

An Introduction to Interstate Natural Gas Pipeline Proposals in New Hampshire



Photo courtesy The Republican by Greg Saulmon. Used with permission.



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Introduction

How to Use This Guidebook

The interstate natural gas pipeline permitting process is lengthy and features a variety of local, state, and federal regulatory processes. The purpose of this guidebook is to present the key components of this process, with a focus on activities and tasks that occur prior to the submission of an application to the Federal Energy Regulatory Commission (FERC) by a natural gas transmission company.

The information contained within this guidebook relies primarily on the experiences of Southwest Region Planning Commission (SWRPC) and Nashua Regional Planning Commission (NRPC) staff, as well the efforts of the NRPC Energy Facility Advisory Committee, which was created in response to the proposed Kinder Morgan Northeast Energy Direct Project. In September of 2014, the project, proposed by the Tennessee Gas Pipeline Company, [received permission to undertake a process with FERC to begin a review of environmental considerations related to the project](#). In November of 2015, Tennessee Gas Pipeline Company [filed an application](#) through FERC for what is called a [Certificate](#)

[of Public Convenience and Necessity](#) to construct and operate natural gas facilities across four states.

Through the experiences of SWRPC, NRPC, and others, this guidebook was created in an effort to educate and inform local officials, residents, and interested parties on a wide variety of practical issues and information relative to the process with the goal of being more responsive to a similar future pipeline proposal or other development proposal with comparable impacts. This guidebook represents a summary overview of information and includes many references and links to sources of more detailed information. For this reason, it is best utilized in an electronic format.

Note

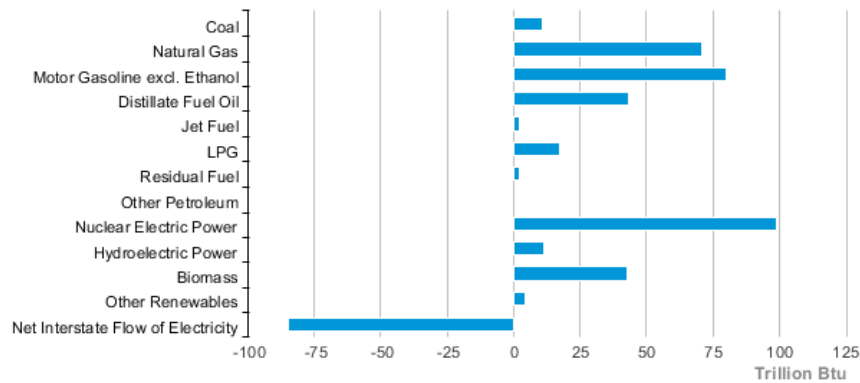
Neither NRPC nor SWRPC claim expertise in the process of siting and review of natural gas pipeline transmission facilities. The reason we have developed this guidebook results from our direct experience in having a natural gas pipeline proposal (i.e., Northeast Energy Direct) imposed, without advance knowledge, upon the regions and individual communities we serve.

The Current Energy Context

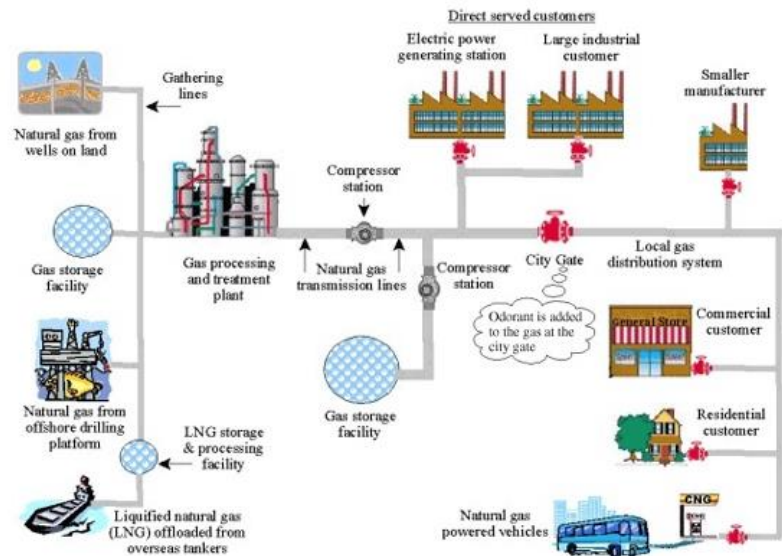
According to the [New Hampshire Office of Strategic Initiatives](#) and the [United States Energy Information Administration \(EIA\)](#), New Hampshire imported over 85% of fuels for heat, power generation, and transportation in 2013. Although there is no natural gas production in the state, [it accounted for 25% of New Hampshire's energy generation in 2016](#). The largest contributor to energy generation in New Hampshire comes from nuclear sources (specifically the Seabrook Station).

The generation of electricity in the Northeast fueled by natural gas has shifted dramatically over the last decade, [nearly doubling its share of generation from 23% in 2006 to 41% in 2016](#). This is a response to increased access to low-cost natural gas from the Marcellus Shale Formation, located primarily in New York, Pennsylvania, and West Virginia. An overview of the infrastructure related to natural gas facilities is depicted below (image courtesy [PHMSA](#)) and on the following page.

New Hampshire Energy Consumption Estimates, 2015

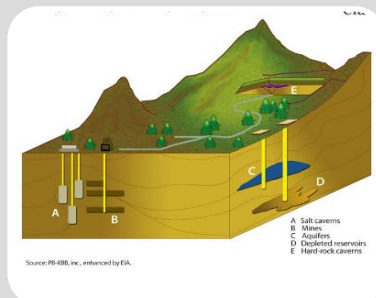


Source: Energy Information Administration, State Energy Data System



Natural Gas Pipeline Infrastructure

Major natural gas transmission infrastructure includes pipelines, compressor stations, storage fields, and liquefied natural gas facilities. Gas transmission lines are distinguished from gas distribution lines in that the latter are comprised of smaller, lower pressure mains that carry natural gas to homes and businesses.



Pipelines

- Transport natural gas from source to market across the landscape
- Include small-diameter, low-pressure pipelines to wide-diameter, high-pressure interstate or intrastate transmission pipelines that cross state boundaries
- In the case of interstate facilities, they are generally installed in a 50-foot right of way at a minimum of 30-36 inches underground

Compressor Stations

- Pressurize natural gas to move it through the pipeline
- House natural gas fired engines, turbines, or electric motors to pump natural gas through the pipeline
- Vary in size and are strategically situated along a pipeline route, generally on parcels ranging from 10 to 40 acres

Storage Fields

- Store natural gas for use during a period of high demand
- Area used to balance the demand on gas users (e.g. between seasons)
- Are primarily underground facilities determined by geology and proximity to natural gas production

Liquefied Natural Gas (LNG) Facilities

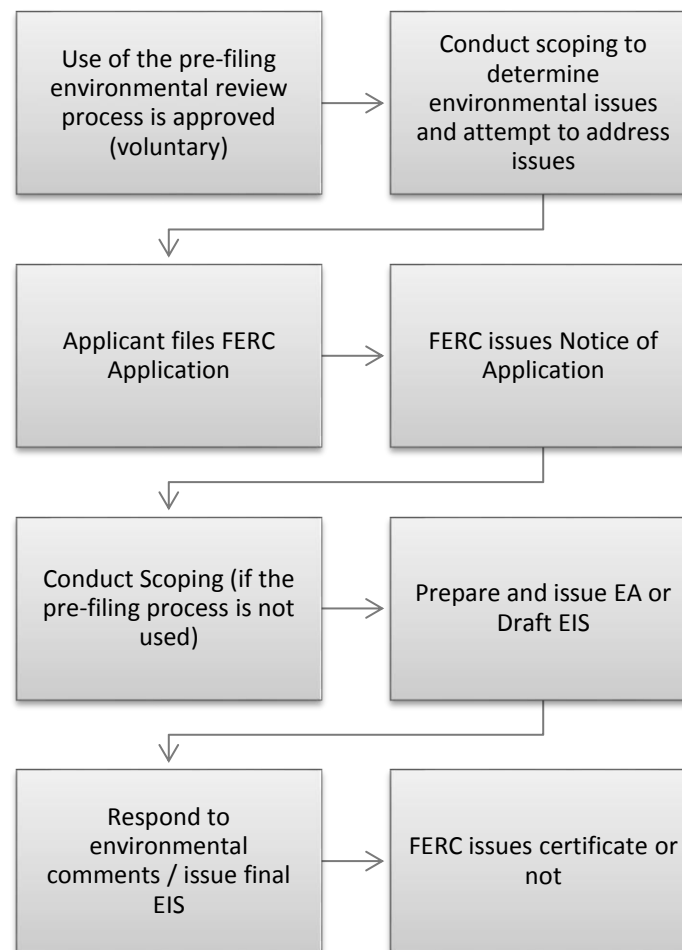
- Convert natural gas to a liquid for more convenient and efficient storage and transportation
- Include above-ground tanks used primarily by distribution companies
- Can include larger terminals utilized for both importing or exporting natural gas

Above: photos courtesy [FERC](#), [EIA](#), [PHMSA](#)

The Federal Energy Regulatory Commission

The [Federal Energy Regulatory Commission \(FERC\)](#) is charged by the U.S. Congress with evaluating whether interstate natural gas pipeline projects proposed by private companies should be approved. This evaluation process includes aspects of location, construction, and operation of not only pipelines, but also facilities like compressor stations and storage fields. FERC is also responsible for approving or denying abandonment requests related to these facilities. FERC is an independent agency in that its decisions are not reviewed by U.S. Congress or the President.

