

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/Gas Branch 4
Rio Bravo Pipeline Company, LLC
Docket Nos. CP16-455-000 and
CP20-481-000
§ 375.308(x)

May 2, 2022

VIA FERC Service

Estela D. Lozano
Director, Regulatory
Gas Transmission and Midstream
Enbridge Inc.
5400 Westheimer Court
Houston, TX 77056

Re: Environmental Information Request

Dear Ms. Lozano:

The information described in the enclosure is requested for the above-mentioned docket to address deficiencies noted in the U.S. Court of Appeals for the D.C. Circuit's August 3, 2021 decision in *Vecinos para el Bienestar de la Comunidad Costera v. FERC*, 6 F.4th 1321 (D.C. Cir. 2021) and to process the above-referenced amendment application. Please provide the information requested in the enclosure **within 30 days of the date of this letter**. If certain information cannot be provided within this time frame, please indicate which items will be delayed and provide a projected filing date.

File your response in accordance with the provisions of the Commission's Rules of Practice and Procedure. In particular, 18 CFR 385.2005 requires all responses to be filed under oath by an authorized Rio Bravo Pipeline Company, LLC representative, and 18 CFR 385.2010 (Rule 2010) requires service to each person whose name appears on the official service list for this proceeding.

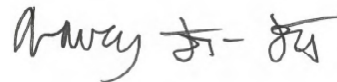
Electronic filing is encouraged using the Commission's eFiling system (see <https://ferconline.ferc.gov/eFiling.aspx>). Be sure to prepare separate volumes, as outlined on the Commission's website at <https://www.ferc.gov/sites/default/files/2020-04/CEII->

[Filing-guidelines.pdf](#), and label all controlled unclassified information (CUI) as described at <https://www.ferc.gov/cui>. Critical Energy Infrastructure Information (CEII) (e.g., plot plans showing equipment or piping details) and privileged information (PRIV) (e.g., cultural resources material containing location, character, or ownership information; trade secret information; proprietary information) should be filed as non-public and labeled as: “CUI//CEII” (18 CFR 388.113), “CUI//PRIV” (18 CFR 388.112), and as otherwise appropriate with other statutes for labeling CUI (e.g., “CUI//CEII/SSI” and in accordance with 49 CFR 15.13 marking requirements). All CUI should be filed separately from the remaining information, which should be marked “**Public.**” For assistance with the Commission’s eFiling system, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

In addition, hardcopy deliveries to the Commission’s headquarters at 888 First Street NE, Washington, DC 20426 will only be accepted through the U.S. Postal Service. Hand-deliveries and submissions sent through carriers other than the U.S. Postal Service must be sent to 12225 Wilkins Avenue, Rockville, MD 20852 for security screening and processing (see 18 CFR § 385.2001).

If you have any questions, please contact me at (202) 502-6859. Thank you for your cooperation.

Sincerely,



for Kenneth J. Warn
Environmental Project Manager
Office of Energy Projects

Enclosure

cc: Jennifer Rinker
Associate General Counsel
Rio Bravo Pipeline Company, LLC
P.O. Box 1642
Houston, TX 77251-1642

Enclosure

Rio Bravo Pipeline Company, LLC (RB Pipeline)
Rio Bravo Pipeline Project
Rio Bravo Pipeline Project Amendment
Docket Nos. CP16-455-000 and CP20-481-000

ENVIRONMENTAL INFORMATION REQUEST

1. Per RB Pipeline's September 15, 2020 response to staff's August 26, 2020 Environmental Information Request in Docket No. CP20-481-000, RB Pipeline states it would file variances "in early 2021" for the variations noted in footnote 2 of table 1.5-1 in the environmental report. Specifically, RB Pipeline states:

"A variance will be required to incorporate slight variations of the pipeline alignment adopted as voluntary conservation measures to avoid and minimize impacts to ocelot habitat, as reflected in the [U.S. Fish and Wildlife Service's (FWS)] biological opinion and [U.S. Army Corps of Engineers (USACE)] permit. USACE Permit No. SWG 2015-00114 may require a modification for the increase in diameter of Pipeline 1 from 42-inch to 48-inch."

Given RB Pipeline has adopted one pipeline route variation as a voluntary conservation measure, which was documented in the FWS's Biological Opinion dated October 1, 2019, this is considered the proposed route. FERC staff requests that RB Pipeline provide details of this pipeline route variation and any other potential route variations at this time. For each pipeline route variation, provide the following:

- a. detailed alignment map/sheets and aerial photographs at a scale not smaller than 1:6,000;
- b. a description of the existing land use/cover type;
- c. whether any federally listed threatened or endangered species would be affected;
- d. documentation of consultation with the State Historic Preservation Office (SHPO) and Native American tribes, cultural resources survey report(s), as required, and the SHPO's comments on the report(s); and
- e. whether any other environmentally sensitive areas are within or abutting the area.

All relevant land use tables (soils, wetlands, waterbodies, vegetation, etc.) in the final Environmental Impact Statement issued on April 26, 2019 under Docket No. CP16-454-000, CP16-455-000, and the Environmental Assessment (EA) issued on

December 21, 2020, under Docket No. CP20-481-000 should be revised and filed accordingly.

