

**UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT**

**In the matter of** )  
 )  
**Commonwealth LNG, LLC** ) **Docket No. 19-134-LNG**  
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**FISHERMAN INVOLVED IN SUSTAINING OUR HERITAGE (FISH), FOR A BETTER BAYOU, HEALTHY GULF, AND THE VESSEL PROJECT OF LOUISIANA’S MOTION FOR LEAVE TO INTERVENE OUT OF TIME AND PROTEST**

Fisherman Involved in Sustaining our Heritage (FISH), For a Better Bayou, Healthy Gulf, and The Vessel Project of Louisiana (“Movants”) move to intervene and protest pursuant to 10 C.F.R. §§ 590.303(b) and 590.304 in the docket concerning Commonwealth LNG, LLC’s application for the U.S. Department of Energy’s (“DOE” or “Department”) approval to export to non-free trade countries. Movants and their members have interests that would be affected by the Commonwealth LNG Project and have good cause for moving to intervene now. The facts relating to LNG exports from the United States have changed dramatically since DOE sought interventions in the docket in November 2019. The Department has recognized that huge changes in global LNG markets are creating a significantly different picture of the harms that increased volumes of exports would inflict on the climate, the American economy, and domestic consumers. In addition, the environmental review conducted by the Federal Energy Regulatory Commission (FERC), which DOE typically uses to assess a project’s exports, has been overturned by a federal court. FERC will conduct a supplemental environmental review to correct the deficiencies the court identified over the coming months. Movants’ intervention also would not impact the proceeding.

If any party opposes this motion, Movants respectfully request leave to reply. *Cf.* 10 C.F.R. §§ 590.302, 590.310 (allowing for procedural motions and briefing).

**I. MOVANTS' INTERESTS ARE AFFECTED BY THE COMMONWEALTH LNG PROJECT.**

Movants and their members have direct interests in avoiding the environmental, health, and economic harms that the Commonwealth LNG Project will cause, as further explained below. Movants are local Louisiana and Gulf Coast organizations with members who live, recreate, and work—including individuals who make their living fishing, oystering, and shrimping—in the area that will be immediately impacted by Commonwealth LNG's export activities. Movants' staff and members further hail from communities that are the least able to shoulder the burdens of the higher energy costs that will result from increasing LNG exports. As of the date of this intervention, no other similarly situated groups have intervened in this proceeding; therefore, no other party to the proceeding could adequately represent the Movants' unique interests.

**Fishermen Involved in Sustaining our Heritage (FISH)** is a Louisiana-based, indigenous-led nonprofit organization and coalition of dedicated commercial fishermen. FISH's mission is to passionately advocate for environmental preservation, safeguarding against liquefied natural gas (LNG) industry threats, and championing the rights of commercial fishermen to flourish and prosper. Through unwavering dedication, FISH raises awareness and extends direct mutual aid to uplift and support the vibrant community of Gulf Coast commercial fishermen.

**For a Better Bayou** is a community-based organization in Southwest Louisiana that raises awareness and builds a community-based movement to ensure protection for a sustainable bayou and environment. For a Better Bayou educates community members on the worldwide climate crisis and how that impacts Southwest Louisiana and the bayous in the region which provide a myriad of benefits to the surrounding communities. With outings like bird walks and

other events in the Lake Charles area, For a Better Bayou also educates the community on the value of a robust and diverse ecosystem. LNG, petrochemical, and other major industry construction and operation in the Lake Charles area produce harmful air and water pollution that impact For a Better Bayou's community, employees, and members, and also interfere with For a Better Bayou by deterring engagement in outdoor activities in the region.

**Healthy Gulf** is a 501(c)(3) organization based in Louisiana whose mission is to collaborate with and serve communities who love the Gulf of Mexico by providing the research, communications, and coalition-building tools needed to reverse the long pattern of over-exploitation of the Gulf's natural resources. Healthy Gulf has staff and members in Louisiana and Texas. Healthy Gulf fights for people of Gulf communities to live and work in Louisiana free from the sights, sounds, and dangers of industry. Healthy Gulf also fights for everyone's ability to benefit from the use and enjoyment of the Gulf's wetlands, waters, and coastal areas.

