

# **BLANKET CERTIFICATE PROGRAM**

## **NOTICE TO LANDOWNERS**



**FEDERAL ENERGY REGULATORY COMMISSION  
UNITED STATES OF AMERICA**

**June 2007**

(updated May 5, 2010)

## **The Role of the Federal Energy Regulatory Commission**

The Federal Energy Regulatory Commission is charged by Congress with evaluating whether interstate natural gas pipeline projects proposed by private companies should be approved. The federal government does not propose, construct, operate, or own such projects.

The Commission approves the location, construction, modification, acquisition, operation, and abandonment of interstate pipelines, facilities, and storage fields involved in moving natural gas across state boundaries. Natural gas provides nearly a quarter of the nation's energy needs, and the facilities that transport this gas to market are vital to the nation's economy.

Under section 7(c) of the Natural Gas Act (NGA), the Commission may issue a company a case-specific certificate authorizing a particular gas project. The Commission also may issue a blanket certificate which allows a natural gas company to undertake restricted number if routine activities provided they comply with constraints on costs and environmental impacts.

The blanket certificate program provides an administratively efficient means to authorize a company to construct, modify, acquire, operate, and abandon a limited set of natural gas facilities and offer a limited set of services. The Commission's regulations regarding the blanket certificate program can be found

in volume 18 of the Code of Federal Regulations, Part 157, Subpart F, sections 157.201 through 157.218.

## **The Blanket Certificate Program and How to Voice Your Concerns about a Planned Project**

Projects that could significantly affect rates, services, safety, security, competing gas companies or their customers, or the environment are not eligible for the blanket certificate program. For projects with the potential for significant impacts, a company must file an application for a case-specific certificate under section 7(c) of the NGA.

There are two types of blanket certificate projects. They include:

- those that qualify for self-implementation or automatic authorization
- those that require prior notice to the public.

A company planning an automatic authorization project must:

- notify potentially affected landowners at least 45 days in advance
- describe the planned project and,
- state how a landowner can contact the company.

The notification must include an explanation of the Commission's [Dispute Resolution Service \(DRS\) Helpline](#) procedures and the [DRS Helpline](#) phone number. The Commission's [DRS Helpline](#) is available in the event a person has concerns about a proposed automatic

authorization project that cannot be resolved by discussion with the company.  
Unless the Commission finds cause to

**Commission's Dispute Resolution  
Service Helpline  
1-877-337-2237**

[ferc.adr@ferc.gov](mailto:ferc.adr@ferc.gov)  
<http://www.ferc.gov/legal/adr/drs.asp>

object, projects that qualify for blanket certificate automatic authorization may proceed after the landowner notification requirement has been met. While the Commission and the public, other than the affected landowners, do not receive prior notification of planned projects that qualify for automatic authorization under the blanket certificate program, the company must file an annual report that identifies all such projects constructed in the previous year.

All other blanket certificate projects are subject to prior public notice, whereby a company, in addition to providing potentially affected landowners with advance notice, must also file a description of a planned project with the Commission. The Commission verifies the company's submission is complete assigns an identifying docket number to the planned project, and issues a notice of the proposal.

The notice of a planned project can be found on the Commission's website, [www.ferc.gov](http://www.ferc.gov), using the "eLibrary" link (<http://www.ferc.gov/docs-filing/elibrary.asp>) and the project's docket number. User assistance is

available at 1-866-208-3676.

Use this space to record your project's docket number.

\_\_\_\_\_  
"eLibrary"

<http://www.ferc.gov/docs-filing/elibrary.asp>  
1-866-208-3676

Note that in most cases you will *not* be able to view or print copies of maps or similar locational information from the Commission's website. However, the website will provide instructions for obtaining the material.

A hard copy of the company's description of its planned project can be requested from the company or obtained for a nominal copying charge from the Commission's Public Reference Room.

**Commission's Public Reference Room  
202-502-8371  
TTY-202-502-8659**

[public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov)

A prior notice project is identified by its docket number and a public notice of the prior notice project is issued by the Commission. The public notice is also published in the Federal Register. The Commission's public notice will explain how to comment on or object to a planned project by filing a protest with the Commission.

Within 60 days of the date the public notice was issued (published on the Commission's website - eLibrary) any person may participate by intervening or by protesting a planned project.

