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By Docket Room at 4:29pm, Aug. 5, 2020

**UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
OFFICE OF FOSSIL ENERGY**

**IN THE MATTER OF** )  
 ) **DOCKET NO.**  
**Jordan Cove Energy Project, L.P.** ) **12-32-LNG**  
 )

**Request for Rehearing**

Pursuant to Section 19(a) of the Natural Gas Act, 15 U.S.C. § 717r(a), and 10 C.F.R. § 590.501, the Sierra Club hereby requests rehearing of the Department of Energy Office of Fossil Energy’s “Final Opinion and Order Granting Long-Term, Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations” (“Order”), DOE/FE Order No. 3413-A, issued July 6, 2020.

Sierra Club asks that this order be withdrawn and the underlying application denied, or in the alternative, that the order be withdrawn pending further inquiry and public process regarding the impact of the proposed exports.

All communications regarding this motion should be addressed to and served upon Nathan Matthews, Senior Attorney, and Meral Basit, Legal Assistant, at Sierra Club, 2101 Webster St., Suite 1300, Oakland, California 94612.

**I. Concise Statement of Alleged Errors**

**A. NEPA Requires a Single, Comprehensive EIS**

**1. DOE’s Analysis Be Must Presented in a Single EIS, Not Fragmented Across Multiple Documents**

NEPA requires that the analysis of impacts must be found in the EIS itself, not in supplemental documentation. *See, e.g., Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1214 (9th Cir. 1998). Some of the impacts that DOE must consider in its NEPA analysis are the reasonably foreseeable impacts of producing, transporting, and using the gas to be

exported. *Sierra Club v. FERC*, 867 F.3d 1357, 1373 (D.C. Cir. 2017) (“*Sabal Trail*”). DOE must articulate its position on whether and how DOE complied with this and other NEPA requirements. Order at 88 (stating that DOE “examined” additional material, but failing to state whether this material constituted part of DOE’s NEPA review, or if so, to explain DOE’s basis for concluding that NEPA permits reliance on this material); see *Sierra Club v. United States Dep’t of Energy*, 867 F.3d 189, 197 (D.C. Cir. 2017) (“*Freeport*”) (criticizing DOE’s ambiguity as to whether DOE contended that non-EIS materials satisfied DOE’s NEPA obligations).

Here, although DOE failed to explain its position, it is clear that DOE violated NEPA. The EIS, itself, was plainly insufficient to satisfy DOE’s NEPA obligations: the EIS explicitly states that issues related to supply or production and use of exported gas are outside the EIS’s scope. EIS 1-19.

On the other hand, DOE cannot rely on the other material DOE “examined” to satisfy NEPA. In *Sierra Club*’s prior challenges to DOE’s export approval, the D.C. Circuit held that *Sierra Club* had waived any claim that relying on material outside the EIS to meet NEPA obligations was improper; accordingly, the court assumed but explicitly did not decide that DOE could rely on this material. *Sierra Club v. United States Dep’t of Energy*, 867 F.3d 189, 197 (D.C. Cir. 2017). Cases that have confronted this issue, on the other hand, have held that NEPA analysis must be in the EIS. See *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1214 (9th Cir. 1998); *Dubois v. U.S. Dept. of Agriculture*, 102 F.3d 1273, 1287 (1st Cir. 1996), cert. denied sub nom. *Loon Mountain Recreation Corp. v. Dubois*, 117 S. Ct. 2510 (1997).

Although NEPA allows an EIS to incorporate material by reference, or to tier off a prior NEPA document, neither occurred here. None of the additional material DOE cites, Order at 88, is cited in, much less incorporated into, the EIS. 40 C.F.R. § 1502.21 (EIS must describe material incorporated by reference). Nor would incorporation have been appropriate here: incorporation can be appropriate for “research papers in the general literature,” but analysis of the actual project effects must be included in the EIS itself. Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations, 46 Fed. Reg. 18026, 18034 (Mar. 23, 1981) at Questions 25a and 25b.

The problem with this other material is not merely that it appeared under the wrong label. Spreading the analysis out across multiple documents, issued over a span of years, fragments review and prevents decisionmakers and the public from seeing the whole picture. This is

especially true where, as here, there isn't a single document, made available for public comment, that integrates these pieces into a cohesive unit, such as an EIS that appropriately incorporates or tiers off other analyses.

