



Preserve Craig ~ Sustaining the Quality of Life We Value

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Date: July 29, 2015

To: The Honorable Mark Warner, U.S. Senate
The Honorable Tim Kaine, U.S. Senate
The Honorable Bob Goodlatte, U.S. House of Representatives
The Honorable Morgan Griffith, U.S. House of Representatives
The Honorable Robert Hurt, U.S. House of Representatives

From: Bill Wolf and Sam Easterling, Co-Chairs for Preserve Craig, Inc.

Re: Processes of the Federal Energy Regulatory Commission and the Mountain Valley Pipeline

We write today to express to you, our elected representatives, the extreme frustration and concerns of many of your constituents who are embroiled in controversies regarding the proposed Mountain Valley Pipeline. Our organization, Preserve Craig, specifically represents several thousand citizens in Craig County, but the concerns that we describe here are shared by many of your constituents in other Virginia counties, so we are reaching out to all of you. Below we offers detail regarding seemingly inappropriate procedures used by the Federal Energy Regulatory Commission (FERC) in their oversight of interstate natural-gas pipeline projects. This memorandum details just a few of the specific issues that your constituents have been faced with in dealing with the FERC during the ongoing pre-filing procedures for the Mountain Valley Pipeline (MVP).

We appreciate this opportunity to share our concerns about the proposed Mountain Valley Pipeline (MVP) and request your assistance in evaluating whether the best interests of your constituents and U.S. citizens in general are being properly protected and served under current interstate-gas-pipeline licensing procedures employed by the FERC.

SUMMARY: We believe that procedures used by the FERC are directly contrary the agency's stated mission of protecting U.S. citizens and the environment while facilitating critical energy development, and violate the basic rights of Virginians and other U.S. citizens. Specifically:

- 1. The agency is not appropriately independent from the industry that it regulates.**
- 2. The agency intentionally limits meaningful opportunity for public comment regarding proposed projects, and thereby favors the industry over citizens.**
- 3. The agency allows corporations that propose "public" projects to discount the validity of extensive public comments submitted during scoping for Environmental Impact Analyses.**
- 4. The agency does not hold the industry or FERC contractors to scientifically accepted standards of environmental analysis and protection.**
- 5. Gas pipeline development in the eastern USA is proceeding without sufficient and credible analysis of local, regional, or cumulative environmental and economic impacts.**

- 6. **FERC requires corporations to compensate affected landowners for only a fraction of their true losses when gas pipelines cross private property, thus inappropriately transferring significant external costs of corporate energy projects to private landowners and the U.S. public.**
- 7. **Current procedures used by the agency do not fulfill the stated mission of the agency.**

REQUESTS: We respectfully ask that our duly elected Senators and Representatives investigate the inappropriate relationships between the FERC and the industry that it was created to regulate in good faith for the American public. Additionally, we ask for thorough investigation of currently used FERC procedures that seem to favor industry proposals, operations, and profits at the expense of citizens' rights to due process, protection of their property, and just compensation for any taking of property. Summary descriptions of the violations that we contend are offered below. We will be happy to provide supporting references and documentation if requested.

**CONSTITUENTS' ISSUES WITH PROCEDURES EMPLOYED BY
THE FEDERAL ENERGY REGULATORY COMMISSION**

1. *The agency is not independent from the industry that it regulates.*

- a. FERC repeatedly makes the point that their "independent" status makes them immune from political influence. But the public would be better served if they were also immune from corporate influence, particularly from the very industry that the agency is meant to regulate.
- b. The agency operates on "fees" assessed to the industry, creating a clear conflict of interest regarding agency decisions to expend funds or to require their expenditure by the industry.
- c. Commissioners generally come to FERC from the very industry that the agency regulates.
- d. Commissioners often return to the energy industry after serving at FERC, or become congressional lobbyists on behalf of the industry.
- e. This inappropriate relationship creates at least the image if not the opportunity that agency decisions favor the industry over the public good.

REQUEST: Appointees to the FERC should include at least one Commissioner with a background unrelated to the energy industry and charged with serving as an ombudsman to protect the public interest in FERC deliberations. A separate ombudsman's office should be created within FERC, and charged with assisting landowners and consumers who have concerns regarding FERC procedures or actions by corporations applying to FERC. All Commissioners should be required to place personal assets related to the energy industry in a blind trust during their term at the FERC, and they should be prohibited from returning to industry and interacting with the FERC, or lobbying state or federal legislatures on energy issues, for an appropriate period following their term at the FERC. An investigation of current FERC procedures

and inappropriate ties to the industry would seem appropriate, by Congressional Committees, the GAO, or possibly relevant Inspectors General.

2. *The agency limits meaningful opportunity for public comment regarding proposed projects, and thereby favors the industry over citizens.*

- a. Public meetings are very limited in number and extremely restricted geographically, thus limiting the public's opportunity to comment.
- b. Significant changes to geographic-impact areas for projects have been announced after all scheduled public meetings were concluded.
- c. In response to public and local-government outcry, new public meetings have been scheduled in only a few locations to cover very broad geographic areas, and the public has been provided very short timeframes from the announcement of project changes to the close of any public meetings and comments.
- d. FERC has ignored numerous requests from the public, local governments, and Federal Senators and Representatives to extend comment periods for a reasonable time.

REQUEST: FERC procedures for public comment on pending projects should be modified to require sufficient announcement lead time and meeting locations to facilitate full and meaningful public participation without undue hardship. An appropriate GAO/IG investigation could identify who generally benefits from recent FERC decisions.

3. *The agency allows corporations that propose "public" projects to discount the validity of extensive public comments submitted during scoping for Environmental Impact Analyses.*

- a. FERC requires project applicants to respond to public scoping comments within a very short time (too short for the applicant to truly consider and analyze these comments).
- b. Applicant's responses to very specific public comments are terse and too generalized to be of significance. They offer no new analysis in response to detailed, documented issues raised by the public and concerned professionals. There is no evidence that specific comments regarding the proposal under consideration are truly analyzed and evaluated. Responses are completely inadequate in terms of accepted scientific or engineering analysis or evaluation. Responses make reference to only inadequate, generalized justifications that had been previously listed in earlier application documents, before relevant critical issues were even raised by citizens.

REQUEST: Corporations proposing projects that claim "public good" should be held to high professional standards for science and engineering. All analyses meant to justify projects should meet professional criteria for peer-reviewed science and engineering. Public concerns and corporate responses to those concerns should be reviewed by an independent body other than the FERC. Again, an appropriate

investigation could identify whether benefits from FERC decisions general accrue inappropriately to the industry rather than reasonably considering the welfare of the public.

4. *The agency does not hold the industry or FERC contractors to commonly accepted standards of environmental analysis and protection.*
- a. The Natural Gas Act exempts interstate pipeline projects from meeting state or local environmental protection regulations and laws. This results in the degradation of citizens' local environments that would not otherwise be allowed.
 - b. FERC projects are allowed to destroy conservation projects and easements created at great expense by private landowners, NGOs, and state and federal agencies.
 - c. FERC standards for analysis and mitigation of environmental issues related to energy projects are woefully inadequate to protect the public's interests. For example, FERC standards for erosion and sedimentation control fall far below those promulgated by other federal and state agencies (e.g., BLM, USFS, Virginia Department of Forestry, Virginia Department of Conservation and Recreation). FERC standards often fail to meet even local ordinances designed for minimal environmental protection, nor do they meet the more-stringent state and federal regulations that would apply to any project or person other than FERC-regulated projects. As one example, FERC allows pipeline companies to propose and utilize construction techniques that are clearly in violation of commonly accepted Best Management Practices for control of soil erosion and sedimentation (such as those promulgated by the Bureau of Land Management and the US Forest Service). Such practices would not be allowed by any other industry. Proposers are not required to offer any credible proof that the measures they propose can possibly prevent serious environmental degradation. In some cases, those companies have no record of having successfully used such techniques, and they provide no evidence that they have proposed these techniques as a result of what practicing professionals (engineers and scientists) would consider as adequate analysis and evaluation. In other cases, the proposed procedures have been shown to fail elsewhere, but FERC requires no discussion of these failures and how they will be prevented. Even criminal convictions for intentional environmental violations do not seem to discredit pipeline companies or their proposals. FERC standards seem designed to minimize project costs for energy corporations, while ignoring all the significant external costs that are paid by both private landowners the public.
 - d. FERC hires consulting firms of their choosing to conduct and write Draft Environmental Impact Statements (DEIS). Such consulting firms obviously have a vested interest in providing products that create no problems for FERC or the industry, in order to assure repeat business from the FERC.

