

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

In The Matter Of:

Corpus Christi Liquefaction, LLC
Corpus Christi Liquefaction Stage IV,
LLC
Cheniere Marketing, LLC

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Docket No. 26-32-LNG

MOTION TO INTERVENE AND PROTEST OF
INGLESIDE ON THE BAY COASTAL WATCH ASSOCIATION, INC.,
INDIGENOUS PEOPLES OF THE COASTAL BEND, KARANKAWA TRIBE OF
TEXAS, AND CARRIZO/COMECRUDO TRIBE OF TEXAS, LLC

EXHIBIT 3

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
FEDERAL ENERGY REGULATORY COMMISSION

IN THE MATTER OF)
)
Corpus Christi Liquefaction LNG, LLC) Docket Nos. CP23-129-000
) PF22-10-000
)

Motion to Intervene of Sierra Club, et al.

Pursuant to the Federal Energy Regulatory Commission’s (“FERC”) April 13, 2023 “Notice of Application and Establishing Intervention Deadline” the following persons move to intervene in Docket Nos. CP23-129-000 and P22-10-000, concerning the Corpus Christi Liquefaction Midscale Trains 8 & 9 Project (“Project”).

A. Intervention of Healthy Gulf

Pursuant to 18 C.F.R. § 385.203(b)(1)-(2), Healthy Gulf states that 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.

Pursuant to 18 C.F.R. § 385.203(b)(3), Healthy Gulf identifies the following persons for service of correspondence and communications regarding this application:

Naomi Yoder Staff Scientist Healthy Gulf P.O. Box 66226 Houston, TX 77266 504-525-1528 x213 (tel)	Raleigh Hoke Campaign Director Healthy Gulf P.O. Box 2245 New Orleans, LA 70176 504 525 1528 x204 (tel)
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Healthy Gulf should be granted intervention pursuant to 18 C.F.R. § 385.214(b)(2)(ii). Healthy Gulf is a 501(c)(3) organization with 1,486 supporters and eight dues paying members in Texas. If the Project goes forward at least one member would be impacted by effects on water, air pollution, noise, etc. Separately and alternatively, Healthy Gulf’s intervention would be in the public interest as provided by 18 C.F.R. § 385.314(b)(2)(iii). Healthy Gulf has expertise

concerning the environmental impacts of LNG export facilities that are constructed and operate around the Gulf Coast. Additionally, Healthy Gulf also has expertise concerning the impacts of LNG export facilities that are constructed and operate around the Gulf Coast on environmental justice communities. Finally, Healthy Gulf employs staff members who work to protect the integrity of wetlands, waters, wildlife, and other ecological resources throughout the Gulf Region. This work will be directly affected by the construction and operation of these proposed facilities.

Pursuant to 18 C.F.R. § 385.203(b)(1)-(2), Healthy Gulf's position is that the application to construct and operate the Corpus Christi Liquefaction Midscale Trains 8 & 9 Project should be denied.

B. Intervention of Sierra Club

Sierra Club is the nation's largest grassroots environmental organization, is dedicated to the protection of the natural environment and public health, and has a longstanding interest and expertise in LNG export facilities around the Gulf of Mexico generally and the Corpus Christi, Texas metropolitan area specifically. Sierra Club's intervention is in the public interest, as provided by 18 C.F.R. § 385.314(b)(2)(iii). Sierra Club has extensive experience with FERC's obligations and authority regarding applications for authorization under Section 3(a) of the Natural Gas Act. The public will benefit from Sierra Club's participation in these dockets and Sierra Club's perspective.

Separately and alternatively, Sierra Club should be granted intervention because its members' interests will be directly affected by the proceeding. 18 C.F.R. § 385.214(b)(2)(ii). As of March 31, 2023, Sierra Club has more than 24,000 members in Texas, including members in the project area. If the LNG export facility is built and operated, many of these members will be impacted by effects on water, air pollution, noise, etc.

Sierra Club has demonstrated the vitality of these interests in many ways, including Sierra Club's participation in proceedings concerning the previous phases of Corpus Christi Liquefaction LNG, LLC's export facility and its related pipeline before FERC and the United States Court of Appeals for the District of Columbia Circuit. More broadly, 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.

Sierra Club therefore satisfies the conditions for intervention both as representatives of interested consumers and because their participation is in the public interest. *See* 15 U.S.C. § 717n(e); 18 C.F.R. § 385.214(b)(2).

Pursuant to 18 C.F.R. § 385.203(b)(1)-(2), Sierra Club states that the exact name of the movant is the Sierra Club, and the movant's principal place of business is 2101 Webster Street, Suite 1300, Oakland, CA 94612.

Pursuant to 18 C.F.R. § 385.203(b)(3), Sierra Club identifies the following persons for service of correspondence and communications regarding this application:

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Austin, TX 78765
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424-346-3276

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303-449-5595

Pursuant to 18 C.F.R. § 385.314(b)(1), Sierra Club's position is that the application to construct and operate the Corpus Christi Liquefaction Midscale Trains 8 & 9 Project should be denied.

C. Intervention of Texas Campaign for the Environment

Pursuant to 18 C.F.R. § 385.203(b)(1)-(2), Texas Campaign for the Environment ("TCE") states that the exact name of the movant is Texas Campaign for the Environment, and the movant's principle place of business is 814 San Jacinto Blvd., Suite 408, Austin, TX 78701.

Pursuant to 18 C.F.R. § 385.203(b)(3), TCE identifies the following persons for service of correspondence and communications regarding this application:

Jeffrey Jacoby
Deputy Director
Texas Campaign for the Environment
P.O. Box 42278
Austin, TX 78704
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Chloe Torres
Coastal Bend Fossil Fuel Exports Campaign
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(361) 271-0769

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TCE has approximately 20,000 members in Texas, including members in the project area. TCE works to empower Texans to fight pollution through sustained grassroots organizing campaigns that shift corporate and governmental policy. TCE is focused on the air, water, land, and climate pollution of the oil and gas and petrochemical industry. Members of TCE will be adversely impacted by the Project because they will inhale its air pollution emissions, sustain property damage as a result of the additional LNG ship carrier traffic, and higher energy bills due to the additional LNG exports. Additionally, the proposed Project could impact TCE's members because of the greenhouse gas emissions associated with the Project that will contribute to climate change. Texans have already experienced expensive disasters related to climate change and will experience more if the Project's greenhouse gas emissions are released into the atmosphere.

Accordingly, TCE's motion to intervene should be granted because it is in the public interest, *see* 18 C.F.R. § 385.214(b)(2)(iii), and, separately, TCE's motion to intervene should be granted because its members interests will be directly affected by the proceeding. *See* 18 C.F.R. § 385.214(b)(2)(ii).

Pursuant to 18 C.F.R. § 385.203(b)(3), TCE's position is that the application to construct and operate the Corpus Christi Liquefaction Midscale Trains 8 & 9 Project should be denied.

D. Intervention of Chispa Texas

Pursuant to 18 C.F.R. § 385.203(b)(1)-(2), Chispa Texas, a program of The League of Conservation Voters, LLC ("Chispa") states that the exact name of the movant is Chispa Texas, a program of The League of Conservation Voters, LLC and the movant's principle place of business is 1001 Ayers St., Corpus Christi, TX 78404.

Pursuant to 18 C.F.R. § 385.203(b)(3), Chispa identifies the following persons for service of correspondence and communications regarding the application:

Elida Castillo
Program Director
Chispa Texas
1001 Ayers St.
Corpus Christi, TX 78404
ecastillo@lcv.org

Beatriz Alvarado
Digital Organizer
Chispa Texas
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Corpus Christi, TX 78404
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Chispa builds the power of latino/tejano communities of color to achieve climate justice, community health, and hold both lawmakers and polluters accountable to our communities through grassroots organizing. Chispa has approximately 50 members in Texas and approximately 10 members in the project area. The members in the project area will be adversely impacted by the Project due to, *inter alia*, its air pollution emissions. Additionally, Chispa is an expert on the local community, including the environmental justice communities that will be impacted by the Project. And Chispa has expertise on the unique vulnerabilities of those environmental justice communities and how FERC has communicated with those communities in previous proceedings and how FERC can effectively communicate with those communities in this proceeding.

Accordingly, Chispa's motion to intervene should be granted because it is in the public interest, *see* 18 C.F.R. § 385.214(b)(2)(iii), and, separately, Chispa's motion to intervene should be granted because its members interests will be directly affected by the proceeding. *See* 18 C.F.R. § 385.214(b)(2)(ii).

Pursuant to 18 C.F.R. § 385.203(b)(3), Chispa's position is that the Corpus Christi Liquefaction Midscale Trains 8 & 9 Project is not in the public interest and the applicant has not proven that it is in the public interest. The instant application should be denied.

E. Intervention of Ingleside on the Bay Coastal Watch Association, Inc.

Pursuant to 18 C.F.R. § 285.203(b)(1)-(2), Ingleside on the Bay Coastal Watch Association, Inc. ("IOBCWA") states that the exact name of the movant is Ingleside on the Bay Coastal Watch Association, Inc., and the movant's principle place of business is 1018 Bayshore Drive, Ingleside, TX 78362.

Pursuant to 18 C.F.R. § 385.203(b)(3), IOBCWA identifies the following persons for service of correspondence and communications regarding the application:

Cyndi Valdes	Patrick Nye
Executive Director	President
Ingleside on the Bay Coastal Watch Association, Inc.	Ingleside on the Bay Coastal Watch Association, Inc.
1018 Bayshore Drive	1018 Bayshore Drive
Ingleside, TX 78362	Ingleside, TX 78362
481-254-1693	361-658-1089
iobcwa@gmail.com	patrick@nyexp.us

IOBCWA promotes the health, safety, and quality of life for residents of Ingleside on the Bay in the face of rapid industrialization and threats from climate change through education, research, communication, and action. Ingleside has 160 members, all of whom own property, work, or volunteer in the project area. These members will be impacted by increased ship traffic related to the Project, including property damage to personal homes and property, weakening bulkheads, piers, and seawalls, and increasing erosion. Additionally, increased ship traffic hampers recreational pursuits enjoyed by IOBCWA's members, and members of the local community, including swimming, kayaking, and paddle boarding. In addition to representing the interests of many project area residents, IOBCWA has extensive experience with operations at the existing Cheniere Corpus Christi Liquefaction facility and how the existing facility impacts persons in the project area. IOBCWA also performs air and water pollution monitoring in the project area. IOBCWA would bring this expertise and experience to bear in these dockets.

Accordingly, IOBCWA's motion to intervene should be granted because it is in the public interest, *see* 18 C.F.R. § 385.214(b)(2)(iii), and, separately, Ingleside's motion to intervene should be granted because its members interests will be directly affected by the proceeding. *See* 18 C.F.R. § 385.214(b)(2)(ii).

Pursuant to 18 C.F.R. § 385.203(b)(3), IOBCWA's position is that FERC should assess the Project's impacts through an Environmental Impact Statement that, *inter alia*, rigorously assesses cumulative impacts on the project area caused by the Project and other industrial projects and the attendant over burdening of Ingleside on the Bay and other local communities with industrialization. Ultimately, the instant application should be denied.

