

On March 3, 2023, in Order No. 4960, DOE granted the FTA portion of the Application, as required by NGA section 3(c).<sup>13</sup> NFE Altamira is thus authorized to export natural gas to Mexico in the total requested volume of 158 Bcf/yr of natural gas—which includes export by pipeline (13 Bcf/yr) and re-export after liquefaction in Mexico to FTA countries (145 Bcf/yr equivalent).<sup>14</sup> The requested non-FTA volume, if approved, would not be additive to this FTA volume.

According to NFE Altamira, the U.S.-sourced natural gas for which it has acquired title in the United States would be exported to Mexico at the United States-Mexico border via the existing border-crossing facilities of Valley Crossing Pipeline, LLC (Valley Crossing Pipeline), and potentially, cross-border natural gas pipelines that may be constructed in the future and that interconnect with the Sur de Texas–Tuxpan Pipeline offshore natural gas pipeline system in Mexican waters.<sup>15</sup> Additionally, NFE Altamira states that it may purchase U.S.-sourced natural gas in Mexico from upstream suppliers who have exported the natural gas from the United States (under the supplier's own FTA export authorization or under this requested authorization), with NFE Altamira acting as agent.<sup>16</sup> Once constructed, the Project would be capable of receiving, processing, and liquefying the U.S.-sourced natural gas, storing the resulting LNG, and loading the LNG onto ocean-going LNG vessels for delivery to export destinations.<sup>17</sup>

For the non-FTA portion of NFE Altamira's request,<sup>18</sup> DOE published a notice of the Application in the **Federal Register** (Notice of Application) on October 6, 2022.<sup>19</sup> The Notice of Application called on interested persons to submit protests, motions to intervene, notices of intervention, and comments by December 5, 2022.<sup>20</sup> On December 5,

2022, Sierra Club filed a Motion to Intervene and Protest, with accompanying exhibits, opposing the non-FTA portion of NFE Altamira's Application.<sup>21</sup> Sierra Club supplemented its filing on December 9, 2022, with electronic copies of documents that were hyperlinked in its initial filing. NFE Altamira filed an Answer in Opposition to Sierra Club's Protest on December 20, 2022.<sup>22</sup>

Before reaching a final decision on a non-FTA application under NGA section 3(a), DOE must also comply with NEPA.<sup>23</sup> In evaluating applications for re-export authorization similar to NFE Altamira's Application, DOE has used recent guidance to inform its environmental analysis. On January 27, 2021, the President issued Executive Order (E.O.) No. 14008, *Tackling the Climate Crisis at Home and Abroad*.<sup>24</sup> Additionally, on April 20, 2022, the Council on Environmental Quality (CEQ) issued a final rule for implementing CEQ's NEPA regulations, including the definition of environmental "effects."<sup>25</sup> DOE has determined that, consistent with E.O. 14008 and its obligations under NEPA, it is appropriate to evaluate the potential environmental impacts—including the greenhouse gas emissions—of exporting (or re-exporting) U.S.-sourced LNG from the proposed Project to non-FTA countries. Therefore, on June 27, 2023, DOE issued a "Notice of Environmental Assessment" announcing that it is undertaking an EA under NEPA to analyze NFE Altamira's requested exports of U.S.-sourced natural gas as LNG to non-FTA countries.<sup>26</sup>

The Draft EA examined the potential environmental impacts associated with

unconventional natural gas exploration and production activities in the lower-48 states; the utilization of the cross-border pipeline facilities in Texas named in the Application that interconnect the United States and Mexico and that NFE Altamira may utilize for its U.S. natural gas supply; descriptions of Mexico's environmental review process for the construction and operation of liquefaction terminals and related facilities; marine transport of LNG exported from the proposed Project; and the global nature of GHG emissions associated with re-exporting U.S.-sourced natural gas as LNG from Mexico from a life cycle perspective.

