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

In the matter of Argent LNG, LLC	Docket No. 26-28-LNG

MOTION FOR LEAVE TO FILE ANSWER, ANSWER, AND RENEWED MOTION TO INTERVENE AND PROTEST OF THE CENTER FOR BIOLOGICAL DIVERSITY

The Center for Biological Diversity ("Center") moved to intervene and protest Argent LNG, LLC's ("Argent") request for long-term, multi-contract authorization to export domestically produced LNG to free trade and non-free trade agreement countries on May 26, 2026. Argent LNG's answer contends that the Center should be denied intervention for failing to demonstrate how the proposed authorization harms the Center or its members, and further argues that the issues raised should not be considered— even as comments— because they fall within the jurisdiction of the Federal Energy Regulatory Commission ("FERC"), not the Department of Energy ("DOE").

As explained below, Argent misapprehends DOE's independent obligation to evaluate whether proposed exports are consistent with public interest. The Center therefore respectfully submits there is good cause to grant the motion for leave to file this Answer, which will assist DOE's decision-making without undue delaying the proceeding. Additionally, because intervention would not delay the proceeding or prejudice any party, the Center also renews its request to intervene in the above docket pursuant to 10 C.F.R. §§590.303(b) and § 590.304. For

the reasons set forth in this answer and renewed motion, DOE should deny Argent's application because the requested authorization is contrary to the public interest, including because the proposed project has not yet undergone review under the National Environmental Policy Act or the Endangered Species Act. *See* 15 U.S.C. § 717b(a).

I. Answer

The issues raised in the Center's initial Motion to Intervene and Protest are directly relevant to DOE's public interest determination. In assessing whether a proposed export is consistent with public interest, DOE considers, among other factors, economic impacts, international impacts, security of natural gas supply, and environmental impacts.[1] Indeed, DOE requires applications for export authorization to detail the potential environmental impacts of the project for this very purpose. 10 C.F.R. § 590.202. The Center's comments address both the economic and environmental consequences of Argent LNG's proposed export activities, including impacts to threatened and endangered species. The siting of the project is relevant because it determines the scope of environmental impact including the exact natural resources to be potentially harmed. The Center did not assert DOE had the authority to move the project or deny its siting but to consider the impacts on local resources when assessing the public interest.

For the foregoing reasons, and the reasons stated subsequently in the Center's renewed Motion to Intervene and Protest, the information submitted is relevant to DOE's public interest review. Further, the Center respectfully requests that DOE deny Argent LNG's request for

[1] [1] DOE/FE Order No. 4010, FE Docket No. 16-109-LNG at 14-15 (June 29, 2017), available at https://www.energy.gov/sites/prod/files/2017/06/f35/ord4010.pdf

authorization to export or, at minimum, defers its decision-making until proper environmental review has concluded.

II. Intervention

The Center timely filed its intervention on May 26, 2026. Argent LNG opposes intervention based on alleged deficiencies in that filing. To the extent DOE concludes that any deficiency exists, the Center hereby renews its Motion to Intervene and Protest and cures any such deficiency.

DOE's regulations do not impose a stringent standard for intervention and should be applied liberally to permit participation by interested parties. A movant need only identify the "facts upon which [their] claim of interest is based" and "the position taken by the movant." 10 C.F.R. § 590.303(b)-(c). Even untimely intervention may be granted upon a showing of good cause and consideration of any resulting impact on the proceeding. *Id*. § 590.303(d).

Intervention is appropriate here. The Center's original motion was timely filed, and this renewed motion comes at an early stage of the proceeding, before any substantive action has been taken. Accordingly, granting intervention will not prejudice any party or disrupt the proceeding. *Roane v. Leonhart*, 741 F.3d 147, 151 (D.C. Cir. 2014) (recognizing that intervention is timely where sought early in the litigation and where it would not unduly disrupt the proceedings). By contrast, the Center and its members have significant interests in the outcome of this matter and can provide information and perspectives that will assist DOE in evaluating whether the proposed export authorization is consistent with the public interest.

As explained below, the Center's position is that the application should be denied or, at minimum, cannot be approved without additional environmental review and analysis. The Center's interests are based on the impact the proposed export authorization and associated

activities may have on its members, as well as its organizational mission to protect imperiled species and the environment.

The Center for Biological Diversity ("Center") is a national, nonprofit conservation organization committed to advancing environmental justice and safeguarding ecosystems that support the full biodiversity of life on Earth. The Center uses environmental advocacy to protect wildlife and wildlands from habitat destruction, pollution, climate change, population growth and other human activities.

The Center has been long concerned about the impacts of increased LNG exports on wildlife, public health, and human safety. It has participated in proceedings regarding export licenses before DOE for several projects including Delfin LNG and Alaska LNG. It has also submitted comments and petitions to inform DOE's public interest determination and raised concerns regarding Argent LNG specifically before PHMSA regarding their waiver request for the use of unauthorized technology in their requested export operations.

The requested authorization will facilitate gas exports that would otherwise not occur, threatening the interests of the Center and its members in numerous ways. Every greenlighted fossil fuel project unleashes devastating, wide-ranging harms to the climate, communities, wildlife, and the air and water we all depend on while slowing the necessary transition to equitable, affordable, clean and renewable energy alternatives.

The Center's members on the Gulf Coast and across the country are already impacted by climate change, from rising temperatures and sea level rise to stronger storms and other harms. The expansion of LNG exports without adequate consideration of greenhouse gas emissions harms the Center's members both in the vicinity of these projects and across the nation. The

Center has 414 members and more than 9,000 supporters in Louisiana, including the areas that will likely be impacted by the increase in exports from Argent LNG, LLC.

Construction and operation of LNG facilities for export can adversely impact protected species of concern to the Center's members through noise pollution discharge of toxic chemicals, and physical habitat disturbance/alteration. [2] Waste from ships and other port activities can result in loss or degradation of habitat areas and harm to marine life.

A likely increase in ship traffic can also injure and kill a variety of marine animals. For example, the Rice's whale, which is one of the most endangered marine mammals on Earth, faces a substantial risk of harm from ship strike that could lead to death due to the significant amount of time it spends near the surface of the water. [3] The Center's members enjoy viewing, studying, etc. the Rice's whale, giant manta ray, West Indian manatees, sperm whales, sea turtles, and many other threatened and endangered species endemic to the Gulf region.

DOE must ensure that approval of LNG exports serves the public interest and considers appropriate environmental, environmental justice, and macroeconomic factors. As stated in more detail below, the approval of Argent LNG, LLC's request for authorization to export without appropriate review of these concerns would harm the Center and its members conservation interests and economic interests by increasing consumer energy prices.

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[2] U.S. EPA, Ports Primer: 7.1 Environmental Impacts, https://www.epa.gov/community-portcollaboration/ports-primer-71-environmental-impacts (Jan. 13, 2022); United Nations Econ. And Soc. Comm'n for Asia and the Pacific, Assessment of the Environmental Impact of Port Development (1992), https://www.unescap.org/sites/default/files/pub_1234_fulltext.pdf.

