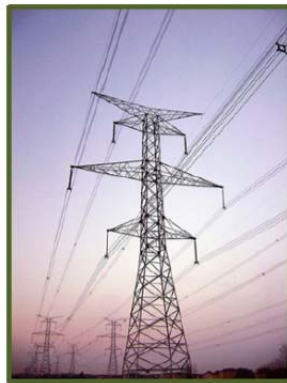


REPORT TO WESTERN GOVERNORS' ASSOCIATION STATE TRANSMISSION SITING PROCESSES



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A. Introduction

There is an increasing need for new transmission infrastructure in the West to support growing energy production and demand. In particular, renewable energy development, often generated large distances from demand centers, necessitates transmission construction or upgrading. The multitude of permitting and siting requirements across agencies and regulatory levels can greatly extend transmission project timelines. Understanding and streamlining both permitting and siting requirements will be critical to supporting the changing energy landscape in the West.

The primary purpose of this report is to review the state and local siting and permitting processes for transmission lines in the American West. Because implementation of federal permitting requirements can have implications for state permits, this report also summarizes major federal requirements, including a brief overview of the National Environmental Policy Act (NEPA) since the process followed by federal Lead Agencies in implementing this law directly impacts state permitting processes.

This report highlights critical scheduling steps and challenges that may affect transmission project approval or construction. These steps and challenges are considered first at the federal level, then at the state and local level for the following ten western states: Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Nevada, Utah, and Washington. Wyoming is conducting a similar study utilizing its own consultant. Information on agency authority for required permits, timing, and implementation issues is presented in tabular form in Appendix 1.

To show permit prerequisites and timing relative to other agency requirements, two sample schedules (Gantt charts) are provided in Appendix 2. The first is a case study of permit timing for California's Sunrise Powerlink Project. The second chart shows potential timelines for national permits in general.

The report answers a number of questions about permitting timing and authority in each of these ten states, including:

- What is the scope of the authority of each federal, state, and local agency, and what permits does each issue?
- Which states and agencies have general purpose siting/permitting authority?
- Does the authority of each agency extend to investor-owned utilities (IOUs), proposed merchant lines, or both?
- Besides general purpose siting and permitting authorities, what other entities have the authority to approve/disapprove a transmission project on the basis of need for the project?
- What permitting steps are mandatory prior to the start of project construction and why?
- What permit steps might begin earlier or occur concurrently with NEPA to streamline the overall permitting processes?

Conclusions. A major finding of this research has been that there is a significant difference between legislated permit timing and actual permit timing; the actual time taken to process permit applications is often much longer than the statutorily authorized time limit due to a variety of factors. These factors include the frequent submission of incomplete permit applications and surveys, conflicting permit requirements, incomplete or changing project design features, and applicant delays in permit application submission.

B. Federal Permitting Processes

The western U.S. includes vast areas of federal lands, such that transmission projects in this region are almost always evaluated for purposes of NEPA compliance by a federal Lead Agency, most often the Bureau of Land Management (BLM). The BLM's process for transmission permitting requires compliance with several environmental laws that are described in this section. At some point, this federal process segues into a state, regional, or local permitting process, which in many cases cannot begin until the federal process ends. This sequential permitting process directly impacts the length of time needed to complete all permitting of proposed transmission lines.

This Section B provides some background on NEPA, and then addresses three major permitting areas: water quality, cultural resources, and special status species. These are the resource areas subject to permit review with the most potential to create major permit processing delays or to result in legal challenges for transmission projects. These resource areas are discussed in terms of their permitting requirements and regulatory timelines, as well as from the practical perspective that these areas are common sources of permitting delay. Appendix 1 to this report presents a table of all federal permits that may be required.

B.1 National Environmental Policy Act

NEPA defines the requirements for environmental assessment of major federal actions, providing information for federal decision makers and the public. NEPA allows preparation of two types of environmental documents: an Environmental Impact Statement (EIS) for projects with the potential to have significant environmental effects, and an Environmental Assessment (EA) for projects with less severe effects. In general, for new transmission lines, an EIS is required. As noted above, because of the extent of federal lands across the western U.S., nearly all proposed transmission lines in this region will trigger review under NEPA.

Because an EIS is nearly always required for transmission line projects, the NEPA timeline will control all other permit requirements. Key schedule points in NEPA are the following:

- **Notice of Intent (NOI):** A Federal Register notice that an EIS will be prepared. The NOI also starts the public scoping period.
- **Draft EIS (DEIS):** A Notice of Availability is published in the Federal Register announcing the release of the Draft EIS for a public comment period (ranging from 45 to 90 days). A public workshop or hearing is generally held during the comment period. The time between publication of an NOI and issuance of a DEIS can range from 6 to 24 months.

- **Final EIS (FEIS):** A Notice of Availability is published in the Federal Register announcing the release of the Final EIS. Publication is followed by a 30-day protest period. The time between issuance of a DEIS and of an FEIS can range from 4 to 12 months.
- **Record of Decision (ROD):** Issued by the Lead Agency, the ROD also includes consideration of any protests that are timely filed. The ROD can be issued between 1 and 12 months after the issuance of an FEIS. The ROD cannot be issued without two important permitting steps that occur in parallel with, but separate from, the NEPA process:
 - Compliance with Section 106 of the National Historic Preservation Act
 - Compliance with Section 7 of the Endangered Species Act

The developer often cannot file applications for federal, state, and local permits until after a ROD is issued. Sometimes this is because multiple alternative routes are considered in the DEIS, and the ultimate selection among routes is not made until the issuance of the ROD.

B.2 Clean Water Act Permitting

Permits required by the Clean Water Act (CWA) protect water quality, regulate construction in jurisdictional waters,¹ manage stormwater discharge, and minimize effects on wetlands. These permits can create some of the longest delays in project permitting and construction. Water quality permits are chiefly regulated through the CWA under Sections 401, 402, and 404. While the CWA is under the jurisdiction of the U.S. Environmental Protection Agency (EPA) at the federal level, implementation and enforcement are typically undertaken at the State or regional level; thus CWA permitting can differ by state, as will be discussed further in Section C below.

B.2.1 CWA Section 401, Water Quality Certification

Section 401 is under the jurisdiction of the EPA, but is generally permitted through state or regional entities and then certified federally. Section 401 requires that any discharge from project construction and operation into navigable waters shall comply with the provisions of the CWA. The permitting process consists of submission of an application, a completeness review by the reviewing agency (and, if the application is found to be incomplete, a resubmission by the applicant), a review and decision-making period, a public comment period, and certification at local, state, and federal levels. Submission and resubmission of incomplete applications are major sources of permitting delays. A complete application must include the following major elements:

- Complete environmental review and copy of the ROD issued by the federal Lead Agency;

1 A "Jurisdictional Determination" is used to determine which waterbodies in a project area meet the definition of waters of the United States. The applicant should identify and describe each waterbody found in the area being evaluated at a reasonable level of detail, including whether it appears to meet the definition of a water of the United States. In general, waters of the United States include those waterbodies with a nexus to interstate or foreign commerce, tidal waters, navigable waters, the tributary systems (including impoundments) of waters of the United States, most wetlands, some man-made water bodies and certain isolated intrastate water bodies.

- A map that clearly indicates the project site location and the boundary of the watershed within which the project lies, including an estimation of the drainage area (in acres) upstream of the project (USGS 7 ½ minute quadrangle is recommended);
- Jurisdictional Delineations (JD) of navigable waterways and wetlands in the project area;
- Based on the JD, estimation of the total area of impact, impact analysis, and mitigation development; and
- Approved Storm Water Pollution Prevention Plan (SWPPP) that includes site-specific details.

Development of a Section 401 application generally commences **after** the issuance of a ROD. This sequential process occurs because site-specific details (*i.e.*, location of all towers, dimensions of access roads including methods of stream crossings) are needed for permit applications, and JD surveys are generally prohibitively expensive to complete for multiple alternatives. Project modifications that occur after initial definition of project components will further delay the completion of an application. Development of a Section 401 application may take several months or a year (with field work and follow-up analysis required to prepare the JD typically driving the time frame). Moreover, several more months of review and resubmission are usually required before the application is deemed complete.

Federal agencies may define what is a “reasonable time” for purposes of Section 401 certification of their permits or licenses, provided the period is less than one year in duration. For example, some Army Corps of Engineers Districts provide a response period of 60 days for a Section 401 certification associated with a CWA Section 404 permit. The Federal Energy Regulatory Commission (FERC) normally allows a full year for states and tribes to develop a Section 401 certification response. EPA regulations governing the certification of federally issued CWA Section 402 National Pollutant Discharge Elimination System (NPDES) permits allow states and tribes 60 days to issue certification. EPA regulations applicable in other contexts suggest a time limit of six months (EPA 2010a).

This process can be expedited if the applicant uses the process called “Preliminary JDs.” In this process, an assumption is made that all waterways are jurisdictional and fall under CWA jurisdiction, rather than proposing that certain waterways are not jurisdictional (requiring agency review and determination). Use of a Preliminary JD may help expedite the completion of necessary surveys and the SWPPP.

B.2.2 CWA Section 402, National Pollutant Discharge Elimination System

Section 402 is under the jurisdiction of the EPA, but is generally permitted through state and regional water quality control boards. The full title of Section 402 certification is the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharge from Construction Activities. Once Section 401 certification has been granted, the project must also comply with Section 402, which specifically regulates storm water and prevention of the resulting runoff and erosion.

The specific steps to obtain an NPDES permit are as follows:

- File the appropriate NPDES application forms with the State and/or Regional Water Board;
- State or Regional Water Board staff reviews the application for completeness and may request additional information;
- Staff determines if the discharge is to be permitted or prohibited; if a permit is needed and the application is complete, staff prepares a draft and sends out a notice for a 30-day public comment period;
- The discharger must publish the public notice for one day in the largest circulated paper in the municipality or county and submit proof of posting or publication to the Regional Water Board within 15 days after posting or publication; and
- The Regional Water Board holds a public hearing after the 30-day public notification; after this process, the State or Regional Water Board may adopt the permit as proposed or with modification, or not adopt it at all; a majority vote of the Water Board members is required to adopt the permit; this state process generally takes 6 months, but may take longer depending on the nature and complexity of the project.

As with Section 401 certification, submission and resubmission of incomplete applications has the potential to slow the permitting process. The following elements are required in an application:

- Complete environmental review and copy of the ROD issued by the federal Lead Agency;
- The location (including a map) and the nature of the construction activity;
- The total area of the site and the area of the site that is expected to undergo excavation during the life of the permit;
- Proposed measures, including best management practices (BMPs), to control pollutants in stormwater discharges during construction, including a brief description of applicable state and local erosion and sediment control requirements;
- Proposed measures to control pollutants in stormwater discharges that will occur after construction operations have been completed, including a brief description of applicable state or local erosion and sediment control requirements;
- An estimate of the runoff coefficient of the site and the increase in impervious area after the construction addressed in the permit application is completed, the nature of fill material and existing data describing the soil or the quality of the discharge; and
- The name of the receiving water.

Most of these application requirements will have been met in developing the SWPPP and the Section 401 application. As with the Section 401 application, site-specific surveys are needed, and application development usually begins *after* the issuing of an ROD.

B.2.3 CWA Section 404 Permits to Discharge Dredged or Fill Materials

Section 404 is under the jurisdiction of the U.S. Army Corps of Engineers (ACOE) and the EPA, but is generally permitted by the ACOE. Section 404 regulates discharge of dredged or filled

materials into navigable waterways and wetlands; these discharges occur with all construction activities and must be quantified in the Section 404 permit application. A complete Section 401 certification is required before a Section 404 certification may be granted, but the application process may begin before Section 401 certification is granted. A Section 404 application requires the following elements:

- Jurisdictional Delineations (JD) of navigable waterways and wetlands in the project area;
- Permit table;
- Impact analysis and mitigation measures; and
- Complete Section 401 certification.

As with the Section 401 application, site-specific surveys are needed, and application development usually begins after the issuing of an ROD. Most of the requirements and surveys required for a Section 404 certification are covered by the Section 401 certification. However, because a complete Section 401 certification is required, Section 404 certification will extend the permitting time frame beyond the Section 401 certification. Section 404 is often one of the last permits granted for a project. Project modifications will further delay the completion of an application. Once a complete application has been submitted, review by the ACOE takes between 30 days and 6 months, depending on the size, type, and complexity of the project.

General Permits. General permits are often issued by the ACOE for categories of activities that are similar in nature and would have only minimal individual or cumulative adverse environmental effects. General permits can be issued on a nationwide or regional basis. A general permit can also be issued on a programmatic basis to avoid duplication of permits for state, local or other Federal agency programs. Use of a general permit may accelerate the permitting process, but will often apply only to qualified projects or actions. Incomplete application submission and incomplete surveys (for biological, cultural, and hydrological resources) typically slows this process – a complete application can be processed in 45 days, but the process often takes 1-2 years for full submission and review of required data.

