

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT

EAGLE LNG PARTNERS JACKSONVILLE II LLC)	DOCKET NO. 22-168-LNG
)	
)	
)	

ORDER AMENDING LONG-TERM AUTHORIZATION
TO EXPORT LIQUEFIED NATURAL GAS TO FREE TRADE AGREEMENT NATIONS
AND FOR SMALL-SCALE EXPORTS OF LIQUEFIED NATURAL GAS

DOE/FECM ORDER NO. 4975-A

JUNE 13, 2024

I. DESCRIPTION OF REQUEST

On March 12, 2023, the Department of Energy's (DOE) Office of Fossil Energy and Carbon Management (FECM) issued DOE/FECM Order No. 4975 (Order)¹ to Eagle LNG Partners Jacksonville II LLC (Eagle Maxville) under section 3 of the Natural Gas Act (NGA).² Under this consolidated Order, Eagle Maxville is authorized 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 for a term extending through December 31, 2050, as follows:

- (i) Under section 3(c) of the NGA,³ to any country with which the United States has, or in the future may enter into, a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries), and
- (ii) Under section 3(a) of the NGA,⁴ to any other country with which trade is not prohibited by U.S. law or policy (non-FTA countries), as qualifying "small-scale natural gas exports" under DOE's regulations.⁵

Under Order No. 4975, the approved FTA and small-scale export volumes are not additive.⁶

Eagle Maxville is authorized to load this LNG into approved ISO IMO7/TVAC-ASME LNG (ISO) containers at LNG production facilities in the United States, then to transport the ISO containers by truck and load the containers for export onto container ships or ocean-going carriers at nearby ports.⁷ Specifically, DOE authorized Eagle Maxville to export LNG obtained

¹ *Eagle LNG Partners Jacksonville II LLC*, DOE/FECM Order Nos. 4975 and 4078-B, Docket Nos. 22-168-LNG and 17-79-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Free Trade Agreement Nations, for Small-Scale Exports of Liquefied Natural Gas, and Vacating Prior Authorization (Mar. 12, 2023), <https://www.energy.gov/sites/default/files/2023-03/ord4975.pdf>. Because DOE vacated Order No. 4078, as amended, at Eagle Maxville's request, we refer only to Order No. 4975 for purposes of this Order.

² 15 U.S.C. § 717b. The authority to regulate the imports and exports of natural gas, including liquefied natural gas, under section 3 of the NGA has been delegated to the Assistant Secretary for FECM in Redelegation Order No. S4-DEL-FE1-2023, issued on April 10, 2023.

³ 15 U.S.C. § 717b(c). The United States currently has FTAs requiring national treatment for trade in natural gas with Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore. FTAs with Israel and Costa Rica do not require national treatment for trade in natural gas.

⁴ 15 U.S.C. § 717b(a).

⁵ See 10 C.F.R. §§ 590.102(p), 590.208(a); see also *Eagle LNG Partners Jacksonville II LLC*, DOE/FECM Order No. 4975, at 12 (Ordering Para. A).

⁶ See *Eagle LNG Partners Jacksonville II LLC*, DOE/FECM Order No. 4975, at 11 (Term & Condition H).

⁷ See *id.* at 3, 5, 12 (Ordering Para. A).

from any of the 13 facilities listed in Appendix C of its original application.⁸ DOE stated that, “[i]f in the future, Eagle Maxville wishes to obtain LNG for export from [other] facilities . . . , it will be required to file with DOE a request to amend this Order to add those facilities.”⁹

On March 15, 2024, Eagle Maxville filed an application (Amendment Application)¹⁰ under NGA section 3. Eagle Maxville asks DOE to amend Order No. 4975 “to add 28 new facilities to the list of facilities from which [it] may source LNG for export,” for a total of 41 potential facilities from which Eagle Maxville may obtain LNG.¹¹ Eagle Maxville provides this list of 41 facilities, together with their associated ports, as Amended Appendix C to the Amendment Application.¹²

In support of this requested amendment, Eagle Maxville cites the growing availability of LNG for purchase throughout the United States resulting in a “wider variety of supply sources,” as well as the benefits of greater flexibility to meet the needs of its customers.¹³ Eagle Maxville notes that it is not seeking any other changes to Order No. 4975.¹⁴ Eagle Maxville also asserts that “no construction is needed to add existing LNG loading facilities to the list of facilities from which Eagle Maxville may source LNG for export.”¹⁵

In this consolidated Order, DOE grants Eagle Maxville’s Amendment Application and authorizes the 28 additional facilities from which Eagle Maxville is permitted to source LNG for

⁸ See *id.* at 12 (Ordering Para. A).

⁹ *Id.* at 12 n.45.

¹⁰ Eagle LNG Partners Jacksonville II LLC, Application to Amend Long-Term, Multi-Contract Authorization to Export Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Nations, Docket No. 22-168-LNG (Mar. 15, 2024), <https://www.energy.gov/sites/default/files/2024-03/DOE%20Amendment%20Application%20for%20Eagle%20LNG%20Export%20%28Final%20with%20Opinion%29.pdf> [hereinafter Amendment App.].

¹¹ *Id.* at 2.

¹² See *id.* at 3 and Amended Appendix C.

¹³ *Id.* at 3.

¹⁴ *Id.*

¹⁵ *Id.* at 4.

export to FTA countries and to non-FTA countries (as small-scale natural gas exports), as set forth below.

Additionally, as established in Order No. 4975, this amendment does not provide Eagle Maxville with an independent right to purchase or load LNG at any of the authorized facilities.¹⁶ DOE takes no position on the commercial arrangements that may be necessary for Eagle Maxville to effectuate the export of LNG approved in Order No. 4975, as amended by this Order.