The [FERC natural gas pipeline permitting process](#) includes consulting with stakeholders, identifying environmental issues through a scoping process, which defines the scope of required environmental documents such as an Environmental Assessment (EA), a more detailed Environmental Impact Statement (EIS), as well as alternatives to be evaluated. A pre-filing process allows FERC staff to become involved with environmental issues before the applicant files its application. FERC utilizes the process at right, modified from the publication [“An Interstate Natural Gas Facility On My Land?”](#) in its consideration of a proposal.



FERC is governed by and responsible for [a variety of federal statutes](#). As an independent agency, FERC:

- Regulates the interstate transmission of natural gas (siting & rates);

- Regulates electricity and oil (rates only);
- Reviews proposals for constructing interstate natural gas pipelines, LNG terminals, and natural gas storage fields;
- Licenses and inspects non-federal hydropower projects (dams owned by federal agencies are self-regulated).

The [Energy Policy Act of 2005](#) names FERC as the lead agency for [National Environmental Policy Act](#) (NEPA) review and coordinator of all federal authorizations as it relates to matters which fall under its purview.

The phases of FERC project review include:

1. Marketing and Preliminary Project Design: the applicant working on its own timeframe.
2. Pre-Filing: FERC staff work with the applicant and stakeholders before the filing of an application.
3. Application Review: FERC prepares NEPA-required environmental document that is reviewed by cooperating agencies prior to public issuance for comment.

4. Post-Authorization: FERC works to ensure compliance with conditions to the FERC approval.

Project Benefits versus Impacts

A balanced assessment of a gas pipeline project would give appropriate consideration to the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant's responsibility for unsubscribed capacity, and the avoidance of the unnecessary exercise of eminent domain or other disruptions of the environment.

FERC follows analytical steps to balance the public benefits against the potential adverse consequences of an application for new pipeline construction. This is accomplished by quantifying economic effects of the proposal. In summary these steps include:

- Whether the project can proceed without subsidies from existing customers?
- Whether the applicant has made efforts to eliminate or minimize adverse effects the project might have on existing customers of the pipeline company proposing the project, existing pipelines in the market and their captive customers, or

landowners and communities affected by the route of the new pipeline.

- If the project has no adverse effects relative to the interests above, no balancing of effects is necessary, and FERC would proceed to issue a preliminary determination, or final order.
- If the project does have adverse effects, FERC will proceed to evaluate the project by balancing the evidence of public benefits to be achieved against the residual adverse effects. If the result of the balancing is a conclusion that the public benefits outweigh the adverse effects, then the next steps would be the same as for a project that had no adverse effects.

Local Considerations

Communities may wish to consider specific criteria in their evaluation of proposed gas pipeline projects, including:

- Impact of additional gas capacity on the region's energy costs, including electricity rates.
- Potential benefits from diversification of the region's overall energy portfolio.

- Economic stimulus from potential greater availability of gas distribution service in a community.
- Potential effects on the community's overall tax base, including revenue from taxed energy infrastructure and individual landowner taxes and assessments.
- Community benefit agreements, host community agreements, or other formal agreements between the gas pipeline operator and an impacted locality, intended to offset the safety and/or environmental impacts of gas pipeline construction. Whether proposed benefits of any particular project are unique or might be duplicated by another concurrent gas pipeline proposal.
- How counter-measures such as energy efficiency improvements and/or advancements in renewables might affect a proposal's projected benefits.
- The potential impacts the proposal may have on community resources including natural and cultural assets.

The New Hampshire Site Evaluation Committee

In New Hampshire, [RSA 162-H](#) recognizes that the selection of sites for energy facilities may have significant impacts to the welfare of the State's population. The [NH Site Evaluation Committee](#) (SEC) is charged with reviewing these impacts and benefits, providing public disclosure of new facilities, and ensuring a comprehensive review of issues related to the proposal.

Jurisdiction

- All electric generating stations greater than 30 megawatts (MW).
- Certain renewable energy facilities generating between 5 and 30 megawatts (MW).
- New electric transmission lines greater than 200 kilovolts (kV) and certain transmission lines greater than 100 kilovolts (kV).
- Natural gas and other energy transmission pipelines not considered part of a local distribution network.

Membership

- 3 Public Utilities Commission Commissioners.
- NH Department of Environmental Services Commissioner serves as Vice Chair.
- NH Department of Transportation Commissioner.

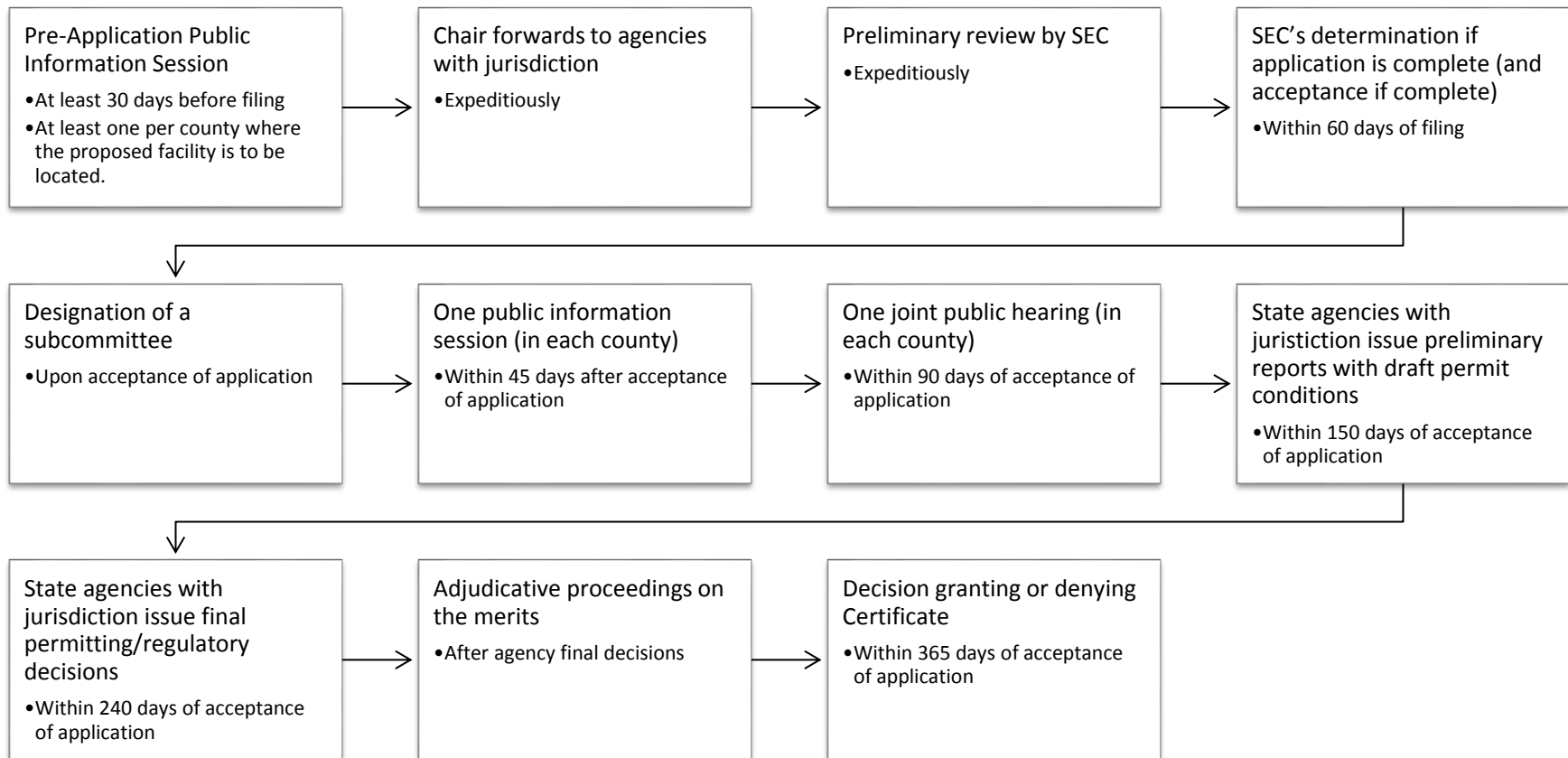
- NH Department of Business and Economic Affairs (NH BEA) Commissioner.
- Commissioner, NH Department of Natural and Cultural Resources (NH DNCR);
 - or, Director of NH DNCR Division of Historical Resources).
- 2 Public Members (one must be an attorney and one alternate public member).

