

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

SHRIMPERS AND FISHERMEN OF)
THE RGV; SIERRA CLUB; AND SAVE)
RGV FROM LNG,)
Petitioners,)

v.)

UNITED STATES ARMY CORPS OF)
ENGINEERS; COLONEL TIMOTHY R.)
VAIL, in his official capacity as Galveston)
District Commander, U.S. Army Corps of)
Engineers; AND ROBERT W. HEINLY,)
in his official capacity as Deputy Chief,)
Regulatory Division, Galveston District,)
U.S. Army Corps of Engineers,)
Respondents.)

No. _____

PETITION FOR REVIEW

Pursuant to Section 19(d)(1) of the Natural Gas Act, 15 U.S.C. § 717r(d)(1), Federal Rule of Appellate Procedure 15, and Circuit Rule 15, Shrimpers and Fishermen of the RGV, Sierra Club, and Save RGV from LGV petition the United States Court of Appeals for the Fifth Circuit for review of the United States Army Corps of Engineers’ permit, SWG-2015-00114, as modified and reinstated September 22, 2021, issued to permit applicants Rio Grande LNG, LLC and Rio Bravo Pipeline, LLC. A copy of this reinstated permit is attached as Exhibit A.

A prior version of this same permit (prior to the September 22, 2021 reinstatement and modification) was previously under review in this Circuit in case 20-60281. That petition was dismissed without prejudice on June 2, 2021, ECF Doc. 00515884775.

In accordance with Federal Rule of Appellate Procedure 15(c)(1), Petitioners will serve a copy of this petition on parties that participated in related agency proceedings. In accordance with Federal Rule of Appellate Procedure 15(c)(2), a list of parties served is attached as Exhibit B. To assist the court clerk in serving the respondents, as provided by Federal Rule of Appellate Procedure 15(c), Petitioners have also attached, as Exhibit C, a list of addresses for Respondents.

This petition for review is automatically expedited pursuant to Section 19(d)(5) of the Natural Gas Act, 15 U.S.C. § 717r(d)(5).

Dated: November 18, 2021

Respectfully submitted,



Nathan Matthews
Sierra Club
2101 Webster Street, Suite 1300
Oakland, CA 94612
(415) 977-5695
nathan.matthews@sierraclub.org
*Attorney for Sierra Club and Save
RGV from LNG*

Thomas Gosselin
Sierra Club
P.O. Box 4998
Austin, TX 78765
(424) 346-3276
tom.gosselin@sierraclub.org
*Attorney for Sierra Club and Save
RGV from LNG*



Hannah E. Samson
hsamson@trla.org
Texas RioGrande Legal Aid, Inc.
902 E. 11th Street
Del Rio, Texas 78840
(830) 774-8312
*Attorney for Shrimpers and
Fishermen of the RGV*

Exhibit A



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
2000 FORT POINT RD
GALVESTON, TEXAS 77550

September 22, 2021

Policy Analysis Branch

SUBJECT: Permit Modification – SWG-2015-00114

Rio Grande LNG, LLC and Rio Bravo Pipeline, LLC
ATTN: Mr. Ivan Van der Walt
1000 Louisiana Street, 39th Floor
Houston, Texas 77002-5005

Dear Mr. Van der Walt:

Modification of the above numbered permit has been approved and a signed copy is enclosed for your retention. Please note that the enclosed permit supersedes the previously authorized permit issued on February 21, 2020.

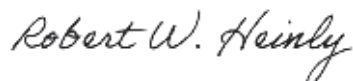
Also enclosed is a copy of "Notice to Permittee" which provides important information for permit administration. You should notify the District Engineer, in writing, upon completion of the authorized work. To assist us in improving our service to you, please complete the survey found at: <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

This permit authorization does not obviate the need to obtain Federal, state or local authorization(s) required by law, nor does it grant property rights and/or exclusive privileges, nor authorize any injury to property or rights of others. As such, it should be noted that there are Federal properties (owned or controlled by Corps of Engineers) identified within the project area. Therefore, a real estate application must be submitted. If the requested project is approved, a signed outgrant by the Chief of Real Estate will be issued. The executed outgrant is required before this project can begin. If property access and/or use is denied and/or requires modification to the project as permitted, this authorization becomes null and void and would require a new authorization to adequately address these new impacts. Please visit the Galveston District's website for the most current information regarding the District's outgrant policy at <https://www.swg.usace.army.mil/Business-With-Us/Real-Estate-Division/Outgrant/>. For additional questions or to submit an application please email SWG-RE@usace.army.mil.

