

Energy by claiming a B5.7 Categorical Exclusion<sup>4</sup> that the Facility was not eligible to claim. The Building Permit for the Facility was waived. In response to a FOIA request, the Pipeline and Hazardous Materials Safety Administration (PHMSA) has advised that there are no models, documents or communications on file anywhere that demonstrate that this Facility has complied with the *Federal Safety Standards for LNG Facilities* and, in particular, CFR Title 49, Part 193.2057 and 193.2059.

Commission jurisdiction over the Facility would be in accordance with Section 3 of the Natural Gas Act that states, “no person shall export any natural gas from the United States to a foreign country or import any natural gas from a foreign country without first having secured an order of the Commission authorizing it to do so.” In the event no such *Petition for Declaratory Order* exists, please furnish a copy of the Commission’s issuance of an order directing New Fortress Energy to “show cause” as to why their New Fortress Energy Miami LNG export facility is not subject to the Commission’s jurisdiction under Section 3 of the NGA. WWALS also requests copies of any response by FERC to such that petition, of any responses by NFE or the state of Florida to that SHOW CAUSE, and any records of any meetings between FERC and NFE about that Miami facility.

Thank you for your consideration.

For the rivers and the aquifer,

John S. Quarterman  
Suwannee RIVERKEEPER®  
/s  
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<sup>4</sup> “Categorical Exclusion Determinations: B5.7,” Department of Energy Office of NEPA Policy and Compliance, <https://www.energy.gov/nepa/categorical-exclusion-determinations-b57>