Purpose of RSA 162-H

- Balance the benefits and impacts of site selection on the welfare of the population, private property, location and growth of industry, economic growth, the environment, historic sites, aesthetics, air and water quality, natural resources, and public health and safety.
- Avoid undue delay in the construction of new facilities.
- Full and complete public disclosure.
- Ensure that the construction and operation of energy facilities is treated as an aspect of land use planning in which all environmental, economic and technical issues are resolved in an integrated fashion.

Process

NH SEC rules determine the following process below, which is summarized from [a presentation from SEC staff on 1/14/2015](#).



NEPA Environmental Review Process

The [National Environmental Policy Act](#) of 1969 or NEPA requires federal agencies to consider the environmental impacts of their proposed actions and define reasonable alternatives.

NEPA and Natural Gas Pipelines

The consideration of FERC for a Certificate of Public Convenience and Necessity for a project where there is no existing natural gas pipeline typically requires the preparation of an environmental impact statement (EIS). Projects that do not require an EIS require the preparation of an Environmental Assessment.

NEPA also requires FERC to understand and address public concerns about a proposed project. This is referred to as scoping. As part of this process, FERC requests public comments on the project to be addressed as part of the EIS. The EIS generally includes information on:

- Geology and soils
- Water resources and wetlands

- Vegetation and wildlife
- Cultural resources
- Land use, recreation, and visual resources
- Socioeconomics
- Air quality and noise
- Cumulative impacts
- Public Safety

One important way FERC obtains information relative to these themes includes scoping meetings. These meetings are sponsored by FERC, can occur during pre-filing or following an application for a Certificate, and are used to define the scope of an EIS. During these meetings, various federal and state agency representatives and other stakeholders can provide information on sensitive environmental features in the project area and suggest alternatives to be evaluated. FERC staff may hold multiple scoping meetings throughout a project area.

Suggestions for Local Review

Revisit Existing Planning Documents

Regardless of the status of a proposed natural gas pipeline proposal, cities and towns may benefit from a review of planning documents to inform their consideration of the project. These include, but are not limited to master plans, regional plans, natural resources inventories, emergency preparedness documents, transportation plans, and economic development plans.

Local Master Plans

New Hampshire state law ([RSA 674:2 I](#)) provides that: “The purpose of the master plan is to set down as clearly and practically as possible the best and most appropriate future development of the area under the jurisdiction of the planning board, to aid the board in designing ordinances that result in preserving and enhancing the unique quality of life and culture of New Hampshire, and to guide the board in the performance of its other duties in a manner that achieves the principles of smart growth, sound planning, and wise resource protection.” Chapters with relevant information could include:

Community Facilities

- Telecommunications, three-phase power, and the availability of natural gas are common subjects in a

community’s master plan, although the chapter is optional.

- Community facilities typically include municipal and public facilities and services. Alternatively, or in addition, a Utilities/Public Utilities section may have similar information intended to document existing service conditions, distribution areas, system capacities and, where utility expansions are proposed, to address existing needs and anticipated future growth and development.

Energy

- Energy impacts municipal expenditures, economic development, land use planning, and transportation, among other things.

Natural and Cultural Resources

- Both natural and cultural assets worthy of consideration are identified and described.
- Some of the most pressing environmental concerns include: open space protection, preservation of agricultural lands and floodplains; water resources; wetlands, wildlife habitats, and

other ecologically significant areas; and hillsides and steep slopes. Each of these items, and others are likely to be relevant to a natural gas pipeline proposal and its associated impacts.

Regional Plans

Your region's planning document, as written by the respective [regional planning commission](#), includes information about long-term goals, objectives, and strategies culminating from research, data collection, analysis, and a public involvement process. The results may include specific information relative to energy, important resources, and other concerns related to a large-scale development proposal such as an interstate natural gas pipeline. The most recent updates to New Hampshire regional plans were part of the [Granite State Future](#) initiative, in which all nine regional planning agencies throughout the state created updated documents.

Natural Resources Inventories

A municipal natural resource inventory (NRI) is a listing and description of naturally-occurring conditions vital to present and future environmental quality in a community. Specifically, an inventory may consist of maps, databases, and descriptive information on

naturally-occurring features. Those features addressed include, but are not limited to: topography, watersheds and surface waters, wetlands, flora and fauna, forest resources, farmlands, geologic resources, historic sites, scenic areas, protected lands, and recreational lands.

Emergency Preparedness Documents

Each region of the state is guided by efforts coordinated by its [public health network](#), local agencies, as well as a variety of local planning documents such as municipal hazard mitigation plans and emergency operations plans.

Transportation Plans

Although natural gas facilities do not typically receive significant focus as part of the development of a metropolitan planning organization (MPO) or non-MPO regional Long-Range Transportation Plan, the document focuses on the transportation of people and goods for the benefit of local, regional, and statewide economies.

Economic Development Plans

Plans such as a regional Comprehensive Economic Development Strategy (CEDS) are designed to identify and prioritize economic development opportunities, which may be influenced by the availability of energy supplies.

Review Local Regulations

Generally, the NH SEC and FERC have the ability to “preempt” local authority and ordinances. Local ordinances and other regulations, however, can influence the conditions for approval of a permit or permits. So, what is the role of local codes, ordinances, scenic, historic, construction, and other regulations when considering an interstate or other natural gas pipeline and its related facilities? Few communities have looked at these regulations in this context. A municipality would be wise to conduct a review of relevant regulations prior to (or, less ideally, as part of) its review of a proposed natural gas pipeline to consider desired language versus existing language. A review of the following resources may be informative to this purpose (note: this bulleted list is illustrative and by no means complete):

- Proximity of the project area to water supplies (including surface water, groundwater, public wells, and private wells).
- The relationship of the project area to desired land use and allowed uses of specific zoning districts.
- Impacts related to construction methods and activities associated with the project.

- Tax and assessing impacts related to new utility infrastructure.

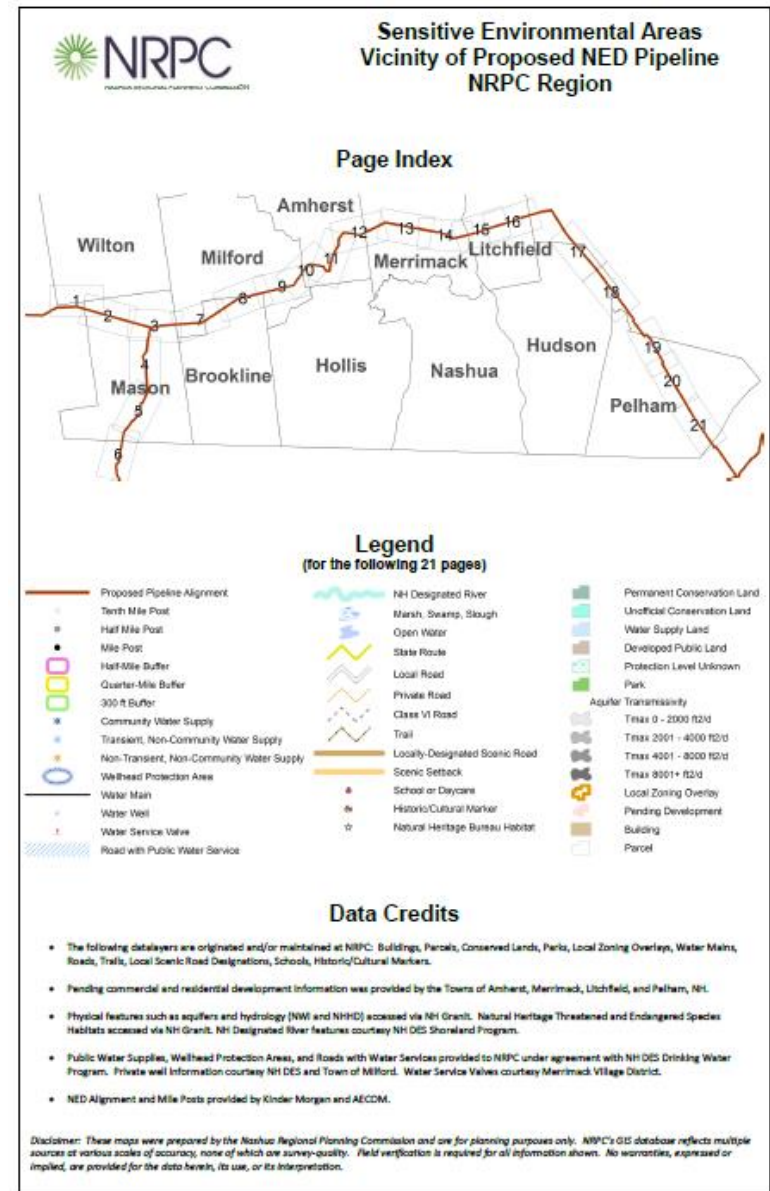
A variety of presentations and sample regulations are available to consider these topics and their relationship to local regulations:

- The Northern Middlesex (MA) Council of Governments Citizen Planner Training Collaborative presentation [“Land Use Regulations and Pipelines”](#).
- [Managing Land Use Near a Pipeline with Best Management Practices](#) (NRPC).
- [Sample ordinance](#) from Berks County, Pennsylvania.
- [Ashfield, MA](#) and [Shelburne, MA](#) (p. 61) zoning bylaws related to large scale commercial and industrial facilities (based on a model developed by Franklin Region Council of Governments).
- Sample ordinances, codes, and other guidance compiled at the [Pipeline Safety Trust website](#).
- United States Department of Transportation Pipeline and Hazardous Materials Safety Administration [Local Government website](#).