-2-

If you have any questions, please contact Ms. Kristie Wood at the letterhead address, by e-mail at Kristie.A.Brink@usace.army.mil, or by telephone at 361-814-5847 ext. 1005.

Sincerely,

A handwritten signature in cursive script that reads "Robert W. Heinly".

Robert W. Heinly
Deputy Chief, Regulatory Division

cc w/Encls.

Federal Energy Regulatory Commission

U.S. Environmental Protection Agency

U.S. Coast Guard

U.S. Fish and Wildlife Service

National Ocean Service

Texas Railroad Commission

Real Estate Division

DEPARTMENT OF THE ARMY PERMIT

Permittee Rio Grande Liquefied Natural Gas, LLC and Rio Bravo Pipeline Company, LLCPermit No. SWG-2015-00114Issuing Office Galveston District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To construct structures and conduct work affecting navigable waters of the U.S. and to discharge dredged and fill material into waters of the U.S. for the construction, installation, operation, and maintenance of a natural gas pipeline system (Pipeline System) and a liquefied natural gas terminal (LNG Terminal) facility.

Pipeline System Description:

The Pipeline System will include installation of 2.4 miles of 42-inch diameter pipeline, including 0.8 mile of dual pipeline, to gather gas from existing systems in Kleberg and Jim Wells Counties (referred to as the Header System). For the portion of the Header System that contains dual pipelines, the construction right-of-way will be 125 feet wide. The remaining 1.6 miles will require a 100-foot-wide construction right-of-way. After construction, 17.0 acres of land will be maintained in an herbaceous state within operational right-of-way, which will be 75 feet wide for the dual pipeline and 50 feet wide for the single pipeline.

The Header System will supply two, 135.7-mile-long, parallel pipelines (one 48-inch-diameter and one 42-inch diameter) originating in Kleberg County that will transit through Kenedy, Willacy, and Cameron Counties before terminating within the boundaries of the LNG Terminal. The Pipeline System (Pipelines 1 & 2) will be installed within a 125-foot-wide construction right-of-way. Following construction, Pipeline 1 would be offset within a 75-foot-wide permanent right-of-way so that Pipeline 2, when constructed, would occupy the same permanent right-of-way with a 25-foot offset from Pipeline 1. The completed Pipeline System will consist of a 75-foot-wide permanent right-of-way that will be maintained in an herbaceous state, including wetlands, for continued maintenance of these pipelines.

Aboveground pipeline facilities will include construction of: one compressor station, four interconnect metering sites that house a total of six meter stations (two metering sites will contain two interconnects) along the Header System, one check meter station at Compressor Station 1, one custody transfer meter station at the LNG Terminal, eight pig launchers and/or receivers located within the individual mainline compressor stations, and six mainline valve sites with two valves per location (one for each pipeline). These facilities will be sited in locations containing no aquatic resources; therefore, will result in no impacts to waters of the U.S.

The Header System will cross one intermittent waterbody via open-cut trenching and will not cross any wetlands. The Pipeline System will cross 63 waterbodies, including 21 perennial streams, 19 intermittent streams, 10 ephemeral streams, and 13 ponds and reservoirs. These waterbodies will be crossed using various methods, including open cut, conventional bore, and horizontal directional drill (HDD). Of the waterbodies crossed, four navigable waterways, including Los Olmos Creek, Arroyo Colorado, the channel to San Martín Lake, and the channel to Bahía Grande, will be crossed by HDD. Approximately 122.7 acres of special aquatic sites will be impacted during construction of the Pipeline System. Once construction is complete, only those special aquatic sites within the 75-foot permanent operational right-of-way will be maintained in a herbaceous state. Long-term maintenance of the operation right-of-way will result in the permanent conversion of 0.4 acres of palustrine forested (PFO) wetlands and 2.5 acres of palustrine scrub-shrub (PSS) wetlands to 2.9 acres of palustrine emergent (PEM) wetlands.