Once the 60-day period to protest expires, if no protest has been filed, the project may proceed. However, if a protest is filed by the public or by Commission staff, interested persons have 30 days to resolve the issues raised by the protest.

If a protest is submitted, and is not withdrawn, dismissed, or resolved, the planned project will not be authorized under the company's blanket certificate, but will instead be treated as if the proposed project were presented in an application for case-specific certificate authorization.

As an alternative to filing a protest with the Commission, you may contact the Commission's DRS Helpline with questions or concerns about a specific project proposal toll-free at 877-337-2237 or by Email [at ferc.adr@ferc.gov](mailto:ferc.adr@ferc.gov).

In addition, each company provides a means for resolving affected landowners' complaints. The notice describing a proposed project will include local and toll-free phone numbers and the name of a person responsible for responding to landowner problems and concerns.

## **Rights-of-Way for Natural Gas Facilities**

Before a natural gas company can construct new facilities, it must obtain a right-of-way for the planned project. Some projects may be designed to be built within a company's existing right-of-way under the terms of an existing easement. To acquire a new easement, a natural gas

company will negotiate with landowners located along the proposed path of a new

project. Landowners will be compensated for signing an easement document that gives a company permission to make use of their property. For the use of either new or existing easements landowners may be paid for the loss of certain uses of their property during and after construction, the loss of other resources, and any damage that may occur.



Final grading of pipeline right of way



Aerial view of completed pipeline right of way

## ***Eminent Domain***

If the company and a landowner cannot reach an agreement, the company may acquire an easement under eminent domain, which is a right given to the company by federal law to use private land for Commission-authorized projects. A court, either state or federal, will determine the compensation that a company must provide the landowner and specify the terms of the easement. Please be aware that some states also confer the right of eminent domain on utilities operating within that state.

Although a natural gas company can rely on its blanket certificate to undertake an unlimited number of projects, each

project requires separate notification, and an easement acquired through eminent domain applies exclusively to one particular project.

Thus, if a company wishes to install additional facilities or alter the location of approved facilities, it must obtain another easement, either by eminent domain or by negotiation with the landowner. Similarly, if another utility wishes to use an adjacent or overlapping easement, it must obtain an easement for that purpose, either by eminent domain or by negotiation with the landowner.

### ***Rights-of-way***

A right-of-way for a gas pipeline is generally 75 to 100 feet wide during construction, with extra space usually required at road or stream crossings or because of soil conditions. The permanent right-of-way is usually about 50 feet wide. Pipelines are typically placed three feet below ground and must be at least a foot from any underground structure. Companies usually want their pipelines to be 25 feet from another pipeline.

If space permits, pipelines can be located in another utility's right-of-way. Routine mowing or cutting of vegetation along a right-of-way is done no more than once every three years. A 10-foot-wide corridor, centered over the pipeline, may be mowed or cut annually. In cropland and residential areas the right-of-way is maintained by the landowner, consistent with all applicable restrictions. The landowner pays taxes on the right-of-way, unless a local taxing authority grants relief.

### ***Compressor Stations***

The land needed for a compressor station is typically purchased from the

landowner, rather than obtained by an easement through negotiation or the exercise of the right of eminent domain. From 10 to 40 acres, of which about five acres are actually used for construction, may be needed to maintain an adequate buffer for noise.



Compressor station building

### ***Storage Fields***

Storage of natural gas in underground geologic formations of porous rock such as depleted oil or gas reservoirs sealed with impermeable cap rock, or in man-made or natural underground caverns, is a proven reliable means to make natural gas available to meet market demand.

A storage field could encompass many hundreds or even thousands of acres, depending on the geologic structure. Storage fields also frequently include a buffer zone or protection area forming a halo of some hundreds of acres surrounding the storage field itself. The land needed for facilities to operate the field would be acquired in the same manner as for pipelines and compressor stations, using both easements and purchase agreements.

## **A Natural Gas Company's Access to Landowners' Property**

For a blanket certificate project that qualifies for automatic authorization, after the 45-day-landowner-notification

period ends, the company sponsoring the project can proceed with construction as soon as it has obtained an easement and all necessary permits. For a blanket certificate project subject to prior public notice, the company sponsoring the project can proceed with construction as soon as it has obtained an easement and all necessary permits after the 60-day-notice period ends, provided there are no outstanding protests. Unless the Commission specifically orders otherwise, the location, installation, and operation of the natural gas facilities must comply with local, county, and state laws and zoning ordinances.

