

Paperwork Reduction Act Package – OMB Control no. 1910-New

DOE's Coordination of Federal Authorizations of Electric Transmission Lines Regulatory Text

§ 900.2 Applicability.

(a) The regulations under this part apply to Qualifying Projects. At the discretion of the Assistant Secretary (OE-1) the provisions of part 900 may also apply to Other Projects.

(b) Other Projects. Persons seeking DOE assistance in the Federal Authorization process for Other Projects must file a request for coordination with the OE-1. The request must contain:

(i) The legal name of the requester; its principal place of business; whether the requester is an individual, partnership, corporation, or other entity; citations to the state laws under which the requester is organized or authorized; and the name, title, and mailing address of the person or persons to whom communications concerning the request for coordination are to be addressed;

(ii) A concise general description of the proposed Other Project sufficient to explain its scope and purpose;

(iii) A list of all potential Federal Entities involved in the proposed Other Project; and

(iv) A list of anticipated Non-Federal Entities involved in the proposed Other Project, including any agency serial or docket numbers for pending applications.

§ 900.4 Integrated Interagency Pre-application (IIP) process

The IIP Process is intended for a Project Proponent who has identified potential Study Corridors and/or potential Routes within an established Project Area and the proposed locations of any intermediate substations for a Qualifying Project. The IIP Process is also intended to

accommodate Qualifying Projects that have been selected in a regional electric transmission plan for purposes of cost allocation or a similar process where an electric transmission plan has been identified and the permitting and siting phase must commence. While the IIP Process is optional, the early coordination provided by DOE between Federal Entities, Non-Federal Entities, and the Project Proponent ensures that the Project Proponent fully understands application and permitting requirements, including data potentially necessary to satisfy application requirements for all permitting entities. The two-meeting structure of the IIP process also allows for early interaction between the Project Proponents, Federal Entities, and Non-Federal Entities in order to enhance early understanding by those having an authorization or consultation related to the Qualifying Project. The IIP process is expected to provide Federal Entities and Non-Federal Entities with a clear description of a Qualifying Project, the Project Proponent's siting process, and the environmental and community setting being considered by the Project Proponent for siting the transmission line, as well as facilitate the Early Identification of Project Issues.

A Project Proponent electing to utilize the IIP Process must submit an Initiation Request to DOE to start the IIP Process. The timing of the submission of the Initiation Request for IIP Process is determined by the Project Proponent. The Initiation Request must include, based on best available information, a Summary of Qualifying Project, Affected Environmental Resources and Impacts Summary, associated Maps, Geospatial Information, and Studies (provided in electronic format), and a Summary of Early Identification of Project Issues. The Initiation Request must adhere to the page limits established by this part.

(a) *Summary of the Qualifying Project* is limited to a maximum length of ten (10) pages, single-spaced and must include:

- (1) A statement that the Project Proponent requests to use the IIP Process;
- (2) Primary contact information for the Project Proponent, including a primary e-mail address;
- (3) The legal information for the Project Proponent: legal name; principal place of business; whether the requester is an individual, partnership, corporation, or other entity; the state laws under which the requester is organized or authorized; and if the Project Proponent resides or has its principal office outside the United States, documentation related to designation by irrevocable power of attorney of an agent residing within the United States;
- (4) A description of the Project Proponent's financial and technical capability to construct, operate, maintain, and decommission the Qualifying Project;
- (5) A statement of the Project Proponent's interests and objectives;
- (6) To the extent available, regional electric transmission planning documents, including status of regional reliability studies, regional congestion or other related studies where applicable, and interconnection requests;
- (7) A brief description of the evaluation criteria and methods used by the Project Proponent to identify and develop the potential Study Corridors or potential Routes for the proposed Qualifying Project;
- (8) A brief description of the proposed Qualifying Project, including endpoints, voltage, ownership, justification for the line, intermediate substations if applicable, and, to the extent known, any information about constraints or flexibility with respect to the Qualifying Project;

(9) Project Proponent's proposed schedule, including timeframe for filing necessary Federal and state applications, construction start date, and planned in-service date if the Qualifying Project receives needed Federal Authorizations and approvals by Non-Federal Entities;

(10) A list of potentially affected Federal and Non-Federal Entities;