The foregoing persons hereby move to intervene in these dockets.

Respectfully submitted on May 4, 2023:

/s/ Thomas Gosselin

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/s/ Naomi Yoder

Naomi Yoder
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For Healthy Gulf

/s/ Chloe Torres

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For Texas Campaign for the Environment

/s/ Elida Castillo

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Corpus Christi, TX 78404
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*For Chispa Texas, a program of The League
of Conservation Voters, LLC*

/s/ Patrick Nye

Ingleside on the Bay Coastal Watch
Association, Inc.
1018 Bayshore Drive
Ingleside, TX 78362
361-658-1089
patrick@nyexp.us
*For Ingleside on the Bay Coastal Watch
Association, Inc.*

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Corpus Christi Liquefaction Stage IV, LLC	§	Docket No. CP26-87-000
	§	
Corpus Christo Liquefaction, LLC	§	Docket No. PF25-10-000
	§	
Cheniere Corpus Christi Pipeline, L.P.	§	Docket No. CP26-82-000
	§	Docket No. CP18-513-0000

**PROTEST AND MOTION TO INTERVENE OF INGLESIDE ON THE BAY
COASTAL WATCH, INC., INDIGENOUS PEOPLES OF THE COASTAL BEND,
KARANKAWA TRIBE OF TEXAS, AND
CARRIZO/COMECRUDO TRIBE OF TEXAS, LLC**

Pursuant to the Notice of Application and Establishing Intervention Deadline, Ingleside on the Bay Coastal Watch Association, Inc., Indigenous Peoples of the Coastal Bend, Karankawa Tribe of Texas, and the Carrizo/Comecrudo Tribe of Texas, LLC (collectively “Movants”) submit this protest of the February 3, 2026 Application for Authorizations Under the Natural Gas Act and Amendment of Certificate Authorization of Corpus Christi Liquefaction Stage IV, LLC Corpus Christi Liquefaction, LLC, and Cheniere Corpus Christi Pipeline, L.P. (“Application”) (collectively “CCL”) to site, construct and operate an expansion of the existing and approved liquefied natural gas (“LNG”) terminal in San Patricio and Nueces Counties, Texas on the La Quinta Ship Channel.¹ This proposed expansion will include four additional liquefaction trains (4-7),

¹ Notice of Application and Establishing Intervention Deadline, *Corpus Christi Liquefaction Stage IV, LLC, Corpus Christi Liquefaction, LLC, and Cheniere Corpus Christi Pipeline, L.P.*, Docket CP26-82-000, Docket No. PF25-10-000, Docket CP26-87-000, and/or CP18-513-000 (Accession # 20260217-3044) (Feb. 17, 2026).

two LNG storage tanks, three ground flares, a third marine berth, a terminal supply line, and other associated infrastructure (“Expansion Project” or “Project”).²

In accordance with the requirements of Rule 214 of the Federal Energy Regulatory Commission’s (“FERC”) Rules of Practice and Procedure, 18 C.F.R. § 157.10, Ingleside on the Bay Coastal Watch, Inc., Indigenous Peoples of the Coastal Bend, Karankawa Tribe of Texas, and the Carrizo/Comecrudo Tribe of Texas, LLC also hereby move to intervene in the above-captioned proceedings.

I. Motion to Intervene

Ingleside on the Bay Coastal Watch Association, Inc., Indigenous Peoples of the Coastal Bend, Karankawa Tribe of Texas, and the Carrizo/Comecrudo Tribe of Texas, LLC each have an interest in this proceeding and their participation in these dockets is in the public interest. 18 C.F. R. § 385.214(b)(2).

a. Ingleside on the Bay Coastal Watch Association, Inc.

Pursuant to 18 C.F.R. § 385.203(b), Ingleside on the Bay Coastal Watch Association, Inc. states that the exact name of the movant is Ingleside on the Bay Coastal Watch Association, Inc., and the movant’s principal place of business is: 1018 Bayshore Dr., Ingleside, Texas 78362.

Ingleside on the Bay Coastal Watch Association, Inc. (“Coastal Watch”) is a 501(c)(3) non-profit organization formed in 2019 to promote the health, safety, and quality of life for the residents of Ingleside and surrounding communities through research,

² Application for Authorizations Under the Natural Gas Act and Amendment of Certificate Authorization, *Corpus Christi Liquefaction Stage IV, LLC, Corpus Christi Liquefaction, LLC, and Cheniere Corpus Christi Pipeline, L.P.*, Docket CP26-82-000, Docket No. PF25-10-000, Docket CP26-87-000, and/or CP18-513-000 (Accession # 20260204-5150) (Feb. 3, 2026) (hereinafter “Application”).

education, communication and action.³ The geographic region that Coastal Watch is specifically focused on preserving will be adversely affected by the Project.

On December 23, 2025, Coastal Watch submitted scoping comments on the Expansion Project.⁴ These comments are fully incorporated by reference and attached as **Exhibit 1**. In these comments, Patrick Nye, Co-President of Coastal Watch, explained the concerns on behalf of the group and its members who live and recreate near the Project. Coastal Watch has many concerns related to the Project including: adverse impacts to local water resources and wetlands; long-term adverse health and environmental impacts due to the Project site previously being the location of a large metals/alumina facility; air pollution impacts related to Corpus Christi Liquefaction's reported emissions events and the related enforcement proceedings at the Texas Commission on Environmental Quality; higher energy prices; increased vessel traffic; adverse impacts to cultural resources and historic properties like Donnel Point; health effects; and adverse impacts to water quality like high turbidity and silt-laden bay water.⁵

Additionally, Coastal Watch previously sought intervention in the Corpus Christi Liquefaction LNG, LLC project (Docket Nos. CP23-129-000 and PF22-10-000) related to midscale trains 8 & 9.⁶ This intervention was for a different expansion at the same facility.

Based on Coastal Watch's focus on the health, safety, and quality of life for the residents of Ingleside on the Bay and surrounding communities, as well as significant

³ Coastal Watch Association, <https://www.iobcwa.org/> (last visited Mar. 9, 2026).

⁴ Ingleside on the Bay Coastal Watch Association, Inc., Opposition Letter, Request for Deadline Extension and Request for EIS, *Corpus Christi Liquefaction Stage IV, LLC, Corpus Christi Liquefaction, LLC, and Cheniere Corpus Christi Pipeline, L.P.*, Docket No. PF25-10-000 (Accession # 20251229-5123) (Dec. 23, 2025).

⁵ *Id.*

⁶ Motion to Intervene of Sierra Club, *et al.*, *Corpus Christi Liquefaction LNG, LLC*, Docket Nos. CP23-129-000 & PF22-10-000, (Accession # 2023-0504-5083) (May 4, 2023), attached as **Exhibit 2**.

detailed concerns already raised in scoping comments—and reasserted here—the group and its members will be directly affected by the Project Expansion. 18 C.F.R. § 385.214(b)(2)(ii).

b. Indigenous Peoples of the Coastal Bend

Pursuant to 18 C.F.R. § 385.203(b), Indigenous Peoples of the Coastal Bend states that the exact name of the movant is Indigenous Peoples of the Coastal Bend (“Indigenous Peoples”), and the movant’s principal place of business is 6130 Woolridge Rd., 1008, Corpus Christi, Texas 78414.

Indigenous Peoples is an intertribal community group in Corpus Christi, Texas. The group is made up of different lineages and wishes to honor peoples who lived in the area now named Corpus Christi off the Nueces River, which include Karankawa, Lipa Apache, (Nde) Comanche, Tonkawa and Coahuiltecan (Pamaque) tribes.⁷ The group came together in 2016 when Corpus Christi was put on a series of boil water notices as a result of impacts from the fossil fuels industry.⁸ Then, in 2018, the group began advocating for Indigenous Rights and received its first proclamation honoring the Indigenous Peoples of the Coastal Bend. Its mission is to preserve and conserve Indigenous Culture and create a livable sustainable world through culture and food while protecting Youth, Elders, Women, Warriors and the Environment.⁹

The group currently includes more than 100 members, and several individual members live very close to the Project.¹⁰ Because of its members’ proximity to the Project,

⁷ Indigenous Peoples of the Coastal Bend, <https://indigenoupeoplesofthecoastalbend.org/> (last visited March 9, 2026).

⁸ *Id.*

⁹ *Id.*

¹⁰ See Motion to Intervene of Indigenous Peoples of the Coastal Bend at 1, *Corpus Christi Liquefaction LNG, LLC*, Docket Nos. CP23-129-000 & PF22-10-000, (Accession # 20230504-5148) (May 4, 2023), attached as **Exhibit 3**.

Indigenous Peoples, echoes concerns similar to those Coastal Watch raised, such as: adverse impacts to local water resources and wetlands; long-term adverse health and environmental impacts due to the Project site previously being the location of a large metals/alumina facility; air pollution impacts related to Corpus Christi Liquefaction's reported emissions events and the related enforcement proceedings at the Texas Commission on Environmental Quality; higher energy prices; increased vessel traffic; adverse impacts to cultural resources and historic properties like Donnel Point; health effects; and adverse impacts to water quality like high turbidity and silt-laden bay water.

These risks to group members are not all that is at stake. There is more. Currently, Indigenous Peoples are also working together to preserve artifacts, remains, and cultural sites of the Karankawa People—all of which are an integral part of the history of the region and to the descendants of the Karankawa People. Importantly, Indigenous Peoples, through its Karankawa members and others, historically had a significant presence on the Texas Coast. In fact, this region was dominated by the Karankawa People. This Project risks damage to their ceremonial and sacred places. Indigenous Peoples asserted concerns around CCL's prior expansion and addition of trains 8 & 9. Those comments are fully incorporated by reference and attached as **Exhibit 4**. Indigenous Peoples assert the following concerns related to this Expansion: industrialization damaging archeological and cultural heritage; superficial and constrained review of archeological resources; lack of consultation with Tribal Groups whose cultural heritage may be adversely impacted; oil spills reaching sacred sites and other areas used for ceremonial purposes; and deficient plans to deal with anticipated discoveries that would be likely to occur.

Additionally, this Project threatens one of the last remaining intact shell middens and possible Karankawa village sites on the north shore of Corpus Christi Bay at Donnel Point.¹¹ Because this site is one of the last, it has particular cultural significance.¹² It was first identified in the 1930's as one of a string of Indigenous Settlements.¹³ But over the years, as La Quinta Channel has been industrialized, it was assumed the site was destroyed through dredging. While this assumption of destruction has been perpetuated, the site itself was also consistently documented as notably significant with warnings to preserve it. For example, in the early 1970's, when the Army Corps proposed to deepen La Quinta Channel, the National Park Service cautioned that doing so may cause "an irreversible commitment to the destruction of archeological resources."¹⁴ Because current evidence indicates the site *is* intact and worth preserving, it should not be overlooked in this Project's cultural resource assessment.¹⁵ An archeological report documenting Donnel Point is attached here as **Exhibit 5.**

As illustrated by the map from CCL's Application below, the Expansion's proposed LNG carrier route poses a serious risk to Donnel Point because 870 LNG Carriers ("LNGC") will now be routed directly by the rediscovered intact shell midden, further exposing it to degradation.

