

Department of the Interior
Agency Plan Implementing Executive Order 13604 on
Improving Performance of Federal Permitting and Review of Infrastructure Projects

July 31, 2012

As the steward of more than one-fifth of our Nation’s lands, the Department of the Interior (DOI) plays a crucial role in reviewing and permitting major infrastructure projects¹ on public lands. DOI is committed to the efficient and expeditious review of these projects, while ensuring appropriate siting and compliance with applicable law.

Since 2009, DOI has made significant progress toward that goal by permitting an unprecedented number of large, utility-scale solar, wind and geothermal power plants and related transmission lines on public lands. In the past four years, under Secretary of the Interior Ken Salazar’s leadership, DOI approved more utility-scale renewable energy projects on public lands than in the past two decades combined—a total of 31 new projects. When constructed, these projects are expected to provide more than four times the amount of power generated by all previous renewable energy projects on Federal lands combined (7,250 MW) – enough to power approximately 2.3 million American homes. These projects are also expected to create around 12,000 new construction, operation and maintenance jobs.

This success is due in no small part to a number of groundbreaking policies and procedures established by Secretary Salazar, which include successful models for internal review of applications, inter-governmental cooperation and coordination, effective state-Federal partnerships, early and on-going engagement of project proponents and stakeholders, and innovative tools for siting and permitting projects to minimize conflicts and improve outcomes for communities and the environment.

Building on this success and the success of other Federal efforts to modernize the review and permitting process for major infrastructure projects, Executive Order 13604, *Improving Performance of Federal Permitting and Review of Infrastructure Projects* (EO 13604), and the *Federal Plan for Modernizing the Federal Permitting and Review Process for Better Projects, Improved Environmental and Community Outcomes, and Quicker Decisions* (Federal Plan), call on Executive agencies to institutionalize best practices and identify additional actions to improve Federal review and permitting of major infrastructure projects.

¹ “Major infrastructure projects” for the purpose of the Agency Plan include renewable energy generation projects, electricity transmission lines, pipelines, surface transportation, aviation, ports and waterways, water resource projects and broadband projects, which provide a regional economic benefit and typically involve multiple Federal, state, local and tribal permitting authorities. (A list of DOI-led projects for the first phase of the infrastructure permitting effort can be found at permits.performance.gov/agencies/department-interior).

Pursuant to EO 13604 and the Federal Plan, this Agency Plan has three overarching goals:

- 1. Implement the Federal Plan.*
- 2. Institutionalize best practices and implement new measures where necessary to achieve a coordinated, efficient and expeditious permitting process for major infrastructure projects, while ensuring appropriate siting and compliance with the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA) and other applicable laws.*
- 3. Achieve transparency, predictability, accountability, and continuous improvement of permitting and review processes for major infrastructure projects.*

This Agency Plan describes internal process innovations to facilitate the review of complex projects; strategies for improved coordination with other Federal, state, tribal and local partners; tools for early and regular communication with project proponents and stakeholders; and mechanisms to bring greater transparency and accountability to DOI permitting decisions.

I. Background: The Department of the Interior's Role in Permitting Major Infrastructure Projects

The EO 13604 covers a wide variety of projects for which DOI bureaus have permitting responsibilities, including, but not limited to, renewable energy generation projects, transmission lines, pipelines, and water resource projects sited on public lands. This section provides a brief description of DOI bureaus' responsibilities in reviewing, approving and permitting major infrastructure projects.

- **Bureau of Land Management.** The Bureau of Land Management (BLM) has discretionary legal authority, found in Title V of the Federal Land Policy and Management Act of 1976, as amended, to issue, amend, and renew rights-of-way for infrastructure projects on public lands (except within designated wilderness, and except for those uses that are authorized under Section 28 of the Mineral Leasing Act of 1920, as amended). The BLM has discretionary authority found in Section 28 of the Mineral Leasing Act of 1920, as amended, to issue, amend and renew right-of-way grants for pipelines to transport oil or gas on Federal land under BLM's jurisdiction or the jurisdiction of two or more Federal agencies. The BLM has discretionary authority under the Geothermal Steam Act of 1970, as amended, to issue and administer geothermal leases on Federal lands including BLM administered public lands and National Forest System lands for developing geothermal energy resources. The BLM is precluded by the Geothermal Steam Act from issuing leases within any unit of the National Park System or on any lands where geothermal exploration or development would likely result in adverse effects on a significant thermal feature within a unit of the National Park System. In processing a right-of-way application or a geothermal lease sale, BLM coordinates with

other Federal, state, tribal and local governments, interested stakeholders and the public, as appropriate, and in compliance with applicable law, regulation and policy.

- **Bureau of Reclamation.** The Bureau of Reclamation (Reclamation) is the second largest producer of hydroelectric power in the United States, with operations and facilities in the 17 western states. Reclamation is authorized to develop power at certain of its facilities and has the option of either developing the hydropower resources itself or extending the opportunity to third parties. Reclamation utilizes a Lease of Power Privilege (LOPP) to lease the right to develop power at its facilities to a third party when that power development does not interfere with other authorized project purposes. Reclamation's Power Resources Office is responsible for issuing the LOPPs and has developed an updated process for constituents who are interested in developing hydropower at an authorized Reclamation facility.
- **National Park Service.** The National Park Service (NPS) is responsible for reviewing proposed projects that could affect park resources and values (including areas under the Land and Water Conservation Fund and National Historic Landmarks). For evaluation under Section 4(f) of the Department of Transportation Act for highway projects that may affect units of the National Park System, other public park and recreation resources, historic and archaeological properties, and unique natural areas, the NPS typically serves as the DOI lead bureau for preparing comments. For projects within NPS jurisdictional boundaries, NPS has the authority to issue right-of-way permits and is responsible for ensuring compliance with a multitude of laws, policies, and regulations. Foremost among these is the NPS Organic Act, which provides that 1) NPS affirmatively preserve resources, and 2) that resources be unimpaired for the enjoyment of future generations. The NPS uses its NEPA planning process to ensure compliance with its Organic Act mandate, and cannot approve an action that would lead to impairment or unacceptable impacts (NPS Management Policies 2006).
- **Fish and Wildlife Service.** The U.S. Fish and Wildlife Service (FWS) is responsible for protecting and enhancing fish, wildlife, plants, and their habitats for the continuing benefit of the American people. The FWS is responsible for implementing the Endangered Species Act (ESA), Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and other statutes. These statutes prohibit taking of federally listed species, migratory birds and eagles unless otherwise authorized. The FWS staff throughout the country work with project proponents and developers to avoid, minimize, and mitigate project impacts to fish, wildlife, and their habitats. The FWS also manages the National Wildlife Refuge System to conserve fish and wildlife and their habitats and has the authority to issue right-of-way permits for projects sited on National Wildlife Refuge land.
- **Bureau of Indian Affairs.** The Bureau of Indian Affairs (BIA) is responsible for approving leases for infrastructure projects on Indian lands and for granting rights-of-way for transmission lines and other infrastructure purposes across Indian lands. This process may require the Office of Appraisal Services within the Office of the Special Trustee for American Indians to provide impartial estimates of rights-of way value. The BIA reviews any appraisals required on Indian lands.

II. Processes, Policies, and Tools for More Efficient Permit Approvals and Better Outcomes for Communities and the Environment

The Federal Plan calls on all Executive agencies to identify opportunities to create or update internal processes, policy documents, regulations, or guidance to better facilitate the goals of the Plan, including opportunities to improve coordination internally, to enhance communication with other Federal agencies, and with tribal, state, and local governments, and to expand efforts to reduce duplication and eliminate unnecessary sequencing of reviews within the agency and other Federal agency processes.

The DOI has made significant progress in this regard and has implemented policies to improve internal procedures, facilitate cooperation with Federal, state, tribal and local partners, and provide for early and ongoing engagement with project sponsors and key stakeholders. The following sections describe the reforms implemented to date and identify additional actions DOI will take to improve the review and permitting of major infrastructure projects.

