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To: [FERGAS](#)
Subject: [EXTERNAL] FE Docket No. 15-190-LNG
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[Note: The formatting below is awkward because I'm cutting my comment from a .odt document into a Gmail within a Microsoft Edge browser. I'm also attaching a copy of my comment below as well. Right now it's 1:30 CST]

FE Docket No. 15-190-LNG

Regarding "Rio Grande LNG, LLC; Application To Amend Export Term Through December 31, 2050, for Existing Non-Free Trade Agreement Authorization," 09-01-2020, <https://www.federalregister.gov/documents/2020/09/01/2020-19217/rio-grande-lng-llc-application-to-amend-export-term-through-december-31-2050-for-existing-non-free>

I oppose any extension of the DOE non-FTA permit for NextDecade's Rio Grande LNG project.

I've been an active member of SAVE RGV from LNG since May 2014 when we first found out that LNG projects had been targeting our local Port of Brownsville TX as early as September 2012. Note: The local opposition to the project isn't limited to SAVE RGV from LNG. For example, in 2015 the local communities of Port Isabel, Laguna Vista, South Padre Island, and the Long Island Village Homeowners Association passed resolutions against LNG. Nothing like that had ever happened before in this small part of the world. Those communities remain opposed to LNG operations at our local Port.

I registered with FERC as an Intervenor against NextDecade's Rio Grande and Rio Bravo projects on 05-25-2016. After NextDecade sold its Rio Bravo Pipeline to Enbridge and the opportunity arose, I also registered with FERC as an Intervenor against Enbridge's Rio Bravo Pipeline on 06-25-2020. Although now owned by different companies, the LNG and pipeline projects remain interdependent on each other.

Here I will present some of the reasons

- 1) Why I don't think the Rio Grande LNG project has the firm supply of natural gas or the LNG market demand needed to justify the extension and

- 2) Why I believe the "Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States: 2019 Update" and its precedents provide inadequate justification for the extension.

NextDecade is a shaky, quaky, crumbling, shrunken shadow of its former self.

NextDecade was incorporated in November 2010 but has yet to put shovel to ground anywhere, has yet to earn its first penny of LNG revenue, and has no public guesstimate these days as to when we can expect it to produce any LNG.

In May 2015, NextDecade said its paired 6 train Rio Grande LNG and dual line Rio Bravo Pipeline projects would be whole, complete, and up and running by the end of 2020 just in time to meet a mythological 2nd wave of LNG market demand (in line with it's NextDecade company name).

On 11-22-2019, FERC issued a combo permit for the Rio Grande and Rio Bravo permits.

Because of continuing financial difficulties and company performance problems, NextDecade

1) has been unable to enact its site lease with the Port of Brownsville;

2) has not been able to initiate the permitting process in Ireland for its Inisfree FSRU targeting the Irish Port of Cork (based on a non-binding MOU with the Port of Cork due to expire at the end of this year);

3) has not been able to move the FERC pre-filing process forward for its Galveston Bay LNG project since February 2019 (following two January 2019 Open Houses on the project);

4) was forced to sell its Rio Bravo Pipeline to Enbridge in February 2019;

5) was recently forced to cut its Rio Grande LNG project down from 6 trains to 5 trains (still capable of producing the 27 mtpa of LNG specified in the project Final Environment Impact Statement);

6) has been forced to move its target FID date to some unspecified time in 2021;

7) is now planning to start with two or three LNG liquefaction production trains (with no guesstimate of when the project will actually start producing some actual LNG);

8) has secured a firm offtake commitment for only 2 mtpa of the 11 mtpa of LNG it's said it needs to make its 2021 FID (Shell, as announced 04-01-2019, when LNG production was

expected by the end of 2023); and

9) is facing a number of challenges to the permits needed for the project: In the 5th Circuit DC Court, Sierra Club et al are presently moving forward legal challenges to

a) FERC's 11-22-2019 combo permit for the Rio Grande and Rio Bravo projects

b) the US Army Corps of Engineers Section 404 permit for the projects, and

c) the US Fish and Wildlife Service Biological Assessment for the projects.

In addition:

d) Sierra Club et al has filed a request for FERC to reconsider its approval for the Rio Grande design modification reducing the number of trains from 6 down to 5 without any NEPA review process;

e) Sierra Club has filed a Protest and Motion to Intervene against Enbridge's request to FERC the approval of a Rio Bravo pipeline design modification (resulting in FERC initiating a Environmental Assessment on the proposed design modification);

f) the City of Port Isabel sought a state court Stay and Injunction against the Port of Brownsville allowing LNG projects at the Port, lost the case, but intends to appeal the case; and

g) the Cameron County Commissioners Court has recently included discussions of its Rio Grande LNG Tax Abatement Agreement in the Executive Session part of their meetings (possibly relevant to the Agreement's requirement that construction on the project start this October unless the company requests a one year agreement entailing a \$100,000 penalty charge).

