

## II. Need for Regulation by FERC

**Eagle LNG comment, second paragraph:** “Nor have Petitioners established that there is a need for regulation of such facilities that could or should lead the Commission to assert jurisdiction it has consistently disclaimed.”

**RESPONSE:** FERC disclaimed jurisdiction over small-scale inland LNG facilities without a formal Rulemaking delegating their responsibilities under the National Environmental Policy Act (NEPA) to another federal agency. State and local agencies do not enforce federal regulations for the production, storage and maintenance of LNG facilities in the state of Florida.

Companies are skirting review under the National Environmental Policy Act (“NEPA”) by making false comparisons with other proposed or existing LNG export operations, and the public is barred from participating in the approval process for small-scale inland LNG export projects.

According to the Council on Environmental Quality (CEQ), “42 U.S.C. 4331(a). Section 102 of NEPA establishes procedural requirements, applying that national policy to proposals for major Federal actions significantly affecting the quality of the human environment by requiring Federal agencies to prepare a detailed statement on: (1) the environmental impact of the proposed action; (2) any adverse effects that cannot be avoided; (3) alternatives to the proposed action; (4) the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity; and (5) any irreversible and irretrievable commitments of resources that would be involved in the proposed action. 42 U.S.C. 4332(2)(C).”<sup>6</sup>

“NEPA ensures agencies consider the significant environmental consequences of their proposed actions and inform the public about their decision making.”<sup>7</sup>

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<sup>6</sup> NEPA.Gov - National Environmental Policy Act, Council on Environmental Quality (CEQ), accessed October 3, 2022 <https://ceq.doe.gov/>

<sup>7</sup> *Ibid.*