1. Improving Internal Processes and Policies

The DOI has conducted a review of its internal processes, policy documents, regulations, and guidance related to reviewing major infrastructure projects, and has identified a number of areas in which ongoing or future actions can improve internal coordination or otherwise facilitate reviewing permit applications and lead to better outcomes for communities and the environment.

Goal: Promote Inter-Bureau Coordination in the Review of Major Infrastructure Projects

Because of their complexity and scale, major infrastructure projects often involve multiple DOI bureaus and have impacts for communities and the environment. For these reasons, early and effective communication and problem-solving are critical. DOI's success in permitting renewable energy projects is based to a large extent on unprecedented communication and coordination among DOI bureaus with responsibilities related to reviewing and permitting these projects. The DOI established a number of mechanisms to facilitate this coordination, including:

- *An agency-wide renewable energy Strike Team.* The Strike Team facilitates cooperation among the DOI bureaus with responsibilities related to reviewing and permitting renewable energy and associated transmission projects. Led by the Office of the Secretary, the Strike Team consists of senior representatives from BLM, FWS, BIA, NPS, and DOI's Office of the Solicitor, who meet weekly to coordinate the review of priority renewable energy projects. The Strike Team facilitates cross-bureau communication, identifies and resolves issues related to the projects early, and address broader issues that have implications for a large suite of renewable energy projects.
- *Identifying projects for priority review and coordination.* The DOI developed a process to focus resources on completing the environmental reviews and permitting for projects with the lowest level of conflicts that are most likely to be completed by

the end of the year. Since then, BLM has issued guidance (IM 2011-061) listing screening criteria to assist in prioritizing the processing of solar and wind energy development right-of-way applications, based on the project's potential for resource conflicts and the likelihood of success in the permitting process.

- *National and Regional Renewable Energy Coordination Offices.* To facilitate the efficient and responsible review of renewable energy permit applications, Secretary Salazar established BLM Renewable Energy Coordination Offices (RECOs) in California, Nevada, Wyoming, and Arizona and dedicated renewable energy teams in Colorado, Idaho, New Mexico, Utah, and Oregon/Washington. The FWS established a dedicated renewable energy office in Palm Springs, California, and the Office of the Solicitor developed a dedicated renewable energy team to complete thorough, expeditious and timely reviews of NEPA and other documents associated with renewable energy projects. These offices and teams also support the efficient review and permitting of power transmission projects.

To institutionalize this framework and apply the lessons learned and best practices to all major infrastructure projects, DOI will undertake the following actions:

- **Action:** DOI will review its Departmental Manual or other Department-level policies and identify opportunities to revise or update it to codify a method for regular communication and coordination among DOI bureaus with responsibilities related to the review and permitting major infrastructure projects, including the Office of the Solicitor.
- **Action:** Each DOI bureau with responsibilities for reviewing and permitting major infrastructure projects will review its Bureau Manual and any relevant internal policies and identify opportunities to revise or update them to facilitate inter-bureau coordination and communication regarding the review and permitting major infrastructure projects.
- **Action:** DOI will develop policies and procedures for selecting major infrastructure projects for priority review (“Priority Projects”). Qualifying projects will span all infrastructure sectors, including renewable energy, transmission, water supply, pipelines, and other major infrastructure sectors, as defined in EO 13604.

Goal: Improve Environmental Reviews

The DOI's NEPA review process is a critical component for reviewing and permitting proposed major infrastructure projects. The DOI bureaus have issued detailed written guidance on the NEPA review process. Several bureaus have recently updated that guidance to take into account lessons learned from DOI's experience with permitting large renewable energy and transmission projects:

- *BLM NEPA Guidance*: To capture the lessons learned from the first set of renewable energy project approvals, BLM issued guidance in February 2011 to clarify existing BLM NEPA policy and to assist offices that are analyzing externally generated, utility-scale renewable energy right-of-way applications (IM 2011-059). This policy provides detailed guidance and examples for maximizing pre-application scoping activities; appropriately describing BLM's purpose and need for action; selecting and analyzing the appropriate range of alternatives; and analyzing the impact of the proposed project, including cumulative impacts associated with renewable energy development on public lands. The policy also requires an integrated analysis of the direct, indirect, and cumulative impacts of a proposed action and alternatives on nationally designated systems or units (including, but not limited to units of the National Park System and other areas under NPS management, National Scenic and Historic Trails, FWS Refuges, units of the U.S. Forest Service (USFS), and designated wilderness and other units of the National Landscape Conservation System).
- *Western Energy and Historic Preservation Workgroup*: The BLM and the Advisory Council on Historic Preservation (ACHP) have established a high-level interagency group to facilitate compliance with cultural resource laws, regulations, and policies and tribal consultation on major energy-related infrastructure projects. The workgroup is currently addressing pre-application guidance and toolkits; outreach and training for industry; consistency in compliance processes across jurisdictions; early and effective government-to-government consultation; effective coordination between NEPA and Section 106 of the National Historic Preservation Act; guidance on landscape-scale issues associated with cultural resources and tribal values; and the capacity of essential consulting partners (Tribal and State Historic Preservation Offices) to respond to requests to participate in Federal project reviews.

In the future, DOI bureaus will continue to improve their NEPA processes by issuing guidance and developing tools for project applicants and field staff:

Internal Actions:

- **Action:** DOI bureaus with responsibilities for reviewing and/or permitting major infrastructure projects will evaluate additional opportunities to further improve their NEPA processes, including by issuing updated guidance, as needed, to clarify procedures for conducting environmental reviews. This will include necessary updates to existing NEPA guidance to promote consistency with the Council on Environmental Quality's (CEQ's) January 2011 guidance on monitoring and mitigation. Each DOI bureau will have in place an implementation plan for any necessary improvements.

Interagency Actions:

- **Action:** The BLM will participate in the Energy and Historic Preservation Workgroup to develop toolkits and training for industry, as well as to identify ways to facilitate compliance with cultural resource laws and tribal consultation.
- **Action:** The BLM will develop policies and guidance, as appropriate, to address issues raised by the Energy and Historic Preservation Workgroup. The DOI may recommend that the policies and guidance be implemented within other DOI bureaus. The BLM will also hold a forum for field managers and staff to discuss specific issues arising from compliance with cultural resource laws and tribal consultation responsibilities.

Goal: Identify Zones Best Suited for the Siting, Permitting and Development of Infrastructure Projects

Engaging in thorough, science-based, landscape-level advance planning can help facilitate the review and permitting of major infrastructure projects and form a sound foundation for renewable energy development on public lands. In the long-term, such efforts steer project applicants to the best locations for siting projects. To that end, a number of DOI initiatives focus on identifying areas with minimal conflicting uses and/or impacts. The DOI will continue to pursue these ongoing efforts, including:

- *The Solar Programmatic Environmental Impact Statement (Solar PEIS)* provides NEPA analysis of proposed solar energy development areas and a Federal agency plan to promote responsible utility-scale solar development on public lands in six western states— Arizona, California, Colorado, Nevada, New Mexico, and Utah. The Solar PEIS will provide the basis for BLM land use plan amendments in each of those states to establish up to 17 solar energy zones (SEZs) and facilitate permitting of solar energy projects on up to 20 million acres outside the SEZs.

