

**UNITED STATES DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE
GULF OF MEXICO OCS REGION AND THE ATLANTIC OCS AREA**

NTL No. 2007-G20

Effective Date: May 25, 2007

**NOTICE TO PIPELINE RIGHT-OF-WAY HOLDERS
IN THE OUTER CONTINENTAL SHELF,
GULF OF MEXICO OCS REGION AND THE ATLANTIC OCS AREA**

**Coastal Zone Management Program Requirements
for OCS Right-of-way Pipeline Applications**

This Notice to Pipeline Right-of-way (ROW) Holders (NTL) is issued pursuant to 30 CFR 250.101(a) and 30 CFR 250.103 and in accordance with 15 CFR 930.53(d) to provide notice and assistance regarding your compliance with the Coastal Zone Management Act (CZMA) Federal consistency regulations when submitting OCS ROW pipeline applications to the Minerals Management Service (MMS) Gulf of Mexico OCS Region (GOMR). This NTL supersedes NTL No. 2002-G15, effective December 20, 2002.

Background

Subpart D of 15 CFR 930 sets forth specific requirements concerning the implementation of Federal consistency provisions of the CZMA for activities requiring Federal licenses and permits and delineates the responsibilities of applicants, MMS, and affected States. Title 15 CFR 930.53(d) provides that no Federal license or permit described on an approved list shall be issued by a Federal agency until the requirements of Subpart D of 15 CFR 930 have been satisfied. Federal agencies must inform applicants for listed licenses or permits of these requirements.

The provisions of Subpart D of 15 CFR 930 are intended to ensure that any required Federal license or permit activity affecting any coastal use or resource is conducted in a manner consistent with approved coastal zone management programs (CZMP). The term "Federal license or permit" means any required authorization, certification, approval, lease, or other form of permission which any Federal agency is empowered to issue to an applicant and includes renewals and major amendments that affect any coastal use or resource (see 15 CFR 930.51).

All Gulf States, all Atlantic States, and Puerto Rico have approved CZMP's. Title 15 CFR 930.53(a) requires all State agencies to develop a list of Federal license or permit activities that affect any coastal use or resource, including reasonably foreseeable effects outside of its coastal zone, and which the State agency wishes to review for consistency with its CZMP. This list must be included as part of each State's CZMP, and the Federal license or permit activities must be described in terms of the specific licenses or permits involved.

All of the Gulf States and some of the Atlantic States have identified OCS ROW pipeline applications as a "listed" activity requiring consistency review. Therefore, the MMS GOMR will not approve an ROW pipeline application until each such affected State has (1) given a

general concurrence for the activities (see 15 CFR 930.53(b)), or (2) concurred with the consistency certification accompanying the application, or (3) been conclusively presumed to concur with the certification accompanying the application.

The following procedures apply only to this “listed” activity. Please refer to 15 CFR 930.54 for requirements for monitoring “unlisted” Federal license or permit activities.

Procedures

A. Preliminary State Agency Guidance

Title 15 CFR 930.56 encourages you to consult with the appropriate State agency on the necessary data and information (see 15 CFR 930.58) that each State agency requires you to submit with your ROW pipeline application and for other assistance. Such consultation may serve to expedite the State’s coastal zone consistency determination. As part of its assistance efforts, the State agency must make copies of its CZMP document available to you and identify any enforceable policies applicable to the proposed activity.

B. Submitting OCS ROW Pipeline Applications and Consistency Certifications

At the same time you submit an ROW pipeline application to the MMS GOMR, provide each affected Gulf or Atlantic State (unless the application has been granted a general concurrence) with

- (1) a copy of the pipeline application,
- (2) a consistency certification (see 15 CFR 930.57), and
- (3) all necessary data and information (see 15 CFR 930.58).

This requirement applies to all new ROW pipeline applications *except* those that involve conversion of an existing lease term pipeline to an ROW pipeline, or that involve a new ROW grant for an existing pipeline.

This requirement does *not* apply to applications to modify an existing ROW pipeline *except* those that involve either

- (1) the installation of additional pipe (except those modifications that involve only minor reconfiguration of existing pipelines),
- (2) the installation of a *new* accessory platform,
- (3) changing the product from gas to oil, or
- (4) changing the onshore support base from one affected State to another.

Please note that this process differs from the process outlined for OCS plans at 15 CFR 930, Subpart E, in which MMS sends each affected State a copy of the information required for consistency review]. Pursuant to 43 CFR Part 2, Appendix E, section (4), the MMS GOMR has determined that none of the information included in an ROW pipeline application is considered privileged or confidential. Therefore, do not exclude any information in the copy of the application you submit to the affected State. See Appendix A of this NTL for information on determining affected States, filing fees, and a list of Gulf and Atlantic State agencies responsible for making CZM consistency determinations. See Appendix B of this NTL for a suggested format for your consistency certifications.

