

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY



IN THE MATTER OF)
)
Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

Motion for Leave to Reply and Reply of For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Micah Six Eight Mission, and Sierra Club

For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Micah Six Eight Mission, and Sierra Club (collectively “Environmental Advocates”) respectfully request that the Department of Energy accept this Reply to the Answer of Lake Charles Exports LNG (“LCE”) filed in opposition to the Environmental Advocates’ Motion to Intervene and Protest and Sierra Club’s Motion to Accept Late-Filed Attachments. LCE identifies no prejudice whatsoever from any procedural defects, and its attempt to disclaim the organizations’ statements of interest in this matter is meritless.

Motion for Leave to Reply to LCE’s Opposition

Although DOE’s rules do not generally allow replies to oppositions to intervention requests, DOE has permitted responsive filings that are “relevant to [DOE’s] consideration of the issues” raised.¹ The instant Reply is relevant to DOE’s consideration of LCE’s Opposition because the it responds directly to LCE’s misplaced assertions that DOE should reject the Motion to Intervene and Protest on procedural grounds and the Motion to Intervene for failure to demonstrate the organizations’ claim of interest in this proceeding. The instant Reply is also narrowly limited to these procedural and intervention issues and does not seek to address the substance of LCE’s Answer in Opposition to Protests. For these reasons, the Environmental Advocates respectfully request that DOE grant their Motion for Leave to Reply.

¹ See, e.g., Alaska LNG Project LLC, FE Docket No. 14-196-LNG, DOE/FE Order No. 3643-B at 11, Ordering Paragraph A (granting Alaska Development Corporation’s Motion for Leave to Answer Sierra Club’s rehearing request because it was relevant to DOE’s consideration of the issues raised in the rehearing request) (April 15, 2021).

Reply to LCE's Opposition

LCE's opposition heavily relies on purported procedural defects in the Motion to Intervene and Protest, but LCE fails to identify any actual prejudice resulting from the delay in submitting the attachments.

On November 6, 2023, the Environmental Advocates timely submitted their Motion to Intervene and Protest regarding LCE's application to export LNG to non-free trade agreement countries. DOE subsequently confirmed receipt of that filing.

DOE has not yet indicated whether it will accept the Environmental Advocates' separately-filed attachments, which were provided via Box.com link within minutes and directly emailed to DOE within roughly two hours of the deadline. As explained in the Motion to Accept Attachments—and confirmed by LCE's inability to identify prejudice from the delayed submission of the attachments²—doing so will not cause prejudice because the delay was minimal and the Motion to Intervene and Protest independently notified LCE and DOE of the legal and factual bases underlying the Environmental Advocates' opposition.³

Even if DOE is not inclined to accept the attachments, it should still accept the Motion to Intervene and Protest on its own. (As noted, DOE already did so by confirming timely receipt of that filing on November 7, 2023.) Because “[n]o particular form is required” for a protest, the attachments are unnecessary: the Protest, as filed, clearly identified the filing organizations and the application they objected to and provided a “concise statement of the reasons for the protest.” That is all that is required by 10 C.F.R. § 590.304(a). Similarly, although PDFs of the attachments complemented the submission by providing copies of referenced materials for

² LCE (at 10) claims prejudice from the delay in accessing the link to the filings within DOE's docket as it prepared its Answer. Providing that link was outside of the Environmental Advocates' control, and LCE fails to articulate any reason why such a link was necessary or how its absence hampered preparation of its Answer.

LCE also argues (at 11) that it was prejudiced by the “unlabeled” nature of attachments, which is entirely unrelated to the minimal submission delay. Regardless, LCE had access to the Box.com folder providing individual attachments identified by name and number corresponding to the provided attachment list. And in the attachment volumes, each attachment was preceded by an identifying cover sheet.