(b) *Affected Environmental Resources and Impacts Summary* is limited to a maximum length of twenty (20), single-spaced pages, not including associated maps, and must include concise descriptions, based on existing, relevant, and reasonably-available information, of the known existing environment, and major site conditions in Project Area, including:

- (1) An overview of topographical and resource features that are relevant to the siting of electric transmission lines present;
- (2) Summary of known land uses, including Federal and state public lands of various types (e.g., parks and monuments), associated land ownership, and any land use restrictions;
- (3) Summary of known or potential adverse effects to cultural and historic resources;
- (4) Summary of known or potential conflicts with or adverse impacts on military activities;
- (5) Summary of known or potential impacts on the U.S. aviation system, including FAA restricted airspace;
- (6) Summary of known or potential impacts on the U.S. marine transportation system, including impacts on waterways under jurisdiction of the U.S. Coast Guard;

- (7) Summary of known information about Federal- and state-protected avian, aquatic, and terrestrial species, and critical habitat or otherwise protected habitat, that may be present, as well as other biological resources information that is necessary for an environmental review;
- (8) Summary of the aquatic habitats (to include estuarine environments, and water bodies, including wetlands, as well as any known river crossings and potential constraints caused by impacts to navigable waters of the United States considered for the Qualifying Project);
- (9) Summary of known information about the presence of low-income communities and minority populations that could be affected by the Qualifying Project;
- (10) Identification of existing or proposed Qualifying Project facilities or operations in the Project Area;
- (11) Summary of the proposed use of previously-disturbed lands, existing, agency-designated corridors, including but not limited to corridors designated under Section 503 of the Federal Land Policy and Management Act and Section 368 of the Energy Policy Act of 2005, transportation rights-of-way, and the feasibility for co-location of the Qualifying Project with existing facilities or location in existing corridors and transportation rights-of-way; and
- (12) Summary of potential avoidance, minimization, and conservation measures, such as compensatory mitigation (onsite and offsite), developed through the use of Regional Mitigation Approach or, where available, Regional Mitigation Strategies or Plans, and considered by the Project Proponent to reduce the

potential impacts of the proposed Qualifying Project to resources requiring mitigation.

(c) *Maps, Geospatial Information, and Studies* in support of the information provided in the summary descriptions for the known existing environmental, cultural, and historic resources in the Project Area under paragraph (b) must be included, and do not contribute to the overall page length of the IIP Initiation Request. Project Proponents must provide maps as electronic data files that may be readily accessed by Federal Entities and Non-Federal Entities, including:

- (1) A map of the Project Area showing the locations of potential Study Corridors or potential Routes;
- (2) Detailed maps that accurately show information supporting summaries of the known existing environmental resources within the potential Study Corridors or potential Routes;
- (3) Electronic access to existing data or studies relevant to the summary information provided as part of paragraphs (a) and (b); and
- (4) Citations identifying sources, data, and analyses used to develop the IIP Process Initiation Request materials.

(d) *Summary of Early Identification of Project Issues* must not exceed ten (10), single-spaced pages in length and is intended to provide a summary of Stakeholder outreach or interactions conducted for the Qualifying Project prior to submission of the Initiation Request and to inform the development of issues and project alternatives for study in an environmental review document. The Summary of Early Identification of Project Issues must also:

- (1) Discuss the specific tools and actions used by the Project Proponent to facilitate Stakeholder communications and public information, including an existing,

current Project Proponent website for the proposed Qualifying Project, where available, and a readily-accessible, easily-identifiable, single point of contact for the Project Proponent;

- (2) Identify how and when meetings on the location of potential Study Corridors or potential Routes have been and would be publicized prior to the submission of applications for Federal Authorization, as well as where and when those meetings were held and how many more meetings may be planned during the IIP Process;
- (3) Identify known Stakeholders and how Stakeholders are identified;
- (4) Briefly explain how the Project Proponent responds to requests for information from Stakeholders, as well as records Stakeholder requests, information received, and Project Proponent responses to Stakeholders;
- (5) Provide the type of location (for example, libraries, community reading rooms, or city halls) in each county potentially affected by the proposed Qualifying Project, where the Project Proponent has provided publicly-available copies of documents and materials related to the proposed Qualifying Project;
- (6) Describe the evaluation criteria being used by the Project Proponent to identify and develop the potential Study Corridors or potential Routes and that are presented by the Project Proponent to Stakeholders during its project planning outreach efforts prior to submission of applications for Federal Authorizations or non-Federal permits or authorizations;
- (7) Provide information collected as a result of the Project Proponent's Stakeholder outreach efforts; and

(8) Include a summary of issues identified, differing project alternative Corridors or Routes, and revisions to Routes developed as a result of issues identified by Stakeholders during the Project Proponent's Stakeholder outreach efforts for the Qualifying Project.

