



## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP23-519-000]

### Rio Bravo Pipeline Company, LLC; Notice of Scoping Period Requesting

### Comments on Environmental Issues for The Proposed Rio Bravo Pipeline Route

#### Amendment

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental impacts of the Rio Bravo Pipeline Route Amendment (Route Amendment), which involves four minor route adjustments to the previously authorized pipeline alignment, as well as a pipe thickness design modification to use an alternative maximum allowable operating pressure (MAOP) calculation, as compared to the previously authorized Rio Bravo Pipeline Project, which was approved by the Commission on November 22, 2019, in Docket No. CP16-455-000.<sup>1</sup> Please note that the previously approved Rio Bravo Pipeline Project and Rio Bravo Pipeline Project Amendment are not under re-consideration in this Route Amendment. The Commission will use the environmental document referred to in this notice in its decision-making process to determine whether the four minor route adjustments and alternative MAOP proposed in the Route Amendment are in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the Route Amendment. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as “scoping.” The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission’s NEPA process is described below in the NEPA Process and Environmental Document section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC **on or before 5:00 pm Eastern Time on September 22, 2023.**

Comments may be submitted in written form. Further details on how to submit comments are provided in the Public Participation section of this notice.

---

<sup>1</sup> The Rio Bravo Pipeline Project was amended, as approved by the Commission on April 21, 2023, in docket no. CP20-481-000.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts specifically related to the modifications proposed in the Route Amendment, which are detailed further below. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written comments during the preparation of the environmental document.

This notice is being sent to the Commission's current environmental mailing list for this Route Amendment. State and local government representatives should notify their constituents of this proposed Route Amendment and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a Rio Bravo Pipeline Company, LLC (Rio Bravo) representative may contact you about the acquisition of an easement to construct, operate, and maintain the facilities proposed in the Route Amendment. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the Route Amendment, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Rio Bravo provided landowners with a fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website ([www.ferc.gov](http://www.ferc.gov)) under the Natural Gas, Landowner Topics link.

## **Public Participation**

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208-3676 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

- 1) You can file your comments electronically using the eComment feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

- 2) You can file your comments electronically by using the eFiling feature, which is located on the Commission’s website ([www.ferc.gov](http://www.ferc.gov)) under the link to FERC Online. 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; a comment on a particular project is considered a “Comment on a Filing”; or
- 3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP23-519-000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

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](mailto:OPP@ferc.gov).

## **Summary of the Proposed Route Amendment**

The four proposed route adjustments are specific to Willacy and Cameron Counties, Texas, as detailed below:

- adjust the certificated route between approximate milepost (MP) 69.8 to approximate MP 79.4 in Willacy County to conform to the U.S. Fish and Wildlife Service’s Biological Opinion issued for the Rio Bravo Pipeline Project and to minimize impacts on potential ocelot habitat (the “U.S. Fish and Wildlife Service Route Adjustment”);
- adjust the certificated route between approximate MP 92.4 and MP 93.0 in Willacy County to accommodate requirements of the International Boundary and Water Commission and landowner requests (the “North Floodway Route Adjustment”);

- adjust the certificated route between approximate MP 99.7 and MP 100.5 in Willacy and Cameron Counties to accommodate a landowner request (the “Arroyo Colorado Route Adjustment”);
- relocate a meter station and extend the approved Rio Bravo Pipeline route approximately 0.6 mile in Cameron County from the currently certificated terminus site to the meter station within the fence line of the approved Rio Grande LNG Terminal site (the “Terminus Adjustment”);
- modify the design (pipe wall thickness) of a majority of the route located in Class 1 areas to use an “alternative MAOP,” which would maintain the currently authorized MAOP of 1,825 pounds per square inch gauge, decrease the pipe wall thickness of the 48-inch-diameter pipeline from 0.87 inch to 0.78 inch, decrease the pipe wall thickness of the 42-inch-diameter pipeline from 0.761 inch to 0.682 inch, and change the pipeline design factor from 0.72 to 0.80, each as consistent with and approved by the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration regulations specified in title 49 of the Code of Federal Regulations Part 192.620; and
- increase the proposed wall thickness of the pipeline system for certain Class 2 areas and bore locations.

The general locations of the Route Amendment facilities are shown in appendix 1.<sup>2</sup>

### **Land Requirements for Construction**

Commission staff is currently assessing the relative increases and/or decreases in impacts on land that would result from the Route Amendment compared to the project as certificated. Apart from the four discrete route adjustment locations, the Rio Bravo Pipeline facilities and activities will be located and constructed within workspaces as reflected in FERC’s final EIS issued under Docket No. CP16-454-000, as updated in the Amendment EA issued under Docket No. CP20-481-000. According to Rio Bravo, the Route Amendment would affect less wetland, forest land, and prime farmland soil acreage compared to the project as currently authorized.

### **NEPA Process and the Environmental Document**

Any environmental document issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the four route adjustment locations proposed in the Route Amendment under the relevant general resource areas:

---

<sup>2</sup> The appendices referenced in this notice will not appear in the Federal Register. Copies of the appendices were sent to all those receiving this notice in the mail and are available at [www.ferc.gov](http://www.ferc.gov) using the link called “eLibrary.” For instructions on connecting to eLibrary, refer to the last page of this notice. At this time, the Commission has suspended access to the Commission’s Public Reference Room. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll free, (886) 208-3676 or TTY (202) 502-8659.

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- environmental justice;
- air quality and noise; and
- reliability and safety.

Commission staff will also evaluate reasonable alternatives to the proposed Route Amendment or portions of the Route Amendment and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an environmental assessment (EA) or an environmental impact statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before

making its decision regarding the proposed Route Amendment. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/Notice of Schedule* will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary<sup>3</sup> and the Commission's natural gas environmental documents webpage (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this Route Amendment to formally cooperate in the preparation of the environmental document.<sup>4</sup> Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

### **Consultation Under Section 106 of the National Historic Preservation Act**

---

<sup>3</sup> For instructions on connecting to eLibrary, refer to the last page of this notice.

<sup>4</sup> The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at title 40, Code of Federal Regulations, section 1501.8.

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the Texas State Historic Preservation Office, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project amendment's potential effects on historic properties.<sup>5</sup> The environmental document for this Route Amendment will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

## **Environmental Mailing List**

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers.

This list also includes all landowners affected by the four proposed route adjustment locations (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Route Amendment and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed Route Amendment.

**If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:**

- 1) Send an email to [GasProjectAddressChange@ferc.gov](mailto:GasProjectAddressChange@ferc.gov) stating your request. You must include the docket number CP23-519-000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. **This e-mail address is unable to accept comments.**

**OR**

- 2) Return the attached "Mailing List Update Form" (appendix 2).

## **Additional Information**

---

<sup>5</sup> The Advisory Council on Historic Preservation's regulations are at title 36, Code of Federal Regulations, part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Additional information about the Route Amendment is available from the Commission's Office of External Affairs, at **(866) 208-FERC**, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number in the "Docket Number" field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Any public sessions or site visits will be posted on the Commission's calendar located at <https://www.ferc.gov/news-events/events> along with other related information.

Dated: August 23, 2023.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2023-18644 Filed: 8/29/2023 8:45 am; Publication Date: 8/30/2023]