

See subsection “B” below for a complaint that was filed with the Office of Inspector General at the U. S. Department of Energy, questioning the eligibility of a small-scale inland LNG export facility to claim a B5.7 Categorical Exclusion from NEPA review by the DOE. Below are copies of email exchanges with: (A) NEPA QUESTION: Council on Environmental Quality; (B) NEPA COMPLAINT: Steven Henderson, Investigative Analyst, DOE-OIG; and (C) transcript of a telephone message received from John Anderson, Director, DOE/FE. We understand Mr. Henderson forwarded the Complaint to the Department of Energy.

A. Email to CEQ questioning B5.7 Categorical Exclusion from NEPA review by U.S. DoE

On February 19, 2018, Cecile Scofield sent an email (see [Exhibit D](#)) to the Council on Environmental Quality (CEQ) questioning B5.7 Categorical Exclusion from NEPA review by the U. S. Department of Energy for an LNG export facility that was “new construction.”

“NEPA established CEQ within the Executive Office of the President to ensure that Federal agencies meet their obligations under NEPA. CEQ oversees NEPA implementation, principally through issuing guidance and interpreting regulations that implement NEPA's procedural requirements. CEQ also reviews and approves Federal agency NEPA procedures, approves alternative arrangements for compliance with NEPA for emergencies, and helps to resolve disputes between Federal agencies and with other governmental entities and members of the public.”²⁰

B. Complaint filed with U.S. DoE about Categorical Exclusion from NEPA

Cecile Scofield filed a complaint with Steven Henderson, Investigative Analyst, Office of Inspector General, U. S. Department of Energy, for a company that claimed Categorical Exclusion from NEPA review by the DOE. See [Exhibit E](#) for the complaint and related email exchanges.

²⁰ NEPA.GOV - NATIONAL ENVIRONMENTAL POLICY ACT - The Council on Environmental Quality, accessed October 3, 2022 <https://ceq.doe.gov/>