LNG Terminal Description:

Approximately 63.2 acres of open water will be filled for construction of the terminal facilities, and approximately 93.6 acres of existing open water will be dredged for construction of a material offloading facility (MOF), marine berths, turning basin, firewater canal, and other marine facilities. Approximately 149.7 acres of special aquatic sites, including wetlands and mudflats, will be permanently filled or dredged for construction of the LNG Terminal. Of the 541 acres of aquatic resources within the LNG Terminal site, a total of 306.5 acres (56.6%) will be permanently dredged or filled to construct the LNG Terminal.

The MOF will be dredged to a total depth of up to -29 feet mean lower low water (MLLW) (-27 feet plus an additional -2 feet of allowable overdepth) to accommodate berthing two barges simultaneously on the western end of the LNG Terminal site. The barge berthing locations will be dredged to total depth of up to -21 feet MLLW (-19 feet plus an additional -2 feet of allowable overdepth). Construction of the MOF will include construction of a steel sheet pile bulkhead and a pile-supported relieving platform. Fencing will be placed around the MOF to control access and to separate it from the adjacent wetlands on the west side of the LNG Terminal site.

The LNG loading berths will be recessed into the property so that loading carriers will not encroach on the navigable channel boundaries of the BSC. Construction of the loading berths will require dredging to a depth of up to -45 MLLW (-43 feet plus -2 feet of overdepth). Each berth will consist of a reinforced concrete loading platform which will be connected to the shore via a trestle. Three bow and three stern mooring dolphins will be installed at each loading platform. Each berth will also have four breasting dolphins, offset from the loading platform. The loading platform, trestle, and mooring and breasting dolphins will be supported by steel or concrete piles.

A 1,500-foot-diameter turning basin will be constructed to the east of the loading berths. The turning basin will be dredged to a depth of up to -45 feet MLLW, which includes -2 feet of overdredge allowance. One fixed aid to navigation will be installed on land near the marine berth/turning basin area.

To minimize shoreline erosion, the LNG Terminal waterfront along the BSC will be stabilized from the MOF to the berths and turning basin. The MOF bulkhead will be constructed with approximately 745 linear feet of steel sheet piles. East of the MOF, channel embankments and the top slope of the shoreline (to a depth of -2 feet MLLW) will be graded to a 1:3 slope, stabilized with bedding stone overlain by geotextile fabric, and then covered with rip-rap. In the marine berths and turning basin, where vessel activity could erode the underwater channel slopes, the shoreline will be dredged to a 1:3 slope and stabilized with rip-rap to a depth of -43 feet MLLW. The rock armoring will extend to the top of the slope at elevation +6 feet NAVD 88 and will tie-in to the MOF bulkhead.

Approximately 623,000 cubic yards (yd3) of fill material will be excavated along the shoreline by land-based equipment for the construction of the berthing areas, turning basin and MOF. This fill material will be discharged within the LNG Terminal site as a base for facility construction. Approximately 90,000 yd3 of material will be dredged from the MOF using a hydraulic dredge before construction of the LNG Terminal, and either used for additional fill at the LNG Terminal site or pumped via temporary pipeline into a federally authorized and constructed upland-contained DMPA. Approximately 6.5 million cubic yards (mcy) of material would be dredged from the berths and turning basin using a mechanical or hydraulic dredge and disposed of in a federally authorized and constructed upland-contained DMPA.

Maintenance Dredging Description:

Up to 500,000 yd3 of dredged material will be removed from the constructed facility every 2 to 4 years. Maintenance dredged material will be disposed of in a federally authorized and constructed upland-contained DMPA.

The project will be conducted in accordance with the attached plans, in 490 sheets.

Project Location: The LNG Terminal will be located on approximately 761 acres of a 984.2-acre parcel of land owned by the Brownsville Navigation District (BND) along the northern shore of the BSC in Cameron County, Texas, approximately 9.8 miles east of Brownsville and about 2.2 miles west of Port Isabel [Latitude & Longitude (NAD 83): 26.026 North, -97.155 West]. The LNG Terminal will receive natural gas via the Pipeline System, originating in Jim Wells County [Latitude & Longitude (NAD 83): 27.486 North, -98.065 West]. The Pipeline System will transit through Kleberg, Kenedy, Willacy, and Cameron Counties before terminating at the LNG Terminal.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 31 December 2025. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

(REVERSE OF ENG FORM 1721)

