



Interstate Gas Pipelines in the Granite State

Federal and State Permitting Basics for NH Conservation Commissions

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Why Does Permitting Matter?

Process

Information

Public Involvement

Appeals

Substance

Impacts

Avoid, Minimize, Mitigate

Alternatives

Need and Public Interest

Permitting Can Change Outcomes

Federal Approvals

- Federal Energy Regulatory Commission (FERC)
 - Certificate of Public Convenience and Necessity under the Natural Gas Act
 - ***National Environmental Policy Act***
- Other Federal Approvals and Consultations
 - USFWS, Endangered Species Act
 - Army Corps of Engineers, Clean Water Act Section 404
 - Section 106, National Historic Preservation Act

State Approvals

- ***New Hampshire Site Evaluation Committee***
 - Encompasses other state permits: alteration of terrain, wetlands, dredge/fill, shoreland, groundwater withdrawal, air emissions
- **Other State Approvals and Consultations**
 - NHDES, Clean Water Act Section 401
 - DHR, Section 106, National Historic Preservation Act
 - NHPUC, funding and utility agreements

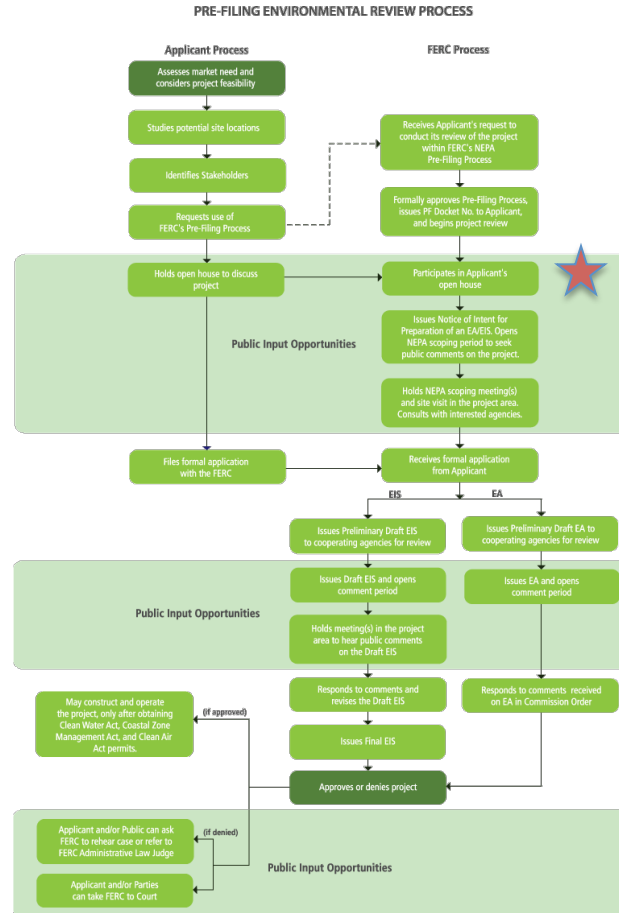
National Environmental Policy Act

- Key concepts
 - Process versus substance
 - “Environmental” impact
 - “Purpose and need”
 - Range of “reasonable” alternatives
 - “Cumulative” impacts
 - Who’s in charge – the federal agency
- FERC’s unique NEPA process for gas infrastructure
- Spectra Algonquin Incremental Market (AIM) Project EIS