(e) Within fifteen (15) calendar days of receiving the Initiation Request, DOE shall notify by email all Federal Entities and Non-Federal Entities with an authorization potentially necessary to site the Qualifying Project that:

- (1) Based on its initial review of information submitted by the Project Proponent in response to requirements in paragraphs (a) and (b) of this section, DOE has identified the contacted Federal Entities or Non-Federal Entities as having an authorization or consultation responsibility related to the Qualifying Project; and
- (2) Federal and Non-Federal Entities notified by DOE should participate in the IIP Process for the Qualifying Project with DOE's rationale for that determination provided; and
- (3) Federal and Non-Federal Entities notified by DOE will provide DOE with a name and information for a point of contact, and any initial questions or concerns, including supporting rationale, about their level of participation in the IIP Process based on DOE's justification in writing to DOE within seven (7) calendar days of receiving DOE's notification.

(f) Within thirty (30) calendar days of receiving the Initiation Request, DOE shall notify the Project Proponent that:

- (1) The Initiation Request meets the requirements in paragraphs (a) through (d) of this section, including whether the project constitutes a Qualifying Project; or
- (2) The Initiation Request does not meet the requirements in paragraphs (a) through (d) in this section. DOE will provide the reasons for that finding and a description of how the Project Proponent may, if applicable, address any deficiencies through supplementation of the information contained in the Initiation Request so that DOE may re-consider its determination.

(g) DOE shall provide Federal and Non-Federal Entities with access to an electronic copy of the Initiation Request and associated maps, geospatial data, and studies that meet the requirements in paragraphs (a) through (d) of this section, at the same time that DOE provides notice to the Project Proponent.

(h) *IIP Initial Meeting.* DOE, in consultation with the identified Federal Entities, shall convene the IIP Initial Meeting with the Project Proponent and all Federal Entities and Non-Federal Entities notified by DOE as having an authorization or consultation related to the Qualifying Project as soon as practicable and no later than forty-five (45) calendar days after notifying the Project Proponent and Federal and Non-Federal Entities that the Initiation Request meets the requirements in paragraphs (a) through (d) of this section. The Initial Meeting shall be convened in the area or region where the proposed Qualifying Project is located. Federal and Non-Federal Entities shall have at least thirty (30) calendar days to review the information provided by the Project Proponent as part of the Initiation Request prior to the meeting. Federal Entities identified by DOE as having a Federal authorization related to the Qualifying Project are expected to participate in the Initial Meeting. DOE also shall invite Non-Federal Entities

identified by DOE as having an authorization or consultation related to the Qualifying Project to participate in the Initial Meeting. During the Initial Meeting:

- (1) DOE shall discuss the IIP Process and any cost recovery requirements, where applicable, with the Project Proponent
- (2) The Project Proponent shall describe the proposed Qualifying Project and the contents of its Initiation Request.
- (3) The Federal Entities shall, to the extent possible and based on agency expertise and experience, review the information provided by the Project Proponent, and publicly-available information, and preliminarily identify the following and other reasonable criteria for adding, deleting, or modifying preliminary Routes from further consideration within the identified Study Corridors:
 - (A) Potential environmental, visual, historic, cultural, economic, social, or health effects or harm based on the potential project or proposed siting, and anticipated constraints;
 - (B) Potential cultural resources and historic properties of concern;
 - (C) Areas under special protection by Federal statute, or other Federal Entity or Non-Federal Entity decision that could potentially increase the time needed for project evaluation and potentially foreclose approval of siting a transmission line Route through such areas. Such areas may include, but are not limited to, properties or sites which may be of traditional or cultural importance to Indian Tribe(s), National Scenic and Historic Trails, National Landscape Conservation system units managed by the Bureau of Land Management (BLM), National Wildlife Refuges, units

of the National Park System, national marine sanctuaries, or marine national monuments;

