

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

In The Matter Of:

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

§
§
§
§
§
§

Docket No. 26-32-LNG

MOTION FOR LEAVE AND ANSWER

Ingleside on the Bay Coastal Watch Association, Inc., Indigenous Peoples of the Coastal Bend, the Karankawa Tribe of Texas, and the Carrizo/Comecrudo Tribe of Texas, LLC (“Movant” or “Intervenor”) file this Motion for Leave and Answer in response to Applicant’s Answer in Opposition to Protest dated June 30, 2026 (“Applicant’s Answer”).

Movant respectfully requests leave to file an Answer to Applicant’s Answer and that the Department of Energy (“DOE”) accept Movant’s Answer. This Motion and Answer are necessary because Applicant mischaracterizes Intervenor’s Protest and argues DOE has authority to approve the “act of exportation” but no corresponding statutory obligations under the National Historic Preservation Act.¹ Below, Movant will additionally clarify positions from its timely Motion to Intervene and Protest filed June 15, 2026 (“DOE Protest”).²

I. Motion for Leave

DOE has permitted responsive filings that are “relevant to [DOE’s] consideration of the issues” raised. *See, e.g., Alaska LNG Project, LLC*, FE Docket No. 14-196-LNG, DOE/FE Order No.

¹ *Corpus Christi Liquefaction, LLC, Corpus Christi Liquefaction Stage IV, LLC & Cheniere Marketing, LLC*, Answer in Opposition to Protest, filed into Docket No. 26-32-LNG (June 30, 2026) (“Applicant’s Answer”) at 2.

² *Corpus Christi Liquefaction, LLC, 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, filed into Docket No. 26-32-LNG (June 15, 2026) (“DOE Protest”).

3643-B at 11, Ordering Paragraph A (April 15, 2021) (granting Motion for Leave to Answer rehearing request because the proposed Answer was relevant to DOE’s consideration of issues raised in the rehearing request). This proposed Answer is relevant to DOE’s consideration of issues raised in Intervenor’s DOE Protest.

II. Answer

Applicant and Intervenor are divided on whether DOE’s approval authority has corresponding statutory obligations, under the National Historic Preservation Act and the Natural Gas Act, and whether DOE’s Categorical Exclusion can apply given the Application’s extraordinary circumstances. The parties agree that DOE has jurisdiction to approve the export of natural gas³ and each explain this jurisdictional scope includes the environmental review of marine transport effects.⁴ Applicant, however, mischaracterizes Intervenor’s impact concerns as “siting, construction, and operation of the CCL Stage 4 project” ignoring, and obscuring, that all the environmental impacts Intervenor raises are consequences of, and directly related to, (and described as) marine transport traffic.

A. DOE has distinct statutory obligations.

In this proceeding, DOE has obligations under three distinct statutes: the National Historic Preservation Act (“NHPA”);⁵ the National Environmental Policy Act (“NEPA”);⁶ and the Natural Gas Act (“NGA”).⁷ Each statute requires DOE perform an *individualized* assessment of the application that DOE cannot side-step.⁸ Yet, because the instant Corpus Christi LNG DOE

³ DOE Protest at 2; Corpus Christi Liquefaction, LLC, Corpus Christi Liquefaction Stage IV, LLC & Cheniere Marketing, Applicant’s Answer at 2–3 (DOE will participate as a cooperating agency in the environmental review to be conducted under [NEPA]).

⁴ DOE Protest at 20–23, Applicant’s Answer at 15.

⁵ National Historic Preservation Act of 1966, 54 U.S.C. § 306108 (“NHPA”).

⁶ National Environmental Policy Act, 42 U.S.C. §§ 4321–4370 (1970) (“NEPA”).

⁷ Natural Gas Act, 15 U.S.C. § 717b, (“NGA”).