Additional note on the reduction of the Rio Grande LNG project's reduction from 6 trains down to 5:

In May 2019, Sierra Club et al noticed that NextDecade's Corporate Presentations had increased the mtpa production capacity per train from 4.5 mtpa up to 5.5 mtpa and requested that FERC prepare a Supplemental Environmental Impact Statement relevant to that increase (which subsequently went up from 5.5 to 5.87 mtpa per train). At one point

Sierra Club et al even suggested that, at 5.5 or 5.87 mtpa per train, the project could be reduced to just 5 trains and still produce the 27 mtpa stipulated in the project FIES.

NextDecade and FERC agreed that the Corporate Presentations didn't show any intent to produce more than 27 mtpa and that reducing the number of trains from 6 to 5 was an unreasonable request.

Now NextDecade is boasting that it had been working with its EPC Bechtel on increasing the production capacity of trains and will reduce its CO2e emissions by producing the 27 mtpa with only 5 trains. However, the present design still include a pad for a 6th train and NextDecade has said it will seek the needed DOE and FERC etc permits to build a 6th train if the market conditions are right.

Additional note on NextDecade's 07-19-2017 non-binding Inisfree FSRU MOU with the Irish Port of Cork, scheduled to time out at the end of this year unless its renewed:

In September 2018, FLEX LNG, which was to provide the FSRUs, stepped away from the deal. In May 2019, NextDecade's Founder and first CEO, Kathleen Eisbrenner, a FSRU pioneer and developer, suffered a fatal accident. Two other key members of the FSRU team are now working for EPIK LNG in South Korea (Jee Yoon and Shaun Davison).

On 11-21-2019, the City of Cork Commissioners passed a motion asking the Port of Cork to withdraw from the deal. On 11-25-2019, the Cork County Commissioners did the same. In June 2020, all three parties forming Ireland's new coalition government agreed to ban fracked LNG imports (also agreeing that all US LNG is fracked LNG).

NextDecade was to initiate the permitting process for the project in Ireland in 2019 but didn't and has yet to say when it will initiate the process.

Additional note on NextDecade's lack of progress in developing Emergency Response and Coast Sharing Plans with the cities of Port Isabel and South Padre Island:

Environmental Condition Nos. 53 and 54 of the FERC 11-22-2019 combo permit for NextDecade's paired Rio Grande LNG and Rio Bravo Pipeline require Rio Grande LNG to develop an Emergency Response Plan ("ERP") and Cost-Sharing Plan, and to report progress on the development of these documents at 3-month intervals involving such things as emergency evacuation routes. FERC reminded NextDecade about these requirements on 01-08-2020 but NextDecade has yet to initiate any such planning with either city (according to what the City Manager of one and the City Secretary of the other have told me).

Additional note on SpaceX developments in respect to NextDecade's planned Rio Grande LNG site:

SpaceX is expanding its Boca Chica Beach launch site activities, 5.4 to 7.4 miles from the planned Rio Grande LNG site. Originally, NextDecade called SpaceX's plans for the site "aspirational" and claimed the debris from failed launches would pose no threat to its Rio Grande LNG project. SpaceX is now building new Starship prototypes at the rate of multiple vehicles per month ("Elon Musk offers update on SpaceX's Starship mega-rocket," Stephen Clark, 09-01-2020, Spaceflight Now, <https://spaceflightnow.com/2020/09/01/elon-musk-offers-update-on-spacexs-starship-mega-rocket/>). Now it's the Rio Grande LNG that seems "aspirational."

Additional note on NextDecade's recent, sudden, dramatic 68% increase in stock value:

According to "This Natural Gas Stock Is Up 68% in 2 Days: Here's What Investors Should Know," Jason Hall, 09-15-2020, The Motley Fool, <https://www.fool.com/investing/2020/09/15/this-natural-gas-stock-is-up-68-in-2-days-heres-why/>, quote:

This LNG export start-up's shares have skyrocketed this week, despite no news or updates on its progress

.....

The oil and -- to a lesser extent -- natural gas industry remains in turmoil, with the coronavirus pandemic cratering global oil demand and demand for LNG around the world. For NextDecade, that has had serious implications, since many of its targeted customers are the vertically integrated oil and gas majors that have operations around the world and the [resources to move LNG](#) from the U.S. to import markets in Asia and Europe.