NEPA further specifies the content and methodology for development of the EIS, and the other material "examined" by DOE here does not satisfy these requirements. For example, NEPA imposes specific requirements for analysis of alternatives, assessment of project purpose and need, how to respond to missing or incomplete information, analysis of mitigation, conflicts with policies or plans for protection of the environment, etc. The non-NEPA material DOE examined does not adequately consider these issues, whereas the EIS's analysis of alternatives, mitigation, etc., does not the indirect impacts that will DOE's approval will foreseeably cause.

NEPA's requirements are not optional: DOE cannot substitute its preferred processes for NEPA on an *ad hoc* basis. Insofar as DOE contends that a broad, systemic analysis of these issues is warranted, DOE could have prepared a programmatic EIS, as Sierra Club suggested in its 2012 protest in this docket (pp.19-20), or DOE could have prepared ensured that general analyses were adequately integrated into an EIS. But DOE did neither of these things here. DOE has not explained why it refuses to follow the NEPA process, but regardless of DOE's motives or intentions, failure to adhere to the mandatory NEPA process and framework renders DOE's decision unlawful.

## **2. DOE's non-FTA Approval and FERC's Approval of the Pipeline and Terminal Are Connected Actions that Must Be Addressed in a Single EIS**

As explained above, NEPA requires that agency action be informed by *an EIS* that fully examines the foreseeable impacts of agency action. NEPA further requires that this EIS must consider other connected agency approvals as well. 40 C.F.R. § 1508.25(a)(1). Here, DOE's decision to authorize exports to non-FTA countries is an action connected to FERC's approval of the Pacific Connector Gas Pipeline and Jordan Cove Energy Project, and vice versa. Because the EIS failed to consider the effects of a connected action—DOE's non-FTA approval—the EIS violated NEPA, and because the EIS violated NEPA, DOE's decision to adopt that EIS, without any further NEPA process, violated NEPA as well.

The DOE and FERC actions are plainly connected within the meaning of the regulation and applicable caselaw. *See Delaware Riverkeeper Network v. FERC*, 753 F.3d 1304, 1309 (D.C.

Cir. 2014). Each depends on the other for its justification. The approved exports could not occur without a terminal, and indeed, DOE cites the economic impact of terminal construction as a reason why the exports themselves would be in the public interest. Order at 95. Conversely, there is no evidence to indicate that the FERC-approved infrastructure would be built without DOE's approval of exports to non-FTA nations. No evidence indicates that the global FTA market would be sufficient to support the project, no major U.S. LNG export project has gone forward without non-FTA approval, and the overwhelming majority of U.S. LNG exports to date have been to non-FTA countries.<sup>1</sup> Because neither the infrastructure nor the export authorization has substantial independent utility, the two are connected, and should have been considered in a single EIS. *City of Bos. Delegation v. FERC*, 897 F.3d 241, 252 (D.C. Cir. 2018). Because the EIS failed to consider the impacts of connected actions, the EIS was deficient.

The recently-adopted "one federal decision" framework further clarifies how the connected action regulation should apply in this context. According to the implementing memorandum signed by the Department of Energy and FERC, FERC, as the lead agency:

The lead agency will prepare a *single EIS for the project* in coordination with the other Federal cooperating agencies with authorization decision responsibilities and will *ensure that the final EIS (FEIS) includes an adequate level of detail to inform decisions by all agencies with review or authorization decision responsibilities* for the proposed project.

Memorandum for Heads of Federal Departments and Agencies, One Federal Decision Framework for the Environmental Review and Authorization Process for Major Infrastructure Projects under Executive Order 13807, at A-6 (March 20, 2018) (emphases added).<sup>2</sup> DOE contends that this executive order and memorandum apply here. Order at 5. Although DOE has taken the option of issuing a separate *Record of Decision*, nothing in the NEPA regulations regarding connected actions, the executive order, or the implementing memorandum excuses the requirement to prepare a *single EIS* that contains all the information needed to satisfy *each* agency's decisionmaking.

The EIS was deficient, and DOE cannot meet its NEPA obligations by adopting a deficient EIS, regardless of whether the deficiency is substantive or procedural. *Sierra Club v.*

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<sup>1</sup> [https://www.eia.gov/dnav/ng/ng\\_move\\_expc\\_s1\\_a.htm](https://www.eia.gov/dnav/ng/ng_move_expc_s1_a.htm).

<sup>2</sup> <https://www.ferc.gov/sites/default/files/2020-04/MOU-One-Federal-Decision.pdf>

*U.S. Army Corps of Engineers*, 701 F.2d 1011, 1031 (2d Cir. 1983). Relying on an EIS that did not include the whole picture of the interrelated projects' impacts prevented decisionmakers and the public from having an adequate view of the total project consequences, and this inappropriately segmented review prevented decisionmakers and the public from appropriately weighing project benefits and harms.

