EFSEC Transmission Corridor Work Group, Session #5 Comments.

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I was very disappointed in the availability of the public comment period afforded during today's session. I logged on during the public comment period; made audio connection, which was acknowledged; but well into my comments I received a message that I am muted. When I got back into the session it was being wrapped up so I assume nothing I said was noted. Please place the following comments into the record.

First an introduction. I have almost 50 years of environmental planning and regulatory experience including 15 years with the Department of Ecology in, what at the time was the SEPA unit. I was responsible for coordinating state-federal permitting of water related projects (401 WQC) which included working the Governor's office on interagency permitting of the Navy Homeport in Everett. My consulting experience has been focused on energy projects including transmission, pipelines, gas-fired turbines, LNG and renewable energy. My experience also spans across the United States and includes extensive federal, state, and local permitting including NEPA and SEPA. I have also been a consultant for EFSEC and for applicants applying for EFSEC certification.

Comments. I have not listened to all the workgroup sessions nor am I familiar with the backgrounds of all the workgroup members, so I apologize if some of my comments misrepresent some of the previous discussions or personal experience of workgroup members. In addition, I am not privy to behind-the-scenes meetings and discussions where these topics may have been discussed.

1. Expertise. It seems the workgroup lacks representation from people who have practical hands-on experience in environmental planning and permitting of a linear project. What is involved in early-stage project development; public, government & tribal outreach; environmental studies and research; preparing environmental documents for permitting and approvals including NEPA/SEPA documentation and reaching mitigation agreements. All of this must be done for not only the primary transmission line, but for new/improved access roads, laydown areas, and in some cases construction parking and construction worker housing. But it does not end there, next comes construction monitoring and reporting and then site restoration and several years of monitoring.

In addition, it appears the workgroup is lacking in expertise on transmission planning and permitting in other regions of the U.S. This includes not only regional planning, but NGO efforts such as those by the Americans for a Clean Energy Grid (https://cleanenergygrid.org/the-coalition/) and studies conducted by National

Council on Electricity Policy which just published a mini-guide for transmission planning (https://pubs.naruc.org/pub/C1FA4F15-1866-DAAC-99FB-F832DD7ECFF0). The National Association of Regulatory Utility Commissioners has also conducted several pertinent studies. I recommend that as part of the work group findings you provide an exhaustive list of references and resources.

2. There are no representatives of private transmission providers on the workgroup. I know of at least three transmission projects being proposed by private transmission developers either in Washington or directly affecting Washington. The total investment of these projects is close to $10 billion dollars and involves U.S. and European transmission providers and international financing. These companies have proposed transmission projects across the U.S. so there is competition for resources as financiers want some certainty in their investments. Their views and opinions should have been represented on the work group.

3. There is a lot of discussion about avoidance of disadvantaged communities, environmentally sensitive areas, and cultural/historic sites that should be factored into transmission siting. However, there has been no discussion that I have heard on the design and engineering constraints that must be considered in transmission planning. Between avoidance of sensitive areas and engineering constraints it is inevitable there must be compromise and mitigation.

4. I heard discussion on prescreening transmission corridors. I believe this is not only impractical, but a waste of resources and time. Europeans not only prescreened corridors but financed their construction only to find that energy developers found them impractical to use, thus the government has billons in stranded assets. Prescreening and selection of energy corridors was undertaken by the Bureau of Land Management (BLM) in the Western States (https://corridoreis.anl.gov/). First it only addressed Federal lands excluding private and state lands, secondly very few miles of these designated corridors have actually been utilized. It would be much more practical to focus on existing linear facilities potential to accommodate transmission. This would consider existing transmission corridors, railroad rights-of-way (ROW), pipeline ROWs and highways for potential new transmission lines. Currently in the Midwest the 350-mile 2,100 MW, 525KV Soo-Green HVDC transmission line (https://www.soogreenrr.com) would be constructed underground in a railroad ROW. In addition, there is an initiative nationwide to utilize the national interstate highway system to underground a national HVDC transmission network, see (https://www.eenews.net/articles/are-highway-rights-of-way-an-answer-to-power-siting-dilemma/).

5. Tribal Notification and Coordination. I agree and have always encouraged/recommended my clients engage with Tribes early in project planning. However, few are willing to commit the resources for Tribal engagement early in the planning process for several reasons. One, they are afraid of outright rejection for no obvious reasons or discussion. Secondly, a project may involve several tribes who may take separate positions and expectations for a project. Third they just do not know how to go about it, and this is also true of many environmental and engineering consulting firms. I always reach out to an archaeological/cultural

resource consulting firm to initiate contact with Tribes because they usually have a point of contact and established relationship with a Tribe(s) and they can also coordinate with SHPO.