Inventory Sensitive Environmental & Cultural Resources

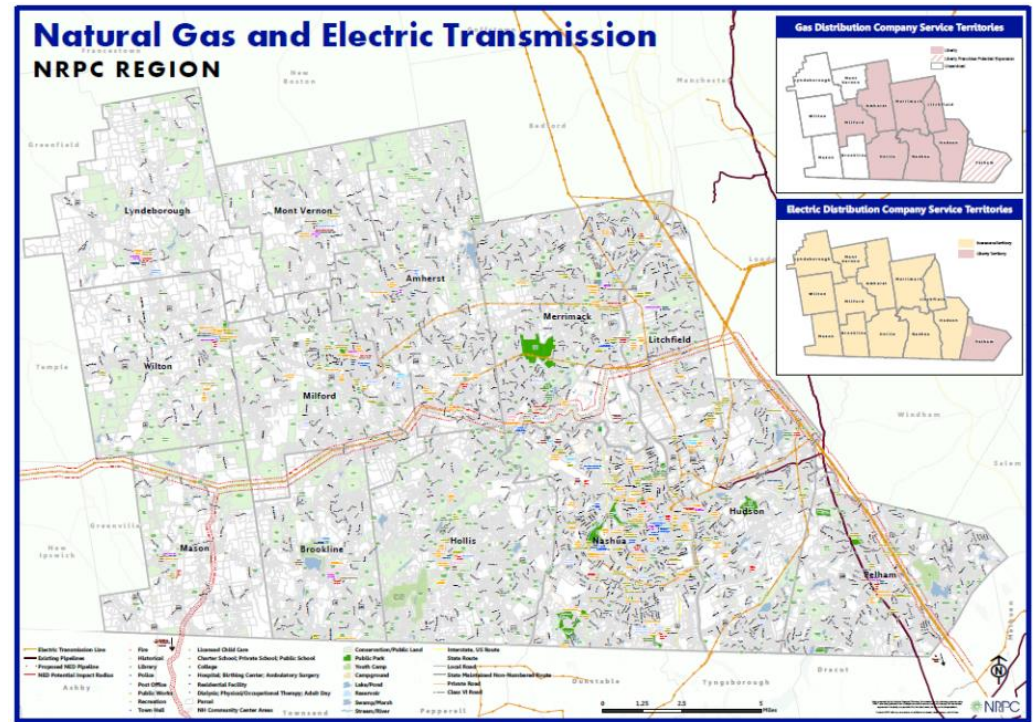
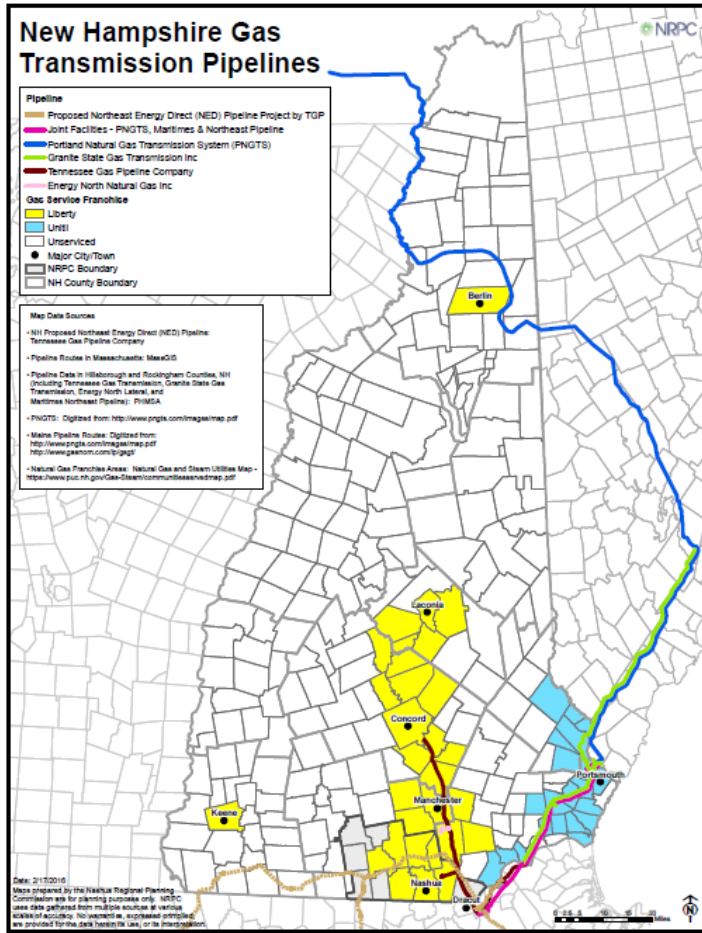
Compilation of Geographic Information Systems (GIS) data on existing sensitive environmental and cultural resources is broadly applicable to many areas of local and regional planning. To support effective analysis of a natural gas pipeline proposal this inventory should include, for example:

- Parcels, existing buildings, and information on pending land use developments.
- Road characteristics including those with scenic designations, and recreational trails.
- Drinking water resource information such as public wellheads and associated protection areas, surface water intakes, water mains, and areas served by public water.
- Aquifer resource information.
- Protected habitats and rivers, conservation lands, prime wetlands.
- Historic and cultural sites.
- Local zoning.
- Hard-to-evacuate and/or sensitive populations (schools, daycares, older adults, non-ambulatory medical).
- Large gathering areas (major retail, ballfields, theaters, arenas, etc.).
- Agricultural areas.



Characterize Existing Natural Gas Usage & Alternatives

Familiarity with the existing and proposed energy infrastructure in the region, including gas transmission and distribution, electric transmission and distribution, propane, and alternative energy such as solar and geothermal will lend important context to the question of necessity of new or expanded natural gas pipelines.



Left: NH Gas Transmission overview map. Upper Right: Regional Energy Infrastructure Overview Map showing gas and electric distribution company service territories. Both images courtesy of NRPC.

The Pipeline and Hazardous Materials Safety Administration [National Pipeline Mapping System \(NPMS\) Public Viewer](#), enables a public user to view the locations of natural gas transmission pipelines and hazardous liquid pipelines jurisdictional to PHMSA, key operator attributes, and transmission and hazardous liquid pipeline accidents and incidents going back to 2002.

PHMSA also manages the [Pipeline Information Management Mapping Application \(PIMMA\)](#). This resource contains pipeline infrastructure information which is restricted to use by pipeline operators and federal, state, and local government officials. Users can request secured access to pipeline data for their own mapping needs.

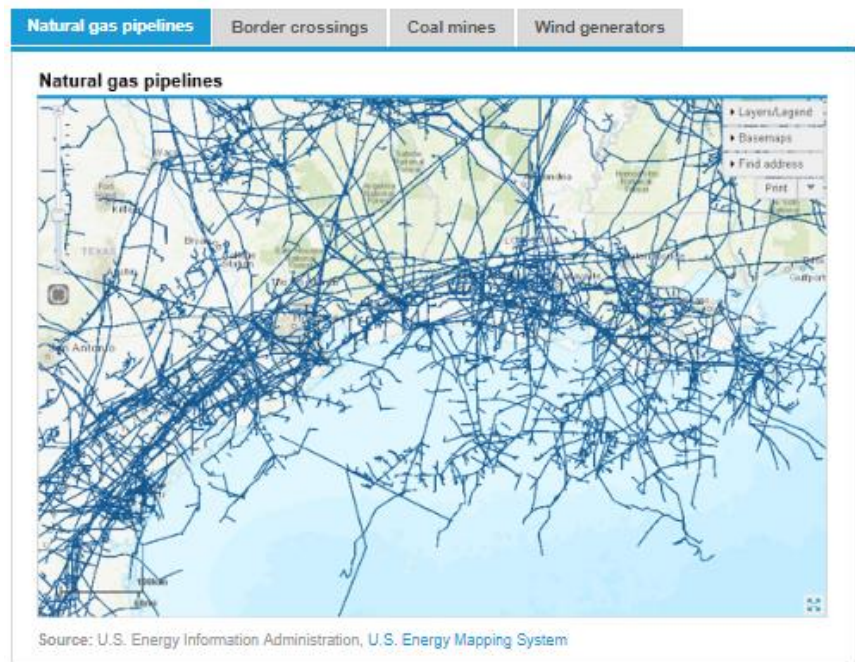
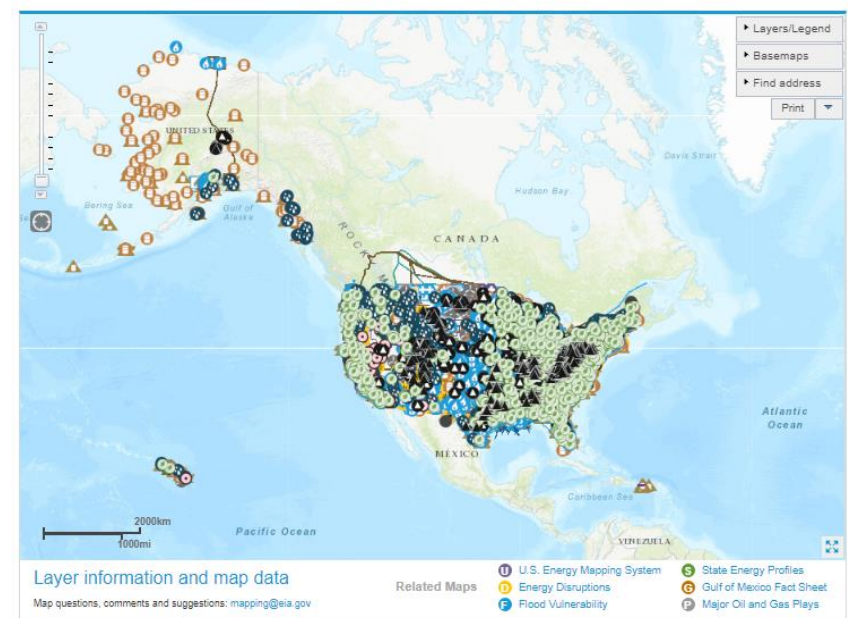
The [U.S. Energy Information Administration](#) (EIA) collects, analyzes, and disseminates independent and impartial energy information to promote sound policymaking, efficient markets, and public understanding of energy and its interaction with the economy and the environment.

