

CASE IN POINT (#2): Carib Energy, Martin County, Florida, September 10, 2014

When Carib Energy (“Carib”) proposed to export LNG from the Floridian Natural Gas Storage facility that had already undergone FERC NEPA review, the U. S. Department of Energy saw no reason for additional NEPA review on the same site. So the DoE Order Granting Export Authorization to Carib Energy from the Floridian Facility in Martin County, Florida,¹⁰ included appropriate issuance of a B5.7 Categorical Exclusion from NEPA review.

“Additionally, as discussed in Section IV.F of this Order, Carib’s exports from the Floridian Facility authorized in this Order fall within the scope of a categorical exclusion from the preparation of an environmental impact statement (EIS) or environmental assessment (EA) under the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4347 (2000). Consequently, the authorization issued by this Order will not be conditioned on further environmental analysis or review”

“The Department’s regulations at 10 C.F.R. Part 1021, Subpart D, Appendix B5, lists categorical exclusions from NEPA review. Item B5.7 provides a categorical exclusion where approvals or disapprovals of authorizations to import or export natural gas under NGA section 3 involve minor operational changes but not new construction. Carib’s proposed exports from the Floridian Facility fall within the scope of the B5.7 categorical exclusion because the contemplated construction and operations reviewed by FERC will not be changed due to action on Carib’s application. Accordingly, on May 30, 2014, DOE/FE issued a Categorical Exclusion Determination applying a categorical exclusion under NEPA for the current Application.”¹¹

¹⁰ FINAL ORDER GRANTING LONG-TERM MULTI-CONTRACT AUTHORIZATION TO EXPORT LIQUEFIED NATURAL GAS IN ISO CONTAINERS BY VESSEL TO NON-FREE TRADE AGREEMENT NATIONS IN CENTRAL AMERICA, SOUTH AMERICA, OR THE CARIBBEAN - FE DOCKET NO. 11-141-LNG - DOE/FE ORDER NO. 3487 - SEPTEMBER 10, 2014 <https://www.energy.gov/sites/default/files/2014/09/f18/Carib%20ORDER.pdf>

¹¹ *Ibid.*