



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

**Sabine Pass Liquefaction, LLC  
FE DOCKET NO. 15-171-LNG**

**PROPOSED ACTION DESCRIPTION:** Sabine Pass Liquefaction, LLC (Sabine Pass), a limited liability company organized under the laws of Delaware, filed an application (Application) with the Office of Fossil Energy (FE), Department of Energy (DOE), on November 6, 2015, seeking authorization to export domestically produced liquefied natural gas (LNG) in a volume up to the equivalent of 600 billion cubic feet (Bcf) of natural gas for a term of two years, (0.82 Bcf/d) to any country: that has or will develop the capacity to import LNG delivered by ocean-going carrier, and with which trade is not prohibited by U.S. law or policy. The proposed exports would occur from the Sabine Pass LNG Terminal (Sabine Pass Terminal) in Cameron Parish, Louisiana. The Sabine Pass Terminal originally was constructed for the purpose of receiving and re-gasifying imports of LNG but, pursuant to authority issued by the Federal Energy Regulatory Commission (FERC), Sabine Pass is constructing and developing natural gas processing and liquefaction facilities (Sabine Pass Project)<sup>1</sup> to receive and liquefy domestic natural gas at the Sabine Pass Terminal for export from the United States.

This Application was submitted pursuant to section 3 of the Natural Gas Act (NGA) and 10 CFR Part 590 of DOE's regulations. DOE/FE's proposed action is to authorize the exports described in the Application if DOE/FE determines that such exports are not inconsistent with the public interest.

To date, DOE/FE has issued three final orders under NGA Section 3 authorizing Sabine Pass to export LNG from Stages 1 and 2 of the Sabine Pass Project pursuant to long-term contracts.<sup>2</sup> In this regard, Sabine Pass is currently authorized to export up to the equivalent of 803 Bcf/yr (2.2 Bcf/d) of natural gas, for a twenty-year term, pursuant to long-term contracts, to countries with which the United States does not have a free trade agreement (FTA) that requires national treatment for trade in natural gas

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<sup>1</sup> The Sabine Pass Project is being developed by Sabine Pass and its affiliate, Sabine Pass LNG, L.P., at the existing Sabine Pass Terminal. FERC authorized the construction and operation of Stages 1 and 2 of the Sabine Pass Project consisting of four LNG production trains (*i.e.*, Trains 1, 2, 3 and 4). *See Sabine Pass Liquefaction, LLC & Sabine Pass LNG, L.P.*, 139 FERC ¶ 61,039 (2012), *reh'g & stay denied*, 140 FERC ¶ 61,076 (2012); *Sabine Pass Liquefaction, LLC & Sabine Pass LNG, L.P., Order Amending Section 3 Authorization*, 144 FERC ¶ 61,099 (2013); *Sabine Pass Liquefaction, LLC & Sabine Pass LNG, L.P., Order Amending Section 3 Authorization*, 146 FERC ¶ 61,117 (2014), *reh'g denied*, 148 FERC ¶ 61,200 (2014) [collectively, hereinafter *FERC Liquefaction Project Orders*].

<sup>2</sup> *Sabine Pass Liquefaction, LLC, Order Granting Long-Term Authorization to Export Liquefied Natural Gas from Sabine Pass LNG Terminal to Free Trade Nations*, DOE/FE Order No. 2833, FE Docket No. 10-85-LNG (Sept. 7, 2010); *Sabine Pass Liquefaction, LLC, Final Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas from Sabine Pass LNG Terminal to Non-Free Trade Agreement Nations*, DOE/FE Order No. 2961-A, FE Docket No. 10-111-LNG (Aug. 7, 2012), *reh'g and stay denied*, *Sabine Pass Liquefaction, LLC, Opinion and Order Denying Request for Rehearing of Order Denying Motion for Late Intervention, Dismissing Request for Rehearing of Order No. 2961-A, and Dismissing Motion for a Stay Pendente Lite*, DOE/FE Order No. 2961-B, FE Docket No. 10-111-LNG (Jan. 25, 2013); *Sabine Pass Liquefaction, LLC, Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Sabine Pass LNG Terminal in Cameron Parish, Louisiana, to Free Trade Agreement Nations*, DOE/FE Order No. 3595, FE Docket No. 14-92-LNG (Feb. 12, 2015), *Errata Notice*, DOE/FE Order Nos. 3595 & 3384, FE Docket Nos. 14-92-LNG & 13-121-LNG (Feb. 24, 2015) [collectively, hereinafter, *Stages 1 & 2 Orders*].

