

18 CFR 380.1, 3, 5, 7

[§ 380.1 Purpose.](#)

The regulations in this part implement the Federal Energy Regulatory Commission's procedures under the National Environmental Policy Act of 1969 (NEPA). These regulations supplement the regulations of the Council on Environmental Quality, [40 CFR parts 1500](#) through [1508](#). The Commission will comply with the regulations of the Council on Environmental Quality except where those regulations are inconsistent with the statutory requirements of the Commission.

[Order 486, [52 FR 47910](#), Dec. 17, 1987, as amended by Order 756, [77 FR 4895](#), Feb. 1, 2012]

[§ 380.3 Environmental information to be supplied by an applicant.](#)

(a) An applicant must submit information as follows:

(1) For any proposed action identified in [§§ 380.5](#) and [380.6](#), an environmental report with the proposal as prescribed in [paragraph \(c\)](#) of this section.

(2) For any proposal not identified in [paragraph \(a\)\(1\)](#) of this section, any environmental information that the Commission may determine is necessary for compliance with these regulations, the regulations of the Council, NEPA and other Federal laws such as the Endangered Species Act, the National Historic Preservation Act or the Coastal Zone Management Act.

(b) An applicant must also:

(1) Provide all necessary or relevant information to the Commission;

(2) Conduct any studies that the Commission staff considers necessary or relevant to determine the impact of the proposal on the human environment and natural resources;

(3) Consult with appropriate Federal, regional, State, and local agencies during the planning stages of the proposed action to ensure that all potential environmental impacts are identified. (The specific requirements for consultation on hydropower projects are contained in [§ 4.38](#) and § 16.8 of this chapter and in section 4(a) of the Electric Consumers Protection Act, Pub. L. No. 99-495, 100 Stat. 1243, 1246 (1986));

(4) Submit applications for all Federal and State approvals as early as possible in the planning process; and

(5) Notify the Commission staff of all other Federal actions required for completion of the proposed action so that the staff may coordinate with other interested Federal agencies.

(c) ***Content of an applicant's environmental report for specific proposals -***

(1) ***Hydropower projects.*** The information required for specific project applications under [part 4](#) or [16 of this chapter](#).

(2) **Natural gas projects.**

(i) For any application filed under the Natural Gas Act for any proposed action identified in [§§ 380.5](#) or [380.6](#), except for prior notice filings under [§ 157.208](#), as described in [§ 380.5\(b\)](#), the information identified in [§ 380.12](#) and [Appendix A of this part](#).

(ii) For prior notice filings under [§ 157.208](#), the report described by [§ 157.208\(c\)\(11\) of this chapter](#).

(3) **Electric transmission project.** For pre-filing requests and applications filed under section 216 of the Federal Power Act identified in [§§ 380.5\(b\)\(14\)](#) and [380.6\(a\)\(5\)](#).

[Order 486, [52 FR 47910](#), Dec. 17, 1987, as amended by Order 533, [56 FR 23155](#), May 20, 1991; Order 603, [64 FR 26611](#), May 14, 1999; Order 689, [71 FR 69470](#), Dec. 1, 2006; Order 756, [77 FR 4895](#), Feb. 1, 2012]

[§ 380.5 Actions that require an environmental assessment.](#)

(a) An environmental assessment will normally be prepared first for the actions identified in this section. Depending on the outcome of the environmental assessment, the Commission may or may not prepare an environmental impact statement. However, depending on the location or scope of the proposed action, or the resources affected, the Commission may in specific circumstances proceed directly to prepare an environmental impact statement.

(b) The projects subject to an environmental assessment are as follows:

(1) Except as identified in [§§ 380.4](#), [380.6](#) and [2.55 of this chapter](#), authorization for the site of new gas import/export facilities under DOE Delegation No. 0204-112 and authorization under section 7 of the Natural Gas Act for the construction, replacement, or abandonment of compression, processing, or interconnecting facilities, onshore and offshore pipelines, metering facilities, LNG peak-shaving facilities, or other facilities necessary for the sale, exchange, storage, or transportation of natural gas;

(2) Prior notice filings under [§ 157.208 of this chapter](#) for the rearrangement of any facility specified in [§§ 157.202 \(b\)\(3\)](#) and [\(6\) of this chapter](#) or the acquisition, construction, or operation of any eligible facility as specified in [§§ 157.202 \(b\)\(2\)](#) and [\(3\) of this chapter](#);

(3) Abandonment or reduction of natural gas service under section 7 of the Natural Gas Act unless excluded under [§ 380.4 \(a\)\(21\)](#), [\(28\)](#) or [\(29\)](#);

(4) Except as identified in [§ 380.6](#), conversion of existing depleted oil or natural gas fields to underground storage fields under section 7 of the Natural Gas Act.

(5) New natural gas curtailment plans, or any amendment to an existing curtailment plan under section 4 of the Natural Gas Act and sections 401 through 404 of the Natural Gas Policy Act of 1978 that has a major effect on an entire pipeline system;

(6) Licenses under Part I of the Federal Power Act and [part 4 of this chapter](#) for construction of any water power project - existing dam;

- (7) Exemptions under section 405 of the Public Utility Regulatory Policies Act of 1978, as amended, and [§§ 4.30\(b\)\(31\)](#) and [4.101-4.108 of this chapter](#) for small hydroelectric power projects of 10 MW or less;
- (8) Licenses for additional project works at licensed projects under Part I of the Federal Power Act whether or not these are styled license amendments or original licenses;
- (9) Licenses under Part I of the Federal Power Act and [part 4 of this chapter](#) for transmission lines only;
- (10) Applications for new licenses under section 15 of the Federal Power Act;
- (11) Approval of electric interconnections and wheeling under section 202(b), 210, 211, and 212 of the Federal Power Act, unless excluded under [§ 380.4\(a\)\(17\)](#);
- (12) Regulations or proposals for legislation not included under [§ 380.4\(a\)\(2\)](#);
- (13) Surrender of water power licenses and exemptions where project works exist or ground disturbing activity has occurred and amendments to water power licenses and exemptions that require ground disturbing activity or changes to project works or operations; and
- (14) Except as identified in [§ 380.6](#), authorization to site new electric transmission facilities under section 216 of the Federal Power Act and DOE Delegation Order No. 00-004.00A.

[Order 486, [52 FR 47910](#), Dec. 17, 1987; Order 486, [53 FR 4817](#), Feb. 17, 1988, as amended by [53 FR 8177](#), Mar. 14, 1988; Order 486-B, [53 FR 26437](#), July 13, 1988; Order 689, [71 FR 69470](#), Dec. 1, 2006; Order 756, [77 FR 4895](#), Feb. 1, 2012; Order 800, [79 FR 59112](#), Oct. 1, 2014]

[§ 380.7 Format of an environmental impact statement.](#)

In addition to the requirements for an environmental impact statement prescribed in [40 CFR 1502.10](#) of the regulations of the Council, an environmental impact statement prepared by the Commission will include a section on the literature cited in the environmental impact statement and a staff conclusion section. The staff conclusion section will include summaries of:

- (a) The significant environmental impacts of the proposed action;
- (b) Any alternative to the proposed action that would have a less severe environmental impact or impacts and the action preferred by the staff;
- (c) Any mitigation measures proposed by the applicant, as well as additional mitigation measures that might be more effective;
- (d) Any significant environmental impacts of the proposed action that cannot be mitigated; and
- (e) References to any pending, completed, or recommended studies that might provide baseline data or additional data on the proposed action.