

C. DoE FE Voicemail about NEPA Categorical Exclusion for “Hialeah Yard” facility.

John Anderson, Director, DOE/FE, left voicemail for Cecile Scofield on December 18, 2015, concerning Categorical Exclusion from NEPA review claimed by the “Hialeah Yard” facility. The facility is actually the American LNG export operation located at 6800 NW 72nd St., Miami, Florida. That facility has since been owned by New Fortress Energy (“NFE”), and now by Softbank of Japan. A transcript of that voicemail is in [Exhibit F](#).

That voicemail says that in the absence of FERC oversight, PHMSA does look at NEPA, but the only example it gives is for “a facility that is subject of an Export Application and that is already existing, and there is only an operational change, is entitled to a Categorical Exclusion Determination from the preparation of an environmental impact statement or environmental assessment.”

Thus LNG permit applicants have incentive to cite cases such as Carib, which got such a Categorical Exclusion because it was sourcing LNG from pre-existing Floridian. But new facilities should not get such Exclusions, and without FERC, there appears to be no NEPA oversight for new small, inland LNG facilities.

BACKGROUND: Cecile Scofield contacted FERC on June 1, 2015, looking for Draft Environmental Impact Statements for two LNG export projects: one for TICO Development Partners, LLC (Titusville), and the other, LNG Holdings (Florida), LLC. Both TICO and American LNG Marketing/LNG Holdings (“Hialeah”), had been authorized by the DOE to export LNG, and both are affiliates of New Fortress Energy. There were no FERC Dockets for these LNG operations. In a telephone conversation on June 16, 2015, FERC Attorney Vivian Chum advised Ms. Scofield that FERC had “pulled back jurisdiction for inland LNG facilities about a year ago” and that FERC was “only regulating import/export facilities involving tankers/ships.”