As a result, the company's shares are still down by half from the 12-month high, as the company runs the risk of running out of money before it can even break ground on Rio Grande, much less actually start delivering LNG. Moreover, the foundation of NextDecade's business plan is access to natural gas from the Permian Basin, which the company says it can get for next to nothing.

The 2020 oil crash has had serious implications for the economics of shale, and [a protracted downturn](#) could hinder NextDecade's access to this cheap gas on its current timeline. The company has secured enough cash to cover corporate expenses through the next year, and that bodes well for giving management enough time to adapt to a changing landscape and wait out a recovery.

But investors should acknowledge that the past two days' run-up isn't based on changes on the ground but changes in sentiment. Those gains could prove fleeting if sentiment turns back the other way. The real payoff for NextDecade investors won't happen for several more years, assuming management can get Rio Grande funded and built. But that also comes with the risk of losing everything if it doesn't come to fruition.

BOTTOM LINE: NextDecade has a history of serious performance and credibility problems unworthy of the Non-FTA export extension it's requesting.

2) The "Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States: 2019 Update" and its precedents and supporting documents provide inadequate justification for the extension.

Quite frankly, I didn't know how to even start this part of my comment until I fired up my old, out of date computer and saw "UN Biodiversity Targets Report Card: Incomplete at Best," Our Daily Planet, 09-15-2020, <https://www.ourdailyplanet.com/story/un-biodiversity-targets-report-card-incomplete-at-best/>:

"Yesterday the [United Nations released another in its series of assessments](#) on meeting global conservation targets, this one is a [final report card](#) on whether the world achieved the 20 global biodiversity targets set in 2010 with a 2020 deadline. "If this were a school and these were tests, the world has flunked, [said Elizabeth Maruma Mrema](#), executive secretary of the U.N. Convention on Biological Diversity. The report [concludes that governments must scale up](#) national ambitions in order to achieve a new target of 30% of nature protected by 2030 and leaders must bring biodiversity into the mainstream of decision making and factor it into policies across all economic sectors."

Which fits nicely with "CFTC [Commodity Futures Trading Commission] report: Climate change poses serious risk to financial system," Zack Colman, 09-08-2020, Politico, <https://www.politico.com/news/2020/09/08/cftc-report-climate-change-poses-serious-risk-to-financial-system-410573>:

"Climate change poses a major risk to the stability of the U.S. financial system and to its ability to sustain the American economy," the CFTC task force said in its report. The document is marked as a final "confidential" report, though some changes may be made in the version set to be released on Wednesday [ie, today 09-26-2020]."

And with "Energy Infrastructure: Sources of Inequalities and Policy Solutions for Improving Community Health and Wellbeing," 04-29-2020, Regulatory Assistance Project, Synapse Energy Economics, and Community Action Network, <https://www.synapse-energy.com/sites/default/files/Equity-in-Energy-Report-19-037-0.pdf>:

Energy equity (or energy justice) applies justice principles to energy policy, energy production and delivery systems, energy consumption, and energy security. Energy equity requires that all households and communities have reliable access to and can afford the quantity of energy needed to keep their homes and neighborhoods safe and healthy, to communicate and access information, and to have mobility to reach jobs, family, food and

other necessities. But energy equity is not currently a reality for many Americans, particularly low-income households, communities of color, and those in many rural areas and small towns. Almost one-third of American households have difficulty paying energy bills or adequately heating and cooling their homes, and over 20 percent of households—roughly 25 million households— report reducing or forgoing necessities such as food and medicine to pay an energy bill. Communities of color experience energy insecurity, for example having difficulty paying energy bills or sustaining adequate heating and cooling in their homes, more than other groups: in 2015, 50 percent of African American families reported characteristics of energy insecurity, compared to less than 30 percent of whites.³ Rural households also spend more on energy than other Americans.

Energy production using fossil fuels often pollutes the air, water, and soil in these communities, leading to disproportionate and negative health impacts. Fine particulate matter air pollution emitted by power plants, motor vehicles, and other sources, is estimated to cause more than 100,000 deaths per year in the United States.⁵ Exposure to air pollution from power plants varies by race, income, and geography, with African Americans facing the highest mortality rates.⁶ Access to clean energy resources (renewable energy and energy efficiency) which can deliver energy without emitting air pollution, remains out-of-reach for rural and low-income communities and communities of color. Collectively, our decisions about how to build and maintain our energy infrastructure and price its services will affect the health and wellbeing of all our communities.

