

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

**In The Matter Of:** §  
§  
**Corpus Christi Liquefaction, LLC** § **Docket No. 26-32-LNG**  
**Corpus Christi Liquefaction Stage IV, LLC** §  
**Cheniere Marketing, LLC** §  
§

**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**

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”) move to intervene in the above-captioned docket and submit this protest pursuant to 10 C.F.R. §§ 590.303(b) and 590.304 to Corpus Christi Liquefaction, LLC, Corpus Christi Liquefaction Stage IV, LLC and Cheniere Marketing, LLC’s (collectively “CCL”) application for approval from the U.S. Department of Energy (“DOE”) to export liquefied natural gas (“LNG”) in the amount of 1,200 billion cubic feet (“bcf”) of natural gas per year (“bcf/y”) from the proposed “CCL Stage 4 Project” (or “Project”), an expansion of the existing and approved LNG Terminal on the La Quinta Ship Channel in San Patricio and Nueces Counties (“CCL Terminal”) to free trade and non-free trade countries.<sup>1</sup>

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<sup>1</sup> Application for Long-Term Authorization to Export Liquefied Natural Gas to Free Trade Agreement Nations and Non-Free Trade Agreement Nations, *Corpus Christi Liquefaction, LLC, Corpus Christi Liquefaction Stage IV, LLC, Chenier Marketing, LLC*, at 7, Docket No. 26-32-LNG (March 19, 2026) (“Application”).

DOE should deny the Application because the proposed exports are inconsistent with the public interest.<sup>2</sup> This volume of exports would cause increased: energy prices for consumers, shipping traffic, upstream and downstream pollution, increased local air pollution, shoreline erosion and other environmental impacts. These Stage 4 Project impacts are piled on top of the previously approved, but unevaluated, impacts from the prior three stages. Individually and collectively, these impacts render the Application inconsistent with the public interest. DOE cannot lawfully apply its Categorical Exclusion B5.7 to avoid reviewing the Application under the National Environmental Policy Act (“NEPA”) because the Categorical Exclusion is unlawful both facially and as applied to this Application. Additionally, CCL’s request for an extended floating export term of almost 40 years must be denied. Below Movants will demonstrate their interest in intervention and protest the Application.

### **BACKGROUND**

CCL’s Application proposes its third expansion since its initial terminal construction in 2014. According to DOE, as is, without the instant Application, CCL’s existing Terminal is the second largest LNG exporter in the United States (at 4.45 Bcf/d).<sup>3</sup> Its current pending requests (uprate’s 0.69 Bcf/d + Stage IV’s 3.287 Bcf/d) are a 90% increase from the already authorized volumes.<sup>4</sup> As shown in Table 1 below, the impacts for Stages 1-3 are already approved through at least 2050.<sup>5</sup> By CCL’s own estimate, activities from its newest units will result in huge amounts of pollution: 8 million pounds of pollution for construction, 22 million pounds of pollution for

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<sup>2</sup> 15 U.S.C. § 717b(a).

<sup>3</sup> DOE, *Energy Department Approves Export Expansion at Corpus Christi LNG* (Feb. 26, 2026).

<sup>4</sup> Application at 7.

<sup>5</sup> DOE, Summary of LNG Export Applications of the Lower 48 States before the Department of Energy as of March 4, 2026 (Mar. 4, 2026) (listing all export applications and their volume in bcf/day).

commissioning, and 11 million pounds for operations, annually.<sup>6</sup> In addition, the current Project guarantees decades of significantly increased vessel traffic—at a minimum, 870 LNG Carriers (“LNGCs”) yearly, plus barges, support vessels, tugs, and any other necessary ships. These impacts will accumulate across the life of all four project stages.

As of March 4, 2026, CCL has several already approved applications for various stages of expansions related to this same Terminal. Each application is for significant quantities of natural gas.<sup>7</sup> Despite separate applications, the cumulative impacts are all collected at the same site in Corpus Christi.

**Table 1: Approved and Pending Export Quantities for CCL’s Stages 1-4<sup>8</sup>**

Company	Quantity	FTA Applications (Docket Number)	Non-FTA Applications (Docket Number)
Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC (Trains 1-3)	2.1 Bcf/d <sup>(d)</sup>	Approved (12-99-LNG)	Approved (F) (12-97-LNG)
Corpus Christi Liquefaction, LLC (Stage 3)	1.59 Bcf/d <sup>(d)</sup>	Approved (18-78-LNG)	Approved (18-78-LNG)
Cheniere Marketing, LLC & Corpus Christi Liquefaction, LLC (Stage 1-3)	0.3 Bcf/d <sup>(d)</sup>	Approved (19-124-LNG)	Approved (19-124-LNG)
Corpus Christi Liquefaction, LLC; CCL Midscale 8–9, LLC; and Cheniere Marketing, LLC (Midscale 8&9)	0.47 Bcf/d <sup>(d)</sup>	Approved (23-46-LNG)	Approved (23-46-LNG)
Corpus Christi Liquefaction, LLC; CCL Midscale 8–9, LLC; and Cheniere Marketing, LLC (Midscale Uprate)	0.69 Bcf/d <sup>(d)</sup>	Under DOE Review (26-22-LNG)	Under DOE Review (26-22-LNG)

<sup>6</sup> Resource Report 9—Air and Noise Quality, *Corpus Christi Liquefaction Stage IV, LLC*, Docket No. CP26-87-000, (Accession # 20260204-5150) (Feb. 4, 2026) at Table 9.2-7, 9.2-9, and 9.2-13 at 9-25—9-28 (construction), *see* 9-36, Table 9.2-19 (commissioning), Table 9.2-15, 9-33, Table 9.2-16, Table 9.2-17, 9-33-9-34, Table 9.2-20 (operations).

<sup>7</sup> *See id.*

<sup>8</sup> *Id.*; Application at 7.

Company	Quantity	FTA Applications (Docket Number)	Non-FTA Applications (Docket Number)
Corpus Christi Liquefaction, LLC, Corpus Christi Liquefaction Stage IV, LLC and Cheniere Marketing, LLC's (Stage 4)	3.287 Bcf/d <sup>(d)</sup>	Under DOE Review (26-32-LNG)	Under DOE Review (26-32-LNG)
<b>TOTAL</b>	8.437		

If the approved and currently pending applications for the CCL Projects (Stages 1-4) are totaled, they equal 10.4% of the total Free Trade Agreement (“FTA”) U.S. exports and 12.7% of the non-Free Trade Agreement (“NFTA”) U.S. exports according to Summary of LNG Export Applications of the Lower 48 States before the Department of Energy as of March 4, 2026. A terminal responsible for environmental impacts and natural gas export quantities of this magnitude cannot—and should not—escape review under NEPA.

### **INTERVENTION**

Movants’ intervention should be granted. DOE requires intervention motions merely to set out the “facts upon which [their] claim of interest is based” and “the position taken by the movant.”<sup>9</sup> As explained below, Movants’ interests are based on the impact the proposed Project, including exports, will have on their members and missions. DOE has found that similar interests are sufficient for intervention.<sup>10</sup> Movants’ position, in the Protest following, is that the Application for authorization to export LNG to NFTA nations should be denied because the exports are inconsistent with the public interest. Additionally, Movants assert that DOE is required to: review the environmental impacts of the CCL Stage 4 Project under NEPA, conduct an independent

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<sup>9</sup> 10 C.F.R. § 590.303(b)–(c).

<sup>10</sup> *Lake Charles LNG Export Company, LLC*, Docket Nos. 13-04-LNG & 16-109-LNG, DOE/FECM Order No. 3868-E/4010-E, at 25–27 (August 22, 2025).

Section 106 process under the National Historic Preservation Act, and deny Applicant’s request for an extended export authorization period. Movants demonstrate their interests below.

**I. Movant’s Interests**

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

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 member organization formed in 2019 to promote the health, safety, and quality of life for the residents of Ingleside, Texas and surrounding communities through research, education, communication and action.<sup>11</sup> The geographic region that Coastal Watch is specifically focused on preserving, and where its members live, recreate, and work, will be adversely affected by the CCL Stage 4 Project.

On December 23, 2025, Coastal Watch submitted scoping comments to the Federal Energy Regulatory Commission (“FERC”) on the Project.<sup>12</sup> These comments are fully incorporated by reference and attached as **Exhibit 1**. In these comments, Patrick Nye, Co-President of Coastal Watch, explained concerns on behalf of the group and its members who live and recreate near the Project. On May 29, 2026, Coastal Watch submitted additional scoping comments responsive to FERC’s Notice of Intent to Prepare an Environmental Impact Statement. These additional scoping comments are incorporated by reference and attached as **Exhibit 2**.<sup>13</sup>

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<sup>11</sup> Coastal Watch Association, <https://www.iobcwa.org/> (last visited June 14, 2026).