**The Vessel Project of Louisiana** is a grassroots mutual aid and disaster relief organization founded in Southwest Louisiana in response to several federally declared disasters, including hurricanes Laura and Delta, winter storm Uri, and the May flood of 2021. The Vessel Project aims to create horizontal pathways for communities to help one another without a hierarchical bureaucratic structure. LNG-related air pollution in Louisiana harms the health of children and families and hinders the mission of the Vessel Project of Louisiana. As Vessel Project strives to help the most vulnerable communities, including black, Indigenous, people of color, and low-income individuals, it is faced with the challenge of addressing the emergency needs of those affected by the harmful effects of air pollution and the industries that cause it. The harm caused by these industries creates additional barriers to Vessel Project's efforts to be efficient and barrier-free, making it difficult for individuals to maintain their dignity and

advocate for themselves. Vessel Project will continue to fight for environmental justice to ensure that these communities are protected from the harmful effects of pollution and have access to the resources they need to thrive.

Approving Commonwealth's proposed LNG exports will harm Movants' staff and members by causing them to pay higher energy prices and increasing utility bills. The local economies Movants' members and staff rely upon have been hit hard by natural disasters and the effects of massive amounts of industrialization, including the cumulative effects of the exponential increase in the LNG exports produced in and shipped from the area. Climate change has increased the frequency and severity of hurricanes; caused rising sea levels that have led to increased flooding and saltwater intrusion; and increased heat waves. Significant increases in shipping traffic in the Calcasieu Pass Ship Channel and nearby waters have harmed the marine wildlife that many of Movants' members rely upon for their livelihoods and which are central to many of Movants' members' recreation. The pollution from the LNG industry, alone and in combination with pollution from other local industrial facilities, harms the health of individuals in the area, including Movants' members. These harms result in increased medical costs and loss of work days.

Approving additional LNG exports will also drive increasing gas production, which will lead to increased air pollution that will harm the health of Movants' members who live near or downwind of gas production and processing facilities. Gas production causes the emission of toxic air pollutants such as benzene.<sup>1</sup> It also emits ozone precursors,<sup>2</sup> which can be carried many

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<sup>1</sup> See, e.g., *Basic Information about Oil and Natural Gas Air Pollution Standards*, U.S. Env't Prot. Agency, <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-operations/basic-information-about-oil-and-natural> (last updated Sept. 13, 2024).

<sup>2</sup> *Id.*

miles on air currents before forming ozone and contributing to ozone nonattainment areas far from the pollution's source.

## **II. THERE IS GOOD CAUSE FOR LATE INTERVENTION AND NO UNDUE IMPACT ON THE PROCEEDINGS.**

DOE may permit motions to intervene out of time for good cause and after considering any impact that granting the late motion would have on the proceeding. 10 C.F.R. § 590.303(d). DOE's regulations do not specify what constitutes good cause, 10 C.F.R. §§ 590.303(d), 590.304(e) and do not define the term, *see* 10 C.F.R. § 590.102. However, DOE has already acknowledged in this proceeding that good cause to intervene out of time may exist.<sup>3</sup> DOE also has concluded that the availability of new information in a docket, including the preparation of a new environmental analysis, can constitute good cause.<sup>4</sup>

Concluding that good cause exists here would be consistent with FERC's findings of good cause to intervene out of time under the Natural Gas Act. FERC focuses on the amount of prejudice that results from the proposed intervenors' failure to have moved earlier and concludes that good cause exists where no prejudice would result from the delay.<sup>5</sup> Here, granting intervention would not cause any prejudice to the existing parties. DOE has yet to make a determination on the merits and nothing would have changed in the proceedings to date had Movants filed their motion to intervene within the earlier window. Commonwealth's application

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<sup>3</sup> *Commonwealth LNG, LLC*, Notice Dismissing Req. for Reh'g, Dkt. No. 19-134-LNG, at 20 n.107 (March 27, 2024), [https://www.energy.gov/sites/default/files/2024-04/Commonwealth%20LNG%20LLC%20Opposition%20and%20Answer%20to%20Late%20Intervention%20and%20Comments\\_032724\\_print.pdf](https://www.energy.gov/sites/default/files/2024-04/Commonwealth%20LNG%20LLC%20Opposition%20and%20Answer%20to%20Late%20Intervention%20and%20Comments_032724_print.pdf).