And also with our embattled and endangered 01-01-1970 National Environmental Policy Act.

But not with "Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States: 2019 Update" and its precedents and supporting documents such as the "The Macroeconomic Impact of Increasing U.S. LNG Exports, 10-29-2015, Oxford Analytics LTI and Center for Energy Studies (Rice University's Barker Institute for Public Policy), https://www.energy.gov/sites/prod/files/2015/12/f27/20151113_macro_impact_of_lng_exports_0.pdf and the "Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States: 2019 Update," Selina Roman-White, Srijana Rai, James Littelield, Gregory Cooney, and Timothy J Skone, PE, 04-19-2019,

National Energy Technology Laboratory,
https://www.neftl.doe.gov/projects/VueConnection/download.aspx?id=5499bf80-36df-41e7-a75d-d9b29efe96cb&filename=NGLCARReportAndModel_2019.zip.

My most immediate problem here is my age (78), today's weather prediction for where I live (rain for my part of the south most tip of Texas), the way I loose my Internet connection when it rains, and today's 09-16-2020 4:30 pm ET deadline for packaging and submitting my comment.

Another human and human habitat killer roadblock is how Section 3 of the Natural Gas Act gives DOE/FE authority over exports of natural gas, lobbyists managed to insert wording into Section 3(c) that makes natural gas exports to Free Trade Agreement countries "automatically" in the public interest unless it can be shown to DOE's satisfaction that they are not in the public interest ("DC Circuit Denies Sierra Club Appeal of FERC Authorization of Two LNG Facilities," Donna

Bobbish, September 2016, Energy Update Newsletter, <http://www.shearman.com/en/newsinsights/publications/2016/09/energy-articles/dc-circuit-denies-sierra-club-appeal/>).

Theoretically, the presumption that LNG exports are in the public interest can be rebutted on environmental, national security, and other grounds – but, so far, this has remained a purely theoretical possibility. And the Federal Energy Regulatory Commission has followed DOE's lead in regarding, so far, all attempted rebuttals to be based on studies and claims based too much on hypotheticals and unknowables to deny any well defended LNG export requests.

This is unfortunate, because our moment is now upon us. DOE has been moving in the wrong direction in terms of extending the “national treatment” assumption to Non-FTA countries and halting its 'end use' reporting policy for LNG exports.

In addition, the DOE is a stranded asset tangled up in laws, regulations, policies, procedures, politics, speculative geopolitical maneuverings, and hypothetical macroeconomic projections. The "Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States: 2019 Update" cites the 2013 Intergovernmental Panel on Climate Change Fifth Assessment Report regarding relative GHG emissions -- with the Sixth Assessment not due until 2022 at the earliest.

Then DOE will have to integrate the Sixth Assessment and other such top tier reports into the tangled mess with members of Congress, the President and the President's Cabinet Members and Administrative Staff, high powered lobbyists, and high powered laws pushing their interests that, of late, have pushed DOE to act more against than for the actions needed to keep our ecosystem human habitable.

Sorry, we'll all be timed out before DOE polices, rules, procedures, and rulings can align with the climate and weather and pandemic realities unfolding around us here and now let alone moving our way over our event horizon.

If the 01-23-2013 Synapse Energy Economics Inc's "Will LNG Exports Benefit the United States Economy?" report failed to discredit the 12-03-2012 NERA Economic Consulting “Macroeconomic Impacts of LNG Exports from the United States” report, I'll not make any real headway in arguing against Rio Grande LNG's request for an extension of its DOE Non-FTA export permit.

"Will LNG Exports Benefit the United States Economy?," olo, PhD, and Ezra Hausman, PhD, 01-23-2013, Synapse Energy Economics Inc, http://www.synapse-energy.com/sites/default/files/SynapseReport.2013-01.SC_.LNG-Exports-Benefits.13-009.pdf/

“Macroeconomic Impacts of LNG Exports from the United States,”

W. David Montgomery, Robert Baron, Paul Bernstein, Sugandha D. Tuladhar, Shirley Xiong, and Mei Yuan, 12-03-2013, NERA Economic Consulting,
https://www.energy.gov/sites/prod/files/2013/04/f0/nera_lng_report.pdf

At best, I can at least enter my opposition to the Rio Grande LNG Non-FTA export permit into the public record.

Beyond that, it seems that, at present, the rest is up to the DOE itself – all tangled up as it is within the greater bureaucracy and political “Pyroumulonimbus Plume Clusters” of which it is a part.