B.2.4 Rivers and Harbors Act Section 10 Permit

Section 10 of the Rivers and Harbors Act of 1899 requires that regulated activities conducted below the Ordinary High Water (OHW) elevation of navigable waters of the United States be approved/permitted by the ACOE. In general, the ACOE administers the Section 10 permits under the same procedures as for the Section 404 permit, and application for a permit/letter of permission for work regulated under CWA Section 404 and Section 10 can be made by completing and submitting one application form to the ACOE.

B.3 Cultural Resources Permitting

If a proposed project involves federal action, the basis for determining significance of cultural resources is driven by the National Historic Preservation Act (NHPA). In particular, Section 106 of the NHPA requires federal agencies to take into account impacts upon resources listed or eligible for listing on the National Register of Historic Places (NRHP). Regulations implementing

Section 106 provide four criteria that are to be used in evaluating whether resources are NRHP-eligible. These criteria involve districts, sites, buildings, structures, or objects that possess integrity of location, design, setting, material, workmanship, feeling, and association, and meet one or more of the following criteria:

- They are associated with events that have made a significant contribution to the broad pattern of our history;
- They are associated with the lives of persons significant in our past;
- They embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- They have yielded, or may be likely to yield, information important in prehistory or history.

Criterion (d) is most frequently applied to both prehistoric and historical archaeological sites. Because of the general nature of the criterion, it is necessary to develop pertinent research themes (also referred to as “historic contexts”) to provide a systematic framework by which each cultural resource can be evaluated. A principal component of each research theme is the delineation of data requirements that can be used as a baseline for evaluating each site.

A determination that a particular site possesses significant data and integrity qualifies the site for listing on the NRHP. Consequently, impacts to the site must be considered under the NHPA. Resources that are determined to be eligible for the NRHP are called “historic properties” regardless of their age, and can include historical or prehistoric archaeological sites, built environment resources (including buildings and other structures, such as dams, canals, roads, reservoirs, *etc.*), or traditional cultural properties. Importantly, cultural resources that do not qualify for NRHP listing do not come under the NHPA’s scope.

Consultation with State Historic Preservation Offices (SHPOs) and relevant local groups and agencies is required under this legislation to ensure that the project takes into account relevant cultural resources. This process differs by state and is discussed in further detail in Section C. Standard timelines and protective measures exist, but there are not specific protective or timeline requirements.

Section 106 consultation begins with a formal initiation process that is published in the Federal Register, usually in combination with a NEPA NOI. The federal Lead Agency under NEPA is responsible for compliance with Section 106. Identification of resources, based on past recordation in regional centers and also based on project-specific field surveys, is a common source of delays. Many information center records are not digital, and acquisition of past survey data for a large project may take up to several months. Incomplete or inadequate surveys are also frequently submitted. This may result from differences in state and federal laws regarding survey requirements, from variable thoroughness in survey enforcement, and from frequent confusion that all resources eligible for listing on the NRHP, whether or not previously identified, are protected under Section 106 of the NHPA. In the case of resources eligible for listing on the NRHP, if lead agencies do not fully engage stakeholders or other agencies in determining eligibility, lawsuits challenging project approval are more likely to

result. Government-to-government consultation with Native American Tribes to identify concerns and traditional cultural properties can also be a time-consuming process, particularly if inadequately conducted initially. Tribal resources that must be identified include the following categories:

- Historic properties;
- Prehistoric artifacts; and
- Native American concerns and traditional cultural properties.

After surveys and identification processes have been completed, the adverse effects of the project must be assessed. This step is another source of consultation delays, as there will often be disagreement among different groups as to what constitutes an adverse effect, particularly with regard to spiritual values and traditional cultural properties. Accordingly, the use of an experienced cultural resources professional early in the consultation process, especially working face-to-face with potentially affected tribal representatives, has the potential to reduce delays associated with disagreements (and possible lawsuits) later in the permitting process.

Formal consultation under Section 106 begins when adverse impacts have been identified. After formal consultation is started, a Memorandum of Agreement (MOA) or Programmatic Agreement (PA) is drafted to define the results and impacts of the consultation process, as well as to specify mitigation measures (which may be in addition to those in the EIS). The MOA or PA is published after the ROD is issued in order to ensure that the mitigation measures are site-specific.

A Historic Properties Treatment Plan (HPTP) is developed subsequent to the execution of the MOA or PA. The HPTP provides a detailed account of cultural resources and impacts and an action plan for project implementation. This report can be tiered to expedite different phases of project construction, but the appropriate sections must be completed before construction of each phase can begin.

In general the entire Section 106 consultation process, including government-to-government consultation with tribal groups, takes approximately one year. Much of this process can occur before the publication of a ROD by the federal Lead Agency, but location-specific mitigation measures typically cannot be incorporated into a MOA or PA until after the ROD is issued. Legal challenges alleging inadequate Section 106 consultation can further delay project construction.

B.4 Biological Resources Permitting

At the federal level, the Endangered Species Act (ESA) is the most significant law providing species with special status protection. Section 7 of the ESA, called "Interagency Cooperation," is the consultation mechanism through which federal agencies ensure the actions they take, including those they fund or authorize, do not jeopardize the existence of any listed species.

Section 10 of the ESA defines the process through which a private applicant obtains an “Incidental Take Permit” for effects on protected species, generally through development of a Habitat Conservation Plan (HCP). These processes have different timelines depending on location and impacts.

The Migratory Bird Treaty Act also conveys special status and associated protection to a wide array of bird species, including those that are not specifically listed as threatened or endangered.

B.4.1 ESA Section 7 Consultation

Under Section 7 of the ESA, federal agencies must consult with the U.S. Fish and Wildlife Service (Service) when any action the agency carries out, funds, or authorizes a project (such as through a permit) that affects or potentially affects a listed endangered or threatened species. This process usually begins as informal consultation. Thus, a federal Lead Agency under NEPA, in the early stages of evaluating a proposed project, will typically approach the Service to request informal consultation. Discussions between the two agencies may include a determination of which listed species may occur in the proposed project area, the surveys that should be completed, and a preliminary estimate of what effect the proposed action may have on those species.

If, after discussions with the Service, the federal Lead Agency determines that the proposed action is not likely to affect any listed species in the project area, and if the Service concurs, the informal consultation is complete, and the proposed project can move ahead. On the other hand, if it appears that the Lead Agency’s action “may affect” a listed species, that agency will thereupon typically prepare a biological assessment (BA) to assist in its determination of the proposed project’s effect on a species.

A BA shares many components with the impact analysis for biological resources conducted as part of a NEPA review, and is often conducted concurrently with the development of a Draft EIS, but may begin even earlier. In preparing the BA, a qualified biologist (in consultation with the Service) will determine the need for special status species surveys and will conduct such surveys in accordance with Service protocols. These surveys are sometimes called “protocol surveys,” and they must be completed using specific methods, specially authorized personnel, and in specified seasons of the year.

When a federal Lead Agency determines, through a BA or other review, that the action it is implementing or authorizing is *likely to adversely affect* a listed species, the agency will then submit a request for formal consultation to the Service. During formal consultation, the Service and the agency will share detailed information about the proposed project and the species likely to be affected. Formal consultation begins when a complete BA is provided, and the Service determines that adequate surveys have been conducted. Because many protocol surveys must be completed for specific lengths of time during certain times of year, this step has the potential to delay project approval if surveys are incomplete. Further, project modifications defined after submission of a BA may require resurveying and resubmission,

which can further delay a action on a proposed project, especially if there are seasonal survey constraints.

When the Service receives a complete application and BA, regulations allow that formal consultation may take up to 90 days, after which the Service will begin to prepare a biological opinion (BO) on whether the proposed activity will *jeopardize* the continued existence of a listed species. The Service has 45 days after completion of formal consultation to write the BO. Thus, the entire formal consultation process will require as many as 135 days **after** the Service determines that the BA is acceptable. The consultation process must be completed (including the Service's issuance of a BO) **prior** to the Lead Agency's publication of a ROD.

After the Service issues its BO, the federal Lead Agency then decides how to proceed. With an opinion that determines adverse effects, the Lead Agency can adopt the reasonable and prudent measures outlined in the BO and an incidental take statement (thereby satisfying ESA Section 10) and proceed with the project. If the Service makes a jeopardy determination (meaning that the project could jeopardize the continued existence of a species), the federal Lead Agency has several options:

- Implement one of the reasonable and prudent alternatives developed by FWS and the lead agency;
- Modify the proposed project and consult again with the Service;
- Decide not to undertake (or fund, or authorize) the project;
- Disagree with the opinion and proceed; or
- Apply for an exemption.

A federal Lead Agency may apply for an exemption if it believes it cannot comply with the requirements of the BO. The exemption application is considered by the Endangered Species Committee, comprised of Cabinet-level members from various federal agencies and administered by the Interior Department's Assistant Secretary for Policy, Management and Budget. To be considered by the Committee for an exemption, a federal Lead Agency must have carried out the consultation with the Service in good faith and have made a reasonable effort to develop and consider modifications or alternatives to the proposed action. It must also have conducted any required biological assessment, and refrained from making any irreversible or irretrievable commitment of resources to the project during consultation.

C. State Permitting Processes

The 2009 report prepared for the Western Interstate Energy Board entitled “Transmission Siting in the Western United States” (Holtkamp and Davidson 2009) presented the following introduction to the concerns about the state and federal transmission processes.

The number, complexity, and cost of state and local authorizations are often blamed for the lack of significant transmission development in the West. The fundamental reasons for the difficulties in securing state and local authorizations for major transmission construction are not only the procedural requirements for permits but also the criteria used by the states and local entities to evaluate the need for and impacts of a transmission project. Few states explicitly require consideration of whether a particular transmission proposal is in the regional or national interest. Those states that do identify regional or national interests as a consideration do not necessarily give them a priority. Generally speaking, the paramount consideration is whether a project will directly benefit the state or local government from which it is seeking approval. When the interests of the siting authority do not coincide with the interests being served by the proposed line, the determination of benefit can be a major impediment to securing the authorizations necessary for a major transmission project to be developed.

... In particular, the federal agencies must evaluate alternative routes in environmental impact analyses. While the federal agencies may consider the effects on private or state and local lands along the routes they study, they are not required to give those effects a priority. As the federal agency issues its permits and rights-of-way, it essentially creates a de facto route through private, state, and local lands. A developer must seek approval from the state or local authority to build those segments of the line between the federal segments. Opposition to siting the line at the state and local level can affect the project by requiring changes to the federal environmental impact statement (EIS), expiration of the “shelf life” of the EIS, or any number of other delays and difficulties.

In this Section C, the following western states are described in terms of their state and local permitting requirements: Arizona, California, Colorado, Idaho, Montana, Oregon, New Mexico, Nevada, Utah, and Washington.

The table on the following page presents a summary of state siting authority.

Transmission Siting Authority by State - Summary				
State	PUC/PSC Siting Authority	Other State Siting Authority	Local Responsibility	Comment
Arizona	Y	Y	N	ACC and APPLSC conduct review and approve CEC
California	Y	N	N	CEQA required, CPUC has authority over IOU projects.
Colorado	Y (Appeals)	N	Y	Chiefly local through "1041" process. Local decisions can be appealed to PUC
Idaho	Y (Theoretically)	N	Y	Chiefly local. PUC has authority only over "national interest" corridor projects, but there are no "national interest" corridors in the state
Montana	N	Y	N	MDEQ does siting and MEPA review, not MPUC
Nevada	Y	N	N	PUCN has authority
New Mexico	Y (large) (Appeals)	N	Y	Chiefly local. Large projects and appeals through NMPRC
Oregon	N	Y	N	OEFS has authority
Utah	Y (Appeals)	Y	Y	Chiefly local, but UPSC, UFRB, UGREENA, have some regulatory/dispute resolution authority
Washington	N	Y	Y	SEPA required, EFSEC has authority, via opt-in. Local otherwise
Wyoming	Y	Y	N	WPSC and WISC have authority

C.1 Arizona

Summary

There is a two-phase state level process in Arizona with initial review and recommendation made by a statewide **Power Plant and Line Siting Committee (PPLSC)** and final affirmation and approval by the **Arizona Corporation Commission (ACC)**. Action on applications for a **Certificate of Environmental Compatibility (CEC)** by these two entities is generally completed within 9 months of receipt of a complete application. The ACC is authorized to act before the completion of federal actions. Other key state agencies with permitting authority include the Arizona State Land Department, State Historic Preservation Office, Department of Game & Fish, and Department of Environmental Quality. Counties have jurisdiction when conditional use permits are required, but other local permits typically are not major factors in the permitting process. The state's permitting requirements do not distinguish between transmission projects proposed by the state's IOUs as opposed to merchant developers.

