

**UNITED STATES DEPARTMENT OF THE INTERIOR  
MINERALS MANAGEMENT SERVICE  
GULF OF MEXICO OCS REGION**

NTL No. 2002-G15

Effective Date: December 20, 2002

NOTICE TO PIPELINE RIGHT-OF-WAY HOLDERS  
IN THE OUTER CONTINENTAL SHELF, GULF OF MEXICO OCS REGION

**Coastal Zone Management Program Requirements for OCS ROW Pipeline Applications**

This Notice to Pipeline Right-of-way (ROW) Holders (NTL) is issued pursuant to 30 CFR 250.101(a) and 30 CFR 250.103 and in accordance with 15 CFR 930.53(d) to provide notice and assistance regarding your compliance with the Coastal Zone Management Act (CZMA) Federal Consistency Regulations when submitting OCS ROW pipeline applications to the Minerals Management Service (MMS) Gulf of Mexico OCS Region (GOMR).

**Background**

Subpart D of 15 CFR 930 sets forth specific requirements concerning the implementation of Federal consistency provisions of the CZMA for activities requiring Federal licenses and permits and delineates the responsibilities of applicants, MMS, and affected States. 15 CFR 930.53(d) provides that no Federal license or permit described on an approved list shall be issued by a Federal agency until the requirements of Subpart D of 15 CFR 930 have been satisfied. Federal agencies must inform applicants for listed licenses or permits of these requirements.

The provisions of Subpart D of 15 CFR 930 are intended to ensure that any required Federal license or permit activity affecting any coastal use or resource is conducted in a manner consistent with approved coastal zone management programs (CZMP). The term "Federal license or permit" means any required authorization, certification, approval, lease, or other form of permission which any Federal agency is empowered to issue to an applicant and includes renewals and major amendments which affect any coastal use or resource (see 15 CFR 930.51).

The States of Texas, Louisiana, Mississippi, Alabama, and Florida (Gulf States) have approved CZMP's. 15 CFR 930.53(a) requires all State agencies to develop a list of Federal license or permit activities which affect any coastal use or resource, including reasonably foreseeable effects outside of its coastal zone, and which the State agency wishes to review for consistency with its CZMP. This list must be included as part of the each State's CZMP, and the Federal license or permit activities must be described in terms of the specific licenses or permits involved.

All of the Gulf States have identified OCS ROW pipeline applications as a "listed" activity

requiring consistency review. Therefore, the MMS GOMR will not approve ROW pipeline applications received after the effective date of this NTL until each affected State has (1) given a general concurrence for the activities (see 15 CFR 930.53(b)), or (2) concurred with the consistency certification accompanying the application, or (3) been conclusively presumed to concur with the certification accompanying the application.

The following procedures apply only to this “listed” activity. Please refer to 15 CFR 930.54 for requirements for monitoring “unlisted” Federal license or permit activities.

## **Procedures**

### **A. Preliminary State Agency Guidance**

15 CFR 930.56 encourages you to consult with the appropriate State agency on the necessary data and information (see 15 CFR 930.58) that each State agency requires you to submit with your ROW pipeline permit application and for other assistance. Such consultation may serve to expedite the State’s coastal zone consistency determination. As part of its assistance efforts, the State agency must make copies of its CZMP document available to you and identify any enforceable policies applicable to the proposed activity.

### **B. Submitting OCS ROW Pipeline Applications and Consistency Certifications**

At the same time you submit a new ROW pipeline application, or an application to modify an approved ROW pipeline that involves new construction (the addition of 1.5 miles or more of new pipe), to the MMS GOMR, provide each affected Gulf State (unless the application has been granted a general concurrence) with (1) a copy of the pipeline application, (2) a consistency certification (see 15 CFR 930.57), and (3) all necessary data and information (see 15 CFR 930.58). Pursuant to 43 CFR 2.13(c)(9), the MMS GOMR has determined that none of the information included in a ROW pipeline application is considered proprietary. Therefore, do not exclude any information in the copy of the application you submit to the affected State. See Appendix A of this NTL for information on determining affected States, filing fees, and a list of Gulf State agencies responsible for making CZM consistency determinations. See Appendix B of this NTL for a suggested format for your consistency certifications.

In each copy of a new ROW pipeline application, or an application to modify an approved ROW pipeline that involves new construction, that you submit to the MMS GOMR and that has not been granted a general concurrence, include (1) a copy of your consistency certification and (2) evidence that you have sent the information listed in the preceding paragraph to each affected State. You do not need to include the necessary data and information required by 15 CFR 930.58 in the copy of your application that you send to the MMS GOMR.