<sup>12</sup> 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).

<sup>13</sup> Scoping Comments of Ingleside on the Bay Coastal Watch Association, Inc. et al. on environmental issues et al. re the proposed Corpus Christi Liquefaction Stage 4 Project et al. under CP18-513 et al., Docket Nos. CP18-513-000, CP26-82-000, & CP26-87-000, (Accession # 20260529-5321) (May 29, 2026).

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 to its members due to locating and constructing the Project on a former metal/alumina facility site; increased air pollution; higher energy prices; increased vessel traffic; adverse impacts to cultural resources and significant historic properties like Donnel Point; and adverse impacts to water quality like high turbidity and silt-laden bay water.<sup>14</sup>

Additionally, Coastal Watch sought intervention in these related CCL Projects: (1) FERC Docket Nos. CP23-129-000 and PF22-10-000 related to the CCL Trains 8 & 9 Project<sup>15</sup> and (2) FERC Docket Nos. CP18-513-000, CP26-82-000, and CP26-87-000 related to the CCL Stage 4 Project.<sup>16</sup> Both of these interventions are incorporated by reference and attached as **Exhibit 3**.

Based on Coastal Watch’s focus on the health, safety, and quality of life for its members and its significant detailed concerns already raised in two sets of scoping comments related to the Project—and reasserted here—the group and its members will be directly affected by the Project. These interests are sufficient for intervenor status.<sup>17</sup>

***b. Indigenous Peoples of the Coastal Bend***

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.

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<sup>14</sup> *Id.*

<sup>15</sup> Motion to Intervene of Sierra Club, *et al.*, *Corpus Christi Liquefaction LNG, LLC*, Docket Nos. CP23-129-000 & PF22-10-000, (Accession # 20230504-5083) (May 4, 2023).

<sup>16</sup> 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., *Corpus Christi Liquefaction Stage IV, LLC*, CP18-513-000, CP26-82-000, & CP26-87-000, (Accession # 20260310-5135) (Mar. 10, 2026).

<sup>17</sup> 10 C.F.R. §§ 590.303(b) and 590.304.

Indigenous Peoples is an intertribal community group in Corpus Christi, Texas. The group is made up of members of different Indigenous lineages and wishes to honor peoples who lived in the area now named Corpus Christi off the Nueces River, which include Karankawa, Lipan Apache (Nde), Comanche, Tonkawa, and Coahuiltecan (Pamaque) tribes.<sup>18</sup> Its mission is to preserve and conserve the Indigenous Cultures of its members and create a livable sustainable world through culture and food while protecting indigenous Youth, Elders, Women, Warriors and the Environment.<sup>19</sup>

The group currently includes more than 100 members, and several individual members live very close to the Project.<sup>20</sup> Because of its members' proximity to the Project, as well as the proximity of members' traditional homelands and historic resources, 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 to its members due to locating the Project on the site of a former large metal/alumina facility; increased air pollution; higher energy prices; increased vessel traffic; adverse impacts to cultural resources and significant historic properties like Donnel Point; and adverse impacts to water quality like high turbidity and silt-laden bay water.

Currently, Indigenous Peoples are also working together to preserve artifacts, remains, and cultural sites of its Karankawa members. Importantly, Indigenous Peoples' Karankawa, and other members, had a significant presence on the Texas Coast. In fact, pre-colonization, this region was dominated by the Karankawa People. This Project risks damage to their historic village sites and

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<sup>18</sup> Indigenous Peoples of the Coastal Bend, <https://indigenouspeoplesofthecoastalbend.org/> (last visited June 14, 2026).

<sup>19</sup> *Id.*

<sup>20</sup> *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).

their ceremonial and sacred places. Indigenous Peoples asserted concerns around CCL's prior Expansion related to Trains 8 & 9. Those comments are fully incorporated by reference and attached as **Exhibit 4**.

Indigenous Peoples assert the following concerns related to this Project: damage to archeological and cultural heritage; superficial and constrained review of archeological resources; lack of consultation with Tribal cultural groups whose cultural heritage may be adversely impacted; damage to cultural resources and areas used for ceremonial purposes; and deficient plans to deal with the anticipated cultural resource discoveries that would be likely to occur.

Additionally, this Project threatens one of the last remaining shell middens and possible Karankawa village sites on the north shore of Corpus Christi Bay at Donnel Point.<sup>21</sup> A report authored by Dr. Peter Moore, a qualified historian, about the shell midden at Donnel Point is attached as **Exhibit 5**.

Because this site is one of the last confirmed shell middens, it has particular cultural significance.<sup>22</sup> It was first identified in the 1930's as one of a string of Indigenous Settlements.<sup>23</sup> But over the years, as La Quinta Channel was dredged, it was assumed the site was destroyed. While this assumption of destruction has been perpetuated over the past few decades, the site itself was also consistently documented as notably significant with warnings to preserve it should it have survived. 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."<sup>24</sup> Because current evidence indicates

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<sup>21</sup> 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 7 (hereinafter "Donnel Point Report").

<sup>22</sup> Earthjustice, Letter to the U.S. Army Corps of Engineers re: Port of Corpus Christi 404 Permit SWG-2014-00848, (Nov. 12, 2025).

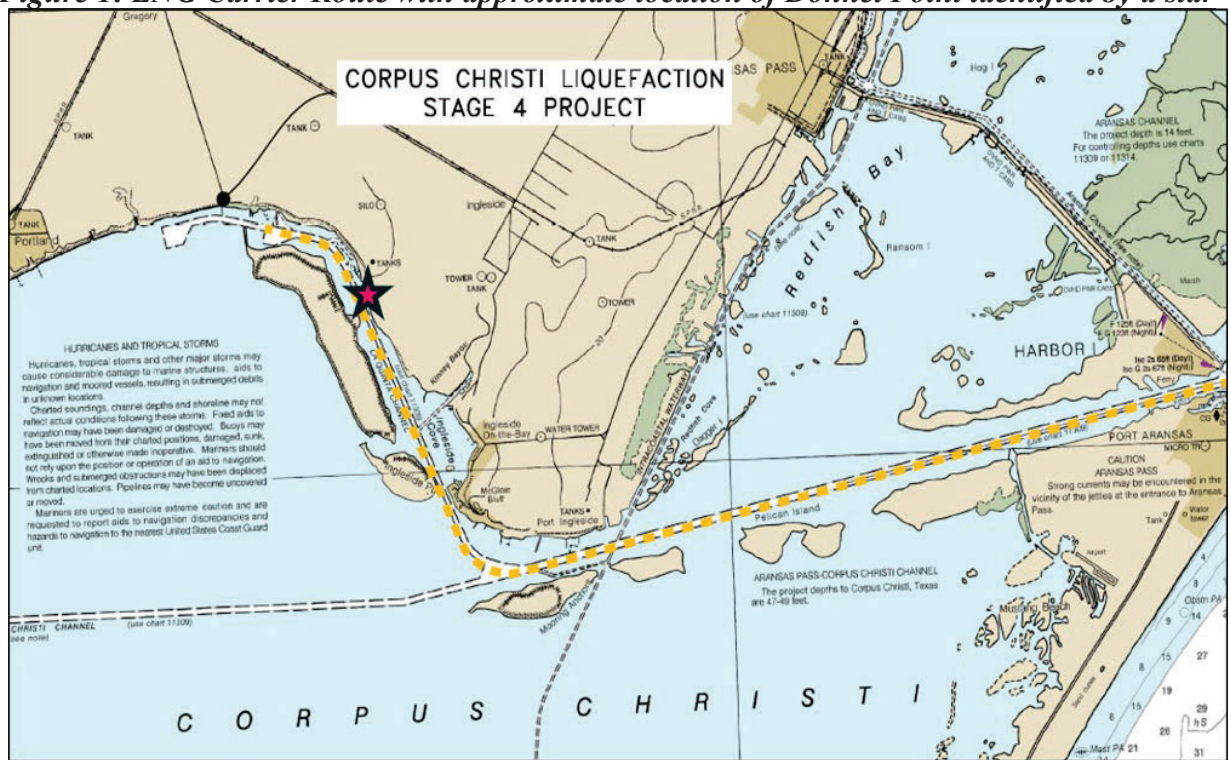
<sup>23</sup> *Id.* at 2.

<sup>24</sup> *Id.* at 6.

the site remains and worth preserving, it should not be overlooked in this Project’s cultural resource assessment.<sup>25</sup>

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 additional LNGCs, support vessels, and more, will now be routed directly by one of the last remaining shell middens in the region, posing an increased risk to this site.

**Figure 1: LNG Carrier Route with approximate location of Donnel Point identified by a star<sup>26</sup>**



<sup>25</sup> *Id.* at 5–8; 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).