[3] Melissa Soldevilla et al., Spatial distribution and dive behavior of Gulf of Mexico Bryde's whales: potential risk of vessel strikes and fisheries interactions, 32 Endang. Species Rsch. 533 (2017) (Prior to 2021, the Rice's whale was thought to be a distinct subspecies of Bryde's whales, known as the Gulf of Mexico Bryde's whale), https://repository.library.noaa.gov/view/noaa/16050.

For these reasons, and as described herein in the following sections, the Center contends that DOE should deny Argent LNG's requested authorization.

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

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III. Argent LNG's environmental impacts are contrary to the public interest.

DOE is tasked with determining if proposed export authorizations are consistent with public interest. Accordingly, DOE evaluates "economic impacts, international impacts, security of natural gas supply, and environmental impacts, among others."[4] This standard should apply to Argent's LNG's request for authorization.

A. DOE should not make a public interest determination without NEPA review.

[4] DOE/FE Order No. 4010, FE Docket No. 16-109-LNG at 14-15 (June 29, 2017), available at https://www.energy.gov/sites/prod/files/2017/06/f35/ord4010.pdf

At this time, Argent LNG has not undergone NEPA or ESA review, so DOE lacks the necessary information to make a public interest determination.

Argent LNG, LLC is a proposed natural gas liquefaction and export facility in Lafourche Parrish, Louisiana with the capacity to export 25 million tons of liquefied natural gas each year. The project will include pretreatment facilities, a liquefaction plant and support facilities, two marine LNG loading docks, a natural gas fired power-generation facility, and two above ground full-containment LNG storage tanks.

If built, Argent would be the second largest LNG export facility in the United States impacting nearly 900 acres at the Port of Fourchon on the Louisiana Gulf Coast and costing more than $25 billion.[5] The project also includes Marine Facilities that would impact a total of 147.1 acres (127.4 acres within the leased site and 19.7 acres within the Belle Pass Channel), and a total of 0.7 mile of new dual 16-inch-diameter natural gas interconnect pipelines that would tie into the existing Kinetica interstate pipeline system located near the site.[6]

The site of the proposed activity is of particular interest to the public. The proposed project could put at risk key restoration projects being carried out as part of Louisiana's 2023 Master Plan for a Sustainable Coast.[7] In the Master Plan, the State of Louisiana identifies five distinct coastal regions and outlines comprehensive strategies to mitigate future land loss and provide flood risk protection for each area. The Master Plan was developed in consultation with residents and region-specific working groups. In the Master Plan the state proposes two

[5] Argent LNG, https://argentlng.com/.
[6] *Argent LNG, LLC: Notice of Scoping Period Requesting Comments on Environmental Issues for the Planned Argent LNG Project*, 87 Fed. Reg 1296 (Jan. 13, 2026).
[7] State of Louisiana, *2023 Louisiana's Comprehensive Master Plan for a Sustainable Coast* (May 25, 2023) https://coastal.la.gov/wp-content/uploads/2023/06/230531_CPRA_MP_Final-for-web_spreads.pdf

mitigation projects directly adjacent to Port Fourchon at a cost of nearly $2 billion. The *East Bayou Lafourche Marsh Creation* project would create a 33,000-acre marsh to the east of Port Fourchon at a cost of $1.3 billion. To the north of the Port, the *Southeast Golden Meadow Marsh Creation* project would create new marsh areas at a cost of $270 million.[8] Argent LNG would be constructed adjacent to the Caminada Headland, an area that was restored and protected by the State of Louisiana via the *Caminada Headland Beach and Dune Restoration project.* This project was completed in 2018 at a cost of $200 million.[9] The construction and operation of the project would impact Louisiana wetlands, risk spills and explosions, degrade water quality, increase greenhouse gas emissions, increase domestic energy prices for U.S. consumers, and harm several threatened and endangered species and their critical habitats underscoring the extreme importance of a sound public interest determination that accounts for the project's true impacts.

The National Environmental Policy Act ("NEPA") requires federal agencies to take a "hard look" at the environmental consequences of their actions before undertaking major federal actions significantly affecting the quality of the human environment. 42 U.S.C. § 4332(2)(C). NEPA ensures that agencies have available, and carefully consider, detailed information regarding significant environmental impacts and that such information is disclosed to the public before decisions are made. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).

Here, neither DOE nor FERC has completed NEPA review evaluating the environmental and economic impacts of Argent LNG's proposed export of LNG. Nor has either agency

[8] *Id.* at 141.
[9] State of Louisiana, *Caminada Headland Beach and Dune Restoration,* https://coastal.la.gov/project/caminada-headland-beach-and-dune-restoration/

completed review under the Endangered Species Act. As a result, DOE lacks the information necessary to make an informed public interest determination. Even assuming DOE could ultimately conclude that certain impacts fall outside the scope of its authority—which it cannot—the agency cannot lawfully determine whether the proposed exports are in the public interest before the requisite environmental review has been completed.

Accordingly, DOE should defer issuance of the export authorization until NEPA review of the proposed Argent LNG project is complete. That review must rigorously evaluate (1) the environmental impacts of both the construction and operation of the proposed project, (2) any adverse environmental effects which cannot be avoided should the proposal be implemented , (3) reasonable alternatives to the action including the required "No Action" alternative, (4) and the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. 42 U.S.C. § 4332.

B. Scientific evidence demonstrates that Argent LNG's proposed export authorization is not in the public interest.

When assessing public interest and reviewing the environmental implications of the increased exports, DOE must address mounting scientific evidence highlighting the substantial risk of extreme weather events facing infrastructure like Argent LNG along the Gulf Coast, and the urgent need to curb greenhouse gas emissions. Specifically, DOE must address the 2022 National Oceanic and Atmospheric Administration ("NOAA") Report on sea level rise and three recent documents from the IPCC's 6th Assessment Report ("AR6") that paint a staggering picture of a climate-destabilized future absent urgent and aggressive carbon emission reductions.

The National Climate Assessments decisively recognize the dominant role of fossil fuels in driving climate change. As stated by the Third National Climate Assessment: "observations unequivocally show that climate is changing and that the warming of the past 50 years is primarily due to human-induced emissions of heat-trapping gases. These emissions come mainly from burning coal, oil, and gas."[10] In its 2022 report, NOAA concluded sea level will rise by one foot by 2050 as a result of climate change.[11] Louisiana has the highest relative rise in sea level of anywhere in the U.S.[12] Storms and hurricanes are common in Louisiana and could happen at any time, as aptly demonstrated by the 2020 and 2021 hurricane seasons; and the onshore components of Argent LNG are at risk of serious flooding. The 2022 NOAA report also predicts an "increase in the frequency of coastal flooding, even in the absence of storms or heavy rainfall."[13] This, combined with a subsidence rate of over 22 mm per year—the highest rates along the western Gulf states—makes sea level rise a climate and safety problem.[14] DOE must consider the 2022 NOAA report in its public interest analysis.