- *The Geothermal Programmatic Environmental Impact Statement (Geothermal PEIS)* was a joint BLM and USFS land use planning and geothermal leasing analysis of Federal lands in the 12 western states of Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The BLM and the USFS jointly prepared the Geothermal PEIS in collaboration with other Federal, state and local agencies, tribes, the public, stakeholder organizations, and the geothermal industry to facilitate geothermal leasing and development. The Geothermal PEIS analyzed stipulations to protect sensitive resources and supported amendments to BLM land use plans that allocated 111 million acres of BLM administered public lands as available for geothermal leasing and 79 million acres of National Forest lands as available for geothermal leasing. In addition, the Geothermal PEIS provided site-specific analysis that allowed the BLM to act on 19 pending geothermal lease applications on Federal lands that had been filed prior to January 2005.
- *The California Desert Renewable Energy Conservation Plan (DRECP)* is a joint federal-state planning process that will include the potential adoption of one or more Habitat Conservation Plans under the Federal ESA. Like the Solar PEIS, the DRECP will also amend several BLM land use plans in the Mojave and Colorado Deserts in California. When completed, it is expected to facilitate the review and approval of renewable energy projects, including solar thermal, utility-scale solar photovoltaic, wind, and other forms of renewable energy and associated infrastructure such as electric transmission lines necessary for renewable energy development, within 23 million acres of planning area.
- *Arizona Restoration and Design Energy Project (RDEP)* is a BLM environmental impact statement (EIS) that will identify lands across Arizona that are most suitable for the development of renewable energy. The emphasis will be on previously disturbed lands, or where the effects on sensitive resources would be minimized, and lands that are near existing or planned transmission lines. The BLM will use the analysis in the Final EIS to consider whether to amend BLM land use plans across Arizona to identify the most suitable areas for large utility-scale wind, solar, and geothermal energy projects.
- *The West Chocolate Mountains EIS and Land Use Plan Amendments* will identify which lands within the 20,762-acre West Chocolate Mountains Renewable Energy Evaluation Area in California are suitable for geothermal, solar, and wind energy development.
- *The West Wide Energy Corridors Programmatic EIS and Land Use Plan Amendments* were released by BLM in coordination with the U.S. Departments of Energy, Agriculture, and Defense in January 2009. These Departments identified energy corridors to facilitate siting oil, gas, and hydrogen pipelines, as well as renewable energy development and electricity transmission and distribution projects on public lands in 11 western states. Energy corridors are the agency-preferred locations to site and build pipelines and transmission lines in the future. The BLM issued a Record of Decision (ROD) amending 92 land use plans to support more than 5,000 miles of energy transport corridors on public land. The Forest Service (USFS) issued a ROD amending 38 land management plans to support approximately 990 miles of corridors in National Forests. The plans include mandatory Interagency Operating Procedures (IOPs) to avoid or minimize harm

from projects. The IOPs ensure consistency for projects crossing lands administered by BLM and USFS.

The July 11, 2012, West Wide Energy Corridor settlement agreement requires periodic review of national energy corridors, including extensive public participation and expanded interagency coordination. These reviews will help meet our Nation's needs for expanded domestic energy infrastructure while protecting land, water, and wildlife. The interagency agreements outlined in the settlement will also provide greater certainty for transmission and pipeline developers, whose proposals are subject to environmental analysis under NEPA.

- *BLM's Sage-grouse Habitat Conservation and Planning Strategy (SGHCPS)* is a framework for the incorporation of science-based conservation measures into resource management plans (RMPs) across the range of the greater sage-grouse, giving appropriate consideration to the principal threats to the sage-grouse identified by FWS, in cooperation with the USFS and western state fish and wildlife agencies. In December 2011, the BLM issued guidance for immediate and long-term conservation actions aimed at conserving the greater sage-grouse and its sagebrush habitat in 10 western states, while supporting robust economic development on public lands in the West. The Interim Management IM (IM 2012-043) provides immediate direction for the management of greater sage-grouse habitat, which will drive decision-making on existing and future authorizations in greater sage-grouse habitat until land use plan amendments are completed. The *Planning Direction IM* (IM 2012-044) identifies science-based conservation measures for the species and its habitat that will be incorporated into one or more alternatives for analysis in the EISs that will be used to amend RMPs. The decisions in these RMPs will provide for longer-term conservation for the greater sage-grouse.
- *The BLM's Rapid Ecoregional Assessments (REAs)* are geospatial landscape evaluations that identify areas of high ecological value within an ecoregion that may warrant conservation, adaptation, or restoration. These assessments are designed to support sustainable use of important natural resources by increasing knowledge and understanding of these resources, establishing baseline conditions, and assessing changes in conditions over time.
- *Landscape Conservation Cooperatives (LCCs)* are regional partnerships with Federal, state, and stakeholder representation, and which can provide guidance that will assist in the siting of major infrastructure projects. The DOI representatives on LCCs will be encouraged to use the LCC forum to identify the appropriate locations for major infrastructure projects, taking into account conservation-related values and needs in a given region.
- *Hydropower Assessment Reports.* Reclamation has completed two resource assessments that evaluate the potential for additional hydropower production at existing Reclamation dam and conduit facilities. In the March 2011 *Hydropower Resource Assessment at Existing Reclamation Facilities* (Resource Assessment), Reclamation evaluated 530 sites in Reclamation's five regions, including reservoir dams, diversion dams, canals, tunnels,

dikes and siphons and identified 191 sites with hydropower potential. In March 2012, Reclamation issued a supplement to the Resource Assessment, the *Site Inventory and Hydropower Energy Assessment of Reclamation Owned Conduits*, which identifies potential hydropower sites on Reclamation owned conduits and determines those sites' capacity and energy potential. In addition, this study identifies proximity to distribution or transmission lines, and provides site maps for the identified sites. The report identifies 103,628 kW of potential capacity, and 365,218,846 kWh of potential annual generation on 373 Reclamation conduit sites located in 13 western states.

- *Conservation banking* is a market-based approach used by FWS to conserve species and habitat. A conservation bank is a parcel of land that has been restored or preserved as habitat for a specific species or suite of species and is then protected, managed, and monitored in perpetuity. The bank sponsor then sells their credits to those who need to mitigate or otherwise offset unavoidable impacts to the same species the bank protects. In some cases a bank sponsor reserves the credits for their own future projects rather than selling them to others; these banks are known as single user banks. Once credits are sold or otherwise traded, they are retired, and when all credits are sold, the bank is closed and the site remains as a perpetual preserve that is monitored and managed through funds from the endowment. Conservation banking has proven to be a useful tool for accomplishing compensatory mitigation for impacts to Federal and state protected species. Treating mitigation as a marketable good creates competition and takes advantage of economies of scale through aggregated offsets. The FWS certified banks are tracked in the Regulatory In-lieu Fee and Bank Information Tracking System (RIBITS).

Goal: Identify Processes to Expedite Mitigation, Including Encouraging Large-Scale Mitigation Opportunities

As required by the Federal Plan, DOI has evaluated opportunities to advance consistency in mitigation processes and requirements, more efficiently deploy mitigation practices, and encourage large-scale (i.e., watershed, regional or landscape-level) mitigation planning, where practicable.

A number of the landscape-scale initiatives discussed above already foster inter-agency collaboration on both focused and large-scale mitigation, including the Solar Programmatic Environmental Impact Statement; the Geothermal Environmental Impact Statement; the Desert Renewable Energy Conservation Plan; the Arizona Restoration and Design Energy Project; BLM's Rapid Ecological Assessments and the Sage-grouse Habitat Conservation and Planning Strategy.

Based on DOI's experience with these initiatives, DOI has identified the following key elements of successful large-scale mitigation planning:

- Observance of the mitigation hierarchy (avoiding, minimizing, and compensating for environmental impacts);
- A transparent process to engage the public;

- Strong ecological baseline assessments;
- Consistent methodology to assess impacts and calculate compensation;
- Inclusion of climate change risk;
- Development of measurable goals;
- Delineation of priority areas for avoidance as well as for compensatory mitigation;
- Development of strong financial structure for mitigation activities; and
- Use of adaptive management.

