

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
HYDROCARBONS AND GEOTHERMAL ENERGY OFFICE

MEXICO PACIFIC LIMITED LLC

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DOCKET NO. 22-167-LNG

NOTICE OF WITHDRAWAL OF DRAFT ENVIRONMENTAL ASSESSMENT AND
TERMINATION OF THE ENVIRONMENTAL ASSESSMENT PROCESS
UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT

APRIL 17, 2026

On October 23, 2023, the Department of Energy’s (DOE) Office of Fossil Energy and Carbon Management (FECM) (now the Hydrocarbons and Geothermal Energy Office)¹ issued a “Notice of Environmental Assessment” (Notice)² in this docket. In the Notice, DOE announced that, in connection with the portion of Mexico Pacific Limited LLC’s (MXP or MPL) pending application (Application)³ seeking authorization (in relevant part) to re-export⁴ U.S.-sourced liquefied natural gas (LNG) to non-free trade agreement (non-FTA) countries⁵ under section 3(a) of the Natural Gas Act (NGA),⁶ and in accordance with the National Environmental Policy Act (NEPA),⁷ it would prepare an environmental assessment (EA) of MXP’s requested re-exports.⁸ Specifically, DOE stated that, “consistent with E.O. [Executive Order] 14008 and [DOE’s] obligations under NEPA, it is appropriate to evaluate the potential environmental impacts—including the greenhouse gas (GHG) emissions—of exporting (or re-exporting) U.S.-sourced LNG from the proposed MPL Facility to non-FTA countries.”⁹

¹ The Office of Fossil Energy (FE) changed its name to the Office of Fossil Energy and Carbon Management (FECM) on July 4, 2021. Subsequently, on November 20, 2025, FECM changed its name to the Hydrocarbons and Geothermal Energy Office (HGEO). DOE uses the acronym in effect at the time of each order or action discussed herein.

² U.S. Dep’t of Energy, Notice of Environmental Assessment (Mexico Pacific Limited LLC), Docket No. 22-167-LNG, (Oct. 23, 2023) [hereinafter Notice]. On February 16, 2024, DOE issued an “Updated Notice of Environmental Assessment Under the National Environmental Policy Act” concerning an administrative delay that is no longer in effect.

³ Mexico Pacific Limited LLC, Application for Additional Long-Term, Multi-Contract Authorization to Export Natural Gas to Mexico and to Re-Export Liquefied Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Nations, Docket No. 22-167-LNG (Dec. 28, 2022).

⁴ For purposes of this proceeding, “re-export” means to ship or transmit U.S.-sourced natural gas in its various forms (gas, compressed, or liquefied) subject to DOE’s jurisdiction under the Natural Gas Act, 15 U.S.C. § 717b, from one foreign country (*i.e.*, a country other than the United States) to another foreign country.

⁵ A non-FTA country is any country with which the United States does not have a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy. In the pending Application, MXP requests long-term, multi-contract authorization to export U.S.-sourced natural gas to Mexico, and after liquefaction in Mexico, to non-FTA countries. *See* Notice at 2-4 (discussing requested exports and procedural history).

⁶ 15 U.S.C. § 717b(a). The authority to regulate the imports and exports of natural gas, including LNG, under section 3 of the NGA has been delegated to the Assistant Secretary for FECM (now the Assistant Secretary for HGEO) in Redelegation Order No. S4- DEL-FE1-2023, issued on April 10, 2023.

⁷ 42 U.S.C. § 4321 *et seq.*

⁸ *See* Notice at 5.

⁹ *Id.* (citing, *e.g.*, Exec. Order No. 14008 of Jan. 27, 2021, *Tackling the Climate Crisis at Home and Abroad*, 86 Fed. Reg. 7,619 (Feb. 1, 2021)).

On November 21, 2023, DOE issued a “Notice of Availability” of the Draft EA,¹⁰ which was published in the *Federal Register* on November 27, 2023.¹¹ In response to the Notice of Availability, DOE received three comments on the Draft EA.¹²

In the time since DOE issued the Draft EA, there have been developments pertaining to DOE’s review of requested LNG exports (and re-exports) under NEPA that are relevant to this proceeding:

First, on January 20, 2025, President Trump issued E.O. 14148, *Initial Rescissions of Harmful Executive Orders and Actions*,¹³ which revoked E.O. 14008, the directive upon which the Notice was based in part.¹⁴

Second, citing the Supreme Court’s holding in *Department of Transportation v. Public Citizen*,¹⁵ and, more recently, *Seven County Infrastructure Coalition v. Eagle County, Colorado*,¹⁶ DOE determined that its NEPA review “is limited to the ‘potential effects associated with marine transport of LNG’ to non-FTA countries.”¹⁷ DOE considers these marine transport effects under its categorical exclusion B5.7 from NEPA, *Export of natural gas and associated transportation by*

¹⁰ See DRAFT Environmental Assessment, Mexico Pacific Limited LLC, MPL Facility Design Increase (DOE/EA-2235), Docket No. 22-167-LNG (Nov. 21, 2023) [hereinafter Draft EA].