### C. State Agency Review

State agency review begins when the State agency receives a copy of your ROW pipeline application or application to modify an approved pipeline that involves new construction, the consistency certification, and the necessary data and information required pursuant to 15 CFR 930.58. Therefore, you should send this information to the State agency by certified mail and provide the original delivery receipt with your pipeline application or as a subsequent amendment to your application to verify the date the State received it. The affected State will determine if it has all the information it needs to begin review and has 30 days from the date of receipt to determine completeness (see 15 CFR 930.60(a)(1)). If you do not submit the consistency certification or all of the necessary data and information, the State must notify you and MMS of any deficiencies and whether the consistency review has commenced. If an affected State has not issued its decision within 3 months after the beginning of its consistency review, it must notify you and the MMS of the status of its review and the basis for any further delay (see 15 CFR 930.62(b)).

State agency concurrence or objection must be received on or before the last day of the six-month review period (15 CFR 930.62(a)), and any objection must be based upon enforceable policies of the affected State's CZMP. Concurrence by a State agency is conclusively presumed if the State agency's response is not received within six months following commencement of its review.

### D. Approval of OCS ROW Pipeline Applications by the MMS

If the State agency issues a concurrence or is conclusively presumed to concur with your consistency certification, the MMS GOMR may approve the ROW pipeline application. However, even though a State agency concurs with a consistency certification, the MMS GOMR will not approve the application if it does not comply with MMS regulatory requirements.

If the State agency objects to your consistency certification, the MMS GOMR cannot approve the ROW pipeline application. In this event, you can amend or resubmit your application, adopt an alternative suggested by the State agency, abandon the project, or appeal the State agency objection to the Secretary of Commerce under 15 CFR 930, Subpart H.

## **Role of the MMS**

The purpose of this NTL is to inform you of the requirements of the CZMA regulations at 15 CFR 930, Subpart D, and to facilitate your compliance with these regulations as they pertain to OCS ROW pipelines. However, in issuing this NTL, the MMS is not making a legal determination as to which States are affected States or on any other issue regarding CZMA compliance. The MMS in no way guarantees that your adherence to the guidance in this NTL will ensure your compliance with the CZMA. Therefore, we advise you to consult the complete

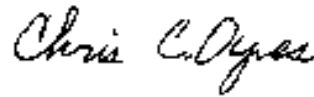
text of the CZMA and implementing regulations and confer with the affected States to ensure your compliance with CZMA consistency requirements.

### **Paperwork Reduction Act of 1995 (PRA) Statement**

This NTL provides clarification, description, or interpretation of requirements in MMS regulations at 30 CFR 250, Subpart J. The Office of Management and Budget (OMB) has approved the information collection requirements in those regulations and assigned OMB control number 1010-0050. It is noted that this NTL also refers to the collection of information by coastal States under their Coastal Zone Management Programs, subject to the Department of Commerce regulations (15 CFR 930, et seq.). The information collection by individual States and their agencies is not subject to compliance with the PRA and approval by the OMB. This NTL does not impose additional information collection requirements subject to the PRA.

### **Contact**

If you have any questions regarding the CZM guidance in this NTL, please contact Mr. Robert L. Sebastian at (504) 736-2761. If you have questions about a specific ROW pipeline application, please contact Mr. Alex Alvarado at (504) 736-2547.



Chris C. Oynes  
Regional Director

Appendices

## Appendix A

### GUIDANCE ON DETERMINING AFFECTED STATES APPLICATION FEES LIST OF STATE AGENCIES

Provide a coastal zone consistency certification (15 CFR 930.57) to each affected State and the MMS GOMR, and provide necessary data and information (15 CFR 930.58) to each affected State for the ROW pipeline applications that meet the criteria below.

1. The State of Texas is an affected State if the proposed ROW pipeline enters into Texas State waters or if any support facilities will be located in the State.
2. The State of Louisiana is an affected State if the proposed ROW pipeline is adjacent to the State of Louisiana or if any support facilities will be located in the State.
3. The State of Mississippi is an affected State if the proposed ROW pipeline is adjacent to the State of Mississippi or if any support facilities will be located in the State.
4. The State of Alabama is an affected State if the proposed ROW pipeline intersects one or more of the OCS blocks listed in Attachment No. 2 to this Appendix, or if any support facilities will be located in the State.
5. The State of Florida is an affected State if the proposed ROW pipeline is in the Eastern Planning Area of the Gulf of Mexico or if any support facilities will be located in the State.

A proposed ROW pipeline is adjacent to a State if the pipeline would be within the area of the State if its boundaries were extended seaward to the outer margin of the OCS.