- e. By law, FERC is required to accept public comments regarding the DEIS. The records for virtually all FERC projects show that numerous comments are generally submitted. Many of these comments are extensive scientific or engineering analyses of serious issues related to the proposed project. Yet FERC often “responds” to these comments, finalizes the EIS, and issues certificates for project construction and operation within mere days or weeks of the close of the public comment period. Obviously no serious consideration is given to public comments in these cases. Even well-documented and referenced professional comments are seemingly ignored, and dismissed with a few general responses that do not meet the same level of scientific rigor as was evident in the comments themselves.

REQUEST: No federal regulation should authorize a private corporation to violate state or local law for corporate profit. No FERC project should be allowed to destroy conservation projects without compensation and mitigation. No project should be allowed to proceed to construction without detailed and credible analysis of potential environmental problems, and proposed solutions that are credibly documented to be effective for prevention of such problems. A perceived need for expediency to develop energy resources should not be used as a justification for destroying the natural heritage of our nation.

REQUEST: Credible standards for environmental impact analysis for gas pipeline projects should be designed by an independent scientific body, such as the National Research Council or the National Academy of Sciences. Pipeline projects administered by FERC have the potential for broad and extreme environmental impacts, so FERC environmental analyses should be required to meet credible, professional standards. FERC environmental analyses should be periodically “peer-reviewed” by an independent scientific body. A lack of true peer review of FERC procedures and decisions tends to favor the industry under their regulation, and should be appropriately investigated.

REQUEST: We respectfully request that our Senators and Congressmen call for appropriate congressional hearings regarding the specific proposal for the Mountain Valley Pipeline, and that the appropriate congressional committees seeks answers to the questions we have raised about inappropriate procedures and inadequate environmental oversight by the FERC. Authority for such hearings falls under the oversight of the U.S. Senate Committee on Energy and Natural Resources, and the House Committee on Natural Resources, as described below:

- **U.S. Forest Service policy stipulates that approval for natural gas pipelines larger than 24 inches to cross National Forest lands falls under the specific oversight of the Senate Committee on Energy and Natural Resources, and the House Committee on Natural Resources (see Appendix A to this document, Section 2726.31, p. 60).**

- **This policy provides an opportunity for the Senate and the House to investigate the entire issue of the proliferation of natural gas pipelines, and the potential impacts of these pipelines on public and private lands, and landowner rights.**
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- **The same U.S. Forest Service policy states that no pipeline corridor through the National Forest should exceed 50 feet in width without special justification (see Appendix A, Section 2726.31c, p. 62). The proposed MVP corridor through the Jefferson National Forest is listed as 75 feet in width, and no special justification is offered. The Committees should question why an additional 50% in corridor width through public lands needs to be authorized for this project.**

5. *Gas pipeline development in the eastern USA is proceeding without sufficient and credible analysis of local, regional, or cumulative environmental and economic impacts.*

- a. Construction and operation of natural gas pipelines creates corridors that impact people and environments for hundreds of miles. Corporate and FERC analyses ignore numerous peer-reviewed scientific studies that point to the increased impact of these unbroken linear projects on everything from biodiversity and forest fragmentation, to ecosystem services that support local economies, to the increased impacts of illegal off-road-vehicle use, and the spread of economically damaging invasive plants and animals. Pipelines may represent the largest challenge to broad-scale conservation in the eastern USA since the eras of coal development or total forest clearing. Landowners and communities suffer real economic losses in terms of lost agricultural production; impacts on water supplies, tourism, and outdoor recreation; damage to local roads; reduced property values; and public safety concerns and increased public safety costs. FERC has refused to conduct analyses of the cumulative impacts of the numerous pipeline projects that are proposed or already under construction in the eastern USA, inappropriately claiming no there is no cumulative impact. How close together will we allow pipeline projects before their cumulative and interactive impacts are recognized? In **Appendix B**, Roanoke Times commentator Tom Morgan effectively lays out the case for requiring FERC to move forward with cumulative analyses at this time. **Appendix C** lists some eight pipeline proposals that are currently active in the eastern USA, but which are not being evaluated by FERC for joint and cumulative environmental and economic impacts.

REQUEST: An independent scientific analysis of the local, regional, and cumulative impacts of gas pipeline construction and operation is sorely needed. As one example, the effects of forest fragmentation on migratory birds and forest amphibians are far more severe in the case of a linear pipeline corridor than in simple clearcutting of forest habitat. Yet FERC analyses make no mention of this issue. As another example, both FERC and the industry cite outdated and limited industry-sponsored “studies” as proof that property values are not affected by the proximity of gas pipelines. Again, the

National Academy of Sciences or the National Research Council might be appropriate bodies to conduct truly unbiased analyses. The results of such would provide meaningful guidance for future evaluation of pipeline project proposals.

6. *FERC requires corporations to compensate affected landowners for only a fraction of their true losses when gas pipelines cross private property.*
- a. FERC directs pipeline companies to purchase a permanent right-of-way for only a very narrow corridor (e.g., 75 feet for the currently proposed Mountain Valley Pipeline and the Atlantic Coast Pipeline).
 - b. The U.S. Department of Transportation, which has jurisdiction over interstate pipeline safety, lists the “Potential Impact Radius” (the blast zone where damage will be extreme or total in the event of a pipeline explosion) for 42-inch pipelines as 1115 feet. Often this damage zone can exceed DOT estimates by more than 50%.
 - c. Thus pipeline companies pay landowners for only 5-10% of their property that might be impacted by a pipeline.
 - d. A recent EPA letter to FERC regarding the Mountain Valley Pipeline cautions that concentrations of “sensitive receptors” (i.e., children under the age of 17) should not be included in the blast zone of the MVP (see http://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20150623-0050), per Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). If the blast zone presents such a danger, then why are landowners not to be compensated for such risk?
 - e. Payments for right-of-way easements make no consideration for other values lost (scenic views, water supply disturbance, invasive species, herbicide overspray, etc.)

REQUEST: FERC regulations should require equitable pipeline right-of-way payments that compensate for the full impacts of a pipeline on private landowners, including non-monetary losses and extensive risks in the full blast zone. GAO/IG could identify real external costs to landowners and public agencies that are being inappropriately ignored by the FERC and by industry.

7. *Current procedures used by the agency do not fulfill the stated mission of the agency.*

FERC’s self-stated purpose is “to protect the public and energy customers, ensuring that regulated energy companies are acting within the law.” [<http://www.ferc.gov/students/whatisferc.asp>]. Yet, as demonstrated in comments above, FERC actions continually fail to “protect the public.”

- a. For months, FERC representatives repeatedly (and rudely) contended that gas from the proposed MVP pipeline would not be exported. Recently it has come to light that the gas may indeed be exported, and that FERC representatives were aware of such at the time that

they made misleading public statements to the contrary. Such actions clearly demonstrate that FERC is not acting in the best interest of the public.

