

**U.S. Department of Energy (DOE)  
Office of Electricity Delivery and Energy  
Reliability (OE)  
National Electricity Delivery Division**



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The Federal Indian Trust Responsibility is a legal obligation under which the United States has charged itself with moral obligations of the highest responsibility and trust toward American *Indian tribes*.

(Seminole Nation v. United States, 1942;  
Cherokee Nation v. Georgia, 1831).

“When the trust responsibility is acknowledged and upheld by the Federal government, a true government-to-government relationship can exist and thrive. When the trust responsibility is not upheld, tribal sovereignty is eroded and undermined.”

~ Chairman of Senate Committee on Indian Affairs (May 2012)

# DOE Transmission Programs and Related Activities

Today will focus on areas where DOE is making process improvements, including attempts to better coordinate meaningfully with Tribes:

- Presidential permit program
- Section 216(h) of the Federal Power Act
- Integrated, Interagency Pre-Application (IIP) Process

# Presidential Permits

- DOE has authority under Executive Order to issue Presidential Permits allowing entities “to construct, operate, maintain and interconnect” transmission facilities across the U.S. International Border.
- DOE issues Presidential Permits after determining they are in the public interest and after receiving concurrence from the U.S. Department of Defense and the State Department.
- Before issuing a Presidential Permit, DOE must also review the environmental impacts of the project pursuant to the National Environmental Policy Act (NEPA).
- DOE is currently reviewing applications for proposals predominately crossing the U.S.-Canada border but seeing increased interest in proposals for U.S. – Mexico border crossings

# Presidential Permits, Transmission Facilities Siting, and NEPA

- DOE's Federal Action is to respond to a Presidential permit application
- National Environmental Policy Act (NEPA) review required (typically environmental impact statements)
- Transmission lines associated with the border crossing requests are reviewed by DOE as "connected actions" under NEPA
- DOE does not site the transmission line or related facilities (usually State, county decision)

# Presidential Permits in Progress

Project Name	Voltage/Border	Progress (FY 2014)	FY 2015 Milestone(s)
Northern Pass	500kV/Canada	Scoping report and alts. Addendum released.	•Draft EIS (3rdQ FY 2015)
Great Northern Transmission	500kV/Canada	Notice of Intent (June 2014); NEPA Scoping meetings held (July 2014); Tribal consultation initiated (July 2014); Scoping Summary Report issued (November 2014).	•Draft EIS (2nd Q FY 2015) •Final EIS (4th Q FY 2015)
TDI Clean Power Link	+/- 320kv DC/ 345kV AC/Canada	App Rec'vd May 2014;	•Draft EIS (2 <sup>nd</sup> Q FY 2015)
Soule River Hydro	138kV/Canada	Cooperating agency w/FERC	

DOE expects 3-5 additional applications in 2015

# Inter-agency Transmission Permitting

- “The Department of Energy shall act as the lead agency for purposes of coordinating all applicable Federal authorizations and related environmental reviews of the facility.” *216(h) of the Federal Power Act (2005)*
- Executive Order 13604 (March 22, 2012)
- “Member Agencies shall develop an integrated, interagency pre-application process for significant onshore electric transmission projects requiring Federal approval...”  
*Transmission Presidential Memo (June 7, 2013)*

# Integrated Interagency Pre-application (IIP) Process

*Early coordination and information sharing → better planning → more robust applications → efficiencies in NEPA reviews → improvements in permitting times*

DOE's Intended outcome: a 216(h) Notice of Proposed Rulemaking to implement the pre-application process to go out early Fiscal Year 2016

# DOE Recommendations for Pre-application

- IIP process is voluntary and Applicant-driven.
- Applies to “Qualifying Projects” (i.e., require more than one federal permit decision, 230-kV or greater, interstate, etc), as well as others at the discretion of DOE OE leadership.
- DOE would *only* act as lead coordinating agency.
- DOE is proposing a simplified process for pre-application with specific information requirements.
- DOE would identify and invite participation by all permitting federal and state agencies and other non-permitting agencies (e.g. State Historic Preservation Office, state game and fish, lands offices, Tribes, etc.).
- Potential NEPA lead agency would be identified as early as possible.
- Information, studies, documentation related to discussions with Applicants and permitting agencies would be collected by DOE and included in a “Consolidated Administrative Record.