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall provide all on-site contractors, subcontractors, and forepersons a copy of this permit. The permittee shall ensure that all of the above personnel read, understand, and comply with all terms and conditions of the authorization. A copy of this authorization shall be included in all bid packages for the project and shall be available at the work site(s) at all times during periods of work and must be presented upon request by any U.S. Army Corps of Engineers (Corps) personnel.
2. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
3. When structures or work authorized by this permit are determined by the District Engineer to have become abandoned, obstructive to navigation or cease to be used for the purpose for which they were permitted, such structures or other work shall be removed, the area cleared of all obstructions, and written notice given to the Galveston District, Regulatory Division, Corpus Christi Field Office (CCRFO), within 30 days of completion.
4. The permittee shall install and maintain, at the permittee's expense, any safety lights, signs and signals required by U.S. Coast Guard (USCG), through regulations or otherwise, on the permitted fixed structures. To receive a USCG Private Aids to Navigation marking determination, at no later than 30 days prior to installation of any fixed structures in navigable waters and/or prior to installation of any floating private aids to navigation, you are required to contact the Eighth Coast Guard District (dpw), 500 Poydras St. Suite 1230, New Orleans, LA 70130, (504) 671-2328 or via email to: D8oanPATON@uscg.mil. For general information related to Private Aids to Navigation please visit the Eight Coast Guard District web site at: <http://www.uscg.mil/d8/waterways/PATON.Home.asp>
5. This permit does not authorize the permittee to take an endangered species. In order to legally take a listed species, the permittee must have separate authorization under the Endangered Species Act (Section 10 permit or a Biological Opinion (BO) under the ESA Section 7, with "incidental take" provisions with which the permittee must comply). The attached U.S. Fish and Wildlife Service (FWS) BO, dated 1 October 2019 (and as amended on 8 October 2019), contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the "incidental take" that is also specified in the BO. Authorization under this Corps permit is conditional upon compliance with all the mandatory terms and conditions associated with incidental take of the reference BO. Failure to comply with the terms and conditions associated with the incidental take of the BO, where a take of the listed species occurs, shall constitute an unauthorized take and also constitute non-compliance with this permit. Additionally, authorization under this Corps permit is conditional upon compliance with all avoidance and/or minimization measures contained in the FWS's concurrence letter dated 18 December 2019. Failure to comply with these measures will constitute non-compliance with your permit. The FWS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA. For further clarification on this subject, the permittee should contact the FWS.
6. During construction of the Pipeline System, the permittee shall implement the attached *Project-Specific Upland Erosion Control, Revegetation, and Maintenance Plan* and *Project-Specific Wetland and Waterbody Construction and Mitigation Procedures* to minimize erosion, siltation and damage to waters of the U.S., including wetlands. Appropriate erosion and siltation control measures must be used and maintained in effective operation conditions during construction. All temporary erosion control features shall remain in place until permanent stabilization measures have been completed and have become fully effective. The permittee shall be responsible for the removal of any excess sediment deposits that occur in waters of the U.S., including wetlands, as a result of the construction activities.
7. Material resulting from trench excavation for construction of the Pipeline System may be temporarily side cast into waters of the U.S. for no more than 3 months, and must be placed and stabilized in such a manner that it will not be dispersed by currents or other forces.
8. The permittee shall restore temporary impacts resulting from construction of the Pipeline System at each water/wetland crossing within 30 days of completing work within the individual water/wetland crossing to ensure timely restoration of temporary impacts. Restoration shall be conducted in accordance with the *Project-Specific Wetland and Waterbody Construction and Mitigation Procedures*. Excess material shall

(REVERSE OF ENG FORM 1721)

not be placed in waters of the U.S., including wetlands. To minimize the potential spread of invasive species, the permittee shall implement their Federal Energy Regulatory Commission (FERC) approved *Noxious and Invasive Plant Management Plan* during construction and restoration activities.

9. The permittee shall submit post-construction monitoring reports to the CCRFO within 60 days of completing construction activities within each water/wetland crossing of the Pipeline System. The report shall be formatted on standard 8 1/2" x 11" paper and include, at a minimum:

- a. identification of the water/wetland crossing(s);
- b. date construction within the water/wetland crossing(s) began;
- c. date construction concluded at the water/wetland crossing(s);
- d. pre- and post-construction topographic survey of all wetlands and non-navigable waterbodies to demonstrate restoration of pre-construction contours
- e. a pre- and post-construction description comparing vegetation conditions, invasive species presence (percent cover), vegetation/open water coverage, water depths, and noted fish and wildlife use
- f. as-built drawings (complete profile) of the pipeline in the water/wetland crossing areas; and,
- g. pre- and post-construction photographs, time stamped with the date the photo was taken, and clearly labeled with the cardinal direction from which the photo was taken.
- h. Note: Multiple crossings may be submitted in a single report.