2. Provide a status update of all required federal and state government permit approvals and consultations as listed in table 3 of the EA issued on December 21, 2020 for the Rio Bravo Pipeline Project Amendment (Docket No. CP20-481-000). Include the agency and individual contacted, the date RB Pipeline submitted the application (or a timetable for the application's submission), or whether RB Pipeline has received a permit. Be sure to address (as applicable):
 - a. USACE determinations (section 404 and 408 of the Clean Water Act and section 10 of the Rivers and Harbors Act);
 - b. National Pollutant Discharge Elimination System permits;
 - c. FWS clearances for the Endangered Species Act;
 - d. Water Quality Certificates under section 401 of the Clean Water Act;
 - e. Clean Air Act permits;
 - f. SHPO consultations;
 - g. land management agency approvals;
 - h. state wetland crossing permits; and
 - i. Natural Resources Conservation Service and Farm Service Agency (regarding recommended seed mixes, lands enrolled in the Wetland Reserve Program, Conservation Reserve Program, Agricultural Conservation Easement Programs).

Identify conditions or stipulations attached to any permits received.

3. Update table 11 of the EA issued on December 21, 2020, for the proposed Rio Bravo Pipeline Project Amendment under Docket No. CP20-481-000 to include any projects or activities planned, proposed, or reasonably foreseeable within the geographic scope of the Project Amendment as defined in section B.11.1 of the EA and identified since the date of issuance of the EA.
4. Provide an updated table (see sample table X below) of racial, ethnic, and poverty statistics for each block group within 20 kilometers of the compressor station, 1 mile of the other aboveground facilities, and block groups crossed by the permanent pipeline right-of-way. The table should include the following information from the U.S. Census Bureau for each state, county, and block group (for low-income data, use 2020 U.S. Census American Community Survey 5-year estimates File # B17017 and for race and ethnicity data, use 2020 U.S. Census American Community Survey 5-year estimates File# B03002):

- a. total population;
- b. percentage of each racial and ethnic group (White Alone Not Hispanic, Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, some other race, two or more races, Hispanic or Latino origin [of any race]);
- c. total minority population including individuals of Hispanic or Latino origin (percentage of total population); and
- d. percentage of total population below poverty level.

<p style="text-align: center;">Table X Minority Populations by Races and Ethnicity and Low-Income Populations in the Project Area</p>											
	<p style="text-align: center;">RACE AND ETHNICITY COLUMNS</p>										<p style="text-align: center;">LOW-INCOME COLUMN</p>
<p>State/ County/ Census Tract/ Block Group</p>	<p>Total Population</p>	<p>White Alone Not Hispanic (%)</p>	<p>African American (%)</p>	<p>Native American/ Alaska Native (%)</p>	<p>Asian (%)</p>	<p>Native Hawaiian & Other Pacific Islander (%)</p>	<p>Some Other Race (%)</p>	<p>Two or More Races (%)</p>	<p>Hispanic or Latino (%)</p>	<p>Total Minority ^a (%)</p>	<p>Below Poverty Level^b (%)</p>
State											
Parish											
Census Tract X, Block Group X											

Source: American Community Survey, 2020, File # B17017 and File # B03002.
 a “Minority” refers to people who reported their ethnicity and race as something other than non-Hispanic White.
 b Low-income or minority populations exceeding the established thresholds are indicated in red, bold, type and blue shading.
 Due to rounding differences in the dataset, the totals may not reflect the sum of the addends.

5. Using the data obtained in response to the question 4 above, identify potential Environmental Justice populations by block group. For minority populations, use the **50 percent** and the **meaningfully greater analysis methods**. If the minority population of the block groups in the affected area exceeds 50 percent OR the minority population in the block group affected is 10 percent greater than the minority population percent in the county, then an environmental justice community is present.

For low-income populations, use the **low-income threshold criteria** method. If the percent low-income population in the identified block group is equal to or greater than that of the county, then an environmental justice community is present.

6. Provide a map depicting the project facilities in relation to minority and low-income populations (using block group data) near the project areas. Denote on the map if the block group is identified as an environmental justice community based on the minority threshold, low-income threshold, or both.

7. Provide a description of visual impacts (e.g., impacts from construction activities, presence of the new facilities) on sensitive receptors (e.g., nearby residences, users of nearby roadways, and users of nearby recreational areas, if any) from the meter stations during construction and operation of the facilities. Include the following (as applicable):
 - a. Distance to the nearest residences from the aboveground structures. State whether the structure is visible and identify any existing screening between the structure and the residence.
 - b. Distance to nearest non-residential sensitive receptors. State whether the structure is visible and identify any existing screening between the structure and the sensitive receptor.
 - c. Proposed visual screening that RB Pipeline would install and maintain to minimize the visual impact of the facility (e.g., installing a combination of deciduous and evergreen trees).

Also provide a visual simulation of the proposed aboveground structures from the nearest residences.

Document Content(s)

CP16-455 _FINAL_5.2.22_signed.pdf.....1