

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



MKVH ADVISORS, INC.
DOCKET NO. 22-69-LNG

PROPOSED ACTION DESCRIPTION: MKVH Advisors, Inc. (MKVH Advisors) filed an application (Application) with the Office of Fossil Energy and Carbon Management (FECM) on July 11, 2022, 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, MKVH Advisors 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, MKVH Advisors seeks a long-term authorization (with consolidated short-term authority) 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), with the long-term authorization extending through December 31, 2050. MKVH Advisors requests 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), that currently has or in the future develops the capacity to import LNG.²

MKVH Advisors intends primarily to purchase the LNG from small-scale liquefaction and peaking facilities in the United States and load it into approved conventional International Organization for Standardization (ISO) containers. The ISO containers will be transported by truck to standard commercial ports, where they will be loaded onto ocean-going vessels for export. In Appendix C to the Application,³ MKVH Advisors identifies 15 facilities from which it may seek to purchase LNG for export.

DOE’s proposed action is to authorize the exports described in the Application 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.

To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B(4) of 10 CFR Part 1021, Subpart D, Appendix B; or (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

¹ 15 U.S.C. § 717b.

² In the Application, MKVH Advisors also requests a consolidated long-term and short-term authorization to export LNG to FTA countries under NGA section 3(c), 15 USC § 717b(c). That request is not subject to this categorical exclusion determination.

³ Appendix C Liquefaction Facilities and Ports. MKVH Advisors filed Appendix C to its Application on July 26, 2022. Appendix C Liquefaction Facilities and Ports. Appendix C appears in “Supplemental Information to Application

[✓] 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: 2022.09.09 14:29:03 -04'00'

Date Determined: 9/9/2022

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