EIA's [Energy Mapping System](#) is an interactive, comprehensive visual reference for energy infrastructure in the United States. Several layers in the system were recently updated, allowing users to see locations of several types of energy infrastructure, including wind turbines, coal mines, oil and natural gas wells, high-voltage electric transmission lines, natural gas pipelines, and U.S. border-crossing points of electric transmission lines and liquids and natural gas pipelines.

Layers created by EIA or based on EIA surveys are also provided as shapefiles that users can combine as layers with information from other sources and can be used to conduct their own geospatial analysis. In some cases, shapefiles may not be available because of copyright restrictions from the data source.

Right: U.S. Energy Information Administration (EIA) Energy Mapping System

U.S. Energy Mapping System



Steps to Take During Application Pre-Filing

Subscribe to the FERC Docket

FERC's [eSubscription](#) is a service that notifies subscribers to a docket (proceeding) when there are new documents added to the record for that docket. Subscribing to the docket is a crucial first step for the public and government agency personnel to becoming informed of an application's status during pre-filing.

Follow these steps to subscribe to a FERC Docket:

1. [Register](#) for a FERC Online User account. [FERC Online](#) will then send you an email confirming your registration.
2. Go to your email program's Inbox and open the message from FERC Online. Click on the link to validate your account.
3. Once you are a registered FERC Online User, log in to FERC Online by entering your registered email address/FERC ID and your password.
4. Select the docket numbers you want to keep track of.

Note: Only documents that are public will be made available to users through this method.



Above: FERC publishes a [guide to their electronic information resources](#)

*Subscribing to the docket is a **crucial first step** for the public and government agency personnel to becoming informed of an application's status during pre-filing.*

Identify Key Pipeline Applicant and FERC Contacts

During the pre-filing period, communication among all involved parties is less restricted than in later application stages. With a little bit of research, the following points of contact can and should be identified:

- Names and contact information of key staff from the applicant pipeline company. These individuals may include:
 - The project manager
 - Engineering staff
 - GIS technicians
 - Land agent(s)
 - Public relations personnel
- Request that the pipeline applicant add you to their email communications list.
- Environmental consultants or any other subcontractors working on behalf of the applicant in any substantial capacity.
- Name and contact information of the FERC Project Manager assigned to the docket.

If applicable, request that your organization be placed on his or her list of Agencies with Interest, which will allow

participation in eventual pre-filing interagency teleconference calls.



*Gas line marker along the Souhegan River, Merrimack, NH.
Image source: NRPC.*

Opportunities for Public Input During Pre-Filing

FERC Docket Comments

During pre-filing, any individual or agency is free to post comments on the application docket. All subscribers are subsequently notified of all posted comments. Consider that for a particularly large-scale proposal (such as Northeast Energy Direct), this can result in a high volume of postings and subsequent notifications.

Method 1: Use eComment if:

- You are an individual NOT submitting on behalf of an agency, government, or other organization, AND
- Your comments are plain text, AND
- Your comments don't exceed 6,000 characters

You do not need to register. Visit the FERC [eComment website](#) and follow the instructions.

Method 2: Use eFiling if:

- You are a company, agency, organization, or other non-individual, or
- You are an individual who has comments longer than 6,000 characters, or
- You have non-text material or pdf files to submit as attachments

You must first go through [eRegistration to create a FERC account](#).

Then, [log in using your FERC Online Account](#), and take the following the steps for eFiling:

1. Select "eFiling" under the heading "FERC Online Applications."
2. Select "General" under the heading "How is your filing to be directed?"
3. Select "Comment (on Filing, Environ. Report, or Tech Conf)" under the heading "What kind of filing are you making?"
4. Select "Comment" under the heading "Filing Type (Fee)"

Note: It makes no difference which system - eComments or eFiling - is used to submit comments. All comments submitted under either option are placed in the record for the specified docket or project number(s).

While all reasonable comments are posted on the docket, comments that are focused, factual, specific, and non-emotional in tone will be better received.

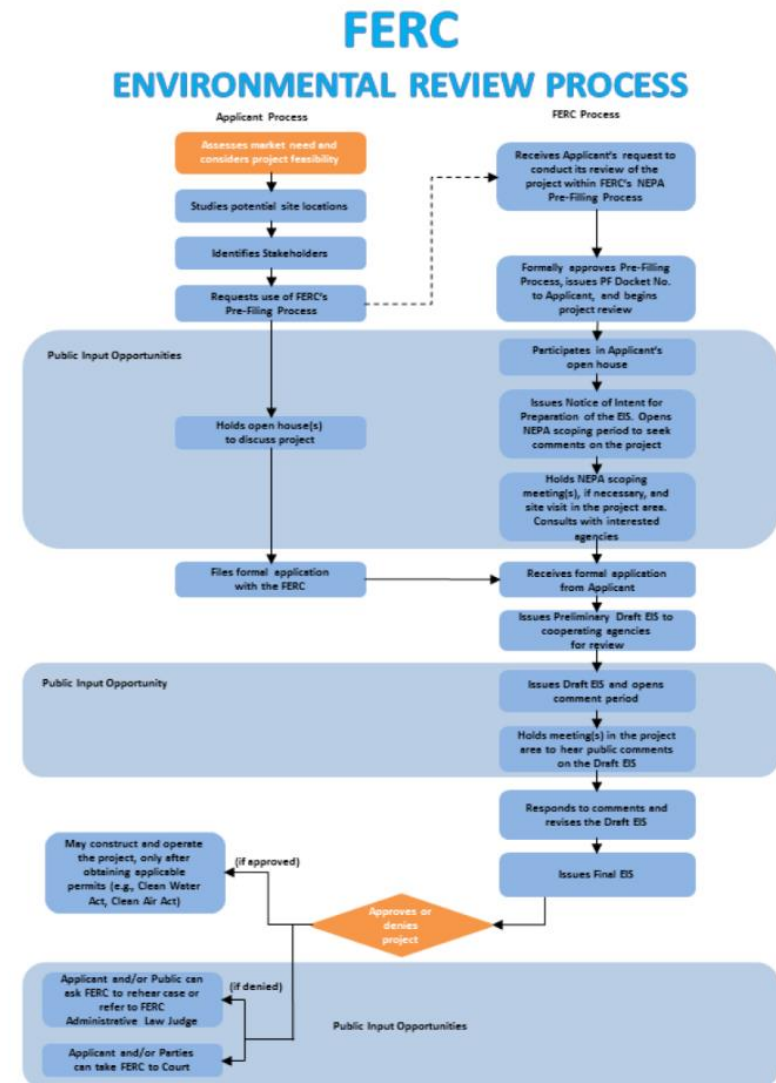
Open Houses

During the natural gas pipeline gas pre-filing process, the applicant and/or company will hold open houses within or near the project area in order to share information about its project with the public. These open houses are *sponsored by the applicant and/or company*, not FERC, though FERC will likely send staff to participate and answer questions from the public.

Scoping Meetings

FERC scoping meetings are held in the project area. These meetings are open to the public and are structured so that affected landowners, agencies and other stakeholders can provide public input, particularly related to sensitive environmental areas that may be impacted by the project. Comments may be submitted verbally, in writing, or both, and transcripts of the meetings are made available on the docket. While scoping meetings are generally held during pre-filing, they may also be held after an application is officially filed with FERC.

The differences between Open Houses and Scoping Meetings are further described on the [FERC website](#).



