

“Bullet Points” for Comments to FERC on Texas LNG DEIS

Texas LNG Docket No. CP116-000

FERC/EIS-0288D

Note: In addition to expressing your personal views about the proposed Texas LNG project, you may want to consider adding any of the following points. And please remember, you can send in written comments before the comment deadline on **December 17th at 4:00pm**. Go to <http://www.savergvfromlng.com> and click on ‘Comment on EIS’ at the top of the page to learn how. The DEIS documents are also available for download on the website. _

DEIS and FERC Procedures Are Compromising Public Input

1. The Draft Environmental Impact Statement is incomplete. There is a long list of important information that FERC is requesting from Texas LNG “before the end of the comment period.” How is the public supposed to comment on information that isn’t there?
2. All endangered species consultations with FWS and NMFS should be completed before the FERC Record of Decision, not “before construction.”
3. The comment deadline should be extended for at least 2 weeks after all the required information is submitted and made public.
4. The FERC comment deadline should be extended for reasons that each project has 45 days for public commenting, however FERC combined two projects into one public hearing and commenting deadline. This is resulting in review of two projects essentially cutting the time in half for review of the DEIS and commenting.
5. The FERC DEIS is not available in Spanish, the predominant language spoken in the Rio Grande Valley.

Wildlife and Habitat

6. The mitigation plan is inadequate. There is no mitigation plan for destroyed lomas (Loma del Mesquite and Loma del Draga) and the brush habitat. For the wetlands, Texas LNG proposes mitigation at the Loma Ecological Preserve, an area that is already under Fish & Wildlife Service protection and management. That is not meaningful mitigation.
7. Texas LNG proposes to mitigate 405 acres of wetlands southeast of the proposed project site. The proposed mitigation is within the Loma Ecological Preserve, wetlands already managed by the U.S. Fish & Wildlife Service. Such plans are not viewed by the public, nor should it be accepted by the agencies, as a viable or acceptable proposal. Their proposals result in a net loss of habitat and wetlands and is not in accordance to federal policy. The RGV cannot afford net losses at a time when only 2-5% of the native environment remain. The wetlands mitigation plan as proposed will violate the “No Net Loss” federal policy.

8. Section 5 of the EIS contains a listing of FERC recommendations for additional mitigation that should have been finalized by Texas LNG and included in the DEIS. Plans should be made available to the public for review and comment before the issuance of a permit.
9. Considering the high ecological value of lomas, FERC should require mitigation for lomas that are destroyed or impacted.
10. Dredging impacts to the Bahia Grande and South Bay need to be examined. Sea grasses and oyster beds can be affected by even mild dredge spoil deposition.
11. Texas LNG has requested several deviations to the FERC Procedures related to placement of temporary workspace within wetlands. FERC should deny this request as the likelihood of wetlands returning to their original state after several years of heavy construction is almost non-existent.
12. Wildlife habitat permanently destroyed at the terminal site should be mitigated. Any impact on federal and state protected species such as, but not limited to, the ocelot, piping plover, and Texas tortoise is not acceptable.
13. The DEIS statement that “suitable habitat is present within the proposed Project site and there is potential for federally listed species to occur in the Project area or along the vessel transit routes, but not be directly impacted by the Project” is contradictory. Destruction of 311.5 acres of habitat of which 263.2 acres of which will be permanently destroyed, and 45.2 acres of wetlands, primarily consisting of tidal flats, of which, 42.9 acres would be permanently impacted. Destruction of suitable habitat is a direct impact therefore adversely affecting federally listed species.
14. Section 7 of the Endangered Species Act, as amended, states that any project authorized, funded, or conducted by any federal agencies should not “...jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined...to be critical...”. The permit should be denied according to Section 7 of the ESA.
15. The Living Wildlife Report found in its latest Living Planet Index that the wildlife population has declined by 60% in the last 40 years worldwide. Between 95-98% of the native landscape in the RGV has been cleared for urban, agricultural, or industrial use. Given the macro and micro trends, this places native habitat in our region at a greater importance and value. The location of Rio Grande LNG further segments habitat and will impact wildlife migration between the Laguna Atascosa and Lower Rio Grande Valley Refuges. The direct and indirect impacts will have a large scale impact environmentally. The conservation and preservation efforts of the public demonstrates strong social and cultural values and has led to the development of the Lower Rio Grande Valley NWR, the Laguna Atascosa NWR, Loma Ecological Preserve, Wildlife Corridor, Bahia Grande Restoration Project, Federal Ocelot Recovery Plan. Permitting of LNG projects that continue the trend of destroying that last remaining ecosystems in the RGV should be denied.

16. The Texas LNG's proposed terminal is in the Migratory Bird Central Flyway. Texas LNG proposed location in a high use of habitat by migratory birds, including birds of conservation concern such as the piping plover. Texas LNG has not provided documentation of review and comment of the Migratory Bird Plan by the Fish & Wildlife Service. This plan should have been included in the DEIS, thus the commenting period should be extended until this plan is reviewable by the public for commenting.
17. Texas LNG DEIS indicates light and sound impacting the Laguna Atascosa wildlife refuge. Light and sound impacts are physical changes to the landscape and should not extend beyond the boundaries of the Texas LNG property, particularly into the Laguna Atascosa National Wildlife Refuge.

