

Exhibit E: Complaint filed with U.S. DoE about Categorical Exclusion from NEPA

Exhibit E.1 is the complaint, and Exhibit D.2 is email evidence that CEQ got it and discussed it.

Exhibit E.1: Complaint to DoE by Cecile Scofield to Steven Henderson, March 27, 2018

From: CECILE T SCOFIELD <dawson.chris@comcast.net>

3/27/2018 12:23 AM

To: [Steven Henderson](#)

Sent to CEQ (NEPA) 2/19/18

The United States Department of Energy authorizes Liquefied Natural Gas exports. LNG facilities can claim Categorical Exclusion from NEPA review by the DOE, such as B5.7:

B5.7: Import or export natural gas, with operational changes

Approvals or disapprovals of new authorizations or amendments of existing authorizations to import or export natural gas under section 3 of the Natural Gas Act that involve minor operational changes (such as changes in natural gas throughput, transportation, and storage operations) but not new construction.

QUESTION: In their application to the DOE for authorization to export LNG, the company claimed a B5.7 Categorical Exclusion from NEPA, while clearly stating they were in the process of constructing the facility (that was not a “minor operational change”). The LNG production, storage and transport facility is, in fact, a new facility. The DOE did not perform a NEPA review for the project, and the public was excluded from the approval process for this LNG export facility.

What is the recourse for the people who live in the neighborhood where this facility was sited, constructed and is operating on a 12-acre site in a densely populated area, producing and exporting millions of gallons of LNG?

1. Lawsuits – Enforcement of the NEPA process is by a citizen suit provision meaning anyone can bring a lawsuit against the responsible Federal agency for violation of NEPA. If the federal agency does not properly follow the process of analysis, documentation, disclosure, and consideration in decision making the agency is vulnerable to a lawsuit which begins with an injunction requiring immediate stoppage of work and may take considerable time, effort and cost in attorney fees and court costs to resolve.

2. Environmental Assessment/Finding of No Significant Impact

3. A federal agency can determine that a Categorical Exclusion (CATEX) does not apply to a proposed action. The federal agency may then prepare an Environmental Assessment (EA). The EA determines whether or not a federal action has the potential to cause significant environmental effects. Each federal agency has adopted its own NEPA procedures for the preparation of EAs. See NEPA procedures adopted by each federal agency.

Generally, the EA includes a brief discussion of:

- The need for the proposal