The Challenge of Energy Project Permitting for State Wetland Programs - State permit review of energy development projects is a complex and time-consuming task, one that challenges most state wetland programs. Effectively participating in the permit planning and review process relies on state wetland program staff understanding how the energy permitting process works, what controls they have the ability to assert, and when in the process to do so. When state staff are not trained and experienced in how to review energy project development permits, wetlands are at risk of inadequate protection from both permanent and temporary impacts.

State wetland permit reviewers are faced with a steep learning curve when they first work on energy project permit applications. Permit applications may have upwards of 2,000 pages of technical information and include the need to assess a variety of issues that are outside of normal §404 permit/§401 certification review process, considerations, and timelines particularly for federal permits issued by FERC and DOE. Additionally, the multiple impacts of these projects require extensive inter-agency coordination at the state level. Add to these challenges staff turnover and limited resources. In addition, permit applicants familiar with FERC and DOE processes may not have experience working in states with state authority to regulate activities in wetlands. While training and information is available on the permitting process; it has generally been designed for permit applicants and not state agencies tasked with reviewing permits for compliance with state statutes and regulations.

Improving State Permitting through Training and Access to Resources – To fill these gaps, ASWM is working in collaboration with states, energy permitting/licensing agencies and a variety of stakeholders to explore a critical gap that exists for state permit reviewers around how to effectively engage in this review, comment and conditioning processes which differ from one federal agency to another. Specific activities include:

- Coordination of a national workgroup to address energy project permitting issues
- Completion of a needs assessment regarding common barriers, concerns, needs and opportunities
- Development of a white paper on cumulative impact considerations for pipeline permit reviewers
- Creation of resources on language and terminology to improve communications between various pipeline development/permitting parties
- Development of template process maps for federal and state natural gas pipeline permitting
- Identification of best practices for pipeline planning and construction to inform permit review and conditioning, as well as administrative processes for more effectively/efficiently reviewing applications
- Development of checklists and other resources to assist state regulators work more effectively with consultants that are assisting energy companies with permit planning and applications
- Training webinars on energy project permitting for state wetland staff and other professionals working on state wetland issues
- A dedicated webpage providing a clearinghouse of information for state wetland programs on energy permitting issue and resources

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