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UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF OIL AND GAS GLOBAL SECURITY AND SUPPLY

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TEXAS LNG BROWNSVILLE LLC ) FE DOCKET NO. 15-62-LNG  
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SEMI-ANNUAL REPORT REGARDING TEXAS LNG TERMINAL  
IN BROWNSVILLE, TEXAS

DOE/FE ORDER NO. 3716

AS OF OCTOBER 1, 2021

## **BACKGROUND.**

On September 24, 2015 by DOE/FE Order No. 3716, Texas LNG Brownsville LLC (Texas LNG Brownsville) was authorized to export by vessel approximately 204.4 Bcf/yr of natural gas in the form of liquefied natural gas (LNG) produced from domestic sources from its proposed Texas LNG Brownsville Terminal at the Port of Brownsville, Texas (the Project) to any country with which the United States currently has, or in the future will have a free trade agreement (FTA), subject to certain conditions.

On February 10, 2020, by DOE Order No. 4489, Texas LNG Brownsville was authorized to by vessel approximately 204.4 Bcf/yr of natural gas in the form of liquefied natural gas (LNG) produced from domestic sources from its proposed Texas LNG Brownsville Terminal at the Port of Brownsville, Texas (the Project) to any country with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries).

Texas LNG Brownsville is required to file with the Office of Oil and Gas Global Security and Supply, on a semi-annual basis, written reports describing the progress of the proposed Texas LNG Brownsville Terminal.

## **INFORMATION ON THE PROGRESS OF THE TEXAS LNG BROWNSVILLE TERMINAL**

**General.** During the past six months, there has been progress on the Texas LNG Brownsville Terminal project on a variety of fronts, including financing, engineering, pipeline supply, site analysis, and offtake agreement negotiations.

**Financing.** Texas LNG Brownsville has continued to work with various international and domestic financial advisors to advice in the raising of equity and debt financing for the total capital requirements of the Project and to achieve a Final Investment Decision (FID).

**Engineering.** Samsung Engineering (Samsung) continues to perform a variety of project engineering work in its Seoul, South Korea and Houston, Texas offices. Front-End Engineering & Design (FEED) commenced in November 2014 with a large, full-time staff of Samsung and Texas LNG Brownsville engineers; FEED was completed in 2Q 2016. To date, over 200,000 Pre-FEED and FEED engineering man hours have been expended. Texas LNG Brownsville LLC is actively in discussion with a number of large, multinational Engineering, Procurement and Construction (EPC) companies that will complete all remaining pre-FID engineering and, after FID, construct the facility in a safe and efficient manner.

A variety of specialized technical firms have been retained to perform discreet engineering functions. Key potential technology providers are Air Products (C3MR liquefaction process design), UOP (gas pretreatment), Matrix PDM (LNG storage tank), Gexcon (vapor dispersion studies), Moffatt & Nichol (marine construction), Marin (navigation studies), and Honeywell Technology (integrated main automation contractor).

**Long-term supply arrangements.** Texas LNG Brownsville LLC has been in discussion with several intrastate pipeline companies that are developing pipelines to supply the Brownsville market and Mexico. The objective of the negotiation is a long-term firm pipeline transportation agreement for the full quantity of natural gas required to supply the proposed 4 Million Tonnes per Annum (MTA) Project facilities, which will be in-service on or before the date that Texas LNG Brownsville requires natural gas for the commissioning of the facility.

**Long-term LNG purchase agreements.** Texas LNG Brownsville continues to have preliminary discussions with a variety of interested customers of natural gas through the facility. In January 2017, Texas LNG announced that it has signed a number of non-binding 20-year Term Sheets with state-owned and private LNG buyers in Europe, South East Asia and China for volumes

significantly more than the required 2 MTA. The number of customers and their diversity is an indication of the attractiveness of the Project.

Negotiations for definitive Liquefaction Tolling Agreements (“LTA”) and Sale Purchase Agreements (“SPA”) are ongoing with these and other potential LNG customers.

**Site Work.** The 625 acre Project site is located along the deep water Brownsville Ship Channel. Site wetland surveys have been completed along with an archeological investigation performed by Natural Resources Group. A Letter of Intent and a Preliminary Waterway Suitability Assessment was submitted to the United States Coast Guard. On February 14, 2018, the United States Coast Guard issued a Letter of Recommendation to FERC confirming the suitability of the Brownsville Ship Channel for Texas LNG’s marine traffic as it relates to safety and security. On June 6, 2018, the U.S. Department of Defense issued a letter confirming that the Project will have minimal impact on military training and operations conducted in the area. On June 22, 2018, the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) issued its letter of opinion, in response to a request from FERC regarding the siting of the Project, confirming that Texas LNG’s methodology meets its requirements for design spill review. These were all important milestones for the Project.

**FERC Application.** On March 9, 2015, Texas LNG Brownsville filed its request for FERC to commence the pre-filing process and was subsequently assigned Docket No. PF 15-14. On November 4, 2015, Texas LNG Brownsville submitted all thirteen draft Resource Reports to the FERC, a key accomplishment in the mandatory U.S. Government regulatory approval process. On March 31, 2016, Texas LNG Brownsville LLC announced that it filed an application with FERC seeking authorization to site, construct, and operate the proposed Texas LNG export facility in Brownsville, Texas.