Utilities often have one or more personnel who are responsible for Tribal relations, and this may be one entry point to a Tribe that independent energy developers can utilize. However, I do think there needs to be some means or ways for project proponents to learn more about Washington Tribes and their culture, customs, and government. When working for a consulting firm with projects that would potentially impact a Tribe we invited and paid for a Tribal member to come to our offices and give a presentation on their history, culture, & customs. There may be an opportunity for DAHP in cooperation with Tribes to hold regional conferences that would bring together agency personnel, utilities, and private developers to learn more about the Tribes and their expectations.

An important element is respect and listening. For a project on the Yakama ancestorial lands I spent much time sitting with Johnson Meninick (https://www.yakimaherald.com/news/local/yakama-elder-leader-and-cultural-champion-dies-at-age-86/article_fadcbb83-7de9-509a-a02e-14b57f8e8a15.html) the Manager of the Yakama Nation Cultural Resources Program as he gave me the history of the Yakama's. Inviting Tribal representatives to speak to key management of a project development team, meeting with key Tribal representatives/elders and hosting regional meetings to learn more about Tribes are all ways to begin engaging Tribal governments more effectively.

Historically I think we tend to see native American tribes as monolithic, but each tribe has its own history, culture, and customs. But that also tends to create stress for long linear projects, because Tribes often do not speak with one voice and to my knowledge there is no mechanism to bring them together like a SEPA or EFSEC process does for agencies.

I recognize and support the need for more Tribal engagement in project planning and permitting, but that also raises issues with a Tribe’s willingness to engage in meaningful discussions. In project planning responsiveness and timeliness is important and I understand that not only Tribes, but state agencies often have other priorities. I recommend that some thought be given to how state and tribal responsiveness can be improved. One mechanism for large infrastructure projects that has been used in the past is an applicant funded dedicated position in a Tribe or agency to help coordinate and process permit application review.

Finally, a means to provide Tribes with early notification of projects is documentation that meaningful Tribal consultation has occurred prior to submitting the SEPA Checklist and or the EFSEC application, this could be requirement of SEPA. Oregon EFSC has such a requirement for their project applications, although I would not call it meaningful it is more of a proforma notification. On a couple of projects, I worked with clients to send letters to Tribes describing their project, inviting comments, and or proposing a meeting prior to submitting permit

application. In these situations not all Tribes responded and those that did just asked to be kept informed and a copy of the archaeological/historical surveys.

5. Federal Experiences: It would have been good to invite the BLM to give a presentation on transmission planning and permitting. BLM used to conduct 3-day transmission workshops that covered all aspects of transmission corridor planning from conception through permitting, construction, and maintenance (https://www.ntc.blm.gov/krc/viewresource.php?courseID=876&programAreaId=190). I do not think they are continuing these workshops, but I believe the workgroup would have benefited from their expertise and experience. I attended their workshop and one of the tools I became familiar with is software specifically designed to evaluate the environmental, cultural, social, and engineering constraints in planning a transmission line. The software is also capable of comparing alternative routes. Of course, this is a table-top exercise, but it helps to narrow down alternatives so only the most viable routes can be studied more closely. Some software may be available commercially, but proprietary software has also been developed by environmental and engineering consulting firms.

FERC, prior to actually initiating the permitting process, has gone to a "front-end" loaded project planning and review process for hydro and pipeline projects,. This approach is very open that includes agency and public workshops that the project applicant is required to sponsor under direction by FERC. It is not without issues because the applicant has already considered alternative routes and picked a preferred route, but it gives the public, agencies, and Tribes an opportunity to raise issues and concerns before the project goes to public scoping. These issues/concerns can then be reflected in the scoping process, and it also gives the applicant an opportunity to plan or modify a detailed preferred route and adjust the scope of studies required to complete the FERC Resource Reports and the NEPA process. I think it would have been beneficial for the workgroup to hear from FERC on their pipeline permitting process.

6. Early Consultation. I heard a lot of concern that Tribes & Agencies do not hear about projects until they are well into the planning process. I cannot speak for utilities, but for most developers, including renewable energy and transmission developers there are confidentiality issues. In almost all cases I and other consultants must sign confidentiality agreements so we cannot disclose any information about the project. There are several reasons including much of the early-stage planning is really exploratory and there is concern about competitors, early organized opposition, unwanted press coverage, and nervousness of project investors.

7. Making the Principles Regulatory Requirements. I believe that if done it should be done very cautiously. One of the mandates for the work group was to "recommend ways to expedite review of transmission projects without compromising required environmental protection." Adding additional regulatory requirements will not expedite the review process. This is especially true of long linear projects because they can cross so many jurisdictions impacting private, state, federal and potentially Tribal lands. I was the environmental project manager for a 675-mile

natural gas pipeline across four states and although we tried to stay on federal land, we still had over 300 permits applications to prepare and comply with, not including the FERC application. As you can imagine our list of monitoring requirements and mitigation was exhaustive.

Thank you for considering my comments and I look forward to hopefully attending the last session in person and avoid Zoom audio issues.

Sincerely,

Jim Thornton