Agencies and Permits

Following are the state-level agencies with authority over transmission construction and operation, and a brief description of the permits required.

- The **ACC** regulates “public service corporations, which are corporations other than a municipal entity engaged in furnishing electricity for light, fuel, or power. ACC Commissioners are constitutional, elected officers, who make plenary binding decisions. A transmission line of 115 kV or greater is must obtain a (CEC) from the PPLSC and the ACC. Currently, renewable energy projects are exempt from ACC approval.
- The **PPLSC** consists of representatives of: State Attorney General or designee, the Director of Environmental Quality or designee, the Director of Water Resources or designee, the Director of Governor's Energy Office or designee, the Chair of the Arizona Corporation Commission or designee and six members appointed by the Commission, with three representing the public, one representing cities and towns, one representing counties and one actively engaged in agriculture.
- A **CEC application** must include all environmental studies and requires hearings in affected communities. The project must comply with all applicable state and local regulations, unless compliance is deemed unreasonably restrictive or technologically infeasible. In developing the CEC, the PPLSC must consider the following factors:
 - Existing plans of the state, local government and private entities for other developments at or in the vicinity of the proposed site;
 - Fish, wildlife and plant life and associated forms of life on which they are dependent;
 - Noise emission levels and interference with communication signals;
 - The proposed availability of the site to the public for recreational purposes, consistent with safety considerations and regulations;

- Existing scenic areas, historic sites and structures or archaeological sites at or in the vicinity of the proposed site;
- The total environment of the area;
- The technical practicability of achieving a proposed objective and the previous experience with equipment and methods available for achieving a proposed objective;
- The estimated cost of the facilities and site as proposed by the applicant and the estimated cost of the facilities and site as recommended by the committee, recognizing that any significant increase in costs represents a potential increase in the cost of electric energy to the customers or the applicant; and
- Any additional factors that require consideration under applicable federal and state laws pertaining to any such site.

The PPLSC must act on a complete application within 180 days. The PPLSC is charged with developing a recommended order regarding the proposed line submitting it for affirmation and approval by the ACC.

The ACC can approve, deny or amend the PPLSC's recommended order. After the issuance of a PPLSC decision, the ACC has 30 to 60 days to issue a written order, based on public interest, project need, and environmental impact. Demonstrating project need is critical, and will result in project denial if not proved.

- The ACC does **not** require the applicant to obtain a Certificate of Public Convenience and Necessity prior to construction of the project. As noted above, project need is examined in connection with the ACC's approval of the CEC, and the prudence of a jurisdictional utility's investment in a given project is examined in subsequent rate cases.
- The **Arizona State Land Department** issues ROW leases. Because of the large portion of state trust (non-public) lands and the plenary decision-making power of the State Lands Department, coordination with this agency is critical. Unless the application for ROW across trust land is in the interest of the Trust, the applicant may not receive the ROW.
- The **State Historic Preservation Office** conducts Section 106 consultation, as described in the federal section above.
- **Arizona Department of Environmental Quality ("ADEQ")** certifies CWA Section 401, 402 and 404 permits. ADEQ also issues air quality permit for engines greater than 325 Hp prior to installation of the engine.
- A **municipality or county government** must include transmission projects in its general or comprehensive plan. The utility is required to update its plans every two years. A county has jurisdiction if a **conditional use permit is required**. Other local permits include Flood Control/Drainage Channel permits and Encroachment/Crossing Permits.

Other permits may be issued, but typically do not restrict project schedules:

- **Irrigation District:** Encroachment/Crossing Permit

- **County Air Quality Department:** Earthmoving Permit

Appendix 1, Table 9 presents details on permits required for transmission in Arizona.

C.2 California

Summary

Transmission Permitting in California is subject to the **California Environmental Quality Act (CEQA)**, a state-mandated environmental review process paralleling NEPA. **The California Public Utilities Commission (CPUC)** has plenary authority over transmission line siting for jurisdictional utilities, while municipal utilities and other public power entities have independent authority to approve transmission lines that they will own and operate. In addition to CPUC approval of CEQA documents, permits from the California Department of Fish & Game (State endangered species act; take permits; streambed alteration agreements), the State and Regional Water Resources Control Board, and State Historic Preservation Office are the largest sources of delays for transmission projects in California.

Agencies and Permits

Following are the state-level agencies with authority over transmission construction and operation, and a brief description of the permits required.

- The **CPUC** has exclusive jurisdiction in California to approve transmission lines of the investor-owned utilities (IOUs). The CPUC must determine need for lines over 200 kV through a **Certificate of Public Convenience and Necessity (CPCN)** process. Environmental impacts are evaluated through CEQA, with the CPUC as the lead agency. For lines less than 200 kV, CPUC only evaluates a project's environmental impacts. Potential environmental effects of a proposed transmission project are evaluated in an Environmental Impact Report (EIR, which is largely equivalent to the EIS prepared under NEPA), a Negative Declaration, or Mitigated Negative Declaration. In California, the state requirements of CEQA and the federal requirements of NEPA can generally be met by the preparation of a single joint, federal-state environmental document.
- For projects approved by the CPUC, the CPUC's approval supersedes that of local governments, so no discretionary permitting authority over transmission lines exists for counties or cities in California.
- The **California Independent System Operator (CAISO)** is a state-chartered not-for-profit corporation that operates much of the high-voltage transmission system in the state. In order for a proposed transmission line within the CAISO footprint to be funded, the CAISO must approve the project as being needed as part of the CAISO's adoption of a Transmission Plan. The CAISO adopts a Transmission Plan annually.
- The **California Energy Commission (CEC)** has statutory responsibility for licensing thermal power plants 50 MW and larger, including related transmission lines, or "gen-tie lines," which are not part of the CAISO-controlled grid.

- **Municipal utilities and irrigation districts** manage 20% of California’s electric load, and are exempt from CPUC or CAISO review. However, they must comply with CEQA in approving any new transmission project.
- **California Department of Fish and Game (CDFG)** has two major permitting responsibilities documented in the California Endangered Species Act, the California Native Plant Protection Act, and the California Fish and Game Code (F&G Code). It is important to note that the CDFG cannot issue permits until *after* an EIR is completed and certified as complying with CEQA by the Lead Agency. Independently, the CDFG must also find that this EIR adequately addresses its information needs for issuance of its permits.

If a project has the potential to affect state listed species, the CDFG must be consulted through **CFG Section 2081**. If the state-listed species affected are also federally listed (*e.g.*, desert tortoise), under Section 2080, the CDFG can use the Service’s BO as its base document, and issue a “consistency determination” stating that the CDFG’s opinion is consistent with the findings of the Service. This action must be taken within 30 days of issuance of the BO. If an affected species is not federally listed, if there is no BO, or if the CDFG cannot find consistency with a BO, a separate CDFG permit action is required: an **Incidental Take Permit**, defining effects and required mitigation. There is no timeline for the permit, but the application must be reviewed for completeness within 30 days. Applications are often incomplete at first submittal, especially with regard to required surveys.

F&G Code Section 1602, Lake and Streambed Alteration Permit requires an entity to notify CDFG of any activity that may substantially modify broadly defined rivers, streams, or lakes (even if perennial, ephemeral, or intermittent). Almost every construction project requires a 1602 Permit. When an application is received, CDFG must determine application completeness within 30 days. Multiple incomplete submissions are typical and can delay the issuance of permits. Once an application is determined complete, CDFG has 60 days to review the application. An additional 14 days are allotted for voicing of disagreements, another 14 days to establish an arbitration board, and an additional 14 to execute a final decision.

- The **State Water Resources Control Board (SWRCB)** or one of its **Regional Water Quality Control Boards (RWQCBs)** issues **CWA Section 401 permits**. One of the RWQCBs will issue the project certification when a project is entirely within its regional boundaries, but the SWRCB will issue the project certification when a project is located in more than one RWQCB (which is typical for longer transmission line projects). Similar to the CDFG, the water boards require a certified EIR prior to being able to accept an application for certification.

A RWQCB has 30 days following receipt of an application to determine application completeness. The applicant does not have a timeline for submittal of materials, but delays in submission are frequent. If the RWQCB fails to notify the applicant regarding the completeness of an application within 30 days, the application is deemed complete 30 days later in accordance with California’s Permit Streamlining Act. A RWQCB also has a public

comment period that lasts a minimum of 21 days, closing when the RWQCB takes action on the application².

An application also requires a completed Storm Water Pollution Prevention Plan (SWPPP) with site-specific details. Once an application has been deemed complete, the RWQCB can request additional materials and has between 60 days and 1 year in which to make a decision.³

The water boards are also responsible for issuing a permit documenting compliance with the **CWA Section 402 NPDES General Permit for Storm Water Discharge from Construction Activities**) when a construction project will disturb more than 5 acres.

- The **California State Historic Preservation Office** carries out consultation under Section 106 of the NHPA, as described above under federal permits.
- **Air Quality Management Districts:** Air Quality Permits for portable engines, if used in connection with the construction of a transmission line, and, in some parts of the state, for fugitive dust emissions associated with project construction.

Appendix 1, Table 2 presents details on permits required for transmission in California.

C.3 Colorado

Summary

Transmission permitting in Colorado occurs chiefly at the local level, though the Department of Transportation, Department of Public Health (Water Quality Control Division), and Division of Wildlife require permits. The **Colorado Public Utilities Commission (PUC)** provides a CPCN for projects sponsored by jurisdictional public utilities. However, projects proposed by municipal utilities are exempt from Colorado PUC jurisdiction for utility operations within municipal boundaries, and any cooperative electric association that has voted to exempt itself from regulation is not regulated as a “public utility.” Cities and counties have permitting authority through zoning within their territorial boundaries, and participating “1041 permit areas” may greatly complicate and extend local permitting authority.

Debate continues in Colorado over the advantages and disadvantages of a local as opposed to a state permitting system, and a Task Force recently filed a report to the Governor on this topic (Colorado Governor’s Office 2011). In 2012, the Colorado Legislature passed House Bill 12-1312. This bill sought to modify the Colorado PUC’s approval processes for transmission line certificates of convenience and necessity, so that the PUC would no longer have jurisdiction over the land use rights or siting issues related to the location or alignment of the proposed

² The public comment period does not close after a certain number of days because proposed projects tend to change through the 401 process and the public is allowed to review and comment on the changed project

³ If processing and review of an application will take more than 60 days, the RWQCB may request additional time or issue a Denial without Prejudice. This usually occurs when an applicant has not supplied requested information, or the project is complex and issues have not been resolved. A denial without prejudice is not a reflection on the project, but a means to stop the clock until the required information has been provided.

transmission lines. Instead, those issues would be left to the discretion of the county and local governments. As of this writing, however, it is unclear whether the Governor will sign this bill into law.

Agencies and Permits

Following are the state-level agencies with authority over transmission construction and operation, and a brief description of the permits required.

- The **Colorado PUC** has authority to issue and approve a **CPCN for public utilities**, defined as an “electric corporation, . . . person, or municipality operating for the purpose of supplying the public for domestic, mechanical, or public uses and every corporation, or person declared by law to be affected with a public interest . . .”
- Other permits issuing agencies at the state level include the **Department of Transportation** (Utility permit; special use permit); **Water Quality Control Division, Department of Public Health** (Storm water permit); **State Archaeologist** (Potential permit); and the **Division of Wildlife** (Wildlife certification for any habitat modification in a wetland or riparian area). These permits do not often constitute major delays in project timing.
- The **Colorado Water Quality Control Division** (WQCD) reviews and issues Water Quality Certifications under CWA Section 401. The WQCD certification process involves the following steps: preliminary review of proposed project; public notice (30 days); review of public comments; final water quality certification decision for proposed project (CDPHE 2012). As is typical with Section 401 permits, submission of a complete application is one of the most time-consuming portions of the application (see above under federal permitting). Section 404 permitting is conducted through the regional ACOE office.
- The **State Historic Preservation Office** conducts NHPA Section 106 consultation, as described in the federal permitting section above.
- Permitting and siting occurs chiefly at the local level, and facilities within the territorial boundaries of a **city or county government** must comply with zoning requirements. Approval is granted through the issuance of a **special or conditional use permit**. Permit denial may be appealed to the Colorado PUC **if**: (1) the applicant has applied to the Colorado PUC for a CPCN, (2) such a certificate is not required, or (3) the PUC has issued an order that conflicts with the local government’s action. However, the PUC is required to balance local and statewide interests.

In addition to the Use Permit process, cities and counties have additional authority to further regulate “major facilities of a public utility” within city and county jurisdiction in “**1041 permit**” areas. This review process requires a substantial environmental and alternatives analysis, and may considerably complicate project permitting. Decisions made in this process must be consistent with the PUC’S CPCN determination. Not all counties have adopted 1041 regulations.

