



Pipeline Permitting 101: An Overview of Basic of Oil and Gas Pipeline Permitting Processes and Concepts for Wetland Regulators



ASWM Pipeline Permitting Resources

November 7, 2018

3:00 pm – 5:00 pm Eastern

Presented by

- **Brenda Zollitsch**
Association of State Wetland
Managers

ASWM Pipeline Permitting Project

Five Project Focus Areas

1. **Barriers and Solutions**
2. **Best Management Practices**
3. **Pipeline Permitting Process Maps**
4. **Cumulative Adverse Effects**
5. **Working with Consultants**



Funded by:

- EPA Wetland Program Development Grant
- Switzer Foundation Innovation Grant
- McKnight Foundation

ASWM's Web-based Pipeline Permitting Resources

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Improving State and Tribal Permitting of Pipeline Projects in the United States

ASWM Resources



Overview

The potential for multiple impacts (temporary, long-term and cumulative) from pipeline development projects necessitates extensive inter-agency and inter-sector coordination and the integration of best practices in the planning, administration, review and conditioning of permits.

ASWM has developed a range of tools and resources to build the capacity of state and tribal wetland programs to protect aquatic resources impacted by energy development through more informed and effective engagement in both the pre-application and §401 Certification phases of the permitting process.



Resources for States and Tribes

ASWM has developed a set of resources to assist states and tribes build their capacity to review natural gas and oil pipeline permits. These resources focus on the pre-application phase and the §401 Certification Process.

[Learn more](#)



Resources for Pipeline Project Consultants/Energy Companies

ASWM has developed a set of resources that may help facilitate better communication between consultants who serve as intermediaries to energy companies and state/tribal regulators.

[Learn more](#)



Resources for Others Interested in Pipeline Permitting

ASWM has developed a range of resources that may be of interest to other entities, including nonprofits, businesses, academia and other government entities.

[Learn more](#)

Project Contributors: ASWM's resources have been designed in collaboration with partners and a national project workgroup to help states and tribes improve the planning and review processes associated with permitting natural gas and oil pipelines in the United States.

Project Funding: Funding for the development of these resources was provided by an EPA Wetland Program Development Grant, a Network Innovation Grant from the Richard and Patricia Switzer Foundation and the McKnight Foundation, as well as in-kind partner contributions.

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ASWM Pipeline Permitting Webinar Series (Live and Recorded)



Webinar #1	Improving the Information Pipeline: Working with Consultants During Natural Gas Pipeline Permitting Processes	Recording on ASWM.org Website
Webinar #2	Cumulative Adverse Effects of Pipeline Development on Wetlands and Other Aquatic Resources	Recording on ASWM.org Website
Webinar #3	Horizontal Directional Drilling: Understanding Context when Reviewing Oil and Gas Pipeline Permit Applications	Recording on ASWM.org Website
Webinar #4	Pipeline Permitting 101: An Overview for State and Tribal Regulators	Nov 7, 2018 @3 pm EST