[10] Jerry M. Melillo et al. (eds.), U.S. Global Change Research Program Climate Change Impacts in the United States: The Third National Climate Assessment (2014) at 2, available at https://www.globalchange.gov/browse/reports/climate-change-impacts-united-states-thirdnational-climate-assessment-0. *See also* Report Finding 1 at 15: "The global warming of the past 50 years is primarily due to human activities, predominantly the burning of fossil fuels."
[11] *See* National Oceanic and Atmospheric Administration, *U.S. coastline to see up to a foot of sea level rise by 2050*, available at http://www.noaa.gov/news-release/us-coastline-to-see-up-to-footof-sea-level-rise-by-2050 (Feb. 15, 2022)(hereinafter "U.S. Sea Level Rise").
[12] "[A] federal study from NOAA . . . points out that the Gulf of Mexico from Texas to Louisiana is likely to see the highest sea-level rise in the contiguous United States. And flooding will likely become more intense and more frequent." *See* Mike Lee, *U.S. LNG surge may have a flood problem*, E&E News (June 8, 2022)
[13] U.S. Sea Level Rise, supra note 11.
[14] Dokka, R., Shinkle K., Rates of vertical displacement at benchmarks in the lower Mississippi Valley and the North Gulf Coast, NOAA (July 2004), http://geodesy.noaa.gov/heightmod/NOAANOSNGSTR50.pdf.

Similarly, the IPCC's August 2021 The Physical Science Basis report confirms that "[h]uman- induced climate change is already affecting many weather and climate extremes in every region across the globe."[15] Evidence demonstrating the link between human greenhouse gas emissions and "changes in extremes such as heatwaves, heavy precipitation, droughts, and tropical cyclones . . . has strengthened."[16] In addition to exacerbating extreme weather, "[h]eating of the climate system has caused global mean sea level rise through ice loss on land and thermal expansion from ocean warming."[17] The IPCC forecasts with high confidence that flooding will become more likely in coastal cities due to "the combination of more frequent extreme sea level events (due to sea level rise and storm surge)."[18] Even under deep emission reductions scenarios that keep global warming to within 1.5°C, the report finds that "heavy precipitation and associated flooding are projected to intensify and be more frequent in most regions," including North America (medium to high confidence).[19]

LNG exports and its contributions to climate change pose significant national security concerns. In U.S. coastal regions, rising sea levels, higher storm surge, and increased erosion could damage or destroy critical infrastructure. Sea level rise and higher storm surge in coastal regions increases the risk of major coastal impacts on transportation infrastructure, including flooding of airports, ports and harbors, roads, rail lines, tunnels, and bridges.[20] Furthermore,

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[15] *See* Climate Change 2021: The Physical Science Basis, Summary for Policymakers, IPCC, available at https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf (Oct. 2021) (hereinafter "IPCC Physical Science Summary").
[16] *Id*. at 8, A.3.
[17] *Id*. at 11, A.4.3.
[18] *Id*. at 25, C2.6.
[19] *Id*. at C.2.2. With 2°C or more of global warming, changes in droughts and heavy and mean precipitation will be even more dramatic. *Id*. at C.2.3.
[20] Obama Report Archives, Findings from Select Federal Reports: The National Security Implications of Climate Change (2015) at 3,

climate change caused primarily by oil and gas activities also affects "key economic sectors" such as agriculture and water which has profound effects on food security and threatens overall economic stability.[21] Climate change is an urgent and growing threat to our national security contributing to increased natural disasters, refugee flows, and conflicts over basic resources like food and water. The present-day effects of climate change are being felt from the Arctic to the Midwest. In turn, the global economy suffers, compounding the growing costs of preparing and restoring infrastructure.[22] The pressures caused by climate change are felt globally and will influence resource competition and aggravate stressors abroad such as poverty, environmental degradation, political instability, and social tensions which are conditions that can enable terrorist activity and violence.[23]

Looking to the future, the Physical Science Basis concludes that cutting greenhouse gas emissions now is critical because "there is a near-linear relationship" between human-caused greenhouse gas emissions and related global warming, meaning that each additional increment of global warming exacerbates changes in extreme weather events and increases these national security concerns. For example, the IPCC forecasts that each additional 1°C of global warming will cause about a 7 percent increase in the intensity of extreme daily precipitation events (high confidence).[24] Based on this demonstrated relationship, the IPCC concludes that "reaching net

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https://obamawhitehouse.archives.gov/sites/default/files/docs/National_Security_Implications_of_Changing_Climat e_Final_051915.pdf.

[21] *Id.*

[22] White House, National Security Strategy, February 2015 Domestic Energy Prices in Obama Report Archives, Findings from Select Federal Reports: The National Security Implications of Climate Change (2015), at 3, available at https://obamawhitehouse.archives.gov/sites/default/files/docs/National_Security_Implications_of_Changing_Climate_Final_051915.pdf.

[23] *Id.*

[24] *Supra* note 15 at 16, B.2.4. The IPCC reports that "every additional 0.5°C of global warming causes clearly discernible increases in the intensity and frequency of hot extremes, including

zero anthropogenic CO2 emissions is a requirement to stabilize human-induced global temperature increase at any level."[25]

Additionally, the IPCC's February 2022 report—on Impacts, Adaptation, and Vulnerability— highlights the increasing climate-related risks to coastal and nearshore infrastructure like Argent LNG. Because "[c]limate change impacts and risks are becoming increasingly complex and more difficult to manage," it is increasingly likely that "[m]ultiple climate hazards will occur simultaneously, . . . compounding overall risk[.]"[26] Moreover, "[u]navoidable sea level rise will bring cascading and compounding impacts resulting in losses of coastal ecosystems and ecosystem services, groundwater salinization, flooding and damages to coastal infrastructure that cascade into risks to livelihoods, settlements, health, well-being, food and water security, and cultural values in the near to long-term (high confidence)."[27]

The IPCC again concludes, with very high confidence, that "[t]he magnitude and rate of climate change and associated risks depend strongly on near-term mitigation and adaptation actions, and projected adverse impacts and related losses and damages escalate with every increment of global warming."[28]

Because climate change impacts cannot be eliminated entirely, the IPCC also highlights critical adaptation strategies, including restoring wetlands to "further reduce flood risk (medium confidence)."53 Noting that "siting of infrastructure" and other factors have "contributed to the

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heatwaves (very likely), and heavy precipitation (high confidence), as well as agricultural and ecological droughts in some regions (high confidence)." *Id*. at 15, B.2.2.

[25] *Id*. at 28, D.1.1.

[26] *See* IPCC, Climate Change 2022: *Impacts, Adaptation and Vulnerability*, Summary for Policy Makers at 18, B.5, available at https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf (Feb. 2022) (hereinafter "IPCC Impacts Summary").