Appendix 1 presents details on permits required for transmission in Colorado.

C.4 Idaho

Summary

Transmission line permitting in Idaho is normally the responsibility of cities and counties through zoning ordinances. The **Idaho Public Utilities Commission (IPUC)** has siting jurisdiction over any transmission line in a corridor designated by USDOE as a “national interest” corridor, and provides a CPCN for such projects. However, it must be noted that no such “national interest” corridors have been designated within the State of Idaho; hence, as of this writing, the IPUC’s siting jurisdiction is purely theoretical. Other important state permitting agencies include the Department of Environmental Quality, State Historic Preservation Office, and Department of Fish & Game. The Office of Energy Resources helps provide coordination between state and local permitting. Federal permitting requirements and the difficulties of overcoming differing permitting requirements across local jurisdictions often represent the greatest permitting delays in Idaho.

Agencies and Permits

Following are the state-level agencies with authority over transmission construction and operation, and a brief description of the permits required.

- **Local Governments** in Idaho have the authority to adopt their own zoning ordinance and comprehensive plan and may differentially regulate siting through **conditional or special use permits**. The general requirements for zoning amendments are governed by state law, though details and timing may vary. Construction of structures in a local jurisdiction that has elected to enforce **building codes** also requires a permit from the local jurisdiction.
- The **IPUC** does have authority to issue a **CPCN for transmission projects proposed by jurisdictional utilities**. However, this authority does not extend to projects proposed by merchant or independent transmission companies that will not provide retail service. Obtaining a CPCN requires the submission of an application, agency review, and IPUC hearings on the “good faith” of the applicant and project need. A CPCN must be issued before the public utility may obtain any franchise, permit, right, or privilege from a municipality or county. Granting of a CPCN preempts any conflicting action or order of a state or local agency, as long as the agency has had the opportunity to consult with IPUC. The IPUC may grant priority designation for projects with significant importance and need.
- The **State Historic Preservation Office** conducts NHPA Section 106 consultation, as described in the federal section above.
- The **Idaho Office of Energy Resources (OER)** is responsible for coordination between state and local siting entities. The OER helps evaluate plans and identifies problems and solutions.

Other permitting agencies include the following, but timing is typically not limiting:

- **Idaho Army National Guard**
- **Department of Environmental Quality**

- **Department of Transportation: ROW encroachment permit**
- **Wildlife Department**

Appendix 1 presents details on permits required for transmission in Idaho.

C.5 Montana

Summary

The **Montana Department of Environmental Quality (MDEQ)** has overall responsibility for transmission line siting through the **Major Facility Siting Act (MFSA)**, making it one of the more centralized permit processes in the West. After the applicant has gone through the **Montana Environmental Policy Act (MEPA)** process, the applicant must submit an application for a **Certificate of Compliance (CC)** from MDEQ. Together, these requirements take approximately 18 to 36 months, assuming applications submissions are complete. All other permits are covered by the CC. Local governments may issue permits to construct, but most do not have specific regulations regarding transmission lines. Montana permitting processes do not distinguish between lines proposed by jurisdictional utilities and merchant developers. Montana statute does not require completion of other federal action in advance of state action. For projects that are subject to both MDEQ and federal review, MDEQ's determination may be timed to correspond to the record of decision issued by the participating federal agency.

Agencies and Permits

Following are the state-level agencies with authority over transmission construction and operation, and a brief description of the permits required.

- The **MDEQ** administers the **MEPA**, which is Montana's state equivalent to NEPA. MEPA and NEPA requirements typically can be met in a joint environmental document. The MDEQ also conducts the transmission line siting process and most permitting functions under the MFSA, the purpose of which is to prevent the "unreasonable depletion and degradation" of natural resources in the state. Its jurisdiction extends over public utilities, which are broadly defined in Montana, and applies to transmission lines greater than 69 kV. Exceptions to this authority exist for shorter lines, facilities that have obtained rights-of-way from 75% of the owners who collectively own 75% of the property along the line, or upgrades to existing lines.
- The **MFSA** supersedes all other Montana state and local laws or regulations concerning siting jurisdiction and requirements and also applies to all federal facilities.
- A **CC from the MDEQ** is required for transmission construction for both public utilities and other applicants. An application for a CC must describe both purpose and need, as well as environmental impacts. Public hearings are required, and inadequate hearings early in the process often lead to protests, additional scoping, and other delays later on. The filing of incomplete applications also will create project delays. Pre-filing scoping by a project developer of a proposed project with the MDEQ and key stakeholders could improve the timing for the processing of permit applications for major transmission projects.

- After receiving an application, the MDEQ must issue a report containing appropriate studies, evaluations, recommendations, MEPA documents (if required) and other documents within nine months after receiving a complete application. An expedited review process is available in limited circumstances. Several state departments are required to report potential impacts and provide recommendations on granting or modifying the CC. These departments include: the Department of Transportation, the Department of Fish, Wildlife and Parks, the Department of Natural Resources and Conservation, the Department of Revenue, the Department of Public Service Regulation and the state's Consumer Counsel.
- Within 30 days after issuance of its report, the MDEQ must make a decision based on need, feasibility, and project impacts. In granting or denying the CC, the DEQ must consider the following factors:
 - Need exists for the facility;
 - The facility "incorporates all reasonable, cost-effective mitigation of significant environmental impacts" and unmitigated impacts do not contravene applicable law;
 - The line complies with utility planning, economy and reliability;
 - The line complies with state and local law and regulations;
 - The facility will serve "the public interest, convenience and necessity," considering the project's costs and benefits to the applicant, the state, the economy and the public health, welfare and safety;
 - The MDEQ has issued the required air or water decisions or permits; and
 - The use of public lands or federally designated energy corridors for the line's location was selected whenever their use was compatible with transmission line reliability criteria.
- A determination of **public interest, convenience and necessity** qualifies the facility to exercise eminent domain powers under Montana law. A CC typically will require at least 18 to 36 months to complete, even with minimal opposition, but there is no legally mandated timetable for MDEQ action.
- The MDEQ also certifies **CWA Section 401, 402, and 404 permits**.
- The **Montana Public Service Commission** is not involved in transmission siting or permitting.
- The **State Historic Preservation Office** conducts NHPA Section 106 consultation, as described in the federal section above.
- State siting authority does not affect property rights. **Department of Natural Resource and State Lands permits** still must be obtained.
- **Local Governments** establish zoning districts and require **permits for construction**. Most counties do not have formally enacted zoning and permitting regulations for transmission.

Appendix 1 presents details on permits required for transmission in Montana

C.6 Nevada

Summary

Transmission permitting in Nevada is subject to the **Utility Environmental Protection Act (UEPA)**, which gives the **Public Utilities Commission of Nevada (PUCN)** exclusive jurisdiction to determine the need for a project. The UEPA also encourages the PUCN to conduct joint review with the federal government and other states, and requires that the PUCN accept findings incorporated in a previous federal review of the project. Permitting in Nevada is thus largely streamlined at the state level, with permits from the Divisions of Environmental Protection, Wildlife and Forestry generally not greatly elongating project timelines. Department of Transportation Permits and SHPO consultation also require state level permits.

Agencies and Permits

Following are the state-level agencies with authority over transmission construction and operation, and a brief description of the permits required.

- The **PUCN** has authority over the siting of transmission lines of 200 kV or more and construction of utility generation facilities greater than 70 MW. The PUCN provides a CPCN, a permit to construct and conducts environmental review of a proposed project under UEPA. The broad authority of the PUCN allows for relatively streamlined and rapid permitting compared to many states. **Municipalities and certain trusts** are exempt from the PUCN's CPCN requirements.
- An application for a permit to construct requires a summary of environmental impacts studies, as well as a discussion of purpose and need, which the PUCN has exclusive jurisdiction to determine. The PUCN centralizes the review process by coordinating with relevant state agency input.
- The PUCN often issues compliance orders prior to approving an application. These orders identify conditions of approval prior to construction and outline a clear path to completing pre-construction requirements. This process may take from a few months to more than a year to complete. Once a complete application is received, the PUCN must make a decision within 150 days, and all other permitting entities are required to work within the same time frame. Once all permits have been obtained, the permit to construct is issued without further PUCN review.
- The **Nevada Division of Environmental Protection (NDEP)** issues federal **CWA Section 401, Section 402, and Section 404 permits**, which, as federal permits, require separate application and review. However, CWA permitting is relatively rapid in Nevada due to the scarcity of jurisdictional waters.
 - **Section 401.** The NDEP will initiate the Section 401 Certification process in response to receipt of the permit application, typically for both Section 401 and Section 404. When they are necessary, the NDEP will prepare the Special Provisions for incorporating measures to remove or mitigate potential impacts to water quality standards. Most

projects do not require such provisions. Surveys may be required as necessary, and approximate processing time is 6 months, once a complete application is received.

- A **Section 402** application requires the completion of SWPPP to be reviewed and approved by NDEP. NDEP may require modifications to a SWPPP within the time frame specified for the project. The permittee shall make the SWPPPs available upon request to State or local agencies approving other associated permits. A Section 401 permit is required before a Section 402 permit may be issued, and a Section 401 permit should be included in the Section 402 application. The Section 401 permit is typically the more limiting factor.
- A **Section 404** permit also requires the approval of a Section 401 permit. The Section 401 permit should be included in the application of a Section 404 permit. The NDEP reviews and approves the Section 404 permit in addition to federal review within a project-specific time frame, typically determined by Section 401 processing time.
- The **Nevada Division of Forestry** and **Division of Wildlife** review surveys for state and federally threatened and endangered plants and wildlife species for completeness. If required, the Division of Forestry also reviews and approves applications for a Permit for Lawful Take of a Protected Plant. The permit application requires a description of the site, current and anticipated disturbance, mitigation, and recovery strategies.
- The **Nevada State Historic Preservation Office** is responsible for carrying out NHPA Section 106 consultation with applicants. This process is conducted as described under federal permits. Because Nevada has a rich archaeological and cultural record and because other permits are often highly streamlined compared to other states, Section 106 consultation can create delays in permitting. However, the process is generally completed within the average one-year time frame described under federal permitting.
- The **Nevada State Museum** issues antiquities permits to qualified individuals
- The **Nevada Department of Transportation (NDOT)** reviews ROW encroachment permits for state roads and highways. A site plan rendering roadway features may be necessary, along with an advance meeting to review preliminary plans with an NDOT District Traffic Engineer. This meeting may help avoid making multiple sets of plans before construction elements are acceptable for review. A traffic study and pre-construction meetings may be required. Timing is project-specific, and can create delays if traffic impacts are anticipated to be large.
- **County and municipal governments** exercise authority through zoning ordinances. In most Nevada counties, a **special use permit** is required prior to initiating construction of a transmission line. All special use permit applications must be considered at a public hearing, with the county planning commission as the decision body and the board of commissioners as the appellate body. Other local permits that may be required include: **Potential conditional use; Dust Control Permit; Construction Permit**. Local permits are typically processed very quickly relative to project time frames.

Appendix 1 presents details on permits required for transmission in Nevada.

C.7 New Mexico

Summary

Transmission permitting in New Mexico is normally the responsibility of county and local governments through zoning permits. However, the **New Mexico Public Regulations Commission (NMPRC)** issues a CPCN and approves the location for power plants greater than 300 MW and associated transmission lines greater than 230 KV. The PRC may also hear appeals of application denials at the local level for transmission projects between 115 and 230 kV. A Governor's Office task force has recently recommended that the New Mexico Governor's Office, the state Energy Minerals and Natural Resources Department and the **New Mexico Renewable Energy Transmission Authority (NMRETA)** should "promote and assist, as appropriate, with the siting, permitting and achieving general support for the proposed interstate transmission lines and current projects in the state such as SunZia, Tres Amigas, Centennial West Clean Line, Southline, High Plains Express" (New Mexico Governor's Office 2010).

Agencies and Permits

Following are the state-level agencies with authority over transmission construction and operation, and a brief description of the permits required.

- **County governments** may issue **Conditional Use and Special Use Permits**. This is the chief permitting mechanism in New Mexico, as most projects are permitted at the local level. Each local government has a planning and zoning process that varies widely.
- The **NMPRC** has approval authority through a **CPCN process** for transmission lines proposed by its jurisdictional utilities. A CPCN from the NMPRC may be approved without a formal hearing if no protest is filed within 60 days of the date of application filing notice. The NMPRC must issue an order within 9 months of application filing. If no such order is issued, the CPCN is deemed to be granted, subject to one 6-month extension.
- The NMPRC also has authority to issue a **Location Permit** for transmission lines with a capacity of 230 kV or more that are associated with a proposed generation facility of 300 MW or more. This authority applies to all projects proposed in the state, irrespective of whether they are proposed by a jurisdictional IOU, a municipality or some other entity.