In evaluating mitigation areas within the landscape context, DOI remains focused on prioritizing investments which are likely to preserve and enhance mitigation benefits over time; facilitate adaptive management; address and mitigate for distinct or unique assemblages of species or communities or locations that provide valuable ecosystem services; and that contribute to the permanence of conservation protections. To promote the implementation of these principles across projects, DOI will undertake the following actions:

Internal Actions:

- **Action:** DOI will continue to use current landscape-level planning initiatives including the Solar PEIS, DRECP, and RDEP, and SGHCPS to identify sensitive habitats and landscape-scale mitigation opportunities in these regions.
- **Action:** DOI will evaluate opportunities to update existing NEPA guidance to promote consistency with the Council on Environmental Quality's (CEQ's) January 2011 guidance on monitoring and mitigation.
- **Action:** For each Priority Project, DOI will work with other Federal agencies, stakeholders and the scientific community where appropriate, to identify mitigation opportunities at the outset of the project. The DOI will also evaluate opportunities to use this framework for large-scale mitigation that extends beyond the project area of each Priority Project.
- **Action:** DOI will report on the experience with this large-scale and early mitigation and, if appropriate, identify best practices and lessons learned that can be applied to a broader set of infrastructure projects. In doing so, DOI will review its planning policies, including policies related to ESA compliance, to determine if any changes are needed to facilitate regional mitigation planning as well as to promote more efficient, effective and consistent deployment of mitigation tools, such as share-in-cost.
- **Action:** Since 1992, 105 conservation banks have been established. DOI will review data on the number, location and activities of habitat conservation banks; identify whether there are any institutional and other impediments to both creating habitat conservation banks and ensuring their effectiveness; and develop potential options for encouraging the expanded use of conservation banking.

- **Action:** BLM will develop offsite mitigation guidance to promote regional planning for mitigation, as appropriate, by:
 - clarifying the agency’s authority to require offsite mitigation;
 - clarifying that a range of offsite mitigation alternatives should be incorporated into NEPA analysis;
 - utilizing Rapid Ecoregional Assessments in identifying areas to focus mitigation efforts;
 - incorporating CEQ’s 2011 guidance on the Appropriate Use of Mitigation and Monitoring; and
 - continuing use of the Crucial Habitat Assessment Tool as required by IM_2012-039.

Interagency Actions:

- **Action:** As part of its commitment to collaborate with its Federal partners to determine how share-in-cost or other funding programs can best be leveraged to improve performance (see page 20 and in the appendix), DOI will consider how these programs can promote more efficient, effective and consistent deployment of mitigation tools as well as serve to better develop landscape-level mitigation plans and tools. DOI will submit an initial evaluation as part of its annual reporting requirement to the Chief Performance Officer (CPO).
- **Action:** The DOI will assist Federal, state, tribal, or metropolitan transportation planning processes, commensurate with available resources, in their development of programmatic mitigation plans to address the potential environmental impacts of future transportation projects as identified by Map21 (the new surface transportation bill).

2. Improving Coordination with Federal, State, Tribal, and Local Partners

The Federal Plan calls on agencies to assess and align interagency agreements or other best practices that address program-level coordination between and among Federal agencies for permit decisionmaking and review processes in order to reduce duplication and improve community and environmental outcomes. The DOI is committed to working closely with Federal, state, tribal, and local and government partners to improve communication and understanding, identify common goals and objectives, and enhance the quality of lands managed by DOI.

Goal: Early Coordination and Development of Integrated Project Plans

One way to ensure early and targeted collaboration among all relevant agencies on a particular project is to develop an Integrated Project Plan (IPP) for that project. An IPP establishes agency roles and responsibilities of agencies involved in reviewing a project and creates an agreed upon project review schedule at the outset. An IPP also serves as an early project roadmap that outlines the requirements for all mandatory reviews and permit decisions, including public and stakeholder engagement. Investing time at the beginning of project planning facilitates more informed project development and design decisions, can help ensure more complete reviews and

applications by the project sponsors/applicants, can provide opportunities for early concurrence on critical points during the review process and can avoid conflicts that could cause delays if they arose later in the review process.

The EO 13604 Steering Committee has developed an IPP template as guidance to Executive Agencies by the Office of Management and Budget (OMB) and provides a framework for early coordination and collaboration for nationally and regionally significant projects.

- **Action:** Where a DOI bureau is the Coordinating Agency or the agency with primary responsibility for reviewing a major infrastructure project, the DOI bureau will encourage project managers to coordinate with other Federal, state, tribal, and local agencies as early as possible to develop an IPP for that project.
- **Action:** The DOI bureaus will encourage project managers to collaborate with all Federal, state, local, and tribal agencies and governments involved in the review of major infrastructure projects and agree on a project schedule as early as possible.
- **Action:** DOI bureaus with responsibilities for the reviewing and permitting major infrastructure projects will assess whether bureau manuals or other internal policies should be revised to incorporate a requirement for early coordination with Federal, state, tribal, and local agencies and governments, including through the use of an IPP.

Goal: Interagency agreements and other best practices for program-level coordination between and among Federal, State, Tribal, and Local governments

The DOI has established a culture of cooperation and partnership with Federal, state, tribal, and local partners, both through internal regulations and guidance and through interagency Memoranda of Understanding (MOUs).

- *Internal Regulations on Cooperating Agency Relationships.* The DOI has promulgated internal regulations that direct DOI bureaus to collaborate, to the fullest extent possible, with all cooperating agencies concerning those issues relating to their jurisdiction and special expertise. The DOI has also promulgated Departmental NEPA regulations that require DOI bureaus to offer cooperating agency status to all eligible intergovernmental partners for all EISs. The DOI also indicated that cooperating agency procedures could be used to support efforts conducted under environmental assessments (EAs).
- *Guidance on Cooperating Agency Relationships.* In April 2012, BLM released an update to the Desk Guide to Cooperating Agency Relationships and Coordination with

Intergovernmental Partners (IM 2012-115). The Guide, originally published in 2005, articulates BLM's policy and guidance on working with other Federal agencies and state, tribal, and local government entities as cooperating agencies in preparing plans and EISs. Since the initial implementation of the Guide, BLM has completed more than 60 resource management plans and has engaged more than 300 intergovernmental partners at the Federal, state, tribal, and local levels. The revised Guide reflects policy changes on how BLM deals with the cooperating agency relationship, incorporates lessons learned from BLM's cooperating agency experiences, clarifies how cooperating agency status differs from efforts to improve coordination, and includes updated language and references from the DOI's revised regulations and policies.

- *Interagency Agreements and MOU's.* The DOI has formalized its cooperation with a number of Federal, state, and tribal agencies and governments through formal agreements and MOUs. An inventory of these agreements is included in the appendix to this plan.

- **Action:** Each DOI bureau with authority for reviewing or permitting major infrastructure projects will complete a review of its internal guidance, policies, or manuals on cooperating agency relationships and coordination with intergovernmental partners to identify revisions, as appropriate.
- **Action:** DOI will evaluate opportunities to modify or expand existing interagency agreements or MOUs, including agreements to foster improved consultation under ESA, and will identify any additional opportunities in DOI's Annual Report.
- **Action:** The DOI will continue to work with its Federal counterparts through existing interagency initiatives like the Renewable Energy Rapid Response Team (RE-RRTT), Rapid Response Team for Transmission (RRTT), the Executive Order (13604) Working Group, and the Interagency Energy and Historic Preservation Working Group to develop interagency tools for applicants, including pre-application procedures and applicant toolkits.

Goal: Early and On-Going Government-to-Government Consultation with Tribes

With regard to tribal governments, Federal agencies' Indian trust responsibilities extend beyond NEPA cooperation and coordination. Tribes, as sovereign nations, formulate and implement their own economic development plans and compact/contract certain federal functions via P.L. 93-638. Secretarial Order No. 3317 updated DOI's policy on consultation with American Indian and Alaska Native tribes, and acknowledged the provisions for conducting consultation in compliance with Executive Order 13175 (Consultation and coordination with Indian Tribal Governments).