<sup>26</sup> 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 Resource Report 1—General Project Description, *Corpus Christi Liquefaction Stage IV, LLC*, Docket No. CP26-87-000, at 1-15 (Accession # 20260204-5150) (Feb. 4, 2026) (hereinafter “RR1”).

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

**Figure 2: Area Classification Map<sup>27</sup>**

**EXHIBIT B**

**AREA CLASSIFICATION MAP**



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

<sup>27</sup> 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, (Accession # 20260204-5150) (Feb. 3, 2026) (hereinafter “Appendix 1G”).

As discussed, the estimated impacts from the Project include at least 870 LNGC trips per year.<sup>28</sup> Because these tanker ships are up to 294.8 meters in size with a beam of 54 meters and laden draft of 12 meters,<sup>29</sup> the wave action from these vessels will erode the shoreline. This shoreline erosion threatens the integrity of the Texas Coast and potentially many more cultural resources and historic properties.

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 m<sup>3</sup>.”<sup>30</sup> The Project would dredge to a depth of 46 feet and produce approximately 1,200,000 cubic yards of material to construct this berth.<sup>31</sup> Because dredging deepens and changes the natural shape of the seabed, it can lead to accelerated erosion. Additionally, excavating sediment can destroy seagrass beds, which act as natural buffers against erosion—and all of this threatens significant *known* cultural resources in the Project area and on the vessel route.<sup>32</sup>

Additionally, Indigenous Peoples previously sought intervention in previous CCL Project Stages including: (1) FERC Docket Nos. CP23-129-000 and PF22-10-000 related to the CCL Trains 8 & 9<sup>33</sup> and (2) FERC Docket Nos. CP18-513-000, CP26-82-000, and CP26-87-000 related

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<sup>28</sup> Application for Authorization Under the Natural Gas Act and Amendment of Certificate Authorization *Corpus Christi Liquefaction Stage IV, LLC*, Docket No. CP26-87-000, at 9 (Accession # 20260204-5150) (Feb. 4, 2026) (hereinafter “FERC Application”).

<sup>29</sup> 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 June 14, 2026).

<sup>30</sup> FERC Application at 14.

<sup>31</sup> RR1 at 1-26.

<sup>32</sup> Seagrass Meadow, Fl. Keys Nat’l Marine Sanctuary, <https://floridakeys.noaa.gov/plants/seagrass.html>, (last visited June 14, 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.

<sup>33</sup> Motion to Intervene of Sierra Club, *et al.*, *Corpus Christi Liquefaction LNG, LLC*, Docket Nos. CP23-129-000 & PF22-10-000, (Accession # 20230504-5083) (May 4, 2023).

to the CCL Stage 4 Project.<sup>34</sup> These interventions are incorporated by reference and attached as **Exhibit 6.**

Based on the environmental impacts, safety concerns, and the location of Indigenous Peoples’—including the Karankawa Tribe’s—artifacts, settlements, and significant newly re-discovered cultural resources, this group is directly affected by the Project Expansion. These interests are sufficient for intervenor status.<sup>35</sup>

*c. Karankawa Tribe of Texas*

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 members descending from 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.<sup>36</sup> 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 coast.<sup>37</sup> As a result of these settlements, the Texas Coast is rich with the artifacts of Indigenous Karankawa ancestors, like Rockport pottery, shell middens,

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<sup>34</sup> 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, *Corpus Christi Liquefaction Stage IV, LLC*, CP18-513-000, CP26-82-000, & CP26-87-000, (Accession # 20260310-5135) (Mar. 10, 2026).

<sup>35</sup> 10 C.F.R. §§ 590.303(b) and 590.304.

<sup>36</sup> Carol A. Lipscomb (rev. Tim Seiter), *The Karankawa Indians: History, Culture, and Legacy*, TEX. STATE HIST. ASS’N (Nov. 13, 2020).

<sup>37</sup> 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*, 2 (August 2021).

and stone tools.<sup>38</sup> These cultural resources are an invaluable piece of Texas Coastal Bend history that will be lost if these remaining resources are not preserved.

Because the Karankawa population was decimated by genocide at the hands of the Spanish, Mexican, and Anglo-Americans—many historians wrongly claimed that the Tribe had gone extinct.<sup>39</sup> But the Karankawa Tribe survived, and its members are actively working today to preserve and revive their culture, language, and traditions.<sup>40</sup> Together, members continue to protect their cultural sites, share their history, and reclaim their narrative.<sup>41</sup>

The Karankawa Tribe’s work to save village and sacred sites, burial grounds, artifacts, cultural heritage, and historic properties will be directly impacted by the Project. Specifically, the Project directly affects large swaths of shoreline with identified, potential, and unevaluated cultural resources. Because the Karankawa Tribe has members living near the Project and are working to preserve cultural history that the Project threatens, the Karankawa have demonstrated an interest in this Project. Further, the Project’s impacts threaten 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. These interests are sufficient for intervenor status.<sup>42</sup>

***d. Carrizo/Comecrudo Tribe of Texas, LLC***

The Carrizo/Comecrudo Tribe of Texas, LLC states that its exact name is the Carrizo Comecrudo Tribe of Texas, LLC (“Carrizo/Comecrudo Tribe”), and the Movant’s principal place

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<sup>38</sup> *Frequently Asked Questions*, KARANKAWAS, <https://karankawas.com/frequently-asked-questions/#:~:text=>. (last visited Mar. 9, 2026).

<sup>39</sup> *Id.*

<sup>40</sup> 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).

<sup>41</sup> *Id.*

<sup>42</sup> 10 C.F.R. §§ 590.303(b) and 590.304.

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.<sup>43</sup> 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.<sup>44</sup> The Tribe also goes by Esto'k Gna,<sup>45</sup> and it has provided comments on other LNG projects affecting its people and lands within other LNG project areas.

This Expansion is particularly concerning to the Carrizo/Comecrudo Tribe because it threatens Indigenous artifacts and the cultural heritage of Indigenous Peoples.<sup>46</sup> As is well documented, there were dozens of settlements on the Texas Coast.<sup>47</sup> Nevertheless over the last 50 years, large-scale activities like this Project have failed Original Peoples—like the Karankawa and Carrizo/Comecrudo—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. Further, the Project's impacts are significant adverse impacts

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<sup>43</sup> 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 June 15, 2026).

<sup>44</sup> *Id.*; 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/>.

<sup>45</sup> Castañeda, *The Indigenous Groups Along the Lower Rio Grande*.

<sup>46</sup> Resource Report 4—Cultural Resources, *Corpus Christi Liquefaction Stage IV, LLC*, Docket No. CP26-87-000, (Accession # 20260204-5150) (Feb. 4, 2026).

<sup>47</sup> 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 (hereinafter “Bluewater Report”).

which are central 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. These interests are sufficient for intervenor status.<sup>48</sup>

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

Pursuant to 10 C.F.R. § 590.303(d), Ingleside on the Bay Coastal Watch, Inc., Indigenous Peoples of the Coastal Bend, Karankawa Tribe of Texas, and the Carrizo/Comecrudo Tribe, LLC identify the following persons for the official service list:

Caroline Crow  
Earthjustice  
845 Texas Avenue, Suite 200  
Houston, Texas 77002  
ccrow@earthjustice.org

Bridgett McCoy  
Earthjustice  
900 Camp Street, Suite 303  
New Orleans, Louisiana 70130  
bmccoy@earthjustice.org

### **PROTEST**

#### **II. DOE should deny the Application because it is inconsistent with the public interest.**

The Natural Gas Act (“NGA”) requires consideration of “all factors bearing on the public interest.”<sup>49</sup> The U.S. Court of Appeals for the D.C. Circuit has upheld a balancing of benefits against harms, including environmental harms, as consistent with the standard in Section 3 of the NGA that presumptively favors approval of LNG terminals and their exports.<sup>50</sup> All of the Project’s impacts must be considered to determine whether the Project is consistent with the public interest.

The economic effects of these exports are inconsistent with the public interest. Regardless of any purported positive macroeconomic impact, the proposed exports will harm U.S. consumers

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<sup>48</sup> 10 C.F.R. §§ 590.303(b) and 590.304.

<sup>49</sup> *Atl. Ref. Co. v. Pub. Serv. Comm’n of N.Y.*, 360 U.S. 378, 391 (1959).

<sup>50</sup> *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”).

by increasing domestic natural gas prices, thereby increasing the prices consumers pay for their gas and electric utility bills and for domestically manufactured goods. Exports also have harmful distributional impacts: lower-income Americans face greater harm from higher domestic gas prices and are less likely to share in any macroeconomic benefits.