- b. FERC construction guidelines fall far short of state and local expectations, and short of professionally accepted Best Management Practices.
- c. FERC fails to hold corporations, FERC contractors, and themselves to a professional level of scientific and engineering credibility.
- d. FERC actions continually ignore public comments and concerns.
- e. FERC favors corporate interests over those of private landowners regarding property values and compensation for “takings.”
- f. Because landowners and concerned citizens cannot rely on the FERC to effectively protecting the public interest, citizens are forced to quickly and extensively educate themselves in a wide range of technical and scientific areas to protect their property and their rights. FERC regulations for project schedules create an artificial urgency for projects to move quickly, and citizens are severely disadvantaged (perhaps intentionally?). Citizens should be able to trust that the federal government (through the FERC) is protecting the public interest. But virtually all recent evidence points to agency decisions and actions that favor corporate interests, discount public concerns, and even attempt to mislead the public. Thousands, if not tens of thousands, of U.S. citizens are having their lives (and even their health and well-being) severely disrupted by a continuous stream of pipeline development proposals, and the very agency that should be watching out for these citizens does not seem to be doing its job.

CRITICAL REQUEST: Restructure and redirect the FERC to truly act in the best interests of the American public.

Further Information Attached

Appendix A [13 pages]: Excerpts from USDA Forest Service Policy Guidelines for National Forest Special Use Permits – these policies open the opportunity for congressional hearings regarding the poor planning to date for the Mountain Valley Pipeline, and the complicity of FERC in denying effective public comment on the project.

Appendix B [3 pages]: A commentary to the Roanoke Times newspaper written by landowner Tom Morgan,, detailing the dangers of FERC not considering the cumulative impacts of all presently proposed and likely future pipelines through Virginia.

Appendix C [1 page] List of current, active natural-gas pipeline proposals in the eastern USA

Appendix D [3 pages]: eLibrary Listings and Annotations (PreserveCraig.org) – descriptions and links for Preserve Craig’s filings with the FERC, correspondence with legislators and agencies, etc.

APPENDIX A

[13 pages]

APPENDIX A

**Excerpts from USDA Forest Service Guidelines for National Forest
Special Use Permits**

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2. Ensure that plans of development and site plans (FSH 2709.11, sec. 73.32 and 73.33) address site-specific and species-specific concerns to ensure that potential adverse impacts of wind energy development are prevented or minimized.

2726.22 - Fossil Fuel Powerplant

This designation includes coal-fired, oil and gas-fueled electric generating stations. These types of power producing facilities generally are not compatible with National Forest System lands. Issue permits under this designation only if private land is not available and providing that it is possible to minimize adverse impacts.

2726.23 - Solar Energy Power Facility

This designation includes only commercial facilities that generate electric power using solar energy. Solar energy power facilities generally are not dependent upon National Forest System lands. Issue permits under this designation only if non-National Forest System lands are not available and if adverse impacts can be minimized. Solar panels used to generate power for a primary use such as a communication facility, dwelling, or natural resource monitoring facility must be issued under the primary use designation with the solar panels as an ancillary feature.

2726.24 - Geothermal Energy Power Facility

This designation includes only commercial facilities that generate electric power using geothermal energy. These types of power-producing facilities may not be dependent upon National Forest System lands. Issue permits under this designation only if feasibility studies have determined that it is not feasible to transmit geothermal water to a power-generating facility on non-national Forest System Lands and if adverse impacts can be minimized.

2726.25 - Biomass Energy Power Facility [Reserved]

2726.3 - Oil and Gas Development

2726.31 - Oil and Gas Pipeline

See FSM 2726.34 for additional direction concerning interstate natural gas pipelines under the jurisdiction of the Federal Energy Regulatory Commission.

1. The authority for grants to non-Federal entities for oil and gas pipeline rights-of-way is section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185). If a Federal agency applies for this type of use, the proper authority for issuance is the Federal Land Policy and Management Act. The designation includes only pipelines and directly related facilities for the transportation of oil, natural gas, synthetic liquid or gaseous fuel, and any refined product produced there from.

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2. New pipelines over 24 inches in diameter are subject to congressional oversight by the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources (30 U.S.C. 185(w)(2)).

a. Provide copies of applications for new 24-inch diameter or larger pipelines to the Washington Office, Lands staff for the Chief's review and forwarding to the committees.

b. Provide copies of proposed right-of-way authorizations for new 24-inch diameter or larger pipelines to the Washington Office, Lands staff for review and forwarding to the committees for their 60-day review.

c. Do not seek oversight for applications for renewal or amendment or for replacement of 24-inch diameter and larger pipelines unless the application involves significant modifications. A significant modification is any action that would result in a greater allocation of land or pipeline capacity beyond that already obligated by the existing pipeline.

3. Holders of valid Bureau of Land Management (BLM) oil and gas leases and designated operators of BLM unitized lease areas do not require a special use authorization for pipelines or directly related facilities associated with the lease and located within the boundaries of the lease or unit area, as long as the pipelines or facilities are used solely for the production or gathering of oil and gas. If the pipelines and related facilities are used for the transportation of oil and gas, whether on-lease or off-lease, the pipeline right-of-way must be issued under the authority of the Mineral Leasing Act.

The Mineral Leasing Act also provides for the issuance of supplemental temporary permits to use such lands in the vicinity of a pipeline and for such purposes deemed necessary for construction, operation, maintenance, or termination of the pipeline; for protection of the natural environment; or for public safety. These uses are in addition to the related facilities previously described in this section.

Whenever possible, use other established authorities for permits and related Forest Service Manual instructions for the particular use when the proposed use does not relate directly to the pipeline. When using the Mineral Leasing Act authority, enforce all additional requirements of that act.

2726.31a - Bureau of Land Management Coordination

An exception to Forest Service issuance of grants exists if the non-Federal pipeline crosses additional Federal lands under the jurisdiction of at least one other agency. In this instance, the Secretary of the Interior, Bureau of Land Management, grants the necessary authorization after concurrence of the Forest Service.

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The Forest Service may require that the grant include those terms, conditions, or stipulations necessary to ensure that the grant will not be inconsistent with National Forest System purposes. It also may recommend inclusion of other appropriate terms, conditions, or stipulations. Pursuant to 43 CFR 2882.3(i), the Forest Service also may refuse to grant authorizations or to give the Secretary of the Interior its concurrence if the grant will be inconsistent with National Forest System purposes. If necessary, disputes between the two agencies shall be resolved through appropriate channels.

The Forest Service and the Bureau of Land Management may enter into an interagency agreement to provide additional mutual assignments of responsibilities, review, and decision-making. The Mineral Leasing Act at 30 U.S.C. 185(c)(2) allows for these agreements.

2726.31b - Applications

See 36 CFR 251.54 for a list of the general and special qualification requirements of applicants for pipelines. If the applicant is a member of a partnership, the information required of the business entities listed in this regulation also shall apply to that partnership. In addition, applicants shall submit and disclose all other information as stated within the amended Mineral Leasing Act.

The Mineral Leasing Act provides that the ratification or confirmation of any existing pipeline or related facility granted before November 16, 1973, shall not qualify as a major Federal action requiring an environmental impact statement.

Do not ratify or confirm any right-of-way or permit for an oil or gas pipeline or related facility granted under any provision of law before November 16, 1973, unless the parties mutually modify it to comply to the extent practicable with the terms and conditions described in this section.

2726.31c - Width of Pipeline Rights-of-Way

Pipeline rights-of-way shall be only wide enough for efficient operation and maintenance of the pipeline after construction. They shall not exceed 50 feet plus the ground occupied by the pipeline or its related facilities, unless the issuing officer records the reasons why a wider right-of-way is necessary for operation and maintenance after construction, or to protect the environment or public safety. Approve temporary additional widths as necessary during the construction phase of the pipeline.

2726.31d - Cost Reimbursement and Rental Fee

Section 28 of the Mineral Leasing Act (30 U.S.C. 185(1)) provides that an applicant for an oil or gas pipeline authorization shall reimburse the United States for the administrative and other costs incurred in the processing of such an application. The act further provides that the holder of an

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authorization for an oil or gas pipeline shall reimburse the United States for costs incurred in monitoring the construction, operation, maintenance, and termination of the authorized pipeline and related facilities.