In each copy of either an application for new ROW pipeline or an application to modify an existing ROW pipeline that meets one of the criteria in the preceding paragraph that you submit to the MMS GOMR, include (1) a copy of your consistency certification and (2) evidence that you have sent the information listed in the preceding paragraph to each affected State. You do not need to include the necessary data and information required by 15 CFR 930.58 in the copy of your application that you send to the MMS GOMR.

C. State Agency Review

State agency review begins when the State agency receives a copy of your ROW pipeline application, the consistency certification, and the necessary data and information required pursuant to 15 CFR 930.58. Therefore, you should send this information to the State agency and provide the original delivery receipt with your pipeline application or as a subsequent amendment to your application to verify the date the State received it. The affected State will determine if it has all the information it needs to begin review and has 30 days from the date of receipt to determine completeness (see 15 CFR 930.60(a)(1)). If you do not submit the consistency certification or all of the necessary data and information, the State must notify you and MMS of any deficiencies and whether the consistency review has commenced. If an affected State has not issued its decision within 3 months after the beginning of its consistency review, it must notify you and the MMS of the status of its review and the basis for any further delay (see 15 CFR 930.62(b)). If they do not provide this review status timely, concurrence is conclusively presumed.

State agency concurrence or objection must be received on or before the last day of the six-month review period (15 CFR 930.62(a)), and any objection must be based upon enforceable policies of the affected State's CZMP. Concurrence by a State agency is conclusively presumed if the State agency's response is not received within six months following commencement of its review.

D. Approval of OCS ROW Pipeline Applications by the MMS

If the State agency issues a concurrence or is conclusively presumed to concur with your consistency certification, the MMS GOMR may approve the ROW pipeline application. However, even though a State agency concurs with a consistency certification, the MMS GOMR will not approve the application if it does not comply with MMS regulatory requirements.

If the State agency objects to your consistency certification, the MMS GOMR cannot approve the ROW pipeline application. In this event, you can amend or resubmit your application, adopt an alternative suggested by the State agency, abandon the project, or appeal the State agency objection to the Secretary of Commerce under 15 CFR 930, Subpart H.

Role of MMS

The purpose of this NTL is to inform you of the requirements of the CZMA regulations at 15 CFR 930, Subpart D, and to facilitate your compliance with these regulations as they pertain to OCS ROW pipelines. However, in issuing this NTL, the MMS GOMR is not making a legal determination as to which States are affected States or on any other issue regarding CZMA compliance. MMS in no way guarantees that your adherence to the guidance in this NTL will ensure your compliance with the CZMA. Therefore, we advise you to consult the complete text

of the CZMA and implementing regulations and confer with the affected States to ensure your compliance with CZMA consistency requirements.

Paperwork Reduction Act of 1995 (PRA) Statement

This NTL provides clarification, description, or interpretation of requirements in MMS regulations at 30 CFR 250, Subpart J. The Office of Management and Budget (OMB) has approved the information collection requirements in those regulations and assigned OMB Control Number 1010-0050. It is noted that this NTL also refers to the collection of information by coastal States under their Coastal Zone Management Programs, subject to the Department of Commerce regulations (15 CFR 930, et seq.). The information collection by individual States and their agencies is not subject to compliance with the PRA and approval by the OMB. This NTL does not impose additional information collection requirements subject to the PRA.

Contact

If you have any questions regarding the CZM guidance in this NTL, please contact Mr. Robert L. Sebastian at (504) 736-2761 or by e-mail at robert.sebastian@mms.gov. If you have questions about a specific ROW pipeline application, please contact Mr. Alex Alvarado at (504) 736-2547 or by e-mail at alex.alvarado@mms.gov.

[original signed]

Lars T. Herbst
Acting Regional Director

Appendices

Appendix A

GUIDANCE ON DETERMINING AFFECTED STATES APPLICATION FEES LIST OF STATE AGENCIES

Provide a coastal zone consistency certification (15 CFR 930.57) to each affected State and the MMS GOMR, and provide necessary data and information (15 CFR 930.58) to each affected State for the ROW pipeline applications that meet the criteria below.