### **3. DOE Must Address *This Project's* Impacts**

A further problem with the other materials DOE examined is that neither these materials, nor DOE's discussion thereof in the Order, analyze the environmental impacts of the specific exports at issue here. NEPA requires that DOE take a hard look at "the environmental impacts of *the proposed action*." 42 U.S.C. § 4332(C) (emphasis added). This requires evaluating both the nature and "extent" of *this project's* impacts. *Mid States Coal. For Progress v. Surface Transp. Bd.*, 345 F.3d 520, 549-50 (8th Cir. 2003).

The Addendum, for example, acknowledges that export-induced gas production may cause a variety of harmful environmental effects, but it provides no discussion of whether any particular export project, volume of exports, or even exports in aggregate are likely to cause these effects, and if so, of the extent of those impacts. The Addendum merely states, for example, increased gas production "may" increase ozone levels and "may" frustrate some areas' efforts to reduce pollution to safe levels, but this falls far short of the hard look NEPA requires. Addendum at 27-28.

Insofar as *Freeport*, 867 F.3d 189, indicates that DOE is not required to provide this project specific analysis, that case is factually distinct. There, the proposed export site was in the Gulf Coast, where, DOE contended, connections to the interstate pipeline system made it difficult to predict where, even on a regional scale, export-induced gas production would occur. Here, because of the nature of the north American pipeline system, there are fewer potential plausible sources for gas to be exported from Oregon; DOE has not addressed whether it could not foresee the impacts of exports from *this* project. In addition, the tools available to DOE to provide a project-specific analysis continue to be refined—for example, the 2018 export study rests on yet another model that purports to be capable of addressing how exports will influence gas production on regional scales. 2018 Export Study at 33.

Alternatively, Sierra Club contends that even if *Freeport* is not factually distinct, it was

wrongly decided insofar as it held that DOE was not required to provide any discussion of the extent of indirect impacts resulting from the particular project under review, and Sierra Club reserves the right to argue that this decision should be overruled.

**B. DOE Failed to Adequately Address the Fact That Much of the Exported Gas Will Likely Be Produced In Canada**

DOE does not dispute that a majority, if not all, of the gas exported under this authorization is likely to be produced in Canada. Order 94-96. Supplying the 395 bcf/yr of gas authorized for exports here from Canadian production would increase U.S. imports from Canada by 15%—while DOE dismisses this as “a small portion,” it is hardly *de minimis*. Order 94. However, DOE failed to account for the likelihood that export-induced production will occur in Canada in DOE’s environmental and public interest analyses.

**1. DOE Fails To Justify Its Failure To Reasonably Forecast How Much of the Exported Gas Will Come From Canada**

At the threshold, DOE failed to justify its failure to actually provide an assessment of where the gas to be exported is likely to come from. DOE states that it does not know where the exported gas will come from, pointing to the fact that Jordan Cove proposes to merely provide liquefaction tolling services, such that the exporters will be responsible for purchasing gas supplies. Order 97. Even if DOE cannot predict gas sources with certainty, NEPA requires DOE to engage in “[r]easonable forecasting and speculation.” *Scientists’ Inst. for Pub. Info. v. Atomic Energy Comm’n*, 481 F.2d 1079, 1092 (D.C. Cir. 1973). Here, DOE plainly has the tools to predict where, in light of economic and logistic factors, exporters are likely to source their gas from. DOE’s refusal to use these tools is arbitrary.

DOE principally relies on the 2018 LNG Export Study for its analysis of how exports will impact gas supply and markets. That study is based on a “Global Natural Gas Model” that purports to be able to address the extent to which changes in gas demand—such as exports—in one region will influence gas production and use elsewhere. 2018 LNG Export Study at 33, 80-32. Similarly, the Environmental Information Administration’s National Energy Modeling System, which DOE previously relied on in addressing the impacts of exports (and which indirectly informs the 2018 LNG Export Study), includes a “Canadian Natural Gas Supply Submodule,” which specifically addresses gas production in western Canada between production in different

provinces. EIA, Oil and Gas Supply Model Documentation, 236 (May 2020).<sup>3</sup>

DOE has not disputed that these tools, or any of the other tools Sierra Club cited in repeated comments, can provide a reasonable forecast of where and by how much gas production would be likely to increase as a result of exporting the proposed volume of gas from Oregon. Nor has DOE shown that the source of gas to be exported is irrelevant. To the contrary, many of the comments and studies offered in support of the proposed exports specifically rely on the proposition that exports will provide a needed outlet for *U.S.* gas production. NEPA required FERC “to at least *attempt* to obtain the information necessary” to determine how much of the export-induced gas production or gas supplying the terminal will come from Canada. *Birckhead v. FERC*, 925 F.3d 510, 510 (D.C. Cir. 2019) (emphasis in original). DOE’s failure to use available tools to address this issue is unlawful.

