

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



Nopetro LNG, LLC
FE DOCKET NO. 20-167-LNG

PROPOSED ACTION DESCRIPTION: Nopetro LNG, LLC (Nopetro) filed an application (Application) with the Office of Fossil Energy (FE) on December 28, 2020 (as clarified on January 15, 2021), pursuant to section 3 of the Natural Gas Act (NGA) and 10 CFR Part 590 of the Department of Energy's (DOE) regulations.

In relevant part, Nopetro states that its proposed exports qualify as "small-scale natural gas exports" under DOE/FE's regulations at 10 CFR §§ 590.102(p) and 590.208(a). Specifically, Nopetro 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. Nopetro is requesting 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).¹

Nopetro intends primarily to purchase the LNG and load it into approved IMO7/TVAC-ASME LNG (ISO) containers at small-scale liquefaction and peak shaving facilities located in the southeastern United States. In Appendix C to the Application, Nopetro identifies 27 facilities from which it may seek to purchase LNG for export (collectively, the Facilities), along with their associated ports of export.²

DOE/FE'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 In the Application, Nopetro 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.

² See App., Appendix C. Nopetro states that these Facilities: (i) are subject to the jurisdiction of the Federal Energy Regulatory Commission (FERC), and have either received FERC approval or their application is pending before FERC; (ii) are not FERC-jurisdictional; or (iii) have been approved by FERC but are not yet operational.

[✓] 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: Mark J. Matarrese  Digitally signed by Mark J. Matarrese
Date: 2021.03.22 16:25:54 -04'00'

Date Determined: 3-22-2021

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