1. The State of Texas is an affected State if the proposed ROW pipeline enters into Texas State waters or if any support facilities will be located in the State.
2. The State of Louisiana is an affected State if the proposed ROW pipeline is adjacent to the State of Louisiana or if any support facilities will be located in the State.
3. The State of Mississippi is an affected State if the proposed ROW pipeline is adjacent to the State of Mississippi or if any support facilities will be located in the State.
4. The State of Alabama is an affected State if the proposed ROW pipeline intersects one or more of the OCS blocks listed in Attachment No. 2 to this Appendix, or if any support facilities will be located in the State.
5. The State of Florida is an affected State if the proposed ROW pipeline is in the Eastern Planning Area of the Gulf of Mexico or if any support facilities will be located in the State.
6. For Atlantic States, contact the Federal Consistency Coordinators listed in Attachment No. 3 to this Appendix to determine which State(s) are affected.

A proposed ROW pipeline is adjacent to a State if the pipeline would be within the area of the State if its boundaries were extended seaward to the outer margin of the OCS.

Application Fees

Some States require a fee in order to process your consistency certification. See Attachments Nos. 2 and 3 to this Appendix for a list of State CZM Agency contacts.

Information on fees required by the State of Louisiana can be found on the Internet at <http://www.legis.state.la.us/lss/lss.asp?doc=103638>.

Information on fees required by the State of Alabama can be found in Schedule B on the Internet website at <http://www.adem.state.al.us/Regulations/Div1/D1Chapter%206.doc>.

Attachment No. 1 to Appendix A

OCS Blocks for Which the State of Alabama is an Affected State

Central Planning Area

Mobile Blocks 765-767, 778-779, 809-824, 826-830, 853-874, 897-918, 942-962, 987-1006

Viosca Knoll Blocks 20-38, 65-82, 109-126, 154-170, 201-214, 246-258, 292-302, 338-346, 383-390, 427-434, 473-478, 518-522, 564-566, 609-610, 654, 692-698, 734-742, 772-786, 813-830, 856-874, 898-918, 940-962, 983-1006

Main Pass Area Blocks 6-7, 17-20, 27-30, 37-44, 55-65, 68-74, 77-78, 86-153

South Pass Area Blocks 6, 17-19, 32, 59-61

South Pass Area, South and East Addition Blocks 62-73

Main Pass Area, South and East Addition Blocks 154-316

Mississippi Canyon Blocks 20-41, 64-85, 110-129, 155-173, 201-217, 251-261

Chandeleur Area Blocks 1, 3-5, 8-34

Chandeleur Area, East Addition Blocks 35-44

Breton Sound Area Blocks 24-25, 39-44, 53-56

Eastern Planning Area

Destin Dome Blocks 1-36, 45-80, 89-124, 133-167, 177-211, 221-255, 265-298, 309-342, 353-385, 397-429, 441-472, 485-515, 529-559, 573-602, 617-646, 661-689, 705-733, 749-776, 793-819, 837-862, 881-905, 925-947, 969-990

De Soto Canyon Blocks 1-23, 45-66, 89-107, 133-148, 177-189, 221-228

Pensacola Blocks 727-728, 751-754, 764-778, 793-798, 801-825, 837-872, 881-917, 925-961, 969-1005

Attachment No. 2 to Appendix A
List of Gulf State Agencies and Contacts

Texas

Ms. Tammy Brooks
Coastal Division, General Land Office
Stephen F. Austin Bldg.
1700 No. Congress Street
Austin, TX 78701
(512) 463-9212; Fax: (512) 475-0680
tammy.brooks@glo.state.tx.us

Louisiana

Copy and fee to:
Mr. Gregory J. DuCote, Coastal Resources Science Manager
Coastal Management Division,
Department of Natural Resources
P. O. Box 44487
Baton Rouge, Louisiana 70804-4487
Tel: (225) 342-5052; Fax: (225) 242-3458
gregory.ducote@la.gov

Mississippi

Mr. Mike Walker
Mississippi Coastal Program
Department of Marine Resources
1141 Bayview Avenue, Suite 101
Biloxi, MS 39530
Tel: (228) 374-5000, x5238; Fax: (228) 374-5008
mike.walker@dmr.state.ms.us

Alabama

Primary copy and fee to:
Mr. J. Scott Brown
Chief, Coastal Programs
Alabama Department of Environmental Management
4171 Commanders Drive
Mobile, Alabama 36615
Tel: (334) 450-3300
jsb@adem.state.al.us

Additional copy to:
Mr. Phillip Hinesley, Chief,
Alabama Department of Conservation and Natural Resources
State Lands Division, Coastal Section
Five Rivers, Alabama's Coastal Resource Center
5093 Battleship Parkway
Spanish Fort, AL 36527
Tel: (251) 621-1216
phillip.hinesley@dcnr.alabama.gov

Florida

Ms. Lynn Griffin
Florida Coastal Management Program
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, Florida 32399-3000
Tel: (850) 245-2163; Fax: (850) 245-2189
lynn.griffin@dep.state.fl.us

