

2880 - Oil and Natural Gas Pipelines

2880 - OIL AND NATURAL GAS PIPELINES

1. Explanation of Material Transmitted: This Manual release provides procedural guidance for issuing right-of-way grants for oil and natural gas pipelines.
2. Reports Required: None.
3. Material Superseded: The manual pages superseded by this release are listed under "REMOVE" below. No other directives are superseded:
4. Filing Instructions: File as directed below.

REMOVE: INSERT:

TC-1 (Rel. 2-162) TC-1

.01 (Rel. 2-162) .01

.1 (Rel. 2-162) .1

.4 (Rel. 2-162) .4

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(Total: 5 sheets) (Total: 4 sheets)

Assistant Director, Land and

Renewable Resources

TC-1

2880 - OIL AND NATURAL GAS PIPELINES

Table of Contents

.01 [Purpose](#)

.02 [Objectives](#)

.03 [Authority](#)

.04 [Responsibility](#)

.05 [References](#)

.06 [Policy](#)

.07 [File and Records Maintenance](#)

- .1 [Application](#)
- .11 [Application Form](#)
- .12 [Applicant Qualifications](#)
 - A. [Citizenship](#)
 - B. [Corporations](#)
 - C. [Local Government](#)
- .13 [Application for Permit to Drill](#)
- .14 [Terms and Conditions](#)
 - A. [Term](#)
 - B. [Conditions](#)
- .15 [Third Party Rights-of-Way](#)
- .2 [Jurisdiction](#)
 - .21 Federal Lands
- .3 [Public Notification](#)
 - .31 Type of Notification
 - A. Public Notification via Publications
 - B. Public Notification via Meetings
- .4 [Congressional Notification](#)
 - .41 [Notification Procedure](#)
 - A. [Application Receipt](#)
 - B. [Notice of Intention to Grant](#)
 - .42 [Renewals and Amendments](#)
 - .43 [Congressional Report](#)
- A. [Statistics](#)
- B. [Safety](#)
- C. [Environment](#)
- D. [Resort Submission](#)

Appendices

1. Notice to Lessees and Operators of Federal and Indian Onshore Oil and Gas Leases.

2. BLM-FWS Memorandum of Understanding Amendment to Section V.

.01

2880 - OIL AND NATURAL GAS PIPELINES

.01 Purpose. This Manual Section provides procedural guidance for issuing right-of-way grants for oil and natural gas pipelines.

.02 Objections. See BLM Manual 2800.02

.03 Authority. See BLM Manual Section 2800.03

.04 Responsibility. See BLM Manual Section 2800.04

.05 References. See 43CFR 2880

.06 Policy. See BLM Manual Section 2800.06

.07 File and Records Maintenance.

.1

2880 - OIL AND NATURAL GAS PIPELINES

.1 Application. See BLM Manual Section 2801 for preapplication and application processing. This section contains requirements that are unique to oil and gas pipeline rights-of-way.

.11 Application Form. See BLM Manual Section 2801 Illustration 1. Complete Item Ig and either Ie or IIIc on the Supplemental sheet of Standard Form 299. If the Federal land is already clearly identified under Item 8, the applicant may check the block labeled "Attached" at Item Ig.

.12 Applicant Qualifications. An applicant for an oil or gas pipeline is required to attest to:

A. Citizenship. Applicant must be a citizen of the United States or an association of such citizens.

B. Corporations. A corporate applicant must be a corporation organized under the laws of any State or the United States.

1. Aliens may own or control stock in corporations if the laws of their countries do not deny similar privileges to citizens of the United States.

If there is any question concerning alien controlled corporations, contact Director (260).

C. Local Government. A governmental applicant must be a State or local government.

.13 Application for Permit to Drill (APD). An APD may serve as the supporting documentation for a right-of-way

plan of development whenever associated surface access is needed by the proponent off the involved lease, communitized tract, or unit area. Similarly, a subsequent plan of oil and gas development (not involving an APD) may serve in the same capacity.