[27] *Id*. at Figure SPM.B.5.2.

[28] *Id*. at SPM.B.4.

exposure of more assets to extreme climate hazards increasing the magnitude of the losses (high confidence),"54 the IPCC also concludes that "[a]ctions that focus on sectors and risks in isolation and on short-term gains often lead to maladaptation if long-term impacts of the adaptation option and long-term adaptation commitment are not taken into account (high confidence)."55 This is important because the construction and operation of Argent LNG will negatively impact acres of Louisiana wetlands.

Lastly, the IPCC's April 2022 Mitigation of Climate Change report[29] further demonstrates that LNG exports will need to be significantly curtailed well before 2050. Moreover, to reduce greenhouse gas emissions, the energy sector will "require[] major transitions, including a substantial reduction in overall fossil fuel use, the deployment of low-emission energy sources, switching to alternative energy carriers, and energy efficiency and conservation."[30] On the other hand, "[t]he continued installation of unabated fossil fuel infrastructure will 'lock-in' [greenhouse gas] emissions" (high confidence).[31] The required transition in the energy sector "is projected to reduce international trade in fossil fuels."[32] Because limiting warming to 2°C "could strand considerable fossil fuel infrastructure," the IPCC estimates that gas assets "are projected to be more at risk of being stranded towards mid-century" (high confidence),[33] reiterating the risk that new LNG facilities like Argent must not come online or cease operations well before 2050.

In short, the IPCC's AR6 reports add to the mounting evidence demonstrating the dual climate risks associated with the licensing and operation of Argent LNG facility: (1) that the

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[29] *See* IPCC, Climate Change 2022: *Mitigation of Climate Change*, Summary for Policy Makers, available at https://www.ipcc.ch/report/ar6/wg3/downloads/report/IPCC_AR6_WGIII_SPM.pdf (Apr. 2022)
[30] *Id*. at B.7.
[31] *Id.* at C.4.
[32] *Id*.
[33] *Id*.

facility's staggering greenhouse emissions will fuel climate change, and (2) that the climate-driven hazards at the project sites will increase the risk of significant contamination being released into the surrounding communities and ecosystems. DOE must consider this significant information in its public interest analysis and NEPA review which would likely lead to a determination that Argent LNG's proposed export authorization is not in public interest.

IV. DOE must comply with the ESA before taking "federal action" approving or denying Argent's proposed export authorization.

DOE must comply with the ESA's consultation requirements because the export authorization constitutes a federal agency action that may affect listed species and destroy or adversely modify their critical habitat.

The ESA, 16 U.S.C. § 1531 *et seq.*, is "the most comprehensive legislation for the preservation of endangered species ever enacted by any nation." *Tenn. Valley Authority v. Hill*, 437 U.S. 153, 180 (1978). The statute's fundamental purposes are "to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, [and] to provide a program for the conservation of such endangered species and threatened species." 16 U.S.C. § 1531(b). To achieve these objectives, the ESA directs the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service ("NMFS" or "NOAA") to determine which species of plants and animals are "threatened" and endangered" and place them on the list of protected species. 16 U.S.C. §§ 1533(a)(1), (c)(1). The ESA provides a variety of protections for species listed as threatened or endangered, to ensure not only the species survival, but their recovery.

Section 7 of the ESA requires federal agencies to consult with FWS and/or NMFS to ensure that their actions are "not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat." 16 U.S.C. §

1536(a)(2). The consultation process is designed "to ensure compliance with the [ESA's] substantive provisions." *Thomas v. Peterson*, 753 F.2d 754, 764 (9th Cir. 1985). Section 7 defines the term "agency action" as "any action authorized, funded, or carried out" by the agency. 16 U.S.C. § 1536(a)(2). The term "action" is further defined by regulation as "all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies." 50 C.F.R. § 402.02. An agency action exists "whenever an agency makes an affirmative, discretionary decision about whether, or under what conditions, to allow private activity to proceed." *Karuk Tribe of California v. U.S. Forest Serv.*, 681 F.3d 1006, 1026–27 (9th Cir. 2012).

If an action "may effect" a listed species or its critical habitat, formal consultation is required. 50 C.F.R. §§ 402.14(a), 402.12(k). Formal consultation involves preparation of a biological opinion ("BiOp"). 16 U.S.C. § 1536(b)(3)(A). The BiOp must use the best available scientific information to evaluate the current status of species and habitats, the effects of the action on species conservation, and cumulative effects. *Id*. § 1536(a)(2), (b)(3)(A); 50 C.F.R. §§ 402.02, 402.14(g)-(h). Through formal consultation, FWS or NOAA/NMFS prepares a biological opinion as to whether the action will cause jeopardy or destroy or adversely modify critical habitat, and if so, suggests "reasonable and prudent alternatives" to the action. 16 U.S.C. § 1536(b)(3)(A). This analysis is critical because if a wildlife agency makes a jeopardy determination at the end of the consultation the action simply cannot move forward as is. *Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 652 (2007). The consultation requirement reflects "a conscious decision by Congress to give endangered species priority over the 'primary missions' of federal agencies." *Karuk Tribe*, 681 F.3d at 1020 (quoting *TVA v. Hill,* 437 U.S. at 185).

Approval of the proposed LNG export authorization is an "agency action" under the ESA because it is "authorized" by the federal government and discretionary. *See* 16 U.S.C. § 1536(a)(2); *Karuk Tribe,* 681 F.3d at 1011. Moreover, the increased exports resulting from the authorization may affect species listed as endangered or threatened under the ESA and their critical habitat. As detailed below, the export of LNG by Argent LNG would threaten listed species with many adverse impacts, including construction, operation, maintenance and repair activities, and the risk of spills.

Many of the species that are found in the Gulf of Mexico are listed as threatened or endangered under the ESA. The Region is home to threatened West Indian manatees;[34] endangered sperm whales and Rice's whales, five threatened and endangered sea turtle species, including green, hawksbill, Kemp's ridley, leatherback, and loggerhead turtles; threatened oceanic whitetip sharks; threatened giant manta rays; threatened queen conch; three listed fish species — Gulf sturgeon, smalltooth sawfish, and Nassau grouper;[35] and ten listed bird species, including endangered whooping cranes, Mississippi sandhill cranes, and least terns.[36] Critical

[34] On January 14, 2025, the U.S. Fish & Wildlife Service proposed to remove the threatened West Indian manatee from the Federal List of Endangered and Threatened Wildlife and add to the List two subspecies of the West Indian manatee: (1) the Florida manatee as a threatened species and (2) the Antillean manatee as an endangered species. 90 Fed. Reg. 3,131.
[35] NOAA Fisheries, *Threatened and Endangered Species List—Gulf of America*, https://www.fisheries.noaa.gov/southeast/consultations/threatened-and-endangered-species-list-gulf-america ("NOAA Gulf List").
[36] BOEM, 2017-2022 Outer Continental Shelf Draft Proposed Program at 6-12 (Jan. 2015) ("2017-2022 DPP").

habitat is designated in the Gulf for loggerhead turtles,[37] Gulf sturgeon,[38] smalltooth sawfish,[39] and piping plovers.[40] The Gulf is also home to many species of marine mammals protected under the Marine Mammal Protection Act, including killer whales, dwarf and pygmy sperm whales, pygmy killer whales, several species of beaked whales, bottlenose dolphins, Atlantic and pantropical spotted dolphins, striped dolphins, Clymene dolphins, Fraser's dolphins, Risso's dolphins, and melon-headed whales.[41] DOE must examine how Argent LNG's export activities, by itself and cumulatively with other nearby projects, would impact protected Gulf species.

