



October 15, 2024

Debbie-Anne A. Reese
Acting Secretary
Federal Energy Regulatory Commissioner
888 First Street, NE
Washington, DC 20426

RE: Rio Grande LNG, LLX, and Rio Bravo Pipeline Company, LLC and Texas LNG
CP16-454, CP16-455, CP20-481, CP16-116

Save RGV is a 501(c)(3) non-profit organized for educational and environmental advocacy to promote environmental justice and genuine sustainability through addressing the causes and consequences of climate change that affect the health and well-being of the entire Rio Grande Valley community. We appreciate the opportunity to provide comments and concerns on the scope of the Supplemental Environmental Impact Statements that FERC will prepare for the above listed projects.

Thank you for recognizing the need for a new Environmental Impact Statement that will analyze the cumulative environmental harms and address some of the overlooked effects of the Rio Grande LNG and TX LNG export facilities and the Rio Bravo Pipeline.

1. ONGOING MONITORING OF AIR QUALITY IS LACKING - According to AirNow.gov, a monitoring resource of the EPA, there is a 2.5 PM monitor at Isla Blanca on South Padre Island. In the past three years, the number of “unhealthy” and “unhealthy for sensitive groups” days has increased significantly at the Isla Blanca monitor. We are including monthly air quality data below. FERC acknowledges that cumulative effects must be taken into account. The data indicates that the air quality in the area, whether or not caused by the ongoing construction of RG LNG, SpaceX operations, launches and landings, or sugar farm burnings in Mexico, is frequently poor. Adding more construction and then the operation of these facilities will be unhealthy and detrimental to the people in the area.

We must include a note about use of the air quality monitor in Brownsville. With just a cursory review of the data, it appears that the air quality in downtown Brownsville is almost always better than what is being logged at the Isla Blanca monitor. Only on some days when air quality at Isla Blanca is not in the Good range, is the air quality in Brownsville also compromised. If the EJ census blocks in the Brownsville area are mostly not being impacted by poor air quality, it does nothing to improve the air quality in the EJ census blocks closest to the LNG facilities, where the air quality has already been comprised.

Has there been or will there be any notification to the schools, day care centers, retirement villages and outdoor workplaces, including at the LNG facilities, when the air quality is unhealthy? When will monitors closer to the facilities be installed? Who will pay for the increased monitoring that should be required?

2. WATER - A new assessment of water usage is badly needed in the supplemental EIS. The water situation in the area has changed drastically since the 2019 EIS was written. Unchecked growth and severely diminished reservoirs are combining to create a full-scale water shortage. Brownsville is under Stage 2 water restrictions and the Laguna Madre Water District in Port Isabel just this month moved to Stage 3. The Falcon and Amistad Reservoirs are currently at just over 20% of capacity. Once they reach 15%, Brownsville will implement Stage 3 restrictions.

Another water issue is access and water quality. The water quality of the Bahia Grande needs to be monitored. Fishermen and kayakers who use the boat ramps may well be impacted and deserve notification.

3. ALTERNATIVES - Even though RG LNG withdrew its intent to implement a CCS system on August 20, 2024, after 4 years since submitting the application, it is still presented as one of the “Alternatives currently under consideration...” by FERC. Why is FERC still asking the public to comment on this unproven, experimental technology, and even continue to consider this as a viable alternative, when, after three years on April 13, 2023, FERC suspended its environmental review of the project due to Rio Grande LNG’s failure to submit complete and timely responses to engineering and environmental data requests?

RG LNG’s reason in their August 20, 2024 withdrawal request, was that the project was not sufficiently developed to allow the Commission review to continue, and this came a mere 14 days after the DC Circuit ruling to vacate their permit. If FERC insists on considering CCS as an alternative, for this or any future projects, they must consider and analyze the (CO₂ producing) energy needed to remove and transport the captured CO₂. As well, the impact on groundwater and the dangers with pipelines carrying denser-than-air CO₂ must be taken into account. The final conclusion at this time for FERC must be that our sensitive, biodiverse and geologic environment is not the place to test an unproven technology.

4. TEXAS TORTOISE - Collection and ‘translocation’ of hundreds of our threatened Texas tortoise began in November 2022. The total numbers of collected and successfully translocated tortoises have not been released, nor has the status of these State threatened species, including the mortality rate of those that did not survive. Also not known is the fatality rate/numbers of those that were not successfully collected.

Concerns were raised by Texas Parks and Wildlife in their original scoping comments to FERC in 2018 and in 2022 and 2024, for the Texas tortoise, among other indigenous threatened and endangered wildlife. To date, neither Rio Grande LNG, Rio Bravo Pipeline, Texas LNG, nor FERC have taken into consideration the cumulative impacts from these and other nearby industrialization projects on our Texas tortoise and other wildlife.

Texas tortoises are very docile, slow moving, vegetarian animals that feed primarily on the common prickly pear and other succulents native to the now disrupted and unmitigated area of these terminals. They have a low reproductive rate and do not reach breeding age until about 15 years even though longevity may be as great as 60 years. These factors resulted in them being listed, as far back as 1977, as a protected threatened species. Thus, it is illegal for them to be taken, possessed, culled, transported, exported, sold or offered for sale. Though Dr. Scott Henke (Texas A&M University, Kingsville, TX) who worked on the translocation project, had to get a permit to do this, that permit has expired.

In our opinion, the Texas tortoise does deserve and qualify for Federal threatened listing. According to USFWS, if a species only exists in one state, and specifically only one area of a state (pockets of the TX Gulf and the Northeast Mexico Coast) and then only on a certain habitat of that area (lomas), then FERC must consider the necessity to protect this species in perpetuity. Please include all necessary data on the Texas tortoise translocation program in your determination and ensure that the EIS includes language to restore and protect them as required by law.