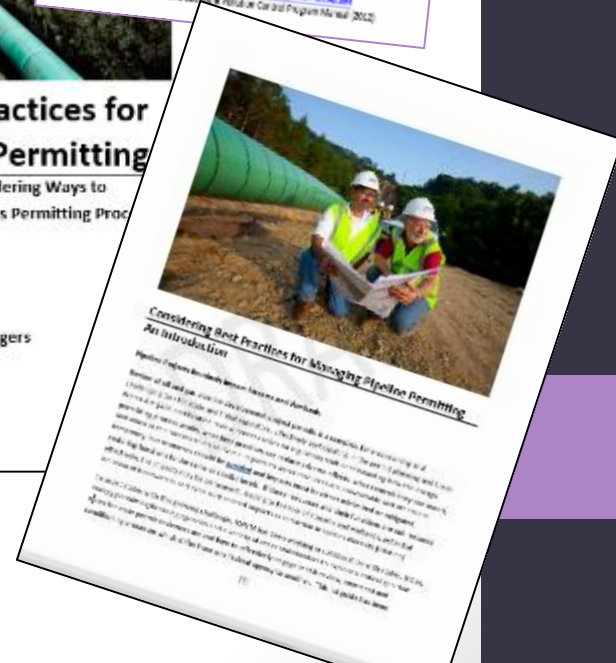
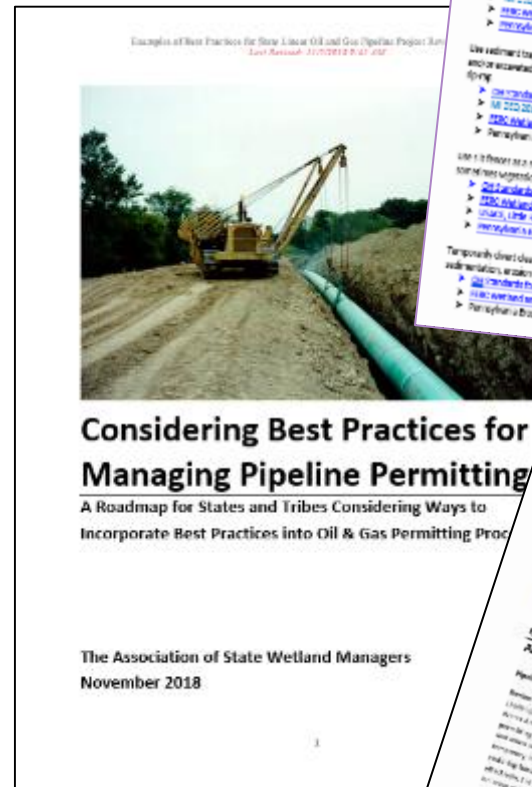
State and Tribal Pipeline Permitting Best Management Practices

Final BMP Development Guide

- ✓ What are BMPs?
- ✓ Developing a BMP Review Committee
- ✓ Document policy statement
- ✓ Tracking BMPs through review process
- ✓ Selecting BMPs for adoption
- ✓ Conducting in-depth review and adapting for state/tribal use
- ✓ Required v. suggested BMPs
- ✓ Considerations for developing written BMPs
- ✓ Common elements for inclusion in a BMP manual
- ✓ Examples of user-friendly BMP manuals
- ✓ Rolling-out new BMPs
- ✓ Developing a plan to review and revise BMPs periodically

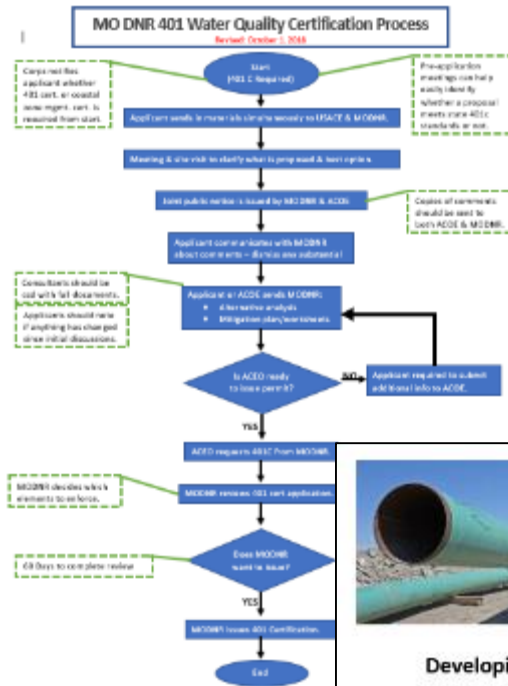
Appendices with examples and links to BMPs from across different states

- ✓ Regulatory and Legal
- ✓ Administrative
- ✓ Pre-application Planning
- ✓ Construction
- ✓ Post-Construction