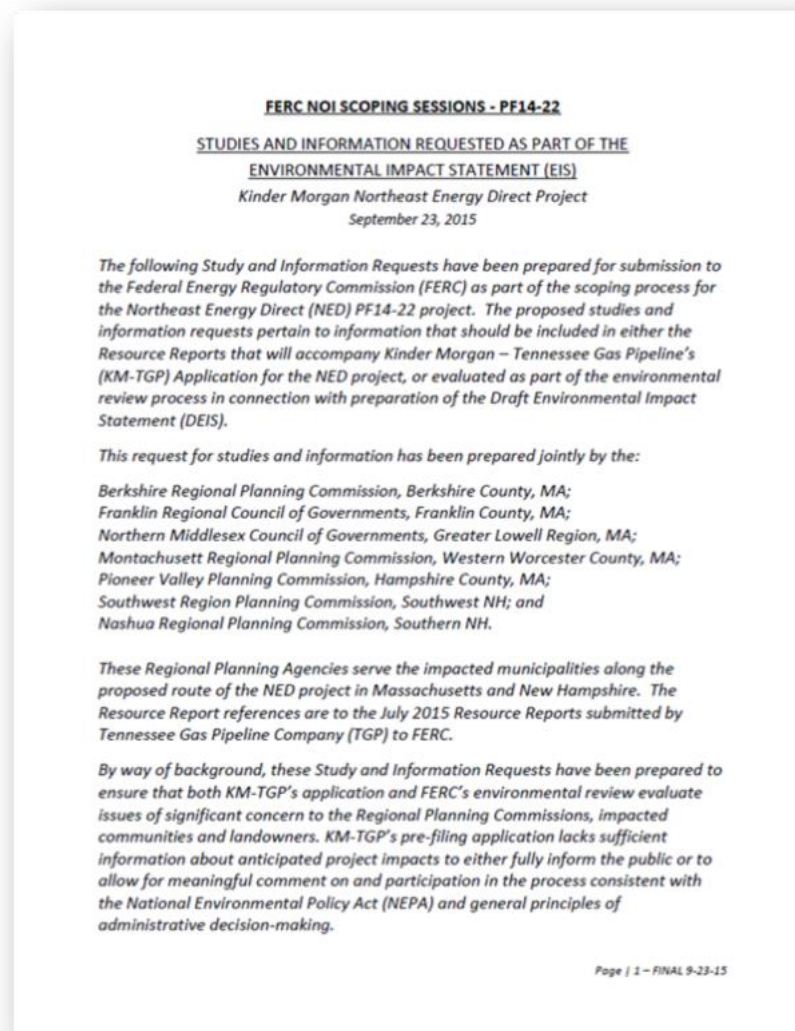
FERC graphic denoting public involvement opportunities in the FERC pre-filing and formal application phases processes

Study & Information Requests

FERC encourages agencies with an interest in a pipeline application to conduct their own review of the draft application during pre-filing. The interests and concerns of these agencies are used to inform FERC's own review of the application and influence FERC's willingness to accept the application as complete. Concerns related to the following potential impact areas may necessitate additional study and/or more information:

- Water Use and Quality
- Fish, Wildlife, & Vegetation
- Historical Resources
- Socioeconomics
- Geological Resources
- Land Use
- Recreation and Aesthetics
- Air and Noise
- Reliability and Safety
- Infrastructure

As part of Southwest Region Planning Commission's involvement in the FERC pre-filing process for the Northeast Energy Direct proposal, the agency submitted to FERC [a detailed list of concerns and information requests relevant to Southwest NH](#). Additionally, in partnership with the Massachusetts regional planning agencies impacted by the Northeast Energy Direct proposal, both NRPC and SWRPC submitted detailed study and information requests for common impacts affecting communities in their respective states.



[Scoping Comments and Study Requests](#) on behalf of impacted NH and MA regional planning agencies (9/12/15)

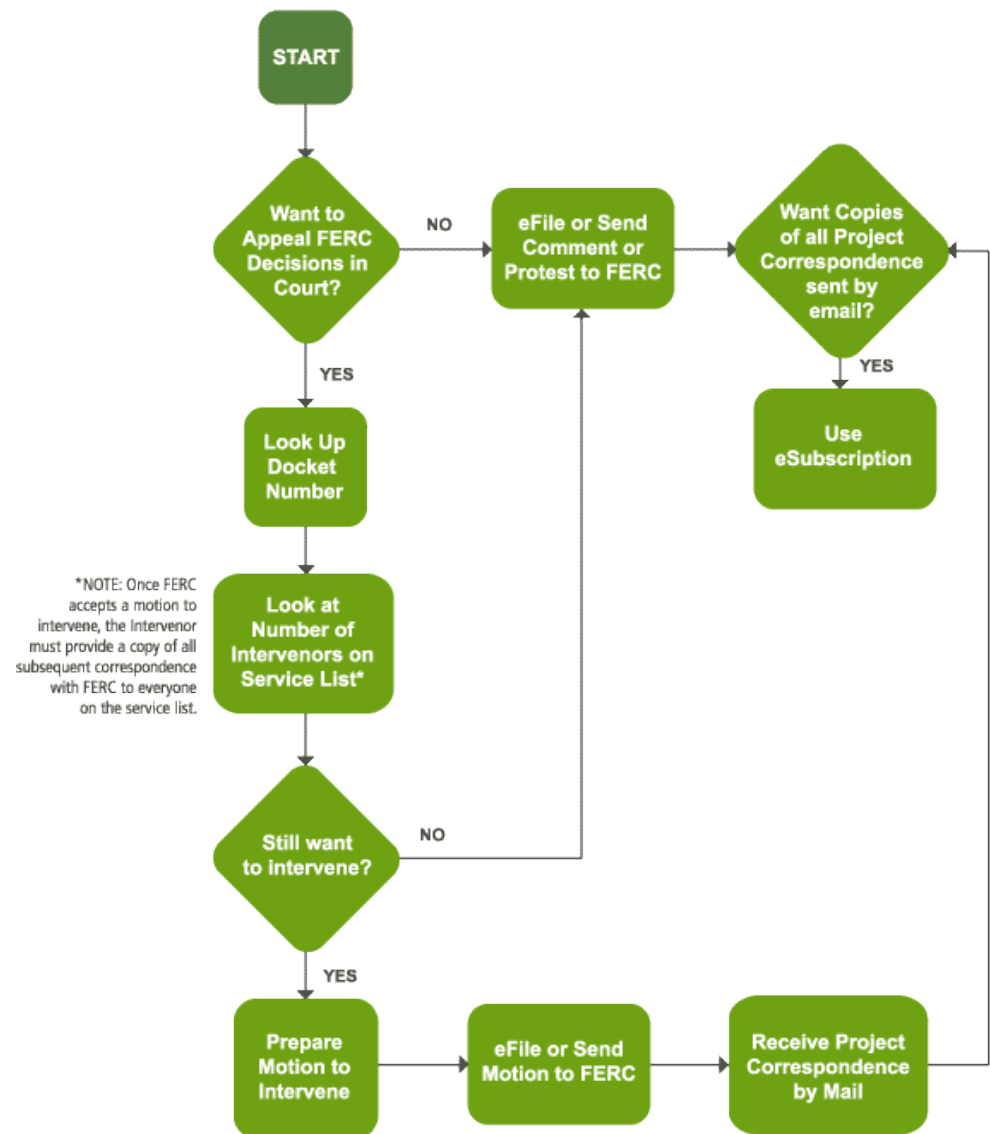
Becoming an Intervenor

Once a natural gas pipeline company files its application with FERC, interested parties may choose to become an intervenor to play a more formal role in the application process under Rule 214 of the FERC Rules of Practice and Procedure ([18 CFR §385.214](#)). Intervention is not permitted during pre-filing. Such status permits an intervenor to file briefs, appear at hearings, and be heard by the courts if they choose to appeal a FERC final ruling on the application.

FERC encourages electronic submission of motions to intervene via the [eFiling](#) link on their website.

Petitioners seeking a late intervention or “Motion to Intervene Out of Time” may be granted early in the application process at the discretion of the Commission.

DECIDING WHETHER TO INTERVENE IN A PROCEEDING



Information Resources

Key Organizations

A natural gas pipeline or other large energy infrastructure project includes a variety of resource agencies. The following list, which is not intended to be comprehensive, provides a brief summary of many organizations and their role(s) relative to interstate natural gas pipeline proposals.

Common Ground Alliance

The Common Ground Alliance (CGA) is a member-driven association of 1,700 individuals, organizations and sponsors in every facet of the underground utility industry.

Established in 2000, CGA is committed to saving lives and preventing damage to underground infrastructure by promoting effective damage prevention practices.

Dig Safe System, Inc.

Dig Safe® is a member utility-funded call-center that notifies participating utilities of planned excavation in proximity to their underground equipment. Utilities, in turn, mark out the locations of their equipment to be avoided. In New Hampshire, gas, electric, telephone, cable television and public water companies whose rates are regulated by the NH Public Utilities Commission, are required to join. Dig Safe is a free service that can be accessed by homeowners and contractors by calling 811 at least 72 hours in advance of digging.

Federal Energy Regulatory Commission

The Federal Energy Regulatory Commission, or FERC, is an independent agency that regulates the interstate transmission of electricity, natural gas, and oil. FERC also reviews proposals to build liquefied natural gas (LNG) terminals and interstate natural gas pipelines as well as licensing hydropower projects.

