



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

**Floridian Natural Gas Storage Company, LLC  
FE DOCKET NO. 15-38-LNG**

**PROPOSED ACTION DESCRIPTION:** Floridian Natural Gas Storage Company, LLC (Floridian), a Delaware limited liability company with its primary place of business in Houston, Texas, filed an application (Application) with the Department of Energy's Office of Fossil Energy (DOE/FE) in FE Docket No. 15-38-LNG on February 24, 2015. The Application requested long-term, multi-contract authorization to export liquefied natural gas (LNG) produced from a liquefaction and storage facility that Floridian intends to construct and operate in Martin County, Florida (Facility). Floridian requested authority to export the LNG to (i) any country with which the United States currently has, or in the future will 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 (FTA countries); and (ii) any other country with which trade is not prohibited by U.S. law or policy (non-FTA countries).

The Application was submitted pursuant to section 3 of the Natural Gas Act (NGA) and 10 CFR Part 590 of DOE's regulations. Because exports of natural gas, including LNG, to FTA countries are deemed in the public interest pursuant to NGA section 3(c), 15 USC § 717b(c), DOE authorized those exports in DOE/FE Order No. 3691 (July 31, 2015). Consequently, DOE's proposed action in the pending proceeding is to authorize the proposed exports to non-FTA countries if DOE determines that the exports have not been shown to be inconsistent with the public interest, as required by NGA section 3(a), 15 USC § 717b(a).

In DOE/FE Order No. 3487 (Sept. 10, 2014), DOE/FE authorized Carib Energy (USA) LLC (Carib) to export LNG to non-FTA countries up to the equivalent of 14.6 billion cubic feet per year (Bcf/yr) of natural gas from the Facility. Floridian's Application seeks authorization to export any portion of the 14.6 Bcf/yr not contracted to Carib. Because the export authorization requested by Floridian will be reduced by the portion of the total 14.6 Bcf/yr contracted to Carib, approval of the Application will not increase the total volumes of natural gas that DOE/FE has previously approved for export from the Facility.


The Federal Energy Regulatory Commission (FERC) has completed an environmental review of the Facility that satisfies the requirements of the National Environmental Policy Act (NEPA) pursuant to an application for a certificate of public convenience and necessity under section 7 of the NGA, 15 USC 717f. FERC's environmental review of the Floridian Facility included both an Environmental Impact Statement (EIS) and two Environmental Assessments (EAs). The EIS addressed the construction and operation of the Facility, including its operation as a natural gas liquefaction and storage facility. The EAs addressed construction and operation of the Facility at a smaller scale, as well as trucking operations associated with the Facility. These environmental review documents addressed all of the reasonably foreseeable activities likely to arise from Floridian's proposed use of the Floridian facility under section 7 of the NGA in the FERC application, in addition to use of the Floridian facility under section 3 of the NGA for exports of LNG in the current DOE/FE Application. While the construction and commencement of operations of the Floridian Facility has not yet occurred, because approval of the Application will not increase the total export volume approved by FE for the Facility, no further construction or change in operations beyond those addressed in the FERC EIS and EAs is necessary for the proposed export.

The Department's regulations at 10 CFR Part 1021, Subpart D, Appendix B5, provides a list of categorical exclusions from preparation of either an EIS or an EA under 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. Floridian's proposed exports from the Facility fall within the scope of the B5.7 categorical exclusion because the contemplated construction and operations reviewed by FERC will not be changed due to action on Floridian's application. Accordingly, DOE/FE will apply a categorical exclusion under NEPA for the current Application, and this Order, therefore, makes final findings on all issues related to the Application.


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


For the complete DOE NEPA 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.

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: 12/3/15

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