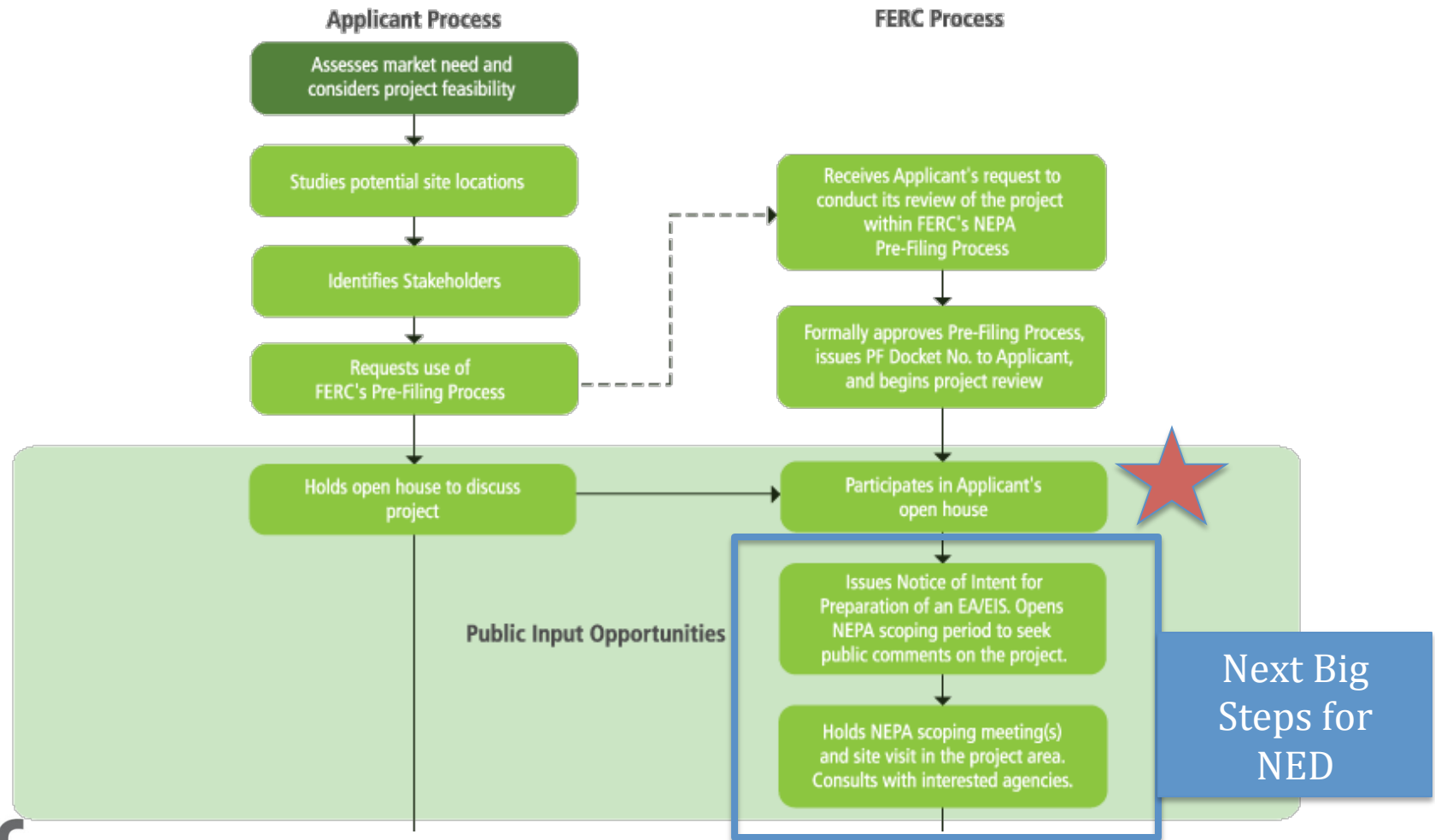
A Citizens Guide to the NEPA

https://ceq.doe.gov/nepa/Citizens_Guide_Dec07.pdf

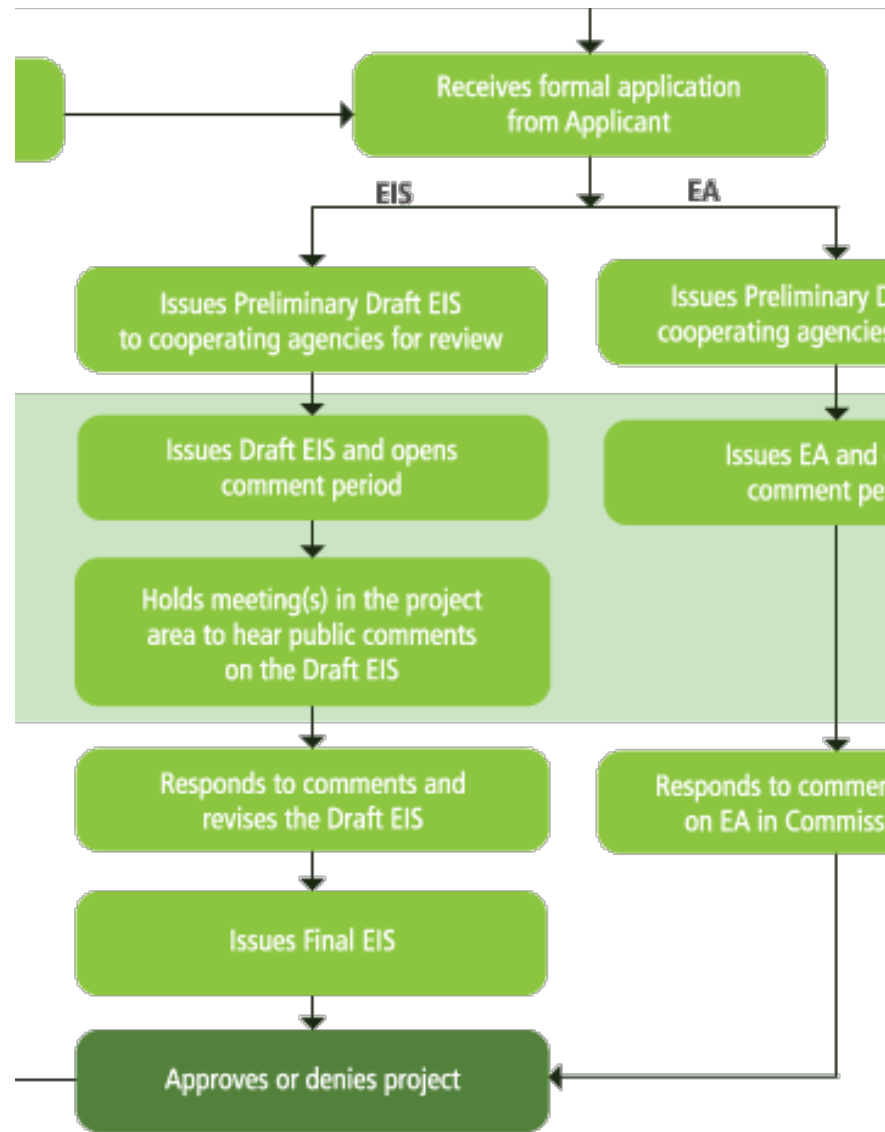