¹¹ Peter Moore, *Report on the Discovery of an Indigenous Archeological Site at Donnel Point, La Quinta Channel, San Patricio County, Texas* (Aug. 21, 2024) at 6 (hereinafter "Donnel Point Report").

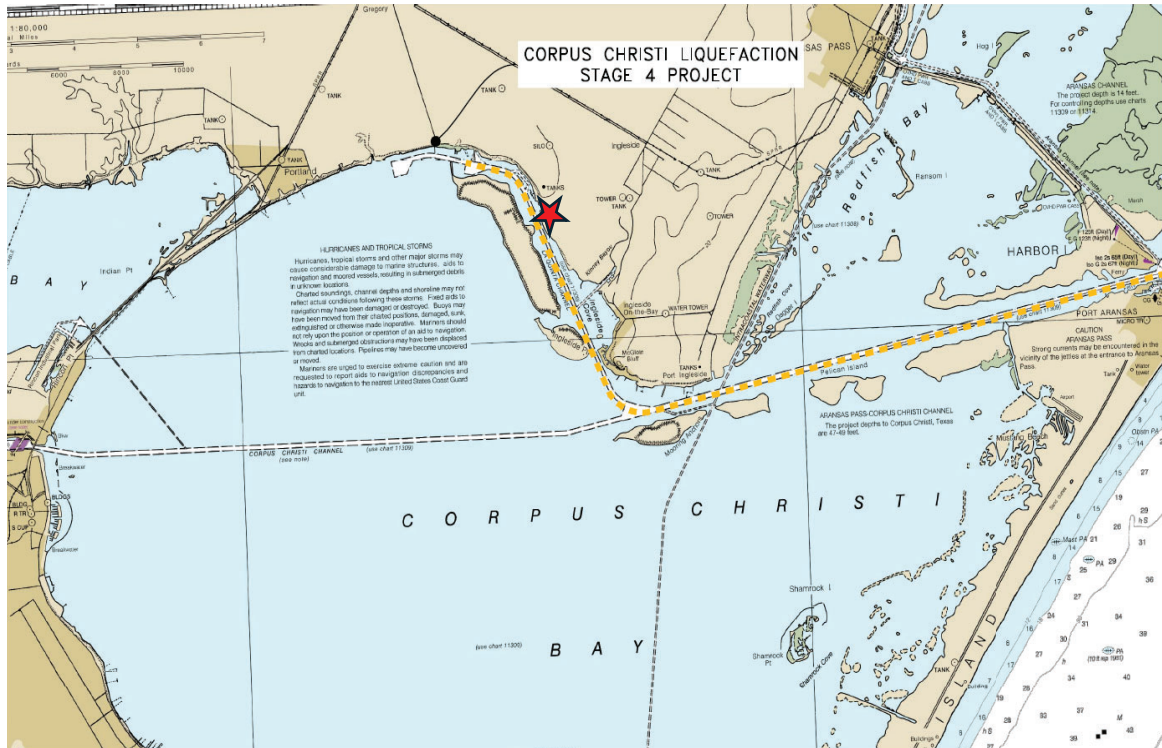
¹² Earthjustice, Letter to the U.S. Army Corps of Engineers RE: Port of Corpus Christi 404 Permit SWG-2014-00848, (Nov. 12, 2025) https://earthjustice.org/wp-content/uploads/2025/11/ingleside-terminal-404-letter-without-exhibits-swg-2014-00848_2025.11.12.pdf (last visited Mar. 9, 2026).

¹³ Donnel Point Report at 2.

¹⁴ Donnel Point Report at 5.

¹⁵ Donnel Point Report at 7-9; and see Ingleside on the Bay Coastal Watch Association, Inc., Opposition Letter, Request for Deadline Extension and Request for EIS, *Corpus Christi Liquefaction Stage IV, LLC, Corpus Christi Liquefaction, LLC, and Cheniere Corpus Christi Pipeline, L.P.*, Docket No. PF25-10-000 (Accession # 20251229-5123) (Dec. 23, 2025) (photos at 8).

Figure 1: LNG Carrier Route with approximate location of Donnel Point identified by a star¹⁶



In addition to these concerns, the route and the corresponding increased traffic will also threaten parks, marshland, wildlife refuges, and residential areas exposing both to increased noise, light, air and water pollution resulting from the Expansion. The figure below illustrates the route’s proximity to sensitive recreational areas, residential areas, and cultural resources.

¹⁶ Appendix 1D: LNG Carrier Routes at 2, *Corpus Christi Liquefaction Stage IV, LLC, Corpus Christi Liquefaction, LLC, and Cheniere Corpus Christi Pipeline, L.P.*, Docket No. PF25-10-000 (Accession # 20260204-5150) (Feb. 3, 2026) (hereinafter “Appendix 1D”); see also RR1 at 1-15.

Figure 2: Area Classification Map¹⁷

EXHIBIT B

AREA CLASSIFICATION MAP



Color	Area Description
Orange	Industrial
Blue	Residential/Commercial
Green	Parks/Marshland/Wildlife Refuges

As discussed, the estimated impacts from the Project include as many as 870 vessel trips per year.¹⁸ Because these tanker ships, also called LNGCs, are up to 294.8 meters in size with a beam of 54 meters and laden draft of 12 meters, these ships will cause shoreline

¹⁷ Appendix 1G: Agency Correspondence at 80, *Corpus Christi Liquefaction Stage IV, LLC, Corpus Christi Liquefaction, LLC, and Cheniere Corpus Christi Pipeline, L.P.*, Docket CP26-82-000, Docket No. PF25-10-000, Docket CP26-87-000, and/or CP18-513-000, (Feb. 3, 2026) (hereinafter “Appendix 1G”).

¹⁸ Application at 9.

erosion.¹⁹ This shoreline erosion threatens the remaining precious cultural resources on the Texas Coast. In addition to this uptick in traffic, the Project will require a new berth to accommodate LNGCs with “cargo capacities up to approximately 200,000 m³.”²⁰ And this new berth will require dredging to a depth of 46 feet and approximately 1,200,000 cubic yards of material.²¹ Because dredging deepens and changes the natural shape of the seabed, it can lead to accelerated erosion. Additionally, excavating sediment can destroy seagrass beds and coral reefs, which act as natural buffers against erosion—and all of this threatens significant known cultural resources in the Project area.²² The Project itself also increases the risk of oil spills, which poses another additional threat to historic properties and cultural resources near the Expansion.

Additionally, Indigenous Peoples previously sought intervention and submitted comments in the Corpus Christi Liquefaction LNG, LLC project (Docket Nos. CP23-129-000 and P22-10-000) related to midscale trains 8 & 9.²³ That Intervention is attached as **Exhibit 3**. This intervention was for a different expansion at the same facility.

Based on the environmental impacts, safety concerns, and the location of Indigenous Peoples’, including the Karankawa Tribe’s, artifacts, settlements, significant

¹⁹ Marine Link, *NYK Signs Long-Term Charter Agreement for New LNG Carriers with Cheniere*, (Feb. 5, 2026). <https://www.marinelink.com/news/nyk-signs-longterm-charter-agreement-new-535340> (last visited Mar. 9, 2026).

²⁰ Application at 14.

²¹ Resource Report 1 – General Project Description at 1-26, *Corpus Christi Liquefaction Stage IV, LLC, Corpus Christi Liquefaction, LLC, and Cheniere Corpus Christi Pipeline, L.P.*, Docket CP26-82-000, Docket No. PF25-10-000, Docket CP26-87-000, and/or CP18-513-000, (Feb. 3, 2026) (hereinafter “RR1”).

²² Seagrass Meadow, FL. KEYS NAT’L MARINE SANCTUARY, <https://floridakeys.noaa.gov/plants/seagrass.html>, (last visited Mar. 9, 2026); Li Chao *et al.*, *Changes in Survival and Growth in Response to Different Combinations of Turbidity and Duration in Eelgrass Zostera Marina Plants*, 249 ESTUARINE COASTAL & SHELF SCI Article 107108 (Feb. 2021) at 1; Kirk Cammarata, *Impacts to Ingleside on the Bay Seagrass Meadows from Siltation and Erosion* (2022), at 10.

²³ Motion to Intervene of Sierra Club, *et al.*, *Corpus Christi Liquefaction LNG, LLC*, Docket Nos. CP23-129-000 & PF22-10-000, (Accession # 2023-0504-5083) (May 4, 2023), attached as **Exhibit 2**.

and newly re-discovered cultural resources, this group is directly affected by the Project Expansion. 18 C.F.R. § 385.214(b)(2)(ii).

c. Karankawa Tribe of Texas

Pursuant to 18 C.F.R. § 385.203(b), the Karankawa Tribe of Texas states that its exact name is the Karankawa Tribe of Texas (“Karankawa Tribe” or “Karankawa”), and the movant’s principal place of business is 1947 Sean Drive, Corpus Christi, Texas 78412. The Karankawa Tribe of Texas is comprised of the Original Peoples of the Texas Coastal Bend region.

The Karankawa Tribe’s historic homelands are located along the Texas Gulf Coast, stretching from Galveston Bay to Corpus Christi Bay.²⁴ Thousands of Karankawa lived in dozens of seasonal, but permanent, settlements on the Texas Coast, and approximately 950 archeological sites have been identified on this stretch of the coast.²⁵ As a result of these settlements, the Texas Coast is rich with artifacts—carrying meanings beyond their physical form—like Rockport pottery, shell middens, and stone tools.²⁶ And these cultural resources are an invaluable piece of Texas Coast history that will be lost if these remaining historic properties are not preserved.

Because the Karankawa population was decimated by genocide at the hands of the Spanish, Mexican, and Anglo-Americans—by the 1800’s many historians wrongly claimed

²⁴ Carol A. Lipscomb (rev. Tim Seiter), *The Karankawa Indians: History, Culture, and Legacy*, TEX. STATE HIST. ASS’N (Nov. 13, 2020), <https://www.tshaonline.org/handbook/entries/karankawaindians#:~:text=The%20Karankawas%20entrance%20into%20the,some%20debris%20from%20the%20wreckage.>

²⁵ Robert A. Ricklis, *The Karankawa Indians of Texas: An Ecological Study of Cultural Tradition and Change* (University of Texas Press, 1996). On the number of sites see U.S. Army Corps of Engineers, Galveston District, *Appendix A: National Historic Preservation Act Compliance for Coastal Texas Protection and Restoration Feasibility Study* (August 2021), 2.

