Ideas for Better Stakeholder Involvement In the Interstate Natural Gas Pipeline Planning Pre-Filing Process

Industry, Agencies, Citizens, and FERC Staff

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Table of Contents

Introduction

This document was developed by the Office of Energy Projects (OEP) Gas Outreach Team using the feedback and ideas collected from stakeholders at our pre-filing outreach seminars. It will be updated from time to time as needed, to incorporate new knowledge, techniques, or options that can help achieve consensus and a better application to the Federal Energy Regulatory Commission.

If you are viewing this document on the web site, click on the words that appear in blue to link to the glossary or to an appropriate web site. A full glossary also follows the document for further reference.

The concepts presented in this document are for discussion only, and do not necessarily represent the views of the Commission or its individual members.

Action Options Overview For Interstate Natural Gas Pipeline Siting

Early Involvement by All Stakeholders Can Develop Better Solutions

As a result of the comments and discussions at six Interstate Natural Gas Pipeline Facility Planning Seminars, the OEP Gas Outreach Team developed a set of Outreach Action Options for pipeline companies, agencies, citizens, and the FERC staff. The Action Options identify concepts, actions, and activities that will help each stakeholder group achieve more effective participation in the process of planning a natural gas pipeline.

For more information on how to be involved in a project from a landowner's perspective, see "An Interstate Natural Gas Pipeline on My Land? What Do I Need to Know?"

The U.S. Department of Transportation (DOT) is responsible for setting federal safety standards for natural gas pipelines and related facilities. The Office of Pipeline Safety at DOT is at www.dot.gov.

The objective is to provide the best possible guidance on different pre-filing techniques that can be used to address issues that are raised. Every pipeline project is different - its size, its location, the company's approach to working with stakeholders, the community's interest in participating, the agencies' experience with similar projects, etc. The goal of the Action Options is to offer some ideas that all stakeholders can customize for their needs.

Pipeline companies are encouraged to seek out greater involvement from the various groups early in the planning so those who are interested can participate in the decision-making process. Agencies and citizens are encouraged to get involved early and make their views known to the companies as soon as they learn about a potential project. The goal is to achieve consensus and settlements among the groups and the company about an acceptable project design. FERC staff has been asked to offer assistance early in the process to support all stakeholders. Earlier and more productive involvement will lead to better project designs and less contentious applications to FERC and other agencies.

Working together will pay off by helping to achieve agreements. Spending time up front will save time later. Consensus will be more easily achieved through implementing these ideas.

What All Stakeholders Need to Know

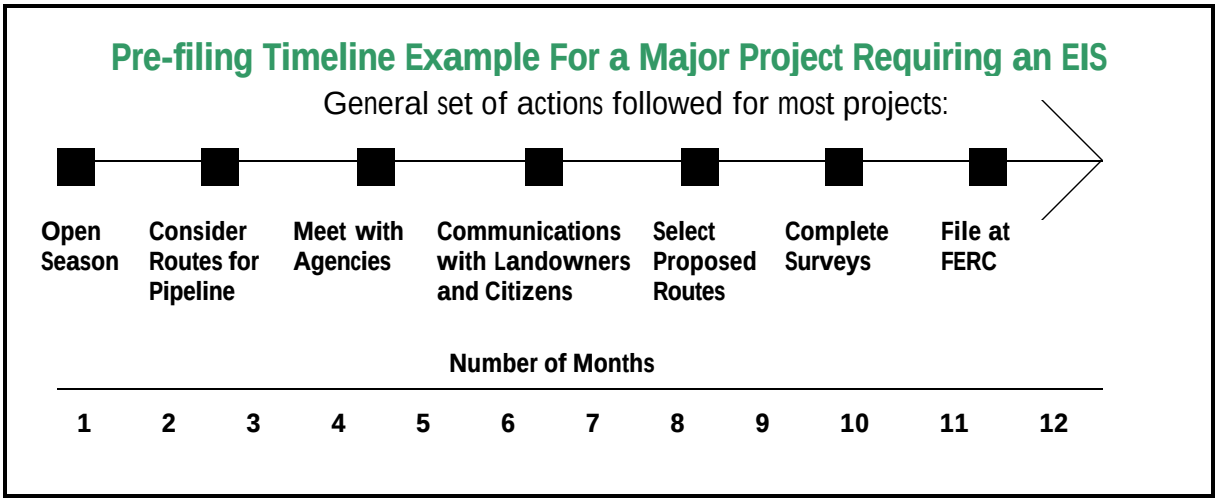
The Players

There are many different participants in the pipeline planning process.