The DOI's experience with early renewable energy projects has provided valuable lessons for government-to-government consultation and for facilitating compliance with Section 106 of the

National Historic Preservation Act (NHPA). Early and on-going government-to-government consultations are critical to ensure tribal interests are fully understood and considered in the decisionmaking process. The DOI is working internally and with other agencies to provide policy and best practices to improve the Section 106 process and tribal consultation on major infrastructure projects.

For example, DOI has appointed a Senior Policy Official and created a council of agency Federal Preservation Officers to enhance communication and collaboration on cross-cutting issues involving the NHPA Section 106 review. The body will work with the BLM to support improvements in consultation and compliance processes.

In addition, BLM and the Advisory Council on Historic Preservation (ACHP) host an inter-departmental Energy and Historic Preservation Work Group focused specifically on the Section 106 process. At recent meetings, ACHP summarized its outreach and education efforts for industry, including training sessions accomplished and planned; the development of web-based training and pre-application materials; and other products to assist applicants with the Section 106 process. The BLM discussed the status of its development of policy and guidance to assist with Section 106 compliance and tribal consultation on major infrastructure projects. The group identified the pre-application process, guidance on landscape scale issues, and the issue of tribal and other consulting party capacity as topics for further discussion.

The DOI's Office of the Solicitor is also working with BLM to develop guidance for field managers and staff to provide clarity and ensure consistency regarding issues associated with government-to-government and Section 106 consultation. The BLM has issued guidance requiring coordination of agency NEPA processes with NHPA Section 106 compliance actions, including use of the NEPA scoping process and public meetings to assist in satisfying NHPA Section 106 public outreach requirements, and making explicit reference in Federal Register (FR) notices that public proceedings early in the NEPA process also satisfy NHPA requirements for public involvement (IM 2012-108).

Additionally, BLM is working on a pilot Ethnographic Regional Assessment program in Montana. The intent is to form partnerships with Tribal Historic Preservation Offices, tribal colleges and universities, State Historic Preservation Offices, and/or other interested Federal agencies or departments in order to produce Rapid Ecoregional Ethnographic Assessments that can inform public land management decisions in Montana and the Dakotas.

Through participation in the Indian Energy and Minerals Steering Committee (IEMSC), Reclamation is informing tribes of hydropower resource assessments on Reclamation and tribal lands, permitting processes for hydropower development and new hydropower technologies.

The DOI bureaus will undertake the following actions to further improve coordination with tribal governments:

- **Action:** DOI bureaus with responsibilities for the reviewing or permitting major infrastructure projects will evaluate opportunities to integrate the NEPA process with the requirements of the NHPA to consider the degree to which a proposed major infrastructure project may adversely affect sites listed or eligible for listing in the National Register of Historic Places, or may cause loss/destruction of cultural or historical property.
- **Action:** The DOI will use the NEPA scoping process and public meetings to assist in satisfying NHPA Section 106 public outreach requirements, making explicit reference in FR notices and public proceedings that these early NEPA steps are satisfying NHPA requirements for public involvement as well.
- **Action:** The DOI Office of the Solicitor, together with the BLM cultural heritage program will host a forum for agency managers and staff to discuss legal issues associated with tribal consultation and cultural resource compliance on major infrastructure projects.

3. Improving Transparency and Predictability of the Application Process for Stakeholders and Project Sponsors

The DOI is committed to ensuring meaningful and substantive engagement of stakeholders and project sponsors in the permitting process and will continue to take steps to improve public engagement techniques.

Goal: Identify and Publish DOI’s Major Permit Decision-Making and Review Responsibilities

The Federal Plan calls on each Executive agency to identify and publish online the major permit and decisionmaking review responsibilities for which it has authority related to infrastructure projects, with associated target timelines.

The DOI worked with other Executive agencies to publish a user-friendly inventory of each agency’s major permitting and review responsibilities related to infrastructure projects on the MAX.gov “Dashboard,” a tool to support interagency collaboration as well as public transparency.

- **Action:** The DOI will use the timeframes in the Permitting Inventory as a baseline for completing the review of major infrastructure permits and will revise estimated timelines, as necessary and annually thereafter, to reflect continued improvement.

Goal: Issue Guidance on Compliance with Regulatory Requirements

The DOI bureaus have taken measures to provide clear and effective guidance on their regulatory requirements.

- In addition to the NEPA guidance and pre-application guidance discussed above, BLM has issued guidance on the due diligence requirements for right-of-way applicants for solar and wind energy development projects on public lands administered by BLM (IM 2011-060). The BLM has also developed fact sheets to assist the public and stakeholders in understanding BLM programs and regulatory requirements.
- Similarly, Reclamation has issued a temporary lease of power privilege (LOPP) directive to provide guidance on processes, responsibilities, timelines, and charges for hydropower project developers. The directive clearly assigns roles and responsibilities within the organization for LOPP development and sets a standard methodology across Reclamation's jurisdiction. The goal of this directive is to improve communication, efficiency, and transparency of LOPP requirements.
- The NPS has issued Director's Order 53 and Reference Manual 53. Director's Order 53 sets forth the policies and procedures for issuing a special use permit, which includes a right-of-way permit for authorized utilities. Reference Manual 53 provides guidance for NPS employees, including legal authorities, policy guidance, management of permit fees and charges, and permit provisions.
- The FWS has established a strategy for completing endangered species reviews for projects on private lands. FWS has also prepared draft guidance on the incidental take of eagles, as well as guidelines for wind turbines.
- In November 2011, BIA published proposed surface leasing regulations intended to, among other things, spur economic development on Indian lands. The proposed regulations include a separate subpart governing wind and solar resource projects. The subpart will offer guidance to tribes and developers interested in establishing renewable energy projects on Indian lands. Three consultation sessions on the proposed rule were held in January 2012. A workgroup has reviewed and incorporated the comments. The final rule, currently with OMB, is expected to be approved for publication in 2012.

As required by the Federal Plan, DOI bureaus will continue to update existing guidance and issue new guidance, where appropriate to assure that clear descriptions of the application processes for all of its permitting and review processes for infrastructure projects are publicly 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.

Goal: Pre-Application Meetings with the Project Applicants

The Federal Plan calls on each agency to expand educational outreach to potential project sponsors/applicants about how to provide complete permit and review applications, and how to design effective stakeholder outreach and engagement strategies.

- **Action:** Reclamation will finalize updated LOPP directive.
- **Action:** The BIA will finalize the updated surface leasing regulation, and submit it for final OMB review if necessary.
- **Action:** The FWS will finalize guidance to implement the 2009 regulations for authorizing incidental take of bald and golden eagles in accordance with the Bald and Golden Eagle Protection Act, and submit them for final OMB review if necessary.
- **Action:** The BLM will finalize policy and best practice guidance to facilitate compliance with cultural resource laws and tribal consultation.

To that end, BLM issued guidance (IM 2011-061) for reviewing right-of-way applications for solar and wind energy development projects on public lands it manages. The guidance states that BLM will require all prospective applicants to schedule and participate in two pre-application meetings with BLM before filing an application for solar or wind energy development. The purpose of the first pre-application meeting is to discuss the general project proposal, the status of BLM land use planning in the area, the potential land use and siting constraints, the potential environmental issues in the area, potential alternative site locations for the project, and to provide information to the applicant on BLM's right-of-way application process.

The second pre-application meeting is intended to initiate and ensure early coordination with Federal, state, tribal, and local government agencies and to enhance the consideration and protection of the resources and values associated with shared landscapes and other resources that may be affected by a proposed project. For example, FWS can use this meeting to advise project applicants of any relevant policies, including guidance related to golden eagles, the Migratory Bird Treaty Act, or the ESA. Based on the discussions during the pre-application meetings, the BLM authorized officer may recommend that an application not be filed for the proposed project or that it be modified prior to submission. This pre-application process provides an opportunity to direct development away from lands with high conflict or sensitive resource values and towards low conflict areas including previously disturbed sites, areas adjacent to previously

disturbed or developed sites, and locations that minimize the need for constructing roads and/or transmission lines. OAS and any tribes that have compacted or contracted the appraisal function via P.L. 93-638 should be participants in the pre-application process to promote effective communication and coordination of the required appraisals and valuation services on Indian land held in trust or restricted fee status.