²⁶ *Frequently Asked Questions*, KARANKAWAS, <https://karankawas.com/frequently-asked-questions/#:~:text=>. (last visited Mar. 9, 2026).

that the Tribe had gone extinct.²⁷ But the Karankawa Tribe survived, and their descendants are actively working today to preserve and revive their culture, language, and traditions.²⁸ Together, they continue to protect their cultural sites, share their history, and reclaim their narrative.²⁹

The Karankawa Tribe's work to save sacred sites, burial grounds, artifacts, cultural heritage, and historic properties will be directly impacted by the Expansion. Specifically, the Expansion directly affects large swaths of shoreline with identified, potential, and unevaluated cultural resources. But it doesn't stop there. The Expansion pushes inward affecting Chiltipin Creek—an area known to have late prehistoric campsites. Indeed, the largest samples of prehistoric ceramics in South Texas were previously found there.³⁰ Given the Karankawa Tribe's current work to preserve cultural resources, and the threats this Expansion poses to the same, the Karankawa will be directly affected by this Project.

The Expansion's construction and operation impacts are significant adverse impacts which are central to the Karankawa Tribe's interests and compromise the Tribe's further efforts to preserve remaining cultural resources for future generations. As such, the Karankawa Tribe and its members will be directly affected by the Project Expansion. 18 C.F.R. § 385.214(b)(2)(ii).

²⁷ *Frequently Asked Questions*, KARANKAWAS, <https://karankawas.com/frequently-asked-questions/#:~:text=> (last visited Mar. 9, 2026).

²⁸ Erin Douglas, *The Karankawa were said to be extinct. Now they're reviving their culture — and fighting to protect their ancestors' land*, TEX. TRIB. (Oct. 4, 2021), <https://www.texastribune.org/2021/10/04/karankawa-corpustexas-artifacts/>.

²⁹ *Id.*

³⁰ Kristina Solis, *A concise chronology of the Rio Grande Delta from the Paleo-Indian period to early Spanish exploration and colonization*, Univ. of Tex. Rio Grande Valley (May 2009), https://scholarworks.utrgv.edu/cgi/viewcontent.cgi?article=2005&context=leg_etd.

d. Carrizo Comecrudo Tribe of Texas, LLC

Pursuant to 18 C.F.R. § 385.203(b), Carrizo/Comecrudo Tribe of Texas, LLC states that its exact name is Carrizo Comecrudo Tribe of Texas, LLC (“Carrizo/Comecrudo Tribe”), and the movant’s principal place of business is 1250 Roemer Lane, Floresville, Texas 78114. The Carrizo/Comecrudo Tribe is a Tribe comprised of the Original Peoples of the Rio Grande Delta.

The Carrizo/Comecrudo have a shared language and heritage.³¹ Their historic homeland is located along the South Texas Rio Grande Delta, where they were active as hunter-gatherers on both sides of the Rio Grande during the seventeenth and eighteenth centuries. In the early 1990’s, the Carrizo/Comecrudo Tribe of Texas was officially reconstituted.³² The Tribe also goes by Esto’k Gna, and it has provided comments on other LNG projects affecting its peoples and lands within other LNG project areas.³³

This Expansion is particularly concerning to the Carrizo/Comecrudo Tribe because it threatens to erase indigenous artifacts and the cultural heritage of Indigenous Peoples.³⁴ As is well documented, there were dozens of settlements on the Texas Coast.³⁵ Nevertheless over the last 50 years, industrial activities like this Project Expansion have

³¹ Carlos Castañeda, *The Indigenous Groups Along the Lower Rio Grande*, INDIGENOUSMEXICO.ORG, <https://www.indigenoustmexico.org/articles/the-indigenous-groups-along-the-lower-rio-grande> (last visited Oct. 28, 2025).

³² Carlos Castañeda, *The Indigenous Groups Along the Lower Rio Grande*, INDIGENOUSMEXICO.ORG, <https://www.indigenoustmexico.org/articles/the-indigenous-groups-along-the-lower-rio-grande> (last visited Oct. 28, 2025); and see Dylan Badour “Forgotten Keepers of the Rio Grande Delta” Texas Observer (May 13, 2024) <https://www.texasobserver.org/forgotten-keepers-of-the-rio-grande-delta/>.

³³ Carlos Castañeda, *The Indigenous Groups Along the Lower Rio Grande*, INDIGENOUSMEXICO.ORG, <https://www.indigenoustmexico.org/articles/the-indigenous-groups-along-the-lower-rio-grande> (last visited Oct. 28, 2025).

³⁴ *Supra* at Section Ib.

³⁵ Peter Moore, *Assessment of the Impact of the Bluewater SPM Pipeline on Indigenous Cultural Heritage Sites in Southern Live Oak Peninsula* (Originally authored Aug. 2023 and updated Feb. 2026) at 2, attached as **Exhibit 6** (hereinafter “Bluewater Report”).

failed Original Peoples—like the Karankawa and Carrizo/Comecrudo Tribes—and have failed to acknowledge or preserve precious few remaining cultural resources.

These are significant adverse impacts which are inextricably tied to the Carrizo/Comecrudo Tribe’s interests and compromise the Tribe’s further efforts to preserve remaining cultural resources for future generations. As such, the Carrizo/Comecrudo Tribe and its members will be directly affected by the Project Expansion. 18 C.F.R. § 385.214(b)(2)(ii).

Pursuant to 18 C.F.R. § 385.203(b)(10), Coastal Watch, Indigenous Peoples, the Karankawa Tribe of Texas, and the Carrizo/Comecrudo Tribe identify the following persons for service of correspondence and communications regarding this application:

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Pursuant to C.F.R. § 385.214(b)(1), the position of Coastal Watch, Indigenous Peoples, the Karankawa Tribe of Texas, and the Carrizo/Comecrudo Tribe is that, as further explained below in their Protest, FERC should deny the application because the Expansion Project is inconsistent with the Public Interest. 15 U.S.C. § 717b(a), (e). The Project Expansion’s significant individual and cumulative harms to the environment and to surrounding communities—including but not limited to, harms related to air pollution, socioeconomic impacts, increased shipping traffic, public safety, shoreline erosion, and degradation of cultural resources—render it inconsistent with the public interest. It is also the Movant’s position that the National Environmental Policy Act (“NEPA”) requires

FERC to complete an environmental impact statement. And Section 106 of the National Historic Preservation Act (“NHPA”) requires FERC to take into account the effects of its undertakings historic properties. 33 C.F.R. § 800.1. The current environmental review and historic property review submitted with the Application are both deficient.

II. Protest of the Application

Movants protest the Application. FERC should deny the Application for Authorizations because the Project Expansion is inconsistent with the public interest. 15 U.S.C. § 717b(a), (e). As explained further below, the Expansion’s individual and cumulative harms to the environment, harms to cultural resources, and the harms to surrounding communities—including but not limited to harms related to air pollution, public safety, socioeconomic impacts, shipping traffic, potential destruction of known historic properties and cultural resources, and higher gas prices for ratepayers—render it inconsistent with the public interest. Additionally, FERC must complete an environmental review under NEPA before approving the Expansion. Further, the Project poses significant risks to cultural resources and historic properties on the Texas Coast requiring a Section 106 process under NHPA and requested consultation with both the Karankawa Tribe of Texas and the Carrizo/Comecrudo Tribe of Texas.

FERC must weigh the Expansion’s real and potential substantial harms against its benefits to determine its consistency with the public interest. Under the Natural Gas Act, FERC must consider “all factors bearing on the public interest,” *Atl. Ref. Co. v. Pub. Serv. Comm’n of N.Y.*, 360 U.S. 378, 391 (1959), and a failure to properly evaluate an LNG project’s harms to ecosystems and communities renders FERC’s Natural Gas Act decision-making arbitrary and capricious, *Vecinos para el Bienestar de la Comunidad Costera v.*

FERC, 6 F.4th 1321, 1331 (D.C. Cir. 2021). The U.S. Court of Appeals for the D.C. Circuit has upheld FERC balancing benefits against harms, including environmental harms, as consistent with the standard in Section 3 of the Natural Gas Act that presumptively favors approval of LNG terminals. *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”). To be clear, Movant-Intervenors do not argue that the Expansion is inconsistent with the public interest solely because it would create environmental impacts that trigger the procedural obligation to prepare, at least, an Environmental Assessment (and likely an Environmental Impact Statement) under NEPA; instead, we argue that a proper evaluation of “all factors bearing on the public interest” pursuant to the substantive requirements of the Natural Gas Act requires finding that the Expansion’s harms render it inconsistent with the public interest.

As is explained more fully below, FERC must consider impacts, harms and the processes and other mandates that FERC must follow before it can lawfully decide whether to approve the Expansion.

a. FERC must prepare an Environmental Impact Statement and fully consider and appropriately weigh all of CCL’s Impacts.

NEPA requires FERC to complete an Environmental Impact Statement (“EIS”) for any project that would cause foreseeable significant environmental impacts, therefore an EIS is required for the Expansion Project because it would cause significant foreseeable individual and cumulative impacts. Indeed, an EIS is “normally” prepared for “the siting, construction, and authorization of [LNG] . . . export facilities,” like this one. *See* 18 C.F.R. § 380.6(a)(1). NEPA’s mandate that federal agencies complete EISs for projects like the

Expansion here, that would significantly affect the environment, still stands. CCL argues that the Expansion will not have significant impacts, but that conclusion is unsupported and inconsistent with FERC’s past practice.

The Expansion Project will be incredibly large in scale—and consequence—and will cause numerous and cumulative significant environmental impacts. It will consist of four liquefaction trains with the capacity of 24 million tons per annum (“MTPA”).³⁶ It will have over 550 acres of construction impacts and will increase the current facility’s footprint by over 360 acres.³⁷ It will require a new marine terminal including a third marine berth, 26 miles of new pipeline, and doubled vessel traffic.³⁸ The Expansion will include three multi-point ground flares and one encapsulated marine flare.³⁹ The Expansion will also be a new major source of stationary air pollution, and operation of the facility will have other significant emissions (including increased pollution from marine vessels, on-road vehicles, and increased use of facilities at the existing CCL LNG Terminal). The expected site-wide emissions are approximately: 5,483 tons per year (“tpy”) of CO; 3,915 tpy of NO_x; 103 tpy of PM₁₀ and PM_{2.5}, 64 tpy of SO₂; and 722 tpy of Ozone—to name a few.⁴⁰ The Expansion is also expected to result in 7,396,148 tons of greenhouse gas emissions per year.⁴¹

³⁶ Application at 9.

³⁷ Application at 21.

³⁸ Application at 9-11.

³⁹ Application at 9-15.

⁴⁰ Appendix 9A – Air Permits at 49, *Corpus Christi Liquefaction Stage IV, LLC, Corpus Christi Liquefaction, LLC, and Cheniere Corpus Christi Pipeline, L.P.*, Docket CP26-82-000, Docket No. PF25-10-000, Docket CP26-87-000, and/or CP18-513-000, (Feb. 3, 2026) (hereinafter “Appendix 9A”).

⁴¹ Appendix 9A at 50.