⁸ *Sierra Club v. United States Dep’t of Energy*, 867 F.3d 189, 192 (D.C. Cir. 2017) (“the Department was independently required to consider the environmental impacts of its export authorization decision under NEPA and

application lacks necessary information relevant to DOE’s jurisdictional domain—DOE cannot make a reasoned determination under any of these other statutes. To fulfil its statutory obligations DOE must: set an adequate Area of Potential Effects under the NHPA;⁹ conduct a NEPA-compliant review of the Application, including in context of the existing Stage 1-3 (and other) impacts;¹⁰ and balance the proposed export benefits and detriments under the NGA.¹¹

B. DOE’s Approval is an “undertaking” requiring compliance with Section 106.

Both parties agree that FERC approves construction, siting, and operation of the LNG terminal, and that DOE approves exports.¹² After confirming DOE’s export-approval authority, Applicant rejects that DOE’s authority comes with any corresponding duties under the NHPA.¹³ The bright line jurisdictional split between FERC (siting construction and operation) and DOE (export of natural gas) that Applicant seeks to invoke¹⁴ cannot also be blurred at Applicant’s convenience to urge DOE to ignore its obligations flowing from its power to authorize exports.¹⁵ Because Section 106 is an independent statutory requirement, compliance with NEPA through a Categorical Exclusion does not satisfy an agency’s obligations under the NHPA.¹⁶

determine whether it satisfied the Natural Gas Act’s ‘public interest’ test.”); 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.”).

⁹ 36 C.F.R. § 800.16(d), (y).

¹⁰ 42 U.S.C. §§ 4321–4370.

¹¹ 15 U.S.C. § 717b(a). The NGA requires consideration of “all factors bearing on the public interest.” *Atl. Ref. Co. v. Pub. Serv. Comm’n of N.Y.*, 360 U.S. 378, 391 (1959). The U.S. Court of Appeals for the D.C. Circuit has upheld a balancing of benefits against harms, including environmental harms, as consistent with the standard in Section 3 of the NGA that presumptively favors approval of LNG terminals and their exports. *See Ctr. for Biological Diversity v. FERC*, 67 F.4th 1176, 1188 (D.C. Cir. 2023) (accepting FERC’s section 3(e) determination as weighing whether “benefits” of a project are “outweighed by the projected environmental impacts”).

¹² Applicant’s Answer at 3, DOE Protest at 19.

¹³ Applicant’s Answer at 11.

¹⁴ DOE Protest at 19, Applicant’s Answer at 4.

¹⁵ *Contra* Applicant’s Answer at 11 (arguing that FERC acting as the lead agency absolves DOE of any section 106 responsibility.).

¹⁶ 36 C.F.R. §§ 800.3(a), 800.8(b).

The NHPA includes defined terms to govern its process and corresponding agency duties. These are distinct from NEPA.¹⁷ For example, “undertaking” is defined as a “project, activity, or program” that is “under the *direct or indirect jurisdiction* of a Federal agency.” 36 C.F.R. § 800.16(y) (emphasis added). According to the Applicant, the jurisdiction of these two federal agencies is different.¹⁸ It follows that FERC would have jurisdiction over the operation, siting, and construction of the liquefied natural gas (“LNG”) terminal, as an undertaking, and DOE would have jurisdiction over the export and transportation of the LNG, as an undertaking.¹⁹ Depending on the circumstances, the direct and indirect jurisdictions of these two agencies may overlap, or may be discrete—but in this case, there are overlapping impacts related to both that may affect historic properties.

Pursuant to the NHPA’s implementing regulations, the responsible agency must set an “Area of Potential Effects” (“APE”) for each undertaking.²⁰ An APE is an area that is drawn to include eligible historic properties that will be *directly, or indirectly*, impacted by the undertaking.²¹ Applicant’s filings with FERC include an APE almost exclusively limited to the land-locked terminal footprint.²² Protestors take issue with the APE related to the pending FERC approval because it fails to include cultural resources that will be directly and indirectly affected by the

¹⁷ 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.”)

¹⁸ Applicant’s Answer at 4.

¹⁹ 36 C.F.R. § 800.16(y); *and see* 36 C.F.R. §§ 800.3(a), 800.8(b).

²⁰ 36 C.F.R. § 800.16(d).

