

BRIEFING PAPER ON UTILITY CORRIDORS

Introduction

On May 18, 2001 President George W. Bush issued Executive Order Number 13212. This Executive Order was in response to a mounting energy crisis that threatened the adequate production and supply of energy to the citizens of the United States of America. Item 1 of Executive Order 13212 stated that...

“In general it is the policy of this administration that executive departments and agencies (agencies) shall take appropriate actions, to the extent with applicable law, to expedite projects that will increase the production, transmission, or conservation of energy.”

In response to Executive Order 13212, President Bush created the White House Task force on Energy Project Streamlining. In addition, the Bureau of Land Management and the USDA – Forest Service have also initiated efforts to address this issue as well as the Western Governor’s Association and various utility industry groups. Congress is also looking at legislative answers for this dilemma.

Following is a summary of one such ongoing effort to streamline the process and help provide the nation with the ability to permit, construct, operate and maintain energy transmission facilities in a cost effective and timely manner.

Background

A key element concerns the nation’s ability to construct linear energy transmission facilities in a cost effective and timely manner. This also includes the ability to interconnect existing facilities so that energy is transported and utilized as efficiently and reliably as possible. Presently it often takes years and millions of dollars to successfully permit and construct a major energy transmission facility. This includes electric transmission lines, natural gas pipelines and oil pipelines.

One major inhibitor to the timely review and approval of permits needed for construction of a major energy facility is the effort involved in selecting a suitable route for the facility while minimizing the environmental impacts created by its construction, operation and continued maintenance. This includes the requirement that suitable alternative routes be identified and reviewed at the same level of scrutiny as the preferred route.

One way to help alleviate this inhibitor and help streamline the permitting process is to identify and designate right-of-way corridors in federal and state land management plans. If the corridor is designated as such in the plan, then it has already been determined to be the “preferred route” and other alternative routes need not be addressed. If the project proponent uses the designated corridor as his route, then the proponent would only be

required to do on the ground environmental studies to determine if the route is suitable for the construction of the project. This simplifies the permitting process and can save considerable time as well as up to 2/3 of the permitting costs.

The designation of right-of-way corridors in the federal land planning process is not a new concept. Congress addressed the issue in Section 503 of the Federal Land Management Policy Act of 1976 (FLPMA). Since 1979, the Western Utility Group¹ and others have worked with the Bureau of Land Management and Forest Service to have corridors identified and designated in their land management plans. This has met with limited success. There are still federal planning areas where the designation of right-of-way corridors has not been addressed. Unfortunately this has limited the continuity of right-of-way corridors as well as resulted in the loss of potential energy facility routing options on a vast scale. Fortunately there has been a lot of work done in the Western United States that details out existing and potential routes for the construction of energy transmission facilities. The culmination of this effort resides within the Western Utility Group's – *Western Regional Corridor Study (WRCS)* that was published in 1993.

Although it is starting to become dated, the study still provides the best information on right-of-way corridors available for the eleven western continental United States. The Bureau of Land Management has taken the document and digitized the information contained therein and placed it into their GIS database. This includes the information on the right-of-way corridors as well as the constraint information that was available at the time the document was published. However, to evolve into a useful planning tool the study needs some updates and work done to it. This work includes:

1. **Making the corridors more accurate:** The corridors on the 1993 *WRCS* were mapped by hand at a scale of 750,000 to 1. Consequently the lines may not accurately indicate where the right-of-way corridors are actually located.
2. **Updating new and revised constraint areas:** There have been new national Monuments that have been dedicated since 1993 as well as changes in land planning criteria with resulting losses of available right-of-way corridor routes.
3. **Updating new and revised utility facilities and corridors:** Although there have not been many new facilities constructed in the last few years, there are a few that need to be reviewed and added to the study (if appropriate).
4. **Security issues need to be addressed:** How much information should be collected? How much of it should be available to the public? Where is the information kept? Who is responsible for its upkeep?
5. **Review of existing corridors to determine if they should be designated or removed from consideration:** The federal agencies' present definition of a utility corridor is:

“Designated right-of-way corridor means a parcel of land either linear or aerial in character that has been identified by law, Secretarial Order, the land-use planning process, or by other management decision, as being a preferred location for existing and future rights-of-way grants and suitable

¹ See attached Western Utility Group - Corridor Western Regional Corridor Study

to accommodate one or more than 1 type of right-of-way or 1 or more rights-of-way which are similar, identical or compatible.