- FERC - is charged by Congress with determining whether interstate natural gas transmission projects are in the public convenience and necessity.
- Pipeline Companies - These are the companies that build and operate interstate natural gas pipelines. They must justify the need, plan the route, and obtain numerous local, state and federal permits and clearances prior to construction.
- Federal, State and Local Agencies - The best way to find out who is involved from your local and state government is to call a local town official or a pipeline company representative and ask. Some typical agencies involved in the planning process include:

    ⇒ **Local:** Town and County Councils, planning boards, zoning boards, and others
    ⇒ **State:** Environmental agencies, historic preservation offices, fish and wildlife agencies, and others
    ⇒ **Federal:** U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Bureau of Land Management and Forest Service

- Local citizens and landowners - have interests in whether the proposed natural gas line will impact their land or their community. Local citizens and landowners are encouraged to make their views known at any time in the process.



The Process

Generally, the formal process for evaluating a pipeline company's proposal to build an interstate natural gas pipeline begins when the company files an application with the FERC. The application includes maps showing the preferred route, the proposed facilities, the status of permit applications with local, state and federal agencies, affected landowners, and information on how the pipeline will affect the environment.

The FERC's review of the application and determination of need involves the balancing of the project's adverse impact against its benefits. The FERC's environmental analysis of the application under the National Environmental Policy Act of 1969 (NEPA) is part of that balancing. Public participation is a key element in FERC's environmental analysis.

The goal of the Action Options is to encourage participation in a process where all stakeholders have the opportunity to have input **before the development of the application**, so that issues are raised and addressed and solutions crafted and presented as part of the company's proposal.

Some Tips For All Stakeholders

- Ask other stakeholders how they want to be communicated with throughout this process.
- Agree up front on how stakeholders will be involved to set expectations at the start.
- Be patient—working together on a complex project requires understanding from all participants.
- Develop summary transcripts from meetings and share information with all stakeholders to keep the lines of communication open.
- Set up a process for what can be done if any stakeholder feels their needs are not being met. If everyone agrees on the process up front, there will be a way to address concerns.
- Remember that each stakeholder has control over their own actions and decisions. This is a voluntary process for all stakeholders.
- Formalize agreements in writing so everyone can be sure they understand and agree to what is decided.

NEPA IS...

- The National Environmental Policy Act of 1969 is legislation that requires federal agencies to consider the environmental impacts of their actions.
- It outlines a process for public input into the agencies' decision-making process.
- It requires that for major projects, a detailed environmental study be prepared, including the analysis of appropriate alternatives to the proposal.

Industry Action Options

Start Early, Be Pro-active, Involve Key Stakeholders

Natural gas pipeline companies and their consultants, contractors, and industry groups are the centerpiece of the pipeline siting process because they are the project planners and proponents. This group carries a large part of the responsibility to implement and coordinate the project activities that occur during the pre-filing time frame. There are a number of separate components to the actions that the company will need to take, including developing a company philosophy of commitment, ensuring agency participation, training company representatives and land agents, developing a public participation plan, collecting data, and having a plan for potential mitigation and compensation.

As part of its pre-filing groundwork the company should address internal and external planning and coordination issues. Pre-filing actions should be part of a coordinated plan, since they involve so many facets of a company and its consultants. Decisions on how to involve others should be made internally before they are implemented. It will also be important to train the project development team on the company philosophy and policy.

Dealing with agencies and citizens in a participatory decision-making process can help build consensus and resolve issues prior to filing. There will likely be some initial costs of time and money, but these up-front actions should result in quicker processing of an application and presentation of the record to the Commission for a decision.

Demonstrate Your Commitment to Public Involvement

- Companies should create a project team to interact with stakeholders. For large projects, the team should include environmental, engineering, and public relations professionals, in addition to other valuable experts. At least one company has formed a separate team specifically created for stakeholder outreach.

  ⇒ Make sure the team is trained to perform the public involvement plan.
  ⇒ Build the concept of public participation into training for all facets of the project development team.

- The company should decide early that it will be pro-active in getting agencies and land-

HAVE YOU:

- ✔ Asked the community how they'd like to receive information?
- ✔ Described the project in great detail to landowners?
- ✔ Explained to stakeholders how you will work with them in the pre-filing process?
- ✔ Told landowners about your company?
- ✔ Shared safety information?

owners involved in the process and the resolution of issues. Commit to being honest and open and following through in relationships with other stakeholders.

- As part of determining potential stakeholders for a project, identify and establish key contacts with:

  ⇒ Governor(s) and federal, state, and local politicians
  ⇒ Environmental agencies and groups
  ⇒ Energy agencies/ PUCs
  ⇒ FERC staff
  ⇒ Non-governmental organizations
  ⇒ Federal and state land managers
  ⇒ Local distribution companies
  ⇒ Landowner and community representatives

- Develop a positive attitude and company philosophy that includes a historical company mission perspective. Make sure employees at every level and in every division of the company understand the concept of public participation.