²¹ *Id.*

²² *See* Resource Report 4—Cultural Resources, *Corpus Christi Liquefaction Stage IV, LLC*, Docket No. CP26-87-000, at 4-3 (Accession # 20260204-5150) (Feb. 4, 2026) (“RR4”) (Figure 4.2-1); *id.* at 4-2 (“The Direct APE includes areas where ground disturbances will occur as a result of the Projects, potentially impacting subsurface resources (archaeological sites). The Indirect APE includes areas where the planned aboveground facilities associated with the Projects may alter the viewshed of that location.”).

terminal's siting, construction and operation.²³ Perhaps more troubling, however, there is *no* APE *at all* related to the DOE undertaking. Rather than engage with the applicable NHPA definitions and statutory obligations, Applicant points to the Natural Gas Act to justify relieving DOE from its NHPA responsibilities, but neither the NGA nor NEPA eliminate DOE's obligations under the NHPA.²⁴ DOE's jurisdiction over marine transport, and its ability to grant approval of the same, mandates that DOE comply with the NHPA to evaluate the direct and indirect impacts of that transport on eligible historic properties.

C. DOE must evaluate Stage 4 in context.

Contrary to Applicant's characterization, Intervenor does not ask DOE to "relitigate" the prior stage authorizations.²⁵ Rather, Intervenor asks, as required by NEPA, that DOE evaluate Stage 4's impacts in the context of the Stages 1-3 and the existing impacts from the associated vessel traffic to the shipping corridor, shoreline, marine resources, air quality, etc. This is required by DOE's NEPA Implementing Procedures, which obligate DOE to evaluate the effects of this proposal's significance "in the context of the affected environment (local, regional or national) and

²³ 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*, Docket Nos. CP26-87-000, PF25-10-000, CP26-82-000, CP18-513-000, Accession # 20260310-5159 at 33-40 (Mar. 10, 2026) ("FERC Protest").

²⁴ 15 U.S.C. §§ 717n(b)(1), (b)(2) ("Each Federal and State agency considering an aspect of an application for Federal authorization shall cooperate with the Commission and comply with the deadlines established by the Commission."); and see 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."); *contra* Applicant Answer at 11.

²⁵ DOE Protest at 2-3, 20; *contra* Applicant's Answer at 4.

its resources.”²⁶ In any evaluation of Stage 4, DOE cannot ignore, as Applicant suggests, the ongoing area impacts from Stages 1-3.

Notably, also, in the DOE Application, the CCL terminal is defined as “all existing facilities at the LNG terminal and all authorized but not yet constructed facilities approved in [FERC] Docket Nos CP12-507-000, as amended in CP19-514-000; CP18-512-000; and CP23-129-000.”²⁷ And when discussing export capacity, the Applicant explains that Stage 4 will increase this capacity by “leveraging existing supporting infrastructure.”²⁸ DOE cannot meet its statutory obligations to evaluate the Project’s impacts, and their significance, in context if it excludes the existing infrastructure that Stage 4 will leverage to boost export capacity. Because it is all connected, associated impacts are reasonably foreseeable and must be evaluated in a NEPA-compliant review.²⁹

²⁶ DOE NEPA Implementing Regulations (July 13, 2026) at 14 (“DOE 2026 Implementing Regulations”).

²⁷ 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*, Docket No. 26-32-LNG (March 19, 2026) (“DOE Application”) at 1, 7.

²⁸ DOE Application at 4.

²⁹ DOE 2026 Implementing Regulations at 13 (“DOE shall analyze only those reasonably foreseeable environmental effects that have a reasonably close causal relationship to the proposed agency action and alternatives.”), 39 (“Effects or impacts means changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives. The terms effects and impacts are used interchangeably. (1) Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment), social, or health effects. Effects appropriate for analysis under NEPA may be either beneficial or adverse, or both, with respect to these values. (2) A ‘but for’ causal relationship is insufficient to make an agency responsible for a particular effect under NEPA. Effects should generally not be considered if they are remote in time, geographically remote, or the product of a lengthy causal chain. Effects do not include those effects that the agency has no ability to prevent due to the limits of its regulatory authority, or that would occur regardless of the proposed action, or that would need to be initiated by a third party.”).