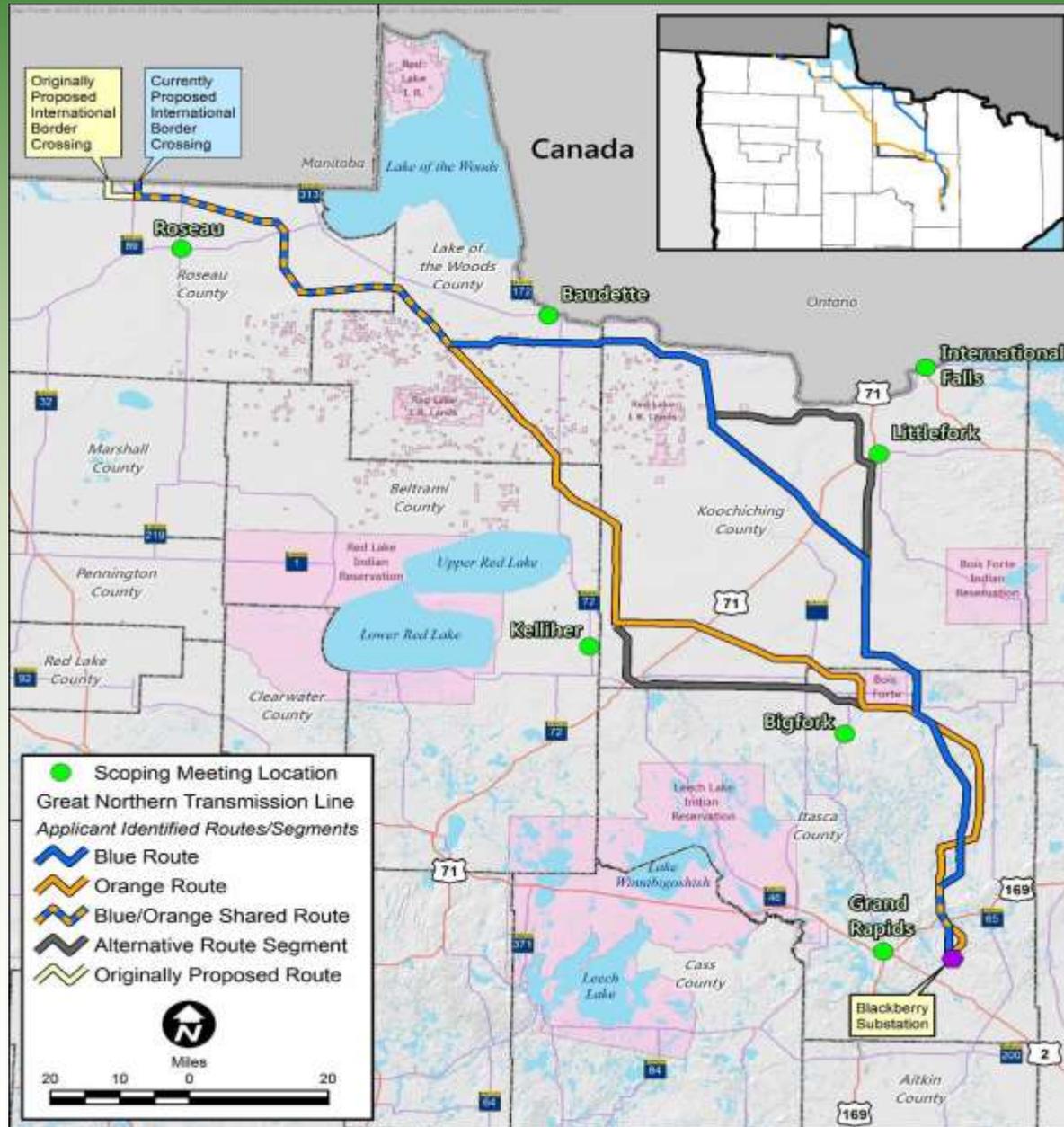
# Proposed GNTL Project – Review and permitting

- 220-mile, high voltage alternating current (HVAC), overhead, 500-kV, single circuit transmission line
- Bringing existing hydropower from Manitoba, Canada into an existing sub-station site in Grand Rapids, Minnesota
- Minnesota Power applied to DOE in April 2014 for a Presidential permit for international border crossing
- April 2014, Minnesota Power applied to the Minnesota Public Utilities Commission (MN PUC) for a Route permit for the 220-mile line in Minnesota

# Great Northern Transmission Line (GNTL) Project

- DOE applying 216(h) pre-application principles and practices to the proposed GNTL Project
- Joint federal-state environmental review under the National Environmental Policy Act (NEPA) and the Minnesota Power Plant Siting Act
- Joint public meetings, comment periods, notices, outreach, etc.
- Gaining lessons learned on early agency coordination and attempts at early coordination with Tribes since 2012 (before project was ‘federalized’)