- When developing a public participation plan, consider how project announcements and first contacts will be made, and to whom meetings will be open. Be inclusive, get others involved early.

- Consider involving stakeholders in early efforts to develop the route.

- Be prepared to explain the need for the project to agencies and landowners. Explain the support the company has for the project at opportunities such as meetings and open houses, etc. Explain supply/demand and get help and/or information from public utility commissions (PUCs), the Energy Information Administration (EIA), independent system operators (ISOs) and local entities on regional issues important to landowners.

- In addition to sharing information about the benefits of a pipeline, commit to being open about the down sides too. The public will respect honesty and it may prevent future misunderstandings.

Involve stakeholders early and share information.

Maintain Strong, Open Channels of Communication with Agencies

- Develop a multifaceted, grass-roots strategy for announcing the project to federal, state, and local agencies (and to landowners), which maximizes their opportunity for input into identifying potential issues and their resolution.

- Describe the time table for the project and try to get agency contacts to commit to have their staffs work at the requested pace.

- Be clear about when and how landowners and agencies can best contribute to the planning process.

- Set up big picture meetings/briefings with agency policy staffs, but be sure to also hold detailed working sessions with technical staff.

    ⇒ Conduct field visits to help get a better understanding of an issue.
    ⇒ Consider the source of the information and whether it is really representative of the agency's assessment.

- Explore the potential for team permitting options among agencies. The value of early coordination and notification of problems is high.

- Tell federal agencies, local and regional officials, and state agencies about the project as early as possible, with as much detailed information as is available, so that they may tell citizens when they call. Ensure that the information is updated when events or schedules change. Consider developing materials that agencies can provide to interested stakeholders and develop a website with the latest information.

The value of early coordination and notification of problems is high.

- When and if limited resources prevent agencies from timely responses or actions, consider funding third-party contractors to work for them.

- Provide the FERC staff with accurate, advanced project information in as much detail as possible so that they can help coordinate outreach to other agencies.

Train Company Representatives and Land Agents

- Develop specific training for company representatives and land agents on the importance of company philosophy and their role in establishing good communication with landowners and continuing it. Landowners want to deal with someone who is personable, honest, and respectful.

    ⇒ Land agents are either building or hurting the reputation of the company with all affected parties they meet.
    ⇒ Landowner trust will be based in part on experience with the industry as a whole.
    ⇒ Consider using local land agents or hiring local assistance to familiarize out-of-town land agents with local culture and geography.

- Train land agents in dealing with people and on the company's public participation plan.

    ⇒ When people are upset, find out what people are upset about.
    ⇒ Land agents should be willing to put commitments in writing or not make them.

Land agents are your representatives to the community.

Plan for Public Stakeholder Input Throughout the Process

- Make a commitment to involve affected landowners and other interested citizens in the project planning process. Inform them, listen to, and record landowner's ideas and knowledge of the area and environment. Make sure communication is clear and easily understandable, and respond to them constructively and with empathy.

    ⇒ Ask the community how they would like to be communicated with. What works in one area may not work in another.
    ⇒ Develop a public participation plan early, share it with landowners, and ask for comments and suggestions.
    ⇒ Try to have one consistent contact person that landowners can call, and make sure that person is clearly identified to the public. Provide the land agent's name and number and also the supervisor at the company or a company hotline to call.
    ⇒ Bear in mind first contact issues and their potential sensitivity to landowners - a call, a letter, a visit? Consider issuing a public notice in the local newspaper or on other media (television, radio) before contacting landowners for a survey so that landowners have some awareness of the project before they are first contacted.
    ⇒ Post information and updates on town bulletin boards and other public places.
    ⇒ Ask town officials for help contacting local stakeholders so it can be determined whether or not everyone impacted by the project has been contacted.
    ⇒ Share where the company gets its information and what resources the company relies upon.
    ⇒ Give people time to react to requests, documents etc. Don't expect overnight feedback.
    ⇒ During the process, setup a feedback system so citizens know when they will get answers to their questions. Put answers to general questions on a web site or other public place so all citizens can see the information.
    ⇒ Stay away from industry jargon: use language carefully and be aware of how the public perceives the company at all times. Using words like "marketing" in public settings can give the company a negative image because the word has different meanings to different people.
    ⇒ Understand stakeholders' knowledge and background.
    ⇒ Consider establishing an ombudsman for neutrality in information and contacts.
    ⇒ Consider funding of studies requested by stakeholders.

Project Announcements and Ongoing Information Collection

- When announcing the project, be specific and thorough—carefully spell out the process and timeline for other stakeholders.