The Omnibus Appropriations Act of 1999 (Public Law (Pub. L.) 105-277) authorizes the Forest Service to use any money collected pursuant to section 28 of the Mineral Leasing Act, in advance or otherwise, to reimburse the applicable appropriation to which such costs were originally charged (FSM 6512.12a, para. 10).

Base the amount of funds to be collected in advance on an annual plan of operations. Issue billings at least quarterly. Unused advance payments are refundable or, at the consent of the holder, they may be applied to the next periodic advance payment or to the annual rental fee. Base the amount of reimbursements on actual expenditures to date.

The holder is required to pay in advance the market rental value fee for the rights and privileges granted pursuant to each authorization.

2726.31e - Suspension or Termination

Suspension or termination of pipeline authorizations under the Mineral Leasing Act requires an administrative proceeding pursuant to 5 U.S.C. 554 and 7 CFR part 1, Subpart H.

2726.31f - Common Carrier Provisions

Pipelines and related facilities authorized by the terms of the Mineral Leasing Act are subject to its common carrier provisions and, if domestically produced crude oil is transported, except as otherwise noted, to the export limitations of the Export Administration Act of 1979 (Act of September 29, 1979; Pub. L. 96-72; 93 Stat. 503; 50 U.S.C. Appendix 2401). The common carrier provisions of the Mineral Leasing Act (30 U.S.C. 185(r)(3)(A)) do not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act (15 U.S.C. 717(w)) or operated by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas (FSM 2726.34).

2726.32 - Oil and Gas Pipeline Related Facility

Related facilities may include valves, pumping stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, roads, airstrips, and campsites. Related facilities need not connect with or be adjacent to the pipeline and may be the subject of separate authorizations.

2726.33 - Oil and Gas Production and Storage Area

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Authorize oil and gas storage facilities not related to a pipeline under either the Organic Act of 1897 (16 U.S.C. 551) or the Term Permit Act of March 4, 1915 (16 U.S.C. 497). If the storage use involves a Government-owned structure, the Granger-Thye Act of April 24, 1950 (16 U.S.C. 580d) also applies.

Oil and gas storage tank batteries in this designation usually relate to the operation of production wells. When these are located on National Forest System land leased to the applicant by the Bureau of Land Management, a special use authorization is not necessary.

2726.34 - Natural Gas Pipeline - Federal Energy Regulatory Commission

1. The Natural Gas Act of June 21, 1938 (15 U.S.C. 717) calls for the Federal Energy Regulatory Commission (FERC) to regulate interstate natural gas pipelines and ensure that the price of gas carried in these pipelines is just and reasonable.
 - a. A natural gas transporter (applicant) must obtain from FERC a certificate of public convenience and necessity (15 U.S.C. 717f(c)) to be authorized to build or extend an interstate natural gas pipeline. Such a certificate gives the certificate-holder the power of eminent domain (15 U.S.C. 717f(h)) to obtain the right-of-way over non-Federal lands.
 - b. In addition to such a certificate, if the natural gas pipeline is to cross National Forest System lands, the natural gas company also must obtain a right-of-way authorization from the Forest Service or Bureau of Land Management (BLM) if another Federal agency's land is involved (FSM 2726.31a). Such authorizations are issued under the authority of the Mineral Leasing Act of 1920 (FSM 2726.31).

Before issuing a natural gas pipeline right-of-way authorization, ensure that the applicant has obtained a certificate of public convenience and necessity from FERC if the pipeline is under the jurisdiction of FERC in accordance with the Natural Gas Act. If there is any question as to FERC's jurisdiction over a natural gas pipeline, suggest that the applicant petition FERC for a jurisdictional ruling (18 CFR 385.207).
2. If FERC is involved in a natural gas pipeline, FERC usually assumes the lead Federal agency role in preparing the appropriate Federal environmental document, because FERC has the responsibility to determine if the pipeline is in the public interest and because FERC's authorization gives the natural gas company certain rights on non-Federal lands.
 - a. Request cooperating agency status in FERC's process.
 - b. Cooperate with FERC early in the process in the planning, environmental analysis, and documentation for the proposal.

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- c. Ensure the process and documentation are adequate (FSM 1950 and FSH 1909.15) for Forest Service use in issuing a decision.
 - d. Actively coordinate the environmental analysis and decision with FERC with the goal of having the Forest Service right-of-way decision consistent with the FERC decision.
3. For natural gas pipelines under the jurisdiction of FERC the following applies:
- a. The oil and gas pipeline procedures of FSM 2726.31 apply to natural gas pipelines. Inasmuch as the Congressional oversight process (30 U.S.C. 185(w)(2)) applies to the right-of-way authorization issued under the Mineral Leasing Act, the Forest Service or BLM, as appropriate, not FERC, ensures such oversight contacts.
 - b. The coordination with BLM is the same as set out in FSM 2726.31a.
 - c. The applicable direction concerning pipeline authorizations is in FSM 2726.31b through 2726.31e, 2726.32, and 2726.33.
 - d. As noted in FSM 2726.31f, a pipeline under the jurisdiction of FERC is already regulated as a common carrier, so the common carrier provisions of the Mineral Leasing Act do not apply (30 U.S.C. 185(r)(3)(A)).

2726.34a - Interagency Agreement for Processing Interstate Natural Gas Pipeline Proposals

The Department of Agriculture is one of 10 Federal departments or agencies that is a signatory to the May 2002 “Interagency Agreement on Early Coordination of Required Environmental and Historic Preservation Reviews Conducted in Conjunction with the Issuance of Authorizations to Construct and Operate Interstate Natural Gas Pipelines Certificated by the Federal Energy Regulatory Commission” (Agreement) (FSM 1537.11). Follow the provisions of the Agreement and administrative procedures in this section when a proposal is submitted to construct an interstate natural gas pipeline facility on National Forest System (NFS) lands that is subject to the Federal Energy Regulatory Commission’s (FERC) siting authority under the Natural Gas Act of 1938 (15 U.S.C. 717 et seq.).

1. Objective. The objective of the Agreement is to encourage concurrent reviews, minimize duplicative processes, and shorten the cumulative processing time in evaluating applications and making decisions for interstate natural gas pipeline projects.
2. Federal Energy Regulatory Commission Filing Procedures. The FERC has prepared a reference paper (ex. 01) describing the FERC’s “Traditional Filing Process” and the “NEPA Pre-Filing Process” as procedures to follow when responding to proposals for interstate natural gas pipeline projects. Proponents may use either of these two

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procedures for a project. However, the FERC is encouraging proponents to use the NEPA Pre-Filing Process which they must request and have approved in advance by the FERC. The appropriate Forest Service officer should, during early discussions about a proposed project, ask the proponent which of these two processes they intend to pursue when they file their application with the FERC. This information is useful to the Forest Service in determining when in the process the agency will become involved and for allocating time and resources needed to fulfill the Forest Service's role as a cooperating agency, as defined in the Council on Environmental Quality's regulations implementing the National Environmental Policy Act of 1968 (NEPA) (42 U.S.C. 4321 et. seq.).

Additional information about the FERC's Pre-Filing Process is found at the FERC's World Wide Web/Internet site at <http://www.ferc.gov/help/processes/flow/lng-1-text.asp>.

3. Proponent Contacts. A proponent for an interstate natural gas pipeline project may make contact with landowners, Forest Service officers, and other Federal, State, and local governmental officials about a proposed project before FERC's staff involvement or knowledge of the proposal. To affect the processing efficiencies of the Agreement, Forest Service officers shall work closely with a proponent during these initial inquiries and be responsive to requests for available information that might benefit the proponent in shaping their proposal. The information produced may include landownership and status maps, Forest land and resource management plan information (maps, prescriptions, standards, and so forth), existing and designated utility corridors, special management area designations or prescriptions, public uses, and other existing special uses that might be affected by the project. As provided for in paragraph 2, the Forest Service officer should ask the proponent which of the two filing procedures the proponent intends to use in filing their application with the FERC.