In general, for a new natural gas pipeline project, the construction process is as follows:

1. After an easement/survey agreement is reached or a court order is obtained, a company may come onto private property to conduct civil and environmental surveys.
2. Prior to a landowner's providing permission or a company obtaining a court order, state or local trespass laws govern a company's access to private property. Some states have laws that allow a company access to land for survey purposes. Procedures vary by state.
3. Once an easement/survey agreement is signed or court order is obtained, the company may come onto your land to construct authorized natural gas facilities. Usually the company will notify you in advance.

These landowner notification procedures may be waived for emergency activities to respond to a sudden, unexpected loss of service, and do not apply if a company needs to take unanticipated action to fulfill certain safety or environmental requirements.

In addition, the landowner notification requirements do not apply to routine maintenance and replacement projects that take place entirely within the existing right-of-way, abandonment by sale or transfer, changes in operational air or noise emissions and activities that affect only a single landowner.

## Construction

Markers identifying the construction right-of-way will be installed to guide a clearing crew. The clearing crew will remove any trees or brush within the right-of-way that could interfere with construction. Temporary erosion control devices will be installed as needed.

Next, the right-of-way will be graded, with topsoil separated from subsoil in agricultural/residential areas (or in other areas requested during the easement negotiations). For installation of a gas pipeline, heavy equipment, such as backhoes or trenching machines, will dig a trench. In areas where bedrock is near the surface, blasting may be required. The pipe will be delivered to the right-of-way in segments.



Lowering pipe in trench

Depending on circumstances, the trench will be dug well within or along the edge of the right-of-way. The pipe will be bent to fit the trench and welded together, with all welds tested prior to placing the pipe in the trench. The trench will be backfilled, and topsoil will be returned. Construction debris will be removed. The right-of-way will be regraded and seeded and erosion control devices installed. After the right-of-way has been revegetated, the temporary erosion control devices will be removed. Prior to gas flowing, the pipeline will be pressure-tested (normally with water) to make sure it does not leak.



Dewatering pipeline trench

For pipelines, trees with roots that may cause damage, and obstructions that prevent observation of the right-of-way from aircraft, are usually not allowed. Driveways and other improvements without foundations are normally allowed. All improvements are subject to the terms of the easement and are subject to negotiation as long as the maintenance and safety of the natural gas facilities are not affected.

For a compressor station, the site is usually owned by the company. If you own property adjacent to the site, you may build on it.

For an underground storage field, a landowner may generally build anywhere on the surface where there are no gas facilities. A company will construct wells to inject and withdraw

stored natural gas and to monitor field conditions. These wells require a surface site of roughly an acre for drilling and less than one tenth of an acre for permanent wellhead piping and other facilities.

If the company will not be installing surface facilities on your property, then it will only need the storage rights to the geologic formation in which the gas is to be stored. This also is the case for any property within any designated “buffer zone” or “protective area” around the actual storage field. If you or someone else wishes to drill wells that would penetrate the storage formation, you must coordinate that activity with the company, and usually the state authority that regulates well drilling.

## Environmental Issues

Before a natural gas company can proceed with a project under blanket certificate authority, it must demonstrate compliance with environmental requirements to ensure the project will not have a significant adverse effect on the quality of the human environment.

For example, endangered species and cultural resources must be protected from the impacts of construction and this could affect the location of the pipeline or other facilities. Similarly, impacts on wetlands should be avoided or minimized. Companies are required to have an environmental inspector file a report with the Commission during each week of construction that describes a project’s adherence to plans and procedures put in place to minimize adverse environmental impacts.

## Abandonment

If a pipeline is abandoned, the Commission will consider whether there are environmental or other conditions that should determine the disposition of the pipeline. If the Commission finds there are no such issues, the easement agreement which you or previous landowners signed may stipulate whether the buried pipeline is to be removed. You may also come to some agreement with the company on what they will do with the pipeline. The Commission typically requires that all abandoned above-ground facilities be removed.

## Safety Issues

While the Commission has oversight responsibility to ensure that natural gas facilities are safely constructed and installed, once the new facilities go into service, the U.S. Department of Transportation (DOT) takes over the responsibility for ensuring the safe operation for the lifetime of the facilities. DOT also is responsible for setting the federal safety standards for natural gas facilities as well as other types of energy facilities.

