk (Dec. 16, 2025)	Exhibit 9
Abbreviated Application of Venture Global Plaquemines LNG, LLC for Limited Amendment of Authorization Under Section 3 of the Natural Gas Act, <i>Venture Global Plaquemines LNG, LLC</i> , Docket No. CP26-53, Accession No. 20251219-5605 (Dec. 19, 2025) (“Second Uprate Application”)	Exhibit 10
Resource Report 1: General Project Description, <i>Plaquemines Expansion, LLC; Venture Global Plaquemines LNG, LLC</i> , Docket CP26-27, Accession No. 20251117-5293 (Nov. 17, 2025) (without appendices)	Exhibit 11
Venture Global Plaquemines LNG Uprate Amendment Project Environmental Assessment, <i>Venture Global Plaquemines LNG, LLC</i> , Docket No. CP22-92, Accession No. 20230106-3019 (Jan. 2023).....	Exhibit 12
Resource Report 8: Land Use, Recreation, and Aesthetics, <i>Plaquemines Expansion, LLC; Venture Global Plaquemines LNG, LLC</i> , Docket CP26-27, Accession No. 20251117-5293 (Nov. 17, 2025)	Exhibit 13

Resource Report 11: Reliability and Safety, <i>Plaquemines Expansion, LLC; Venture Global Plaquemines LNG, LLC</i> , Docket No. CP26-27, Accession No. 20251117-5293 (Nov. 17, 2025).....	Exhibit 14
<i>Routes and Schedules</i> , Louisiana Gateway Port (last accessed Feb. 11, 2026)	Exhibit 15
Resource Report 9: Air and Noise Quality, <i>Plaquemines Expansion, LLC; Venture Global Plaquemines LNG, LLC</i> , Docket CP26-27, Accession No. 20251117-5293 (Nov. 17, 2025).....	Exhibit 16
Final Environmental Impact Statement for the Plaquemines LNG and Gator Express Pipeline Project, <i>Venture Global Plaquemines LNG; Venture Global Gator Express, LLC</i> , Docket No. CP17-66, Accession No. 20190503-3020 (May 2019).....	Exhibit 17
<i>Rice’s Whale</i> , NOAA Fisheries (last updated Jan. 6, 2026)	Exhibit 18
U.S. LNG Exports and Re-Exports Details (Jan 2016-Nov 2025) (Jan. 23, 2026)	Exhibit 19
<i>Haynesville Shale</i> , Louisiana Department of Energy and Natural Resources: Office of Conservation (last accessed Feb. 11, 2026).....	Exhibit 20
<i>Analysis</i> , EIA: Louisiana (last updated Aug. 21, 2025)	Exhibit 21
EPA, Ozone Design Values, 2024 (excel spreadsheet)	Exhibit 22
EPA, Ozone Design Values, 2024, Table 5 (pdf excerpts)	Exhibit 23
EPA, PM2.5 Design Values, 2024 (excel spreadsheet).....	Exhibit 24
EPA, PM2.5 Design Values, 2024, Table 5a (pdf excerpts).....	Exhibit 25
<i>2024 LNG Export Study: Energy, Economic, and Environmental Assessment of U.S. LNG Exports</i> , DOE: Electronic Docket Index (last updated Oct. 7, 2025).....	Exhibit 26
DOE Technical Support Document, Notice of Final Rulemaking, National Environmental Policy Act Implementing Procedures (10 C.F.R. Part 1021) (Nov. 2020) (TSD-NG-10-CFR-1021-2020-11).....	Exhibit 27
DOE, DOE/EIS-0512-S1: FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT ALASKA LNG PROJECT: SUMMARY (Jan. 6, 2023)	Exhibit 28
Comments of Earthjustice, <i>et al</i> , (Jan. 17, 2025)	Exhibit 29

DOE, Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States (Aug. 15, 2014)	Exhibit 30
DOE, National Environmental Policy Act (NEPA) Implementing Procedures (Feb. 2, 2026)	Exhibit 31
<i>Data – Liquefied U.S. Natural Gas Exports</i> , EIA: Natural Gas, (last accessed Feb. 12, 2026)	Exhibit 32
FERC, Rio Grande LNG Project: Final Environmental Impact Statement Vol. 1, Docket Nos. CP16-454-000, CP16-455-000, FERC/EIS-0287F (April 2019) (excerpts)	Exhibit 33
<i>Maritime Exports and Imports by Coast – Top 10 Commodities Exported by Water: Contribution of Commodities to Each Coast</i> , Bureau of Transp. Stat.: Freight Transportation (last accessed Feb. 12, 2026)	Exhibit 34
Application of Gulfstream LNG Development LLC, for Authorization Under Section 3 of the Natural Gas Act, <i>Gulfstream LNG Development, LLC</i> , Docket No. CP25-519, Accession No. 20250707-5217 (July 7, 2025)	Exhibit 35
Bureau of Transp. Stat., Port Performance Freight Statistics 2025 Annual Report (Jan. 1, 2025)	Exhibit 36
<i>Mississippi River Facts</i> , National Park Service: Mississippi (last updated Feb. 15, 2025)	Exhibit 37

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

In the matter of)	
)	
Plaquemines Expansion, LLC)	Docket No. 25-143-LNG
)	
)	

**HEALTHY GULF, LOUISIANA BUCKET BRIGADE, AND SIERRA CLUB
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 Healthy Gulf, Louisiana Bucket Brigade, and 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 Healthy Gulf, Louisiana Bucket Brigade, and Sierra Club, the foregoing documents in the above captioned proceeding.

Executed in Chicago, IL on February 13, 2026

/s/ Ann Jaworski
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**UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT**

In the matter of)	
)	
Plaquemines Expansion, LLC)	Docket No. 25-143-LNG
)	
)	

**HEALTHY GULF, LOUISIANA BUCKET BRIGADE, AND SIERRA CLUB
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 February 13, 2026

/s/Ann Jaworski
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**UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT**

In the matter of)	
)	
Plaquemines Expansion, LLC)	Docket No. 25-143-LNG
)	
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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 590.107, I, Ann Jaworski, hereby certify that on February 13, 2026, 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 February 13, 2026

/s/Ann Jaworski
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