D. Applicant already admitted marine transport impacts are significant in its FERC filings.

Applicant takes issue with the admitted impacts documented in its own FERC filings. These impacts are related to the marine transportation required to export natural gas, but these impacts have not yet been analyzed in a NEPA compliant review by either FERC or DOE.³⁰ Simultaneously, the Applicant defines DOE's jurisdiction over marine transportation but claims that the same marine transportation (1) doesn't have any impacts;³¹ and (2) has impacts DOE can't reach for evaluation.³² And, all at the same time, CCLNG's Application before DOE contains almost no information about the marine transportation within its jurisdiction necessary for the proposed exports.³³ Therefore, DOE doesn't have the information it needs to evaluate impacts and any determination would be based on absent information.

E. DOE cannot avoid NEPA analysis of the Application.

Mischaracterizing Intervenor's position, and DOE's obligation under NEPA, Applicants argue that environmental impacts related to export and vessel traffic like "shoreline erosion from traffic, hazards risks, spill, or explosions posed by increased traffic" are impacts from "siting, construction, and operation of the CCL Stage 4 Project."³⁴ Instead, the vessel traffic impacts included in Intervenor's Protest are exactly the kinds of impacts DOE acknowledges it has jurisdiction over and the same impacts cited in the rule CCLNG relies on to rationalize DOE evading NEPA review.³⁵ Although DOE "has determined that transport of natural gas by marine

³⁰ See Applicant's Answer at 3–10.

³¹ Applicant's Answer at 10 (invoking Categorical Exclusion B5.7).

³² Applicant's Answer at 3–4 (mischaracterizing marine transport impacts as operation and construction impacts).

³³ See generally DOE Application.

³⁴ Applicant's Answer at 4, *contra* at DOE 2026 Implementing Regulations at 39.

³⁵ "DOE revises categorical exclusion (CX) B5.7 to focus exclusively on the analysis of potential environmental impacts resulting from activities occurring at or after the point of export, which are within the scope of DOE's export authorization authority under the NGA. Such impacts begin at the point of export and are limited to the marine transport effects." National Environmental Policy Act Implementing Procedures, 85 FR 78,197 (Dec 4, 2020).

vessel *normally* does not pose the potential for significant environmental impacts,” that is not the case here.³⁶ (emphasis added). While the Application before DOE lacks information characterizing or quantifying the significant increase in vessel traffic on the sensitive and crowded La Quinta Channel, or on shoreline cultural resources, other information supplied by the Applicant in its FERC filings indicates this increase in vessel traffic has significant impacts.

Under NEPA, DOE must evaluate the Application to “affirmatively determine” whether extraordinary circumstances exist before invoking a Categorical Exclusion.³⁷ Applicant urges DOE to invoke its Categorical Exclusion before DOE has fulfilled its statutory obligations to evaluate extraordinary circumstances.³⁸ To find that a proposal is categorically excluded, DOE must make a case-by-case determination including affirmatively determining whether listed factors apply.³⁹ Specifically, DOE must “affirmatively determine” that “[t]here are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal.” 10 C.F.R. § 1021.102(b)(2). DOE’s implementing procedures impose the same requirement.⁴⁰ Extraordinary circumstances include “unique situations presented by specific proposals, including, but not limited to, uncertain effects or effects involving unique or unknown risks.”⁴¹ The Application presents several extraordinary circumstances. But, regardless of whether DOE finds extraordinary circumstances exist, DOE

³⁶ *Id.* at 78,198.

³⁷ 10 C.F.R. § 1021.102(b)(2); *and see* DOE 2026 Implementing Regulations at 23–24.

³⁸ 10 C.F.R. § 1021.102(b). Intervenor’s agree that the current version of Categorical Exclusion B5.7 no longer contains the “new construction” limitation that appeared in the prior version that was effective before November 2011 and through January 3, 2021. DOE, *Categorical Exclusion Determinations: B5.7*, <https://www.energy.gov/nepa/listings/categorical-exclusion-determinations-b57>. The removal of this language, however, does not aid Applicants. Intervenor’s Protest never depended on facility construction. Instead, it was solely focused on the impacts associated with marine vessel transportation—the entire subject of Categorical Exclusion B5.7, and the one effect category DOE concedes lies within its exclusive authority.