- When announcing the project, consider the most effective meeting types. Again, ask stakeholders how they want to be communicated with.

    ⇒ Do they prefer open houses, or one-on-one meetings, or a letter first? Should the initial contact be formal or informal?
    ⇒ Consider meeting locations and times. For example, in an agricultural area, don't hold a meeting in the planting/harvest season; or don't hold a meeting on a religious holiday; etc.
    ⇒ Have qualified engineers and technical staff available to answer safety and design questions, perhaps with a sample piece of pipeline, to describe how it is designed and operated.

When announcing the project, consider the most effective meeting.

- For an open house, notify all stakeholders in the study corridor. Perhaps present a slide show on pipeline construction and other general issues so that people unfamiliar with pipeline siting and construction can get a clear idea of what is proposed.

    ⇒ Describe the size and types of equipment that would be used.
    ⇒ Ensure all documents are accurate and consistent. Avoid giving conflicting information to stakeholders.

- Distribute the following information, whether in pamphlet-form or by other means:

    ⇒ A general biography of the company,
    ⇒ General information on environmental and other benefits of natural gas,
    ⇒ Discussion of today's energy market and the need for expanded infrastructure,
    ⇒ FERC background information,
    ⇒ Discussion of pre-filing activities,
    ⇒ Post-filing review process,
    ⇒ Construction information,
    ⇒ Safety information, plans for safety training and the company's past safety record, and
    ⇒ Intended time frame for completing various activities (a project time line).

- Share the pre-filing process with landowners in detail so that they can better understand the steps and decide how to get involved.

- Suggest unbiased sources (academics, web sites, government statistics) that are not affiliated with the company so that stakeholders can get information that is trustworthy in

their eyes. Avoid using the term "proprietary information" because it can raise suspicions and create distrust.

- Make sure that all of the information that is used and shared with the public (including maps, studies, etc) is current and up-to-date.

- Follow up on outstanding questions and let people know how the answers will be communicated.

- Conduct post-project interviews or evaluations with key stakeholders to make future improvements.

Make Route Development and Data Collection Easy and Understandable

Share the pre-filing process with landowners in detail.

The stage of the process where surveys are performed, data collected and routes proposed may be the most confusing and complicated for many stakeholders. When it's time to do the detailed route planning, make sure the landowner knows what to expect and has given permission to proceed with the survey(s). Survey permission forms should be readable with full disclosure of survey requirements.

- ⇒ What does survey permission mean? Recognize and state clearly that landowner concurrence to allow a survey is not approval of a right-of-way. Know the difference.
- ⇒ Explain the types of surveys (crew size, survey methods).
- ⇒ Describe the work to be done (such as: is tree cutting or clearing required? Will test holes be dug?).
- ⇒ Ensure the survey corridor is wide enough to accommodate route variations.
- ⇒ Describe alternative routes the company considered in addition to the proposed route.

Explain Mitigation, Compensation and Benefits in Layman's Terms

- Many landowners are unfamiliar with the rules, process, and procedure of how a right-of-way payment is made. So, explain the compensation/payment method to landowners.

  - ⇒ Explain the typical procedures which the landowner can expect will be used.
  - ⇒ Explain procedures and specifics around payments for easements - how are they determined?
  - ⇒ Share information about additional damage payment(s) made after construction
  - ⇒ Provide options of what a landowner could request as compensation.

- Explain the energy benefits which will result from the project, or other benefits which could be locally significant.

    ⇒ Develop a benefits plan and educate stakeholders about local benefits of the project (i.e. payments to landowners, local tax payments, etc).
    ⇒ If the landowner requests "side jobs," explain what is or is not allowed and how the job might be performed for the landowner.

- Since practices vary among different pipelines, it is important to be up-front about the company's usual custom and whether or not it involves monetary compensation. If any funding to aid public participation is available, tell stakeholders early.

Conclusion

The proper preparation and stakeholder involvement in the pre-filing process can make the entire process easier, quicker, and ultimately less expensive. The company's reputation with the community and involved agencies will benefit from a well-devised, well-executed participation plan.

Agency Action Options

Coordinate to Address Multiple Oversight Responsibilities

Numerous agencies (federal, state and local) have a role in natural gas facility siting. All serve the public and may have overlapping responsibilities. Agencies' focus on management and regulatory requirements span a very wide spectrum of cultural, natural, economic, educational, political, and other resource interests. As a result, different agencies may have conflicting priorities or responsibilities due to their unique focus and or function. What is ideal for one agency may be detrimental to another. The challenge here is to identify what is needed to avoid or at least minimize obstacles to providing coordination and service, and how to achieve better results early in the facility planning process. There are several steps to coordination, including addressing project issues early, discussing joint participation, defining agency needs early, and addressing mitigation needs as soon as possible.