Consistent with the law and its own policy, FERC must perform an environmental review for the Expansion.⁴² FERC has consistently recognized NEPA applied to the three other expansions of the Corpus Christi LNG facility. CCL contends that a NEPA review is unnecessary because previous portions of the project have *all* undergone a NEPA review. But this doesn't make any sense. Instead, it illustrates that FERC has consistently required a NEPA review, either an Environmental Assessment or an Environmental Impact Statement—this same level of assessment is necessary here. Taking another approach would be inconsistent with the 2014, 2019, and 2021 project reviews for other smaller projects and expansions.⁴³

By comparison, the previous (Stage III) expansion had a liquefaction capacity of 11.45 MTPA and only 12.9 acres of new ground impact. *Corpus Christi Liquefaction Stage III, LLC*, 169 FERC ¶ 61,135 at PP 7, 20 & n.26 (2019). As noted by CCL itself, however, the prior, and much smaller, Stage III expansion still required an Environmental Assessment, and this Expansion (Stage IV) will have remarkably larger impacts. This Expansion, at 24 MTPA,⁴⁴ will have twice the liquefaction capacity of the previous Stage III expansion and double the number of trains. This Expansion will have over 550 acres of construction impacts and will increase the current facility's footprint by over 360 acres.⁴⁵ Notably, other comparable expansions also required an EIS. For example, an EIS was required for Plaquemines LNG terminal, which was originally proposed with nameplate liquefaction capacity of 20 MTPA, peak capacity of 24 MTPA, and a permanent impact to

⁴² See, e.g., 18 C.F.R. §§ 380.5, 380.6 (FERC regulations describing activities that require Environmental Assessments or Environmental Impact Statements, respectively.)

⁴³ See Application at 22, fn37 (listing 3 other CCL Projects requiring NEPA-level environmental reviews).

⁴⁴ Application at 9.

⁴⁵ Application at 21.

625.8 acres of land. *Venture Glob. Plaquemines LNG, LLC Venture Glob. Gator Express, LLC*, 168 FERC ¶ 61,204, PP 5, 16–81 (2019). And, another example, FERC prepared an EIS for the Commonwealth LNG project, with a liquefaction capacity of 8.4 MTPA and permanent disturbance to less than 160 acres, including the marine facilities.⁴⁶ And, FERC prepared an EIS for the Texas LNG project, with a proposed liquefaction capacity of 4 MTPA and expected disturbance to 311.5 acres of land.⁴⁷ It would therefore be inconsistent with FERC’s prior practice for FERC to fail to complete an EIS for this Expansion Project.

b. CCL’s air pollution impacts render it inconsistent with the public interest.

The substantial impacts to air quality from the pollution that would be emitted from the construction and operation of the Expansion Project render it inconsistent with the public interest.

1. The Project is likely to cause or contribute to a violation of the NAAQS.

The Clean Air Act prohibits allowing new major sources to cause or contribute to a violation of the NAAQS. 42 U.S.C. § 7475(a)(3). FERC must carefully evaluate the Expansion’s potential to cause or contribute to a National Ambient Air Quality Standards (“NAAQS”) violation (or otherwise to add a pollutant into an “attainment” area where pollutant levels are at or above NAAQS) because a project that violates these health-based standards would be inconsistent with the public interest. The Expansion’s impacts to air quality render it inconsistent with the public interest because it is likely to cause or contribute to an exceedance of the NAAQS and, even if it doesn’t cause a NAAQS

⁴⁶ Final Environmental Impact Statement for the Commonwealth LNG Project, at 2-1, 2-8, *Commonwealth LNG, LLC*, Docket Nos. CP19-502-000 & CP19-502-001, Accession # 20220909-3017 (Sept. 2022).

⁴⁷ Texas LNG Project Final Environmental Impact Statement, at 1-3, 2-12, *Texas LNG Brownsville LLC*, Docket No. CP16-116-000, Accession # 20190315-3053 (Mar. 2019).

exceedance, its pollution will cause substantial health harms. For example, the Expansion would increase air pollution and impacts further, including through emissions from increased production and increased ship traffic—from 480 vessels to 870 vessels per year.⁴⁸ Among the Project’s pollution impacts, it is expected to have a significant net emissions increase for ozone precursors, NO_x, CO, SO₂, PM, PM₁₀, PM_{2.5}, and greenhouse gases.⁴⁹

The Corpus Christi airshed cannot stand much more industrialization before it will tip into nonattainment for several criteria pollutants. For example, background concentrations of PM_{2.5} are 8.44 µg/m³ showing the area’s emissions will soon surpass federal limit of 9.0 µ/m³.⁵⁰ And these background concentrations do not even include this Project’s emissions.⁵¹ The Project’s total ozone emissions suffer the same concerns. When compared against the 8-hour Ozone NAAQS, current emissions creep dangerously close to that standard too.⁵² And as shown in its application, even among the major sources recently permitted, CCL will have—by far—the largest emissions likely endangering the region’s ability to maintain its attainment status. This Expansion is expected to increase NO_x by 1,093 tons per year and Volatile Organic Compounds (“VOCs”) by 472 tons per year.⁵³ In comparison, the previous CCL Expansion (Stage III) increased NO_x by only 349 tons per year and VOCs by 358 tons per year. But there are still other new unaccounted for major sources that will also be piling emissions on top of CCL’s massive emissions increases. For example, Seadrift Coke, L.P. is expected to increase NO_x by 80 tons per year

⁴⁸ *Id.* at 9.

⁴⁹ Appendix 9A at 7.

⁵¹ Appendix 9A at 363.

⁵² Appendix 9A at 335.

⁵³ Resource Report 9 – Air and Noise Quality at Table 9.2-5, *Corpus Christi Liquefaction Stage IV, LLC, Corpus Christi Liquefaction, LLC, and Cheniere Corpus Christi Pipeline, L.P.*, Docket CP26-82-000, Docket No. PF25-10-000, Docket CP26-87-000, and/or CP18-513-000, (Feb. 3, 2026) (hereinafter “RR9”)

and VOCs by 39 tons per year.⁵⁴ As Corpus Christi continues to industrialize, their attainment status continues to be put at risk. Because CCL will be responsible for more than half the emissions contributions from new major sources, it may push the area out of attainment, and thus it is not in the public interest.⁵⁵

2. Even if the Expansion does not cause or contribute to a violation of the NAAQS, it would still cause significant air pollution harms that the Natural Gas Act requires FERC to consider.

Even if the Expansion does not cause or contribute to a violation of the NAAQS, it would still cause a substantial amount of harmful air pollution. The Natural Gas Act requires FERC to consider environmental impacts when determining whether an LNG facility is consistent with the public interest. *Sierra Club v. U.S. Dep't of Energy*, 867 F.3d 189, 202–03 (D.C. Cir. 2017); *NAACP v. Fed. Power Comm'n*, 425 U.S. 662, 669–70 & n.6 (1976) (stating that in addition to the purpose of “encourag[ing] the orderly development of plentiful supplies of ... natural gas at reasonable prices,” the Natural Gas Act’s “subsidiary purposes” include consideration of “conservation, environmental, and antitrust questions”). Where record evidence indicates that a project’s air pollution will create harm, even in the absence of a NAAQS violation, FERC cannot rationally exclude such harm from its Natural Gas Act decision-making. CCL’s projected emissions and modeling that can predict health harms caused by this amount of pollution demonstrate that such harm will occur here. Because NEPA review is intended to inform substantive decision-making, FERC must also evaluate this pollution as part of its NEPA review.

⁵⁴ Appendix 9A at 335.

⁵⁵ See Appendix 9A at 335 (CCL responsible for 1,065 tpy NO_x of the estimated total NO_x 1,921 tpy for projects authorized in the last two years).

EPA repeatedly has stated that while the NAAQS provide a “margin of safety,” 42 U.S.C. § 7409(b)(1), the NAAQS are not set at a level “below which . . . pollutants are known to be harmless.” *Am. Trucking Ass’ns, Inc. v. EPA*, 283 F.3d 355, 360 (D.C. Cir. 2002). Indeed, in setting the NAAQS for many criteria pollutants, including PM_{2.5} and NO₂, which the Project would emit, EPA stated that there was no evidence of a threshold below which the pollutant is harmless. EPA, *Reconsideration of the National Ambient Air Quality Standards for Particulate Matter*, 89 Fed. Reg. 16,202, 16,226 (Mar. 6, 2024); EPA, *Primary National Ambient Air Quality Standards for Nitrogen Dioxide*, 75 Fed. Reg. 6,474, 6,480 (Feb. 9, 2010). When setting the NAAQS for ozone, EPA similarly stated that if there was a threshold below which ozone is harmless, studies indicated that it must be below 40 or even 30 parts per billion, well below the 70 parts per billion NAAQS. *National Ambient Air Quality Standards for Ozone*, 80 Fed. Reg. 65,292, 65,303, 65,304, 65,306, 65,309 (Oct. 26, 2015).

Because EPA has clearly established that air pollution may cause adverse health impacts even at levels below NAAQS, and because it is possible to predict the foreseeable health outcomes from those pollution increases, FERC must fully analyze and consider the impacts of the Expansion Project’s air pollution regardless of whether it violates the NAAQS. EPA has explicitly and repeatedly predicted the health impacts that would be expected to occur at air pollution levels that do not violate the NAAQS, and EPA has determined that it is appropriate to consider harms arising from pollution below the NAAQS when making decisions outside the Clean Air Act’s Prevention of Significant Deterioration (“PSD”) program. *See, e.g.*, EPA, *Supplemental Finding that it is Appropriate and Necessary to Regulate Hazardous Air Pollutants From Coal- and Oil-Fired Electric*

Utility Steam Generating Units, 81 Fed. Reg. 24,420, 24,427, 24,440 (Apr. 25, 2016). Further, emission limits that reduce pollution below the NAAQS have co-benefits from avoided premature deaths that can be predicted, quantified, and monetized. In its 2012 Mercury and Air Toxics Standards, EPA concluded that the rule would provide \$33 to \$81 billion of co-benefits, largely from avoided premature deaths, by reducing PM_{2.5} and sulfur dioxide (which contributes to secondary formation of PM_{2.5}). EPA, National Emission Standards for Hazardous Air Pollutants From Coal and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial Institutional, and Small Industrial Commercial-Institutional Steam Generating Units, 77 Fed. Reg. 9,304, 9,305-06 (Feb. 16, 2012). After the Supreme Court remanded the rule for additional consideration of costs, *Michigan v. EPA*, 576 U.S. 743 (2015), EPA reaffirmed that “there is a substantial body of scientific evidence supporting the existence of health impacts from exposure to PM_{2.5}, even at low concentrations below the NAAQS,” that “there is no scientific basis for ignoring health benefits” of further reducing PM_{2.5}, and that the NAAQS did not limit EPA’s ability to consider harm caused by pollution below the NAAQS in other regulatory contexts.⁵⁶

Similarly, EPA’s User Manual for its Co-Benefits Risk Assessment Health Impacts Screening and Mapping Tool (“COBRA”) explicitly states EPA’s determination that pollution below the NAAQS can cause foreseeable harm. EPA provides an example in which, in a particular county, the difference between annual PM_{2.5} levels of 7.7 and 7.8 µg/m³ (a 0.04 µg/m³ change, rounded) for one year equates to 2.4 to 4.2 statistical adult premature deaths caused or avoided.⁵⁷

⁵⁶ 81 Fed. Reg. at 24,440.