<sup>4</sup> *Alaska LNG Project LLC*, DOE/FECM Order No. 3643-C, Order Affirm. and Amend. DOE/FE Order No. 3643-A Following Partial Grant of Reh'g, Dkt. No. 14-96-LNG, at 21 (April 13, 2023), <https://www.energy.gov/sites/default/files/2023-04/ord3643-C.pdf>.

<sup>5</sup> *Superior Offshore Pipeline Co.*, 68 FERC ¶ 61089 (July 19, 1994); *E. Am. Energy Corp. Columbia Gas Transmission Corp.*, 68 FERC ¶ 61087 (July 19, 1994). And FERC almost always finds an absence of prejudice from late intervention when leave to intervene is sought before FERC issues its merits decision. *See, e.g., Mountain Valley Pipeline, LLC & Equitrans, L.P.*, 161 FERC ¶ 61,043, P22 (Oct. 13, 2017) (granting motion to intervene filed two years after intervention deadline); *see also Northern Natural Gas Co.*, 175 FERC ¶ 61,052 (April 15, 2021).

is also already contested—Industrial Energy Consumers of America (IECA) submitted a protest asserting that additional U.S. LNG exports are contrary to the public interest because they would adversely affect domestic supply and prices.<sup>6</sup> Sierra Club also filed a motion to intervene out of time.<sup>7</sup> The timing of Movants’ motion would not have changed the fact that DOE is required to independently decide whether Commonwealth’s application is inconsistent with the public interest based on current circumstances.<sup>8</sup> The absence of prejudice should, therefore, alone be enough to warrant granting Movants’ motion.

In addition, in the time since the prior intervention window in 2019, substantial new information has become available that must inform DOE’s evaluation of Commonwealth’s application and that also is informing Movants’ protest. For example, in early 2024, DOE announced that it needed to update the data and analysis it relies upon to evaluate export applications because the volumes of exports from the United States has increased exponentially and created a fundamentally different global LNG market than previously existed.<sup>9</sup> DOE concluded that its prior analysis was out of date and could no longer be used.<sup>10</sup> Then, in May 2024, DOE argued that allowing a large expansion of LNG exports from Alaska was in the public interest, because, to the extent that LNG exports from Alaska displaced LNG that would otherwise have been produced in the lower-48 states, reducing exports from the lower-48 states

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<sup>6</sup> *Commonwealth LNG, LLC*, Notice of Intervention, Protest, and Comment, Dkt. No. 19-134-LNG (Dec. 20, 2019), [https://www.energy.gov/sites/prod/files/2019/12/f70/12.20.19\\_Commonwealth%20LNG\\_FINAL.pdf](https://www.energy.gov/sites/prod/files/2019/12/f70/12.20.19_Commonwealth%20LNG_FINAL.pdf).

<sup>7</sup> *Commonwealth LNG, LLC*, Mot. to Intervene and Protest Out of Time of Sierra Club, Dkt. No. 19-134-LNG (Nov. 22, 2024), <https://www.energy.gov/sites/default/files/2024-11/Commonwealth%20LNG%2019-134-LNG%20Sierra%20MTI%20and%20Protest.pdf>.

<sup>8</sup> Notice Dismissing Req. for Reh’g, Dkt. No. 19-134-LNG, *supra* note 3.