On July 8, 2016, FERC presented 34 engineering data requests that Texas LNG responded to on July 28, 2016, within the FERC requested 20-day response period. On August 26, 2016, FERC presented 159 environmental data requests on resource reports 1 through 10 that Texas LNG responded to on September 28, 2016. On September 8, 2016, FERC issued 13 geotechnical related data requests that Texas LNG responded to on September 28, 2016. On March 21, 2017, and July 7, 2017, FERC presented an environmental data request and Texas LNG provided a response. On August 25, 2017, FERC presented an environmental data request and Texas LNG is working on a response. On October 27, 2016, June 23, 2017, and August 2, 2017, FERC issued engineering information requests concerning the location of the SpaceX Boca Chica spaceport and Texas LNG provided responses. On August 21, 2017, the U.S. Army Corps of Engineers issued a data request; the response by Texas LNG was accepted by the U.S. Army Corps of Engineers. On October 2017, December 2017, and March 2018, Texas LNG responded to data request dealing mainly with revised noise and air modeling in revised formats for the modeling inputs and outputs. On January 19, 2018, the EPA sent a letter to FERC stating that it had no comments on the Administrative Draft Environmental Impact Statement. On February 7, 2018, Texas LNG filed information presented to PHMSA on the FERC docket. On February 13, 2018, Texas LNG filed a revised Resource Report 11 describing the change from single containment LNG storage tanks to full containment LNG storage tanks and changes associated with the hazard report submitted to PHMSA. On March 6, 2018, Texas LNG submitted comments from the U.S. Fish and Wildlife Service regarding Texas LNG Biological Assessment. On August 31, 2018, FERC issued the Notice of Schedule for Environmental Review to Texas LNG setting the anticipated dates for issuance of its final Environmental Impact Statement and Federal Authorization Decision Deadline for the Project. On March 15, 2019, FERC issued the Final Environmental Impact Statement. On November 22, 2019, FERC issued the Order granting

authorization for Texas LNG Brownsville LLC's proposed 2 train, 4 million tonnes per annum LNG export facility.

On March 27, 2020, Sierra Club and a number of other environmental groups, as well as the City of Port Isabel, filed an appeal to the US Court of Appeals for the District of Columbia Circuit challenging the November 2019 FERC Order. On August 3, 2021, the Court issued an opinion rejecting the vast majority of the challengers' arguments, but required FERC to supplement two elements of its prior permit approval.

The Court's decision to remand is limited to a requirement for FERC to conduct further analysis on climate change and environmental justice, and to use those revised analyses to supplement its public interest review. In addition, the Court stated that it is confident that FERC will be able to remedy any such issues in its prior analysis.

The decision from the DC Circuit does not vacate Texas LNG's FERC order, nor directly impact Texas LNG's ability or timetable to continue commercial development. Notwithstanding the Court's decision, Texas LNG will continue its efforts to develop the Project. The Court unanimously determined that it would keep the current approval in place, because, in the opinion of the Court, doing otherwise would stop Texas LNG from moving forward and needlessly disrupt completion of the Project.

Texas LNG applied for its air quality permit with the Texas Commission on Environmental Quality (TCEQ) on March 24, 2016. In September 2016, after complying with TCEQ procedures, a draft permit was issued. Texas LNG's draft permit was placed on the TCEQ Commissioners' agenda for approval on June 12, 2019. The TCEQ Commission granted the City of Port Isabel "affected person" status and referred Texas LNG's draft permit to the State Office of Administrative Hearings (SOAH) to conduct a contested hearing. The Preliminary Hearing was held in Brownsville on September 26, 2019. On November 20-21, 2019, a hearing on the merits was held at the SOAH

building in Austin, TX. On February 19, 2020, the Administrative Law Judges released their Proposal for Decision and Order (PFD) that recommended issuance of the permit with one revision that Texas LNG limit NOx emissions from two proposed hot oil heaters; Texas LNG accepted this recommendation. The PFD recommends that TCEQ issue the permit with just that one change.

**Estimated operations date.** Texas LNG Brownsville is forecasting a commissioning of the Project in 2026.

**DOE extends Texas LNG's export permit authorization to 2050.** In December 2020 the U.S Department of Energy, Office of Fossil Energy ("DOE/FE") has granted Texas LNG extensions on their previously issued LNG export permits to December 31, 2050. The DOE/FE orders allow total exports of 204 billion cubic feet per year of natural gas, equivalent to 4 mtpa of LNG from Texas LNG's facilities to any country, including free trade agreement ("FTA") and non-FTA countries, with which trade is not prohibited by U.S. law or policy.

**Execution of long-term lease agreement with the Port of Brownsville.** In December 2020 Texas LNG Brownsville entered into a long-term lease agreement with the Port of Brownsville, successfully securing the Texas LNG export project site for up to 50 years. The lease agreement covers a 625-acre site located within the Port of Brownsville.

Respectfully submitted on behalf of  
Texas LNG Brownsville LLC,

GREENBERG TRAURIG, LLP

A handwritten signature in black ink, appearing to read 'W. S. Garner, Jr.', written in a cursive style.

William S. Garner, Jr.

Shareholder

1000 Louisiana, Suite 1700

Houston, Texas 77002

Telephone: (713) 374-3549

Telecopier: (713) 374-3505

Email: [GarnerW@gtlaw.com](mailto:GarnerW@gtlaw.com)