The issuance of a Location Permit requires environmental studies, mitigation development, and the project proponent must comply with applicable local land use statutory or administrative regulations unless the NMPRC finds that the regulation is "unreasonably restrictive and . . . not in the interest of the public convenience and necessity." If an issue exists with respect to whether a regulation is "unreasonably restrictive and compliance with the regulation is not in the interest of public convenience and necessity," the NMPRC serves notice of that fact upon the agency, board or commission having jurisdiction for land use of the area affected and shall make the agency, board or commission a party to the proceedings and give it an opportunity to respond to the issue.

To issue this permit, the NMPRC must find that the project is in compliance with all applicable air and water pollution control standards and regulations existing. Typically, the application for this permit is filed simultaneously with the CPCN. If the ROW will be greater than 100 feet, the proponent must also obtain a **Determination of Right-of-Way Width** from the NMPRC.

- The **Surface Water Quality Bureau** reviews and certifies **CWA Section 401** permits. Permits are generally certified within 45 days of receipt of a complete certification request, which includes a public comment period. However, incomplete submissions may delay this schedule.
- The **State Historic Preservation Office** conducts **NHPA Section 106** consultation, as described in the federal section above.
- **State Trust Lands** in New Mexico differ from public lands, and permitting requirements for crossing these areas can be time consuming.
- The NMRETA was created to encourage renewable energy development. The NMRETA helps identifies and establish electric transmission corridors, participates in regional and interstate transmission forums, and has eminent domain authority for renewables. No specific timetable is associated with NMRETA actions.

Appendix 1 presents details on permits required for transmission in New Mexico.

C.8 Oregon

Summary

Oregon has one of the most centralized transmission permitting processes in the West. The **Oregon Energy Facility Siting Council (OEFSC)**, a subdivision of **Oregon Department of Energy (ODOE)**, has siting authority over large transmission lines and imposes specific standards for determining compliance. A project must meet all standards, or it cannot be approved unless “overall public benefits” of the facility outweigh the damage to the resources protected by the standards the facility does not meet. The OEFSC typically acts subsequent to completion of related federal actions, and its Siting Certificate covers all state permitting requirements. The process for obtaining this certificate, however, is complex, as described below, and applicants may opt to obtain permits at the local level according to local rules and regulations.

Agencies and Permits

Following are the state-level agencies with authority over transmission construction and operation, and a brief description of the permits required.

- The **OEFSC** has authority to approve energy facilities by issuing a **Siting Certificate** for transmission lines that are more than ten miles in length, 230 kV or more, and constructed in more than one city or county. Upgrades and lines within 500 feet of an existing corridor are not included.

The process for receiving a site certificate is complex. A **Notice of Intent (NOI)** must be submitted to identify potential environmental impacts. In the NOI, the applicant can opt to obtain local government or OEFSC determination of the proposal's consistency with statewide land use planning goals. In the latter case, the OEFSC will appoint a **Special Advisory Group (SAG)** of local agency officials to make recommendations regarding compliance.

Within 140 days after receiving the NOI, the OEFSC will prepare and submit a **Project Order** containing applicable statutes, permit requirements, and the scope of impact analysis. The applicant then submits a **preliminary application**. Applicants can shorten the preparation phase by planning as much of the application as possible in advance, but may not submit the application until receiving the Project Order. When the application is deemed complete, the OEFSC asks the applicant to submit an Application Supplement, which compiles all of the additional information the applicant has submitted.

The applicant has two years after the date of submission of the NOI to submit a complete application. The OEFSC reviews the application and issues a **Draft Proposed Order**, holds public hearings, and after review issues a **Proposed Order** and, if there is opposition, a **Notice of Contested Case**, allowing for legal challenges.

Following the contested case proceeding, the OEFSC decides whether or not to issue a site certificate in a **Final Order**. The Final Order must be issued within 12 months of receipt of a complete application. Once the site certificate is issued by the OEFSC, all other state and local agencies must issue the permits addressed in the site certificate.

Following the issuance of an OEFSC Final Order, any party to the contested case has 30 days to apply for a rehearing. A party may also petition for judicial review within 60 days after the date of service of the Council's Final Order (or within 30 days after the date a petition for rehearing is denied). The filing of a petition for judicial review does not automatically stay the OEFSC's Final Order. The Oregon Supreme Court has exclusive jurisdiction for judicial review of OEFSC decisions. The Supreme Court is required to render a decision within six months following the filing of the petition for review.

Expedited OEFSC permitting is available for some small facilities and facilities meeting special criteria.

- When an overhead transmission line necessitates condemnation of land, the person must obtain a CPCN from the **Oregon Public Utility Commission (OPUC)**.
- The **State Historic Preservation Office** conducts NHPA Section 106 consultation, as described in the federal section above.
- The **Department of Environmental Quality ("DEQ")** is responsible for certifying **CWA Section 401** and **Section 402** applications. Section 401 permits are requisite for Section 404 permits, and often are submitted as one application for certification by DEQ and subsequently by the ACOE. Oregon Rules require that the DEQ complete a certification decision within a reasonable period of time, which shall not exceed one year. However, the actual time period for such review will vary based on the complexity of the project, the quality of the

information provided, the significance of water quality concerns raised during the public process, and the responsiveness of the applicant.

- If the applicant chooses to seek land use approval at the local level, then the applicant must comply with all local ordinances. Cities and counties are required to have a comprehensive land use plan and implementing regulations, and implement permitting through zoning and **temporary and conditional use permits**.

If the applicant chooses instead to have the OEFSC make the land use determination, the OEFSC must make findings of compliance with the local land use ordinances. Local officials identify the “applicable substantive criteria.” The **Oregon Department of Land Conservation and Development** sets the overall rules for land use planning decisions, provides technical assistance and grants, and reviews local plan amendments for local compliance.

Appendix 1 presents details on permits required for transmission in Oregon

C.9 Utah

Summary

Transmission line permitting in Utah is normally the responsibility of local jurisdictions, as the **Siting of High Voltage Power Line Act** gives authority for lines greater than 230 kV to local land use agencies. At the state level, the **Utah Public Service Commission (UPSC)** regulates public utilities but does not have authority for siting of new transmission lines. The UPSC will issue CPCNs for new transmission lines after other federal, state, and local permits are obtained. The **Utility Facility Review Board (UFSB)** resolves disputes between local governments and public utilities regarding the construction of public utility facilities. The **Utah Generated Renewable Energy Electricity Network Authority (UGREENA)** is a quasi-governmental entity focused on developing and financing renewable projects.

Agencies and Permits

Following are the state-level agencies with authority over transmission construction and operation, and a brief description of the permits required.

- If an application conforms to the requirements of **local government** zoning ordinances, the application must be certified, unless the public interest would be jeopardized. A **conditional use permit** process is used for approval and is similar across counties. A **notice of intent (NOI)** to file an application to the local government must be submitted 60 days in advance of filing. Additionally, an informational website must be set up, and a notice of the filing of the NOI must be published in the local newspaper.
- The **Siting of High Voltage Power Line Act** regulates the issuance of **land use permits** by local governments for transmission projects of 230 kV or greater. A public utility must submit a NOI to file such an application at least 90 days in advance of filing. The utility also must conduct public workshops in the area of the proposed line. The local land use authority must make a decision on an application within 60 days after its filing.

- The **UPSC** regulates public utilities, but it does not have direct siting authority for major transmission facilities, nor does any other state agency. The UPSC makes its CPCN decision after a hearing. It has considerable latitude when reviewing a CPCN application to approve all, none, or parts of the application. Electric utilities are required to **file a report with the UPSC** at least thirty days before beginning construction of a transmission line ten miles or more in length with a design voltage of 138 kV or greater, if the cost of the project will be greater than \$10 million. This report describes the project purpose and need, applicable permits, and demonstration of compliance with existing utility infrastructure. **Municipal utilities** are not subject to the jurisdiction of the UPSC, although **merchant transmission projects** are subject to the UPSC's CPCN authority.
- The **USFB** consists of the members of the UPSC and one individual each appointed by the Governor from lists of nominees from the Utah League of Cities and Towns and the Utah Association of Counties. The USFB makes decisions regarding the potential limitations imposed by local governments on public utilities, including excess costs and restrictions from local government requirements, failure of the local government to make a final decision within 120 days, and inconsistencies across jurisdiction. UFSB jurisdiction is limited to projects proposed by public utilities that will require a CPCN from the UPSC. As of 2009, the UFSB has issued only one written decision.
- The **UGREENA** has the authority to prioritize transmission projects and to analyze whether there is sufficient transmission capacity to transport renewable energy to load and connect renewables to the transmission system. The UGREENA issues bonds to fund transmission projects that meet certain criteria but does not have siting authority
- The **State Historic Preservation Office** conducts **NHPA Section 106** consultation, as described in the federal section above.
- The **Utah Division of Water Quality** certifies **CWA Section 401, 402 and 404** permits.

Other permits are required, but typically do not affect overall project timing.

- **Division of Forestry, Fire, and State Lands:** Easement on state lands; Technical survey procedure review and approval (cultural, paleontological, and biological resources.)
- **Division of State History:** Pre-construction Notification of Planning Stage
- **Air Quality Board:** Notice of Construction
- **Water Quality Board:** Discharge permit; Spill permits
- **Division of Wildlife Resources:** Easement for Use of State Wildlife Resource Lands

Appendix 1 presents details on permits required for transmission in Utah.

C.10 Washington

Summary

Transmission line permitting in Washington is subject to the **State Environmental Protection Act (SEPA)**. For transmission projects, the **Energy Facility Site Evaluation Council (EFSEC)** is the

lead agency. Applicants may opt to conduct permitting through the EFSEC or at the local level; if chosen, the EFSEC provides a central location for permitting. The EFSEC utilizes a formal adjudicative process and makes a recommendation to the Governor, who has final say over project approval. Once a complete application is submitted, an EFSEC site certificate takes approximately one year to be issued and covers all necessary state permits for a project.

Agencies and Permits

Following are the state-level agencies with authority over transmission construction and operation, and a brief description of the permits required.

- The **EFSEC** has legal jurisdiction over all of the evaluations and permits for all transmission facilities in excess of 115 kV. However, historically, the EFSEC has had jurisdiction over all electric transmission facilities without regard to length or voltage. EFSEC authority supersedes all siting decisions by other state or local government entities for “Electric Transmission Facilities,” which are defined as “electric power lines and related equipment,” and “Energy Facilities,” which are defined as “energy plants or transmission facilities.” No stand-alone transmission lines have been sited in Washington without EFSEC approval for over 20 years.

Applicants must opt-in to have EFSEC conduct permitting, or may permit at the local level. If applicants opt in, the EFSEC is also the permitting agency for air, water, and hazardous waste permits, conducts socioeconomic impact assessments, and determines compliance with local and regional plans and zoning. Approval by EFSEC must include conditions to protect local governmental or community interests. The EFSEC does not require a demonstration of need and may not consider fuel source in an application. Interestingly, municipal utilities and cooperatives, as well as the federal Bonneville Power Administration (the largest owner of transmission lines in the state) may opt in to the EFSEC process, and a number of projects from these public entities have gone through EFSEC review.

SEPA is Washington’s parallel requirement to NEPA. SEPA and NEPA requirements are generally met in a joint environmental document. Statutorily, the EFSEC is the SEPA Lead Agency and the state siting authority for NEPA. The EFSEC may issue a Determination of Non-Significance (DNS), require an abbreviated environmental checklist, or require a longer Environmental Impact Statement (EIS), which is equivalent to an EIS under NEPA. In general, stand-alone SEPA EIS documents must be less than 75 or 150 pages in length, considerably shorter than most NEPA documents.

Application review and approval consists of environmental studies and public hearings⁴, with the EFSEC ultimately making a recommendation to the Governor regarding approval of a **Site Certification Agreement** (SCA) executed by the Governor. The EFSEC must submit its recommendation to the governor within 12 months of application filing. The Governor then has 60 days to make a decision.

⁴ Required hearings include adjudicative hearings, public hearings, land use consistency hearings, and air and water permit hearings.

According to EFSEC, “Conducting a Preliminary Site Study can help determine if there are any environmental, social, or regulatory ‘hurdles’ that cannot be overcome, rendering the project unsuitable. Determining this before beginning the certification process saves the applicant time and money” (EFSEC 2012a). Preliminary study time tables are project-specific, but centralization through EFSEC allows for relatively rapid turnaround in terms of overall project schedule.

- The **Department of Natural Resources (DNR)** has no permitting authority, but EFSEC must coordinate with DNR, and a member of DNR sits on the EFSEC council. Thus, DNR concerns are often a major factor in permit timing.
- The **Washington Utilities and Transportation Commission (WUTC)** is divested of authority over a transmission project that is processed through the EFSEC, and the determination of project need after the EFSEC has made a recommendation to issue a SCA will be a matter within the discretion of the Governor.