10. The CCRFO shall evaluate the success of restoration efforts at each water/wetland crossing along the Pipeline System to ensure timely restoration of temporary impacts. If it is determined that impacts to waters/wetlands are not demonstrating successful restoration to pre-construction conditions, the permittee shall be required to provide an alternative restoration strategy or may be required to provide additional compensatory mitigation.

11. The permittee shall submit to the CCRFO their FERC approved *HDD Contingency Plan* prior to conducting horizontal directional drilling activities associated with aquatic resources. The permittee shall report any inadvertent return into jurisdictional areas to the CCRFO within 48 hours. Remediation activities, including removal of temporary structures and/or fills, must be done as soon as practicable to restore the affected aquatic resource. If determined necessary, the CCRFO may require the permittee to develop a site-specific restoration and monitoring plan for waters or wetlands affected by an inadvertent return and/or remediation activities.

12. The permittee shall avoid any remaining onsite wetlands/waters within the Pipeline System route and LNG Terminal site that are not otherwise authorized to be impacted by this permit. These wetland and/or stream areas were avoided as part of the permit application review process; and, therefore, shall not be disturbed by any dredging, filling, mechanized land clearing, or other construction work. The boundaries of waters/wetlands to be impacted by the authorized activities and water/wetlands designated as avoided shall be marked differently, to ensure that these areas are clearly identifiable to equipment operators. Prior to any land disturbing activity on the project site, the permittee shall clearly mark all waters of the U.S., including wetlands, which are authorized to be impacted and those to be avoided. Acceptable forms of marking include high visibility orange construction fencing or flagging at eye level, at intervals of 25 feet or less along the entire jurisdictional boundary. Pin flags or other ground level marking is not acceptable. The permittee shall clearly mark any waters of the U.S., including wetlands, which are to be avoided, if they are located in the right-of-way and within 50 feet of any construction activities. Any waters/wetlands avoidance markings shall be maintained until work within 50 feet of the resource has been completed. Impacts to waters of the U.S. beyond the Corps-approved construction footprint are not authorized. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial, additional, compensatory mitigation requirements.

13. The permittee shall provide the following compensatory mitigation, in accordance with the attached Compensatory Mitigation Plan (CMP):

- a. Miradores Mitigation Site (MMS):
 - i. establishment of 350 acres of Texas coastal prairie palustrine emergent (PEM) wetlands;
 - ii. enhancement of 21.9 acres of coastal prairie PEM wetlands;
 - iii. preservation of and 3.15 acres of freshwater ponds; and,
 - iv. restoration of 1,155.3 acres of thorn scrub upland habitat.
- b. Loma Ecological Preserve (LEP) Site: Preservation of the 1,500 acre site, consisting of:
 - i. 1,241.1 acres of intertidal mudflat;
 - ii. 76.2 acres of estuarine scrub-shrub wetlands (i.e. mangrove marsh);
 - iii. 7.9 acres of estuarine emergent wetlands; and,
 - iv. 174.5 acres of South Texas loma grassland/loma evergreen shrubland.

14. The permittee shall finalize the conservation easements for both mitigation sites, in accordance with the CMP and consistent with the approved draft easement document submitted to the Corps prior to permit issuance. The permittee shall file the conservation easements in the deed records of Cameron County and submit a copy of each to the CCRFO within 3 months of permit issuance or prior to beginning work in jurisdictional areas.

15. The permittee shall initiate construction of the MMS within 3 months after initiating work within jurisdictional areas. Construction of initial mitigation, including initial planting, shall be completed within 1.5 years from beginning construction on the site. Work shall be conducted in accordance with the CMP. The permittee shall notify the CCRFO in writing when initial construction activities at the MMS begin and end.

16. The permittee shall submit evidence, prior to beginning work in jurisdictional areas, to the CCRFO that the financial assurances specified in the CMP are in place.

17. The permittee shall submit written reports, in accordance with the requirements specified in the CMP and consistent with the monitoring report narrative guidance provided in Section 4(b-c) of the Regulatory Guidance Letter 08-03 (10 October 2008), to the CCRFO every year for at least 5 years upon completion of initial construction activities.

