# FERC Interstate Natural Gas Pipeline Certificate Process

4+ YEARS

## Preliminary Work

Pipelines typically spend 12-18 months evaluating project need, feasibility, and effects.

- Potential customers approach pipeline with interest in new or expanded capacity.
- Pipeline holds informal inquiry to test market needs.
- Pipeline identifies potential corridors and Environmental Justice communities within corridors.
- Pipeline retains contractor to develop cost estimates, holds open season.
- Pipeline engages regulators in preliminary discussions regarding permitting.
- Pipeline holds public meetings, reaches out to state and local government leaders.
- Pipeline identifies landowners within pipeline corridor, holds preliminary open house.
- Pipeline continues outreach to local government leaders, landowners, and communities.
- **PIPELINE** starts
  - Surveys
  - Preparation of resource reports
  - Preliminary analysis of environmental effects

## FERC Pre-filing Process

Pipelines spend up to 12 months (minimum of 6 months) working with FERC to analyze the viability and effects of a project.

- Pipeline requests use of FERC pre-filing process.
- **FERC**
  - Accepts request
  - Opens proceeding
- Pipeline identifies preferred route, alternatives, and stakeholders; holds open house with FERC.
- FERC issues notice of scoping for NEPA document.
- **PIPELINE**
  - Conducts field surveys
  - Studies route and alternatives
  - Files draft resource reports
  - Prepares application
- FERC consults with interested stakeholders. FERC typically holds public NEPA scoping sessions and makes site visits.
- Public comment period opens on scope of environmental review (normally 30 days).
- FERC reviews submissions, works with other agencies and stakeholders, and identifies information necessary for application.

## FERC NGA & Environmental Review

FERC staff typically spends up to 18 months reviewing an application.

- Pipeline files certificate application.
- Stakeholders may intervene and participate in proceeding.
- Pipeline typically files other permit requests around same time as application.
- **FERC**
  - Issues notice of application
  - Opens docket
  - Analyzes application
  - Issues data requests
- **OEMR** reviews proposed rates and tariffs.
- **OEP** reviews engineering and environmental effects.
  - **EA** → Conducts scoping (if pre-filing not used). → Releases EA for comment (30 days). → If necessary, FERC responds to comments in certificate.
  - **EIS** → Issues Notice of Intent to prepare EIS. → Public comments on env. issues. → Issues draft EIS for comment (min. 45 days). → Holds public meetings in project area. → Responds to comments, revises and finalizes EIS.
- **OE** reviews accounting and financial reporting issues.
- **OGC** reviews legal and policy issues.

## Obtaining FERC Certificate & Outstanding Permits

FERC has no deadline to issue the certificate. FERC's certificate is not the end of the process. It can take up to 9 months to get authorization for construction.

- **+6-12 months:** FERC acts on certificate application.
- **+30 days:** Deadline for parties to request rehearing.
- **+30 days:** If no merits order, rehearing denied by law.
- **+90 days:** If no merits order, stay of construction ends.
- FERC issues notice to proceed with construction.
- Requests that raise issues with construction, operation, or need can stay construction for up to 150 days.
- Pipeline obtains outstanding permits and additional authorizations needed for construction.
- Pipeline submits outstanding information to satisfy conditions of order.
- Pipeline requests permission to proceed with construction.

### Who Uses Natural Gas?

- Homes and small businesses
- Power plants
- Large industrial customers
- LNG exporters

### Who Do Pipelines Engage With?

- Affected landowners and nearby landowners
- Community leaders, including Environmental Justice communities
- Federal, state, and local government
- Permitting agencies
- Tribes
- Safety regulators

### Who Reviews Certificate Applications?

- Office of Energy Projects
- Office of Enforcement
- Office of Energy Market Regulation
- Office of General Counsel
- Sitting FERC Commissioners

### Who Else Has to Authorize Construction and Operation of Interstate Natural Gas Pipelines?

- The Pipeline and Hazardous Materials Safety Administration sets rigorous safety regulations that pipelines must comply with throughout the design, siting, construction and operation of a pipeline.
- The Army Corps reviews discharges into Waters of the United States (WOTUS) .
- Under Clean Water Act, States review projects to ensure discharges into WOTUS comply with water quality standards.
- Under Clean Air Act, States review emissions from a project's construction and operation.
- Fish and Wildlife Service reviews for compliance with Endangered Species Act.