New Hampshire Department of Environmental Services

The New Hampshire Department of Environmental Services (NH DES) responsibilities related to natural gas pipeline proposals may involve all three of its divisions ([Air Resources](#), [Waste Management](#), and [Water](#)) and require multiple [permits](#) depending on the nature of the project. NH DES hosts a variety of educational and informational resources and publications such as [OneStop](#) (a searchable database of environmental information).

NH GRANIT

NH GRANIT (New Hampshire Geographically Referenced Analysis and Information Transfer System) offers an array of geospatial services, including: data development/distribution, spatial analysis, online mapping, image processing, application development, and training to support decision-making throughout the State.

New Hampshire Local River Management Advisory Committees

In New Hampshire, a Local River Management Advisory Committee (LAC) exists for each of the State's [18 Designated Rivers](#). Their responsibilities include advising the Commissioner of the Department of Environmental Services and the municipalities where the [Designated River](#) flows (or its tributary drainage areas), considering plans that would alter the resources value or characteristics of the river, assist in the development of management plans, and to report to the [Rivers Management Advisory Committee](#) and NH DES annually on its status.

New Hampshire Municipal Association

The New Hampshire Municipal Association (NHMA) is a non-profit, non-partisan association working to strengthen New Hampshire cities and towns and their ability to serve the public as a member-funded, member-governed and

member-driven association since 1941. NHMA serves as a resource for information, education and legal service. NHMA is a strong, clear voice advocating for New Hampshire municipal interests.

New Hampshire Office of Strategic Initiatives

The New Hampshire Office of Strategic Initiatives (NH OSI) provides information, data and guidance to assist decision-makers on issues pertaining to development, land protection, energy use and community planning. NH OSI's mission is to guide the State's future growth through public policy development, education, research, and partnership building. The [Energy Division](#) features a wealth of information about energy consumption in the State.

New Hampshire Public Utilities Commission

The New Hampshire Public Utilities Commission (NH PUC) has jurisdiction over electric, telecommunications, natural gas, water and sewer utilities according to [RSA 362:2](#) including issues related to rates, quality of service, finance, accounting, and safety.

New Hampshire Regional Planning Commissions

In New Hampshire, nine regional planning commissions prepare regional master plans, compile housing needs

assessments, review developments of regional impact as well as provide planning and technical assistance related to a land use, transportation, economic development, and natural resources, among other things. The New Hampshire Association of Regional Planning Commissions (NHARPC) is the affiliation of the nine regional planning commissions in the state of New Hampshire.

New Hampshire Site Evaluation Committee

The New Hampshire Site Evaluation Committee (NH SEC) was established by the State Legislature for the review, approval, monitoring and enforcement of compliance in the planning, siting, construction and operation of energy facilities.

Pipeline Safety Trust

The Pipeline Safety Trust (PST) is a nonprofit public charity promoting pipeline safety through education and advocacy by increasing access to information, and by building partnerships with residents, safety advocates, government, and industry, that result in safer communities and a healthier environment.

Pipelines and Informed Planning Alliance

The Pipelines and Informed Planning Alliance (PIPA) is a stakeholder initiative led and supported by the U.S.

Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA). PIPA's goal is to improve safety for the communities that surround large-diameter, high-pressure transmission pipelines. PIPA works toward this goal by promoting effective communication among stakeholders, raising awareness of pipelines, and sharing recommended practices to reduce pipeline risks to the public.

U. S. Army Corps of Engineers

The U. S. Army Corps of Engineers plays a permitting role in the development of interstate natural gas facilities under as defined by [Section 404 of Clean Water Act](#) and [Section 10 of the Rivers and Harbors Act](#).

U. S. Department of Transportation Pipeline and Hazardous Materials Safety Administration

The mission of the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives. PHMSA develops and enforces regulations for the safe operation of the nation's 2.6 million-mile pipeline transportation system and the nearly 1 million daily shipments of hazardous materials by land, sea, and air.

New Hampshire's Regional Planning Commissions

New Hampshire's nine [Regional Planning Commissions \(RPCs\)](#) receive their legislative authority from [NH RSA 36:45-54](#). Under NH state law, a RPC's primary duties are to prepare a comprehensive master plan for the development of the region, provide technical assistance to local municipalities, compile a regional housing needs assessment every five years, and conduct other studies as needed to implement the provisions of the regional plan.

Research and Fact-finding

The NH RPCs regularly function as a forum for communities and as an unbiased aggregator of technical information. In the context of a proposed natural gas pipeline, the RPCs may choose to participate in various activities such as review of published information, contact industry subject matter experts, and host informational sessions.

Advisory Role

According to the legislative authority referenced above, RPC powers are advisory in nature. With respect to energy siting projects, NH RPCs also have an advisory role. The New Hampshire Site Evaluation Committee (SEC) was established by the NH legislature for the review, approval, monitoring and enforcement of

compliance in the planning, siting, construction and operation of energy facilities. [NH RSA 162-H:16](#), IV (a)-(c) compels the SEC to determine that a project will 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.

Community Technical Assistance

Communities can engage the RPCs to provide specific local technical assistance, including GIS analyses relative to sensitive environmental areas and impacts related to construction, historic resources, and infrastructure and safety.

Administrative Support

If communities choose to form coalitions in response to a proposed natural gas pipeline, the RPCs can conceivably provide administrative support to those groups including providing meeting space, meeting administration, website services, and document preparation.

Note that depending on the amount of assistance/support requested of RPCs, financial contributions to offset staff time may need to be considered.

PHMSA Community Toolbox and Local Technical Assistance

PHMSA's regulatory jurisdiction generally begins where FERC's ends; in other words, once a pipeline is in the ground and operational. PHMSA's [Office of Pipeline Safety](#) (OPS) is responsible for the development and implementation of safety regulations, and inspections, monitoring, and compliance enforcement of gas pipelines.

Community Toolbox

PHMSA hosts a [robust website](#) devoted to supporting stakeholder involvement in pipeline safety, with regard to public awareness, damage prevention, risk-informed land use planning, and emergency management efforts. Resources are categorized and arranged for the general public, emergency management personnel, local officials, excavators, property developers, safety advocates, state regulators, federal agencies, and industry representatives.

PHMSA awarded a TAG grant to Nashua Regional Planning Commission (NRPC) in 2015 to advance pipeline safety and education initiatives.

TAG Grants

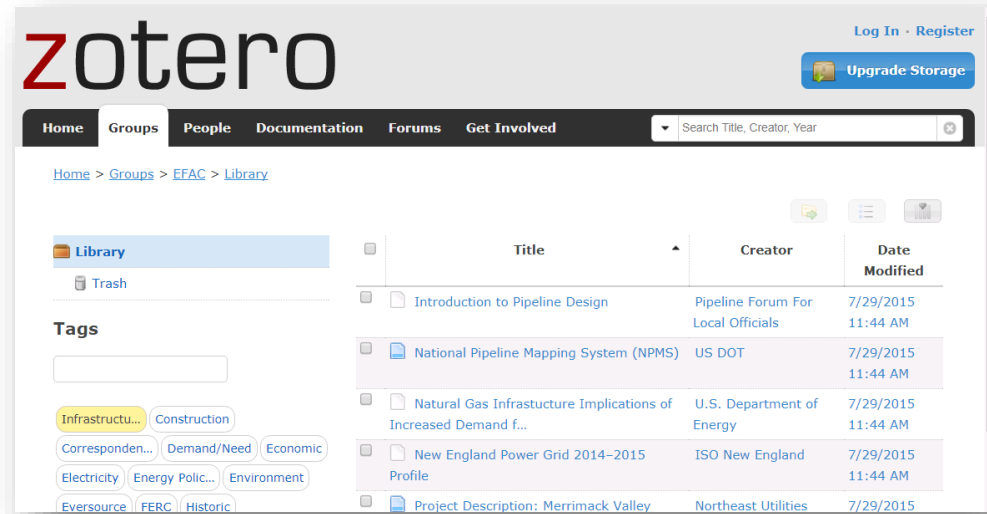
PHMSA [Pipeline Safety Grant Programs](#) have historically included [Technical Assistance Grant](#) (TAG) funding to communities for technical assistance and analyses of local pipeline safety issues. Technical assistance is defined as engineering or other scientific analysis of pipeline safety issues.

PHMSA awarded a TAG grant Nashua Regional Planning Commission (NRPC) in 2015 to advance pipeline safety and education initiatives. These funds supported:

- The promotion of best-practice guidance for land-use planning around existing and planned pipeline
- Dig-Safe outreach and awareness
- Creation of a GIS Open Data portal of mapping information related to pipeline planning and safety
- Incident training for local fire and other first responders
- Enhanced emergency preparedness planning templates for natural gas pipelines

Online Document Library

As part of the work of EFAC, Nashua Regional Planning Commission created an [online library of document resources](#) as a way for people to research and understand its review of the NED proposal. Later, SWRPC provided additional citations that were merged with the existing content. This compilation of free and downloadable documents is searchable by keyword and by the following tags:



[Construction](#)

[Energy Policy](#)

[Infrastructure](#)

[Maps & GIS](#)

[Orderly](#)

[Correspondence](#)

[Environment](#)

[Kinder Morgan](#)

[National Grid](#)

[Development](#)

[Demand/Need](#)

[Eversource](#)

[Land Use](#)

[News](#)

[PHMSA](#)

[Economic](#)

[FERC](#)

[Legal](#)

[NH SEC](#)

[Regulatory](#)

[Electricity](#)

[Historic](#)

[Liberty](#)

[NRPC](#)

[Rivers](#)

[Safety](#)

Examples of Collaborative Efforts in Response to a Pipeline Proposal

Joint Regional Planning Agency (RPA) Pipeline Working Group

As part of the environmental review process of the Northeast Energy Direct proposal, impacted regional planning agencies in New Hampshire and Massachusetts came to three realizations:

- Many communities along the project's route on both sides of the state border were facing similar impacts.
- Due to planning agencies' cross-disciplinary expertise in land use, transportation, economic development, and natural resources issues, community expectations on their respective RPCs and RPAs were high.
- Conducting a meaningful impact review and assessment would represent a significant undertaking of staff time and energy; RPAs did not have access to funding specifically dedicated for this purpose.