Address Project Issues/Concerns Early for Better Results

With many agencies and potential overlapping needs, it is important to get your agency's interests into the mix early so your role is clearly defined and understood from the beginning. Some of the things agencies can do upon getting an initial contact from a company include the following.

- Know what project components will involve your agency.
- Get support from agency management to commit resources for early involvement
- Determine the lead federal agency (usually FERC) and lead state agency, if one, and provide a key agency contact to ask and answer questions early.
- Establish coordination and early participation procedures among agencies.
- Consider attending public meetings in order to provide your agency's perspective and explain your role in the process.

HAVE YOU:

- ✔ Identified where your agency should get involved?
- ✔ Gotten support from agency management?
- ✔ Identified key issues and information needs
- ✔ Decided on coordination procedures?
- ✔ Attended public meetings?

Consider Multiple Agency Coordination and Joint Participation

Coordination with other agencies can reduce timing for reviews and approvals.

- Encourage team permitting to improve your agency's internal and external processes. Team permitting could reduce redundant review and provide information concurrently to all interested parties.
- Federal agencies should coordinate regulatory review and approvals at the federal level early.
- State agencies should coordinate regulatory review and approvals at the state and local level early.
- Determine whether your agency has public notification rules and/or needs to hold public meetings. Consider whether another agency's meeting could fulfill the requirements. Agencies that must involve the affected public and stakeholders before making their recommendations and decisions.
- Even if your agency cannot commit to early involvement, know where to get information and stay informed.
- Consider creating a document that shows how agencies work with other agencies so citizens know how to work with the system.
- Consider creating an agency forum for discussion and resolution of common issues.
- If resources prevent agencies from timely responses or actions, consider third-party funding by the project proponent to assist the agency.
- Ensure that decision-makers and required technical staff are involved early in the process so that accurate issues and needs are reflected early and decisions can be made more accurately and quickly.

Define Agency Information Needs and Timing Requirements Early

It is very important to identify information and timing requirements as early in the process as possible. When issues about the project, the process, and likely conflicts or potential outcomes are defined and acted on early, the process can go more smoothly and efficiently.

- Be clear about what information your agency needs and when you need it—have your requirements published clearly. Examples may be specific route surveys, survey results, landowner information (approved or denied survey access, etc.), and timing of when all remaining information must be submitted.

- Identify where and when decisions will be made and who will make them.

Identify "show-stoppers" as early as possible.

- If there are any "show stoppers" identify them as soon as possible. Examples: If state/local agency code/regulations have siting guidelines or requirements that conflict with FERC's routing criteria, or would require use of established "utility corridors" that are not conducive to a proposed project's end points.

- Agencies should give early and honest feedback on route alternatives. Make sure you supply whatever information you have.

- Agencies should identify any known cumulative effects (both beneficial and adverse impacts) and any growth that will occur in the project area. These should include location and timing information about any known development or other projects in the vicinity of the proposed pipeline.

Address Mitigation Needs As Soon As Possible

If resource impacts are unavoidable, but can be mitigated or otherwise compensated for, identify potential options which satisfy your concerns, as early as possible.

- Identify if compensation will be required.

- Explain who is responsible for developing mitigation plans.

Conclusion

Although different agencies can often have conflicting priorities and responsibilities, early and effective coordination can help prevent obstacles. It is important to know how to get information and to decide early on how different federal, state, and local agencies will work together in the most effective manner.

Citizen Action Options

Citizens Have a Unique Role: Take Advantage of Your Opportunity to Participate

Citizens and landowners are unique in the natural gas pipeline siting process for several reasons. While the pipeline company is proposing the action, and the government agencies are actively involved in the permitting process, citizens are often passively swept into the process. While the pipeline companies and the agencies participate in the process in the context of doing their jobs, the citizens not only must take time off from their jobs to participate, but their stake in the outcome may be more personal; the project affects their own property and/or community.

The challenge for citizens is to develop resources that enable active engagement in the process, objective application of the process, easier identification of direct or indirect project benefits, and greater access to information. In order to be involved in the most productive way, citizens should get involved early and make an effort to understand the process.

Get Involved Early and Stay Informed

Every pipeline company and every natural gas pipeline siting project is different. Projects that are large or new take longer to plan than smaller expansions of existing systems. The difference can depend on geography, the company's culture and the type of community that may be impacted by the siting process. Getting involved early and staying informed is a citizen's best strategy for ensuring that their needs are met and their questions answered.

- As soon as you can become involved, seek out information pro-actively; don't wait for it to come to you. If you wait, you could lose an opportunity.

    ⇒ Constructive participation will get you more answers and information. Participate from a foundation of knowledge and fact rather than emotion and rumors.

