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By Docket Room at 3:48 pm, May 29, 2015

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May 29, 2015

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Mr. John Anderson
Office of Fuel Programs, Fossil Energy
U.S. Department of Energy
Docket Room 3F-056, FE-50
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**Re: In the Matter of Bear Head LNG Corporation and Bear Head LNG (USA), LLC
FE Docket No. 15-33-LNG**

Dear Mr. Anderson:

On February 25, 2015, Bear Head LNG Corporation and Bear Head LNG (USA), LLC (together, "Bear Head LNG") filed an application (the "Export Application") with the Department of Energy, Office of Fossil Energy ("DOE/FE") in the above-referenced docket, requesting authorizations to engage in long-term, multi-contract exports of (i) natural gas by pipeline to Canada; and (ii) liquefied natural gas ("LNG") from the proposed Bear Head LNG export facility to be located in Nova Scotia, Canada (the "Bear Head Project") to free trade agreement ("FTA") and non-FTA nations. As indicated therein, at the time of filing, Bear Head LNG Corporation was nearing completion of the initial Canadian permitting and approval process required to begin construction of the Bear Head Project. As detailed below, that process is now complete.¹

On May 15, 2015, Nova Scotia Environment approved Bear Head LNG Corporation's updated provincial Environmental Assessment for the development of the Bear Head Project.² This marks receipt of the tenth—and final—initial regulatory approval necessary to commence construction of the Bear Head Project.³

¹ On April 7, 2015, Bear Head LNG filed a project update in FE Docket No. 15-33-LNG notifying DOE/FE that the Nova Scotia Utility and Review Board had issued Bear Head LNG Corporation an updated and amended Permit to Construct (the ninth initial regulatory approval) and that Bear Head LNG Corporation had filed an updated registration document with Nova Scotia Environment.

² Nova Scotia Environment, Office of the Minister, *Ministers Decision: Environmental Assessment, Bear Head LNG Project Richmond County, Nova Scotia* (May 15, 2015), available at <http://www.novascotia.ca/nse/ea/bear-head-lng/bear-head-lng-ministers-decision.pdf>.

³ See LNG Limited, *Bear Head LNG Receives the Last of the Initial Approvals Necessary for Construction and Kicks Off Feed with KBR*, ASX/Media Release (May 20, 2015), available at <http://www.lnglimited.com.au/IRM/Company/ShowPage.aspx/PDFs/2342-10000000/BearHeadLNGReceivestheLastofInitialApprovals>.

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As discussed in the Export Application and Appendix F thereto, the Bear Head Project is not subject to review by the Federal Energy Regulatory Commission (“FERC”), which has served as the lead agency for National Environmental Policy Act⁴ compliance in the case of U.S. LNG export terminals in the Lower-48. However, similar to the FERC review process, the collective review performed in awarding the ten Canadian initial approvals involves, among other things, a review of project impacts on the environment, wildlife, wetlands, and air quality as well as a review of proposed procedures for construction and safety (for both marine and land-based project components).⁵ In this regard, Bear Head LNG respectfully submits that its Export Application now stands in *pari passu* with those applications for LNG exports from U.S. projects that have obtained an order from FERC pursuant to Section 3 of the Natural Gas Act (“NGA”)⁶ authorizing the siting, construction and operation of LNG export facilities.

Since adoption of its Procedures for Liquefied Natural Gas Export Decisions,⁷ DOE/FE has been developing a commendable track record for expeditiously acting on applications for LNG exports from U.S. projects. Indeed, DOE/FE has issued final orders authorizing the export of U.S. LNG to non-FTA nations within a matter of days or weeks from FERC issuance of the orders on rehearing of the relevant NGA Section 3 authorizations.⁸ Further, Bear Head LNG is encouraged by DOE/FE’s commitment to affording Canadian applicants the same treatment given to U.S. applicants.⁹ In this regard, Bear Head LNG is hopeful that DOE/FE will afford expeditious treatment to the Export Application as requested therein, as has been the case with applications for LNG exports from U.S. projects authorized by FERC.

⁴ 42 U.S.C. §§ 4321 *et seq.* (2012).

⁵ As noted in Appendix F to the Export Application, these include U.S. codes and standards which have been adopted as Canadian engineering standards.

⁶ 15 U.S.C. 717b (2012).

⁷ Procedures for Liquefied Natural Gas Export Decisions, 79 Fed. Reg. 48,132 (Aug. 15, 2014).

⁸ See, e.g., Cheniere Marketing, LLC & Corpus Christi Liquefaction, LLC, *Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Corpus Christi Liquefaction Project to be Located in Corpus Christi, Texas, to Non-Free Trade Agreement Nations*, DOE/FE Order No. 3638, FE Docket No. 12-97-LNG (May 12, 2015) (approving the project for exports **6 days** after the FERC Order Denying Rehearing); Dominion Cove Point LNG, LP, *Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Cove Point LNG Terminal in Calvert County, Maryland, to Non-Free Trade Agreement Nations*, DOE/FE Order No. 3331-A, FE Docket No. 11-128-LNG (May 7, 2015) (approving the project for exports **3 days** after the FERC Order Denying Rehearing); Freeport LNG Expansion, L.P. et al., *Final Opinion and Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Freeport LNG Terminal on Quintana Island, Texas, to Non-Free Trade Agreement Nations*, DOE/FE Order No. 3282-C, FE Docket No. 10-161-LNG (Nov. 14, 2014) (approving the project for exports **1 day** after the FERC Order Denying Rehearing).

⁹ See, e.g., *Strategic Petroleum Reserve Discussion Draft and Title IV Energy Efficiency: Hearing Before the Subcomm. on Energy and Power of the H. Comm. On Energy and Commerce*, Preliminary Unedited Transcript (Apr. 30, 2015) (statement of Assistant Secretary for Fossil Energy Christopher Smith stating “[T]he commitment that we have made is that we are going to treat applicants in Canada, applicants in Mexico, and applicants in the United States in a way that is open, ... is transparent, ... is fair, ... is consistent”).

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Should you have any questions about this filing, please contact the undersigned at (212) 318-3147.

Respectfully Submitted,

/s/ Tania S. Perez
Tania S. Perez
Attorney for
Bear Head LNG Corporation and
Bear Head LNG (USA), LLC