<sup>9</sup> Off. of Fossil Energy and Carbon Mgmt., U.S. Dep’t of Energy, *The Temporary Pause on Review of Pending Applications to Export Liquefied Natural Gas* (Feb. 2024), [https://www.energy.gov/sites/default/files/2024-02/The%20Temporary%20Pause%20on%20Review%20of%20Pending%20Applications%20to%20Export%20Liquefied%20Natural%20Gas\\_0.pdf](https://www.energy.gov/sites/default/files/2024-02/The%20Temporary%20Pause%20on%20Review%20of%20Pending%20Applications%20to%20Export%20Liquefied%20Natural%20Gas_0.pdf).

<sup>10</sup> *See id.*

would reduce domestic gas prices and benefit the public.<sup>11</sup> In August 2024, DOE issued an order concluding that it is no longer clear that authorizing LNG exports over the long-term is in the public interest because of the pace of European countries' transition away from fossil fuels.<sup>12</sup> Separately and together, the above circumstances paint a starkly different picture than the 2019 states of the global LNG market and the extent to which additional LNG exports from the Gulf region are in the public interest.

Moreover, if DOE does not deny the application based on the adverse economic effects of the project's exports, *see infra*, the assessment of the environmental consequences of the application will need to be updated. DOE typically relies on FERC's review of the impacts of the terminal and associated infrastructure as part of its overall consideration of the project's exports adverse effects, but FERC's environmental impact statement was invalidated by the D.C. Circuit. FERC has announced that it is conducting a supplemental environmental impact statement,<sup>13</sup> and the analysis contained therein will need to be incorporated into DOE's review of the LNG export application. The Department has recognized that late intervention should be granted following the addition of new information, including in the Alaska LNG docket when DOE granted late intervention following the publication of a Supplemental Environmental Impact Statement that included "new environmental analyses and findings."<sup>14</sup> Good cause, therefore, exists for granting Movants' motion to intervene out of time.

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<sup>11</sup> *Sierra Club v. DOE*, No. 20-1503, Final Brief of Resp't Dep't of Energy, Doc. 1208621812, at 44 (D.C. Cir. May 13, 2024).

<sup>12</sup> *NFE Altamira FLNG*, DOE/FECM Order 5156 Granting Long-Term Authorization to Re-Export U.S.-Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Non-Free Trade Agreement Nations, Dkt. No. 22-110-LNG (Aug. 31, 2024), [https://www.energy.gov/sites/default/files/2024-08/ord5156\\_new.pdf](https://www.energy.gov/sites/default/files/2024-08/ord5156_new.pdf).

<sup>13</sup> *Commonwealth LNG, LLC*, Notice of Schedule for the Preparation of a Suppl. Environmental Impact Statement for the Commonwealth LNG Project, Dkt. Nos. CP19-502-000 and CP19-502-001, Accession No. 20241127-3067 (Nov. 27, 2024), [https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=20241127-3067](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20241127-3067).

<sup>14</sup> DOE/FECM Order No. 3643-C, *supra* note 4.

### III. MOVANTS' POSITIONS AND PROTEST.

Movants urge DOE to deny Commonwealth LNG's application because the proposed exports are inconsistent with the public interest, as demonstrated by the evidence in the record before DOE. In the alternative, DOE cannot approve the application based on the record before it and must fill in significant gaps in the analysis of environmental harms before deciding to allow more LNG exports.

#### A. DOE Can Deny Commonwealth's Application on the Basis of the Record Before It.

Even without considering the export's environmental harms, DOE could deny Commonwealth's application on the basis of its economic harms. DOE has acknowledged that increasing LNG exports can increase U.S. gas prices. While testifying before Congress, Deputy Secretary of Energy David Turk quoted the Energy Information Administration's (EIA) long-term outlook that found "that higher LNG exports create a tighter domestic natural gas market (all else held equal), increasing domestic natural gas prices."<sup>15</sup> DOE also has argued that shifting LNG exports away from those that, like Commonwealth's, are produced in the lower-48 states would benefit American households by lowering gas and energy prices.<sup>16</sup>

The intervention and protest filed by IECA asserted that increasing LNG exports pose "substantial risks to U.S. consumers and the economy by driving up domestic prices and harming domestic industries."<sup>17</sup> The IECA protest further argued that the more LNG exports DOE authorizes, the greater the increase to the marginal price of domestic natural gas and electricity.<sup>18</sup>