HAVE YOU:

- ✔ Identified Company contacts?
- ✔ Learned about the siting process?
- ✔ Checked the pipeline company's web site?
- ✔ Given feedback on how the company or agencies can improve communication?

- Let the company know if you are interested in participating in the planning stage (where the route is determined) and not just the permitting stage (where the route is reviewed by regulators and agencies).

- Recognize what information the companies are obligated to provide and what information is not available.

  ⇒ Ask questions and follow through until they are answered to your satisfaction.
  ⇒ Although you should be prepared to wait for answers, you should also balance that with being assertive when it comes to asking for information you should have.
  ⇒ Lots of information is on web sites (companies, agencies); make use of it.
  ⇒ See the Industry Action Options for information about what resources should be made available to citizens; ask about them.
  ⇒ Make sure you get the project manager's name and contact information so that you have someone to call if you have questions.

SOME SOURCES OF INFORMATION INCLUDE:

- FERC Regulations 18CFR380
- FERC Landowner Notification Rule 18CFR157.6(D)
- FERC Website http://rimsweb1.ferc.gov/rims http://cips.ferc.gov/cips
- Interstate Natural Gas Association of America www.ingaa.org
- Companies' Websites (See links at www.ferc.gov)

- Understand that your active participation in a company's project can add value. Regardless of your opinion, it is in the company's best interest to work with you rather than against you.

  ⇒ Decide if you want to be involved in decisions regarding routing and/or construction impact mitigation.
  ⇒ When you send in comments to FERC, also send a copy to the company so they are immediately aware of your opinions.

- Explore whether your local municipality, county, or citizen organization will represent you as a group.

- Know the name and phone number of the company land agent's supervisor or the number of the company/landowner hotline. Don't hesitate to call if you feel you are not getting answers or if you think you are being treated unfairly; the company wants to know.

- Consider asking the company if any aid to public participation such as reimbursement for time and expenses is offered so you can be involved in the process. Every company has a different approach to how to handle this so don't be surprised if the company _you are working with tells you it is against their policy to provide compensation for your time or expenses.

Your participation can add valuable project information to the pipeline company's planning process.

Do Your Homework to Ensure Your Involvement is Productive

The process of siting natural gas pipelines is complicated and involves lots of participants and details. The following can help you be sure you are informed about the process and how you can become a partner in that process.

Know the Participants

- Understand the mission and business plan of the company proposing the project.

  ⇒ Check their web site and public mailings.

- Understand the role and mission of the FERC and its processes.

  ⇒ Check the FERC web site at www.ferc.gov.

- Understand the role of federal, state, and local agencies.

- Understand how your first tier local government can work for you. Your local government or community may be able to be your advocate.

Know the Process

- Understand the concepts of eminent domain, federal preemption, and public convenience and necessity.

- Understand the process of the National Environmental Policy Act of 1969 (NEPA). It is a statute that requires a federal agency to be aware of the environmental impacts of its decisions.

- Understand that the pipeline company will respect you for your honesty, just as you respect them for theirs.

- Understand that the regulatory review and approval process may not move as quickly as you would like once a project is agreed upon. Have patience with the gas company and

the agencies involved to ensure a smoother process.

- Find out what survey permission is and what survey companies do (e.g. number of days, extent of work, etc). Be informed.

Becoming a Partner

- Determine whether there are, or could be, direct or indirect benefits of the project to your community and to you personally.

- Your knowledge can help accomplish the goals of the company in a way that meets your needs at the same time.

- Allowing surveys is not the same as granting a construction easement. Consider allowing the company to complete its surveys on your property as they may document environmental or engineering constraints if they exist. You may seek the advice of counsel if you are concerned.

- Improve informational resources. If FERC's or a pipeline company's landowner brochure doesn't meet your needs, tell them and suggest ways to improve them.

TYPICAL TYPES OF SURVEYS INCLUDE:

- Civil surveys,
- Geotechnical surveys,
- Cultural resource surveys,
- Wetland delineation surveys, and
- Threatened and endangered species surveys.

Some types, (especially geotechnical and cultural resource surveys), typically require localized excavations at predetermined intervals.

All surveys require that the surveyor have access to the land. Once access is granted, various surveyors may visit the property intermittently over a period of time.

Conclusion

There are ways for interested citizens to get involved in the pre-filing stages of natural gas pipelines that could affect their community. It is important that all stakeholder groups work together to ensure that citizens are actively engaged in the process, understand direct and indirect project benefits, and have greater access to information. Early involvement and better understanding will increase public participation and allows citizens to make their views known.

