

Getting Involved in Pipeline Projects Pending Before the Federal Energy Regulatory Commission



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Some of the Stakeholders

- **Federal Energy Regulatory Commission (FERC):** Approves pipeline projects under the Natural Gas Act, prepares environmental review under the National Environmental Policy Act
- **Department of Transportation (DOT):** Responsible for pipeline safety
- **States:** Administer programs under the Coastal Zone Management Act, Clean Air Act, and Clean Water Act

Stakeholders, continued

- **Environmental Protection Agency (EPA):** Residual authority (often delegated to states) under other environmental laws
- **Army Corps:** Wetlands
- **Federal & State Agencies:** Cooperating agencies, consult on impacts to resources they govern
- **Counties and Municipalities:** Consult on impacts within their borders



FERC's Role

- **Under the Natural Gas Act, FERC regulates:**
 - **Interstate pipelines**
 - **Compressor Stations and other facilities used in connection with interstate transport**
 - **Some storage facilities**
 - **LNG import/export facilities (DOE authorizes actual import or export)**



Overview of FERC Process

- **Pre-Filing and Scoping**
- **Formal Application (consider intervention)**
- **Environmental Review under National Environmental Policy Act**
- **Authorization**
- **Rehearing**
- **Appellate Review**

EIS Pre-Filing Environmental Review

Applicant Process

Assesses market need and considers project feasibility

Requests use of FERC's Pre-Filing Process

Studies potential site locations

Identifies Stakeholders

Holds open house to discuss project

Conducts route studies and field surveys. Develops application.

Files formal application with the FERC

FERC Process

Receives Applicant's request to conduct its review of the project within FERC's NEPA Pre-Filing Process

Formally Approves Pre-Filing Process and issues PF Docket No. to Applicant

Participates in Applicant's open house

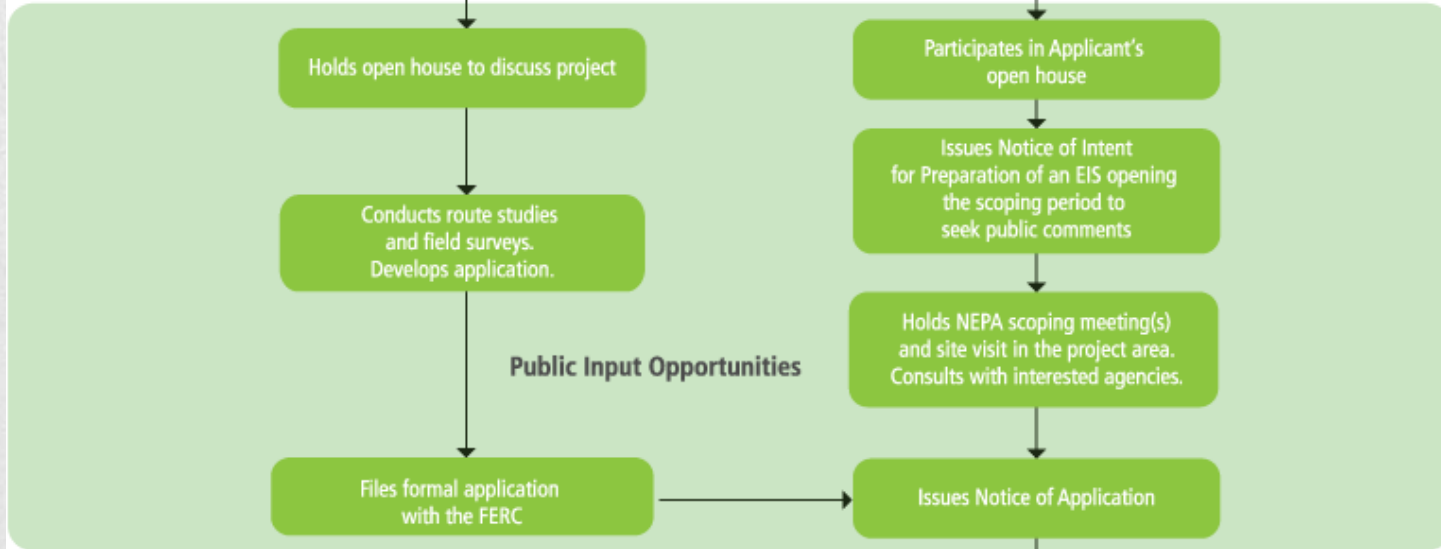
Issues Notice of Intent for Preparation of an EIS opening the scoping period to seek public comments

Holds NEPA scoping meeting(s) and site visit in the project area. Consults with interested agencies.

