



FACT SHEET

Expedited Federal Authorization of Interstate Natural Gas Pipelines: Are Agencies Complying with EAct?

The time to obtain required federal permits from agencies other than the Federal Energy Regulatory Commission for interstate natural gas pipeline projects actually has increased since the passage of the Energy Policy Act of 2005, a law with the stated intent to streamline and expedite federal authorizations for such projects, a December 2012 study by the INGAA Foundation found.

The study, *Expedited Federal Authorization of Interstate Natural Gas Pipelines: Are Agencies Complying with EAct?*, found that for interstate gas pipeline projects:

- The percentage of federal authorizations that were issued more than 90 days beyond FERC's issuance of an Environmental Impact Statement or an Environmental Assessment rose from 7.69% prior to the implementation of EAct 2005 to 28.05% after the act.
- Federal authorizations issued 180 days or longer after FERC's issuance of an Environmental Impact Statement or an Environmental Assessment rose from 3.42% prior to the act to 19.51% after the act.

The study also found that the only provision in EAct 2005 that provides an applicant with recourse in the face of agency delay—a petition to the U.S. Court of Appeals for the D.C. Circuit—has rarely been used, allowing agencies to miss the required federal authorization deadline without consequence.

The study suggests amending the Natural Gas Act to provide the FERC effective tools to enforce deadlines at other agencies regarding natural gas pipeline project applications.

The study also suggested several other ways to reduce future permitting delays:

- Providing consequences when agencies fail to meet the FERC deadline;
- Planning for the project early and thoroughly; and
- Establishing better applicant-agency relationships and lines of communication.

The study is available [here](#) or at <http://www.ingaa.org/EAct2005.aspx>

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