## **2. DOE Has Not Evaluated the Environmental Impacts of Canadian Gas Production**

Neither DOE’s Environmental Addendum nor the underlying National Energy Technology Laboratory report the Addendum is based on<sup>4</sup> address the environmental impact of gas production in western Canada. *See, e.g.*, Addendum at 6-7. However, both reports recognized regional variations in the impact of gas production, indicating that the analyses these documents *do* present do not reflect the impacts of Canadian gas production.

Similarly, the 2019 LCA GHG report looks at region-specific greenhouse gas emissions, finding variation between regions, but none of the regions considered are in Canada. 2019 LCA report at 10-11.

Because DOE agrees that much, if not all, of the gas production induced by or supplying the exports authorized here will occur in Canada, but none of the material DOE cites regarding the environmental impacts of gas production addresses whether production in Canada has greenhouse gas emissions or other environmental impacts that are greater than the impacts of production in the U.S., or whether Canadian production causes additional impacts different than the impacts of U.S. production, DOE failed to take the required hard look at the environmental impacts of gas production.

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<sup>3</sup> [https://www.eia.gov/outlooks/aeo/nems/documentation/ogsm/pdf/m063\(2020\).pdf](https://www.eia.gov/outlooks/aeo/nems/documentation/ogsm/pdf/m063(2020).pdf)

<sup>4</sup> NETL, Environmental Impacts of Unconventional Natural Gas Development and Production (May 29, 2014).

### **3. DOE’s Economic and Public Interest Analyses Assume That Export-Induced Gas Production Will Occur in the United States, and Are Therefore Inapplicable Here**

While the 2018 Export Study predicts that increasing exports has a net positive economic impact, the study also clearly demonstrates that increasing LNG exports creates economic winners and losers. Increasing exports increases domestic gas prices, economically harming residential gas consumers and industries that rely on gas, such as many manufacturers. *See* Order at 104. The purported benefits of exports, on the other hand, principally accrue to gas producers and their shareholders, 2018 Export Study at 64, who constitute a small minority of the public, as Sierra Club has frequently explained in comments on studies that have been incorporated into this docket.<sup>5</sup>

Although the 2018 study conclusion that the benefits to gas producers outweigh the harms to everyone else, that study assumed that the producers would be in the United States. However, because of the integrated North American gas market, a project that increases LNG exports but that stimulates production in Canada, rather than the United States, will harm the American public by increasing domestic energy prices, but will not provide U.S. citizens with benefits relating to job growth, increased tax revenue, or simple earnings.

The 2018 export study did not address this issue. Although it addressed how U.S. LNG exports would likely affect the overall balance of pipeline trade between the U.S. and Canada, as summarized at Order 98, the study did still assume that much, if not all, of the export-induced increase in gas production, and corresponding economic benefit, would occur in the United States.

The 2018 export study thereby fails to address the macroeconomic impact of a project such as this one, where the impact on gas production will likely occur primarily, if not exclusively, in Canada. Although DOE cites other factors as supporting its determination that exports would be in the public interest—such as the policy of fostering free trade with Canada or diversifying the energy supplies of global partners—DOE has not addressed whether these

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<sup>5</sup> *See, e.g.*, [https://fossil.energy.gov/programs/gasregulation/authorizations/export\\_study/Sierra\\_Club01\\_24\\_13.pdf](https://fossil.energy.gov/programs/gasregulation/authorizations/export_study/Sierra_Club01_24_13.pdf) at 6-20 and exhibit 5 thereto, [https://fossil.energy.gov/ng\\_regulation/sites/default/files/programs/gasregulation/authorizations/export\\_study/Exhibits\\_1-20.pdf](https://fossil.energy.gov/ng_regulation/sites/default/files/programs/gasregulation/authorizations/export_study/Exhibits_1-20.pdf)



benefits would warrant approving exports even if exports would not deliver benefits to U.S. gas producers, as was assumed in the 2018 study, whether the macroeconomic impact on the U.S. of additional exports of Canadian gas is a net negative, or whether exports would be in the public interest despite a negative domestic macroeconomic impact. Absent consideration of these issues, DOE's approval of the project is arbitrary.