There is no specific requirement that an applicant for a proposed transmission line first obtain a CPCN for transmission facilities. However, when an application for a transmission project does **not** opt in to the EFSEC process, the WUTC would have the authority to determine the reasonableness of a jurisdictional utility’s investment in such a project after the project becomes “used and useful” (*i.e.*, after the project goes into service and the utility seeks to roll its costs into its rate base).

- When projects are not processed through the EFSEC, **county and municipal governments** regulate siting through comprehensive planning and development regulation. The **Washington Growth Management Act** requires local governments to designate utility corridors through these processes. Many applicants opt out of EFSEC siting, preferring county authority through zoning and utility corridor designation. Permit timing will be highly project-specific in these cases, but applicants will likely choose this option when it is faster or more affordable than the EFSEC process.

When a project is **not** sited through EFSEC, the issuance of right-of-way and the power to exercise eminent domain is within the authority of **county and municipal governments**. The grant of such entitlements by local government can be subject to a popular referendum, which could be a source of both uncertainty and delay in moving a project forward. However, applicants may appeal to EFSEC if their project application is denied at the local level.

- The **Department of Ecology (Ecology)** is the state authority for **CWA Section 401** permits. The Section 401 Certification can cover both the construction and operation of the proposed project. Conditions of the Section 401 Certification become conditions of the Federal permit or license. For Individual Section 401 applications, a minimum twenty-day public notice is required, and a decision takes up to one year, although, in practice, it usually requires less than three months. The issuance of a Letter of Verification (LOV) from the ACOE can take as little as 30 days but, in some cases, as long as 180 days.

Section 404 permits are also reviewed by Ecology. The processing time for individual Section 404 permits can range from 9 to 24 months. Nationwide permits are often processed within

3 to 6 months, but can take up to 12 months. The time frame is dependent on the complexity of the impacts on aquatic resources, endangered species, archaeological or tribal concerns, and on agency workload.

In addition, activities and development affecting coastal resources that involve federal activities, federal licenses or permits, and federal assistance programs (*i.e.*, funding) require a written **Coastal Zone Management (CZM)** decision by Ecology. Activities and developments performed by or for federal agencies require a CZM determination stating that the project is consistent with **Washington's Coastal Zone Management Program (WCZMP)** to the “maximum extent practicable.” Ecology has 60 days to process applications for federal projects and 180 days to render a decision on licenses, permits or funding projects.

- The **State Historic Preservation Office** conducts **NHPA Section 106** consultation, as described in the federal section above.

Appendix 1 presents details on permits required for transmission in Washington.

C.11 Wyoming

The state of Wyoming is preparing this information with a separate consultant. Appendix 1 includes a summary table for Wyoming permits.

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Appendix 1: Permit Tables

This appendix presents tables summarizing federal and state permits required for transmission lines in the Western States. Federal permits are presented in Table 1, followed by the states in Tables 2 through 11.

Table 1. Federal Permitting

Agency / Jurisdiction / Permit	Implementation Issues
USFWS (US Fish and Wildlife Service) <i>Endangered Species Act 16 USC 1531-1544 (ESA)</i> Section 7 Consultation (Biological Assessment>Biological Opinion)	Submission of a complete Biological Assessment (BA), which includes complete surveys, is a critical step in obtaining a USFWS Biological Opinion. Once a complete BA is submitted, FWS is required to provide the Biological Opinion within 135 days. However, incomplete application submission and resubmission often extends this schedule by several times. Informal consultation, thorough surveys, and preparation of a BA before publication of final NEPA/CEQA documents can speed up permitting.
BLM (Bureau of Land Management) <i>FLPMA 43 USC 1701 et seq.</i> ROW Grant	Permitted with ROD ⁵ . Resubmission may be required with subsequent project changes
BLM (Bureau of Land Management) <i>FLPMA 43 USC 1701 et seq.</i> Temporary Use Permit	Permitted with ROD. Resubmission may be required with subsequent project changes
BLM (Bureau of Land Management) <i>FLPMA 43 USC 1701 et seq.</i> Antiquities and Cultural Resources Use Permit	BLM returns permits within 2 weeks of receipt of completed application ⁶ .
BLM (Bureau of Land Management) <i>FLPMA 43 USC 1701 et seq.</i> Cultural Field Use Authorization	BLM typically returns field use authorization requests within 30 days of receipt of completed application ⁷ .
BLM (Bureau of Land Management) <i>FLPMA 43 USC 1701 et seq.</i> ARPA (Archaeological Resources Protection Act) Permit	ARPA require a program of Native American consultation prior to their issuance. Applicants for an ARPA permit should allow a minimum of 60 days for the permitting process. ⁸
BLM (Bureau of Land Management) <i>FLPMA 43 USC 1701 et seq.</i> Plan of Development	Permitted with ROD. Resubmission may be required with subsequent project changes
BLM (Bureau of Land Management) <i>FLPMA 43 USC 1701 et seq.</i> Notice to Proceed	Multiple Notices to Proceed (NTPs) are required for various segments of the transmission line. Applied for when all Project Modifications have been submitted and approved, and all relevant RODs finalized.
BLM (Bureau of Land Management) <i>FLPMA 43 USC 1701 et seq.</i> Clean Air Act Conformity	Permitted with ROD. Resubmission may be required with subsequent project changes
BLM (Bureau of Land Management) <i>FLPMA 43 USC 1701 et seq.</i> Fire Prevention Control Plan	Permitted with ROD. Resubmission may be required with subsequent project changes

⁵ See ROD doc for all permits granted with ROD

⁶ <http://www.blm.gov/ca/st/en/prog/archcult/faq.html>

⁷ <http://www.blm.gov/ca/st/en/prog/archcult/faq.html>

⁸ <http://www.blm.gov/ca/st/en/prog/archcult/faq.html>

Table 1. Federal Permitting

Agency / Jurisdiction / Permit	Implementation Issues
US Army Corps of Engineers <i>Clean Water Act, 33 USC 1341 Section 10, Rivers and Harbors Act</i> Discharge of Dredged or Fill Materials (Clean Water Act Section 404)	NEPA/CEQA must be completed before application may be submitted. When a complete application is submitted, permit processing usually requires 2-6 months. A Clean Water Act Section 401 permit is a pre-requisite to the Section 404 permit. Project modifications, incomplete applications, and delays in Section 401 permitting (resulting from all of the above) greatly extend this time frame. ⁹
US Army Corps of Engineers <i>Clean Water Act, 33 USC 1341 Section 10, Rivers and Harbors Act</i> Clean Water Act Section 401 certification.	While a permit must be obtained at the federal level, permitting is typically done at the state level then approved by the Corps. See state level processes for further details.
US Army Corps of Engineers <i>Clean Water Act, 33 USC 1341 Section 10, Rivers and Harbors Act</i> Section 10 Permit	Processing time for individual permits can range from 6 to 24 months. Nationwide permits are usually processed within 3 to 6 months, though it can take up to 12 months. The time frame is dependent on the complexity of the impacts on aquatic resources, endangered species, archeological or tribal concerns, and workload. Applicants requiring an environmental impact statement, far less than one percent of applicants, average about 3 years to process. ¹⁰
FHWA (US Department of Transportation, Federal Highway Administration)	No major implementation issues.
Encroachment Permits	
ATF (US Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms) <i>Where blasting may be required</i> Explosive User's Permit	No major implementation issues.
FCC (Federal Communications Commission) License for new microwave paths	Submit Required Notification application within 15 days of buildout deadline. A reminder is sent 90 days before deadline ¹¹ . No major implementation issues.
FAA (Federal Aviation Administration) <i>14 CFR Part 77</i> Form 7460-1, tower lighting, and FAA Determination	Coordination with FAA can occur prior to, during, or after environmental review process. Must submit Form 7460-1 (if required) 30 days prior to construction, ¹² but recommendations for wind turbines suggest submission 8-12 months in advance of construction to allow time for application completeness review, aeronautical study (which begins once a complete application is received), inter-agency review, and subsequent negotiations. The critical step is knowing location (especially a specific longitude/latitude) ¹³ and height of towers. Permitting cannot occur until specific project details have been developed.

⁹ <http://water.epa.gov/type/oceb/habitat/cwa404.cfm>

¹⁰ <http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=36>

¹¹ http://wireless.fcc.gov/licensing/index.htm?job=const_req_home

¹² <http://www.in.gov/dot/div/contracts/design/dmforms/Out9-4E.pdf>

¹³ <https://oeaaa.faa.gov/oeaaa/external/searchAction.jsp?action=showWindTurbineFAQs>

Table 1. Federal Permitting

Agency / Jurisdiction / Permit	Implementation Issues
EPA (US Environmental Protection Agency) <i>Clean Water Act and Construction sites with greater than five acres of land disturbed.</i> National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharge from Construction Activities (Clean Water Act Section 402)	Dependent on complete application. Permitted by SWRCB at state level, then adopted nationally. See state processes.
EPA (US Environmental Protection Agency) <i>Clean Water Act and Construction sites with greater than five acres of land disturbed.</i> RCRA (Resource Conservation and Recovery Act) Hazardous Waste Facility Permit	A permit application must be submitted 180 days prior to start of construction ¹⁴ . An informal pre-application public meeting is required for all new applicants who apply for a RCRA permit. In addition, current applicants who apply to renew RCRA permits, where the renewal application contains significant changes in the facility's operation (equal to a class 3 Permit Modification), must also hold an informal pre-application meeting. At least 30 days prior to the pre-application public meeting, the applicant is required to advertise the meeting in the newspaper, through a broadcast announcement (e.g., by radio or television), and on a sign posted at or near the property ¹⁵ . Permit must be received before construction begins.
EPA (US Environmental Protection Agency) <i>Clean Water Act and Construction sites with greater than five acres of land disturbed.</i> Discharge of Dredged or Fill Materials (Clean Water Act Section 404)	See above under ACOE.
FERC (Federal Energy Regulatory Commission) <i>Sales for resale and transmission services.</i> Federal Power Act compliance by power seller	Requires consultation with relevant Fish and Wildlife organizations. Permits are issued within 90 days of application submission. ¹⁶
FERC (Federal Energy Regulatory Commission) <i>Sales for resale and transmission services.</i> Utility Rate Filings	No major implementation issues. Not typically a cause for delays.

¹⁴ <http://www.epa.gov/osw/inforesources/data/form8700/8700-23.pdf>

¹⁵ http://www.dtsc.ca.gov/HazardousWaste/upload/hazwaste_facility_permits.pdf

¹⁶ http://www.eei.org/whatwedo/PublicPolicyAdvocacy/FedLegislation/Documents/Federal_Power_Act_Redline.pdf

Table 2. Arizona State Permits

Agency, Jurisdiction, Permit	Implementation Issues
Arizona Corporation Commission <i>Transmission, substation, and generation projects</i> Certificate of Environmental Compatibility	Referred to Transmission Line Siting Committee. Demonstration of need is critical. See description under main text above.
Arizona Department of Transportation <i>Arizona streets and highways</i> Encroachment/Crossing Permits	No major implementation issues
State Historic Preservation Office <i>Any archaeological and paleontological work</i> Consultation for Section 106 of the National and Arizona State Historic Preservation Act	No state-specific implementation issues. See above under federal.
Arizona State Land Department <i>State lands and Arizona Native Plant Law</i> Right-of-Way Easement	Required for state trust lands. Typically must show why project is in interest of the State Lands Department
Arizona Department of Environmental Quality Air Quality Permit for engines greater than 325 Hp prior to installation of engine.	No major implementation issues
Arizona Department of Environmental Quality Stormwater Pollution and Prevention Plan	Required as part of CWA permitting. Some municipalities and communities have specific requirements ¹⁷ . No state-specific implementation issues.
County Government <i>County roads and highways, flood control/drainage channels</i> Road/Highway Encroachment/Crossing Permit	No major implementation issues

Table 3. California State Permits

Agency, Jurisdiction, Permit	Implementation Issues
CAISO (California Independent System Operation) <i>Purpose and Need for new transmission, substation, and generation projects</i> Interconnection approval	Requires CAISO review of technical studies of proposed project. Contributes to CPCN publication.
California State Lands Commission <i>State lands</i> Right of Way Easement	Granted as part of CEQA document.
CDFG (California Department of Fish and Game) <i>Manage fish, wildlife, plant resources and habitats; California ESA, California Native Plant Protection Act California Fish and Game Code Section 1602</i> Streambed Alteration 1602 Permit	When an application is received, CDFG must determine application completeness within 30 days. Multiple incomplete submissions are typical and delay permitting process. Once an application is determined complete, CDFG has 60 days to review the application. An additional 14 days are allotted for voicing of disagreements. If disagreements exist, another 14 days is allotted to establish an arbitration board, and an additional 14 to execute a final decision.