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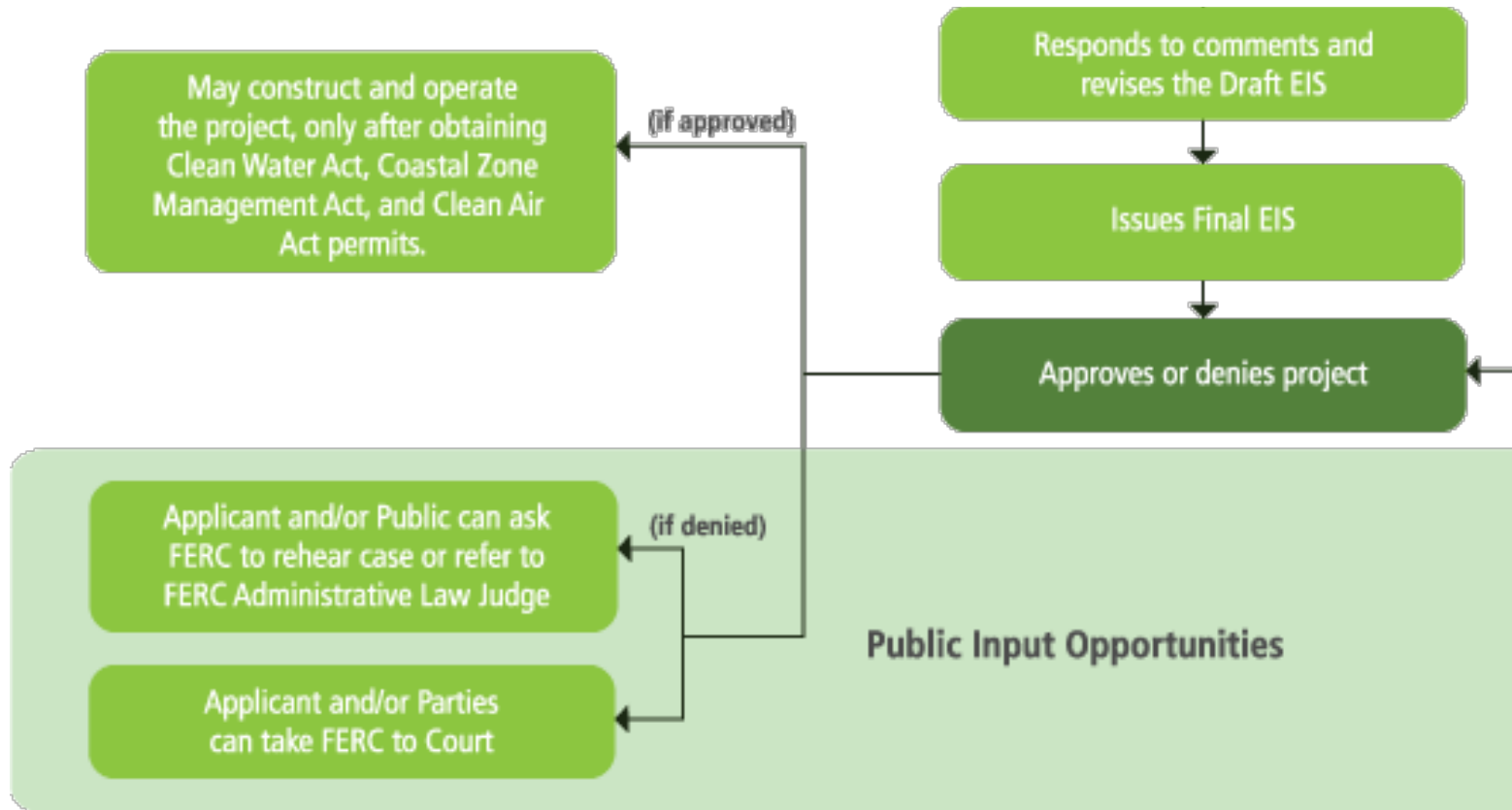
National Environmental Policy Act