### NEPA Process and Public Involvement

DOE prepared the Draft EA in accordance with the CEQ regulations at Title 40, *Code of Federal Regulations*, parts 1500–1508 (40 CFR parts 1500–1508) and DOE NEPA implementing procedures at 10 CFR part 1021. DOE published a Notice of Environmental Assessment to Docket No. 22–110–LNG on June 27, 2023, announcing its intent to prepare an EA. DOE is providing opportunities for public review and comments on this Draft EA (see **DATES** and **ADDRESSES** sections of this notice).

Signed in Washington, DC, on September 15, 2023.

**Amy Sweeney,**

*Director, Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP22–503–000; Docket No. CP22–502–000]

### Columbia Gas Transmission, LLC, Transcontinental Gas Pipe Line Company, LLC; Notice of Availability of the Final Environmental Impact Statement for the Proposed Virginia Reliability Project Commonwealth Energy Connector Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a final environmental impact statement (EIS) for the Virginia Reliability Project (VRP), proposed by Columbia Gas Transmission, LLC (Columbia), and the Commonwealth Energy Connector Project (CEC Project) proposed by Transcontinental Gas Pipe Line Company, LLC (Transco) in the above-referenced dockets.

<sup>13</sup> NFE Altamira FLNG, S. de R.L. de C.V., DOE/ FECM Order No. 4960, Docket No. 22–110–LNG, Order Granting Long-Term Authorization to Export Natural Gas to Mexico and to Other Free Trade Agreement Nations (Mar. 3, 2023).

<sup>14</sup> See *id.* at 4, 15–16.

<sup>15</sup> *Id.* at 1 & n.5, 6.

<sup>16</sup> *Id.* at 5–6, 8–9.

<sup>17</sup> *Id.* at 5–7.

<sup>18</sup> DOE finds that the requirement for public notice of applications, as well as other hearing-type procedures in 10 CFR part 590, will apply only to applications seeking to export natural gas, including LNG, to non-FTA countries.

<sup>19</sup> See NFE Altamira FLNG, S. de R.L. de C.V.; Application for Long-Term, Multi-Contract Authorization To Export Domestically Produced Natural Gas to Mexico and To Re-Export Liquefied Natural Gas From Mexico to Non-Free Trade Agreement Countries; Notice of Application, 87 FR 60667 (Oct. 6, 2022) [hereinafter Notice of App.].

<sup>20</sup> *Id.* at 87 FR 60668.

<sup>21</sup> Sierra Club, Motion to Intervene and Protest of NFE Altamira FLNG's Request for Export and Re-Export Authorization, Docket No. 22–110–LNG (Dec. 5, 2022).

<sup>22</sup> NFE Altamira FLNG, S. de R.L. de C.V., Answer in Opposition to Protest of Sierra Club, Docket No. 22–110–LNG (Dec. 20, 2022).

<sup>23</sup> 42 U.S.C. 4321 *et seq.*

<sup>24</sup> E.O. 14008 sets forth policies to address climate change, specifically to "organize and deploy the full capacity of [Federal] agencies to combat the climate crisis." Exec. Order No. 14008 of Jan. 27, 2021, *Tackling the Climate Crisis at Home and Abroad*, 86 FR 7619 (Feb. 1, 2021), <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>. E.O. 14008 further requires the "Federal Government [to] drive assessment, disclosure, and mitigation of climate pollution and climate-related risks in every sector" of the U.S. economy. *Id.*

<sup>25</sup> See Council on Envtl. Quality, National Environmental Policy Act Implementing Regulations Revisions; Final Rule, 87 FR 23453 (Apr. 20, 2022).

<sup>26</sup> NFE Altamira FLNG, S. De R.L. de C.V., Notice of Environmental Assessment, Docket No. 22–110–LNG (June 27, 2023).

