

# STAKEHOLDER WORKSHOP ON TRANSMISSION PERMITTING AND REVIEW

*APRIL 16, 2013*

## INTEGRATED INTERAGENCY PRE-APPLICATION PROCESS SESSION

### DISCUSSION GUIDE

1. In your experience, what are the principal sources of delay in permitting and review of electric transmission line projects? Do you think that a robust integrated interagency pre-application (IIP) process for Federal agency authorization of electric transmission projects could reduce those principal sources of delay?
2. Do Federal agencies provide sufficient guidance and information to facilitate submission of a high-quality application? If not, what additional guidance or information would be helpful?
3. An IIP process would be designed, among other things, to identify potential siting obstacles early and help the project proponents, Federal, state and local agencies and Tribes identify issues and eliminate early those projects and/or alternatives that are unacceptably risky or unlikely to succeed. What type of IIP process do you think would achieve these goals?
4. What subjects should be addressed at IIP process meetings to make them most useful? At what stage in project development would IIP process meetings be most useful? Who should be represented at such meeting(s)?
5. How might an IIP process inform the NEPA process? For example, if the proponent is initially considering a large number of potential routes, could an IIP process assist in gathering data and determining screening criteria to identify and inform the selection of the proposal and its reasonable alternatives? Similarly, how might the information gathered during an IIP process inform consultation under section 106 of the NHPA, section 7 and section 10 of the ESA, or other review processes required to permit a transmission line?
6. A conceptual IIP process could include several meetings with the Federal agencies having permitting or review responsibilities. Some Federal agencies may only be able to attend IIP process meetings based on availability of resources. In some cases currently, agencies can only exercise cost-recovery authorities after an application has been submitted. Would you participate in an IIP process if agencies implemented their cost-recovery authorities more broadly, including for agency participation in IIP process meetings? With cost-recovery implemented for an IIP process by some agencies, how would your expectations for an IIP process change?
7. The preparation of resource, cultural, and historical surveys is critical in the Federal review of proposed alternatives and the authorization process. Early coordination with all stakeholders, consultation with tribes, and fieldwork could help ensure that schedules are not adversely affected by unnecessary delays in meeting the various environmental review and permitting requirements such as those under Section 106 or Section 7. In your experience, does an early start on literature searches and field surveys lead to more timely action on applications? What type of information should Federal agencies provide during an IIP process to enable early planning, information gathering, and coordination to address the

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Federal environmental reviews and permits? Would you be willing to begin literature searches and field surveys during an IIP process (*i.e.*, before NEPA scoping)? Please explain at which point you think it makes the most sense to begin literature searches and field surveys. What impediments do you see to conducting these early literature searches and field surveys?

8. Would prospective project proponents be willing to collaborate on landscape-level environmental studies in advance of specific permit applications? What are the barriers to this type of collaboration? What would make this type of collaboration useful?
9. Currently, project proponents may need to submit separate and different applications to various Federal agencies for a transmission project. Compared to other potential reforms, how much value would result from an application process synchronized and coordinated across Federal agencies or an integrated Federal application for transmission projects?
10. Implementing an IIP process would be resource intensive for the Federal agencies. What pre-screening method and/or threshold criteria would help Federal agencies prioritize resources on the most viable projects, recognizing that proponents can request meetings?
11. Duplicative or overlapping meetings, surveys, data requests, and analyses across agencies or governments (state, local, and tribal) may have occurred in large complex projects like transmission infrastructure. Do you have experience in reducing duplication and ensuring that data and information needs are understood earlier in the process with a greater benefit to the overall process? What were the mechanisms used to reduce duplication?
12. How can an IIP process encourage concurrent Federal, state, and local reviews, where appropriate? Are there circumstances where concurrent reviews are not preferred? Do you have examples of circumstances where concurrent reviews were or were not appropriate?
13. What are the best regional, state, or local models for incorporating stakeholder feedback early in the permitting and environmental review process?
14. What is the best stage in the development of a high-voltage transmission project to initiate government-to-government consultation? How could an IIP process encourage early coordination by proponents with tribes?
15. Aside from government-to-government consultation, have proponents found success in approaching tribes early to be part of the business plan, so as to encourage economic development on tribal lands? During the development of an application, when is there an opportunity for proponents to solicit and consider Tribal input?
16. Many tribes face limited resources and may not be able to fully engage in early discussions - especially at the earliest stages of project development when it is unclear whether a proposed project is commercially viable. Can you provide examples of how Federal agencies or project proponents have been able to assist tribes in overcoming these financial challenges?

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17. Federal agencies are responsible for coordinating and consulting with tribes on activities that affect reservation lands and tribal rights, and also for aboriginal lands off-reservation where they ascribe spiritual or cultural significance to historic properties, traditional cultural properties, and landscapes. What methods could be used to ensure any potentially affected tribes are identified early in the development of a proposed transmission project so they can provide input on key issues of concern? Can you provide examples of how tribes have been identified during the pre-application or application stage?
18. Would public outreach by the proponent prior to formally engaging Federal agencies by submitting a project application be useful to informing the development of potential routes? Can you provide examples of successful early outreach? What groups or members of the public should a project proponent contact or include in such outreach? What type of information would be most useful to engage local and community stakeholders (*e.g.*, live GIS tools)? How should such information be communicated?
19. At what point does it make sense to bring together NGOs and proponents to engage on a proposed transmission project? How can NGOs be involved and provide input early in the process, including before an application is submitted to a Federal agency(ies)? Can you provide examples of successful early engagement?