#### Application Fees

Some Gulf States require a fee in order to process your consistency certification. See Attachment No. 2 to this Appendix for a list of State CZM Agency contacts.

Information on fees required by the State of Louisiana can be found on the Internet at [http://www.legis.state.la.us/tsrs/RS/49/RS\\_49\\_214\\_32.htm](http://www.legis.state.la.us/tsrs/RS/49/RS_49_214_32.htm).

Information on fees required by the State of Alabama can be found in Schedule B on the Internet website at <http://www.adem.state.al.us/Regulations/Div1/D1Chapter%206.doc>

**Attachment No. 1 to Appendix A****OCS Blocks for Which the State of Alabama is an Affected State****Central Planning Area**

**Mobile Blocks** 765-767, 778-779, 809-824, 826-830, 853-874, 897-918, 942-962, 987-1006

**Viosca Knoll Blocks** 20-38, 65-82, 109-126, 154-170, 201-214, 246-258, 292-302, 338-346, 383-390, 427-434, 473-478, 518-522, 564-566, 609-610, 654, 692-698, 734-742, 772-786, 813-830, 856-874, 898-918, 940-962, 983-1006

**Main Pass Area Blocks** 6-7, 17-20, 27-30, 37-44, 55-65, 68-74, 77-78, 86-153

**South Pass Area Blocks** 6, 17-19, 32, 59-61

**South Pass Area, South and East Addition Blocks** 62-73

**Main Pass Area, South and East Addition Blocks** 154-316

**Mississippi Canyon Blocks** 20-41, 64-85, 110-129, 155-173, 201-217, 251-261

**Chandeleur Area Blocks** 1, 3-5, 8-34

**Chandeleur Area, East Addition Blocks** 35-44

**Breton Sound Area Blocks** 24-25, 39-44, 53-56

**Eastern Planning Area**

**Destin Dome Blocks** 1-36, 45-80, 89-124, 133-167, 177-211, 221-255, 265-298, 309-342, 353-385, 397-429, 441-472, 485-515, 529-559, 573-602, 617-646, 661-689, 705-733, 749-776, 793-819, 837-862, 881-905, 925-947, 969-990

**De Soto Canyon Blocks** 1-23, 45-66, 89-107, 133-148, 177-189, 221-228

**Pensacola Blocks** 727-728, 751-754, 764-778, 793-798, 801-825, 837-872, 881-917, 925-961, 969-1005

## **Attachment No. 2 to Appendix A**

### **List of State Agencies and Contacts**

#### Texas

Secretary  
Coastal Management Program  
Texas General Land Office  
P. O. Box 12873  
Austin, Texas 78711-2873

#### Louisiana

Mr. Gregory DuCote, Coastal Resources Program Manager  
Coastal Management Division,  
Department of Natural Resources  
P. O. Box 44487  
Baton Rouge, Louisiana 70804-4487

#### Mississippi

Mr. Mike Walker, Staff Officer  
Coastal Ecology Office  
Mississippi Department of Marine Resources  
1141 Bayview Avenue, Suite 101  
Biloxi, Mississippi 39530

#### Alabama

Mr. Phillip Hinesley, Chief,  
Alabama Department of Conservation and Natural Resources  
State Lands Division  
Coastal Section  
23210 U.S. Highway 98-Suite B1  
Fairhope, Alabama 36532

#### Additional copy to:

Mr. Brad Gane  
Chief, Coastal Programs  
Alabama Department of Environmental Management  
4171 Commanders Drive  
Mobile, Alabama 36615

#### Florida

Ms. Lynn Griffin, Coastal Program Administrator  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard, Mail Station 47  
Tallahassee, Florida 32399-3000

**Appendix B**

**COASTAL ZONE MANAGEMENT PROGRAM  
CONSISTENCY CERTIFICATION FORMAT**

Consistency certification format for all right-of-way pipeline applications that affect the States of Texas, Louisiana, Mississippi, Alabama, and Florida.

**COASTAL ZONE MANAGEMENT PROGRAM  
CONSISTENCY CERTIFICATION**

\_\_\_\_\_  
From (Area and Block)

\_\_\_\_\_  
To (Area and Block)

\_\_\_\_\_  
Length (miles)

The proposed activities described in detail in this right-of-way pipeline application comply with the enforceable policies of [*Name of State(s)*] approved Coastal Management Program(s) and will be conducted in a manner consistent with such Program(s).

\_\_\_\_\_  
Right-of-way Applicant

\_\_\_\_\_  
Certifying Official

\_\_\_\_\_  
Date