State and Tribal Pipeline Permitting Process Maps

- ✓ Final process maps: Missouri & Kentucky
- ✓ Example of own state map: Pennsylvania
- ✓ Webpage links to FERC process maps
- ✓ Do-it-yourself guide with transferable legend and template



**Developing Process Maps for
Oil & Gas Permitting Processes**
 A Guide for States and Tribes

Association of
 State Wetland Managers

Last revised:
 November 4, 2018

State and Tribal Pipeline Permitting Working with Consultants



Improving the Information Pipeline

A Resource to Help Guide Dialogue between Regulators and Consultants Working through the Linear Natural Gas Pipeline Permitting Process

Introduction

Following the recent development of unconventional natural gas resources in many parts of the United States, numerous new natural gas pipelines have been proposed, permitted, and built to bring gas from wells to consumers. These include gathering lines, transmission lines, and distribution lines (Figure 1). These projects have created large additional strains on state agency personnel responsible for reviewing and permitting these pipelines.

Figure 2: Natural gas pipelines and associated infrastructure

In this project, the national non-profit Association of State Wetland Managers (ASWM) has worked with state and tribal agency personnel, consultants working with energy companies, nonprofits and others to reduce the impacts of linear oil and gas pipeline development on wetlands and streams in the United States through improved engagement by states in wetland and other aquatic permit planning and review activities.

Understanding the Permitting Process

This document is one of several linked work products created by ASWM to assist states and tribes working on pipeline permitting activities. It is designed to be a resource for both regulators and consultants, and it focuses on state 401 certification of federal 404 permits for natural gas pipelines.

Each section in this document is a stand-alone resource. Consider skimming the entire document, and then keeping it handy for future reference when questions arise.

The U.S. Army Corps of Engineers issues 404 permits for the discharge of dredged or fill material into waters of the United States, including wetlands. Before issuance, states have an opportunity to provide 401 certifications that the discharge will not cause violations of state water quality standards.



As illustrated in Table 1, this document addresses state 401 certifications for natural gas pipelines only. Clean Water Act Section 401 certifications are only one step in the regulatory process that may also include other permits, certifications, licenses, or other requirements from the U.S. Army Corps of Engineers, state environmental agency, Regulatory Commission, and state, county, and local laws, regulations, plans, or orders.

FERC regulates natural gas transmission but not gathering or distribution pipelines. State 401 certifications do not regulate pipelines for natural gas oil products.

Table 1: The focus of this document

This document addresses:	This document does not address:
<ul style="list-style-type: none"> Natural gas pipelines State 401 certifications 	<ul style="list-style-type: none"> Oil pipelines Federal 404 permits FERC licenses Requirements from state laws, regulations, plans, or orders

Note: New Jersey and Michigan are exceptions, as these states have formally agreed to issue 404 permits from the federal government through a process called "delegation."

While all states follow the same general framework for state 401 certifications of federal 404 permits, there are many differences in the actual process among states. For example, the threshold for requiring 401 certifications for natural gas pipelines varies by state. In West Virginia, for example, 401 certifications are required for pipelines larger than 36 inches in diameter and for projects that cross Section 10 rivers and streams as defined by The U.S. Army Corps of Engineers. In other states, the threshold for requiring 401 certifications for pipelines larger than (size).

Many natural gas pipeline projects that require 404 permits are being permitted under the National Wetlands Permit 12 ("NWP") process. This process requires states to provide 401 certifications to the U.S. Army Corps of Engineers. The NWP process also requires states to provide 401 certifications to the U.S. Army Corps of Engineers. The NWP process also requires states to provide 401 certifications to the U.S. Army Corps of Engineers.

To assist all parties with states to develop steps from application (and their consultants) to use the



Dialogue Document Checklist and Questions to Ask

- Process maps
- BMPs
- CAE
- Language Docs

Webinar delivered July 18th

Specialized links on web resource

Share Your Ideas and Links to Resources



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