⁵⁷ EPA, User’s Manual for the Co-Benefits Risk Assessment Health Impacts Screening and Mapping Tool

Accordingly, even if the Expansion’s air pollutant emissions were somehow not to cause or contribute to NAAQS violations, FERC cannot lawfully conclude that its impacts need not be considered against the public interest. EPA’s policy judgment about what to accept for purposes of the Clean Air Act’s PSD program does not relieve FERC of the obligation to make an independent judgment about the significance or weight of adverse health impacts in FERC’s Natural Gas Act decision-making. *Sierra Club v. FERC*, 867 F.3d 1357, 1375 (D.C. Cir. 2017) (“*Sabal Trail*”). The Natural Gas Act provides FERC with different obligations and authorities than the Clean Air Act provides other agencies. In discharging its unique authority under the Natural Gas Act, FERC must consider impacts that occur despite compliance with other statutes. *Calvert Cliffs’ Coordinating Comm. v. Atomic Energy Comm’n*, 449 F.2d 1109, 1122–23 (D.C. Cir. 1971). Moreover, it rationally follows from the Natural Gas Act’s requirement for FERC to consider environmental factors as part of its public interest decision-making, *NAACP*, 425 U.S. at 669–70 & n.6, that a project is necessarily contrary to the public interest if it causes violations of a federal environmental law that is not preempted by the Natural Gas Act.

While FERC has sometimes stated that it uses NAAQS compliance as a proxy for evaluating the impact of air pollution, there are other tools available that would enable FERC to quantify and evaluate the health impacts of pollution increases that do not violate the NAAQS: specifically, EPA’s COBRA modeling tool discussed above. While the D.C. Circuit has held that comparison with the NAAQS can be meaningful in the absence of more specific information, *Sabal Trail*, 867 F.3d at 1370–1371 n.7, nothing in that case

(COBRA) Version: 5.2, at 39 (Mar. 2025), <https://www.epa.gov/system/files/documents/2025-03/cobra-usermanual-v5.2.pdf>.

supports the conclusion that agencies can ignore more specific information when it is in the record.

Movants have used COBRA to model the estimated health impacts of the Expansion Project's air pollution and have attached the outputs as **Exhibit 7**. Movants used the COBRA web edition⁵⁸ to predict the impacts of the Project's predicted annual pollution increase of per year (113 tpy of PM_{2.5}; 1,093 tpy of NO_x, 51 tpy of SO₂, 3,342 tpy of CO, 472 tpy of VOC) in San Patricio and Nueces Counties—the two counties affected by the Expansion. COBRA predicts that the health impacts of pollution increases will include total monetized health harm of \$980,000-\$1.6MIL (Nueces) combined with \$293,000-\$455,000 (San Patricio)/year.⁵⁹ These results do not account for the health effects of the Project's other air pollution, such as HAPs, CO, and PM₁₀, which COBRA does not model. FERC has no basis to ignore such substantial predicted health harms, even if the Project somehow does not violate the NAAQS.

3. FERC must not rely on Significant Impact Levels (“SILs”) to ignore pollution harms or determine that cumulative air pollution impacts are insignificant.

FERC also must not improperly rely upon EPA's SILs to find that the Expansion Project does not have a significant cumulative impact on air quality or to dismiss the Project's impacts. The D.C. Circuit has held that it is unlawful for FERC to conclude that a project does not have a cumulatively significant air pollution impact solely because a project's individual air pollution impacts are below the SILs. *Healthy Gulf v. FERC*, 107

⁵⁸ COBRA Web Edition, <https://cobra.epa.gov/>.

⁵⁹ Those annual pollution numbers were taken from the application's chart of annual operational pollution. RR9 at 9-13, Table 9.2-5. While COBRA does not include a category specific to LNG terminals, movants selected “fuel combustion: electric utility,” “gas,” “natural,” as the relevant “sector” for modeling, which is appropriate given the design of the facility here. See **Exhibit 6**.

F.4th 1033, 1043–44 (D.C. Cir. 2024). FERC has also recognized that it cannot rely on SILs to fulfill its duty to consider cumulative impacts. *Venture Global CP2 LNG, LLC*, 189 FERC ¶ 61,148, PP 183–185 (2024) (granting request for rehearing in part to allow for FERC’s reconsideration of cumulative NO₂ and PM_{2.5} impacts based on *Healthy Gulf*). EPA has similarly determined that the SILs do not represent a level below which health impacts are absent or statistically insignificant. Air Plan Disapprovals; Interstate Transport of Air Pollution for the 2015 8-Hour Ozone National Ambient Air Quality Standards, 88 Fed. Reg. 9336, 9,372 (Feb. 13, 2023).

Any dispersion modeling that CCL plans to complete for its PSD permit applications cannot rely on a SILs analysis to substitute for the required comprehensive analysis of cumulative air pollution impacts that FERC must complete under NEPA and the Natural Gas Act.

4. CCL has a history of reportable emission events and State Air Permit noncompliance, which makes the Expansion inconsistent with the public interest.

Once permitted, whether CCL can comply with Clean Air Act requirements is a required factor FERC must consider when determining if the Expansion is in the public interest. Authorizing the Expansion, for an operator with a pattern of non-compliance, poses a substantial risk to the region’s delicate attainment status and poses weighty public health concerns. Notably—not only does CCL admittedly plan to create the lion’s share of pollution in the Corpus Christi airshed—but between January 2018 and May 2025, CCL reported 59 emission events.⁶⁰ These upset events lasted anywhere from seven days to one

⁶⁰ *Id.*

month.⁶¹ Specifically concerning, from both an attainment and public health perspective, in 2023, CCL reported 3,348,593 tons of Greenhouse Gases and 2,945 tons of other health-damaging air pollutants.⁶² With this Expansion, CCL seeks to emit even more pollution. Further, CCL has recently been subject to at least two enforcement orders from TCEQ for failing to adequately maintain flares causing reportable emission events. These Agreed Orders are attached as **Exhibit 8**. These significant air pollution impacts combined with pattern noncompliance render the Project not in the public interest.

c. The Expansion's other environmental and local impacts render it inconsistent with the public interest.

As discussed in Section I, this Expansion poses many additional harms to the local community and the region. The harms identified by Movants in Section I and in Coastal Watch's Scoping Comments are reasserted and reincorporated here for FERC to weigh these real and potential substantial harms against the Expansion's benefits. Movants identify some issues in more detail below and remain additionally concerned about: adverse impacts to local water resources and wetlands; long-term adverse health and environmental impacts from the Project; air pollution impacts; higher energy prices; increased vessel traffic; adverse impacts to cultural resources and historic properties; and adverse impacts to water quality.

1. Doubled Vessel Traffic will cause increased shoreline erosion.

The Project's doubled vessel traffic will directly contribute to increased shoreline erosion, which will potentially damage cultural resources and historic properties on the

⁶¹ Environmental Integrity Project, *Terminal Trouble: Pollution Violations at America's LNG Export Terminals* (Oct. 29, 2025) at 20.

⁶² Environmental Integrity Project, *Terminal Trouble: Pollution Violations at America's LNG Export Terminals* (Oct. 29, 2025) at 13.

Texas Coast.⁶³ Studies have shown that increased vessel traffic leads to a significant increase in the erosion of areas that are already shown to be susceptible.⁶⁴ Vessel wakes are the dominant cause of erosion in commercial shipping channels. Because larger vessels produce larger wakes and LNGCs and VLLCs are some of the largest ships, they cause significant wakes leading to increased shoreline erosion.⁶⁵ And confined channels, like the Corpus Christi Ship Channel, amplify the erosive effects of ships.⁶⁶ Finally, cumulative vessel traffic is significant, and this Expansion seeks to double traffic, which will only compound the existing erosion problem.⁶⁷ This is especially significant because tanker traffic in Corpus Christi has skyrocketed in recent years—doubling from 2015-2022.⁶⁸ These losses may be irreversible for the coastal ecosystems. Once the marsh edge is lost,

⁶³ See Final Environmental Impact Statement for Corpus Christi LNG Project at 431, *Corpus Christi Liquefaction, L.L.C. and Cheniere Corpus Christi Pipeline, L.P.*, Docket Nos. CP12-507-000, CP12-508-000, DOE Docket No. FE 12-97-LNG, FER/EIS-0252F (Accession # 20141008-4001) (Oct. 2014) (“... is exposed to erosional forces created by a combination of wind driven waves and wakes of ships transiting Copus Christi Channel. The area’s small islands, seagrass beds, and marsh habitats are being eroded at an average rate of 5.2 ft/yr., placing a large area of seagrass and marsh habitat at risk.”) (hereinafter “2014 CCL FEIS”).

⁶⁴ Gian M. Scarpa, et al., *The effects of ship wakes in the Venice Lagoon and implications for the sustainability of shipping in Coastal Waters*, Scientific Reports 9, 19014, <https://www.nature.com/articles/s41598-019-55238-z>.

⁶⁵ Cassandra L. Everett, *Ship wake forcing and performance of a living shoreline segment on an estuarine shoreline*, *Frontier in Built Environment, Coastal and Offshore Engineering, Section Coastal and Offshore Engineering*, Vol. 8 (Aug. 8, 2022), <https://www.frontiersin.org/journals/built-environment/articles/10.3389/fbuil.2022.917945/full>; see also Steven D. Meyers, *Ship wakes and their potential shoreline impact in Tampa Bay*, *Ocean & Coastal Management*, Vol. 211 (Oct. 1, 2021), <https://www.sciencedirect.com/science/article/abs/pii/S0964569121002325>; and see *Review of boat wake wave impacts on shoreline erosion and potential solutions for the Chesapeake Bay* (2017) https://ccrm.vims.edu/2017_BoatWakeReviewReport.pdf; Jacob Geersen, *Ship wake-induced water column mixing and meter scale seabed erosion in the Baltic Sea*, *Nature Communications* (Feb. 10, 2026) <https://www.nature.com/articles/s41467-026-68875-6>.

⁶⁶ Gian M. Scarpa, et al., *The effects of ship wakes in the Venice Lagoon and implications for the sustainability of shipping in Coastal Waters*, Scientific Reports 9, 19014, <https://www.nature.com/articles/s41598-019-55238-z>; see also Cassandra L. Everett, *Ship wake forcing and performance of a living shoreline segment on an estuarine shoreline*, *Frontier in Built Environment, Coastal and Offshore Engineering, Section Coastal and Offshore Engineering*, Vol. 8 (Aug. 8, 2022), <https://www.frontiersin.org/journals/built-environment/articles/10.3389/fbuil.2022.917945/full>.

