

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Sabine Pass LNG, L.P.

Docket No. CP19-11-000

(Issued February 20, 2020)

McNAMEE, Commissioner, *concurring*:

1. Today's order issues a section 3 authorization to Sabine Pass LNG, L.P. (Sabine Pass) to site, construct, and operate its Third Berth Expansion Project (Project) at its existing Sabine Pass LNG Terminal in Cameron Parish, Louisiana.<sup>1</sup>

2. I fully support the order as it complies with the Commission's statutory responsibilities under the Natural Gas Act and the National Environmental Policy Act. The order determines that the siting, construction, and operation of Sabine Pass's proposed third marine berth is not inconsistent with the public interest.<sup>2</sup> The order also finds that the Project will not significantly affect the quality of the human environment.<sup>3</sup> Further, consistent with the holding in *Sierra Club v. FERC (Sabal Trail)*,<sup>4</sup> the order and the Environmental Assessment (EA) for the Project quantified and considered greenhouse gases (GHGs) emitted during the construction and operation of the Project, including the emissions from the additional LNG carriers serving the LNG Terminal.<sup>5</sup>

3. I write separately to respond to my colleague's argument that the Commission should have determined whether the GHGs emitted during the construction and operation of the Project are "significant" using the Social Cost of Carbon or by establishing its own framework. In my concurrence in *Adelphia*, I explain why the Social Cost of Carbon is not a useful tool to determine whether the GHG emissions are "significant" and the Commission has no authority or reasoned basis to make a determination of significance

---

<sup>1</sup> 170 FERC ¶ 61,145 (2020).

<sup>2</sup> *Id.* PP 10-12.

<sup>3</sup> *Id.* P 64.

<sup>4</sup> 867 F.3d 1357 (D.C. Cir. 2017).

<sup>5</sup> 170 FERC ¶ 61,145 at PP 62-63; EA at 110, 112.

(continued ...)

using its own expertise.<sup>6</sup> Further, it is not appropriate for the Commission to establish out of whole cloth a GHG emission mitigation program, particularly when Congress has introduced and failed to pass 70 legislative bills to reduce GHG emissions over the last 15 years.<sup>7</sup> As I explain in *Adelphia*, Congress delegated the Administrator of the U.S. Environmental Protection Agency the exclusive authority to establish standards of performance for air pollutants, including GHGs.<sup>8</sup> For logistical reasons and administrative efficiency, I hereby incorporate my analysis in *Adelphia* by reference and am not reprinting the full text of my analysis here.<sup>9</sup>

For the reasons discussed above and incorporated by reference herein, I respectfully concur.

---

Bernard L. McNamee  
Commissioner

---

<sup>6</sup> McNamee *Adelphia* Concurrence PP 62-73.

<sup>7</sup> *Id.* PP 52-61.

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

<sup>9</sup> *Id.* PP 52-73.