

**Comments of the Natural Resources Defense Council (NRDC), The Wilderness Society,
National Audubon Society and Defenders of Wildlife on the
U.S. Department of Energy Request for Information
Improving Performance of Federal Permitting and
Review of Infrastructure Projects
Integrated Interagency Pre-application Process (IIP)
For Significant Onshore Transmission Projects Requiring Federal Authorization
October 30, 2013**

Submitted by:
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I. Introduction and Summary:

The Natural Resources Defense Council (NRDC) and the organizations identified below appreciate the opportunity to offer these comments on the *U.S. Department of Energy Request for Information Integrated Interagency Pre-application Process (IIP)*. The Natural Resources Defense Council (NRDC) is a national non-profit organization of lawyers, scientists and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC serves more than a million members, supporters, and environmental activists with offices in New York, Washington, D.C, Los Angeles, San Francisco, Chicago and Beijing. The Wilderness Society's mission is to protect wilderness and inspire Americans to care for our wild places. On behalf of our over 500,000 members and supporters we contribute to better protection, stewardship and restoration of our public lands, preserving our rich natural legacy for current and future generations. National Audubon Society is a national non-profit organization with a mission is to conserve and restore natural ecosystems for the benefit of humanity and nature. Guided by science, Audubon pursues policies that balance clean energy development with the protection of habitat, recognizing that future ecosystem health will be challenged by climate change and, hence, the energy choices our nation makes today. Audubon's energy focus includes policies to advance the deployment of renewable and demand-reducing energy solutions; this includes transmission planning policies at the federal and regional levels. Defenders of Wildlife is dedicated to the protection of all native animals and plants in their natural communities. With more than 1 million members and activists, Defenders of Wildlife is a

leading advocate for innovative solutions to safeguard our wildlife heritage for generations to come.

Our organizations are supportive of a well-structured pre-application process could significantly improve the efficiency and effectiveness of permitting needed new transmission infrastructure to facilitate renewable energy, in particular. Critical to the success of this effort is ensuring early consideration of the full range of federal agencies' stewardship obligations including especially significant natural and cultural resources. Equally important is early identification of the interests of local communities and other affected interests. With this information, the project proponent, through interaction with the federal and state agencies and other stakeholders, can modify a proposal to avoid significant conflicts wherever possible, and begin to consider approaches to minimizing and mitigating unavoidable impacts.

II Comments

Our organizations' comments on the following key points, priorities and recommendations follow:

- Our organizations strongly support federal efforts to improve the efficiency, environmental effectiveness and predictability of transmission siting, permitting and review processes that benefit increased penetration of renewable energy resources into the nation's electricity system and that expedite the review and resolution of ecological and cultural impacts.
- Our organizations believe that an integrated pre-application process can be an effective tool in accomplishing the above goal as it encourages the early input from key stakeholders in transmission planning and project design and facilitates a coordinated involvement of federal agencies and their state and county counterparts that ultimately may have a regulatory responsibility in approving such transmission lines.
- IIP should consider the full suite of concerns associated with developing new interstate lines for lines not approved through an RTO or other regional transmission planning entity, including explaining the need for additional transmission capacity and identifying

Comments of the Natural Resources Defense Council, The Wilderness Society, the National Audubon Society and Defenders of Wildlife on the Proposed IIP Process

non-transmission alternatives that have been considered, and the extent to which the proposed line facilitates new renewable energy development consistent with the President's Climate Action Plan.

- As this is proposed as a voluntary approach, the IIP should explicitly state the benefits to a project proponent from electing to participate. The success of the IIP approach hinges on discernible benefits to all parties from participation. We are confident the reduced conflict and subsequent delay, enhanced agency understanding of the project proposal, and other benefits are real but the IIP does not make this case explicitly and must do so.
 - **Recommendation:** The IIP should explicitly state the advantages conferred by the process and the commitments federal agencies make to coordinating with the proponents and stakeholders to achieve a satisfactory result.
- Support IIP as outside of, and not supplanting, the NEPA process but will inform, and hopefully expedite, review.
- Our organizations recommend that the role of non-governmental stakeholders needs to be clarified further in the IIP. Stakeholder coordination was essential for the positive outcome accomplished with regard to California solar project siting, specifically the permitting of approximately 4000 Mw of solar capacity in around nine months in 2010. The participation of the environmental community was essential to this expedited outcome. Environmental NGOs worked closely with both regulators and developers to avoid sensitive resources, minimize conflicts and improve project designs to reduce environmental impacts and identify meaningful mitigation options. Another good example which is analogous to the IIP was the work of the MSTI Review Project which showed the extent to which NGOs, local and state governments could cooperate on evaluating and collaboratively recommending transmission siting choices more acceptable – and therefore more easily developable – to the affected interests and communities. However, the IIP guidance only stipulates that “non-federal entities will be invited to attend each of the IIP Process meetings...”. The efficacy of the IIP rests heavily on the meaningful participation of interested non-federal parties, both governmental and non-governmental. This should be spelled out in the IIP guidance.
 - **Recommendation:** Clarify that NGOs would be included as key stakeholders in IIP meetings, perhaps utilizing the classes described below and established by

Comments of the Natural Resources Defense Council, The Wilderness Society, the National Audubon Society and Defenders of Wildlife on the Proposed IIP Process

WECC for the RTEP project to limit the overall size of the meetings to a manageable level. Our organizations understand that feedback from NGOs is advisory to government entities and proponents, and should not trigger FACA requirements.