II. FINDINGS AND CONCLUSIONS

A. Amendment to FTA Authorization in Order No. 4975

Section 3(c) of the NGA was amended by section 201 of the Energy Policy Act of 1992 (Pub. L. 102-486) to require that applications requesting authority for (a) the import and export of natural gas, including LNG, from and to a nation with which there is in effect a FTA requiring national treatment for trade in natural gas, and/or (b) the import of LNG from other international sources, be deemed consistent with the public interest and granted without modification or delay. The portion of the Amendment Application requesting an amendment to the FTA authorization in DOE/FECM Order No. 4975 falls within NGA section 3(c). Therefore, DOE is charged with granting the requested amendment without modification or delay.

B. Amendment to Small-Scale Natural Gas Export Authorization in Order No. 4975

As noted, DOE previously determined in Order No. 4975 that Eagle Maxville's exports to non-FTA countries qualify as small-scale natural gas exports under 10 C.F.R. §§ 590.102(p) and 590.208(a).¹⁷ In the Amendment Application, Eagle Maxville is not seeking any changes to

¹⁶ *Eagle LNG Partners Jacksonville II LLC*, DOE/FECM Order No. 4975, at 12 (Ordering Para. B).

¹⁷ *See id.* at 4, 7-8.

its requested small-scale export authorization (including to the 51.75 Bcf/yr volume limitation),¹⁸ except to expand the number of facilities from which it may source LNG. Additionally, DOE’s National Environmental Policy Act (NEPA) procedures provide for a categorical exclusion if neither an environmental impact statement nor an environmental assessment is required—specifically, categorical exclusion B5.7 (10 C.F.R. Part 1021, Subpart D, Appendix B5), *Export of natural gas and associated transportation by marine vessel*.¹⁹ On June 12, 2024, DOE issued a categorical exclusion for the non-FTA portion of Eagle Maxville’s Amendment Application under this provision.²⁰ Accordingly, pursuant to 10 C.F.R. § 590.208(a), Eagle Maxville’s requested amendment to its small-scale authorization in Order No. 4975 is deemed to be consistent with the public interest under NGA section 3(a), and DOE grants the requested amendment.

C. Exports of Renewable Natural Gas

In the Amendment Application, Eagle Maxville states that it may “acquir[e] LNG produced from renewable natural gas at Kinder Morgan’s facilities in Indianapolis.”²¹ DOE has interpreted authorizations to export natural gas under NGA section 3 as including the authority to export renewable natural gas.²² To provide transparency about exports of renewable natural gas, DOE asks that Eagle Maxville provide data identifying any renewable natural gas transaction(s)

¹⁸ 10 C.F.R. § 590.102(p).

¹⁹ See 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7. This categorical exclusion amended the prior B5.7 categorical exclusion. See U.S. Dep’t of Energy, National Environmental Policy Act Implementing Procedures; Final Rule, 85 Fed. Reg. 78,197 (Dec. 4, 2020).

²⁰ U.S. Dep’t of Energy, Categorical Exclusion Determination, Eagle LNG Partners Jacksonville II LLC, Docket No. 22-168-LNG (June 12, 2024).

²¹ Amendment App. at 3.

²² See Letter from Amy R. Sweeney, DOE, to Hilary Bawn, Irving Oil Ltd., Docket No. 15-165-LNG, at 2 (Aug. 24, 2023), <https://www.energy.gov/sites/default/files/2023-08/15-165-LNG%20Irving%20Oil%20RNG%20Statement%20Response.pdf> (citing 15 U.S.C. § 717a(5) and 10 C.F.R. § 590.102(i)).

in the “Comment” section of its required monthly reporting filings on Form FE-746R, *Monthly Report of Natural Gas Imports and Exports*.²³

III. ORDER

Pursuant to section 3 of the Natural Gas Act, it is ordered that:

A. The Amendment Application filed by Eagle LNG Partners Jacksonville II LLC (Eagle Maxville) to amend the list of approved facilities from which it is permitted to source LNG is granted.

B. In DOE/FECM Order No. 4975, Ordering Paragraph A is amended to state in full:

A. Eagle LNG Partners Jacksonville II LLC (Eagle Maxville) is authorized by DOE to export domestically produced LNG obtained from any of the 41 facilities listed in Amended Appendix C to the Amendment Application filed on March 15, 2024.²⁴ Eagle Maxville is authorized to export this LNG in approved ISO containers on vessels in a volume equivalent to 51.75 Bcf/yr of natural gas. The FTA and small-scale authorizations will commence on the date of this Order and extend through December 31, 2050. Eagle Maxville is authorized to export this LNG on its own behalf and as agent for other entities that hold title to the natural gas, pursuant to one or more contracts of any duration.²⁵

²³ See *Eagle LNG Partners Jacksonville II LLC*, DOE/FECM Order No. 4975, at 14-15 (Ordering Paras. K & L).

²⁴ If, in the future, Eagle Maxville wishes to obtain LNG for export from facilities other than the 41 facilities listed in Amended Appendix C, it will be required to file with DOE a request to amend this Order to add those facilities. DOE will evaluate that request under the same standards of review discussed above.

²⁵ See U.S. Dep’t of Energy, Including Short-Term Export Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis, 86 Fed. Reg. 2243 (Jan. 12, 2021).

C. All other obligations, rights, and responsibilities established by DOE/FECM Order No. 4975 remain in effect.

Issued in Washington, D.C., on June 13, 2024.

Amy R. Sweeney
Director, Office of Regulation, Analysis, and Engagement
Office of Resource Sustainability