CCL's Application only tells half the story: it acknowledges Project benefits and ignores harms to the consumer.<sup>51</sup> Specifically, the Department of Energy's own study, *Energy, Economic and Environmental Assessment of U.S. LNG Exports* ("2024 LNG Study" or "Study"), predicts that at unconstrained export levels, U.S. LNG exports could raise domestic prices more than thirty percent, with household energy costs up four percent and prices heavily contingent on supply.<sup>52</sup> Given the magnitude of CCL's proposed exports, DOE cannot treat these impacts as inconsequential. While the 2024 LNG Study shows a bump in Gross Domestic Product ("GDP"), that's not the end of the inquiry, or the Study. It goes on to clarify that higher GDP doesn't mean a positive effect on consumer welfare. Other costs rise like higher consumer costs and industrial energy costs.<sup>53</sup> Significantly, CCL's Application chooses only to focus on Stage 4—but for purposes of quantifying household harms—DOE must look at the cumulative export volume across Stages 1-4. DOE must evaluate the harms against total approved exports for CCL. In doing this, DOE will not find that the Project is in the public interest.

DOE cannot ignore upstream and downstream impacts in its decision-making under the NGA, either. The NGA's "principle aim[s]" are "encouraging the orderly development of plentiful supplies ... of natural gas at reasonable prices' ... and 'protect[ing] consumers against exploitation

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<sup>51</sup> *Contra* Application at 15-18.

<sup>52</sup> 2024 LNG Export Study: Energy, Economic, and Environmental Assessment of U.S. LNG Exports, DOE: Electronic Docket Index, <https://fossil.energy.gov/app/docketindex/docket/index/30> (last updated Oct. 7, 2025) at Table 10, p. 27; *see also Id.* at S-4–S-5 (household costs will increase and 2024 LNG Study even underestimates this burden.).

<sup>53</sup> *Id.* at S-5; S-3–S-8.

at the hands of natural gas companies,” with the “subsidiary purposes” of addressing “conservation, environmental, and antitrust’ issues.”<sup>54</sup> Given these statutory aims and purposes, how exports will impact production, whether that production will be “orderly,” and what environmental impacts it will have are all pertinent to the “public interest” protected by the statute.

DOE has additionally acknowledged that it must consider the impacts of increased LNG carrier traffic when evaluating whether proposed exports are inconsistent with the public interest.<sup>55</sup> The impacts of the increased shipping traffic, including increased air and water pollution and harm to aquatic ecosystems from ship noise, vessel strikes, and other impacts, renders the proposed exports inconsistent with the public interest.

### **III. DOE cannot lawfully avoid NEPA review of the Project.**

NEPA requires all federal agencies to prepare an environmental impact statement (“EIS”) before taking any final agency action that may have a foreseeable significant impact on the environment.<sup>56</sup> Section 3 of the NGA, grants the commodity export decision-making authority to DOE.<sup>57</sup> Before granting any authorization, DOE must comply with NEPA<sup>58</sup>—either by preparing or adopting an EIS or an Environmental Assessment describing the potential environmental impacts associated with the application. On March 19, 2026, DOE received CCL’s Stage 4 Application for Long-Term Authorization to Export Liquefied Natural Gas to Free Trade

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<sup>54</sup> *Minisink Residents for Env’t Pres. & Safety v. FERC*, 762 F.3d 97, 101 (D.C. Cir. 2014) (quoting first, *NAACP*, 425 U.S. at 669–70, second, *Fed. Power Comm’n v. Hope*, 320 U.S. at 610, third *Pub. Utils. Comm’n of Cal. v. FERC*, 900 F.2d 269, at 281 (quoting *NAACP*, 425 U.S. at 670 & n. 6)).

<sup>55</sup> National Environmental Policy Act Implementing Procedures, 85 Fed. Reg. 78197, 78197 (Dec. 4, 2020); *Venture Global CP2 LNG, LLC*, Docket No. 21-131-LNG, DOE/FECM Order No. 5264-A, at 55–57 (Oct. 21, 2025).

<sup>56</sup> 42 U.S.C. § 4332(C); 42 U.S.C. § 4336(b)(1).

<sup>57</sup> 15 U.S.C.A. § 717 *et seq.*

<sup>58</sup> 42 U.S.C. § 4321 *et seq.*

Agreement Nations and Non-Free Trade Agreement Nations. DOE is obligated to comply with NEPA in reviewing CCL's Application.

DOE states it has "broad discretion when conducting its reasonable decision-making."<sup>59</sup> CCL requests that DOE apply DOE's Categorical Exclusion B5.7, which covers "approvals of new authorizations or amendments of existing authorizations to export natural gas under section 3 of the Natural Gas Act and any associated transportation of natural gas by marine vessel,"<sup>60</sup> to its Application.<sup>61</sup> But, DOE's Categorical Exclusion cannot be applied here because it specifically exempts "new construction" from the list of actions which can be excluded from an Environmental Assessment, or an EIS, under NEPA.<sup>62</sup> CCL's Application acknowledges that its request for authorization applies to "all authorized *but not yet constructed* facilities."<sup>63</sup>

While CCL requested this Categorical Exclusion be applied, granting it would be unreasonable. Specifically, granting the exclusion would contravene the purposes of NEPA's process and is unsupported by NEPA's definition of a "categorical exclusion" as "a category of actions that a Federal agency has determined normally does not significantly affect the quality of the human environment."<sup>64</sup> Moreover, as was explained, the Categorical Exclusion is not applicable here because it specifically excludes new construction from its reach.<sup>65</sup>

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<sup>59</sup> U.S. Department of Energy, National Environmental Policy Act Implementing Procedures (Feb. 2, 2026) at 3.

<sup>60</sup> 10 C.F.R. Part 1021, App. B, Categorical Exclusion B5.7; DOE Technical Support Document, Notice of Final Rulemaking, National Environmental Policy Act Implementing Procedures (10 C.F.R. Part 1021) (Nov. 2020) (TSD-NG-10-CFR-1021-2020-11), <https://www.regulations.gov/document/DOE-HQ-2020-0017-0021> ("TSD").

<sup>61</sup> Application at 22.

<sup>62</sup> See 85 Fed. Reg. 78197, n.9.

<sup>63</sup> Application at 1, n.4.

<sup>64</sup> 42 U.S.C. §4336e(1).

<sup>65</sup> See 85 FR 52237, 52239 (In prior non-FTA proceedings where DOE has determined that a categorical exclusion under NEPA is appropriate, DOE has relied on 10 CFR 1021.410, appendix B to subpart D of part 1021, Categorical Exclusion B5.7 ("Approvals or disapprovals of new authorizations or amendments of existing authorizations to import or export natural gas under section 3 of the Natural Gas Act that involve

Because DOE cannot invoke the Categorical Exclusion, it must complete a NEPA compliant environmental review of the Project’s impacts.<sup>66</sup> DOE is responsible for authorizing exports.<sup>67</sup> And, DOE has already acknowledged that marine transport effects from CCL’s exports are “reasonably foreseeable environmental impacts.”<sup>68</sup> Therefore, DOE cannot ignore the impacts from the more-than-doubled vessel traffic related to the Project. Additionally, DOE has interpreted its authority and the environmental review that follows, as a requirement to “focus exclusively on the analysis of potential environmental impacts resulting from activities occurring *at or after* the point of export, which are within DOE’s export authorization authority under the NGA.”<sup>69</sup> And DOE found that “[s]uch impacts begin at the point of export and are limited to marine transport effects.”<sup>70</sup>

CCL has requested to “engage in exports from the CCL Stage 4 Project of domestically produced LNG in an amount up to the equivalent of approximately 1,200 Bcf of natural gas per year, via ocean going carrier.”<sup>71</sup> Admittedly, DOE authorizes the movement of these ocean going carriers. As was already explained, CCL is also new construction, so it was never eligible for a Categorical Exclusion. Thus, DOE must complete a NEPA review of the environmental impacts

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minor operational changes (such as changes in natural gas throughput, transportation, and storage operations) **but not new construction.**”).

<sup>66</sup> See also Order Conditionally Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Alaska LNG Terminal in Nikisiki Alaska, to Non-Free Trade Agreement Nations, *Alaska LNG Project, LLC*, at 9, FE Docket No. 14-96, (DOE/FE Order No. 3643) (May 28, 2015) (DOE granting Alaska LNG initial export authorization “contingent on both its satisfactory completion of the environmental review process and its on-going compliance with any and all preventative and mitigating measures imposed at the Alaska LNG Terminal by federal or state agencies.”)

<sup>67</sup> 15 U.S.C. §717b(a).

<sup>68</sup> Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, DOE/HGEO Order No. 5391 (Feb. 26, 2026).

<sup>69</sup> NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,197; see also *id.* at n.9 (“DOE defines export activities as starting at the point of delivery to the export vessel and extending to the territorial waters of the receiving country.”); *id.* at 78,198 (“These potential impacts would occur at or after the point of export to non-FTA countries.”).