A. ESA-Listed Species That May Be Impacted By Argent LNG, LLC's Onshore Activities

The listed wildlife species under the FWS's jurisdiction that the Proposed Project "may affect" include the Rufa red knot and the piping plover as pictured in the map below. Other species to be considered that may occur in the project area include the eastern black rail and the black-capped petrel.

[37] NOAA Fisheries, *Loggerhead Turtle – Northwest Atlantic Ocean DPS Critical Habitat Map*, https://www.fisheries.noaa.gov/resource/map/loggerhead-turtle-northwest-atlantic-ocean-dps-critical-habitat-map (accessed Aug. 6, 2025).
[38] NOAA Fisheries, *Gulf Sturgeon Critical Habitat Map and GIS Data*, https://www.fisheries.noaa.gov/resource/map/gulf-sturgeon-critical-habitat-map-and-gis-data (accessed Aug. 6, 2025).
[39] NOAA Fisheries, *Smalltooth Sawfish Critical Habitat Map and GIS Data*, https://www.fisheries.noaa.gov/resource/map/smalltooth-sawfish-critical-habitat-map-and-gis-data (accessed Aug. 6, 2025).
[40] Endangered and Threatened Wildlife and Plaints; Revised Designation of Critical Habitat for the Wintering Population of the Piping Plover (Charadrius melodus) in Texas, 74 Fed. Reg. 23,476 (May 19, 2009).
[41] NOAA, *Cetacean Data Availability*, https://oceannoise.noaa.gov/cetacean-data-availability (accessed Aug. 6, 2025).

Rufa Red Knot:

The Rufa red knot (*Calidris canutus rufa*) is a robin-sized shorebird known for one of the longest migrations of any animal on earth, traveling up to 18,000 miles annually between its breeding grounds in the Canadian Arctic and its wintering areas along the Gulf Coast, the southeast United States, and South America. FWS listed the Rufa red knot as threatened, in part due to loss of breeding and nonbreeding habitat.[42] The Gulf Coast, including Louisiana, serves as both a critical stopover and wintering area for the species.[43] The LNG project threatens Rufa red knots through habitat disturbance during their key refueling and wintering periods, a particularly acute concern given that FWS found reduced prey availability to be a primary driver of the species' decline.[44]

Piping Plover:

[42] Threatened Species Status for the Rufa Red Knot, 79 Fed. Reg. 73,706 (Dec. 11, 2014).
[43] *Id.* at 73,707.
[44] *Id.* at 73,706.

The piping plover (*Charadrius melodus*) is a small, pale-colored migratory shorebird that nests along the Atlantic Coast, the Great Lakes, and the Northern Great Plains, and winters along the Gulf and Atlantic coasts, including the Louisiana coastline. The piping plover is endangered in the Great Lakes watershed and listed as threatened throughout the remainder of its range, including all birds on their wintering grounds.[45] FWS subsequently designated critical habitat for the wintering population of the piping plover along the Louisiana coast, recognizing the essential role Gulf coastal habitat plays in the species' survival.[46] This LNG project poses direct risks to piping plovers that use the Louisiana coast during their wintering period, which spans more than eight months of the year. Construction activities and vessel traffic from the project will disturb foraging and roosting habitat that the species depends upon. The piping plover is especially sensitive to disturbance on its wintering grounds given that adult survival during that period plays a significant role in maintaining population levels and achieving the increases in population required for recovery.[47]

Eastern Black Rail

The eastern black rail (*Laterallus jamaicensis jamaicensis*) is a small and elusive bird which historically lived in marshes across the eastern half of the United States. Eastern black rails are unique in that they are extremely secretive and walk or run under dense vegetation.[48] It is very rare to see an eastern black rail; most detections are made by hearing its call.[49] Over the last 25 years, its presence has declined by over 90% due to threats from habitat loss, degradation,

[45] Threatened Status for the Piping Plover, 50 Fed. Reg. 50,726 (Dec. 11, 1985).
[46] Final Determination of Critical Habitat for Wintering Piping Plovers, 66 Fed. Reg. 36,038 (July 10, 2001).
[47] *Id*.
[48] 12-Month Petition Finding and Threatened Species Status for Eastern Black Rail With a Section 4(d) Rule, 83 Fed. Reg 50,610, 50,627 (Oct. 9, 2018).
[49] *Id.* at 50,628.

and fragmentation. Now the eastern black rail is thought only to occur along the United States' eastern coastline, a fraction of the Gulf Coast, and in a limited number of freshwater wetlands on the Great Plains. Because of this decline, FWS listed the eastern black rail as "threatened" under the ESA.[50] In its listing decision, FWS found that the entire species will likely be extirpated from the United States by 2068.[51]

Oil and gas activity in the Gulf in general, and this project in particular, is likely to further harm the eastern black rail. FWS determined that the eastern black rail's drastic decline was and continues to be driven by habitat loss.[52] Specifically rising sea levels are one of the primary stressors harming the continued viability of the eastern black rail. FWS also observed that increasing storm frequency and intensity will have both a direct and indirect effect on the eastern black rail.[53] Sea level rise and increasing storm intensity are both caused by climate change, which is exacerbated by emissions that result from the oil and gas operations in the Gulf.