The DOI will continue to use early coordination with project proponents and stakeholders to identify and proactively address issues and conflicts that may arise during the review and permitting process.

Interagency Actions

- **Action:** The DOI will continue to work with its Federal counterparts through existing interagency initiatives like the Renewable Energy Rapid Response Team (RE-RRT), the Rapid Response Team for Transmission (RRTT), the Executive Order (13604) Working Group and the Interagency Energy, and Historic Preservation Working Group to develop interagency tools for applicants, including pre-application procedures and applicant toolkits.
- **Action:** BLM will develop national policy guidance for high voltage electric transmission lines focused on the pre-application process. The policy will outline requirements for pre-application meeting coordination with Federal, state, tribal, and local governments.

Bureau-Specific Actions

- **Action:** The FWS will review pre-application processes in its Habitat Conservation Plan handbook and identify opportunities to clarify them.
- **Action:** The DOI and BLM, working with the ACHP through the Energy and Historic Preservation Group, will develop pre-application outreach and applicant toolkit materials for compliance with cultural resource laws and regulations.
- **Action:** Reclamation will develop a pre-application checklist and templates for each stage of the LOPP process to aid applicants.

Goal: Public Meetings and Presentations at Stakeholder Meetings and Conferences

The DOI has worked to ensure that its policies are informed by early and extensive engagement with stakeholders and members of the public.

The new BLM permitting guidelines, for instance, are based on extensive input from national, state, tribal, and local stakeholders and other members of the public. In a similar vein, Reclamation solicited public input on the LOPP guidelines through public meetings, presentations at stakeholder meetings, and presentations during water user and power generation conferences in several locations. The NPS guidelines (Director’s Order 75A) require NPS to plan early for appropriate opportunities for public involvement in decisionmaking processes when the decisions will lead to actions or policies that may significantly affect or interest them, and to provide sustained opportunities for the public to enter the conversation about relevant issues.

Recently, DOI hosted an Onshore Renewable Energy Stakeholders Workshop to gather targeted feedback from over 400 attendees on how to take the lessons learned from the first two years of renewable energy permitting and carry them forward.

The DOI bureaus will continue the practice of providing information to, and seeking input from, stakeholder groups on the permitting process and periodically revising agency guidance to incorporate this input.

- **Action:** Reclamation will review and update its Lease LOPP directive based on public comments received and publish the final directive.

Goal: Utilize Share-in-Cost or Similar Programs, Where Applicable, to Enable Recovery of Permit Evaluation and Review Costs

The Federal Plan calls on Executive Agencies to utilize share-in-cost or similar programs, where available, to enable agencies to recover permit evaluation and review costs. The DOI has inventoried its existing share-in-cost authorities and has made this list available in the appendix to this Agency Plan.

- **Action:** The DOI will collaborate with its Federal partners to determine how share-in-cost or other funding programs can best be leveraged to improve performance. DOI will submit an initial evaluation as part of its annual reporting requirement to the Chief Performance Officer.

4. Using Information Technology Tools to Improve Transparency and Facilitate Permit Review

Goal: Employ Online Tools to Facilitate Interagency Coordination and Improve Transparency

The Federal Plan requires that agencies describe the IT collaboration systems or tools currently used to track and/or facilitate permitting and/or review processes and describe whether it is available and accessible to the inter-agency and other governmental entities.

The DOI bureaus with permitting and review responsibilities for major infrastructure projects currently use a number of IT platforms to assist in the review of these projects, including:

- The BLM has developed a pilot program called ePlanning as a tool for conducting public outreach and comment for NEPA compliance purposes. The ePlanning program has been utilized for land use planning documents and some BLM offices have begun using the tool for all NEPA compliance documents.
- The NPS's Planning, Environment, and Public Comment software (PEPC) facilitates both internal project tracking and public comment. The software includes a searchable, publicly accessible website which contains information on all of the currently active NPS projects, including the project's plan process, meeting notices, any relevant public documents, and links to opportunities to submit public comment.
- The FWS's Environmental Conservation Online System (ECOS) houses a number of connected databases and other tools used for tracking and reporting FWS work in permitting and project review. Within ECOS, both the Tracking and Integrated Logging System (TAILS) and the Information, Planning and Conservation System (IPaC) are database tools used by FWS and the public to plan and track infrastructure projects. These tools can be refined to more effectively communicate with other government databases to improve coordination and transparency in our work related to project planning and permitting.
- The BIA's NEPA Tracker is under development on the DOI/BIA Sharepoint site. It is designed to allow BIA's offices to more efficiently communicate their workload and identify the NEPA inventory and approvals needed and documents associated with infrastructure projects. The NEPA Tracker will provide BIA managers information on NEPA status and the requirements necessary for completion.
- Reclamation is currently developing a Sharepoint site to track processes and deadlines for LOPP.

- As a signatory to the Interagency MOU for Transmission Permitting, DOI includes transmission project information for “Qualifying Projects” on an online dashboard, *eTrans*, to track the permitting status of transmission projects and share pertinent information about each project with the public, other agencies, state and local governments, and tribes. Project information includes, but is not limited to, the physical aspects of the transmission line, agency contact information, project schedules and required permits.

Goal: Uniform, Electronic Permitting Applications That Are Consistent Across Regions

The Federal Plan calls on each Executive agency to inventory and implement uniform, electronic applications that are consistent across all regions for each type of permit that does not require alignment with different state requirements.

- **Action:** DOI will prepare an initial implementation plan for developing uniform, electronic application forms – including any necessary review processes under the Paperwork Reduction Act – for those permit applications that do not require alignment with different state requirements.

Goal: Use GIS Tools to Facilitate Project Siting and Permitting Reviews

Under the Federal Plan, each Executive agency is required to coordinate with existing interagency efforts to identify and publish aggregate data, such as layered data from geographic information systems (GIS) or data developed during previous regional NEPA or similar environmental reviews that will inform and facilitate project sponsor decisions such as project siting.

