

U.S. Department of Energy
Categorical Exclusion Determination
Office of Fossil Energy and Carbon Management



OTTER INDUSTRIES, LLC.
DOCKET NO. 22-123-LNG

PROPOSED ACTION DESCRIPTION: Otter Industries, LLC. (Otter) filed an application (Application) with the Office of Fossil Energy and Carbon Management (FECM) on September 15, 2022, as supplemented, pursuant to section 3 of the Natural Gas Act (NGA)¹ and 10 CFR Part 590 of the Department of Energy's (DOE) regulations.

In relevant part, Otter states that its proposed exports qualify as "small-scale natural gas exports" under DOE's regulations at 10 CFR §§ 590.102(p) and 590.208(a). Specifically, Otter seeks long-term authorization to export domestically produced liquefied natural gas (LNG) in a volume equivalent to 51.75 billion cubic feet per year (Bcf/yr) of natural gas (0.14 Bcf per day). Otter requests that the export term commence on the date that the requested authorization is granted and extend through December 31, 2050. Otter seeks authority to export the LNG to any country with which the United States does not have a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries).²

Otter intends to purchase LNG from any of the 36 existing facilities identified in the updated Appendix C provided in the Supplement to the Application. Otter seeks to export the LNG by smaller LNG carriers and in approved IMO7/TVAC-ASME LNG (ISO) containers on vessels.

DOE's proposed action is to authorize the exports described in the Application, as supplemented, as small-scale natural gas exports.

CATEGORICAL EXCLUSION APPLIED: B5.7 - Export of natural gas and associated transportation by marine vessel

For the complete DOE National Environmental Policy Act regulations regarding categorical exclusions, including the full text of each categorical exclusion, see Subpart D of 10 CFR Part 1021.

Regulatory Requirements in 10 CFR 1021.410(b): (See full text in regulation)

] The proposal fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D.

] There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal.

] The proposal has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to other actions with potentially significant impacts (40 CFR 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211 concerning limitations on actions during preparation of an environmental impact statement.

Based on my review of the proposed action, as NEPA Compliance Officer, I have determined that the proposed action fits within the specified class(es) of action, the other regulatory requirements set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

Signature: James J. Ward
Digitally signed by James J. Ward
Date: 2022.12.06 10:28:39 -05'00'

Date Determined: 12/6/2022

James Ward, NEPA Compliance Officer, Office of Fossil Energy and Carbon Management

¹ 15 U.S.C. § 717b.

² In the Application, Otter also requests authorization to export LNG in the same volume to FTA countries under NGA section 3(c), 15 USC § 717b(c), on a non-additive basis. That request is not subject to this categorical exclusion determination.