.14 Terms and Conditions. (See BLM Manual Section 2803.) This section contains requirements that are unique to oil and gas pipeline rights-of-way.

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2880 - OIL AND NATURAL GAS PIPELINES

A. Term. The term for oil and gas pipeline must not exceed 30 years. The grant must be renewed if the pipeline is being commercially operated and is being operated and maintained in accordance with the provisions of the grant.

B. Conditions.

1. The width of the right-of-way must not exceed 50 feet plus the diameter of the pipe (e.g., 48" inch pipeline would result in a maximum right-of-way width of 54'). Additional width for oil and gas pipeline and related facilities may be granted if needed for:

a. Operation and maintenance of the project after construction.

b. Protection of the environment.

c. Public safety

2. Common Carrier. (Reserved.)

3. Export. (Reserved.)

.15 Third Party Rights-of-Way. All third party rights-of-way for access and facility construction for operation on or off the leasehold or Federal unitized area, must be authorized by a right-of-way grant. Rights-of-way needed for facilities owned or controlled by the lessee or an operator are not considered as third party needs.

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2880 - OIL AND NATURAL GAS PIPELINES

.4 Congressional Notification. The Mineral Leasing Act provides that no pipeline right-of-way across Federal land for pipelines 24 inches or more in outside-pipe diameter may be granted until notice of intention to grant has been given to the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources.

.41 Notification Procedure. Congressional notification is a two-step procedure. The first step takes place upon receipt of an application. The second step occurs when the Bureau has gathered sufficient information to determine if the grant should be issued. (Notice of Intention to grant.)

A. Application Receipt. Upon receiving a right-of-way application, prepare an information packet in triplicate. Submit the three packets to Director (260). The Director reviews the packets and prepares a letter of transmittal to the two committees. This packet should include the following.

1. Memorandum of transmittal explaining that it is a Congressional Notification for a pipeline in excess of 24" in diameter.

2. Application, attachments, and amendment(s).

3. Maps of the project across lands requiring a right-of-way from the Bureau. Maps must be in sufficient detail to clearly show the location of the pipeline and ancillary facilities within State and county boundaries.

B. Notice of Intention to Grant. The second information packet is also prepared in triplicate. Submit the three packets to Director (260). Director (260) reviews the packets and prepares a letter of transmittal to the two committees. The Director (260) will notify the office proposing to issue the grant when the committees have been notified and the grant can be issued. The three packets should include the following:

1. Memorandum of transmittal titled Notice of Intention to Grant.
2. Copy of draft right-of-way grant together with terms and conditions of proposed grant.

.42

2880 - OIL AND NATURAL GAS PIPELINES

.42 Renewals and Amendments. Applications for renewal or amendment

of existing (24-inch plus) pipeline right-of-way grants do not require notification unless the renewal or amendment proposes significant modifications, route changes, expanded facilities, etc., sufficient to

require the preparation of an environmental impact statement.

.43 Congressional Report. The Secretary is required to make an annual report on right-of-way activities to the appropriate Committees. The information needed for the report will be retrieved from case recordation (CR/ORCA) except for Alaska. The Alaska State Director submits the following information:

A. Statistics.

1. The number of oil and gas pipeline right-of-way grants made during the fiscal year. This number should include grants made which involve lands under the jurisdiction of two or more Federal agencies.
2. The number of oil and gas pipeline right-of-way applications rejected during the fiscal year.
3. The number of right-of-way applications received and for which no grant had been made as of October 1.
4. The number of right-of-way applications received and for which no grant had been made as of September 30.
5. The number of oil, gas, synthetic fuel or products pipeline rights-of-way which were renewed during the fiscal year.
6. The number of Title I rights-of-way which were terminated during the fiscal year.

B. Safety. If any rights-of-way granted during the calendar year required the holder to perform safety actions or activities over and above those required by State or Federal laws, regulations, or standards, these additional safety requirements should be briefly described.

C. Environment. Environmental requirements over and above those necessary for normal management of Federal lands and included in a right-of-way grant(s) should be briefly described.

D. Report Submission. Submit the information outlined above by October 15, to Director (260).