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<sup>15</sup> Test. of David Turk, Deputy Sec'y, DOE Before the Comm. on Energy and Nat. Res. U.S. Senate Regarding LNG Applications and Exports, at 3 (Feb. 8, 2024), <https://www.energy.gov/sites/default/files/2024-06/033.%20David%20Turk%20Testimony%20Before%20the%20Committee%20on%20Energy%20and%20Natural%20Resources%20LNG%20Applications%20and%20Exports.pdf> (quoting EIA, Annual Energy Outlook 2023, available at [https://www.eia.gov/outlooks/aeo/IIF\\_LNG/](https://www.eia.gov/outlooks/aeo/IIF_LNG/)).

<sup>16</sup> Final Brief of Resp't Dep't of Energy, No. 20-1503, *supra* note 11, at 44.

<sup>17</sup> Notice of Intervention, Protest, and Comment, Dkt. No. 19-134-LNG, *supra* note 6.

<sup>18</sup> *Id.* at 8.



At the time IECA filed its protest, DOE had authorized only 31.2 Bcf/day to non-FTA countries compared to the 48 Bcf/day authorized today. Commonwealth's answer to IECA's submission notably does not directly address the potential for its exports to increase consumer prices, stating only that there is enough supply to meet domestic needs, but saying nothing about how increasing LNG exports would affect the *cost* of gas for domestic consumers.<sup>19</sup>

U.S. consumers currently are suffering the effects of inflation and having difficulty affording basic necessities. DOE cannot ignore the adverse effects of rising energy prices on the average American or the fact that approving greater volumes of LNG exports will exacerbate the problem. Deputy Secretary of Energy Turk highlighted the reality that potential domestic gas cost increases will be particularly harmful to "lower-income Americans who can least afford it."<sup>20</sup>

Movants in particular represent communities in the Gulf that are not only the least capable of absorbing additional household energy costs, but also are experiencing the full brunt of the economic harms caused by the massive build out of LNG export terminals in a relatively concentrated and small portion of Louisiana. In addition to price increases, authorizing Commonwealth's LNG exports would cause significant increases to shipping traffic, which poses a grave risk to local commercial fishing businesses reliant on the continued presence of marine species for their livelihoods. Harm to the local fishing industry would not be felt only by fishermen but would also impact the businesses that buy their catches, local restaurants and consumers who purchase seafood, and the businesses of which the fishermen are customers. While Commonwealth's application asserts that its proposed exports will increase jobs in the

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<sup>19</sup> See *Commonwealth LNG, LLC*, Answer to Notice of Intervention, Protest, and Comment, Dkt. No. 19-134-LNG, at 4–5 (Jan. 6, 2020) <https://www.energy.gov/sites/prod/files/2020/01/f70/Commonwealth%20Answer%20to%20IECA.pdf>.

<sup>20</sup> Test. of David Turk, *supra* note 15, at 3.

local area, leading to increased disposable income and increased local economic activity,<sup>21</sup> it provides no support for this assertion and fails to account for the many economic harms to local communities that the proposed exports would cause.

While increasing exports cause significant economic harms to U.S. households, the security and other strategic interests DOE has used in the past to find that additional exports are consistent with the public interest are no longer clear. In an order approving gas exports from a different project, DOE recently questioned whether increased exports would benefit “energy security” and “international trade” after 2029<sup>22</sup>—a timeframe within which Commonwealth will not even begin exporting. In that order, DOE acknowledged that “across the globe there is both an unprecedented build-out of carbon-free energy and increased policies to advance clean energy development and implementation by U.S. allies that are expected to slow global natural gas demand in some regions,” and that “the use of natural gas for electricity generation in Western Europe is expected to peak in 2030 and decline thereafter.”<sup>23</sup> DOE used this decline in demand as the basis for rejecting the applicant’s request for a longer-term export authorization and, instead, allowed exports to non-free trade countries for only five years.<sup>24</sup>

Based on the record before it, DOE can and should deny Commonwealth’s application to export additional volumes of LNG that DOE knows will cause harm to domestic consumers and provide minimal security or trade benefits.