³ Because the attachments are distinct from the Motion to Intervene and Protest, which stands alone, as discussed *infra*, the “good cause” standards for late-filed interventions and protests are inapplicable to the Motion to Accept Attachments. *Contra* LCE Answer at 6-7. Regardless, there is good cause due to the technical difficulties and intent to reduce the burden on DOE and the parties described in the Motion to Accept Attachments. 10 C.F.R. §§ 590.303(d), 590,304(e).

DOE's convenience, those PDFs were not necessary to advise the parties or DOE of the "specific issues of policy, fact, or law to be raised or controverted." 10 C.F.R. § 590.303(c). The Motion to Intervene, as filed, properly stated the Environmental Advocates' opposition to LCE's application "and the factual and legal bas[e]s" for that opposition. *Id.* LCE does not claim that omitting the attachments would in any way prevent it from understanding the bases for the Environmental Advocates' opposition; nor does LCE identify any other prejudice resulting from the Environmental Advocates' submission.

LCE's only substantive challenge to the Environmental Advocates' intervention is its erroneous claim that the statement of each organizations' interests lacked sufficient factual details to identify their "claim of interest." But the organizations provided the requisite "clear[] and concise[]" statement of the facts demonstrating that each organization has an interest that "goes beyond the general interest of the public as a whole" due to their "special interest in the outcome of" LCE's application. 10 C.F.R. § 590.303(b) (requiring a motion to intervene "to clearly and concisely the facts upon which the petitioner's claim of interest is based"); 10 C.F.R. § 590.102(h) (defining "[i]nterested person"). With respect to Sierra Club, LCE's highlighted reference to the "extension application" was a clear drafting error that could not have caused any reasonable confusion as to Sierra Club's interest in opposing the application. The other five organizations described their missions and local work focused on protecting public health and the environment in Southwest Louisiana, as well as the harm to that work—and their members, as applicable—that will result if DOE grants LCE's application. Each organization has therefore demonstrated a special interest in this proceeding.

For these reasons, the Environmental Advocates respectfully request that DOE grant their Motion to Intervene and Motion to Accept Attachments. Alternatively, even if DOE denies the Motion to Accept Attachments, DOE should continue to accept the Motion to Intervene and Protest on its own.

/s/ Louisa Eberle

Louisa Eberle
Sierra Club
1536 Wynkoop St., Suite 200
Denver, CO 80202
(415) 977-5753
louisa.eberle@sierraclub.org
Attorney for Sierra Club

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF)
)
Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

SIERRA CLUB CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE

Pursuant to 10 C.F.R. § 590.103(b), I, Louisa Eberle, hereby certify that I am a duly authorized representative of the Sierra Club, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of the Sierra Club, the foregoing documents and in the above captioned proceeding.

Dated at Denver, CO this 28th day of November, 2023

/s/ Louisa Eberle
Louisa Eberle
Sierra Club
1536 Wynkoop St., Suite 200
Denver, CO 80202
(415) 977-5753
Louisa.eberle@sierraclub.org
Attorney for Sierra Club

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF)
)
Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

SIERRA CLUB VERIFICATION

Pursuant to 10 C.F.R. § 590.103(b), I, Louisa Eberle, 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.

Executed at Denver, CO on November 28, 2023

/s/ Louisa Eberle
Louisa Eberle
Sierra Club
1536 Wynkoop St., Suite 200
Denver, CO 80202
(415) 977-5753
Louisa.eberle@sierraclub.org
Attorney for Sierra Club

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF)
)
Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

**FOR A BETTER BAYOU CERTIFIED STATEMENT OF AUTHORIZED
REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b), I, James Hiatt, hereby certify that I am a duly authorized representative of For a Better Bayou, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of For a Better Bayou, the foregoing documents and in the above captioned proceeding.