18. Your responsibility to complete the required compensatory mitigation as set forth in Special Condition 13 will not be considered fulfilled until you have demonstrated compensatory mitigation project success and have received written verification of the success from the U.S. Army Corps of Engineers. If any compensatory mitigation site fails to meet the performance criteria, including acreage and functions and services, after 5 years of monitoring, the permittee shall be required to provide additional compensatory mitigation to offset the unmitigated permanent impacts.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.


(REVERSE OF ENG FORM 1721)

- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (Sec 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

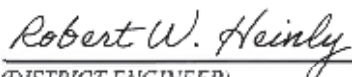


 (PERMITEE)
 IVAN VAN DER WALT
 RIO GRANDE LIQUIFIED NATURAL GAS, LLC AND RIO BRAVO PIPELINE, LLC

09-21-2021

 (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



 (DISTRICT ENGINEER)
 ROBERT W. HEINLY
 DEPUTY CHIEF, REGULATORY DIVISION
 FOR COLONEL TIMOTHY R. VAIL

22 September 2021

 (DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

 (TRANSFEEE - Typed/Printed Name)

 (DATE)

 (TRANSFEEE - Signature)

 (Mailing Address)

Exhibit B - CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on November 18, 2021, I served a copy of the foregoing Petition for Review by email on the following parties, including all members of the service list in FERC Docket Nos. CP16-454 and CP16-455.

Rio Bravo
Pipeline
Company,
LLC

Timothy Furdyna
K&L Gates LLP
1601 K Street NW
Washington, DISTRICT OF
COLUMBIA 20006
UNITED STATES
tim.furdyna@klgates.com

David L Wochner
Attorney
K&L Gates LLP
1601 K Street, NW
Washington, DISTRICT OF
COLUMBIA 20006-1600
david.wochner@klgates.com

Estela D Lozano
Enbridge (U.S.) Inc.
5400 Westheimer Court
Houston, TEXAS 77056
estela.lozano@enbridge.com

Lisa A. Connolly
Director, Rates & Certificates
Rio Bravo Pipeline Co., LLC
5400 Westheimer Court
P.O. Box 1642
Houston, Texas 77251-1642
(713) 627-4102
Lisa.Connolly@enbridge.com

Jennifer Rinker
Associate General Counsel,
FERC Chief Compliance Officer
Rio Bravo Pipeline Co., LLC
5400 Westheimer Court
P.O. Box 1642
Houston, Texas 77251-1642
(713) 627-5221
Jennifer.Rinker@enbridge.com

Rio Grande
LNG, LLC

Timothy Furdyna
K&L Gates LLP
1601 K Street NW
Washington, DISTRICT OF
COLUMBIA 20006
tim.furdyna@klgates.com

David L Wochner
Attorney
K&L Gates LLP
1601 K Street, NW
Washington, DISTRICT
OF COLUMBIA 20006-
1600
david.wochner@klgates.co
m

Terence Garrett Terence Garrett
81 Torrey Pines Dr.
Laguna Vista, TEXAS 78578
terrygarrett50@gmail.com

Diane Teter Diane Teter
519 S. 4th Ave., Unit D4
Edinburg, TEXAS 78539
UNITED STATES
dteterus@yahoo.com

Madeleine Sandefur Madeleine Sandefur
48 Golf House Rd
Lagune Vista, TEXAS 78578
madi.s44@att.net

Sara Stephens Sara Stephens
Sara Stephens DVM
224A West Oleander
PO Box 40170
South Padre Island, TEXAS 78597
snmis@aol.com

Gerhard Rupp Gerhard Rupp
124 Abalone
Port Isabel, TEXAS 78578
garyrupp07@aol.com

theresa rudolph theresa rudolph
220 A West Hibiscus
South Padre Island, TEXAS 78597
islandtheresa@hotmail.com

Sharon Satterfield Sharon L Satterfield
PO Box 3215
220 west Cora Lee 404
South Padre Island, TEXAS 78597
Sharonnm@yahoo.com

Cathy Laferty Cathy Laferty
702 orange lane
Laguna vista, TEXAS 78578
Jmlaferty@aol.com

Caren Craig Caren Craig
126A E Mars Ln Box 2163
South Padre Island, TEXAS 78597
carencraig@gmail.com