Socioeconomics

18. The need for this project has not been demonstrated. There are no buyers for the LNG, no "binding contracts." For a project with so many negative impacts an unequivocal need for the product must be shown.
19. Texas LNG's socioeconomic analysis in the DEIS is narrow in view and incomplete. The analysis does not include costs to the taxpayer, and costs in response to the consequences of LNG development that negate claimed benefits.
20. The socioeconomic analysis in the DEIS does not include the costs for security, safety, and emergency response will include our local police, fire, and medical services. These costs will be covered through a cost-sharing plan, and will include, but not limited to, training, emergency management, security/emergency equipment, patrol boats, firefighting equipment, overtime for police or fire personnel, and LNG marine carrier security. The costs associated for these services are required to be detailed in the Emergency Response Plan, yet to be drafted and not detailed in the DEIS. This Emergency Response Plan should be issued in the DEIS and commenting period extended for public review.
21. Public infrastructure requires maintenance and repair. Texas LNG's use of public infrastructure during construction and operations will include sewage, landfill, and streets. Maintenance and repair of Hwy 48 and other roads are a cost to the public and should be analyzed and accounted for in their economic analysis.
22. There is no analysis of the impacts to both the bait shrimping industry (which relies on the BSC) nor on the off-shore shrimping industry, which relies ready access to the BSC to get to & from the Gulf.
23. Texas LNG estimates that without tax abatements, operation of the Project over a 25-year period would result in total ad valorem tax revenue of \$567 million. Is FERC considering that with every year of operation the taxable value of the project will be depreciating?
24. Economic impacts that are not taken into account in Texas LNG economic analysis include, but not limited to, nine recreational use areas are within the project site, increased ship traffic

adversely affect recreational boaters and eco tours on the water such as dolphin watching, and the significant impact on visual resources.

25. Texas LNG employees may not live in Cameron County. Necessary taxes for services rendered by Cameron like , police, fire, ambulance, etc., may not be paid by all employees of Texas LNG. This is not reflected in the economic analysis of the DEIS.
26. Construction and operations will impact tourism. Impacts to tourism is not reflected in the economic analysis in the DEIS and should be taken into account by FERC.
27. Texas LNG is ignoring their contribution to climate change in their economic analysis, which significantly negates claimed economic benefits. Using the EPA Social Cost of Carbon the pollutant specific costs of only Carbon and Nitrogen Oxides exemplify the extent of the significant burden of cost in response to Texas LNG's contribution to climate change.

Air and Noise Pollution

28. Texas LNG would be a large single stationary source of nitrogen oxides, carbon monoxide, VOC's sulfur dioxide, particulate matter and greenhouse gasses in the Rio Grande Valley. The higher the air pollutant levels the more adverse health effects there are, especially to vulnerable populations. In April & May there are days when the RGV has some of the highest particulate levels in the state. This project would worsen those levels. And there is no safe level for VOC's.
29. The leading climate change scientists believe that these elevated levels of GHGs are the primary cause of warming of the global climate system. These existing and future global emissions of GHGs, unless significantly curtailed, have the potential to cause further warming and changes to the local, regional and global climate systems.

Reliability and Safety

30. The coast guard is required to identify and incorporate the use of resources from multiple sources. It is evident that the Coast Guard did not. The WSA did not indicate those resources and sources from important sources like the the Society of International Gas Tanker and Terminal Operators (SIGTTO) or Sandia National Laboratories. Important safety recommendations from these sources are not being followed by Texas LNG or the Coast Guard. FERC should take note of deviance to the recommendations of the SIGTTO and Sandia National Laboratories.
31. The impacts of Space X on LNG operations, and LNG operations on Space X must be fully analyzed before permitting LNG. Analysis of the impacts after construction is not in the public interest. It is also not clear if the Space X study includes the BFR, which is now the rocket proposed to be launched at the Space X Boca Chica facility.

Cumulative Impacts

32. Cumulative impacts of ballast water and cooling water from Texas LNG, Rio Grande LNG, and Annova LNG are not addressed in the DEIS.
33. The Texas LNG DEIS indicates the greatest cumulative impacts would be on surface water resources, ocelot habitat, visual resources, and operational noise. These are more than sufficient reasons to deny a permit.
34. The determination that cumulative impacts on ocelots and jaguarundis would be permanent and significant is reason enough to deny permits and is in violation of Section 7 of the ESA.
35. The Rio Grande EIS concludes that cumulative impacts of the 3 LNG terminals on visual resources would be potentially significant.” We agree and urge denial of this permit.
36. The Rio Grande DEIS says that Rio Grande “combined with the other projects in the geographic scope, including the Texas LNG and Annova LNG projects, would result in “significant cumulative impacts...” Therefore if FERC chooses to permit the Texas LNG project (which we strongly oppose), it should deny Rio Grande LNG and Annova LNG. By FERC’s own analysis the cumulative impacts would be too great (e.g. significant).
37. Only if FERC permits Texas LNG and construction proceeds, will AEP build a 138kV overhead powerline along SH48? This high-voltage powerline would cause significant visual and wildlife impacts, particularly birds, including protected and endangered species. These impacts need to be evaluated and be part of the DEIS.

Cultural Resources

38. The determination of impacts on cultural resources would not be significant has little basis and is contradictory to the finding that site 41CF8 would be adversely affected. Consultations with the Texas Historical Commission are not yet complete, there were no details given on how and where the surveys took place. While there is mention that Carrizo/Comecrudo wrote FERC, there is no mention of consultation.

Pipeline:

39. Texas LNG proposes to acquire gas from the non jurisdictional Texas LNG Lateral which will connect to the Valley Crossing Pipeline. Texas LNG has not identified the company who would construct the pipeline. Valley Crossing multiple times has communicated to FERC that they will not be associated with providing gas to LNG terminals. Nor has Valley Crossing communicated any changes to their design for connections to LNG projects. Before issuance of a permit, their plan to acquire gas and agreements with Valley Crossing should be verified and detailed in the project plan in the DEIS and available for public viewing and comment.