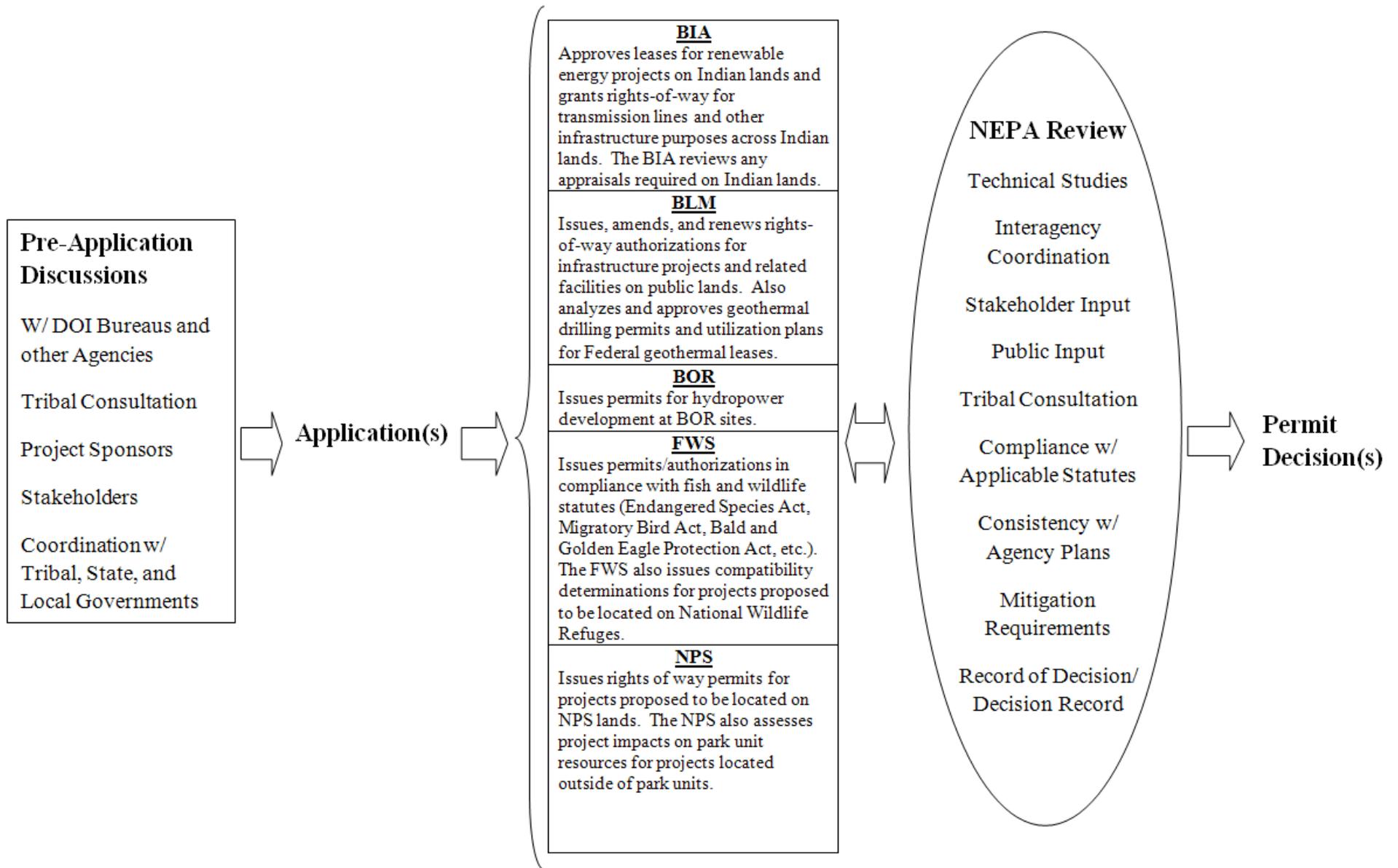
The DOI bureaus have developed a number of GIS tools to facilitate project siting and permitting reviews. These include Reclamation’s GIS tracking system, used to identify potential hydropower development locations electronically; BLM’s Geothermal Road Map and FWS Information Planning and Conservation System (IPAC), which uses GPS based technology to show potential impacts of Federal and non-Federal development on endangered and threatened species and tracks consultations on species.

- **Action:** As required in the Federal Plan, DOI will continue to identify and publicly aggregate data – such as layered GIS data or data developed during previous regional NEPA, ESA consultations, or other reviews – that will inform and facilitate project sponsor decisions such as project siting. The DOI will coordinate with existing interagency efforts in doing so.
- **Action:** Reclamation’s GIS system will incorporate existing Reclamation hydropower facilities and the data from its Dam Hydropower Resource Assessment and Canal/Conduit Hydropower Resource Assessment.

- **Action:** The DOI will continue to develop a GIS-based Landscape Decision Tool that will provide senior officials greater access to geospatial information and analyses. Through an easy-to-use, web-based interface, senior Departmental officials will be able to access existing geospatial data products in real time and will submit requests for new products to a pool of GIS specialists, managed by the Office of the Chief Information Officer. This tool will pull geospatial data from existing GIS platforms and will coordinate with existing interagency efforts in ensuring the highest quality data is available for use by senior officials.

- **Action:** The DOI will continue taking a leadership role in advancing the Geospatial Platform and other data tools being developed through the Federal Geographic Data Committee.

Appendix: DOI Bureau-Specific Permitting Responsibilities



Appendix: Inventory of DOI Interagency Agreements

The DOI has entered into a number of interagency agreements to facilitate coordination with other Federal agencies. Below is a non-exhaustive list of such memoranda.

- On October 23, 2009, nine Federal departments and agencies signed the Interagency Transmission Memorandum of Understanding (MOU), with the goal of speeding approval of new transmission lines, reducing expense and uncertainty in the process, generating cost savings, increasing accessibility to renewable energy and jump-starting job creation. In accordance with the MOU, DOI bureaus are actively engaged in an Interagency Rapid Response Team for Transmission (RRTT) to facilitate timely coordination and resolution of issues related to transmission line projects. In 2010, BLM released a national policy specifying how to implement the provision of the October 2009 Interagency Transmission MOU approved by nine Departments and agencies (IM-2010-169). This includes guidance on early coordination meetings.
- The DOI, CEQ, and the Department of Energy (DOE) also co-lead an Interagency Renewable Energy Rapid Response Team, which was established to improve Federal coordination and ensure timely review of proposed renewable energy projects and transmission lines, to ensure that renewable energy can power cities and towns across America, to increase reliability, and to save consumers money by modernizing the grid.
- Similarly, DOI and DOE have signed an MOU to facilitate offshore renewable energy development and issued the first interagency plan on offshore wind energy; Reclamation and the Federal Energy Regulatory Commission (FERC) have signed an MOU coordinating jurisdiction over the development of hydropower at facilities owned by Reclamation; and DOI, DOE, and the Department of the Army signed a 2010 MOU for the purpose of increasing hydropower potential within the US and building a long-term working relationship, prioritizing common goals, and aligning ongoing and future renewable energy development efforts among the agencies.
- In April 2011, the DOI and the Department of Defense (DOD) established the Interagency Land Use Coordinating Committee (ILUCC) to enhance collaboration on renewable energy and public lands withdrawn for defense purposes (“withdrawn lands”). The ILUCC is co-chaired by the DOI Deputy Assistant Secretary and DOD’s Assistant Deputy Undersecretary. Four subgroups of the ILUCC were formed to enhance cooperation between DOI and DOD on specific resource management issues:
 - The Renewable Energy Development subgroup is exploring policy and legislative options for the development of renewable energy projects on withdrawn lands.
 - The Land Use Planning subgroup will improve coordinated land use planning efforts to facilitate renewable energy development on withdrawn lands.

- The Withdrawal Renewal subgroup will establish timelines, protocols and best practices for the extension and renewal of existing withdrawals.
- The Reconciliation subgroup will develop a consistent process for reconciling land tenure records and reviews of withdrawn lands.

- The BLM, NPS, FWS, the U.S. Department of Agriculture and USFS are also signatories of the National Service First MOU, which provides mechanisms for the agencies to share resources for pilot programs to conduct projects, planning, permitting, leasing, contracting, and other activities, either jointly or on behalf of one another.

- In addition, since June 2002, DOI, along with the Departments of Army, Agriculture, Commerce, Transportation, Energy, has been a signatory of the Interagency Agreement on Early Coordination of Required Environmental and Historic Preservation Reviews Conducted in Conjunction with the Issuance of Authorizations to Construct and Operate Interstate Natural Gas Pipelines Certificated by FERC (MOU and BLM Implementation Policy IM 2003-197).

- In July 2008, the Wind Energy Protocol between the DOD and the Bureau of Land Management Concerning Consultation on Development of Wind Energy Projects and Turbine Siting on Public Lands was established

- The BLM has had an Interagency Agreement with the Federal Highway Administration (FHWA) since 1982, establishing procedures for FHWA to appropriate public lands for highway rights-of-way and sources of materials for the Federal-aid Highway System and those classes of highway provided for in Chapter 2, 23 U.S.C.

- Secretary Salazar formed a partnership with California Governor Schwarzenegger (which has been continued by Governor Brown) through an MOU. The MOU establishes a Renewable Energy Policy Group (REPG) comprising agencies with permitting authority for renewable energy projects. The group provides a forum for Federal and state agencies with permitting responsibilities to meet, identify and trouble-shoot issues and work together to resolve them and to simultaneously shepherd projects through the multiple state and Federal permitting processes. The REPG reviewed a common set of projects, developed mutually agreeable milestones and schedules for each project, identified and resolved issues associated with those projects, and successfully shepherded these projects through a complex set of environmental reviews. By working together, in parallel, rather than assessing separately in series, Interior and California were able to propel complex renewable energy projects through multiple agency processes, in some instances as quickly as 12 months. Together, this group has permitted at least 15 solar projects totaling some 5,700 megawatts (MW).