Note on Pyroumulonimbus Plume Clusters: “Giga-wildfires” like the recent ones in Australia and more recently in California etc can create their own weather – including such strong, turbulent winds at ground level that firefighting and evacuations can become impossible. At the same time, the winds can carry burning debris and live embers this way and that and the storm can throw lightning bolts all around to spread the fire to unpredictable locations.

The impact of the next Presidential Inauguration and the seating of the new Congress is uncertain.

Unfortunately our ecosystem and our biology and physiology are in no way controlled by legal laws, political views, economic views, religious views, proclamations, or threats of war.

DOE's ability to deny or even delay or modify permits is limited.

I pray that those within DOE capable and willing will find ways:

- a) to use more up-to-date, scientifically based information
- b) to move us as much as they can in a more sustainable equitable direction
- c) regarding the types of energy, quantities of energy, and uses of energy we move forward versus reducing and even shutting down as fast as we can.

For example, checking out "The Sixth Assessment Report is underway,"
<https://www.ipcc.ch/assessment-report/ar6/> and "The IPCC and the Sixth Assessment cycle,"
https://www.ipcc.ch/site/assets/uploads/2020/05/2020-AC6_en.pdf to start the DOE's movement

forward now from the 2013 IPCC Fifth Assessment.

And checking out real time satellite assessments now coming on line that provide better information on our global methane emissions rather than on relying on self-reports by the polluters etc:

"New Space satellite pinpoints industrial methane emissions," European Space Agency, 07-29-2020, Phys.org, <https://phys.org/news/2020-07-space-satellite-industrial-methane-emissions.html>

"Giant Florida methane plume probed by EPA as possible violation," Bloomberg, 08-21-2020, <https://www.jwnenergy.com/article/2020/8/21/giant-florida-methane-plume-probed-by-epa-as-poss/>

"Canadian satellite embarks on mission to monitor methane emissions from space," Ivan Semeniuk, 09-02-2020, The Globe And Mail, <https://www.theglobeandmail.com/canada/article-canadian-satellite-embarks-on-mission-to-monitor-greenhouse-gas/>

And getting a real handle on all the pollution that comes with fossil fuels including the developing story on the radiation hazards posed by fracking waste materials:

"America's radioactive secret," Justin Nobel, 01-21-2020, Rollingstone, <https://www.rollingstone.com/politics/politics-features/oil-gas-fracking-radioactive-investigation-937389/>, quote: "Oil-and-gas wells produce nearly a trillion gallons of toxic waste a year. An investigation shows how it could be making workers sick and contaminating communities across America."

"Radiation and fracking," Kristy Locy, 03-05-2020, Center for Coalfield Justice, <https://www.coalfieldjustice.org/blog/2020/3/5/radiation>

"America's Radioactive Secret | Toxic Waste from Oil-and-Gas Wells | Extinction Rebellion," 04-23-2020, YouTube video, <https://www.youtube.com/watch?reload=9&v=971f2j7kIBM>.

"Pennsylvania Regulators Won't Say Where 66% of Landfill Leachate w/ Radioactive Material From Fracking is Going... 'It's Private'," Joshua Pribanic and Talia Wiener, 08-05-2020, Public Herald, <https://publicherald.org/pennsylvania-regulators-wont-say-where-66-of-landfill-leachate-w-radioactive-material-from-fracking-is-going-its-private/#.XzFcsM17B3I.facebook>

Revisit "EPA wades into FERC pipeline debate, offering GHG assessment tools,"

Iulia Gheorghiu, 06-26-2018, Utility Dive, <https://www.utilitydive.com/news/epa-wades-into-ferc-pipeline-debate-offering-ghg-assessment-tools/526435/>.

Check out "Downstream and Upstream Greenhouse Gas Emissions: The Proper Scope of NEPA Review [Draft]," Michael Burger and Jessica Wentz, March 2016, Columbia Law School Sabine Center for Climate Change Law, http://web.law.columbia.edu/sites/default/files/microsites/climate-change/downstream_and_upstream_ghg_emissions_-_proper_scope_of_nepa_review.pdf.

And check out how valid and reliable

a) the LNG export operation case studies,

b) macroeconomic studies, and

c) the U.S. Energy Information Administration "January 2020: Annual Energy Outlook 2020 with projections to 2050," <https://www.eia.gov/outlooks/aeo/pdf/AEO2020.pdf>

projections have been in retrospect.

If the projections have been more off than on target, what's the impact been?

If the projections have taken us off course, how urgent is it for us to bet back on course?

If a course correction is urgent, what's the fall dead date for failing to correct our course?

And what's the next step needed to make the needed correction?

What's YOUR next step in keeping us on track for a viable, sustainable, desirable future?

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