4. Federal Energy Regulatory Commission as Lead Agency. The FERC shall be the lead Federal agency responsible for complying with the provisions of NEPA and other applicable laws and regulations for most projects subject to the provisions of the Agreement. When a proponent chooses the FERC's Traditional Filing Process, the FERC assigns an environmental project manager after the proponent files their application. When a proponent chooses the NEPA Pre-Filing Process, the FERC assigns an environmental project manager before the application is filed.

Under both the Traditional Filing and the NEPA Pre-Filing processes, the FERC is responsible for:

- a. Coordinating cooperating agencies' efforts during consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for compliance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1536, 1538-1540) and the Magnuson-Stevens Fishery Conservation and Management Act of 1996.

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- b. Coordinating cooperating agencies' efforts during actions to ensure project compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. 470 et. seq.), including consultation with the appropriate State Historic Preservation Officer, Tribal Historic Preservation Officer if applicable, Indian Tribes, and so forth.
 - c. Identifying the environmental project manager assigned to the case who will act as the FERC's primary contact.
 - d. Identifying which of the FERC's filing procedures are being followed for the project.
 - e. Requesting the appropriate Federal agency(ies) to participate in processing the case as a cooperating agency(ies).
 - f. Scheduling a coordination meeting during which the FERC, in consultation with the cooperating agency(ies), shall develop and commit to a schedule for processing the case.
5. Jurisdiction and Issuance of Authorizations. As the location and specifications of a proposed project become more certain, the Forest Service officer shall identify and inform the proponent and the FERC as to which Federal land management agency has the responsibility to issue the right-of-way grant to use and occupy affected NFS lands, and the name of the authorized officer who has the authority to issue the grant. This notification is required under both of the FERC's filing procedures.
- a. Proposals Involving Lands Managed by More Than One Federal Agency. The Department of the Interior is responsible for issuing the right-of-way grant for projects that occupy Federal lands administered by more than one Federal agency. In most cases, this authority has been delegated to the Bureau of Land Management (BLM).
- When the Department of the Interior or the BLM is the entity responsible for issuing the right-of-way grant, the Forest Service shall identify the Forest Service officer from the lead Forest Service unit who is responsible during the early coordination stage to work with the appropriate Department of the Interior or BLM office, to review the project and to designate a project manager.
- b. Proposals Involving National Forest System Lands as the Only Federal Land. The Forest Service is responsible for issuing the right-of-way authorization when the only Federal land that will be occupied is NFS land. In this situation, the Forest Service shall identify to the proponent the Forest Service authorized officer with the delegated authority to issue the authorization for the proposed project. For projects that cross more than one National Forest in the same Region, the authorized officer shall be

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either the regional forester, or delegated to the forest supervisor of a designated lead Forest. For inter-Regional projects, the authorized officer shall be either the regional forester of the designated lead region, or delegated to a forest supervisor agreed upon among the regional foresters consistent with the direction in FSM 2704.32.

It is the responsibility of the authorized officer to request the proponent to submit their proposal in writing and to work with the proponent to ensure that the proposal is developed so that it may be accepted as an application.

6. Forest Service Role as a Cooperating Agency. When contacted by the FERC that a proposed project will use and occupy NFS land, the Forest Service officer acting either as a deciding officer (para. 5b) or as the line officer representing the lead Forest Service unit (para. 5a) shall respond in a letter to the FERC that the Forest Service shall:

a. Coordinate and cooperate with the FERC and other cooperating Federal agencies involved in the project.

b. Assist in the development of a single environmental analysis adequate in scope to address issues and concerns associated with NFS lands and resources.

c. Assist in the development of a detailed schedule that provides sufficient time to:

(1) Collect information and complete initial surveys and studies.

(2) Solicit and evaluate internal and external comments.

(3) Conduct an environmental analysis of the impacts associated with the construction, operation, maintenance, and termination of all proposed right-of-way facilities, including the location of temporary use areas and ancillary facilities.

(4) Review and write reports.

(5) Amend or revise a forest land and resource management plan if necessary to accommodate the proposed project.

(6) Respond to and process administrative appeals of a Forest Service decision (if applicable).

(7) Prepare authorizations, certificates, plans of development, and so forth.

d. Provide the name, title, address, and telephone number of the authorized officer who is the deciding officer (para. 5b) or the line officer of the lead Forest Service unit (para. 5b) and the project manager or primary point of contact for processing the proposal or application.

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- e. State the Forest Service's intent to recover from the proponent the agency's costs to process the proposal through either a Cost Recovery Agreement (CRA) between the Forest Service and the proponent or as part of a CRA between the BLM and the proponent.
- f. Identify readily available land and resource information relative to the proposed project, if not previously provided, including, but not limited to:
 - (1) The current Forest land and resource management plan's management direction that may affect the proposed project including land use allocations, corridor designations in proximity to the proposed route, and standards and guides or management prescriptions, and other existing studies, data, and information concerning the lands and resources along the proposed route.
 - (2) The disclosure of existing uses that could be impacted by the proposed project such as the owners and authorization holders of facilities along the proposed routes.
 - (3) The disclosure of known or anticipated concerns of the agency, landowners, the public, and so forth regarding the proposed project and ways to mitigate those concerns.

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2726.34a - Exhibit 01

**PROCESS FOR THE ENVIRONMENTAL
AND HISTORIC PRESERVATION REVIEW OF
PROPOSED INTERSTATE NATURAL GAS FACILITIES**

**Federal Energy Regulatory Commission
Office of Energy Projects
Division of Gas – Environment and Engineering**

In May 2002, the “Interagency Agreement (IA) on Early Coordination of Required Environmental and Historic Preservation Reviews Conducted in Conjunction with the Issuance of Authorizations to Construct and Operate Interstate Natural Gas Pipelines Certificated by the Federal Energy Regulatory Commission (FERC)” was signed by the FERC and other nine other federal agencies (signatory agencies).

In order to facilitate the coordination between the FERC and the other agencies, the FERC staff developed this document to:

- Inform federal, state, and local agencies (participating agencies) about the basic procedures for the two processing options available to project proponents for the types of projects covered by the IA, with the FERC as the lead federal agency;
- Serve as a supplement to each signatory agency’s internal direction on implementing the IA;
- Ensure that all participating agencies have a clear and common understanding of the applicable FERC procedures, and the FERC’s expectations of project proponents and each participating agency; and
- Describe how each of the participating agencies can become engaged in the environmental and historic preservation reviews of proposals and applications for interstate natural gas projects.

The FERC is responsible for authorizing the siting, construction, and operation of interstate natural gas pipelines, natural gas storage fields, and the liquefied natural gas (LNG) facilities pursuant to sections 3 and 7 of the Natural Gas Act of 1938 (NGA), as amended. Virtually all applications to the FERC for interstate natural gas projects require some level of coordination with one or more federal agencies to satisfy the FERC’s requirements for environmental review under the National Environmental Policy Act (NEPA), the Endangered Species Act, the National Historic Preservation Act, and the Magnuson-Stevens Act.

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The May 2002 Interagency Agreement (IA) applies to those projects where the FERC would normally prepare an environmental assessment (EA) or an environmental impact statement (EIS) pursuant to its siting authority under the NGA. The IA provides a framework designed to expedite and streamline environmental and historic preservation reviews that must be conducted in conjunction with the processing of proposals and applications for these projects. Smaller projects can be constructed under blanket-type or automatic authority, or may qualify as categorical exclusions which do not require the FERC to prepare an EA or an EIS.¹

PROPOSALS AND APPLICATIONS FOR NEW FACILITIES

Project proponents seeking authorizations from the FERC under sections 3 or 7 of the NGA have a choice, subject to the FERC's approval, of one of two procedures:

- A. The "Traditional Filing Process"; or
- B. The recently-adopted "NEPA Pre-Filing Process"

Both processes require the project proponent to begin working as soon as possible with the relevant participating agencies to enable them to identify resources and begin their analysis of the project, including identifying any cost recovery procedures.

