

Office of Energy Efficiency and Renewable Energy  
Interagency Activities related to Siting and Permitting

U.S. DEPARTMENT OF  
**ENERGY** | Energy Efficiency &  
Renewable Energy



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# Administration Initiatives to improve permitting and review of renewable energy projects

- Rapid Response Teams (Transmission & Renewable Energy Generation) created 2011
- Presidential Memorandum on Speeding Infrastructure Development through More Efficient and Effective Permitting and Environmental Review.
  - GOAL: “Agencies should ensure that their processes for reviewing infrastructure proposals work efficiently to protect our environment, provide for public participation and certainty of process, ensure safety, and support vital economic growth.”
    - <http://www.whitehouse.gov/the-press-office/2011/08/31/presidential-memorandum-speeding-infrastructure-development-through-more>
- Executive Order on Improving Performance of Federal Permitting and Review of Infrastructure Projects (March 22, 2011)

# Interagency Coordination: Rapid Response Teams

## Who:

- Executive Office of the President:  
Council for Environmental Quality, Office of Science and Technology, National Security Council, Office of Management and Budget
- Federal agencies: Department of Energy, Department of Interior, Department of Defense, US Army Corps of Engineers, Federal Aviation Administration, U.S. Coast Guard, Federal Energy Regulatory Commission, USDA-Forest Service, Environmental Protection Agency, National Oceanic Atmospheric Administration, Advisory Council for Historic Preservation
- Co-led by CEQ, DOE and DOI

## Goals:

- Help achieve the Administration's goal of doubling clean energy by 2012 by ensuring close coordination among key federal agencies on siting and permitting of renewable energy projects.
- Help increase electric reliability and save consumers money by ensuring close coordination among key federal agencies on siting and permitting of necessary transmission facilities.

# Interagency Coordination: Renewable Energy Siting and Permitting

- Why do we need high-level interagency teams on renewable energy siting and permitting?
  - Laws and regulations for the development and siting of electric transmission projects often require reviews and/or approvals from multiple federal, tribal, state, and local entities.
  - Facilitating federal agency coordination will reducing redundancies and regulatory uncertainties that may affect proposals for transmission and renewable energy projects.
  - More efficient and transparent permitting processes will provide certainty to the industry and investment community
- Interagency/intergovernmental coordination on siting and permitting renewable energy generation projects is essential and is already occurring.
  - DOI “Smart from the Start” Initiative
    - Priority projects in the Southwest (wind and solar)
    - Offshore wind on the Outer Continental Shelf
  - DoD Siting Clearinghouse
  - DOE MOUs and co-funding efforts with numerous federal agencies to facilitate and improve siting of renewable energy projects

# Executive Order 13604

- Builds upon the Presidential Memorandum on Speeding Infrastructure Development
- **WHY:** Quality of our Nation's infrastructure depends in critical part on Federal permitting and review processes, including planning, approval, and consultation processes
- **GOAL:** To significantly reduce the aggregate time required to make decisions in the permitting and review of infrastructure projects by the Federal Government, while improving environmental and community outcomes.
- **WHO:** Steering Committee includes: CEQ, OMB, DoD, DOI, DOE, USDA, DOC, DOT, DHS, EPA, ACHP, ACE
- **Four Components**
  - Improve Coordination and Harmonize Processes
  - Identify Nationally and Regionally Significant Projects
  - Transparently Track Progress
  - Measure Progress and Accountability
- **STATUS:** Federal agencies have engaged in an intensive interagency initiative to scale up and institutionalize their efforts to modernize and transform how the Federal government fulfills its responsibilities in order to improve the efficiency of the Federal permitting and review process.