<sup>70</sup> *Id.*

<sup>71</sup> Application at 8.

of these ocean going carriers. Specifically, of the Project’s additional 870 annual LNG Carriers plus any necessary support vessels, to transit the La Quinta Ship Channel for (at least) up to 30 years.<sup>72</sup>

DOE’s review, even if it is truly limited to marine transport effects, would not be minimal. DOE has never assessed the cumulative impacts of ship traffic on the shipping corridor shoreline, or on air quality across CCL’s previous Stages 1-3. These consequences are now *so* significant that DOE cannot refuse to evaluate these impacts across Stages 1-4. At the least, this environmental review would still include analysis of: shoreline erosion from traffic, hazards, risks, spills, or explosions posed by increased traffic, Federal Clean Air Act compliance, ESA compliance, and a cultural resources review.

DOE must evaluate cumulative shoreline erosion across the shipping corridor. It is well-established that the combined wake action of the additional vessel trips along shipping channel will dramatically increase coastal erosion.<sup>73, 74</sup> Studies on vessel wakes and shoreline erosion are attached as **Exhibit 7**. Below a map from Texas’ General Land office illustrates the most sensitive areas of shoreline that the LNGCs will disturb. The mapping shows that there are salt and brackish water marshes, scrub-shrub wetlands, and mangroves, all along the shipping corridor—among other sensitive areas.

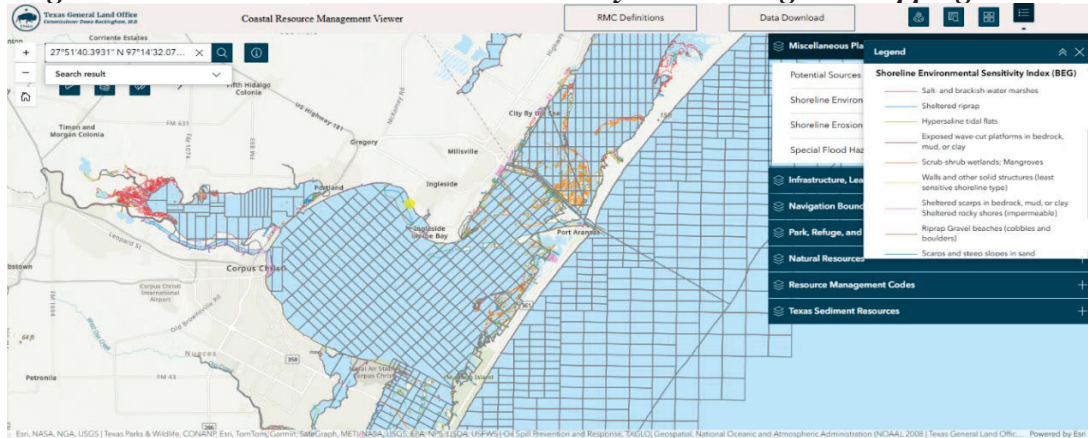
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<sup>72</sup> As CCL acknowledged in its Application, 30 years is a typical export authorization period, but CCL’s Application asks for extensions that may include an almost 40-year export period.

<sup>73</sup> Texas General Land Office, *Protecting the Coast*, (last visited 6/5/2026)  
<https://www.glo.texas.gov/coastal/protecting-coast>

<sup>74</sup> Kirk Cammarata, *Impacts to Ingleside on the Bay Seagrass Meadows from Siltation and Erosion* (2022); Austin Hamilton, *Influence of Ship Docking Operations on Seagrass Beds at Ingleside on the Bay, Texas* (2022).

**Figure 3: Shoreline Environmental Sensitivity Index along the Shipping Route<sup>75</sup>**



DOE must also qualify the air emissions from up to 30 years of regular LNGC Project traffic—plus additional impacts along the transit route—to determine whether this traffic should prompt a General Conformity Analysis, or other federal Clean Air Act compliance requirements, like Prevention of Significant Deterioration (“PSD”)<sup>76</sup> and National Ambient Air Quality Standards (“NAAQS”).<sup>77</sup> For General Conformity purposes, DOE must ensure its authorization of CCL’s Project doesn’t undermine any State Implementation Plan (“SIP”).<sup>78</sup> Accordingly, before DOE approves CCL’s Project, it must demonstrate that the resulting emissions will conform to the Texas SIP.<sup>79</sup> In this same vein, the Project cannot cause or contribute to a NAAQS violation.<sup>80</sup> A General Conformity analysis requires DOE to review where direct *and indirect emissions* are occurring along the transit corridor.<sup>81</sup> If the LNGCs will transit near nonattainment or maintenance

<sup>75</sup> Texas General Land Office Cultural Resources Management Viewer available at <https://experience.arcgis.com/experience/5a73ca338f8c4fb98f23bb0bb273c618>

<sup>76</sup> 40 C.F.R. § 52.21(k) and (m).

<sup>77</sup> 40 C.F.R. § 52.21(k) and (m)

<sup>78</sup> 42 U.S.C. § 7506(c).

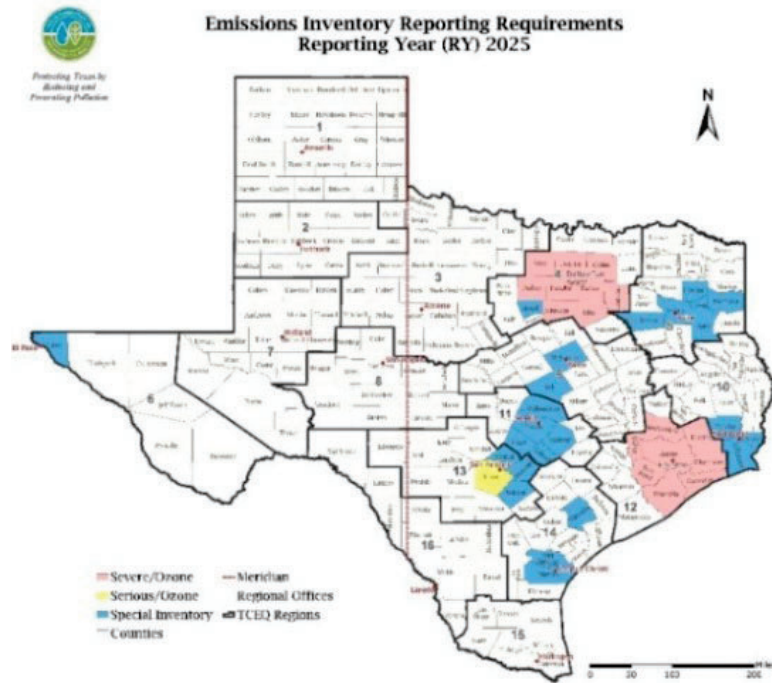
<sup>79</sup> See e.g. 70 F.R. 43855 (General Conformity Analysis completed by DOE and FERC for Golden Pass LNG) (July 20, 2005).

<sup>80</sup> 42 U.S.C. § 7506(c)(1)(B)(i)-(iii); 40 C.F.R. §§ 93.150(a), 93.158.

<sup>81</sup> 42 U.S.C. § 7506(c).

areas, DOE must demonstrate that the action won't undermine that area's path to attainment.<sup>82</sup> The Figure below illustrates nonattainment and maintenance areas the Project may affect.

**Figure 4: Texas Nonattainment Areas<sup>83</sup>**



**Table 1. Counties for Ozone Nonattainment Areas and Precursors**

Classification	Counties
Severe/Ozone	Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, Waller, Collin, Dallas, Denton, Elgin, Johnson, Kaufman, Parker, Rockwall, Tarrant, Wise
Serious/Ozone	Bexar
Special Inventory for Ozone Precursors	Bastrop, Bell, Caldwell, Comal, El Paso, Gregg, Guadalupe, Hardin, Harrison, Llano, Henderson, Hood, Jefferson, McLennan, Nueces, Orange, Rock, San Patricio, Smith, Travis, Upshur, Victoria, Williamson, Wilson

**Table 2. Summary of Reporting Requirements (tpy) for 30 TAC Section 101.10**

Classification/ Pollutant	VOC (Actual)	VOC (Potential)	NOx (Actual)	NOx (Potential)	Lead Pb (Actual)	Lead Pb (Potential)	Individual HAP (Actual)	Individual HAP (Potential)	Aggregated HAP (Actual)	Aggregated HAP (Potential)	Other (Actual)	Other (Potential)
Severe/Ozone	10	25	25	25	0.5	10	10	10	25	25	100	100
Serious/Ozone	10	50	25	50	0.5	10	10	10	25	25	100	100
Special Inventory	10	100	25	100	0.5	10	10	10	25	25	100	100
All Other Counties	100	100	100	100	0.5	10	10	10	25	25	100	100

Note: For ozone nonattainment areas, the more stringent classification (where applicable) is used to determine reporting requirements for ozone precursor potential emissions. If an account's emissions meet or exceed the tons per year (tpy) thresholds listed in this table, an emissions inventory questionnaire must be submitted to the TCEQ. This Table is not the actual rule. If there is a discrepancy between this document and rule 10 TAC Section 101.10 and/or 30 TAC Section 116.12 (Major Source Definition), the rule takes precedence.