¹⁷ <http://www.azdeq.gov/environ/water/permits/stormwater.html>

Table 3. California State Permits

Agency, Jurisdiction, Permit	Implementation Issues
CDFG (California Department of Fish and Game) <i>Manage fish, wildlife, plant resources and habitats; California ESA, California Native Plant Protection Act California Fish and Game Code Section 2081</i> Endangered Species Consultation	No timeline for 2081 specified in regulations – “Through permits or memorandums of understanding, the department may authorize individuals, public agencies, universities, zoological gardens, and scientific or educational institutions, to import, export, take, or possess any endangered species, threatened species, or candidate species for scientific, educational, or management purposes.”. 2080 (consistency w/ fed ESA) says this: CDFG has 30 days to determine whether a federal incidental take permit is consistent with the California Endangered Species Act (CESA). Additional permits are required if inconsistent. (Presumably this too depends on complete applications or complete Section 7)
CDFG (California Department of Fish and Game) <i>Manage fish, wildlife, plant resources and habitats; California ESA, California Native Plant Protection Act California Fish and Game Code Section 1602</i> Certification of EIR	Early consultation (prior to publication of EIR is required). Final EIR is submitted to the relevant CDFG regional manager. No timeline is provided for certification.
CalTrans (California Department of Transportation) <i>CA streets and highways Code 660-711.21 Cal. Code of Regs. 1411.1-1411.6. Truck deliveries of loads that exceed Caltrans weight, length, or width standards for public roadways.</i> Encroachment Permit	When a complete application is received, CalTrans has 60 days in which to review and assess the application. A Traffic Control Plan and Road Closure Plan are required for issue of an encroachment permit. CalTrans stipulates that an Encroachment Permit Application submittal is not complete until all other statutory requirements, including (CEQA), have been complied with ¹⁸ . Typically not a source of delays, but applications with complete information should be submitted early for large loads and certain construction techniques (<i>e.g.</i> , jack and bore under road). Communication between CalTrans, agencies, and utilities will further streamline the process.
CalTrans (California Department of Transportation) <i>CA streets and highways Code 660-711.21 Cal. Code of Regs. 1411.1-1411.6. Truck deliveries of loads that exceed Caltrans weight, length, or width standards for public roadways. Also, transportation of hazardous materials.</i> HazMat Delivery	When a complete application is received, CalTrans has 60 days in which to review and assess the application. CalTrans stipulates that application submittal is complete when all other statutory requirements, including (CEQA), have been complied with.
DTSC (California Department of Toxic Substances) <i>Hazardous Waste Control Act of 1972</i> California Hazardous Waste Permanent ID number/90 Days TSD Permit	ID number is issued within 7 business days of date when complete application is received. ¹⁹ Temporary ID numbers (90-day numbers) are issued to people or businesses that do not routinely generate hazardous waste ²⁰ . If a business generates more than 1 kilogram of RCRA acutely hazardous waste per month or more than 100 kilograms of other RCRA waste per month, they must have a federal ID number (see Section B above). Applications can be submitted before completion of EIR/EIS
DTSC (California Department of Toxic Substances) <i>Hazardous Waste Control Act of 1972</i> California Hazardous Waste Facility Permit	A completeness review must be submitted within 60 days of receipt of all application materials. When an application is administratively complete, DTSC commences an in-depth Technical Review, which may require additional resubmissions and modifications. The application is then considered fully complete. A draft permit is issued and a 45 day public comment period is held. CEQA review must be complete before public comments are accepted. A final decision is then issued, and the applicant and public have 30 days in which to appeal ²¹ .

¹⁸ <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

¹⁹ http://www.dtsc.ca.gov/HazardousWaste/upload/GISS_FORM_1358.pdf

²⁰ http://www.dtsc.ca.gov/IDManifest/ID_Numbers.cfm#Who_Needs_an_ID_Number?

²¹ http://www.dtsc.ca.gov/HazardousWaste/upload/hazwaste_facility_permits.pdf

Table 3. California State Permits

Agency, <i>Jurisdiction</i> , Permit	Implementation Issues
DTSC (California Department of Toxic Substances) <i>Hazardous Waste Control Act of 1972</i> Hazardous Material Business Plan	No major implementation issues
California State Historic Preservation Office <i>Any archaeological or paleontological work</i> Consultation for Section 106 of the National Historic Preservation Act (NHPA)	SHPO consultations should be initiated early in the project planning process, before the project is begun ²² . No state agency shall alter the original or significant historical features or fabric, or transfer, relocate, or demolish historical resources on the SHPO master list without, early in the planning processes, first giving notice and a summary of the proposed action to the officer, who shall have 30 days after receipt of the notice and summary for review and comment. If the officer determines that a proposed action will have an adverse effect on a listed historical resource, the head of the state agency having jurisdiction over the historical resource and the officer shall adopt prudent and feasible measures that will eliminate or mitigate the adverse effects. ²³ If the minimum required information for review is not provided, SHPO may solicit additional information; the 30-day review clock resets each and every time additional information is solicited. ²⁴ There is no time limit for the preparation of an agreement document²⁴.
CARB (California Air Resources Board) <i>State-wide</i> Portable Engine Registration for specified non-mobile portable engines	It depends on the complexity of the application submitted, but generally registration is issued within 30-60 days of receipt of an application. Section 2453(e) of the PERP Regulation allows for a maximum processing time of 90 days, however. Average turnaround time is 30 days, and turnaround time can be expedited by pre-registering engines, submitting change of ownership forms, and submitting an expedited processing application ²⁵ . Once new registration documents have been received either upon initial application or renewal, the registrant must contact the designated home district within 45 days to arrange an appointment for the inspection. The arranged inspection must occur within 1 year of the registration issuance. ²⁶
California Reclamation Board <i>Waterways that possess designated floodways</i> Encroachment Permits	Once the encroachment permit application has been sent to the Reclamation Board, the Reclamation Board may make contact within 30 days if they require additional information to complete the application. Once the application is considered complete, the application goes through a 60-day review period, leading to a decision by the Board during a Board meeting. The encroachment permit would then be issued shortly after the Board decision. ²⁷
SWRCB (State Water Resources Control Board) <i>Clean Water Act</i> Storm water General Permit 99-08-DWQ	The SWRCB provides this permit, but the nine Regional Water Quality Control Boards are responsible for its implementation.

²² http://ohp.parks.ca.gov/?page_id=26059

²³ <http://ohp.parks.ca.gov/pages/1071/files/Public%20Resources%20Code%205024.pdf>

²⁴ <http://ohp.parks.ca.gov/pages/1054/files/106minimuminfo reqs.pdf>

²⁵ <http://www.arb.ca.gov/portable/perp/advisory.htm>

²⁶ <http://www.arb.ca.gov/portable/perp/perpfaq.pdf>

²⁷ <http://www.sacrivers.org/aboutwatershed/permitguide/permitttype/reclamation-board-encroachment-permit>

Table 3. California State Permits

Agency, <i>Jurisdiction</i> , Permit	Implementation Issues
SWRCB (State Water Resources Control Board) <i>Clean Water Act</i> National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharge from Construction Activities (Clean Water Act Section 402)	The specific steps to obtain an NPDES permit from a state or regional water board are as follows: 1) File the appropriate NPDES application forms with the Regional Water Board 180 days before the expected discharge. 2) State or Regional Water Board staff reviews the application for completeness and may request additional information. This process is often a chief source of delays. 3) Staff determines if the discharge is to be permitted or prohibited. If a permit is needed and the application is complete, staff prepares a draft and sends out a notice for a 30-day public comment period. 4) The discharger must publish the public notice for one day in the largest circulated paper in the municipality or county. 5) The Regional Water Board holds a public hearing. After this process, the State or Regional Water Board makes its decision. This state process generally takes 6 months, but may take longer depending on the nature and complexity of the project. ²⁸ See above discussion for subsequent federal process.
SWRCB (State Water Resources Control Board) <i>Clean Water Act</i> Clean Water Act Section 401 certification.	Complete environmental review (NEPA/CEQA) is required before certification may be issued. The State Board typically certifies the permit provided by the Regional Board
(CDWR) California Department of Water Resources <i>California Water Project ROW</i> Encroachment Permit	Water Code 12899.1 (e) requires DWR to issue or deny a permit within 60 days of receipt of a fully completed application as determined by DWR. Following completion of the review, the permit will be issued, more information will be requested, or the permit request will be denied. The key is to submit a complete application and all the necessary supporting documents which address all the aspects of the proposed work or activity in conformance with DWR's Encroachment Permit Guidelines. For simple activities, a permit can be issued within 60 days if the application package is complete and CEQA compliance is met. For complex and/or larger projects, there may be several iterations of plan review that are required before a permit can be issued. In these cases, a letter is sent requesting additional information from the applicant ²⁹ . The Applicant shall provide DWR with a copy of the As-Built drawings within 60 days from completion of the encroachment activity ³⁰ .
CEC (California Energy Commission) <i>Lines attached to generation greater than 50 MW</i> CEC certification	The Energy Commission's 12-month, one-stop permitting process is a certified regulatory program under the California Environmental Quality Act (CEQA) ³¹

Table 4. Colorado State Permits

Agency, <i>Jurisdiction</i> , Permit	Implementation Issues
Public Utility Commission <i>Primary permitting authority for transmission line siting, county level necessary.</i> Certificate of Public Convenience and Necessity	Regulation only, no siting authority. Required prior to construction for public utilities, but not applicable to other projects.
Department of Transportation <i>Encroachment into state roadway ROW</i> Utility/Special Use permit	No major implementation issues

²⁸ http://www.epa.gov/npdes/pubs/pwm_2010.pdf

²⁹ http://www.usbr.gov/mp/ccao/rec_land_use_forum/presentations/encroachment_issues_faq.pdf

³⁰ <http://www.water.ca.gov/engineering/docs/epguidelines.pdf>.

³¹ <http://www.energy.ca.gov/sitingcases/index.html#license>

Table 4. Colorado State Permits

Agency, Jurisdiction, Permit	Implementation Issues
Water Quality Control Division, Department of Public Health and Environment <i>Construction sites with greater than one acre of land disturbed.</i> Storm Water permit	No major state-specific implementation issues
Office of the State Archaeologist, Office of Archaeology and Historic Preservation <i>Disturbance of cultural or archeological resources.</i> Potential permit	No major implementation issues
Division of Wildlife <i>Habitat modification in wetland or riparian areas.</i> Wildlife certification	No major implementation issues
County and City Governments <i>Zoning Ordinances</i> Conditional and Special Use Permits	Chief permit required for transmission permitting. Varies by jurisdiction. Approval of projects consistent with zoning
County and City Governments <i>HB 1041 (1974)</i> 1041 Permit	Extensive review process, including environmental impacts, required. May substantially lengthen or complicate permitting. Only in jurisdictions where adopted.

Table 5. Nevada State Permits

Agency, Jurisdiction, Permit	Implementation Issues
PUCN (Public Utilities Commission of Nevada) <i>Construction of electric transmission line.</i> Permit to construct	The PUCN must either grant or deny the application within 150 days of receiving a complete application. All other permitting entities are required to work within the same time frame. Once all other permits have been obtained, the construction permit is issued without further PUCN review. PUCN may issue preliminary compliance orders that establish initial conditions prior to submitting a permit.
NDOT (Nevada Department of Transportation) <i>Encroachment into state roadway right-of-way.</i> ROW encroachment permit	Application and fee required. A site plan rendering roadway features may be necessary, along with an advance meeting to review preliminary plans with an NDOT District Traffic Engineer. This meeting may help avoid making multiple sets of plans before construction elements are acceptable for review. A traffic study may be required, along with other items. Upon approval of an NDOT permit, the Permittee will contact the appropriate NDOT permit office in advance of construction to activate the permit and schedule a pre-construction meeting with an NDOT inspector. ³²
NDEP (Nevada Division of Environmental Protection) <i>100-year floodplain, streams and rivers, waters of the state.</i> Floodplain use permits	No major implementation issues