FERC Staff Action Options

FERC'S Role as the Lead Agency

There are many questions regarding FERC's role in siting natural gas pipeline facilities and how FERC's process is connected to those at other agencies, particularly state agencies. Landowners clearly look to FERC to provide more information than is currently available. Further, natural gas companies look for additional help from FERC to coordinate the efforts of all the other permitting authorities. There are several action options that can address requests for greater staff participation and other resources to aid the various stakeholders in the planning process. Options include: making an effort to keep information up-to-date, offering training to share information, and committing to get involved in the process early.

Commitment to Providing Up-to-Date Information

- The FERC web site was revised in the spring of 2001 and represents a marked improvement in appearance and the organization of information. Although it is more user friendly and it's easier to find the information you need, no new functionality was built into the latest release. FERC is considering further upgrades. Comments received at the seminars regarding the web site included requests for:

  The FERC staff can become involved in projects during the pre-filing stage.

  - ⇒ Summary and status information for major projects. The summaries could also include links to the applicants' project web site.
  - ⇒ Criteria, requirements, and documentation for getting approval for the NEPA pre-filing process.
  - ⇒ A "home" for pre-filing (pre-docket number) project information.
  - ⇒ State-by-state links to relevant agencies so landowners can use the FERC site to get local info.
  - ⇒ A guide on how to contact FERC and ask that they get involved in a project.
  - ⇒ A landowner chat room where subject matter experts could respond to questions.
  - ⇒ Other specific requests to solve problems such as retrieving filed information from the RIMS system.
  - ⇒ Data on future projects.
  - ⇒ A list of contacts if people have further questions.

- FERC staff and/or other resource agencies (the Energy Information Administration, PUCs) should work to generate information about the big-picture market for natural gas and the need for natural gas on a regional basis that could be presented to various stakeholder groups.

- During the decision-making process, FERC should be sensitive to the difference between survey permission and landowner support of a project.

- FERC should enhance the existing brochure "An Interstate Natural Gas Pipeline on My Land? What Do I Need to Know?" to include information such as:

  ⇒ The availability of information on the FERC's web site.
  ⇒ Resources available to landowners (e.g., INGAA web site).
  ⇒ Materials that companies are required to provide to landowners and others under the Landowner Notification Rule - when it is provided and to whom.
  ⇒ What types of routing changes and landowner benefits in easement agreements can be negotiated without FERC approval, as FERC will not be involved in easement negotiations.
  ⇒ Clarification on how a landowner can become an intervenor.

- FERC should conduct exit interviews with landowners after each project that implements pre-filing involvement to better understand where problems were and how those problems were solved. Debriefings on completed projects could be used to determine improvements to future projects.

- FERC should prepare a scoping summary to address issues raised during scoping.

- Consider establishing a single point of contact to answer questions.

Training to Improve the Process

FERC will offer training (mainly for industry and consultants) on Revised Regulations for Environmental Reports (Minimum Environmental Filing Requirements). FERC is currently planning a series of training sessions; please see www.ferc.gov for session dates, locations, and other details. Training will also be offered on Environmental Compliance. FERC can also use these training sessions to provide information to professional participants and to disseminate information on new methods and protocols that improve the NEPA process.

A Commitment to Early Involvement by FERC Staff

By getting involved early, FERC can help coordinate agency and citizen participation.

- Improve programmatic coordination between the FERC and other permitting agencies to expedite natural gas projects.

  ⇒ FERC can make staff available to attend agency coordination meetings either before or after the filing of an application (subject to staffing limitations).
  ⇒ If needed, help develop interagency or project-related Memoranda of Understanding between FERC and interested agencies to establish jurisdiction and responsibilities.

- FERC could help achieve consensus in route planning and issue identification and resolution at the earliest possible point (i.e., before the filing of an application). FERC is currently in the process of initiating pre-filing environmental reviews. It is likely that FERC's involvement in each project will be slightly different depending on the case-specific circumstances. Typically the goal would be to issue a draft EIS very shortly after an application is filed. Adequate time should be allotted in the pre-filing phase to conduct scoping meetings, field surveys, and to compile the reports that are required to support the coordinated review by agencies, FERC, and third-party consultants.

- As the lead federal agency, FERC could advise other agencies of their role in the pre-filing application process.

- FERC should consider expanding its process to include giving responses to all levels of government officials. This response policy would help pipelines in addressing issues at the local level.

Conclusion

FERC could provide more information to stakeholders and coordinate efforts among agencies. FERC's early involvement should improve communication between stakeholders and could expedite the process.

Glossary

Construction easement
The area of land, or "footprint" that is disturbed or used for construction of the pipeline. This area is typically larger than the "permanent easement" and includes extra work areas for activities such as equipment staging, topsoil storage, stream and road crossings, and right-of-way access during construction.