Black-Capped Petrel

The black-capped petrel (*Pterodroma hasitata*) is a seabird that is primarily found in the western Atlantic Ocean. It is known for its striking black cap, white face, and characteristic dark wings. The petrels are pelagic, spending most of their lives at sea and returning to land only during the breeding season. They nest on the island of Hispaniola and their marine range

[50] Threatened Species Status for Eastern Black Rail with a Section 4(d) Rule, 85 Fed. Reg 63,764 (October 8, 2020).
[51] 85 Fed. Reg. at 63,773.
[52] *Id*.
[53] 85 Fed. Reg. at 63,794.

includes the western Atlantic, the Caribbean Sea and the northern Gulf of Mexico. Black-capped petrels are also nocturnal.[54]

FWS listed the species as endangered on January 29, 2024.[55] In the listing decision, FWS estimated the size of the breeding population for black-capped petrels at between 500 to 1,000 breeding pairs.[56] FWS found that, in addition to habitat loss, forest fires, and predation, "offshore oil and gas infrastructure and activities" are a threat to the species.[57] FWS found that designating critical habitat for the black-capped petrel would be prudent; however, FWS said that such habitat was not determinable at the time of the listing decision.[58]

Oil and gas activities in the Gulf in general, and this project in particular, are likely to harm the black-capped petrel. As FWS has found, the black-capped petrel's range extends to the northern Gulf of Mexico, where there is overlap with oil and gas infrastructure.[59] Threats to the petrel from oil and gas operations include collisions platforms and harms from an oil spill.[60] As nocturnal feeders, black-capped petrels are especially vulnerable to harms from lighting on platforms. Additionally, FWS found that the risk of an oil spill affecting the species is

[54] Satgé, Y. G., et al., Habitat modelling locates nesting areas of the Endangered Black-capped Petrel *Pterodroma hasitata* on Hispaniola and identifies habitat loss, 31(4), Bird Conservation International, 573–590 (2021).
[55] Species Status for Black-Capped Petrel, 88 Fed. Reg. 89,611 (Dec. 28, 2023).
[56] *Id.* at 89,623.
[57] *Id.* at 89,612.
[58] *Id.* at 89,613.
[59] *Id.* at 89,617; *see also* FWS, Species Status Assessment: Black-capped Petrel (Pterodroma hasitata), Version 1.3 (May. 2023) at 28 (noting that "[b]lack-capped Petrels have been frequently sighted in the central and northeastern Gulf of Mexico where oil and gas activities are ongoing.").
[60] Jodice, Patrick G. R., et al. Revising the marine range of the endangered black-capped petrel Pterodroma hasitata: occurrence in the northern Gulf of Mexico and exposure to conservation threats, 46 Endang Species Res 49–65 (2021).

"dependent on the amount of offshore petroleum structures and activities."[61] This is an express finding that more oil and gas activity puts this endangered species at additional risk.

B. ESA Listed Species that May be Impacted by Argent LNG's Export Activities

Additionally, there are several Gulf species in NMFS's jurisdiction that may be impacted by the increased exports including sea turtles, corals, and Rice's whale.

Sea turtles

Kemp's ridley sea turtles, the rarest sea turtle in the world that exclusively nests in the Gulf of Mexico, are at risk from this massive LNG export facility. The construction of the facility could increase underwater noise, light pollution, vessel traffic, and turbidity in Kemp's ridley habitat. The northwestern Gulf of Mexico provides critically important foraging grounds for Kemp's ridley sea turtles, with the vast majority (82 percent) of adult, reproductive-aged females using the area.[62]

Threats in the region, including oil and gas development, have a disproportionately higher impact on adult female turtles—a critical demographic for recovery of the species.[63] New science shows that the species' recovery requires both that there be no reduction of suitable habitat and that per capita availability of food resources remain sufficient to support population recovery, meaning that threats to nesting habitat or food availability must be treated as existential

[61] 88 Fed. Reg. at 89,613.
[62] Gredzens, Christian & Donna J. Shaver, Satellite tracking can inform population-level dispersal to foraging grounds to post-nesting Kemp's ridley sea turtles, 7 Frontiers Marine Sci. 559 (2020); *see also* Uribe-Martínez, Abigail et al., Critical in-water habitats for post-nesting sea turtles from the southern Gulf of Mexico, 9 J. Marine Sci. & Engineering 793 (2021) (showing migratory corridors for Kemp's ridley sea turtles in the northern Gulf of Mexico).
[63] *See* Gredzens, Christian & Donna J. Shaver 2020.

threats to the species.[64] Hurricanes pose a significant additional threat to Kemp's ridley conservation, as increasing storm frequency and intensity decrease hatchling dispersal distance, pushing hatchlings back into the Gulf, while widespread beach destruction erodes the very nesting sites the species depends upon.[65] Sea turtles are vulnerable to vessel strikes.[66] Against this backdrop of a species already in declining trend,[67] the additional stressors introduced by this LNG project including vessel traffic cannot be dismissed.

The project's threat extends to other listed sea turtle species that inhabit and nest in Gulf waters as well. Loggerhead sea turtles face the additional threat of warmer incubation temperatures, reducing nesting success rates and hampering the species' ability to recover.[68] These cumulative effects must be considered along with the impacts of the LNG facility. New research also shows that hawksbill sea turtles, a critically endangered species, are now nesting on the beaches of Texas, bringing their nesting habitat into closer proximity to Gulf oil and gas infrastructure and increasing the potential for harm from any spill or construction-related disturbance in the region.[69]

Rice's Whale

[64] Kocmoud, A. R., et al., Population dynamics of the endangered Kemp's ridley sea turtle following the 2010 oil spill in the Gulf of Mexico: Simulation of potential cause-effect relationships, 329 Ecological Modelling159–178 (2019).
[65] DuBois, M. J., et al., Hurricane Frequency and Intensity May Decrease Dispersal of Kemp's Ridley Sea Turtle Hatchlings in the Gulf of Mexico, Frontiers in Marine Science (Vol. 7). (2020).
[66] Welsh, Ryan, Witherington, Blair, Spatial mapping of vulnerability hotspots: Information for mitigating vessel-strike risks to sea turtles 46 Global Ecology and Conservation e02592 (2023).
[67] Shaver, Donna J. et al., Threats to Kemp's ridley sea turtle (Lepidochelys kempii Garman, 1880) nests incubating in situ on the Texas coast, 13 Herpetology Notes 907 (2020).
[68] Monsinjon, J. R., et al, The climatic debt of loggerhead sea turtle populations in a warming world, 107 Ecological Indicators 105657 (2019).
[69] Shaver, Donna J., and Frandsen, H. R., Eretmochelys imbricata (Hawksbill Sea Turtle), 50 Nesting. Herpetol. Rev. 350–351 (2019).

The endangered Rice's whale is limited to an extremely small population of approximately 51 to 100 total whales was previously thought to only inhabit the waters of DeSoto Canyon in the northeastern Gulf, but scientists have now detected this baleen whales "regular occurrence in waters offshore of Texas."[70] Scientists have warned that, due to "extensive industrialization" in the area, "[t]he discovery that Rice's whales regularly occur in waters off Texas and in Mexican waters of the western [Gulf] has numerous implications for the management and conservation of this critically endangered species."[71] The species faces a myriad of threats, including mortality and serious injury from collisions with ships, entanglement in fishery gear, exposure to marine debris, acoustic impacts from intensive oil and gas exploration and seismic airgun surveys, and the long-term effects of oil and gas exposure, including from the Deepwater Horizon spill, among others.[72] And "[t]he levels of these threats are highest in the northwestern [Gulf] offshore of Texas and Louisiana, where numerous major shipping ports and high levels of oil and gas exploration and extraction occur near Rice's whale habitat."[73] In response to these threats, in July 2023, the National Marine Fisheries Service ("NMFS") "propose[d] to designate critical habitat for the Rice's whale (*Balaenoptera ricei*) by designating waters from the 100 meter (m) isobath to the 400 m isobath in the Gulf."[74] The Proposed Project, by itself and cumulatively with other nearby projects, would intensify the threats to the survival of this species.

