



RE: NOTICE OF REQUEST FOR EXTENSION OF TIME FOR TEXAS LNG DOCKET NO. CP16-116-004

Save RGV hereby moves to intervene in Texas LNG's request for an extension of time.

Save RGV requests an extension of time of the minimum 15 day public commenting period to, at minimum, a standard 45 day commenting period. We have requested this from the Office of Public Participation (OPP) at our 9/27/22 meeting with them in Port Isabel, TX where we asked for a 45-90 day public comment period. Also included in our requests were the following, some of which FERC has still not implemented:

FERC Office of Public Participation Meeting Notes (informal) 9/27/22 4 p.m. CDT @Starbucks Port Isabel. In Attendance from Save RGV were Mary Angela Branch, John Young, Maria Galasso. In Attendance From FERC OPP were Rachel McNamara, John Peconom, Melissa Lozano

1. Longer comment period, at least 45-90 days.
2. Comment notices in Spanish
3. Consideration of specific areas that may be affected by timeliness of the notices and deadlines: upcoming holidays and events (and not just standard or national holidays (Jewish Holidays, Charro Days, etc.)) start of school, elections, etc. Know the area you are issuing the comment notice to, and make special considerations in creating deadlines and comment periods.
4. Subsequent Reminder notices of upcoming comment deadlines.
5. Simplification of navigation on the FERC website for submitting comments and/or retrieving documents on the FERC eLibrary, along with tutorial for making comments effective. A flow chart or list of 10 considerations for making an effective comment. Also, a glossary perhaps to explain what many of the terms, acronyms and other references mean and how it may affect them. A summary or synopsis of the issue at hand, in terms (Spanish too) the general public can understand. It shouldn't be solely our job to research and pull key points, and simplify them in order to create comments for the public.
6. We asked that public notices of comment on projects affecting our area be sent to local media, town councils, commissioners, etc., with requests to disseminate to the community as a form of public service. We expressed disappointment that there was NO coverage locally which makes it impossible to effectively solicit comments



from the public. It was very proprietary in that they only sent notices to those who subscribe to that particular docket #.

Therefore, Save RGV urges FERC to deny Texas LNG's request for an extension of time.

PAUSE OF APPROVALS FOR PENDING LNG FACILITIES

Effective January 26, 2024, the U.S. government paused approvals for pending and future applications to export liquefied natural gas. This was an action that was in response that included, but not limited to, national opposition to LNG operations, impacts on the Gulf coast, and to review cumulative environmental and economic impacts of already operational projects, approved projects but not yet operational, and proposed projects. The buildout of fossil fuel infrastructure on the Gulf Coast exasperates disproportionate impacts on the environment, health, and socioeconomic impacts. It has been clearly demonstrated to FERC from public input on LNG projects, fossil fuel LNG build-out is not in the public interest. This is cause to deny an extension of time to Texas LNG.

AVOIDABLE DELAYS

Texas LNG references delays out of their control citing litigation challenging the Commission's underlying orders authorizing the Project and other permits for the Project. Litigation was avoidable through adequately (in the public's interest perspective) addressing issues raised during scoping and DEIS public input periods. Failure to address and resolve issues raised by the public resulted in litigation.

The U.S. Court of Appeals for the District of Columbia Circuit order to re-analyze the Project's impacts on environmental justice communities and to explain why the Commission was not required to use the social cost of carbon protocol tool was avoidable simply by responding to these concerns adequately at the appropriate time and within the time frame of the FERC EIS process. Public input to FERC and Texas LNG during the scoping period and DEIS commenting period from non-profit organizations, local government, and hundreds of Rio Grande Valley citizens expressed their concerns regarding many impacts of Texas LNG. Texas LNG, and FERC, failed to adequately address and resolve the public's concerns regarding impacts relating to environmental justice and factoring in the social cost of carbon into their socioeconomic analysis. It was in Texas LNG's and FERC's control to analyze and address these concerns in their EIS. Due to the fact that Texas LNG and FERC failed to address public concern of these impacts adequately, it resulted in litigation. Litigation was avoidable by addressing public interest in the time frame of the scoping period, EIS analysis, and FERC rehearing. Addressing public interest satisfactorily and meaningfully regarding the many concerns raised, particularly environmental justice and factoring in social cost of carbon, had always been in the control of Texas LNG and FERC. Delays due to litigation, in the case of



Texas LNG, were preventable and avoidable, therefore, is not a good cause for an extension of time. Texas LNG cannot cite the public's right to due process as a reason for delay and therefore the request for an extension of time should be denied.