¹¹ U.S. Dep’t of Energy, Notice of Availability for the Draft Environmental Assessment for the Mexico Pacific Limited Facility, 88 Fed. Reg. 82,876 (Nov. 27, 2023).

¹² See Docket No. 22-167-LNG (Docket Entry #27). Comments were filed by the Texas Commission on Environmental Quality, the Viejas Band of Kumeyaay Indians, and Sierra Club. MXP filed a response to Sierra Club’s comments. See *id.*

¹³ Exec. Order No. 14148 of Jan. 20, 2025, *Initial Rescissions of Harmful Executive Orders and Actions*, 90 Fed. Reg. 8237 (Jan. 28, 2025).

¹⁴ See *id.*, 90 Fed. Reg. at 8238 (§ 2 (s)).

¹⁵ *Dep’t of Transp. v. Pub. Citizen*, 541 U.S. 752 (2004).

¹⁶ *Seven Cnty. Infrastructure Coal. v. Eagle Cnty., Colo.*, 605 U.S. 168 (2025).

¹⁷ *Venture Global CP2 LNG, LLC*, DOE/HGEO Order No. 5264-B, Docket No. 21-131-LNG, Order Denying Request for Rehearing of Final Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, at 3-4 (Mar. 26, 2026) (quoting, *e.g.*, U.S. Dep’t of Energy, National Environmental Policy Act Implementing Procedures; Final Rule, 85 Fed. Reg. 78,197, 78,199 (Dec. 4, 2020) (B5.7 categorical exclusion rulemaking)). We note that Sierra Club and Natural Resources Defense Council are currently challenging the final order in Docket No. 21-131-LNG (Order No. 5264-A), as well as DOE’s B5.7 categorical exclusion rulemaking. See *Sierra Club, et al. v. U.S. Dep’t of Energy*, Joint Petition for Review of Orders of the United States Department of Energy, Case No. 26-1036 (D.C. Cir. Feb. 17, 2026).

marine vessel.¹⁸ DOE also explained that this shift in DOE’s review of non-FTA applications under NEPA is consistent with the changes in policy directed by E.O. 14154, *Unleashing American Energy*, issued on January 20, 2025.¹⁹ Accordingly, DOE “generally will consider” these marine transport effects under the B5.7 categorical exclusion “on a case-by-case basis in accordance with applicable NEPA law,” and “[t]his NEPA analysis alone will inform DOE about potential environmental impacts associated with a non-FTA application under the public interest standard of NGA section 3(a).”²⁰

For these reasons, DOE is withdrawing the Draft EA and terminating the EA process, effective immediately. DOE continues to review the non-FTA portion of MXP’s Application, consistent with its obligations under NGA section 3(a) and NEPA, as expeditiously as possible.

Issued in Washington, D.C., on April 17, 2026.

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Office of Strategic Resources

¹⁸ 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7. This categorical exclusion amended the prior B5.7 categorical exclusion. *See generally* National Environmental Policy Act Implementing Procedures, 85 Fed. Reg. 78,197, *supra* note 17.

¹⁹ Exec. Order No. 14154 of Jan. 20, 2025, *Unleashing American Energy*, 90 Fed. Reg. 8353, 8357 (§ 8(a)) (Jan. 29, 2025); *see Venture Global CP2 LNG, LLC*, DOE/HGEO Order No. 5264-B, at 31.

²⁰ *Venture Global CP2 LNG, LLC*, DOE/HGEO Order No. 5264-B, at 32; *see also id.* at 31 (stating that DOE’s consideration of upstream and downstream environmental impacts beyond the scope of NEPA “was both overbroad in light of the case law and considered more than necessary, inconsistent with the President’s directive in E.O. 14154”). For more discussion about DOE’s scope of review under NGA section 3(a) and NEPA, which we incorporate by reference herein, *see id.* at 23-33.