

**U.S. Department of Energy**  
**Categorical Exclusion Determination Form**  
**Office of Fossil Energy**



**American LNG Marketing LLC**  
**FE DOCKET NO. 14-209-LNG**

**PROPOSED ACTION DESCRIPTION:** American LNG Marketing LLC (American LNG), a Delaware limited liability company with its primary place of business in New York, New York, filed an application with the Office of Fossil Energy (FE) on December 31, 2014, seeking authorization to export domestically produced liquefied natural gas (LNG) in a volume up to 3.02 billion cubic feet per year (Bcf/yr) of natural gas (0.008 Bcf/day) for a 20-year term. American LNG seeks to export the LNG from a natural gas liquefaction facility located near Medley, Florida (Hialeah Facility or Facility). The proposed exports of LNG will be loaded at the Hialeah Facility into approved ISO IM07/TVAC ASME LNG (ISO) containers (truck or rail mounted), then transported to and loaded onto container ships or roll-on/roll-off ocean-going carriers for export at the nearby Port of Miami or other ports in Florida capable of handling ISO containers without modification. The application was submitted pursuant to section 3 of the Natural Gas Act (NGA) and 10 CFR Part 590 of the Department of Energy's (DOE) regulations. The portion of the application that seeks to export LNG to any country with which the United States does not currently 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), will be reviewed pursuant to section 3(a) of the NGA. No additional facilities or modification to any existing facilities at the Hialeah Facility are required in order for American LNG to export LNG from the Facility. DOE/FE's proposed action is to authorize the exports described in American LNG's December 31<sup>st</sup> application if DOE/FE determines that such exports are not inconsistent with the public interest.

American LNG expects commercial operations at the Hialeah Facility to begin in August 2015.<sup>1</sup> As of July 6, 2015, all underground, subsurface, and foundation work at the Hialeah Facility was finished. All equipment necessary to conduct plant operations at the facility has been manufactured, delivered, and put in place. Only above-ground piping and electrical connections between the facility's modular skids remain to be installed.<sup>2</sup> In its application, American LNG states that it has executed an agreement with a domestic customer for a material portion of the Hialeah Facility's output, and that the Hialeah Facility has secured agreements from financing sources for the funds necessary to construct and operate the Facility. American LNG states those financing agreements are not conditioned on DOE/FE's authorization to export the LNG. American LNG also states that the Hialeah Facility would be the same whether the end user is located in the United States or in a non-FTA country. Therefore, no additional construction or modification to the Hialeah Facility is required to export LNG to non-FTA countries. In addition, the ISO containers will be transported via truck or rail to ocean-going vessels for export at the Port of Miami or other ports in Florida capable of handling the ISO containers without modification (i.e. Port Everglades, Port Canaveral, Port of Palm Beach, and Port of Jacksonville).

The Department's regulations at 10 CFR Part 1021, Subpart D, Appendix B5, provide a list of categorical exclusions from preparation of either an Environmental Impact Statement or an Environmental Assessment under the National Environmental Policy Act (NEPA) by DOE. Specifically, categorical exclusion B5.7 provides a categorical exclusion where approvals or disapprovals of authorizations to import or export natural gas under NGA section 3 involve minor operational changes but not new construction. American LNG's proposed exports from the Hialeah Facility fall within the scope of the B5.7 categorical exclusion because the facility and its operations will not be changed due to DOE/FE's action on American LNG's non-FTA application. Accordingly, DOE/FE will apply a categorical exclusion under NEPA for the non-FTA portion of the Application and make final findings on all issues related to the Application in the final order.

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<sup>1</sup> American LNG Marketing LLC, Answer and Request for Expedited Approval, FE Docket No. 14-209-LNG, at 9 (June 3, 2015).

<sup>2</sup> American LNG Marketing LLC, Status Update, FE Docket No. 14-209-LNG, at 2, n.2 (July 6, 2015).

**CATEGORICAL EXCLUSION APPLIED: B5.7 - Import or export natural gas, with operational changes**

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; (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.

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 (as authorized under DOE Order 451.1B), 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: Mark J. Matarrese

Date Determined: 7/30/15

Mark J. Matarrese, NEPA Compliance Officer, Office of Fossil Energy