Dated at Lake Charles, LA this 28th day of November, 2023

/s/ James Hiatt

James Hiatt
Director, For a Better Bayou
PO Box 7262
Lake Charles, LA 70606
337-515-0655
James@betterbayou.net

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF)
)
Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

FOR A BETTER BAYOU VERIFICATION

Pursuant to 10 C.F.R. § 590.103(b), I, James Hiatt, 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.

Executed at Lake Charles, LA this 28th day of November, 2023

/s/ James Hiatt
James Hiatt
Director, For a Better Bayou
PO Box 7262
Lake Charles, LA 70606
337-515-0655
James@betterbayou.net

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF)
)
Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

HABITAT RECOVERY PROJECT CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE

Pursuant to 10 C.F.R. § 590.103(b), I, Alyssa Portaro, hereby certify that I am a duly authorized representative of Habitat Recovery Project, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Habitat Recovery Project, the foregoing documents and in the above captioned proceeding.

Dated at Vinton, LA this 28th day of November, 2023

/s/ Alyssa Portaro
Alyssa Portaro
Founder/Director
Habitat Recovery Project
1636 Arledge Rd
Vinton, LA 70668
alyssaportaro@gmail.com
973-632-1695

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF)
)
Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

HABITAT RECOVERY PROJECT VERIFICATION

Pursuant to 10 C.F.R. § 590.103(b), I, Alyssa Portaro, 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.

Executed at Vinton, LA this 28th day of November, 2023

/s/ Alyssa Portaro
Alyssa Portaro
Founder/Director
Habitat Recovery Project
1636 Arledge Rd
Vinton, LA 70668
alyssaportaro@gmail.com
973-632-1695

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF)
)
Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

HEALTHY GULF CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE

Pursuant to 10 C.F.R. § 590.103(b), I, Naomi Yoder, hereby certify that I am a duly authorized representative of Healthy Gulf, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Healthy Gulf, the foregoing documents and in the above captioned proceeding.

Dated at Houston, TX this 28th day of November, 2023

/s/ Naomi Yoder
Naomi Yoder
Staff Scientist
PO Box 66226
Houston, TX 77266
504-525-1528 x213

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF)
)
Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

HEALTHY GULF VERIFICATION

Pursuant to 10 C.F.R. § 590.103(b), I, Naomi Yoder, 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.

Executed at Houston, TX this 28th day of November, 2023

/s/ Naomi Yoder
Naomi Yoder
Staff Scientist
PO Box 66226
Houston, TX 77266
504-525-1528 x213

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF)
)
Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

**MICAH SIX EIGHT MISSION CERTIFIED STATEMENT OF AUTHORIZED
REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b), I, Cynthia Robertson, hereby certify that I am a duly authorized representative of Micah Six Eight Mission, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Micah Six Eight Mission, the foregoing documents and in the above captioned proceeding.

Dated at Sulphur, LA this 28th day of November, 2023

/s/ Cynthia P. Robertson
Cynthia P. Robertson
Executive Director
Micah Six Eight Mission
624 W. Verdine
Sulphur, LA 70663
cindy@micah68mission.org
337-888-6652

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF)
)
Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

MICAH SIX EIGHT MISSION VERIFICATION

Pursuant to 10 C.F.R. § 590.103(b), I, Cynthia Robertson, 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.

Executed at Sulphur, LA this 28th day of November, 2023

/s/ Cynthia P. Robertson
Cynthia P. Robertson
Executive Director
Micah Six Eight Mission
624 W. Verdine
Sulphur, LA 70663
cindy@micah68mission.org
337-888-6652

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF)
)
Lake Charles Exports, LLC) FE Docket No. 23-87-LNG

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 590.107, I, Louisa Eberle, hereby certify that I caused the above documents to be served on the persons included on the official service list for this docket, as provided by DOE/FE, on November 28, 2023.

/s/ Louisa Eberle

Louisa Eberle

Sierra Club

1536 Wynkoop St., Suite 200

Denver, CO 80202

(415) 977-5753

Louisa.eberle@sierraclub.org

Attorney for Sierra Club