- Reclamation is engaging with state governments and groups such as the Colorado Small Hydropower Association, the Colorado Governors Energy Office, the Northwest Hydropower Association, and others to work together on hydropower development in the West.
- In June of 2009 the U.S. Departments of the Interior, Agriculture, and Energy, and the Western Governors' Association signed an MOU regarding coordination among Federal agencies and states in identification and uniform mapping of wildlife corridors and crucial habitat. The parties to the MOU established state-based decision support systems to facilitate cooperation among state and Federal agencies in the identification and uniform mapping of wildlife corridors and crucial habitat. The regional-level decision support systems, now called the Western Wildlife Crucial Habitat Assessment Tool (CHAT), will provide information about regional priority habitat areas consistently without regard to state or field office borders. The intent of CHAT is to inform national and regional infrastructure planning efforts, wildlife corridor identification, and conservation planning on lands managed in the west.

Appendix: Inventory of DOI's “Share In Cost” Authorities

The following list identifies DOI bureaus’ relevant “share in cost” authorities that allow agencies to recover costs associated with permit evaluation and review responsibilities, build agency capacity through third-party support, or fund sector-specific liaisons through the support of other government agencies.

BLM:

Agency’s General Cost Reimbursement Authority:

Authority: Section 304(b) of the Federal Land Policy and Management Act (FLPMA) [43 U.S.C. 1734(b)] as amended. Authorizes the Secretary to collect reasonable costs to reimburse the United States with respect to processing of applications and other documents relating to the public lands.

Rights-of-Way Application Processing/Rights-of-Way Monitoring Cost Reimbursement:

1. Authority: Section 504(g) of FLPMA [43 U.S.C. 1764(g)], as amended and 43 CFR Subpart 2800. Authorizes the Secretary to collect reasonable costs to reimburse the United States with respect to processing of applications and other documents relating to the public lands and monitoring the right-of-way authorizations. According to 43 CFR 2804.25(a), receipt of the application will “trigger” the BLM to notify the applicant of the determination of the processing fee for the application (SF-299 or alternatively may be a Sundry Notice/Application for Permit to Drill for rights-of-way in support of an oil/gas/geothermal lease).
2. Authority: Section 28 of the Mineral Leasing Act of 1920, (30 U.S.C. 185(l)) as amended, and regulations at 43 CFR Subpart 2880. Authorizes the Secretary to collect actual costs associated with processing an application and monitoring the right-of-way authorization. According to 43 CFR 2884.21(a), receipt of the application will “trigger” the BLM to notify the applicant of the determination of the processing fee for the application (SF-299 or alternatively may be a Sundry Notice/Application for Permit to Drill for rights-of-way in support of an oil/gas/geothermal lease).

Geothermal Processing:

Section 304(b) of FLPMA [43 U.S.C. 1734(b)] as amended and 43 CFR 3000.12. The regulations provide authority to collect processing fees for administrative actions by the BLM associated with geothermal leasing. However, the Energy Policy Act of 2005 eliminated the BLM’s authority to charge cost recovery fees for geothermal permits to drill and geophysical exploration.

BIA:

25 U.S.C. 413 authorizes the Secretary to collect reasonable fees to cover the costs of any and all work performed for Indian tribes or for individual Indians, provided that the amounts so collected shall be remitted to the Treasury as miscellaneous receipts, except when the expenses of the work are paid from Indian tribal funds, in which event they shall be credited to such funds.

Reclamation

The Contributed Funds Act of 1921, 43 U.S.C. sec. 395, is the authority to receive private funds for planning purposes. As a matter of practice, entities seeking to develop power at Reclamation facilities enter into a cost accounting agreement with Reclamation to cover the costs of any necessary studies and analysis. The cost accounting agreement is a type of “share in cost” agreement.

FWS:

1. The FY 2000 Appropriations Act for DOI states in the section for FWS’s Resources Management Account: “That, notwithstanding any other provision of law, in fiscal year 1999 and thereafter, sums provided by private entities for activities pursuant to reimbursable agreements shall be credited to the “Resources Management” account and shall remain available until expended (P.L. 106-113, Consolidated Appropriations Act, 2000)”
2. The FWS used the language above to prepare a template for private developers on private lands to enter into a cost share agreement with FWS to support development and approval of Habitat Conservation Plans under Section 10 of the ESA. The authority may extend to support cost share agreements for other programs and activities, which FWS is analyzing.
3. The FWS relies on reimbursement agreements with other Federal agencies, such as BLM, to review Federal projects or private projects that require Federal permits or approvals.

NPS:

16 USC 3a allows the NPS to “recover all costs of providing necessary services associated with special use permits,” including review of the application and any subsequent analysis under NEPA and compliance with other applicable laws and regulations. The National Park Service would need to receive an application for a right-of-way permit on park lands in order to use this statute. Under NPS Director's Order 53, “[t]he NPS may issue right-of way permits only for those uses or activities specifically authorized by Congress and only if there is no practicable alternative to such use of NPS lands.” Furthermore, that use must be consistent with the NPS Organic Act and Management Policies, and park general management plan.

Glossary of Abbreviations

ACHP - Advisory Council on Historic Preservation

ASD – Appraisal Services Directorate

BIA - Bureau of Indian Affairs

CEQ - Council on Environmental Quality

CFR – Code of Federal Regulations

CHAT - Western Wildlife Crucial Habitat Assessment Tool

CPO - Chief Performance Officer

CWA - Clean Water Act

CZMA – Coastal Zone Management Act

DOD – Department of Defense

DOE - Department of Energy

DOI - Department of the Interior

DRECP – Desert Renewable Energy Conservation Plan

EA - Environmental Assessment

ECOS - Environmental Conservation Online System

EIS – Environmental Impact Statement

EO – Executive Order

ESA - Endangered Species Act

EO – Executive Order

FERC - Federal Energy Regulatory Commission

FHWA – Federal Highway Administration

FLPMA - Federal Land Policy and Management Act

FR - Federal Register

FWS - Fish and Wildlife Service

GIS – Geographic Information Systems

GPS – Global Positioning System

IEMSC - Indian Energy and Minerals Steering Committee

ILUCC - Interagency Land Use Coordinating Committee IOPs - Interagency Operating Procedures

IM – Internal Management

IOPs - Interagency Operating Procedures

IPAC - Information Planning and Conservation System

IPP - Integrated Project Plan

LCCs - Landscape Conservation Cooperatives

LOPP - Lease of Power Privilege Directive

MBTA - Migratory Bird Treaty Act

MOU - Memorandum of Understanding

MW – Megawatts

NEPA - National Environmental Policy Act

NHPA - National Historic Preservation Act

NPS - National Park Service

OMB – Office of Management and Budget

PEPC - Planning, Environment, and Public Comment Software

PEIS - Programmatic Environmental Impact Statement

RDEP - Restoration and Design Energy Project

REA – Rapid Ecoregional Assessments

Reclamation – Bureau of Reclamation

RECOs - Renewable Energy Coordination Offices

REPG – Renewable Energy Policy Group

RE-RRTT - Renewable Energy Rapid Response Team

RIBTS – Regulatory In-Lieu Fee and Banking Information Tracking System

RMPs – Resource Management Plans

ROD - Record of Decision

RRTT - Rapid Response Team for Transmission

SEZs - Solar Energy Zones

SGHCPS - Sage Grouse Habitat Conservation and Planning Strategy

TAILS - Tracking and Integrated Logging System

USFS - U.S. Forest Service