- (D) Opportunities to site Routes through designated corridors, previously disturbed lands, and lands with existing infrastructure as a means of potentially reducing impacts and known conflicts as well as the time needed for affected Federal land managers to evaluate an application for a Federal Authorization if the Route is sited through such areas (e.g., co-location with existing infrastructure or location on previously disturbed lands or in energy corridors designated by the DOI or USDA under Section 503 of the Federal Land Policy and Management Act or Section 368 of the Energy Policy Act of 2005, an existing right-of-way, or a utility corridor identified in a land management plan);
- (E) Potential constraints caused by impacts on military test, training, and operational missions, including impacts on installations, ranges, and airspace;
- (F) Potential constraints caused by impacts on the United States' aviation system;
- (G) Potential constraints caused by impacts to navigable waters of the United States;
- (H) Potential avoidance, minimization, and conservation measures, such as compensatory mitigation (onsite and offsite), developed through the use of a Regional Mitigation Approach or, where available, Regional

Mitigation Strategies or Plans to reduce the potential impact of the proposed Qualifying Project to resources requiring mitigation; and

(I) Based on available information provided by the Project Proponent, biological (including threatened, endangered, or otherwise protected avian, aquatic, and terrestrial species and aquatic habitats), visual, cultural, historic, and other surveys and studies that may be required for preliminary proposed Routes.

Such information and feedback to the Project Proponent does not constitute a commitment by Federal Entities to approve or deny any Federal Authorization request. Moreover, no agency will determine that the Project Proponent's proposed preliminary Routes presented or discussed during the IIP Process constitute a range of reasonable alternatives for NEPA purposes or that the environmental information provided during the IIP Process would satisfy the entirety of information needs for purposes of compliance with NEPA or other applicable laws and regulations. The IIP Process does not limit agency discretion regarding NEPA review. Participating Non-Federal Entities are encouraged to identify risks and benefits of siting the proposed Qualifying Project within the preliminary proposed Routes.

DOE shall record key issues, information gaps, and data needs identified by Federal and Non-Federal Entities during the Initial Meeting, and shall convey a summary of the meeting discussions, key issues, and information gaps and requests to the Project Proponent, all Federal Entities, and any Non-Federal Entities that participate in the IIP Process in a draft Initial Meeting Summary within fifteen (15) calendar days after the meeting. Participating Federal Entities and Non-Federal Entities, and the Project Proponent will then have fifteen (15) calendar days

following its receipt of the IIP Process Meeting Summary to review the IIP Process Meeting Summary and provide corrections to DOE for resolution in a final Initial Meeting Summary, as appropriate. Thirty (30) calendar days following the close of the 15-day review period, DOE will incorporate the final Initial Meeting Summary into the IIP Process Administrative File for the Qualifying Project, and, at the same time, provide all Federal and Non-Federal Entities and the Project Proponent an electronic copy of a final IIP Initial Meeting Summary.

(i) *IIP Close-Out Meeting Request.* A Project Proponent electing to utilize the IIP Process pursuant to this section must submit a Close-Out Meeting Request to DOE to complete the IIP Process. The timing of the submission of the Close-Out Meeting Request for the IIP Process is determined by the Project Proponent but may only be submitted forty-five (45) calendar days following the Initial Meeting. The Close-Out Meeting Request shall include:

- (1) A statement that the Project Proponent is requesting the Close-Out Meeting for the IIP Process;
- (2) A summary table of changes made to the Qualifying Project during the IIP Process, including potential environmental and community benefits from improved siting or design;
- (3) Maps of updates to potential proposed Routes within Study Corridors, including the line, substations and other infrastructure, which include at least as much detail as required for the Initial Meeting described above and as modified in response to early Stakeholder input and outreach and agency feedback documented as a part of the IIP Initial Meeting Summary;

