

“American LNG is controlled by Fortress Equity Partners (A) LP and is sponsored by entities related to Fortress Investment Group LLC (Fortress), a diversified global investment management firm. American LNG states that the Hialeah Facility has been constructed, and will be owned and operated, by its corporate affiliate, LNG Holdings (Florida) LLC (LNG Holdings). LNG Holdings is also controlled by Fortress Equity Partners (A) LP. American LNG states that LNG Holdings secured an approximately 13-acre site (Site) for the Hialeah Facility, located on the northern portion of the approximately 242-acre parcel known as the Hialeah Rail Yard. The Hialeah Rail Yard, in turn, is leased primarily to the Florida East Coast Railway.”<sup>14</sup>

“F. Environmental Review Citing DOE/FE’s actions in Carib, DOE/FE Order No. 3487,46 American LNG asserts that DOE/FE does not need to conduct an environmental review of the Hialeah Facility because it is subject to a categorical exclusion from the requirements of NEPA—specifically, categorical exclusion B5.7 (10 C.F.R. Part 1021, Subpart D, Appendix B5). According to American LNG, categorical exclusion B5.7 applies, in relevant part, to authorizations to import or export natural gas under NGA section 3 that involve minor operational changes but not new construction. American LNG provides several arguments in support of this position, including that: (i) construction of the Hialeah Facility is nearly complete and (as of the July 6, 2015 Status Update Letter) all necessary equipment to conduct plant operations has been delivered and installed; (ii) construction and operation of the Hialeah Facility will occur without regard to DOE/FE’s decision on the Application because American LNG has an obligation to supply LNG to the Florida East Coast Railway; and (iii) any exports from the Hialeah Facility will be through ports that do not require modification to accommodate the ISO containers, whether the end user is located in the United States, a FTA country, or a non-FTA country.”<sup>15</sup>

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<sup>14</sup> Ibid.

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