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<sup>21</sup> *Commonwealth LNG, LLC*, Application for Long-Term Authorization to Export Liquefied Natural Gas to Free Trade Agreement Nations and Non-Free Trade Agreement Nations, Dkt. No. 19-134-LNG, at 7-8 (Oct. 16, 2019), [https://www.energy.gov/sites/prod/files/2019/10/f68/19-134-LNG\\_0.pdf](https://www.energy.gov/sites/prod/files/2019/10/f68/19-134-LNG_0.pdf).

<sup>22</sup> *NFE Altamira FLNG*, DOE/FE Order No. 5156, *supra* note 12, at 25–26.

<sup>23</sup> *Id.* at 26.

<sup>24</sup> *Id.* at 28.

## **B. DOE Cannot Approve Commonwealth’s Application Based on the Record Before It.**

The record before DOE does not establish the scope of the environmental and community harms that would be caused by authorizing Commonwealth’s exports. DOE, therefore, does not have an adequate basis to conclude that the harms caused by the exports will not outweigh their purported benefits. As DOE has acknowledged, the Department cannot make a decision on an export application until ““DOE has sufficient information on which to base a public interest determination.””<sup>25</sup> Several key gaps exist that undermine DOE’s ability to come to any record-based conclusion on the extent and severity of the potential harms, including (1) the absence of a legally-adequate environmental impact statement (EIS) from FERC evaluating the harms caused by Commonwealth’s terminal and associated infrastructure, and (2) an evaluation of the export’s greenhouse gas (GHG) emissions based up-to-date data.

First, in 2024, the U.S. Court of Appeals for the D.C. Circuit held that FERC’s EIS for the terminal was flawed because FERC failed to adequately consider cumulative air pollution impacts and because of flaws in FERC’s analysis of GHG emissions.<sup>26</sup> DOE cannot tier off of that EIS until these flaws have been corrected, which FERC has yet to do. FERC recently released a schedule for its process to address its deficient EIS, including the release of a draft Supplemental EIS in February 2025 and release of a final Supplemental EIS on May 16, 2025.<sup>27</sup>

It is particularly important for DOE to understand the cumulative impacts of the exports being proposed here as the terminal that would produce the exports is located in Southwest Louisiana, an area already facing a significant cumulative burden from existing LNG facilities.

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<sup>25</sup> Notice Dismissing Req. for Reh’g, Dkt. No. 19-134-LNG, *supra* note 3, at 9 n.44 (quoting Dep’t of Energy, *Procedures for Liquefied Natural Gas Export Decisions; Final Revised Procedures*, 79 Fed. Reg. 48,132, 48,135 (Aug. 15, 2024)).

<sup>26</sup> *Healthy Gulf v. FERC*, 107 F.4th 1033 (D.C. Cir. 2024).

<sup>27</sup> Notice of Schedule for the Preparation of a Suppl. Environmental Impact Statement for the Commonwealth LNG Project, Accession No. 20241127-3067, *supra* note 13.

Those cumulative burdens will only worsen if other facilities in the area that have already been approved by FERC are constructed and commence exports. Commonwealth LNG’s export terminal is proposed to be constructed on the west side of the Calcasieu Pass Ship Channel, directly across the Channel from the already-operational Calcasieu Pass LNG export facility, which has applied for an expansion of its export capacity referred to as Calcasieu Pass 2 (CP2).<sup>28</sup> Commonwealth’s export terminal would also be located in close proximity to two other already-operational LNG export terminals—Cameron LNG in Hackberry, Louisiana, and Sabine Pass LNG in Cameron Parish, Louisiana, both of which have planned expansions. Approved but not-yet-operational LNG export terminals in the area include: Driftwood LNG in Calcasieu Parish, LA; Magnolia LNG in Lake Charles, Louisiana; and Lake Charles LNG in Lake Charles, Louisiana.<sup>29</sup>