### **C. DOE Has Failed To Take a Hard Look at Greenhouse Gas Impacts**

The 2014 LCA GHG Report and 2019 LCA GHG Update fail to take the required hard look at impacts on greenhouse gas emissions.

#### **1. Displacement of Renewables**

The fundamental approach of these studies—comparing the lifecycle emissions of US LNG with coal or other sources of natural gas—is incomplete. As DOE acknowledges, US LNG exports will not solely displace these other fossil energy sources, but will instead compete with renewables, and in some cases simply lead to an increase in overall energy consumption. Although, as *Freeport* held, it is not unreasonable for DOE to provide an illustrative comparison of the lifecycle impact of LNG with other fossil energy sources, DOE must *also* address the impacts that will occur if LNG displaces renewables or conservation, even if DOE contends that it cannot determine the proportion of LNG that will displace renewables. Providing only one comparison but not the other presents a misleadingly incomplete picture, especially where DOE concedes that *some* displacement of renewables has occurred.

Indeed, DOE has not engaged with evidence showing that added US LNG exports, insofar as they find any buyers at all, are most likely to supply new markets, who are not simply choosing between existing fossil fuels and LNG. According to the International Energy Agency, “Demand from traditional LNG buyers, namely Japan and Korea, is likely to be flat or decline gradually depending on use in power generation;”<sup>6</sup> “demand from traditional buyers is expected to be stagnant.”<sup>7</sup> Any growth in Asian LNG demand “is being driven by newer importers”<sup>8</sup> or “non-

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<sup>6</sup> International Energy Agency, *Global Gas Security Review 2019* at 10 (Sept. 2019), available at [https://webstore.iea.org/download/direct/2832?fileName=Global\\_Gas\\_Security\\_Review\\_2019.pdf](https://webstore.iea.org/download/direct/2832?fileName=Global_Gas_Security_Review_2019.pdf).

<sup>7</sup> *Id.* at 4.

<sup>8</sup> *Id.*

traditional emerging buyers, namely Bangladesh, China, India and Pakistan.”<sup>9</sup> The Energy Information Administration also uses tools to estimate the extent to which foreign markets are actually likely to buy US LNG.<sup>10</sup> Peer reviewed research concludes that US LNG exports are likely to play only a limited role in displacing foreign use of coal, and such that US LNG exports are likely to increase net global GHG emissions.<sup>11</sup> Thus, while DOE may have thought that common sense suggested that LNG would primarily compete against other fossil fuels in 2014, when the first LCA report was published, the available evidence shows that this is not the case now, and DOE has not provided any evidence suggesting that LNG exports will primarily compete with coal or other sources of gas.

Alternatively, if DOE refuses to engage in any analysis of the extent to which LNG displaces renewables, then DOE cannot then conclude that exports will not increase global GHG emissions. Order at 110.

## **2. DOE Must Address the Fact that U.S. GHG Reduction Commitments Do Not Allow the U.S. to Claim Offsets for Reducing Foreign Emissions**

Insofar as exports increase U.S. gas production and associated emissions, those exports will make it more difficult for the U.S. to meet its international commitments for greenhouse gas emission reductions. Under the reporting scheme that the U.S. has agreed to under the auspices of the United Nations Framework Convention on Climate Change (“UNFCCC”), the U.S. cannot claim offsets for emission increases resulting from displacement of foreign emissions, such as when US LNG substitutes for other sources of gas or for coal.<sup>12</sup> The guidelines for the UNFCCC reporting program instruct countries to report emissions within their borders.<sup>13</sup> Requiring the U.S.

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<sup>9</sup> *Id.* at 11.

<sup>10</sup> *See, e.g.*, <https://www.eia.gov/outlooks/aeo/assumptions/pdf/natgas.pdf> at 4.

<sup>11</sup> Gilbert, A. Q. & Sovacool, B. K., *US liquefied natural gas (LNG) exports: Boom or bust for the global climate?*, Energy (Dec. 15, 2017), available at <https://doi.org/10.1016/j.energy.2017.11.098>.

<sup>12</sup> United States Framework Convention on Climate Change, Compilation of economy-wide emission reduction targets to be implemented by Parties included in Annex I to the Convention (June 7, 2011), available at <http://unfccc.int/resource/docs/2011/sb/eng/inf01r01.pdf>.