- Classes of stakeholders could include:
 - Tribal officials from affected states
 - Technology advocates (wind, solar, geothermal, etc.)
 - Consumer advocate
 - NGO technology advocate
 - Utility
 - Cultural resources advocate
 - Wildlife advocate
 - Land protection advocate
 - Transmission owner
 - Merchant transmission developer
 - Stakeholders should represent a class of interests and be responsible for outreach to that class, either directly, or as is proposed in the IIP, via a Public Outreach plan or hopefully both.
- Furthermore, state wildlife and natural resource agencies should, by definition, be included as Non-federal participants in all IIP projects which involve non-federal lands. These state agencies should have access to IIP materials early in the process and should be asked to participate early and often in IIP review meetings and communications.
 - **Recommendation:** Include state agencies as in IIP meetings and review communications from the earliest stages of the IIP process
- Our organizations believe the IIP as currently proposed appears to be more burdensome than its mission intends. This is a voluntary process the use of which should be encouraged. In particular the timelines as proposed seem overly lengthy and some compression of the timeline should be considered. Developer participation in the process assumes that the participation will ease and shorten the permitting process. Every effort

Comments of the Natural Resources Defense Council, The Wilderness Society, the National Audubon Society and Defenders of Wildlife on the Proposed IIP Process

should be made to avoid unnecessarily extending the timeframe of the IPP prior to the initiation of the formal NEPA process.

- **Recommendation:** Reduce federal review and the number of meetings to be held to encourage greater flexibility between developers and other stakeholders.
- Our organizations strongly support the requirement that federal agencies participate in an IIP for a qualifying project for which DOE has accepted an Initiation Request. At a minimum, agencies must participate in the initial and final meetings. Attendance at other meetings should also be required, particularly if a request is made from stakeholders. Specific agency expertise may be needed to answer questions and help guide participants to a mutually agreeable solution. Similarly, robust state agency participation throughout the review process should be encouraged. Invitation of the state agencies should be required and should be the responsibility of the lead federal agency, not the project applicant.
 - **Recommendation:** Require agency participation at interim meetings if a request is made by the proponent or stakeholders
 - **Recommendation:** Acknowledging tight budgets, cost recovery agreements should be mandatory for proponents electing to utilize the IIP.
- Our organization supports the leadership roles described for the Chief Performance officer and Chair of the Council on Environmental Quality. We believe that strong leadership and accountability will be needed to ensure that agencies cooperate fully with each other and that commitments made for the IIP process are fulfilled in a timely manner. Recent experience has shown that strong executive leadership can result in well-coordinated outcomes that meet the joint goals of expanding renewable energy and avoiding sensitive natural and other resources. .
 - **Recommendation:** The IIP should encourage non-federal governmental entities: State, Tribal, County and where necessary local to identify point people charged with ensuring the timely and coordinated participation of their delegated agencies so that delays related to sequential or unnecessarily duplicative reviews and participation can be avoided.

Comments of the Natural Resources Defense Council, The Wilderness Society, the National Audubon Society and Defenders of Wildlife on the Proposed IIP Process

- Support early discussion of potential impacts to sensitive resources known to be located along the proposed study corridors, and discussion of ways to avoid and minimize impacts wherever possible, and mitigate at a regional level where it is not.
 - **Recommendation:** The IIP should also require proponent to identify where it is proposing to utilize a designated West-wide Energy Corridor segment flagged as a Corridor of Concern in the settlement agreement entered into by the federal government.
- Our organizations believe that, while not a formal part of the NEPA process lessons learned and information obtained from the IIP will have significant value to the NEPA scoping process. In order to make the process compatible with and less burdensome for IIP participants we believe that comments offered as a part of the IIP should be accepted as written as part of NEPA scoping to prevent duplicative requirements on IIP participants.
 - **Recommendation:** Allow comments made by IIP participants – if they so request – to be accepted as scoping comments under NEPA to the extent permissible under the Federal Advisory Committee Act and other relevant authorities.
- Support the proposed process for selecting the lead federal agency, but provide guidance that the timing of such decision should be done as soon as is practicable.
 - **Recommendation:** Establish the lead NEPA agency following the corridor routing meeting or at an equivalent point in the process if the meeting number is reduced.
- Our organizations believe that tribal coordination is a critical part of transmission development especially in the West. While a formal plan may be most needed when tribal lands may be crossed by transmission lines, there is a strong probability that cultural resource protection and consultation will be necessary along rights of way not located on tribal lands. Thus, tribal entities need to be key stakeholders, as identified above, and coordination plans for tribal entities will likely be needed regardless of whether tribal lands are likely to be directly crossed.
 - **Recommendation:** regardless of whether tribal lands are directly crossed by transmission alternatives, in consultation with tribal entities, tribal coordination plans should be initiated for all IIP projects. Tribal leaders should be included in

Comments of the Natural Resources Defense Council, The Wilderness Society, the National Audubon Society and Defenders of Wildlife on the Proposed IIP Process

the key stakeholder role throughout the process, while coordination and general consultation should include regular tribal members as well as tribal officers.

- The third party EIS contractor will be a major element on NEPA success. Therefore selecting a contractor during the IIP process will be important for the NEPA process and ensure that lessons learned in the IIP process are understood and taken advantage of in NEPA review.
 - **Recommendation:** select third party NEPA contractor prior to the final IIP meeting. Require contractor to observe and coordinate with agency staff from the IIP in incorporating lessons learned into NEPA review.

Our organizations are grateful for the opportunity to submit these comments. For further information or clarification on these comments and recommendations please contact:

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