⁶⁷ Application at 9; and see, *Review of boat wake wave impacts on shoreline erosion and potential solutions for the Chesapeake Bay* (2017) https://ccrm.vims.edu/2017_BoatWakeReviewReport.pdf.

⁶⁸ Sierra Fletcher et al., *Viability of Moving Increased Crude Oil Volume via the No-Action Alternative in the Bluewater DEIS*, NUKA RESEARCH at 3 (Sept. 2023).

seagrass beds are scoured, or shell middens are undercut, those features will not likely regenerate on a human timescale.

2. The Project will adversely impact seagrasses which serve important anti-erosion functions and more.

Doubled vessel traffic additionally will negatively affect seagrasses which perform important functions like preventing shoreline erosion and serve as food and habitat for marine life.⁶⁹ As such, seagrass is critical to the coastal environment by supporting fisheries and endangered species.⁷⁰ They also capture atmospheric carbon dioxide and produce oxygen that supports marine life. Seagrass stabilizes the coastline by anchoring sediment and improves water quality by filtering pollutants. Because the Texas Coast is clustered with cultural resources, shoreline erosion endangers these resources. As a result, damage to seagrass has corresponding detrimental effects to marine life and the shoreline. The Project's damage to the ecosystem, marine life, endangered species, the shoreline, and culture resources renders the project inconsistent with the public interest.

3. The Project poses contamination concerns from the old Reynolds Metals plant.

Movants are additionally concerned about potential contamination from the Sherwin Alumina plant that was constructed by Reynolds Metals in the 1950's in Gregory, Texas and produced smelter and chemical-grade alumina until closing after bankruptcy in 2016.⁷¹ The Final Environmental Impact Statement for the 2014 CCL Project explained that the red mud leftover from Reynolds Metals included arsenic, chromium and radium-226, and that arsenic exceeded Texas Commission on Environmental Quality's Protective

⁶⁹ Marjolijn Christian, *Low-canopy Seagrass Beds Still Provide Important Coastal Protection Services*, PLoS One (May 28, 2013) <https://pubmed.ncbi.nlm.nih.gov/23723969/>.

⁷⁰ Seagrass Meadow, FL. KEYS NAT'L MARINE SANCTUARY, <https://floridakeys.noaa.gov/plants/seagrass.html> (last visited Mar. 9, 2026).

⁷¹ 2014 CCL FEIS at 4-12-4-13.

Concentration Level in groundwater.⁷² In 2014, a clay cap was constructed over some of this area, but the current Expansion will disturb other soils that may be contaminated and need to be tested and remediated.⁷³ An appropriate remediation plan for any exceedances or groundwater contamination should also be created. Movants remain concerned about potential impacts from further disturbing the contamination and about whether this area was ever evaluated for cultural resources, given that the Alumina Facility was constructed around the same time that multiple archeological sites were being discovered on the Texas Coast. As such, movants request an EIS be prepared to understand the scope of contamination as it relates to the current Expansion's acreage, prepare a mitigation and/or remediation plan, and create plans for testing soils and groundwater. This same area also needs to be evaluated for the presence of cultural resources because Reynolds may not have evaluated it for the same prior to construction in the 1950's.

d. FERC must consider historic properties affected by the Expansion.

The NHPA requires federal agencies to “take into account” the preservation of historic properties when implementing federal projects. 54 U.S.C. § 306108 (requiring that any federal agency “having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking ... prior to the approval of the expenditure of any Federal funds on the undertaking ... shall take into account the effect of the undertaking on any historic property.”). This process requirement is referred to as the Section 106 process. *See* 36 C.F.R. §§ 800.3—800.13. And these regulations, codified at 36 C.F.R. § 800 *et seq.*,

⁷² *Id.*

⁷³ Application at 12.

identify the steps that a federal agency must take to comply with the NHPA for any “historic property.” 54 U.S.C. § 306108.

The Section 106 process applies to any historic property, which means any cultural resource that is listed in or is *eligible to be listed in* the National Register of Historic Places.⁷⁴ As defined, “eligible property” does not distinguish between those properties determined eligible and any property that *may* qualify: “Eligible property” means any district, site, building, structure, or object that meets the National Register Criteria. 36 C.F.R. § 800.2(f). Rather, what is an eligible property for NHPA purposes turns on the property’s inherent historical and cultural significance. Specifically, Section 101(d)(6)(B) of the Act requires the agency to consult with any Indian Tribe that attaches religious and cultural significance to historic properties which may be affected. This applies “regardless of the location” and mandates that “[s]uch Indian tribe . . . shall be a consulting party” and allows “[c]ertain individuals and organizations with a demonstrated interest in the undertaking” to participate as a consulting party. 33 C.F.R. §§ 800.2(c)(2)(ii) and 800.2(c)(5). And the passage of time may require reevaluation of cultural resources based on “changing perceptions of significance, or incomplete prior evaluations.” 33 C.F.R. § 800.4(c)(1).

To the best of Movant’s knowledge, a shovel test or full assessment has never been completed for archaeological site 41SP36, first discovered in 1933 at Donnel Point.⁷⁵ Instead, reports just repeat the unverified assumption that the site was washed into the bay. Since these reports were authored, however, time has passed, and a reevaluation of this cultural resource is required for several reasons. 33 C.F.R. § 800.4(c)(1). First, 41SP36 was

⁷⁴ 33 C.F.R. § 800.16(l)(1) and (2).

⁷⁵ Donnel Point Report at 5.

rediscovered in 2024, and is not destroyed.⁷⁶ This discovery proves that any prior survey claiming it was destroyed is no longer an accurate assessment of the site. Second, prior evaluations with shovel testing are incomplete. 33 C.F.R. § 800.4(c)(1). Instead, the prior evaluations are based on assumptions that are now verifiably untrue. Third, with 41SP36's rediscovery also came a changed perception of Donnel Point's significance. 33 C.F.R. § 800.4(c)(1). As was previously discussed in Section I, Donnel Point was always notable and referenced in surveys, but studies assumed all of the archaeological sites it held were lost. Because 41SP36 is not lost, and indeed one of the few remaining intact shell middens in the area, its perception of significance has changed. Now, rather than being notable, it is one of the last existing sites. This site is evidence of a 2,300-year-old shell midden.⁷⁷ As one of the last existing, it is now the one of the only places archeological insights into the lives of ancient peoples can be learned. Thus, its significance from an archeological perspective has grown tremendously. In addition, and most importantly, its cultural significance has also been transformed. According to the Karankawa, the Texas Coast represents a sacred matrix of interconnected spiritual relationships where they “can feel the memories of their ancestors.”⁷⁸ From the perspective of a present-day Karankawa, Hawk Clan member Chiara Sunshine Beaumont, this is just a glimpse into the site's cultural importance:

*The land...is sacred to us. It is where my relatives from the coyote clan journey to pray and gather in thanks and it is where our ancestors left their tools, pottery [and] artifacts for us. It is a tangible piece of our lineage that connects us to that land, and we have been connected to this land living on it, protecting it for at least the last 2000 years.*⁷⁹

⁷⁶ See generally Donnel Point Report.

⁷⁷ See generally Donnel Point Report.

⁷⁸ Bluewater Report at 10.

⁷⁹ *Id.*

The significance of Donnel Point and other cultural resources on the Texas Coast cannot be overstated.

As is now well-established through the cited history and reports, Donnel Point is a sacred cultural resource of the Karankawa Tribe and should qualify as a historic property under the NHPA. 33 C.F.R. § 800.16(1)(1) and (2). This is the site of a former village of the Karankawa People, and their ancestors—the site is thus of particular cultural significance to Movants. Based on this, and each Tribe’s well-documented historic presence on the Texas coast, the Karankawa Tribe or the Carrizo/Comecrudo Tribes request to be consulting parties in the Section 106 process. 33 C.F.R. § 800.2(c)(5). Significantly, in other instances, State and Federal agencies have designated the Karankawa and Carrizo/Comecrudo Tribes as consulting parties for properties important to their history and culture.⁸⁰ Both Tribes are requesting consultation before their cultural resources are disturbed or potentially destroyed.

Because Donnel Point meets the definition of a historic property and the site will be affected by this Expansion, it triggers FERC’s requirements for the NHPA review of that site, including consultation, identification, reevaluation, and requires assessment and mitigation of adverse impacts. 33 C.F.R. §§ 800.2-800.5. The Section 106 Process requires that CCL’s Application be updated to include Donnel Point as a historic property that will be impacted by the Expansion as well as measures to mitigate those adverse impacts. *Rover Pipeline, LLC and Energy Transfer Partners, L.P.*, 174 FERC ¶ 61208, 61865 (2021).

⁸⁰ See Abselom Ketzirah, RE: Request for Consulting Party Status of Stephen F. Austin Elementary (1935), currently Minnei Mae Hooper Elementary, located at 500 Abell Street, Wharton, Texas, 77488 (May 28, 2021); Nancy A. Kenmotsu & Mariah F. Wade, Amistad National Recreation Area, Del Rio Texas American Indian Tribal Affiliation Study Phase I: Ethnohistoric Literature Review, at 5, 136, (Tex. Dpt. Of Transportation & National Park Service) (2002), <https://npshistory.com/publications/amis/aspr-34.pdf>.

e. CCL's identified Area of Potential Effects is improper.

As part of the Section 106 process, FERC must identify historic properties which may be adversely affected by a federal project. 54 U.S.C. § 306108. Per the NGA and NHPA, FERC cannot issue a certificate without taking “into account the effects of their undertakings on historic properties.” 36 C.F.R. § 800.1(a). These identification efforts include affirmative actions to ensure cultural resources will not prove a Project inconsistent with the public interest. To begin evaluating how a Project may impact historic properties, an Area of Potential Effects (“APE”) may be determined. The APE is defined in regulations as “the geographic area *or areas* within which an undertaking *may directly or indirectly* cause alterations in the *character or use* of historic properties.” 36 C.F.R. 800.16; *see also FirstLight Hydro Generating Co.*, 162 FERC ¶ 61,235, 3 (2018) (FERC-defined Project APE included “(i) all lands within the projects’ boundaries and (ii) lands outside the projects’ boundaries where project construction, operation, or project-related recreational development or other enhancements may cause changes in the character or use of historic properties.”)

Specifically, in determining any APE, the agency must review, seek and gather information on historic properties. 36 C.F.R. § 800.4. Each of these affirmative actions has its own set of criteria as well. When reviewing information, FERC must not only review existing information, but the agency must also review information that includes “data concerning *possible* historic properties *not yet identified*.” 36 C.F.R. § 800.4(a)(2). When seeking information, FERC must pursue information from “consulting parties” *and* “other individuals and organizations *likely to have knowledge of, or concerns with*, historic properties in the area” and “identify issues relating to the undertaking’s effects on historic properties.” 36 C.F.R. § 800.4(a)(3). When gathering information, FERC is instructed to

collect that information from “individuals and organizations” that have requested to be consulting parties. 36 C.F.R. § 800.4(a)(4); *and see* 36 C.F.R. § 800.3(f).

