

## **Vote NO on HR 161, the Natural Gas Pipelines Permitting Reform Act**

January 20, 2015

Dear Representative,

We, the undersigned conservation organizations representing millions of members urge you to oppose HR 161, the Natural Gas Pipeline Permitting Reform Act. This legislation amends Section 7 of the Natural Gas Act (15 U.S.C. 717f) to subvert state permitting authorities, expand the reach of eminent domain, and undercut input in decisions affecting communities.

HR 161 creates serious negative consequences for states wishing to protect their citizens under Sections 401 and 404 of the Clean Water Act, National Environmental Policy Act, and related laws. States that enforce their own Clean Water Act permit regimes will have their authority superseded by an arbitrary inflexible Federal Government mandated timeline enforced by the Federal Energy Regulatory Commission (FERC)- an agency with no expertise with the Clean Water Act.

HR 161 would:

- 1) Limit to one year the time allowed for the FERC to consider a completed permit application for a pipeline.
- 2) Limit to three months (with possibly a 30 day extension) the time allowed for any other agency permits- like those under the Clean Water Act or Clean Air Act.
- 3) If FERC or other agencies like the Environmental Protection Agency (EPA) cannot meet these harsh deadlines, the permit automatically is approved.

### **HR 161 imposes an arbitrary and inflexible one-year deadline**

Sections 401 and 404 of the Clean Water Act already create permit deadlines for states and the Army Corps of Engineers. Mandating a one-year time limit for FERC permit review is unnecessary. A recent report from the Government Accountability Office (GAO) studying the natural gas permitting process placed the average time for project approval at 225 days.<sup>i</sup> Some projects take just a few months for approval. The more complicated applications require more scrutiny. Nevertheless, a one-size-fits-all strict permitting deadline would treat a 10-mile pipeline across a barren landscape the same as a 1000-mile pipeline crossing multiple ecosystems and dense population areas where it could pose a threat to the life and property of persons living nearby.

### **HR 161 will not result in faster pipeline approvals**

Hard deadlines achieve neither goal of better government nor more efficient permitting. In fact, this bill will likely achieve the opposite of its intended effect, actually creating greater delays rather than faster permitting. Since rigid deadlines

may force FERC to issue permit decisions before they have completed the necessary environmental reviews, FERC may have no choice but to issue more permit denials rather than approvals. Both premature permit denials and approvals will likely result in litigation further delaying the process for project applicants. Finally, the Natural Gas Act already grants federal eminent domain authority to natural gas pipeline companies.<sup>ii</sup> Fast tracking takings of private land will only alienate landowners and communities and create additional delays.

### **Pipelines damage landscapes, create forest fragmentation, and loss of critical habitat**

By the end of 2012, more than a dozen natural gas pipeline projects serviced the Northeast United States.<sup>iii</sup> In Pennsylvania alone, according to The Nature Conservancy, the next two decades could see close to 17,000 miles of gathering and transport lines, resulting in the clearing of up to 134,000 acres of forest and damage to an additional 950,000 forest acres.<sup>iv</sup> For example, the proposed MARC 1 pipeline project in Pennsylvania, would run nearly 40 miles, disturb nearly 600 acres of land across three counties (Bradford, Lycoming, and Sullivan Counties), require the clearing of more than 200,000 mature trees and the crossing of more than 100 water bodies, including Exceptional Value waters and sensitive trout streams.

Unlike well pads that drillers can eventually reclaim, the pipelines and associated rights-of-way permanently fragment habitats and produce secondary impacts for as long as the gas flows. These pipelines run in to communities everywhere, stretching across landscapes of our public parks and forests and right through our private property. HR 161 seeks to accelerate the rapid industrialization of our forests and neighborhoods by rubber-stamping FERC permits.

We urge you to oppose this bill that is designed to spread pipelines in to backyards and neighborhoods across the country by seizing private property through eminent domain, subverting basic environmental protections, and limiting public input.

Sincerely,

Scott Slesinger, Legislative Director, Natural Resources Defense Council

Jessica Ennis, Senior Legislative Representative, Earthjustice

Lauren Pagel, Policy Director, Earthworks

Susan Jane M. Brown, Staff Attorney, Western Environmental Law Center

Jimbo Bulckerood, Public Lands Coordinator, San Juan Citizens Alliance

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Forrest English, Rogue Riverkeeper Program Director

Peter Hart, Staff Attorney, Wilderness Workshop

Bill Snape, Senior Counsel, Center for Biological Diversity

Kimberly Baker, Executive Director, Klamath Forest Alliance

Natalynne DeLapp, Executive Director, EPIC-Environmental Protection Information Center

Joseph Vaile, Executive Director, Klamath-Siskiyou Wildlands Center

John Rumpler, Senior Attorney, Environment America  
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Wenonah Hunter, Executive Director, Food & Water Watch  
Doug Heiken, Conservation and Restoration Coordinator  
Mark Wenzler, Senior Vice President of Conservation Programs, National Parks  
Conservation Association  
Sara Chieffo, Legislative Director, League of Conservation Voters

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<sup>i</sup> Government Accountability Office, Interstate and Intrastate Natural Gas Permitting Processes Include Multiple Steps and Time Frames Vary, February 2013

<sup>ii</sup> Section 7(h) of the Natural Gas Act: When any holder of a certificate of public convenience and necessity cannot acquire by contract, or is unable to agree with the owner of property to the compensation... it may acquire the same by the exercise of the right of eminent domain

<sup>iii</sup> The Case for Maryland's Proposed Comprehensive Gas Development Plan Program, John H. Quigley LLC

<sup>iv</sup> The Nature Conservancy's Pennsylvania Energy Impact Assessment  
<http://www.nature.org/ourinitiatives/regions/northamerica/unitedstates/pennsylvania/ng-pipelines.pdf>