

AGENCY TO DO LIST

(May 4, 2007)

Agency Responsibilities Under the Federal Energy Regulatory Commission's New Regulations Coordinating the Processing of Federal Authorizations for Interstate Natural Gas Projects Under Section 3 and 7 of the NGA and Maintaining a Complete Consolidated Record [Order 687, effective date December 26, 2006]

This outline is intended to assist Agencies issuing permits or authorizations under Federal statutes in understanding the Federal Energy Regulatory Commission's (FERC) Order 687 and the responsibilities therein. Please note that filing requirements pertaining to the Agencies appear in **BOLD** text.

Pre-filing Activities

- Work with the FERC staff and Applicant during the Pre-filing Process to identify specific Agency concerns.
- Maintain consistent points of contact.
- Attend project inter-agency meetings.
- Make firm commitments in writing.
- Be cognizant of concerns outside the Agency's area of responsibility.
- Discuss the Federal authorization process candidly with the Applicant early in the formulation of the project.
- Recognize that when an Applicant submits a request for Federal authorization, in accordance with Commission's regulations, this initiates a processing clock and sequence of Agency events.

Post - Application Activities

- **Within 30 days of receiving an authorization request, an Agency must file the following information with the Secretary of the Commission of:**
 - a) **whether the Agency deems the application ready for processing or complete;**
 - b) **what additional information will be needed to address the merits of the request;**
 - c) **the time allotted for the Applicant to provide the additional information or materials;**
 - d) **what, if any, studies would be necessary to evaluate the request; and**
 - e) **the anticipated effective date of Agency's decision.**

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- **If Agency requests additional information from Applicant, the Agency must file a copy of the request with the Commission within 10 business days of issuance.**
- FERC will issue a “Notice of Schedule for Environmental Review” within 90 days of issuing the Notice of Application.
- The schedule will inform Agencies of the 90-day deadline for other Federal decisions on the application upon the issuance of FERC’s final environmental document [Environmental Assessment (EA) or Final Environmental Impact Statement (FEIS)]. The objective is to have all Agency reviews and decision completed no later than 90 days after FERC issues an EA or FEIS.

Post - FERC Authorization Activities

- FERC is required to maintain a complete consolidated record of all decisions made or actions taken by the Commission and by Agencies responsible for any Federal authorization.
 - Agencies or officers issuing necessary decisions or approvals must help to create this record and provide the Commission with a copy of the final decision reached or action taken, or summary thereof, within 30 days of a decision or action.
- The Commission considers an Agency decision to be final if it grants an Applicant authority to act, regardless of whether the decision is appealed.
 - The complete consolidated record is for decisions and appeals of CZMA, judicial review of Agency actions or failure to act.
 - The intent of the record and schedule is to reduce redundancy and sequential processing.
- **If an Agency issues its authorization by the scheduled or statutory deadline, the Agency must file an index with the Commission within 30 days of its decision or action.**
 - Agencies should title the submission “Consolidated Record” and include a prominent reference on the first page to the docket number applied to the Commission proceeding.
 - The index can be any method of notation capable of identifying each item in the record sufficiently to allow a reviewing body to select items of relevance to 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 the Commission of all documents being reviewed.**