Jim Chapman Jim Chapman
Chair, LRGV Sierra Club
200 East 11th St.
Weslaco, TEXAS 78596
jchapmanrgv@gmail.com

Nicole Ekstrom Nicole Ekstrom
222 Palm Blvd
Laguna Vista, TEXAS 78578
nicolekstrom@gmail.com

Patrick Anderson Patrick Anderson
107 E Resaca Dr.
Los Fresnos, TEXAS 78566
patricktanderson@yahoo.com

William Berg William Berg
613 W Saint Charles St
Brownsville, TEXAS 78520
billberg@outlook.com

John Young John Young
34515 FM 1577
San Benito, TEXAS 78586-6660
ForJohnAndBarbara@gmail.com

Aimee Palomar Aimee Palomar
6906 Laguna de Palmas Dr
Brownsville, TEXAS 78526
palo1543@gmail.com

Cynthia Hinojosa Cynthia Hinojosa
504 E. St. Francis
Brownsville, TEXAS 78520
chinojosa@ghinojosalaw.net

Joyce Hamilton Joyce Hamilton
1617 Sunnyside Drive
Harlingen, TEXAS 78552
Jhamgo64@gmail.com

Bradley Willis Bradley Willis
224 West Oleander
South Padre Island, TEXAS 78597
yeldarb2k@aol.com

Rolando Vela Rolando Vela
City Manager
122 Fernandez St.
Laguna Vista, TEXAS 78578
cm@lvtexas.us

CENTER FOR NATURAL GAS SUPPLY
LIQUEFIED ASSOCIATION
NATURAL 900 17th Street NW
GAS Suite 500

Washington, DISTRICT OF
COLUMBIA 20002
intervenor@ngsa.org

City of Port Isabel, Texas Jared Hockema
City Manager
City of Port Isabel, Texas
305 E Maxan St
Port Isabel, TEXAS 78552
citymanager@copitx.com

City of South Padre Island, Texas	Susan Hill City Secretary 4601 Padre Boulevard South Padre Island, TEXAS 78597 shill@myspi.org	Susan Hill City Secretary 4601 Padre Boulevard South Padre Island, TEXAS 78597 shill@myspi.org
-----------------------------------	--	---

DEFENDERS OF WILDLIFE	Jason Rylander Senior Attorney 1130 17th Street NW Washington, DISTRICT OF COLUMBIA 20036 jrylander@defenders.org	Timothy Estep Staff Attorney 600 17th Street Suite 450N Denver, COLORADO 80202 testep@defenders.org
-----------------------	---	--

Friends of the Wildlife Corridor Debralee Rodriguez
President, Friends of the Wild
Friends of the Wildlife Corridor
3325 Green Jay Rd.
Alamo, TEXAS 78516
info@friendsofthewildlifecorridor.org

Interstate Natural Gas Association of America	Joan Dreskin General Counsel Interstate Natural Gas Assn. of America 20 F Street, NW	Christopher Smith Interstate Natural Gas Association of America 20 F Street Suite 450
---	---	--

Suite 450
Washington, DISTRICT OF
COLUMBIA 20001
JDreskin@ingaa.org

Washington, DISTRICT
OF COLUMBIA 20001
csmith@ingaa.org

NATURAL
GAS SUPPLY
ASSOCIATIO
N (DC)

NATURAL GAS SUPPLY
ASSOCIATION
900 17th Street NW
Suite 500
Washington, DISTRICT OF
COLUMBIA 20002
intervenor@ngsa.org



Nathan Matthews
Sierra Club
2101 Webster Street, Suite 1300
Oakland, California 94612
(415) 977-5695
nathan.matthews@sierraclub.org

EXHIBIT C - RESPONDENTS' CONTACT INFORMATION

Lieutenant General Scott A. Spellmon
55th Chief of Engineers and Commanding General of the U.S. Army Corps of
Engineers
441 G Street NW
Washington, DC 20314
Scott.A.Spellmon@usace.army.mil

Christine Wormuth
Secretary, United States Army
101 Army Pentagon
Washington, DC 20310-0101

Col. Timothy R. Vail
District Commander, Galveston District U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, TX 77553-1229

Robert W. Heinly
Deputy Chief, Regulatory Division, Galveston District U.S. Army Corps of
Engineers
P.O. Box 1229
Galveston, TX 77553-1229