To efficiently build their collective capacities, the RPAs agreed to actively coordinate and share information about the proposal and ultimately developed a shared approach for conducting a generic resource impact assessment.

The Franklin Region Council of Governments most frequently hosted discussions of the group due to their central location to impacted regions in Massachusetts and New Hampshire. They also hosted a [Regional Pipeline Advisory Committee and resource page](#), and [created sample host community agreement conditions](#), among other things.

Over the course of several meetings the group identified a set of likely natural and cultural resources related to land, air, water, habitat, historic, recreation, infrastructure, emergency response, and economic resources. Through their shared efforts the RPAs developed [a rather extensive document](#) which was used as a formal filing under the FERC scoping process.

Joint RPA Pipeline Working Group Members:

*Berkshire Regional Planning Commission
Franklin Region Council of Governments
Montachusett Regional Planning Commission
Northern Middlesex Council of Governments
Pioneer Valley Planning Commission
Nashua Regional Planning Commission
Southwest Region Planning Commission*

The NRPC Energy Facilities Advisory Committee

At the request of its Executive Committee, the NRPC formed the [Energy Facilities Advisory Committee](#) (EFAC) in late winter 2015. This Committee was a response to NRPC communities' collective concerns regarding the challenges of obtaining objective and trustworthy information relative to the proposed Tennessee Gas

EFAC Charge:

*“Conduct **fact findings** regarding the impacts of construction and operation of **energy facilities** in the region will have on **local land use, economy, and employment, and the effects on the orderly development of the region; and to report findings and recommendations to the full NRPC Commission.** Energy facilities could include proposed construction or retirement **of natural gas facilities** such as pipelines, **electrical facilities** such as transmission lines, or **other energy facilities** including but not limited to wind, solar, hydro, or geothermal renewable sources.”*

Pipeline Company's (TGP) Northeast Energy Direct (NED) proposal.

The formation of EFAC stems from the NED project, however, the [EFAC charge](#) is written without reference to any particular energy project. Therefore, the EFAC could reconvene as necessary to consider other energy initiatives as they may be brought forward.

EFAC is comprised of representatives appointed by each town's elected governing board who are charged with general fact-finding in order to inform recommendations to the NRPC Commission. EFAC began its schedule of regular weekly meetings on February 27, 2015. During that time, EFAC had completed an extensive review of published information, had conversations with industry subject matter experts, and hosted a number of speaker presentations from Kinder Morgan, Liberty, other competing utilities, FERC, the NH SEC, academia, industry, and public opposition groups.



NRPC's Energy Facilities Advisory Committee (EFAC)
Northeast Energy Direct PROPOSED PIPELINE

Summary of Activities

Charge of Committee:

To conduct fact findings regarding the **impacts of construction and operation** of energy facilities in the region will have on **local land use, economy, and employment**, and the **effects on the orderly development** of the region; and to **report findings and recommendations** to the full NRPC Commission. Energy facilities could include proposed construction or retirement of natural gas facilities such as **pipelines, electrical** facilities such as **transmission lines**, or other energy facilities including but not limited to **wind, solar, hydro, or geothermal** renewable sources.

EFAC Information Gathering

- * Consulted with various agencies and bodies including:
 - Kinder Morgan
 - Liberty Utilities
 - Eversource and Spectra Gas
 - Portland Natural Gas Transmission System (PNGTS)
 - NH Office of Energy and Planning
 - NH Public Utilities Commission
 - FERC
 - ISO-New England
 - Prof Mike Mooiman, Franklin Pierce University
 - Ken Hartlage, NH Pipeline Awareness Network
 - New Hampshire Business Association (BIA)
 - Stephen Buckley, NHMA
- * Passed a motion to articulate a statement of concern that the impacts from the NED pipeline outweigh any perceived benefits, based on information gathered to date.
- * Prepared Draft Resolution for consideration for adoption by NRPC Full Commission.

The Nashua Regional Planning Commission is committed to providing credible, accurate and impartial data to its member communities regarding the pipeline proposal.

Additional NRPC Services

- * **Administrative Support for EFAC:** Subscribed to and followed FERC Docket; managed EFAC Dropbox for document sharing; prepared EFAC agendas and minutes, provided meeting space.
- * **Public Outreach:** Created info webpage for NED; distributed comment cards at Old Home Days, town halls, and libraries to solicit public input; created a Quick Guide to Commenting on the FERC Docket; published searchable EFAC document collection.
- * **Community Technical Assistance:** Participated in FERC's bi-weekly agency telecons; produced Sensitive Environmental Areas analysis; created pdf maps and interactive mapping online; awarded a US DOT Pipeline and Hazardous Materials Safety Administration (PHMSA) grant for pipeline safety planning.
- * **Siting Process Activities:** Testified at Nashua & Milford FERC scoping meetings; requested extension of FERC's formal comment period; partnered with impacted RPA's to request additional scoping studies; authored a data request letter to FERC seeking clarification on regional concerns; attended Kinder Morgan info session for the NHSEC; filed for FERC Intervenor Status.

Nashua Regional Planning Commission, 9 Executive Park Drive, Suite 201, Merrimack, NH nashuarpc.org | [@NashuaRPC](https://twitter.com/NashuaRPC) | facebook.com/nashuarpc

It should be noted that EFAC began its process from a neutral standpoint. On June 5th, 2015, the EFAC passed a motion to issue the following opinion statement:

The Nashua Regional Planning Commission Energy Facilities Advisory Committee (EFAC) has significant concern that the impacts of the proposed Northeast Energy Direct project outweigh its perceived benefits based on the information received to date.

Over time, EFAC strengthened its articulation of various concerns and drafted a Resolution of Opposition for consideration by the NRPC Commission at its September 16th, 2015 meeting. However, the NRPC full Commission did not ultimately endorse the resolution.

The New Hampshire Municipal Pipeline Coalition & Other Municipal Pipeline Groups

In response to the proposed NED project, most of the affected communities in New Hampshire formed local committees to study the issues and make recommendations to other municipal officials and residents. For example, the Brookline, NH Pipeline Task Force was chartered by the selectboard to evaluate options for protecting the Town's interests, including 160 acres of conservation land characterized by wetlands and rare animals and plants. The Town hired an expert to conduct an environmental impact study of potentially threatened natural resources, the results of which were used to inform the pipeline permitting process.

In addition to the Brookline Pipeline task force, other particularly active local pipeline groups in New Hampshire included the [Amherst Pipeline Task Force](#), the [Milford Pipeline Task Force Committee](#), The [Mason Pipeline Advisory Committee](#), New Ipswich Pipeline Task Force, [Temple Pipeline Ad-Hoc Advisory Committee](#), and the [Winchester Pipeline Awareness Group](#).

Further, the Town of Brookline, NH led a coalition comprised of 15 municipalities to coordinate efforts among those that would be impacted by the pipeline, including Amherst, Brookline, Fitzwilliam, Greenville, Litchfield, Mason, Merrimack, Milford, New Ipswich,

Pelham, Richmond, Rindge, Temple, Troy, and Winchester. Comprised of town administrators and selectboard members (or their appointees) from each town, the Coalition met regularly to share information and to voice concerns with state and federal officials, including the Governor and legislators.

With respect to the FERC and NH state pre-filing processes, specific activities of the Coalition included:

- Attended two FERC scoping sessions and filed numerous docket correspondences (including letters dated [9/14/15](#) and [10/15/15](#)) to express safety, water quality, and environmental concerns related to the pipeline.
- [Motioned to intervene](#) in the FERC process.
- [Petitioned to intervene in the NH Public Utilities Commission process](#) related to Liberty Utilities' request for approval of its Precedent Agreement (aka Petition for Approval of a Firm Transportation Agreement) with the Tennessee Gas Pipeline Company.
- [Commented on the New Hampshire Site Evaluation Committee project docket](#) for the NED project ([SEC 2015-08](#)) as well as rulemaking related

to the siting of high pressure natural gas pipelines and enforcement procedures ([SEC 2016-01](#)).

Another important function of the Coalition was to pool financial resources across the member communities. Twelve of the Coalition towns collectively retained an attorney to assist in opposing the pipeline. Communities benefited from the strength of shared representation, and costs were spread among member community taxpayers.