National Environmental Policy Act



National Environmental Policy Act



FERC Certificate

- Determination whether the pipeline project would be in the public interest
 - a project's potential impact on pipeline competition,
 - the possibility of overbuilding,
 - subsidization by existing customers,
 - potential *environmental impacts*,
 - avoiding the unnecessary use of eminent domain
 - safety (although generally deferred to the US Department of Transportation, which regulates pipeline safety under the Natural Gas Pipeline Safety Act of 1968 and subsequent acts)
- Interaction with NEPA
- Intervention, Rehearing, Appeals

Citizen's Guide

<http://www.ferc.gov/for-citizens/citizen-guides/citz-guide-gas.pdf>

NH Site Evaluation Committee

Who?

- 3 PUC Commissioners - PUC Chairman Chairs SEC
- DES Commissioner - Vice Chairman
- DOT Commissioner
- DRED Commissioner
- Commissioner, Cultural Resources or Director of Division of Historical Resources
- 2 Public Members appointed by Governor and Council
- Subcommittees of 7 members, appointed by Chair, may consider applications
- Agency members may designate senior employees in their place

NH Site Evaluation Committee

- Key Concepts
 - “One-stop shop” for state permits
 - Required findings
 - Must “not unduly interfere with the orderly development of the region, with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies”
 - No “unreasonable adverse effect” on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.
 - Project must “serve the public interest”
 - Counsel for the public
- Public involvement opportunities
 - Pre-application information sessions
 - Post-application information sessions
 - Public hearings
 - Formal intervention, adjudicatory proceedings, appeals
- “Criteria” rulemaking ongoing, hearing March 4, comments due March 13

More information at <http://www.nhsec.nh.gov/>

Key Considerations for NH Conservation Commissions

- Get local inventories, assessments, maps into the permitting record!
- NEPA participation – scoping comments, comments on draft EIS
- FERC intervention? Burden of service.
- SEC intervention? Burden of time and resources.
- Coordination with other municipal boards in your town
- Coordination with other conservation commissions, NHACC
- No “preemption” absent order from FERC; until then all state and any applicable local requirements apply
- Potential need for outside assistance (legal, technical, etc.)

Do We Need a New Interstate Gas Pipeline?

- Do the local distribution companies and their customers need gas? How much?
- Do electric generators need gas? How much?
- Are we in an “energy crisis?” Winter versus summer issues.
- Market-based or subsidy? Who pays? Who bears the risk?
- Will a new pipeline actually reduce energy costs?
- What are the implications for achieving renewable goals, energy self-sufficiency, and the climate?
- What are the most cost-effective ways to get gas to those who need it, when they need it?
- What are the alternatives to a new pipeline, or to this new pipeline?

Vital questions for FERC, the SEC, and policymakers:

Your Commission can ask them in the permitting process!