³² http://www.nevadadot.com/Doing_Business/Permits/Occupancy_Permits.aspx

Table 5. Nevada State Permits

Agency, Jurisdiction, Permit	Implementation Issues
NDEP (Nevada Division of Environmental Protection) <i>100-year floodplain, streams and rivers, waters of the state.</i> Clean Water Act Section 401 certification.	NDEP must be copied on all Section 404 permit applications to the ACE. At that point, the NDEP will initiate the Section 401 Certification process in response to receipt of the permit application ³³ . Permit applications may require fees and/or surveys ³⁴ . Most 401 certifications do not require special provisions or changes in the Construction Contract Documents. When they are necessary, the Environmental Services Division will prepare the Special Provisions for incorporating measures to remove or mitigate potential impacts to water quality standards. Water quality monitoring upstream and downstream of the work also may be implemented to ascertain whether the project is impacting the receiving water. The Environmental Services Division will submit the Special Provisions to the Roadway Design Division and will ensure they are included in the Construction Contract Documents. Approximate processing time is 6 months³⁵, once a complete application is received³⁶.
NDEP (Nevada Division of Environmental Protection) <i>100-year floodplain, streams and rivers, waters of the state.</i> National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharge from Construction Activities (Clean Water Act Section 402)	Requires completion of SWPPP. NDEP may require modifications to a SWPPP within a specified time frame. The permittee shall make the SWPPPs available upon request to the State or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site. ³⁷ See California State Permitting for a discussion of EPA Section 402 process. Section 401 is required before Section 402 is issued, and Section 401 should be included in the Section 402 application. ³⁸
NDEP (Nevada Division of Environmental Protection) <i>100-year floodplain, streams and rivers, waters of the state.</i> Discharge of Dredged or Fill Materials (Clean Water Act Section 404)	See above under Federal Permitting Process. NDEP must certify Section 401 before Section 404 certification is granted, and Section 401 should be included in the Section 404 application. ³⁹
NDEP (Nevada Division of Environmental Protection) <i>Construction and operation.</i> Authority to construct, permit to operate	NDEP review of the PUCN permit to construct
NDEP (Nevada Division of Environmental Protection) <i>Pollution discharge.</i> Storm water pollution prevention plans (SWPPP), spill prevention, control, and countermeasures plan	An SWPPP is required as part of Section 402 certification (see above under Section 402). NDEP may require modifications to a SWPPP within a specified time frame. The permittee shall make the SWPPPs available upon request to the State or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site. ⁴⁰

³³ <http://www.nevadadot.com/uploadedFiles/ESPChapter14.pdf>

³⁴ http://ndep.nv.gov/docs_08/nevada_nps_rfp08.pdf

³⁵ <http://ndep.nv.gov/bwqp/bwqreg.htm#two>

³⁶ <http://www.nevadadot.com/uploadedFiles/ESPChapter14.pdf>

³⁷ <http://ndep.nv.gov/bwpc/conperm02.pdf>

³⁸ <http://ndep.nv.gov/bwqp/bwqreg.htm#two>

³⁹ <http://ndep.nv.gov/bwqp/bwqreg.htm#two>

⁴⁰ <http://ndep.nv.gov/bwpc/conperm02.pdf>

Table 5. Nevada State Permits

Agency, Jurisdiction, Permit	Implementation Issues
Division of State Lands <i>Crossing state lands.</i> Easement onto state lands	Applications for easements, leases and some other documents must have a complete surveyed legal description, wet-stamped and signed by a surveyor licensed in Nevada, and a map stamped and signed by the surveyor. The division of state lands recommends allowing a minimum of 6 months for processing leases and easements. Leases must also be approved by the Board of Examiners & the Interim Finance Committee, a minimal 90 day process ⁴¹ .
Nevada State Museum <i>Investigation of Paleontological, archaeological, and historic sites.</i> Antiquities Permit	Specific staff qualifications are required to receive permit ⁴² .
NSHPO (Nevada State Historic Preservation Office) <i>Disturbance of American Indian burial sites on state and private lands.</i> Notification of discoveries, consultation with affiliated groups	See Section 106 consultation under federal.
Division of Forestry <i>Modification of sensitive plant species habitat.</i> Compliance to survey for identification of plant species	No major implementation issues
Division of Forestry <i>Disturbance of special status plant species.</i> Permit for lawful take of protected plant	A complete application must include maps of the project, surrounding area, and off-site mitigation areas; special status species in the project area, vegetation communities, and soils; a statement describing the pre-disturbance and post-disturbance use of the land within the project area, best management practices and measures that will be used to minimize soil erosion and negative impacts to the surface and air during implementation of the proposed project plan and mitigation activities; a specific plan for mitigation activities that includes vegetation and soil impacts. ⁴³
Department of Wildlife <i>Construction and operation in areas of rare and endangered animal species. (ESA)</i> Compliance	No major implementation issues.
Department of Wildlife <i>Modification of habitat of threatened and endangered species. (ESA)</i> Special permit	No major implementation issues.
Department of Wildlife <i>Handling of Desert Tortoise/Gila Monster</i> Handling Authorization	Specific qualifications for monitors. Resumes must be submitted 15 days prior to construction ⁴⁴ .

⁴¹ <http://lands.nv.gov/forms/APPLICATION%20FORM%20StateLands.pdf>

⁴² http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCQQFjAA&url=http%3A%2F%2Fmuseums.nevadaculture.org%2Fdmdocuments%2Fnevada_antiquities_permit.doc&ei=P9Z0T7WMHIS42gWDwPimDQ&usq=AFQjCNGX3_haaBlodu3NOPB-Ty4AL_XnyA&sig2=yAUqRjWWauCBdYedGgkUpQ

⁴³ <http://www.leg.state.nv.us/nac/NAC-527.html#NAC527Sec200>

⁴⁴ <http://www.fws.gov/mountain-prairie/endspp/protocols/DesertTortoiseHandlingGuidelines1999.pdf>

Table 6. Montana State Permits

Agency, Jurisdiction, Permit	Implementation Issues
Montana Department of Environmental Quality <i>Major Facility Siting Act</i> Certificate of Compliance	Provides an all-encompassing permit for broadly defined public utilities and other projects. Requires extensive environmental, technical, and economic review, including compliance with MEPA. Typically will require at least 18 to 36 months to complete, but there is no legally mandated timetable for MDEQ action. See above in main body of text
State Historic Preservation Office <i>Cultural resources</i> Consultation	No major implementation issues.

Table 7. New Mexico State Permits

Agency, Jurisdiction, Permit	Implementation Issues
New Mexico Public Regulation Commission Certificate of Convenience and Necessity	Required for narrowly defined, large scale, high capacity public utility projects. Typically 9 months from initial (complete) filing. Few projects permitted through this process
New Mexico Public Regulation Commission Location Permit	Typically filed with CPCN. Requires environmental studies, mitigation development, and must comply with local land use statutory or administrative regulation. No major implementation issues
New Mexico Public Regulation Commission Determination of Right of Way Width	Required for ROWs greater than 100 feet. No major implementation issues.
New Mexico State Land Office Right-of-way leases	Required for state trust lands. Typically must show why project is in interest of the State Lands Department
City and County Governments <i>Zoning ordinances</i> Conditional	Chief permitting tool in New Mexico. Widely varying across jurisdictions.

Table 8. Oregon State Permits

Agency, Jurisdiction, Permit	Implementation Issues
Oregon Department of Energy – Energy Facility Siting Council <i>Large energy facilities located in Oregon must have an energy facility site certificate</i> Site Certificate	Complex process required for a cover-all state permit, for entities who opt in. Process may take multiple years depending on complexity and impacts. Expedited permitting available for some cases. ⁴⁵
Oregon DOT; <i>Permits for transport on State Routes and toll bridges</i> Transportation Permits	No major implementation issues.
Oregon Department of Environmental Quality <i>Construction noise control</i> Compliance with ORS Chapter 467 (Noise Control)	No major implementation issues.
Oregon Department of Environmental Quality <i>Construction noise control</i> Compliance with Oregon Administrative Rules Division 35 (Noise Control Regulations).	No major implementation issues.

⁴⁵ <http://www.oregon.gov/energy/Siting/Pages/process.aspx>

Table 8. Oregon State Permits

Agency, Jurisdiction, Permit	Implementation Issues
Oregon Department of Environmental Quality, Oregon Department of Health <i>Compliance with the Superfund Amendments and Reauthorization Act for controlling hazardous materials (potentially required)</i> Spill Prevention Control and Countermeasures Act, Title III	No major state-specific implementation issues.
Oregon Department of Environmental Quality, Oregon Department of Health <i>Control of hazardous materials (potentially required)</i> Compliance with Resource Conservation and Recovery Program	No major implementation issues.

Table 9. Utah State Permits

Agency, Jurisdiction, Permit	Implementation Issues
Division of Forestry, Fire, and State Lands <i>Encroachment on, through or over state lands.</i> Application approval	No major implementation issues.
Public Service Company <i>Project construction.</i> Certificate of Public Convenience and Necessity	Large public utilities only, not municipal. Issued after local permits are obtained. Only regulatory authority, no siting. Required to submit a report at least thirty days before beginning construction.
Division of Forestry, Fire, and State Lands <i>Crossing state lands.</i> Easement onto state lands	No major implementation issues.
Division of State History <i>Impact on historical sites.</i> Pre-construction Notification of Planning Stage	No major implementation issues.
Governor's Public Lands Policy Coordinating Office <i>Survey or excavation of archaeological resources on lands owned or controlled by the state.</i> Permit to survey or excavate	No major implementation issues.
Air Quality Board <i>Construction and operation.</i> Notice of Construction	No major implementation issues.
Water Quality Board <i>Construction and operation.</i> Discharge permit, spills	No major state-specific implementation issues.
Division of Wildlife Resources <i>Modification of habitat.</i> Easement for Use of State Wildlife Resource Lands	No major implementation issues.
County and City Governments <i>Zoning Ordinances; Siting of High Voltage Power Line Act</i> Conditional and Special Use Permits	Varies, but similar across counties. If application conforms to local zoning ordinances, it must be certified, unless the public interest would be jeopardized. NOI to file an application must be submitted 60 days in advance. An informational website must be set up, and a local newspaper notice of NOI published. A public utility must submit NOI 90 days in advance and conduct public workshops. Local land use authority must make a decision within 60 days.

Table 10. Washington State Permits

Agency, Jurisdiction, Permit	Implementation Issues
Washington Energy Facility Site Evaluation Council <i>State Environmental Protection Act (SEPA)</i> Site Certification Agreement	Applicants can opt in to EFSEC permitting, but rarely done. SCA process generally takes over a year, including SEPA document. EFSEC is SEPA lead agency. If used, EFSEC provides all applicable state permits.
Department of Natural Resources Coordination only; no state permits are required	DNR representatives sit on EFSEC board and their concerns are significant to project approval.
City and County Governments <i>Zoning Ordinances; Washington Growth Management Act</i> Conditional and Special Use Permits	If opt out of EFSEC, must comply with various city and county regulations and zoning. Considered easier than EFSEC process. Growth Management Act requires utility corridor designation, which facilitates local permitting. Permitting time varies by jurisdiction.
Washington Department of Ecology <i>Clean Water Act</i> Section 401 and 404 Certification	401: 20 day public notice is required, and a decision takes up to one year; usually requires less than three months. Letter of Verification from ACOE usually takes 30 days but up to 180. 404: Processing time for individual permits can range from 9 to 24 months. Nationwide permits are usually processed within 3 to 6 months, though up to 12 months. The time frame is dependent on the complexity of the impacts on aquatic resources, endangered species, archaeological or tribal concerns, and on workload
Washington Department of Ecology <i>Control of hazardous materials (potentially required)</i> Compliance with Resource Conservation and Recovery Program	No major implementation issues.

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CPUC Approval													Notice of Determination												Legal Challenge																								Decision upheld																							
FWS Section 7	←-----												Initial certification granted																																																											
Supplemental Section 7																																					Final certification granted																																			
permit	←-----																								Permit granted												Appeals rejected																																			
CWA Section 401																									Certification granted																																															
CWA Section 404																																					Certification granted (requires Section 401)																																			
DFG Section 1602																									Permit granted (after 401 certification)																																															
NHPA Section 106	←-----												Programmatic Agreement signed												Historic Properties Treatment Plan Published																																															
Notice to Proceed																																					Notice to Proceed Granted for Segment 1																																			
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CPUC Approval																																																																								
NHPA (Section 106)	<--Consultation can begin before ROD. Typically takes about 1 year. PA/MOA must be completed after ROD. HPTP requires additional time for development but can be tiered to permit construction. Litigation may create delays.																																																																							
SWRCB Section 401													60 days - 1 yr decision time. Incomplete applications can create delays greater than 1 year.																																																											
alteration agreement													Approximately 90-120 days required for review of complete application. Can begin before Section 401, but application is not complete without 401. 401 is bigger source of delay.																																																											
ACOE Section 404													Usually 2-6 month from complete app submission. Requires 401, but can be submitted earlier. Incomplete applications (especially JDs) may slow process by years																																																											
Section 7 permit	<--BA can be submitted before EIR												Up to 90 days for formal consult, up to 45 for BO. Informal consult can start before EIR publication. Certification dependent on complete surveys and BA. Incomplete protocol surveys may have to wait for following year																																																											
Notice to Proceed													Project Modifications will push back entire permitting schedule, and subsequently construction schedule																																																											
IBLA													Appeals process may require several years																								Sunrise Powerlink started here - project modifications created greater delays than permitting																																			
Fastest legal processing time																																																																								
Longest legal time if application submissions are complete																																																																								
Extended time due to incomplete applications																																																																								