A. The Traditional Filing Process

In the Traditional Filing Process, the project proponent, not the FERC, makes the first contacts with the participating agencies. The project proponent normally contacts the relevant agencies seeking information to determine the feasibility of building and operating the proposed facilities within an identified project area. The project proponent may contact agency staff informally by phone, or make contact in a written request for information. It is also common for the project proponent to file right-of-way applications with other participating agencies prior to filing an application with the FERC. Some participating agencies may spend considerable time providing data to the project proponent, reviewing possible corridors and alternatives, and working with the project proponent to select a route that avoids or minimizes known resource conflicts.

¹ Most existing interstate natural gas companies hold Blanket Certificates from the FERC that allow them to construct facilities if they meet certain environmental standards and project cost limitations (see CFR 18, sections 157.203 and 157.205) without further Commission review or approval. Consultation with agencies is still required for land use authorizations and environmental consultations because other agencies may have their own permit requirements and may require separate NEPA analysis. Although these types of projects are not covered by the IA, the companies may approach signatory agencies seeking input for environmental review and approval.

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2726.34a - Exhibit 01--Continued

For most large projects, project proponents hold one or more pre-filing meetings with the FERC staff to obtain guidance regarding the required information to meet the FERC's filing requirements, as well as advice on what the project proponent can do to help ensure efficient processing of the application by the FERC. The project proponent may or may not have already contacted the appropriate participating agencies to discuss potential issues prior to a pre-filing meeting with the FERC.

Regardless of whether or not the project proponent contacts the FERC prior to filing its application, under the Traditional Filing Process, the FERC establishes contact with other participating agencies after the application is filed. This first contact generally occurs in conjunction with the FERC's issuance of a Notice of Intent (NOI) to prepare an EA or EIS, and may be oral or written. The NOI constitutes the beginning of the environmental review process; it contains a brief description of the proposal; a request for participating agencies to identify ("scope") issues and comment on the proposal; a request for cooperating agencies; and contact information with details regarding phone numbers, mail and website addresses. The scoping process is conducted to identify issues, and to identify means of resolving conflicts, and avoiding or mitigating adverse effects. As discussed in the IA, this early point in the process is where the signatory agencies begin to work collaboratively to complete the required review process as expeditiously as feasible.

The key difference between the Traditional Filing Process and the NEPA Pre-Filing Process (described below) is that in the Traditional process the environmental analysis, including scoping, does not begin until after the project proponent files its application with the FERC. Thus, there is often little interaction between the FERC, the project proponent, and other relevant agencies. The result of this is that interagency coordination is deferred until later in the process.

B. The NEPA Pre-Filing Process

The FERC developed the NEPA Pre-Filing Process as a mechanism to identify and resolve issues at the earliest stages of project development by involving the participating agencies and the public earlier in the process. While the NEPA Pre-Filing Process is a voluntary process, available at the request of the project proponent, it is subject to the FERC's approval. The FERC strongly encourages project proponents to avail themselves of the benefits and efficiencies to be gained from increased public involvement and early issue resolution.

Not unlike the Traditional Filing Process, in the NEPA Pre-Filing Process, a participating agency may first become aware of a project through a contact by the project proponent. The project proponent is responsible for asking agencies, other than the FERC, to participate in the NEPA Pre-filing Process. When asked to participate, each participating agency reviews of the project, examines its resources and program goals, and then determines whether it is willing and

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available to participate in the NEPA Pre-Filing Process. A key consideration for some federal land management agencies' participation in the NEPA Pre-Filing Process is the project proponent's willingness to file a preliminary right-of-way application and establish a cost recovery account to fund agency participation (for example, the Bureau of Land Management and the Forest Service).

After the project proponent ascertains the willingness of the other agencies to participate in the NEPA Pre-filing Process, it must send a request to the FERC describing why the project proponent wants to use the process, any work done to date, and plans for public involvement. Based on this information, the FERC must then determine whether pre-filing coordination is likely to be successful.

If the FERC approves a project proponent's request to use the NEPA Pre-Filing Process, the project is assigned a Docket Number with a "PF" prefix (e.g., PF01-01) which serves as the identifier for placing all relevant correspondence in the FERC's public record for that project. The FERC then notifies the participating agencies by telephone or in writing that the project proponent's NEPA Pre-Filing request has been approved. The FERC will also discuss the agencies' participation in a planning or informational meeting with the project proponent to discuss land and resource issues and concerns. The FERC and the participating agencies may consult regarding the agencies' ability to commit to a pre-filing time frame and a schedule established by the FERC. Most of the activities described in the IA regarding the NEPA Pre-Filing Process take place much sooner than they would otherwise be conducted in the Traditional Filing Process.

The FERC asks each participating agency to designate a primary contact for the project, and to devote the resources needed to commit to the schedule for processing the proposal. Similarly, the FERC identifies a project manager for each case. The reviews and schedules of all the agencies participating in the NEPA Pre-Filing Process will run concurrently, rather than sequentially, as is often the case in the Traditional Filing Process.

The signatory agencies have agreed in the IA to work with each other, and with other entities as appropriate, to ensure that timely decisions are made and that the responsibilities of each agency are met. The signatory agencies are also expected to provide the information and expertise to conduct the reviews in a timely manner, consistent with the established schedule. Other responsibilities of the signatory agencies in the IA include:

- Identifying each agency's role and responsibilities;
- Identifying significant issues or other administrative or land use/land designation barriers;
- Providing available data and recommendations; and
- Assisting in the drafting of NEPA documents, and related activities.

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TIMELINE COMPARISON

The following discusses the typical timeline for a proposed project, highlighting some of the differences in activity and timing that might occur during the Traditional Filing Process, in comparison to what might occur during those same blocks of time during the NEPA Pre-Filing Process.

Months 0 - 5:

During this initial stage of any project, the project proponent is actively developing and marketing its proposal. Exploratory requests and planning activities are initiated solely by the project proponent. There is little difference between the Traditional and the NEPA Pre-Filing Processes during this time period.

The FERC staff has only very limited knowledge of the project at this stage, based on articles in the trade press, or through informal meetings with the project proponent. At this point, the FERC would not assign any resources to review or evaluate the project proponent's proposal.

As the project proponent develops a study of potential rights-of-way, the participating agencies, landowners, and the general public may be contacted by the project proponent to inform all interested parties of its plans. A project proponent may contact a participating agency with requests for information, such as land ownership patterns, land status, and other available resource data or studies, including requests for copies of documents such as land management plans, existing studies, corridor designations, etc.

It is near the end of this phase that the project proponent may contact federal land management agencies about filing right-of-way applications with and establish cost recovery accounts.

Months 5 - 12:

During this stage, in the Traditional Filing Process, a project proponent is continuing to develop its project plans, and is beginning to identify a preferred route (and alternatives). As required surveys are started, federal, State and local land management agencies, and landowners are contacted. The FERC staff becomes much more aware of the project at this point, but there is no requirement that the project proponent notify the FERC prior to filing an application. The FERC typically does not devote significant resources to the project during this time. Likewise, other participating agencies with permitting authority would not be expected to devote significant time or resources toward evaluating or addressing a proposal during this phase.

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With the NEPA Pre-Filing Process, the FERC staff would begin to devote significant resources to addressing the proposal and working with the project proponent as much as 8 months prior to the filing of an application at the FERC. The FERC staff will make contact with the project proponent and the participating agencies at the earliest possible point to initiate scoping activities and begin the environmental analysis.

It is during this early period of early notification and contact with the interested parties, the development of shortened timelines and schedules, that the benefits of the NEPA Pre-Filing Process are most evident. However, participating agencies should be aware that at this point the project proponent may not have as much specific information about its proposal as it would have under the Traditional Filing Process, after an application has already been submitted to the FERC.