Natural gas is odorless. An odorant, which smells like rotten eggs, is generally added for quick leak detection in more populated areas on interstate transmission pipelines and in local distribution pipelines in accordance with DOT safety regulations. Accidents are rare and usually result from outside forces or unauthorized action by someone other than the natural gas company. DOT enforces strict safety standards and requires safety checks.

The Office of Pipeline Safety at DOT can be contacted at 202-366-4595 or at <http://primis.phmsa.dot.gov/comm>.

## Additional Information

### Federal Energy Regulatory Commission

#### Office of External Affairs

888 First Street NE  
Washington, DC 20426

Local: 202-502-6088

Toll Free: 1-866-208-3372

TTY: 202-502-8659

Email: [customer@ferc.gov](mailto:customer@ferc.gov)

Web: [www.ferc.gov](http://www.ferc.gov)

#### Dispute Resolution Service Helpline

Toll Free: 1-877-337-2237

Email: [ferc.adr@ferc.gov](mailto:ferc.adr@ferc.gov)

**The Office of Pipeline Safety at  
DOT**

**202-366-4595**

<http://primis.phmsa.dot.gov/comm>

## Related FERC Documents

(available via the Commission's website at [www.ferc.gov](http://www.ferc.gov))

- [Guidance Manual for Environmental Report Preparation](#) [PDF]
- [Guidelines for Reporting On Cultural Resources Investigations](#) [PDF]
- [Upland Erosion Control, Revegetation and Maintenance Plan](#) [PDF]
- [Wetland and Waterbody Construction and Mitigation Procedures](#) [PDF]
- [Your Guide to Electronic Information at FERC](#) [PDF]
- [An Interstate Natural Gas Facility on my Land?](#) [PDF]
- [A Guide to LNG \(Liquefied Natural Gas\) - What All Citizens Should Know](#) [PDF]

## **Glossary of Terms**

*(the following is a selection from a more extensive glossary available from the DOT, Office of Pipeline Safety at <http://primis.phmsa.dot.gov/comm/Index.htm>)*

### **Compressor Stations**

Compressor Stations are facilities located along a natural gas pipeline that house and protect compressors. Compressors are used to compress (or pump) the gas to move it through the system. Compressor stations are strategically placed along the pipeline to boost the system pressure to maintain required flow rates.

### **Easement**

An easement is an acquired privilege or right, such as a right-of-way, afforded a person or company to make limited use of another person's or company's real property. For example, the municipal water company may have an easement across your property for the purpose of installing and maintaining a water line. Similarly, natural gas pipeline companies acquire easements from property owners to establish rights-of-way for construction and operation of their pipelines.

### **Lateral**

A lateral is a segment of a pipeline that branches off of the main or transmission line to transport the product to a termination point, such as a tank farm or a metering station.

### **Launcher**

A launcher is a pipeline component that is used for inserting an inline inspection tool, cleaning pig, or other device into a pressurized pipeline. After performing its task, the tool or pig is removed via receiver.

### **Loop**

A loop is a segment of pipeline installed adjacent to an existing pipeline and connected to it at both ends. A loop allows more gas to be moved through the system.

### **Metering and Regulating (M&R) Stations**

Metering and regulating stations are installations containing equipment to measure the amount of gas entering or leaving a pipeline system and, sometimes, to regulate gas pressure.

**Pig**

A pig, also known as a “smart” pig, is a generic term signifying any independent, self-contained device, tool, or vehicle that is inserted into and moves through the interior of a pipeline for inspecting, dimensioning, or cleaning. These tools are commonly referred to as 'pigs' because of the occasional squealing noises that can be heard as they travel through the pipe.

**Receiver**

A pipeline component used for removing an inline inspection tool, cleaning pig, or other device from a pressurized pipeline. The device is inserted into the pipeline via a launcher.

**Right-of-Way (ROW)**

A right-of-way is a defined strip of land on which an operator has the rights to construct, operate, and/or maintain a pipeline. A ROW may be owned outright by the operator or an easement may be acquired for specific use of the ROW.

**Trench**

A trench is a long narrow ditch dug into the ground and embanked with its own soil and used for concealment and protection of line pipe. Trenches are usually dug by a backhoe or by a specialized digging machine.

**Valve**

A valve is a mechanical device installed in a pipeline and used to control the flow of gas or liquid.