Note for Special Inventory Requests: Regulated entities must complete and submit an emissions inventory if they meet the thresholds explained in the "Special Inventory Request" section in the Emissions Inventory Guidelines (GC-300) Chapter 1 and the TCEQ has initiated a formal written request.

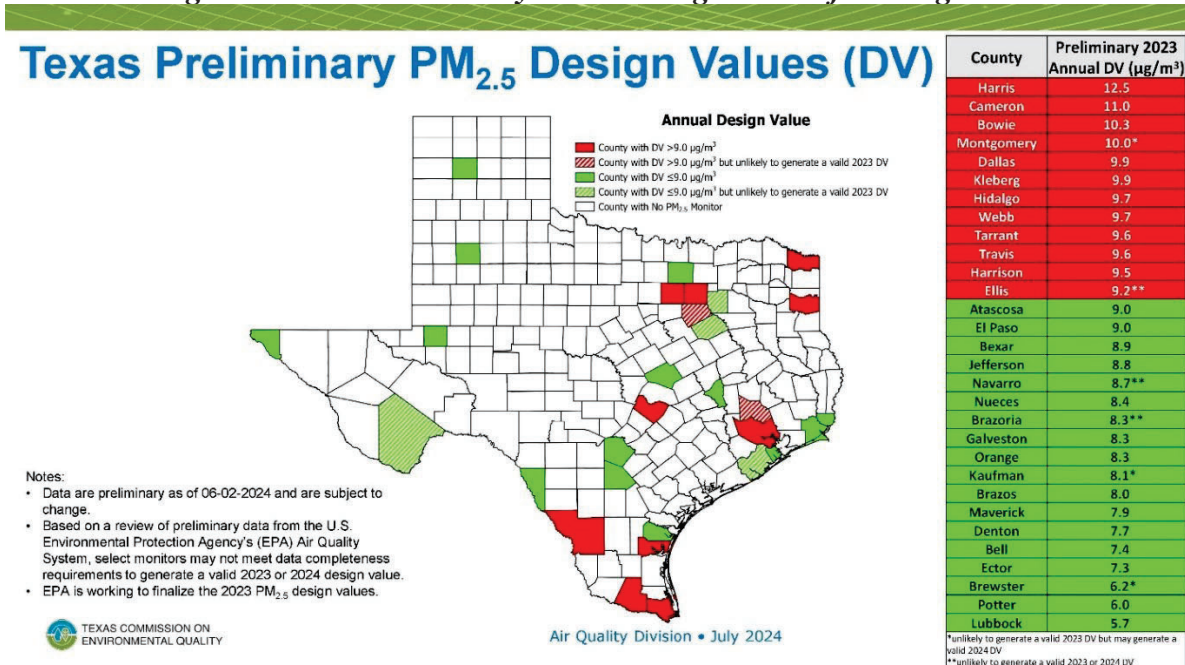
Texas Commission on Environmental Quality • Office of Air • Air Quality Division • P.O. Box 13087 (MC-554) • Austin, Texas 78713 January 5, 2026  
 This document was prepared by the Air Quality Division of the Texas Commission on Environmental Quality. This document is for informational purposes and was not prepared for or on behalf of legal, engineering, or surveying purposes. It does not represent an air program or activity of the agency or its employees, the appropriate address location of property boundaries. For more information concerning this report, contact the Air Quality Division at (512) 239-3455.

<sup>82</sup> 42 U.S.C. § 7506(c).

<sup>83</sup> Texas Commission on Environmental Quality, Emissions Inventory Reporting Requirements Reporting Year (RY) 2025 (January 5, 2026) <https://www.tceq.texas.gov/gis/ourmaps.html>

As illustrated above, there are coastal counties in nonattainment for ozone. The Houston-Galveston-Brazoria (“HGB”) area is classified Severe for 2008 ozone NAAQS and Serious for the 2015 ozone NAAQS.<sup>84</sup> Illustrated below, there are coastal counties which will be designated in nonattainment for the annual NAAQS standard for PM<sub>2.5</sub>, as well. DOE must evaluate the impact of additional vessel traffic from this Project in an EIS. As shown below, Nueces County is also on the brink of nonattainment for the annual NAAQS standard for PM<sub>2.5</sub>. Accordingly, ship traffic of this magnitude, and its contributions to potential NAAQS violations must be evaluated.

**Figure 5: Texas Preliminary PM<sub>2.5</sub> Design Values for Designation**



Additionally, more recent studies also indicate that LNGC traffic causes chronic noise which can injure marine species.<sup>85</sup> Studies on noise and marine life are attached as **Exhibit 8**. As the authority responsible for marine transit, the DOE must complete a full EIS to determine the environmental impacts of the Project’s Application.

<sup>84</sup> 87 FR 60926 (Nov. 7, 2022); 89 FR 51829 (July 22, 2024).

<sup>85</sup> Center for Biological Diversity, *Impacts of LNG Exports on Threatened and Endangered Species; and see Earth Insight, Fossil Fuel Threats to the Ocean: Marine Life and Coastal Communities at Risk* (2026).

#### IV. Because Export authorization is an undertaking, DOE must comply with Section 106.

Even if DOE improperly grants CCL's request and invokes a Categorical Exclusion, DOE must still comply with Section 106 because it is authorizing an "undertaking."<sup>86</sup> An undertaking is defined as follows:

*Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval. 36 C.F.R. § 800.16(y).*

The statutory definition of "undertaking" in 54 U.S.C. § 300320 is broad. It means "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency," including those "requiring a Federal permit, license, or approval."<sup>87</sup> DOE's export authorization qualifies as an undertaking because it is a federal approval.<sup>88</sup> And, it's been established that DOE has "exclusive jurisdiction over whether to approve natural gas exports . . ."<sup>89</sup> Unquestionably DOE's authority to grant a "long-term, multi-contract authorization" to CCL "to engage in exports of domestically produced liquefied natural gas" is, by definition, an undertaking.<sup>90</sup> Accordingly, DOE must engage in the Section 106 process and determine what

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<sup>86</sup> 36 C.F.R. §§ 800.3(a), 800.8(b) ("If a project, activity or program is categorically excluded from NEPA review under an agency's NEPA procedures, the agency official shall determine if it still qualifies as an undertaking requiring review under section 106 pursuant to § 800.3(a). If so, the agency official shall proceed with section 106 review in accordance with the procedures in this subpart.")

<sup>87</sup> 54 U.S.C.A. § 300320; *see also* 36 C.F.R. § 800.16 (mirroring the statutory definition).

<sup>88</sup> 15 U.S.C. § 717b(a); 10 C.F.R. § 590.101. Application at 1–2. *See also* Order Conditionally Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Alaska LNG Terminal in Nikisiki Alaska, to Non-Free Trade Agreement Nations, *Alaska LNG Project, LLC*, at 9, FE Docket No. 14-96, (DOE/FE Order No. 3643) (May 28, 2015) (DOE granting Alaska LNG initial export authorization "contingent on both its satisfactory completion of the environmental review process and its on-going compliance with any and all preventative and mitigating measures imposed at the Alaska LNG Terminal by federal or state agencies.")

<sup>89</sup> *Ctr. for Biological Diversity v. FERC*, 67 F.4th 1176, 1185 (D.C. Cir. 2023).

<sup>90</sup> Application at 1.

historic properties or cultural resources may be impacted—directly or indirectly—by its licensure of the commercial movement of LNG tanker ships.<sup>91</sup>

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.<sup>92</sup> 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.<sup>93</sup> For NHPA purposes, what is an eligible property turns on the property’s inherent historical and cultural significance. And the passage of time may require reevaluation of cultural resources based on “changing perceptions of significance, or incomplete prior evaluations.”<sup>94</sup>

The vessel traffic associated with CCL Stage 4 will impact a Texas shoreline clustered with cultural resources, as well as a shipping route with notably high marked probabilities of submerged cultural resources. Commenters attach an additional report as **Exhibit 9** documenting cultural resources near the Project and its vessel route. DOE must evaluate the vessel traffic route to determine what cultural resources may be adversely affected. Below is a map with red dots depicting the cultural resources on the shoreline that will be affected by DOE’s approval of these exports.

