



DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP23-519-000]

Rio Bravo Pipeline Company, LLC; Notice of Amendment of Authorization and Establishing Intervention Deadline

Take notice that on July 20, 2023, Rio Bravo Pipeline Company, LLC (Rio Bravo), 915 N. Eldridge Parkway, Suite 1100, Houston, Texas 77079, filed an application under section 7(c) of the Natural Gas Act (NGA), and part 157 of the Commission's regulations requesting authorization for its Adjusted Project. The Adjusted Project consists of four minor route adjustments, all in Texas: i) the U.S. Fish and Wildlife Service (USFWS) Route Adjustment in Willacy Co. (9.6 miles), ii) the North Floodway Route Adjustment in Willacy Co. (0.6 miles), iii) the Arroyo Colorado Route Adjustment in Willacy and Cameron Cos. (0.8 miles), and iv) the Terminus Adjustment in Cameron Co. (0.6 miles) as well as a modification to the design of the portions of the Project mainline pipelines on a majority of the route located in Class 1 areas consistent with PHMSA regulations.

The Adjusted Project will minimize impacts to potential ocelot habitat, address USFWS concerns regarding impacts on this habitat, address agency and landowner concerns, avoid recently constructed infrastructure, enhance safety, affect fewer wetlands, forest lands, and prime farmland soils, and align the Rio Bravo Pipeline Project with the updated design of the LNG Terminal to which it will interconnect. Rio Bravo states that the Adjusted Project will not affect the previously authorized capacity, rates or services, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (www.ferc.gov) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room. For assistance, contact the Federal Energy Regulatory Commission at FercOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TTY (202) 502-8659.

Any questions regarding the proposed project should be directed to Estela D. Lozano, Director, Regulatory, Rio Bravo Pipeline Company, LLC, P.O. Box 1642, Houston, Texas 77251-1642, by phone at (713) 627-4522 or by email at estela.lozano@enbridge.com.

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,¹ within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify Federal and State agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all Federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on **August 22, 2023**. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

¹ 18 CFR (Code of Federal Regulations) 157.9.

Pursuant to sections 157.10(a)(4)² and 385.211³ of the Commission’s regulations under the NGA, any person⁴ may file a protest to the application. Protests must comply with the requirements specified in section 385.2001⁵ of the Commission’s regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor. To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before **August 22, 2023**.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number **CP23-519-000** in your submission.

- (1) You may file your comments electronically by using the eComment feature, which is located on the Commission’s website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;
- (2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission’s website (www.ferc.gov) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on “eRegister.” You will be asked to select the type of filing you are making; first select “General” and then select “Comment on a Filing”; or
- (3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number **CP23-519-000**.

To file via USPS:
Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

To file via any other courier:
Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
12225 Wilkins Avenue

² 18 CFR 157.10(a)(4)

³ 18 CFR 385.211

⁴ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁵ 18 CFR 385.2001

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. **However, the filing of a comment alone will not serve to make the filer a party to the proceeding.** To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,⁶ has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁷ and the regulations under the NGA⁸ by the intervention deadline for the project, which is **August 22, 2023**. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number **CP23-519-000** in your submission.

- (1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first

⁶ 18 CFR 385.102(d).

⁷ 18 CFR 385.214.

⁸ 18 CFR 157.10.

create an account by clicking on “eRegister.” You will be asked to select the type of filing you are making; first select “General” and then select “Intervention.” The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

- (2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number **CP23-519-000**.

To file via USPS:
Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

To file via any other courier:
Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
12225 Wilkins Avenue
Rockville, Maryland 20852

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail or email at: Estela D. Lozano, Director, Regulatory, Rio Bravo Pipeline Company, LLC, P.O. Box 1642, Houston, Texas 77251-1642, by phone at (713) 627-4522 or by email at estela.lozano@enbridge.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed⁹ motions to intervene are automatically granted by operation of Rule 214(c)(1).¹⁰ Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission’s Rules and Regulations.¹¹ A person obtaining party status will be placed on the service

⁹ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

¹⁰ 18 CFR § 385.214(c)(1).

¹¹ 18 CFR § 385.214(b)(3) and (d).

list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at **(866) 208-FERC**, or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Intervention Deadline: 5:00 pm Eastern Time on August 22, 2023.

Dated: August 1, 2023.

Kimberly D. Bose,
Secretary.

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