Months 12 - 20:

Using the Traditional Filing Process, the project proponent prepares its environmental reports and assembles its application for filing with the FERC during this period. After the filing of the application, the FERC notifies the public of the receipt of the application, conducts the necessary scoping, identifies and resolves issues, prepares and issues the NEPA document, then issues an Order (equivalent to a Record of Decision) approving the project. For a project requiring an EIS, this process can take 14 to 16 months.

With the NEPA Pre-Filing Process, the frontloading of the scoping, environmental analysis, and initial documentation of that analysis, makes it possible for the FERC staff, in cooperation with the participating agencies, to finalize and issue a Draft EIS shortly after an application is filed (approximately 2 to 3 months after filing of the application). As a result, a final environmental document and Order can be issued by the FERC in 5 to 7 months.

¹ Most existing interstate natural gas companies hold Blanket Certificates from the FERC that allow them to construct facilities if they meet certain environmental standards and project cost limitations (see CFR 18, sections 157.203 and 157.205) without further Commission review or approval. Consultation with agencies is still required for land use authorizations and environmental consultations because other agencies may have their own permit requirements and may require separate NEPA analysis. Although these types of projects are not covered by the IA, the companies may approach signatory agencies seeking input for environmental review and approval.

APPENDIX B

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APPENDIX B

Commentary from Roanoke Times, 20 July 2015

Morgan: Dangers of Pipeline Strategy in Virginia

APPENDIX B

Morgan: Dangers of pipeline strategy in Virginia

By Tom Morgan Morgan and his wife are retired and split their time between Greenville, N.C., and their place near New Castle, Va. Their home and property in the Sinking Creek area of Craig County is directly in the route of the Mountain Valley Pipeline according to proposed alternate route 110J. | Posted: Monday, July 20, 2015 2:00 am

By Tom Morgan

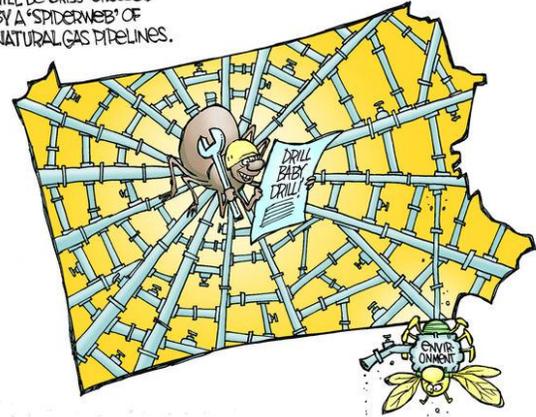
Morgan and his wife are retired and split their time between Greenville, North Carolina, and their place near New Castle. Their home and property in the Sinking Creek area of Craig County is directly in the route of the Mountain Valley Pipeline, according to proposed alternate route 110J.

Whether you think you are for or against the use of natural gas or the expansion of that use or the building of the pipelines that will bring that gas to or through Virginia, you have to be concerned about the “master plan” — the goal for natural gas in the Commonwealth and how we get there.

You have to be concerned because no master plan exists. And, no one is actually assessing the public need for any specific pipeline or coordinating plans for pipeline infrastructure development. Currently, pipeline companies propose interstate pipelines and routes to suit their purposes. The Federal Energy Regulatory Commission reviews and approves each proposal according to its requirements. And . . . that’s it. Although environmental assessments and other agency and public input are a part of FERC’s review process, only FERC has final authority for review and approval.

FERC reviews each pipeline application as an independent project. If the project meets FERC guidelines, it is approved. In the absence of state or federal strategic plans for the development of pipeline infrastructure, essentially no effective coordination among other proposals, assessment of their cumulative effects, assessment of need, or optimization of routes is performed.

NEWS ITEM: STATE SOON
WILL BE CRIS-CROSSED
BY A “SPIDERWEB” OF
NATURAL GAS PIPELINES.



Drill baby toon

The Scranton Times-Tribune ran this editorial cartoon about the “spider web” of natural gas pipelines criss-crossing the state. Pennsylvania is the source of a lot of natural gas, so it’s different from Virginia in that respect. Still, with multiple pipelines proposed to cross Virginia, the question has to be asked: Shouldn’t their routes be coordinated?

No agency or person can override FERC's decisions, other than the courts — and even then, FERC decisions ultimately prevail in almost all cases. States and localities have little or no authority regarding interstate gas pipelines. The pipeline companies are spending billions on these projects with the anticipation of significant returns on their investments. FERC is under considerable pressure to approve these projects as rapidly as the required assessments are performed and the “boxes” checked off. In fact, FERC reports no pipeline submission in recent years has been denied — although some have been withdrawn or never built after approval. Landowners, communities, and other concerned interests use their limited resources to expose and explain the local consequences of building these large pipelines in their areas. Natural resource and environmental agencies and organizations provide scientific information and data regarding anticipated or possible effects of pipelines, but have no overriding authority for pipeline approval/disapproval.

Recent editorials and articles suggest potential hope for a better way forward. Many reasonable and knowledgeable people are recommending consolidation of pipelines along established rights of way or easements in order to minimize the negative consequences of these pipelines. The Pennsylvania EPA is creating a team from the involved stakeholders to collaborate on coordinated plans for future pipeline development. The Nature Conservancy has developed software that will help optimize routes for pipelines.

How can anyone be opposed to such approaches? Yet, none of these ideas are being effectively pursued in Virginia. The pipeline companies see no need since they can get what they want using FERC's process. FERC does not because it is not their charge. Private individuals and localities do not because they lack the authority, power and resources. Our elected officials are inexplicably silent.

Why does this matter? It matters because uncontrolled development of natural gas pipelines can change the character of our state forever. It matters because eminent domain can be used to take your property, and no process exists to assess whether that use was even necessary. If FERC approves a pipeline, the company can take your land to build it, and no one is collaboratively assessing the need or optimizing the routes.

We must look at where this is headed. In Pennsylvania, a “spider web” of pipelines in every county is foreseen — with 4,000 miles of interstate pipelines and 25,000 miles of “gathering pipelines” from the wellheads — in a process that has been described as chaotic. Without some type of action and intervention, Virginia's fate will mirror that of Pennsylvania.

What can you do? Let your voice be heard. Learn about the process and the consequences. Insist that your elected officials understand the issues and risks involved, and are bringing rational and reasonable thought, consideration, and decisions to the growth of natural gas pipelines. Learn

from the experiences of other states. Hold your public officials accountable for their actions and decisions — or lack thereof.

We can have natural gas and protect our land and natural resources if we assure that our common long-term good is the primary motivation and consideration. However, if we do nothing and allow the pipeline companies to proceed in their own best interest — as they are doing now — we will *not* be happy with the outcomes nor will those who come after us.

APPENDIX C

[1 page]

APPENDIX C

List of active natural-gas pipeline proposals in the eastern USA

APPENDIX C: Proposed Pipelines to Cross A.T. -- FERC pre-filing					
State	Pipeline Name	FERC Docket #	Company: Parent(s) (or parent company of subsidiary)	Company Website (Parent or Pipeline Specific if Partnership)	Map link
PA	Atlantic Sunrise	CP-15-138	Williams Partners, L.P.*	http://www.williamspl.com/	http://atlanticsunriseexpansion.com/maps/
PA	Mariner East 1	Public Utility Commis	Sunoco Logistics	http://www.sunocologistics.com/	http://www.sunocologistics.com/SiteData/docs/207large/195564562ca2cd99/207_large.jpg
PA	Mariner East 2 - does not cross AT			http://www.sunocologistics.com/	
PA	PennEast	CP 15-1	AGL, SJI, NJR, UGI	http://www.penneastpipeline.com/	http://penneastpipeline.com/proposed-route/
MA	Northeast Energy Direct	PF14-22-000	Kinder Morgan	http://www.kindermorgan.com/	http://www.kindermorgan.com/business/gas_pipelines/east/neeenergydirect/
VA	Mountain Valley	PF15-3-000	EQT and NextEra	http://www.eqt.com/	http://mountainvalleypipeline.info/maps/
VA	Atlantic Coast	PF15-6	Dominion	https://www.dom.com/	https://www.dom.com/corporate/what-we-do/atlantic-coast-pipeline/maps
VA	Appalachian Connector	(no filing yet)	Williams	http://co.williams.com/expansion/projects/appalachian-connector/	

APPENDIX D

[3 pages]

APPENDIX D

eLibrary Listings and Annotations (PreserveCraig.org) –

Descriptions and links for

Preserve Craig's filings with the FERC,

correspondence with legislators and agencies, etc.