(non-FTA countries). Additionally, in order to align its DOE/FE export authorization with the optimized design production capacity of Stages 1 and 2 of the Liquefaction Project as authorized by FERC<sup>3</sup>, Sabine Pass has submitted an application to DOE/FE requesting long-term, multi-contract authorization to export up to the equivalent of an additional 203 Bcf per year of natural gas, for a twenty-year term, to Non-Free Trade Agreement Nations.<sup>4</sup> That application is currently pending.

FERC completed an environmental review of the Sabine Pass Project 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. That review included an environmental assessment (EA) that addressed the potential environmental impacts of the construction and operation of the liquefaction and pipeline elements of the Sabine Pass Project.<sup>5</sup> Subsequently, on August 7, 2012, DOE/FE adopted FERC's EA, granted a Finding of No Significant Impact<sup>6</sup> in response to an application to DOE/FE from Sabine Pass<sup>7</sup> and DOE/FE granted the application for the requested long-term authorization to export LNG in an amount up to the equivalent to 803Bcf/yr of natural gas for a 20-year term.<sup>8</sup> The November 6, 2015, Application to DOE/FE requests authority to export from the Sabine Pass Terminal up to the equivalent of 600 Bcf over two years pursuant to short-term contracts less than two years. This volume is not additive to the long-term authorization of 803 Bcf/yr by DOE/FE, and therefore approval of the Application will not require additional construction or modification to the approved facilities.

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 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. Sabine Pass' proposed exports from the Sabine Pass Project in the November 6, 2015, Application fall within the scope of the B5.7 categorical exclusion because no new construction or modification to the Sabine Pass Project facilities reviewed by FERC will be necessary due to DOE/FE approval of the Application. Accordingly, DOE/FE will apply a categorical exclusion under NEPA for the Application.

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<sup>3</sup> See *FERC Liquefaction Project Orders*, *supra* note 1. FERC has issued orders approving a combined maximum production capacity for the four liquefaction trains comprising Stages 1 and 2 of the Liquefaction Project of approximately 20 mtpa, or 1,006.3 Bcf/per year. This annual LNG production capacity represents the combined, maximum or peak capacity of the four LNG trains based on the final, optimized design of the Sabine Pass Project.

<sup>4</sup> *Sabine Pass Liquefaction, LLC*, Application for Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, FE Docket No. 15-63-LNG (Apr. 20, 2015).

<sup>5</sup> *Sabine Pass Liquefaction, LLC and Sabine Pass LNG, L.P.*, Environmental Assessment for Sabine Pass Liquefaction Project, Cameron Parish, Louisiana, FERC Docket No. 11-72-000 (December 2011).

<sup>6</sup> Finding of No Significant Impact for Sabine Pass Liquefaction, LLC Regarding Order Granting Long-Term Authorization to Export Liquefied Natural Gas From Sabine Pass LNG Terminal to Non-Free Trade Nations (August 7, 2012).

<sup>7</sup> *Sabine Pass Liquefaction, LLC*, Application of Sabine Pass Liquefaction, LLC for Long-Term Authorization to Export Liquefied Natural Gas, , FE Docket No. 10-111-LNG (September 7, 2010).

<sup>8</sup> *Sabine Pass Liquefaction, LLC*, Final Opinion and Order Granting Long-Term Multi-Contract Authority to export LNG by Vessel from Cameron LNG Terminal in Cameron Parish, Louisiana, to Non-Free Trade Agreement Nations, DOE/FE Order No. 2961-A, FE Docket No. 10-111-LNG (August 7, 2012).

**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: 1/13/16

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