Second, as DOE knows, it is required to consider the lifecycle GHG emissions of LNG exports in order to determine whether those exports are consistent with the public interest.<sup>30</sup>

DOE has two existing studies that attempt to do precisely that,<sup>31</sup> although both are deeply flawed

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<sup>28</sup> FERC approved the construction of the CP2 terminal expansion in 2024, then issued an order stating that it would conduct additional environmental analysis before providing authorization to proceed with construction. *Venture Global CP2 LNG, LLC; Venture Global CP Express, LLC*, Order Granting Authorizations Under Sections 3 and 7 of the Natural Gas Act, 187 FERC ¶ 61,199 (2024), <https://www.ferc.gov/media/c-5-cp22-21-000>; Order Addressing Arguments Raised on Rehearing and Setting Aside Prior Order, In Part 189 FERC ¶ 61,148 (Nov. 27, 2024), [https://elibrary.ferc.gov/eLibrary/filelist?accession\\_num=20241127-3065](https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20241127-3065). CP2’s export approval from DOE is pending. *Venture Global CP2 LNG, LLC*, FE Docket No. 21-131-LNG, Application for Long-term Authorization to Export LNG to FTA and Non-FTA Nations, <https://www.energy.gov/sites/default/files/2021-12/21-131-LNG.pdf>.

<sup>29</sup> *U.S. LNG Export Terminals – Existing, Approved, not Yet Built, and Proposed*, Fed. Energy Regul. Comm’n (Nov. 14, 2024), <https://www.ferc.gov/media/us-lng-export-terminals-existing-approved-not-yet-built-and-proposed>.

<sup>30</sup> Movants join the position articulated by Sierra Club in its Motion to Intervene and Protest Out of Time that DOE cannot rely on a Categorical Exclusion, both because the 2020 Categorical Exclusion is invalid and because the proposed exports do not have the “integral elements” required under Appendix B to 10 C.F.R. Part 2021 Subpart D. Mot. to Intervene and Protest Out of Time of Sierra Club, Dkt. No. 19-134-LNG, *supra* note 7.

<sup>31</sup> U.S. Dep’t of Energy, *Addendum to Environmental Review Documents Concerning Exports of Natural Gas from the United States 27-32* (Aug. 2014), available at <https://www.energy.gov/sites/prod/files/2014/08/f18/Addendum.pdf>; Selina Roman-White, et al., Nat’l Energy Tech. Lab’y, *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update* DOE/NETL-2019/2041 (Sept. 12, 2019), <https://www.energy.gov/sites/prod/files/2019/09/f66/2019%20NETL%20LCA-GHG%20Report.pdf>.

and, as DOE had admitted, out-of-date.<sup>32</sup> DOE officials have stated that DOE’s “updated climate and environmental analysis will not only incorporate all the latest science and data on real-world impacts from climate change, but it is also specifically aimed to provide [DOE with] greater tools to analyze the overall environmental impact of additional volumes of LNG exports over the short-, medium-, and long-term.”<sup>33</sup> DOE cannot reasonably assess the GHG emissions from Commonwealth’s exports with stale data and a lack of understanding of how those exports will affect short, medium, and especially longer term efforts to reduce GHGs and prevent warming above 1.5° Celsius.<sup>34</sup> DOE also will have no basis to evaluate Commonwealth’s assertions in its application that its GHG emissions will be near “net-zero”<sup>35</sup>—claims that are nowhere substantiated in the record.

Movants’ staff and members are particularly concerned about and vulnerable to the effects of climate change. Louisiana’s Gulf Coast is extremely vulnerable to sea level rise and erosion from increased storms. For example, Louisiana’s Coastal Protection and Restoration Authority has warned that more than 40 percent of the land area of Cameron Parish—currently one of the largest parishes by land area in the state—could be lost to sea-level rise under a “medium environmental scenario,” if no additional protection or restoration work is done.<sup>36</sup> The Coastal Protection and Restoration Authority has also found that in 50 years, 100-year flood depths could be 15 feet or more across much of Cameron Parish, with all of its populated

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<sup>32</sup> U.S. Dep’t of Energy, *DOE to Update Public Interest Analysis to Enhance National Security, Achieve Clean Energy Goals and Continue Support for Global Allies* (Jan. 26, 2024), <https://www.energy.gov/articles/doe-update-public-interest-analysis-enhance-national-security-achieve-clean-energy-goals>; *The Temporary Pause on Review of Pending Applications to Export Liquefied Natural Gas*, *supra* note 9.