<sup>13</sup> *See, e.g.*, 2006 IPCC Guidelines for National Greenhouse Gas Inventories, Vol. 1, p. 8.4 (corrected as of June 2010), available at [http://www.ipcc-nggip.iges.or.jp/public/2006gl/pdf/1\\_Volume1/V1\\_8\\_Ch8\\_Reporting\\_Guidance.pdf](http://www.ipcc-nggip.iges.or.jp/public/2006gl/pdf/1_Volume1/V1_8_Ch8_Reporting_Guidance.pdf). The other chapters and volumes of this report are available at <http://www.ipcc-nggip.iges.or.jp/public/2006gl/index.html>.

to account for production-related emissions of all fuel produced in the U.S., regardless of whether the fuel is ultimately consumed elsewhere, is a sound policy judgment. The U.S. can only directly regulate emissions within its borders. DOE has asserted that the U.S. will derive economic benefits from this additional gas production, so the U.S. should be held to account for the associated environmental cost. Estimates of emissions from activities within the U.S. are also likely to be more accurate than estimates that seek to trace the lifecycle of fuels combusted in an end use country.

Although we agree that DOE can consider whether domestic emission increases are likely to be offset by foreign decreases in fact, DOE must also address the impact of additional exports on the U.S.'s ability to meet these commitments.

### **3. DOE Has Understated Lifecycle Emissions**

Large volumes of LNG are transported via truck, by extended pipeline, or repackaged and further transported as LNG, rather than proceeding via tanker directly to a port adjacent to where LNG will ultimately be used. *See* Sierra Club 2019 comment at 8-9. By failing to address this issue, DOE has understated the lifecycle impacts of US LNG exports.

#### **D. Fragmented Analysis of Exports Leads to Arbitrary and Inconsistent Assessment of the Public Interest, Including Double-Counting of Benefits of Infrastructure Construction**

One of the public benefits DOE cites as a basis for approval is the economic benefit of constructing and operating the LNG infrastructure. It is inappropriate for DOE to consider this benefit in its export analysis under 15 USC 717b(a), as DOE has delegated authority over the siting, construction, and operation of this infrastructure to FERC.

DOE's reliance on this benefit illustrates the arbitrary decisionmaking that results from fragmented environmental and public interest review, and highlights the need to consolidate review of the project in a single comprehensive EIS. Here, DOE concludes that whatever adverse effects exports may have are outweighed by, *inter alia*, the benefits of infrastructure construction (especially insofar as the project may not actually benefit U.S. gas producers), but DOE refused to consider the adverse impacts of that construction. In the FERC proceeding, FERC concluded that the adverse effects of infrastructure construction were outweighed by the benefits thereof, but

FERC did not address the adverse impacts of exports as a whole. If both agencies rely on the same set of benefits but only a subset of harms, then the benefits are double counted and no agency has considered whether, on the whole, the project is in the public interest.

## **II. Conclusion**

Based on the foregoing, Sierra Club respectfully requests that DOE grant this request for rehearing and stay.

Respectfully submitted,



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UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF )

FE DOCKET NO. 12-32-LNG

Jordan Cove Energy Project, L.P. )

VERIFICATION

OAKLAND §

§

CALIFORNIA §

§

Pursuant to 10 C.F.R. § 590.103(b), Nathan Matthews, being duly sworn, affirms that he is authorized to execute this verification, that he has read the foregoing document, and that facts stated herein are true and correct to the best of his knowledge, information, and belief.

Nathan Matthews  
Sierra Club Environmental Law Program  
2101 Webster Street, Suite 1300  
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Subscribed and sworn to before me on this 5<sup>th</sup> day of August, 2020:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Alameda )

On 08/05/2020 before me, Zarina Rathod Notary Public  
(Date) (Here Insert Name and Title of the Officer)

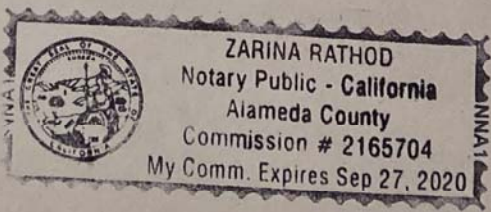
personally appeared Nathan Matthews  
(Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Zarina Rathod (Seal)  
(Signature of Notary Public)



## **CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury that on August 5, 2020, I served a copy of the foregoing Rehearing Request by email on the following parties, including all members of the service list in FE Docket No: 12-32-LNG.

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Furthermore, I certify under penalty of perjury that on August 5, 2020, I served a copy of the foregoing Rehearing Request by mail on the following parties.

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