# Federal Plan Pursuant to Executive Order

- Federal Plan for Modernizing the Federal Permitting and Review Process for Better Projects, Improved Environmental and Community Outcomes, and Quicker Decisions (June 11, 2012)
  - [http://permits.performance.gov/sites/default/files/Federal\\_Infrastructure\\_Plan.pdf](http://permits.performance.gov/sites/default/files/Federal_Infrastructure_Plan.pdf)
- Two overarching goals:
  - More efficient and effective review of proposed large-scale and complex infrastructure projects, resulting in better projects, improved outcomes for communities, and faster permit decision-making and review timelines, including:
    - By June 30, 2012, setting aggressive permit decision-making and review schedules for Nationally or Regionally Significant Projects that demonstrate how the best practices and innovative processes identified in this Plan can improve performance; and
    - Assessing implementation of the Federal Plan annually, including the extent to which its implementation leads to more expeditious reviews, improved projects, and enhanced community and environmental outcomes.
  - Transparency, predictability, accountability, and continuous improvement of routine infrastructure permitting and reviews, including:
    - Benchmarking, tracking, and reporting on consistency with published timelines for all major permitting and review processes related to infrastructure projects;
    - Reviewing, updating, and improving timelines and processes annually to reflect continuous improvement; and
    - Reporting annually on performance, including any causes for delay.

# Agency Plans under Executive Order

- Federal agencies designated in the Executive Order must prepare agency plans to implement the action items within the Executive Order.
  - Identifying those permitting and review processes the Member Agency views as most critical to significantly reducing the aggregate time required to make permitting and review decisions on infrastructure projects while improving outcomes for communities and the environment, and describing specific and measurable actions the agency will take to improve these processes,
  - By July 31, 2012, following coordination with other Member Agencies and interested agencies, publish its Agency Plan on the Dashboard; and (iii) by December 31, 2012, and every 6 months thereafter, report progress to the CPO on implementing its Agency Plan, as well as specific opportunities for additional improvements to its permitting and review procedures.
- Affects not just the permits given by DOE (e.g., Presidential Permits) but also any role DOE plays in the ultimate approval of a project (e.g., NEPA review for projects DOE funds).
- 16 Offices within DOE, including EERE, will prepare the Agency Plan

# RRT Deliverables Under the Executive Order

- DOE/EERE is a key member of the Renewable Energy Rapid Response Team and will therefore collaborate with the RRT in implementing its deliverables.
- RRTs must deliver a plan and schedule for launching an application toolkit for transmission and renewable energy projects to the Federal CPO by year-end.
  - Application toolkits will provide greater clarity and predictability to project sponsors and enable Federal agencies to begin permitting and review processes faster and with fewer delays.
- All agencies shall assure that clear descriptions of the application processes for all major Federal permitting and review processes for infrastructure projects are publically available, including a list of all information needed for an application to be deemed complete and a clear description of when the permitting and review process begins.
- All agencies shall coordinate with the existing transmission and renewable rapid response teams so that this information can be easily included in the application tool kits.



# EERE Activities related to EO & RE-RRT Deliverables

- Multiple Interagency Collaborations on Renewable Energy
  - MOUs
  - Co-funding of R&D activities
  - Interagency Working Groups
- Permitting and Siting Guidebooks
- Geothermal Developers' Checklist
- MOU to Coordinate Offshore Wind Permitting in the Great Lakes