<sup>33</sup> Test. of David Turk, *supra* note 15, at 4.

<sup>34</sup> *See id.*

<sup>35</sup> *Commonwealth LNG, LLC*, Suppl. to Notice of Change in Control and Amendment to Pending Application, Dkt. No. 19-134-LNG, at 1–4 (Sept. 30, 2024).

<sup>36</sup> Coastal Prot. and Restoration Auth., *2017 Coastal Master Plan, Att. A9, Parish Fact Sheets* 11–12 (Sept. 2017), available at [http://coastal.la.gov/wp-content/uploads/2017/04/Attachment-A9\\_FINAL\\_10.02.2017.pdf](http://coastal.la.gov/wp-content/uploads/2017/04/Attachment-A9_FINAL_10.02.2017.pdf).

communities at heightened risk.<sup>37</sup> DOE cannot approve yet another export authorization without a clear understanding of its climate implications and the record before DOE is insufficient to allow it to conduct this essential part of the analysis.

#### **IV. SERVICE.**

Pursuant to 10 C.F.R. § 590.303(d), Movants identify the following persons for the official service list:

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#### **CONCLUSION**

For the reasons explained above, FISH, For a Better Bayou, Healthy Gulf, and The Vessel Project of Louisiana respectfully request that DOE grant their motion to intervene in the proceedings on the Commonwealth LNG Project.

Respectfully submitted,

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<sup>37</sup> *Id.*

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**UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT**

<b>In the matter of</b>	)	
	)	
<b>Commonwealth LNG, LLC</b>	)	<b>Docket No. 19-134-LNG</b>
	)	
	)	

**FISHERMEN INVOLVED IN SUSTAINING OUR HERITAGE (FISH), FOR A BETTER BAYOU, HEALTHY GULF, AND THE VESSEL PROJECT OF LOUISIANA  
CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b), I, Moneen Nasmith, hereby certify that I am a duly authorized representative of Fishermen Involved in Sustaining Our Heritage (FISH), For a Better Bayou, Healthy Gulf, and The Vessel Project of Louisiana, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Fishermen Involved in Sustaining Our Heritage (FISH), For a Better Bayou, Healthy Gulf, and The Vessel Project of Louisiana, the foregoing documents in the above captioned proceeding.

Executed at New York, New York on December 3, 2024

/s/ Moneen Nasmith  
Moneen Nasmith  
Earthjustice  
48 Wall Street, 15<sup>th</sup> Floor  
New York, NY 10005  
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**UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT**

**In the matter of** )  
 )  
**Commonwealth LNG, LLC** ) **Docket No. 19-134-LNG**  
 )  
 )

**FISHERMEN INVOLVED IN SUSTAINING OUR HERITAGE (FISH), FOR A BETTER  
BAYOU, HEALTHY GULF, AND THE VESSEL PROJECT OF LOUISIANA  
VERIFICATION**

Pursuant to 10 C.F.R. § 590.103(b), I, Moneen Nasmith, 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 New York, New York on December 3, 2024

/s/ Moneen Nasmith  
Moneen Nasmith  
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**UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT**

**In the matter of** )  
 )  
**Commonwealth LNG, LLC** ) **Docket No. 19-134-LNG**  
 )  
 )

**CERTIFICATE OF SERVICE**

Pursuant to 10 C.F.R. § 590.107, I, Moneen Nasmith, hereby certify that on December 3, 2024, I caused the foregoing motion to intervene to be served on the persons included on the official service list for this docket.

Execute at New York, New York on December 3, 2024

/s/ Moneen Nasmith  
Moneen Nasmith  
Earthjustice  
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New York, NY 10005  
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