Construction impact mitigation
Those measures that are implemented in order to reduce or undo the potential damages incurred during pipeline construction such as soil erosion on slopes that have been cleared and graded. In this example, water bars or slope breakers could be installed across the slope to minimize erosion caused by precipitation and the resultant siltation of nearby streams. State and Federal agencies often attach many construction mitigation requirements to their licenses and permits.

Draft EIS
A draft Environmental Impact Statement issued by the lead federal agency for a 45-day comment period.

Easement agreements
The legal document, signed by both the pipeline company official and the landowner, that specifies the route, work areas, amount and method of payment, if any, and other terms such as restrictions on the use of the land, and possible future expansions of the pipeline.

Easement and damage payments
Payments made by the pipeline company to the landowner or land-managing agency for the easement or damages resulting from pipeline construction. Damage payments, if necessary, would be in addition to standard payments for the right-of-way easement.

Easement negotiations
Those discussions between pipeline-company official and landowner about the specific terms of the easement that may or may not result in a signed agreement. These discussions are usually conducted by land agents representing the pipeline companies.

Eminent domain
The right of a government to seize private property for public use in exchange for payment of fair market value.

Energy Information Administration (EIA)
The Energy Information Administration (EIA), created by Congress in 1977, is a statistical agency of the U.S. Department of Energy. They provide policy-independent data, forecasts,

and analyses to promote sound policy making, efficient markets, and public understanding regarding energy and its interaction with the economy and the environment.

Environmental review
From the Federal perspective, implementing the independent review, agency consultations, and scoping out of issues that are part of administering the mandates of the National Environmental Policy Act (NEPA). Depending on the project's size, complexity and level of controversy, this review may take between three months to over one year.

Federal preemption
With respect to natural gas pipeline systems under the jurisdiction of the FERC, this broad legal concept means that Federal authority supersedes the state or local authority.

Formal certificate review
The formal review of an application under the Natural Gas Act which considers, in addition to environmental issues, rates, markets, financing, and other business issues.

Independent System Operator (ISO)
Organizations that manage the transmission portion (as opposed to the generation portion) of the electric industry.

Intervenor
Someone who wishes to participate in a proceeding and therefore files a petition to intervene with the Commission for a particular case. In their filing, an intervenor may additionally state whether or not they wish to protest the application and whether or not they seek a formal hearing on the application.

Land agents
Those representatives of the pipeline companies who are dispatched to acquire the right-of-way for the proposed pipeline project.

Lead federal agency
When more than one federal agency has permitting authority for a project, the agencies often designate a lead Federal agency to supervise the preparation of the EA or EIS. The FERC is frequently the lead Federal agency for natural gas pipeline projects.

Open season
A process in which a pipeline company solicits market interest for new pipeline transportation services. This is done as part of the pipeline company's planning process to help it determine the economic feasibility for a project.

Pre-filing time frame
The period of time before an application is filed at the FERC.

Public convenience and necessity
Synonymous with "for the good of the general public". Generally, if the Commission deter-

mines that there is sufficient need for a project after the consideration of all relevant factors, then it is determined to be in the public convenience and necessity and, it will be processed and issued a "certificate of public convenience and necessity" or license. These "certificates" carry with them the power of eminent domain.

RIMS

The Record Information Management System (RIMS) is the database where case-specific information is stored electronically. It is accessed via the Internet at www.ferc.gov.

Route variation

Relatively small deviations from the proposed route that are meant to avoid some environmentally sensitive area. Route variations usually depart from and then rejoin the proposed route within a short distance.

Scoping

In the context of NEPA, scoping is the process of asking the public and other agencies to identify any environmental issues that should be considered in the environmental analysis of the pipeline project.

Side jobs

Activities which are not related to work required for the pipeline construction but which the pipeline company may be willing to do for a landowner as part of the easement negotiation.

Survey

Typical types of surveys include civil surveys, geotechnical surveys, cultural resource surveys, wetland delineation surveys, and threatened and endangered species surveys. Some types, especially geotechnical and cultural resource surveys, typically involve localized excavation at predetermined intervals in order to collect the desired data. The other types of surveys usually only involve walking the pipeline right-of-way, taking measurements and observations and may involve taking small samples such as soil and plant samples. All surveys require that the surveyor have access to the land being surveyed. Survey permission forms may be used to document landowner agreement to allow access. Once access to the land is granted by the landowner, surveyors may visit the property intermittently over a period of time.

Team permitting

An approach that some states have adopted to issuing the many various environmental permits for a particular project whereby the agencies involved coordinate with each other (and the applicant, public, and cooperating agencies) and issue all their respective permits in one action.

Test holes

Small excavations or borings performed in the process of surveys such as cultural resource surveys or geotechnical surveys.