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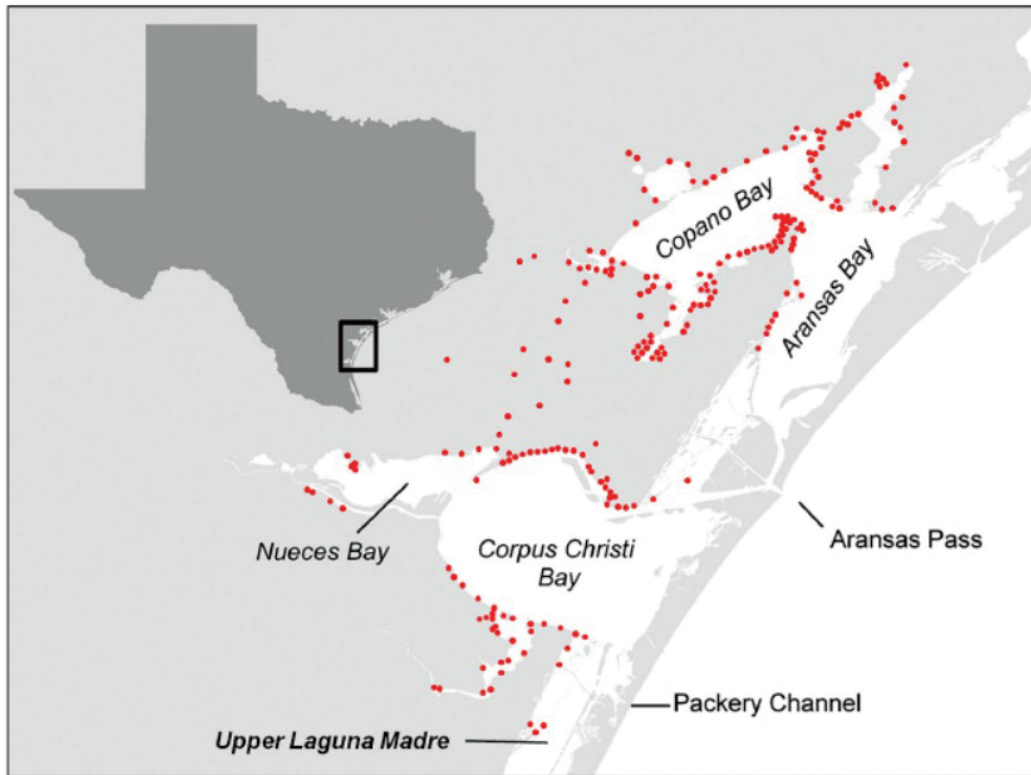
<sup>91</sup> See 36 C.F.R. §§ 800.3—800.13; and see 36 C.F.R. § 800.16(d) (“*Area of potential effects* means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.”)

<sup>92</sup> 36 C.F.R. § 800.16(l)(1) and (2).

<sup>93</sup> 36 C.F.R. § 800.16(l).

<sup>94</sup> 36 C.F.R. § 800.4(c)(1).

*Figure 6: Sites documented by Tunnell and Pape in the 1920s-40s.<sup>95</sup>*



DOE must employ the Section 106 process to evaluate how both the shoreline, and submerged, cultural resources will be impacted by the LNGC traffic. Below are two figures illustrating CCL Stage 4's vessel traffic route and the intersecting areas identified by the Texas Historical Commission as having a "high probability" of cultural resources.<sup>96</sup> Figure 7 below is the LNG export route. Figure 8 below is a Texas General Land Office map with areas marked in green that have a "high probability" of cultural resources. A "high probability tract" is a tract that the State of Texas has determined is likely to contain submerged cultural resources.<sup>97</sup> DOE must assess the traffic's impacts on these areas, especially if LNGCs are anchoring, hoteling, or otherwise

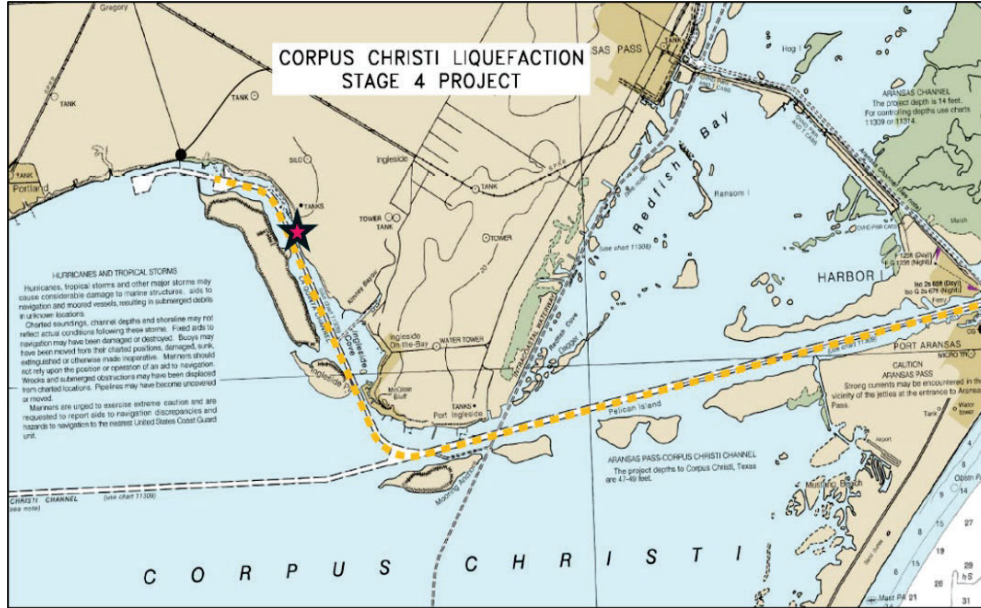
<sup>95</sup> *Tunnell and Tunnell, eds., Pioneering Archeology, 81.*

<sup>96</sup> 13 Tex. Admin. Code § 28.4; (d) "Texas' submerged lands not contained within defined state land tracts are generally considered high probability areas and the commission shall determine if a survey is needed within those waters for any given undertaking."

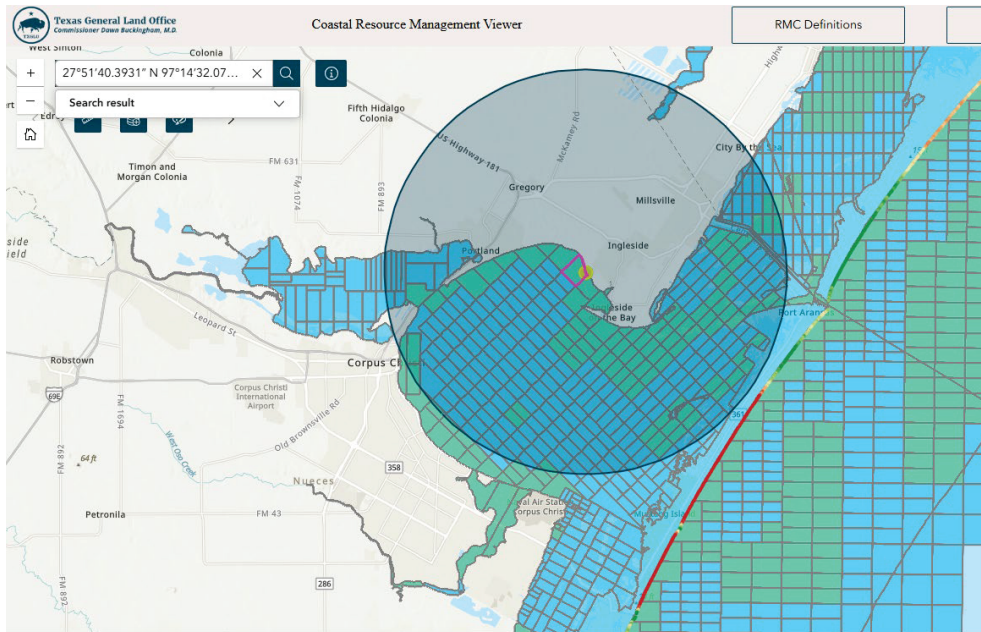
<sup>97</sup> *See generally* 13 Tex. Admin. Code § 28.4.

impacting the area. These two figures together demonstrate that the Project and its vessel traffic export route will indirectly and directly impact areas with cultural resources.

**Figure 7: LNGC Carrier Route from CCL Stage 4 Application<sup>98</sup>**



**Figure 8: Texas General Land Office Cultural Resource Management Viewer Areas with High Probability Along LNGC Traffic Route marked in green<sup>99</sup>**



<sup>98</sup> Appendix 1D; see also RR1 at 1-15.

