

# Agency To-Do List

Processing Federal Authorizations in Cooperation With FERC

With passage of the Environmental Policy Act of 2005 (EPA 2005), the Federal Energy Regulatory Commission (FERC) was tasked with coordinating the environmental review and processing of all federal authorizations related to natural gas projects under its jurisdiction. Specifically, FERC is required to:

- » Act as the lead agency responsible for compliance with the National Environmental Policy Act
- » Set an expeditious schedule for all federal and state agencies acting under federal delegated authority (Agencies) to reach a final decision on requests for federal authorizations necessary for proposed natural gas infrastructure projects
- » Maintain a consolidated record of all decisions and actions that FERC and other Agencies take regarding the aforementioned authorizations.

This quick-reference guide provides a summary of responsibilities for Agencies as they navigate the FERC environmental review process. Visit the [FERC website](#) for the full text of “Guidance for Federal and State Agencies for the Processing of Federal Authorizations in Cooperation with the FERC” and for additional information about EPA 2005 and FERC’s implementing regulations ([Order 687](#)).

## Pre-Filing Activities



### Agency Coordination and Responsibilities



Be cognizant of concerns outside the Agency’s scope of responsibility



Maintain consistent points of contact



Attend project inter-agency meetings



Make firm commitments in writing



Work with FERC staff and the Applicant during the FERC Pre-Filing Process to identify specific Agency concerns



Candidly discuss the federal authorization process with the Applicant early in the project development phase



Recognize that the Agency’s process timing begins when an Applicant submits a request for federal authorization

## Post-Application Activities



### Federal Authorization Request

- » Within 30 days of receiving an authorization request, the Agency must file the following with FERC:
  - Agency’s determination about whether the application is complete or ready for processing
  - List of additional information needed to address the merits of the request
  - Time allotted for the Applicant to provide additional information or materials
  - List of studies necessary, if any, to evaluate the request
  - Anticipated effective date of the Agency’s decision
- » If the Agency requests additional information from the Applicant, the Agency must file a copy of the request with FERC within 10 business days of issuance.



### Environmental Review Schedule

- » Within 10 business days of receiving an application, FERC will issue a Notice of Application.
- » Within 90 days of issuing a Notice of Application, FERC will issue a Notice of Schedule for Environmental Review.
  - The schedule informs Agencies of the 90-day deadline for other federal decisions following the issuance of FERC’s final environmental document (Environmental Assessment or Final Environmental Impact Statement) or within the Agency’s statutory time limit.



## Post-FERC Authorization Activities



### Consolidated Record



FERC will maintain a complete, consolidated record of all decisions made or actions taken by FERC and by Agencies responsible for federal authorizations. Agencies or officers issuing decisions or approvals must provide FERC a copy or summary of the final decision reached or action taken within 30 days of the decision or action.

### Authority to Act



FERC considers an Agency decision final if the Applicant is granted the authority to act, regardless of whether the decision is appealed.

### Agency Authorization

If an Agency issues an authorization by the scheduled or statutory deadline, the Agency must file an index with FERC within 30 days of the Agency’s decision or action.



- » Agencies should title the submission “Consolidated Record” and prominently refer to the FERC docket number on the first page.
- » The index should identify each item in the record to allow a reviewing body to select items of relevance for an issue on appeal.

If an Agency fails to issue its authorization by the scheduled or statutory deadline, the Agency must file an index with FERC of all documents being reviewed.