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## **H.R. 2910 the Promoting Interagency Coordination for Review of Natural Gas Pipelines Act**

**Committee on Energy and Commerce, Democratic Staff**

H.R. 2910, the Promoting Interagency Coordination for Review of Natural Gas Pipelines Act, is a bill that short circuits the process for considering natural gas pipeline project applications at the expense of private property owners, state and tribal rights, and the environment. This legislation is completely unnecessary given that the Federal Energy Regulatory Commission (FERC) has testified that nearly 90 percent of project applications are already approved in less than a year.

### **Trampling on the Rights of Landowners**

Current law gives natural gas pipeline companies access to federal eminent domain authority, allowing these corporations to take private property to build their pipelines. H.R. 2910 would further narrow the already few opportunities landowners have for pushing back against these mammoth, often duplicative projects.

### **Surveying While Circumventing Local Permitting and Property Owner Consent**

The bill would also require federal and state agencies to accept aerial survey data, and provides that such agencies may grant conditional approvals based on that data. This provision allows companies building natural gas pipelines the ability to circumvent property owners' rights when surveying land. Also, in some cases, companies have surveyed without first obtaining the requisite permits to access the land in question, resulting in those companies being barred from further work by local government. However, this language would reward that bad behavior by allowing those companies to sidestep local governments and that crucial aspect of the application process.

### **A Solution in Search of a Problem**

The provisions in the bill are largely duplicative of a streamlining provision included in Title 41 of the FAST Act, which was passed with bipartisan support last Congress and was signed into law by President Obama. The FAST Act authorized the Federal Permitting Improvement Steering Council (FPISC) to improve the timeliness, predictability, and transparency of the Federal environmental review process for major infrastructure projects, including interstate natural gas pipeline projects. H.R. 2910 is unnecessary not only because infrastructure permitting streamlining is already occurring at FPISC, but also because 88 percent of these projects are being approved within one year.

### **Shortcutting the Environmental Review Process**

H.R. 2910 also restricts the rights of other federal and state agencies that are important participants in the pipeline approval process. The bill would set up a new, more limited role for agencies not designated by FERC as "participating" agencies in the authorization process. Any agency not designated as participating would be prohibited from requesting or conducting a supplemental National Environmental Policy Act (NEPA) review. The bill even prohibits FERC from considering any comments provided by these agencies during a project's NEPA review.

### **Summary**

At best, H.R. 2910 is a solution in search of a problem; at worst, it is an assault on private property rights and the environment in the name of corporate profit and expediency. Given the dangers associated with building and operating natural gas pipelines, if Congress is going to act, it should instead insist on greater scrutiny of these often controversial projects.