

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
Office of Energy Projects

GUIDANCE:
FERC STAFF NEPA PRE-FILING PROCESS
FOR NATURAL GAS PROJECTS

To encourage the pipeline industry to engage in early project-development involvement with the public and agencies, as contemplated by the National Environmental Policy Act (NEPA) and the Council on Environmental Quality regulations, the staff is offering the option of NEPA pre-filing work on interstate natural gas projects. The NEPA Pre-Filing Process should be raised by a prospective applicant during early discussions with the Office of Energy Projects (OEP) about the project planning and status.

To begin the NEPA Pre-Filing review of a project, including starting the preparation of an environmental assessment (EA) or draft environmental impact statement (DEIS), a prospective applicant must submit a written request to the Director of OEP, 7 to 8 months prior to filing an application, that:

1. Explains why the prospective applicant needs/wants to use the NEPA Pre-Filing Process, including timing considerations;
2. Lists the Federal and state agencies in the project area with relevant permitting requirements, documents that those agencies are aware of the prospective applicant's intention to use the NEPA Pre-Filing Process (include contact names and phone numbers), and verifies that the Federal agencies agree to participate in this process;
3. Identifies other interested persons and organizations who have been contacted about the project;
4. Details what work has been done already, i.e., contacting landowners, agency consultations, project engineering, and route planning;
5. States that the prospective applicant will provide third-party contractor options for staff to make a selection at the time (or soon after) the NEPA Pre-Filing Process begins;
6. Acknowledges that a complete Environmental Report and complete application are still required at the time of filing; and
7. Details a Public Participation Plan which identifies specific tools and actions to facilitate stakeholder communications and public information, including establishing a single point of contact.

We strongly encourage a prospective applicant to establish a project web-site where interested persons can go for information such as copies of applications to other agencies. (See page 20 the final report of the Keystone Dialogue on Natural Gas Infrastructure –*Expanding Natural Gas Infrastructure To Meet The Growing Demand For Cleaner Power*, issued in March, 2002, for further guidance. Contact: www.keystone.org or call 202-452-1590 for information.) Preliminary corridor or route maps are highly desirable.

If the request for staff assistance is approved, a written acceptance will be issued by OEP, and a PF docket number will be assigned. (Note that staff will not be a **project** advocate, but a **process** advocate and will stress the benefits of working together.)

Staff and third-party contractor pre-filing involvement will be designed to fit each project and will include some or all of the following:

1. Assisting the prospective applicant in developing initial information about the proposal and identifying affected parties (including landowners and agencies);
2. Issuing a Scoping Notice and conducting scoping for the proposal;
3. Facilitating issue identification and resolution;
4. Conducting site visits, examining alternatives, meeting with agencies and stakeholders, and participating in the prospective applicant's public information meetings;
5. Initiating the preparation of a preliminary EA or preliminary DEIS, which may include cooperating agency review; and
6. Reviewing draft Resource Reports for the FERC application.

When an application for authorization to construct a pipeline project or to site an LNG terminal is filed, the Commission publishes notice of the application in the Federal Register and establishes a deadline for interested persons to intervene in the proceeding. Because the NEPA Pre-Filing Process occurs before an application to begin a proceeding is officially filed, petitions to intervene during this process are premature and will not be accepted by the Commission.

For further information, contact Richard R. Hoffmann, Director, Division of Gas Environment and Engineering, Office of Energy Projects, at (202) 502-8066.

2/10/04