- (4) An updated summary of all project-specific biological (including threatened, endangered or otherwise protected avian, aquatic, and terrestrial species, and aquatic habitats), visual, cultural, historic or other surveys sponsored by the Project Proponent;
- (5) If known, a schedule for completing upcoming field resource surveys;
- (6) An updated summary of all known or potential adverse impacts to natural resources;
- (7) An updated summary of any known or potential adverse effects to cultural and historic resources;
- (8) A conceptual plan for potential implementation and monitoring of mitigation measures, including avoidance, minimization, and conservation measures, such as compensatory mitigation (offsite and onsite), developed through the use of a Regional Mitigation Approach or, where available, Regional Mitigation Strategies or Plans to reduce the potential impact of the proposed Qualifying Project to resources requiring mitigation;
- (9) An estimated time of filing its requests for Federal Authorizations for the proposed Qualifying Project; and
- (10) An estimated time of filing its requests for all other authorizations and consultations with Non-Federal Entities.

(j) *Close-Out Meeting*. The IIP Process Close-Out Meeting shall result in a description by Federal Entities of the remaining issues of concern, identified information gaps or data needs, and potential issues or conflicts that could impact the time it will take affected Federal Entities to

process applications for Federal Authorizations for the proposed Qualifying Project. The Non-Federal Entities shall also be encouraged to provide a description of remaining issues of concern, information needs, and potential issues or conflicts. The IIP Process Close-Out Meeting will also result in the identification of a potential NEPA Lead Agency pursuant to Section 900.6 described below.

- (1) Within fifteen (15) calendar days of receiving the Close-Out Meeting Request, DOE shall notify by email the appropriate POCs of all Federal Entities and Non-Federal Entities with a known or potential authorization necessary to site the Qualifying Project.
- (2) Within thirty (30) calendar days of receiving a Close-Out Meeting Request, DOE shall determine whether the Close-Out Meeting Request meets the requirements in paragraph (i) and inform the Project Proponent of its acceptance, and provide Federal Entities and Non-Federal Entities with Close-Out Meeting Request materials, including map, geospatial data, and surveys in electronic format, via electronic means.
- (3) Within sixty(60) calendar days of making a determination that the Close-Out Meeting Request meets the requirements of this section, DOE shall convene the Close-Out Meeting in the same region or location as the Initial Meeting with the Project Proponent and all Federal Entities. All Non-Federal Entities participating in the IIP Process shall also be invited to attend. During the Close-Out Meeting:

(A) The Project Proponent's updates to the siting process to date shall be discussed, including Stakeholder Outreach activities, resultant Stakeholder input, and Project Proponent response to Stakeholder input;

(B) Based on information provided by the Project Proponent to date, the Federal Entities shall discuss key issues of concern and potential mitigation measures identified for the proposed Qualifying Project;

(C) Led by DOE, all Federal Entities shall discuss statutory and regulatory standards that must be met to make decisions for Federal Authorizations required for the proposed Qualifying Project;

(D) Led by DOE, all Federal Entities shall describe the estimated time to make decisions for required Federal Authorizations and the anticipated cost (e.g., processing and monitoring fees and land use fees);

(E) Led by DOE, all affected Federal Entities shall describe their expectations for a complete application for a Federal Authorization for the proposed Qualifying Project;

(F) After the close out meeting, DOE shall prepare a Final IIP Resources Report for inclusion in the IIP Process Administrative File. The Final IIP Resources Report provides a description of the proposed Qualifying Project, including Stakeholder Outreach activities and feedback, summary information on environmental resources, and potential impacts (with electronic access to associated maps, geospatial data and/or survey data), potential issues, and identification of constraints by Federal Entities and Non-Federal Entities for the proposed Qualifying Project;

(G) DOE shall recommend that participating Federal Entities use the Final IIP Resources Report to inform the NEPA process for the proposed Qualifying Project. For example, Federal Entities could use the Final IIP Resources Report during scoping for an EIS and

identifying potential Routes, to explain why certain alternatives were eliminated from further consideration, and to preliminarily identify impacts, potential avoidance, minimization, and conservation measures, such as compensatory mitigation (onsite and offsite), developed through the use of a Regional Mitigation Approach or, where available, Regional Mitigation Strategies or Plans and considered by the Project Proponent to reduce the potential impacts of the proposed Qualifying Project to resources requiring mitigation; and

(H) All participating Federal and Non-Federal Entities shall identify a preliminary schedule for authorizations for the proposed Qualifying Project contingent upon timely filing of applications and related materials by the Project Proponent.