Transportation and utility corridor means a parcel of land, without fixed limits or boundaries, that is used as the location for one or more transportation or utility rights-of-way;

Full WUG (industry), Federal and State Agencies, WECC, Western Governor's Association & White House Task Force on Energy Streamlining will need to agree upon the definitions of a "corridor" prior to the corridors being designated.

Due to the increases in technology, the advent of computer Geographical Information Systems (GIS) and Geographical Positioning Systems (GPS), the agreed upon definition of a designated right-of-way corridor needs to include specific widths and locations. In addition, compatible uses can now be determined fairly easily. The WRCS can evolve from a good reference guide to an accurate, easily updated planning tool that can be used as an effective and efficient tool to assist in the routing of linear energy transmission facilities.

Action

The Western Utility Group, Department of Interior (BLM), Department of Agriculture (US Forest Service), White House Task Force on Energy Project Streamlining, The Western Governor's Association and The Western Electricity Coordinating Council have agreed that an effort to address and designate priority corridors is necessary to help streamline the process for the permitting and construction of energy transmission facilities. This action will help insure the efficient and cost effective transmission of energy resources being generated in the western United States while minimizing environmental impacts. To achieve this goal, the entities mentioned above have identified a two-prong approach:

Approach No. 1: Identifying Priority Corridors

A priority corridor has been defined to be a strategic interstate or intrastate right-of-way corridor that been identified to the most likely route to be utilized for the construction of a new energy transmission facility during the next one to ten year period. The industry will identify approximately 15 corridors that it considers being the most strategic and which need to be reviewed and designated as such in federal land management plans. The corridors will be categorized into three levels.

- Level 1 corridors will be those corridors that industry planners have identified as potential routes to be utilized in the near future (the next one to two years)
- Level 2 corridors are those that have the potential to be used in the next 3 to 5 years

- Level 3 corridors are those that have the potential for use in the next 5 to 10 year period

The industry will then justify its selection to the agencies. The federal agencies, with industries' and state assistance, will review those selected corridors and perform the following tasks:

- Determine the compatibility of the corridor for other uses (i.e., what other facilities can be placed within the corridor)
- Determine if there are any obvious environmental issues or other constraints that would eliminate the route as a designated right-of-way corridor
- Determine the actual width and location of the corridor
- Either provide review and designation within the plan if it is being revised or amend the plan to address that specific corridor and others if appropriate.
- Insure that adjoining agency jurisdictions participate in the corridor review process
- Recognize the designated corridor as the highest and best use for the property and provide the appropriate protection necessary to insure that any use of the property is not incompatible with its use as the location for an energy transmission facility
- Regular progress and status reports will be provided to the White House Committee on Energy Project Streamlining as well to the participating federal agencies, The Western Governor's Association, and participating industry associations

Once that effort is completed then the industry will identify the next 15 most strategic corridors that need to be reviewed and designated as such in federal land management plans. This process will continue to be repeated until the most strategic routes have been reviewed for designation as right-of-way corridors.

Approach No. 2: Participation in the Federal Planning Process

Both the USDA – Forest Service and the Bureau of Land Management are in the process of revising their outdated land management plans. As these plans come due, it will be a requirement that the agencies, with the assistance of the utility industry, review the potential designation of right-of-way corridors in their planning area. The industry will be expected to participate in this planning process and will help define which corridors should be reviewed for designation. The Western Utility Group will appoint and maintain representatives for each state that will be the main contact point for the agencies in this process. The Western Governor's Association will appoint a representative to coordinate various state agency input to this process. The WECC will also appoint a task force to determine the corridors appropriateness in the western grid system. Specific Action items include the following

- The Western Utility Group representative will coordinate the various utilities response to the agencies and insure the participation of the industry in the planning process.
- At a minimum, the corridors as shown in the *WRCS* will be reviewed and determined for designation.
- Corridors that are determined suitable for designation will be located accurately, constraints will be identified, and compatible uses will be determined (i.e., what energy transmission facilities could be located within the corridor).
- The *WRCS* will be updated as appropriate.

Both approaches will be interconnected so that all potential corridors are reviewed in a systematic and timely fashion.