³⁹ DOE 2026 Implementing Regulations at 23–24.

⁴⁰ DOE 2026 Implementing Regulations at 23–24.

⁴¹ *Id.* at 24.

must still comply with the NHPA.⁴² And, in some instances, if a project will have adverse impacts on historic properties, those impacts qualify as an extraordinary circumstance and prevent an agency from invoking an otherwise available Categorical Exclusion.

As illustrated in Applicant's FERC filings, and highlighted by Intervenor, the shipping corridor is very narrow and the Project's vessel traffic poses exceptional risks, including adversely impacting endangered species, and unique risks, including potentially damaging cultural resources clustered along the shoreline—among others.⁴³ Precise traffic figures don't diminish Intervenor's concerns, or eliminate already documented or reasonably foreseeable impacts from the Project's significant traffic.⁴⁴ Based on the numbers Applicant provided to FERC (but not to DOE), CCLNG and Stage 4 will cause significant traffic uptick concentrated in a confined, shared ship channel that will be sustained for decades.⁴⁵ In Applicant's own FERC filings, Applicant acknowledges that the Project "almost doubles" vessel traffic.⁴⁶ In addition, the Applicant already admitted that this same traffic "has the potential to impact marine resources, habitats, and species," among other permanent and significant impacts listed below:

- "Permanent impacts from ongoing Project operations may include visual, air quality, and noise impacts, as well as vessel traffic and recreational impacts due to increased LNGC traffic in the vicinity of the CCL Stage 4 Project."⁴⁷
- "Recreational fishing occurs along the La Quinta Ship Channel and within Aransas Pass. Individuals who use these areas for recreational fishing will see an increase in ship traffic. . . marine traffic impacts that may disrupt recreational activities."⁴⁸

⁴² *Supra* at Section II.B.; and see 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.").

⁴³ FERC Protest at 14–40.

⁴⁴ DOE Protest at 19 (citing to a singular reference of "more than doubled vessel traffic").

⁴⁵ See generally DOE Application (no vessel traffic counts); FERC Application at 9, 15.

⁴⁶ Appendix 3D USFWS Concurrence PDF at 97; see generally, DOE Application (does not cite to vessel counts or quantify vessel traffic).

⁴⁷ Resource Report 1 – General Project Description at 1-43 *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 "RR1").

⁴⁸ RR1 at 1-45.

- “Vessel traffic has the potential to impact marine resources, habitats, and species.”⁴⁹
- “The CCL Stage 4 Project Marine Facilities will be located in the La Quinta Ship Channel, which is part of Corpus Christi Bay, and will result in long-term and temporary impacts to fish and other aquatic species. Long term impacts include habitat conversion resulting from dredging shallow water habitats and converting those areas to deep water habitats, as well as installation of piles (fill) and an increase in ship traffic.”⁵⁰
- “It is anticipated that a moving safety and security zone would be established that would essentially limit deep draft traffic to a one-way pattern when LNGCs are in the channel.”⁵¹
- “The anticipated maximum level of traffic at full capacity is 870 ships annually. Multiple LNGCs would be arriving and departing in the same 24-hour period. The frequency of LNGCs arriving and departing is dependent on the level of operations and the sizes of the vessels used.”⁵²
- “It is important to note that vessel traffic into and out of the CCL Stage 4 Project area is anticipated to almost double after CCL Stage 4 Project installation, therefore increasing the effects on the local area.”⁵³

This vessel traffic, however, is not detailed in CCLNG’s DOE Application. Intervenors were forced to rely on FERC Application materials which interchanges terms like “calls” and “transits”⁵⁴ to quantify its traffic. It is unclear whether these words mean one-way or a round-trip

⁴⁹ RR1 at 1-51.

⁵⁰ Resource Report 3 – Fish, Wildlife and Vegetation at 3-26, *Corpus Christi Liquefaction Stage IV, LLC, Corpus Christi Liquefaction, LLC, and Cheniere Corpus Christi Pipeline, L.P.*, Docket CP26-82-000, Docket No. PF25-10-000, Docket CP26-87-000, and/or CP18-513-000, (Accession # 20260204-5150) (Feb. 3, 2026) (hereinafter “RR3”).