Additionally, the APE must encompass direct and indirect project consequences that may affect historic properties. 36 C.F.R. § 800.16(d). An APE must be tailored to a Project’s “scale” and be reciprocal also to the “nature of any undertaking.” 36 C.F.R. § 800.16(d). Movants argue that the current APE depicted in CCL’s application fails to include areas that the “undertaking may directly or indirectly cause alterations” to for several reasons. 36 C.F.R. § 800.16(d). First, it is well documented that the Texas Coast is clustered with invaluable Indigenous artifacts.⁸¹ Currently, the APE is constrained to the terminal footprint where subsurface may be impacted.⁸² The permitted project area and the APE cannot be synonyms. At the very least, an APE must include all project components so that impacts on cultural resources are comprehensive. As is, the currently designated APE fails to do the work its definition requires because: it excludes impacts from the terminal’s operations and project components; it excludes supporting terminal infrastructure (like compressor stations and portions of pipelines); and it excludes impacts from the LNGC traffic route—which will now have 870 vessels routed there from CCL alone.⁸³ One primary purpose of the Project stated in its Application is to “enable abundant natural gas supplies to be exported as LNG.”⁸⁴ To draw a compliant APE means drawing an APE that also includes areas that will suffer other impacts that are central to the Expansion—not just to the terminal’s landlocked footprint.

⁸¹ Donnel Point Report at 3-5; *and see* Bluewater Report at 11-12.

⁸² *See* RR4 at 4-3 (Figure 4.2-1); 4-2 (“The Direct APE includes areas where ground disturbances will occur as a result of the Projects, potentially impacting subsurface resources (archaeological sites). The Indirect APE includes areas where the planned aboveground facilities associated with the Projects may alter the viewshed of that location.”).

⁸³ *Compare* RR4 at 4-3 (Figure 4.2-1) with RR1 at 27.

⁸⁴ Application at 20.

The Application, by way of other maps showing impacts, demonstrates the Project’s own adverse impacts are far-reaching from onshore to offshore, and even out into the Bay. These are the same areas rich with already identified cultural resources. For example, a large portion of Corpus Christi Bay was analyzed for impacts on seagrasses.⁸⁵ Admitting the Project will have “direct impacts to seagrasses, which are unique and sensitive plant species,” CCL acknowledges that “unavoidable loss” of seagrasses will require mitigation.⁸⁶ As is shown in Application Figure 3.1-2, these impacted seagrasses extend far beyond the Expansion’s footprint.⁸⁷ As was explained above, seagrasses play an important role in preventing shoreline erosion.⁸⁸ Additionally, the Project will have dredge placement areas shown in Application Figure 2-3.⁸⁹ The current APE does not include any of the dredging areas—or account for the impacts that either the dredging or the placement areas may have on cultural resources. Additionally, Zones of Concern of Accidental Release shown in Application Figures 11.2-1 and 11.2.2.⁹⁰ are also unaccounted for in the APE. This is of particular concern because an accidental release may totally destroy remaining cultural resources. Furthermore, the Application explains that areas near Chiltipin Creek (that will house compressor stations, other project components, and portions of a pipeline) may include cultural resources that may be affected, but yet, the

⁸⁵ Resource Report 3 – Fish, Wildlife and Vegetation at Figure 3.1-2 Seagrass within Corpus Christi Bay CCL Stage 4 and CCPL Expansion Projects, *Corpus Christi Liquefaction Stage IV, LLC, Corpus Christi Liquefaction, LLC, and Cheniere Corpus Christi Pipeline, L.P.*, Docket CP26-82-000, Docket No. PF25-10-000, Docket CP26-87-000, and/or CP18-513-000, (Feb. 3, 2026) (hereinafter “RR3”).

⁸⁶ RR3 at 3-7.

⁸⁷ RR3 at 3-7.

⁸⁸ *Supra* at Section II.C.2.

⁸⁹ Appendix 2A: Figures at 52, Figure 3-2 Dredge Material Placement Areas, *Corpus Christi Liquefaction Stage IV, LLC, Corpus Christi Liquefaction, LLC, and Cheniere Corpus Christi Pipeline, L.P.*, Docket CP26-82-000, Docket No. PF25-10-000, Docket CP26-87-000, and/or CP18-513-000, (Feb. 3, 2026).

⁹⁰ Resource Report 11- Reliability and Safety Study RR11 at 11-13.

APE also fails to include that inland area.⁹¹ Because these maps illustrate other potential Project impacts—these maps illustrate additional ways, but not every way, this Expansion “may directly or indirectly cause alterations” to areas beyond what is currently captured by the APE. As such, the APE must be expanded to include these areas beyond the Expansion’s footprint onshore to include all the project components that may affect cultural resources. Including some areas and not others defeats the purpose of the APE. 36 C.F.R. § 800.16(d).

Importantly, 36 C.F.R. § 800.4 requires FERC to “make a reasonable and good faith effort to carry out appropriate identification efforts” with respect to historic properties within the area of potential effects. The current APE is deficient and fails to include areas with Project components that will be adversely impacted. Movants request that FERC reexamine the APE to include Project impacts that may directly or indirectly injure historic properties on the Texas Coast.

f. Documented cultural resources on the Texas Coast require an EIS.

As has been explained, Indigenous settlements were historically clustered on the Texas shoreline and industrialization from the Expansion poses a particular risk to these artifacts. The Cultural Resources Report attached to the Application confirms this, but it remains deficient. Specifically, there are 18 sites within the narrowly drawn APE, and the report shows 38 previously recorded sites within 1 mile of the APE, including:

- 1 historic above ground site that listed on the NRHP;
- 1 burial ground that is NRHP eligible; and
- 13 unevaluated shell middens.⁹²

⁹¹ Compare RR4 at 4-3 to Appendix 4E—Geoarchaeological Deep Testing Report, Figure 1 Project Overview (Aerial) at 3, *Corpus Christi Liquefaction Stage IV, LLC, Corpus Christi Liquefaction, LLC, and Cheniere Corpus Christi Pipeline, L.P.*, Docket CP26-82-000, Docket No. PF25-10-000, Docket CP26-87-000, and/or CP18-513-000, (Feb. 3, 2026).

⁹² RR4 at 4-6 –4-7.

But, as many sites as have been identified, if the APE were appropriately drawn—there could be many more. As the report acknowledges, shovel tests must be completed at some of these sites because they could be adversely impacted and must be evaluated. Field surveys are still incomplete.⁹³ No decision can be made on this Project until those field surveys have been completed. Additionally, these field surveys should include the Karankawa and the Carrizo/Comecrudo as consulting parties. Project approval should not be granted until consultations with requested Tribal groups are completed.

Because the Expansion is on the North Shore of Corpus Christi Bay, which was one of the most intensively occupied Indigenous places on the Texas Coast—more cultural resources are likely at risk.⁹⁴ Notably, 41SP36 is missing from the current application’s cultural resource assessment. To appropriately evaluate the breadth of resources that may be implicated by the Expansion an EIS is necessary to (1) document all cultural resources that may indirectly or directly impacted by the Expansion; then (2) to evaluate whether those cultural resources can withstand project impacts, and (3) determine whether Project footprint changes and/or mitigation is required. *See* 42 U.S.C. §§§ 4331(b)(4), 4332(2)(C)(iii), 4332(2)(C)(v) (NEPA requirements). Additionally, both the Karankawa and the Carrizo/Comecrudo Tribes are requesting to be consulting parties to this process. 33 C.F.R. § 800.2(c)(5).

⁹³ RR4 at 4-11.

⁹⁴ *See generally* Donnel Point Report; *see also* Motion to Intervene of Indigenous Peoples of the Coastal Bend at 2., *Corpus Christi Liquefaction LNG, LLC*, Docket Nos. CP23-129-000 & PF22-10-000, (Accession # 20230504-5148) (May 4, 2023).

g. Damaging precious cultural resources on the Texas Coast makes this Project inconsistent with the public interest.

Protecting cultural resources is not a debatable public interest. Rather, it is a Congressional command across multiple statutes spanning decades. 54 U.S.C. §§ 300101, 306108, 306101; 42 U.S.C. § 4331(b)(4); 16 U.S.C. § 470aa(a); 42 U.S.C. § 1996. Thus, it is public policy that is codified across this Nation’s laws. When FERC conducts a public interest analysis, it must weigh cultural resources against this backdrop.

The public interest in preserving cultural resources is also important under Texas state law. Specifically, the “Legislature created a statutory framework designed to ensure the discovery and preservation of cultural, educational, scientific, or historic assets in accordance with the public policy and public interest of the State.” *Grossman v. City of El Paso*, 642 S.W.3d 85, 106 (Tex. App—El Paso 2021, review dismissed); citing TEX. NAT. RES. CODE ANN. § 191.002. And the Legislature further “emphasized the public’s interest in achieving the stated policy goal by authorizing any Texas citizen to bring suit to require compliance with the statutory framework.” *Id.*; *and see* Tex. Nat. Res. Code Ann. § 191.173.

Because there are precious few remaining cultural resources on the Texas coast, FERC’s approval of this Project must be informed by a genuine consideration of irreversible impacts on irreplaceable cultural resources like 41SP36, and others. The significant threat or total destruction of the precious few remaining cultural resources on the Texas Coast renders the Project inconsistent with the public interest.

As discussed throughout, a last remaining intact site—like 41SP36 at Donnel Point—carries significance that is categorically different from a situation where dozens of comparable sites exist. Any economic benefit to be gained from this Expansion is temporal

and will only last as long as the facility operates and a market exists. But the destruction of 41SP36 would be permanent. NEPA and FERC's own precedent recognizes that irreversible and irretrievable commitments of resources deserve heightened practices. *See* 42 U.S.C. § 4332(2)(c)(v). The Project's benefits and harms must be weighed to determine whether the Expansion is in the public interest.

III. CONCLUSION

For the reasons stated above, Ingleside on the Bay Coastal Watch Association, Inc., Indigenous Peoples of the Coastal Bend, the Karankawa Tribe of Texas, and the Carrizo/ Comecrudo Tribe of Texas, LLC, protest the Expansion application and move to intervene in Dockets CP26-82-000, PF25-10-000, CP26-87-000, and CP18-513-000 and urge FERC to: (1) complete a Environmental Impact Statement under NEPA for the Expansion, (2) comply with requirements under Section 106 of the NHPA related to historic properties and requested consultation with the Karankawa and Carrizo/Comecrudo Tribes whose cultural resources are at risk; and (3) deny the Application because it would be inconsistent with the public interest.

Dated: March 10, 2026

Respectfully submitted,

/s/ Caroline Crow

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CERTIFICATE OF SERVICE

Pursuant to 18 C.F.R. § 2010(h) and (j), the undersigned served all parties electronically. I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding for the following Docket Nos: CP26-87-000, PF25-20-000, CP26-82-000, and CP18-513-0000.

Dated: March 10, 2026

/s/ Michelle Carlos
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at San Antonio, TX on May 4, 2023.

/s/ Thomas Gosselin

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