PROBLEMATIC SITE LOCATION AT GARCIA PASTURE

Neither Texas LNG, nor FERC, in the view of the public interest, has yet to adequately address the problematic site location of Texas LNG which compromises cultural and historical resources. Texas LNG is proposed at an archeological site known as the Garcia Pasture. This area has been long considered a site of archeological significance and has values critical to understanding of indigenous cultures of the prehistoric and protohistoric periods. Additionally, this site has cultural values important in our region. Regionally, and nationally, alternative sites exist for Texas LNG operations that would have less impact. Sustained avoidance and minimization of impact is an additional area of failure to the public interest that was raised in scoping and EIS public commenting periods. This sustained failure to adequately avoid and minimize impact to Garcia Pasture is due cause to deny the request for extension of time as remedy to satisfy public interest.

REMAINING ISSUES

Here's more info that I think needs to be incorporated (from Ken Saxon email from January 17, 2024) Ken writes:

Save RGV received communication from the FERC office on January 17, 2024 regarding Texas LNG. The communication stated that so far Texas LNG has not done the work to be in compliance with the National Preservation Act. It was suggested to continue monitoring the eLibrary for the status of their efforts to obtain federal permits.

Texas LNG should not begin construction of facilities and/or use of staging, storage, or temporary work areas and new or to-be-improved access roads until:

- a. Texas LNG files with the Secretary comments on the final cultural resources reports and plans from the SHPO (State Historic Preservation Office), COE (US Corp of Engineers), NPS (National Parks Service), and appropriate federally-recognized Indian tribes.
- b. FERC staff has executed an MOA regarding the resolution of adverse effects on historic properties ;
- c. the Director of OEP (Office of Energy Projects) notifies Texas LNG in writing that treatment measures (including archaeological data recovery) may be implemented; and
- d. Texas LNG documents the completion of treatment, and the Director of OEP issues a written notice to proceed with construction.



THE CLAIM TO AND OF PUBLIC INTEREST

Texas LNG argues that providing an extension of time to complete construction of the Project would not alter the public interest finding underlying the Authorization Order. A cumulative review of communication to FERC from the public residing in South Texas and in the region of impact would demonstrate that Texas LNG is not, and never has been, in the public's interest. Furthermore, the EIS from Rio Grande LNG, approved by FERC and currently under construction, gives cause, in the interest of the public, to deny Texas LNG an extension of time. Rio Grande's EIS concludes that multiple LNG operations at the Port of Brownsville would contribute significantly to air quality impacts, potentially exceed the NAAQS in local areas, and result in cumulatively greater air quality impacts. These cumulative impacts are those relating to reasons of litigating that Texas LNG cites. Multiple LNG operations in one location is textbook environmental injustice and would contribute to disproportionate health and environmental effects including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism and other structural and systemic barriers.

THE COMMISSION SHOULD DENY THE EXTENSION REQUEST

Texas LNG concludes their argument for an extension of time by stating litigation is the cause of the delay of construction of the Project. As aforementioned, good faith efforts to adequately, and satisfactorily, address public concerns regarding impacts of their project would have avoided or prevented litigation. Taking into account the aforementioned including the national concern over many cumulative impacts of LNG that instigated a pause in pending and future applications, Texas LNG's decisive (in)actions to concerns of the public that led to delays, the sustained lack of response to the problematic site location at Garcia Pasture, and identified cumulative impacts of pollution of multiple LNG facilities in one location, the extension of time should be denied.

Save RGV Board of Directors,

Patrick Anderson

Bill Berg

Mary Angela Branch

Jim Chapman

Maria Galasso

Vicky Guerra

Joyce Hamilton

Kenneth Saxon

Molly Smith