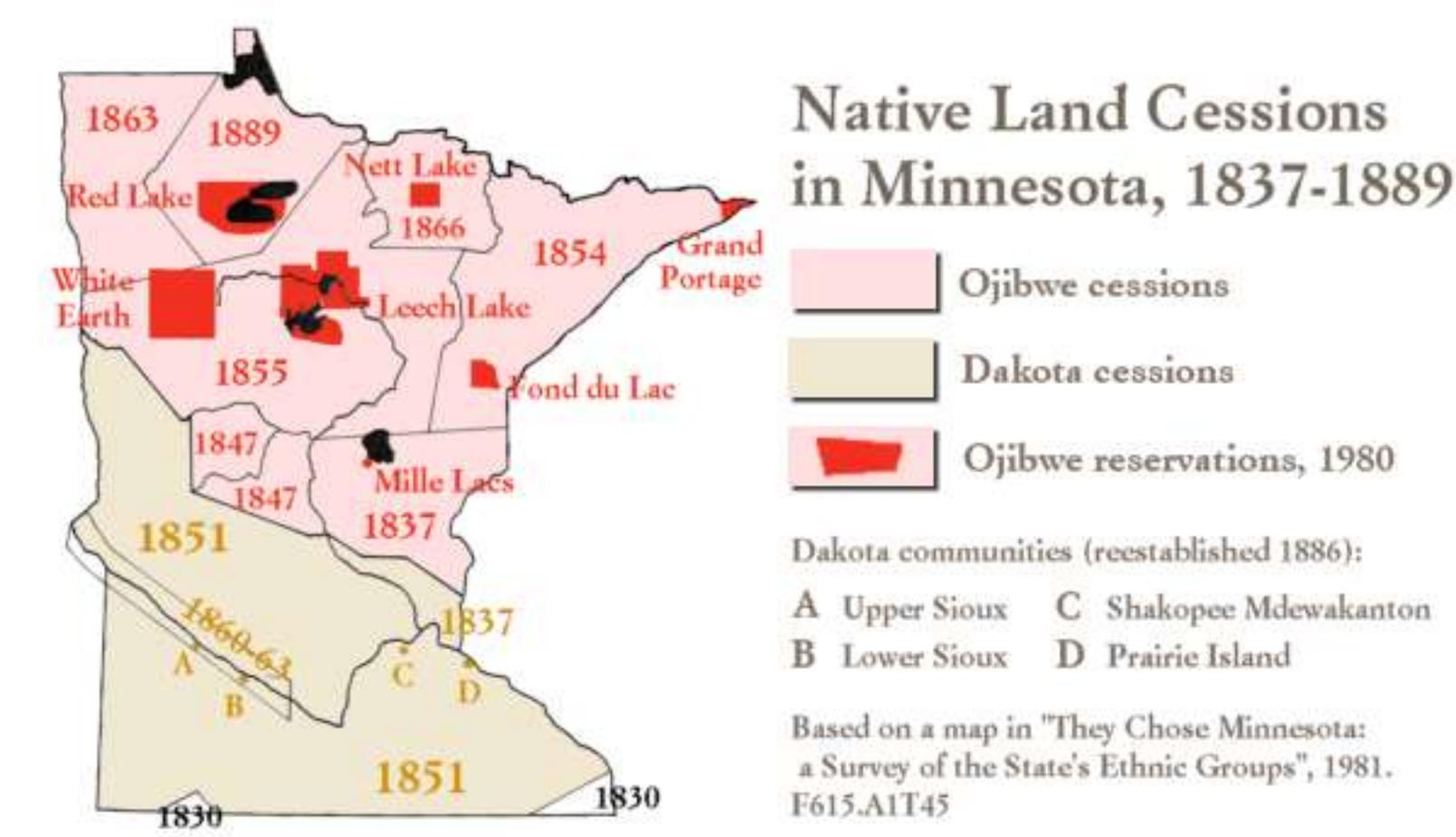
# GNTL Project Area Map



# Great Northern Transmission Line (GNTL) Project

- Transmission line is not proposed to cross Indian reservation lands
- Proposed to be near or adjacent to Red Lake Nation Reservation in Lake of the Woods, Koochiching, and Beltrami Counties; and
- Bois Forte Indian Reservation land in Itasca County
- Proposed transmission line could affect areas where Tribal members exercise their right to hunt, fish, and gather natural resources on lands that were ceded in treaties executed between

# Minnesota Treaties – Map of Major Land Cessions



# Government-to-Government Consultations for GNTL

- DOE initially reached out in 2012 before receiving an application for the Project to initiate pre-application discussions with potentially affected Tribes (mainly Dakota and Ojibwe) with historic and current interest in the proposed project area
- DOE contracted with a former THPO (Leech Lake Band of Ojibwe) in the project area to help coordinate formal consultations with identified Tribes
- Using the information to directly inform the MN PUC Route permit – this is *the decision* that determines where the 220-mile line will go
- DOE trying to inform the state process by including analysis that demonstrates possible areas important to and of use by Tribes *to avoid*
- Applying government-to-government relationship to NEPA and to inform the Environmental Impact Statement (EIS)
- Red Lake Band of Chippewa is a cooperating agency on the Final EIS
- Consultations are on-going

# Using “TRUST” to Improve Relationships with Tribes in Transmission Permitting

Timing

Respect

Understanding the past

Sovereignty

Tradition

Thank you!

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