Corals

[70] Soldevilla, M.S. et al., Rice's whale occurrence in the western Gulf of Mexico from passive acoustic recordings, Marine Mammal Science (2024) ("Soldevilla 2024").
[71] *Id*.
[72] Rosel, P.E. et al., A new species of baleen (*Balaenoptera*) from the Gulf of Mexico, with a review of its geographic distribution, Marine Mammal Science (2021) ("Rosel 2021").
[73] Soldevilla 2024.
[74] 88 Fed. Reg. 47,453.

Additionally, the corals in the Gulf include one species listed as endangered – pillar coral – and six species listed as threatened under the ESA – elkhorn, staghorn, boulder star, mountainous star, lobed star, and rough cactus coral.[75] All seven species have designated critical habitat.[76] In August 2023, NMFS designated critical habitat for the boulder star, mountainous star, lobed star, rough cactus, and pillar coral, and one area of critical habitat common to the three star species is the Flower Garden Banks.[77] The Flower Garden Banks – an isolated system of predominantly encrusting corals atop salt dome formations – is the northernmost tropical coral reef system in the United States.[78] The system attracts reef fish and large open-water species such as hammerhead and whale sharks, and predatory fish such as jack, tuna, and rays.[79] It is also designated a National Marine Sanctuary.[80] NMFS stated explicitly "that oil and gas exploration and development may affect the essential feature and would be subject to ESA section 7 consultation."[81] The Proposed Project, by itself and with other nearby projects, would result in direct, indirect, and cumulative impacts on these species.

Pursuant to the ESA, DOE and/or FERC must engage in Section 7 consultation before approving Argent LNG's facility and request for export authorization.

V. The impact of air pollutants on public health and the environment demonstrate that authorization is not in the public interest.

NEPA requires an assessment of the proposed action's impact on not only the environment but also human health. Similarly, public health is also important when assessing the public interest.

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[75] NOAA Gulf List, *supra* note X.
[76] *Id*.
[77] 88 Fed. Reg. 54,026.
[78] 2017-2022 DPP at 6-11.
[79] *Id*.
[80] *Id*. at 6-24.
[81] 88 Fed. Reg. 54,026, 54,029.

Natural gas poses significant public health burdens[82] and contributes heavily to the health emergency created by climate change. In particular, LNG poses unique and immediate risks to public health through explosions, air pollution, water pollution, noise, and mental health impacts.[83] Overall, according to a Harvard analysis, the estimated financial burden of natural gas health impacts ranged from $130 to $170 billion in 2018.[84]

Air pollution from U.S. oil and natural gas production causes roughly $77 billion in health impacts nationwide every year.[85] The construction and operation of LNG export facilities pollute air and endanger groundwater and surface water.[86] LNG exports rely on the construction and operation of onshore and offshore infrastructure such as terminals, pipelines, and deepwater ports, all of which are major sources of air pollutants that affect the health of people living in nearby communities and contribute to regional air pollution problems.[87] Mobile and stationary emission sources associated with the onshore and offshore operation of export facilities include

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[82] Jonathan J. Buonocore et al., *A Decade of the U.S. Energy Mix Transitioning Away from Coal: Historical Reconstruction of the Reductions in the Public Health Burden of Energy*, 2021 *Envtl. Res. Letters* 16, https://iopscience.iop.org/article/10.1088/1748-9326/abe74c/pdf. *See generally* Radhika Duvvuri, *Unveiling the Public Health Burden of Natural Gas*, Union of Concerned Scientists (July 19, 2021), https://blog.ucsusa.org/science-blogger/public-health-burden-natural-gas/ [hereinafter "Union of Concerned Scientists"].

[83] Environmental Health Project, *Liquified Natural Gas (LNG): Health and Climate Impacts* (Aug 10, 2023), https://www.environmentalhealthproject.org/post/liquefied-natural-gas-lng-health-and-climate-impacts#:~:text=LNG%20plants%20emit%20carbon%20monoxide,eyes%2C%20nose%2C%20and%20lungs [hereinafter "Environmental Health Project"].

[84] Union of Concerned Scientists, *supra* note 57.

[85] Jonathan J Buonocore et al., *Air Pollution and Health Impacts of Oil & Gas Production in the United States*, Envtl. Res. Health (2023), at 5, https://iopscience.iop.org/article/10.1088/2752-5309/acc886/pdf [hereinafter "Environmental Research Health"].

[86] Environmental Health Project, *supra* note 83.

[87] Texas Oil & Gas Threat Map, Oil & Gas Threat Map, https://oilandgasthreatmap.com/threat-map/texas/

onshore terminals, pipelines, trucks, marine vessels, locomotives, cargo handling equipment, refineries, and storage facilities.[88]

Further, LNG exporters utilize venting and flaring to release or burn away excess natural gas, emitting harmful pollutants into the atmosphere and worsening air quality.[89] Even worse, these emissions are largely underreported.[90] The major air pollutants emitted by LNG export activities that can affect human health include diesel exhaust, particulate matter, nitrogen oxides, sulfur oxides, ozone, carbon monoxide, heavy metals like mercury, dioxins, and volatile organic compounds.[91] Exposure to these pollutants can irritate skin, eyes, nose, and lungs and cause headaches, coughing, dizziness, lung disease, asthma, and other respiratory illnesses.[92] Long term exposure can lead to heart disease, cancer, damage to the internal organs, heart attacks, and premature death.[93] Children are disproportionately harmed because they tend to spend more time outdoors than adults, leading to greater opportunity for exposure. Flaring has caused an

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[88] U.S. EPA, *Ports Primer: 7.1 Environmental Impacts*, Community-Port Collaboration (Dec. 14, 2023), https://www.epa.gov/community-port-collaboration/ports-primer-71-environmental-impacts [hereinafter "*Ports Primer*"]; United Nations Econ. & Soc. Comm'n for Asia and the Pacific, *Assessment of the Environmental Impact of Port Development* (1992), https://www.unescap.org/sites/default/files/pub 1234 fulltext.pdf.

[89] Huy Tran et. al, *Air Quality and Health Impacts of Onshore Oil and Gas Flaring and Venting Activities Estimated Using Refined Satellite- Based Emissions*, GeoHealth (March 5, 2024), https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2023GH000938 [hereinafter "*Air Quality and Health*"]

[90] *Id*.

[91] *Id*; Trade, Health and Environment Impact Project, Importing Harm: U.S. Ports' Impacts on Health and Communities, THE Impact Policy Brief Series (2012), https://bpb-us-e2.wpmucdn.com/faculty.sites.uci.edu/dist/3/1218/files/2025/04/Impact-Project-Ports-issue-brief-2012-1.pdf [hereinafter "Importing Harm"]; Physicians for Social Responsibility, *Climate and Health Risks of Liquified Natural Gas* (Nov. 2019), at 7, https://psr.org/wp-content/uploads/2019/11/LNG-WHITE-PAPER-11262019.pdf [hereinafter "PSR Report"].

