

TYPICAL EVOLUTION OF A LARGE FERC PROJECT REQUIRING AN EIS AND USING THE NEPA PRE-FILING PROCESS

1. Pipeline Company ABC conducts a critical issues analysis/routing study to evaluate options for getting gas from Point A to Point B.
 - a. Various factors are evaluated, including:
 - i. Overall route length and disturbance acreage
 - ii. Need for compressor station facilities
 - iii. Topography/constructability
 - iv. Residential and commercial areas
 - v. Natural resources (wetlands, waterbodies, forests, wildlife refuges, etc.)
 - vi. Existing rights-of-way (collocation can minimize impacts)
 - vii. Land use
 - viii. Land ownership
 - b. ABC uses the results of analysis/study to pick a “preferred” route that is environmentally and economical responsible
2. ABC then conducts the following activities somewhat concurrently:
 - a. Contacts landowners to obtain survey permission for civil, biological, and cultural resource field teams
 - b. Reaches out to community and government contacts to introduce the project
 - c. Develops civil survey plans, refines routing, and begins facility (compressor station, meter station) design
 - d. Reaches out to agencies to request their participation in the environmental review process
3. ABC requests permission to use the FERC’s NEPA Pre-Filing process
4. If permission is granted, FERC staff issues a Docket Number – the project is now active on FERC’s eLibrary website which is used to maintain the public record
5. ABC then conducts the following activities somewhat concurrently:
 - a. Initiates field surveys
 - b. Conducts public open house meetings
 - c. Develops draft Project Description and Alternatives Analysis
6. FERC staff conducts the following activities somewhat concurrently with ABC’s activities above:
 - a. Issues a Notice of Intent to stakeholders (landowners, agencies, etc.) to:
 - i. Indicate the type of NEPA document to be prepared (EIS)
 - ii. Officially “open” the public comment period/scoping period
 - iii. Provide date for the “close” of the public comment period/scoping period
 - iv. Announce dates and locations for public scoping meetings (these are different from the open houses mentioned above)
 - b. Sends letters to jurisdictional agencies asking if they want to be cooperating agencies in developing the NEPA document
 - c. Conducts “scoping meetings”
 - d. Conducts “inter-agency meetings”
7. Once the scoping meetings have concluded ABC must:
 - a. Respond to comments received during open houses, scoping meetings, and inter-agency meetings within 14 days
 - b. Submits a draft Environmental Report to FERC within 60 days
8. If FERC staff deems the draft sufficiently complete, ABC can submit an Application for a Certificate of Public Convenience and Necessity under Section 7c of the Natural Gas Act, including a final Environmental Report, 60 days later
9. ABC must then:
 - a. Place copies of the application in libraries in each county throughout the project area
 - b. Mail landowner notification packets containing: information about ABC and the project, a project map, FERC-issued pamphlets on the NEPA environmental review process and landowner rights, information on eminent domain, library locations where application can be found
 - c. Publish notices in a general circulation newspaper(s) in the project area
10. FERC staff will then:

- a. Develop a Draft EIS that considers potential environmental impacts and issues or concerns identified by jurisdictional agencies and the public
 - b. Issue a Notice of Availability of the Draft EIS and begin the 45-day public comment period
 - c. Hold public comment meetings on the Draft EIS
 - d. Issue a Notice of Availability of the Final EIS, including responses to comments on the Draft EIS, in the Federal Register
11. The Commission will vote on the project and, if approved, issue a Final Order Authorizing a Certificate of Public Convenience and Necessity which contains environmental conditions that must be adhered to
12. ABC must develop an Implementation Plan stating how it will address each of the environmental conditions
13. Once all appropriate authorizations have been received from other jurisdictional agencies, ABC submits a Request for Notice to Proceed with Construction