Columbia requests authorization to construct and operate its VRP in Greenville, Prince George, Sussex, Surry, Southampton, and Isle of Wight Counties, Virginia, and in the cities of Suffolk and Chesapeake, Virginia. The VRP is designed to provide an additional 100,000 Dekatherms per day (Dth/d) of firm transportation service for Virginia Natural Gas, Inc. (VNG), from the existing interconnection between Transco and Columbia in Greenville County, Virginia to VNG's existing delivery point in Chesapeake County, Virginia.

Transco requests authorization to construct, operate, and maintain its CEC Project in Mecklenburg, Brunswick, and Greenville Counties, Virginia. The CEC Project is designed to provide an additional 105,000 Dth/d of firm transportation service for VNG from Transco's existing Station 165 Zone 5 Pooling Point in Pittsylvania County, Virginia, to the existing interconnection between Transco and Columbia in Greenville County, Virginia, where VNG has contracted with Columbia for further firm transportation service.

The final EIS assesses the potential environmental effects of the construction and operation of the VRP and the CEC Project (the Projects) in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed Projects, with the mitigation measures recommended in the EIS, would result in some adverse environmental impacts; however, with the exception of potential impacts on climate change, FERC staff concludes that impacts would not be significant. Climate change impacts are not characterized in the EIS as significant or insignificant.

The U.S. Army Corps of Engineers (USACE), Norfolk District, and the U.S. Fish and Wildlife Service (USFWS) participated as cooperating agencies in the preparation of the EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. Although these agencies provided input to the conclusions and recommendations presented in the EIS, the agencies may present their own conclusions and recommendations in any applicable Records of Decision or other documentation for the Projects.

The final EIS addresses the potential environmental effects of the construction and operation of the following VRP facilities, all in Virginia:

- replacement of about 49.2 miles of the existing 12-inch-diameter VM-107 and VM-108 pipelines with 24-inch-

diameter pipeline mostly within Columbia's existing right-of-way, in Sussex, Surry, Southampton, and Isle of Wight Counties, as well as in the cities of Suffolk and Chesapeake;

- installation of one new 5,500-horsepower (HP) dual-drive compressor unit at the existing Emporia Compressor Station in Greenville County;
- modification of the existing compressor units and an increase in power by 2,700 HP at the existing Petersburg Compressor Station in Prince George County;
- modification of the Emporia Point of Receipt in Greenville County, Regulator Station 7423 in Prince George County, and MS-831010 Point of Delivery in Chesapeake; and
- replacement of eight mainline valves (MLV), installation of one new MLV and five new launchers/receivers, and replacement or installation of other minor appurtenant facilities.

The final EIS addresses the potential environmental effects of the construction and operation of the following CEC Project facilities, all in Virginia:

- construction of a 6.35-mile-long, 24-inch-diameter pipeline loop<sup>1</sup> (referred to as the Commonwealth Loop), including valve and launcher/receiver facilities, in Brunswick and Greenville Counties;
- addition of a 33,000-HP electric motor-driven compressor unit at the existing Compressor Station 168 in Mecklenburg County; and
- modification of the existing Emporia Metering and Regulation Station in Greenville County.

The Commission mailed a copy of the *Notice of Availability* to Federal, State, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the area of the Projects. The final EIS is only available in electronic format. It may be viewed and downloaded from the FERC's website ([www.ferc.gov](http://www.ferc.gov)), on the natural gas environmental documents page (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). In addition, the final EIS may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (<https://elibrary.ferc.gov/eLibrary/search>), select "General Search", and enter the docket number in the "Docket Number" field, excluding the last three digits (*i.e.*,

<sup>1</sup> A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

CP22-503 or CP22-502). 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 toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Additional information about the Projects is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website ([www.ferc.gov](http://www.ferc.gov)) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

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).

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Dated: September 15, 2023.

**Kimberly D. Bose**

Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER23-2838-000]

#### BCD 2023 Fund 1 Lessee, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of BCD 2023 Fund 1 Lessee, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for