[92] Environmental Health Project, *supra* note 58; Terry L. Jones, *LNG Export Terminals Pose a Growing and Invisible Threat: Air Pollution*, Louisiana Illuminator (Feb. 6, 2023), https://lailluminator.com/2023/02/06/lng-export-terminals-pose-a-growing-and-invisible-threat-air-pollution/.

[93] *Id*; Union of Concerned Scientists, *supra* note 82.

estimated $7.4 billion in health impacts and 710 premature deaths annually in the United States.[94]

LNG liquefaction plants and export terminals require years of disruptive, noisy construction followed by a lifetime of uncertainty over the long-term health and safety impacts of the facility causing an increase in stress, anxiety, and depression.[95] Furthermore, noise pollution caused by trucks and other vessels as well as large banks of light used at onshore port and transport facilities that shine on adjacent residential properties impact human health and welfare of the people in neighboring communities.[96]

When evaluating the air, water, and noise pollution concerns of proposed exports as it relates to public health, the reviewing agencies must review baseline air, water, and sound quality data at the proposed location and the cumulative impact of additional exports. Additionally, DOE should analyze specifically the resulting impacts of pollution on children, elderly, and other vulnerable populations and the number of people likely to experience negative health impacts based on the accumulation of pollution in a community. It must consider the proximity of these facilities to communities and the potential to exacerbate already existing health impacts to overburdened frontline communities.

Lastly, Argent LNG's export operations would generate greenhouse gas emissions during production and transportation activities. It will also generate greenhouse gas emissions through the consumption of the LNG exported by the Proposed Project. Not only must the responsible agencies—including DOE—determine all of the Argent's greenhouse gas contribution, they must (as stated in Section II) also analyze what climate impacts it will have.

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[94] *Air Quality and Health*, *supra* note 64.
[95] Environmental Health Project, *supra* note 83.
[96] Importing Harm, supra note 91.

VI. Economic Impacts: LNG exports' impacts on domestic energy prices and supply demonstrate that the authorization is not in the public interest.

The proposed increase in LNG exports is contrary to the public interest because it imposes economic costs on American consumers. Natural gas-fired generation plays a significant role in setting electricity prices across the United States.[97] As export demand increases, domestic natural gas supplies available to U.S. consumers decrease, placing upward pressure on natural gas prices. Utilities must then pay more for fuel, costs that are ultimately passed on to households and businesses through higher energy bills.[98]

This effect is particularly significant because natural gas supplies approximately 42 percent of U.S. electricity generation.[99] As a larger share of domestic gas production is liquefied and exported overseas, less supply remains available for domestic consumption. Accordingly, DOE should conclude that the proposed export authorization is contrary to the economic public interest.

While DOE may consider that the proposed authorization is consistent with recent presidential directives concerning energy production and exports. That contention is misplaced. The President's declaration of a national energy emergency in Executive Order 14156, "Declaring a National Energy Emergency," 90 Fed. Reg. 8353 (Jan. 29, 2025), is currently the subject of ongoing legal challenges and is not supported by current market conditions. The United States remained the world's largest exporter of LNG in 2024 and continues to export

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[97] Institute for Energy Economics and Financial Analysis*, LNG exports and U.S. power price (*August 4, 2025*)*, available at https://ieefa.org/resources/lng-exports-and-us-power-price (hereinafter "IEEFA report")

[98] Public Citizen, *LNG Exports And American Unaffordability* (April 1, 2026), available at https://www.citizen.org/news/record-setting-lng-exports-send-energy-costs-spiraling-for-consumers/

[99] IEEFA Report, supra note 97.

LNG at record levels.[100] Far from addressing an energy shortage, increased LNG exports have become a significant driver of higher domestic natural gas prices.[101]

Moreover, other actions taken by the Administration undermine any claim that the United States is facing an energy emergency. For example, the Administration has restricted the development of substantial domestic energy resources by freezing funding and permitting for certain wind energy projects. *See* 90 Fed. Reg. 8363–65 (Jan. 20, 2025). In any event, even assuming a national energy emergency exists, approving Argent's application would not alleviate that emergency. Argent seeks authorization to *export* domestically produced natural gas to foreign markets. By design, the project would direct energy resources away from domestic consumers rather than increase energy availability within the United States.

VII. Conclusion

For the foregoing reasons, the Center's Motion to Intervene and Protest should be granted. The proposed export authorization is not consistent with the public interest and should therefore be denied. At a minimum, DOE should defer any decision on Argent LNG's application until all required review under the Endangered Species Act and the National Environmental Policy Act has been completed and made available for public review and comment.

Respectfully submitted June 30, 2026

/s/ Lauren A. Parker
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Staff Attorney
Center for Biological Diversity

[100] U.S. Energy Information Administration, The United States remained the world's largest liquefied natural gas exporter in 2024 (March 17, 2025), https://www.eia.gov/todayinenergy/detail.php?id=64844.

[101] Center for Energy and Environmental Analysis, Drill More, Pay More: American's New Energy Paradigm (April 2025), https://ceea.us/wp-content/uploads/2025/04/CEEA-Drill-More-Pay-More-April-17-2025-Final.pdf.

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

In the matter of Argent LNG, LLC	Docket No. 26-28-LNG

CENTER FOR BIOLOGICAL DIVERSITY STATEMENT OF AUTHORIZED REPRESENTATIVE

Pursuant to 10 C.F.R. § 590.103(b), I, Lauren A. Parker, hereby certify that I am duly authorized representative of the Center for Biological Diversity, and that I am authorized to sign and file with the Department of Energy, Office of Hydrocarbons and Geothermal Energy, on behalf of the Center for Biological Diversity, the foregoing documents and in the above captioned proceeding.

Dated at Washington, DC this 30th day of June 2026

/s/ Lauren A. Parker
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UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY OFFICE OF HYDROCARBONS AND GEOTHERMAL ENERGY

In the matter of Argent LNG, LLC	Docket No. 26-28-LNG

CENTER FOR BIOLOGICAL DIVERSITY VERIFICATION

Pursuant to 10 C.F.R. § 590.103(b), I, Lauren A. Parker, hereby verify under penalty of perjury that I am authorized to execute this verification, that I have read the foregoing document, and that the facts stated therein are true and correct to the best of my knowledge.

Dated at Washington, DC this 30th day of June 2026

/s/ Lauren A. Parker
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UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY OFFICE OF HYDROCARBONS AND GEOTHERMAL ENERGY

In the matter of Argent LNG, LLC	Docket No. 26-28-LNG

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document on each person designated on the official service list compiled by the Department of Energy on June 30, 2026.

DATED: June 26, 2026

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