Preserve Craig ~ Sustaining the Quality of Life We Value

P.O. Box 730, New Castle, VA 24127 Phone: (540) 309-9560
www.PreserveCraig.org Email: PreserveCraig@gmail.com

Appendix D: eLibrary Listings and Annotations

– Craig County and the MVP –

We've compiled important reports that are now available at our new [e-Library](#). You can view, download, and refer others to many useful documents about the risks and dangers of the Mountain Valley Pipeline here. Check them out and let our governor and legislators know there are serious problems with this project and the unfair process for licensing pipelines.

Submitted by Preserve Craig

- [Letter Endorsing Craig County Board of Supervisors Scoping Comments](#)
a.) 19 Critical Environmental Issues; b.) Documentation of VA SCC Rejection of Utility Route Similar to MVP Alt 110; c.) Request by County for MOU with the FERC; d.) Request that US Army Corps of Engineers require an individual CWA Section 404 permit.
- [Important EIS Issues from US Forest Service Survey Permit](#)
Asserts that All Comments to US Forest Service About MVP Survey Permit are part of MVP Scoping, showing why MVP will harm Our National Forest, documenting Forest Service Record of Decision against previous AEP utility corridor and local Cultural Attachment to Place, includes Map showing similarity of AEP and MVP routes, FS decisions, and more – prepared by PC Legal Counsel w/ attachments. (216 pages – 5MB)
- [Sedimentation Report by Preserve Craig Science Committee](#)
Documents the risks that MVP will cause sedimentation, erosion, damage water quality and threaten endangered species. Discusses pipeline construction techniques compared to Best Management Practices, steep slopes on Alternate Route 119 and likelihood that these risks cannot be avoided or mitigated. Examples of failed erosion mitigation on other pipelines with photos. (19 pages – 1 MB)
- [Economic and Environmental Impact of Invasive Plants](#)
Report by Dr. Brian Murphy, Preserve Craig Science Committee. Documents the environmental degradation and economic impacts caused by spread of non-native invasive plant species likely to occur if MVP is permitted. Specifically, the MVP corridor would be a conduit to introduce and spread harmful nonnative invasive plant species in Craig County, and along the entire length of the pipeline. This will destroy ecological integrity of private and public lands, threaten public health, and create land-management problems for the life of the pipeline and beyond. (44 pages – 419KB)

Preserve Craig, Inc. is a 501(c)(3) nonprofit corporation formed in 1991 using volunteers and donations to protect our natural, historical, and cultural resources. Tax Identification Number: 54-1597979

- [Google Map showing the environment and sensitive features along the Alternate 110 routes](#)
Cover Letter describes the Map. The file itself is available upon request from PreserveCraig@gmail.com as a Google Earth .kmz file.
- [MVP Open House Questions not answered](#)
Preserve Craig Lists extensive questions asked that raise environmental concerns to include in the EIS and requests that the FERC obtain the answers to these Environmental, Construction, Economic, Safety, and Post-Construction Questions. (6 pages – 472 KB)
- [EQT Criminal Record & Demand for Bond](#)
Includes Court Records of Environmental Crimes by MVP's Managing Partner and documents general unethical behavior of MVP. Preserve Craig asserts that the FERC must make a factual finding that MVP does not have the capacity to serve the public interest and that if FERC were to issue a permit then a Permanent Bond must be required for the life of and removal of the pipeline to cover ALL risks and perils. (38 pages – 1.1 MB)
- [Preserve Craig Scientific & Technical Committee report to USFS](#)
Study prepared by 9 leading scientists on the risks of the MVP, originally prepared for the US Forest Service special use permit scoping in April 2015, covers 1. Security of Domestic Water Supplies; 2. Long Standing Land Management Strategies, Agreements, and Decisions; 3. Water Quality, Landscape Considerations, and Best Management Practices (BMPs); 4. Rare, Threatened, Endangered, and Invasive Species; 5 Viewsheds, and 6. Cultural Issues. (20 pages – 704 KB)
- [MVP impact on National Forest Land, USFS Plan & Brush Mountain Wilderness](#)
Addresses the impacts from construction and operation of MVP on National Forest lands, asserts that such use is in direct conflict with the national interest, purpose of the US Forest, and risks permanently scarring the land and damaging our most precious water resources. (23 pages – 2.2 MB)
- [Petition to FERC with 9 EIS Scoping Issues, Signed by 2133 citizens, 25% of Craig County population](#)
Demands that the FERC drop the Alternate 110 Routes and, in the EIS, document how the MVP will not damage the environment irreparably. Details requirements for study of the impact of the MVP on Unstable slopes and karst terrain, Endangered Species, Water Quality, Cultural Attachment, Economic Impact, Public Safety, Damage to infrastructure, Alternative means of natural gas transport, Liability for damages. (159 pages – 6.5 MB)
- [Petition to the Forest Service to Deny EQT Survey Contains Key Environmental Issues that Must be Included in EIS.](#)
Signed by 880 citizens in April, 2015. Preserve Craig expects that the FERC must study 10 compelling issues in the petition and answer them in the MCP EIS. (32 pages – 2.5 MB)
- [Unsuitable Soils for Pipeline Construction & Restoration](#)
A Preserve Craig Science Committee Report on the risks and damages likely from MVP on mountaintop soils. By Brian Murphy and Nan Gray. (6 pages – 190 KB)

Preserve Craig, Inc. is a 501(c)(3) nonprofit corporation formed in 1991 using volunteers and donations to protect our natural, historical, and cultural resources. Tax Identification Number: 54-1597979

- [Collated Citizen Letters to the US Forest Service](#)
A collection of compelling comments to the US Forest Service specifically shared with Preserve Craig covering Cultural Attachment, environmental concerns, watershed impacts, & economic and financial losses already occurring due to the threat of the Mountain Valley Pipeline – includes Preserve Craig comments & Science Committee report. (98 pages – 4.8 MB)
- [Six Compelling Concerns About the Pipeline Approval Process](#)
This memo delivers to the FERC key requests that cumulative effects and a programmatic analysis of all Marcellus shale pipeline proposals be studied as a whole, that pipeline decision criteria be published and transparent, that the FERC decision record be fully disclosed, that documentation of mitigation to protect our waters be provided, that the FERC pre-screen and not accept applicants with a history of environmental crimes, and that bonds be required to indemnify all risks within the blast zone. Preserve Craig to the Montgomery County Board of Supervisors, June 15, 2015. (7 pages – 244 KB)

Submitted by Craig County Board of Supervisors

- [CCBoS Letter of Opposition – April 2, 2015](#)
- [CCBoS Information Submitted to FERC – June 10, 2015](#)
a.) 19 critical issues for consideration; b.) historical record of 1990s efforts of American Electrical Power to construct 765kV electrical transmission line through Craig County; c.) request FERC enter MOU to afford CCBoS to be more involved in regulatory review of this proposed pipeline.

Submitted by Citizens

- [The Socio-Economic Impact of the Mountain Valley Pipeline on Craig County Residents \(Seago\)](#)
- [Black Diamond Issues and Agreements \(Dimino\)](#)
- [Letter to the FERC with Attachments \(Easterling\)](#)
- (Under construction) More to come!