# DOE Interagency Collaboration on Renewable Energy Siting and Permitting

- **Department of Interior:** Collaboration on permitting and other regulatory issues associated with siting renewables and transmission lines.
  - MOU for the Coordinated Deployment of Offshore Wind and Marine Hydrokinetic Energy Technologies on the OCS (June 2010)
  - National Offshore Wind Strategy
  - Co-lead Solar Environmental Programmatic Impact Statement
  - Federal Interagency Geothermal Working Group
- **DOD:** Key collaborator on demonstrations, procurement, siting and permitting of wind and solar projects to ensure that DoD equities such as radar, training areas, and navigation are considered.
  - DOD-DOE MOU Concerning Cooperation in Strategic Partnership to Enhance Energy (July 23, 2010)
  - Interagency Air Domain Awareness effort- Sub IPC on Radar
- **EPA** – Collaboration on siting renewable energy on Brownfields (through Repowering America Program)
- **FERC** - Key partner for analyzing transmission and other needs associated with rapidly expanding use of wind and solar.
- **ACOE and Department of Interior:** MOU on collaborating on assessing renewable energy generation from Federal hydropower facilities, developing best practices to increase sustainable generation, & facilitating permitting on federal facilities
  - ACOE, DOI, DOE MOU for Hydropower (March 2011)
- **NOAA:** Collaboration on permitting and siting issues for offshore wind and marine hydrokinetic energy and on weather dependent and oceanic energy renewable energy resources
  - MOU on Weather-dependent and Oceanic Renewable Energy Resources (Jan. 2011)
  - Collaborative Funding Efforts (collaboration on the development of environmental protocols and monitoring)
- **National Ocean Council**
  - Active participation in all organizing and planning bodies (legal, data, CMSP workshop, ORM-IPC & OST-IPC)

# Select EERE Activities to be leveraged for Application Toolkits

- Past Efforts funded by DOE
  - Hawaii Permitting Guidebooks
  - Siting Methodologies for Hydrokinetics: Navigating the Regulatory Framework (published December 2009)
  - Geothermal Developers' Checklist
- Current Geothermal Program Initiative – Development of a Regulatory Roadmap

# Hawaii Permitting Guidebooks

- DOE co-funded a suite of guidebooks under the Hawaii Clean Energy Initiative to provide a comprehensive overview of the renewable energy permitting process in Hawaii Renewable energy stakeholders.
  - <http://www.hawaiicleanenergyinitiative.org/permitting/index.html>
- Key Features:
  - Guidebooks for each type of RE technology, including bioenergy, geothermal, hydroelectric, marine and OTEC, solar, WTE, and wind.
    - Provides overview of the permitting process for the renewable energy project to be developed;
    - Identifies which federal and state permits are required for the project or facility
    - Provides checklist to identify which federal and state permits are required. Includes links to informational packets for each permit (permit forms, agency contacts etc.)
  - Guidebooks for county permits required.
    - Provides overview of permitting process
    - Identifies county permits required

# Permitting Handbook for Hydrokinetic Projects

- *Siting Methodologies for Hydrokinetics: Navigating the Regulatory Framework.*
- DOE's Wind and Water Power Program funded Pacific Energy Ventures to develop a Siting Methodologies handbook that identifies regulatory issues associated with hydrokinetic development.
  - Intended as an informational tool to support stakeholders in navigating the regulatory framework by outlining the current federal and state regulatory requirements, providing clear, concise descriptions of the authorization processes, and identifying the agencies involved in these processes.
    - [http://www1.eere.energy.gov/water/pdfs/siting\\_handbook\\_2009.pdf](http://www1.eere.energy.gov/water/pdfs/siting_handbook_2009.pdf)

# Geothermal Developer's Checklist

**NREL**  
NATIONAL RENEWABLE ENERGY LABORATORY

## Geothermal Technologies

### Geothermal Developers' Checklist

**Geothermal Developers' Checklist**  
The Geothermal Developers' Checklist, developed by the National Renewable Energy Laboratory and funded by the U.S. Department of Energy's [Geothermal Technologies Program](#), provides information on permitting requirements that need to be followed when developing a geothermal resource. All steps in the permitting process are covered from drilling exploratory wells, to developing a utility-grade geothermal power plant. By selecting items from the list below, the viewer can obtain additional information for developing geothermal projects on federal or state lands, obtain agency contact information, and find links to key policies and additional resources for project development in eight western states.

**About the Checklist**  
The permitting steps included in the checklist span the entire geothermal project development process from site identification through construction and operation. Many steps can take months or years to complete (e.g. transmission line planning, permitting, and construction), so it is advisable to begin permitting for all steps early in the development process to help avoid any unexpected hiccups or delays in project development.

The checklist is offered only as a starting point—geothermal developers should work with local stakeholders, supporting organizations, local agencies, and professional experts to maximize their project's success. If you have questions about the Geothermal Developers' Checklist, or have additional information to add, please contact [Katherine Young](#).