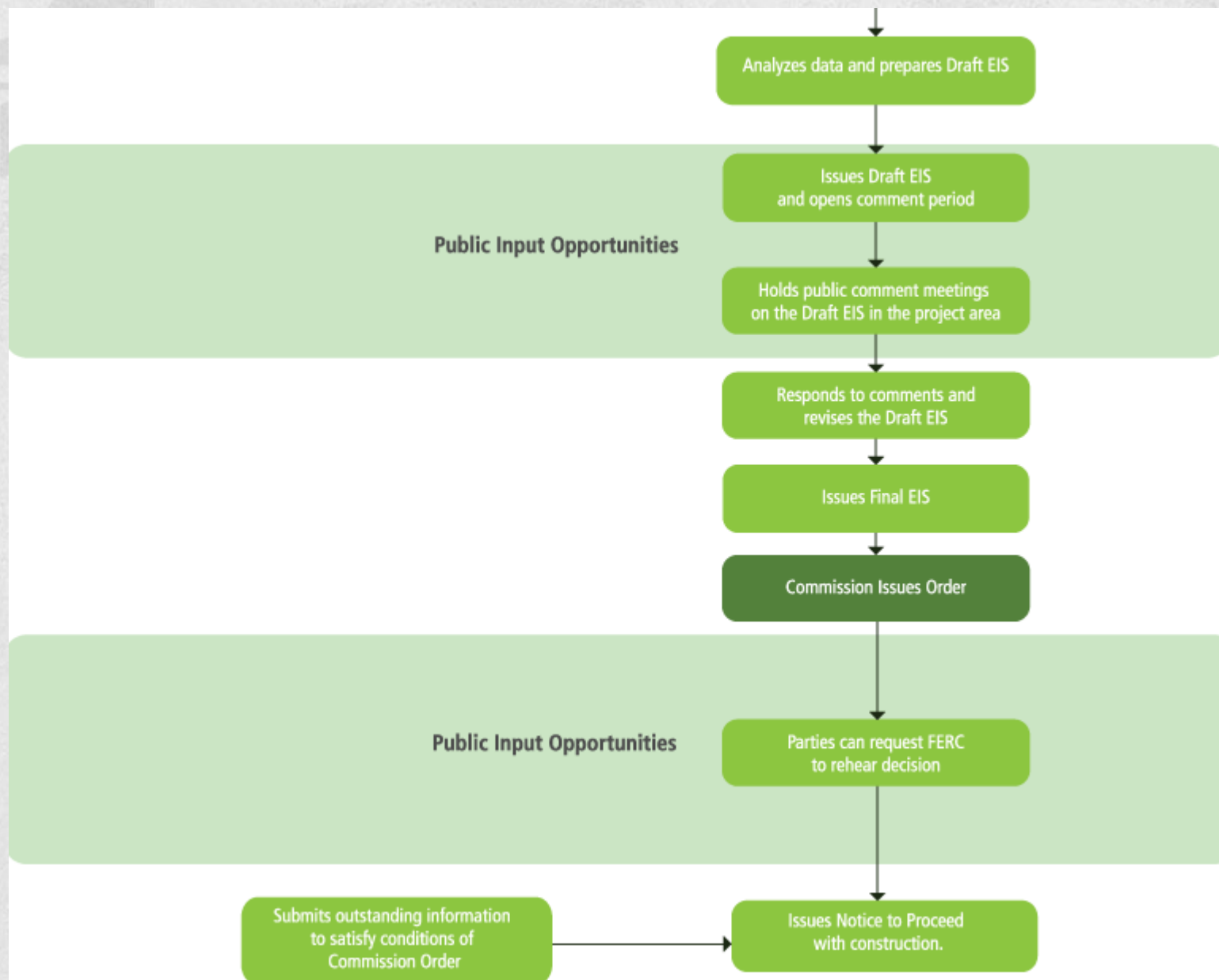
Issues Notice of Application

Analyzes data and prepares Draft EIS

Public Input Opportunities



EIS Pre-Filing Environmental Review, Cont.



Scoping

- **Scoping: define and refine the scope of a environmental impact statement (EIS) or environmental assessment (EA), ways to mitigate the impacts, and the alternatives to the proposal**
- **Scoping Meetings: FERC-led meetings; Typically held during the Commission's pre-filing process, but may be held after the application is officially filed with FERC.**
- **Note the Company holds open houses, and FERC staff may be present.**

What Issues Should I Raise in Scoping?

- **Point out any omitted analysis**
- **Point out weak analysis**
- **Note issues you see that have not been raised**
- **Propose alternatives**
- **Experts add credibility**



