



Pipeline Permitting Project Overview

A Project of the Association of State Wetland Managers

Last Revised: 10-12-18

The Challenge of Energy Project Permitting for State and Tribal Wetland Programs: Review of oil and gas pipeline development project permits is a complex, time-consuming and challenging task for state and tribal regulators. Effectively participating in the permit planning and Clean Water Act §401 certification review process relies on regulatory staff understanding how the energy permitting process works, what controls they can assert, and when in the process to do so. To assist states with this growing challenge, ASWM has been working in collaboration with states, tribes, energy permitting/licensing agencies and a variety of other stakeholders to explore a critical gap that exists for state permit reviewers around how to effectively engage in this review, comment and conditioning processes which differ from one federal agency to another.

Project Element	Tasks	Outputs
Whole Project	<ul style="list-style-type: none"> • Development of an expert advisory group to assist in the identification, compilation and analysis of project work • Development of a user-friendly resource to share resources with states, tribes and others 	<ul style="list-style-type: none"> • Coordination of a national workgroup to address energy project permitting issues • A dedicated pipeline permitting landing page on ASWM.org with information structured for use by three audiences: 1) states and tribes, 2) energy companies and consultants, and 3) Other Interested Parties
Barriers, Needs & Opportunities	<ul style="list-style-type: none"> • Identify gaps and needs to effectively implement requirements around linear oil and gas permit application review (focus on state regulator perspective) • Provide recommendations on ways to fill these gaps/needs 	<ul style="list-style-type: none"> • Policy brief on common barriers, concerns, needs and opportunities (based on state regulator experiences) and detailed matrix appendix • Several online resources on language and terminology to improve communications between various pipeline development/permitting parties
Better Understanding the Pipeline Project Permitting Process	<ul style="list-style-type: none"> • Identify process steps, inputs and outputs, as well as responsible parties • Provide guidance tools to allow involved parties to have dialogue to discuss and improve understanding of processes 	<ul style="list-style-type: none"> • Example process maps for federal and state natural gas pipeline permitting (KY, MO, PA) • A replicable protocol for assigning elements and legends to process maps and flow charts • Guidance tools to stimulate discussion about process and improve process maps • A technical webinar training state and tribal staff on pipeline permitting basics



<p>Best Practices (BMPs)</p>	<ul style="list-style-type: none"> • Identify and prioritize best practices for pipeline planning and construction to inform permit review and conditioning, as well as administrative processes for more effectively/efficiently reviewing applications 	<ul style="list-style-type: none"> • A guide for states and tribes on how to identify and document best practices, with examples of administrative, legal, regulatory, project planning and construction BMPs, as well as links to existing BMP manuals. • A standardized template for collecting BMP information • A technical webinar training state and tribal staff on HDD
<p>Cumulative Impacts</p>	<ul style="list-style-type: none"> • Identification of key contextual elements relevant to cumulative impacts as related to pipeline permit review (common/potential adverse effects, hazards, vulnerable receptors). • Development of resources to support cumulative impact decisions by pipeline permit reviewers 	<ul style="list-style-type: none"> • A white paper providing an issue overview, supporting citations and language, as well cumulative impact considerations for permit reviewers during the review process • A model and tool to allow states and tribes to assess cumulative adverse effects (CAE) and help guide management/permitting decisions • A technical webinar training state and tribal staff on conceptualizing, assessing and incorporating consideration of CAE in planning/review activities
<p>Working with Consultants</p>	<ul style="list-style-type: none"> • Develop tools to assist state regulators work more effectively with consultants that are assisting energy companies with permit planning and applications 	<ul style="list-style-type: none"> • An <i>Improving the Information Pipeline</i> checklist of key considerations (adaptable for use by states to add information) for improving relationships between regulators and consultants representing companies • A webpage for consultants including these resources and links to relevant websites • A technical webinar training state staff on these issues, findings and recommendations • A technical webinar training state and tribal staff on how to improve the information pipeline when working with consultants (recorded, post-processed and archived on the ASWM website)

This project was funded by a Wetland Program Development Grant from the US Environmental Protection Agency and the Switzer Foundation.

For more information, contact: Brenda Zollitsch, Policy Analyst, Association of State Wetland Managers
Tel. (207) 892-3399 or email brenda@aswm.org