**Use the Checklist**  
Customize your results by selecting a state(s) and a step(s) from the lists below. Permitting information, policies, and references are provided at two levels:

1. General—applies to project development at any location in the United States
2. State—applies to project development at any location in the selected state

Select State(s)

Select All  Clear All

Alaska  California  Hawaii  Idaho

OpenEI | OPENENERGYINFO

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State: Nevada

+ Select a State

## 2.3 Identify Cultural and Tribal Issues

Depending on the location of the geothermal site (including transmission, roads, etc.), whether on or off a reservation, Native American or tribal cultural issues may arise. Being aware of these laws up front and potential impacts to project development will help to mitigate project time delays.

A high-level examination can determine whether or not any significant archaeological sites are present in the area affected by the proposed construction. If these do exist, time and money must be allotted for their excavation. If the initial survey and/or test excavation indicates the presence of an extraordinarily valuable site, the construction may be prohibited entirely.

[Flow Chart](#)

**Will you excavate & collect artifacts? (this does not typically apply to geothermal projects)**  
If you plan to excavate artifacts for collection, the Archaeological Resource Protection Act ([CFR Title 43, Part 7](#)) applies. A permit will need to be obtained to excavate and collect artifacts.

### 2.3 Nevada

The [Nevada State Historic Preservation Office \(SHPO\)](#) encourages the preservation, documentation, and use of cultural resources through state and federal programs. Contact the SHPO for more information.

Category: Geothermal Checklist Step

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## Step-by-step guide to geothermal permitting

- Originally launched on the NREL website in 2011; federal and eight states
  - [http://www.nrel.gov/geothermal/developer\\_checklist/](http://www.nrel.gov/geothermal/developer_checklist/)
- Being updated with flow charts, more states and potentially local permitting information;
- Ported to the OpenEI.org platform which should enable future collaboration on permitting information

# Geothermal Regulatory Roadmap

## Challenge

- The GTP Blue Ribbon Panel Report<sup>1</sup> stated a need for a more streamlined geothermal permitting process.
- Geothermal industry stakeholders have identified the permitting process as one of the most significant barriers to geothermal power project development.
- Potential bottlenecks in the permitting process increase the cost and financial risk of a project. The impact of a single permitting delay may be small, but the cumulative impact of multiple, often independent, and sometimes conflicting regulations on geothermal power development projects can hinder new projects, or make them non-commercial.
- Other subsurface developers, notably oil and gas, appear to have a far more efficient regulatory and permitting process than geothermal.

## Objectives

- To develop the permitting roadmap for geothermal power projects at the federal, state and local level to understand what the current process looks like;
- To convene industry stakeholders, both agencies and industry, involved in the permitting process to validate the process; and
- To work with all stakeholders to optimize and streamline the regulatory process to the benefit of all.

<sup>1</sup>Geothermal Technologies Program Blue Ribbon Panel Recommendations, Sponsored by United States Department of Energy Office of Energy Efficiency and Renewable Energy (June 17, 2011)

# Great Lakes MOU

- MOU among 11 Federal Agencies and 5 States to Promote Efficient, Expedient, Orderly and Responsible Evaluation of Offshore Wind Power Projects in the Great Lakes (March 2012)
  - [http://www1.eere.energy.gov/wind/pdfs/great\\_lakes\\_offshore\\_wind\\_energy\\_consortium\\_mou.pdf](http://www1.eere.energy.gov/wind/pdfs/great_lakes_offshore_wind_energy_consortium_mou.pdf)
- Focus on creating a Regulatory Roadmap by summer 2013 that describes the regulatory review process, identifies ways to ensure efficient project review, and formulates a clear process to coordinate data collection and dissemination.
- Status: Workshop held May 23 in Detroit to kick-off effort.
  - Facilitate MOU implementation
  - Develop a shared understanding of regulatory roadmap.



# QUESTIONS?

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