⁵¹ Resource Report 5 at 5-17 *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 “RR5”).

⁵² Appendix 1G: Agency Correspondence at 77-78, *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”).

⁵³ Appendix 3D USFWS Concurrence Package at 97 (“It is important to note that vessel traffic into and out of the CCL Stage 4 Project area is anticipated to almost double after CCL Stage 4 Project installation, therefore increasing the effects on the local area.”, *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).

⁵⁴ Resource Report 11 – Reliability and Safety at 11-3, 11-11, 11-12, *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 “RR11”); and see RR1 at viii, 1-10, 1-51.

vessel voyage. Additionally, other necessary support vessels are excluded from any count. Thus, the number of times the LNGCs will pass through the confined ship channel corridor may not be meaningfully approximated, and notably, specific numbers are omitted from any DOE filings. Applicants have already admitted significant impacts related to the marine transportation, and DOE should not be able to invoke Categorical Exclusion B5.7.

F. Aggregating benefits and disaggregating environmental harms does not appropriately balance factors weighing on the public interest.

Applicant requests DOE to credit Stage 4 with hypothetical national and global benefits while recognizing only the slightest harms, if any, that may be posed by this Project. This dissonance undermines the Applicant's portrayal of Stage 4's benefits and harms, and the asymmetry should discredit the Applicant's analysis. For example, the Answer touts potential "significant benefits, including stimulating the local, regional, and national economies through direct job creation . . . wages, increased economic activity and tax revenues," plus potential "significant global security and trade benefits including promoting liberalization of the global natural gas trade . . . [and] advancing national security of U.S. allies through diversification of global natural gas supplies."⁵⁵ Then, in the DOE application, it adds theoretical "energy dominance" and "sustained energy security" to the benefits list.⁵⁶ But Applicant characterizes the household harms Intervenor raise as "unsupported" and "baseless."⁵⁷ Further, Applicant's Answer dismisses environmental harms from vessel traffic (which are documented in Applicant's FERC filings) by simply relabeling them as "siting, construction, and operation" impacts.⁵⁸ In doing this, the Applicant is not seeking to balance benefits and harms rationally.

⁵⁵ Applicant's Answer at 14.

⁵⁶ DOE Application at 3.

⁵⁷ Applicant's Answer at 4–5, and 8.

⁵⁸ 15 U.S.C. § 717b(a). The Natural Gas Act ("NGA") requires consideration of "all factors bearing on the public interest." *Atl. Ref. Co. v. Pub. Serv. Comm'n of N.Y.*, 360 U.S. 378, 391 (1959). The U.S. Court of Appeals for the

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 Motion for Leave and accept this Answer. Movant respectfully re-urges that DOE begin the Section 106 process, prepare an Environmental Impact Statement that is NEPA compliant, and deny CCL's request to apply Categorical Exclusion B5.7 to the Application.

Dated: July 15, 2026

Respectfully submitted,

/s/ Caroline Crow

Caroline Crow, Senior Attorney

EARTHJUSTICE

845 Texas Ave., Suite 200

Houston, Texas 77002

281-715-0275

ccrow@earthjustice.org

***Counsel for Ingleside on the Bay Coastal
Watch Association, Inc., Indigenous
Peoples of the Coastal Bend, the
Karankawa Tribe of Texas, and the
Carrizo/Comecrudo Tribe of Texas, LLC***

D.C. Circuit has upheld a balancing of benefits against harms, including environmental harms, as consistent with the standard in Section 3 of the NGA that presumptively favors approval of LNG terminals and their exports. *See Ctr. for Biological Diversity v. FERC*, 67 F.4th 1176, 1188 (D.C. Cir. 2023) (accepting FERC's section 3(e) determination as weighing whether "benefits" of a project are "outweighed by the projected environmental impacts").

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: July 15, 2026

/s/ Michelle Carlos
Michelle Carlos
Supervising Litigation Paralegal
EARTHJUSTICE
707 Wilshire Blvd, Suite 4300
Los Angeles, CA 90017
415-217-2110
mcarlos@earthjustice.org