Attachment No. 3 to Appendix A
List of Atlantic State Agencies and Contacts

<p><u>Connecticut</u> Mr. Tom Ouellette Office of Long Island Sound Programs Department of Environmental Protection 79 Elm Street, 3rd Floor Hartford, CT 06106-5127 Tel: (860) 424-3034; Fax: (860) 424-4054 tom.ouellette@po.state.ct.us</p>	<p><u>Delaware</u> Ms. Susan Love Delaware Coastal Programs Dept. of Natural Resources & Environmental Control 89 Kings Highway Dover, DE 19901 Tel: (302) 739-9283; Fax: (302) 739-2048 susan.love@state.de.us</p>
<p><u>Florida</u> Ms. Lynn Griffin Florida Coastal Management Program Florida Department of Environmental Protection 3900 Commonwealth Boulevard, Mail Station 47 Tallahassee, Florida 32399-3000 Tel: (850) 245-2163; Fax: (850) 245-2189 lynn.griffin@dep.state.fl.us</p>	<p><u>Georgia</u> Ms. Kelie Moore Coastal Zone Management Program Department of Natural Resources One Conservation Way, Suite 300 Brunswick, GA 31520-8687 Tel: (912) 264-7218; Fax: (912) 262-3143 kelie_moore@dnr.state.ga.us</p>
<p><u>Maine</u> Mr. Todd Burrowes State Planning Office, State House Station #38 184 State Street Augusta, ME 04333 Tel: (207) 287-1496; Fax: (207) 287-8059 todd.burrowes@maine.gov</p>	<p><u>Maryland</u> Mr. Elder Ghigarelli Department of the Environment 2500 Broening Highway Baltimore, MD 21224 Tel: (410) 537-3763 eghigarelli@mde.state.md.us</p>
<p><u>Massachusetts</u> Mr. Truman Henson, Project Review Coordinator Office of Coastal Zone Management Executive Office of Environmental Affairs 251 Causeway Street, Suite 800 Boston, MA 02114 Tel: (617) 626-1219; Fax: (617) 626-1240 truman.henson@state.ma.us</p>	<p><u>New Hampshire</u> Mr. Chris Williams, Federal Consistency Coordinator New Hampshire Coastal Program Department of Environmental Services 50 International Drive, Suite 200 Pease International Tradeport Portsmouth, NH 03801 Tel: (603) 559-1500; Fax: (603) 559-0025 cwilliams@des.state.nh.us</p>
<p><u>New Jersey</u> Ms. Kim Springer State of NJ DEP Office of Coastal Management 401 E. State Street, 7th Floor P.O. Box 418 Trenton, NJ 08625 Tel: (609) 633-2201; Fax: (609) 292-4608 kim.springer@dep.state.nj.us</p>	<p><u>New York</u> Mr. Steven C. Resler, Deputy Bureau Chief Division of Coastal Resources Department of State 41 State Street Albany, NY 12231-0001 Tel: (518) 474-5290, Fax: (518) 473-2464 sresler@dos.state.ny.us</p>
<p><u>North Carolina</u> Mr. Steve Rynas Division of Coastal Management Department of Environment and Natural Resources 400 Commerce Avenue Morehead City, NC 28557-3421 Tel: (252) 808-2808; Fax: (252) 247-3330 stephen.rynas@ncmail.net</p>	<p><u>Pennsylvania</u> Mr. Larry Toth Water Planning Office Department of Environmental Protection 400 Market Street, 2nd Floor P.O. Box 2063 Harrisburg, PA 17105-2063 Tel: (717) 772-5622; Fax: (717) 783-4690 latoth@state.pa.us</p>

Puerto Rico

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Rhode Island

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South Carolina

Ms. Barbara Neale
Director, Regulatory Programs Division
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1362 McMillan Ave., Suite 400
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Fax: (843) 953-0260
nealeb@dhec.sc.gov

Virginia

Ms. Ellie Irons, Program Manager
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Department of Environmental Quality
629 E. Main Street
Richmond, VA 23219
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ellie.iron@deq.virginia.gov

Appendix B

**COASTAL ZONE MANAGEMENT PROGRAM
CONSISTENCY CERTIFICATION FORMAT**

Consistency certification format for all right-of-way pipeline applications that affect Gulf and Atlantic States.

**COASTAL ZONE MANAGEMENT PROGRAM
CONSISTENCY CERTIFICATION**

From (Area and Block)

To (Area and Block)

Length (miles)

The proposed activities described in detail in this right-of-way pipeline application comply with the enforceable policies of [*Name of State(s)*] approved Coastal Management Program(s) and will be conducted in a manner consistent with such Program(s).

Right-of-way Applicant

Certifying Official

Date