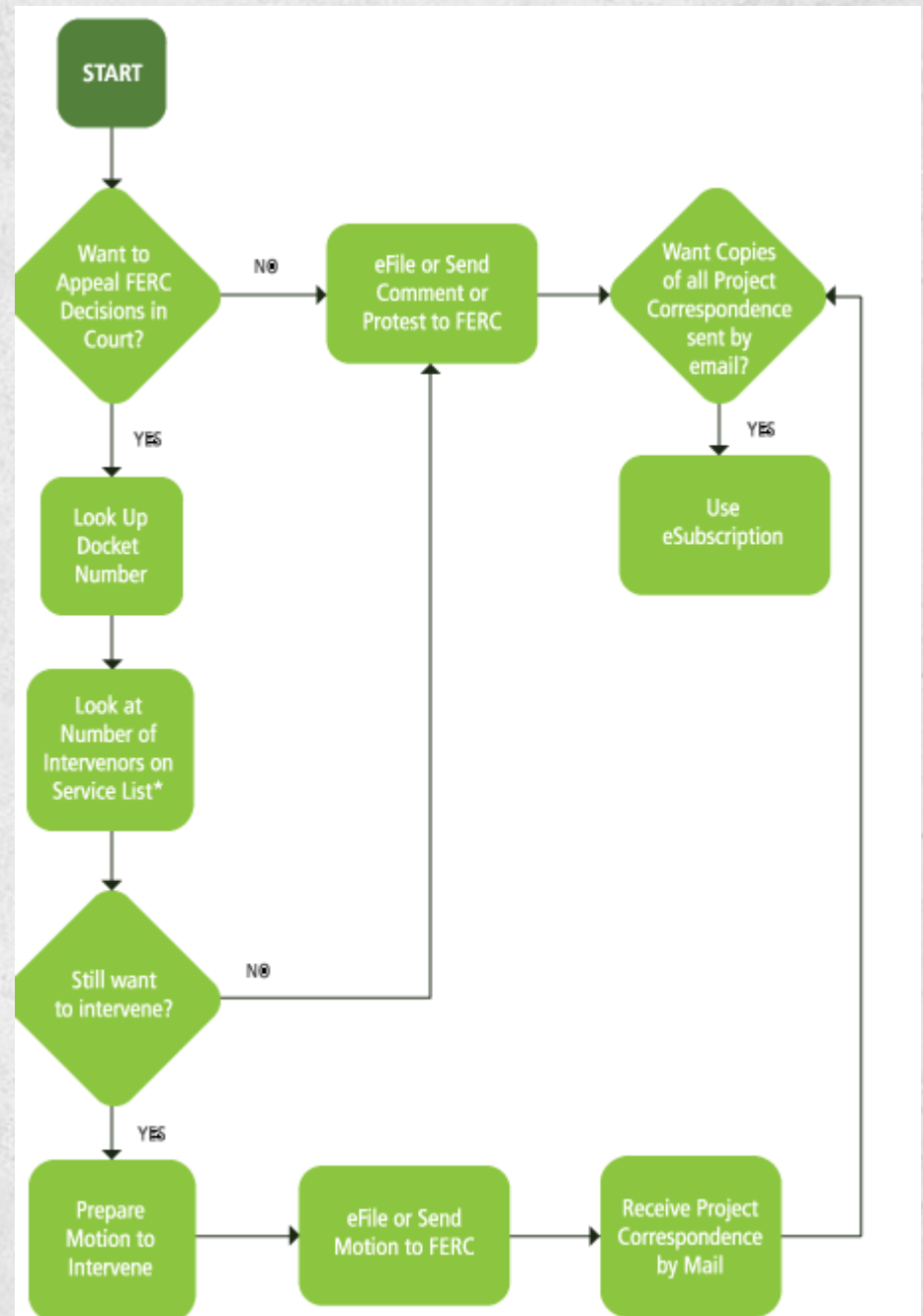
How Can I Identify Issues?

- **Review other pipeline comments**
- **Call experts at universities to solicit input**
- **Review company filings about project with critical eye**
- **Pay attention to issues other agencies raise**

Should I Intervene?

Intervention Basics:

- Become a party with rights to appeal
- Timing: 30 days from application
- File motion to intervene separately from comments
- Cannot intervene in pre-filing dockets





Public Convenience and Necessity

- **Standard for approving pipeline**
- **If FERC finds project is in the public convenience and necessity, the pipeline co. has the right to acquire property needed for project by eminent domain, if landowner and pipeline cannot agree to easement or price**

Other Tips

- Sign up for updates from FERC's e-Subscription, <http://www.ferc.gov/docs-filing/esubscription.asp>
- File comments on FERC's e-Library, <https://www.ferc.gov/docs-filing/efiling.asp>
- Identify the project docket number on all comments
- You can submit comments throughout, not just at the official entry points
- Filing deadline is 5 pm, on the nose

Resources

- **FERC, An Interstate Natural Gas Facility on My Land: What do I Need to Know?,**
<http://www.ferc.gov/resources/guides/citz-guide-gas.pdf>
- **Carolyn Elefant, Knowing and Protecting Your Rights When an Interstate Gas Pipeline Comes to Your Community (May 2010),**
<http://lawofficesofcarolynelefant.com/wp-content/uploads/2010/06/FINALTAGguide.pdf>
- **Example of Comments on Draft EIS:**
http://earthjustice.org/sites/default/files/files/CommentsonConstitutionDEIS_4.7.14.pdf



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