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WWALS is an IRS 501(c)(3) nonprofit charity est. June 2012

WWALS Watershed Coalition advocates for conservation and stewardship of the Withlacoochee, Willacoochee, Alapaha, Little, Santa Fe, and Suwannee River watersheds in south Georgia and north Florida through education, awareness, environmental monitoring, and citizen activities.

Suwannee RIVERKEEPER® is a program and a paid staff position of WWALS.



July 30, 2021

To: Chairman Richard Glick
richard.glick@ferc.gov
Enforcement, Jeffrey Phillips
Jeffrey.Phillips@ferc.gov
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Cc: Ms. Kimberly D. Bose, Secretary
kimberly.bose@ferc.gov
Mr. Nathaniel J. Davis, Sr., Deputy Secretary
nathaniel.davis@ferc.gov
Toyia Johnson, FERC FOIA Public Liaison
foia-ceii@ferc.gov

Re: **Need Show Cause for NFE Miami LNG; see FOIA No. FY21-04, plus Strom LNG, etc.**

Dear Chairman Glick and Enforcement Officer Phillips,

FERC has set a precedent with its March 19, 2021, Order on Show Cause, *174 FERC ¶ 61,207*.
<https://www.ferc.gov/sites/default/files/2021-03/C-2-CP20-466-000.pdf>

“For the reasons discussed below, we find that the LNG handling facility is subject to the Commission’s jurisdiction under NGA section 3 and direct New Fortress Energy to file an application for authorization to operate the facility within 180 days of this order.”

Filing Petitions for Declaratory Order with FERC should be mandatory. FERC serves as the lead agency via MOUs and Interagency Agreements with other federal agencies. Without FERC, developers are ignoring compliance with the Federal Safety Standards for LNG Facilities (CFR Title 49, Subpart B, Part 193) and NEPA. Further, the U. S. Department of Energy through its Office of Fossil Energy (FE) is usurping FERC's authority by accepting claims from developers that their LNG export projects are not FERC-jurisdictional.

In addition to the New Fortress Energy (NFE) Miami LNG export facility, subject of our FOIA No. FY21-04, we know of four LNG facilities that have bypassed FERC: at least four more in Florida, as well as in Georgia, Alabama, and Tennessee.

1. New Fortress Energy, Miami, Florida; see FERC FOIA FY21-04.
2. New Fortress Energy, Titusville, FL.
3. Strom, Inc., Crystal River, Florida.
4. Eagle Maxville LNG, Jacksonville, FLorida.
5. JAX LNG, Jacksonville, Florida, of Pivotal LNG, Georgia, Alabama, Tennessee.

Pivotal LNG filed a Petition for Declaratory Order in 2015, which FERC approved, setting the previous precedent for FERC not overseeing inland LNG facilities, which curiously seems to have extended to Pivotal’s later installation of JAX LNG on an inlet of the St. Johns River. Chairman Glick has mentioned that FERC might decide to revisit that 2015 decision. That would be a more general solution, and easier for FERC to implement.

Below we provide a bit more detail on each of the above-listed inland LNG facilities.

Thank you for your consideration,

John S. Quarterman
Suwannee RIVERKEEPER®

/s/

WWALS Watershed Coalition, Inc.

Appendices: More detail on the above-listed inland LNG facilities