5. SAFETY - Because of the Rio Grande LNG project, State Highway 48 has become less safe. Recently, a County Constable Deputy lost his life. He was stopped at the intersection of State Hwy 48 and Marine Way Road. He was sitting in the patrol unit finishing up processing another accident. He was rear-ended by a Chevy Silverado whose driver has been charged with manslaughter and falsifying a drug test. A local blogger has identified the driver as a project manager for Bechtel, a third-party contractor doing business at the Port of Brownsville RG LNG company.

Another safety issue on State Hwy 48 occurs during the winter months. When a northern front arrives, pelican flights across the highway near the Gayman Bridge lead to downed pelicans on the road due to wind currents. Volunteer rescue teams along with emergency vehicles are on the road trying to prevent accidents, as volunteers are trying to carry pelicans off the road and cars are speeding by. It's concerning to imagine how much more dangerous this will become now that Hwy 48 is so torn up and workers are barreling down the road after work.

At certain times of day when Rio Grande LNG workers are racing home from work, speeding and executing U-turns at dangerous locations, the highway is truly frightening. Rio Grande LNG security seem to have no interest in monitoring this situation or protecting public safety. Additional state and local law enforcement resources are necessary, but who is going to pay for them? Has Rio Grande LNG completed the Emergency Response Plan and Cost Sharing Plan?

It's important to note that in the event of an emergency requiring evacuation, State Hwy 48 is one of only two main roads out for South Padre Island and the Laguna Madre Communities.

6. ENVIRONMENTAL JUSTICE – The entire 50 kilometer/31 mile census block area, for the two LNG facilities, is located in Cameron County. Cameron County demographics show a

minority-majority population which is 90% Hispanic with an economic poverty rate of 22.6%, more than twice the national average. The entire area is an environmental justice community and the area has already experienced a health threat with compromised air quality. Once the LNG terminals come online, the air quality will likely degrade even further.

A view of environmental justice, at the macro level, suggests that if you cannot find environmental inequality just in the access to clean air in Cameron County, you cannot and will not find it anywhere.

7. DC CIRCUIT COURT REMAND OF PERMIT - We are beyond disappointed and dismayed that FERC has not issued a pause on construction activity at the Rio Grande LNG site. Based on the *very strong language* in the D.C. Circuit Court's August 6, 2024 ruling regarding FERC's failure to consider the social cost of carbon, air monitoring, impacted communities, and environmental justice as well as failure to implement a supplemental EIS, FERC's response does not meet the level of the court's concern.

FERC has the authority to issue a cease and desist or a pause to construction order and well they should in this situation. They have done so in the past with the Mountain Valley Pipeline project in 2018. Beyond the court's order, FERC should consider the self-serving and misleading attempts by RG LNG to represent their project as 90% carbon free due to the CCS project, during the time the CSS project had been paused. They misrepresented their operations and end product, not only to the community, but also to possible off take contract clients and stock investors.

A delay in stopping construction activity, during which time more resources will be invested, only strengthens the possibility that the RG LNG project will continue in spite of and no matter the findings uncovered by the supplemental EIS.

AirNow.gov Air Quality Index (AQI) 0-50 GOOD				
	2022	2023	2024	
MONTH	No. of Days	No. of Days	No. of Days	TOTAL
JAN	26	17	10	53
FEB	23	10	15	48
MAR	23	7	6	36
APR	7	14	8	29
MAY	8	17	0	25
JUN	16	15	5	36
JUL	21	8	4	33
AUG	24	25	18	67
SEP	28	29	17	74
OCT	29	29	TBD	TBD
NOV	27	27	TBD	TBD
DEC	29	23	TBD	TBD
TOTAL	261	221	YTD 09-30-24 83	YTD 09-30-24 565

AirNow.gov Air Quality Index (AQI) 101-150 UNHEALTHY for Sensitive Groups				
	2022	2023	2024	
MONTH	No. of Days	No. of Days	No. of Days	TOTAL
JAN	0	0	3	3
FEB	0	0	4	4
MAR	0	0	6	6
APR	0	0	8	8
MAY	0	2	18	20
JUN	3	2	5	10
JUL	0	0	2	2
AUG	0	0	0	0
SEP	0	0	1	1
OCT	0	0	TBD	TBD
NOV	0	0	TBD	TBD
DEC	0	0	TBD	TBD
TOTAL	3	4	YTD 09-30-24 47	YTD 09-30-24 54

AirNow.gov Air Quality Index (AQI) 51-100 MODERATE				
	2022	2023	2024	
MONTH	No. of Days	No. of Days	No. of Days	TOTAL
JAN	5	14	17	36
FEB	5	18	10	33
MAR	8	24	19	51
APR	23	16	11	50
MAY	23	12	6	41
JUN	11	13	19	43
JUL	10	23	25	58
AUG	7	6	13	26
SEP	2	1	11	14
OCT	2	2	TBD	TBD
NOV	3	3	TBD	TBD
DEC	2	8	TBD	TBD
TOTAL	101	140	YTD 09-30-24 131	YTD 09-30-24 372

AirNow.gov Air Quality Index (AQI) 151-200 UNHEALTHY				
	2022	2023	2024	
MONTH	No. of Days	No. of Days	No. of Days	TOTAL
JAN	0	0	1	1
FEB	0	0	0	0
MAR	0	0	0	0
APR	0	0	3	3
MAY	0	0	7	7
JUN	0	0	1	1
JUL	0	0	0	0
AUG	0	0	0	0
SEP	0	0	1	1
OCT	0	0	TBD	TBD
NOV	0	0	TBD	TBD
DEC	0	0	TBD	TBD
TOTAL	0	0	YTD 09-30-24 13	YTD 09-30-24 13