<sup>99</sup> Texas General Land Office Cultural Resources Management Viewer, <https://experience.arcgis.com/experience/5a73ca338f8c4fb98f23bb0bb273c618>

Not only does DOE need to assess the green tracts above, but additionally—the impacts of shoreline erosion on the coastline’s cultural resources shown in Figure 6 must also be evaluated. Archaeological Site 41SP36 at Donnel Point is a cultural resource of the Karankawa Tribe and should qualify as a historic property under the NHPA.<sup>100</sup> Site 41SP36 is marked in Figure 7 above with a red star. This is the site of a former village of the Karankawa People and is of particular cultural significance to Movants.

Because of Donnel Point’s historic importance, and both Tribal Groups’ well-documented historic presence on the Texas coast, the Karankawa Tribe and the Carrizo/Comecrudo Tribe request to be Consulting Parties in DOE’s Section 106 process.<sup>101, 102</sup> Section 101(d)(6)(B) of the Act allows “[c]ertain individuals and organizations with a demonstrated interest in the undertaking” to participate as a Consulting Party.<sup>103</sup> Both Tribal Groups are requesting consultation before their cultural resources are disturbed or potentially destroyed with the approval of CCL Stage 4.

According to the Karankawa, the Texas Coast represents a sacred matrix of interconnected spiritual relationships where they “can feel the memories of their ancestors.”<sup>104</sup> 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:

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<sup>100</sup> 36 C.F.R. § 800.16(1)(1) and (2).

<sup>101</sup> 36 C.F.R. § 800.2(c)(5).

<sup>102</sup> 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. *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. Dept. Of Transportation & National Park Service) (2002), <https://npshistory.com/publications/amis/aspr-34.pdf>.

<sup>103</sup> 36 C.F.R. § 800.2(c)(5).

<sup>104</sup> Bluewater Report at 10.

*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.*<sup>105</sup>

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

Because Donnel Point meets the definition of a historic property and the site will be affected by this Project, it triggers DOE's requirements for the NHPA review of that site, including consultation, identification, reevaluation, assessment and mitigation of adverse impacts.<sup>106</sup>

#### **V. DOE should deny Applicant's Request for an extended term.**

Applicants are requesting a significant deviation from DOE's typical static export term through 2050.<sup>107</sup> Here, Applicants request a floating 25-year term beginning when the Project would come online (at earliest, 2032 by the Applicant's own estimate).<sup>108</sup> Applicants would like to be an exception to both DOE's 2050 Policy Statement and the DOE's practice of only authorizing long-term NFTA authorizations to export domestically produced LNG and compressed natural gas, through 2050.<sup>109</sup> The Applicant's request relies on an Order Amending Long Term Authorization to Export LNG issued to Port Arthur LNG.<sup>110</sup> In that Order, DOE reiterated that it "is not changing the standard long-term non-FTA export term set forth in the 2050 Policy

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<sup>105</sup> *Id.*

<sup>106</sup> 36 C.F.R. §§ 800.2-800.5.

<sup>107</sup> See Application at 9-10; and see U.S. Dep't of Energy, Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050, 85 Fed. Reg. 52,237 (Aug. 25, 2020) (noting the standard export term runs through December 31, 2050) [hereinafter 2050 Policy].

<sup>108</sup> Application at 2.

<sup>109</sup> See DOE, List of LNG Export Applications of the Lower 48 States before the Department of Energy as of March 4, 2026 (Mar. 4, 2026), <https://www.energy.gov/fecm/articles/summary-lng-export-applicationslower-48-states> (listing all export applications and their volume in bcf/day).

<sup>110</sup> Port Arthur LNG Phase II, LLC, Order Amending Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, DOE/FECM Order No. 5292-A, Docket No. 20-23-LNG, at 3 (June 30, 2025) [hereinafter Order No. 5292-A].

Statement, lasting through December 31, 2050.”<sup>111</sup> Rather, DOE, after conducting a public interest analysis,<sup>112</sup> determined that the Port Arthur approval was in the public interest.<sup>113</sup> Additionally, DOE did not grant a *carte blanche* authorization. Instead, DOE granted Port Arthur just a three-year “Make-Up Period” provided that the volume exported, per year, of the “Make-Up Period” does not exceed the authorized export volume.<sup>114</sup> In contrast, CCL’s request seeks an extended floating term—beginning whenever the Project comes online *or* has its first commercial export.<sup>115</sup> As an initial note, those could be very different dates. Additionally, DOE has not yet engaged in the necessary public interest analysis required to approve the requested extension. Thus, the extension request must be denied until that analysis is completed.

DOE should additionally refuse CCL’s request because the term is potentially for *much* longer than what DOE granted Port Arthur. First, in a footnote, CCL explains that it has already requested up to 10 years from FERC’s approval of the project for construction and delays.<sup>116</sup> Shortly after that, CCL then asks that the 25-year term begin “at first commercial export.”<sup>117</sup> CCL further adds that the period should not begin before all four trains come online, approximately three years after the estimated 2032 commencement date.<sup>118</sup> Without pointing to any precedent or policy, CCL is requesting an almost 40-year term—through 2057 or 2058.<sup>119</sup> Even if DOE sets aside its 2050 Policy, DOE policy maxes out any term at 30 years.<sup>120</sup> CCL cannot support its request with any rationale, and DOE should not find an extension like this to be in the public

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<sup>111</sup> *Id.* at 3-4.

<sup>112</sup> As is also required by the 2050 Policy at 52247.

<sup>113</sup> *Id.* at 4.

<sup>114</sup> *Id.*

<sup>115</sup> Application at 8-11; *and see* Application at 8, n.15.

<sup>116</sup> Application at 8, n.15.

<sup>117</sup> *Id.*

<sup>118</sup> Application at 9.

<sup>119</sup> Application at 8–11.

<sup>120</sup> Application at 10; *and see* 2050 Policy Statement, at 52,240.

interest. An indefinite floating term will also create regulatory uncertainty, and it will violate DOE’s current policy.

Additionally, the requested 40-year export term is not in the public interest. CCL argues its lengthy term is in the public interest because CCL *itself* could suffer commercial disadvantage and financing challenges. But in reviewing the 2050 Policy Statement, individual corporate commercial disadvantages and financing challenges are not among the factors DOE weighs when assessing whether authorizing export terms were in the public interest.<sup>121</sup> If DOE is inclined to approve this almost 40-year authorization term, then it must also conduct a NEPA analysis for those nearly 4 decades of related and cumulative impacts.

Exhibits in support of Movants’ Intervention and Protest are listed below and attached.

NO.	DESCRIPTION
1	Ingleside on the Bay Coastal Watch Association, Inc. Comments to the Federal Energy Regulatory Commission (December 23, 2025).
2	Movants Scoping Comments submitted to the FERC Docket Nos. CP18-513-000, CP26-82-000, and CP26-87-000 related to the CCL Stage 4 Project date (May 29, 2026).
3	Ingleside on the Bay Coastal Watch Association, Inc. intervention & protest in: (1) FERC Docket Nos. CP23-129-000 and PF22-10-000 related to the CCL Trains 8 & 9 Project (May 4, 2023) (2) FERC Docket Nos. CP18-513-000, CP26-82-000, and CP26-87-000 related to the CCL Stage 4 Project (March 10, 2026)
4	Indigenous Peoples of the Coastal Bend Comments on CCL’s Trains 8 & 9 (July 22, 2024)
5	Peter Moore, <i>Report on the Discovery of an Indigenous Archeological Site at Donnel Point, La Quinta Channel, San Patricio County, Texas</i> (August 21, 2024)
6	Indigenous Peoples intervention & protest in: (1) FERC Docket Nos. CP23-129-000 and PF22-10-000 related to the CCL Trains 8 & 9 (May 4, 2023) (2) FERC Docket Nos. CP18-513-000, CP26-82-000, and CP26-87-000 related to the CCL Stage 4 Project (March 10, 2026)
7	Studies on vessel wakes, shoreline erosion, and seagrass.

<sup>121</sup> See generally 2050 Policy.

NO.	DESCRIPTION
8	Studies on vessel traffic noise impacts on marine life.
9	Peter Moore, <i>Assessment of the Impact of the Bluewater SPM Pipeline on Indigenous Cultural Heritage Sites in Southern Live Oak Peninsula</i> (Originally authored August 2023 and updated February 2026)

**CONCLUSION**

For the reasons stated above, 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 request that the Department of Energy grant their timely motion for intervention and deny the Application to export LNG to NFTA nations. Movants respectfully request that DOE begin the Section 106 process, prepare an Environmental Impact Statement that is NEPA compliant, and deny CCL’s request to apply the Categorical Exclusion B5.7 to the Application.

Dated: June 15, 2026

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

Pursuant to 10 C.F.R. § 590.107, 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 No: **Docket No. 26-32-LNG.**

Dated: June 15, 2026

/s/ Michelle Carlos  
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