

Attachments: Croley Letter_11 JAN 2017.pdf; FINAL__SeaOne Follow-up to Assistant Secretary Smith 08 JAN 2017.pdf; Briefing Note - SIDS DOCK-SeaOne CGL Caribbean Regional Project fnl.docx

Importance: High

From: Sharp, John [<mailto:john.sharp@squirepb.com>]

Sent: Friday, January 13, 2017 3:40 PM

To: Fygi, Eric <Eric.Fygi@hq.doe.gov>; Lucas, John T. <John.T.Lucas@hq.doe.gov>

Cc: Keokuk, Therese <Therese.Keokuk@hq.doe.gov>; Dickerson, Katharine <Katharine.Dickerson@hq.doe.gov>; gordona123@earthlink.com

Subject: Meeting Request for SeaOne Gulfport, LLC

Importance: High

Gentlemen, attached please find a meeting request that was submitted to Steven Croley this past Wednesday, January 11. We understand that Mr. Croley has now departed, and that this issue should be brought to your attention.

As described in the attached briefing note, the delivery of Compressed Gas Liquid to the Caribbean region is a matter of considerable urgency. Therefore, there is an immediate need to get clear and correct legal instructions to DOE/FE staff regarding the issuance of the authorization discussed in the letter to Mr. Croley.

We respectfully request a meeting with you within the next few days to discuss this matter, and thank you in advance for your consideration of our request.

v/r, John R. Sharp
LTC USA, Ret.

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#US

January 11, 2017

VIA E-MAIL

Mr. Steven Croley
General Counsel
Office of the General Counsel
1000 Independence Ave., SW
Washington, DC, 20585

Re: DOE/FE Docket No. 16-22-CGL

Dear Mr. Croley:

It is our understanding, based on the report of a meeting between DOE staff and House and Senate Energy Committee staff on January 9, 2017, that confusion still exists regarding the need for requirement for NEPA review prior to the DOE/FE's issuance of the export authorization requested in the subject docket, 16-22-CGL.

As outlined in the attached note to Assistant Secretary Smith, dated January 8, 2017, we believe that the Assistant Secretary for Fossil Energy has received erroneous legal advice from his staff, and that DOE/FE has therefore failed to issue an order that they are legally obligated to issue. In brief, the Department must approve SeaOne Gulfport's ("SeaOne") request upon application unless, after an opportunity for a public hearing, DOE/FE determines that such grant will be inconsistent with the public interest. There has been no finding that SeaOne's application is inconsistent with the public interest, no hearing was proposed or conducted, and nothing in the record, which has been closed for over six months, supports such a conclusion.

In any event, the question of NEPA review, which according to DOE's NEPA implementing regulations should have been raised immediately after SeaOne's September 15, 2015 application, is moot. The requested order, a nondiscretionary act by DOE/FE, is not an "action" under DOE NEPA implementing regulations. Even if NEPA review were required, the requested authorization, which does not involve additional quantities of natural gas beyond those already authorized, and which does not trigger any additional construction or alteration of SeaOne's Gulfport Facility, would qualify for a categorical exclusion.

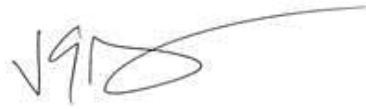
We feel that it is imperative that SeaOne's long-delayed authorization be issued before the change of administrations in order to avoid significant, unwarranted, additional delays. We therefore urgently request a meeting with you to resolve this issue.

Thank you in advance for your consideration of this matter.

Sincerely,

Handwritten signature of John R. Sharp in cursive script.

John R. Sharp
Senior Attorney

Handwritten signature of J. Gordon Arbuckle in cursive script.

J. Gordon Arbuckle
Counsel to SeaOne